



**ACME TOWNSHIP PLANNING COMMISSION MEETING**  
**Acme Township Hall**  
**6042 Acme Road, Williamsburg, Michigan**  
**7:00 p.m. Monday, February 16, 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  
J. Iacoangeli, Consulting Planner  
C. Grobbel, Environmental Consultant

**INQUIRY AS TO CONFLICTS OF INTEREST:** None noted.

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

**1. Consent Calendar:**

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

**Receive and File:**

- a) Draft Unapproved Minutes of:
- b) 02-03-09 Board Meeting
- c) 01-13-09 Marina Advisory
- d) 01-29-09 Parks & Recreation Advisory
- e) Acme Township Planning Commission Bylaws adopted December 22, 2008
- f) Township Law E-Letter December 2008
- g) Planning & Zoning News January 2009

**Action:**

- h) Approve minutes of the 01-26-09 Planning Commission Meeting

Motion carried unanimously.

**2. Correspondence:**

- a) E-mail dated 02/15/09 from Concerned Citizens of Acme Township (CCAT):  
will be incorporated into the discussion regarding the Bates Crossings Application

**3. Limited Public Comment:**

Virginia Tegel, 4810 Bartlett Road noted that there was a notice in the paper this weekend about an affordable housing conference to be held March 13 that may be of interest to township officials. She also attended the latest Grand Vision meeting, and was struck by how the public participation in the process has been the greatest the consulting firm has experienced nationwide. She hopes the township will work towards adoption of the recommendations that will be contained in the final Grand Vision Plan.

**4. Preliminary Hearings:** None

**5. Public Hearings:**

- a) **2008-03P Proposed 82-Unit Expansion to Traverse Bay RV Park, M-72 East:** Fred Campbell from JML Design Group, Ltd. was present to support the application. He distributed an update to the proposed expansion plan, including a letter from MDOT stating that no changes to the existing driveway would be required, and a letter from Metro Emergency Services stating that there are no fire safety concerns at this time. Mr. Campbell met with Feringa in his capacity as the Tribal Architect as well. 82 new RV pads would be added in 2 phases to bring the total number on the site to 312. A new septic field and several natural pond features would be provided for aesthetic purposes only; separate retention basins for runoff are now planned. The parcel ownership is condominium-style, and the existing water system will serve the expansion area, with a new well provided for irrigation as needed.

David received clarification that the new septic field is a new treatment system separate from the existing treatment system, and will be similar to the existing system. Each site will have a sanitary line that connects to a forcemain system leading to septic and dosing tanks at a central location and ultimately the drainfield. David asked Hull if there is any need for concern about sanitary leachate into surface waters. Hull and Mr. Campbell pointed out a wetlands swale within the site and stated that the nearest arm of Yuba Creek is approximately 670' from the proposed new sanitary system, while the creek comes as close as about 280' to the existing system. David is generally concerned with whether the treatment system will appropriately protect the natural features of the area. Mr. Campbell stated that they have been working with the DEQ and that over 112 soil borings have been performed to satisfy them that the siting will be appropriate. Vermetten noted that Hull provided information on the DEQ permitting standards. Mr. Campbell stated that the DEQ permit application has been made.

Krause asked how the boundaries of the property will be landscaped; Mr. Campbell stated that currently a 3' berm with evergreen vegetation atop has been planned. Zollinger is skeptical about MDOT's response, feeling that there should be provisions for acceleration and deceleration lanes for the turning movements of the RVs using the site. Hull stated that the ordinance does not require traffic studies for campgrounds, and noted that the original RV park approval and the driveway design were for 350 RV sites as compared to the 312 total sites that would be provided through the expansion.

