



ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
SPECIAL MEETING
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. TUESDAY, JULY 19, 2005

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

Members present: O. Sherberneau (Chair), B. Carstens, C. David, R. Hardin, D. Krause, D. Morgan, E. Takayama, M. Vermetten

Members excused: J. Pulcipher

Staff present: J. Hull, Zoning Administrator
S. Corpe, Office & Planning Coordinator/Recording Secretary
J. Christopherson, Township Counsel
J. Iacoangeli, Consulting Planner

1. Limited Public Comment:

Lewis Griffith, 5181 Lautner Road, stated an opinion that Takayama is in conflict of interest regarding the item on the agenda. No question of conflict of interest is on the agenda as an item this evening. He believes Takayama should not participate in any discussion or deliberation regarding this matter.

Sherberneau asked if any member of the Commission felt they had a conflict of interest. Takayama stated that the letter he wrote as a CCAT member regarding the first lawsuit concerned the Village at Grand Traverse, and not the Meijer project. In his letter he expressed concerns about the impact of the proposed Village on his quality of life, a concern he feels many in the community share. He stated that his comments at meetings addressed proper planning and transfer of development rights, but were never completely in opposition to the Village. He believes he does not have a conflict of interest, and believes any attempt to remove him from consideration of this matter arises from fear, because he is steadfast in his opinions and their representation.

2. Continued Discussion/Deliberation:

a) **Application #2004-3P by Meijer, Inc., 2929 Walker NW, Grand Rapids MI 49544 for SUP/Site Plan Approval for development of a 232,360 sq. ft. grocery/general merchandise store, 2,400 sq. ft. convenience store with 10 gas pumps, and 100,041 sq. ft. of additional commercial space on property located at 5896 Lautner Road (the southeast corner of M-72 East and Lautner Road) and currently zoned B-3, Planned Shopping Center:** Iacoangeli noted that the applicant requested this special meeting prior to the last regular Commission meeting. The purpose of the evening is to deliberate some of the broader issues related to the proposed Lautner Commons project. He has prepared a memo regarding some of these issues and some questions for the Commission to consider. The applicant agreed to work towards creation of a revised site plan for the evening, and provided one through Chris DeGood, Gourdie Fraser, yesterday. The applicant is seeking some form of "closure" regarding the application process, and Iacoangeli hopes that substantive discussion this evening will provide a clear path towards resolution of outstanding issues.

One of the first issues raised during site plan review involves the definition of "planned shopping center." The township's ordinance contains a definition, so the first question is whether or not the Commission is comfortable that the plan as

proposed meets the intent of the definition in the ordinance. Krause indicated having been involved with many planned shopping centers, which in his experience have been single large buildings with large pedestrian aisled lined with a variety of stores in an enclosed building. In his opinion, the Meijer is, in itself, an enclosed mall. It has a variety of goods and services. Malls have outlots. He feels that the proposal is a mall.

Vermetten stated that Krause seems to be using “mall” and “shopping center” interchangeably. Krause indicated that to him, a “shopping center” can also be a strip development that is not an enclosed building.

Hardin is concerned with the layout because it seems to “shove everything to the edges.” This does not seem to him like the “cluster of buildings” called for in the definition in the zoning ordinance. He feels that the newly revised plan resembles The Crossings or an Air Force Base more closely than ever. He does not feel it meets the intent of the ordinance definition, which calls for something more.

David just returned from a trip downstate. If those establishments are shopping centers, the proposal seems to him to meet the definition as well. Stores are grouped around a parking lot with no pretense of a village or commons. It is meant to serve automotive convenience. It answers the description of a shopping center, but it is the size that concerns him. The market study says that only 5% of the shoppers at the project would be from Acme. It is a regional shopping center.

Takayama feels that the revised plan is better than the first one, but still violates the intent of the Master Plan. Parking still seems to be the focus. He would favor a more pedestrian-predominant design with walkways, more green space, and parking behind the building.

Vermetten’s primary issue is that the project is in the wrong location according to his interpretation of the Master Plan’s intent. He is not concerned with the size; Meijer will develop the store they believe will profit them. They are a successful Michigan-based corporation. It is their risk to put in a store of the proposed size. He is concerned with the proposed location; the Master Plan called for Meijer to become the anchor to a traditional village center. The anchor would make a village economically feasible; without something like Meijer it would be difficult at best to have a self-sustaining village of the type many in the community conceive. Viewing the Village and Johnson properties together is more prudent.

