

**CHARTER TOWNSHIP OF GARFIELD  
PLANNING COMMISSION MEETING**

**Wednesday, December 12, 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 24, 2018
3. **Correspondence**
4. **Reports**
  - a. Township Board
  - b. Planning Commissioners
5. **Business to Come Before the Commission**
  - a. PD 2018-115 Grand Traverse Oral Surgery SUP-Finding of Fact
  - b. PD 2018-116 Miller Creek Drive Crematorium-Conceptual Review
  - c. PD 2018-117 Hobby Lobby Wall Sign-Public Hearing
  - d. PD 2018-118 Living Hope Church Text Amendment-Introduction
  - e. PD 2018-119 Draft Access Management Amendment Revised-Public Hearing
  - f. 2019 Proposed Meeting Dates
6. **Public Comment**
7. **Items for Next Agenda – January 9, 2019**  
To be determined
8. **Adjournment**

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

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CHARTER TOWNSHIP OF GARFIELD  
PLANNING COMMISSION MEETING  
October 24, 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: Gil Uithol, Steve Duell, Joe Robertson, Pat Cline, Chris DeGood, and John Racine

Absent and Excused: Joe McManus

Staff Present: Erik Perdonik

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

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

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

*Nays: None*

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

a. **October 10, 2018**

*Duell moved and Cline seconded to adopt the minutes of October 10, 2018 as presented.*

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

*Nays: None*

3. **Correspondence (7:02)**

None

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

**Township Board Report**

Duell reported that the Township Board granted a utility easement on Cedar Run Road and discussed the noise study for car washes. The Board would like the Planning Commission to look into the cost and define the parameters of a noise study, once the new Planning Director is hired. The Board also approved the purchase of an easement for the Tart Trail.

**Planning Commissioners**

None

**Planner Report**

None

**5. Business to Come Before the Commission****a. PD 2018-106 3717 W. South Airport Road Rezoning – Findings of Fact (7:07)**

The application rezones a single parcel at 3717 West South Airport Road from A- Agricultural District to the R-3 Multi-Family Residential District, without restriction. At the October 10, 2018 meeting, Commissioners directed Staff to draft Findings of Fact in favor of the application. Commissioners had no issues with the findings as presented.

*Uithol moved 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. Robertson seconded the motion.*

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

*Uithol moved and Robertson seconded to recommend to the Garfield Township Board of Trustees that application Z-2018-01 BE APPROVED.*

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

**b. PD 2018-107 Revised Access Management Amendment – Introduction (7:09)**

Staff made significant revisions to the proposed Section 512 Access Management in the Zoning Ordinance. The changes will warrant a second public hearing. Perdonik said that there were some loopholes in the previous draft so some language was added to address qualifying standards, relief and flexibility and existing projects. Commissioners discussed the new draft and appreciated the clarity it brought to the subject. Discussion regarding adding language in Section 4(b) (i) regarding an access for agricultural use was taken up by Commissioners. Commissioners decided to send it to a Public Hearing in December and in the meantime, Staff could seek out complete definitions of “agricultural uses” as they would pertain to the proposed ordinance.

*DeGood moved and Robertson supported 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 December 12, 2018 Regular Meeting of the Planning Commission.*

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

6. **Public Comment (7:44)**

None

7. **Items For Next Agenda – November 14, 2018 (7:48)**

Commissioners discussed the proposed meeting and decided to cancel the November 14, 2018 Planning Commission meeting for lack of agenda items.


8. **Adjournment**

*Uithol moved and Robertson seconded to adjourn the meeting at 7:46pm.*

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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. 2018-115</b>		
Prepared:	December 3, 2018	Pages: Page 1 of 9
Meeting:	December 12, 2018 Planning Commission	Attachments: <input type="checkbox"/>
Subject:	Grand Traverse Oral Surgery Special Use Permit-Findings of Fact	
File No.	SUP-2018-05	Parcel No. 28-05-026-001-00
Applicant/Owner:	Grand Traverse Oral Surgery/Warburton Properties, LLC	
Agent:	William Crain, Crain Engineering, LLC	

**BRIEF OVERVIEW:**

- 1807 N. Garfield Road
- 11.32 acres in area
- Vacant; overgrown vegetation
- Slopes to south with high point at center
- I-G General Mixed Use Industrial Business District

**PURPOSE OF APPLICATION:**

This application requests approval of a Special Use Permit for a 15,000-square foot dental clinic with a basement, covered pick up and drop off areas, and an 85-space paved parking lot. A 40' X 100' future expansion is proposed for the south end of the proposed building, as shown in dark orange on the site plan. Offices are permitted via Special Use Permit in the I-G District.

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



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



**SITE DESIGN AND ZONING COMPLIANCE OVERVIEW:**

In the section that follows, issues that Staff considers to be of potential concern at this point are highlighted in red:

*Bicycle Parking:*

Section 522.C(1) of the Zoning Ordinance requires that two (2) bicycle parking spaces be provided for every twenty-five (25) off-street parking spaces. With 85 off-street spaces proposed, at least 6 bicycle parking spaces are required to be installed in accordance with the design and location requirements of Sec. 522.C(2)-(3). The submitted plans dated August 28, 2018 show a bike rack; however, details regarding the number of spaces provided and design of the racks were not provided.

UPDATE: The details regarding the bike rack have been provided on the revised plans received September 17, 2018 and indicate compliance with the Ordinance.

*Dumpster Enclosure:*

The location and angle of the proposed dumpster enclosure appears to have the potential to create circulation problems for a garbage truck, particularly if it enters the site from the proposed Garfield Road entrance.

UPDATE: The dumpster location has been relocated to a more practical area for trash collection on the revised plans received September 17, 2018.

*Encroachment:*

It appears that the neighboring property's parking lot is encroaching into the west property line. This should be resolved via boundary adjustment, which will be made a condition of final approval.



UPDATE: The encroachment has been resolved via approved boundary adjustment.

*Fire Department Review:*

A letter outlining a second site plan review by Grand Traverse County Metro Fire Department dated August 14, 2018 outlined a few issues that need to be addressed, such as signage within the fire lane and the number and location of hydrants, and the conclusion asked that drawings be resubmitted to reflect the changes.

Although the applicant's agent has stated that any issues will be addressed absent a third formal review, Staff will nonetheless need written approval that the project may proceed with the Township approval process from the Fire Department for Township records.

UPDATE: A letter outlining a third site plan review by Metro fire dated August 16, 2018 concludes that the project may proceed with the Township approval process.

*Ingress and Egress/Traffic:*

Two (2) access points are proposed; one from Hammond Road and another on Garfield Road. As for the Hammond Road access, it is in close proximity to the existing driveway of the adjacent parcel to the west, as well as the Hammond Road and Garfield Road intersection. Commissioners might want to discuss its location and perhaps whether a second access point is necessary at all. A boulevard entrance and signage that allows only right turns in and out of the Hammond Road access point could be something to consider.

UPDATE (October 10, 2018): The revised plans received September 17, 2018 no longer include the vehicular access point on to Hammond Road; therefore, Commissioners should discuss the site from an access management standpoint in light of the redesign.

UPDATE: Commissioners discussed the deletion of the Hammond Road access point at the October 10<sup>th</sup> meeting and appeared satisfied with the access as now configured.

*Land Divisions:*

It appears that at least one (1) land division is proposed based on the attached survey dated August 20, 2018, and the site plan shows two (2) "Possible Land Division Split Line[s]." This creates some confusion in comparing the site plan and provided survey and should be clarified. The southernmost line would run along the centerline of the proposed common drive accessed via Garfield Road. It will be made a condition of final approval that any land divisions be approved.

UPDATE: The proposed land divisions are now approved.

*Landscaping:*

The "Type C" buffers along the north and west property lines meet the quantity requirements and intent of the Ordinance. The "Type B" buffer along the east property line, on the other hand, is partial and uses existing vegetation. However, Sec. 530.H(1) allows for the adjustment of buffering requirements where existing vegetation provides an established screen, and such an adjustment appears to make sense in this case. Finally, as for the south property line, no buffer is proposed as the property to the south is vacant and under the same ownership. The buffer type required by the Ordinance will be required at the time that the south property is developed. A note should be added to the landscaping plan to reflect this.

UPDATE: The revised plans received September 17, 2018 include a note indicating that the buffer type required by the Ordinance will be required at the time that the south property is developed.

*Lighting:*

The color temperature of all proposed fixtures is 3000K, which meets the requirements of Sec. 517 of the Ordinance.

Furthermore, the photometric plan indicates that none of the proposed fixtures will create illumination levels that exceed the standards of Sec. 517.

*Non-Motorized Transportation Plan:*

Sec. 522.A of the Ordinance requires that a bike path 10 feet in width be constructed along the property's Hammond Road frontage. In contrast to plans submitted previously, the submitted plans dated August 28, 2018 include the required bike path.

UPDATE (October 10, 2018): The revised plans received September 17, 2018 no longer include the vehicular access point on to Hammond Road. As a result, the site is no longer directly accessible from the proposed bike path. A small connector path into the site will be required to satisfy the intent and purpose of Sec. 522. The inclusion of such a connector should be required prior to the drafting of Findings of Fact.

UPDATE: The revised plans received October 16, 2018 include as connector path into the site as suggested by the Planning Commission at the October 12, 2018 public hearing.

*Parking:*

Parking is provided at 85 spaces in total, with the minimum required under Sec. 551, Table 5-47 being 66, and the maximum 88. The width of all of the non-handicap spaces are ten (10) feet, which is the maximum width allowed under Sec. 551.

*Pedestrian Circulation:*

A private sidewalk 5 feet in width is proposed along the east and south walls of the proposed building.

UPDATE: The revised plans received October 16, 2018 include as connector path into the site as suggested by the Planning Commission at the October 12, 2018 public hearing.

*Road Commission Review:*

In a letter dated July 2, 2018 (*attached*) from the Grand Traverse County Road Commission to the applicant's agent commenting on the *preliminary* site plans, it was stated that the Garfield Road right-of-way should be 150 feet which, according to the Road Commission, could create problems with all drainage remaining on site. However, on the site plan submitted to the Township dated August 28, 2018, the proposed retention basins do not appear to be within 75 feet of the Garfield Road centerline. The applicant should provide documentation regarding whether this concern remains on the part of the Road Commission.

In addition, the July 2<sup>nd</sup> letter stated that the asphalt lane ending just prior to the Garfield Road approach should "be extended uniformly to the approach eliminating the wedge of gravel between the taper and the approach." The site plan dated August 28, 2018 includes a note that the applicant will work with the Road Commission to pave the shoulder along Garfield Road upon obtaining permitting.

UPDATE: A letter from the Road Commission to the applicant dated September 11, 2018 indicates that some of their concerns have been addressed, such as the right-of-way width. It will be made a condition of final approval. All final regulatory reviews will be required prior to the issuance of a land use permit.

*Sewer and Water:*

The site will be served by municipal water and sewer, which is available along the property's Hammond Road frontage. A 2" water service line and a 6" sewer service line are proposed to connect to the existing 12 and 8" lines running along Hammond Road respectively from the north end of the proposed building.

*Snow Storage:*

As required by Sec. 551.E(6) of the Ordinance, snow storage calculations are provided on the site plan and indicate that "Retention Basin A" and "Retention Basin B" will accommodate the snow load. However, the intent and purpose of Sec. 551.E(6) is to require that the designated storage areas be usable, and it appears that "Retention Basin A" is located such that it would be very difficult for a plow truck to utilize the area. "Retention Basin B," by contrast, is a usable storage location.

UPDATE: A much more usable snow storage area is now included near the southwest corner of the parking area. All calculations indicate compliance with the Ordinance.

*Stormwater:*

Parking lot and roof stormwater runoff will be managed onsite via two retention basins located at the north and south ends of the site. Funds will be required in escrow for stormwater review by the Township Engineer, which will be required prior to the issuance of a Land Use Permit.

