



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, November 28, 2005**

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

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. Hull, Zoning Administrator
S. Corpe, Township Manager/Recording Secretary
K. Zopf, Township Counsel

1. Consent Calendar:

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

Receive and File:

- a) Minutes:
 - 1. 11/01/05 Regular Board of Trustees Meeting
 - 2. New Urbanism Advisory Committee
 - a) 10/28/05
 - b) 10/31/05
 - c) 11/04/05
 - d) 11/07/05
 - e) 11/11/05
 - f) 11/14/05
 - g) 11/18/05
 - 3. Farmland Preservation Advisory 10/31/05
 - 4. Planning Commissioners Journal Fall 2005

Action:

- b) Approve minutes of the 10/24/05 regular and 11/01/05 special meetings
- c) Review and approve agenda, inquiry as to conflicts of interest: Agenda amended to switch the original order of the Meijer application and farmland preservation map discussions. Pulcipher excused himself from discussion of the farmland preservation map due to conflict of interest, being a farmer.

Motion carried unanimously.

2. Limited Public Comment:

Margy Goss, 4105 Bay Valley Drive attended the most recent future land use map visioning session and expressed disappointment over a statement by one of the Planning Commissioners attending that he says he's from Traverse City because we are part of Traverse City. He said that anything that would detract from the city should not be done in Acme Township. She is disappointed to be represented by someone who would speak and think so little of Acme Township.

3. Special Presentation:

- a) Patty O'Donnell, NWMICOG, regarding Summer 2005 Joint Planning

Workshops: Ms. O'Donnell summarized the Grand Traverse Bay Joint Planning Workshops held this past summer. The bay shoreline communities were divided into three groups by location to discuss common issues related to the bay, water quality and other planning issues. She provided a handout listing all of the concerns discussed, as well as perceived barriers to joint planning and potential solutions to these challenges. One page summarizes comments by Mike Stifler, from the DEQ about planning for water quality enhancement/preservation, while another summarizes comments by Robin Green, the developer of a model conservation residential development near Columbus, OH. Additional pages discuss potential bay pollutants, the water uses they affect, sources and causes. There will be additional sessions over the winter regarding joint water quality planning opportunities for the different regional municipalities.

4. Preliminary Hearings:

- a) **Application #2005-13P by Woodland Creek/Rob Evina** for SUP/Site Plan approval for redevelopment of what is commonly known as the Traverse Bay Woolen Property located at 4386 US 31 North and 4290 US 31 North and currently zoned B-2, General Business: Mr. Evina was present in support of his application. He asked if his hearing could be delayed a few minutes so that a planned PowerPoint presentation that has been problematical this afternoon could be set up; the Master Plan Amendment to the Agricultural & Rural Preservation Section was discussed first to allow for the requested time.

Woodland Creek Furniture has moved into the former Traverse Bay Woolen building, and uses exotic burled woods to build distinctive home furnishings and accessories. There are three retail establishments in the chain, including one in Mackinac City. Mr. Evina stated that he was inspired by the character of the Traverse Bay Woolen stores when designing his own. His three establishments hosted approximately 30,000 customers combined last year.

Paul and Sandy Plaga have given a purchase option for all of their property except for the portion in East Bay Township on which the billboard sits to Mr. Evina. His proposed site plan calls for demolition of the Troutsman building (the business closed several weeks ago) and extensive renovation of what is currently the antique store into a restaurant. A friend of his who operates 4 restaurants in the Detroit area will partner with him to oversee daily operations.

The number of curb cuts on US 31 N will be reduced to two from the current considerably higher number. Paul Stack from Wade Trim is representing the firm as is Jack (?) from (?). He ran the part of the presentation containing a series of proposed isometric views of the building elevations from various vantage points. One new feature is an open gazebo/deck addition to the new restaurant. Exterior materials would include wood and very large stones. The restaurant structure would be lifted 4' to take advantage of the bay views by lifting patrons over the tops of the cars. The detail of the gazebo shows a central outdoor bar area, and the structure is topped by a cupola that will filter light into the space in an interesting way. Care has been taken to make the building height proportional to its length and to keep the roof pitches relatively low. Krause asked how handicapped access will be provided; it will be near the front entrance to the building. The exterior mechanical structures would be shielded from direct view from the adjacent TART.

