



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, January 30, 2006**

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

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

Members excused: None

Staff present: S. Corpe, Township Manager/Recording Secretary
J. Hull, Zoning Administrator
J. Christopherson, Legal Counsel
K. Zopf, Legal Counsel
J. Iacoangeli, Consulting Planner

1. Consent Calendar:

Motion by Vermetten, support by Carstens to approve the Consent Calendar as presented, including:

Receive and File:

- a) Minutes of the [01/10/06 Regular Board of Trustees Meeting](#)
- b) Minutes of the [01/12/06 Zoning Board of Appeals Meeting](#)
- c) [Planning Perspectives Winter 2005](#) Newsletter from Gosling Czubak
- d) [Planning & Zoning News November 2005](#)
- e) [MTA Weekly Legislative Report 01/13/06](#)

Action:

- f) Approve minutes of the [12/19/05 regular](#) meeting
- g) Review and approve agenda, inquiry as to conflicts of interest:

Motion carried unanimously.

2. Limited Public Comment:

Kim Challenger, 4836 Bunker Hill Road asked who would make changes to the Farmland Preservation Map. She stated that the last Planning Commission meeting at which it was discussed that the Commission indicated her father-in-law's property would be excluded from the map area. Does the Planning Commission tell the Farmland Preservation Advisory to change the map? Sherberneau indicated that the Planning Commission adopts the map and any changes and asked Corpe to provide an overview of the process. Corpe gave a brief summary of the situation surrounding adoption of the farmland preservation eligibility map and read from the minutes of the November 28, 2005 meeting indicating that the inclusion of the Challenger property was specifically discussed. It is her understanding that at least one member of the Commission thought that the Challenger parcel was excluded from the adopted map, since there is a property on the eastern border of the township that was excluded. In reality, the excluded area is Tobeco Creek Estates. If the Commission wishes to amend the map to exclude or include property, it would prepare an amended map, seek the Board's approval to distribute it to the County and neighboring communities, wait 75 days for their input and then hold a public hearing. If this is the Commission's desire, this could be accomplished in conjunction with consideration of the proposed future land use map. Takayama stated that he recalled the conversation at the previous meeting, and Vermetten stating that the eligibility map does not lock a landowner into anything, but was designed to indicate areas that would become eligible for state and federal grant funding for development rights acquisition. Landowners are not committed to participating in the program. Ms. Challenger asked why the family property should be included if the current landowner has no

intention of ever participating in the program. Takayama continued to say that he did recall the specific conversation about whether the Challenger property should be excluded, and whether this would lead to more discussion relative to individual properties that would result in a fragmented map. The name of the map was changed so that it does not indicate an agricultural preserve zone but rather a funding eligibility area, and wording was added to indicate the map would not be used as a basis for zoning decisions. It was adopted so that the township could move forward with its purchase of development rights program. Each parcel on the map has the option to participate in the program or not. Mr. Challenger expressed concern that the designation on his land is being used to the township's advantage to attract funding. Vermetten stated that the Challenger property was not added just to enlarge possible funding. The property met the criteria for map inclusion that were used. He perceives that the Challengers shared some general and well-placed fears that the map would be used to evaluate zoning requests and this is why the map was clearly labeled that it should not be for that purpose. After speaking with the Farmland Preservation Advisory and Brian Bourdage, the Farmland Preservation Specialist, the Commission decided to use the map alternative that would provide less of a fragmented approach. Each individual landowner has the option to participate or not.

Dan Hanna, 7239 Lautner Road stated that he has heard in several meetings that Antrim County is participating in the farmland preservation initiative, but he was under the impression that the voters in Antrim County had turned it down. Secondly, he would like to caution the Planning Commission about making the statement that the farmland eligibility map will never be used for zoning purposes because when he sought rezoning of his property there were farmland maps that were used by those opposing the rezoning to ultimately defeat his request. Nels Veliquette stated that Antrim County is working with Grand Traverse County towards an intergovernmental agreement, although none of the individual townships have elected to fund programs yet.