*Survey:*

Because the proposed structure follows the setback lines so closely, an as-built survey will be required prior to the issuance of a Land Use Permit.

**FINDINGS OF FACT:**

At the October 10, 2018 Planning Commission meeting, Commissioners unanimously passed a motion directing Staff to prepare Findings of Fact for the application, subject to the single condition that any land divisions be approved. Now that the divisions are approved, the requested Findings are provided below for your consideration tonight:

A special use is permitted only if the applicant demonstrates that:

(1) The proposed use will be consistent with the purpose and intent of the master plan and this Ordinance, including all regulations of the applicable zoning district;

*The Planning Commission may find this standard to be **met** for the following reasons:*

- The application is consistent with the Master Plan as the subject property is anticipated to accommodate industrial uses on the Future Land Use Map.
- The site is located within the I-G General Industrial zoning district, which allows for development of medical offices, such as the one proposed, as a use permitted via Special Use Permit (SUP).
- As indicated in the Zoning Compliance Overview provided on pages 2-5 of this report, the application meets each of the requirements of the I-G General Industrial zoning district.

(2) The proposed use will be designed, constructed, operated and maintained so as to be compatible, harmonious, and appropriate with the existing or planned character and uses of the neighborhood, adjacent properties and the natural environment;

*The Planning Commission may find this standard to be **met** for the following reasons:*

- The proposed use meets each of the requirements of the Ordinance, which are intended to ensure compatibility.
- The use meets the requirements of the zoning district within which it is proposed and the subject property and surrounding properties are master planned for industrial uses.

(3) The proposed use will not be detrimental, hazardous or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, dust, gas, smoke, vibration, odor, glare, visual clutter, electrical or electromagnetic interference;

*The Planning Commission may find this standard to be **met** for the following reasons:*

- With a single office proposed to be accessed via a single curb cut on a relatively low priority road in terms of access management, as well as features for mitigating any potential noise or visual impacts proposed, such as landscaping buffers, the proposed use is not anticipated to be detrimental, hazardous, or disturbing to neighboring uses.

(4) Potential adverse effects arising from the proposed use on the neighborhood and adjacent properties will be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the provision and location of screening, fencing, landscaping, buffers or setbacks;

*The Planning Commission may find this standard to be **met** for the following reasons:*

- Seventy-six parking spaces are proposed, which is right in between the minimum of sixty-eight spaces and maximum of eighty-eight spaces required by the Ordinance.
- Buildings and entrances are configured internally to the site, which contains most activity to the interior of the site and out of view of neighboring properties.
- The landscape buffers required by the Ordinance will be planted along each property line to minimize the potential for any adverse impacts on neighboring properties.
- All structures, parking areas, and maneuvering lanes meet the setback requirements of Ordinance.

(5) The proposed use will retain as many natural features of the property as practicable, particularly where the natural features assist in preserving the general character of the neighborhood;

*The Planning Commission may find this standard to be **met** for the following reasons:*

- The development will retain foliage within the setback areas along with the addition of the landscape buffers required by the Ordinance, which will provide a visual buffer between this development and the adjoining properties.
- There are no significant hillsides, watercourses, or wetlands located on the site.

(6) Adequate public and private infrastructure and services such as streets, water and sewage facilities, drainage structures, police and fire protection, and schools, already exist or will be provided without excessive additional requirements at public cost;

*The Planning Commission may find this standard to be **met** for the following reasons:*

- The installation and maintenance of all required site improvements including water and sewer, stormwater basins, public sidewalks, and landscaping will be the responsibility of the developer.
- Municipal water and sewer exists along Hammond Road.
- A single medical office in an increasingly urbanized area is not anticipated to create significant additional demand for schools and police and fire protection.

(7) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

*The Planning Commission may find this standard to be **met** for the following reasons:*

- The design of the proposed development was approved by the Grand Traverse Metro Fire Department as indicated by a site plan review dated August 16, 2018.
- The Grand Traverse County Road Commission intends to permit the access drive and right-of-way, subject to the applicant making shoulder improvements to Garfield Road, as indicated by correspondence dated September 11, 2018 from the Road Commission; final approval will be required prior to the issuance of a Land Use Permit.
- The site has been designed to incorporate quality of life features for employees and potential visitors by providing sidewalks, bicycle racks, and landscaping within the parking area and near the proposed office structure.
- The project incorporates a bike path to provide for safe bicycle and pedestrian travel along Hammond Road.

(8) The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use;

*The Planning Commission may find this standard to be **met** for the following reasons:*

- No opposition to the application was heard at the October 10, 2018 Planning Commission public hearing on the application or via correspondence.

(9) Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads;

*The Planning Commission may find this standard to be **met** for the following reasons:*

- A single curb cut is proposed on Garfield Road and adequate room is provided for traffic queuing; with a single office proposed for the development site, the development is not anticipated to generate significant traffic.
- The Grand Traverse Metro Fire Department reviewed the site plan on August 16, 2018 and did not object to the ingress and egress aspect of the project.
- The Grand Traverse County Road Commission intends to permit the access drive and right-of-way, subject to the applicant making shoulder improvements to Garfield Road, as indicated by



correspondence dated September 11, 2018 from the Road Commission; final approval will be required prior to the issuance of a Land Use Permit.

(10) Adequate measures shall be taken to provide vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks servicing the site in a safe and convenient manner; and

*The Planning Commission may find this standard to be **met** for the following reasons:*

- The development will allow for safe vehicular circulation patterns with twenty-four (24)-foot wide maneuvering aisles and appropriate radii at the access drive.
- Pedestrian traffic will be accommodated via a paved public pathway along the entire frontage of the property on Hammond Road and a proposed connector path into the site, where there is a sidewalk bordering the proposed structure.

(11) The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

*The Planning Commission may find this standard to be **met** for the following reasons:*

- As a use permitted in the I-G General Industrial zoning district surrounded by other uses permitted within the same district, it is not foreseeable that this development will impede the orderly development and improvement of surrounding property.
- The application is consistent with the Master Plan as the subject property is anticipated to accommodate industrial uses on the Future Land Use Map.

**ACTION REQUESTED:**

The purpose of this agenda item is to consider Findings of Fact for the application. Following consideration and Commissioner discussion, the following motion is offered for consideration:

MOTION THAT the Findings of Fact for application SUP-2018-05, as presented in Planning Department Report 2018-115 and being made a part of this motion, BE ADOPTED.

The following motion is recommended to approve the project, subject to the conditions as noted below, and subject to conditions which are routinely added to all approvals:


MOTION THAT application SUP-2018-05 BE APPROVED, subject to the following conditions:

1. Final engineering review and approval by the Township Engineer including all infrastructure, stormwater, and FAA, if necessary;
2. All final reviews from agencies with jurisdiction shall be provided prior to any Land Use Permits being issued;
3. All proposed sidewalks, landscaping, and amenities shall be installed prior to the issuance of a Certificate of Occupancy.
4. The applicant shall provide two (2) full-size plan sets, one (1) 11x17" plan set, and one electronic copy of the full application (in PDF format) with all updates as required by the conditions of this approval and indicating compliance with all provisions of the Zoning Ordinance;



5. The applicant shall record promptly the amended Report and Decision Order (RDO) and any amendment to such order with the Grand Traverse County Register of Deeds in the chain of title for each parcel or portion thereof to which the RDO pertains. A copy of each recorded document shall be filed with the Township within ninety (90) days of final approval by the Township or approval shall be considered to have expired.

Any additional information that the Planning Commission determines to be necessary should be added to this motion.

 <b>Charter Township of Garfield</b> <b>Planning Department Report No. 2018-116</b>		
Prepared:	December 4, 2018	Pages: 1 of 3
Meeting:	December 12, 2018 Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	Proposed Miller Creek Drive Crematorium-Conceptual Review	
Applicant:	Dan Jonkoff, Reynolds-Jonkoff	

**STAFF COMMENT:**

This application is for conceptual review of a proposed 2,900-square foot crematorium, with an associated 12-space parking area, on an approximately 1.47-acre property near the northwest corner of Miller Creek Drive and Cass Road.

The property is currently vacant and adjoins a technology company to the west, vacant land to the north and east, and Miller Creek Drive to the south.

The property is zoned I-L Limited Industrial and crematoriums are permitted in the I-L zoning district via Special Use Permit (SUP).

There are significant wetlands on the subject property and surrounding areas, and the buildable area of the subject property appears to be at least some amount of fill.

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





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



*\*Special Use Permit Application:*

The applicant previously submitted for SUP approval and, upon completeness review, it was found among other issues that the proposed paved access drive could not meet the Township's 25-foot wetland setback required by § 534 of the Ordinance. A copy of Staff's letter to the applicant outlining the reasons as to why the SUP application was found to be incomplete is attached to this report for your reference, since it appears that some of those issues still remain.

*\*October 17, 2018 Variance Conditions:*

Because the proposed access drive was unable to meet the 25-foot wetland setback required by § 534 of the Ordinance, the applicant sought a variance from that requirement. The variance was granted thereby allowing the applicant's access drive to encroach into the wetland setback areas subject to two conditions, both of which would have to be met for a new application for a SUP to be considered complete.

First, the applicant must provide Staff with confirmation from the Michigan Department of Environmental Quality (DEQ) that the existing culvert and unimproved access is suitable and; second, the proposed driveway must be curbed to keep stormwater on the property.

*Dumpster Enclosure:*

Although the applicant has pointed out that crematoriums generate minimal waste and therefore that a dumpster pad and enclosure is unnecessary, a dumpster pad should be provided so that it is in place if the building ever changes use.

*Landscaping:*

In light of the significant wetlands surrounding the site, the applicant suggests that the landscaping requirements of § 531 of the Ordinance should not be applied in this case. As part of a SUP review, the

Planning Commission has the authority to waive or adjust the landscaping requirements of the Ordinance provided that one or more of the conditions in 530.H is met.

*Lighting:*

A minimum level of proposed site lighting must be provided for safety and lighting details indicating compliance with the Ordinance will be required as part of the new SUP submission.

*Parking:*

There is no parking requirement for crematoriums listed in § 551, Table 5-47, which allows the Zoning Administrator to determine a reasonable number of spaces under § 551.C(6) based on the applicant providing information including but not limited to number of employees and anticipated number of visitors. Based on conversations with the applicant thus far, Staff is of the opinion that the 12 spaces proposed are adequate.

*Pedestrian Circulation:*

A sidewalk is proposed to run along the western edge of the proposed parking area to the front entrance of the proposed crematorium structure.

*Water/Sewer:*

The applicant proposes connections to the existing water main and sanitary lead on Miller Creek Drive, which will run under the proposed access drive and parking area.

*Snow Storage:*

Snow storage areas and calculations will need to be shown on the site plan in accordance with § 551.E(6) when an application for a SUP is submitted.

*Stormwater:*

Although formal stormwater review has not yet been conducted, preliminary conversations involving Jennifer Hodges, Steve Largent, and the applicant's engineer, Jeff Cockfield, indicate that the applicant is looking to direct at least some stormwater runoff offsite into the surrounding wetland area. The applicant suggests that adequately sized retention basins cannot be provided to contain all stormwater on the site in compliance with the Township's Stormwater Control Ordinance, and therefore that some form of waiver from that Ordinance would be needed.

