



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. May 9, 2006**

CALL TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 7:00 p.m.

Members present: B. Boltres, D. Dunville, W. Kladder, B. Kurtz, P. Scott, E. Takayama, F. Zarafonitis
Members excused: None
Staff present: S. Corpe, Township Manager/Recording Secretary
J. Hull, Zoning Administrator
T. Henkel, Parks & Maintenance Supervisor
J. Iacoangeli, Consulting Planner
J. Christopherson, Legal Counsel
K. Zopf, Legal Counsel

INQUIRY AS TO CONFLICTS OF INTEREST: Takayama claimed a conflict of interest regarding the proposed sewer district ordinance amendment.

A. CONSENT CALENDAR:

Motion by Takayama, support by Zarafonitis to approve the Consent Calendar as amended to remove receipt of the draft unapproved minutes of the April 27, 2006 Infrastructure Advisory and approval of the April 4, 2006 Board minutes for discussion including:

RECEIVE AND FILE:

1. **Treasurer's Report** as of 03-31-06
2. **Clerk's Report** as of 04-27-06
3. Draft unapproved minutes **04/13/06 Zoning Board of Appeals**
4. Draft unapproved minutes **04/24/06 Planning Commission**
5. Draft unapproved minutes **04/27/06 Infrastructure Advisory**

ACTION:

6. Approve minutes from ~~04/04/06 regular~~ Township Board Meeting
7. Approve **Accounts Payable** of \$339,160.53 (\$229,171.69 County Bonds) through 04/27/06
8. Consider request for **Property Line Adjustment from Doug Moncel**, 4732 Ridge Crest between Lot 14 of Wellington Farms and Lot 54 of Wellington Farms #4
9. Consider adoption of **Township Credit Card Policy**
10. Consider proposed date of June 10, 2006 and proposed contract with American Waste for **Township Clean-up Day**

Motion carried by unanimous roll call vote.

B. LIMITED PUBLIC COMMENT:

Steven Hayward, Planner for Meijer, Inc., asked for clarification that the applicant will be permitted to comment during discussion about their requested SUP. Kurtz responded that Meijer will be provided with 10 minutes for comment.

C. CORRESPONDENCE: None

D. PUBLIC HEARINGS:

1. **Proposed Zoning Ordinance Amendment #134 to Sewer District Ordinance**, deleting Section 6.11.1(1) and adding Section 6.11.2 to spell out rules and requirements for

the defined sewer district – continued from April 4 meeting: Corpe noted that the proposed ordinance amendment was discussed at the April Board meeting and referred to the Infrastructure Advisory for a recommendation regarding several parcels of property not proposed for inclusion in the district at this time but requesting same. The Infrastructure Advisory met on April 27; the minutes were provided to the Board. They recommended that all properties west of US 31 north and surrounded by the proposed district, excepting land owned by the Grand Traverse Band of Ottawa and Chippewa Indians on the southwest corner of US 31 North and Dock Road at their request, be included in the district. This includes the Rick Steckley property and other properties discussed by the County Planning Commission. Additionally they recommended inclusion of the Music House property, which is on the west side of US 31 N and nearly surrounded by the proposed district. The advisory recommended against including the Beehler property at the southwest corner of Brackett & Lautner Road, the lands recommended for inclusion by Lewis Griffith that lie south of the Meijer property and north of the railroad tracks, and the B-3 zoned property in the Bates area.

The advisory also discussed addition of a paragraph to Section 6.11.2(2)C that would provide a third option for serving properties within the district. Originally the ordinance provided that a project could either connect to the regional sanitary system or ask permission to construct a central on-site system. Paragraph 6.11.2(2)C3 was inserted to also the township discretion to permit use of a third-party off-site system that was duly permitted according to and remains in compliance with DEQ and/or EPA regulations as opposed to the DPW system. This paragraph was intended to address a concern raised by the Tribe about whether they could extend sanitary service from their Turtle Creek treatment facility or not. Corpe and advisory Chair Mark Lewis are recommending that this proposed paragraph be removed from the draft and considered further. Through discussion they learned that each had a very different understanding of the advisory's conversation and intent regarding this paragraph and feel strongly it would be prudent to have the advisory discuss this issue again to ensure that everyone has the same understanding of the situation before proceeding.

Public Hearing opened at 7:10 p.m.

