



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

**CALL TO ORDER: 7:00pm**

**ROLL CALL:**

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

**PC Members Excused:** J. Jessup

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

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

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

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

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

**D. CORRESPONDENCE:**

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

**E. PUBLIC HEARINGS:** Opened at 7:04pm

1. Zoning Ordinance Amendment 037 Planned Development (PD)

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

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

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

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

accomplish.

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

**F. NEW BUSINESS:**

1. None

**G. OLD BUSINESS:**

1. Tent Sale / Food Truck Police Power Ordinance

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

Discussion moved on to Food Trucks (mobile food vendors) and allowing them on public property and are they getting a benefit bypassing brick and mortar requirements such as taxes. Winter feels this is a common argument that doesn't necessarily bind. He feels they add variety as it is a totally different option or dining experience. Can

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

**H. ADMINISTRATIVE ACTION**

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

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

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

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

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

Meeting adjourned at 9:19pm. TAF



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

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

- A. LIMITED PUBLIC COMMENT:** Members of the public may address the Commission regarding any subject of community interest during public comment periods by filling out a Public Comment Card and submitting it to the Secretary. Public comments are limited to three minutes per individual. Comments during other portions of the agenda may or may not be entertained at the moderator's discretion
- B. APPROVAL OF AGENDA:**
- C. INQUIRY AS TO CONFLICTS OF INTEREST:**
- D. CORRESPONDENCE:**
1. Email from Brian Kelley received 12/15/2015
- E. PUBLIC HEARINGS:**
1. Zoning Ordinance Amendment 037 Planned Development
- F. NEW BUSINESS:**
1. None
- G. OLD BUSINESS:**
1. Tent Sale / Food Truck Police Power Ordinance
- H. ADMINISTRATIVE ACTION**
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  4. Approve draft Planning Commission Minutes 12/14/15
- I. PUBLIC COMMENT & OTHER PC BUSINESS**
1. Zoning Administrator Report: Shawn Winter
  2. Planning Consultant Report: John Iacoangeli
  3. Township Board Report: Doug White
  4. Parks & Trails Committee Report: Marcie Timmins

**ADJOURN:**



# Memo

To: Acme Township Planning Commission  
From: Shawn Winter, Zoning Administrator  
CC: Jeff Jocks, John Iacoangeli  
Date: January 6, 2016  
Re: January 11, 2016 Planning Commission Packet Summary

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

## **I. Public Hearings**

### **a. Zoning Ordinance Amendment 037 - Planned Development**

- John Iacoangeli has provided an updated draft of the proposed Planned Development (PD) amendment. Revisions are in yellow, and a Sending/Receiving map has been included.
- Suggested Motion, upon a favorable review from the Planning Commission after the Public Hearing:
  - *Motion to send Zoning Ordinance Amendment 037 – Planned Development to Grand Traverse County Planning Commission for review and to recommend approval by Township Board at their February 2, 2016.*

## **II. New Business**

### **a. None**

## **III. Old Business**

### **a. Tent Sales/Food Trucks Police Power Ordinance**

- The Board made a motion to have the Planning Commission explore and draft police power ordinances for tent sales and food trucks
- The purpose of this topic being on the agenda is to start the discussion, understand what we want to achieve, receive Counsel's advice and identifying areas of additional research.
- Due to the short notice between the Board motion and delivering the packets I was not able to conduct a thorough investigation on the topic. I'll continue to look into neighboring townships and will share with you any updates that I have on Monday. What has been included in the packet so far:
  - Rob Larrea from Garfield Township's response
    - Township currently allows tent sales as a Supplementary Regulation in the Zoning Ordinance (not police power)
    - They currently do not have any thing on the books to allow food trucks. Township staff is not against them, but restaurants certainly are.
  - Traverse City's food truck ordinance and application
  - Acme Township's Special Event Ordinance (for reference)
- One thought is that tent sales may be added to and treated as a special event under the Special Events Ordinance?

- I asked the Board to provide me with any considerations that they may have before our meeting. At their meeting I heard concerns regarding:
  - Food trucks operating in parks is not necessarily desired.
  - A business extending their current retail service through a tent sale vs a separate business operating a tent sale on their property
- Suggested Motion:
  - *No motion at this time*

#### **IV. Other PC Business**

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##### **a. Zoning Administrator Report**

- Permits issued since the December 14<sup>th</sup> PC Meeting:
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  - Sign Permits – 0
- Township Board Approved Amendment 036 – Medical Marihuana Dispensaries and Cultivation Operations in the B-4 District at their January 5, 2015 meeting.
- Zoning Ordinance Update
  - Currently ahead of schedule
  - Will begin Article 8: Site Plan Review and Article 9: Special Uses next month, hopefully have something to present at the next PC meeting
  - I've started cataloging textual errors, conflicting definitions, vague areas, etc. in a spreadsheet
- Next Month:
  - No site plan reviews or special use permit applications submitted at this time.

## Shawn Winter

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**From:** Brian Kelley <acmetwp@gmail.com>  
**Sent:** Tuesday, December 15, 2015 9:53 AM  
**To:** karly wentzloff  
**Cc:** Shawn Winter  
**Subject:** Interesting material and appearance example

Hi Karly,

We always hope that good taste will prevail, but when I saw this creative use of metal, it made me wonder whether we are sufficiently protected from something like this in Acme; both as new development, and in the case of a remodel.

As mentioned before, I have seen corrugated sheet used (poorly) in high density residential construction, but this rises to a new level.

I think the question is worth asking in all contexts - commercial, residential, development by right, etc. Of course corrugated is entirely appropriate in some cases.

I suppose this wouldn't be quite so bad if the color matched the adjacent vertical surfaces. The use of the corrugated for awnings is also interesting. If the sheet completely covered the support structure, it wouldn't be so bad. But the way it ends short, leaving the frame exposed, makes it look incomplete, or ill-fitting.

Since this applicant is apparently restricted in their use of metal trim, one wonders whether they could accomplish the same problematic look without regulatory restriction by using wood or plastic with silver paint.

Thanks,

Brian

[http://www.mlive.com/news/grand-rapids/index.ssf/2015/12/restaurant\\_remodel\\_too\\_heavy\\_o.html](http://www.mlive.com/news/grand-rapids/index.ssf/2015/12/restaurant_remodel_too_heavy_o.html)

1 PLANNED DEVELOPMENT  
2

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

34 **Definitions**

35 The term "Planned development" (PD) means a specific parcel of land or several contiguous parcels of  
36 land, for which a comprehensive physical plan meeting the requirements of this Section, establishing  
37 functional use areas, density patterns, a fixed network of streets (where necessary) provisions for public  
38 utilities, drainage and other essential services has been approved by the Township Board which has  
39 been, is being, or will be developed under the approved plan.  
40

41 **Criteria for Qualifications**

42 To qualify for the Planned development option, it must be demonstrated that all the following criteria  
43 will be met:  
44

- 45 a. The properties are zoned R-1, R-2, R-3, A-1, MHN, C, CF, and B-4 Districts.  
46  
47 b. Any property that has been granted a special use permit for a Special Open Use under  
48 Section 9.16.  
49  
50 b. The use of this option shall not be for the sole purpose of avoiding the applicable zoning  
51 requirements. Any permission given for any activity or building or use not normally allowed  
52 shall result in an improvement to the public health, safety and welfare in the area affected.  
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- c. The PD shall not be used where the same land use objectives can be carried out by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PD application.
- d. The Planned development option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those considered in the Township Master Plan, and other public agency plans, unless the proponent can prove to the sole satisfaction of the Township that such added loads will be accommodated or mitigated by the proponent as part of the Planned development.
- e. The PD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by seeking a zoning change or variance.
- f. The Planned development must meet, as a minimum, five (5) of the following objectives of the Township plus f (9).
  - (1) To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.
  - (2) To permanently establish land use patterns which are compatible or which will protect existing or planned uses.
  - (3) To accept dedication or set aside open space areas in perpetuity.
  - (4) To provide alternative uses for parcels which can provide transition buffers to residential areas.
  - (5) To promote the goals and objectives of the Township Master Plan.
  - (6) To foster the aesthetic appearance of the Township through quality building design and site development, provide trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
  - (7) To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.
  - (8) To promote the goals and objectives of the Acme Township Placemaking Plan and the US-31 and M-72 Business District zoning.
  - (9) To promote sustainable development especially on parcels with active farmland and orchards as defined by MCL 324.36201 (h).

