



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
6:00 p.m. Monday, January 30, 2012

Meeting called to Order with the Pledge of Allegiance at 6:00 p.m.

Members present: J. Zollinger (Chair), B. Carstens (Vice Chair), C. David, S. Feringa, R. Hardin (), V. Tegel, K. Wentzloff, D. White ()

Members excused: P. Yamaguchi

Staff Present: S. Vreeland, Township Manager/Recording Secretary
P. Kilkenny, Deputy Zoning Administrator & Planner
J. Jocks, Legal Counsel

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

APPROVAL OF AGENDA: Motion by Carstens, support by Wentzloff to approve the agenda as amended to move Correspondence to before Public Comment. Motion carried unanimously.

1. **Continuing Education/Special Presentations:** None
2. **Correspondence:**
 - a) **Food Innovation District Committee Information** (Kilkenny will be attending):
Kilkenny summarized the purpose and funding for the committee. The NW Michigan Council of Governments has put the initiative together.
 - b) **Article from Bob Garvey re: Historic Barn Preservation**: received and filed.
3. **Consent Calendar:** Motion by Carstens, support by Feringa to approve the Consent Calendar as amended to remove approval of the January 12, 2012 minutes to item 9a, including:
 - a) **Receive and File:**
 1. **Draft Unapproved Minutes of:**
 - a. Board 12/29/11 and 1/3/12
 2. **Planning & Zoning News December 2011**
 - b) **Approval:**
 1. **Minutes of the 12/19/11 and 1/12/12 Planning Commission Meeting**

Motion carried unanimously.

4. Limited Public Comment:

Rob Evina, owner of Woodland Creek Furniture was out of town recently, returning over the weekend. He was optimistic that there would be a vote on the Meijer issue tonight, but heard on the radio this morning that a township official had said that there would not be a vote tonight. He asked if anyone present had offered that statement to the press. Vreeland stated that she had spoken with several members of the press today and informed them that there might or might not be a vote tonight, but did not say that there definitely would not be one. Mr. Evina stated that a vote, whether for or against approval, is needed. As a representative of the business community He asserted that property values are sinking rapidly and that the Meijer development is needed to help them rise again, and he would expect them to rise by

20-40% in the next two years. He feels the store would provide “bridge” jobs that would help people remain in the community until better jobs increase. Mr. Evina is concerned that the township may be continually creating new, long lists of requirements for the applicants to avoid a vote.

5. **Reports:** None
6. **Public Hearings:** None
7. **New Business:** None
8. **Old Business:**
 - a) **SUP/Site Plan Approval Application #2009-01P - Village at Grand Traverse LLC (continued)**
 - [Updated application materials reflecting discussion since August](#)
 - [Zollinger notes on key discussion points](#)
 - [Project Mgmt. Team feedback on updated application materials](#)
 - [List of motions made between August 2011 and January 2012](#)

Zollinger stated that the township believes that we are close to a decision on this application. After the January 12 meeting a conference call was held between township and applicant representatives. The applicants provided data based on that call and the project management committee met last week to review them. There still appeared to be areas where requested information was missing. It’s not that the township doesn’t want to make a decision; it’s that the decision needs to be made the right way. Paperwork can be an annoyance, but it must be correct to protect both the township and the developer now and in the future. We have had good meetings and good discussions where there has been give and take, and overall it has been a positive process.

Ken Petterson, attorney for the applicant, agreed that the process had moved forward well and that the conference call and additional application submission had occurred. He was originally concerned when he saw the letter from the township, but overall believes that the issues are non-substantive and can be worked through quickly one at a time. He also believes that the township and applicant are close to the point where a decision can be made.

Zollinger noted that some items contained in the letter were points of information. The township wanted to be sure that the applicant was fully aware of a variety of conditions that either need to be met before the Board can grant final approval or after approval but before building construction commences.

The market study information has been deemed complete. The traffic impact study has been deemed complete. One new concern regarding the proposed wayfinding signs internal to the project has been whether the proposed design conforms to the Michigan Uniform Traffic Control Device laws as required. Steve Schooler reported that this was an issue they were not previously aware of, and they will ensure that all internal wayfinding signs meet the requirements of the MUTCD.

As to the environmental concerns, and specifically the stormwater control feature design, the grassed waterways associated with the created wetland basins were omitted on the updated drawings. Terry Boyd agreed to update drawing 3 of 11 as needed. He also stated that the applicant is seeking to have provision of all of the outstanding items of concern made conditions on the recommendation for approval. Zollinger asked the applicant for a commitment as to how and when we can expect for the updated drawing to be provided. Mr. Boyd said that he would provide the updated drawing to township staff tomorrow. Jocks said that he stated in an earlier discussion that the township had specified that there is already a

long list of conditions on approval being considered and that the township did not want to have this list lengthened. The Commission can choose to approve with missing materials and a condition that they be provided at a future point; however, the more things that are to be provided in the future, the more chance there is that something will go wrong, and he strongly cautions the Commission. The township received the application materials a week ago Friday and provided its response as soon as it could by last Friday. Mr. Petterson said that whether or not the grassed waterway is shown on the plans the applicant knows it needs to be provided because they have agreed on the record. He said he has never been involved in a project anywhere that didn't have at least one condition on approval and that we can't expect to have a perfect set of documents to forward to the Board, which may wish to request changes of its own. Zollinger reiterated that the Board accepts as perfect and complete a document as possible to minimize their questions and facilitate the approval process. David said that he doesn't necessarily have a problem with conditions for the Board to consider during its review.

