

# CHARTER TOWNSHIP OF GARFIELD PLANNING COMMISSION MEETING

Wednesday, May 11, 2022 at 7:00 pm  
Garfield Township Hall  
3848 Veterans Drive  
Traverse City, MI 49684  
Ph: (231) 941-1620

## A G E N D A

### **ORDER OF BUSINESS**

**Call meeting to order**

**Pledge of Allegiance**

**Roll call of Board Members**

#### **1. Public Comment**

##### **Public Comment Guidelines:**

Any person shall be permitted to address a meeting of The Planning Commission, which is required to be open to the public under the provision of the Michigan Open Meetings Act, as amended. (MCLA 15.261, et.seq.) Public Comment shall be carried out in accordance with the following Commission Rules and Procedures: a.) any person wishing to address the Commission is requested to state his or her name and address. b.) No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioner's questions. Where constrained by available time the Chairperson may limit the amount of time each person will be allowed to speak to (3) minutes. 1.) The Chairperson may at his or her own discretion, extend the amount of time any person is allowed to speak. 2.) Whenever a Group wishes to address a Committee, the Chairperson may require that the Group designate a spokesperson; the Chairperson shall control the amount of time the spokesperson shall be allowed to speak when constrained by available time. Note: If you are here for a Public Hearing, please hold your comments until that Public Hearing time.

#### **2. Review and Approval of the Agenda – Conflict of Interest**

#### **3. Minutes – April 27, 2022**

#### **4. Correspondence**

#### **5. Reports**

- a. Township Board
- b. Planning Commissioners
- c. Staff Report

#### **6. Unfinished Business**

- a. PD 2022-39 – Life Story Crematorium – Conditional Rezoning – Public Hearing

#### **7. New Business**

- a. PD 2022-40 – Traverse City Curling Center – Site Plan Review

**8. Public Comment**

**9. Other Business**

- a. Chick-fil-A SUP – Update

**10. Items for Next Agenda – May 25, 2022**

- a. Master Plan Update
- b. Zoning Ordinance Amendments Update

**11. Adjournment**

**Joe Robertson, Secretary  
Garfield Township Planning Commission  
3848 Veterans Drive  
Traverse City, MI 49684**

The Garfield Township Board will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon the provision of reasonable advance notice to the Garfield Township Board. Individuals with disabilities requiring auxiliary aids or services should contact the Garfield Township Board by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620.

**CHARTER TOWNSHIP OF GARFIELD  
PLANNING COMMISSION MEETING  
April 27, 2022**

**Call Meeting to Order:** Chair Racine called the April 27, 2022 Planning Commission meeting to order at 5:30pm at the Garfield Township Hall.

**Pledge of Allegiance**

The Pledge of Allegiance was recited by all in attendance.

**Roll Call of Commission Members:**

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

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

**1. Public Comment (5:31)**

Ryan Hannon of Keystone Road stated that the walkability from Goodwill Inn to town is poor. He asked them to consider a more walkable township.

**2. Review and Approval of the Agenda – Conflict of Interest (5:34)**

Staff added Item #9a – *Chick-fil-A update*.

*Agostinelli moved and Fudge seconded to approve the agenda as amended adding item 9A.*

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

*Nays: None*

**4. Minutes (5:35)**

**a. April 13, 2022 Regular Meeting**

*McManus moved and DeGood seconded to approve the April 13, 2022 Regular Meeting minutes as amended.*

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

*Nays: None*

**4. Correspondence (5:36)**

Emails from David Williams and Heather Smith from the Watershed Center as well as a communication from Attorney Nicole Graf in the Chick-fil-A matter.

**5. Reports (5:36)**

**Township Board Report**

No report

**Planning Commissioners**

No reports

**Staff Report**

Sych said that there will be an open house at Barns Park regarding the development of a park design plan for the commons area. Public input is being sought. The Open House is scheduled for May 11<sup>th</sup> from 3:30 – 6:30 at the Cathedral Barn. Sych added that the Joint Planning Commission will be conducting an assessment of water and sewer in the Barns Park area and will be using Brownfield funds.

**6. Unfinished Business**

None

**7. New Business****a. Presentation – MSU Urban Planning Students: Non-Motorized Opportunities/Analysis (5:40)**

The group introduced themselves to the Planning Commission and presented their work via PowerPoint. Their goal was to help develop Garfield Township's non-motorized transportation plan and to create an evidence based process for future planning. The group explained the processes they used to gather demographics and socio-economic profiles of the township. A series of maps was created using GIS information as well as the demographic data and geographic density areas. A method for prioritization was developed using population, equity and infrastructure. Phase two of the study identified three areas which could be developed for walkable connections. The three identified areas for non-motorized improvements in the area were the Mall Trail to Miller Creek Corridor, the LaFranier Road Corridor and the South Airport Road corridor from Barlow to the Boardman Lake Loop. Each site was scored using the three factors of connectivity, safety and ease of implementation. The team also came up with recommendations for the corridors which included path connections, pedestrian signage, crosswalks and calming measures such as shrubbery. The group also provided strategies for funding and collaboration with other agencies. Commissioners discussed the analysis and asked questions.

**b. PD 2022-36 – Master Plan – Draft Survey Questions (6:20)**

Planning Director John Sych stated in preparation for the Master Plan, staff has drafted a new questionnaire to be used in a community survey. Some of the questions from 2015 were reused and new questions were added. The questions were pared down and focused on demographics. Questions also included why people lived in the township and if they planned to move and overall quality of life questions. There will be a random sample sent through the mail. Board members discussed the

questions and asked staff to consider including questions pertaining to marijuana dispensaries, short term rentals and other types of units and higher density housing. Comments were made regarding excluding an option which would allow an answer of “not sure.”

**c. PD 2022-37 – Zoning Ordinance Amendments (6:55)**

The Planning Commission reviewed several topics as potential Zoning Ordinance updates and staff has presented one update at this time which pertains to wetland regulations. Section 534.A would be renamed to Applicability and would apply to all wetlands except if a valid EGLE permit has been obtained and submitted to the township. Section 534B would be named Delineation and would describe wetland delineation requirements which must be verified by EGLE. Section 534C would add a 25 foot buffer requirement for snow storage areas and Section 551E(6) would add language which requires a 25 foot setback for snow storage near wetlands. Feedback from the Watershed Center was positive. Commissioners discussed the wetland issue and commented on the yearly down time by EGLE in the winter as well as how long a wetland delineation is valid. Staff will communicate with EGLE regarding delineation validity.

**8. Public Comment (7:18)**

Mitchell Treadwell of Traverse City commented on the non-motorized trails presentation and the watershed protections. He would like to see the city be included in any discussion on these topics.

**9. Other Business (7:19)**

**a. Chick-fil-A Update**

Sych gave an update on the Chick-fil-A restaurant issue as it related to stacking and parking. Zoning Administrator Michael Green sent a violation letter and attorney Nicole Graf sent a response to that letter. ZA Green and Planning Director Sych met with Chick-fil-A representatives regarding the violations and Chick-fil-A explained that they are working to improve the customer stacking issue. In the future, they are working to acquire more property to ensure adequate capacity and parking. Staff recommends a major amendment to the use permit which includes adjustment to the site plan and includes the acquisition of more property. Commissioners inquired about the timeline of the amendment to the special use permit and agreed to have an introduction for a revised site plan as soon as possible.

**10. Items for Next Agenda – May 11, 2022 (7:30)**

- a. Life Story Crematorium – Conditional Rezoning – Pubic Hearing
- b. Traverse City Curling Center – Site Plan Review
- c. Spring Hill Farm – Conceptual Review
- d. Wendy’s Sign Application for Cherryland Center – Follow-Up

11. **Adjournment**

*Fudge moved to adjourn the meeting at 7:50pm.*

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Joe Robertson, Secretary  
Garfield Township Planning  
Commission  
3848 Veterans Drive  
Traverse City, MI 49684

 <b>Charter Township of Garfield</b> <b>Planning Department Report No. 2022-39</b>		
Prepared:	May 4, 2022	Pages: 7
Meeting:	May 11, 2022 Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	Life Story Crematorium I-G Conditional Rezoning – Public Hearing	
File No.	Z-2022-01	Parcel No. 05-024-019-30
Owner:	LeVon M. Seavolt “Vaughn”	
Applicant:	LMS Property, LLC	

### **OVERVIEW AND PURPOSE OF APPLICATION:**

This application requests the conditional rezoning of Parcel #05-024-019-30, 400 West Hammond Road, totaling approximately 5.5 acres. The request is to conditionally rezone the parcel to I-G General Mixed-Use Business District for use of the site as a crematorium and mortuary / funeral home, via the process as described below. This conditional rezoning application was introduced to the Planning Commission at their regular meeting on April 13, 2022.

### **STATEMENT OF CONDITIONS:**

The proposed Statement of Conditions offered by the applicant is attached to this report, included as part of the Conditional Rezoning Agreement. These conditions would limit use of this site to a crematorium and mortuary / funeral home.

### **SUBJECT PROPERTY:**

The subject property is currently the site of the Life Story Funeral Home. The site is mostly surrounded by wetlands on adjacent sites, agricultural uses further east, and industrial uses to the west along Hughes Drive and Traversefield Drive. A site plan from 2017 is included as a reference to show the dimensions and general layout of the site.

### **PROCESS FOR CONDITIONAL REZONING:**

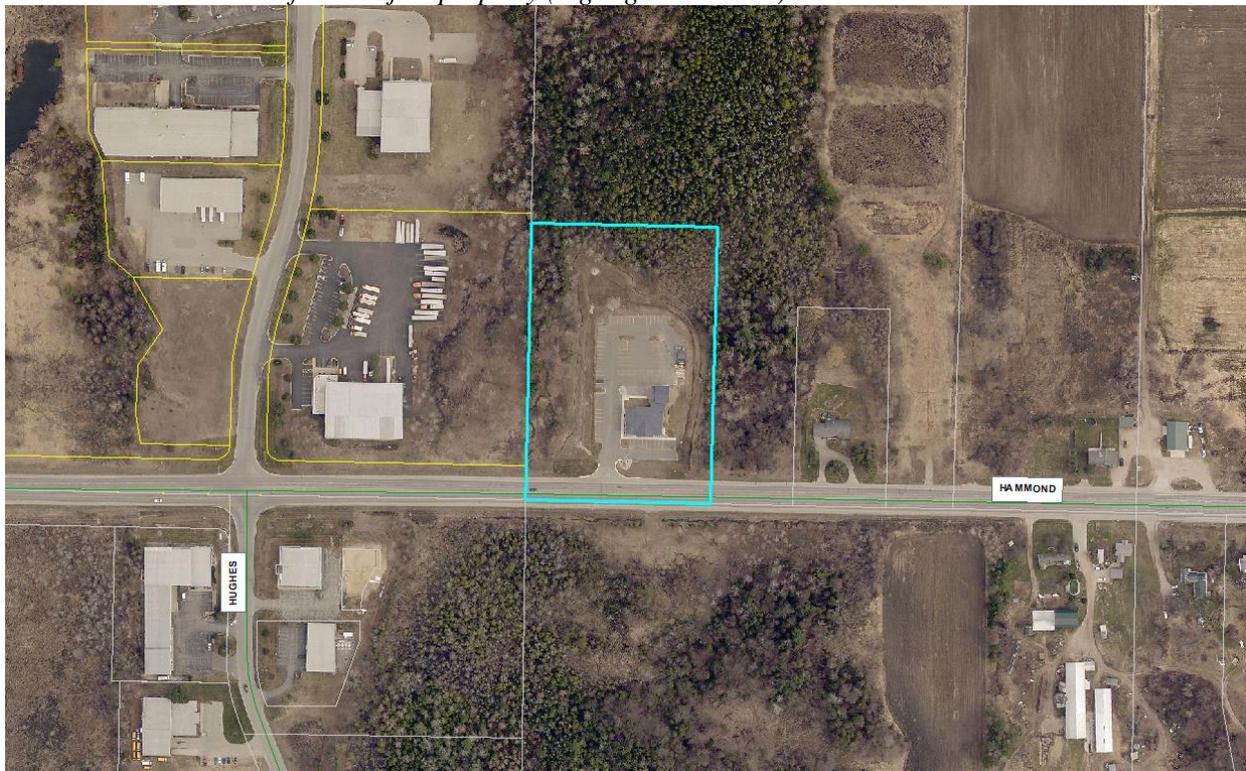
The process for conditional rezoning is described in Section 422 of the Zoning Ordinance. The procedure for approving a conditional rezoning is the same as for a rezoning and includes the following:

- A landowner may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested.
- The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner.
- If the Township Board approves the conditional rezoning request and offer of conditions, the offered conditions shall be incorporated into a formal written Statement of Conditions.
- Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this ordinance and be punishable accordingly including by rezoning of the property to its base zoning classification.

