



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
6:30 p.m., March 7, 2006**

Meeting called to Order with the Pledge of Allegiance at 6:34 p.m.

Members present: B. Boltres, W. Kladder, B. Kurtz, P. Scott, E. Takayama, F. Zarafonitis
Members excused: D. Dunville
Staff present: S. Corpe, Township Manager/Recording Secretary
J. Hull, Zoning Administrator
T. Henkel, Parks & Maintenance Supervisor
J. Iacoangeli, Consulting Planner

INQUIRY AS TO CONFLICTS OF INTEREST: None noted

Motion by Kladder, support by Scott to enter closed session to discuss litigation and settlement strategy in Concerned Citizens of Acme Township (CCAT) v. Acme Township v. The Village at Grand Traverse, LLC and Meijer, Inc., and receive additional direction which, if discussed in open session could have a detrimental impact on the township's financial interest. Motion carried by unanimous roll call vote.

Open meeting recessed at 6:35 p.m.

Motion by Kladder, support by Scott to reconvene the open meeting at 7:03 p.m. Motion carried by unanimous roll call vote.

A. CONSENT CALENDAR:

Motion by Kladder, support by Scott to approve the Consent Calendar as presented, including:

RECEIVE AND FILE:

1. **Treasurer's Report** through 01/31/06
2. **Clerk's Report** through 02/27/06
3. Draft unapproved minutes **02/27/06 Planning Commission meeting**
4. Draft unapproved minutes New Urbanism Advisory Committee **02/17/06** and **02/20/06**
5. Draft unapproved minutes **02/17/06 Farmland Preservation Advisory Committee**
6. Draft unapproved minutes **02/21/06 Yuba Creek Natural Area Steering Committee**
7. Draft unapproved minutes **02/22/06 Shoreline Preservation Advisory Committee**

ACTION:

8. Approval of Board meeting minutes from **02/07/06 meeting**
9. **Accounts Payable** of \$59,878.86 through 02/28/06
10. **Approval of Waste Management Proposal** for 2006
11. Approval of agreement for collection **of 2006 Elk Rapids Summer School Property Taxes**

Motion carried by unanimous roll call vote.

B. LIMITED PUBLIC COMMENT:

Lewis Griffith, 5181 S. Lautner Road stated that the Board members are all elected and their salaries paid with tax dollars. At the last meeting, Boltres left before the conclusion of the meeting because he was upset over the discussion about allocating additional funds to his deputy. Mr. Griffith feels this was inappropriate.

C. CORRESPONDENCE:

1. **Gosling Czubak Insight Newsletter Winter 2006**
2. **Report from Shoreline Preservation Advisory**

D. PUBLIC HEARINGS:

1. **Proposed Zoning Ordinance Amendment #135 for Dan Kelly to rezone 4.57 acres owned by Marc & Amy Fogo at 4200 M-72 E (immediately south of Quackers Car Wash) & the southernmost approximately 3.2 acres of the Williamsburg Dinner Theater Property owned by Dan Kelly at 4230 M-72 E from R-3 Urban Residential to B-2 General Business:** Mr. Kelly was present in support of his application. He would like to be able to host outdoor receptions on the property. Hull referenced his staff report.

Public Hearing opened at 7:11 p.m.

Chuck Walter, 6584 Bates Road, Bates Road supported the rezoning request, feeling it would enhance Mr. Kelly's operation and his business' viability, which is in turn good for the community.

Mr. Griffith stated that Mr. Kelly's past ventures have all been excellent and supports the rezoning request.

Public Hearing closed at 7:12 p.m.

Kurtz stated that he walked the property with Mr. Kelly and feels the proposed use would be a good addition to his existing situation. Zarafonitis asked what might happen if the subject of the next agenda item is not approved, permitting the change to the existing Special Use Permit (SUP) to allow the proposed uses. What would the impact of the zoning change be in this case? Kladder stated that these two things are very separate items, and that a rezoning request should not depend on any specific site plan but instead on whether the range of allowable uses under the proposed zoning designation is appropriate.

At the Planning Commission level, Takayama was in the minority which voted against the proposed rezoning. He felt it might not be a wise move to consider rezoning of property next to a large parcel of land that is currently the subject of land use litigation. He also walked the property and expressed concerns about standing water conditions south of the existing paved parking lot. He feels that the forest itself is fairly low-quality, but wonders if the area could be considered a wetland and be subject to a DEQ permit for any potential filling or development. Mr. Kelly responded that there was a non-regulated wetlands area south of the parking lot that dictated placement of the catering kitchen. In the spring he will have someone from Soil Erosion visit the site and see if a further determination or potential change to his proposed layout is warranted. He did have someone from EC&S visit the site, who offered the opinion that the area that was a non-regulated wetlands no longer qualifies for that designation. Mr. Kelly recognizes the need to have further review done in April and to comply with the requirements for any eventual situation.

