



ACME TOWNSHIP PLANNING COMMISSION MEETING
NEW HOPE CHURCH
5100 BETHESDA COURT, WILLIAMSBURG MI 49690
7:00 p.m. Wednesday, August 4, 2004

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

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

Members excused: None

Staff Present: S. Corpe, Recording Secretary
J. Christopherson, Township Counsel
R. Clark, Planning Consultant

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

- a) **Response from applicant to Planning Commission requests made 07/26/04:** Ken Petterson, legal counsel for the applicants, made some introductory comments. Steven Hayward gave a brief presentation in response to several requests for changes to the concept plan made by the Commission at the July 26 meeting. He mentioned the project’s website address, www.villageatgrandtraverse.com. He stressed that the traffic study, market and economic study and site engineering plan are perceived by the applicant as not being required until a site plan approval application is initiated. He stated that the applicants need permission to have the hotel reach a 75’ height, but that on all other buildings they will accept the standard 35’ height limitation or any other height limitation that might be imposed.

The applicants have agreed to the request to move the southern lifestyle center buildings closer together, placing more of the parking behind the buildings, and utilizing pass-through areas for people to get to the interior of the area. The Commission also asked that a number of the proposed mixed use buildings on the east side of the site be removed, which has been agreed as well. These buildings would be replaced with a multiple tenant retail area or residential development at 20 units per acre (the residential areas on the west side of the property are proposed to be developed at about 17 units per acre. They have also agreed to a 25’ buffer area along the south side of the property, and replacement of the proposed anchor store on the southeast portion of the property with residential development at 20 units per acre. Multi-use buildings are proposed on the northeast side of the lifestyle center and main street area, and multi-use buildings are still proposed for the north side of the property flanking the hotel to help provide visual screening of the large parking areas within the development from M-72.

Mr. Hayward introduced Scott Nowakowski, representing Meijer, Inc. They are the proposed tenant of the remaining anchor store. He stated that the township has been asking them to consider relocation to the subject property from their property on the east side of Lautner Road for years. After meeting with Jim Goss, he feels strongly that Meijer needs to be a part of the proposed development. He complimented the Planning Commission for adhering to a vision of controlled, sensible growth, and he

complimented the applicants for bending over backwards to please the township. He believes that if this proposal is turned down, some other developer would come forward and achieve a plan with the same impact on the community but on his terms and not the township's probably through the court system.

- b) **Continuation of public comment period:** Smith stated that he believes almost every conceivable reason for or against the project has been put forth at this time. He asked that everyone choosing to speak try not to be repetitive, and that they confine themselves to three minutes each to allow everyone a chance to speak. **He declared the public hearing re-opened at 7:17 p.m.**

Mr. Ralph Criger, 4422 E. Timberwood, stated that most of his thoughts have been expressed. He does not oppose development of commercial property within the township; he just doesn't feel that the public has been given a true opportunity for input.

Mrs. Anne Olson, 8893 Birchview Drive, does not favor the project. The public has not had the chance to vote as they did regarding Brackett Road.

Michael Srdjak, 4308 Baywood, supports the project as a way to "corral" growth. He believes that every piece of this plan could occur in a random fashion throughout the township. So much of M-72 now hosts storage buildings. He likes the reduction in height.

Norma Perry, 8859 Birchview Drive, asked if Acme is represented by a shopping center or creeks, if a mall will drive struggling small businesses out of business, and if wider roads are better than the current natural beauty and quality of life. She would prefer to drive across town to shop if she can't find what she needs locally as usual. Those on the south side of the region need to come to our township to enjoy what they lost, and encourages a return to a small community center concept.

Jim Savage, 8841 Birchview Drive was born and raised here and has not been politically active on this issue despite strong personal feelings. He traveled extensively in his earlier years and found that he had to work hard to see things that weren't the same everywhere. He isn't sure what the rush to approval is about and would encourage that the issue be tabled until after the November elections. He believes the issue should be voted by the public, which spoke yesterday during the primary elections.

Rachelle Babcock, 4261 Bartlett Road, has lived in Acme for 10 years. Until last year she, like the majority, was comfortable allowing those in public office to do their jobs as they felt appropriate. This ended last year at the meeting about a similar project. She has many concerns that have gone unanswered and become objections. She is now a proud member of CCAT, which believes it must band people together to be heard by an ignoring government. Many in the community believe this project represents urban sprawl, defined by her as "irresponsible development that takes tax dollars away from the community and costs farmland." The definition she read also references auto-dependency. The proposed name of the project doesn't mention Acme. She stated that a survey was recently performed by Dave Amon, some of which was about the development, and she would like to know what the results were. She called the agency that performed the survey and knows he commissioned it.

