

**CHARTER TOWNSHIP OF GARFIELD  
PLANNING COMMISSION MEETING**

**Wednesday, October 24, 2018 @ 7:00pm**  
**Garfield Township Hall**  
**3848 Veterans Drive**  
**Traverse City, MI 49684**  
**Ph: (231) 941-1620**

**A G E N D A**

**Call Meeting to Order**

**Roll Call of Commission Members**

1. **Review and Approval of the Agenda - Conflict of Interest**
2. **Minutes**  
October 10, 2018
3. **Correspondence**
4. **Reports**
  - a. Township Board
  - b. Planning Commissioners
5. **Business to Come Before the Commission**
  - a. PD 2018-106 3717 W South Airport Road Rezoning – Findings of Fact
  - b. PD 2018-107 Revised Access Management Amendment – Introduction
6. **Public Comment**
7. **Items for Next Agenda – November 14, 2018**  
To be determined
8. **Adjournment**

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

Garfield Township 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 Garfield Township. Individuals with disabilities requiring auxiliary aids or services should contact Garfield Township by writing or calling Lanie McManus, Clerk, (231) 941-1620, or TDD 922

**CHARTER TOWNSHIP OF GARFIELD  
PLANNING COMMISSION MEETING  
October 10, 2018**

**Call Meeting to Order:** Chair Racine called the meeting to order at 7:00pm at the Garfield Township Hall, 3848 Veterans Drive, Traverse City, MI 49684.

**Roll Call of Commission Members:**

Present: Joe McManus, Gil Uithol, Steve Duell, Joe Robertson, Pat Cline, Chris DeGood, and John Racine

Staff Present: Rob Larrea, Erik Perdonik

**1. Review and Approval of the Agenda – Conflict of Interest (7:01)**

*Duell moved and Uithol seconded to approve the agenda as presented.*

*Yeas: Duell, Uithol, Robertson, Cline, DeGood, McManus, Racine  
Nays: None*

**2. Minutes (7:01)**

**a. September 12, 2018**

*Cline moved and Uithol seconded to adopt the minutes of September 12, 2018 as presented.*

*Yeas: Cline, Uithol, DeGood, McManus, Robertson, Duell, Racine  
Nays: None*

**3. Correspondence (7:01)**

Email regarding a childcare center on Silver Lake Road

**4. Reports (7:02)**

**Township Board Report**

Duell reported that the Board extended the Tax Abatement for RJG for another ten years. Some Township appointments are coming up for renewal and applications need to be submitted by October 30<sup>th</sup>. Bids will be sought for improvements at the Silver Lake Recreation Area and Duell brought up the noise ordinance as it related to car washes to the Board's attention.

**Planning Commissioners**

DeGood said that the Parks Commission looked at four parcels that would be good for future parkland acquisitions.

**Planner Report**

Larrea announced that this would be his last Planning Commission meeting with the Township. He is taking a Village Manager position at the Village of Suttons Bay. Erik Perdonik has been named as interim Planning Director.

**5. Business to Come Before the Commission**

**a. PD 2018-103 Grand Traverse Oral Surgery Special Use Permit – Public Hearing (7:12)**

The application requests approval of a Special Use Permit for a 15,000 square foot dental clinic with a covered pick up and drop off area and an 85 space paved parking lot. A 46'x 100' future expansion is also proposed for the south end of the building. Office uses are permitted in this area via a Special Use Permit in the I-G district. Bill Crain, of Crain Engineering, presented the project on behalf of the developer. He indicated that the Commissioner's concerns have all been addressed. The access to Hammond Road has been eliminated and interconnection will be provided. The dumpster has been relocated and all landscaping requirements will be met. Owners are in the process of submitting a lot line adjustment to eliminate the encroachment on the west side and a land division will also be submitted shortly. The Special Use Permit is only being requested for the NE corner of the property and there will be a sidewalk installed along Hammond Road. Chair Racine opened the Public Hearing at 7:14 p.m. and seeing no one wishing to speak, closed the Public Hearing.

Commissioners asked questions and discussed the proposal.

