



ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Monday, October 14, 2019 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 7:01 pm

ROLL CALL: Members present: K. Wentzloff (Chair), S. Feringa (Vice Chair), M. Timmins, D. Rosa, D. VanHouten, B. Balentine, J. Aukerman

Members excused: None

Staff present: L. Wolf, Planning & Zoning Administrator, V. Donn, Recording Secretary

A. LIMITED PUBLIC COMMENT: Open at 7:01 pm

Brian, Kelley, Acme resident, voiced his concerns on the KOTI project (written comments submitted)

Limited Public Comment closed at 7:05 pm

B. APPROVAL OF AGENDA: Motion by Timmins to approve the agenda as presented, supported by Balentine. Motion carried unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. SPECIAL PRESENTATIONS: None

E. CONSENT CALENDAR:

1. RECEIVE AND FILE

- a. Township Board Regular Meeting Minutes 08.13.19
- b. Township Board Special Meeting Minutes 08.21.19
- c. Township Board Regular Meeting Minutes 09.03.19
- d. Parks & Trails Committee Meeting Minutes 08.16.19
- e. Parks & Trails Committee Meeting Minutes 09.20.19

2. ACTION:

- a. Approve Draft Planning Commission Meeting Minutes 05.13.19
- b. Approve Draft Special Planning Commission Meeting Minutes 05.21.19
- c. Approve Draft Planning Commission Meeting Minutes 08.12.19
- d. Approve Draft Special Planning Commission Meeting Minutes 09.23.19

Motion by Timmins to approve the consent calendar as presented, supported by VanHouten. Motion carried by 6 (Wentzloff, Feringa, Timmins, VanHouten, Balentine, Rosa) abstained by 1 Aukerman.

F. ITEMS REMOVED FROM THE CONSENT CALENDAR: None

G. CORRESPONDENCE: None

H. PUBLIC HEARINGS: None

I. OLD BUSINESS: None

J. NEW BUSINESS:

1. KOTI Planned Development (2016-01) Request for Minor Amendment

Wentzloff explained this is a request to amend to the approve KOTI Planned Development to modify seven minor items related to the conceptual site plan and development agreement.

She explained if any of the items are deemed to be a major amendment, a public hearing would need to be set. Typically, legal counsel would make the final decision if it was a minor versus major amendment.

Wolf added if there is an item considered major, it would need to be determined if it has an impact on the surrounding properties.

Nate Elkins, with Influence Design Forum LLC and Dan Kelly, owner Kelly Restaurants LLC were available for questions. New diagrams showing proposed changes were given in the packet.

The seven changes that are being proposed:

1. The one-way street Moss Lane will change from a 1-way to 2-way
2. Additional amenities will be added including a pool, pool house and sauna
3. The existing cabin style commercial building will remain through Phase 3 or until Mixed-use Neighborhood 2 is sold.
4. The existing commercial kitchen building will remain through Phase 2.
5. The Mixed Housing Neighborhood (Single Family Residential Portion) of the Planned Development will be built-out in phases by Kelly Restaurants LLC.
6. Ownership of the Mixed Housing Neighborhood (Single Family Detached Residential Portion) will be held by Kelly Restaurants LLC.
7. The non-motorized TART Trail Alignment changed.

The PC decided to discuss each proposed change and the impact each might have.

Starting with 1., Timmins asked to clarify the sidewalks on the southside. Elkins said both the walks are going in the same direction and meet the requirements of the fire department. They may change in future phases if necessary. Timmins questioned the stormwater runoff if there would be an extra clearing before it reaches the stream. Elkins said it will have those requirements needed and has been already engineering reviewed. He added regards to the two driveways out to M-72, a study was done by MDOT and they will not allow an additional entrance to be built until M-72 has been widen. Until that is completed only one entrance can be made and there can't be any commercial or more than 50 residential units.

Proposed change 2., Elkins said the addition of amenities right now are on the conceptual plan and may be considered as use by residential only.

Proposed change 3. Elkins said they wanted the change to be put in to be transparent on what may happen with the building.

Proposed change 4. Elkins informed until the tart trail receives the trust fund to start it is hard for them to determine where they might be in the phases at that time and if the commercial kitchen will still be there. He and Kelly have met with Tart Trail organization to discuss the tart alignment. Wentzloff voiced her concerns on the tart trail alignment change would be. According to the proposed change it would place it where the commercial kitchen currently exists. If the market doesn't buy the project and the phases are not fulfilled, this could leave the commercial kitchen intact and make it impossible for the placement of the tart trail.

Aukerman suggested due to the concern of the proposed tart trail location, to add to the motion two options. Put in the proposed change amendment as given and in case the kitchen does not get removed before the tart trail, an alternative location. Option A would be the proposed change and Option B the other.

Proposed change 5. Elkins stated after the land use permit is obtained, Phase 1 will begin with putting in all the utilities. Under fifty residential properties foundations will be started, but not all at once as shown in the plan. He gave an overview with the new diagrams on how

each phase will be completed with roads, existing buildings, residential housing, and stormwater.

Proposed change 6. Elkins informed Kelly Restaurants plans to retain ownership of the single- family residential portion of the project until a later to-be-determined date. The Mixed-use Neighborhoods may or may not be developed under the ownership of Kelly Restaurants. Currently it will be financially funded and will depend on the market.

Wentzloff reminded them for the first site plan they will need to have a base line monitoring on the creek and have the trail easement recorded.

Proposed change 7. Committee decided on the verbiage to add to the motion for the two options on placement of the tart trail. The second option will be to have the tart trail run up Moss Lane if the route by the commercial kitchen should not work. Wentzloff explained the wording right now needs to be in the motion and it will be looked at by legal counsel to modify for the PD agreement.

Motion by Timmins to approve the minor amendment request to the KOTI Planned Development (PD 2016-01) submitted by Nate Elkins of Influence Design Forum, dated September 24, 2019 with attached revised drawings of the same date:

Sheet S.7: Overall Site Plan

Sheet S.7: Overall Site Plan with changes noted

Sheets S.27-1 through 4: Phasing Plan

The approval shall include the following modifications and conditions and amend the development agreement where appropriate:

1. The one-way street "Moss Lane" shall change from a one-way to a two-way street with a shifted alignment to the north as indicated in Sheet S.7. Sheet S.22 - Section D Tertiary or Local One-Way Street shall be updated to reflect a five (5) foot wide sidewalk on the south side of the street, a six (6) inch curb, an eight (8) foot parking lane on the southside of the street, two (2) ten (10) foot travel lanes, and a six (6) inch curb on the north side of the street.
2. The development shall be allowed to include the construction of a pool, pool house and sauna, or other community amenities as accessory uses for exclusive use by the guests of KOTI and not open to the general public.
3. The existing cabin structures located at the west entrance in Mixed-Use Neighborhood 2 shall be allowed to stay with the east building being repurposed as a restaurant open to the general public and the west building serving as a sales office and retail store for the KOTI development.
4. The existing commercial kitchen shall be allowed to stay through the completion of Phase 2. The commercial kitchen shall be removed as part of the completion of Phase 2 required before the beginning of Phase 3.
5. Construction of the development shall follow the phasing plan noted in sheets S.27-1 through 4, with the completion of one phase required before the commencement of the next phase. Structures may be used for their intended purpose once all infrastructure serving the structure, including sanitary, water, motorized and non-motorized circulation and storm water management, has been provided and a certificate of occupancy has been issued, regardless of whether or not the whole phase has been completed.
6. The ownership model for the Mixed Housing Neighborhoods shall be changed to allow the Developer to maintain sole ownership of that portion of the development. Condominium Home Owner's Association (HOA) Bylaws may not be required for this portion of the development under this ownership model but shall still be applicable to all other portions of the development.
7. The non-motorized TART Trail alignment shall be modified as presented in Sheet S.7, consistent with the MDNR Natural Resources Trust Fund Grant Application submitted by the Township. This is Option A. If Option A is not feasible for whatever reason, the developer will offer Option B along Moss Lane and Option A will become null and void. If Option B is utilized, then Option A will

become null and void. Should the implementation of the trail upon receipt of the grant conflict with the existing commercial kitchen, a modified alignment shall be allowed upon approval of the Planning Commission and the MDNR around the commercial kitchen. Once the commercial kitchen is removed, the trail shall be realigned as indicated on Sheet S.7 to the standards required by the MDNR and at the Developer's expense. The realignment shall be considered part of Phase 2 and required before any Subsequent phase may begin. Should the Developer's plans for a future phase be modified resulting in a change in alignment of the existing the trail, the Planning Commission may approve a new alignment as long as the points entering and exiting the properties remain the same and that all costs associated with the realignment are paid for by the Developer.

8. All other conditions of the development agreement for Planned Development 2016-01 shall remain in effect. An amendment to the original development agreement shall be signed and notarized by the Developer and the Township Supervisor. Motion supported by VanHouten. Motion carried unanimously.

K. PUBLIC COMMENT & OTHER PC BUSINESS: Open at 8:48 pm

Brian Kelley, Acme resident, voiced his concerns on the current testing of water quality permits.

Public comment closed at 8:51 pm

1. **Planning & Zoning Administrator Report - Lindsey Wolf:** No report
2. **Township Board Report:** Jean Aukerman informed Dave Hoxsie has been appointed as the new board trustee and will begin in November.
3. **Parks & Trails Committee:** Marcie Timmins reported they submitted for the MDR grant. The Parks & Trails Committee meeting has been changed to the third Monday of the month at 4:00 pm. Wolf informed the donated bench swings for the park have been received and will need to be installed.

ADJOURN: Motion by Timmins to adjourn, seconded by Balentine. Meeting adjourned at 8:53 pm



ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
October 14th , 2019 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE

ROLL CALL:

- A. LIMITED PUBLIC COMMENT:** Members of the public may address the Commission regarding any subject of community interest during public comment periods by filling out a Public Comment Card and submitting it to the Secretary. Public comments are limited to three minutes per individual. Comments during other portions of the agenda may or may not be entertained at the moderator's discretion
- B. APPROVAL OF AGENDA:**
- C. INQUIRY AS TO CONFLICTS OF INTEREST:**
- D. SPECIAL PRESENTATIONS:**
- E. CONSENT CALENDAR:** The purpose of the consent calendar is to expedite business by grouping non-controversial items together for one Commission motion without discussion. A request to remove any item for discussion later in the agenda from any member of the Commission, staff or public shall be granted.
 - 1. RECEIVE AND FILE**
 - a. Township Board Regular Meeting Minutes 08.13.19
 - b. Township Board Special Meeting Minutes 08.21.19
 - c. Township Board Regular Meeting Minutes 09.03.19
 - d. Parks & Trails Committee Meeting Minutes 08.16.19
 - e. Parks & Trails Committee Meeting Minutes 09.20.19
 - 2. ACTION:**
 - a. Approve Draft Planning Commission Meeting Minutes 05.13.19
 - b. Approve Draft Special Planning Commission Meeting Minutes 05.21.19
 - c. Approve Draft Planning Commission Meeting Minutes 08.12.19
 - d. Approve Draft Special Planning Commission Meeting Minutes 09.23.19
- F. ITEMS REMOVED FROM THE CONSENT CALENDAR**
 - 1. _____
 - 2. _____
- G. CORRESPONDENCE:**
 - 1. None received as of 10.9.2019
- H. PUBLIC HEARINGS:**
 - 1. None
- I. OLD BUSINESS:**
 - 1. None
- J. NEW BUSINESS:**
 - 1. KOTI Planned Development (2016-01) Request for Minor Amendment
- K. PUBLIC COMMENT & OTHER PC BUSINESS**
 - 1. Planning & Zoning Administrator Report – Lindsey Wolf
 - 2. Township Board Report – Jean Aukerman
 - 3. Parks & Trails Committee Report – Marcie Timmins

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Cathy Dye, Clerk, within 24 hours of the meeting at 938-1350.

ADJOURN:



ACME TOWNSHIP REGULAR BOARD MEETING
6042 Acme Rd., Williamsburg MI 49690
Tuesday, August 13, 2019 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 7:00 p.m.

ROLL CALL: Members present: J. Zollinger, C. Dye, A. Jenema, J. Aukerman, D. White, P. Scott, D. Nelson

Members excused: None

Staff present: L. Wolf, Planning & Zoning Administrator, V. Donn, Recording Secretary

A. LIMITED PUBLIC COMMENT: Open at 7:00 pm

Brian Kelley, Acme resident, approves of the new changes to the short-term rental ordinance.

Kim Gribi, 7822 Peaceful Valley, would like to see signage at the public access on Deepwater Pt. Rd. and Peaceful Valley Rd.

Joyce Peiffer, 7960 Windale Dr., would like a sign on the bay access on Deepwater Pt. Rd.

Cynthia Lahti, 8016 Windale Dr., asked to have the problem with the unkept and overgrown foliage north of her property removed. (Submitted written letter)

Richard Bruening, 4160 E. M-72, inquired if he was to get written permission from his neighbors for a house he owns and wants to use for a short-term rental on getting a special use permit. (submitted written note)

Limited Public Comment closed at 7:10 pm

B. APPROVAL OF AGENDA:

Motion by Nelson to approve the agenda as presented, supported by Scott. Motion carried unanimously.

C. APPROVAL OF BOARD MINUTES: 07/02/19

Motion by White to approve the board meeting minutes of 07/02/19, supported by Nelson. Motion carried unanimously.

D. INQUIRY AS TO CONFLICTS OF INTEREST:

Nelson rescued from K.1. New Business Zoning Ordinance Text Amendment #051- Child Care Centers

E. REPORTS

- a. Clerk:** Dye reported: Permanent Absentee Voting List has doubled currently at 1200 was 580 last year. Good response to mailing sent out in May regarding No Reason Absentee Voting.
- b. Parks:** Jenema reported:
 - Jenema, Wolf and Zollinger met with the DNR today at Bayside Park and exhibited the accomplishments of the last grant. Also, Dornoff family donated a swing that has been installed at the park.
 - Tomorrow Jenema and Wolf will be presenting to the MDNR Trust Fund Board at Shanty Creek on the \$300,000 grant for the Traverse City to Charlevoix Trail.