Pete VanBerlo, 4775 Springbrook Drive, asked all the residents of Acme in the

audience to raise their hands (most). Then he asked how many have been lifelong residents, and the number was considerably fewer. His conclusion is that “development happens.” We have children who will want to move into their own houses. We have tourists who enjoy the community and relocate here. He hears about the township’s budgetary worries, and believes that considered new development will provide general operating funds as well as moneys to preserve open spaces and build parks. He is concerned about traffic, as he lives near Bunker Hill Road and feels it is unsafe. He is concerned about how the proposed project would mesh into the community, and that it contain a pedestrian and bicycle friendly network. He worries about the right in/right out access points on M-72, that he believes will funnel traffic onto Lautner and Bunker Hill Roads. If growth can be concentrated in one specific area, perhaps there is a better chance for preserving the rest. This is a conceptual plan that will be refined at later stages.

Ralph Yates, 8532 Glastonberry Circle, says, “build it because they are coming.” He supports the project as being well-thought out and having class, providing an opportunity to concentrate growth and a place to do business by preference. The developers are from the local area and accessible, and have demonstrated flexibility, discretion and patience. He feels that the decision should be based on facts and not fear.

Madge Sander, 3417 Scenic Hills Drive, has opposed the project. She thinks that some of the proposed modifications may make it more acceptable. She believes this is so important that there should be a public vote.

Diana Morgan, 4770 Arthur Court, thanked the Commission for the time devoted to the project and for the opportunity to speak. She believes that most of the public have no problem with development in general, but with the scale of the proposition. She believes it’s more than the community needs, and that more of the natural beauty of the area should be retained. She believes the various project phases should be constructed fairly quickly, and is concerned that it will be too long until the residential areas are constructed. She isn’t satisfied with the removal of only one of the big box stores. She hopes that when the township develops that the original intent of the Master Plan will be followed.

Ron Krueger, 3551 Dock Road, believes that this is a shopping center and should be recognized as such. He is interested in preserving the land for future generations. He notes that many in the audience are older and have seen many broken development promises come and go. He does not believe that there would ultimately be only two large stores, and that the Commission is being naïve if they believe the applicants. Who owns the water in the bays and creeks? Not the developer. Ford polluted the Rouge River, as an example.

Dan Hanna, 7239 North Lautner Road, stated that he is well-known and knows the officials well, having missed very few meetings. He believes that the public has been given more than ample opportunity to comment about the proposal. He favors the development and appreciates the work the Commission has done in considering the application. He hopes it will be forwarded to the Board for action.

Chris Bzdok, legal representative for CCAT in recent litigation, stated that the newest plan proposal represents an improvement, but is still way too large and contains too many remaining questions. He is uncertain as to whether traffic issues have been appropriately addressed. He believes that a full impact assessment needs to be

performed. One was required for the boat dock at the Resort, which seems to be a much smaller project than the one at hand. The impact assessment requirement is part of the requirements for any special use permit. The developers are in a hurry, but the township should not be. They have been asked why they purchased the property before approval, and the response was that unnamed officials assured them that approval could be achieved within three months. He urges a continued thoughtful approach to the considerations.

Bonnie Smith, 7280 Deepwater Point Road, said that nothing she could say today would be more eloquent than yesterday's vote. She appreciates the efforts the current regime has put forth. She mentioned the involvement of her father, Dick Smith, in creation of the Master Plan. There is a reason why people keep saying the same things over and over again. When you time our response, it feels like you aren't listening. The proposed plan does not represent her vision for growth in Acme or the Master Plan. Take time deliberating about this issue. The public might welcome a better development idea.

Camille Weatherholt's family, 5440 Lautner Road, owns a non-working farm purchased in 1926. She thanked the Commission for continuing the hearing to this evening and for the time they spend representing the community. Her family is concerned about the lack of a traffic study or road improvement plans; inclusion of a big-box store in what should be a walkable community containing smaller stores, offices and housing; and that the proposed plan does not meet the needs or desires of the community as expressed in the 1998 township survey. She believes the proposed development should be denied. She was struck by statements that people love the rural character of the community, yet in the survey few said they would support spending public dollars on purchase of rural development rights. She finds this inconsistent; if the property is valued, people will pay what it is worth.