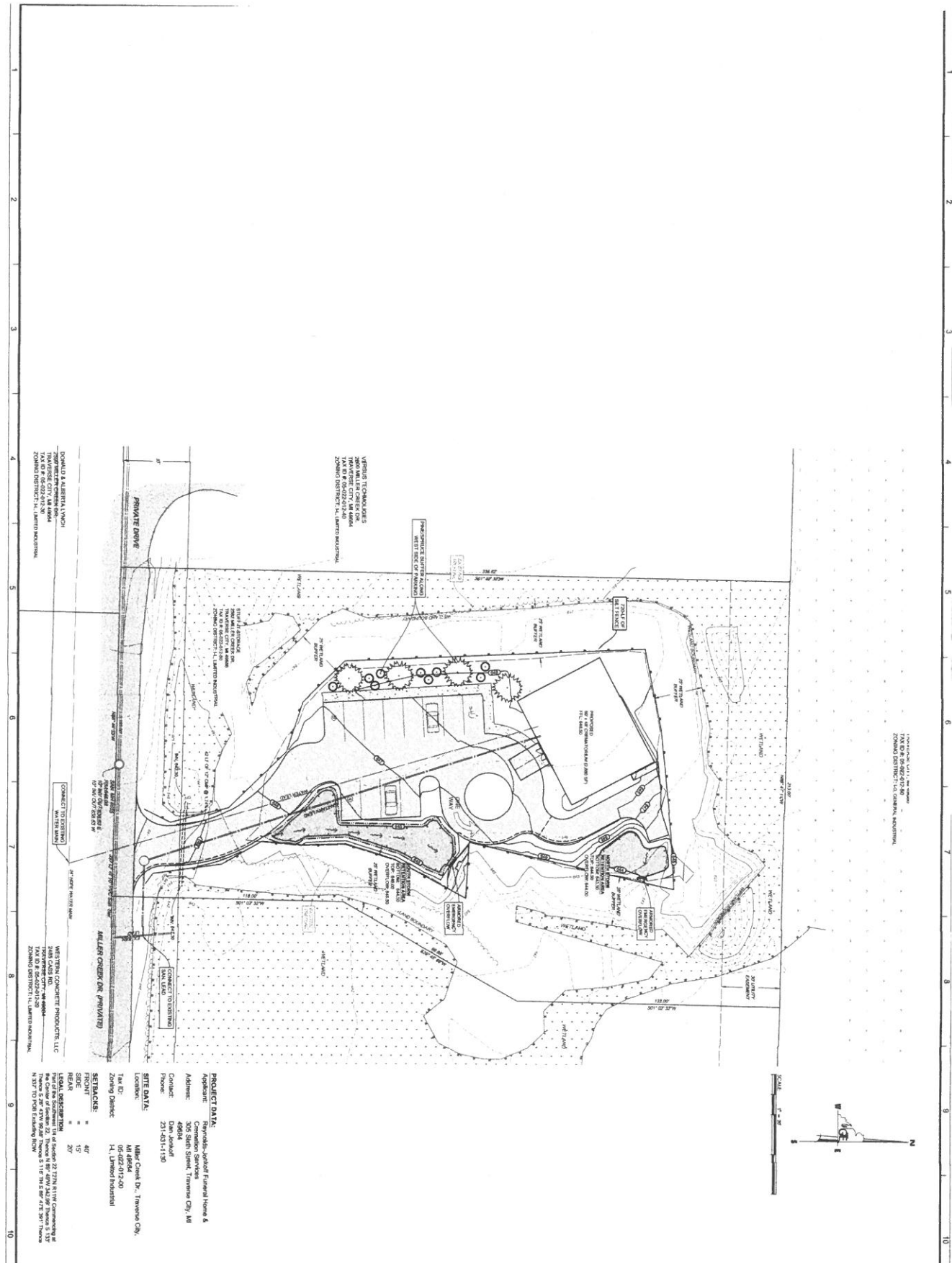
This gives rise not only to the question of whether the requirements of the Stormwater Control Ordinance can be waived and who or what body would have the legal authority to do that, but more importantly whether it *should* be waived, especially with the neighboring property owner already having voiced concerns about the impact that this project might have on his property and the area being well known to be flood prone. Planning and Zoning Staff is opposed to a waiver of any requirements of the Stormwater Ordinance.

**ACTION REQUESTED:**

The conceptual review process is intended to provide an opportunity for dialogue between the Planning Commission and the applicant. No formal action is requested.

**Attachments:**

1. Conceptual site plan provided by applicant dated November 27, 2018
2. Letter outlining incomplete submittal sent to applicant dated March 21, 2018



COMMITTEE ALBERTA VANOU  
TRAVEL CITY, MI 49664  
ZONING DISTRICT: L-1 LIMITED INDUSTRIAL

WESTERN CONCRETE PRODUCTS, LLC  
2431 COLE RD.  
TRAVEL CITY, MI 49664  
ZONING DISTRICT: L-1 LIMITED INDUSTRIAL

MELLEN CREEK OR PRIVATELY  
ZONING DISTRICT: L-1 LIMITED INDUSTRIAL

PROJECT DATE:  
Application: Crematorium  
Address: 2050 Spaul Street, Traverse City, MI  
Contract: Dan Jonkoff  
Phone: 231-931-1190

SITE DATA:  
Location: Miller Creek Dr., Traverse City,  
MI 49664  
TAX ID: 05-0227-012500  
Zoning District: L-1, Limited Industrial

SETBACKS:  
FRONT = 40'  
SIDE = 10'  
REAR = 20'

LEGAL DESCRIPTION:  
A 4.27-acre parcel of land, 21.77W, R11W, Township 14  
N, Range 22, T27N, R11W, Garfield Township, Leelanau County,  
Michigan, as shown on a plat recorded in the public records of  
Leelanau County, Michigan, in the name of Dan Jonkoff.

NOT FOR CONSTRUCTION

DAN JONKOFF  
PROPOSED CREMATORIUM  
SECTION 22, T27N, R11W, GARFIELD TOWNSHIP  
GRAND TRAVERSE COUNTY, MICHIGAN

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NO.	REVISION DESCRIPTION	DATE

GRAND TRAVERSE  
ENGINEERING, LLC

**GRAND TRAVERSE ENGINEERING, LLC.**  
Civil Engineering  
Planning  
Surveying  
Construction Services

PO Box 237  
Traverse City, MI 49685-0237  
Phone: 231-218-4964  
Email: info@grandtraverseengr.com

DATE	NOVEMBER 27, 2013
DESIGNED BY	
DRAWN BY	
CHECKED BY	
PROJECT	
SCALE	
SITE PLAN	
PROJECT NO.	CS-101





# Charter Township of Garfield

## Grand Traverse County

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

March 21, 2018 (SENT VIA EMAIL ONLY: [jeff@gtengineeringtc.com](mailto:jeff@gtengineeringtc.com))

Jeff Cockfield, P.E.  
PO Box 227  
Traverse City, MI 49685-0227

Re: Incomplete Application for Crematorium

Dear Mr. Cockfield,

This letter is with regard to your most recent application submittal for the proposed crematorium. Upon completeness review of your application and plan site plan submittal, we have deemed your application administratively incomplete for the April 11, 2018, Planning Commission agenda.

There are numerous concerns with the submittal that need to be addressed before we can move forward with introducing your request, which are summarized as follows:

1. The proposed entrance drive encroaches into the 25-foot wetland setback required by SECTION 534(B), which raises the issue of whether the site is in fact buildable.
2. Site lighting must be provided despite "daytime only" operation. A primary purpose of SECTION 517 is to "[i]ncrease nighttime safety, utility, security, and productivity" (*Article 5, Page 5-6*).
3. In light of the large area of wetlands on the site, please provide more detail regarding the applicant's intent in terms of landscaping requirements, as the proposal does not meet the formatting, type, or quantity requirements of SECTION 531. SECTION 531(C), which states that "[a]ll landscape plans shall include a table which indicates the quantity of plantings required and the quantity of plantings provided per buffer zone" (*Article 5, Page 5-21*). In addition, please see SECTION 531, Table 531.1, regarding the buffering requirements for the proposed use and SECTION 532 regarding the parking area in particular.
4. Snow storage calculations must be provided in accordance with SECTION 551(E)(6).
5. In accordance with SECTION 516, a dumpster area and enclosure are required for industrial uses, despite the limited trash generation anticipated.
6. Although the site plan shows wetland boundaries, it is unclear precisely what source of information such boundaries are based upon. Please provide further clarification in this regard and any documentation from the DEQ regarding the regulated/unregulated nature of the wetlands on the site and permitting. Please see SECTION 534 regarding Township wetland regulations.
7. Although we understand that there has been serious discussion regarding the runoff of stormwater onto the adjacent parcel to the east, documentation in a form acceptable to the Township will be required to document that an agreement in fact exists between the relevant parties and that the proposed runoff into the wetlands is acceptable from an environmental/engineering standpoint.

Please understand that due to the deficiencies with your submittal summarized above, Staff did not continue with a comprehensive review of your application. We would encourage you to review the standards of the Zoning Ordinance and provide a complete application in accordance with the application submittal deadlines and Zoning Ordinance.

Thank you for your cooperation in this matter.


Please feel free to contact this office at 231-941-1620 if you have any questions.

Sincerely,



3--21-18

Erik Perdonik  
Deputy Planner

		<b>Charter Township of Garfield</b>	
		<b>Planning Department Report No. 2018-117</b>	
Prepared:	December 4, 2018	Pages:	Page 1 of 2
Meeting:	December 12, 2018 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Buffalo Ridge PUD Hobby Lobby Wall Sign Request-Public Hearing		
File No.	PUD-2014-02-D	Parcel No.	05-016-032-20
Owner:	Buffalo Ridge Center South, LLC		
Applicant:	Signplicity		

**PURPOSE OF APPLICATION:**

The application requests Planning Commission approval of a single wall sign for the front of the new Hobby Lobby building at 3675 Marketplace Circle within the Buffalo Ridge Planned Unit Development (PUD). The applicant is presenting two options to the Planning Commission; the first option measures 99.7 square feet (Option 1) and the second 148.2 square feet (Option 2).

**STAFF COMMENT:**

Under Section 630.J of the Zoning Ordinance, “[a]ll proposed signs within a Planned Unit Development shall be submitted to the Planning Commission for final review and approval.” In addition, the Report and Decision Order (RDO) for the recently approved master plan for the Buffalo Ridge PUD (SUP-2014-02-C) which permitted the construction of the Hobby Lobby includes the following condition among twenty-three others: “All signage requests not meeting the published standards of the Ordinance within the PUD go directly to the Planning Commission for determination.”

Under Sec.630.J(1)(a), signs within a PUD may be permitted in accordance with what is normally permitted by right in the underlying zoning district, and subject to the same limitations thereof. In this case, the underlying zoning district is C-G General Commercial, which permits up to one-hundred (100) square feet of total sign area per building wall.

At 99.7 square feet, Option 1 could therefore be permitted under Sec. 630.J(1)(a). However, Option 2 proposes 148.2 square feet and is therefore subject to Sec. 630.J(3), which allows the Planning Commission to increase maximum wall sign standards following a public hearing provided that certain criteria are met.

In this light, a public hearing is scheduled for tonight so that the Planning Commission has the authority to approve Option 2 following the hearing if it desires. For Option 2, at least one additional meeting would be necessary to adopt Findings of Fact for the approval criteria of Sec. 630.J(3)(a)-(e). The criteria are included below for your reference:

- a) The maximum sign standards of subsection (1) do not provide for the reasonable use of the parcel as provided for within the planned unit development.
- b) The proposed modification is appropriate for the site, compatible with surrounding land uses, and necessary for the reasonable use of the parcel as provided for within the planned unit development.
- c) The increase in permitted sign standards are, in the determination of the Planning Commission, the minimum increase(s) necessary to ensure that the proposed sign(s) is appropriate in scale, bulk and location relative to the site and surrounding land uses.
- d) All approved modifications from the required sign standards shall be specific to the sign(s) approved by the Planning Commission.



- e) The requested increase in wall sign area shall not exceed fifty (50) percent over that allowed in Subsection (1) or the underlying zoning district, whichever is greater.

It is Staff's opinion that Option 2 does not meet criteria (a)-(c) above primarily because no wall sign larger than one-hundred (100) square feet has ever been allowed within the PUD according to Township records. A spreadsheet indicating the dimensions of each of the signs permitted in the PUD is attached to this report for your reference. Should the applicant default to Option 1, Staff will simply forward the request to the Zoning Administrator for permitting.

