



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.

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-write 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 is 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.

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



**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

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. Draft Unapproved Minutes of:**
i. Township Board minutes 07/07/15

2. ACTION:

- a. Approve Draft Minutes of:**
i. Planning Commission minutes: 07/27/15

E. ITEMS REMOVED FROM THE CONSENT CALENDAR:

- 1. _____**

F. CORRESPONDENCE:

G. PUBLIC HEARINGS:

- 1. US 31/M 72 Business District Architectural Standards amendment #35**

H. NEW BUSINESS:

- 1. US 31/M 72 Business District Architectural Standards amendment #35**

I. OLD BUSINESS:

- 1. Medical Marijuana**
2. Letter to VGT regarding updated conceptual plan

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: August 10th, 2015
Re: Planning Commission Meeting Packet Summary

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

Public Hearings

- I. Zoning Ordinance Amendment #035 – US 31/M 72 Business District Architectural Standards**
- a. Section 6.6.5.2, 6.6.6.3, 5, 6 US-31/M-72 Business District
 - b. Brief summary and suggested action presented under “New Business”

New Business

- II. Zoning Ordinance Amendment #035 – US 31/M 72 Business District Architectural Standards**
- a. Table in Section 6.6.5.2 Building Placement, Density and Parking:
 - i. Proposed reductions to the minimum percent of building front and side façades relative to lot width and depth
 - b. Table in Section 6.6.6.3 Site Lighting:
 - i. Add language regulating the location of wall pack lighting, front façade illumination and parking lot lighting pole height limitations
 - c. Table in Section 6.6.6.5 Façade Components and Materials (All Buildings Except Residential-Only Buildings):
 - i. Entire section to be deleted and replaced with language stating more detailed requirements for Façade Ornamentation, Façade Massing, Roofs, Customer Entrances, and Building Materials
 - d. Table in Section 6.6.6.6 Water Quality:
 - i. Entire section to be deleted and replaced with language that adds authorization to the Planning Commission to determine the type of Low Impact Development water quality technologies will be used.
 - e. Suggested Action:

- i. Recommendation to send Zoning Ordinance Amendment #35 – US-31/M-72 Business District Architectural Standards to Grand Traverse County Planning Commission for review and comments*

Old Business

III. Medical Marijuana

- a.** Interviews were conducted to collect information on zoning ordinance requirements for medical marijuana collectives, along with any secondary effects.
 - i.** Garfield Township, Elmwood Township, Traverse City, Grand Traverse County Sheriff’s Department
- b.** Garfield and East Bay prohibit collectives, Traverse City and Elmwood allow collectives with conditions (similar in nature to one another)
 - i.** Buffers, prohibition on cultivation, one collective per parcel, only certain zoning districts, etc.
 - ii.** Garfield – 3 (operating illegally), East Bay – 0, Elmwood – 0, Traverse City – 6
- c.** Everyone interviewed stated that they haven’t received complaints from the public about the collectives or any secondary effects from their presence
 - i.** Only complaints have been from primary caregivers about other primary caregivers

IV. VGT/GTTC

- a.** PC Chair has drafted a letter to Steve Schooler requesting an updated conceptual plan that reflects the six minor amendments that have been allowed since the original Special Use Permit (SUP 2009-1P)
 - i.** Updates due to density changes on the southeast corner of the project area



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

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

Members present: J. Aukerman, C. Dye, A. Jenema, 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:

Clerk, Dye, requested to add to New Business #7 Clerk's update.

Motion by White, seconded by LaPointe to approve the agenda with the addition of Clerk's update under New Business #7. 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 06/08/15
- d. Parks and Maintenance Report – Henkel

2. APPROVAL:

- a. Township Board Special Budget work session 05/19/15
Townsho[Board Special Parks work session 06/11/15
Regular meeting minutes of 06/02/15
- b. Accounts Payable Prepaid of \$13,955.34 and Current to be approved of \$117,600.97 (Recommend approval: Cathy Dye, Clerk)

E. ITEMS REMOVED FROM THE CONSENT CALENDAR:

Dye asked to remove the Current bills to be paid, LaPointe asked for the Planning Commission minutes of 6/8/15 to be pulled, Jenema requested the Treasurer's report and Clerk's balance sheet removed.

Motion by LaPointe, seconded by Scott to approve the consent calendar with the removal of the Current bills, Planning Commission minutes of 6/8/15 and the Treasurer's report. Motion carried by unanimous roll call vote.

Dye had additional invoices of \$37,476.87 to add to the Current bills to be paid of \$117,600.97 bringing the total to \$155,077.84.

Motion by LaPointe, seconded by Scott to approve the Current bills of \$155,077.84. Motion carried by unanimous roll call vote.

LaPointe commented on the recent article in the Detroit News “Rancor welcomes Meijer to Acme Township”. He said it makes no mention of Acme’s attributes but focus almost exclusively instead on the ghosts of the past. No mention of the unique features we have such as Grand Traverse Resort with three championship golf courses, Flint fields, Williamsburg Dinner Theater and the very high end and successful Traverse Bay RV Park and there are others. The fact that Acme has an Agricultural District that encompass over a third of the entire Township with over 900 acres and counting of Farmland that will remain Farmland forever thanks to Acme’s 20 year commitment to a property tax millage that funds the farmland preservation program. LaPointe commented that it goes without saying that any citizen has the right to express their opinion regardless if it is pro or con. LaPointe finds himself growing weary with the same rhetoric. The one thing the Detroit News got right was the title of the article “**Rancor welcomes Meijer to Acme Township**”.