Steven Fox, attorney appearing on behalf of Rick Steckley, one of the landowners requesting and slated for inclusion in the sewer district, expressed support for the ordinance as proposed.

Public Hearing closed at 7:11 p.m.

Mike Beehler, 9254 Elk Lake Trail, noted that he requested inclusion in the district at the current time and asked about the status of his parcel. Zarafonitis responded that he has not been recommended for inclusion at this time.

Motion by Kladder, support by Scott to adopt proposed Ordinance Amendment #134, adding 6.11.2(1)9, "Music House" to the list of included properties and deleting proposed paragraph 6.11.2(2)C.3.

Zarafonitis asked why some of the parcels requesting inclusion were included in the district at this time, and some not. Corpe replied that the advisory seemed to agree with the Planning Commission, which felt that it was prudent to amend the sewer district to include all areas currently within it, all areas currently served by the regional sanitary system, LochenHeath, Windward Ridge and the Meijer property, and that it was further a good idea to wait to consider inclusion of other properties until the proposed future land use map is adopted.

Motion carried by a vote of 6 in favor (Boltres, Dunville, Kladder, Kurtz, Scott, Zarafonitis), 0 opposed and 1 abstaining (Takayama.)

E. OLD BUSINESS:

- 1. Consider SUP Application #2004-3P by Meijer, Inc., 2929 Walker NW, Grand Rapids MI 49544 for Lautner Commons, an approximately 332,400 sq. ft. shopping center development, and Site Plan Approval for development of a 232,360 sq. ft. grocery/general merchandise store, 2,400 sq. ft. convenience store and 10 gas pumps on property located at 5896 Lautner Road (SE corner of M-72 East & Lautner Rd.) currently zoned B-3, Planned Shopping Center:** Kurtz noted that the Board previously requested staff, including Corpe, Hull, Iacoangeli, Christopherson and Zopf to prepare a draft Special Use Permit for discussion this evening. He invited Iacoangeli to address the Board.

Iacoangeli noted that at the April meeting the Board members were provided with a worksheet to serve as a decision-making guide regarding a proposed SUP decision. The written responses received, along with discussion at the meeting, guided the staff in creating the proposed draft. This draft would approve creation of a Meijer store and gas/convenience station subject to certain conditions. A number of commercial outlots have been proposed, but in discussions throughout the process the applicant has been unable to commit to their specific use beyond that it will be commercial in nature. For that reason the SUP proposes that when the applicant seeks site plan approval for the outlots the Board will retain the discretion to require updated market, traffic and other impact studies. There are provisions that address recognized environmental issues. Iacoangeli feels that all of the proposed requirements of the proposed permit are achievable and would result in a "signature" development. He did suggest that one provision that should be removed from the draft SUP is item 3G which would require inclusion of a residential component to the proposed Lautner Commons development.

Kladder noted that a proposed resolution has been provided along with a proposed SUP and asked for the difference between the two and which should be addressed first. Christopherson stated that the resolution references the SUP, so adoption of the resolution will automatically result in adoption of the SUP. Kladder asked if it is typical to have both a resolution and an SUP or to just have an SUP. Christopherson indicated that either is acceptable.

Boltres made reference to report prepared by Hull regarding the market analysis justification for a gas station. Hull's report concludes that the market study provided does not demonstrate that an additional gas station is warranted or beneficial to the community, and might cause one of the five stations primarily serving the Acme market now to go out of business. He asked Iacoangeli to comment. Iacoangeli noted that throughout the process there have been five different versions/addenda to the AEG market study submitted containing widely varying approaches and/or conclusions about whether a store of the size proposed is warranted by existing market demand. The most recent market study is based on 2005 population projections rather than on the 2000 census. Iacoangeli makes no claims to being a market analyst or being able to assess Hull's report. Boltres feels that the market study is flawed and unbelievable. Iacoangeli stated that the draft SUP acknowledges market support for a Meijer store and gas station but not for future commercial outlot development, which is why the Board should retain the right to request further studies and information when site plan applications for the outlots are made. He also noted that the AEG studies refer to the Grand Traverse Region as a whole and not to Acme Township. AEG was specific that any development on the Lautner Commons site will reduce the supportable market area available to future development on the Village at Grand Traverse property. The goal is to protect the public interest from overdevelopment.

