



ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
March 13th, 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 02/07/17
- b.** Parks & Trails Committee Draft Minutes 01/20/17
- 2. ACTION:**
- a.** Adopt Planning Commission Minutes 02/13/17
- F. ITEMS REMOVED FROM THE CONSENT CALENDAR**
- 1.** _____
- 2.** _____
- G. CORRESPONDENCE:**
- 1.** Local Government Summit – Networks Northwest
- 2.** Traverse City Area Transportation Event – TTCI
- 3.** Short-Term Rentals – Marlene Bienkowski
- 4.** Medical Marihuana – Jesse of JRJM Holdings
- H. PUBLIC HEARINGS:**
- I. OLD BUSINESS:**
- 1.** Kelly Planned Development [PD 2016-01] – Pre-Application Submission and Review
- 2.** Medical Marihuana Ordinance
- 3.** Short-Term Rentals
- J. NEW BUSINESS:**
- 1.** Temporary Outdoor Sales
- 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
March 13th, 2017 7:00 p.m.

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

ROLL CALL:

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

Members excused: M. Timmins

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

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

C. Abernethy, 4312 Westridge Dr. Expressed concerns about Kelly development and the proximity to the creek, wetlands, and steepness of the slopes on this property.

P. Bonaccini, 7365 Westwind/9345 Shaw Rd. Spoke in support of short-term rentals. Family has owned a cottage since the early 90's and have rented on occasion. Excited about recent development in the area and the results of the recent surveys on short-term rentals. Believes they are a positive allowing people to enjoy area activities. Supports the continued activity of short-term rentals.

Public comment closed at 7:06pm

B. APPROVAL OF AGENDA:

Motion by Balentine to approve agenda with the addition of correspondence letter from CCAT, letter of correspondence from C. Abernathy and to move New Business Item J ahead of Old Business; support by Forgette. Motion carried unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. SPECIAL PRESENTATIONS: Kelly Development

E. CONSENT CALENDAR:

1. RECEIVE AND FILE

a. Township Board Minutes 02/07/17

b. Parks & Trails Committee Draft Minutes 01/20/17

2. ACTION:

a. Adopt Planning Commission Minutes 02/13/17

Motion by Balentine to approve consent calendar, support by White. Motion carried unanimously

F. ITEMS REMOVED FROM THE CONSENT CALENDAR

1. None
2. _____

G. CORRESPONDENCE:

1. Local Government Summit – Networks Northwest - Agenda on website with discussion on many topics the township is dealing with. All day event for \$40.
2. Traverse City Area Transportation Event – TTCI is a free event on local transportation events.
3. Short-Term Rentals – Marlene Bienkowski - In support of 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.

4. Medical Marihuana – Jesse of JRJM Holdings - Offering township support in drafting ordinance language.
5. Kelly PUD Input - Denny Rohn of CCAT - Letter requesting township to do an independent environmental impact study on the project to ensure no impact on Acme Creek.
6. Kelly Application - C. Abernathy - Letter of perspective that pre-criteria for development have not been met.

H. PUBLIC HEARINGS: None

I. OLD BUSINESS:

1. Kelly Planned Development [PD 2016-01] – Pre-Application Submission and Review

Winter provided summary to date of the application and the PC recommendation for a more comprehensive plan. Nathan Elkins of Influence Design Forum who has been working with Mr. Kelly for a number of years presented the pre-application drawings and concept plan for the development along M-72 to get further feedback. The basic framework behind the development is a mixed use neighborhood development with commercial, multi-family and single-family residential zones with structures built within the natural environment. Residential structures would be 400-800 square feet. Architectural elements drawn from scandinavian designs mixed in with up-north cottage charm yet with a modern touch. A greenbelt line is set along the setback utilizing construction sensitive to the environment. Stormwater elements will be designed to allow quick infiltration utilizing techniques such as infiltrators under streets, bioswales, cisterns and stormwater gardens. The idea being to make stormwater basins that blend and are part of the development itself. Scheduling is important so they are seeking approval for concept so they can prepare for a June/July PC meeting. That plan would have more scale, complete streets, mixed uses and presented in a way sensitive to environmental resources. Understanding that approval of preliminary application by no means is indicative of overall plan approval.

Wentzloff asked about the type of homes in the mixed-use zone which the applicant indicated would be condos with rental as well. Also concerns of the lack of public water and infrastructure availability for the development. Applicant is aware of this need and hopes to coordinate with nearby infrastructure and hopes that a collaborative agreement, perhaps with the Township and Grand Traverse Band, may be reached to handle the requirements for this type of development. White indicated that the township has not wished to get into the “water business”. Building code determines minimum square footage. Density figures indicate about 8-9 units/acre which meet zoning in this area. PC concluded the pre-application plan meets the requirements for consideration of a planned development.

Motion by Forgette that based on findings that applicant’s pre-application meets the preliminary determination criteria for consideration as a PD with understanding that a key element is public water availability, support by Balentine. Motion carried unanimously.

2. Medical Marihuana Ordinance

PC members and counsel discussed and received clarification on some issues related to ordinance. Forgette asked about the Q&A document provided, asked about the need for an ordinance. Counsel advises that if the township does wish to allow for the 5 uses proposed in the new legislation that an ordinance is required, and he feels that if you do not wish to allow certain uses, the township should draft an ordinance reflecting that as well. Winter indicated that the board wishes to allow all five uses in the B-4 district, More discussion to come as the State regulations become clearer.

3. Short-Term Rentals

PC continued discussions of Short-Term rentals. Two models of operation are the tourist homes or AirBnB room-sharing model where the owner of property is present, and the vacation rental where no owner is present. The weekly vacation rental where the owner is not present seems to be the most problematic. As a PC and based on public input in favor of allowing, Wentzloff feels we need to come to a consensus; do we want to allow the two uses and/or do we want to allow them with regulation. As of right now short-term rentals are not in the ordinance so by definition they are not allowed. These short-term rentals have operated for years under the radar. The homestead exemption comes into play as well with respect to the number of days a place is rented. PC was queried 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.

by the chair to provide direction for the zoning administrator so he could move forward. PC members supported both models, with no regulation for tourist homes where the owner is present and regulation for vacation rentals where the owner is not present.

Definitions could help define the uses and the PC decided to look more at those for next month. Winter will also provide PC with possible ordinance regulation language that could be used based on other entities.

J. NEW BUSINESS:

1. Temporary Outdoor Sales

Darren Klooster asked PC to consider one requirement of the ordinance that does not allow outside vendors to operate outdoor sales events. If an applicant meets all other aspects of the ordinance, would the PC consider reviewing since other components of the ordinance require the property owner permission, extension of the current inventory of the property owner, parking, setbacks, etc. If applicant meets all of the other criteria, why would you restrict the property owner from hiring to operate the event.

Wentzloff asked if the PC members' sentiment has changed and there was discussion. In adopting the ordinance, there were concerns of abuse and wanted to prohibit that. There was one outdoor sale event last year in the township. White said some of the discussion also included that outside sales could bring more clients to the property owner. Business owners may not necessarily have the staff to operate outside sale. There is a restricted amount of time that owner can have an event. Feringa believes requiring the restriction that it must be an extension of inventory covers concerns of abuse and doesn't think the property rights of owner should be that restrictive. Rosa said 3rd party vendor can also provide additional expertise on the product such as company representatives who specialize in sales and may make the event more successful for the property owner. Forgette said one of our original concerns were the impacts to existing brick and mortar owners who pay property taxes selling same products. Balentine likes the ordinance as it is. Winter indicated a public hearing would need to be set if PC wishes to re-open.

Motion by Rosa to set a Public Hearing for next PC meeting to review the temporary outdoor regulations in Ordinance 7.2.10, sub A, sub 4. Support by White. Motion carried unanimously

K. PUBLIC COMMENT & OTHER PC BUSINESS

Public Comment: Open at 9:07

P. Bonaccini, 7365 Westwind/9345 Shaw Rd. Wants to note about the timing of PC decision on Short-Term rentals due to the fact that deposits and inquiries are done often times a year or more in advance such as horse show, Cherry Festival.

J. Heffner, 4050 Bayberry Lane - Support of Kelly's PUD. Preliminary plan supports township goals and criteria. Local family with deep roots and is aware of the needs and protection of township resources. Everything Acme is asking for in a development is there. Similar to Timberidge and could draw the people we are looking for to grow Acme

1. Zoning Administrator Report – Shawn Winter provided summary of report and attached to agenda
2. Planning Consultant Report – John Iacoangeli not present
3. Township Board Report – Doug White had nothing to report
4. Parks & Trails Committee Report – Wentzloff talked about moving forward with North Bayside park, and talking about boat launch at Bunker Hill, and connection of north park to The Shores. Feringa looking to get meeting of property owner groups for a conceptual look at trail access from park to Shore Road. White expressed concerns of property owner opposition of trail along US31. Alternate routes are also being looked at but everything is still conceptual.

ADJOURN: Motion to adjourn made by Balentine, support by Rosa. Motion carried unanimously. Adjourn at 9:18pm.



MEMORANDUM

Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

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

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

A. LIMITED PUBLIC COMMENT

Open: _____ Close: _____

B. APPROVAL OF AGENDA

Motion to approve: _____ Support: _____

C. INQUIRY AS TO CONFLICTS OF INTEREST

Name: _____ Item: _____
 Name: _____ Item: _____

D. SPECIAL PRESENTATION

1. None

E. CONSENT CALENDAR:

1. **RECEIVE AND FILE:**
 - a. Township Board Minutes 02/07/17
 - b. Parks & Trails Committee Draft Minutes 01/20/17
2. **ACTION:**
 - a. Approve Draft Planning Commission Minutes 02/13/17

Motion to adopt: _____ Support: _____

F. ITEMS TO BE REMOVED FROM THE CONSENT CALENDAR

1. _____
2. _____

G. CORRESPONDENCE:

1. **Local Government Summit – Networks Northwest**
 - Networks Northwest will be hosting a peer-to-peer networking opportunity for local government staff and officials on Friday, April 7 at the Hagerty Center. It looks to be an all-day event (8:15 am – 3:00 pm) with lunch provided.
 - Topics covered will include a legislative update from the Governor’s Office, intergovernmental agreements, broadband connectivity, communications and marketing plans, financial modeling and other financial management techniques, creating housing opportunities and more. An agenda is available to view on their website.
 - Registration costs \$40 (covered by the Township) and is open through March 30.

Please let me know if you would like to attend and I will register you.

2. **Traverse City Area Transportation Event – TTCI**
 - The annual event to review 2016 road projects, and preview 2017 road projects, hosted by Networks Northwest and TTCI
 - Representatives will be on hand from MDOT, GT County Road Commission and City of Traverse City.
 - The event is Wednesday, March 22, 2017 from 6:00 – 7:30 pm. There is no cost, but they ask that people RSVP. You may do so yourself, or let me know and I can register you for the event.
3. **Short-Term Rentals – Marlene Bienkowski**
 - Marlene Bienkowski, 7362 Bennet Rd, submitted an email expressing her support of short-term rentals in the Township.
4. **Medical Marihuana – Jesse of JRJM Holdings**
 - Jesse (last name not provided) of JRJM Holdings submitted a letter offering his company's assistance in drafting ordinances related to medical marihuana.
 - The email also encourages allowing medical marihuana to be grown in the AG district, therefore opening up the opportunity for outdoor facilities.