1  
2 **Uses Permitted**  
3

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

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

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

20 **Density Transfer**

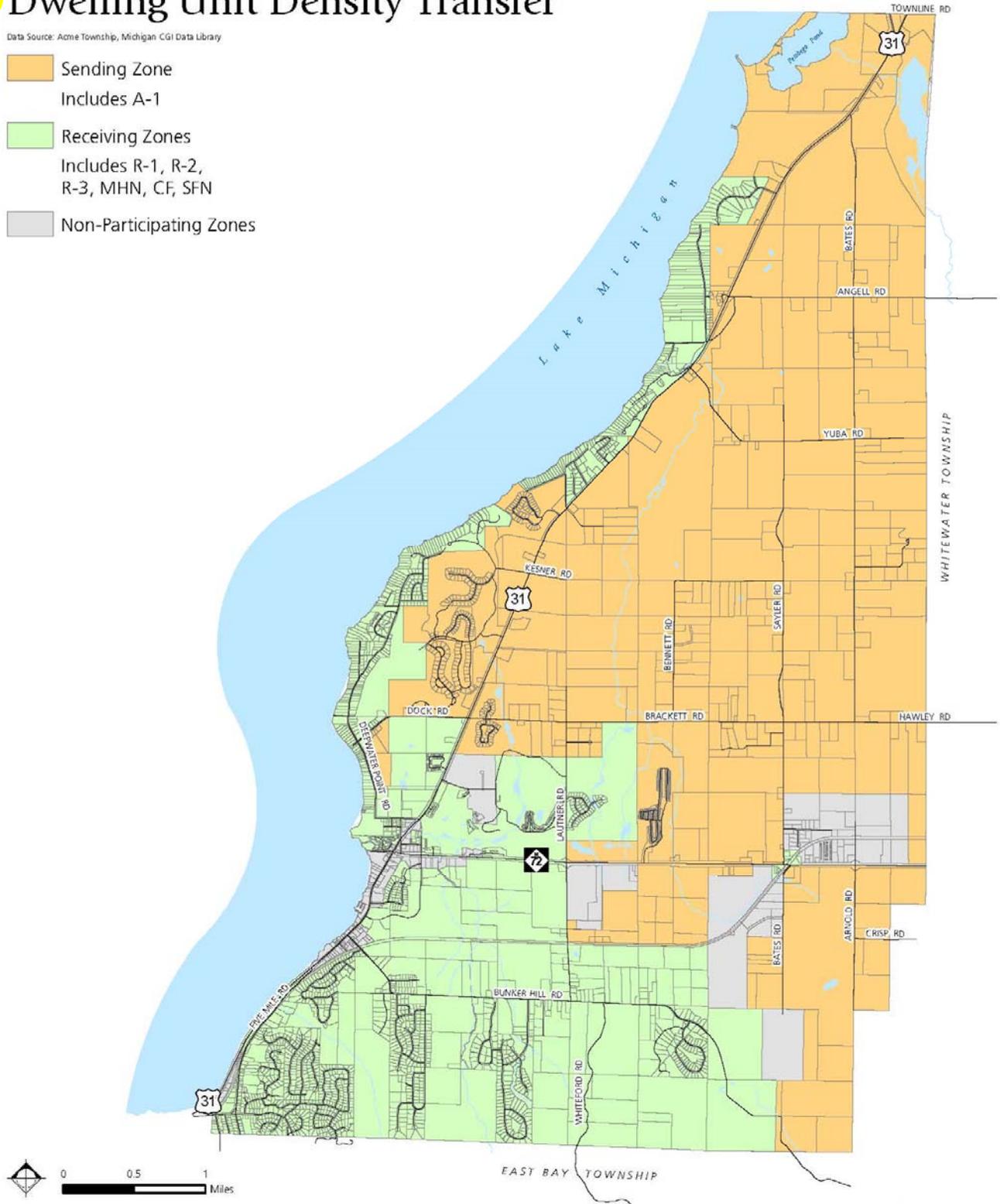
21 Acme Township encourages flexibility in the location and layout of development, within the overall  
22 density standards of this Ordinance. The Township therefore will permit residential density to be  
23 transferred from one parcel (the "sending parcel") to another (the "receiving parcel"), as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

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

1 ACME TOWNSHIP  
 2 Dwelling Unit Density Transfer

3 Data Source: Acme Township, Michigan CGI Data Library

- 4
- Sending Zone  
Includes A-1
  - Receiving Zones  
Includes R-1, R-2, R-3, MHN, CF, SFN
  - Non-Participating Zones



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

### 21 **Submittal and Request for Qualification**

- 22  
23 a. Any person owning or controlling land in the Township may make application for  
24 consideration of a Planned development. Such application shall be made by presenting a  
25 request for a preliminary determination to whether a parcel qualifies for the PD option.  
26  
27 b. A request shall be submitted to the Township. The submission shall include the information  
28 required below.  
29  
30 c. Based on the documentation presented, the Planning Commission shall make a preliminary  
31 determination about whether a parcel qualifies for the PD option under the Criteria for  
32 Qualification. The submittal must include:  
33  
34 (1) Proof the criteria set forth in the Criteria for Qualification section above, are or will  
35 be met.  
36  
37 (2) A schematic land use plan containing enough detail to explain the role of open  
38 space; location of land use areas, streets providing access to the site, pedestrian  
39 and vehicular circulation within the site; dwelling unit density and types; and  
40 buildings or floor areas contemplated, as applicable.  
41  
42 (3) A plan to protect natural features or preservation of open space or greenbelts.  
43  
44 (4) A storm water management plan incorporating low impact development (LID)  
45 water quality technologies, such as, but not limited to, rain gardens, rooftop  
46 gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and  
47 filtered storm water structures.  
48  
49 (4) The Planning Commission shall review the applicant's request for qualification. If  
50 approved, the applicant may then continue to prepare a PD Plan on which a final  
51 determination will be determined.  
52

### 53 **Submittal of the PD Plan and Application Materials**

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

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

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

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

10  
11 (2) A topographic map of the entire area at a contour interval of not more than two  
12 feet. This map shall show all major stands of trees, bodies of water, wetlands and  
13 unbuildable areas (scale: not smaller than one inch equals one hundred (100) feet)  
14 or less if approved by the Township.  
15

16 (3) A proposed development plan showing the following at a scale no smaller than  
17 one-inch equals one hundred (100) feet or less if approved by the Township,  
18 including, but not limited to the following:  
19

20 (a) Land use areas represented by the zoning districts listed as A-1, R-1, R-2,  
21 R-3, B1S, B-2, B-3, and B-4 of this Ordinance.  
22

23 (b) Vehicular circulation including major drives and location of vehicular access  
24 including cross sections of public streets or private places.  
25

26 (c) Transition treatment, including minimum building setbacks to land  
27 adjoining the PD and between different land use areas within the PD.  
28

29 (d) The general location of nonresidential buildings and parking areas,  
30 estimated floor areas, building coverage and number of stories or height.  
31

32 (e) The general location of residential unit types and densities and lot sizes by  
33 area.  
34

35 (f) Location of all wetlands, water and watercourses, proposed water  
36 detention areas and depth to groundwater.  
37

38 (g) The boundaries of open space areas that are to be preserved or reserved  
39 and an indication of the proposed ownership.  
40

41 (h) A schematic landscape treatment plan for open space areas, streets and  
42 border/transition areas to adjoining properties.  
43

44 (i) A preliminary grading plan, showing the extent of grading and delineating  
45 any areas, which are not to be graded or disturbed.  
46

47 (j) A public or private water distribution, storm and sanitary sewer plan.  
48

49 (k) Elevations of the proposed buildings using durable and traditional building  
50 materials shall be used. Materials such as exterior insulation finish system  
51 (EIFS), fluted concrete masonry units, concrete panels, panel brick, and  
52 scored concrete masonry unit block are not considered durable and  
53 traditional building materials.  
54

1 (l) A written statement explaining in detail the full intent of the applicant,  
2 showing dwelling units types or uses contemplated and resultant  
3 population, floor area, parking and supporting documentation, including  
4 the intended schedule of development.  
5

6 (4) A market study, traffic impact study, and /or environmental impact assessment, if  
7 requested by the Planning Commission or Board of Trustees.  
8

9  
10 (5) A pattern book or design guidelines manual if requested by the Planning  
11 Commission or Board of Trustees.  
12

### 13 **Preliminary Approval of Planned development**

14  
15 (1) Planning Commission Review of Proposed PD Plan:  
16

17 (a) The Planning Commission shall hold a public hearing on the PD plan and  
18 shall give notice as provided in Section 8.1.2 (3).  
19

20 (b) After the public hearing, the Planning Commission shall report its findings  
21 and recommendation to the Board. The Planning Commission shall review  
22 the proposed PD plan and make a determination about the proposal's  
23 qualification for the PD option and for adherence to the following  
24 objectives and requirements:  
25

26 1. The proposed PD adheres to the conditions for qualification of the  
27 PD option and promotes the land use goals and objectives of the  
28 Township.  
29

30 2. All applicable provisions of this Chapter shall be met. If any  
31 provision of this Chapter shall be in conflict with the provisions of  
32 any other section of this chapter, the provisions of this Section  
33 shall apply to the lands embraced within a PD area.  
34

35 3. There will be at the time of development, an acceptable means of  
36 disposing of sanitary sewage and of supplying the development  
37 with water and the road network, storm water drainage system,  
38 and other public infrastructure and services are satisfactory.  
39

### 40 **Final Approval of Planned development**

41  
42 a. On receiving the report and recommendation of the Planning Commission, and after a  
43 public hearing, the Board shall review all findings. If the Board shall decide to grant the  
44 application, it shall direct the Township attorney to prepare a contract setting forth the  
45 conditions on which such approval is based. Once the contract is prepared it shall be signed  
46 by the Township and the applicant.  
47

48 b. The agreement shall become effective on execution after its approval. The agreement shall  
49 be recorded at the Grand Traverse County Register of Deeds office.  
50

51 c. Once an area has been included with a plan for PD and the Board has approved such plan,  
52 no development may take place in such area nor may any use of it be made except under  
53 such plan or under a Board-approved amendment, unless the plan is terminated.  
54

- 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 County records 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 approval of the PD contract by the 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 may be terminated by the Township.