Trustee, Aukerman, stated that she agrees with La Pointe’s points. This Board has done many good things, the Master Plan that has been very carefully thought out. With the five year Parks & Recreation plan that is now in place we are able to apply for different grants. Aukerman believes this Board has shown a vision and direction.

Motion by LaPointe, seconded by White to approve the Planning Commission minutes of 6/8/15 as presented. Motion carried by unanimous roll call vote.

Jenema commented that with the new BS&A software some of the reports look a little different. And will continue to as we work to modify things. She is keeping the same format for the Treasurer’s report for reference. Jenema pointed out to the Board the cash summary by Banks match the Balance sheet. Jenema said that when you look at the Treasurer’s report they are not the same. She pointed out that not all of the checks had cleared. Discussion followed.

Motion by Jenema, seconded by Scott to approve the Treasurer’s report and Balance sheet 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**

LaFranier Road in Garfield Township is now open. McKellar talked about what’s the status of the various County Drains which are being looked at to be established in other Townships.

H. CORRESPONDENCE:

Zollinger received an email from the Traverse City Boom Boom Club thanking the Township for our contribution towards the 4th of July fireworks. A letter was sent to New Hope Church for the volunteers who picked up brush in Saylor Park in May, and also a team of 3rd, 4th and 5th graders from Bertha Vos that picked up brush in the Deepwater Natural Area.

I. PUBLIC HEARING: None

J. NEW BUSINESS:

- 1. RFP Legal Services – Supervisor**

Board reviewed the RFP. A list of firms that the Township will be sending the RFP to was included. Zollinger would like to add Brandt, Pezzetti, Vermetten, Popovits, P.C.. The Board also requested that an ad be placed in the Record Eagle.

- 2. FOIA 2015 Cost updates based on new budget – Clerk**

Motion by LaPointe, seconded by Scott to approve Resolution R-2015-29 adopting amended fees and Costs for Freedom of Information Act. Motion carried by unanimous roll call vote.

3. **Acme Sewer update East Bay bypass, 2016 engineer 2007 build – Supervisor**
Zollinger reviewed his memo regarding the East Bay bypass.
4. **Resolution to move money from 101 committed funds for BS&A to 101-101-804-000**

Motion by Scott, seconded by Dye to approve Resolution R-2015-30 moving funds for the new BS&A Software. Motion carried by unanimous roll call vote.

5. **County GIS support for Assessing New Ortho Imagery – Jenema**
Jenema presented a proposed Grand Traverse County aerial imagery procurement project financial Partnership.

Motion by LaPointe, supported by Scott, to show a commitment for this project. Motion carried by unanimous roll call vote.

6. **TC RV park approval of new roads names – Supervisor**
Motion by LaPointe, seconded by Dye to approve the three new road names for the TC RV park. Motion carried by unanimous vote.

7. **Clerk's update – Clerk**
Clerk's office update attached to the minutes

K. OLD BUSINESS:

1. **US 31 Shave and Pave, Curb cut approval of Acme Sewer/Manhole repairs – Supervisor**
MDOT will be resurfacing about 3.5 miles of US-31 between Holiday Road and the Grand Traverse Resort (Brackett Rd) beginning after Labor Day and be completed by November.
2. **MDNR grant resolution new grant/Sayler park boat launch**
Discussion followed

Motion by Aukerman, seconded by Scott to approve Resolution R-2015-31 accepting the terms of the Agreement as received from the Michigan Department of Natural Resources and granting Zollinger to sign the Waterways Grant Agreement. Motion carried by unanimous roll call vote.

Zollinger also provided a draft Professional Services Agreement (PSA) for the Waterways Project. This is an Agreement between Acme Township and Gosling Czubak Engineering Services, Inc. Discussion Followed with questions and concerns regarding the agreement. Zollinger will make the corrections and forward to Jocks to review.

Motion by Scott, seconded by LaPointe to make the corrections as noted with all work by Gosling Czubak not to exceed \$39,870.00 with Contract Review by Jocks before signature. Motion Passed on a unanimous roll call vote.

3. **Zoning Administrator – Jenema**
Jenema stated that Shawn Winter began on Monday, July 6th. We are looking forward to working with him.

Jocks commented that Ruth Ann Liebzeit, legal assistant, retired on July 2, 2015, after 28 years with our firm. We couldn't have gotten where we are today without her help. We wish her all the best on her retirement.

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

T. Phillips, 2986 Wild Juniper Trail, asked if the East Bay force main is under the newly reconstructed US 31. Zollinger commented it was on the edge to the south of the tree lawn. He also asked how many FOIA requests we get in a year. Dye commented about a dozen. Phillips also commented on La Pointe's comments on the recent Detroit News article, and its part of the freedom we have to express our opinions.

Adjourned at 9:05 pm

Clerks office Update

BS&A SOFTWARE

- a.) Implementation and setup of BS&A began the first 2 weeks of June.

This will be wrapped up by July 14th. Still a learning curve, but support is available.

- b.) Clerk and Treasurer's office working on "Our work Flow" between each other's office.

At this time our offices have setup Positive Pay. This is a higher level of security to help protect Acme against check fraud in the 101 account. With Positive Pay Acme sends a file of all issued checks and Chase will then compare that information to the checks presented for payment. Checks that do not match the information provided will be marked as exceptions and will be available for review by both the Clerk and Treasurer's office

- c.) Currently in the process of setting up direct pay for employees and officials that are interested. This is optional.

ELECTIONS

- a.) Random audits for May 2015 Election were selected by both, State of Michigan and Grand Traverse County. Acme Township was selected by the Grand Traverse County for an audit completed on June 16th. The result of the audit was good. Told by Bonnie Scheele that everything was in order.