*DeGood moved and Uithol supported to direct staff to prepare Findings of Fact for application SUP-2018-05, submitted by Grand Traverse Oral Surgery, for a Special Use Permit for a dental clinic at 1807 N. Garfield Road, subject to the following additional information being provided by the applicant.*

- 1) *An updated site plan demonstrating compliance with Section 522 of the Garfield Township Zoning Ordinance, which includes a paved path connecting the proposed bike path along Hammond Road to the internal circulation network of the site.*
- 2) *Application and evidence of a proposed land division on the property.*

*Yeas: DeGood, Uithol, Robertson, Cline, McManus, Duell, Racine*

*Nays: None*

**b. PD 2018-104 3717 W. South Airport Road Rezoning – Continued Discussion (7:22)**

The request is to rezone approximately 3.14 acres of land from the A-Agricultural District to the R-3 Multi-Family Residential District. The public hearing has already taken place on the matter, but because of a zoning violation, the request could not be moved forward. Larrea said that the violation has been remedied and the application can proceed.

Commissioners discussed the matter and saw no issues with the request.

*Robertson moved and Duell seconded to direct Staff to prepare Findings of Fact for application Z-2018-01, to rezone parcel 05-021-048-00 from the A- Agricultural District to the R3 – Multi-Family Residential District, for consideration at the November 14, 2018 Regular Meeting of the Planning Commission.*

*Yeas: Robertson, Duell, Cline, Uithol, McManus, DeGood, Racine  
Nays: None*

**6. Public Comment (7:31)**

Pastor Carey Waldie of Living Hope Church requested a text amendment for setbacks for institutional uses for churches. He presented a packet and reviewed it with the Commission. Staff said that he would need to fill out an application for a text amendment and provide justification for such amendment.

Jimmy Stanton commented on institutional uses and churches in particular.

**7. Items For Next Agenda – October 24, 2018 (7:48)**

To be determined


Larrea talked about access management revisions and Planning Commissioners are still interested in reviewing a revised document.

**8. Adjournment**

*Uithol moved and Duell seconded to adjourn the meeting at 7:53pm.*

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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. 2018-106</b>			
Prepared:	October 16, 2018	Pages:	Page 1 of 7
Meeting:	October 24, 2018 Planning Commission	Attachments:	<input type="checkbox"/>
Subject:	3717 W South Airport Rd Rezoning (Map Amendment)-Findings of Fact		
File No.	Z-2018-01	Parcel No.	05-340-026-10
Applicant/Owner:	Dennis Banton/Arlene F. Banton, Trustee of the Arlene F. Banton Living Trust UAD 8-28-1994		
Agent:	None		

**PURPOSE OF APPLICATION:**

The request is to rezone approximately 3.14 acres of land from the A - Agricultural District to the R-3 Multi-Family Residential District, without restriction.

**SUBJECT PROPERTY:**

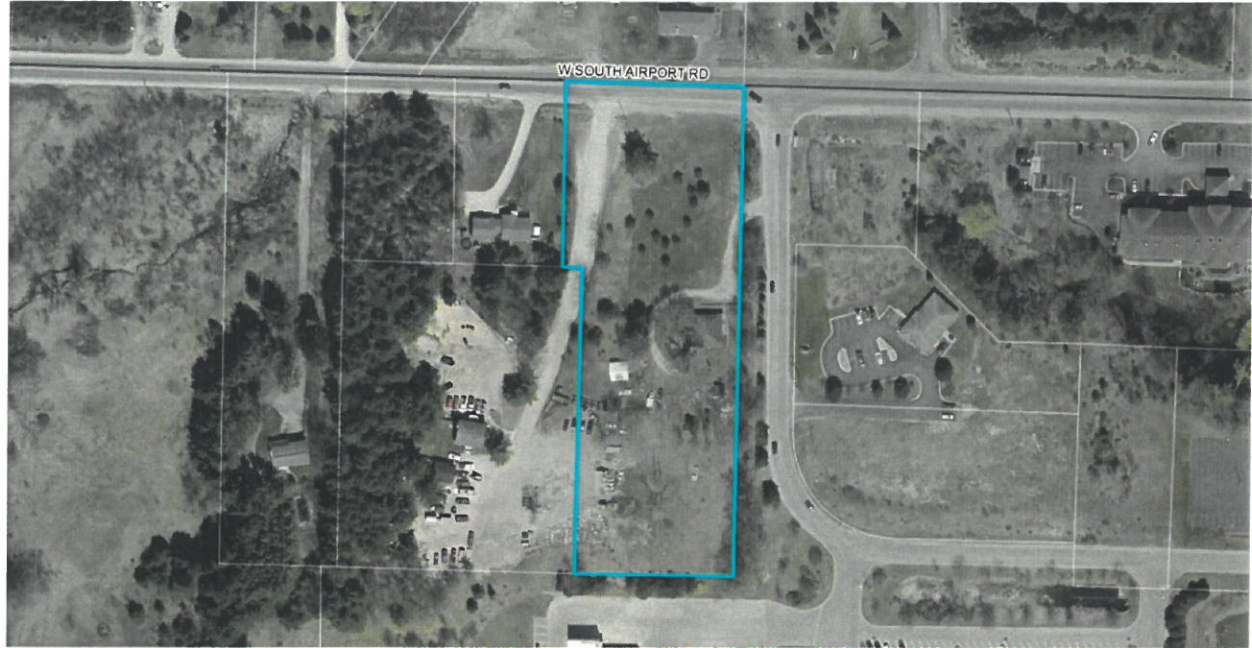
The application affects a single parcel at 3717 West South Airport Road (*see image below*). A single-family dwelling, a pole barn, a gravel drive, and two (2) water wells are located on the property. The property is bordered by one (1) dwelling and an illegal landscaping business to the west (enforcement action is in progress), West South Airport Road to the north, a service drive providing access to the Sam's Club parking lot to the east, and Sam's Club to the south.