Kelly Thayer, Michigan Land Use Institute, said that some new things seem favorable but some seem to have gone by too fast. More time is needed to study the proposals and their probable impact. The traffic memo indicates that project buildout might come in 9 years. It also says that the traffic on M-72 would double in that time period as a result. He believes there is discretionary language in the ordinance that would permit downsizing of the project. Regarding sprawl, he will use Eastwood Town Center, which he visited yesterday, as an example as do the applicants. A new Wal-Mart and Sam's Club are opening there. The township has clearly indicated that it doesn't want multiple big box stores. Meijer says it will relocate across the road, but will they sell their property for development as a big box as it is zoned for? Will the traffic counts used in this case lure additional large retail developments to other similarly zoned properties along the M-72 corridor? Take some time to do things right. One big box is a step forward but not the final step – it has to be made to “behave.” He is also concerned about phasing, and hopes that previous requirements that a residential development be included in each phase are reinstated. As to stopping sprawl, he hopes a TDR ordinance will be enacted soon. He believes the Master Plan calls for buildout neutrality explicitly, and it must be enacted to avoid a compact development surrounded by continued sprawl. He finds the scale of this project in this location not in keeping with the Land Use Council recommendations.

Chris Grobbel, Ball Environmental & Planning Associates, was retained by the legal counsel for a group of township residents to review the project. He hadn't been following the project in the press and was startled by the size. He sees that the majority of the site would become impervious surface. The site contains “significant”

drainage features, particularly in the southwest corner of the property where there may also be springs. The creation of drainage ponds would negatively impact the natural drainage environment in his opinion. He has seen estimates that up to 80% of the site would be impervious, while he states it has been demonstrated that amounts over 20% have significant impact. What are the soils on site like? Studies in the area say that the water table is high (about a foot below ground) and that the area contains much clay. The project is in close proximity to a pristine trout stream headwaters. He disfavors turning the wetlands into a stormwater detention system. He also says that a wetlands exists in the southeast corner of the property that has not been disclosed, and that the applicant's study is over three years old, while studies over one year old are considered outdated. He feels that the impacts need more study and that the Master Plan needs to have "new life breathed into it" before a decision is made.

Jim Lively, MLUI, feels that the project has become a "moving target" and that it's moving quickly, if in some encouraging directions. He appreciated the questions raised by the commission last week, but feels there are more answers needed. What will happen with the Meijer property? Could the applicant acquire the development rights? He encouraged the Commission to consider the language about anchor stores that was contained in the town center ordinance, particularly those about the use of liner stores. He would like to see more definition regarding the substitution of residential space for the second anchor store, and approves of the reduction in building heights. How can public dollars support the project through streetscape projects or perhaps a parking garage. There is a feeling that the Commission is being pushed towards a quick decision, and he hopes that the Commission will resist. All worked so hard on the Town Center Report and the town center ordinance, but none of those tools are being used. Ask the planning staff and legal counsel how to bring the project back under the better standards. Try to regain control. He asked if Christopherson could comment on use of the town center ordinance at this stage – is it a possibility? Some on the Commission have privately expressed to him that this is possible.

Mark Nixon, 126 East Eighth Street, believes that the scale and auto-transit dependency are the largest concerns for the project. The township is trying to make a land-use decision, but the proposal is based on automobile-using customers from a broad regional area. Every year he attends a conference on New Urbanism and sees work done by the best in the field. He believes that several proposals from those individuals for the property could be obtained, including site plans and elevations, the results would be very close to the ideals of the Master Plan and profitable for the landowner. Three firms in Traverse City have indicated interest in working with the landowner to do so, substituting small stores and houses for anchor stores and asphalt.

Tom Ropers, 4802 Five Mile Road, congratulated the Commission on their work in maintaining the character of the community. He congratulated the applicant's planner for his work as well, as he views the project as being "99% in favor of the developers and 1% in favor of the township." He also resented Mr. Nowakowski's threat that if this plan is not approved, something worse will come along. He feels that there is no firm obligation for the applicants to develop the more desirable features of the project, such as the housing, civic buildings and ball fields. They may come back and say that the financial markets won't fund their development. The township apparently has no say in whether the development proceeds past phase 1.1

Isabel Fisk, 6677 Deepwater Point Road, is in favor of development at a smaller

scale, He is concerned about losing the natural water features.