Takayama asked about the landscaping displayed on the slides and whether the area between the building and the bike trail would be landscaped. Mr. Stack stated that they will be limited in what they can do in this area due to an existing wetlands that

they do not wish to disturb or seek additional DEQ permits to impact. Takayama stated that the adjacent Burger King planted some dogwoods in the wetlands area without changing the grading; the applicant team indicated that something of this nature could be provided. They will be doing their best to create architectural appeal for the back side of the building so that it would not seem like a blank rear wall.

David noted that the existing antique building is pole barn construction; Mr. Evina agreed that the building will likely be rebuilt to the existing footprint but in entirety.

Krause expressed approval for the landscaping plan displayed. He suggested that while the township requires a buffer area along US 31 and the plan shows four extra trees, he would suggest elimination of four proposed trees in front of the store that might "squash" the store. Mr. Evina agreed, and said he hopes to make this a "landmark" development for the community. Vermetten asked if removal of the suggested trees would speak to Hull's recommendation that several trees be removed to enhance vehicular visibility. Krause believes those trees will not pose a clear vision area difficulty. Oak and Maple trees are proposed to be planted.

Mr. Evina is also asking that the rear portion of the store, currently designated for warehouse use, be permitted to become additional retail space to complement the existing retail and proposed restaurant space. Takayama observed that the appearance of this space could be improved as well.

Takayama asked if the renovation of the property could trigger removal of the billboard. Corpe stated that the billboard is on a portion of the Plaga property which is in East Bay Township. She explored the situation with East Bay Township when a previous restauranteur expressed interest in the site. Then-Planner Bruce Ortenberger provided information showing that he advised his Board of his finding that the billboard is placed in violation of East Bay Ordinance but they did nothing to pursue enforcement. Additional attempts to see if they would enforce the ordinance at this point went unanswered. That small portion of the property is not being sold by the Plagas to Mr. Evina, who will be using it for advertising to ensure that a competitor does not. Takayama suggested talking to Glen Lile, the new East Bay Township Supervisor, to see if he would be more active in pursuing enforcement. Corpe noted that when the issue has been raised with the Plagas before they have indicated that they disagree strongly with the finding of violation and would intend to defend against it vigorously if pursued.

Carstens asked if the applicants would be receptive to a reduction in the number of parking spaces to the extent possible, noting that the township parking space ordinance is archaic and is generally recognized as requiring too many parking spaces for most uses. Mr. Evina would be very willing to consider reduction of spaces, noting that his retail store generates a maximum of 25 cars at any one time so it would be a matter of determining the number of spaces required to adequately serve the restaurant.

Carstens asked if the number of required loading spaces will be firmed up; Hull noted that the spaces required is to be based on net rather than gross floor area by use and the calculations will be performed.

David observed that Hull's staff report indicated that a recently-constructed gazebo does not conform to setback requirements due to an error during permitting that he made. He knew that the SUP request would be coming forward and felt the issue could be addressed as part of it. The gazebo is not set up as a permanent structure and

can be easily moved. It is often used by families for a brief rest or picnic as they use the TART. Access to the new gazebo will be only through the main restaurant structure itself. The restaurant will accommodate a maximum of 230-240 people depending on finalization of the kitchen layout.

Motion by Carstens, support by Takayama to set a public hearing on Application #2005-13P for the December 19 meeting. Motion carried unanimously.

A 10-minute recess was declared from 8:05 to 8:15 p.m.

5. **Continued Discussion/Deliberation:**

- a) **Proposed Amendment to Acme Township Master Plan Agricultural & Rural Preservation Section:** Brian Bourdages, Farmland Preservation Specialist, made the presentation of the two new map alternatives prepared at a meeting of the Farmland Preservation Advisory on October 31. Both maps contain a series of six statements that are detailed on a cover page and which Mr. Bourdages read aloud. There is one additional statement for each map variant that provides a general description of how the areas were defined. Depending on which map is chosen, the related statement would be appended to the end of the narrative portion of the Master Plan section under consideration.

The first map alternative is the most land-inclusive. The Challender parcels, which the landowner asked to have excluded from the preservation area, are included in the preservation area on this copy. It also includes some parcels of land on the west side of US 31 and the south side of M-72. The second map alternative excludes the Challender parcels as requested, as well as farmland west of US 31 or south of Brackett Road.