Noelle Knopf, 5795 US 31 North, stated that a conversation with a representative of Duany Plater-Zyberk interviewed by the township this afternoon felt that future land use maps are not a good tool for planning and that they are antiquated. He favors the form-based planning model instead. She requested that the Planning Commission look at both models and understand the two and see which is really better. Krause stated that DPZ was being interviewed for a specific purpose. Their firm has created the "SmartCode," a new form of zoning ordinance. We would have to throw away the current zoning ordinance to use it, which would be a monumental task taking more than a year in his opinion. It may or may not be the best approach. There are a few localities in the nation that have adopted it. Corpe offered that the concept behind the SmartCode appears to be abandonment of the current model that separates land uses in favor of a model based on the theory that any use can coexist side by side with nearly any other use as long as both uses follow certain design standards. If the township were to move to such a model for its zoning ordinance, she would agree that the future land use map as drawn would become moot. It may be a desirable idea to explore, but until that day should come she would continue to advocate for the need for the future land use map.

Margy Goss, 4105 Bay Valley Dr. addressed the proposed future land use map. With the farmland map there was language attached that stated the map would not be used for zoning purposes, and she sees no reason why language should not be attached to the future land use map to assure that it will not become a zoning map. This will be discussed further later in the agenda.

John Sych, the new Planning Director for Grand Traverse County, introduced himself. He started last Monday and is going out to each township to meet people. Over the next few months he plans to survey Planning Commission to find out what their needs and concerns are and how County Planning can assist. Sherberneau observed that the County has been

operating without a Planner for about 3 years and welcomed Mr. Syke to the community.

Chuck Walter, 6584 Bates Road, has read the Dark Sky Ordinance and hopes it will be removed from the agenda and not discussed until it is better explained. He did not find any grandfathering clauses for existing lighting. If the ordinance already calls for downlighting, why are additional dark sky requirements needed. He believes that the “health, safety and welfare” of the township is a nebulous term. What does it mean and how does it apply to lighting? He was particularly disturbed by a ban on lighting that would impact a neighbor. How can one not see a neighbor’s lights? He believes it is flawed.

3. Preliminary Hearings:

a) **Proposed Zoning Ordinance Amendment #136 for Cherries R Us for approval to rezone 11.00 acres located at 9018 US 31 North (opposite Bay Ridge Subdivision and surrounded by land that is part of the Yuba Creek Natural Area) from A-1, Agricultural to R-1, One-Family Forest & Coastal Zone:** Nels Veliquette and Russ Clark from R. Clark Associates appeared in support of the application. They refer to the property as the “Shaw Homestead.” It currently contains a single family residence and is located as described above. On a slide he demonstrated how the property is surrounded by the Yuba Creek Natural Area (YCNA) and includes the slope down into the valley. The goal of the rezoning request is to establish single-family residential units according to the Zoning Ordinance using a design that is compatible with the natural features of the site and the YCNA. Bay Ridge, on the west side of US 31, is zoned R-2, Single-Family Urban Residential. They assert that use by current right might negatively impact the YCNA and its users, while the property is adjacent to an R-2 district and would therefore be consistent with neighboring development. Mr. Clark demonstrated how the property might be developed according to its current zoning designation, and suggested that with the rezoning a site plan review process for a housing development would follow that would allow the township to have some input into protection of the YCNA and request placement of all housing units on the higher portion of the property. Several existing curb cuts would be removed and replaced with a single MDOT approved access to the site. Some general questions were asked about the proposed layout of the housing development such as how small the lot sizes could go with individual septic service and whether the public would be permitted access to the protected downslope area. Takayama recommended that if the project comes to site plan review that the submission include 3-D demonstrations of what the houses might look like from the overlook parking area for the YCNA immediately to the north of the subject site, as he is concerned with how the housing would look in context with the protected area.

Motion by Takayama, support by Vermetten to set a public hearing on proposed Zoning Ordinance Amendment #136 for the February meeting. Motion carried unanimously.

