



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
March 14, 2016 7:00 p.m.**

CALL TO ORDER: 7:01pm

ROLL CALL:

PC Members Present: D. Rosa, D. White, S. Feringa, K. Wentzloff, M. Timmins, T. Forgette, B. Balentine, J. Jessup, and J. DeMarsh.

Staff Present: S. Winter, Zoning Administrator; J. Iacoangeli, Township Planner; J. Jocks, Counsel

A. LIMITED PUBLIC COMMENT: Opened @ 7:03p.

Andy Andres, 1107 Barlow St. - Inquired about the scheduled paving of Bunker Hill Road. Feringa indicated that work will be in conjunction with the Grand Traverse Band Bureau of Indian Affairs with design work to begin in 2016 with community input and construction anticipated in the 2017 season. Storm water component is part of the project.

Daren Klooster, 4520 Quail Court, TC. Inquired about Outdoor/Tent Sale in Meijer parking lot around the 4th of July.

Public comment closed @ 7:05p.

B. APPROVAL OF AGENDA: J. DeMarsh commented that the agenda seemed congested for one evening and suggested an item such as item G3 to be moved to the next meeting. Thought perhaps other items may need further discussion. Wentzloff indicated we were not held to a specific time limit and we could wait and see how the meeting progresses. Motion to approve agenda as submitted made by Timmins, support by Rosa; Motion passed unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: S. Feringa inquired on conflict of interest for New Business Item #2; GTTC Conceptual Plan Review. He indicated he has not been participating or given input on the designs being presented, however, he would recuse himself from this discussion.

D. CORRESPONDENCE: None

E. PUBLIC HEARINGS:

1. None

F. NEW BUSINESS:

1. Zoning Ordinance Rewrite Process – Article VIII: Site Plan Review

J. Iacoangeli lead a presentation that included components of the current Site Plan Review procedures. He went over some potential modifications and/or revisions to be considered for improvement, and included the timeline for the Zoning Ordinance rewrite. Overall he liked how the current Article is set up, it is very easy to review and

APPROVED 04/11/2016

is concise. Currently, the Article 8.2 process indicates that site plans, if part of a SUP, must go through a Public hearing before PC review/approval. Non-SUP site plans may go through a Public Hearing prior to review/approval by the PC. Time frame for a SUP takes about 3-4 months. Under non-SUP, it can take 2-3 months. The length of time is critical and many other communities are looking at this closely in order to compress the time frame in order to fit into a construction season.

Article 8.2.3 outlines the required components of the site plan. Since the township almost always look at building elevation, the township should require them to be provided up front as part of the submitted site plan. He strongly recommended to require all documentation/plans/elevations submitted in both printed and digital format. This would help make the review process easier and more complete. In digital form, as site plans can be immediately incorporated into GIS System and physically/geographically locate the project and see how the properties lay out and are being developed. Otherwise, everything has to be done by hand which takes much longer. In addition, requiring storm water control and drainage include measures for incorporation of low impact development storm water technologies, indication of impact to air sheds, incorporation of Dark Sky lighting technologies, utilization of native plant species for project landscaping and incorporation of pedestrian and non-motorized facilities all directly connect to milestones in the Community Master Plan. No added suggestions with respect to the Standards for Review and Approval and Conditions sections of the Article seemed necessary.

Lastly, Iacoangeli talked about the use of Administrative Review of Non-SUP site plans that are permitted by right and doesn't trip a trigger like excessive traffic generation or significant storm water facilities. An Administrative Review committee could likely include the Zoning Administrator, Township Engineer, Planning Commission chair and possible another member. They could meet monthly to review all of the plans and agency reviews and if it meets the ordinance without a trigger, it could be approved administratively. The US31-M72 business corridor form based code district is an example use indicator in that the code dictates specifically how properties are to be laid out and specific provisions are detailed out in the code. He wanted to put this component out there for review and discussion by the PC for possible consideration if not now, perhaps in the future. Many communities are moving in this direction.

Overall, the commission members liked the suggestions as presented. Feringa concurred that more and more firms are being asked to release site plan documentation digitally as part of the process though there are typically use disclaimers. He also asked for clarification that the elevation requirement was referring to building elevation. DeMarsh commented that he felt most of the local townships in the area have recognized, moving in that direction and/or used Administrative Review effectively to expedite the site plan review process. The township has moved in that direction as well with the adoption of form based code district. With a short construction season, seems inefficient to wait an additional 30 days for approval by the PC when the plan meets the document requirements of the ordinance and would be approved. Winter commented that Peninsula Township may explore the option of Administrative Review/Approval as part of their re-write, Blair Township uses it, East Bay uses it for their industrial park zones and their planner indicated they are looking to expand. Traverse City uses it effectively and last year, of the 248 land use permits they issued, 98% were by right developments where the majority were reviewed administratively. Only those that were designated special use or met a specific threshold were sent to the PC for review. Forgette asked if the specific triggers were defined and Iacoangeli indicated that if adopted he would work with Winter to come up with the specific items for review. Examples of triggers that could be, but not limited to, are excessive transportation/trip generation and proximity to adjacent properties, and sensitive natural areas such as creeks and wetlands. If a trigger condition occurs, then a full PC Review and/or Public Hearing would be used. The US31-M72 Business corridor and the Materials and Processing districts were thought to be example areas where this could apply. Winter indicated that this is already being done for substantial residential sites. Wentzloff clarified with counsel that the statute allows for approval by PC or Administrative Review team with discretion as long as they meet the criteria set in the zoning ordinance and conditions for approval can still be applied and required. Wentzloff also wanted to clarify that under the inclusion for incorporation of low impact development

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storm water technologies that we provide possible examples like we did under the form based code.

The recommendation was for Winter, Iacoangeli and legal counsel to draft language and bring back to the PC for further review and possibly some examples of its use in the context of the current zoning. With respect to all of the Zoning Ordinance re-write we would be looking to complete by then end of calendar year. Board of Trustee review and approval would be in the October time frame.

2. GTTC Conceptual Plan Review - S. Feringa recused.

J. Iacoangeli summarized the submitted February 2012 conceptual drawings of GTTC with the current condition of storm water system superimposed on them. Additionally, a new drawing dated March 1, 2016 was submitted with the current storm water system showing the permitted uses within each area denoted in similar colors as the 2012 version. He also indicated that the developer was looking to rescind the area that was part of Amendment 3 (Redwood Homes) and go back to its original planned multiple family design. The Township is expecting a letter from the developer with this request for the PC to review soon. Iacoangeli is going to review the recorded square footage numbers to make sure it aligns with the approved SUP but felt it is pretty accurate. In summary, the overall plan is coming back to where it was with the inclusion now with all of the permitted uses and the actual constructed storm water system. Iacoangeli also commented that the GTTC is zoned R3 with this SUP which could be converted to Corridor-Flex. By doing so, this could allow for less parking lot requirements and thereby reducing the amount of storm water. Additionally, the use of form based code would help set the building use, form and structure look that the township desires. Forgette asked what more would the township get from the use of form based code underlying this SUP. Iacoangeli feels the markets have shifted from 2000 when this was originally designed and very few are building this type of development. In summary, this continues to be a work in progress and will continue to evolve over time.

G. OLD BUSINESS:

1. Zoning Ordinance Amendment 037 – Planned Development

Public hearing was held in January. Discussion concentrated on sending and receiving zones. The agriculture zone is primarily the sender. The township is not a broker; it's an incentive for the developer and an agreement between the developer and the property owner in the sending zone. This is only for a Planned Development. Discussion occurred whether or not it could go from receiving to receiving, how it affects the PDR area, and the stipulations related to wetlands. Density transfer is just one element. Winter provided examples to the PC of how it would work through the process and stepped through each. It is a big negotiating agreement between the developer and the PC. It is not meant to circumvent the ordinance. If the property zoning is primary residential, it shall remain primarily residential. Feringa suggested a change with respect to the software version requirements. A procedural summary as part of the document was recommended by counsel. Winter suggested visual representation may be helpful as well. Discussion occurred on termination and expiration date time line. Iacoangeli and counsel suggested language that automatically terminated date of approval if construction does not occur within a year unless an extension in writing is approved by the Board. This eliminates gray area and puts burden on applicant to keep track of clock. White asked if PD is terminated. Counsel some language should be drafted in the contract and/or in PD regarding that the density transfer should be returned if PD expires. A version of this ordinance was approved 6-7 years and then was rescinded. A good example of how this works is the old Norris Elementary site. Nothing could be done or development as a result of the use of a PD ordinance. Andy Andres asked if a receiving zone could be a sending zone as well. Iacoangeli thought the only justification would be if one of the pieces of the receiving property had unique features that township would want to protect. Perhaps language could be adopted to clarify. PC asked for revisions to be incorporated and will review again in April.

2. Zoning Ordinance Amendment 038 – Temporary Outdoor Sales

Winter looked at other townships and a definition was added to the Amendment. He provided a quick summary of

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the ordinance “Tent” was removed from the title to expand the type of uses that would be allowed, but still in the spirit of the proposed amendment. (i.e. Christmas tree sales during the holidays, summer sidewalk sale, etc.). The provisions discussed related to tents were included so that they would still apply if a tent is to be used. Adding PD may be warranted. Winter went through items in the ordinance including signage. Counsel suggested incorporating a change in notification to two business days. Board was wanting to make this ordinance as extension of business. Rosa asked if anyone spoke to Acme Business Association. Winter indicated he spoke to them and they felt it made sense. Rosa thought restriction of flags/balloons etc was too strict. A discussion occurred with respect to extension of business and third party vendors. Members discussed outdoor sales items that may be an extension of existing components of business inventory, such as selling the same product as the “store”, but outdoor sales vendor having a greater inventory. Winter suggested that perhaps fee could be adjusted based on whether the applicant was an existing brick and mortar store or third party. Timmins preferred not allowing 3rd party vendors and did not want a series of tents across township. Discussion occurred on number of events allowed for one business during course of year. Clearer language needed. Counsel suggests draft language saying no one business shall have outdoor sales of more than 30 days during one calendar year. The question was asked if the business owner took out the permit for an outdoor sale, and assumed any responsibility for such sale, why would the township care. Timmins is not so concerned about allowing third party vendors, but rather does not want Township looking like a big tent sale. Feringa liked the fact of having the property owner responsible. DeMarsh asked about what direction the board was looking to achieve. Iacoangeli reminded commission members that whoever comes in for the permit must disclose on the application what it is they will be selling. Winter commented that the ordinance can always be amended. Wentzloff thought the way the ordinance was drafted reflected the PC discussion from last month. Consensus by the PC was to keep the draft ordinance language as presented with the minor clarifications and changes. Changes include requiring application to be submitted 2 business days prior to event, add in PD, and require that no business shall exceed 30 days of outdoor sales per calendar year as part of the permit.

Motion by Timmins to set a public hearing for Zoning Ordinance Amendment 038 – Temporary Outdoor Sales for the April 11th Planning Commission meeting with changes; support by Balentine. Motion passed unanimously.

3. Draft Police Power Ordinance – Mobile Food Vending Units

This would be a Police Power Ordinance adopted by the Township Board, however, they have tasked the Planning Commission to draft the language. The draft language was modeled after food truck ordinances in other jurisdictions throughout the state. Board has expressed not wanting their operation on park property. PC decided to postpone discussion on this until next meeting.

H. ADMINISTRATIVE ACTION

1. Receive and file Township Board Minutes 1/5/16 - Motion to receive and file made by Timmins; support by Rosa. Motion passed unanimously.
2. Receive and file Township Board Minutes 2/2/16 - Motion to receive and file made by Timmins; support by White. Motion passed unanimously.
3. Receive and file Parks and Trails Committee Minutes 12/18/15 - Motion to receive and file made by Timmins; support by Rosa. Motion passed unanimously.
4. Receive and file Parks and Trails Committee Minutes 1/22/16 - Motion to receive and file made by Timmins; support by Balentine. Motion passed unanimously.
5. Receive and file Parks and Trails Committee Minutes 1/28/16 - Motion to receive and file made by Timmins; support by Balentine. Motion passed unanimously.
6. Approve draft Planning Commission Minutes 1/11/16 - Motion to receive and file made by Timmins; support by Balentine. Feringa requested edit on meeting minutes on page 3, Administrative Action H#4 for missed supported motion. Timmins withdrew motion. Minutes to

be corrected and presented for approval next meeting.

I. PUBLIC COMMENT & OTHER PC BUSINESS

1. Zoning Administrator Report: Shawn Winter provided a summary of the current ZA activity since the January 2016 meeting.
 - Permits issued since the January 11th PC Meeting:
 - o Land Use Permits – 7
 - New Home: 5
 - Accessory: 1
 - Addition: 1
 - o Sign Permits – 1 (Permanent: Blue Star Memorial Highway sign at Bayside Park)
 - Township Board approved the Parks and Trails Committee’s recommended improvements to Bayside Park for 2016 utilizing the previously allocated \$67,000. Township Board also approved \$100,000 in matching funds for the MNRTF Grant Application for improvements to Bayside Park for the grant application due April 1st.
 - Next Month:
 - o Potential Site Plan Review for the relocation of Chase Bank branch
2. Planning Consultant Report: John Iacoangeli - no new items to report
3. Township Board Report: D. White shared that the Township Board approved an additional \$25,000 for Parks grant. Timmins added that Conservancy raising contribution for Parks grant from \$125,000 to \$200,000.
4. Parks & Trails Committee Report: Marcie Timmins shared that the new park and trail committee had been formed (many members of PC, township staff, and community members are involved). Seeming to gain momentum. Working on grant schedules and applications for Bayside Park.

ADJOURN: Motion to adjourn made by Timmins; support by Balentine. Motion passed unanimously. Meeting adjourned at 9:44p.



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
March 14, 2016 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. CORRESPONDENCE:**
- E. PUBLIC HEARINGS:**
 - 1. None
- F. NEW BUSINESS:**
 - 1. Zoning Ordinance Rewrite Process – Article VIII: Site Plan Review
 - 2. GTTC Conceptual Plan Review
- G. OLD BUSINESS:**
 - 1. Zoning Ordinance Amendment 037 – Planned Development
 - 2. Zoning Ordinance Amendment 038 – Temporary Outdoor Sales
 - 3. Draft Police Power Ordinance – Mobile Food Vending Units
- H. ADMINISTRATIVE ACTION**
 - 1. Receive and file Township Board Minutes 1/5/16
 - 2. Receive and file Township Board Minutes 2/2/16
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 - 4. Receive and file Parks and Trails Committee Minutes 1/22/16
 - 5. Receive and file Parks and Trails Committee Minutes 1/28/16
 - 6. Approve draft Planning Commission Minutes 1/11/16
- I. PUBLIC COMMENT & OTHER PC BUSINESS**
 - 1. Zoning Administrator Report: Shawn Winter
 - 2. Planning Consultant Report: John Iacoangeli
 - 3. Township Board Report: Doug White
 - 4. Parks & Trails Committee Report: Marcie Timmins

ADJOURN:



Memo

To: Acme Township Planning Commission
From: Shawn Winter, Zoning Administrator
CC: Jeff Jocks, John Iacoangeli
Date: March 8, 2016
Re: March 14, 2016 Planning Commission Packet Summary

Below is a summary of select items on the Planning Commission agenda. Where applicable, suggested actions have been provided.

I. New Business

a. Zoning Ordinance Rewrite

- The timeline of our Zoning Ordinance rewrite has been included. The next section for review is Article VIII: Site Plan Review
- Please review the existing the ordinance that has been included to better understand the current process and to consider areas for improvement.
- John Iacoangeli will be leading a short presentation on our current procedures and we'll begin the discussion on what improvements may be applicable.

b. GTTC Conceptual Plan Review

- An updated conceptual plan has been submitted for the Grand Traverse Town Center
- The Overall Land Use Conceptual Plan dated February 22, 2012 shows the approved conceptual plan with the previously approved storm water design in gray, and the as-built storm water basins in red.
- The Overall Land Use Conceptual Plan dated March 1, 2016 modifies the original plan to define areas and uses within certain land areas of the overall development, reflecting the as-built storm water basin design.
- We will be conducting a preliminary review and discussing what additional elements may be needed to satisfy the Planning Commission's request for an update.

