



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, November 10, 2008

Meeting called to Order with the Pledge of Allegiance at 7:02 p.m.

Members present: M. Vermetten, B. Carstens (Vice Chair), C. David, R. Hardin, D. Krause, D. White, L. Wikle, P. Yamaguchi, J. Zollinger
Members excused: None
Staff Present: S. Vreeland, Township Manager/Recording Secretary
J. Hull, Zoning Administrator
M. Grant, Legal Counsel
J. Iacoangeli, Consulting Planner
C. Grobbel, Environmental Consultant

INQUIRY AS TO CONFLICTS OF INTEREST:

Zollinger said that he might have a conflict of interest relative to application 2008-02SP, as he does business with Dr. Peck. Grant stated that the township conflict of interest policy does not make a clear distinction between real and perceived conflicts of interest, and the most prudent approach would be to either have Zollinger recuse himself or have the Commission vote on his position. If the Commission votes unanimously that they don't perceive a conflict, he could participate. If the vote were not unanimous, he would not participate. Yamaguchi also does business with Dr. Peck as a client and expressed a perceived conflict of interest as well.

Vermetten called for a vote on whether or not Zollinger and Yamaguchi's perceived conflicts should prevent them from considering Application #2008-02SP. The vote was unanimous to permit them to participate.

Vermetten stated that for the past several weeks he has been considering a potential perceived conflict of interest, and he has discussed it with Vreeland, Bzdok and Grant. He from time to time does work for Generations Management or associated businesses, although he has no pecuniary interest in any project they are working on in Acme Township. He was advised by Grant that the safest course of action would be for the Commission to vote on whether or not Vermetten should be allowed to participate in the process for their application. The Commission must again vote unanimously to allow him to participate. Grant suggested that the township conflict of interest policy should be revised to clarify the distinctions between perceived and real pecuniary conflicts. He does not believe that technically Vermetten has a pecuniary conflict of interest, but it would be safest for the Commission to take a vote. Hardin stated that the few times there have been meetings with the applicants outside of Commission meetings he has observed no special preference granted to them by Vermetten. Krause felt that Vermetten has led the Commission in handling the matter smoothly for over a year and he sees no problem. Vermetten noted that he does not receive a wage from this project, but has received payments on account for other projects from the applicant, creating a potential perceived conflict of interest at most. He has received no pecuniary gain relative to any project in Acme Township, from Generations Management or any other applicant. Grant stated that the standard of consideration for the vote is that the Commission must unanimously find that any conflict is immaterial and that Vermetten's participation in the discussion and decision is in the best interests of the township. Carstens finds it a difficult decision, but his observation of Vermetten in action on the matter has led him to agree with Hardin that he has seen no favoritism.

On the vote as to whether Vermetten may participate in the Bates Crossing application, the vote was unanimous in favor.

Vermetten has been advised that he should receive a letter signed by the applicant, indicating that they also agree to his continued participation in their application process.

APPROVAL OF AGENDA: Motion by Carstens, support by Yamaguchi to approve the agenda as presented. Motion carried unanimously.

1. Consent Calendar:

Motion by White, support by David to approve the Consent Calendar as presented, including:

Receive and File:

a) Draft Unapproved Minutes of:

- 1. ZBA Meeting 10/16/08**
- 2. Marina Advisory 10/20/08**
- 3. Facilities Advisory 10/21/08**
- 4. Planning & Zoning News September 2008**

Action:

- b)** Approve minutes of the 10/27/08 Planning Commission meeting

Motion carried unanimously.

2. Correspondence:

- a) Resignation effective 11/20/08 from Linda Wikle:** Today Wikle submitted her Commission resignation effective November 20 when she takes office as Treasurer. This is necessary because the law requires one Board member to be an ex officio Planning Commissioner but does not permit a second Board member to serve, and Ron Hardin is the ex officio appointee. The township is accepting applications for the Commission opening created, as well as for a ZBA alternate slot and for members of the 2009-2010 Board of Review. New changes in the planning and zoning laws allow townships to appoint one individual to their Planning Commissions that is not a township resident/registered voter, so for the Commission slot applications from non-resident members of the business community will be entertained.