Sherberneau feels that the proposed parking lot size is disproportionately large, in part due to the township’s own parking requirements. He hopes the township and Meijer could work together to reduce the size. He does not believe the current layout meets the definition of shopping center because the outlots are separated from the key building by the large expanse of parking.

Iacoangeli stated that he interprets the Master Plan to say that the Village, Meijer and Johnson property are options for a town center, ranked by desirability in that order. The Plan further says that if Meijer is not within a town center on the Village, it should be directly linked and integrated into the town center on the Village parcel. It says that the town center should contain commercial, residential, civic and parkland components. Due to the history of the proposed Village project and related lawsuits, there has been a “ping-pong” game of sorts as to where the Meijer should be.

One key concept is that neither the Village nor Meijer should dictate how the community will develop; this responsibility rests with the township. Rather than

being reactive, the township should be proactive in communicating the overall plan and the Village and Meijer should conform to that plan. Mapping out the future of the town center has a lot to do with the relative positions of the tracts of land to one another. We must come up with a plan for the core of the Village and/or Meijer properties and plan the community outward from there. The township establishes the framework, the developers fill in the pieces of the puzzle.

David noted that there may be a difference between the definition of “planned shopping center” in the ordinance and the intent of one in the Master Plan. To him the proposed plan does not meet the Master Plan requirements because it contains only retail components. Iacoangeli stated that he heard consensus that the Lautner Commons project meets the definition of a “planned shopping center” in the ordinance.

Iacoangeli stated that the next question is where the project belongs. He noted that there was a market study performed relative to the Village, then there was a market study presented regarding Lautner Commons, and the second study was revised. The latest iteration seems to encompass both the proposed Village and Lautner Commons developments. There is a difference between a regional shopping center and a commercial component to a planned village. The latter would have commercial areas that are primarily for local shopping with a modest amount of regional shopping, but nowhere near as much as the market study suggests.

Steve Hayward, planner for Meijer, Inc. asked when he would have a chance to comment or respond. It appears to him that discussion is currently on a Master Plan level rather than the application level, and he feels that the applicant’s opinion on the master planning varies from Iacoangeli’s. Iacoangeli agreed that he and Mr. Hayward might not agree, but that it is important to start with the big picture first and work down to the smallest details. The first question is whether the proposed project fits into the Master Plan and how; otherwise the results could be disappointing in years to come.

Sherberneau questioned Iacoangeli’s perception that consensus had been reached on whether or not the project fits the “planned shopping center.” Iacoangeli asked how the Commission interprets the Master Plan vision for the properties it mentions.

Vermetten feels that “shopping center” is ambiguous enough that reasonable minds can differ on a definition. The question of how a shopping center fits into the Master Plan is relevant. To him, the key issue in the Plan is the relationship of Meijer to the town center, and that the Plan calls for Meijer to be brought into the entirety of the town center concept. He likes the concept of Lautner Road as main road unifying development on both sides. There must be a synergy between Meijer and surrounding commercial, residential and civic development.

David asked if Vermetten is trying to say that Meijer needs to be more integrated into types of development that it does not propose on its site, and Vermetten affirmed. Being across the street from the Village seems to remove it from the context required by the Master Plan. As proposed right now there would be no true linkage; Meijer would be insulated by its proposed outlots.

Krause stated that it is also important to be mindful that the Meijer property is zoned B-3, Planned Shopping Center.

Iacoangeli drew a picture of a large store such as a Meijer at the terminus of a main street area. He feels that this is somewhat unfair to a large retailer, which needs a

parking area at its front. Another way to approach the same concept is to place the large retailer along one side of a main street, with other mixed uses across the street and alongside. Iacoangeli stated that a walkable commercial area is around 500' in diameter, which confused Vermetten who had previously been told that the walkable area would be 1,500 sq. ft. Iacoangeli recognized Krause's point as well.

Iacoangeli stated that he has discussed the concepts he is presenting to the Commission with Meijer. Their new drawing reflects those discussions to some degree, but the Commission still needs to resolve its vision of the Master Plan, which will have direct bearing on how the sites interact.