Eugene LaLone, 9014 Bates Road, said that his main concerns for Acme are that it remains as it is. He was born in the house he currently occupies, and is concerned about the destruction of the area's "agricultural history" in favor of another new mall. This is the gateway to Traverse City and Elk Rapids, He feels that bypasses will be needed to control traffic snarls, and that there are not enough safeguards against pollution of our creeks and lakes.

A gentleman living at 4465 Ranch Road in Whitewater Township says the plans will affect everything from here to Kalkaska County. It's already difficult to make turning movements on M-72 at peak traffic hours. Of course Meijer supports the project – they can control their competition. When the casino moves, what will the Lautner Road intersection be like? He believes it will be horrible without major roadwork. The developer is a businessman with a job to do, but "he's knocking on the wrong door."

Rick Fisk, 6677 Deepwater Point Road, appreciates the efforts of the current administration and yesterday's election. The process needs to be slowed down, and smart growth tenets followed.

Ray Schmeckel, 3770 Wild Juniper Trail, previously sent his strong objections to the plan to the Commission. Even with the changes, he "vehemently" objects to the concept and distortion of the Master Plan. Some say that people move upstate to escape uncontrolled growth downstate. He wants to join the area natives to do well by the area. The citizens have made themselves clear.

Gene Veliquette favors development and growth. The opponents of the plan want to concentrate growth, but he questions this. He farms many acres in Acme Township, but is concerned about his ability to keep farming. He is sure CCAT is 99% good-hearted citizens who don't begrudge him the chance to earn a living, but there are those who send hate mail to him. He hopes that those who will take power will not abuse that power. People like things small. Small farms aren't profitable, and often small stores aren't either. Progress happens and he's in favor of it because growth creates jobs and opportunities. He hopes the majority will control the minority that are trying to prevent him from making a living and enjoying his rights as a citizen.

Lewis Griffith, 5181 S. Lautner Road, lives about 1,000 feet from the proposed project. He has lived here since 1962 before there were any subdivisions in the area. This proposal has been discussed and examined and changed numerous times. The developers appear to have done everything they have been asked to do but are still facing difficulties. People in Acme are still driving across town for basic daily needs. Too many untruths have been told. He has attended almost 100% of the meetings for over 30 years to ensure that the government fulfills its responsibilities. If more people would really attend on a regular basis, he would recognize them. To find out what the truth is and do things properly, come to meetings and be informed. The applicants have earned the right to project approval.

Jill Takayama, 5100 Lautner Road, expressed thankfulness that she could attend the meeting. She fears that many did not have the opportunity because the meeting was rescheduled. She fears that there is too much of a sense of urgency to proceed with the plan before the new Board can take office. She fears that the beauty of the area will be taken away by development and bright lights, and that the good of the overall

community will be sacrificed to the good of a limited few.

Robert Icard, 6070 Arabian Lane, has heard a lot of reasons both for and against the project and various parties to the debate. He does not want to see the area despoiled. He thinks everyone is trying to work for the common good, and that less finger-pointing and more cooperation is in order. Development has to happen in the community. He supports this particular project.

Steve Johnson, 4048 Circle View Drive, is attending for the first time this evening. Several meetings ago, he understands that the Commission asked that roads in the development be narrowed, and the applicant complied. Because the roads are so narrow, he now understands that the County will not maintain or plow the roads. If this is true, how will snow removal be funded if the County doesn't do it? Smith replied that because the roads will be private, they will not be serviced and that those within the development will pay for the services rather than the general taxpayers. Mr. Johnson hopes that definite confirmation of this fact will be received. He has also heard that some accommodation has been made for the deer herd that lives in the project area. He travels Lautner Road early every morning, and must stop for deer who are crossing every morning. Many deer would have to change their habits to avoid danger from increased traffic on local roads. Mr. Johnson believes that enhanced traffic congestion will necessitate improvements to not only M-72, but also to Lautner and Bunker Hill Roads. They can't currently handle the load, and would likely have to be widened. Would there be room to expand Bunker Hill Road? How many cars would wait to turn left at Bunker Hill and US 31?

Dale Sterrett, 4686 Hampshire Drive, is not opposed to development of the proposed scale, but is concerned about what will happen when it closes down existing commercial development. He asked when the public will get to hear the Commission's thoughts about what the public has said and their answers to the questions posed. Smith replied that this will occur after the public comment session has been closed, and that they share many of the concerns the public has raised.

