

SPECIAL USE PERMIT – CONCEPTUAL PLAN APPROVAL

STATE OF MICHIGAN

COUNTY OF GRAND TRAVERSE

TOWNSHIP OF ACME

THE VILLAGE AT GRAND TRAVERSE MIXED USE PLAN DEVELOPMENT

1.0 GENERAL INFORMATION:

DATED: AS OF OCTOBER 21, 2004

APPLICANT: THE VILLAGE AT GRAND TRAVERSE, LLC, a Michigan limited liability company

OWNER(S): THE VILLAGE AT GRAND TRAVERSE, LLC, a Michigan limited liability company

PROJECT NAME: THE VILLAGE AT GRAND TRAVERSE

- APPROVED DEVELOPMENT PLAN DOCUMENTS:**
1. CONCEPTUAL SITE PLAN dated 8/13/04
 2. CONCEPTUAL SITE CROSS-SECTIONS dated 5/21/04
 3. OPEN SPACE AREA PLAN dated 9/6/04
 4. MIXED USE PLANNED DEVELOPMENT NARRATIVE dated 5/2/04
 5. CHARACTER DESIGN GUIDE dated 5/2/04
 6. ESTIMATED PHASING PLAN dated 8/16/04
 7. DENSITY AND LAND USE TABLE dated 8/12/04

ADOPTION BY ACME TOWNSHIP BOARD OF TRUSTEES: OCTOBER 20, 2004

2.0 PERMIT AND PROJECT DESCRIPTION:

This permit shall govern development and use of the following described property (the "Property").



DA SS

Acme Township parcel numbers 28-01-102-005-00, 28-01-102-001-00, 28-01-102-007-00, 28-01-102-009-00 and 28-01-102-017-00.

The legal description of the property is:

Parcel 1:

The East half of the Northeast quarter, Section 2, Town 27 North, Range 10 West, Acme Township, Grand Traverse County, Michigan, EXCEPTING parcel located in the Northeast corner of said description described as: Commencing at the Northeast corner of said property, said corner being acknowledged as being the centerline of Lautner Road; thence West on the North boundary line 339 feet to the centerline of existing driveway; thence South 220 feet; thence East 25 feet; thence South 105 feet; thence East 314 feet to centerline of Lautner Road; thence North along centerline 325 feet to point of beginning. EXCEPTING ALSO, land conveyed to the Michigan State Highway Commission in Liber 265, Page 157, described as: That portion of the proceeding description, lying Northerly of a line parallel to and 75 feet Southerly, measured at right angles from the construction line of Highway M-72, relocated.

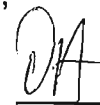
Parcel 2:


The Southwest quarter of the Northwest fractional quarter and the Southwest quarter of the Northeast fractional quarter, excepting 30 acres off the South side of said parcels; the Northeast fractional quarter of the Northwest fractional quarter, excepting a strip of land 13 rods wide off the West side thereof, and the Northwest fractional quarter of the Northeast fractional quarter, all in Section 2, Town 27 North, Range 10 West, Acme Township, Grand Traverse County, Michigan.

The above described parcel has also been sometimes described as follows: The Northwest quarter of the Northeast fractional quarter and the Northeast quarter of the Northwest quarter, except 13 rods off from the West side thereof, also the North 50 rods of the Southwest quarter of the Northeast quarter and the North 50 rods of the Southeast quarter of the Northwest quarter, all in Section 2, Town 27 North, Range 10 West. Less and except that portion as described in Liber 265, Page 425.

Incorporated as part of this Special Use Permit are:

1. Conceptual Site Plan dated August 16, 2004 ("Conceptual Plan");
2. Conceptual Site Cross-Sections dated May 21, 2004;
3. Open Space Plan dated September 6, 2004;
4. Mixed Use Plan Development Narrative dated May 2, 2004;
5. Character Design Guide dated May 2, 2004;


DA


SS

6. Density and Land Use Table dated August 12, 2004; and
7. Estimated Phasing Plan dated August 16, 2004

(collectively, the "Development Plan Documents").

To the extent that there are conflicts or discrepancies between this Special Use Permit and the documents described above, interpretation shall be based upon the more strict regulation of the Property, and such interpretation shall be subject to the reasonable judgment of the Acme Township Board of Trustees.

The Applicant named above desires to develop the Property as a mixed use planned development, to be known and referred to as The Village at Grand Traverse ("Project"), consisting of approximately 182-acres in Acme Township. The Property is located at the southwest intersection of Lautner Road and M-72 in Section 2 of Acme Township. The Project is subject to these permit conditions, the Development Plan Documents described above, and the Zoning Ordinance for Acme Township as written and adopted as of the date of this Special Use Permit.


The Village at Grand Traverse shall contain a mixture of uses consisting generally of those uses described in the Density and Land Use Table, which generally includes retail uses (approximately 775,000 square feet); an area for civic uses to be developed by others (approximately 40,000 square feet); mixed use (approximately 228 units, and 365,000 square feet); a hotel use (approximately 250 units, and 225,000 square feet); and residential uses of various kinds, including single-family housing, row houses, townhouses, senior housing, and multiple-family housing (with a total of approximately 796 units).


The Applicant intends to have a mixture of ownership throughout the Project, including some separate parcels and some condominium ownership.

The proposed Village at Grand Traverse is described in the Development Plan Documents. Applicant acknowledges that under the Acme Township Zoning Ordinance, particularly §8.22, separate site plans are to be submitted for specific buildings and related structures and infrastructure improvements. Lawful uses permitted in the development under the Conceptual Plan and under the zoning ordinance are deemed and agreed to be reasonable uses of the property and permitted within the development.

3.0 EFFECT OF APPROVAL:

The current zoning of the Property is R-3. Mixed Use Planned Development is a permitted use of the property in such a district, and on the Property at issue. The approval of the Conceptual Plan gives the Applicant/Owner the right to develop the Property as set forth in the Conceptual Plan subject to: (1) the terms and conditions of this Special Use Permit; and (2) the requirements of the Acme Township Zoning


DA


SS

Ordinance, including the requirements for site plan approval under Section 8.22.6. The Conceptual Plan is attached as Exhibit "1" to this document.

Submission of a proposed site plan for the initial improvements (or first phase of the development) shall occur within one (1) year following execution of this permit. Initial construction on the Project shall commence within one (1) year of issuance of site plan approval by Acme Township or of any other governmental approval for the initial phase of the Project, whichever is later, provided all other necessary approvals have been actively and diligently pursued by the Applicant. If the site plan is not submitted within the one (1) year period following execution, this Special Use Permit shall expire and be null and void; provided, however, an extension of this Special Use Permit for one (1) additional year may be granted by the Acme Township Board of Trustees in its reasonable discretion if such request is made to the Acme Township Board of Trustees prior to the expiration of the initial period. In addition, the Acme Township Board of Trustees pursuant to Section 8.22.9 of the Acme Township Zoning Ordinance shall, upon the written request of the Applicant, grant a one (1) year extension of this Special Use Permit if the Applicant is unable to either apply for site plan review under Section 8.22.6 of the Acme Township Zoning Ordinance or commence construction because of circumstances outside of the Applicant's control (e.g. approval of other regulatory agencies).

4.0 FINDINGS IN SUPPORT OF APPROVAL:

Except as they are inconsistent with this Special Use Permit or the Resolution of the Acme Township Board of Trustees attached as Exhibit "2" to this document, Acme Township adopts by reference (1) the recommendations of the Acme Township Planning Commission; (2) the findings contained in the August 12, 2004 review and recommendations of R. Clark Associates, Inc. attached as Exhibit "3" to this document; and (3) the August 31, 2004 letter from R. Clark Associates, Inc. attached as Exhibit "4" to this document. The Acme Township Board of Trustees also makes the following findings:

- A. The data required under §8.1.2(2)(a)-(d) has been submitted to the satisfaction of Acme Township to the extent required to approve the Conceptual Plan.
- B. The site plan/development plan and related documents (e.g., open space plan, phasing plan, character design guide) represent an adequate depiction and description of the proposed development so as to allow Acme Township to determine whether the plan meets ordinance requirements. Additional information as described in the ordinance and this Special Use Permit will be required at the time of site plan approval for various phases.
- C. The property qualifies for Mixed Use Planned Development under §8.22.4. The proposal does provide mixed and varied uses. The development

comports with the master plan for the property which contemplates a mix of uses on the property, which is uniquely situated on a major thoroughfare of Acme Township, near an intersection with a second major thoroughfare, which together form the appropriate location for a mixed use development as described in the ordinance. The proposed development is not sought primarily to avoid the imposition of the standards and requirements of the R3 Urban Residential District, because a Mixed Use Planned Development is permitted within such a district, and is allowed on the subject property in particular. The project also provides for areas available for civic functions. Acme Township's planning consultant has confirmed this qualification in his August 12, 2004 report.

D. The following findings relate to the standards set forth in §8.22(4)(1)-(7) of the Acme Township Zoning Ordinance:

- (i) ***The use will be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities and such use is consistent with the public health, safety, and welfare of Acme Township residents, and the benefits of the development are not achievable under any single zoning classification.***

For the reasons stated in the report of Acme Township's planning consultant dated August 12, 2004, with regard to this standard, the Acme Township Board of Trustees finds that this standard is met.

- (ii) ***The site shall be self-contained as defined in §8.3.1, above, and shall contain no less than 40 acres.***

The development site is 182-acres and meets this standard.

- (iii) ***The use and development is warranted by the design of additional amenities made possible with and incorporated by the development proposal.***

As stated in the report of Acme Township's planning consultant dated August 12, 2004, the public amenities proposed in connection with this project include park areas, clock tower, public transportation shelters, a connection to the TART Trail System, areas available for civic use, and the Esplanade or pedestrian plaza for community events/festivities.

- (iv) ***The development consolidates and maximizes usable open space.***

As set forth in the planning consultant's report of August 12, 2004, this standard is met, as the plan provides for twenty-five percent (25%) open space as calculated based upon preserved and large contiguous areas. Additional green and open space is provided in the plan as well.

- (v) ***Landscaping is provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.***

The August 12, 2004, report of the planning consultant confirms that the landscaping is appropriate for the area and for the proposed development.

- (vi) ***Vehicular and pedestrian circulation, allowing safe, convenient, uncongested, and well-defined circulation within and access to the development shall be provided.***

This standard is met under the proposed plan, as set forth in the report of August 12, 2004.

- (vii) ***Existing important, natural, historical, and architectural features within the development shall be preserved.***

There are no historical or architectural features within the area that require preservation. The existing natural features—wetlands, the stream corridor, and wooded areas are to be retained and protected as set forth in the proposed plan.

E. The following findings relate to the standards set forth in §8.1.3(1)(a)-(e) of the Acme Township Zoning Ordinance:

- (i) ***Be designed, constructed, operated, and maintained so as to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy to insure capability with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.***

The major natural features of the site will be protected under the proposed plan, as stated in the planning consultant's report of August 12, 2004. A 100-foot setback is provided from M-72, and all setbacks from adjacent property lines are also met. The project is

intended to be connected to the Grand Traverse County DPW sewage treatment facility; and capacity appears to be available.

The proposed plan is consistent with the Master Plan for the area, which calls for a mix of uses, and does not contemplate merely residential development of the property. Based upon the provision of the proposed mix of land uses and the compliance of the proposal with the Master Plan, the Acme Township Board of Trustees finds that the proposal will promote the use of land in a socially and economically desirable manner.

- (ii) ***Be designed to protect natural resources, the health, safety, welfare, and the social and economic wellbeing of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.***

As set forth in the planner's report of August 12, 2004, the proposed use relates well to the adjacent land uses. The proposed use also meets the spirit and intent of the Master Plan which calls for a mix of uses consistent with what is proposed in the project.

- (iii) ***Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.***

The Acme Township Board of Trustees has enacted the Mixed Use Planned Development Ordinance as a valid exercise of its zoning authority, and the Acme Township Planning Commission has adopted the text of a Master Plan relating to this property. The proposed development is in accordance with the ordinance and the Master Plan.

- (iv) ***Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.***

The Acme Township Board of Trustees has enacted the Mixed Use Planned Development Ordinance as a valid exercise of its zoning authority, and the Acme Township Planning Commission has adopted the text of a Master Plan relating to this property. The proposed development is in accordance with the ordinance and the Master Plan.

- (v) ***Meet the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.***

The applicant shall have the plan reviewed and approved by the Grand Traverse Metro Fire Department, Grand Traverse County Drain Commissioner, Grand Traverse County Department of Public Works, Michigan Department of Transportation, and Grand Traverse County Road Commission prior to the review by the Acme Township Planning Commission.

F. Additional findings:

- (i) The applicant has the legal right to apply for special use permit and site plan review pursuant to §8.22, as the legal owner of the property, which is within the R-3 District and which qualifies for Mixed Use Planned Development review;
- (ii) The required information for Conceptual Plan Approval has been provided consistent with Acme Township regulations, procedures, and practices;
- (iii) The conceptual plan for special use permit purposes appears to allow for satisfaction of the requirements for fire and police protection, water supply, sewage disposal, storm drainage, and other public facilities and services, some of which will be finalized at site plan approval;
- (iv) The proposed development respects floodways and floodplains, since the proposed structures are approximately 225 feet from the creek, and the detention basins and parking lots are approximately 100 feet from the creek;
- (v) The drainage plan for the proposed development is adequate to handle anticipated storm water runoff, as stated in the Drain Commissioner's review letter;
- (vi) The structures, landscaping, and other improvements will not disrupt air drainage systems necessary for agricultural uses, since there are no fruit producing lands downhill from the subject property to be affected, or uphill to be disrupted for purposes of air drainage;
- (vii) The conceptual plan provides for the proper extension of existing facilities, such as private streets, drainage systems, and water and sewage facilities, since the project is within the sewer service area


DA


SS

for Acme Township and the project will itself provide alternate routes for travel between parcels;

- (viii) The landscaping set forth on the conceptual plan is appropriate for the development and provides a reasonable buffer to adjoining properties and to the public thoroughfare of M-72;
- (ix) The parking layout will not adversely effect the flow of traffic within the site, since the planning consultant has found, in his August 12, 2004 report that the arrangement of the parking lots and traffic flow is acceptable from a safety and convenience standpoint;
- (x) Vehicular and pedestrian traffic within the site and in relation to private streets and sidewalks serving this site is safe and convenient, since the layout of the vehicular and pedestrian traffic is acceptable from a planning standpoint; and
- (xi) The proposed site is in accordance with the spirit and purpose of the ordinance, since the application is what is contemplated within the Mixed Use Planned Development section of the Acme Township Zoning Ordinance, Acme Township's Master Plan and smart growth objectives as set forth in the Applicant's narrative.
- (xii) The project does not have an adverse economic, social or environmental effect on the surrounding land uses located in the East one-half of Section 3 and West one-half of Section 2.

5.0 PERMIT CONDITIONS:

5.1 REPRESENTATIONS:

The Applicant agrees to be bound by the approved development plan documents as defined in this Special Use Permit and by the express terms of the Special Use Permit.

5.2 PHASING:

For each phase of the Project, the Applicant shall submit an application for site plan review, and each phase and each application is subject to the conditions listed in this Special Use Permit and Section 8.22 of the Acme Township Zoning Ordinance. The Applicant shall provide a site plan that illustrates the areas and land uses in each phase of the project at the Phase One site plan review. The proposed phasing plan submitted by the Applicant at the August 16, 2004 meeting of the Acme Township Planning Commission is attached and incorporated herein as Exhibit "5." The phasing plan may be altered by the Applicant based on market conditions. The Applicant's proposed phasing plan is

an estimated plan, which will likely be implemented through several site plan applications under each phase, and the Applicant might make changes to the proposed phasing plan to respond and react to conditions, marketing opportunities, and changes in the economic conditions with regard to the timing of the construction of phases or the staging of the project.

Each phase shall be capable of standing on its own in terms of the presence of infrastructure and open space to be located within such phase, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of users or residents of the project. For purposes of this section, "infrastructure" means roads, entranceways, parking lots, and spaces, pathways, sidewalks, water lines, sewer lines, landscaping, irrigation, signage, lighting, soil erosion, and sedimentation control, grading, stormwater drainage, detention and retention facilities, electric, natural gas, telephone, and any other necessary utilities, but only to the extent such infrastructures are located within the applicable phase or are expressly to serve units or other improvements within the phase.

A phase shall be deemed to be completed for purposes of this section when the site improvements and infrastructure for the phase have been substantially completed and building permits are available for the construction of buildings or homes (or other applicable and approved uses) within the phase. Completion shall not require the sale or lease of the buildings or homes (or residential units).

5.3 DENSITY AND LAND USE MIX:

The density and land use mix shall be as set forth in the revised Density and Land Use Table dated August 12, 2004.

5.4 AREA, SETBACKS, BUILDING HEIGHT AND OTHER REGULATIONS:

The area and bulk requirements of the Zoning Ordinance for the particular uses within the mixed use development will be met with the following exceptions:

- Proposed ratio of 5 parking spaces per 1,000 square feet of retail (10 is Acme Township standard); 10 parking spaces per 1,000 square feet for restaurant (13.3 is Acme Township standard); and 4 parking spaces per 1,000 square feet for professional office (5 is Acme Township standard).
- The building height for the hotel may be 75 feet (Acme Township standard is 35 feet), provided that the hotel is at least 150 feet from the M-72 right-of-way.
- Buildings may exceed the 35 foot height limitation by the height necessary to provide underground/under-building parking.

- Any other existing areas and bulk requirements that were inadvertently overlooked during the approval process that will allow the development of the Conceptual Plan as attached.

This Special Use Permit shall not prohibit the Applicant, during the site plan review process, from seeking additional relief from Acme Township Board of Trustees with regard to zoning ordinance area and bulk regulations. If the Applicant presents a revised plan during the site plan review process, which depicts parking beneath the majority of a building footprint, thereby reducing impervious surface by a comparable amount, then additional height allowances for those buildings will be granted by Acme Township.

5.5 WATER AND SEWER:

Sanitary sewer is intended to be provided by Acme Township. Acme Township currently has sufficient capacity in the public sanitary sewage system to provide adequate sewer to the proposed development, but Acme Township cannot promise that there will always be adequate and sufficient capacity in future years. The parties will negotiate in good faith to reserve future benefits in the form of an option agreement.

With regard to water service, this approval is subject to, and conditioned upon, the Applicant securing either public or private water service from an off-site location or providing on-site water service in accordance with all applicable state and local regulations. Such public and/or private water and sanitary sewer services, including any extensions to reach the areas to be served, shall be provided by, and at the sole expense of, the Applicant, and shall be completed for each phase as needed to fully serve all non-residential and residential structures for such phase, prior to issuance of any building permits for such non-residential or residential structures. However, the Applicant shall be entitled to post security in the form of cash or an irrevocable letter of credit approved by Acme Township and issued by an institution doing business in the State of Michigan, in an amount equal to one hundred twenty-five percent (125%) of the cost of construction as specified in a bona fide contract for construction for such water or sanitary sewer improvements, which estimate has been approved by Acme Township's engineering consultant, together with an agreement, approved by the Acme Township Board of Trustees, with Acme Township authorizing Acme Township, at its option, to install the water and/or sanitary sewer improvements if the Applicant has failed to do so within the time specified herein. In such case, public water and sanitary sewer improvements shall be completed and approved prior to issuance of any certificates of occupancy and in any event within twelve (12) months after issuance of the first building permit.

The water distribution system on the property (i.e., water lines, meters, etc.) shall be constructed in accordance with plans and specifications prepared and drawn by its engineers and approved by Acme Township's engineers, which plans and


DA SS

specifications shall meet all necessary and applicable Health Department, Grand Traverse Department of Public Works and Department of Environmental Quality specifications. If, but only if, Acme Township becomes the off-site provider of municipal water to the Property, the Applicant shall transfer, within ninety (90) days of receiving notice from Acme Township, its interest in and to the water distribution system to Acme Township. At the present time, Acme Township does not intend to be the municipal water provider to the Property. Until (and if) the water distribution system is transferred to Acme Township, it is specifically agreed that the Applicant will operate and maintain the water system in accordance with all applicable laws, rules and regulations, including, but not limited to applicable rules and regulations of the Municipal Waste Water Division of the Department of Environmental Quality. The Applicant shall not assign or transfer any part, or all, of its interest in the water distribution system to any third party or successor in interest, without the express written approval of Acme Township, and any such successor in interest, or third party, shall be bound by the terms and provisions of this Special Use Permit, and shall assume all of the Applicant's responsibilities hereunder. The real estate will be conveyed to Acme Township by mutually agreeable easement agreement, free of construction liens. Any personal property which is part of the water system will be conveyed and assigned to Acme Township by a bill of sale with warranties of title, free of construction liens. If transfer occurs hereunder once Acme Township becomes the municipal water provider, the Applicant also agrees to execute a water system maintenance agreement in a mutually acceptable form acceptable to the Acme Township Board of Trustees. If Applicant constructs an on-site water system involving private wells and/or water tower, it shall, at Acme Township's request, dedicate such system to Acme Township, under the process described above, but Acme Township shall pay seventy-five percent (75%) of the Applicant's actual construction costs for the entire system, including the distribution lines prior to any conveyance.

If the water system or any part of it is dedicated to Acme Township, Acme Township, upon acceptance thereof, shall assume maintenance, upkeep, and improvement thereof. The Applicant, and its successors and assigns shall be assessed for any maintenance, upkeep, or improvements thereof in the same manner as other users of the water system.

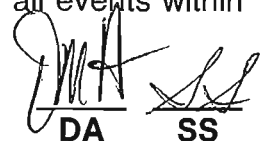
5.6 TRAFFIC CIRCULATION:

The development shall be accessed as shown on the Conceptual Plan from the adjoining public road system, including M-72, Lautner Road, and Bunker Hill Road.

The private roads depicted in the development plan shall provide internal access to the Project. Such roads will be private and must be privately maintained, repaired, and kept in an unimpeded, unobstructed, safe, and passable condition at all times (to the extent practicable and consistent with sound road

maintenance practices) to allow for the free flow of circulation of traffic throughout the Property. The responsibility and obligation for such ongoing maintenance and repair of the roadways and parking areas shall be that of the Applicant, its successors and assigns, including any condominium association.