Mr. Tim Stoecker spoke first on behalf of Meijer. He was accompanied by Steve Hayward, Planner for Meijer, Chris DeGood from Gourdie Fraser, the engineering consultant, Lyle Livasy from Meijer representing environmental concerns and Scott Nowakowski, Director of Development. Mr. Stoecker asserted that the proposed SUP is an “illusion” and does not represent any sort of approval that grants Meijer a right to begin construction. He stated that his client has asserted all along that they did not need an SUP but only site plan approval, yet they have gone along with the township’s process for 17 months. He believes that the SUP as drafted leaves Meijer open to ongoing and endless requirements from the township that they redraft their designs for the site and façade. There has been talk of hiring a New Urbanist planner to design a town center for the township, but it is questionable when or if this might occur. He took exception to the requirement that the site design be compatible with treatment of Lautner Road as a main street for a proposed town center development, disagreeing with the assertion that this is called for in the Master Plan and stating that Meijer has no reasonable way to control this design outcome. Mr. Stoecker does not believe that the Zoning Ordinance or Master Plan provide the ability or guidelines for the township to be able to dictate design. If Meijer were to be guided by the design of existing development in the township, would they look to the modernistic glass Resort tower? He questioned the right of any municipality to dictate what he characterizes as an amorphous vision of what a downtown area should look like, particularly absent written design guidelines. He stated that he likes Hull but did not understand a memo he sent to Meijer regarding market elasticity and other economic issues, saying that Meijer is a 70-year old family-operated business that successfully employs over 40,000 and should be deemed to understand what it takes to be successful in the marketplace. He questioned the requirement that the store be open only 18 hours a day when all of their stores in the Midwest are open 24 hours per day, and the characterization that the proposed corner location of the gas station is at a “gateway” when it is not near the main entrance to the proposed development. He asserted that the gas station was located on the periphery of the property and along the thoroughfare as required by the zoning ordinance in an area where the water table is deeper than the location suggested by the township. Mr. Stoecker stated that Meijer believes that their store is attractive in design and that the relatively modern design is consistent with the community. He objected to the requirement for raised walkways rather than demarcated at-grade areas lined by bollard lighting.

Mr. Stoecker stated that the environmental, traffic and market studies submitted have been based on total development of the site, not just development of the main store. They expect to spend over \$2 million dollars for proposed road improvements. He stated that they are unwilling to sign a permit that allows for the possibility that they will have to perform the traffic and environmental infrastructure improvements for the whole site but be subject to further review and a possibility that they might not be permitted to develop the outlot commercial space. He asked if the consultant hired by the township has contested the market study or its assertions that a 232,000 sq. ft. Meijer store is not supportable in the local region. He stated that they are well under the remaining amount of retail space supportable in the region even by conservative estimates based on statewide figures. He characterized the proposed conditions as “unacceptable” saying Meijer would conform to a fair offer and not one that will require further conditional reviews. He stated that he has raised concerns since March that have not appeared to have an impact on revision drafts of the proposed SUP, including those about the requirement that infrastructure be constructed before building permits can be obtained.

Mr. Stoecker stated that he received a copy of the worksheets Iacoangeli referred to at the last meeting. He stated that no other landowner in the township has been subjected to such close environmental scrutiny as they, and that no other landowner has proposed as high-caliber systems and safeguards. He believes Meijer’s proposal conforms to the township Master Plan. The property is zoned B-3 and has been since before Meijer purchased it. He feels that the desires of the community as expressed in two votes to have

such a development are not being addressed. He has heard no negative response to Meijer's traffic study, yet feels he is being asked to spend millions of dollars without any guarantee that they can fully build. Mr. Stoepker also asserted that the township does not have the authority to amend the rules for a property once an SUP has been granted unless mutually acceptable to township and applicant.

Mr. Stoepker stated that Meijer has been a family company for 70 years. Over that time a long list of other chains have entered bankruptcy or become "shells of their former selves." He finds it "incredible" that they should be questioned as they have when they have demonstrated an ability to be successful in a difficult marketplace. He noted that he has received a copy of a letter from the Sheriff's Department regarding the numbers of calls for service to the Garfield Township store, which he asserts serves 3.6 million people. During 2004-05 there were somewhat over 700 calls for service to the site, with a small number of those occurring between midnight and 6:00 a.m. Mr. Stoepker believes that the SUP draft is flawed, open to interpretation and will invite litigation.