Hull summarized his staff report, noting four outstanding issues. The ordinance requires the DEQ Part 303 and Part 22 permits to be obtained before a land use permit (LUP) is issued, final Soil Erosion and Health Department permits must be obtained before an LUP is issued, the landscaping plan was outstanding at the time the report was written and Hull recommends that the optional cottage houses be set back to be flush with expected RV units. These units will be used in a manner accessory to the RV pads, and the ordinance requires that accessory structures not be within required setbacks. The cottage houses are planned to be primarily for storage, with restrooms and small sleeping quarters. Mr. Campbell stated that currently each site has a storage building, but current design trends are for the design to be cottage-like. The structures would each be 200 sq. ft., which is smaller than the minimum possible dwelling unit size. They are being sold as storage units with a possible upgrade to contain a sink, toilet, shower and hookups for a washer and dryer. He stated that relocating the cottages as suggested by Hull would be problematical due to the designs of various sites for either pulling through or backing in, the locations of the RV pads on each site, and the features such as awnings that can extend from RVs in various forms. He questioned whether each individual condominium site should be governed by front, rear and side yard setbacks, or whether only the overall site is

governed by setback requirements. Krause believes that the cottages houses should all be uniform in both design and placement. Vermetten asked for Grant's input on the interpretation of setbacks. Grant believes that the interpretation could be made either way, by looking at the accessory uses as being accessory by site or by lot. Hardin asked if the septic field is calculated to include the bathrooms in the cottage houses; Mr. Campbell replied that the new septic system was sized with an assumption that every pad in the new section would have one. The existing septic system was not sized to allow for the cottage houses.

**Public Hearing opened at 7:30 p.m.**

David Kipley, Circle View Drive owns property across the street from the RV Park and offered some history on the land. It was owned by Eldon Gee and sold from his estate after his death. At one time there was a request for a rezoning from the A-1 designation to R-1, which would have limited the number of housing units to about 40 and minimized potential negative impacts on the wetlands and Yuba Creek. The debate on the proposal was extensive and included discussions about maintaining wildlife corridors and a largely undeveloped state. The rezoning was denied, and subsequently the township received the application for a campground, which is an allowable use in the A-1 district. Had the rezoning been approved, the resulting fewer home sites might have been hooked to the regional sanitary system, while the 312 RV sites are hooked to on-site water and sanitary systems for essentially transient use. It is a very nice RV park, but Mr. Kipley feels that the original approval was a mistake that should not be extended.

**Public Hearing closed at 7:36 p.m.**

**Motion by Krause, support by Carstens to recommend approval of Application #2008-3P to the Board of Trustees, conditioned upon the applicant obtaining DEQ Part 303 and Part 22 permits prior to Land Use Permit issuance, that Soil Erosion and Health Department permits be obtained prior to Land Use Permit issuance, and that an appropriate landscaping plan be submitted prior to final approval.**

Feringa asked if there should be a requirement for an egress as required for sleeping quarters. He does not believe that Construction Codes will require this because the structure size is below the minimum threshold.

**Motion carried by unanimous roll call vote.**

**6. New Business: None**

**7. Old Business:**

- a) **Deliberation regarding Application 2007-05P Bates Crossing:** Vermetten noted that this application has been in process since July 2007 with a high volume of discussion, investigation and input from a variety of sources. To enhance productivity, he will be conducting the discussion this evening in a more formal manner than usual, keeping the deliberation between the Commissioners with questions directed through the Chair and responses from any party likewise directed through the Chair.

Vermetten read the e-mail from CCAT noted under Correspondence into the record. It was brief, and expressed the opinion that no approval recommendation should be made until several major outstanding issues are appropriately addressed.

Iacoangeli was invited to summarize his report, which was intended to be comprehensive and point out issues that were outstanding in his opinion. The format is based on the Basis for Determination and Special Use Permit checklists set forth in the Zoning Ordinance. He provided recommended findings of fact from the planner's perspective. All data developed by sub-consultants such as Dr. Chris Grobbel and OHM are included. Iacoangeli remains firm in his conviction that the size and scope of the project are inconsistent with the township Master Plan, that there are significant traffic issues outstanding (the traffic studies indicate peak traffic service levels of E and F based on traffic to and from the site based on generalized ITE traffic generation codes with no knowledge of specific proposed site uses), that there are outstanding issues with the wastewater treatment protocols proposed (including a lack of treatment facilities for fats, oils and grease – "FOGs"), and that there are a number of outstanding site plan issues (parking ratios, parking lot location, setbacks) that must be addressed through an appeal to the Zoning Board of Appeals and cannot be resolved by the Planning Commission. He has reviewed the response provided by Joe Quandt, attorney for the applicant.