- b.) No August Election

YEAR END

- a.) Preparing for year end with Gabridge & Co. Working on required reports accruals and misc. Received a list of required reporting to be completed before we meet.



ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
July 27, 2015 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 7:03pm

ROLL CALL:

Members Present: D. Rosa, J. DeMarsh, J. Jessup, D. White, B. Ballentine, S. Feringa, K. Wentzlof, T. Forgette, M. Timmins arrived at 7:05pm

Members Absent: None

Staff Present: Shawn Winter, Zoning Administrator; John Iacoangeli, Township Planner; Jeff Jocks, Legal Counsel.

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

Brian Kelley, Ridgecrest Road. Read prepared statement that is attached to meeting minutes.

B. APPROVAL OF AGENDA: Motion to approve agenda by J. Jessup, supported by D. White. Motion passed unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. CONSENT CALENDAR:

a) RECEIVE AND FILE:

1. Draft Unapproved Minutes of:

1. Special Budget Board minutes 05/19/15
2. Special Board Parks work session 06/11/15
3. Regular Board meeting minutes 06/02/15

b) ACTION:

1. Draft Unapproved Minutes of:

1. ~~Planning Commission minutes: 06/08/15~~

Motion by Timmins to approve Consent Calendar with removal of item b.1, supported by Forgette. Motion passed unanimously.

E. ITEMS REMOVED FROM THE CONSENT CALENDAR:

1. Planning Commission minutes: 06/08/15 – Editing change to minutes to correct spelling error and adjourn time.

Motion by Feringa to approve the Planning Commission meeting minutes 06/08/15 with spelling correction to Otter Creek and meeting adjournment time, support by Ballentine. Motion passed unanimously.

F. CORRESPONDENCE: None

G. PUBLIC HEARINGS: None

H. NEW BUSINESS:

1. Site Plan review: MI Local Hops Processing Facility

Steve, from Peninsula Construction, a representative of MI Local Hops addressed concerns pertaining to the site plan and agency review. He indicated to the planning commission that supporting documentation would be forthcoming to the township. J. Iacoangeli told members of the planning commission that the township engineer is supportive of site plan approval subject to his final review. J. Iacoangeli indicated the stormwater requirements were not elaborate and part of existing system and recommended approval.

Motion by Timmins to approve the site plan submitted by MI Hops for the construction of a 28,800 square foot drying and processing building is approved with the following stipulations:

- a) The site plan needs to be signed and dated by the Applicant and the Chairperson of the Planning Commission,
- b) The site plan / building shall require approval from Grand Traverse Metro Emergency Services Authority and conform to requirements from 7/27/15 memo,
- c) The site plan storm water improvements require approval from the Township Engineer,
- d) Revised drawings and updated soil conditions and drainage calculations shall be submitted and approved prior to issuance of the storm water and land use permits.

Support by Ballentine. Discussion followed.

Motion carried unanimously.

2. Medical Marijuana: Jeff Jocks

Legal counsel provided an update on medical marijuana. Recent re-zoning in the business district to form-based code did not include provision for a dispensary as an allowed use. The township currently has one operating dispensary that is currently non-conforming. Other dispensaries are located and operating in other nearby communities and municipalities. Current court lawsuit cases are pending in the surrounding community where dispensaries are operating in municipalities where the use is not allowed as a use. In the cases there have been arguments made for exclusionary zoning and/or the act itself provides immunity to the operator. Unclear how the court cases are going to turn out. He explained to the PC exclusionary zoning which cannot totally prohibit a designated use if there is a need or market and it is lawful. If current referendum in the state legislature to legalize marijuana pass, he believes we should clearly zone for it. At this point, the township has several options; 1) do a moratorium which requires a special meeting, 2) make it an allowed use again with a special-use permit requirement, or 3) hold course until we receive better direction from legislature and rulings on current cases become apparent. Discussions followed. Rosa asked if it needed to be restricted. Timmins and Wentzloff did not want the use to be in areas of public use; especially not the parks. DeMarsh indicated that in previous meetings on this topic the Acme community were hopeful of restrictions. Jessup asked for the definition of a caregiver. Jocks explained a caregiver may dispense medical marijuana to 6 patients whose names must be on the back of their license card. PC members requested S. Winter to look into this further and re-visit this next month.

3. PC elections

K. Wentzloff, S. Feringa, and T. Forgette were nominated and elected to retain the seats of Office Chair, Vice-Chair, and Secretary respectively. Elections carried unanimously.

I. OLD BUSINESS:

a) Sign Amendment: Electronic Message Signs, County PC comments

Commission members reviewed and discussed the GT County PC comments with respect to sign change rate. A short discussion occurred on change rates on based on how gas service stations and hotels which is what this ordinance allows.

Motion by Timmins to recommend approval by the board of Sign Ordinance Amendment #034 to add electronic message board signs to the Sign Ordinance with the addition of a minimum change rate of 1 (one) hour. Support by Ballentine. Motion passed unanimously.

b) VGT/GTTC Status Report: John Iacoangeli

John provided a status report of the VGT/GTTC development. An occupancy checklist has been created and is being updated as things get done. He asked planning commission to have the Chairperson to draft a letter to VGT/GTTC and request an updated conceptual plan to show all of the current and proposed changes (ie. density changes and storm water basin construction, etc).

Motion by Timmins to have John and Karly draft a letter to VGT/GTTC representatives for a revised conceptual plan, second by Forgette. Motion passed unanimously.