Mr. Bourdages felt that the October 31 advisory meeting was productive. He spent additional time visiting different areas of the township to become more familiar with them.

Hardin asked if there has been any discussion with the Challender family since the two new map versions were produced. Mr. Bourdages stated that he met Roy Challender at an earlier Commission meeting but has otherwise had no discussion with him. Hardin recalls that Mr. Challender's letter was very firm in asking that any final version of the map exclude his family's lands. Nels Veliquette, a farmer and advisory member, stated that either version of the map can be amended by the Commission prior to adoption.

Vermetten expressed understanding that the map is intended to display land areas eligible for potential state and federal grant funding only. The change to the title of the document should help address concerns previously discussed that the map might be used to make zoning decisions. He would further recommend that the current statement #4 to this effect be moved up to statement #1 to emphasize it. He personally favors the more inclusive map. He also noted that the farmland preservation effort is not Acme's alone; Grand Traverse and Antrim Counties are involved, as are Peninsula, Whitewater, Milton, Elk Rapids and Torch Lake Townships. A broad view is indicated. Takayama and Carstens echoed Vermetten's statements and support for the first map alternative.

Motion by Vermetten, support by Takayama to adopt the amendment to the Agriculture & Rural Preservation Section of the Acme Township Master Plan,

using map alternative #1 with the addition of the sentence “All areas meet the state definition of agriculture with the exception of certain parcels which committee members agree complement other agricultural uses”; making proposed statement #4 statement #1; and changing the title of the map to the title proposed in previous meeting minutes. Motion carried by a vote of 8 in favor (Carstens, David, Hardin, Krause, Morgan, Sherberneau, Takayama, Vermetten) 0 opposed and 1 abstaining (Pulcipher.)

Mr. Bourdages reported that at a meeting of the County Agricultural Board on December 14 the proposed land preservation scoring system will be discussed. He will ensure that the Planning Commission receives minutes of the meeting. Time and location will be communicated to Corpe for further dissemination.

- b) **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: Iacoangeli provided a report dated November 18 with updated comments about the application. He incorporated but did not amend or restate the comments provided jointly by MDOT and the Grand Traverse County Road Commission dated November 16. A new lighting plan has been provided and reviewed not only by Iacoangeli but through additional assistance to the township as well. He is interested in hearing from the applicant as to whether they have any issue or concerns about the comments in the report.

Tim Stoepker (legal counsel), Scott Nowakowski (Meijer, Inc.) and Chris DeGood (Gourdie Fraser) were present in support of the application. Mr. Stoepker took each point in Iacoangeli's report in order for discussion:

- A: Agreed. Joint response to MDOT and the Road Commission will be made to better define the traffic-splitting island.
- B: The applicant will suggest replacement of the proposed full-access driveway denied by the Road Commission with a right-in/right-out access with traffic-splitting island similar to that discussed in item A. Vermetten asked what would happen if MDOT/the Road Commission stand firm; Mr. Nowakowski stated a firm commitment to demonstrate the need for some sort of access at this point, but if they are not persuasive they will re-evaluate at that point. Carstens asked about the concern raised that people wanting to make left-hand turns into the site from M-72 and people wanting to turn left out of the site onto Lautner will cause traffic stacking problems; Mr. Stoepker stated that the right-in/out configuration would eliminate this concern. There was also a concern that people trying to turn right out of the site and immediately enter the lane for turning left to go west on M-72 from Lautner would be blocked by northbound Lautner Road Traffic. Mr. Nowakowski indicated that Meijer is requesting dual left turn lanes that would be accessible. Mr. DeGood indicated while MDOT does not favor dual lefts, the Road Commission would permit space for dual lefts with one lane striped as closed to begin.
- C: Agreed.
- D: Agree to create a mutually-reciprocal agreement with the neighboring

property owner providing for common maintenance, etc. The easement would exist but not be stubbed in at this time.