Kurtz thanked Mr. Stoepker for his comments and the 147 pages of materials submitted since the last meeting. Mr. Nowakowski asked if other members of the Meijer team would be able to address the Board; Kurtz stated that Meijer was told they would have 10 minutes to speak but has already taken 20 minutes. Mr. Nowakowski stated that he should be able to say more than that after 17 months of debate; Kurtz corrected him noting that discussion of the application began at the end of April 2005. Mr. Nowakowski asserted that this was because Kurtz had directed the Township Manager to "sit on" the application after it was submitted in January 2005, and asked that the record clearly reflect that his team was denied additional time to speak.

Zarafonitis asked Christopherson if he had any comments. Christopherson stated that a letter from Mr. Stoepker detailing concerns about the SUP that were expressed verbally this evening was received this morning, and Christopherson provided a summary of some of the areas of disagreement between parties.

Boltres stated that the current Board ran for office on a platform of limited development with no big box stores. He would like the Board to consider whether their vote this evening will reflect the will of that constituency. Meijer has behaved in a threatening manner throughout the process. He is not intimidated by threats of litigation. He has been sued personally by Meijer based on a falsehood. Boltres does not believe he understands fully enough what the constituency wants.

Motion by Zarafonitis, support by Kladder to adopt Resolution #R-2006-08, with a modification eliminating paragraph 3G of the Special Use Permit.

Scott noted that the materials presented still don't address the question of how water will be provided to the development. To date Meijer has been told that they would not receive approval of anything until essential utilities are provided. The sewer issue was resolved earlier this evening but there is no evidence that water will be provided to the site. Kurtz noted that a similar situation occurred regarding Windward Ridge, which was not approved until it was demonstrated that they had entered into an agreement for water service with the Tribe. Christopherson confirmed that as written the SUP would prohibit development on the site until a water system agreement is presented. If the agreement is not obtained, Meijer will have to return to the Planning Commission to have approval granted for development of an on-site system. Scott asked if the motion should be contingent upon conclusion of a water agreement with the Tribe; Christopherson agreed that this is the case.

Kladder noted paragraph 18 of the SUP that discusses water service. This section is already set up to proceed as discussed above.

Boltres feels that the question of traffic impact on Bunker Hill Road caused by the proposed development has not been adequately addressed, and in fact has been purposefully avoided. There are seven subdivisions off Bunker Hill Road representing approximately 29% of the township's residential population. People he ask who live in Holiday Hills say they would use Bunker Hill Road to avoid M-72. He also believes that the proposed plan is inconsistent with the Master Plan, particularly as to proposed store size. Boltres believes the people of the township want a Meijer store and he would favor giving them one of a size consistent with that mentioned in the Master Plan. He does not feel that we need another car wash when there are two in the township already, or 10 more gas pumps when there are 5 more gas stations nearby.

Kladder noted Mr. Stoepker's assertion that Meijer's proposed gas station location is where the water table is 6-8' below grade, yet the proposed resolution and SUP indicate that the gas station could be on any portion of the site where the water table is at least 12' below grade. Iacoangeli noted that this was a recommendation from an environmental sub-contractor. Mr. Hayward compared the Meijer proposed site plan to a concept plan previously provided by Beckett & Raeder and asserted that relocation of the gas station would not make sense in a New Urbanist framework because pedestrians don't use gas stations, cars do.

Takayama is uncertain about the need for a gas station. He read extensively about the proposed safety mechanisms that would prevent spills or alert people to them for quick mitigation if they occur. He asked what would happen if someone backed over a gas pump and caused gas to gush out. Mr. Livasy stated that in those situations the response time would be identical to that for an underground spill. There is an automatic shutoff mechanism under each pump in case of emergency that minimizes spillage, most of which might come from gas already in the nozzle pipe at the time. There is an emergency stop button within 15' of the station attendant, and a sudden loss alarm in the system design to shut it down. Mr. Livasy stated that loss in such situations has been 5 gallons or less.

Zarafonitis stated that, with all due respect to Meijer, the money that needs to be spent on road improvements wouldn't need to be spent if the Meijer store were not to be constructed.

