



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

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

**ROLL CALL:**

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

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

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

C Abernathy, 4312 Westridge Drive. Request for updated information on the condition of the GTTC Storm water Basin plantings and plans to replace any of those that have perished.

Public comment closed at 7:02pm

**B. APPROVAL OF AGENDA:** Motion by Timmins to approve agenda as presented, supported by Forgette. Motion passed unanimously

**C. INQUIRY AS TO CONFLICTS OF INTEREST:** S. Feringa and counsel discussed potential conflict of interest with respect to discussions pertaining to the Watershed Center correspondence on the GTTC project based on his employer's affiliation with the project. He was advised to recuse himself from any decision making discussion.

**D. CONSENT CALENDAR:** Motion by White to approve consent calendar as presented, support by Timmins. Motion passed unanimously.

**1. RECEIVE AND FILE:**

**a. Approved Minutes of:**

**i.** Township Board minutes 08/11/15

**2. ACTION:**

**a. Approve Draft Minutes of:**

**i.** Planning Commission minutes: 08/10/15

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

**1. None**

**F. CORRESPONDENCE:**

**1.** The Watershed Center Grand Travers Bay re: GTTC Storm Water System – John Iacoangeli  
 John I. explained process for official correspondence to the report and advised commission members that he would need a directive from them in order to officially respond.

K. Wentzloff - Asked who would be responding and asked if necessary.

Planning commissioners polled and all agreed that the Township should formerly respond to the report.

Motion by Timmons to have Becket and Raeder officially respond to the Watershed Center correspondence regarding the GTTC storm water system; support by Forgette. Motion carried unanimously.

**G. PUBLIC HEARINGS:**

**1.** None

**H. NEW BUSINESS:****1. TART Trail – Julie Clark**

An update to recent TART Trail activity was provided by J. Clark. Wayfinding and signage is currently underway. TC to Charlevoix trail update identified a preferred alignment, concept plan has been developed, and the master plan should be completed by October. The Trail is identified as an asset and promotes economic development. Criteria used in selection process used the Choosing by Advantages technique.

A draft preferred route between Acme and Yuba was presented with a US31 crossing to north; somewhere between Bracket and Kesner Road but has not been officially determined yet. Rough estimates for 46.2 miles of trail at an estimated cost of \$11 million.

Update provided on other Trails in Acme. Would like connection of Bunker Hill at parking area to Lautner Road where Trail picks up again. Looking to work with GTTC and Mount Hope to make further connections as well as looking to get to the Acme shoreline parks. Need to know/identify who will allow and who will maintain.

DeMarsh - Asked what are the current obstacles to overcome for projects.

Timmins – Spoke as chair of parks and recreation and indicate the TART Trail aligns with the Township Master Plan and the Township Parks and Recreation master plan. Biking trails are also second on the list of the community wants based on the master plan survey. The Trail allows for buffers and the State is highly interested in supporting and collaborating with projects that incorporate those components. It is good time to move forward.

Julie indicated to that she was prepared to come back in the future for a resolution of support, but would like some marching orders for TART to investigate connections to the Acme shoreline and connecting to the Town Center and Bates Road.

Wentzloff - We could encourage Board for a resolution of support

Timmins stated that everyone wants to get to all parts of the township and the connections to these key areas are piece of the puzzle for the big phase. Now is the time because it fits perfectly within the current master plans.

DeMarsh thought the grant cycle is hot for trail funding. J. Clark expressed that trail funding is extremely competitive and community support is key to scoring high points on grant applications.

DeMarsh asked if the action point to is to get from Bunker Hill to Mount Hope.

Timmins discussed the need to look at a Mount Hope connection from Bunker Hill.

Clark highlighted three options to look at consisting of the connection to the shoreline parks, connection to M-72 and the GTTC commerce areas, and connection to the Lautner Road trail head.

A motion by Timmins to request the Township Board provide a resolution of support for the three TRAIL connections: a) Shoreline, b) M-72/GTTC Business District, and c) Lautner Trailhead; supported by Ballentine, motion carried unanimously.

**I. OLD BUSINESS:****1. US 31/M 72 Business District Architectural Standards amendment #35**

Motion by S. Feringa to send to the Board the adoption of Amendment 35 to the US31/M72 Business District Architectural Standards, support by Timmins. Motion passed unanimously.

**2. Medical marijuana draft zoning ordinance language.**

S. Winter explained to members a draft zoning ordinance for review and comment. J. Jocks suggested that a dispensary and cultivation co-existence should be added. Other requested changes included adding a definition for private school property to read as private recreation, change the definition for dispensary to Operation, and provide a stipulation of no incineration of waste.

Motion by Timmins to set a public hearing for the Medical Marijuana dispensaries draft zoning ordinance incorporating discussed changes for adding the TC Bulldog facility to be recognized as private recreation/parks facility, changes to definition of medical marijuana cultivation, addition of dispensary and cultivation co-locating under one ownership on property under Section 9.27 and 9.26, and the requirement of no incineration under section 9.2.7. Support by Rosa. Motion carried unanimously.

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

Public comment opened at 8:24pm.

M. Goss, 4105 Bay Valley. Concerned about Phragmites along north shore and asked about the control plan. Timmins provided a contact to see treatment schedule coordination.

Wentzloff asked S. Feringa for a road construction project update. S. Feringa indicated contractors are trying to complete by September 20<sup>th</sup>. Street light delivery has been pushed back to October, however, they are working with MDOT to waive installation date or they may try to expedite delivery.

Public comment closed at 8:27pm

1. Zoning Administrator update on projects: S. Winter provided summary of current projects including Flint Fields request for extension of event duration, the need to look at temporary tents related to Special Event permits. Discussed dimensional requirements versus square footage requirements for residences; specifically related to a request for use of shipping container home.
2. Planning Consultant: Township received another significant award for the newly adopted Master Plan. Suggested a press release for this significant recognition.
3. P C Education etc.: Several members of PC going to a Planning Essentials workshop at the end of this month.

**ADJOURN: Motion to adjourn by Timmins, support by Ballentine. Motion passed unanimously.**

**Adjourn time: 8:39pm**



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

**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.

**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 Commission motion without discussion. A request to remove any item for discussion later in the agenda from any member of the Commission, staff or public shall be granted.

**1. RECEIVE AND FILE:**

**a. Approved Minutes of:**

- i. Township Board minutes 08/11/15**

**2. ACTION:**

**a. Approve Draft Minutes of:**

- i. Planning Commission minutes: 08/10/15**

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

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

**F. CORRESPONDENCE:**

- 1. The Watershed Center Grand Travers Bay re: GTTC Storm Water System – John Iacoangeli**

**G. PUBLIC HEARINGS:**

- 1. None**

**H. NEW BUSINESS:**

- 1. TART Trail – Julie Clark**

**I. OLD BUSINESS:**

- 1. US 31/M 72 Business District Architectural Standards amendment #35**  
**2. Medical marijuana draft zoning ordinance language**

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

- 1. Zoning Administrator update on projects:**  
**2. Planning Consultant:**  
**3. P C Education etc.:**

**ADJOURN:**



# Memo

To: Acme Township Planning Commission  
From: Shawn Winter, Zoning Administrator  
CC: Jeff Jocks, John Iacoangeli  
Date: September 8, 2015  
Re: September 14, 2015 Planning Commission Packet Summary

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

## Correspondence

### **I. Village at Grand Traverse Storm Water Collection & Treatment System**

- a. Letter submitted by the Watershed Center Grand Traverse Bay highlighting six specific concerns they have pertaining to the engineered wetlands/storm water treatment system at the GTTC.
- b. John Iacoangeli's response letter is included.
- c. The Watershed Center has been conducting a media blitz to get their information out to the public through multiple outlets.
- d. Planning Commission will want to determine if further correspondence addressing each of their concerns is warranted.