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





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



**USES OF SURROUNDING PROPERTIES:**

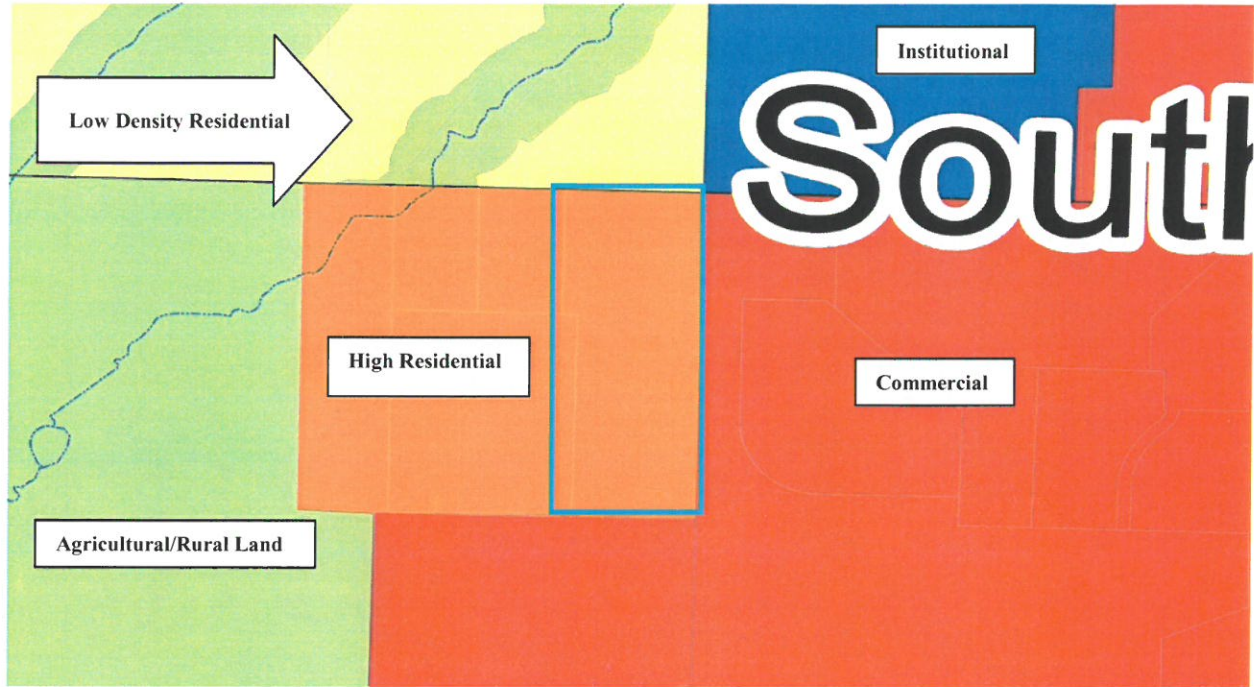
The subject property is abutted by low-density residential uses and commercial uses (within an A – Agricultural District) to the west; low-density residential uses to the north (A); commercial uses to the east (within an A – Agricultural District); and commercial uses to the south (C-H).

