

**ACME TOWNSHIP PLANNING COMMISSION MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**June 9, 2014, 7:00 p.m.**

**6:30 P.M. PLANNING COMMISSIONERS EDUCATIONAL TRAINING SESSION: CANCELLED**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE**

**ROLL CALL: Finch X Timmins X Wentzloff X White X Rosa X DeMarsh X Forgette X**  
**Feringa Excused**

**Staff: Nikki Lennox, John Iacoangeli, excused Jeff Jocks**

**A. LIMITED PUBLIC COMMENT: Open at 7:18 Closed at 7:22**

Public Comment periods are provided at the beginning and end of each meeting agenda. Members of the public may address the Board regarding any subject of community interest during these periods. Comment during other portions of the agenda may or may not be entertained at the moderator's discretion.

**1. Archangel Gabriel Greek Church Update, 7111 US 31 North: Father Ciprian Streza-**

Wanted to inform the township of the success of the churches garden, the bounty of the garden was given to Food Rescues. Brought pictures of a small green house/shelter they want to build that will be used as a shelter for garden workers and food storage for food waiting to be picked up. Talked of the churches commitment to the environment and their use of green roofs and solar power in the buildings that will be built in the future.

Brian Kelley: See attached comments

**B. APPROVAL OF AGENDA:**

**Motion to approve agenda: White 2<sup>nd</sup>. Timmins**

**Motion carries**

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

**D. CONSENT CALENDAR:** The purpose is to expedite business by grouping non-controversial items together for one Board motion 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.

**a) RECEIVE AND FILE:**

**1. Draft Unapproved Minutes of:**

- 1. Township Board minutes: Regular 05/13/14 and Special meetings 05/06/14, 05/09/14, 05/15/14, 05/27/14**
- 2. Zoning Board of Appeals 05/08/14**
- 3. Parks & Rec. advisory 05/14/14**
- 4. Planning, Zoning & Administrative report:**

**b) ACTION:**

**1. Draft Unapproved Minutes of:**

- 1. Planning Commission minutes: 05/12/14**

**Motion to approve consent calendar made by Timmins 2<sup>nd</sup>. By White**  
**motion carries**

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

- 1. \_\_\_\_\_**
- 2. \_\_\_\_\_**

**F. CORRESPONDENCE:** Letter received from Bob Garvey supporting Flint Fields request for additional uses

**G. PUBLIC HEARINGS: Open at 7:26 Closed at 7:34**

- 1. Special Use Permit Application 6535 Bates Rd Horse Sports Park for Weddings under**

reason for indoor lighting.

Wentzloff- asked about outdoor display area, wonders if the chairs will move further out towards the road.

Evina- Says he encourages people to not only buy the chairs but just sit in them to enjoy the sunset. The whole area is already approved for display where the chairs are, he doesn't put the chairs near the road, haven't gone any more forward in the 3 years they have been there.

Motion by Timmins 2<sup>nd</sup>. By Forgette : to approve minor modification request for 1) 14'X15' temporary model cabin to be displayed in approved "future outdoor display area." There will be no utilities to be attached other than solar, Cabin will be anchored to the ground per county construction code request, Landscaping or "skirting" to hide temporary block pilings, cabin will be used for display and used as a model only, no occupancy of any kind for any use.

3. Site Plan Review: Tractor Supply Company- Steve Witte and Chris Kettler of DMK development gave presentation on details of the store, informed the committee that they were going to the ZBA to ask for a variance to have the parking for the store in the front.

MDOT ok'd entrances will issue permit after purchase of property. The access will be shared if there is another building built on the property adjacent.

Forgette asked about the storm water retention, as Acme is promoting LID wants to know if this is something they would look into.

Chris Ketter- needs to know what LID is

John I-explains

Steve Witte will look into it.

John I -wants to see site signage

Steve Witte- will be 2 signs one free standing, one on the store. Store will comply with township sign ordinance.

Chris Kettler- said they may apply for variance as Tractor supply would like a sign that is 48 sq. ft. by the road and 5 X 8 on building.

John I -clarifies the sign ordinance and how even Meijers is complying.

DeMarsh asks about the three parcels to the east and what their elevations are.

Rosa asked about John I's request in the packet for more windows on the front facade.

John I – clarifies and gives it a more retail feel, and it fits the form based code. Talked about screening of the fence area to keep it looking neater, height of lights shouldn't be taller than the building to keep lighting consistent in the Ag. District, walls to keep trailers hidden, trees in an island to give it a softer look.

Chris Ketter- photometric study being done Tuesday.

Wentzloff wants to know if there is any other way to break up the facade in front if they don't want windows, or even landscaping. Something to soften and break up the front.

Steve Witte- expressed his concern that we were being overly picky because they were not the owner operators of the business.

Chuck Walters Bates Rd.- Built first commercial building on Arnold was held to the highest standards and there were no negotiations with the township. Questioned Steve W. and Chris K about snow removal retention being easily accessible . Feels the building is very Blah and they could use glass blocks instead of windows, use vegetation to block inventory area and keep the township looking good.

Brian Kelley- wondered what the grading is along Arnold Rd. What is the view along where the trailers are kept.

Charlene Abernathy Westridge Ave. - Agrees with Chuck Walters, just because it's the warehouse district doesn't mean it needs to be ugly. Wondered about water storage on the property, doesn't want to see a pit with a fence around it.

Steve W. discussed snow removal plan, feels they have enough landscaping deferred to Chris on lighting.

Steve W. and Chris K. will take the changes back to Tractor Supply and get back to the Planning Commission

**D BUSINESS: None**

**J. COMMENT & OTHER PC BUSINESS**

1. **Zoning Administrator update on projects – told PC about speedway's interest in the property on the corner of 31 & 72. Speedway is not acknowledging the townships form based code, but their application is not yet complete.**
2. **Planning Consultant**
3. **PC: Education etc. : Master Plan Hearing June 23, 7:00 pm.**
4. **Public Comment open 9:17 closed 9:18**

To: Acme Township Planning Commission  
From: Brian Kelley

June 9, 2014

I like Tractor Supply. I think it will be very popular in Acme.

I also think a lot of good work has gone into our B-4 zoning district. It is very important to many of us that Acme not end up like Chums Corners, and B-4 is intended to help prevent those mistakes.

I was at Chums this weekend. The TSC store there is a terrible eyesore. It follows the template of most other TSC stores. The front of the lot was completely covered with trailers, and the sidewalk in front of the store was cluttered with merchandise.

What I do like is the TSC in Ann Arbor. It looks very nice. It has an awning and a facade out front. The setback of the store is only 100', so it is closer to the road. Approximately half of the parking is on the side. The front of the store is not over filling with merchandise. The parking lot is not overflowing with trailers. The yard merchandise seems to be tastefully hidden.

I have little doubt that the TSC developers in that case tried to do their standard cookie-cutter corporate template, and they were shot down by a planning commission that considers long term planning more important than rigid corporate templates.

The different sizes and approaches in these projects show that TSC can be flexible. They could be flexible in Acme, but it seems they are trying to get an exception instead - by trying to force something on a lot that won't fit.

I asked Nikki, our zoning administrator, why they simply couldn't use some of that land and build according to code. She didn't know. Why don't they use that part that says "REMAINDER PARCEL"? They seem to be creating their own hardship, as an excuse.

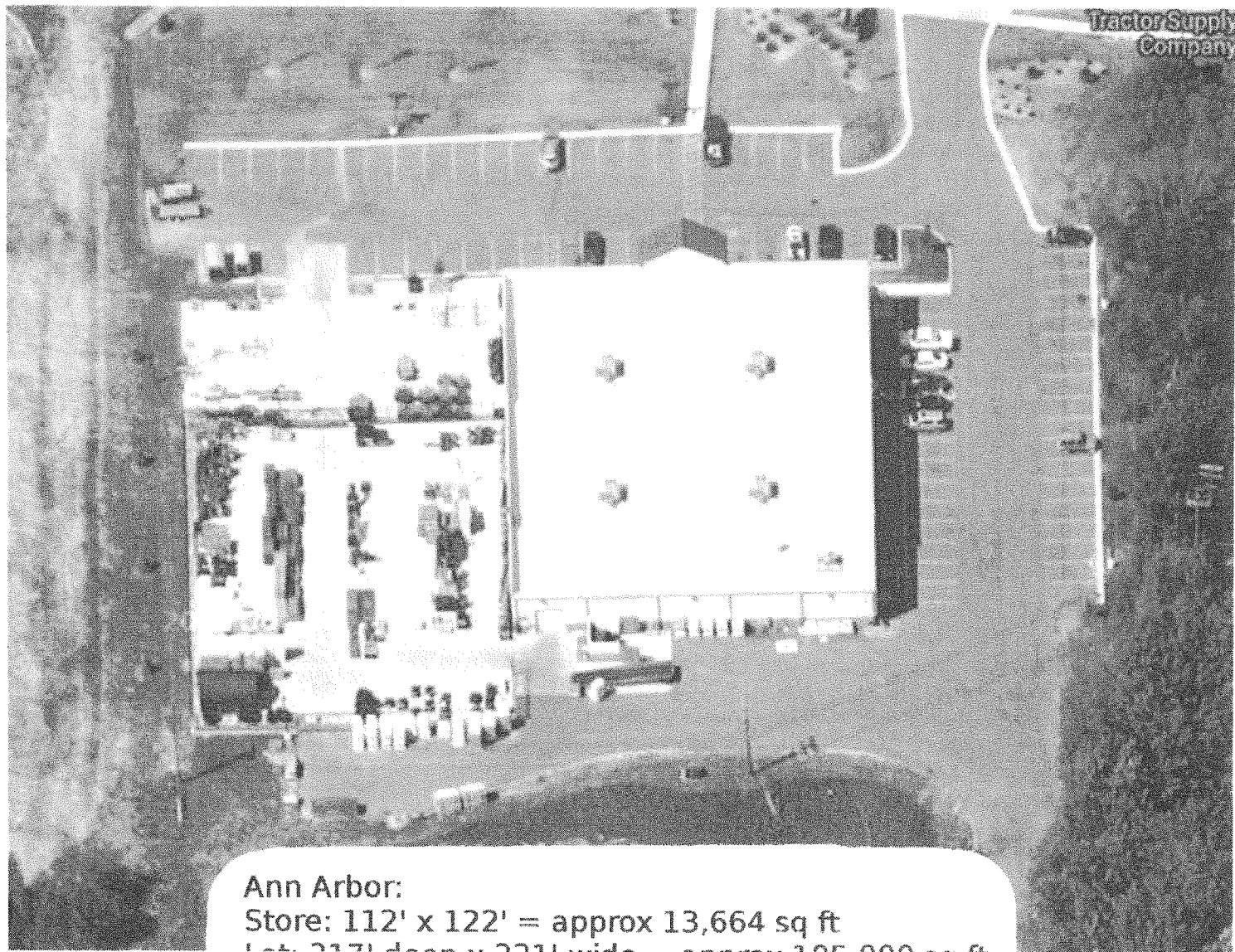
If you can't fit your plan on this lot, find a bigger lot. There are plenty of them available.

Their plan should comply with our new code. I ask you to put our long term interests ahead of rigid corporate templates. The first project subject to the new B-4 should comply with the new B-4.

Thank you,

Brian Kelley

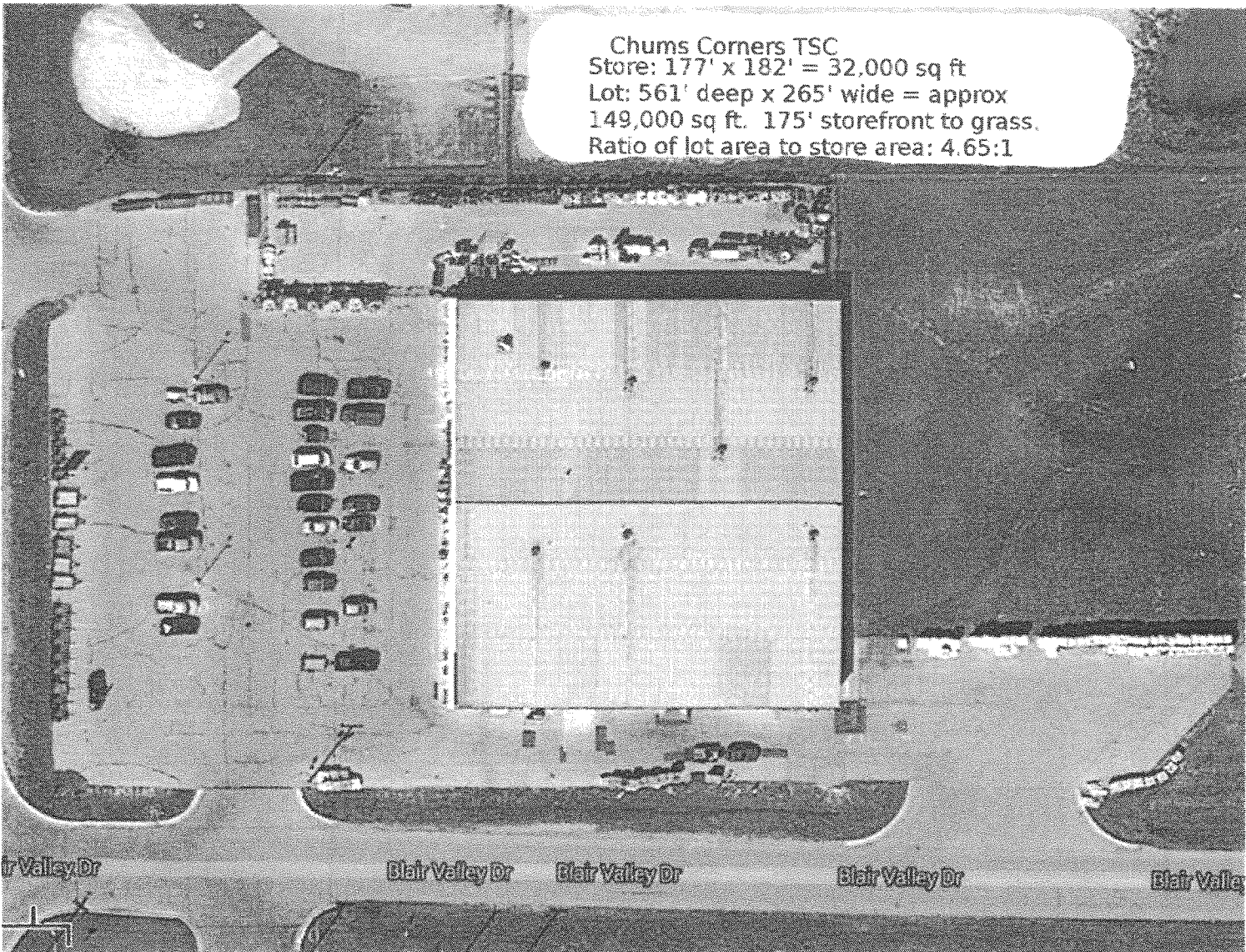




Ann Arbor:

Store: 112' x 122' = approx 13,664 sq ft

Lot: 217' deep x 221' wide = approx 48,000 sq ft



Chums Corners TSC  
Store: 177' x 182' = 32,000 sq ft  
Lot: 561' deep x 265' wide = approx  
149,000 sq ft. 175' storefront to grass.  
Ratio of lot area to store area: 4.65:1

Blair Valley Dr

Blair Valley Dr

Blair Valley Dr

Blair Valley Dr

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**6042 Acme Road, Williamsburg MI 49690**  
**June 9, 2014, 7:00 p.m.**

**6:30 P.M. PLANNING COMMISSIONERS EDUCATIONAL TRAINING SESSION: CANCELLED**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE**  
**ROLL CALL:**

**A. LIMITED PUBLIC COMMENT:**

Public Comment periods are provided at the beginning and end of each meeting agenda. Members of the public may address the Board regarding any subject of community interest during these periods. Comment during other portions of the agenda may or may not be entertained at the moderator's discretion.

1. Archangel Gabriel Greek Church Update, 7111 US 31 North: Father Ciprian Streza

**B. APPROVAL OF AGENDA:**

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

**D. CONSENT CALENDAR:** The purpose is to expedite business by grouping non-controversial items together for one Board motion 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.

**a) RECEIVE AND FILE:**

**1. Draft Unapproved Minutes of:**

1. Township Board minutes: Regular 05/13/14 and Special meetings 05/06/14, 05/09/14, 05/15/14, 05/27/14
2. Zoning Board of Appeals 05/08/14
3. Parks & Rec. advisory 05/14/14
4. Planning, Zoning & Administrative report:

**b) ACTION:**

**1. Draft Unapproved Minutes of:**

1. Planning Commission minutes: 05/12/14

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

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

**F. CORRESPONDENCE:**

**G. PUBLIC HEARINGS:**

1. Special Use Permit Application 6535 Bates Rd Horse Sports Park for Weddings under Section 6.11.3 Agricultural Tourism

**H. NEW BUSINESS:**

1. Woodland Creek: SUP Minor Modification for outdoor display
2. Special Use Permit Horse Sports Park – Agri-tourism Weddings
3. Site Plan Review: Tractor Supply Company

**I. OLD BUSINESS: None**

**J. COMMENT & OTHER PC BUSINESS**

1. Zoning Administrator update on projects
2. Planning Consultant
3. PC: Education etc. : Master Plan Hearing June 23, 7:00 pm.
4. Public Comment

**ADJOURN:**



**ACME TOWNSHIP BOARD MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
Tuesday, May 13, 2014, 7:00 p.m.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE AT 7:03 P.M.**

Three scouts from Troop 115, Courtade School, were present with their Scoutmaster, Jason Rojewski, to lead in the Pledge of Allegiance.

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

**A. LIMITED PUBLIC COMMENT:**

Carol Crawford, running for County Commissioner – 6<sup>th</sup> District was present to introduce herself as a candidate in the August 2014 Primary. Crawford of 4755 Springbook Dr, is also a Acme Township resident.

Jason Gillman, also present stated his candidacy for County Commissioner – 6<sup>th</sup> District.

**B. APPROVAL OF AGENDA:**

**Motion by Jenema, seconded by White, to approve the agenda with the Planning Commission minutes of 4/14/14 removed and the Treasurer's report. Motion carried by unanimous roll call vote.**

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

**D. CONSENT CALENDAR:** The purpose is to expedite business by grouping non-controversial items together for 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:**

1. Treasurer's Report as of 3/31/14
2. Clerk's Report and Balance Sheet
3. Draft Unapproved Meeting Minutes:
  - a. Planning Commission 04/14/14
  - b. Parks & Rec Advisory 04/24/14
  - c. Shoreline Advisory 04/25/14
4. Parks and Maintenance Report – Tom Henkel
5. Planning & Zoning Report – Lennox
6. Metro Fire April Newsletter
7. North Flight April report

**2. ACTION – Consider approval:**

1. Township Board Special meeting minutes of 04/25/14 and 05/06/14
2. Accounts Payable Prepaid of \$2,998.60 and Current to be approved of \$58,045.79 (Recommend approval: Cathy Dye, Clerk)

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

LaPointe asked for the Planning Commission minutes of 4/14/14 be removed. B. Kelley, Bartlett Rd, had commented about the lack of support for a new township hall, fire station and water infrastructure in the Community Survey in the Master Plan. LaPointe pointed out that 46% wanted a new township hall, 53% new fire station and 51% for water infrastructure. He applauded, Kelly, for reading the Master Plan.



**Motion by LaPointe, seconded by Jenema to approve the Planning Commission minutes of 04/14/14 has presented. Motion carried by unanimous vote.**

Jenema asked for the Treasurer's report to be removed. Jenema had changed the format and wanted to review the changes with the Board.

**Motion by Jenema, seconded by LaPointe to approve the Treasurer's report as presented. Motion carried by unanimous vote.**

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

**G. REPORTS:**

- 1. Sheriff's Report – Deputy: Ken Chubb** Reviewed by Chubb
- 2. County Commissioner's Report – Larry Inman:**
- 3. Road commission report-Bill Mouser**

**H. CORRESPONDENCE:**

- 1. Marianne White- Concern about Concerts:** Read into record

**I. PUBLIC HEARING: None**

**J. NEW BUSINESS:**

- 1. New township Trustee, decision and appointment**  
Zollinger welcomed Jean Aukerman as our newly appointed Trustee.
- 2. Acme Township -Special events ordinance**  
In light of recent SUP applications, the Planning Commission would like to recommend the Board entertain adoption of a Special Events ordinance for Acme Township. J. Iacoangeli, J. Jocks, and Planning Commission, Chair, K. Wentzloff, were present to review the ordinance with the Board. Discussion followed.

**Motion by LaPointe, seconded by White to approve Special Event Ordinance No. # 2014-01 with corrections. Motion carried by unanimous vote.**

- 3. Road Brine application Road Commission-Acme Roads one application**

**Motion by Scott, seconded by Jenema to approve one road brine application as presented. Motion carried by unanimous roll call vote.**

- 4. Support for Tribal 2% grants**  
Zollinger stated that we have five applications for the Grand Traverse Band 2% Grant application cycle ending June 30, 2014.
  - A. Acme Bayside park** about \$23,000.00 for parking lot improvements
  - B. Yuba School Heritage society** new roof \$20,000.00
  - C. Acme Water system engineering** requesting \$50,000.00
  - D. Sayler Park Boat launch fund/\$39,500.00**
  - E. Special Assessment District Funding**

- 5. Purchase of foreclosed properties-Acme Township**  
Grand Traverse County Treasurer provided a list of foreclosed properties in accordance with Act 123, P.A. 1999. Acme Township had two parcels in the Lochenheath development.

**Motion by Zollinger, seconded by LaPointe to pass on purchasing the foreclosed properties. Motion carried by unanimous roll call vote.**

**6. Ordinances Amendments: Amendment #32 B-4 Material Processing & Warehousing District**

Our planner, J. Iacoangeli, was present and stated that the Planning Commission had undertaken the task of updating and revising the Zoning Districts to represent more current uses, functionality and sustainability. The first one is an amendment to B-4 Material Processing and Warehousing District. This amendment is a re-organization to this district allowing for current yet traditional uses found in a material processing and warehousing district. Some of the new “uses permitted by right” added are; produce market terminals, recycling centers and soda water and soft drink bottling facilities to name a few.

**Motion by LaPointe, seconded by White to approve amendment #32 B-4 Material Processing & Warehousing District as presented. Motion carried by unanimous vote.**

**Amendment #30 Agricultural District**

Iacoangeli stated the revision of this district began over a year ago when the State of Michigan began a promotion of Michigan agriculture, including specifically food innovation, agricultural food hubs, farm-to-table initiatives and micro-breweries to name a few. The planning commission began its revision of the district with the formation of a committee that included planning commissioners, residents, business owners and many members of the agricultural community. The amendment to this district would replace in its entirety the existing ordinance with the new Agricultural District.

**Motion by White, seconded by Dye, to approve Amendment # 30 Agricultural District has presented. Motion carried by unanimous vote.**

**7. Discussion on use of some committed funds in the general fund today to be used for funding other township project needs.-LaPointe**

Zollinger stated that about a year ago the Board talked about potential allocations for township fund balances. Zollinger prepared a resolution, for review only. Allocations should not be viewed as a firm commitment to spend township funds as listed, but as a general guideline for community projects.

At the Special Board meeting of 5/6/14 LaPointe asked the Board to be thinking about reducing the amount of monies sitting in the septage funds drawing 1% interest and six months of reserve for “rainy day expenses” to be allocated to other funds. Discussion.

**K. OLD BUSINESS:**

**1. Hoxsie House status-Zollinger/Hoxsie**

Zollinger stated that Acme Township missed its original removal date from 90 days after closing on the Knollwood property and the DNR agreed to a new date in July 2012 to June 30, 2014. The township has an

Agreement with the Acme Heritage Society signed on 9/27/12 to have moved in 60 days from 5/1/14. A meeting was hosted by the Township on 3/20/14 to review status and actions still to be checked on by the Heritage Society. Hoxsie, President of the Heritage Society was present to give the Board an update.

Hoxsie stated that they have been in contact with the DNR and they are aware of the issues. Hoxsie would like to ask the Board if they would consider granting an additional 60 days to move the house.

Zollinger also has talked with the DNR and if a latter move date is requested a letter from the township asking for approval will be required. However penalty points will be added on to our latest applications for grants. If a September date is made on time these points will be removed. Discussion.

**Motion by Scott,, seconded by White, for a Special meeting at 6:00 pm, May 27<sup>th</sup>, to discuss the Hoxsie House and continue with the Budget work session. Motion carried by unanimous vote.**

**2. Open letter on RE response**

Township counsel was asked to review the letter prepared by LaPointe in regards to allegations printed in the Record Eagle in March 2014. LaPointe stated that the letter was the Board’s position and would be posted on the township website.

**Motion by LaPointe to accept the letter as reviewed by legal, as the Board's official position, Seconded by Scott, Motion carried by unanimous vote.**

**3. Next Budget review meeting date's working to meet Public Hearing at June 3, 2014**

Zollinger has three dates in mind. He would still like to have another meeting yet this week. He commented that he has only heard from one or two Board members with questions on the Budget.

The public hearing is scheduled for June 3, 2014. It was decided to have a work session, Thursday, May 15<sup>th</sup> at 6:30 pm.

**4. Clerk/ Treasurer recommendation about need for accountant and possible selection and cost.**

Dye prepared a memo regarding the bookkeeper assistant. Dye and Jenema were in agreement to try Angie Roelofs, from the firm of Baird, Cotter and Bishop, P.C. out of the Cadillac area. Roelofs would come in on a month to month trial bases. A CPA with 15 years experience in governmental accounting and Fund Balance knowledge at an hourly rate of \$75 per hour.

**Motion by Scott, seconded by Aukerman, to accept the recommendation from Dye and Jenema to use the firm of Baird, Cotter and Bishop, P.C. for bookkeeping assistance on a trial bases. Motion carried by a unanimous roll call vote.**

**5. Update on SAD district for road repair-Lapointe**

LaPointe stated that the SAD project in Holiday Hills continues to march on. The big issue now is if any is how much Road Commission will have funds available. They have a policy of committing up to 25% in matching funds if they are available. A Road commission meeting is scheduled the end of May to determine what the funds are.

**Adjourn at 10:20 p.m.**

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



**ACME TOWNSHIP SPECIAL BOARD MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**Tuesday, May 6, 2014, 1:00 p.m.**

**MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 1:06 p.m.**

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

**A. LIMITED PUBLIC COMMENT: None**

**B. APPROVAL OF AGENDA:**

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

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

**D. NEW BUSINESS:**

**1. Review Trustee applications received and narrow down to top 3 or four applicants**

Zollinger stated that we received eight applications for the Trustee position. Applications were marked "A – H". A matrix was prepared and Board members were asked to mark their top three candidates.

LaPointe stated how pleased he was with the selections, all were good candidates and well qualified. He would encourage the candidates to think about running in the 2016 elections. Zollinger also said these candidates could serve in other advisories.

Zollinger asked board members their top three numbers. Scott's were provided by email to all Board members. Zollinger stated that "D, E and H" were the top. They are (D) Matt Vermetten, (E) Marcie Timmons, and (H) Jean Aukerman. Discussion on how to best interview the candidates followed.

**Motion by LaPointe that we have a follow up meeting to interview the top three candidates. Seconded by Jenema. Motion carried by unanimous vote.**

LaPointe suggested this Friday, May 9, 2014 at 5:00 pm, for the interviewing. We will pick randomly how the interviews will proceed. Zollinger will contact the candidates.

LaPointe said the Board could talk about items that were not on the agenda, as long as no motions or actions are taken. Zollinger encouraged the Board to be thinking of a date for another Budget meeting. LaPointe asked the Board to be thinking about reducing the amount of monies sitting in the septage funds drawing 1% interest and six months of reserve for "rainy day expenses" to be allocated to other funds.

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

Kelly expressed disappointment that he had to "FOIA" to see the resumes that were submitted. He felt that a package should have been available to the public of the resumes. He appreciated the Board interviewing the candidates.

P. Salathiel, 4882 Five Mile Road, appreciated Jenema and LaPointe wanting to meet with the candidates.

**ADJOURN AT 1:30 pm**





**ACME TOWNSHIP SPECIAL BOARD MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**Friday, May 9, 2014, 5:00 p.m.**

**MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 5:06 p.m.**

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

**A. LIMITED PUBLIC COMMENT:**

R. Babcock, 4261 Bartlett Rd, read a statement into the record (attached to minutes).

B. Kelly, Bartlett Rd, read a statement into the record regarding all three applicants for the open Trustee's position (attached to minutes).

T. Phillips, 2986 Wild Juniper Trail, commented about the applicants for the open Trustee position. He expressed support for Aukerman.

P. Salathiel, 4884 Five Mile Rd, read a prepared statement into record showing support for Aukerman (attached to minutes)

C. Abernethy, 4312 Westridge, read a statement into record (attached to minutes)

C. Varner, 7189 Bennett Rd, read a statement into the record regarding supporting Aukerman for the open Trustee position (attached to minutes).

B. Kelly, Bartlett Road, again expressed disappointment in not being able to see the applications for the Trustee position sooner than the past Monday.

**Additional letters of support for Aukerman and Timmins attached to the minutes.**

**B. APPROVAL OF AGENDA:**

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

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

Trustee, White, stated that he knew, Doug Grove, from the group of applicants to be voted on at the May 6<sup>th</sup> meeting. Grove was a supervisor for White's son. The Board did not feel there was any conflict of interest.

**D. NEW BUSINESS:**

**1. Interviewing the top three applicants for the open Trustee position**

The three applicants for the open Trustee position, Jean Aukerman, Marcie Timmins and Matt Vermetten were present for the interviewing process. A scoring matrix was used and scoring was based on 1, 2 or 3. 1 (One) being the highest and 3 (Three) the lowest. Applicants were selected in alphabetical order to be interviewed. Zollinger lead the process asking each member of the Board to ask questions. The questions varied from "Where do you see Acme Township in five years?" to "Are you in favor of two monthly meetings?" Upon completion of the interviewing scores were added up.

**Motion by LaPointe, seconded by Jenema to approve the appointment of Jean Aukerman, to fill the open position of Trustee on the Acme Township Board of Trustees. Motion carried by unanimous vote.**

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

C. Albernethy, 4312 Westridge, expressed her gratitude for the interviewing process that had taken place today.

B. Kelly, Bartlett Road, was disappointed in the interviewing processing.

T. Phillips, 2986 Wild Juniper Trail, stated that he believed the Board should have worked with prepared questions. He also felt the other candidates not being interviewed should not have been present during the interviewing. LaPointe commented that it would be in violation of the Open Meetings Act if all the candidates were not able to be present.

V. Tegel, 4810 Bartlett Rd, expressed her support of Aukerman's appointment.

**ADJOURN AT 6:40 pm**



**ACME TOWNSHIP SPECIAL BOARD MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**Thursday, May 15, 2014, 6:30 p.m.**

**MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 6:35 p.m.**

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

**A. LIMITED PUBLIC COMMENT: None**

**B. APPROVAL OF AGENDA:**

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

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

**D. NEW BUSINESS:**

**1. Continued 2014-15 Budget work session:**

Zollinger led the discussion line-by-line on the budget. Corrections and updates will be made.  
The next scheduled budget work session is, Tuesday, May 27<sup>th</sup>, at 6:00 pm

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

**ADJOURN AT 10:00 pm**



**ACME TOWNSHIP SPECIAL BOARD MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**Tuesday, May 27, 2014, 6:00 p.m.**

**MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 6:05 p.m.**

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

**A. LIMITED PUBLIC COMMENT:**

F. Gingras, 7057 Deepwater Point Rd, and also Co-chair of the Shoreline Advisory read a prepared statement into the record. (Attached to minutes)

M. Timmons, 4261 Bartlett Rd, expressed her concerns with moving the Hoxsie House and the extension already granted. She encouraged the Board to make sure “all the ducks” were in a row as we move forward with this move.

