

**CHARTER TOWNSHIP OF GARFIELD
PLANNING COMMISSION MEETING
June 8, 2022**

Call Meeting to Order: Chair Racine called the June 8, 2022 Planning Commission meeting to order at 7:00pm at the Garfield Township Hall.

Pledge of Allegiance

The Pledge of Allegiance was recited by all in attendance.

Roll Call of Commission Members:

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

Absent and Excused: Pat Cline

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

1. Public Comment (7:01)

Mitchell Treadwell of 6th Street in Traverse City commented on Chick-fil-A and stated that the site plan that was approved lacks stacking and parking capacity. He encourages the Planning Commissioners to demand that Chick-fil-A obtain more parking.

2. Review and Approval of the Agenda – Conflict of Interest (7:03)

Agostinelli moved and McManus seconded to approve the agenda as amended

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

Nays: None

4. Minutes (7:04)

a. May 25, 2022 Regular Meeting

Fudge moved and Robertson seconded to approve the May 25, 2022 Regular Meeting minutes as presented.

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

Nays: None

4. Correspondence (7:05)

- * An email from Amy Hartzog of TART Trails regarding the Meijer site plan
- * A letter from Rob Larrea of Community Planning and Land Use Consultants regarding Chick-fil-A
- * Site plan for hotel to be located behind Chick-fil-A
- * Copy of the draft Master Plan community survey questionnaire

* A draft of the transitional housing ordinance that the Township Board will be discussing

5. Reports (7:06)

Township Board Report

Agostinelli asked commissioners to email her any comments on the transitional housing ordinance so she can be prepared for the Township Board meeting.

Planning Commissioners

No reports

Staff Report

No report

6. Unfinished Business

a. PD 2022-47 – Life Story Crematorium – Conditional Rezoning – Findings of Fact (7:08)

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 described in Section 422 of the Zoning Ordinance. The Master Plan shows the subject site with a future land use designation of Agricultural/Rural. The site is currently zoned C-G General Commercial and the request is to conditionally zone the parcel as I-G General Industrial. 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). 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 conditions as proposed in this application would apply to only the Life Story parcel, and would limit the use of this site to a crematorium and mortuary/funeral home.

Hannon said that a public hearing was held last month. He performed some follow up on the mercury issue and there are mercury emissions but EGLE said it was below the level of concern. Hannon said that when the crematorium is built, the Commission can review an application for a Special Use. Commissioners reviewed the draft findings of fact and asked questions.

Robertson moved and DeGood seconded THAT the Findings of Fact for application Z-2022-01, as presented in Planning Department Report 2022-47 and being made a part of this motion, BE ADOPTED.

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

Robertson moved and DeGood Seconded MOTION TO RECOMMEND TO the Township Board THAT application Z-2022-01 BE APPROVED.

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

b. PD 2022-48 – Wendy’s Sign Application for Cherryland Canter – Update (7:14)

Wendy’s drive-through restaurant is located at 1686 South Garfield Avenue in the Cherryland Center which is in the C-P Planned Shopping Center district. Wendy’s made an application for a freestanding sign. Mike Green, Zoning Administrator, who conducts sign permit application reviews, referred the application to the Planning Commission pursuant to Section 630.R.5. of the Zoning Ordinance. At the Planning Commission meeting on April 13, 2022, there was question about whether Wendy’s is permitted a freestanding sign. The Planning Commission was interested in having a legal review conducted on the sign application and tabled the application. The applicant submitted an escrow application for legal review. A legal review was conducted by Scott Howard, Township Attorney. He recommends denial of the application since freestanding signs for individual businesses in the Cherryland Center shopping development are not permitted under the Zoning Ordinance.

Agostinelli moved and Fudge seconded THAT application SPR-2022-04, submitted by Bradley A. Fowler for a Sign Permit for Wendy’s restaurant at Parcel 05-014-049-30, BE DENIED as freestanding signs for individual businesses in the Cherryland Center shopping center development are not permitted as supported by the Township Attorney opinion memorandum dated May 25, 2022, and PD Report 2022-34 dated April 6, 2022.

