



ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
June 13th, 2016 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE

ROLL CALL:

- A. LIMITED PUBLIC COMMENT:** Members of the public may address the Commission regarding any subject of community interest during public comment periods by filling out a Public Comment Card and submitting it to the Secretary. Public comments are limited to three minutes per individual. Comments during other portions of the agenda may or may not be entertained at the moderator's discretion
- B. APPROVAL OF AGENDA:**
- C. INQUIRY AS TO CONFLICTS OF INTEREST:**
- D. CORRESPONDENCE:**
- E. PUBLIC HEARINGS:**
- F. OLD BUSINESS:**
 - 1. Zoning Ordinance Amendment 041 – Article IX Special Uses
 - 2. Zoning Ordinance Amendment 038 – Temporary Outdoor Sales
 - 3. Zoning Ordinance Amendment 037 – Planned Development
- G. NEW BUSINESS:**
 - 1. Preliminary Conceptual Plan Discussion for VGT Properties Along M-72
 - 2. Spirit of the West Sculpture Display
- H. ADMINISTRATIVE ACTION**
 - 1. Receive and file Township Board Minutes 04/05/16
 - 2. Receive and file Township Board Minutes 04/20/16
 - 3. Approve draft Planning Commission Minutes 05/09/16
- I. PUBLIC COMMENT & OTHER PC BUSINESS**
 - 1. Zoning Administrator Report – Shawn Winter
 - 2. Planning Consultant Report – John Iacoangeli
 - 3. Township Board Report – Doug White
 - 4. Parks & Trails Committee Report – Marcie Timmins

ADJOURN:



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
June 13th, 2016 7:00 p.m.**

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

ROLL CALL:

PC Members Present: D. Rosa, D. White, K. Wentzloff, M. Timmins, B. Ballentine, T. Forgette

PC Members Absent: J. Jessup

PC Members Excused: J. DeMarsh, S. Feringa

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

A. LIMITED PUBLIC COMMENT: Opened at 7:02pm

C. Abernathy, 431 Westridge. Noticed signs of cut lawn between east side Meijer and Lautner Road and thought that SUP indicated that to be left as meadow according to plans. Wentzloff indicated this would be investigated.

R. Babcock, 4261 Bartlett Road. Asked if VGT would be able to change their SUP in order to utilize aspects of PD if it is approved or are they restricted. Jocks indicated they would have to amend SUP for any changes. Iacoangeli said property is essentially a mixed-use PD already. Any changes would require an amendment process similar to what they used last year for changes made and since rescinded.

Public comment closed at 7:09pm.

B. APPROVAL OF AGENDA:

Motion by Timmins to approve agenda as presented; support by White; motion passed unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. CORRESPONDENCE: None

E. PUBLIC HEARINGS:

Motion by Timmins to set a public for Zoning Ordinance Amendment 042 - 6.6.4 Land Use Table in the form-based code district to July's meeting due to a missed deadline for public notice, support by Ballentine. Motion passed unanimously.

F. OLD BUSINESS:

1. Zoning Ordinance Amendment 041 – Article IX Special Uses

Iacoangeli indicated during discussions and preparations with Winter that it became apparent that things may be presented in the wrong order. They would like to change and come back with article revision that is different. One article that shows intent and purpose for each zoning district and one article with regulated uses in table format. Explained purpose and asked PC for more time to put this together and PC members agreed.

2. Zoning Ordinance Amendment 038 – Temporary Outdoor Sales

Winter indicated to the PC that the Board adopted Zoning Ordinance Amendment 038, but that there was some confusion on section 7.2.10(a)(4) which prohibits outside or third-party vendors. They want the PC to review and

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.

provide clarification on the intent. Discussion occurred among PC members present. A poll of members supported not to allow outside or third-party vendors to operate temporary outdoor sales. Concerns included proliferation of tents, and difficulty to administer. The ordinance allows an existing business more flexibility in the sale of their regular inventory of goods and products and provides more flexibility than before its adoption.

3. Zoning Ordinance Amendment 037 – Planned Development

Winter went to the GT County Planning Commission that reviewed the ordinance. The only issue that came up during this county meeting was the 10% wetland stipulation. A discussion occurred among the PC on “what is a wetland”. Jocks indicated the ordinance does have a definition of a wetland that is similar to that of the MDEQ. The township also has regulations to restrict development in wetlands. Jocks feels the intent of the percentage was to limit and protect the wetland. Additionally, the transfer limit of 10% is based only on the acreage of the property that is deemed developable by the ordinance. Iacoangeli indicated that re-writing C.1 to better clarify the amount of wetland cannot be used in the transferrable property amount. Suggested language for C.1 (page 4, line 29) would be if the sending parcel contains wetlands, only the buildable acreage shall count against the allowable transferrable density. The language would be re-written for the next meeting.

G. NEW BUSINESS:

1. Preliminary Conceptual Plan Discussion for VGT Properties Along M-72

J. Iacoangeli provided PC with summary of administrative meetings as the result the potential relocation of Chase Bank into the development. In process of review, it was noted the design was more of a stand-alone design as opposed to the integrated use within the development. The existing conceptual plan of 2004 is used to analyze proposed properties and is now recognized the market has changed. In doing so, there may be a way to create a design that meets the intent of a town center and still meet the layout needs of prospective businesses. Based on comments provided, developers are in process of re-design. Iacoangeli also indicated his staff is looking into that first tier of properties along M72 and the first drive and how it can be integrated into the overall development in order to visualize it as more of a village/downtown.

2. Spirit of the West Sculpture Display

Winter summarized a request from Spirit of the West asking if they could display a sculpture with landscaping in one of the parking lot islands. The sculpture(s) themselves may be purchased. The question is whether or not this merchandise is being used as a sign. PC discussion occurred and it was deemed that it is merchandise and is therefore signage. There is already a sign present.

H. ADMINISTRATIVE ACTION

1. Receive and file Township Board Minutes 04/05/16. Motion by Timmins to receive and file Township Board Minutes 04/05/16, support by Ballentine. Motion passed unanimously.
2. Receive and file Township Board Minutes 04/20/16. Motion by Timmins to receive and file Township Board Minutes 04/20/16, support by Ballentine. Motion passed unanimously
3. Approve draft Planning Commission Minutes 05/09/16. Motion by Timmins to approve draft Planning Commission Minutes 005/09/16, support by Ballentine. Motion passed unanimously.

I. PUBLIC COMMENT & OTHER PC BUSINESS

1. Zoning Administrator Report – Shawn Winter provide synopsis of zoning activity in the previous month.

Zoning Administrator Report:

- Land Use Permits – 8
 - 2016-13: Demolition
 - 2016-14: New Home
 - 2016-15: Accessory
 - 2016-16: New Home
 - 2016-17: Demolition

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.

- 2016-18: Accessory
 - 2016-19: Accessory
 - 2016-20: New Home
 - Sign Permits – 4
 - 2016-06: Martin Land Improvement (permanent)
 - 2016-07: Traverse City State Bank (permanent)
 - 2016-08: Traverse City State Bank (temporary)
 - 2016-09: Home Builder’s Association (temporary)
 - Municipal Civil Infractions – 1
 - Pro-Fireworks, temporary sign violation
 - Zoning Ordinance Amendment 040 – §6.6.4.1 Regulated Uses (text amendment) and Zoning Ordinance Amendment 039 – Article VIII: Site Plan Review have been sent to the Grand Traverse County Planning Commission for review. I anticipate them being placed on the June 21, 2016 agenda.
 - Zoning Ordinance 040 - §6.6.4.1 Regulated Uses was adopted by the Board at their June 7, 2016 meeting. This amendment established that new projects in the form-based code district must meet the provisions of that section in the case that a conflict exists with provisions elsewhere in the ordinance.
 - SUP 2016-01 Minor Amendment to SUP 2004-11P was approved by the Board at their June 7, 2016 Board meeting. This amendment rescinded the VGT’s amendment #3/
 - Mobile Food Vending Units have been presented to the Board. They didn’t really have many questions or comments. They are going to process through it and set a public hearing at their next meeting on July 7, 2016.
 - Walkability Workshop: Design, Function, Maintenance and Liability – CANCELLED
2. Planning Consultant Report – John Iacoangeli wanted to thank Ballentine for tenure and that it was a pleasure to work with her.
 3. Township Board Report – Doug White indicated Board passed the budget and signed off on Yuba Boat launch and Sayler park upgrades are moving ahead. A contractor has been selected.
 4. Parks & Trails Committee Report – Marcie Timmins indicated standard meeting dates have been chosen and the mission statement has been updated. Continuing on with Bayside park and selection of contractors. Walkway is going to be put in.