**ACTION REQUESTED:**

Following tonight's public hearing, if the applicant chooses to pursue Option 2, consider directing Staff to draft Findings of Fact for the application, a suggested motion for which is provided below. If, however, the applicant chooses to pursue Option 1, no further action is needed from the Planning Commission.

MOTION TO direct Staff to draft Findings of Fact for application PUD-2014-02-D for consideration at the next Regular Meeting of the Planning Commission.

Any additional information that the Planning Commission determines to be necessary should be added to this motion.

**Attachments:**

1. Letter from applicant to Planning Commission dated October 29, 2018
2. Two-sided document showing sign design and dimensions provided by applicant dated October 29, 2018
3. Spreadsheet showing signage approvals within the Buffalo Ridge PUD

# Haggard's

## PLUMBING and HEATING

"Business of Quality and Service"

"Charlevoix-the-Beautiful"

haggardsinc@hotmail.com

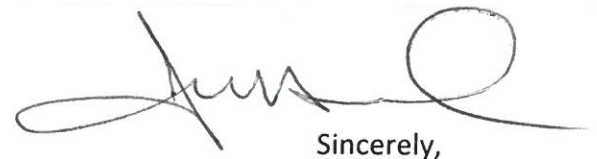
Date: November 27, 2018

To: Garfield Township Hall  
3848 Veterans Dr.  
Traverse City, MI 49684

RE: Application received from Signplicity on behalf of Buffalo Ridge Center South, LLC requesting an increase in wall signage pursuant to Section 630 J (3) from 100ft to 150ft. Parcel#05-016-032-60 located at 3675 Marketplace Circle.

To Whom it May Concern,

Upon reviewing the above Notice, I would like to express my view with the above case's requests. Haggard's Plumbing & Heating is not at all opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time of economical struggles to either build and/or improve their existing property, we would like to see their request granted. It would prove positive for the local, county, state and county to do all we can to improve and promote growth in any way possible.



Sincerely,

JOHN HAGGARD



October 29, 2018

Subject: *Hobby Lobby #848*

Garfield Township Planning Commission:

As a supplement to our Application for PUD Sign Approval and on behalf of Hobby Lobby, we would appreciate that the following be included while considering approval.

Due to the unique site conditions of the Buffalo Ridge Center, the proposed Hobby Lobby is set back significantly from the nearest primary road, almost a ¼ mile from US-31 South. Currently, the underlying zoning district allows 100 sq-ft of wall sign area (see Option 1) which would normally be sufficient if the parcel was closer to the primary road. However, with a longer store name such as "HOBBY LOBBY" making up 10 characters and 1 space, an increase to 150 sq-ft is therefore being requested.

Thank you for your time and consideration of these requests, we are looking forward to completing this next phase of the new Buffalo Ridge Center.

Regards,

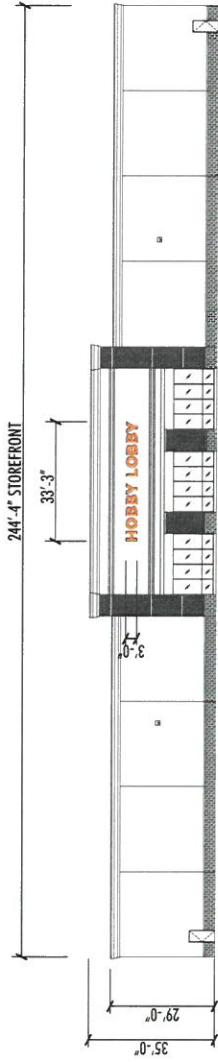
Signplicity,

A handwritten signature in blue ink, appearing to be "Kevin M. Vann".

Kevin M. Vann

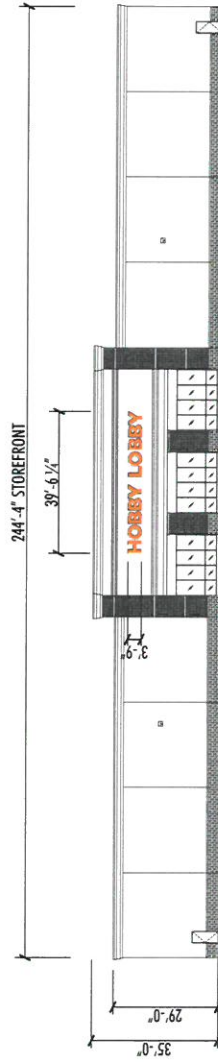
- BUILDING SHOWN IS TYPICAL FOR ILLUSTRATION PURPOSES ONLY AND WILL BE REVISED UPON RECEIPT OF SITE SPECIFIC ELEVATION DRAWINGS  
 - BUILDING ELEVATIONS ARE TO REFLECT SIGNAGE & MAY NOT REPRESENT ACTUAL CONSTRUCTION

Upon arrival at the job site, if you find any difference between the drawings and the actual building, you must report this to someone on the job site prior to installing the signs in order to avoid any delays. If you find any difference between the drawings and the actual building, you must report this to someone on the job site prior to installing the signs in order to avoid any delays. If you find any difference between the drawings and the actual building, you must report this to someone on the job site prior to installing the signs in order to avoid any delays.



**OPTION 1**

FRONT ELEVATION  
 SCALE: 1/32" = 1'-0"



**OPTION 2**

FRONT ELEVATION  
 SCALE: 1/32" = 1'-0"

**Kieffer | Starlite**  
 National Sign Manufacturers and Consultants  
 7823 E McKinney Street, Denton, TX 76208 • Ph: 940.382.8850 • Fax: 940.387.0429 • www.starlitedesign.com

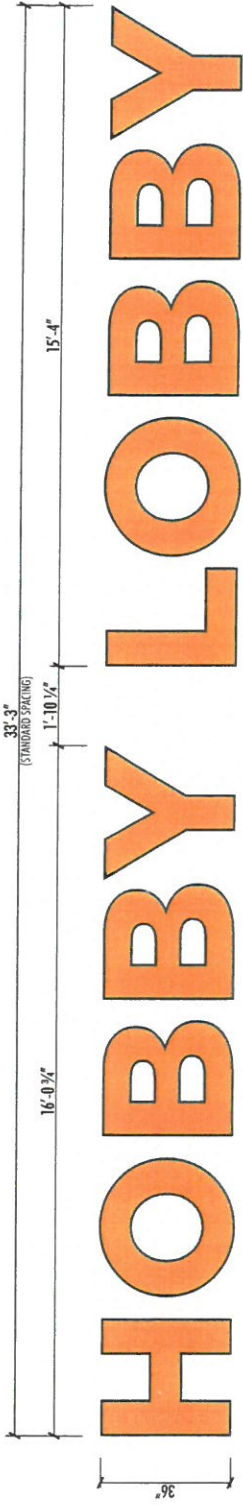
ACCOUNT: Hobby Lobby #548  
 LOCATION: 3875 Market Place Cir., Traverse City, MI  
 ACCT. MGR.: Samantha Causeaux RESUME: E. Owens  
 SALES REP.: House Account DATE: 08-27-18  
 FILE LOCATION:

REVISIONS:

NO.	DESCRIPTION	DATE	BY	INITIALS
1	REDUCED SPACING - ADDED OPTION 1	08/10/18	ES	
2	REQUIRED OPTION 2	08/10/18	ES	
3		08/10/18	ES	
4		08/10/18	ES	
5		08/10/18	ES	
6		08/10/18	ES	
7		08/10/18	ES	

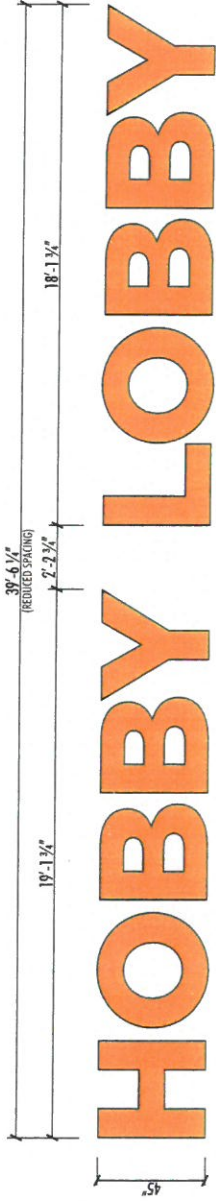
PRODUCTION PROCESSING	DATE	BY
START DATE		
JOB #		
REV		
DATE		
BY		

THIS DRAWING IS THE PROPERTY OF STARLITE DESIGN AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. WITHOUT THE WRITTEN PERMISSION OF STARLITE DESIGN, ANY REPRODUCTION OR TRANSMISSION OF THIS DRAWING IS STRICTLY PROHIBITED.



511-1000-36 CHANNEL LETTER SIGN (ONE REQUIRED)  
 SCALE:  $\frac{3/4"}{1"} = 1:0"$

3'-0" x 33'-3" = 99.7 SQ. FT.  
**OPTION 1**




511-1000-45 CHANNEL LETTER SIGN (ONE REQUIRED)  
 SCALE:  $\frac{1/2"}{1"} = 1:0"$

3'-9" x 39'-6 1/4" = 148.2 SQ. FT.  
**OPTION 2**

<b>Kieffer   Starlite</b> National Sign Manufacturers and Consultants 7823 E McKinney Street, Denton, TX 76208 • ph: 940.382.8850 • fax: 940.387.0429 • www.starlitesign.com		ACCOUNT: Hobby Lobby #248 LOCATION: 3072 Market Place Ct., Traverse City, MI ACCT MGR: Samantha Cassese, Kieffer, S. Owens SALES REP: Home Account DATE: 08-27-18 FILE LOCATION:		RETURN: <input type="checkbox"/> REDUCED SPACING - ADDED OPTION <input type="checkbox"/> REDUCED SPACING - ADDED OPTION 2		PRODUCTION PROCESSING Material # _____ DATE _____ Job # _____ DATE _____ Job # _____ DATE _____ Job # _____ DATE _____ Job # _____ DATE _____		CUSTOMER APPROVAL JAMES APPROVAL _____ DATE _____ JAMES APPROVAL _____ DATE _____ JAMES APPROVAL _____ DATE _____		1808-126 04 of 08	
511-1000-36 CHANNEL LETTER SIGN (ONE REQUIRED) SCALE: $\frac{3/4"}{1"} = 1:0"$		511-1000-45 CHANNEL LETTER SIGN (ONE REQUIRED) SCALE: $\frac{1/2"}{1"} = 1:0"$		PRODUCTION PROCESSING Material # _____ DATE _____ Job # _____ DATE _____ Job # _____ DATE _____ Job # _____ DATE _____		CUSTOMER APPROVAL JAMES APPROVAL _____ DATE _____ JAMES APPROVAL _____ DATE _____ JAMES APPROVAL _____ DATE _____		1808-126 04 of 08			



ADDRESS	NAME	SIGNAGE	YEAR
3501 Marketplace	Outback Steakhouse	47.04 sq ft WALL SIGN REPLACEMENT	2017
		5.27 SQ FT WALL SIGN SINGLE FACE REPLACEMENT	2017
		43.14 SQ. FT WALL SIGN REPLACEMENT	2017
		43.14 SQ. FT WALL SIGN REPLACEMENT	2017
		4.43 SQ FT WALL SIGN REPLACEMENT	2017
		43.14 SQ. FT WALL SIGN REPLACEMENT	2017
3587 Marketplace	Luckys	100 SQ FT WALL SIGN EAST/LEFT ELEVATION	2017
		100 SQ. FT WALL SIGN NORTH/FRONT ELEVATION	2017
		4 X 8 PANEL ON EXISTING FREE STANDING SIGN	2017
3623 Marketplace	Halloween Super Store	FREE STANDING FACE REPLACEMENT 57 SQ FT	2014
		WALL SIGN 100 SQ FT HALLOWEEN SUPERSTORES	2014
3825 MARKETPLACE	3825 AMC Cherry Blossom	REPLACE 98.34 SQ FT OF EXISITING SIGNAGE WITH 94.7 ST FT THAT READS AMC PER PROJECT PLANS.	2017
		REPLACE FACE ON EXISITING FREESTANDING SIGN 40 SQ FT	2015
		"IMAX" SOUTH WALL 47.5	2015
		NEW SOUTH WALL "CHERRY BLOSSOM" 73.34 SQ FT	2015
		"14" 25 SQ FT	2015
		"IMAX" EAST WALL 97.13	2015
		FACE CHANGE ON EXISTING FREE STANDING 14 SQ FT	2015
3603 MARKETPLACE	PARTY GIANT	REPLACE SIGN EAST BLDG WALL 35.6 "PARTY GIANT"	2017
		Replace 31.6 wall sign for PARTY GIANT	2017

 <b>Charter Township of Garfield</b> <b>Planning Department Report No. 2018-118</b>		
Prepared:	December 5, 2018	Pages: Page 1 of 3
Meeting:	December 12, 2018 Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	Living Hope Church Zoning Ordinance Text Amendment-Introduction	
File No.	Z-2018-03	Parcel No. n/a
Owner(s):	Living Hope Church	
Applicant(s):	Living Hope Church	

**PURPOSE OF APPLICATION:**

The application proposes a single Text Amendment to the Garfield Township Zoning Ordinance (the “Ordinance”) to amend Article 7, Section 753.A(2), which presently reads:

Buildings and parking areas shall be set back at least forty (40) feet from all street right-of-way lines and thirty (30) feet from any property line in a residential or agricultural district.