J. PUBLIC COMMENT & OTHER PC BUSINESS

1. Zoning Administrator update on projects:

Shawn Winter provided an update on upcoming projects to the PC and indicated the public meeting for Zoning Ordinance Amendment #035 – US 31/M72 Business District architectural standards has been moved to the August 10th meeting. On July 21st a letter and civil infraction was issued by the Zoning Administrator via certified mail to Mr. Dave Scheppe of the Traverse Bay RV Park to cease and desist for violations that included failure to pay application escrow fees, failure to meet the conditions of the Township Board approval, failure to receive a final Special Use Permit, and failure to receive a Land Use Permit. By letter dated July 10th, 2015, the developer admitted to the Township that: "The site work for Phase IIIA commenced on Thursday, May 14th, 2015 and was completed on Friday May 29th, 2015." That work was done in violation of the Acme Township Zoning Ordinance and the SUP Application approval. A copy of the infraction letter is attached to the minutes. A meeting with them is scheduled for Wednesday, July 29th to discuss. J. Jocks and J. Iacoangeli discussed with the PC infraction fees and the construction that occurred without a land use permit. K. Wentzloff and S. Winter conducted a site visit and confirmed site had been disturbed and essentially ready for the RV home units to be placed.

Brian Kelley indicated to prevent this in the future, Acme Township should not approve projects without final plans. J. Iacoangeli indicated in this case we had a developer whose representative, Fred Campbell, took it upon himself to start the construction process without getting the proper local permits. The township zoning administrator and John spoke weekly regarding not receiving the updated plans needed to issue the permit. It was intentional on their part that they didn't submit the plans. Additionally they do not like the review fees charged by Becket & Raeder who's time spent on review was higher because he felt the engineering on the proposed project was poor and they actually came with two projects. K. Wentzloff stated the revised plans were to show only area 3a; the area defined in the scope of work on the application. Even the application needed to be revised due to discrepancies in the number of units. S. Feringa shared that he runs into this frequently with permits be issued out of multiple agencies. For this reason, during pre-construction meetings with contractors, the first thing he asks for is the land use permit. Forgette asked if state regulatory agencies have been notified of the violations. K. Wentzloff said they were meeting in two days with the developer and we will have more answers then. J. Jocks indicated the state agencies that issue their permits are not concerned over local jurisdictional issues. The Township Board will be notified and they would have to approve an injunction if that is the path.

2. Planning Consultant: Cardno inspection review of VGT/GTTC stormwater will be on website tomorrow complete with photographs of the storm water basins and plantings

3. P C Education etc.: none

Public Comments: Opened at 8:50pm

Brian Kelley, Ridgecrest Road – Wanted to go back on the GTTC project a little bit. Township stormwater ordinance in 2007. Feels that if still under the County ordinance it would have not allowed a system like that County would have actually issued permit, and the township doesn't really issue a permit and seems informal. Feels stormwater ordinance needs to have storm water plans and review be done in public meeting with engineers recommendation and planning commission present and not behind closed doors and what happened with the RV park underscores that. Soil surveys are a requirement of the ordinance done by 3rd party that looks at actual borings. What we heard tonight was informal and you need that data to determine the permeability and coefficients to calculate stormwater runoff. John said the stormwater requirement for the project presented tonight were straightforward all the more reason for it to be completed prior to the meeting. What happens if it is a more complex system. It's the pc's job and it is in the Master Plan. Believes PC Chair should be signing stormwater plans as someone should have their skin in the game. I told you so on the RV Park. I don't think they would have built it if it hadn't been approved.

Closed at 8:55pm.

ADJOURN: Motion by Timmins to adjourn, support by Ballentine. Motion passed unanimously. Meeting adjourned at 8:55pm.

To: Acme Township Planning Commission
From: Brian Kelley
Date: July 27, 2015

Good evening,

The hop farm on M72 looks awesome. Looking over the packet, I see two areas of concern - Storm Water and Metro Fire approval.

The latest memo from the township engineer says he is unable to approve the storm water system because the project has not provided complete information - "Once the additional items are addressed, it is anticipated the proposed storm water control plan can be approved."

He says the missing items are:

- The types of soils present on the site, and if the type of retention system is feasible for the soils present
- Whether there is adequate storage for 100 year back to back 24 hour storm events.
- 72 hour drainage time for the basins.

As you know, 96% of respondents to our community survey indicated that "Water quality for streams, watersheds and East Bay" are "a priority for protection by Acme Township." 96% - no other item in the survey received such overwhelming support. Our Master Plan reflects that strong desire to protect our water resources.

This project is located very near the headwaters of Yuba Creek. Approving it at this time, without a conforming storm water system, and without Metro fire approval, is not consistent with the health, safety, and welfare of our community, or our Master Plan. We don't even have data on the soil type. Making assumptions or guesses about the soil type is not acceptable, nor is it an example of "good planning". The township is still unable to provide final storm water plans for the VGT project, years after approval.

The developer has had ample time to resolve these issues. The Soil Erosion permit was granted on April 10, 2015, and work was begun to set approximately 20,000 poles shortly after. In two weeks time this project can come back before the PC, with those items fully resolved, and receive your approval. Until that time, I ask that you do your duty to enforce the regulatory framework of our township, and not set precedents by approving projects that do not meet major regulatory and legal requirements.

Thank you,

Brian Kelley

**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 1st 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.”

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT Printed at 07/14/15 16:37 by dling

Acct #: 6 Ad #: 407608 Status: N

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CATHY DYE, CLERK Times Ord: 1 Times Run: ***
6042 ACME ROAD STDAD 3.00 X 3.34 Words: 211
WILLIAMSBURG MI 49690 Total STDAD 10.02
Class: 147 LEGALS
Rate: LEGAL Cost: 118.25
Affidavits: 1

Contact: Ad Descrpt: LEGAL NOTICE TOWNSHIP OF
Phone: (231)938-1350 Given by: EMAIL SHAWN WINTER
Fax#: (231)938-1510 Created: dling 07/14/15 15:56
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We appreciate your business.

