



**ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
February 13<sup>th</sup>, 2017 7:00 p.m.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

- A. LIMITED PUBLIC COMMENT:** Members of the public may address the Commission regarding any subject of community interest during public comment periods by filling out a Public Comment Card and submitting it to the Secretary. Public comments are limited to three minutes per individual. Comments during other portions of the agenda may or may not be entertained at the moderator's discretion
- B. APPROVAL OF AGENDA:**
- C. INQUIRY AS TO CONFLICTS OF INTEREST:**
- D. SPECIAL PRESENTATIONS:**
- E. CONSENT CALENDAR:** The purpose of the consent calendar is to expedite business by grouping non-controversial items together for one Commission motion without discussion. A request to remove any item for discussion later in the agenda from any member of the Commission, staff or public shall be granted.
  - 1. RECEIVE AND FILE**
    - a. Township Board Minutes 12/06/16
    - b. Township Board Minutes 01/03/17
    - c. Parks & Trails Committee Minutes 12/16/16
    - d. Parks & Trails Committee Draft Minutes 01/20/17
    - e. Zoning Ordinance Rewrite Subcommittee Draft Minutes 12/12/16
  - 2. ACTION:**
    - a. Adopt Planning Commission Minutes 12/12/16
    - b. Approve Joint Township Board/Planning Commission Public Forum Minutes 01/19/17
- F. ITEMS REMOVED FROM THE CONSENT CALENDAR**
  - 1. \_\_\_\_\_
  - 2. \_\_\_\_\_
- G. CORRESPONDENCE:**
  - 1. East Bay Township: Future Land Use Map Amendment – Notice of Adoption
  - 2. Short-Term Rental Follow Up – Cindy & Tom Duemling
- H. PUBLIC HEARINGS:**
- I. OLD BUSINESS:**
  - 1. Medical Marihuana – Board Direction
  - 2. Short-Term Rentals – Public Forum Report
- J. NEW BUSINESS:**
  - 1. LochenHeath SUP 2017-01 Minor Amendment to OSD 2004-06P
  - 2. Adopt 2017 Site Plan Review Committee Calendar
- K. PUBLIC COMMENT & OTHER PC BUSINESS**
  - 1. Zoning Administrator Report – Shawn Winter
  - 2. Planning Consultant Report – John Iacoangeli

3. Township Board Report – Doug White
4. Parks & Trails Committee Report – Marcie Timmins

**ADJOURN:**



ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
February 13<sup>th</sup>, 2017 7:00 p.m.

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE: 7:02pm**

**ROLL CALL:**

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

**Members excused: D. Rosa, K. Wentzloff (Chair)**

**Staff present: S. Winter, Zoning Administrator**

**A. LIMITED PUBLIC COMMENT:**

Daren Klooster, 4520 Quail Ct, Traverse City. TNT Fireworks. Asked PC to reconsider the Temporary Outside Sales ordinance that does not allow outside or 3rd party vendors to operate. Presented to PC a letter from Meijer Corporate. TNT fits all requirements of ordinance other than this one exception. Letter from Meijer is attached to these minutes under correspondence. Meijer store 236 is the Acme location.

**B. APPROVAL OF AGENDA:**

Feringa request change of order of meeting to have Item J. New Business ahead of Item I, Old Business. Motion by White to approve agenda with changes, support by Balentine. Motion carried unanimously.

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

**D. SPECIAL PRESENTATIONS: None**

**E. CONSENT CALENDAR:**

**1. RECEIVE AND FILE**

- a. Township Board Minutes 12/06/16
- b. Township Board Minutes 01/03/17
- c. Parks & Trails Committee Minutes 12/16/16
- d. Parks & Trails Committee Draft Minutes 01/20/17
- e. Zoning Ordinance Rewrite Subcommittee Draft Minutes 12/12/16

Motion by Timmins to receive and file above items, support by White. Motion carried unanimously

**2. ACTION:**

- a. Adopt Planning Commission Minutes 12/12/16 - Motion by Timmins to adopt, support by Balentine. Motion carried unanimously
- b. Approve Joint Township Board/Planning Commission Public Forum Minutes 01/19/17 - Feringa thanked Shawn for his work putting the report together for this meeting. Motion by Timmins to approve, support by Balentine. Motion carried unanimously

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

**G. CORRESPONDENCE:**

- 1. East Bay Township: Future Land Use Map Amendment – Notice of Adoption attached to minutes.
- 2. Short-Term Rental Follow Up – Cindy & Tom Duemling provided follow up letter and attached to agenda.
- 3. Meijer letter presented during Public Comment to review language of outdoor sales ordinance to allow 3rd party vendors to operate with approval of owner attached to minutes.

**H. PUBLIC HEARINGS: None**

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.

**I. OLD BUSINESS:****1. Medical Marihuana – Board Direction**

Winter summarized the board's direction. Board is asking PC to move forward with drafting the necessary ordinances to allow all five uses in the B-4 District. Recommendations. This includes grower, processor, safety compliance facility, secure transporter, and provisioning center. Specific recommendations include:

- o Allow the uses by right
- o Require a license (state mandate)
- o Maintain the buffer restrictions around parks, with the exception of the TART trail
- o Not allow growing in the agricultural district

White was unsure why the board did not want to allow growing in the agricultural district. PC members were asked by a member of audience why we should have this at all. PC members explained that state enacted legislation has required municipalities to respond with zoning for this new legislation in order to have local control. State still working on regulation components. Winter will communicate with PC as things start happening.

**2. Short-Term Rentals – Public Forum Report**

Winter summarized the background, the public meeting, surveys, and subsequent report for the PC. Most people present were in favor of short-term rentals. Many did not want it regulated at all. Timmins expressed that without regulation, there will be problems. Currently is not an allowed use in our residential districts. If we allow them, minimally we have to make it legal. An audience member in attendance was in favor of short-term rentals. Discussion occurred. PC members noted more reflection on this topic is needed.

**J. NEW BUSINESS:****1. LochenHeath SUP 2017-01 Minor Amendment to OSD 2004-06P -**

Winters read through summary of request. As approved site has 11 future lots available and this request is consistent with SUP. With requested minor amendment, still leaves 54% of development as open space which is within the requirements of the SUP. There is a letter of authorization from current owners.

Motion by Forgette to approve the SUP 2017-01, Minor Amendment to OSD 2004-06P as amended, to allow the creation of two new 2.5 acre lots, each encompassing an existing residential structure on the north side of Dock Rd, as indicated in the documents submitted by the Applicant, contingent upon submitting:

1. A certificate of survey stamped by a licensed surveyor
2. A legal description of the two new lots

Support by Timmins. Motion passed unanimously.

**2. Adopt 2017 Site Plan Review Committee Calendar.**

Winter summarized the purpose of the Site Plan Review. A three person committee for qualified projects.

Motion by Timmins to adopt the 2017 Site Plan Review Committee calendar, support by Balentine. Motion passed unanimously.

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

Public comment opened at 7:49pm. No public comment. Closed at 7:49pm

1. Zoning Administrator Report – Shawn Winter briefly summarized. The medical marihuana legislation workshop was already full so will need to wait for a future one that is likely due to high demand. Winters noted McDonald's application will also have a change in roof line. SUP will not fall under form-based code because of it is not removing the structure. Winter has also been working with Dan Kelly on the proposed cottages plan. Hopefully to be in next month.
2. Planning Consultant Report – None
3. Township Board Report – Doug White reported board is working on budgets.
4. Parks & Trails Committee Report – Marcie Timmins indicated receipt of DNR Trust Fund Grant and \$15,000 from the Tribal Grant

Motion by Balentine to adjourn; support by Timmins. Motion passed unanimously.

**ADJOURN: @ 7:54pm**



# MEMORANDUM

## Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

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

To: Acme Township Planning Commission  
From: Shawn Winter, Zoning Administrator  
CC: Jeff Jocks, Counsel; John Iacoangeli, Planning Consultant  
Date: February 8, 2017  
Re: February 13, 2017 Planning Commission Packet Summary

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**A. LIMITED PUBLIC COMMENT**

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

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**B. APPROVAL OF AGENDA**

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

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

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

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**D. SPECIAL PRESENTATION**

1. None

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**E. CONSENT CALENDAR:**

1. **RECEIVE AND FILE:**
- a. Township Board Minutes 12/06/16
  - b. Township Board Minutes 01/03/17
  - c. Parks & Trails Committee Minutes 12/16/17
  - d. Draft Parks & Trails Committee Minutes 01/20/17
  - e. Zoning Ordinance Rewrite Subcommittee Draft Minutes 12/12/16
2. **ACTION:**
- a. Approve Draft Planning Commission Minutes 12/12/16
  - b. Approve Joint Township Board/Planning Commission Public Forum Minutes 01/19/17

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

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

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**G. CORRESPONDENCE:**

1. **Master Plan Amendment Notice of Adoption – East Bay Charter Township**
- East Bay Charter Township has adopted the proposed amendment to their Master Plan’s Future Land Use Map.
  - The amendment changes 28 acres from Industrial to Residential Medium-High Density, as noticed in the public hearing announcement.
2. **Short-Term Rental Follow Up – Cindy & Tom Duemling**
- Cindy Duemling spoke at the public forum, but has had time to create more thorough

comment, which has been enclosed.

**H. PUBLIC HEARINGS:**

1. **None**

**I. OLD BUSINESS:**

1. **Medical Marihuana – Board Direction**

- I drafted a memo outlining the changes in the medical marihuana legislation and submitted it to the Board for consideration, as directed.
- The Board has decided to have the Planning Commission move forward with drafting the necessary ordinances to allow all five new medical marihuana facilities in the B-4 Material Processing & Warehousing District.
- This includes grower, processor, safety compliance facility, secure transporter, and provisioning center
- Specific recommendations include:
  - Allow the uses by right
  - Require a license (state mandate)
  - Maintain the buffer restrictions around parks, with the exception of the TART trail
  - Not allow growing in the agricultural district
- I was not at this meeting. Trustee White may be able to provide additional feedback

2. **Short-Term Rentals – Public Forum Report**

- Approximately 70 people attended the public forum on short-term rentals on January 19, a joint meeting of the Planning Commission and Township Board.
- The report included in this packet summarizes the analysis of the survey responses, as well as the public comments, review of the master plan at it relates to the topic, and potential paths forward.
- The correspondences that were submitted prior to the meeting were not analyzed, nor were they included in the print out of the minutes in this packet since most of them were included in the public forum’s packet. They are included in the electronic version on the Acme Township website.
- The report does not make any specific recommendations, but rather presents information that can be used as a tool in creating a solution.
- The February Planning Commission meeting will be the first opportunity for discussion and deliberation. The Board is expecting the Planning Commission to take the lead on addressing this issue.

**J. NEW BUSINESS:**

1. **LochenHeath SUP 2017-01 Minor Amendment to OSD 2004-06P**

- LochenVest LLC has applied for a minor amendment to the LochenHeath Open Space Development (southern half of the development) to add two new, 2.5 acre lots.
- The lots would be located adjacent to each other and would each contain in existing residential structure on Dock Rd
- The land that would form the new lots is part of the Open Space Development, is owned by Stars & Stripes 3J LLC, and rented by LochenVest to provide housing to their golf course and other employees.
- Creating the new lots will allow Stars & Stripes 3J LLC to sell the lots to LochenVest, which would be added to the LochenHeath Home Owner’s Association.
- The minor amendment would not result in any new structures at this time. The existing buildings will not be subject to the HOA’s design standards and will utilize their existing well and septic systems, with the option to tie into the development’s system once it comes online.
- A review of the past amendments to the plan indicate that there are 11 additional future development lots allowed, and the creation of the new lots would leave 54.7% of the overall development as open space, meeting the minimum requirement of 50%.

- *Suggested Motion for Consideration:*
  - Motion to approve the SUP 2017-01, Minor Amendment to OSD 2004-06P as amended, to allow the creation of two new 2.5 acre lots, each encompassing an existing residential structure on the north side of Dock Rd, as indicated in the documents submitted by the Applicant, contingent upon submitting:
    1. A certificate of survey stamped by a license surveyor
    2. A legal description of the two new lots

**2. Adopt 2017 Site Plan Review Committee Calendar**

- Amendment 039 created a new Article VII – Site Plan Review, which included site plan review by a three-person committee for qualifying projects
- In order to provide a predictable schedule for applicants, the public, and committee members, a calendar is being proposed that schedules the reviews two weeks after each Planning Commission meeting.
- This provides the opportunity for qualifying projects to be reviewed approximately every two weeks. The applicant does not have to have their review conducted by the committee if the next available meeting date is the Planning Commission.
- Projects that do not qualify for committee review will still need to come before the Planning Commission for approval.

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

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**1. Public Comment:**

- **Open:** **Close:**

**2. Zoning Administrator Report: Shawn Winter**

- **Permits** (since December 12, 2016)
  - Land Use Permits – 6
    - LUP 2016-48      Accessory Building – 2910 Towering Pines
    - LUP 2017-01      Commercial Occupancy – 6060 US-31, Cambria Counter Tops
    - 2017-02      Commercial – Maple Bay Farmhouse Renovations
  - Sign Permits – 0
  - Zoning Board of Appeals - 0
    - A request has been submitted for a non-use variance to extend a legally nonconforming structure at 7057 Deepwater Point Rd. The hearing will be held February 9, 2017. The Planning Commission will be updated at the meeting.
  - Jeff Jocks, Marcie Timmins, and Shawn Winter will be attending a workshop on Medical Marihuana legislation on February 21, 2017, hosted by the MSU Extension
  - McDonald’s is working on an application for site plan approval/SUP Minor Amendment to add a new roof, second drive-thru ordering lane, a parking lot extension to the rear and a landscape plan

**3. Planning Consultant Report: John Iacoangeli**

**4. Township Board Report: Doug White**

**5. Parks & Trails Committee Report: Marcie Timmins**



**ACME TOWNSHIP BOARD MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
Tuesday, December 6, 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, D. Nelson, 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 two new items be added under New Business: #8 Hope Village water and #9 Tart Trails snow removal, and one under Old Business: #3 Unemployment claim.

**Motion by Aukerman seconded by White to approve the agenda with the additional items to New Business: #8 Hope Village water and 9# Tart Trails snow removal and Old Business: #3 Unemployment claim. Motion carried by unanimous vote.**

**C. APPROVAL OF BOARD MINUTES 11/01/16**

Aukerman made a correction under Old Business #2 Boat launch status report. The minutes state a “final report for the Waterway grant”. Aukerman stated it should read Great Lakes Fishery grant.

**Motion by White, seconded by Scott to approve the 11/01/16 Board minutes with the correction under Old Business #2 Boat launch status report stating it is the Great Lakes Fishery grant instead of the Waterway grant. Motion carried by unanimous vote.**

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

**E. REPORTS:**

**1. Clerk – Dye**

Dye reported a 77% turnout at the November election. Recount is to begin this weekend. There will be a May election for BATA.

**2. Parks - Zollinger**

Zollinger stated the parks are “Button up” for the winter. The skid dock is pulled at Sayler and all signs are up.

**3. Legal Counsel - Jocks**

To be covered under New Business

**4. County - Received and filed**

**5. Roads – Marc McKeller No report**

**F. SPECIAL PRESENTATIONS/DISCUSSIONS:**

**1. Annual Audit 2015-2016**

Robert Kline from Gabridge & Company, PLC, presented the audit report to the Board. Internal controls and compliance with laws and regulations were examined and there were no discrepancies to report. All Budget-Department funds were in balance-budget to actuals. Overall the auditors have issued an “unqualified” rating, the highest possible audit rating.

**Motion by Scott, seconded by Aukerman to approve the 2015-2016 Annual Audit as presented. Motion carried by unanimous roll call vote.**

**G. CONSENT CALENDAR:** The purpose is to expedite business by grouping non-controversial items together one Board motion (roll call vote) without discussion. A request to remove any item for discussion later in the a

agenda from any member of the Board, staff or public shall be granted.

**1. RECEIVE AND FILE:**

- a. **Treasurer's Report**
- b. **Clerks Revenue/Expenditure Report and Balance Sheet**
- c. **North Flight report**
- d. **Draft unapproved meeting minutes**
  - 1. **Planning Commission 11/14/16**
  - 2. **Parks & Trails 10/21/16**

**2. APPROVAL:**

- a. **Accounts Payable Prepaid of \$79,853.19 and Current to be approved of \$82,773.27 (Recommend approval: Cathy Dye, Clerk)**

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

Dye asked for the current bills report to be removed.

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

Dye has three new invoices totaling \$12,856.12 to add to the \$82,773.27 presented tonight. This would make the Current bills \$95,630.39.

**Motion by Scott, seconded by Nelson to approve the additional invoices of \$12,856.12 to the Current bills thus making the total \$95,630.39. Motion carried by unanimous roll call vote.**

**I. CORRESPONDENCE:**

- 1. **Email dated 11/21/16 from Dale Cobb, 5028 Lautner Rd regarding Bayside Park being more accessible**
- 2. **Email dated 12/05/16 from Karrie A. Zeits, Attorney with Smith Haughey Rice & Roegge regarding marihuana facilities permitted under PA81 within the Township and regulations for these facilities.**

**J. PUBLIC HEARING: None**

**K. NEW BUSINESS:**

- 1. **Review of Opening meetings Act and FOIA process – Jocks**

Jocks reminded all Board members of our responsibility under Open Meetings and FOIA request.
- 2. **Review of Michigan Marijuana laws – Jocks**

Jocks reviewed some updates to Michigan Marijuana Law's and how they could effect Acme Township's need for a Police Power Ordinance. The new law allows for license at state and local levels. The township will need to decide what direction it will take.
- 3. **Acme housing rental discussion – Jocks**

We reviewed issues on housing short term rentals. We will be having a public forum on Thursday, January 19<sup>th</sup>, 7:00 pm at the Williamsburg Dinner Theatre. This will be a joint meeting with the Board and the Planning Commission to obtain public input on this issues.
- 4. **GTTC/In Tribal trust procedures – Jocks**

Jocks reviewed the basic process of how land is put into tribal trust, Acme Township would receive official notification from the Bureau of Indian Affairs (BIA), with a period in which Acme can provide comments back to the BIA. Land into trust once approved by the BIA will no longer be taxed both real estate and personal property by Acme Township. Even though the Tribe will make mention in the Trust application of them following our Special Use Permit on the GTTC which is good. We need to remember our zoning laws don't apply to land in trust.

**5. Supervisor Appointments recommendations – Zollinger**

In a memo provided to the Board the following appointments has been recommended.

Board Ex Officio Planning Commission: Doug White

Metro Fire Board: Paul Scott, Jay Zollinger, Alternate: Darryl Nelson

DPW member: Jay Zollinger

Farmland to County Farmland Board: Doug White

Parks and Cemetary Maintenance: Amy Jenema, Jay Zollinger, Darryl Nelson

Personnel Committee: Cathy Dye, Jay Zollinger, Jean Aukerman

**Motion by Jenema, seconded by Nelson to approve the appointments to various boards as presented in memo by Zollinger. Motion carried by unanimous vote.**

**6. Approval of 2017 Board meeting dates**

Clerk, Dye, stated that there will be an election in May so meeting date will need to change from May 2 to May 9.

**Motion by Aukerman, seconded by White, to approve the 2017 Board meeting schedule with the correction to the May meeting from the 2<sup>nd</sup> to the 9<sup>th</sup>. Motion carried by unanimous vote.**

**7. Parks Tribal 2% grant application – Jenema**

Jenema is seeking Board approval to submit a December Tribal 2% grant for engineering and design for the Tart Trail connector at Bunker Hill Rd to the GTTC for \$35,000.00.

**Motion by White, seconded by Aukerman to approve the submission of a 2% Tribal grant for the December cycle for \$35,000.00. Motion carried by unanimous vote.**

**8. Resolution for proposal for the repair of pump at Hope Village 2 South.**

Zollinger presented the proposal for the repair of pump. Discussion.