The applicant includes the following language in their application (***attached***) to replace the language above:

Buildings shall be set back 30 ft from all street right-of-way lines and 30 ft from any property line. Parking areas shall be set back 10’ from all street right of way lines and 10’ from any property line in a residential and/or agricultural district for churches.

**STAFF COMMENT:**

*Procedural Posture:*

Staff would like to reemphasize that “[t]he applicant has the burden of justifying the amendment, including identifying specific reasons warranting the amendment, and providing any supporting data and information” (Sec. 421.F). This means that Staff is bound by the Ordinance not to act as the applicant’s consultant. This further means that the applicant has either justified the amendment in their submittal and presentations or they have not; it is not Staff’s role to essentially go around in circles with an applicant attempting to amend the Ordinance until they obtain the precise answer which they are seeking. Rather, it is Staff’s role to objectively evaluate the information provided by the applicant in light of the approval criteria for a Text Amendment and present a recommendation to the Planning Commission in light of all of the facts (see Sec. 421.F).

*Violation Delay:*

In accordance with Sec. 401, this application was held off of the Planning Commission agenda for approximately one month because the property was observed to be in violation of the land disturbance regulations of Sec. 415. That violation has been addressed.

*Introductory Analysis of Justifications for Amendment and Potential Issues:*

It should first be noted that any information provided that does not offer evidence pertinent to the approval criteria for a Text Amendment is not addressed by Staff. For example, church economics is not among the approval criteria for a Text Amendment. The Planning Commission is under no obligation to amend the Ordinance to accommodate a particular amount of seats or parking for a particular property; in fact, this would put us in the realm of one-off decisions.

- In Section B of the application, which asks the applicant to explain why the Zoning Ordinance Text Amendment is being requested, the applicant states that “Section 753 imposes a substantial burden and inhibits our congregation from accomplishing its mission and free exercise of our faith.” This statement is vague and ambiguous; however, it does include the term “substantial burden,” which is a legal term of art taken from the Religious Land Use and Institutionalized Persons Act (RLUPA). If the applicant is hinting at some sort of legal claim in using such a term, then perhaps the Township Attorney should be involved in this review process. The applicant also includes an excerpt from RLUPA in their submitted slide presentation.
- Institutional uses encompass more than just churches, the definition also includes schools, governmental facilities, and libraries, among others, for example. Therefore, by creating a distinction within Sec. 753 that treats churches separately of other institutional uses, as the proposed language suggests with regard to parking area setbacks, the entire institutional classification scheme within the Ordinance unravels. New definitions for churches would have to be created and the definition of institutional use would have to be amended to exclude churches or be removed entirely. Every zoning district that includes institutional uses would also have to be amended. In sum, the implications of this Text Amendment are extremely far-reaching and extend well beyond just Sec. 753.
- The fact that other churches exist with shorter setbacks does not justify changing the institutional setbacks in the Ordinance, as each of the churches cited in the applicant’s packet appear to predate the Ordinance and therefore have legal nonconforming status. Of course, a primary goal of zoning is to eventually bring nonconformities into compliance. This is not to mention that the evidentiary weight of an analysis of other churches conducted by the applicant meant to justify the applicant’s position is certainly questionable.
- It goes against the principles of sound planning and the Ordinance to amend a zoning ordinance to conform to the particulars of a particular site plan, submitted by a single applicant. If the Ordinance were amended to fit the plan of every applicant, there would be no purpose for zoning at all.
- The applicant is not without alternatives to amending the zoning ordinance. Rather than presenting a plan that conforms to the Ordinance, the applicant is asking that the Ordinance conform to their plan. Has the applicant explored options such as building higher within the setbacks with their consultant, for example?
- The applicant offers the analogy that a horse barn can be 20 feet from adjacent property lines whereas a church must be set back further. This analogy is unpersuasive as obviously horse barns are typically on large lot agricultural properties and thus typically have little potential to create conflicts with neighboring uses. This is an apples to oranges comparison.

*Preliminary Conclusions:*

Staff is of the opinion in light of the above that the applicant should be cautioned against persisting with this request. Nevertheless, a public hearing should be scheduled to provide an opportunity for all pertinent information to be gathered prior to making any final decision. In addition, Staff would like the Planning Commission’s input on whether the Township Attorney should be involved in this case.



**ACTION REQUESTED:**

The purpose of this item being placed on tonight's agenda is to introduce the application to the Planning Commission. If the Commission is prepared to schedule a public hearing on the application, the following motion is suggested:

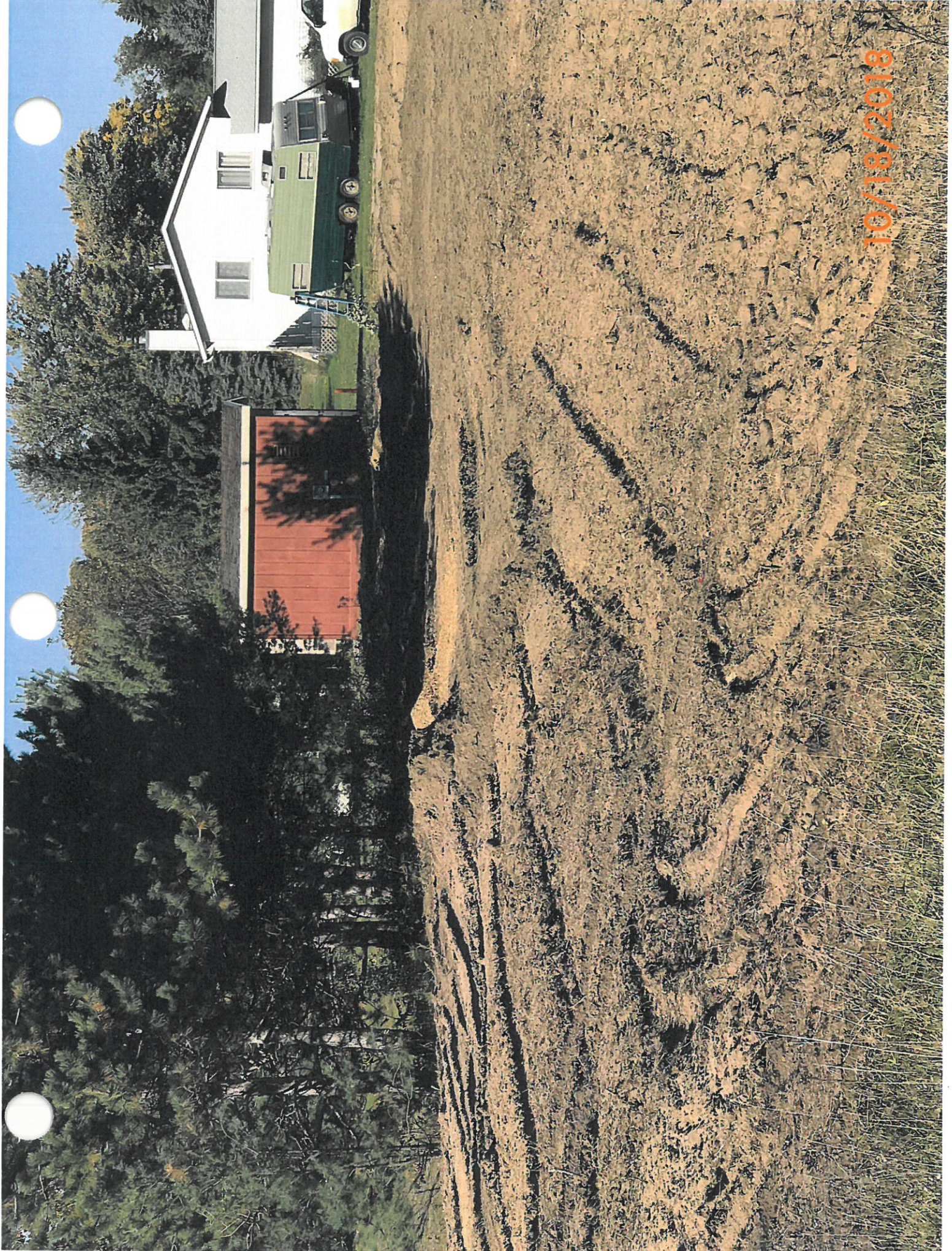
MOTION THAT a public hearing be scheduled for application Z-2018-03 for the January 9, 2019 Regular Meeting of the Planning Commission.

Any additional information that the Planning Commission determines to be necessary should be added to this motion.

**Attachments:**

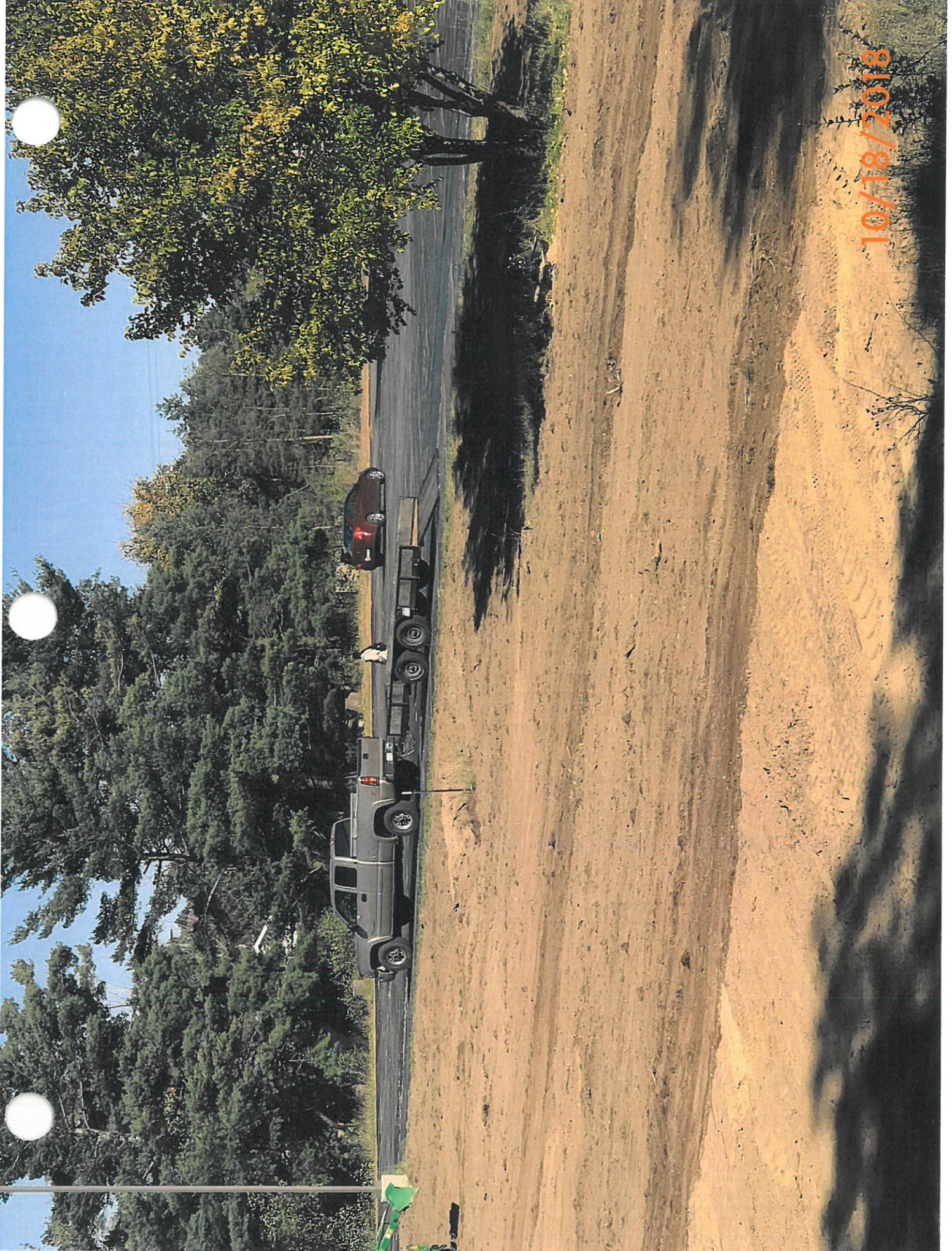
1. Photos of the earth change that delayed the application (3 total pages)
2. Application for Text Amendment received October 11, 2018
3. Power Point slide presentation provided by applicant received October 11, 2018 (12 total pages including cover)