Kladder asked to address the question of outlots and a request that they face Lautner Road. He asked what this means in terms of how the front door faces; Iacoangeli stated that the front façade and door would face Lautner Road, adjacent to a sidewalk/TART. Kladder asked if people would primarily enter through the front door, or if there would be a secondary customer entry. Iacoangeli stated that it could be either depending on individual store design, but the intent is clearly for the primary façade to be on Lautner Road. Kladder stated that in many such developments fast food outlets are primary outlot occupants. Fast food outlets generally want drive through windows. Would that be compatible with the township proposed design? Iacoangeli speculated that it would not, and added that there is no requirement that such drive-through facilities be permitted. As the SUP is drafted, each outlot building would have to come in for site plan review, because right now the applicant cannot commit to what use would occupy them. Christopherson noted Mr. Stoepker's objections to submitting market, traffic and environmental studies for each, and stressed that the SUP is drafted to say that the Board may require additional studies but not that it shall in each case. The Board has the discretion to require additional studies, but is free to determine that it is not necessary in any given situation. There is no time limit on how long from now the applicant could request site plan approval.

Scott asked about Mr. Stoepker's claim that the proposed SUP does not permit any

construction. Christopherson stated that Meijer would have to submit a new site plan that demonstrates that specific conditions in the SUP have been met, and the Board would have to approve it before construction could occur.

Kladder asked if a diagram submitted by Iacoangeli several weeks ago meets all of the Master Plan and ordinance requirements. Iacoangeli stated that his design was not intended to re-program the Meijer site. When the Planning Commission was reviewing the application last summer he gave his staff the task of reading the township's Master Plan and drawing the picture this gave them of the township's requirements if there is a Meijer on the Meijer property, under the specific requirement that the proposed commercial space not be reduced. The drawing represents their product and was intended to show the Planning Commission the idea their Master Plan conveys and not a way to actually redesign the site.

Kladder asked Corpe if she would agree that the Master Plan calls for a Meijer store, if developed on the Meijer site, to serve as an anchor to a town center development with Lautner Road serving as a main street, and she responded in the affirmative. He asked if this is a requirement or a suggestion. Corpe responded that it is important to remember that the Zoning Ordinance is a law, and the Master Plan is a vision statement. The Master Plan is given great weight by the law, but it is primarily to serve as a guide to the crafting and administration of laws. Kladder asked her if the Planning Commission interpreted the Meijer-proposed plan as conforming to the Master Plan. Corpe replied that the Planning Commission has received input from the applicant, staff and consultants. They have made their interpretation of the situation and a recommendation to the Board. The Board is free to reject, accept or accept with changes.

Kladder asked about demarcated walkways and the purpose of requiring them. Is it for pedestrian safety or for aesthetic purposes, or both? Iacoangeli stated that it is for both. Meijer objects to providing elevated walkways because it is difficult for "little old ladies" with shopping carts to recall where they parked and it would be difficult for them to navigate across them, and also that it would make snow removal more difficult. They prefer a walkway at grade demarcated by paint and bollards that can be removed for plowing and reinstalled.

Kladder asked about side yard parking. The majority of the parking has been requested to be in the front yard of the Meijer store. Christopherson noted that this is consistent with what the applicant desires. Kladder noted that the sewer district was expanded this evening to include the Meijer parcel, and Meijer can hook to the regional system now at their expense.

Kladder asked where the township is in the process of hiring a New Urbanist consultant and how this timeline would impact Meijer. Kurtz replied that a consultant has been identified and we are actively meeting with various parties to seek funding, including with the Governor's office. The top planners in the nation were interested in this project even though they were also working to rebuild New Orleans in the wake of Hurricane Katrina. We have not yet obtained the desire to participate from all of the property owners yet but are hopeful of doing so. It is unclear if they don't want to pursue the project, but Kurtz feels they were at least interested since most of them were present for the candidate interviews. Kladder asked if New Urbanism is so well understood that Meijer can proceed to build appropriately, or otherwise how they could proceed prior to the New Urbanist project proceeding. Christopherson replied that some drafts of the SUP have referenced participation in a project to create the design guidebook for a town center, but this standard hasn't been developed yet so they can't be held to it. They can be held to the requirements of the Master Plan.

Kladder asked if the SUP states that if Meijer provides a site plan that conforms to

several specific criteria they can proceed. Christopherson referred him to paragraph 3 of the proposed SUP which requires that the site plan be brought into compliance with the Master Plan and 7 standards by which this can be judged. The final paragraph of this section states that all subsequent development on the site will conform to the Master Plan and, after it is prepared, a Pattern Book for a town center.

The Chair called a recess from 8:41 p.m. to 8:46 p.m.