b) **Proposed Zoning Ordinance Amendment #134 to Sewer District Ordinance, deleting Section 6.11.1(o) and adding Section 6.11.2 to spell out rules and requirements for the defined sewer district (continued from 12/12/05):** Christopherson noted that at the last discussion the Commission asked his office to change some of the proposed language concerning which properties will be within the district. Most of the questions he has received related to the question of what it means if the current boundaries are changed. What might it mean for the Lautner Commons parcel, or for other parcels adjacent to but not inside of the district? He provided a memo that attempted to answer these questions. The basic answer is that lines between districts are drawn all the time as a matter of course in zoning. The standard is that when a line is drawn the choice should be supported by substantial

and competent material supporting the choice that is of record. In this situation there are factors such as system capacity to consider. The primary developments being confronted at this time are LochenHeath, Windward Ridge and the proposed Lautner Commons; he noted that Corpe has provided a memo discussing these three situations. Tonight the Commission's views about which properties should be within the district is being sought so that the proposed ordinance amendment can be completed. Even if no changes to the current district are made, the new proposed language is required to clarify requirements for the sewer district. Christopherson's memo also posed the question as to whether or not the draft should reserve unto the township the ability to reject a connection request if an unserved property is within 200' of an existing line should it so desire.

Takayama asked if this could open the township to legal action; Christopherson replied that the township could be open to legal action either way. A decision either way must be supported by substantial and competent evidence. Krause asked if the 200' language could be left out of the ordinance; Christopherson stated that it has basis in state law. Carstens feels that the proposed statement reserving the right of refusal is important in terms of the township being able to uphold and protect the Master Plan. Vermetten asked if the statute and case law would trump the ordinance; Christopherson does not interpret this to be true. He believes that with adequate reason a township can deny the connection because water and sewer service are not property rights as determined by case law. David asked why the language is needed in order to protect the Master Plan; Carstens responded that the Master Plan calls for high density uses only in certain areas of the township. He believes that eventually it calls for transfer of development rights into this high density area. Traditionally the placement of infrastructure has been used as one tool for managing development patterns. The statement would not require refusal of service but would provide the township with an additional tool.

Takayama addressed 6.11.2(2)A, feeling that the statement is an "open door invitation" based on the way the first statement is written. Christopherson replied that the statement assumes that the property in question is already within the sewer district, and affords the township an appropriate ability to review infrastructure plans for appropriate engineering prior to construction. Takayama focused on the word "extension," feeling that a potential developer might interpret this too broadly. Christopherson suggested adding the words "within the sewer district" for clarification.

Carstens asked if the outcome of the litigation presently before the State Court of Appeals will in any way affect a decision by Meijer, Inc. as to where to build. If it might influence Meijer to locate within the proposed Village at Grand Traverse property, he fears that extending the sewer district to their property now might encourage them to permit another entity to develop there. He wondered if a decision on whether or not to include their property in the sewer district should be deferred until an outcome from the Court of Appeals. Hardin asked if it would be possible to link the district extension to an SUP for a Meijer store only on the Meijer site, and could therefore be made to expire if the SUP is not used for a Meijer store; Christopherson does not believe the ordinance could be drafted this way. The ordinance could be amended later to remove the property from the district if included now, but only if there is a very good reason why. Vermetten observed that the future land use map developed by a decent cross-section of the community includes the Meijer property as part of the proposed mixed use town center area. No matter what the precise development on their property might be, the future land use map proposes development of the property. Takayama stated that if the decision is made to extend sewer to the Lautner Commons site it would likely increase the property value

dramatically. The only other type of entity that could likely afford the site would then be another big-box developer.

Christopherson reminded the Commission that Corpe's memo also discusses LochenHeath and Windward Ridge and recommends their inclusion in the district, and suggested that some of the discussion be direction in those directions as well. Carstens asked what would happen if the district is extended to LochenHeath and Windward Ridge but not Lautner Commons at this time and if there would be legal jeopardy. Christopherson stressed again that there would be a need for substantial and competent information on the record to support the reasons for the decision to make the decision defensible. Carstens noted that the Master Plan calls for incorporation of a Meijer into the overall town center site and he feels this has not yet been done. Krause stated that the projection that the property on the east side of Lautner Road will be used as part of a planned high-density development has been made. And, nothing will change the fact that the property has a high water table. Whatever the ultimate use, it appears prudent that the site be served by the sewer system. For him it is not so much the question of Meijer or not Meijer, but any use of the property at all. Carstens said he had thought about this but that his quandary still exists. The future land use map has not been adopted yet and the court case is unresolved, so he sees no great harm to not including the Meijer property at this time. Sherberneau stated that his opinion matches Krause's, that no matter the use the township has a duty to protect a sensitive piece of property.