R. Babcock, 4261 Bartlett Rd, also expressed her concerns with the Hoxsie House and our relationship with the DNR now and in the future regarding grants.

**B. APPROVAL OF AGENDA:**

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

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

**D. NEW BUSINESS:**

**1. Hoxsie House status/plans review**

D. Hoxsie, President of the Acme Heritage Society (AHS) thanked the Board for holding this special meeting and assisting the AHS during the final phase in the relocation of the historic Hoxsie house.

The AHS has worked for several years raising funds for this undertaking. There have been many large hurdles to overcome and now the society is preparing to move the house to its final site in the Grand Traverse Town center located off M72 East in Acme Township. A Final Phase packet was given to the Board which included; Movers commitment contract, Road commission requirements, All utilities disconnect and connect; Residential and Commercial, and a Financial report to name a few. Hoxsie reviewed each item in the packet and addressed questions and concerns from the Board as well as the Public.

M. Goss, 4105 Bay Valley Rd, stated that she felt so much better about Acme Township then she did seven years ago when the township was “divided and decisive”. We are all working together, helping each other and paying attention to each other. This is the Acme she remembers and wants.

**Motion by Scott to allow up to \$17,000.00 to assist the AHS in the moving of the Hoxsie House by August 15, 2014, as of this date the AHS will know if they have collected enough funds to move the house. Seconded by Jenema. Motion carried by a roll call vote of 5 (Dye, Jenema, Scott, White, Zollinger) in favor and 2 (Aukerman, LaPointe) opposing.**

Additional discussion followed.

In order to prohibit penalties, the AHS agreed to a special progress meeting on, August 15, 2014. At this meeting the AHS will give a report on monies obtained in meeting their goal, the condition of the Town Center relocation site and any other conditions that would prohibit the removal of the house from the shoreline property.

**Motion by Scott, to approve a “drop dead” date of September 7, 2014, for the removal of the Hoxsie House, provided the time extension is approved by the DNR. Seconded by Dye. Motion carried by a roll call vote of 5 (Dye, Jenema, Scott, White, Zollinger) in favor and 2 (Aukerman and LaPointe) opposing.**

T. Phillips, 2986 Wild Juniper Trail, commented that nobody can complain about not being heard this evening, rather if they agreed or not with the final result. He said the Board was to be commended for their transparency. A round of applause followed!!

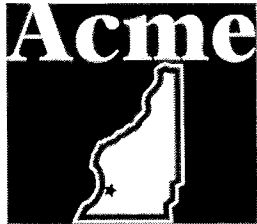
**Recessed declared from 7:30 pm to 7:45 pm**

**2. Continued 2014-15 Budget work session**

Zollinger led the discussion line-by-line on the budget. Corrections and updates will be made with the Budget going to Public Hearing at the June 3, 2014, meeting.

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

**ADJOURN AT 9:05 pm**



Township

Application Number: 2014-07

Parcel Number: 28-01-014-008-01

**ACME TOWNSHIP**

**Grand Traverse County, Michigan**

**Application for Special Use Permit/Site Plan Approval**

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

Name: Karin W. Flint Phone: 248-568-0011  
Mailing Address: 2419 Windsor Way Ct  
City: Wellington State: FL Zip: 33414  
E-Mail Address: KFHorse7@aol.com

**A. Property Information:**

1. Address: 6535 Bates Rd. Williamsburg MI 49690
2. Property Description/Parcel Number: 2801-014-008-01
3. Current Zoning of Property: AG
4. If this project is one phase of a larger development and/or property subject to an existing/previous Site Plan Review, Special Use Permit, or Variance, what is/are the applicable permit number(s)? 2006-12P
5. Provide proof of current property ownership. If applicant is not the current property owner, also provide written permission to act as agent of, and complete contact information for the current property owner. KW
6. Proposed Use/Change to Property:  
Sec. 6.11.3 x) Uses Permitted by Special Use Permit  
2.) Agritourism - Weddings
7. Estimated Start and Completion Dates:

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

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

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

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

Signed: Karin W. Flint Date: May 16, 2014

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Township Use/Official Action:  
Application Number: 2014-07 Date Received: 05/16/14

Public Hearing/Meeting: June 9, 2014

Date of Advertising: \_\_\_\_\_ T&A Account #: 701-400-282-061

KUHN, DARLING, BOYD AND QUANDT, PLC  
ATTORNEYS AT LAW

R. EDWARD KUHN  
A. BROOKS DARLING  
JAMES W. BOYD  
JOSEPH E. QUANDT  
GINA A. BOZZER  
EDGAR ROY III  
GREGORY J. DONAHUE  
TROY W. STEWART  
MATTHEW L. BOYD

412 S. UNION STREET, P.O. BOX 987  
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CHARLES H. MENMUIR  
1903-1987  
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Of Counsel:  
LEWIS G. GATCH

Email: [eroy@kdbqlaw.com](mailto:eroy@kdbqlaw.com)

May 28, 2014

Nikki Lennox  
Acme Township Supervisor  
6042 Acme Road  
Williamsburg MI 49690

Via Email/Mail

Dear Ms. Lennox:

I am assisting Karin Flint in providing supplemental materials for the P/C's consideration at its meeting I understand is scheduled for June 9, at 7:00 p.m. Specifically, attached is a copy of Ms. Flint's proposed Conditions and a copy of Robert Garvey's Special Use Permit (Permit No. 2012-04P).

Upon your review, she has proposed Conditions to essentially track those which were adopted in conjunction with his SUP. There is some variation in her proposed Conditions to reflect, among other things, the considerable size/acreage for her parcel compared to Mr. Garvey's, separation/setbacks and remoteness of residents in the vicinity.

Also, with regard to SUP item 2 (waste receptacles), Ms. Flint believes it is appropriate to retain/maintain the identical locations for the receptacles as what occurs during the horse show; and with regard to item 3 (site plan), reference should be made to the fact that her proposed site plan is attached (but without reference to elevations, grade, etc., since her site will remain unchanged from its current condition).

Preliminarily, we do not see any other variations which would be required relative to the P/C's review and ultimately the Township Board's review and approval.

While Ms. Flint believes the scope of her current request is sufficient, over time there



May 28, 2014  
Page 2

may be a change of circumstances where she may ask the P/C for some adjustment in the Conditions. Currently, however, her intended business model would coincide with the proposed Conditions.

Thank you for your time and consideration; and, to the extent you or John I. believe additional information/documentation are required, please let us know right away.

Sincerely,

KUHN, DARLING, BOYD & QUANDT, PLC

A handwritten signature in black ink, appearing to read "Edgar Roy III". The signature is stylized with a large "E" and "R", and the name "Roy" followed by "III".

Edgar Roy III

ER/ljd  
Enclosures

cc John Iacoangeli (via email)  
Karin Flint (via email)  
Jeff Jocks (via email)

1. Applicant may hold not more than 12 events for which applicant receives any form of compensation per calendar year.
2. Any function will cease operation by 11:30 p.m. If music is involved during the event it shall be conducted inside the barn or tent and will cease by 11:30 p.m.
3. Food preparation will be done off-site or in Flintfields' commercial kitchen.
4. Tents, chairs, tables, and portable toilets shall be removed no later than the following business day.
5. The Township Zoning Administrator shall be notified at least two weeks in advance when an event will take place. The Township Zoning Administrator shall confirm receipt of the notification back to property owner at 6535 Bates Road, Williamsburg, MI 49690.
6. Code related issues addressed by the Grand Traverse County Construction Code Department and MESA shall be satisfied prior to holding any event under this permit.

## Acme Township Special Use Permit

Permit No.:2012-04P

To: Robert Garvey  
6377 Deepwater Point  
Williamsburg, Mi 49690

WHEREAS, Application having been made by the above named Applicant for Special Use Permit and Site Plan approval, to use barn located at 7490 Lautner Rd, currently zoned A-1 Agricultural, in Acme Township, Grand Traverse County, Michigan, more fully described as follows:

N 1/2 OF N 1/2 OF SW 1/4 SEC 25 T28N R10W

Grand Traverse County, Michigan

Parcel No. 28-01-.225-011-00

Due notice has been given and public hearings have been held on the Application for the Special Use Permit and Site Plan Approval, and the Acme Township Board has determined that the requested Special Use Permit and Site Plan Approval as recommended by the Acme Township Planning Commission, are appropriate, in the best interest of Acme Township and meet the requirements of the Acme Township Zoning Ordinance. The Acme Township Board makes these findings based on the Beckett and Raeder report, its meetings, and the record. The Acme Township Board does hereby approve the Site Plan and this Special Use Permit subject to the following:

1. The representations that have been made by the Applicant and the Applicant's representatives at the meetings of the Acme Township Planning Commission and the Acme Township Board on the record and in the minutes and as reflected in the Site Plan dated 05/31/2012 are incorporated herein by reference as the plan presented to the Acme Township Board on the published hearing date. The Applicant agrees to comply with and be bound by all representations made by the Applicant and the Applicant's representative(s) at the meeting(s). The Site Plan shall be attached hereto and incorporated herein as Exhibit A.
2. Any waste receptacle placed on the property shall be screened, and the location approved by the Acme Township Planner.
3. The elevations shall be as on the Site Plan, with the final grade consistent with adjoining developed properties.
4. Parking shall meet all of the requirements of the Acme Township Zoning Ordinance.
5. There shall be no outside storage or sales.
6. The Applicant must obtain all necessary permits, including soil erosion, and Department of Natural Resource permits, and/or approvals.
7. The signage shall meet all of the requirements of the sign provisions of the Acme Township Zoning Ordinance, without variance.

## Permit No. 2012-04P

8. Additional requirements as listed below:

- a. Applicant may hold not more than 12 events for which applicant receives any form of compensation per calendar year.
- b. Any function will cease operation by 11:30 p.m. If music is involved during the event it shall be conducted only inside the barn and will cease by 10:30 p.m.
- c. Food preparation will be done off-site.
- d. Tents, chairs, tables, and portable toilets shall be removed no later than the following business day.
- e. The use of onsite generators for light towers and portable lighting equipment is prohibited.
- f. The Township Zoning Administrator shall be notified at least two weeks in advance when an event will take place. The Township Zoning Administrator shall confirm receipt of the notification back to Mr. Robert Garvey.
- g. Code related issues addressed by the Grand Traverse County Construction Code Department and MESA shall be satisfied prior to holding any event under this permit.

9. The development shall be subject to all applicable restrictions and requirements as set forth in the Acme Township Zoning Ordinance of 2008, as amended. The development is also subject to all of the requirements of this Special Use Permit. Any violation of these conditions or requirements shall serve as grounds for revocation of this Special Use Permit by the Acme Township Board. In the event of any such violation, Acme Township shall give written notice to the Applicant, by ordinary mail addressed to the Applicant at the last address furnished to Acme Township by the Applicant. The notice shall state that unless the violation is corrected or resolved, to the satisfaction of the Acme Township Board, within thirty (30) days from the date of the notice, then the Acme Township Board may revoke this Special Use Permit after a hearing. In the event a hearing becomes necessary, the Acme Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the Acme Township Board may deem appropriate. After the hearing, if the Acme Township Board revokes this Special Use Permit, then enforcement of the violation may be made by an application for appropriate relief in the Grand Traverse County Circuit Court. The Applicant agrees that Acme Township may recover all of its costs, including attorney fees, associated with, or resulting from, such violation.

10. The rights set forth in this Special Use Permit are in addition to those granted to Acme Township by the Michigan Zoning Enabling Act and other appropriate statutes and laws, including the Acme Township Zoning Ordinance. The applicant agrees that it accepts the conditions imposed under this Special Use Permit. In any action brought to enforce Acme Township's rights under this Special Use Permit the Applicant shall pay for and reimburse Acme Township for all costs incurred by Acme Township, including attorney fees.

Permit No. 2012-04P

The undersigned hereby certifies that he is the Acme Township Supervisor, Grand Traverse County, Michigan, and that this Special Use Permit was approved by the Acme Township Board on September 4, 2012. The undersigned certifies that a quorum was present at said meeting and that said meeting complied with all applicable laws and regulations.


\_\_\_\_\_  
Wayne J. Kladder, Supervisor

Approved by a unanimous vote of the Acme Township Board on Sept. 4, 2012.

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
, Notary Public

The applicant hereby acknowledges receipt of this Special Use Permit. The Applicant has read and understands all of the terms and conditions of the Special Use Permit. The Applicant agrees to comply with all of the terms and conditions of this Special Use Permit. The Applicant further agrees that all of the terms and conditions of the Special Use Permit shall be binding upon all other owners, occupants, assigns and successors of the subject property.

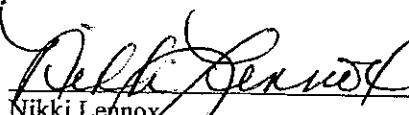
  
(Applicant)

Subscribed and sworn to before me this 11 day of September 20 12.

Debbie A. Berube  
, Notary Public

DEBBIE A. BERUBE  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF ST CLAIR  
MY COMMISSION EXPIRES Nov 23, 2013  
ACTING IN COUNTY OF MIACOMB

Permit is authorized, the necessary plans/documents have been filed with me and are attached to this Special Use Permit.

  
Nikki Lennox  
Planner/Zoning Administrator  
Date: Sept. 6, 2012



**ACME TOWNSHIP REGULAR BOARD MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**Tuesday September 4, 2012, 7:00 p.m.**

**MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 7:00 p.m.**

**Members present:** D. Dunville, R. Hardin, W. Kladder, P. Scott, E. Takayama, L. Wickle, F. Zarafonitis  
**Members excused:** None  
**Staff present:** S. Vreeland, Township Manager/Recording Secretary  
J. Jocks, Township Counsel

- A. STUDY SESSION:** None
- B. LIMITED PUBLIC COMMENT:** Kladder indicated that public comment relative to the Garvey SUP application will be entertained during that agenda item. No public comment was offered at this time.
- C. APPROVAL OF AGENDA:** Discussion about a second amended septage treatment plant agreement is added as item K2; discussion of conflict of interest issues is added as item K3, prior items K2 through K7 are renumbered as K4 through K9, purchase of a new pickup truck is added as K10, and needed fire station roof repairs are added as item K11.

**Motion by Dunville, support by Scott to approve the agenda as amended. Motion carried unanimously.**

- D. INQUIRY AS TO CONFLICTS OF INTEREST:** Jocks will speak to conflict of interest as related to the Garvey SUP application later on the agenda. Takayama expressed a conflict of interest regarding this item because he has performed work for Mr. Garvey in the past.
- E. CONSENT CALENDAR: Motion by Dunville, support by Takayama to approve the Consent Calendar as presented, including:**

**RECEIVE AND FILE:**

1. [Treasurer's Report](#) as of July 2012
2. [Clerk's Report](#) as of 08/29/12
3. Draft Unapproved Meeting Minutes:
  - a. Planning Commission [08/27/12](#)
  - b. Parks & Recreation Advisory [08/23/12](#)
  - c. Placemaking Leadership Team [08/21/12](#)
4. [Parks and Maintenance Report](#) – Tom Henkel
5. ["The Metro Insider" Newsletter](#) August 2012
6. [Invitation to the Bertha Vos Ribbon Cutting Ceremony](#)
7. [Planning, Zoning & Administrative Activity Report](#)
8. [VGT/Meijer Update](#)

**ACTION – Consider approval:**

9. Township Board meeting minutes of [08/14/12](#)
10. [Accounts Payable](#) of \$82,692.77 through 08/29/12 (recommend approval: Dunville)

**Motion carried by unanimous roll call vote.**

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

## G. REPORTS:

1. **Sheriff's Report – Mike Matteucci:** August statistics are not ready yet due to the holiday weekend. Last spring there were a handful of break-ins at The Shores condos. Various items of evidence such as fingerprints and shoe impressions were gathered, a suspect was identified, and while interviews were of little assistance the evidence gathered matched to the suspect. After a plea agreement was reached the individual is serving 7 months in jail. Also, earlier this year several of the dock boxes were broken into at East Bay Harbor. Fingerprints have led to a juvenile suspect who is already behind bars. Recently in Whitewater Township there have been several daytime breaking and entering events. One involved a door kicked in on Elk Lake Road. Additional occurrences have been recorded in Kalkaska County, and all events involve a red vehicle with a black liftback. Please keep houses and vehicles locked. Scott noted that there is again a series of items being stolen from unlocked cars.
2. **County Commissioner's Report – Larry Inman:** The County received the same request from the BIA in July for placing land in trust for the Tribe. A copy of their response has been provided to the township for its files. The County letter specifically mentions that prior attempts to arrive at an intergovernmental agreement for replacement of tax revenue for services have yet to bear fruit. The County recently adopted a resolution re-ratifying a 2008 decision to approve an intergovernmental agreement and sent it to the Tribe, but has yet to receive a response. The County Treasurer and Finance Officer have been working the Supervisors of the townships that have guaranteed the bonds for the Septage Treatment Facility (STF) on an agreement that would have the County loan half the amount needed to pay off the two outstanding bonds at a rate closer to 2%. The townships would provide the remaining 50%. The interest rates on the current bonds are between 4-5% The amount coming from the County would represent a loan to be repaid at a later point in time. There is a suggestion that the interest rate on the loan be capped, or that the townships and county meet every 5 years to evaluate interest rate levels. New County Administrator Dave Benda was hired about 2 months ago, and the County waited to prepare its 2013 budget so that his new perspective could be incorporated into the process. The budget must be adopted at the October 31 meeting pursuant to a public hearing. A draft should be ready within two weeks for the County Commission's review. Normally the budget discussions begin about 9 months in advance. County Treasurer Bill Rokos has announced his retirement effective October 1. There will also be turnover in the positions of the Clerk, Prosecuting Attorney, and a Probate Judge, the three positions who by statute would appoint an individual to complete Mr. Rokos' term of office through the end of 2013. It is likely that candidate Heidi Scheppe, who is running unopposed in the November general election, could be appointed. Inman mentioned that new Airport Manager Kevin Kline is doing an excellent job of raising the number of seats sold on flights and maintain good relationships with airlines and suppliers. He has been encouraged to be out and about meeting key people in the community, and has an upcoming 6-month performance review. He has yet to hire an assistant for the position vacated through his promotion, which helps with the airport's break-even budget.

## H. SPECIAL PRESENTATIONS/DISCUSSIONS:

1. **2013 DPW Budget:** DPW Director Mike Slater presented the proposed budget. It is not required for the township to approve it, but is intended to help the township budget and set its sewer and water service and connection sales rates. The County DPW operates, maintains and bills for use of township-owned water and sewer infrastructure. The annual budget is created based on trends identified for the trailing 5 years for each separate township system. In

particular, this budget reflects actual increases in electric expenses of approximately 10% and assumptions about the rising price of gasoline. There are also planned improvements to the city wastewater treatment plant. Mr. Slater noted that expenses for sewer system maintenance this year have run about \$5,000, as compared to normal annual expenses of about \$1,000. The overage related to storm damage to a sewer pump station, and in a separate line item there is a corresponding insurance coverage reimbursement.

## I. CORRESPONDENCE:

1. Anderson e-mail regarding Saylor Park Maintenance: Kladder read the e-mail aloud, which was extremely complimentary regarding the condition of Saylor Park.
2. 08/29/12 BIA Letter and proposed township response – 12/29/2008 request to place 12.06 acres east of Arnold Road of Tribal land in Federal Trust: Vreeland summarized the application. Kladder expressed concerns mirrored in the letter to the BIA from the County regarding the Hoxsie Property trust application about the failure to date to conclude intergovernmental agreements between the Tribe, County and township to help replace lost tax revenues for providing community services. He is also concerned about the series of ongoing applications for small parcels to be placed in federal trust, which over time add up to substantial areas of land over time. Kladder suggested that language similar to what the County used regarding the desirability of concluding intergovernmental revenue agreements be added to the new letter.

Inman reported that the County received a call from Governor Snyder's office expressing concern about the volume of land recently requested to be placed in trust. Inman stated that the like the Governor, the County is not opposed to additional land being placed in federal trust per se, but is concerned about the mounting volume of land and need to negotiate revenue for ongoing public services to the properties in question. The compact between the Tribe and state that created the 2% of electronic gaming revenue grant program is up for re-negotiation as soon as next year. Inman reported that for the first time the state has hired a CPA firm to audit the 2% grant program. Inman and Kladder both noted that the intent of the program statewide was to reimburse local units of government for lost revenues; however, each tribal 2% grant program is operating differently and the state is concerned that when the tribes give funding directly to a variety of community agencies they are violating the intent of the compacts. The assertion has been made that all of the 2% grant money should flow to the County and the County should decide how to allocate it according to statutes regarding lawful expenditures. This can include contributions to community agencies that help the County by fulfilling what might otherwise be a governmental responsibility. In 2013, concerns regarding how 2% allocations have been handled statewide is expected to be a key issue in the renegotiation of all the compacts. Will the rules be standardized statewide? Will the funds be allocated for impact fees or payment in lieu of taxes on lands placed in federal trust, with any remainder then being available for wider distribution? When the Tribe gives 2% dollars directly to community agencies they generate positive publicity and public image. The County is concerned about being painted as the "bad guy" if it is perceived that they are the reason the dollars no longer flow into the community the same way.

Kladder suggested approving the letter with the addition of a portion about successfully concluding intergovernmental agreements for the replacement of lost revenues for community services. Hardin expressed the hope that negotiations could be smoother than they have been in the past. Scott asked if the county basically recommended approval of the application conditioned upon completion of the intergovernmental agreements; they did. Takayama advocated for a stronger approach, indicating to the BIA that we could not support their application for federal trust until intergovernmental agreements are concluded. Hardin felt that a softer approach is still warranted, wondering if this would really be the best time to take such a strong stance. Wikle noted that the Tribe is one of the largest taxpayers in the township, and should they ever seek to put some or all of the GT Resort property into federal



trust the loss would be significant. She is growing uncomfortable with the continual “nibbling” of small portions of the tax roll. Vreeland read the relevant paragraph from the County’s response to the Hoxsie Parcel trust application, as follows: “Discussions and comments during this review period and in the previous 2008 review period indicated that the Band would provide payments in lieu of tax payments through an agreement with the County and Townships. In this current request, the Tribe states it ‘has engaged and will continue to engage in substantial discussions with the County and Township on a variety of planning and development issues.’ To date, the conceptual agreement developed in 2008 has been ratified by the County but not by the Band or the Township, although the township has expressed a desire for the Band to execute the agreement. The county wants an agreement in place before additional lands are placed into trust.”

**Motion by Dunville, support by Zarafonitis to approve the proposed response to the BIA with the addition of the concept represented by the quoted paragraph from the County’s response to the “Parcel 82” trust application. Motion carried unanimously.**

3. 08/31/12 Plante Moran e-mail regarding sewer & water authority study: Kladder inquired into the status of this study, as it had been a while since we had heard news. He was informed that some time ago Plante Moran responded back that after initial fact-gathering it is their recommendation that the study as approved does not need to be completed, and that it does not make financial sense to proceed with formation of a sewer and water authority at this time. They proposed several alternative services they could provide with the remaining unused fee for service.
4. Additional correspondence received 09/04/12 regarding the Garvey SUP application: received for the discussion of the Garvey SUP application later in the agenda.

**J. PUBLIC HEARINGS:**

1. Adoption of Resolution R-2012-17 adopting 2012 Emergency Services Special Assessment levy rate (combined for Police and Fire protection and other emergency services) and 2013 Metro Fire Emergency Services (MESA) Budget: Vreeland summarized the proposed 2012 emergency services special assessment proposal, which would lower the assessment from 2.55 mills in 2011 (2.1 for MESA, 0.2 for the township Fire Fund Balance Forward, 0.25 for community policing) to 2.50 mills in 2012 with an increase in range of services provided (2.1 for MESA, 0.1 for community policing, and 0.3 for a driver for a township-based Northflight ambulance). The Policing Fund has a fund balance forward of approximately \$193,200, sufficient to pay for one officer for more than 2 years. Lowering the portion of the millage assessed for this service would generate approximately \$27,427 towards an anticipated expense this fiscal year of \$79,000. The fund balance forward would decrease by about \$42,400, but would still be sufficient to fund an officer for nearly two years without additional levies, or to begin adding additional officers as the township develops and the need for police protection grows.

Scott and Zarafonitis in particular advocated for leaving the overall millage at the same 2.55 mills citizens are accustomed to as last year, with 2.1 mills going to MESA, 0.3 mills to support the ambulance service, and 0.15 mills to support policing. This would generate approximately \$41,200 in revenues, which would minimize the decrease to the fund balance forward.

**Public Hearing opened at 8:00 p.m.**

Gordie LaPointe, 6375 Plum Drive, noted that 0.05 mills is very small amount. However, building a surplus just for the sake of building a surplus is not necessarily the best course of action. Since this special assessment can be re-evaluated every year, he advocated for charging the amount needed at the time needed.

**Public Hearing closed at 8:01 p.m.**

Takayama stated that the proposed decrease in the assessment rate would be practically unnoticeable to the individual taxpayers. Earlier today we heard our Deputy discuss a number of serious crimes that were solved this year. Perhaps it would be a better use of funds to immediately hire another police officer. He used to live in a place where there were a high number of visible police officers and very little crime, two facts he suspects were related.

**Motion by Scott, support by Takayama to adopt Resolution R-2012-17 as amended with a total assessment rate of 2.55 mills, with the policing portion of the levy to be 0.15 mills, 2.10 mills for fire protection, and 0.30 mills for fire service personnel as ambulance drivers.**

Hardin would advocate for depleting the balance in the policing fund somewhat now while remaining at one officer. Otherwise, if we are going to leave the total special assessment levy the same he would advocate adding a second officer immediately. Wikle recalls that we temporarily raised the amount going to the policing fund to ensure that there was a sufficient balance for cash flow purposes, and that the Board was going to reduce the amount again when it could. We now have a healthy fund balance and could lower this portion of the assessment. On the other hand, there were an alarming number of fatalities on M-72 last winter, and people drive too fast on all the township roads. She perceives that there is more drug-related activity locally. Deputy Matteucci does a wonderful job, but he isn't here all the time and could use some help. If we don't add an officer she would advocate lowering the rate. If we do add an officer she would advocate for us to leave it the same. Scott noted that by leaving the overall levy where it is, there is a reduction in the amount levied for police protection, just not as large a reduction as originally proposed.

Inman stated that the County's community policing program occasionally asks the participating townships if they want to maintain their existing officers and/or add to their number. The federal COPS grant program provides a decreasing level of grant funding to offset new policing costs over a three year period. Sheriff Bensley can provide additional information about the current availability of this grant program. Kladder recalled that several years ago we looked into sharing a full-time officer position with Whitewater Township, but Whitewater backed out. He agreed that this grant program, and perhaps the SAFER grant program, can be helpful financial tools for leveraging taxpayer dollars.

**Motion carried by a vote of 6 in favor (Dunville, Hardin, Kladder, Scott, Takayama, Zarafonitis) and 1 opposed (Wikle.)**

**Motion by Scott, support by Dunville to have staff investigate and report back on the cost for adding a second community policing officer immediately. Motion carried unanimously.**

**K. NEW BUSINESS:**

1. [Calling of the 2004 Septage Bond](#): County Finance Director Dean Bott explained the proposal developed by him and the County Treasurer for refinancing the existing STF bonds. There is sufficient cash on hand to simply call the 2004 bond in November 2013, but there is insufficient cash to call the 2003 bonds in November 2012. Refunding the bonds by issuing new bonds would not generate significant cash or present value savings, and the state would have to approve extending the bond terms. The small savings generated would be cut in half by the refunding costs. The interest rates on these bonds are currently between 4-5%, Current interest rates on banked savings are generally well below 1%. Cash flow at the STF is not expected to improve significantly in the near future. Improvement would require a significant increase in the waste stream.

Mr. Bott's proposal is for the townships and county to work together to call the bonds. The County would provide 50% of the needed funds in the form of a loan to the guaranteeing townships. The guaranteeing townships would provide the remaining 50%. The new loans created, based on 20-year amortizations with initial interest rates between 2 – 2.5%, would basically have us repaying ourselves over time. The debt service cash flow would be reduced by \$200,000 annually for the first five years, but the debt term would be extended to 2033.

If a township were to choose to simply pay off their contractual share of the bonds without entering into the loan agreement, that township would receive their investment back in the future. It would simply be an appropriated expenditure. If a township chooses instead to make the same payment amount a loan, there is an opportunity for it to become an investment, eventually returned over time with interest.

Elmwood Township does not have sufficient General Fund reserves to pay their contractual share. Peninsula may not have sufficient amounts either. Garfield Township is considering an offer to pay more than their share to cover some of Elmwood's portion. Mr. Bott is hoping several other townships will do the same. A decision has to be made on the 2012 callable bond by September 25; otherwise there is insufficient time to complete the process. When Messrs. Bott and Rokos presented this concept to the County Commission recently it was well-received.

Kladder had previously asked Mr. Bott how much Garfield, East Bay and Acme Townships might have to contribute to cover the portions Elmwood and Peninsula cannot pay. Acme's contractual 50% of 6.3% share would be \$182,012. If we contribute a little more towards the other townships, our total payment would be \$219,397. This would seem a fairly minimal amount to pay to achieve a long term potential benefit. Kladder noted that the General Fund balance forward contains sufficient reserves to pay off Acme's entire share of the two bond issues outright. He has consulted with many individuals about the relative merits of simply paying off our share compared to entering into the loan agreement. After significant debate and discussion, it would be his recommendation that Acme enter into the loan agreement, and that we contribute a share of the extra portions needed by Elmwood and Peninsula Townships. Wickle stated that the better interest rate and the opportunity to have the County participate at 50% of the total are both positives. She confirmed that we do have sufficient reserves to make the required payment with the additional contribution.

Mr. Bott stressed again that this would be a loan agreement whereby the county along with the townships would be repaid principal and interest. The debt period would be extended by 9 years. Wickle stressed that the township is responsible for 6.3% of the costs of the plant, which appears unlikely to be self-supporting in the foreseeable future. This plant handles only the wastes hauled from pumped septic tanks, and not from properties connected to the sewer. The trend in Acme is away from septic systems and towards increased sanitary sewer use. If the plant doesn't keep operating, we may be faced with a return to land application of septage.

Takayama asked for the anticipated depreciation schedule for the STF. Plante Moran estimated a 40-year life. The original bonds were 20-year bonds, and the new loans would be 20 year loans, ensuring that the debt lifetime is shorter than the initial lifetime of the facility.

Zarafonitis asked if calling the bonds would eliminate the need for the special assessment on septic tank users that is being considered. Mr. Bott stated that refinancing the debt is not enough on its own to meet cash flow needs. Kladder stated that several special assessment models that have been proposed are being reviewed for accuracy by accountants. The goal is to request the lowest effective special assessment rate. While the newspaper has speculated on possible annual assessment amounts, no figure has been decided on to date. Mr. Bott added that refinancing helps keep any eventual special assessment amount lower.

Bond counsel previously prepared a resolution for calling the bonds, but based on current discussions it has incorrect figures in it.

**A recess was declared by the Chair from 8:45 – 8:55 p.m.**

After reviewing the proposed resolution to begin the process to call the bonds, Jocks noted that the amended agreement next on the agenda is slated to be attached to the resolution to call the bonds. He has not yet had time to review the documents and suggested that they be approved pending final review by township counsel. They have been prepared by competent and long-time County and township bond counsel, John Axe.

**Motion by Zarafonitis, support by Takayama to table the question of calling the 2005 STF bond until later in the agenda. Motion carried unanimously.**

2. **Second Amended Septage Treatment Facility Contract:** The current contract was an amendment to the operating agreement for all the townships that participate in the DPW. It referenced that a subset of five of the townships were working together to build and finance the STF. It identified Acme Township as responsible for 6.3% of the operating costs and debt service. The proposed new contract discussed the conditions of the proposed loan agreement to refund the bonds, and it reconfirms certain other conditions of the existing agreement. Kladder noted that some of the five townships are proposing that the relative shares of total plant ownership and responsibility be changed to reflect the current percentage of total septic systems relying on the plant in each township. This could result in an increase in the financial burden to some townships and a decrease to others. Jocks' initial review indicates that the ownership percentages would remain unchanged, but he does have a few questions for Mr. Axe. It appears that adoption of the bond refunding resolution automatically adopts the amended contract by incorporation.

