



**ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
November 14<sup>th</sup>, 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. SPECIAL PRESENTATION**
  - 1. John Sych –Director of Planning and Development, Grand Traverse County
  
- E. CONSENT CALENDAR:** The purpose of the consent calendar is to expedite business by grouping non-controversial items together for one Commission motion without discussion. A request to remove any item for discussion later in the agenda from any member of the Commission, staff or public shall be granted.
  - 1. **RECEIVE AND FILE**
    - a. Township Board Minutes 10/04/2016
    - b. Draft Parks & Trails Committee Minutes 10/21/16
  - 2. **ACTION:**
    - a. Approve Draft Planning Commission Minutes 10/10/16
  
- F. ITEMS REMOVED FROM THE CONSENT CALENDAR**
  - 1. \_\_\_\_\_
  - 2. \_\_\_\_\_
  
- G. CORRESPONDENCE:**
  
- H. PUBLIC HEARINGS:**
  
- I. OLD BUSINESS:**
  - 1. Medical Marihuana Legislative Changes
  
- J. NEW BUSINESS:**
  - 1. Kelly Planned Development Pre-Application Review – Iacoangeli
  - 2. Planning Commission Bylaws Review – Wentzloff
  
- K. 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:**



**ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
November 14<sup>th</sup>, 2016 7:00 p.m.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE: 7:0**

**ROLL CALL:**

**Members present:** D. Rosa, B. Balentine, D. White, T. Forgette (Secretary), S. Feringa (Vice-Chair), K. Wentzloff (Chair), M. Timmins

**Staff present:** S. Winter, Zoning Administrator  
J. Iacoangeli, Township Planner  
J. Jocks, Township Counsel

**A. LIMITED PUBLIC COMMENT: Open 7:01, Close 7:03**

Jim Heffner – 4050 Bayberry Lane

Attended TART appreciation event on Wednesday, November 9. TART presented a plaque to Jim on behalf of Acme Township for their appreciation of Acme’s governmental cooperation and efforts, not only on the Bayside Park improvements but also for the unanimous support of extending the existing trail system through the Acme Connector Trail and Traverse City to Charlevoix Trail. Also received an email from Glen Chown, Grand Traverse Regional Land Conservancy, appreciating the efforts of and partnership with Acme Township and Gosling Czubak to improve Bayside Park. Jim also spoke with friends on Old Mission Peninsula who rent the upstairs of their home on AirBNB. They lost their principle residency exemption, which was challenged in the Tax Tribunal and Peninsula Township lost since only a portion of the house was rented and still owner occupied.

**B. APPROVAL OF AGENDA:**

Motion by Timmins to move items under J. New Business ahead of I. Old Business. Support by Balentine. Motion passes unanimously.

**C. INQUIRY AS TO CONFLICTS OF INTEREST: none**

**D. SPECIAL PRESENTATION**

**1. John Sych –Director of Planning and Development, Grand Traverse County**

John Sych and Russ Soyring, Planning Director for the City of Traverse City were in attendance to present John Iacoangeli of Beckett & Raeder with the Roger Williams Planner Award from the annual Grand Traverse County Planning Awards Banquet. John Sych read the script for John Iacoangeli’s award presentation, who was not able to attend the banquet. Russ Soyring nominated John Iacoangeli for the award.

**E. CONSENT CALENDAR:**

**1. RECEIVE AND FILE**

- a. Township Board Minutes 10/04/2016
- b. Draft Parks & Trails Committee Minutes 10/21/16

**2. ACTION:**

- a. Approve Draft Planning Commission Minutes 10/10/16

Motion by Balentine to approve the Consent Calendar as presented. Support by White. Motion passes unanimously.

**F. ITEMS REMOVED FROM THE CONSENT CALENDAR:** none

**G. CORRESPONDENCE:** none

**H. PUBLIC HEARINGS:** none

**I. NEW BUSINESS:**

**1. *Kelly Planned Development Pre-Application Review – Iacoangeli***

Dan Kelly, owner of The Williamsburg and Catering by Kellys, was on hand to present an overview of his Planned Development (PD) for the pre-application review. This part of the process is to have the Planning Commission determine if the project qualifies for a PD. Kelly has been exploring opportunity to develop the property, consisting of approximately 13 acres. The initial idea was to create a resort community consisting of 40 cottages, to be developed in phases. The cottages would be designed for weekly and nightly rentals.

Kelly presented a development overview that included greater detail on the resort concept. The TART Trail extension (Acme Connector Trail), is a strong asset to his future development plans. Kelly discussed existing sewer, extending water from the Tribe, excavation, and landscaping that he is anticipating being part of the development. The intent is to keep all the old growth pines and hardwoods. Poplars would be removed to site the cabins, which would contain stoves, laundry facilities, and be approximately 450-500 square feet. The facility would include a pools and tiki bar. Commercial opportunities have been considered and Kelly would like to reduce the size of the existing parking lot to allow additional commercial uses, along with renovations and patio to The Williamsburg. The commercial uses would be sited up front near the road, but would be developed in a later phase. Kelly wants to ensure the commercial uses fit the concept and existing development on the property, keeping in mind that the future development of the neighboring Town Center will dictated the commercial uses. Kelly felt the concept plan submitted in the pre-application did not fully capture the complete development he was envisioning.

Iacoangeli's review of the Criteria for Qualification determined that the project, as presented in the pre-application did not qualify for a PD. The plan presented by Kelly at the meeting moved more towards the goals and objectives of a PD. It was recommended that instead of starting with an engineer, to begin by working with a landscape architect or land planner to develop an overall master plan for the PD, engineering to follow at a later date. Iacoangeli wanted to see a plan that more fully captured the development potential of the site.

Wentzloff asked about the current zoning. Winter stated that it is Corridor Commercial in the front, Mixed Housing Neighborhood in the rear. These zoning districts do qualify for a PD. Timmins asked if Mixed Housing Neighborhood allows the cabin development by right, Winter noted that it does not, but would be allowed through a PD. Kelly stated that he wants paved drives, not gravel, and to establish a more upscale facility, as opposed to a rustic up-north cabin feel.

Wentzloff asked staff what is needed by the Commission to move forward. Iacoangeli suggested Kelly come back with refined plan complete with phasing that shows the integration of uses. Wentzloff asked about phasing, and sequencing. Iacoangeli informed the PC that they have the right to establish conditions that facilitate proportionality, ensuring components of different uses get implemented. Steve Feringa gave an example that the storm water system may need to be completed in its entirety before Phase I can start.

Kelly will revise the plan to create a holistic conceptual plan and come back to the PC.

**2. *Planning Commission Bylaws Review – Wentzloff***

Discussion on holding special meetings and posting notices for them. Questions on the defined order of business. The bylaws do not state that they have to follow the prescribed order. No changes to be made at this time.

**J. OLD BUSINESS:**

**1. *Medical Marihuana Legislative Changes***

The previous model of primary caregiver/qualified patient(s) is still in effect. Each of the new five uses require a license: grower, processor, provisioning center, secure transporter, and safety compliance facility. Township may decide if any or all of the new facilities are to be allowed in the jurisdiction, and how many of each. If provisioning centers are to be allowed, may want to get rid of our currently adopted dispensary model. This change may affect the way any existing dispensaries, under the current model, operates if licensed provisioning centers are allowed. They wouldn't be considered a grandfathered use. May want to speak with existing dispensary to determine their future plans.

The new law becomes effective December 20, 2016 and the state will start accepting applications December 16, 2017. The state still needs to develop the guidelines and rules, along with the tracking database, before applications can be processed. One of the goals of the legislative change is to clarify how these facilities are to operate and aid law enforcement.

The first step is to determine which of the five facilities are to be allowed. It's two-part: planning commission to determine the zoning, and township board to determine the licensing. Counsel suggested it may be worth getting an idea from the township board which direction they're willing to head before investing resources on writing zoning and licensing ordinances. Wentzloff asked if it is worth waiting for the state's license procedure to be completed before we move too far forward. Counsel clarified that local licensing regulations can add on to the state's mandates, but couldn't conflict with requirements from the law. Some communities are moving quickly on implementing local ordinances to take advantage of the potential revenue from the excise tax and licensing fees. Wentzloff supports not rushing into these changes and sending the topic to the township board to feel out their level of support. Iacoangeli emphasized that the law has made medical marihuana a regulated commodity. Balentine had questions clarifying the role of each new facility. The facilities were explained and examples were provided.

Motion by White to send medical marihuana legislative change the township board to see if they what uses they would allow. Support by Timmins. Motion passes unanimously.

**K. PUBLIC COMMENT & OTHER PC BUSINESS**

**1. Zoning Administrator Report – Shawn Winter**

Seven land use permits issued, including the one for the Gokey apartments just today. Two sign permits were issued. Attended the Walkability Workshop hosted by the MSU extension. Good information, but nothing too groundbreaking that hasn't been discussed at the PC level before.

**2. Planning Consultant Report – John Iacoangeli**

Zoning Committee met last week, working on a new framework. Progress is continuing to move forward. The committee is thinning out unnecessary sections and trimming down other sections.

**3. Township Board Report – Doug White**

Darryl Nelson was elected as the new Trustee.

**4. Parks & Trails Committee Report – Marcie Timmins**

Phase I at Bayside Park is complete, Blue Star Memorial sign has been installed at Bayside, Saylor Park Boat Launch is done except for the parking signs.

**5. Planning Commission Report – Karly Wentzloff**

Attending the housing summit hosted by Networks Northwest. Accessory Dwelling Units (ADU's) and short term rentals were discussed at length. Problems abound everywhere, but no one has a solid solution at this point.

6. Public Comment – opened at 8:22. No comment. Closed at 8:22.

**ADJOURN:**



# MEMORANDUM

## Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: [www.acmetownship.org](http://www.acmetownship.org)

To: Acme Township Planning Commission  
From: Shawn Winter, Zoning Administrator  
CC: Jeff Jocks, Counsel; John Iacoangeli, Planning Consultant  
Date: November 7, 2016  
Re: November 14, 2016 Planning Commission Packet Summary

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**A. LIMITED PUBLIC COMMENT**

1. **Open:** \_\_\_\_\_ **Close:** \_\_\_\_\_

**B. APPROVAL OF AGENDA**

1. **Motion by:** \_\_\_\_\_ **Support:** \_\_\_\_\_

**C. INQUIRY AS TO CONFLICTS OF INTEREST**

1. **Name:** \_\_\_\_\_ **Item:** \_\_\_\_\_  
2. **Name:** \_\_\_\_\_ **Item:** \_\_\_\_\_

**D. SPECIAL PRESENTATION**

1. John Sych – Director of Planning & Development, Grand Traverse County

**E. CONSENT CALENDAR:**

1. **RECEIVE AND FILE:**  
a. Township Board Minutes 10/04/16  
b. Draft Parks & Trails Committee Minutes 10/21/16  
2. **ACTION:**  
a. Approve Draft Planning Commission Minutes 10/10/16

**F. ITEMS TO BE REMOVED FROM THE CONSENT CALENDAR**

1. \_\_\_\_\_  
2. \_\_\_\_\_

**G. CORRESPONDENCE:**

1. None

**H. PUBLIC HEARINGS:**

1. None

**I. OLD BUSINESS:**

1. **Medical Marihuana Legislative Changes**
- Counsel provided a memo last month outlining the recent changes in state legislation related to medical marihuana. The memo did a great job outlining the changes and has been included again for review. I've also attached a presentation from the MAP Conference last month as a supplement.
  - A general discussion followed at the meeting, with a lot of questions still unanswered.

- The Township will need to decide which, if any, of the five new uses should be allowed: grower, processor, secure transporter, provisioning center, and Safety Compliance Facility. The Township is not obligated to allow any of the uses, and can determine where and how many uses/facilities may be allowed.
- The primary caregiver/qualified patient structure still exists as it has. The additional uses have been added to what was previously allowed.
- Some Notes:
  - Secure Transporter functions more as a distributor, and is allowed to store medical marihuana on site. Distribution facilities would seem most appropriate in The B-4 District.
  - Growing can happen at three different licensed levels: 500, 1,000, or 1,500 plants. State law states they can only operate in areas zoned Agricultural or Industrial. Since the Township allowed cultivation operations under the primary caregiver/qualified patient structure in the B-4 through a previous amendment, this may be the best location if its determined to allow such a use. The cultivation operation ordinance that was adopted could probably be removed if this use is allowed. Growing as a home occupation would still be allowed under our ordinance.
  - Processor is as its name suggests, a location where medical marihuana is processed into different products, including infused or edible goods. Typically, processing operations of any nature have been limited to the B-4 district. Processing related to agriculture has also been allowed in the Ag district. Does the Township want to treat medical marihuana as an agricultural product?
  - Provisioning Centers are essentially commercial storefronts where medical marihuana products can be sold to anyone who is a qualified patient. The individual selling the product does not need to have the customer assigned to them as before. This seems more akin to a commercial use, so should it be allowed in our commercial districts? Or, if the Township decides to allow some of the other new uses in the B-4 district, should the provisioning centers be limited to that area as well? If the Township decides to allow provisioning centers, it may be worth getting rid of our former dispensary ordinance. The existing facilities would be grandfathered in I believe.
  - Safety compliance facilities test for potency and safety, similar to a food safety lab. I'm not aware of any provisions on the location or operation of the safety compliance facilities, but that doesn't mean they don't exist.
- The law becomes effective in December 2016, but the state will not start excepting applications until December 2017. A lot still needs to be sorted out with this new legislation.
  - There will be a Medical Marihuana Licensing Board at the state level with LARA, which will receive input from an advisory panel, that will oversee the state-level licensing and enforcement.
  - Define how to limit the maximum amount to be sold to a person over a given period
  - Advertising and marketing regulations need to be established, perhaps similar to alcohol and tobacco
  - A third-party network needs to be established to track products from seed to sale in a database
  - Local governments need to establish their own regulatory/licensing framework, if desired.
- Counsel will be present to answer questions. The conversation needs to first establish with uses, if any, the Township wants to allow. From there the regulatory details can be created.

**J. NEW BUSINESS:**

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1. **Kelly Planned Development Pre-Application Review**
  - Dan Kelly has submitted his Planned Development pre-application for review and determination if it qualifies for a PD.
  - John Iacoangeli has reviewed the pre-application materials and has concluded that the application does not meet the required minimum of five of the nine qualifying criteria.
  - His review outlines his reasoning as to why this project, as presented, does not meet the standards
  - It will be up to the Planning Commission to determine if the project would be viable if changes were made to reflect the goals and objectives of the Master Plan, Future Land Use Map, and Planned Development ordinance.
  - Included in the packet are the pre-application materials by the Applicant, John Iacoangeli's review, Future Land Use Map, Future Land Use Categories excerpt from the Master Plan, and the Planned Development Ordinance for reference.
  - This is the first project to come in under the new ordinance and will set a precedent as to how Planned Development requests are handled and implemented. Engaged conversations on the project and process will help establish that standard moving forward.
  
2. **Planning Commission Bylaw Review**
  - Chair Wentzloff asked to have the bylaws placed on this month's agenda
  - Please read through the enclosed bylaws to determine if there are any errors, irrelevant provisions, or needs for improvement.

**K. PUBLIC COMMENT & OTHER PC BUSINESS:**

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1. **Public Comment:**
  - **Open:** **Close:**
  
2. **Zoning Administrator Report: Shawn Winter**
  - **Permits**
    - Land Use Permits – 6
      - 2016-38 Commercial – GT Resort & Spa beverage building
      - 2016-39 New Home – 10751 Dumas Dr
      - 2016-40 Addition – 5891 Yuba Rd
      - 2016-41 New Home – 5632 Bunker Hill Rd
      - 2016-42 New Home – 4086 Windward Way
      - 2016-43 New Home – 4090 Windward Way
    - Sign Permits – 2
      - 2016-20 Permanent (freestanding) – Acme Dentistry
      - 2016-21 Permanent (wall sign) – The Williamsburg
  - Attended the MSU Extension's Walkability Workshop. Good information, but covered a lot of the concepts we discussed last month regarding successful town center design. Received some materials on conducting walkability surveys and audits
  
3. **Planning Consultant Report: John Iacoangeli**
  
4. **Township Board Report: Doug White**
  
5. **Parks & Trails Committee Report: Marcie Timmins**



**ACME TOWNSHIP BOARD MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
Tuesday, October 4, 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:**

Brian Terhune, 4212 Circle View Dr, expressed his opposition to closing Bunker Hill boat launch.

Wally Olson, 7373 Deepwater Point Rd, spoke to short term rentals. Renters have taken over beaches and spreading out to other private property and getting out of hand. He has been a resident for 46 years.

**B. APPROVAL OF AGENDA:**

Zollinger asked to have one item added. Under New Business #9 Appointment to Planning Commission and Trustee, White ask to have Bunker Hill Boat Launch under Old Business #5.