Dr. Grobbel stated that the comments he provided for inclusion in Iacoangeli's report were primarily geared towards the history of discovery regarding the project and potential conditions on approval. Hull, Vreeland and Grant declined comment at this time.

Krause opened discussion regarding how this project fits with the Master Plan, which he feels is an issue that should have been raised early on but that he does not recall discussing during the 1 ½ years the process has been ongoing. He feels at this point this is a "dead issue," and noted that the site is zoned for a planned shopping center which is what is proposed. Perhaps the township should have rezoned the parcel to something more in keeping with the Master Plan, but this would have been risky. The property is zoned for the proposed use.

David is concerned that the question of the time, effort and money spent on the application will play too large a part in the considerations. He does recall discussions about how this project fit in light of the Master Plan, and does not believe that creating a project that must draw traffic from a 50 mile radius is consistent with the Master Plan.

Carstens recalls that there were questions about the proposed wastewater treatment system, and had been under the impression that any concerns Dr. Grobbel might have would be discussed between him and Doug Mansfield, consultant for the applicant, and resolved. He asked if there was a meeting and if the concerns were reviewed. Dr. Grobbel stated there was no meeting. A conceptual review was performed by OHM, which submitted a letter, but there was no discussion. Vermetten asked whether Dr. Grobbel was by and large satisfied with the engineering of the system; Dr. Grobbel was generally satisfied but recommended a detailed engineering review because the township was not provided with sufficient specific information about the proposed land uses that would access the system to make a fully informed report. The OHM report discovered concerns with the treatment of FOGs and with the impact of softened water releases on local surface and ground waters. Carstens asked if the Commission needs to address concerns about water softeners; Dr. Grobbel feels it does need to be addressed, particularly if there will be homes in the area using the treatment system. There is a basic assumption that there is hardness in the groundwater that has not been tested, and the risk to local waters of softened water discharge has been proven in other areas. Vermetten noted Mr. Quandt's response,

which was that DEQ permit standards for wastewater discharge would be met; Dr. Grobbel stated that his focus was determining whether the proposed treatment plan would be designed appropriately to handle the likely wastewater flow, which is difficult to determine because the township has no data on what land uses will be generating the flows.

Carstens asked how any potential problems with treated water discharge could impact the township, or could become the township's specific concern. Grant stated that this is not necessarily an immediate question, but that as the applicant moves through the DEQ permitting process one of two things must occur: the township must agree to guarantee the future safe and appropriate operation of the system or the applicant must provide the DEQ with a financial guarantee for future operation. The Commission is not charged with making the decision about guaranteeing the system, but is reasonably concerned with whether the plant is designed appropriately to protect the environment. Grant stated that the ordinance requires the applicant to provide evidence of a wastewater discharge permit up front in the process, and there has been discussion about the township allowing the applicant to alternatively provide reasonable assurances about the qualifications of the system and condition approval on several items including obtaining the DEQ permit. Yamaguchi is concerned by the OHM letter and staff report, and feels strongly about the protection of the headwaters of Yuba Creek, particularly in light of the anticipated housing development on the south portion of the applicant's parcel that will almost certainly use water softeners. She is uncomfortable about the suitability of the wastewater treatment system, and would want to see reasonable conditions placed on any approval recommendation. David is concerned that any conditions be designed to prevent a problem rather than being triggered after the fact when a problem is found and when remediation steps would be extreme.

Vermetten asked the Commission what level of comfort they derive from the permit standards the DEQ will impose. Yamaguchi expressed a complete lack of faith in those standards being sufficient. Carstens noted that the examples of problems occurred in situations where DEQ permits had been granted, so clearly their process should not be relied upon as sufficient. When asked, Dr. Grobbel stated that he feels it is very important for any concerns the township has to be addressed in the form of specific conditions rather than through faith in the DEQ permit process. Dr. Grobbel did speak favorably about the impact of soil borings that were performed on discussions between township and applicant consultants and changes to the site design.