*Zoomed-out aerial view of the subject property (highlighted in blue):*



*Zoomed-in aerial view of the subject property (highlighted in blue):*



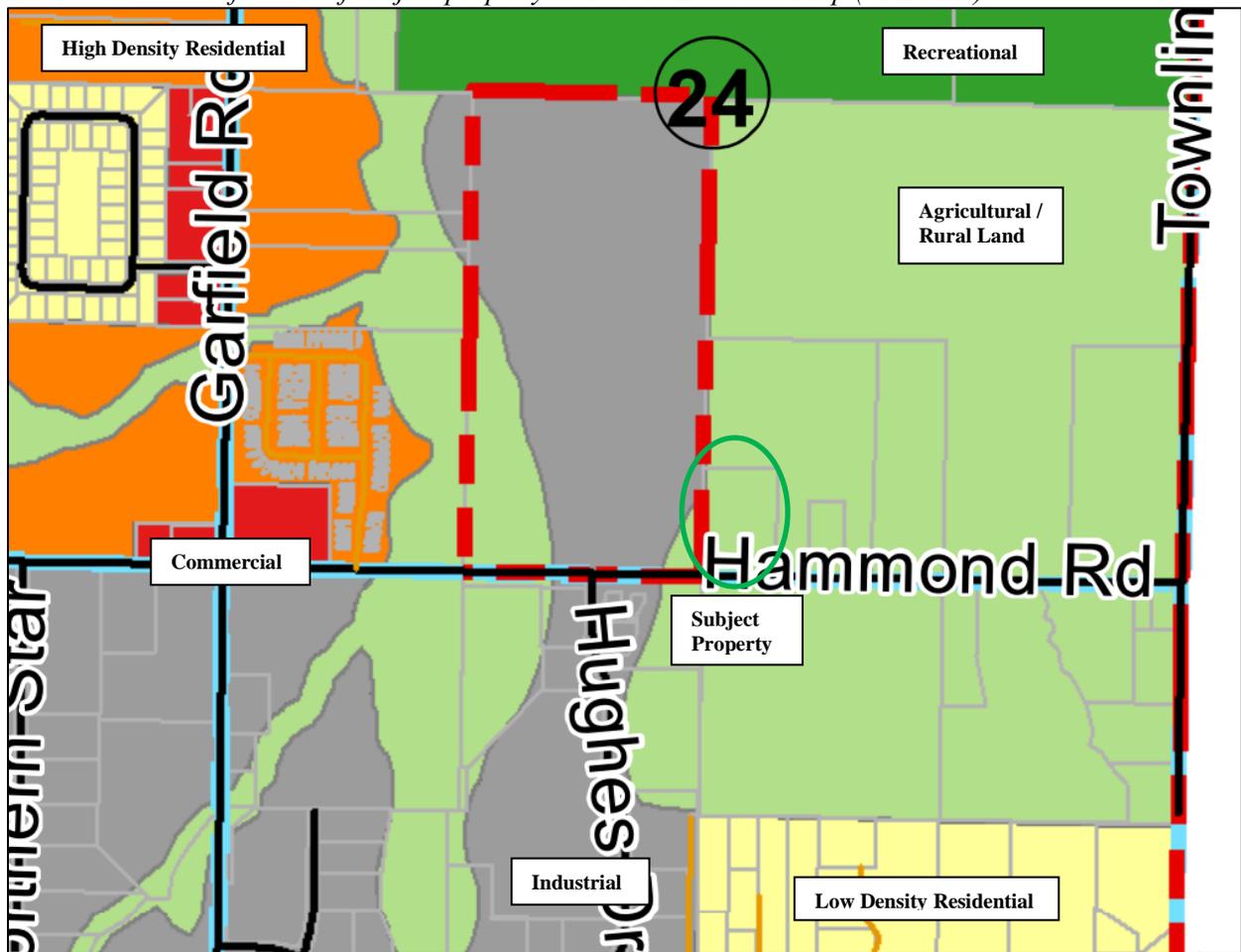
**MASTER PLAN CONSIDERATIONS:**

A key factor in considering a rezoning request, including conditional rezoning, is whether the request is consistent with the Master Plan. In this case, the Master Plan shows the subject site with the Future Land Use designation of “Agricultural / Rural Land.” This land use designation is intended to provide areas for agricultural operations and low intensity land uses in the outlying areas of the Township, and generally include primarily of unsubdivided lands that are vacant or are in agricultural use with some dwellings and accessory uses. The most compatible zoning districts for this designation are Agricultural (A) and Rural Residential (R-R), with One-Family Residential (R-1) identified as potentially compatible.

The Future Land Use map shows Agricultural surrounding the site to the north, east, and south along both sides of Hammond Road and Industrial to the west in the Traversefield industrial park. The existing site and a nearby parcel are part of a Conditional Rezoning to C-G General Commercial. The larger adjacent site is under a Conditional Rezoning to A-Agricultural. The background on these Conditional Rezonings is included later in this report. Parcels to the south across Hammond Road are zoned as A-Agricultural.

The subject site is currently conditionally zoned C-G General Commercial; the request is to conditionally zone the parcel as I-G General Industrial. There are some sites zoned as I-G General Industrial within the neighborhood to the southwest on Hughes Drive, and sites under the City of Traverse City’s I-Industrial zoning on Traversefield Road. An excerpt from the Zoning Plan for the I-G district is provided below.

*Location and classification of subject property on Future Land Use Map (“FLUM”):*

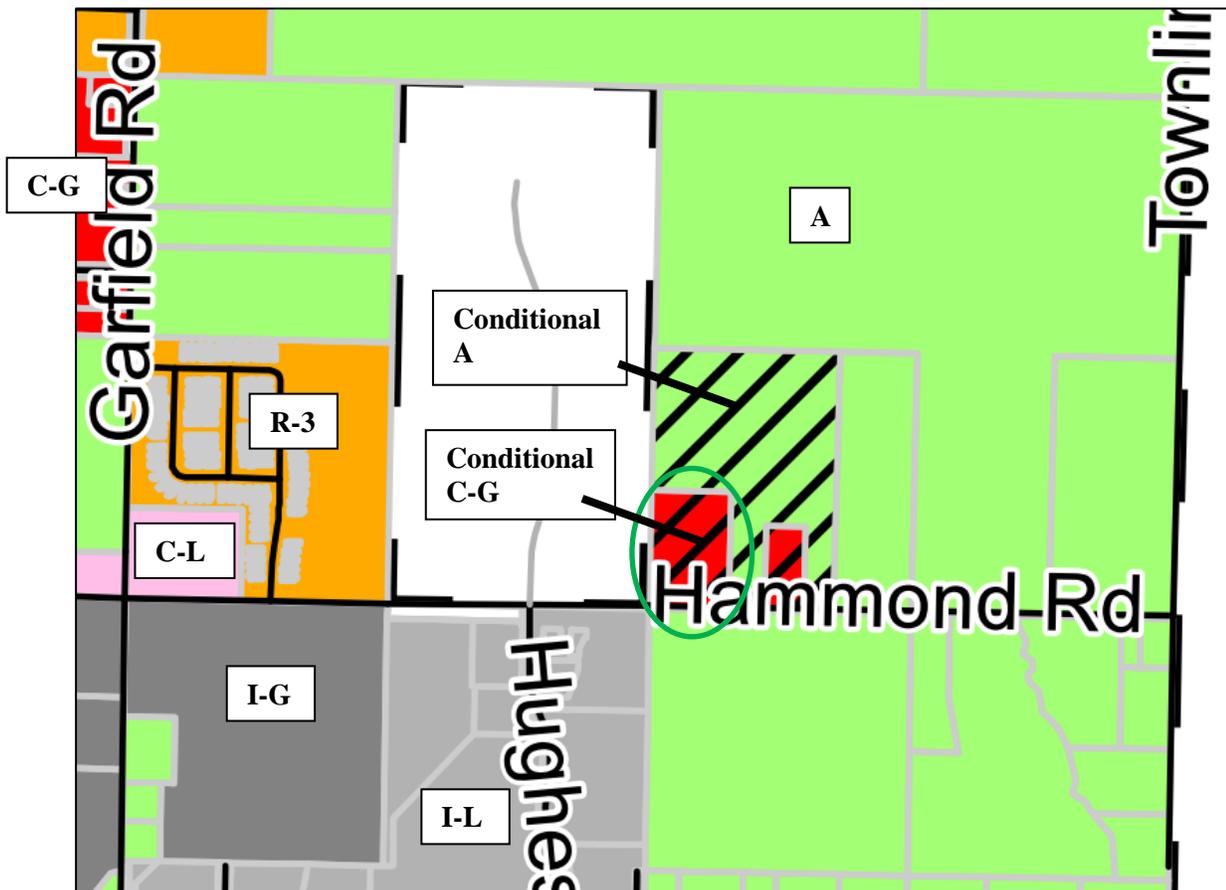


*Excerpt from Zoning Plan:*

<b>Master Plan Designation</b>	Commercial
<b>[Requested] Zoning</b>	I-G General Industrial (with conditions)
<b>Zoning Ordinance District Intent</b>	The intent of the General Mixed-Use Industrial Business (I-G) district is to remain primarily industrial in nature while allowing a limited number of non-industrial uses that are envisioned as accessory or complimentary to existing and future industrial uses of the districts. Nonindustrial uses of property within these districts are subject to industrial impacts from adjacent parcels including, but not limited to, noise, dust, and vibrations.
<b>Potentially Compatible District</b>	R-M / I-L
<b>Considerations for Downzoning (Less Density)</b>	The R-M district may be deemed compatible in various areas of the Township. These areas could provide workforce housing in close proximity to manufacturing opportunities. Nuisance issues should be considered for future residents when considering a change in zoning to allow for residential uses. Generally, the I-G and I-L districts should remain as employment hubs and not changed to a commercial zoning.
<b>Considerations for Upzoning (More Density)</b>	In areas adjacent to I-L, consideration could be given to rezoning an area to a more intense zoning classification. The I-L district allows far more intense uses so consideration to surrounding areas should be carefully scrutinized.

**SUBJECT AND SURROUNDING PROPERTY ZONING:**

Zoning of the subject site and surrounding properties is as follows (key on next page):



**Zoning Map Key:**

- C-G – General Commercial (red)
- Conditional C-G – General Commercial (red with hatch)
- A – Agricultural (light green)
- Conditional A – Agricultural (light green with hatch)
- C-L – Local Commercial (pink)
- R-3 – Multi-Family Residential (orange)
- I-G – General Mixed-Use Industrial Business (dark grey)
- I-L – Limited Mixed-Use Industrial Business (light grey)

**USES OF SUBJECT SITE AND SURROUNDING SITES:**

The subject property is currently the site of the Life Story Funeral Home. To the west, in Traversefield Industrial Park in the City of Traverse City, are Allied Van Lines and Morse Moving & Storage. To the southwest on Hughes Drive, there is a site condominium with several industrial uses including Munson Data Center. Other surrounding sites are either farmland or wetlands.

**STAFF COMMENT AND BACKGROUND:**

Upon preliminary review of the Master Plan and Future Land Use designation for the subject site, context of zoning and future land uses of sites in the surrounding neighborhood, and other factors, Staff offers the following comments regarding this conditional rezoning request:

The site is part of an existing Conditional Rezoning Agreement, which was originally approved in 2008, and which covered land that is now divided into three parcels: the subject site (05-024-019-30) and a site with a single-family home (05-024-020-00), as well as a larger parcel primarily comprised of wetlands (05-024-019-20). At the time, there were only two parcels since the subject site was still part of the larger site with the wetlands.

Minutes from the Planning Commission meeting on December 12, 2007 and the Township Board meeting on January 24, 2008 indicate that a key reason for the conditional rezoning was to protect the wetlands. Township Board minutes also indicate from Gerry Harsch (Staff) that “rezoning the subject properties to C-2 with conditions is temporary, and once the new Zoning Ordinance is adopted those properties would be designated mixed use business.” However, if a conditional rezoning were to be no longer in effect, the property would revert to its underlying zoning, understood to be Agricultural based on the information available. Furthermore, the Future Land Use designation for the site is Agricultural / Rural Land in the current Master Plan, which does not envision “mixed use business” or anything similar on this site.

The subject site was separated into its own parcel in 2016 after review of a land division application and contains the Life Story Funeral Home site. The Conditional Rezoning Agreement from 2008 applied to all three parcels.

In 2018, a new Conditional Rezoning was approved for just the larger parcel, to remove the site from the previous Conditional Rezoning agreement and establish its own separate Conditional Rezoning agreement to Agricultural. The other two parcels remain in the original 2008 Conditional Rezoning agreement as is shown on the Zoning Map above.

The conditions as proposed in this application would apply to only the Life Story parcel, which would be removed from the original 2008 Conditional Rezoning agreement. Staff offers the following comments to consider in the Preliminary Approval Criteria Discussion for this Conditional Rezoning application. The Planning Commission should review the following and any comments from the public hearing during the discussion and before directing Staff to draft Findings of Fact.

**PRELIMINARY APPROVAL CRITERIA DISCUSSION:**

A conditional rezoning is subject to review of the same criteria as any other Map Amendment. To focus the discussion on the factors relevant to approving a Map Amendment, the following approval criteria are included below for reference:

**Section 421.E Approval Criteria of Zoning Map Amendment**

In its review of an application for rezoning, the Township should consider, but is not necessarily limited to, the criteria as defined in § 421.E (1) Master Plan Consistency through § 421.E (8) Other Factors. No single factor is controlling; instead, each must be weighed in relation to the other standards.

The applicant shall have the burden of justifying the amendment, including identifying specific reasons warranting the amendment, and providing any supporting data and information to address the following:

**1. *Master Plan Consistency***

As described earlier in this report, the Future Land Use designation is Agricultural / Rural Land for the subject parcel. The proposed conditional zoning of I-G (General Mixed-Use Industrial Business) would not be compatible with the Future Land Use designation and Zoning Plan for the subject parcel. However, the site is already part of a conditional rezoning agreement that does not match the Master Plan, and which predates the current Master Plan.

**2. *Adverse Impacts on Neighboring Lands***

As described earlier in this report, there are some sites zoned as I-G General Industrial within the neighborhood to the southwest on Hughes Drive, along with other sites under the City of Traverse City's I-Industrial zoning on Traversefield Road. The proposed Conditional Rezoning would be more closely aligned with the character of the neighborhood since there are other industrial sites in the immediate vicinity, but no other commercial sites.

**3. *Suitability as Presently Zoned***

The proposed conditional rezoning to I-G would replace the current conditional zoning of C-G General Commercial and would limit the uses available on the site to a funeral home / mortuary and crematorium. The funeral home / mortuary is an existing use on the property; a crematorium is potentially compatible and could be incorporated onto the same site. The proposed conditional rezoning would also further limit any commercial uses. The Planning Commission has had prior discussions about limiting commercial uses along Hammond Road.

**4. *Changed Conditions***

Since the new Zoning Ordinance was first adopted in 2015, the parcel which contains the existing funeral home / mortuary was separated via land division application in 2016 from a larger parcel which are mostly wetlands. In 2018, a new and separate Conditional Rezoning to Agricultural was approved for just the larger parcel. Part of the intent of the original 2008 conditional zoning was to protect the wetlands. The proposed conditional rezoning would not affect these wetlands since they are under a separate parcel and different conditional zoning agreement. However, the funeral home / mortuary is an established use on the site, and the proposed conditional rezoning would benefit the Township by limiting the possibilities for expansion of commercial uses along Hammond Road.

**5. *Health, Safety, and Welfare***

The proposed conditional rezoning would limit the uses on the site to a funeral home / mortuary and crematorium. The applicant has provided information on cremation emissions. Impacts of a crematorium use can be evaluated as part of the Special Use Permit review process, although it is

anticipated that a crematorium could be designed and operated to integrate in a compatible way with a funeral home / mortuary. Any changes to the site should not negatively impact wetlands or other environmental features on the site or nearby sites.

**6. Public Policy**

Certain public policies in favor of the rezoning may be considered. The current Master Plan does not anticipate commercial uses along this portion of Hammond Road. The Planning Commission has also discussed limiting commercial uses along Hammond Road. The proposed conditional rezoning would potentially allow for a compatible use with the existing funeral home / mortuary use already established on the site, while limiting the possibilities for expansion of commercial uses along Hammond Road.

**7. Size of Tract**

The subject parcel is approximately 5.5 acres, 400 feet wide by 600 feet long. The minimum lot width standard of 150 feet for the I-G district is met.

**8. Other Factors**

According to Section 422.B. (3)(c) of the Zoning Ordinance, “Any use or development, proposed as part of an offer of conditions that would require a special land use permit under the terms of this ordinance, may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this ordinance.” The funeral home is an established use on the site, but a crematorium is not yet established on the site. Potential site impacts that are specific to the crematorium use may be addressed through the Special Use Permit review process.

**ACTION REQUESTED:**

The item is placed on tonight’s agenda to hold a public hearing on the rezoning application. If, following the public hearing, the Planning Commission is prepared to direct Staff to draft Findings of Fact for this application, then the following motion is suggested:

MOTION TO direct Staff to draft Findings of Fact for application Z-2022-01.