Kladder asked Hull to discuss the range of land uses that could occur under the proposed B-2 designation. Hull replied that this is the broad business use category for retail and restaurant establishments and the like.

Motion by Kladder, support by Zarafonitis to approve Zoning Ordinance Amendment #135. Motion carried by a vote of 5 in favor (Boltres, Kladder, Kurtz, Scott, Zarafonitis) and 1 opposed (Takayama).

E. NEW BUSINESS:

1. **Proposed Minor Amendment to SUP #2003-1P, Kelly Restaurants to permit outdoor events and creation of additional parking for outdoor events at The Williamsburg, 4230 M-72 E:** Hull is asking the Board to consider some proposed changes in use to the Kelly property as a Minor Change to SUP. The proposed new uses include a graveled parking area and erection of a tent for outdoor events on the property. If the Board feels this constitutes more than a minor change, Mr. Kelly is aware that the request may be subject to full Planning Commission SUP amendment review. Hull read the definition of a minor change contained in the Zoning Ordinance. He believes that the impact of the proposed additional uses on the general public will be minimal. He did have some concerns about whether a wetlands may exist that should be avoided, but looking at Section 7.6, he recognizes that Mr. Kelly will be required to submit engineered drawings that demonstrate whether or not there are wetlands.

His other key concern relates to the proposed outdoor amplified music. His research indicates that currently the nearest residence to the proposed site is approximately 600' away so any immediate impact to the public would be minimal, and is confident in the township's ability to set conditions such as hours of operation or maximum sound levels to manage this concern.

Kladder asked if the SUP on the current Williamsburg property would be automatically extended to the property he intends to purchase from Mr. Fogo. He noted that SUPs contain a legal description of the property they govern; Hull stated that the SUP amendment could include a revised legal description to encompass all of the contiguous property under Mr. Kelly's control. Kladder also has concerns about the proposed outdoor amplified music, both because Zarafonitis has previously applied for and been denied the ability to engage in this use at the Bay View Inn, and because modern speakers can be quite powerful. Hull made mention of the township Noise Ordinance recently adopted, and also reviewed the most analogous existing zoning ordinance which governs special events at wineries. The Winery Ordinance permits the township to place reasonable conditions on such uses and act to enforce them if required. Kladder observed that the Winery Ordinance also requires that the winery operator provide an annual plan for special events.

Mr. Kelly introduced Dominic Fortuna, his Entertainment Director. It would be exclusively Mr. Fortuna's band that would provide the outdoor entertainment. Mr. Fortuna stated that he believes in "responsible" entertainment at sound levels that permit people to converse comfortably. He uses sound meters within the dinner theater to ensure that the primarily older clientele can hear but he and his performers don't suffer hearing damage.

Zarafonitis stated that when he made his request, the township required that all landowners within 1,000' be notified of the request; he asked if

surrounding property owners were notified in this case. Hull was unaware of this previous circumstance, which is not dictated by the ordinance. Zarafonitis stated that when he made his application he volunteered to discontinue the outdoor music if there were complaints and asked if Mr. Kelly would be willing to do the same. Mr. Kelly stated that he hasn't given the matter thought, and mentioned again the decibel metering. Zarafonitis stated that when he applied he had someone come take readings, and the road noise from US 31 was louder than the music he intended to play.

Kladder feels that there are too many unresolved issues at this point to permit a minor change. Consideration has to be given to guidelines for outdoor music that protect the community but is fair to the applicant, and he believes there should be a public hearing so that surrounding landowners can be informed and heard.

Motion by Kladder to deny a Minor Change to SUP #2003-1P.

Zarafonitis asked Bzdok if he would feel comfortable that suitable language to guide the use of outdoor music can be drafted. Bzdok noted that a minor change to SUP can be approved with conditions, and those conditions can reference the township Noise Ordinance or create other reasonable standards. The Noise Ordinance is very general in nature but many not provide enough guidance alone for this situation. Conditions could provide for a maximum decibel level at any residential property boundary. The Board could either refer the matter to the Planning Commission for full review if noise nuisance is the only concern, or could ask staff to work on some firm guidelines over the next month for conditions that could be attached to a minor change approval.

Motion failed for lack of support.

Takayama asked if staff could provide notice to surrounding property owners that the discussion would be continued at the next Board meeting. He agrees with Kladder that the public should be informed and have a say, but is sympathetic to Mr. Kelly's desire to be able to meet the coming summer season.

Motion by Kladder, support by Takayama, to continue the discussion to the April meeting, that surrounding landowners be notified according to the Zoning Ordinance, and that the legal description for the SUP be amended to include all adjacent property.