## Public Hearings

### **II. None**

## New Business

### **III. Traverse City to Charlevoix Trail**

- a. Julie Clark from TART Trails will be discussing trail alignment from Bunker Hill Rd through the shoreline park properties for the Acme portion of the Traverse City to Charlevoix Trail.
- b. This would provide an opportunity to incorporate our Bay shore parks and commercial district into the proposed trail.
- c. Suggested Action:
  - i. *A motion to draft a letter to the Township Board expressing support for the trail alignment through the Bayshore Park properties.*

## Old Business

### **IV. US 31/M-72 Business District Architectural Standards - Amendment #35**

- a. Amendment language was sent to the County Planning Commission for review.
- b. Their August meeting was cancelled, which effectively waived their right to review the amendment since it must be done within 30 days
- c. John Sych, Director of Grand Traverse County Department of Planning and Development, conducted a staff review of the amendment and had no comments to make on what has been proposed.

- i. Although this does not constitute an official review and recommendation from the County
- d. Suggested Action:
  - i. *Motion to recommend approval by the Township Board of Zoning Ordinance Amendment #35: US-31/M-72 Business District Architectural Standards*

## **V. Medical Marijuana**

- a. Draft amendment language to allow medical marijuana dispensaries and/or collectives in the B-4 Material Processing and Warehouse District
  - i. A map of the B-4 District is included, showing the Traverse City Bulldogs Athletic Association parcel (red) with a 1,000 ft. buffer (magenta)
  - ii. The 1,000 ft. buffer around the railroad (blue) shows the prohibited areas due to the TART Trail. The trail currently ends at M-72, so the extent of the buffer today has been drawn on the map (Beckett & Raeder map included for reference as well)
- b. The zoning language for eight jurisdictions throughout Michigan was reviewed for precedence
- c. A special use permit would be needed to operate a dispensary or a cultivation facility.
  - i. Both could be operated on the same parcel if allowed by the SUP
- d. This language represents the first draft of an iterative process.
- e. Suggested Action:
  - i. *No official action at this time. Review the language, discuss strong/weak aspects, needs and concerns, points of clarification, suggestions for improvement*

## **Other PC Business**

### **VI. Zoning Administrator Report**

- a. Special Use Permit Minor Amendment/Site Plan Approval for storage unit facility at 6671 E M-72 has been pushed back to October
- b. Land Use Permits – Eight (8) issued since the August 10<sup>th</sup> PC Meeting
  - i. New Home – 3
  - ii. Accessory/Addition – 2
  - iii. Commercial – 3
    - 1. MI Hops drying facility, Traverse Bay RV Resort Phase III\_A park model expansion, M-72 storage unit condo
- c. Township Board approved Zoning Ordinance Amendment #34 – Electronic Message Signs at their August 11<sup>th</sup>, 2015 meeting
- d. Minimum Living Space Dimensions per Dwelling Unit
  - i. Zoning Ordinance states 24' x 24'
  - ii. Is the intent to achieve a minimum area of 576 square feet (24' x 24'), or buildings that are at least 24' wide and 24' long?
  - iii. Individual wants to build a non-traditional home out of shipping containers. First story would be 16' x 40', and the second story would be the same dimensions, but positioned perpendicular to the first story. This would result in 1,280 sq. ft. of living space (640 sq. ft. per floor), but wouldn't satisfy the 24' x 24' length/width dimensions.
  - iv. Would the PC be interested in having me look into a minimum floor area requirement, or maintain the length and width requirements?
- e. Points to Consider:
  - i. Flint Fields expanding from four to seven weeks next summer
  - ii. Should a tent sale in a parking lot require a Special Event Permit?



## Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

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

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# *Consent Calendar*

- **August 11<sup>th</sup>, 2015 Township Board Minutes**
- **August 10<sup>th</sup>, 2015 PC Draft Unapproved Minutes**



**ACME TOWNSHIP BOARD MEETING  
ACME TOWNSHIP HALL  
6042 Acme Road, Williamsburg MI 49690  
Tuesday, August 11, 2015, 7:00 p.m.**

**CALL TO ORDER WITH PLEDGE OF ALLEGIANCE AT 7:05 p.m.**

Zollinger commented on the shave and pave to take place after Labor Day. He stated that there have been some rumors that no sidewalks would be put in because the Township did not want them. Zollinger said it was never asked of us by MDOT. This project is not a complete rebuild.

Henkel, Parks Supervisor, was present to report clean up progress from the recent storm damage. Discussion was held as to sequence of clean up activities. It will be bayside shoreline area first Acme Cemetery second Yuba Cemetery third Saylor Park last. GTC Emergency management is working to get Acme Township some work crews from State to help at Saylor park.

Kim Elliott from RecycleSmart was present to talk about the no charge yard waste pass. This pass is good for one trip and load not to exceed up to three (3) cubic yards of acceptable material to the Keystone Brush-Drop-Off site. Elliott would supply Acme with a 2 part pass. One for Acme records and one given to residents to turn in at the site. Acme Township would be invoiced at \$5.00 a cubic yard or \$1.00 a bag.

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

- A. LIMITED PUBLIC COMMENT: None**
- B. APPROVAL OF AGENDA: Agenda was approved with three additions to New Business items # 9,10,11. Motion by White, seconded by Jenema to approve the agenda as presented. Motion carried by unanimous vote.**
- 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 (roll call vote) without discussion. A request to remove any item for discussion later in the agenda from any member of the Board, staff or public shall be granted.**
  - 1. RECEIVE AND FILE:**
    - a. Treasurer's Report**
    - b. Clerk's Revenue/Expenditure Report and Balance Sheet**
    - c. Draft Unapproved Meeting Minutes:**
      - a. Planning Commission 07/27/15**
  - 2. APPROVAL:**
    - a. Regular meeting minutes of 07/07/15**
    - b. Accounts Payable Prepaid of \$7,015.22 and Current to be approved of \$137,421.27 (Recommend approval: Cathy Dye, Clerk)**
- E. ITEMS REMOVED FROM THE CONSENT CALENDAR: Motion by Jenema, seconded by White to approve the consent calendar as presented. Motion carried by unanimous roll call vote.**
- F. SPECIAL PRESENTATIONS/DISCUSSIONS: None**



**G. REPORTS: Received and filed**

1. Sheriff's Report – Deputy: Ken Chubb
2. County Commissioner's Report – Crawford
3. Road commission report – McKellar

**H. CORRESPONDENCE: Received and filed**

1. Emailed dated 07/18/15 from Captain Mark Shaul re: water rescue
2. Letter dated 07/27/15 from MDOT re: Traffic signal at US-31 and M-72

**I. PUBLIC HEARING:**

**Acme Township Fire Prevention Ordinance/International Fire Code of 2012 – Belcher, Assistant Chief/Fire Marshall**

Belcher commented that the new ordinance is just an update to the old ordinance. The State adopted the 2012 building code and it references the 2012 fire code so they work together.

Discussion on sky lanterns was held since the new ordinance bans the use in Acme Township.

