



**ACME TOWNSHIP PLANNING COMMISSION MEETING
SPECIAL STUDY SESSION
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, June 7, 2004**

Meeting Called to Order at 7:00 p.m.

Members present: H. Smith (Chair), B. Carstens, D. Hoxsie, D. Krause, O. Sherberneau, M. Vermetten

Members excused: P. Salathiel

Staff present: S. Corpe, Recording Secretary
J. Christopherson, Township Counsel
R. Clark, Consulting Planner

- 1. Opening and Procedural Remarks – Herb Smith, Chairman:** Smith gave a brief discussion of the agenda and planned flow of the meeting. He noted that this is a continuation of the preliminary hearing, so any public comment will be deferred to the end of the meeting. Public comment during consideration of the application will occur during the public hearing when that stage of the process is reached. Smith outlined the history of SUP Application #2004-11P to date, stating that the Board took action at their June 1, 2004 meeting to send the application directly back to the Planning Commission for the process to be continued. He stated that the Mixed Use Development (MUD) ordinance requirements are less stringent than the Town Center Ordinance requirements were. When Judge Power invalidated the latter ordinance, he took away an important tool. Smith further mentioned that there have been allegations of wrongdoing from the public and the local press. While he favors reasoned disagreement, he takes exception to the types of allegations that have been made. He also stated that he believes that township officials have acted with honor throughout the process.

Motion by Hoxsie, support by Sherberneau to receive and file letter dated June 7, 2004 from Concerned Citizens of Acme Township (hand-delivered this afternoon). Motion carried unanimously.

Motion by Sherberneau, support by Hoxsie to set a 10:00 time limit on this evening's meeting, with the proviso that a unanimous vote may extend the meeting beyond this limit.

Carstens would agree if all members of the public who wish to be heard have been accommodated before the time limit is reached. If they are cut off, he would not support the concept. Smith stated that it is not his goal to cut off discussion, but that full public input will be most appropriate at a public hearing.

The Chair cast an unanimous ballot, there being no objection.

- 2. Recess the regular meeting and convene as a Committee of the Whole:**

Motion by Hoxsie, support by Sherberneau to recess the regular meeting and convene as a Committee of the Whole at 7:12 p.m. The Chair cast an unanimous ballot, there being no objection.

3. **Study Session regarding Application #2004-11P by The Village at Grand Traverse for Special Use Permit approval for a Mixed Use Planned Development on 182 acres of land commonly referred to as “The Rollert Property” located on the south side of M-72, to the east of the Williamsburg Conference Center (formerly the GKC theater) and to the west of Lautner Road, currently zoned R-3, Urban Residential:**

- a) **Presentation by Applicant:** Steve Hayward provided a PowerPoint presentation on behalf of the applicant. The first point he made is that Dave Rollert no longer owns the property. The Village at Grand Traverse, LLC has owned it since late last year. The plan calls for a mix of 450-660 residential units, shopping, entertainment and educational facilities. The current application is for a Special Use Permit for a Mixed Use Development (SUP for PUD). Application for site plan approval will come at a later phase. No rezoning request is contemplated. He concurred with Smith that the MUD ordinance is much broader than the former Town Center Ordinance. He also stated that the latter ordinance had never been used or tested before, but that the MUD ordinance was adopted in 1990 and was used for the first time in 1992 and for amendments to Acme Village several times since then. He asserted that the Johnson parcel was originally intended to become Acme’s town center and was laid out in an office park format.