Corpe observed that Zarafonitis stated he had to notify landowners within 1,000 sq. ft., but the Ordinance and state law require notification within 300'. She wanted to ensure that everyone had the same understanding of the area in which notification may take place.

Motion carried by unanimous roll call vote.

2. **Discuss proposed change to quarterly DPW Sewer Service Billing Cycle:** Corpe explained the materials handed out from the last Water & Sewer Committee meeting. Elmwood Township is about to have the DPW perform their quarterly water and sewer billings on a calendar quarter cycle. The current billing cycle for the other townships DPW bills is neither on a calendar quarter or beginning on the first of a month. The DPW is suggesting that everyone move to a calendar quarter billing cycle to ease administration

and computer programming and make them more flexible in the future. Making the change will result in a one time higher quarterly bill for our sewer customers than usual, as the most recent billing cycle would change from November 20, 2005 - February 20, 2006 to November 20, 2005 – March 31, 2006. Kladder received feedback from one individual, who noted that this would add one more bill to a pile that all come due for various things at the same time.

Motion by Zarafonitis, support by Takayama to accept the new sewer service billing cycle as proposed by the DPW. Motion carried unanimously.

3. **Discuss upcoming expiration of current assessing contract with AD Assessing:** Dawn Plude from AD Assessing was present for the discussion. Kurtz reviewed the memo from the packet setting for the history of assessing services in the township from 1992 onwards. The current 2-year assessing contract expires on April 30; AD Assessing is willing to negotiate a new 3-year contract or the township can seek competitive bids. Kurtz feels that the township has been very well served by the current arrangement and has received nothing but positive feedback about Ms. Plude. He is asking the Board to allow him to negotiate with AD Assessing and bring back a proposed new contract at the April meeting.

Kladder asked if there are other firms that do the same thing; there are. Takayama asked how AD Assessing sets its proposed rates; Ms. Plude responded that while many assessors based their rates on the number of parcels of land or the rate of new construction, she and her partner prefer to propose a flat rate with an annual adjustment. Their rate is based on their evaluation of their cost to perform the job and generally equates to around \$8.00 - \$10.00 per parcel. Takayama asked if their other clients have been satisfied; Ms. Plude says that they generally are, and that in only one case did they have to bid competitively for a job (which they won.) Zarafonitis asked for the approximate cost per parcel in Acme; Ms. Plude said that at the last review it was around \$7.00/parcel. There are around 3,800 parcels of land in Acme at this time.

Motion by Zarafonitis, support by Takayama to have Kurtz and Corpe negotiate a new contract with AD Assessing. Motion carried by unanimous roll call vote.

4. **Procedure for obtaining bids – 3rd party engineering review of infrastructure improvements:**
 - a. **Select 3rd party engineering review provider - Windward Ridge sewer improvements:**

Corpe explained the need to have an engineering firm review the plans for the Windward Ridge sewer improvements, noting that similar needs are sure to arise in the future. She is seeking direction in terms of who may select a firm for the immediate need as well as in the future. She observed that the decision does not involve expenditure of township funds, but it does create an expenditure of landowner funds and still requires care. Zarafonitis feels that Corpe should handle the decision. Takayama tends to agree, feeling that perhaps an individual from the Board could work with her to make the final decision. Kladder supported having a second individual involved in the decision so that

no one person does it alone as a form of checks and balances. He supports granting the authority based on position. Scott suggested that the Supervisor and Manager should work together to make the selection. If a conflict were to arise in the situation, the matter could come to the full Board. Kladder suggested that this recommendation be adopted for this situation only, with a formal ongoing policy to come back to the Board for approval. Kurtz stated that the policy would be available for review at the April meeting.

Motion by Kladder, support by Zarafonitis to authorize the Supervisor and Township Manager to select the third party engineer to review the Windward Ridge sanitary sewer improvements. Motion carried unanimously.

F. OLD BUSINESS:

1. **Consider recommendation for a New Urbanist Planner – New Urbanism Advisory:** Dr. Marc Krakow and Lori Craig, Co-Chairs of the New Urbanism Advisory made the presentation. Dr. Krakow thanked the advisory members for their hard work and participation in the process. He also lauded the public and the firms who applied to work with the township on a proposed town center development project. Dr. Krakow prepared a binder containing the proposals from the three candidates interviewed, who he feels are the tops in the world in this field. He was gratified that they were interested enough in the township to consider working with us.

The last section of the book contains the proposal from Urban Design Associates (UDA) of Pittsburgh. Their focus is largely on design standards for communities. The advisory found them to be a well-qualified firm but that they were not the perfect fit for the current project.

The middle section contains the proposal from Duany Plater-Zyberk (DPZ) based in Miami. They are world-renowned, the principals having founded the school of New Urbanism, and are eminently qualified. The advisory did not, however, feel they were the perfect fit for the current project.