**Motion by Jenema, seconded by White to approve Resolution R-2016-40 moving monies from general fund 101 to 590 for the repair of pump at Hope Village 2 South. Motion carried by unanimous roll call vote.**

**9. Tart Trails removal for 2016-2017**

In previous years the Township maintenance department plowed the Tart Trail from Bunker Hill to Five Mile. Zollinger is proposing that the Township pay Tart Trails to do it for \$3,000.00 for 2016-2017. Discussion.

**Motion by Jenema, seconded by Aukerman, to approve spending \$3,000.00 for snow removal on the Tart Trail from Bunker Hill Rd to Five Mile. Motion carried by a vote of 6 (Aukerman, Dye, Jenema, Nelson, Scott, Zollinger) in favor and 1 (White) opposing.**

**L. OLD BUSINESS:**

**1. Status of Saylor Park Boat launch - Zollinger**

**a. Actual cost to date**

Zollinger provided a summary of all expenses for the project. Discussion.

**b. Paving cost Yuba Park Road**

Spreadsheet provided for the Yuba Park Road repair paving. Discussion.

**c. Resolution for payment of road work**

**Motion by Jenema, seconded by White to approve Resolution R-2016-41 to move monies from 401 and Metro48 funds to the GTCRC funds to reflect money spent for paving Yuba Park Road road as part of the Saylor Park Boat launch project. Motion carried by unanimous roll call vote.**

**2. Bayside Park Phase 1**

**APPROVED**

Zollinger provided spreadsheet for review of dollars spent. Zollinger mentioned all work was complete And that the extra dirt pile will be removed from the parking lot in the Spring.

- 3. Unemployment Appeal** the state has cancelled the appeal for November 22, 2016 and they want to reschedule hearing downstate Lansing or Saginaw. This would create additional cost, does the board want to pursue the hearing or drop the unemployment claim?

**Motion by Scott, seconded by White to drop pursuing the unemployment claim. Motion carried by unanimous roll call vote.**

Parks & Trails draft minutes from 11/18/16.

**Motion by Zollinger, seconded by Jenema to add Parks & Trails draft minutes 11/18/16 to Receive and File. Motion carried by unanimous vote.**

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

**ADJOURN AT 10:00 pm**



**ACME TOWNSHIP BOARD MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
Tuesday, January 3, 2017, 7:00 p.m.**

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

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

**A. LIMITED PUBLIC COMMENT:**

Zollinger welcomed “Brook and Zac” high school civics students tonight.

**B. APPROVAL OF AGENDA:**

Zollinger requested that two new items be added under New Business: #4 Paper Birch cul-de-sac work and #5 Approval of continuation of attorney services with Jeff Jocks at the firm of Sondee, Racine & Doren, PLC.

**Motion by White seconded by Nelson to approve the agenda with the additional items to New Business: #4 Paper Birch cul-de-sac work and #5 Approval of continuation of attorney services with Jeff Jocks at the firm of Sondee, Racine & Doren, PLC. Motion carried by unanimous vote.**

**C. APPROVAL OF BOARD MINUTES 12/06/16**

Aukerman asked for corrections under New Business #5 Supervisor appointments recommendation; names to be listed and under Old Business # 1 to state that the name of the road is Yuba Park Rd.

**Motion by White, seconded by Scott to approve the 12/06/16 Board minutes with the correction under New Business #5 to name Supervisors recommendations and Old Business #1 stating that it is Yuba Park Road that was paved. Motion carried by unanimous vote.**

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

**E. REPORTS:**

- 1. Clerk – Dye**  
Dye is preparing W2's and year end paperwork for 2016.
- 2. Parks – Zollinger No report**
- 3. Legal Counsel - Jocks**  
To continue under New Business
- 4. County - Received and filed**
- 5. Roads – Marc McKeller No report**

**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. Clerks Revenue/Expenditure Report and Balance Sheet**
- c. North Flight report**
- d. Draft unapproved meeting minutes**
  - 1. Planning Commission 12/12/16**

**2. APPROVAL:**

# APPROVED

- a. **Accounts Payable Prepaid of \$385,790.11 and Current to be approved of \$104,585.59 (Recommend approval: Cathy Dye, Clerk)**

## H. ITEMS REMOVED FROM THE CONSENT CALENDAR: None

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

## I. CORRESPONDENCE: None

## J. PUBLIC HEARING: None

## K. NEW BUSINESS:

1. **Discussion on Parks/Bayside moving money from 101 to 208 fund**

Zollinger stated that funds are low in 208 and he would like Board approval by resolution to take \$5,000.00 from General into 208 Park fund so that we have funds to remove the dirt in the parking lot. Discussion followed.

**Motion by Scott, seconded by Nelson, to have Zollinger prepare a Resolution for the February Board meeting to transfer funds from General to 208 Park fund. Motion carried by unanimous vote.**

2. **Review directions/approach/financial needs/location and sizing on a new Township Hall**

Zollinger asked Aukerman to take the lead with one or two others in reviewing directions on a new Township hall. After discussion Board Aukerman agreed to lead this effort. Aukerman will present initial findings at the March Board meeting.

3. **Amending procedure for post-audit policy of Acme Township Claims – Dye**

Dye read a prepared memo regarding procedures for post-audit policy of Acme Township claims and requested we update our pre-payment approval list for recurring bills.

**Motion by Scott, seconded by Nelson to approve Resolution R-2017-#1 amending procedure for post-audit policy of Acme Township claims. Motion carried by unanimous roll call vote.**

4. **Paper Birch cul-de-sac work**

Zollinger reviewed a memo from Jim Johnson at the Road Commission regarding the cul-de-sac on Paper Birch. It was noted after a rain event that existing drainage patterns to the North of the cul-de-sac were seeing erosion. After evaluation the Road Commission felt that by re-grading the cul-de-sac to slope towards the center was the best option to provide a corrective action. The final invoice was \$23,307 and the Road Commission is requesting that the Township assistance with half of the cost at \$11,653.50. Discussion followed regarding sharing the cost with the engineering firm.

**Motion by Scott, seconded by White to approve Acme Township paying half (\$11,653.50) of the reconstruction cost (\$23,307.00 total cost) of Paper Birch as part of our SAD road improvement project. Funds to come from Fund 818. Zollinger to check with Jim Johnson GTCRC if any liability exist under performance bonding for project. Motion carried by unanimous roll call vote.**

5. **Approval of continuation of attorney services with Jeff Jocks at the firm of Sondee, Racine & Doren, PLC.**

Jocks informed the Board of his recent move to a affiliate, of counsel, Sondee, Racine & Doren, PLC. Jocks would be honored to continue to represent Acme Township. Discussion followed.

**Motion by Nelson, seconded by Aukerman, that we continue having Jocks as legal counsel with Sondee, Racine & Doren, PLC, at present billing rates. Motion carried by unanimous vote.**

**L. OLD BUSINESS:**

**1. Police power ordinance directions on Medical Marijuana law changes**

Zoning Administrator, Winter provided a very detailed memo about changes in Michigan Medical Marihuana Legislation. Discussion followed. Board recommends allowing all five uses in the B-4 district, not allowed in agriculture district at this time, use by right, leave parks restriction on and don't restrict Tart Trails in this B4 area. License all allowable uses.

**2. Bayside Park Grant Status Timeline**

Zollinger stated that the township has been awarded the DNR grant, but there is a time line to this process. Now that it is approved by the DNR it will then go to the House and Senate for approval this will happen May or June. Then a legal contract between DNR and Acme is to be approved between both parties. The Conservancy must come up with their half of the matching funds as well as the Township. Probably no work to start until 2018.

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

**Motion by White, seconded by Nelson to ADJOURN AT 8:50 pm**

**ACME TOWNSHIP PARKS & TRAILS MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**December 16th , 2016 10:00 a.m.**  
**Approved 01/20/17**

**ROLL CALL:**

<b>Committee:</b>	<b>A</b>	Feringa	<b>X</b>	Heffner	<b>A</b>	Heflin	<b>X</b>	Jenema
	<b>A</b>	LaPointe	<b>X</b>	Timmins	<b>X</b>	Wentzloff		
<b>Advisory:</b>	<b>X</b>	Heinert	<b>X</b>	Kushman				
<b>Staff:</b>	<b>X</b>	Winter						

**A. PUBLIC COMMENT: None**

**B. APPROVAL OF AGENDA: Wentzloff, 2nd. By Timmins.**  
**Motion carries**

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

**D. CORRESPONDENCE: Received Chocolate for the holidays from Gosling and Czubak.**

**E. ACTION:**

**1.** Approve Parks & Trails Minutes 11/18/2016 Motion to approve by Wentzloff, 2nd. By Timmins.  
 Motion carries

**F. OLD BUSINESS:**

**1.** Bayside Park Grant Update - The Township was awarded the MDNR trust-fund grant. The State usually allocates the grant money and signs the official paperwork in June. The township can not begin work until the paperwork is signed. Klaus encourages the township to be ready, as he feels the State may authorize the township to start work as early as April or May 2017.

Next steps. 1) signed agreement between the Township and the State

2) Certify plans and bid spec's

3) Submit to DNR for authorization

4) Township puts out bid requests

5) Draft notice of award

6) Back to DNR and the township board to approve contractor.

The township doesn't need DNR approval for an engineer.

Shawn asked if the DNR restricts the contractors the township can use based on DNR requirements, such as MDOT does.

Klaus said that most contractors that build trails already meet MDOT/DNR requirements.

Discussion followed about the flow of funds needed from GTRLC and how the money is allocated from the state.

Discussed possible timelines for the project to begin. Hefner asked about the ability of people to use the beaches and parks or if it would be closed.

Klaus believes that beach access will be able to be maintained in different areas as

construction happens. May lose parking while the parking lot is done, although it's possible to stage them and keep some parking.

Hefner asked about paving shore rd. Klaus confirmed the township will have to work with MDOT.

2. Bayside Park- Deep water point trail segment- Kushman updated the committee on a generous, anonymous donation will pay for the ½ the trail from Shore Rd. through deep water natural area. TART will be funding the other half of that section. Estimated cost is \$50,000. Talked to Mike Okma from the Land Conservancy. There are conservation easements for Deep Water point that allows for passive use. There are no restrictions the township does need to supply the Conservancy with a letter outlining materials used as well as size and other spec's.

TART is working with HOA to obtain trail approval through their properties..

Work is scheduled to start in the 1st. Quarter of 2017. TART is working to get all the easements.

Up date on the connector on the East side of 31, still working with the hotels to gain owner/board approval. The hotels are going through their legal process.

Chris gave an update on Elk Rapids. They have a committee put together to work on a trail from Williams Rd. to Maple Bay.

TART has gained resolutions of support from every community along the purposed Traverse City to Charlevoix trail, except Antrim. TART is going to Antrim County's board meeting at the beginning January.

Further discussed the Tap grant, and how the DNR grant changes the townships outlook on that. It will be readdressed in the future.

3. Adopt-A-Bench Program-Klaus recommended looking at higher quality benches. Discussed using recycled plastic benches and the downsides of them.

Discussed coming up with a bench price point.

Klaus will have more bench options for the committee to look at, at the January meeting.

#### **G. NEW BUSINESS:**

1. **Adopt 2017 regular meeting schedule.**

**Motion to approve 2017 regular meeting schedule, with the time change of an 8:30 am start time**

**Motion Timmins, 2nd. Wentzloff.**

#### **H. PUBLIC COMMENT none**

**ADJOURN: Closed by unanimous consent**

**ACME TOWNSHIP PARKS & TRAILS MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
January 20<sup>th</sup>, 2017 8:30 a.m.**

**Draft Minutes**

**ROLL CALL:**

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

Called to order at 8:35am

- A. PUBLIC COMMENT: Jay Zollinger, Acme Supervisor,** let the committee know he was talking to Klaus, concerning the grant, to work out details. Also mentioned to the committee that the park and trail maintenance committee was working on a plan for spring maintenance of the parks, and that there had been no issues with park maintenance this winter.  
Discussed Gordie LaPointe no longer being a park and trail committee member.  
The Park and Trails committee is actively looking for a new member. Any interested parties should request an application from the township office.  
**Klaus introduced Kevin Krogulecki,** he is a new team member to Gosling and Czubak and will be helping on the Bayside park project.
- B. APPROVAL OF AGENDA: Motion to approve Wentzloff, 2nd. By Timmins.**  
**Motion carries.**
- C. INQUIRY AS TO CONFLICTS OF INTEREST: none**
- D. CORRESPONDENCE:**  
**none**
- E. ACTION:**
1. Approve Parks & Trails Minutes 12/16/2016 - Motion to approve minutes from 12/16/2016 Wentzloff, 2nd. Timmins.  
Motion carries.
- F. OLD BUSINESS:**
1. **Deepwater Trail Segment Update** -Kushman gave an update- The section of trail from the edge of Bayside Park through Deepwater Natural Area, the private donors check is expected to come in on or before the week of 1/23/17, TART will begin fundraising efforts to match that donation. Will try to coordinate this trail work with north Bayside to maximize the dollars.  
Heffner asked about the trail going through the condos.  
Kushman answered that TART is working with the condo owners and the resort manager.  
Feringa offered to help put Kushman in touch with the contact information he may need.
  2. **Bayside Park Trust Fund Grant** – Implementation Timeline - Discussed time line map that Klaus handed out and the timeline of how the projects would be completed. Phase 2 projects include; Parking lot expansion, redo of original parking lot, storm water retention, park promenade system( TART connector), beach playground equipment, beach wall caps, UA beach matting, UA transfer seat, small shade shelters, foot wash/shower and UA drinking fountain/jug fill.  
Discussed measures to keep the maximum amount of park land open to the public as these upgrades are taking place.

Karly asked questions about the "green space" lighting and paving around it.  
Klaus said both would be done, Discussion followed about lighting and where to put electrical.  
Jenema asked questions to clarify the bid phases and general contractors.  
Klaus talked about having two bid packages and how he, as the engineer, would work with the general contractor to keep the flow of the project in scope.

Heffner asked about working with MDOT to get Shore Rd. paved.  
Jay Zollinger discussed the lack of funding within the township and MDOT at this time, but agreed the first step is getting the township plan in place. He said the road needed a whole new base and estimated it was about a \$35,000 project.

Kris, Shawn and Julie met with MDOT to look at the best trail options.

Outline of steps to be taken to prepare for work in the park

- 1) Topographical map of the park
- 2) Start up meeting with the technical committee
- 3) Meet with MDOT (Jay has a tentative date)
- 4) Translate the plan into a bid package
- 5) Preliminary construction development
- 6) Preliminary engineering- need DNR authorization before the township can get bids.

Jenema is concerned the township completes the steps in the right order so that everything we do in the park is reimbursable  
Gosling and Czubak still need to be approved by the board before they can be considered engineers on the bayside park project.

Klaus said he is hoping the township will have a letter of authorization from the State in April or May to authorize work to begin.

Kushman asked about the timing to tweak the trail design, asked if it would be March/April.  
Klaus said it would be about that time.

### **3. Adopt-A-Bench Program Recommendations-**

Discussed how bench design would dictate other design elements.

Klaus suggested a design meeting in March. Jenema asked to see price points at the March meeting.

### **G. NEW BUSINESS:**

#### **Discussed February meeting**

Heffner asked about the agreement for trail easements through the Samarita property  
Kushman stated that Jeff Jocks was looking over the agreement.

### **H. PUBLIC COMMENT**

none

**ADJOURN: Motion to adjourn Timmins, 2nd. Feringa**  
**Motion carries**



**ACME TOWNSHIP ZONING ORDINANCE REWRITE  
SUBCOMMITTEE MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
December 12<sup>th</sup>, 2016 5:30 p.m.**

**PRESENT:** Karly Wentzloff, Marcie Timmins, Dan Rosa, Shawn Winter, John Iacoangeli

- No public in attendance

**A. REVIEWED NOTES FROM LAST MEETING**

**B. ZONING DISTRICT MAP**

- Shawn will continue looking for the SUP numbers for the large projects indicated on the map
- Change name of RR-1: Single Family Rural to SFR: Single Family Rural to be consistent with SFN: Single Family Neighborhood
- Form-based code requirements for the original SFN will apply to the new SFN as well
  - Will need a qualifier in the ordinance that an existing house is exempt, and not non-conforming
  - Accessory buildings can be in rear or side yard, not front in the SFN
- SFR will have one acre minimum lot sizes
- SFN lots will be 15,000 sq ft w/ sewer, 20,000 sq ft w/septic
- A-1: Agricultural will be named AG: Agricultural with 5 acre minimum lots
- R1-MH: Manufactured Housing parcel at the end of S. Bates Rd will have the zoning changed to AG since it's actually state-owned land and cannot be developed.
- SUP symbology will be changed to look more integrated into the map

**C. ZONING ORDINANCE OUTLINE:**

- Reviewed proposed outline.
- Article 6 will be called Site Development Standards, and Article 7 will be called General and Specific Provisions

**D. REGULATED USES TABLE**

- Focused on the agriculture land use category
- Looked at Michigan Right to Farm Act (Act 93 of 1981) to understand the definitions used in the act.
- Use the definitions as uses allowed under the AG district, then reference the Act's definition in the Zoning Ordinance definitions article.
- Uses deemed to be covered by the Act and therefore not needing to be listed specifically: agricultural processing, agricultural warehousing, aquaculture, aquaponics, customary agricultural operations, farmer's market, farmer's roadside market, farmer's roadside stand, field crop and fruit farming, food research and development, food processing plants, food storage (bulk), game or hunting preserves for profit, greenhouse or nursery, historic parks, livestock processing, planned agricultural units, productions facilities for value added farm products, raising and keeping of small animals/livestock, raising fur bearing animals for profit, riding horses (needs to stay for Residential districts), special open space uses
- Uses that are currently allowed, but not covered under the Act that will need to remain listed individually: agricultural tourism (I and II), lumber/planning/saw mills, winery/small winery, brewery/microbrewery, distillery/small distillery to stay with current AG provisions and remove the SUP requirement for the larger operations, riding stables and livestock auction yards, tenant housing, winery w/food service
- Uses to stay but with modification:
  - community kitchen (second half of current definition does not fit in the AG district), add to C, CF and L-1 districts. Needs to be a licensed facility. Keep cooking classes in the definition
  - Livestock processing to remain listed separately but as an SUP use in the AG
  - Riding horses to stay in the SFR district, but indicate there are special provisions
- Production and processing to be moved under industrial land use category rather than agricultural

- Winery, Brewery, Distillery to be added to C and CF as an SUP, in addition to the smaller operations by right. L-1 will retain this use still.
  - Look into Michigan Liquor Control Commission's definitions and categories
- Add another land use category for industrial and warehousing