Mr. Hayward stated that a road connection from Acme Village to the proposed development is planned, and that the Andres property on the southwestern corner of Lautner and M-72 has been added to the application. He asserted that the proposed design is “smart growth/GT Region Sensitive.” There is a goal to include “whole life housing;” types of housing suitable for all stages of life. He displayed the same samples of transect zoning used at the previous meeting. He cited 12 principles of smart growth from www.smartgrowth.org which he asserts are met by the proposed plan. He cited the 21 features in the Grand Traverse Bay Region Development Guidebook; 20 of which he says are satisfied (the only one not met being preservation of historic structures.) He also cited information from www.cooltownstudios.com listing 4 criteria for creating a sense of community. These include: focusing on a target audience (for them, the east side of Traverse City); construction of “third places” (spontaneous meeting places); hosting events in the third places and establishing ongoing community programs to facilitate interpersonal interaction. He finds it interesting that 3 of the 4 do not rely on the built environment. Mr. Hayward quoted Dan Burden, Walkable Communities, Inc. (www.walkable.org) as well. This site says that walkable communities have: “intact town centers;” residential districts and mixed uses; public spaces within 700 ft. of every home; universal design (fully accessible to people of all abilities); speed control on key streets (he stated that the internal roads do not meet County road standards, but do meet standards for traffic calming, and that this means that ongoing road maintenance costs will be the development’s ongoing burden); streets and trails that are well-linked; design scaled to 1/8, 1/4 and 1/2 mile radii; a town “designed for people” (pedestrian friendly once you are on-site); “thinking small”; many people walking around with motorists being courteous to pedestrians; a vision for the town and its neighborhoods (Seattle, Portland, Austin and Honolulu used as examples); and decision makers who are “visionary, communicative and forward thinking” and “rarely swayed by the ‘anti’ group.”

Mr. Hayward stated that they have defined “open space” as anything making the site

more “attractive” or “feasible,” and have asserted that 40% of the proposed plan is in open space according to this definition. They assert that they have provided a landscape buffer along the M-72 and Lautner Road rights-of-way that meets or exceeds township requirements. He displayed a series of slides where elements of the plan (roads, pedestrian ways, plazas, etc. were layered one by one atop an aerial photograph. The south end of the lifestyle area has been closed to traffic by adding buildings that would be accessible from both front and back. He noted that a 350’ buffer is being observed from the wetlands associated with Acme Creek, whereas the township requires a 50’ minimum setback. He noted that a civic center is shown as encroaching on an existing wetland area, but suggested that new wetlands could be created nearby if those wetlands are mitigated to allow the civic building to remain as planned to serve as a visual termination to a proposed main entrance from M-72. Mr. Hayward asserted that the plan seeks to use the concept of the transect by varying from less to more developed as you move from west to east.

Mr. Hayward stated that the applicant feels that a prominent building is needed at the north end of the property to serve as a focus. They propose use of a hotel in this regard, turned with the front (portion with the *portcochere*) facing M-72 in an attempt to keep the automobile use areas turned away from pedestrian areas. He stated that two items not required until site plan review have been performed at this stage: a traffic study by URS Griner (distributed to the Commission at this point in the meeting for the first time along with color renderings of the development). He also mentioned that an economic study has been commissioned and will be available by the public hearing date. Preliminary results say that there is a market demand for over 700,000 of new retail space; somewhat over 800,000 is proposed. This document will be used to provide phasing information requested by Clark. The applicant plans to provide all infrastructure and whatever portion of the commercial and residential areas the market will bear at this time. Mr. Hayward seemed confident that the bulk of the project would therefore proceed rapidly.

Mr. Hayward asserted that on a north-south plane, there will be no grade changes in any particular area to a greater extent than 3’-4’. Likewise, they plan to work with the existing grade on an east-west plane.

Mr. Hayward drew attention to a new color site plan provided to the Commission for the first time this evening. He discussed expansion of several parkland areas and described the five 3-D illustrations. One shows a relatively close-up view of the proposed hotel and a view from down the street looking north from a few feet in the air. They would like many of the structures to be 3-5 stories in height; but do not wish to commit to multi-story buildings at this time. He stated that they are wary of over-committing and needing to request variances from the approved plan later on; they would rather make their commitments smaller and over-deliver later.

Smith noted for the record that three members (a quorum) of the Board are present in the room as members of the audience at this point (Hoxsie, Amon and Knopf.)