**Public Hearing closed at 8:08 pm-No Comments**

**Motion by LaPointe, seconded by Scott to approve the Acme Fire Prevention Ordinance with amendments as presented. Motion carried by unanimous vote.**

**J. NEW BUSINESS:**

1. Resolution of support for DNR acquisition of Petobago State Game Area

**Motion by Jenema, seconded by LaPointe, approving Resolution R-2015-32 Supporting the DNR Wildlife Division Acquisition of Petobago State game area addition. Motion carried by unanimous vote.**

2. Approval of Zoning Ordinance Amendment #34 – Electronic Message signs

**Motion by White, seconded by Jenema to approve Zoning Ordinance Amendment #34 as presented. Motion carried by unanimous vote.**

3. Metro Fire 2016 Budget presentation – Chief Parker

Chief Parker stated that this was the time of year when the preliminary Metro Fire Budget is presented to the Township Boards for comments. The public hearings and final approval by the townships will be at our Public hearing September first. Parker reviewed the budget. Discussion followed. This year's proposal is an increase from 2.65 mills total up to 2.90 for millage to be collected.

4. Metro Act #48 permit approval for Lynx Network Grp – Supervisor

**Motion by LaPointe, seconded by Jenema to proceed with signing the "Right-Of-Way Telecommunications Permit". Motion carried by unanimous vote.**

5. Verbal report fund commitments to Sayler Park – Supervisor/Treasurer

Jenema commented that we found some of the codes we were using were not appropriate with the States Uniform Chart of Accounts. Jenema said we need to create a 208/Park Recreation Fund, and a capital improvement fund for Sayler Park Boat Launch. Discussion followed that a resolution will be on our September meeting agenda to proceed with these changes.

6. Water system Cross connection control program/water system Ordinance # 15

**Motion by LaPointe, seconded by Aukerman to adopt the changes presented to Acme Water Ordinance #15 Section 9 in its entirety and adopt the new section 9 as presented. Motion carried unanimously.**

7. **Possible creation of a SAD in Westridge/Circle View Springbrook sub – Supervisor Zollinger and**  
A introduction meeting for the residents of Westridge/Circle View about the possible creation of a SAD, was held on August 4, 2015. Trustee, LaPointe and Supervisor, Zollinger reviewed the process to start a SAD district, estimated costing information, Board Resolutions to fund the project, etc.
8. **Discussion on participation on Brush-Dropoff passes for Acme Township**  
Following up on Kim Elliott's earlier public comments Clerk, Dye, suggested that the Board not to do anything about the brush-dropoff passes at this time. Two Storm debris drop-off sites have been set up for residents.
9. **Investment Policy**  
Jenema has been reviewing our investment policy. She is looking into opening another bank account. She will keep the Board informed.
10. **Cemeteries**  
LaPointe would like to see charges for maintaining the cemeteries, upkeep on equipment, etc be separated from the Parks, Budget buy next budget cycle.
11. **Direct Deposit**  
Dye reviewed where we are with direct deposits. She stated there would be some service charges for Direct deposit. We already have acquired credits and would use them up first, probably late Fall. Dye would come back to the Board at that time.

**K. OLD BUSINESS:**

1. **Acme Shoreline Park Endowment - Supervisor Zollinger presented the need for Acme to assign a person to represent us on the Park Endowment reviews.**  
  
**Motion by LaPointe, seconded by Scott to appoint Trustee, Aukerman as the person who will be part of the review board. Motion carried by unanimous vote.**
2. **DPW Bill of Sale from Acme Township for capacity Sharing agreement previously approved 03/122/15 - Supervisor**  
The BPW and its participating Townships have agreed to pool their collective capacities at the City WWTP and document this agreement in writing through the Capacity Sharing Agreement.  
  
**Motion by LaPointe, seconded by Scott to approve the Bill of Sale for the capacity Sharing agreement. Motion carried by unanimous vote.**
3. **Appoint legal review team to analyze RFP results**  
Jenema, LaPointe and White will review the RFP results.
4. **Verbal update on Sayler Boat Launch – Aukerman**  
Aukerman provided a summary of grant's she was working on to Support fund needs for Sayler park Boat Launch.

LaPointe returned to an earlier discussion about funds approvals for removing trees and brush. Discussion was held about authorizing Supervisor Zollinger to spend up to \$49,000. For emergency tree removal at parks and cemeteries..

**Motion by LaPointe, seconded by White to approve the Supervisor spending up to \$40,000.00 for tree removal, brush from recent storm. Motion carried by unanimous roll call vote.**

Zollinger commented that the Yuba School received \$20,000.00 from the June 2% grant cycle.

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

**ADJOURN AT 10:15 pm**



**ACME TOWNSHIP PLANNING COMMISSION MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**August 10, 2015 7:00 p.m.**

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

**ROLL CALL:**

**Members Present:** D. Rosa, J. DeMarsh, D. White, B. Ballentine, S. Feringa, K. Wentzlof, T. Forgette, M. Timmins

**Members Excused:** J. Jessup

**Staff Present:** Shawn Winter, Zoning Administrator; Jeff Jocks, Legal Counsel.

**A. LIMITED PUBLIC COMMENT:** Opened at 7:06pm, Closed at 7:06pm

**B. APPROVAL OF AGENDA:** Motion to approve agenda by M. Timmins, supported by B. Ballentine. Motion passed unanimously.

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

**D. CONSENT CALENDAR:**

**a) RECEIVE AND FILE:**

**1. Draft Unapproved Minutes of:**

**1. Township Board minutes of 07/07/15**

**b) ACTION:**

**1. Draft Unapproved Minutes of:**

**1. ~~Planning Commission minutes: 07/27/15~~**

T. Forgette asked to remove Planning Commission minutes of 07/27/15. Motion by M. Timmins to approve Consent Calendar with removal of item b.1, supported by D. White. Motion passed unanimously.

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

**1. Planning Commission minutes: 07/27/15.** T. Forgette asked to correct the minutes to reflect a change in the B. Kelley public comment after review of the meeting recording from GTTC and replacing with Hop Farm.

Motion by T. Forgette to approve the Planning Commission meeting minutes of 07/27/2015 with above change. support by M. Timmins. Motion passed unanimously.

**F. CORRESPONDENCE:** None

**G. PUBLIC HEARINGS:** US31/M72 Business District Architectural Standards amendment #35. Opened at 7:10pm.

J. Heffner, 4050 Bayberry Lane. Asked whether the recent Supreme Court's decision about commercial advertising and regulation may have an effect on our commercial zone along M72 with respect to electronic signage.

J. Jocks indicated the court's decision in the case had more to do with treating signs differently and with respect to the public hearing, this wouldn't have to do with architectural standards. Suggested this be moved to public comment at the end of the meeting.

Public comment closed at 7:12pm.

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

**H. NEW BUSINESS:****1. US31/M72 Business District Architectural Standards amendment #35**

Planning commissioner discussion on architectural standards amendment occurred. D. Rosa asked about the possible need for a glossary to explain terminology. Several members agreed this would be helpful but appears it would require a re-do of the amendment language. K. Wentzloff thought we could update the definitions as part of an ordinance rewrite that the PC wants to do this year. DeMarsh was concerned about item #2 dealing with exterior lighting as well as restricting building materials to specific items which may not take future technological advances into consideration. S. Feringa expressed we are wanting an architectural look but that façade lighting is allowed over door to meet code. K. Wentzloff thought new technological advances could fall under the durable material component

**I. OLD BUSINESS:****a) Medical Marijuana**

J. Jocks indicated there have not been any new local decisions made as of yet. S. Winter provided a review of the survey he conducted of four local townships and two police agencies. In summary, collectives have not been found to have a negative impact on the communities though there are many townships and law enforcement agencies that wonder how they can make enough profit to support store fronts when a collective can have only 5 patients. K. Wentzloff polled planning commissioners and the consensus felt that zoning for it would give the township the best way to control it. Exclusionary zoning and signage is a concern. Feringa thought we may want to look at the agriculture area for cultivation in addition to collective(s). J. Jocks suggested the zoning administrator look at the old ordinance and draft some language for next meeting.