All internal roads within or necessary to provide access to a phase of the Project shall be completed and approved (except top coat) before issuance of any building permits for any non-residential or residential structures to be constructed in such phase. However, the Applicant shall be entitled to post security in the form of cash or an irrevocable letter of credit approved by Acme Township and issued by an institution doing business in the State of Michigan, in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of construction (including top coat) as specified in a bona fide contract for construction of such roads approved by Acme Township's engineering consultant, together with an agreement with Acme Township, approved by the Acme Township Board of Trustees after consultation with Acme Township's attorney to, at its option, install the roads in question if Applicant has failed to do so within the time specified in such agreement. In such case, building permits for residential and non-residential structures in the applicable phase to be served by such roads shall be issued upon installation of an adequate gravel subsurface base in all such areas to provide access for construction traffic, Acme Township personnel, and fire fighting equipment. Unless it is necessary to delay improvements for purposes of ensuring the quality of the improvement (e.g. weather conditions), the paving of each such road shall be completed and approved (including top coat) prior to issuance of any certificates of occupancy within the applicable phase, and in all events within twelve (12) months after issuance of the first building permit for a structure to be served thereby. In addition, all parking areas intended to serve a non-residential use shall be completed (except top coat) prior to the issuance of a building permit for the applicable use. However, the Applicant shall be entitled to post security in the form of cash or an irrevocable letter of credit approved by Acme Township and issued by an institution doing business in the State of Michigan in an amount to one hundred twenty-five percent (125%) of the estimated cost of construction (including top coat) as specified in a bona fide contract for construction of such parking areas approved by Acme Township's engineering consultant, together with an agreement with Acme Township, approved by the Acme Township Board of Trustees after consultation with its attorney, authorizing Acme Township to, at its option, install such parking areas in question if the Applicant has failed to do so within the time specified in such agreement. In such case, building permits for the use to be served by such parking area shall be issued upon the posting of such security and approval of such agreement. Unless it is necessary to delay improvements for purposes of ensuring the quality of the improvement (e.g. weather conditions), the paving of such parking area shall be completed and approved (including the top coat) prior to issuance of any certificate of occupancy issued by the appropriate agency for the applicable use, and in all events within


DA SS

twelve (12) months after issuance of a building permit for the use to be served thereby.

The Applicant shall also repair any damage identified by MDOT or the Grand Traverse County Road Commission to the adjacent public roadways caused by Applicant's construction activities and the use of such road for construction purposes.

5.7 LANDSCAPING:

Internal landscaping and perimeter landscaping along the adjacent public roadways shall be completed as shown and depicted on the Conceptual Plan and shall meet the requirements contained in the Acme Township Zoning Ordinance. The Applicant shall provide for the ongoing preservation, maintenance, and replacement of landscaping within the Project by the Applicant and any successors and assigns. During the site plan approval process, the Applicant shall submit a more detailed landscape plan depicting the landscaping for the phase for which site plan approval is sought, demonstrating that it will adequately buffer the proposed uses from one another and from the surrounding property as well as create a pleasant pedestrian scale outdoor environment. The landscaping shall conform to the standards of Section 7.5.6 of the Acme Township Zoning Ordinance, and shall be subject to review as part of the site plan review. In addition:

- **Lautner Road/M-72 Buffer.** No building, structure, or other improvement except landscaping, signage, and access roads shall be placed within a minimum average of 100 feet of the M-72 right-of-way or within a minimum average of 50 feet of the Lautner Road right-of-way. At no point shall there be a negative deviation from the average buffer in excess of 10 feet. The landscaping within the buffer shall meet the requirements of the M-72 corridor overlay district ordinance as proposed at the time of this Permit and shall be completed in Phase I. The only deviation will be as depicted on the Conceptual Plan (Exhibit "1").
- **Southern Buffer.** There shall be a minimum 25-foot buffer along the entire southern property line of the Development which shall contain a minimum 3 rows of evergreen trees.

5.8 OPEN SPACE:

The Acme Township Master Plan has an open space recommendation of twenty percent (20%) to thirty percent (30%) for mixed use projects, which the Applicant must comply with. The Applicant's Conceptual Plan has established this at twenty-five percent (25%) which meets this recommendation.



DA SS

5.9 SITE PLAN REVIEW:

Prior to the issuance of any permits for an individual phase, the Applicant must fully comply with the requirements for site plan review for such individual phase under the Acme Township Mixed Use Planned Development Ordinance, Section 8.22 of the Acme Township Zoning Ordinance.

The following information, which is required for site plan approval under the Mixed Use Planned Development Ordinance Section 8.22.6, shall be provided by the Applicant as part of the site plan approval process for each individual phase:

- (1) Descriptive site and elevation plans in accord with Section 8.1.2(2) b and c and showing the type, character and proposed use of land and structures within the area of the Mixed Use Planned Development including square feet per unit, floor area for each use type, height of all structures, whether for rent or sale and any other information as required to describe the character of the proposed use or activity.
- (2) A plan identifying the location and type of individual trees of 10 inch diameter, 1 foot off ground or larger, clusters and types of smaller vegetation clusters, and types of smaller vegetation.
- (3) A description of all exterior building materials.
- (4) Population profile for the development.
- (5) Proposed financing.
- (6) Impact of development on local streets, natural features, schools and utilities.
- (7) Market and economic feasibility.
- (8) Such other information pertinent to the development or use.

Failure of the Applicant to provide such requested information in a timely manner may be grounds for denial of the application unless such deficiency is timely cured.

5.10 LIMITATION ON LARGE RETAIL STRUCTURES:

There shall only be one free-standing single-story retail anchor store which shall not exceed 210,000 square feet of building area and 25,000 square feet of outdoor sales.


DA


SS

5.11 STORMWATER CONTROL AND SURFACE WATER:

The Applicant shall use innovative stormwater control techniques which shall conform to Best Management Practices to remove sediment, capture nutrients and pollutants, and provide infiltration of the stormwater throughout the site. Surface water runoff, road drainage, and property drainage within the development shall meet the requirements of the Grand Traverse County Soil and Erosion Department and shall be properly maintained by the Applicant. The Applicant also agrees to reasonable monitoring of Acme Creek as a condition of site plan approval.

5.12 ENVIRONMENTAL FEATURE:

Applicant acknowledges the existence on the Property of significant environmental features. Consistent with the Mixed Use Plan Development Narrative and the requirements of the Acme Township Planning Commission, these natural features will be preserved as shown on the Development Plan Documents specifically the Acme Creek area shall remain intact (except for a potential linkage to the adjacent Johnson parcel). No structures are to be placed in the floodways and floodplains on the Property. All structures shall be setback no less than 225 feet from Acme Creek, and all detention basins and parking lots shall be placed no closer than 100 feet from the creek.

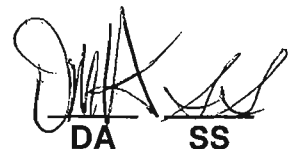
During the public hearing process, issues have been raised about the possible environmental effects of the Project. Prior to or during site plan approval, the Applicant must: (1) verify the use of Best Management Practices according to state and federal laws to minimize the impact of the approved Conceptual Plan on the environment, including Acme Creek; and (2) provide Acme Township with an updated wetland delineation which has been verified by the Michigan Department of Environmental Quality ("DEQ").

5.13 ACCESS TO ADJOINING PARCELS:

Johnson Parcel: The Applicant shall provide an access easement to the property line of the Johnson property. The Applicant may request a reasonable maintenance agreement from the adjoining property owner.

Gokey Parcel: The Applicant shall provide two access easement connections to connect the Project to the potential future residential development on this parcel. The Applicant may request a reasonable maintenance agreement from the adjoining property owner.

Andres Parcel: The Applicant shall provide for an access easement to this adjoining parcel. The Applicant may request a reasonable maintenance agreement from the adjoining property owner.



DA SS

TART Trail: Within the Property, the Applicant will provide easements that can be connected to the TART trail system in the future as additional easements can be secured. Additionally, the Applicant, in cooperation with TART and MDOT, shall provide access to the M-72 Right of Way as connection for the TART Trail to the Grand Traverse Resort.

M-72 Corridor Overlay District Ordinance. The Project shall comply with the proposed M-72 Corridor Overlay District Ordinance Landscaping standards as currently proposed.

5.14 RESIDENTIAL ARCHITECTURE:

The Applicant agrees to hire a planner or architect experienced in either neotraditional, traditional neighborhood or new urbanist design to redesign the residential component of the Project. The redesign shall be subject to the approval of the Acme Township Board of Trustees, after review by the Acme Township Planning Commission, which shall occur at site plan approval for the first phase of the project that includes residential uses. The entire area west of the entrance drive and the entire area in the southeast of the Project which is planned as multiple residential shall be redesigned. There will be no reduction of density in the redesign.

5.15 DARK SKY LIGHT FIXTURES:

All outdoor lighting shall have cut off light fixtures with the light source shielded from view. All outdoor light fixtures shall be approved by the Acme Township Planning Commission during site plan review.

5.16 ARCHITECTURAL CHARACTER:

The Character Design Guide submitted by the Applicant will evolve into a Development Manual or architectural standards that will be considered at the time of site plan review.

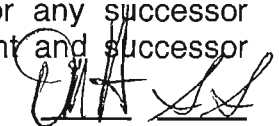
5.17 MASTER CONDOMINIUM ASSOCIATION BYLAWS:

Applicant shall submit to Acme Township proposed Deed Restrictions applicable to the Property, which shall be subject to review by Acme Township's attorney and approval by Acme Township prior to recording. As part of such Deed Restrictions, there shall be provisions obligating Applicant and all future successor owners of any portion of the Property to maintain and preserve all drives, entranceways, parking lots, walkways, screening walls, landscaping, lighting, signage, greenbelts, open areas, pedestrian walkway and open area amenities, setbacks, storm drainage, detention and retention facilities and easements, and any other private common elements and improvements for or within the Project in good working order and appearance at all times and in

accordance with the Development Plan Documents. Additionally, the Deed Restrictions shall identify and make reference to the Development Plan Documents and the regulations of the land provided therein.

The Deed Restrictions shall additionally include the following provision:

In the event the Applicant or any successor owners of the Property, or any portion thereof, at any time fail to carry out the aforementioned responsibilities and obligations pertaining to any such areas, facilities or improvements for or within the Project, Acme Township shall have the right to serve written notice upon the Applicant or successor owners setting forth the deficiencies in maintenance, repair and/or preservation. The notice shall also set forth a demand that such deficiencies be cured within a stated reasonable time period, and the subsequent date, time, and place of hearing for the Acme Township Board of Trustees, or such other board, body or official delegated by the Acme Township Board of Trustees, for the purpose of allowing the Applicant or successor owners to be heard as to why Acme Township should not proceed with the maintenance, repairs, and/or preservation which had not been undertaken. At the hearing, the Acme Township Board of Trustees may take action to extend the time for curing the deficiencies, and the date of the hearing itself may be extended and/or continued to a date certain. If following the hearing, the Acme Township Board of Trustees, or the board, body, or official designated to conduct the hearing, shall determine that the maintenance, repairs, and/or preservation have not been completed within the time specified in the notice, Acme Township shall thereupon have the power and authority, but not the obligation, to enter upon the Property or cause its agents or contractors to enter upon the Property, and perform such maintenance, repairs and/or preservation as reasonably found by Acme Township to be appropriate. The cost and expense of making and financing such maintenance, repairs, and/or preservation, including the cost of notices by Acme Township and reasonable legal fees incurred by Acme Township, plus an administrative fee in the amount of twenty-five percent (25%) of the total of all costs and expenses incurred, shall be paid by the Applicant or the successor owners, and such amounts shall constitute a lien on the Property. Acme Township may require the payment of such monies prior to the commencement of work. If such costs and expenses have not been paid within thirty (30) days of a billing to the Applicant or successor owners, all unpaid amounts may be placed on the delinquent tax roll of Acme Township, as to the Property, and shall accrue interest and penalties, and shall be collected as, and shall be deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. In the discretion of Acme Township, such costs and expenses may also be collected by suit initiated against the Applicant and/or any successor and/or future owners, and, in such event, the Applicant and successor


DA SS

and/or future owners shall pay all court costs and reasonable attorney fees incurred by Acme Township in connection with such suit.

5.18 FIRE PREVENTION:

The Applicant must comply with all the requests and recommendations of the Grand Traverse Metro Fire Department, including, but not limited to:

- (1) There must be adequate ingress and egress to and from the Project; and
- (2) There must be an on-site water supply capable of providing the needed flows for the buildings in the Project.

5.19 OUTDOOR STORAGE:

The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be a nuisance to the Project or the neighboring properties.

5.20 BONDING:

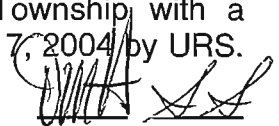
The Project will be subject to bonding for improvements by Acme Township Board of Trustees at the site plan review of each phase. The Applicant shall provide a bond or letter of credit in a form and amount reasonably acceptable to Acme Township, subject to the review of Acme Township's engineers and approved by Acme Township's attorney, for completion of the infrastructure of the Project, including but not limited to the landscaping, paving, site furnishings, lighting, streets, sidewalks, sewer lines, water lines, and irrigation.

5.21 SIGNS:

The Applicant shall provide Acme Township with a proposed Signage Plan. The Signage Plan shall be reviewed by the Acme Township Planning Commission and be subject to the approval of the Acme Township Board of Trustees. The proposed Signage Plan will, to the extent practical, be based on the standards for signs in the B-1/B-2/B-3 and Planned Shopping Center districts and shall provide the development with signage appropriate for the size and character of the development to ensure visibility.

5.22 MARKET, ECONOMIC AND TRAFFIC INFORMATION:

During the site plan approval process, Applicant must provide the Acme Township Planning Commission with information on (1) marketing and economic feasibility, and (2) impact of the development on local streets, natural features, schools and utilities. The Applicant has provided Acme Township with a Preliminary Traffic Impact Study Recommendations dated June 7, 2004 by URS.


DA SS

Additional information as suggested or required by the Grand Traverse County Road Commission and/or the Michigan Department of Transportation ("MDOT") will be required prior to or at the site plan approval stage including, but not limited to:

- (1) Detailed information relating to transportation access interconnections with adjacent properties that have development potential in the future and the estimated decrease in the number of trips onto the public roads.
- (2) Detailed information relating to public and non-motorized traffic facilities to transport persons with alternative transportation and estimated impacts to traffic.
- (3) Detailed information regarding the future impacts, other than the percent of traffic, on Lautner and Bunker Hill Road.
- (4) Detailed information relating to the alternatives of boulevard and fish hooks to eliminate left turns at Lautner Road and/or signalization.
- (5) A complete Traffic Impact Study, as described by the scope presented to MDOT in correspondence dated June 22, 2004 from Gourdie-Fraser ("GFA").
- (6) Detailed information on the individual phases of the development, land uses associated with each phase and projected schedule for each phase's completion. Traffic information should be provided for each phase as well as final build-out, including recommendations for appropriate infrastructure improvements to accommodate the projected impacts.
- (7) Detailed information on the impacts associated with drainage, utilities and other appurtenances within the state highway right-of-way.

The Traffic Impact Study is to be completed prior to any development on the property. To the extent that the Traffic Impact Study concludes that the Applicant's development will result in the need for improvements, the Applicant is willing to accept responsibility for required improvements adjacent to the property which are a direct result of its development and will assist with reasonable monetary contributions toward such improvements, subject to the following conditions:

- (1) Any monetary contributions made by the Applicant for such improvements shall equal not more than the Applicant's proportionate contribution to the need for the improvements consistent with standards applicable to special assessments.


DA SS

- (2) Other parties whose use contributes to the need for improvements shall be requested to provide monetary contributions in the same manner as the Applicant consistent with standards applicable to special assessments.
- (3) The contributions which may be required by the Applicant shall not be affected by whether or not a contribution is in fact made by any other party.
- (4) Any disputes between the Applicant and Acme Township regarding monetary contributions shall be addressed by the Acme Township Board of Trustees and shall be subject to judicial review.

Required participation shall meet the standards of the Township Rural Zoning Act and shall be reasonable, not arbitrary, unnecessary or oppressive and must relate to the use of the land.

5.23 EXPANSION:

In the future, the Project may become a receiving zone for additional residential density to be transferred from the rural areas of Acme Township. This would require that Acme Township set up the process to facilitate transfer of development rights. The Applicant, in good faith, will work with Acme Township in this process. This provision does not require any expenditure of money or the provision of any other form of consideration with regard to density rights and shall relate only to density in addition to what is approved in the Development Plan Documents.

6.0 SUCCESSORS AND ASSIGNS:

This approval of the Development Plan Documents will run with the land and inures to the benefit of and is binding upon the Applicant's successors, assigns, occupants, heirs, and lessees.

7.0 PRIOR TOWN CENTER APPROVAL:

Acme Township and the Applicant acknowledge that a previous approval has been given by Acme Township for development on the Property under the Town Center Planned Development Ordinance, §8.26 of the Zoning Ordinance. Development approval was reversed by the Grand Traverse Circuit Court, which found that the Town Center Planned Development Ordinance was invalid because it was not authorized under the Township Rural Zoning Act, MCL 125.271, et seq. The circuit court's decision is presently on appeal with the Michigan Court of Appeals. Applicant has pursued this development approval under §8.22, Mixed Use Planned Development, of the Zoning Ordinance to mitigate its economic losses and to move the development of the Property forward, consistent with the Acme Township Master Plan.


DA SS

Applicant agrees that upon issuance of occupancy permits for twenty-five percent (25%) of the gross floor area of the Project, following site plan approval for such improvements, it will agree to dismissal of all litigation intended to appeal, reverse, or challenge the circuit court's decision invalidating the Town Center Planned Development Ordinance and the approval of development on the Property in accordance with that ordinance provision. This Special Use Permit shall not be construed as superseding, replacing, or waiving any rights under any prior approvals until this condition for dismissal of the existing litigation is satisfied. The Applicant will continue to pursue its efforts to uphold the prior approval under Section 8.26 of the Acme Township Zoning Ordinance, but because of the delay in the proceedings under Section 8.26, the Applicant has proceeded under Section 8.22 of the Acme Township Zoning Ordinance. The prior approval under Section 8.26 of the Acme Township Zoning Ordinance may only be revoked pursuant to the terms of that approval (with the time limits for submission of additional plans having been tolled or stayed as a result of the pending litigation), or with the consent of Acme Township and the Applicant.

8.0 AMENDMENTS AND CHANGES:

No person is authorized to amend or change this Special Use Permit in any way, except upon a majority vote of the Acme Township Board of Trustees conducted at a public meeting. Development of the Applicant's property shall be governed by this Special Use Permit, as long as it remains in effect, and by the provisions of the Acme Township Zoning Ordinance and the Township Rural Zoning Act, MCL 125.271, et seq.

9.0 SEVERABILITY:

In the event it is ultimately determined by a court of proper jurisdiction that a condition or term of this Special Use Permit is unlawful, said term and/or condition shall be severed from the Special Use Permit and such severed term and/or condition shall be replaced by a lawful term and/or condition which shall implement and/or give the same force and effect as the severed term or condition.

10.0 RECORDING AT REGISTER OF DEEDS:

This Special Use Permit, or an affidavit confirming the existence and location of this Special Use Permit in Acme Township records, shall be recorded in the Grand Traverse County Register of Deeds.

11.0 RIGHTS

The rights set forth in this Special Use Permit are in addition to those rights granted to Acme Township and the Applicant by the Township Rural Zoning Act and other appropriate statutes and laws, including the Acme Township Zoning Ordinance. The Applicant agrees that it accepts the conditions imposed under this Special Use Permit.


DA SS

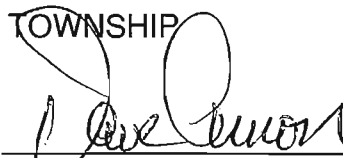
12.0 APPLICABLE LAWS:

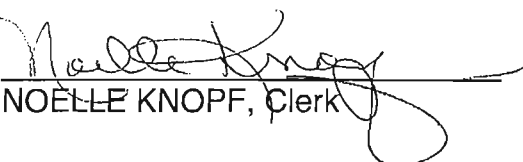
The Project shall be subject to all applicable restrictions and requirements as set forth in the Acme Township Zoning Ordinance of 1979, as amended. The Project is also subject to all of the requirements of this Special Use Permit. Any violation of these conditions or requirements shall serve as grounds for revocation of this Special Use Permit by the Acme Township Board of Trustees. In the event of any such violation, Acme Township shall give written notice to the Applicant, by certified mail (or by another method that provides actual written notice to the Applicant) addressed to the Applicant at the last address furnished to Acme Township by the Applicant. The notice shall state that unless the violation is corrected or resolved, to the satisfaction of the Acme Township Board of Trustees, within thirty (30) days from the date of the notice, then the Acme Township Board of Trustees may revoke this Special Use Permit after a hearing. In the event a hearing becomes necessary, the Acme Township Board of Trustees shall establish the notice requirements and such other conditions with respect to the hearing as the Acme Township Board of Trustees may deem appropriate. After the hearing, if the Acme Township Board of Trustees revokes this Special Use Permit, then enforcement of the violation may be made by an application for appropriate relief in the Grand Traverse County Circuit Court. The Applicant agrees that in any action brought by Acme Township to enforce Acme Township's rights under this Special Use Permit in which Acme Township is the prevailing party, the Applicant shall pay for and reimburse Acme Township for all costs incurred by Acme Township, including attorney fees. Nothing contained herein shall prevent Acme Township from seeking appropriate relief from the Grand Traverse County Circuit Court, including seeking a preliminary injunction or a temporary restraining order, prior to a hearing being held in front of the Acme Township Board of Trustees on the revocation of this Special Use Permit.

13.0 GOOD FAITH

Acme Township and Applicant will deal with one another and make all filings and take all actions in the spirit of good faith and timeliness.

ACME TOWNSHIP

By: 
DAVE AMON, Supervisor

By: 
NOËLLE KNOPF, Clerk


DA


SS

STATE OF MICHIGAN)
)
COUNTY OF GRAND TRAVERSE)

On this 29 day of October, 2004, before me, a Notary Public in and for said county, personally appeared Dave Amon, as Supervisor of Acme Township, who executed the above instrument on behalf of Acme Township.

Patricia L. Bowhall
Notary Public
GRAND TRAVERSE County
My Commission Expires: 8/24/07

STATE OF MICHIGAN)
)
COUNTY OF GRAND TRAVERSE)

PATRICIA L. BOWHALL
Notary Public, Grand Traverse County, MI
My Commission Expires Aug. 24, 2007

On this 29 day of October, 2004, before me, a Notary Public in and for said county, personally appeared Noelle Knopf, as Clerk of Acme Township, who executed the above instrument on behalf of Acme Township.

Patricia L. Bowhall
Notary Public
GRAND TRAVERSE County
My Commission Expires: 8/24/07

PATRICIA L. BOWHALL
Notary Public, Grand Traverse County, MI
My Commission Expires Aug. 24, 2007

READ, ACKNOWLEDGED, ACCEPTED, AND AGREED TO:

APPLICANT:
THE VILLAGE AT GRAND TRAVERSE, LLC

By: Steven A. Smith
STEVEN A. SMITH

PATRICIA L. BOWHALL
Notary Public, Grand Traverse County, MI
My Commission Expires Aug. 24, 2007

STATE OF MICHIGAN)
)
COUNTY OF GRAND TRAVERSE)

On this 29 day of October, 2004, before me, a Notary Public in and for said county, personally appeared Steven A. Smith, MEMBER of

DA SS

THE VILLAGE AT GRAND TRAVERSE LLC, a Michigan limited liability company, who executed the above instrument on behalf of said limited liability company.