Also as to the environmental considerations, the King & McGregor report was deemed incomplete and in need of update. Most of the issues are documentation-oriented rather than substantive. Dr. Grobbel had expected to see these items in an updated report in the new submission but they were missing. They include but are not limited to the meadow mix plantings in the basins and the reports from the soil borings taken last November. Mr. Boyd said that he is nowhere near being able to provide the full stormwater control design for the project. Mr. Petterson argued that the township should not expect the full detail at this stage but Dr. Grobbel disagreed. He pointed out that the calculations for the change in need for stormwater management based on the change in the size of the parking areas haven't been provided yet, and this is one of the first things one would expect a developer to prepare. Mr. Boyd stated that he has not redrawn any of the grading plans or other site plans to match the changes to the site plan that have occurred throughout the hearing process. Jocks asked if Mr. Boyd had just stated that the set of plans provided recently is inaccurate, and he said that the site grading plans were certainly not updated. Zollinger asked if the data from the soil borings is in the applicant's possession, and they said it was. He asked if it could be provided at this time and Mr. Boyd said it could not. The regrading and the new sizes and shapes of the basins have not been done yet. Mr. Boyd said they are committing to doing it in the future.

Tegel noted page 4 of the King & McGregor report and asked if baseline water quality testing should be performed at multiple times and asked how the township will ensure that the testing is done appropriately. Dr. Grobbel stated that baseline testing should be done just once prior to commencement of construction. Time of year is not critical. The applicant will be self-reporting on the monitoring, and the township and perhaps he should be reviewing the reports.

Zollinger said and Mr. Boyd confirmed that the stormwater management plan drawings have not yet been updated. The Commission reviewed the list of seven conditions for acceptance of the environmental aspects of the application that the Planning Commission moved to recommend on January 12. White and Feringa expressed concern that the discussion is regressing and that the Commission is rehashing decisions that were already made. Vreeland and Jocks indicated they are comfortable with reasonable conditions on an approval process. Some of the items on the list of seven conditions recommended by Dr. Grobbel are already available, some are clearly not possible to have until after construction. The percolation tests were performed in November and the data exists, so there is no reason why we can't have that information now. The staff is trying to point out that the conceptual plans are incomplete and inaccurate as presented, and do not include all of the points discussed and agreed to earlier in the process. The staff wishes to avoid the possibility of a future dispute over whether the applicant should be held to the discussions in the minutes or the details recorded on the plan. The materials are inconsistent and perhaps not put together as well as they could be, but ultimately it is the Commission's decision as to whether they are adequate or not; it is

the staff's job to point out where the concerns may lie so that decision can be made.

Mr. Boyd said that he had understood that none of the seven conditional items had to be provided until before a Land Use Permit (LUP) is issued, but if they are desired now they can be provided now. Mr. Petterson expressed a desire to work with the township to resolve outstanding issues completely and a point of view that the township should be tolerant if there are small details that are not entirely accurate as long as the minutes and motions document the true commitments of the applicant and should be willing to make a recommendation to the Board.

Wentzloff asked for clarification as to whether the items in all the motions the Commission has made to this point will be forwarded to the Board; they will. Carstens said that he feels it is important for Commissioners to consider carefully the advice given by its consultants.

The applicant needs to apply for an amendment to the Conceptual Plan approved as part of SUP 2004-11P to place the proposed created wetlands for stormwater management. Mr. Schooler stated that he knows this is an issue that has been brought up before, but that it is something that wasn't in the forefront of his mind until he saw it referenced in this letter again. He stated that as soon as they are certain which of the drawing pages should be attached to their request and that they are in their correct form they will request the amendment from the Board.

The letter states that the project management team will recommend that a condition for approval be that the same approach to stormwater management (constructed wetland living systems) be used in all future phases of the project beyond Phase I. The request for amendment to SUP 2004-11P to make room for the proposed wetland basin locations instead of the previously approved buildings and/or parking areas needs to be made to and approved by the Board of Trustees.

David asked about the sewer service requirements for the project. Vreeland stated that at the applicant's request a sewer system study was performed with the result being that existing township infrastructure has the capacity to serve the anticipated flows from the Meijer store. The infrastructure may or may not be sufficient to serve any future phases of development at this time. It was determined that Meijer would be required to purchase 123.9 benefits (units of service) for the store as proposed. David noted that Meijer had disputed this determination and provided evidence of daily average sanitary flows significantly below the flow volumes equated to 123.9 benefits. Vreeland reported that the benefit equivalency is set forth in the townships sewer use ordinance and that the calculations were made based on the contents of the ordinance. The applicant indicated that they did appeal the determination through the Department of Public Works but were unsuccessful.