(CONTINUED ON NEXT PAGE)

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120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 07/14/15 16:37 by dling

Acct #: 6

Ad #: 407608

Status: N

**LEGAL NOTICE
TOWNSHIP OF ACME - NOTICE OF HEARING**

PLEASE TAKE NOTICE that the ACME TOWNSHIP PLANNING COMMISSION will hold a public hearing at its regular meeting on Monday, August 10, 2015 at 7:00 p.m. at the Acme Township Hall, 6042 Acme Road, Williamsburg MI 49690, to consider the following amendments to the Acme Township Zoning Ordinance.

Amendment # 035 would amend the Acme Township Zoning Ordinance Section 6.6.5.2, 3, 5, 6 : US 31/M-72 Business District. Building Placement, Lighting, and Façade components and Materials to add standards for wall pack lighting, additional façade requirements, and additional Water Quality standards.

Copies of the entire proposed Amendment #035 are available for inspection at the Acme Township hall. All interested persons are invited to attend and be heard at public hearings before the Planning Commission. After each public hearing, the Planning Commission may or may not deliberate and take action. The entire Zoning Ordinance is available for inspection at the Acme Township Hall from 8:00 a.m. to 5:00 p.m. Monday through Friday. Proposed Zoning Ordinance Amendments and the entire Zoning Ordinance are also available for inspection via the Township's website, www.acmetownship.org.

Written comments may be directed to:
Shawn Winter, Zoning Administrator
6042 Acme Road
Williamsburg, MI 49690
(231) 938-1350

July 23, 2015-1T

407608



Zoning Administration Staff Report

To: Planning Commission
From: Shawn Winter, Zoning Administrator
CC: Jeff Jocks, John Iacoangeli
Date: 8/4/2015
Re: Medical Marijuana Collectives Local Report

In order to better understand the regulation of medical marijuana collectives in the area, a review of local zoning ordinances along with zoning administrator interviews was conducted for Garfield Township, Elmwood Township, East Bay Charter Township and the City of Traverse City. Below is a summary of notes collected from each interview and a copy of each localities' zoning ordinance language that references medical marijuana operations.

The localities varied greatly in what type of marijuana operations they allow. Garfield and East Bay Townships do not allow medical marijuana collectives, where Primary Caregivers can dispense product to Qualifying Patients, whereas Elmwood Township and Traverse City do allow collectives. East Bay has had one collective in the past that was shut down for operating illegally, and Garfield Township is in the process of having three collectives shut down for operating illegally. Although allowed, Elmwood Township does not have any collectives in operation. Traverse City has six collectives in operation, with potentially a seventh collective opening in the future. Where collectives are allowed to operate conditions must be met that limit the number of operations on each parcel, provide buffers from certain uses, mandate security measures, dictate who is allowed to enter, etc. All four localities allow medical marijuana cultivation in certain districts by right. Since the purpose of this report was to investigate medical marijuana collectives little was discussed in the interviews pertaining to cultivation facilities.

Where allowed to exist, the overall consensus is that the presence of collectives does not create a nuisance in the community. This was supported in an interview with the Grand Traverse Sheriff's Department. Very few if any complaints have been received by the public about the operation of the collectives. Even collectives that were operating illegally in townships or districts where they are prohibited had little to no secondary effects reported in the community. In fact, the majority of complaints have come from collective operators who have issues with other collective operators. However, suspicions were presented in the interviews. It's hard to imagine how a collective regulated by state law to only provide medical marijuana to a small number of Qualified Patients can maintain a storefront and rent payments while still operating legally.

TOWNSHIP INTERVIEWS

Garfield Township

Sara Kopriva – Zoning Administrator (231) 941-1620

- Regulated by Ordinance 65
- Medical marijuana collectives are prohibited in the Township (Section VIII)
 - Three exist in the Township and are involved in pending court cases
- Ordinance allows for one licensed caregiver to grow in the Industrial District
 - One caregiver operating in the District, but needs to go before the ZBA for a setback variance
 - Willing to be more transparent due to public hearing requirements for a ZBA variance
- To date, no public complaints or secondary affects associated with dispensaries
 - Most complaints have been of a personal nature (i.e. not like the person running the dispensary, not willing to work with that person, etc.)
- Township is aware of the legislation introduced at the state level, currently is in a wait and see pattern before addressing any changes

Elmwood Township

Sara Kopriva – Zoning Administrator (231) 941-1620

- Medical marijuana collectives are a permitted use in the C-1 and C-2 Commercial Districts
- Must meet basic conditions summarized below (complete requirements at end of document)
 - No cultivation on the parcel
 - Only property owners, qualifying patients, primary caregivers and parents/guardians of minor qualifying patients allowed inside collective
 - Must be at least 1000 feet from a school and other collectives
 - One collective per parcel
 - Only open between 10:00 am and 7:00 pm
- Some people have inquired about opening an operation
- Township wants to know how the business is going to operate before they issue a Land Use Permit
 - Applicants not willing to disclose the necessary details
- Medical Marijuana Cultivation is allowed in the C-4 Commercial District

Traverse City

Dave Weston – Zoning Administrator (231) 922-4464

- Has not received complaints from the public regarding the collectives or their secondary effects
 - Only complaints are from caregivers, about other caregivers
- Six collectives in Traverse City, potentially one more on its way
- Allowed by right in C-3 (Community Center District), C-4 (Regional Center Districts), H-1 and H-2 (Hospital Districts)
- Must meet basic conditions summarized below (complete requirements at end of document)
 - 1000 feet from a school and other collectives
 - Open between 10:00 am and 7:00 pm only
 - No cultivation allowed on property
 - Essentially only Qualifying Patients allowed in Collective
 - Minor Qualifying Patients must accompanied by a parent or guardian
- Essentially built-out in terms of available locations that meet the buffer requirements