Zollinger reported:

- There are some issues at Woodland Acres Public Access areas that the township will need to address. On Friday the Parks & Trails committee will be discussing the

possibility the Eagle Scouts volunteering with marking shore paths and laying wood chips. Adjacent property owners would be notified in case there is any problems.

- Volunteer groups have asked if there are any projects in the township that need to be done. Jenema suggested to have a list put together for volunteers when approached for these requests.
- There have been some broken items in the Bayside Park's restrooms, which have been fixed. The water level on the bay is high and has caused some issues with Saylor Park boat launch.

c. **Legal Counsel – J. Jocks:** No report

d. **Sheriff:** Nate Lentz reported traffic incidents are down from last month. There was one fatality last month at a crossover on US 31. MDOT is doing a study on road crossovers that have been areas of accidents.

e. **County:** G. LaPointe reported:

- There was a presentation on the county audit with an overview on the pension plan. The audit was very comprehensive with no outstanding findings by the auditors.
- The city wants an extension on the TIFF (Tax Increment Financing) that was created in 1997 for 30 years and is used by the DDA District. There is a DDA meeting in two weeks. He mentioned there is a parking deck that is being considered for construction that includes the use of the TIFF.
- Issues with Enbridge Line 5 under the bridge economic impact for and against to build an improved tunnel or shut it down.

F. SPECIAL PRESENTATIONS: Chief Pat Parker - 2020 Metro Fire Budget and 2020 Millage Proposal 2.45 mils

Chief Pat Parker did an overview of the 2020 budget to be adopted along with summary of budgeted revenue expenditures report. He informed there has been a shortage of part-time firefighters and it has been difficult to keep them. The 2020 budget includes hiring 3 more fulltime firefighters, increasing hire rate and purchase of a new Fire Truck and Tanker. These additions are why Metro Board wants a millage of 2.45 mils, it has been 2.35 since 2015. The township board had a discussion on the preliminary review of the budget presented in preparation for next month's decision making meeting.

G. CONSENT CALENDAR:

1. RECEIVE AND FILE:

- a. **Treasurer's Report**
- b. **Clerk's Revenue/Expenditure Report and Balance Sheet**
- c. **RecycleSmart July 2019**
- d. **Draft Unapproved meeting minutes**
 1. **Planning Commission 07/08/19**
 2. **Parks & Trails 06/21/19**

2. APPROVAL:

1. **Accounts Payable Prepaid of \$163,320.39 and Current to be approved of \$7,488.65 (Recommend approval: Clerk, C. Dye)**

Dye requested to remove under Receive and File, 1.b. Clerk's Revenue/Expenditure Report and Balance Sheet

Motion by Aukerman to approve the Consent Calendar with 1. b. Clerk's Revenue/Expenditure Report and Balance Sheet removed, supported by Jenema. Roll Call motion carried unanimously.

H. ITEMS REMOVED FROM THE CONSENT CALENDAR:

1. b. Clerk's Revenue/Expenditure Report and Balance Sheet

Dye explained when sending the Balance Sheet report for the packet the wrong date was selected the report should have been 6/30/19, a correct report was given to each Board member.

Motion by Jenema to approve Consent Calendar with Clerk's Revenue/Expenditure Report and correct Balance Sheet Report, supported by White. Roll Call motion carried unanimously.

I. CORRESPONDENCE:

1. Letter dated 07/01/19 from Department of Environment, Great Lakes, and Energy regarding ACO, Termination Notice.

Zollinger informed the sewer rebuilt is now over and this letter from the state was a notice letting the township know of its completion.

J. PUBLIC HEARING: None

K. NEW BUSINESS:

1. Zoning Ordinance Text Amendment #051 – Child Care Centers (PZR 2019-12 Lindsey Wolf)

Wolf informed after research it was determined a child care center is much needed in the community. A change in the ordinance as a permitted use in commercial opposed to a special use permit was made in the table. She emphasized if the Board adopts an amendment to add child care centers to the list of allowable uses in the Commercial and Corridor Flex Districts, the Applicant will still need to seek a site plan approval.

Motion by Jenema to adopt Zoning Ordinance Amendment 051 Child Care Centers as a use by right in the C: Corridor Commercial and CF Corridor Flex Districts, as presented in the draft table in Section 6.6.41 regulated Uses, and to change the definition of Child Care Centers in Section 3.2 to read Child Care Center: A facility for the care of children. As defined by ML 722.111, supported by Aukerman. Motion carried by 6 (Zollinger, Dye, Jenema, Aukerman, White, Scott), rescued by Nelson.

2. Changes to Acme Police Power Short Term Rental Ordinance #2017-01

Zollinger informed there has been some cases with short-term rentals that has made it necessary to revise the ordinance. Changes to be made will be to remove the limited duration exception/exemption, update the Consumer Fireworks Ordinance (State of Michigan Law changed in December of 2018) & Section 2.9, provide clarification that SRTs are not Bed & Breakfast establishments, meet fire safety standards, clarify quiet hours and increase penalties to deter violations of the Ordinance.

Motion by Scott to adopt police power ordinance amendment #2019-02 to the Acme Township Short-Term Rental Ordinance and adding an increase of \$2,200 instead of \$1,500 in Section 5.2, Penalties, 1. iii and 2. iii, supported by White. Motion carried by 4 (Zollinger, Aukerman, White, Scott), opposed by 3 (Dye, Jenema, Nelson).

3. Update Acme Police Power Ordinance for Fireworks

Wolf stated the changes are reflecting those made from the state that went into effect December 2018. The current Acme Township Consumer Fireworks Ordinance 2012-04 has been updated with the changes, and the short-Term rental Ordinance no: 2017-01 Section 2.9 has been amended.

Motion by Jenema to adopt police power ordinance amendment #2019-03 to the, Acme Township Consumer Fireworks Ordinance #2012-04 as presented and adding to section 4., No one is allowed to use fireworks on public properties, including schools, churches, government buildings, city streets and parks, plus No one is allowed to ignite or discharge fireworks in any way that would cause them to land on someone else's private property without the express consent of the property owners, supported by Aukerman. Motion carried unanimously.

4. DPW Septage loan defer pay back for three years to help pay for repairs required.

Zollinger explained this is a preliminary discussion for the board regarding DPW having some potential major repairs to the septage treatment plant. It is necessary for all townships involved to agree for the consideration of the reimbursements be put on hold for the next 3 years or until 2022.

Forgoing the reimbursement would allow DPW to pay for repairs without having to refinance. Acme Township Board agreed.

5. Supervisor Transition Plan

Zollinger informed there will be a special meeting on August 21 to interview two candidates for the supervisor position. Once the position is filled there needs to be a training transition before he leaves. The replacement can't be sworn in prior to 30 days but could be paid hourly for training. There are also several required meetings to attend. The board discussed to either have an hourly or a set amount paid for each meeting the new supervisor attends. Zollinger said some of his current duties could be transferred to other township employees.

L. OLD BUSINESS: None

PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:

Dye informed Gabridge & Co will be in the week of August 19 to start the year-end financials. Gabridge will be sending different auditors from last year.

ADJOURN: Motion to adjourn by White, supported by Scott. Meeting adjourned at 9:30 pm

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a document from the official records of the township.

Cathy Dye, CMMC
Acme Township Clerk



ACME TOWNSHIP SPECIAL BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Rd, Williamsburg, Michigan 49690
Wednesday, August 21, 2019, 4:15 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 4:15 p.m.

ROLL CALL: Members present: Aukerman, Dye, Jenema, Scott, Nelson, Zollinger (recused White)

A. LIMITED PUBLIC COMMENT: Open at 4:16 p.m.

B. APPROVAL OF AGENDA:

Motion by Jenema to approve the Agenda as presented, supported by Dye, Motion carried unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. NEW BUSINESS:

1. Interview candidates for Township Supervisor position.

Legal counsel Jocks has advised Zollinger he will not be voting on the Supervisor position because of election law but can participate in discussion and White will be recused from voting and discussion because of the Acme Township Conflict of Interest Policy. Board agreed to have a coin toss for choosing which candidate would go first. Jim Maitland was the first candidate to receive interview questions from Board Members. Doug White was the next candidate to receive interview questions. Much discussion by the Board followed the interview questions.

Motion was made by Nelson to nominate Doug White as Supervisor of Acme Township supported by Scott. Motion carried by 4 (Nelson, Scott, Aukerman and Jenema), opposed by 1 Dye.

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

Robert Evina, 6075 Arabian Dr., Commended the Board on making a tough decision for Supervisor's position.

Darryl Nelson, 7466 Saylor Rd. Thanked both candidates for coming forward.

ADJOURN: Meeting adjourned 5:40 p.m.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a document from the official records of the township.

Cathy Dye, CMMC
Acme Township Clerk



APPROVED

ACME TOWNSHIP REGULAR BOARD MEETING
6042 Acme Rd., Williamsburg MI 49690
Tuesday, September 3, 2019 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 7:01 p.m.

ROLL CALL: Members present: J. Zollinger, C. Dye, A. Jenema, J. Aukerman, D. White, P. Scott, D. Nelson

Members excused: None

Staff present: V. Donn, Recording Secretary

- A. LIMITED PUBLIC COMMENT:** Open at 7:02 pm
Brian Kelley, Acme resident, commented on the process for appointing a board trustee. (written letter submitted)

Limited Public Comment closed at 7:04 pm

- B. APPROVAL OF AGENDA:**
Motion by Nelson to approve the agenda as presented, supported by White. Motion carried unanimously.

- C. APPROVAL OF BOARD MINUTES: 08/13/19 and Special Board meeting 08/21/19**
Motion by Nelson to approve the Board meeting minutes of 08/13/19 and Special Board meeting 08/21/19 as presented, supported by Dye. Motion carried unanimously.

- D. INQUIRY AS TO CONFLICTS OF INTEREST:** White excused from L. Old Business 1.
Continue discussion of Supervisor Transition/extra duties.

E. REPORTS

a. Clerk- Dye: No report

b. Parks: Zollinger reported:

- Everything with Bayside Park is paid, the grant is now closed and signed off.
- There has been a problem with homeless people sleeping at the park and making a mess in the restrooms. The police will direct these people to alternative places to go for help and shelter.
- Both Bayside and Sayler Park have been very busy with people utilizing it for recreational use.

Jenema reported:

- She and Wolf went to the DNR meeting as representatives for the tart trail grant. It went very well, but there were also several others present for the grant request.
- \$5,000 was donated for another adult swing in Bayside park.
- The Parks & Trail committee is working on some projects and additional wildflower planting.
- She went to the Garden Club meeting to discuss the responsibilities that are handled by the township and those by the club.

c. Legal Counsel – J. Jocks: No report

d. Sheriff – Nate Lentz: No report

e. County: G. LaPointe reported:

- There is a meeting with MERS to discuss the pension fund and investments.

APPROVED

- The governor has put together a Michigan Joint Task force on jail and pretrial incarceration for a statewide report on jails. It is to collect data to see why people are in jail, for how long and why. The jail population in rural areas are up. Most people in jail are doing minor crimes and are there because of mental health issues. Many can't afford the bail to get out.
- The DDA is still discussing a new city parking deck and the extension on the TIFF 97.
- The county passed a resolution in support to construct a tunnel to incase the Enbridge Line #5. Without Line 5, there would be 503,104 more trucking miles each month on Michigan highways to deliver Michigan's crude oil to refineries. He spoke with the Michigan Oil and Gas Association and they told him there is 14,000 barrels per day of crude oil produced in northern Michigan which provides numerous jobs and income.

f. Farmland: Laura Rigan reported:

- She will be on maternity leave and in her absence Claire Herman, Land Protection Assistant with Grand Traverse Regional Land Conservancy will be her replacement while out.
- PDR 2018 applications for federal fund money were approved for two farms. The Jack and Barbara White Farm has had an appraisal and after details are completed, they can move forward on the closing. Owners of the Cap & Triangle Farm have a family member who wants to purchase and make changes to the property. Negotiations are ongoing and there will be update on the process later.
- The PDR 2019 fund applications for farm parcels owned by David & Kathleen White Farm, David Hoxsie Farm, Doug and Michelle White Farm and Send Brothers Farm, have appraisals scheduled to move on their approvals.

g. Supervisor: Zollinger reported:

- The township hall is now completed, and the cost came under the original estimated budget by \$15,179.78.

F. SPECIAL PRESENTATIONS: None

G. CONSENT CALENDAR:

1. RECEIVE AND FILE:

- a. Treasurer's Report
- b. Clerk's Revenue/Expenditure Report and Balance Sheet
- c. Draft Unapproved meeting minutes
 1. Planning Commission 08/12/19
 2. Parks & Trails 08/16/19

2. APPROVAL:

1. Accounts Payable Prepaid of \$63,241.53 and Current to be approved of \$86,401.75 (Recommend approval: Clerk, C. Dye)

Motion by Aukerman to approve the Consent Calendar as presented, supported by Scott. Roll Call motion carried unanimously.

H. ITEMS REMOVED FROM THE CONSENT CALENDAR: None

I. CORRESPONDENCE: None

J. PUBLIC HEARING: Chief Pat Parker - 2020 Metro Fire Budget and 2020 Millage Proposal 2.45 mils

Public hearing opened at 7:40 pm

G. Lapointe questioned why there is an increase in the millage.

Chief Parker stated the increase is to cover labor costs, a badly needed floor renovation for station 11

APPROVED

and to purchase a fire truck.

B. Kelley inquired on the \$300,000 reserve for equipment that was mentioned at the last meeting.

Chief Parker Public explained that was in the public improvement fund for the last seven to eight years and primarily used to pay down debt on equipment. If not used the millage would have been higher.

Public hearing closed at 7:46 pm

Motion by Nelson to approve the 2020 Budget Resolution 2019-#27 Grand Traverse Metro Emergency Services Authority 2020 Budget with 2.45 mils, supported by Scott. Roll Call motion carried unanimously.

K. NEW BUSINESS:

1. Amendment to Medical Marihuana Ordinance 2017-02 (Lindsey Wolf)

Zollinger explained changes were made in the ordinance to add expired ending dates to procedures for license holders instead of having them open-ended.