James Antio, 4379 Westridge, found Mr. Hayward's disparaging comments about the Road Commission contrary to the work the Commission is trying to do. They work hard all night long to help the community keep moving.

Dick Smith, 7331 Deepwater Point Road, served on the Planning Commission from its inception and the earliest zoning ordinances. At that time, they considered what they wanted the community to be like. One decision was to keep signs small. Zoning amendments came along to prohibit or attract growth. They handled the introduction of Tom's, K-Mart and the Holiday Shopper/Ace Hardware corner. He feels that any Commissioner should have the interests of Acme Township first and foremost in their mind, and not the overall region. He believes the proposed development would be contrary to the vision he and his contemporaries nurtured. Once large-scale growth begins he believes it will not stop, and he believes the proposed residential areas in the plan are poorly integrated. Take time and study carefully before making a decision to pass the matter to the Board.

An unidentified woman in the audience asked who will publicly decide to table this issue until traffic, hydrologic and impact studies are performed?

Public Hearing closed at 8:51 p.m.

- c) **Planning Commission deliberation:** Smith asked Christopherson to speak to the status of the town center ordinance. Christopherson replied that it was invalidated Judge Power. The ordinance could be revised and taken back through the public hearing process at the Planning Commission, County Planning and Board. The applicants have made application under a different Ordinance, and to date the township has not undertaken to revise the former ordinance. Smith summarized by saying that the former ordinance no longer exists, and would have to be recreated from scratch. In the meantime a new application has been brought pursuant to a different section of the Ordinance as is the applicant's right. Vermetten asked if the discretionary aspects of Section 8.22 would allow the Commission to bring in valuable portions of the former town center ordinance. Christopherson replied that the town center ordinance is invalid, but there is much general discretion that the Commission has in their deliberations per 8.22.2(1-5). Carstens noted that one speaker asked if anyone would ask to table the application pending further information. He would gladly make such a motion based on the discretionary powers available in the Mixed Use Development Ordinance. There have been numerous changes made to the plans, and then pressure is applied to make a decision on the latest revision before thought and discussion can occur. He agrees with previous statements by other commissioners that the changes give rise to more questions than answers and that the Commission should not be rushed. He believes this

Motion by Carstens to table the application until appropriate impact assessments have been provided.

Smith noted that tabled motions have no conditions and no specific time limits.

Motion failed for lack of support.

Salathiel feels that tabling the issue is premature. She has many questions and concerns. Many have been addressed by the lasted version of the plan. The 100' greenbelt buffer along m-72 seems inadequate, as we don't know how the road will be widened. She is still concerned with the northern outparcels which will appear like strip development. She feels there is no center to the development. She staqted that Joel Russell, whom she respects, indicated that an anchor is required to sustain the project. She agrees and is glad that Meijer wants to be that anchor. However, she is concerned aobut what would happen to their property. The problem isn't solved if they move west but their property is still zoned B-3. Smith invited Mr. Nowakowski to comment. Mr. Nowakowski said that they don't know what they might do with the property or where their store will end up. Perhaps it will still be on their property. If they move over, they won't be in any rush to sell their property. They often work with communities to fulfill a civic need such as a donation for parkland. Salathiel noted that while she understands the decision, she is uncomfortable with the circumstance and needs to find a way to make a deal that everyone can live with.

Salathiel stated that the intent of the Master Plan is to concentrate development. A TDR/PDR ordinance is not yet in place, and she would like to see a moratorium on all commercial construction in the township until one is developed. Everyone is talking about concentrating the growth in this one