II. Old Business

a. Zoning Ordinance Amendment 037 – Planned Development (PD)

- A Public Hearing for the proposed amendment was held at our January 11 meeting.
- Deliberation and questions followed, and the Planning Commission ultimately decided not to take action on the topic and table the discussion until our next meeting.
- Areas of concern/clarification have been highlighted in yellow. You may want to reference the minutes from the last meeting.
- Questions focused on the sending and receiving zones, what qualifies for a density transfer, map interpretation (which was questioned whether or not it was even necessary to have a map).
- Jeff Jocks wanted to look over the proposed amendment for legal review.
- **Suggested Action:** continue deliberation and answering questions that remain; incorporate recommendations into the draft language. If the incorporation of recommendations and changes satisfies the Planning Commission, proceed to Suggested Motion

- **Suggested Motion:**
 - *Motion to send the proposed Zoning Ordinance Amendment 037 – Planned Development (PD) with additional recommendations incorporated to the Grand Traverse County Planning Commission for review.*

b. Zoning Ordinance Amendment 038 – Temporary Outdoor Sales

- Potential Zoning Ordinance amendment under Article VII: Supplemental Regulations to allow for temporary outdoor sales.
- We discussed this topic at our last meeting under the title “tent sale”. “Tent” was removed from the title to expand the type of uses that would be allowed, but still in the spirit of the proposed amendment. (i.e. Christmas tree sales during the holidays, summer sidewalk sale, etc.)
- The provisions discussed related to tents were included so that they would still apply if a tent is to be used.
- NOTE: Consider adding Planned Developments to §7.2.10(a)(2) if amendment 037 is approved.
- **Suggested Action:** carefully deliberate the draft language and incorporate any changes agreed upon by the Planning Commission and incorporate recommendations made by Counsel. If comfortable with the draft language, as amended, proceed to Suggested Motion.
- **Suggested Motion:**
 - *Motion to set a public hearing for Zoning Ordinance Amendment 038 – Temporary Outdoor Sales for the April 11th Planning Commission meeting*

c. Food Trucks Police Power Ordinance

- This would be a Police Power Ordinance adopted by the Township Board, however, they have tasked the Planning Commission to draft the language.
- The draft language was modeled after food truck ordinances in other jurisdictions throughout the state. Many of these jurisdictions exist in a denser urban setting, therefore adaptations have been made to better reflect the needs and setting of Acme Township and are are certainly up for modification.
- Overview and Highlights:
 - Board expressed not wanting their operation on park property. There was concern that the operation of a food truck on lands acquired through the Trust Fund grant would violate the terms of the grant agreement. I spoke with the DNR and was told that if a food truck was to operate on the land as an amenity to those recreating on the property it would be permissible. Nonetheless, no provision was included in the draft language to allow such usage.
 - The draft language requires that a food truck operate on private property, with permission of the property owner, and is not to occur on public streets or outside the commercial zoning districts unless the property has been developed under a Special Open Space Use, Mixed Use Planned Development, Planned Development (if amendment 037 is to be adopted), or Institutional Use.
 - Concern was expressed regarding an unfair advantage over brick and mortar restaurants that pay property taxes. A provision has been included that would prevent the operation of a food truck within 150 feet of an established restaurant. Another option, as seen in other jurisdictions, is to have a two-tiered fee system, where a food truck operated by an established restaurant in the Township would pay a lower fee than an independent food truck. This implementation would require Board approval in the schedule of fees.
 - A property approved with a special use permit that prohibits outdoor sales would not be eligible for a food truck operation.
 - Food trucks would not be allowed to operate on public streets, given the nature of our street pattern. Food trucks would be allowed to operate on private streets in approved districts compliant with the provisions set forth in the draft language.

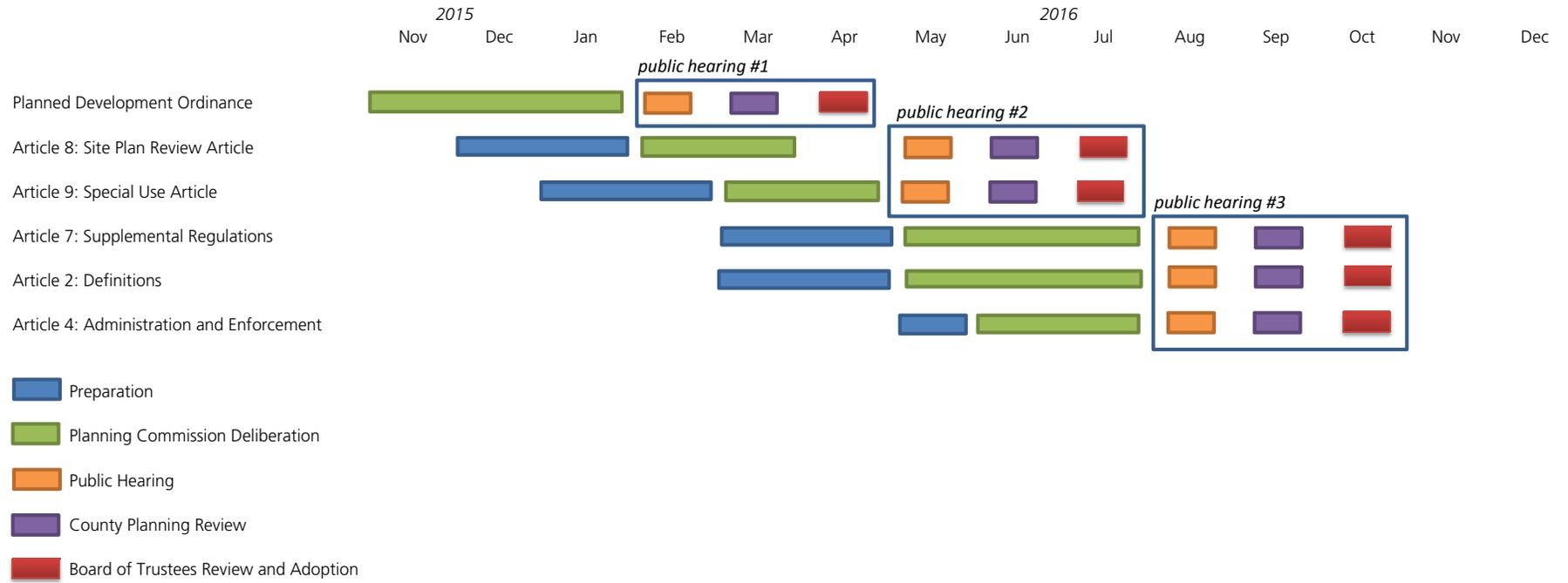
- If this police power ordinance is adopted by the Township Board, then a permit application form will need to be created. I've included the application form from Traverse City if we want to use it as a guide for creating one during this month's meeting.
- **Suggested Action:** carefully deliberate the draft language and incorporate any changes agreed upon by the Planning Commission and incorporate recommendations made by Counsel. If comfortable with the draft language, as amended, proceed to Suggested Motion.
- **Suggested Motion:**
 - *Motion to send the draft police power ordinance related to the operation of mobile food vending units to the Township Board for consideration and approval*

III. Other PC Business

a. **Zoning Administrator Report**

- Permits issued since the January 11th PC Meeting:
 - Land Use Permits – 7
 - New Home: 5
 - Accessory: 1
 - Addition: 1
 - Sign Permits – 1 (Permanent: Blue Star Memorial Highway sign at Bayside Park)
- Township Board approved the Parks and Trails Committee's recommended improvements to Bayside Park for 2016 utilizing the previously allocated \$67,000. Township Board also approved \$100,000 in matching funds for the MNRTF Grant Application for improvements to Bayside Park for the grant application due April 1st.
- Next Month:
 - Potential Site Plan Review for the relocation of Chase Bank branch

ACME TOWNSHIP ZONING ORDINANCE REWRITE



ARTICLE VIII: SITE PLANS

8.1. SITE PLAN REVIEW REQUIREMENT:

This Article governs the processes and standards for all uses and structures for which site plan approval is required under other provisions of this ordinance. Site plans for special uses shall receive a recommendation from the Township Planning Commission and a final decision by the Township Board. The Planning Commission shall make the final decision on site plans that are not related to special uses.

8.2. PROCEDURES:

8.2.1 SITE PLANS FOR SPECIAL USES:

Site plans for special uses will be processed according to this Article and any applicable procedures for special uses in Article IX.

8.2.2 SITE PLANS FOR USES OTHER THAN SPECIAL USES:

Site plans for uses other than special uses will be processed using the following procedures. The Zoning Administrator shall review the application and determine whether it contains all of the required information. If the Zoning Administrator determines the application is not complete, he or she shall notify the applicant of what additional information is required. Once the Zoning Administrator determines the application is complete, he or she shall inform the Chairperson of the Planning Commission, who shall set the date for review of the application. The Planning Commission or its Chairperson may elect to hold a public hearing on the application, but a public hearing is not required. If a public hearing is held, the Township shall give notice of the public hearing pursuant to the Michigan Zoning Enabling Act. The Chairperson may, at his or her discretion, place the application on the Planning Commission's agenda for discussion prior to the public hearing. The Planning Commission may also keep the public hearing open for any and all additional Planning Commission meetings where the application is discussed. After the public hearing, and adequate review and study of the application, the Township Planning Commission shall make a decision on the application, including its findings and any conditions. If a separate document is not prepared, the Planning Commission's meeting minutes will serve as its findings.

8.2.3 APPLICATION REQUIREMENTS:

The required contents of an application for site plan approval are:

- a. A site plan drawn to scale of 1" - 50' (unless the Zoning Administrator specifies otherwise), of all property involved in the special land use, showing the location of all abutting streets, the location of all existing and proposed structures and their uses, and the location and extent of all above ground development, both existing and proposed.
- b. If requested by the Planning Commission, elevations for the proposed development.
- c. All information required by any other provision of this ordinance governing the land use or structure for which site plan approval is sought.

- d.** The Planning Commission may require a written Impact Assessment. In the case of a site plan application related to a special use, the Township Board may also require an Impact Assessment if the Planning Commission does not. An Impact Assessment shall include the following information:
- 1.** A written description of the environmental characteristics of the site prior to development, i.e.: topography, soils, vegetative cover, drainage, streams, creeks or ponds
 - 2.** Types of uses and other man-made facilities
 - 3.** The number of: people to be housed, employed, visitors or patrons and vehicular and pedestrian traffic
 - 4.** Phasing of the project, including ultimate development proposals
 - 5.** Natural features which will be retained, removed and/or modified including vegetation, drainage, hillsides, streams, wetlands, woodlands, wildlife and water. The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate the areas of change.
 - 6.** The method to be used to serve the development with water and sanitary sewer facilities
 - 7.** Plans for storm water control and drainage, including measures to be used during construction
 - 8.** If public sewers are not available to the site the applicant shall submit a current approval from the health department or other responsible public agency indicating approval of plans for sewage treatment.
 - 9.** The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.
 - 10.** An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects.
 - 11.** Name(s) and address(es) of person(s) responsible for preparation of statement
 - 12.** Plans to control soil erosion and sedimentation, including any input from the Grand Traverse County Drain Commissioner
 - 13.** Type, direction, and intensity of outside lighting
 - 14.** General description of deed restrictions, if any

8.2.4 STANDARDS FOR SITE PLAN REVIEW:

The Township shall not approve a site plan unless it meets each and every one of the following standards that are applicable to the use under consideration:

- a. That the applicant may legally apply for site plan review.
- b. That all required information has been provided.
- c. That the proposed development conforms to all regulations of the zoning district in which it is located and all other applicable standards and requirements of this ordinance, including but not limited to all supplementary regulations.
- d. That the plan meets the requirements of Acme Township for fire and police protection, water supply, sewage disposal or treatment, storm, drainage, and other public facilities and services.
- e. That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
- f. That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so indicated on the site plan and at the site per se.
- g. That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
- h. That the soil conditions are suitable for excavation and site preparation, and that organic, wet, or other soils which are not suitable for development will either be undisturbed, or modified in an acceptable manner.
- i. That the proposed development will not cause soil erosion or sedimentation problems.
- j. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- k. That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.
- l. That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
- m. That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
- n. That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems, and water and sewage facilities.

- o.** That landscaping, fences or walls may be required when appropriate to meet the objectives of this Ordinance.
- p.** That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
- q.** That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
- r.** That outdoor storage of garbage and refuse is contained, screened from view, and located so as not be a nuisance to the subject property or neighboring properties.
- s.** That the proposed site is in accord with the spirit and purpose of this Ordinance, and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.

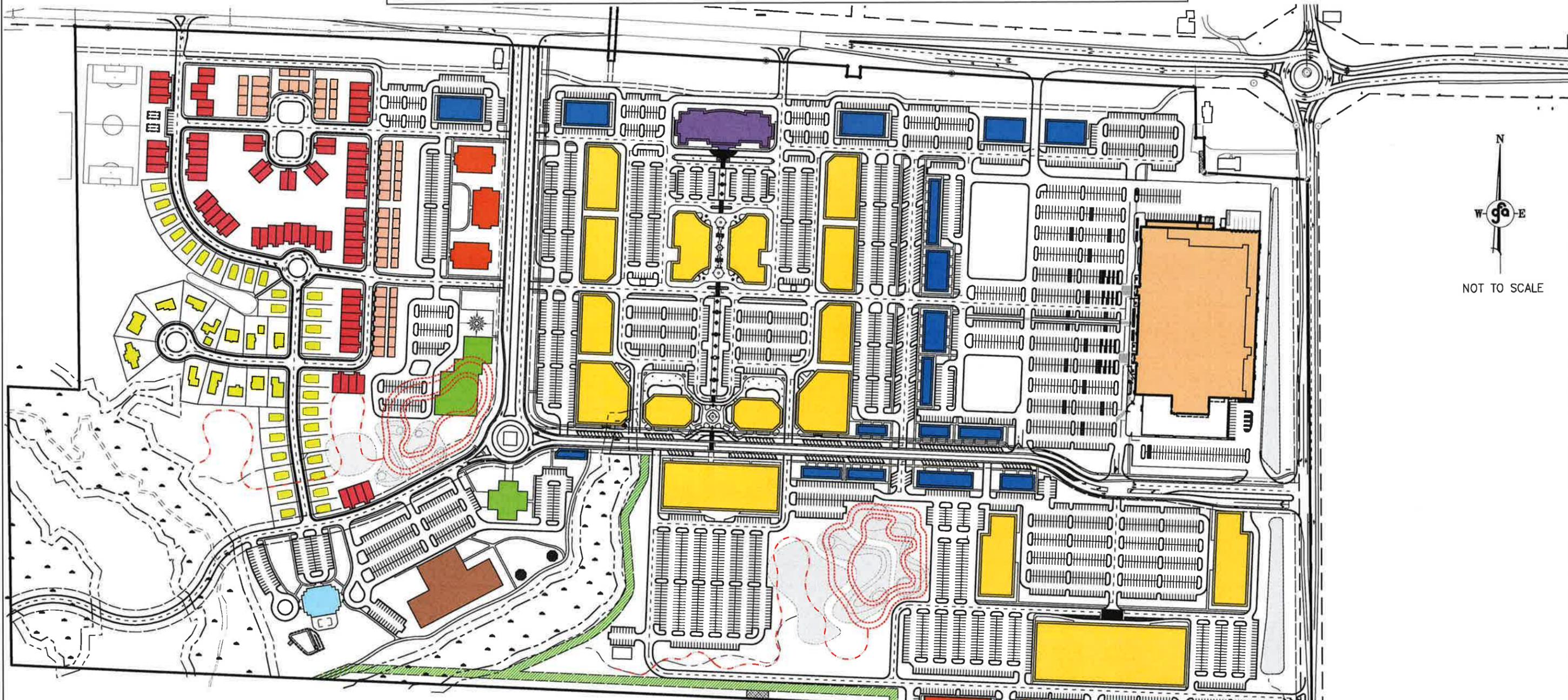
8.2.5 APPROVAL AND CONDITIONS:

- a.** A site plan shall be approved if it contains the information required by the Zoning Ordinance and is in compliance with the Zoning Ordinance and the conditions imposed under the ordinance, other township planning documents other applicable ordinances, and state and federal statutes.
- b.** Conditions: The Planning Commission may impose reasonable conditions on any site plan approval. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- c.** Conditions imposed shall:
 - 1.** Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2.** Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - 3.** Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards. The breach of any condition shall be grounds for revoking the site plan approval.