The advisory is recommending RTKL, a firm based in Baltimore with an office in Chicago. They are experienced with a wide variety of land uses in a wide range of international locations. Keith Campbell and Dave Walker were the principals who made the presentation. The advisory was highly impressed with the accuracy of their statement of the problem in the introductory section of their proposal. They seem to have the good will of the ex-officio advisory members who have offered an opinion on the subject to date.

Kurtz has attended many of the advisory meetings, noting that there were generally two per week since late October. The advisory has worked hard and the project has taken somewhat longer than originally anticipated. He is impressed that three companies of this caliber were attracted to Acme Township, and asked for Dr. Krakow's opinion as to why. Dr. Krakow feels that their interest was not in the fee, but in the level of challenge in the situation. Many firms declined to bid, feeling that the challenges were more than they wanted to take on.

Takayama read through all the advisory meeting minutes and expressed thanks for the group's hard work, professionalism and ability to attract the interest of such impressive talent.

Kurtz asked about the potential costs of hiring RTKL; Dr. Krakow stated that the baseline cost proposal is between \$150,000 - \$175,000 excluding expenses. For the complete project he believes \$250,000 would be a reasonable estimate. This is quite a bit more than originally anticipated at the outset of the advisory. Although not specifically part of the advisory's responsibility, it did look into potential grant funding opportunities to offset the proposed costs. Some of the opportunities are local. Zarafonitis asked if the group would continue to seek funding; this hasn't been formally discussed but many of the advisory members have expressed interest in continuing to be involved in the project.

Scott asked what the potential timeline for the project would be. RTKL's proposal estimates a 6-8 week process beginning in late summer. Dr. Krakow observed that the total amount of time needed is partially dependent on how much information we can provide up front, at what level of detail and in what form.

Kurtz stated that the object of appointing the New Urbanism Advisory was to jump-start planning and ultimately development of five proposed parcels of land. He has discussed the project with various legislators and the State Chamber of Commerce in Lansing and has received a promising level of interest that might lead to additional funding. He believes that this initiative could help to re-unify the community. Kurtz commended Dr. Krakow and Ms. Craig for the "round-table" format of their meetings. He noted that the Board stated at the outset that without the endorsement of the landowners in the proposed project area, the project won't move forward. He hopes that working with a New Urbanist designer could be a good way to end litigation.

Kurtz asked Lee Bussa, who represented Dr. Lanny Johnson, for his thoughts. Mr. Bussa supports the choice of RTKL, and recognizes that there is still a level of skepticism among the landowner/developers about the project, and the idea of shelving their current plans to spend time exploring other opportunities. He believes the process could yield "spectacular" results for the community and gain national recognition that would in turn attract tenants to the site. Dr. Johnson is open to the project but is unwilling to commit any funds towards it at this time.

Mr. Walter stated that originally the town center was to be 182 acres. Some members of the community felt this would be too massive, yet now the project area seems to be 450 acres. Concerned Citizens of Acme Township (CCAT) stated that they wanted development that would serve a localized market area, but a development of this size could only be regional or perhaps national in scale. RTKL's proposal seemed to him to applaud a township moratorium on big box development, but the moratorium never took effect. Mr. Walter believes that without grant funding this project is "dead" and that if the proposed cost is \$150,000 he believes the actual cost would be double that before all was concluded. Kurtz replied that the issue of funding is critical and believes there may be state-level support in this regard. The opportunity to plan for a large land area cohesively rather than continuing the piecemeal trend is attractive to him.

Scott suggested that the New Urbanism Advisory be specifically charged with an ongoing effort to seek grant funding to cover the costs. He believes that pursuing the project will benefit the general community and the landowners. Kurtz added that project area landowner endorsement of RTKL is also key.

Motion by Scott, support by Boltres to authorize the New Urbanism Advisory to continue to seek funding with the eventual hiring of RTKL in mind.

Kurtz suggested that the township be willing to commit approximately \$50,000 to the project in order to make it more feasible to attract grant funding. He believes this would be a good investment in ending the litigation in which we are involved and moving the community forward. Scott expressed concern about making that commitment but being unable to obtain any other funding. Kurtz responded that in this event neither the project nor the expense would move forward. The proposed funding would be proposed as a pledge for matching funds only. Kladder asked if the proposed amount would be township funds only or include potential individual donations; Kurtz replied that this would be township funding. Boltres feels that this would be a good investment for and in the community that would support the Master Plan which is supported by the community. Kladder has been involved in grant writing for years and agreed that foundations require matching funds as a demonstration of applicant commitment. Takayama ran for office out of a desire to be pro-active rather than reactive as to community planning. Compared to ongoing legal fees and planning costs over a long period of time, he feels it would be a good investment.