**Motion by Scott, seconded by Dye to approve the agenda with the addition of two items under New and Old Business. Motion carried by unanimous vote.**

**C. APPROVAL OF BOARD MINUTES 09/06/16**

**Motion by White, seconded by Dye to approve the 09/06/16 Board minutes as presented. Motion carried by unanimous vote.**

**D. INQUIRY AS TO CONFLICTS OF INTEREST: None**

**E. REPORTS:**

**1. Clerk – Dye**

Dye commented that a unemployment hearing has been cancelled for the third time to November 22, 2016. Ballots are in and office busy getting them out.

**2. Parks**

Zollinger reported at the Sayler Boat launch paving is completed with final restoration of trees, beach grass; and placement of informative site signage. At Bayside work is being done on the beach wall and sidewalks. Blue Star memorial is October 22, 2016.

LaPointe talked about the possibilities of obtaining the MDOT Gil-Roy Park across from Bayview Restaurant. He would like to see dialogue start with MDOT to purchase along with the Conservancy to be discussed with Parks & Trails committee.

**3. Legal Counsel – No report**

**4. Sherriff –**

Porter encouraged residents to lock cars and homes. Also discussed having dogs on leashes.

**5. County - Received and filed**

**6. Roads – Marc McKeller**

Jim Cook, Grand Traverse Road Commission, was present to review the 2016 Millage renewal request for 1 Mil per year for a period of 4 years in the November 8th General election.

**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**
  - Draft unapproved meeting minutes**
    - 1. Planning Commission 09/12/16**

**2. APPROVAL:**

- a. **Accounts Payable Prepaid of \$173,449.46 and Current to be approved of \$ 47,844.04 (Recommend approval: Cathy Dye, Clerk)**

**H. ITEMS REMOVED FROM THE CONSENT CALENDAR:**

Dye requested Current Bills to be paid removed.

**Motion by Scott, seconded by Jenema to approve the Consent Calendar with the removal of the Current Bills to be paid. Motion carried by unanimous roll call vote.**

Dye had three new invoices to be paid totaling \$12,810.25. Current Bills would go from \$47,844.04 to \$60,654.29.

**Motion by Jenema, seconded by White to approve the Current bills for \$60,654.29. Motion carried by unanimous roll call vote.**

**I. CORRESPONDENCE: None**

**J. PUBLIC HEARING: None**

**K. NEW BUSINESS:**

**1. Short Term Rentals**

In a memo to the Board Winter stated that short-term rentals has been a reoccurring topic before the Planning Commission (PC) this summer. The PC requested a review of the Zoning Ordinance by Township Counsel to provide clarity on the topic. Counsel's enclosed interpretation concludes that short-term rentals are not an allowed use in residential districts R-1, R-2, R-3. Winter stated this leaves the Township with two choices: a) up hold the complete prohibition on short-term rentals, or b) allow short-term rentals, but with some sort of regulatory framework that could potentially stem the nuisance issues that have been reported this year. Winter suggested a public forum be conducted as a joint meeting between the Township Board and the PC. After Board discussion Winter was directed to pursue the final details of a public forum. Date to be determined.

**2. Zoning Ordinance Amendment 037 – Article XIX: Planned Development**

Winter stated that a Zoning Ordinance Amendment 037 would add a Planned Development (PD) option to the Zoning Ordinance. PD's are a common land development option in the region, state, and nation that provide property owners with more flexibility in the development of their land. They allow for a mix of uses, densities, parcel sizes, open space preservation, etc. within a single development. Discussion followed.

**Motion by LaPointe, seconded by White, to approve Acme Township Zoning Ordinance Amendment 037 – Planned Development as presented. Motion carried by unanimous roll call vote.**

**3. Zoning Ordinance Amendment 042 – Land Use Table (US-31/m-72 District**

In a memo to the Board Winter stated the Zoning Ordinance Amendment 042 would provide minor changes to the Land Use Table under §6.6.4 in the US-31/M-72 Business District. Some of the changes are simply organizational, while others expand upon existing uses. Discussion followed.

**Motion by LaPointe, seconded by Aukerman, to adopt Zoning Ordinance Amendment 042-§6.6.4 Land Use Table US-31/M-72 Business District as presented. Motion carried by unanimous roll call vote.**

**4. TAP Grant opportunity**

Winter stated that while exploring funding options for the Acme Connector Trails he came across the Transportation Alternatives program (TAP) grant that he believes worth exploring. Discussion followed with the Board deciding that in the current timeframe we will not pursue this but will continue to explore options to determine its feasibility. LaPointe made a point that with the Federal TAP grant you needed to be committed with a match before using the Grand Traverse County Road Commission as agent.

**5. Project Tracking Acme Township – LaPointe/Aukerman**

Aukerman provided a draft format for Project tracking in Acme Township. This would give the ability to track development of all our parks from design through the building cycle. Additional work to be done to draft a more robust format by Zollinger or Aukerman.

**6. Approval for PA-116 Ken and Jan Engle**

**Motion by LaPointe, seconded by Aukerman to approve the PA-116 application for Ken and Jan Engle as presented. Motion carried by unanimous vote.**

**7. No Charge yard waste pass for Township residents**

Dye provided a Memo regarding offering residents; No charge yard waste pass through the Grand Traverse County, RecycleSmart. The Township would pay the County for passes used by Township residents.

**Motion by Jenema, seconded by Aukerman to proceed with the yard waste passes for Township residents. Motion carried by unanimous roll call vote.**

**8. Health Insurance renewal – Dye**

Dye provided a Memo with the new Health Insurance renewal for 12/01/16. The upcoming renewal for Priority health premium will increase by 8.92% with benefit changes. Dye is recommending a plan change to Option B which has about a 17% increase. Much Board discussion followed.

**Motion by Zollinger, seconded by Jenema to approve Option B. Motion failed by a roll call vote of 3 (Aukerman, Jenema, Zollinger) in favor and 3 (LaPointe, Scott, White) opposing. Dye recused from voting.**

**Motion by Scott, seconded by LaPointe to do Option A renewal with Dye having the option to pay the differences in premiums is she preferred Option B. Motion carried by unanimous roll call vote with Dye recusing herself.**

**9. Supervisor’s appointment to Committees & Advisory**

**Motion by Scott, seconded by LaPointe to reappoint Beth Balentine to the Planning Commission for a term to expire in 2019. Motion carried by unanimous vote.**

**L. OLD BUSINESS:**

**1. Approve cancelling of Resolution 2016-#37 Moving monies from Metro 48 Act to Boat Launch 401**

**Motion by Scott, seconded by Aukerman to approve the cancelling of Resolution 2016-#37 Motion carried by unanimous vote.**

**2. Honor box Saylor Park Boat launch – Aukerman**

Aukerman reviewed the feedback received so far. Board discussion. A model police power ordinance to be drafted and brought back to the Board for consideration.

**3. Status on boat launch final activities/Bayside Phase I**

Covered under Parks Reports.

**4. Approval of a draft amended Cemetary Ordinance #2008-01**

Dye provided a draft amended Cemetary Ordinance #2008-01 providing burial space for Non-residents as discussed in a previous Board meeting. The cost shall be \$400.00 for Residents and \$600.00 for Non-residents.

**Motion by Jenema, seconded by White to approve the draft amended Cemetary Ordinance # 2008-01 with corrections as presented. Motion carried by unanimous vote.**

**5. Bunker Hill Boat Launch**

There was much discussion on this item with input from citizens, Jack Challender and Brian Terhune. They agreed to work with Township to see if we could plan to provide some parking in a safe manner along with not causing issues at the Acme sewer lift station #1. More information to be discussed at future meetings.

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

**ADJOURN AT 10:20 pm**

**ACME TOWNSHIP PARKS & TRAILS MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**October 21<sup>st</sup>, 2016 10:00 a.m.**

**ROLL CALL:**

<b>Committee:</b>	abs ent	Feringa	X	Heffner	X	Heflin	X	Jenema
	X	LaPointe	X	Timmins	X	Wentzloff		
<b>Advisory:</b>	X	Heinert	X	Kushman				
<b>Staff:</b>	X	Winter	x	Clark				

**A. PUBLIC COMMENT:**

**B. APPROVAL OF AGENDA: LaPointe added Bunkerhill boat launch to Old business #4**  
**Motion: By Wentzloff 2nd. By Timmins Motion to approve agenda with addition of Bunkerhill boat launch to old business #4 .**  
**Motion carries**

**C. INQUIRY AS TO CONFLICTS OF INTEREST: none****D. CORRESPONDENCE:****E. ACTION:**

1. Approve Parks & Trails Minutes 09/16/2016  
**Motion** by Lapointe 2nd. By Heflin to approve the Park and Trail minutes from 9/16/16.  
 Motion carries

**F. OLD BUSINESS:**

1. Bayside Park Project Update Klaus- Discussed obstacles that the work crew ran into. Heffner questioned the cap and unpaved portion. Klaus explained the cap and the area that was left to be poured. Lapointe questioned the grade change it was lower than he expected. Klaus discussed the need to make it low enough for barrier free access, there was a 5ft. Grade change. It will all be blended back in. Lapointe questioned the grass planting. Klaus explained the cover crop process that will be done this fall. North Bay Side should be finished the week of October 24th, weather cooperating. Saylar park boat launch project is mostly finished all that is left is restoring nature and signs. Trees were being planted today (10/21/16). Paint striping and signs- still need State police approval for placement of signs, to guarantee they will enforce the parking rules with tickets. Discussed how to best mark parking spots at the boat launch. Klaus discussed the different types available, will get it figured out and do something in the spring, Klaus gave no firm date. Briefly discussed resubmittal of the Michigan trust fund grant in hopes of picking up more points.
2. Park Inventory Reports- Jenema discussed the park forms. The forms will be kept in a book for the maintenance committee to access. Talked about using them to make lists of jobs that need to be accomplished. Also make it easier to pinpoint jobs for volunteers.
3. Trail Funding Strategies- Discussed TAP Grant, what within the townships would qualify. 20% match is needed for the grant, 25%-40% is a more realistic match to be competitive. Grants can be applied for quarterly, trails must be to Federal AASHTO standards. Money would initially go to County Road Commission as they would need to sponsor the township's grant. Discussed the CZM grant to look at engineering of the trail. Deadline to apply is in December.

Amy (from TAP) will be coming up in early November to look at possible projects that meet TAP requirements. Shawn and TART will meet with her.

**G. NEW BUSINESS:**

1. Gilroy Park- Lapointe talked about the township purchasing and connecting to the conservancy land next door. It has 25 parking spots, bathrooms, water pump, grills and tables. Recommends using that for parking and use the trail to connect it to the other pieces of property with signage directing users. Had a prepared list of pro's and con's for the board. Also feels it is safer to get in and out of Gilroy park than it is to turn out of the Bunkerhill Rd. end.

Discussed the two boaters that want to try to redesign the parking at Bunkerhill. The committee feels that those individuals should work with the Park and Trail committee or it may be a waste of everyone's time. Committee wants to make sure those individuals know all the requirements for that space. Board has given these individuals time to come up with a design.

Gilroy park discussion continues.

Winter recommends that the township pursues ownership of Gilroy park and not a long term lease, so that MDOT doesn't need to be involved with all the township planning.

Committee is in consensus that Gilroy park would fit into the township's plans.

Discussed time frame of the CZM grant - apply in Dec. answer comes the following October.

Discussed the 2% grant. To use the 2% and or the CZM to look at getting engineering on an area of trail, to be determined after meeting with the TAP representative. Going to the board to talk about applying for the 2% at the Nov. 1st. Board meeting.

TART has match money, the amount will be determined by the scope of the project.

TAP is able to match a DNR grant.

2. Adopt-A-Bench Program -Discussed sending out a letter in the December tax bills.

Talked about building the maintenance cost into the price of the original Adopt-A-Bench price, will discuss the idea of setting a time the bench "expires" or to fund them in perpetuity. Discussed allowing each bench to have a commemorative plaque. The committee needs to decide on bench price and design.

**H. PUBLIC COMMENT** Linda Weeks- 5734 Apple Valley Rd.

Would like to donate a swing on the beach at one of our parks in memory of her late husband, she choose Acme because this is where she lives.

**ADJOURN: Motion to adjourn Timmins 2nd. Wentzloff.  
Motion carries**



**ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
October 10<sup>th</sup>, 2016 7:00 p.m.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 6:59pm**

**ROLL CALL:**

**Members present:** D. Rosa, B. Balentine, D. White, T. Forgette (Secretary), S. Feringa (Vice-Chair), K. Wentzloff (Chair), M. Timmins

**Staff present:** S. Winter, Zoning Administrator  
J. Iacoangeli, Township Planner

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

Andy Andres, 1107 Barlow St. - Reminder to pc members of presentation by Joe Minicozzi (sponsored by TAAR) on property analysis looking at taxable value and different development patterns. J. Iacoangeli has seen his presentations and felt they were worthwhile for those interested in planning.

Closed at 7:04pm

**B. APPROVAL OF AGENDA:**

Motion by Timmins to approve the agenda as presented, support by White. Motion passed unanimously.

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

S. Feringa recused himself from item I.4, Towncenter presentation.

**D. CONSENT CALENDAR:**

**1. RECEIVE AND FILE**

- a. Township Board Minutes 09/06/2016
- b. Zoning Ordinance Subcommittee Notes 09/26/2016

**2. ACTION:**

- ~~a. Approve Draft Planning Commission Minutes 09/12/16~~—Item removed by Wentzloff

Motion by White to approve the consent calendar items without item 2a, support by Balentine. Motion passed unanimously.

**E. ITEMS REMOVED FROM THE CONSENT CALENDAR**

- 1. Approve Draft Planning Commission Minutes 9/12/16 . Wentzloff noted missing information on action items for item H.2; Short Term Rentals. Forgette noted to append first paragraph with the following: *Consensus to have Zoning Administrator go to the next board meeting, share counsel memo and have board begin the public input process per the PC's request.*

Motion by Timmins to approve the Draft Planning Commission Minutes 9/12/2016 with the change noted above to Item H2, support by Balentine. Motion passed unanimously.

**F. CORRESPONDENCE:** None

**G. PUBLIC HEARINGS:** None

**H. OLD BUSINESS:**

1. **Short Term Rental Update** – Winter brought to board the PC’s request to share Counsel memo and to begin the public input process. Board is looking to schedule a public meeting with notices going out with the Winter Tax billing. Winter noted that he has not received the list of addresses in violation other than one which was mentioned by concerned citizens at last meeting. A notice of violation was sent to that property owner..

**I. NEW BUSINESS:**

1. **Zoning District Map Considerations** – ZO Committee members (Winter, Wentzloff, Timmins, and Iacoangeli) met on September 26 and started creating a rough draft of the table of contents that will outline the ordinance and focusing on making it more intuitive and user friendly. Timmins replaced Forgette on the committee due to time considerations. Committee discussions shifted to Zoning Districts to see which districts are setup to implement the Future Land Use Map. A review of current conditions have large SUP’s not called out on the map which is misleading and does not reflect true development potential or future patterns. John Iacoangeli presented a working draft map to the PC and discussed the changes that would better reflect the zoning map and how it flows to the future land use map. Working towards showing the large SUPs with the actual SUP numbers that would be shown on the zoning map and reflect what is currently on the ground and make it easier to reference the SUPs which really control the development. The committee also considered changes in land use classifications and Iacoangeli explained the proposed changes. Changes would include changing B4 to Light Industrial and removing B-3. The former Lautner Commons property would be zoned corridor flex and use at using form based code designations to match portions of the future land use map. A change of the ordinance order moving all of the definitions and administrative functions to the end of the document. This would make it more user friendly and changes the non-inviting feel of the document. Wentzloff excited about the new look and direction of the document and proposed map. She asked about removing some of the numbers associated with classifications. Feringa indicated these are reflective of building codes. White asked about some of the designations in the Agriculture district. The committee will continue work on the rewrite.
2. **Housing Development Toolkit** – Winter went over the items listed in the meeting packet memo to facilitate discussion on how it may relate to Acme Township. Winter shared a discussion with a developer on the lack of affordable housing for young families in the area and the struggles that places on school districts dependent upon the current per pupil funding structure. The price of land and infrastructure costs are the largest deterrent. He has received calls from local companies in the area that are struggling with employee turnover that is affecting their business due to the lack of affordable housing nearby. Some suggestions in the document may work for Acme Township. Balentine referenced a two year study on lack. Rosa mentioned the role government bureaucracy such as excessive code requirements and inspections raising the price of housing. Winter added that the planning commission has addressed some challenges by reducing parking requirements and speeding up the permitting process, but perhaps more could be done to improve the process beyond traditional zoning as part of the Zoning Ordinance rewrite. Wentzloff indicated in some cases developers are seemingly unwilling to build such as Acme Village. Wentzloff indicating housing inventory is low, and people with money earned elsewhere buying second homes contributing to increased pricing. Huge problem in this area. Winter thinks we need to keep coming up with ideas. Believes the cumbersome zoning ordinance of the past has contributed to the problems. The cost of property and infrastructure here is high and the biggest deterrent yet other areas of the county are seeing development activity such as East Bay and Garfield. Iacoangeli wonders why Acme Township has two large developments (Lochenheath and VGT) with infrastructure setup yet are having no activity. One would think we would be seeing some movement in these developments. Wentzloff believes VGT is not actively marketing or soliciting

single/multiple family housing component. Lochenheath is a golfing community and property pricing is very high and may be due to the bylaws requiring large housing sizes. Iacoangeli pointed out these large SUPs control a major portion of the township and nothing is happening. Feringa indicated a large amount of the remaining areas of the resort are for high end condos and those are just not selling. It was suggested that the largest SUP owners really don't need to move property. And that is out of township control.