3. Limited Public Comment:

Rachelle Babcock, as a representative of the Concerned Citizens of Acme Township (CCAT) provided each Commissioner with an 11/10/08 letter from her organization, which she also read aloud. The letter is regarding the Bates Crossing shopping center application. CCAT feels that a number of critical issues have yet to be resolved satisfactorily regarding sanitary service, traffic, conformance to the township Master Plan and requiring demolition bonding.

Gene Veliquette, Elk Lake Road in Whitewater Township, felt that the conflict of interest issues were handled appropriately, but that it is a big change from how the Board of Trustees has handled things over the past four years when individuals involved in lawsuits with applicants have not recused themselves.

4. Preliminary Hearings: None

5. Public Hearings: None

6. New Business:

- a) Site Plan Review Application #2008-02SP for Eric J. Peck, DVM, for construction of a veterinary clinic on property located at 4180 M-72 East (currently Zarafonitis residence):** Fred Campbell from JML Design Group presented the application for a new veterinary clinic on a 1-acre site zoned B-2, General Business, and currently in grandfathered non-conforming use as a private residence. Primarily the structure would be wood frame, but the overnight animal

hospital area will be made of insulated concrete forms to eliminate any noise from the animals. There will be no non-medicinal boarding or grooming. The existing home will be removed from the site, and a new well shall be drilled. A septic field on-site will be abandoned and the site will connect to the regional sewer system. The Soil Erosion Permit application has been approved, the sewer connection purchased, the well permit in hand from the Health Department. An application to MDOT has been submitted for a commercial driveway; MDOT has asked for discussions with adjacent landowners (Chateau Grand Traverse and the Stained Glass Cabinet Company) regarding a possible shared access point, but Mr. Campbell is unsure if there is sufficient motivation for the other property owners. Dr. Peck is willing to consider the option. There are significant spruce trees on the eastern side and rear of the property, with some new shrubbery proposed for the west side of the property.

The proposed well location had to be changed due to the proximity of the originally-proposed well to the existing drainfield. Wikle asked if a spare conduit will be placed for any eventually-needed growth in utility service; one is not planned but could be installed. Parking for 17 cars is proposed. Krause noted that there are no trees on the northern/front side of the site; Hull noted that for 100' of frontage there should be 4 trees and some shrubs. The ordinance does allow for a landscape credit if existing mature vegetation is being maintained, and Hull noted this as an item for the Commission to deliberate upon. Krause observed that the existing trees are in the side and rear yards with none in the front, and he feels the four street trees should be required. He also noted that there should be trees at the end of each row of parking and in each island in the parking lot according to the ordinance. Hardin asked if four mature trees would fit along the frontage given the width of the proposed road access point; Krause said they would. Wikle observed the proposed sign location near the edge of the water retention pond. It is planned to be two-sided, 20' tall and conforming to the ordinance requirements.

Hull's report noted the issues regarding the street trees, but had neglected the required trees in the parking lot. He also noted that the applicant is required by the ordinance to install a sidewalk along the M-72 frontage. Otherwise the application for this use by right in the B-2 district appears to be in order.

Zollinger asked how the proposed retention basin would be reworked if a joint driveway with neighboring properties is achieved; Mr. Campbell stated that it would become an underground retention feature. Yamaguchi had a hydrologist review the plan and complimented the applicant on the water retention design. The proposed lighting is compliant with the township's full-cutoff dark sky protection requirements as demonstrated by the provided lighting cut sheet. There is a non-fenced dog-run area near the rear of the property. All animals are expected to be on property for a short-term and attended. Mr. Campbell asked if a potential future dog run could be approved administratively by Zoning Administrator or would require further hearings. Vermetten stated that this would depend on the scope of the revision. David would like to ensure that there no kenneling and disruptive barking dog noise. Wikle noted that most people curb their dog right before they go into a veterinary office, so a safe area to do this is advisable.