8.2.6 EXPIRATION, REAPPLICATION, REVOCATION, AMENDMENT AND PERFORMANCE GUARANTEES:

The provisions for expiration, reapplication, revocation, amendment and performance guarantees for a site plan approval shall be the same as the procedures for expiration, reapplication, revocation, amendment and performance guarantees for a special use. Those procedures are set forth in Section 9.1, below. However, the final decision on a major amendment to a site plan that is not related to a special use shall be made by the Planning Commission instead of the Township Board.

The Village At Grand Traverse - Overall Land Use Conceptual Plan



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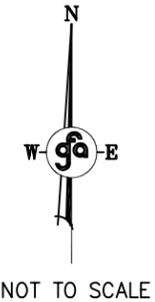
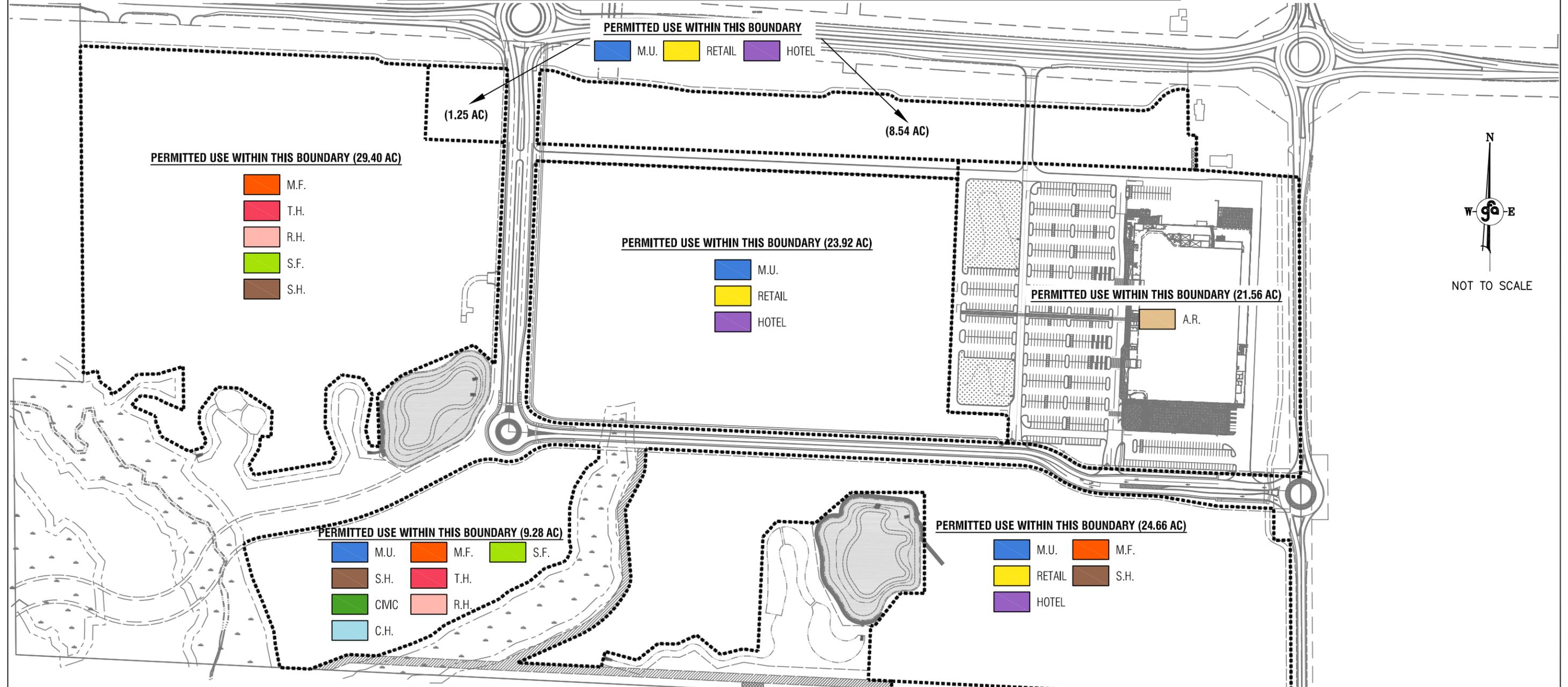
COLOR	USE	SQUARE FEET (±)	COLOR	USE	SQUARE FEET (±)
■	MULTI-FAMILY	358,000 SF	■	ANCHOR RETAIL	190,000 SF
■	TOWN HOUSES	120,500 SF	■	HOTEL	225,000 SF
■	ROW HOUSES	126,000 SF	■	CIVIC	40,000 SF
■	SINGLE FAMILY	249,000 SF	■	MIXED USE	362,000 SF
■	RETAIL	560,500 SF	■	SENIOR HOUSING	106,000 SF
■	CLUBHOUSE	28,000 SF			
			TOTAL BUILT DENSITY		2,365,000 SF



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DATE: February 22, 2012

Grand Traverse Town Center - Overall Land Use Conceptual Plan



COLOR	USE	APPROVED MAXIMUM SQUARE FEET (±)
■	MULTI-FAMILY (M.F.)	358,000 SF
■	TOWN HOUSES (T.H.)	120,500 SF
■	ROW HOUSES (R.H.)	126,000 SF
■	SINGLE FAMILY (S.F.)	249,000 SF
■	RETAIL	560,500 SF
■	CLUBHOUSE (C.H.)	28,000 SF

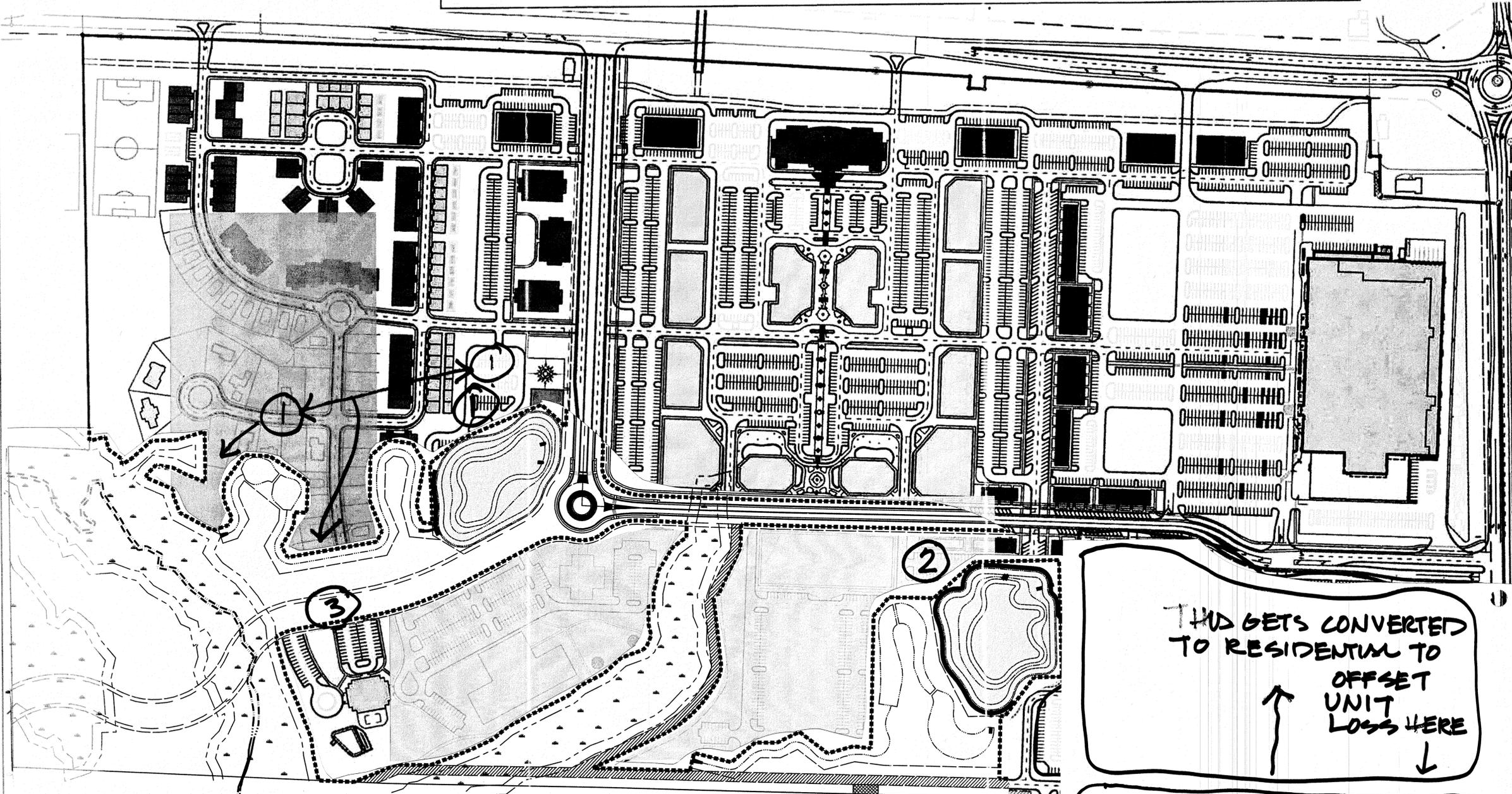
COLOR	USE	APPROVED MAXIMUM SQUARE FEET (±)
■	ANCHOR RETAIL (A.R.)	190,000 SF
■	HOTEL	225,000 SF
■	CIVIC	40,000 SF
■	MIXED USE (M.U.)	362,000 SF
■	SENIOR HOUSING (S.H.)	106,000 SF
TOTAL APPROVED MAXIMUM DENSITY		2,365,000 SF

COLOR	USE	APPROVED MAXIMUM SQUARE FEET (±)
■	M.F.	
■	T.H.	
■	R.H.	
■	S.F.	
■	S.H.	



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MERGE BASIN-BASIN ON THIS PLAN! NOTE CUT & PASTE



NOT TO SCALE

THIS GETS CONVERTED TO RESIDENTIAL TO OFFSET UNIT LOSS HERE

THIS AREA CHANGED BY MINOR AMENDMENT TO REDUCE DENSITY FOR REDWOOD HOMES.

USE	SQUARE FEET (+)	COLOR	USE	SQUARE FEET (+)
① REVISE TO REFLECT STORM DESIGN	128,000 SF	[Light Gray Box]	③ RE-EVALUATE FOR LOCATION DUE TO GRADE	188,000 SF
② SAME AS ①.	270,000 SF	[Medium Gray Box]	OFFICE	362,000 SF
	560,500 SF	[Dark Gray Box]	MIXED USE	108,000 SF
	28,000 SF	[Black Box]	SENIOR HOUSING	
			TOTAL BUILT DENSITY	2,385,000 SF

1 PLANNED DEVELOPMENT

- 2
- 3 a. The Planned Development (PD) option is intended to allow, with Township approval,
- 4 private or public development which is substantially in accord with the goals and
- 5 objectives of the Township Master Plan and Future Land Use Map.
- 6
- 7 b. The development allowed under this chapter shall be considered as an optional means
- 8 of development only on terms agreeable to the Township.
- 9
- 10 c. Use of the PD option will allow flexibility in the control of land development by
- 11 encouraging innovation through an overall development plan to provide variety in design
- 12 and layout; to achieve economy and efficiency in the use of land, natural resources,
- 13 energy and in the provision of public services and utilities; to encourage useful open
- 14 spaces suited to the needs of the parcel in question; and provide proper housing
- 15 including workforce housing, employment, service and shopping opportunities suited to
- 16 the needs of the residents of the Township.
- 17
- 18 d. It is further intended the Planned development may be used to allow nonresidential uses
- 19 of residentially zoned areas; to allow residential uses of nonresidential zoned areas; to
- 20 permit densities or lot sizes which are different from the applicable district and to allow
- 21 the mixing of land uses that would otherwise not be allowed; provided other community
- 22 objectives are met and the resulting development would promote the public health, safety
- 23 and welfare, reduce sprawl, and be consistent with the Acme Township Community
- 24 Master Plan and Future Land Use Plan Map.
- 25
- 26 e. It is further intended the development will be laid out so the various land uses and building
- 27 bulk will relate to one another and to adjoining existing and planned uses in such a way
- 28 that they will be compatible, with no material adverse impact of one use on another.
- 29
- 30 f. The number of dwelling units for the PD development shall not exceed the number of
- 31 dwelling units allowed under the underlying zoning district, unless there is a density
- 32 transfer approved by the Township.
- 33

34 **Definitions**

35 The term "Planned development" (PD) means a specific parcel of land or several contiguous
36 parcels of land, for which a comprehensive physical plan meeting the requirements of this Section,
37 establishing functional use areas, density patterns, a fixed network of streets (where necessary)
38 provisions for public utilities, drainage and other essential services has been approved by the
39 Township Board which has been, is being, or will be developed under the approved plan.

41 **Criteria for Qualifications**

42 To qualify for the Planned development option, it must be demonstrated that all the following criteria
43 will be met:

- 44
- 45 a. The properties are zoned R-1, R-2, R-3, A-1, MHN, C, CF, and B-4 Districts.
- 46
- 47 b. Any property that has been granted a special use permit for a Special Open Use under
- 48 Section 9.16.
- 49
- 50 b. The use of this option shall not be for the sole purpose of avoiding the applicable zoning
- 51 requirements. Any permission given for any activity or building or use not normally
- 52 allowed shall result in an improvement to the public health, safety and welfare in the area
- 53 affected.
- 54

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- c. The PD shall not be used where the same land use objectives can be carried out by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PD application.
- d. The Planned development option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those considered in the Township Master Plan, and other public agency plans, unless the proponent can prove to the sole satisfaction of the Township that such added loads will be accommodated or mitigated by the proponent as part of the Planned development.
- e. The PD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by seeking a zoning change or variance.
- f. The Planned development must meet, as a minimum, five (5) of the following objectives of the Township plus f (9).
 - (1) To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.
 - (2) To permanently establish land use patterns which are compatible or which will protect existing or planned uses.
 - (3) To accept dedication or set aside open space areas in perpetuity.
 - (4) To provide alternative uses for parcels which can provide transition buffers to residential areas.
 - (5) To promote the goals and objectives of the Township Master Plan.
 - (6) To foster the aesthetic appearance of the Township through quality building design and site development, provide trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
 - (7) To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.
 - (8) To promote the goals and objectives of the Acme Township Placemaking Plan and the US-31 and M-72 Business District zoning.
 - (9) To promote sustainable development especially on parcels with active farmland and orchards as defined by MCL 324.36201 (h).