The deed restrictions documents provided were deemed incomplete by the project management staff because exhibits and attachments are not currently attached and provided. Mr. Schooler felt that based on prior conversations with Jocks the document was in an acceptable form, but did not realize that those items needed to be provided and committed to providing them. Jocks agreed that there was little specific discussion about the exhibits and attachments. He also stated that while the character of some exhibits is known, at this time he is unclear as to the nature of others.

The township also has not received the template/boilerplate language for the easements to adjacent properties. It is acceptable to provide them without the final easement legal descriptions at this time. Jocks stated that he requested the template easements two weeks ago, and that after the site grading is done the legal descriptions can be plugged in to the otherwise turnkey documents. Jocks has requested easements that are specific to this site and project. Mr. Schooler stated that the applicant would work on making them specific to each

property, and that each easement to each adjacent property will have its own separate document. Jocks stated requesting this also two weeks ago. Steve Smith stated that an attorney other than Mr. Petterson is working this aspect of the application.

The TART easements are still being negotiated between TART, the applicant, and the Road Commission. Vreeland confirmed that there were e-mails back and forth on this issue today. Mr. Smith reiterated that the applicant has made a firm commitment to ensuring that TART is included in the project even if the documents aren't available yet, so he would hope a decision could be made conditioned on their future provision. Jocks noted that the discussions have been under way for a long time but there isn't resolution yet. The township is pushing to complete these items now so that they don't delay the applicant later when they are ready to dig and can't begin. Mr. Smith expressed understanding that if they don't do the things they have committed to on the record that they may not commence construction.

Zollinger noted that the easement for M-72 sidewalks and the landscaping plans are occasionally in conflict. Mr. Boyd stated that the sidewalk easement design and/or the landscaping plan can be revised appropriately to resolve conflicts. Jocks also discussed the need to see the easement template for the future M-72 sidewalk which can be completed with the legal description at a later date. The easement must include access to the proposed pedestrian tunnel under M-72. Mr. Boyd stated that the proposed tunnel location is really just a set of marker lines on an aerial photo and that it is unknown whether or not the Tribe has approved the location. Feringa stated that anywhere in that general area as depicted will be fine. Dr. Grobbel noted that the drawings as submitted don't show the sidewalk/tunnel connection.

Tegel noted the proposed locations for snow storage on drawing 4 of 11 and wondered if they had changed. She also noted that a pedestrian crosswalk near the south end of the building has a terminus in a landscaped parking island. David recalled that a crosswalk meeting a landscaped parking island in this fashion should continue through the island; Tegel recalled a recommendation from Iacoangeli that the crosswalk not meet a parking island in this fashion. Mr. Boyd said he would ask Meijer if they would be willing to relocate the gates to the garden center so that they would lead to a crosswalk that would lead to an aisle in the parking lot. Tegel asked that the sidewalk be extended from the south side of the garden center to the sidewalk on the north side of the east/west road way and the applicant committed to do so.

Lighting, streetscape fixtures, and revised bike racks were deemed complete. The internal wayfinding signs were deemed nearly complete, but the wayfinding sign drawings do not contain dimensions. The 2004 Zoning Ordinance does not contain standards for wayfinding signs because they are not generally permitted except in mixed use development settings. Mr. Dearing did provide a recommendation that the applicant design the wayfinding signs in accordance with state uniform traffic control device standards. The applicant team expressed that to do so would mean designing the signs as generic road signs rather than custom wood-surrounded designs.

It was also noted in the letter that the proposed monument sign at the Lautner Road entrance is shown on the plans as being a Meijer sign, but must be a sign for the whole development and not the Meijer specifically. The Commission and staff asked about the future actual name for the development. Historically it has been referred to as the "Village at Grand Traverse," but recent signage plan submissions have indicated a name of "Village at Acme." There was some discussion of how the historic name for the development is confusingly similar to the Village at Grand Traverse Commons where the old state hospital was on the west side of town. The newer name shown in the documents could be confused with the adjacent Acme Village development. The name of the development is not for the township to determine, but there is a lot of curiosity and concern about possible confusion.