3. **Medical Marihauna Legislative Changes** – Winter provided a summary of Counsel's memo regarding recent legislative changes. The law expands to 5 categories that will require licensing. Township will need to consider adopting a licensing ordinance soon to comply with provisions under the new acts. Winter has received a few inquiries but indicated local regulations can still apply. As part of the law, a provisioning center would be like a retail establishment where any card member may purchase. Timmins asked about how this fit in with current caregivers. Wentzloff asked PC members to think about uses to be allowed and Winter included to think about questions for counsel. This item will be discussed further next month under old business.
4. **Town Center Presentation** - To premise, Winter reminded PC of the options given to Chase regarding their application and outlot development in VGT and additionally the updated concept plan for VGT that the PC has requested for the past two years. Winter and Iacoangeli thought this would be a good time to review the elements of a successful Town Center design with the PC. Iacoangeli presented the Urban Land Institute 10 Principles for Developing a Town Center. The Principles are best practices to develop a viable Town Center and they are 1) Create an enduring and memorable public realm; 2) Respect Market Realities; 3) Share the risk, share the reward; 4) Plan for development and financial complexity 5) Integrate multiple uses; 6) Balance flexibility with long term vision; 7) Capture benefits that density offers; 8) Define a place and center of activity; 9) Invest for sustainability; 10) Commitment to intensive on site management and programming. With respect to this, Iacoangeli discussed with PC how these could apply to VGT, He indicated that elements are there, however, there must be flexibility between the developer and the township as the conceptual plan of 2002 may not necessarily reflect current market conditions. He added the premise was for VGT to be built as a Town Center, with Acme's version of "downtown" in mind. The Town Center plan contains a variety of mixed uses such as retail, offices mixed use development single and multiple family, parks, recreation and institutional uses. For example of public/private partnership he mentioned the townships recent discussions on a new town hall and/or fire station. We needn't look around for property, VGT fits that bill and would be part of the public/private partnership. A variety of different financing sources for this project have been used and should continue. Density drives economic development in these and it should be pedestrian focused. The last thing it should do is morph back into a series of strip malls. The beauty of a Town Center is the mixed used that is able to withstand market changes and fluctuations. Winter provided an example to illustrate how these principles may look from West Broad Village in Henrico,VA which is of a similar look and size of VGT demonstrates the elements of Town Center design. He provided the evolution of the Town Center from agriculture field to a fully built out Town Center over the course of 10 years even through the course of a recession. Winter explained the key elements, of mixed used, pedestrian friendly, main street look and feel, Buildings brought to front of street with shared parking on the side, sidewalks wrap around buildings and are well connected. It utilizes high density townhouse design to encourage neighborhood interactions. Well designed public spaces are provided for gathering uses. Key element is buildings frame the spaces. Commercial isn't built with one specific tenant in mind. This provides flexibility. Dynamic public spaces are another component. Winter concluded many of these elements could be incorporated in VGT and described how this may occur. He showed how parking decks could be used in a discrete but connecting manner that allows developers to put the land in a more productive manner and showed an example of how mixed use design zoning can make a property more economically viable and showed shared parking examples with a strong pedestrian component. In closing, he indicated that he is not trying to push an agenda, but to

**DRAFT UNAPPROVED**

demonstrate how strong design principles make for a more economically viable development. Discussion among PC members concluded presentation.

5. **Planning Commission Bylaws Review** – Wentzloff asked for this to be postponed until next month.

**J. PUBLIC COMMENT & OTHER PC BUSINESS**

1. Zoning Administrator Report – Shawn Winter summarized ZA report, indicating number of permits were down. Gokey project is moving forward but will need to extend the land use permit.
2. Planning Consultant Report – John Iacoangeli had nothing to report
3. Township Board Report – Doug White indicated new boat ramp at Saylor is now open.
4. Parks & Trails Committee Report – Marcie Timmins shared that the Bayside Park project has started and there will be Blue Star Memorial dedication on October 22nd. Park is closed while construction takes place.

Public Comment opened at 9:04pm

Jim Heffner, 4050 Bayberry Ln. - Follow up question on the Town Center presentation and status of Chase application. Asked about fire station and town hall should consider building at VGT and set the standard.

Andy Andres - 1107 Barlow St. - Believes new Township Hall needs to be in VGT development. Perhaps PC could contact the Board about getting incentive to do so. An olive branch to the table with developer to stimulate discussion for a revised site plan.

**ADJOURN:**

Motion to adjourn by Timmins, support by Balentine. Motion passed unanimously. Meeting adjourned at 9:07pm.



**MEMORANDUM**

**To:** Shawn Winters, Zoning Administrator  
**From:** Jeffrey L. Jocks  
**Date:** October 5, 2016  
**Re:** Recommendations resulting from amendment to the Michigan Medical Marihuana Act, and enactment of the Medical Marihuana Facilities Licensing Act and the Marihuana Tracking Act.

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On September 22, 2016 Governor Snyder signed an amendment to the Medical Marihuana Act and also signed two new medical marihuana bills – the Medical Marihuana Facilities Licensing Act and the Marihuana Tracking Act. All three are closely linked and impact each other.

Generally speaking, the Acts together resolve what has been an ongoing question and problem for municipalities since the original enactment of the Medical Marihuana Act in 2008. The Acts have created a mechanism for the growing, selling, transporting, processing and testing of medical marihuana on a larger scale and in a commercial manner. The mechanism revolves around a new licensing provision for each of the operation types which are known as marihuana facilities. The Acts now also allow marihuana-infused to be processed and sold. These include topical formulations, tinctures, beverages, edible substances, or similar products.

A marihuana facility exists where a person (individual, llc, corporation, etc) has a license to operate as one of the following: 1) a grower, 2) a processor, 3) a secure transporter, 4) a provisioning center, or 5) a safety compliance facility. Each of the five facility types have specific requirements under the Acts and will be subject to additional detailed rules that are adopted by the Medical Marihuana Licensing Board. In order to receive a license for any of the above, a person must make an application with detailed information to the Licensing Board. The Licensing Board will review each application based upon the standards in the Acts and the rules it creates and either approve or deny the application.

Each of the facility types have specific rules that apply to them which are important for a municipality to understand so that it can determine whether it will choose to allow them within its borders. Each municipality is free to decide which, if any, of the five facility types should be allowed within its borders. A municipality must affirmatively and expressly allow a facility type within its borders in order for a person to receive a license from the Licensing Board. That is, a municipality may prohibit any or all of the five facility types.

Shawn Winters  
October 5, 2016  
Page 2 of 4

The five facility types are more specifically:

**a. Grower**

A grower is licensed to cultivate, dry, trim, cure and package marihuana for sale to a processor or provisioning center. There are three classes of growers based on the maximum number of plants – Class A - 500, Class B – 1,000, and Class C – 1,500. A grower can sell seeds, but only to other growers. A grower can sell marihuana, other than seeds, but only to a processor or provisioning center. A grower cannot have an interest in a secure transporter or a safety compliance facility. All marihuana or seeds that are sold may only be transported by a secured transporter. A grower must enter all transactions, current inventory and other information into the statewide monitoring system that is created by the Marihuana Tracking Act.

**b. Processor**

A processor is a commercial entity that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in a packaged form to a provisioning center. A processor can purchase marihuana only from a grower. A processor may sell marihuana-infused products or marihuana, but only to a provisioning center. All transfers must be done by means of a secure transporter. A processor must enter all transactions, current inventory and other information into the statewide monitoring system that is created by the Marihuana Tracking Act.

**c. Secure Transporter**

A secure transporter is a commercial entity that stores marihuana and transports marihuana between marihuana facilities for a fee. A secure transporter license does not authorize transport to a registered qualifying patient or registered primary caregiver. A secure transporter must enter all transactions, current inventory and other information into the statewide monitoring system that is created by the Marihuana Tracking Act.

**d. Provisioning Center**

A provisioning center is a commercial entity that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana at retail to registered qualifying patients, directly or through the patients' registered primary care givers. A provisioning center may only purchase marihuana from a grower or processor. It may only sell to registered qualifying patients or registered primary caregivers. A provisioning center may transfer marihuana to a safety compliance facility for testing, but only by a secure transporter. Retail sales may only be of tested and properly labeled products. A provisioning center must enter all transactions, current inventory and other information into the statewide monitoring system that is created by the Marihuana Tracking Act. A provisioning center cannot allow a physician to conduct examinations or issue certifications on the premises.

Shawn Winters  
October 5, 2016  
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**e. Safety Compliance Facility**

A safety compliance facility is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility. It must be accredited by a certain date. A safety compliance facility must enter all transactions, current inventory and other information into the statewide monitoring system that is created by the Marihuana Tracking Act.

Some additional rules and limitations apply to some or all of the facility types. Growers, processors and provisioning centers may not have any interest in secure transporters or safety compliance facilities. A person may apply for any of the facility types to the Licensing Board beginning 360 days after the effective date of the Acts. Each application must have detailed information concerning the business, identities of owners, identities of other businesses involved in any marihuana activities and of spouses and relatives of owners that have an interest in such businesses. Applications must further state whether applicants have been indicted, charged, arrested, or convicted of felonies or controlled substance violations; a description of the facilities; a list of employees, and the expected profits; and, a notice to the municipality of the application.

Among other things, the Licensing Board may not issue a license if: 1) the applicant has been convicted or released from incarceration for a felony within the last 10 years, or convicted of a controlled substance felony within the last 10 years, and 2) the applicant has been convicted of a misdemeanor involving a controlled substance, theft, dishonesty or fraud within the last 5 year

An important point of consideration in determining which, if any, of the marihuana facilities should be allowed in a municipality is the taxes that will be derived from the operation of a provisioning center. Three percent of the gross retail receipts of a provisioning center will be collected as an excise tax. Some of that money will return to municipalities as follows: 1) 25% to municipalities in which a marihuana facility is located and which will be allocated based on proportion of facilities in the municipality, 2) 30% will go to counties in which a marihuana facility is located and which will be allocated based on proportion of facilities in the municipality, and 3) 5% to the same counties exclusively for county sheriffs.

The determination you, as a municipality, must make is what, if any, of the above marihuana facilities you'd like to allow within your borders. Currently, you allow by zoning ordinance, dispensaries and cultivation operations. However, you have not adopted a licensing ordinance which is now required under the Acts. Therefore, upon the effective date of the new Acts, December 21, 2016, you will need to have a licensing ordinance in place to continue to

Shawn Winters  
October 5, 2016  
Page 4 of 4

allow these uses.<sup>1</sup> In addition, changes to your zoning ordinance should be made to make it consistent with the amended laws.

It is my recommendation that the first step in moving forward under the new Acts is to determine which of the five marihuana facilities should be allowed. Then the next step will be to amend the zoning ordinance and draft a licensing ordinance accordingly.

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<sup>1</sup> Note that technically the uses will not be legal until the State Licensing Board issues a license to the facility.

# Medical Marijuana Update

Michigan Association of Planning Conference

Planning Michigan 2016



# Presenters

- Emily C. Palacios, J.D. MUP Miller Canfield
- Doug Piggott, AICP ROWE Professional Services Company

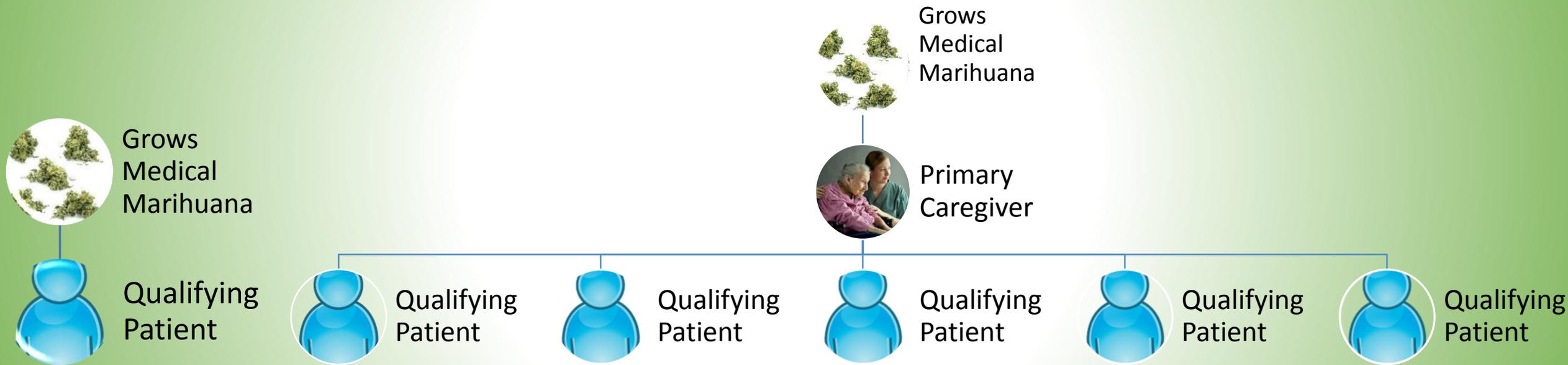
# Update Topics

- Background – What the Michigan Medical Marihuana Act (MMMA) Hath Wrought
- Recent Bills Enacted
- State Licensing of Medical Marihuana Facilities
- Local Regulation of Medical Marihuana Facilities
- Local Options – Zoning Ordinance, General Ordinance, Licensing

# Law 2008-1, Michigan Medical Marihuana Act (MMMA)

- Voter Initiated
- Protects those involved in the medical use of marihuana from arrest and prosecution under state and local law
- Establishes a list of medical conditions for which the medical use of marihuana is permitted and a process for adding to the list
- Establishes a process for acquiring identification cards
  - Qualifying Patient
  - Primary Caregiver

# Initial Medical Marihuana Framework



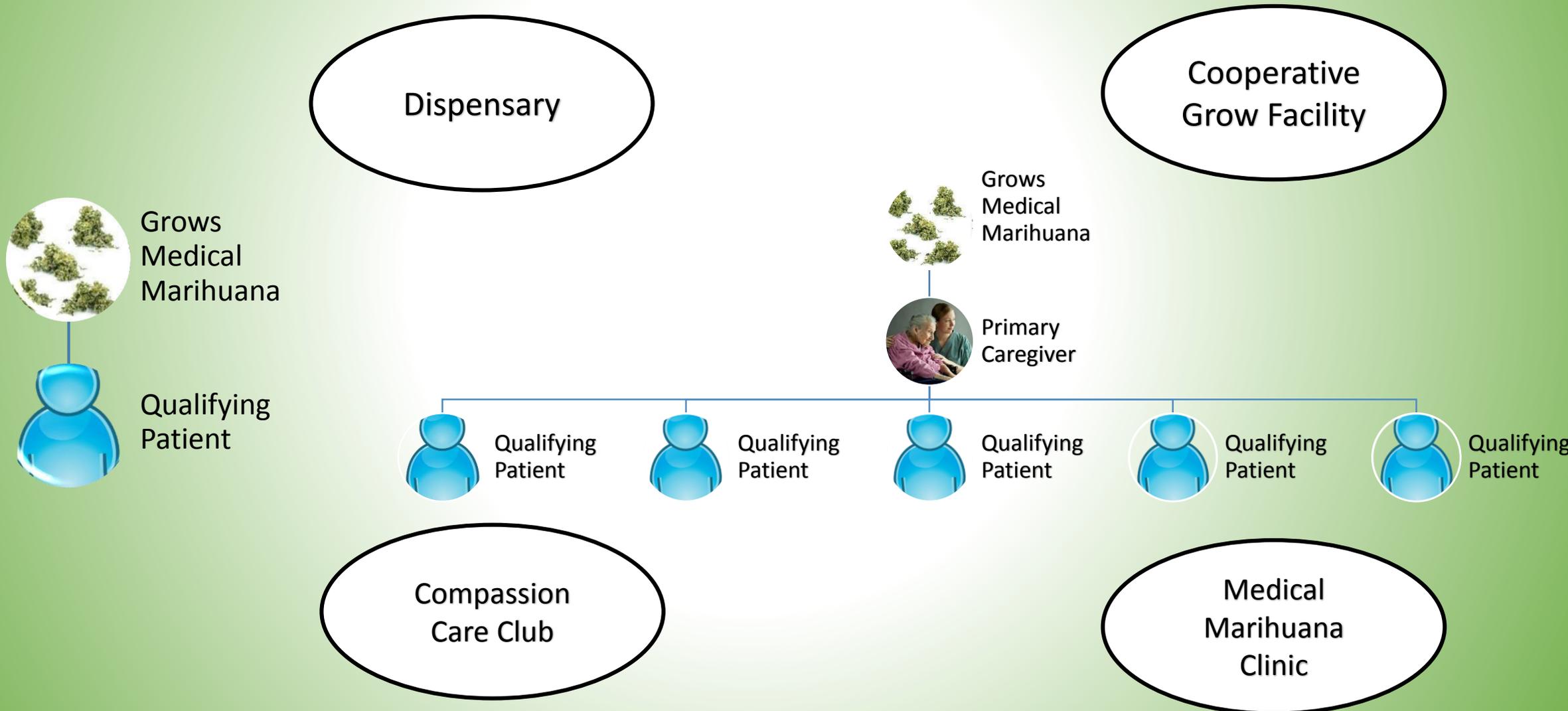
# Issues Raised by Medical Marihuana Act