Mr. Hayward provided a short video that animates many of the drawings previously seen, along with a view as if you are moving along the streets in the development in a car past rough representations of the structures. He stated that they seek to have unifying design elements throughout the project in terms of lighting fixtures, paving

elements and building materials.

- b) **Presentation by Russ Clark, Township Planning Consultant:** Clark began with a general overview of the site, the application and the section of the ordinance (8.22) under which it is brought forth. Many elements of the presentation are the same as or similar to those displayed at the May 24 meeting.

Clark does have several questions. When he asked for topographic contours to be displayed on the photograph and site plan, he found that the applicant has inaccurately displayed wetlands as being on what is actually a sloped area. The wetlands are actually farther to the east of where the applicant has displayed them. He also stated that turning the hotel towards M-72 creates parking on the front side of a building (between M-72 and the structure,) a situation not permitted by the ordinance and that would have to be addressed. He is still uncertain as to which portions of the site go into the 28 acres preserved as long-term natural public use areas. While the MUD ordinance does not require a specific amount, the Master Plan sets forth certain expectations (30%). Mr. Hayward has made some general comments about phasing, but has yet to provide a concrete phasing plan. The applicant is seeking a variance of parking requirements, asking for a reduction from our current requirements. Clark noted that township officials have generally acknowledged that our requirements might be adjusted downwards overall and could entertain the request. They have requested a building height variance to 75' for most types of structures in the development; current ordinance requirements are for a 35' maximum height. Clark recommended that all of these concerns, as well as a lack of the required agency approval letters from the DPW, County Road Commission and MDOT be addressed. He stated that the Planning Commission must be satisfied that the concerns can be addressed prior to setting a public hearing.

- c) **Discussion between Committee, Applicant & Consultant:** Krause stated that he is aware that a desire for changes to the plan should largely be phrased as a request rather than a demand. That said:
- He takes exception to the word “village” in reference to this project as currently conceived. No grid pattern for the streets currently exists, but one could be incorporated. He stated that months ago the Town Center Subcommittee and Russ Clark came up with a proposed plan revision that would be more in keeping with a true village concept in relation to the prior town center application. At Krause’s request, Clark displayed the originally approved site plan for the development, and the revised plan he came up with at the request of some of the Planning Commissioners. He highlighted the street networks to show the enhancement in the plan he created of the grid pattern. He displayed a widening of the hotel and some of the esplanade areas to enhance the creation of visual boundaries. He displayed building reconfigurations that would have created more, smaller pods of parking behind the buildings as required by our ordinance, and to provide on-street parking. Krause feels Clark’s plan would have been more in keeping with a true downtown feel.
 - Krause feels that the buffer areas along the road rights-of-way provided during the previous application process (150’ along M-72 and 75’ along Lautner Road) were more appropriate than the new areas.
 - He felt that the formerly proposed placements of the large anchor store

nearest the corner was better, in that it related better to the town as a whole.

- The new plan shows many of the mixed-use buildings as being of an outbuilding character as they are placed. By moving them to line the main street, the downtown area can be continued further through the property. They would relate to streets rather than parking lots.
- He would like parking spaces in the retail area reduced to 4.5 spaces per 1,000 sq. ft. of retail space rather than 6.
- He prefers the hotel in its original configuration, rather than turning its back on the core downtown area and having parking between the building and the highway.
- He believes that rather than building “some” residential along with the commercial elements, a percentage breakdown for each phase is appropriate.
- The public spaces provided seem large but somewhat too “hard” amnd urban. As an individual who spent much of his career designing such spaces, they need more trees to soften them.

Krause stated that his comments are designed to put the “village” back into The Village.