Krause believes that the real solution to the problem is to require regional sanitary sewer service to the site, Yamaguchi asked why this idea was discussed early on and dropped. Hull stated that he did not recollect why the request by the applicant to amend the sewer district boundaries to include their property was discontinued. David and Vreeland generally recalled that the applicants withdrew their request because it became clear that the township generally did not favor expanding the current sewer district and infrastructure about a mile from its existing terminus. One reason did have to do with concerns over whether it would promote sprawling infill development along the corridor and requests for rezoning from current A-1 designations.

Carstens asked for clarification on the staff recommendation regarding stormwater control. Grobbel stated that many of the initial concerns about the stormwater control plan design were addressed by the applicant; however, a spill response plan has not been provided as required by the township's Stormwater Control Ordinance. He and

Iacoangeli recommend that providing and adequate spill response plan be a condition of SUP approval.

Zollinger noted that some people install water softeners whether or not they are likely to be advisable or effective. He does expect that the proposed treatment plant will serve a future residential development. Dr. Grobbel stated that several approaches to the sodium problem would include use of a central sanitary sewer, a prohibition against the installation and use of water softeners, or installation and use of a sodium chloride removal component to the treatment plant. David asked if this is really a pH control problem; Dr. Grobbel replied that pH is only a measurement. Filtration, flocculation, and reverse osmosis (which is expensive in a treatment facility) are some ways to remove excess sodium chloride from water.

Vermetten invited Mr. Mansfield to respond to the questions of the status of the sanitary system, the engineering issues that were discussed, and why the request to expand the sewer district was dropped. Mr. Mansfield stated that Dr. Grobbel was provided a facility plan near the Christmas holidays and was told that he would not be available to meet with the facility designer due to the holidays. He stated contacting the township in early January to find out why they had not been contacted for a meeting, but did not receive a meaningful response. Next, he said that he received a phone call from OHM saying that the engineering was generally acceptable and a brief letter would be issued; and then the letter in the packets was sent with no further discussion or contact.

As to why the request to expand the sewer district was dropped, after 6-8 months in process Mr. Mansfield's recollection was that the township decided that the process that had been in place was inappropriate, and that the way the sewer district was constructed and described needed to be updated. Feeling they were lacking a clear process, they terminated the request. He also recalled that the day he came to meet with former Supervisor Kurtz and Vreeland about the application and the sewage issues early on, Kurtz took him outside during a cigarette break and advised him that it would politically smarter to propose an on-site treatment system than to seek and expansion of the sewer district and service.

Julie Harrison from Joe Quandt's office was asked about the required spill response plan, their position about the DEQ permitting process and how it protects Yuba Creek, and their thoughts regarding whether the proposed wastewater treatment plant is appropriately designed to protect ground and surface waters. Mr. Mansfield asserted that the OHM report does not speak to this latter aspect. He said that the applicant would prepare a spill response plan if and when required to obtain permits or comply with an ordinance, and that they have never refused to do so. Ms. Harrison concurred. Mr. Mansfield believes that the concerns about softened water are unexpected and overblown. He stated that there will be a Type 2 water system and septic field at the RV park close to Yuba Creek, but he perceives that there is less concern in that instance. He believes that the standards for both applicants to meet are similar, and was shocked that the applicant was not required to produce their DEQ permits. They may have the same water softening problems. DEQ requires bi-weekly testing of treated water, and adjustments are made on an ongoing basis to the treatment plan based on the results. All treatment plant operators have concerns about maintaining the balance of their systems, which depend heavily on biological elements that can easily be thrown out of balance by unknown components in wastewater or inattention to balancing the wastewater components. Mr. Mansfield suggested having a DEQ representative address the Commission to discuss their concerns about the permitting and monitoring processes.