**Motion by Wikle, support by Dunville to untable the bond refunding resolution. Motion carried unanimously.**

**Motion by Scott, support by Wikle to adopt Resolution R-2012-18 authorizing the process to refund the STF bonds, with Acme Township to provide funding in an amount up to \$220,000, pending final legal review and approval of the resolution and amended contract documents, and authorizing the Supervisor and Clerk to sign. If needed, the Supervisor will call a special board meeting allowing sufficient time for all necessary action to be taken prior to September 25, 2012. Motion carried by unanimous roll call vote.**

3. **Conflict of Interest:** Jocks addressed this issue the same way he did at the Planning Commission meeting last week. The day of the July Planning Commission meeting, a letter was delivered to the township by an attorney on behalf of Roger and Dorothy Mercer, Mr. Garvey's neighbors. The letter expressed concerns about potential conflict of interest. Arriving late the day of the meeting, Jocks needed time to review and evaluate it thoroughly. The public hearing was held as scheduled, but the matter was continued without Commission deliberation to last week's meeting. Last Monday, the day of the meeting, the attorney sent another letter which raised additional conflict of interest concerns. Another letter arrived today which raises yet more conflict of interest concerns. These last are specific to Mr. Garvey's participation on the Farmland Preservation Advisory with Planning Commissioner Bob Carstens, and discussions by that body regarding the idea of an agritourism ordinance amendment. The concern is that Carstens has a conflict of interest that should have prevented him from voting to recommend the SUP be approved at last week's meeting. Jocks does not find the concerns raised to be valid.

Today's letter from Mr. Dixon also contains a mistaken impression that John Iacoangeli and Beckett & Raeder, who prepared the staff report for this application, was hired by and working for Mr. Garvey. Mr. Iacoangeli is a planner hired by and working for the township to review Mr. Garvey's application as a township representative.

The earlier concerns about conflict of interest related to political campaign contributions made by Mr. Garvey to a number of Planning Commissioners and Board members, and related to Mr. Garvey providing legal representation to several Commissioners and Board members in personal lawsuits against Meijer, Inc.

Taking the campaign contribution issue first, state statutes require that funds donated to a political campaign must be used for the political campaign. Excess funds cannot be used for personal benefit; they must be given to a different campaign or to a select list of organizations. Since the funds cannot put to personal use legally, Jocks finds no reasonable conflict of interest derived from campaign contributions in general.

The township's Conflict of Interest Policy sets a limit on the value of gifts or donations a township official may accept. The limit is \$50, and **could be interpreted to include** campaign contributions. This creates a concern, because it would seem to impair the normal political process for citizens to fear giving a campaign donation because at some unforeseen future date they might want to bring legitimate business before the township for an approval. Likewise, it seems to unfairly handicap incumbent elected officials in accepting campaign contributions as compared to non office holder challengers. **Jocks concluded that campaign contributions did not qualify as a gift and that no conflict of interest would arise from them in this case.** Jocks recommends that the policy be amended, and noted that the state Attorney General's office has some templates that could be used to consider appropriate redrafting of the policy.

Turning to the question of legal representation by Mr. Garvey of certain township officials, Jocks reviewed case law for guidance. While there was no case law he could find that was specific to this issue, the case coming closest for him is whether the official is "enmeshed in other matters" involving an applicant. The next closest analogy he could find is in Michigan court rules. A judge hearing a case where a former law partner is a party to the case or representing a party to a case is barred from hearing the case for 2 years from the time they cease to be partners. In scenarios involving direct representation, he perceived a significant grey area. The standard for conflict of interest involves not only actual conflict, but perceived conflict. There are also questions about where to draw a line. Should a potential applicant avoid eating at a Board member's restaurant, or visiting their other type of business? In a small community, it would be difficult if not impossible to avoid any sort of contact between board members and citizens who may need to make application in the future. Jocks is recommending that the appropriate standard is that anyone with a perceived potential for bias so state, and the Board as a whole should discuss and vote on whether their participation in the vote is in the best interests of the township or not. Any vote by the board to allow participation must be unanimous.

Takayama had already declared a conflict of interest, so it was deemed not necessary for him to make further disclosure.

Hardin stated that he has accepted campaign contributions and was represented by Mr. Garvey in a lawsuit in the past but not at present.

Scott stated that he has accepted campaign contributions.

Kladder has accepted campaign contributions.

Zarafonitis has accepted campaign contributions and was represented by Mr. Garvey in a lawsuit in the past but not at present.

Wikle has accepted campaign contributions.

Jocks already recommended that campaign contributions should not be viewed as creating conflict of interest. Scott stated that all of the lawsuits and associated representation are over, and that he feels all members should be able to contribute to the discussion and decision.

**Motion by Scott, support by Wikle to determine that no board members have a conflict of interest because the lawsuits in which Mr. Garvey represented the affected members are over, and they should be allowed to participate fully in the process.**

Takayama stated that he recused himself because three years ago he accepted payment from Mr. Garvey for plowing his driveway. He asked if this is truly a current conflict of interest or not.

**Motion carried by a vote of 4 in favor (Dunville, Kladder, Scott, Wikle) 0 opposed, and 3 abstaining (Hardin, Takayama, Zarafonitis).**

Discussion returned to Takayama's situation. Scott again felt that the business relationship is far enough in the past so as to not represent a conflict. He last performed work for Mr. Garvey in 2008-09.

**Motion by Scott, support by Wikle to find that Takayama does not have a conflict of interest, as his business relationship with the applicant is sufficiently in the past. Motion carried by a vote of 6 in favor (Dunville, Hardin, Kladder, Scott, Wikle, Zarafonitis), 0 opposed, and 1 abstaining (Takayama).**

4. **Consider approval of SUP/Site Plan Application 2012-04P (Agritourism Special Events at 7490 Lautner Road): Vreeland summarized the application, and the recommendation made by the Planning Commission, reading the recommended conditions for approval. She** particularly drew attention to the difference between the request by Mr. Garvey for a permit for 12 commercial events per year, and the planner and Commission recommendation that the permit apply to and limit Mr. Garvey to a maximum of 12 events per year whether public or private. Takayama expressed significant concern about the township entering into the realm of regulating personal entertaining activities.

Mr. Garvey spoke in support of his application for holding up to 12 commercial special events per year on his Lautner Road property in a centennial barn he relocated to the site and restored. He stated that when he originally purchased the property he registered a farm name and thought about growing cherries. He found that the topography was such that the trees would have difficulty with the temperatures. He thought about growing grapes, but it was uncertain whether the site was suitable for this crop either. Currently a neighboring landowner, Alex Pineau, grows a lavender crop on the Garvey property.

Mr. Garvey set about looking for an historic barn to preserve and relocate to the property. Originally he wanted to move the Andres barn intact; however, temporary raising of electric transmission wires to do so was prohibitively expensive. He approached his neighbors, Kurt and Edith Ziebart, about buying their barn, but they didn't want to sell. He set about disassembling the Andres barn for relocation, and the old barn siding disintegrated. Ultimately much of the barn was reconstructed with new materials. Originally it was moved purely for agricultural use, and as such did not require any building code permits. Because of its beauty in its restored form, people unexpectedly began approaching him about using the barn for assembly events after he held a few personal parties there. Most were from brides

seeking a wedding location. He read a letter from one such bride aloud.

Mr. Garvey stated that he believes that the agritourism ordinance provisions adopted by the township are substantially similar to those adopted by many other communities, and indeed we consulted with many of them. He stated that his proposed use for barn weddings is entirely consistent with the letter and spirit of the zoning ordinance and the goals of the agricultural district. The revenues from the activity will enable longer-term preservation of the land in its current state. Several letters have been provided by community members in support of his application, and some of those people are not normally on the same side of an issue.

He has held 6 events at the barn in the past. 2 had a disc jockey and one had a live rock band. A local Native fiddler played at one event. So far he has not been aware of any complaints related to the events from neighbors. He noted the article in the *Sunday Record Eagle*, and observed that in the past there have been favorable articles about barns and agritourism in the paper, including his barn specifically.

Scott attended a wedding in a barn in a neighborhood in Empire. He enjoyed the event immensely. The only problem he perceived at the time was that being in a neighborhood the street was largely blocked by attendee parking. He asked about parking provisions on the Garvey property. Mr. Garvey owns 40 acres on the site that is well-drained. He would like to provide grassed parking on a well-drained area that won't get torn up. It has not been a problem for date, and events on the site have included up to 200 people.

Kladder noted that the proposed use is by special use permit, and that special land uses require clearly delineated parking areas. Mr. Garvey stated that he clearly defines allowable parking areas on the site.

Zarafonitis asked Mr. Garvey for his interpretation of a gathering that ought to be subject to the permit. Mr. Garvey has concerns about the idea that even small personal gatherings he is entitled to hold without permit currently could be limited. For instance, he is planning an event for a charity for which he serves as a board member that will have 50-75 guests. He feels this should be outside of the SUP.

Kladder noted that the allowable events per year could be spread out throughout the year, or they could be bunched up on consecutive days, or there could even be multiple events per day. Mr. Garvey does not have a preconceived notion about the event spacing, and allowed that he might even find that he doesn't want to rent the barn out for the maximum number of events.

Scott asked about the proposed provision that tents, chairs, tables and portable toilets must be rented from third party providers. What if Mr. Garvey decides it would be advantageous for him to purchase his own equipment and make it part of the rental package? Would this provision prevent him from doing so? Mr. Garvey expressed concerns about the term "in the community," noting that few people provide these services from a base in Acme. Scott also observed that some rental companies don't pick up their equipment on Sundays, and suggested that pick-up be required by the next business day. Zarafonitis noted that light could be provided outside using power already available to the site. Takayama asked how concerns about dust on the dirt road and driveway would be controlled. Mr. Garvey stated that he has a water tank he could use to wet the driveway. He said that he would want to try to limit a neighbor from pursuing an activity like this as well. Alternatively, he could divide his land into 8-10 home sites. He is seeking to use his property commercially for a total of approximately 72 hours per year, and he estimates associated traffic of approximately 900 cars per season as opposed to thousands of trips related to home sites. People who live on dirt roads or with dirt drives realize that there are dry days when life gets dusty.

Kladder opened the floor to public comment. Speakers will be limited to 3 minutes each, except for those who have indicated they are representing a group.

Mr. Thomas Dixon spoke on behalf of his in-laws, Roger and Dorothy Mercer. He expressed amazement about Board discussion in comparison to the township's statutes. Mr. Dixon stated that the issue is not Mr. Garvey as a person, or how much bridges like the site, or how many car trips there would be. In the township's Zoning Ordinance, Article IX, Special Use Permits, there is a statement that all special uses must comply with the conditions in the article. It states that the township shall not approve a permit unless all of a list of conditions are met. This language means that the issue is not the impact of a commercial use on a private use, and whether the benefit to the community outweighs any negative impacts on the private use. He asserted that the ordinance does not allow the special use permit to be issued if there is any negative impact on the immediate neighbors. Mr. Dixon stated that there will be a negative impact on his clients, that their lifestyle, health, welfare and economic circumstances will be negatively affected.

Mr. Dixon attached Mr. Iacoangeli's report as Exhibit B to his letter received by the township today. He is concerned by the lack of analysis of how the application fits the applicable standards in the report, by the lack of an indication that Mr. Iacoangeli contacted the adjacent landowners to determine the potential impact on them. Mr. Dixon stated that he feels a need to address the protection of personal property rights. He was unconvinced that anyone could demonstrate how the application meets the standards of the ordinance.

Mr. Dixon is concerned about the potential for thousands of cars using a 33' wide dirt road for commercial access to Mr. Garvey's property. The Mercer's family residence is immediately adjacent. There is significant wildlife activity on their property, which seems incompatible with the proposed public assembly use. Mr. Dixon asserts that there has been no appropriate analysis of the impact of the increased flow of people to the site on the abundant natural resources present.

Mr. Dixon remains concerned about potential conflict of interest. At the Planning Commission meeting, Jocks stressed the comparison of the township process to the judicial process, which Mr. Dixon finds appropriate to the circumstances. Relationship between a client and attorney is fundamentally different than a merchant/customer relationship. The attorney/client relationship has ethical and fiduciary standards. An attorney must represent their client's best interests and desires at all times, or else remove themselves from the client's employ if they cannot. What a client says to an attorney may never be revealed. It is the one of the closest relationships two people can have. He agrees with Mr. Jocks' interpretation that a 2-year window of separation in relationship is appropriate. However, he believes that it is important to consider when the relationship began as compared to when the application began. He asserted that the groundwork for the application began approximately 2 years ago, close to or within the time when various township officials has an attorney/client relationship with Mr. Garvey, and that this creates a conflicted relationship relative to the timeline of this matter that should require the individuals who used him as an attorney to recuse themselves.

Mr. Dixon stated that an analysis of whose interests are more at stake would be inappropriate. In keeping with the township ordinance, he asserted that the only standard to be considered is whether there will be a negative impact on his client's personal property rights. He asserted that they have raised concerns over negative impacts at each meeting over the past 2-3 months. They have been told by a real estate professional that their property value will assuredly decline as a result of approval of the land use, and Mr. Dixon asserted that this alone should be sufficient to cause the application to be denied.



Paul Brink, 9617 Winter Road, had intended to speak of the application's benefits to the agricultural community. He supports the adoption of the ordinance amendment that provides for agritourism land uses that add to the quality of life and can help the farming community by providing additional sources of revenue in difficult growing years. He encouraged granting the SUP request.

Nancy Street, 4788 Brackett Road, is a neighbor to Mr. Garvey. She did not appreciate what she felt was a disrespectful exchange between a board member and Mr. Dixon, who is representing a member of the community who deserves as much respect as the applicant. She asked if Mr. Garvey's events would be permitted to have alcohol being served. She noted that Mr. Garvey has in the past indicated a belief that allowing a Meijer store into the community would require an increased policing presence. If alcohol is served at events on this property, minors could be served, people could become unruly and offensive to neighbors. Ms. Street is concerned by a perception that the Board is behaving with bias towards Mr. Garvey as opposed to other individuals, and that she as a citizen is not being equally represented and considered.

Christine Varner, 7189 Bennett Road, is one of Mr. Garvey's neighbors. He said he has held 6 parties at his property so far. She attended one, but never heard or was disturbed by any of the other events. She submitted a letter of support for the application today. She feels the requested land use is a prime example of agritourism, and that Mr. Garvey has done a good job of following the required process to receive consideration and approval under the ordinance.

Gail Trill, 7174 Deepwater Point Road, is looking at the list of allowable land uses by special use permits in the agricultural district. The list includes the type of events proposed by Mr. Garvey. She believes this is sensible agribusiness and that Mr. Garvey has followed the appropriate procedure. She feels this is a needed activity in the community and supports approval.

Doug White, 7626 Sayler Road, is a full-time farmer. When he buys property that he can't use for crops as desired, as Mr. Garvey indicated he experienced, he considers it an education. The barn is beautiful, but he has a problem calling weddings or similar events agritourism. He believes that to be agritourism, active agriculture must be an integral part of the activity. Private parties are something anyone can do on their property. His barn is only a few hundred feet from his home. One of the letters Mr. Garvey provided from one of his brides said that she treasured using his barn because her family's working barn couldn't be made suitable for a wedding. Mr. White asserted that a working barn can be cleaned up sufficiently for a wedding; it's just hard work. Mr. Garvey's barn is beautiful, but he does not believe based on his experience in the industry as a farmer or his discussion with other farmers in the community that it represents agritourism. Kladder noted that Mr. White is on the Planning Commission, and asked him why these types of land uses were inserted into the agritourism ordinance as allowable. Mr. White stated that he was not in favor of their inclusion.

Mr. LaPointe said his concern is for the legal implications arising from Mr. Dixon's interpretation of the law. He hopes that Jocks will be asked if there is a reasonable legal case to be made by those opposed to the land use. It is easy to bring a lawsuit against the township, and it would be unfortunate for a lawsuit to be brought over this decision. This should be considered very carefully.

The Board asked Jocks for his professional opinion regarding the key legal points made by Mr. Dixon. Zarafonitis expressed concerns that based on Mr. Dixon's interpretation of the "no negative impacts" standard, there is no application for special use permit that could ever be approved.

Beginning with the “fruit of the poisonous tree” argument (a criminal law concept he has not before seen applied to a zoning matter<sup>0</sup> that the timing of the start of Mr. Garvey’s efforts to obtain a zoning ordinance amendment and special use permit approval relative to his legal representation of various individuals, he has several thoughts. He never indicated that any relationship between applicant and official before two-years back is fine and any relationship since then is problematic. His report on rules relating to Michigan judges was intended as an analogy only. It is a court rule for Michigan judges and not a law applicable to township boards or any other municipal administrative body. Jocks recalled that before applying for the land use, Mr. Garvey first proposed a zoning ordinance amendment. This issue was deliberated over many months, expanding and contracting through much discussion about many issues. Discussion included, but was far from limited to, barn weddings. Potential conflict of interest issues were discussed when the Board considered approval of the ordinance amendment. This ordinance amendment was not applicable purely to Mr. Garvey; it is applicable to the whole community. Since it was not specific to him, he does not find it to be a reasonable starting point for determining if a conflict of interest existed. He would find the initial date of application for the special use permit pursuant to the ordinance amendment enacted as the important date from which to determine whether a conflict of interest existed. Jocks believes the legal advice he has given is very defensible and supportable.

Mr. Dixon focused heavily on standard #2 for approval of special use permit applications from Section 9.1.3 of the township zoning ordinance. This section states that a special use permit application shall not be approved unless it is found to “be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners, immediately adjacent to the proposed land use or activity, and the community as a whole.” Jocks noted that the ordinance does not say that no negative impact may occur. It requires that the standards for approval be “designed to protect” adjacent landowners. Any land use will create some impact on adjacent landowners, in any circumstance. Jocks stated he has been involved in the full spectrum of zoning, from crafting ordinances to litigation. This is very standard language, and he has yet to experience a situation where a judge ruled that there should be no negative impact on an adjacent landowner. It’s simply impossible to do.

Zarafonitis has noted information that Mr. Garvey has spoken in the past about his desire to retain the serenity of his property. However, unforeseen opportunities come along every day.

Kladder asked at what point a negative impact becomes too great for a land use approval to be appropriate. Jocks stated that this is a matter for the Board to determine rather than being a defined legal point. This is why the Board has the discretion to approve, deny or approve with conditions any application. Kladder followed up by asking when the property rights of one person outweigh the property rights of another. Jocks felt that this is difficult to answer without a specific example.

Hardin agreed that the Commission discussed the ordinance amendment for a protracted period of time, and it was ultimately adopted unanimously. There was a lot of debate about every concept. Last Monday’s Commission meeting regarding this application contained a certain level of confusion, and looking at the motion on paper now, he suspects that several, himself included, did not understand that they were voting to limit public and private events combined. As a resident, he has a neighbor with a pool, and teenagers and parties every weekend. He also still has wildlife in his back yard. He, and he believes most of the Planning Commission, felt that the application met the general standards for approval. He would adjust some of the recommended conditions on the approval. Dunville concurred with this last statement. Takayama is confused about why this type of use needs SUP approval. Vreeland indicated that while a use by right is one that is viewed as entirely compatible with the zoning of the land in question and with the community, a special land use is a category for land uses

that are likely to have a potential significant impact on public health, safety, or welfare. Because of their potential community impacts, they are deemed to warrant special review and conditions on how they are designed and conducted to protect those interests.

Scott asked if any of the prior events at the Garvey property generated complaints to township staff; they did not.

Wikle apologized to Mr. Dixon for her earlier interaction with him. She sees from the written record that the Planning Commission has considered the application thoroughly. There are elements of the proposal that she does not personally care for, but overall she supports it. She noted that people who purchase land in the agricultural district have to expect that it is an environment with noises and smells, potentially at any hour. This type of land use is, in her opinion, consistent with the township's agricultural plan.

Mr. Garvey felt that earlier discussion inappropriately tried to turn the issues away from health, safety and welfare, and towards nuisance. He recalled that during discussions about an updated to the permit for the horse sports park recently, Mr. White asked for some consideration about the volume of the loudspeakers for the events. These are the types of noises that happen in agricultural environments rather than in residential neighborhoods. He understands the Mercer's desire to maintain the status quo, but does not believe they have the right to expect that nothing will ever happen or change on neighboring property. There have been no past complaints about the parties, and he is committed to ensuring that there will be none in the future. He plans to have the Resort cater/plan 6 events/year and Dan Kelly the other 6. He has worked with them and feels they uphold a high standard. His farm will continue to reflect his high standards and commitment.

Mr. Dixon said that earlier he found Jocks' analogy to judges appropriate to this deliberative decision. He still believes that when Mr. Garvey started the process of ordinance amendment, this is the appropriate starting point for evaluating potential conflict of interest. Mr. Dixon stated that agricultural operations are a matter of use by right. Special events are in the ordinance as a special use. Both landowners have equal rights and expectations regarding noises and other impacts from agricultural operations. The noises from parties by special use permit that would disturb the sleep of his nearly 80-year old clients are, in his opinion, a different matter. This is a special use, not a common use by right in the area where they purchased their retirement home. Mr. Dixon asserted that the discretionary rights of the special use must be subservient to the fundamental rights of the adjacent by-right land use. This is his answer to the question of whose property rights are superior. He disagrees with Mr. Jocks' assertion that this decision is a balancing act and that that every property use has an impact on neighboring property uses.

Takayama asked if Mr. Dixon and the Mercers have evaluated the relative impacts between the proposed land use and other profitable land uses such as subdividing the property. Mr. Dixon said they have not. Takayama agrees with Jocks that nothing can be built that does not impact something else. When the Mercers built their home on their beautiful wooded hill, he can't imagine how many trees had to be felled to make room for the house and the well and the septic and the driveway. Their home must have impacted the adjacent Hanna farm and homestead. Takayama observes how his life on his property negatively impacts the natural environment on his own property. He is more likely to approve a special use permit that allows most of the land to remain open and pristine than to deny the request and make a less desirable land use more likely. Mr. Dixon stated that he does not believe every land use has a negative impact on the adjacent land owners. He does not believe that farming on the Garvey property would negatively impact his clients. He agrees that there is usually some sort of impact, but not necessarily negative in nature.

Mrs. Mercer stated that she owns the property adjacent to one whole side of the Garvey

parcel, and Mrs. Ziebart owns another whole side. Both oppose the commercial use of the property. Mr. Garvey's driveway is only 200' from the Mercer home, and immediately adjacent to their lawn. She foresees as significant impact from traffic on the driveway for the events.

Mr. Mercer feels that the suitability of the driveway easement, which is only 33' wide, to the proposed commercial traffic level is questionable. There will be dust, noise, disturbance of wildlife, and disturbance of their currently enjoyment of their property from the front porch.

Mr. Garvey stated that neighbors to the east and north have supported the proposed land use. The Ziebart's have never lived on the property adjacent to his, and he has never seen Mrs. Ziebart visit the property.

Scott has heard frequent mention of the impact of late night activity on elderly neighbors. He feels that a requirement that music end by 10:30 and the party to end by 11:30 is a reasonable accommodation to these concerns, and a reasonable time for a party to end. Scott asked about any time standards in the township's Noise Ordinance. There are no times specified; noise must be kept to reasonable levels at all hours.

Mr. Dixon reiterated his assertion that Mr. Iacoangeli's analysis of the application was insufficient in analyzing potential impacts on adjacent property owners and on the natural environment, and recommended that the application be tabled pending appropriate completion of the analysis. This would include interviewing the Mercers.

Kladder asked about the impact on Mr. Garvey of delaying a decision on the application. Vreeland stated it would prevent him from hosting a commercial event until a decision is rendered. Mr. Garvey has a private event scheduled for September 8, but this event is not currently regulated.

Messages in support of the application were received today from Lyn and Pat Salathiel of 4882 Five Mile Road, Charlene Abernethy of 4312 Westridge Dr., Christine Varner and Peter Romeo, Kathleen Guy of 7894 Peaceful Valley Rd, and Kara Southwell of 5056 Brackett Rd.

A letter in opposition to the application was received from Thomas Dixon.

**The Chair declared a recess from 11:19 p.m. – 11:27 p.m.**

Dunville recommended tabling the application to a subsequent meeting and directing that a more thorough analysis of the application compared to the special use permit standards be prepared and reviewed. Takayama concurred that all due diligence should be performed before a decision is made given the level of the Mercers' concerns. Zarafonitis feels the Board is ready to make a decision, and supports approval with some modification of the conditions. Hardin concurred, both wanting to make the SUP applicable to commercial events only, with private events remaining unregulated. Hardin, Zarafonitis and Takayama recommended removing the requirement that tents, chairs and tables be provided by third parties, while Vreeland noted that the barn does not have restroom facilities and it is unlikely portable facilities would be provided by other than a third party. There was a general feeling that any imported items should be removed by the next business day rather than the next calendar day.

There was consensus to change the wording of condition one to reflect permission for not more than 12 events for which applicant receives any form of compensation per calendar year. Conditions 2 and 3 were deemed sufficient. There was consensus to eliminate condition 4, and amend condition 5 to specify the following business day for removal and a condition

that waste from portable toilets be taken to the septage treatment facility. Jocks noted that a separate ordinance already requires this, and to insert this requirement would place a burden on Mr. Garvey to ensure that the septage is hauled to the plant or be in violation of his permit. Rather than imposing the condition, the Board approved requiring that a portable toilet provider be licensed to operate in GT County. Condition 6 was left unchanged. Condition 7 was modified to require that the Zoning Administrator confirm receipt of the notification back to Mr. Garvey. Condition 8 was left as recommended, after discussion confirming that general special use standards require compliance with all applicable agencies and standards.

Scott proposed a requirement that the adjacent landowners be notified in advance of each event. Vreeland asked the board consider carefully the question of whether or not to require this of the township staff, as it could set a precedent for similar future situations. It could have a significant impact on workload, and would create a significant opportunity that there would be an unintentional failure to perform.

**Motion by Scott, support by Zarafonitis to approve SUP Application #2012-04P subject to the following conditions:**

1. Applicant may hold not more than 12 events for which applicant receives any form of compensation per calendar year.
2. Any function will cease operation by 11:30 p.m. If music is involved during the event it shall be conducted only inside the barn and will cease by 10:30 p.m.
3. Food preparation will be done off-site.
4. Tents, chairs, tables, and portable toilets shall be removed no later than the following business day.
5. The use of onsite generators for light towers and portable lighting equipment is prohibited.
6. The Township Zoning Administrator shall be notified at least two weeks in advance when an event will take place. The Township Zoning Administrator shall confirm receipt of the notification back to Mr. Robert Garvey.
7. Code related issues addressed by the Grand Traverse County Construction Code Department and MESA shall be satisfied prior to holding any event under this permit.

**Motion carried unanimously.**

5. **Budget Amendment – Phragmites Treatment:** The cost to the township for chemical treatment this year will be \$1,000, as there is less grant funding than has been available in previous years. Treatment is expected to occur between September 12 – October 19. Additional items later in the agenda were added to the proposed budget amendment document, which will be voted.
6. **Bayside Park E-Coli Level Investigation:** Vreeland summarized the multi-phased proposal from The Watershed Center for additional investigations into why we had some E-Coli levels of concern at Bayside Park during our first testing season in 2012. Part, all or none of the proposal can be accepted. Costs would be paid for out of the General Fund.

**Motion by Wikle support by Zarafonitis approve all elements of The Watershed Center proposal for E.Coli investigation up to a cost of \$6,500, to be funded from the General**

**Fund. If the source of the contamination is determined to result from the sewer system, funding would come from the Sewer Fund. Motion carried by unanimous roll call vote.**

7. **Resolution accepting the terms of MNR Trust Fund Grant TF11-082, Shoreline Acquisition Phase III (Beach Club Motel):** The state has provided the formal grant agreement for Phase II of the Shoreline Project for approval. At this time, Phase III only includes the Beach Club Motel. Originally it was to have included the East Bay Animal Hospital; however, Dr. Reabe is not willing to sell at this time and the township only works with willing sellers. There had been requests to add the former Coldwell Banker real estate building next to the Shell gas station and a 15' wide strip of beach access belonging to the Shoreline Motel to the Phase III grant, but the MNR Trust Fund has denied both requests. The only thing notably different between the Phase I-II and Phase III agreements is a new requirement that a ribbon-cutting ceremony be held after property acquisition, and that the Trust Fund be notified of the ceremony details a minimum of 30 days in advance.

**Motion by Zarafonitis, support by Wikle to adopt Resolution R-2012-19 accepting the terms of MNR Trust Fund Grant TF11-082 as presented. Motion carried by unanimous roll call vote.**

8. **Appointment to Parks & Recreation Advisory:** Supervisor Kladder is recommending the appointment of Deepwater Point Road resident Nancy Kaetchen to the Parks & Rec Advisory for a 3-year term.

**Motion by Scott, support by Takayama to appoint Nancy Kaetchen to the Parks & Recreation Advisory. Motion carried unanimously.**

9. **Public Meeting Broadcasting:** Kladder summarized his memo to the Board. To broadcast township meetings through, and become a member of LIAA/UpNorth TV would require a contribution of 30% of our cable franchise fee revenues. In our case this is currently approximately \$21,000/year out of a revenue budget of approximately \$750,000. In exchange township citizens can learn to broadcast through them and rent equipment. Costs for videographers are additional at about \$20.00/hour. Kladder suspects that there are more cost-effective ways to achieve video recording of township meetings that would be similarly effective. LIAA does have some simple video indexing software that allows people to skip to the portion of a meeting that interests them, which is a nice feature. Consensus reached to not to pursue broadcasting through LIAA at this time.

10. **Purchase of Parks & Recreation Plow Truck:** This expense was identified in this year's fund allocation resolution as a potential future expenditure from the General Fund balance forward, at a cost of approximately \$30,000. Henkel requested bids from four local dealerships and received responses from two. He is recommending acceptance of the Voice Chevrolet bid. The budget would be amended to reflect a \$30,000 expense from the parks line item in the Capital Improvements cost center of the General Fund.

**Motion by Dunville, support by Wikle that Acme Township purchase a ¾ ton truck from Voice Chevrolet with a Boss plow for an amount not to exceed \$30,000. Motion carried by unanimous roll call vote.**

The old truck will be sold. The last used truck was sold for \$6,800.

11. **Fire Hall Roof Repair:** Kladder summarized the memo. The oldest section of the roof at the township hall/MESA Station 8 building is cracked and leaking, and there is suspected water damage. The township's lease agreement with MESA specifies that the township is responsible for repairs to common areas in and elements of the building, but that 70% of the cost will be paid by MESA. The township will invoice them for their share of the cost, If

MESA should relocate the station from the building in less than 20 years after a repair costing more than \$10,000 is made, the township will reimburse MESA for 1/20<sup>th</sup> of the repair cost for each year short of a 20-year amortization period. Henkel and Kladder recommend approving the bid from Bloxom Roofing. The roof repair will involve two amendments to the General Fund; an expenditure increase of \$12,000 in the Townhall cost center, repairs and maintenance line item; and a revenue of \$8,400 to the reimbursements line item for the share to be covered by MESA.

**Motion by Scott, support by Dunville to authorize the township to accept the bid from Bloxom with alternate to repairing the Acme fire hall roof for an amount not to exceed \$12,000, with the understanding that MESA will reimburse the township as per the lease agreement. Motion carried by unanimous roll call vote.**

**Motion by Zarafonitis, support by Takayama to approve budget amendment resolution R-2012-20 as presented. Motion carried by unanimous roll call vote.**

**L. OLD BUSINESS:**

**1. Hoxsie House**

- a. **Agreement with Acme Heritage Society:** This proposed agreement has been extensively reviewed by the township, the president of the Heritage Society, and legal counsel for both parties. The attached schedules have been completed and clarified, and should be double-checked for consistency with the Board's prior direction. It was identified that item 10 should be stricken from Schedule 12.1 to be consistent with recommended insurance coverages.