**ADJOURN:**

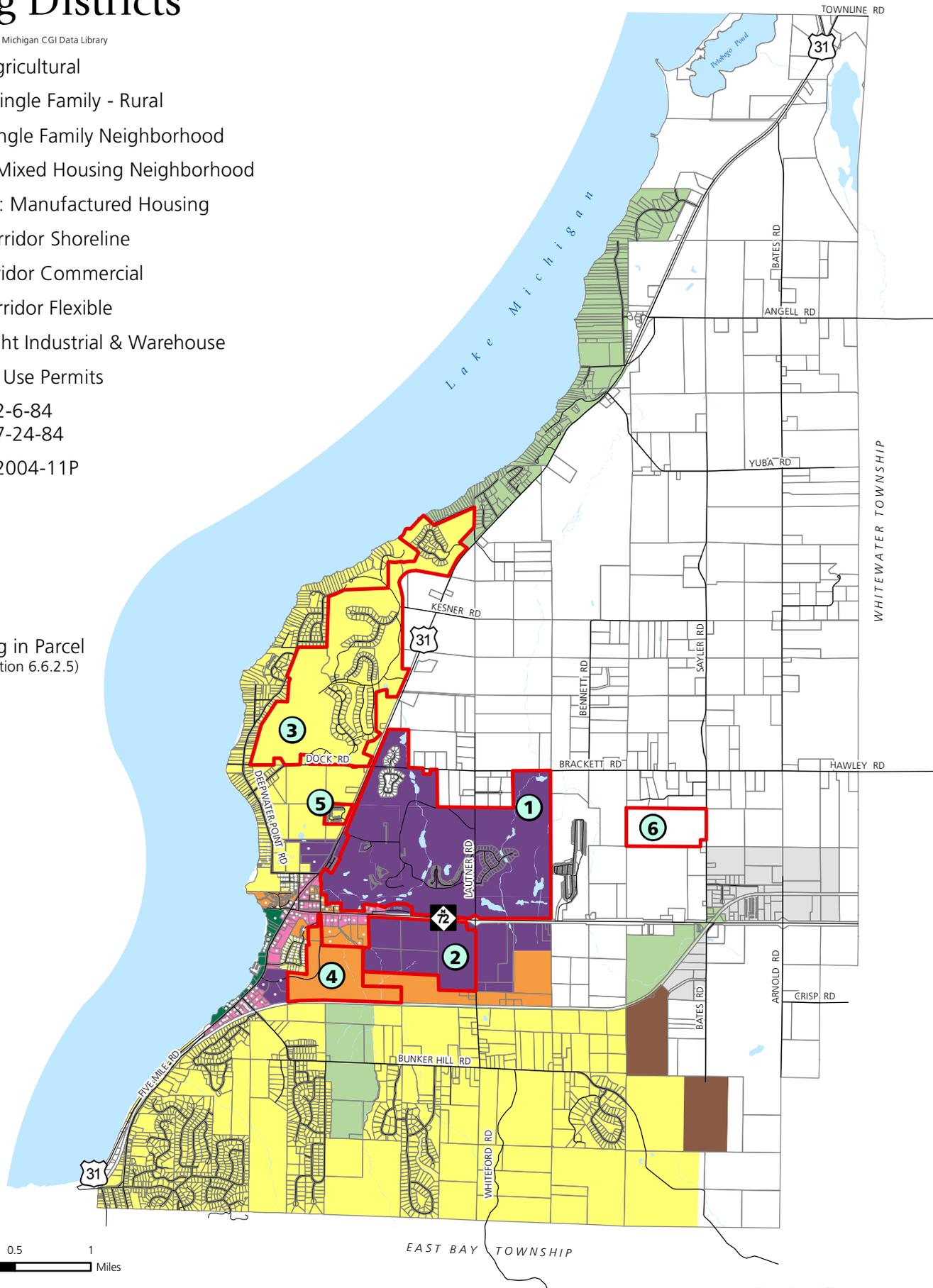
# ACME TOWNSHIP

## Zoning Districts

Data Source: Acme Township, Michigan CGI Data Library

- A-1: Agricultural
- RR-1: Single Family - Rural
- SFN: Single Family Neighborhood
- MHN: Mixed Housing Neighborhood
- R-1MH: Manufactured Housing
- CS: Corridor Shoreline
- C: Corridor Commercial
- CF: Corridor Flexible
- L-1: Light Industrial & Warehouse
- Special Use Permits

- 1 SUP # 2-6-84  
SUP # 7-24-84
- 2 SUP # 2004-11P
- 3 SUP #
- 4 SUP #
- 5 SUP #
- 6 SUP #
- Building in Parcel  
(refer Section 6.6.2.5)



Acme Township  
 PROPOSED ZONING ORDINANCE FRAMEWORK  
 (Last Modified 2016-12-12)

<u>CURRENT - Zoning Ordinance</u>	<u>PROPOSED – Zoning Ordinance</u>
Article 1 – Short Titled	Article 1 – Title and Purpose
Article 2 – Purposes	Article 2 – Districts
Article 3 – Definitions	Article 3 – Uses by District
Article 4 – Administration and Enforcement	Article 4 – Special Land Uses
Article 5 – Zoning Board of Appeals	Article 5 – Site Development Standards
Article 6 – Zoning Districts	Article 6 – Land Development Options
Article 7 – Supplemental Regulations	Article 7 – Special Provisions
Article 8 – Site Plans	Article 8 – Site Plan Review
Article 9 – Special Uses	Article 9 – Non-Conforming Uses
Article 10 – Condominium Subdivisions	Article 10 – Zoning Board of Appeals
Article 11 – Open Space Preservation	Article 11 – Administration
Article 12 – Manufactured Housing Communities	Article 12 – Amendments
Article 13 – Personal Wireless Services	Article 13 – Public Hearings and Notification
Article 14 – Wind Energy Systems	Article 14 - Interpretation and Conflict
Article 15 – Non-Conforming Uses	Article 15 – Definitions
Article 16 – Amendments	
Article 17 - Severability	
Article 18 – Violations	
Appendix I – Zoning Amendments	<u>PROPOSED – Additional Revisions</u>
	Article 1 – Title and Purpose
	Article 2 – Districts
	Article 3 – Uses by District
	Article 4 – Special Land Uses
	Article 5 – Land Development Options
	Article 6 – Supplemental Regulations
	Article 7 – Special Provisions
	Article 8 – Site Plan Review
	Article 9 – Non-Conforming Uses
	Article 10 – Zoning Board of Appeals
	Article 11 – Administration and Enforcement
	Article 12 – Amendments
	Article 13 – Public Hearings and Notification
	Article 14 – Interpretations and Conflicts
	Article 15 – Definitions
	- “General Provisions”?

## **ARTICLE 3 - REGULATED USES AND DIMENSIONAL REGULATIONS**

### **3.1 LAND USE AND ZONING DISTRICT TABLE**

The Use Table in this Article lists by Land Use Type (i.e. residential, commercial, etc.) where a particular land use is allowed in a respective base-zoning district.

### **3.2 PERMITTED USES [P]**

If a land use is permitted by-right in a Zoning District, it is identified by the symbol “P.”

### **3.3 SPECIAL LAND USE [S]**

The symbol “S” is noted if a land use is permitted after review and approval as a Special Land Use in accordance with Article 5 this Zoning Ordinance.

### **3.4 USES NOT ALLOWED**

If a land use type is not allowed in a Base Zoning District, it is blank without a “P” or “S.”

### **3.5 SITE-SPECIFIC STANDARDS**

Land use types, denoted with an “S,” are further regulated with site-specific standards are identified in Article 5, Special Land Uses.

### **3.6 UNLISTED USES**

If an application is submitted for a use type that is not classified in the Land Use Table of this Article, the Planning Commission is authorized to classify the new or unlisted use type into an existing land use category that most closely fits the new or unlisted use. If no similar use determination can be made, the Planning Commission may initiate an amendment to the text of the Zoning Ordinance.

### **3.7 LAND USE TYPE**

Land use types listed in the Land Use and Base Zoning District Table are defined in Definition Article 2: Definitions of this Zoning Ordinance.

### **3.8 ZONING CODES**

The following codes represent the respective zoning district classifications.

A-1:	Agricultural
R-1:	One-Family Forest and Coastal
R-2:	One Family Residential
R-3:	Urban Residential
R-1MH:	Manufactured Home Residential
SFN:	Single Family Neighborhood
MHN:	Mixed Housing Neighborhood
CS:	Corridor – Shoreline
C:	Corridor – Commercial
CF:	Corridor – Flexible
B-3:	Planned Shopping Center
B-4:	Material Processing and Warehousing

**3.9 LAND USE AND BASE ZONING DISTRICT TABLE**

ALLOWED LAND USES (‘P’-By Right; ‘S’-Special Use Permit)	ZONING DISTRICTS											
	A-1	R-1	R-2	R-3	R1-MH	SFN	MHN	CS	C	CF	B-3	B-4
<b>AGRICULTURAL LAND USES</b>												
Agricultural Processing	P											
Agricultural Tourism I	P											
Agricultural Tourism II	S											
Agricultural Warehousing	P											
Aquaculture	P											
Aquaponics	P											
Brewery, Distillery, Winery	S											S
Community Kitchen	P											
Customary Agricultural Operations		P	P	P								
Farmer’s Market												P
Farmer’s Roadside Market	S											
Farmer’s Roadside Stand	P											
Field Crop & Fruit Farming	P	P	P									
Food Research & Development Facility	P											
Food Processing Plant	S											
Food Storage, Bulk	P											
Game or Hunting Preserves for Profit	S											
Greenhouse (capable of selling retail)	S											
Historic Parks	S											
Livestock Processing	S											
Lumber & Planing Mills												S
Medical Marihuana Cultivation Operation												S
Medical Marihuana Dispensary												S
Microbrewery, Small Distillery, Small Winery	P								P	P		
<b>A-1:</b> Agricultural <b>R-1:</b> One-Family Forest & Coastal <b>R-2:</b> One-Family Urban Residential <b>R-3:</b> Urban Residential <b>R1-MH:</b> Mobile Home Residential <b>SFN:</b> Single Family Residential <b>MHN:</b> Mixed Housing Neighborhood <b>CS:</b> Corridor-Shoreline <b>C:</b> Corridor-Commercial <b>CF:</b> Corridor Flexible <b>B-3:</b> Planned Shopping Center <b>B-4:</b> Material Processing & Warehousing												

Acme Township Zoning Ordinance  
 adopted MM/DD/YYYY; effective MM/DD/YYYY  
 as amended through MM/DD/YYYY

ALLOWED LAND USES (P-By Right; S-Special Use Permit)	ZONING DISTRICTS											
	A-1	R-1	R-2	R-3	R1-MH	SFN	MHN	CS	C	CF	B-3	B-4
Planned Agricultural Units	S											
Production Facilities for Value Added Farm Products	P											
Production & Processing												S
Raising & Keeping Small Animals/ Livestock	P											
Raising of Fur Bearing Animals for Profit	S											
Riding Horses	P	P	P	P								
Riding Stables & Livestock Auction Yards	S											
Sawmills	S											
Special Open Space Uses	S											
Tenant Houses (as part of farm property)	P											
Winery w/ Food Service	S											
Winery w/ Tasting Room	P								P	P		
<b>RESIDENTIAL LAND USES</b>												
Assisted Living Group Facilities/ Convalescent Homes/Nursing Homes		S	S	S		S	P	S				
Bed & Breakfast	S	S	S	S		S	S	S				
Conservation Development	S	S	S	S		S	S	S				
Conversion of Single Family Home to Duplex	S											
Duplexes	S			S		P	P	P				
Home Occupation (1-person)	P	P	P	P		P	P	P	P	P		
Home Occupation (2 or more persons)						S	S	S				
Live-Work Housing Unit							P		P	P		
<b>A-1:</b> Agricultural <b>R-1:</b> One-Family Forest & Coastal <b>R-2:</b> One-Family Urban Residential <b>R-3:</b> Urban Residential <b>R1-MH:</b> Mobile Home Residential <b>SFN:</b> Single Family Residential <b>MHN:</b> Mixed Housing Neighborhood <b>CS:</b> Corridor-Shoreline <b>C:</b> Corridor-Commercial <b>CF:</b> Corridor Flexible <b>B-3:</b> Planned Shopping Center <b>B-4:</b> Material Processing & Warehousing												

Acme Township Zoning Ordinance  
adopted MM/DD/YYYY; effective MM/DD/YYYY  
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ALLOWED LAND USES (P=By Right; S=Special Use Permit)	ZONING DISTRICTS											
	A-1	R-1	R-2	R-3	R1-MH	SFN	MHN	CS	C	CF	B-3	B-4
Manufactured Home Subdivision/ Housing Communities					P							
Manufactured Homes	P	P	P	P								
Mixed Use Planned Development					S							
Multiple Family Dwellings					S		P	P	S	P		
Open Space Preservation Development (duplex, multiple family, single family)				S								
Open Space Preservation District (single family)	P	P	P	P	P		P					
Single Family Condominium Subdivision							P					
Single Family Dwelling	P	P	P	P	P		P	P	P			
Single Family Dwelling in A-1 on less than Five (5) Acres	S											
<b>COMMERCIAL LAND USES</b>												
Automotive Major Repair Shop												P
Automotive Service and/or Wash								S		S	P	
Automotive Supply & Parts Store w/o Service Bays								P				
Bakery & Confection Making								P	P			P
Bank & Financial Office								P	P	P		
Bank & Financial Office w/ Drive- Thrus								S	S	S		
Beverage Bottling Facility												P
Building and Lumber Supply Store										S	P	
Campground	S											
Carpet Cleaning Establishment												P
<b>A-1:</b> Agricultural <b>R-1:</b> One-Family Forest & Coastal <b>R-2:</b> One-Family Urban Residential <b>R-3:</b> Urban Residential <b>R1-MH:</b> Mobile Home Residential <b>SFN:</b> Single Family Residential <b>MHN:</b> Mixed Housing Neighborhood <b>CS:</b> Corridor-Shoreline <b>C:</b> Corridor-Commercial <b>CF:</b> Corridor Flexible <b>B-3:</b> Planned Shopping Center <b>B-4:</b> Material Processing & Warehousing												

Acme Township Zoning Ordinance  
adopted MM/DD/YYYY; effective MM/DD/YYYY  
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ALLOWED LAND USES (‘P’-By Right; ‘S’-Special Use Permit)	ZONING DISTRICTS											
	A-1	R-1	R-2	R-3	R1-MH	SFN	MHN	CS	C	CF	B-3	B-4
Central Dry Cleaning/Laundrying Facility or Plant												S
Clinics & Kennels (animal care facilities)	S											
Computer Operations												P
Computer Electronic Equipment Manufacturing												P
Computer Programming & Software Development												P
Computing Center & Data Processing												P
Construction Storage												P
Contractor Establishment												S
Convenience Market less than 3,500 sq. ft.									P	P		
Distribution & Transfer Center												P
Drive-In Theater												S
Entertainment Facility w/ Auditorium											P	
Family Child Care Home	P	P	P	P		S	S	S				
Farm Equipment & Sales												P
Freezers & Lockers												P
Gasoline Service Station											S	
General Retail									P	P	S	
General Retail w/ Alcoholic Beverages									S	S		
General Retail w/ Floor Area over 10,000 sq. ft.									S	S		
General Retail w/ On-Site Production of Items Sold In or Out of Stores									S	S		
General Retail w/ Operating Hours Between 10:00 pm - 7:00 am									S	S		
<b>A-1:</b> Agricultural <b>R-1:</b> One-Family Forest & Coastal <b>R-2:</b> One-Family Urban Residential <b>R-3:</b> Urban Residential <b>R1-MH:</b> Mobile Home Residential <b>SFN:</b> Single Family Residential <b>MHN:</b> Mixed Housing Neighborhood <b>CS:</b> Corridor-Shoreline <b>C:</b> Corridor-Commercial <b>CF:</b> Corridor Flexible <b>B-3:</b> Planned Shopping Center <b>B-4:</b> Material Processing & Warehousing												

Acme Township Zoning Ordinance  
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ALLOWED LAND USES (‘P’-By Right; ‘S’-Special Use Permit)	ZONING DISTRICTS											
	A-1	R-1	R-2	R-3	R1-MH	SFN	MHN	CS	C	CF	B-3	B-4
Golf Course		S	S	S								
Grocery Store									P	P	S	
Grocery Store w/ Floor Area over 10,000 sq. ft.									S	P		
Grocery Store w/ Gasoline Service Station									S			
Hardware & Home Improvement Store										P		
Hospital											S	
Hotel: 120 rooms or more									S	S	S	
Hotel: any size w/ Conference Facility									S	S	S	
Hotel: less than 120 rooms									P	P	P	
Marina								S				
Medical/Dental Laboratory												P
Medical/Dental Office									P	P	P	
Medical Urgent Care Facility									P	P	S	
Microbrewery, Small Distillery, Small Winery									P	P		
Mixed Use w/ Residential Above 1 <sup>st</sup> Floor								P	P	P	P	
Movie & Theater									P	P		
Outdoor Sales											S	
Pattern-Making Shop												P
Personal Services									P	P	P	
Planned Shopping Center											S	
Printing, Publishing, Engraving & Bookbinding Plant											P	P
Produce Market Terminal												P
Professional Office								P	P	P	P	P

**A-1:** Agricultural    **R-1:** One-Family Forest & Coastal    **R-2:** One-Family Urban Residential    **R-3:** Urban Residential    **R1-MH:** Mobile Home Residential    **SFN:** Single Family Residential  
**MHN:** Mixed Housing Neighborhood    **CS:** Corridor-Shoreline    **C:** Corridor-Commercial    **CF:** Corridor Flexible    **B-3:** Planned Shopping Center    **B-4:** Material Processing & Warehousing

**Acme Township Zoning Ordinance**  
 adopted MM/DD/YYYY; effective MM/DD/YYYY  
 as amended through MM/DD/YYYY

ALLOWED LAND USES (P=By Right; S=Special Use Permit)	ZONING DISTRICTS											
	A-1	R-1	R-2	R-3	R1-MH	SFN	MHN	CS	C	CF	B-3	B-4
Recycling Center (w/o heavy machinery)												P
Restaurant, Cafe, Coffee Shop, Bar & Tavern									P	P	P	
Restaurant, Cafe, Coffee Shop, Bar & Tavern w/ Outdoor Service									S	S	S	
Restaurant w/ Drive-In and/or Drive-Thru Service									S	S	S	
Shopping Center									S	S	S	
Soda Water & Soft Drink												P
State Licensed Residential Facility	P	P	P	P		S	S	S				
Storage Facility												P
Technology Laboratory												P
Technology Research & Development Center												P
Telecommunications												P
Truck & Freight Operation/Terminal												S
Veterinary Hospital/Clinic	S							P	P		P	P
Warehousing - Enclosed												P
Wholesale Activities - Enclosed												P
<b>INSTITUTIONAL LAND USES</b>												
Adult Day Care Center						S	S	S				
Airport & Airfield	S											
Cemetery	P	P	P	P								
Commercial Recreational Facility											P	
Conservation Area (Public or Private)	P											
Critical/Supporting Public Uses	S	S	S	S								P
Educational & Social Institution	S	S	S	S		P	P	P	P	P	S	

A-1: Agricultural R-1: One-Family Forest & Coastal R-2: One-Family Urban Residential R-3: Urban Residential R1-MH: Mobile Home Residential SFN: Single Family Residential  
MHN: Mixed Housing Neighborhood CS: Corridor-Shoreline C: Corridor-Commercial CF: Corridor Flexible B-3: Planned Shopping Center B-4: Material Processing & Warehousing

ALLOWED LAND USES (P=By Right; S=Special Use Permit)	ZONING DISTRICTS											
	A-1	R-1	R-2	R-3	R1-MH	SFN	MHN	CS	C	CF	B-3	B-4
Group Care Home		S	S	S								
Institutional Use	S	S	S	S								
Private, Non-Commercial Recreation Area	P	S	S	S								
Public & Private School						P	P	P	P	P	S	
Public Recreation	P	P	P	P		P	P	P	P	P		
Public Uses: Critical, Supporting, Essential	P	S	S	S	P	P	P	P	P	P	P	P
Religious Institution (w/ or w/o assembly hall)	S	S	S	S			P		P	P	S	
Research - Design/Experimentation												P
Sand/Gravel Pit, Quarry	S											
Sewage Treatment/Disposal Installation	S	S	S	S								
Trade School												P
<b>ACCESSORY LAND USES</b>												
Boathouse		P	P	P								
Customary Uses/Building (incidental to permitted principle use)	P											
Farm Building		P	P	P								
Greenhouse (not selling retail on site)		P	P	P								
Guest House		P	P	P								
Private Swimming Pool		P	P	P								
Private, Detached Garage		P	P	P								
Public Transit Stop or Station							P	P	P	P	S	
Radio & Television Antenna		P	P	P								
Recreational Vehicle Storage		P	P	P								
Structural Appurtenance	S	S	S	S							S	S

A-1: Agricultural R-1: One-Family Forest & Coastal R-2: One-Family Urban Residential R-3: Urban Residential R1-MH: Mobile Home Residential SFN: Single Family Residential  
MHN: Mixed Housing Neighborhood CS: Corridor-Shoreline C: Corridor-Commercial CF: Corridor Flexible B-3: Planned Shopping Center B-4: Material Processing & Warehousing

**Acme Township Zoning Ordinance**  
adopted MM/DD/YYYY; effective MM/DD/YYYY  
as amended through MM/DD/YYYY

ALLOWED LAND USES (P=By Right; S=Special Use Permit)	ZONING DISTRICTS											
	A-1	R-1	R-2	R-3	R1-MH	SFN	MHN	CS	C	CF	B-3	B-4
Temporary Building		P	P	P								
Wireless Telecommunication Facility						S			S			
<b>A-1:</b> Agricultural <b>R-1:</b> One-Family Forest & Coastal <b>R-2:</b> One-Family Urban Residential <b>R-3:</b> Urban Residential <b>R1-MH:</b> Mobile Home Residential <b>SFN:</b> Single Family Residential <b>MHN:</b> Mixed Housing Neighborhood <b>CS:</b> Corridor-Shoreline <b>C:</b> Corridor-Commercial <b>CF:</b> Corridor Flexible <b>B-3:</b> Planned Shopping Center <b>B-4:</b> Material Processing & Warehousing												

### **3.10 DIMENSIONAL REGULATIONS**

The placement of land uses (permitted or special use) are regulated by the zoning district. The table below enumerates by zoning district the dimensional requirements.