Krause indicated that one problem is that the status of the Village property is currently completely unknown, and may well now be removed from the Commission's control. He is sorry that two years of work has come to this state. He feels no sense of ability to direct the future of the private property.

Hardin is intrigued by the idea of Lautner bisecting an integrated town center development on both the east and west sides. He noted that Suttons Bay has M-22 as the main street through its downtown. Planning in relation to Lautner as the centerpiece of a coordinated town center seems like a good idea to investigate.

Carstens stated that if Lautner is thought of as a main street, the current plan would not be suitable. It would have parking along Lautner rather than storefronts. He also believes Bunker Hill Road would become a main route of travel to and from the development, which would negatively impact the essential character of that local road. He feels that the proposed plan enhances the likelihood of ending up with a regional mall rather than a town center. The Master Plan talks about balance, and with new development fitting in with existing conditions. He does not believe it intended a "mega-mall." He believes that one reason for the limited sewer district is to direct the concentration of growth, and that the growth boundary should not cross Lautner Road.

Iacoangeli found it regrettable that to date no future land use plan has been incorporated into the Master Plan, as it would be helpful with some of these questions. He finds that the text of the Master Plan does provide insight. It says that instead of strip development with individual accesses all along M-72, that the same development should be aggregated in a compact town center surrounded by residential areas. This is the Master Plan's concept of "building neutrality," having the same overall square footage of land use but in a non-linear configuration. It would be unrealistic to expect that all of such commercial development would be "mom and pop" size. It is entirely likely that several hundred thousand sq. ft. of retail space would end up aggregated in the town center, and that it might take on some regional nature. It would be the same amount or less of the space that might function regionally as well but be spread along the entire corridor. This is important to think about.

The property is zoned B-3, but the use is a special use. This gives the township latitude for discretion over the form that development of the use takes. The Master Plan says that the Meijer can be part of the village center and serve as its anchor, but this requires planning.

Takayama looked to page 10 of the Town Center Report of the Master Plan, reading from the sections about street design. This led Iacoangeli into a slide presentation he had prepared. The slides were photographs of actual town center developments such as Levis Commons in Maryland. The architecture is relatively "new commercial" and

seems to him to match the Master Plan descriptions of the type of development desired. Elements of the community include corporate headquarters, retail stores, restaurants with café seating and housing that is only about 250' away from downtown. He feels that the same type of development could occur along Lautner Road. There is probably several hundred thousand sq. ft. of retail space, but the layout, architecture and landscaping make it a pleasant place to be.

Tying this back to the Lautner Commons proposal, he feels that it would not be too difficult to encourage a design change that would employ Lautner Road as a main street and incorporate the Meijer and other retail/restaurant development in a cohesive way that would be the beginning of a commercial core to be surrounded by new residential neighborhoods that have walking access to the commercial area.

David asked if the Commission has the ability to convert Lautner Road from a County road to a main street; Iacoangeli stated that this is possible, and is just as possible as turning Lautner Road into a 4-lane road to serve the Village and Meijer developments as these applicants have proposed. David asked who would pay for this; Iacoangeli replied that the developers would do so. Takayama stated that in Middleton, WI there is a community in development. Middleton is as close to Madison as Acme is to T.C. The development Iacoangeli displayed could just as easily been the one he saw, and what we could have here.

Krause still expressed the concern that the township only has this sort of decision-making discretion over property it owns. Iacoangeli countered that Meijer has asked for a special use permit, and that the township has the ability to require conformance to its plan and vision as a condition of the special use approval. He noted that the urban planner in his office has hoped to see a picture in our Master Plan of what the words describe as the vision, but none was there. The Plan talks about a comparison to Suttons Bay and Elk Rapids, so the Commission must consider what components exist in those communities. They contain commercial and residential space, with the residential space at about 5 units per acre and within walking distance. Without a vision, the tug-of-war over development will continue.

Morgan stated that she has been to the Village at Rochester and liked it. Her family envisioned this for Acme as well. Her research indicates that there are 40,000 shopping malls in the country, and twice as much retail space per capita in America as in any other country. She feels they got their start due to tax breaks for start-up. Many malls have now closed or are deteriorating. She likes Meijer and has confidence that a shut-down would not occur in this area. She asked how much total retail space is in the Lautner Commons plan; about 330,000 sq. ft. A definition of "regional mall" that she has found is retail over 100,000 sq. ft., plus outlots. Her key concern has to do with impervious surface – parking lots and roofs. Sherberneau redirected comments at this time to the bigger picture. Morgan also feels certain that expansions of Bunker Hill and Lautner Roads would be required.