Additional information should be added to the motion as deemed necessary by the Planning Commission.

**Attachments:**

1. Zoning Ordinance Amendment application – dated March 8, 2022.
2. Cover Letter / Impact Statement – dated March 9, 2022.
3. Proposed Conditional Rezoning Agreement and Statement of Conditions – dated March 30, 2022.
4. Information on Emissions from Cremation Association of North America.



# Charter Township of Garfield

## Grand Traverse County

3848 VETERANS DRIVE  
TRAVERSE CITY, MICHIGAN 49684  
PH: (231) 941-1620 • FAX: (231) 941-1588

### ZONING ORDINANCE AMENDMENT (ZOA) APPLICATION

#### ASSISTANCE

This application must be completed in full. An incomplete or improperly prepared application will not be accepted and will result in processing delays. Before submitting an application, it is recommended that you contact the Planning Department to arrange an appointment to discuss your proposed application. Time is often saved by these preliminary discussions. For additional information or assistance in completing this development application, please contact the Planning Department at (231) 941-1620.

#### ACTION REQUESTED

- Map Amendment (Rezoning)
- Text Amendment
- Conditional Rezoning

#### PROJECT / DEVELOPMENT NAME

LMS Property, LLC (Life Story Funeral Home)

#### APPLICANT INFORMATION

Name: LMS Property, LLC  
Address: 400 Hammond Rd. W. Traverse City, Michigan 49686  
Phone Number: 231-941-9034  
Email: vaughnseavolt@lifestorynet.com

#### AGENT INFORMATION

Name: David Rowe  
Address: 202 E. State St., Suite 100, Traverse City, Michigan 49684  
Phone Number: 231-346-5400  
Email: drowe@nmichlaw.com

#### OWNER INFORMATION

Name: LeVon M. Seavolt "Vaughn"  
Address: 400 Hammond Rd. W., Traverse City, Michigan 49686  
Phone Number: 231-941-9034  
Email: vaughnseavolt@lifestorynet.com

**CONTACT PERSON**

Please select one person to be contact person for all correspondence and questions:

*Applicant:*

*Agent:*

*Owner:*

LeVon M. Seavolt "Vaughn"

**PROPERTY INFORMATION**

*Property Address:*

400 Hammond Rd W., Traverse City, Michigan 49686

*Property Identification Number:*

05-024-019-30

*Legal Description:*

*Zoning District:*

Commercial - Improved

*Master Plan Future Land Use Designation:*

*Area of Property (acres or square feet):*

5.5 acres

*Existing Use(s):*

Funeral Home

*Proposed Use(s):*

Funeral Home and Crematory

**REQUIRED SUBMITTAL ITEMS**

A complete application for a Zoning Ordinance Amendment consists of the following:

Application Form:

- One original signed application
- One digital copy of the application (PDF only)

Application Fee:

Fees are established by resolution of the Garfield Township Board and are set out in the current Fee Schedule as listed on the Planning Department page of the Township website (<http://www.garfield-twp.com>). Please make check out to Charter Township of Garfield.

- Fee

Escrow Fee:

Additional fees may be required if a review by independent professional help is deemed necessary by the Township. If required, such additional fees must be placed in escrow by the applicant in accordance with the escrow policies of the Township and prior to any further processing of this application. Any unused escrow funds shall be returned to the applicant. Please complete an Escrow and Review (ER) Application form.

For Map (Rezoning) Amendment only, the following must be included:

Site Diagram

- Ten complete stapled 11"x17" paper sets
- One digital set (PDF) only

Supporting Information

- Ten paper copies of the Impact Statement for Map (Rezoning) Amendment
- One digital copy of the Impact Statement for Map (Rezoning) Amendment (PDP only)

For Text Amendment only, the following must be included:

- Ten paper copies of the Impact Statement for Text Amendment
- One digital copy of the Impact Statement for Text Amendment (PDF only)

For Conditional Rezoning only, the following must be included:

Site Development Plan

- Ten complete stapled 11"x17" paper sets
- Two complete bound 24"x36" paper sets
- One digital set (PDF only)

Supporting Information

- Ten paper copies of the Impact Statement for Conditional Rezoning
- One digital copy of the Impact Statement for Conditional Rezoning (PDF only)
- Ten paper copies of the Offer of Conditions for Conditional Rezoning
- One digital copy of the Offer of Conditions for Conditional Rezoning (PDF only)

Digital items to be delivered via email or USB flash drive

#### IMPACT STATEMENT FOR ZONING ORDINANCE MAP AMENDMENT

A written impact statement of the application as it relates to § 421.E of the Zoning Ordinance. The applicant shall have the burden of justifying the amendment, including identifying specific reasons warranting the amendment, and providing any supporting data and information.

1. Master Plan Consistency. Rezoning should be consistent with the intent and purpose of the adopted master plan.
2. Adverse Impacts on Neighboring Lands. The Township shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Township finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social separation. Accordingly, rezoning may promote mixed uses subject to a high degree of design control.
3. Suitability as Presently Zoned. The Township shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which suitably zoned lands may be rezoned upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the master plan, specification, or this ordinance.
4. Changed Conditions. The Township shall consider whether any conditions have changed, since the zoning ordinance was adopted, that might justify the amendment.
5. Health, Safety, and Welfare. The ordinance amendment must bear a substantial relationship to the public health, safety, or general welfare, or must protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need or purpose exists.
6. Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.
7. Size of Tract. The Township shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Ordinance amendments shall generally not rezone a single lot when there have been no

intervening changes or other saving characteristics. Proof that a small tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify an ordinance amendment.

8. Other Factors. The Township may consider any other factors relevant to a rezoning application under state law.

#### IMPACT STATEMENT FOR ZONING ORDINANCE TEXT AMENDMENT

A written impact statement of the application as it relates to § 421.E of the Zoning Ordinance. The applicant shall have the burden of justifying the amendment, including identifying specific reasons warranting the amendment, and providing any supporting data and information.

1. Master Plan Consistency. A text amendment should be consistent with the intent and purpose of the adopted master plan.
2. Changed Conditions. The Township shall consider whether any conditions have changed since the zoning ordinance was adopted that might justify the amendment.
3. Health, Safety, and Welfare. The ordinance amendment must bear a substantial relationship to the public health, safety, or general welfare, or must protect and preserve historical and cultural places and areas.
4. Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.
5. Other Factors. The Township may consider any other factors relevant to a zoning text amendment application under state law.

#### IMPACT STATEMENT FOR CONDITIONAL REZONING

A written impact statement of the application as it relates to § 421.E of the Zoning Ordinance. The applicant shall have the burden of justifying the amendment, including identifying specific reasons warranting the amendment, and providing any supporting data and information.

1. Master Plan Consistency. Rezoning should be consistent with the intent and purpose of the adopted master plan.
2. Adverse Impacts on Neighboring Lands. The Township shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Township finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social separation. Accordingly, rezoning may promote mixed uses subject to a high degree of design control.
3. Suitability as Presently Zoned. The Township shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which suitably zoned lands may be rezoned upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the master plan, specification, or this ordinance.
4. Changed Conditions. The Township shall consider whether any conditions have changed, since the zoning ordinance was adopted, that might justify the amendment.
5. Health, Safety, and Welfare. The ordinance amendment must bear a substantial relationship to the public health, safety, or general welfare, or must protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need or purpose exists.

6. Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.
7. Size of Tract. The Township shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Ordinance amendments shall generally not rezone a single lot when there have been no intervening changes or other saving characteristics. Proof that a small tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify an ordinance amendment.
8. Other Factors. The Township may consider any other factors relevant to a rezoning application under state law.

#### OFFER OF CONDITIONS FOR CONDITIONAL REZONING

A written offer of Conditions as described in § 422.B(3) of the Zoning Ordinance. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested.

1. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
2. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
3. Any use or development, proposed as part of an offer of conditions that would require a special land use permit under the terms of this ordinance, may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this ordinance.
4. Any use or development, proposed as part of an offer of conditions that would require a variance under the terms of this ordinance, may only be commenced if a variance for such development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this ordinance.
5. Any use or development, proposed as part of an offer of conditions that would require site plan approval under the terms of this ordinance, may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner.

#### SUBMITTAL DEADLINE

Submittal deadlines are listed on the Planning Department page of the Township website (<http://www.garfield-twp.com>). Please note that the listed dates are the deadlines after which submittals will not be considered for the indicated meeting. Any errors or missing information on an application submitted at the deadline will result in a delay in the processing of the application. An earlier submittal is encouraged to avoid possible delays.

#### WAIVERS

Submittal Waiver:

At the discretion of the Zoning Administrator in the case of a Site Diagram, or the Director of Planning in the case of an Administrative Site Plan or a Site Development Plan, the requirement to submit a Site Diagram, an Administrative Site Plan or a Site Development Plan may be waived in any of the following cases when it is determined that the submission would serve no useful purpose:

1. The erection or enlargement of an accessory structure;
2. The enlargement of a principal building by less than 20 percent of its existing gross floor area, provided such enlargement will not result in a requirement for additional off-street parking;
3. A change in principal use where such change would not result in an increase in impervious surface area, additional off-street parking, site access, other external site characteristics or a violation of this ordinance.

Data Waiver:

1. The Zoning Administrator may waive a particular element of information or data otherwise required for a Site Diagram upon a finding that the information is not necessary to determine compliance with this ordinance.
2. The Director of Planning may waive a particular element of information or data otherwise required for a Site Development Plan upon a finding that the information or data is not necessary to determine compliance with this ordinance or that such information or data would not bear on the decision of the approval authority.

SITE PLAN

Check that your site plan includes all required elements for a Site Development Plan (SDP). Please use the Required Site Plan Elements Checklist below.

ADDITIONAL INFORMATION

If applicable, provide the following further information:

	<u>Yes</u>	<u>No</u>	<u>Not Applicable</u>
<b>A. <u>Sanitary Sewer Service</u></b>			
1. Does project require extension of public sewer line?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Will a community wastewater system be installed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, provide construction plans and specifications			
3. Will on-site disposal be used?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, is it depicted on plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>B. <u>Water Service</u></b>			
1. Does project require extension of public water main?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Will a community water supply be installed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, provide construction plans and specifications			
<b>C. <u>Public utility easements required?</u></b>			
If yes, show on plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>D. <u>Stormwater Review/Soil Erosion</u></b>			
1. Soil Erosion Plans approved by Soil Erosion Office?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, attach approval letter.			
If no, are alternate measures shown?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Stormwater Plans approved by Township Engineer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If so, attach approval letter.

If no, are alternate measures shown?

Note: Alternate measures must be designed and sealed by a registered Engineer.

E. Roads and Circulation

- 1. Are interior public streets proposed?     
     If yes, has Road Commission approved (attach letter)?
- 2. Will public streets connect to adjoining properties or future streets?
- 3. Are private roads or interior drives proposed?
- 4. Will private drives connect to adjoining properties service roads?
- 5. Has the Road Commission or MDOT approved curb cuts?     
     If yes, attach approved permit.

OTHER INFORMATION

If there is any other information that you think may be useful in the review of this application, please attach it to this application or explain it on a separate page.

REVIEW PROCESS

1. Upon submittal of this application, Staff will review the materials submitted and will, within ten (10) working days, forward a determination of completeness to the applicant. If the submission is incomplete or noncompliant with the Zoning Ordinance, it will be returned to the applicant for revision. Once the submission is revised, Staff will again review it for completeness and again forward a determination to the applicant within ten (10) working days. This procedure shall be repeated until a complete submission is received.
2. Once the application is deemed to be complete and submitted according to the application deadlines, it will be forwarded to the Planning Commission for review. The Planning Commission will determine if the application is complete and schedule a public hearing.
3. Following the public hearing, the Planning Commission will make a recommendation on the application to the Township Board.
4. Prior to making a decision, the Township Board will hold a second public hearing on the application. Following the public hearing, the Township Board will make a decision to approve or deny the application.
5. If a Conditional Rezoning is approved or approved with conditions, the decision of the Township Board shall be incorporated into a written report and decision order.

PERMISSION TO ENTER SUBJECT PROPERTY

Permission is hereby granted to Garfield Township staff and Planning Commissioners to enter the premises subject to this application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

Owner Signature:

Applicant Signature:

Agent Signature:

Date:

	
	3/8/22

OWNER'S AUTHORIZATION

If the applicant is not the registered owner of the lands that is the subject of this application, the owner(s) must complete the authorization set out below.

I/We LeVon M. Seavolt "Vaughn" authorize to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application. Moreover, this shall be your good and sufficient authorization for so doing.

Owner Signature:

LeVon M Seavolt

Date:

3/8/22

AFFIDAVIT

The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, involved in the application and all of the information submitted in this application, including any supplemental information, is in all respects true and correct. The undersigned further acknowledges that willful misrepresentation of information will terminate this permit application and any permit associated with this document.