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

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 of the Township 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 planned development is built, to provide the Township with "as built" drawings in both paper and digital format.

**Fees**

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

**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.

**Amendments to PD Plan**

Proposed amendments or changes to an approved PD plan shall be presented to the Planning Commission. The Planning Commission shall decide whether the proposed modification is of such

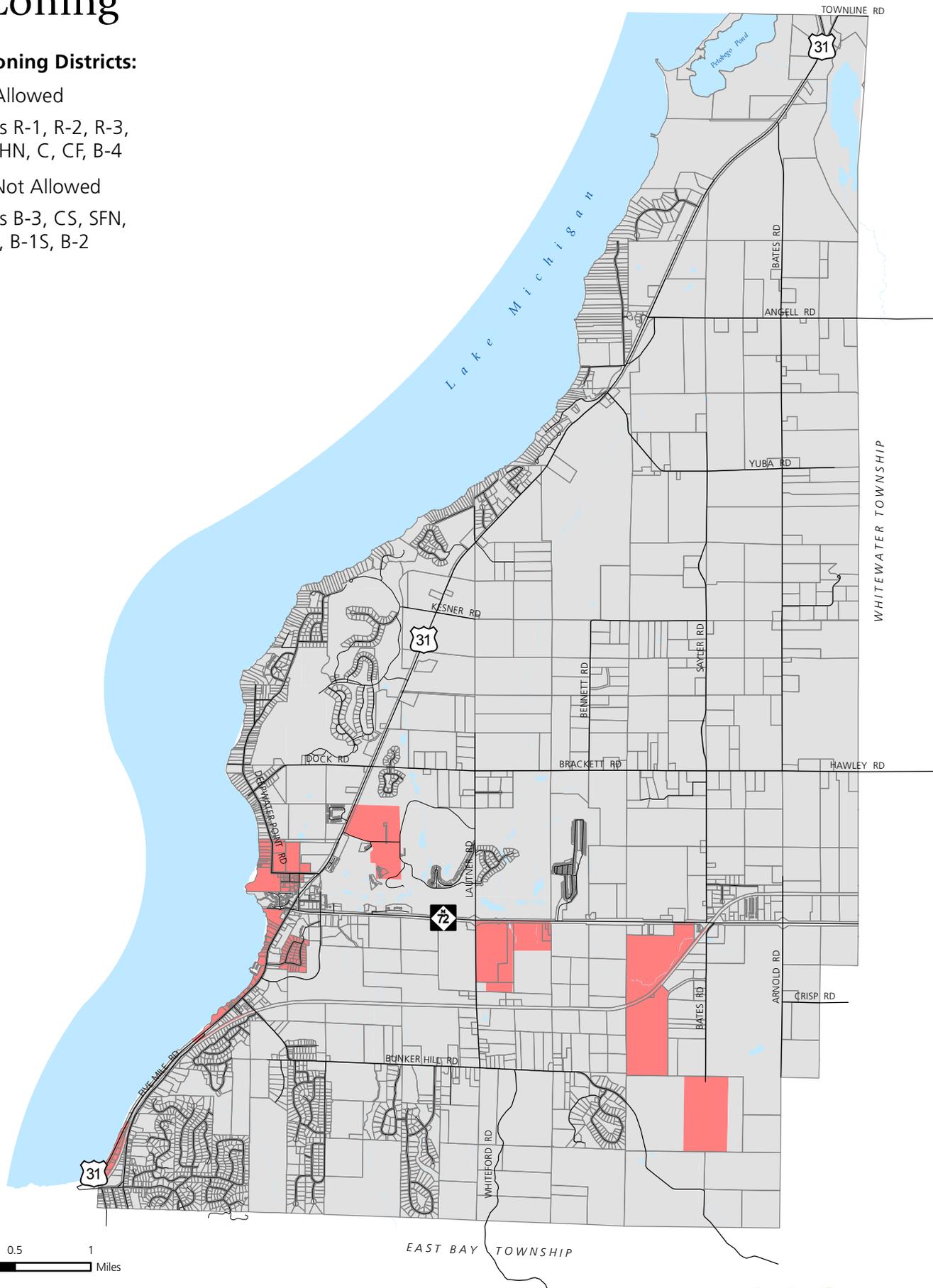
1 minor nature as not to violate the area and density requirements or to affect the overall character of  
2 the plan, and in such event may approve or deny the proposed amendment. If the Planning  
3 Commission decides the proposed amendment is material in nature, the Planning Commission and  
4 Township Board shall review the amendment under the provisions and procedures of this Chapter as  
5 they relate to final approval of the Planned development.

# ACME TOWNSHIP PUD Zoning

Data Source: Acme Township

## Regulated Zoning Districts:

- PUD - Allowed  
Includes R-1, R-2, R-3, A-1, MHN, C, CF, B-4
- PUD - Not Allowed  
Includes B-3, CS, SFN, R-1MH, B-1S, B-2





# 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, John Iacoangeli  
Date: January 6, 2016  
Re: Tent Sales / Food Trucks

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The following pages contain information that may be useful for the discussion on tent sales and food trucks. The recommendation from the last Planning Commission meeting was to draft the ordinance language that could be adopted by the Township Board as police powers.

Documents include:

- Correspondence from Rob Larrea, Director of Planning, Garfield Township
- Garfield Township Supplementary Regulations 766 – Tent Sales
- Traverse City Ordinance 865 – Mobile Food Vending
- Traverse City Mobile Food Vending Application
- Acme Township Special Event Ordinance

## Shawn Winter

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**From:** Roberto Larrea <rlarrea@garfield-twp.com>  
**Sent:** Wednesday, January 06, 2016 12:35 PM  
**To:** Shawn Winter  
**Subject:** RE: Ordinances

Hi Shawn,

We allow any business selling retail to have a tent sale for up to 30 calendar days in a year.

Check out Section 766 here: [http://www.garfield-twp.com/downloads/article\\_7\\_supplemental\\_and\\_special\\_use\\_standards.pdf](http://www.garfield-twp.com/downloads/article_7_supplemental_and_special_use_standards.pdf)

Food Trucks are a different issue. We certainly are not opposed to them however the brick and mortar businesses are vehemently opposed to them so we have not enacted anything to allow them. It works in Traverse City but only because they own parking lots throughout the city and they rent out spaces to food truck owners. If I was to provide you with advice I would do the following:

1. Allow something similar to Section 766.
2. Allow food truck / transient food sales as a part of an event associated with Section 766 only.
3. Require a permit and sign off from owner of the property (not food truck owner) acknowledging that they will be the one that receives a ticket if a violation occurs.
4. Consider allowing food trucks within Industrial districts to supplement factory workers.
5. Limit the hours in which food vendors can operate to avoid the "fair" atmosphere where they leave trailers for long periods of time or store them in the location.
6. Limit the amount of vendors at the location and make sure the travel ways remain clear for emergency personnel, parking is still adequate, and barrier free parking is not blocked or limited in any way.

Please let me now should you or the Board would like additional information or have additional questions.

Good Luck,

**Rob Larrea, AICP**

Director of Planning  
Garfield Charter Township  
3848 Veterans Drive  
Traverse City, MI 49684  
(231) 941-1620 Ext. 223  
rlarrea@garfield-twp.com

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**From:** Shawn Winter [mailto:swinter@acmetownship.org]  
**Sent:** Wednesday, January 06, 2016 10:36 AM  
**To:** Roberto Larrea  
**Subject:** Ordinances

Good morning Rob,

We're exploring police power ordinances for food trucks and tent sales and I've been looking through your ordinances. Do you all have an ordinance on food trucks? It looks like tent sales may be covered under your Outdoor

Gatherings Ordinance. We have a Special Events Ordinance, but it doesn't cover tent sales per se. Maybe we'll just amend it to include this use.

Thanks a lot Rob!

**Shawn Winter**

Zoning Administrator

Acme Township

6042 Acme Rd | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510

[swinter@acmetownship.org](mailto:swinter@acmetownship.org)

**SECTION 766                      OUTDOOR SALES - TEMPORARY**

**A. REGULATIONS AND CONDITIONS**

- (1) The property has at least one property line on a major thoroughfare.
- (2) A temporary outdoor sales event is an accessory use to the established on site business.
- (3) The goods offered for sale are an extension of the inventory within the established business, or as specifically identified by this Ordinance.
- (4) The event shall not exceed 30 days per calendar year.
- (5) The location of the event area shall not impede on site traffic circulation, or barrier free parking.