ADJOURN: Motion by Timmins to adjourn, support by White. Motion passed unanimously. Meeting adjourned at 8:39pm.



MEMORANDUM

Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

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

To: Acme Township Planning Commission
From: Shawn Winter, Zoning Administrator
CC: Jeff Jocks, Counsel; John Iacoangeli, Planning Consultant
Date: June 6, 2016
Re: June 13, 2016 Planning Commission Packet Summary

A. CORRESPONDENCE:

B. PUBLIC HEARINGS:

1. None

- The public hearing for Zoning Ordinance Amendment 042 - §6.6.4 Land Use Table in the form-based code district has been moved to July's meeting.
- **Is a new motion needed since the original motion stated the hearing to be set for June 13, 2016?**
- This amendment would add "Small Distillery", "Small Winery", "Outdoor Food/Beverage Service" to the C and CF Districts, "Public Transit Stop or Station" to the MHN District, or reorganize the allowable uses by type.

C. OLD BUSINESS:

1. Zoning Ordinance Amendment 041 – Article IX Special Uses

- The PC had their first introduction to some proposed changes to the Special Uses section at the May 9, 2016 meeting.
- John Iacoangeli had suggested a number of sections be removed due to being outdated uses, covered by other sections of the Ordinance, or making more sense being placed in a different section. The PC largely agreed to the suggested improvements.
- Amended §§9.26 and 9.27 related to Medical Marihuana have been inserted into the text.
- John and I have discussed the possibility of creating a Land Use Table for each district that lists which uses are permitted by right and special use permit, similar to the form-based code district.
- This would help us layout out which uses requiring SUP's would have additional provisions that need to be included in Article IX. Doing this now will prevent us from possibly have to re-amend the Article later on.
- An accompanying Regulatory Plan will lay out the general requirements of all the other uses allowed by right or through an SUP.
- John will bring a precedent example from another community to help better understand the framework.

2. Zoning Ordinance Amendment 038 – Temporary Outdoor Sales

- The Board adopted the Zoning Ordinance Amendment 038 – Temporary Outdoor Sales at their May 10, 2016 meeting.
- They have asked the PC to revisit the §7.2.10(a)(4) which prohibits outside or third-party vendors.

- There seems to be some confusion as to what the intent of the Ordinance is, as well as the PC's intention.
- I've included a staff report with an overview, points to consider, the adopted Ordinance language and relevant sections of the minutes where the topic was discussed.
- Suggested Action:
 - Determine as a Commission what this Ordinance should allow. If the intent is NOT to allow outside or third-party vendors to operate temporary outdoor sales, then no motion is needed.
 - If the intent is to allow outside or third-party vendors to operate temporary outdoor sales, then the Commission should discuss the language needed to allow such an operation and begin the procedure to amend the amendment.

3. **Zoning Ordinance Amendment 037 – Planned Development**

- Grand Traverse County Planning Commission reviewed the Planned Development amendment at their May 17, 2016 meeting (Review form attached).
- Again, they were very complimentary of the amendment, especially of the Transfer of Development Rights (TDR) option.
- Their only concern was with §19.6(c)(1) where properties containing more than 10% wetlands are not eligible as a sending parcel under the TDR option.
- The intent of the TDR is to preserve sensitive lands, however, someone with more than 10% of wetlands on their property would be excluded from this option, even though they have land that could warrant preservation.
- The Commission understood what was trying to be accomplished: prevent people from financially benefiting by selling development rights on property that wasn't developable to begin with...taking advantage of the system.
- They didn't have any real solutions on how this could be addressed, but wondered if there is a way to allow more flexibility in the decision.
- Suggested Action:
 - Discuss whether or not changes should be made to the section referenced by the Grand Traverse County Planning Commission; incorporate if needed.
- Suggested Motion:
 - *Motion to recommend approval to Township Board of Zoning Ordinance Amendment 037 at their _____ meeting.*
 - Second:
 - Support:

D. **NEW BUSINESS:**

1. **Preliminary Concept Plan Discussion for VGT Properties along M-72**

- John would like to begin the discussion about some possible conceptual plan design options for the Grand Traverse Town Center (VGT) properties located along M-72.
- If a project comes in for review, it is analyzed through the conceptual plan that was submitted in 2004.
- Recognizing the market has changed in 12 years, there may be a way to create a design that meets the intent of a town center (as defined in the Master Plan and the SUP for the VGT), and still meet the layout needs of perspective businesses.

2. **Spirit of the West Sculpture Display**

- Spirit of the West is a new business that has occupied the old Dollar General location.
- They contacted me to see if they could display a sculpture with landscaping in one of the parking lot islands.
- Pictures have been included in your packet.
- The sculpture(s) themselves may be purchased.

- Question for the PC: Is this art, or is this merchandise being used as a sign?

E. ADMINISTRATIVE ACTION:

1. **Receive and file Township Board Minutes 04/05/16**
2. **Receive and file Township Board Minutes 04/20/16**
3. **Approve draft Planning Commission Minutes 05/09/16**

F. PUBLIC COMMENT & OTHER PC BUSINESS:

1. **Zoning Administrator Report:** Shawn Winter
 - Land Use Permits – 8
 - 2016-13: Demolition
 - 2016-14: New Home
 - 2016-15: Accessory
 - 2016-16: New Home
 - 2016-17: Demolition
 - 2016-18: Accessory
 - 2016-19: Accessory
 - 2016-20: New Home
 - Sign Permits – 4
 - 2016-06: Martin Land Improvement (permanent)
 - 2016-07: Traverse City State Bank (permanent)
 - 2016-08: Traverse City State Bank (temporary)
 - 2016-09: Home Builder's Association (temporary)
 - Municipal Civil Infractions – 1
 - Pro-Fireworks, temporary sign violation
 - Zoning Ordinance Amendment 040 – §6.6.4.1 Regulated Uses (text amendment) and Zoning Ordinance Amendment 039 – Article VIII: Site Plan Review have been sent to the Grand Traverse County Planning Commission for review. I anticipate them being placed on the June 21, 2016 agenda.
 - Zoning Ordinance 040 - §6.6.4.1 Regulated Uses was adopted by the Board at their June 7, 2016 meeting. This amendment established that new projects in the form-based code district must meet the provisions of that section in the case that a conflict exists with provisions elsewhere in the ordinance.
 - SUP 2016-01 Minor Amendment to SUP 2004-11P was approved by the Board at their June 7, 2016 Board meeting. This amendment rescinded the VGT's amendment #3/
 - Mobile Food Vending Units have been presented to the Board. They didn't really have many questions or comments. They are going to process through it and set a public hearing at their next meeting on July 7, 2016.
 - Walkability Workshop: Design, Function, Maintenance and Liability – CANCELLED
2. **Planning Consultant Report:** John Iacoangeli
3. **Township Board Report:** Doug White
4. **Parks & Trails Committee Report:** Marcie Timmins



Planning and Zoning Staff Report

6042 Acme Road | Williamsburg, MI | 49690

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

Web: www.acmetownship.org

To: Acme Township Zoning Board of Appeals
From: Shawn Winter, Zoning Administrator
Cc: John Iacoangeli, Planning Consultant; Jeff Jocks, Township Counsel
Date: June 8, 2016
Re: Zoning Ordinance 038 – Temporary Outdoor Sales

I. OVERVIEW

The Township Board considered the recommendation from the Planning Commission to approve Zoning Ordinance Amendment 038 – Temporary Outdoor Sales (Ordinance) at their May 10, 2016 meeting. After a nearly hour-long discussion the following motion passed (extracted from the minutes):

*Zoning Administrator, Winter, presented the Zoning Ordinance Amendment 038 to the Board. The Planning Commission voted 5-1 in favor of sending the proposed amendment to the Grand Traverse County Planning where they concurred with the Township Planning Commission. The ordinance would allow for temporary outside sales under Article VII – Supplementary Regulations. The temporary outside sale (i.e. tent sale, sidewalk sale, Christmas tree sale) is intended to be an accessory event to an existing business. Winter reviewed some of the highlights of the ordinance. Discussion followed with Board wanting a fee to be established in the Acme Township Fee schedule for permitting of temporary outdoor sales. **Also Board would like the Planning Commission to revisit Section 7.2.10 under a. Regulations #4 regarding outsides agents operating temporary outdoor sales.** Motion by Jenema seconded by Scott to approve Zoning Ordinance Amendment 038 – Temporary Outdoor sales as presented. Motion carried by unanimous roll call vote.*

(May 10, 2016 Minutes; Approved June 7, 2016. **Emphasis Added**)

The motion passed as presented so that temporary outdoor sales could occur this summer, however, no motion was made at the time to establish a fee for a permit as prescribed in the ordinance, preventing anyone from applying for a permit. The Board did adopt a revised Fee Schedule at their June 7, 2016 meeting that included a \$75.00 fee for temporary outdoor sales.