Owner Signature:

LeVon M Seavolt

Date:

3/8/22

Applicant Signature:

Date:

3/8/22

Required Site Plan Elements Checklist (See § 956 of the Zoning Ordinance) Site Diagram (SD) / Administrative Site Plan (ASP) / Site Development Plan (SDP)	SD	ASP/ SDP
<b>A. Basic Information</b>		
1. Applicant's name, address, telephone number and signature	<input type="checkbox"/>	<input type="checkbox"/>
2. Property owner's name, address, telephone number and signature	<input type="checkbox"/>	<input type="checkbox"/>
3. Proof of property ownership	<input type="checkbox"/>	<input type="checkbox"/>
4. Whether there are any options or liens on the property	<input type="checkbox"/>	<input type="checkbox"/>
5. A signed and notarized statement from the owner of the property that the applicant has the right to act as the owner's agent	<input type="checkbox"/>	<input type="checkbox"/>
6. The address and/or parcel number of the property, complete legal description and dimensions of the property, setback lines, gross and net acreages and frontage	<input type="checkbox"/>	<input type="checkbox"/>
7. A vicinity map showing the area and road network surrounding the property		<input type="checkbox"/>
8. Name, address and phone number of the preparer of the site plan	<input type="checkbox"/>	<input type="checkbox"/>
9. Project title or name of the proposed development	<input type="checkbox"/>	<input type="checkbox"/>
10. Statement of proposed use of land, project completion schedule, any proposed development phasing	<input type="checkbox"/>	<input type="checkbox"/>
11. Land uses and zoning classification on the subject parcel and adjoining parcels	<input type="checkbox"/>	<input type="checkbox"/>
12. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan, as well as their name, address and telephone number		<input type="checkbox"/>
<b>B. Site Plan Information</b>		
1. North arrow, scale, and date of original submittal and last revision	<input type="checkbox"/>	<input type="checkbox"/>
2. Boundary dimensions of natural features		<input type="checkbox"/>
3. Natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over twenty-five percent (25%), beach, drainage, and similar features		<input type="checkbox"/>
4. Proposed alterations to topography and other natural features		<input type="checkbox"/>
5. Existing topographic elevations at two-foot intervals except shown at five-foot intervals where slopes exceed 18%		<input type="checkbox"/>
6. Soil erosion and sediment control measures as required by the Grand Traverse County Soil Erosion Department.	<input type="checkbox"/>	<input type="checkbox"/>
7. The location, height and square footage of existing and proposed main and accessory buildings, and other existing structures		<input type="checkbox"/>
8. Location and specifications for any existing or proposed (above or below ground) storage facilities for any chemicals, salts, flammable materials, or hazardous materials. Include any containment structures or clear zones required by county, state or federal government authorities		<input type="checkbox"/>
9. Proposed finish floor and grade line elevations of any structures <i>*Required only for habitable construction within the floodplain on site diagrams and administrative site plans.</i>	<input type="checkbox"/> *	<input type="checkbox"/>
10. Existing and proposed driveways, including parking areas	<input type="checkbox"/>	<input type="checkbox"/>
11. Neighboring driveways and other vehicular circulation features adjacent to the site		<input type="checkbox"/>
12. A dimensional plan indicating the location, size and number of parking spaces of the on-site parking areas, and shared parking areas	<input type="checkbox"/>	<input type="checkbox"/>
13. Identification and dimensions of service lanes and service parking, snow storage areas, loading and unloading and docks		<input type="checkbox"/>
14. Proposed roads, access easements, sidewalks, bicycle paths, and other vehicular and pedestrian circulation features within and adjacent to the site		<input type="checkbox"/>
15. Location of and dimensions of curb cuts, acceleration, deceleration and passing lanes		<input type="checkbox"/>
16. Location of neighboring structures that are close to the parcel line or pertinent to the proposal		<input type="checkbox"/>
17. Location of water supply lines and/or wells	<input type="checkbox"/>	<input type="checkbox"/>
18. Location of sanitary sewer lines and/or sanitary sewer disposal systems	<input type="checkbox"/>	<input type="checkbox"/>
19. Location, specifications, and access to a water supply in the event of a fire emergency		<input type="checkbox"/>
20. Sealed (2) stormwater plans including the location and design of storm sewers, retention or detention ponds, swales, wastewater lines, clean out locations, connection points and treatment systems		<input type="checkbox"/>
21. A utility plan including the location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam		<input type="checkbox"/>
22. A sign plan indicating the location, size and specifications of all signs and advertising features, including cross sections		<input type="checkbox"/>
23. A lighting plan including exterior lighting locations with area of illumination illustrated by point values on a photometric plan, Kelvin rating, as well as the type of fixtures and shielding to be used		<input type="checkbox"/>
24. Proposed location of any open spaces, landscaping and buffering features such as buffer areas, vegetation belts, fences, walls, trash receptacle screening, and other screening features with cross sections shown		<input type="checkbox"/>
25. A Landscape plan and table identifying the species, size of landscape materials, and number proposed, compared to what is required by the Ordinance. All vegetation to be retained on site must also be indicated, as well as, its typical size by general location or range of sizes as appropriate		<input type="checkbox"/>
26. Statements regarding the project impacts on existing infrastructure (including traffic capacity, schools, and existing utilities, and on the natural environment on and adjacent to the site)		<input type="checkbox"/>
27. Changes or modifications required for any applicable regulatory agencies' approvals		<input type="checkbox"/>

ALWARD FISHER RICE  
ROWE & GRAF

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ATTORNEYS AT LAW

202 E. STATE STREET, SUITE 100  
TRAVERSE CITY, MI 49684  
Phone (231) 346-5400  
Facsimile (231) 941-9679

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Direct: (231) 346-5407

March 9, 2022

Charter Township of Garfield  
3848 Veterans Drive  
Traverse City, Michigan 49684

Re: Life Story Funeral Homes

To Whom It May Concern:

Please be advised that our firm represents LMS Property, LLC (hereinafter "LMS"), which owns certain real property located at 400 W. Hammond Road, Traverse City, Michigan 49686 (hereinafter the "Property"). LMS owns and operates Life Story Funeral Home (hereinafter "Life Story") on the Property.

The purpose of this letter is to provide specific facts and information supporting LMS's application to amend the current zoning map as it pertains to the Property. The amendment seeks to change the Property from a Conditionally Zoned / C-G – General Commercial district to a conditional I-G General Mixed-Use Industrial Business district. This letter also supports any future applications for a special use permit.

Life Story was established in April 2008, is locally owned, and has built a reputation for providing affordable and personal services to its customers. In order to continue growing as one of the community's leading funeral homes, Life Story seeks the flexibility of having the option to add on-site cremation to its list of services.

In Garfield Township, crematorium use is allowed only in I-G and I-L districts, requires a special use permit, and must comply with applicable regulations and conditions. For the reasons set forth herein, guided by the factors to be considered for an impact statement in Garfield Township Zoning Ordinance, art. 4, div. 5, § 421.E and § 423.E, the Property should be amended to be a conditional I-G district.

**(1) Master Plan Consistency**

The intent behind I-G districts is to remain primarily industrial in nature while allowing certain non-industrial uses subject to their impact on adjacent parcels. As further discussed below, the proposed rezoning will enable the Property to retain an industrial nature without negatively impacting the surrounding lots.

# **Alward Fisher Rice Rowe & Graf, PLC**

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March 9, 2022  
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### **(2) Adverse Impacts on Neighboring Lands**

To the west of the Property is Traverse City Industrial Park, which provides a natural buffer of trees and greenery between the parcels. Running to the north and east of the Property is a parcel commonly known as 478 W. Hammond Road, which is zoned as an A-Agricultural district. This parcel has a perpetual conservation easement, Peggy Haines, Register of Deeds, 2021R-04707, which prohibits building on said parcel and provides substantial buffering. Further, the Industrial Park is zoned to allow for the operation and use of funeral homes and crematories and is set to revert back to Garfield Township in the future. The parcel south of the Property is another A-Agricultural district and provides an additional wooded buffer.

If the requested amendment and permit were granted, the nature and degree of adverse impact to these surrounding parcels would be virtually none. At the outset, various studies have shown that the design and operation of crematories in North America provide better emissions than regulations require,<sup>1</sup> and Life Story would be no exception (more in subsection (5) below).

### **(3) Sustainability as Presently Zoned**

As presently zoned, LMS cannot meet the increasing public need for cremation services because the Property is currently zoned as a Conditionally Zoned / C-G – General Commercial district. While C-G districts allow for a broad range of commercial activities, these do not include the operation and use of crematoriums. The sought amendment would enable LMS to remain primarily industrial in nature while giving them the ability to provide additional services.

### **(4) Changed Conditions**

The conservation easement mentioned above was recorded on February 26, 2021, after the Property was zoned as its current district. The easement was created to assure that the parcel's natural, scenic and forested condition would be preserved. Meaning, the natural buffering from the parcel cannot be eliminated.

### **(5) Health, Safety and Welfare**

A previous study by the Cremation Association of North America (CANA) and the Environmental Protection Agency (EPA) was performed to address the two primary emission concerns of cremation, these being emissions of particulate matter and mercury. There were three cremations performed at three

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<sup>1</sup> Rahill, Paul. "Mercury & Cremation Issues Revisited - Cremation Association of North America (CANA)." Cremation Association of North America. Accessed June 8, 2015

# **Alward Fisher Rice Rowe & Graf, PLC**

## **ATTORNEYS AT LAW**

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different temperatures, and the following pollutants were measured: visible emissions, particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, hydrogen chloride, metals, and dioxins and furans.

The study yielded the conclusion that cremations can be performed in a manner that produces low levels of emissions without the need for additional pollution control equipment. Another finding was that the average amount of pollutants increased when the temperature increased, eliminating any justification or benefit from operating crematoriums at higher temperatures. These results were deemed a positive benefit to the cremation industry; a copy of the study is attached hereto.

LMS plans to have the necessary filters and equipment so that their emission levels are expected to be nearly nonexistent. There is also no concern about potential nuisances from any noise or smell as the crematorium would operate in a manner that renders any sounds or scents undetectable.

### **(6) Public Policy**

The United States has experienced a near 30% increase in cremations since 2005.<sup>2</sup> In the last year, Michigan experienced an increase of 1.5% in growth for cremation rates from 2019 to 2020, which is on par with the average rate of growth.<sup>3</sup> More specifically, the total number of deaths with cremation have been consistently increasing in Grand Traverse County since 2017.<sup>4</sup> By allowing the Property to be rezoned and granted a permit, Life Style can help assist with this local increasing need for crematory services.

### **(7) Size of Tract**

The size of the Property is approximately 410 ft x 593.5 ft.<sup>5</sup> The parcel to the west is approximately 1,317 ft x 2690 ft; the parcel to the south is approximately 1290 ft x 1330 ft; the portion of the parcel that is north of the Property is approximately 433 ft x 711 ft, with a total length of approximately 955 feet. The vast difference in size that the surrounding parcels have in comparison to the Property should be assurance that the Property has sufficient natural buffering from all directions.

### **(8) Other Factors**

Operating a crematorium on the Property will not present any adverse effects on the surrounding parcels, nor will it present any impediments to any development or improvement of these parcels consistent with their permitted uses. Furthermore, the operation will not be detrimental to public health, safety, comfort, or general welfare. Life Story already provides adequate walkways and parking for its customers and

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<sup>2</sup> Cremation Association of North America, Industrial Statistical Information, <https://www.cremationassociation.org/page/IndustryStatistics>

<sup>3</sup> Barbra Kemmis, *Snapshot: Cremation Statistics from the U.S. Pandemic*, <https://www.cremationassociation.org/news/542189/Snapshot-Cremation-Statistics-from-the-U.S.-Pandemic.htm>

<sup>4</sup> Western Michigan University School of Medicine, *2020 Annual Report*, <https://mimedical examiner.com/node/27>

<sup>5</sup> Measurement estimations taken from Garfield Map Center, <https://garfield-twp.maps.arcgis.com/apps/webappviewer/index.html?id=f8178e3a44324a0ea20ad37330a0b9d7>

**Alward Fisher Rice Rowe & Graf, PLC**  
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guests. The placement of the crematorium has not yet been decided but LMS anticipates the location will be towards the back of the Property or on the east side of the Property. Nonetheless, the placement of the crematorium would be in a location that would not cause any traffic congestion or present obstacles to ingress and egress.

Any necessary infrastructures, including water facilities and drainage structures, already exist and can continue to be provided without incurring any cost to the public. Most importantly, there are no individual interests that would be affected by the construction and use of a crematorium on the Property. If there are any interests affected, they would be greatly outweighed by the benefit of serving the statistical increase in public need for crematory services.

**Offer of Conditions**

LMS’s application does not purport to authorize any uses or developments that are not permitted in the requested amendment to a conditional I-G General Mixed-Use Industrial Business district. By allowing the Property to become a conditional I-G district, Garfield Township would afford LMS the ability to operate and maintain a crematorium on its’ Property. The operation and use of a crematory bear a reasonable and rational relationship to the existing nature of Life Story’s business –providing funeral services. In the event that the amendment is granted and LMS can move with the operation of a crematorium, such use would not occur without first obtaining the proper permits as previously mentioned; there is no anticipated need for a variance. LMS is aware that it may amend this offer of conditions during the process of rezoning consideration so long as any amended or additional conditions are entered into voluntarily. LMS ultimately offers that the Property would revert to its current zoned district if funeral home and/or crematory use were no longer viable due to the death of Life Story’s owner and the Property cannot be sold or if Life Story closed.

Sincerely,

ALWARD, FISHER, RICE, ROWE & GRAF, PLC

*David H. Rowe*

David H. Rowe

DHR/bmn  
Enclosures  
c w/encls:

Life Story Funeral Home (via email)

## CONDITIONAL REZONING AGREEMENT

This **Conditional Rezoning Agreement** (hereinafter "Agreement") is entered into by and between LMS Property, LLC, a Michigan limited liability company, of P.O. Box 3062, Traverse City, MI 49685 (hereinafter "Applicant"), and the Charter Township of Garfield, 3848 Veterans Drive, Traverse City, Michigan 49684 (hereinafter "Township").

### Recitals

- A. The Applicant is the owner of property as described below and located along Hammond Road in the Township of Garfield, County of Grand Traverse, State of Michigan and more fully described as follows (hereinafter "Property"):

PT SW1/4 SE1/4 SEC 24 T27N R11W BEG AT S1/4 COR SEC 24 TH N 89DEG 43'E 400' TH N 00DEG 15'2 600' TH S 89DEG 43'W 400' TH S 00DEG 15'E 600' TO POB SPLIT/COMBINED ON 09/21/2016 FROM 05-024-019-00 TO 05-024-019-20 & 05-024-019-30

Parcel Identification Number 05-024-019-30

- B. The Property is subject to a Conditional Rezoning Agreement entered into in 2008 (hereinafter "2008 Agreement") and recorded at 2008R-07868, Grand Traverse County Register of Deeds whereby the Property was conditionally rezoned from an A-1 Agricultural District to a conditional G-C General Commercial District with restrictions and limitations.
- C. The Applicant requests withdrawal of the 2008 Agreement and desires to enter into a new Conditional Rezoning Agreement to further restrict the use of said Property and rezone to a conditional I-G General Mixed-Use Industrial Business District.
- D. MCL 125.3405 of the Zoning Enabling Act, as amended, provides that a landowner may offer use limitations related to the rezoning of land within a township pursuant to a Conditional Rezoning Agreement ("CRA").
- E. The Applicant has requested to enter into the provisions of the Statement of Conditions set forth in this Agreement.
- F. By entering into this Agreement, the Applicant and the Township desire to set forth the parties' obligations with respect to the Property and the conditions under which the Township has granted rezoning approval.

NOW THEREFORE, the Applicant and the Township hereby declare and agree that the Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions, restrictions, grants and reservations set forth herein; all of which are for the benefit of the Township and shall run with and bind the Property and all parties having any right, title or interest in all or any proportion of the property, as well as its heirs, successors and assigns.

### Agreement and Statement of Conditions

1. The Property shall be rezoned from a conditional G-C General Commercial District to a conditional I-G General Mixed-Use Industrial Business District. With respect to the Township Zoning Ordinance in effect on the date of this Agreement, the Applicant shall be permitted to conduct the following permitted uses under the I-G General Mixed-Use Industrial Business District zoning classification, and special uses permitted so long as the Township grants such special land use permit: (a) Crematorium and (b) Mortuary or Funeral Home

2. The Property shall not be used for any use or special use not permitted in the Township Zoning Ordinance for an I-G General Mixed-Use Industrial Business District.

3. The Property shall revert back to an A-Agricultural District if the Applicant or its successor determines the Property cannot be viably used as a Crematorium and/or Mortuary or Funeral Home.

4. The Applicant shall continuously maintain the Property in compliance with all of the conditions set forth in Paragraph 1.

5. This Conditional Rezoning Agreement and Agreement and Statement of Conditions may be recorded by the Township with the Grand Traverse County Register of Deeds.