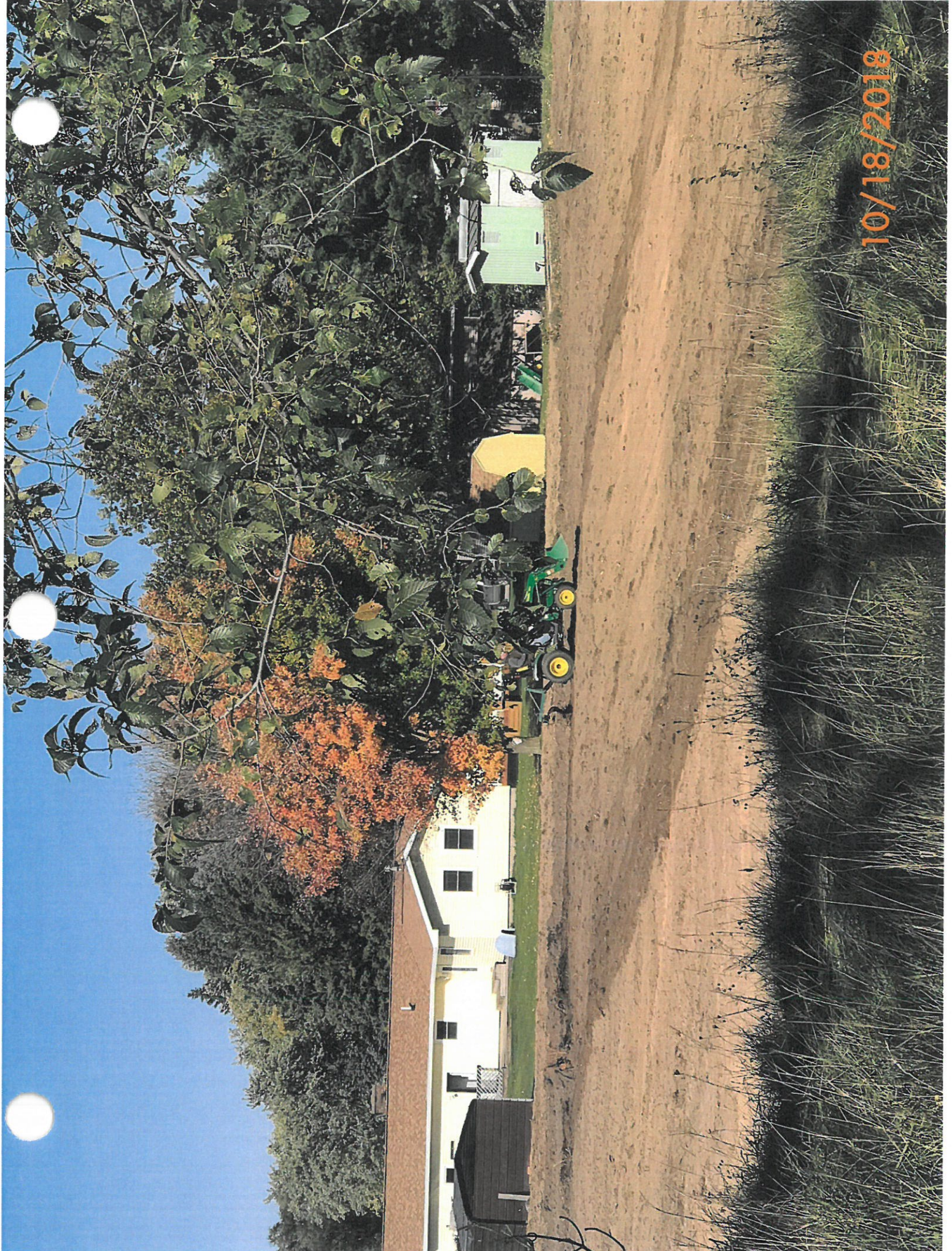
10/18/2018





10/18/2018





10/18/2018





# Charter Township of Garfield

Grand Traverse County

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

RECEIVED

OCT 11 2018

PLANNING

## APPLICATION FOR ZONING ORDINANCE TEXT AMENDMENT

This application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application will not be accepted and will result in processing delays.

### A. APPLICANT INFORMATION

Name of Applicant: Living Hope Church

Address: 3050 Airport Rd

Phone: (231) 946-4530 E-mail: CWALDIE@aol.com

Name of Agent: Carey Waldie

Address: 3050 Airport Rd

Phone: (231) 944-8237 E-mail: CWALDIE@aol.com

Please specify to whom all communications should be sent: Applicant  Agent

### B. PURPOSE OF APPLICATION

Section(s) reference: 753 Institutional Use

Please explain why the zoning ordinance text amendment is being requested (if additional space is required, please attach a separate sheet):

Section 753 imposes a substantial burden and inhibits our congregation from accomplishing its mission and free exercise of our faith.

Please provide in detail a draft of the proposed text amendment, including all necessary additions to or deletions from current zoning ordinance text: (if additional space is required, please attach a separate sheet):

"Buildings shall be set back 30ft from all street right-of-way lines and 30ft from any property line. Parking areas shall be set back 10' from all street right of way lines and 10' from any property line in a residential and/or agricultural district for churches."

### C. SIGNATURE

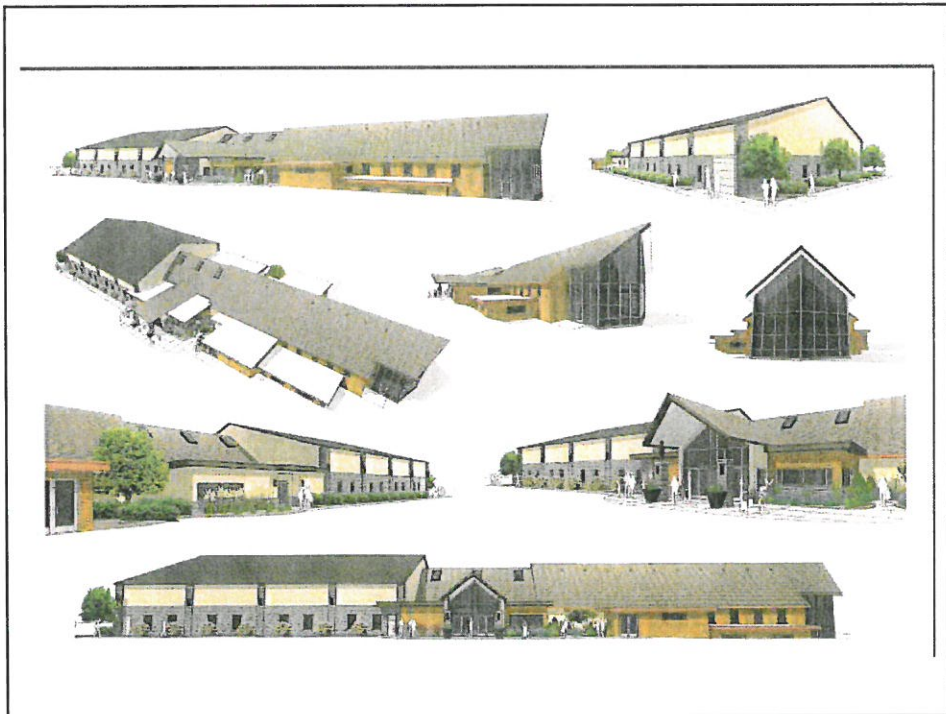
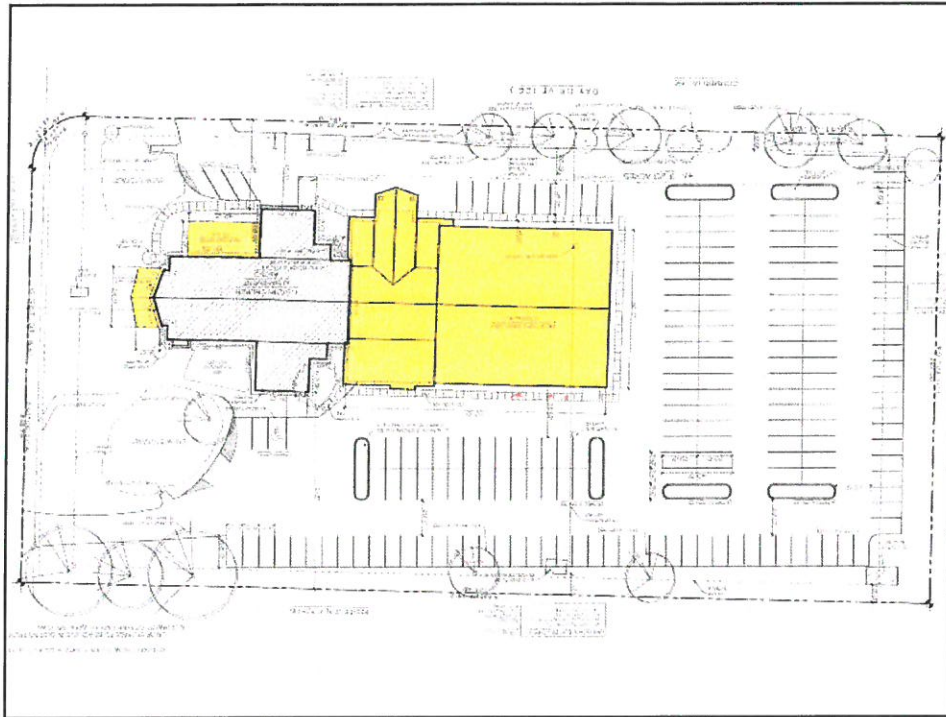
Carey Waldie Oct/11/18  
Applicant Signature Date:

Agent Signature Date:



*The* CHARTER TOWNSHIP *of* GARFIELD  
Grand Traverse County, Michigan

Request to Initiate a Text Amendment for  
Institutional Zoning

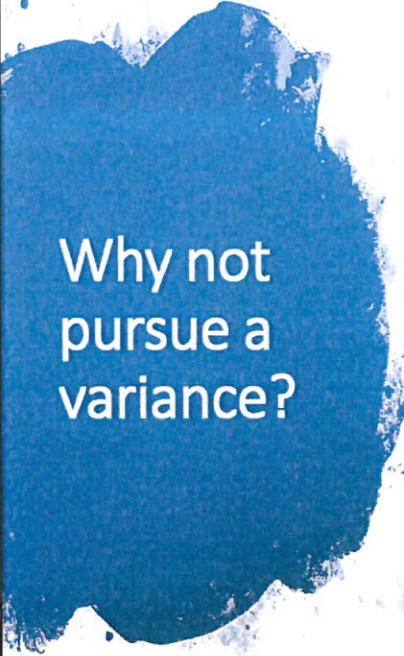






**Considerations  
for Text  
Amendment**

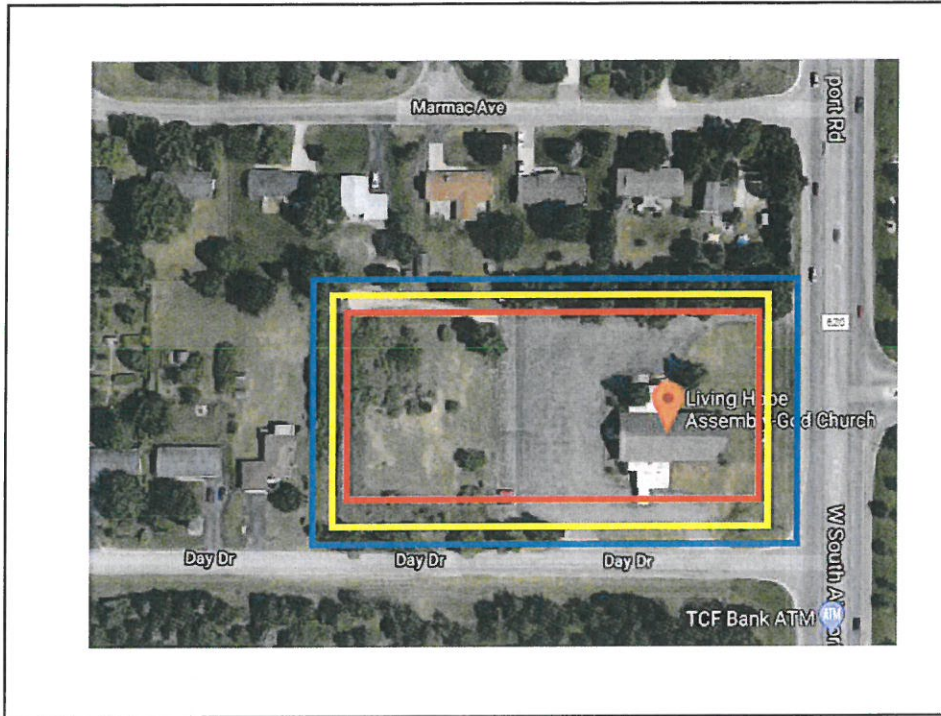
The ordinance change for institutional use has caused our church hardship and excessive burden by devaluing the property and inhibiting our ability to carry out our mission. In our case, it takes away about 37% of our property usage. This is a tremendous amount for our size lot and imposes a substantial burden upon ours and other congregations within the township.



**Why not  
pursue a  
variance?**

The application for a variance to the ZBA will likely be denied because we do not have a unique situation. There are other churches adversely affected by the zoning change.

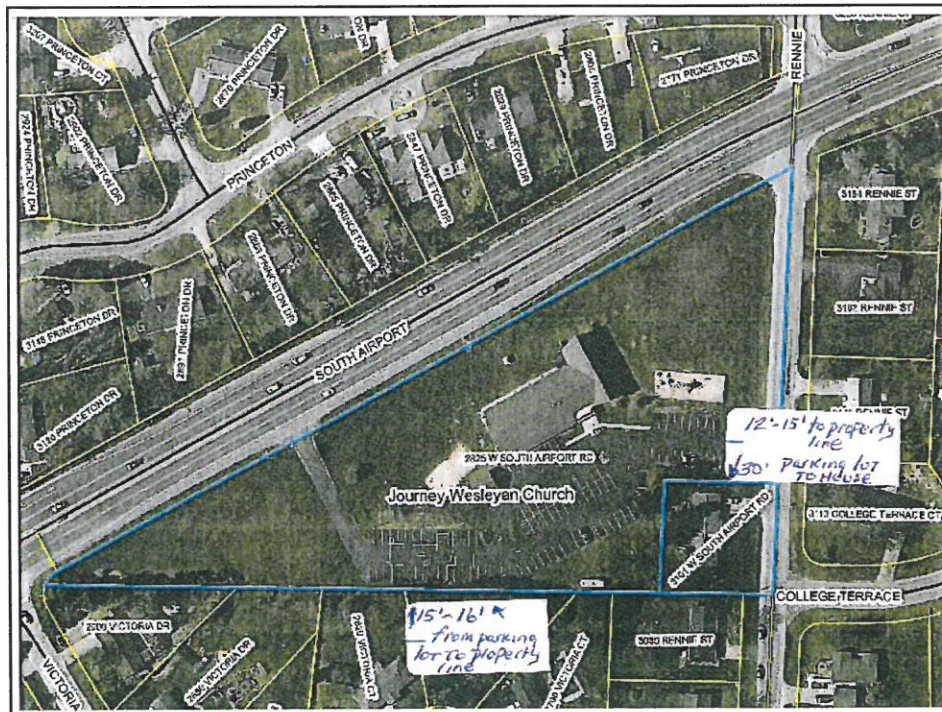




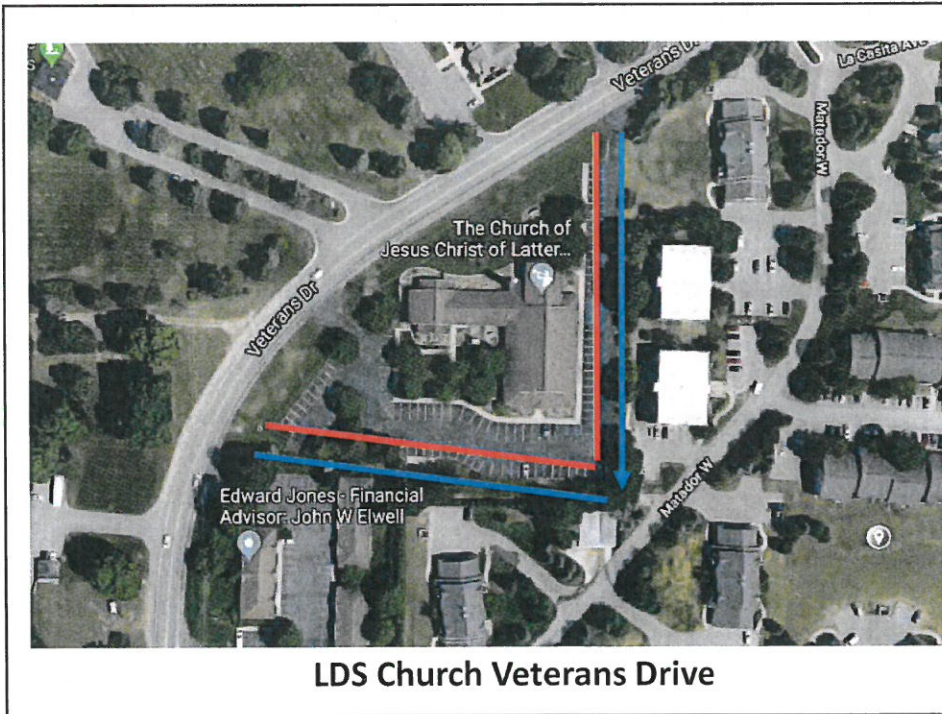
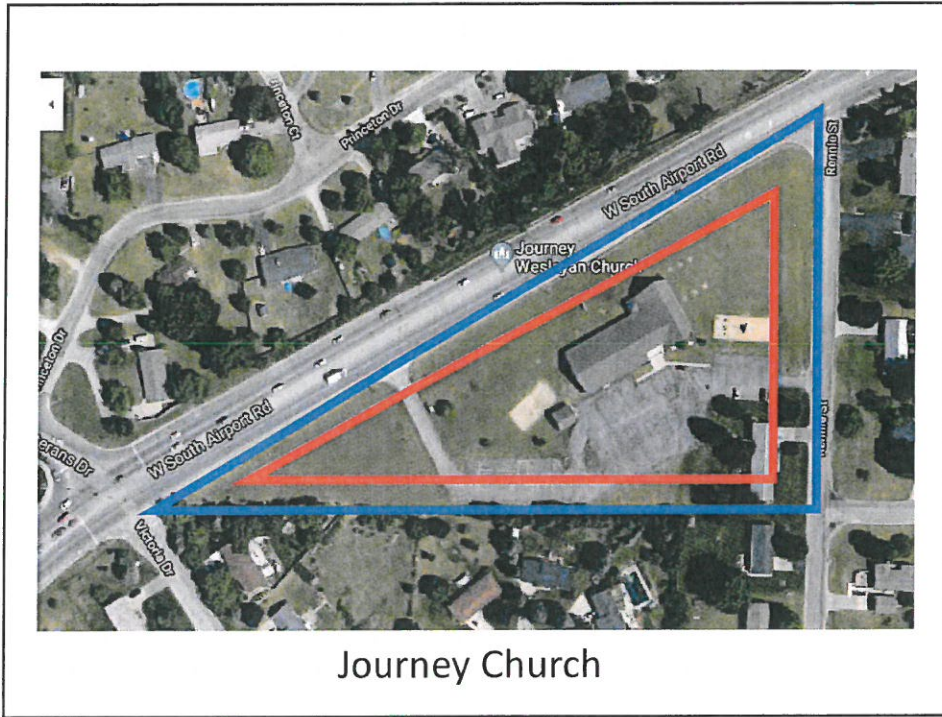
## LIVING HOPE CHURCH PROPERTY PROPOSAL; STATISTICAL BREAKDOWN & SCHEMATIC

TOTAL PROPERTY SQUARE FOOTAGE	123,428
TOTAL SQUARE FOOTAGE MINUS SETBACKS	77,968
TOTAL SQUARE FOOTAGE LOST	45,460
40' FOOT SETBACKS EAST AND WEST	18,880 Total or 9,440 each section
30' FOOT SETBACKS NORTH AND SOUTH	26,580 Total or 13,290 each section

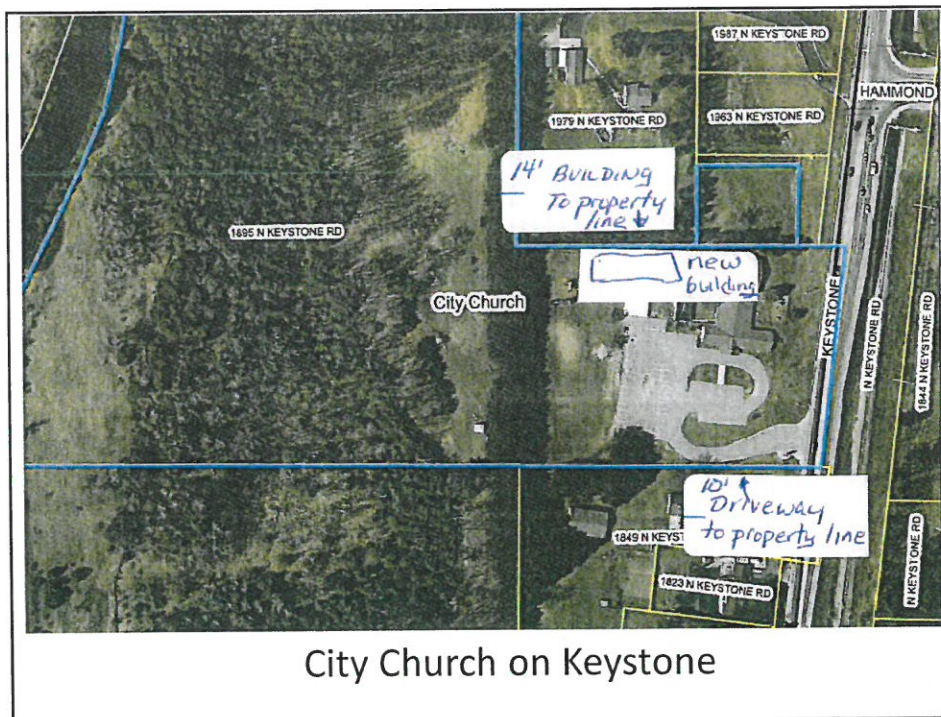
\* In essence, under the current "Institutional Coding" we are only keeping a useable 63% of Living Hope property.