- How were qualifying patients and primary caregivers to get information or assistance?
- What were qualifying patients and primary caregivers to do if they needed medical marihuana immediately or if their crop went bad?
- What if a qualifying patient or primary caregiver did not have the facilities to grow medical marihuana?
  - Renters
  - No suitable location
  - Children in the household

# Solutions to Unanticipated Issues

- **Compassion Care Clubs** – Information, networking, transfer and consumption of marihuana
- **Clinics** – For-profit versions of compassion care clubs
- **Cooperative Grow Facilities** – Two or more patients/primary caregivers
- **Dispensaries** – Sale of Medical Marihuana
  - Consignment shop model
  - Cooperative model

# Evolved Medical Marihuana Framework



# Local Regulatory Response

- Generally did not address qualifying patient
- Primary caregivers allowed as
  - Home occupation
  - Commercial Use
  - Ignore
- Compassion Care Clubs
  - Allow as club
  - Ignore
- Clinics
  - Allowed as a medical or office use if no transfer or consumption on site

# Local Regulatory Response continued

- Cooperative Grow Facilities
  - Allow as an agricultural or industrial use
  - Ignore
- Dispensary
  - Allow as a retail use
  - Ignore
- Other General Approaches
  - Moratorium
  - Prohibition of any use not allowed under federal law



# Case Law and Attorney General Opinions

- Cooperative operations not covered by the Act
  - AG Opinion 7259 (June 28, 2011)
  - People v. Bylsma December 2012 (Michigan Supreme Court 493 Mich 17)



# Case Law and Attorney General Opinions

- Dispensaries not covered by the Act
  - State of Michigan v. McQueen, August 2011 (Michigan Court of Appeals, 293 Mich App 644)
  - State of Michigan v. McQueen, February 2013 (Michigan Supreme Court, 493 Mich 135)

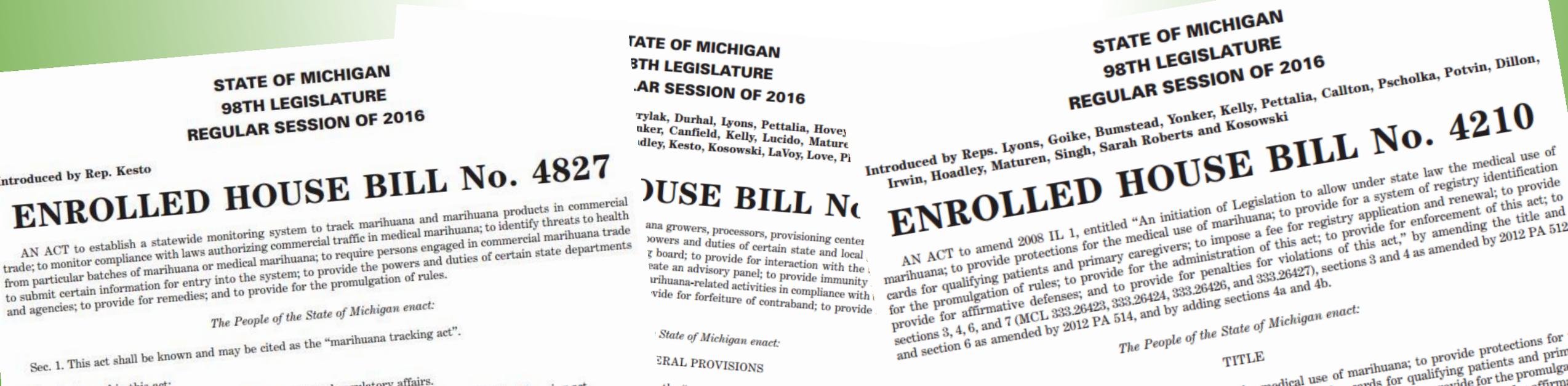


# Case Law and Attorney General Opinions

- Prohibition on medical marijuana preempted by Act
  - Ter Beek v the City of Wyoming July 2012, Michigan Court of Appeals (297 Mich App 446)
  - Ter Beek v the City of Wyoming February 2014 (Michigan Supreme Court)

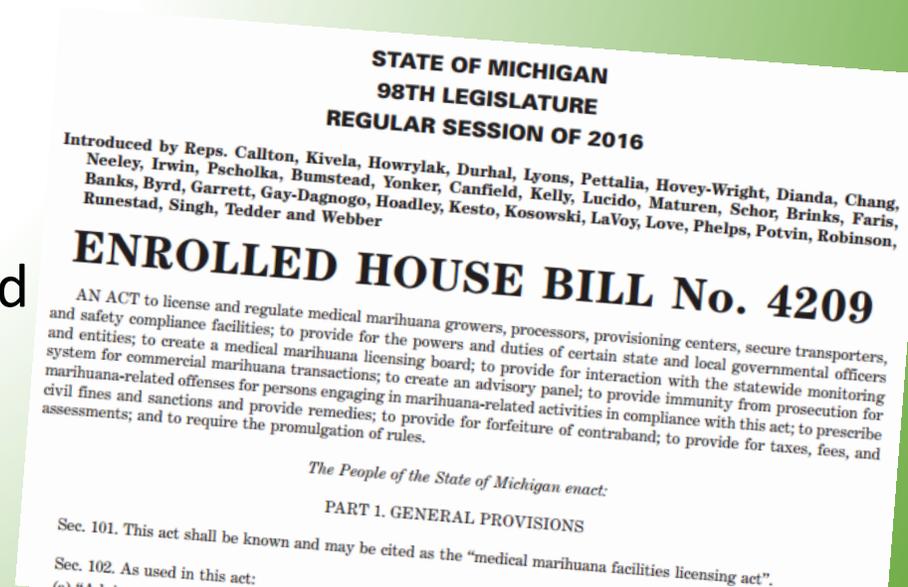
# Recently Enacted Laws

- Medical Marihuana Facilities Licensing Act – *PA 281 of 2016*
- Marihuana Tracking Act – *PA 282 of 2016*
- Michigan Medical Marihuana Act Amendment – *PA 283 of 2016*
- All bills take effect **December 20, 2016**



# Recently Enacted Laws

- Medical Marihuana Facilities Licensing Act – *PA 281 of 2016*
  - Authorizes five types of facilities (Part 5 Licensees)
  - Establishes a **Medical Marihuana Licensing Board (MMLB)** (Part 3 Medical Marihuana Licensing Board)
  - Requires compliance with “seed-to-sale” tracking process (Sec. 207)
  - Grants MMLB the power to enforce licensing requirements (Sec. 302)
  - Imposes taxes and fees on facilities (Sec 205 (3) and Part 6 Taxes and Fees)



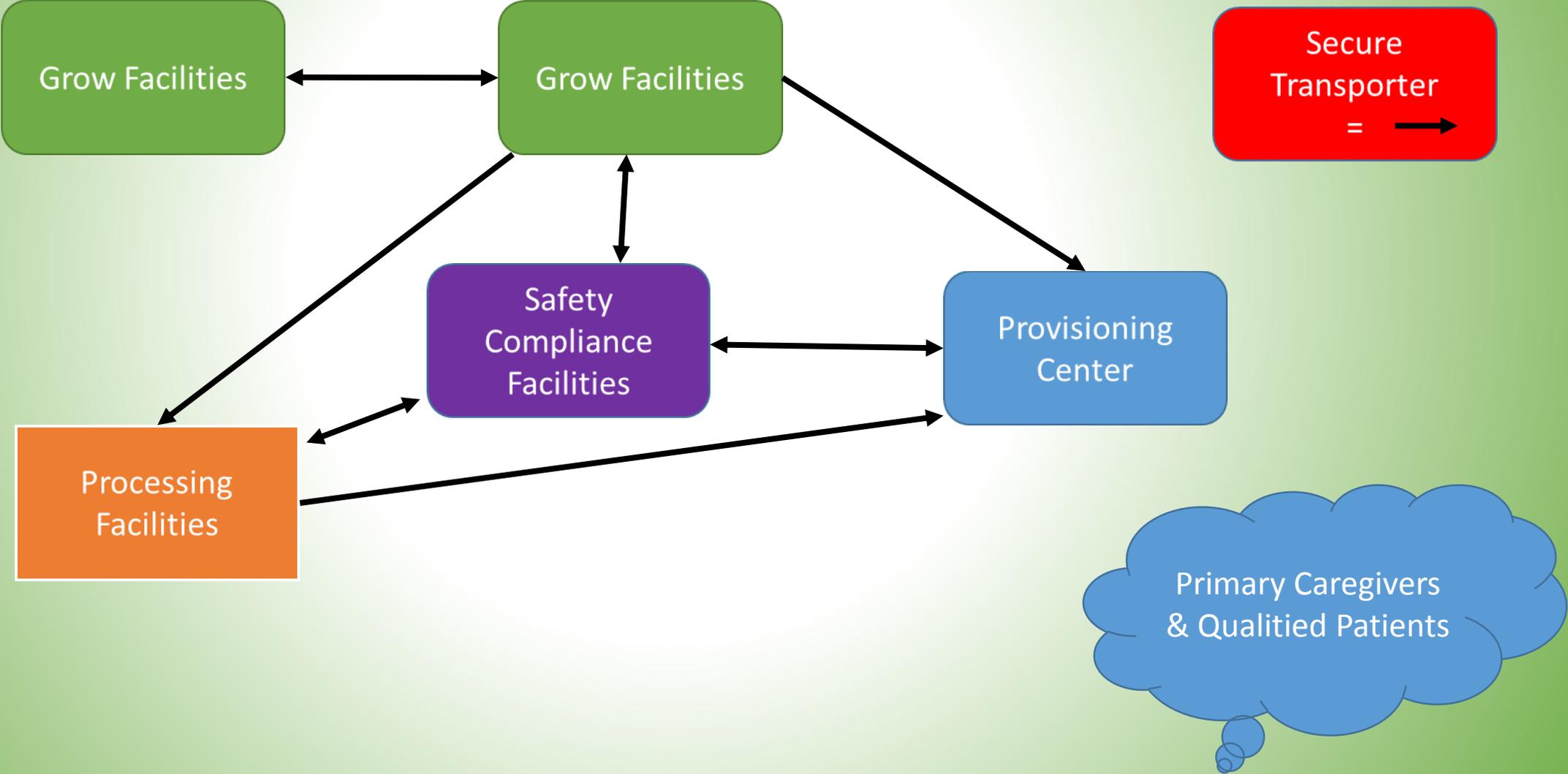
# Medical Marihuana Facilities Licensing Act continued

- Licensed facilities include:
  - **Grower** – Cultivates, dries, trims or cures and packages marihuana for sale. (Sec. 501)
    - License authorizes 500, 1000 or 1,500 plants
    - May transfer between growers, to provisioning, processing or safety facilities
  - **Processor** – Extracts resin or creates a packaged marihuana infused product (Sec. 502)
    - May transfer only to provisioning facilities
  - **Safety Compliance Facility** – Provides safety and quality testing (Sec. 505)
    - May receive marihuana from a registered primary caregiver or any marihuana facility but may only transfer to a marihuana facility

# Medical Marihuana Facilities Licensing Act continued

- Licensed Facilities cont.
  - **Provisioning Center** – Acquires marihuana from grow and processing facilities for sale or transfer to qualifying patient or primary caregiver (Sec. 504)
  - **Secure Transporter** – Provides secure transport of medical marihuana between licensed facilities (Sec. 503)
    - May also store marihuana on site

# Relationship Between Licensed Facilities



# Medical Marihuana Facilities Licensing Act continued

- Limitations on cross - ownership
  - **Grower** – May not be a primary caregiver or have interest in a secure transport or safety compliance facility (Sec. 501)
  - **Processor** – May not be a primary caregiver or have interest in a secure transport or safety compliance facility (Sec. 502)
  - **Safety Compliance Facility Provisioning Center** – May not have interest in a grow, processor, secure transport or provisioning center facility (Sec. 505)
  - **Provisioning Center** May not have interest in a secure transport or safety compliance facility (Sec. 504)
  - **Secure Transporter** – May not be a primary caregiver or qualifying patient or have interest in a grow, processor, safety compliance or provisioning center facility (Sec. 503)

# Medical Marihuana Facilities Licensing Act continued

- Medical Marihuana Licensing Board
  - Establishes 5-member board within the **Michigan Department of Licensing and Regulatory Affairs (LARA)** appointed by the Governor (Sec. 301)
    - General responsibility for administering, implementing and enforcing the MMFLA
    - Will employ a full-time executive director and other necessary staff
    - Will receive input from a 17 member **Marihuana Advisory Panel** with representatives of state agencies, registered patients/caregivers, licensees, physicians, municipalities and law enforcement (Part 8 Marihuana Advisory Panel)

# Medical Marihuana Facilities Licensing Act continued

- Seed-to-Sale Tracking (Sec. 207)
  - Requires all facilities to contract with a third-party inventory control system to:
    - Interface with the statewide tracking system established by the “Marihuana Tracking Act”
    - Track all plants, products and packages by unique identification numbers
    - Verify caregiver and patient registration and purchase totals
    - Track potential diversions of marihuana by verifying waste, destruction, recalls, refunds and returns
    - Limits access to database

# Medical Marihuana Facilities Licensing Act continued

- MMLB Enforcement Authority
  - Issues licenses and annual renewal (Sec. 402)
  - Authority to investigate facilities and their employees (Sec. 303)
  - Authorizes warrantless searches of facilities and examination by local or state police at any time (Sec. 303)
  - Deny, suspend, revoke or restrict license (Sec. 407)
  - Impose fines up to \$10,000 or a days average receipts per violation (Sec. 407)

# Medical Marihuana Facilities Licensing Act continued

- Imposes taxes and fees on facilities (Part 6 Taxes and Fees)
  - Three percent (**3%**) tax on provisioning centers gross receipts to be allocated as follows:
    - **25%** to local municipalities in proportion to the number of facilities in the municipality
    - **30%** to counties in proportion to the number of facilities in the county
    - **5%** to county sheriffs in proportion to the number of facilities in the county
    - **30%** to the state
    - **5%** to Michigan Commission on Law Enforcement Standards
    - **5%** to Michigan State Police
  - License application fee established by LARA (Sec 401 (5))
  - Annual regulatory assessment on each facility established by LARA to cover administrative costs, substance abuse programs and standardized field sobriety test
  - Annual license fee by local municipality of up to \$5,000 (Sec.205 (3))

# Marihuana Tracking Act, *PA 282 of 2016*

- Requires LARA to establish a statewide monitoring system that will, in conjunction with the third-party tracking system each medical marihuana facility is required to have:
  - Verification of registry cards
  - Track and retain information on sales
  - Verify compliance with maximum sales per person
- Requires that the system be established through a bidding process

STATE OF MICHIGAN  
98TH LEGISLATURE  
REGULAR SESSION OF 2016

Introduced by Rep. Kesto

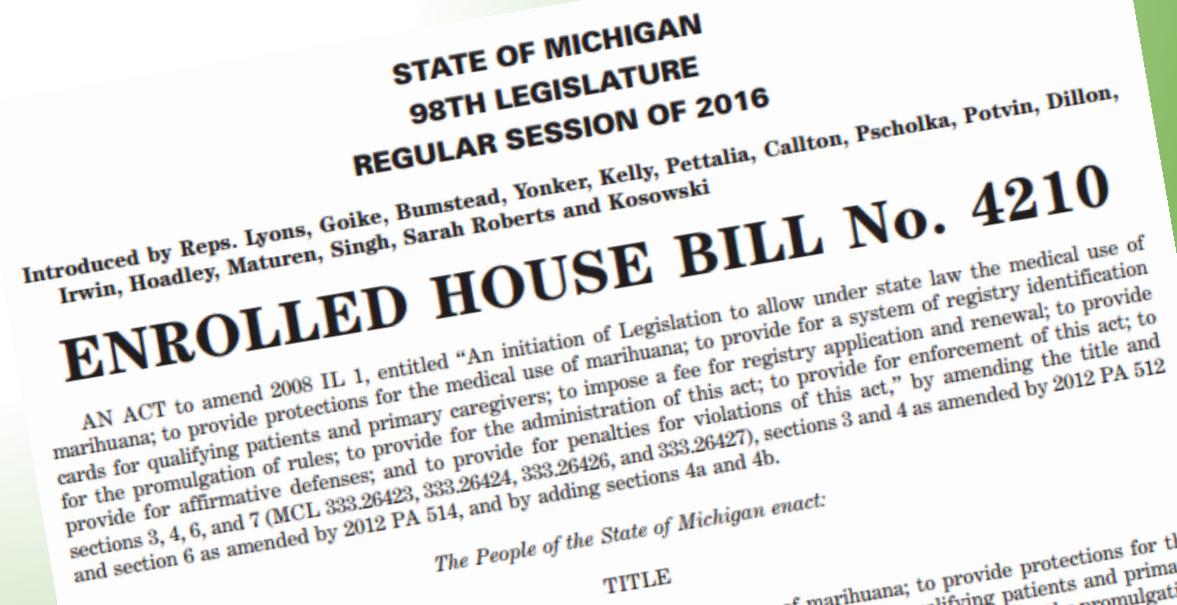
## ENROLLED HOUSE BILL No. 4827

AN ACT to establish a statewide monitoring system to track marihuana and marihuana products in commercial trade; to monitor compliance with laws authorizing commercial traffic in medical marihuana; to identify threats to health from particular batches of marihuana or medical marihuana; to require persons engaged in commercial marihuana trade to submit certain information for entry into the system; to provide the powers and duties of certain state departments and agencies; to provide for remedies; and to provide for the promulgation of rules.