The majority of the discussion centered on the ability for outside or third-party vendors (agents) to operate a temporary outdoor sale. Ordinance §7.2.10(a)(4) expressly prohibits this type of operation:

“§7.2.10(a)(4) No outside or third-party vendors are allowed to operate a temporary outdoor sale.”

It was clear at the Board meeting that some confusion exists amongst the Planning Commission as to what the consensus is on the issues. Moreover, based on the discussion at the Board meeting, they postulated whether or not agents should be allowed to operate. The Board has directed the Planning Commission to revisit §7.2.10(a)(4) for consideration and clarification. This brings up a number of points to consider.

II. CONSIDERATIONS

What is the original intent of this ordinance amendment?

It's my interpretation that the intent of this ordinance is to allow more flexibility to existing businesses in terms of selling their products and/or providing diverse sales events. Temporary outdoor sales have more or less been prohibited for decades in the Township. The Ordinance is a small step forward in relaxing prohibitions that may be doing more harm than good to the business community, while providing a set of regulations in order to prevent a free for all.

What is the Planning Commission's consensus on allowing outside agents?

This Ordinance was discussed over a number of meetings and the relevant sections of the minutes are included below. The topic of allowing outside agents came up frequently, but from my recollection, and as I read the minutes, the overall stance was to prohibit outside agents. This is a desired position expressed by the Board when I first presented the idea of the Ordinance at their January 5, 2016 meeting, which was communicated back to the Planning Commission at the January 11, 2016 meeting. The draft Ordinance language reflected this stance.

A motion passed at the April 11, 2016 Planning Commission meeting by a 5-1 vote to send the Ordinance to the Grand Traverse County Planning Commission for review and to recommend approval to the Township Board. Again the topic of allowing outside agents came up for discussion regarding whether the Township should be concerned with an outside agent operating a sale if the existing business owner pulls the permit and takes responsibility for the sale. However, the motion that passed recommended the presented Ordinance for Board approval and County review, and did not include any changes to the language. I believe this is where the confusion exists that the Board recognized and would like the Planning Commission to clarify. The Board also noticed that although there was a quorum, one third of the Commissioners were absent from this meeting.

How does a Zoning Administrator review applications?

Since the language did not change, the Zoning Administrator must review applications based on what has been approved. From my position, the key word in §7.2.10(a)(4) is “operate”. Merriam-Webster (n.d.) defines operate as

“To function or behave in a proper or particular way; to use and control (something); to have control of (something, such as a business, department, program, etc.)”,

The last variation is most appropriate for this context. I interpret a business having control, or operating, a sale event as the existing business setting up the event and acquiring merchandise,

performing the transactions, and staffing the sale with its employees – essentially the same tasks that would be performed *inside* the existing store. If these conditions are not met, then the sale is not compliant with the Ordinance as approved. I have discussed my interpretation with Counsel who confirmed that my interpretation, based on the Ordinance language, is appropriate.

An argument was made to me by an individual who said he is hired by Meijer to operate firework tent sales in their parking lots on their behalf, and since he is being paid by Meijer he could be considered an employee. He did acknowledge that his paychecks come from TNT Fireworks though. I would disagree with this interpretation and make the claim that this individual is a contractor for Meijer, not an employee. The Internal Revenue Service (May 4, 2016) defines an employee (common-law) as:

*“anyone who performs services for you is your employee **if you can control what will be done and how it will be done.** This is so even when you give the employee freedom of action. What matters is that you have the right to control the details of how the services are performed”.*

(emphasis original)

The Internal Revenue Service (May 25, 2016) also defines an independent contractor as:

“...The general rule is that an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done.”

The Township Treasurer presented an easier way to make the distinction: Who do you get your W-2 from? If you get a W-2 tax form from TNT Fireworks and a 1099-MISC or W-9 tax form from Meijer, then you are an employee of TNT Fireworks and a contractor for Meijer. Perhaps Counsel could provide further clarification to the interpretation.

What effect would allowing or prohibiting temporary outdoor sales have on the Acme business community?

The owner of the Holiday Shopper stated at the Board meeting that the prohibition of agents makes the execution of temporary outdoor sales more difficult and limiting to smaller businesses. He said that staffing a sale with your own employees is easier for larger business and corporations, such as McDonald's, K-Mart and Meijer, because they can bring employees in from locations across town and that creates an unlevel playing field. My argument to that is scaling. For some reason this ordinance is often referred to as tent sales, and I feel that has led people to envision these large parking lot productions. In reality a temporary outdoor sale could be a small sidewalk sale in front of your business. If you don't have the staff to operate a large parking lot tent sale, then maybe a sale event of that size is not suitable to your business, but you are able to perform a similar event on a smaller scale. I do not believe it should be the Township's responsibility to regulate staffing solutions in the marketplace. Besides, larger businesses and corporations typically do have an advantage over smaller businesses, such as acquiring inventory at a lower price point by being able to purchase in bulk. Would we consider regulations to level the playing field in that situation? I don't think this is our role.

Again, this is an attempt to allow existing businesses more flexibility in the sale of their regular inventory of goods and products by permitting a use that has long been prohibited in the Township. This Ordinance provides more flexibility to the existing businesses than they had before its adoption.

However, the Ordinance does have a set of regulations. It should be the business itself who finds a way to work within these regulations, as opposed to the Township trying to adjust the regulations to accommodate every possible business scenario that could exist in Acme.

What could the end result be if agents are allowed to operate temporary outdoor sales?

It's hard to speculate the exact extent to which outside agents will be utilized in the Township if allowed. We'll look at the fireworks example to better understand what could happen. There is already an existing brick-and-mortar firework store in the Township, and a new one that just opened on other side of the Township's southern border at the intersection of Holiday Rd and US-31 N. I've had two inquiries from agents interested in selling fireworks in the parking lots of Meijer and the corner of Bunker Hill and US-31 N. An existing business owner at yet a different location asked if he was to throw some sparklers on his counter, making fireworks part of his inventory, would he then be able to bring in a fireworks tent? That's potentially five firework vending locations, and those are only the ones that exist or have contacted me. The US Census Bureau estimates our 2014 population was 4,498, occupying 2,571 households (American Factfinder, N.D.). Those numbers support two grocery stores, one post office, no libraries, yet five firework establishments? Are these establishments that exist to serve the needs of Acme community? Or are they just trying to catch people passing by, further reinforcing the idea that Acme is just a place you travel through on your way somewhere else up north? By allowing these type of sales are we achieving the Acme Township Community Master Plan cornerstone of creating a vibrant, high-quality, commercial and mixed-use district? Does it align with creating a waterfront mixed-use district along the commercial corridor as prescribed in the Acme Shores Placemaking Strategy? Are we trying to encourage the highest, most valuable use of our commercial land, or setting the bar low for what we're willing to except?

III. ORDINANCE

§ 3.2 DEFINITIONS will be amended to include the following:

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

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

§ 7.2.10 TEMPORARY OUTDOOR SALES

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

- a. Regulations: All temporary outdoor sales shall comply with the following regulations:
 1. A temporary outdoor sale is an accessory use to the established onsite business.
 2. Temporary outdoor sales are only allowed in the C, CF, B-3 and B-4 Zoning Districts, and properties approved as a Mixed Use Planned Development or Planned Development. Properties that have an existing Special Use Permit that

prohibits outdoor sales or storage shall not be allowed to conduct a temporary outdoor sale.

3. The goods or products offered for sale are an extension of the inventory within the established business, or as specifically identified by this Ordinance.
4. No outside or third-party vendors are allowed to operate a temporary outdoor sale.
5. All goods or products sold through a temporary outdoor sale shall be contained within the designated sale area approved on the application.
6. No business shall have more than thirty (30) days of temporary outdoor sales per calendar year and shall not exceed three (3) temporary outdoor sales events per calendar year.
7. The location of the event area shall not impede onsite traffic circulation, barrier-free parking, or emergency access.
8. Temporary signage during the time of the sale is allowed not to exceed a maximum of sixteen (16) square feet. Additional temporary signage may be displayed on the property in accordance with Section 7.4.6(c)(3). No balloons, banners, air blown devices, or other attention grabbing items are allowed to be displayed.

b. Permits: All temporary outdoor sales shall require a permit issued by the Acme Township Zoning Administrator. An application for a temporary outdoor sale shall be submitted to the Acme Township Zoning Administrator no less than two (2) business days before the intended event and shall include:

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

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

IV. MINUTES

PC Minutes December, 14, 2015

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.