H. PUBLIC HEARINGS:

1. **None**

I. OLD BUSINESS:

1. **Kelly Planned Development [PD 2016-01] – Pre-Application Submission and Review**
 - Dan Kelly submitted a planned development pre-application in November to determine if his proposed project met the qualifications for a planned development.
 - Based on the standards in Article 19 of the Zoning Ordinance, it was determined at the November Planning Commission meeting that the project did NOT meet all the qualifications. Recommendations were provided to Mr. Kelly for ways to improve the project in order to meet the requirements.
 - Mr. Kelly has hired Nate Elkins of Influence Design Forum (IFD) to modify his pre-application. The resubmitted packet includes a new narrative and conceptual plans. Through his partnership with IFD, Mr. Kelly has been able to create a more comprehensive vision for the development he intends to create on his property. The development includes a community of micro flats, commercial mixed-use buildings along M-72, and an area of multifamily housing in the southeast corner. The project is much improved over the last submission.
 - John Iacoangeli conducted the review on the pre-application and is included in the packet, along with the recommendation that the application meets the requirements for consideration of a planned development.
2. **Medical Marihuana Ordinance**
 - Conversations to continue from the last meeting. In keeping with Robert's Rules of Order, unresolved items will remain on the agenda until a resolution is reached. This may result in no meaningful discussions at times, but will allow better tracking of ongoing items.
 - A memo from the Michigan Township Association on the topic has been included to provide additional information that may be helpful in considering medical marihuana ordinance language and addressing some outlying questions.
3. **Short-Term Rentals**
 - Similar to the Medical Marihuana Ordinance item, Short-Term Rentals are being carried over from the discussions last month and will remain on the agenda until resolved.
 - Last month the Planning Commission and Township Board received the report from the public forum held in January. The intent was to allow the Commissioners to further

read and analyze the results in order to create a more informed understanding of the community's desires while contemplating which direction to take going forward.

J. NEW BUSINESS:

1. Temporary Outdoor Sales

- Daron Klooster of TNT Fireworks spoke during the public comment portion at the February meeting to encourage the consideration of removing the prohibition of third-party vendors from operating a temporary outdoor store. Doing so would allow TNT Fireworks to operate in the parking lot of Meijer during the 4th of July holiday period.
- Since the item was not on the agenda, no discussion followed. Mr. Klooster contacted me to see what needed to be done in order to engage the Planning Commission in discussion on the topic.
- The Chair has agreed to place the item on the agenda to address the topic.

K. PUBLIC COMMENT & OTHER PC BUSINESS:

1. Public Comment:

Open:

Close:

2. Zoning Administrator Report: Shawn Winter

- **Permits** (since February 13, 2017)
 - Land Use Permits – 2
 - LUP 2017-03 Seawall Repair – 7015 Deepwater Point Rd
 - LUP 2017-04 New Home - 8871 Birchview Dr
 - Sign Permits – 0
 - Zoning Board of Appeals - 1
 - ZBA 2017-01 Nonuse variance – 7057 Deepwater Point Rd
- Work continues on the McDonald's SUP Minor Amendment application. The storm water review has been conducted. Currently waiting on the landscaping plan to be modified.
- The Arch Angel Gabriel Greek Orthodox Church has begun re-engaging in the site plan development process for the proposed church near the northwest corner of Dock Rd and US-31 N. Currently working to design a storm water management system.
- The Site Plan Review Committee is tentatively scheduled to review a site plan on March 27th (7:00 pm). The applicant wishes to construct a 5,750 sq ft warehouse storage building on Railroad Commons in the B-4 District.
- This is the end of the quarter. Time sheets are included in the packet to be filled out and submitted

3. Planning Consultant Report: John Iacoangeli

4. Township Board Report: Doug White

5. Parks & Trails Committee Report: Marcie Timmins

L. ADJOURN:

Motion to adjourn:

Support:



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

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 7:06 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:

B. APPROVAL OF AGENDA:

Jenema would like to add to New Business #9 TART Single Track support.

Motion by Nelson, seconded by Aukerman to approve the agenda with the addition of New Business #9 TART Single Tract support. Motion carried unanimously.

C. APPROVAL OF BOARD MINUTES

1. 01/03/17 Board meeting
2. 01/19/17 Public forum on Short-term rentals meeting

**Motion by Dye, seconded by White to approve minutes from 01/03/17 and 01/19/17 as presented.
Motion carried unanimously.**

D. INQUIRY AS TO CONFLICTS OF INTEREST: None

E. REPORTS:

1. **Clerk – Dye**
Dye stated that BATA and Elk Rapids Schools will be on the May 2 election.
2. **Parks-** No report
3. **Legal Counsel** –Received and filed
4. **County** - Received and filed
5. **Roads** – No report
6. **Farmland**
Zollinger commented that a meeting is scheduled for Wednesday, February 22nd.

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**
- d. **Draft unapproved meeting minutes**
 1. **Planning Commission 12/12/16**
 2. **Parks & Trails 12/16/16**

2. APPROVAL:

- a. **Accounts Payable Prepaid of \$146,806.00 and Current to be approved of \$82,370.40
(Recommend approval: Cathy Dye, Clerk)**

H. ITEMS REMOVED FROM THE CONSENT CALENDAR:

White requested the minutes for Parks & Trail 12/16/16 and Jenema asked for the Treasurer's report to be removed.

Motion by Jenema, seconded by Nelson to approve the consent calendar with the removal of the Parks & Trails 12/16/16 minutes and the Treasurer's report. Motion carried by unanimous roll call vote.

1. Parks & Trails 12/16/16 minutes

White asked about the statement in the minutes "TART has gained resolutions of support from every community along the proposed Traverse City to Charlevoix trail". Jenema stated it was a concept of trails in a resolution adopted earlier. There are no plans for now.

Motion by White, seconded by Scott to approve the Parks & Trails 12/16/16 minutes as presented. Motion carried unanimously.

2. Treasurer's report

Treasurer Jenema explained her cash summary report for January 2016 is provided in tonight's package but the Treasurer addendum report will be provided in next month's Board package once all the budget resolutions are approved tonight and actual work items are completed by the Clerk's office.

Motion by Dye, seconded by Jenema to approve the Treasurer's report as presented. Motion carried unanimously.

I. CORRESPONDENCE:

- 1. Medical Marijuana Training/MSU extension office**
- 2. Email from C. Duemling, 9307 Shaw Rd, re followup to Short-term rentals meeting 1/19/17**

J. PUBLIC HEARING: None

K. NEW BUSINESS:

1. Budget Resolutions

- a. Loan payback from fund 401 (Boat launch) to 101 fund**

Motion by Scott, seconded by White to approve Resolution R-2017-2 allowing for a loan pay back to 101 fund from 401 fund. Motion carried by unanimous roll call vote.

- b. 401 funds various budget line item adjustments**

Motion by Dye, seconded by Jenema to approve Resolution R-2017-3 budget adjustment from 401 line 930.002 to 401 line 803.00. Motion carried by unanimous roll call vote.

- c. 208 Park fund line item adjustments**

Motion by Nelson, seconded by White to approve Resolution R-2017-4 budget adjustment from fund 208 line 390.000 to line 930.005 fund 208. Motion carried by unanimous roll call vote.

- d. 101 fund to 208 fund move to support Bayside park work**

Motion by Nelson, seconded by White to approve Resolution R-2017-5 transferring funds from 101 Contingency to 208 Parks repairs & Maintenance. Motion carried by unanimous roll call vote.

- e. Four other various budget adjustments Dept 750, Dept 101.865, Dept 212 and 101 contingency to Dept 206 fire fund.**

Motion by White, seconded by Aukerman to approve Resolution R-2017-6 for multiple budget

Adjustments and transferring funds. Motion carried by unanimous roll call vote.

2. GTCRC-Turnaround easement for Yuba park road.

A turnaround easement between the Road Commission and Acme Township for ingress and egress to allow for snow moving and grading equipment to turn.

Motion by Nelson, seconded by White allowing Acme Township to enter into the agreement with the Grand Traverse Road Commission. Motion carried unanimously.

3. Portable radar speed display/Cost about \$5,120

Board was presented with a quote and product information from Air Traffic Solutions for a portable radar speed display at a cost of \$5,120. Discussion followed with questions regarding grant funding, selling the current speed trailer. Zollinger will report back next month.

4. TC Boom Boom Club request for 4th of July fireworks donation

A request from the Traverse City Boom Boom club for a \$300 contribution for annual 4th of July fireworks.

Motion by Nelson, seconded by White to approve a \$300 contribution for annual 4th of July Fireworks. Motion carried by unanimous roll call vote.

5. School tax collections resolutions for TBAISD for TC schools and Elk Rapids

Motion by Scott, seconded by Jenema to approve the agreement for collection of summer school property taxes for Traverse City and Elk Rapids schools. Motion carried unanimously.

6. Approval of professional services contract with Gosling Czubak for N. Bayside Park

A draft for professional services for design and construction engineering services for the north Bayside Park development was presented to the Board. There was concern about the cost being effected by a time line change. A note to the effect will be added to the contract that no additional cost will be incurred if time line slips.

Motion by Nelson, seconded by Dye to approve the draft for professional services with Gosling Czubak for N. Bayside park development in addition to the note regarding additional cost. Motion carried unanimously.

7. Savings on DTE gas bill using a alternative supplier

A memo regarding energy savings on electric bills from supplier Volunteer Energy was presented to the Board. Zollinger commented that Acme Township could save \$342.65 over 12 months. Metro fire will be moving to Volunteer to get better rates for their facilities.

Motion by Scott, seconded by Aukerman to approve changing gas suppliers to Volunteer Energy for better rates. Motion carried unanimously by roll call vote.

8. Qualifying retirement disbursements 401k for S. Winter

Motion by Scott, seconded by Jenema to approve Winter's 401 retirement disbursement of \$1,418.91 be submitted into the new plan with Burnham and Flower. Motion carried by unanimous roll call vote.

9. Letter of support for TART "Single Track"

Jenema is seeking approval to write a letter of support on Acme township letterhead for the National Bike trail in East Bay township.

Motion by White, seconded by Nelson to approve Jenema writing a letter of support for the National Bike Trail. Motion carried unanimously.

L. OLD BUSINESS: None

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

P. Anderson, 10108 Kay Ray Road, asked if anything was happening with the Kmart building after the March store closing. Zollinger commented that at this time we have not heard of anything.

Jenema commented that “Form 5076 Affidavit to claim Small Business Tax Exemption” for personal property must be returned no later than February 10, 2017.

Aukerman discussed bringing information to the next Board meeting regarding boat launch fee.

Motion by, seconded to ADJOURN AT 8:40 pm

ACME TOWNSHIP PARKS & TRAILS MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
February 17th, 2017 8:30 am

Draft Minutes

ROLL CALL:

Committee:	X	Feringa	X	Heflin	X	Heffner		
	X	Jenema	X	Timmins	X	Wentzloff		
Advisory:	-	Heinert	X	Kushman				
Staff:	X	Winter						

- A. PUBLIC COMMENT:** Jenema discussed Robert's rules of order and why old business items would be kept on the agenda but may not be discussed at every meeting.
- B. APPROVAL OF AGENDA:**
Motion: To approve the agenda Wentzloff, 2nd. By Heflin. Motion carries
- C. INQUIRY AS TO CONFLICTS OF INTEREST:**
- D. CORRESPONDENCE:**
- E. ACTION:**
- Approve Parks & Trails Minutes 01/20/2016**
Motion: To approve the minutes from 01/20/16 Wentzloff, 2nd. By Timmins. Motion carries
- F. OLD BUSINESS:**
- Deepwater Trail Segment Update** - The donation money came in and Pam (TART's development Director) are putting the remaining pieces together for the match money. The deepwater point project will roll into the north bayside park project. Feringa and Kushman have a meeting 2/ 24/17 to start looking at maps through the tribal properties.
 - Bayside Park Design Elements** - Klaus will be at the March meeting to discuss. No action today. Heffner asked about the dirt in bayside parking lot being moved. Jenema explained they were trying to have the cost of moving the dirt to the place it will be used, involves minor tree removal, covered under the grant.
 - Adopt-A-Bench Program** - on hold until March. Will discuss addition of adding swings later in the planning process after placement of objects is determined. Wentzloff brought up the question of allowing objects in parks, that received the trust fund grants to allow memorial plaques on donated objects.
 - Acme Connector Trail – 2% Grant** - The township was awarded \$15,000 from the GTB for the connector trail from Bunkerhill to M72. The amount awarded was half of the cost needed. TART is hoping to fill that gap privately, but may have to come back to the township if there is a gap in their fundraising efforts. Kushman spoke about Holiday Inn's support of the connector trail project but due to a bundling of properties on the corporation's end it makes it difficult to easily grant an easement. Trail access is the number one requests of their guests. Jenema - asked Aukerman to attend the Park and Trail meeting today because of overlap on the park and trails committee and the board, and also because she helped the committee to set up the committees focus and goals.
 - Gilroy Park/Bunker Hill Boat Launch-** -There was confusion at the board level about the committee's intent concerning Gilroy park. Jenema thought the committee had given Zollinger the go ahead to move forward with looking into Gilroy park. The board needs an actual motion of support from the committee.