- Medical Marijuana Cultivation allowed in the Industrial District

East Bay Charter Township

Leslie Couturier – Planning and Zoning Administrator (231) 947-8681

- Medical marijuana collectives are not allowed in the Township
- Primary Caregiver Facilities are allowed in the two Industrial Zoning Districts
- Restrictions include:
 - Growing and storing of medical marijuana only
 - Must be indoors, secured, and continuously monitored with security system
 - No transfer to patients on site; transfer must be done on private property, out of public view, by delivery, in an unmarked care
 - Limited quantities: 2.5 ounces or 12 plants per qualifying patient
 - One Primary Caregiver per facility
 - 1,000 foot buffer from schools, churches, daycare facilities, parks and dwellings
 - 300 foot buffer between Primary Caregiver Facilities
- No Facilities are currently in operation
- Not cost effective in Industrial Zoning District, rent is too high
- Three people have inquired about opening a Collective
 - One individual picked up paperwork to for an amendment, but hasn't been back
- A Primary Caregiver Facility once operated in the plaza at 4 Mile and US – 31
 - Zoning Administrator had it shut down due to illegally operating in that zone
- No real public reaction at this point

LAW ENFORCEMENT INTERVIEWS

Grand Traverse County Sheriff's Department

Lt. Chris Barsheff (231) 995-5044

- Has not noticed any adverse effects directly related to the presence of dispensaries
- Many are operating illegally though
 - Not allowed in Garfield Township
 - If only allowed to distribute/sell to five or six patients, why do you need a storefront?
How do you pay the rent?
- When individuals are cited for possession, where did they acquire the marijuana?
 - Legal dispensary outside the area?
 - Illegal local dispensary?
- More dispensaries = more opportunities to acquire marijuana illegally
 - Theft, illegal operations, etc.
- Currently working with Garfield Township in their court cases to shut down existing dispensaries
 - Keystone Rd location has closed
 - South Airport location in process, Judge not siding with the Township as before

TOWNSHIP ORDINANCES

Garfield Township

Ordinance No. 65

Section VI: Medical Marihuana Residential Cultivation

Medical Marihuana Residential Cultivation shall be considered and permitted as an accessory use to a dwelling unit provided that it shall comply at all times with the provisions of the Garfield Township Zoning Ordinance No. 10, as amended from time to time.

Section VII: Medical Marihuana Cultivation Facility

Medical Marihuana Cultivation Facilities shall be permitted only where “Medical Marihuana Cultivation Facility” is specifically listed and permitted by the Garfield Township Zoning Ordinance, provided further that such shall comply at all times with the following:

- a) All *Medical Marihuana Cultivation* shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
- b) Not more than one (1) primary caregiver or qualifying patient shall be permitted to cultivate Medical Marihuana on any one (1) lot;
- c) Each *Medical Marihuana Cultivation Facility* shall obtain and continue to hold a Certificate of Registration issued by the Township in accordance with this ordinance;
- d) No transfer of *Medical Marijuana* by the primary caregiver or qualifying patient cultivating the *Medical Marihuana* to any other person(s) shall take place at a *Medical Marijuana Cultivation Facility*.

Section VIII: Medical Marihuana Collectives

Medical Marihuana Collectives are not permitted within the Charter Township of Garfield.

Section IX: Medical Marihuana Cultivation Facility – Registration Required

- 1) No person shall operate a *Medical Marihuana Cultivation Facility* at a location for which an annual Certificate of Registration as provided for in this ordinance has not been issued and/or renewed as required by this ordinance.
- 2) The registration requirement in this ordinance applies to all *Medical Marijuana Cultivation Facilities* that exist on the effective date of this ordinance or are established after the effective date of this ordinance.
- 3) The registration requirement set forth in this ordinance shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other state or local law.
- 4) A Certificate of Registration issued under this ordinance shall expire one year after the date of issuance.
- 5) No Certificate of Registration issued under this ordinance may be transferred or assigned, and no Certificate of Registration is valid for any location other than the location specified in the Certificate of Registration.

Travers City Zoning Ordinance

1344.01 USES ALLOWED (C-3 Community Center District)

1346.01 USES ALLOWED (C-4 Regional Center Districts)

1358.01 USES ALLOWED (B. H-1 Hospital District and C. H-2 Hospital District)

Medical Marihuana Collective meeting the following requirements:

- (1) Use and transfer of Medical Marihuana shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
- (2) Transfer of Medical Marihuana shall be only allowed to a Qualifying Patient directly in person by his or her Registered Primary Caregiver or by another Qualifying Patient as allowed by the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- (3) The Collective shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.

- (4) No Medical Marihuana Cultivation shall occur on the parcel.
- (5) Except for parents or guardians of a Qualifying Patient and the Owner or staff of the facility, persons other than a Qualifying Patient or Primary Caregiver shall be not permitted within the Collective when Medical Marihuana is being transferred or used.
- (6) A Qualifying Patient under the age of 18 shall be accompanied by a parent or guardian and notice of such shall be conspicuously posted.
- (7) A Medical Marihuana Collective shall not be located within a 1,000 foot radius from any existing School.
- (8) A Medical Marihuana Collective shall not be located within 1000 feet from another existing Collective.
- (9) An Owner or Operator of a Medical Marihuana Collective shall not have been convicted of a felony involving controlled substances.
- (10) The name and address of all persons with an ownership interest in the Medical Marihuana Collective and all Operators of the Medical Marihuana Collective shall be provided to the Zoning Administrator at least ten (10) business days prior to opening the Medical Marihuana Collective and least ten (10) business days prior to when a new person owns or operates the Medical Marihuana Collective.