**Motion by Takayama, support by Zarafonitis to approve the Hoxsie House Purchase Agreement as amended to strike item 10 from Schedule 12.1.**

Kladder asked what will happen if the Heritage Society walks away from the house. It will still belong to the township, which will have to pay for its removal.

**Motion carried by unanimous roll call vote.**

- b. **Proposed September 9 Open House:** Pursuant to the purchase agreement just approved, the Heritage Society would like to hold one of the two fundraiser events using the inside of the house it is permitted to hold per year on September 9,

**Motion by Scott, support by Takayama to approve the proposed Acme Heritage Society September 9 open house at the Hoxsie Home approve subject to compliance with all conditions set forth in their letter dated August 31, 2012.. Motion carried unanimously.**

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

Gail Trill stated that the MNRTF Grant program is under attack from a legislator from Escanaba. It could cease grant funding to areas north of Clare. She suggested speaking with our local representatives as soon as possible.

**Meeting adjourned at 12:39 a.m. on Wednesday, September 5, 2012.**

**TOWNSHIP OF ACME  
SPECIAL PLANNING COMMISSION MEETING  
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the ACME TOWNSHIP PLANNING COMMISSION will hold a public hearing on Monday, June 9<sup>th</sup> 2014, at 7:00 p.m. in the Acme Township Hall, 6042 Acme Road, Williamsburg, Michigan 49690, to consider the following application:

An application from Karin Flint 2419 Windsor Way Ct. Wellington, Fl 33414 for a Special Use Permit under Article VI Section 6.11.3 x. Uses Permitted by Special use Permit, 2.)Organized meeting space for use by Weddings, birthday parties, corporate picnics, and other similar events. Request is specifically for Weddings. Located at 6535 Bates Road, Williamsburg, MI 49690, currently zoned A-1 Agriculture, more fully described as follows:

S1/2 of NW 1/4 EXC SCHOOL LOT IN SE COR 208.7' SQ. SEC 31 T28N R9W;

Parcel Number: 28-01-014-008-01

All interested persons are invited to attend and be heard at the public hearing before the Planning Commission. After the public hearing the Planning Commission may or may not deliberate and make its recommendation based on the Acme Township Zoning Ordinance to the Township Board, which will subsequently take appropriate action on the application.

The application may be inspected at the Acme Township Hall between 8:00 a.m. and 5:00 p.m. Monday through Friday, and written comments may be directed to:

Nikki Lennox; Zoning Administrator  
Acme Township  
6042 Acme Road  
Williamsburg, MI 49690  
[nlennox@acmetownship.org](mailto:nlennox@acmetownship.org)  
(231) 938-1350

Sent to Record Eagle for publication on Friday May 23, 2014 nl



2801-014-007-07  
FLINT KARIN W TRUSTEE  
FLINT KARIN W TRUST  
2419 WINDSOR WAY CT  
WEST PALM BEACH FL 33414

2801-014-007-04  
DIXON JAMES  
5145 ARROWHEAD CT  
WILLIAMSBURG MI 49690

2801-014-028-00  
MARIGOLD INC  
ROBERT SHAW  
5019 JUSTIN LN  
BOZEMAN MT 59715-9332

2801-014-014-00  
DONN TED & VALERIE  
6493 BATES RD  
WILLIAMSBURG MI 49690

2801-014-008-01  
BATES HORSE PARK LLC  
2419 WINDSOR WAY CT  
WELLINGTON FL 33414

2801-236-001-00  
WISTRAND WALTER H TRUST  
P O BOX 5732  
TRAVERSE CITY MI 49696

2801-014-016-00  
GTB OF OTTAWA & CHIPPEWA INDIANS  
2605 N BAYSHORE DR  
SUTTONS BAY MI 49682

2801-014-007-06  
EVINA ROBERT M  
6075 ARABIAN LN  
WILLIAMSBURG MI 49690

2801-014-002-10  
WALTER CAROL A TRUST  
6584 BATES RD  
WILLIAMSBURG MI 49690

2801-014-011-00  
HORSE SPORTS PROPERTIES LLC  
801 S GARFIELD AVE #317  
TRAVERSE CITY MI 49686

2801-014-010-00  
BATES MISSIONARY CHURCH  
6517 BATES RD  
WILLIAMSBURG MI 49690

2801-014-005-20  
HERMAN RAYMOND D & CAROLENE L TRUST  
4820 FIVE MILE RD  
WILLIAMSBURG MI 49690

2801-014-007-10  
TURNER DALLAS E & LYNN M  
6036 BRACKETT RD  
WILLIAMSBURG MI 49690

## **6.12    A-1: AGRICULTURAL DISTRICT:**

**6.12.1 INTENT AND PURPOSE:** This District is intended to preserve, enhance, and stabilize areas within the Township which are presently used predominantly for farming purposes or areas which, because of their soil, drainage, or natural flora characteristics, should be preserved for low intensity land uses. It is the further purpose of this District to promote the protection of the existing natural environment, preserve the essential characteristics and economical value of these areas as agricultural lands, provide increased market opportunities for local and regional producers by clustering supporting operations such as processing, packaging, distributing, buying, and, research and development that complement and add value to the agricultural sector, and provide opportunities for agricultural-related entrepreneurial ventures. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act. It is explicitly the purpose of this zone to preserve a suitable long term working environment for farming operations while minimizing conflicts between land uses. It is the further purpose of this District to promote the protection of the existing natural environment, and to preserve the essential characteristics and economical value of these areas as agricultural lands.

### **6.12.2 USES PERMITTED BY RIGHT:**

- a. Agricultural and Farm Related Operations listed below:
  1. Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries, and similar agricultural enterprises.
    - a. Raising and keeping poultry and rabbits.
    - b. Raising and keeping of livestock, such as cattle, hogs, horses, ponies, sheep, goats, and similar livestock upon a lot having an area not less than five acres.
  2. Farmer's Roadside Stands selling products grown by the owner of the property on which the stand is located, PROVIDED that contiguous space for the parking of customers' vehicles is furnished off the public right-of-way at a ratio of one parking space for each fifteen square feet of roadside stand floor area.
  3. Agricultural Tourism: Subject to the following parking requirements; parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
    - a. Seasonal U-Pick fruits and vegetables operations
    - b. Seasonal outdoors mazes of agricultural origin such as straw bales or corn
    - c. Agricultural Festivals
    - d. Agricultural or agriculturally-related uses permitted by right in the A-1 zoning district may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm or agricultural operation is maintained.

1. Value—added agricultural products of activities such as education tours or processing facilities, etc.
  2. Bakeries selling baked goods containing produce grown primarily on site.
  3. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
  4. Petting farms, animal display, and pony rides.
  5. Wagon, sleigh, and hayrides.
  6. Nature trails.
  7. Open air or covered picnic area with restrooms.
  8. Educational classes, lectures, seminars.
  9. Historical agricultural exhibits.
  10. Kitchen facilities, processing/cooking items for sale on or off premises. ’
  11. Gift shops for the sale of agricultural products and agriculturally related products.
  12. Gift shops for the sales of non-agriculturally related products such as antiques or crafts-.
4. Agricultural processing. Activities which involve a variety of operations after harvest of crops to prepare them for market, or further processing and packaging at a distance from the agricultural area. Included activities are cleaning, milling, pulping, drying, roasting, hulling, storing, packaging, selling, and other similar activities. Also included are the facilities or buildings related to such activities.
5. Aquaculture. The cultivation of aquatic animals, in a re-circulating environment to produce whole fish that are distributed to retailers, restaurants, and consumers.
6. Aquaponics. The combination of aquaculture and hydroponics to grow crops and a fish together in a re-circulating system without any discharge or exchange of water.
7. Community kitchen. A facility licensed as a food manufacturer that may be used by licensed businesses for commercial purpose. A community kitchen may also be an unlicensed kitchen that is used by community members for cooking non-commercial or exempt foods or for cooking classes and/or other related activities.
8. Food research and development facility. Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of food products.
9. Food storage, bulk. The holding or stockpiling on land of food ° products where such storage constitutes no more than 40 percent of the developed site area and storage area is at least one acre, and where at least three of the following criteria are met by the storage activity: (1) in a bulk form or in bulk containers; (2) under protective cover to the essential exclusion of others of the same

space due to special fixtures or exposed to the elements; (3) in sufficient numbers, quantities, or spatial allocation of the site to determine and rank such uses as the principal use of the site; (4) the major function is the collection and/or distribution of the material and/or products rather than processing; and (5) the presence of fixed bulk containers or visible stockpiles for a substantial period of a year.

10. Production Facilities for Value Added Farm Products. Any product processed by a producer from a farm product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.

11. Warehouse. Facilities. Warehousing associated with the production and/or processing of agricultural products, but not involved in manufacturing or production.

12. Small Wine Maker as defined and regulated by the Michigan Liquor Control Commission (MLCC) on a parcel at least 10 acres in size with 3 acres planted in wine fruits where 5% of the fruits used in their production are grown in Acme Township and 75% of the fruits used in the production are grown in the State of Michigan. A Small Distiller as defined and regulated by the Michigan Liquor Control Commission (MLCC) can concurrently occupy the same parcel as long as the property owner has a Small Wine Maker license. There is a onetime waiver of the local production requirement for the first three years of operation commencing on the date that the license was issued by MLCC.

13. Small Distiller as defined and regulated by the Michigan Liquor Control Commission (MLCC) on a parcel at least 10 acres in size with 5 acres planted in farm products used in the distillery process and where 5% of the farm. products used in their production are grown in Acme Township and 75% of the farm products used in the production are grown in the State of Michigan. There is a . one time waiver of the local production requirement for the first ~ three years of operation commencing on the date that the license was issued by MLCC.

14. Microbrewery as defined and regulated by the Michigan Liquor Control Commission (MLCC) on a parcel at least 10 acres in size with 5 acres planted in farm products used in the brewing process and where 5% of the farm products used in their production are grown in Acme Township and 75% of the farm products used in the production are grown in the State of Michigan. There is a one time waiver of the local production requirement for the first three years of operation commencing on the date that the license was issued by MLCC.

15. Tasting Room subject to the requirements of the Michigan

Liquor Control Commission.

b. Non-Agricultural Uses listed below:

1. Single-family detached dwellings
2. Open Space Preservation Developments containing only Single-Family Detached Dwellings: Subject to the provisions of Article XI.
3. State licensed residential facilities
4. Family child care homes
5. Cemeteries: public or private.
6. Tenant house as part of farm property for full-time farm employees associated with the principal use and subject to the same height and setback requirements as the principal dwelling.
7. Public areas and public parks such as recreation areas, forest preserves, game refuges, and similar public uses of low—intensity character.
8. Public and private conservation areas and structures for the conservation of water, soils, open space, forest and wildlife resources.
9. Accessory uses: Customary accessory uses and buildings incidental to the permitted principal use of the premises.
10. Home Occupations in accord with the requirements of Section 7.7.
11. Manufactured homes, subject to the following requirements:
  - a. Each home shall bear a label required by Section 3282.362(c)(2) of the Federal Mobile Home Procedural and Enforcement Regulations.
  - b. Each home shall be installed pursuant to the manufacturers setup instructions and shall be secured to the premises by an anchoring system or device complying with any applicable C requirements of the Michigan Mobile Home Commission.
  - c. Within ten days following installation, all towing mechanisms shall be removed from each home. No home shall have any exposed undercarriage or chassis.
  - d. Each home shall have a permanent perimeter wall of conventional building materials which shall prevent the entrance of rodents, control heat loss and contribute to aesthetic compatibility with surrounding structures.
  - e. Each home shall have a full concrete slab within the perimeter wall. This space may be used as a crawl space for storage purposes.
  - f. All construction and all plumbing, electrical apparatus and

insulation within and connected to each home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR Section 3280, as from time to time amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

g. Exterior Finish; Light Reflection: Any materials that are generally acceptable for housing built on the site may be used for exterior finish if applied in such a manner as to be similar in appearance, PROVIDED, however, that reflection from such exterior shall not be greater than from siding coated with clean, white, gloss, exterior enamel.

h. Each home shall be aesthetically compatible in design and appearance with other residences in the adjacent area, particularly with regard to foundation treatment, siding and roofing material and perimeter wall. Compatible materials such as siding, screen wall, etc. may be added to assure aesthetic compatibility with other structures.

i. The compatibility of design and appearance shall be determined by the Acme Township Zoning Administrator. The Acme Township Zoning Administrator shall base his or her decision on the character, design and appearance of residential dwellings in adjacent areas of the Township.

j. To the extent that any of these provisions conflicts with any provision of the Mobile Home Commission Act or its administrative rules as applied to a mobile home in a residential neighborhood, the Mobile Home Commission Act provision will control.

12. Public Uses: Essential: Buildings associated with Essential Public Services require Special Use Permit approval, pursuant to Section 9.1. [ADDED BY AMENDMENT 017, ADOPTED 07/03/12 EFFECTIVE 07/18/12.]

**6.12.3 USES PERMITTED BY SPECIAL USE PERMIT:** The following uses of land and structures may be permitted in by the application for and issuance of a special use permit, subject to Section 9.1.

a. Campgrounds: Subject also to the requirements of Section 9.4

b. Institutional Uses: Subject also to the requirements of Section 9.5

c. Greenhouses and nurseries selling at retail on the premises

d. Riding Stables and livestock auction yards

e. Raising of fur bearing animals for profit

f. Game or hunting preserves operated for profit

g. Veterinary hospitals, clinics and kennels.

h. Sawmills

i. Public Uses: Critical, Supporting: CHANGED BY AMENDMENT 017,  
ADOPTED 07/03/12 EFFECTIVE 07/ 18/12.

j. Airports and Airfields

k. Planned Agricultural Units: Subject also to the requirements of Section 9.8.

l. Special Open Space Uses: Subject also to the requirements of Section 9.16.

m. Sand or Gravel Pits, Quarries: Subject also to the requirements of Section 9.17.

n. Farmer's Roadside Market: Subject also to the requirements of Section 9.18.

o. Sewage Treatment and Disposal Installations: Subject also to the requirements of Section 9.15.

p. Historic Parks: Subject also to the requirements of Section 9.23.

q. Bed and Breakfast Establishments: Subject also to the requirements of Section 9.24.

r. Livestock processing which is regulated by state and federal agencies.

s. Conversion of a Single-Family Dwelling to a Duplex: Conversion of existing single-family dwellings where such existing single-family dwelling is of sufficient size to meet minimum floor area requirements of a duplex, and such an expanded capacity is a clear necessity for satisfaction of this particular housing demand, and adequate off-street parking space can be provided.

t. Single Family Dwelling on Less than Five Acres: A lot with a minimum size of one acre containing a single family dwelling may be created subject to the following requirements:

1. The single family dwelling existed prior to the enactment of this Ordinance;
2. The single family dwelling was part of an agricultural use and subsequently, through consolidation of farms or other actions, became no longer necessary as a farm-related residence;
3. The lands that would otherwise be required to be part of the lot for the single family dwelling would be lost from production should the smaller minimum lot size not be allowed; and
4. Continue to be actively farmed along with the balance of the farm.

u. Conservation Development: Subject also to the requirements of Section 9.3.

v. Structural Appurtenances: As accessory uses, the following kinds of structural appurtenances may be permitted to exceed the height limitations for the principal use: appurtenances to mechanical or structural functions, such as chimney and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, aerials, fire and hose towers and cooling towers. No structural appurtenances permitted hereby shall be used for dwelling purposes.

w. The following agricultural tourism uses are permitted by special use-permit:

1. Small-scale entertainment (e.g., fun houses, haunted houses, or similar) and small mechanical rides.
2. Organized meeting space for use by weddings, birthday parties, corporate picnics, and other similar events.

[SECTION 6.11.3.x ADDED BY AMENDMENT 018 ADOPTED  
05/01/2012 EFFECTIVE 05/13/2012.]

x. Winery with Food Service subject to the following requirements:

1. The winery kitchen, food preparation, and production areas must be licensed by the Grand Traverse County Health Department.
2. Parking lots shall be screened from adjacent properties.
3. Outdoor lighting shall comply with Acme Township standards.

y. Wine Maker as defined and regulated by the Michigan Liquor Control Commission (MLCC) on a parcel over 10 acres where 5% of the fruits used in their production are grown in the Acme Township and 75% of the fruits used in their production are grown in the State of Michigan. There is a onetime waiver of the local production requirement for the first three years of operation commencing on the date that the license was issued by MLCC.

z. Distilleries as defined and regulated by the Michigan Liquor Control Commission (MLCC) on a parcel over 10 acres where 5% of the farm products used in their production are grown in the Acme Township and 75% of the farm products used in their production are grown in the State of Michigan. There is a onetime waiver of the local production requirement for the first three years of operation commencing on the date that the license was issued by MLCC.

aa. Breweries as defined and regulated by the Michigan Liquor Control Commission (MLCC) on a parcel over 10 acres where 5% of the farm products used in their production are grown in the Acme Township and 75% of the farm products used in their production are grown in the State of Michigan. There is a onetime waiver of the local production requirement for the first three years of operation commencing on the date that the license was issued by MLCC.

**6.12.4 RIGHT TO FARM:** As to any specific property on which commercial farm products are produced within the meaning of MCL 286.472(a), if any applicable Generally Accepted Agricultural Management Practice (GAAMP) approved by the Michigan Department of Agriculture conflicts with any

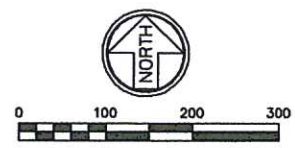


provision below, the GAAMP shall control.

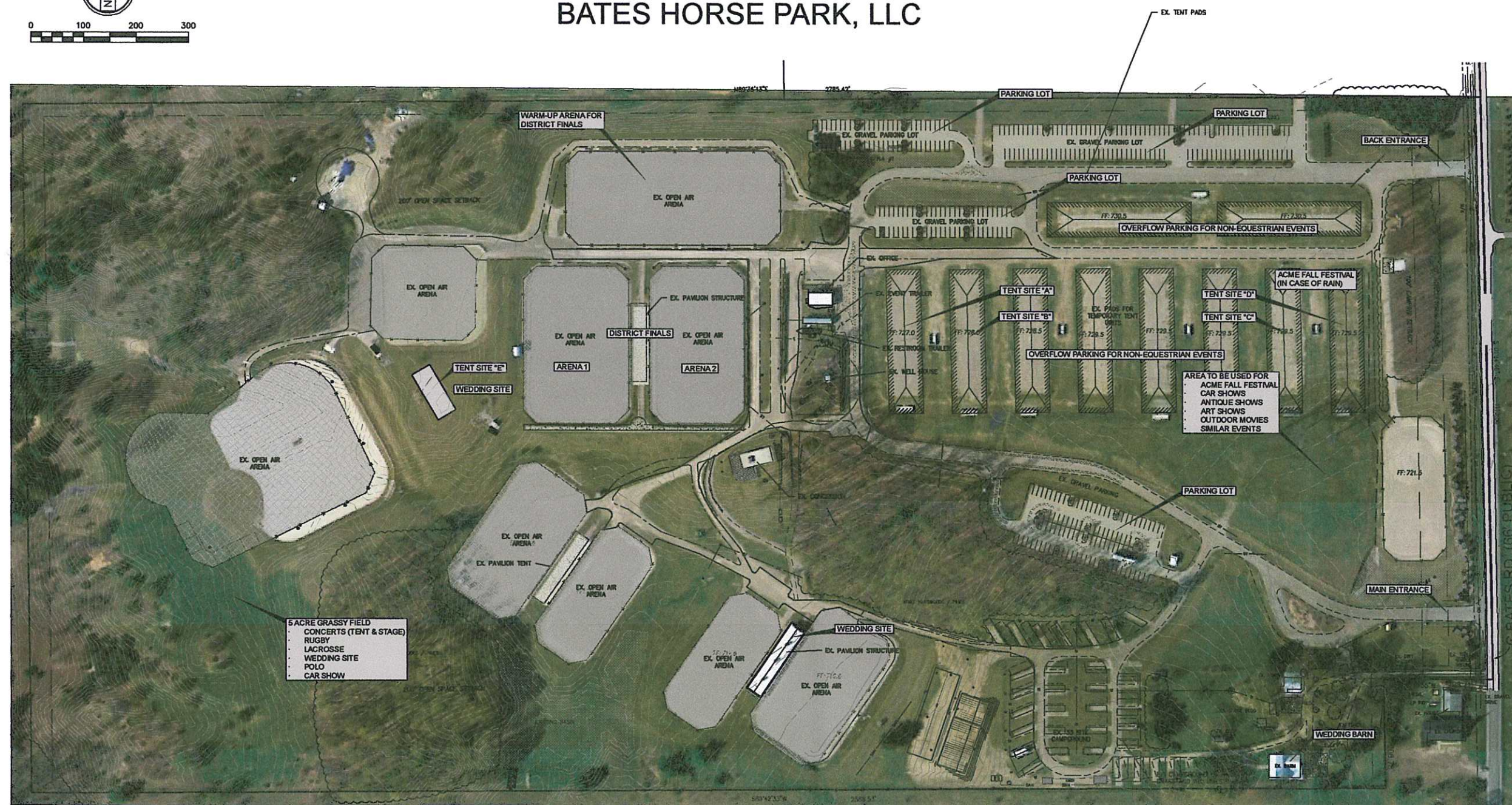
**Section 6.12 A-1 Agricultural District of the 2008 Acme Township Zoning Ordinance is amended as follows by Ordinance #030 Adopted 05/13/2014 Effective 05/23/2014**

1. Section 6.11 is deleted in its entirety and replaced with the new 6.12 A-1 District language.
2. Section 9.25 Wineries is deleted in its entirety
3. All other sections of the 2008 Acme Township Zoning Ordinance shall remain the same.





# OVERALL EVENT MASTER PLAN BATES HORSE PARK, LLC



**jozwiak**  
consulting  
p.o. box 6342 | traverses city, mi 49886 | 313-218-1201  
www.jozwiakconsulting.com

SITE ENGINEER:	3-4-14
ISSUE DATE:	
REVISIONS:	

OVERALL EVENT MASTER PLAN  
FLINT FIELDS  
BATES HORSE PARK LLC  
Section 31, T28N, R9W, Whitewater Twp,  
Grand Traverse County, Michigan

PROJECT: 2011-122  
OVERALL  
EVENT PLAN

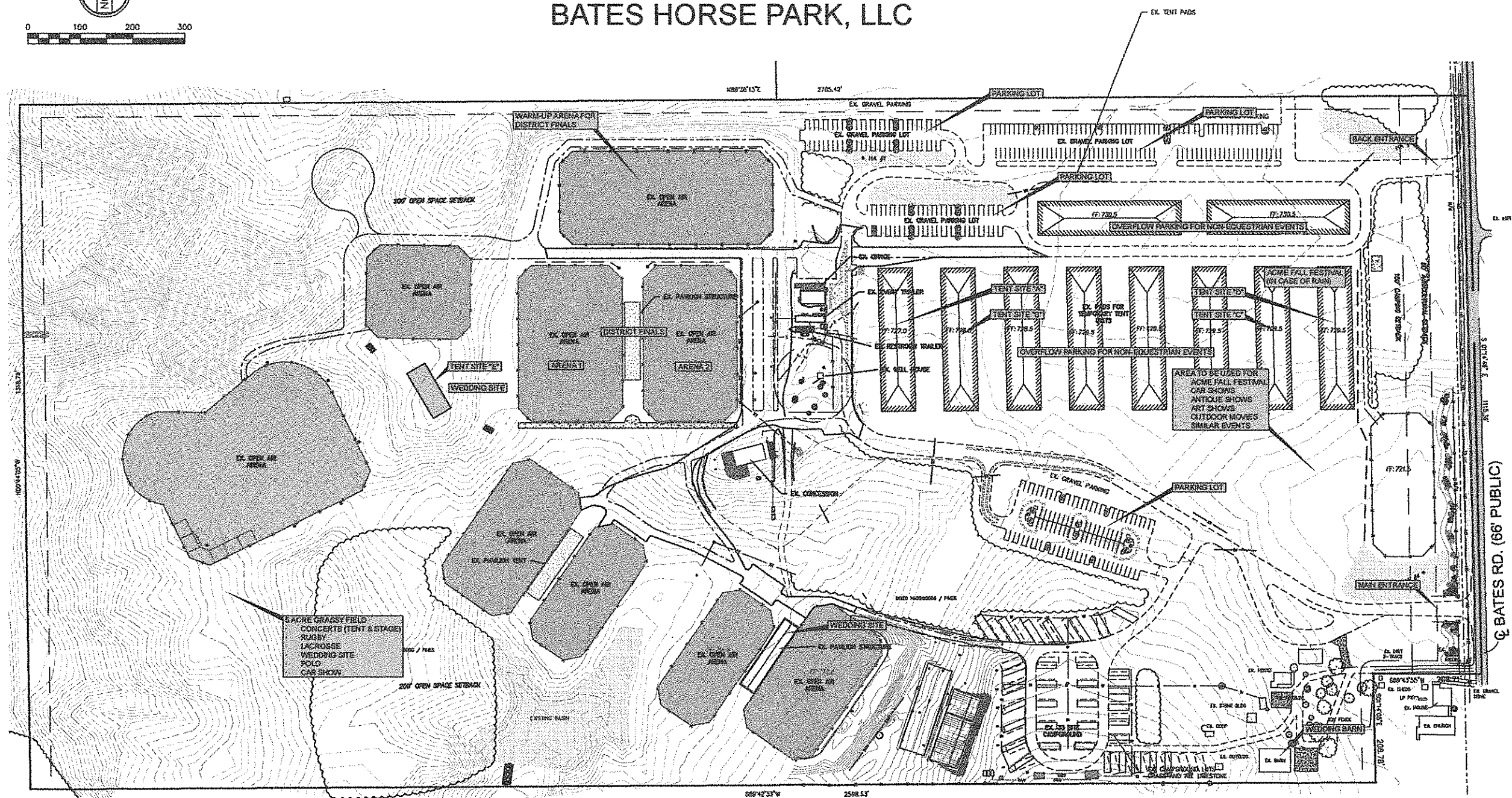
EP1

SITE PLAN 1" = 100'





# OVERALL EVENT MASTER PLAN BATES HORSE PARK, LLC



SITE PLAN 1" = 100'

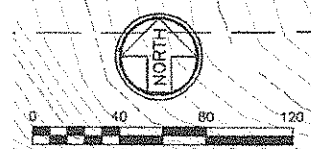
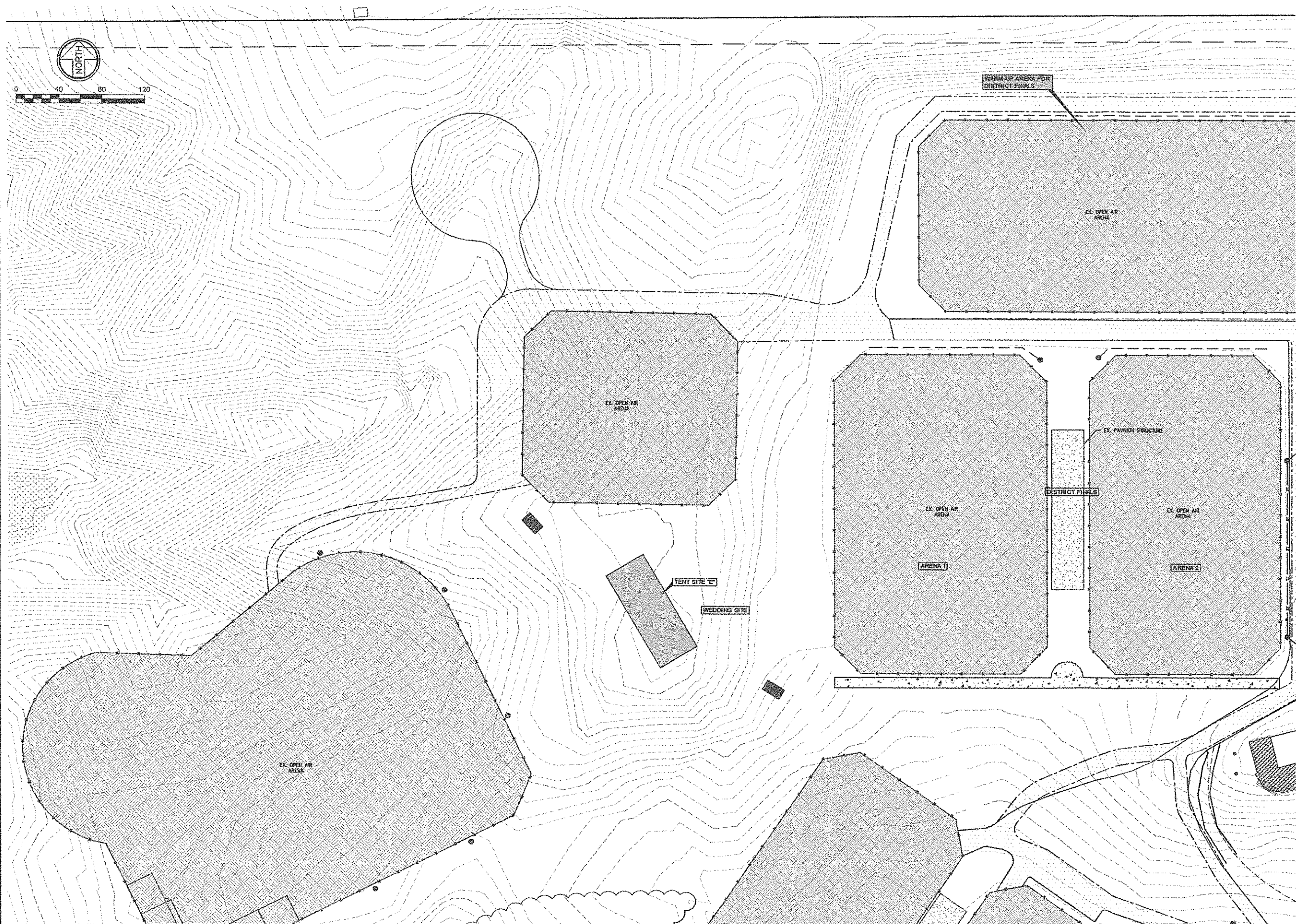
**jozwiak consulting**  
p.o. box 5342 | Traverse City, MI 49784 | 231-218-1201  
www.jozwiakconsulting.com

SITE ENGINEER: 3-4-14  
ISSUE DATE:  
REVISIONS:

OVERALL EVENT MASTER PLAN  
FLINT FIELDS  
BATES HORSE PARK LLC  
Section 31, T28N, R9W, Whitewater Twp.  
Grand Traverse County, Michigan

PROJECT: 2011-122  
JOB NO.: 2011-122  
OVERALL  
EVENT PLAN

EP1



NORTHWEST VIEW- SITE PLAN 1" = 40'

**jozwiak consulting**  
P.O. Box 5342 | Traverse City, MI 49886 | 231-218-1201  
www.jozwiakconsulting.com

SITE ENGINEER

2-20-14

ISSUE DATE:	
REVISIONS:	