Motion by Carstens, support by Wikle to approve Site Plan Review Application #2008-02SP conditioned upon provision of the street and parking area trees and shrubs required by the ordinance and provision of a sidewalk across the property frontage. Motion carried by unanimous roll call vote.

7. Old Business:

- a) **Continued review and deliberation regarding [Application #2007-05P Bates](#)**

Crossings for shopping center on M-72, west of Bates Rd: Mr. Joe Quandt, attorney for the applicant, gave a summary of progress to date on behalf of the applicant. Also present were attorney Julie Harrison, Generations Management agent Kevin Vann, Doug Mansfield and Mike Slater from Mansfield Associates and Laura Aylsworth from applicant's traffic engineer URS. The major issue this evening may be regarding sanitary disposal provisions, and there has been discussion about whether the applicant was adequately informed of the contents of a memo listing concerns from Dr. Grobbel, environmental consultant to the township. Mr. Quandt finds Dr. Grobbel generally qualified and he agrees with most of the concerns he expressed. There is somewhat of a "chicken and egg" problem in providing the township in advance with DEQ approval for a sanitary disposal system, which will cost about \$150,000 to prepare. Part 41 (system design) and Part 31 (groundwater discharge) application approvals by the DEQ are required. They can't be obtained without design details being approved by the township, but the township wants the permit before it approves the project details. Mr. Quandt also stated that the permitting process will require an additional 6-9 months including the time required for a hydrogeological survey. The applicant is suggesting that their SUP application be approved by the township subject to provision that the DEQ permit be provided within one year of SUP approval.

Ms. Aylsworth spoke to the revised traffic study, which was prepared pursuant to a meeting between the township, applicant and each party's consultants. The traffic study was based on traffic counts taken and providing a level of traffic for the base year (year zero). The analysis projects traffic growth to buildout year (2010) at 1% growth as mutually agreed. Traffic projections prepared by URS for Lautner Commons were also included in the year 2010 projections to determine the total projected traffic load from both project. With no road improvements there would be a level of service (LOS) of "F." This means a maximum queue at South Bates Road of 3 vehicles with no traffic signal. Within the development the maximum queue would be 8 cars. One way to reduce the number of cars in line would be to provide multiple entrances to M-72. Installing a traffic signal without realignment of the North Bates/M-72 intersection as is being contemplated would result in projected queues of 1 car on most legs and 3 cars on S. Bates Road.

Mr. Vann spoke to the market study, which took into account past projects within the township. They used The Strategic Edge to prepare their study, based on positive recommendations from Iacoangeli and others. He stated that the applicant specifically asked for a study that conformed to ordinance requirements and would yield as accurate a result as possible – they want the project to succeed based on realistic projections. They hoped for more positive commentary from Iacoangeli's review rather than negative.

Dr. Grobbel is uncertain of why the applicant apparently did not receive his July 23 memo laying out steps and requirements for review of an on-site sanitary system in a timely fashion, or why it appears to be a surprise to the applicant that these issues need to be addressed. The "chicken and egg" problem has been raised before, and the Zoning Ordinance is specific and clear about SUP approval requirements, including permits in place or assurances that permits will be in place from agencies including MDOT, wetlands crossings as proposed by a proposed on-site system, floodplain encroachments, County Stormwater Control/Soil Erosion, and so forth. These are generally parallel processes. The Part 41 permit could be expensive and/or difficult to obtain. The findings he recommends the township obtain must be made one way or the other, including soils types, depth of groundwater, type of system technology. He was told there would be main and reserve drainfields, but not the type of treatment system. What will go into the system is also important, and facilities such as

restaurants or hair salons would have chemicals in their wastewater stream that would need pre-treatment and might not be suitable for on-site release. Finally, a Part 41 review and permit also require either that a local unit of government pass a resolution agreeing to take over a system if the original applicant becomes unable or unwilling to maintain and operate it, or if the government does not agree the applicant must post a financial guarantee to that effect. The township is authorized by the ordinance and state law to ask the applicant to follow this parallel process regarding a proposed on-site sanitary system.