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

7. New Business

a. PD 2022-49- Meijer PUD – Minor Amendment (7:18)

The Meijer Planned Unit Development (PUD) is located at 3955 North U.S. 31 South, between Franke and Silver Lake Roads. Meijer covers a total of 44.97 acres with 29.45 acres in Garfield Township and 15.52 acres

in Traverse City. The PUD was granted approval in 1997. Since 1997, three amendments have been approved. The Meijer store building is 255,007 square feet with a detached 2,127 square foot gas station building for a total of 257,134 square feet. Meijer is proposing changes which would remodel the entire interior, update building facades, expand and reconfigure the pharmacy drive-through, repave the parking lot, and make new stormwater improvements. Staff has reviewed the application and determined that a lighting plan was still outstanding and signage would be reviewed separately by the Township Zoning Administrator. Staff also determined that additional reviews may be needed from the Township Engineer, Metro Fire and Grand Traverse County Soil Erosion. Most landscaping will remain and some new landscaping will be added. A letter from TART explains that they are looking for a possible trail connection to the west side near Franke Road. Matt Levin, a real estate manager from Meijer, stated that they have worked with the Garfield Planning Department to bring this application forth and made himself available to answer any questions. Commissioners asked questions regarding the pharmacy drive through. Steve Douglas, a project manager from Paradigm Design, answered some questions regarding the pharmacy drive through and how the site plan was designed to work around the new stormwater design. Levin stated that Meijer is working with MDOT on a bike path.

DeGood moved and Agostinelli seconded THAT Findings of Fact for application PUD-1997-01-F, included in PD Report 2022-64 and forming part of this motion, BE APPROVED.

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

DeGood moved and Agostinelli seconded THAT application PUD-1997-01-F, submitted by Meijer to completely remodel the store interior, update building façades, reconfigure and expand the pharmacy drive-through, and install new stormwater improvements, including a water infiltration system, for the Meijer PUD on parcel 05-016-009-00, BE APPROVED with the following conditions:

- 1. Location and details of the proposed traffic blocks need to be provided.*
- 2. Alternate bike racks need to be provided in accordance with Section 522.C of the Zoning Ordinance.*
- 3. Subject to the 1997 condition of approval, Section 618 of the Zoning Ordinance, and understanding that appropriate study and design are needed to occur prior to any improvement or traffic reconfiguration, the following requirements apply to the signaled driveway entrance on US-31:
 - a. Study and design of the subject intersection be completed by the applicant by January 1, 2023 in conjunction with MDOT. Following that date, a presentation by the applicant of the study and design shall be provided to the Township Planning Commission for review and approval.**

b. Furthermore, any required improvements as determined by the study and design of the subject intersection and as approved by the Township Planning Commission shall be constructed and completed by January 1, 2025.

4. The site plan shall state that "All landscaping on the site, new or existing, shall be maintained in good condition and no additional landscaping shall be removed."

5. Staff review and approval of any lighting changes in accordance with Section 517 of the Zoning Ordinance.

6. The site plan shall state that "Proposed signs are subject to sign permit review and permitting."

7. Credentials from the engineer are needed as required by Section 730 of the Zoning Ordinance.

8. 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.

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

Nays: None

b. PD 2022-50 – 3566 North US 31 – Site Plan Review (7:56)

The site is on US 31 near the intersection with Franke Road, just south of the proposed urgent care center approved by the Planning Commission in 2021. The site was formerly a part of the Bill Marsh automobile dealership. The proposed development is for a multi-tenant building with spaces for a drive-through restaurant, retail store, and restaurant. All these are uses permitted by right within the C-H district. The parcel is approximately 2 acres. Hannon talked about the application and raised questions regarding fencing of the dumpster, vehicle queuing, the flow of traffic on the site and a crosswalk. The applicant addressed questions and said most of the traffic will come off of US 31. Hannon added that any drive through requirements in the Zoning Ordinance need to be met no matter who the occupant is. Hannon stated that Section 730 of the Zoning Ordinance addressing service drive requirements would be enforceable for this site. Commissioners mentioned some sort of speed bump design for the crosswalk. The applicant has a tree preservation schedule and the Planning Commission may want to consider a waiver for the south and of the property with the existing trees already planted. Kids Creek runs through this site and according to the Section 535.C of the zoning ordinance, a vegetated buffer strip shall parallel and extend 35 feet inland from all points along the water mark of a lake-stream shoreline or normal stream bank which shall consist of native plantings. The buffer is indicated on the landscaping plan. The applicant stated that they could comply with all other requirements set forth by the planning staff.

