



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, January 12, 2009

Meeting called to Order with the Pledge of Allegiance at 7:00 p.m.

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

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

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

2. **Limited Public Comment:** None

3. **Old Business:**

- a) **Discussion between Commission, Immanuel LLC and MDOT regarding traffic study/traffic safety requirements/recommendations for proposed Bates Crossings Planned Shopping Center Development (SUP Application 2007-05P):** Tonight's discussion is a follow-up to the MDOT letter dated December 19, 2008 regarding the traffic impacts of the proposed Bates Crossings development. The Planning Commission had many questions and concerns, and felt it would be best to gather applicant, Commission and MDOT representatives together to discuss further.

Rise Rasch, MDOT Traverse City Traffic Service Center (TSC) reviewed some information and materials prepared based on discussion with Vreeland and consulting planner John Iacoangeli. She began with a PowerPoint presentation displaying the basics of the laws under which her agency operates, and how it processes a development application requiring access to a state trunkline in parallel with a local unit of government. She shared a number of points from their permit review checklist.

Specifically regarding the M-72 Corridor, this is recognized as a key connector to I-75 and people traveling to and from downstate. It has been studied for years; in 2001 MDOT invested in preparation of an M-72 Access Management Plan and Acme and Whitewater Townships invested in an M-72 Corridor study. One thing they would like to ensure is that as signalization occurs along the corridor it occurs in a way that will facilitate "progressive flow." This occurs when signals are time for traffic flowing at or near speed limits, with signals spaced a 1-mile or ½ mile increments. ¼ mile spacing is deemed too close because of vehicle start-up times required. This past summer an MDOT traffic engineer specializing in signalization came to Traverse City and met with representatives of Acme and Whitewater Townships and the Tribe to discuss ideal future signalization plans for M-72 in these jurisdictions. One thing that came out of the meeting was that it would be desirable to signalize at M-72 and Bates Road, but this was found to be impractical due to the presence of the railroad crossing and the offset between North and South Bates Roads. However, moving the

North Bates intersection somewhat to the west, to align with a potential driveway from the proposed Bates Crossings project was seen as promising. This would be spaced nearly perfectly for additional future signalization at Turtle Creek, Lautner Road and Elk Lake Roads.

Creation of a curb cut for Bates Crossings at M-72 would ideally involve creation of a three lane segment for a fair distance on each side of the new driveway, along with a right-turn deceleration lane traveling eastward to the development entrance. The widening would have to stop short of the railroad track crossing on M-72. Out of this, and noticing that a piece of property on North Bates Road had been sold to Consumers Energy for creation of an expanded power substation, grew the concept of perhaps moving the intersection of North Bates Road to oppose a new driveway for Bates Crossings. There are ongoing meetings exploring this possibility.

In preparation for this meeting, Ms. Rasch's office provided a 30-page document explaining how the need for and possible effectiveness of new traffic signals is evaluated and the process for approval. She noted that traffic signalization is expected to be treated in a standardized fashion on a statewide and nationwide level, and that the federal government is seeking to remove signals at locations where they may no longer be warranted. There must be a sufficient reason to stop traffic flow on a main road, usually traffic from a side road or development, to install a signal. She was thinking about this on a particularly snowy day as she traveled M-72 – that stopping traffic as little as possible is desirable, particularly if there is limited cross-traffic to accommodate.

If a local government asks for signal installation, MDOT will review the situation and install one at public cost if warranted. If installation is requested for development, a traffic impact study (TIS) is required and analyzed by MDOT. If the signal installation is approved, the signal would be installed at some future time when the expense fits into their federal funding program. If sooner installation is desired, the developer is asked to cover the cost.

Sometimes signals are used to create gaps in heavy traffic flows to enable side street traffic to move. This can benefit traffic flows at multiple points along a road corridor. However, at least signal warrant 1 must be met.

Ms. Rasch stated that MDOT looks forward to working with the township and the development applicant to achieve the best possible outcome, including placement of the project driveway at a spot that can be signalized in the future. At this point in time they do not have sufficient information to have the signal installed at project opening. It would be helpful if the township encourages the developer to fund a future signal rather than relying on MDOT's federal funding. They look forward to continued discussion attempting to realign North Bates Road to form a squared intersection with M-72 and the project driveway.