Krause expressed understanding that the Lautner Commons development can work effectively with our Master Plan if the layout is rearranged; Iacoangeli confirmed.

Carstens stated that current work on Bunker Hill Road is to accommodate a bicycle connection of the TART to the VASA. He read passages from the Master Plan regarding how the Board and Planning Commission should work towards preservation of the natural environment and quality of life. He does not feel that a regional shopping center meshes with these statements. The Master Plan says that a public survey hoped for a community that was a maximum of 10% commercial, yet at that time commercial development already exceeded this amount. The township

has adopted a farmland preservation millage. The sewer district stops at Lautner Road, and to him it is questionable that the Meijer property could ever be developed because of its wetlands and connections to the creek systems. He is distressed by the direction the process is taking.

Iacoangeli noted that the Master Plan specifically calls out a Meijer development, although at around 150,000 sq. ft. rather than 232,000 sq. ft. as now proposed. Mr. Nowakowski has told him that the increase in size has to do with changes in market forces that have occurred over the 6 years since the plan was written. The plan discusses how to incorporate development of Meijer into the community's desired goals, and this is what he is trying to help the Commission explore. In some communities a Meijer is the local grocery store; the brand name alone does not necessitate a regional connotation. Careful definition of the intent of the Master Plan is necessary before deciding whether or not a particular development fits into it.

The Master Plan says that we want open space, protection of watersheds, water quality and farmland, and development of a traditional village center. It must be possible to figure out a way to integrate all of these vision components before being able to effectively evaluate a particular development plan.

Like Takayama, Vermetten feels that the discussion so far has been positive and productive. For it to continue in this way it is necessary to keep emotions out of the situation and carefully consider what the Master Plan and its Town Center report call for. Takayama agreed, stating that in his perfect scenario Meijer would be the heart of a revised Village project. He provided a photo of the Meijer property after a hard rain in 2001, and stated that he feels that their particular parcel is environmentally unsuited to heavy development (the picture showed significant areas of standing water). The water table is barely below the surface. He believes the Meijer should be at the heart of a "true" village center.

Sherberneau invited Meijer to make some comments after a brief recess.

Meeting recessed from 8:22 p.m. to 8:30 p.m.

Mr. Hayward and Scott Nowakowski, Meijer, Inc., displayed the site plan submitted in January, then the drawing distributed yesterday, to demonstrate changes made in response to previous discussion with the Commission and Iacoangeli. He stated that the revised plan attempts move from traditional "outlot" development to a design that clustered the non-Meijer buildings and created a buffer between Lautner Road and the parking. The parking was re-arranged into smaller pods between groups of buildings, and was reduced in amount by approximately 45%. In response to concerns regarding the ability to integrate the Commons by pedestrian routes with the Village, pathways and sidewalks to connect, as well as a proposed entrance boulevard that could match up to a similar boulevard in the Village were provided. Mr. Hayward said that there has been some confusion in terms of buffer requirements that have been discussed with Iacoangeli. The non-Meijer buildings might be any type of use allowed in the B-3 district, including offices or restaurants. Drives within the site are curvilinear and have ending points that are framed by buildings in an attempt to encourage more of a sense of place. They feel that the proposed re-design is supported by the Master Plan.

Vermetten stated that while the site plan within itself may have some positive relation to the Master Plan, does it really fit with the Master Plan within the "macro" analysis in relation to other sites and the community at large as discussed in the Town Center Report. Mr. Nowakowski stated that the current problem is that we don't know right

now what will happen across the street. How can his proposal be judged within a larger context that has been “severely damaged” at the least. Vermetten noted that a Phase I plan for the Village presented in December had Meijer as an anchor and was tabled pending the outcome of litigation. Why can’t that Phase I plan be brought back into consideration. He also noted that Iacoangeli’s slide show community is said to have a medical facility behind the commercial area. Why would the Meijer necessarily have to be the focal point of the village development?