Motion amended by Zarafonitis, support by Kladder to amend the last sentence of paragraph 3 of the SUP to end after the words “Master Plan” and a new last sentence added to read: “If and after the pattern book for the town center is prepared and approved, subsequent site plans and buildings shall conform to the pattern book.”

Kladder noted that many people commute to work in Traverse City from places such as Mancelona. He asked if hours of operation beginning at 6:00 a.m. would allow those people access to a Meijer gas station. Takayama stated that he is out in the middle of the night frequently in the winter for his plowing business. In the middle of the night traffic on M-72 is light. It picks up around 6:15 - 6:25 a.m. in his experience.

Kladder asked about the statistics provided by the Grand Traverse County Sheriff's Department. Mr. Nowakowski stated that it has been experience that even in non-prosecution cases the local sheriff's department has wanted to come to the scene to get complete records. This policy changed in November 2004. On 96 occasions when the Sheriff came in response to a store employee call (generally for shoplifting), if broken down by three shifts in 2005, 17 calls were first shift, most were second shift, and 3 were third shift (midnight – 6:00 a.m.). Out of about 39 calls so far in 2006 none have been during third shift yet. Zarafonitis asked about needs to light the parking lot at night; Mr. Nowakowski stated that he sees no reason for the entire lot to be lit all night and many of the stores have zoned lighting that can be turned off in sections. Kurtz noted that the proposed store borders a residential-use area, that noise impacts are unknown, and that while Garfield Township has 12 deputies we have only one to carry the load. One deputy costs the township about \$65,000/year, but the anticipated tax revenue from the proposed store is significantly less than this. Kurtz anticipates that the township would need to hire more officers. Kladder noted that the Meijer site has been zoned B-3 for many years, and at some point the township will have to figure out how to pay for additional police protection for the community.

Kladder asked about outdoor storage of shopping carts and a requirement that they not be stored outdoors. He asked about mid-lot cart corrals and whether there will be any. Cart corrals are included in the design. Christopherson stated that to him a cart corral is a place for carts in transit, a collection point as opposed to long-term storage. Carts might be outdoors for a period of time, but overnight or for longer periods of time would not be permitted. Kladder recalled that Meijer expressed understanding at the last Board meeting that ponies, ice machines and other items will not be permitted to be outside the store.

Kladder asked about the statement in paragraph 14 that construction will not commence until the Board finds that traffic-related zoning ordinance standards are still met based on a revised traffic study. He asked if what version of the traffic study this represents is clearly understood. Iacoangeli stated that Midwestern Consulting will be providing another letter to the Board containing their findings. Kladder asked that this paragraph be amended to state: “Construction may not commence until the revised traffic study has been reviewed by Acme Township staff and Acme Township staff finds that the traffic-related zoning ordinance standards are still met based on the revised traffic study.” Kladder also asked if the bonding requirements in paragraph 20 are fairly standard. Christopherson stated that the first part is standard to our permits. The only non-standard

part is a requirement for bonding to cover a situation where the building is vacant for more than 12 consecutive months. The purpose is to prevent derelict buildings. There is no scientific reason why 12 months was suggested in the draft, but there was an intent to allow sufficient time for remarketing of the property. The Board would have discretion to call on the surety or not after the 12 month period has passed. The staff would generally monitor the situation and make a recommendation to the Board for action. Iacoangeli stated that this type of bonding requirement is in use nation-wide and that 12 months is a common length of time to provide. Kladder suggested amending the time period to 18 months. Iacoangeli stated that once the building is determined to be vacant by staff they would notify the landowner by certified letter, which could begin a dialogue between township and landowner. Kladder was satisfied leaving the time period at 12 months.

Motion by Kladder to amend the language of SUP paragraph 14 as suggested by Christopherson and quoted above.

Boltres feels that a requirement to adequately assess the impact on Bunker Hill Road should be included. Kladder did not want to add this to his motion. Zarafonitis feels that Boltres is getting too broad, and asked if next we would want to assess impacts on Five Mile Road from people traveling to Meijer from Holiday Hills.

Christopherson felt it would be more appropriate for each proposed change to the motion to be approved by both Zarafonitis as the original mover and Kladder as the original second. Both Zarafonitis and Kladder concurred with the proposed change to paragraph 14. After Christopherson and Corpe discussed appropriate procedure, it was suggested that after all proposed revisions have been discussed the original motions would be withdrawn and a new comprehensive motion put forward.