**MASTER PLAN CONSIDERATIONS:**

A primary factor in considering any rezoning request is the relationship between the application and the Master Plan. In this case, the Master Plan targets the site for “High Density Residential (6-10)” which, according to the Zoning Plan, is most compatible with the R-3 District. Therefore, the rezoning request is consistent with the Master Plan.

**MASTER PLAN:**

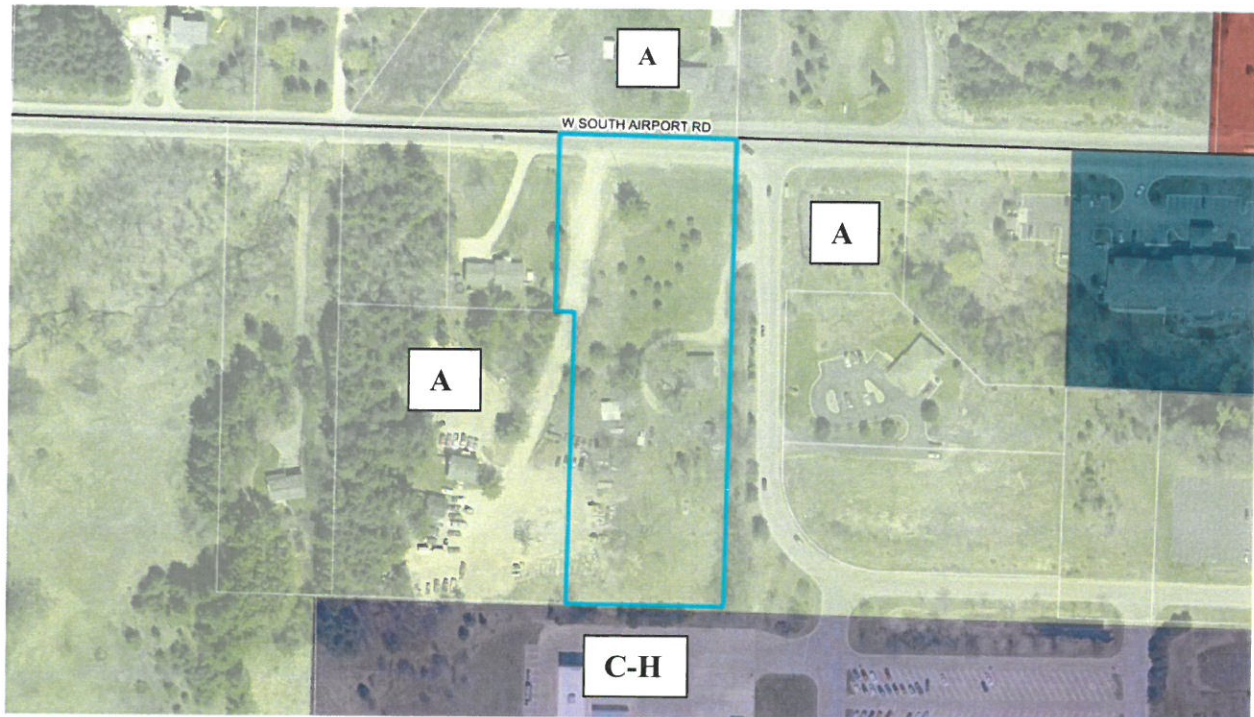
The Master Plan identifies this area (dark orange) as High Density Residential (6-10 units per acre):





**CURRENT AND SURROUNDING ZONING:**

The property is currently zoned A - Agricultural as identified in light green below and adjoins A - Agricultural and C-H Highway Commercial Districts.



**STAFF COMMENT:**

At the March 13, 2018 and April 11, 2018 Planning Commission Regular Meetings, Commissioners were generally supportive of the request and suggested that the rezoning might provide a good transition or “buffer” between the commercial uses to the east and the low-density residential uses to the west. However, the small size of the parcel was discussed as a potential concern and Commissioners suggested that additional land area might be added to the request.

At the April 11, 2018 Planning Commission Regular Meeting, Commissioners held a public hearing on the application and directed Staff to draft Findings of Fact for consideration at the May 9, 2018 Planning Commission Regular Meeting. Those Findings were drafted; however, just prior to the May 9<sup>th</sup> meeting, it was found that the subject parcel was in violation of the Ordinance and therefore that the request could not proceed until the violation was addressed (*see* Section 401 of the Ordinance).

In September 2018, the applicant returned to ask to be placed on the agenda once again for the rezoning request, and it was found by the Zoning Administrator that all violations have been addressed. The application was placed on the agenda for the October 10, 2018 Planning Commission Regular Meeting for continued discussion.