Patricia L. Bowhall
Grand Traverse Notary Public
County

My Commission Expires: 8/24/07

EXHIBITS

1. Conceptual Plan
2. Resolution of the Acme Township Board of Trustees
3. Review and Recommendations of R. Clark Associates
4. August 31, 2004 Letter of R. Clark Associates
5. Proposed Phasing Plan

PATRICIA L. BOWHALL
Notary Public, Grand Traverse County, MI
My Commission Expires Aug. 24, 2007

S:\JAC\ACMETWP\ZONING\Town Center Issues\8.22 Application\
8.22 Conceptual Approval (Final Version03 Oct. 2004).doc

DAI SS



25' Per SUP
 Carmichael Smith 10/29/04
 Public Open Space (24.48% of net project area)



Public Open Space

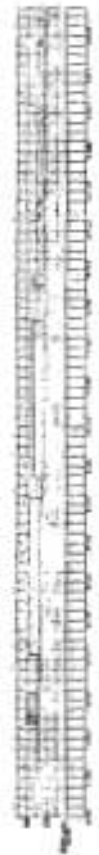
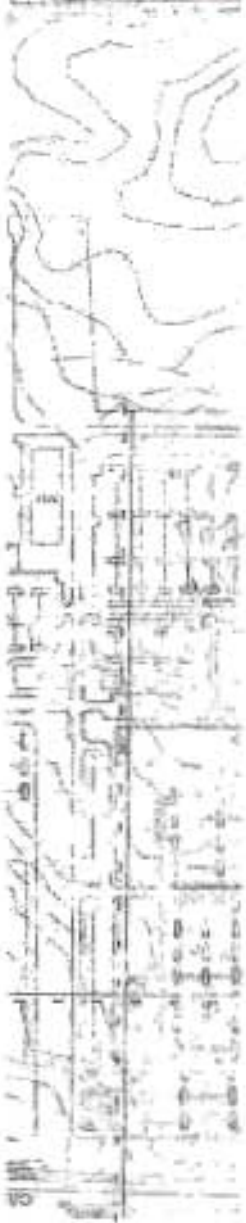
General Notes:

1. Colors shown on this map are for informational purposes only.
2. Colors shown on this map are for informational purposes only.
3. Colors shown on this map are for informational purposes only.
4. Colors shown on this map are for informational purposes only.
5. Colors shown on this map are for informational purposes only.
6. Colors shown on this map are for informational purposes only.

SCALE: 1" = 100'

Carmichael Smith

10/29/04
 DMH



*Conceptual Section
10/29/09*

#2

DWF 10/29/09

SUP #2004-11P APPROVED PLAN DEVELOPMENT DOCUMENT 4

MIXED USE PLANNED DEVELOPMENT NARRATIVE

FOR

THE VILLAGE AT GRAND TRAVERSE

ACME CHARTER TOWNSHIP

MAY 2ND, 2004



SS
EMA

**THE VILLAGE AT GRAND TRAVERSE
MIXED USE PLANNED DEVELOPMENT NARRATIVE**



This narrative is attached to and made a part of the Special Use Permit Application for the 182 acres of land commonly known as the "Rollert Property," but identified as the Village at Grand Traverse for the purpose of application.

I. INTRODUCTION

The Applicant owns approximately 182 acres located in Acme Township, Grand Traverse County, Michigan (the "Township") at the southwest corner of the intersection of State Highway M-72 and Lautner Road (the "Property," the "Village at Grand Traverse, or the "Village").¹ The Property is the one of the largest undeveloped tract of land under single or common ownership in the Township's "commercial area" with public utilities available, and the Township has long recognized and acknowledged the potential impact which the development of the Property will have on the Township and Grand Traverse County, and their respective citizens, and the corresponding need for the careful planning of the development of the Property. The current Applicant understands this desire and need, and fully intends to partner with the Township in the development of a community center for Township residents and to further the Goals and Objectives of the Township's 1999 Master Plan.

The Applicant is seeking a Special Use Permit for the Property to allow for development of a Community Center under **SECTION 8.22 MIXED USE PLANNED DEVELOPMENT** of the Township's Zoning Ordinance. The Applicant further understands that this Property is an integral part of the Township's plans for responsible development of the M-72 Corridor.



¹ The property is bounded generally on the east by Lautner Road, on the south by the "Hamilton Parcel", on the west by the "Johnson Parcel", and on the north by M-72. See the survey of the Property attached.

Per § 8.22.1 of the Township Zoning Ordinance, the purpose of the Mixed Use Planned Development is to, "permit the Township flexibility in the regulation of land development and to encourage innovation and variety in Land use and design of projects of sufficient size to be considered self-contained, to the extent the projects are separated so as to not impact adversely on other land uses in the immediate vicinity, are not an integral part of other already developed or committed land uses, are directly accessible from major thoroughfares as designated on the Major Thoroughfare Plan for the Township, and will not have any adverse economic, social, or environmental impact on surrounding land uses, as are located in the East one-half (½) of Section 3 and the West one-half (½) of Section 2 of Acme Township, west of Acme Creek and north of the State of Michigan Railroad."2 Additionally, the following five Objectives are identified under § 8.22.2:

- (1) To permit flexibility in the regulation of land development;
- (2) To encourage innovation in land use and variety in design layout, and type of structures constructed;
- (3) To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities;
- (4) To encourage useful open space; to provide improved housing, governmental functions, employment and shopping opportunities particularly suited to the needs of Acme Township and the Grand Traverse Region;
- (5) To encourage the innovative use of land in close proximity to U.S. 31 North and M-72.

2 Please see Appendix "B" for a detailed analysis validating that the Village at Grand Traverse is eligible to apply for the Mixed Use Planned Developmet District.

II. BACKGROUND

A. CURRENT ZONING

The Property is, of course, currently subject to the provisions of the Township's Zoning Ordinances (the "Zoning Ordinance") and the overall scheme of development which it establishes. All of the 182 acres of the Property is currently zoned "R-3," Urban Residential District.³

The currently available uses applicable to the Property are narrowly focused. Specifically, the only practical uses allowed as of right are single family homes, while other uses such as duplexes and multiple family residential would require a special use permit. All three of these uses would be at an approximate density of three units per acre. The development standards (*e. g.*, buffer, setback, and landscaping minimum standards) required for permitted development under the Township's Zoning Ordinance, are fairly substantial, but are not as restrictive as those found in the use allowed by special use permit. Therefore, the designation of the Mixed Use Planned District to the Property will provide significantly greater control of the property which currently could be developed at an approximate residential density of 546 units or 633 units with the 20% bonus found within § 8.3.2(c) as an Open Space Development, either by right or by special use permit for multiple family housing.

B. COMPREHENSIVE DEVELOPMENT PLAN

In 1999 the Township adopted the Master Plan that identified a need for an Acme Town Center. In 2001 the adopted an amendment to the Master Plan to address changing conditions in the Township, and to develop a recommendation for the Town Center. The end result of this effort was a report in which the Planning Commission clearly established a policy regarding the characteristics and the

³ See attachment which shows the Property and the zoning districts which are currently applicable to it and surrounding properties.



desirability of a Town Center on the "Rollert Property." In order to implement this Vision, the Township adopted § 8.26 "Town Center Planned Development" District. The Applicant in November of 2003 received unanimous approval by the Township Board, as well as unanimous approval by the Grand Traverse Region Peer Site Review Committee, for a Special Use Permit that would implement this community Vision on the subject Parcel.

During this approval process it was found that the Applicant intended to build a Community Center for Acme Residents and the Grand Traverse Region. It was found by the Township (unanimously by the Board and 6-1 by the Planning Commission) that the Applicant met the requirement of building a center that simultaneously serves multiple functions: marketplace, religious and educational center, seat of government, community meeting place, and dwelling place for people of different ages and incomes. In this center the Applicant understood that the Township desired a shared "public realm" of streets, public spaces, and buildings. The kind of place that people can care about and call "home."

Regrettably, it was found by Grand Traverse County Circuit Court in March of this year that there may be legal issues with the Town Center Ordinance as adopted by Acme Township. Although this finding is being appealed, this route could potentially take years to resolve the issue. Therefore, the Applicant is making this current application to fulfill their and the Township's unresolved wish for a Community Center. If it is later found that the Court erred in their ruling on the Town Center Ordinance, the Applicant will not have violated their Special Use Permit approval or subrogated their rights since § 8.26.10 specifically allows the owner to request alternative mechanisms to implement the intent and purposes of the Town Center Plan. Along with the information contained with this application, the Applicant is of the opinion that the following points make the Village the "unique community center" identified within the Township's Master Plan.



1. Street Network

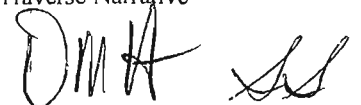
The basic structure of the Village is that it consists of small blocks (less than 400 feet on a side) and interconnected, relatively narrow streets, most of which are divided into small lots. Because the streets are interconnected, they form a "grid" pattern. Gentle curves and varying angles add variety to the grid, while responding to topographic conditions and other natural features. These curves and angles make the view down each street more interesting by focusing the eye on important buildings or trees rather than on a continuous band of pavement.

2. Core Area

The heart of Village is a downtown core area that feels and functions like a Main Street for the 21st Century. Modeled on a Life Style concept that has proven successful in Michigan, the buildings form a continuous edge along sidewalks, making the sidewalk a comfortable and interesting public space for walking. Within this core area streets may be somewhat wider to accommodate a more intense and fine-grained variety of uses.

The streets are designed with the pedestrian in mind and strike a balance between the movement of cars and the safety and comfort of pedestrians. Along "Main Street" traffic moves slowly, while parallel or diagonal parking buffering pedestrians from the street. Shared parking areas provide parking alternatives for a numerous uses, rather than in individual parking lots in front of separated buildings. Street trees visually soften the hard edges of pavement and building and create a canopy of curved branches and green leaves overhanging the sidewalk and street. The trees make the street look narrower and frame the sidewalk space.

Civic buildings are set at prominent locations and highlight the public realm of the core area. These are important and distinctive structures that are used by large numbers of people. Examples of civic buildings include town hall, library, school, meeting hall, theater, church, social club, and post office. A village green and/or

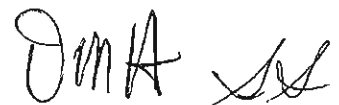


a system of squares, plazas, and playgrounds offer pleasant civic gathering places framed by commercial and civic buildings. The activities in these buildings give life to these "outdoor rooms." Indeed, the entire core area, and the entire Village itself, can be seen as a series of outdoor rooms, composed of linear street spaces interspersed with a variety of pedestrian-only civic spaces of different shapes and sizes.

The core area gives the community a sense of place. It is the "there" that is missing from most post World War II developments, imbued with a kind of magnetism that attracts pedestrians from surrounding neighborhoods. The combination of a wide range of different activities and enjoyable public spaces brings people together and reinforces the sense of community. However, a core area will not become a lively community center unless it has a critical mass of business uses to attract people from surrounding areas to visit and patronize the businesses. Unlike the Town Center Planned Development District which seemed to be schizophrenic on whether the Center should serve current Acme residents, or the Grand Traverse Region, auspiciously the Mixed Use Planned Development District harbors no such reserve. Specifically, § 8.22.2(4) states that its Objective is, "To encourage useful open space; to provide improved housing, governmental functions, employment and shopping opportunities particularly suited to the needs of Acme Township and the Grand Traverse Region." Therefore, the Village is designed to serve both of these markets.

3. Neighborhoods

The third key component of the Village is a system of walkable neighborhoods generally located within a comfortable walking distance from the core. These are primarily residential with block and street systems similar to those found in the core. The neighborhood contains a variety of housing types in different price ranges, all in close proximity to one another. The neighborhood is embraced by the Acme Creek wetlands to the west, the Civic uses to the east, parks and a Club House to the north and Senior housing to the south.



Houses and street trees will frame the Village's public streets and sidewalk space so that is comfortable for walking. Street frontages are short, lots are narrow, and access to homes is provided primarily through rear alleys. Visitors park on the street and residents generally park in the back of the lot, accessed through the alley. Single-family houses, row-houses, and small apartment buildings, are set close to the street with small front yards and large backyards. Sidewalks and planting strips with street trees round out the public realm of the neighborhood street. Neighborhood parks provide public gathering places. The most desirable neighborhoods in Traverse City have many, if not most, of these characteristics.

C. MIXED USE PLANNED DEVELOPMENT DISTRICT

The Applicant is requesting the Township's partnership in issuance of a 12 month Special Use Permit to allow for the continued marketing, design and subsequent implementation of the Village. If at the end of the 12 month period the Applicant has not been able to make significant efforts in realization of this concept, the Special Use Permit may be extended or revoked (§ 8.22.9) by the Township and another concept proposed.

The Mixed Use Planned Development designation is specifically intended to provide a location for a large (40 acre plus) mixed-use planned development to encourage useful open space, housing, civic functions, employment and shopping opportunities while inducing a more imaginative and livable environments within the Township.⁴

This Application is essentially a commitment to Acme Township that the Applicant understands what the intended result of the Mixed Use Planned Development District is: a "home" for Acme residents where density is more urban than suburban. Just as it has taken Traverse City a century and a half to

⁴ See §8.22 of the Acme Township Zoning Ordinance.



develop, the granting of this Special Use Permit is more of a beginning than the end for this sites evolution. Specific development proposals and their associated impacts will be further discussed during the same collaborative process previously adhered to during the Site Plan approval process. To that end, the remainder of this document focuses on confirming that the Applicant has met the specific requirements of the Townships Zoning Ordinance, and the intent of the 1999 Master Plan.

A handwritten signature in black ink, appearing to be 'DMH' followed by a flourish.

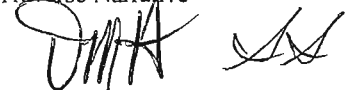
III. SPECIAL USE PERMIT PROCEDURE AND CRITERIA

Article XIII (Sections 8.1 through 8.14) of the Acme Township Zoning Ordinance sets forth the general procedure for granting Special Use Permits. Sections 3 and 14 of the Michigan Township Zoning Act (§§125.273 and 125.284, Michigan Compiled Laws Annotated) provide that a Township's zoning ordinance shall be amended with reasonable consideration, among other things, to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development. In addition, Section 8.22 through 8.22.4 of the Zoning Code sets forth certain specific standards which a proposed Mixed Use Planned Development application must meet. It is the Applicant's contention that they have met all applicable standards for review and should be granted a Special Use Permit.

SECTION 8.1.2 PERMIT PROCEDURES: An application for a special use permit for any land or structure use permitted under this Article shall be submitted and processed under the following procedures:

- (l) Submission of Application: Any application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. No part of any fee shall be refundable.

Requirement Met

Handwritten signatures in black ink, appearing to be initials or names, located at the bottom right of the page.

- (2) Data Required: Every application shall be accompanied by the following information and data:
- a. The special form supplied by the Township Zoning Administrator filled out in full by the applicant, including a statement of supporting evidence showing compliance with the requirements of Section 8.1.3.

Requirement Met - see narrative under Section 8.1.3

- b. Site plan, plot plan, or development plan, drawn to scale, (preferably 1" - 50") of total property involved showing the location of all abutting streets, the location of all existing and proposed structures and their uses, and the location and extent of all above ground development, both existing and proposed.

Requirement Met – see Conceptual Plan

- c. Preliminary plans and specifications of the proposed development.

Requirement Met - see this narrative and Character Guide

- d. The Planning Commission and Town Board may require a written Impact Assessment to include the following information:
 1. A written description of the environmental characteristics of the site prior to development, i.e., topography, soils, vegetative cover, drainage, streams, creeks or ponds.

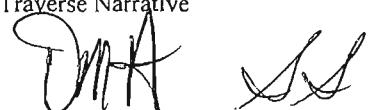
Requirement Met – see Wetland Delineation Report and narrative under Section 8.26.5(8)

2. Types of uses and other man-made facilities.

Requirement Met- see Conceptual Plan, Character Guide and the narrative below

The Village at Grand Traverse fits the definition of Mixed Use Development in both design and composition of land uses. As identified in the § 8.22.2, the Objectives are:

- (1) To permit flexibility in the regulation of land development;



- (2) To encourage innovation in land use and variety in design layout, and type of structures constructed;
- (3) To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities;
- (4) To encourage useful open space; to provide improved housing, governmental functions, employment and shopping opportunities particularly suited to the needs of Acme Township and the Grand Traverse Region;
- (5) To encourage the innovative use of land in close proximity to U.S. 31 North and M-72.

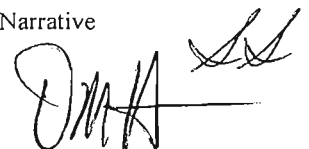
The applicant feels that they meet the intent of the Township Master Plan which states, "...build a center that simultaneously serves multiple functions: marketplace, religious and educational center, seat of government, community meeting place, and dwelling place for people of different ages and incomes. In this center the Township desired a shared "public realm" of streets, public spaces, and buildings. The kind of place that people can care about and call "home."

Under this belief, the Village was designed to be a true mixed use development, with the following definitions and approximate densities, while maintaining approximately 40% open space. Additionally, parking structures are considered ancillary and will not count against the approved densities identified below.

Commercial – 800,900 ft². Uses proposed under this heading include restaurants, retail stores, automobile service, bars, pubs, taverns, entertainment venues such as theatres and auditoriums and office uses.

Civic – 40,000 ft² of Township and County offices, educational centers, places of worship, libraries, theatres, recreation and aesthetic uses and other public gathering spaces.

Mixed Use – 284,000 ft² of Commercial use on the first floor with the potential for "walk up" lofts, condos, offices, hotels and interval occupancy units on subsequent floors, when the market allows. It is anticipated that for each residential unit developed, 800 ft² of mixed use density would be converted in perpetuity. Additionally, temporary ground level residential units may be



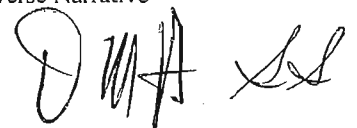
utilized to fill any voids in the storefront until market forces support their conversion to non-residential space.

Hotel – 225,000 ft² -approximately 250 rooms in a mid-rise format (5 stories will be approximately 75 feet) anchoring the esplanade on the north end set back approximately 135 feet from the nearest M-72 travel lane. Ancillary uses such as fitness centers, restaurants, lounges, meeting space and limited retail facilities may be associated with this use.

Residential - 180,000 ft² in approximately 55 to 60 single family homes (with potential mother-in-law apartments), 90,000 ft² in approximately 30 row-houses (with 30 associated "flat" style apartments over their associated garages), 100,000 ft² in approximately 50 town-homes, 70,000 ft² in approximately 150 unit mid rise format senior housing building with ancillary uses such as meeting rooms, library and fitness area and 70,000 ft² in approximately 90 multi-family units (with an additional 12,000 ft² of ancillary common space) are proposed. Additionally, there is planned an approximately 10,000 ft² Club House that will service the Village residents community gathering and recreation needs. This is an excellent start at defining a residential component to the Village, it is important to note that a proposed road is identified linking the Johnson Parcel. The Applicant understands that much of this parcel is anticipated for further residential development which would be within a ten to 20 minute walk of the Village.

3. The number of: People to be housed, employed, visitors or patrons and vehicular and pedestrian traffic.

It is estimated that using the State of Michigan average of 2.75 people per households, with approximately 420 residential units (excluding potential mixed use units) that an estimate of 1,150 people being housed within the Village is realistic. Employment is estimated to be between 500 and 700



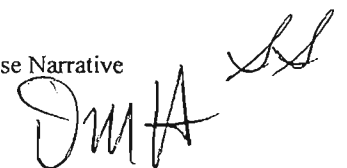
people during hours of operation. These vehicle counts correlate to approximately 34,000 visitors and patrons on a daily basis to the Village. This traffic impact is being coordinated with MDOT and the Township and the Applicant is working towards a positive solution to the existing traffic problem caused by the US-31 and M-72 intersection. Currently this intersection is at a Level of Service (LOS) "E." LOS is ranked "A" to "F", with "A" being free flowing, "F" meaning that it has failed and requires multiple signal changes to clear queued traffic. It is anticipated that a great amount (18%) of Village visitors will be already on M-72 based upon years of conditioning to travel to the "West Bay" to buy essentials. Regardless, during the Site Plan Review process the Applicant is required to provide a detailed traffic study identifying the more precise impacts and necessary solutions. Additionally, as the connection to the Johnson parcels develops, there will alternative routes to and from the Village allowing vehicles to bypass the US-31 and M-72 intersection.

4. Phasing of the project including ultimate development proposals.

The project will be phased to accommodate the installation of infrastructure and in reaction to the results of the Economic Analysis.

5. Natural features which will be retained, removed and/or modified including vegetation, drainage, hillsides, streams, wetlands, woodlands, wildlife and water. The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate the areas of change.

The Village at Grand Traverse is intended to be designed and constructed using Best Management Practices to minimize the disruption to this and neighboring properties. Clearly, its use as a dormant apple orchard necessitates the removal of non-producing fruit trees, which in their present untreated condition may cause disease and blight to spread to neighboring fruit farms.

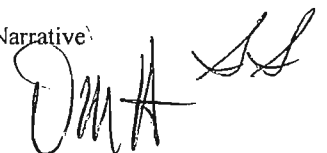


Vegetation – removal of pestilent apple trees and ground cover based upon development plans. Stabilize soil and use soil erosion Best Management Practices in the interim. Replant indigenous vegetation that is hardy to the new development.

Drainage – The overriding condition that affects the *quantity* of storm water runoff is the amount of impervious surfaces located on a property. The *quality* of storm water is governed by the accumulation of pollutants on the entire surface area, regardless of whether it is pervious or impervious. Both non-point source pollution and point source pollution will be managed. These standards, together with the landscaping standards, will be designed to address both the quantity and the quality of storm water at the Village. Storm water from residential lots will be addressed primarily through landscaping and project strategies such as infiltration of collected storm water. Except where infeasible, commercial properties are expected to manage a portion of their own storm water through open ditches, distribution basins, etc. Excess storm water will be transferred to proposed basins on the southwest portion of the property.

Hillsides – Although there is 80 feet of grade change across the Property (690 feet to a low of 610 feet) nearly 50 feet of this occurs within a 500' radius of the wetlands in the southeast corner of the parcel. Therefore, the remainder of the site has a natural average of approximately 2% grade. With the exceptions of impractical locations (i.e. knolls and isolated depressions), the natural contours will be worked with through utilization of road placements, building designs (i.e. park under, walk outs, etc.), natural berms and retaining walls where unavoidable.

Streams and wetlands – This site is the headwater of the Acme Creek and therefore needs to protect it through the use of buffers and storm water Best Management Practices. The Applicant will strive to do both through the preservation of wetlands and placing a 350 foot perimeter buffer in a conservation easement or deeding the property to Acme Township. It should be noted that the Civic building on the south end of the traffic circle as well as the



road to the Johnson Parcel (both requested by the Township) may necessitate a MDEQ permit for mitigation of wetlands. If required, the Applicant will work with the Township and MDEQ to arrive at a solution that enhances the existing wetlands.

Woodlands, wildlife and water – No anticipated changes or impacts.