PC Minutes January 11, 2016

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 is 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.

March 14, 2016 PC Minutes

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

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

April 11, 2016 PC Minutes

Hearing opened at 7:06pm.

D. Hoxie, 6778 M72 East – Asked question if ordinance would allow other businesses to sell items and concerned of its effect on current brick and mortar businesses. Winter indicated that the ordinance would require that the outdoor sale would be permitted if the product being sold was an extension of the business inventory. Feringa added that owner would have to pull permit for sale and would be accountable. Jessup asked if he sold apples to Meijer. He did not. Hoxie worried about a business not from around here taking business away from those vested. Hoxie felt that PC should not move forward with ordinance as proposed.

Hearing closed at 7:10pm.

Discussions among PC members regarding requirements of ordinance, adoption of language to protect local businesses, and the three major requirements of the ordinance. PC members thought ordinance as written was an opportunity for business to extend existing inventory to outdoor sales

for short periods of time and that the intent protected local businesses as best it could. The ordinance provided Zoning Administrator the tools to effectively regulate. It was acknowledged that the ordinance could be scrutinized for loopholes. It was also noted that the ordinance could be reviewed in the future if there seemed to be problems. R. Evina, representing the Acme Business Association indicated they had reviewed the ordinance as a group and though did not think of Meijer with its extensive inventory, he felt that its intent was good and had the best interest of the business community in mind.

Motion made by Timmins to send the proposed Zoning Ordinance Amendment 038 – Temporary Outdoor Sales to the Grand Traverse County Planning Commission for review and brought back to the Township Board for approval.

Support by Rosa. Favor – Rosa, Jessup, Feringa, Forgette, Timmins
Opposed – White Motion passed.

V. CONCLUSION

The Board approved that draft Ordinance to allow temporary outdoor sales, however, the language specifically prohibits outside or third-party vendors from operating such a sale. The Board has asked the Planning Commission to revisit this part of the Ordinance. A number of points have been presented for your consideration, as well as the Ordinance itself and the relevant minute sections from past meetings. If the Planning Commission is in agreement that the language as approved meets the intent of the Ordinance and the will of the Commission, then no action is needed. However, if the Planning Commission decides that the intent was to allow agents to operate temporary outdoor sales, then the Board recommends that the process begin to amend the ordinance in order to clarify the language.

VI. WORKS CITED

American Factfinder, (N.D.). "B25001 Housing Units". *2014 ACS 5-year Estimates*. Retrieved June 8, 2016, from factfinder.census.gov

American Factfinder, (N.D.). "S0101 Age and Sex". *2014 ACS 5-Year Estimates*. Retrieved June 8, 2016, from factfinder.census.gov

Internal Revenue Service, (May 4, 2016). "Employee (Common-Law Employee)". *Small Business and Self-Employed Website*. Retrieved June 7, 2016, from www.irs.gov.

Internal Revenue Service, (May 25, 2016). "Independent Contractor Defined". *Small Business and Self-Employed Website*. Retrieved June 7, 2016, from www.irs.gov.

Merriam-Webster [operate], (n.d.). *Merriam-Webster Online*. In Merriam-Webster. Retrieved June 7, 2016, from www.merriam-webster.com

GRAND TRAVERSE COUNTY PLANNING COMMISSION MASTER PLAN/ZONING REVIEW

Pursuant to Section 307 of Public Act 110 of 2006, a township shall submit for review and recommendation the proposed zoning ordinance or zoning ordinance amendment to the county. The county will have waived its right for review and recommendation of an ordinance if the recommendation of the county planning commission has not been received by the township within 30 days from the date the proposed ordinance is received by the county.

TOWNSHIP: Acme
AMENDMENT #: 037
DATE RECEIVED: April 12, 2016
PUBLIC HEARING: January 11, 2016
PRELIMINARY REVIEW: ☐

MASTER PLAN: ☐
ZONING ORDINANCE: ☒
TEXT: ☒ **MAP:** ☐
MAP ATTACHED: ☐
PUBLIC HEARING MINUTES: ☒

CHANGE: Zoning Ordinance 037 – Planned Development proposes to add Article XIX: Planned Development to the Acme Township Zoning Ordinance. This amendment will allow flexible development options, agreeable by the Township, that are consistent with the goals and objectives of the Master Plan and Future Land Use Map.

TOWNSHIP PLANNING COMMISSION RECOMMENDED TO TOWNSHIP BOARD:

The Planning Commission has been working through this amendment since October, with a public hearing held in January. At the April 11th, 2016 Planning Commission meeting there was a motion by Timmins, support by Rosa, to send the proposed Zoning Ordinance Amendment 037 – Planned Development with the changes discussed to the Grand Traverse County Planning Commission for review and to be brought back before the Planning Commission.

COUNTY PLANNING STAFF COMMENTS:

The Planned Development article provides for transfer of development rights (TDR) within the boundaries of the Township. This allows for density to be transferred from areas that intend to remain low density (i.e., agricultural areas) to areas that are planned for higher density (i.e. residential areas). While permitted by state law, many communities have not exercised this opportunity to protect agricultural and natural areas while incenting development in certain areas. Acme's approach here could be a model for other townships in the County.

Based on review of the amendment and information provided by the Township, staff recommends that the County Planning Commission concur with the Township Planning Commission's proposed action.

COUNTY PLANNING COMMISSION ACTION:

In accordance with the Zoning Enabling Act and having considered neighboring zoning and the County Master Plan, the County Planning Commission concurs with the Township Planning Commission's proposed action.

COMMENTS FROM CPC ACTION: Suggestion was made for section 19.6(c)(1), Density Transfer, to add some flexibility in the percentage.

RETURNED TO TOWNSHIP (DATE/RECOMMENDATION): Emailed to the Acme Township Clerk, Planning Commission Chair and Zoning Administrator on May 25, 2016.

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

ARTICLE XIX: PLANNED DEVELOPMENT

19.1 INTENT AND PURPOSE

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

19.2 DEFINITIONS

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

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

19.3 CRITERIA FOR QUALIFICATIONS

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

- a. The properties are zoned R-1, R-2, R-3, A-1, MHN, C, CF, or B-4 Districts.
- b. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity, building, or use not normally allowed shall result in an improvement to the public health, safety and welfare in the area affected.
- c. The PD shall not be used where the same land use objectives can be carried out by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PD application.
- d. The PD option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those considered in the Township Master Plan, and other public agency plans, unless the proponent can prove to the sole satisfaction of the Township that such added loads will be accommodated or mitigated by the proponent as part of the PD.
- e. The PD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by seeking a zoning change or variance.
- f. The PD must meet, as a minimum, five (5) of the following nine (9) objectives of the Township. If the PD involves a density transfer it shall include objective f(9) in addition to its five (5) objectives.
 1. To permanently preserve open space or natural features because of their exceptional characteristics, or because they can provide a permanent transition or buffer between land uses.
 2. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.
 3. To accept dedication or set aside open space areas in perpetuity.
 4. To provide alternative uses for parcels which can provide transition buffers to residential areas.
 5. To promote the goals and objectives of the Township Master Plan.

6. To foster the aesthetic appearance of the Township through quality building design and site development, provide trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
7. To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.
8. To promote the goals and objectives of the Acme Township Placemaking Plan and the US-31 and M-72 Business District zoning.
9. To promote sustainable development especially on parcels with active farmland and orchards as defined by MCL 324.36201 (h), or on parcels that contain unique cultural, historical or natural features which should be preserved.