6. Nothing in this Agreement shall be deemed to prohibit the Township from rezoning all or any portion of the land that is subject to the Agreement to another zoning classification. Any rezoning shall be conducted in compliance with the Township Zoning Ordinance and the Zoning Enabling Act. Upon any rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in this Agreement.

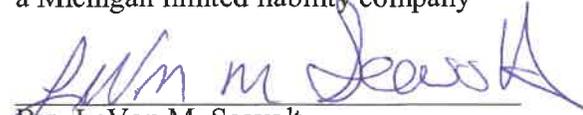
7. If the Property is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, the statement of conditions imposed under this Agreement shall cease to be in effect. Upon the Applicant's written request, the Township Clerk shall record with the Register of Deeds of Grand Traverse County a notice that the statement of conditions in the Agreement is no longer in effect.

8. None of the terms contained herein shall be interpreted to require the Applicant to obtain a special use permit to continue the current operation of a Mortuary or Funeral Home on the Property.

*[Signatures contained on the following pages]*

**LMS Property, LLC, hereby attests the conditions imposed by this Agreement were offered voluntarily and are consented to willingly.**

**LMS Property, LLC,**  
a Michigan limited liability company

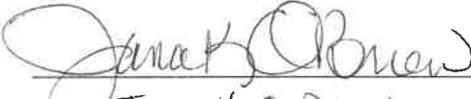


By: LeVon M. Seavolt  
Its: Managing Member

STATE OF MICHIGAN                    )  
  )SS.  
COUNTY OF GRAND TRAVERSE)

Acknowledged on the 27 day of APRIL 2022, before me personally appeared LeVon M. Seavolt, Managing Member of LMS Property, LLC, a Michigan limited liability company, the organization described in and which executed the foregoing instrument, and that he signed his name thereto as and for his voluntary act and deed and as and for the voluntary act and deed of said organization.



  
\_\_\_\_\_  
JANA K O'BRIEN Notary Public  
GRAND TRAVERSE County, MI  
Acting in Grand Traverse County, Michigan  
My Commission Expires: 2-14-26

*[Signatures continued on the following page]*

**Charter Township of Garfield**

\_\_\_\_\_  
By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MICHIGAN                    )  
  )SS.  
COUNTY OF GRAND TRAVERSE)

Acknowledged on this \_\_\_\_\_ day of \_\_\_\_\_ 2022, before me personally appeared \_\_\_\_\_, \_\_\_\_\_ of the Charter Township of Garfield, known to me to be the above-described person, who executed the foregoing and acknowledged the same to be his/her free act and deed.

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

\_\_\_\_\_ County, MI

Acting in Grand Traverse County, Michigan

My Commission Expires: \_\_\_\_\_

**Prepared By/Return To:**  
David H. Rowe, Esq.  
*Alward, Fisher, Rice, Rowe & Graf, PLC*  
202 E. State Street, Suite 100  
Traverse City, Michigan 49684  
(231) 346-5400

W:\Seavolt, Vaughn\Conditional Rezoning Agreement updated on 3-30-2022.docx



## **Emissions Tests Provide Positive Results**

A joint effort by CANA and EPA produced evidence that crematories are capable of low emission without the addition of pollution equipment and that higher temperatures can increase pollutants.

The Cremation Association of North America recently participated in a detailed emissions study of a crematory as part of an effort by the U.S. Environmental Protection Agency to develop environmental regulations for crematories.

The crematory emissions testing, which took place from June 11 through June 17, 1999 at The Woodlawn Cemetery, Bronx, New York, was funded jointly by CANA and the EPA.

The EPA is required by the Clean Air Act to establish regulations for the year 2000 for several different types of combustion equipment, including crematories.

Sensing the importance of being involved with the EPA in developing the regulations, CANA selected the environmental team of Dale Walter and Paul Rahill from Industrial Equipment & Engineering Company to represent the interests of CANA members during the development process.

Efforts to create the crematory regulations began in 1996 and the regulations were expected in November 1999. The regulations are now expected in the Spring of 2000 because priority has been given to other types of facilities. The CANA environmental team has participated in every step of the process to insure proper representation of the cremation industry.

The fact that EPA considers crematories a low priority would also have meant that testing funds would not have been available. However, the CANA environmental team felt that because these regulations could have such a large impact on the cremation industry it was important that they be based on complete test data. At this point EPA agreed to a CANA proposal to share the testing costs. This joint effort was made possible through donations from CANA members, and industry associations.

## **Testing Plan**

The Woodlawn Cemetery facility was chosen because the All Crematory equipment installed there is typical of many facilities and also because it is one of the only crematories in North America with additional pollution control equipment. Water scrubber devices are installed in the exhaust ducts to clean the combustion gases.

During each test run, sampling of the combustion gases was conducted both upstream and downstream of the water scrubber device to determine how effective the device was.

Source: <http://www.cremationassociation.org/>

As recommended by the CANA environmental team, testing was conducted under three different secondary chamber operating temperatures to get a clear picture of how emissions change with temperature. A series of tests took place at each of the following temperatures: 1400°F; 1600°F; and 1800°F. Initially, EPA planned to test only at 1600°F and 1800°F. However, CANA felt it was important to test at 1400°F and decided to pay the full cost of the additional testing because many older facilities cannot operate at the higher temperatures.

Three cremations were performed at each temperature condition.

The following are the pollutants for which emission standards are to be established and for which testing was conducted:

- visible emissions
- particulate matter
- carbon monoxide
- nitrogen oxides
- sulfur dioxide
- hydrogen chloride
- metals (cadmium, mercury, and lead)
- dioxins and furans

Source: <http://www.cremationassociation.org/>



Cremation Association of North America

## **Testing Results**

### **Visible Emissions:**

The visible emissions were evaluated every 15 seconds and rated on a scale from 0% to 100% opacity by a qualified inspector.

The opacity readings for each cremation were then averaged over the six-minute period with the highest emissions. Figure 1 shows that visible emissions increased as the operating temperature increased. Comparison is given to a typical state emission limit.

### **Particulate Matter:**

The results of sampling show that particulate matter emissions also increased with temperature. Overall, the emission of particulate matter were very low.

The average test results for particulate matter (shown in Figure 2) as well as the results for all of the following pollutants, are for the inlet to the scrubber. A comparison of the emissions before and after the water scrubber showed that the device had a little to no effect on the emissions of any pollutants.

### **Carbon Monoxide:**

The levels of carbon monoxide (Figure 3) were very low for each test condition, well below the typical state standard of 100 parts per million.

### **Nitrogen Oxides and Sulfur Dioxide:**

The levels of these gases (shown in Figure 4 and 5) were within acceptable limits.

### **Hydrogen Chloride:**

Hydrogen chloride (HCl) is a gaseous pollutant produced by the burning of plastics or other material containing chlorine. The HCl emissions would not be expected to change with temperature. The average HCl emission for all the conditions was 0.15 pound per hour of operation.

Source: <http://www.cremationassociation.org/>

**Metals:**

Like HCl, emissions of mercury, cadmium, and lead are not expected to vary with operating temperature. The metal of concern from crematories is mercury, which mainly comes from dental filings. The average mercury emission was 0.23 gram per hour of operation.

**Dioxins and Furans:**

Dioxins and furans are complex compounds released from many different combustion sources. The presence of chlorine in the combustion process is an important factor for dioxin and furan formation.

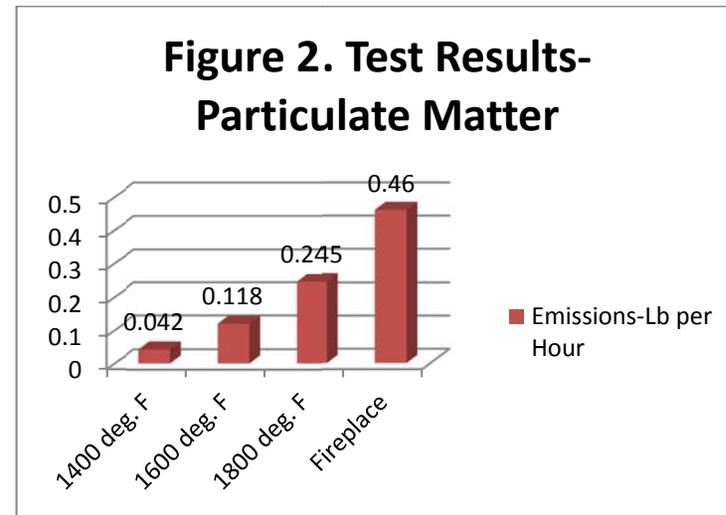
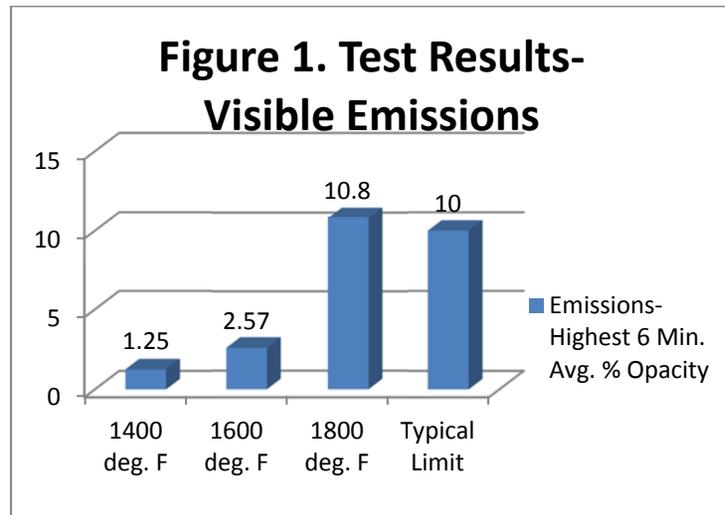
The test results show that the emissions of dioxins and furans went up as the temperature increased. The emissions, (shown in Figure 6) are low compared to other types of incinerators. The measurement unit is the nanogram, which is one-billionth of a gram.

**Conclusion:**

The test results show that the emissions of nearly all the tested pollutants increased when the operating temperature was raised. This indicates that there is no justification or benefit for the high operating temperatures required in many states.

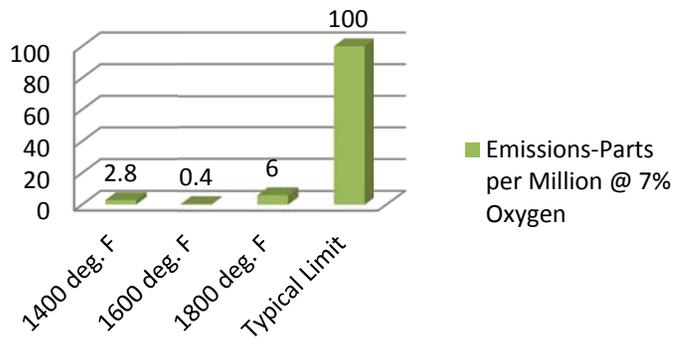
The results also demonstrate that the crematories are capable of low emissions without the use of additional pollution control equipment.

These findings should provide a positive benefit to the cremation industry as the EPA creates new regulations.

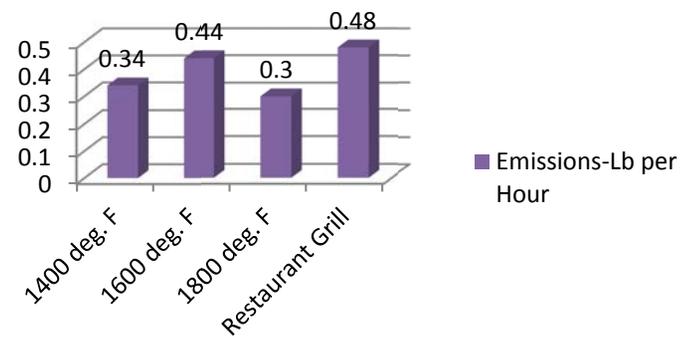


Source: <http://www.cremationassociation.org/>

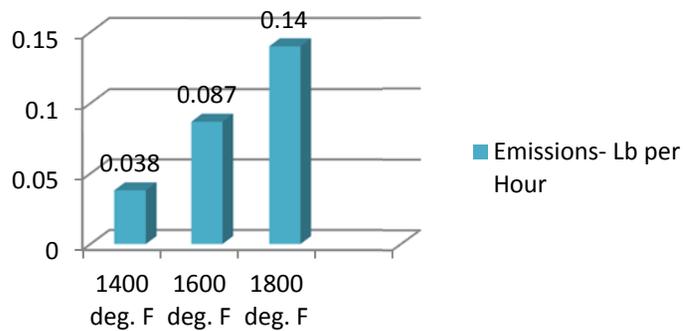
**Figure 3. Test Results- Carbon Monoxide**



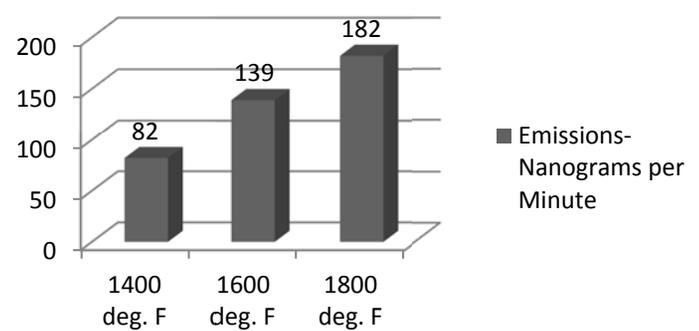
**Figure 4. Test Results- Nitrogen Oxides**



**Figure 5. Test Results- Sulfur Dioxide**



**Figure 6. Test Results- Dioxins and Furans**



Source: <http://www.cremationassociation.org/>



Cremation Association of North America

## **The CANA Perspective on Particulate Emissions and Mercury: An In-Depth Look at a Global Controversy**

For years, The Cremation Association of North America (CANA) has witnessed the concern surrounding cremating human remains and the corresponding release of primarily two emissions: particulate matter (PM) and mercury (Hg). PM can be defined as solid particles suspended in a gas as a byproduct of all combustion processes, including cremations. Mercury on the other hand, is derived from the use of silver amalgam in dental fillings that is released into the environment during the cremation process. A task force was developed by CANA to further investigate the issues; the results of the investigation are included in this report.

Particulate emissions (PM) are released into the environment in many ways, including through residential and commercial fuel-based heating — through cars, trucks, restaurant grills and fireplaces. None of these common community sources of PM have any emission controls to reduce, monitor or limit PM emissions. Crematories, however, have emission controls as part of their design to limit the amount of PM entering the atmosphere.