As to overall site design, the review letter notes that a single-lane roundabout is not shown at the Lautner Road entrance to the project although it is recommended in phase I by the township's traffic consultant and the Grand Traverse County Road Commission. This recommendation has consistently been in our consultant's reports, but has not been a topic of significant discussion by the Commission. Jocks reminded the Commission that the motion made by the Planning Commission previously was to support the use of roundabouts on the roads versus the use of divided highways. That motion did not address the number of roundabouts to be used, or their locations, or when they would be constructed. Mr. Schooler asked about the traffic study being approved as presented. Jocks stated that Mr. Dearing has recommended that the traffic study is complete. Mr. Boyd asserted that the traffic study does not warrant roundabouts at either the Lautner/project intersection or the Lautner/M-72 intersection. David thought that the roundabouts would be limited to the internal road network and along M-72. Zollinger noted that the Road Commission did recommend a roundabout at the Lautner Road/internal road intersection. Tegel asked why the applicant is hesitant; the applicant stated that the projected Phase I traffic levels don't warrant a roundabout at this time and that they are expensive. Mr. Smith stated that if they are warranted by traffic levels at a future phase then they would be put in. Mr. Boyd stated that projected traffic with Phase I construction on Lautner Road is 110 cars during peak hours.

Motion by David support by Feringa that the Planning Commission recommends that for Phase I roundabouts be built at the center of the internal road network within the project and on M-72 at the Lautner Road intersection. The intersection of the internal road network and Lautner Road at "Drive 5" would be as proposed by the submitted plans, page 1 of 11 for Phase I. In future phases the updated traffic studies will determine whether roundabouts are necessary at additional locations.

Tegel asked at what level of traffic an hour a roundabout would be considered warranted; the applicant did not immediately know but observed that the motion calls for requiring roundabouts as warranted by future traffic studies. Tegel also observed that it would be expensive to build the intersection now in one configuration and then to replace it with a different configuration later.

Mr. Boyd asked if the motion as crafted addresses item D2 in the township review letter; Jocks and Zollinger stated that it does appear to.

Motion carried by unanimous roll call vote.

The letter noted that the overall site grading plans, site cross-section plans and site existing conditions survey were not provided with the resubmission. Mr. Boyd stated that these drawings are unchanged from previous submissions. Jocks noted, and Mr. Boyd agreed that the overall site grading plan as previously submitted is now inaccurate due to the changes to the site plan proposed through discussion.

Debate between Jocks and Mr. Boyd about the provision of site grading plans ensued. Jocks noted that a site grading plan was submitted before for the original site plan, so he was uncertain why Mr. Boyd states a new, accurate one can't reasonably provided that accurately reflects the changes to the site plan discussed throughout the process, and recognizing that final as-built plans would be provided later. Mr. Boyd stated that the applicant is not planning to authorize finalization of the plans until after Board approval of the application. Mr. Smith stated that they provided the documents once, and since then they agreed to make numerous changes. His argument was that the need to redo the documents is caused by the applicant's agreement to make changes requested by the township and its consultants. Mr. Smith stated that they spent a fortune doing it the first time and want to get approval before they do it again. Zollinger asked for Feringa's perspective from an engineering perspective; Feringa stated that this would be a common approach. Zollinger asked the applicant to provide new

copies for insertion into the updated applicant materials. Wentzloff is concerned about adding outdated information to the updated materials. David believes that the Commission and the township sets parameters for protection of certain features such as the creek. He does not think that the township needs to be involved in the details of how they accomplish meeting the concerns with their engineers. Tegel expressed concerns about whether the applicant or the staff should be responsible for providing the materials that ensure the materials are complete.

Vreeland used the former Mt. Jack's property as an example of why the staff has noted this issue as a potential concern. She wasn't with the township at the time, but is told that prior to the restaurant building being constructed the site on which it sits was at the same grade as US 31, whereas now the site itself is much higher. She is told that nothing in the application materials indicated that the applicant intended to built up the site before putting the building on it, and that after this happened there was a lot of concern in the community. The staff is trying to point out that without even an initial and reasonably accurate conceptual drawing of how the site topography will be changed, the Commission risks the same sort of future surprise or discontent with the result. Vreeland reiterated that the choice of whether or not this is acceptable is for the appointed and elected officials to make, but it is the staff's job to point these issues out for consideration.

Motion by Feringa, support by White to accept the overall site grading plans, site cross-section plans and site existing conditions survey documents as originally submitted, with the condition that the applicant must provide final engineering drawings prior to issuance of Land Use Permit.

Hardin asked who would review the final drawings once they are turned in. Zollinger replied that it would be the staff. Vreeland observed that the motion would only call for the township to receive the document, but does not call upon the staff to do anything with it other than that. The motion does not set any criteria by which to evaluate whether it is a "good" or "bad" drawing, or a requirement to do anything about it either way. Dr. Grobbel stated that it is common to require and review a grading plan at this stage in the proceedings. Such things have traditionally been of great importance to the township, and at the same time he believes there is a desire to meet the applicant in the middle. He would have thought that this would be easier to provide for Phase I than it was for the whole project in 2004.

Motion amended by Feringa, support by White to amend the motion to require that the final submitted drawings be reviewed by a township's consultant.

Dr. Grobbel stated that the township needs to be aware that massive amounts of dirt will be moved for this project. He also asked for clarification as to how much of the site will be graded in Phase I. Mr. Boyd responded that he can't be certain at this time because he doesn't know how much earth he will have to move to level the Meijer site, bury the water and sewer lines and create appropriate roadways. Dr. Grobbel recommended that this is what the Commission needs to understand at this time – how much of the site will be graded for phase I and in what way.