## Best Practices for Churches

- If you're going to build you should double or triple your capacity to avoid having to build again too soon.
- If your church is 70% full it is full.
- Parking ratios must be 1.5 to 2.5 seats per parking spaces to be viable<sup>1</sup>
- Ratios are trending down because more people are single today.
- If you hold multiple services you need more parking because during the transition time some cars will overlap.
- Churches have peak parking times only a few hours per week.

1. Joe Lapaglia, Aspen Group

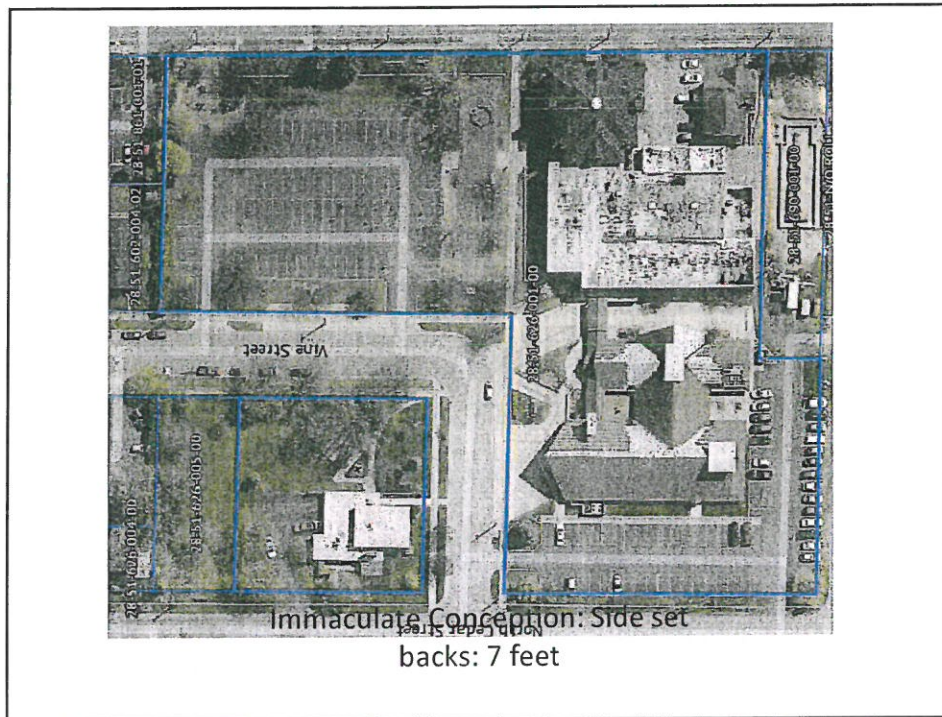
\*GREAT, BUT WE HAVE MAX OF ONE (1) PER THREE (3) SEATS, wouldn't comply with ordinance (Sec. 551.02) table 5-47

heard pc govt application re: amend. DON'T INITIATE TEXT AMENDMENTS TO ACCOMMODATE SPECIFIC PROJECT'S DEMANDS. BAD PRECEDENT AS POINTED OUT BY BOARD RE: 10 ft access R-1, 2, 3

THIS IS NOT ALL THAT DIFFERENT

## Other Considerations

- During an earlier report during the R-1 discussion, churches in the city of Traverse City were mentioned as examples of neighborhood churches.
- The city determines zoning for institutions by the *underlying zoning* not by separate rules for institutions. (David M. Weston)
- Churches like Immaculate Conception and Faith Reformed are larger churches that fit inside of their neighborhoods.



The Impact on Living Hope

- Our proposed plan with 10 foot setbacks gave us room for the seating but we're tight on parking. (180).
- Without changing the ordinance we face a substantial burden in pursuant to these goals.
- We lose 37 % of our property usage



The current ordinance for institutional use is more restrictive than:

- All the R districts
- Local Commercial
- General Commercial
- Office Commercial
- Industrial Mixed Use
- Horse barn can be 20 from adjacent property lines.

*"restrictive" - in what respect - explain*

					Front	Side	Rear		
R-1 (with public sewer)	15,000 (A)	100	2 ½	35	30	10	30	30%	24
R-1 (w/o public sewer)	20,000	100	2 ½	35	30	10	30	30%	24
R-2 (one family with public sewer)	12,000 (A)	80	2 ½	35	30	10	25	30%	24
R-2 (one family w/o public sewer)	15,000	100	2 ½	35	30	10	30	30%	24
R-2 (two family with public sewer)	10,000 (A)	75	2 ½	35	25	10	25	30%	24
R-2 (two family w/o public sewer)	13,500	80	2 ½	35	30	10	30	30%	24
R-3	(B)	70 (C)	3	40	25	20	20	35%	24
R-R	43,560	110	2 ½	35	30	15	35	20%	24
R-M					(D)				
C-L	10,000	70	2	28	25 (E)	(F)	30	-	24
C-O	10,000	70	2	22	25 (E)	20	30	-	24
C-G	15,000	100	-	35 (M)	40 (G)	(F)	(F)	-	24
C-H	10,000	100	-	35 (M)	50 (H)	20 (H)	30 (H)	-	24
C-P					(I)				
I-G	-	150	-	35 (M)	40 (E)	15	20	-	24
I-L	-	150	-	35 (M)	40 (E)	15	20	-	24
A	43,560 (J)	110	2 ½	35	30	20	35	20%	24
P-R	43,560	110	2 ½	35	30	20	35	20%	24

Charter Township of Garfield Zoning Ordinance Article 3, Page 3-7

**SECTION 752 HORSES, KEEPING OF FOR PERSONAL USE**

**A. REGULATIONS AND CONDITIONS.**

- (1) The horse(s) shall be kept for the personal use of residents of the property
- (2) The parcel shall contain not less than five (5) acres of land
- (3) A maximum of three (3) horses may be allowed at any time
- (4) Structures used to house or board horses shall be located a minimum of 20 ft from adjacent properties.

**SECTION 753 INSTITUTIONAL USE**

**A. REGULATIONS AND CONDITIONS.**

- (1) The proposed site shall have at least one (1) property line on a major thoroughfare.
- (2) Buildings and parking areas shall be set back at least forty (40) feet from all street right-of-way lines and thirty (30) feet from any property line in a residential or agricultural district.

OK - BUT,  
 AG LOTS  
 W/HORSES  
 BIK - SPACED  
 OUT, NOT  
 LOAD USE  
 REALLY  
 NO TRAFFIC



**U.S. Department of Justice  
 Civil Rights Division**

**A Guide To Federal Religious Land Use Protections**

The Religious Land Use and Institutionalized Persons Act (RLUIPA) protects religious institutions from unduly burdensome or discriminatory land use regulations. The law was passed unanimously by Congress in 2000, after hearings in which Congress found that houses of worship, particularly those of minority religions and start-up churches, were disproportionately affected, and in fact often were actively discriminated against, by local land use decisions. Congress also found that, as a whole, religious institutions were treated worse than comparable secular institutions. Congress further found that zoning authorities frequently were placing excessive burdens on the ability of congregations to exercise their faiths in violation of the Constitution.

In response, Congress enacted RLUIPA. This new law provides a number of important protections for the religious freedom of persons, houses of worship, and religious schools. The full text of RLUIPA is available at [http://www.usdoj.gov/crt/housing/housing\\_rluiipa.htm](http://www.usdoj.gov/crt/housing/housing_rluiipa.htm). Below is a summary of the law's key provisions, with illustrations of the types of cases that may violate the law.


- RLUIPA prevents infringement of religious exercise.





## Possible Solutions

- A text amendment to the ordinance that would allow for 10 feet of setback for parking. Larger setbacks could remain for buildings. This would be a good compromise.
- Change the policy that allows institutional uses to work with the underlying zoning like the city of Traverse City.
- Allow for more leeway on rezoning churches to various forms of commercial.
- ??? Other solutions

 <b>Charter Township of Garfield</b> <b>Planning Department Report No. PD 2018-119</b>		
Prepared:	December 4, 2018	Pages: 1 of 1
Meeting:	December 12, 2018 Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	Proposed Amendment to Sec. 512 – Service Drives-Public Hearing	

**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. After the revisions were completed, the revised amendment was introduced to the Planning Commission at its October 10, 2018 Regular Meeting.

At the October 10<sup>th</sup> meeting, Commissioners expressed that they generally view the revised amendment in a favorable light and unanimously passed a motion scheduling a public hearing on the amendment for tonight, December 12, 2018. However, during the October 10<sup>th</sup> meeting, it was suggested that agricultural driveways in particular be exempted from the new separation standards.

**STAFF COMMENT:**

After having done a considerable amount of research and conferring extensively with the Zoning Administrator, Staff has included a provision in this draft that exempts agricultural driveways from the proposed separation standards provided that certain conditions can be met. Staff is confident that the conditions will prevent the exemption from being exploited.

**ACTION REQUESTED:**

The purpose of this item being on tonight’s agenda is to hold a public hearing on the revised amendment. If, following discussion, the Planning Commission is prepared to make a recommendation to the Township Board, the following motion is suggested:

MOTION TO RECOMMEND to the Township Board that the proposed amendment to Section 512 – Service Drives in the Zoning Ordinance, as attached to PD Report 2018-119, BE ADOPTED.

Any additional information that the Planning Commission determines to be necessary should be added to this motion.

**Attachments:**

1. Draft of Section 512 — Access Management and Restrictions with changes since 10-10-18 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 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 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 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~~n~~ 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 measured from centerline to centerline of 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 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 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 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 minimum possible to satisfy the separation intent of this 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 in the case of single-family residences provided that each of the following standards can be met:
  - 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.
- c. The Zoning Administrator may allow relief from the separation standard stated in Section 3 above in the case of agricultural driveways provided that each of the following standards can be met:
  - i. The proposed driveway remains permitted as an Agricultural Entrance by the GTCRC in the case of a county road or is permitted as a Residential Driveway or Farm Field Driveway by the Michigan Department of Transportation (MDOT) in the case of a state highway.
  - ii. The proposed driveway serves an Agricultural Operation as defined in this Ordinance in the determination of the Zoning Administrator.
  - 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 Engineer for compliance with 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.



# Charter Township of Garfield

## Grand Traverse County

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

## 2019 PLANNING COMMISSION MEETING DATES

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The Charter Township of Garfield Planning Commission meets on the second and fourth Wednesdays of each month, excepting the months of November and December. All meetings begin at 7:00 p.m. and are held at the Garfield Township Hall, 3848 Veterans Drive, Traverse City, Michigan. The adopted 2019 meeting schedule is as follows:

### Regular Meeting

January 9, 2019  
 February 13, 2019  
 March 13, 2019  
 April 10, 2019  
 May 8, 2019  
 June 12, 2019  
 July 10, 2019  
 August 14, 2019  
 September 11, 2019  
 October 9, 2019  
 November 13, 2019  
 December 11, 2019

### Study Session

January 23, 2019  
 February 27, 2019  
 March 27, 2019  
 April 24, 2019  
 May 22, 2019  
 June 26, 2019  
 July 24, 2019  
 August 28, 2019  
 September 25, 2019  
 October 23, 2019

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 the Township. Individuals with disabilities requiring auxiliary aids or services should contact Garfield Township by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620, or TDD #922-4766.