**b) Letter to VGT regarding updated conceptual plan**

K. Wentzloff went over the letter that was sent to VGT/GTTC requesting an updated conceptual plan.

**J. PUBLIC COMMENT & OTHER PC BUSINESS****1. Zoning Administrator update on projects:**

S. Winter provided an update to the PC on upcoming projects. Attached to the minutes. A site visit was made to Advanced Automotive and everything appears in order with respect to site plan. A storage site plan on M-72 is under the review process.

**2.** Planning Consultant: None

**3.** P C Education etc.: None

**Public Comments: Opened at 8:00pm**

J. Hefner, 4050 Bayberry Lane - Thanked commission officers for continued commitment to the township and welcomed S. Winter as Zoning Administrator. How does the Supreme Court decision affect the sign ordinance?

J. Jocks - Supreme Court in June said signs had to be treated equally. Content based signs seem to be point of discussion and what this meant. Not clear how it will affect sign ordinance. Regarding gas station and vacancy signs, his conclusion is the township is ok allowing them in the current context. They are arguably content based signs. We are still allowing everyone to have a sign; we are allowing only certain uses to have an electronic sign. If a store came in and put up an electronic sign and they did not meet the allowed use, it would be recommended that the zoning administrator would issue a citation.

J. Hefner – Questioned the next steps needed now that it has been reported that some of the plantings are not taking on the GTTC engineered wetlands. K. Wentzloff deferred to township planner.

**Closed at 8:10pm.**

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

**ADJOURN:** Motion by Timmins to adjourn, support by Ballentine. Motion passed unanimously. Meeting adjourned at 8:16pm.



## Planning and Zoning

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# *VGT Stormwater Correspondence*

- The Watershed Center Grand Traverse Bay
- John Iacoangeli, Beckett & Raeder



25 August 2015

John Iacoangeli, Acme Township Planner  
Jay Zollinger, Acme Township Supervisor  
Acme Township Planning Commission  
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Traverse City, MI 49690

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**Re: Village at Grand Traverse Stormwater Collection & Treatment System**

Dear Mr. Iacoangeli, Mr. Zollinger, and Planning Commissioners,

I am writing on behalf of The Watershed Center Grand Traverse Bay to express our concerns about the stormwater collection and treatment system at the Village at Grand Traverse (VGT). Stormwater runoff from urban sites is the most significant threat facing the Grand Traverse Bay watershed. The VGT site is the largest new development site in our watershed and is challenged by clay soils and its close proximity to protected wetlands and Acme Creek. It was the site of serious stormwater violations and costly remedial measures last fall. Moreover, the Special Use Permit for this site requires the use of “innovative stormwater control techniques which shall comply with Best Management Practices to remove sediment, control nutrients and pollutants, and provide infiltration of the stormwater throughout the site.”<sup>1</sup> For all these reasons, it is particularly important to The Watershed Center that the permanent stormwater control system at this site is designed to prevent sediment-laden runoff from leaving the site.

While we hoped for a comprehensive and innovative stormwater system at this site, at a bare minimum the system must meet all requirements in the Acme Storm Water Control Ordinance (2007-01) and be designed in accordance with standard Best Management Practices (BMPs) as established by the Michigan Department of Environmental Quality (DEQ). We have analyzed the available plans and consultants’ memorandums and letters, and we attended the June 8, 2015, Planning Commission meeting where the system was discussed. Our review of the system shows several design deficiencies that may result in system failure and cause serious adverse impacts to the nearby wetlands and creek. We request the Township reassess its approval of the VGT stormwater control system to address these and any other latent deficiencies, so

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<sup>1</sup> Special Use Permit, Section 5.11. The Special Use Permit, in Section 5.12, also requires, “[p]rior to or during site plan approval, the Applicant must (1) verify the use of Best Management Practices according to state and federal laws to minimize the impact of the approved Conceptual Plan on the environment, including Acme Creek.”



the system at least meets the minimum Ordinance and BMP requirements to protect the surrounding wetlands, Acme Creek, and ultimately Grand Traverse Bay.

### **1. Inaccessible Location of Outlet Control Structures:**

The Storm Water Control Ordinance, Section 2(E)(3)(d)(ii)(10), Storm Water Facilities, Detention Systems, Outlet Design (at page 18), requires that “Outlet control structures shall be placed near or within the embankment to facilitate maintenance access.” Similarly, the Michigan Department of Environmental Quality Nonpoint Source Best Management Practices Manual (DEQ BMP Manual)<sup>2</sup> for Wet Detention Basins (at WDB-3) provides that “All outlets should have an accessible, above-ground cap to allow easy cleaning. The outlet should be designed so that trapped trash and debris can be easily removed.”

The outlet control structure for each Basin is located more than 30 feet from the Basin embankment and will be submerged when the Basin is full. It will likely be necessary to pump down the Basin or use a boat or waders to reach the outlet control for maintenance and cleaning. These impediments to routine inspection will likely result in less frequent and less effective inspections, maintenance, and cleaning. Further, the inaccessible location will lead to delayed emergency blockage removal.

### **2. Narrow Outlet Riser Pipe:**

The Storm Water Control Ordinance, Section 2(E)(3)(d)(ii)(8), Storm Water Facilities, Detention Systems, Outlet Design (at page 17), requires that “Riser pipes greater than 5 feet in height shall be 48 inches in diameter.” As noted above, the DEQ BMP Manual for Wet Detention Basins (at WDB-3) provides that the outlets should allow for easy cleaning and blockage removal.

The riser pipes for both Basins are over 8 feet in height with a 36-inch diameter. The deficient pipe diameter limits accessibility to the bottom of the structure for cleaning and removing blockages from the inlet orifices and outlet pipe.

In a June 18, 2015, letter, Mr. Iacoangeli waived the requirement to comply with the 48-inch diameter provision in the Ordinance on two bases: installing new risers would delay site revegetation, and the narrow riser pipe “can be adequately cleaned.” There is no explanation for how installing wider outlets inside the Basins would delay site re-vegetation. Further, there may be ways to minimize downtime of the Basins by, for example, constructing new outlets offsite or along-side the existing outlets while they remain in service. Moreover, the risks associated with system failure due to limited accessibility outweigh potential site revegetation delays caused by repairing the issue, so it is short-sighted to waive the sizing requirement on this basis. Finally, as a practical matter, it is difficult to understand how to easily clean the bottom of a 36-inch pipe, and the outlet pipe located within it, inside an 8-foot riser located 30 feet from a berm.

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<sup>2</sup> Available at [http://www.michigan.gov/deq/0,4561,7-135-3313\\_51002\\_3682\\_3714-118554--,00.html](http://www.michigan.gov/deq/0,4561,7-135-3313_51002_3682_3714-118554--,00.html).

### **3. Lack of Base Flow Supply for Wet Detention Basins:**

The Storm Water Control Ordinance, Section 2(E)(3)(a), Storm Water Facilities, Detention Systems, Physical Feasibility (at page 15), requires that “A reliable supply of base flow is required for wet basins to prevent excessive drawdown of the permanent pool.” The wet basin design does not identify a source of basin replenishment to sustain the design level. Wet detention ponds rely on physical, biological, and chemical processes to remove pollutants from influent stormwater. A wet basin pond replenished only by rainfall will be subject to occasional drawdown from drought. An unstable wet basin will stress and reduce the vegetation, thereby impairing the effective stormwater treatment capacity of the facility. The lack of reliable base flow supply was also identified recently by the Township consultant, Cardno Environmental, during site visits on July 14 and 17, 2015, that documented low water levels in both Basins.