Motion by Tegel to further modify the motion to require that the existing character of the site be retained to the greatest extent possible while meeting the requirements of the stormwater management plan. Motion died for lack of support.

Motion by Wentzloff to further amend the motion to have the township's consultant both review and recommend the acceptance of the final submitted drawings. Motion withdrawn.

Motion to amend the motion carried by unanimous roll call vote.

Amended motion carried by unanimous roll call vote.

A brief recess was called by the Chair from 8:07 p.m. to 8:12 p.m.

The staff letter asked for additional detailed information regarding the proposed storefront sidewalks. Mr. Boyd stated that the proposed planning beds in the sidewalks will be raised planters that are 12” tall. The sidewalk plans also depict cart storage screen walls. The screen walls are proposed to be 42” tall and right behind the planters. Zollinger noted that the 2004 Zoning Ordinance does not permit outdoor sales displays or storage of any items. Mr. Petterson indicated that he was certain that Meijer would not intend to have overnight outdoor storage for carts, as there are internal storage bays from which customers can select a cart. Tegel asked why these designated storage areas would be needed if the carts can be brought directly inside. Mr. Petterson indicated that there might be temporary outdoor storage when the carts can’t be brought right into the store. Mr. Smith thought they might not bring many carts inside when many customers are present, but said he was only speculating. Jocks asked if the applicant would be willing to be held to the commitment on the record that carts would not be stored outdoors overnight. Mr. Smith stated that the 42” screening walls and adjacent raised planters will hide the cart stored outside from view before they are brought in. Tegel expressed concern about allowing a condition on this site that has been disallowed at other sites. David and Feringa felt that the temporary nature of the storage area for collection was not a concern. Hardin wondered whether it makes a difference that a Meijer store is a 24-hour operation, and whether these are intended to be “storage” areas or “collection” areas. He noted that the plans use the word “storage” rather than “collection,” and storage is specifically prohibited by the ordinance. Jocks, when asked, stated that the 2004 ordinance may generally disallow outdoor storage and sales on commercial properties, the Commission has some leeway within the context of the Mixed Use Development approval to allow or disallow the activity.

Motion by Feringa, support by Wentzloff to request applicant to revise site plan drawings to state that there are “cart collection areas” rather than “cart storage areas”

Jocks reiterated that allowing the outdoor cart collection/storage areas is permissible under the Mixed Use Development ordinance section of the 2004 zoning ordinance. It is not permissible under other sections of the ordinance. Doing so does not in any way change the 2004 zoning ordinance.

Motion carried by unanimous roll call vote.

Wentzloff asked a question about the queuing area for the pharmacy, which causes patrons to enter in a way opposing traffic. In Garfield Township it appears possible to enter the drive-through pharmacy area from the normal travel direction. She also asked for and received verification that there is room for stacking three cars in the queuing area as recommended by the township’s consultant.

The photometrics plan has not be updated in accordance with the staff comments previously made. Mr. Boyd reported that his photometric consultant is in direct touch with the township’s photometric consultant. He reported two outstanding items of concern, which he believes include the need to move one lightpost near a driveway to ensure that adequate light is provided for driver safety, and the need to move the can lights under the canopies on the building façade and include information about their effect on the photometric site plant. There was also a notation about providing that no new light escapes onto the neighboring properties. Jocks observed that the need to address outstanding photometrics concerns predates the most recent township letter. Mr. Boyd stated that 99% of the photometric plan when revised will look identical to how it looks today.

The applicant agreed to provide the requested 24" x 36" and 11" x 17" format detailed elevation drawings for all four sides of the proposed Meijer store so that they will be easily Reviewed.n

The applicants agreed to provide one dozen paper copies of any updated documents and 3 CDs with electronic files, for distribution to the Board of Trustees, staff, legal counsel, Dr. Grobbel and Mr. Iacoangeli. Mr. Boyd named off a list of changes to be made and updates or other materials to be provided and Mr. Schooler added to the list (the complete lists as dictated were repeated later in the meeting and appear later in the minutes.)

Tegel referred to the January 24 letter from Mr. Dearing at OHM and wanted to address all concerned raised therein. She noted the opinion statement that overall the plan does not appear consistent with neo-traditional design. Consistent with the questions in the letter, Tegel asked what provisions for pedestrians and bicyclists will be made relative to the internal roundabout/traffic circle, and about meeting ADA regulations. Mr. Boyd stated that ADA requirements at all pedestrian crossings will be met. Zollinger asked the staff to ensure that the need to move the sidewalk as depicted on the markup by Mr. Dearing of sheet 7 of 11 attached to his review letter is met.

Messrs. Boyd and Schooler stated that they thought they could provide all the updated information required by the close of business on Wednesday, February 1.