Motion amended by Scott, support by Boltres to authorize the New Urbanism Advisory to continue to seek grant funding with the eventual hiring of RTKL in mind, and to pledge \$50,000 of township funds as matching funds, with no township funds to be expended if grant funding is not attracted.

Zarafonitis asked what would happen if grant funding is obtained but the landowners are not willing to participate. Kurtz said the project would not proceed. The advisory was formed with their specific participation in mind. Zarafonitis felt there was some merit in Mr. Walters' comment that in such a large project area there could be more proposed density than the community might desire. Takayama observed that the land could still be densely developed resulting in sprawl.

Motion carried by unanimous roll call vote.

2. **Consider recommendation for Solid Waste Plan:** Last month Kelly Ignace from Resource Recovery made a presentation and asked for township feedback on how to proceed to manage county-wide solid waste issues. The Board was informed that under the current model, individual user service costs are higher than they are in many other markets. The County is seeking input on a potential new 5-year solid waste management plan.

Kladder observed that whichever funding mechanism is employed, voter approval seems necessary. He has asked himself what is the most fair solution, and recalled that one individual at the last meeting stated that they have no costs because they use the recycling drop-off at the bottom of Bunker Hill. He favors a special assessment approach, feeling that lower-income individuals with lower-value properties who can afford less would pay less. He favors the idea of eventually having an independent solid waste authority that could include townships from other surrounding counties. Perhaps a larger authority will equate to more bargaining power and lower costs to users, although this might be offset to some degree by new

administrative costs.

Zarafonitis doesn't like the idea of adding another new layer of government, and idea with which Boltres concurred. He liked the idea of bidding out different zones under different models. Takayama observed that whether there's trash or recyclables generated there is a cost. He would favor a special assessment district with different tiers based on levels of waste generation. Those who generate more trash would pay more. He does not necessarily oppose a solid waste authority, feeling that it might simplify decision-making that is currently more complex which may add to the inability to bargain effectively for more comprehensive services at lower costs. He was struck by the enumeration of the communities who pay less and receive better service than we do. Kurtz agrees that different zones of the service area may have different needs; the more rural areas need something different than the cities and villages. He would support joining together with several adjoining and similar townships to explore the potential of working together. Kladder agreed that within the County there could be several different areas with different services. He would support a system that permits bulky items to be picked up at the curb so that they don't end up discarded on either private or public property. For him, it would be a deal breaker if there is no inclusion of bulky item pickup on some basis. He noted that last year the township spent about \$13,000 to sponsor the clean-up day; we wouldn't have that expense if people could take care of their unusual items at home on a regular basis.

Takayama recalls that several years ago the former Resource Recovery Manager tried to organize bids for better services and the effort ended badly. For this reason he feels there are too many levels of government already. Kladder observed that household trash pickup fees include money to fund the recycling drop-off sites around the county. Kurtz noted that a new contract for this service was just enacted with American Waste rather than Waste Management. Currently the cost is paid through tipping fees, but there is no system in place to accurately assess how much the haulers should be paying.

Scott believes it is difficult to choose an option without knowing what the potential costs would be. It would be helpful to him if several scenarios were presented with estimated impact on the population. Takayama doesn't believe it's possible for those scenarios to be generated without feedback from the community about palatable options.

Kladder supports a central authority with a variety of zones, with an assessment to be levied and provision for curbside collection of bulky items and hazardous waste. Takayama concurred, adding a request that the assessment be tiered based on usage level. Boltres favors less governmental intrusion into individual lives rather than more.

- 3. Consider SUP Application #2004-3P by Meijer, Inc., 2929 Walker NW, Grand Rapids MI 49544 for Lautner Commons, an approximately 332,400 sq. ft. shopping center development, and Site Plan Approval for development of a 232,360 sq. ft. grocery/general merchandise store, 2,400 sq. ft. convenience store and 10 gas pumps on property located at 5896 Lautner Road (SE corner of M-72 East & Lautner Rd.) currently zoned B-3, Planned Shopping Center Attachments [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#)**

Kurtz suggested that the deliberations begin with a report from John

Iacoangeli, the consulting planner who has reviewed the project for the township. Iacoangeli provided a memo in support of his comments for the evening.

Iacoangeli stated that the Planning Commission has been reviewing the proposal for approximately a year, following a consensus-building model wherein an issue was discussed, and when the Commission felt it had enough information it made a decision on that issue and moved to the next. There are both broad and specific issues, and he feels it best to begin with the big picture and move to the detail. He stated that the process would have been much easier if the township already had a process in place such as that proposed by the New Urbanism Advisory that would provide for an overall plan serving as a context for individual development site plan review applications. He feels it has been difficult for the applicant to follow the Master Plan dictate that they plan to fit in with an overall town center development when a plan for such a development does not yet exist.