According to the U. S. Environmental Protection Agency (USEPA), there are many ways mercury emissions are released into the air. Some of these common sources include municipal incinerators, the breaking of used fluorescent tube lamps, dental facilities, production and disposal of batteries, household trash disposal and residential heating. USEPA lists the operation of crematories as one of the lowest sources of Hg emissions. Mercury emissions from cremation are very low and they are not

regulated by any environmental agency. Under the Clean Air Act, the USEPA reviewed and updated national air quality standards for all types of possible pollutant sources, including crematories. This review considered all possible pollutants including PM and mercury. As a result, crematories were not considered for any further federal regulation. CANA surveyed various crematories throughout the United States — Virginia, Georgia, Illinois, Washington, Florida, Indiana, Kentucky, California, Wisconsin and New York were just a few states to respond. CANA asked if there has ever been an air-quality or environmental agency in these areas that raised a concern regarding the release of mercury emissions from their crematories: The unanimous answer was no.

The American Dental Association (ADA), which oversees and regulates dentists in the United States, reports that since 1990 the use of silver amalgam has dropped from a 68-percent usage rate to 30 percent. The ADA attributes this decrease to the patients' preferences for natural-looking non metallic dental fillings. Moreover, continuous changes in dental practices, as the durability of other cavity-filling materials are proven, continues to lessen the already minimal amounts of Hg being released.

Furthermore, the Indianapolis Office of Environmental Services has responded to this growing concern by performing crematory emissions studies to determine if a source would be required to obtain an air permit. The group concluded that, although Hg from silver amalgam is certainly released, in reality, emissions are quite small, below the minimum levels of all criteria pollutants and Hazardous Air Pollutants.

The USEPA also states that crematories statistically represent 0 percent of the total inventory for national mercury emission rates, according to their Best Point Estimates. Based on actual data collected in 1999, when presumably more people still had silver amalgam fillings, all the U.S. crematories combined produced a total of only 238 pounds or 108 kilograms of Hg.

Actual tests performed for USEPA at the Woodlawn Crematorium by representatives of the Midwest Research Institute in New York, and published by the USEPA, have determined the amounts of Hg

released to the environment. The tests show that in a total of nine cremations, two were suspected of not containing any silver amalgam whatsoever. They contend that the stack testing at the Woodlawn facility was considered to be representative of all crematoria operations and, therefore, a reliable source for developing an uncontrolled emission factor for use in estimating potential emissions from all crematoria. The conclusion is that the average mercury release of nine cremations yielded 0.456 grams or 0.0010 pounds of Hg per body. In addition, the average Hg release for the seven cremations believed to contain silver amalgam fillings yielded only 0.584 grams or 0.0013 pounds per body.

Further testing by Pelican Scientific in the United Kingdom measured Hg in crematoria emissions and submitted the results to The Department of Environment, Food and Rural Affairs and the Scottish Environmental Protection Agency. Both agencies accepted the tests as having been conducted in compliance with testing standards. The first test, conducted during October 2006 at the Craigton Crematorium in Glasgow, Scotland, involved 23 cremations under normal operating conditions:

- 10 remains were suspected of not having silver amalgam fillings whatsoever.
- The average Hg release per cremation of more than 23 cremations yielded 0.128 grams or 0.0003 pounds per body.
- The average Hg release per cremation for the 13 cremations believed to contain silver amalgam fillings yielded 0.227 grams or 0.0005 pounds per body.

The second test, conducted September 2007 at the Linn Crematorium in Glasgow involved 31 cremations under normal operating conditions:

- 21 remains were suspected of not having silver amalgam fillings whatsoever.
- The average Hg release per cremation of more than 31 cremations yielded 0.323 grams or 0.0007 pounds per body.

- The average Hg release per cremation for the 10 cremations believed to contain silver amalgam fillings yielded 1.001 grams or 0.0022 pounds per body.

This information confirms that the Hg emissions information located in the USEPA National Emissions database is accurate for determining the Hg impact of cremations; and based on significant and unbiased testing, Hg emissions from crematories are not deemed sufficient to be regulated.

All the data available has already prompted notable environmentalists to draw realistic conclusions in regard to the emissions of Hg. Environmental Scientist Alexis Cain, of the Chicago office of the Environmental Protection Agency said, "I don't think it's a risk to people who live in the vicinity of crematoriums."

Two specific practices target the reduction of Hg emissions into the atmosphere via cremations. CANA recommended that neither of these directives be mandated:

- The first measure would be the installation of filtration systems or "bag houses" to the cremation equipment. There is no guarantee that these filtration systems will prevent the release of Hg into the environment, not to mention that they are extremely cost-prohibitive.
- The second measure suggests that teeth containing silver amalgam should be pulled prior to the cremation process. CANA considers this an act of mutilation and such an act would violate the respectful manner in which cremationists perform their duties. The notion that teeth-pulling would even be suggested implies that some individuals are not approaching this matter with objective insight. The misguided fear of mercury emissions clouds the realistic assessment of their environmental impact. Our decisions should be based on the soundness of the data collected and intellectually interpreted.

The most extensive cremation equipment emissions research ever undertaken confirms that the design and operation of typical North American crematories provides significantly better emissions than

regulations required, and even exceeds expectations with the older operating systems.

Summing up the matter, Samantha Wetzler, M.D., a medical examiner in the Tidewater Virginia region, said, “There are so many variables, and so many sources of mercury both to people and the environment, of which none have been eliminated ... not fish, amalgams, coal plants, industrial emissions and the breaking of light bulbs. It seems that regardless of what studies one does, no one will be able to predict these things, and pointing a finger at a crematory as one source that must be stopped seems ridiculous and frivolous. A neighbor putting a fluorescent bulb into the trash rather than recycling it properly will create more concrete hazards for the community than any amounts crematories will ... but policing of peoples' trash is not in the plans.”

###

CANA is the recognized authority for all information, education, products, services and support for cremation. Founded in 1913, CANA is an International organization of over 1,300 members, composed of cemeterians, cremationists, funeral directors, industry suppliers and consultants. CANA's purpose is to actively lead and support the providers of cremation services and to promote memorialization. This is accomplished through the highest standards of ethics, education and consumer information. CANA's members support and adhere to the following principles: integrity and ethics; excellence; professional development and education; and leadership and innovation.

For more information about CANA, visit [www.cremationassociation.org](http://www.cremationassociation.org).

Source: <http://www.cremationassociation.org/>

## EPA Publishes New Mercury Data

The Cremation Association of North America's (CANA) contribution to the development of accurate and reliable environmental data has been acknowledged by the United States Environmental Protection Agency (US EPA). CANA is cited as the reference by the US EPA for human cremation statistics for the United States. Also, the joint test project performed and co-financed by CANA and the US EPA is now the national reference for mercury and other pollutants from human crematories ("EPA National Emissions Inventory"). The following statement was published in the Federal Register volume 69:

"In considering the nature of human crematories since the previous OSWI Federal Register notices were published, EPA has come to the conclusion that the human body should not be labeled or considered "solid waste." Therefore, human crematories are not solid waste combustion units, and are not a subcategory of OSWI for regulation. If EPA or States determine, in the future, that human crematories should be considered for regulation, they would be addressed under other authorities."

The US EPA based their recommendations of no regulations for human and animal crematories on actual data collected for a wide variety of pollutants including mercury. The US EPA determined (based on 1999 CANA cremation rates) that all US crematories, together, would have produced a total of 238 lbs. of mercury emissions in 1999. **If we update the mercury emissions levels to include both the US and Canada using 2004 cremation rates, the mercury emissions would be approximately 320 lbs..** With 2050 crematories operating in the US and Canada, this would average out to about 0.15 lbs of mercury emissions per crematory per year. If you could capture 100% of the mercury from a crematory processing an average of 400 cremations per year, for one full year, the total mercury captured would be the smaller than a typical household sugar cube.

Mercury enters the cremation cycle, and therefore crematory emissions, is through silver amalgam dental fillings found in some dead human bodies.

Silver amalgam fillings contain mercury alloys that when exposed to the intense heat of the cremation process results in the volatilization of mercury and its emissions into the atmosphere.

However the use of Silver amalgam tooth fillings containing mercury is in significant decline. It is estimated that at one time silver amalgam represented almost 90%. Within the last 10 years, this has declined by 38% (United States Center for Disease Control), a significant decrease.

The recommendation by the US EPA has been open for comments for a period that ended February 7, 2005. Comments received were considered and a final determination was made in December 2005. Overall, CANA's visibility and credibility as the industry experts continues to grow with these types of outcomes and dividends for the cremation industry.

Source: <http://www.cremationassociation.org/>

 <b>Charter Township of Garfield Planning Department Report No. 2022-40</b>			
Prepared:	May 4, 2022	Pages:	5
Meeting:	May 11, 2022 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Traverse City Curling Club, Inc. Curling Center – Site Plan Review		
Applicant:	Traverse City Curling Club, Inc.		
Agent:	Andy Purvis, PE / Gosling-Czubak Engineering Sciences, Inc.		
Owner:	Cherrymart Associates LLC		
File No.	SPR-2022-02		
Parcel No.	05-014-049-20		

**PURPOSE OF APPLICATION:**

Applications for development within the C-P Planned Shopping Center shall be reviewed by the Planning Commission for compliance with Article 4, § 424 – Site Plans and Article 5 – Development Standards.

**BACKGROUND:**

The approximately 11.38-acre project site is the former Kmart parcel and building at Cherryland Center located at 1712 South Garfield Avenue, north of South Airport Road. The proposed project is to reuse 30,000 square feet of the 87,345 square foot building as the Traverse City Curling Club, an indoor recreational facility. Recreational facilities are a use by right in the C-P Planned Shopping Center district. Initial indication by the applicant is to reuse the remainder of the building for other indoor recreational uses.

Staff has approached this proposed project as the first phase of a multi-phase redevelopment of the building and site. Any future uses and buildings on the site, including the remainder of the former Kmart building, would require an amendment to any approved site plan. This consideration is being made to incentivize the redevelopment and reuse of a challenging site.

*Aerial image of subject property (highlighted in blue):*



**SITE DEVELOPMENT REQUIREMENTS:**

***(1) General***

Applications for development within the C-P Planned Shopping Center shall be reviewed by the Planning Commission for compliance with Article 4, § 424 – Site Plans and Article 5 – Development Standards. The following criteria as listed in Section 424.F(1)(a)-(j) of the Zoning Ordinance are offered for consideration by the Planning Commission:

***(a) Required Information.*** *All required information shall be provided.*

- Staff has approached this proposed project as the first phase of a multi-phase redevelopment of the building and site. Therefore, some of the required items are recommended to be deferred until a more defined reuse of the entire building and parcel is proposed and available for review as part of an amended site plan.

***(b) Outside Agencies.*** *All applicable standards of outside agencies shall be met and all required permits and approvals from outside agencies shall be secured, or be made a condition of approval.*

- The applicant is required to comply with all agencies with jurisdiction. Agency approvals may be a condition of site plan approval.

***(c) Essential Facilities and Services.*** *Adequate essential facilities and services, including highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools, shall be available.*

- As the site is a proposed redevelopment of an existing commercial site, many essential facilities and services are in place.
- The site is accessed from a major road and is serviced by existing public sewer and water.
- The site has been used as commercial without overburdening area municipal services.
- The site is served by an existing 8” municipal water line and a 10” sanitary sewer line.

***(d) Natural Features.*** *Sensitive natural features, or existing natural features that provide a buffer between adjoining properties, or assist in preserving the general appearance of the neighborhood, or help control soil erosion or stormwater, shall be preserved to the greatest extent possible.*

- The proposed use is not altering the existing development on the site. There are no known sensitive natural features on the site.

***(e) Site Design.*** *All buildings and structures shall be designed, situated, constructed, operated and maintained so as to be harmonious, compatible, and appropriate in appearance, with the existing or intended character of the general vicinity. Site design shall minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.*

- The proposed use is not altering the existing development on the site. The site is well-established and has been in place for over 40 years.

***(f) Orientation.*** *Primary buildings or structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.*

- The front entrance of the proposed use faces Garfield Avenue.
- Additional development and uses may provide internal sidewalks connecting the front of the building with a required future sidewalk along Garfield Avenue.

(g) **Vehicle and Pedestrian Systems.** *The development, where possible, shall provide vehicular and pedestrian circulation systems which reflect and extend the pattern of streets, pedestrian and bicycle ways in the area. A proper relationship between existing and proposed roadways and parking areas shall be demonstrated, and the safety and convenience of pedestrian and vehicular traffic shall be assured. Travelways which connect and serve adjacent development shall be designed appropriately to carry the projected traffic.*

- The proposed use will rely on existing entrances to the Cherryland Center from Garfield Avenue and South Airport Road.
- Staff is recommending that the required new sidewalk along Garfield Avenue be deferred until additional uses and buildings are established on the site.

(h) **Shared Drives.** *Where the opportunity exists, developments shall use shared drives. Unnecessary curb cuts shall not be permitted.*

- As described above, the development site will use the existing entrance drives which serves several adjacent parcels on Garfield Avenue and South Airport Road.

(i) **Impervious Surfaces.** *The amount of impervious surface has been limited on the site to the extent practical.*

- The site is in an existing development. The proposed use does not reduce the impervious surface; however, future uses and buildings would allow for new landscaping areas to the site and possible reduction in impervious surfaces.

(j) **Master Plan.** *The proposal is not in conflict with the land use policies, goals and objectives of the Township Master Plan.*

- The proposed use fits with the Future Land Use Map, as the parcel and surrounding vicinity are envisioned as Commercial, which accommodates a wide range of potential businesses, including recreational facilities.
- The site is part of the Barlow Garfield Neighborhood Plan which guides development in this neighborhood of the Township. This plan included several development principles for this neighborhood encompassing the following:
  - Allow for mixed-use development on primary corridors.
  - Account for public spaces that accommodate a variety of activities.
  - Encourage connectivity through sidewalks, trails, cross-access, and other means.
  - Allow sites to be designed at a scale that encourages a neighborhood character.
  - Allow for new housing with diverse selection of unit types and sizes.
  - Facilitate improvements for public infrastructure upon new development.
- The Barlow Garfield Neighborhood Plan envisions a connected, livable, community center within Garfield Township in this neighborhood. The proposed use activates the site and encourages additional active uses to be part of the site redevelopment.
- Furthermore, there should be enough parking to anticipate future redevelopment of the building.

The following review of the proposal with regards to the relevant sections within Article 5 – Development Standards is also provided:

*Access Management*

As described above, the development site will use the existing entrance drives which serves several adjacent parcels on Garfield Avenue and South Airport Road. This is consistent with the intent of access management standards including encouraging shared drives.

*Dumpster Enclosures*

A dumpster enclosure is proposed for the back of the site in the northwest corner. All standards of Section 516 appear to be met.

*Lighting*

Existing, non-compliant building wall lighting will be removed according to the site plan. Specifications for new building lighting is proposed that meets ordinance requirements. A photometric plan is needed to ensure the proposed lighting meets the requirements of Section 517 of the Ordinance.

*Stormwater Management and Pavement Evaluation*

Stormwater review by the Township Engineer will be required prior to the issuance of a Land Use Permit. Appropriate easements will need to be maintained to utilize the Cherryland Center stormwater system. Staff recommends that the Engineer review the condition of the asphalt and determine if any improvements are required.