6. The method to be used to serve the development with water and sanitary sewer facilities.

Sanitary Sewer is available on the northwest corner of the parcel within the M-72 right of way, and water is being coordinated by Acme Township, and will be in place, or in the process thereof, prior to Site Plan approval.

7. The method to be used to control drainage on the site and from the site. This shall include runoff control during periods of construction.

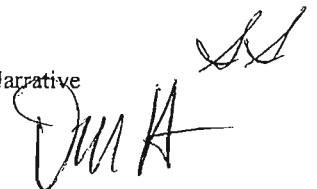
Best management practices will be employed during construction and as developed through a cooperative arrangement with the Grand Traverse County Drain Commission at the Site Plan Review stage to assure that this issue is addressed.

8. If public sewers are not available to the site the applicant shall submit a current approval from the health department or other responsible public agency indicating approval of plans for sewage treatment.

Not applicable.

9. The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.

The Township's M-72 Overlay requires a setback of 100' along M-72 and 25' along Lautner Road, the Applicant proposes 100' and 50' respectively. This



in conjunction with the use of 100% cut-off lighting (see Appendix "C") will minimize visual and noise pollution.

10. An indication of how the proposed use conforms with existing and potential development patterns and any adverse effects.

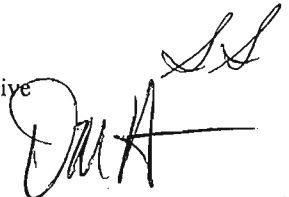
Per the Township's 2001 Acme Towne Center Report, "The best location for a new town center with a traditional layout is on the portion of the Rollert property closest to Lautner Road and M-72." The proposed Village at Grand Traverse utilizes the best practices in traditional and contemporary planning principles to assure that the correct design and land use mix is in place to emphasize long term sustainability. Additionally, the development of the Village is intended to refocus growth from the M-72 corridor to a compact setting on this and the Johnson parcel, thereby preserving other land from the pressures of development.

The only "high rise" in a 6 county area is located within 400 yards of the site, as well as properties to the east and west being zoned "B-3" Planned Shopping Center. Additionally, this site is located within the Township's Sanitary Sewer District where public water is also available. Since zoning has "leaped" over this parcel, it is realistic to expect that this parcel will develop similarly.

11. Name(s) and address(es) of person(s) responsible for preparation of statement.

Steven Hayward, AICP, PCP
Principal
Authenticity Livewire
353 Grape Street
Portland, MI 48875

12. Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established.



Recommendations for such measures may be obtained from County Soil Conservation Service.

Through the Site Plan approval process the Applicant will identify all grading areas and meet with the County Soil Conservation Service. Best Management Practices will be utilized.

13. Type, direction, and intensity of outside lighting.

Requirement Met – See Character Guide and Appendix “C”

14. General description of deed restrictions, if any.

Not Applicable

A handwritten signature in black ink, appearing to be 'DMH', is located in the bottom right corner of the page. The signature is written in a cursive, stylized font.

SECTION 8.1.3 BASIS FOR DETERMINATIONS: Before approving or disapproving a special use permit application, the Planning Commission and Township Board shall establish that the following general standards, as well as the specific standards outlined in each application Section of this Article, shall be satisfied.

(1) General Standards: The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will: **(Sec. 8.1.3 (1) added by Amendment #62; Adopted 11/7/88; Effective 11/15/88.)**

- a. Be designed, constructed, operated and maintained so as to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

There are numerous issues that will need to be resolved as the Site Plan Approval process proceeds. Paramount is the Township's leadership on the availability of public water and sewer. Of equal importance is the continued discussion with MDOT on the resolution of the existing issues with the US-31 and M-72 intersection.

Additionally, there are currently 26,000 trips on M-72, most caused by a lack of employment and shopping opportunities between Garfield Township and I-75 at Grayling. The development of the Village will further the Township's goal of meeting the needs of Acme Township and the Grand Traverse Region for housing, shopping and employment and thereby reducing the use of fossil fuels and there corollary emission.

- b. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.



Condition Met. By increasing the mandatory perimeter buffers by 50% on Lautner Road, the Applicant will insulate the neighboring residential properties in this area. Additionally, the Applicant is having an Economic Study completed that will address the economic impacts on neighboring commercial properties and the justification for the scale of development within the Village. Additionally, the development of the Village will greatly increase the quality of life for area residents (otherwise how could over 1,000 new residents be expected to move into the Village?) as well as creating synergy for neighboring commercial land uses.

- c. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

The Applicant recognizes that Acme Township's intention is to create a "unique place" for its citizens, and applaud their effort. The Applicant is willing to continue the positive relationship developed during the last year with Staff, the Planning Commission and the Township Board to bring the Village to fruition, thereby acknowledging the Township's valid exercise of police power.

- d. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The proposed Village at Grand Traverse utilizes the best practices in traditional and contemporary planning principles to assure that the correct design and land use mix is in place to emphasize long term sustainability. Additionally, the development of the Village is intended to refocus growth from the M-72 corridor to a compact setting on this and the Johnson parcel, thereby preserving other land from the pressures of development.

- e. Meet the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured. The applicant shall have the plan reviewed and approved by



the Grand Traverse Metro Fire Department prior to the review by the Planning Commission.

The Applicant will meet with all government agencies as required on the Application Checklist prior to the Planning Commission Public Hearing.

- (4) Standards for Review: In reviewing an impact assessment and site plan, the Township Board and the Planning Commission shall consider the following standards:
- a. That the applicant may legally apply for site plan review.

Condition Met – see Attached.

- b. That all required information has been provided.

Condition Met – see Attached, Narrative, Character Guide and the Conceptual Plan. If there are omissions, it is completely unintentional, and the Applicant requests the mercy of the Planning Commission in scheduling the Public Hearing on the condition that the requested additional or omitted information is submitted to the Township and Staff 5 days in advance of the Public Hearing.

- c. That the proposed development conforms to all regulations of the zoning district in which it is located.

Condition Met/not applicable. Per §8.22.3 the Township has broad latitude in authorizing uses and altering development standards.

- d. That the plan meets the requirements of Acme Township for fire and police protection, water supply, sewage disposal or treatment, storm, drainage, and other public facilities and services.

Condition Met- The Applicant fully intends to meet these requirements during the Site Plan Approval process.

A handwritten signature in black ink, appearing to be 'DMH', is located in the bottom right corner of the page.

- e. That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.

Condition Met- The Applicant fully intends to meet these requirements prior to the Public Hearing.

- f. That natural resources will be preserved to a maximum feasible extent, and those areas to be left undisturbed during construction shall be so indicated on the site plan and at the site per se.

Condition Met- The Applicant fully intends to preserve as many natural features of the site as possible and will work with the Township and Staff during the Site Plan Approval process and during construction to assure this.

- g. That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.

Condition Met- with the exception of the Township's requested Civic Building and road to the Johnson properties, the Applicant will limit site development to outside the flood plains/wetlands.

- h. That the soil conditions are suitable for excavation and site preparation, and that organic, wet, or other soils which are not suitable for development will either be undisturbed, or modified in an acceptable manner.

Condition Met- The Applicant had engineering analysis on 30 soil boring on the site in July of 2003. The soil is generally suitable for this development "as is," or with limited site preparation.

- i. That the proposed development will not cause soil erosion or sedimentation problems.



Condition Met- The Applicant will employ Best Management Practices during and after construction.

- j. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.

Condition Met- The Applicant has committed with working with the County Drain Commission and the Township to develop a drainage plan that employees Best Management Practices as part of the Site Plan Approval process. As part of the previous application the Drain Commissioner has signed off on the Village's use of Best Management Practices and a conceptual grading plan.

- k. That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.

Condition Met- The Applicant has worked with the Township's consultant to develop a conceptual design that works with the character of the property v. "pancaking" the site. The Applicant anticipates this same partnership during the Site Plan Approval process.

- l. That structures, landscaping, landfills or other land uses will not disrupt air (or) drainage systems necessary for agricultural uses.

Condition Met-

- m. That phases of development are in a logical sequence, so that any one (1) phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

Condition Met- see Narrative and Conceptual Plan

- n. That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems, and water and sewage facilities.

A handwritten signature in black ink, appearing to be "JMA", is located in the bottom right corner of the page. The signature is written in a cursive, stylized font.

Condition Met- The Applicant is waiting on commitments from Acme Township (water and sanitary sewer) and MDOT (intersection of US-31/M-72), but otherwise the Applicant has diligently worked to assure this.

- o. That landscaping, fences or walls may be required by the Township Board and Planning Commission in pursuance of the objectives of this Ordinance.

Condition Met- The Applicant will rely upon the Township's input in identifying any necessary or additional landscaping, fences or walls as part of the Site Plan Approval process.

- p. That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.

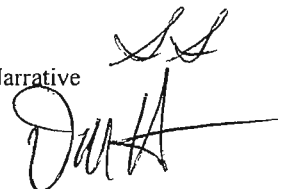
Condition Met- The Applicant has previously worked with the Township to plan a traditional grid around shared parking facilities as well as installing on street parking where requested. Additionally the circulation of vehicular traffic is separated into "rooms" so that the Village does not become a suburban strip development.

- q. That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

Condition Met- see Conceptual Plan and Character Guide

- r. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not be a nuisance to the subject property or neighboring properties.

Condition Met- The Applicant will address this issue with the Township during the Site Plan Approval process.

A handwritten signature in black ink, appearing to be 'D. A.', is located in the bottom right corner of the page.

- s. That the proposed site is in accord with the spirit and purpose of this Ordinance, and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.

Condition Met- The Applicant feels that the supplied information and the negotiations during the last year has allowed for the submission of a complete application that balances the economic issues facing the Applicant and the Township's Vision without compromise to either.

SECTION 8.22 MIXED USE PLANNED DEVELOPMENT

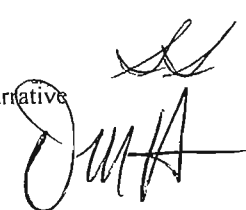
SECTION 8.22.2 OBJECTIVES: In addition to the objectives set forth in Section 8.1 the following objectives shall be considered in reviewing any application for a special use permit for a Mixed Use Planned Development:

- (1) To permit flexibility in the regulation of land development;

The proposed Village at Grand Traverse utilizes the best practices in traditional and contemporary planning principles to assure that the correct design and land use mix is in place to emphasize long term sustainability. Additionally, the development of the Village is intended to refocus growth from the M-72 corridor to a compact setting on this and the Johnson parcel, thereby preserving other land from the pressures of development. Additionally, the Village meets the following Smart Growth Principles⁵:

- **Create Range of Housing Opportunities and Choices**
- **Create Walkable Neighborhoods**
- **Encourage Community and Stakeholder Collaboration**
- **Foster Distinctive, Attractive Places with a Strong Sense of Place**
- **Make Development Decisions Predictable, Fair and Cost Effective**
- **Mix Land Uses**

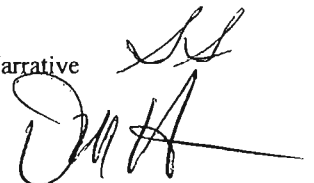
⁵ Source: www.smartgrowth.org

A handwritten signature in black ink, appearing to be 'JMA', is located in the bottom right corner of the page.

- Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas
- Provide a Variety of Transportation Choices
- Strengthen and Direct Development Towards Existing Communities
- Take Advantage of Compact Building Design

Additionally, the Village meets 20 of 21 principles in the Grand Traverse Bay Region Development Guidebook, specifically:

- Lakes, Rivers, Streams & Wetlands
- Stormwater Control
- Topography
- Woodlands
- Dedicated Open Space
- Rural Visual Character
- Views & Viewsheds
- Land Division
- Conservation Planning
- Buffering & Screening
- Landscaping
- Parking Lot Placement
- Building Placement
- Site Lighting & Utilities
- Pedestrian/Vehicular Circulation
- Site Access
- Parking Lot Design
- Building Massing & Scale
- Building Façade Design
- Signs



- (2) To encourage innovation in land use and variety in design layout, and type of structures constructed;

The proposed Village at Grand Traverse utilizes the best practices in traditional and contemporary planning principles to assure that the correct design and land use mix is in place to emphasize long term sustainability. Additionally, the Character Guide outlines the intended style of construction, while the conceptual plan shows that there will be a mixture of uses ranging from civic, commercial, hotels, 4 types of housing, mixed use and recreation.

- (3) To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities

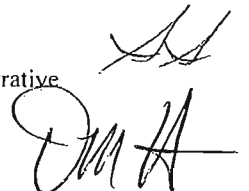
Condition met. The development of the Village is intended to refocus growth from the M-72 corridor to a compact setting on this and the Johnson parcel, thereby preserving other land from the pressures of development. The compact nature of the Village's layout will allow for the site to receive the Market Forces pent up demand, without it leading to sprawl along the M-72 and US-31 corridors.

- (4) To encourage useful open space; to provide improved housing, governmental functions, employment and shopping opportunities particularly suited to the needs of Acme Township and the Grand Traverse Region;

Condition met – See Character Guide, Conceptual Plan and Narrative. Additionally, although the Township Zoning Ordinance allows for development to be within 50 feet of the Acme Creek, the Village is prescribing a 7 fold increase to this standard by providing a 350 foot setback. This equates to 29 acres, or 16% of the property that will be preserved in perpetuity to assure that the water quality of Acme Creek is protected.

- (5) To encourage the innovative use of land in close proximity to U.S. 31 North and M-72.

Condition met – See Character Guide, Conceptual Plan and this document regarding adherence to Smart Growth principles and the Grand Traverse Bay Region Development Guidebook.



SECTION 8.22.4 QUALIFYING CONDITIONS: A Mixed Use Planned Development is intended to accommodate developments; (a) with mixed or varied uses, **(Condition Met-Please see Conceptual Plan)** (b) sites with unusual topography or unique settings within the community **(Condition Met- Please see 2001 Master Plan regarding this parcel)**, and (c) land which provides a unique opportunity to develop with an atmosphere which can accommodate a variety of civic functions as well as mixed land uses which add interest and flavor to the living and working environment while protecting fragile areas having high natural values **(Condition Met-Please see Conceptual Plan and Narrative, specifically the preservation of 28 acres at the head water of Acme Creek)**. Approval will not be granted when the Mixed Use Planned Development is sought primarily to avoid the imposition of standards and requirements of existing zoning classifications rather than to achieve the objectives of this section. Additionally, no planned development shall be approved unless it appears that the land use and development meet in addition to the standards set forth in Section 8.1 the following standards:

- (1) The use will be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and such use is consistent with the public health, safety and welfare of the Township residents, and the benefits of the development are not achievable under any single zoning classification.

Condition Met- There is no other Zoning Classification that will allow for this type of Smart Growth/Mixed Use development

- (2) The site shall be self-contained as defined in Section 8.3.1 above and shall contain no less than forty (40) acres.

Condition Met

- (3) The use and development is warranted by the design of additional amenities made possible with and incorporated by the development proposal.

Condition Met- Please note the inclusion of parks, roundabouts, clock towers, public transportation shelters, TART trail connection, urban design features, pavers, senior housing, Civic uses and esplanade.

- (4) The development consolidates and maximizes usable open space.

Condition Met- Please note the 28 acres at the headwaters of Acme Creek, the esplanade and plazas near the Civic building for public use. Additionally, by connecting to the



TART trail there will be an added benefit of utilizing an existing public facility.

- (5) Landscaping is provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.

Condition Met- however the Applicant will work diligently with Township Staff to assure this during final site plan review.

- (6) Vehicular and pedestrian circulation, allowing safe, convenient, un-congested and well-defined circulation within and access to the development shall be provided.

Condition Met- As discussed in the Character guide and in this document, the pedestrian is given priority over the motor vehicle within the Village. This includes the isolation of walkways from drive aisles and the provision of sidewalks along all major streets and drives.

- (7) Existing important natural, historical and architectural features within the development shall be preserved.

Condition Met- Per the 1999 Acme Township Master Plan, there are no important natural, historical or architectural features on this site.

SECTION 8.22.5 APPLICATION: In addition to the requirements of Section 8.1.2(2)(a), the following requirements shall apply. All land for which application is made must be owned or under control of the applicant and the parcel must be capable of being planned and developed as one integral land use unit. Non-contiguous parcels that are separated by a public or private road or public utility right-of-way may be considered. The application must be signed by all applicants and must contain:

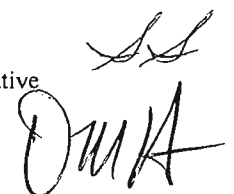
- (1) Vicinity map showing vehicular and pedestrian circulation, existing land use and zoning for the entire site and surrounding areas.

Condition Met

- (2) A certified boundary survey and legal description of the property.

Condition Met

- (3) A concept site plan showing the development boundaries, proposed structure locations, existing and proposed utilities, pedestrian and vehicular circulation, landscape development, areas of tree removal, open spaces and their intended use, recreation facilities, and such other features as might be requested.



Condition Met

- (4) A description of the type, character and proposed use of land and structures within the planned development.

Condition Met

- (5) Statement of present ownership of all land contained in the planned development.

Condition Met

- (6) Computation of total property area, open space, parking and building or structure areas.

Condition Met

- (7) A written Impact Assessment in accord with Section 8.1.2(2) d.

Condition Met, please see below.

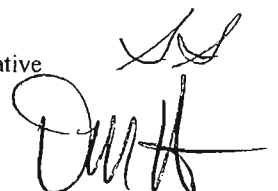
SECTION 8.22.3 DIMENSIONAL & USE RESTRICTIONS:

In acting upon an application for a Mixed Use Planned Development, the Township Board may alter and establish lot size limits, required facilities, buffers, open space areas, density limits, setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, miscellaneous regulations and density and intensity limits where such regulations or changes are consistent with the intent of this section and the standards set forth herein.

The Township Board may also authorize principal and other uses not permitted in the district where the land is located, provided that such are consistent with the intent of this section, the standards set forth herein. Dimensional and parking use restrictions of the underlying zoning shall not apply to the area within an approved Mixed Use Planned Development unless expressly retained in the permit.

The Applicant requests that the Township Board grant the following alterations:

- **The Township's parking standards do not reflect the shared nature of parking in a site such as this. A proposed ratio of 6 spaces per 1,000 (Township standard is 10) for retail, 10 spaces per 1,000 (Township standard is 13.3) for restaurants and 4 spaces per 1,000**



(Township standard is 5) for professional office. See Appendix "A" for further discussion and justification for this request.

- The applicant is asking that the height limitation for the site be increased 75' to allow for flexibility in the development of a hotel, multi-family housing and mixed use buildings. This request does not encroach upon the existing standards and requirement for the M-72 Overlay District.

That the Township allows the densities, uses and lot coverage ratios as outlined within this Narrative. Additionally, the Applicant requests that the 40% open space and parking requirements dictate future density modifications. Specifically, if the Village does become the receiving area for future development, there may become a point where vertical parking (parking structures) would become economically feasible, thereby "freeing" horizontal land for increased density.

A handwritten signature in black ink, appearing to be 'OMA', is located in the bottom right corner of the page. Above the main signature, there are two small, stylized initials.

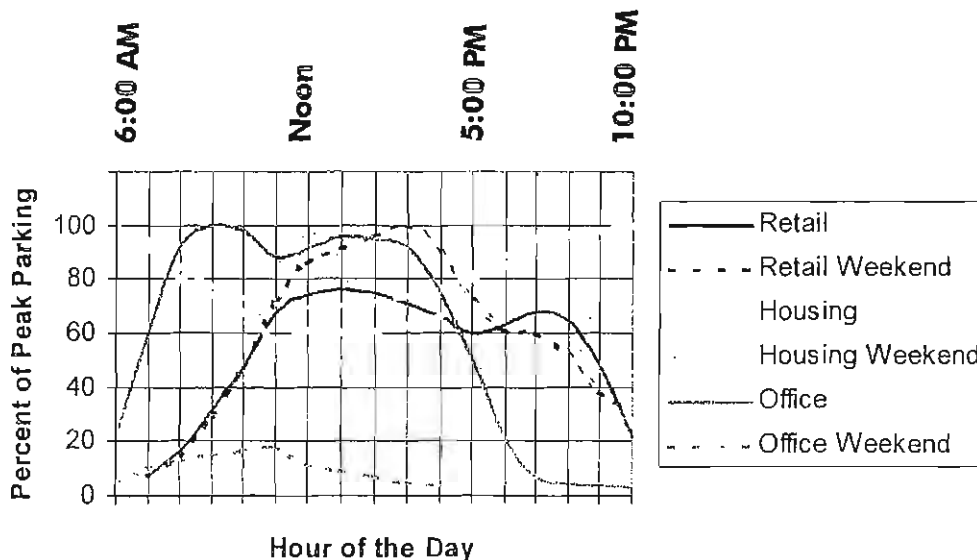
Appendix "A"

Parking Ratio Modification Discussion

The Applicant feels that the Township Zoning Ordinance's standards for parking does not take into account the shared nature of parking in a site such as this. Specifically, Section 7.5.1(3) and 7.5.1(3)a provides:

- (3) Joint use of off-street parking areas may be provided collectively by two or more buildings or uses, PROVIDED the total number of parking spaces shall not be less than the sum of the requirements of the space requirements computed separately.
 - a. In the instance of dual function of off-street parking space where operating hours or parking needs of individual buildings or uses occur at distinctly different times, the Board of Appeals may grant an exception.

This provides a relief from the traditional over-parking dilemma of basing total parking counts on each individual business, but only when the hours of operation are "distinctly different." The figure below illustrates why this basis is inconsistent, and that shared parking is closer typified to "peaks" and "valleys" verses "distinct differences."



Source: Shared Parking – Urban Land Institute - 1983

Therefore, following this concept, there is no inherent logic to support the Town Center concept of sharing parking which is crucial to the "parking once and walking often" philosophy of Downtowns. Contrarily the Zoning Ordinance encourages each user to "self park."

Additionally, the Township's current standards may not reflect current Best Practices in regards to parking ratios. A proposed ratio of 6 spaces per 1,000 (Township standard is 10) for retail, 10 spaces per 1,000 (Township standard is 13.3) for restaurants and 4 spaces per 1,000 (Township standard is 5) for professional office. These requested ratios are not arbitrary, but rather based upon the following publications:

Parking Requirements for Shopping Centers – Urban Land Institute - 1999

Recommended average parking ratio for Centers of this size: 4.5 per 1,000
Parking Demand averages 5.8 per 1,000 whereas supply averages 4.5 per 1,000
Highest recommended parking ratio: 4.8 spaces per 1,000

Parking Standards – American Planning Association – 2002

Recommended average ratios:
Retail: 3.3 to 4 spaces per 1,000
Restaurants: 8 to 15 spaces per 1,000
Office: 3 to 4 spaces per 1,000

Land Management Ordinance – Town of Hilton Head Island – 1999

Retail: 5 spaces per 1,000
Shopping Center: 5 spaces per 1,000
Office: 4 spaces per 1,000
Restaurants: 10 spaces per 1,000

Handwritten signature and initials, likely representing the author or reviewer of the document.