Motion by Vermetten, support by Krause to schedule proposed Amendment #134 for public hearing with the inclusion of LochenHeath, Windward Ridge and the Meijer property in Section 6.11.2(1), with the inclusion of the previously discussed language relative to the ability to deny connections to properties within 200' of an existing connection and with the inclusion of the discussed language describing extensions within the existing district.

David asked Hull if the township knows how many benefits are available at this time and how many benefits the Meijer store would need. Corpe replied that she is aware of no capacity limitations in that section of the sewer system or at the treatment plant at this time, and that when a similarly sized Wal-Mart was proposed for the township several years ago the DPW determined it would need between 90-100 sewer benefits.

Motion carried by a vote of 8 in favor (David, Hardin, Krause, Morgan, Pulcifer, Sherberneau, Takayama, Vermetten) and 1 opposed (Carstens).

4. Public Hearings:

- a) **Proposed Zoning Ordinance Amendment #135 for Dan Kelly for approval to rezone 4.57 acres owned by Marc and Amy Fogo located at 4200 M-72 East (immediately south of Quackers Car Wash) and the southernmost approximately 3.2 acres of the Williamsburg Dinner Theater Property owned by Dan Kelly and located at 4230 M-72 East from R-3, Urban Residential to B-2 General Business: Mr. Kelly was present in support of his application**

Public Hearing opened and closed at 8:11 p.m., there being no public comment.

Nels Veliquette asked how much R-3 land is remaining in the township. Corpe could not produce a figure off the top of her head, but could do the map based on figures provided in the Master Plan. There are significant undeveloped R-3 areas between Wellington Farms and Holiday Hills, so she would characterize the area under consideration as a very minor subset of the whole.

Takayama has several concerns with the proposed rezoning. While he doesn't disagree with the idea on an absolute basis, he noted that Acme Creek runs through the property. The list of potential B-2 uses include those that might have a detrimental environmental impact, which worries him. The property under consideration is also adjacent to the Village at Grand Traverse (VGT) property which is subject to litigation, and he is leery of any changes to land in the immediate area right now. Krause observed that the township would have some control over development conditions relative to the creek on the site through the SUP process, but Takayama expressed concern that the DEQ seems more willing to work with land development that provides for significant development of impervious surfaces near water features rather than trying to minimize it. Morgan noted that as zoned right now, the property could be used for significant multi-family housing development which might also lead to much impervious surface.

Motion by Vermetten, support by Krause to recommend approval of proposed Zoning Ordinance Amendment #135 for the reasons set forth in the staff report and after having held the public hearing. Motion carried by a vote of 8 in favor (Carstens, David, Hardin, Krause, Morgan, Pulcifer, Sherberneau, Vermetten) and 1 opposed (Takayama).

- b) **Proposed Zoning Ordinance Amendment #133 which would add new Section 7.9, Exterior Lighting Regulations, to the Zoning Ordinance:**

Public Hearing opened at 8:19 p.m.

Jay Zollinger, Williamston Court, found several items in the proposed ordinance confusing. Why would photoelectric controls not be considered electric timers, which are required elsewhere in the ordinance? Several places in the ordinance address the question of using electric timers but seem to disallow motion detectors. Another section requires business sign lights to be turned off one hour after business close, and he wonders if this is fair to the business community in the township. In the section regarding residential security lighting he believes there should be controls but that there should not be an absolute prohibition. Corpe noted that there is a section of the ordinance that deals with nonconformances and grandfathering universally for all sections of the ordinance; it is not necessary to add it to each section of the ordinance. Regarding photoelectric lights, she believes the intent is not to provide for lighting steadily from dawn to dusk.

Margy Goss stated that she has been at work for more than an hour after a business or school closes, and she does not feel safe walking to her car in the dark. She would oppose any ordinance that would cause her be in an unsafe condition. Broad statements about when lights should be shut off should be avoided, and each situation should be considered case-by-case on its own merits. Sherberneau felt that the requirement existed only for advertising signs and not for all site lighting.

Dan Rosa, 4707 Hampshire also noted that there is an exception in the ordinance for safety lighting. He supported Mr. Walter's previous comments, feeling that the ordinance is too restrictive and too open to interpretation that might be applied unevenly. He feels it would place too heavy a burden on property owners. He also asked if the references to the standards of the Illuminating Engineers Society of North America mean that he would have to look for their endorsement on any lights he wanted to put up at his house? In Section 7.9.3(1) there is a typographical error; no section (c) exists. There is a prohibition against reflection of "unnecessary" light onto neighboring properties, but what does this mean? The prohibition against lasers

and strobe lights – that would seem to prevent special events and holiday celebrations and drive away businesses.