Iacoangeli believes that first the Board must have an understanding of the concept of a "planned shopping center." The application of the definition in the Zoning Ordinance is still the subject of debate between township and applicant attorneys. He read the definition, which was discussed by the Commission. As proposed, this one site would eventually contain a Meijer store and up to 9 outlots that would be sold on a condominium basis. Iacoangeli stated that generally planned shopping centers are owned by a single entity that leases out space.

There are several different market studies that have been submitted. The first one submitted by Meijer was the one initially generated for and about the proposed Village at Grand Traverse (VGT). Hull advised the applicant that a market study specific to the Meijer parcel and project was required, and the original market study was revised. Later an addendum was provided based on a range of supportable retail because the initial study indicated that this market area could support a maximum of 800,000 sq. ft. of total additional retail space. The addendum proposed a range of supportable retail space divided into categories that topped out at about double the initial projection. The Zoning Ordinance states that a market need to justify the development must be demonstrated. The applicant has asserted that when a market is nearly saturated there tends to be redistribution within the marketplace – there are only so many dollars to be spent, and the pattern of where they are spent changes.

Environmental issues were also raised. A DEQ permit has been issued for wetlands remediation. One significant concern comes from soil borings indicating that near the proposed location of the gas station and underground storage tanks the water table is only 5-12' below the ground surface. It is proposed that the storage tanks would essentially be floating and anchored underground. The potential for negative impacts on the groundwater from a storage tank failure exists, although modern double-wall tank technology is impressive.

There have been several generations of traffic studies. The version used by MDOT and the Road Commission says that 468 new net car trips would be generated during the morning rush hour over and above existing traffic levels; in the evening the new net trips would be 1,078. The ITE manual says that 2.7 million net new trips per year will be generated by the proposed type of land use. MDOT and the Road Commission have approved a road

configuration that would provide for 7 lanes of traffic on M-72 and 4 lanes of traffic on Lautner Road where the roads intersect, along with placement of a traffic signal.

Trip generation for the project is based on the type of land use on the property. The ITE manual lists trip generation for different types of retail uses such as groceries, gas stations, convenience stores which were used for the Meijer branded development. For the balance of the site a general category of "820" was used – a blend of the typical uses in a planned shopping center such as retail, restaurant and fast-food outlet. In other Meijer development the predominant outlot use has been fast-food, which would generate a significantly higher number of trips than the blended 820 designation. The Planning Commission has recognized that in such a scenario a point may be reached where it is no longer physically possible to reconfigure the roadways in a manner that would adequately handle the traffic flows.

An SUP would govern the entire project. Phase I of the project includes only the Meijer store, convenience store and gas station. The outlots would be subject to site plan approval as developed.

Iacoangeli felt that the Commission had a difficult time with the market studies and Master Plan, particularly the Town Center Report that says that if a Meijer were to develop on the Meijer property (rather than a more desirable model of having it develop on the west side of Lautner Road) that it should be done in such a way to make the Meijer function as part of a town center primarily on the west side of the road and serve as its economic anchor. The Commission worked with the applicant in an attempt to create linkages to a future potential town center.

These are the broad issues to which Iacoangeli referred; the site plan specific issues are more mechanical in nature. He feels that the Board should concentrate more on the broad issues rather than site plan details because those broad issues represent the impact on the community at large.

Christopherson added to the list of broad issues the question of how water and sanitary service would be provided to the proposed development. At present the Meijer property is not within the sewer service district. The Planning Commission has been working on a proposed sewer ordinance amendment that would include Meijer in the service district; the Board is likely to be considering the proposed ordinance amendment at the April meeting. Sanitary service to the site is therefore, as yet, unresolved. The applicant has also provided a letter from the Grand Traverse Band of Ottawa and Chippewa Indians indicating that they are entertaining a proposal to serve Meijer with water. There is no evidence of a formal agreement to this effect at this time, so water service is not definitely resolved at this time. Christopherson noted that the Board previously allowed the Windward Ridge development to obtain water service from the Tribe but indicated that this would not serve as a precedent for future decisions. If water service from the Tribe does not come to fruition for some reason, Meijer would need to develop an on-site water source and gain necessary approvals, which would necessitate a return to the Planning Commission.

Scott noted that he received the applicant materials late yesterday and has not had time to adequately review them. He does not take this decision lightly. He does not oppose the concept of the application but he needs more facts before he makes a decision. Kladder asked how question should be

posed; they should be directed through Hull. Mr. Stoepker, attorney for Meijer, agreed that it would be difficult for the applicant to respond to questions on the fly and it would be helpful if they could receive those questions through Hull and prepare responses so that meeting time can be spent productively. Hull agreed that e-mail works well for effective communication. Kladder observed that everyone needs to be copied on all communications so that everyone has identical sets of information.