Zollinger noted that the township needs to prepare a finding of fact to form a basis for a decision, and could not do so with so many items pending. He suggested that perhaps the Planning Commission could schedule a special meeting after the updated materials are provided to review proposed findings of fact based upon them. Jocks suggested that if the materials are provided by 5:00 p.m. on Wednesday, time needs to be allowed for distribution to the project management committee, creation of the findings of fact, and distribution to and review by the Planning Commission. Zollinger asked Jocks if there were other options, and Jocks observed that the applicant is hopeful that a recommendation to the Board will be made this evening. If the Commission were to do so, the only way practical would be to leave compilation of the conditions, documents and findings of fact in the hands of the staff with additional opportunity for the Commission to review and approve them. The Commission must decide which option.

There was discussion about whether it would be possible for everyone to adequately prepare all the needed information before the end of this week, which option would be most appropriate to proceed, and whether there is reason to think the Board could reasonably make a decision on the material on February 7.

Tegel expressed concern about the township receiving baseline Acme Creek water quality data before any dirt is ever moved on the site, in part based on the past history of having information provided timely. She also believes the review process has been thorough and fair but is disappointed that the project does not meet the spirit and intent of the Master Plan for a town center because the only safe way to reach the site is by automobile. She realizes that non-motorized and/or mass transit options may be provided in later phases, but feels it important to mention now. Carstens expressed appreciation for Tegel's comments. He also feels that this development is not being designed as a town center, and therefore the developers should expect that it will not become the center of our community or a place where our civic buildings will be located. He also finds the sheer volume of materials difficult to review and address adequately, and resents the continuing process to rush. While the public has not always been respectful, and past representatives for the project have yelled at the Commission, he appreciates the respectful way the current applicant team has consistently addressed the Commission.

Mr. Smith stated that the applicants are still willing to work with the township regarding land for a new fire station and a new township hall. He stated that there are many ways that the township as a whole can benefit through options such as tax increment financing that might help build civic buildings. Mr. Smith stated that they are willing to talk at any time about working cooperatively with the township in this regard. TIF financing needs to be set up before significant construction is done because it works by capturing just the difference in value and tax dollars between existing and future development. There are grant opportunities, and the possibility for using a downtown development authority, but they take cooperation between landowners and municipalities. Mr. Smith said that the developer is willing, but that the municipality needs to provide the leadership to initiate some of these options. He feels this is an important discussion to have.

Wentzloff wanted to confirm that all of the items on her list of requirements from tonight are included in the record. Her list includes:

Mr. Boyd:

1. Revise stormwater drawings to read that the release pathways will be noted as grassed meandering waterways.
2. Submit infiltration test results
3. Remove word "Meijer" from monument sign at entrance #5
4. Remove note in basins #1 and #2 behind Meijer saying "plant native grasses" to say "plant wet meadow mix."
5. Show easement for proposed future tunnel extending from right-of-way south to sidewalk easement.
6. Extend sidewalk south of Meijer east to the north/south easement along Lautner Road.
7. Request of Meijer that they move crosswalk at Garden Center to align with drive aisle.
8. Submit three drawings noted in 8.e.3 (overall site grading plans, site cross-section plans and site existing conditions survey documents) adding note reading "final design documents will be submitted."
9. Revise note on Meijer storefront plan to remove word "storage" and change to "collection" for cart areas.
10. Submit full-sized color Meijer elevation drawings for all four sides of the building.
11. Move sidewalk on Sheet 7 of 11 where it crosses entrance drive to Meijer further away from turning radius as depicted in Dearing's letter with his markup on the existing plans.
12. Rework photometrics plan to conform to comments from Birbiglia, including that height of lights will not exceed 27' and resubmit.

Mr. Schooler:

1. Revise common area guidelines regarding wayfinding signage to make it conform to MMUTCD. Provide size of wayfinding signs in the common area guidelines.
2. Write request for minor amendment to SUP 2004-11P Conceptual Plan to revise design of stormwater management features for current and future phases, including drawings.
3. Add referenced exhibits and attachments to the proposed Deed Restrictions.
4. Produce four adjacent parcel access easement template documents, one for each adjacent property.
5. Continue working with TART to mutually agree to TART easement. This item may not be completed by Wednesday, February 1, 2012.
6. Produce easement template for M-72 and Lautner Road sidewalk easements.
7. Produce easement template connecting pedestrian tunnel to M-72 sidewalk easement.
8. In common area guidelines, include actual 2004 Zoning Ordinance pages relative to

signage requirements

9. Meet all other conditions and requirements discussed at previous meetings.

Commission:

1. Revise M-72 sidewalk easements and landscaping plans to resolve conflicts prior to LUP issuance.

Motion by Wentzloff, support by White that the Planning Commission recommend that the Township Board approve VGT Phase I SUP Application #2009-01P as provided by the applicant, subject to all conditions, and all modifications agreed to by the applicant, as set out in the record of the meetings at which this application was considered, and all documents reflecting the same. We direct the applicant to work with staff to compile all conditions and other required documents so that staff may provide a complete application packet to the Township Board. We also direct staff to draft recommended findings consistent with the Planning Commission's decision.