Mr. Walter asked how this requirement would impact an agricultural operation. If he operated a feed lot he would need it to be lit all night. Corpe observed that if he could demonstrate the requirement to his agricultural operation he would likely fall under the Right to Farm Act.

Tim Stoecker noted a requirement that “certain” lights be turned off between midnight and dawn but asked how this might be determined. He feels that the statement is ambiguous in terms of enforcement and that a specific site plan approval might allow for a light but the enforcement officer could require it to be turned off.

Paul Rundhaug feels it can be appropriate to eliminate photosensitive lights. If a timer gets off-cycle, at least the light will go off eventually. If a timer goes out on a photosensitive light, it will be on all night long.

Pat Salathiel noted that this ordinance is essentially identical to Whitewater Township’s. She asked if they have had any problems with their ordinance, being aware of none. She feels there would be benefit to consistency with Whitewater Township.

Public Hearing closed at 8:35 p.m.

Morgan asked for suggestions regarding item 7.9.3(1)(b)5, the statement that “certain light fixtures be turned off between 11:00 p.m. and sunrise.” Christopherson can understand that there might be some enforcement and interpretation concerns. He did not help draft this ordinance, but some sort of revision to add standards or deletion would be appropriate.

Vermetten feels that the entire ordinance, while a good idea, is largely ambiguous and full of enforcement issues. He would like to hear from Mr. Dobek regarding these issues. He thinks it can be improved by paring it down to its essence. Perhaps it could be reviewed by Bzdok and Mr. Dobek prior to a continued public hearing at a subsequent meeting. Takayama agreed that perhaps it could be condensed to a more readable format. He read it several times this weekend and found there was a lot of detail for each sub-category. He would like to discuss neon tubing lighting, which is mentioned on pages 2 and 4 of the draft. There is a trend towards the extensive architectural use of neon on buildings, which he does not feel fits into the character of Northern Michigan.

Morgan has also read the document and feels it is a great starting point. Perhaps it can be refined a bit. She doesn’t want Acme Township to look like Garfield Township

Motion by Morgan, support by Pulcifer to continue the public hearing regarding proposed Amendment #133 to the February meeting to allow the document to be further reviewed by Jerry Dobek and township counsel and for Mr. Dobek to be present for discussion at the meeting.

Vermetten felt that the statements regarding Garfield Township were unfair, feeling that Mr. Dobek has complimented some of their lighting.

Motion carried by unanimous roll call vote.

A recess was declared between 8:45 and 8:55 p.m.

5. **New Business:**

a) **Discuss Proposed Draft Future Land Use Map Amendment to Master Plan:**

Vermetten participated extensively in the process, and knows that Carstens, Morgan and Takayama were as well. He feels that the composite plan draft (clearly marked a such) is a good composite of what the various sectors of the community present discussed. He was also amazed at the level of consensus present at the sessions when people of strongly differing opinions were working together. The process was uncomfortable at times but he feels it worked and that we should be proud to send it out for comments and have it returned for additional comments.

Carstens agrees in general. He disagrees with certain components of the map but feels its ready for distribution for consideration at this time. Sherberneau concurred with both Carstens and Vermetten. He made an effort to include people from the Planning Commission through the focus group process to some extent or another.

Motion by Krause, support by Takayama to distribute the proposed amendment to neighboring governmental entities as required by state law for the master plan amendment process. Motion carried unanimously.

b) **Discuss whether Zoning Ordinance Section 7.4, Signs should be amended to create specific provisions for Mixed Use Developments and/or Planned Shopping Centers (request from ZBA):**

Hull reported that at the last ZBA meeting Meijer sought a variance from the existing sign ordinance to permit larger-than-customary signage. One of the requirements for granting a variance that must be met is that the condition under consideration must not be so general or recurrent that a regular rule should be formulated. One of the main arguments made by the applicant is that the larger signage is required due to the proposed store setback distance from the traveled roadway. This condition might apply to many current or future proposed developments, and might also occur due to road speeds, or landscaping conditions. Hull has provided information from other communities where ordinances contemplate different sign sizes based on conditions.