*Landscaping*

Staff has approached this proposed project as the first phase of a multi-phase redevelopment of the building and site. Staff recommends that landscaping requirements be deferred at this time until future uses and buildings are established on the site and required in future site plan amendments.

*Parking, Loading, and Snow Storage*

Places of assembly without fixed seating shall have a minimum parking requirement of 1 space for each six (6) persons allowed and a maximum parking requirement of 1 space for each three (3) allowed. The proposed use will accommodate 500 persons, giving a minimum of 84 spaces and a maximum of 166 spaces. There will be 142 total parking spaces, including 2 barrier-free.

Bicycle parking shall be provided at the rate of 2 bicycle spaces per 25 motor vehicle spaces. Two bicycle racks are proposed which will give space for 4 bicycles. According to Section 522.C, four additional bicycle racks are required.

In accordance with Section 551.E.6, snow storage requirements shall be calculated and indicated in an area on the site plan.

**(2) External Access**

The proposed development will gain its direct access from the existing entrance drives for the Cherryland Center.

**(3) Internal Pedestrian Circulation**

Section 522 requires pathways and interior sidewalks. Interior sidewalks will be required to provide a connection from the front of the building to a future required sidewalk along Garfield Avenue.

***(4) Non-Motorized Pathways***

A sidewalk is required at the front of the parcel along Garfield Avenue. As mentioned previously, Staff recommends that this required pathway be deferred until a more complete site plan is provided for additional uses and buildings on the site.

***(5) Building Placement***

The building placement is existing development with no proposed changes.

***(6) Vegetative Transition Strip***

A fifty-foot-wide vegetative transition strip is required if the site abuts a residential or agricultural zone. An existing transition strip is in place.

***(7) Service Drives***

Access to the site, including the parking lots, is from existing service drives to a major thoroughfare.

***(8) Prohibited Outdoor Storage***

The applicant does not propose any outdoor storage on this site.

**RECOMMENDATION:**

Following the applicant presentation and Planning Commission discussion, if the Commission is prepared to decide on the application, then the following motion in support of approval is offered:

MOTION THAT application SPR-2022-02, submitted by Green Castle Properties, LLC, for a recreational facility on parcel 05-014-049-20 located at 1712 South Garfield Avenue, BE APPROVED, subject to the following conditions:

1. A photometric plan will be provided for new lighting fixtures.
2. Four additional bicycle racks are required.
3. Snow storage requirements shall be calculated and indicated in an area on the site plan.
4. Landscaping requirements shall be deferred until future uses and buildings are established on the site and required in an amendment to the site plan.
5. A required sidewalk along Garfield Avenue and required internal sidewalks shall be deferred until future uses and buildings are established on the site and required in an amendment to the site plan.
6. All agency reviews, including review by the Township Engineer, shall be received, and deemed compliant prior to issuing a Land Use Permit or Building Permit.

Additional information deemed necessary by the Planning Commission should be added to the motion.

**Attachments:**

1. Site Plan Proposal Letter from Traverse City Curling Club – dated April 6, 2022.
2. Site Plan Set from Gosling Czubak – dated March 21, 2022
3. Letters of Support

Traverse City Curling Club Site Development Plan Review  
1712 S. Garfield Avenue, Former Cherryland Kmart  
Garfield Township  
4/6/22

Prepared by:  
Cara Colburn, TC Curling Club President  
Andy Purvis, PE  
Gosling-Czubak Engineering Sciences, Inc.  
1280 Business Park Drive  
Traverse City, MI 49686

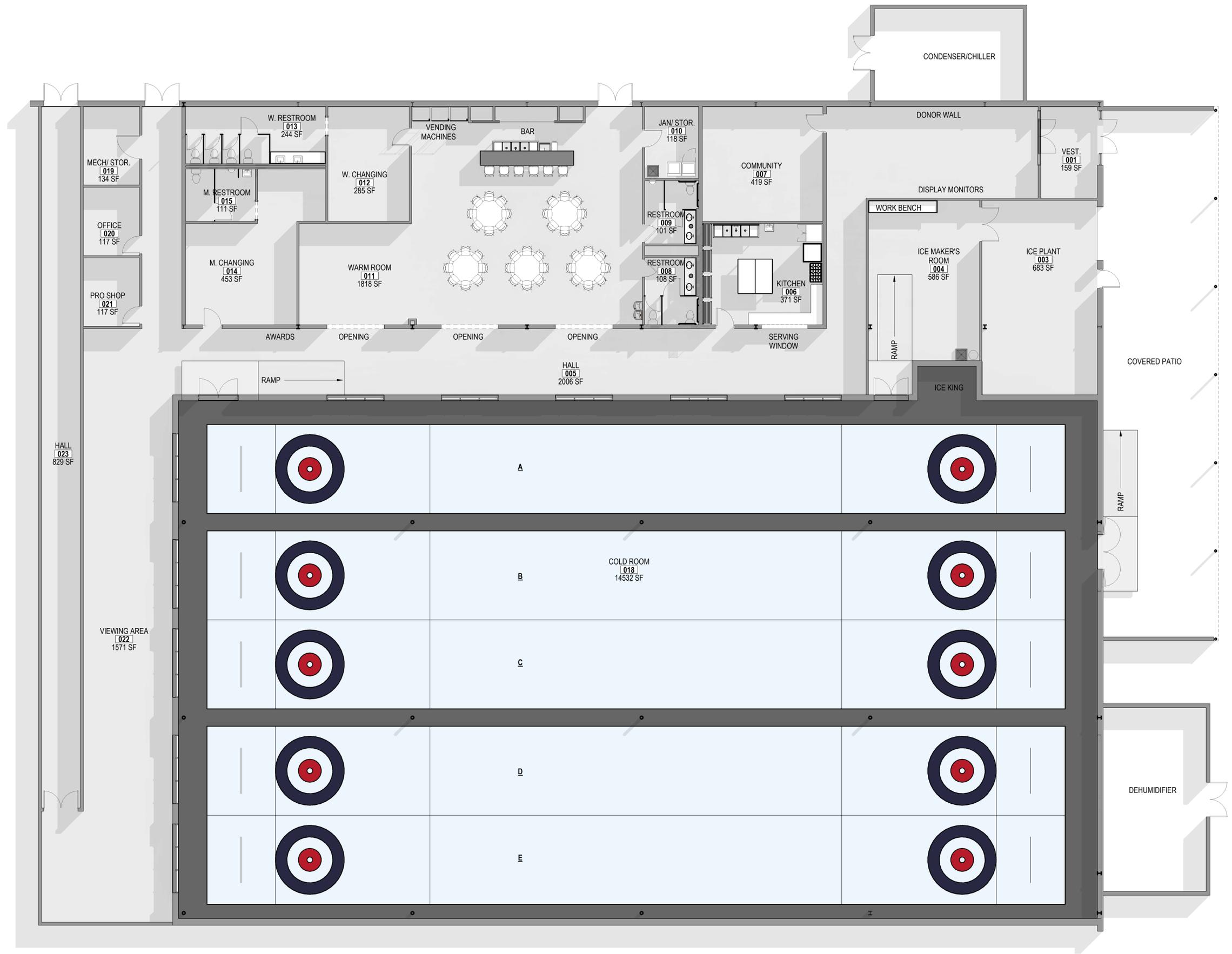
The Traverse City Curling Club is applying for a site plan review at the former Cherryland Kmart property which the club currently has under contract. The 84,000 sq. ft existing structure is centrally located on an 11.38-acre parcel which is a designated C-P Planned Shopping Center. The intent of the current plan is to create a dedicated ice facility (Traverse City Curling Center) which will use approximately 30,000 sq. ft in the northeast corner of the building. The initial plan upon closing is to lease the remaining 54,000 sq. ft as retail space and begin the curling renovations immediately so that we can be ready for the start of the curling season in the Fall of 2022. This proposed use is consistent with the current zoning for recreational facilities. The future use if this property is ideal for redevelopment but at this time has yet to be determined.

The proposed dedicated ice facility will become the home of the Traverse City Curling Club which will operate as a curling center from September through April. The current renovation plans include an "ice shed" area which will house 5 sheets of curling ice and the "warm room" which will include bathrooms, changing areas, community social space, small bar and buffet space with a small warming kitchen area to support potluck and catered meals. The Traverse City Curling Club use a membership model to deliver its programming but all are welcome to join (similar to the YMCA).

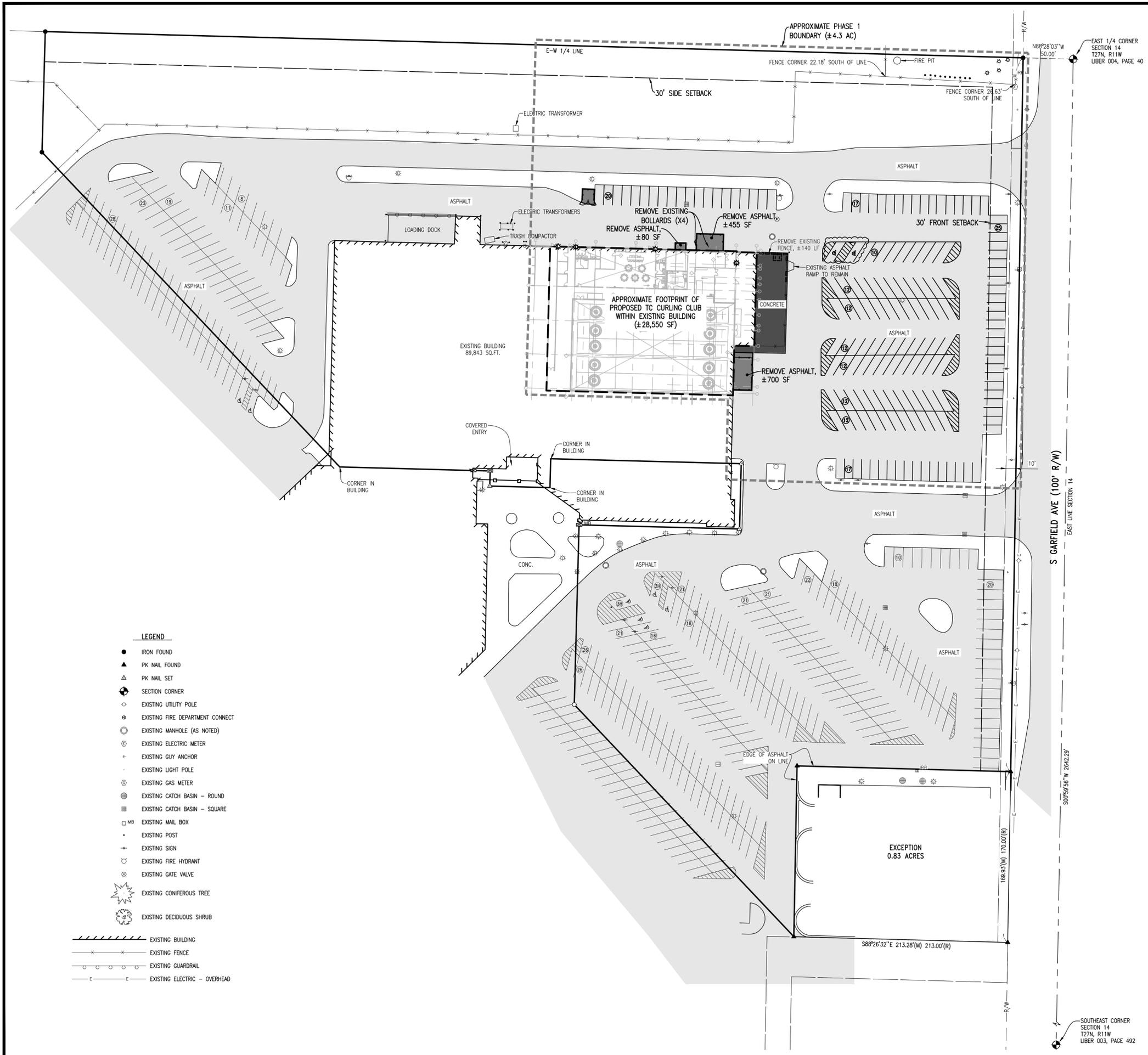
The main entrance to the curling facility will be in the northeast corner of the building facing Garfield. The chain link fencing will be removed and replaced with large planters that will enhance the landscaping value and create a welcoming entry sequence. There is currently ample parking and plenty of existing lighting for the curling patrons on the east side of the building to accommodate this new entrance. In order to conform with the "dark sky" initiatives, the wall pack lighting integral to the Phase 1 plan will be replaced with more efficient fixtures that meet the dark sky ordinance criteria.

The parking calculation range is 84-166 spaces with 142 available spaces located on the east side of the building. There will be 2-ADA parking spaces placed near the new entrance. The Curling Center will use the existing sidewalks, shared access roads and shared curb cuts thereby reducing the need for additional impervious surfaces.

The proposal for the Traverse City Curling Center at this location will provide the energy and the sense of community that is at the essence of the Barlow-Garfield neighborhood plan. The multi-generational curling community will begin to anchor this corner as the sport of curling becomes mainstream here in Traverse City. The accessibility of this location bodes well for traveling athletes as well as the close proximity for school-aged children and their families. The Traverse City Curling Club is looking forward to establishing themselves on this property for the long haul becoming an integral part of this neighborhood as it is redeveloped and regentrified in the coming years.