Tegel asked what would happen if the applicant said they didn't agree with a condition in the record. Jocks replied that the prior clauses recognized that there were conditions that the Planning Commission made that the applicant may or may not fully agree with, and that there are modifications with which the applicant did agree, both of which are set forth in the record and part of the recommendation.

David stated that some people have been working on this issue for a long time, but the nature of the project hasn't changed. He asserts it's a big shopping center that will bring many people to town, and some people will like that more than others. It will change the community drastically. He hopes everyone has carefully considered their positions on the matter.

Motion carried by unanimous roll call vote.

Mr. Smith thanked the Planning Commission for making a recommendation to the Board. He said again that landowners and developers can work together with a municipality on financing improvements, but that it takes leadership from the municipality. He would welcome an opportunity to meet with whomever the township designates to pursue such opportunities such as building a new township hall or fire station. He would be happy to work with the township at least on land for those two purposes.

Mr. Schooler thanked Vreeland and Jocks for their assistance throughout the process, and the Commission for its time.

Motion by Zollinger, support by Wentzloff to change the order of the agenda to discuss the agricultural district ordinance prior to the public land uses ordinance. Motion carried unanimously.

- b) **Continued discussion – [special events in the Agricultural District](#):** Zollinger recommended setting a public hearing so that the Commission can obtain additional public input on this issue as it continues to consider the matter. Kilkenny noted that the new draft is quite different from the prior drafts and asked for some discussion this evening to see if it is on the right track prior to setting the public hearing.

Tegel likes the idea of defining the term "agritourism" and including agritourism as a use in the A-1 district, but isn't sure about requiring an SUP. She likes the ideas in the memo about creating a separate special events ordinance covering one-time events throughout the township as opposed to repetitive use of a property in a commercial manner for similar activities. The special events ordinance would be

developed separately from the agritourism ordinance. David asked where the difference between ongoing and one-time events might lie. Kilkenny replied that there may be a difference of intensity because it is so frequent. David agreed, but noted that either way there would be requirements to satisfy relative to public health, safety and welfare. He would like to avoid creating overregulation. He finds the SUP process to be challenging and a high-hurdle to jump.

Carstens asked if someone receiving an SUP for agritourism would have to seek additional approvals for each event held on their property; they would not. Jocks clarified that the one-time use situation such as car shows is better adopted as a police power ordinance by the Board. The Planning Commission would not be involved in the review and adoption of such an ordinance. Carstens asked when would be the appropriate time to discuss possible conditions to specify in an agritourism ordinance such as a requirement for an annual review. Jocks suggested that it is best to hold a public hearing when a proposed ordinance is as close to its possible final form as can be. Kilkenny noted that the ordinance allows the township to place reasonable conditions on any SUP. It was clarified that Carstens wants to have provisions in the ordinance that will ensure that conducting agritourism events will not have a negative impact on active agricultural operations for all SUPs granted of this type, rather than being concerned with special conditions unique to a particular property.

Hardin liked the provisions in the Solon Township ordinance that was provided for comparison regarding organized meeting space for weddings, and parties, leaving the “corporate events” portion to be dealt with by a separate police power ordinance. This would bring the whole question closer to the original question posted by Mr. Garvey. Hardin also brought back up a suggestion made about a year ago that the intent and purpose statement for the A-1 district be revised and the order of the listed uses changed to strengthen the commitment to agriculture over residential land uses in this district. He wondered if we could accomplish those things as part of this amendment.

White does not favor the proposed type of land use in the agricultural district, and stated that many other people he talks to do not as well. Perhaps Mr. Garvey’s property should be given a different zoning designation to allow the use he is seeking without opening the entire A-1 district to this type of use. He is also concerned over what type of structure such uses could occur in. Could anyone erect a pole building for a barn and start having large parties on a regular basis? David mentioned a concept mentioned at earlier meetings about requiring any building used for this purpose to also be in use related to active farming. David recognizes the scenic quality of the agricultural district, but at the same time if everyone who had a barn started having such parties it could be overwhelming. His daughter was married in his barn, and many people asked if their daughters could be married there too, and he absolutely refused because there are farming activities happening on a real working farm at all times. He does not believe this is the case on the Garvey property. He just does not see this type of land use as agritourism, as a commercial activity that is closely related to the business and activity of farming like u-pick cherries or pumpkin rolling. He sees it as a plain commercial operation like any other banquet facility.

Hardin asked if this type of activity would be allowed on a property participating in the farmland preservation program. Jocks stated that he would have to look at the easement language for the property. The easements do prohibit commercial development, and only allow new buildings for active agricultural purposes. Would this use be sufficiently agricultural in nature? Farmers have a choice whether to participate in the PDR program or not as well. Carstens also noted that the scoring for the parcels offered to the PDR program favors parcels that are adjacent to other

protected lands. Carstens believes it may be important to continued agriculture to have areas that buffer land being farmed from developed areas. Jocks noted that enhanced setback requirements could be used to create buffer areas between crop areas and other land uses in the district to protect both parties.