*The People of the State of Michigan enact:*

# Amendment to the Michigan Medical Marihuana Act, *PA 283 of 2016*

- Revises the definitions and immunity sections of the law to address the possession and use of “useable marihuana equivalents” including marihuana infused products
- Requires LARA to verify registry ID cards in the Marihuana Tracking Act database.



# Administrative Rules for Licensing of Medical Marihuana Facilities

- Licensing rules are to be prepared by LARA in consultation MMLB to establish: (Sec. 206)
  - Standards for facilities and their operation including chemical storage
  - Insurance requirements
  - Requirements for individuals involved in an operation
  - Standards for marihuana and marihuana-infused products
  - Use of the statewide monitoring system and procedures “chain of custody”
  - Labeling and packaging
  - Marketing and advertising

# Local Regulation of Medical Marijuana Facilities

- A local municipality (city, township, village) may **choose not to allow** medical marijuana facilities, or **may allow one or more types** of facilities. (Sec. 205)
- A municipality **may limit the number** of any particular type of facility.
- A municipality **may adopt a zoning ordinance** or other ordinance **addressing facilities** but these ordinances **may not address:**
  - Purity or pricing of medical marijuana
  - Interfere or conflict with statutory regulations
- Even if a **municipality allows medical marijuana facilities**, growing by **primary caregivers / qualified patients** are still **permitted**.

# Local Regulation of Medical Marijuana Facilities

- If a municipality receives notice from an applicant that they have submitted an application for a license to the MMLB, the municipality shall provide the following information to the board within 90 days (Sec. 205) :
  - A copy of the local ordinance authorizing the marijuana facility
  - A copy of any zoning regulations that apply to the facility
  - A description of any violations by the applicant related to these ordinances
- The MMLB may consider the information provided, but a municipalities failure to respond cannot be held against the applicant
- Information obtained from an **applicant** as part of an application is **exempt** from the **Freedom of Information Act (FIOA)**.



**Freedom of Information/Privacy Act Request**

**Department of Homeland Security**  
U.S. Citizenship and Immigration Services

# Open Questions Regarding Local Regulation of Medical Marihuana Facilities

- Since a county does not fall under the definition of “municipality,” does a township under county zoning need to enact a general police power ordinance or can it rely on county zoning?
- Can a community regulate operational characteristics of a facility such as hours of operation or does that fall under LARA’s authority to “Establish operating regulations for each category of license” (Sec. 206 (c))
- Can a community regulate signage for a facility or does that fall under LARA’s authority to “Establish marketing and advertising restrictions for marihuana products and marihuana facilities” (Sec. 206 (p))

# Local Options – Zoning Ordinance, General Ordinance, Licensing

- Amend Zoning Ordinance
  - The facilities are land uses that the community is used to addressing through their zoning ordinance. Can address locational restrictions for grow facilities (Sec. 501 (7))
  - The community may wish to treat different facilities as different types of uses (provisioning center as commercial, processing facility as industrial)
  - Not an option for a township under county zoning
- Establish separate ordinance
  - For un-zoned communities that do not want to adopt a zoning ordinance for this one issue
  - The locational criteria the community is considering does not fit the communities' current zoning district structure

# Local Options – Zoning Ordinance, General Ordinance, Licensing

- Adopt a licensing ordinance
  - Adopted as a separate ordinance in addition to a zoning ordinance
  - Better structure for a use that requires annual approval
  - May provide better tool to deal with non-compliant facilities.
  - Since withdrawal of a license is the preview of the MMLB, it may pre-empt any local licensing

# Local Options – Zoning Ordinance, General Ordinance, Licensing

- Some potential issues to consider for a local ordinance:
  - Which facilities to allow in your communities
  - Is there a limit on the number?
  - Where to allow facilities
    - Restriction on grow operations to industrial or agriculturally zoned property (Sec. 501 (7))
  - Separation distances from
    - Other medical marijuana facilities
    - Adult uses
    - Schools (drug free zone)
    - Religious institutions
    - Residentially zoned property (need to define)
    - Parks

# Local Options – Zoning Ordinance, General Ordinance, Licensing

- Some potential issues to consider for a local ordinance:
  - Hours of operation (if allowed)
  - Signage (if allowed)

# Local Options – Zoning Ordinance, General Ordinance, Licensing

- Why would a Municipality Want to Allow Medical Marijuana Facility?
  - Because it reflects the attitude of a majority of the residents
  - Because it has the potential for focusing production and distribution into many fewer sites from the current primary caregiver / qualifying patient model, making it easier for law enforcement to monitor.
  - Because it will generate revenue for the community

# Next Steps As Recommended in Planning & Zoning News

- Get informed
- Read and share information
- Engage in conversations
- Develop draft regulatory language
- Share new policies more broadly
- Conduct formal adoption process
- Monitor results

Keep in mind that applications cannot be submitted until **December 15, 2017**  
– You have time!

*planning review*

Date: 11.07.2016

From: John Iacoangeli  
To: Karly Wentzloff, Chairperson  
ACME TOWNSHIP PLANNING COMMISSION  
6042 Acme Road  
Traverse City, MI 49690

Project: Kelly's Restaurant LLC  
4240 East M-72  
PD 2016-01

Request: Pre-Application Approval for a Planned Development

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Applicant: Kelly's Restaurant LLC  
4240 East M-72  
Williamsburg, MI 49690

Parcel Address: 4240 East M-72

Parcel Number: 28-01-102-014-01 and 28-01-102-010-00

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**General Description:**

The Applicant is proposing to construct forty (40) small cabins that would be arranged along the rear of the property to create a small cabin-oriented resort. A special use permit (2003-1P) and site plan were approved in 2003, for the conversion of the former GKC theater, to a banquet facility that could be used for entertainment venues, and construction of a small separate building that would be used as a commercial kitchen for this facility and general catering.

The property in 2003 was zoned B-2 (Commercial) and currently is zoned C (Corridor Commercial) and MHN (Mixed Housing Neighborhood). The Applicant is proposing to use the Township's Planned Development provision to develop this project.

**Planned Development Process:**

The Planned Development (PD) option is intended to allow, with Township approval, private or public development which is substantially in accord with the goals and objectives of the Township Master Plan and Future Land Use Map.

Use of the PD option is to encourage flexibility in the control of land development by encouraging innovative design through an overall development plan that provides a variety of design and layout; to achieve economy and efficiency in the use of land, advance the goals of the community master plan, integrate and preserve natural resources, maximize use of public services and utilities and encourage useful open spaces suited to the needs of the parcel in question.

The PD process is divided into reasonable and manageable parts.

Part 1 is the pre-application process where the Applicant requests the use of the PD provisions and the Planning Commission evaluates if the request is consistent with community goals and objectives as outlined in the zoning ordinance provision.

*Part 1 is the gateway to the PD process. The Applicant is required to meet 5 out of 9 community objectives in order for the pre-application to be considered. These objectives tie directly to the Community Master Plan and the Township's goal of protecting and preserving natural resources and open space.*

Part 2 commences once the pre-application is approved. This includes the submission of a full application package which includes a detailed narrative and site design.

Part 3 commences with the approval of application and this allows the Applicant to build the project in one phase or multiple phases.

**Pre-Application Criteria Evaluation**

	Criteria	Applicant	Comments
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.	<b>YES.</b> Small building envelope allows for more natural open space to be kept and used.	<b>MAYBE.</b> The conceptual plan does not note where open space or natural features would be preserved. The plan shows a 25-foot wetland setback and fails to discuss how Acme Creek would be protected as a component of the project.
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.	<b>YES.</b> Small cabin foot print will be transition from Village of Grand Traverse to Mixed housing neighborhood to the East	<b>NO.</b> This is an alternative use. However, the Planning Commission should evaluate the development potential of this site. It is strategically located on M-72 which has been improved to accommodate the VGT

			development and has access to public sewer and tribal water. Although the rustic cabins are an alternative use is this the highest and best use for a property that is within the growth and investment area of the Township. Further, there is nothing to buffer.
5	To promote the goals and objectives of the Township Master Plan.	<b>YES.</b> Develop low use/low impact development (LID) with access to main highway and close to public amenities.	<b>NO.</b> Although the Applicant is proposing LID; the overall focus of the Township is to promote planned growth within the growth and investment area of the Township. Development of a rustic cabin resort is inconsistent with the 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.	<b>YES.</b> Utilize existing vegetative area to develop natural setting with placement of cabins to minimize disturbance	<b>NO.</b> This is a requirement that would be typically applied on any property.  The construction of rustic cabins accessible by gravel parking lots does little to foster the aesthetic appearance of the Township.
7	To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.	<b>YES.</b> Developing the current use with a rental community project that can promote the Acme/Williamsburg area on a year round basis.	<b>NO.</b> The planned project is a resort; not a rental community. The proposed use is inconsistent with the Town Center future land use designation.

<b>8</b>	To promote the goals and objectives of the Acme Township Placemaking Plan and the US-31 and M-72 Business District zoning.	<b>YES.</b> Acme Twp M-72 Business District – Proposed project will direct future business with rental community and bring people to area year round	<b>NO.</b> The planned project is a resort; not a rental community. The Master Plan and subsequent zoning was established to allow for higher utilization of the property in order to take advantage of its location and access to infrastructure.
<b>9</b>	To promote sustainable development especially on parcels with active farmland and orchards as defined by MCL 324.36201 (h).	<b>YES.</b> The proposed rental cabin project will develop parcel with unique setting, natural features preserved and future bike path connection.	<b>NO.</b> This is not active farmland and therefore does not comply with this qualification.

**Assessment of the Application**

**A. Consistency with the Master Plan**

The proposed PD project is located within the Town Center portion of the Future Land Use Map. The Community Master Plan Town Center states, “this category of land use encourages the development of an integrated, walkable, mixed-use, high density area located in the core of the Township as envisioned in the Acme Shores Placemaking Plan. The hallmark of this future land use will be the seamless connection between public and private properties with well-designed buildings and public spaces, streetscapes, landscapes, signage, access and circulation for both motor & non-motorized traffic and pedestrians, facilities for public transportation, low impact storm water control, dark sky sensitive lighting, and other elements that reflect and add to a vibrant business district. As noted in the Master Plan, new commercial developments shall take place in high-density areas so that infrastructure installation, wherever needed, will be carried out efficiently. The main objectives in this category is to provide for commercial development in ways that will create an economically healthy and thriving environment for the benefit of all Acme residents and visitors to the Township, and to provide for commercial establishments that not only supply goods and services but also offer employment opportunities to Acme residents.”<sup>1</sup>

The conceptual design and program are not consistent with the vision of the Community Master Plan. Although the connectivity with the TART trail is an asset to the development; the scope of the development fails to utilize the real potential of the property.

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<sup>1</sup> Acme Township Community Master Plan, p.71, 2014

### **B. Consistency with the Planned Development Objectives**

The intent of the PD is intended that the development be laid out so the various land uses and building bulk will relate to one another and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another. The pre-application focuses on the cabin-resort portion of the property but the intent of the PD is to provide a master plan for the entire property. A question that needs to be address is how does the cabin-resort relate to the other uses on the property and what is the vision for the overall property.

The conceptual plan shows forty (40) cabins located around the perimeter of the property, some with access to gravel parking lots. An example of a well-planned cabin resort are the facilities located at Crystal Mountain, in Thompsonville, MI. This facility is used year-round, connected with walkways, courtyards, paved parking facilities, and integrates low impact development stormwater measures.



### **Recommendation**

Based on a review of the pre-application it appears that the application does not meet five (5) of the nine (9) criteria established as a benchmark to allow a PD.

Application Number: PD 2016-01



**PLANNED DEVELOPMENT**  
**Pre-Application Submission and Review of Qualifications**

Township of Acme, Grand Traverse County, Michigan  
6042 Acme Road, Williamsburg, MI 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: [www.acmetownship.org](http://www.acmetownship.org)  
Zoning Administrator: Shawn Winter Email: [swinter@acmetownship.org](mailto:swinter@acmetownship.org)

**OWNER INFORMATION** (please type or print clearly)

Name: Kelly Restaurants LLC Phone: 231-342-4550

Mailing Address: 4240 E. M-72

City: Williamsburg State: MI Zip: 49690

Email Address: info@cateringbykellys.com

**APPLICANT INFORMATION** (please type or print clearly)

Name: Kelly's Restaurants LLC Phone: 231-342-4550

Mailing Address: 4240 E M-72

City: Williamsburg State: MI Zip: 49690

Email Address: info@cateringbykelly.com

**PROPERTY INFORMATION** (please type or print clearly)

Address: 4200 E M-72

Parcel Number: 28-01-102-014-01 <sup>428-01-102-010-00</sup> Current Zoning: MHN/C

If this project is one phase of a larger development and/or property subject to an existing/previous Site Plan Review, Special Use Permit, or Variance, what is/are the applicable permit number(s)?:

N/A. SUP 1-9-84-1; SUP 6-4-84-1 min. amend.; SUP 2003-1P;  
SUP 2004-4P min. amend.; SUP 2006-4P min. amend.

Proposed Use/Change to Property: Adding a cabin RESORT project, dental  
UNITS.

Estimated Start and Completion Dates of Each Phase: Phase #1, Spring 2017

Phase #2 Spring 2018.

## PRE-APPLICATION SUBMISSION DOCUMENTS

### Criteria of Qualification

All Planned Development applications shall include a written narrative demonstrating how the project meets the following criteria:

- Properties are zoned R-1, R-2, R-3, A-1, MHN, C, CF, or B-4 Districts. *→ near*
- The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity, building, or use not normally allowed shall result in an improvement to the public health, safety and welfare in the area affected. *→ Front*
- The Planned Development 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 Planned Development application.
- 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.
- The Planned Development shall not be allowed solely as a means of increasing density or as a substitute for a variance; such objectives should be pursued through the normal zoning process by seeking a zoning change or variance.
- The Planned Development must meet, at a minimum, five (5) of the following nine (9) objectives of the Township. If the Planned Development involves a density transfer it shall include Item 9 in addition to its five (5) objectives.  - as indicated by applicant
  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 provided 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/M-72 Business District zoning.
9. To promote sustainable development especially on parcels with active farmlands and orchards as defined by MCL 324.36201(h), or on parcels that contain unique cultural, historical or natural features which should be preserved.

**Schematic Land Use Plan**

Drawings containing enough detail to demonstrate the following:

- Location of land use areas
- Role of open space
- Streets providing access to the site, along with pedestrian and vehicular circulation with the site
- Dwelling unit density and types
- Building or floor areas contemplated, as applicable

The applicant is encouraged to elaborate on these elements in the written narrative.

**Natural Features Plan**

A plan to protect natural features, or preservation of open space or greenbelts. The areas of preservation may be noted on the schematic land use plan, and described in the written narrative.

**Storm Water Management Plan**

A storm water management plan incorporating low impact development (LID) water quality technologies. Examples include, but are not limited to rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavers, porous pavement, filtered storm water technologies.

**Proof of Property Ownership**

Provide proof of ownership for the parcel(s) included in the Planned Development application. If applicant is not the current property owner, also provide written permission to act as agent on the property owner's behalf.

Application Number: \_\_\_\_\_

**PLANNING COMMISSION REVIEW**

Based on the documentation presented, the Planning Commission shall make a preliminary determination about whether a parcel(s) and project qualifies for the Planned Development under the Criteria for Qualifications in §19.3 of the Acme Township Zoning Ordinance.

If approved, the applicant may then continue to prepare a Planned Development plan in accordance with §19.7.2 Submission of Planned Development Plan and Application Materials of the Acme Township Zoning Ordinance from which a final determination will be made. **PLEASE NOTE: an approved preliminary request for qualification does not guarantee a final Planned Development approval.**

**FEES AND ESCROW POLICY ACKNOWLEDGEMENT**

No fee or escrow policy acknowledgement is necessary at the time of a Planned Development pre-application submission and review of qualifications. If preliminarily approved, the applicant will submit a Planned Development fee consistent with the Acme Township Fee Schedule, along with a completed and signed escrow policy acknowledgement form and initial escrow fee deposit at the time of the submission of Planned Development Plan and Application Materials.