Zarafonitis asked about paragraph 15 regarding Fire Prevention and whether part 2 refers to expected Tribal water supply to the site. Christopherson responded that Metro Fire will require adequate water for fire protection regardless of the source.

Kladder asked Iacoangeli how Meijer on its own site can function as an anchor for the proposed town center. Iacoangeli read from the Master Plan, which says that despite Master Plan visions for a Meijer on the west side of Lautner Road, the Meijer property is already zoned B-3. Rather than fight, the township could require that design on the Meijer site could be oriented in such a way to be in context with a redesigned Lautner Road lined with shops that serves as a main street to a comprehensive town center development. Kladder noted that Meijer does not have control over Lautner Road; Iacoangeli noted that the township has already asked the Road Commission, which has concurred, to reduce the speed on the subject portion of Lautner Road to permit more of a low-speed, downtown design. Kladder asked about impacts on the Village at Grand Traverse (VGT) property. Iacoangeli noted that the conservative AEG market study estimated that the regional market can support another 800,000 sq. ft. of commercial space. If and when the VGT site develops a new market study providing an update on the situation could be required, and it would be prudent to look at the amount of space developed in the region since the AEG market study created by Meijer to determine the maximum amount of space the VGT site could support. Anchor stores tend to create enough new traffic to support smaller stores in a town center development.

Motion by Zarafonitis, support by Kladder to withdraw the previous motions and amendments made in connection with Resolution #R-2006-08. Motion carried by unanimous roll call vote.

Motion by Zarafonitis, support by Kladder to approve Resolution #R-2006-08 with the following changes to the SUP approved by the Resolution: Section 3G requirement that residential components be part of the development be deleted, that

in paragraph 3 the last sentence of paragraph 3 of the SUP would end after the words “Master Plan” and a new last sentence added to read: “If and after the pattern book for the town center is prepared and approved, subsequent site plans and buildings shall conform to the pattern book.”; and that the last sentence of paragraph 14 would read “Construction may not commence until the revised traffic study has been reviewed by Acme Township staff and Acme Township staff finds that the traffic-related zoning ordinance standards are still met based on the revised traffic study.”

Motion carried by a vote of 6 in favor (Dunville, Kladder, Kurtz, Scott, Takayama, Zarafonitis), 1 opposed (Boltres) and 0 abstaining.

Mr. Stoepker asked if the Meijer site plan was denied. Christopherson stated that the resolution speaks for itself.

The Chair declared a recess between 9:35 p.m. and 9:39 p.m.

2. Consider DPW **Resolution Approving Agreement Regarding Capacity Lease and Second Restated Operating Agreement – Michael J. Houlihan**: Mr. Houlihan was present in the audience. Kurtz noted that the Infrastructure Advisory received this information for its April 27 meeting. Mr. Houlihan stated that Blair Township is buying 7% of DPW assets and 2 percentage points of treatment capacity (several hundred thousand gallons per day.)

Motion by Kladder, support by Zarafonitis to approve Resolution #R-2006-09. Motion carried by unanimous roll call vote.

F. NEW BUSINESS:

1. Consider **Site Plan Review Application #2006-3P** by LochenHeath LLC for approval of Phase II of the LochenHeath Open Space Development located west of US 31 N and north of Dock Road pursuant to SUP #2004-6P: Russ Clark, R. Clark Associates and Troy Molby, Gourdie-Fraser presented the application using a PowerPoint presentation.

Kladder ascertained that the project open space is light green, and asked what can be allowed in this space. The project master plan conforms to ordinance requirements for the open space, including natural grasses and walking trails. There are no improved recreational facilities. Kladder asked if the lakes will be deep enough to require fencing; they will not require fencing and the sides of the lake will have a 1:3 slope as opposed to a steep drop-in. The lakes count as part of the open space.

Zarafonitis asked for total number of home sites in this phase, which will be 91.

Motion by Boltres, support by Dunville to approve Site Plan Approval Application #2006-3P. Motion carried by unanimous roll call vote.