Motion by Jenema to adopt police power ordinance amendment #2019-04 to the Acme Township Medical Marihuana Licensing Ordinance as presented, supported by White. Roll call motion carried by 6 (Zollinger, Dye, Jenema, Aukerman, White, Nelson), ~~reused by Scott~~ opposed by 1 Scott.

2. Resolution #R-2019-28 to pay back loan to 402 Bayside Park Capital Fund from 101 Fund Balance.

Zollinger informed there are two parts to the transfer. He is requesting pay back loan of \$150,000 for Bayside Park Capital fund back to 101 Fund Balance. Secondly to close out 402 Bayside Park Capital fund and put remaining cash balance in the 101 Fund.

Motion by Scott to approve Resolution #R-2019-28 pay back loan to 402 Bayside Park Capital Fund from 101 Fund Balance and close out 402 Bayside Park Capital Fund, supported by Nelson. Roll call motion carried unanimously.

3. Resolution #R-2019-29 to show new Budget amount to 208 Park Fund

Zollinger explained this was just adding a new line to the budget.

Motion by Dye to approve Resolution #R-2019-29 to add a new line item and budget amount for the 208 Park Fund, supported by Aukerman. Motion carried unanimously.

4. Recommendation to fill Planning commission spot vacated by Doug White from Board

~~Jenema~~ Zollinger recommended Aukerman for the Planning Commission open spot. Aukerman accepted.

Motion by Jenema for Aukerman to be on the Planning Commission, supported by Scott. Motion carried unanimously.

L. OLD BUSINESS:

1. Continue discussion of Supervisor Transition/extra duties

Zollinger suggested to give an hourly wage to White when he is in the office training by taking the supervisor's yearly salary and dividing it by 2080 hours. Each meeting he attends would be the \$50 per diem and not at the hourly wage.

Motion by Scott to approve during the interim elect for a \$50 per diem for each meeting attended as stated in the budget and an hourly wage of \$19.23 for office supervisor training with a cap of \$5,000, supported by Nelson. Roll Call motion carried unanimously.

APPROVED

Zollinger gave a breakdown of the annual \$5,000 he was paid for non-statutory supervisor extra duties and value amounts for each task. He suggested delegating sections to those he felt should handle the duties with the estimated pay for each.

White-Supervisor non-statutory extra duties: Total \$3,600.

- Active Representative of Acme Township on Boards and Organizations. All these tasks would be given to White with a cost value of \$2000.
- Active Management of Acme's Property, Maintenance and Programs, White would have the parks, sewer and water systems at \$1,400.
- Active oversight of township administration of Park Maintenance Manager and Office Assistant. Manage and supervise issues and report back to the board \$200.

Wolf- non-statutory extra duties: Total \$900.

- Project Management (ex. tart trail) for \$500.
- Township Network Administrator-oversees technology issues/upgrades; computers, servers, phones: web site and interfaces at \$400.

Jenema-non-statutory extra duties: Total \$500.

- Farmland preservation at \$200.
- Supervise direct reports for Zoning Administrator for \$300.

Motion by Aukerman to accept breakdown of statutory duties as presented, supported by Nelson. Motion carried by 5 (Zollinger, Aukerman, Dye, Nelson, Scott), recused by White and Jenema.

PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:

Zollinger informed there are ads out for the board trustee position, and it is also on the township web page. Interviews will be held after September 19. Personnel Committee will meet if there are 4 or more applications received to narrow down the interview process.

Zollinger said he talked to Jeff Jocks on recreational marijuana in the township. The rules are complicated and there is a lot of data that needs to be defined. He and Wolf will be getting with Jocks to gather information in preparation for the October meeting.

Brian Kelley, Acme resident, commented the public can do a petition to have recreational marijuana on the township ballot.

ADJOURN: Meeting adjourned at 8:38 pm

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a document from the official records of the township.

Cathy Dye, CMMC
Acme Township Clerk



ACME TOWNSHIP PARKS & TRAILS MEETING
ACME TOWNSHIP HALL
6042 Acme Rd., Williamsburg MI 49690
August 16, 2019 8:30 a.m.

ROLL CALL:

Committee:

x	Heflin	x	Heffner	x	Jenema
x	Smith	x	Timmins	x	Wentzloff
x	Kushman	x	Lamott		
x	Wolf	x	Donn		

Advisory:

Staff:

- A. PUBLIC COMMENT:** Open at 8:37 am
Brian Kelley, Acme resident, felt there should be a screen of foliage behind Shell Station as a buffer to Bayside Park.
Public Comment closed at 8:40 am
- B. APPROVAL OF AGENDA:** Motion by Timmins to approve the agenda and add to F. Old Business, 5. Garden Club, seconded by Wentzloff. Motion carries.
- C. INQUIRY AS TO CONFLICTS OF INTEREST:** None
- D. CORRESPONDENCE:** None
- E. ACTION:**
- 1. Approve Draft Parks & Trails Minutes 06.21.19. Motion by Wentzloff to approve the minutes from 06.21.19, seconded by Heflin. Motion carries. Timmins recused, was absent for meeting.**
- F. OLD BUSINESS:**
- 1. Trail Updates**
 - a. Michigan Natural Resources Trust Fund Grant Walk Through & Presentation**

Kushman stated the Natural Resources Trust Fund Board was at Shanty Creek in Bellaire and sent an invitation to the local applicants to do a presentation. Jenema said her and Wolf went and gave a presentation for the \$300,000 trust fund grant for the trails. They were one of eleven of the applicants being considered. The Natural Resource Trust Fund board asked how the maintenance of the trail will be funded. They told them it would be through endowments and the township's help. They liked the idea of the connectivity to other townships the trail would provide. She said the walk through with herself and Wolf that was done at Bayside Park went very well, they were happy to see what the grant had accomplished. Kushman added the engineering survey has been completed for the Acme connector trail and he is waiting to hear more on the progress by the end of September.
 - b. Tribal 2% Grant Application** – Currently nothing to report.
 - 2. Adoption Program Swing (Still waiting on ordering from Weeks on second swing)**
 - 3. Park System Signage (Ryan to Get Bids)**

Jenema said they are going to include the rules on the park sign.
 - 4. Art In The Park – Locations & Committee Updates**

Smith reported he had the first Art In the Park subcommittee meeting. The group decided to start off by focusing on the funding and finding donated sources. They will be having regular schedule meetings every second Friday of the month. A project fund will be set up for only Acme public art and when a donation is submitted, it will be made to Acme Township under the

project name.

5. Garden Clubs

Jenema informed there is a grant opportunity to receive funds from the Friendly Garden Club of Traverse City to go toward plants for the park. The Sweetwater Garden Club does the planting and caretaking on the flower beds in the Acme park. Timmins will be going to the next Sweetwater meeting to let them know about applying for the grant. The committee felt if the grant was received it could be used to place plants to make a screen by the Shell Station and to enhance a more welcoming look by the entrance near the bathhouse.

Motion by Wentzoff to apply for the grant to be used for plants as a screen between Bayside Park and the Shell Station, seconded by Timmins. Motion carried unanimously.

A cost estimate of types of plants and trees that can handle the runoff from the Shell Station will be worked on to include with the grant application.

Lamott informed the brown grass area in the park needed fertilizing and since he was not a commercial certified fertilizer it would need to be hired out. He said for him to send the application and take the exam it would be \$80. He was already prepared to take the exam. It was agreed by the committee to get it approved to pay for him to get certified.

G. NEW BUSINESS:

1. Eagle Scout Project(s)

Jenema stated at Woodland Acres there is overgrowth on the public beach pathways to access the water at Deepwater Pointe. The board discussed at their meeting the possibility of using the Eagle Scouts with adult supervision to help with marking eight-foot paths and laying three-feet of wood chips. A letter would be sent to the adjacent property owners to notify them in case there are any problems. The census of the Parks & Trails Committee was there should be a survey completed on the pathways and not guess on the boundaries. Issues to consider would be short-term renters using the access and invading private properties, the increase of parking it could create, cost of survey and woodchips the township would have to fund, who would do the upkeep on the paths, and the liability. It was suggested to have the scouts work on Deepwater Point Nature preserve instead.

Volunteer groups have asked if there are any projects in the township that need to be done. Jenema suggested to have a list put together for when they are approached by groups there is something in place for these requests.

2. Bayside Park Inventory & Maintenance

Jenema showed a map of the park indicating projects that still need to be completed. The section by the Shell Station, depression behind the bathhouse, retention spot by the entrance as a wetland plant area, bathhouse needs to be painted with repairs to the siding, overgrowth by the boundary fence line, raking and cleaning the beach area weekly. A lot of these tasks could be done by volunteers. There are still three benches available to adopt in the park. She suggested a way to prevent the erosion of sand coming into the grass areas, might be to build up the boulders as a barricade. Jenema would like to see something hiding the sprinkling system near the wetland area. It was discussed to either cover it with a fake boulder or surround it with plants that would conceal it. Wolf stated she received a call from a potential donor and wanted to know what could be suggested. The committee suggested playground equipment, a bench, swing bench, or donation toward a drinking fountain. A pricing report was previous completed on these items to give as an estimate for donations.

3. Information for Township Website: boat launches, memorial sites, maps, etc.

Wentzloff stated the township website is missing details on the boat launches and other information that should be on there to convey to the community. Wolf said she could update the information to the site. Jenema said they are working on land use permits and being able to pay online. Timmins said she would like to have on the website the pavilion rates and a way to reserve one. Smith suggested to put a calendar with dates the pavilions was available. Heffner

said there should be noted an area of the beach that you could swim with your dog.

4. East Bay Harbor Marina Request: clear brush/debris on neighboring Acme Township parcel 5655 US 31 North

Jenema informed East Bay Harbor wants to clear the brush/debris on the boundary line so the marina can be seen. Autumn Olive plants need to be removed near the break wall by their property that belongs to the township. Heflin said there is a protocol to be followed by the Network for Invasive Species before removing any vegetation. Lamott will mark what needs to be removed with someone from the board to assist before this is done.

H. PUBLIC COMMENT: Opened at 10:38 am

Brian Kelley, Acme resident, commented on the Shell Station following the stormwater ordinance to not have contamination going on the park's property.

Closed at 10:40 am

ADJOURN: Motion by Timmins to adjourn, seconded by Heflin. Meeting adjourned at 10:40 am



ACME TOWNSHIP PARKS & TRAILS MEETING
ACME TOWNSHIP HALL
6042 Acme Rd., Williamsburg MI 49690
September 20, 2019 8:30 a.m.

ROLL CALL:

Committee:

x	Heflin	x	Heffner	x	Jenema
x	Smith	x	Timmins	x	Wentzloff
x	Kushman	x	Lamott		
x	Wolf	x	Donn		

Advisory:

Staff:

A. PUBLIC COMMENT: Open at 8:33 am

Brian Kelley, Acme resident, wondered if the warranty given when purchasing the plants and trees for Bayside Park could be used to replace the failing trees by the Shell Station. He thought it would be helpful to mark on the township website the water access sites at Deepwater Point.

Public Comment closed at 8:34 am

B. APPROVAL OF AGENDA: Motion by Timmins to approve the agenda with the addition to G. New Business, 3. Veliquette Proposed Campground and 4. Election of Officers, seconded by Wentzloff. Motion carries.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. CORRESPONDENCE: None

E. ACTION:

1. Approve Draft Parks & Trails Minutes 08.16.19.

Motion by Timmins to approve the minutes from 08.16.19, seconded by Heflin. Motion carries.

F. OLD BUSINESS:

1. Trail Updates

a. Michigan Natural Resources Trust Fund Grant

- Kushman informed the preliminary scoring on the grant came back as 305, which is on the low end. It was determined there were some areas that could be adjusted to the application to increase the points by the October 1 deadline. Items to be adjusted will be to specify the full match of funds and clarify the demographics. The goal is to get the scoring up to 350.
- There will be a Stakeholders meeting on the tart trail October 9 at the Township Hall. MDOT, the road commission and property owners will be at the meeting. The engineering part should be completed in about six months.
- Last week there was a meeting with Larry Fox from C2AE out of Gaylord for the design and engineering on the trail, to discuss the connection from Acme to Elk Rapids, on to Charlevoix, to Fisherman's Island and to Norwood.
- Elk Rapids held a public meeting for input on two proposed routes through the village. There were over 30 in attendance that gave their feedback. C2AE will review the favored route and get back to the village board.
- There is a VASA Trail showcase Saturday, October 12 on the development of two new loops totaling two miles.

2. Adoption Program Swing Updates: Location of Swings

Wolf informed the money for the two swings has been received and they have been ordered. They will be installed either yet this year or in the spring. After discussing different locations, it

was suggested to have the committee walk Bayside Park to decide on suitable spots for placement overlooking the water.

3. Park System Signage

Jenema informed the signs will not be put up until spring. She asked the committee to look at areas in the park for setting the signs.

4. Art In The Park – Locations & Committee Updates

- Smith reported the Art In The Park committee met on September 13 to discuss the process of funding the project. A donation of \$500 has been pledged by CCAP. Jenema said a fund needs to be set up to keep track of donations, give a tax receipt to the donator and thank them for their support. Donations are tax deductible.
- A new member was added to the committee, Eric Campbell, a graphic designer with Proof Positive Design.
- The committee is doing research on foundations that give grants for these types of art projects and on visual works to present that are maintenance free.
- The possibility of changes to the ordinance to accommodate certain artwork was discussed.
- Insurance was discussed for artwork brought into the park. If the art becomes owned by the township, it will be covered under their policy.

5. Information for Township Website: boat launches, memorial sites, maps, etc.

- a. What to include – Wolf requested to compile all the information on park rules, boat launches, maps, amenities, pavilion rental in Sayler Park and a list of park supporters for her to place online.
- b. Who's responsible – Wolf will work on putting the information online this winter to be launched by spring with the assistance of Wentzloff.

6. Bayside Berm Quotations

Lamott compared price quotes he received from Barker Creek, Zimmerman Landscaping and Pine Hill Nursey for cedar trees to plant by the Shell Station. Zimmerman Landscaping came in with the best quote.