Takayama would like to see Meijer as part of the Village development. Rather than spending more money on both sides to appeal litigation, why don’t representatives of all parties meet to discuss the situation and hammer out a plan? He feels that it might be possible to do so in fairly short order, and move the Meijer onto “dry land” where sewer access is available, using everyone’s money in a productive manner. Mr. Nowakowski stated that from his perspective Meijer has met with representatives of the community four times in good faith and stated that the next move was up to the community. Not once were they taken up on their offer to sit down. At the top of his voice, he characterized Takayama’s statements as an “insult” and “ludicrous.” In threatening tones, he stated that if municipal sewer does not come to the Meijer property, perhaps it will come from another source, otherwise there will be an on-site system.

Vermetten feels that a Commission viewpoint regarding the dictates of the Master Plan is “beginning to gel.” He stated appreciation of efforts by the Village and Meijer to work with the township in the past, but feels that now is a good time to try again to hold productive discussions and reach consensus.

Mr. Hayward stated that 10 weeks ago a discussion was initiated between Meijer, the Village and a representative of another party to the lawsuit. He stated that confidentiality agreements have been signed. Other parties to the lawsuit were invited to participate, but over the last 2 ½ months have not yet come to the table. Vermetten asked who the other party was. Iacoangeli sees that for the first time a macro vision of the entire situation is being discussed.

Iacoangeli has brought with him some designs created by his firm as an internal exercise for evaluating the proposal. He stated that he is not advocating it as a solution, but as a way of discussing what the Master Plan calls for. Mr. Hayward expressed concern that a concept plan might be displayed that has not had any input from the applicants or their representative. He questioned whether any such design would be enforceable as a requirement by the township under the Township Zoning Act or whether it would be marketable. He also expressed concerns about the work being done as part of the costs Meijer is required to pay for processing its application.

Iacoangeli displayed the internal exercise, again specifying that it was his firm’s way of representing the wording of the Master Plan in graphic form so that their understanding of the plan could be compared effectively to the proposed project plan. He identified key components, and noted key aspects such as walkability, residential components and keeping Meijer on its own parcel while incorporating it into an overall village.

In a second drawing, which he showed to the applicant before the meeting but had hoped to meet with them earlier to discuss, was site specific to the Meijer site. He noted again that the Meijer plan must be evaluated in light of the township’s overall vision, plan and goals. The Commission must fairly evaluate what the applicant has presented at some point in time, but it must be done within the context of the big picture. The second plan was Iacoangeli’s response to Meijer’s revised site plan,

which he feels still does not meet the intent of the Master Plan. The store on the concept is the same size as the one proposed, but Iacoangeli did display a slightly different façade/shape. Mr. Nowakowski stated that the corporate design standard changes every few years, as does the internal layout of the stores. The design submitted for approval is the most up-to-date, and photographs of this actual design as constructed in Southfield were provided in Iacoangeli's memo.

Iacoangeli encouraged active discussion with Mr. Nowakowski as to whether or not a move back on to the Village property is currently an option. Vermetten noted his suggestion that consideration of the tabled Phase I of the Village be resumed; Corpe pointed out that this application was predicated on the Conceptual SUP for the Village, which is currently in a null state, although an appeal process is expected to begin shortly.

Mr. Hayward suggested that there might be several tandem tracks on which considerations might proceed. He noted that the judge didn't toss out the entire Village Conceptual SUP; he remanded it back to the Planning Commission. He does not believe a re-application is required, but that the existing conceptual plan can come back under consideration. This could be done concurrently with other approaches. Mr. Hayward asked if the Board has yet appointed a representative or two to mediation, saying that the Board was invited 10 weeks ago.

Takayama stated that the Board and Commission are trying to look out for the interests of the entire community. Sometimes this is a difficult process, and sometimes it involves lawsuits. This is a prime opportunity to try to plan for the whole community. Sherberneau stated that he would be glad to facilitate a meeting. Mr. Nowakowski stated that there is one individual in the government that has been preventing this and "pulling all the strings."

Christopherson stated that the conceptual SUP for the Village was set aside, and the matter remanded back to the Planning Commission. Vermetten feels that the process of discussion can certainly begin, even if technically the Phase I applicant cannot be removed from the table. Iacoangeli paraphrased the judge's ruling that the Conceptual SUP was not in keeping with the Master Plan, and that it must be reworked in conjunction with the township. For this reason Phase I cannot be considered because the entire Conceptual SUP basis must be reconstituted. Christopherson agreed, noting that the developer must decide how to proceed. They could bring in a new plan that they feel will better match the Master Plan. Iacoangeli stated that the same thing occurring today would have to occur in terms of macro visioning.