**ACME TOWNSHIP PLANNING COMMISSION MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
December 12<sup>th</sup>, 2016 7:00 p.m.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE: 7:05pm**

**ROLL CALL:**

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

**Members excused:** S. Feringa (Vice-Chair)

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

**A. LIMITED PUBLIC COMMENT:** Open 7:06pm; Closed 7:06pm

**B. APPROVAL OF AGENDA:**

Motion by Timmins to approve agenda Support by Balentine. Motion passes unanimously.

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

**D. SPECIAL PRESENTATIONS:** None

**E. CONSENT CALENDAR:**

**1. RECEIVE AND FILE**

a. Township Board Minutes 11/01/2016

b. Draft Parks & Trails Committee Minutes 11/18/16

**2. ACTION:**

a. Approve Draft Planning Commission Minutes 11/14/16

Motion by Timmins to approve the Consent Calendar as presented. Support by Rosa. Motion passes unanimously.

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

**G. CORRESPONDENCE:**

**1.** Master Plan Amendment Public Hearing – East Bay Charter Township

Notification letter from East Bay Township regarding proposed amendment to their Master Plan. Letter is the legal notice of the public hearing.

**H. PUBLIC HEARINGS:** None

**I. OLD BUSINESS:**

**1.** Public Forum on Short-Term Rentals

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.

Public hearing has been scheduled for January 19, 2017 at the Williamsburg. This will be a joint meeting of PC and Board to provide property owners the chance the chance to voice their opinion on the topic. Currently, Counsel has indicated that currently the township zoning does not allow such uses. Meeting will be recorded.

**2. Medical Marihuana – Board Feedback**

No real feedback to PC from Board. Packet contained memo. Since many components of new changes to the legislation have not been drawn up yet and there is still time, PC members agreed to wait and see how this all comes together.

**J. NEW BUSINESS:**

**1. Adopt 2017 Planning Commission Regular Meeting Schedule**

Motion by Timmins to adopt the 2017 Meeting Schedule. Support by Forgette. Motion passes unanimously.

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

- 1. Zoning Administrator Report – Shawn Winter** summarized report. Noted an obstacle in Gokey Apartment project due to water main not extended as expected by engineers. Design plans moving forward with Dan Kelly project.
- 2. Planning Consultant Report – John Iacoangeli** - nothing to report
- 3. Township Board Report – Doug White** - nothing to report
- 4. Parks & Trails Committee Report – Marcie Timmins** reported that Township received good news on Bayside Park grant. MDNR approved grant for \$300,000; GTRLC pledged another \$200,000 and the township has committed \$100,000. Drawings and site engineering will need to be done. Site work likely to be done in late 2017 or early 2018.

Public comment open at 7:30pm. Closed at 7:30pm.

**ADJOURN:**

Motion by Timmins to adjourn. Support by Balentine. Motion passes unanimously. Meeting adjourned at 7:30pm.



**PUBLIC FORUM ON SHORT-TERM RENTALS**  
**Acme Township Board of Trustees & Planning Commission**  
**THE WILLIAMSBURG BANQUET & CONFERENCE CENTER**  
**4230 M-72 East, Williamsburg MI 49690**  
**January 19<sup>th</sup>, 2017 7:00 p.m.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE:** @ 7:02pm

**ROLL CALL:**

*Township Board*

X Aukerman    X Dye    X Jenema    X Nelson    \_\_\_ Scott    X White    X Zollinger

*Planning Commission*

X Balentine    X Feringa    X Forgette    X Rosa    X Timmins    X Wentzloff    X White

Note: Scott excused; White arrived at 7:14pm.

Other Staff Present:

Shawn Winter, Planning and Zoning Administrator; Jeff Jocks, Legal Counsel

**A. OPENING REMARKS**

**1.** *Jay Zollinger, Township Supervisor and Karly Wentzloff, Planning Commission Chair*

Township Supervisor Jay Zollinger introduced himself and opened the meeting by thanking Dan Kelly for the use of his facility at The Williamsburg. Tonights meeting was to gather input from the citizens of Acme Township on short term rentals, listen and to share information. Several citizens have come to Board and Planning Commission meetings speaking out on this topic. Felt that it would be best to have a joint public meeting for many people to hear comments on this single item and to share information. This is a joint meeting of the Township Board and the Planning Commission. Planning Commission Chairperson, Karly Wentzloff provided instructions for the format of the meeting and introduced Planning and Zoning Administrator, Shawn Winter. As a citizen driven township, this meeting is to gather public input. Further discussion will take place at future Planning Commission meetings after a review of all public comment, review of surveys handed out this evening, and review of any additional information that may be provided as part of this process.

**B. OVERVIEW**

**1.** *Shawn Winter, Planning and Zoning Administrator*

Winter read an overview of the topic as provided in the agenda packet (see agenda packet). In summary, short term rentals have been occurring for decades without many issues. Recently, however, that has changed based on the number of complaints this summer. Additionally, the opinion of legal counsel after reviewing the existing zoning ordinance language was that short-term rentals are not an allowed use in the R-1, R-2 and R-3 Districts for the Township. Two models of short-term rentals exist: whole houses being rented out, and room sharing (i.e. Airbnb). The options we have moving forward are as follows:

- A complete prohibition on any and all short-term rentals
- Allow short-term rentals to occur as is, in an unregulated manner
- Allow short-term rentals to occur in a regulated manner

The Township has not determined which option best suits the citizens of the Township and the decision will not occur at this meeting. Tonights public forum provides the first step of this process. After tonight, comments will be compiled, survey results analyzed and referenced based upon the goals and objectives of the Township Master Plan which has prescribed our intended future. With all of this information, the township will be better equipped to make a decision.

- C. PUBLIC COMMENT:** @ 7:11pm. All letters of correspondence related to this public meeting will be attached to the minutes. Below are summarized comments from the public during the meeting.
- 1) Cynthia Duemling, 9307 Shaw Road. Lives downstate but come up on regular basis. We also live next to place that rents on regular basis. Hasn't been horrible, but there have been incidents. Preference would be to not allow rentals. If allowed, township needs to come up with regulations that make sense; enforceable rules. Our biggest concern is number of people allowed to stay in single residence. And then additional people "visiting" during the day. Impacts on our enjoyment of the area.
  - 2) Bruce Brownie, 5253 US 31 North. Strongly opposed to regulations. In favor of homeowners deciding whether or not they want to rent their house/room. Sounds like we have some homes with issues. Things to deal with this is policies should be made to address these small issues and not restricting the 99% of the rest. Short term rentals help owners with source of income and helps local economy. Understands the problem,, but there are better ways to address than regulation. Owners should run their property responsibly.
  - 3) Pat Valley, 9433 Shaw Road. There is a home between us and Duemling's that rents. Trash is one of our biggest concerns, Renters tend to throw trash in everyone else's receptacles since they are not provided a sufficient receptacle. At the end of weekend there is a pile at end of our drive that needs to be picked up. Our portion of Shaw Road is private and we pay to maintain ourself and get little support from the people renting out their home. People end up in our orchard to park and we end up fixing our property. Road is windey so traffic, parking, safety and speed is a concern.
  - 4) Curt Peterson, 1356 Buchan Drive, TC. Not a resident of township but knowledgeable on topic. Counsel's determination that short term rentals is not allowed use needs to reviewed. In August 2016 PC meeting addendum, he indicates the definition of dwelling by Counsel is not the complete definition from the zoning ordinance, as referenced. The key is that a house is "designed" for a single-family, not that it must be occupied by a single-family. Otherwise we couldn't have friends stay with us. Went on to cite a Wikipedia definition of single-family. Feels the tourist home model is legal under the ordinance.
  - 5) Joel Safronoff, 7206 Peaceful Valley Road. Has had a neighbor rent all year. Rentals duration anywhere from 2 to 10 days. Issues with trash, noise, and camp fires burning all day. Every week with each new renter you have to call authorities to deal with an issue. Have been here over 40 years and had to pick up trash on beach for first time. Security is another concern. One neighbor was robbed on two occasions, Never an issue previously. We had on average of 6 cars per week; car loads. Safety a concern; started locking up a shed we never had to do before. Wondered if rental managers should know of the regulations and ordinances too. Traffic speed is another concern.
  - 6) Virginia Tegel, 4810 Bartlett Road. Listed 7 individuals supporting the model of Airbnb. Excerpts read from her letter that is attached to minutes. Indicated she rents a room and has never had an issue. Always present when room is rented. Feels Airbnb has an excellent policy and has no impact on neighbors, comparable to a roommate. Effect on neighbors no more of an impact than in-home business. Guests support local economy. No environmental impact. It is a niche market. Cited resources on the topic, including MSU Extension, AirBNB's website.
  - 7) Pat Partridge, 3907 Bay Valley Drive. Supports short term rentals. Ability to have short-term rentals is way to offset costs. Allows additional income to maintain property and meet increased taxes. Believes rules should be established and enforced. Pets of renter are an issue if not watched closely.
  - 8) Pat Buck, 7369 Deepwater Pointe. This is about 3rd meeting attended related to short term rental issue. Trying to keep open mind but when families looking into moving in R-1 zoning district that it is free from commercial activity and supports them via the R1 zoning. Modifying or changing the ordinance to accommodate short term rentals would be a breach of the township's obligation to its citizens. The airbnb and vacation rentals has increased popularity escalated rentals at costs to our neighborhoods. Hopes township does not sway from its current course of not allowing short term rentals.
  - 9) Kara Peck, 7677 Bates Road, 4180 M72 E. Thanked everyone for input and emphasizes with those who have had bad experiences. Our family has personally rented vacation homes and feel people coming into the area also appreciate them. People are staying in town, eating, shopping, cooking for themselves and learning how to live in our community. A different feel than going to hotel. This could turn into future homeowners. Need to look at policies concerning loud and inappropriate behavior for homeowners. How are issues such as noise and trash that require law enforcement handled? Usually by law enforcement.

Renters who do not abide should be called out. Things to ask are these rented by management company or homeowner? Are owners available 24/7? What are the size of properties, homes? Is there verbiage that could be done in the ordinance to address and make doable? Email correspondence attached and included with minutes.

- 10) Jill Kester, Saylor Road. Supports allowing short-term rentals and emphasizing for those who have had bad experiences. Feels those that don't manage properties should be held accountable. Personally, as a family, has used them a lot; Landlords need to be accountable. Law enforcement should handle these cases. Supports some sort of regulation to those who rent out properties.
- 11) Rod Kuncaitis 1604(?) Elk Lake Rd, on behalf of Karin Flint of Flint Fields Horse Shows by the Bay. Read letter submitted by Karin Flint. Horse show has brought thousands of people and millions of dollars to the area. Many families come or numerous weeks and looks to home/cottage rentals for accommodations as a better option than hotels, that may be booked. Has researched many tourist communities throughout the country. Certain there is a positive resolution that can be beneficial to everyone.
- 12) Theresa Galante, 6809 Deepwater Point. Uses home as a short term rental. We check all guests in and restrict the number of people, we restrict number of vehicles parked. Thinks there are ways to regulate by law enforcement.
- 13) Margy Goss, 4105 Bay Valley Drive. Supports short term rentals. Believes regulation is important but not over regulation; believe 1% is cause. Over regulation is not good. My preference is what I heard from Long Lake township; they don't want you to rent rv's or campers; but neighborhoods are ok. It is a good source of income. In favor with wise regulations; using more data from the number side; not on the personal side. If large problem then we need to deal with it.
- 14) Lisa Weeks, 5734 Apple Valley. Had no idea this was going on until talked with neighbors while on a walk who indicated they were renting and she didn't even know. Common sense should be able to deal with this. Worked well in my neighborhood.
- 15) Bea Edmond, 4644 Paper Birch. All in favor of short term rentals. Opposed to regulation. Also rents places in TC. As owner you are going to take of your home; doesn't understand.
- 16) Ciprian Streza for Jon Reibel, 7186 Peaceful Valley Road. Read letter into record (attached to these minutes). Echoed sentiments of neighbors that we live in wonderful community. Hard to regulate every aspect. Expressed apologies for distress rentals have caused neighbors.
- 17) Eric Nuffer, 5754 Ridge Road. In favor of short term rentals without regulation, Thinks more enforcement and accountability would be needed but we don't need more rules. Hopeful that enforcement was called by residents who had neighbor issues. Doesn't want Acme turn into Traverse City. Airbnb is a wonderful thing and works well. It has lots of checks and balances.
- 18) John Zalouak, 10351 Kay Ray Road. Thanked member of Board and PC for time looking into this. He has researched this topic on the internet looking at other communities, states, etc.. Lot of good things to think about out there. Encourages everyone to do the same. Definitions are critical to the ordinance. What is a single family? What is a single family home? What is a family? A big believer in property rights, but with right also incurs responsibility. Rent as if you are living there. Problems not just with short term rentals but also long term rentals can also be issues. In a personal case and had the number of owner and called to get resolution to a number of problems. We need to have responsibility side of whatever comes out of this built in..
- 19) Bonnie Smith, 7280 Deepwater Pointe. Here addressing short term rentals only; Not in favor of them. I It was mentioned previously that short term rentals provide a quality of life for those renting when they live and enjoy our community. However, that quality of life for the rest of us has been affected due to goings on at short term rentals. Settled here and built home because of township zoning to protect property rights and it would be worth something because of the zoning and for it to be a safe area to raise a family. A safe place, A quieter place, A place where you knew the people around you. Wondered why zoning has not been enforced. Wonders also about why we are having this meeting at this time of the year as many of our neighbors are not here and on vacation. Concerned about not knowing who is renting next door. Concerned about grandchildren playing in yard without constant supervision. Summers in the last 3 years have been extremely disruptive. Issues with noise and parties during the night, More traffic and fireworks during times when they are not allowed. Enough of this occurs, that when you are working, and have to get up early, it is really a grind when you are dealing with late night activities of neighbors. Not a commercial area.

- 20) Dale Stevens, 6679 Bates Road. Area in and around the Flint horse park, events and things that have been going on there are unique. The development is busy and there is commotion. But there is a lot of fun. Neighborhood is coming together. Acme is uniquely positioned here with short term rentals because of the amount of private ownership. Thinks Township should continue to approve these uses and actually embrace short term rentals because it is a good thing for our area in the summer months. Understands those that are against them, but with growth, change happens.
- 21) Chuck Walter, no address. Lives across from Flint horse park and they have brought in lot of nice folks from all over this country. A large event that goes on for 6-8 weeks and very few incidents that we are aware of. Has rented space for RVs all but one year of the horse show without incident. We have our own rules and regulations for those who come on our property. Thinks rules and regulations on rentals takes away from rights of property owners. Can't expect township to be mom and dad to those who cannot handle their property. Township cannot enforce some of the current regulations that are out there now. Doesn't know why people who rent these places can't take it upon themselves to have rules and regulations. And if people who rent there cannot abide by those rules, kick them out or call law enforcement. Horse show also brings in tourism; not just participants. Does not want officials to enforce or act on any more regulations on short or long term rentals or any other thing in Acme township.
- 22) Doug Meteyer, 6348 Singletree. Spent a lot of time looking at property rights and defending those rights. Doesn't want this group to restrict rights of the many for those of the few. An intersection between right to peaceful enjoyment of one's property and property rights of the landowner. Be mindful that a small minority of properties are where problems are occurring. Efforts need to be focused there.
- 23) Alan Martel, Torch Lake Township Supervisor. At Torch Lake, we do not allow short term rentals. Decided about 10 years ago after a lot of actions; including court action. In looking into it, we found this is a money maker and we have discovered that over half of those renting homes in our township do not live here. Many have purchased homes and then turned them over to a management company. Very lucrative investment that outsiders are buying into. We don't allow it. He provided a study Torch Lake conducted to share with the Board and PC members. Recommend to not open township up to short term rentals.
- 24) John Martin, 908 S. Belmont Ave. Considered an outsider but has been coming to this area all his life. 10 years ago bought a place and has done short-term rentals place for 9 years and only one issue. Has rules, Tells neighbors to let them know if problem occurs. Requires deposit be put down by renters. Very clear with them to be respectful to neighbors. It's not just about protecting the property, but it's about protecting the neighborhood. We vet prospective renters as carefully as we can. Look at age of renters, occupation and the number of cars, etc. Without proper management, issues occur. Isolated incidence in one neighborhood seems to be causing issues. Use common sense rules. If regulation is considered, licensing, permits, fees could be used to offset costs. They can be good for everyone.
- 25) Catherine Nelson, 7466 Saylor Road. Creator of Airbnb was on brink of destitution when he decided to rent a room. My impression is that there is a need for room sharing for additional income. In support of short term rentals; I like PC to consider cascading economic so those owners and renters can reinvest in the local community.
- 26) Debra Safronoff, 7206 Peaceful Valley Road. Lived 40 years at this address. This past summer is when we started having experiences with weekly rentals. People here want to talk about all the good things of short term rentals but sur experience is every week, a different set of people are next door. Every week was a different problem. Our summer is very short and having to deal with weekly issues makes things unrestful and not very peaceful. Went to PC and Board meetings and was told to call law enforcement or fire department. So we did. But who wants to be doing this each and every week of the summer. Makes things unhappy and unrestful being up late in the night due to noise and fireworks next door. Maybe short term rentals are ok in certain areas, but zoning for R1, R2, and R3 should be for single families only. Does not feel we need to change the way we live so that others can make some money.
- 27) Linda Simpson, 7271 Peaceful Valley Road. In favor of short term rentals. Been breaking law for 30 some years with little house on Deepwater Pointe. Has rented it out for 30 years. Normally long term. Check them in, Check them out. Never had an issue. Lease agreement drafted by attorney. As a realtor, we have so many people who can't find lodging in town. I don't think we need regulation. Property owners need to step up to plate and manage their property. If they can't be here, hire someone who is to take care of these issues so neighbors do not have these problems that I have heard they have had. .

**D. DISCUSSION**

1. *Acme Township Board of Trustees and Planning Commission*  
No discussion at this time as outlined in opening remarks.

**E. CLOSING REMARKS:**

1. *Jay Zollinger, Township Supervisor and Karly Wentzloff, Planning Commission Chair*

Wentzloff indicated all emails will be made part of public record and will be added to minutes when complete. Agenda will also be updated with late added correspondence. There will be additional opportunities for public comment during future Acme Township PC and Board meetings. Zollinger added that short term rental concerns are not just an Acme Township issue. Rather it is a regional issue that many townships are having to react on. There was a lot of good information tonight and sharing concerns is helpful. We will be looking at this closely and communicate to the residents. Please come and participate at meetings..

**ADJOURN:** @ 8:20pm

Beth Friend, Supervisor  
Susanne M. Courtade, Clerk  
Tracey Bartlett, Treasurer



Mindy Walters, Trustee  
Glen Lile, Trustee  
Bryan Marrow, Trustee  
Andrea Hentschel, Trustee

**EAST BAY CHARTER TOWNSHIP  
TOWNSHIP BOARD  
NOTICE OF ADOPTION OF EAST BAY CHARTER TOWNSHIP  
FUTURE LAND USE MAP AMENDMENT**

PLEASE TAKE NOTICE that on January 9, 2017, the Township Board of the Charter Township of East Bay, Grand Traverse County, Michigan, adopted an ordinance to amend the Future Land Use Map of the East Bay Township Master Plan. The amendment changed the previous designation of Industrial to Residential Medium to High Density (5-8 dwelling units per acre) for the approximate 28 acre parcel listed below at the southeast corner of Hammond & Townline Roads. The amendment was adopted following a public hearing and approval by the Township Planning Commission on Tuesday, December 6, 2017, at 6:30 PM and concurrence by the Grand Traverse County Planning Commission on Tuesday, December 20, 2016, at 3:30 PM.