Jenema said the Sweetwater Garden Club is looking into giving funds for the trees.

Motion by Timmins to recommend to the township board the Parks & Trails Committee recommends Zimmerman Landscaping for purchasing the cedar trees, seconded by Smith. Motion carried unanimously.

Lamott said people have been driving into the park from the Shell parking lot and thought placing large boulders at the area they enter would prevent them from driving through.

Jemena suggested having painted screened words on the sidewalks to use as directions through the park instead of signs.

G. NEW BUSINESS:

1. Bayside Park Memorials

a. Type/Location(s) New Additions

Wolf stated there has been requests for donated memorials in the park. One of the memorial donators is not satisfied with the bench their plaque is on. It was the last bench available when their form was submitted. The committee suggested since there is not an alternative bench to offer, they could either withdraw their application and receive a refund or contribute to one of the other memorials still available.

Jenema informed items still available are, a drinking fountain, water bottle filler, playground equipment and foot wash.

b. Memorial Signage proof Takayama Rock

Wolf said the proofs she has received for the plaque to go on the rock, are not consistent with the others in the park. She will work with the sign company.

2. Meeting Day/Time

The Parks and Trails Committee decided to change the meeting day to the third Monday of the month at 4:00 pm starting in October.

Motion by Timmins to change the meeting date and time to the third Monday of the month at 4:00 pm starting in October, seconded by Heflin. Motion carried.

3. Veliquette Proposed Campground

Jenema informed Mr. Veliquette has inquired about donating 21 acres of the wetland portion of the proposed Brackett Road campground to the conservancy. The census of the committee was his request needed to go through the Planning Commission.

4. Election of Officers

Wentzloff nominated Jemena for the Parks & Trails Committee Chair, supported by Heflin. Jenema accepted the nominated. Motion carries.

Wentzloff nominated Timmins for the Parks & Trails Committee Vice-Chair, supported by Jenema. Timmins accepted the nominated. Motion carries.

Wentzloff nominated Heflin for the Parks & Trails Committee Secretary, supported by Timmins. Heflin accepted the nominated. Motion carries.

H. PUBLIC COMMENT: None

ADJOURN: Motion by Timmins to adjourn, seconded by Heflin. Meeting adjourned at 10:41 am



ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
5320 US-31 N, Williamsburg MI 49690
(Former Acme Laundromat at US-31 & Bunker Hill Rd)
May 13th, 2019 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 7:02 PM

ROLL CALL: Members present: K. Wentzloff (Chair), S. Feringa (Vice Chair), D. Rosa, D. VanHouten, B. Balentine, D. White

Members excused: M. Timmins

Staff present: S. Winter, Planning & Zoning Administrator, V. Donn, Recording Secretary

A. LIMITED PUBLIC COMMENT: None

B. APPROVAL OF AGENDA:

Motion by Feringa to approve the agenda as presented, supported by Rosa. Motion carried unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. SPECIAL PRESENTATIONS: None

E. CONSENT CALENDAR:

1. RECEIVE AND FILE

- a.** Township Board Draft Regular Meeting Minutes 04.02.19
- b.** Township Board Draft Special Meeting Minutes 04.11.19
- c.** Township Board Draft Special Meeting Minutes 04.29.19

2. ACTION:

- a.** Approve Draft Planning Commission Meeting Minutes 04.08.19

Motion by Balentine to approve the Consent Calendar as presented, supported by VanHouten. Motion carried unanimously.

F. ITEMS REMOVED FROM THE CONSENT CALENDAR: None

G. CORRESPONDENCE: None

H. PUBLIC HEARINGS: None

I. OLD BUSINESS:

1. Master Plan Public Comment Update

Winter stated the Township has received two public comments related to the draft Community Master Plan. The first is from Paul Thwing from TCAPS concerning the future status of the former Bertha Vos School facility, currently they don't have a definite plan for its future use.

The second is regarding a parcel east of Bartlett Rd, south of a county-owned recreational parcel at the corner of Bunker Hill Rd and Bartlett Rd, and north of the county-owned parcel where the VASA Trailhead is located. The property is currently zoned R-3 Urban Residential. Given the recreational uses of the lands surrounding the property, the draft Community Master Plan has proposed changing the future land use category on this property from "Residential – Urban" to "Conservation / Recreation". This creates a continuous zone of "Conservation / Recreation" future land use with the previously existing on the northside of Bunker Hill Rd. The future land

use classification does not constitute a zoning change. Winter and the Supervisor met with the property owner to discuss his concerns and it will be talked about at the public hearing next month.

2. Zoning Ordinance Amendment 050 – Planned Development

Winter has asked to change the scheduled May public hearing for the proposed zoning ordinance to the June 10 Planning Commission meeting.

Motion by Feringa to set a public hearing for June 10, 2019 to consider recommending approval of Zoning Ordinance Amendment 050 – Planned Development Transfer of Development Rights, supported by Balentine. Motion carried unanimously.

J. NEW BUSINESS:

1. SPR 2019-04 – Skymint Medical Marihuana Provisioning Center (PZR 2019-07)

Winter informed an application has been received to construct a medical marihuana provisioning center at 6140 N Arnold Rd. This is a use allowed by right in the B-4: Material Processing and Warehousing District. The Applicant does possess a local license for the facility type at this location. Stephanie Space, the architect and Will Mitchell with Bob Mitchell & Associates PC, were in attendance for any questions.

The proposal includes the construction of a 3,456 sq. ft facility on a vacant piece of land located behind the Tractor Supply Company. Most of the zoning ordinance standards have been met, with exceptions related to landscaping, exterior lighting and storm water management. None of the outstanding items are determined by staff to be substantial enough to prevent approval but can be required to be rectified prior to issuing a land use permit.

Motion by Feringa to approve Site Plan Review application SPR 2019-04, submitted by Bob Mitchell and Associates P.C., on behalf of Green Peak Innovations dba Skymint, to construct and operate an approximately 3,456 square foot licensed medical marihuana provisioning center located at 6140 N Arnold Rd, Williamsburg, MI 49690, with the following conditions that must be met prior to issuing a land use permit:

- 1. Revise the landscape plan to meet the native, non-invasive plant species, treed island, and right-of-way screening requirements of the Zoning Ordinance and as outlined in Planning & Zoning Report 2019-07, and to be approved by the Planning & Zoning Administrator and/or Township officials.**
- 2. Submit a completion bond, cash deposit, letter of credit, or certified check in the amount of the approved landscape plan as determined by a professional landscaper.**
- 3. Remove the wall pack lighting on the south and north facades of the building;**
- 4. All exterior lighting shall be shut off outside the hours of operation once the staff is no longer present except for the wall packs on the east façade, and one soffit light above the south entry and one soffit light above the west exit.**
- 5. Pending on the MDOT permit for the storm water discharge within the railroad right-a-way.**
- 6. The final set of site plan drawings be updated to reflect the applicable conditions, stamped by a licensed engineer, architect, or landscape architect, and signed by the Planning Commission Chair and Applicant. Supported by Rosa. Motion carried unanimously.**

K. PUBLIC COMMENT & OTHER PC BUSINESS

Public comment opened at 7:27 pm

Jim Heffner, 4050 Bayberry Lane, commented on the non-native plants and scrubs that are in the park. The township ordinance requires to use native plants except for single family residential. The Township should be following this and set an example. He would like to see the non-native plants replaced with native ones.

Public comment closed at 7:33 pm

1. Planning & Zoning Administrator Report – Shawn Winter

There will be a special Planning Commission meeting held on Tuesday, May 21, 2019 at 7:00 pm for a SUP minor amendment and site plan review for modifications at Flintfields Horse Park. Two other site plan reviews for provisioning centers in the B-4 district are in the works. They intend to be on the June 10, 2019 agenda. There has been no additional movement on the RV Park project to date. Bayside Park Opening Ceremony will be held on Saturday, May 18, 2019 from 12:30 – 1:30 pm. The net climber playground structure has been installed. On June 10 there will be two public hearings one for the rescheduled zoning ordinance amendment and the other for adopting the Master Plan.

2. Township Board Report: White reported the board is doing a budget review.

3. Parks & Trails Committee Report: Winter informed the initial review was received for the DNR Trust Fund Grant for the trail with a few items to be completed by May 15. The MDOT rail is needed by October and is being worked on. A 2% grant for trail amenities will be submitted this month.

ADJOURN: Motion to adjourn by Feringa, supported by Balentine. Meeting adjourned at 7:42 pm



ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
3593 Bunker Hill Rd, Williamsburg MI 49690
(Former Acme Laundromat at US-31 & Bunker Hill Rd)
May 21st, 2019 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 7:00 PM

ROLL CALL: Members present: K. Wentzloff (Chair), S. Feringa (Vice Chair), D. Rosa, D. VanHouten, B. Balentine, D. White

Members excused: M. Timmins

Staff present: S. Winter, Planning & Zoning Administrator, V. Donn, Recording Secretary

A. LIMITED PUBLIC COMMENT: Open at 7:01 pm

Brian Kelley, Acme Resident (Submitted written comments to be added to packet)

Richard Rudlaff, 12701 Mastique Beach Blvd., Fort Myers, Fl., voiced his concerns regarding the RV Park expansion and stormwater runoff.

Limited Public Comment closed at 7:07 pm

B. APPROVAL OF AGENDA:

Motion by Feringa to approve agenda as presented, supported by White. Motion carried unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. SPECIAL PRESENTATIONS: None

E. CONSENT CALENDAR:

- 1. RECEIVE AND FILE:** none
- 2. ACTION:** none

F. ITEMS REMOVED FROM THE CONSENT CALENDAR: None

G. CORRESPONDENCE: None

H. PUBLIC HEARINGS: None

I. OLD BUSINESS: None

J. NEW BUSINESS:

1. SUP 2019-01 Minor Amendment for Flintfields Horse Park (PZR 2019-08)

Winter explained this is an application from Flintfield for a minor amendment to a special use permit to shift two existing show rings and adding an adjacent warmup ring. The shift would cause the rings to encroach into the existing drainage basin for the property, so this calls for refiguring and enlarging the basin. Additionally, it is for a new pavilion to be approved under the standards of the Zoning Ordinance. The Pavilion had been constructed without prior approval. Gosling-Czubak has reviewed the proposed changes to the previously approved use, to include the reconfiguring of the arena layout and verified the plans are consistent with modifications of adding 8,778 cubic feet to the stormwater basin to increase to 20,095 cubic feet. A Soil Erosion and Sedimentation Control Permit has been submitted and reviewed. There is correspondence from Grand Traverse Metro Fire Department that they have received a copy of the site plans for

review and are also working on emergency access for areas around the site with Dusty Christensen from Mansfield Land Use Consultants in Traverse City, a consultant for the horse show. Winter suggested the horse show do a master plan of future uses and any changes that will be done.

Motion by Balentine to approve Special Use Permit minor amendment application SUP 2019-01, submitted by Mansfield Land Use Consultants, on behalf of Traverse City Horseshows LLC, to shift two existing show rings, construct a warmup ring adjacent, to add a pavilion over an existing spectator viewing area, and to reconstruct the storm water drainage basin as necessary and indicated on the submitted site plans, for the Great Lakes Equestrian Festival operated at Flintfields Horse Park, 6535 Bates Rd, Williamsburg, MI 49690, with the following conditions that must be met prior to issuing a land use permit: Submit approval of the site plan by the Grand Traverse Metro Fire Department, and the final set of site plan drawings be updated to reflect the applicable conditions, stamped by a licensed engineer, architect, or landscape architect, and signed by the Planning Commission Chair and Applicant, supported by White. Motion carried unanimously.

K. PUBLIC COMMENT & OTHER PC BUSINESS: Opened at 7:35 pm
Brian Kelley, Acme resident, voiced his concerns with the expanding of the Traverse Bay RV park affecting the wetlands with a branch of the Yuba Creek near.

Public Comment closed at 7:38 pm

- 1. Planning & Zoning Administrator Report – Shawn Winter**
Winter reported Lindsey Wolf will be the new Planning & Zoning Administrator and is starting June 17. She has a background in zoning and planning.
- 2. Township Board Report – Doug White: No report**
- 3. Parks & Trails Committee Report:** Wentzloff reported the Bayside Park dedication was held and it was announced Iron Belle Trail Fund pledged to match half of what is needed for the Tart Trail if the DNR Trust Fund Grant is received. Winter informed the board approved and signed the application for the Tribal 2% Grant for estimated \$39,000 to go towards trails amenities.

ADJOURN: Motion by Balentine to adjourn, seconded by VanHouten. Meeting adjourned at 7:42 pm



ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
August 12th, 2019 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 7:00 pm

ROLL CALL: Members present: K. Wentzloff (Chair), S. Feringa (Vice Chair), M. Timmins, D. Rosa, D. VanHouten, D. White

Members excused: B. Balentine

Staff present: L. Wolf, Planning & Zoning Administrator, S. Winter, Planning Consultant Beckett & Raeder, V. Donn, Recording Secretary

A. LIMITED PUBLIC COMMENT: Open at 7:00 pm

Brian Kelley, Acme Resident, commented on public comments in the minutes (Submitted written comments to be added to the packet)

Bob Garvey, 7490 Lautner, commented he was opposed to the Veliquette campground proposal

Edith Ziebart, 6981 Deepwater Pt. Rd., commented she was opposed to the Veliquette campground proposal

Limited Public Comment closed at 7:10 pm

B. APPROVAL OF AGENDA:

Motion by Timmins to approve the agenda as presented with the addition of Watershed Center's letter to G. 1. Correspondence supported by Rosa. Motion carried unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. SPECIAL PRESENTATIONS: None

E. CONSENT CALENDAR:

1. RECEIVE AND FILE

a. Township Board Draft Regular Meeting Minutes 07.02.19

b. Parks & Trails Committee Draft Meeting Minutes -none/meeting cancelled

2. ACTION:

a. Approve Draft Planning Commission Meeting Minutes 05.13.19

b. Approve Draft Special Planning Commission Meeting Minutes 05.21.19

c. Approve Draft Planning Commission Meeting Minutes 07.08.19

F. ITEMS REMOVED FROM THE CONSENT CALENDAR

Brian Kelley requested to remove under 2. Action, a. Approve Draft Planning Commission Meeting Minutes 05.13.19 and b. Approve Draft Special Planning Commission Meeting Minutes 05.21.2019.