**SECTION 768                      PASSENGER TERMINAL**

**A. REGULATIONS AND CONDITIONS**

- (1) Passenger terminals shall be located to minimize adverse effects on neighboring properties.
- (2) The proposed site shall have at least one (1) property line on a major thoroughfare.
- (3) No more than one (1) driveway approach shall be permitted directly from any public street.
- (4) Passenger terminals shall be designed to emphasize a multimodal approach to service patrons as they access the site and internally (bike, walk, drive).
- (5) All repairs of vehicles shall be off site or in an enclosed building.
- (6) No vehicle fueling is permitted to occur on site

**SECTION 770                      PERSONAL WIND ENERGY CONVERSION SYSTEM (PWECS)**

**A. REGULATIONS AND CONDITIONS**

Personal Wind Energy Conversion Systems for the production of electricity may be considered to be an accessory use in the districts listed below provided they are kept in accord with this section.

- (1) In the Agricultural District the following shall apply:
  - (a) The property has a minimum lot size of 1 acre in size.
  - (b) Freestanding PWECS in the agricultural district may be approved administratively provided the height does not exceed forty (40) feet.
    - (i) PWECS in the agricultural district may be permitted by SUP up to 60 feet in height provided all standards can be met.
    - (ii) Height is measured from the native grade below the PWECS to the highest part of the combined height of the tower and blade.
    - (iii) Due to airport restrictions, FAA approval is required for any structure exceeding 35' in height. A letter of approval shall be submitted at the time of application for land use.
  - (c) Structure-mounted PWECS are permitted provided the structure is in conformance with all district standards and can meet the setbacks measured in the same manner as freestanding PWECS.
  - (d) Structure-mounted PWECS shall only be mounted on the structure in which the owners reside or it is intended to serve.
  - (e) The applicant shall provide the Zoning Administrator with evidence that the PWECS noise level as measured at any property line will not exceed 45db.
- (2) In any Residential District the following shall apply:
  - (a) Personal Wind Energy Conversion Systems for the production of electricity are subject to Special Use Permit standards and approval.
  - (b) Personal Wind Energy Conversion Systems shall comply with the standards listed above.

# Chapter 865

## Mobile Food Vending

865.01	Intent	865.09	Parking Beyond Limits
865.02	Definitions		Allowed by City Ordinance
865.03	Permit Required		and Order
865.04	Duration; Non-Transferability	865.10	Impoundment
865.05	Application	865.11	Other Permits
865.06	Fees	865.12	Revocation
865.07	Investigation by the Chief	865.13	Complaints; Appeals
	Of Police	865.14	Appearance Tickets
865.08	Requirements	865.15	Civil Infraction

**865.01 INTENT.**

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of Traverse City, while providing a framework under which such businesses operate, this ordinance is established. (Ord. 963. Passed 5-6-13)

**865.02 DEFINITIONS.**

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

(Ord. 963. Passed 5-6-13)

**865.03 PERMIT REQUIRED.**

No vendor shall engage in Mobile Food Vending without a permit from the City Clerk authorizing such vending. The City Clerk shall prescribe the form of such permits and application for such permit. All permits shall be prominently displayed on the mobile food vending unit. No vending through a Mobile Food Vending Unit of food and/or other human

consumables shall be permitted unless it meets the definition of Mobile Food Vending as defined by this ordinance. (Ord. 963. Passed 5-6-13)

**865.04 DURATION; NON-TRANSFERABILITY.**

Permits may be issued by the City Clerk for a calendar year from the date of issuance. Any permit issued under this Chapter is non-transferable. (Ord. 963. Passed 5-6-13)

**865.05 APPLICATION.**

Every vendor desiring to engage in Mobile Food Vending shall make a written application to the City Clerk for a permit under this Chapter. The applicant shall truthfully state, in full, all information requested by the City Clerk and be accompanied by a fee established by resolution of the City Commission. Additionally, the applicant shall provide all documentation, such as insurance, as required by the city. (Ord. 963. Passed 5-6-13)

**865.06 FEES.**

An application for a permit under this Chapter shall be accompanied by a fee in the amount established by resolution of the City Commission. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the City Clerk. No fee shall be charged to any honorably discharged veteran of the United States Military who is a resident of the State of Michigan and submits official documentation evidencing such to the City Clerk. If operating on non-city property, no fee shall be charged to a business which is on the city's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Chapter. (Ord. 963. Passed 5-6-13)

**865.07 INVESTIGATION BY THE CITY CLERK.**

For Mobile Food Vending within residential areas, approval must be given by the City Clerk prior to issuance of a permit by the City Clerk. (Ord. 963. Passed 5-6-13. Ord. 1026. Passed 9-8-15)

**865.08 REQUIREMENTS.**

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

1. Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
2. If operating on city-owned or controlled property, may only locate on such property as established in a resolution adopted by the City Commission. If parked on public streets, vendors shall conform to all applicable parking regulations.
3. Not operate on public property within one block of a city-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.
4. Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
5. Not use loud music, amplification devices or "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.
6. Comply with the city's Noise Ordinance, Sign Ordinance and all other City

ordinances.

7. Comply with all applicable federal, state and county regulations.
8. May have one portable sign that is six square feet, with no dimension greater than 3 feet and no height (with legs) greater than 4 feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
9. Within residential areas, a mobile food vendor may only operate between the hours of 9 a.m. and 9 p.m.; and in commercial areas, a mobile food vendor may only operate between the hours of 7 a.m. and 11 p.m. On private property within Commercial Area, a mobile food vendor may only operate between the hours of 6:00 a.m. and 3 a.m. Other restrictions regarding hours of operation may be established by resolution of the City Commission.
10. No Mobile Food Vending Unit may be left unattended for more than 2 hours; and any Mobile Food Vending Unit not in operation shall be removed between the hours of 11 p.m. and 7 a.m. in commercial areas and 9 p.m. to 9 a.m. in residential areas. This subsection applies to Mobile Food Vending Units operating on city-controlled property only.
11. Not represent the granting of a permit under this Chapter as an endorsement by the city.
12. Shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any city street, alley, or sidewalk except in a safe manner.

(Ord. 963. Passed 5-6-13, Ord. 988. Passed 1-21-14)

**865.09            PARKING BEYOND LIMITS ALLOWED BY CITY ORDINANCE AND ORDER.**

Any Mobile Food Vending Unit with a valid Mobile Food Vending License may park in a city-controlled parking space for durations as authorized by the permit; and such Mobile Food Vending Unit shall not be restricted to the hours where parking would otherwise be allowed in the particular parking space. Provided, however, that no Mobile Food Vending Unit shall park in a city-controlled parking space if parking is prohibited altogether. Any Mobile Food Vending Unit parked in a metered parking space with a valid Mobile Food Vending License shall activate the meter at all times while parked by depositing the appropriate sum of money into the parking meter. (Ord. 963. Passed 5-6-13)

**865.10            IMPOUNDMENT.**

Any equipment associated with food vending that are not in compliance with this Chapter and left on public property may be impounded at the owner's expense. (Ord. 963. Passed 5-6-13)

**865.11            OTHER PERMITS.**

A permit obtained under this Chapter shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute or administrative rule. (Ord. 963. Passed 5-6-13)

**865.12            REVOCATION**

The City Clerk shall revoke the permit of any vendor engaged in Mobile Food Vending who ceases to meet any requirement of this Chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the City Clerk shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void. (Ord. 963. Passed 5-6-13)

**865.13 COMPLAINTS; APPEALS.**

If a written complaint is filed with the City Clerk alleging a Food Vendor has violated the provisions of this Chapter, the City Clerk shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a permit is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this Chapter, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of City Clerk or filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to a court of competent jurisdiction. (Ord. 963. Passed 5-6-13)

**865.14 APPEARANCE TICKETS.**

The Police Chief and sworn officers of the Police Department, or such other officials as designated by the City Manager are authorized to issue and serve appearance tickets with respect to a violation of this Chapter pursuant to Michigan law. Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements. (Ord. 963. Passed 5-6-13)

**865.15 CIVIL INFRACTION.**

A vendor who violates this Chapter is responsible for a civil infraction and subject to a fine of \$500 per day. Provided, however, that the fine for parking violations shall be those as outlined in Chapter 488 of these codified ordinances. (Ord. 963. Passed 5-6-13. Ord. 970. Passed 6-3-13)

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The City of Traverse City

Office of the Clerk

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



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Dear Mobile Food Vendor:

**Subject: Application for Mobile Food Vending License**

Thank you for your interest in adding to our community!