Carstens turned the discussion towards concerns about traffic. Hardin feels that there has been a lack of discussion by the County Road Commission about the impact of this project on Bates Road. He believes that Ken Engle brought up a valid concern at the last meeting – that there will be increased traffic directly between Elk Rapids and Bates through a key active farming area of the township where farming equipment is being moved on a regular basis. Perhaps the ripples of effect that generate outwards from the proposed development in all directions should be further examined. Carstens is concerned about access for the residential area south of the railroad tracks when built out – would it be entirely through the shopping center development? There would have to be wetlands crossings for new roadways, along with crossing the tracks themselves, but he does not recall a clear statement of how those residential occupants would reach M-72. Hull noted that the southern half of the parcel has separate access to South Bates Road. The precise traffic routes for any future residential development would be discussed during deliberations about such project.

**A five minute recess was taken at 8:39 p.m.**

Vermetten began leading discussion methodically through the staff report, beginning with Basis for Determination items:

**Section 9.1.3(a)(1):** Zollinger believes that when reading the standard and reviewing the standards checklist, that this standard had been only **partially met**, and that deficiencies should be addressed with conditions on approval at the upcoming detail level. Carstens, Yamaguchi and Feringa concurred.

**Section 9.1.3(a)(2):** David believes that this condition is either met or unmet in entirety, and that it is **not met**. He believes the community as a whole will be adversely affected by the development. Carstens asked Vreeland about the status of the Village at Grand Traverse (VGT), and she replied that this project is still in process. The township recently reminded the Circuit Court that it has not yet reissued an order required by the Court of Appeals that reinstates the VGT SUP and lists certain rights the township was affirmed as having relative to SUP/Site Plan review of the component phases. Carstens concurred with David that the condition is unmet.

**Section 9.1.3(a)(3);** consensus that this condition has been **met**.

**Section 9.1.3(a)(4):** Carstens believes that the standard is currently partially met as to the wastewater treatment system, but is not met as relates to the Master Plan in agreement with Iacoangeli's comments. Krause protested that the language of the section requires conformance to the intent and purpose of the Zoning Ordinance but not the Master Plan, so consideration of the Master Plan relative to this particular section would be inappropriate. Carstens agreed. Zollinger believes this **will be determined through the detailed review of the zoning conditions**.

**Section 9.1.3(a)(5):** Zollinger and Yamaguchi noted this section as **partially met** because not all agency permits have been obtained or area assured, and that this can be addressed through conditions on approval.

**Section 8.2.4:** is the list of detailed zoning requirements. Being detailed and lengthy, notations follow as to areas of concern or debate only:

- Vermetten noted that variances from the parking lot location, setback standards, number of parking and loading spaces, signage sizes, and required

transition strips would need to be obtained from the ZBA for the standards to be met for the current site plan.

- Various permitting agency approvals are required, such as Soil Erosion/Drain Commission and DEQ. In the list of conditions there are some specific data about design elements for various retention basins that were agreed to in discussion between Mike Slater from Mr. Mansfield's office and Dr. Grobbel that the latter recommends memorializing within the conditions for approval. Vermetten believes he read Mr. Quandt's response to the staff report to state that a spill management plan would not be created for the township; it is required as part of the township Stormwater Control ordinance that the County administers on our behalf. Changing out the acronyms in the staff report (SPCC and PIPP) and replacing them with "spill response plan" wherever they appear was agreeable to Commission and Township.
- Vermetten feels that the proposed development is in keeping with the Master Plan, both with how the Future Land Use Map (FLUM) is drawn and how needs for areas in the township to be developed with mixed residential and commercial uses are stated. Carstens believes that the proposed development does not conform to the Master Plan because that document calls for high density development to be located in central areas of the township where sanitary sewer service is available. He regrets that the township did not have the opportunity during a moratorium period to work on improving the Master Plan and zoning ordinances and ensuring they are mutually consistent.
- Locating the entrance to the property within the 200' transition strip between zoning districts that is supposed to be used as open space with landscaping only could be a concern, and landscaping for it needs to be addressed.
- Traffic within the site is not of concern, but traffic on streets serving the project is of concern with projected LOS of E or F.
- Proposed conditions relative to the sanitary treatment system include: designing to handle peak flows, to comply with DEQ and Health Department standards, to treat FOGs, and to prohibit use of water softeners or require a treatment component in the plant to mitigate the concern. Dr. Grobbel stated that the water softener problem will not be addressed by the DEQ or anyone other than the township until a problem exists. Grant and Dr. Grobbel noted that the ordinance requires design and permitting of the system prior to township approval, the Commission has indicated a willingness to entertain something short of this if sufficient information has been provided, but insufficient information exists about the types of uses that will be included in the site. Mr. Mansfield asked if it would be sufficient to include a condition that discharge from the treatment plant not exceed discharge standards for salts, sodium and other problematic components. He does not believe that a prohibition against water softeners is an effective or appropriate answer. Grant noted that the fate of the southern portion of the property is as yet unknown, and to the greatest extent possible the Commission should focus on the planned shopping center, which is the only actually confirmed development at this time. Dr. Grobbel noted that the plant is significantly oversized for just the shopping center, so as a planner he can't help but think about the other future flows to the plant.
- Iacoangeli recommended that the applicant be required to provide an easement for a TART trailhead in lieu of a sidewalk along M-72 as strictly required. Grant noted that providing a trailhead has been discussed by the applicant, but if they are unwilling to do so the township may not be able to compel it because it may not specifically relate to the project. Iacoangeli