Iacoangeli spoke next to the traffic study, reviewed by sub-contractor OHM. Two items discussed as the staff meeting with applicant had to do with “vested interest” (Lautner Commons and/or the Village at Grand Traverse [VGT]) and ITE trip generation codes. It was agreed that the impact of Lautner Commons would be included in the revised traffic study. The ITE trip generation codes are used in various traffic modeling applications to determine the likely level of service (LOS) after construction. Specialty retail center, freestanding discount store and home improvement superstore were the ITE codes selected by the applicant and URS for their traffic study. OHM recommended against using these codes only because some of them are so new that they may or may not adequately represent reality. Only 4 studies have been done to confirm the specialty retail code trip generation, with a standard deviation of 15. The standard deviation for the home improvement store is 19. Code 820 for shopping centers has a standard deviation of 2.5, there having been over 400 studies of general shopping centers to determine/verify accurate trip generation. Specialty retail would be the 22,000 sq. ft. closest to M-72, and the code used shows no peak traffic to this segment of the development. However, specialty retail areas today as opposed to the 70s generally include coffee or bakery shops which would likely generate peak traffic the code does not account for.

Iacoangeli asked Ms. Ayslworth about the 2010 opening without improvements statistics on page 18. N. Bates southbound has an LOS of F and a projected delay of 12 minutes to accomplish a turning movement out onto M-72. S. Bates would have a projected delay of 20 minutes. Iacoangeli and OHM provided the MDOT Traverse City office with a copy of the most recent traffic study, but they have yet to complete their review. They have sent it to their Lansing office, and have not provided any sort of approval for access at any particular point. There could be additional complications with the existing intersection layout at Bates Road and a railroad crossing that runs diagonally through the intersection. Rise Rasch from the local MDOT office indicates that they will be performing a detailed review of the URS report.

Regarding the market study, Iacoangeli thought he was complimentary when he said it reasonably represented the Grand Traverse market area. His job is not to be a cheerleader for the project, but to point out potential issues and concerns. Joan Primo and Strategic Edge have been well-known to him for a long time. His take-away from reading the report is that the marketplace is fragile. There was discussion of the market being “fragile”, of a new discount retailer “cannibalizing” from existing discount retailers, of their being insufficient market for some of the proposed services. Mr. Vann asked why a sub-consultant has not reviewed the market study; in the case of Lautner Commons this did not occur until the application left the Commission and was forwarded to the Board.

Iacoangeli disagrees with the applicant regarding inconsistency with the Master Plan. The only thing he agreed with is that as Bates Crossing emerges there may be a need for some neighborhood retail. It does not say that the area is reasonably suited for a regional shopping center. To Iacoangeli neighborhood retail would be the 21,000 sq.

ft. proposed in the specialty area, not the entire 271,000 sq. ft. proposed center.

Grant commented regarding agency approvals. The Zoning Ordinance standards for recommendation on the application are that approvals must be in hand or reasonably assured. In terms of the impact assessment, if there is not public sewer the applicant “shall” submit proof of approval from an appropriate agency for on-site treatment plans. As yet this has not been provided, and the ordinance instructs that as part of the application itself – before the Commission can entertain a motion – the approval must be in hand. The township has a legitimate interest in requiring this up front for various reasons, including the impact on whether or not to approve the application at all in light of the potential impact on natural resources. Based on his firm’s experience, the branch of the DEQ that issues groundwater discharge permits has a “bad track record” and the township would not want to necessarily “hang its hat” on an approval from them based on this practical experience.

If providing the approval immediately is truly impossible, as proposed by Mr. Quandt, perhaps the applicant should seek a variance from the ordinance requirement. Grant also noted that the proposed on-site system would, to the best of our current understanding, handle both the shopping center and proposed housing south of the railroad tracks. Since the township has not seen any plans for the scope of such housing development, it seems impossible that the scope of the treatment facilities can be understood at this time.