TRAVERSE CITY CURLING CENTER FLOOR PLAN  
 SCALE: 1/8" = 1'-0"



SITE DATA TABLE:

PARCEL I.D.	ZONING DISTRICT	PROPOSED USE	APPROVAL MECHANISM	MINIMUM LOT AREA (ACRES)	MINIMUM LOT WIDTH	FRONT SETBACK	SIDE SETBACK	REAR SETBACK	MAX BUILDING HEIGHT
05-014-049-01	C-P - PLANNED SHOPPING	RECREATIONAL FACILITY	SITE PLAN REVIEW	15,000 SF	60'	30'	30'	30'	50'/4 STORES

PROPERTY OWNER:

SITE ADDRESS:  
 1712 S GARFIELD AVE  
 TRAVERSE CITY, MI 49686  
 CHERRYMART ASSOCIATES, LLC  
 17800 LAUREL PARK DR N STE 200C  
 LIVONIA, MI 48152

PROJECT APPLICANT:

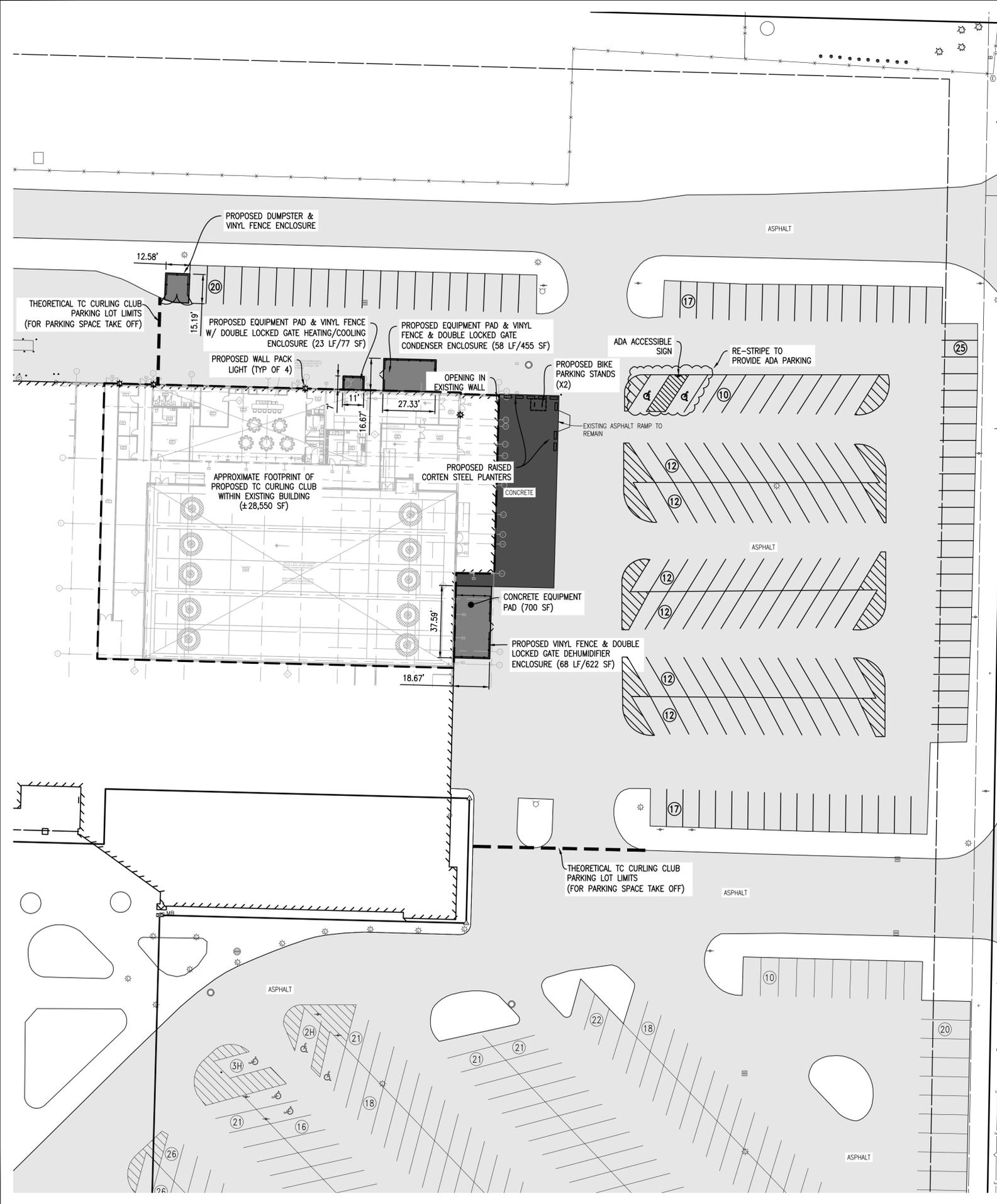
TRAVERSE CITY CURLING CLUB  
 PO BOX 2245  
 TRAVERSE CITY, MI 49685

LEGEND

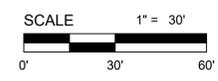
- IRON FOUND
- ▲ PK NAIL FOUND
- △ PK NAIL SET
- ⊙ SECTION CORNER
- EXISTING UTILITY POLE
- ⊕ EXISTING FIRE DEPARTMENT CONNECT
- EXISTING MANHOLE (AS NOTED)
- ⊕ EXISTING ELECTRIC METER
- ⊕ EXISTING GUY ANCHOR
- EXISTING LIGHT POLE
- ⊕ EXISTING GAS METER
- ⊕ EXISTING CATCH BASIN - ROUND
- ⊕ EXISTING CATCH BASIN - SQUARE
- ⊕ MB EXISTING MAIL BOX
- EXISTING POST
- ⊕ EXISTING SIGN
- EXISTING FIRE HYDRANT
- ⊕ EXISTING GATE VALVE
- ☀ EXISTING CONIFEROUS TREE
- ☀ EXISTING DECIDUOUS SHRUB
- ▬ EXISTING BUILDING
- ▬ EXISTING FENCE
- EXISTING GUARDRAIL
- EXISTING ELECTRIC - OVERHEAD

No.	Date	Revision	By

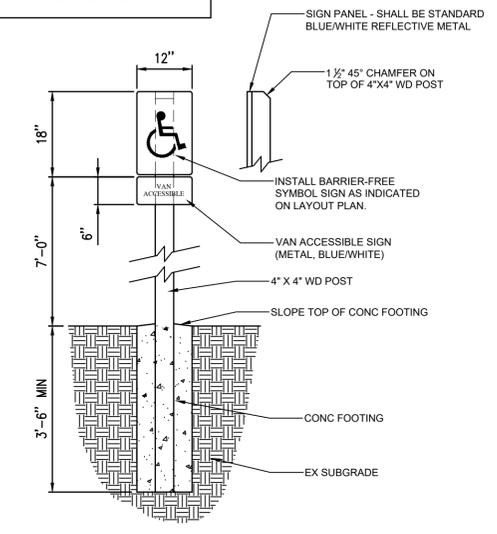
**SITE PLAN & DETAILS**  
**PROPOSED CURLING CENTER**  
**TRAVERSE CITY CITY INTERNATIONAL CURLING CENTER**



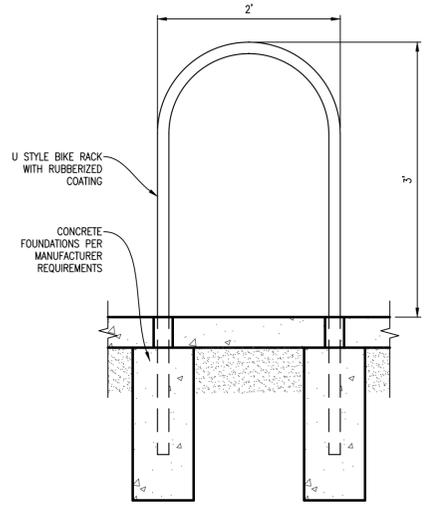
- SITE PLAN NOTES:**
- SIGNS ARE SUBJECT TO SIGN PERMIT REVIEW.
  - PARKING SPACES AND ALL AISLES RELATED TO THE PROJECT WILL BE RE-STRIPE TO CURRENT REQUIREMENTS.
  - ANY EXISTING, NON-COMPLIANT LIGHTING WILL BE REMOVED FROM THE SITE.
  - NEW WALL PACK LIGHTS TO BE INSTALLED AT ALL EGRESS DOORS. LIGHTS TO BE LEEDS 4. ULEC-30011 W/ THE FOLLOWING SPECS:  
 14w LED LAMP  
 W-WIDE 56° BEAM  
 W30-3000K LED COLOR  
 120v/277v VOLTAGE  
 01-BLACK RAL 9011 FINISH COLOR



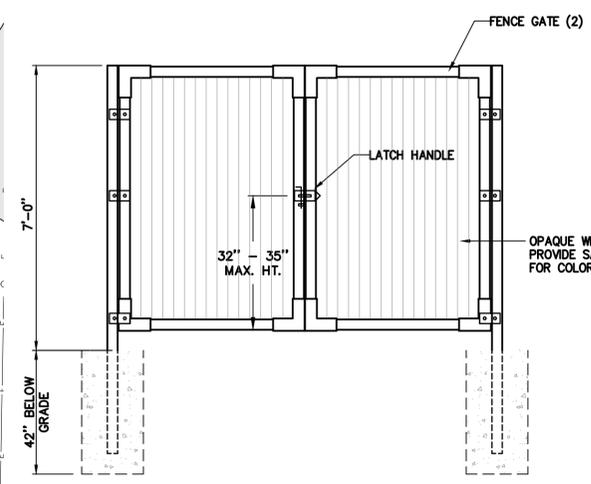
PARKING REQUIREMENTS BASED ON 500 PERSON ASSEMBLY USE OCCUPANCY:  
 MIN: 500/6 = 84 SPACES  
 MAX: 500/3 = 166 SPACES  
 PARKING PROVIDED = 142 SPACES  
 ADA SPACES PROVIDED = 2 SPACES  
 \*\*PARKING SPACES AND ALL AISLES WILL BE RE-STRIPE TO CURRENT REQUIREMENTS\*\*



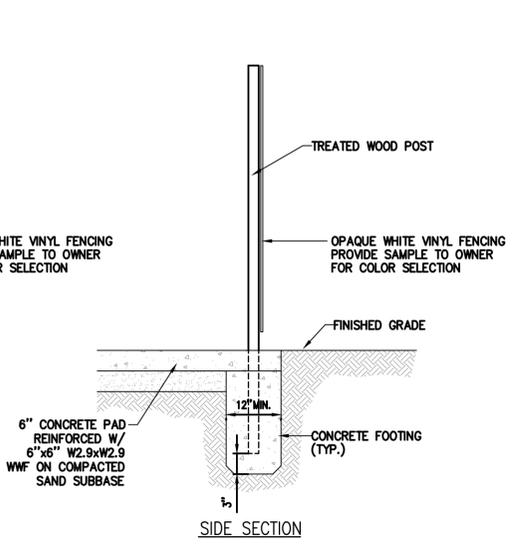
**BARRIER-FREE SIGN POST DETAIL**  
NOT TO SCALE



**BIKE RACK DETAIL**  
NOT TO SCALE



**FRONT ELEVATION**



**SIDE SECTION**

**EQUIPMENT & DUMPSTER SCREENING DETAIL**  
NOT TO SCALE

No.	Date	Revision	By

**DETAILED SITE PLAN**  
**PROPOSED CURLING CENTER**  
 TRAVERSE CITY CITY INTERNATIONAL CURLING CENTER

# Andrew Blank

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2330 Seeley Rd. Cadillac, MI 49601 | 231-878-7676 | aeblank.49601@gmail.com

**4-12-2022**

Garfield Township Planning Commission  
3848 Veterans Dr.  
Traverse City, MI 49684

RECEIVED  
APR 18 2022  
PLANNING

**Dear Planning Commission:**

I am writing for one simple reason.

I wish to voice my support for the plans of the Traverse City Curling Club to renovate and use the "old K-mart" building.

Simply put, the Traverse City Curling Club is a great organization which I am a member of. It is made up of members of the community and is a benefit to the community. The new facility will give the club members a "home". It will also improve the area and there one less ugly and unused building in the township.

This plan, by the Traverse City Curling Club, will benefit the area and township.

**Sincerely,**

**Andrew Blank**

## John Sych

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**From:** Andy Blank <aeblank.49601@gmail.com>  
**Sent:** Tuesday, April 12, 2022 1:14 PM  
**To:** John Sych  
**Subject:** Traverse City Curling Club

John,

I would like to voice my support for the plans of the Traverse City Curling Club. This is an excellent community-minded club and their building plans would only be a benefit to Garfield Township.

Thank you,  
Andrew Blank  
(non-resident, but member of the Traverse City Curling Club)

## John Sych

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**From:** Jillian Riecke <icequeen.ca@hotmail.com>  
**Sent:** Thursday, April 28, 2022 10:49 AM  
**To:** John Sych  
**Subject:** in support of a community curling center

There is no question that curlers are passionate about their sport. I am lucky enough to have been involved in the sport in Canada from an early age, and can attest to the many reasons our community would benefit from having a dedicated curling club.

For me, early on, curling was strictly for fun. It was an after-school activity, an opportunity to hang out and socialize with my friends. As my teenage team became more competitive, I started to learn the value of teamwork, communication, good coaching and regular practice. I started to enjoy the mental aspects of the game; analyzing strategy, ice conditions and opponents' strength and weaknesses. I love the technical aspects of the game...always trying to improve my delivery, sweeping, and shot making.

After a hiatus from the sport, introducing curling to my community became my new passion. It has been a joy to coach people in the sport I love. Whether it's a learn-to-curler that draws the button in their first class, a brand new team that gets their first win on league night, my travel team getting piped on to the ice for an event final in a bonspiel, or making the quarterfinals with my ladies team at Arena Nationals, the excitement generated in new curlers just drives my passion for the sport even deeper. A dedicated facility would allow us to expand our programming and give more people (including juniors) the opportunity to experience all of these recreational benefits.

Finally, what I think what I love about curling more than anything is the sense of community. It's amazing to watch people from all walks of life connect on the ice, especially those that are searching for a sense of belonging. I assure you that if you stopped into a curling club anywhere in the world, you would be welcomed in with open arms. Curling is truly family and there is no other sport quite like it.

Please consider supporting curling in our community. I promise you won't regret it.

Jillian Riecke  
Founding Board Member

## John Sych

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**From:** Bernie Nieman <bjn0053@gmail.com>  
**Sent:** Sunday, May 1, 2022 8:42 PM  
**To:** John Sych  
**Subject:** Traverse City Curling Club

I just wanted to send an endorsement of the curling clubs proposed redevelopment of the super k mart. Interesting concept from start to finish.

My support is based on the benefits that this project will provide for the community. Including international participation and recognition, the influx of participants for the events, hotel and restaurant benefiting from the events, family involvement from the attendees in the area and the addition of the commercial redevelopment in additional tax revenue as the proposed plan matures.

Thank you for your time

Bernie Nieman

Dear Garfield Township Planning Commission:

As a member of the Traverse City Curling Club, I would like to express my strong support for the renovation of the Cherryland Mall K-Mart property to house the Traverse City Curling Center.

This project is important to me specifically because I know firsthand the positive impact curling can have on our community's youth. I have been on the US Wheelchair Curling Development team for several years. I attended a team training camp in 2018 in Wausau WI. I arrived to the facility a day early and swung by the curling club. It was 3 PM and as I was unloading my wheelchair from my car when a few school busses pulled in. I thought, oh they must have a junior curling event. I learned that there are several high schools in the area who have curling teams. It was moving to see 64 high school students curling together, shaking hands, and encouraging each other as they played. Curling is the fastest growing winter sport in the nation. Curling encourages sportsmanship, integrity, physical activity, socialization mental preparation and so much more. The "curling culture" is such that many people who do not fit into the typical "athlete" mold find a place to interact with others. Currently the Traverse City Curling Club can only find ice time between 830-1030 PM in the fall. This has been great for demonstrating the interest and introducing the sport to a lot of the community. Unfortunately, there is no ice time available during suitable times to engage our middle and high school age kids. Our board and founders have very strong desire to standup a youth curling program.

In addition to having available ice time the curling center will no doubt spark positive development in the eye sore that the mall currently is. As a member of the Board Of Directors, our vision for the project can only improve the space.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Jeffrey D Snover', with a long horizontal flourish extending to the right.

Jeffrey D Snover