Appendix "B"

Right to Apply for the Mixed Use Planned Development Discussion

Because of the wordiness of the Mixed Use Planned Development District's Statement of Intent (§8.22.1), and the regularity for multiple interpretations, the Applicant feels that it is important to document their determination that they possess a legal right to apply for a Special Use Permit for the Mixed Use Planned Development District. Specifically, the Statement of Intent reads:

"It is the purpose of this section to permit the Township flexibility in the regulation of land development and to encourage innovation and variety in Land use and design of projects of sufficient size to be considered self-contained, to the extent the projects are separated so as to not impact adversely on other land uses in the immediate vicinity, are not an integral part of other already developed or committed land uses, are directly accessible from major thoroughfares as designated on the Major Thoroughfare Plan for the Township, and will not have any adverse economic, social, or environmental impact on surrounding land uses, as are located in the East one-half (1/2) of Section 3 and the West one-half (1/2) of Section 2 of Acme Township, west of Acme Creek and north of the State of Michigan Railroad."

It is the last sentence that causes confusion to most readers. At a meeting at Acme Township in April of 2004 five people representing the Developer and the Township arrived at two separate conclusions. The first conclusion was: To be eligible to apply for the Mixed Use Planned Development District the Applicant's parcel had to be located in, "the East one-half (1/2) of Section 3 and the West one-half (1/2) of Section 2 of Acme Township, west of Acme Creek and north of the State of Michigan Railroad." The second conclusion was: That to be eligible the Applicant's project must not have an adverse economic, social, or environmental impact on lands located in, "the East one-half (1/2) of Section 3 and the West one-half (1/2) of Section 2 of Acme Township, west of Acme Creek and north of the State of Michigan Railroad."

There are three reasons why the Applicant believes that the second conclusion is correct.



Absence of Language from Qualifying Conditions

Section 8.22.4 **QUALIFYING CONDITIONS** provides specific items that need to be in place to allow a property owner to apply for a Mixed Use Planned Development designation. These range from the qualitative (i.e. "land which provides a unique opportunity to develop with an atmosphere which can accommodate a variety...") to the quantitative (i.e. "The site shall be self-contained as defined in Section 8.3.1 above and shall contain no less than forty (40) acres"). Therefore, if the sentence in question was a qualifier versus criteria to be considered in review, it would have been located within Section 8.22.4. Therefore, it is the phrase's conspicuous absence from this Section that points to the second conclusion.

Historical Record and Uniformity

In researching the minutes from 1989 and 1990 for the adoption of the Mixed Use Planned Development District, there are several instances where the question was raised as to who could apply for this designation. The first reference was at the September 13th, 1989 Planning Commission meeting where "Goodell" suggested, "adjacent properties be considered." Then at the Planning Commission meeting on November 8th, 1989, "Various questions were asked about limiting the use to only this piece of property (L. Johnson's)." Finally, at the January 10th, 1990 Public Hearing "Hughes" asked, "if the use was restricted to only a particular area in the township." "Harsh" explained, "the amendment would allow flexibility. The amendment was made with the property including the old drive in involving 140 acres L shaped going to M-72 in mind. However, other areas in the township could also be developed under this amendment if they met the restrictions."

This, as well as the remainder of Township minutes in and of itself doesn't answer the question of what the intent was, however previously we identified that one "restriction" is a 40 acre threshold size. Based upon tax parcel maps obtained through Acme Township it becomes clear that the only parcel in the East one-half (½) of Section 3 and the West one-half (½) of Section 2 of Acme Township, west of Acme Creek and north of the State of Michigan Railroad that meets this "restriction" is the original property that was requesting the Zoning Ordinance Amendment to create the Mixed Use Planned Development District. Therefore, this language could not have been intended to restrict the Mixed Use Planned Development to this geographic area since it would have violated Section 16d(1) of the Township Rural Zoning Act MCL 125.286(d)(1);MSA 5.2963(6)(d)(1) which specifically addresses the importance of uniformity in applying zoning and that such limits can not limit application of an ordinance to a single property.



Objective Grammatical Analysis

Lastly, the Applicant asked a University English professor to review the sentence and to impartially determine what they felt the intent was. The only inputs provided were the Ordinance language and what the two outcomes were from our April meeting. What follows is the result of this analysis.

Sentence Analysis:

SECTION 8.22.1 STATEMENT OF INTENT:

It is the purpose of this section:

- 1) to permit the Township flexibility in the regulation of land development and
- 2) to encourage innovation and variety in:
 - a) Land use and
 - b) design of projects of sufficient size to be considered self-contained, to the extent {that} the projects:
 - i) are separated so as to not impact adversely on other land uses in the immediate vicinity,
 - ii) are not an integral part of other already developed or committed land uses,
 - iii) are directly accessible from major Thoroughfares as designated on the Major Thoroughfare Plan for the Township, and
 - iv) will not have any adverse economic, social, or environmental impact on surrounding land uses, as are located in the East one-half (1/2) of Section 3 and the West one-half (1/2) of Section 2 of Acme Township, west of Acme Creek and north of the State of Michigan Railroad.

April 30, 2004

Steve:

My observation is based solely on an impartial evaluation of the syntax and should be confined to those boundaries.

After reviewing the material you sent me yesterday, I'm inclined to agree with the second interpretation of Section 8.22.1 Statement of Intent. Although the sentence is quite lengthy, it becomes much more manageable in outline form; therefore, I dissected the sentence for easier analysis. As shown on this



outline, the underlined portion is not meant to single out which properties can be developed. Instead, it serves to specify which properties are included in the “surrounding land uses.”

Several grammatical indicators point to the #2 interpretation. First, the most fundamental syntactic marker is the location of the underlined phrase, which immediately follows “surrounding land uses.” In this instance, it’s most likely that the underlined phrase has been placed in *APPOSITION* with the preceding one. *Appositives* are words or phrases that mean the same thing and are placed together. They identify or explain the nouns or pronouns which they modify. Appositive phrases are placed beside the other to explain it further. An example of an appositive phrase is:

“I’m going to meet two of my favorite people, Ron and Kyle.”

“Ron and Kyle” are placed in apposition; their function is to explain exactly who my “favorite people” are—and the phrase performs just like your underlined phrase, which explains exactly what the “surrounding land uses,” are.

NOTE: The only difference between my example and the ordinance phrase is puzzling insertion of the word “as” in the ordinance. I suspect that the phrase “as are located in the East...” really indicates “such as those located in the East...” In either interpretation, “as” doesn’t really belong there. It only adds to the confusion. Nonetheless, the appositional placement suggests that the writers meant to prohibit any development adversely affecting the surrounding land uses—and then proceeded to identify the designated properties. This is highly consistent with the use of an appositive phrase.

The second linguistic element that supports interpretation #2 concerns the writers’ strict adherence to *parallel structure* in the sentence/ordinance. In linguistic terms, *parallelism* indicates the similarity of structure in a pair or series of related words, phrases, or clauses. The authors of this section demonstrate extraordinary loyalty to this concept. You can see this easily by looking at the outline; each isolated element maintains a formulaic uniformity, evident in the highlighted words. Because of the authors’ unswerving attachment to this *parallel structure*, it is highly unlikely that the underlined phrase could be anything other than interpretation #2. Let me explain why.

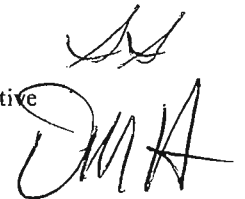
If the authors had meant for these parcels to be the only ones developed, they could have easily made a simple revision to be consistent with the rest of the *parallelism* dominating the section. Here is how the outline would look if the parallelism were applied to suggest interpretation #1:

1) Insert “and”/ Omit “as”:

- iv) will not have any adverse economic, social, or environmental impact on surrounding land uses, and
- v) are located in the East one-half (½) of Section 3 and the West one-half (½) of Section 2 of Acme Township, west of Acme Creek and north of the State of Michigan Railroad

This is how they would have written it if the underline portions were intended to stand on their own as a restriction—but they did not do so. Therefore, the underlined portion cannot be interpreted separately from “iv)” because it cannot syntactically support its own weight. It belongs in item “iv)” because it modifies it.

Further structural evidence of this assertion is the presence of “and” at the end of “iii),” signaling that the following section would be the last one. By reviewing the outline of Section 8.22.1, it is clear that this use of “and” as a syntactic indicator of “the last item in a series” is overwhelmingly consistent in all other



portions of the section. In truth, the use of *parallel structure* is striking...and therefore extremely predictable.

In summary, because of the *appositional placement* of your underlined passage and because of the singularly consistent occurrence of *parallel structure* in the ordinance, I'm confident that the list of properties was not intended to be part of the restrictions for development (or a separate element on the outline: "v)." Rather, it was a detailed roster of properties to be protected from any undesirable development.

Hope this helps! If you have any questions, please don't hesitate to contact me.

Regards,

Dayna

A handwritten signature in black ink, appearing to be 'Dayna', located in the bottom right corner of the page.

Appendix "C"

THE VILLAGE AT GRAND TRAVERSE OUTDOOR LIGHTING DESIGN STANDARDS

Definitions

The following words and terms related to outdoor lighting are defined as follows:

1. **Disability Glare:** The eye's Line-of-Sight contact with a direct light source, which causes a partial blindness.
2. **Foot-candle:** A unit of measure for luminance. A unit of luminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.
3. **Full cut off type fixture:** A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above 90 degree, horizontal plane from the base of the fixture.
4. **Horizontal Luminance:** The measurement of brightness from a light source, usually measured in foot-candles or lumens, which is taken through a light meter's sensor at a horizontal position.
5. **Light Trespass:** Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.
6. **Uplighting:** Any light source that distributes illumination above a 90-degree horizontal plane.
7. **Uniformity Ratio (U. Ratio):** Describes the average level of illumination in relation to the lowest level of illumination for a given area. Example: U. Ratio = 4:1 for the given area, the lowest level of illumination (1) should be no less than 25% or "4 time less" than the average (4) level of illumination.

Purpose

It is the goal of this section to provide further details by the Development Team in implementing minimum requirements for lighting for all improvements within the Village at Grand Traverse. Recognizing that inappropriate and poorly designed or installed outdoor lighting causes unsafe and unpleasant conditions, limits residents ability to enjoy the nighttime sky, and results in unnecessary use of electric power. Conversely, it is also recognized that outdoor lighting provides a public health, safety and welfare service to residents and guests. To ensure appropriate lighting while minimizing its undesirable side effects, the following regulations are established for the Village.

General Requirements

1. That all exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass, and glare across, the property lines and or disability glare at any location on or off the



property. The "maintained horizontal luminance recommendation" set by the Illuminating Engineers Society of North America (IES) shall be observed. (See "LIGHTING TABLE")

2. All parking area lighting will be full cut-off "dark skies" type fixtures.
3. The following thresholds will be utilized when practical:

Minimum:	.9 footcandles
Maximum:	10 footcandles
Average:	3.6 footcandles
U Ratio	4:1
4. Full cut-off fixtures must be installed in a horizontal position as designed, or the purpose of the design is defeated, and disability glare will result.
5. Uplighting should be minimized, and clearly shown on each site plan. Externally lit signs, display, building and aesthetic lighting must be shielded to prevent direct glare and/or light trespass in excess of 0.2 footcandles. The lighting must also be, as much as physically possible, contained to the target area. Internally lit signs are acceptable provided that they meet the requirements of the Acme Township Zoning Ordinance.
6. All building lighting for security or aesthetics will be full cut-off or a shielded type. Flood lighting is discouraged, and if used, must be shielded to prevent:
 - a. Disability glare for drivers or pedestrians,
 - b. Light trespass beyond the property line, and
 - c. Light above a 90 degree, horizontal plane. Unshielded wall-pack type fixtures are not acceptable.
7. Adjacent to residential property, no direct light source will be visible at the property line at ground level or above.
8. All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for security. ("Non-essential" can apply to: display, aesthetic, parking and sign lighting).
9. When outdoor lighting installation or replacement is part of a development proposal for which site plan approval is required under these regulations, the Planning Board shall review and approve the lighting installation as part of its site plan approval.
10. The applicant shall submit to the Township sufficient information, in the form of an overall exterior lighting plan, to enable the Township to determine that the applicable provisions will be satisfied. The lighting plan shall include at least the following:

A handwritten signature in black ink, appearing to be 'DMH', is located in the bottom right corner of the page. The signature is written in a cursive, stylized font.

- a. A site plan, drawn to the required scale, showing all buildings, landscaping, parking areas, all proposed exterior lighting fixtures;
 - b. Specification (details) for all proposed lighting fixtures including photometric data, designation as IESNA "cut-off" fixtures and other descriptive information on the fixtures;
 - c. Proposed mounting height of all exterior lighting fixtures; and
 - d. Analyses and luminance level diagrams showing that the proposed installation conforms to the lighting level standards in this section; and
11. Lighting of Gas Station/Convenience Store Aprons and Canopies: All of the above standards shall apply, as well as the standards:
- a. Lighting levels on gas station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under the appropriate section of the Acme Township Zoning Ordinance shall be used for that purpose.
 - b. Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this section. If no gasoline pumps are provided, the entire apron shall be treated as a parking area;
 - c. Areas around the pump islands and under canopies shall be illuminated in accordance with the specifications herein;
 - d. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and /or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
12. When an outdoor lighting installation is being modified, extended, expanded or added to, the entire outdoor lighting installation shall be subject to the requirements of this section.
13. Expansion, additions, or replacements to outdoor lighting installations shall be designed to avoid harsh contrast in color and or lighting levels.
14. Where practicable, electrical service to outdoor lighting fixtures shall be underground.
15. Proposed lighting installations that are not covered in this section may be approved if the Planning Commission finds that they are designed to minimize glare, do not direct light beyond the boundaries in excess of 0.2 foot-candles of the area being illuminated or onto adjacent properties or streets, and do not result in excessive lighting levels.



16. For the purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture (i.e. luminaire).
17. Temporary (3 months) Holiday lighting during the months of November, December and January shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties.
18. The Planning Commission may modify or waive the requirements of this section if it determines that in so doing, it will not jeopardize the intent of these regulations.

END OF VILLAGE NARRATIVE

A handwritten signature in black ink, appearing to be 'D. M. H.', is located in the bottom right corner of the page. The signature is written in a cursive style with a horizontal line extending to the right.

SUP #2004-11P APPROVED PLAN DEVELOPMENT DOCUMENT 5

CHARACTER DESIGN GUIDE
FOR
THE VILLAGE AT GRAND TRAVERSE
ACME CHARTER TOWNSHIP

MAY 2ND, 2004



ss
DMH

This character guide has been developed to represent general concepts to be incorporated in the Village at Grand Traverse during its current conceptual stage during the Special Use Permit process. As the site matures from its current concept stage to a designed proposal this Character Guide will be replaced with a formal "Development Standards Guide" or "Code Book." A conceptual outline being:

- Section 1: Introduction
- Section 2: Site Planning
- Section 3: Materials & Architecture
- Section 4: Landscaping
- Section 5: Stormwater
- Section 6: Energy efficiency
- Section 7: Signs
- Section 8: Land Planning
- Section 9: Construction Rules and Regulations
- Section 10: Review & Appeals

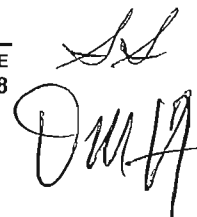
Acme Township staff, Planning Commission and Board of Trustees will have input and final approval of this formal documentation, and will be part of the Site Plan Approval process as outlined in Section 8.26.6 of the Zoning Ordinance.

Introduction

The Village of Grand Traverse is a planned community center that utilizes a combination of contemporary and traditional town planning principles ensures that the commercial and retail needs of daily life are brought within walking distance of diverse homes. The clear emphasis of the Village is on the pedestrian and the creation of "Downtown" for Acme Township, while recognizing that the majority of township residents will rely upon motor vehicles to access the site.

The concepts outlined herein will form the basis for the specific guidelines for residential and commercial associations at the Village. The major elements of design that will affect or reinforce the desired visual characteristics and character for the Village at Grand Traverse are addressed in this Character Design Guide.

The criteria or guidelines presented herein are not intended to discourage creative design or individuality; rather, they are intended to provide the continuity and consequent image which will make this development unique and distinguishable as a special place. The design process subsequent to issuance of the Special Use Permit is therefore most important, as the intent is that individual units must relate to one another, building by building and site by site.



The Township Board or its designee shall determine whether a proposal meets the intent of this guide as the project moves forward to Site Plan approval.

Commercial Architecture

General Architectural Intent

A single style of architectural design will not be prevalent in this development; rather, individual buildings and development parcels will be distinguished by a specific architectural style that is appropriate to the particular site and the entire development. While a single architectural style will not exist, all buildings within the development will be compatible and complimentary in design and all building elements will receive equal design consideration. The intent is to create that market/main street/ pedestrian feel throughout the development by using architectural features to enhance the quality of the development.

Certain design elements that will be understood and analyzed are facade treatment, proportions and massing, symmetry versus asymmetry, rhythm, materials and color.

Each facade as it is perceived from the exterior is an essential element in the visual analysis of any building and there are pertinent factors that will be taken into account when designing the elements of massing, roof, facade and building to ground relationships.

Elements such as entrance detailing, cornices and windows will complement each other in order to create a unified appearance on all facades rather than a carnival of competing elements. The design elements will never appear as a series of pieces with individual emphasis but as a part of a total design statement.

The same principles of the interrelationships of the elements as they relate to a "designed" façade hold true equally as valid in terms of the relationship of plans to facades. Although most design criteria relate to exterior appearance, any building that is well designed has a program (space needs), a plan, a massing or form as well as facades that are interrelated in both the design process and final product. A good exterior design is reflective of a good plan and vice versa.

Particular elements of design are as follows:



Massing

All buildings will be broken down into smaller elements to provide interest, articulation, vary rooflines and to define exterior spaces. The massing of larger building prototypes such as multi-unit commercial buildings will be articulated to reflect entrances. Large single user stores must use architectural features to de-emphasize the immense size of their building. Building facades greater than one hundred feet in length shall incorporate recesses and projections along at least twenty percent of the length of the façade. Windows, awnings, pilasters, projections, reveals and public arcades must total at least forty percent of a façade length abutting a public or private street.



SS
OMA

Facades

A facade will be broken into four (4) major areas:

1. The roof area comprising the mass, pitch, dormers, chimneys and cornices.

There will be a strong definition of the roofline for all structures. Sloped roofs will be used in combination with flat roofs to enliven the building profile and in some cases, to provide screening for mechanical equipment. Canopies and other architectural elements will be used to define the roof. Variations in rooflines will be used to add interest to and reduce the massive scale of large buildings. Roof features will compliment the character of surrounding buildings in the development. All rooflines will have projecting eaves or cornices. The average height of a parapet shall not exceed 15% of the height of the supporting wall and no point shall exceed one-third the height of the supporting wall.



2. The entrance or egress area, ornamentation and doors.

Building entrances will be designed as a significant element in the composition of the overall facade and scaled to the pedestrian level. Provisions for canopies and overhead projections are encouraged.



3. Windows and other openings.

The windows and other openings will reflect the architectural character and style. Window treatments provide an opportunity to achieve architectural definition and detailing. They will be scaled and designed so as to meet the pedestrian or market atmosphere of the development.



A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be "JMA".

4. Relationship to facade to ground.

A change in materials or a change in setback encourages articulation of the building base. The building base will be scaled and detailed for pedestrian activity, particularly for commercial and retail-related uses. Building facades greater than one hundred feet in length shall incorporate recesses and projections along at least twenty percent of the length of the façade.



Facade Requirements

Minor architectural features: Pilasters, columns, reveals, projecting ribs, or offsets not less than 12 inches in depth. Entranceways, window awnings or a material change can be classified as a minor feature at the discretion of the board.

Major architectural feature: 3 foot minimum projection or recess at least 20% of the building's length, grand entranceway, or arcades are examples of major features.

Front Facade: Maximum of 25 feet between minor architectural features and a maximum of 100 feet between major architectural features.

Side and Rear Facades: No more than 50 feet between minor architectural features and no less than 100' between major architectural features.



Proportion

Proportion is the relationship of height and width and the use of rectilinear forms both horizontal and vertical are common. The main mass is often horizontal while windows and doors are vertical.

Roof areas and cornices and fascias are of horizontal emphasis and visually terminate the building. All elements of design will be consciously selected to be of consistent proportion in order to produce a unified design.

Generally, the roof area and facade areas complement and balance each other and often the entrance area is more ornate to complement the cornice and fascia.

Rhythm

Rhythm refers to the regular occurrence of elements such as windows, door and details. For example: varying window heights, space between windows and varying floor heights are often used to emphasize either horizontally or vertically.

Design Details

Detailing is one of the most significant aspects of a successful design in defining the character of a development.

It is essential to study the details of any style, traditional or contemporary, to determine the success and completeness of any design. This does not mean that the amount of detailing or trim applied to a surface necessarily generate a design of high quality nor does minimization of detailing imply poor quality.

It is important to recognize that maintenance, craftsmanship and cost strongly affect the ability to utilize design details; however, as long as the detailing is compatible with the design intent of a period or style, it can be successful.

In dealing with the design and implementation of details, consideration must be given to the scale and proportion of those elements whether their emphasis is strong or minimal, vertical, or horizontal. Smaller embellishments such as molding and dentils, are of secondary importance in relation to the overall unit design. For example, the overall proportions and mass of a cornice are more important than the amount of detailed dentil work it contains.



Materials

Since the architectural styles will vary from parcel of parcel, the building materials will vary as well. Only quality material such as brick, stone, pre-cast concrete, stucco (including "Dryvit"), and split face block (sides and rear) will be considered in context to the overall function of the building as well as its architectural design. The Township Board will determine the suitability of other materials.

Primary and secondary exterior materials of different colors and textures will be considered for architectural interest; however, a minimum of different materials will be used.

More contemporary and synthetic materials such as plastics and some metal and brick facing do not have the same character mass or appearance as do more traditional and original materials. The proper selection of quality materials will enhance the overall style and appearance and will ease both construction and maintenance.

Combination of the materials will be used to provide detail and break up the monotony of long walls. Natural materials (stone, brick, acceptable faux simulations thereof, etc.) must comprise 40% of front façades and 25% of side and rear façades.

Texture

Texture will be defined as the arrangement, size and quantity of repeated elements. More repeated elements equal a greater sense of texture. The texture of a surface is created by the patterns and placement of windows, doors, architectural features, materials and the degree of detailing and embellishment.

Color

Color is a means of emphasis. Used wrongly or too intensely, it provides inappropriate emphasis to details. In this regard, the more intense chromatic colors tend to distract from a harmonious design and are discouraged. In general, earth tones or white will be used. Lighter colors bring out elements from the building surfaces whereas darker colors tend to cause elements to recede. Trim and accent features can be brightly colored but in no instance will fluorescent or day-glo colors be used.



Utility Attachments

All projections, utility boxes, vents, flues, gutters, and downspouts will be painted to match the surface from which they project or painted a color compatible with the building materials and design.

Rooftop HVAC Units

All rooftop HVAC units, including controls, control panels, PVC plumbing, and vent pipes will be effectively screened from view.