1
2 **Uses Permitted**
3

- 4 a. A land use plan shall be proposed for the area to be included within the PD. The land
5 use plan shall be defined by the zoning ordinance districts that are most applicable to
6 the various land use areas of the PD.
7
8 b. Uses permitted and uses permitted subject to special approval in this Ordinance may be
9 allowed within the districts identified on the PD plan, except that some uses may be
10 specifically prohibited from districts designated on the PD plan. Alternatively, the
11 Township may allow uses not permitted in the district if specifically noted on the PD plan.
12 Conditions applicable to uses permitted subject to special approval shall be used as
13 guidelines for design and layout but may be varied by the Planning Commission provided
14 such conditions are indicated on the PD plan.
15

16 **Height, Bulk, Density and Area Standards**

17 The standards about height, bulk, density, and setbacks of each district shall be applicable within
18 each district area designated on the plan except as specifically modified and noted on the PD plan.
19

20 **Density Transfer**

21 Acme Township encourages flexibility in the location and layout of development, within the overall
22 density standards of this Ordinance. The Township therefore will permit residential density to be
23 transferred from one parcel (the "sending parcel") to another (the "receiving parcel"), as provided
24 below. For purposes of this Section, all sending parcel(s) and receiving parcel(s) shall be
25 considered together as one planned development parcel.
26

- 27 a. All density transfers require Special Use Approval from the Township Board, upon
28 recommendation from the Planning Commission as part of a PD application. A Special
29 Use Permit application for a density transfer shall be signed by the owners (or their
30 authorized representatives) of the sending and receiving parcels. The Special Use
31 Permit application shall show a proposed development plan for the receiving parcel
32 (subdivision and/or Site Plan) as well as density calculations for both the sending and
33 receiving parcels. In reviewing an application for density transfer, the Township shall first
34 determine the number of allowable residential dwelling units permitted on the receiving
35 parcel including any density bonuses allowed under this Ordinance. The Township shall
36 then determine the number of residential dwelling units available to transfer from the
37 sending parcel(s). The Township Board, upon recommendation from the Planning
38 Commission, may then grant a Special Use Permit allowing the transfer to the receiving
39 parcel of some or all of the allowable residential dwelling units from the sending parcel(s).
40 The sending parcel may not contain more than 10% wetlands.
41
42 c. The Township Board, upon recommendation from the Planning Commission shall not
43 approve any residential density transfer unless it finds that:
44
45 (1) All requirements for the granting of a Special Use Permit have been satisfied.
46
47 (2) The addition of the transferred dwelling units to the receiving parcel will not
48 increase the maximum allowable density by more than 50% and will not
49 adversely affect the area surrounding the receiving parcel.
50
51 (3) The density transfer will benefit the Township by protecting developable land
52 with conservation value on the sending parcel(s).
53

- 1
2 (4) The density transfer will be consistent with the sending and receiving zones
3 designated on the Township Zoning Map.
4
5
6 (5) The parcel receiving the density transfer will not exceed the land development
7 build out (buildings, parking, setbacks, open space, etc.) prescribed by the
8 zoning district of the property unless waived by the Planning Commission and
9 Board of Trustees.
10
11 (6) Sending parcel(s) satisfying the requirements this section shall be executed and
12 recorded in the office of the Register of Deeds, reducing the number of dwelling
13 units allowed to be constructed on the sending parcel(s) by the number of
14 dwelling units transferred. This reduction in density shall not prevent the owner
15 of the sending parcel from developing the remaining allowable dwelling units
16 under either an open space or conventional development plan, provided that all
17 open space requirements are satisfied. The land area subject to the land transfer
18 will remain perpetually in an undeveloped state by means of a conservation
19 easement, plat dedication, or other legal means that runs with the land, as
20 prescribed by the zoning ordinance, and approved by the Township.
21

22 Submittal and Request for Qualification

- 23
24 a. Any person owning or controlling land in the Township may make application for
25 consideration of a Planned development. Such application shall be made by presenting
26 a request for a preliminary determination to whether a parcel qualifies for the PD option.
27
28 b. A request shall be submitted to the Township. The submission shall include the
29 information required below.
30
31 c. Based on the documentation presented, the Planning Commission shall make a
32 preliminary determination about whether a parcel qualifies for the PD option under the
33 Criteria for Qualification. The submittal must include:
34
35 (1) Proof the criteria set forth in the Criteria for Qualification section above, are or
36 will be met.
37
38 (2) A schematic land use plan containing enough detail to explain the role of open
39 space; location of land use areas, streets providing access to the site, pedestrian
40 and vehicular circulation within the site; dwelling unit density and types; and
41 buildings or floor areas contemplated, as applicable.
42
43 (3) A plan to protect natural features or preservation of open space or greenbelts.
44
45 (4) A storm water management plan incorporating low impact development (LID)
46 water quality technologies, such as, but not limited to, rain gardens, rooftop
47 gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and
48 filtered storm water structures.
49
50 (5) The Planning Commission shall review the applicant's request for qualification.
51 If approved, the applicant may then continue to prepare a PD Plan on which a
52 final determination will be determined.
53

54 Submittal of the PD Plan and Application Materials

55 The application, reports, and drawings shall be filed in paper and digital format. All drawings shall
56 be provided to the Township in the most recent release of AutoCad™, MicroStation, or similar site

1 civil / architectural drawing format requested by the Planning Commission. Other graphics and
2 exhibits, text and tabular information shall be provided in Adobe Acrobat™ “pdf” format.
3

4 a. Submittal of Proposed PD Plan. An application shall be made to the Township for review
5 and recommendation by the Planning Commission of the following:
6

7 (1) A boundary survey of the exact acreage prepared by a registered land surveyor
8 or civil engineer (scale not smaller than one inch equals one hundred (100) feet
9 or less if approved by the Township.

10 (2) A topographic map of the entire area at a contour interval of not more than two
11 feet. This map shall show all major stands of trees, bodies of water, wetlands
12 and unbuildable areas (scale: not smaller than one inch equals one hundred
13 (100) feet) or less if approved by the Township.
14

15 (3) A proposed development plan showing the following at a scale no smaller than
16 one-inch equals one hundred (100) feet or less if approved by the Township,
17 including, but not limited to the following:
18

19 (a) Land use areas represented by the zoning districts listed as A-1, R-1, R-
20 2, R-3, B1S, B-2, B-3, and B-4 of this Ordinance.
21

22 (b) Vehicular circulation including major drives and location of vehicular
23 access including cross sections of public streets or private places.
24

25 (c) Transition treatment, including minimum building setbacks to land
26 adjoining the PD and between different land use areas within the PD.
27

28 (d) The general location of nonresidential buildings and parking areas,
29 estimated floor areas, building coverage and number of stories or height.
30

31 (e) The general location of residential unit types and densities and lot sizes
32 by area.
33

34 (f) Location of all wetlands, water and watercourses, proposed water
35 detention areas and depth to groundwater.
36

37 (g) The boundaries of open space areas that are to be preserved or
38 reserved and an indication of the proposed ownership.
39

40 (h) A schematic landscape treatment plan for open space areas, streets and
41 border/transition areas to adjoining properties.
42

43 (i) A preliminary grading plan, showing the extent of grading and
44 delineating any areas, which are not to be graded or disturbed.
45

46 (j) A public or private water distribution, storm and sanitary sewer plan.
47

48 (k) Elevations of the proposed buildings using durable and traditional
49 building materials shall be used. Materials such as exterior insulation
50 finish system (EIFS), fluted concrete masonry units, concrete panels,
51 panel brick, and scored concrete masonry unit block are not considered
52 durable and traditional building materials.
53

54 (l) A written statement explaining in detail the full intent of the applicant,
55 showing dwelling units types or uses contemplated and resultant
56

1 population, floor area, parking and supporting documentation, including
2 the intended schedule of development.

- 3
4 (4) A market study, traffic impact study, and /or environmental impact assessment,
5 if requested by the Planning Commission or Board of Trustees.
6
7
8 (5) A pattern book or design guidelines manual if requested by the Planning
9 Commission or Board of Trustees.

10
11 **Preliminary Approval of Planned development**

- 12
13 (1) Planning Commission Review of Proposed PD Plan:
14
15 (a) The Planning Commission shall hold a public hearing on the PD plan
16 and shall give notice as provided in Section 8.1.2 (3).
17
18 (b) After the public hearing, the Planning Commission shall report its
19 findings and recommendation to the Board. The Planning Commission
20 shall review the proposed PD plan and make a determination about the
21 proposal's qualification for the PD option and for adherence to the
22 following objectives and requirements:
23
24 1. The proposed PD adheres to the conditions for qualification of
25 the PD option and promotes the land use goals and objectives
26 of the Township.
27
28 2. All applicable provisions of this Chapter shall be met. If any
29 provision of this Chapter shall be in conflict with the provisions
30 of any other section of this chapter, the provisions of this Section
31 shall apply to the lands embraced within a PD area.
32
33 3. There will be at the time of development, an acceptable means
34 of disposing of sanitary sewage and of supplying the
35 development with water and the road network, storm water
36 drainage system, and other public infrastructure and services
37 are satisfactory.

38
39 **Final Approval of Planned development**

- 40
41 a. On receiving the report and recommendation of the Planning Commission, and after a
42 public hearing, the Board shall review all findings. If the Board shall decide to grant the
43 application, it shall direct the Township attorney to prepare a contract setting forth the
44 conditions on which such approval is based. Once the contract is prepared it shall be
45 signed by the Township and the applicant.
46
47 b. The agreement shall become effective on execution after its approval. The agreement
48 shall be recorded at the Grand Traverse County Register of Deeds office.
49
50 c. Once an area has been included with a plan for PD and the Board has approved such
51 plan, no development may take place in such area nor may any use of it be made except
52 under such plan or under a Board-approved amendment, unless the plan is terminated.
53
54 d. An approved plan may be terminated by the applicant or the applicant's successors or
55 assigns, before any development within the area involved, by filing with the Township

1 and recording in the County records an affidavit so stating. The approval of the plan shall
2 terminate on such recording.

- 3
- 4 e. No approved plan shall be terminated after development begins except with the approval
5 of the Board and of all parties in interest in the land.
- 6
- 7 f. Within one year following approval of the PD contract by the Board, final plats or site
8 plans for an area embraced within the PD must be filed as provided. If such plats or plans
9 have not been filed within the one-year period, the right to develop under the approved
10 plan may be terminated by the Township.
- 11

12 **Submission of Final Plat, Site Plans; Schedule for Completion of PD**

13
14 Before any permits are issued for the PD, final plats or site plans and open space plans for a project
15 area shall be submitted to the Township for review and approval by the Planning Commission, and
16 where applicable the Township Board, of the following:

- 17
- 18 a. Review and approval of site plans shall comply with Article VIII; Site Plans, as well as
19 this Section except as otherwise modified in the approved plan. Review and approval of
20 plats shall comply with Section 5.7 of Article V of the Township Ordinance as well as the
21 requirements of this Section.
- 22
- 23 b. Before approving of any final plat or plan, the Planning Commission shall decide that:
 - 24
 - 25 (1) All portions of the project area shown on the approved plan for the PD for use
26 by the public or the residents of lands within the PD have been committed to
27 such uses under the PD contract;
 - 28
 - 29 (2) The final plats or site plans are in conformity with the approved contract and plan
30 for the PD;
 - 31
 - 32 (3) Provisions have been made under the PD contract to provide for the financing
33 of any improvements shown on the project area plan for open spaces and
34 common areas which are to be provided by the applicant and that maintenance
35 of such improvements is assured under the PD contract.
 - 36
 - 37 (4) If development of approved final plats or site plans is not substantially completed
38 in three years after approval, further final submittals under the PD shall stop until
39 the part in question is completed or cause can be shown for not completing
40 same.
 - 41
- 42 c. The applicant shall be required, as the planned development is built, to provide the
43 Township with "as built" drawings in both paper and digital format.
- 44

45 **Fees**

46 Fees for review of PD plans under this Section shall be established by resolution of the Township
47 Board.

48 **Interpretation of Approval**

49 Approval of a PD under this Section shall be considered an optional method of development and
50 improvement of property subject to the mutual agreement of the Township and the applicant.

51 **Amendments to PD Plan**

52 Proposed amendments or changes to an approved PD plan shall be presented to the Planning
53 Commission. The Planning Commission shall decide whether the proposed modification is of such
54 minor nature as not to violate the area and density requirements or to affect the overall character
55
56

1 of the plan, and in such event may approve or deny the proposed amendment. If the Planning
2 Commission decides the proposed amendment is material in nature, the Planning Commission and
3 Township Board shall review the amendment under the provisions and procedures of this Chapter
4 as they relate to final approval of the Planned development.



Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

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PROPOSED AMENDMENT TO ACME TOWNSHIP ZONING ORDINANCE AMENDMENT 038– TEMPORARY OUTDOOR SALES §§ 3.2 and 7.2.10

15 § 3.2 **DEFINITIONS** will be amended to include the following:

16
17 “**Temporary Outdoor Sales:** A temporary outdoor sale is an outdoor accessory event to the
18 established business and intended to provide the business owner with the ability to sell goods or
19 products outdoors on the property for a limited time. This type of sale is typically referred to as a
20 tent sale and does not include transient sales, third-party vendors, or mobile food sales.”
21
22

23
24 § 7.2.10 **TEMPORARY OUTDOOR SALES** will be added and will read as such:

25
26 § 7.2.10 **TEMPORARY OUTDOOR SALES**

27 A temporary outdoor sale is an outdoor accessory event to the established business and intended to
28 provide the business owner with the ability to sell goods or products outdoors on the property for
29 a limited time. This type of sale is typically referred to as a tent sale and does not include transient
30 sales, third-party vendors, or mobile food sales.
31

32 a. **Regulations:** All temporary outdoor sales shall comply with the following regulations:

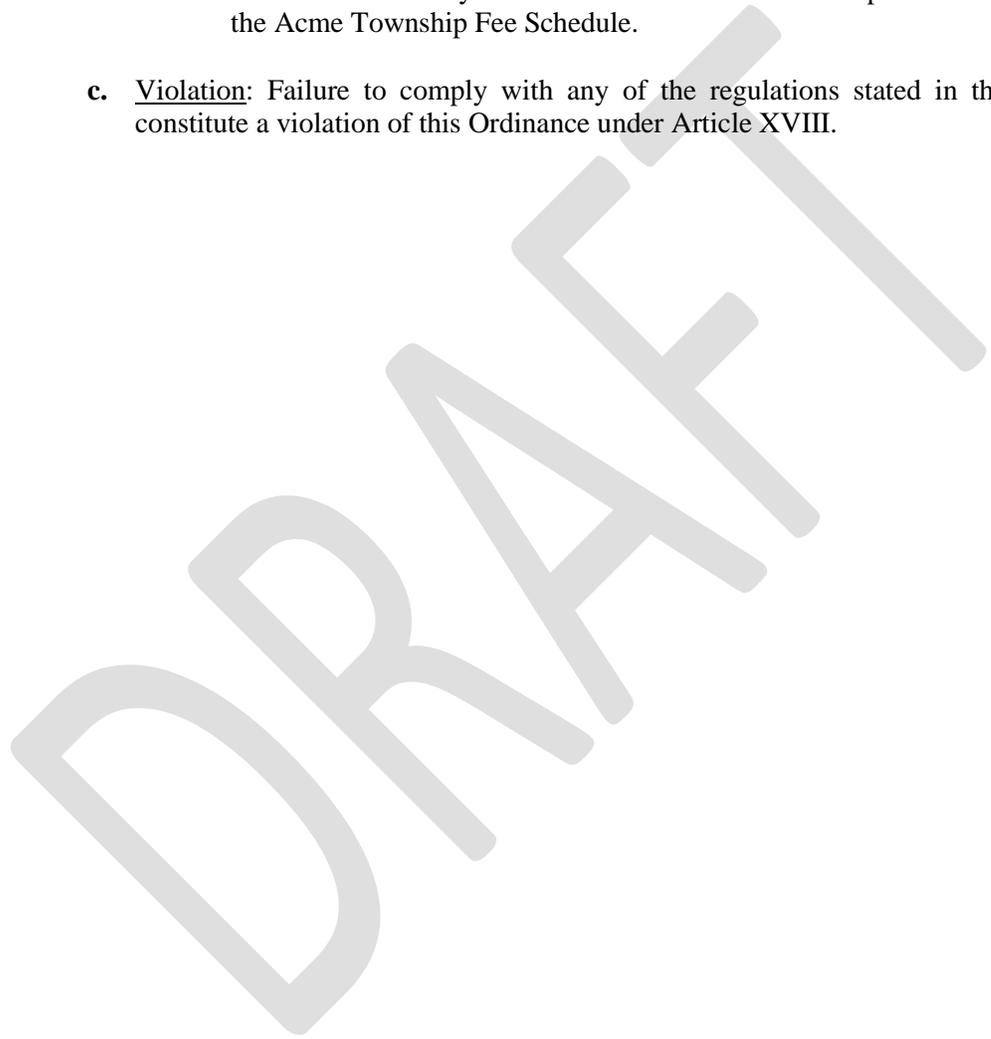
- 33 1. A temporary outdoor sale is an accessory use to the established onsite business.
- 34 2. Temporary outdoor sales are only allowed in the C, CF, B-3 and B-4 Zoning
35 Districts, and properties approved as a Mixed Use Planned Development.
36 Properties that have an existing Special Use Permit that prohibits outdoor sales or
37 storage shall not be allowed to conduct a temporary outdoor sale.
- 38 3. The goods or products offered for sale are an extension of the inventory within
39 the established business, or as specifically identified by this Ordinance.
- 40 4. No outside or third-party vendors are allowed to operate a temporary outdoor sale.
- 41 5. All goods or products sold through a temporary outdoor sale shall be contained
42 within the designated sale area approved on the application.
- 43 6. The event or events shall not exceed a maximum of 30 days per calendar year.
- 44 7. The location of the event area shall not impede onsite traffic circulation, barrier-
45 free parking, or emergency access.
- 46 8. Temporary signage during the time of the sale is allowed not to exceed a
47 maximum of sixteen (16) square feet. Additional temporary signage may be
48 displayed on the property in accordance with Section 7.4.6(c)(3). No balloons,
49 banners, air blown devices, or other attention grabbing items are allowed to be
50 displayed.
51

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b. Permits: All temporary outdoor sales shall require a permit issued by the Acme Township Zoning Administrator. An application for a temporary outdoor sale shall be submitted to the Acme Township Zoning Administrator no less than 48 hours before the intended event and shall include:

1. The proposed dates of the event. The goods or products, tent, signage or other items intended for the event may not be displayed onsite outside of the approved dates.
2. A site plan drawn to scale showing the area of the outdoor sale location and signage in relation to any buildings, parking and circulation.
3. Grand Traverse Metro Fire Department approval.
4. A fee established by resolution of the Acme Township Board and published on the Acme Township Fee Schedule.

c. Violation: Failure to comply with any of the regulations stated in this Section will constitute a violation of this Ordinance under Article XVIII.