### **4. Submerged Inlet Pipes:**

The Storm Water Control Ordinance, Section 2(E)(3)(d)(i)(1), Storm Water Facilities, Detention Systems, Controls, Inlet Design (at page 16), requires that “Inlet pipes shall not be fully submerged at normal pool elevations.” The two 48-inch inlet pipes at Basin #2 are both 4 feet below the permanent water level. Having submerged inlet pipes leads to maintenance problems and potential issues related to freezing, increasing the likelihood of overflows and other problems. The Township dismissed this requirement without showing the waiver criteria were met (*see* May 7, 2015, Technical Memo – Storm Water Review from R. Verschaeve, at page 2).

### **5. Undersized Emergency Overflow:**

The Storm Water Control Ordinance, Section 2(E)(3)(d)(iii), Storm Water Facilities, Detention Systems, Controls, Emergency Overflow (at page 18), requires that the detention system must have a spillway “designed for the *100-year rainfall* event from the fully developed watershed.” The Township staff review memos do not include any analysis of the spillway volume capacity for each detention system. Our cursory calculations show the spillway is undersized for even a 10-year storm, let alone a 100-year storm. The Applicant should provide, and Township consultants should verify, that the spillways meet this Ordinance requirement.

Moreover, Section 2(E)(3)(d)(iii) requires that the emergency spillway shall have a “maximum flow depth of 1 foot” and that the “top of the berm elevation shall be a minimum of 1 foot above the design maximum water level.” This appears to require a minimum 2-foot berm. The stormwater plans indicate a 1.5-foot deep channel along the wetlands, less than the Ordinance minimum.

### **6. Wetland Swale Outlet Deficiencies:**

The Storm Water Control Ordinance, Section 2(C)(3)(b), Grassed Waterways, Soil Erosion and Sedimentation Control (at page 6), requires that “grassed waterway flow velocities shall be neither siltative or erosive.” The DEQ BMP Manual for Riprap-Stabilized Outlet (at RO-2) provides that outlets “on slopes steeper than 10 percent

cannot be protected by rock aprons or riprap sections due to re-concentration of flows and high velocities encountered after the flow leaves the apron.” The BMP Manual (at RO 1 to RO 4) also provides that the apron should be twice the diameter of the outlet, with *no* slope along its length, and with *non*-woven geotextile fabric lines.

Contrary to the DEQ BMP Manual, the wetland swales from both Basins discharge at the top of slopes that appear greater than 10%. Moreover, the swale discharge from both Basins is likely to be at high volume and velocity due to channel size and design. Additionally, the rip-rap apron at the swale outlet for each Basin does not meet the DEQ BMP Manual, since the apron is the same diameter as the outlet, is sloped, and is lined with woven geotextile fabric.

In sum, the cumulative impact of the deficiencies outlined above is a flawed stormwater system that appears likely to fail. Given the history and conditions at this site, the Township must ensure the VGT stormwater system meets at least the minimum requirements in the Storm Water Control Ordinance and DEQ BMP Manual. We respectfully request that the Township reassess its approval of this system to address the violations identified above before the system becomes fully operational.

Both the Special Use Permit and the Site Plan Approval Permit for this project require that the Township and Applicant ensure compliance with the Ordinance and DEQ BMP Manual *prior* to system construction.<sup>3</sup> Because information about the updated stormwater collection and treatment system was not publically available until after the Township approved it, we were not able to provide comments prior to approval. However, as Mr. Iacoangeli’s June 18, 2015, waiver letter demonstrates, the Township has the ability and authority to address technical violations first identified after system approval. The fact that you are receiving notice of these deficiencies after the system was approved and under construction does not relieve your continuing obligation to ensure a compliant system. Most importantly, not addressing these concerns and instead allowing a deficient stormwater system to operate at this sensitive site may prove devastating.

Please feel free to contact me about these and other matters of mutual interest.

Sincerely,



Christine Crissman  
Executive Director

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<sup>3</sup> Section 5.12 of the Special Use Permit provides, “*Prior to or during site plan approval, the Applicant must: (1) verify the use of Best Management Practices according to state and federal laws to minimize the impact of the approved Conceptual Plan on the environment, including Acme Creek.*” Section 9(g) of the Site Plan Approval Permit provides that “*Final engineered drawings, detailed wetland maintenance/monitoring plans, revised stormwater calculations, hydrograph/retention times for each phase and respective wetland basins shall be provided and approved by Acme Township staff prior to construction and/or issuance of the land use permits.*”

August 26, 2015

**Christine Crissman**  
Executive Director  
The Watershed Center  
13272 S. West Bay Shore Drive  
Traverse City, MI 49684



Dear Ms. Crissman,

Please accept this letter as confirmation that I am in receipt of your letter dated August 25, 2015 regarding your observations and opinion on the VGT stormwater collection and treatment system. I have taken the liberty to forward your letter to representatives involved in the design and/or review of the system which includes five engineering firms and two environmental firms for their information.

Since your letter was also addressed to the Acme Township Planning Commission I will ask Shawn Winter, Acme Township Zoning Administrator/Planner to place this item on the next Planning Commission agenda under "Correspondence." My recommendation to the Planning Commission will be to *accept and place on file* so the letter becomes part of the public record.

Regards,

A handwritten signature in black ink, appearing to read 'John Iacoangeli', with a large, stylized initial 'J' and a dot at the end.

John Iacoangeli, AICP  
Principal

**Beckett & Raeder, Inc.**  
535 West William, Suite 101  
Ann Arbor, MI 48103

734 **663.2622** ph  
734 **663.6759** fx

Petoskey Office  
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Petoskey, MI 49770

231 347.2523 ph  
231 347.2524 fx

Traverse City Office  
921 West 11th St., Suite 2E  
Traverse City, MI 49684

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Toledo  
419.242.3428 ph



# Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

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

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## *Amendment #35*

- Amendment language submitted to County Planning Commission for review
- John Sych's response

## Shawn Winter

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**From:** John Sych <[jsych@grandtraverse.org](mailto:jsych@grandtraverse.org)>  
**Sent:** Wednesday, August 12, 2015 4:35 PM  
**To:** Shawn Winter  
**Cc:** Marcia Carmoney  
**Subject:** Re: Acme Zoning Ordinance Amendment #035

Hi Shawn,

Thank you for submitting this zoning amendment. As I mentioned, this month's Grand Traverse County Planning Commission meeting has been canceled. Therefore, Grand Traverse County has waived its right to review this zoning ordinance amendment since a response will not be provided within 30 days (per the Michigan Zoning Enabling Act).

I will still conduct a staff review and may provide you with comments on the proposed change, but any of my comments are only for your information and shall not be construed as an official review and recommendation by Grand Traverse County.

John

*John C. Sych, AICP, Director*  
Grand Traverse County Planning & Development



400 Boardman Avenue  
Traverse City, MI 49684  
Tel: (231) 922-4677  
Fax: (231) 922-4636  
Email: [jsych@grandtraverse.org](mailto:jsych@grandtraverse.org)

On Wed, Aug 12, 2015 at 4:05 PM, Shawn Winter <[swinter@acmetownship.org](mailto:swinter@acmetownship.org)> wrote:

Hello John and Marcia,

Attached is a memo briefly summarizing the changes in the amendment, the original language, the proposed language, and the County PC Review document. If I've left anything out please let me know.

Thanks!

**Shawn Winter**

**Zoning Administrator**

Acme Township

6042 Acme Rd | Williamsburg, MI | 49690

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

## Shawn Winter

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**From:** John Sych <[jsych@grandtraverse.org](mailto:jsych@grandtraverse.org)>  
**Sent:** Monday, August 17, 2015 11:18 AM  
**To:** Shawn Winter  
**Subject:** Re: Acme Zoning Ordinance Amendment #035

Thank you, Shawn.