Mr. Hayward stated that the Village has filed a Motion for Reconsideration with the court today, based on several concerns about the judge's ruling. He characterized the ruling as "not worth the paper on which it was written." He mentioned the former Town Center Subcommittee, which was viewed by members of the public to be illegal. He stated that there are Board subcommittees currently active as open meetings with staff taking minutes, so he doesn't know why there couldn't be a similar subcommittee of the Commission.

Sherberneau offered a personal opinion that the revised plan presented by the applicant today is an improvement, and Mr. Nowakowski accepted these comments with thanks.

Morgan stated that Commissioners are not doing their job for the money, but for the love and benefit of the community.

Iacoangeli stated that the meeting should not end without a statement of consensus as to what the joint township/applicant next step will be. An application is before the Commission on which action has not yet been taken. Iacoangeli asked Mr. Nowakowski what he wanted done with the Lautner Commons application; Mr. Nowakowski responded that he has no choice but to continue it on its current track. That being the case, Sherberneau felt it appropriate to continue working through the questions in Iacoangeli's memo.

Carstens returned to the question of definition of "planned shopping center" as set forth in the ordinance. He noted that a definition from the APA dictionary was also discussed; Iacoangeli stated it is one of many. Iacoangeli appreciates Krause's point of view as expressed earlier. Carstens asked what would give one definition of a term greater legal standing than another. Christopherson stated that if an ordinance contains a term that is vague or incomplete, it is customary to look to other competent sources for the definition. There followed discussion about the "planned" aspect of the definition necessitating clear pedestrian access routes, particularly the requirements of Section 8.12.2(2). Vermetten noted that this section of the ordinance seems to require walkways between parking lots and buildings, but not between buildings. Mr. Hayward contended that the vehicle maneuvering lanes can legally constitute a walkway, but Iacoangeli asserted that federal courts have specifically ruled that they cannot. Federal court rulings even indicate that there have to be clearly defined non-vehicular walkways, for instance between handicapped access parking spaces and crossing landscaped islands. Mr. Hayward suggested that it's a matter of his interpretation vs. Iacoangeli's; Iacoangeli counted that to use the vehicular travel routes as pedestrian ways would require a variance from Acme's ordinance requirements for separation of pedestrian and vehicular traffic. The ordinance appears to him to contain design requirements as well as strict zoning regulations.

David noted Mr. Hawyard's comment about things being a matter of interpretation, and asked what part of "clearly demarcated walks" is subject to interpretation. Mr. Hayward suggested that absent pedestrian pathways, people who shop and drive regularly commonly walk along the vehicular areas. In a snowy climate like Michigan, a requirement for raised walkways throughout parking lots would make snow removal practically impossible. He also feels it would be severely detrimental to the impervious surface ratios. Iacoangeli noted that these are details that can be worked out, and that the discussion at this point was relative to the definition of "planned shopping center." David stated that then the question is not a matter of interpretation of the rules, but of varying or ignoring them.

Iacoangeli stated that the Road Commission and MDOT have the traffic study and are willing to review it. Before they begin, they need to know whether there will be site plan revisions. Site plan revisions will cause changes to the traffic study, and it is impractical for them to begin review until they know that the site plan is fairly firm and realistic. They will review the traffic study relative to the currently-submitted site plan if they are told it is substantially the plan. It was noted that the submitted traffic study discusses the impacts of both the proposed Village and Lautner Commons, because MDOT and the Road Commission felt that a review of both combined was required. They believe the review is premature if there may be significant changes to the site plan.