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

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

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

Most Sincerely,

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

Benjamin C. Marentette, CMC  
City Clerk



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

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

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

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

**Please attach the following:**

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

**Fee Schedule:**

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

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

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

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

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

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Signature of applicant

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Date signed

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

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

## GUIDELINES FOR MOBILE FOOD VENDORS

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

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

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

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

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

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

**ACME TOWNSHIP  
SPECIAL EVENT ORDINANCE  
ORDINANCE NO. 2014-01**

1. **Definitions.**

- a. Applicant means a person that submits an application for a special event.
- b. Lot means any parcel of real property in Acme Township that has a Tax Identification Number.
- c. Person means any individual, partnership, limited liability company, or corporation.
- d. Special Event means any temporary use of a lot or Acme Township property for purposes other than its already permitted use, which offers products, goods or services, including entertainment services; whether or not conducted for fees or profit and include the following examples:
  - i. Car shows, antique shows, flea markets;
  - ii. Art, music, ethnic, food, theatrical, or other festivals providing lawful entertainment;
  - iii. Sporting events and competitions.

A Special Event does not include individual garage sales that last no more than 7 days and recur no more frequently than one time in any 60 day period; social gatherings such as family reunions, receptions, picnics or related family events that are not open to the public.

- e. Temporary means no longer than three days.

2. **License Required.**

No person shall hold a special event in Acme Township without first obtaining a license pursuant to this Ordinance.

3. **Application for Special Event License.**

- a. An applicant shall submit to the Zoning Administrator a completed application, on a form furnished by the Township, not less than 30 days prior to the proposed event.
- b. The application shall include all of the following information:

- i. The full and complete name, current address and telephone number of the applicant.
- ii. The name of the proposed event and the name under which the event will be operated if other than the name of the applicant.
- iii. A written statement describing the proposed special event, including the nature and purpose of the activity.
- iv. The days and hours of the special event.
- v. The anticipated number of workers and event presenters.
- vi. The anticipated number of attendees.
- vii. The lot or lots upon which the special event is proposed to take place, including the street address.
- viii. A description of the products and/or services to be provided or sold at the special event.
- ix. A description of the procedures to manage parking, traffic and circulation, and the location for parking.
- x. A description of the procedures and facilities to manage sanitation.
- xi. A description of the procedures for crowd control and public safety.
- xii. A description of all food and beverages whether provided with or without charge and whether consumption of alcohol is anticipated.
- xiii. A sketch, drawn to scale, showing the placement, number and location of the proposed parking, signage, sanitary facilities, cooking facilities, lighting and all structures to be used and/or erected and how each will be used.
- xiv. Acknowledgment and permission of the lot owner if the applicant is not the lot owner.
- xv. Written evidence of the status of all approvals and/or reviews by Grand Traverse County Sheriff, Grand Traverse Metro Emergency Services, Grand Traverse Health Department, Michigan Department of Transportation, Grand Traverse County Road Commission, Grand Traverse County Construction Codes, and any other necessary agency.

- xvi. A demonstration that the Applicant has sufficient liability insurance for the Special Event.
- xvii. Proof that the Applicant has notified owners of all property within 300 feet of the property upon which the Applicant requests a License of the following: (1) that the Applicant is seeking a License for a Special Event, (2) the date upon which the Special Event is to take place, (3) a short description of the Special Event, and (4) that the complete Application is available at the Acme Township Hall.

4. **License Fee.**

The fee for a special event license shall be based on the event size according to the Acme Township Special Event Fee Schedule which may be reviewed and amended by resolution of the Acme Township Board from time to time.

5. **Application Review.**

- a. Once the Zoning Administrator determines the Application to be complete, the Zoning Administrator shall convene a meeting of the Special Events Committee to review either approve, approve with conditions, or deny the Application. The Special Events Committee shall be made up of the Zoning Administrator, a Township Board designee, a Planning Commission Designee, the Township Planner, and one Acme Township citizen. All meetings of the Special Events Committee shall be subject to the Open Meetings Act, Public Act 267 of 1976, MCL 15.261 *et seq.*

6. **Standards for Approval.**

Each application for a special event shall meet the following standards for approval:

- a. The application is complete and the application fee is paid in full.
- b. The applicant has provided written evidence that he or she owns or leases the lot upon which the special event will be held, or that the applicant has permission to hold the special event upon which the special event will be held.
- c. The location of the special event does not negatively impact the public health, safety and welfare, including but not limited to traffic flow, parking, lighting, hours, signage and noise.
- d. The Special Event Application satisfies all of the elements necessary for approval.
- e. Minimum lot size for Special Events

<b>Number of Attendees</b>	<b>Minimum Parcel Size</b>
20 – 50	½ acre
51 – 100	2 acres
101 – 500	10 acres
501 – 1,000	25 acres
1,001 – 2,500	50 acres
2,501 – 5,000	80 acres
5,001 – 10,000	100 acres

7. **License Form:**

If approved by the Township Board, the Zoning Administrator shall complete the License with the name of the Applicant, a description of the Special Event, the dates permitted for the Special Event, and the conditions added to the Application. The Zoning Administrator and the Applicant shall sign the License and the Applicant shall post the License in a conspicuous place at the Special Event. The License shall also state that Acme Township does not endorse the Special Event.

8. **Inspection:**

The Applicant shall allow the Zoning Administrator or any Acme Township designee access to the property for inspection at any time during setup for the Special Event, during the Special Event, and after completion of the Special Event.

9. **Restrictions.**

- a. No license shall be issued to:
  - i. An applicant who has been convicted or found responsible for a violation of any federal, state or local law involving moral turpitude, fraud, theft, violence, or controlled substances.
  - ii. An applicant who is in default to Acme Township.
  - iii. An applicant that has previously received a special events license under which the Applicant violated any of the restrictions or requirements of that license.
  - iv. An applicant that has previously received a special events license which resulted in substantial and material complaints to Acme Township for the activities that resulted from that special events license.
- b. No privately owned lot may have more than three special events in one calendar year.

- c. The hours of operation for any special event shall be limited to the hours between 9 a.m. and 11 p.m., except athletic events that require an earlier start and meet all other requirements of this ordinance.

10. **Revocation of License.**

The Zoning Administrator may immediately revoke a special event license if the applicant violates any of this Ordinance's provisions, or for other good cause.

11. **Violations and Penalties.**

- a. A violation of this Ordinance is a Municipal Civil Infraction subject to Acme Township's Municipal Civil Infraction Ordinance and the enforcement officer for such violation can be the Zoning Administrator, Township Supervisor, or any other person designated by the Township Board.

- b. A violation of this Ordinance is a nuisance per se and is enforceable as such.

12. **Severability.**

If any portion of this Ordinance is found invalid by any court, such invalidation shall not affect or limit the remaining portions of this Ordinance or its application.

13. **Effective Date.**

This Ordinance shall become effective 30 days after its publication in a newspaper of general circulation in the Township.



**ACME TOWNSHIP BOARD MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
Tuesday, December 1, 2015, 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:**

Grand Traverse Road Commissioner, Marc Keller, expressed appreciation of the nomination of Jim Johnson by Acme Township for Distinguished Service at the annual County Planning awards banquet. Keller reviewed 2015 projects of the Road Commission.

**B. APPROVAL OF AGENDA:**

We will be adding the yearly Audit report under Reports #6, under New Business # 3 Blue Star Memorial Sign and bank accounts # 4.

**Motion by White, seconded by Dye to approve the agenda with the three additions of yearly Audit report under Reports #6, under New Business # 3 Blue Star Memorial Sign and bank accounts # 4. Motion carried by unanimous vote.**

**C. APPROVAL OF BOARD MINUTES**

**1. Draft unapproved minutes 11/10/15**

**Motion by White, seconded by Aukerman to approve the 11/10/15 Board minutes as presented. Motion carried by unanimous vote.**

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

**E. REPORTS: Received and File**

- 1. Parks - Henkel**
- 2. Legal Counsel – J. Jocks**
- 3. Sherriff**
- 4. County**

**5. Audit**

Joe Verlin from Gabridge & Company, PLC, presented the preliminary audit report to the Board. The report must be finalized by December 31 to meet state requirements. Internal controls and compliance with laws and regulations were examined and there were no discrepancies to report. All Budget-Department funds were in balance-budget to actuals. Overall the auditors have issued an “unqualified” rating, the highest possible audit rating.

**Motion by Scott, seconded by Jenema to approve the 2014-15 Audit has presented. Motion carried by unanimous vote.**

**6. Bayside Trails and Parks**

Jenema reviewed the summary of the Parks and Trails committee update provided in the packet. Discussion was held about the sequence of activities we need to undertake to get Bayside park Improvements in 2016. We need grants written, preliminary engineering and pricing for estimates on

work to be accomplished. Based on the sequence of work activities and the possible grants we could apply for the following motions were made.

**Motion by Jenema, seconded by Scott to authorize using up to \$6,000 from the present Engineering budget to hire Gosling Czubak to do the engineering required to support grant writing for the DNR Trust fund, and needs required for the Phrase I and II grants. Motion carried by unanimous roll call vote.**

**Motion by Scott, seconded by LaPointe to move \$29,000 out of Septage plant committed fund to the Parks fund 208 to pay for grant writing by Gosling Czubak up to \$4,000 and \$25,000 to use to get additional work completed in calendar year 2016 at Bayside park. Motion carried by unanimous roll call vote.**

Discussion about the Parks Advisory being called Parks and Trails.