noted that during an earlier meeting Hull had asked that if the TART trailhead were not to be provided it should be removed from the site plan; it remained on the plan with a dotted line. Mr. Mansfield stated that the applicant continues to offer an easement to TART, plus it is agreeing to provide sidewalks along M-72. The condition to provide a sidewalk and/or non-motorized access was found to be met.

- Section 9.12 requires the applicant to provide a list of potential tenants, but the applicant has declined to do so. This has created difficulties in accurately assessing traffic impact and sanitary treatment needs. General traffic standards have been used for uses that generate 7.2 trips per hour, but a grocery store generates over 10 trips per hour. The development is projected to force intersection service levels to E or F, a restaurant or grocery store use type which was not included in the general trip generation code used would likely cause intersection failure. Grant stated that it would be legal to prohibit specific types of uses within the development, particularly if those types of uses were not included in the data used to represent and review the project. David tended to agree with Iacoangeli's recommendation, but Vermetten fears that it is an attempt by Iacoangeli to find grounds to deny approval of the project when his argument that the Master Plan contradicts the development has not found general acceptance. Iacoangeli denies this, stating that he recognized early on that his concerns about the Master Plan were not adopted, and he is now focusing on the details about the site plan and impacts on the general public and infrastructure that the zoning ordinance addresses. Carstens asked how this situation differs from that of Bates Crossings; Iacoangeli noted that in that case it was known that the anchor would be Meijer store and a different trip generation code was used that included their use and led to a determination that a traffic signal would be warranted. In this case the trip generation code used proposed a home superstore but no grocery component. Mr. Mansfield is concerned that a ban on grocery stores or eating establishments would ban superstores and small specialty grocery stores or a small coffee shop as well as a large restaurant. Iacoangeli stated that the traffic study assigned zero trip generation for morning rush traffic to the specialty retail building, which would indicate no coffee or donut shops which would be one generator of such traffic. So, denying such uses would be in keeping with the information they provided in their own traffic study.
- External access requirements are shown as partially met due to concerns over the ability of M-72 to absorb the maximum hourly traffic load expected to be generated.

Vermetten stated having no problem with the proposed conditions relative to the wastewater treatment system except for the concept of prohibiting water softeners. He would prefer an approach requiring a wastewater treatment plant that appropriately removes all problematic elements from the wastewater stream flow including sodium. Each permit is considered within its own context and receives its own particular conditions. By raising the concern at the township level, it will raise awareness that it is a concern at the DEQ and it is more likely that they will make it a condition of their permit. Yamaguchi suggested requiring monitoring and appropriate treatment for certain elements such as sodium and chloride. Iacoangeli noted three suggested conditions in the OHM letter from the third to last paragraph, and read them aloud. There was consensus to adopt the three proposed conditions in the staff report but substitute all three of the conditions suggested in the OHM report for the prohibition against water softeners.