Accessory Buildings and Uses

All accessory buildings are subject to the standards of this guide. This includes gazebos, sheds, storage buildings and outside display areas.

Commercial Site Amenities

Landscape Material

To provide for a uniform character to the development, plant materials and landscape features must match the general pallet and size of material approved for placement within the Village at Grand Traverse.



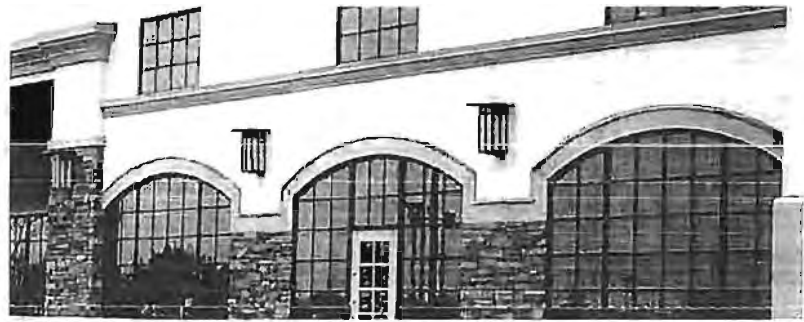
Pedestrian Areas

Pedestrian circulation and "walkability" of the overall development remains a priority. Pedestrian areas near buildings are meant to depict small personal spaces reminiscent of a main street/market environment. Therefore, it is recommended that seating areas shall be provided along with patterned surfaces that break up the horizontal plane of the space. Pavers or colored concrete patterns within poured concrete walks are required every 20 feet when adjacent to the front façade of a structure. The maximum distance between outside seating areas shall be eighty (80) feet when adjacent to a building and (300) feet when traversing the development in general.



Lighting

Lighting will be consistent with the style, type, height and illumination of lighting within the development. The Township Board can authorize deviations from this requirement if there are compelling reasons. Lighting near the buildings will be provided by ornamental fixtures, either in traditional light poles or wall sconces, at a compatible pedestrian scale. Lighting of other pedestrian areas will be accomplished through the use of bollards. Lighting parking areas shall be accomplished by using 100% cut-off style lighting at a minimum of 1 foot candle and a maximum of 10 foot candle.



Signage

Both way-finding and business identification signage style, type and placement will be controlled by a uniform signage plan that will assure the uniformity of the Village at Grand Traverse. This plan will be developed in conjunction with Township staff and will be approved by the Township Board prior to application for sign permits.



Parking

In order to maintain a consistent character of the Village at Grand Travers, landscaping and layout will be consistent. Therefore, the primary provision of parking will be through 90° parking bays with multiple direction circulation. In rare instances, where landscaping and buffer areas are being preserved, the use of limited 60° and 45° parking spaces and/or one-way circulation will be approved by the Township. The exception of this will be Acme Way where 45° parking is provided to facilitate a traditional main street presence.



Neighborhood Architecture

The classic neighborhoods throughout Northwest Michigan combine a series of styles, reflecting the area's diverse settlement patterns. Folk, Italianate, Craftsman and bungalow homes converge along tree-lined streets throughout the region and give this area its distinct Midwestern character.

The Village at Grand Traverse's residential standards will be based upon this character. The standards and guidelines will be provided not to encourage sheer replication of these neighborhoods, but to encourage the use of these historic patterns as the proper basis for homes that clearly belong to the same lineage, but also adapt themselves to the 21st century.

Consequently, the standards that will be developed will specify basic proportions and detailing while avoiding strict discussion of prescribed styles. Only described materials and architecture will be permitted in conformance with the standards developed as part of the eventual "Development Standards Guide" or "Code Book." In partnership with the Township and staff, the Village at Grand Traverse will develop standards that assure:

- Construction with materials that will wear well over time and, if properly maintained, age without adverse aesthetic impacts,
- Construction with materials having no unusual adverse environmental consequences,
- Using architectural approaches that contribute positively to the streetscape,
- Using architectural approaches that discourage unnecessary complexity in design, and
- Using architectural approaches that provide appropriate design detail to all sides of buildings without requiring that all sides be equivalent (in general detail on the sides and rear of buildings should be simpler than the front and the savings in such detailing should be used in obtaining well executed front details).

Additionally, the Village at Grand Traverse philosophy is that private dwellings are part of a cohesive neighborhood rather than simply separate homes. Homes, sidewalks, and even landscaping and architecture, will be combined into a single functional and attractive "outdoor room." The standards to be developed and contained within the eventual "Development Standards Guide" or "Code Book" will provide important details assuring that structures are built with attention to architectural detail and sustainable features. For homes not constructed as part

of the initial development, an Architectural Review Board will be developed by the Village Home Owners Association to assure harmony of future construction.

Sidewalks and Greenway

The transition from the public street to the private home will be created by the proper use of sidewalks, greenways and fences. Trees provide important shade in the neighborhood and add character to the street, while side-walks provide pedestrian access throughout the neighborhood.

Materials & Architecture

The Village at Grand Traverse's homes will emphasize natural materials of sustainable qualities. Architecture will be guided in proportion and placement with architectural details appropriate to "up north" and regional architecture.

Porches

Functional porches provide much of the character of a neighborhood and will be encouraged for all Village homes as an integral part of the streetscape.

Build-To Lines

Build-to lines define a fundamental relationship between the street, the public zone, and the home, and create proportions that are comfort-able to people walking in the neighborhood.

Corner Lot

Corner locations in traditional neighborhoods are the most important on the block. They serve as gateways and anchors to the streetscape. Specific standards for corner lots will be developed and adhered to.

Parking

A homeowner's primary parking will be the garage, typically accessed from a rear lane. In addition, on-street parking will be permitted, which provides a buffer between pedestrians and traffic. Garages will be located off of alleys to avoid becoming primary elements along the streetscape.

Civic Use

Civic use buildings shall include those buildings which are publicly owned, or otherwise serve a public purpose including but not limited to post offices, police facilities, fire facilities (volunteer or paid), governance facilities, libraries, utility buildings, churches, synagogues, mosques, temples, public and private schools, colleges, public or non-profit museums, public transportation buildings, buildings owned by the Village at Grand Traverse or a property owners association for community benefit and public amenities (such as rest room facilities, gazebos or concessions in parks).

Wide latitude in parameters for the design of civic buildings will be allowed. All civic buildings shall require Township approval, however all civic buildings will be of a design compatible with the Village.



END OF VILLAGE CHARACTER GUIDE

Handwritten signature

AT GRAND TRAVERSE
L.L. BEAN & CO. INC.



General Notes

1. All buildings are to be constructed in accordance with the approved site plan.
2. All buildings shall be constructed in accordance with the approved site plan.
3. All buildings shall be constructed in accordance with the approved site plan.
4. All buildings shall be constructed in accordance with the approved site plan.
5. All buildings shall be constructed in accordance with the approved site plan.
6. All buildings shall be constructed in accordance with the approved site plan.
7. All buildings shall be constructed in accordance with the approved site plan.
8. All buildings shall be constructed in accordance with the approved site plan.
9. All buildings shall be constructed in accordance with the approved site plan.
10. All buildings shall be constructed in accordance with the approved site plan.

Legend

Red	Townhome	Blue	Small Building
Orange	Multi-Unit Building	Yellow	Multi-Unit Building
Yellow	Multi-Unit Building	Green	Green Space
Green	Green Space	Pink	Other

Scale

0 10 20 30 Feet

SS

**EXHIBIT "2" TO
SPECIAL USE PERMIT
ISSUED TO THE VILLAGE AT GRAND TRAVERSE, L.L.C.**

ACME TOWNSHIP

RESOLUTION OF THE ACME TOWNSHIP BOARD OF TRUSTEES

At a regular meeting of the ACME TOWNSHIP BOARD OF TRUSTEES held on September 16, 2004, the ACME TOWNSHIP BOARD OF TRUSTEES, on a Motion made by Noelle Knopf, and seconded by Dennis Hoxie, passes the following Resolution:



WHEREAS, The Village at Grand Traverse, LLC has submitted an application, along with certain documents including Mixed Use Planned Development Narrative for the Village at Grand Traverse dated May 2, 2004, the Conceptual Plan and the other written documents (collectively, "Application") for approval of a mixed use planned development ("Proposed Project") under Section 8.22 of the Acme Township Zoning Ordinance ("Zoning Ordinance"); and

WHEREAS, the Application meets the requirements of Sections 8.22.5 and 8.1.2(2)(a) of the Zoning Ordinance; and

WHEREAS, the Acme Township Planning Commission has held public hearings and made recommendations to the Acme Township Board of Trustees on the Application; and

WHEREAS, the Acme Township Board of Trustees has considered the following objectives in reviewing the Application and Proposed Project:

1. To permit flexibility in the regulation of land development;
2. To encourage innovation in land use and variety in design layout, and type of structures constructed;
3. To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities;
4. To encourage useful open space; to provide improved housing, governmental functions, employment and shopping opportunities particularly suited to the needs of Acme Township and the Grand Traverse Region;
5. To encourage the innovative use of land in close proximity to U.S. 31 North and M-72.

1  

WHEREAS, the Acme Township Board of Trustees finds that the Conceptual Plan is compatible with adjacent land use, the natural environment, and the capacities of the affected public service; and

WHEREAS, the Acme Township Board of Trustees finds that the Conceptual Plan is consistent with the public health, safety and welfare of Acme Township's residents; and

WHEREAS, the Acme Township Board of Trustees finds that the benefits of the Proposed Project cannot be achieved under any single zoning classification; and

WHEREAS, the Acme Township Board of Trustees finds that the Proposed Project will include additional public amenities, including parks, TART Trails and areas available for civic uses; and

WHEREAS, the Acme Township Board of Trustees finds that the Proposed Project will consolidate and maximize usable open space; and

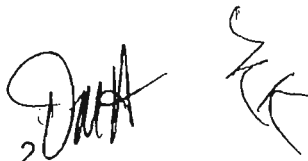
WHEREAS, the Acme Township Board of Trustees finds that the Proposed Project will include landscaping to ensure that proposed uses will be adequately buffered from one another and from the surrounding property (both public and private), as well as create a pleasant pedestrian scale outdoor environment; and

WHEREAS, the Acme Township Board of Trustees finds that the Conceptual Plan includes safe, convenient, uncongested and well-defined circulation of vehicular and pedestrian traffic within the proposed development; and

WHEREAS, the Acme Township Board of Trustees finds that the Proposed Project will not adversely impact any existing natural, historical or architectural features within it; and

WHEREAS, the Acme Township Board of Trustees finds that the Conceptual Plan meets the standards articulated in Section 8.1.3(1) of the Zoning Ordinance, and that the conditions imposed by the Acme Township Board of Trustees as set forth in the Special Use Permit – Conceptual Plan Approval will:

1. Insure that public services and facilities affected by the Proposed Project will be capable of accommodating increased service and facility loads caused by the Proposed Project to protect the natural environment and conserve natural resources and energy to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
2. Protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the Proposed Project,


2

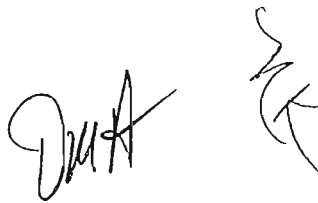
residents and landowners immediately adjacent to the Proposed Project, and Acme Township as a whole.

3. Be related to the valid exercise of the police power, and purposes which are affected by the Proposed Project.
4. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the Proposed Project, and be necessary to insure compliance with those standards.
5. Ensure that the Proposed Project meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.

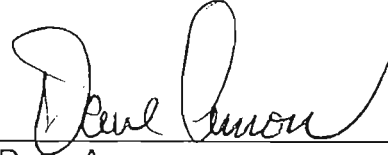
WHEREAS, the Acme Township Board of Trustees has reviewed all of the information submitted by the Applicant and considered by the Acme Township Planning Commission including but not limited to (1) the minutes of the Acme Township Planning Commission meetings at which the Application was considered, (1) the Special Use Permit Application No. 2004-11P (5/3/04); (3) the Vicinity Map; (4) the Boundary Survey and Legal Description (12/16/02); (5) the Concept Site Plan (5/2/04 revised 6/2/04, 6/14/04, 6/16/04, 7/7/04); (6) the Conceptual Site Cross Sections (5/21/04); (7) the Open Space Area Plan (6/2/04 revised 6/14/04, 6/17/04, 6/26/04, 9/6/04); (8) Preliminary Traffic Impact Study (6/7/04); (9) Mixed Use Planned Development Narrative (5/2/04); (10) the Character Design Guide (5/2/04); (11) Phasing Plan (8/16/04); and (12) the various memoranda responsive to inquiries from Acme Township/public input

THEREFORE BE IT RESOLVED, that:

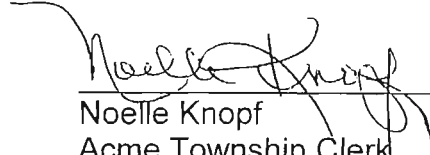
1. The Acme Township Board of Trustees adopts the recommendations of the Acme Township Planning Commission, except as those recommendations are inconsistent with the Special Use Permit issued to the Applicant.
2. The Acme Township Board of Trustees adopts the August 12, 2004 review and recommendations of R. Clark Associates, Inc., attached as Exhibit "3" to the Conditional Special Use Permit except as those recommendations are inconsistent with the Special Use Permit issued to the Applicant.
3. The Acme Township Board of Trustees adopts the findings of fact contained in the August 31, 2004 letter from R. Clark Associates, Inc., attached as Exhibit "4" to the Special Use Permit, except as those recommendations are inconsistent with the Special Use Permit issued to the Applicant.



4. Based on the submissions of the Applicant, the Acme Township Board of Trustees finds that the application requirements set forth in §8.22.5(1)-(7) have been provided in a form and manner acceptable to Acme Township.

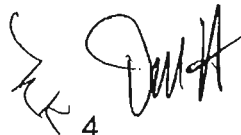


Dave Amon
Acme Township Supervisor
Date: September 17, 2004



Noelle Knopf
Acme Township Clerk
Date: September 17, 2004

S:\JAC\ACMETWP\ZONING\Town Center Issues\8.22 Application\Resolution(8.22 Sept. 16, 2004 #1).doc





August 12, 2004

Acme Township Planning Commission
Acme Township
6042 Acme Road
Acme, Michigan 49610

EXHIBIT "3"

Dear Commissioners:

Subject: Planning Consultant's Review & Recommendations
The Village at Grand Traverse (A Mixed-Use Planned Development)

Location: The site is known as the Rollert parcel. It is located at the southeast intersection of Lautner Road and M-72 West, in Section 2, Town 27 North, and Range 10 West. The application includes Acme Township parcel numbers 28-01-102-005-00, 28-01-102-001-00, and 28-01-102-007-00.

The R. Clark Associates, Inc. planning staff (RCAI) has completed a review of the proposed "The Village at Grand Traverse" conceptual master plan, application and supporting documentation against the policies and provisions of the Acme Township Master Plan and Zoning Ordinance.

This review is for the scheduled Planning Commission meeting on August 16, 2004. The findings of this review are based on the revised conceptual master plan submitted by the applicant on August 11, 2004. Please reference the following section titled "Revised Conceptual Plan Highlights" for more information.

SUBMITTED APPLICATION & SUPPORTING DOCUMENTATION

The following list of documents has been provided for our review of The Village at Grand Traverse project to meet the application requirements for Section 8.22 Mixed Use Planned Development and Section 8.1 Special Use Permit of the Acme Township Zoning Ordinance:

SECTION 8.22.5 APPLICATION:

- Special Use Permit Application #2004-11P Dated:5/03/04**

- (1) *Vicinity map showing vehicular and pedestrian circulation, existing land use and zoning for the entire site and surrounding areas.*
 - Vicinity Map & Zoning Dated: No Date**

- (2) *A certified boundary survey and legal description of the property.*
 - Boundary Survey & Legal Description Dated:12/16/02**
Gourdie-Fraser

- (3) *A concept site plan showing the development boundaries, proposed structure locations, existing and proposed utilities, pedestrian and vehicular circulation, landscape development, areas of tree removal, earth shaping and grading, open spaces and their intended use, recreation facilities, and such other features as might be requested.*

- Concept Site Plan** **Dated: 5/2/04**
- Revised Concept Site Plan with contours** **Received: 6/2/04**
- Revised Concept Site Plan** **Dated: 6/14/04 and 6/16/04**
- Revised Concept Site Plan** **Dated: 7/7/04**
- Revised Concept Site Plan** **Dated: 8/12/04**
- Conceptual Site Cross Sections** **Dated: 5/21/04**
- Open Space Area Plan** **Received: 6/2/04**
- Revised Open Space Area Drawing** **Dated: 6/14/04**
- Revised Open Space Area Drawing** **Received: 6/17/04**
- Revised Open Space Area Plan** **Dated: 6/26/04**
- URS Prelim. Traffic Impact Study** **Dated: 6/7/04**

(4) *A description of the type, character and proposed use of land and structures within the planned development.*

- Mixed Use Planned Development Narrative** **Dated: 5/2/04**
- Concept Site Plan** **Dated: 5/2/04**
- Character Design Guide for
The Village at Grand Traverse** **Dated: 5/2/04**
- Response Memo #1** **Dated: 6/1/04**
- Response Memo #2** **Dated: 6/14/04**
- Estimated Phasing Plan (Response Memo #2)** **Dated: 6/14/04**
- Potential 75' Tall Bldgs. (Response Memo #2)** **Dated: 6/14/04**
- Revised Density & Land Use Table** **Dated: 8/12/04**

(5) *Statement of present ownership of all land contained in the planned development.*

- Applicant is the property owner according to Acme Township records.**

(6) *Computation of total property area, open space, parking and building or structure areas.*

- See Revised Concept Site Plan, Revised Open Space Area Drawing, Mixed Use Planned Development Narrative and Response Memos #1 & #2.**

(7) *A written Impact Assessment in accord with Section 8.1.2(2) d*

- Mixed Use Planned Development Narrative Dated: 5/2/04**

Development Proposal

This application is for a mixed-use planned development project titled The Village at Grand Traverse. The applicant seeks permission to obtain a Special Use Permit on the Conceptual Master Plan, which is the first step of a two-step review and approval process under the zoning ordinance Section 8.22 Mixed Use Planned Development.

The first step of the review process under the provisions of the zoning ordinance is the review of the conceptual site plan. The proposed development must meet the standards of Section 8.22 Mixed Use Planned Development and the procedure for review and approval of the request as referenced in Sections 8.1.2 (3) and (4) which define the Special Use Permit review process. The application and the required data shall be transmitted to the Planning Commission for review. After adequate review and study of the information, the Planning Commission shall hold a public hearing following publication in a newspaper at least 10 days prior to the date of the hearing.



Upon conclusion of the hearing procedures, the Planning Commission shall approve, approve with conditions, or disapprove the application and forward its findings to the Township Board.

After consideration at its next regular meeting or a subsequent meeting, the Township Board shall determine if the special use permit shall be issued. Only after the approval of the Township Board may the Zoning Administrator issue a special use permit.

The Village at Grand Traverse proposal has been submitted as a twenty-year master plan with a mixture of land uses. The proposed land uses consist of a variety of residential units, civic uses, mixed uses (retail, office & residential), hotel, anchor stores, parking, sidewalks, trail connections, pedestrian plazas, main street with on-street parking and open space.

The revised breakdown of developed land uses provided by the applicant from the Revised Density & Land Use Table dated: 8/12/04

Revised Density & Land Use Areas for the Village at Grand Traverse Project

Description	Residential Units	Square Feet (+/-)	% of Total
Retail		770,000	32%
Civic		40,000	2%
Mixed Use***	228	365,000	15%
Hotel**	250	225,000	9%
Residential (42% of Total Site)			
Single Family*	90	252,000	10%
Row Houses*	60	126,000	5%
Town Houses	86	129,000	5%
Senior Housing	150	106,000	4%
Club House		28,000	1%
Multi-Family	430	360,000	15%
Total Built Density	1044	2,401,000	100%

* Denotes accessory apartments included within density calculations

** Hotel is not considered in total residential number of units

*** Estimated number of residential units, however this density may be other uses

The 2,401,000 sq. ft. is the total area by **land use**. It does not reflect the proposed structures' footprint on the ground. It only identifies total building area. The proposed land use structures that are multistory will have a footprint smaller than the area stated in the table above.

The total area of the project is 182 acres.

Revised Conceptual Site Plan Highlights

The following bullets summarize most of the recent changes to the applicant's conceptual site plan received August 4, 2004. Please review these items and compare revised drawings to the original, June 17, 2004 and June 6, 2004 drawings submitted.

- The second retail anchor structure has been removed from the plan.

- The applicant has modified the conceptual site plan by replacing the second retail anchor with a residential land use at 20 units per acre.
- 19 mixed-use structures have been removed from the plan.
- The applicant has added multiple tenant retail or residential with a density of 20 dwelling units to the acre to the conceptual site plan in place of the mixed-use structures.
- 4 mixed-use buildings have been added to the plan and they are located west of the life style retail area along the north/south road.
- The applicant has adjusted the locations of two retail structures in the life style area to provide additional parking behind the retail structures.

Planning Consultants Findings

Parcel Character

The applicant's parcel is known as the Rollert Property. It is located on the southwest side of the M-72 and Lautner Road intersection. The total property area is 182 acres. The property currently has a house and barn in different locations, active farm fields and an orchard. The property has rolling terrain with approximately 80 feet of grade change with the lower area consisting of wooded wetlands along the western edge. Acme Creek flows through the wetland area in a northwesterly direction. The majority of the property drains towards the Acme Creek watershed and the eastern edge of the property drains towards the Yuba Creek watershed.

Acme Township Master Plan (Adopted May 1999)

Master Plan Highlights

- *Most township residents want a "downtown" where civic events, commerce, and high-density housing might occur. (P65)*
- *High Density with mixed uses (P65)*
 - *Business, single family, multi-family housing organized around the principle of sustainable neighborhoods*
 - *Roads, alleys, sidewalks and other urban elements*
 - *Neighborhoods to follow neo-traditional grid pattern*
 - *1,500 foot walking distance radius centered on commercial uses*
 - *Bounded by parks and un-built natural areas*
 - *Wild places and natural habitats should be maintained as much as possible-even in urban areas; and be connected through wildlife corridors*
- *New development should occur in and around existing development to utilize installation efficiency. (P66)*
- *Pedestrian and bicycle use should be advanced by the provision of sidewalks and pathways. (P66)*
- *Allow for diverse housing types, which furnish housing for all levels of society. (P66)*
- *Public transit should be available in the core areas. (P66)*
- *Civic places should be included within neighborhoods. (P67)*
- *Three of the following should be followed within high density areas:*
 - *Street and parking areas trees of appropriate size and spacing are required*
 - *Effective screening of parking areas shall be provided.*



- *Signage shall be appropriate and harmonious with the surroundings.*
- *Appropriate design for the site surroundings shall be required. (P67)*
- *Within high density or mixed-use areas, an objective to preserve between 20% to 30% of the land should be provided as open space, permanently preserved un-built areas – parks, commons, reserves, etc. (P67)*
- *All non-rural and non-agricultural activities should be directed to high-density areas within the township. (P62)*
- *Sidewalks or pathways and street trees shall be installed in developments within high-density areas. (P67)*
- *It is necessary that municipalities and regions have a set of values that can unify and guide them. Terms such as “quality of life”, “family values,” and “open space” used during the process indicate a longing for a place of character and a culture that provides more than a landscape abandoned only to economic designs. (P77)*

Acme Township Zoning Ordinance Review

The following review of the zoning ordinance identifies the ordinance standards and sections in the “Times New Roman Font” and our findings or response in “**Arial Bold Font**”.