Vermetten referred to the section of the ordinance requiring agency approval, noting that many applications are forwarded conditioned upon approval from a variety of agencies such as Metro Fire, MDOT, Soil Erosion, etc. He asked what makes the on-site wastewater treatment system subject to a higher standard. Grant referred 8.1.2(d)(8), the specific standards for an impact assessment statement. Vermetten countered that 8.1.2 reads that the Commission “may” require an impact assessment, and if such assessment is required then it shall contain specific items as listed. Grant believes that if prior applicants have been required to prepare and impact assessment, this applicant should be as well. Speaking to the “chicken and egg” problem, Grant stated that he would need more time to review.

Vermetten asked if an impact statement has been required of prior applicants; Hull stated that it was required of Lautner Commons. It is not required of many smaller-scale developments, but many provide one anyway. Vermetten asked Mr. Quandt to respond to the requirement language in the ordinance, and if his understanding is that the township requiring this would make the applicant go through the DEQ permit process twice. Mr. Quandt stated that if the design characteristics of the site plan are changed by the township, it would require a revision and new review of the permit by the DEQ. Dr. Grobbel does not understand how the permit would have to be applied for twice, but he believes the true concern is that after obtaining a DEQ permit based on an agreeable site plan the township might still deny issuance of an SUP. Mr. Quandt stated that he has been informed that the township frequently grants conditional approval to SUPs when agency approvals for various items are reasonably expected, and he is unsure why his applicant should waste resources to obtain the DEQ approval up front.

Vermetten asked about Grant’s statement that the DEQ groundwater discharge permit unit has a poor track record. Mr. Quandt stated that the DEQ is learning hard lessons from earlier permits all the time, and continues to issue new permits. The concept of an on-site wastewater treatment system was disclosed to the township many months ago, and the applicant would not have proceeded for the last five months if they thought they would have to provide a DEQ permit prior to SUP approval. Dr.

Grobbel stated that to his knowledge the first time the potential for on-site treatment was first raised in July. He believes that the Lautner Commons hang-ups occurred at just about the same part of the process, and when Meijer refused to do so the township's consultants stepped in and performed soil borings and other environmental and groundwater testing for review.

David asked for clarification from Grant about the DEQ's "poor track record." Grant's firm has at least three cases where permits granted for groundwater discharge have resulted in major problems for neighboring properties. He is talking about a mobile home park in southeast Michigan, and a sand company. He is concerned that a conditional approval by the township could lead to a similar situation for the township, and perhaps the township should not be satisfied that all is safe simply because the DEQ issued a permit. Mr. Quandt stated that the planned system has a much lower failure rate than other systems, but Dr. Grobbel and David observed that the type of planned system has not been disclosed so this claim can be evaluated. David stated that he hears Dr. Grobbel saying he would be uncomfortable making a recommendation because he lacks key information, such as the type of wastewater that can be expected and they type of treatment system. Carstens added that nothing is known about soil types or groundwater levels.

Mr. Quandt asked how getting a DEQ permit first will address mistrust about the DEQ's expertise in issuing the permit. The applicant would have to disclose the type of expected wastewater stream to the DEQ and would have to stick to it or the permit would be violated. Grant stated that the township requires some level of independent review in order to determine if the DEQ permit issuance is truly appropriate. The problems he has seen involve the DEQ approving systems with technology that wasn't equal to the challenges presented by the wastewater stream. Dr. Grobbel echoed this sentiment – the applicant has provided nothing that will allow the township to evaluate the types of concerns that may be encountered. This site is near the headlands of Yuba Creek and in a wetlands area.

Hull believes Grant is concerned that DEQ will say it's okay to "treat a bullet wound with a band-aid" and the township should have a chance to review the information itself. Dr. Grobbel seems to be saying that if the applicant has to gather the information preparatory to the DEQ permit anyway, why can't it be gathered now and submitted to the township so that we can make an evaluation?