OVERALL EVENT MASTER PLAN  
FLINT FIELDS

CLIENT: **BATES HORSE PARK LLC**

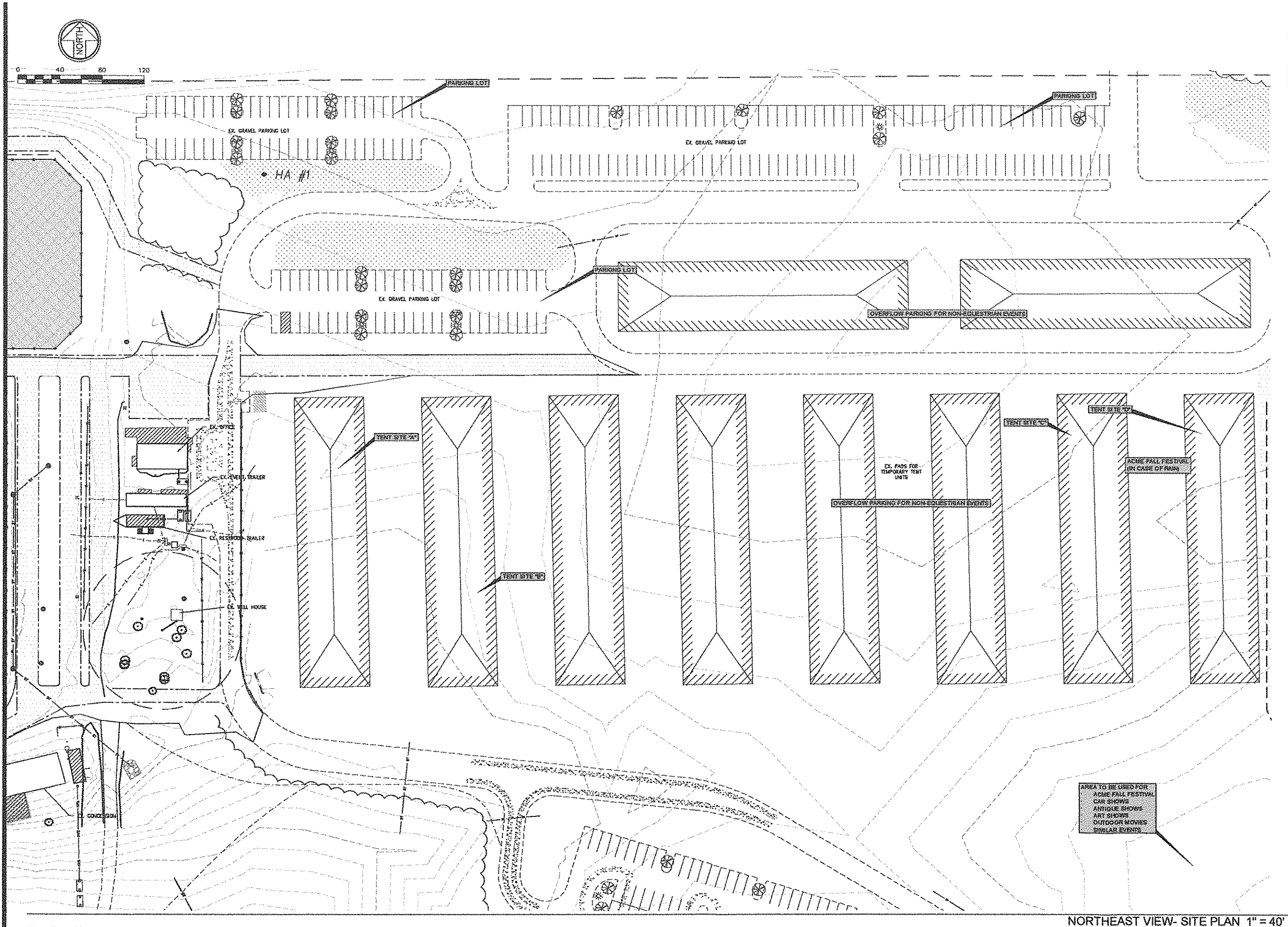
LOCATION: Section 31, T28N, R9W, Whitewater Twp,  
Grand Traverse County, Michigan

PROJECT:

JOB NO.: **2011-122**

DETAIL VIEW  
OF MASTER  
PLAN

**EP2**



NORTHEAST VIEW- SITE PLAN 1" = 40'

PROJECT: OVERALL EVENT MASTER PLAN  
FLINT FIELDS  
BATES HORSE PARK LLC  
Section 31, T28N, R9W, Whitewater Twp.,  
Grand Traverse County, Michigan

JOZWIAK  
consulting  
P.O. Box 5542 | Traverse City, MI 49602 | 231-216-1201  
www.jozwiakconsulting.com

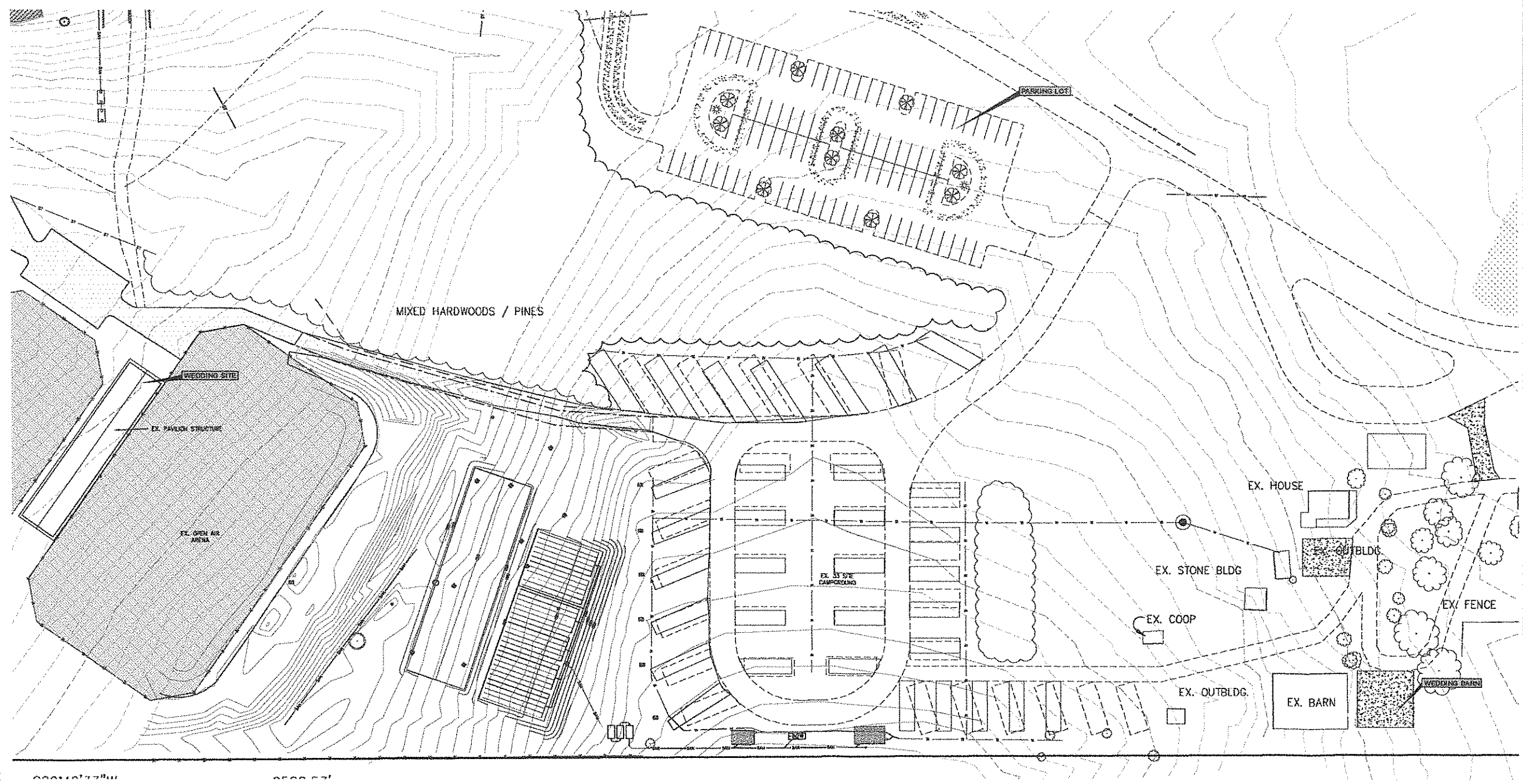
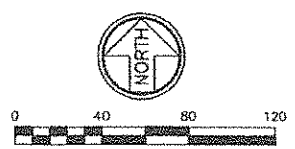
ISSUE DATE: 3-20-14  
REVISIONS:

JOZWIAK  
consulting  
P.O. Box 5542 | Traverse City, MI 49602 | 231-216-1201  
www.jozwiakconsulting.com

JOB NO: 2011-122  
DETAIL VIEW OF MASTER PLAN

EP3





00010777W 0000 000

SOUTHEAST VIEW- SITE PLAN 1" = 40'

jozwiak  
consulting  
p.o. box 6342 | Traverse City, MI 49606 | 231-276-1201  
www.jozwiakconsulting.com

3-20-14

ISSUE DATE:

REVISIONS:

PROJECT:

OVERALL EVENT MASTER PLAN  
FLINT FIELDS

CLIENT:

BATES HORSE PARK LLC

LOCATION:

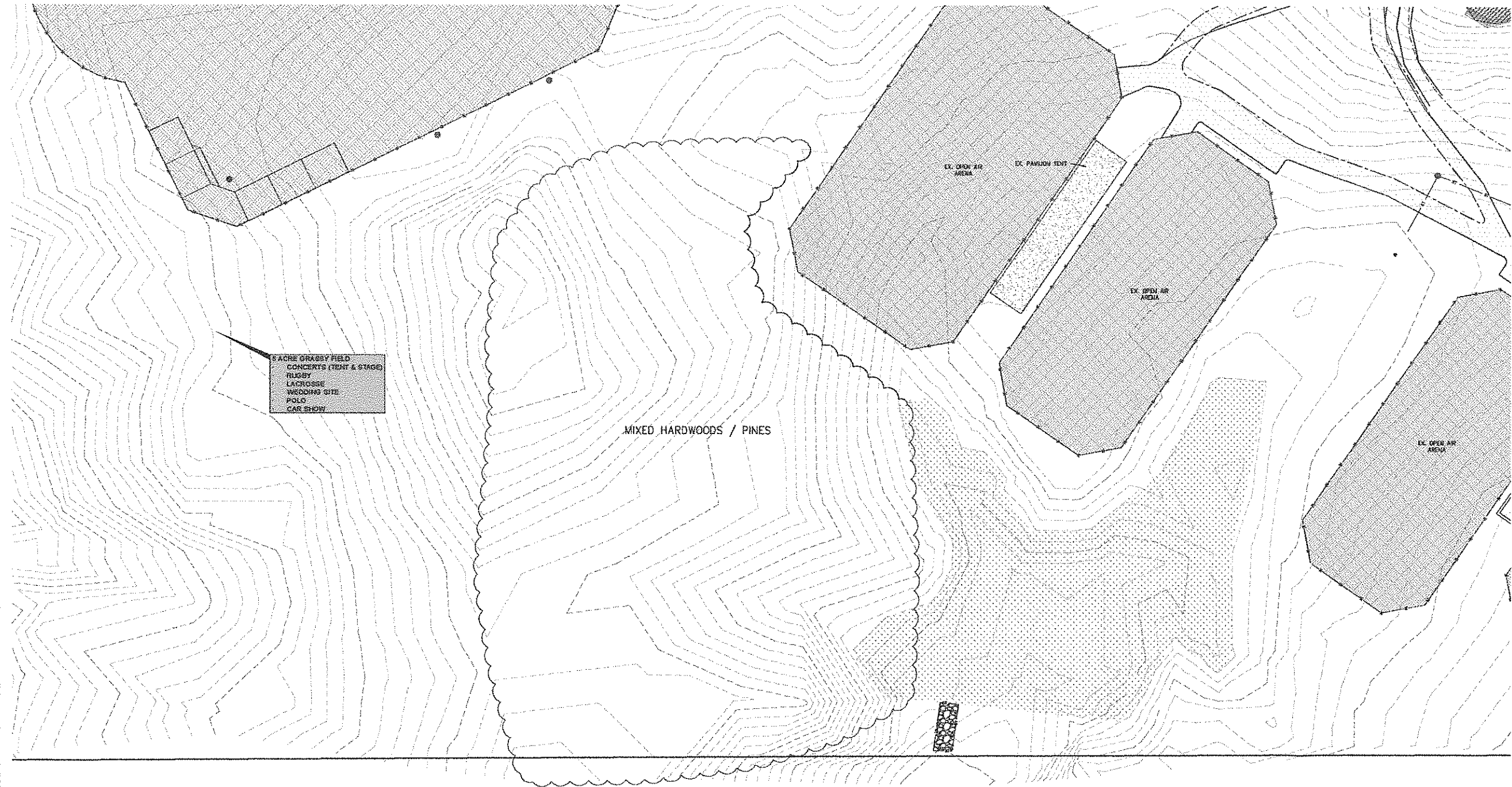
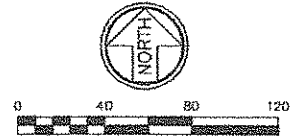
Section 31, T28N, R9W, Whitewater Twp,  
Grand Traverse County, Michigan

JOB NO.:

2011-122

DETAIL VIEW  
OF MASTER  
PLAN

EP4



SOUTHWEST VIEW- SITE PLAN 1" = 40'

ISSUE DATE:	3-20-14
REVISIONS:	

OVERALL EVENT MASTER PLAN  
FLINT FIELDS  
BATES HORSE PARK LLC  
Section 31, T28N, R9W, Whitewater Twp,  
Grand Traverse County, Michigan

PROJECT:  
CLIENT:  
LOCATION:

JOB NO:  
**2011-122**

DETAIL VIEW  
OF MASTER  
PLAN

27 May 2014

Evina Residence  
6075 Arabian Lane  
Williamsburg, MI  
49069

**Re: Flint Fields**

Dear Madam/Sir;

My wife and I reside next door to Flint Fields. We are one of the closest residences to Flint Fields.

We support Ms. Flint and her request to hold additional activities at Flint Fields. These activities will bring high quality commerce to our area. In turn this will help create jobs as well as allow attendees to the respective activities to see Acme Township in a positive light. Yes, we will occasionally have to deal with a little extra traffic, but the benefits far out way this minor inconvenience.

My wife and I ask that you support Mr. Flint's request for additional activities at Flint Fields.

Thank you,



Rob Evina



Gina Evina





# Memo

To: Planning Commission  
From: Nikki Lennox  
CC: Jay Zollinger  
Date: 6/5/2014  
Re: Phone call comments

---

05/29/2014 Phone call from Alex Rheinheimer of Horse Shows By The Bay.

Ms. Rheinheimer called regarding her concerns about the Flintfields proposed uses. Specifically the concert request.

She is concerned about large scale events and the possibility of broken bottles and glass on the property.

She is concerned about the amount of foot traffic on the horse arena areas used for her show.

She inquired as to where food is going to go for the concert.

She thought that the request for the concert had been with-drawn. I explained that it had been. But how can she apply again? I explained that a special events ordinance that has been in the works for several years was approved by the township board. She (Alex) stated she had a large investment in the horse arenas and doesn't want broken glass and people on them.

Alex stated that she received the notice in the Record Eagle for the weddings and has no problem with the weddings as they are not a huge impact. I explained that request is by SUP permit under the Ag-Tourism ordinance.

She stated that her show has a huge impact on the area. The new Mexican restaurant on US 31 has a food truck at her show. We talked about the new horse farm up the road, she personally knows them, and about the new horse tack shop on M-72. They are both positive for the area.

She felt the Fall Festival works, as its not 2500 people at one time, just all through the day. She has no problem with that.

*planning review*

**Date:** 06.02.2014

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

**Project:** Bates Horse Park, LLC  
 Amendment to SUP 2006-12P  
 2014

**Request:** Amendment to Special Use Permit

---

**Applicant:** Bates Horse Park, LLC

**Parcel Address:** 6535 Bates Road  
 Williamsburg, MI

**Parcel Number:** 28-1-014-009-00 and 28-01-014-008-00

---

**General Description:**

Ms. Karin Flint is requesting an amendment to the original SUP 2006-12P in order to use the subject property for weddings pursuant to Section 6.11.3 w. 2. Uses Permitted by Special Use Permit; Organized meeting space for use by weddings, birthday parties, corporate picnics, and other similar events.

The Applicant is requesting the same conditions as granted to Robert Garvey (SUP 2012-04P) for use of his barn at 7490 Lautner Road. I have prepared a table that compares the current request to the Garvey SUP and highlighted in **bold** text any variation.

Garvey SUP 2012-04P	Karin Flint Request
Any waste receptacle placed on the property shall be screened and the location approved by the Township Planner.	Waste receptacles are already on-site.
The elevations shall be as on the Site Plan, with the final grade consistent with the adjoining properties.	Elevations will remain unchanged from current conditions due to the modifications to accommodate the current development.
Parking shall meet all of the requirements of the Acme Township Zoning Ordinance.	Parking already on-site.
There shall be no outside storage or sales.	There shall be no outside storage or sales.

Garvey SUP 2012-04P	Karin Flint Request
The Applicant must obtain all necessary permits, including soil erosion, and Department of Natural Resources permits, and/or approvals.	<b>Not applicable the property is already developed.</b>
The signage shall meet all of the requirements of the sign provisions of the Acme Township Zoning Ordinance, without variance.	The signage shall meet all of the requirements of the sign provisions of the Acme Township Zoning Ordinance, without variance.
Applicant may hold not more than 12 events for which applicant receives any form of compensation per calendar year.	Applicant may hold not more than 12 events for which applicant receives any form of compensation per calendar year.
Any function will cease operation by 11:30 p.m. If music is involved during the event it shall be conducted only inside the barn and will cease by 10:30 p.m.	Any function will cease operation by 11:30 p.m. If music is involved during the event it will cease by <b>11:30 p.m.</b>
Food preparation will be done off-site.	Food preparation will be done off-site <b>or in Flintfield's commercial kitchen.</b>
Tents, chairs, tables and portable toilets shall be removed no later than the following business day.	Tents, chairs, tables and portable toilets shall be removed no later than the following business day.
The use of onite generators for light towers and portable lighting equipment is prohibited.	<b>Applicant wishes to use power generators in some remote portions of the property.</b>
The Township Zoning Administrator shall be notified at least two weeks in advance when an event will take place. The Township Zoning Administrator shall confirm receipt of the notification back to Mr. Robert Garvey.	The Township Zoning Administrator shall be notified at least two weeks in advance when an event will take place. The Township Zoning Administrator shall confirm receipt of the notification back to Ms. Karin Flint.
Code related issues addressed by the Grand Traverse County Construction Code Department and MESA shall be satisfied prior to holding any event under this permit.	Code related issues addressed by the Grand Traverse County Construction Code Department and MESA shall be satisfied prior to holding any event under this permit.

### Assessment of the Request

The Applicant's request is very similar to the SUP granted in 2012 to Mr. Robert Garvey with several exceptions:

1. There will likely use power generators depending where on the 86 acre parcel the wedding is located.
2. They are requesting that music be allowed until 11:30 p.m. Unlikely the Garvey requirement that the music be held in the barn this property has no barn and the music venue will likely be held in a tent. There is a concern about allowing music until this time in the evening regardless of the size of the property.

The standards outlined in Section 9.1.3 Basis for Determination include the following:

Standard	Compliance
a. Be designed, constructed, operated and maintained so as to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.	The subject property is 83.68 acres in size and the proposal to hold up to 12 weddings per year will not exceed the capability of the current site.  <b>Satisfied</b>
b. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.	Two issues that may affect adjacent property owners depending on the location of the weddings: power generators and music until 11:30 p.m.  <b>Compliance Requirement:</b> <i>Require music to terminate by 10:30 p.m. and setback power generators at least 750' from nearest residence.</i>
c. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.	<b>Compliance Requirement:</b> <i>Require to show the 750' setback for power generators.</i>
d. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.	This provision is included in the A-1: Agricultural Zoning District as a Special Use. The subject property has been granted a SUP with amendments to conduct similar activities.  <b>Satisfied.</b>
e. Meet the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured. The applicant shall have the plan reviewed and approved by the Grand Traverse Metro Fire Department prior to the review by the Planning Commission.	Depending on the extent of the wedding the Zoning Administrator can require additional reviews.  <b>Compliance Requirement:</b> <i>Forward applications for weddings to appropriate agencies for their review and comments.</i>

### Recommendation

Approve the request to use the subject property for weddings pursuant to Section 6.11.3 w.2.

**Suggested Motion:**

After a review of the standards and basis for determination the Applicant is granted a special use approval to use the subject property for weddings pursuant to Section 6.11.3 w.2. subject to the following conditions:

- 1) The signage shall meet all of the requirements of the sign provisions of the Acme Township Zoning Ordinance, without variance.
- 2) Applicant may hold not more than 12 events for which applicant receives any form of compensation per calendar year.
- 3) Any function will cease operation by 11:30 p.m. If music is involved during the event it will cease by 10:30 p.m.
- 4) Food preparation will be done off-site or in Flintfield's commercial kitchen.
- 5) Tents, chairs, tables and portable toilets shall be removed no later than the following business day.
- 6) Power generators can be used but the site plan should note where generators cannot be located based on a radius of 750' from adjacent homes.
- 7) The Township Zoning Administrator shall be notified at least two weeks in advance when an event will take place. The Township Zoning Administrator shall confoirm receipt of the notification back to Ms. Karin Flint.
- 8) Code related issues addressed by the Grand Traverse County Construction Code Department and MESA shall be satisfied prior to holding any event under this permit.



4290 US 31 North  
Traverse City, MI  
49686

231.518.4089 Office  
231.938.8045 Fax  
revina@woodlandcreekfurniture.com Email  
[www.woodlandcreekfurniture.com](http://www.woodlandcreekfurniture.com)

2 June 2014

**Re: Request for Minor Modification to Our Special Use Permit (2010-05P)**

Dear Commissioners:

In 2011 Woodland Creek was granted a special use permit to maintain an outdoor retail area for the purpose of selling outdoor furniture and other outdoor patio/garden related products.

We are requesting permission to exhibit a small, 14' x 15' portable cabin for purpose of resale in the approved retail area. The cabin would be trailered in and placed on a temporary block foundation. There will be no well, no septic or any other utility hook ups. We may install a solar power system for lighting. If we do not receive the anticipated response from consumers, we can easily remove the cabin.

The cabins have multiple uses to consumers. They are nice for recreational housing in remote areas as they can be trailered in and set up in a day. They can also be used as gardening sheds. We feel this use falls within the "approved outdoor related products." Instead of relying on our interpretation, we are requesting the minor modification in order to ensure a positive relationship with the Township. The cabin will be landscaped nicely.

Thank you for your consideration.

Sincerely,

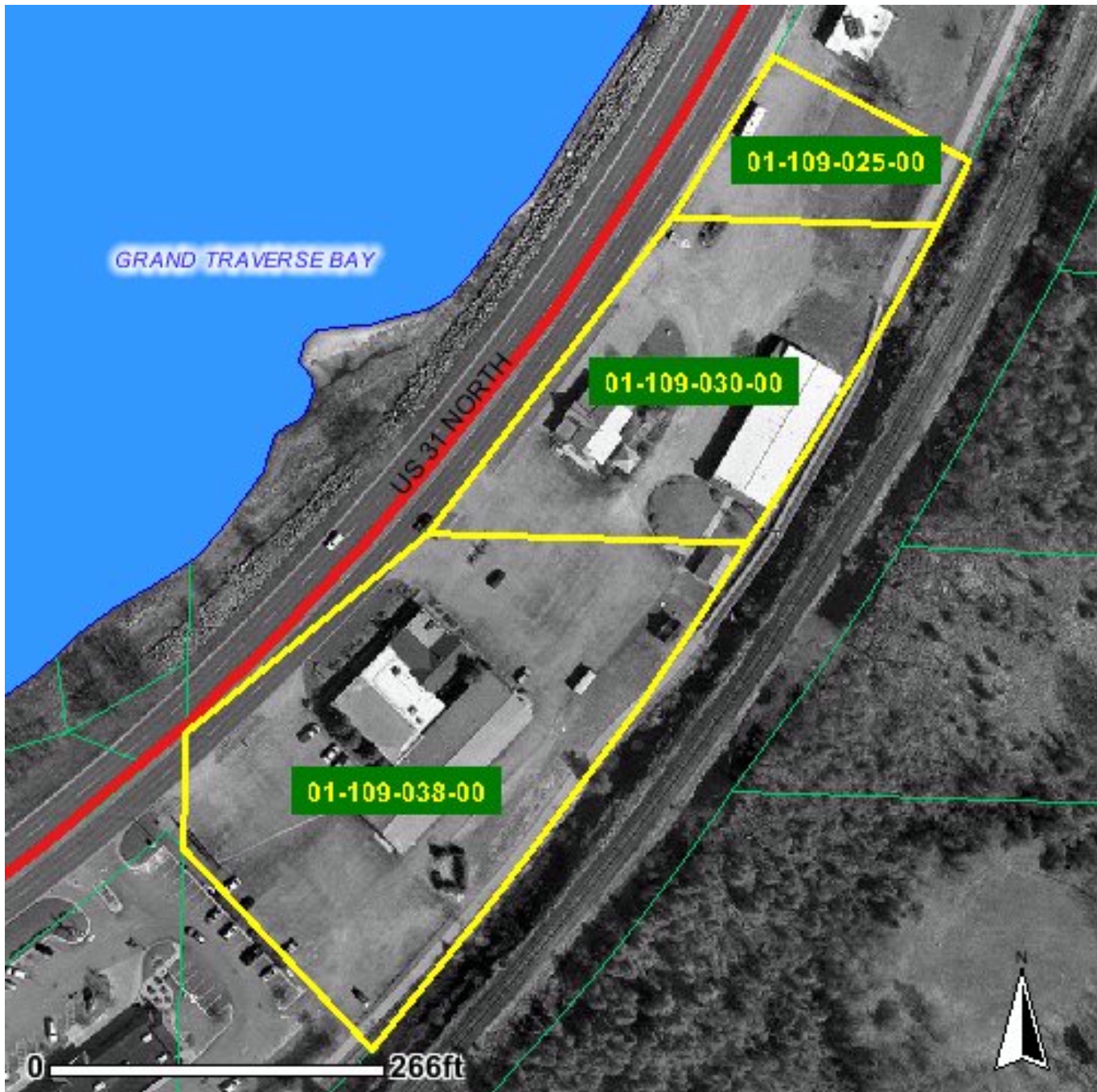
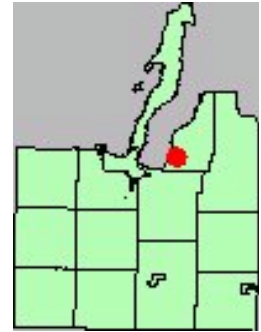
A handwritten signature in black ink that reads "Robert M. Evina".

Rob Evina  
Woodland Creek Furniture  
4290 US 31 North  
Traverse City, MI 49686  
231.518.4089 Office  
231.938-8045 Fax

## Grand Traverse County

### Location Map

This map is based on digital databases prepared by Grand Traverse County. Grand Traverse County does not warrant, expressly or impliedly, or accept any responsibility for any errors, omissions, or that the information contained in the map or the digital databases is currently or positionally accurate.





## **Acme Township Special Use/Site Plan Minor Amendment Permit**

Minor Amendment Permit No.: 2010-05P

To: Woodland Creek Furniture  
4290, 4386 and 4444 US 31 N  
Traverse City MI 49686

WHEREAS, Application having been made by the above named Applicant for a Minor Amendment to Special Use Permit and Site Plan approval for Woodland Creek, original SUP #2005-13P to add up to 8,355 sq. ft. of outdoor retail sales space in 2-3 phases, with 5,280 sq. ft. in phase 1 and a total of 3,075 in phases 2 and 3 to 23,300 sq. ft. of existing retail space in 3 buildings at the Woodland Creek Furniture and Woodland Sweets Ice Cream Shop property located at the above addresses, currently zoned B-2, General Business, in Acme Township, Grand Traverse County, Michigan, more fully described as follows:

Parcel 28-01-109-038-00: That part of Government Lot 6, Section 9 lying North of the East/West Highway across said lot and @est of the North/South Highway across said Lot and West of railroad right-of-way northerly line, northeasterly along the railroad right-of-way 189.22' N41° 05' W to the West line of Government Lot 6, thence South to the Point of Beginning, Section 9, T27N R10W. and

Parcel 28-01-109-030-00: Commencing at the SW corner of Bay Pinse Subdivision, thence W 466' to the Point of Beginning, thence S 85° E 190.34', thence S 30° 33' W along the railroad right-of-way to the Point of Beginning, Section 9, T27N, R10W, and

Parcel 28-01-109-025-00; Commencing at the intersection of the S line of Government Lot 3 and the easterly right-of-way of US 31, thence Northerly along the right-of-way 300' to the Point of Beginning, thence continuing Northerly along the right-of-way 146.32', thence S 58° 03'E 161.42', thence Southwesterly along the west line of the C&O Railroad right-of-way 58.37', thence N 58° 35'40" W 190.34' to the Point of Beginning, Section 9 T27N, R10W.

Due notice has been given and meetings have been held on December 20, 2010 and January 24, 2011 on the Application for Special Use Permit/Site Plan Minor Amendment, and the Acme Township Planning Commission has determined that the requested Special Use Permit and Site Plan Minor Amendment is appropriate and in the best interest of Acme Township. This determination is based on a finding of fact that the proposed additional land use is permissible by SUP in the B-2 district, that the changes to or impacts from traffic generation are expected to be minimal, and that the



## Permit No. 2010-03P

site development requirements for the portion of the overall property to be further developed, parcel 28-01-109-030-00, particularly as to setbacks from property lines and regulated wetlands, provisions of parking spaces, and provision of road frontage and parking lot landscaping as provided in the Acme Township Zoning Ordinance of 2008 as amended are reasonably met. The staff reports and minutes for the December 20, 2010 and January 24, 2011 Planning Commission Meetings are incorporated hereto as Exhibit A. The Acme Township Planning Commission does hereby approve the Special Use Permit/Site Plan Minor Amendment subject to the following:

1. The representations that have been made by the Applicant and the Applicant's representatives at the December 20, 2010 and January 24, 2011 meetings of the Acme Township Planning Commission on the record and in the minutes and as reflected in the Site Plan provided for the January 24, 2011 meeting are incorporated herein by reference as the plan presented to the Acme Township Planning Commission. The Applicant agrees to comply with and be bound by all representations made by the Applicant and the Applicant's representative(s) at the meeting(s). The Site Plan shall be attached hereto and incorporated herein as Exhibit B.
2. All exterior lighting shall conform to the standards and requirements of the Exterior Lighting Requirements found in Section 7.8 of the Acme Township Zoning Ordinance effective December 1, 2008 as amended.
3. Any waste receptacle placed on the property shall be screened, and the location approved by the Acme Township Planner.
4. The elevations shall be as on the Site Plan, with the final grade consistent with adjoining developed properties.
5. Parking shall meet all of the requirements of the Acme Township Zoning Ordinance.
6. Outside sales shall be limited to the approved area.
7. The Applicant must obtain all necessary permits, including soil erosion, and Department of Natural Resource permits, and/or approvals.
8. The signage shall meet all of the requirements of the sign provisions of the Acme Township Zoning Ordinance, without variance.
9. If there is or will be an on-site sewage disposal system on the Applicant's property which requires a permit under the authority of Act 98 of the Public Acts of 1913 as amended (MCL 325.210 et seq.) the Applicant agrees to allow Acme Township to accept ownership and responsibility for the operation of the on-site sewage disposal system and extensions to the on-site sewage disposal system and the Applicant agrees to execute a Sewerage Agreement in a form acceptable to Acme Township's Attorney.
10. If there is or will be a water system on the Applicant's property which requires the approval of the Michigan Department of Health pursuant to the Michigan Safe Water Drinking Act (MCL 325.1001 et seq.) the Applicant agrees to allow Acme Township to accept ownership and responsibility for the operation of the water system and extensions to the water system and the Applicant agrees to execute a Water System Agreement in a form acceptable to Acme Township's Attorney.
11. The Developer shall provide a Bond, Letter of Credit or Cash Surety in a form and

## Permit No. 2010-03P


amount acceptable and approved by the Acme Township Planner, for completion of the development, including landscaping, paving, lighting and irrigation.