Sherberneau asked what sizes signage is currently permitted; Hull stated that wall signage may be either 20% of each wall elevation or 100 sq. ft., whichever is smaller. Morgan asked if Tom's and K-Mart were held to the requirements; Hull stated that they generally do, although there is some question as to whether the K-Mart wall sign was replaced with one that is too large to meet the requirements while Sherrin Hood was in charge of enforcement. Hull has consulted with Hood who has no recollection of this occurring. Corpe stated that at one time K-Mart asked for a variance of at least the freestanding sign size requirements that was denied, and Tom's has been held to the requirements as well.

The question this evening is not what size signage would be appropriate for the proposed Lautner Commons, it is a question of whether or not the zoning ordinance adequately contemplated the type of development in question, or whether it does not and a general rule ought to be formulated.

Mr. Stoepker stated an opinion that the Planning Commission is laboring at a disadvantage because they were not present at the ZBA hearing. He stated that Meijer as an applicant was seeking a variance based on site-specific conditions and got all the way through a hearing and to the brink of a vote on a motion in favor of the variance before being told that one member had a conflict of interest and did not want to vote, despite the fact that this member had discussed the matter and previously

discussed other variance requests. He expressed surprise at the turn of conversation this evening.

Morgan feels that the lighting and other site considerations will make it obvious that a shopping center exists. Once the people are on-site they will know the store is a Meijer and it seems that people generally like to shop at Meijer stores. She feels the current sign ordinance has served the township well and does not need amendment.

Takayama parked about 700' away from the existing Meijer over the weekend and took off his glasses. He was still well-able to identify the sign, which appeared to him to be around 100 sq. ft. Communities he has enjoyed being in have had small and pleasant signage. Communities he does not enjoy have many large signs. He feels the ordinance is adequate as is. Carstens concurred.

Vermetten stated that some of his favorite places have small and very individualized signs. However he urged caution and noted that the township often compares itself to Garfield Township or other portions of the "other side of town" that reflect negatively on those areas. The Traverse City sign ordinance has provision for deviations from the standard. He likes their ordinance, which Hull provided as an example, that allows a Planning Commission to look at individual site characteristics with a certain level of flexibility. He would favor starting an ordinance amendment.

David noted that the township seems to spend a lot of time trying to create human-scaled development in a world full of super-human-sized scale. He feels that enormous signs are jarring and detract from the general direction the township tries to take. The inclination towards large signs should be recognized and resisted, and it should be recognized that the developers' motives are often different from those of the community at large.

Vermetten observed that the current sign ordinance has firm and finite sign limits. The Traverse City ordinance allows for flexibility based on site specifics. He asked what Hull is seeking. Hull responded that the Commission should provide some direction as to whether the ordinance should be examined or not.

Motion by Vermetten, support by Krause to have the Planning Commission begin the process of considering amendments to Section 7.4, Signs of the Zoning Ordinance. Motion carried by a vote of 5 in favor (Hardin, Krause, Pulcifer, Sherberneau, Vermetten) and 4 opposed (Carstens, David, Morgan, Takayama).

6. Old Business

- a) Discuss Application #2005-3P by Meijer, Inc., remanded to the Planning Commission by the Board of Trustees pursuant to Resolution #R-2006-1 on 01/10/06 for resolution of outstanding elements required of a Planned Shopping Center SUP application that would provide a detailed finding of fact in support of the motion: Christopherson noted the referenced Board resolution, which contains direction that further review of several elements of the Meijer application be completed. The first appears to have been addressed by action earlier this evening to consider inclusion of the Meijer property within the sewer district. Feedback from MDOT and the Road Commission has yet to be received. A proposed "Findings of Fact" motion has been drafted for discussion and no recommendation has been received from Metro Fire. In the findings of fact there is also mention of the water system, but there has been no discussion of how water will be provided to date. Christopherson has pointed this out to Mr. Stoepker.

Iacoangeli concurred that the wastewater issue was addressed earlier this evening.

Final review comments from MDOT and the Road Commission are outstanding, but representatives from those agencies have told him that by Friday or Monday their responses will be prepared. These responses are in response to contact from the applicant seeking to negotiate aspects of their prior findings. The implications of the site on M-72 and Lautner Road are critical issues. MDOT is looking at not only the site-specific improvements but how they impact on and mesh with plans for improvements to the M-72/US 31 intersection to be made in 2007.