Mr. Mansfield apologized if they missed the July 23 memo, they searched but didn't turn it up. He feels that the discussion about on-site treatment began in May or June, after finding out that their attempts to have the township sewer district expanded were occurring through a flawed process. He said that this is the only place where the applicant has been asked to obtain a DEQ permit prior to approval. He suspects that investigation will discover many large Acme township projects with groundwater discharge that did not require DEQ permit approval prior to SUP approval. Bidding for environmental investigations is currently underway. Mr. Mansfield invited Dr. Grobbel to meet with him within the next 10 days to review their findings to date. Mr. Quandt asked if the township has legal authority to permit an on-site system. Grant stated that under Part 41 the township has the ability to impose additional requirements per MCL 324.4108. He asked if the township wants to be in the business of approving wastewater treatment systems; Grant stated that this is not what is at stake, which is approving an SUP which consists in part of an on-site wastewater system. Mr. Quandt is concerned that based on past experience, the township and its consultants will find fault with preliminary designs and ask them to be revised multiple times at great expense. Dr. Grobbel noted that the first time the applicant presented stormwater management plans he discovered that the soil borings

had been done from existing grade rather than from finished grade. He would think that the applicant might welcome help finding out up front where there might be problems if it would enhance future success. Mr. Vann stated that cash flow is an issue, and that the process has been much more expensive than he ever anticipated.

Iacoangeli read from the meeting notes of the July 28 meeting, at which a quorum was not present. The passage read mentions that the applicant stated that they are considering an on-site treatment system that would necessitate changes to the site plan, that Dr. Grobbel was informed of the general idea, and contains a list of some of the specific questions and lack of information that he had. The notes state that Mr. Mansfield agreed with Dr. Grobbel that a detailed study was needed and would be performed.

Vermetten suggested that having Dr. Grobbel meet with the applicant prior to the meeting in two weeks to come up with a punch list would be relatively inexpensive time well spent. Vermetten stated that projects are approved frequently conditioned upon common agency approvals, but the ordinance does specify a higher standard in the case of the on-site treatment system. Mr. Quandt expressed doubt that a punch list will help move the question much further forward towards a conditional approval.

White stated that the wastewater system will need a DEQ permit. Grant says that the DEQ permit can't be trusted. So, what's the point of obtaining the permit?

Carstens believes the DEQ has budgetary constraints and it is commonly known that they don't function as highly as they should. The township must protect its citizens.

Vermetten is concerned because Section 8.1.2 says that the Commission may require an impact study, but not that it must. He senses that the Commission is leaning towards requiring one. Grant agrees, noting what the required elements are. He pointed out that Lautner Commons, an analogous project, was required to provide an impact study, so we should require the same here.

David is not as concerned with the DEQ's input as that of the consultants to the township who he generally respects. They are saying that they don't have enough information, and this concerns him. Dr. Grobbel stated a fairly recent conversation with the applicant indicated he would receive some data, but it has not been forthcoming. Mr. Quandt stated that the time of year is becoming prohibitive to soil borings; Dr. Grobbel stated that they can be performed all year. Some basic information needed is: what will be in the wastewater flow, what will be the flow volume, what is the proposed treatment technology, what are the soil conditions, how does it all relate to adjacent wetlands. Mr. Quandt stated that they stopped moving forward when it was suggested that perhaps they could get a conditional approval of their application: why should they spend much money to obtain this data if they might not receive project approval? Digging down more than 50' below grade to the groundwater to perform mapping will require a split-spoon ring, which is very expensive and difficult. Dr. Grobbel stated that he does not believe that this will be necessary in this case, and that the township is not going to require anything unreasonable from a cost or technical perspective. Vreeland noted that in some e-mails between the group of people from all parties involved in administering the process, she asked the question of whether a conditional approval should be considered. She never meant to state or imply that a conditional approval would be granted – just to ask if it would be discussed.

Vermetten stated that he has no problem in general with conditional approvals for permits pending receipt of agency approvals, as long as consultants have the

information they need to provide a recommendation.

Yamaguchi and Wikle indicated that they both want more data that will enable them to reasonably visualize the type and impact of treatment system proposed. At first the applicant wasn't sure the headwaters of Yuba Creek were on or near the property, and this is concerning to her. The quality of our waters is of prime importance to this community. An open dialogue is crucial to progress.

A brief recess was declared by the Chair at 9:04 p.m. until 9:11 p.m.

Vermetten stated that he and Iacoangeli were talking about the market study during the break, which has been prepared by a reputable firm. Iacoangeli has made some cautionary comments, and in general it appears that what needed to be said has been said.