Sherberneau asked about the new parking ratios and if they would affect the traffic study; they would not. Mr. Hayward said that the Village and Meijer have been frustrated because MDOT is asking for a final site plan before they do their review, but the township requires agency approvals before final site plan approval. He

requested that MDOT be asked to proceed with the review based on the current site plan on the theory that the current plan would be a “most impact” scenario. Iacoangeli is concerned because for MDOT to do their job effectively they must know not just what the total size of buildings would be but the final uses of the buildings, which affect traffic generation and patterns. If the traffic study is based on a mix of office and restaurant and retail uses, but the eventual outlot uses are ultimately fast food, the amount of actual traffic and the timing of flows would change drastically. Mr. Hayward characterized himself as somewhat of a traffic expert and said that one problem with looking at fast food as a traffic generator is that the ITE Trip Generation tables assume the fast food outlets have direct access to the road. It is different if the traffic is funneled through a development. Iacoangeli will be discussing the question with MDOT.

Turning to the question about parking areas and circulation, Iacoangeli interprets that the proposed location of the main drive adjacent to a building is in conflict with ordinance requirements for demarcated walks between parking and building. Mr. Hayward stated a willingness to move handicapped parking as close to the building as allowable, considering Metro Fire requirements for a fire lane in proximity to the building. Iacoangeli noted that some large commercial developments have sidewalks with benches. He also noted the proposed location of a drive-up pharmacy window on the front of the building, which could create traffic/traffic or traffic/pedestrian conflicts.

Iacoangeli also stated discussion with Mr. Hayward about the Wal-Mart at Eastwood Town Center, in which case Mr. Hayward is the staff reviewer for the community. That store has a façade that is not a flat plane but has recessed features and uses interesting materials. There are pedestrian lights, and one recessed area has a garden goods display which helps to soften the pedestrian/automobile interface area. Krause looked at the newer Lautner Commons plan and suggested that a walkway/“esplanade” through the middle of the proposed parking lot sort of continuing the entrance boulevard might be effective.

Iacoangeli noted that according to the ordinance a 200’ transition buffer strip is required on all sides of the site except M-72. This can be problematical if one objective of the community is visual and appreciable open space, which is more effective when provided in a large area rather than as smaller strips of lawn around a border. Iacoangeli suggested permission for a smaller buffer strip at the back of the building, and perhaps in other areas, to increase the aggregated and meaningful open space that could be put together in one or more solid area(s) on the site.

As far as sanitation, the question of whether the township would be served by sewer on its site, which is Iacoangeli’s recommendation, or whether on-site treatment would be required. Given the sensitive nature of the site, on-site treatment does not seem prudent. Lawyers for both sides have been arguing the issue, but at some point the Commission will need to make a recommendation to the Board.

The ordinance currently requires 10 parking spaces per 1,000 sq. ft., which is the most excessive ratio he has experienced. Iacoangeli recommends that the Commission consider a substantial reduction. Meijer would like to retain a 5.5/1,000 ratio, not wanting to reduce too far so that Thanksgiving to Christmas season rushes can be accommodated; Iacoangeli feels the ratio could be reduced to as low as 4/1,000. Sherberneau asked Mr. Nowakowski what their rock-bottom ratio would be; he replied that it would be 5.5/1,000. The company actually takes pictures from roofs of how full their parking areas are, and would have their baggers color in parking lot maps to display usage. Vermetten asked what is the parking ratio for the existing T.C.

store; there are 1,119 spaces for a 255,000 sq. ft. store (approximately 4.4/1,000).

The ordinance does not allow parking lots in the front yard of a property, but this requirement can be waived. Iacoangeli feels this should be considered if Meijer would agree to provide additional landscaping. Buildings may help to manage views as well. David expressed concerns about whether additional buildings proposed for phase 2 will ever materialize or not.

Concerning parking lot lighting, there are many ways to approach pole height and light wattage. Iacoangeli recognizes the township's desire to employ dark sky standards in lighting. 22' poles rather than 33' poles require more poles, but can provide more effective lighting that is less impactful off-site.

Motion by Vermetten, support by David to extend the meeting to 10:15 p.m. Motion carried unanimously.

The ordinance requires that all uses be conducted within a "wholly enclosed building." Unless some accommodation is made, the proposed garden center would not meet this requirement. An area can be wholly enclosed but not airtight – the architectural design can allow for "holes." The question of architectural materials is also open for discussion. In some developments brick facades are required where the building is exposed to public view. Returning to the bigger picture, if the Meijer is to ultimately be incorporated into the overall town center, its design standards must be compatible with the overall design standards for the larger town center. This will lead to a feeling of planned integration of elements.