Jenema went over her memory of how the discussions went with the back and forth involving the south bayside park and the boat launch, previously recommended to be closed by the committee.

Winter gave more input.

Wentzloff asked about leaving the boat launch as is, with parking at Gilroy park and no parking at the actual launch to leave room for the trail to go through.

Jenema said yes until the trail goes in.

Aukerman explained the history of townships interest in Gilroy park.

Heffner had a meeting with Brian Terhune and walked the property from Gilroy to south bayside. Heffner brought up the discussion that instead of purchasing Gilroy park that we keep the boat launch at bayside open and move the parking, bathrooms and kayak launch down near the marina. Heffner said a minimal amount of money would be needed to bring the launch at Bunkerhill rd. up to better safety standards, estimated cost to be around \$2500, in his opinion. He gave a list of things he saw that needed repair; chunks broken off areas of the ramp, rebar showing through on ramp, damage to the storm drain, gravel repair and signage to help show people where to park. Heflin gave her opinion on why the boat launch should be closed for safety issues and lack of township funds to fix it.

Winter added that even the Nelson family who owns the business properties across the street from the boat launch, are in agreement with closing the Bunkerhill launch.

Discussion followed

Jenema talked about the fact that it was up to the board to decide to leave the boat launch open, the park and trail committee made a motion to close it. Original motion maker would have to reopen the motion to amend it. Lapointe made the original motion, he is no longer on the committee.

Jenema asked either for a consensus from the park and trails committee or suggested that Heffner bring his ideas back to the board.

Aukerman asked Heffner what his main objectives are? With the TART trail placement being the number one objective of the committee at that location. He agreed getting the trail was a priority, but with the transfer station believed it would be too hard for bikes.

Discussion followed about trail placement and stormwater runoff from Bunkerhill rd, Mdot has been met with to discuss the redo of Bunkerhill rd.

Discussion continued moved to list of goals put together in 2015

Briefly looked at how much the committee and township have been able to move forward in the last 2 years all agreed we are making good progress.

Motion: By Timmins 2nd. By Heflin. To recommend to the board to pursue, with MDOT, looking into the maintenance cost of Gilroy park with the intent of possible acquiring the park.

Motion carries 5 for, 1 opposed

G. NEW BUSINESS:

1. 2017 Parks & Trails Priorities Update The townships part-time park employee starts in April. The maintenance committee is recommending to the board that larger maintenance is contracted out. Budget planning for next year is starting at the township level. Discussed the repaving of Bunkerhill rd.. Feringa said the timeline is dependant on staffing. Discussed having to do a new park plan and coming up with new 5 year plan that will involve finishing the projects already started and others decided upon later by the committee.

2. PUBLIC COMMENT Still looking for a new committee member

ADJOURN: Motion by Wentzloff 2nd. By Timmins. Passed



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
February 13th, 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

Shawn Winter

From: Michael Woods <michael.woods@networksnorthwest.org>
Sent: Friday, February 17, 2017 3:14 PM
To: Elizabeth Calcutt
Subject: Submit Your Nominations for NW Michigan Planning Awards | Registration Open for Local Government Summit
Attachments: 2017 Local Gov't Summit save-the-date.jpg; 2017 Awards Announcement memo.pdf; 2017 Planning Awards Application Form.pdf

Northwest Michigan Stakeholders,

On April 7th, Networks Northwest is hosting a **Local Government Summit** which will be an educational and peer-to-peer networking opportunity for local government staff and officials.
Up-to-date Summit information will be posted at: www.networksnorthwest.org/localgovernmentsummit.

Additionally, there is a call for nominations for the **Northwest Michigan Planning Awards**. The Northwest Michigan Community Development Awards Program seeks to publicly honor outstanding community development and leadership within Antrim, Benzie, Charlevoix, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee, Missaukee, and Wexford Counties.

Nominations for the following awards are being accepted:

- Leadership Award (for an individual)
- Design and Innovation
- Collaboration
- Economic Development
- Placemaking
- Customer Service and Efficiency

See attached or [click here](#) for more details and the nomination form.

Nominations will be accepted through **March 1**. Awards will be announced at the Summit on April 7.

Please let me know if you have any questions and have a great weekend!

Mike

Michael P. Woods, AICP

Regional Planner



PO Box 506 • Traverse City MI 49685-0506

Direct: 231.929.5056 • Fax: 231.929.5012

michaelwoods@networksnorthwest.org

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Transportation Information Event

Traverse City Area

Traverse City

A recap of 2016 and preview of 2017 road construction projects in the Traverse City area will be provided by State and local agencies on March 22 in Traverse City.

Attend this road update to hear:

- Representatives from MDOT, the Grand Traverse County Road Commission, and the City of Traverse City present on successes and challenges of the 2016 road construction season
- Introduction to programmed 2017 road construction and BATA transit projects in the Traverse City region
- Road funding outlook.

Wednesday, March 22, 2017

Grand Traverse County Governmental Center
400 Boardman Ave – 2nd Floor Training Room
6:00 p.m. - 7:30 p.m.

RSVP:

There is no cost to attend, however RSVPs are requested. To RSVP, please visit nwm.org/roadupdate or call 231-929-5000



Shawn Winter

From: Jay Zollinger
Sent: Thursday, March 02, 2017 9:15 AM
To: Shawn Winter
Subject: FW: Short-Term rentals in Acme

FYI

Jay

From: Marlene Bienkowski [mailto:sierrie50@gmail.com]
Sent: Wednesday, March 01, 2017 6:01 PM
To: Jay Zollinger <JZollinger@acmetownship.org>
Subject: Short-Term rentals in Acme

Hello,

I guess I'm a little out of touch, and a little late on this bandwagon, but I thought if it's not too late I'd like to throw my two cents in about short-term rentals in Acme. I am a resident and property owner in Acme Township.

I personally support the idea of homeowners being able to rent out their homes, or portions thereof on a short-term basis. For some people (I'm particularly thinking of those who happen to be fortunate enough to have a little piece of paradise on the water) it's really the only way they can afford to keep their place. I'm speaking as a person who owned a cottage on the water in Elk Rapids. I inherited our cottage from my parents. Without the rental income we received from it, we would not have been able to keep it as long as we did. Sadly, we did have to sell it eventually.

For sort of a philosophical reason, it has bothered me for quite a long time that it's seeming these days that it's only the elite among us who are able to have access to a little bit of waterfront to enjoy on family vacations. The shoreline all over our area is covered with "McMansions" rather than vacant land or the small cottages that many of us grew up visiting, where we made special memories with our families. Those families who are trying to hold onto that special cottage should have the opportunity to allow others to also enjoy their bit of waterfront, especially if it's the difference between keeping it for generations to enjoy together or selling it to the more wealthy buyer who will likely tear it down and build the ostentatious status symbol.

The family-owned vacation rental can give those of us who love our Michigan waterfront a chance, for a few days of the year, to make our own memories with our families. Other townships around our area have already cut out access for those of us who don't have the wherewithal to own a place on the water who might like to enjoy a week on the lake sometimes. I hope Acme Township does not follow suit.

Thank you for reading this!
Marlene Bienkowski
7362 Bennett Road
Williamsburg, MI 49690
231-313-1299

Shawn Winter

From: JRJM Holdings <jrjmholdings@gmail.com>
Sent: Monday, March 06, 2017 9:52 AM
To: Shawn Winter
Subject: Medical Marijuana Ordinance

Hi Shawn,

I interested in the status of Acmes proposed Medical Marijuana Ordinance. My company is looking to work with local municipalities in developing zoning that encourages responsible business development in this industry.

It is my understanding that the Board has directed the PC to draft an ordinance that allows the various uses by right in the B-4 zoning district. As you know this is a small area of land which would relegate production to indoor production style businesses. We are encouraging people to look at this as the agricultural crop that it is and allow the use by right in AG zoned land. I noticed a PC member seemed to express a similar sentiment at the last meeting and was curious if this might be something being considered?

I appreciate your time and please feel free to contact me with any questions relating to this new industry. I look forward to hearing from you.

Jesse

Shawn Winter

From: Denny Rohn <mdwr06@gmail.com>
Sent: Monday, March 13, 2017 4:31 PM
To: Shawn Winter; karly.wentzloff@gmail.com; steve.feringa@live.com; trae.forgette@gmail.com; bethfinch50@yahoo.com; Marcia Timmins; atpc7rosa@yahoo.com; Douglas White; John Iacoangeli
Cc: Paul Brink; Rachelle Babcock; Charlene Abernethy; Dave Starkey; Virginia Tegel
Subject: PUD input

Dear Planning Commission:

CCAT would like to request that the application for the Kelly property PUD not be advanced to Part 2 until an environmental impact study is completed. Without that it seems that it cannot be determined if the request is consistent with the goals and objectives in the zoning ordinance. The township's goal of preserving natural resources and open space should be ensured through this process.

CCAT would formally like to request that the township do an independent environmental impact study to ensure no impact on Acme Creek . Given the increasing load from the VGT property and now with this potential development, we are very concerned and expect the township to be as well. Attention to detail early, as we have all learned, can make for much better decisions along the path of this project and others.

Sincerely,
Concerned Citizens of Acme Township

9267 Shaw Rd.
Williamsburg, MI 49690
616.485.3749 cel

To: Acme Township Planning Commission
From: Charlene Abernethy
4312 Westridge
Acme Township

Monday March 13, 2017

Good evening,

In reviewing the application for Kelly's Restaurant LLC, 5 of 9 *Formal* Criteria *must* be met in order to advance the Pre-application for approval.

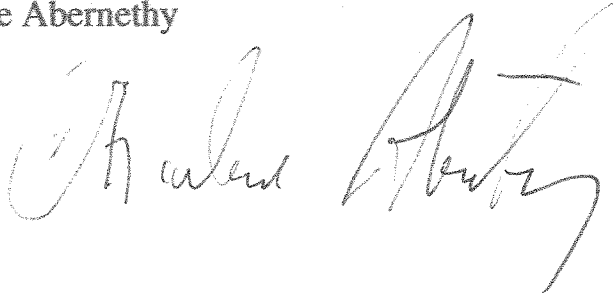
The burden of proof in such a situation is for the application to meet the Criteria. If insufficient information is provided, then the Criteria do not qualify as having been met. No provision or allowance is made in the PUD ordinance for incomplete or insufficient responses.

This is not a rubber stamp. No staff report can substitute for *your* detailed analysis of these Criteria.

In reviewing the Beckett & Raeder review and the application, a number of Criteria do not appear to have been met.

Thank you for your rigorous and diligent review of this pre-application!

Charlene Abernethy

A handwritten signature in dark ink, appearing to read 'Charlene Abernethy', written in a cursive style.

Criteria #1 - "To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses."

It is proposed that the 25 foot buffer will have extensive development. Specifically, the Concept shows 25 structures within the so-called "buffer". A housing development is not a greenbelt, nor a buffer. The 50 foot creek buffer required in the ordinance does not meet the definition of a greenbelt.

Many of the proposed houses abut the mandatory 50 foot creek buffer, and are located as close as possible. No provision or room is left for effective soil erosion controls, necessitating their location in the buffer. Installation of silt fences requires trenching, and that trenching is typically erosive.

That site is predominantly clay soils, and is in very many places steeply sloped. We have been told time and again that silt fences and strawbales will not stop silt. No room exists on the concept plans for effective sediment control measures.

No current Wetland Survey and Determination has been provided. The location of wetlands will alter the location of structures and setbacks on site. Without such information, a fact-based determination of compliance with Criteria #1 cannot be made.