area, but protections for the other areas are not yet in place. She is concerned about the amounts of impervious surface coverage proposed – not yet clearly identified – and quoted the same statistic about water quality degradation as did Dr. Grobbel. Mr. Hayward stated that a letter has been prepared in response to Dr. Grobbel's report that was provided to the Commission this evening. He noted that the statistics quoted are for the entire area of a watershed, yet they are being used relative to only one parcel within the watershed. The town center ordinance had impervious surface limits and a mechanism for purchasing impervious surface rights by contributing to an open space preservation fund. This is not a standard for review under the Mixed Use Development Ordinance, thus the specific amount of coverage has not been calculated. They also don't know how much total land area is within the watershed, which is a necessary statistic to make any meaningful examination of this issue. He also took exception to the character of certain buildings as outlots, saying that this word is defined as a building with individual in/out access to the road. He stressed that the building placement is designed to screen internal development parking areas from public view. The Master Plan says that there should be a significant buffer between the development and the roadway and that the buffer should contain significant landscaping. This visual screening also further lessens the ability to define the buildings as outlots or outparcels. The MUD ordinance is general, and the applicants have tried to combine desirable components from the previous applicant with the new application even though they don't appear to be specifically required. A downtown, main street corridor has been provided to give the feel of an Elk Rapids or Suttons Bay type community. They have worked hard to entice Meijer to move across the street. Moratoria can be tricky and need careful consideration and crafting.

Salathiel stated that she is concerned about having no assurance that the project will develop beyond the larger retail areas and a few small shops and homes. Each phase should contain a proportionate amount of project housing. Mr. Hayward stated that this can be accomplished by a motion making this a condition of recommendation. The Ordinance also states that the township can sue the applicant if the development does not occur as advertised. He asks that any conditions not be arbitrary but based on realities that will ensure it can be quality development and good economics.

Salathiel has been bothered by the difference between the former town center ordinance and the MUD ordinance. She reads the MUD, particularly section 8.22.3 as granting wide latitude and discretion to the township. She is also seeking a response to some of her questions and those raised by Mr. Bzdok in his letters. Christopherson indicated that he and Russ Clark are prepared to address these questions.

Having received several pieces of new information this evening, she feels the need for more time to sit down as a commission with the applicant to thoroughly review and discuss them. It takes time to draw reasonable conclusions and decisions from the bulk and technical nature of the documents.

Smith has heard the comments that the project is "a moving target." Why? Because at every meeting the Commission makes requests for changes. The applicant complies, and then we ask for more. He believes the applicants

have ‘bent over backwards’ to create a development that is as close as possible to what the community desires. It’s important to remember that the MUD ordinance is not the town center ordinance. The MUD ordinance and the SUP portion of the ordinance set forth specific criteria for evaluating an application, and if all criteria are met, by law the application must be approved. Property rights are an important concept.

Vermetten feels this is a “moving target” but that this is not a pejorative term. This has been a long process, and the applicants have worked hard to put together a project that will be acceptable. He doesn’t think the project is “there” yet personally, still having concerns. He is a strong personal property rights supporter. He still doesn’t understand the relationship between concept plan approval and site plan approval and what rights the township has at each stage. He has a basic understanding of a timeline involving a maximum of one year in which to achieve a site plan approval, and it seems that the applicants would want to do as much of the work up front as possible to smooth the process. He believes more information is needed at this stage. He continues to have concerns about phasing, and that there is no timetable for adding development once the Meijer is in place as well as the infrastructure. If the market doesn’t develop as expected, we might end up with nothing. The starting premise was a town center where one could meet one’s neighbors. The concept can work. Why can’t the village aspect begin contemporaneously with construction of the Meijer to help encourage the project to grow and be an asset to the community, attracting residential and small business uses. There has been discussion about impact studies and about high potential traffic counts, but we don’t actually have any studies in hand yet. He found Dr. Grobbel’s report to be detailed and technical, and he doesn’t see how the response on the table this evening, at 2.5 pages, could adequately address it. A market study now would drive reasonable phasing plans. It appears that over 50% of the project would be impervious surface. Is this necessary? Maybe so and maybe not; it hasn’t been documented. Are there wetlands on the east side of the property? There is a DEQ process to undergo, but the possibility of wetlands where none are shown is a serious concern. The applicant is attempting to fit both it’s own needs and those of the community. He would like to see setbacks on the south side of the property increased to 100’ as well. He thinks the project is getting closer, but it’s not ready for final consideration yet. Many people seem to have a wealth of information that can be tapped.

Mr. Hayward stated that the township has the ability to require a particular phasing pattern. The ordinance does grant broad discretion. There is a difference between “assessments” and “studies.” He finds overall that the ordinance is very restrictive, requiring an SUP for every single type of commercial development. Detailed assessments for every single application would be cost prohibitive. The applicants have spent a significant amount of money to purchase the property. It costs a significant amount of money to accomplish every requested plan change, and will cost a significant amount of money for detailed studies, that would have to be changed with each plan change the applicant requests. To ask more in this regard of one applicant than any other seems improper. Much of this can be handled during site plan review with the same end goal of tight control in mind. The applicants believe that they have met all of the requirements of the MUD ordinance. Why so much impervious surface? Mr. John Norquist stated that vertical

parking is not generally a practical reality. Could a proposed mixed-use building become a parking structure one day? Yes. Can this be accomplished economically now? No.