19.4 USES PERMITTED

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

19.5 HEIGHT, BULK, DENSITY AND AREA STANDARDS

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

19.6 DENSITY TRANSFER

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

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

2. A proposed development plan (subdivision and/or site plan) for the receiving parcel.
 3. Density calculations for both the sending and receiving parcels.
- b. Upon receipt of a Special Use Permit application for a density transfer the Township shall determine:
1. The number of allowable dwelling units permitted on the receiving parcel(s) based on the current zoning classification.
 2. The number of eligible dwelling units allowed to be transferred to the receiving parcel(s). The transferred dwelling units shall not increase the allowable density by more than 50%.
 3. The number of allowable dwelling units permitted on the sending parcel(s) based on the current zoning classification.
 4. The number of eligible dwelling units allowed to be transferred from the sending parcel(s).
- c. The Township Board, upon recommendation from the Planning Commission, may grant a Special Use Permit allowing the transfer to the receiving parcel(s) of some or all of the allowable residential dwelling units from the sending parcel(s) only if it finds that all of the following have been satisfied:
1. The sending parcel(s) contains no more than 10% wetlands
 2. The addition of the transferred dwelling units to the receiving parcel will not increase the maximum allowable density by more than 50%.
 3. The addition of transferred dwelling units and will not adversely affect the area surrounding the receiving parcel.
 4. The density transfer will benefit the Township by protecting developable land with conservation value on the sending parcel(s).
 5. The density transfer will be consistent with the sending and receiving zones designated on the Township Zoning Map. Exception may be granted by Township Board, upon the recommendation of the Planning Commission, to allow a density transfer FROM a receiving zone TO a receiving zone, or FROM a sending zone TO a sending zone if:
 - a) The sending parcel(s) is deemed to contain unique natural, cultural, or historical features which should be preserved

1 b) The density transfer to the receiving parcel will not place an undue
2 hardship or strain on the Township infrastructure
3

4 c) The density transfer is in accordance with the Intent and Purpose of this
5 Article
6

7 6. The parcel(s) receiving the density transfer will not exceed the land development
8 build out (buildings, parking, setbacks, open space, etc.) prescribed by the Zoning
9 District of the property unless waived by the Planning Commission and Township
10 Board.
11

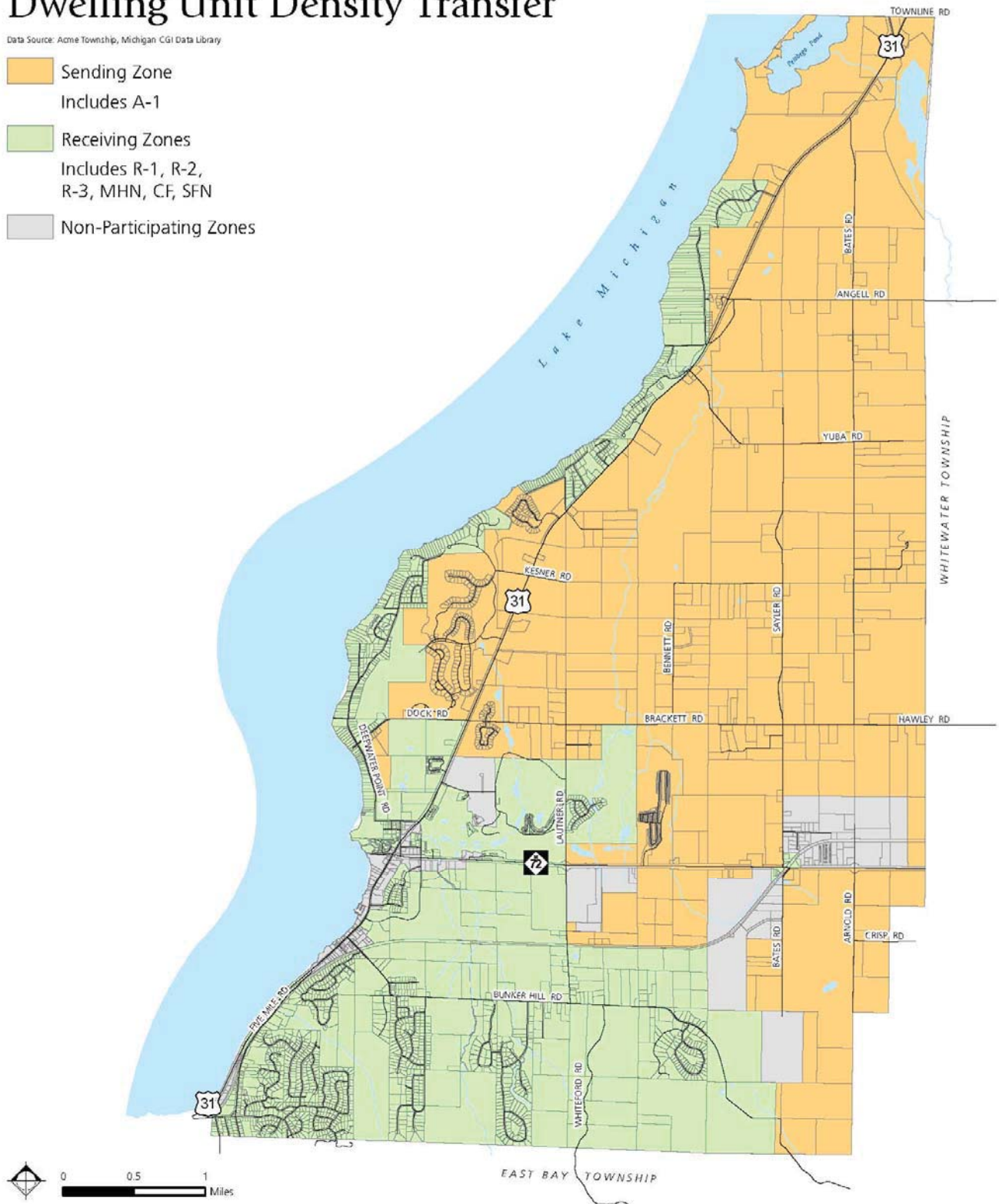
12 7. Sending parcel(s) satisfying the requirements this section shall be executed and
13 recorded in the office of the Grand Traverse County Register of Deeds, reducing
14 the number of dwelling units allowed to be constructed on the sending parcel(s)
15 by the number of dwelling units transferred. This reduction in density shall not
16 prevent the owner(s) of the sending parcel(s) from developing the remaining
17 allowable dwelling units under either an open space or conventional
18 development plan, provided that all open space requirements are satisfied. The
19 land area subject to the land transfer will remain perpetually in an undeveloped
20 state by means of a conservation easement, plat dedication, or other legal means
21 that runs with the land, as prescribed by the Township Zoning Ordinance, and
22 approved by the Township.
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Figure 19.1

ACME TOWNSHIP Dwelling Unit Density Transfer

Data Source: Acme Township, Michigan CGI Data Library

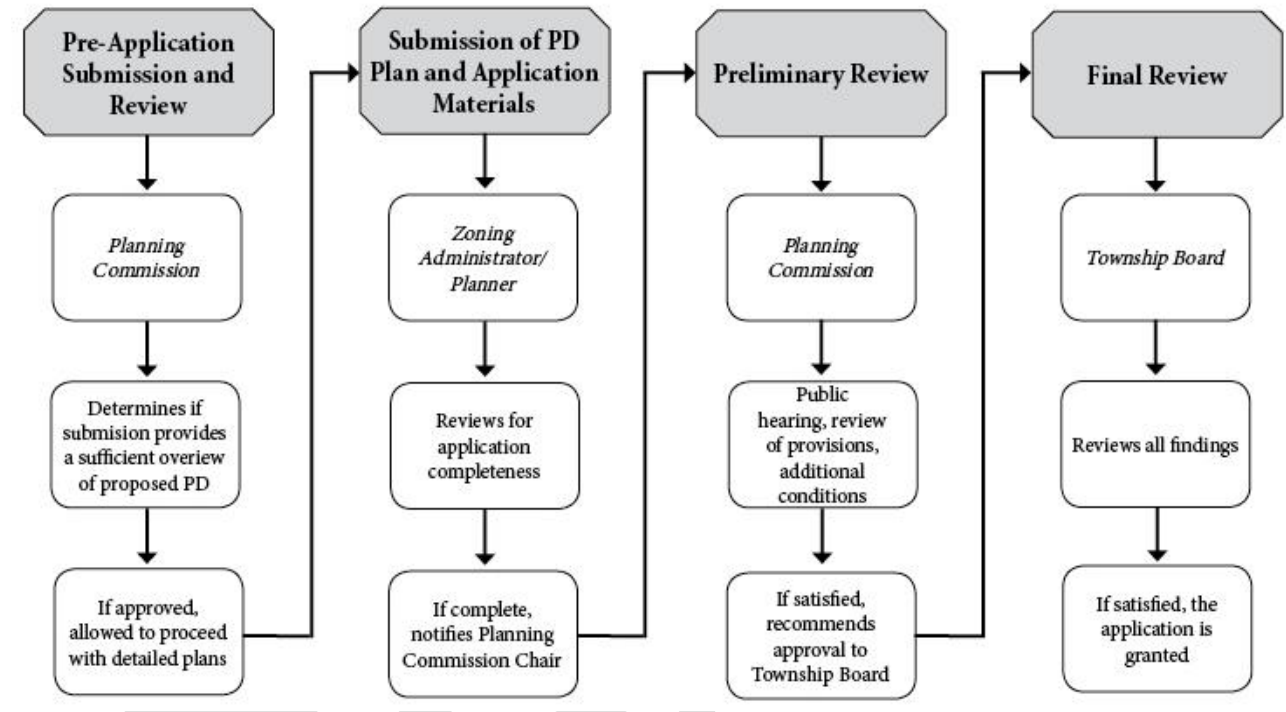
- 1
 - 2
 - 3
 - 4
- Sending Zone
Includes A-1
 - Receiving Zones
Includes R-1, R-2,
R-3, MHN, CF, SFN
 - Non-Participating Zones