Planning and Zoning

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PROPOSED POLICE POWER ORDINANCE FOR ACME TOWNSHIP MOBILE FOOD VENDING ORDINANCE NO. 2016-_____

Section 1 INTENT

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of Acme Township, while providing a framework under which such businesses operate, this ordinance is established.

Section 2 DEFINITIONS

- a. *Mobile Food Vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.
- b. *Mobile Food Vending Unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- c. *Vendor* shall mean any individual engaged in the business of Mobile Food Vending; if more than one individual is operating a single stand, cart or other means of conveyance, then Vendor shall mean all individuals operating such single stand, cart or other means of conveyance.
- d. *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business

Section 3 PERMIT REQUIRED

No vendor shall engage in Mobile Food Vending without a permit from the Township Zoning Administrator authorizing such vending. The Township Zoning Administrator shall prescribe the form of such permits and application for such permit. All permits shall be prominently displayed on the Mobile Food Vending Unit. No vending through a Mobile Food Vending Unit of food and/or other human consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined by this ordinance.

Section 4 DURATION; NON-TRANSFERABILITY

Permits may be issued by the Township Zoning Administrator for a calendar year from the date of issuance. Any permit issued under this Ordinance is non-transferable from Vendor to Vendor, or from Mobile Food Vending Unit to Mobile Food Vending Unit.

1
2 **Section 5 APPLICATION**
3

4 Every vendor desiring to engage in Mobile Food Vending shall make a written application to the
5 Township Zoning Administrator for a permit under this Ordinance. The applicant shall truthfully state, in
6 full, all information requested by the Township Zoning Administrator and be accompanied by a fee
7 established by resolution of the Acme Township Board. Additionally, the applicant shall provide all
8 documentation, such as insurance, as required by the Township.
9

10 **Section 6 FEES**
11

12 An application for a permit under this Ordinance shall be accompanied by a fee in the amount established
13 by resolution of the Acme Township Board. There shall be no proration of fees. Fees are non-refundable
14 once a permit has been issued by the Township Zoning Administrator. If operating on non-township
15 property, no fee shall be charged to a business which is on the township's tax rolls whose normal business
16 includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to
17 evade the provisions of this Ordinance.
18

19 **Section 7 INVESTIGATION BY THE TOWNSHIP ZONING ADMINISTRATOR**
20

21 For Mobile Food Vending within residential areas, approval must be given by the Township Zoning
22 Administrator prior to issuance of a permit by the Township Zoning Administrator.
23

24 **Section 8 REQUIREMENTS**
25

26 Any vendor engaging in Mobile Food Vending shall comply with the following requirements:
27

- 28 1. Mobile Food Vending Units shall only operate in districts zoned Corridor Commercial (C),
29 Corridor Flexible (CF), Material Processing and Warehousing (B-4), Planned Shopping Center
30 (B-3) where not prohibited through condition of a special use permit; or on properties approved
31 through a Special Open Space Use, Mixed Used Planned Development, Planned Development, or
32 Institutional Uses.
- 33 2. Vendors shall not operate on Township-owned property or on public streets. If operating on a
34 private street the customer service area for Mobile Food Vending Units shall be on the curb lawn
35 or sidewalk when parked. No food service shall be allowed on the driving lane side of the Mobile
36 Food Vending Unit.
- 37 3. No food shall be sold, prepared or displayed outside of the Mobile Food Vending Unit.
- 38 4. Not operate within 150 feet of a township-authorized street fair, public festival, farmers market or
39 event being conducted without authorization from the event sponsor. For the purpose of this
40 provision the measurement shall be taken from the nearest point on the existing restaurant
41 building and the location of the Mobile Food Vending Unit.
- 42 5. Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other
43 waste attributable to the vendor on a daily basis.
- 44 6. Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall
45 contain opaque, hood shields to direct the illumination downward.
- 46 7. Not use loud music, amplification devices or "crying out" or any other audible methods to gain
47 attention which causes a disruption or safety hazard as determined by the Township.
- 48 8. May have one portable sign that is six square feet, with no dimension greater than 3 feet and no
49 height (with legs) greater than 4 feet, located within five feet of the unit; and under no
50 circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle
51 safety.

- 1 9. A Vendor may only operate between the hours of 7:00 am and 11:00 pm. Other restrictions
2 regarding hours of operation may be established by resolution of the Acme Township Board.
- 3 10. Mobile Food Vending Units shall not be parked within 150 feet of an existing brick and mortar
4 restaurant during the hours when such restaurant is open to the public for business. For the
5 purpose of this provision the measurement shall be taken from the nearest point on the existing
6 restaurant building and the location of the Mobile Food Vending Unit.
- 7 11. No Vendor shall provide or allow any dining area within ten (10) feet of the Mobile Food
8 Vending Unit, including but not limited to tables and chairs, booths, stools, benches or stand up
9 counters.
- 10 12. Shall not utilize any electricity or power without the prior written authorization of the power
11 customer; no power cable or similar device shall be extended at or across any street or sidewalk
12 except in a safe manner.
- 13 13. Comply with the Township's Noise Ordinance, Sign Ordinance and all other Township
14 ordinances.
- 15 14. Comply with all applicable federal, state and county regulations.
- 16 15. Not represent the granting of a permit under this Ordinance as an endorsement by the Township.

17 **Section 9 OTHER PERMITS**

18 A permit obtained under this Ordinance shall not relieve any vendor of the responsibility for obtaining
19 any other permit, or authorization required by any other ordinance, statute or administrative rule.
20
21
22

23 **Section 10 REVOCATION**

24 The Township Zoning Administrator shall revoke the permit of any vendor engaged in Mobile Food
25 Vending who ceases to meet any requirement of this Ordinance or violates any other federal, state or local
26 regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to
27 the protection of the public health, safety and welfare. Immediately upon such revocation, the Township
28 Zoning Administrator shall provide written notice to the permit holder by certified mail to their place of
29 business or residence as indicated on the application. Immediately upon such revocation, the permit shall
30 become null and void.
31
32

33 **Section 11 COMPLAINTS; APPEALS**

34 If a written complaint is filed with the Township Zoning Administrator alleging a Food Vendor has
35 violated the provisions of this Ordinance, the Township Zoning Administrator shall promptly send a copy
36 of the written complaint to the vendor together with a notice that an investigation will be made as to the
37 truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and
38 respond to evidence produced by the investigation. If the Township Zoning Administrator, after
39 reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence,
40 the complaint shall be certified. If a permit is denied or revoked by the Township Zoning Administrator,
41 or if a written complaint is certified pursuant to this Ordinance, the applicant or holder of a permit may
42 appeal to and have a hearing before the Township Supervisor. The Township Supervisor shall make a
43 written determination, after presentation by the applicant and investigation by the Township Zoning
44 Administrator, as to whether or not the grounds for denial, revocation or complaint are true. If the
45 Township Supervisor determines that such grounds are supported by a preponderance of the evidence, the
46 action of Township Zoning Administrator or filing of the complaint shall be sustained and the applicant
47 may appeal the Township Supervisor's decision to a court of competent jurisdiction.
48
49

50 **Section 12 APPEARANCE TICKETS**

51

1 The County Sheriff and sworn officers of the Grand Traverse County Sheriff Department, or such other
2 officials as designated by the Township Supervisor are authorized to issue and serve appearance tickets
3 with respect to a violation of this Ordinance pursuant to Michigan law. Appearance tickets shall be in
4 such form as determined by the Township Attorney and shall be in conformity with all statutory
5 requirements.

6
7 **Section 13 CIVIL INFRACTION**

8
9 A vendor who violates this Ordinance is responsible for a civil infraction and subject to a fine of \$500 per
10 day.

DRAFT

The City of Traverse City

Office of the Clerk

GOVERNMENTAL CENTER
400 Boardman Avenue
Traverse City, MI 49684
(231) 922-4480
tcclerk@traversecitymi.gov



Dear Mobile Food Vendor:

Subject: Application for Mobile Food Vending License

Thank you for your interest in adding to our community!

Enclosed is a Mobile Food Vending License Application packet which must be completed in its entirety in order to obtain a Mobile Food Vending License. A separate application is required for each Mobile Food Vending Unit. Please familiarize yourself with, and adhere to both the enclosed *Guidelines for Mobile Food Vending* and the Traverse City Code of Ordinances Chapter 865 Mobile Food Vending which can be viewed in its entirety at <http://www.traversecitymi.gov/downloads/865.pdf>.

Please refer to the enclosed *Checklist for Mobile Food Vending License* for the required documentation for submission with your application. Once your application and all required documents have been received, the City Clerk's Office will obtain approvals from the appropriate departments and agencies. Once all required departments and agencies have approved your request, the City Clerk's Office will issue you a formal ***Mobile Food Vending License*** which must be prominently displayed on the Mobile Food Vending Unit.

We hope this information is helpful! The City of Traverse City looks forward to working with you to compliment the living experience in Traverse City! Should you have any questions, please feel free to contact anyone in the City Clerk's Office at (231) 922-4480 or contact Kim Lautner, Registration/Licensing Clerk at klautner@traversecitymi.gov.

Most Sincerely,

A handwritten signature in blue ink, appearing to read "Benjamin C. Marentette".

Benjamin C. Marentette, CMC
City Clerk

Where, on the unit, will the cooking fuel be located? _____
How much cooking fuel will be located on the unit? _____

Do you have an exhaust hood? ____ Yes ____ No
If yes, please complete the following:
Who installed the hood? _____
What is the address of the installer? _____
What is the code/standard/year used in design of the hood? _____
What is the mechanical license number? _____

Do you have a suppression system? ____ Yes ____ No
If yes, please complete the following:
Who installed the suppression system? _____
What is the address of the installer? _____
What is the code/standard/year used in design of the hood? _____
What is the mechanical license number? _____

Do you have fuel piping? ____ Yes ____ No
What code/standard/year used in fuel piping? _____
Who installed the fuel piping? _____
What is the mechanical license number of the fuel piping installer? _____

Please attach the following:

- _____ Fee (fees outlined on the next page)
- _____ Michigan Sales Tax License – or slip from Michigan Department of Treasury
- _____ Copy of Special Transfer Food Unit
- _____ Photograph of the mobile food vending unit
- _____ Copy of State issued photo ID for all employees working at the mobile food vending unit

Fee Schedule:

Please attach the appropriate fee with your application so it may be processed. (Fee is non-refundable once a permit has been issued by the City Clerk's Office; permits are valid for one year from the date of issuance.) Please submit only one fee.

- \$1,225 – if vending on city property (if you are also vending on private property, this fee applies)
- \$ 725 – if vending on private property only
- \$ 500 – if a city-based food service establishment operating on city property
- \$ 0 – if a city-based food service establishment operating on non-city property

The undersigned, declares the following: that he/she wishes to be permitted to perform the operation, service or act stated hereon; that the statements made above are true and correct to the best of his\her knowledge and belief; that he/she will comply with all provisions of the ordinances of the city of Traverse City relative to the operation, service or act for which the license is requested; that he/she agrees to hold the city of Traverse City free and harmless from all liability which may be imposed upon it and to reimburse the city of Traverse City for all expenses of litigation in connection with the defense of claims as such liability and claims may arise because of negligence in the performance of the work or act for which the license was issued.

The undersigned understands that vending is not permitted in City Parks including the water area of the parks, and acknowledges that he/she has received a copy of the rules for vending. Provided, however, that certain parking lots associated with parks have been designated for mobile food vending.

The applicant acknowledges that the City may be required from time to time to release records in its possession. The applicant hereby gives permission to the City to release any records or materials received by the City from the applicant as it may be requested to do so as permitted by the Freedom of Information Act, MCL 15.231 et seq.

Signature of applicant

Date signed

CHECKLIST FOR MOBILE FOOD VENDING UNIT LICENSE
THE FOLLOWING IS NEEDED BEFORE A MOBILE FOOD VENDING LICENSE WILL
BE ISSUED:

- ___ 1. Contact the Grand Traverse County Health Department. Depending on the classification of your unit and its status within the State of Michigan, an in-depth, review may be required which can take a few weeks to complete. Contact Grand Traverse County Health Department, 2650 LaFranier Road, between 8am and 4:30pm, Monday through Friday, (231) 995-6051. Or if fresh meats, frozen foods, etc. contact the Michigan Department of Agriculture and Rural Development, at (800)292-3939.
- ___ 2. Fee. Please attach the appropriate fee with your application so it may be processed. (Fee is non-refundable once a permit has been issued by the City Clerk's Office; permits are valid for one year from the date of issuance.) Please submit only one fee; the highest fee applies:
- \$1,225 – if vending on city property (if you are also vending on private property, this fee applies)
 - \$ 725 – if vending on private property only
 - \$ 500 – if a city-based food service establishment operating on city property
 - \$ 0 – if a city-based food service establishment operating on non-city property
- ___ 3. **If vending on City Property**, a certificate of your general liability insurance evidencing \$1 million per occurrence coverage, with the City of Traverse City, 400 Boardman Avenue, Traverse City, MI 49684 listed as certificate holder. Additionally, an Endorsement to your insurance policy, naming the City of Traverse City as additional insured is required.
- ___ 4. A copy of your Michigan Sales Tax License. If you do not have one, you must first go to the Michigan Department of Treasury, 701 S. Elmwood, between 8am and 12pm, Monday through Friday, (231) 922-5230.
- ___ 5. A photograph of your mobile food vending unit.
- ___ 6. Once you have completed steps 1 - 5, please provide the completed application and attachments to obtain your Mobile Food Vending License to the City Clerk's office, 400 Boardman Avenue, between 8am and 5pm, Monday through Friday, (231) 922-4480. Because various approvals are required, please be aware that Mobile Food Vending Unit Licenses may take a week or more to process.

GUIDELINES FOR MOBILE FOOD VENDORS

1. **Proof of License.** When the City Clerk's Office receives a completed application, with all attachments required, we will begin processing your application. If approved, the City Clerk's Office will issue a City of Traverse City Mobile Food Vending Unit License. *This license must be prominently displayed on the Mobile Food Vending Unit.*
2. **Vending on city property.** Vending on city property is only allowed with a valid license at locations and hours as authorized by resolution of the City Commission. Those locations include:
 - **Parking Lot RB** (adjacent to the West End Beach Volleyball Courts) – maximum of two units at one time; the first two that arrive during the designated hours may operate
 - **Parking Lot B** (at Grandview Parkway and Union Street – excluding during the Farmer's Market) - maximum of two units at one time; the first two that arrive during the designated hours may operate
 - **Parking Lot E** (behind the United States Post Office at State Street and Union Street) - maximum of two units at one time; the first two that arrive during the designated hours may operate
 - **Parking Lot J** (at Sixth Street and Union Street) - maximum of two units at one time; the first two that arrive during the designated hours may operate
 - **State Street, between Pine Street and Union Street**
 - **Streets directly adjoining city parks located outside of the Downtown District (DDA District) where parking is otherwise allowed.**
 - **Streets directly adjoining the following facilities where parking is otherwise allowed:**
 - Munson Medical Center's main campus on Sixth Street
 - Traverse City Central High School Main Campus
 - Grand Traverse County Civic Center
 - Northwestern Michigan College's main campus

Please see the attached map that outlines the city property where mobile food vending is allowed. If you are parking in a metered parking spot, you must pay the meter the entire time you are located in the metered space(s). Provided you are operating within the times authorized by the City Commission for Mobile Food Vending, you may disregard any parking duration limitations indicated at the meter.