- E: Applicant will ask the Road Commission if they would agree to a full access ingress/egress at this location.
- F: The landscape plan was created in September based on recommendations from Krause. The trees in question are not along a key entranceway and are near a natural area buffer. The applicant stands by the landscape plan as submitted and does not agree to reduce the tree spacing from 80' on center to 40' on center.
- G: This area contains 7' Hawthorn trees spaced at 10' on center as indicated on the site plan and interspersed with tall grasses.
- H. and
- I. The landscape plan was spelled out in September and the applicant feels it is adequate. The applicant sees no need to buffer the prairie-type natural area with additional trees. Mr. Iacoangeli responded that his comments are based on the November 17 version of the landscaping plan and that the additional trees are recommended to help delineate and break up the nearly 13 acres of pavement proposed. He is uncertain that Hawthorn trees will achieve the desired effect. Krause stated to Iacoangeli that he sat down with the applicant and made landscaping "demands" of them that focused on additional and closer plantings in the areas where people will be. He felt that the outlying/potentially less-traveled areas of the site could contain less landscaping.
- J: The applicant believes that the lighting plan as submitted is adequate and has the approval of the township's lighting expert, Jerry Dobek.
- K: The applicant is willing to provide an easement to TART or other suitable entity and design a non-motorized trail extension within their site for the linear distance of Lautner Road to their specifications. The applicant suggests 8' wide. They do not feel that a bike lane in the road-right-of-way in addition to the TART extension is warranted. They will provide lawn terracing and curb and gutter as requested. Takayama asked about the potential placement of additional trees within the pathway easement, which is covered later under item N.
- L. The applicant feels that this suggestion has already been encompassed in their site plan. Three distinct parking areas have been created. The difference from the illustration provided by Mr. Iacoangeli is that the landscaped area is rotated perpendicularly from the proposed to the sample in Mr. Iacoangeli's report. Changing the landscaping as proposed would result in the loss of 12 parking spaces. Mr. Iacoangeli provided the illustration as an example of the "demarcated walkways" that have been the topic of much discussion. Carstens has difficulty visually identifying the presence of continuous and discrete walkways from Lautner Road east all the way to the Meijer store façade. The applicant proposes that the walkways will only be denoted by pavement striping, whereas Mr. Iacoangeli's picture provides for landscaping islands that create protected areas. The applicants feel their design is superior because Mr. Iacoangeli's picture shows the protected walkway being broken

up by the need to cross vehicular travel lanes every 20', while their design for the walkway does not require pedestrians to cross vehicular pathways. Morgan asked what would prevent cars from ignoring the striping on the pavement and crossing the pedestrian pathways randomly. Takayama feels that the layout of the parking area has been set up to accommodate front end loaders for snow removal. He feels that the desire to decrease snow removal costs is the driving factor behind the proposed landscaping plan. One thing that a demarcated walkway of different material defined by more than just a line of paint provides is a more inviting pedestrian environment that is more in keeping with the Master Plan. He believes that in practices the walkway will be nothing more than stripes on pavement full of shopping carts and cars that have pulled too far into spaces. Vermetten feels that nobody will really walk from Meijer to future amenities on the west side of Lautner Road across 13 acres of pavement. He still feels that the site plan is great but that it really belongs on the west side of the street. He agrees that the design has been set to move traffic and snow efficiently. Morgan feels that this is secondary to the fact that when the parking lot is congested a protected walkway will be safer. Krause feels that a disservice has been done to the applicant because the picture in the report is oriented perpendicular to the proposed site plan. If they were oriented similarly it would be an ideal solution. As it is, he feels that Iacoangeli had no right to put the picture in his report. Morgan feels that if people don't stop now at crosswalks on narrow downtown streets, how can we expect them to stop for yellow stripes on an asphalt parking lot. Mr. Iacoangeli provided the picture and commentary because he believes that the issue of meeting the demarcated walkway requirement still hasn't really been resolved. He also stated that new ADA regulations require that pathways be made available in front of cars so that handicapped individuals do not have to walk behind park cars in travel aisles. He does not believe that stripes of yellow paint really meet the ordinance requirement for demarcated walkways. He also believes that modern big box site development generally calls for better solutions for handling pedestrian movement through the parking lots. How bad is it to ask for a 15' wide strip across a parking lot that is protected and safe as a walkway out of a 13 acre site. Mr. Nowakowski disagreed, feeling that there would be barriers completely segmenting the parking lot and making it impossible for people to move between aisles effectively when they walk down the wrong one looking for their cars, as they tend to do.