Kurtz stated that he would like this review to proceed expeditiously. Mr. Stoepker asked if the Board would like Chris DeGood from Gourdie Fraser to provide a brief overview of the project; they agreed this would be good. Mr. DeGood gave highlights of the site. He noted that a proposed third entrance to the project from Lautner Road at the south end of the property is not being approved by the Road Commission at this time; Meijer believes that in time the access point will be justified and they would like to reserve space for it on the site plan. Mr. DeGood gave a detailed explanation of the configurations of each of the proposed access points – many will only allow limited turning movements in or out in certain directions. Access points that will allow right-in/right-out movements only will have exaggerated divider islands. Mr. DeGood mentioned the proposed stormwater management functions and wetlands at the north end of the property and the features which will filter stormwater prior to discharge into the Yuba Creek watershed after crossing approximately a mile of the Resort golf courses. Mr. Stoepker stated that the applicant hired a consultant to track the flow of water from their site to Yuba Creek, through both existing cooling ponds and those to be created. Mr. DeGood stated that the Tribe has excellent capacity to serve on-site water needs, particularly those for fire protection. Zarafonitis asked if an agreement for water service with the Tribe could be in hand by the next meeting; Mr. Scott Nowakowski from Meijer stated uncertainty since this is the first time he has negotiated with them. Scott asked what other options might exist besides Tribal water or an on-site/adjacent site well system; Mr. Stoepker stated that there are no other options. Takayama stated that he has expressed concerns about methane gas in aquifers closer to the ground surface. Deeper aquifers are unaffected; he wanted the applicant to be aware that they should work with a well driller if necessary who is well versed in the issues with this area. Mr. DeGood noted that a safe and available water supply must be provided, and will be regulated by either the EPA (if provided by the Tribe) or the DEQ.

Mr. Stoepker noted that there was discussion at the Planning Commission about lowering the speed on Lautner Road to 35 mph rather than 55 mph to enhance non-motorized transportation and linkages. The Road Commission is amenable to this if the township requests it. Mr. Nowakowski stated that the applicant has tried to remove their store as far as possible from Lautner Road and from M-72 (“over two football fields away.”) Mr. DeGood expressed a desire to provide any additional materials needed by the Board as quickly and efficiently as possible.

Zarafonitis asked Takayama about his concerns regarding the impact on nearby roads of construction; Takayama confirmed this and that the applicant has agreed to repair any damage to the road network in this regard. He also asked how much fill sand is to be brought into the site to facilitate construction; Mr. DeGood stated that some fill will be needed under roads but no significant filling is planned under the store. Takayama expressed concern that much fill sand might come from the sand pit on Bunker Hill Road which would stress Bunker Hill and Lautner Roads with heavy truck traffic.

Takayama expressed concern about his reading of the New Urbanism Advisory minutes, which seem to indicate an unwillingness by Meijer Inc to participate in that proposed process. His hope had been that by calming traffic on Lautner Road there could be storefronts along that road and greater connectivity with potential town center development on the west side of Lautner. At the Planning Commission he heard the applicants say they would be willing to discuss different placements for outlot buildings than currently proposed, but based on what he read this weekend he is less comfortable that this might occur and is very concerned. He is less comfortable giving SUP approval to the current outlot configuration than he was before.

Mr. Stoecker asked if the Board would specifically authorize Christopherson to work with him regarding Meijer concerns about the proposed SUP document. Christopherson expressed that he would be discussing these issues with Mr. Stoecker.

Hull placed a memo in the Board packet regarding the Road Commission's willingness to reduce the speed on Lautner Road to 35 mph if the Board specifically requests it. He asked that the Board provide this request this evening.

Zarafonitis asked Mr. DeGood to discuss the way underground gasoline storage tanks are constructed and the safety elements involved. Mr. DeGood stated that he would provide some detailed discussion of the sophisticated design and monitoring systems for the Board quickly. He also mentioned above-ground petroleum storage rarely occurs.

Kladder spoke to Iacoangeli's suggestion of looking at the big picture, and agreed. Until decisions are made as to whether the proposal comports with the master plan and whether the other big issues are issues or not, there is no need to discuss the site design details.

Kurtz stated that he spoke with Mr. Nowakowski several times last week about whether the application was ready to begin Board deliberation this week. There has been some discussion this evening and more can follow at the April meeting. There will also be more discussion about outstanding issues regarding the proposed legal documents. Mr. Stoecker encouraged everyone to provide their questions and concerns early and often.

Motion by Kladder, support by Takayama to ask the Road Commission to lower the speed limit on Lautner Road to 35 mph.

Scott asked if Meijer would be willing to work with the township regarding outlot configuration given approval of their store, gas and convenience station. Mr. Nowakowski said he couldn't answer, because he is skeptical that this situation will come to pass.