Mr. Hayward rebutted, stating that Clark’s alternative concept was tested. He stated that reorientation of the hotel is feasible, but that modifying the buffer areas would be a significant request: a loss of 6 acres of developed space. He stated the applicant might be willing to discuss this aspect. As to the large retail store and the proposed liner buildings, the applicant found this unmarketable and not preferred by the potential tenant for that site. He recognizes the concern about “pad” or outlot development, but stated that it comes down to marketability. Mr. Hayward said that the sloped area where the former plan called for mixed-use structures to the east of the lifestyle center might become a park. Krause asked what the slope is; Mr. Hayward responded that it is 4:1. Krause felt this was steep for a park; Mr. Hayward suggested a terraced approach.

He stated that some of Clark’s ideas led to the new, wider ‘piazza’ approach to the esplanade area. He also stated that the applicant ran into difficulties regarding Clark’s lifestyle center reconfiguration. How would large truck traffic access the site? How would it compete with customer traffic? Would delivery hours have to be expanded? He cited these “back of house” issues as testing negatively by Anderson Economic Consultants. Potential lessees apparently want to bring upscale development to this area, which is relatively unknown in their circles, but demand convenience. There were also concerns about losses if there are both front and back doors to the stores, which they stated made security more difficult. Krause stated that stores in the downtown Traverse City area have rear parking but people walk to the front to enter; Mr. Hayward believes that this is a holdover due to re-use of pre-car era buildings, but that in the age of the automobile that such development is not feasible. He suggested that it might be more possible where a multi-story parking garage might be used.

Carstens agrees with Krause that the plan as presented does not seem like a village. He perceives the MUD ordinance and the Master Plan as requiring a village approach. He has reviewed previous resident surveys and does not believe that what

is proposed reflects the survey results either. He feels it is geared primarily for people in outlying areas, not township residents. Carstens would support having a new survey performed. He loves the natural environment and feels like the area is becoming like the downstate he sought to escape. If the current will of the people as demonstrated by a new survey supports this type of development, he would have to respect this. He views the plan not as an up-north village but as a regional mall. Two-thirds is commercial, when perhaps two-thirds ought to be residential. He feels that the Planning Commission has tried to act in good faith, but has not consistently acted in support of the Master Plan. He is not convinced that it is legal for the application to proceed under Section 8.22. He is concerned about the "fast-track" approach to the application. He feels like someone is trying to "railroad" it through although it doesn't match our master plan or ordinances in his opinion.

Vermetten concurred with many of the points Krause and Carstens made. He perceives some creativity and a "slick, impressive" presentation. He feels it incorporates the applicant's conception of a village, but not Acme's. It doesn't resemble the local downtown areas in surrounding communities. Different types of uses still seem very segregated to him, which seems un-villagelike. He lives here for a reason, and while he wouldn't mind having a Starbuck's nearby, he really can't conceptualize this plan as a walkable village. He does not want to see a parking lot between the hotel and M-72 and would like the hotel turned inward to the development again. He doesn't think that anyone is concerned about CCAT voicing their opinion. Everyone gets to have their say as part of the process, whether he agrees with all points or not, and the process takes as long as it takes.

Vermetten asked if the impact of so many new homes on the area and on infrastructure has been addressed. Mr. Hayward stated that various required letters from local infrastructure agencies have been or will soon be received. He asserted that 26,000 cars a day use the M-72 corridor in Acme, versus a population of approximately 5,000. People who pass through Acme are already using our roads, and their information suggests that instead of passing through people will stop here. Mr. Hayward stated that the town center report in the Master Plan has a section for "things the community couldn't agree on" which is unprecedented in his experience. He asserted that nobody is trying to rush things along, but that the property was purchased at great expense with an expectation that the process that was going on at the time was coming to a successful conclusion. Mr. Hayward mentioned again that the town center ordinance criteria no longer apply. Carstens stated that the survey never mentioned a development of this nature. Mr. Hayward asked if the survey was performed before or after the Master Plan was adopted and was informed that the survey was performed in 1996 with the Master Plan adopted in 1999 and amended in 2001.