3. **Vending is prohibited on public property within one block of a city-authorized street fair, public festival, farmers market or event, unless authorized by the event sponsor.**
4. **Vending on non-city property.** Vending on non-city property is allowed with a valid license.
5. **Hours of Presence and/or operation.** For residential areas, vending may occur between the hours of 9 a.m. and 9 p.m. For commercial areas, vending may occur

between the hours of 7 a.m. and 11 p.m. For private property in commercial areas, vending may occur between the hours of 6 a.m. to 3 a.m. ***No mobile vending unit may be present or operate except during the specific hours mentioned in this section. This includes set up and tear down.***

6. Other miscellaneous rules. As outlined in the Traverse City Ordinance Chapter 865, all vendors must:

- Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis. Waste shall not be disposed of in city receptacles.
- If operating on city-owned or city property, may only locate on such property as established by resolution of the City Commission. If parked on public streets, vendors shall conform to all applicable parking restrictions. ***Provided, however, that a Mobile Food Vending Unit may disregard the duration restrictions if parked within a parking space that is metered.***
- When parked on a public street, not operate within thirty feet of any intersection or driveway.
- Not operate on public property within one block of a city-authorized street fair, public festival, farmers market or event except with the authorization of the event sponsor.
- Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward
- Not use loud music, amplification devices or “crying out” or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the city.
- Comply with the city’s Noise Ordinance, Sign Ordinance and all other city ordinances.
- Comply with all applicable federal, state and county regulations.
- May have one portable sign that is six square feet, with no dimension greater than 3 feet and no height (with legs) greater than 4 feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian/vehicle safety.
- Not leave any mobile food vending unit on city property unattended for more than 2 hours; and any mobile food vending unit on city property shall be removed between the hours of 11 p.m. and 7 a.m. in commercial areas and between the hours of 9 p.m. and 9 a.m. in residential areas.
- Shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any city street, alley, or sidewalk except in a safe manner.
- All grey water/untreated waste shall be disposed of in accordance with federal, state and local regulations, and under no circumstances shall dispose of untreated waste into the sewer.



**ACME TOWNSHIP BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, January 5, 2016, 7:00 p.m.**

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

Members present: J. Aukerman, C. Dye, A. Jenema, G. LaPointe, P. Scott, D. White, J. Zollinger
Members excused: None
Staff present: N. Edwardson, Recording Secretary

A. LIMITED PUBLIC COMMENT: None

B. APPROVAL OF AGENDA:

Motion by LaPointe, seconded by Jenema to approve the agenda as presented. Motion carried by unanimous vote.

C. APPROVAL OF BOARD MINUTES

- 1. Draft unapproved minutes 12/01/15**
- 2. Draft unapproved Special Board meeting 12/07/15**

Motion by Dye, seconded by Aukerman to approve the 12/01/15 and 12/07/15 Board minutes as presented. Motion carried by unanimous vote.

D. INQUIRY AS TO CONFLICTS OF INTEREST: None

E. REPORTS: Received and filed

- 1. Eagle Scout project**
- 2. Parks – Henkel**
- 3. Legal Counsel – Jocks**
- 4. Sherriff**
- 5. County**
- 6. Roads**

F. SPECIAL PRESENTATIONS/DISCUSSIONS: None

G. CONSENT CALENDAR: The purpose is to expedite business by grouping non-controversial items together one Board motion (roll call vote) without discussion. A request to remove any item for discussion later in the agenda from any member of the Board, staff or public shall be granted.

1. RECEIVE AND FILE:

- a. Treasurer's Report**
- b. Clerk's Revenue/Expenditure Report and Balance Sheet**
- c. Metro Newsletter**
- d. North Flight**
- e. Draft Unapproved Meeting Minutes:**
 - 1. Planning Commission 12/14/15**
 - 2. Parks & Trails meeting 11/20/15**

2. APPROVAL:

- a. Accounts Payable Prepaid of \$58,803.51 and Current to be approved of \$44,861.52 (Recommend approval: Cathy Dye, Clerk)**

H. ITEMS REMOVED FROM THE CONSENT CALENDAR:

Motion by Jenema, seconded by Scott to approve the consent calendar as presented. Motion carried by unanimous roll call vote.

I. CORRESPONDENCE: Received and filed

- 1. Email dated 12/17/15 from Angie Lucas, Grand Traverse Regional Land Conservancy Regarding "Autumn Olive recap"**

J. PUBLIC HEARING: None

K. NEW BUSINESS:

- 1. Adoption of Zoning Ordinance 036 Medical Marihuana**

Motion by White, seconded by Jenema to approve the amendment to the Zoning Ordinance 036 Medical Marihuana as presented. Motion carried by unanimous vote.

- 2. Police Power Ordinances – Tent Sales and Food Trucks**

Winter stated that he has received correspondence related to operating tent sales and food trucks in Acme Township. Currently neither of these uses are regulated in any way. It was determined at the December Planning Commission meeting that the most appropriate form of regulation would be through Police Power Ordinances, which would need to be implemented at the Board level. The Planning Commission is willing to work on the draft language, if supported by the Board.

Motion by Jenema, seconded by Scott, to support the Planning Commission working on the draft language for Tent Sales and Food Trucks. Motion carried by unanimous vote.

- 3. Resolution to balance Budget, Septage fund to Parks fund**

Motion by Scott, seconded by Jenema, to approve Resolution R-2016-1 to approve fund moves from 101 Septage to 208 Parks fund. Motion carried by unanimous roll call vote.

- 4. Zoning Administrator pay recommendation**

Motion by LaPointe, seconded by Aukerman to approve an increase by \$1500 annually for the Zoning Administrator position. Motion carried by unanimous roll call vote.

- 5. Resolution to amend Acme Township Consumer Fireworks ordinance**

Motion by Scott, seconded by LaPointe to approve Resolution R-2016-2 Amending the Acme Township Consumer Fireworks Ordinance. Motion carried by unanimous vote.

- 6. Parks and Recreation directions and recommended changes**

Zollinger read the memo regarding committee changes for our Parks and Recreation. Three steps were presented, first to decommission our present Parks and Recreation committee, secondly Acme needs to charter the present Parks & Trail committee and appoint a chairperson for six months and thirdly to create a Parks and Cemetery maintenance group made up of a Trustee, member of the Parks & Trail and the Township Supervisor.

Motion by Scott, seconded by Aukerman, to decommission present Parks and Recreation committee, appoint Jenema to chair the new Parks & Trail committee for six months and appoint LaPointe to serve on the Parks & Cemetery maintenance group. Motion carried by unanimous vote.

L. OLD BUSINESS: Received and file

1. Sayler Park Update

Aukerman informed the Board all contract issues with the Grant for \$77,698.00 from the Great Lakes Fishery Trust have been cleared, and paper work also agreed to by the DNR on use of the launch site. The resolution R-2016-3 covers all requirements of the Grant with the GLFT and we will process all paper work required by 1/15/2016 if the Resolution is passed.

Motion by LaPointe, seconded by Aukerman to approve Resolution R-2016-3 supporting acceptance of Great Lakes Fishery Trust Grant for Sayler Park Boat launch. Motion carried by unanimous roll call vote.

2. Single Hauler contract status

Zollinger referred to the September 1, 2015, Board meeting when American Waste proposed a contract renewal under the same basic terms of the current contract. Competitors were at the meeting and requested that Acme set the waste contract for RFP. However, American Waste's pre-existing proposal put it in a potentially vulnerable position for the RFP because all other bidders now know its proposal.

Motion by Jenema, seconded by LaPointe, to renew the waste contract for two years with American Waste. Motion carried by a roll vote of 6 (Aukerman, Dye, Jenema, LaPointe, Scott, Zollinger) in favor and 1 (White) opposing.

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

Jenema presented a draft "Project Agreement" between Acme Township; Traverse Area Recreation & Transportation, Inc. (Tart) and the Grand Traverse Regional Land Conservancy for Board review at the February 1, 2016, meeting. This supports the work to be done by the New Parks & Trails committee supporting the North End Bayside Park Improvements.

ADJOURN AT 8:50 am



**ACME TOWNSHIP BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, February 2, 2016, 7:00 p.m.**

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

Members present: J. Aukerman, C. Dye, A. Jenema, P. Scott, D. White, J. Zollinger
Members excused: G. LaPointe
Staff present: N. Edwardson, Recording Secretary

Zollinger stated that the Planning Commission meeting scheduled for Monday, February 8, 2016, has been cancelled.

A. LIMITED PUBLIC COMMENT:

Jim Goss, representing the Acme Business Association and Acme Heritage Group presented two checks for \$1,250.00 each for the Saylor Park Boat Launch.

B. APPROVAL OF AGENDA:

Zollinger requested a job description for Parks & Building Maintenance Supervisor be added to Old Business # 1.

Motion by White, seconded by Scott to approve the agenda with the additional of the job description for Parks & Building Maintenance Supervisor under Old Business #1. Motion carried by unanimous vote.

C. APPROVAL OF BOARD MINUTES

1. Draft unapproved minutes 01/05/16

**Motion by White, seconded by Dye to approve the 01/05/16 Board minutes as presented.
Motion carried by unanimous vote.**

D. INQUIRY AS TO CONFLICTS OF INTEREST: None

E. REPORTS: Received and filed

1. Clerk – Dye

Clerk's and Treasurer's office would like the Board to consider the purchase of a "Drop Box" located outside of the Township office building. This "Drop Box" would be used for tax payments and ballots. The price range: \$1,528.00 to \$2,272.00. The cost would be split between the existing budget for the Clerk and Treasurer's offices.

Motion by Jenema, seconded by Zollinger to approve the purchase of a "Drop Box" with funds from existing Clerk and Treasurer's budgets. Motion carried by unanimous vote.

2. Parks – Henkel

3. Legal Counsel – Jocks

4. Sherriff – Ken Chubb

5. County – Carol Crawford

6. Roads – Marc McKeller

7. Parks & Trails – Jenema

Jenema gave an update on Parks & Trails. We are ready for a Public Hearing for the Michigan Natural Resources Trust Fund grant that we are applying for. Discussion followed.

Motion by Scott, seconded by Aukerman to approve a date of March 1, 2016, for a Public Hearing for the Michigan Natural Resources Trust Fund grant. Motion carried unanimously.

F. SPECIAL PRESENTATIONS/DISCUSSIONS:

1. Dave Hoxsie for Saylor Park Boat Launch

J. Goss presented during Public Comment.

2. Eagle Scout Project – Ryan Shively

Ryan Shively, Boy Scout from Troop 115 in Acme, presented his project of putting in new kiosks at Saylor Park and Bayside Park for his Eagle Scout Service project. Shively presented the Board with prepared packets detailing the project. Shively will reach out to area lumberyards for donations but is currently looking at expenses of around \$692.00.

Motion by Scott, seconded by Jenema, to support financially the Eagle Scout project as presented. Motion carried by unanimous roll call vote.

G. CONSENT CALENDAR: The purpose is to expedite business by grouping non-controversial items together one Board motion (roll call vote) without discussion. A request to remove any item for discussion later in the agenda from any member of the Board, staff or public shall be granted.

1. RECEIVE AND FILE:

a. Treasurer’s Report

b. Clerk’s Revenue/Expenditure Report and Balance Sheet

c. North Flight December report

d. Draft Unapproved Meeting Minutes:

1. Planning Commission 01/11/16

2. Parks & Trails meeting 12/18/15

2. APPROVAL:

a. Accounts Payable Prepaid of \$290,072.92 and Current to be approved of \$89,967.96 (Recommend approval: Cathy Dye, Clerk)

H. ITEMS REMOVED FROM THE CONSENT CALENDAR:

Dye requested that the current bills report under Approval 2 a. be removed.

Motion by Jenema, seconded by Scott to approve the consent calendar with the removal of the current bills. Motion carried by unanimous roll call vote.

Dye requested a change of \$38.66 less to be paid. The new amount would be \$89,929.30.

Motion by Jenema, seconded by Aukerman to approve the Current bills for \$89,929.30. Motion carried by unanimous roll call vote.

I. CORRESPONDENCE: Received and filed under Correspondence in the packet

1. Letter dated 2/2/16 from B. Kelley, 4893 Ridge Crest, regarding “backup pump” for the Hope Village well

2. Email dated 2/1/16 from E. Kossek, 8751 Woodridge Dr, expressing concerns for the new office hours

J. PUBLIC HEARING: None

K. NEW BUSINESS:

1. Hope Village Water Pump replacement

Zollinger referred to a memo to John Divozzo, DPW regarding replacement of one of the well pumps on the Hope Village water system, to have pump replaced and billed to Acme Township for said work at the price not to exceed \$20,000.00

Motion by Jenema, seconded by White to approve Resolution R-2016-4 approving funds transferred to Water/repairs maintenance from, Sewer /water fund balance. Motion carried by unanimous roll call vote.

2. Acme 401 Retirement annual approval of plan - Clerk

Dye provided a memo. Restatement is done on Acme Plan every five years to comply with Federal Laws and to consider any changes or modifications. Currently Acme Township contributes to the Retirement plan annually.

Motion by Scott, seconded by Jenema to approve Resolution R-2016-5 requiring Pension Protection Act (PPA) restatement process. Motion carried by unanimous roll call vote.

3. Resolution regarding Acme Township retirement plan.

Dye has been asked if payments could be done on a quarterly basis rather than the annual payment we do now, as well as possible changes to the vesting schedule. Clerk Dye had completed some research with our present provider and presented a resolution to allow making payments quarterly and along with changing the vesting Schedule to, in the first year employee becomes qualified (after one year of service and 1000 hours) vested is owned by employee 100%.

Motion by Scott, seconded by Jenema to approve Resolution R-2016-6 allowing for modification of the Plan Profit sharing provision vesting schedule and allowing quarterly payments to be made, Motion carried by unanimous roll call vote.

4. Resolution to allow employees the ability to contribute per- tax dollars to their 401 k plan.

Discussion was held. Dye stated this resolution would add a 401k for employees to make pre-tax contributions from their own pay into the retirement.

Motion made by Jenema, seconded by White to approve Resolution 2016-07 allowing employees pre-tax payments to their plan. Motion carried by unanimous roll call vote.

5. TBAISD Tax collection agreement Summer property tax

Motion by White, seconded by Scott to approve Resolution R-2016-8 allowing for the 2016 Summer collection of School property taxes. Motion carried unanimously.

6. MOU between Acme Twp., Tart & GTRLC

A draft of the North End Bayside Park Improvement Project agreement was presented at the January Board meeting. Board was asked to review and address any concerns or issues to Jenema. There was none.

Motion by Scott, seconded by Aukerman, to approve the North End Bayside Park Improvement Project as presented. Motion carried unanimously.

L. OLD BUSINESS:

1. Parks & Building Maintenance Supervisor Job description

Reviewed by Board and Henkel.

Motion by Jenema, seconded by White to approve the job description for Parks & Building Maintenance Supervisor as presented. Motion carried unanimously.

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

Matt McDonough, GTRLC, discussed with the board an additional donation of land south of Sayler park. The parcel is 13 acres. Matt said the Conservative was thinking of accepting this donation of land and would manage it along with the old campground piece of 8 acres until Acme Township is ready to take on both parcels.

Some discussion was held by the board and all in attendance thought that would be ok. We have a lot of park land now that we are working on developing and improving. Matt will get back to us with a final decision by the GTRLC.