Motion by Feringa to approve the Consent Calendar with only under 1. Receive and File, a. and under 2. Action c., support by Timmins. Motion carried unanimously.

Brian Kelley would like to have included in the packet the restored summary of the public comments from Jim Heffner to the 05.13.2019 and his own to the 05.21.19 meetings.

G. CORRESPONDENCE:

1. Letter from Heather Smith, Grand Traverse Baykeeper, The Watershed Center, dated 08.12.19

Wentzloff read the letter with comments from the Watershed Center regarding the proposed Nels

Veliquette campground to have in the record. They have concerns on the setbacks and dog park being near the wetlands causing potential bacterial contamination.

H. PUBLIC HEARINGS: None

I. OLD BUSINESS: None

J. NEW BUSINESS:

1. Meeting minute procedures going forward

Wentzloff reviewed the process of public comment for the Planning Commission Meeting Minutes. The minutes will note the person's name, address and a brief summary to capture the sentiment of the comment and will not be a detailed account of oral comments. It was agreed correspondence needs to be received and added to the agenda, if it is emailed, or hand delivered to the Zoning Administrator/and or Planning Commission chair no later than 4:00 the day of the meeting. This is so the communication can be distributed to the Planning Commission with enough time for reviewing prior to the meeting.

2. Nels Veliquette: Preliminary review campground proposal

Nels Veliquette, Cherries R Us Inc., 6137 Quarterline Rd., Kewadin, explain he is proposing a 125-camp site, dog park, and picnic pavilion, located on 68 acres on the corner of Brackett and Lautner Roads in Acme which is in the A-1 district. He along with Doug Mansfield with Mansfield Land Use Consultants in Traverse City, presented a layout of the proposed campground and answered questions on the sewer, entrance into the campground, wetlands, landscape buffers and potential ownership of individual sites.

The intent at this meeting is for Mr. Veliquette to have the opportunity to gather feedback from the commissioners if the campground could be a potential use for the property.

3. PD 2019-01: Lormax Stern Pre-Application and Review of Qualifications

Winter informed an application was submitted from Daniel Stern of Lormax Stern Acme LLC, for a PD pre-application review on the site located at 6455 US 31 North (the former K-Mart property) which he has purchased. The PD request is to create a development of a variety of uses to include restaurants, café's, public park with connectivity to the TART trail system, retail business, indoor self-storage, and potential future fire station. Daniel Stern with Mike Baily from MTB Partners, showed a layout of their plan of the proposed property. Winter explained the planning review report was included in this packet and outlines the required standards for the project to qualify for a PD, along with corresponding analysis. The application as submitted does not satisfy all the items nor the minimum five of the nine objectives. Based on the findings of the review, the application does not meet the minimum criteria of qualifications for a complete PD application at this time.

After reviewing the PD and a discussion with the applicants, Winter suggested to have a separate meeting with them, himself, Wolf and Wentzloff to discuss possible uses for the property that would fit into the Township's Master Plan. Wentzloff suggested to Mr. Stern he should also contact TART trails to get their opinion on the public park.

4. 2019-07: Acme North Operating Provisioning Center Site Plan Review

Winter informed the Applicant is proposing to build a 4,544 sq. ft structure at 7053 E M-72, as a licensed medical marihuana provisioning center. The proposed use is allowed by right in the B-4: Material Processing and Warehousing District. The property is located at a shared driveway off M-72 that is also utilized by Tractor Supply Co. The proposed use is consistent with the intent and purpose of the zoning district as well as the future land use category. The Planning Consultant's report is enclosed in the packet and outlines the required standards for site plan review. David Cacioppo, PCS Services LLC, Woodhaven, MI, who is doing the construction was available for questions and confirming the conditions that needed to be met.

Motion by Timmins to approve Site Plan Review 2019-07 for the construction of a 4,544 square-foot medical marihuana provisioning center to be located at 7053 E M-72, Williamsburg, MI 49690, with the following conditions that shall be met:

1. **Parking lot poles shall be limited to fifteen (15) feet in height, measured to the top of the luminaire**
2. **Wallpack lighting shall be limited to locations above exit/entry doors and loading doors**
3. **Parking lot lights and decorative gooseneck lighting on the façade be turned off outside the business hours of operation when no customers or staff are present.**
4. **Before issuing a land use permit:**
 - a. **The Applicant shall submit a bond, letter of credit, cash surety or certified check in the amount equal to the material and labor costs to install the plantings on the landscape plan, with the costs prepared by a professional landscaper; and**
 - b. **Submit a printed set of full-sized plans sealed by a licensed engineer, architect, or landscape architect and signed by the Applicant and Planning Commission Chair.**
5. **Remove the curve cut on the east side of the parking lot**

Supported by Rosa. Motion carried unanimously.

4. Election of Officers

Wentzloff opened nominations for election of officers. Timmins nominated Wentzloff for Chair. Wentzloff accepted.

Roll Call Motion carried by Feringa, Rosa, VanHouten, White, Timmins. Wentzloff recused.

White nominated Feringa for Vice Chair. Feringa accepted.

Roll Call Motion carried by Wentzloff, Rosa, VanHouten, White, Timmins. Feringa recused.

White nominated Timmins for Secretary. Timmins accepted.

Roll Call Motion carried by Wentzloff, Feringa, Rosa, VanHouten, White. Timmins recused.

K. PUBLIC COMMENT & OTHER PC BUSINESS: Opened at 9:00 pm
Brian Kelley, Acme Resident, commented on the change of the meeting minutes.

Richard Rudlaff, TBRV Resort, voiced his concerns on the Veliquette campground.

Public Comment closed at 9:05 pm

1. **Planning & Zoning Administrator Report** – Wolf informed there is an administrative review project for storage of materials for an individual and requested an available date from Feringa and Wentzloff to communicate with the individuals.
2. **Township Board Report** – White reported the board will be discussing at the August meeting the Day Care Center and plans for the supervisor leaving.
3. **Parks & Trails Committee Report** – No report

ADJOURN: Motion to adjourn by Timmins, supported by VanHouten. Meeting adjourned at 9:09 pm



ACME TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING
ACME TOWNSHIP HALL
6042 Acme Road Williamsburg, MI 49690
September 23rd, 2019 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 7:00 pm

ROLL CALL: Members present: K. Wentzloff (Chair), S. Feringa (Vice Chair), M. Timmins, D. White, D. VanHouten, B. Balentine

Members excused: D. Rosa

Staff present: L. Wolf, Planning & Zoning Administrator, S. Winter, Planning Consultant Beckett & Raeder, V. Donn, Recording Secretary

- A. LIMITED PUBLIC COMMENT:** None
- B. APPROVAL OF AGENDA:** Motion by Timmins to approve the agenda as presented, supported by White. Motion carried unanimously.
- C. INQUIRY AS TO CONFLICTS OF INTEREST:** None
- D. SPECIAL PRESENTATIONS:** None
- E. CONSENT CALENDAR:**
 - 1. RECEIVE AND FILE:** none
 - 2. ACTION:** none
- F. ITEMS REMOVED FROM THE CONSENT CALENDAR:** None
- G. CORRESPONDENCE:** None
- H. PUBLIC HEARINGS:** None
- I. OLD BUSINESS:**
 - 1. PD 2019-01: Lormax Stern Pre-Application and Review of Qualifications**

Daniel Stern with Lormax, gave an overview on the proposed planned development of the former Kmart property he has purchased. He is proposing to divide the old Kmart building partly as an indoor storage facility and the remainder as retail space. The conceptual site plan shows the construction of new buildings on the existing property's parking lot close to US-31 with a public park, pedestrian walkways, office and/or other township uses, a potential daycare, and retail businesses with the opportunity for residential attached townhomes on the north part of the property. They plan to maintain the existing wetlands, retention ponds, woods and a stormwater infrastructure to improve water quality. They also hope to network with a pedestrian walkway and bike path with connectivity to the TART trail system

Winter stated this is a revised pre-application for a planned development on the zoning ordinance. There is a list of objectives and standards the applicant would need to demonstrate satisfying before they would be approved to apply. At this point it is conceptual plan of their vision. Approval of a pre-application does not guarantee final approval of the PD, there is a whole new set of standards that needs to be satisfied through that phase. Winter included in his review this pre-application does meet the standards and gave recommendations to inform the applicant what would be needed moving forward.

- A proposed phasing plan
- 10-foot width for the non-motorized trail;
- Preservation of mature trees along US-31;
- Future cross access location on the north property line
- New buildings and the renovated façade of the Kmart building will need to adhere to the architectural standards of the district, including but not limited to minimum ground floor transparency, defined customer entrances on the front facades, offsets, building materials, façade ornamentation, etc.
- LID stormwater management techniques for all future needs
- Limiting uses in the Kmart building to those allowed in the CF District, and any others specifically approved. Although there are a number of similarities between the CF and B-3 districts, there are a number of more auto-centric uses in the B-3 that are not consistent the of the CF district of the property's future land use category. Plus, allowing all uses in the B-4 district would essentially a small industrial district within the CF, which is highly incompatible. A list is included in the packet.

Stern said the residential units would be either for sale or rent. It was discussed for him to have a list of potential uses on the property, so he knows his flexibility when going toward the planned development. The committee wants to make sure there are described phases in the plan to guarantee the end process will be completed.

Motion by Timmins to approve the pre-application for PD 2019-01 submitted by Daniel Stern of Lormax Stern LLC for a mixed used planned development at 6455 US-31 N. The findings of fact submitted in Planning & Zoning Report 2019-15 support the pre-application dated July 10, 2019, and subsequently revised, meets the minimum standards under Section 19.3 of the Acme Township Zoning Ordinance to qualify for a formal planned development application submission, supported by Balentine. Motion carried unanimously.

J. NEW BUSINESS: None

K. PUBLIC COMMENT & OTHER PC BUSINESS: Open at 7:32 pm

Various questions were asked by community members in attendance.

Asked on the parking in the site plan layout. Winter informed it was a conceptual plan for now, but when the formal application is submitted it will be looked at for what the zoning ordinance requires.

Stern was asked on the amount of potential residential attached townhouses, he answered approximately 10-15.

Closed public comment at 7:49 pm

1. **Planning & Zoning Administrator Report** – No report
2. **Township Board Report:** White informed this was his last planning commission meeting, Jean Aukerman from the board will be taking his place starting in October.
3. **Parks & Trails Committee Report:** No report

ADJOURN: Motion by Timmins to adjourn, seconded by Balentine. Meeting adjourned at 7:50 pm

Date: 10.07.19
From: Shawn Winter, Planner
To: Karly Wentzloff, Chair
ACME TOWNSHIP PLANNING COMMISSION
Project: Koti Planned Development
Request: Amendment to approved Planned Development (PD 2016-01)

Application No.: PD 2016-01
Location: 4160 E M-72, 4200 E M-72, 4230 E M-72
Parcel No.: 28-01-102-011-00; 28-01-102-011-25; 28-01-102-014-01; 28-01-102-010-00
Applicant: Nate Elkins, Influence Design Forum LLC
120 E Front St | Traverse City, MI | 49684
Owner: Dan Kelly, Kelly Restaurants LLC
4230 E M-72 | Williamsburg, MI | 49690

GENERAL DESCRIPTION

The Applicant is requesting an amendment to the approved Koti Planned Development (PD) to modify seven (7) items related to the conceptual site plan and development agreement.

AMENDMENT REQUEST

Nate Elkins of Influence Design Forum ("Applicant") has submitted a request to amend seven items from the approved Koti Planned Development (PD 2016-01) owned by Dan Kelly of Kelly Restaurants ("Developer"). These items would amend the development agreement ("Agreement"), both in the language of the document and drawings enclosed within. Section 19.11 Amendments to Planned Development Plan in the Acme Township Zoning Ordinance states it is the Planning Commission's discretion as to whether a request is a minor or major amendment:

19.11 AMENDMENTS TO PLANNED DEVELOPMENT PLAN

Proposed amendments or changes to an approved PD plan and/or PD contract shall be presented to the Planning Commission following the same procedures for amending a Special Use Permit outlined in Section 9.1.4. ***The Planning Commission shall decide whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan,*** and in such event may approve or deny the proposed amendment. If the Planning Commission decides the proposed amendment is material in nature and warrants a major amendment, the Planning Commission shall hold a public hearing and make a recommendation to the Board to approve or deny the request. (*emphasis added*)

The first step for the Planning Commission is to review the seven items in the request and determine if they constitute a minor or major amendment. Upon determination, there are several possible paths to follow:

- If all items are determined to be a minor amendment, the review and consideration of the request may proceed with approval, approval with conditions, or denial of any or all the items.
- If any of the items are determined to be a major amendment, the Planning Commission should discuss with the Applicant and Developer whether they prefer to treat the minor and major amendment items separately, or as one singular major amendment.
- If the Planning Commission, Applicant and Developer agree to treat the minor amendment items separately from the major amendment items, the Planning Commission could address the minor amendment items only at this month's meeting and set a public hearing for the major amendment items for November.

Aspects to consider when reviewing the items should include impacts on motorized and non-motorized traffic within the development, ingress and egress to and from the development, storm water management systems, environmentally sensitive lands, sanitary, water and other infrastructure needs, consistency with land use goals and objectives of the Township, phasing, and overall character of the plan. Each of the seven items from the request are presented in the table below along with review comments for consideration.

