

**CHARTER TOWNSHIP OF GARFIELD
PLANNING COMMISSION MEETING
April 14, 2021**

Call Meeting to Order: Chair Racine called the April 14, 2021 Planning Commission meeting to order at 7:00pm at the Garfield Township Hall.

Pledge of Allegiance

The Pledge of Allegiance was recited by all in attendance.

Roll Call of Commission Members:

Present: Joe McManus, Molly Agostinelli, Chris DeGood, Pat Cline, Joe Robertson, Robert Fudge, and John Racine

Staff Present: Planning Director John Sych and Deputy Planning Director Steve Hannon

1. Public Comment (7:01)

Mitchell Treadwell of Traverse City commented on the proposed BATA/TCHC development and looks forward to working together on the project.

2. Review and Approval of the Agenda – Conflict of Interest (7:02)

Fudge declared a conflict with item 6d.

Robertson moved and Agostinelli seconded to approve the agenda as presented.

Yeas: Robertson, Agostinelli, Fudge, McManus, Cline, DeGood, Racine

Nays: None

3. Minutes (7:03)

a. March 24, 2021

Cline moved and Fudge seconded to approve the minutes of March 24, 2021 correcting item 3a to note that Cline was absent and a typo in item 7a should read "overnight".

Yeas: Cline, Fudge, DeGood, McManus, Agostinelli, Robertson, Racine

Nays: None

4. Correspondence (7:05)

Two letters from Haggards Plumbing and Heating in support of Chick-fil-A and Prince of Peace Lutheran church.

A letter from Heather Smith of the Watershed Center regarding the BATA development.

Email from Wayne Schoonover regarding the Kensington Park item.

A corrected PD report.

5. Reports (7:12)**Township Board Report**

Agostinelli reported that the original Commons 100 property which could only be used for biking and cross-country skiing, will be able to be used for other non-motorized activities once a deed amended by the State is signed back over to the Township.

Planning Commissioners

No Reports

Staff Report

No report

6. Unfinished Business**a. PD 2021-42 - Prince of Peace Lutheran Church SUP – Public Hearing (7:07)**

The application requests approval of a Special Use Permit for a proposed 8,768 square foot church which includes a sanctuary, fellowship hall, and child development center. The proposed project would be located on LaFranier Road, north of Hammond Road on a 5.94 acre parcel which is zoned A- Agricultural. Ingress and egress will be coordinated with the Village of LaFranier Woods PUD to the north and also through a joint driveway with the proposed BATA/TCHC project to the south. Fred Campbell, of JML Design Group, said the church proposes a shared drive with TCHC and BATA but would need an easement from BATA. Campbell also proposed a shared landscape type C buffer.

Chair Racine opened the public hearing at 7:12pm, and seeing no comments, closed the public hearing.

Sych said the main issue with the application is the access. Agreements need to be in place for shared points with both property owners. Campbell stated that access was problematic for the church since BATA is not in control of their property at this time and an easement could not be granted. Other outstanding items are minor, including moving dumpster location. Commissioners discussed the shared driveway, landscaping, and the slope. A full type C landscaping buffer would be required. Campbell stated that he would build from an approved access point off of LaFranier and then remove that access when BATA was approved and a shared drive was installed. Campbell will discuss the temporary access with the Grand Traverse County Road Commission to determine if that was a feasible alternative since the developers were ready to build at this time. Sych noted that connectivity was also an issue and Campbell stated that he wanted just the drive off of LaFranier since too many other connections cost them too much in acreage.

DeGood moved and Robertson seconded that application SUP-2020-02, submitted by JML Design Group Ltd., for a Special Use Permit for a church and child development center at Parcel 05-023-041-10, be tabled to address the items #1-6 and items #8-11 noted in PD Report 2021-42 and any other items identified by the Planning Commission and noting that item #7 had been agreed upon.

*Yeas: DeGood, Robertson, Fudge, McManus, Cline, Agostinelli, Racine
Nays: None*

b. PD-2021-43 - Chick-fil-A SUP – Public Hearing (7:51)

Chick-fil-A is proposing a new location at 2700 N. US-31 on 2.113 acres of a 4.38 acre parcel. The existing zoning is C-G General Commercial and drive-throughs are permitted by a Special Use Permit. The restaurant would be 4,978 square feet and would have seating for 104 people inside and 20 people outside. There will be parking for 36 vehicles and a drive-thru would accommodate 47 cars. A hotel may be proposed on the remainder of the site, but would need to be discussed under a separate application. Justin Lurk from Chick-fil-A stated that all landscaping requirements have been met and adjustments have been made.

Chair Racine opened the public hearing at 7:55pm

Mike Phippen of Cass Street is in favor of the development because Chick-fil-A will bring civility to the county.

Mitchell Treadwell of 16th Street, shared concerns with traffic impacts.

Racine closed the public hearing at 8:04pm.

Commissioners asked questions about connectivity to the proposed hotel in the rear of the property. Sych explained that ultimately connectivity would be from Lowes to the Grand Traverse Mall via a specified service drive. Cheryl Scales, engineer for the project, stated that their traffic engineer is still working with the Township's traffic engineer on the traffic study.

McManus moved and Agostinelli seconded to direct staff to prepare Findings of Fact for application SUP-2021-01, submitted by Progressive AE, for a Special Use Permit for a drive-through restaurant at 2700 N. US 31 South.