Criteria #1 is **NOT** met.

Criteria #2, "To permanently establish land use patterns which are compatible or which will protect existing or planned uses."

Acme Creek is a State of Michigan designated Cold Water Trout Stream. This means the water must be cold, clean, clear, and with a gravel bottom, free of sediment. It is also a public stream, and a Navigable Water subject to Riparian rights.

The proposed construction and location of structures on clay soils, on and immediately adjacent to the steep slopes of the creek, is not compatible with the existing use of the creek.

Criteria #2 is **NOT** met.

Criteria #3, "to dedicate or set aside open space areas", cannot be satisfied until those open spaces are defined and reviewed. Therefore, it has not been met.

Criteria #3 is **NOT** met.

Criteria #4, "To provide alternative uses for parcels which can provide transition buffers to residential areas."

It is suggested that streets, street lights, and structures are suitable buffers for a State of Michigan designated Cold Water Trout Stream, and "ecologically-sensitive areas". That is contrary to the required protections in our Master Plan and does not meet the requirements for a suitable buffer. This criteria is **NOT** met.

Criteria #4 is **NOT** met.

Criteria #5, "Maintain and improve Acme Creek, ground water and quality of the watershed. An extended greenbelt will be implemented to provide additional protection to Acme Creek and the watershed."

The Requirement is to **MAINTAIN** and **IMPROVE** Acme Creek, ground water and quality of the watershed. Merely providing "additional protection" is **NOT** sufficient, and does **NOT** meet the criteria and Master Plan requirements.

Criteria #5 is **NOT** met.

Criteria #6, "To foster the aesthetic appearance of the Township through quality building design and site development, provide trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum

requirements."

Acme Creek is a State of Michigan designated Cold Water Trout Stream. This means the water must be cold, clean, clear, and with a gravel bottom, free of sediment. It, and the surrounding wetlands, meet the definition of a "unique and/or historic sites or structures". As such they must be **PRESERVED**, and preserved beyond "minimum requirements".

Since this pre-application does not provide an existing tree and vegetation map, or an up to date wetland determination, the required preservation of those features has not been established at this time. Since this application does not provide an independent environmental impact study of the impact of storm water measures, the required Criterion of preserving the Cold Water Trout Stream has **NOT** been met.

Additionally, the clay soils and steep slopes of this parcel are subject to intense hydrologic flows and runoff from the VGT property. That runoff was documented by the MDEQ and was cited in Violation Notices issued to the VGT developer. Large portions of this parcel appear flood prone, routinely having surface water running across it during rains. The addition of impervious surfaces can reasonably be expected to greatly increase that problem.

No pre-application determination of compliance can be made without data, and that data must be up to date.

Criteria #6 has **NOT** been met.

Criteria 7, "To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable."

From many perspectives, this proposed development appears to be a mini-VGT. It seems to largely be an extension of that Concept. And since it abuts an ecologically sensitive nature area, with problematic soils, steep slopes, and a designated Cold Water Trout Stream, it does not seem to provide an orderly change of use that is consistent with the Acme Township Master Plan.

Criteria #7 has **NOT** been met.

Date: 03.08.2017

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

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

Request: Pre-Application Approval for a Planned Development

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

Parcel Address: 4240 East M-72

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

General Description:

The Applicant is resubmitting an application for a Planned Development based on comments received during a preliminary review in November 2016. The proposed concept plan envisions a retail/residential mixed use development with frontage on M-72 consistent with the Corridor Commercial (C) zoning designation and a series of resort-style neighborhoods within the interior of the site on property zoned Mixed Housing Neighborhood (MHN). The overall site is 20.40 acres in size and the CC zoning consists of 7.31 acres and the MHN zoning comprises 13.17 acres.

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

Planned Development Process:

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

Use of the PD option is to encourage flexibility in the control of land development by encouraging innovative design through an overall development plan that provides a variety of design and layout; to achieve economy and efficiency in the use of land, advance the goals of the community master plan, integrate and preserve natural

resources, maximize use of public services and utilities and encourage useful open spaces suited to the needs of the parcel in question.

The PD process is divided into reasonable and manageable parts.

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

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

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

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

Pre-Application Criteria Evaluation

	Criteria	Applicant Response
1	<p>To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.</p> <p>CRITERIA MET</p> <p><i>The Concept Plan accounts for, and incorporates the natural features of the site. The stormwater and wetland delineation will be accounted for as the project moves into design phases.</i></p>	<p>A permanent greenbelt will be designed and implemented to provide protection to Acme Creek. The greenbelt will extend beyond the required 50 foot setback from the creek bank and include an additional 25 foot buffer – conventional turf grass will not be allowed in this zone and instead native grasses, sedges, wildflowers, woody plants, and trees will be used to support the greenbelt. Conventional fertilizers will also not be allowed in the greenbelt. Two (2) neighborhood zones of proposed micro-flats will be located adjacent to and some within the 25 foot extended buffer. These flats will be designed in a way to support the greenbelt and some will include greenroofs, stormwater cisterns, and pier supported structures elevated off of the ground.</p> <p>Greenbelts and buffers will also be put in place around specific stormwater green infrastructure to improve water quality and habitat for birds, insects, and small mammals. Park spaces and trails within the residential neighborhood will be permanently preserved within the development association to provide places for recreation and as a buffer between uses.</p>

2	<p>To permanently establish land use patterns which are compatible or which will protect existing or planned uses.</p> <p>CRITERIA MET</p> <p><i>The proposed development concept is consistent with the Acme Township Place Plan and the Acme Township Master Plan.</i></p>	<p>The proposed development is not only compatible with the Grand Traverse Town Center, but also supports the protection of planned future uses for the M-72 E corridor as a master planned town center. The two properties share the eastern property edge and have the opportunity to establish a fixed network of streets to improve access management and walkability. The GTTC when built out will provide a mix of uses including box store retail that will support the surrounding residential neighborhoods.</p> <p>The proposed development will also include commercial uses that may include restaurants, coffee shop, yoga or gym, and boutique retail located along a street in a similar design fashion as you might find in a traditional downtown or more modern lifestyle center. The proposed development is also the first planned development application under the new Acme Township Form Based Code Ordinance. If approved, this development will set a standard for the FBC and set the standard for future land use.</p>
3	<p>To accept dedication or set aside open space areas in perpetuity.</p> <p>CRITERIA MET</p> <p><i>Final delineation of protected lands and any covenants focused on maintenance and protection will be subject to further review by Township Legal Counsel.</i></p>	<p>The development association will include specific detail related to protection of Acme Creek and the established greenbelt zone (Acme Creek Reserve). The association will not only permanently protect this natural and sensitive area, but will ensure portions of dues are allocated to protection measures and maintenance of the zone. The association will also permanently protect park spaces within the development.</p>
4	<p>To provide alternative uses for parcels which can provide transition buffers to residential areas.</p> <p>CRITERIA MET</p> <p><i>The property is proposed as a mixed use neighborhood which utilizes private streets and parks to transition uses.</i></p>	<p>The development property is located in the growth and investment area of the Township, is located adjacent to the GTTC, is constrained on one edge by a creek and ecologically-sensitive areas; moreover, it would not be in the best interest of master developer or Acme Township to allocate parcels of any size as a transition or buffer between uses.</p> <p>Instead, streets, public spaces, and parks will be the parcels that define the uses and provide a transition. A network of grid-like streets becomes the transition between uses much like in a typical urban neighborhood where a mix of uses blend at the edges. The streets will be designed to be active complete</p>

		streets with sidewalks on both sides, street trees, lighting, seating, and amenities that support and define the public and private spaces.
5	<p>To promote the goals and objectives of the Township Master Plan.</p> <p>CRITERIA MET</p> <p><i>The issue that will dictate the development as proposed will be the availability of public water. Although the Acme Township Master Plan points this out as a significant barrier to development along US-31 and M-72, the Township does not have a viable plan for the installation of public water within this area. The development as proposed is dependent on the availability of public water.</i></p>	<p>The proposed development meets or exceeds the following goals and objectives (Cornerstones) of the Township Master Plan:</p> <p><u>Support diversity in age and create a community attractive to all ages.</u> The micro-flats and “tiny home” movement is nationally becoming more popular as millennial refuse to settle down in one place for to long and empty-nesters downsize and purchase one or more smaller homes in different regions of the US. The proposed development targets both age cohorts and aims to bring them both together through planning and design that are of quality and character. The rental program will also support diversity (example: Empty nester’s purchase a flat and enroll in the rental program – millennial in the workforce then rent the dwelling during tourist off-season.)</p> <p><u>Support safe and efficient traffic flow on M-72.</u> The development will be acquiring an additional parcel to the west to accommodate a second egress point to M-72. The development will also consider options to promote safe access including right hand turn exit only. Eastbound drivers would use the newly constructed round-a-bouts as a point of circulation.</p> <p><u>Connect to the TART and local non-motorized trail system.</u></p> <p><u>Create mixed-use development that supports the Growth and Investment Area of Acme Township.</u> Neighborhoods will be developed on the proposed property that supports a mixed-use commercial neighborhood, multi-family neighborhood, and residential neighborhood of micro-flats.</p> <p><u>Maintain and improve Acme Creek, groundwater and quality of the watershed.</u> An extended greenbelt will be implemented to provide additional protection to Acme Creek and the watershed.</p> <p><u>Support recreation based-tourism.</u> A portion of the micro-flats will be incorporated into a rental program to support visitors and tourism.</p>

6	<p>To foster the aesthetic appearance of the Township through quality building design and site development, provide trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.</p> <p>CRITERIA MET</p> <p><i>If approved, the next phase will include a more thorough review of the architectural details and elevations associated with the proposed buildings.</i></p>	<p>The proposed development will extend beyond the minimum requirements related to site design and architecture. Conventional suburban development parking and driveway access will be replaced with complete streets, leftover undesirable land that is typically deemed open space in unadventurous developments will instead be replaced with useable open space, public spaces, and small parks.</p> <p>The architectural character will be supported by a strong brand and image - a mixed-use development that is mutualistic and supports the residential neighborhoods. Building architecture will take ideas from Scandinavian modern-design, American mid-century modern design, and "up-north" rustic charm.</p>
7	<p>To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.</p> <p>CRITERIA MET</p> <p><i>The proposed development concept is a radical departure from typical suburban corridor commercial development. It is consistent with the Acme Township Place Plan and Community Master Plan.</i></p>	<p>The proposed development will bring about a optimistic change in use of the property that supports the Acme Township Master Plan and FBC. The current single-commercial-style use with a large parking area and driveway and curb-cut on M-72 serving only one use will be replaced with a network of streets supporting a mix of uses including commercial, office, and residential.</p>

8	<p>To promote the goals and objectives of the Acme Township Placemaking Plan and the US-31 and M-72 Business District zoning.</p> <p>CRITERIA MET</p> <p><i>The issue that will dictate the development as proposed will be the availability of public water. Although the Acme Township Master Plan points this out as a significant barrier to development along US-31 and M-72, the Township does not have a viable plan for the installation of public water within this area. The development as proposed is dependent on the availability of public water.</i></p>	<p>The proposed development will not only support and promote the goals and objectives of the Placemaking Plan, but also will be a catalyst and role model for creative development in Acme Township. The following notions explain how the development will meet the guiding principles of Placemaking:</p> <ol style="list-style-type: none"> 1. The development becomes a link to support connecting the Townships assets including GTTC, Acme Village, and the waterfront. 2. The development will support the growth and investment initiative and be the first development to enforce regionalism as defined by the Grand Vision and Grand Traverse County. 3. The development will be framed to support future events, retail spaces and small affordable studios desirable to artists. Social events will help define the development community. 4. The development will add valuable office space to Acme Township to take advantage of the existing talent pool living in the Township and to attract new talent and build on the New Economy. 5. The development will support walkability and in return walkability supports economics, public health and quality of life, and the environment.
9	<p>To promote sustainable development especially on parcels with active farmland and orchards as defined by MCL 324.36201 (h).</p> <p>CRITERIA NOT MET</p>	<p>.Not Applicable</p>

Assessment of the Application

A. Consistency with the Master Plan

The proposed PD project is located within the Town Center portion of the Future Land Use Map. The Community Master Plan Town Center states, "this category of land use encourages the development of an integrated, walkable, mixed-use, high density area located in the core of the Township as envisioned in the Acme Shores Placemaking Plan. The hallmark of this future land use will be the seamless connection between public and private properties with well-designed buildings and public spaces, streetscapes,

landscapes, signage, access and circulation for both motor & non-motorized traffic and pedestrians, facilities for public transportation, low impact storm water control, dark sky sensitive lighting, and other elements that reflect and add to a vibrant business district. As noted in the Master Plan, new commercial developments shall take place in high-density areas so that infrastructure installation, wherever needed, will be carried out efficiently. The main objectives in this category is to provide for commercial development in ways that will create an economically healthy and thriving environment for the benefit of all Acme residents and visitors to the Township, and to provide for commercial establishments that not only supply goods and services but also offer employment opportunities to Acme residents. ¹ The conceptual design and program are consistent with the vision of the Community Master Plan.