At the October 10<sup>th</sup> meeting, Commissioners once again discussed the small size of the parcel and found that the applicant was unable to persuade neighboring owners to join the request to provide additional land area. Nonetheless, as the size of the tract is just one factor to consider among seven factors to be weighed in relation to one another for a Map Amendment, and the request is supported by the Master Plan, Commissioners passed a motion to direct Staff to draft Findings of Fact. New draft Findings are necessary in light of the adoption of the new Master Plan since the last draft; they are provided below for your consideration.



**FINDINGS OF FACT:**

**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.

**1. Master Plan Consistency**

Rezoning should be consistent with the intent and purpose of the adopted master plan.

*The Planning Commission may consider this standard to be MET based on the following reasons:*

- In this case, the Master Plan targets the site for “High Density Residential (6-10)” which, according to the Zoning Plan, is most compatible with the R-3 District (6-9). Therefore, the rezoning request is consistent with the Master Plan.
- The “High Density Residential (6-10)” Master Plan designation is compatible with the 6-9 units per acre called for in the R-3 Multi-Family District, as R-3 is the highest density zoning district and “High Density Residential” is the highest density future land use classification.
- The rezoning encourages high density residential in a highly developed corridor with existing infrastructure, services, and amenities nearby rather than at the less developed fringes of the Township, which is consistent with the intent of the Master Plan to limit outward growth.

**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.

*The Planning Commission may consider this standard to be MET based on the following reasons:*

- Neighboring land uses consist of relatively impactful commercial uses despite the low density zoning (e.g., the landscaping business to the west)—in this light, foreseeable adverse impacts on neighboring lands appear unlikely.
- The rezoning creates a transition between the potentially more impactful commercial development to the east and less impactful low-density residential to the west.

### 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.

*The Planning Commission may consider this standard to be MET based on the following reasons:*

- The current single-family home and accessory structures on the property are in a state of disrepair. The possibility of another single-family home being built or the property being used agriculturally is remote considering the surrounding land use trend.
- The rezoning furthers the goals and objectives of the Master Plan in making the zoning district consistent with the future land use category.

### 4. Changed Conditions

The Township shall consider whether any conditions have changed, since the zoning ordinance was adopted, that might justify the amendment.

*The Planning Commission may consider this standard to be MET based on the following reasons:*

- The residential land use pattern along/in close proximity to the South Airport corridor continues to transition into multi-family uses to support demand for rental housing.
- Other properties along South Airport Road have recently been rezoned to the R-3 Multi-Family District in recognition of the need for additional rental housing in the area, and that proximity to South Airport furthers the goals and objectives of the Master Plan in terms of utilizing existing infrastructure and close proximity to many regional amenities.

### 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 may be justified, however, if a substantial public need or purpose exists.

*The Planning Commission may consider this standard to be MET based on the following reasons:*

- There continues to be an obvious and substantial public need for rental units in the area.
- No historic or culturally significant places or areas exist on the subject property.

### 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.

*The Planning Commission may consider this standard to be MET based on the following reasons:*

- There continues to be an obvious and substantial public need for rental units in the area.

**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.

*The Planning Commission may consider this standard to be MET based on the following reasons:*

- The applicant proposes to rezone a single approximately 3.14-acre parcel, which is relatively small for supporting multi-family uses. Some of the indicators of a potential spot zoning appear to be present in this case, such the request being made by one landowner for one parcel. However, the rezoning is consistent with the Master Plan and surrounding uses, the parcel is unsuitable for agriculture despite being zoned for such, and substantial changes have occurred and continue to occur in the immediate area—all factors which justify the rezoning despite the small parcel size.

**ACTION REQUESTED:**


If the Planning Commission is satisfied with the information within this report and as presented by the applicant, the following two separate motions are offered for consideration; the first is to adopt the Findings of Fact, and the second is to recommend approval of the project to the Township Board:

MOTION THAT the Findings of Fact for application Z-2018-01, as presented in Planning Department Report 2018-106 and being made a part of this motion, BE ADOPTED.

MOTION TO recommend to the Garfield Township Board of Trustees that application Z-2018-01 BE APPROVED.

Any additional information that the Planning Commission determines to be necessary should be discussed. If the Planning Commission is not satisfied with the level of information provided to date, the above motion would be premature and should not be adopted.