Carstens also took exception to the continued mention of New Designs for Growth (NDG). It is not an ordinance, it is just a suggestion of some planning ideas. He is somewhat insulted that the applicant presentations continue to place strong stock in it. Mr. Hayward stated that NDG was approached at the recommendation of the township. Carstens also asserted that this group's findings were that "the plan wasn't too bad," not a glowing report that it met nearly all of the requirements.

Vermetten stated that he didn't feel his earlier question about effect on infrastructure

had been answered adequately. We have a small, volunteer fire department. Can it handle the load from this type of development? What will a new high-volume curb cut do to traffic patterns on M-72? Will traffic flow hours change, or become more constant? Mr. Hayward noted that some new car trips may be generated, and that the Metro Fire letter received to date was very general. He believes that the Township Board will need to weigh the new tax base the proposal would create and decide if some of those funds can be directed towards emergency services enhancements. He cited studies about the cost of community services saying that residential development uses an average of \$1.31 in services for every \$1.00 in contributes to paying for those services, while commercial uses tend to use about \$0.39 of services per \$1.00 paid.

Carstens asked about the impact on tax base if this development drives K-Mart or Tom's out of business. Smith stated that a Tom's coexists across from the current Meijer's and has done so for a long time. Mr. Hayward stated that these types of factors were considered as part of the study. Also, not all of the commercial space would be built out overnight; it would evolve over time. Their studies say that they won't drive existing businesses out of business, but will fill niches that the existing businesses currently do not.

Vermetten asked how the proposed development would impact the Resort and other surrounding properties, which is a concern that Section 8.22 says must be addressed. Mr. Hayward agreed that the ordinance states that any new development should not create economic harm to other nearby areas, and stated again that their economic surveys say that there's a need now for most of the commercial space they propose to provide. He asserted that significant development is coming to the area in the not-to-distant future, and the choice is whether to limit to a dense area or to see it sprawl along M-72. Mr. Hayward stated that the applicants share the concerns of not making the area like Detroit. He said that this density of use has been under consideration for a long time and seem like they should be settled, although aesthetics are still up for discussion.

Carstens asked if the economic statistics quoted are from an independent source or a source hired by the applicant. Mr. Hayward stated that the applicant hired the consultant. Carstens stated that a similar thing happened to Traverse City some years ago; they spent over \$1 million and received a flawed report. Mr. Hayward stated that the applicants were attempting to address a concern expressed by township officials that a study be done, since it was apparent that the township would ask them to pay for the cost of one in any event.

Carstens feels it would be less expensive to perform another survey or have a referendum and "let the chips fall where they may." He feels it looks like the applicants "jumped" on Section 8.22 of the ordinance so that the township would not have time to revise the Town Center Ordinance, which would then be subject to referendum. He also questioned whether this is an attempt to fast-track an approval prior to the upcoming Board elections. Smith called this assertion into question. He stated that other applicants have paid for special meetings, particularly for the ZBA, but it hasn't been considered unusual. Mr. James Goss, the applicant, asked to address the statement that 75% of Elk Rapids is residential. He has had an ongoing discussion with James Pavelka, School Superintendent, about the impact of such a development on the local school system. There are three large projects coming to

Acme that may add about 1,000 residential units within a short period of time. This would cause some interesting concerns for the school system. He offered his correspondence with Mr. Pavelka to the Commission for their information if desired. Mr. Hayward picked up on the theme, saying it's "unfair" to look at the 70% commercial/30% residential makeup of the development proposal in a vacuum. There are B-3 zoned areas to the east of the subject site along M-72 already, that can be developed subject to special use permit by a big-box retailer at any time. If this project is sized to absorb that growth, perhaps this won't happen. Their 182 acres is not an island, it will be supported by and will support the rest of Acme Township. How might it affect individual parcels of land? This has yet to be determined. Development will occur; it's up to the township to figure out where it will go. Also, the residential development is a double-edged sword. There isn't a lot of money available to build new schools under Proposal A, so there could rapidly be a school overcrowding situation.