Carstens is feeling overwhelmed by the amounts of information to be considered. Addressing Mr. Hayward's assertion that all of the standards of the ordinance has been met, he respectfully disagrees. There is discretion for additional considerations to meet community need. He is concerned that many people did not show up this evening because the date was moved up one day instead of delayed by some number of days. Smith stated that August 5 was arbitrarily chosen before we knew if facilities would be available. The church was booked as was the Resort and The Williamsburg, Mountain Jack's was too small, and other locations were not physically workable. E-mails were sent to various individuals, including CCAT members. Display ads were taken out in the paper for three days, and phone calls were made. There was no lack of effort to inform the public, and over two hours of public comment was received this evening. Carstens was not satisfied with this response. He said that to work in the best interest of the community, we have to accommodate their ability to participate. Anything that foreshortens their ability to make plans around work and family commitments impairs public participation in the process.

Smith asked Russ Clark, the township's planning consultant in this matter, to make a few comments. Some of his notes have been addressed by the changes to the plan proposed this evening. One of his ongoing concerns has been the southern property buffer. The new plan shows a 25' buffer, and now the Commission is asking for more. The land immediately to the south is zoned for and might someday be developed as housing, and he still believes that there should be space for an adequate buffer between commercial and residential uses. The proposed parking concepts seem to demonstrate a ratio reduction consistent with modern shared parking principles. Any approval of the site will be contingent upon DEQ review. Traffic linkage to the parcel to the south at some future point in time should be provided in case it is ever developed to ease traffic on Lautner Road. Proposed building heights have been reduced except for the hotel, and he has recommended a minimum 100' setback from M-72 for such a structure. A building height allowance taking into consideration horizontal land use impacts should be included for the day when a PDR/TDR system is in place. He does recommend including residential components in each phase of the project, citing The Crossings as an example. A memo regarding traffic impacts has been provided, but changes in the plans will required updates to the numbers. A full-fledged study has been requested, but by ordinance this is not required until site plan review. Also the township will be relying on MDOT and Road Commission review and input regarding traffic service needs. His reports contain recommendations that he hopes the Commission will pass on to the Board. He continues to encourage compromise, feeling that the process has come a long way in this regard.

Krause feels that few people have mentioned the likely growth rate for our community over the next 10-30 years. It is commonly accepted that this region will grow faster than any other region of the state. If the community can come up with a project that combines much of what we want and much of what we will need in the future, it would be a good thing. M-72 will be

widened fairly soon to at least 5 lanes. We are fighting hard through various channels to have a median installed that would create a boulevard with trees. This would be a huge statement in terms of aesthetics and safety. To him, this project seems to address a lot of what Acme's needs over the next 5 to 20 years will be. The project will not be built over night, but will develop over time. Things will change and will be fine-tuned throughout the process. The more he examines the process and sees more residential use inclusion and less pavement and large retail use, the better he is pleased. He will ask that the housing areas follow new urbanist guidelines with close buildings, and believes that as lot sizes are reduced there can be more buffer area around the wetlands. The plan provides space for all types of civic needs, and for much-needed senior housing. These uses encourage the development to take on the character of community. A preliminary character guide has been produced that gives a feel for the design elements that will make the place a warm neighborhood rather than a cold shopping center. Krause heard on the radio when a CCAT member was interviewed the point that the biggest concern about the project were the two big box stores and that if they went away most of their concerns would go away. One of the anchor stores has gone away. About a year ago, Salathiel asked him to have a private meeting with two members of MLUI and a select group of high-ranking CCAT members. He asked the group whether they would rather have Meijers locate, and they replied that they would prefer within the town center. This is where they propose to be.

Carstens agreed with Krause that as the applicant make accommodations it comes closer to the vision, but he suggests that the marketability of the residential areas will depend on how much asphalt there is.

Salathiel suggested that the public, Commission and applicant sit down to really "hash things out." She feels that a truly workable compromise is close, and that there is too much new material to digest on the spot. The developers asked for time to consider their requests at the last meeting, and she needs the same consideration now.