 <b>Charter Township of Garfield</b> <b>Planning Department Report No. PD 2018-107</b>		
Prepared:	October 15, 2018	Pages: 1 of 2
Meeting:	October 10, 2018 Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	Proposed Amendment to Sec. 512 – Service Drives-Introduction	

**BACKGROUND:**

After discussing several drafts over the course of several Work Sessions, at their September 26, 2018 Work Session, the Planning Commission held a public hearing and unanimously recommended to the Township Board that the Zoning Ordinance be amended to replace the existing Section 512 – Service Drives with a new Section 512 – Access Management and Restrictions.

However, just prior to taking the recommended amendment for introduction to the Township Board, Staff noticed a couple of areas in the amendment that might have the potential to be exploited and made revisions accordingly.

**STAFF COMMENT:**

The revisions are significant enough that a public hearing will have to be held on this revised version prior to taking it to the Township Board for introduction. The revisions can be briefly explained as follows (*see also the attached draft of the revised amendment with the changes indicated in red*):

- **Qualifying Standards:** In Subsection 3(a), the four (4) standards, i.-iv., are new additions intended to provide more objective guidance as to when the approval of additional access is warranted. In order to qualify for additional access, each of the four criteria must either be met or be found to be inapplicable. This protects the Township legally by providing an evidentiary basis and findings of fact for decisions regarding access, while also making it more difficult for an applicant to circumvent the intent of the Ordinance. In particular, the first criterion, that the request is not a result of a self-created issue by current or previous ownership, appears to go a long way in weeding out requests that are illegitimate.
- **Relief and Flexibility:** In general, the intent of this amendment is to provide effective but flexible access management regulations. Subsection 4 was in the previous draft and allows considerably more flexibility than the Section currently on the books. However, to be considered for relief from spacing requirements, the qualifying standards of Subsection 3 must also now be met in addition to the standards for relief. This should help to ensure that a true hardship exists.
- **Existing Projects:** Subsection 8 was added recognizing that there are several projects within the Township that have been approved via Special Use Permit (SUP), Planned Unit Development (PUD), and condominium, among other means, which were required to limit their access or eliminate access points as a condition of the approval. Staff is of the opinion that it is important to recognize previously approved access limitations to avoid inadvertently creating a conflict, among other reasons.

**ACTION REQUESTED:**

The purpose of this item being on tonight's agenda is to introduce the revised amendment for discussion and potentially schedule it for a public hearing. If, following discussion, the Planning Commission is prepared to schedule the amendment for a public hearing, the following motion is suggested:

MOTION THAT the proposed amendment to Section 512 – Service Drives in the Zoning Ordinance, as attached to PD Report 2018-107, BE SCHEDULED for a public hearing to be held at the November 14, 2018 Regular Meeting of the Planning Commission.

\*\*\*Please keep in mind that there will be no Work Sessions in November or December.

**Attachments:**

1. Draft of Section 512 — Access Management and Restrictions with changes since 9-26-18 indicated

## SECTION 512

## ACCESS MANAGEMENT and RESTRICTIONS

The intent of this Section is to provide safe and efficient travel along public roadways within Garfield Township. Due to the rapid and continuous growth of our community, the implementation of access management standards ~~are required~~ is necessary for undeveloped lands and the redevelopment of lands. These roadways tend to serve higher volumes of regional traffic and require increased access control measures to preserve their traffic functionality and safety. ~~There is no inherent right to receiving access or additional access to a parcel or parcels.~~

### 1. Reviewing Authority

- a. The Planning Commission shall be the reviewing authority regarding access for the development of property and shall have the authority to require a reduction in current or proposed road access locations and/or require shared access to one (1) or more parcels.
- b. The Zoning Administrator shall review driveways to newly created single-family lots ~~fronting on with frontage on a County Road.~~

### 2. Access Control Measures

All land located within a single property tax code and fronting on a state highway or county road shall be entitled to one (1) driveway or road access per existing parcel. Parcels when subsequently subdivided for the purpose of development, either as metes and bounds described parcels, platted subdivision, condominium developments, and/or projects subject to Sections 422-429 of this Ordinance shall be accessed by public or private roads, service drives, or other approved means of shared access that limits access to public roadways.