**AFFIDAVIT**

The undersigned affirms that he/she is the owner (owner, agent, lessee, or other interested party) involved in this petition and that the foregoing answers, statements and information are in all respects true and, to the best of his/her knowledge, correct. By making this application, the undersigned grants all officials, staff and consultants of Acme Township access to the subject property as required and appropriate to assess site conditions in support of a determination as to the suitability of the proposed project and/or current or future Planned Development and Zoning Ordinance compliance.

Signed: San Kelly Date: 10/25/16

Print Name: San Kelly

**NOTES - FOR TOWNSHIP USE ONLY**



**Crain Engineering, LLC**  
Engineering, Consulting & Design

7622 Bott Road  
Buckley, MI 49620  
Ph: 231-947-7255  
Cell: (231) 632-4207  
crainengineeringllc@gmail.com

October 25, 2016

Shawn Winter  
Acme Township  
6042 Acme Road  
Williamsburg, MI 49690

RE: Dan Kelly – Cabin Resort Project

Dear Shawn:

Please find attached the proposed cabin resort proposal by Dan Kelly for the property located at 4200 E. M-72. The proposal is for a cabin rental community located on the south and west side of current property.

Proposed Plan meets the following objectives:

- #1 open space – small building envelope allows for more natural open space to be kept and used.
- #4 alternative uses – small cabin foot print will be transition from Village of Grand Traverse to Mixed housing neighborhood to the East
- #5 Master plan goals – develop low use/low impact development with access to main highway and close to public amenities.
- #6 aesthetics – Utilize existing vegetative area to develop natural setting with placement of cabins to minimize disturbance
- #7 redevelopment – Developing the current use with a rental community project that can promote the Acme/Williamsburg area on a year round basis.
- #8 Acme Twp M-72 Business District – Proposed project will direct future business with rental community and bring people to area year round
- #9 – Sustainable Development – The proposed rental cabin project will develop parcel with unique setting, natural features preserved and future bike path connection.

The proposed Cabin Resort project will allow for minimal disturbed area by placing cabins within wooded areas and wood chip walkways to avoid clearing of land other than within small foot print for cabin. The green/open space will be used by renters of cabins. Access to the site will be from the current access to M-72 along with path ways and the proposed bike path connection to West and east to the Village of Grand Traverse. The property has an area of just of 13 acres

which with the current zoning allows for 5 to 12 units per acre. This would range from 65 to 156 units. Our current proposal is for 40 cabin units which would be built in phases. 1<sup>st</sup> phase would include 12 cabin units with more phases to follow based on rentals. The proposal is for around a 400 sft cabin unit size with a small porch area. Stormwater control measures will be utilizing existing structures along with some proposed areas to collect run-off from drive surfaces.

Sincerely,

**Crain Engineering, LLC.**

*William Crain*

William Crain, P.E.  
Project Manager

PARCEL #01-235-032-00  
 GT BAND OF ATTAWA  
 SOUTH VILLAGE DRIVE  
 WILLIAMSBURG, MI 49690

PARCEL #01-23-020-05  
 MARK SEDGWICK  
 4263 E. M-72  
 WILLIAMSBURG, MI 49690  
 ZONING: COORIDOR COMMICAL

PARCEL #01-235-020-04  
 LUCE PARK, LLC  
 4341 E. M-72  
 WILLIAMSBURG, MI 49690  
 ZONING: COORIDOR COMMICAL

M-72 EAST

CRAIN ENGINEERING, LLC  
 0 40 80 120  
 SCALE: 1" = 40 FEET

PARCEL #01-102-014-02  
 M-72 AUTO, LLC  
 4220 E. M-72  
 WILLIAMSBURG, MI 49690  
 ZONING: COORIDOR COMMICAL

BENCHMARK (B.M.)  
 TOP OF WELL CASING  
 ELEV. = 624.20

PARCEL #01-102-001-02  
 THE VILLAGE OF GRAND TRAVERSE, LLC  
 4900 E. M-72  
 WILLIAMSBURG, MI 49690

**SITE DATA**

PROPERTY OWNER & APPLICANT:

KELLY RESTAURANTS, LLC  
 4240 E. M-72  
 WILLIAMSBURG, MI 49690  
 PH: 231-342-4550

PARCEL ADDRESS - 4200 E. M-72  
 PARCEL ZONING - MHN - MIXED HOUSING NEIGHBORHOOD  
 C - CORRIDOR COMMICAL  
 PARCEL NUMBER - 28-01-102-014-01  
 28-01-102-010-00

SETBACKS:

CORRIDOR COMM MHN MIXED HOUSING  
 FRONT - 20' FRONT - 30'  
 SIDE - 3' SIDE - 10'  
 REAR - 25' REAR - 35'

PROPOSED:

RENTAL CABIN RESORT

PHASING:

PHASE #1 - CABINS #1 TO #12  
 PHASE #2 - CABINS #13 TO #23  
 PHASE #1 - CABINS #24 TO #40

PROPERTY DESCRIPTION:

W 214.5' OF NE 1/4 OF NW 1/4 ALSO E 185' OF N  
 915' OF NW 1/4, NW 1/4, SEC 2 T27N R10W.

PT NW 1/4 SEC 2 T27N R10W COM AT NW CNR  
 SEC 2 TH S 86 DEG 43'27" E 895.66' TH S 0 1  
 DEG 30'51" E 430.44' TO POB TH S 88 DEG  
 42'59" E 234.60' TH S 01 DEG 25'35" E 494.39' TH  
 S 86 DEG 43'27" E 185.62' TH S 01 DEG 25'35" E  
 250' TO A PT ON A TRAVERSE LINE ALONG  
 ACME CREEK TH S 59 DEG 48'00" W 89.73' TH N  
 73 DEG 15'02" W 122.46' TH N 28 DEG 44'26" W  
 132.64' TH N 55 DEG 32'38" W 200.73' TH N 01  
 DEG 30'51" W 540.18' TO POB

PARCEL #01-102-011-25  
 RICHARD BRUENING  
 E. M-72  
 WILLIAMSBURG, MI 49690  
 ZONING: MHN MIXED HOUSING  
 NEIGHBORHOOD

PARCEL #01-102-015-00  
 LUTHERN SOCIAL SERVICES OF MI  
 4354 MT HOPE ROAD  
 WILLIAMSBURG, MI 49690  
 ZONING: MHN MIXED HOUSING  
 NEIGHBORHOOD

PARCEL #01-102-016-02  
 JOHNSON FAMILY LTD  
 E. M-72  
 WILLIAMSBURG, MI 49690  
 ZONING: MHN MIXED HOUSING  
 NEIGHBORHOOD

PARCEL #01-102-001-02  
 THE VILLAGE OF GRAND TRAVERSE, LLC  
 4900 E. M-72  
 WILLIAMSBURG, MI 49690

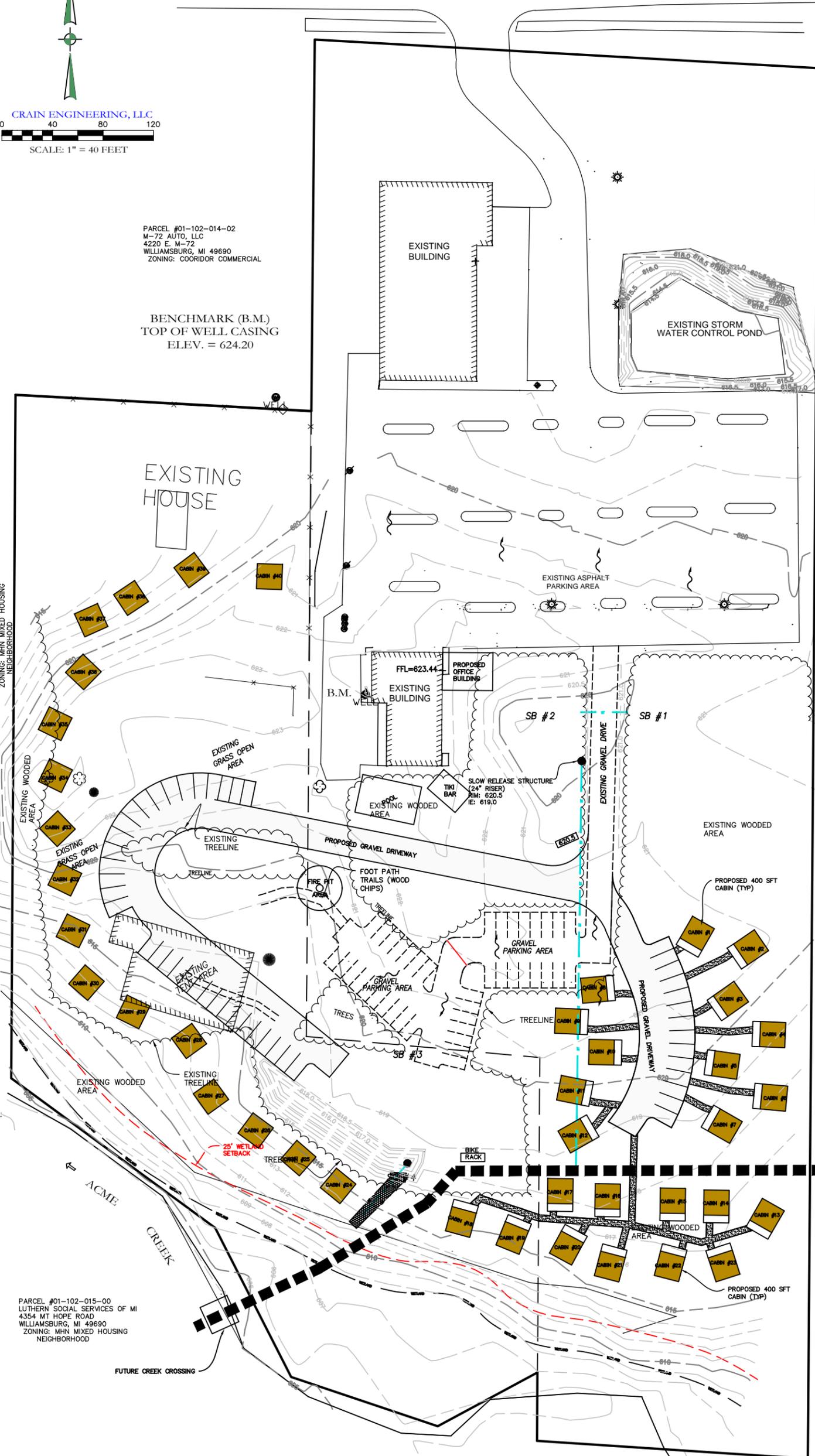
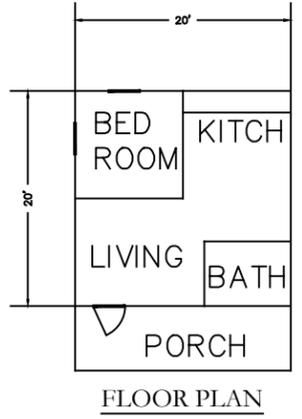


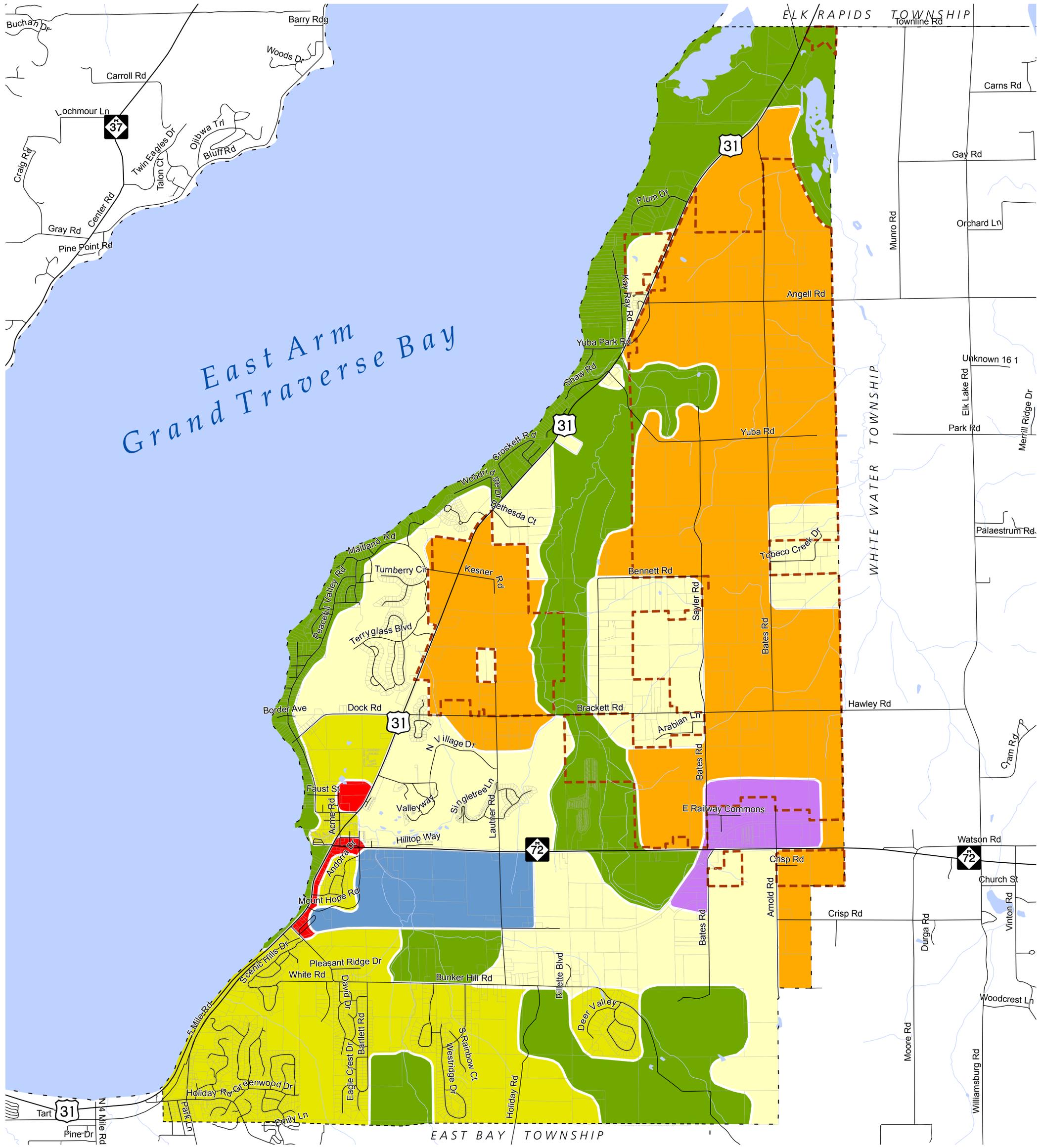
SHEET 1 OF 1

**PRELIMINARY CABIN RESORT LAYOUT**  
**DAN KELLY**  
 SECTION 2 - TOWN 27 NORTH - RANGE 10 WEST  
 ACME TWP, GRAND TRAVERSE COUNTY, MICHIGAN

DRWN BY: WLC  
 DSGN BY: WLC  
 DATE: 10-24-2016  
 REV DATE:

**Crain Engineering, LLC**  
 Engineering, Consulting, & Design  
 7622 Bott Road  
 Buckley, MI 49620  
 Phone: (231) 947-7255  
 Cell: (231) 632-4207  
 email: crainengineeringllc@gmail.com





Acme Township

# Future Land Use

Data Sources: Michigan Geographic Data Library, Grand Traverse County Equalization

- Agriculture
- Commercial / Business
- Industrial
- Recreation / Conservation
- Residential - Rural
- Residential - Urban
- Town Center
- PDR Eligible Areas
- Township Boundary
- Road



Updated: 11-25-13

development on land suitable for high-density single- or multiple-family development. This category contemplates small lots in order to absorb population growth and check sprawling development, and includes affordable housing. Although the Urban Residential designation does not contemplate mixed commercial and residential uses, developments in Urban Residential should otherwise comport with the policies and actions detailed in the Cornerstone entitled, "Create a Community Attractive to All Age Groups."

Objectives of this category include encouraging development of good quality, high-density residential living, and affordable living that will minimize the encroachment of such development on farms, forests, and environmentally sensitive areas. This category is also intended to encourage a walking community with good neighborhood sidewalk systems and promote connections within and between housing developments in general as a means to increase the connectivity index.

Primary uses within this category are single-family detached homes, attached single-family structures such as townhouses and duplexes, and multiple-family residences such as stacked ranches, apartment buildings, group living quarters, manufactured homes and mobile home parks. Other complementary uses such as churches, schools, and parks would be permitted.

The Urban Residential section contemplates the existence, and continued existence, of the GT Resort and its ability to develop as a resort, with commercial uses as part of the Resort's core business.