19.7 PLANNED DEVELOPMENT APPLICATION SUBMISSION AND REVIEW PROCEDURES

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

Figure 19.2: Planned Development Application Submission and Review Process



19.7.1 PRE-APPLICATION SUBMISSION AND REVIEW

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

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

19.7.2 SUBMISSION OF PLANNED DEVELOPMENT PLAN AND APPLICATION MATERIALS

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

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

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

19.7.3 PRELIMINARY REVIEW AND APPROVAL OF PLANNED DEVELOPMENT

Planning Commission Review of Proposed PD Plan:

- 1 a. Upon notification from the Township Zoning Administrator and/or Planner of a complete
2 PD plan application, the Planning Commission shall review the proposed PD plan and
3 make a determination about the proposal's qualification for the PD option and for
4 adherence to the following objectives and requirements:
5
6 1. The proposed PD adheres to the conditions for qualification of the PD option and
7 promotes the land use goals and objectives of the Township.
8
9 2. All applicable provisions of this Article shall be met. If any provision of this Article
10 shall be in conflict with the provisions of any other section of this Article, the
11 provisions of this Section shall apply to the lands embraced within a PD area.
12
13 3. There will be at the time of development, an acceptable means of disposing of
14 sanitary sewage and of supplying the development with water and the road
15 network, storm water drainage system, and other public infrastructure and
16 services are satisfactory.
17
18 b. The Planning Commission shall hold a public hearing on the PD plan and shall give notice
19 as provided in Section 9.1.2(c).
20
21 c. After the public hearing and review, the Planning Commission shall report its findings and
22 recommendations to the Township Board.
23

24 19.7.4 FINAL REVIEW AND APPROVAL OF PLANNED DEVELOPMENT

- 25
26 a. On receiving the report and recommendation of the Planning Commission, the Board shall
27 review all findings. If the Board shall decide to grant the application, it shall direct the
28 Township attorney to prepare a contract setting forth the conditions on which such
29 approval is based. Once the contract is prepared it shall be signed by the Township and
30 the applicant.
31
32 b. The agreement shall become effective on execution after its approval. The agreement
33 shall be recorded at the Grand Traverse County Register of Deeds' office.
34
35 c. Once an area has been included with a plan for PD and the Township Board has approved
36 such plan, no development may take place in such area nor may any use of it be made
37 except under such plan or under a Board-approved amendment, unless the plan is
38 terminated.
39
40 d. An approved plan may be terminated by the applicant or the applicant's successors or
41 assigns, before any development within the area involved, by filing with the Township
42 and recording in the Grand Traverse County Register of Deeds an affidavit so stating. The
43 approval of the plan shall terminate on such recording.
44
45 e. No approved plan shall be terminated after development begins except with the approval
46 of the Board and of all parties in interest in the land.
47

- 1 f. Within one year following execution of the PD contract by the Township Board, final plats
2 or site plans for an area embraced within the PD must be filed as provided. If such plats
3 or plans have not been filed within the one-year period, the right to develop under the
4 approved plan shall be automatically terminated unless an extension is requested in
5 writing by the applicant and authorized by the Township Board. The Township Board may
6 authorize an extension of up to one (1) year.
7
- 8 g. The termination of a PD contract involving a density transfer shall nullify the transaction
9 and all transferred densities shall return to the original sending parcel(s). The return of
10 the transferred densities shall be recorded at the Grand Traverse County Register of
11 Deeds' office.
12

13 **19.8 SUBMISSION OF FINAL PLAT, SITE PLANS; SCHEDULE FOR COMPLETION OF PLANNED**
14 **DEVELOPMENT**

15 Before any permits are issued for the PD, final plats or site plans and open space plans for a project
16 area shall be submitted to the Township for review and approval by the Planning Commission,
17 and where applicable the Township Board, of the following:
18

- 19 a. Review and approval of site plans shall comply with Article VIII: Site Plans, as well as this
20 Section except as otherwise modified in the approved plan. Review and approval of plats
21 shall comply with Section 5.7 of Article V: Zoning Board of Appeals of the Township Zoning
22 Ordinance as well as the requirements of this Section.
23
- 24 b. Before approving of any final plat or plan, the Planning Commission shall decide that:
25
- 26 1. All portions of the project area shown on the approved plan for the PD for use by
27 the public or the residents of lands within the PD have been committed to such
28 uses under the PD contract;
29
 - 30 2. The final plats or site plans are in conformity with the approved contract and plan
31 for the PD;
32
 - 33 3. Provisions have been made under the PD contract to provide for the financing of
34 any improvements shown on the project area plan for open spaces and common
35 areas which are to be provided by the applicant and that maintenance of such
36 improvements is assured under the PD contract.
37
 - 38 4. If development of approved final plats or site plans is not substantially completed
39 in three years after approval, further final submittals under the PD shall stop until
40 the part in question is completed or cause can be shown for not completing same.
41
- 42 c. The applicant shall be required, as the PD is built, to provide the Township with "as built"
43 drawings in both paper and digital format following the same provisions outlined in
44 Section 19.7.
45

1 **19.9 FEES**

2 Fees for review of PD plans under this Section shall be established by resolution of the Township
3 Board.
4

5 **19.10 INTERPRETATION OF APPROVAL**

6 Approval of a PD under this Section shall be considered an optional method of development and
7 improvement of property subject to the mutual agreement of the Township and the applicant.
8

9 **19.11 AMENDMENTS TO PLANNED DEVELOPMENT PLAN**

10 Proposed amendments or changes to an approved PD plan shall be presented to the Planning
11 Commission following the same procedures for amending a Special Use Permit outlined in Section
12 9.1.4. The Planning Commission shall decide whether the proposed modification is of such minor
13 nature as not to violate the area and density requirements or to affect the overall character of
14 the plan, and in such event may approve or deny the proposed amendment. If the Planning
15 Commission decides the proposed amendment is material in nature, the Planning Commission
16 and Township Board shall review the amendment under the provisions and procedures of this
17 Article as they relate to final approval of the PD.

Spirit of the West





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

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

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

A. LIMITED PUBLIC COMMENT: None

B. APPROVAL OF AGENDA:

Zollinger requested that a memo from Road Commission regarding annual brining be added to New Business #7 and under Old Business #1 a sewer/water accounting update and #2 Parks trail update.

Motion by Jenema, seconded by White to approve the agenda with the three additions to New and Old Business. Motion carried by unanimous vote.

C. APPROVAL OF BOARD MINUTES

1. Draft unapproved minutes 3/16/16 Special meeting

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

D. INQUIRY AS TO CONFLICTS OF INTEREST: None

E. REPORTS:

1. Clerk – Dye

Dye stated that there was a 46% turnout for the recent March 8th presidential primary election. There will be a Elk Rapids school bond proposal election on May 3rd. Dye stated that anyone wanting to run in the August primary must file the paperwork with the Clerk's office by 4:00 pm on April 19, 2016.

2. Parks – Henkel

3. Legal Counsel – Jocks

4. Sherriff – Ken Chubb

5. County – Carol Crawford Received and filed

6. Roads – Marc McKeller

F. SPECIAL PRESENTATIONS/DISCUSSIONS: None

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

1. RECEIVE AND FILE:

a. Treasurer's Report

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

c. Metro Fire 2016 Annual Report

d. RecycleSmart Press Release March 2016

e. Draft Unapproved meeting minutes

1. Planning Commission 3/14/16

2. Parks & Trail 2/5/16 and 3/11/16

2. APPROVAL:

- a. Accounts Payable Prepaid of \$238,408.61 and Current to be approved of \$86,756.42 (Recommend approval: Cathy Dye, Clerk)**

H. ITEMS REMOVED FROM THE CONSENT CALENDAR:

Dye asked for the Current bills report be removed.

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

Dye received an invoice from the Grand Traverse County Sheriff office today for services Oct-Dec 2015 for \$19,147.00 and would like to add to the report tonight. Current bills would be \$105,903.42 instead of \$86,756.42.

Motion by LaPointe, seconded by White to approve the current bills with the additional \$19,147.00. Motion carried by unanimous roll call vote.

I. NEW BUSINESS:

1. 2% Tribal June grant cycle-water line construction

Zollinger is requesting Board approval for submission of a grant for the 2% Tribal June grant cycle. This grant will finance the construction expense to extend Tribal water along the main business corridor of Acme Township along M-72 to Mt Hope Rd and up to Mt Hope Rd to Hope Village.