Takayama asked if it is necessary to specify which portions of Lautner Road should have the lower speed limit; it was decided to leave this to the Road Commission's discretion.

Motion carried by unanimous roll call vote.

Mr. Stoecker noted that changes to the proposed site layout would be somewhat limited by any road improvements made.

G. REPORTS

1. **County Commissioner's Report** – Larry Inman
2. **Community Police Officer's Report** – Bob Sillers
3. **Maintenance & Grounds** – Tom Henkel
4. **Zoning** – John Hull

H. PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD

Charlene Abernethy, 4312 Westridge stated that she senses “insanity” in discussions about more than 2,000 new car trips through the community when our road infrastructure is already stressed and when gas tanks would have to be tied down to keep them from floating to the surface. How the DEQ approved construction on this site is not something she can understand.

Paul Rundhaug, 3733 Bunker Hill Road, stated that many people he knows don't have garbage pickup. The only people that will be benefited by a solid waste plan are heavy garbage pickup users. If the recycling is costing the township and county so much, why are we doing it? He suspects much of what is dropped off for recycling is taken directly to landfills anyway. He believes that it is cheaper to dump at landfills in Michigan than in most states, so it is no wonder that other states send their garbage here. He believes that users should pay for the garbage services.

Andy Andres Jr. asked that the Board recall that his family, an old family in the community, lives across from the Meijer site.

Ann Rundhaug, 3733 Bunker Hill Road stated that concert noise from the Resort used to travel down the railroad tracks to her old home on the south side of Bunker Hill Road. At her new home on the north side of Bunker Hill Road she hears more road noise from US 31 than at her old home, which was closer to US 31. Sound travels up the valleys and along the railroad tracks and is amplified. Distance from the source of the noise isn't the only consideration regarding outdoor music.

Virginia Tegel, 4810 Bartlett Road applauded the New Urbanism Advisory for their work and the Board for welcoming their recommendation. She isn't sure what the average home value in Acme Township is at this time, but suspects it's quite high. She believes a relatively small investment by the township per property would pay off well in the long run if safety is promoted. One traffic accident injury can cost \$250,000 in medical bills. She is disappointed that the Meijers representatives left the meeting before public comment; they must not care what the community has to say. She believes that in critical situations one always wants to get the most up-to-date information and technology available, but she does not believe that Meijer is attempting to use the most up-to-date development ideas. She has noticed as an educator that trends and ideas come and go. She will be very disappointed if Meijer won't invest in the community and what is best for it.

Corpe drew the Board's attention to materials on the table relative to a joint meeting of the Acme, East Bay and Garfield Township Boards to be held at the Garfield Township hall on Monday, March 20 at 7:00 p.m. The topic will be the possible reconstitution of Metro Fire pursuant to Act 57. Next she noted information on the tables about a program being sponsored by the MSU Land Policy Program at the Kellogg Center in Lansing on Monday, March 27. Not only do the sessions look interesting and informative, but if the township can send a team of at least five people we will be eligible to apply for some grant money to be awarded that day. Unfortunately, this is the date of the next Planning Commission meeting, so Corpe does not believe she will be able to attend. If any Board members are interested in participating, she asked that they let her know. Finally, she asked that the Board

consider directing the Infrastructure Advisory to have a look at a proposed sewer district ordinance amendment she and Jim Christopherson have worked with and which has been forwarded by the Planning Commission. She and Christopherson worked on this amendment with an eye towards solving some very specific issues, but community feedback has indicated that there may be some unintended consequences to be discussed. The Resort and Tribe in particular have expressed some concerns, and there may be some general engineering issues to be discussed. The Board expressed consensus that the Infrastructure Advisory should review the proposed ordinance amendment.

Margy Goss, 4105 Bay Valley Drive stated she has been a resident of the township for 30 summers and full-time now. She stated she is a part-owner of the VGT and is not "hell-bent" (a phrase used by Virginia Tegel in her comments) as a developer. She wanted to create something positive for the township, its tax base, and would create job opportunities as part of the larger Traverse City area. She agrees with Ms. Tegel that old data is not the best, and believes that the assumptions about what Acme wants are being based on old data. She believes it's time to listen to the recent voices that overturned the proposed big-box moratorium and said they would like to have a Meijer and shopping center. She is disappointed that the "fantastic, exemplary" New Urbanism Advisory had to come out at the end of their search to "failed opportunities on the township's part." She recalls Kurtz saying that the matter would be "fast-tracked" but believes the township failed in doing what was necessary to "fast-track" the New Urbanist process and make it viable. She feels it is easy for people to blame others for a problem, but very difficult for an individual to recognize their own share in creating the problem.

Meeting adjourned at 10:07 p.m.