12. The development shall be subject to all applicable restrictions and requirements as set forth in the Acme Township Zoning Ordinance of 2008, as amended. The development is also subject to all of the requirements of this Special Use Permit. Any violation of these conditions or requirements shall serve as grounds for revocation of this Special Use Permit by the Acme Township Board. In the event of any such violation, Acme Township shall give written notice to the Applicant, by ordinary mail addressed to the Applicant at the last address furnished to Acme Township by the Applicant. The notice shall state that unless the violation is corrected or resolved, to the satisfaction of the Acme Township Board, within thirty (30) days from the date of the notice, then the Acme Township Board may revoke this Special Use Permit after a hearing. In the event a hearing becomes necessary, the Acme Township Board shall establish the notice requirements and such other conditions with respect to the hearing as the Acme Township Board may deem appropriate. After the hearing, if the Acme Township Board revokes this Special Use Permit, then enforcement of the violation may be made by an application for appropriate relief in the Grand Traverse County Circuit Court. The Applicant agrees that Acme Township may recover all of its costs, including attorney fees, associated with, or resulting from, such violation.

13. The rights set forth in this Special Use Permit/Site Plan Minor Amendment are in addition to those granted to Acme Township by the Michigan Zoning Enabling Act and other appropriate statutes and laws, including the Acme Township Zoning Ordinance. The applicant agrees that it accepts the conditions imposed under this Special Use Permit. In any action brought to enforce Acme Township's rights under this Special Use Permit the Applicant shall pay for and reimburse Acme Township for all costs incurred by Acme Township, including attorney fees.

14. The applicant shall post signage warning drivers that pedestrians are present in the area between the buildings.

The undersigned hereby certifies that she is the Acme Township Manager and Acting Zoning Administrator, Grand Traverse County, Michigan, and that this Special Use Permit/Site Plan Minor Amendment was approved by the Acme Township Planning Commission on January 24, 2011. The undersigned certifies that a quorum was present at said meeting and that said meeting complied with all applicable laws and regulations.

  
Sharon E. Vreeland, Township Manager

Approved by a 7-0 vote of the  
Acme Township Planning Commission on January 24, 2011.

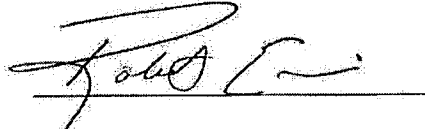
Subscribed and sworn to before  
me on this 23 day of November, 2011.

  
, Notary Public

The applicant hereby acknowledges receipt of this Special Use Permit/Site Plan Minor Amendment. The Applicant has read and understands all of the terms and conditions of the Special SUP/Site Plan Minor Amendment #2010-05P

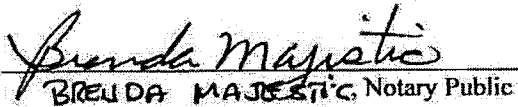
Permit No. 2010-03P

Use Permit/Site Plan Minor Amendment. The Applicant agrees to comply with all of the terms and conditions of this Special Use Permit/Site Plan Amendment. The Applicant further agrees that all of the terms and conditions of the Special Use Permit/Site Plan Minor Amendment shall be binding upon all other owners, occupants, assigns and successors of the subject property.




Woodland Creek, by:

Subscribed and sworn to before  
me this 22 day of NOVEMBER 20 11.

  
BRENDA MAJESTIC, Notary Public

BRENDA MAJESTIC  
Notary Public, State of Michigan  
Benzie County, MI  
My Commission Expires 06-22-2014  
Acting in: ~~Grand~~ TRAVERSE County

Permit is authorized, the necessary plans/documents have been filed with me and are attached to this Special Use Permit/Site Plan Minor Amendment.

  
Sharon E. Vreeland  
Acting Zoning Administrator  
Date: 11/23/11

LIBER 954  
PAGE 982

**LEGEND**

	EXISTING	PROPOSED
BOUNDARY	—	—
BUILDING	—	—
BUILDING SETBACK	—	—
EASEMENT	—	—
FENCE	—	—
RIGHT-OF-WAY	—	—

**SITE DATA**

ZONING: B-2  
LAND USE: GENERAL BUSINESS

SETBACKS:  
SIDE YARD (10% OF LOT WIDTH) 25' (MAX.)  
FRONT YARD 40'  
REAR YARD (10% OF LOT DEPTH) 25' (MAX.)

MAXIMUM BUILDING HEIGHT ALLOWED: 2 1/2" STORIES OR 35'  
MAXIMUM BUILDING HEIGHT PROVIDED: 30' MAX.

PARKING  
EXISTING STORES  
15,500 SQ. FT.  
+ 5800 SQ. FT.  
21,300 TOTAL SQ. FT. REQUIRED 1/500 = 43 SPACES

EXISTING ICE CREAM SHOP  
2000 SQ. FT. REQUIRED 1/150 = 14 SPACES

TOTAL REQUIRED BEFORE OUTDOOR AREA 57

NEW OUTDOOR AREA

PHASE ONE 5280 SQ. FT. 11  
PHASE TWO 3075 SQ. FT. 7

TOTAL REQUIRED 75  
TOTAL PROVIDED 88

**SITE PLAN**  
SCALE: 1"=40'-0"

The site plan illustrates a commercial development project. Key features include:   
- **Proposed Outdoor Sales Area:** A large rectangular area at the top left, with a 'Future Outdoor Sales Expansion Area' and a 'Side Yard Setback (25'-0")'.   
- **Existing Buildings:** 'Woodland Creek Furniture Retail Showroom #2', 'Woodland Creek Furniture Retail Showroom #1', 'Existing Ice Cream Shop', 'Existing Cabins Building', and 'Woodland Creek Furniture & Cabin Building'.   
- **Parking:** Multiple parking lots are shown, including a 'Proposed Parking' area and a 'Snow Storage' area.   
- **Setbacks:** 'Front Yard Setback (40'-0")' and 'Side Yard Setback (25'-0")' are clearly marked.   
- **Site Data:** A table on the right provides zoning, land use, setbacks, and parking requirements.   
- **Legend:** A legend at the top right defines symbols for boundary, building, building setback, easement, fence, and right-of-way.   
- **Scale and Orientation:** A scale bar (1"=40'-0") and a north arrow are located at the bottom right.   
- **Other Features:** 'Wetlands', 'Bike Path', 'Gravel Parking', 'Light Pole', 'Children's Play Area', 'Billboard', and 'Barber Shop' are also indicated.

EXISTING

EXISTING

PROPOSED

ZONING:	B-2
LAND USE:	GENERAL BUSINESS
SETBACKS:	
SIDE YARD (10% OF LOT WIDTH)	25' (MAX.)
FRONT YARD	40'
REAR YARD (10% OF LOT DEPTH)	25' (MAX.)
MAXIMUM BUILDING HEIGHT ALLOWED:	2 1/2" STORIES OR 35'
MAXIMUM BUILDING HEIGHT PROVIDED:	30' MAX.

PARKING	
EXISTING STORES	
15,500 SQ. FT.	
+ 5800 SQ. FT.	
<u>21,300 TOTAL SQ. FT</u>	REQUIRED 1/500 = 43 SPACES

EXISTING ICE CREAM SHOP  
2000 SQ. FT.                      REQUIRED 1/150 = 14 SPACES

TOTAL REQUIRED BEFORE OUTDOOR AREA	57
------------------------------------	----

NEW OUTDOOR AREA

PHASE ONE 5280 SQ. FT.	11
PHASE TWO 3075 SQ. FT.	7

TOTAL REQUIRED	75
TOTAL PROVIDED	88

[illegible]

NOT VALID FOR CONSTRUCTION  
UNLESS SIGNED AND DATED:

WOODLAND CREEK  
FURNITURE & GALLERY  
KALKASKA, MI 49646

SITE PLAN FOR PROPOSED  
CANOPY ADDITIONS @ WOODLAND CREEK FURNITURE & GALLERY  
ACME TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN

ISSUED FOR:      DATE:      BY:

JOB NO.
---------

SHEET  
1 OF 1







# ACME TOWNSHIP PLANNING AND ZONING PLANNING REVIEW

**TO:** Acme Township Planning Commission

**FROM:** Nikki Lennox

**DATE:** June 04, 2014

**RE:** Woodland Creek application for SUP Amendment

<b>APPLICANT:</b> Rob Evina, Woodland Creek	<b>APPLICABLE ORDINANCE SECTIONS</b>	<b>COMPLIANCE-COMMENTS</b>
<b>OWNER:</b> Rob Evina, Woodland Creek		
<b>ENGINEERS:</b>		
<b>PROJECT BACKGROUND:</b> 2010-05P SUP Approved Jan. 2011		SUP Minor Amendment approved in 2011 for 8355 sq. ft. of outdoor retail sales space in 2-3 phases
<b>PROPOSAL:</b> SUP Minor Modification Amendment to SUP 2010-05P to display a model cabin within outdoor approved retail sales display area.	Article IX: Special Uses 9.1.4 b. Amendments and Modifications	Model cabin is 50% scale cabin that applicant would like to advertise for sale. Model cabin is 14' x 15' (210 sq. ft). It will be on a temporary block foundation. No electricity. Possibly have solar lighting.
<b>SUBMISSION MATERIALS:</b> June 02, 2014 request letter for SUP Amendment to Outdoor Display Area.		
<b>PROPERTY:</b> 4386,4444 US 31 North PARCEL NO: 28-01-109-030-00, 28-01-109-025-00 <b>ACRES:</b>		Model cabin will be located at the North end of the previously approved display area, label as "future display" on the site plan.
<b>LAND USE:</b> B-2 General Business		Presently has 23,300 sq. ft. of interior retail space in 3 buildings at Woodland Creek Furniture and Woodland Sweets & Eats Ice Cream shops. Outdoor retail display space 8355 sq. ft.
<b>LOT COVERAGE:</b>	<b>Section:</b> <b>6.13. Schedule of Regulations</b>	
<b>PARCEL WIDTH IN DISTRICT:</b>		
<b>FRONT SET BACK:</b>		
<b>REAR SET BACK:</b>		
<b>SIDE SET BACK:</b>		
<b>BUILDING HEIGHT:</b>		

## ACME TOWNSHIP PLANNING AND ZONING PLANNING REVIEW

**TO:** Acme Township Planning Commission

**FROM:** Nikki Lennox

**DATE:** June 04, 2014

**RE:** Woodland Creek application for SUP Amendment

<b>LANDSCAPING:</b>	<b>Section: 7.5.6 Landscaping</b>	Previous landscaping requirements as part of original SUP have been completed.
<b>LIGHTING:</b>	<b>Section 7.8 Exterior Lighting Regulations</b>	
<b>PARKING:</b>	<b>Section 7.5. Off-Street Parking and Loading Regulations</b>	Previous parking requirements as part of Original SUP have been completed.
<b>INGRESS-EGRESS:</b>		
<b>OFF STREET PARKING AREA BUFFERING, LANDSCAPING AND SCREENING</b>	<b>Section 7.5.4.c Off-Street Parking and Loading Regulations</b>	
<b>SIGNAGE:</b>	<b>Section 7.4. Signs</b>	
<b>STANDARDS: SITE PLAN</b>	<b>Section: 8.1.</b>	
<b>SPECIAL USE PERMIT:</b> 2005-13P(original SUP for Woodland Creek), 2010-5P (Minor Amendment for Outdoor Display)	<b>Section: 9.1.4 b.</b> The Planning Commission may permit minor modifications in special use permits if the resulting use will still meet all applicable standards and requirements of this ordinance. The Planning Commission may decide minor modifications without a formal application, public hearing, or payment of an additional fee. For purposes of this section, minor modifications are those the Zoning Administrator determines have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.	The request meets the ordinance.
<b>FUTURE LAND USE:</b> Urban Residential		
<b>DISCUSSION ITEMS:</b> Is model cabin in keeping with the theme/retail sales items of Woodland Creeks natural furnishings?		

**ACME TOWNSHIP PLANNING AND ZONING  
PLANNING REVIEW**

**TO:** Acme Township Planning Commission

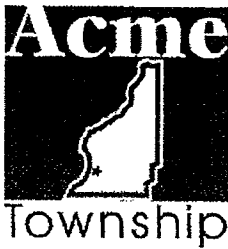
**FROM:** Nikki Lennox

**DATE:** June 04, 2014

**RE:** Woodland Creek application for SUP Amendment

<p><b>RECOMMENDATION:</b></p> <p>Motion to approve minor modification request for 1) 14' x 15' temporary model cabin to be displayed in approved "future outdoor display area".</p> <p>Motion to deny request for model cabin in approved "future outdoor display area".</p>		<p>Suggest no utilities to be attached other than solar.</p> <p>Cabin needs to be anchored to the ground per county construction code request.</p> <p>Landscaping or "skirting" to hide temporary block pilings</p>
--	--	---





Application Number: 2013-14

Parcel Number: 01-015-005-04

ACME TOWNSHIP  
Grand Traverse County, Michigan  
Application for Special Use Permit/Site Plan Approval

Owner/Applicant Information: (please type or print clearly)

Name: DMK Development; Atten: Chris Kettler Telephone: (231) 780-5063

Mailing Address: 3597 Henry Street, Suite 102  
Muskegon, MI 49441

E-Mail Address: ckettler2@gmail.com

A. Property Information:

1. Address: no address has been assigned to the parcel (NE corner of Arnold & M-72)
2. Property Description/Parcel Number: S 01-015-005-004

3. Current Zoning of Property: B-4

4. If this project is one phase of a larger development and/or proposed for property subject to an existing Site Plan Review and/or Special Use Permit what is/are the applicable permit number(s)?  
Not Applicable

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

6. Proposed Use/Change to Property:  
Tractor Supply Company Store (Retail)

7. Estimated Start and Completion Dates:  
start construction pending approvals/permits; completion early 2015

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

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

D. Fee Escrow Policy Acknowledgement: provide completed and signed form with initial fee deposit.

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

Signed: [Signature] Date: April 1, 2014

Township Use/Official Action:  
Application Number: 2013-14 Date Received: 4/4/14

Preliminary Hearing Date: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_

Date of Advertising: \_\_\_\_\_ 701-400-282-062

**TRACTOR SUPPLY COMPANY  
ARNOLD ROAD / M-72  
PARCEL 01-015-005-04**

DMK Development is proposing to construct a 19,097 sf building that will be used by Tractor Supply Company. Tractor Supply operates retail stores supplying the lifestyle needs of recreational farmers and ranchers. Tractor Supply also serves the maintenance needs of those who enjoy a rural lifestyle, as well as tradesmen and small businesses.

In addition to the building itself, outdoor display/sales areas will be provided on the site, as shown on the site plan set. The site will be accessed via a driveway off M-72 and Arnold Road. A total of 69 parking spaces are provided on the site.

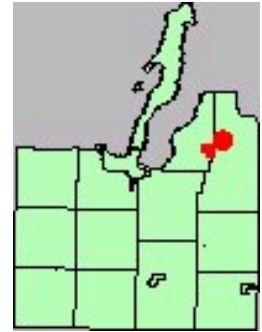
The store will employ approximately 12 – 15 people, with approximately 6 being present at the site a given time.

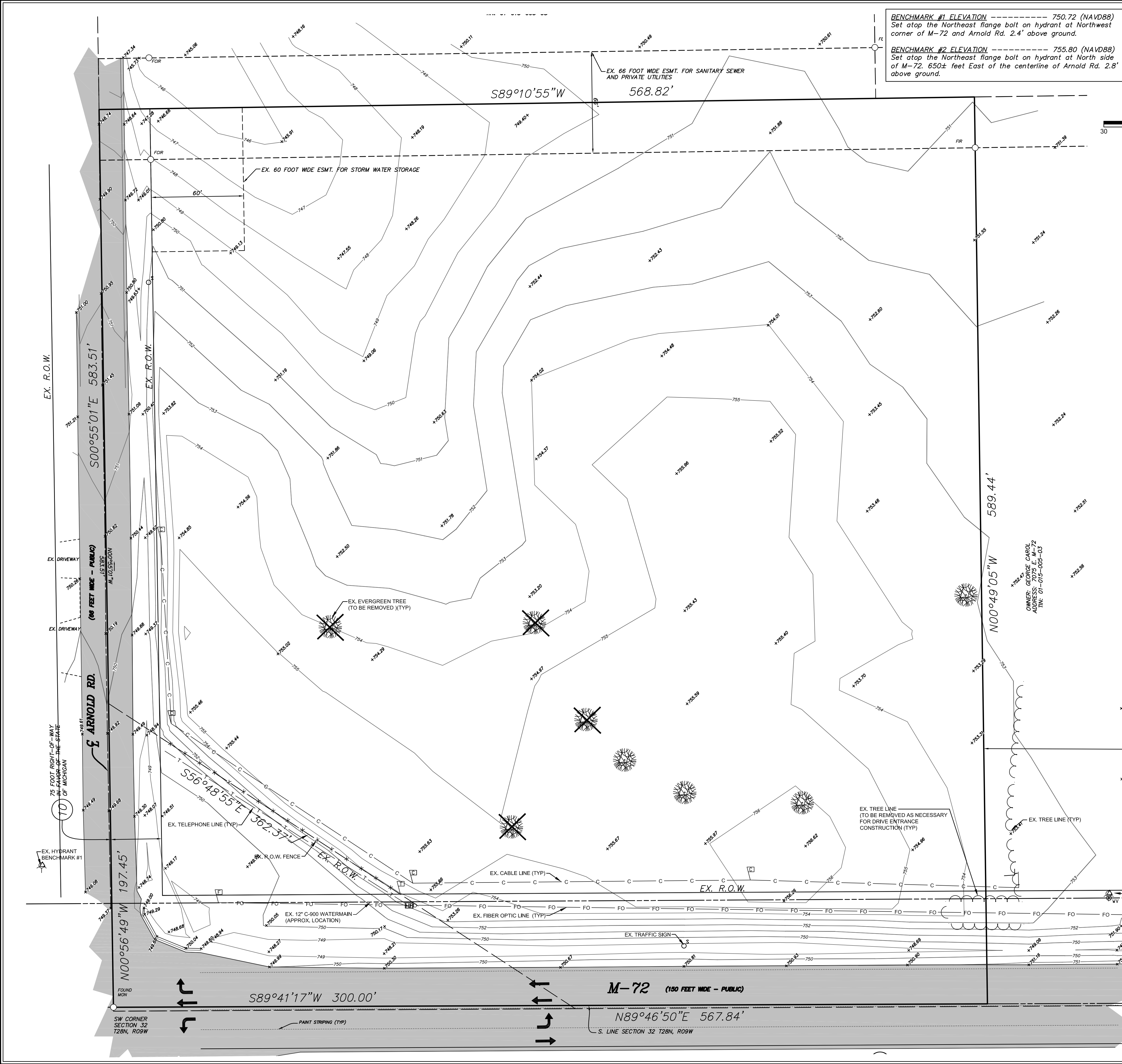
Store hours are Monday – Saturday from 8 am to 8 pm, and on Sunday from 10 am to 6 pm. During a normal weekday, Tractor Supply typically gets about 150-200 customers per day (During the peak weekday hour, they get about 20-40 customers per hour). During a normal weekend day, Tractor Supply typically gets about 200-350 customers per day (During the peak weekend hour, they get about 30-45 customers/hour). The average customer will stay in the store for approximately 15-20 minutes.

# *Grand Traverse County*

## *Location Map*

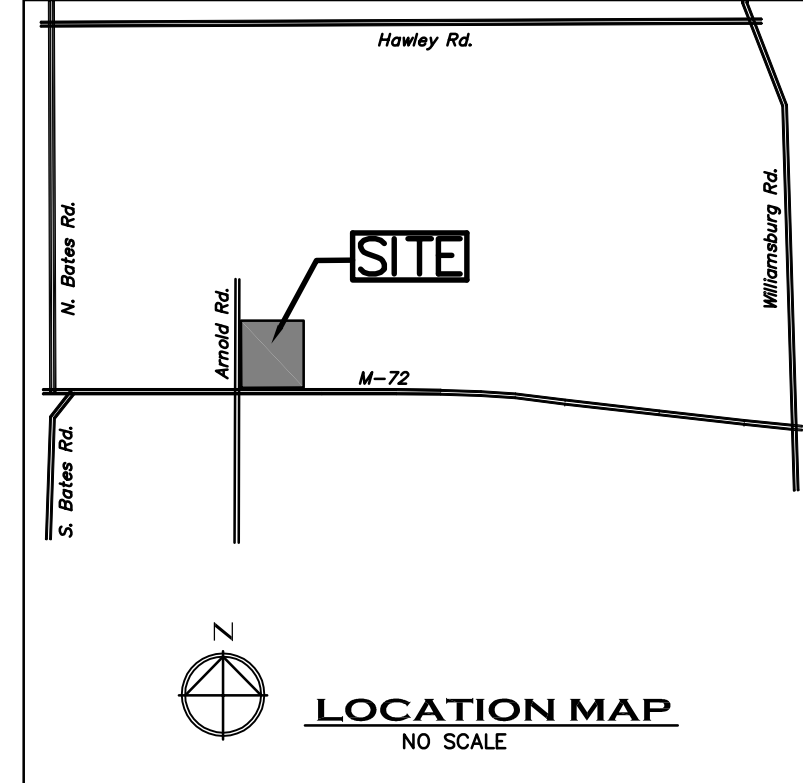
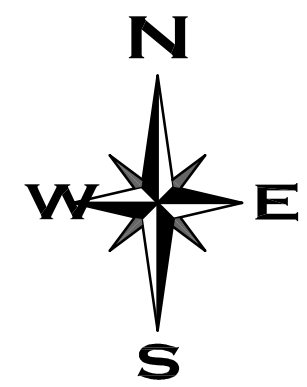
This map is based on digital databases prepared by Grand Traverse County. Grand Traverse County does not warrant, expressly or impliedly, or accept any responsibility for any errors, omissions, or that the information contained in the map or the digital databases is currently or positionally accurate.





**BENCHMARK #1 ELEVATION** ----- 750.72 (NAVD88)  
Set atop the Northeast flange bolt on hydrant at Northwest corner of M-72 and Arnold Rd. 2.4' above ground.

**BENCHMARK #2 ELEVATION** ----- 755.80 (NAVD88)  
Set atop the Northeast flange bolt on hydrant at North side of M-72. 650± feet East of the centerline of Arnold Rd. 2.8' above ground.



**LEGAL DESCRIPTION:**

A parcel of land situated in the Township of Acme, County of Grand Traverse, State of Michigan and described as follows to-wit:

Part of the Southwest One-Quarter of Section 32, Town 28 North, Range 09 West, more fully described as follows: Beginning at the Southwest corner of said section; thence North 89°46'50" East, along the South line of said section, 567.84 feet; thence North 00°49'05" West, 589.44 feet; thence South 89°10'55" West, 568.82 feet, to the West line of said section; thence South 00°55'01" East, along said West line, 583.51 feet to the Point of Beginning.

SUBJECT TO AND TOGETHER WITH a 66 foot wide easement for ingress and egress and the installation and maintenance of utilities as recorded in Liber 1425, Page 431.

ALSO SUBJECT TO AND TOGETHER WITH a 66 foot wide easement for ingress and egress and the installation of public and private utilities over part of the Southwest 1/4 of Section 32, Town 28 North, Range 09 West, the centerline of which is more fully described as: Commencing at the Southwest corner of said Section 32; thence North 00°55'01" West, along the West line of said section 583.51 feet, to Point of Beginning of said easement centerline; thence North 89°10'55" East, along said centerline, 769.17 feet; thence 288.61 feet, along the arc of a 210.63 foot radius curve to the right with a long chord of South 51°33'34" East, 266.56 feet, to the Point of Ending. Said easement sidelines are to begin at the West line of said section and to terminate at the West line of a parcel created in Liber 1425, Page 431.

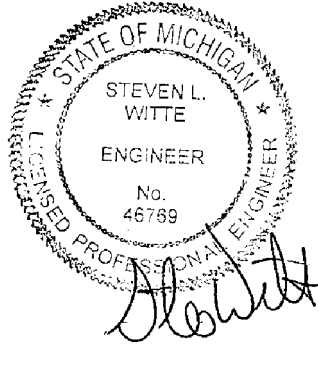
ALSO SUBJECT TO AND TOGETHER WITH an easement for Storm water storage and management, aka Proposed drainage easement #1, over part of the Southwest 1/4 of Section 32, Town 28 North, Range 09 West, the exterior of which is more fully described as: Commencing at the Southwest corner of said Section 32; thence North 00°55'01" West, along the West line of said section, 963.51 feet; thence North 89°10'55" East, 1009.24 feet, to the West line of a parcel created in Liber 1425, Page 431, to the Point of Beginning; thence South 00°49'05" East, 549.02 feet; thence South 89°46'53" West, 66.00 feet; thence North 00°49'05" West, 548.33 feet; thence North 89°10'55" East, 66.00 feet, to the Point of Beginning.

FURTHER SUBJECT TO AND TOGETHER WITH an easement for Storm water storage and management, Proposed drainage easement #2, over part of the Southwest 1/4 of Section 32, Town 28 North, Range 09 West, the exterior of which is more fully described as: Commencing at the Southwest corner of said Section 32; thence North 00°55'01" West, along the West line of said section, 583.51 feet; thence North 89°10'55" East, 33.00 feet, to the Point of Beginning; thence North 89°10'55" East, 60.00 feet; thence South 00°55'01" East, 93.00 feet; thence South 89°10'55" West, 60.00 feet, to the right of way of Arnold Road; thence North 00°55'01" West, along said right of way, 93.00 feet, to the Point of Beginning.

Excepting from the above described legal description: That part of the following described Tract "A" for clear vision purposes lying within a parcel of land described as: Beginning at the section corner common to Sections 21 and 32, Town 28 North, Range 9 West, and Sections 5 and 6, Town 27 North, Range 9 West; thence North 0°56'49" West 197.45 feet; thence South 56°48'55" East 362.37 feet to a point on the construction line of Highway M-72 relocated; thence South 89°46'11" West 300 feet along said construction line; thence North 0°56'49" West 2.55 feet to the Point of Beginning.

ALSO EXCEPT, that part of the following described Tract "A" lying Southerly of a line parallel to and 75 feet Northerly, when measured at right angles, from the construction line of Highway M-72 relocated.

Tract "A":  
That part at the Southwest quarter (SW 1/4) of the Southwest quarter (SW 1/4) Section 32, Town 28 North, Range 9 West, lying South of Railroad right-of-way.  
The relocated construction line of Highway M-72 is described as follows: Beginning at a point on the West line of Section 5, Town 27 North, Range 9 West, which is South 0°17'52" East 2.55 feet from the section corner common to Sections 31 and 32, Town 28 North, Range 9 West, and Sections 5 and 6, Town 27 North, Range 9 West, at Station 266 + 84.79; thence North 89°41'17" East 2405.23 feet to the point of curve of a 0°20'00" curve to the right (Station 290 + 90.02); thence Southeasterly and to the right along the arc of said curve 2246.67 feet to the point of tangent thereof at Station 313 + 36.69; thence South 82°49'23" East 653.27 feet to a point on the East line of said Section 5, which is South 0°10'33" West 232.20 feet from the Northeast corner thereof, and the point of ending of this construction line description at Station 319 + 89.96.