Vermetten's only remaining concern is relative to the requirements of Section 9.12.c,

that the list of potential tenants be disclosed. In his experience developers have lists of tenants they hope to attract which may or may not be achieved. The lists of desirable uses and particular brands can change over time. He read from the general list of tenant types described in the traffic study. Hull suggested dealing with the question of allowable uses in two parts: concerns and uses relative to treatment plant concerns, and concerns and uses relative to traffic concerns. Iacoangeli stated again that according to the traffic study an LOS D would be “tolerable” but a LOS E/F is predicted based on the assumed traffic generation by land use. The applicant’s study predicts that the intersection is likely to fail, and this prediction is based on a mix of land uses they predicted that is very narrow. A broader land use mix makes the predictions worse. Scope and intensity are key to the situation. The way to improve LOS is to decrease the size of the development and/or decrease the intensity of uses. Zollinger felt that MDOT expressed different concerns than those presented by Iacoangeli. Vreeland noted that the township has control over the type of land use that goes in, while MDOT has responsibility for the road. She does not believe that MDOT has the ability to deny a curb cut for an approved land use, even if the access to and from the land use approved by the township will place such a strain on the roadways that catastrophic failure results. MDOT can require some elements to mitigate the traffic impacts, but not always enough to keep the traffic situation functional. This, to her, is the point of the MDOT comments about the need for the two agencies to work together – that each has a different type of ability to control the situation. Hull noted that to meet the traffic needs of their project, Lautner Commons completely engineered and had approved a major intersection improvement during their SUP review process. Mr. Mansfield stated that MDOT and consultants have never required more than a basic sketch, and the applicant has committed to funding “their share” of a traffic light when one can be approved. There are complicating factors caused by the shape of the intersection and the presence of the railroad tracks within it. The proposed realignment of the North Bates Road intersection is a crucial component of the situation. Yamaguchi discussed the idea of conditioning approval on a change in conditions such that an LOS of no less than D can be achieved. Iacoangeli believes this would require the applicant to modify their development to downsize it, and/or provide for a lower-intensity mix of uses. Zollinger and David stated that unless the applicant will agree to modify their plan to achieve a traffic LOS D or better among other conditions, to them it’s a matter of whether to recommend approval with conditions or denial of the application. Grant believes that meeting an LOS D is appropriate as a condition, but delaying the process to find out if they will design to that standard when the traffic study has been accepted as a working document is not the best option. Mr. Mansfield believes there is more work to be done before a potential motion can be composed. He would like the opportunity to present the contents of tonight’s discussion back to management to discuss which of the ideas they can accept and which they cannot. He thanked the commission for “laying all their cards on the table” and asked for time to evaluate what’s been proposed.

**Motion by David, support by Zollinger to vote this evening on a recommendation to the Board of Trustees regarding Application #2007-5P.**

Hardin and Yamaguchi noted that the applicant has asked for time to review and make suggestions of their own. If they are requesting the deferment, he sees no problem with it. Krause concurred, saying that there has been an attempt to work with the applicant throughout the process that should not be abandoned now. Carstens also agreed.

**Motion failed by a vote of 3 in favor (David, White, Zollinger) and 6 opposed**

**(Carstens, Feringa, Hardin, Krause, Vermetten, Yamaguchi.)**

**Motion by Hardin, support by Krause to continue the discussion to a future meeting to allow the applicant time to evaluate this evening's discussion. Motion carried by a vote of 8 in favor (Carstens, Feringa, Hardin, Krause, Vermetten, White, Zollinger, Yamaguchi) and 1 opposed (David).**

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

Mr. Mansfield said that he was unanimously voted to be the district MTA representative for another four years at the annual MTA Conference.

Vermetten will be out of town on the scheduled March meeting date of March 30, and would like to move the meeting to a different date. Other Commissioners had conflicts with March 16 and March 23, but fewer had a conflict with March 16 so the meeting was moved to that date. The applicant would prefer to continue discussion when the full group is present, so they would like to defer continued discussion of their application to the April 27 meeting.

**Meeting adjourned at 10:55 p.m.**