Turning to the traffic study, URS performed a revised study about which OHM has commented. The matter has been copied to MDOT, which needs to weigh in. Iacoangeli suggests waiting to see what response is received from MDOT both locally and from Lansing. M-72 is their road and they will decide what they will require in terms of lanes and access points. Ms. Aylsworth asked that the URS comments in response to OHM's study review be forwarded to MDOT as well. Iacoangeli suggested that when MDOT is ready that the township and applicant consultants meet with them at their office for a technical discussion. Mr. Mansfield and Ms. Aylsworth were talking during the break and thinking that the township just quickly approved a veterinary clinic very close to an intersection with very little consideration for the traffic impact. He believes everyone should understand the chosen traffic codes. When the consultant meeting was held it was stated that the remaining issues were largely minutia. At the outset of the process Mr. Mansfield stated that they submitted some basic information to MDOT and were told that they would be able to work together. They do have jurisdiction in this matter and if MDOT is agreeable this group should be as well. He feels the same way about the DEQ permit. He supports the idea of receiving the feedback from MDOT as soon as possible.

Hardin asked what would happen if the realignment of the N. Bates/M-72 intersection is accomplished and how it will impact the traffic study. Mr. Mansfield stated that a number of private property owners are working together to try to find a common answer to make a traffic improvement for everyone. He and Matt Skeels were discussing it at a banquet last week and Mr. Skeels said he hoped that nothing would derail the process. Vreeland confirmed that the initiative is marvelous and that it was agreed by all parties that the traffic study would be done based on existing conditions and that a realignment of the intersection about 600' west will only improve matters. David noted that while it is pleasant to say that we will leave matters in MDOT's hands, they are in Lansing and we are here and have to live with the results of their decisions. Iacoangeli stated that the three parties involved in the traffic decisions are the applicant, township and MDOT, and we haven't heard from MDOT yet. Mr. Quandt asked forgiveness if he was testy earlier, but every time a new question is raised his client is paying for both sets of applicants and they are trying to limit the number of additional times this happens.

Mike Slater stated that the DEQ asks that the developer of an on-site wastewater treatment system offer the system to the local unit of government. If the government refuses, then the applicant is required to submit financial statements and a plan for ensuring the future of the treatment system come what may.

Vermetten asked if the Commission can expect in their packets a punch list of items to be covered regarding the environmental impact assessment, as developed by Doug Mansfield and Dr. Grobbel, ready for the meeting in two weeks. This would be an agreement as to the scope of work to be performed, not necessarily the answers to all the questions. To Dr. Grobbel, inclusion of the treatment technology is key. This material might not be ready to put in packets by next Monday, and might be delivered later via e-mail per Mr. Mansfield.

Iacoangeli stated that there should be an indication as to whether there will be phasing to the development. For the record, it was noted that this is not proposed to be a phased development.

The number of loading spaces to be provided will require a variance from the ZBA. They have a 6-month expiration period, so Hull has recommended that the applicant wait until the end of the process is in sight for this step.

As to the request for a variation to the parking standards, Vermetten thought it had been dealt with earlier.

Motion by Carstens, support by Krause to permit a reduction in the number of parking spaces required from 10 spaces/1,000 sq. ft. of retail use to 5 spaces/1,000 sq. ft. of retail use or less for the upper area and maintain the original ratio of 7 spaces/1,000 sq. ft of retail space for the lower building. Motion carried unanimously.

- b) **Suggested Zoning Revision Project Priority List Review:** approved, with the small change that cell tower considerations will be treated separately from special use permits. This would become priority 2.
 - c) **Discuss ruling from state Manufactured Housing Commission regarding proposed mobile home park zoning ordinance provision revisions:** The outcome on this matter was essentially as expected. The Commission consensus was to recommend to the Board that an appeal, due by Wednesday if to be made, would be a waste of time and resources, and that we should proceed with considering an ordinance amendment using the portions approved by the order.
- 8. Public Comment/ Any other Business that may come before the Commission:**
None

Meeting adjourned at 10:00 p.m.