**LEGEND**

- 724 EX. GRADE CONTOUR
- [Hatched Box] = EXISTING BITUMINOUS
- [Tree Symbol] = EXISTING TREE
- [Stop Sign Symbol] = EXISTING STOP SIGN
- [Light Pole Symbol] = EXISTING LIGHT POLE
- [Manhole Symbol] = EXISTING SANITARY MANHOLE
- [Catch Basin Symbol] = EXISTING STORM CATCHBASIN
- [Manhole Symbol] = EXISTING STORM MANHOLE
- [Hydrant Symbol] = EXISTING HYDRANT

**811** Know what's below. Call before you dig.

UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

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Existing Conditions and Demolition Plan for:

**TRACTOR SUPPLY  
WILLIAMSBURG**

M-72 at Arnold Road

PART OF THE SW 1/4 OF SECTION 32, T28N, R9W,  
ACME TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN

**DMK - WILLIAMSBURG, LLC**

ATTN: DEREK MARINE  
5507 HUNTERS CIRCLE, SUITE 102  
MUSKEGON, MI 49441  
PHONE: (231) 760-5279

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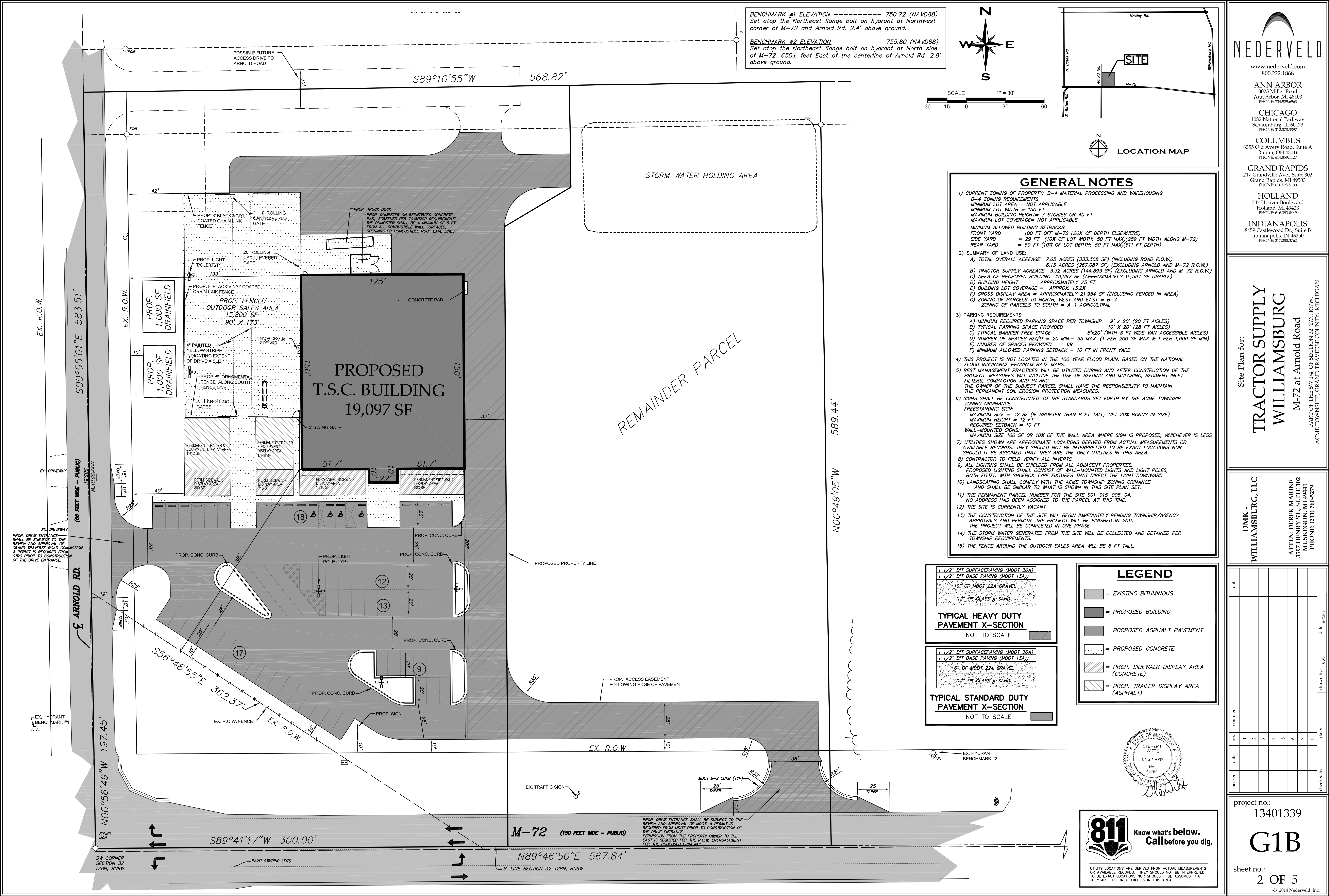
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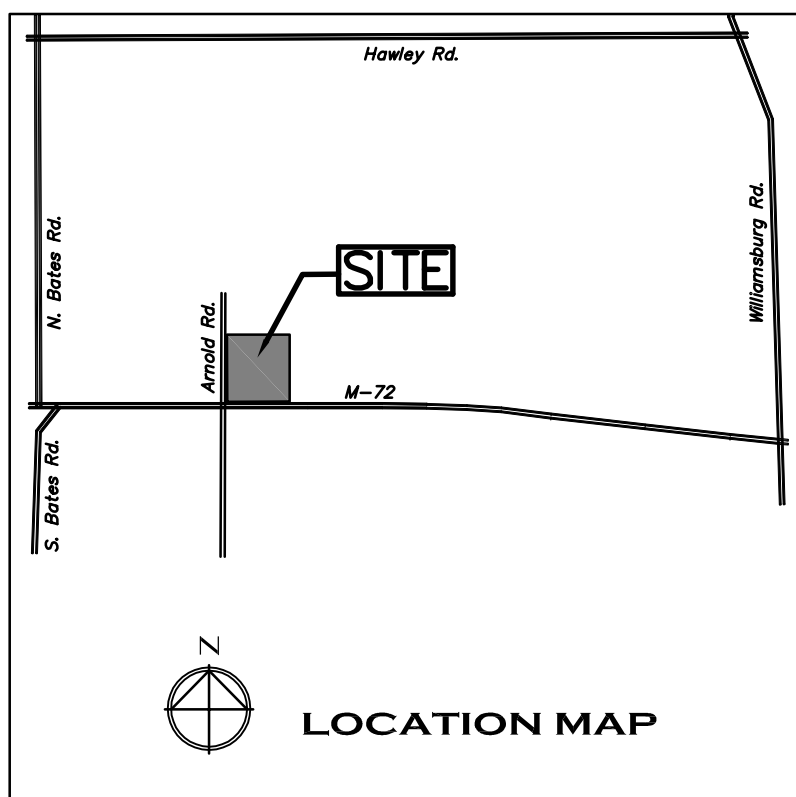
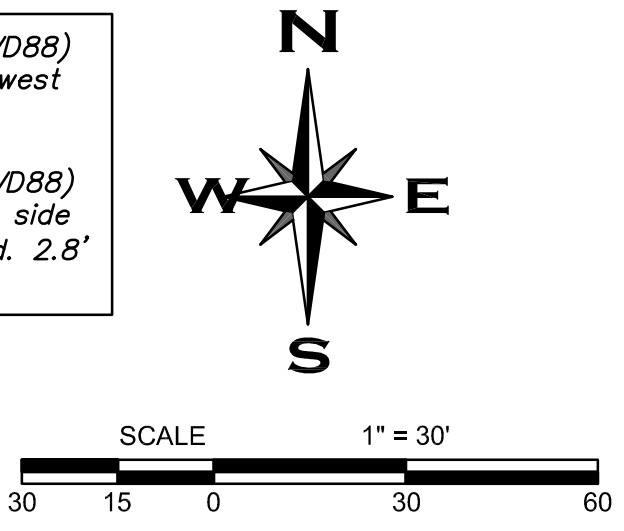
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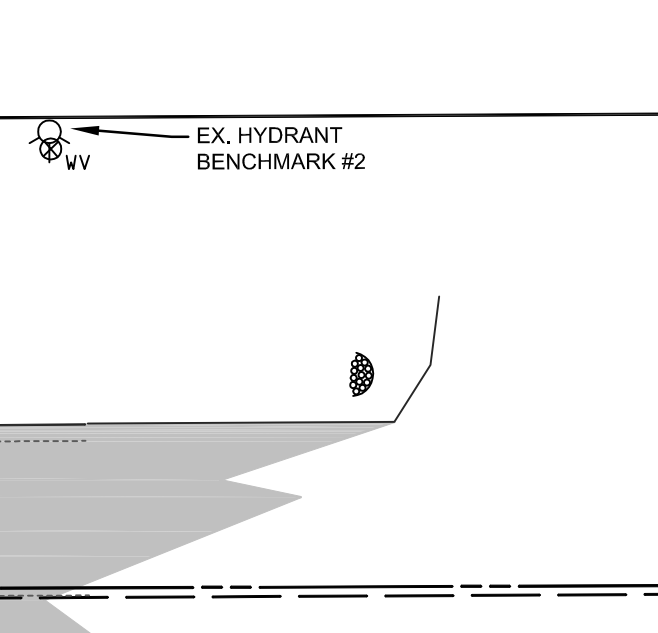
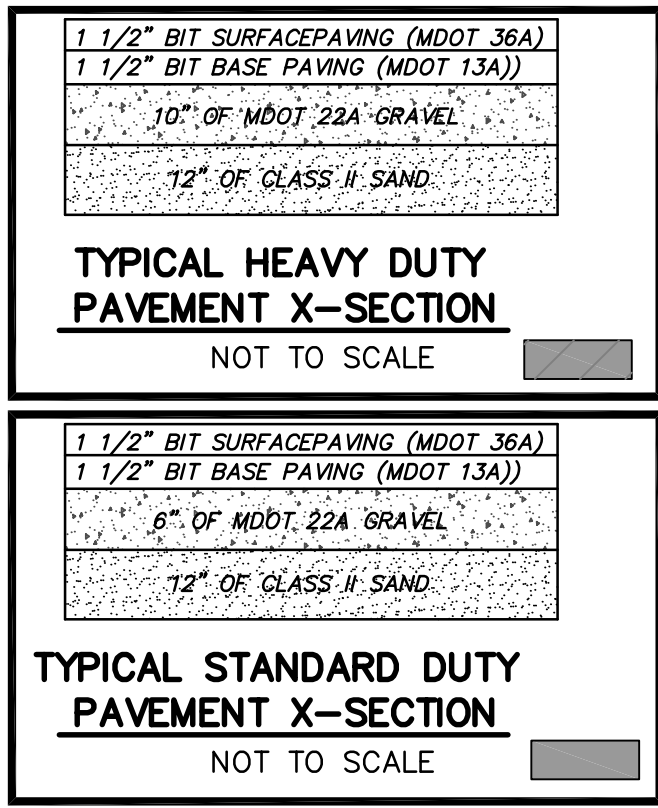


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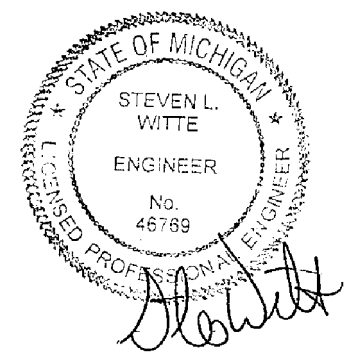
**BENCHMARK #2 ELEVATION** ----- 755.80 (NAVD88)  
Set atop the Northeast flange bolt on hydrant at North side of M-72. 650± feet East of the centerline of Arnold Rd. 2.8' above ground.



- ### GENERAL NOTES
- CURRENT ZONING OF PROPERTY: B-4 MATERIAL PROCESSING AND WAREHOUSING  
B-4 ZONING REQUIREMENTS  
MINIMUM LOT AREA = NOT APPLICABLE  
MINIMUM LOT WIDTH = 150 FT  
MAXIMUM BUILDING HEIGHT = 3 STORIES OR 40 FT  
MAXIMUM LOT COVERAGE = NOT APPLICABLE  
MINIMUM ALLOWED BUILDING SETBACKS:  
FRONT YARD = 100 FT OFF M-72 (20% OF DEPTH ELSEWHERE)  
SIDE YARD = 29 FT (10% OF LOT WIDTH; 50 FT MAX)(288 FT WIDTH ALONG M-72)  
REAR YARD = 50 FT (10% OF LOT DEPTH; 50 FT MAX)(511 FT DEPTH)
  - SUMMARY OF LAND USE:  
A) TOTAL OVERALL ACREAGE 7.65 ACRES (333,308 SF) (INCLUDING ROAD R.O.W.)  
6.13 ACRES (267,087 SF) (EXCLUDING ARNOLD AND M-72 R.O.W.)  
B) TRACTOR SUPPLY ACREAGE 3.32 ACRES (144,893 SF) (EXCLUDING ARNOLD AND M-72 R.O.W.)  
C) AREA OF PROPOSED BUILDING 19,097 SF (APPROXIMATELY 15,597 SF USABLE)  
D) BUILDING HEIGHT APPROXIMATELY 25 FT  
E) BUILDING LOT COVERAGE = APPROX. 13.28%  
F) GROSS DISPLAY AREA = APPROXIMATELY 21,954 SF (INCLUDING FENCED IN AREA)  
G) ZONING OF PARCELS TO NORTH, WEST AND EAST = B-4  
ZONING OF PARCELS TO SOUTH = A-1 AGRICULTURAL
  - PARKING REQUIREMENTS:  
A) MINIMUM REQUIRED PARKING SPACE PER TOWNSHIP 9' x 20' (20 FT AISLES)  
B) TYPICAL PARKING SPACE PROVIDED 10' x 20' (28 FT AISLES)  
C) TYPICAL BARRIER FREE SPACE 8'x20' (WITH 8 FT WIDE VAN ACCESSIBLE AISLES)  
D) NUMBER OF SPACES REQ'D = 20 MIN. - 95 MAX. (1 PER 200 SF MAX & 1 PER 1,000 SF MIN)  
E) NUMBER OF SPACES PROVIDED = 69  
F) MINIMUM ALLOWED PARKING SETBACK = 10 FT IN FRONT YARD
  - THIS PROJECT IS NOT LOCATED IN THE 100 YEAR FLOOD PLAIN, BASED ON THE NATIONAL FLOOD INSURANCE PROGRAM RATE MAPS.
  - BEST MANAGEMENT PRACTICES WILL BE UTILIZED DURING AND AFTER CONSTRUCTION OF THE PROJECT. MEASURES WILL INCLUDE THE USE OF SEEDING AND MULCHING, SEDIMENT INLET FILTERS, COMPACTION AND PAVING.  
THE OWNER OF THE SUBJECT PARCEL SHALL HAVE THE RESPONSIBILITY TO MAINTAIN THE PERMANENT SOIL EROSION PROTECTION MEASURES.
  - SIGNS SHALL BE CONSTRUCTED TO THE STANDARDS SET FORTH BY THE ACME TOWNSHIP ZONING ORDINANCE.  
FREESTANDING SIGN:  
MAXIMUM SIZE = 32 SF (IF SHORTER THAN 8 FT TALL; GET 20% BONUS IN SIZE)  
MAXIMUM HEIGHT = 12 FT  
REQUIRED SETBACK = 10 FT  
WALL-MOUNTED SIGNS:  
MAXIMUM SIZE 100 SF OR 10% OF THE WALL AREA WHERE SIGN IS PROPOSED, WHICHEVER IS LESS
  - UTILITIES SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETTED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.
  - CONTRACTOR TO FIELD VERIFY ALL INVERTS.
  - ALL LIGHTING SHALL BE SHIELDED FROM ALL ADJACENT PROPERTIES.  
PROPOSED LIGHTING SHALL CONSIST OF WALL-MOUNTED LIGHTS AND LIGHT POLES, BOTH FITTED WITH SHOEBOX TYPE FIXTURES THAT DIRECT THE LIGHT DOWNWARD.
  - LANDSCAPING SHALL COMPLY WITH THE ACME TOWNSHIP ZONING ORDINANCE AND SHALL BE SIMILAR TO WHAT IS SHOWN IN THIS SITE PLAN SET.
  - THE PERMANENT PARCEL NUMBER FOR THE SITE S01-015-005-04.  
NO ADDRESS HAS BEEN ASSIGNED TO THE PARCEL AT THIS TIME.
  - THE SITE IS CURRENTLY VACANT.
  - THE CONSTRUCTION OF THE SITE WILL BEGIN IMMEDIATELY PENDING TOWNSHIP/AGENCY APPROVALS AND PERMITS. THE PROJECT WILL BE FINISHED IN 2015.  
THE PROJECT WILL BE COMPLETED IN ONE PHASE.
  - THE STORM WATER GENERATED FROM THE SITE WILL BE COLLECTED AND DETAINED PER TOWNSHIP REQUIREMENTS.
  - THE FENCE AROUND THE OUTDOOR SALES AREA WILL BE 8 FT TALL.



- ### LEGEND
- [Pattern] = EXISTING BITUMINOUS
  - [Pattern] = PROPOSED BUILDING
  - [Pattern] = PROPOSED ASPHALT PAVEMENT
  - [Pattern] = PROPOSED CONCRETE
  - [Pattern] = PROP. SIDEWALK DISPLAY AREA (CONCRETE)
  - [Pattern] = PROP. TRAILER DISPLAY AREA (ASPHALT)



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Holland, MI 49423  
PHONE: 616.593.6469

**INDIANAPOLIS**  
8455 Castlewood Dr., Suite B  
Indianapolis, IN 46250  
PHONE: 317.288.3762

Site Plan for:

**TRACTOR SUPPLY  
WILLIAMSBURG**

M-72 at Arnold Road

PART OF THE SW 1/4 OF SECTION 32, T28N, R92W,  
ACME TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN

**DMK -  
WILLIAMSBURG, LLC**

ATTN: DEREK MARINE  
5507 HUNTERS CIRCLE, SUITE 102  
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PHONE: (231) 760-5279

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project no.:  
13401339

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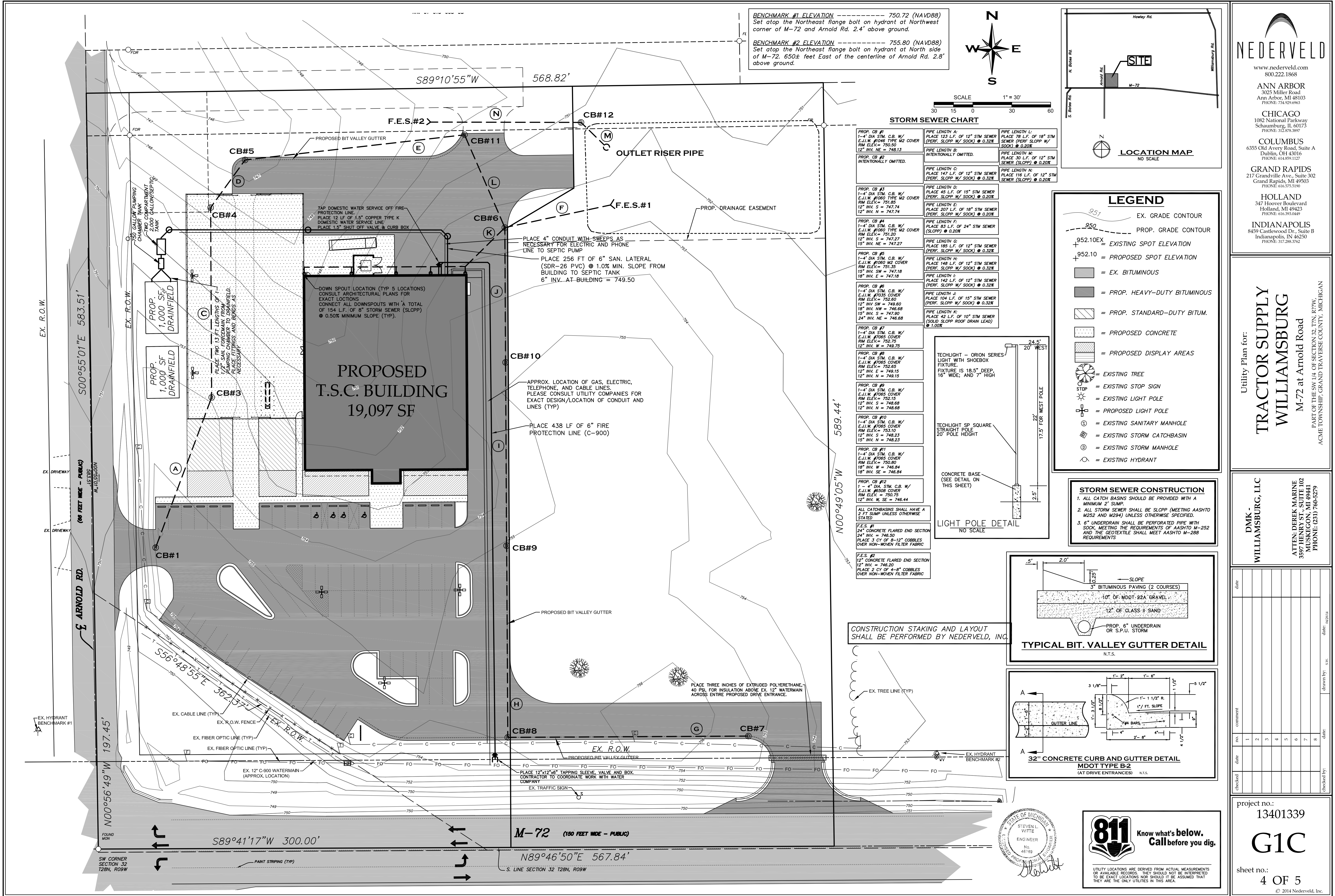
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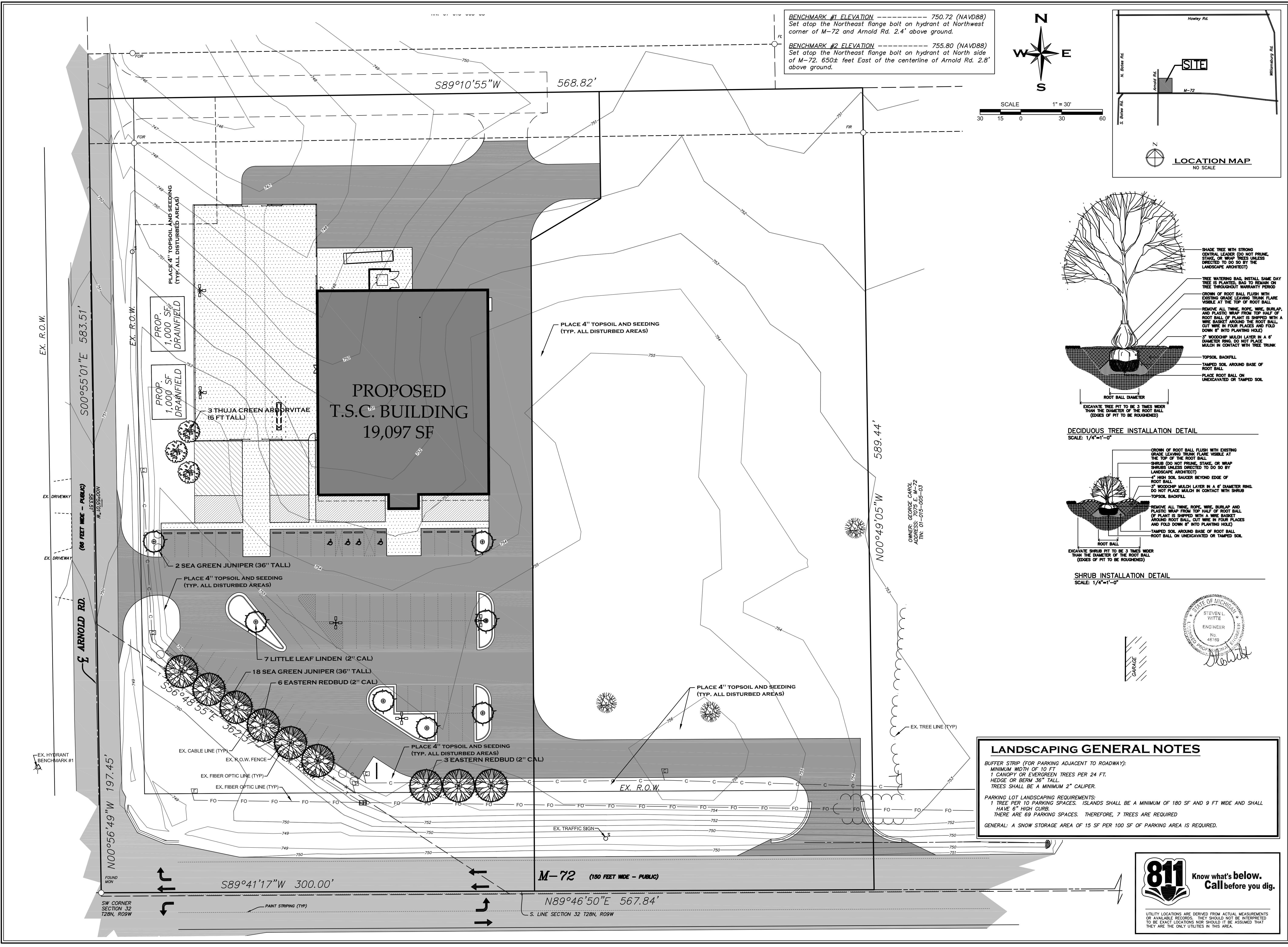












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**INDIANAPOLIS**  
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Indianapolis, IN 46250  
PHONE: 317.288.3762

**LANDSCAPE Plan for:**  
**TRACTOR SUPPLY WILLIAMSBURG**  
M-72 at Arnold Road

**KETTLER REAL ESTATE SERVICES, LLC**  
3597 HENRY ST.  
MUSKEGON, MI 49441

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		2				2				2	
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		8				8				8	

project no.: 13401339

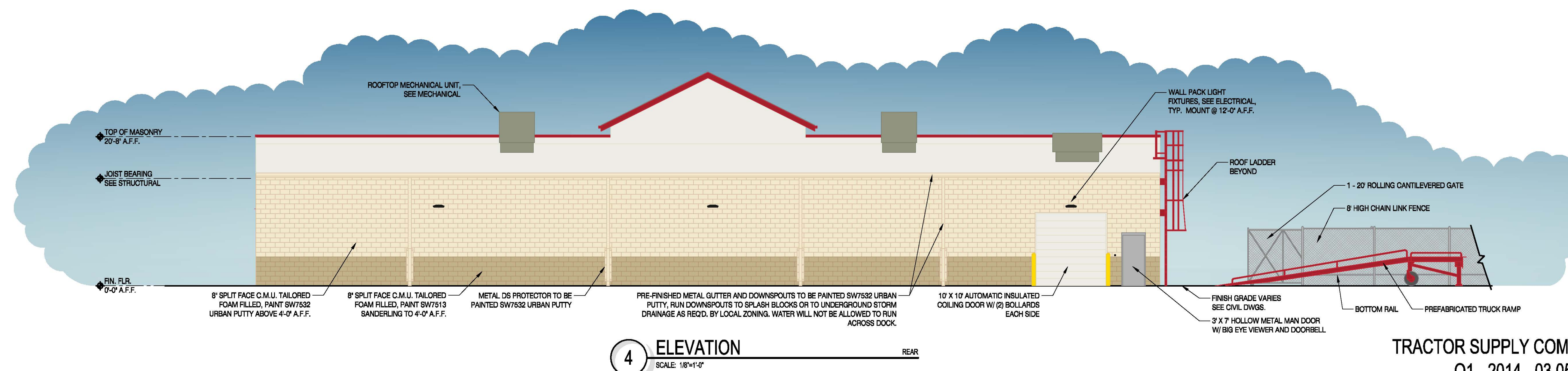
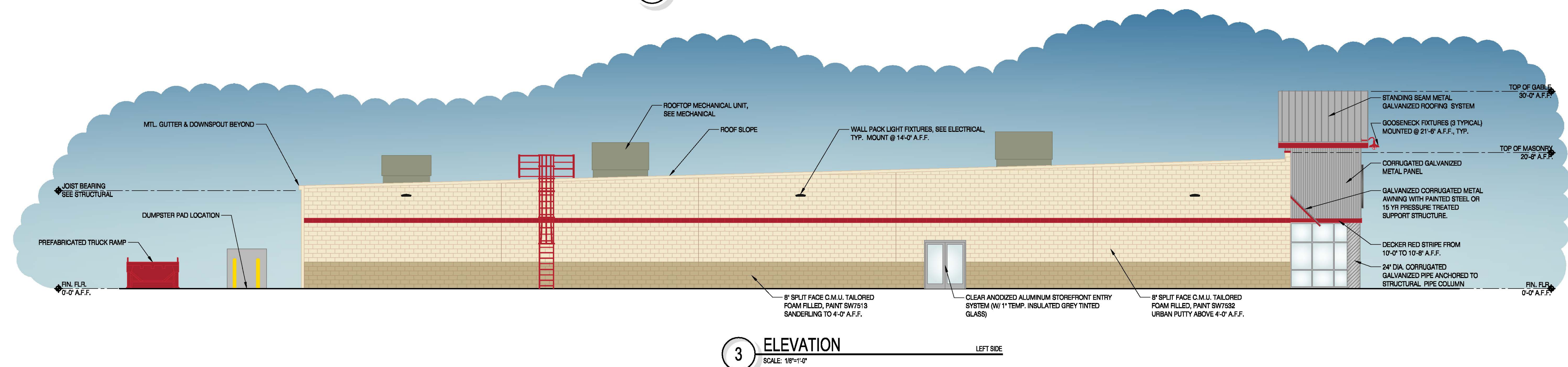
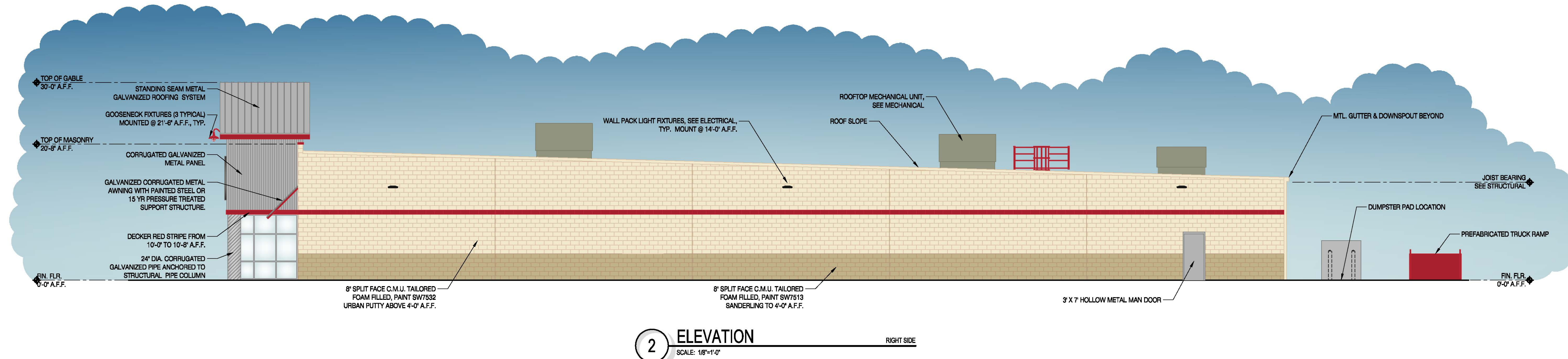
**G1D**

sheet no.: 5 OF 5

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PAINT COLORS  
UPPER - SHERWIN WILLIAMS #SW7532 "URBAN PUTTY"  
LOWER - SHERWIN WILLIAMS #SW7513 "SANDERLING"



TRACTOR SUPPLY COMPANY  
Q1 - 2014 - 03.05.2014



OXFORD  
ARCHITECTURE

1205 Paris Avenue  
Suite 205  
Nashville, TN 37212

Architecture  
Planning  
Interior Architecture



#### **6.10. B-4 DISTRICT: MATERIAL PROCESSING AND WAREHOUSING DISTRICT**

6.10.1 INTENT AND PURPOSE: This district is intended to accommodate those industrial uses, warehousing and storage, and related activities that generate a minimum of noise, glare, odors, dust, vibration, air and water pollution, fire and safety hazards, or any other potentially harmful or nuisance characteristics. It is designed to accommodate wholesale, warehouse, agricultural sales and service related businesses and light industrial activities whose operational and physical characteristics do not detrimentally affect any of the surrounding district.

6.10.2 USES PERMITTED BY RIGHT: Uses permitted by right require site plan review under Article VIII.

- a. Processing and distribution facilities:
  - i. Distribution and transfer centers
  - ii. Produce market terminals
  - iii. Recycling centers (no heavy machinery)
  - iv. Soda water and soft drink bottling facilities
  - v. Bakeries and confection making.
  - vi. Bottling or packaging of cleaning compounds, polishes, seeds, etc.
  - vii. Pattern-making shops
  - viii. Printing, engraving and bookbinding shops.
  - ix. Micro-brewery, distillery and wine processing and bottling operations.
- b. Storage where operations are conducted within an enclosed building:
  - i. Warehouses, indoor storage and terminal buildings
  - ii. Freezers and lockers
  - iii. Construction Storage
  - iv. Mini or self-storage; mini-warehousing facilities.
- c. High-tech uses:
  - i. Research and development centers
  - ii. Laboratories
  - iii. Telecommunications
  - iv. Data processing and computing centers
  - v. Computer electronic equipment manufacturing
  - vi. Computer programming and software development
- d. Public/quasi-public facilities
  - i. Medical laboratories
  - ii. Essential public service buildings and storage yards, municipal buildings, municipal maintenance and repair

facilities, public utility buildings, telephone exchanges, electric transformer yards, substations, gas regulator stations and associated service or storage yards

e. Retail establishments with less than 30,000 gross square feet of building area with an enclosed (fenced) outdoor sales yards including:

- i. Building and lumber supply stores,
- ii. Hardware and home improvement stores; and
- iii. Wholesale stores.

f. Garden centers and nurseries;

g. Automotive and Farm Equipment establishments:

- i. Major automobile repair establishments.
- ii. Farm equipment sales and service.

h. Personal service:

- i. Veterinary hospitals and kennels.
- ii. Carpet cleaning establishments.

6.10.4 USES AUTHORIZED BY SPECIAL USE PERMIT: The following uses of land and structures may be permitted by the application for and the issuance of a special use permit, pursuant to Section 9.1.

a. Central Dry Cleaning and Laundering Facility/Plant

b. Contractor Establishments with outdoor storage for materials and equipment.

c. Lumber and Planing Mills

d. Private or non-profit indoor and outdoor recreational facilities.

e. Retail establishments where the square footage of the enclosed (fenced) outdoor sales area is larger than the gross square footage of the principle retail building.

f. Structural Appurtenances: As accessory uses, the following kinds of structural appurtenances may be permitted to exceed the height limitations for the principal use: appurtenances to mechanical or structural functions, such as chimney and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, aerials, fire and hose towers and cooling towers. No structural appurtenances permitted hereby shall be used for dwelling purposes.

g. Special Building Height Regulation: Any principal building may be erected to a height in excess of the maximum allowed height, provided that each front, side and rear setback minimum is increased one foot for each one foot of additional height permitted above the maximum.

STATE OF MICHIGAN  
GRAND TRAVERSE COUNTY  
RECORDED

2 AUG 2000 4:04 PM

KARON ANDERSON  
REGISTER OF DEEDS

**GRANT OF EASEMENT**

CW22324

This Easement Agreement has been entered into on July 21, 2000, by and between Robert Hoffman ("Party A"), whose address is 36340 Van Born, Wayne, Michigan 48184; and Ruth Ann Miana, survivor of herself and her deceased husband, Charles Miana ("Party B"), whose address is 7075 M-72 East, Williamsburg, Michigan 49690.