1354.01 USES ALLOWED (I-Industrial District)

Medical Marihuana Cultivation Facility meeting the following requirements:

- 1) Medical Marihuana Cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- 2) All medical marihuana plants cultivated by each Primary Caregiver or Qualifying Patient shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the Primary Caregiver or the Qualifying Patient.
- 3) Cultivation shall be conducted so as not to create dust, glare, noise, odors, or light spillage beyond the parcel and shall not be visible from an adjoining public way.
- 4) A Medical Marihuana Cultivation Facility shall not be located within a 1,000 foot radius from any existing School.
- 5) A Medical Marihuana Cultivation Facility shall register for a business license with the City Clerk and if the Applicant is not the Owner of the Parcel, such license application shall include the property owners' consent to the use of the parcel as a Medical Marihuana Cultivation Facility.
- 6) No transfer of Medical Marihuana shall occur except marihuana plants pursuant to the Michigan Medical Marihuana Act.

Elmwood Township Zoning Ordinance

7.1.1 PERMITTED USES (C-1 Commercial District)

7.2.1 PERMITTED USES (C-2 Commercial District)

Medical Marijuana Collective that meets the following requirements:

- a) The Medical marihuana collective shall be used solely for the transfer of medical marihuana, as permitted by the Medical Marihuana Act and this ordinance and for no other purpose or use.
- b) The transfer of medical marihuana shall take place only inside the building which constitutes the medical marihuana collective.

- c) The transfer of medical marihuana shall comply at all times with the Michigan Medical Marihuana Act and Rules of the Michigan Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
- d) No medical marihuana cultivation shall occur on the parcel.
- e) Only the following persons shall be permitted within the medical marihuana collective when medical marihuana is transferred: an owner or operator of the medical marihuana collective, a primary caregiver of a qualifying patient when the primary caregiver is in the process of obtaining medical marihuana on behalf of a qualifying patient of the primary caregiver, or a qualifying patient who is in the process of obtaining medical marihuana.
- f) A parent or guardian shall accompany a qualifying patient under the age of eighteen (18).
- g) A medical marihuana collective shall not be located within a one thousand (1000) foot radius of an existing school.
- h) A medical marihuana collective shall not be located within a one thousand (1000) foot radius of another medical marihuana collective. Not more than one (1) medical marihuana collective shall be located on any given parcel.
- i) All medical marihuana stored at the collective shall be contained within an enclosed locked facility.
- j) Medical marihuana shall not be used on site at the medical marihuana collective in any manner.
- k) A medical marihuana collective shall comply with all applicable local, county, and state laws and regulations.
- l) The medical marihuana collective shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.
- m) Medical marihuana may not be grown or processed within this district.

7.4.1 PERMITTED USES (C-4 Commercial District)

Medical Marihuana Cultivation Facility that meets the following requirements:

- a) Medical Marihuana Cultivation shall comply at all times with the Michigan Medical marihuana Act and the rules of the Michigan Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
- b) All medical marihuana plants cultivated by each primary caregiver or qualifying patient shall be contained within an enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or the qualifying patient.
- c) Cultivation shall be conducted so as not to create dust, glare, noise, odors, or light spillage beyond the parcel boundaries and shall not be visible from an adjoining public or private way, road, or pedestrian way or trail.
- d) A medical marihuana cultivation facility shall not be located within a one thousand (1000) foot radius of an existing school.
- e) If the applicant is not the owner of the parcel, such land use or zoning permit application shall include a written signed letter from the property owners giving consent to use the parcel as a medical marihuana cultivation facility.
- f) No use, transfer, sale, or dispensing of medical marihuana shall occur on the premises, provided however that this provision does not prohibit the transfer or transportation of medical marihuana from a medical marihuana cultivation facility to a medical marihuana collective.

- g) A medical marihuana cultivation facility shall comply with all applicable local, county, and state laws and regulations.

East Bay Township Zoning Ordinance

SECTION 232. MEDICAL MARIHUANA PRIMARY CAREGIVER FACILITY (Revised 4/24/2011)