**F. SPECIAL PRESENTATIONS/DISCUSSIONS: None**

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

**1. RECEIVE AND FILE:**

- a. Treasurer's Report
- b. Clerk's Revenue/Expenditure Report and Balance Sheet
- c. Position Statement on Consumer Fireworks
- d. Teen Homelessness Flyer
- e. Draft Unapproved Meeting Minutes:
  1. Planning Commission 11/09/15
  2. Parks & Trails meeting 11/06/15

**2. APPROVAL:**

- a. Accounts Payable Prepaid of \$6,216.18 and Current to be approved of \$60,589.71  
(Recommend approval: Cathy Dye, Clerk)

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

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

**I. CORRESPONDENCE: Received and filed**

1. State of Michigan Notice of Hearing Consumers Energy Company

**J. PUBLIC HEARING: None**

**K. NEW BUSINESS:**

**1. Resolutions:**

1. Adoption of 2016 Board meeting Schedule

**Motion by Scott, seconded by Jenema to approve Resolution 2015- #44 adopting the 2016 Acme Board of Township meeting schedule as presented. Motion carried by unanimous vote.**

2. Sewer Billing Changes

**Motion by Scott, seconded by LaPoine to approve Resolution 2015-#45 changing the Township Sewer Ordinance #75-2, Section 4 billing intervals to read as follows, monthly, by-monthly or at least quarterly. Motion carried by unanimous vote.**

**3. Supporting naming the Traverse City Veterans Administration Clinic**

**Motion by Scott, seconded by Aukerman to adopt Resolution 2015-46 supporting naming the Traverse City Veterans Administration Clinic after Demas T. Craw. Motion carried unanunously.**

**4. Budget Amendments**

**Motion by Dye, seconded by LaPointe to approve Resolution 2015-47 approving various fund moves adjustments. Motion carried by unanimous roll call vote.**

**2. Township Business hours - Treasurer**

**Motion by Jenema, seconded by Scott to approve Resolution 2015-48 changing the Acme Township office days and hours of operation to Monday-Thursday 7:30 a.m. to 6:00 p.m. beginning on 1/1/2016 thru 06/30/16 with a review of the hours and a final resolution at the 06/07/2016 Board meeting. Motion carried unanimously.**

**3. Blue Star Memorial Sign**

**Motion by Scott, seconded by Jenema to approve the placement of the Blue Star Memorial sign at the entrance driveway by the old Hoxsie house by the Acme Township Sweetwater Evening Garden Club as presented. Motion carried unanimously.**

**4. Bank accounts**

Jenema reviewed the bank credits we get to off set the cost of direct deposit for employees that began in September. Jenema will return to the Board with additional information after another month or two of doing this.

**L. OLD BUSINESS: Received and file**

**1. Saylor Park Update**

Aukerman updated the Board on status of Acme's Great Lakes Fishery Trust grant application and steps she will be taking before the Board's January meeting. All were supportive.

**2. Autumn Olive Update**

**PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD: None**

**ADJOURN AT 10:15 am**



**ACME TOWNSHIP **SPECIAL** BOARD MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**Monday, December 7, 2015, 8:00 a.m.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE AT 8:01 a.m.**

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

**A. LIMITED PUBLIC COMMENT: None**

**B. APPROVAL OF AGENDA:**

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

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

**D. NEW BUSINESS:**

**1. Resolution for Budget change for DPW Budget**

**Motion by LaPointe, seconded by Aukerman to approve Resolution R-2015-49 for additional WWTP treatment costs, membrane purchase and installation project. Motion carried by unanimous vote of those present.**

**2. Resolution for changing Acme Township DPW Budget**

**Motion by Dye, Seconded by LaPointe to approve Resolution R-2015-50 approving fund moves to bring the 2015-16 budget in balance. Motion carried by unanimous vote of those present.**

**Adjourned at 8:10 am**



**ACME TOWNSHIP PARKS & TRAILS MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**November 20, 2015 10:00 a.m.**

**ROLL CALL:** (10:05 meeting called to order)

Committee:

Clark  DeMarsh  Feringa  Heffner  Henkel  Jenema  McDonough  
 Timmins  Wentzloff  Winter

Board Members:

Aukerman  LaPointe  Zollinger

**A. PUBLIC COMMENT:**

- None – no public in attendance

**B. APPROVAL OF AGENDA:**

- Today's agenda was set

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

- No conflicts of interest

**D. 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 Planning Commission, staff or public shall be granted.

**1. ACTION:**

**a. Approve Draft Minutes of:**

**i. Parks & Trail Meeting Minutes 11/06/15**

- Meeting minutes approved from 11/06/15, no corrections or additions requested

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

**1. None**

**F. OLD BUSINESS:**

**1. Grant Strategy Update**

- Original idea to go for CZM grant and after meeting with Winter, Heinert and McDonough decided that timing is not ideal with CZM grant. (December 18, 2015 application deadline, August 2016 award notification, October 2016 award distributed)
- We would start with a DNR Trust fund grant as our main focus. The maximum grant award is \$300,000, and engineering work for design and construction will be written into the application. The grant requires a 25% match, however we will aim for providing a 26 – 35% match to bring the total budget closer to the actual construction costs, while improving our points/score (~5 to 10 points) in the application review process. Township has already committed \$75,000 over the next three years. Parks and Recreation Plan needs to be uploaded to the application portal by March 1, 2015. Application deadline is April 1, 2015. Heinert is beginning a preliminary design for North Bayside Park after the last meeting. The budget is being worked out, but will be done in conjunction with the trail work that is being done as well. Request has been made to Michigan Geomatics to create a digital contour map file.
- Not applying for the December 2015 2% grant from the Tribe

- Reassess our needs further down the road and potentially applying for the June 2016 2% Tribe grant and/or December 2016 CZM grant – may use as DNR Trust Fund match?
  - Federal funds may not be used as match. Need to verify.
- Will explore Oleson and Rotary grants, Michigan-based Foundations
- Heinert has begun a preliminary design for the North Bayside Park after the last meeting. The budget is being worked out, but it will be done in conjunction with the trail work that is being done. Including having contour maps from Michigan Geomatics.
- \$25,000 grant from Tribe already, authorized to use for parks. We will want to consider strategically putting this money to use, showing how we have implemented the funding as intended to various grants we will be applying to.
- A real rough estimate of the improvements suggested for North Bayside park is approximately \$500,000. This will be better estimated after the preliminary design phase by Heinert. The design will focus on making best use of the existing conditions by maximizing open space, keeping the overall layout simplistic, providing improved connectivity, incorporating simple land forms, designating the park as a regional trailhead, and maximizing water access. Work previously done cannot be used as a match (in-kind) to DNR Trust Fund, need cash in hand. Only work that has been itemized in the grant application, completed after we're under contract in the grant agreement, can be used as a match.
  - We will need to define the roles of our partner organizations in this effort to understand how we can all work together in a meaningful and mutually effective way. Must understand their desire and ability to help with the raising of matching funds, and secure letters of commitment from their boards.
  - Grant will require hiring a grant writer. Potential companies include Community Consulting, Parallel Solutions, Beckett & Raeder, Gosling Czubak
    - Heinert of Gosling Czubak could potentially team up with Winter, in conjunction with assistance from Aukerman, to potentially write the grant.

**G. NEW BUSINESS:**

**1. Summer 2016 Work Program**

- Some money is available for improvements in 2016. Using the money will show the community, partners, and granting organizations that we are committed to making improvements to the park. Some of these items would need to be done as prep work for the Trust Fund grant, but again will not count as in-kind match. Approximately \$37,000 available to do this work.
  - Selection and execution of projects must be done carefully as to not create work that will need to be removed/redone during a future larger scale park improvement project (i.e. work proposed in the Trust Fund application)
  - Zollinger provided a list of potential projects with estimated costs.
    - Bury overhead electric wires
    - Garden club to move the parking lot flowers to an area near the old Hoxsie house. Would require installing irrigation to the existing pump, and would be sized accordingly to be a permanent part of a future full-scale irrigation system. Garden club will be approaching the Board at their Dec. 1<sup>st</sup> meeting about installing a Blue Star Memorial Highway sing in that location.
    - Shelter house located in the trees near the south side of the park. Estimate does not include cement pad.
    - Topsoil, seed and irrigate the grass.
    - Pay for preliminary design work by Heinert.
  - Winter added tree clearing on west end of the parking lot for future expansion and softening the tree line along the open space.
  - Henkel suggested parking lot reseal, restriping, patching the flower beds.
  - Selection of projects for 2016 should be conducted after Heinert's preliminary design work is completed. Consult with Henkel on maintenance needs.
  - Best approach is to figure out which project(s) we want to implement in 2016 before we submit the Trust Fund application so that we don't include items that will require us to go back and amend our application due to work completion.