B. Consistency with the Planned Development Objectives

The basis of the PD is intended that the development be laid out so the various land uses and building bulk will relate to one another and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another. The first submittal of the pre-application in November 2016 focused on the cabin-resort portion of the property but the intent of the PD was to provide a master plan for the entire property. This submission addresses all of the properties associated with the development. As a result, this submission is consistent with the intent of the PD zoning and the Community Master Plan.

Findings

It is therefore noted that the PD meets the following:

1. The property is zoned C (Cooridor Comemrcial) and MHN (Mixed Housing Neighborhood).
2. The property had previously been granted a Special Use permit subject to Article 9.
3. The proposed development cannot be carried out under the existing zoning designation MHN; because this district did not contemplate the presence of small resort-style housing. The density of the development would not exceed the MHN zoning designation.
4. The proposed development will require public water. Due to the lack of a Township approved water district plan the issue regarding utility loads cannot be quantified.
5. The proposed conceptual plan does not exceed the density allowed under the MHN zoning classification.
6. The application meets eight (8) of the nine (9) objectives for a PD.

Recommendation

The application meets the preliminary determination criteria for consideration as a PD.

¹ Acme Township Community Master Plan, p.71, 2014



PLANNED DEVELOPMENT
Pre-Application Submission and Review of Qualifications

Township of Acme, Grand Traverse County, Michigan

6042 Acme Road, Williamsburg, MI 49690

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

Planning & Zoning Administrator: Shawn Winter Email: swinter@acmetownship.org

OWNER INFORMATION (please type or print clearly)

Name: KELLY RESTAURANT'S LLC C/O DAN KELLY Phone: 231.342.4550

Mailing Address: 4240 E M-72

City: WILLIAMSBURG State: MI Zip: 49690

Email Address: info@cateringbykellys.com

APPLICANT INFORMATION (please type or print clearly)

Name: SAME AS ABOVE Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Email Address: _____

PROPERTY INFORMATION (please type or print clearly)

Address: 4200 E M-72

Parcel Number: 28-01-102-014-01
28-01-102-010-00 Current Zoning: C, MHN

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

N/A

Proposed Use/Change to Property: _____

Estimated Start and Completion Dates of Each Phase: _____

PRE-APPLICATION SUBMISSION DOCUMENTS

Criteria of Qualification

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

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

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

Schematic Land Use Plan

Drawings containing enough detail to demonstrate the following:

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

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

Natural Features Plan

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

Storm Water Management Plan

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

Proof of Property Ownership

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

PLANNING COMMISSION REVIEW

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

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

FEES AND ESCROW POLICY ACKNOWLEDGEMENT

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

AFFIDAVIT

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

Signed:  _____ Date: 2/28/2017

Print Name: NATHAN G. ELKINS

NOTES – FOR TOWNSHIP USE ONLY



Pre-Application Planned Development Submittal

Kelly Restaurant's LLC 4240 E M-72

Studio Profile

BACKGROUND

Based in Traverse City Michigan and available worldwide – Influence Design Forum (IDF) is a collaboration of professionals exploring the seams that make up the ecological and social context of landscape, art, pop culture, and the built environment.

We work at many different spatial scales - We design public spaces, prepare cities for the future, celebrate rural landscapes, design dwellings and insert creativity to retail and storefronts, explore intimate spaces, and imagine new possibilities by testing design ideas.

Our unconventional project teams bring our clients together with a diverse group of designers, planners, artists, scientists, engineers, and policy makers to problem solve, innovate, and research new ideas for the future. Part think-tank, part creative agency, we like to think of ourselves as visionaries who think systematically how design works - From the importance of building a strong identity to support a brand to understanding social behaviors of public spaces to the workplace and back home again, transportation, rural landscapes, and entire neighborhoods.

Contact Information

Nathan G. Elkins, ASLA

Influence Design Forum LLC
120 E. Front St., 2nd Flr. Loft
P.O. Box 1507
Traverse City, MI 49685

nate@influencedesignforum.com
(231) 944.4114

studio

120 East Front St.
2nd Floor Loft
PO Box 1507
Traverse City MI 49685
(231) 944.4114

**influence
design
forum**
LLC

February 28, 2017

Acme Township
Shawn Winter, Planning & Zoning Administrator
6042 Acme Rd.
Williamsburg, MI 49690

**RE: Pre-Application Planned Development Submittal for Kelly Restaurant's LLC, 4240 E M-72,
Williamsburg, MI 49690**

Dear Shawn,

Influence Design Forum (IDF) is pleased to submit an application for a planned development on behalf of Dan Kelly and Kelly Restaurant's. Planning for the development is in the early stages and we do not have clear answers to every question, but we have completed the application and provided best possible responses at this time to the questions and criteria listed for the pre-application process.

Please find attached the application form, application narrative responses, existing conditions plans, concept plan, and several plan overlays that address open space, land use, circulation, green infrastructure, and phasing.

We are excited and look forward to collaborating with the Township to expedite the project in order to accommodate the aggressive schedule to get approval.

Sincerely,
INFLUENCE DESIGN FORUM

A handwritten signature in black ink, appearing to read 'N. Elkins', followed by a horizontal line that ends in an arrowhead.

Nathan G. Elkins, ASLA
Studio Director

cc. Dan Kelly
John Iacoangeli, Planning Commission Chair

19.3 CRITERIA FOR QUALIFICATIONS RESPONSES

a. The properties are zoned R-1, R-2, R-3, A-1, MHN, C, CF, or B-4 Districts.

Response: MHN, C

b. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity, building, or use not normally allowed shall result in an improvement to the public health, safety and welfare in the area affected.

Response: The PD option is being requested as means to better meet the vision of the Township Master Plan, Future Land Use Map and newly passed form-based code.

c. The PD shall not be used where the same land use objectives can be carried out by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PD application.

Response: The existing commercial zoning district is limiting in size and depth of lot. A re-configuration of zoning district (commercial, residential) areas and relative sizes (acres) is required to plan for a more diverse and densely populated mixed-use commercial neighborhood. Reconfiguring the commercial and residential zoned areas also supports walkability within the proposed development, improves options for layout of residential development, and increases opportunity for open space.

d. The PD option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those considered in the Township Master Plan, and other public agency plans, unless the proponent can prove to the sole satisfaction of the Township that such added loads will be accommodated or mitigated by the proponent as part of the PD.

Response: At this time, there has been no determination that the proposed development would negatively effect service and facility loads. The development is located within the growth and investment area that has been determined by the Township. A preliminary sewer and water study has been completed and submitted to the Township and Grand Traverse County Public Services Department.

e. The PD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by seeking a zoning change or variance.

Response: No increase in density is being asked for at this time.

f. The PD must meet, as a minimum, five (5) of the following nine (9) objectives of the Township. If the PD involves a density transfer it shall include objective (9) in addition to its five (5) objectives.

1. To permanently preserve open space or natural features because of their exceptional characteristics, or because they can provide a permanent transition or buffer between land uses.

Response: A permanent greenbelt will be designed and implemented to provide protection to Acme Creek. The greenbelt will extend beyond the required 50 foot setback from the creek bank and include an additional 25 foot buffer – conventional turf grass will not be allowed in this zone and instead native grasses, sedges, wildflowers, woody plants, and trees will be used to support the greenbelt. Conventional fertilizers will also not be allowed in the greenbelt. Two (2) neighborhood zones of proposed micro-flats will be located adjacent to and some within the 25 foot extended buffer. These flats will be designed in a way to support the greenbelt and some will include greenroofs, stormwater cisterns, and pier supported structures elevated off of the ground.

Greenbelts and buffers will also be put in place around specific stormwater green infrastructure to improve water quality and habitat for birds, insects, and small mammals. Park spaces and trails within the residential neighborhood will be permanently preserved within the development association to provide places for recreation and as a buffer between uses.

2. To permanently establish land use patterns which are compatible or which will protect existing or planned uses.

Response: The proposed development is not only compatible with the Grand Traverse Town Center, but also supports the protection of planned future uses for the M-72 E corridor as a master planned town center. The two properties share the eastern property edge and have the opportunity to establish a fixed network of streets to improve access management and walkability.

The GTTC when built out will provide a mix of uses including box store retail that will support the surrounding residential neighborhoods. The proposed development will also include commercial uses that may include restaurants, coffee shop, yoga or gym, and boutique retail located along a street in a similar design fashion as you might find in a traditional downtown or more modern lifestyle center.

The proposed development is also the first planned development application under the new Acme Township Form Based Code Ordinance. If approved, this development will set a standard for the FBC and set the standard for future land use.

3. To accept dedication or set aside open space areas in perpetuity.

Response: Greenbelts and buffers will also be put in place around specific stormwater green infrastructure to improve water quality and habitat for birds, insects, and small mammals. Park spaces and trails within the residential neighborhood will be permanently preserved within the development association to provide places for recreation and as a buffer between uses.

4. To provide alternative uses for parcels which can provide transition buffers to residential areas.

Response: The development property is located in the growth and investment area of the Township, is located adjacent to the GTTC, is constrained on one edge by a creek and ecologically-sensitive areas; moreover, it would not be in the best interest of master developer or Acme Township to allocate parcels of any size as a transition or buffer between uses. Instead, streets, public spaces, and parks will be the parcels that define the uses and provide a transition. A network of grid-like streets becomes the transition between uses much like in a typical urban neighborhood where a mix of uses blend at the edges. The streets will be designed to be active complete streets with sidewalks on both sides, street trees, lighting, seating, and amenities that support and define the public and private spaces.

5. To promote the goals and objectives of the Township Master Plan. The proposed development meets or exceeds the following goals and objectives (Cornerstones) of the Township Master Plan:

Response:

Support diversity in age and create a community attractive to all ages. The micro-flats and “tiny home” movement is nationally becoming more popular as millennial refuse to settle down in one place for too long and empty-nesters downsize and purchase one or more smaller homes in different regions of the US. The proposed development targets both age cohorts and aims to bring them both together through planning and design that are of quality and character. The rental program will also support diversity (example: Empty nester’s purchase a flat and enroll in the rental program – millennial in the workforce then rent the dwelling during tourist off-season.)

Support safe and efficient traffic flow on M-72. The development will be acquiring an additional parcel to the west to accommodate a second egress point to M-72. The development will also consider options to promote safe access including right hand turn exit only. Eastbound drivers would use the newly constructed round-a-bouts as a point of circulation.

Connect to the TART and local non-motorized trail system.

Response: (continued)

Create mixed-use development that supports the Growth and Investment Area of Acme Township. Neighborhoods will be developed on the proposed property that supports a mixed-use commercial neighborhood, multi-family neighborhood, and residential neighborhood of micro-flats.

Maintain and improve Acme Creek, groundwater and quality of the watershed. An extended greenbelt will be implemented to provide additional protection to Acme Creek and the watershed.

Support recreation based-tourism. A portion of the micro-flats will be incorporated into a rental program to support visitors and tourism.

6. To foster the aesthetic appearance of the Township through quality building design and site development, provide trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.