Proposed Changes	
1.	The one-way street "Moss Lane" will change from a 1-way to a 2-way.
	<p>Description: As a result of a change in the phasing plans and requirements of the fire department the one-way street "Moss Lane" will be changed to 2-way vehicle circulation. The north sidewalk will be replaced with asphalt to accommodate the 20 foot street width minimum. By replacing the sidewalk there will be no net increase of impervious surfaces - the pedestrian sidewalk on the south side of the street will remain along with on-street parallel parking. The street will also be shifted north approximately 10-20 feet to provide additional space for housing, underground utilities, and pedestrian space.</p> <p>Review Comments: The Agreement does not include any provisions mandating one- or two-way streets, other than that which is indicated in the drawings. Given the proposed phasing in this request, it would be difficult to provide adequate ingress and egress to the development with a one-way street unless Visby or Lund Streets and access drives in Phase 2 are completed in Phase 1. Even then, the street widths unless modified may not meet</p>

	<p>Metro Fire standards. Even if allowed, the Planning Commission may want to consider requiring the completion of the entrance and access drive near the Williamsburg Event Center aligning with Visby or Lund Streets be constructed as part of Phase 1. This would allow a separate construction entrance minimizing the impact of traffic through the later stages of Phase 1 as construction is continuing and guests are beginning to stay. The Developer has indicated in discussion the intent to use the Williamsburg Event Center as a storage facility for construction supplies. The access road would allow moving the supplies from storage to their intended unit without having to access M-72. The Agreement under Exhibit C, Item E does require sidewalks on both sides of all streets. This request to remove the sidewalk along the north side of Moss Lane would be a departure from that provision. Although this change would affect the non-motorized connectivity in the development, it could be argued given the nature of the development that the overall walkability remains with little impact. If the Planning Commission feels the sidewalk should remain, Sheet S.22 (attached) provides a cross section of the street demonstrating 12' 6" between the proposed road edge and buildings. This space could accommodate a 5' wide sidewalk, albeit the sidewalk edge would be within 7' 6" of the proposed structures. In either instance, if this request is approved Sheet S.7 will need to be updated and submitted as part of the amended Agreement.</p>
2.	<p>Additional amenities will be added including a pool, pool house, and sauna.</p> <p>Description: A pool, pool house, and sauna will be added to the development to provide additional amenities for the residents. These amenities will be private and only available to residents of KOTI.</p> <p>Review Comments: The Agreement allows under Exhibit C, Item H. the short-term rental of the residential structures without needing a short-term rental license from the Township. This is more akin to a resort, in which these additional uses could be considered accessory to the principal use and structures, and not incompatible with the mixed-use components approved in the Agreement. Those using the facilities will be guests, not residents, of Koti and as such there is no anticipated increase in trip generation to and from the development. Given the resort nature of the development, the Developer may want to consider the opportunity to include a fitness or exercise facility since they are common amenities in such developments.</p>
3.	<p>The existing "cabin-style" commercial building will remain through Phase 3 or until Mixed-Use Neighborhood "2" is sold.</p> <p>Description: The existing (2) Cabin-style commercial buildings will be adaptively reused as a restaurant (east building) and a retail store and sales office (west building) until the Mixed-Use Neighborhood is sold and developed as indicated on the KOTI Master Plan and Planned Development.</p> <p>Review Comments: The Developer indicated throughout the original review and approval process his intent on repurposing these buildings until Phase 4, or a time when an interested party desires to redevelop that portion of the development. The location of the buildings is in an approved mixed-use section and is not inconsistent with uses approved for that area. It is not clear if the repurposing of the buildings is part of a given phase.</p>
4.	<p>The existing commercial kitchen building will remain through Phase 2.</p> <p>Description: The existing commercial kitchen, operated by Kelly Restaurants, will remain through Phase 2.</p> <p>Review Comments: The request states the commercial kitchen will remain <i>through</i> Phase 2 but does not indicate if it will be removed prior to the construction of Phase 3. The location of the commercial kitchen does not appear to be incompatible with Phase 1, however, there are questions about its location as it relates to other components of the development. Phase 2 shows at least one residential structure where the commercial kitchen is located,</p>

	as well as storm water management infrastructure. Since it is not clear when the commercial kitchen will be removed it is hard to determine what affect its continued existence will have on the functionality of the storm water system or the Developer's ability to complete Phase 2 and move on to Phase 3. It is worth noting at this point that under Exhibit C, Item C. the approved conceptual plan presents multiple low impact development (LID) storm water management techniques that are required as part of the PD approval, and that the site plan for each phase shall meet the LID requirements of the Article 19 in the Acme Township Zoning Ordinance, as well as the Acme Township Storm Water Ordinance. The site plan illustrated on Sheet S.7 (dated 09.24.19) shows the proposed Traverse City to Charlevoix Trail alignment, consistent with what was submitted in the Township's MDNR Natural Resources Trust Fund Grant. If the Township is successful in securing the grant, the terms may require the trail's completion prior to the removal of the commercial kitchen. There may be ways to address this with a modified temporary alignment around the building for a period of time, but that would need to be acceptable to the MDNR. Also, the details of who would be responsible for aligning the trail as approved once the commercial building is removed, and when, should be considered as part of this request.
5.	The Mixed Housing Neighborhood (Single Family Residential Portion) of the Planned Development will be built-out in phases by Kelly Restaurants LLC.
	Description: In order to accommodate the most sustainable financing and sound economics Kelly Restaurants plans to build out the residential portion of the project in phases. Each phase will include additional smaller phases or segments that include construction of "x" number of homes at a time. For example, Phase 1 might include 27 houses; however, the houses will most likely be constructed in quantities of 8-10.
	Review Comments: This is a sound approach to the construction of development in each phase. The alternative to what is proposed here would be to construct all 27 homes simultaneously, which seems unrealistic given the sheer volume of workers and equipment needed to do a complete phase all at once. Constructing the residential structures in quantities of 8-10, for example, would limit the construction impact on neighboring properties, as well as within the development in future phases. The Planning Commission may want to consider whether a phase needs to built-out to completion before the Developer can proceed with the next phase.
6.	Ownership of the Mixed Housing Neighborhood (Single Family Detached Residential Portion) will be held by Kelly Restaurants LLC.
	Description: Kelly Restaurants plans to retain ownership of the single family residential portion of the project until a later to-be-determined date. The Mixed-Use Neighborhoods (1 & 2) may or may not be developed under the ownership of Kelly Restaurants.
	Review Comments: The Agreement doesn't require that the residential units be individually owned, other than the development was proposed as a site condo development. Exhibit C, Item J. requires submission of the Home Owner's Association (HOA) bylaws to the Township. The request is specific to the Mixed Housing Neighborhood and does not provide any indication how ownership would work with the residential units in the two mixed-use neighborhoods. The proposed change in ownership model should not create any additional impact from the development. Item J. could be amended to reflect only the mixed-use neighborhood at this time, which in term could be modified through amendment in the future. The Applicant and Developer should note the proposed ownership model in their request may result in the residential structures being considered commercial buildings which in turn could affect the other agency reviews, such as that from Metro Fire.
7.	The non-motorized TART Trail Alignment changed.

Description: Working together with members of the TART Trails organization and Acme Township the trail now will enter the development in the South West corner and be constructed as an integral multi-use 10' wide concrete sidewalk (Refer To Revised Overall Site Plan).

Review Comments: The Applicant and Developer were accommodating to the Township's request for a new trail alignment to minimize the extent of wetland crossing needed to traverse Acme Creek. The trail alignment is consistent with what the Township proposed in their aforementioned grant application. Besides those mentioned in Item 4 above, the only additional concern is the timing of the trail construction and how its use may be impacted by future construction phases. It is possible the trail proceeds Phase 2 or other phases of construction. In this instance, the trail would be built to existing conditions (grade, alignment, etc.), or matched to the Developer's proposed plans as much as possible. However, as is indicated with this amendment request the fine details of future phases may change. It's recommended that should the trail need to be realigned due to a change in the Developer's plan it may, upon Planning Commission approval, so long as the two points entering/exiting the property align and that the work will be done at the Developer's expense.

REVIEW AND APPROVAL

Upon review of the requested, it is recommended that all seven be treated as minor amendments. A sample motion for approving a minor amendment has been provided below for each of the items in the request which can be supplemented with additional conditions, or have items removed if denied or deemed to be a major amendment. Italicized considerations from the review comments above have been noted where appropriate. The original approval included a drafted development agreement that was part of the motion. The following motion is lengthy since it provides the framework for amending the development agreement based on the request.

Suggested Motion for Consideration:

Motion to approve the minor amendment request to the Koti Planned Development (PD 2016-01) submitted by Nate Elkins of Influence Design Forum, dated September 24, 2019 with attached revised drawings of the same date:

Sheet S.7: Overall Site Plan

Sheet S.7: Overall Site Plan with changes noted

Sheets S.27-1 through 4: Phasing Plan

The approval shall include the following modifications and conditions and amend the development agreement where appropriate:

1. The one-way street "Moss Lane" shall change from a one-way to a two-way street with a shifted alignment to the north as indicated in Sheet S.7. Sheet S.22 - Section D Tertiary or Local One-Way Street shall be updated to reflect a five (5) foot wide sidewalk on the south side of the street, a six (6) inch curb, an eight (8) foot parking lane on the southside of the street, two (2) ten (10) foot

- travel lanes, and a six (6) inch curb on the north side of the street. (*CONSIDERATION: maintain sidewalk requirement on the north side*)
2. The development shall be allowed to include the construction of a pool, pool house and sauna as indicated in Sheet S.7 as accessory uses for exclusive use by the guests of Koti and not open to the general public. (*CONSIDERATION: expand allowed accessory uses to include a fitness/exercise facility for exclusive guest use*)
 3. The existing cabin structures located at the west entrance in Mixed-Use Neighborhood 2 shall be allowed to stay with the east building being repurposed as a restaurant open to the general public and the west building serving as a sales office and retail store for the Koti development. (*CONSIDERATION: It is not clear whether the repurposing of the buildings is part of a specific phase, or if allowed to occur at any time*)
 4. The existing commercial kitchen shall be allowed to stay through the completion of Phase 2. The commercial kitchen shall be removed as part of the completion of Phase 2 required before the beginning of Phase 3.
 5. Construction of the development shall follow the phasing plan noted in sheets S.27-1 through 4, with the completion of one phase required before the commencement of the next phase. Structures may be used for their intended purpose once all infrastructure serving the structure, including sanitary, water, motorized and non-motorized circulation and storm water management, has been provided and a certificate of occupancy has been issued, regardless of whether or not the whole phase has been completed. (*CONSIDERATION: require the access/construction drive from the east entrance be required as part of Phase 1*).
 6. The ownership model for the Mixed Housing Neighborhoods shall be changed to allow the Developer to maintain sole ownership of that portion of the development. Condominium Home Owner's Association (HOA) Bylaws shall not be required for this portion of the development under this ownership model but shall still be applicable to all other portions of the development.
 7. The non-motorized TART Trail alignment shall be modified as presented in Sheet S.7, consistent with the MDNR Natural Resources Trust Fund Grant Application submitted by the Township. Should the implementation of the trail upon receipt of the grant conflict with the existing commercial kitchen, a modified alignment shall be allowed upon approval of the Planning Commission and the MDNR around the commercial kitchen. Once the commercial kitchen is removed, the trail shall be realigned as indicated on Sheet S.7 to the standards required by the MDNR and at the Developer's expense. The realignment shall be considered part of Phase 2 and required before any subsequent phase may begin. Should the Developer's plans for a future phase be modified resulting in a change in alignment of the existing the trail, the Planning Commission may approve a new alignment as long as the points entering and exiting the properties remain the same and that all costs associated with the realignment are paid for by the Developer.
 8. All other conditions of the development agreement for Planned Development 2016-01 shall remain in effect. An amendment to the original development agreement shall be signed and notarized by the Developer and the Township Supervisor.

END OF SUGGESTED MOTION

Please note, that if any items were deemed a major amendment, then a public hearing will need to be set.

studio

120 East Front St.
2nd Floor Loft
PO Box 1507
Traverse City MI 49685
(231) 944.4114

**influence
design
forum**
LLC

September 24, 2019

Acme Township
c/o Lindsey Wolf, Zoning Administrator
6042 Acme Road
Williamsburg, MI 49690

RE: KOTI Planned Development Request For Minor Amendment

Dear Lindsey,

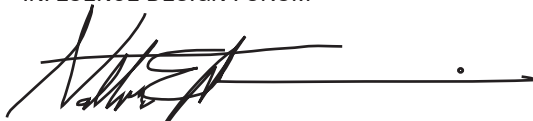
Influence Design Forum (IDF) is pleased to submit a request for a minor amendment to the KOTI Planned Development on behalf of Dan Kelly and Kelly Restaurants LLC. The property is located at 4240 E M-72 in Williamsburg, Michigan.

I want to thank you and the Township Attorney for taking the time to meet with Dan and I to review the proposed changes and provide a recommendation for the best way forward. Please find attached a short narrative with descriptions of the proposed changes, an updated KOTI Site Master Plan, and updated Phasing Plan.

If approved at the October Planning Commission meeting our goal is to move forward with updated the construction drawings and submit for site plan review and a land use permit by February 2020 and then break ground on the first phase in the Spring.

We are excited and look forward to collaborating with the Township to expedite the project changes in order to accommodate the aggressive schedule to get approval and begin construction.

Sincerely,
INFLUENCE DESIGN FORUM

A handwritten signature in black ink, appearing to read 'N. Elkins', followed by a horizontal line that ends in a dot.

Nathan G. Elkins, ASLA
Studio Director

KOTI Planned Development Request For Minor Amendment

PROPOSED CHANGES

1. The One-way Street “Moss Lane” Will Change From 1-way To 2-way

Description: As a result of a change in the phasing plans and requirements of the fire department the one-way street “Moss Lane” will be changed to 2-way vehicle circulation. The north sidewalk will be replaced with asphalt to accommodate the 20 foot street width minimum. By replacing the sidewalk there will be no net increase of impervious surfaces - the pedestrian sidewalk on the south side of the street will remain along with on-street parallel parking. The street will also be shifted north approximately 10-20 feet to provide additional space for housing, underground utilities, and pedestrian space.

2. Additional Amenities Will Be Added Including A Pool, Pool House, And Sauna.

Description: A pool, pool house, and sauna will be added to the development to provide additional amenities for the residents. These amenities will be private and only available to residents of KOTI.

3. The Existing “Cabin-style” Commercial Buildings Will Remain Through Phase 3 Or Until Mixed-Use Neighborhood “2” Is Sold.