**Parcel**

**Address**

28-03-230-005-00      200 E. Hammond Road

Questions regarding the amendment to the Master Plan's Future Land Use Map, may be directed to the Office of Planning & Zoning at (231) 947-8681.

**EAST BAY CHARTER TOWNSHIP  
GRAND TRAVERSE COUNTY, MICHIGAN**

**(Resolution No. 2017-01)**

At a regular meeting of the East Bay Charter Township Board held on January 9, 2017, at the Township Offices, the following Resolution was offered for adoption by Board Member G. Lile and was seconded by Board Member T. Bartlett:

**A RESOLUTION ADOPTING A PROPOSED AMENDMENT TO  
THE EAST BAY CHARTER TOWNSHIP MASTER PLAN**

WHEREAS, the Michigan Planning Enabling Act, MCL 125.3801 *et seq.* ("MPEA") authorizes the Planning Commission to amend a Master Plan for the use, development, and preservation of lands in the Township; and

WHEREAS, the Planning Commission received a request from the property owner of parcel #03-230-005-00 (commonly known as 200 E. Hammond Road) to amend the Master Plan's Future Land Use Map for their site from Industrial to Residential-Medium to High Density; and

WHEREAS, the Planning Commission submitted such plan amendment to the Township Board for review and comment; and

WHEREAS, on July 11, 2016, the East Bay Charter Township Board received and reviewed the proposed amendment to the Master Plan prepared by the Planning Commission and authorized distribution of the Master Plan amendment to the Notice Group entities identified in the MPEA; and

WHEREAS, notice was provided to the Notice Group entities as provided in the MPEA; and

WHEREAS, the Planning Commission held a public hearing on December 6, 2016 to consider public comment on the proposed Master Plan amendment, and to further review and comment on the proposed Master Plan amendment; and

WHEREAS, after the public hearing was held, the Planning Commission voted to approve the Master Plan amendment on December 6, 2016, and recommended approval of the proposed Master Plan amendment to the Township Board; and

WHEREAS, on December 20, 2016, the Grand Traverse County Planning Commission voted to concur with the proposed amendment to the Master Plan for parcel #03-230-005-00; and

WHEREAS, the Township Board finds that the proposed Master Plan amendment to the Future Land Use Map is desirable, proper, and reasonable and furthers the use, preservation, and development goals and strategies of the Township;

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. **Adoption of the Master Plan amendment.** The East Bay Charter Township Board hereby approves and adopts the proposed Master Plan amendment for parcel #03-230-005-00 changing the Future Land Use Map designation for this parcel from Industrial to Residential-Medium to High Density.

2. **Distribution to Notice Group.** Pursuant to MCL 125.3843, the Township Board approves distribution of the Master Plan amendment to the Notice Group.

3. **Findings of Fact.** The Township Board has made the foregoing determination based on a review of existing land uses in the Township, a review of the existing Master Plan provisions and maps, and input received from the Planning Commission and the public, as well as the assistance of the Township Planner. The Township Board also finds that the Master Plan amendment to the Future Land Use Map for parcel #03-230-005-00 will accurately reflect and implement the Township's goals and strategies for the use, preservation, and development of lands within the East Bay Charter Township.

4. **Effective Date.** The Master Plan amendment to the Future Land Use Map for parcel #03-230-005-00 shall become effective on the adoption date of this resolution.

YEAS: G. Lile, T. Bartlett, B. Marrow, M. Walters, A. Hertschel,  
S. Courtade, B. Friend

NAYS: None

ABSENT/ABSTAIN: None

**RESOLUTION DECLARED ADOPTED.**

**CERTIFICATION**

I hereby certify that the above is a true copy of a resolution adopted by the East Bay Charter Township Board of Trustees at the time, date, and place specified above pursuant to the required statutory procedures.

Date: 1-10-2017



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Susanne M. Courtade  
Township Clerk

Dear Acme Township Counsel and Zoning Board

First I want to say thank you for the opportunity to speak about and hear from different residents of Acme Township regarding short term rentals. I have digested much of what was said, and feel the need to elaborate and respond to some of the residents comments. There are three major points that I hope to expand on; first there is a difference between someone renting their home and rental properties, second the gentleman from Torch Lake needs to be listened to carefully, and finally calling the police for every infraction will not work.

The most important thing that we noticed as the rental discussion progressed was that there is a distinct difference between individuals who rent out their home at times and a rental property solely for the purpose of income. Our home is next to the second. The owner lives in town and uses the property for rental income. There is not an idea of community involvement or care. If Acme Township chooses to change its ordinances, this is going to be more likely to occur. Investors will purchase property for the sole purpose of income, and that will change our residential area to a commercial venture. This leads into the points hit on by the gentleman from Torch Lake.

It will be like “opening a can of worms.” If Acme Township chooses to make short term rentals legal, then we are almost guaranteed that investors will come in, buy up properties, with the sole purpose of making money - Making a residential area commercial. It will change Acme Township dramatically. Those worried about restrictions on property ownership, they will be faced with a whole new set of enforced regulations. If rentals are allowed, then there will need to be restrictions that are enforced. How many people are allowed in a 4 bedroom home: for the safety of the renters and the safety of our watershed (I believe many Acme homes are on septic systems), how many people can day visit, how many cars can be parked in the area, can we have family reunions where more than 50 people come to visit for the day, can we have a wedding on our 80 foot wide lot..... As it sits right now if you want to have a large party.... You talk to your neighbors; you give a heads up, you make things work – if it is a constant issue with renters who really don’t care about your experiences..... rules need to be made and enforced..... and that enforcement will need to include residents as well. It seems that there will need to be more restriction, not less if we are going to open up our property to legal rentals.

Finally, to expect emergency response for garbage, smoke, noise, dog.... infractions seems abuse of the system. We on a regular basis have renters next door. We arrive, for the weekend never knowing if there will be 3, 6 or even more cars in the driveway next door. Sometimes they are families, sometimes groups of friends – but almost always there with the intent of having fun for the week/weekend. Not always a problem, but their state of mind is different than someone who cares about the property and their neighbors. As the neighbor, sometimes it is just easier to get through this group of renters, rather than taking action and or calling the police.

List of issues we have come across where calling the police doesn't seem reasonable, and rebuttals to concerns about how it will affect businesses in the area.

### **Comments related to economic impact on restaurants/businesses in the area.**

With regard to Flint Fields: the comment was made that renters come in and rent for 4 to 6 weeks, and that was important to the success of the horse shows. If this is true, the existing ordinances do not prohibit rentals for 30 days or more.

It is just our personal experience, but often renters arrive with coolers and bags of groceries (not purchased in the area), second they do not seem to frequent local (Acme) restaurants because they have a kitchen.

### **Specific issues we have encountered having a rental property next door.**

The home next door has 3 full, 3 twin and 3 queen size beds (potential to sleep 15 not counting the couch.) This home has a washer/dryer and dishwasher. When a large group comes in and then has additional guests join them, I wonder about the ability of the septic system to handle a large crowd. (it has gone even as far as there was a wedding next door (no porta-potties). We are very close to Yuba Creek..... I have been told septic systems can handle influxes at times, but consistent overuse may be a problem and need some regulation. And if it is regulated, who will check about the safety issues related to the septic system, fire detectors, extinguishers.... associated with rental properties.

Renters next door are allowed to bring dogs – we have had dogs roaming onto our property and beach and defecating, I have had to ask renters to keep pets on a leash and to clean up after their pets..... often without compliance. We then have to worry about our dog and end up keeping him in most of the time. It doesn't seem reasonable to call the police if the renter's dog does not seem dangerous.

We have arrived into our driveway to find several cars parked there – we have had to approach large groups and ask them (after they have been drinking) to move their vehicles.

Leaving food/garbage on the beach – if you aren't going to be there tomorrow – you don't necessarily care about issues associated with this.

Leaving bagged garbage where raccoons have access. Often garbage is left without concern for what happens to it tomorrow.

I feel if we were to call the police every time we ran into issues, it would lead to even more issues. I do wonder if we were to complain, will there be retaliation when we leave on Sunday and they remain for 4 additional days.



# Acme Township Short-Term Rental Public Forum Report

Held January 19, 2017  
Williamsburg Banquet & Conference Center  
4230 M-72 East  
Williamsburg, MI 49690  
7:00 pm

Shawn Winter  
Planning & Zoning Administrator





# I. Background

The Planning Commission and Township Board received numerous public comments related to short-term rentals operating in the residential districts throughout the summer and fall of 2016. The majority of the comments focused on nuisance issues the neighbors were experiencing as a result of these operations, and the conflict with expectations of what is and is not allowed in residential districts. However, some comments did speak in support of short-term rentals.

As an initial step, the Zoning Administrator submitted a summary of background information related to short-term rentals for the August 8, 2016 Planning Commission meeting. In it, three possible options were presented: 1) a complete prohibition on short-term rentals, 2) allow short-term rentals to occur in a regulated manner, and 3) allow short-term rentals to occur as is, in an unregulated manner, . Many Commissioners agreed based on the comments that had been received that the third option was not viable. However, before any decisions were to be made the Planning Commission requested Counsel review the Zoning Ordinance to determine if short-term rentals were even allowed, which would establish a baseline from which to move forward.

Counsel's review of the Zoning Ordinance was presented at the September 12, 2016 Planning Commission meeting and concluded that short-term rentals are not an allowable use in the R-1, R-2 and R-3 residential zoning districts. The review was not performed for all zoning districts in the Township and is therefore

limited in its scope when looking at how the interpretation applies to Acme Township as a whole.

This created a situation where on the one hand there is a use that has been occurring historically in the Township, but on the other hand is not allowed. As such, the Planning Commission decided prior to any decisions being made that a public forum should be held to notice and provide all property owners and residents the opportunity to speak on the issue. The proposed public forum was presented to the Township Board who supported moving forward with it.

The public forum was held on Thursday, January 19th at 7:00 pm at the Williamsburg Banquet and Conference Center located at 4230 E M-72, Williamsburg, MI 49690. Notice of the public forum was included in the Acme Township *newswire* mailed with the winter property tax bills in December, published in the Record-Eagle and Elk Rapids News, and posted on the Acme Township website and Facebook page. The format was a joint meeting of the Planning Commission and Township Board with the main objective to listen to the public express support for, or opposition to, short-term rentals, along with any relevant suggestions on the topic. All attendees were also given the opportunity to complete a survey on the issue to allow those not comfortable with speaking before a crowd to express their views, and to collect quantifiable data.

The following section contains an analysis of the survey results as well as the comments made during the public forum. Excluded from this analysis is a review of the correspondence submitted prior to the public forum, both by

those that could not attend as well as some of those in attendance. Those correspondences can be viewed in the minutes from the public forum at [www.acmetownship.org/current-meeting-minutes.html](http://www.acmetownship.org/current-meeting-minutes.html). All are encouraged to review these documents to supplement the information in this report.

The final section provides an overview of the options that exist moving forward. This report does not draw any conclusions or make a recommendation as to what direction the Township should take on the issue. Rather, it is meant to provide an objective review of the information presented by those in attendance at the public forum and provide considerations for a possible solution to the issue of short-term rentals.

## II. Analysis

### SURVEY

A survey was available to all those in attendance at the public forum (survey instrument included in the Appendix). It was determined that the cost of mailing a separate survey to every property owner and/or registered voter was cost prohibitive. Furthermore, electronic surveys are easily manipulated, thus decreasing the integrity of the data collected. The Township recognized that the survey responses would unfortunately be limited to those who were able to attend.

Of the approximately 70 people in attendance, 56 submitted surveys. Not all surveys were filled out completely, so the *n* number (total number of responses for that particular question) has been included in each graph to allow for the determination of the number of individuals that submitted a specific response to each survey question.

The first two questions were demographic in nature:

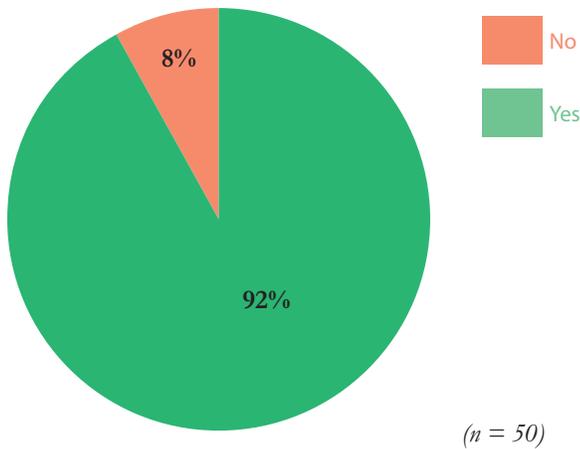
*Are you a resident of Acme Township?*

*Do you own property in Acme Township?*

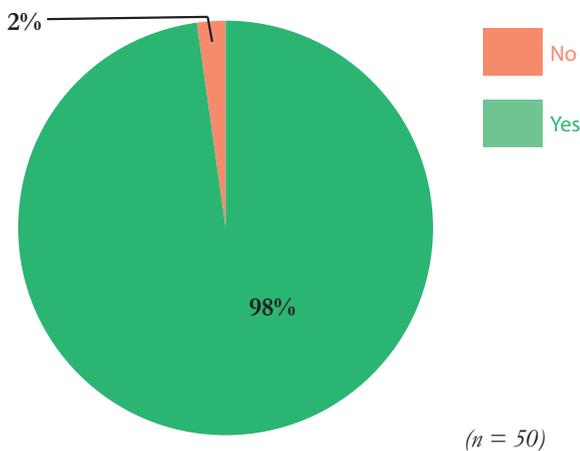
Six of the survey respondents answered “No” to both of these questions, representing 11% of the total respondent population. It was determined these six respondents do not to have a vested interest as either a taxpayer or resident, and as a result have been omitted from the analysis in this report. However, their responses have been included in the raw

data table which can be found in the Appendix. The vast majority of survey respondents were in fact residents of Acme Township (92.0%), and an even greater proportion were property owners (98.0%).

**1. Are you a resident of Acme Township?**

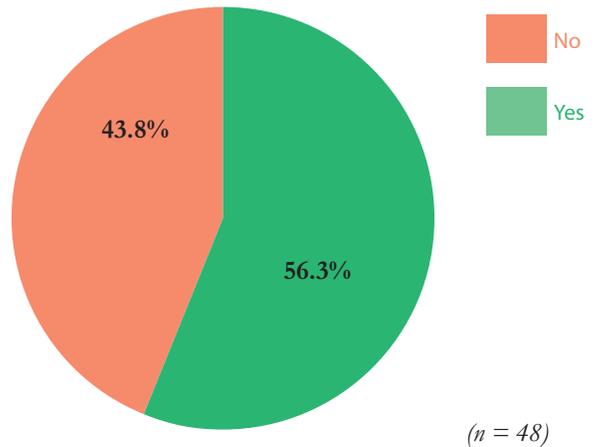


**2. Do you own property in Acme Township?**



The respondents were more evenly split when asked if they had ever rented, or considered renting, their house, or a portion of, as a short-term rental. The definition for a short-term rental was presented at the public forum as any occupancy of less than 30 days for which payment is received. Of the 49 respondents to the this question, 56.3% indicated they have rented or considered renting their home, while 43.8% indicated no.

**3. Have you ever rented, or considered renting, your home, or a portion of, as a short-term rental?**



This question could have been structured better. Originally it was presented as two questions:

*Have you ever rented your home as a short-term rental?*

*Have you ever considered renting your home as a short-term rental?*

Realizing that those who said yes to the first question would obviously have considered doing so as well, the question would not have captured the intended response. A better

approach would have been to present two separate questions, the first focusing on the action, and the second being a conditional question focusing on the consideration. For example:

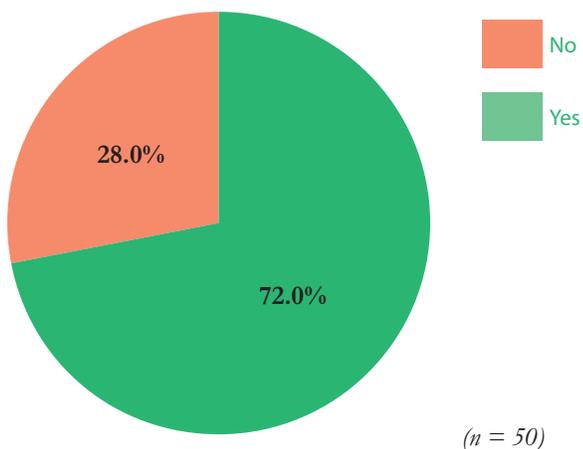
*If you have never rented your house as a short-term rental, have you ever considered doing so?*

- a) Yes
- b) No
- c) I have rented my house as a short-term rental.”

The survey next focused on vacation rentals, which were presented as an operation where a whole house is rented out to a party without the owner on site for a period of less than 30 days.

The first question was broad in nature and asked participants if they supported regulated short-term rentals in the Township. Nearly three-quarters of respondents responded “yes” to this question (72.0%). A few respondents answered “yes” to this question, but modified their response by writing in a comment that

#### 4. Do you support vacation rentals in the Township if they were regulated?



no regulations should be implemented. The question was presented specifically for *regulated* short-term rentals due to the aforementioned elimination of allowing unregulated short-term rentals as viable option.

From there the respondents were asked if regulated vacation rentals should be allowed in the zoning districts within three broad land use categories: residential (R-1, R-2, R-3, SFN, & MHN); agricultural (A-1); and commercial (C, CS, & CF).

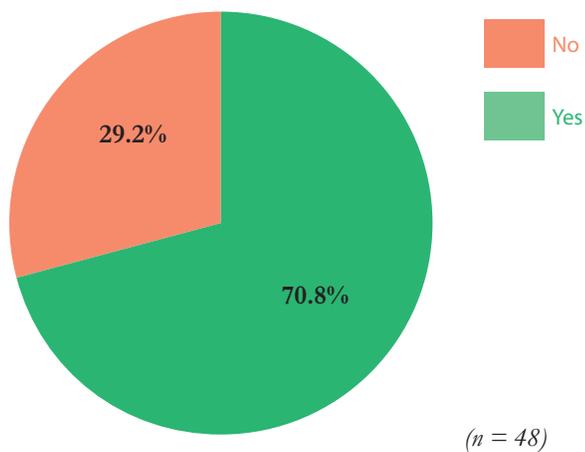
Despite the fact that commercial uses are not allowed in the residential districts, over two-thirds (70.8%) of the respondents supported their operation in these locations. It is worth noting that all the complaints the Township has received so far have been in these districts where lot sizes are smaller and the homes are closer together. It did appear from the comments made during the public forum and submitted correspondence that these districts have the greatest concentration of vacation rentals.

The stronger support for vacation rentals in the agricultural district (81.6%) may be the result of larger lot sizes and lower density, placing more distance between residential structures. The expectation of allowed uses may be different than residential districts, despite greater potential for conflict with agricultural operations. Plus, it was noted that many people operating short-term rentals in the agricultural district benefit from their proximity to the Flintfields and the Great Lakes Equestrian Festival, to which the agricultural district provides a more cohesive setting.