Response: The proposed development will extend beyond the minimum requirements related to site design and architecture. Conventional suburban development parking and driveway access will be replaced with complete streets, leftover undesirable land that is typically deemed open space in unadventurous developments will instead be replaced with useable open space, public spaces, and small parks.

The architectural character will be supported by a strong brand and image - a mixed-use development that is mutualistic and supports the residential neighborhoods. Building architecture will take ideas from Scandinavian modern-design, American mid-century modern design, and “up-north” rustic charm.

7. To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.

Response: The proposed development will bring about a optimistic change in use of the property that supports the Acme Township Master Plan and FBC. The current single-commercial-style use with a large parking area and driveway and curb-cut on M-72 serving only one use will be replaced with a network of streets supporting a mix of uses including commercial, office, and residential.

8. *To promote the goals and objectives of the Acme Township Placemaking Plan and the US-31 and M-72 Business District zoning.*

Response: The proposed development will not only support and promote the goals and objectives of the Placemaking Plan, but also will be a catalyst and role model for creative development in Acme Township. The following notions explain how the development will meet the guiding principles of Placemaking:

1. The development becomes a link to support connecting the Townships assets including GTTC, Acme Village, and the waterfront.
 2. The development will support the growth and investment initiative and be the first development to enforce regionalism as defined by the Grand Vision and Grand Traverse County.
 3. The development will be framed to support future events, retail spaces and small affordable studios desirable to artists. Social events will help define the development community.
 4. The development will add valuable office space to Acme Township to take advantage of the existing talent pool living in the Township and to attract new talent and build on the New Economy.
 5. The development will support walkability and in return walkability supports economics, public health and quality of life, and the environment.
9. *To promote sustainable development especially on parcels with active farmland and orchards as defined by MCL 324.36201 (h), or on parcels that contain unique cultural, historical or natural features which should be preserved.*

Response: N/A

set number

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studio

120 E. Front St.
2nd Floor Loft
P.O. Box 1507
Traverse City, MI 49685
(231) 944.4114

www.influencedesignforum.com

[REDACTED]

CIVIL ENGINEER
CONSULTANT

[illegible]

PROJECT PLANNED DEVELOPMENT APPLICATION

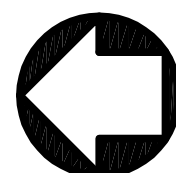
CLIENT
KELLY RESTAURANTS LLC
4240 E. M-72
WILLIAMSBURG, MI 49690

PRINCIPAL:	NGE
PROJECT MGR.:	
DESIGNED BY:	NGE
DRAWN BY:	
CHECKED BY:	
COMMISSION / JOB NO.:	2017101.01

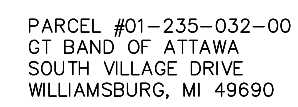
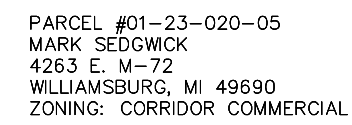
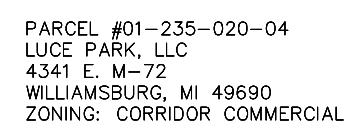
DRAWING TITLE

EXISTING CONDITIONS PLAN

Zoning District Overlay



SCALE: 1" = 60'



M-72 EAST

[illegible]

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

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

A detailed topographic map of a 4.58-acre parcel. The map features contour lines indicating elevation changes. Key labeled areas include a "WOOD CHIP TRAIL" at the top center, a "GRASS OPEN AREA" in the upper left, and a "PENDING LAWN" in the center. A dashed line outlines a rectangular area labeled "EXISTING HOUSE". Another dashed line outlines a larger area labeled "PROPOSED WETLAND SETBACK". The bottom right corner shows a blue-shaded area representing water or wetlands, with a label "WETLANDS". The map also includes various other labels such as "600' BUFFER SETBACK", "245' WETLAND SETBACK", and "600' BUFFER SETBACK". A scale bar at the bottom indicates distances from 0 to 100 feet.

4.58 ACRES

PENDING LAWN

WOOD CHIP TRAIL

GRASS OPEN AREA

EXISTING HOUSE

PROPOSED WETLAND SETBACK

600' BUFFER SETBACK

245' WETLAND SETBACK

600' BUFFER SETBACK

WETLANDS

0 100 FEET

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

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

EASEMENT

2.34 ACRES

EASEMENT

PARCEL #01-102-011-25
 RICHARD BRUGHING
 4160 E. M-72
 WILLIAMSBURG, MI 49690
 ZONING: CORRIDOR COMMERCIAL

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

EASEMENT

2.34 ACRES

EASEMENT

PARCEL #01-102-D11-25
 RICHARD BRUENING
 4160 E. M-72
 WILLIAMSBURG, MI 49680
 ZONING: CORRIDOR COMMERCIAL

PARCEL #01-102-011-25
RICHARD BRUENING
4160 E. M-72
WILLIAMSBURG, MI 49690
ZONING: CORRIDOR COMMERCIAL

2.31 ACRES

EASEMENT

2.31 ACRES

EASEMENT

EXISTING ZONING

 CORRIDOR COMMERCIAL
TOTAL ACRES = 7.31

 MIXED-HOUSING NEIGHBORHOOD
TOTAL ACRES = 13.17

TOTAL ACRES = 20.40

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2nd Floor Loft
P.O. Box 1507
Traverse City, MI 49685
(231) 944.4114

**CIVIL ENGINEER
CONSULTANT**

ISSUE DATE	DESCRIPTION
2.23.2017	PD PRE-APPLICATION SUBMITTAL

PLANNED DEVELOPMENT APPLICATION

PRINCIPAL:	NGE
PROJECT MGR.:	
DESIGNED BY:	NGE
DRAWN BY:	
CHECKED BY:	
COMMISSION / JOB NO.:	2017101.0



SCALE: 1" = 60'



EASEMENT

PARCEL #01-102-011-25
RICHARD BRUENING
4160 E. M-72
WILLIAMSBURG, MI 49690
ZONING: CORRIDOR COMMERCIAL

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

PARCEL #01-102-001-02
THE VILLAGE OF GRAND TRAVERSE, LLC
4980 E. M-72
WILLIAMSBURG, MI 49690

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

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

☐ EXISTING BUILDING OR STRUCTURE

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Traverse City, MI 49685
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CIVIL ENGINEER
CONSULTANT

SCALE: 1" = 60'

EASEMENT

M-72 EAST

set number

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CIVIL ENGINEER
CONSULTANT

REGISTRATION SEAL

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PROJECT

PLANNED DEVELOPMENT APPLICATION

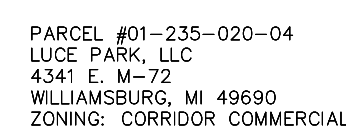
CLIENT
KELLY RESTAURANTS LLC
4240 E. M-72
WILLIAMSBURG, MI 49690

PRINCIPAL:	NGE
PROJECT MGR.:	
DESIGNED BY:	NGE
DRAWN BY:	
CHECKED BY:	
COMMISSION / JOB NO.:	2017101.01

DRAWING TITLE

EXISTING CONDITIONS PLAN

Natural Features Overlay



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

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

M-72 EAST

PARCEL #01-102-014-
M-72 AUTO, LLC
4220 E. M-72
WILLIAMSBURG, MI 49690
ZONING: CORRIDOR COMMERCIAL

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

EASEMENT






EASEMENT

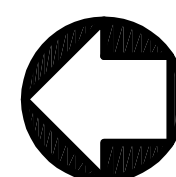
PARCEL #01-102-011-25
RICHARD BRUENING
4160 E. M⁷²
WILLIAMSBURG, MI 49690
ZONING: CORRIDOR COMMERCIAL

EASEMENT

EASEMENT

EXISTING FOREST TYPES & NATURAL FEATURES

-  NORTHERN RICH CONIFER (CEDAR) SWAMPS OR NORTHERN HARDWOOD CONIFER SWAMP
 MIXED OPEN-CANOPY UPLAND FOREST
 DISTURBED
 NORTHERN DISTURBED (ASPEN-PAPER BIRCH) FORESTS
 ACME CREEK



SCALE: 1" = 60'

**influence
design
forum
LLC**

120 E. Front St.
2nd Floor Loft
P.O. Box 1507
Traverse City, MI 49685
(231) 944.4114

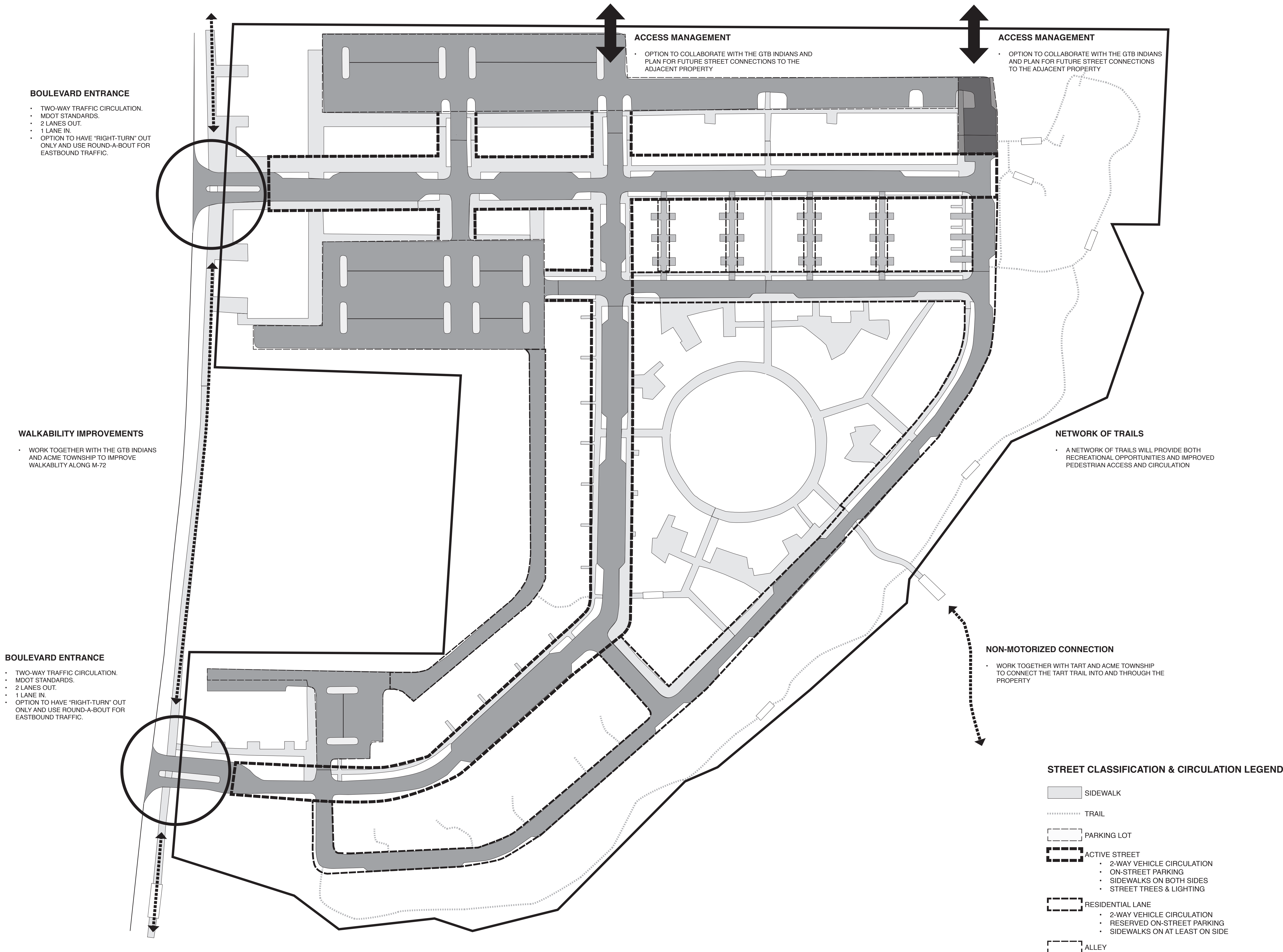
CIVIL ENGINEER
CONSULTANT

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PLANNED DEVELOPMENT APPLICATION