Iacoangeli noted that the Zoning Ordinance regarding development in the B-3 District links special use permit and site plan approval. Absent the input from the road agencies, Metro Fire and answers about the water system, his professional opinion is that the required elements of review leading to approval have not yet been fully met. The need for agency input and approval is specifically stated in the ordinance, particularly Metro Fire. No further information has been received from the applicant, so Iacoangeli contacted the road agencies to follow-up. He feels it is the applicant's responsibility to pursue receipt of feedback from Metro Fire and to provide the township with evidence of water supply. These issues are not insurmountable, and he hopes they will fall in place over the next few weeks.

Mr. Stoepker stated a position that the Planning Commission has already recommended approval of the development by a vote of 6-3 and sees nothing in the ordinance that would permit a subsequent vote. He feels that the Commission is obligated to provide the Board with a report of their findings, but nothing more. Relative to agency approvals, he asserted that approval may be either in hand or likely, and that the road agencies have asked for minimal changes and that likelihood of approval of Meijer's proposed amendments to their requirements exist. He suggested that the findings of fact prepared by Christopherson should be presented in report form. He expressed some dismay that it appears that Iacoangeli met with the road agencies but the applicant was not invited to find out what the status of their situation is rather than hearing that there will be additional review letters. Mr. Stoepker also has issues with the ZBA hearing. Mr. Stoepker stated that they will provide their own water from an on-site well. He reiterated that he does not see a need to have the approvals in hand, but only a finding that the approvals are likely.

Christopherson asked if the proposed well has been submitted to the Health Department; Mr. Nowakowski said they have not. Christopherson asked if they plan to, stating that the Planning Commission is entitled to receive that feedback.

Morgan asked if the Commission has copies of all correspondence between the applicant and the road agencies and was assured they have. Mr. Stoepker reiterated his concern that they were not invited to the meeting between the township and the road agencies. Iacoangeli stated that the township did not approach the road agencies for a meeting, they approached him due to concerns about the lack of any attempt by the applicant to arrange a meeting with them or any contact beyond letters. If the applicant has issues to resolve with the Road Commission and MDOT, Iacoangeli hopes that they will contact those agencies and pursue resolution. Mr. Stoepker stated that the applicant has asked for meetings including all parties and felt that this policy should be continued.

Sherberneau stated that he has some concerns with the proposed findings of fact. It has been drafted to indicate that all of the required application elements for approval have been obtained, but he does not believe they have. Christopherson observed that the Planning Commission voted to recommend approval, and since all of the items in the finding are required to be satisfied, in drafting the document he had to presume that as a basis for their motion the Commission found them met. Sherberneau agreed

that the input from the road agencies is needed, and evidence that the Health Department is approving the water supply is also required. Corpe observed that DEQ may have to approve the well as a public water supply, and it was discussed that the system might or might not be turned over to the township or kept under applicant control subject to ongoing township escrow for continued safe maintenance and operation. Iacoangeli feels that there are not a large number of outstanding issues, but there are significant ones that need to be addressed. He said that it's been a long and exhausting process that everyone is eager to complete, and there was a stumble at the finish line. Care is required at this point to eliminate ambiguities. Christopherson concurred.

Corpe thought that perhaps the Planning Commission has a specific obligation to review and approve the signage plan for a Planned Shopping Center. The Commission noted language in the proposed finding of fact that the conditions of Section 7.4 of the ordinance must be met and observed that a variance application is pending.

Carstens expressed concerns about the fact that no sidewalk is being provided along M-72; it was discussed that walkways internal to the project and a TART connection along Lautner Road were approved as a substitute, in part to keep from having the sidewalk impact the wetlands area near the highway. He also asked who would be responsible for street lighting along Lautner Road; the applicant stated it would be the Road Commission, but Corpe observed that the majority of streetlights in the township are operated by the township and not by the road agencies.

Vermetten agreed with Iacoangeli's metaphor about stumbling at the end of a race. He hopes that all outstanding road, fire and water issues will be successfully resolved.

Motion by Vermetten, support by David to continue discussion of the Lautner Commons application to the February meeting pending receipt of the required feedback from the road agencies, Metro Fire, and on-site water system approval agencies.