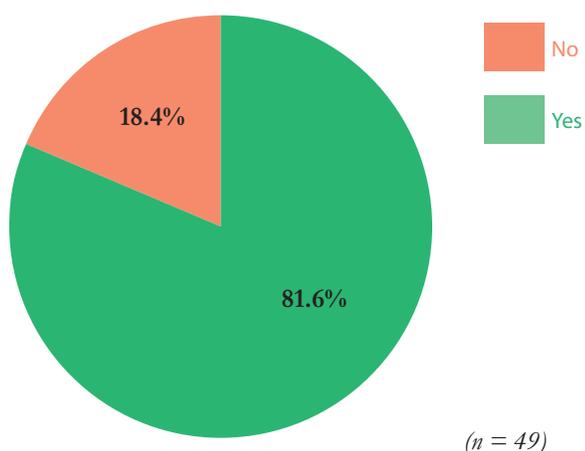
The near complete support of vacation rentals

in the commercial districts (95.8%) may indicate little objection to vacation rentals as a commercial use. After all, the Internal Revenue Service classifies the rental of a property for more than 14 days as a commercial use, and court cases throughout Michigan have established the same classification for rental periods of less than 30 days. There clearly is little objection to commercial uses in the commercial districts.

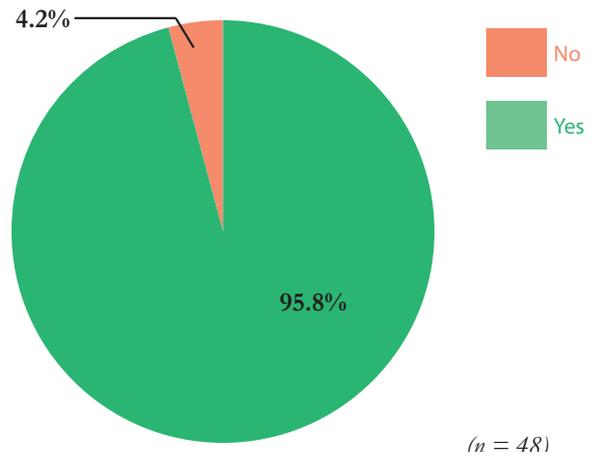
**5. Should vacation rentals be allowed in the Residential Zoning Districts (R-1, R-2, R-3, SFN, & MHN)?**



**6. Should vacation rentals be allowed in the Agricultural District (A-1)?**

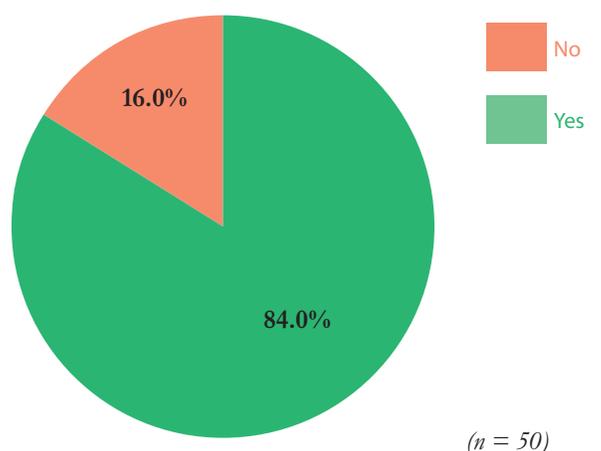


**7. Should vacation rentals be allowed in the Commercial Districts (C, CS, & CF)?**



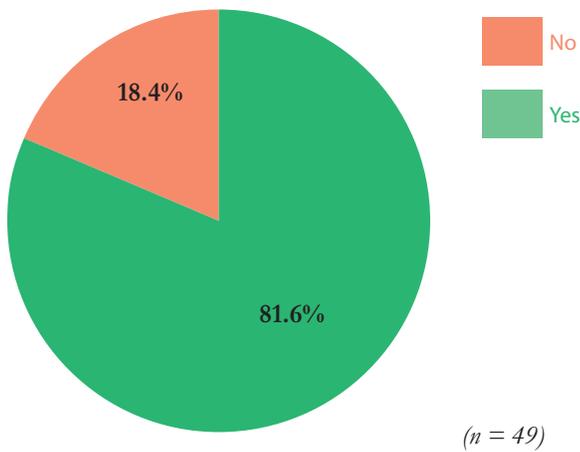
The survey then posed the same four questions for tourist homes, defined as renting out a room(s) in a home, while the owner is present, for a period less than 30 days. The results indicated even stronger support for regulated tourist homes in the Township at 84.0%. The stronger support may be the result of tourist homes representing a less intensive rental use compared to a vacation rental, and the stemming of nuisance issues due to the property owner residing on site.

**8. Do you support tourist homes in the Township if they were regulated?**

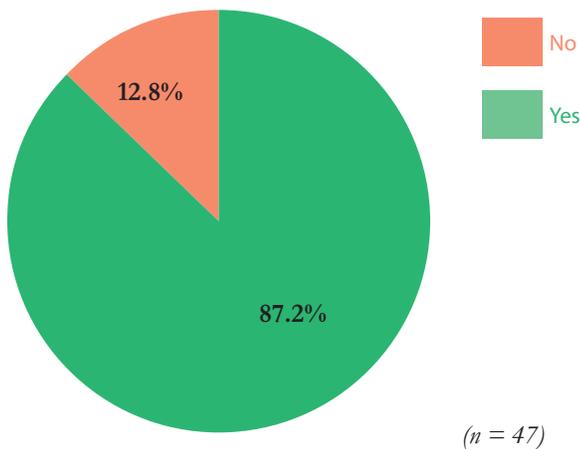


Subsequently, the three broad land use categories each showed stronger support than vacation rentals, but in the same order of increasing support from residential districts (81.6%), agricultural districts (87.2%), and commercial districts (97.9%).

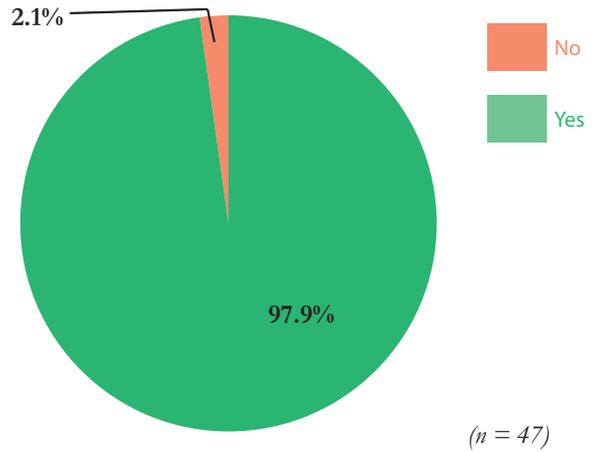
**9. Should tourist homes be allowed in the Residential Zoning Districts (R-1, R-2, R-3, SFN, & MHN)?**



**10. Should tourist homes be allowed in the Agricultural District (A-1)?**



**11. Should tourist homes be allowed in the Commercial Districts (C, CS, & CF)?**



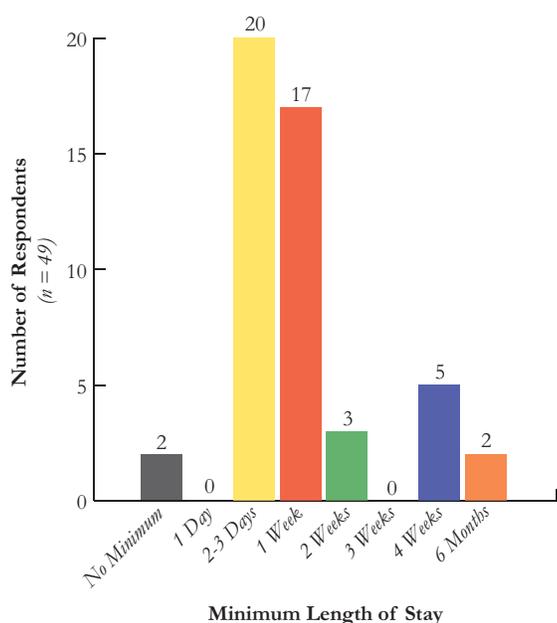
In order to gauge the community’s perception of an acceptable rental duration, the survey inquired what is an acceptable minimum period for short-term rentals, with the options of “2-3 Days”, “1 Week”, “2 Weeks”, “3 Weeks”, and “4 Weeks” presented. Three additional responses were written in: “No Minimum”, “1 Day”, and “6 Months”. These categories were included in the analysis despite the fact that some of them were written in by respondents who were neither residents or property owners, and therefore are not reflected in the totals. For that reason you will see a response rate of zero for some categories, but the inclusion of those categories reflects the diverse opinions on the issue.

The highest totals were for “2-3 Days” (20) and “1 Week” (17), which were the two options of shortest duration. The high response rate for these categories, along with the addition of “No Minimum” and “1 Day” may reflect the public’s desire to operate short-term rentals with minimal regulation. If “No Minimum” was presented in the survey as an option, there very well may have been a greater response rate

for that category.

There was also a concentration of responses at the high end of the spectrum with the categories of “4 Weeks” (5) and “6 Months” (2). It is believed this response rate reflects those that are in opposition to short-term rentals, especially considering “6 Months” was not an option that was presented. Overall, this question had some limitations. By presenting the five categories respondents who support short-term rentals were forced to choose an option that would provide a regulation, when in fact many expressed that they do not support regulations. Likewise, respondents who were in opposition to short-term rentals were forced to choose a response that reflects a degree of support for their operation when that very well may not be the case. This question could have been improved by including the categories of “No Minimum” and “I Do Not Support Short-Term Rentals” as options for all respondents.

## 12. What is an appropriate minimum rental period for a short-term rental?



The final question was open-ended and asked respondents to provide any suggested regulations they felt would be fair and effective if they supported short-term rentals. Initial review may conclude that this question is biased through the use of another qualifier – “if you support short-term rentals.” However, based on the high proportion of support for short-term rentals as indicated earlier in the survey, it is believed that this did not negatively effect the response rate in a significant way.

An attempt has been made to categorize the items presented that should be regulated and the number of times each was mentioned in the table below. The complete responses to this question may be viewed in the Appendix.

Suggested Regulated Items	No.
Parking, Vehicle Limits	7
Require a Permit/License	4
Applicable Fee	4
Fines/Revocation of License	4
Fireworks	4
Noise	4
Limit Number of Guests	4
Post Rules, Laws, Ordinances	3
Campfires	2
Garbage	2
Trespassing	2
Minimum Stay Period	1
Tax/Homestead Exemptions	1
Large Events/Gatherings	1
Large Dog Breeds	1
Posted Emergency Contact	1
Owner Present	1

Of the 30 respondents that chose to answer this question, 11 indicated to some degree that they do not support regulations on short-term rentals. Despite that proclamation, many did go

on to provide suggestions. Reoccurring themes for those that indicated they do not support regulations was to place the responsibility of maintaining order on the property owner and law enforcement, and existing laws and ordinances should be enforced instead of creating new regulations.

The number of times each regulated item was suggested may be insightful to the nuisance issues people have been experiencing. If regulated short-term rentals result from this process, then these responses, along with those made during the public comment period and submitted correspondence, should be heavily considered in the drafting of the ordinance.

#### PUBLIC COMMENT

The primary objective of the public forum was to provide the public an opportunity to express their views on the topic of short-term rentals, and as such the public comment period occupied the majority of the event's proceedings. The moderators established at the beginning of the public forum that the Planning Commission and Township Board were present to listen to the public, and would not be facilitating discussion or debating interpretations. A total of 27 people spoke at the public forum, with each participant given three minutes to share their views with the appointed and elected officials. The public forum minutes summarizing the comments may be viewed on the website referenced in the beginning of this report.

Of the 27 respondents, two identified themselves as not being residents and not owning property in the Township and have similarly been omitted from this analysis. One

was a Supervisor from a nearby township who recommended not allowing short-term rentals, and the other did not appear to take a stance, but rather disputed Counsel's interpretation of the Zoning Ordinance.

Varying degrees of support for short-term rentals were expressed by 19 of the 25 respondents (76.0%). Although some supported regulations as a compromise, the majority simply did not want the operation of short-term rentals regulated in any fashion. The sentiment was expressed repeatedly that the problems associated with short-term rentals should be addressed through the Sheriff's Department enforcing existing laws and property owners demonstrating responsibility by managing their tenants' behaviors. Six of the 25 public commentators (24.0%) expressed complete opposition to short-term rentals, with many focusing on the operations in the residential zoning districts.

The views expressed during the public comment period were very similar to those in the survey. This should be expected in that the same population that was present to speak was also provided the opportunity to complete the survey.

### **III. Options Moving Forward**

In the months leading up to the public forum, the vast majority of the feedback received by the Township was in opposition of short-term rentals and the nuisance issues associated with them, primarily in the residential districts. However, the proceedings of the public forum revealed the opposite position on the issue. The majority of those in attendance expressed their support for short-term rentals in the Township, either through their spoken comments or survey responses. Moreover, the general consensus indicated that they should be allowed to operate without a regulatory framework created by the Township.

The beginning of this report presented the two options before the Township to address this issue: 1) uphold a complete prohibition on short-term rentals, at least in the residential districts, or 2) allow short-term rentals as a regulated use. In light of the input provided at the public forum the Township may want to consider taking a step back and determine if the option of letting short-term rentals operate as-is without any additional regulations, which was an option that was determined not to be viable by the Planning Commission at their August 8, 2016 meeting, should be brought back to the table for consideration.

#### **COMPLETE PROHIBITION ON SHORT-TERM RENTALS**

It has already been determined through Counsel's interpretation that short-term rentals are not an allowable use in the residential districts (R-1, R-2, & R-3). Adopting this position would firmly establish the prohibition

in these districts as the Zoning Ordinance indicates. It may be desirable to amend the Zoning Ordinance to make it more clear on the issue, but may not be necessary in that if a use is not listed as allowable in a district, then it is therefore prohibited.

What would need to be determined is if the prohibition should be established township-wide, or at least in certain districts not included in Counsel's review. If it is a use that is allowed in a district, and the desire is to prohibit it, then it should be understood that those in operation would be grandfathered in. Furthermore, there are some short-term rentals in operation that would be allowed to continue since they were allowed at the time of their approval. One example is the Shores, part of the Grand Traverse Resort and Spa. When the Shores was approved it was in a the Business Shoreline District (B-1S), which allowed tourist homes and summer resorts. The zoning has since changed to a residential classification, Mixed Housing Neighborhood (MHN), but they are allowed to maintain their vested rights as a short-term rental.

It should be assumed that short-term rentals will continue to operate even if they are prohibited, and therefore the Township should be prepared to commit to a system of enforcement and the necessary resources needed to uphold the ban.

#### **ALLOW SHORT-TERM RENTALS AS A REGULATED USE**

Since short-term rentals have operated in the Township for sometime, one option is to allow them, but in a regulated manner. Typically this involves an ordinance that allows the use

through a license or permit that identifies the location of the operation, and brings with it a set of provisions that one must follow in order to maintain the license. In this way the use is allowed with the intent of preventing the nuisance issues that are sometimes associated with short-term rentals. Although this approach is often seen as a compromise it does not address the fact that short-term rentals are a commercial use, which are prohibited in the residential districts. Not to mention there are undeveloped commercial properties that could be utilized to meet the market demand.

Again, the remaining zoning districts should be reviewed to determine if any of them already allow this use. If it is decided that this is the best option for addressing the issue, a number of considerations will need to be addressed. First, the Zoning Ordinance will need to be amended to reflect the districts where short-term rentals are to be allowed. Then a police power ordinance will need to be drafted and adopted that outlines the provisions and procedures involved in implementing the ordinance. With that comes a system and the resources needed to enforce the ordinance. Failure to create this component would render the ordinance near useless. Furthermore, a decision will need to be made whether to differentiate between vacation rentals and tourist homes, and if needed create separate regulations for each use as they apply.

#### ALLOW SHORT-TERM RENTALS AS AN UNREGULATED USE

Allowing short-term rentals to operate in the Township without any regulations was the most supported position expressed at the public forum. It was stated by many that

they did not want the Township to create regulations, but wanted enforcement of existing laws by the Sheriff's Department. It is rather difficult to have enforcement without regulations. Furthermore, many may have failed to recognize the laws they were referring to are actually Township-specific regulations. These are police power ordinances designed to prevent nuisance issues. Examples include the Consumer Fireworks Ordinance (#2016-01), Junk Ordinance (#2005-3), Noise Ordinance (#2005-4) and Fire Prevention Ordinance (#2015-01). The enforcement of these ordinances is either done by Township staff, or Sheriff's Department, depending on the ordinance. The problem with that situation is Township staff are not always available when these nuisances occur, nor is the Community Police Officer (CPO) who is assigned to Acme. Furthermore, when the CPO is not on duty, calls to Sheriff's Department are responded to by an officer on road patrol. It may surprise many how few deputies are on road patrol at certain times (in the interest of public safety, how many and when are not disclosed). In these instances, by the time a deputy responds the activity being reported may have ceased and no action can be taken to enforce the ordinances.

Short-term rentals in residential districts are sometimes defended based on the fact that home occupations are allowed, which are commercial uses. This argument was presented at the public forum in fact. It is true that home occupations are allowed and represent a commercial use, but although they don't require a Township-issued license, they are governed by regulations set forth in §7.7 of the Zoning Ordinance. Some examples include preserving the character of the lot and

building, maintaining the principle use as a residential dwelling that is the legal residence of the person operating the home occupation, operating only when the occupant is present, and not exceeding 25% of the first floor area of the house.

Finally, the argument was also made that prohibiting short-term rentals, or allowing with limiting regulations, infringes on the rights of a property owner. The legality of separating uses by zoning districts was established by the Supreme Court in 1926 in *Euclid v. Ambler Realty Co.* If the separation of uses, or limiting of, is in the interest of the general welfare of the community, and is not administered in an arbitrary or capricious manner, then it is a reasonable exercise of a locality's police power. It is this separation of uses that prevents a gas station, sawmill, or hog farm from being developed next door to a home in a residential neighborhood. Furthermore, the Michigan Zoning Enabling Act (MCL Act 110 of 2006) gives local legislative bodies the authority to designate and limit uses to promote public health, safety, and general welfare. Since short-term rentals are not a designated use, they do not exist as a right that can be taken away from a property owner.

Although supported by the majority of those who spoke and completed the survey at the public forum, allowing unregulated short-term rentals may not address the problems that lead to the public forum in the first place. It is clear that some individuals have experienced nuisance issues and feel the character of their neighborhoods is subject to depreciation as a result of short-term rentals operating in their proximity. Nonetheless, if this option is pursued the Zoning Ordinance once again

will need to be amended to include and define short-term rentals, either Township-wide, or in specific districts.

## MASTER PLAN

Finally, the Acme Township Community Master Plan needs to be taken into consideration while deliberating on this issue. The Master Plan outlines the intended future for Acme Township. The Zoning Ordinance is a regulatory tool used to help achieve that vision, in addition to protecting the public health, safety, and general welfare of the community. Therefore, amendments to the Zoning Ordinance should move the Township closer to that vision to prevent being arbitrary and capricious.

The goals in the Township's Master Plan are described as cornerstones and were established through a community input survey during the planning process. There are three cornerstones that relate to the issue of short-term rentals, albeit in an indirect fashion for some.

### **Cornerstone: Encourage Recreation Based Tourism**

It is clear short-term rentals serve the tourist community that visits Acme Township. However, the building blocks (i.e. objectives) prescribed to meet this goal focus on recreation amenities such as parks, beach fronts, and trails. Noticeably absent from this list of building blocks is providing short-term rental opportunities.

### **Cornerstone: Support the Continuation of Agricultural Operations and Preservation of Farmland**

The community input survey indicated strong support for the preservation of farmland, a defining characteristic of the Township. Concerns were also expressed towards residential encroachment creating conflict with incompatible farming activities. This raises two questions for consideration. First, is allowing non-agricultural uses such as short-term rentals in the Agricultural District in opposition to this? Second, would short-term rentals create a new market demand on agricultural land and lead to more development in the district?

**Cornerstone: Create A “Community” Attractive to All Age Groups**

The Master Plan notes a considerable dip in the 20 - 30 year old population cohort, something that has been noticed by the business community who feels the need to attract young families and business owners to the Township. One of the building blocks to achieve this is to provide affordable, accessible housing options in order to attract and retain these individuals. If residential houses are treated as commercial investments through short-term rentals, then will the market rate of these properties increase? Would doing so move the Township closer towards achieving this goal?

The information contained in this report should be used to facilitate discussion and deliberation in reaching a solution for short-term rentals.