By continuing to widen M-72, levels of service (LOS) can be increased and traffic impacts reduced, however it would not appear to make sense to widen to more than 3 lanes at the current time due to the lack of the space needed to enable 5 lanes of traffic to spread out and then merge again at the end of the widened section. MDOT did not find that 8 hours of warranted traffic would be generated by the proposed development project, as the precise land uses for the development have not been disclosed. If it were known that certain specific uses were to be included, the detailed traffic generation data available for those uses might cause the signal to be warranted sooner. Their letter was in summary rather than detailed format because the plans and

information they received tended more towards the general than the detailed.

Dave Langhorst, MDOT Regional Traffic Planner noted that one key question is what MDOT can require per Public Act 200, and what the township can require. Grant has reviewed this information as well. Mr. Langhorst reported that PA 200 does not give MDOT much leeway as far as granting access point permits, and that they look to work cooperatively with local governments who have separate abilities in the situation to achieve a positive outcome.

Grant was asked to be prepared to inform the Commission as to the authority it has over traffic issues and how it can cooperate with MDOT. Grant reported that the Michigan Zoning Enabling Act specifically allows townships to require monetary guarantees for road improvements relative to a special use permit application. To the extent that the township feels that such guarantees and improvements are required to protect public traffic safety, it may require them. He was surprised to see how limited MDOT's authority is in granting driveway permits, and that they are very limited in their ability to require signalization. Ms. Rasch noted that MDOT can also only require improvements to the side of the road directly abutting a proposed development. They may recommend a center land rather than a right-hand passing flare if they have reason to believe a certain type of development may occur across the street from a development. Signalization is an issue completely separate from the physical geometric requirements for construction of roadway improvements. The Michigan Manual of Uniform Traffic Control Devices (MMUTCD) warrants apply to signalization, and the Federal Highway Administration (FHWA) has recently asked MDOT to review every signal in the state and remove those that don't meet warrants. If warrants are not met, a township cannot require installation of a traffic signal. If a site seems like a good future candidate for signalization, they will encourage developers and local units of government to plan current improvements in a way that will accommodate future signalization, and look for cooperative funding opportunities. A phased approach can be planned as traffic gradually grows in an area.

Carstens recalled that Meijer agreed to significant M-72-Lautner Road intersection improvements as part of the Lautner Commons applications. Vermetten also noted traffic improvements occurring relative to development of a new Meijer store in Gaylord; Ms. Rasch noted that in that instance the planned improvements will serve a large number of nearby developments.

Vermetten asked about the possibility of a simple flashing yellow signal. Mary Lajko, MDOT permitting agent, stated that these are not for the purpose of traffic control, but to warn motorists of a significant upcoming intersection so they can plan ahead. There are still warrants to be met, although of a different nature than for a traffic control signal. Sometimes they are used to denote an intersection where a full stop is required when the road leading up to it has been long and high-speed without any other stops. Ms. Rasch observed that sometimes a street lamp can be helpful in providing a visual cue that something is coming up a driver should be aware of. Carstens asked if a light can be installed but not operated until such time as warrants are met; Ms. Rasch suggested that all the planning payment can be prepared for in advance, but that installing equipment too early simply subjects it to deterioration from weather or the situation from having technological or engineering advancements render the equipment obsolete before it comes into use.

Vermetten believes that the M-72-Bates intersection is already one of the worst in the township, particularly in the summer when the RV park is in use and the horse show

is in session. Ms. Rasch noted several areas where there are signals near railroad tracks; they require pre-signals. There are tales of horrible crashes when signalization in these situations is inappropriate. This idea was reviewed for Bates Road by MDOT, and they concluded that working towards a new Bates-M-72 intersection to the west of the current location is the better, safer long-term option. She noted that the road tapers projected to be needed to store traffic for Bates Crossings would extend beyond the frontage of the development property. She knows of nothing that would prevent work outside of their frontage, but if curb radii encroach on neighboring properties their owners' consent is required. MDOT would be willing to work with the developer to permit road improvements with tapers to their specifications. They are also trying to propose solutions that could be built but would not have to be entirely removed to facilitate a future new Bates – M-72 intersection to the west of the current location. The proposed center lane widening would provide scope for future left turn lanes if the intersection were to be relocated. It is also desirable to minimize construction impacts on traffic flow by only doing the work once as the scenario evolves over time.

Vermetten asked if MDOT's review of the Bates Crossings development took into account only the proposed commercial development, or also the likely residential development on the southern part of the development parcel. For the most part the proposed solution would work towards accommodating both. Ms. Lajko stated that the new signalized intersection of Silver Lake and Franke Roads was designed to facilitate a future northern leg of Franke Road and transition to a four-sided intersection from the current three-sided.