Takayama supports the continuation, but would be very disappointed if new and different issues and concerns are brought up at the next meeting that pose new delays.

Motion carried by unanimous roll call vote.

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

Sherberneau returned to Mr. Challender's questions. Mr. Challender believes there is a potential "downzoning" of the property he has owned for 32 years on Bunker Hill Road between Springbrook and Hampshire Hills Subdivisions based on the proposed designation of his property on the proposed future land use map. He provided the Commission with a survey of his property on which he has drawn infrastructure improvements he has provided to the site. He strongly wants to have the designation of his property changed from County Estate (land use character of 1 unit per 10 acres) to something in keeping with the current 1 unit per acre zoning.

Mr. Hanna apologized for some occasional outbursts he made during the meeting; he sometimes becomes impassioned when he is disappointed with what the Planning Commission is doing. Turning to the sewer ordinance discussion, he wanted to ensure that the Commission realizes that there is a 70-acre parcel surrounded by the sewer district on 3 sides and to which a sewer pipe currently runs. He no longer owns the property, but he thinks it should receive consideration.

Paul Rundhaug, 3733 Bunker Hill Road stated that he attended the ZBA meeting regarding the proposed Meijer variance. For one of the wall signs alone they are seeking a 600% increase over the permissible sign size. He went to Garfield and Blair Townships and looked at signs such as the Menards and the Meijers. He was told that all signage conforms to their sign ordinances. The Menards main wall sign is 312 sq. ft. and is 800' from the roadway. Their total signage, including smaller signs on the elevation, is somewhat over 800 sq. ft. He feels that the signage Meijer is requesting here is "ridiculous."

Charlene Abernethy, 4312 Westridge Dr. is concerned because there is no discussion of potential traffic impacts on Bunker Hill Road from the proposed Lautner Commons. The people who live off that road are very concerned over potential changes in traffic patterns. Sherberneau feels that a reduction of the posted speed on Lautner Road along the development frontage will discourage people from wanting to turn left on Lautner to access Bunker Hill Road as a "shortcut." Dr. Abernethy asked who would pay for Bunker Hill Road to become a four-lane highway? Vermetten stated that there has been discussion about the impacts on Bunker Hill Road and the fact that planned improvements to the M-72/Lautner intersection will make it clearly faster and more convenient for people to use traditional routing rather than using Bunker Hill Road, with a very short light cycle at US 31. Morgan stated that she shares Dr. Abernethy's concerns.

Shawn Husband, 4167 Cranberry Lane feels that placing a 3-way stop at Bunker Hill and Bartlett, already a dangerous area due to restricted sight distance and high speeds, would make an immense improvement that would deter traffic and reduce speeds. Sherberneau asked Hull how to have the Road Commission consider this; Hull replied that there are specific warranting conditions that have to be met. For a 4-way stop at least 500 cars per day and/or a high accident rate must be experienced. He used to perform traffic studies for the City of Traverse City, and asserted that placing signs where the warrants are not met is actually more dangerous than anything. He will look into whether that intersection meets the warrants for a 3-way stop.

Mr. Rosa would like to address a question about the Board minutes, where it was stated that 80-90 people attended the future land use map visioning sessions. He feels that the sign-in sheets should be re-examined and the Board minutes corrected at the Board meeting if needed.

Mr. Nels Veliquette asked how long ago the farmland eligibility map was sent out for comment; Corpe replied it would have been in the mid- to late-summer. Mr. Veliquette offered the opinion that Mr. Challenger's problem with the map may be less the map itself than the fact that he made a written request for exclusion and felt he had received a guarantee that he would be excluded. He perceives that Mr. Challenger is not opposed to the program but felt that a promise was not kept.

Virginia Tegel, 4810 Bartlett Road addressed the outstanding issues relative to the Meijer project. She finds it interesting that revisions to the ordinance or its standards have been needed relative to wastewater treatment, lighting and signage for the project, and expressed thanks for the Commission's work to obtain resolution to these issues. She also understands that the Road Commission is planning to reduce the slope of Bunker Hill Road north of Bartlett. Will people who live in this area be surrounded by road construction?

Mr. Husband stated that the community voted twice for a Meijer and wants one. Some few people do not, and he respects their opinion. Overall the Planning Commission is representing the community and should bear this in mind.

Meeting adjourned at 10:15 p.m.