- Wentzloff expressed concern that we are sacrificing quality for expedited implementation. Large publicly funded projects take time. Suggested a public relations effort to promote and share with the public the work we are doing and the end product we are moving towards.
  - Heinert feels we can do some of both. Address functionality and maintenance issues now, but save our pennies too.
  - Other smaller grants could help in this process
- Wentzloff had to excuse herself a little early and upon her departure expressed the need to formerly define who is on this committee, what they are trying to accomplish, how communications are to be handled, what order/procedures are to be followed, etc. Suggested placing the Parks and Recreation Committee under the Planning Commission.
- Phase I would be work conducted beginning in spring/summer 2016, Phase II would be work scoped in the DNR Trust Fund grant. If grant was to be awarded, Phase II realistically wouldn't begin until fall 2017. Heinert will include a line item budget in his preliminary design to help determine phasing options.
- Acme leaders need to own and lead this process, and coordinate with advisory partners (GTRLC and TART) and their resources/skill set.

2. Report/Update for December 1, 2015 Board Meeting

- Summary of the Committee's Action Plan for the Board:
  - Request that we forego CZM right not due to sequencing of the grant cycles
  - Focusing now on the DNR Trust Fund grant with an April 1, 2016 application deadline.
  - Ask for a motion for roughly \$5,000 dollars (exact cost still to be determined by Heinert) to be committed for the preliminary design work at North Bayside Park.
  - Preliminary design work will provide information necessary to outline Phase I work program for 2016, utilizing funds we already have available.
  - The remaining elements would be incorporated into the Phase II which will be outlined in the Trust Fund application.
  - Hire a grant writer to assist in the DNR Trust Fund application.
  - Revisit the CZM grant next fall (2016) to see if it fits our strategy at that point.
- Discussion continued on how to approach 2016 work program items. Zollinger suggested some of the items could be budgeted into the annual park budget since they are maintenance issues, separate from the \$37,000 previously mentioned. An example would be the parking lot sealing and restriping, filling-in the flower beds.
  - Aukerman mentioned that the June 2016 2% Tribal grant may be another option to help in that effort.
  - Timmins reminded the group that we still have \$25,000 donated from the Tribe still sitting there. Spending this money on Phase I improvements could show momentum and help in the effort to secure additional funding
- Jenema suggests blending the Shoreline Committee and the Trails Committee into one since the personnel overlap so much anyways. Support from those in attendance. Moving forward the two committees will be known as the Parks and Trails Advisory Committee composed of the following:
  - Parks and Trails Advisory Committee Members:
    - Jenema – Board representative
    - LaPointe – Board representative
    - Wentzloff – Planning Commission – Chair
    - Feringa – Planning Commission – Vice Chair, Grand Traverse Band
    - Timmins – Planning Commission, Parks and Rec Committee – Chair
    - DeMarsh – Planning Commission
    - Henkel – Park Maintenance
    - Heffner – Community Representative
    - Winter – Staff, point person between committee and advisory partners
  - Parks and Trails Advisory Partners:
    - McDonough – GTRLC
    - Clark – TART
    - Heinert – Gosling Czubak
- Aukerman suggested it is now time to sunset the Parks and Rec Committee. This new group (listed

- above) is the group performing the work on Acme's recreation resources.
- Timmins does not feel the current Parks and Recreation Committee is effective
  - Jenema supports placing the Parks and Trails Advisory Committee under the Planning Commission
    - Zollinger doesn't disagree, but says we need to look further into what options are allowable
      - Look into state statutes, MTA
    - Henkel supports the Parks and Trails Advisory Committee under the Planning Commission, which in turn advises the Board.
    - For the immediate time being, the Parks and Rec Committee will remain as is, future will be readdressed.
  - Committee updates on action items:
    - Jenema – Blue/Water Trail
      - We're there, we've done everything we need and are part of the network.
      - We can be viewed on the Michigan Water Trails website (<http://www.michiganwatertrails.org/trail.asp?ait=cv&cid=148>)
      - South Bayside Park, North Bayside Park, Saylor Park are in the network for sure, need to verify if Deepwater Point and Maple Bay are included.
      - Uniform signage may be incorporated in the future
    - Winter – Yuba Creak Natural Area Autumn Olive (AO)
      - Met with GTRLC and LaPointe to develop a work plan to address AO at Yuba Creek.
      - Eagle Scout project removing AO near the parking lot using buckthorn baggies this month. Clipped trees will be piled and burned this winter
      - 5 Americorps volunteers will start with GTRLC this January through November 2016. They will address the lower shelf and slopes using herbicide
      - Mechanical treatment will be needed on the upper shelf. Need to reach out to the Rough Grosse Society, local farmers, and other land clearing companies. This will need to be followed by ground cover plantings and periodic (annual) mowing. Planting more trees will provide an eventual long term solution to having to mow annually.
      - Henkel recommends marking existing trees prior to mechanical treatment

## **H. PUBLIC COMMENT**

**ADJOURN: 11:40**



**ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
December 14, 2015 7:00 p.m.**

**CALL TO ORDER :** 7:01pm

**ROLL CALL:**

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

**PC Members Absent:** J. DeMarsh

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

**A. LIMITED PUBLIC COMMENT:** Start Time; 7:02pm

Andy Andres, 1107 Barlow St. Want to find out more about M-72 and PUD ordinance. Andres Trust has 40 acres.

B. Kelley, Ridgecrest Road. Spoke to the Gokey Apartment agenda item. He is concerned with proximity to creek and 50 foot buffer designation. He did not find stormwater detail sheets or the runoff volume calculations and they are an important component of the process and the planning commission meeting packet for public to review at the meeting. Liked use of basins under parking lot but did not see a survey on soil types and specifically problem types. Thought perk tests should be required. He is concerned about lack of detail of existing vegetation and saving of it to act as a natural buffer. Due to sensitivity of site, an environmental assessment should be required before project approval.

Closed at 7:06pm

**B. APPROVAL OF AGENDA:**

Motion by Timmins to approve the agenda with the change of moving the order of items I and H with New Business being first on the agenda. Support by Forgette. Motion carried unanimously.

**C. INQUIRY AS TO CONFLICTS OF INTEREST:** None noted.

**D. CONSENT CALENDAR:**

S. Winter asked to remove Planning Commission Minutes from 11/09/15.

Motion made by Timmins to approve consent calendar with removal of Planning Commission minutes of 11/09/15. Support by Balentine. Motion carried unanimously.

**1. RECEIVE AND FILE**

**a. Approved Minutes of:**

- i.** Township Board Minutes 11/10/15
- ii.** Parks and Trails Committee Minutes 11/06/15

**2. ACTION:**

**a. Approve Draft Minutes of:**

- i.** ~~Planning Commission Minutes 11/09/15~~

**b. Adopt 2016 Meeting Schedules for:**

- i.** Planning Commission
- ii.** Zoning Board of Appeals

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

**1. Planning Commission Minutes 11/09/2015**

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

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

S. Winter suggested a change in the minutes at the end of the public comment (front page) regarding the conversation exchange between he and Mr. Mattson and the Acme Plaza. At the end of the paragraph, Winter would like to add verbiage, Winter recommended that tenants discontinue displaying merchandise until clarification and options can be provided. Mr. Mattson agreed.

Motion made by Timmins to approve the Planning Commission minutes of 11/09/15 with the added language change at the end of public comment, “Winter recommended that tenants discontinue displaying merchandise until clarification and options can be provided. Mr. Mattson agreed”; support by White. Motion carried unanimously.

**F. CORRESPONDENCE:**

1. *Planning and Zoning News*, Vol. 34 No. 1, November 2015

**G. PUBLIC HEARINGS:** none

**H. NEW BUSINESS:**

1. PUD/SUP 2015-04 Minor Amendment with Site Plan Review – LochenHeath Golf Cottage

S. Winter provided a summary of the review for the above site plan.

- The Applicant wishes to convert an existing two-story single family structure into a golf course cottage for members and their guests. The building was formerly used as an administrative/sales office
- The attached site plan review details the minimal structural changes needed to convert the building into a six bedroom, six and a half bathroom cottage. The maximum number of guests that could be accommodated is 14, but a more typical number is eight, primarily on the weekends between April and October. Most food preparation and consumption will occur at the golf club’s restaurant.
- Minimal impact is expected from this project. The majority of guests will already be visiting the club to golf, there will be no new entrances (existing entrance off interior road), or signage along US-31.
- The applicant’s proposal provides a use for currently vacant building that fits the nature and character of the existing golf course use. Providing onsite lodging options appears to be a growing trend in the golf industry.

Little land disturbance as there is an existing building and water and sewer present. Planning commission members’ discussion included concern over short-term rentals. Being a commercial use, the issues may not apply to this development. Applicant representative indicated the purpose of the use is for building their memberships. Units will be located about 400 yards from clubhouse. Wentzloff indicated the maximum number accommodated would be 16 based on the number of double beds. S. Winter has spoken to the applicant that some updates to site plan need to be done.