Description: The existing (2) Cabin-style commercial buildings will be adaptively reused as a restaurant (east building) and a retail store and sales office (west building) until the Mixed-Use Neighborhood is sold and developed as indicated on the KOTI Master Plan and Planned Development.

4. The Existing Commercial Kitchen Building Will Remain Through Phase 2

Description: The existing commercial kitchen, operated by Kelly Restaurants, will remain through Phase 2.

5. The Mixed Housing Neighborhood (Single Family Residential Portion) Of The Planned Development Will Be Built-Out In Phases By Kelly Restaurants LLC.

Description: In order to accommodate the most sustainable financing and sound economics Kelly Restaurants plans to build out the residential portion of the project in phases. Each phase will include additional smaller phases or segments that include construction of “x” number of homes at a time. For example, Phase 1 might include 27 houses; however, the houses will most likely be constructed in quantities of 8-10.

6. Ownership of the Mixed Housing Neighborhood (Single Family Detached Residential Portion) Will Be Held By Kelly Restaurants LLC.

Description: Kelly Restaurants plans to retain ownership of the single family residential portion of the project until a later to-be-determined date. The Mixed-Use Neighborhoods (1 & 2) may or may not be developed under the ownership of Kelly Restaurants.

7. The Non-Motorized TART Trail Alignment Changed

Description: Working together with members of the TART Trails organization and Acme Township the trail now will enter the development in the South West corner and be constructed as an integral multi-use 10’ wide concrete sidewalk (Refer To Revised Overall Site Plan).

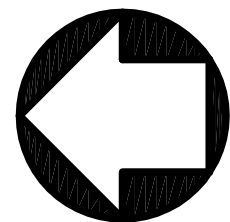
M-72 EAST



PROPOSED

GENERAL LEGEND:

- GRASS / LAWN
- PERMEABLE PAVERS
- WOOD DECKS
- NATIVE LANDSCAPING
- ENHANCED GREENBELT / EXISTING NATIVE VEGETATION
- EXISTING NATIVE VEGETATION
- BIOSWALE / STORM WATER GARDEN
- WATER FEATURE / CREEK
- SIDEWALK
- STONE WALL
- SINGLE TRACK TRAIL
- PARKING LOT / STREET
- TRANSIT STOP
- BICYCLE PARKING



SCALE: 1" = 50'



set number

influence
design
forum
LLC

studio

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Traverse City, MI 49685
(231) 944.4114

www.influencedesignforum.com

CIVIL ENGINEER
CONSULTANT

REGISTRATION SEAL

ISSUE DATE	DESCRIPTION
11-28-17	PD APPLICATION
9-24-19	MINOR AMENDMENT CHANGES

PROJECT

KOTI PLANNED
DEVELOPMENT

CLIENT
KELLY RESTAURANTS LLC
4230 M-72 EAST HWY.
WILLIAMSBURG, MI 49690

PRINCIPAL:	NGE
PROJECT MGR.:	
DESIGNED BY:	NGE
DRAWN BY:	
CHECKED BY:	
COMMISSION / JOB NO.:	2017101.01

DRAWING TITLE

OVERALL SITE PLAN

S.7

[illegible]

PROJECT

KOTI PLANNED DEVELOPMENT

CLIENT
KELLY RESTAURANTS LLC
4230 M-72 EAST HWY.
WILLIAMSBURG, MI 49690

PRINCIPAL:	NGE
PROJECT MGR.:	
DESIGNED BY:	NGE
DRAWN BY:	
CHECKED BY:	
COMMISSION / JOB NO.:	2017101.01

DRAWING TITLE

OVERALL SITE PLAN

S.7



120 E. Front St.
2nd Floor Loft
P.O. Box 1507
Traverse City, MI 49685
(231) 944.4114

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**CIVIL ENGINEER
CONSULTANT**

REGISTRATION SEAL

PROJECT

KOTI PLANNED DEVELOPMENT

CLIENT
KELLY RESTAURANTS LLC
4230 M-72 EAST HWY.
WILLIAMSBURG, MI 49690

PRINCIPAL:	
PROJECT MGR.:	
DESIGNED BY:	
DRAWN BY:	
CHECKED BY:	
COMMISSION / JOB NO.:	201710















DRAWING TITLE

PHASING PLAN

S.27-4

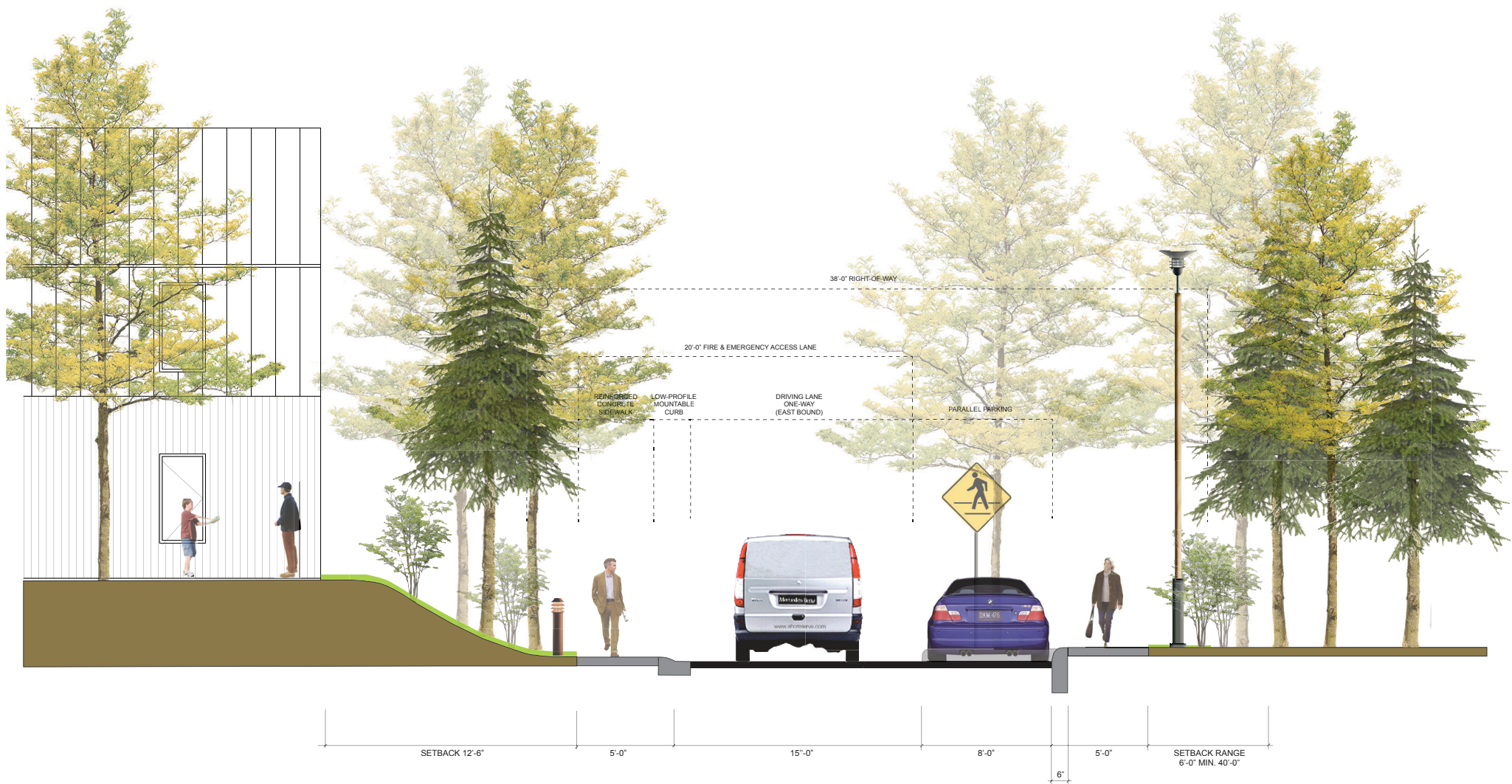




- | | |
|---|---|
|  | GRASS / LAWN |
|  | PERMEABLE PAVERS |
|  | WOOD DECKS |
|  | NATIVE LANDSCAPING |
|  | ENHANCED GREENBELT / EXISTING NATIVE VEGETATION |
|  | EXISTING NATIVE VEGETATION |
|  | BIOSWALE / STORM WATER GARDEN |
|  | WATER FEATURE / CREEK |
|  | SIDEWALK |
|  | STONE WALL |
|  | SINGLE TRACK TRAIL |
|  | PARKING LOT / STREET |
|  | TRANSIT STOP |
|  | BICYCLE PARKING |



SCALE: 1" = 50'



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studio
120 E. Front St.
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(231) 944-4114
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DRAWING TITLE
RESIDENTIAL NEIGHBORHOOD - CROSS SECTION STUDY

SECTION D
TERTIARY OR LOCAL ONE-WAY STREET

PROJECT
**PLANNED UNIT
DEVELOPMENT**

CLIENT
KELLY RESTAURANTS
4230 M-72 EAST HWY.
WILLIAMSBURG, MI 49690

PRINCIPAL	NGE
PROJECT MANAGER	
DESIGNED BY	NGE
DRAWN BY	
CHECKED BY	
COMMISSION / JOB NO.	2017101.01

ISSUE DATE	DESCRIPTION
11-28-17	PUD APPLICATION



**TOWNSHIP OF ACME
COUNTY OF GRAND TRAVERSE
STATE OF MICHIGAN**

**PLANNED DEVELOPMENT (PD) 2016-01
KELLY RESTAURANT'S LLC**

PLANNED DEVELOPMENT AGREEMENT

This Planned Unit Development Agreement (the "Agreement") is executed this 17th day of April, 2018 between ACME TOWNSHIP, a Michigan general law township, with its offices located at 6042 Acme Rd, Williamsburg, MI 49690 (the "Township"), and Kelly Restaurant's LLC (the "Developer").

RECITALS

- A. The Developer owns approximately 18.17 acres of real property located at 4160, 4200, 4230 E M-72, along with an unaddressed parcel in Acme Township, Grand Traverse County, Michigan (the "Property"), more specifically described on the attached Exhibit A.
- B. The Developer applied to the Township for zoning approval to develop the Property as a Planned Development ("PD"). The Conceptual PD Plan depicting the scope of the development, dated November 28, 2017 and on file with the Township, is incorporated herein and part of this Agreement and is attached as Exhibit B.
- C. As part of the Conceptual Approval of a PD Plan, Article XIX of the Acme Township Zoning Ordinance ("Zoning Ordinance") requires the preparation of a contract setting forth the conditions upon which the approval has been granted, which in turn serves as the basis for future site plan approval, and thereafter the development, use, and maintenance of the Project. In contemplating the Developer's request to seek Conceptual Approval of a PD Plan, the Township Planning Commission and Township Board adopted certain conditions of approval, which were relied upon by the Planning Commission and Township Board in granting their approval. The conditions, if any, adopted by the Planning Commission and Township Board, are attached as Exhibit C. Additional conditions of approval may also be included within the minutes of relevant meetings of the Planning Commission and/or Township Board. Furthermore, any representations or promises made by the Developer during the zoning review and approval process for the



Development (whether oral or in writing) shall also be additional conditions of approval if deemed appropriate by the Township.

- D. The Developer shall develop the Property only as specified in the attached approved Conceptual PD Plan, and consistent with all conditions and requirements (hereinafter, the development of the Property shall be referred to as the “Project”).
- E. In reliance on their mutual promises and in order to memorialize their understanding, the parties have determined to enter into this Agreement.

GENERAL PROVISIONS

- A. The terms of this Agreement represent the product of negotiations between Developer and the Township, and shall be interpreted as a jointly-drafted agreement.
- B. Except as may be modified by this Agreement, the Zoning Ordinance shall apply to the Property. Any violation of the Zoning Ordinance by the Developer with respect to the Property shall be deemed a breach of this Agreement.
- C. The Zoning Board of Appeals (ZBA) shall have no jurisdiction over the Property.
- D. A material breach of this Agreement by Developer shall constitute a nuisance *per se*. In the event of a breach of this Agreement by Developer, its agents, officers, employees, or persons acting in concert with it, the Township may notify Developer of the occurrence of the breach and issue a written notice requiring the breach be cured within thirty (30) days; provided, however, that if the breach, by its nature, cannot be cured within thirty (30) days, Developer shall not be in breach hereunder if Developer commences the cure within the thirty (30) day period and diligently pursues the cure to completion. Failure to comply with such notice shall render Developer subject to enforcement by the Township for all legal and/or equitable remedies. The Developer shall pay all actual costs for enforcement incurred by the Township, including, but not limited to, attorneys’ fees, expert witness fees and the like.
- E. This Agreement contains the entire agreement between the parties. No statements, promises, or endorsements, other than those expressly made or referenced in this Agreement, made by either party or agent of either party shall be valid or binding. This Agreement may not be amended except in writing signed by the parties and recorded in the same manner as this Agreement. In the event Developer desires to propose an amendment, an application shall be made to the Zoning Administrator, who shall process the application as follows: Proposed amendments or changes to an approved Conceptual PD plan shall be presented to the Planning Commission following the same procedures for amending a Special Use Permit outlined in Section 9.1.4 (Amendments and Modifications for Special Uses). The Planning Commission shall decide whether the



proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan, and in such event may approve or deny the proposed amendment. If the Planning Commission decides the proposed amendment is material in nature, the Planning Commission and Township Board shall review the amendment under the provisions and procedures of the Planned Development Article in the Zoning Ordinance as they relate to final approval of the PD.