Hoxsie asked if Clark would evaluate the new changes proposed this evening, as he feels this input would be important. Clark assented.

Carstens feels that the township is asking the Commission to "do this right." He feels that to do this we have to amend the town center ordinance and then reconsider the issue. Smith noted that it can't be amended as it doesn't currently exist. Sherberneau said that the applicant has applied under our current ordinances and have a right to expect a decision as such under those ordinances.

Mr. Petterson stated that the applicants are asking the Commission to hold a vote to forward the application to the Board for their consideration with whatever conditions the Commission believes are appropriate. They are seeking conceptual approval pursuant to the MUD ordinance. Between both processes, the project has been under consideration for over a year. He does not believe any information is lacking. Mr. Bzdok creates confusion by sending lengthy letters for consideration on the eve of each meeting. They are asking for a firm recommendation for approval or disapproval this evening. If there are to be additional meetings, they need specific guidelines

as to the timelines and requirements for submissions. Hoxsie asked if they are asking for a decision without respect to the new plan submitted this evening. Mr. Petterson stated that the new plan has been discussed tonight, but Hoxsie noted that the Commission has not had time to consider it or receive feedback from the township's consultant in this matter. Mr. Petterson stated that since the plan scales back the impacts of the project, particularly in terms of impervious surface, how can the information based on the higher levels of impacts not be sufficient. Krause stated that the applicants have done what he asked them to do. Vermetten noted that the new information was received just prior to the meeting this evening. Carstens feels that the Commission is being asked to act without deliberation. Vermetten believes that the applicant perceives itself to be at the end of a process when the Commission perceives itself to be at the middle of the process.

Motion by Vermetten, support by Hoxsie that Application #2004-11P be continued pending the ability of Russ Clark to evaluate the new information presented this evening, including but not limited to changing the proposed use for the southeast corner of property from anchor retail to residential and tightening of residential development on the west side of the property in terms of impervious surfaces and the analysis of Ball Environmental's analysis.

Carstens felt that additional conditions are required, particularly as to traffic impacts on Lautner and Bunker Hill Roads, He reads the ordinance to say that we may ask for information about impacts to local quality of life, so a meaningful assessment is important to have at this time. He doesn't believe we are precluded from asking for this. Christopherson agreed that they are not precluded from asking for these items at this time and asked that the motion be amended to include his conditions.

Salathiel suggested holding a study session in a round-table format to hash out more of the details. Vermetten believes his motion would allow for just such a meeting to take place. Carstens would want Christopherson to be present to address any legal questions that might arise. Vermetten declined to amend his motion, feeling that it is unnecessary. After the motion is voted, the Commission can discuss whether or not to hold a work session between now and the continuation of the meeting.

Motion carried by a vote of four (4) in favor (Carstens, Hoxsie, Salathiel, Vermetten) and three (3) opposed (Krause, Sherberneau, Smith).

Smith noted that the date of the continuation will be set after Clark returns a report to the Commission. Hoxsie suggested setting a date for a meeting at the township hall. Salathiel encouraged setting a work session, and asked for a vote to do so. Smith asked her to phrase her request in the form of a motion suggesting a specific time and date. Carstens clarified that the public would be invited. Mr. Hayward stated that regardless of what the meeting is called it will be a public meeting. Vermetten discussed a date about 10 days in the future to allow Clark time to prepare a report and the Commission time to consider it.

Motion by Salathiel, support by Carstens to continue the public hearing on Application #2004-11P on Monday, August 16 at 7:00 p.m. in the

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

Motion by Vermetten, support by Sherberneau to receive and file all e-mail feedback received regarding Application #2004-11P. The Chair cast an unanimous ballot, there being no objection.

Carstens stated that John Nelson, the Grand Traverse Baykeeper, was unable to attend this evening, but had said he would forward an e-mail to Corpe to be read into the record. Corpe stated that she hasn't received it. Carstens and Salathiel suggested a new motion to include Mr. Nelson's correspondence in the received and filed items when it arrives, but Vermetten noted that this can be done once it is actually received. Carstens stated that Mr. Nelson was compelled to write to the Commission because the hearing date was changed from Thursday to Wednesday and he couldn't attend. Smith noted that other individuals who might be present this evening would likewise have been unable to attend tomorrow.

2. **New Business:**
3. **Old Business:**
4. **Any other business that may come before the Commission:**

Meeting adjourned at 10:19 p.m.