- Motion by Timmins to approve PUD/SUP 2015-04 Minor Amendment with Site Plan Review for the LochenHeath Golf Cottage subject to completion, submission and approval by the Zoning Administrator or Planner of the following:
  1. Updated site plan to include:
    - Removal of dumpster
    - The location and species of two trees (canopy or evergreen) and 10 small shrubs along the US-31 right-of-way between the existing beech trees where the driveway is to be removed (§7.5.6(e))
    - Correction of the compass arrow direction
    - Stamped/sealed by engineer
    - Date of final revision
  2. The final approved set of site plan drawings to be signed by the Chairperson of the Acme Township Planning Commission and the Applicant, or their designated representative.

Support by Rosa. Motion carried unanimously.

2. 2015-06 Site Plan Review – Gokey Apartments

John Iacoangeli provided summary of proposal and site plan review.

- The Applicant is proposing to build a multifamily housing development at the end of Holt Rd. The development will occur in two phases, with Phase I being reviewed at this time.
- This use is allowed by right in the Mixed Housing Neighborhood (MHN) district.

The property location is bordered by Acme Creek to the north and zoning requirements require a 50' buffer. Site plans indicate very little disturbance to existing vegetation. Development complies with all aspects of code with respect to density. Outstanding issues at time of review have been addressed. Interesting part of the project is the use of low impact design for stormwater which does not direct it towards the creek but rather to underground stormwater system under the parking lots. Design criteria meets all specifications with the exception of a missing infiltration tests that the township engineer has requested to assure stormwater percolates fast enough. The County Soil Erosion-Sedimentation Control Report indicated the soils are of types that allow for excellent drainage and low erosion potential. GT Metro Fire noted that since the development is not served by public water, a 24 hour monitoring system will be required. The applicant indicated that these were to be done.

Discussions occurred to address public comment. Applicant went over project plan and phasing with planning commission. Edge of creek was closely checked and verified for the application. Applicant has done hand borings to confirm soils. An infiltration test is yet to be done per Applicant. Should the infiltration testing are unsatisfactory, applicant will return to review further options. Stormwater designed for back to back 100-year storms. Additional discussions with applicant and commission members included stormwater controls to protect the creek during construction, tenants' change of use of buffer zone to be limited, new parking code requirement, infiltration tests, apartment construction type and materials, and moving of dumpster. Buffer zone of 50' is nearly flat and then a steep slope to creek that is not accessible or walkable. This is the purpose of the second silt fence. Project would not have been able to be done under old code. Natural buffer will remain. Tenants will not be allowed to have pets. Tenants will not be doing their own outdoor maintenance. Applicant is requesting approval for both phases with the second phase to be built in future and subject to review process at that time.

- Motion by Timmins to approve the site plan submitted by Todd Gokey for the construction of 24 townhome apartments to be built in two phases located on 2.17 acres with the following stipulations:
  - 1) The approved site plan consists of Sheets 1 through 5 with a date to be written in the lower right corner under the sheet title (i.e. C1.1) by the Chairperson of the Planning Commission.
    - a) Sheet C0 – General Information Plan
    - b) Sheet C1.1 – Demolition Plan
    - c) Sheet C1.2 – Site and Dimension Plan
    - d) Sheet C1.3 – Utility Plan
    - e) Sheet C1.4 – Grading, Drainage & Soil Erosion Plan
  - 2) The approved site plan package is signed by the Chairperson of the Planning Commission and the Applicant, or their representative.
  - 3) The southern edge of the parking lot will not include a curb and shall be used for snow storage.
  - 4) All recommendations from the Township Engineer regarding stormwater management shall be instituted and comply with Section 6.6.6.5.
  - 5) Parking lot light poles shall not exceed the height of the roof (not the peak or main entrance structure) and shall be in conformance with Section 6.6.6.3.
  - 6) Because the development is residential-only and not a mixed use project the height of first floor does not need to comply with Section 6.6.5.2 – First Floor Ceiling Height.
  - 7) A final landscape plan that complies with Section 7.5.6 Landscaping shall be submitted and approved by Beckett & Raeder prior to issuance of a Land Us Permit.
  - 8) All agency permits must be provided to the Township prior to the issuance of the Land Use Permit.
  - 9) All comments from review agencies are required to be addressed and included in the final plans.

Support by Forgette. Motion carried unanimously.

3. Planning Commission Agenda Format – S. Winter provided a draft sample of agenda format. Primarily to move some of the presenters to more of the front of the meeting and the general housekeeping to the end of meeting. J. Jocks suggest we look at township policies and procedures. Wentzloff suggests removing the consent calendar to expedite, but a motion would be required for each of the Receive and File items and

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Action items. Wentzloff would also like the addition of the 3 minute limit requirement for public comment. Andy Andres look at the TC Commission requirements. Summarize same issue in one comment.

**I. OLD BUSINESS:**

**1. Amendment 036: Medical Marihuana Dispensaries and Cultivation Operations**

Legal counsel provided clarification of his disagreement with the County's position on this ordinance. J. Jocks provided explanation and feels we should move ahead with approval of ordinance. He feels the county is misunderstanding the township ordinance. County disagrees with J.Jocks interpretation. Dispensaries are not illegal unless operated illegally. Further discussion occurred with respect to who can go into grow stations to meet law requirements.

Motion by Timmins to recommend approval by the Township Board for the adoption of Amendment 036 – Medical Marihuana Dispensaries and Cultivation Operations in the B-4 Material Processing and Warehousing District

Support by Rosa. Motion carried unanimously.

**2. Planned Unit Development (PUD) Ordinance**

John Iacoangeli provided a history of the ordinance. Adopted by board previously around 2002 but was rejected by a referendum vote. The ordinance up for review now, is nearly the same one. Suggested changes to the draft ordinance language were included. Per the Planning Commission's request, S. Winter provided a report that was included in the packet that provides examples of developments created using PUD's throughout the area. Also included in the report were a number of illustrative examples from the book "Rural by Design", written by Randall Arendt. Benefits of PUD are:

- PUD's provide developers with more flexibility in the development of their land that may otherwise be prohibited through traditional zoning practices.
- Allows for a mix of uses, densities, parcel sizes, open space preservation, etc. within a single development
- Comprehensive planning of the development at a holistic level provides a better balance of land uses, economic feasibility and environmental protection
- Streamlines the development process by overcoming the need to constantly amend SUP's and/or seek zoning ordinance amendments/variances

A local case of PUD in action is the re-development of the old Norris Elementary site. John Iacoangeli discussed how this could also work within the agriculture community. A discussion occurred with examples of how it might work with recent projects. A PUD cannot be used to circumvent zoning. John Iacoangeli wanted to know whether to keep agriculture zone in or out. Mr. White thought we should keep it in but thought that all PDR already have the restriction. But there are some agriculture properties that are not in the PDRs that they may want to use the option. Any PUD still has to conform to the master plan. PC members thought PUD was good idea as an additional option and provides flexibility. K. Wentzloff wanted to note that Scheffer Farms is not what we are looking for. We want to keep conservation in big chunks as opposed to fragmented. John I. referred to Figure 17-9 of Rural by Design as a better example. John I. likes to refer to these as Planned Development (PD) because we don't have a minimum acreage requirement. S. Winter referenced conversation with developer that a PD requires them to put the best plan forward right up front. It gets recorded in the land record. K. Wentloff would like for the proposed ordinance be reviewed to make sure we note all of things the township emphasizes in site reviews such as stormwater, native plantings, etc.

Motion by White to set a public hearing for the Planned Unit Development (PUD) draft amendment to the Acme Township Zoning Ordinance at the January 11, 2016 Planning Commission Meeting. Support by Feringa. Motion carried unanimously.

3. Tent Sale Ordinance – S Winter provided a synopsis with things to consider  
Not a lot of consistency with respect to these requests and should there even be a standard. Winter wanted to know if this was to be a police power ordinance or zoning ordinance.

Jocks indicated that we have to look at each property restrictions; don't want to do parking lot tents as a zoning ordinance. Better suited to be treated as a special event. John I. suggested talking to building code people as there are some safety issues and concerns related to public tents. J. Jocks suggested go to township board and approach them about special events ordinance.

S. Winter asked about food trucks as a police power ordinance. John I recommended making it a police power ordinance so that they have to pull permit so that it makes it an administrative function only; no PC ordinance.

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

**9:05pm Public comment - closed at 9:05**

1. Zoning Administrator update on projects – S. Winter provided a summary report.
  - Land Use Permits – 2 issued since the November 9<sup>th</sup> PC Meeting
    - New Home – 1
    - Accessory/Addition – 1
  - Sign Permits – 2
  - Next Month:
    - Bravo Zulu SUP Major Amendment (potentially)
      - Addition of a restaurant, changing use to a brew pub
      - Will require a public hearing
2. Planning Consultant
3. PC Education, etc.: New township meeting schedules released. M. Timmins updated PC on park and trail committee. Park shoreline and trail committee looking to connect the three points. Engineering is getting off the ground. Wentzloff attending Acme to Charlevoix trail meeting. Feels it is very nicely done and comprehensive. Brief discussion on closing gap in the trail and preliminary engineering needs.

**ADJOURN:** Motion to adjourn Timmins; support Balentine. Motion carried unanimously.