SECTION 8.22 MIXED USE PLANNED DEVELOPMENT

This application is required to meet the standards of this section of the Acme Township Zoning Ordinance.

SECTION 8.22.1 STATEMENT OF INTENT: It is the purpose of this section to permit the Township flexibility in the regulation of land development and to encourage innovation and variety in land use and design of projects of sufficient size to be considered self-contained, to the extent the projects are separated so as to not impact adversely on other land uses in the immediate vicinity, are not an integral part of other already developed or committed land uses, are directly accessible from major thoroughfares as designated on the Major Thoroughfare Plan for the Township, and will not have any adverse economic, social, or environmental impact on surrounding land uses, as are located in the East one-half (½) of Section 3 and the West one-half (½) of Section 2 of Acme Township, west of Acme Creek and north of the State of Michigan Railroad.

SECTION 8.22.2 OBJECTIVES: In addition to the objectives set forth in Section 8.1 the following objectives shall be considered in reviewing any application for a special use permit for a Mixed Use Planned Development:

- (1) To permit flexibility in the regulation of land development;
 - **The application is for a mixed-use development on land zoned R-3.**
 - **The applicant's narrative states that the proposed development meets the principles of Smart Growth and 20 of the 21 principles of the Grand Traverse Bay Region Development Guidebook. (See page 28 of the Narrative.)**
- (2) To encourage innovation in land use and variety in design layout, and type of structures constructed;
 - **The mixed use development will include civic and community facilities (2%), mixed uses such as residential, office and/or retail in one structure (15%), commercial/retail (32%), hotel (9%), clubhouse (1%), and residential land uses in five different housing types (39%). The**

development plan also has pedestrian plazas, sidewalks, trails, open space, recreation fields and buffers to adjoining roadways.

- **The Michigan Department of Transportation (MDOT) and the Grand Traverse County Road Commission regulate the proposed curb cut locations and quantities.**
- (3) To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities;
- **The proposed development is laid out such that the more intense commercial development is located away from the Acme Creek area and the residential development is set back 225 feet from the creek.**
 - **There are proposed storm water detention basins and a parking lot illustrated on the conceptual plan between the residential development and Acme Creek.**
 - **The project is intended to be serviced with municipal sewer and water infrastructure. There are proposed civic buildings and community activity spaces for public use.**
- (4) To encourage useful open space; to provide improved housing, governmental functions, employment and shopping opportunities particularly suited to the needs of Acme Township and the Grand Traverse Region;
- **Based on the variety of mixed land uses, the proposed development does facilitate useful open space areas, potential governmental functions, a variety of housing choices, employment and shopping opportunities for the residents of Acme Township and the Grand Traverse Region.**
- (5) To encourage the innovative use of land in close proximity to U.S. 31 North and M-72.
- **The proposed project includes a mix of land uses, community use areas, buffers to wetlands, trail linkages, etc. as compared to a single land use development with very little innovative use of the land.**
 - **The majority of the development is away from the headwaters of Acme Creek. The lower elevations of the site are not developed and are part of the buffer to the wetlands and Acme Creek.**

SECTION 8.22.3 DIMENSIONAL & USE RESTRICTIONS: In acting upon an application for a Mixed Use Planned Development, the Township Board may alter and establish lot size limits, required facilities, buffers, open space areas, density limits, setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, miscellaneous regulations and density and intensity limits where such regulations or changes are consistent with the intent of this section and the standards set forth herein.

The Township Board may also authorize principal and other uses not permitted in the district where the land is located, provided that such are consistent with the intent of this section, the standards set forth herein. Dimensional and parking use restrictions of the underlying zoning shall not apply to the area within an approved Mixed Use Planned Development unless expressly retained in the permit.



Applicant's Requested Alterations to the Zoning Ordinance Standards

- **Change in the Parking Ratios due to the shared parking opportunities of the project**

<u>Proposed Parking Ratio by Land Use</u>	<u>Current Ordinance Standards</u>
5 spaces / 1,000 sq. ft. –Retail	10 spaces/1,000 sq. ft. – Retail
10 spaces/1,000 sq. ft. – Restaurants	13.3 spaces/1,000 sq. ft. – Restaurants
4 spaces/ 1,000 sq. ft. – Professional Office	5 spaces/ 1,000 sq. ft. – Prof. Office

In Response Memo #2 states, “This is the minimum ratio that the applicant feels comfortable with for retail, however there will need to be flexibility to allow for higher ratios for entertainment area type uses (fine dining, theaters, sporting facilities, etc.).”

- **The Planning Commission may request that the applicant provide less parking than requested. Perhaps the parking area reduction could become turf overflow parking until the grass is not able to survive the intensity of parking use, then the developer would have the right to install the asphalt surface based on the actual use or demand.**
- **Height limitation increased to 75 feet for the Hotel from the 35 feet maximum height standard of the zoning ordinance. The applicant has withdrawn the request for any height allowance on other buildings as identified in Response Memo #2, dated 6/14/04. This structure is setback a 150 feet from the right-of-way line for M-72. We do recommend the consideration of this allowance for a 75' maximum height on the condition that the structure shall be 150' from the right-of-way line for M-72. This will be a 2' setback for every 1' of height for the taller structure.**

SECTION 8.22.4 QUALIFYING CONDITIONS: A Mixed Use Planned Development is intended to accommodate developments; (a) with mixed or varied uses, (b) sites with unusual topography or unique settings within the community, and (c) land which provides a unique opportunity to develop with an atmosphere which can accommodate a variety of civic functions as well as mixed land uses which add interest and flavor to the living and working environment while protecting fragile areas having high natural values.

The proposed Mixed Use Development plan is capable of meeting the conditions listed above for the following reasons:

- **The proposed project does provide a variety of land uses.**
- **This site does have a unique setting in the community due to its location and proximity to the intersection of M-72 and US-31. The site is within the Acme Township sewer service area, it has topographic variety, can support development without removal of major woodland cover, contains a portion of the Acme Creek corridor, and wetlands.**
- **The proposed project does provide for civic land uses, civic functions, opportunities for people to live, work and recreate in a walk-able setting.**
- **The fragile natural areas of the site have been identified, and the proposed conceptual site plan illustrates that these areas will be protected and maintained in their natural condition.**
- **The applicant will be required to provide market and economic feasibility information on the commercial development at the site plan review phase per Section 8.22.6 Site Plan Approval.**



Approval will not be granted when the Mixed Use Planned Development is sought primarily to avoid the imposition of standards and requirements of existing zoning classifications rather than to achieve the objectives of this section.

- **The proposed development plan is clearly a mixed-use project. This application is proposing a higher percentage of commercial development over residential development, which is the existing zoning for the property.**
- **The zoning ordinance does not identify a minimum or maximum percentage of commercial or residential development land use nor does it identify a minimum open space requirement in the Mixed Use Planned Development standards of Section 8.22. The Acme Township Master Plan does have an open space recommendation of 20 to 30% for mixed-use projects. (Page 67)**

Additionally, no planned development shall be approved unless it appears that the land use and development meet in addition to the standards set forth in Section 8.1 the following standards:

- (1) The use will be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and such use is consistent with the public health, safety and welfare of the Township residents, and the benefits of the development are not achievable under any single zoning classification.
 - **The adjacent land uses consist of The Grand Traverse Resort (R-3 zoning) to the north, vacant commercially zoned land (B-3 zoning) and some residential use (A-1 zoning) to the east, residential and agricultural use, open space, and wetlands (R-3 zoning) to the south; and Acme Creek, wetlands and the Johnson Mixed Use Development Special Use Permit development (R-3 zoning) and commercial uses (B-2 zoning) along M-72 to the west of the site. A variety of existing and potential land uses surround this site.**
 - **A determination of adequate setbacks and landscape buffers will need to be provided along the south property line to help reduce the impact of the proposed development on adjacent land uses.**
 - **The major natural feature adjacent to and within this site is the headwaters, wetlands and flow of Acme Creek. The township Master Plan identifies this wetland and creek area as “Environmentally Sensitive” and part of a Natural Corridor. It is the intent of the master plan to maintain the natural habitats in the wetland and wooded portion of this site with the exception of the proposed roadway and TART Trail linkage to the Johnson Mixed Use Planned Development.**
 - **The proposed development is to be located in the field and orchard area of the site away from Acme Creek and the only potential development within the Acme Creek area is a proposed service road and trail system to link this property to the Johnson Mixed Use Planned Development and the TART trail. This potential service drive development in the wetland area and creek crossing is subject to the approval of the DEQ.**
 - **This site will be serviced by municipal water and sewer to reduce potential health and safety concerns.**



- **This type of mixed-use development is not achievable under any single zoning district in the ordinance. To do a mixed-use project would require a combination of zoning districts on a parcel if Section 8.22 Mixed Use Planned Development is not applied.**
- (2) The site shall be self-contained as defined in Section 8.3.1 above and shall contain no less than forty (40) acres.
- **The proposed development site is 182 acres and it exceeds this minimum area standard.**
- (3) The use and development is warranted by the design of additional amenities made possible with and incorporated by the development proposal.
- **The additional public amenities proposed in this project are park areas, a clock tower, public transportation shelters, connection to the TART trail system, civic uses, and the esplanade or pedestrian plaza for community events and festivities.**
- (4) The development consolidates and maximizes usable open space.
- **The proposed primary open space is near the Acme Creek area. The applicant has provided an untitled graphic illustration of the open space areas of the project. The applicant has provided calculations and graphics that identify that the proposed concept site plan provides 25% or more open space. Under direction from our planning team the applicant has recalculated the available open space using only areas that can be preserved as un-built portions and are the larger open space areas of the site (this explains the drop from over 40% to 25%). See Public Open Space illustration from the applicant provided on 6/17/04.**
 - **This section of the zoning ordinance does not identify a standard for or percentage required for open space. The Acme Township Master Plan does recommend that high density or mixed-use areas preserve between 20% to 30% of the land as parks, commons, reserves, etc. (See page 67 of the Acme Township Master Plan.)**
 - **The proposed concept site plan meets the Master Plan recommendation for open space in a Mixed Use development.**
- (5) Landscaping is provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.
- **The concept site plan illustrates the intent for landscaping and buffering.**
 - **This revised concept site plan shows the setback/buffer distance as 15' along the south property lines. It also illustrates potential evergreen plantings. This is the minimum distance that the ordinance requires. Additional buffer distance (25' total) would provide the opportunity to place three rows of evergreen trees.**
- (6) Vehicular and pedestrian circulation, allowing safe, convenient, un-congested and well-defined circulation within and access to the development shall be provided.
- **Pedestrian and vehicle circulation are separate based on the conceptual site plan submitted. The applicant's narrative states**



that crossings will require that vehicles yield to pedestrians through the use of signage and material texture changes as well as grade changes. The conceptual site plan illustrates that there will be a hierarchy of streets, service lanes, alleys and several access points into the project.

- The quantity and locations of curb cuts or access roads onto M-72 and Lautner Road will be determined by state and county roadway authorities. A letter from the Grand Traverse County Road Commission has been provided.
- The URS Preliminary Traffic Impact Study Recommendations Report indicates that the development is expected to generate 1,347 trips during morning peak hour and 3,102 trips during the evening peak hour. There will be 551 pass-by trips within the 3,102 evening peak hour trips. Pass-by trips represent the traffic that is already on the roadway going by the site. The proposed development is expected to generate 2,551 new trips during the evening peak hour. This traffic information was based on a previous conceptual site plan land-use configuration. This information has not been revised to reflect the changes in land use and density currently shown on the concept site plan and reflected in the chart on page three. The final traffic impact study will provide more detail according to the preliminary report. The final traffic report has not been provided and the ordinance standards do not require this information until Site Plan Approval. (Section 8.22.6 (6))
- A letter from the MDOT is required before public hearing as per Section 8.1 Special Use Permit of the zoning ordinance.

(7) Existing important natural, historical and architectural features within the development shall be preserved.

- The existing natural features consisting of wetlands, stream corridor, and wooded areas will be retained and protected with the proposed plan. There are no historical architectural features on the parcel based on the Acme Township Master Plan. There is a barn and two single-family houses on the parcels. The Master Plan does not identify these buildings as having historical value.

SECTION 8.22.5 APPLICATION: In addition to the requirements of Section 8.1.2(2)(a), the following requirements shall apply. All land for which application is made must be owned or under control of the applicant and the parcel must be capable of being planned and developed as one integral land use unit. Non-contiguous parcels that are separated by a public or private road or public utility right-of-way may be considered. The application must be signed by all applicants and must contain:

- (1) Vicinity map showing vehicular and pedestrian circulation, existing land use and zoning for the entire site and surrounding areas.
 - Information provided with the application and the Mixed Use Development Narrative.
- (2) A certified boundary survey and legal description of the property.
 - Information provided with the application



- (3) A concept site plan showing the development boundaries, proposed structure locations, existing and proposed utilities, pedestrian and vehicular circulation, landscape development, areas of tree removal, earth shaping and grading, open spaces and their intended use, recreation facilities, and such other features as might be requested.
 - **Information provided in the revised Concept Site Plan, Site Sections, and Open Space Plans. The applicant has provided a preliminary grading concept during the public presentations illustrating the intent and extent of the proposed grading of the site.**
- (4) A description of the type, character and proposed use of land and structures within the planned development.
 - **See the proposed land use table on page 3 of this report for the types and extent of land uses proposed. See the Character Design Guide for the proposed preliminary design character elements of the project.**
- (5) Statement of present ownership of all land contained in the planned development.
 - **See application**
- (6) Computation of total property area, open space, parking and building or structure areas.
 - **See the Mixed Use Development Narrative**
- (7) A written Impact Assessment in accord with Section 8.1.2(2) d.
 - **See the Mixed Use Development Narrative (Starting on page 11)**

SECTION 8.22.6 SITE PLAN APPROVAL - ADDITIONAL REQUIRED INFORMATION:

The following detailed information (items 1-8) will be required at the site plan approval phase of the project as established by the following standards of the zoning ordinance.

Upon request for site plan approval of all or a portion of a Mixed Use Planned Development, the applicant shall provide the following information:

- (1) Descriptive site and elevation plans in accord with Section 8.1.2(2) b & c and showing the type, character and proposed use of land and structures within the area of the Mixed Use Planned Development including square feet per unit, floor area for each use type, height of all structures, whether for rent or sale and any other information as required to describe the character of the proposed use or activity.
- (2) A plan identifying the location and type of individual trees of 10 inch diameter one foot off ground or larger, clusters and types of smaller vegetation clusters and types of smaller vegetation.
- (3) A description of all exterior building materials.
- (4) Population profile for the development.
- (5) Proposed financing.
- (6) Impact of development on local streets, natural features, schools and utilities.
- (7) Market and economic feasibility.
- (8) Such other information pertinent to the development or use.

Failure of the applicant to provide such requested information in a timely manner may be grounds for denial of the application.

SECTION 8.22.7 MIXED USE PLANNED DEVELOPMENT EFFECT: After approval of a Mixed Use Planned Development site plan, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the Mixed Use Planned Development or only as authorized by the provisions of this Ordinance which would apply if the Mixed Use Planned Development order had not been issued.

SECTION 8.22.8 AMENDMENT: An order approving a Mixed Use Planned Development may be amended in accord with Section 8.1.5.

SECTION 8.22.9 CANCELLATION: Notwithstanding Section 8.1.2(5) the Mixed Use Planned

Development order shall expire one year from date of final approval if the applicant has not commenced substantial construction. The Township Board shall have the right to extend an order for one (1) additional year. An order may be canceled by written agreement executed by the owner of the land to which it pertains and the Zoning Administrator at any time when the development and use of the land is in conformance with all provisions of this ordinance would apply if such order had not been issued. The Mixed Use Planned Development order may be rescinded at any time by the Township Board for violation of the order by the applicant, its successors, agents or assigns after notice to the current owners and occupiers of the town centre planned development area and after a hearing on the violation. Upon cancellation the zoning requirements shall revert to the current requirements for the zoning district designated for the property prior to the order.

SECTION 8.22.10 ORDINANCE AMENDMENT: A Mixed Use Planned Development approval shall not be considered an ordinance amendment.

Special Use Permit Requirements

SECTION 8.1 SPECIAL USE PERMIT

This application is required to meet the standards of Article VIII Uses Authorized by Special Use Permit of the Acme Township Zoning Ordinance.

SECTION 8.1.2 PERMIT PROCEDURES: An application for a special use permit for any land or structure use permitted under this Article shall be submitted and processed under the following procedures:

- (1) Submission of Application: Any application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. No part of any fee shall be refundable.
- (2) Data Required: Every application shall be accompanied by the following information and data:



- a. The special form supplied by the Township Zoning Administrator filled out in full by the applicant, including a statement of supporting evidence showing compliance with the requirements of Section 8.1.3.

Application form provided

- b. Site plan, plot plan, or development plan, drawn to scale, (preferably 1" - 50') of total property involved showing the location of all abutting streets, the location of all existing and proposed structures and their uses, and the location and extent of all above ground development, both existing and proposed.

Conceptual Site Plan provided at a scale of 1"=150'-0". The applicant has provided a revised conceptual site plan at a scale of 1"=100'-0" with the existing contours, wetlands and vegetation edges illustrated on the plan.

- c. Preliminary plans and specifications of the proposed development.
We have provided comments to the applicant on the submitted Character Guide for the project.

- d. The Planning Commission and Town Board may require a written Impact Assessment to include the following information:

1. A written description of the environmental characteristics of the site prior to development, i.e., topography, soils, vegetative cover, drainage, streams, creeks or ponds.

The Narrative references a Wetland Delineation Report that is part of this submission. The report does provide a representative soil profiles and vegetation types for different areas of the site. This wetland delineation is expired and an updated report should be required along with a DEQ confirmation prior to site plan review.

2. Types of uses and other man-made facilities.
See the Revised Density & Land Use Areas chart on page 3 for the proposed breakdown of land uses.

3. The number of: People to be housed, employed, visitors or patrons and vehicular and pedestrian traffic.

(See page 15 of the Narrative)

Number of people to be housed -1,150 people

Number of employees - 500 to 700 people

Number of visitors or patrons - 34,000 people per day

Vehicular Trips - 1,347 trips – Morning peak hour*

2,551 trips – Evening peak hour*

Pedestrian traffic - ? (Not identified in the narrative)

- URS Preliminary Traffic Impact Study Recommendations

These numbers have not been updated to reflect the recent change in land-uses on the conceptual site plan. The land use percentages for residential went up while the percentage of retail went down.



A handwritten signature in black ink, appearing to be 'DMA', located in the bottom right corner of the page.

4. Phasing of the project including ultimate development proposals.
The following Phasing Plan should be updated to reflect the new conceptual site plan. Anchor store B has be removed and residential added.

The applicant has a 'best guess' (as requested by our planning staff) phasing plan for the project in Response Memo #2. The applicant stated that phasing of the project will be based on market conditions and needs. The current 'best guess' phasing plan indicates the following land uses per phase:

Phase 1

**Multi-Family Residential
Civic
Lifestyle Center – South half
Anchor Store "A"
Anchor Store "B"**

Phase 2

**Lifestyle Center – North half
Hotel
Portion of the Mixed Use near the Hotel
Row Housing
Senior Housing**

Phase 3

**Portion of the Mixed Use near the Anchor Stores
Townhouses and Row Houses
Single Family Housing**

Phase 4

**Portion of the Mixed Use near the Anchor Stores
Townhouses and Row Houses
Single Family Housing
Clubhouse**

The phasing for road linkage to the Johnson PUD needs to be clarified. The best timing would be to include it with Phase 1.

5. Natural features, which will be retained, removed and/or modified including vegetation, drainage, hillsides, streams, wetlands, woodlands, wildlife and water. The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate the areas of change.

The applicant has offered a 225 feet buffer from the wetlands along Acme Creek to the proposed development of streets and structures. There are proposed storm water detention basins within this buffer. The applicant has offered this area as a conservation easement or they are offering to deed the area to Acme Township. This second option could mean that the township would own the area of the detention basins unless additional clarification is provided.

The Revised Conceptual Site Plan illustrates the east wetland finger in the correct location and all of the proposed development does meet the required 25' setback from



wetland edges. The existing wetlands will be retained except where the proposed service road will be placed to link a service drive to the Johnson Mixed Use Planned Development.

6. The method to be used to serve the development with water and sanitary sewer facilities.
See page 18 of the Narrative. Existing sanitary sewer is located at the northwest corner of the site and the project is intended to be serviced by a municipal water system.
7. The method to be used to control drainage on the site and from the site. This shall include runoff control during periods of construction.
See page 18 of the Narrative. The applicant has stated that they will utilize best management practices for stormwater management. The Grand Traverse County Drain Commissioner is responsible for the evaluation and approval of the proposed drainage and erosion control plan. A letter of approval has been submitted to the township. See the memo from Pete Bruski from the Grand Traverse County Drain Commission dated May 5, 2004.
8. If public sewers are not available to the site the applicant shall submit a current approval from the health department or other responsible public agency indicating approval of plans for sewage treatment.
Municipal sewers are available as per the applicant's narrative. A letter from the Grand Traverse County Department of Public Works has been provided.
9. The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.
See page 18 of the Narrative. The applicant has proposed a 100' buffer along M-72 and a 50' buffer along Lautner Road to help reduce noise emanating from the site.
10. An indication of how the proposed use conforms with existing and potential development patterns and any adverse effects.
See page 18 of the Narrative for the applicant's response. This parcel is currently zoned R-3 and it is located between the Johnson Mixed Use Planned Development and a vacant parcel zoned B-3.



11. Name(s) and address (es) of person(s) responsible for preparation of statement.
Steven Hayward, AICP, PCP
Authenticity Livewire
353 Grape Street
Portland, MI 48875

12. Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. Recommendations for such measures may be obtained from County Soil Conservation Service.
See page 19 of the Narrative. The Grand Traverse County Drain Commissioner is responsible for the evaluation and approval of the proposed drainage and erosion control plan. A letter of conceptual approval has been submitted to the township. See the memo from Pete Bruski from the Grand Traverse County Drain Commission dated May 5, 2004.

13. Type, direction, and intensity of outside lighting.
See examples in the Character Design Guide page 14 and Appendix 'C' of the Narrative for the Village at Grand Traverse project.