Regarding the proposed gas station location, Iacoangeli does not favor the corner location. In Scio Township a gas station is located within the site. When he visited, he observed that most users of the station combine the trip with their shopping; few people choose to stop there when passing by on the road. In Scio Township there is a sign on the corner welcoming people to the community and the gas station is located more near the boulevard. Mr. Nowakowski stated that if they knew when they built in Scio what they know today about sales, they would not have built away from the corner as they did.

Iacoangeli feels that the applicant has made some movement towards addressing his site plan concerns. He feels there is more room for positive modification.

Krause stated that in 2000 when the township was talking to Mike Kinstle on behalf of Meijer, a design for the gas station was reached that had the station on the corner but set back somewhat from the intersection, set at an angle and with landscaping enhancements. Mr. Nowakowski stated that at that time the gas stations were not including car washes. Krause feels that some compromise could be discussed in this regard.

Vermetten asked if Beckett and Raeder has any environmental concerns regarding the site. Iacoangeli noted that he has subcontracted with Ball Environmental, who provided a written report this evening. Dr. Grobbel was present earlier but left a few minutes ago.

David has heard comments about how long this process is taking, but the impact that will accrue to the township requires a careful process. Vermetten is unsure if the applicant has been provided a clear directive this evening by which to proceed further. There has been excellent discussion, but no firm statements have been made about our expectations for additional site plan changes. No discussion has occurred

regarding Ball Environmental's letter. Iacoangeli feels that a general tone for further discussion has been set, and the applicant has asked to proceed. He feels that it is still necessary to hold further discussions about how to fit the application into the Master Plan.

Carstens feels that a gas station is the worst possible entrance into a town center. He believes that Meijer should be within the town center, saying that he has never said they don't belong in the community but that they should be present entirely on their own terms. He feels additional discussion about environmental and market issues is needed. He wants a town center and if Meijer's can be part of it, great. He also believes that there is value in transferring development rights and building vertically.

Morgan asked about the size of Scio Township compared to Acme. Mr. Nowakowski said their store is 194,000 sq. ft., plus the garden center, with somewhat over 1,000 parking spaces. Their population is slightly over 15,000. Scio type facades are no longer being produced, and according to Mr. Nowakowski it took over a year to get approval for the design.

Mr. Hayward stated that he heard a comment earlier about public investment in improvements to Lautner Road. He himself expressed an earlier concern about whether a broader visioning effort is being conducted by the township on Meijer's application bill. To alleviate this concern, he suggested that Beckett and Raeder break out their costs between Meijer and general visioning.

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

Dan Hanna, 7239 Lautner Road, stated that at the last Board meeting Boltres wanted to have Hardin and Krause not reappointed to the Planning Commission, saying that they interfered with the way the Board wants to control the township. He hopes the Commission will band together to keep these two members on board. Mr. Hanna also wanted to address Takayama's statements earlier this evening. He said that Takayama is prone to exaggeration. He said earlier that he has seen over a foot of standing water on the Meijer property. If this was true, Takayama's house would have been flooded.

Andy Andres, 4946 E. M-72, stated that the question was raised earlier this evening about why all parties don't sit down and have discussions. At the Board meeting on July 12, there was discussion about Sandy Pownall's proposed development, which the Board has been waiting to approve until proof of water service can be provided. She provided a letter saying that the Tribe is willing to provide water, but Boltres said that she should be required to go through the township. Mr. Andres feels that this is evidence of the lies the Board tells, and that if this is the way they will act, the Tribe should tell the township to "go to hell."

Dan Rosa, 4707 Hampshire Drive, commented on Mr. Hayward's mention of various parties to the lawsuits to sit down in confidential meetings to resolve some issue, but there seems to be one party that is reluctant to sit down. He wonders if it would violate confidentiality agreements to reveal which party, so that the public may apply pressure. Krause stated that the party in question has changed its opinion and is now willing to sit down. He has signed a confidentiality agreement and can't say. Mr. Rosa believes it's too bad that the taxpayers must continue to support lawsuits if it happens to be the Board that won't come to the table. Iacoangeli suggested that the Commission appoint several members to begin new discussions with the Village since the court remanded the Conceptual SUP back to them.

Mr. Hayward asked if the Meijer application is on the agenda for next week's regular meeting; Sherberneau stated that they are.

Meeting adjourned at 10:25 p.m.