David asked for clarification of how the road flare would be developed within the existing right-of-way. He also asked if it may still be possible to align the existing North and South Bates Raods. Ms. Rasch replied that the road side of MDOT asked the railroad side of MDOT; the answer was that the railroad company currently uses the track in the intersection to back into a lumber company on South Bates Road. They could not find a way to redesign the intersection to make it functional for everyone, and the key idea would have involved creating a second grade crossing of the tracks close to the existing one that would have been unsafe and generally adding a grade crossing is supposed to require removal of another one so there is no net change.

Krause observed that as Commissioners they are charged with care for public health safety and welfare. He is hearing that at this time the signal is not deemed warranted; Ms. Rasch replied that additional information about the types of businesses that will locate in the development might move the process towards meeting the warrants and achieving signalization.

Zollinger asked if there has been consideration to installing signals at Turtle Creek and/or Lautner Road as a way to help solve existing and expected problems at Bates Road. Ms. Rasch agreed that whichever signal is installed first will provide some downstream improvements at other locations along the corridor. At this time signals have not been warranted at either location, but the situation is being monitored closely, particularly at Turtle Creek. Currently Turtle Creek is not generating enough traffic over an 8-hour period. If more development were to occur in the Lautner Road area that situation would be monitored as well.

Ms. Rasch stated that MDOT is generally willing to have a signal at this location...at the appropriate time.

Hardin asked how accident rates affect signalization decisions. Ms. Rasch stated that when signals are installed they generally expect crashes to double over pre-signalized conditions. There is currently not a high crash rate at any point along the M-72 corridor in this area as a general rule, noting that there are weather or special event-related situations where crashes occur. Signals help to assign right of way, but they are not truly safety devices. On a snowy day, asking people to change speed to stop or start enhances rather than reducing risk. Hardin also asked about the older residential houses that are up close to the M-72 right-of-way, noting that any road widening could place the traveled road way very close to the homes. He lived in a house once where the right-of-way actually extended into the house. MDOT reviewed this and noted that there would be a proposed 6' additional pavement on either side of the centerline. The right-of-way is fairly wide in this area, and the proposed flared area would be about 550' long.

Yamaguchi spoke to the possible realignment of North Bates Road with a shopping center driveway to the west side of the property, and asked if there was room for this to occur. Hull stated that the development plans have already been modified to allow for this, and there are already cooperative meetings under way about the potential to relocate North Bates Road approximately 600-700' east. Another meeting is being arranged for next week. MDOT views the initiative with enthusiasm as one example of the type of outcome that the Grand Vision could produce in the future.

Krause asked if Consumers Power is being cooperative in the effort to realign North Bates Road; Ms. Rasch reported that they are.

Dr. Grobbel asked about clear vision requirements for the driveway connection to M-72 that might impact neighboring properties. Ms. Rasch replied that they try to ensure 8 seconds of sight distance at the posted speed limit or slightly higher in either direction, clear of trees and buildings. Due to the proposed width of the road-of-way she is not projecting sight distance difficulties, but this would be reviewed in detail when the driveway permit is processed.

Feringa asked Ms. Lajko what the original schedule for reconstructing North Bates Road as funded by the Tribe was; it was originally due to be done in 2008 and was tentatively rescheduled to 2009. Rob Kalbfleish has indicated that perhaps some of the funding the Tribe is bringing to the project could be reapplied to a potential realignment.

Vermetten understands that due to the uncertainty regarding the proposed tenancy of the proposed shopping center MDOT has reached certain conclusions. If more certainty could be provided, MDOT may be able to refine or revise their response. He noted a situation where signalization was requested initially for Bay Harbor, but the signal was not approved for many of the same reasons cited in this situation. A young lady was killed in a crash at that location and shortly thereafter a signal was installed. There are already traffic issues related to the horse sports park and the Commission is very concerned about public health, safety and welfare. Mr. Langhorst stated that the City of Petoskey paid to install the signal at Bay Harbor, and the signal does not meet warrants. In this case it was installed although it broke the rules, and the installation was not related to the traffic death, which occurred at 2 or 3 a.m. The signal was vetoed from the appropriations bill for 5 straight years, and it was allowed only for political reasons. Ms. Rasch stated that this particular portion of M-72 is one of the most complicated traffic situations she has ever encountered. It could remain complicated if the Grand Vision recommends additional use of the railroad tracks as a light rail transportation line.