**Recitals**

A. Party A owns a parcel of land of 7.453 acres located in the Southwest 1/4 of the Southwest 1/4 of Section 32, Town 28 North, Range 9 West, Acme Township, Grand Traverse County, Michigan, more fully described as:

Commencing at the Southwest Corner of said Section 32; thence N 88°46'50" E, 941.63 feet along the South line of said Section and the centerline of M-72 to the POINT OF BEGINNING; thence N 00°49'05" W, 425.02 feet; thence N 88°46'50" E, 88.00 feet; thence N 00°49'05" W, 549.01 feet; thence N 88°10'55" E, 304.00 feet; thence S 00°49'05" E, 977.21 feet along the West 1/8 line of said Section; thence S 88°46'50" W, 370.02 feet along the South line of said Section and the centerline of M-72 to the POINT OF BEGINNING. Hereinafter described as "Parcel A."

B. Party B owns a parcel of land of 21.783 acres located in the Southwest 1/4 of the Southwest 1/4 of Section 32, Town 28 North, Range 9 West, Acme Township, Grand Traverse County, Michigan, more particularly described as follows:

BEGINNING at the Southwest Corner of said Section 32; thence N 00°55'01" W, 963.51 feet along the West line of said Section and the centerline of Arnold Road; thence N 88°10'55" E, 1009.23 feet along the South line of C&O Railroad right-of-way; thence S 00°49'05" E, 549.01 feet; thence S 88°46'50" W, 88.00 feet; thence S 00°49'05" E, 425.02 feet; thence S 88°46'50" W, 941.63 feet along the South line of said Section and the centerline of M-72 to the POINT OF BEGINNING. Hereinafter described as "Parcel B."

NOW, THEREFORE, in consideration of Ten Dollars (\$10) paid by Party B to Party A, and intending to legally bound, the Parties agree as follows:

1. Party A hereby grants to Party B and her heirs, successors, and assigns a perpetual, nonexclusive easement over the following described property for the purpose of ingress and egress to and the supplying of utilities to Parcel B as more accurately legally described:

1300  
3/3

533274 MAT

A parcel of land in the Southwest 1/4 of the Southwest 1/4 of Section 32, Town 28, Range 9 West, Acme Township, Grand Traverse County, Michigan, more particularly described as follows:

Commencing at the Southwest corner of said Section 32; thence N 89°46'50" E, 841.63 feet along the south line of said Section and the centerline of M-72 to the POINT OF BEGINNING; thence N 00°49'05" W, 425.02 feet; thence N 89°46'50" E, 88.00 feet; thence S 00°49'05" E, 425.02 feet; thence S 89°46'50" W, 88.00 feet along the South line of said Section and the centerline of M-72 to the POINT OF BEGINNING. Hereinafter described as Easement Property.

2. This Easement shall burden the land it passes across, over and through and shall benefit and run with Parcel B.

3. At the time that Party A constructs a commercial building upon Parcel A, it shall also construct a driveway over the Easement Property. So long as Party A, its successors and/or assigns utilizes the Easement for access to Parcel A, the Easement road shall, at all times, be kept in good and viable condition by Party A and his heirs, successors, and assigns. At the time that any commercial development is constructed on any portion of Parcel B which utilizes the Easement, any and all costs incurred for the maintenance, repair, reconstruction, and/or removal of dirt and/or snow shall be borne by the owner(s) of Parcel A and the owner(s) of Parcel B commensurate with their uses. Neither party may overburden the Easement.

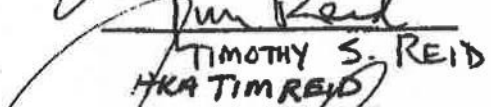
4. Should any party or its successor damage, cut or construct under or over the Easement Property to access the Easement Property for installation of utilities or otherwise, that party shall immediately cause the Easement Property to be properly restored and/or repaired.

Witnesses:

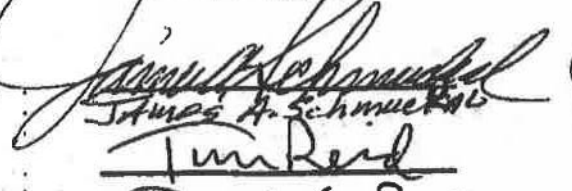
ROBERT HOFFMAN ("Grantor")

  
James A. Schmuckel

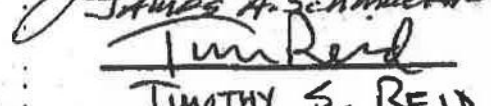
  
Robert Hoffman  
aka Robert L. Hoffman

  
TIMOTHY S. REID  
AKA TIM REID

RUTH ANN MLSNA ("Grantee")

  
James A. Schmuckel

  
Ruth Ann Mlsna  
aka Ruth A Mlsna

  
TIMOTHY S. REID  
AKA TIM REID

STATE OF MICHIGAN

COUNTY OF GRAND TRAVERSE } SS.

On this 21 day of JULY, 2000, before me personally appeared ROBERT HOFFMAN, the signer and sealer of the foregoing instrument, and acknowledges the same to be his free act and deed, and the free act and deed of the said corporation.

\*Robert L. Hoffman

*Charlene M. Hunt*  
Notary Public,

County, Michigan  
My Commission Expires: \_\_\_\_\_  
CHARLENE M. HUNT

Notary Public, Leelanau County, MI  
My Commission Expires May 18, 2002  
Acting in Gr. Traverse County, MI

STATE OF MICHIGAN

COUNTY OF GRAND TRAVERSE } SS.

On this 21 day of JULY, 2000, before me personally appeared RUTH ANN MLSNA, the signer and sealer of the foregoing instrument, and acknowledges the same to be his free act and deed, and the free act and deed of the said corporation.

\*aka Ruth A Mlsna

*Charlene M. Hunt*  
Notary Public,

County, Michigan  
My Commission Expires: \_\_\_\_\_

CHARLENE M. HUNT  
Notary Public, Leelanau County, MI  
My Commission Expires May 18, 2002  
Acting in Gr. Traverse County, MI

THIS INSTRUMENT PREPARED BY,  
WHEN RECORDED, RETURN TO:

Ronald A. Deneweth  
Schler, Deneweth & Parfit, P.C.  
888 W. Big Beaver Road, Suite 610  
Troy, MI 48064-4737  
(248) 362-6800

## Technical Memo – Storm water Calculation Review

To: John Iacoangeli - Beckett & Raeder, Inc.  
Jay Zollinger, Supervisor – Acme Township

From: Robert Verschaeve, P.E.



Date: June 4, 2014

RE: Tractor Supply, M-72 at Arnold Road  
Stormwater Calculation Review

---

This review is being provided as requested by Beckett & Raeder, Inc. to be included with the full review they are providing to Acme Township for the Site Plan submitted to the Township for the above referenced project. This review is limited to the storm water control for the site.

The plans provided for review were prepared by Nederveld and are dated 4-28-14. The plans generally show a proposed building, drive, parking, display areas, utilities, and a storm water retention area. A supplemental submission of a "Drainage Summary and Calculations for Storm Water Management" dated 5-1-2014 was also provided for review.

It appears from the submitted information that the storm water system is designed as a detention system and the criteria used for design are from the Detention System section of the Grand Traverse County Drain Commission standards referenced in the submitted documents.

Impervious surface areas were scaled from the provided plans and included the proposed building, drive, parking, and display areas. The scaled values matched closely the area of 116,027 sft of impervious area for the proposed Tractor Supply site. There is additional area on the site where a future development could occur. As assumed amount of impervious area for the future development was used by the designer to include storage volume that would be available for that future development.

Comments regarding the calculations reviewed are:

- The impervious area coefficient (C) of .9 used should be higher. Table 2 in the referenced standards lists .98 for asphalt and concrete pavement and .95 for roofs. The overall C used for the development should be recalculated with these values.
- The standards list the treatment volume of as the routed volume of runoff from the 1.5 year, 24 hour rainfall event (2.06 inches)



or minimum of 5,000 cft/impervious acre. 2.06 inches over the impervious area results in a higher required volume of 35,204 cubic feet for the development including the future build out.

- The recalculated C for the development will result in a higher flood control volume required than the 6,977 cft/acre used.
- The required forebay volume will be higher due to the greater treatment volume.

The adjustments noted above should be made to the calculations and any resulting changes made to the plans in order to meet the standards.

Additionally, certification that an adequate outlet is available for the water released by the outlet control structure shown shall be provided by a licensed professional engineer, surveyor, or architect.

The stormwater plans for any future building and parking that is proposed for the site should also be reviewed at that time.

Date: 06.02.2014

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

Project: **DMK Development**  
**Tractor Supply Company**  
**M-72 and Arnold Road**

---

**Background:**

Applicant – DMK Development  
3597 Henry Street  
Muskegon, MI 49441

Property - M-72 and Arnold, Williamsburg, MI  
(*no property address at this time*)

Zoning - B-4: MATERIAL PROCESSING AND WAREHOUSING DISTRICT

Proposal - Site Plan Review

**Request**

A site plan review is being requested by the Applicant in order to construct a Tractor Supply Company retail outlet at the NE corner of M-72 and Arnold Road. The proposed building is 19,097 square feet with an enclosed and fenced display yard of 15,800 square feet. The use is permitted under Section 6.10.2 e.

*Retail establishments with less than 30,000 gross square feet of building area with an enclosed (fenced) outdoor sales yards including:*

- i. Building and lumber supply stores,*
- ii. Hardware and home improvement stores; and*
- iii. Wholesale stores.*

**Review**

The site plan review is based on the Zoning Ordinance and the Standards for Site Plan Review outlined in Section 8.2.4 Standards for Site Plan Review.

*planning review*

The property has frontage along M-72 and Arnold Road. There is fiber optic, a 12" watermain and telephone/cable along the M-72 right-of-way. In addition, there is a clear vision easement that extends 300 feet along M-72 and 197.45 feet along Arnold Road. The grade between M-72 and the subject property is approximately 5 feet higher.



*Project Location Aerial (source: Google Earth)*

The subject property (approximate boundaries shown in red) is located in the B-4: Material Processing and Warehousing which is a combination of storage facilities, processing and light industrial uses. The general area has been planned well and has developed in a cohesive manner as it relates to this type of development.

The introduction of the Tractor Supply Company is a result of modifications to the B-4 district to open opportunities for limited retail and sales often associated with warehousing districts, such as greenhouses, lumber and hardware stores, and farming-related businesses. As a result, new construction should reflect the modification in the district and the limited change in use. For example, buildings that have a retail component should be designed to look like a retail building with windows along the front façade, inviting customer entrance and appropriate screening of outside materials. Parking lot lighting should be balanced between safety and recognizing that the B-4 district is in a rural area. Further, when appropriate efforts to connect parcels using shared access easements should be pursued by the Planning Commission to reduce turning movements on M-72 between developments.

*planning review*

Below is an example of Tractor Supply Company store located in Fenton, Michigan at the US-23 and Owens Road interchange.



A couple of items that are noteworthy as part of your deliberations:

- The front façade has glass panels to make it look more “retail.” This system was also used in the White Lake Township (Oakland Co.) TSC project.
- Sidewalk through the landscape island providing better pedestrian connection.
- The outdoor display area in front of the enclosed fenced area has an extended wall made from the same building material. This partially screens the display area from the parking lot.
- The fence enclosure has a fabric liner which limits views of the outdoor storage yard.
- The parking light is higher than the building which is not a preferred option in a rural area. The light standard should be not higher than the building.

### Site Specific Dimensions

	Standard	Required	Provided
<b>Yards</b>			
Front Yard	100 feet along M-72	100 feet	100 feet
Side Yard	10% of lot width not to exceed 50 feet.	289 feet along M-72 requires a 29 foot side yard.	29 feet
Rear Yard	10% of lot depth not to exceed 50 feet.	511 feet of depth or 51 feet. Maximum is 50 feet.	50 feet
<b>Parking</b>			
Vehicles	Min. 1 per 200 sq.ft. Max 1 per 1,000 sq.ft.	Based on the sq. ft. this would equate to a minimum of 20 and a maximum of 95.	69
Loading / Unloading	1 per 20,000 sq.ft. and 1 per each additional 40,000 sq.ft.	19,097 which requires 1 space	1
<b>Signage</b>			
Freestanding	32 sq.ft. not higher than 12 feet tall	32 sq. ft.	Not shown or indicated
Wall	20% of canopy face or 100 sq.ft. max.		Not shown or indicated
<b>Landscaping</b>			
Islands	1 at each aisle terminus.	5; There is a transition area where no island provided.	4
Trees	1 tree per 10 parking spaces	69 spaces requires 7 trees	7 trees located in the islands plus 9 along perimeter of property
Snow Storage	15 sq.ft. per 100 sq.ft.		Not shown or indicated

Standards for Site Plan Review	
Standard	Response
That the applicant may legally apply for site plan review.	The Applicant has authorization from the property owner to seek site plan approval.
That all required information has been provided.	Information on lighting photometrics, signs and snow storage are not on plans.
That the proposed development conforms to all regulations of the zoning district in which it is located and all other applicable standards and requirements of this ordinance, including but not limited to all supplementary regulations.	The Zoning Ordinance does not allow parking in the front yard setback which will require a variance from the ZBA. In addition, there are several outdoor display areas located outside of the enclosed storage yard. These are noted as permanent outdoor display areas as referenced on the attached exhibit.
That the plan meets the requirements of Acme Township for fire and police protection, water supply, sewage disposal or treatment, storm, drainage, and other public facilities and services.	To date we have received e-mail from MDOT and the GTB regarding the location of the access drive on M-72 and availability of water, respectively. The Township Engineer is reviewing stormwater and the Grand Traverse County Road Commission has been apprised of the project but there is no formal correspondence.
That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.	The Applicant has been coordinating with other agencies and as a result modify the site plan and the location of the store.
That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so indicated on the site plan and at the site per se.	There will be a parcel available for development immediately east of the project site. It will be undisturbed with the exception of a shared service/access drive from M-72.
That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.	Not applicable.

Standards for Site Plan Review	
Standard	Response
That the soil conditions are suitable for excavation and site preparation, and that organic, wet, or other soils which are not suitable for development will either be undisturbed, or modified in an acceptable manner.	Not applicable.
That the proposed development will not cause soil erosion or sedimentation problems.	Soil erosion and sedimentation controls will be in place during construction.
That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.	Subject to review and approval by the Township Engineer.
That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.	The current site is relatively flat.
That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.	The proposed development will be sandwiched between existing developments.
That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.	Project will not be phased. An available (remainder) parcel will be available immediately east of the subject property for development. This parcel will have shared access to M-72 and the same type of utilities.
That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems, and water and sewage facilities.	Utilities already are adjacent to the property.
That landscaping, fences or walls may be required when appropriate to meet the objectives of this Ordinance.	Landscaping is included in the site plan.



Standards for Site Plan Review	
Standard	Response
That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.	The parking lot is adequate and will not cause any circulation issues within the site or M-72 and Arnold Road.
That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.	The Applicant has coordinated with MDOT on the location of the access drive which will serve this property and the parcel to the east. This was done recognizing the traffic speeds and volumes on M-72.
That outdoor storage of garbage and refuse is contained, screened from view, and located so as not be a nuisance to the subject property or neighboring properties.	The dumpster is located in the rear of the building and screened from view.
That the proposed site is in accord with the spirit and purpose of this Ordinance, and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.	The subject property is consistent with the Community Master Plan and the B-4 zoning district.

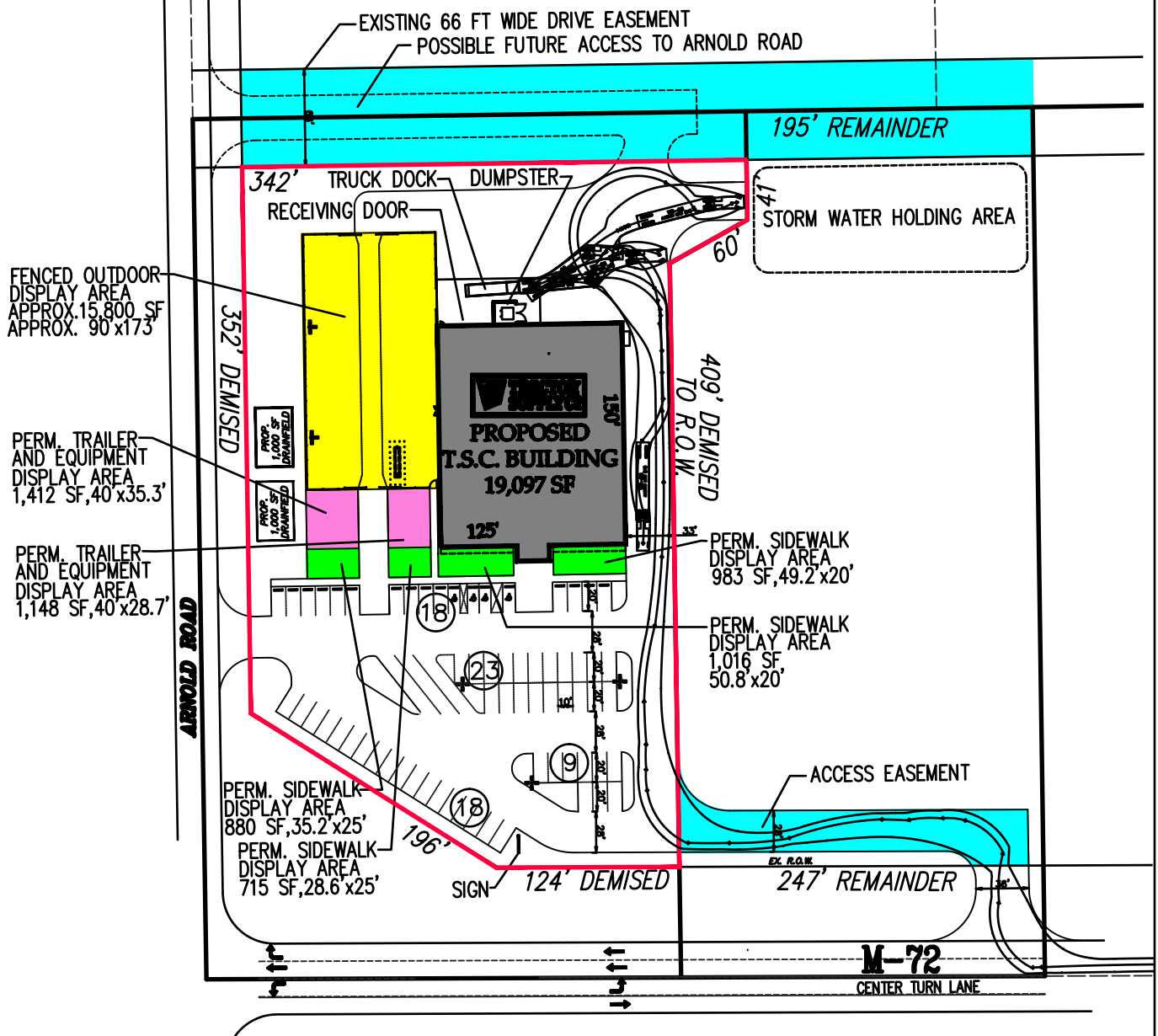
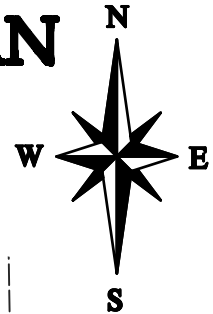
### Outstanding Issues

There are several outstanding issues that require further attention.

- 1) Signage for the building and site need to be addressed.
- 2) A photometric plan with specifications for the lights needs to be provided.
- 3) Consider screening some of outdoor display areas that are adjacent to the building.
- 4) Installation of glass panels on the front façade.
- 5) Finalize stormwater and utility review by the Township Engineer.
- 6) Letter from MESA and Grant Traverse County Road Commission on their review comments.

#####

# TRACTOR SUPPLY WILLIAMSBURG, MICHIGAN



LANDLORD: \_\_\_\_\_  
TENANT: \_\_\_\_\_

APRIL 1, 2014

## Nikki Lennox

---

**From:** McCaw, David (MDOT) [McCawD@michigan.gov]  
**Sent:** Thursday, April 10, 2014 8:00 AM  
**To:** Steve Witte  
**Cc:** Lajko, Mary (MDOT); 'Derek Marine'; Nikki Lennox  
**Subject:** RE: Tractor Supply - Acme Township - M-72 near Arnold Road  
**Attachments:** ConceptualSitePlanApril7.2014.pdf

Steve,

MDOT has no objections to the driveway configuration as shown. We appreciate your consideration. Keep us in the loop as your engineering progresses.

Thank you,

Dave McCaw, P.E.  
Staff Engineer  
MDOT – Traverse City TSC  
2084 US-31 South  
Traverse City, MI 49685  
Phone: (231) 941-1986  
Toll-Free: (888) 457-6368  
[mccawd@michigan.gov](mailto:mccawd@michigan.gov)

---

**From:** Steve Witte [<mailto:switte@nederveld.com>]  
**Sent:** Monday, April 07, 2014 1:38 PM  
**To:** McCaw, David (MDOT); Lajko, Mary (MDOT)  
**Cc:** 'Derek Marine'; 'Nikki Lennox'  
**Subject:** Tractor Supply - Acme Township - M-72 near Arnold Road

Hi Dave/Mary (and Derek/Nikki),

I hope your day is going well.

As I mentioned to you a while back, Tractor Supply has agreed to move the proposed drive entrance off M-72 to the east end of the property, as shown on the attached conceptual site plan for the Acme Township site.

Note that as shown on the attached, the entrance radius extends onto the remainder property, and we are aware that we would need to get authorization from the adjacent property (seller) for this right of way encroachment (or move the drive entrance slightly to the west).

We have reviewed the concept plan with the township staff who has requested that we send this updated plan to you for you to review and for you to write a brief letter/email granting preliminary 'approval' of the drive entrance location.

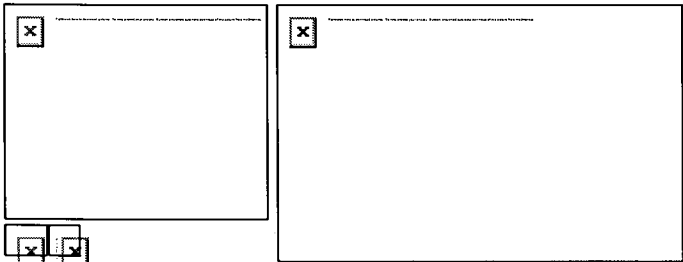
Obviously, as things progress, we will complete the detailed surveying, engineering, and site plan design, but for the time being, the township has requested correspondence from you/MDOT stating that the proposed driveway location is acceptable.

If you could help us out with this letter/email, I would really appreciate it.

Thank you very much for your continued help on this project.

**Steve Witte, PE**  
800.222.1868  
[www.nederveld.com](http://www.nederveld.com)

---



**Steve Witte**

---

**From:** Steve Witte  
**Sent:** Tuesday, May 06, 2014 9:50 AM  
**To:** 'Huhn, Joe'  
**Cc:** mike.skrzypczak@gtbindians.com  
**Subject:** RE: Tractor Supply - Acme  
**Attachments:** Utility.pdf; GradingPlan.pdf

Hi Joe (and Mike),

Thank you very much for the comments. I have a couple of follow up questions for you:

- 1). I assume the extruded polyurethane you're asking for is a sheet that would be placed above the ex. watermain to prevent freezing, correct? Related to this, please review the proposed grading plan (if you didn't already). For the driveway off M-72, the existing grade will need to be cut about 2 ft below existing grade. I'm not sure how deep the watermain is there, and perhaps that is in part why you are asking for the polyurethane, but I wanted to point that out to you...
- 2). I changed the pipe type to C-900.
- 3). On most other, similar TSC's, the owner has not installed a hydrant/post hydrant (unless required by the township/fire department/water department). I will run it past him to see what he thinks, but my guess is that he'll say he would prefer to NOT have the hydrant on the north end. That being said, is the hydrant a requirement or 'just' a recommendation/suggestion? Either way, I'll discuss it with the developer, but I wanted to know if this was required or recommended (and perhaps the township fire department will require it once they review the plans either way).

Thank you very much for your continued help. I really appreciate it.

Steve  
 616-575-5190

---

**From:** Huhn, Joe [mailto:Joe.Huhn@gtbindians.com]  
**Sent:** Tuesday, May 06, 2014 8:37 AM  
**To:** Steve Witte  
**Cc:** mike.skrzypczak@gtbindians.com  
**Subject:** RE: Tractor Supply - Acme

Hello Steve,

Our engineer and I looked over the plans you had sent and we have a few comments:

1. Anywhere where the water line may be under a driveway or parking lot there needs to be three inches of extruded polyurethane, 40psi
2. You have 6" D.I. class 53 called out, we would recommend changing to 6" C-900
3. Because this 6" line will not have much flow I would suggest that a hydrant or at least a post type hydrant be installed at the northern end of the line for flushing purposes.

Let me know if you have any questions.

Joe Huhn

5/20/2014

231-499-4235  
Joe.huhn@gtbindians.com

---

**From:** Steve Witte [mailto:switte@nederveld.com]  
**Sent:** Monday, May 05, 2014 12:35 PM  
**To:** Huhn, Joe  
**Subject:** RE: Tractor Supply - Acme

Excellent. Thank you very much, Joe. I really appreciate it. Steve

---

**From:** Huhn, Joe [mailto:Joe.Huhn@gtbindians.com]  
**Sent:** Monday, May 05, 2014 11:46 AM  
**To:** Steve Witte  
**Subject:** RE: Tractor Supply - Acme

Hello Steve,

I do remember you calling about this a few month back. The location of the water main in that area is approximately 75 feet from the center line. I attached a photo of an as-built, hopefully you can view it.

It is a 12" C-900 water main. Pressures in that area would be about 70 to 80psi.

I will take a look at your plans and have our engineer look also and then get back with again.

Talk to you soon

Joe Huhn  
231-499-4235  
[Joe.huhn@gtbindians.com](mailto:Joe.huhn@gtbindians.com)

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**From:** Steve Witte [mailto:switte@nederveld.com]  
**Sent:** Monday, May 05, 2014 8:50 AM  
**To:** Huhn, Joe  
**Subject:** Tractor Supply - Acme

Hi Joe,

I hope your day is going well.

If you recall, I briefly discussed this project with you a few months ago – it's for a proposed Tractor Supply Company Store that is proposed at the Northeast Corner of Arnold Road and M-72.

Attached please find a complete set of the PRELIMINARY site plan set pertaining to the development.

I am wondering if you would be able to verify for me the size and location of the existing watermain that runs along M-72. Ideally, if you have an as-built plan showing this, I'd really appreciate it. Or, if you don't have that, if you could let me know the size (12"?) and the location (distance off the Right of Way or off the centerline would be fine), I'd really appreciate it.

Also, if you want to review/comment on the utility plan (water service), I'd really appreciate that as

5/20/2014

well. Note that they use on average about 100-150 gallons of water a day (based on other similar stores). The buildings are sprinkled. So they are proposing to run a 6" water line from the main to the back of the building. Before the 6" line enters the building, they would tap off the 6" line with a 1.5" domestic service, with a shut off valve, curb stop, box on the domestic line.

If you could review the above items and help me on this, I'd greatly appreciate it.

Thank you very much for your help.

Steve  
616-575-5190

**Steve Witte, PE**  
800.222.1868  
[www.nederveld.com](http://www.nederveld.com)



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6042 Acme Road, Williamsburg, MI 49690 Tel. 231-938-1350 Fax 231-938-1510 [www.acmetownship.org](http://www.acmetownship.org)

05/08/2014

RE: Proposed Tractor Supply Company Store  
Vacant Land, M-72 and Arnold Road, Acme Township parcel # 01-015-005-04  
Williamsburg, MI 49690

To whom it may concern:

The above referenced property lies within the B-4 Material Processing and Warehousing Zoning District. Acme Township is presently in the process of amending the text of Section 6.10. B-4 District: Material Processing and Warehousing District. Pending approval of the above text amendment, the proposed use of the property as a Tractor Supply Company retail store will be a permitted use by right in this Zoning District.

We understand that TSC wishes to display merchandise on certain areas outside of the building.

1. The approval for outdoor display of merchandise on the sidewalk directly in front of the building (*as shown on the attached site plan*) will be determined by the Acme Township Planning Commission. There also may be limitations on where and how items can be displayed outside of the fenced display area.
2. The outdoor display of merchandise inside the Fenced Outdoor Display Area (*as shown on the attached site plan*) in this Zoning District is permitted, subject to size limitation of the fenced area, pending adoption of Section 6.10. B-4 District amendment.
3. The approval for outdoor display of merchandise in the Permanent Trailer & Equipment Display Area (*as shown on the attached site plan*) will be determined by the Acme Township Planning Commission. There may be limitations on where and how items can be displayed outside of the fenced display area.
4. The approval for outdoor display and sale of bulk propane, welding gas, trailers, pedal boats and motorized vehicles, including mini-bikes, dirt bikes, scooters and UTVs, in the aforementioned outdoor display areas will be determined by the Acme Township Planning Commission. There may be limitations on where and how items can be displayed outside of the fenced display area.
5. The approval for outdoor display and sale of hay and forage in the aforementioned outdoor display areas will be determined by the Acme Township Planning Commission. There may be limitations on where and how items can be displayed outside of the fenced display area.

All of the outdoor display areas and site plan are subject to applicable standards of the Acme Township Zoning Ordinance and subject to review by and approval by other governmental agencies and the Acme Township Planning Commission. This letter does not guarantee approval of the B-4 zoning amendment or approval of any site plan application, and should not be relied upon as such.

Please let me know if you have any questions.

Nikki Lennox, Zoning Administrator

Acme Township

6042 Acme Rd

Williamsburg, MI 49690

231-938-1350 [nlennox@acmetownship.org](mailto:nlennox@acmetownship.org)

**TOWNSHIP OF ACME**  
**NOTICE OF HEARING**

PLEASE TAKE NOTICE that the ACME TOWNSHIP Zoning Board of Appeals will hold a public hearing at a meeting on: June 12<sup>th</sup>, 2014 at 7:00 p.m. in the Acme Township Hall, Acme, Michigan to consider the following: An application by DMK Development, 3597 Henry St Muskegon, MI 49441. **The property is located at: NE corner of Arnold Rd. and M-72**, Zoned B-4 Material Processing & Warehousing, for a variance from the requirements of Acme Township Zoning Ordinance Article VII, Section 7.5.4 a. Off Street Parking Area Construction and Maintenance Standards. All off-street parking shall be constructed in the rear or side yards. Applicant is requesting parking in the front of the property.

**Parcel Number: 01-015-005-04, more fully described as:** PARCEL B: A PARCEL OF LAND SITUATED IN THE TOWNSHIP OF ACME, COUNTY OF GRAND TRAVERSE. STATE OF MICHIGAN AND DESCRIBED AS FOLLOWS TO-WIT: PART OF THE SOUTHWEST ONE-QUARTER OF SECTION 32 TOWN 28 NORTH RANGE 09 WEST MORE FULLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION; THENCE NORTH 89 DEG 46'50" EAST ALONG THE SOUTH LINE OF SAID SECTION. 567.84 FEET;. THENCE NORTH 00 DEG 49'05" WEST 589.44 FEET; THENCE SOUTH 89 DEG 10'55" WEST 568.82 FEET TO THE WEST LINE OF SAID SECTION; THENCE SOUTH 00 DEG 55'01" EAST ALONG SAID WEST LINE 583.51 FEET TO THE POINT OF BEGINNING.. C6NTAINS 7.65 ACRES SPLIT/COMBINED ON 07/18/2012 FROM 01-015-005-02.

All interested persons are invited to attend and be heard at the public hearings before the Zoning Board of Appeals. After each public hearing, the Zoning Board of Appeals may make a decision at said meeting, or continue the matter to another date.

All applications may be inspected at the Acme Township Hall between 8:00 a.m. and 5:00 p.m. Monday through Friday and will be made available via the Acme Township website at [www.acmetownship.org](http://www.acmetownship.org) prior to the hearing date. Comments and questions may be directed to:

Nikki Lennox- Zoning Administrator

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

Acme Township Hall

6042 Acme Road

Williamsburg MI 49690

(231) 938-1350

Sent for publication in RE on Friday May 23 2014 nl