### 3. Qualifying Standards for Additional Access

- a. Access to land fronting a County Road may be permitted to exceed one (1) driveway or road access per existing parcel ~~provided that the property has a minimum of 300 feet of continuous road frontage, and each driveway is located in such a manner that there is 300 feet of separation between each road access, measured from centerline to centerline of each access point.~~ provided that each of the following standards can be met:
  - i. The request is not a result of a self-created issue by current or previous ownership.
  - ii. The request is not contrary to a previously approved plan or project that limited access to the parcel.
  - iii. Cross-access easements are provided to adjacent properties and all parcels are interconnected to achieve the intent of this Section.
  - iv. Each additional access is located in such a manner that there is a minimum of 300 feet of separation measured from centerline to centerline of current and proposed road access.
- b. Access to land located along Hartman and Hammond Roads may be permitted



to exceed one (1) driveway or road access per existing parcel provided that there is a minimum of 400 feet of separation ~~between each road access~~, measured from centerline to centerline of ~~each access point~~ current and proposed road access, and provided further that the standards in Section 3a i, ii, and iii above can be met.

- c. All lands fronting on US-31 may be permitted to exceed one (1) driveway or road access per existing parcel provided that there is a minimum of 600 feet of separation between each road access measured from centerline to centerline of ~~each access point~~ current and proposed road access, and provided further that the standards in Section 3a i, ii, and iii above can be met.

#### 4. Relief and Flexibility

- a. The Planning Commission may allow relief from the separation standard stated in Section 3 above provided that the applicant can meet the ~~following standards~~ **Qualifying Standards of Section 3**, and further provided that the each of the following standards can be met:
  - i. The Applicant has demonstrated that the access separation required under this Section is not feasible due to a public safety concern OR additional access in strict compliance with the access separation ~~distances~~ **required under this Section** will be detrimental to natural features such as streams, wetlands, steep slopes, or other natural features.
  - ii. The separation distance is the ~~least amount~~ minimum possible to satisfy the separation intent of ~~the this s~~Section.
  - iii. The additional access is located the minimum distance from proposed and existing road access.
  - iv. The request is not a means of circumventing the intent of this Section or the Ordinance.
- b. The Zoning Administrator may allow relief from the separation standard stated in Section 3 above provided that the applicant can meet each of the following standards:
  - i. The creation of the lot is for the purpose of one (1) single-family residence.
  - ii. The access to the parcel is permitted by the **Grand Traverse County Road Commission (GTCRC)** and meets all required County standards.
  - iii. The request is not a means of circumventing the intent of this Section or the Ordinance.

#### 5. Service Drive Design Standards

When applicable, the applicant shall submit an engineered plan for the review of a service drive by the Township ~~e~~Engineer for compliance with ~~the e~~construction standards, storm water and traffic analysis, if needed engineering, construction, stormwater, and/or traffic standards, if necessary.

- a. At the minimum, service drives shall be constructed at a width of twenty (20) feet and shall be constructed in accordance with the Design Guidelines – AASHTO Interim Structural Pavement Design Procedure Adopted for All Season County Roads, as amended.
  - b. At **the** minimum, **a** 15-foot snow storage and landscaping area on either side of the service drive or **the** equivalent shall be provided.
  - c. The access drive shall be constructed of a hard surface such as asphalt, concrete, permeable pavement or pavers, or similar materials approved by the Township, but not including gravel.
  - d. Adequate stacking and maneuvering shall be provided to avoid unnecessary vehicular stacking hazards.
  - e. The approval document and engineered plan shall be recorded in accordance with Section 425.H **of the Ordinance**.
  - f. Construction of the service drive shall be required prior to the issuance of a Certificate of Occupancy for a permitted use.
6. Maintenance
- a. A joint maintenance agreement addressing the standards of Section 521.F(3) - Private Street Maintenance Agreement shall be entered into and recorded with any Service Drive at the Grand Traverse County Register of Deeds.
  - b. Joint **maintenance** agreements shall be recorded as a general deed restriction and shall bind the owners, including their successors and assigns, of all lots, parcels, or condominium units with access to the service drive.
7. Limited Use
- a. In order to avoid undue interference with the shared use of any Service Drive, uses such as storage, display, loading or unloading, or similar actions that interfere with the use of a Service Drive are prohibited.
  - b. Any access, including construction access, shall be in accordance with the approved plan.

## 8. Existing Projects

Projects previously approved either as platted subdivision, condominium development, and/or projects subject to Sections 422-429 of this Ordinance shall follow the Major Amendment procedure to request additional access to applicable roadways. No inherent right exists to receive additional access to a parcel regardless of meeting the separation distance.