Joe Quandt, attorney for the applicant, is encouraged by this evening's discussion and stated his client would not be averse to discussing cost-sharing for road improvements. They would not want to pay for an additional traffic study. Doug Mansfield, consultant for the applicant, was very appreciative of the nature and conduct of the meeting. He believes that a cooperative approach between governments, agencies and developers is the most effective approach. His group has been key to the process of determining the traffic safety needs of the situation, and he appreciates the understanding that while the development he represents may be the "straw that broke the camel's back," there were already developments creating traffic stresses on this section of road. Nobody has mentioned the industrial park on North Bates Road and the major contracting firms that provide heavy traffic impacts to the intersection. Laura Aylsworth of URS, traffic consultant to the applicant, noted that provision of center turn/traffic stacking areas will provide some safety for those trying to make left turning movements. Their suggestion for improvement geometrics matches that presented by MDOT this evening.

Mr. Langhorst asked that if the Commission is comfortable that at some future point in time approval of the application will lead to warranting a traffic signal, they recommend that the Board incorporate this into the permit conditions because MDOT cannot. Mr. Quandt noted that Grant stated that it is lawful and appropriate for the township to provide for future signalization as part of the permit process, and that he stated that his client would be willing to participate to the extent that their development, along with others already existing, contributes to the need. They would prefer that provision not be made through an escrow or other method that ties up the applicant's money long-term. Ms. Rasch noted that MDOT schedules regular and standardized traffic counting and could help with design, which is a way that they could participate to some extent in the process without fully funding a future signal.

Ken Engle, Sayler Road, uses North Bates Road regularly. Turning left when heading east to turn onto North Bates Road is frightening. If the tapers are not created well he feels that they could create a "no-man's land" for people making that movement that would be even less safe, and he asked that the tapers be extended as far east as possible. He also noted that North Bates would be one key travel route to his approved winery on Sayler Road, which he hopes will be another significant traffic generator adding to pressure on the intersection. From the perspective of a resident, he believes that many people living north of M-72 would create new shortcuts to access Bates Crossings that would put even more pressure on North Bates Road. Mr. Langhorst stated that this is a prime example of how difficult it is for MDOT to weigh all the contributing factors. Ms. Rasch observed that this may be a sub-area that the Grand Vision prepares detailed plans for. Acme Township also has a farmland preservation district in which we hope to preserve most or all of the land north of Bates Road. If more cars are using the roads through this area, there will be negative impacts on active farmers who need to move equipment across roads between fields and orchards. Carstens stated that he hadn't previously considered that many people headed to Bates Crossings from Elk Rapids would come down Bates and Sayler Roads rather than going out to US 31 and having to turn left to head east on M-72. Dr. Grobbel believes Elk Lake Road would also become more heavily traveled, continuing an existing trend.

Carstens asked if the FHWA will require that the Bay Harbor light be removed. Mr. Langhorst replied that federal dollars will not be allowed to pay for signal maintenance. The city of Petoskey is currently maintaining the signal and would continue to do so.

Kevin Vann, Generations Management, asked for the status of the checklist to be provided to the Planning Commission in lieu of the draft SUP provided to the Commission last month. Vreeland stated that originally staff had been asked to provide a checklist and not a draft SUP, so we are returning to our original course of action. The information will be made available as soon as possible to ensure appropriate time for everyone to read and exchange additional information effectively and appropriately before the next meeting,

4. Public Comment/Any other Business that may come before the Commission:

Vreeland stated that the process of trying to realign North Bates Road has been looking amazingly promising, and that this is due in large part to hard work by Doug Mansfield and Rob Larrea. The level of cooperation between them, Consumers Energy, the Tribe, MDOT, the Road Commission and the township has been extraordinary. Having the sessions facilitated by County Planner John Sych and TC-TALUS director Matt Skeels has been highly beneficial, and the Tribe has mentioned the possibility of redirecting funding for Bates Road to a realignment of Bates Road. Businesses in the industrial park are aware of the initiative and somewhat nervous as they are not part of the discussions as yet but concerns that have been brought up on their behalf are being considered.

Vreeland also reported being told earlier today by Lee Bussa, who was informed by Dr. Lanny Johnson, that as a result of the lawsuit between the Johnson Family Limited Partnership and the party that erected the cell tower behind the Holiday Inn Express, the cell tower may be coming down. While this will likely please many in the community, we should also be aware that Verizon will need to replace it with another to maintain the integrity of their signal network, and we need to prepare for this. Perhaps this will move the revision of the related ordinances up on the priority list.

Meeting adjourned at 8:42 p.m.