### *Commercial*

The Commercial category is characterized by land use for retail stores and service-oriented businesses that provide daily shopping, convenience and comparison shopping, and professional offices that service Acme Township residents and others in the region. The existing commercial lands lie mainly along M-72 and a short strip of Highway US-31 N, the major federal and state roadways running through Acme Township, with motor vehicle transportation needed to reach most business venues along these trunk lines. An existing shopping area on Highway US-31 N, which is also a vehicle-oriented complex, provides a large grocery store and a large discount store; many small office complexes are also located off the two major trunk lines in the Township. There is a small commercial district on the northeast corner of US-31 and Bunker Hill Road.

The intended uses in this category include, but are not limited to: grocery stores, bakeries, garden supply stores, banks, laundries, pharmacies, hardware stores, gas stations and automotive service business including car sales,

supermarkets, general merchandise stores, restaurants (fast and non-fast food types), coffee shops, professional offices of various kinds, and personal service businesses (hair salons, spas and so on).

### *Town Center*

This category of land use encourages the development of an integrated, walkable, mixed-use, high density area located in the core of the Township as envisioned in the Acme Shores Placemaking Plan. The hallmark of this future land use will be the seamless connection between public and private properties with well-designed buildings and public spaces, streetscapes, landscapes, signage, access and circulation for both motor & non-motorized traffic and pedestrians, facilities for public transportation, low impact storm water control, dark sky sensitive lighting, and other elements that reflect and add to a vibrant business district. As noted in the Master Plan, new commercial developments shall take place in high-density areas so that infrastructure installation, wherever needed, will be carried out efficiently. The main objectives in this category is to provide for commercial development in ways that will create an economically healthy and thriving environment for the benefit of all Acme residents and visitors to the Township, and to provide for commercial establishments that not only supply goods and services but also offer employment opportunities to Acme residents. Another objective is to

encourage new residential growth with densities upwards of 14 to 18 units per acre.

Public infrastructure, water, sanitary sewer, roads, and non-motorized pathways will be required to fully develop and link properties into a cohesive community mixed use district. For the Town Center to work effectively and efficiently, connections among Acme Village, the Grand Traverse Town Center, the former Lautner Commons project property, and the Grand Traverse Resort and Spa are essential.

The intended uses in this category include, but are not limited to: general merchandise stores, restaurants (non-fast food types), coffee shops, professional offices of various kinds, motels, furniture stores, and personal service businesses (hair salons, spas and so on). This category also contemplates the possibility of mixed-use with residential dwellings above the first floor. Land uses in the Commercial areas should comport

with the policies and actions of the Cornerstone entitled, "Create a Vibrant, High-Quality, Compact Commercial and Mixed Use District," "Focus on Infrastructure Improvement," and "Encourage Recreation-based Tourism."

### *Industrial*

The Industrial category encompasses land use for light industrial, trade-related business and warehousing enterprises in the Township. The existing uses currently are located along state highway M72 and Bates Road (an area comprising some existing development of higher density industrial and business uses). This region is seen as appropriate for the location of any future light industrial facilities that should develop with good management of signage, landscaping, utility lines, and related facilities and other possible features such as towers for cellular communication. While special areas in the Township are designated for large-scale light industrial facilities, it is compatible with the Acme Master Plan to also

encourage the development of home occupations and concomitant cottage industries in or out of this area.

The main objectives of the Industrial land use category are to provide for non-intrusive industrial operations in high density areas that stimulate the economic vitality of the Township without negatively impacting the surrounding area, and to provide employment opportunities for residents of the Township and surrounding region. Sound access management planning should be included in any new industrial developments.

The intended uses in this category include, but are not limited to: enclosed wholesale facilities, warehouses, high technology industries, light manufacturing, telecommunications industry, and other non-intrusive industrial enterprises. Land uses in the Industrial area should comport with the policies and actions of the Master Plan.

## Section 6.6.4 LAND USE TABLE

### 6.6.4.1

#### Regulated Uses

Regulated uses are identified for each **ZONE** either as a Permitted Use (**P**) or a use requiring a Special Use Permit (**SUP**). If a use is blank with no designation or not listed it means it is not permitted in that zone. All uses requiring a Special Use Permit must address the General Standards listed below. If the SUP has additional standards over and above the General Standards the special provision column references that specific section of the Zoning Ordinance. Otherwise, SUP uses must meet the General Standards in 6.6.2.3.

Land Use Table					
Type	SFN	MHN	CS	C	CF
<i>Residential</i>					
Single Family	P	P	P		
Single Family Condominium Subdivisions		P			
Live / Work Unit		P		P	P
Open Space Preservation Development		P			
Duplex	P	P	P		
Multiple Family		P	SUP	P	P
Home Occupation 1	P	P	P	P	P
Home Occupation 2 or More Persons	SUP (7.7)	SUP (7.7)	SUP (7.7)		
Bed and Breakfast (5 Bedroom Maximum)	SUP (9.24)	SUP (9.24)	SUP (9.24)		
<i>Residential - Services</i>					
Nursing Home	SUP	P			
Adult Day Care Center	SUP	SUP	SUP		
Assisted Living Group Facilities	SUP	P	SUP		
State Licensed Residential	SUP	SUP	SUP		
Group Child Care Home	SUP	SUP	SUP		
<i>Public and Private</i>					
Marinas (Public or Private)			SUP		
Outdoor Public Owned Parks and Recreation Facilities	P	P	P	P	P
Public and Private Schools	P	P	P	P	P
Public Uses: Critical, Supporting and Essential	P	P	P	P	P
Churches with and without Assembly Halls		P		P	P
<i>Transportation / Utilities</i>					
Parking (Public or Private)		P	P	P	P
Wireless Telecommunication Facilities		SUP		SUP	
Public Transit Stop or Station		P	P	P	P

Land Use Table					
Type	SFN	MHN	CS	C	CF
<b>Office</b>					
Professional Offices			P	P	P
Medical / Dental Offices				P	P
Medical Urgent Care Facilities				P	P
Veterinary Clinic			P	P	
<b>Commercial</b>					
Mixed Use with Residential above the 1st floor				P	P
General Retail; except with the following features				P	P
a. Alcoholic beverages				SUP	SUP
b. Floor area over 10,000 sq.ft.				SUP	SUP
c. On-site production of items sold in or out of store locations				SUP	SUP
d. Operating hours between 10pm and 7am				SUP	SUP
Restaurant, cafe, coffee shop, bar and taverns except with the following features				P	P
a. Drive-thru facilities				SUP	
b. Drive-In facilities				SUP	
c. Outdoor Service				SUP	SUP
Micro brewery, Small Distillery, and Small Winery				P	P
Movie & Performance Theaters				SUP	P
Convenience market less than 3,500 sq.ft				P	P
Personal Services				P	P
Farmers Market				P	P
Banks and Financial; except with the following features				P	P
a. Drive-thru facilities				SUP	
Shopping Centers				SUP (9.12)	SUP (9.12)
Grocery Stores; except with the following features				P	P
a. Floor area over 10,000 sq.ft				SUP	P
b. Gasoline Service Station				SUP (9.6)	
Gasoline Service Station				SUP (9.6)	
Automotive Supply & Parts				P	
Automotive Service				SUP	
<b>Lodging</b>					
Hotel; except with the following features				P	P
a. Greater than 120 rooms				SUP	P
b. Conference and convention facilities				SUP	SUP

**ACME TOWNSHIP ZONING ORDINANCE  
AMENDMENT 037  
ARTICLE XIX – PLANNED DEVELOPMENT**

**ARTICLE XIX: PLANNED DEVELOPMENT**

**19.1 INTENT AND PURPOSE**

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

**19.2 DEFINITIONS**

**Planned Development (PD):** means a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan meeting the requirements of this Article, establishing functional use areas, density patterns, a fixed network of streets (where necessary) provisions for

public utilities, drainage and other essential services has been approved by the Township Board which has been, is being, or will be developed under the approved plan.

### 19.3 CRITERIA FOR QUALIFICATIONS

To qualify for the Planned Development option, it must be demonstrated that all of the following criteria will be met:

- a. The properties are zoned R-1, R-2, R-3, A-1, MHN, C, CF, or B-4 Districts.
- b. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity, building, or use not normally allowed shall result in an improvement to the public health, safety and welfare in the area affected.
- 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 PD 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 PD.
- 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 PD must meet, as a minimum, five (5) of the following nine (9) objectives of the Township. If the PD involves a density transfer it shall include objective f(9) in addition to its five (5) objectives.
  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), or on parcels that contain unique cultural, historical or natural features which should be preserved.

#### 19.4 USES PERMITTED

- a. A land use plan shall be proposed for the area to be included within the PD. The land use plan shall be defined primarily by the Township Zoning Ordinance Districts that are most applicable to the various land use areas of the PD.
- b. Uses permitted and uses permitted subject to Special Use Permit approval in this Ordinance may be allowed within the districts identified on the PD plan, except that some uses may be specifically prohibited from districts designated on the PD plan. Alternatively, the Township may allow uses not permitted in the district if specifically noted on the PD plan. Conditions applicable to uses permitted subject to Special Use Permit approval shall be used as guidelines for design and layout but may be varied by the Planning Commission provided such conditions are indicated on the PD plan.

#### 19.5 HEIGHT, BULK, DENSITY AND AREA STANDARDS

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

#### 19.6 DENSITY TRANSFER

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

- a. All density transfers require a Special Use Permit approved by the Township Board, upon the recommendation of the Planning Commission, as part of a PD application. A Special Use Permit application for a density transfer shall be submitted and include:
  1. Signatures by the owners (or their authorized representatives) of the sending and receiving parcels.

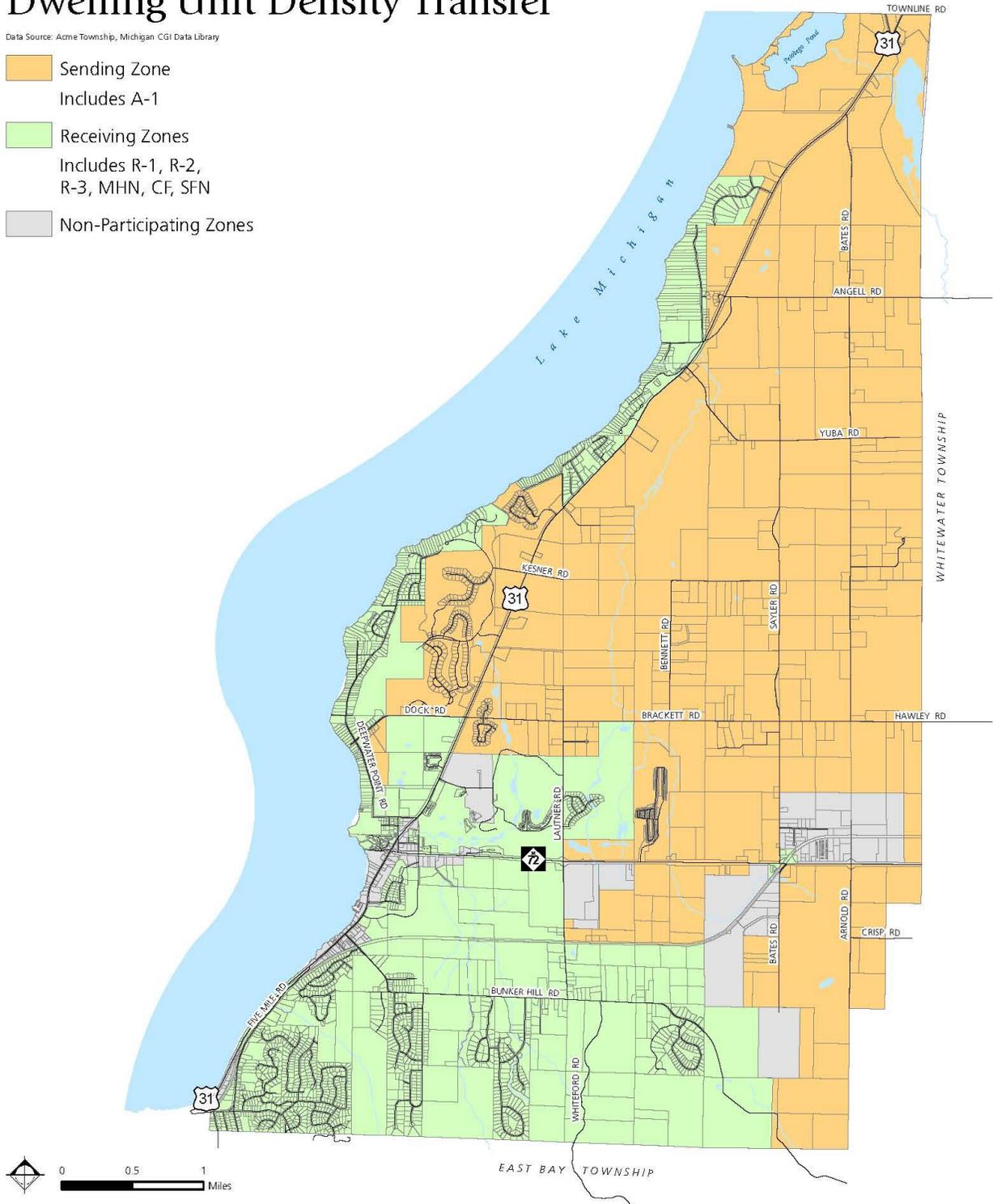
2. A proposed development plan (subdivision and/or site plan) for the receiving parcel.
  3. Density calculations for both the sending and receiving parcels.
- b.** Upon receipt of a Special Use Permit application for a density transfer the Township shall determine:
1. The number of allowable dwelling units permitted on the receiving parcel(s) based on the current zoning classification.
  2. The number of eligible dwelling units allowed to be transferred to the receiving parcel(s). The transferred dwelling units shall not increase the allowable density by more than 50%.
  3. The number of allowable dwelling units permitted on the sending parcel(s) based on the current zoning classification.
  4. The number of eligible dwelling units allowed to be transferred from the sending parcel(s).
- c.** The Township Board, upon recommendation from the Planning Commission, may grant a Special Use Permit allowing the transfer to the receiving parcel(s) of some or all of the allowable residential dwelling units from the sending parcel(s) only if it finds that all of the following have been satisfied:
1. The sending parcels dwelling unit transfers are actual available dwelling units considering all limitations, including wetlands, and those units are documented.
  2. The addition of the transferred dwelling units to the receiving parcel will not increase the maximum allowable density by more than 50%.
  3. The addition of transferred dwelling units and will not adversely affect the area surrounding the receiving parcel.
  4. The density transfer will benefit the Township by protecting developable land with conservation value on the sending parcel(s).
  5. The density transfer will be consistent with the sending and receiving zones designated on the Dwelling Unit Density Transfer Map. Exception may be granted by Township Board, upon the recommendation of the Planning Commission, to allow a density transfer FROM a receiving zone TO a receiving zone, or FROM a sending zone TO a sending zone if:
    - a) The sending parcel(s) is deemed to contain unique natural, cultural, or historical features which should be preserved

- b) The density transfer to the receiving parcel will not place an undue hardship or strain on the Township infrastructure
  - c) The density transfer is in accordance with the Intent and Purpose of this Article
6. The parcel(s) receiving the density transfer will not exceed the land development build out (buildings, parking, setbacks, open space, etc.) prescribed by the Zoning District of the property unless waived by the Planning Commission and Township Board.
  7. Sending parcel(s) satisfying the requirements this section shall be executed and recorded in the office of the Grand Traverse County Register of Deeds, reducing the number of dwelling units allowed to be constructed on the sending parcel(s) by the number of dwelling units transferred. This reduction in density shall not prevent the owner(s) of the sending parcel(s) from developing the remaining allowable dwelling units under either an open space or conventional development plan, provided that all open space requirements are satisfied. The land area subject to the land transfer will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, or other legal means that runs with the land, as prescribed by the Township Zoning Ordinance, and approved by the Township.