ADJOURN AT 8:45 am

12/18/15 Park and Trails Meeting Minutes

Committee:	<u> X </u> DeMarsh	<u> X </u> Feringa	<u> X </u> Heffner
	<u> X </u> Henkel	<u> X </u> Jenema	<u> X </u> LaPointe
	<u> X </u> Timmins	<u> X </u> Wentzloff	

Advisory:	<u> X </u> Clark	<u> X </u> Heinert	<u> X </u> McDonough
	<u> X </u> Winter		

Amy discussed how the Parks and Trails committee came to be merged at the Board meeting on 12/07/15. The committee will have a more formalized structure to provide more organization as the township moves quickly towards their goals.

Shawn pointed out that advisors won't vote.

Amy wanted to move Tom Henkel off the committee list and list him under advisors. Everyone was in agreement.

A. **PUBLIC COMMENT:** None

B. Approval of Agenda- Wentzloff motions to approve the agenda.
LaPointe seconds. Motion approved

C. **INQUIRY AS TO CONFLICTS OF Interest:**

D. **APPROVAL DRAFT MINUTES of:**
a. Parks and Trail Meeting Minutes 11/20/15

Timmins makes a motion to approve the draft minutes from 11/20/15
Wentzloff seconds. Motion approved

E. REPORTS

1. At the December board meeting money was set aside to help the park plans move forward.
 - \$6000 – to have Gosling and Czubak put together a preliminary plan that the township can then use to apply for other grants.
 - Up to \$4000 to hire a grant writer
 - \$62,000 for Phase 1 to occur in summer on 2016 – This project will be decided after Klaus finishes the plan for the whole park, a stand-alone project can then be pulled out of the overall plan for the upcoming summer.
 - \$75,000 has been set aside by the township towards future grant matches that will make up phase 2 which will be the rest of Klaus's plan.
 - GTRLC has a board meeting February 25th. Matt McDonough will be asking them to support Acme with a \$125,000(the campaign will also cover staffing cost for GTRLC, so actual dollars will be higher) fund raising campaign to further our grant match. Bringing the township up to a higher percentage match. Phase 2 will total \$500,000.
 - LaPointe clarified that phase 1 would = \$62k phase 2 would total \$500k. Klaus talked about phase one being functional and independent of needing phase 2, in case the township doesn't get

any further funds.

- Klaus requested a design meeting in January.
- Committee wants a simpler plan than the original Becket & Raeder plan. Plan must leave room for additional phases including the south end of Bayside park.
- Heffner commented that the trail should be included in phase 1 as it will be like the spine of the park.
- Committee discussed ideas of how to handle parking for the regional trail head.
- Klaus will have a draft grant scenario ready in February.
- Final plan and resolution will go to the board for the March board meeting.
- Wentzloff clarified that the \$62k from phase 1 would not be used towards any grant matches.
- Henkel talked about the irrigation quotes he has gathered. The group decided this information was too soon in the process.

2. Tart

- Julie introduced Chris Kushman the new Trail Planning and Development Director.
- Julie delivered the draft Concept Plan and Development Guide for the Traverse City to Charlevoix Trail. The website is also up and ready to go.
- TART received funding towards the development of the TC to Charlevoix trail, because the trail goes through Acme, some of those funds could be available to Acme.
- Talked about the funding secured from Meijer to help with engineering cost to help connect the trail from Bunkerhill Rd. to the town center property via the 3 different identified routes.

3. Grand Traverse Regional Land Conservancy

- Matt went over the process the Conservancy follows in choosing to support a project. Matt said the Management team is excited about the project and will be going to GTRLC board for a vote February 25th.
- Emphasized importance of communication, coordination and leadership of the fundraising effort.
- Matt discussed need for the development of a Memorandum of Understanding.
- Project budget and need for the conservancy to fund raise above Acme's need to pay for its costs associated with this effort.

4. Committee Member Actions

- Timmins reported on meeting with Jim Moore from the disabilities network, see attached.
- Winter/LaPoint talked about autumn olive progress.
- 1. Eagle project done- buckhorn baggies.
- 2. 3 brush piles being combined and burned by Tom as soon as there is snow on the ground and he can get a permit.
- 3. Met with Land Conservancy to fine tune a work plan involving Americorp volunteers who are mapping the slopes and lower shelf's will be hand removing autumn olive, township will pay for supplies. May need another volunteer day.
- 4. Rough grouse society going into the upper shelf between June and Aug. to tackle the worst of the problem with a machine. Will let grasses take over and replant pine trees. Yearly maintenance will involve a bush mower to keep things managed.

F. NEW BUSINESS

1. Discussed the Memorandum of Understanding with Conservancy and TART
 - decided we would have 2 MOU'S. One with TART and the Township for the 3 trail connections and one with the Conservancy, TART and the township from Bunkerhill through N. Bayside park.
 - The three organizations will work on their end of the MOU's and come back together. Will have a draft for the board to review at for the January 5th. board meeting.
 - Conservancy is moving away from MOU's to Project Agreements. We will be looking at using a project agreement instead of MOU's because Project Agreements are more legally binding.

2. Functional Use Diagram

- Klaus clarified that he is working as part of the Gosling and Czubak team and will be working with at least 2 other people in his office to make this happen.
- Clarified the time line of deliverables. Klaus asked for a meeting in January with the committee to discuss design development.
- February is when the committee will see the deliverables.
- The plan will be a preliminary plan, not a detailed designed development drawing.
- The township will be able to tweak the plan when it goes to a designed development drawing at this time we are working on the big picture.
- Questions Klaus asked the committee to think about: How do people use the park?
Functionality -How do people use sub-spaces in the park? How do they arrive at the park?
How do they safely access parking. How do people circulate within the park?
- Klaus identified three “point getters” for the MDNR grant, and Acme can meet all of these:
 - 1) match over 25%
 - 2) trail connectivity and trail head.
 - 3) Universal accessibility. Natural resource access is another bonus.
- Committee discussed how to balance parking with alternative accessibility by other modes of transportation.
- Short discussion on the feasibility of purchasing other property around park areas that could be used for parking to save maximum of park property for recreation.
- Klaus went over the initial larger overall concerns that have to be looked at: Grading, stormwater management for migrating water; introduction of walk ways to move people around the park; adding areas for people to enjoy the park-- shade areas, pavilion etc.
- Committee discussed buffers to help block the high density areas that surround the park to help block noise and give park-goers a more enjoyable experience.
- Committee discussed putting storm water controls back behind the shell station, as well as what a 2nd entrance to park off Shore rd. might look like.
- Committee discussed how N. Bayside is on the water trail map. The township doesn't plan to have a designated launch at North Bayside park, just beach access and amenities. The plan for the future is for South Bayside park to have a Kayak launch.
- Committee members discussed the flow of people through the park and how they would move from one space to the next. The idea of creating a trail system to walk/bike within the park and connect with the greater regional trail system was supported as well as using winding trails as a natural traffic calming technique within the parks.
- Klaus encouraged the team to look at how the spaces flowed together, and how to give them functional supports such as bathrooms, water, seating etc.
- Conversation took place about making the park more sensitive to the people who use it and not the cars driving by. Leave smaller view scape for cars to see while providing a buffer for the park users.

- Committee members agreed that a play ground area is wanted. Members would like it to be in an area visible from the beach and open space area and not tucked away. Talked about putting volley ball court where the old play ground is now, if there is room and demand for it. People agreed that a volley ball court would be nice but don't want to give up to much of the grass area.
- Committee talked about having a second drop off at the other end of the park with possibly a few handicap parking spots. Many on the committee like this idea.
- Committee talked about and agreed with keeping a large green area open to be used as individual park users decide. Other ideas that were supported including: having a barrier that separates the park from the road, with cut outs for the view as you go by; being able to see water but having plantings to buffer sound and give park users more privacy.

The small building on the south end of the property is used for park maintenance equipment.

Committee members agreed we would like to keep access to the shed.

- Committee discussed and supported using deeper rooting grasses, native plants and having moisture sensors to cut down on water usage.
- Klaus brought to the committee's attention the need to redo the area in front of the existing restrooms and how it is an opportunity to blend the old resources with the new.
- Acme has a current grooming permit for 1/3 of the beach at N. Bayside park.
- Klaus clarified the importance of developing a whole park plan first before identifying the components that make up phase 1.
- Committee supported having an internal walking loop that is easily measurable for exercise purposes.
- Committee discussed the possibility of having boats parking up close to the beach as the area becomes more popular. Talked about ways to limit the boat parking in the future.
- Committee members talked about having amenities for multi-generations. DeMarsh shared his knowledge of the 70+ crowd and how they have limited demands of a park. They would like to have places to sit, areas to watch others doing activities, view scape and shaded seating areas. They average about 45 minutes a visit. Wentzloff talked about attracting younger people into our community with the amenities they desire and providing amenities for families with kids.

Jenema asked if there was anyone who was at the meeting that didn't want to be on the committee, as the board would be looking at the structure of this committee in January.

Winter started discussion on Design Standards. Asked for Steve and Klaus's help to come up with standards.

Steve will come back with Architectural standards and Klaus will come back with the site and landscaping standards. The committee can then look at it all and decide what will work best. The standards would be something Acme could implement community wide.

Committee discussed the three large willows, keeping the one on the far south end if it is healthy enough, while cutting the 2 others that are hazards and keep losing limbs. Klaus suggest that the township plans for the trees that are wanted so they can be made features of the park.

Committee discussed needing to look at combining park parcels due to different rules on each parcel and how grant funds can be applied. More research is needed. Shawn is looking into it.

H. Public comment- none

Motion to Adjourn Jenema, Second by Feringa

Adjourn.

12/15/2015

Feed back on ADA compliance

Met with Jim Moore from the Disabilities Network. The Disabilities Network is supportive and said they will write of letter of committment to help with fund raising for all things related to ADA compliance. Dayna Valpey is their fund raiser, I will be speaking with her after the holidays. Their campaign is called, Access for everyone.

- Two types of mobile mats discussed.

1) Brock Dock- Consist of a more solid snap together unit, like plastic decking. Stays in place better than the Mobi Mat and offers side platforms where benches can be placed. Due to it's solid materials requires more frequent sweeping off. Not easy to move for frequent beach grooming. Does not get placed directly up to or into the water. Needs to be removed and stored during winter months.

2) Mobi Mat- Consist of a flexible durable non-slip material that is easily rolled out and staked down to minimize the mats movement when in use or during weather events. It is made of a slightly porous material that requires some sweeping, but less than the Brock Dock. It is able to go directly into the water offering wheel chair or walker access directly to the waters edge. Easier to lift and move when using the beach groomer. Needs to be rolled up and stored for winter.

- Mobi Chair- is a wheel chair that has floats on it allowing users to enter the water in a wheel chair and than use the same chair to float. Suggested it be something that is checked out to insure the chairs return and care.
- For Visually impaired-
 1. Audible cross walks that count down for them.
 2. Maps on website that show accessibility and are adaptable to a screen reader.
 3. Marks on trail to show cross walks or other turn off points of interest.
- Extra thoughts
 1. Supports having handicap parking on both sides of North Bayside park.
 2. Would like to see small seating areas in nooks off the trail to provide rest frequently for those with limited mobility.



ACME TOWNSHIP PARKS & TRAILS MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
January 22nd, 2016 8:30 a.m.

ROLL CALL:
Committee:

Absent DeMarsh Absent Feringa X Heffner
X Jenema X LaPointe X Timmins

Absent Wentzloff

Advisory: Absent Clark X Heinert X Henkel
X Kushman Absent McDonough X Winter

A. PUBLIC COMMENT: None

B. APPROVAL OF AGENDA: Winter pointed out 2 mistakes 1) Henkel is on the Advisory staff, not the committee so his name will be moved on future agendas. 2) Move under old business 1) *North Bayside Park Design- Klaus Heinert, Gosling Czubak up to New business so that Klaus can flow from one to the other.*

Motion: Timmins 2nd. Heffner to approve the agenda with the changes mentioned.

C. INQUIRY AS TO CONFLICTS OF INTEREST: none

D. ACTION:

1. Approve Draft Minutes of:

a. Parks & Trails Meeting minutes 12/18/15

Motion to approve the Park & Trail meeting minutes 12/18/15 .

Motion by Timmins 2nd. Lapointe

E. REPORTS

1. Township Board -

Jenema updated the committee on the agreements between the Township and the GTRLC and TART. Hoping to finalize the commitments at the February board meeting so that McDonough can take it to the conservancy's board at the end of February.

Board officially dissolved the park and rec. committee and appointed the members of the park & trails committee to move the parks forward into the future. For 6 months, well the committee gets going Jenema will act as chair, the committee will than vote for members to hold positions just like any other. Bi-laws and mission statement will be worked on in the next 6 months also.

A second committee was formed to work in conjunction with the Park & Trail committee. It is a park maintenance committee to come up with how the parks will be maintained into the future. As of now the committee is made up of; LaPointe, Jenema, Zollinger and Henkel.

2) Kushman- Reported on TARTS efforts to explore East Bay connection options North of

Bunkerhill Rd. No easements found

Next is to follow the railroad tracks and talk to the 2 hotels(Sleep Inn and Holiday in on Mt.Hope Rd.) about the strip of land between them that maybe a possible connection.

3) Grand Traverse Regional Land Conservancy – No update just waiting for Acmes board to ok the resolution that will be taken to the conservancy board in late February.

4) Committee Member Actions

Timmins reported on her meeting with Jim Moore and Dayna Valpey from the Disability Network. Connected Klaus and Jim so they can talk directly to answer any design questions needed. Once we have a more solid plan I will go back and get more feed back. Discussed how they will partner with the township to help raise funds for the accessibility components. Went over the make up of the 2 different types of matting. Spoke with Lauren Vaughn from the city, went over the maintenance of the 2 different types of mats.

Discussed alternative grants. Klaus said that we don't want to remove all the components from the MDNR grants so we don't lose points.

Winter went over the autumn olive removal at Yuba natural area

Has contacted John Page of the ruffed grouse society, they offered to come in 2 weeks, the township is not ready. John Page will be contacting Acme later in the season, if Shawn hasn't heard back by the first of March he will call to make contact with John. Has been in contact with Paul Galligan from the resort about it incase they are also interest in autumn olive removal on the resort property, thought we could share transportation cost. Will stay in touch with him

There will be a nature hike hosted by the land conservancy at Yuba natural area on February 27th from 1-3, register on line of people can, link on Acme's website. They will be teaching educating about autumn olive during the hike.

- Jay got a quote for the removal of the 3 black willows at Bayside park. Prices from Hessel tree service were: \$2000 for the northern most tree
- \$1700 for the middle tree
- \$ \$2200 for the southern most tree

Timmins asked about if the health of the trees had been inspected. Henkel stated that they have been topped.

Jenema asked Heffner if he would like to take a leadership roll on the trail connectors to be a go to person, Heffner agreed.

F. NEW BUSINESS:

1. Review Trail Base Map & Preliminary Route Alignment- Klaus Heinert, Gosling Czubak.

Klaus went over the base map generation and discovery that he has worked on to start mapping out the trails to discover public right away, it also shows where we may need private agreements.

Klaus talked about having primary and secondary routes to connect everything. Good trails should have good circulation and connect things. In our region trails are not just for recreation but also for commuting when they are available (by season).

Looking at off road and sometimes on road routes, also want to make it ADA accessible. 5% is the maximum grade you can have for ADA compliance. Mt. Hope, just across the tracks on Bunkerhill and the south entrance of North Bayside park, and a couple spots on M-72 are the 4 areas of concern for slope with a grade over 5% within the township.

TART is in discussion with Hope village, the Lutheran church ad Dan Kelly about easements for the trail.

Next step is to get with TART and landowners to look at maps and come up with solutions as to best placement of the trails. A lot will depend on individual properties. Not all sections will be the most ascetic but they will be connections needed to get to other areas of trail segment. May need to have separate sections to work with individual land owners. Looking at setting up meetings with landowners in mid-February. Klaus will work with Shawn and Chris to set them up.

Talked about easements and the goal is to get long term access. Best case would be to make the easement part of the deed.

Klaus talked about the importance of working with the planning commission to create zoning that would foster trail connections through neighborhoods and different areas that need to connect to the main TART trail, including future build sites.