Jocks noted that Kilkenny's current proposal is to add agritourism to the list of special land uses in the A-1 district subject to the normal requirements for any SUP. Tonight's discussion may be leading towards a desire for some sort of enhanced requirements for setbacks from farming neighbors in addition to the standard SUP requirements. It was noted that enhanced setbacks don't address traffic concerns. David noted that the township currently allows many activities in the A-1 district that are not agricultural in nature, such as residences and churches. Feringa would like to hear more from the public about what they think, having heard from Mr. Garvey and from various Commissioners already.

Kilkenny asked for discussion about the proposed definition of "agritourism." Tegel likes it except she would like to eliminate "corporate events." Vreeland asked the Commission what the practical differences are between weddings, fundraisers and corporate events, and the Commission generally felt they were all parties that could be of varying size with no real differences. It was discussed that the word "corporate" could be removed, leaving the word "events." Required enhanced setbacks for buffering of 200' between structures used for agritourism and the nearest side or rear lot line were discussed.

Bob Garvey, the citizen who first raised the question, noted that all farm activities are commercial activities. He mentioned that the state has a proposed model agricultural district ordinance. His land is zoned agricultural whether he is a farmer or not, and he is subject to the different rules for his district than people who live in a residential district. His particular property has a hay field on one neighboring site and fallow farmland on another. His property has been found unsuitable for growing cherries or grapes. He has been growing lavender, and has erected a barn that people are attracted to for gatherings. Mr. Garvey mentioned that if a farmer is spraying an adjacent property the Right to Farm act would protect them. White noted that while the Right to Farm Act may protect a farmer from successful prosecution if he is following generally accepted agricultural management practices for his type of operation, it doesn't protect him from having the lawsuit brought even if it won't be successful and having to spend significant time and money to defend himself.

White mentioned that many of his neighbors like Mr. Garvey's facility, but wouldn't want him to do that on his land. Carstens reiterated the desire to expand good options for farmland owners along with the need to protect neighboring farmlands from problematic side effects. There was also discussion about the need to remember that this discussion and ordinance are not about Mr. Garvey's specific property or use but about agritourism uses in general throughout the A-1 district.

Motion by Carstens, support by Tegel to set a public hearing for the proposed agritourism amendment to the zoning ordinance, said amendment to include a provision requiring a 100' setback for any structures used for agritourism purposes from any lot line.

Tegel asked for confirmation that the definition of agritourism had the word "corporate" removed.

Motion carried unanimously.

- c) **Public Land Uses Ordinance Amendment**: Motion by Wentzloff, support by Tegel to continue the public hearing on the proposed public land uses ordinance amendment to the next regular Planning Commission meeting. Motion carried unanimously.
- d) **Recommend distribution of Shoreline District Park Planning & Placemaking RFP/Q to Board of Trustees/Interest in Interview/Steering Committee**: Feringa recommended requiring applicants to specify how many public meetings are included in their bids. Carstens recommended Tegel as an excellent choice to represent the Planning Commission on the selection committee. Tegel declined, although the topic is very near to her heart.

Motion by Feringa, support by Wentzloff to recommend approval of the Shoreline District Park Planning & Placemaking RFP/Q and its distribution, and recommending Carstens to serve as a Planning Commission representative to the consultant selection committee. Motion carried unanimously.

9. Items Removed from Consent Calendar:

- a) **Minutes of the 1/12/12 Planning Commission Meeting**: Feringa just wanted to clarify on page 4 that the proposed height of the Meijer store is within requirements based on the official method in the 2004 zoning ordinance of measuring gross building height by averaging of the height from grade to eaves and the height from grade to peak. A variance was not granted.

Motion by Tegel, support by Wentzloff to approve the minutes of the January 12, 2012 Planning Commission meeting. Motion carried unanimously.

10. Public Comment/Any other business that may come before the Commission:

Mr. Garvey asked what will happen to the Andres home at the southwest corner of M-72 East and S. Lautner Road. That property is not included in the VGT project area, and is still owned and occupied by Mr. and Mrs. Andres.

Roy Challenger, 3885 Bunker Hill Road stated that sometimes there's a piece of land that is difficult to do things with. If there's a possible opportunity for the landowner to profit from it even if it's not ideal farmland, we should try to find a way to help them make it productive.

Pat Salathiel 4882 Five Mile Road and a former Planning Commissioner congratulated the Commission on concluding their portion of the Meijer process.

Clare David announced that he tendered his resignation from the Commission in December to become active after a recommendation had been made regarding the Meijer application. Since the recommendation was made this evening, he bid farewell and good luck to the remaining Commissioners.

Meeting adjourned at 10:58 p.m.