Hoxsie asked Christopherson what would happen if a referendum were held that resulted in a public "no big box" stance. Would that be enough to permit the Planning Commission to turn down the development? Christopherson said that a referendum can only be held regarding a proposed or amended ordinance. Hoxsie amended his question to specify a survey rather than a referendum; Christopherson said that a survey wouldn't change the ordinance and prevent approval of a large store. The Commission could consider the new information as part of its deliberations, but to deny the application on that basis without first amending the zoning ordinance to reflect the survey results might infringe on the applicant's rights. Mr. Hayward also suggested that any such survey should be part of the master plan amendment process. He has also had a long-standing concern about statements that the township seeks to preserve the "up-north feel." Does this refer to the broken-down trailers that dot the landscape? What does it mean? He says that the requirements in the proposed new M-72 Overlay District Ordinance prohibiting "trademark architecture" won't stand up; it's already out there. He thinks there's room for discussion about increasing the buffers and rotating the hotel again. He feels that the proposal is for a unique community center; but different people have different tastes and approaches to the same general concept. He regrets that the applicants can no longer work with a subcommittee, but rather must go through this type of meeting to discuss a variety of change concepts.

Mr. Hayward stated that the question "why the rush" keeps coming up. If someone borrows \$8 million from the bank, the interest costs rack up fast. With a very modest estimate of a 5% interest rate, he asserted that \$1,250 or more a day leaves the applicant's pockets. \$750 for a special meeting seems very inexpensive in light of this fact. Krause stated that in all of his years in development, he has never heard of a developer purchasing a property prior to receiving zoning approval. He feels that the foregoing statements reveal a wealth of concerns and issues. Mr. Hayward said that it was a unique circumstance, and that it was done this way in part to try to help the township avoid a lawsuit being contemplated by the former landowner to force a development decision. That former landowner provided a purchase agreement with very limited option windows. He stated that the applicants were informed by certain township officials that their former application could be processed within a certain timeframe, but ultimately that timeframe became longer and longer than promised. Vermetten stated that by continually speaking about the dollars and potential litigation,

he feels the applicants do themselves a disservice that diminishes their overall presentation. Every venture has its risks. Mr. Hayward noted the truth in this, and apologized for any inadvertent offence the mention of finances may have created. Mr. Steve Smith, one of the applicants, supported Mr. Hayward's statements regarding the daily cost of waiting. He stated that they came up here to work with people, and spend a lot of money to intervene and try to assist the township in the lawsuit brought by CCAT.

Sherberneau asked about the 75' height request for the mixed use buildings, and that this would make them as tall as the proposed hotel. Mr. Hayward stated that they are seeking flexibility, but noted that controls could be placed in an eventual SUP agreement. Sherberneau ascertained that 75' is the equivalent of about 5 stories. Mr. Hayward stated that not all of the structures would be 5' tall; they would be allowed a certain amount of density and might choose to build 1,2 or more stories on building, essentially stacking some of the individual units shown. Clark stated that if the intent is an overall certain density limit, the application might be re-worded to make this clearer. Everyone previously assumed that they meant for each footprint to move up to 5 stories rather than an "or" type of situation. Sherberneau feels that an "Elk Rapids" is not economically viable in this day and age, and stated that while he feels the plan needs some refinement, he generally favors it as realistic for this day and age.

Smith concurred with Sherberneau, stating that referring to Elk Rapids and Suttons Bay in our Master Plan was a mistake in his opinion. He asked John Norquist if a development could move forward in this area without a large anchor, and Mr. Norquist could not say it was possible. He believes that we need to think about regional concerns. It is possible the development could have an overall benefit in terms of regional traffic concerns. He feels the plan needs some tweaking. He would favor having a Meijer store within the development; he and many others drive to the one on the other side of town now. Elk Rapids and Suttons Bay are idealistic, but not realistic, and we need to change with the times. We are working on initiatives including parks and recreation and farmland and open space acquisition. Where will we find the money to achieve these goals. Perhaps through careful compromise we can have a development that would be a credit to the area and that would allow us to resist strip development along the highway corridors in conjunction with ordinance amendments.