Takayama stated that his comments in favor of a landscaped walkway were not inspired by the picture in Mr. Iacoangeli's report, but is something he has been fighting for as necessary on an ongoing basis. Maybe right now a small percentage of people will choose to walk, but the future may bring a bigger percentage and the township needs to plan for a better future. He is pleased by many of the changes to the site plan than have been made throughout the process, but he feels that until a significant change to the parking lot is made it is no different or better than the Meijer across town. Mr. Stoepker noted that each aisle of parking (2 cars head on) is 40' wide. There was discussion about raised curbs for walkways, but previous discussion moved away from this because it could propose a barrier to people needing to get to the walkway. He feels that the plan in the picture is unsafe because people have to cross traffic every 40'. Takayama suggested that creating walkways that are physically and visually different can provide a point of reference for shoppers and help them remember where they parked rather than being lost in a large area where every part looks like every other part. Carstens believes

that the name “Lautner Commons” implies that the development should be a place where people and pedestrians are welcome along with vehicles. David feels that if there are only painted lines on pavement they won’t be obeyed. In snowy conditions the lines will likely be obscured. The walkway must be a discrete space and not just a segment of the parking lot for safety reasons. Pulcipher believes that most people when they go to a Meijer emerge with a large cart full of goods that often fill their entire car. People in this condition are unlikely to walk very far.

Krause suggested expansion of the proposed 8’ walkways to 10’ or slightly more, constructed of concrete and lined with bollards. This would provide some protection for people walking to their cars and would be wide enough to discourage cross-traffic even though it would be at grade. Vermetten believes that this hearkens back to Takayama’s previous statements that the walkway would not have to be raised, but should be clearly visually demarcated by a different color and/or type of material. Morgan was concerned that the area would still be invisible when snowy. Perhaps a raised curb is not necessary, but some landscaping on either side at grade would be welcome. Krause noted that the Zoning Ordinance requires 6” curbing around landscaping islands to protect vegetation from salt and other hazards. At grade he believes the plantings would never survive. Takayama suggested enhancing the proposed parking islands that flank the proposed walkways at intervals with Juniper or something other than just lawn to help reinforce the location and identity of the walkway along with a colored and/or textured surface treatment. The bollard placement could be wide enough, perhaps 18’, to allow plows to travel between them.

Krause summarized that he is suggesting an 8’ walkway width with bollards spaced at perhaps 18’ along the length, with a surface of textured concrete. Mr Iacoangeli stated that anything with too much texture would be rough on carts. Finally, six specified landscaping islands would contain shrubs as well as trees rather than just grass. Mr. Nowakowski assented.

- M. Same as for L.
- N. The applicant is suggesting that landscaping near Lautner Road in the outlot area be deferred until site plan approval for the outlots. Krause and Mr. Iacoangeli stated that this was not what the Planning Commission agreed to. Part of the approval for reduction of the required perimeter buffer areas was provision of landscaping along Lautner Road up front. It was clarified that on the east side of Lautner Road the TART extension would replace a sidewalk. The applicant is not responsible for development of pathways on the west side of Lautner Road. 20’ lightpoles would be provided just outside of the right-of-way. Mr. DeGood asked if the lighting would be provided by the township; Mr. Iacoangeli stated that it was his expectation that the lighting would be on the site and maintained in perpetuity by the site owners. Mr. DeGood expressed surprise that they should be asked to essentially light a public right-of-way; David noted that the lighting would not be required were it not for the project. Mr. Nowakowski stated that he would have a problem agreeing to light the public street. Mr. DeGood felt that construction could be required as extensions of all needed public infrastructure can be, but that once constructed it would become public property and subject to public maintenance. Mr. Iacoangeli stated that the main access to the project will be from Lautner Road and that therefore it is in the applicant’s interest to

provide lighting for the site. Vermetten hears that both sides agree that lighting should be provided. He also agrees that when curb and gutter or other public improvements are created on a public right-of-way, after construction it comes under public maintenance. Carstens thinks of the lights along Front Street in Traverse City and believes they are all shorter and more decorative. Vermetten believes there is a mix of taller and shorter lights, decorative and not.