2) North Bayside Park Design- Klaus Heinert, Gosling Czubak

a. Review updated plan drawings

b. Discuss phasing options for summer '16 and grant proposal

Klaus went over the function use diagram which covered; land use functions, systems of circulation, relationship of the land use function as it relates to the park, views, access to water, road way corridors and all the relationships that come out of those functions. Connected that to how he came up with the plans he is presenting.

Discussion started on the three willow trees and what to do with them and how they would change the plans for the park if they stay or are removed.

Discussion about parking on the South end of the park. Discussion will continue at the next meeting. Consensus is to keep the curb cut, so at a minimum we could use that access for maintenance and emergency access. Discussed the small building (maintenance building) and what people saw as a use for that building. Henkel pointed out that he liked having it to keep park tools and such in it. Also discussed it as a future extra bathroom/drinking fountain site in the future while still leaving room for some equipment storage.

Discussed the areas of the beach that could be groomed. Henkel pointed out that we have a permit to groom 1/3 of the beach. Winter shared his meeting with Robin Schmidt from the DEQ, according to her we can't really touch the south end. The idea of turning the South end into a native planting area with educational signage was discussed.

Motion: By Heffner 2nd by Lapointe. Motion to keep the south (championship) willow and chop down the other two that are visibly distressed.

Motion carries.

Motion: By Lapointe 2nd by Heffner. On the South end to have minimal impact drop off with only minimal handicap parking, non-asphalt surface ascetically pleasing, low volume traffic area.

Motion carries

Next meeting Thursday 28th. 1Pm

2. Committee Mission & Vision Statements- Shawn Winter, Amy Jenema- tabled until the January 28th. meeting please email any ideas to Shawn.

G. OLD BUSINESS:

H. PUBLIC COMMENT none

ADJOURN: Motion to adjourn Timmins 2nd. Heffner

Motion carries



**ACME TOWNSHIP PARKS & TRAILS MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
January 28, 2016 1:00 p.m.**

Absent DeMars Absent Feringa X Heffner X Jenema X LaPointe
X Timmins X Wentzloff

Advisory: Absent Clark X Heinert X Henkel
Absent Kushman X McDonough X Winter

- A. **PUBLIC COMMENT:** No public
- B. **APPROVAL OF AGENDA:** Motion : Wentzloff made the motion to approve the agenda as presented. Timmins 2nd. Motion carried
- C. **INQUIRY AS TO CONFLICTS OF INTEREST:** none
- D. **ACTION:**
1. None
- E. **REPORTS**
1. None
- F. **NEW BUSINESS:**
1. **North Bayside Park Design - Klaus Heinert, Gosling Czubak**
a. **Discuss phasing options for Summer '16 and Grant Proposal**

Winter went over a hand-out he put together detailing the guidelines for the Michigan Natural Resources grant;

- Max request \$300k,
- minimum match 25%
- proof of match needs to be secured by October 1st.
- List of Eligible development projects. The projects the committee is focusing on are all on the list.
- Trust fund priorities.
- Scoring
- Two noted additions to the application; 10 day advance notice public hearing and a maintenance plan.

Klaus clarified that there is also a cap to the maximum match allowed which is 40%. Jenema clarified what is needed to turn in for the maintenance plan portion of the grant. It would be built into the park plan by the maintenance committee.

Klaus provided clarification.

LaPointe clarified the money that the trust fund would give, as well as how much money the township had toward the match. Asked if there was a resolution for the \$75k the township was putting for the match.

Jenema went over what the township has completed to date, which is dedicating \$25k a year for 3 years.

LaPoint talked about the money set aside by the GTRLC.

McDonough clarified that the GTRLC would be fund raising and that the money was not set aside. Matt will be going to the Feb. GTRLC board meeting to request acceptance of a formal partnership between the GTRLC and Acme Township. Also discussed that the Trust fund would accept a pledge from the conservancy as secure, it's best to turn it in with the application but it is not due until Oct. 1st.

Klaus discussed the trust fund point strategy as it related to the match dollars.

Klaus started the presentation explaining the useable green space as oppose to the darker green buffer zones, which would be storm water areas, buffers, berms or other green buffer. The park plan keeps the 3 large willow on the south end and designs the south end around them. Committee made a motion at the last meeting to keep the champion willow on the far south end. Discussed the parking issues; The south end shows a one way drop zone with limited ADA parking.

North end; The parking lot shows the expanded parking area that could utilize an exit off from Shore Rd. discussion followed debating the different configurations of the lot to best make it safe and user friendly. Including pros and cons of making the turn on to US-31 right turn only. Total parking would be about 70 spaces. Discussed configurations for RV parking and if the committee would like to widen the lot to accommodate RV's or just reconfigure the lines somewhere within the planned lot. Committee favored reconfiguring the lot to make room for RV's as opposed to making the lot larger. Talked about keeping a green buffer between the gas station and parking lot expansion so as not to feel right on top of the gas station. Green buffer between the two was the favored set up.

Other big ideas discussed included;

- Retaining wall
- Mobi mats and a transfer chair
- Pavilion
- Garden club- community garden area
- Rain gardens/ storm water solutions
- TART trail connector
- Playground, pavilion
- Drinking fountain/water bottle refill area
- Kayak launch

Klaus explained that pricing on all the components varied on a range from high end to low end. He used a middle ground for the pricing he presented to the committee. He reiterated that as the planning process moves forward the committee can choose to spend more or less on each component and that we had some flexibility with that within the grant.

Klaus explained that he had broken the expense sheet down into two columns. One for the \$67k project that would make up phase 1 and one for the larger overall project that would be phase 2.

Klaus gave a break down of his idea for a phase one project;

- Start of garden on the South end of the park
- half of the purposed retaining wall with back fill
- side walk/viewing area behind the retaining wall
- a path leading from the parking lot to the beach section with the retaining wall
- Mobi mat

- Some site improvements to the largest green space

LaPointe expressed his disappointment that more wasn't done to improve the larger green space and that there was no irrigation planned in phase 1.

Klaus explained that he was basing his ideas for phase one on increasing access to the water, but that it was up to the committee to decide what we would like to focus on first. He would follow our lead.

Committee discussion followed about the best course of action for phase 1, further discussion will take place at the next meeting on February 5th. With Klaus bring back more information on the break down of cost for the improvements of the 1 acre green space.

McDonough went over the information that the GTRLC will need at their next board meeting to make an informed decision about supporting Acme in efforts to continue with park improvements.

- Commitment from Acme Board
- Park plan that fits the trust funds expectation of land use- commented that he really likes the plan that Klaus is currently working on designing.

McDonough needed to leave to attend another meeting.

Discussion continued about the break down of cost. Over all park plan estimated cost is approximately \$998K. Committee was in agreement that phase 1 was to total \$67k and phase 2 to total \$500K.

Jenema proposed that the committee look at projects that could pull out to bring the price of phase 2 down to \$500K, while leaving room for them to possibly make up phase 3 at an undetermined future date. The four items are as follows;

- Playground
- South End drop off drive/ ADA parking
- Additional garden expansion
- Tart trail connector (this is not to be removed from the plan but to funded by an alternative source.)

All committee members present were in agreement.

Next steps include;

- prioritizing the park plan
 - deciding on what projects to for phase 1
- 3 tasks that the committee agreed on for phase one are
1. Gardening area on the south end for the garden club
 2. Half of the retaining wall and the side walk directly behind it
 3. path from the parking lot down to retaining wall

Committee wanted to look at other options related to making the largest green space more user friendly.

- Set next meeting date, Friday, February 5th. 8:30-10:30am

Discussion followed on the best time to have a public hearing. 10 days notice is needed. Klaus noted that he will just be arriving back from vacation on March 1st., the first date proposed, also the regular March board meeting . Consensus from the committee was to address the issue at the February board meeting, allowing the board to decide if they would like to set a special meeting or address it at the regular March meeting.

G. OLD BUSINESS:

1. Committee Mission & Vision Statements (it time allows) – *Shawn Winter, Amy Jenema*
Motion: Timmins 2nd. Wentzloff
To move old business 1) Committe Mission & Vision statement, to the next meeting.
Motion carries.

H. PUBLIC COMMENT no public present

ADJOURN: 3:45 Motion to adjourn Timmins 2nd. Wentzloff
Motion carries.



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
January 11, 2016 7:00 p.m.**

CALL TO ORDER: 7:00pm

ROLL CALL:

PC Members Present: D. Rosa, D. White, S. Feringa, K. Wentzloff, M. Timmins, T. Forgette, B. Balentine, and J. DeMarsh

PC Members Excused: J. Jessup

Staff Present: S. Winter, Zoning Administrator; J. Jocks, Legal Counsel

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

R. Babcock, 4261 Bartlett Road. Inquired as to whether public would have input on Planned Development. Public comment closed at 7:02pm.

B. APPROVAL OF AGENDA: Motion by Timmins to approve agenda as presented; support by Balentine. Motion passed unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. CORRESPONDENCE:

1. Email from Brian Kelley received 12/15/2015 read into record by PC chairperson and attached to these minutes.

E. PUBLIC HEARINGS: Opened at 7:04pm

1. Zoning Ordinance Amendment 037 Planned Development (PD)

A. Andres, representing Andres Trust, 1107 Barlow St.; Noticed in some of the maps that Andres property or anything below M72 was not included in PD zone but was indicated last time that the Andres 40 acres could be in a sending zone and actually we are in the receiving zone as well. Also noticed that Vasa was marked as a receiving zone so not sure if areas of the map are going to be delineated further. In support of Andres Trust being part of PD. Made a suggestion that we look at the use of a land bank for sending and receiving; not just for Acme Township use but all of Grand Traverse County.

R. Babcock. First page, #1. Item A. - Use of term "substantially" is ambiguous. May be better to use "consistent with".

Public Hearing closed at 7:07pm. Planning commission members continued discussion on PD.

S. Winter thought that map as presented seems to illustrate that all sending parcels are in Agriculture zone and all receiving parcels are not Agriculture which is not representative of how the ordinance reads. Not sure if that is common. We have some large parcels in the residential zone that may have been overlooked and may need to be considered. Overall consensus is map seemed to confuse things and may contradict what the township is trying to

accomplish.

Wentzloff thought map could be referenced to see where the big parcels of land are located but not necessarily needs to be part of the ordinance. Winter and White agreed. Jocks seemed to be in agreement and wasn't sure of John Iacoangeli's intent with the particular map. He thought a couple of other things need to be cleaned up before bringing to Board. White didn't seem to think it mattered what section of the township sending and receiving could occur. Wentzloff explained to all that transfer of density is not a transfer of zoning type. You can't exceed densities of a zoning district. Ideally we are sending density from areas we want to conserve. The use of thresholds were also discussed however they may be too restrictive. Jocks added that the PC can come up with a standard such as acreage, density, or use type, however, it may not provide the planning commission the necessary flexibility. Winter added that trip use is an example of how thresholds could be limiting. Wentzloff thought removing item# 4, line 2 if we are not using the map provided. Rosa question page 5, #5. Section not worded well as board would still need to approve according to Jocks. Other document housekeeping such as numbering needs fixing. Based on concerns of counsel and PC members, the sentiment of the is document needs to be cleaned up, further clarification needed from the planner and re-visit this next month as there is time to make adjustments.

F. NEW BUSINESS:

1. None

G. OLD BUSINESS:

1. Tent Sale / Food Truck Police Power Ordinance

Winter opened by saying the Board made a motion to have the Planning Commission explore and draft police power ordinances for tent sales and food trucks. The purpose of this topic being on the agenda is to start the discussion, understand what we want to achieve, receive Counsel's advice and identifying areas of additional research. He included Garfield Township ordinance that is not police power but a supplemental ordinance that may be better. Requires the event to be accessory to the business. Winter also included Traverse City's food truck ordinance and Acme Township's Special Event Ordinance for reference. The Acme Township Board expressed concerns to him included food trucks operating in township parks was not necessarily desired and concerns of a business extending their current retail service through a tent sale vs. a separate business operating a tent sale on their property. Balentine raised concerns with the actual tents used and appearance. Commissioned members felt the use of a tent as an extension of existing business seems reasonable and allowed and that 3rd party business use of tent should fall under different criteria. Other concerns included adherence to local and state building codes and traffic flow/parking lot space usage, length or duration of sale, use of permits and fees to track events, and temporary signage. Individual property special use permits restrictions would still apply with respect to outdoor sales and may need to be re-iterated in this ordinance. Thresholds could be applied to limit size by utilizing percentage of parking lot size but that could also be difficult. Winter suggested it could be treated like a temporary sign permit so that zoning administrator can review and file. DeMarsh raised a concern about a tent looking exactly like a sign. Feringa didn't want to over-regulate an existing business requesting permit. Timmins likes the use of a permit for control and tracking and maybe a small fee. Winter thinks the idea of permit is very useful and doesn't require a lot of work. The special events ordinance limits the event to 3 days. He doesn't feel a fee would be necessary but others thought maybe a small fee would be appropriate. With respect to signage, requirements of temporary sign process could be apply. Shared parking lot concerns were also brought up. Sign off of property owner and applicant would help. Jocks thought for signage you can limit to one size and not to exceed a certain percentage. Consensus was to not allow unrelated business tent sales at this time. Jocks indicated that it would not be exclusionary zoning to only allow extension of existing business for tent sales. Commission was asked about farm markets and how this ordinance would apply. Jocks to investigate how they were handled in the past. Winter will come back with an updated draft incorporating concerns raised.

Discussion moved on to Food Trucks (mobile food vendors) and allowing them on public property and are they getting a benefit bypassing brick and mortar requirements such as taxes. Winter feels this is a common argument

that doesn't necessarily bind. He feels they add variety as it is a totally different option or dining experience. Can be another option for business to break into the industry and some brick and mortar establish food trucks. Feels they should be a police power ordinance as opposed to a zoning ordinance. Included Traverse City's ordinance for reference. Acme doesn't necessarily have any public parking lots which the Traverse City ordinance does address. With respect to public parks, Jocks believes trust fund purchased parkland may prohibit commercial food trucks and that for Saylor Park we would have to look at the deed. If catered to the recreational use of the park, it may be allowed but would have to be looked at closely at each one to see if the use is allowed. White expressed that the Board felt strongly against food trucks on public park land. With respect to private lots, no zoning exists for mobile food vendors currently. Jocks suggested that if we do police power ordinance, suggest that anyone "grandfathered" would have to follow the ordinance. Winter indicated that Traverse City ordinance requires a permit with a checklist of requirements such as signage, operational hours, lighting, etc. Winter thinks the Traverse City ordinance is pretty clear. He will draft up an ordinance for review next month.

H. ADMINISTRATIVE ACTION

1. Receive and file Township Board Minutes 12/01/15 - Motion to receive and file by Timmins, supported by Feringa. Motion passed unanimously.
2. Receive and file Township Board Special Meeting Minutes 12/07/15- Motion to receive and file by Timmins, supported by Forgette. Motion passed unanimously.
3. Receive and file Parks and Trails Committee Minutes 11/20/15 - Motion to receive and file by Timmins, supported by White. Motion passed unanimously.
4. Approve draft Planning Commission Minutes 12/14/15 - Motion to approve by Feringa

I. PUBLIC COMMENT & OTHER PC BUSINESS

Public Comment Opened at 9:04pm with no comment; Closed at 9:05pm

1. Zoning Administrator Report: Shawn Winter provided a report summary.
 - Permits issued since the December 14th PC Meeting:
 - Land Use Permits – 1 (carport)
 - Sign Permits – 0
 - Township Board Approved Amendment 036 – Medical Marihuana Dispensaries and Cultivation Operations in the B-4 District at their January 5, 2015 meeting.
 - Zoning Ordinance Update
 - Currently ahead of schedule
 - Will begin Article 8: Site Plan Review and Article 9: Special Uses next month, hopefully have something to present at the next PC meeting
 - Started cataloging textual errors, conflicting definitions, vague areas, etc. in a spreadsheet
 - Next Month:
 - No site plan reviews or special use permit applications submitted at this time
2. Planning Consultant Report: John Iacoangeli - nothing to report
3. Township Board Report: Doug White - nothing to report
4. Parks & Trails Committee Report: Marcie Timmins provided a brief update on the new Park and Trail Committee formation.

ADJOURN: Motion to adjourn by Balentine, Support by Timmins. Motion passed

Meeting adjourned at 9:19pm. TAF