Smith stated that a proposal is before the Commission. Each Commissioner needs to really study the terms of Section 8.22. Our hands are somewhat tied, and a decision must be made. Some things can be requested, but few can be demanded. He believes that a reasonable and creditable compromise can be reached. Krause asked what the next step should be, now that the Commission has made some recommendations. To lighten the mood, Mr. Hayward joked that the Commission should recommend approval and trust them for the rest. He commended Clark's design skills and stated that he has traditionally found their relationship to be a productive one. He stated that the developers would like to work with the township regarding the setbacks from the highway. Turning the hotel again is easy, as is correcting the wetland delineation information and adjusting the plan accordingly. He said the applicants would talk to the proposed tenant of the northern large retail store to see what options might exist to make that structure seem more a part of the overall community. They will continue to

soften the lifestyle center area with vegetation to get away from an urban feel, despite the request for multi-story buildings. “We are trying to create the character of Acme, and we are trying to get it right.” They would like to develop a true “up-north” character, rather than an up-north caricature. Mr. Hayward stated that they are speaking to many community organizations such as TART. They hope to incorporate a connection to the regional non-motorized trail system that would eventually connect to the Resort via an underpass below M-72. There are many things the development team hopes to provide that they can’t commit to yet. Mr. Hayward stated that they are informed that the only unserved niche in the local hotel scene is for a small upscale facility. Their concept is an independent hotel of the caliber of Mackinac Island’s Grand Hotel. There may be opportunities for shared parking that could be explored during the site plan approval phase of the proceedings. He would be worried by an overall 4.5 parking space per 1,000 sq. ft. ratio; saying that the national average is 4.9 spaces and that public transit would have to be a key component to make the lower ratio work.

Mr. Hayward recommended that the Commission permit him to work directly with Clark to make further plan refinements prior to the next Planning Commission meeting. Carstens stated that he likes the idea of including Meijer’s within this development. He would like them to not develop on their current parcel, and he is glad that they hire developmentally challenged individuals. He would find multi-story structures with smaller footprints an exciting concept, particularly if combined with transfer of development rights. He wants to see development that will stand the test of 50 or more years, not development that becomes obsolete after 20 years. Mr. Hayward agreed that multi-story buildings can tend to have a longer lifespan and present more opportunities for building reuse over time. If they can go up, they may have to ask for modified plan conditions to accommodate parking needs. The applicant would not, however, wish to be criticized as asking for *carte blanche*.

Smith noted that this development is not the only thing going on in Acme Township right now, despite what the media says. We are working on a new ordinance for the M-72 corridor, a DDA, improvement of the M-72/US 31 intersection, farmland preservation, transfer or purchase of development rights and a waterfront boat access. He asked that the community give its officials credit for trying to do what’s best for the township as a whole. Smith also stated that the applicants live here and don’t plan to build and run, which he sees as another important consideration. He again encouraged thorough review of Article VII and Section 8.22 of the Ordinance so as to clearly understand the township’s authority and limitations prior to proceeding.

4. Adjourn Committee of the Whole and reconvene regular meeting:

Motion by Hoxsie, support by Sherberneau to adjourn the Committee of the Whole and reconvene the regular meeting at 9:35 p.m. The Chair cast an unanimous ballot, there being no objection.

- a) **Entertain Motion regarding further action on Application #2004-11P:** Krause asked if it would be possible to have a subcommittee continue to work with Clark regarding this application in an open meeting format. Smith felt this would be acceptable. Vermetten feels that the committee of the whole study session is a better

format because it keeps everyone informed and involved. He agrees that intense study of the ordinance would be a good idea. Carstens agreed with Vermetten as to continuing with the committee of the whole format, which he believes will continue to foster an environment of open dialogue and exchange of ideas between Commissioners and the Commission and the public.