I reviewed the proposed amendment this morning. I have no comments from me personally.

I would like to come out sometime in the coming weeks and meet with you at your office just to catch up on how things are going in Acme.

John

***John C. Sych, AICP, Director***  
Grand Traverse County Planning & Development



400 Boardman Avenue  
Traverse City, MI 49684  
Tel: (231) 922-4677  
Fax: (231) 922-4636  
Email: [jsych@grandtraverse.org](mailto:jsych@grandtraverse.org)

On Mon, Aug 17, 2015 at 10:40 AM, Shawn Winter <[swinter@acmetownship.org](mailto:swinter@acmetownship.org)> wrote:

Hello John,

Here are the minutes relating to the proposed amendment I sent you last week. Not sure if you still need them though since your meeting has been cancelled.

**Shawn Winter**

Zoning Administrator

Acme Township

6042 Acme Rd | Williamsburg, MI | 49690

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



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

**AMENDMENT TO ACME TOWNSHIP ZONING ORDINANCE  
SECTION 6.6 US-31 / M-72 BUSINESS DISTRICT**

The Acme Township Planning Commission has reviewed and considered changes to Section 6.6 pursuant to the following:

Whereas the Township adopted Section 6.6 on April 8, 2014;

Whereas the implementation of Section 6.6 has revealed that certain sections of 6.6 should be revised to better meet the Township's zoning goals;

Whereas setbacks, lighting, storm water, and building facades require amendment in order to meet those goals.

Now Therefore, the following changes shall be made to Section 6.6 of the Acme Township Zoning Ordinance:

1. The Table in Section 6.6.5.2 Building Placement, Density and Parking shall be deleted in its entirety and replaced with the following:

Building Placement		SFN	MHN	CS	C	CF
<u>Built-to Line (BTL) Distance from Property Line</u>						
Front		30'	30'	30'	20'	5'
Side Street, corner lot		30'	30'	NA	20'	5'
<u>Setback</u>						
Side		10'	10'	10'	3'	5'
Rear		30'	30'	35'	25'	5'
Building front facade as a % of Lot Width (Min.)		NA	NA	NA	65%	75%
Side Street Facade as a % of Lot Depth (Min.)		NA	NA	NA	30%	50%

2. The following shall be added to Section 6.6.6.3:

“Wall pack lighting shall only be used on the rear or side of the building to illuminate exits and loading facilities.

Front facade illumination lighting may be used only over the customer entry.

Parking lot lighting pole height (including luminaire) shall not exceed the height of the building or 27 feet whichever is less.”

3. Section 6.6.6.5 Facades (All Buildings Except 1<sup>st</sup> Floor Residential) shall be deleted in its entirety and replaced by the following:

**“Section 6.6.6.5 Facade Components and Materials (All Buildings Except Residential-Only Buildings)”**

Facade Ornamentation

All visible elevations shall include decorative features such as cornices, pilasters, and friezes. Building recesses and protrusions will be required on larger buildings to break long uninterrupted building walls.

Facade Massing

Front facades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet.

Roofs

When flat roofs are used, parapet walls with three-dimensional cornice treatments shall be used to conceal the roof.

Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings as an alternative to Flat Roofs.

All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), shall be located on the rear elevations or screened with a parapet wall having a three-dimensional cornice treatment so as to have a minimal visual impact as seen from public street, existing single family uses, and land zoned for residential and agricultural uses.

Customer Entrances

Each side of a building facing a public street shall include at least one customer entrance,

except that no building shall be required to provide entrances on more than two sides of the structure that face public streets.

Buildings shall have clearly defined, highly visible customer entrances that include no less than three of the following design features:

- a) Canopies/porticos above the entrance;
- b) Roof overhangs above the entrance;
- c) Entry recesses/projections;
- d) Arcades that are physically integrated with the entrance;
- e) Raised corniced parapets above the entrance;
- f) Gabled roof forms or arches above the entrance;
- g) Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;
- h) Display windows that are directly adjacent to the entrance; or
- i) Architectural details, such as tile work and moldings, that is integrated into the building structure and design and is above and/or directly adjacent to the entrance.

#### Building Materials

Use of durable and traditional building materials shall be used. Fluted concrete masonry units and scored concrete masonry unit block, although not considered traditional building materials may be used but shall not exceed 25% of the surface square footage of any portion of the building exposed to a public right-of-way, or customer access or parking area.

Materials such as exterior insulation finish system (EIFS), concrete panels, and panel brick are not considered durable and traditional building materials and will not be used.

4. Section 6.6.6.6 Water Quality shall be deleted in its entirety and replaced by the following.

#### **“Section 6.6.6.6 Water Quality**

All projects shall adhere to the Acme Township Stormwater Ordinance, as well as, incorporating low impact development (LID) water quality technologies. Low impact development water quality technologies shall include, but are not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered stormwater structures will be required on site as a component of the overall stormwater plan. The Planning Commission has the authority to determine the type of LID that will be used as part of the approval process.”



# Planning and Zoning

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# *Medical Marijuana*

- **Draft language for zoning ordinance amendment**
- **B-4 District map**
- **Township 1,000 ft buffer map**

## **9.26 MEDICAL MARIHUANA DISPENSARY**

### **9.26.1 STATEMENT OF INTENT:**

The purpose of a Medical Marihuana Dispensary is to allow an establishment or place of business to undertake the following “Medical uses” of Medical Marihuana on the property: acquisition, possession, delivery or transfer of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient’s debilitating medical conditions or symptoms associated with the debilitating medical condition under the Medical Marihuana Act. Acme Township desires to allow all legal businesses to operate in the Township, but recognizes the need to zone for all uses to protect the health, safety and welfare of the general public. A Medical Marihuana Dispensary must satisfy the general standards in Section 9.1, the specific requirements of this Section, and all other requirements of the Acme Township Zoning Ordinance.

### **9.26.2 REQUIRED STANDARDS:**

- a. The acquisition, possession, delivery or transfer of ~~Medical marihuana~~ Marihuana or paraphernalia shall comply at all times with the Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as amended.
- b. The transfer of Medical Marihuana shall be only allowed to a Qualifying Patient by his or her Registered Primary Caregiver or by another Qualifying Patient as allowed by the Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as amended.
- c. A Medical Marihuana Dispensary shall not operate between the hours of ~~10:00~~ 8:00 p.m. and ~~7:00~~ 8:00 a.m.
- ~~d. No Medical Marihuana Cultivation shall occur on the parcel.~~
- ~~e.~~ d. Except for parents or guardians of a Qualifying Patient who is under the age of eighteen (18) and the Owner or staff of the facility, persons other than a Qualifying Patient or Primary Caregiver shall not be permitted within the facility when Medical Marihuana is being transferred.
- ~~f.~~ e. A Medical Marihuana Dispensary shall not be owned or operated by, or employ, a person that has been convicted of a felony involving controlled substances.
- ~~g.~~ f. No use by way of smoking, ingestion, consumption, or any other method of taking Medical Marihuana into the body shall occur at a Medical Marihuana Dispensary.
- ~~h.~~ g. No person under the age of 18 shall be permitted into a Medical Marihuana Dispensary at any time unless that person is a Qualifying Patient and is accompanied by that person’s parent or guardian.
- ~~i.~~ h. Medical Marihuana Dispensaries shall be considered a Retail store for purposes of determining Off-Street Parking and Loading requirements under the Zoning Ordinance.
- ~~j.~~ i. A Medical Marihuana Dispensary shall not be located within a ~~1,000~~ 500-foot radius of another existing Medical Marihuana Dispensary.