# Short-Term Rental Preference Survey

The following survey will allow the Township to anonymously collect input on short-term rentals from residents, property owners, and interested parties. Please fill out only one survey by circling the most appropriate responses and submitting it before leaving tonight's public forum. The Zoning District Map is on the back for reference.

**1. Are you a resident of Acme Township?**

Yes                      No

**2. Do you own property in Acme Township?**

Yes                      No

A **short-term rental** is being defined by any stay of less than 30 days, for which payment is received.

**3. Have you ever rented, or considered renting, your home, or a portion of, as a short-term rental?**

Yes                      No

A **vacation rental** is being defined as an operation where a whole house is rented out on a short-term basis without the property owner present.

**4. Do you support vacation rentals in the Township if they were regulated?**

Yes                      No

**5. Should vacation rentals be allowed in the Residential Districts (R-1, R-2, R-3, SFN, & MHN)?**

Yes                      No

**6. Should vacation rentals be allowed in the Agricultural District (A-1)?**

Yes                      No

**7. Should vacation rentals be allowed in the Commercial Districts (C, CS, & CF)?**

Yes                      No

A **tourist home** is being defined as an operation where a room (or rooms) within a house is rented out on a short-term basis while the property owner lives on site.

**8. Do you support tourist homes in the Township if they were regulated?**

Yes                      No

**9. Should tourist homes be allowed in the Residential Districts (R-1, R-2, R-3, SFN, & MHN)?**

Yes                      No

**10. Should tourist homes be allowed in the Agricultural District (A-1)?**

Yes                      No

**11. Should tourist homes be allowed in the Commercial Districts (C, CS, & CF)?**

Yes                      No

**12. What is an appropriate minimum rental period for a short-term rental?**

2-3 days    1 week    2 weeks    3 weeks    4 weeks

**13. If you support regulated short-term rentals, then please provide any regulations that you feel will be fair and effective:**

# ACME TOWNSHIP

## Zoning Districts

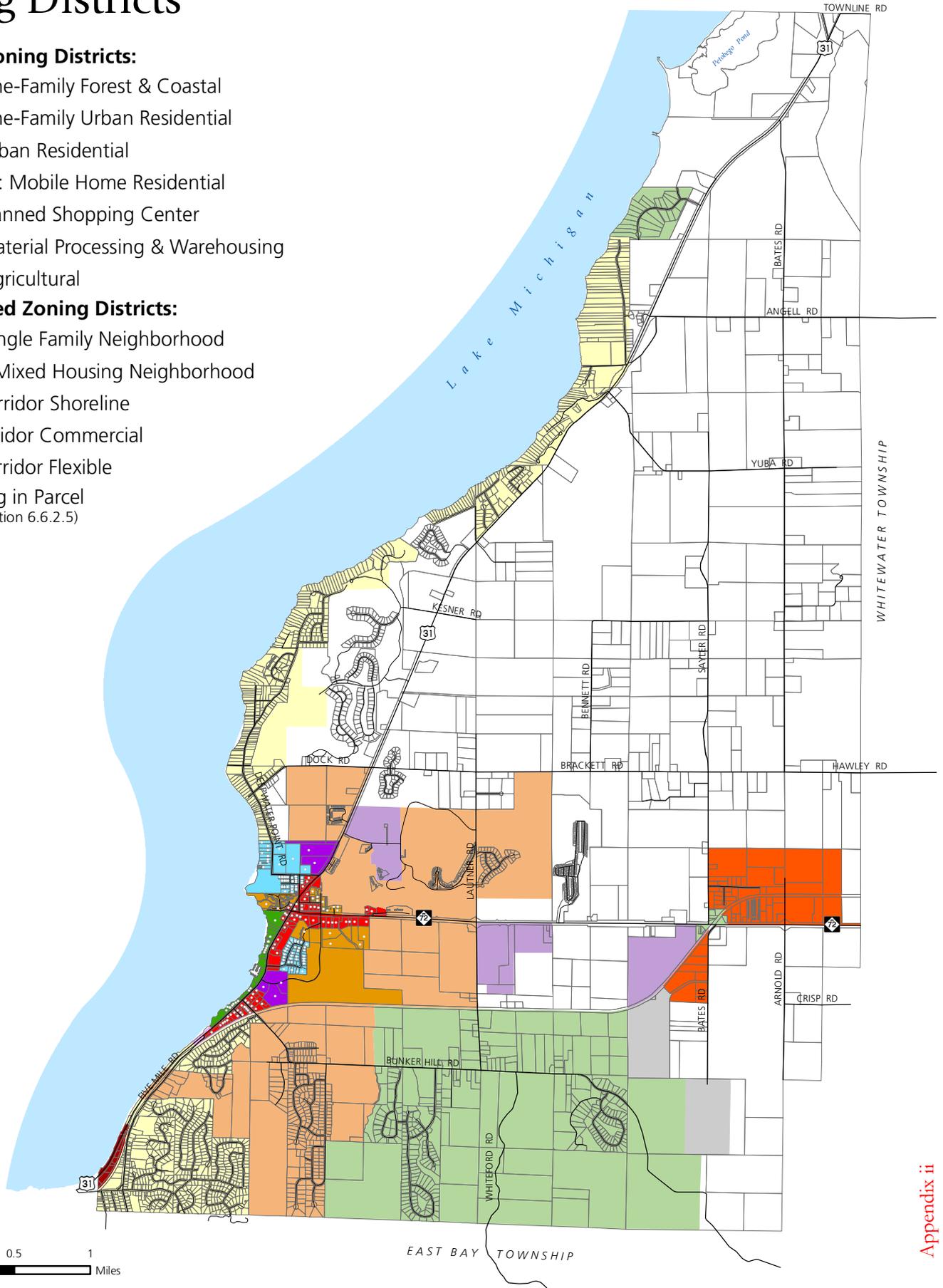
Data Source: Acme Township

### Regulated Zoning Districts:

- R-1: One-Family Forest & Coastal
- R-2: One-Family Urban Residential
- R-3: Urban Residential
- R-1MH: Mobile Home Residential
- B-3: Planned Shopping Center
- B-4: Material Processing & Warehousing
- A-1: Agricultural

### FBC Regulated Zoning Districts:

- SFN: Single Family Neighborhood
- MHN: Mixed Housing Neighborhood
- CS: Corridor Shoreline
- C: Corridor Commercial
- CF: Corridor Flexible
- Building in Parcel  
(refer Section 6.6.2.5)



Object ID	1. Are you a resident of Acme Township?	2. Do you own property in Acme Township?	3. Have you ever rented, or considered renting, your home, or a portion of, as a short-term rental?	4. Do you support vacation rentals in the Township if they were regulated?	5. Should vacation rentals be allowed in the Residential Districts (R-1, R-2, R-3, SFN, & MHN)?	6. Should vacation rentals be allowed in the Agricultural Districts (A-1)?	7. Should vacation rentals be allowed in the Commercial Districts (C, CS, & CF)?	8. Do you support tourist homes in the Township if they were regulated?	9. Should tourist homes be allowed in the Residential Districts (R-1, R-2, R-3, SFN, & MHN)?	10. Should tourist homes be allowed in the Agricultural Districts (A-1)?	11. Should tourist homes be allowed in the Commercial Districts (C, CS, & CF)?	12. What is an appropriate minimum rental period for a short term rental?
1	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1 day
2	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
3	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
4	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
5	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
6	Yes	Yes	No	No	No	No	Yes	No	No	No	Yes	1 week
7	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1 week
8	Yes	Yes	Yes	Yes				Yes				
9	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
10	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1 week
11	No	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No	1 week
12	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1 week
13	Yes	Yes	No	No	No	Yes	Yes	No	No	Yes	Yes	1 week
14	Yes	Yes	No	No	No	No	No	No	No	No	No	
15	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1 week
16	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
17	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
18	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1 week
19	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
20	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1 week
21	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	2 weeks
22	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2 weeks
23	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
24	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
25	No	Yes	No	No	No	No	Yes	No	No	No	Yes	4 weeks
26	No	Yes	No	No	No	No	Yes	Yes	No	No	Yes	4 weeks
27	Yes	No	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes	2 weeks
28	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	4 weeks
29	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
30	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1 week
31	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
32	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1 week
33	Yes	Yes	No	No	No	No	Yes	No	No		Yes	6 months
34	Yes	Yes	No	No	No	No	Yes	No	No		Yes	6 months
35	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1 week
36	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1 week
37	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	Yes	1 week
38	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	Yes	1 week
39	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
40	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
41	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1 week
42	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1 week
43	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
44	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
45	Yes	Yes	No	No	No	No	No	No	No	Yes		4 weeks
46	Yes	Yes	No	No	No	Yes	Yes	Yes	No	Yes	Yes	4 weeks
47	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
48	Yes	Yes		Yes		Yes	Yes	Yes	Yes	Yes	Yes	2 weeks
49	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
50	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
51	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
52	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
53	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2-3 days
54	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No minimum
55	No	No	No	Yes				Yes				2-3 days
56	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	1 week

Yes	46	49	29	42	39	45	51	48	44	46	50	1 No Minimum
%	82.1%	87.5%	53.7%	75.0%	73.6%	83.3%	96.2%	85.7%	81.5%	88.5%	96.2%	1 1 day
No	10	7	25	14	14	9	2	8	10	6	2	22 2-3 days
%	17.9%	12.5%	46.3%	25.0%	26.4%	16.7%	3.8%	14.3%	18.5%	11.5%	3.8%	18 1 week
n	56	56	54	56	53	54	53	56	54	52	52	4 2 weeks
												0 3 weeks
												5 4 weeks
												2 6 months
												53 n

**13. If you support regulated short-term rentals, then please provide any regulations that you feel will be fair and effective.**

Online registration with a simple system

No regulations

No regulations besides a permit fee (yearly). In support. No restrictions

Should be regulated by the property owner based upon current laws that are in place.

Not less than 45 days. Ordinance must be enforceable.

No I do not support regulations, but if need be: license, permits, fees, fines, set of guidelines.

Tax rental income, fines for excessive cars or rule violation. Rules included fires, garbage, fireworks, verify those who violate homestead exemptions.

None - enforce nuisance laws currently on the books. Please do a mailing for future meetings. Only heard about it from a friend. If published only in Record-Eagle - unfair - I shouldn't need to pay for a subscription to be notified of a meeting.

Not sufficiently knowledgeable to provide an opinion.

Noise regulations by enforcing quiet hours. Limits on overnight vehicles.

Homeowners need to be responsible for renters actions. No more renters allowed than existing sleeping accommodations.

Just Ideas. All inspections/regulations on hotel/lodging is required to have on a regular basis: fire, health (bodies of water - spa/pools), ADA. Better yet, get rid of these for hotels/lodging! :) Approval of neighbors within 1/4 mile of property looking to do short-term rental. Contact lists of properties who do short-term rentals.

Should be allowed without complaints. If a owner gets complaints then after warnings may be disallowed. No regulations other than obeying existing laws and not being a nuisance.

Do not support. Limit number of guests and children overnight, visitors during quiet hours. Another issue is short-term renters hosting events - once again increasing the numbers on the property. Family reunions and weddings on the rental property. Is home solely for rental purposes? I think renting your home vs owning a rental property results in different experiences.

Trash support mandatory. Max number of persons on premises. Owner must be accountable: license or register property, posting of rules on premises. Fees and fines for violations. Differentiate between rental property and renting out a home.

No regulations. Home owner should be held accountable for their guests. Laws should be enforced as needed if they cannot control their renters.

I think law enforcement should handle problems and property owners who rent their homes should be responsible for their guests. I'm not supportive of more taxes, fees, licenses, and inspections of rental homes.

Make property owners take responsibility for their property.

I support unregulated ST rentals with land owner management responsibilities.

Very strict control of campfires and no fireworks. No large dogs permitted.

Regulate number of people, parking number of vehicles, quiet hours, noise, trespassing.  
Number of cars on property, fireworks, quiet hours.

Noise, parking, fireworks, trespassing.

Limit guest related to size of home, register home, emergency contact info provided, numerous complaints can result in license being revoked.

Number of vehicles allowed at rental property. Complaints from neighbors should fine owner and renters.

OWNER HAS TO BE PRESENT!!! Parking has to be on the private parcel, not public street.

Will provide by email.

From the comments made tonight, it appears that the people renting properties rely on the neighbors to police and report on the problems created by the renters. It should not be the burden on nearby landowners to be the enforcer. So, regulations on rentals need to be created that are realistic and enforceable by the local authorities.

Nominal fee, no inspections, rely on complaints, police, fire, etc.

Wording to provide to renters regarding expected conduct of renters in respect of our homes and township.

NONE. Over regulation has led to the tribe owning the most recent development.



# Site Plan Review

6042 Acme Road | Williamsburg, MI | 49690

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

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Date: 02.06.2017

From: Shawn Winter, Planning & Zoning Administrator  
To: Karly Wentzloff, Chairperson  
ACME TOWNSHIP PLANNING COMMISSION  
6042 Acme Road  
Williamsburg, MI 49690

Project: LochenHeath Dock Rd Lots  
3985 Dock Rd, Williamsburg, MI 49690

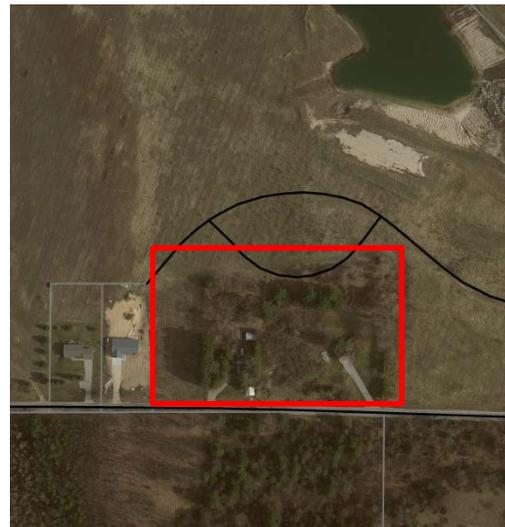
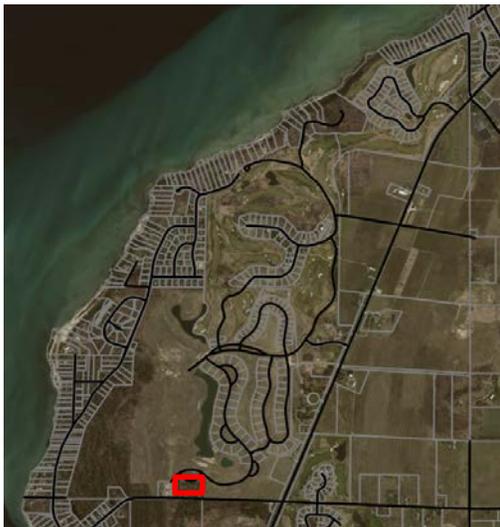
Request: Special Use Permit 2017-01, Minor Amendment to 2004-06P

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## **SECTION 1: Background**

### **General Description -**

Amending the LochenHeath Open Space Development ("Development") master plan to create two additional lots along Dock Rd that would include the existing residential structures there now. The lots may then be sold by Stars & Stripes 3J LLC to LochenVest LLC for the continued use as employee rental housing. The location of the property is illustrated below:





# Site Plan Review

6042 Acme Road | Williamsburg, MI | 49690

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

**Applicant -** Al Ruggirello, LochenVest, LLC  
7951 Turnberry Circle, Williamsburg, MI 49690

**Owner -** Stars & Stripes 3J LLC  
6435 Shiloh Rd, Suite A, Alpharetta, GA 30005

**Surveyor -** Gourdie-Fraser  
123 W Front St, Traverse City, MI 49684

**Property -** LochenHeath  
3985 Dock Rd, Williamsburg, MI 49690  
348.14 acres  
28-01-227-001-12 (primary parcel)

**Zoning -**

<u>Subject Property:</u>	<u>A-1 Agricultural</u>
Neighboring	North: R-2 One-Family Urban Residential
Properties:	South: R-3 Urban Residential
	East: A-1 Agricultural
	West: R-2 One-Family Urban Residential

## **Project History** (permits and approvals related to the Open Space Development)

### **2004-06P Open Space Development**

- Establishes residential development south of LochenHeath PUD

### **2005-01P Minor Amendment**

- Phase I site plan approval, reallocation of residential densities, Member's Pavilion and guardhouse added, sales center to become administrative building, maintenance building to become sales center

### **2005-08P Minor Amendment**

- Road and lot layout adjustments on the north end of property

### **2006-03P Minor Amendment**

- Phase II site plan approval, 92 residential properties

### **2006-07 Minor Amendment**

- Relocation of two golf holes from LochenHeath PUD to OSD, design changes to one of the human-made lakes and residential lots in northwest corner.

### **2007-03P Insignificant Change**

- Relocation of golf holes #11 and #12.



# Site Plan Review

6042 Acme Road | Williamsburg, MI | 49690

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

## **2007-06P Major Amendment**

- Master Plan revised to include revisions to the allowed residential density, distribution of residential units, types of residential units and location of the three human-made lakes.

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## **SECTION 2: Submitted Materials**

All application materials are included as Exhibit A:

- Special Use Permit/Site Plan Review application and fee
- Project narrative
- Owner Authorization letter from Stars & Stripes 3J LLC
- Authorization letter from LochenVest LLC
- LochenHeath site plan
- Survey Sketch (standard)
- Survey Sketch (background aerial)

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## **SECTION 3: Review**

### **Summary of Review:**

LochenVest LLC is requesting the creation of two new lots adjacent to one another along Dock Rd where two residential buildings with garages exist today. These buildings are within the boundaries of the Development, and are under the ownership of Stars & Stripes 3J LLC. The creation of the new lots will allow Stars & Stripes 3J LLC to sell the lots to LochenVest, who intends to use the residential buildings to house their employees that work for the golf course and auxiliary operations. Since creating the new lots requires an adjustment to the master plan, an approval of a minor amendment by the Planning Commission is required.

The residential Development occupying the approximately 350 acres on the southern half of LochenHeath was approved using the Open Space Development (OSD) option (2004-06P). Since the original approval of the master plan for the Development, two site plans have been approved (Phase I and II), along with numerous amendments. The most recent change was a major amendment in 2007 that changed the layout in response to the configuration adjustments brought on by previous amendments, and introduced new types of residential units to meet market demands. Throughout these changes the OSD option has required maintaining a minimum of 50% of the land area preserved as open space.

### **Does the most recent approval allow for the creation of new lots?**

The number of residential dwelling units is based on the underlying A-1 and R-2 zoning districts, along with the developable acreage within the Development's boundaries. The table below shows the number and type of residential units in the original plan and what is now in effect based on the 2007 major amendment:



# Site Plan Review

6042 Acme Road | Williamsburg, MI | 49690

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

Residential Unit Type	Original Master Plan (2004-06P)	Amended Master Plan (2007-06P)
Single Family Lots	215	130
Cottages	83	118
Duplex Units	0	148 (74 structures)
Future Development	111	11
<b>Total Density</b>	<b>409</b>	<b>407</b>

The main element to point out is that the revised master plan allows for 11 additional, unaccounted for, residential units within the OSD Development area. Therefore, the request to create two new lots within the Development is allowable under the most recent approval.

### Would the creation of the new lots maintain the required minimum of 50% open space?

The total site acreage within the OSD Development area is 348.14 acres, which excludes the Dock Rd right-of-way. Maintaining a minimum of 50% left preserved as open space requires 174.07 acres. The total development area in the master plan includes the future single family, cottage and duplex sites, the two golf holes, maintenance building, and interior road right-of-ways, and totals 152.67 acres, equating to 56.1% of the Development preserved as open space. A map illustrating the approved Development and open space area has been included as Exhibit B.

The two new lots that are proposed are 2.5 acres each, for five total acres of new development. When added to the existing approved developments, the new development area would be 157.67 acres. This leaves 190.47 acres remaining as open space for a total of 54.7% of the Development's overall land area. The breakdown of the approved and proposed development area and open space is depicted in the table below:

Total Site Area – 348.14 acres		Development Area	Open Space Area
<b>Approved Master Plan (2007-06P)</b>			
Acreage		152.67	195.47
Percent		43.9%	56.1%
<b>Proposed Amendment (SUP 2017-01)</b>			
Acreage		157.67	190.47
Percent		45.3%	54.7%

Therefore, the addition of the two proposed lots will still satisfy the minimum 50% of the land area preserved as open space.