2. Consider **Minor Changes to SUPs #2004-6P (LochenHeath Open Space Development) and #2005-5P (LochenHeath PUD Amendment)** to allow relocation of two golf holes and creation of a practice area: This request was also presented by Mr. Clark. He began with a recitation of the criteria for a minor SUP change request. The amendment would change two areas of the overall LochenHeath project, Area A being within the original Planned Unit Development (PUD) and Area B being within the Open Space Development (OSD). The northern portion of the PUD has been previously amended to permit development of “Letty Green” which reconfigured and added to the number of homesites and proposed to reconfigure two golf holes. The new minor change request would replace one golf hole with a 2.5-3 acre man-made lake, create a landscaped

berm previously promised to Fred Campbell, an adjacent property owner, and create a practice hole in the middle of the housing development which would have a pond and waterfall feature. This would be a usable outdoor amenity for this housing pod. This hole would also be available to replace one of the regular 18 holes if it must be taken out of play for repairs. The Letty Green lot and road layout will remain as previously approved. The hole replaced by the manmade lake would be relocated to the northwestern portion of the OSD, reconfiguring a proposed lake and reducing its size by approximately half, eliminating a proposed section of interior roadway and relocating some proposed homesites.

Motion by Boltres, support by Zarafonitis to approve the Minor SUP changes as proposed.

Kladder asked if any of the proposed changes would cause lands already placed under permanent conservation easement to be developed. Corpe replied that Area A would not be subject to this concern because the PUD did not contain open space conservation easement requirements. The proposed changes to area B largely lie on areas that were not to be under conservation easement and but were to be roads and lots. Christopherson reported that a conservation easement to Acme Township can be amended by the Board of Trustees if requested by the landowner at their discretion. Hull spoke with LochenHeath's attorney who stated that final legal descriptions for the conservation areas have not been finalized yet.

Motion carried by unanimous roll call vote.

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

3. **Preliminary discussion regarding proposed 2006-07 Budget:** Scott has a number of questions to discuss before a public hearing is held, and recommended that this agenda item be deferred to the June meeting. Kladder expressed appreciation for the fact that answer to his questions about the budget and other agenda items were answered swiftly by staff.

Motion by Boltres, support by Takayama to set a public hearing on the proposed 2006-07 budget for the regular June meeting. Motion carried unanimously.

4. **Consider recommendation by Supervisor Kurtz for candidate to fill unexpired term of Planning Commissioner Diana Morgan:** Kurtz noted that a certificate of appreciation has been prepared for Ms. Morgan. He is recommending Linda Wikle, a Deepwater Point Road resident, to fill her unexpired term until July 2008. One reason for his recommendation is her extensive experience with infrastructure when she worked for Michigan Bell and Ameritech.

Motion by Kladder, support by Scott to confirm Linda Wikle to fill the unexpired Planning Commission term of Diana Morgan. Motion carried unanimously.

5. **Receive and file minutes of the 04-27-06 Infrastructure Advisory meeting:** Lewis Griffith, 5181 Lautner Road stated that Kurtz asked him if he would be attending the meeting. Corpe told him she would notify him when the meeting was scheduled. He called the township hall twice to find out when the meeting would be, and was told that the meeting had not yet been scheduled. Then he found that the meeting had been held without him being notified. Mr. Griffith feels he was lied to in an effort to intentionally avoid his participation in the meeting. Kladder asked about Mr. Griffith's assertion that he was referenced in the minutes of the meeting. Mr. Griffith had asked for some of his property to be included in the proposed sewer district, and the minutes reference the fact

that his property was denied inclusion at this time. He finds it impossible to believe that his property could be discussed but staff could forget to call him before the meeting.

6. **Consider approval of the minutes of the 04-04-06 regular Board meeting;** Takayama referred to page 15 of the minutes, where it states that he could help the garden club by possibly obtaining materials at wholesale. The minutes state he could help save money on plants, but it would be more correct to say that he volunteered to meet with Sharma Zollinger at the site to help ensure that her calculations for the amount of materials needed is correct and that they don't over-order, which could save money.

Motion by Kladder, support by Boltres to approve the minutes of the 04-04-06 Board meeting as amended. Motion carried unanimously.

G. REPORTS

1. **County Commissioner's Report** – Larry Inman: received and filed.

H. PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:

Nels Veliquette asked if Peaceful Valley is still excluded from the sewer district, which it is. He stated at the Infrastructure Advisory that the highest impact on water quality is high-density coastal housing development, yet we are exempting just such an area from the sewer district rather than trying to incorporate it. What is a sewer district for? If it's to protect the environment and the public, exempting a high-impact area makes no sense.

Meeting adjourned at 10:25 p.m.