Takayama followed through on the applicant's line of thought and noted that by donating a trail to TART rather than developing a sidewalk they will be divesting themselves of the need to maintain it and keep it clear of snow. Mr. Stoepker agreed. Mr. Iacoangeli stated that he would ask the Road Commission for their input on the question of who is responsible for the lighting long-term.

- O. The applicant doesn't believe MDOT wants a pedestrian crossing on a 55 mph road, feeling it would be unsafe. They propose to ensure that the TART extension does not reach M-72 but turns away from it. Vermetten stated that as a trail user, he feels that the point is to take path users right to M-72 so that they may cross over onto the north side.
- P. The applicant will request a right-in/out access. They do not wish to move the gas station from its proposed location. David observed that Mr. Iacoangeli feels that it should be moved. Mr. Iacoangeli harkened back several months to discussions about how the applicant will prevent oil and gas spills from reaching the wetlands or water detention/retention facilities. He now sees an opportunity to move the station farther from M-72 and the wetlands complex that is being built to create more of a safety buffer in case a spill occurs. Mr. Nowakowski stated that gas station visibility is very important to his company, and the station will already be 100' from M-72, so he is unwilling to agree to an additional movement. Mr. Iacoangeli feels that the station will be so brightly lit that it will be visible from far away. Additionally the applicant is requesting a variance from signage requirements. Morgan believes everyone is aware that Meijer stores tend to have gas stations, so moving it shouldn't pose a problem. "It would be better to be safe than sorry." People drive off with the nozzle still connected to their cars and spills occur. Mr. Nowakowski stated that state-of-the-art gas stations have safety systems that prevent such sorts of spills. Vermetten believes that the Road Commission will likely permit the requested right-in/out accesses, and that moving the station an additional 50' from the wetlands wouldn't really increase safety margins. Carstens read the Road Commission comments stating that they will allow only 2 access points onto Lautner Road and not 3 as requested. The applicant is still going to make the request.
 - 1. The applicant agrees to a dark light pole coloration.
 - 2. The applicant will be before the ZBA on December 8.
 - 3. The applicant acknowledges that new traffic studies will be required if the outlots do not meet the 820 ITE land use code and will be subject to township, MDOT and Road Commission review and approval. Mr. Iacoangeli stressed that if there are 2-3 restaurants provided and the traffic flows exceed the existing model, there may not be additional right-of-way available for future traffic capacity expansion and it may become impossible

to continue to develop the outlots to the currently-intended buildout. Mr. DeGood observed that other types of improvements to capacity could be performed such as changes to light timing. Mr. Iacoangeli noted that the ability to expand traffic capacity through all means is necessarily finite. If that limit is reached the applicant may not be able to develop all nine proposed outlot sites. Mr. Stopeker stated understanding of this point on behalf of the applicant.

Krause expressed concerns to Mr. DeGood about his November 15 letter. As to his point 2, he does not believe that a 5' square of curbing with some flowers does not qualify as an extension of the landscaping. More is required; perhaps a 5' x 10' planting bed size beneath each tree. Mr. DeGood is suggesting an at-grade planting box; Krause is requiring a raised, curbed area with general Commission concurrence.

Krause expressed understanding of the point Mr. DeGood raised about raised islands presenting obstacles to handicapped patrons. He stated that the use of Honey Locust trees in the islands does not meet township requirements and suggested replacement with Little Leaf Linden and Red Sunset Maple. Krause recommended that the Gingko trees proposed in front of the building should be changed to something like an ornamental Pear. Gingko trees grow very, very slowly. Takayama concurred, adding that relative to the gas station plantings White Pine is proposed. At the speed snow plows travel on M-72 the trees will be destroyed. Austrian Pine, White Spruce or Blue Spruce would be hardier in the face of salt spray. Takayama also noted Ball Environmental's recommendation that plantings in the retention basins be more suitable to a water-filled environment. Mr. Stopeker stated that this idea was rejected by MDEQ as being not in keeping with the prairie-style wetlands they wanted created and maintained in this area. It was also determined that the length of submergence is not likely to be extensive. A 5-year bonded maintenance plan was presented to and approved by MDEQ.