1. **PURPOSE AND INTENT.** It is the purpose of this section to give effect to the intent of Initiated Act 1 of 2008, the Michigan Medical Marihuana Act (the MMMA) and not to establish any local program or regulation that would violate or contravene any enforced State or Federal statute. The MMMA authorizes a narrow exception to the general rule and law that the cultivation, distribution and use of marihuana amount to criminal acts. It is the purpose of this Section to establish standards for the application of that narrow exception in East Bay Charter Township to enable the legitimate and legally authorized practice of the Primary Caregiver activity as set forth herein. It is not the intent of this Section to broaden the strict interpretation of the MMMA to apply to activities not explicitly provided for therein nor is it the intent of this Section to encourage or sanction the cultivation, processing, refinement, distribution, transfer or use of marihuana except as permitted by a strict application of the terms of the MMMA and any rules or regulations duly promulgated there under.
2. **FINDINGS.** This Section is based on the following findings:
 - a. The voters of the State of Michigan approved by initiative and referendum the use of marihuana by Qualifying Patients for certain medical conditions and established as a legitimate activity that individuals with appropriate credentials may assist Qualifying Patients in the use of marihuana under the provisions of the MMMA.
 - b. Despite the provisions of the MMMA, marihuana remains a controlled substance under Michigan and Federal law and if its use is not carefully monitored and regulated, there exists significant potential for abuse and illegal conduct that can threaten the health, safety and welfare of the residents of East Bay Charter Township.
 - c. In other States where medical marihuana is similarly permitted but in adequately regulated, there are indications of significant negative secondary effects surrounding places where marihuana is dispensed, processed or used by groups of people. Such secondary negative effects tend to be exacerbated where multiple marihuana facilities are located and include sale and use of other controlled substances, robberies, assaults, break-ins, vagrancy and depressed property values.
 - d. East Bay Charter Township neither supports nor opposes the legitimate medicinal use of marihuana by Qualifying Patients in compliance with the MMMA, but finds that it has an obligation to residents and property owners to effectively mitigate potential secondary impacts that could result from the Primary Caregiver activity.
3. **PERMITTED USE.** The activities of a registered Primary Caregiver as defined in the MMMA and further regulated in this Section and a Primary Caregiver Facility as defined in this Ordinance, shall be a permitted land use limited only to the Industrial Zoning District, subject to the land use permit requirements of Section 803 and the site plan requirements of Section 820, 6, b, and the requirements of this Section.
4. **REVIEW STANDARDS.** An application for a Primary Caregiver Facility shall be evaluated by the Zoning Administrator in accordance with the following requirements:
 - a. **Primary Caregiver Facility.** All marihuana shall be cultivated, processed, stored and packaged in an enclosed, locked and secured building at all times, except when it is being delivered to Qualifying Patients pursuant to paragraph "e" hereof. For the purpose of this Section, such facility shall consist of four solid walls and roof and no

outdoor cultivation or storage shall be permitted. Such facility shall also be protected with a security system that is monitored continuously and access to the facility by other than the registered Primary Caregiver shall be prohibited. This provision shall not be construed to prevent access by non-registered individuals if accompanied by the registered Primary Caregiver.

- b. Limits on Quantities. A Primary Caregiver shall not possess more marihuana than 2.5 ounces or 12 marihuana plants for each Qualifying Patient to which he/she is connected.
- c. Combined Operations Prohibited. No more than one Primary Caregiver shall occupy any growing or storage facility and combined growing, storage or transfer facilities shall be prohibited.
- d. Isolation Distance. A Primary Caregiver facility shall be located no closer than 1,000 feet from any school, church, day care facility, park or dwelling. A Primary Caregiver facility shall be located no closer than 300 feet from any other Primary Caregiver facility. For the purposes of this paragraph, such distances shall be measured in a straight line from the front door of the Primary Caregiver facility to the building containing a school, church, day care facility, park or dwelling, in the first case; or between the front doors of two Primary Caregiver Facilities, in the second case.
- e. Dispensing Medical Marihuana. No medical marihuana shall be dispensed by the Primary Caregiver to Qualifying Patients at the Primary Caregiver facility. The Primary Caregiver shall deliver small quantities, not to exceed 2.5 ounces per Qualifying Patient, for the use of such Qualifying Patient and such delivery shall take place on private property away from public view. Any delivery vehicle used for such purposes shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo.
- f. Prohibited Activities. A Primary Caregiver Facility shall not be used as a medical marihuana dispensary or compassion club and no smoking or otherwise ingesting of medical marihuana shall be permitted on site. A Primary Caregiver Facility shall not bear any sign or emblem that would indicate the nature of the activity on site and any advertising a Primary Caregiver undertakes shall not disclose the location of the Primary Caregiver Facility.



6042 Acme Road, Williamsburg, MI 49690 Tel. 231-938-1350 Fax 231-938-1510 www.acmetownship.org

July 30, 2014

Mr. Steve Schooler
JEFFREY R. ANDERSON REAL ESTATE
Agent for the Village at Grand Traverse, LLC
3805 Edwards Road
Cincinnati, OH 45209

Re: The Grand Traverse Town Center Development

Dear Mr. Schooler,

At the July 27, 2015 Acme Township Planning Commission meeting the Planning Commission instructed me to send this letter regarding the Grand Traverse Town Center development and the status of the current conceptual plan that was approved in Special Land Use permit SUP 2004-11P.

Since approval of the SUP and more recently since the implementation of the Phase 1 project, SUP 2009-1P, there have been 6 minor amendments to the SUP and Phase 1 plans. The 6th amendment, which changed the density of the southeast corner of the project from 430 to 130, carried a stipulation from the planning commission stating "4) The Applicant shall submit a revised conceptual plan to the Township which shows how the 300 dwelling units will be allocated to the balance of the Project and this plan will incorporate new urbanism best practices for new development." I am writing as a follow up to my original letter, dated November 11, 2014, as a reminder that we still are not in receipt of that revised plan.

The Planning Commission is cognizant of changes in both the retail and residential real estate markets since the project was initially proposed over ten years ago. We are also at a juncture, as the advisory commission to the Board of Trustees, that further amendments to the plan will not be considered until the overall plan is updated to reflect the minor amendments, changes that have occurred as result of project implementation, and modifications to the broader regional real estate market. Several examples include the location and size of the storm water management system which significantly departs from the original conceptual plan and the Redwood Homes project and the reallocation of land uses affecting residential and retail acreages.

We realize the contentious atmosphere that surrounds this project but on the other hand recognize that our recently adopted community master plan acknowledges the build-out of the GTTC development as a cornerstone for our future business district. As a result, we encourage you to work with the Planning Commission on a revised plan for the overall project to reflect the changes that have been requested, approved and instituted, to facilitate progress as the development moves forward.

If you have any questions please feel free to contact me.

Regards,

Karly Wentzloff, Chairperson
Acme Township Planning Commission