1. For purposes of measuring the ~~1,000~~ 500 foot radius in this section, the measurement shall be taken from the nearest point on the building where the existing Medical Marihuana Dispensary exists to the nearest point on the building where the proposed Medical Marihuana Dispensary is proposed.

~~k.j.~~ A Medical Marihuana Dispensary shall not be located within a 1,000 foot radius of any existing public or private elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a library, or a playground or park.

1. For purposes of this section the term “library” means a library that is established by the state; a county, city, township, village, school district, or other local unit of government or authority or combination of local units of government and authorities; a community college district; a college or university; or any private library open to the public.
2. For purposes of this section the term “playground” means any outdoor facility (including any parking lot appurtenant thereto) intended for recreation, open to the public, and with any portion thereof containing three or more separate apparatus intended for the recreation of children including, but not limited to, sliding boards, swing sets, and teeterboards.
3. For purposes of this section the term “park” means any land or facility of any size or shape, including but not limited to linear ways, road ends, and submerged lands, that are open to the public and used for recreation or held for future recreational use.
4. For purposes of measuring the 1,000 foot radius in this section, the measurement shall be taken from the nearest property line of the existing public or private elementary, vocational, or secondary school, or public or private college, junior college, or university, library, or playground or park to the nearest point on the building where the proposed Medical Marihuana Dispensary is proposed.

~~4.k.~~ The planting, growing, harvesting, processing and packaging of Medical Marijuana shall not be allowed on the parcel unless approved through a Special Use Permit and pursuant to Section 9.1 and Section 9.27.

## **SECTION 9.26 ADDED BY AMENDMENT 013 ADOPTED 08/02/11 EFFECTIVE 08/13/11.**

### **9.27 MEDICAL MARIHUANA CULTIVATION FACILITY**<sup>[s1]</sup>

#### **9.27.1 STATEMENT OF INTENT**

The purpose of a Medical Marihuana Cultivation Facility is to allow an establishment or place of business to undertake the following “Medical uses” of Medical Marihuana on the property: planting, growing, harvesting, processing, packaging or storing of Medical Marihuana to treat or alleviate a registered Qualifying Patient’s debilitating medical conditions or symptoms associated with the debilitating medical condition under the Medical Marihuana Act. Acme Township desires to allow all legal businesses to operate in the Township, but recognizes the need to zone for all uses to protect the health, safety and welfare of the general public. A Medical Marihuana Cultivation

Facility must satisfy the general standards of Section 9.1, the specific requirements of this Section, and all other requirements of the Acme Township Zoning Ordinance.

#### **9.27.2 REQUIRED STANDARDS**

- a. The planting, growing, harvesting, processing, packaging or storing of Medical Marihuana shall comply at all times with the Medical Marihuana Act and the General Rules of the Michigan Department of Community Health.
- b. The cultivation of Medical Marihuana shall be only allowed by a Primary Caregiver for the Qualifying Patients registered under their care.
- c. Medical Marihuana Cultivation Facilities shall be limited to growing a maximum of sixty (60) marihuana plants for Qualifying Patients. The maximum number of marihuana plants shall increase to seventy two (72) if the Primary Caregiver operating the Medical Marihuana Cultivation Facility is also a Qualifying Patient.
- d. Except for the Owner of the property, persons other than the Primary Caregiver shall not be permitted within the facility when Medical Marihuana is being cultivated, harvested, processed, packaged or stored.
- e. No person under the age of eighteen (18) shall be permitted into a Medical Marihuana Cultivation Facility at any time
- f. A Medical Marihuana Cultivation Facility shall not be owned or operated by, or employ, a person that has been convicted of a felony involving controlled substances.
- g. No use by way of smoking, ingestion, consumption, or any other method of taking Medical Marihuana into the body shall occur at a Medical Marihuana Cultivation Facility.
- h. No more than one (1) Primary Caregiver shall operate a Medical Marihuana Cultivation Facility on any one (1) parcel.
- i. The cultivation of Medical Marihuana shall only be permitted inside a structure not visible from the outside that shall be at all times secured and locked, and shall be accessible only by the Primary Caregiver and Owner of the property.
- j. Lighting utilized for cultivating Medical Marihuana shall not be visible from the exterior of the building.
- k. No equipment or process shall be used in which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the parcel boundary.
- l. A waste disposal plan shall be included with all applications for a facility detailing plans for chemical disposal and plans for marihuana plant disposal.
- m. Medical Marihuana Cultivation Facilities shall be considered an industrial or manufacturing use for purposes of determining Off-Street Parking and Loading requirements under the Zoning Ordinance.



n. A Medical Marihuana Cultivation Facility shall not be located within a 500 foot radius of another existing Medical Marihuana Cultivation Facility or Medical Marihuana Dispensary.

1. For purposes of measuring the 500 foot radius in this section, the measurement shall be taken from the nearest point on the building where the existing Medical Marihuana Cultivation Facility or Medical Marihuana Dispensary exists to the nearest point on the building where the proposed Medical Marihuana Cultivation Facility is proposed

o. A Medical Marihuana Cultivation Facility shall not be located within a 1,000 foot radius of any existing public or private elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a library, or a playground or park.

1. For purposes of this section the term “library” means a library that is established by the state; a county, city township, village, school district, or other local unit of government or authority or combination of local units of government and authorities; a community college district; a college or university; or any private library open to the public.

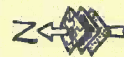
2. For purposes of this section the term “playground” means any outdoor facility (including any parking lot appurtenant thereto) intended for recreation, open to the public, and with any portion thereof containing three or more separate apparatus intended for the recreation of children including, but not limited to, sliding boards, swing set, and teeterboards.

3. For purposes of this section the term “park” means any land or facility of any size or shape, including but not limited to linear ways, road ends, and submerged lands, that are open to the public and used for recreation or held for future recreational use.

4. For purposes of measuring the 1,000 foot radius in this section, the measurement shall be taken from the nearest property line of the existing public or private elementary, vocational, or secondary school, or public park or private college, junior college, or university, or a library, or a playground or park to the nearest point on the building where the proposed Medical Marihuana Cultivation Facility is proposed.

p. The acquisition, possession, delivery or transfer of Medical Marihuana of paraphernalia shall not be allowed on the parcel unless approved through a Special Use Permit and pursuant to Section 9.1 and Section 9.26.