Takayama asked how requests for outlot development will be handled. Will Meijer be the applicant, or will the proposed occupant? Mr. Nowakowski stated that it has previously worked in a variety of ways and will continue to vary. Takayama is concerned about maintaining the discussed vision of an outlot area that has the general character of buildings along a downtown street. If development is piecemeal, how can continuity be maintained? Krause suggested that the answer is in the minutes from the New Urbanism Advisory, which indicate a goal to recommend a national-caliber New Urbanist planner to work with five landowners and the community to the Board of Trustees in early January. Krause believes that the hired planner will provide the answer. Mr. Iacoangeli also observed that the original submittal for Lautner Commons provided for two phases. In phase 1 are the Meijer store and gas station. Phase 2 will come back before the Planning Commission. When the SUP is approved it will be approved for the entire shopping district, but site plan approval will be for phase 1 only, with the plans for phase 2 being conceptual and subject to further review and modification at a later date. For now the outlot area will remain green space.

Motion by Vermetten, support by Krause to recommend approval of Application #2005-3P for SUP and Phase I Site Plan Approval to the Board of Trustees subject to requirements as discussed at and demonstrated in the minutes of all Planning Commission discussions regarding this application held during 2005. Vermetten feels that there has been extensive discussion and that the applicant has acquiesced to numerous township requests.

David noted that discussion of the application has been lengthy, the Commission has been scolded for the length of the process and some members have even been sued for potential conflict of interest. At the future land use map visioning sessions there was a significant level of consensus that a town center belongs on the Village at Grand Traverse property. He still believes this project is too big and in the wrong place.

Motion carried by a vote of 6 in favor (Hardin, Krause, Pulcipher, Sherberneau, Takayama, Vermetten) and 3 opposed (Carstens, David, Morgan).

6. New Business:

a) Discuss potential zoning ordinance amendments

1. **Dark Sky:** Corpe reported that as requested she has provided the Whitewater Township Dark Sky Lighting Ordinance for consideration for adoption into Acme's Ordinance. She has retained the content and intent of the document but reorganized it so that all portions relevant to a particular type of land use are grouped rather than spread through the text. Jerry Dobek, Astronomy Professor at NMC and dark sky lighting expert who has assisted the township with this issue, liked the reorganization and suggested several changes to the draft:

- 7.9.2(7): delete “where installed.”
- 7.9.3(a)2: should read “...passing through the fixture below the light source.”
- 7.9.3(b)2: in response to Corpe’s question about what standard is being implemented, the answer is that of the IESNA (Illuminating Engineers society of North America).
- 7.9.3(b)3: delete “low pressure” and refer to using a sodium light source.
- Item 3(b) on page 4: Mr. Dobek suggests removing the reference to the usability of metal halide lighting sources and putting it under an item (c) as an exception by special use permit.
- 7.9.4: correct typo to read “not” rather than “no” and change acronym to IESNA at the time of the proposal.
- 7.9.8: suggested using the word “their” instead of “his/her”.

Ken Engle asked how this ordinance would impact his existing winery approval. Sodium lights are slow to turn on and off. Corpe stated that he would be held to the requirement for high-pressure sodium lighting in place at the time his approval was granted.

Motion by Vermetten, support by Pulcipher to set a public hearing regarding the proposed Dark Sky Ordinance for the next possible Planning Commission meeting based on notice publication requirements.

Takayama does not believe the use of neon as an architectural accent is appropriate and he would favor a prohibition on it.

Motion carried by unanimous roll call vote.

2. **Sewer District:** Will be addressed at a special meeting on Monday, December 12.

3. **Other potential amendments** pursuant to Board of Trustees Resolution #R-2005-20: Will be addressed at a special meeting on Monday, December 12.
 4. **Approval of 2006 Planning Commission Meeting Schedule:**
Motion by Krause, support by Morgan to adopt the 2006 meeting schedule as presented. Motion carried unanimously.
7. **Public Comment/Any other business that may come before the Commission:**
Dan Hanna, 7239 Lautner Road stated that the three people who voted no on the Meijer proposal tonight did not uphold their responsibilities unless they can demonstrate that the application requirements were not met. Whether you like the project or not, if it meets the ordinance requirements it should be recommended for approval. By doing otherwise those individuals failed the township.
Pat Salathiel, Five Mile Road expressed surprise that the Meijer site plan that is being forwarded to the Board does not contain the level of connectivity that earlier plans contained.

Meeting adjourned at 10:33 p.m.