Motion by White, seconded by Scott to approve the submission of the 2% Tribal grant for the June 2016 cycle. Motion carried unanimously.

2. Resolution for budget amendment Parks maintenance

Zollinger stated we need to do this resolution to move funds from 101 to Parks repairs & maintenance due to the August 2015 storm.

Motion by LaPointe, seconded by Scott to approve Resolution R-2016-17 for various fund moves adjustments. Motion carried by unanimous roll call vote.

3. Resolution regarding park endowment

Motion by LaPointe, seconded by White to approve Resolution R-2016-18 supporting the Acme Shoreline Park Endowment fund for use of interest from fund over next 3 years for Bayside Park improvement plan. Motion carried by unanimous roll call vote.

4. Update Parks & Cemetery maintenance

A proposed parks maintenance changes in activities and hours for 2016 was presented to the Board. Three main changes are 1. Outsource mowing for Bayside park North/South 2. Hire one seasonal worker to assist parks manager and 3. Change present maintenance manager hours with more in the Summer and less in the winter. Discussion followed. Zollinger will check with legal counsel on wording to use to change Township Employee handbook on minimum hours for full-time employees.

Motion by LaPointe, seconded by Aukerman to approve the proposed parks changes for 1 and 2 and pending legal opinion 3 would be approved. Motion carried by a roll call vote of 6 (Aukerman, Dye, Jenema, LaPointe, White, Zollinger) in favor and 1 (Scott) opposing.

5. Update Tribal trust land 12.6 acres

The Board received recent correspondence regarding the 12.6 Tribal trust land update. The request to be treated as sovereign nation land. This was send back to the "BIA" for final approval.

6. 2016-17 Budget/Wages/departments new format BS&A

Zollinger presented the 2016-2017 budget for 101s funds for review.

LaPointe began a discussion on lower the Trustees annual wages to \$5,000 instead of \$6,000. Discussion followed.

A Special meeting for a Budget workshop will be held, Wednesday, April 20th and 6:00 pm. There will also be two other items on the agenda.

J. OLD BUSINESS:

1. Annual Brining agreement for Acme Township gravel roads for 2016

The Board of County Road commissioners' policy is to provide a 25% match for brine application on county maintained gravel roads with the Township paying 75%.

Motion by LaPointe, seconded by White to approve the Annual Brining agreement as presented with two applications of brine for some Township roads. Motion carried by unanimous roll call vote.

2. Update on Parks & Trails - Jenema

Jenema asked the Board to think about what will be our roll in the Tart Trails. Discussion followed.

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

Phil Anderson, 10118 Kay Ray Rd, asked about the burnt out house across from the Music House on 31N. Zollinger commented that Metro Fire did fire training during the winter months. He is working with the owner to finish taking down the building.

ADJOURN AT 9:00 pm



ACME TOWNSHIP SPECIAL BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Wednesday, April 20, 2016, 6:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE AT 10:00 a.m.

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

A. LIMITED PUBLIC COMMENT: None

B. APPROVAL OF AGENDA:

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

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. NEW BUSINESS:

1. C. Johnson, Gosling Czubak, Acme Sewers Force Main rerouting

Johnson stated that the recently completed Acme Township sewer report shows there is limited capacity downstream of Acme #1 pump station to accommodate future growth. Projections of growth of Acme Township and East Bay Township will require Acme #1 pump station be redirected out of East Bay # 2 or the capacity of East Bay #2 and East Bay #1 pumping stations increased and potential force main improvements will be needed. There have been discussions on basic alternatives to address the issues. The most economical, from a long term operating cost, would be to remove Acme #1 from East Bay #2 with a new force main from Four Mile and discharge into the East Bay #1 force main. Discussion followed.

Motion by Aukerman, seconded by Jenema, supporting Resolution R-2016-19 for Acme Township Sewer capital improvement, engineering and construction plan. Motion carried by unanimous roll call vote.

2. Change in hours worked for Maintenance Supervisor position

Township legal counsel, Jocks, was asked by the Board to review some questions concerning employees and deputies of officials as they relate to the Employee Handbook. Jocks responded via email. Discussion followed. The Employee Handbook will be amended to show the changes and presented at The May Board meeting.

3. Budget work session, 2016-2017 Budget year

Board reviewed and discussed the budget line by line by department. We will continue at the next Board meeting, May 10th with adoption of the 2016-2017 Budget at the June 7th meeting.

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

Adjourned at 8:00 p.m.

DRAFT UNAPPROVED



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
May 9th, 2016 7:00 p.m.**

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

ROLL CALL:

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

PC Members Absent: None

Staff Present: S. Winter, Zoning Administrator; J. Iacoangeli, Township Planner; J. Jocks, Counsel (arrived at 7:07pm)

A. LIMITED PUBLIC COMMENT: Opened at 7:04pm

Rachelle Babcock, Spoke to the amendment to the site review ordinance. Cautioned Planning Commission (PC) member on taking public review out of the process with the addition of administrative review. Public comment closed at 7:05pm.

B. APPROVAL OF AGENDA:

Motion to approve the agenda made by D. White; support by Balentine. Motion passed unanimously

C. INQUIRY AS TO CONFLICTS OF INTEREST:

Conflict of interest request for New Business item G.1, SUP 2016-01 made by S.Feringa. Recused from that discussion.

D. CORRESPONDENCE:

1. GT County Planning Commission comments on ZO Amendment 038 – Temporary Outdoor Sales

Zoning Administrator provided PC with brief summary of the comments from GTC Planning Commission review that was placed on the April 12th GTCPC meeting as a consent item with comments. The consent calendar item was approved unanimously by GTCPC. The Acme Township Board will have the amendment presented with the recommendation to approve at their May 10th meeting.

E. PUBLIC HEARINGS:

1. Zoning Ordinance Amendment 039 – Article VIII: Site Plan Review
Hearing opened at 7:06pm. No public comments. Hearing closed at 7:06pm.
2. Zoning Ordinance Amendment 040 – §6.6.4.1 Regulated Uses (text amendment)
Hearing opened at 7:09pm. No public comments. Hearing closed at 7:09pm

F. OLD BUSINESS:

1. Zoning Ordinance Amendment 039 – Article VIII: Site Plan Review
Zoning Administrator read through a highlight summary of the amendment and notable changes that were discussed at the April 11th meeting. Summary included::

DRAFT UNAPPROVED

Administrative Review Process (8.1.2)

- Three member Administrative Review Committee consisting of the Zoning Administrator, the Chair of the PC, and another member of the PC, as well as an alternate appointed by the PC;
- Appointments will be made annually at the time of the PC elections (typically July) and would be a one year term;
- The Committee's reviews will be subject to requirements of the Open Meetings Act;
- Eligible projects/properties for Administrative Review will be those allowed by right in the districts SFN – Single Family Neighborhood, MHN – Mixed Housing Neighborhood, CS – Corridor Shoreline, C – Corridor Commercial, CF – Corridor Flex and B-4 Material Processing and Warehousing, not located within 500 feet of Acme or Yuba Creeks, and must generate less than 500 trip ends per day;
- The process is not applicable to those projects subject to a Special Use Permit

Application Requirements (8.1.4)

- This section has been edited to provide better organization of the requirements of all site plan review applications.
- The list of items required for all site plan reviews has been revised with the modification of some requirements, and the addition of others, to better reflect the changes that have been implemented within the Township's Zoning Ordinance
- Site Plan requirement items that from the table that have been modified include numbers 1, 8, 15, 17, and 21
- Site Plan requirement items that from the table that have been added include numbers 10, 14, 16, 18, 19, 20, and 23
- The modified and additional Site Plan requirements is not limited to Administrative Review but would apply to all Site Plan applications and strengthens them to better reflect other changes made to the zoning ordinance amendments.

Additional Edits since previous meeting included:

- The addition of 500 trip ends per day in 8.1.2
- Document numbering clarifications

Wentzloff asked if the PC appointment to the review committee would require a modification to our by-laws. Counsel would review to determine if a change was necessary before this amendment would be formally approved and/or effective. Winter asked counsel of the notification requirements. Counsel recommended setting a regular meeting schedule at the beginning of each year and gets posted on the township calendar. A question on compensation was to be looked into by counsel to see if it would be stipulated by the per diem policy.

Motion made by Timmins to send the proposed Zoning Ordinance Amendment 039 to amend the procedures and requirements of the Site Plan Review process under Article VIII of the Acme Township Zoning Ordinance with additional recommendations incorporated to the Grand Traverse County Planning Commission for review and to be brought back before the Planning Commission for deliberation. Additional recommendations include:

- Review by counsel of the by-laws and the appointment/election
- Review by counsel of the per-diem policy
- Creation of schedule for regular committee meetings

Support by White. Motion passed unanimously.