# ACME TOWNSHIP Dwelling Unit Density Transfer

Data Source: Acme Township, Michigan CGI Data Library

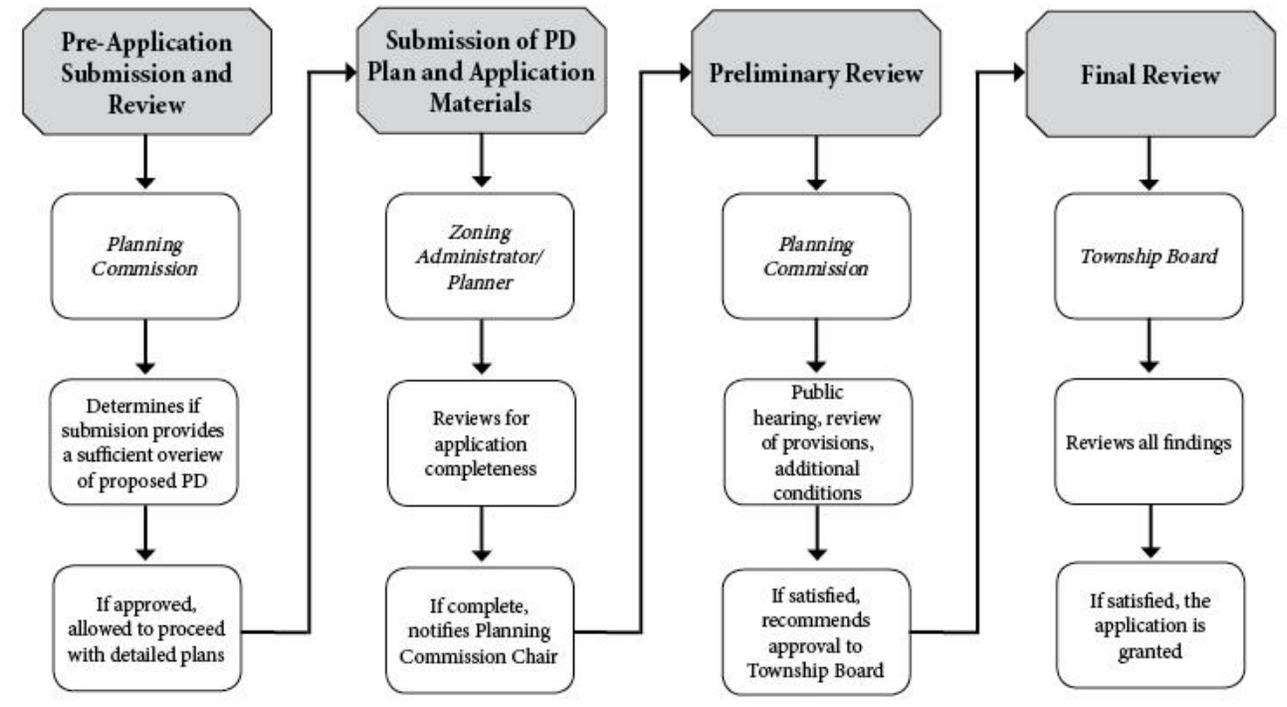
- Sending Zone  
Includes A-1
- Receiving Zones  
Includes R-1, R-2,  
R-3, MHN, CF, SFN
- Non-Participating Zones



## 19.7 PLANNED DEVELOPMENT APPLICATION SUBMISSION AND REVIEW PROCEDURES

The PD application submission and review procedures follow four (4) primary steps: 1) pre-application submission and review, 2) submission of PD plan and application materials, 3) preliminary review and approval of the PD, and 4) final review and approval of the PD. This procedure is illustrated in the Figure 19.1 and elaborated upon in the following subsections. A PD plan involving a density transfer shall have the transfer approved through a Special Use Permit as outlined in Section 19.6 after the pre-application submission and review step.

**Figure 19.2:** Planned Development Application Submission and Review Process



### 19.7.1 PRE-APPLICATION SUBMISSION AND REVIEW

- a. Any person owning or controlling land in the Township may make application for consideration of a PD. Such application shall be made by presenting a request for a preliminary determination to whether a parcel qualifies for the PD option.
- b. The request shall be submitted to the Township and the submission shall include the information required below.
  1. Proof the criteria set forth in the Criteria for Qualification section above, are or will be met.
  2. A schematic land use plan containing enough detail to explain the role of open space; location of land use areas, streets providing access to the site, pedestrian and vehicular circulation within the site; dwelling unit density and types; and buildings or floor areas contemplated, as applicable.

3. A plan to protect natural features or preservation of open space or greenbelts.
  4. A storm water management plan incorporating low impact development (LID) water quality technologies, such as, but not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered storm water structures.
  5. The Planning Commission shall review the applicant's request for qualification. If approved, the applicant may then continue to prepare a PD Plan on which a final determination will be determined. An approved request for qualification is not a guarantee for final PD approval.
- c. Based on the documentation presented, the Planning Commission shall make a preliminary determination about whether a parcel(s) qualifies for the PD option under the Criteria for Qualification in Section 19. 3. If approved, the applicant may then continue to prepare a PD plan on which a final determination will be made. An approved request for qualification is not a guarantee for final PD approval.

#### **19.7.2 SUBMISSION OF PLANNED DEVELOPMENT PLAN AND APPLICATION MATERIALS**

The application, reports, and drawings shall be filed in paper and digital format. All drawings shall be provided to the Township in AutoCad™, MicroStation, or similar site civil / architectural drawing format requested by the Planning Commission. Other graphics and exhibits, text and tabular information shall be provided in Adobe Acrobat™ "pdf" format. All drawings shall be created at a scale not smaller than one (1) inch equals one hundred (100) feet, unless otherwise approved by the Township.

- a. A proposed PD plan application shall be submitted to the Township for review that contains the following:
1. A boundary survey of the exact acreage prepared by a registered land surveyor or civil engineer.
  2. A topographic map of the entire area at a contour interval of not more than two feet. This map shall show all major stands of trees, bodies of water, wetlands and unbuildable areas
  3. A proposed development plan showing the following, but not limited to:
    - a) Land use areas represented by the Zoning Districts listed as A-1, R-1, R-2, R-3, MHN, C, CF, or B-4 of this Ordinance.
    - b) Vehicular circulation including major drives and location of vehicular access including cross sections of public streets or private places.
    - c) Transition treatment, including minimum building setbacks to land adjoining the PD and between different land use areas within the PD.

- d) The general location of nonresidential buildings and parking areas, estimated floor areas, building coverage and number of stories or height.
  - e) The general location of residential unit types and densities and lot sizes by area.
  - f) The general location and type of all Low Impact Development (LID) storm water management technologies.
  - g) Location of all wetlands, water and watercourses, proposed water detention areas and depth to groundwater.
  - h) The boundaries of open space areas that are to be preserved or reserved and an indication of the proposed ownership.
  - i) A schematic landscape treatment plan for open space areas, streets and border/transition areas to adjoining properties.
  - j) A preliminary grading plan, showing the extent of grading and delineating any areas, which are not to be graded or disturbed.
  - k) A public or private water distribution, storm and sanitary sewer plan.
  - l) Elevations of the proposed buildings using durable and traditional building materials shall be used. Materials such as exterior insulation finish system (EIFS), fluted concrete masonry units, concrete panels, panel brick, and scored concrete masonry unit block are not considered durable and traditional building materials.
  - m) A written statement explaining in detail the full intent of the applicant, showing dwelling units types or uses contemplated and resultant population, floor area, parking and supporting documentation, including the intended schedule of development.
4. A market study, traffic impact study, and /or environmental impact assessment, if requested by the Planning Commission or Board of Trustees.
  5. A pattern book or design guidelines manual if requested by the Planning Commission or Board of Trustees.
- b.** The Township Zoning Administrator and/or Planner will review the PD plan application for completeness. Once deemed complete, the Township Zoning Administrator and/or Planner shall notify the Planning Commission Chair who will place the application on the agenda for a preliminary review by the Planning Commission.

### 19.7.3 PRELIMINARY REVIEW AND APPROVAL OF PLANNED DEVELOPMENT

Planning Commission Review of Proposed PD Plan:

- a. Upon notification from the Township Zoning Administrator and/or Planner of a complete PD plan application, the Planning Commission shall review the proposed PD plan and make a determination about the proposal's qualification for the PD option and for adherence to the following objectives and requirements:
  - 1. The proposed PD adheres to the conditions for qualification of the PD option and promotes the land use goals and objectives of the Township.
  - 2. All applicable provisions of this Article shall be met. If any provision of this Article shall be in conflict with the provisions of any other section of this Article, the provisions of this Section shall apply to the lands embraced within a PD area.
  - 3. There will be at the time of development, an acceptable means of disposing of sanitary sewage and of supplying the development with water and the road network, storm water drainage system, and other public infrastructure and services are satisfactory.
- b. The Planning Commission shall hold a public hearing on the PD plan and shall give notice as provided in Section 9.1.2(c).
- c. After the public hearing and review, the Planning Commission shall report its findings and recommendations to the Township Board.

#### 19.7.4 FINAL REVIEW AND APPROVAL OF PLANNED DEVELOPMENT

- a. On receiving the report and recommendation of the Planning Commission, the Board shall review all findings. If the Board shall decide to grant the application, it shall direct the Township attorney to prepare a contract setting forth the conditions on which such approval is based. Once the contract is prepared it shall be signed by the Township and the applicant.
- b. The agreement shall become effective on execution after its approval. The agreement shall be recorded at the Grand Traverse County Register of Deeds' office.
- c. Once an area has been included with a plan for PD and the Township Board has approved such plan, no development may take place in such area nor may any use of it be made except under such plan or under a Board-approved amendment, unless the plan is terminated.
- d. An approved plan may be terminated by the applicant or the applicant's successors or assigns, before any development within the area involved, by filing with the Township and recording in the Grand Traverse County Register of Deeds an affidavit so stating. The approval of the plan shall terminate on such recording.
- e. No approved plan shall be terminated after development begins except with the approval of the Board and of all parties in interest in the land.

- f. Within one year following execution of the PD contract by the Township Board, final plats or site plans for an area embraced within the PD must be filed as provided. If such plats or plans have not been filed within the one-year period, the right to develop under the approved plan shall be automatically terminated unless an extension is requested in writing by the applicant and authorized by the Township Board. The Township Board may authorize an extension of up to one (1) year.
- g. The termination of a PD contract involving a density transfer shall nullify the transaction and all transferred densities shall return to the original sending parcel(s). The return of the transferred densities shall be recorded at the Grand Traverse County Register of Deeds' office.

**19.8 SUBMISSION OF FINAL PLAT, SITE PLANS; SCHEDULE FOR COMPLETION OF PLANNED DEVELOPMENT**

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

- a. Review and approval of site plans shall comply with Article VIII: Site Plans, as well as this Section except as otherwise modified in the approved plan. Review and approval of plats shall comply with Section 5.7 of Article V: Zoning Board of Appeals of the Township Zoning Ordinance as well as the requirements of this Section.
- b. Before approving of any final plat or plan, the Planning Commission shall decide that:
  1. All portions of the project area shown on the approved plan for the PD for use by the public or the residents of lands within the PD have been committed to such uses under the PD contract;
  2. The final plats or site plans are in conformity with the approved contract and plan for the PD;
  3. Provisions have been made under the PD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured under the PD contract.
  4. If development of approved final plats or site plans is not substantially completed in three years after approval, further final submittals under the PD shall stop until the part in question is completed or cause can be shown for not completing same.
- c. The applicant shall be required, as the PD is built, to provide the Township with "as built" drawings in both paper and digital format following the same provisions outlined in Section 19.7.

**19.9 FEES**

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

**19.10 INTERPRETATION OF APPROVAL**

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

**19.11 AMENDMENTS TO PLANNED DEVELOPMENT PLAN**

Proposed amendments or changes to an approved PD plan shall be presented to the Planning Commission following the same procedures for amending a Special Use Permit outlined in Section 9.1.4. The Planning Commission shall decide whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan, and in such event may approve or deny the proposed amendment. If the Planning Commission decides the proposed amendment is material in nature, the Planning Commission and Township Board shall review the amendment under the provisions and procedures of this Article as they relate to final approval of the PD.

**Acme Township Planning Commission Bylaws**  
**Adopted December 22, 2008**  
**As Amended September 12, 2016**

The following Bylaws are adopted by the Acme Township Planning Commission (“Commission”) to facilitate the performance of its duties pursuant to the Michigan Planning Enabling Act (“MPEA”), MCL 125.3801 *et seq.* These Bylaws supersede and/or repeal any prior rules or bylaws adopted by the Commission. These Bylaws are also adopted to facilitate the duties of the Commission in its administration of the zoning ordinance pursuant to the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*

**Section 1.0: Officers**

**1.1 Selection.** At the regular meeting in July of each year, the Commission shall select from its membership a Chairperson, Vice-Chairperson, and Secretary. All officers are eligible for re-election.

**1.2 Tenure.** The Chairperson, Vice-Chairperson, and Secretary shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office, or until they are removed for misfeasance, malfeasance, or nonfeasance by the Township Board.

**1.3 Duties of the Chairperson.** The Chairperson shall preside at all meetings, appoint committees and advisory committees, authorize calls for special meetings, shall execute documents in the name of the Commission, prepare an agenda of items, to be considered at each Planning Commission meeting (for the Secretary of the Planning Commission), and perform such other duties as may be ordered by the Commission.

**1.4 Duties of the Vice-Chairperson.** The Vice-Chairperson shall act in the capacity of Chairperson in their absence and in the event the office of Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term, and the Commission shall select a successor to the office of Vice-Chairperson for the unexpired term. The Vice-Chairperson shall perform such duties as the Commission may determine.

**1.5 Duties of the Secretary**

(1) **Minutes.** Minutes shall be kept of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. Corrections in the minutes shall be made not later than the next meeting after the meeting to which the minutes refer. Corrected minutes shall be available no later than the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.

(2) **Recordings.** All meeting and study sessions shall be recorded on tape.

- (3) **Notice of Regular Meetings.** There shall be posted, within 10 days after the first meeting of the Commission in each calendar, or fiscal, year, public notice stating the dates, times and places of its regular meetings for that year.
- (4) **Special Meetings.** The Secretary shall provide for notice to each Commission member of the time, place, and purpose of special meetings at least 48 hours prior to such meetings. If mailed, the notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at his/her address as it appears in the Township records.
- (5) **Staff Assistance.** The Secretary may be assisted by Commission staff in all tasks set out in the section as may be agreed upon from time to time between the Commission and its Staff.

**1.6 Resignation from an office.** Any officer of the Commission may resign their office at any time by giving written notice to the Commission. The Commission shall elect a replacement to complete the remainder of the officer's term.

**1.7 Resignation from the Planning Commission.** Any member may resign from the Planning Commission by submitting a letter of resignation to the Township Board.

## **Section 2.0: Meetings**

**2.1 Regular Meetings.** Commission meetings will be held each month in the Township Hall at a regular day and time set by the Planning Commission by resolution, provided there is sufficient business to come before the Planning Commission at that time. The Commission shall hold not less than four regular meetings each year. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternative meeting day in the same month.

**2.2 Special Meetings.** Special meetings shall be called at the request of the Chairperson, or by two members of the Commission.

**2.3 Study Meeting.** To facilitate the detailed study of rezoning petitions, subdivision plats and other planning matters, the Commission from time to time may hold study meetings. Such meetings shall be for information and educational purposes and shall not require a quorum unless official action is to be taken.

**2.4 Michigan Open Meetings Act.** All meetings shall be noticed and conducted in accord with the Michigan Open Meetings Act, Public Act 267 of 1976, as amended.

**2.5 Quorum.** A majority of the total number of Commissioners shall constitute a quorum for the transaction of business and the taking of official action. The affirmative vote of a majority of the total Commission shall be necessary for the adoption of any part of a general development plan. Whenever a quorum is not present at a regular or special meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda. No action taken at such a meeting shall be final, or official.

**2.6 Notification of intended absences.** If a Commission member is unable to attend a meeting they should notify the Secretary or the Township Manager as far in advance as possible.

**2.7 Order of Business.** The Secretary may prepare an agenda for each meeting and the order of business therein may be as follows:

- (1) Call to Order
- (2) Roll Call
- (3) Conflict of interest inquiry
- (4) Approval of Agenda
- (5) Consent calendar
- (6) Correspondence
- (7) Limited Public Comment
- (8) Preliminary Hearings
- (9) Public Hearings
- (10) Old Business
- (11) New Business
- (12) Public Comment
- (13) Adjournment

**2.8 Motions.** The name of the originator of a motion and its second shall be recorded.

**2.9 Voting.** Voting shall be by voice and shall be recorded by “yes” and “no.” Roll call votes will be recorded only upon request by a member of the Commission or upon the advice of the Township's Attorney.

**2.10 Conflict of Interest.** Members of the Commission shall avoid conflicts of interest. The Commission shall employ Acme’s Conflict of Interest Policy to determine whether such a conflict exists and how to handle it.

**2.11 Attendance.** If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency may be grounds for the Township Board to remove any member for nonperformance of duty or misconduct. The elected secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records of the Commission. The Secretary shall inform the Township Board, in writing, of any delinquencies.

### **Section 3.0: Procedure for Public Hearings.**

- (1) Chairperson announces order of hearing, as follows.
- (2) Applicant or representative presents request including reasons, information, and data supporting request.
- (3) Chairperson gives public comment rules as follows: (optional)
  - a. Please address all comments to the chair.
  - b. Please stand and give your name and address.
  - c. Please be as concise and as factual as possible.
  - d. Please be courteous and do not cheer or boo comments by others.
  - e. Everyone will have an opportunity to be heard; however, the chair may establish time limits to permit the orderly conduct of business. Second comments will not be permitted until every person has had a chance to speak for the first time.

- f. Remember that this hearing is being recorded as well as minutes being taken.
- (4) Chairperson opens hearing for public comments (note time.)
- (5) Chairperson closes hearing to public comments (note time.)
- (6) Questions and deliberation by Planning Commission.
- (7) Action by Planning Commission.

**Section 4.0: Amendments.** These rules may be amended by a majority vote of the Commission.