PRINCIPAL:	NGE
PROJECT MGR.:	
DESIGNED BY:	NGE
DRAWN BY:	
CHECKED BY:	
COMMISSION / JOB NO.:	2017101.01

CONCEPT PLAN
Circulation Overlay



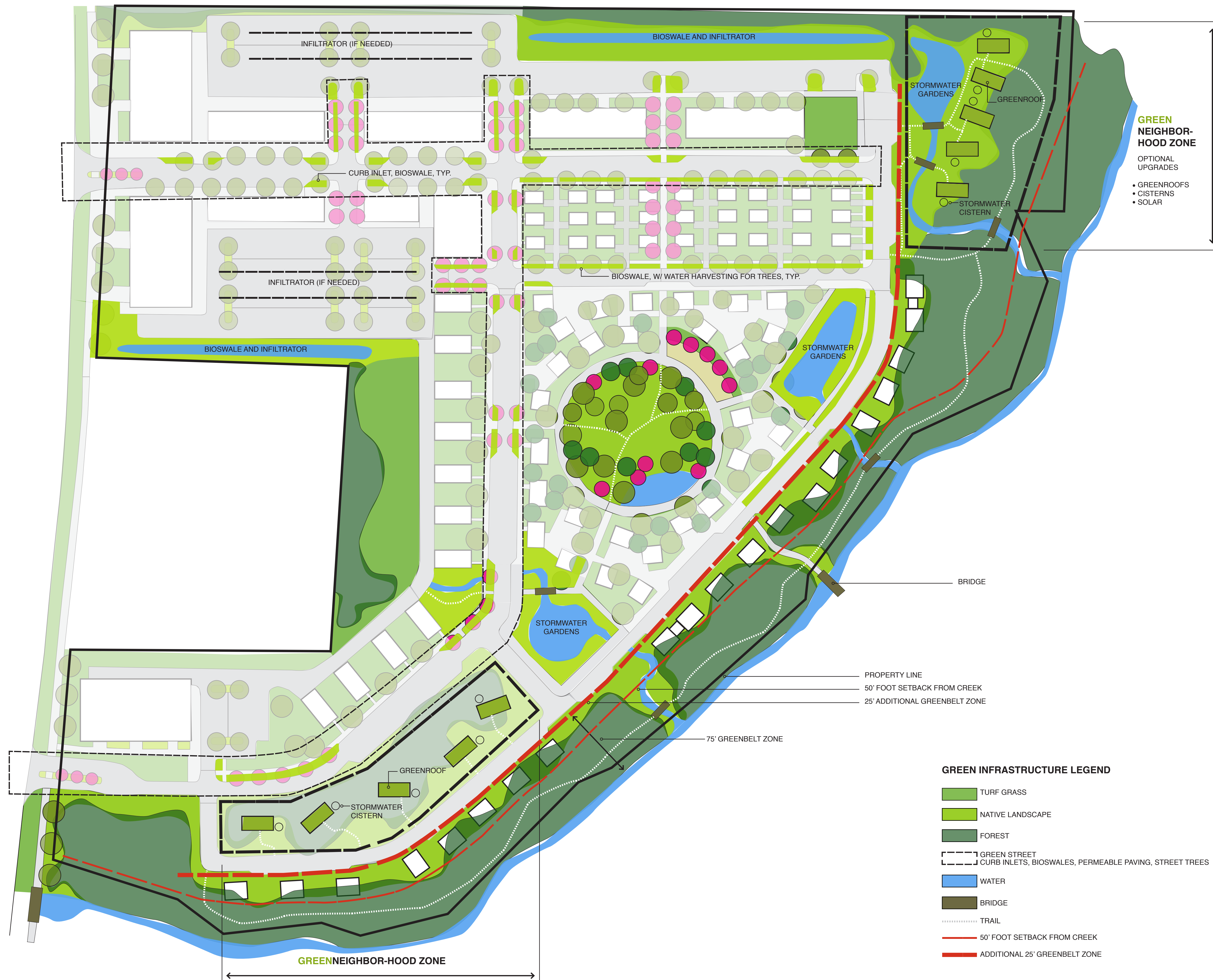
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PLANNED DEVELOPMENT APPLICATION

CONCEPT PLAN
Green Infrastructure Overlay



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REGISTRATION SEAL

[illegible]

PROJECT

PLANNED DEVELOPMENT APPLICATION

CLIENT
KELLY RESTAURANTS LLC
4240 E. M-72
WILLIAMSBURG, MI 49690

PRINCIPAL:	NGE
PROJECT MGR.:	
DESIGNED BY:	NGE
DRAWN BY:	
CHECKED BY:	
COMMISSION / JOB NO.:	2017101.01

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DRAWN BY:	
CHECKED BY:	
COMMISSION / JOB NO.:	2017101.01

DRAWING TITLE

CONCEPT PLAN

Neighborhood Zones Overlay

11



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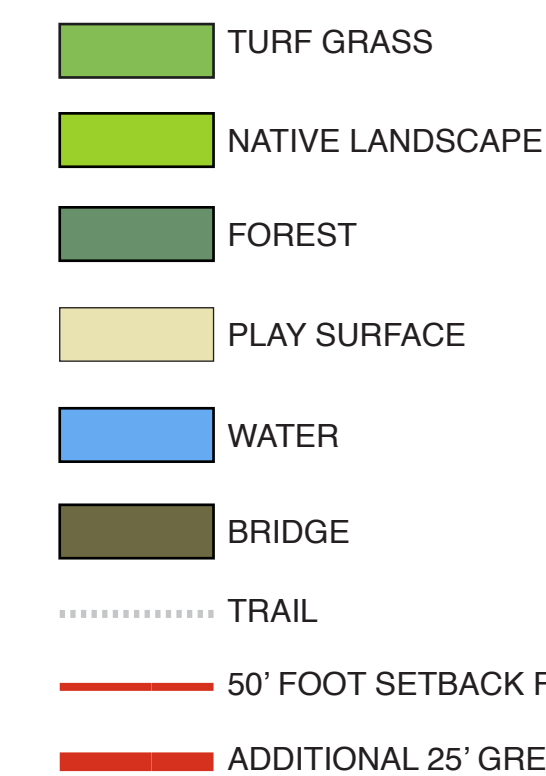
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PLANNED DEVELOPMENT APPLICATION

CONCEPT PLAN

Parks & Open Space Overlay



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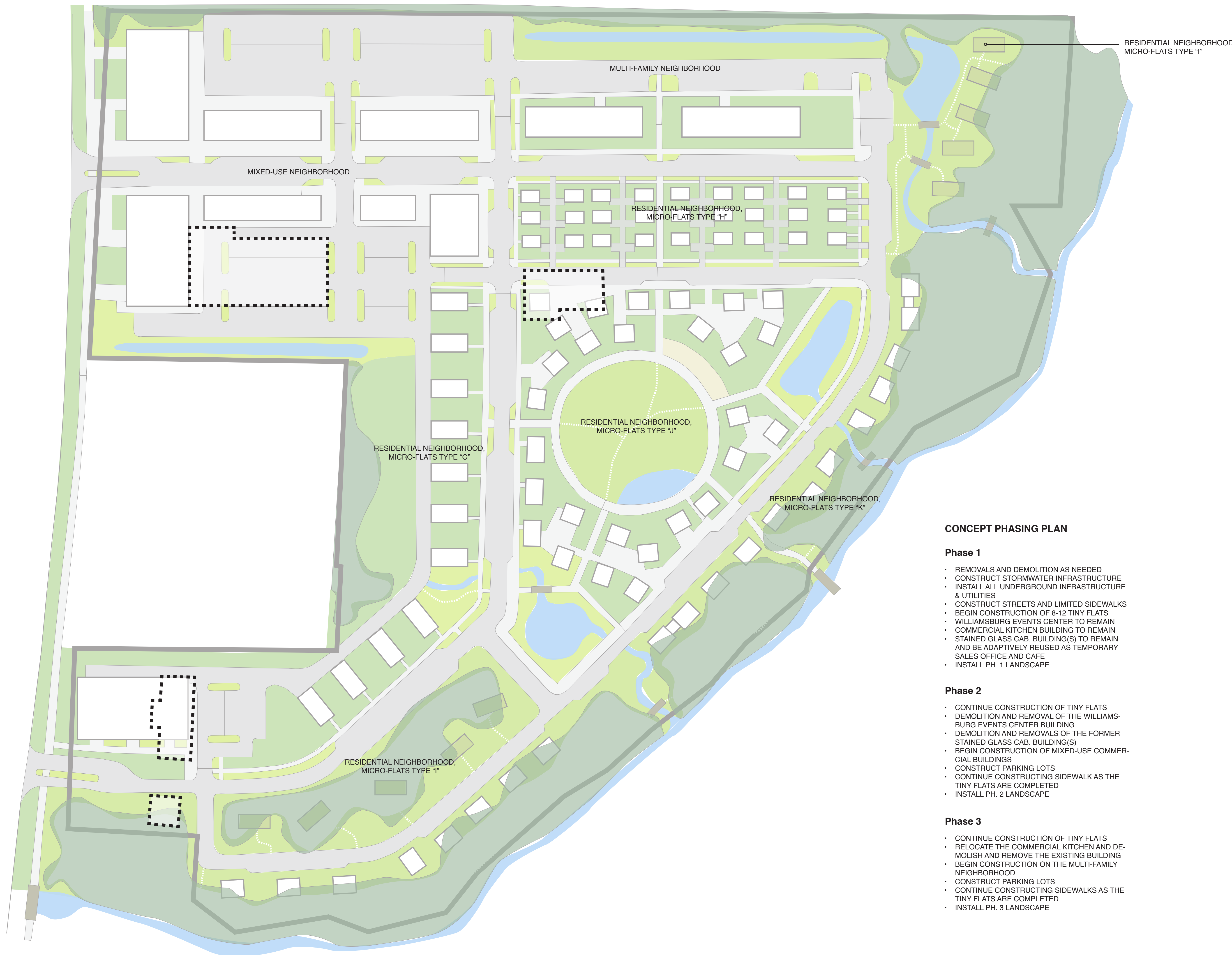
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PLANNED DEVELOPMENT APPLICATION

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PROJECT MGR.:	
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CONCEPT PLAN
Concept Phasing Plan



New Medical Marijuana Laws Q&A

By Catherine Mullhaupt, MTA Staff Attorney

October 20, 2016

Note: This guidance has been written for townships, but the statutes discussed apply to cities, villages and townships in the same way. A county cannot adopt an ordinance allowing any of the facilities authorized by these statutes.

Q. Has marijuana been legalized?

A. No. Marijuana has not been legalized in Michigan. It is still an illegal drug under federal and state law.

The [Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421, et seq.](#), allows qualified patients and registered caregivers identified with those patients to use marijuana for specified medical conditions. That law did not legalize marijuana, but it prohibits prosecuting or penalizing qualified patients and registered caregivers who use marijuana for those purposes as long as they comply with the MMMA.

Subsequent court opinions clarified that only those persons who were qualified patients and registered caregivers (and persons who met the requirements of Section 8 of the MMMA, even if not registered with the state) could exchange or use medical marijuana. A third party--a person providing or selling marijuana to a qualified patient who is not that person's registered caregiver--does not have the protection from prosecution under the MMMA. Any arrangement outside of the patient-caregiver relationship, including "dispensaries," does not comply with the MMMA and is illegal.

Q. Don't you know how to spell "marijuana"?

A. Yes. But the word was originally spelled with an "h," and that is how the word is spelled in federal law and the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act and Medical Marihuana Licensing Act. But everyone else today, including the courts, uses the more common spelling with the "j".

Q. What is legal today?

A. Only a patient-caregiver relationship conducted in compliance with the Michigan Medical Marihuana Act is legal today. Note that the MMMA was recently amended by PA 283 of 2016 to include certain marijuana-infused products, or "edibles," and to clarify what plants and parts of plants are allowed within the limits imposed by the Act.