2. Zoning Ordinance Amendment 040 – §6.6.4.1 Regulated Uses (text amendment)

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.

DRAFT UNAPPROVED

Zoning Administrator provided summary of proposed text amendment that is minor in nature. The amendment clarifies that new projects in the district must adhere to the regulations of §6.6.5 Lot and Building Placement and §6.6.6 Special Provisions. A key was added per the PC's request that identifies the different zoning classifications within the district. Forgette asked inquired about references to numbering and Iacoangeli indicated sections will be re-codified throughout the process to reflect changes as they occur. This will be an ongoing process as the ordinance review continues.

Motion made by Timmins to send the proposed Zoning Ordinance Amendment 040 clarifying the requirements of regulated uses in the US-31/M-72 Business District to the Grand Traverse County Planning Commission for review and to recommend approval to the Township Board. Support by Balentine. Motion passed unanimously.

3. Draft Police Power Ordinance – Mobile Food Vending Units

Zoning Administrator provided the PC with a summary of the ordinance and discussions to date. This would be a Police Power Ordinance adopted by the Township Board, however, they tasked the Planning Commission to draft the language. The draft language was modeled after food truck ordinances in other jurisdictions throughout the state. Many of these jurisdictions exist in a denser urban setting, therefore adaptations were made to better reflect the needs and setting of Acme Township.

As the result of concern from the Township Board that the operation of a food truck on lands acquired through the Trust Fund grant would violate the terms of the grant agreement, Winter spoke with the DNR who indicated it would be permissible as an amenity to those recreating on the property. However, no provision was made in the draft language.

In lieu of concern expressed of an unfair advantage over brick and mortar restaurants that pay property taxes, a provision was included that prevents the operation of a food truck within 150 feet of an established restaurant. A two-tiered fee system was mentioned as an additional option and this would require Board approval in the schedule of fees.

A property approved with a special use permit that prohibits outdoor sales would not be eligible for a food truck operation.

Food trucks would not be allowed to operate on public streets, given the nature of our street pattern. Food trucks would be allowed to operate on private streets in approved districts compliant with the provisions set forth in the draft language.

White asked how “ice cream trucks” and mobile vendors such as Schwann’s would be considered under this new ordinance. Discussions centered on the definition of a food truck as defined by the County Health Department, which regulated rules applied to vendors, and differences between prepared food and uncooked food and how this ordinance may differ. Counsel felt that Public Act 92 covered the concerns raised. Members of the PC were in agreement with inclusion of a two-tiered fee system, where a food truck operated by an established restaurant in the Township would pay a lower fee than an independent food truck. DeMarsh noted that suggested fees were based on the Traverse City ordinance and felt that to establish the fees, the Board would likely want a wider range of fee structures to evaluate. In such a way, fees could be used to help tax in lieu of brick and mortar.

Concerns regarding signage and noise were discussed. Section 8.8 established a sign limit of one sign to remove any conflict with the current sign ordinance, Counsel recommended an additional statement be added that stated no other signage should be added to that section. Section 8.9 limited the hours of

DRAFT UNAPPROVED

operation. This limit was discussed and the PC thought any concerns would be self-regulated by other parts of the zoning ordinance. Section 8.13 may be removed as a streamlining measure as the components fall under other sections of the ordinance.

Winter indicated he would incorporate changes discussed. Counsel added there was no need for a motion on this item as it would go straight to the Board.

G. NEW BUSINESS:

1. SUP 2016-01 Min. Amd. – request by GTTC to amend SUP 2004-11- Feringa recused.

Planner Iacoangeli provided PC with a history of the GTTC SUP and a timeline of the SUP amendments. GTTC has requested to rescind Minor Amendment #3 and restore the density from 130 dwelling units back to the original concept plan and land use table which contained 430 dwelling units and reaffirm the new urbanism design of the residential development proposed for the southeastern portion of the project as originally approved. This minor amendment (#4) would rescind the changes in minor amendment #3 and return that portion of the property to the original provisions under SUP 2004-11. He recommends the PC approve the request as submitted by Steve Schooler, agent for the Village at Grand Traverse, LLC. Motion made by Timmins, support by Forgette to recommend approval to the Township Board of Minor Amendment #4 which rescinds Minor Amendment #3 to SUP 2004-11P.

2. SPR 2016-01 – MI Local Hops pole barn site plan review

Zoning Administrator provided PC with a summary of his review. Highlights of review include:

- Peninsula Construction and Design, on behalf of MI Local Hops, have submitted an application for a Site Plan Review to construct a 14,400 ft² hops processing and storage barn
- This is a use that is allowed by right in the A-1 district, and meets the requirements of the Zoning Ordinance.
- The barn will be located adjacent to their existing hops drying facility and in close proximity to their equipment storage building. All processing/production operations will be concentrated at one location on the property
- Access to and around the processing/production area will be provided with a gravel drive circulating the operations area, gravel parking lot and two locations where trucks will be able to turn around and maneuver.
- GT Metro has stated that no review is necessary since the proposed facility is for agricultural use.
- The Soil Erosion and Sedimentation Control permit (No. 23476) issued on 04/10/2015 and amended 07/08/2015 is still valid for this project. The SESC office confirmed that they are still covered under their permit for this work.
- Gosling Czubak performed a storm water review of the proposed design and provided a favorable review.

Motion made by Balentine, support by Timmins, to approve the site plan submitted by Peninsula Construction and Design, on behalf of MI Local Hops, for the construction of a 14,400 square foot hops processing and storage barn with the stipulation that the final approved site plans be sealed by the Applicant's engineer, and signed by the Applicant and Planning Commission Chair. Motion passed unanimously

3. Zoning Ordinance Amendment 041 – Article IX Special Uses

Planner Iacoangeli provided an overview of the next topic of review in the Zoning Ordinance rewrite process; Article IX, Special Uses. He presented a draft that moves some sections to more appropriate Articles in the Ordinance and provided suggestions of removing sections that may be outdated, no longer necessary, or redundant due to their regulation being located elsewhere in the Ordinance. Sections 9.26 and

DRAFT UNAPPROVED

9.27 dealing with medical marihuana dispensaries and cultivation have since been amended and adopted and the new language will need to be included. The key objective is follow standard and follow process.

Winter had a question on service station as there are only a few spots where they can be located. Planned shopping area seems like a good fit. Consensus among PC was if another ordinance covers the use, it should not need to be covered here. The intent being to pull them out and same or similar objectives can be met by a Planned Development. An easy fix is to streamline provision with B3 using PD restrictions. Mixed use can only be in B3

Iacoangeli and Winter will discuss changes, re-codify, and come back to PC with a new draft for review.

4. Zoning Ordinance Amendment 042 – §6.6.4 Land Use Table (list of allowable uses)

A review of the current table was provided by the Planner and ZA. Review of the list of allowable uses in US-31/M-72 Business District. Public transit should probably be added to MHN as permitted. Thought spirit of form-based code district was to allow outdoor seating for food and beverage properties. Iacoangeli to add uses to table..

Motion made by White, support by Timmins to set a public hearing for the June 13th Planning Commission meeting for Zoning Ordinance Amendment 042 to §6.6.4 Land Use Table of the Acme Township Zoning Ordinance that would add “small winery”, “small distillery” with additional changes determined by the Planning Commission to the uses permitted by right in the Corridor Commercial (C) and Corridor Flex (CF) districts. Additional changes include add transit stop permitted by right in mixed housing neighborhood, add Outdoor food and beverage service as uses permitted by right in the commercial and corridor flex districts

H. ADMINISTRATIVE ACTION

1. Receive and file Township Board Minutes 3/16/16 - Motion made by White, support by Timmins to receive and file Township Board Minutes 3/16/16. Motion passed unanimously
2. Approve draft Planning Commission Minutes 4/11/16 - Motion made by Timmins, support by Feringa to approve draft Planning Commission Minutes 4/11/16. Motion passed unanimously.

I. PUBLIC COMMENT & OTHER PC BUSINESS

1. Zoning Administrator Report – Shawn Winter submitted a summary
2. Planning Consultant Report – John Iacoangeli - nothing to report
3. Township Board Report – Doug White - Currently going over the budget. Proposing a reduction in size of PC to 5 or 7 members (instead of 9) to be more in line with the area.
4. Parks & Trails Committee Report – Marcie Timmins - Grants have been put in. Talked about discussions with the Disability Network and Mobi mats.

Motion made by Timmins, support by Balentine to adjourn the meeting. Motion carried unanimously.

ADJOURN: 9:12pm