*Yeas: McManus, Agostinelli, Cline, Robertson, DeGood, Fudge, Racine
Nays: None*

c. Copper Ridge PUD – Building 7 (Novello) Sign Review #2 (8:21)

Copper Ridge Opportunity (Novello) is constructing a new medical office building (Building 7) at 4290 Copper Ridge Drive in the Copper Ridge PUD. The applicant is proposing a wall sign on the east side of the

building and is requesting a 50% increase in the square foot of the sign and has provided a rendering for a 60-square foot sign. The Zoning Ordinance requirement states that only one wall sign per building is permitted. Commissioners discussed whether the sign was in the viewshed of the Historic Barns/Commons area and were concerned about light from the sign impacting the Barns area.

Agostinelli moved and Cline seconded to table the application for two weeks to determine whether the signage would be in the viewshed of the Commons area.

*Yeas: Agostinelli, Cline, McManus, DeGood, Fudge, Robertson, Racine
Nays: None*

d. PD 2021-47 – BATA/TCHC PUD Update (8:34)

Sych stated that the phasing portion of the proposed PUD development has been an issue. An April 5th memo from Kuhn Rogers proposes a development timeline of the residential and transit phases. Parking is the other significant issue. The applicant is proposing a reduction in the parking requirement for the multi-family residential buildings. The parking ratio would be 1.1 parking spaces for each multi-family unit. The applicant indicated that they were moving forward on environmental impact studies for the wetlands and delineating the conservation easement. The proposed bus wash may need to be looked at for noise impacts. Kelly Dunham, Executive Director of BATA, stated that the bus wash would be within a building to cut down on noise. Tony Lentych said that trails would replace the dog park amenity and addressed buffers. Commissioners and applicants discussed the outstanding issues. The applicant asked to move forward with findings of fact with conditions set forth.

Robertson moved and DeGood seconded THAT application PUD 2020-02 be TABLED until April 28th to allow the applicant to address outstanding items previously identified, identified in this report, and mentioned by the Planning Commission.

*Yeas: Robertson, DeGood, McManus, Cline, Agostinelli, Racine
Nays: None*

7. New Business

a. PD 2021-44 – Kensington Park PURD – Minor Amendment (9:45)

The Kensington Park PURD is located west of the Cherryland Center site. The PURD was originally approved in June 2003 and has been amended several times. There has been confusion over whether sidewalks are required as part of this development and the applicant has submitted an application for a minor amendment to the PURD requesting to officially remove the requirement for sidewalk installation. Staff has identified

several issues around the May 25, 2005 planning commission motion to remove the requirement for sidewalk construction and allow a three-foot designated walking area along the road. Applicant Lynne Moon read a letter regarding the original approval and stated that she has builders ready for the final phase of building and having to go back and add sidewalks 15 years later would hinder the entire build-out. The drainage ditches located under each driveway are fairly large and it would not be possible to add sidewalks or a three foot walking area. She claims that a PURD amendment was approved in 2005 which negated the sidewalk requirement. The questions have been sent to the township attorney for review and to the Road Commission for review and opinions in the matter are still pending. The attorney was asked if the 2005 decision was a valid one and if the Planning Commission could revoke the Special Use Permit based on the failure to meet the conditions of the 2005 decision.

Mark Kwilinski of Linden Avenue said he purchased 8 future condo units and the issue was not disclosed in any purchase agreements. He stated that he cannot get a permit to build even though he is ready to begin construction on his eight units and would install a sidewalk if needed. Kwilinski asked the commissioners what mechanism would allow him to move forward with his portion of the project. Hannon said that the township needs to be sure the development is not in violation of the zoning ordinance.

John Nelson of Incochee Crest Commons said Township officials relied on the 2005 decision to approve many other developments. The Planning Commission and Planning staff will await the opinion of the attorney and the Road Commission.

b. PD 2021-46 – Oakleaf Village of Garfield Township PUD – Amendment Determination (10:43)

The Oakleaf Village of Garfield Township PUD is located at 5143 North Long Lake Road. The PUD was granted preliminary approval for 229 units. The final approval was reduced to 187 units. The reduction was due to Metro Fire building access requirements. The applicant is proposing to restore 20 memory care units placed as a second floor to the currently approved Adult Care Facility and would not alter the building footprint of the facility. The proposed addition of units would bring the overall development to 207 total units. While it is an increase in the current number of final approved units, it remains less than the preliminarily approved 229 units. Staff is requesting a determination by the Planning Commission to decide whether the increase of units is a Minor or Major amendment. Commissioners discussed the issue. Sarah Keefer, representing Wallick Communities, stated that housing was affected by the pandemic and demand for senior housing has grown significantly.

Adding a second story to one wing of the building would make the PUD a very viable project. Commissioners discussed the proposed amendment.

Agostinelli moved Robertson seconded THAT the consideration of the proposed Amendment to Oakleaf Village of Garfield Township PUD for 20 memory Care units on parcel 05-018-013-00, BE DETERMINED to be a MINOR AMENDMENT pending the approval of the Township Attorney opinion.

*Yeas: Agostinelli, Robertson, Fudge, McManus, Cline, DeGood, Racine
Nays: None*

8. Public Comment (10:55)

None

9. Other Business (10:55)

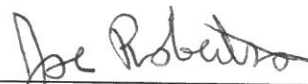
None

10. Items for Next Agenda – April 28, 2021 (10:56)

- a. Zoning Ordinance Use Chart Project – Article 7 Discussion
- b. Seasonal Agritourism – Discussion Continued
- c. Definition of Crematorium
- d. BATA/TCHC PUD
- e. Kensington Park PURD
- f. Copper Ridge PUD – Building 7 (Novello) Sign Review

11. Adjournment

Fudge moved and Robertson seconded to adjourn the meeting at 10:57pm.



Joe Robertson, Secretary
Garfield Township Planning
Commission
3848 Veterans Drive
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