Motion by Vermetten, support by Carstens to continue the preliminary hearing regarding Application #2004-11P to the July 1 preliminary hearing agenda.

Mr. Hayward has a conflict with the July 1 meeting date, also his daughter's first birthday. He asked how far a process continues at the preliminary hearing stage before going to a public hearing format. He agreed that moving to the public hearing stage would allow for more public input into the process, and felt that the preliminary hearing is to ensure that the application will be complete enough to prepare. Carstens asked Clark for his opinion; Clark did not feel he has enough information at this stage to allow him to make a recommendation to the Planning Commission at this time, but a public hearing might be set if the applicant could commit to having the requested information submitted to Russ by certain date. The applicant would be willing to commit to having their materials in on Monday, June 14 by noon, the public hearing would be neither published nor held. This would allow Clark to perform a review and provide a packet to the Commission for consideration a week prior to the hearing date. Vermetten appreciates the applicant's need for speedy disposition, but the Commission has been saying that it will not push the issue too quickly and he feels that another study session is needed. Krause concurred. Corpe suggested placing this on the public hearing agenda on June 28 because unlike the other preliminary hearings, it is a discussion already in process.

Motion modified by Vermetten, support by Carstens to continue the preliminary hearing regarding Application #2004-11P to the June 28 meeting. The Chair cast an unanimous ballot, there being no objection.

5. Other Business:

- a) **Reschedule Master Plan Study Meeting previously scheduled for June 14 (scheduling conflict with School Election being held in Township Hall):**

Consensus was reached to reschedule the June 14 meeting to June 15.

- b) **Discuss agenda for June 28 meeting:** Corpe prepared the agenda as it might stand at the current time; it is clearly too long to cover in one evening and should be divided into two sessions. Because this is due to a backlog of applications, none of the applicants would be charged for a special hearing cost. Thursday, July 1 was set to cover the preliminary applications except for Application #2004-11P, which is the only preliminary hearing for which discussion has already commenced. The remainder of the agenda will be carried out on June 28.

Motion by Carstens, support by Krause to continue the meeting to a maximum of 10:30 p.m. The Chair cast an unanimous ballot, there being no objection.

6. Public Comment:

Scott Nowakowski, Director of Real Estate – Meijer stated that the township has sought to “lure” their store onto this property for years. They see the prospects for this steadily improving. He encouraged the township and the applicant to continue to work together to attract high-quality development.

Mark Hullman, 4259 Maitland represents the Johnson family, which has an economic interest in this situation. They have concerns about the potential economic impact on Acme Village. The last time the plan was approved, a road connection to Acme Village was a recommendation, but not a mandate. They would be harmed if they are isolated from this development if approved. Their position is that a road connection be required as a condition of approval.

Denny Rohn, 9267 Shaw Road spoke to the Town Center Ordinance being null and void. She feels that it’s not gone, but lingering and in need of fixing and re-adoption. Fix it, have a referendum and then the township has a perfect guide that would eliminate the MUD question. She hopes it will be the subject of a study session in the near future. Smith stated that the township could start from scratch; he feels it needs more work than just having one offending sentence removed.

Kelly Thayer, Michigan Land Use Institute (MLUI) asked to comment regarding John Norquist. He stated that MLUI commends the township’s work to date regarding the M-72 Corridor and hopes to continue to partner with us on that effort. He stated that two concepts Mr. Norquist shared, as transcribed from a tape of the meeting, in response to Smith’s question about big boxes, were that it would be hard to create a development without one unless a true downtown were created. With an authentic main street he thought there would be potential. Mr. Norquist also ended with a long statement saying that he would expect downtown Traverse City to dislike competition from a large retail center on the east side of town, and that he didn’t believe that it would add significantly to the tax base here. He also stated that we might have the retail center of the moment, but before long someone would build a newer one farther out from town. Mr. Thayer believes that Mr. Norquist said that we could do better.

Meeting adjourned at 10:07 p.m.