McManus moved and Robertson seconded THAT application SPR-2022-05, submitted by Garfield Retail Management LLC, for a multi-tenant building including restaurant with drive-through, retail space, and restaurant on parcel 05-016-016-65, BE APPROVED, subject to the following conditions:

- 1. As per the requirements of Section 730, if the queuing of vehicles interferes with the free flow of traffic on the public roadway or service drive, then the Special Use Permit holder is subject to enforcement such as fines, injunctive relief and/or revocation of the Special Use Permit.*
- 2. A cross-access easement to the adjacent site to the south shall be recorded subject to review by the Township.*
- 3. The crosswalk shall incorporate signs and pavement markings and other engineering devices to avoid conflicts with drive-through traffic.*
- 4. Any landscaping plan deficiencies shall be addressed including a narrow width for the north buffer, no evergreen trees on the west buffer, and deficiencies in the number of medium and small trees for the north buffer. Planning Commission grants a waiver for tree requirements on south buffer given the preservation of existing trees*
- 5. Any discrepancies regarding number of parking spaces provided should be corrected.*
- 6. The applicant shall ensure snow storage will not damage any on-site landscaping.*
- 7. The applicant shall provide information demonstrating that the site is suitable for a drive-in or drive-through establishment, with regard to traffic safety, by a registered engineer with an educational specialization in traffic engineering.*
- 8. All agency reviews, including stormwater and utility review by the Township Engineer, shall be received, and deemed compliant prior to issuing a Land Use Permit or Building Permit.*

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

c. PD 2022-51 – Hammond Road Apartments R-3 Rezoning – Introduction (8:45)

This application requests the rezoning of land at the northwest of the intersection of Garfield and Hammond Roads, totaling 23.86 acres, from its current zoning of A-Agricultural to the R-3 Multi-Family Residential zoning district via the zoning Map Amendment process, without restriction. The land is further described as the remainder of 05-023-042-01. Previously portions of 05-023-042-01 were approved as a Planned Unit Development (PUD) for the BATA/Traverse City Housing Commission Transit-Oriented Mixed-Use Development. The Master Plan indicates that the subject parcel is designated “High Density Residential” on the future land use map. The most compatible zoning district for the “High Density

Residential” designation is the R-3 Multi-Family Residential zoning district. Commissioners discussed the application and asked questions.

Agostinelli moved and Fudge seconded THAT application Z-2022-02 BE SCHEDULED for public hearing for the July 13, 2022 Planning Commission Regular Meeting.

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

8. Public Comment (8:50)

None

9. Other Business:

a. Chick-fil-A SUP – Update (8:51)

Sych stated that a letter was received from Rob Larrea of Community Planning and Land Use Consultants representing Chick-fil-A. Commissioners were given time to read the letter. Sych explained the two site condo units on the property where Chick-fil-A is located. Larrea stated in his letter that an agreement is in place for shared parking serving both sites and Chick-fil-A was always intending to have the shared parking. The rest of property is in the approval process for a use-by-right hotel and the parking issue should then be rectified. Staff will continue to monitor the site and it will be revisited in the fall. Staff feels that Chick-fil-A is working towards a resolution. Larrea stated that the temporary parking is only used for temporary employees and trainers and at this time, there are very few spaces being used. He added that the current site exceeds the parking standards in the Zoning Ordinance. Commissioners shared concerns with marking or signing the pedestrian walkway and queuing issues in the service drive when a hotel is built.

b. Brookside Commons PUD – Use Discussion (9:16)

Staff asked that commissioners discuss possible new commercial uses for the undeveloped commercial areas of the Brookside Commons PUD. A list of approved uses was included in commissioner packets. Developer is asking for residential above commercial. Such a use and any other added would need a major amendment. Uses on the list could be done administratively. Rob Larrea, of Community Planning and Land Use Consultants representing the owner of Brookside Commons, stated that he drafted the list of uses and explained the intent was to allow residential as an accessory use on top of commercial. Drive-thru pharmacies were discussed as was a neighborhood commercial “feel” to the PUD.

c. PD 2022-52 – Master Plan Survey – Recommendation to Township Board (9:38)

Staff has stated that they have incorporated the changes suggested by commissioners last month.

Fudge moved and Robertson seconded THAT the draft questionnaire be FORWARDED to the Township Board for its review and approval.


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

10. Items for Next Agenda – June 8, 2022 (9:41)

- a. Master Plan Update – Existing Land Use Analysis
- b. Master Plan Update – Potential Focus Areas/Corridors
- c. Zoning Ordinance Amendments - Update

11. Adjournment

Fudge moved to adjourn the meeting at 9:44pm.



Joe Robertson, Secretary
Garfield Township Planning
Commission
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