Township  
Boundary

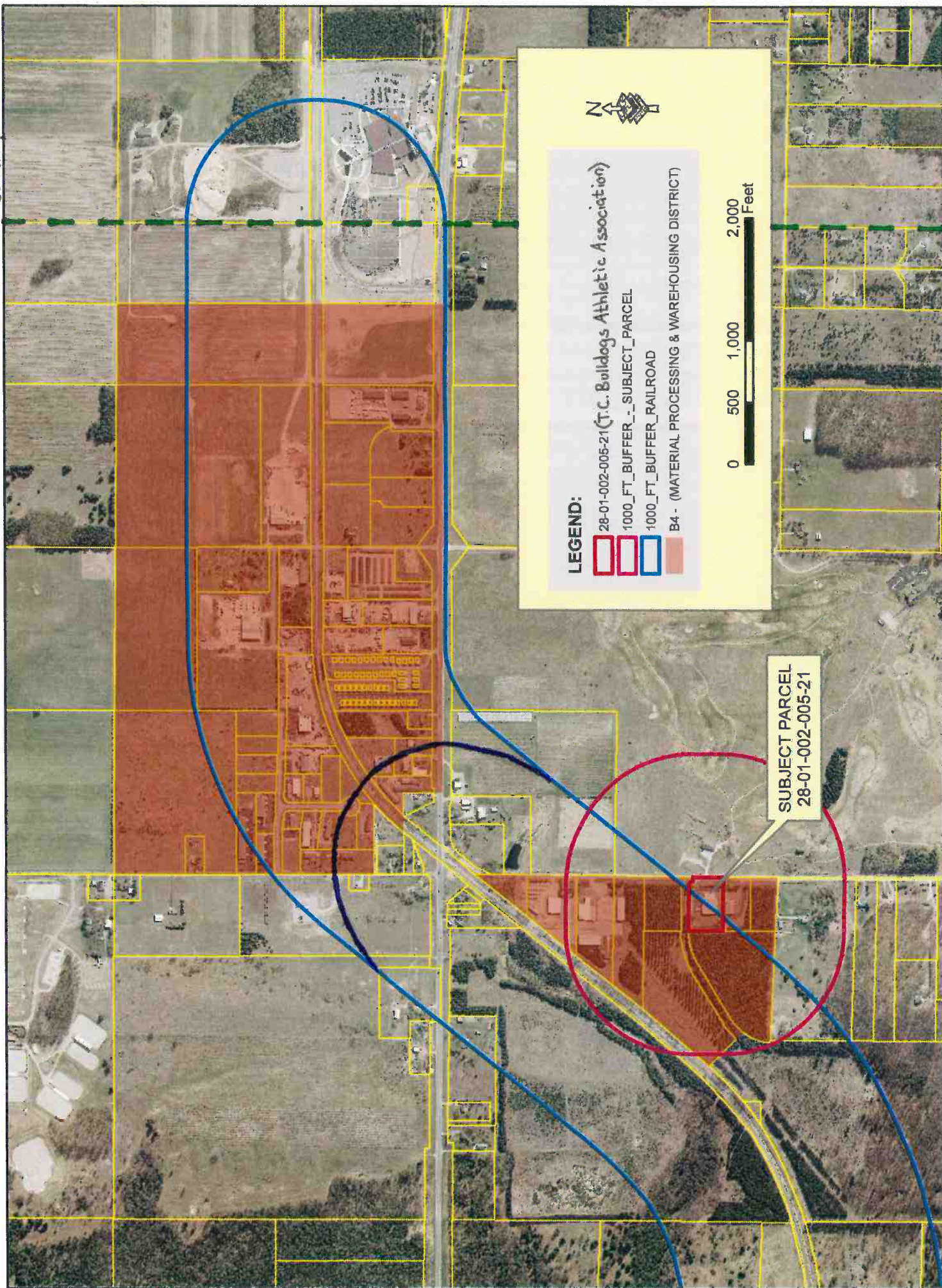


**LEGEND:**

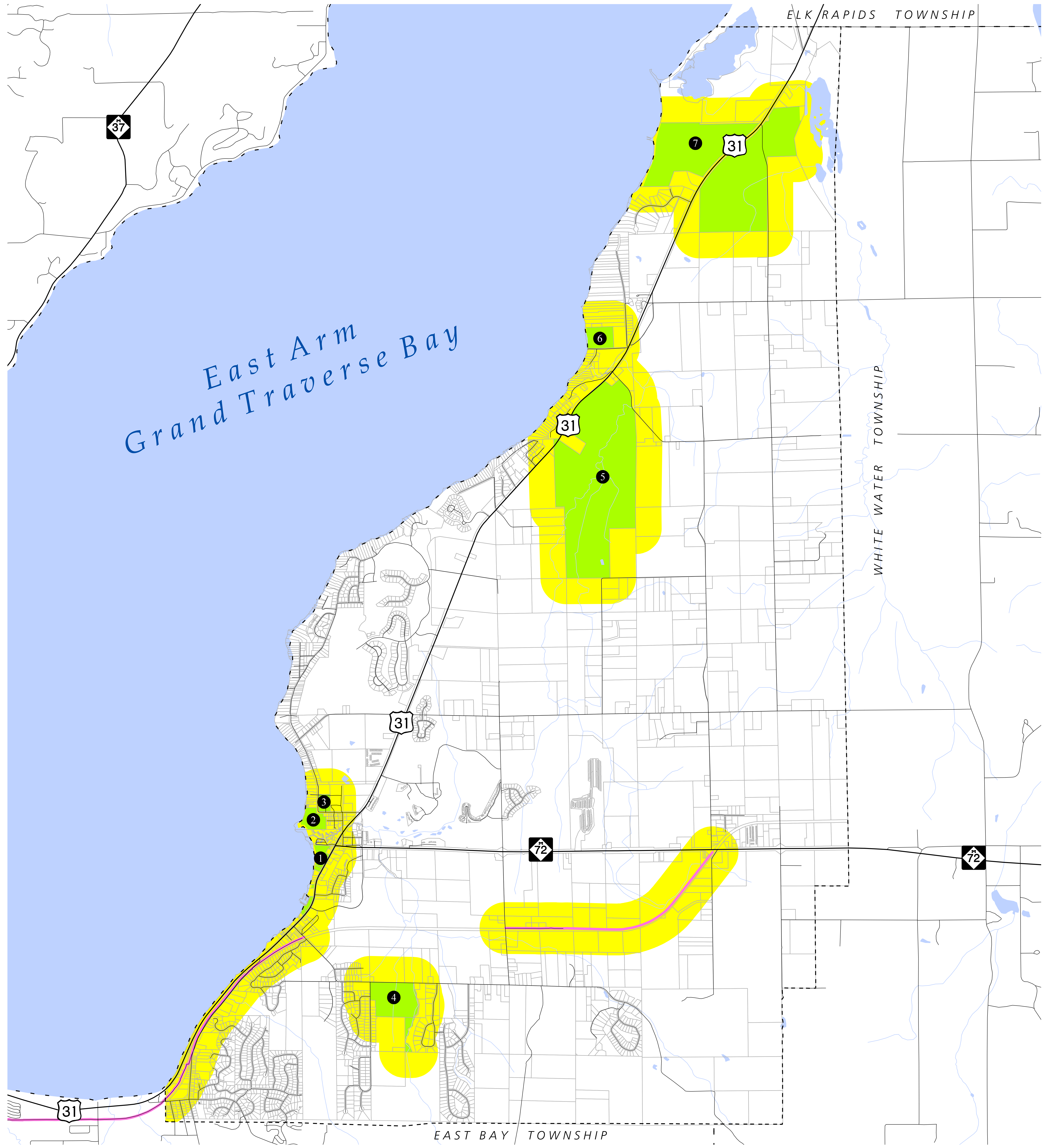
- 28-01-002-005-21 (T.C. Bulldogs Athletic Association)
- 1000\_FT\_BUFFER\_ - SUBJECT\_PARCEL
- 1000\_FT\_BUFFER\_RAILROAD
- B4 - (MATERIAL PROCESSING & WAREHOUSING DISTRICT)

0 500 1,000 2,000  
Feet

SUBJECT PARCEL  
28-01-002-005-21







Acme Township



# Public Parks, Schools, & TART Trail 1000 ft Buffer Area

Data Sources: Michigan Geographic Data Library, Grand Traverse County Equalization

- 1000 ft Buffer
- Park or School Property
- Parcel Boundary
- Township Boundary
- TART Trail
- Road

## Property Name:

- |                                |                           |
|--------------------------------|---------------------------|
| ① Bayside Park                 | ⑤ Yuba Creek Natural Area |
| ② Deepwater Point Natural Area | ⑥ Sayler Park             |
| ③ Bertha Vos School            | ⑦ Maple Bay County Park   |
| ④ Bartlett County Park         |                           |