Q. What is illegal today?

A. Anything that is not authorized by the Michigan Medical Marihuana Act is illegal today.

Q. So how come we see medical marijuana dispensaries all over?

A. Because the local jurisdiction has chosen to not enforce state or federal laws that make marijuana illegal outside of the patient-caregiver relationship protected by the MMMA. In most cases, the city, village or township has "decriminalized" certain uses of marijuana and/or chosen to not utilize enforcement resources for small amounts or certain levels of activity. But that is a forbearance, not legalization.

Q. Wait a minute—didn't a law just get passed that makes marijuana dispensaries legal?

A. No. Marijuana “dispensaries” or grow operations or any other activity involved with marijuana that does not comply with the Michigan Medical Marihuana Act are still unlawful.

Q. No, it did—the Medical Marihuana Facilities Licensing Act. The Governor signed it!

A. Yes. But the [Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101, et seq.](#), does not take effect until December 20, 2016.

And the MMFLA includes an additional delay in implementation of 360 days to enable the Michigan Department of Licensing and Regulatory Affairs (LARA) to establish the licensing system required by the Act. ***A person cannot apply to the state for a license of any kind under the MMFLA until December 15, 2017.***

And no one can apply to the state for a license of any kind under the MMFLA UNLESS the township has already adopted an ordinance that authorizes that type of facility.

So even after December 15, 2017, any marijuana provisioning center or other activity involving marijuana that does not comply with the Michigan Medical Marihuana Act ***will still be illegal***, unless that township has adopted an ordinance that authorizes that type of facility under the Medical Marihuana Facilities Licensing Act.

(Note that the word “dispensary” has been commonly used to refer to a variety of medical marijuana activities, but the new laws do not refer to “dispensaries.” Under the MMFLA, “provisioning centers” are what many people would describe as a “dispensary.”)

Q. What if an applicant comes to our meeting now and demands that we adopt an ordinance or approve their license?

If a township is approached by an applicant stating that the board must adopt an ordinance, then that applicant has misunderstood the law.

A township cannot be required to adopt an ordinance to allow facilities authorized under the MMFLA now or at any time.

If a township is approached by an applicant demanding that the township consider their application or stating that the board must authorize their facility:

- Before December 15, 2017, no township can be required to consider an application. Even if a township adopts an ordinance to allow the facilities authorized by the MMFLA, the licensing system is not in place, and no applications will be considered by LARA until December 15, 2017.
- After December 15, 2017, if a township **has not** adopted an ordinance allowing any of the facilities authorized by the MMFLA, then the township is not required to consider any applications for MMFLA licenses, because no licenses will be approved by LARA.
- After December 15, 2017, if a township **has** adopted an ordinance allowing any of the facilities authorized by the MMFLA, **and** the application involves one of the type(s) of facilities that the township allows in its ordinance, **and** the cap on the number of that type of facility imposed by the township's ordinance has not been reached, then the township will be asked to provide information to LARA as part of the licensing approval process.

Q. What do we need to do if we do NOT want any of the facilities authorized under the new Medical Marijuana Facilities Licensing Act in our township (or city or village)?

A. Do nothing. Literally. Do. Nothing. Period.

You do not need to adopt an ordinance to prohibit the types of facilities authorized under the MMFLA. They are already prohibited by state and federal law, unless the township adopts an ordinance to allow them (“opt in”) under the MMFLA.

You would only adopt an ordinance dealing with the types of facilities authorized under the MMFLA if the township WANTS to allow one or more type of facilities authorized under the MMFLA.

A township cannot be required to adopt an ordinance allowing the facilities authorized by the MMFLA.

You do not have to consider any application for any facilities currently because no application will be considered by the state until December 15, 2017. And even after that date, if the township has not adopted an ordinance allowing that type of facility, that application will not be considered by the state.

Note that, because dispensaries and other marijuana facilities or operations outside of the patient/caregiver relationship are NOT currently lawful (even where marijuana has been decriminalized locally), existing dispensaries or other marijuana facilities or operations are not currently lawful non-conforming uses for zoning ordinance purposes.

Q. What do we need to do if we DO want any of the facilities authorized under the new Medical Marijuana Facilities Licensing Act in our township (or city or village)?

A. Any time before **December 15, 2017**, a township that wants to allow medical marijuana facilities to operate within the township could adopt an ordinance allowing one or more of the specific types of facilities authorized by the new Medical Marijuana Facilities Licensing Act. ***Note that adopting such an ordinance before December 15, 2017 does NOT make a facility lawful!***

December 15, 2017 is the earliest an applicant may submit an application to the Medical Marijuana Licensing Board (MMLB) for consideration.

Any time after December 15, 2017, a township that wants to allow medical marijuana facilities to operate within the township would adopt an ordinance allowing one or more of the specific types of facilities authorized by the new Medical Marijuana Facilities Licensing Act.

The ordinance should specify which type(s) of facilities—and how many of each type—the township is choosing to allow. If a township “opts in” with an ordinance that does not specify a cap on the type(s) or number of each, applications for any of the types and any number of a type within the township will be considered by LARA.

But a license from the state is still required before a specific facility is authorized to legally operate under the MMFLA. The township board’s adoption of the ordinance allowing medical marijuana facilities does not automatically make all facilities lawful.

Also note that, because dispensaries and other marijuana facilities or operations outside of the patient/caregiver relationship are NOT currently lawful (even where marijuana has been decriminalized locally), existing dispensaries or other marijuana facilities or operations are not currently lawful non-conforming uses for zoning ordinance purposes.

Q. What types of facilities may be authorized under the new Medical Marihuana Facilities Licensing Act if a township allows them by ordinance?

A. The following types of medical marijuana facilities are authorized by the MMFLA. One or more types may be allowed by a township ordinance:

Class A, B, or C Grower—“A licensee that is a commercial entity located in this State that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.”

Class A: 500 plants -- Class B: 1,000 plants -- Class C: 1,500 plants

Processor—“A licensee that is a commercial entity located in this State that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana infused product for sale and transfer in packaged form to a provisioning center.”

Provisioning Center—“A licensee that is a commercial entity located in this State that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through their registered primary caregivers. The term includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the marihuana registration process of the Department of Licensing and Regulation in accordance with the Michigan Medical Marihuana Act will not be a provisioning center for purposes of the Licensing Act.”

Secure Transporter—“A licensee that is a commercial entity located in this State that stores marihuana and transports it between marihuana facilities for a fee.”

Safety Compliance Facility—“A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol (THC) and other cannabinoids, returns the test results, and may return the marihuana to the facility.”

Q. Why would a township consider allowing one or more of the types of facilities authorized under the new Medical Marihuana Facilities Licensing Act?

A. Some communities accept medical marijuana use for compassionate reasons, and believe that the Medical Marihuana Facilities Licensing Act will better facilitate the spirit and the actual practice of the patient-caregiver relationship authorized by the statewide initiative that created the Medical Marihuana Act in 2008.

Other communities may be responding to a real demand or broad support locally for providing medical marijuana facilities and business opportunities.

And it may be a revenue source:

- **Annual administrative fee:** Once a township adopts an ordinance allowing one or more of the types of facilities authorized by the Medical Marihuana Facilities Licensing Act, the township may in that ordinance require “an annual, nonrefundable fee of not more than \$5,000.00 on a licensee to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the municipality.” (“Nonrefundable” as in not returned if the application is not approved by the state or if a license is not renewed.)
- **Property tax revenues:** These facilities are businesses and may actually be quite profitable. And in some communities medical marijuana facilities will utilize commercial properties that are currently vacant or even off the tax roll due to foreclosure.

- **State shared revenues, as appropriated:** A state tax will be imposed on each provisioning center at the rate of 3% of the provisioning center's gross retail receipts, which will go to the state Medical Marihuana Excise Fund. The money in the fund will be allocated, *upon appropriation*, to the state, counties and municipalities in which a marihuana facility is located, with "25% to municipalities in which a marihuana facility is located, allocated in proportion to the number of marihuana facilities within the municipality."

Q. How will the state manage this licensing system and track compliance?

A. The MMFLA requires licensees to "adopt and use a third-party inventory control and tracking system that is capable of interfacing with the statewide monitoring system to allow the licensee to enter or access information in the statewide monitoring system as required under this act and rules." Yes, there already are such third-party software systems commercially available.

The [Marihuana Tracking Act, Public 282 of 2016, MCL 333.27901, et seq.](#), enacted at the same time as the MMFLA, requires LARA to establish a confidential statewide internet-based monitoring system for integrated tracking, inventory, and verification. It will be a system "established, implemented, and maintained directly or indirectly by the department [LARA] that is available to licensees, law enforcement agencies, and authorized state departments and agencies on a 24-hour basis for all of the following:

- (i) Verifying registry identification cards.
- (ii) Tracking marihuana transfer and transportation by licensees, including transferee, date, quantity, and price.
- (iii) Verifying in a commercially reasonable time that a transfer will not exceed the limit that the registered qualifying patient or registered primary caregiver is authorized to receive under section 4 of the Michigan medical marihuana act, 2008 IL 1, MCL 333.26424."

Q. The information on who is a qualified patient or a registered caregiver is currently confidential and exempt from public disclosure under the MMMA. How will the license process be treated—is that information going to be confidential?

A. The MMFLA requires that:

"Except as otherwise provided in this act, all information, records, interviews, reports, statements, memoranda, or other data supplied to or used by the board [MMFL Board] are subject to the freedom of information act, ..., except for the following:

- (i) Unless presented during a public hearing or requested by the licensee or applicant who is the sole subject of the data, all of the information, records, interviews, reports, statements, memoranda, or other data supplied to, created by, or used by the board related to background investigation of applicants or licensees and to trade secrets, internal controls, and security measures of the licensees or applicants.
- (ii) All information, records, interviews, reports, statements, memoranda, or other data supplied to or used by the board that have been received from another jurisdiction or local, state, or federal agency under a promise of confidentiality or if the release of the information is otherwise barred by the statutes, rules, or regulations of that jurisdiction or agency or by an intergovernmental agreement.
- (iii) All information in the statewide monitoring system."

So the Medical Marihuana Facility Licensing Board's records **are** subject to the FOIA and public disclosure, with some specific exceptions.

Here are the records that will be **exempt** from disclosure:

- The data, all of the information, records, interviews, reports, statements, memoranda, or other data supplied to, created by, or used by the board *related to background investigation of applicants or licensees and to trade secrets, internal controls, and security measures of the licensees or applicants* **is exempt from disclosure, UNLESS:**
 1. That data, information, record, etc. was presented during a public hearing (of the MMFLB), in which case it is NOT exempt from disclosure.
OR
 2. The licensee or applicant who is the sole subject of that data, information, record, etc. requests it, in which case it may be released to that licensee or applicant.
- All information, records, interviews, reports, statements, memoranda, or other data supplied to or used by the MMLFB that have been received from another jurisdiction or local, state, or federal agency (including a township) **is exempt from disclosure BUT ONLY IF:**
 1. The other jurisdiction or local, state, or federal agency (including a township) supplied it to the MMFLB *under a promise of confidentiality.*
OR
 2. The release of the information is otherwise *barred by the statutes, rules, or regulations of that jurisdiction or agency or by an intergovernmental agreement.*
- All information in the statewide monitoring system is **exempt from disclosure.**

The Marihuana Tracking Act states that “the information in the system is confidential and is exempt from disclosure under the freedom of information act. Information in the system may be disclosed for purposes of enforcing this act; the Michigan medical marihuana act; and the medical marihuana facilities licensing act.”

For more information on the three Michigan laws governing medical marijuana use, see the statutes online (click on the linked titles of the Acts in this fact sheet) or review the [Senate Fiscal Analysis of September 23, 2016](#), which outlines all the provisions of the three bills as they were enacted.

This fact sheet is not intended as a legal opinion, and a township should consult with its attorney before taking any steps to adopt an ordinance under these statutes, and for specific legal guidance on how the Acts interact with the individual township's other ordinances, including a zoning ordinance.