14. General description of deed restrictions, if any.
None

The Planning Commission will need to evaluate this Special Use Permit request against the standards of Section 8.1.3 Basis for Determinations before approving, approving with conditions or disapproving this special use permit application. We have attached the following section of the ordinance for your information. These are the standards that the Planning Commission and the Township Board must measure this application against.

SECTION 8.1.3 BASIS FOR DETERMINATIONS: Before approving or disapproving a special use permit application, the Planning Commission and Township Board shall establish that the following general standards, as well as the specific standards outlined in each application Section of this Article, shall be satisfied.

- (1) General Standards: The Planning Commission shall review each application for the purpose of **determining that each proposed use meets the following standards**, and in addition, shall find adequate evidence that each use on the proposed location will:
 - a. Be designed, constructed, operated and maintained so as to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

 - **The proposed land uses for this application are: Retail, Retail Anchors, Mixed-Use Buildings, Hotel, Civic Uses, Clubhouse, Senior Housing, Multi-family and Single Family Housing, Recreation**

Facilities, Trails, Sidewalks, Auto circulation and parking, Landscaped Buffers and Maintenance Facility.

- **The applicant has demonstrated the willingness to protect and conserve the major natural area of the site around Acme Creek. The Conceptual Site Plan meets the M-72 corridor setback of 100 feet, exceeds the minimum 25 foot setback along Lautner Road and meets the minimum 15 foot service drive setback along the south property line. The applicant has stated that it is their intent to facilitate the commercial growth pressure of the area on this site to reduce the potential strip commercial development of the M-72 corridor. The ordinance does not provide any standards to evaluate the proposed land uses in a socially and economically desirable manner. The ordinance does require that market information be provided during the site plan approval process.**
- **The MDOT Letter of July 19, 2004 gives the project conceptual approval contingent upon the future site plans being consistent with MDOT's goals and objectives along M-72 for access management and coordination with current study of the M-72 & US-31 intersection. The conceptual approval was granted conditioned upon receipt, review and concurrence with the following information:**
 - **A Complete Traffic Impact Study, as described by the scope presented to MDOT in correspondence dated June 22, 2004 from Gourdie-Fraser (GFA), and discussed at a follow up meeting on July 8, 2004 with GFA and URS, Inc.**
 - **Provision on information on the individual phases of the development, land uses associated with each phase and projected schedule for each phase's completion. Traffic information should be provided for each phase as well as final build-out, including recommendations for appropriate infrastructure improvements to accommodate the projected impacts.**
 - **Impacts associated with drainage, utilities and other appurtenances within the state highway right-of-way.**
- **In our opinion, the regional transportation issue of the M-72 and US-31 intersection will require a solution prior to site plan approval. This is an existing problem that is not the result of this proposed application; however this proposed project will create additional traffic issues that must be addressed in the solution for the existing problems at the intersection of M-72 and US-31.**
- **The applicant will need to obtain a municipal water system connection agreement prior to site plan approval. There are no provisions on the Revised Conceptual Site Plan and supporting documentation that illustrate the provisions for an on site municipal water system.**



- **The project is intended to be connected with the Grand Traverse County Department of Public Works sewage treatment facility. A letter has been provided stating that there are sewer benefits available and that Acme Township has the line capacity capable of accepting wastewater from the proposed development.**
 - **The linkage to the Johnson Mixed Use Planned Development should be required in the early stages of the development to offer residents a safe alternative circulation route between the projects rather than only the state highway access.**
- b. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- **The headwaters of Acme Creek need to be protected from poor stormwater quality runoff and any overflow storm water will need to be released at the same rate of flow as the current runoff from the site. The applicant will be required to demonstrate the proposed “Best Management Practices” identified in the intent of the narrative at site plan approval. These details will also need to be reviewed and approved by the Grand Traverse County Drain Commissioner at Site Plan Review. We have received a letter from the Drain Commissioner’s office stating that the proposed project conceptual site plan “Appears to conceptually meet the ordinance requirements of the Grand Traverse County Stormwater Control Ordinance”.**
 - **The project does propose a greater setback and landscape buffer from Lautner Road to help reduce the project impact on the adjoining Lautner Road land uses.**
 - **The south property line setback is proposed at 15 feet, which meets the minimum zoning ordinance standards for service roads. We recommend that this be increased to 25’ to provide the opportunity for including landscaping (3 rows of evergreen trees) and snow storage in the additional buffer area.**
- c. Be related to the valid exercise of the police power, and purposes, which are affected, by the proposed use or activity.
- **The applicant has stated in the narrative that it is their intent to create a “Unique Place” in Acme Township. The proposed project requires the Township Planning Commission recommendation and Acme Township Board approval of a Special Use Permit for both the Conceptual Site Plan and Site Plan Approval before this project can be started.**
- d. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- **All of the proposed land uses are allowed under Section 8.22 Mixed Use Planned Development of the Acme Township Zoning Ordinance.**



e. Meet the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured. The applicant shall have the plan reviewed and approved by the Grand Traverse Metro Fire Department prior to the review by the Planning Commission.

- **The following letters have been received from reviewing agencies:**
 - **Grand Traverse Metro Fire Department** Dated 5/20/04
 - **Grand Traverse County Drain Commissioner** Dated 5/19/04
 - **Grand Traverse County Dept. of Public Works** Dated 6/1/04
 - **Grand Traverse County Road Commission** Dated 7/6/04
 - **Michigan Department of Transportation** Dated 7/19/04

(2) Conditions and Safeguards: The Town Board may impose additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

- **Planning Commission may recommend and the Township Board may require additional conditions to the approval of a Special Use Permit.**

(3) Specific Requirements: The general standards and requirements of this Section are basic to all uses authorized by special use permit. The specific and detailed requirements set forth in the following Sections relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.

(4) Standards for Review: In reviewing an impact assessment and site plan, the Township Board and the Planning Commission shall consider the following standards:

- a. That the applicant may legally apply for site plan review.
 - **Applicant is the legal owner of the property**
- b. That all required information has been provided.
 - **All other agency letters have been submitted**
 - **Information required for Conceptual Site Plan review has been submitted, except for updated information on phasing.**
- c. That the proposed development conforms to all regulations of the zoning district in which it is located.
 - **The proposed Conceptual Site Plan meets the objectives, and qualifying conditions of the Mixed Use Planned Development section of the zoning ordinance.**
- d. That the plan meets the requirements of Acme Township for fire and police protection, water supply, sewage disposal or treatment, storm, drainage, and other public facilities and services.
 - **The agency review letters have been submitted for fire, sewage disposal, stormwater, MDOT, and county roads. There are existing issues to be resolved regarding the intersection of M-72 and US-31 these will require the involvement of the applicant,**



MDOT, Acme Township and others. The applicant will need to provide documentation on an agreement for public water supply at the site plan approval phase of the project or identify where the water supply system will be located on the site plan.

- e. That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
 - **As stated above the MDOT regional issue of the intersection of M-72 and US-31 will need to be addressed at site plan review.**
- f. That natural resources will be preserved to a maximum feasible extent and that areas to be left undisturbed during construction shall be so indicated on the site plan and at the site per se.
 - **The primary natural features of the site are the Acme Creek area and they are proposed to remain intact except for a potential linkage to the Johnson Parcel Mixed Use Planned Development.**
- g. That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
 - **The proposed structures are approximately 225 feet from the creek. There are detention basins and a parking lot placed 100 feet from the creek.**
- h. That the soil conditions are suitable for excavation and site preparation, and that organic, wet, or other soils which are not suitable for development will either be undisturbed, or modified in an acceptable manner.
 - **The applicant has completed a soil boring analysis on the site in July 2003 and found the site is generally suitable for this development "as is" or with limited site preparation.**
 - **The wetland areas were identified and flagged by a wetland consultant. They do appear to be mapped correctly in relationship to the existing contours.**
 - **The potential linkage to the Johnson Parcel Mixed Use Planned Development will disturb existing wetlands and require a creek crossing. This effort will require permits from the DEQ.**
 - **All of the proposed development improvements do meet or exceed the required wetland setback of 25 feet.**
- i. That the proposed development will not cause soil erosion or sedimentation problems.
 - **We have received a letter from the Drain Commissioner's office stating that the proposed project conceptual site plan "Appears to conceptually meet the ordinance requirements of the Grand Traverse County Stormwater Control Ordinance".**
 - **Stormwater management details and a detailed review by the Drain Commissioner will be required at Site Plan Approval.**
 - **Innovative stormwater control technologies and Best Management Practices need to be designed and implemented to remove sediment, capture nutrients and pollutants and to provide infiltration of the stormwater throughout the site.**



- j. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading of watercourses in the area.
- **See above**
- k. That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.
- **The applicant has provided cross sections that illustrate the conceptual grading differences between existing grades and the proposed grades for the development. They illustrate a very close relationship across the site and the blending to the existing grades at the edges of the project.**
- l. That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
- **There are no fruit producing lands down hill from this parcel or up hill thus there will not be any disruption of air drainage. The major drainage swale towards Acme Creek will remain as it is due to the wetlands in the area.**
- m. That phases of development are in a logical sequence, so that any one (1) phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
- **Phasing proposal does allow for the proper access and utility expansion from phase to phase. The stormwater detention system will need to be established in Phase I and expanded as the future phases are developed. The phasing plan needs to be updated based on the revised concept site plan.**
- n. That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems, and water and sewage facilities.
- **The project is within the sewer service area for Acme Township.**
 - **MDOT and the Grand Traverse County Road Commission will regulate the locations and number of access drives into the project.**
 - **Within the project there are alternate travel routes available for vehicle circulation.**
- o. That landscaping, fences or walls may be required by the Township Board and Planning Commission in pursuance of the objectives of this Ordinance.
- **Consideration for additional buffer to the south property line should be discussed.**
- p. That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
- **On street parking has been added in the recent Conceptual Site Plan revisions. Parking lots have been rearranged into**



smaller areas or "Parking Rooms" such that the flow of traffic can bypass the parking areas.

- q. That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
 - **The applicant's narrative states that pedestrian crosswalks will require vehicles to stop and yield to pedestrians. This detail will be required during the site plan review process.**
- r. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not be a nuisance to the subject property or neighboring properties.
 - **The applicant's narrative states that this detail will be provided during the Site Plan Approval process.**
- s. That the proposed site is in accord with the spirit and purpose of this Ordinance, and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.
 - **Overall the application is within the intent of the Mixed Use Planned Development section of the Acme Township Zoning Ordinance.**
 - **There are issues to be resolved regarding traffic and economic concerns. The applicant has provided some limited information as of this date but they are required to provide more detailed information during the Site Plan Approval process.**
 - **The applicant has identified that the project complies with several smart growth objectives.**

PLANNING CONSULTANT'S RECOMMENDATIONS

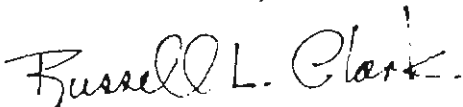
- **South property line buffer and setback distance be changed to 25 feet with a minimum of three rows of evergreen trees.**
- **The applicant be required to provide an updated wetlands delineation and verification by the DEQ prior to site plan review.**
- **Parking Ratios be reduced for the following land uses:**
Proposed Parking Ratio by Land Use
5 spaces / 1,000 sq. ft. –Retail
10 spaces/1,000 sq. ft. – Restaurants
4 spaces/ 1,000 sq. ft. – Professional Office
The final parking count will be established during the Site Plan Approval process when the actual detailed land uses are illustrated and the tenant mix along with floor area square footages are available.
- **The Planning Commission may request that the applicant provide less parking than requested. Perhaps the parking area reduction could become turf overflow parking until the grass is not able to survive the intensity of parking use, then the developer would have the right to install the asphalt surface based on the actual use or demand.**




- **The Motel structure be allowed to exceed the 35 feet height allowance to a maximum of 75 feet in height provided that the structure is setback a minimum 150 feet from the M-72 right-of-way line.**
- **The improved road connection to the Johnson parcel is included in Phase 1 subject to the DEQ approval of a wetlands fill and stream crossing permit. The applicant should provide improved access drives to the Andres parcel (1 location) and the Gokey parcel (2 locations).**
- **Grand Traverse County Road Commission and Michigan Department of Transportation conceptual site plan review conditions be included in the Planning Commission's recommended conditions.**
- **Innovative stormwater control technologies and Best Management Practices need to be design and implemented to remove sediment, capture nutrients and pollutants and to provide infiltration of the stormwater throughout the site.**
- **The applicant will need to obtain a municipal water system connection agreement prior to site plan approval. There are no provisions on the Revised Conceptual Site Plan and supporting documentation that illustrate the provisions for an on site municipal water system.**
- **Updated phasing plan reflecting land-use changes on conceptual site plan should be provided.**
- **If tools for transferring mixed-used density become established by the township allowing additional height for some buildings should be reconsidered.**
- **If the applicant brings forth a refined plan (during the site plan review process) which depicts parking beneath buildings, thereby reducing impervious surface, then additional height allowances for those buildings should be considered.**

We will be in attendance at the Public Hearing meeting of the planning commission on 8/16/2004 to present our findings. Please contact us if you have any questions regarding the content of this review.

Respectfully Submitted,
R. Clark Associates, Inc.



Russell L. Clark, AICP, RLA



Susan M. Olson, AICP, RLA



Planning Consultant

Planning Consultant

A handwritten signature in black ink, appearing to be 'DMA', located in the bottom right corner of the page.



R. CLARK ASSOCIATES, INC.
LANDSCAPE ARCHITECTS & LAND PLANNERS
3335 W. South Airport Rd., Traverse City, MI 49684
(231) 941-8505 FAX (231) 947-2748 rclark@netonecom.net

August 31, 2004

EXHIBIT "4"

Acme Township Board
6042 Acme Road
Acme, Michigan 49610

RE: The Village at Grand Traverse
Mixed Use Planned Development & Special Use Permit Application

Dear Board Members:

We have prepared a summary of our findings on the application for the Village at Grand Traverse project. As you are aware this project has changed from the original mixed use planned development concept site plan submitted in May, 2004 to the current plan before you as a result of public input, agency reviews and Planning Commission recommendations.

Existing Master Plan & Zoning Ordinance Status

The Acme Master Plan was adopted in May, 1999. It was amended in February, 2001 to include the Acme Town Center Report which focuses on the intent and options for the creation of a Town Center in Acme Township.

The Acme Township Zoning Ordinance was amended in February, 2001 to include a Town Center Planned Development (Section 8.26) based on the Acme Town Center Report.

The implementation section for Town Center Planned Development of the Acme Township Zoning Ordinance, Section 8.26, was struck and removed from the ordinance by Circuit Court in 2003.

The current application is for a Mixed Use Planned Development under Section 8.22 of the Acme Township Zoning Ordinance which was adopted into the zoning ordinance in March, 1990.

The Mixed Use Planned Development review is established in the zoning ordinance as a two step approval process.

1. Conceptual Site Plan Approval
2. Site Plan Approval

Board Options

The following are options available to the Township Board in consideration of The Village at Grand Traverse Project's Mixed Use Planned Development & Special Use Permit application:

1. Table the application for additional information
(Will need to identify what additional information is required by the applicant)
2. Approve the application as presented, with the conditions as recommended by the Planning Commission
3. Approve the application in part, with additional conditions

4. Deny the application (Justification will need to be provided to the applicant)

Findings of Fact Summary

These findings are from the August 12, 2004 Planning Consultant's Review & Recommendations prepared for the Planning Commission.

Master Plan

There is not a future land use map in the Acme Township Master Plan that we can refer to for guidance on the projected development of this parcel. The Acme Town Center Report stated that it is the best site for a town center development however the implementation section of the zoning ordinance is not available due to the recent court decision. The parcel is zoned R-3 which is the highest density district in the zoning ordinance. There are a number of goals from the Acme Township Master Plan that this project meets and they are listed in our report.

Some of the twelve bullets in our report from the Acme Township Master Plan that the project meets are as follows:

1. The Acme Township Master Plan identifies that most township residents want a "downtown" where civic events, commerce, and high-density housing might occur. (P65)
2. The Acme Township Master Plan identifies high density with mixed uses (P65) as:
 - o Business, single family, multi-family housing organized around the principle of sustainable neighborhoods
 - o Roads, alleys, sidewalks and other urban elements
 - o Neighborhoods to follow neo-traditional grid pattern
 - o 1,500 foot walking distance radius centered on commercial uses
 - o Bounded by parks and un-built natural areas
 - o Wild places and natural habitats should be maintained as much as possible-even in urban areas; and be connected through wildlife corridors
3. The Acme Township Master Plan identifies that new development should occur in and around existing development to utilize infrastructure installation efficiently. (P66)
4. Within high density or mixed-use areas, an objective to preserve between 20% to 30% of the land should be provided as open space, permanently preserved un-built areas – parks, commons, reserves, etc. (P67)

Zoning Ordinance

Please refer to the attached report for detailed information on the zoning ordinance standards.

1. Mixed Use Planned Developments are intended to:
 - demonstrate innovation and variety in land use and design
 - be of sufficient size to be self contained
 - not adversely impact other land uses in the immediate vicinity
 - directly accessible from major thoroughfares



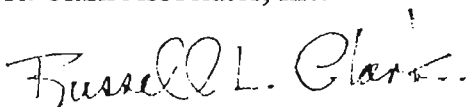
- not have adverse economic, social or environmental impact on surrounding land uses
 - provide additional amenities
 - create pedestrian scale development
 - Preserve natural features
2. The applicant has provided an impact assessment in the submitted narrative, and two reports have been provided by outside consultants on environmental issues.
 3. Preliminary information has been provided for Conceptual Site Plan review.
 4. Detailed information is required at Site Plan Review as identified in the Acme Township Zoning Ordinance Section 8.22.6 including but not limited to the following:
 - a. Descriptive site and elevation plans
 - b. Description of all exterior building materials
 - c. Population profile
 - d. Propose financing
 - e. Impact of the development on local streets, natural features, schools and utilities
 - f. Market and economic feasibility
 - g. Other information pertinent to the development or use
 5. The zoning ordinance standards do not identify a minimum or maximum percentage of commercial or residential development land use. It does not establish a minimum percentage of open space or impervious surface area.
 6. Agency letters of review have been provided with conditional conceptual approvals. The conditions of the Grand Traverse Road Commission and Michigan Department of Transportation are included in the Planning Commission recommended conditions.

Planning Consultant Recommendations


We provided twelve potential conditions for approval as recommendations to the Planning Commission in our attached review/report. These recommended conditions along with the additional conditions of approval, established by the Planning Commission at the August 10, 2004 meeting are included in the Draft document titled "Acme Township Conceptual Plan Approval - Conditions on Future Site Plan Review", prepared by Jim Christopherson, Esq. of Dingeman, Dancer & Christopherson.

Russell Clark, RLA, AICP will be in attendance at your meeting on September 7, 2004 and will be available to answer any questions you may have regarding the content of this letter and the attached review.

Respectfully Submitted,
R. Clark Associates, Inc.



Russell L. Clark, AICP, RLA
Planning Consultant



Susan M. Olson, AICP, RLA
Planning Consultant



PHASE IV (TOWNSHIP/CIVIC DECIDES)
OR EDUCATIONAL
COMPONENT

Page 4 of 5

PROVIDED 8/16/01



PHASE I



PHASE II

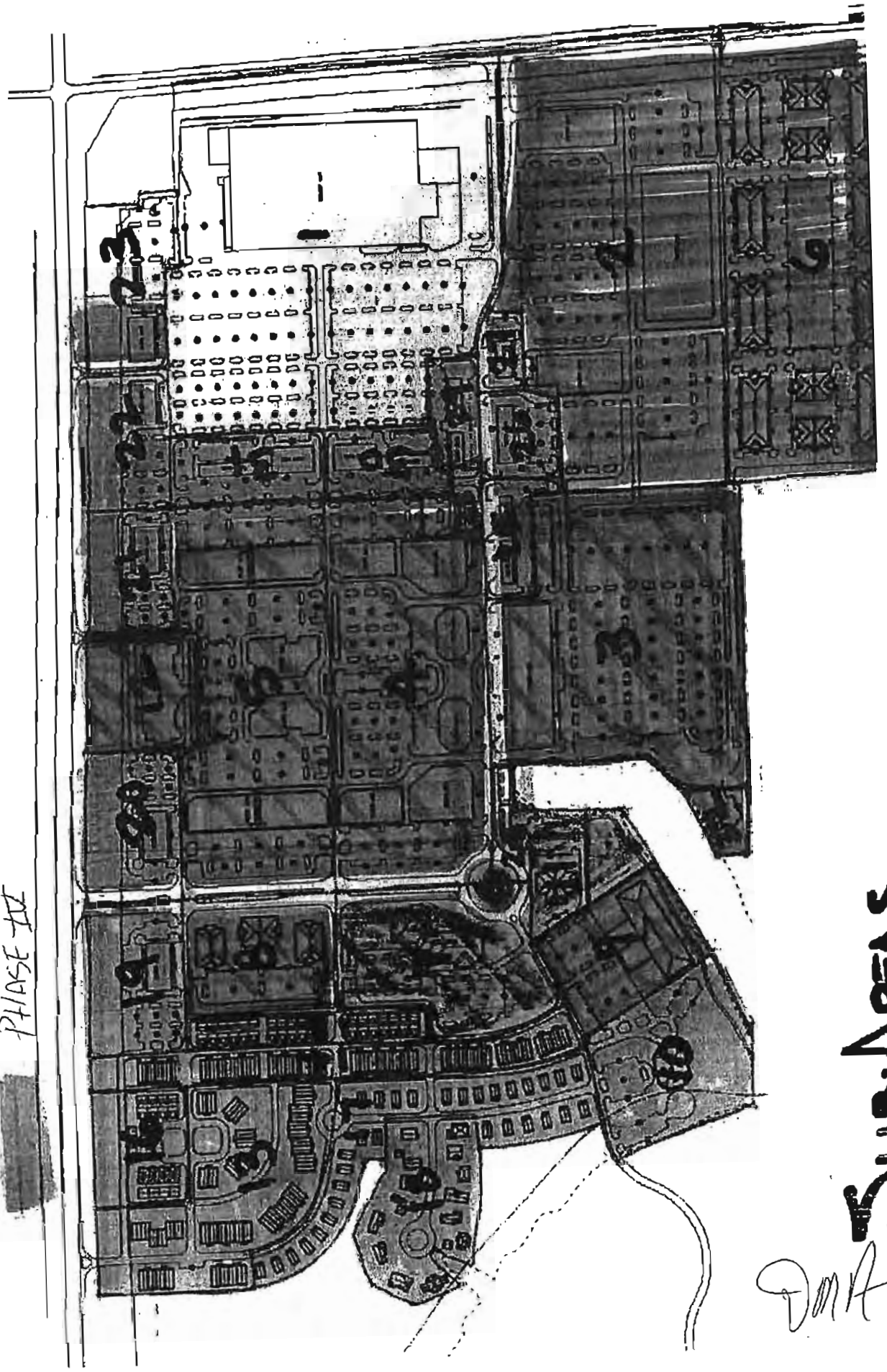


PHASE III



PHASE IV

byahoo.com



DMR
SUN. NEEAC