- F.** It is understood and agreed by the parties that if any part, term, or provision of this Agreement is finally held by the courts to be illegal or in conflict with any law of the State of Michigan or the United States, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular part, term or provision held to be invalid; provided, however, that if the provision, part of term invalidated is so fundamental to the entire Agreement that its purpose is frustrated, the Agreement is voidable at the option of either party.
- G.** This Agreement shall be governed by the laws of the State of Michigan, both as to interpretation and performance. Any and all suits for any and every breach of this Agreement may be instituted and maintained in any court of competent jurisdiction in the County of Grand Traverse, State of Michigan.
- H.** No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement shall be taken and construed as cumulative, that is, in addition to every other remedy provided by law.
- I.** The signers of this Agreement warrant and represent that they have the authority to sign this Agreement on behalf of their respective principals and the authority to bind each party to this Agreement according to its terms. Further, each of the parties represents that the execution of this Agreement has been duly authorized and is binding on such party.
- J.** This Agreement shall run with the land and bind the parties, their heirs, successors, and assigns. This Agreement shall be recorded in the Grand Traverse County Records by the Township. It is understood that the Property is subject to changes in ownership and/or control at any given time, but that successors shall take their interest subject to the terms of this Agreement.
- K.** It is understood that the members of the Township Board and/or Township Administration and/or its departments may change, but the Township shall nonetheless remain bound by this Agreement.
- L.** Notwithstanding the foregoing, Developer, for itself and its successors and assigns, retains the right at any time prior to the commencement of construction of the improvements contemplated by the PD Plans to terminate the PD.



M. It is agreed that the final terms, conditions, requirements, and obligations of this Agreement represent the mutual understanding and agreement of the parties, and Developer fully accepts and agrees to the terms, conditions, requirements, and obligations contained herein, and shall not be permitted in the future to claim that their effect results in an unreasonable limitation upon the use of all or any portion of the Property, or to claim that enforcement of the terms and provisions of this Agreement cause an inverse condemnation, due process violation, or taking of all or any portion of the Property. Moreover, it is agreed that the improvements and undertakings described in this Agreement are necessary and roughly proportionate to the burdens created by the Development, and are necessary in order to ensure that public services and facilities necessary for and affected by the Project will be capable of accommodating the Development on the Property and the increased service and facility loads caused by the Project; to protect the natural environment and conserve natural resources; to ensure compatibility with adjacent uses of land; to promote the use of the Property in a socially, environmentally, and economically desirable manner; and to achieve legitimate objectives authorized under the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*

It is further agreed and acknowledged that all improvement required to be constructed and/or financed by Developer, both on-site and off-site, are clearly and substantially related to the burdens to be created by the Development and/or use of the Property, and all such improvements without exception are clearly and substantially related to the Township's legitimate interest in protecting the public health, safety, and general welfare, are roughly proportionate to such burdens created by the Development. It is further agreed that all fees to be imposed, as contemplated in this Agreement, do not constitute "taxes."



Jay B. Zollinger, Supervisor

STATE OF MICHIGAN)
)ss.
COUNTY OF GRAND TRAVERSE)

Notary Public
Grand Traverse County, Michigan
My Commission Expires: _____

Dan Kelly, Owner

STATE OF MICHIGAN)
)ss.
COUNTY OF GRAND TRAVERSE)

Notary Public
Grand Traverse County, Michigan
My Commission Expires:

PD Developer Initials - Date



EXHIBIT A

LEGAL DESCRIPTION(S)

Land in the Township of Acme, Grand Traverse County, Michigan, more fully described as:

Parcel A

Address: 4160 E M-72, Williamsburg, MI 49690
Parcel No.: 28-01-102-011-00
Legal Description: PT NW 1/4, SEC 2 T27N R10W COM NW SEC CNR, S 86 DEG 43' E 596.16', S 01 DEG 17' W 145.81' TO SLY HWY R/W & POB, S 88 DEG 42' E 205.81', S 300.34', S 66 DEG 97' W 325.36' TO SLY SHR ACME CREEK, N 13 DEG 23' W 90.08', N 16 DEG 30' E 48.41' TH N 9 DEG 10' W 109.34', N 35 DEG 27' E 56.73', E 72.45', N 150' TO POB.

Parcel B

Address: Street Number Not Assigned, Williamsburg, MI 49690
Parcel No.: 28-01-102-011-25
Legal Description: PART OF NW 1/4 SEC 2 T27N R10W COM NW SEC COR TH S 86 DEG 43' E 596.16 FT TH S145.81 FT TO SLY HWY R/W TH S 88 DEG 42' E 205.81 FT TH S 01 DEG 25' E 300.34 FT TO POB TH S 88 DEG 42' E 100.11 FT TH S 536.60 FT TO SHR ACME CREEK TH ALG SD SHR N 55 DEG 51' W 7.19 FT TH N 87 DEG 11' W 26.10 FT TH N 40 DEG 11' W 92.88 FT TH N 52 DEG 59' W 61.87 FT TH N 38 DEG 33' W 54.80 FT TH N 43 DEG 42' W 94.47 FT TH N 33 DEG 31' W 64.06 FT TH N 43 DEG 42' W 117.95 FT TH N 50 DEG 34' W 68.80 FT TH N 66 DEG 07' E 325.26 FT TO POB

Parcel C

Address: 4200 E M-72, Williamsburg, MI 49690
Parcel No.: 28-01-102-014-01
Legal Description: PT NW 1/4 SEC 2 T27N R10W COM AT NW CNR SEC 2 TH S 86 DEG 43'27" E 895.66' TH S 0 1 DEG 30'51" E 430.44' TO POB TH S 88 DEG 42'59" E 234.60' TH S 01 DEG 25'35" E 494.39' TH S 86 DEG 43'27" E 185.62' TH S 01 DEG 25'35" E 250' TO A PT ON A TRAVERSE LINE ALONG ACME CREEK TH S 59 DEG 48'00" W 89.73' TH N 73 DEG 15'02" W 122.46' TH N 28 DEG 44'26" W 132.64' TH N 55 DEG 32'38" W 200.73' TH N 01 DEG 30'51" W 540.18' TO POB SPLIT ON 09/03/1998 FROM 01-102-014-00;

Parcel D

Address: 4230 E M-72, Williamsburg, MI 49690
Parcel No.: 28-01-102-010-00
Legal Description: W 214.5' OF NE 1/4 OF NW 1/4 ALSO E 185' OF N 915' OF NW 1/4, NW 1/4. SEC 2 T27N R10W.



EXHIBIT B

APPROVED CONCEPTUAL PD PLAN DRAWINGS

Attached herein to this Agreement are the approved Conceptual PD Plan drawings.

No.	Title	Date
n/a	Planned Unit Development Site Plan & Application	11.28.17
S.1	Existing Conditions Plan	11.28.17
S.2	Existing Conditions Plan – Zoning District Overlay	11.28.17
S.3	Existing Conditions Plan – Proposed Change in Land Use	11.28.17
S.4	Existing Conditions Plan – Location of Businesses	11.28.17
S.5	Existing Conditions Plan – Ecologically Sensitive Areas	11.28.17
S.6	Existing Conditions Plan – Forest Cover Types	11.28.17
S.7	Site Plan	11.28.17
S.7	Site Plan (with vegetation)	11.28.17
S.8	Neighborhood Plan	11.28.17
S.9	Modeling – Camera Location	11.28.17
S.10	Residential Neighborhood – Modeling Study, Camera 1	11.28.17
S.11	Residential Neighborhood – Modeling Study, Camera 2	11.28.17
S.12	Residential Neighborhood – Modeling Study, Camera 3	11.28.17
S.13	Residential Neighborhood – Modeling Study, Camera 4	11.28.17
S.14	Residential Neighborhood – Modeling Study, Camera 5	11.28.17
S.15	Mixed-Use Neighborhood – Modeling Study, Camera 6	11.28.17
S.16	Circulation Plan	11.28.17
S.17	Parking Management Plan	11.28.17
S.18	Cross Section Study – Section ID Map	11.28.17
S.19	Mixed-Use Neighborhood – Cross Section Study: Section A Main Street	11.28.17
S.20	Residential Neighborhood – Cross Section Study: Section B Secondary or Collector Street	11.28.17
S.21	Residential Neighborhood – Cross Section Study: Section C Tertiary or Local Street	11.28.17
S.22	Residential Neighborhood – Cross Section Study: Section D Tertiary or One-Way Street	11.28.17
S.23	Storm Water Management Plan	11.28.17
S.24	Park & Open Space Plan	11.28.17
S.25	Preliminary Utility Plan	11.28.17
S.26	Fire & Emergency Access Plan	11.28.17
S.27	Phasing Plan	11.28.17
S.28	Concept Grading Plan	01.22.18



EXHIBIT C

SPECIFIC CONDITIONS

The following conditions have been adopted by the Township Planning Commission and Township Board:

A. Density:

- 1) The PD Plan proposes seventy six (76) detached single-family dwelling units on the 12.51 acres designated as MHN – Mixed Housing Neighborhood District for a density of 6.08 du/ac. If the Developer wishes to modify the density in the MHN District by not more than eight (8) dwelling units, then the change shall constitute a minor amendment. If the Developer wishes to modify the density in the MHN District by more than eight (8) dwelling units, then the change shall constitute a major amendment.
- 2) The PD Plan proposes fifty (50) multifamily units on the 5.66 acres designated as C – Corridor Commercial District for a density of 8.83 du/ac. If the Developer wishes to modify the density in the C District by not more than five (5) dwelling units, then the change shall constitute a minor amendment. If the Developer wishes to modify the density in the C District by more than five (5) dwelling units, then the change shall constitute a major amendment.

B. Land Use: In addition to the aforementioned allowable dwelling units, the following land uses by type and area shall be allowed in the area designated C on the PD Plan:

- 1) Commercial – 45,000 square feet
- 2) Office – 20,000 square feet
- 3) If the Developer wishes to modify item 1) or 2) above by up to ten (10) percent, then the change shall constitute a minor amendment. If the Developer wishes to modify item 1) or 2) above by more than ten (10) percent, then the change shall constitute a major amendment.

C. Storm Water: The approved Conceptual PD Plan presents multiple low impact development (LID) storm water management techniques. The final site plan for each phase shall meet the LID storm water management requirements as required by the Planned Development Article of the Zoning Ordinance, and consistent with the Acme Township Storm Water Ordinance.

D. Acme Creek Monitoring Program: The Developer shall monitor the water quality of Acme Creek to ensure through the development of the Project that the water quality meets or exceeds the Part 4 Water Quality Standards prescribed under Part 31 of the Water Resource Protection section of NREPA (MCL 324.3101) with the following conditions:

- 1) The collecting, analyzing, and reporting of the water quality shall be completed by a qualified, independent party.

-
- 2) Measurements shall be taken at two locations: where Acme Creek enters the Property and exits the Property.
 - 3) Water quality samples shall be collected, analyzed and reported to the Township to establish a baseline prior to the issuance of any land use permit for the Project.
 - 4) Once a land use permit has been issued for a particular phase of development, water quality samples shall be collected, analyzed, and reported to the Township monthly until construction has reached completion for the development phase.
 - 5) Once construction has been completed for a development phase, water quality samples shall be collected, analyzed, and reported to the Township quarterly for two (2) consecutive years.
 - 6) In the event that the construction of a development phase overlaps the post-construction monitoring of a previous phase, the timeline and frequency of collecting, analyzing, and reporting water quality shall be based on the most recent phase of development.
 - 7) The Acme Creek Monitoring Program shall collect, analyze, and report on the following parameters consistent with Part 4 Water Quality Standards: e Coli, dissolved oxygen, water temperature, specific conductivity, pH, volatile organic compounds, total organic carbon, total dissolved solids, total suspended solids, turbidity, water velocity, and water elevation.

E. Non-motorized Facilities: The Developer must provide an easement for a non-motorized shared-use facility connecting the property to the south and the Grand Traverse Town Center. The location of the easement shall be in the general location illustrated on the approved Conceptual PD Plan and shall support a paved trail surface with a minimum width of ten (10) feet. The trail easement agreement, with a survey and legal description, shall be recorded with the Grand Traverse County Register of Deeds. Sidewalks along both sides of all street right-of-ways and access routes leading to parking lots shall be constructed as presented in the approved Conceptual PD Plan.

F. Cross Access Management: The Developer agrees to enter into a mutually acceptable access easement agreement for vehicular and non-motorized traffic with abutting property owners in the general locations indicated on the approved Conceptual PD Plan when those abutting properties are developed, redeveloped, and/or required by Acme Township.

G. Existing Vegetation: All vegetation within the mandatory stream and wetland setbacks shall be maintained in a natural state. Only the removal of invasive species, diseased, or dying vegetation shall be permitted. The exception being the removal of vegetation to accommodate the designated non-motorized trail.

H. Short-Term Rentals: Short-term rental of the detached single-family homes in the MHN-Mixed Housing Neighborhood District and the multifamily units above the first floor in the C-Corridor Commercial District shall be allowed without a license from Acme Township.

-
- I. Architecture and Construction:** Single-family dwelling units shall be of a design similar to that which has been presented in the approved Conceptual PD Plan and accompanying site plan approvals. The single-family homes shall sit on a permanent foundation or slab and shall not be on a chassis, or a chassis anchored to a slab or foundation. The mixed-use buildings presented in the plan shall meet all the architectural requirements of the base zoning district. Any building design change shall be submitted to the Planning Commission for review and approval as a minor amendment to the approved Conceptual PD Plan.
- J. Condominium Home Owner's Association (HOA) Bylaws:** A copy of the condominium HOA bylaws shall be submitted to the Township and include the contact information for the HOA. An updated copy shall be submitted to the Township any time the HOA bylaws are amended or the contact information has changed.
- K. Phasing Requirement:** The construction phasing shall follow the Phasing Plan included in the approved Conceptual PD Plan. The Developer may modify the Phasing Plan depending on market conditions, project financing, and permit review requirements through a minor amendment to the approved Conceptual PD Plan.
- L. Expiration:** The Developer shall have two (2) years to submit an application for site plan review. After site plan approval, the expiration of the approval shall follow the same timeline for site plan reviews and land use permits as outlined in the Zoning Ordinance. If at any time the approval of the Conceptual PD Plan or subsequent site plan reviews and land use permits expire, the approved Conceptual PD Plan shall be considered null and void and the Property shall revert back to the underlying zoning designation, unless extended by a major amendment. Prior to the commencement of any construction, the Developer may void the approved Conceptual PD Plan and revert the Property back to its underlying zoning designation through a written request to the Zoning Administrator. If the Property reverts back to the underlying zoning designation, the Township shall record a document stating that the approved Conceptual PD Plan and this Agreement have expired and are no longer applicable.