As indicated by the Applicant, the two proposed lots would be accessed from Dock Rd rather than the Development's interior road network. The lots would be part of the LochenHeath Condominium Association, but would maintain the use of their independent wells and septic systems with the option to connect to the Development's systems once they come online. If approved, the LochenHeath Condominium Association's by-laws will need to be amended to reflect the inclusion of the proposed lots. Furthermore, approval will require the master deed to be amended and recorded at the Register of Deeds office. Once done, the Township Assessor



# Site Plan Review

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would create two new parcel I.D. numbers which would allow the Applicant to request new address numbers from the Grand Traverse County Department of Equalization. Upon completion the desired real estate transaction can be pursued.

## **Suggested Motion for Consideration:**

Motion to approve the SUP 2017-01, Minor Amendment to OSD 2004-06P as amended, to allow the creation of two new 2.5 acre lots, each encompassing an existing residential structure on the north side of Dock Rd, as indicated in the documents submitted by the Applicant, contingent upon submitting:

1. A certificate of survey stamped by a license surveyor
2. A legal description of the two new lots



### Special Use Permit/Site Plan Review Application

Township of Acme, Grand Traverse County, Michigan

6042 Acme Road, Williamsburg, MI 49690

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

Planning & Zoning Administrator: Shawn Winter Email: [swinter@acmetownship.org](mailto:swinter@acmetownship.org)

**Owner Information** (please type or print clearly):

Name: STARS & STRIPES 3 J, LLC Phone: 803-361-8842

Mailing Address: 1123 Zonolite Rd, NE Suite 30

City: Atlanta State: GA Zip: 30306

Email Address: deapaccapital.com

**Applicant Information** (please type or print clearly):

Name: Al Ruggiello Phone: 248-789-7887 -cell

Mailing Address: 7874 Turnberry Circle

City: Williamsburg, State: MI Zip: 49690

Email Address: ALRUGG687@YAHOO.COM

**A. Property Information:**

1. Address:

To be determined

2. Parcel Number/Property Description:

To be provided AFTER APPROVAL

3. Current Zoning of Property:

AG (OSD 2004-06P)

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

2004-06P, As Amended

5. Provide proof of current property ownership. If applicant is not the current property owner, also provide written permission to act as agent of, and complete contact information for the current property owner.

SEE Attached letter

**6. Proposed Use/Change to Property**

*Create new lots for existing structures, uses*

**7. Estimated Start and Completion Dates:**

*-no construction*

**B. Application Packet Requirements: REFER TO ACME TOWNSHIP ZONING ORDINANCE AND COMPLETE ATTACHED CHECKLIST**

*✓*

**C. Fees:** Include initial fee as required by the Acme Township Ordinance #2004-01

*N/A*

**D. Fee Escrow Policy Acknowledgement:** Provide completed and signed form with initial escrow fee deposit.

*N/A*

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

Signed: *Al Ruggiello* Date: *11-17-17*

**FOR TOWNSHIP USE ONLY**

Application Number: *SUP 2017-01* Date Received: *11-17-17*

Public Hearing/Meeting: *02/13/17*

Date of Advertising: *N/A*

T&A Account: *N/A*

**NOTES:**

*Minor amendment to OSD 2004-6P, as amended*

## APPLICATION NARRATIVE

Subject: Dock Road Property

In 2010 LochenVest LLC purchased The LochenHeath Golf Club from Wells Fargo Bank, the then current owner of the golf course and the LochenHeath residential development. As a part of the purchase negotiations, Wells Fargo Bank agreed to convey ownership of two houses, located on Dock Road, to LochenVest LLC when the development was sold. In the interim, LochenVest entered into a leasing agreement for the two properties, with the intent to utilize them for long term and seasonal housing for golf course employees. Upon the sale of the development, specifically OSD-2004-06P, Stars & Stripes 3J, LLC would convey ownership of the two Dock Road properties to LochenVest LLC. In order to do so, the assignment of separate tax parcel numbers of the two properties is required.

The subject properties will continue to be used as rental units for employee housing. The properties each have one home and a garage, and their own fresh water and septic systems. It has been agreed upon that they will not be required to connect to the LochenHeath Development systems, however, the option to connect to the Development's systems could still be considered when those systems are operational. It has also been agreed that the units shall remain part of the LochenHeath Condominium Association.

We understand that the Open Space Development Requirements require a minimum of 50% open space, approximately 174.07 acres. The current total open space has been calculated to be 56.1%. The inclusion of the two subject parcels will add 5 acres of development, thus bringing the Total Open Space to 54.7%, maintaining a level above the required minimum percentage.

Once tax parcel numbers have been assigned, the property will be conveyed and properly recorded. The inclusion of the new parcel numbers and new ownership will be reflected in the comprehensive revisions to the Condominium Documents and the Master Deed that will be addressed by Stars & Stripes 3J, LLC.

**STARS & STRIPES 3J, LLC**  
**1123 Zonolite Road, NE**  
**Suite 30**  
**Atlanta, GA 30306**

January 6, 2017

Acme Township  
Attn: Shawn Winter, Zoning Supervisor  
6042 Acme Road  
Williamsburg, MI 49690

Re: Requested Lot Division/LochenHeath Project  
Proposed Dock Road Lots/Tax Parcel Number(s) Request

Dear Mr. Winter:

Stars & Stripes 3J, LLC, a Delaware limited liability company, is the fee owner of the undeveloped portion of the LochenHeath Project, which as you know is located within Acme Township. Our ownership presently includes certain real property located on Dock Road, on the southern boundary of the LochenHeath Project. By virtue of comprehensive agreements with the LochenVest, LLC and the LochenHeath Condominium Association, Stars & Stripes 3J, LLC, desires to convey the two (2) subject lots which are legally described and depicted on the attachment hereto, to LochenVest, LLC. Please accept this letter as a formal consent to, and request for, the assignment of separate tax parcel numbers to the two (2) proposed lots, and for authorization to create the lots and to convey them to LochenVest, LLC. Please note that the last Tax Parcel No. of this LochenHeath PUD was 234; therefore, we believe numbers 235 and 236 should be assigned to these Dock Road lots.

In connection with this lot division request, this letter shall confirm the following terms and conditions for the lot division and this conveyance, in relation to the prior regulatory approvals for the LochenHeath Project:

1. Stars & Stripes 3J, LLC, LochenVest, LLC, and LochenHeath Condominium Association collectively agree that the two (2) new lots shall remain part of the existing LochenHeath PUD, shall each be assigned one (1) unit of residential density from the total density approved for LochenHeath PUD, and shall be taken into account when calculating the open space requirements for LochenHeath PUD, as already established in the PUD approval.
2. The two (2) Dock Road lots currently utilize their own septic and fresh water system, and have access via the existing public road on their southern boundary. The two (2) lots may connect to the LochenHeath Project's potable water and sanitary sewer systems, when such services are available to the two (2) lots, at the expense of LochenVest, LLC.
3. The two (2) Dock Road lots shall remain a part of LochenHeath Condominium Association, and subject to its governing documents as they exist from time to time.

We are coordinating this process with LochenVest, LLC and LochenHeath Condominium Association; therefore, please send your confirmation and the new tax parcel numbers to all parties listed below, at your earliest convenience.

{A0237097.DOCX }

We will effect the conveyance of the subject lots shortly after your approval is received. Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Alexiou', with a long horizontal flourish extending to the right.

Costa Alexiou  
Manager

Cc: Wendell Johnson, Esquire  
Mr. Al Ruggirello  
Joel R. Tew, Esquire  
Mr. Tyson Reilly

{A0237097.DOCX }

**LochenVest LLC  
7951 Turnberry Circle  
Williamsburg, MI 49690**

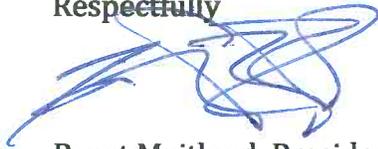
Acme Township  
Attn: Shawn Winter, Zoning Supervisor  
6042 Acme Road  
Williamsburg, MI 49690

Dear Mr. Winter:

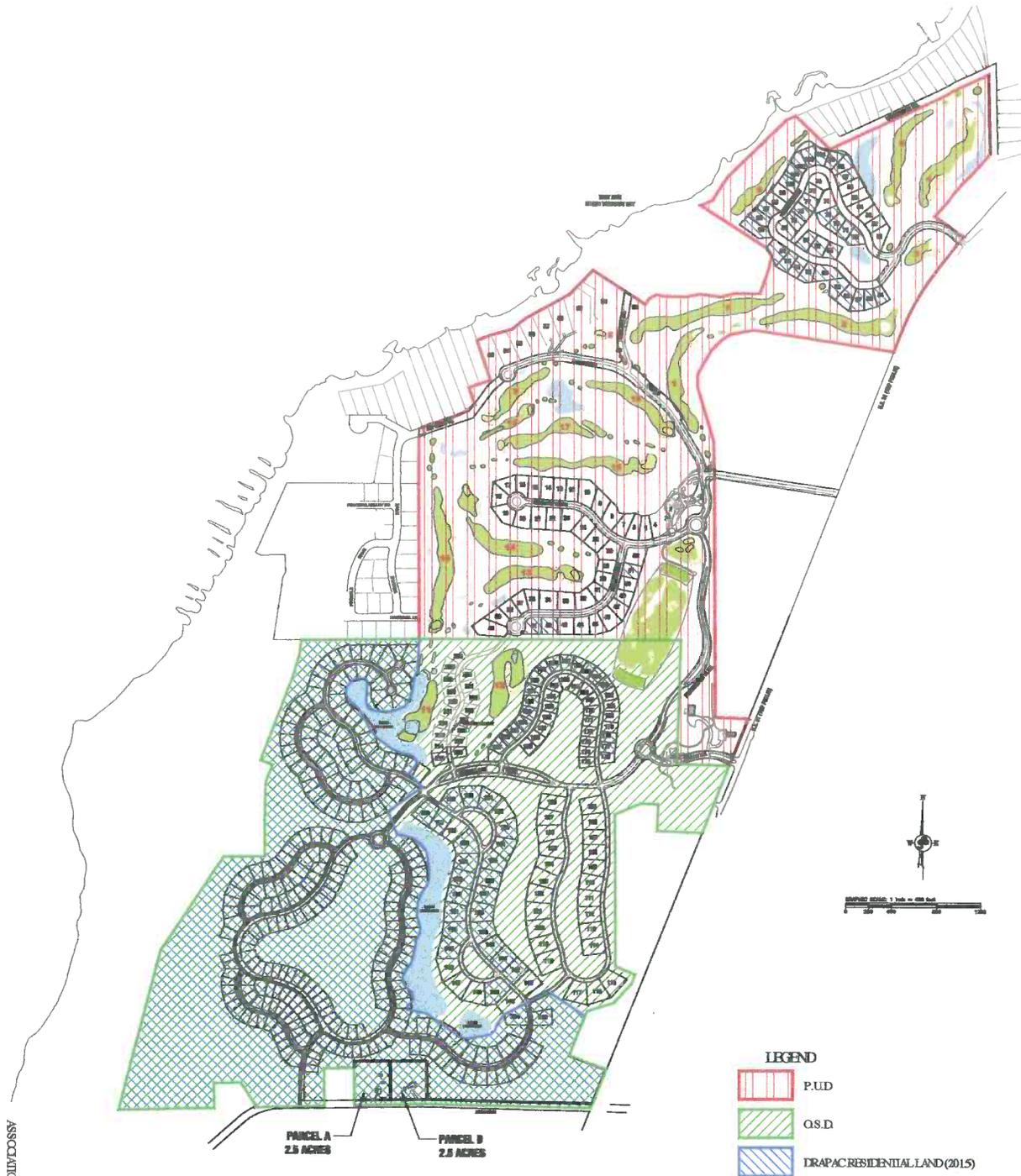
Please accept this letter as authorization for Mr. Al Ruggirello to represent LochenVest LLC in applying for zoning consideration for the Dock Road properties located in the LocheHeath Development. Mr. Ruggirello is a managing partner and part owner of LocheVest LLC, the owning entity of LochenHeath Golf Club.

Thank you in advance for your consideration in this matter,

Respectfully



Brent Maitland, President & Chairman  
LochenVest LLC

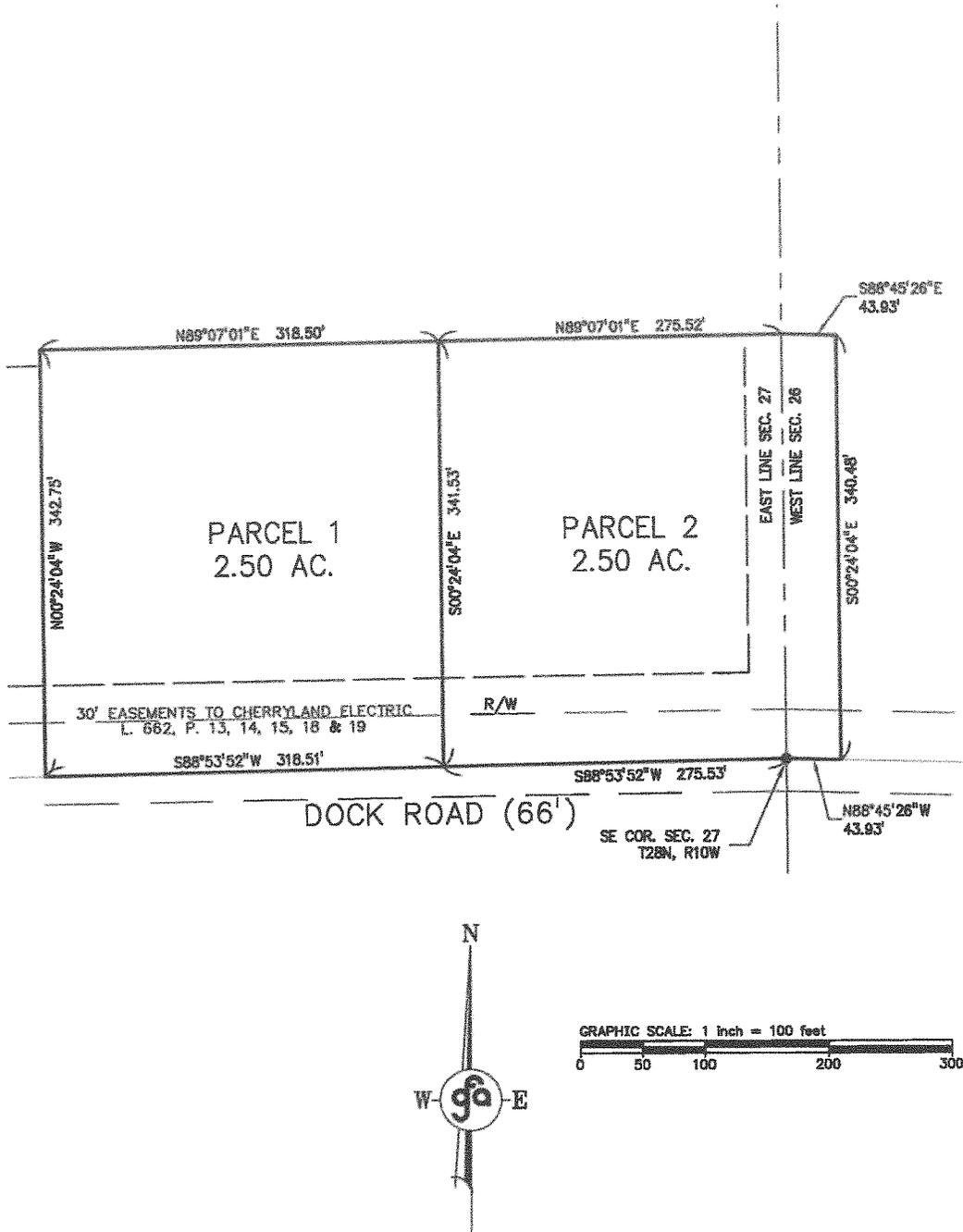


ASSOCIATION / MASTER AGREEMENT

SHEET 14393 SER. 1 OF 5	<b>DRAPAC GROUP</b> <b>EXHIBIT A</b> P.U.D. / O.S.D. / DRAPAC 2015 LAYOUT LOTS AT O.S.D. SECTION 23, 26, AND 27, TOWN 28 NORTH, RANGE 10 WEST ACME TWP., GRAND TRAVERSE CO., MI.	DATE TIME USER	PLOT NO. 2015-001 DATE: 2014-08-20 WWW.GORDON-FRASER.COM 1201 W. Ford Street Troy, MI 48064
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These documents are prepared in accordance with the contractual terms and conditions for this project.

# SURVEY SKETCH



PREPARED FOR: **THE DRAPAC GROUP**

BASIS OF BEARINGS: Lochenheath, A Site Condominium

PH 231.946.5874 FAX 231.946.5703 WWW.gourdiefraser.com  123 W. Front Street Traverse City, MI 49664	 <b>Gourdie-Fraser</b> Municipal   Development   Transportation	Location: Part of Section 26 and 27, T. 28 N., R. 10 W., Acme Township, Grand Traverse County, MI	DATE: 7-12-16
			PM: JOE ELIJOT
			DL: BJC   CD: JAJ
			16225
THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.			SHT 1 OF 1



Exhibit A



**LEGEND:**

- Development Area (Lots, Building Envelopes, Road R.O.W., etc.)
- Golf Hole Area
- Open Space
- Lakes (Included In Open Space As Calculated Below)

**OPEN SPACE CALCULATIONS:**

Total Site Acreage (Excluding Dock Road R.O.W.): 348.14 Acres  
 Required Open Space: 174.07 Acres (50%)  
 Total Development Area: 152.67 Acres  
 (Includes Lots, Road R.O.W., Golf Holes, Future Development Area, and Maintenance Facility Area)  
 Total Open Space Provided: 195.47 Acres (56.1%)

**NOTES:**

-Development area (area other than open space) consists of lots, building envelopes, road rights-of-way, land between building envelopes, land between building envelopes and road rights-of-way, the two relocated golf holes, the future development area, and the maintenance facility area.

**LOCHENHEATH OPEN SPACE DEVELOPMENT MAJOR AMMENDMENT  
 OPEN SPACE PLAN**

of Sheet	Sheet Title: <b>Open Space Plan</b> Project: LochenHeath Master Plan Amendment Acme Township, MI	Client: LochenHeath Land Company, LLC 7951 Turnberry Circle Williamsburg, MI 49690	Date: 8-23-07 Scale: As Shown Drawn By: dmc Checked By:	Designer:	<b>R. CLARK ASSOCIATES, INC.</b> Landscape Architects & Land Planners 3335 W. South Airport Rd., Traverse City, MI 49684 (231) 941-8386 FAX (231) 947-2746 rca@charclark.com
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Exhibit B



# Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

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

## **PLANNING COMMISSION – Site Plan Review Committee**

### **2017 Regular Meeting Schedule**

The Planning Commission's Site Plan Review Committee meets the fourth Monday of each month, as needed, at  
7:00 pm.

Acme Township Hall  
6042 Acme Rd  
Williamsburg, MI 49690

<b>Meeting Dates</b>
<b>January 23</b>
<b>February 27</b>
<b>March 27</b>
<b>April 24</b>
<b>May 22</b>
<b>June 26</b>
<b>July 24</b>
<b>August 28</b>
<b>September 25</b>
<b>October 23</b>
<b>November 27</b>
<b>December 18*</b>

\*Date moved to third Monday due to holiday

If you are planning to attend and require any special assistance, please notify Cathy Dye, Township Clerk, within 24 hours of the meeting at (231) 938-1350 or [cdye@acmetownship.org](mailto:cdye@acmetownship.org)

For planning and zoning questions please contact Shawn Winter, Planning and Zoning Administrator, at (231) 938-1350 or [swinter@acmetownship.org](mailto:swinter@acmetownship.org)