

**CHARTER TOWNSHIP OF GARFIELD  
PLANNING COMMISSION MEETING**

**Wednesday, March 14, 2018 - 7:00 pm**  
**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**
  - a. February 28, 2018
- 3. Correspondence**
- 4. Reports**
  - a. Township Board
  - b. Planning Commissioners
  - c. Planning Department
- 5. Business to Come Before the Commission**
  - a. PD 2018- 31 Amber Rousseau -1296 Silverwood - Daycare 12 or less
  - b. PD 2018-28 Introduction - Dennis Banton/Arlene F Banton - 3717 S. Airport Rezone
  - c. PD 2018- 29 Brickways /Church of Christ Map Amendment Findings of Fact
- 6. Public Comment**
- 7. Items for Next Agenda – March 28, 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  
February 28, 2018**

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

**Roll Call of Commission Members:**

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

Absent and Excused: John Racine

Staff Present: Planning Director Rob Larrea

**1. Review and Approval of the Agenda – Conflict of Interest (7:00)**

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

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

*Nays: None*

**2. Minutes (7:00)**

**a. January 24, 2018 Regular Meeting Minutes**

*Uithol moved and Cline seconded to approve the minutes of the January 24, 2018 Regular Meeting.*

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

*Nays: None*

**b. February 14, 2018 Regular Meeting Minutes**

*Uithol moved and DeGood seconded to approve the minutes of the February 14, 2018 Regular Meeting.*

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

*Nays: None*

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

Commissioners received copies of Planning and Zoning News

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

**Township Board Report**

Duell had no report.

**Planning Commissioners**

None

**Planners Department**

Larrea said that he prepared a resolution to waive the county's right of review of township Zoning Ordinance amendments and the resolution was approved.

**5. Business to Come Before the Commission****a. Annual Report (7:05)**

Larrea has prepared the Annual Planning Report pursuant to the requirements set forth in Section 19(2) of the Michigan Planning Enabling Act.

*Robertson moved and Cline seconded THAT the 2017 Planning Commission Annual Report, as contained in PD Report No. 2018-16 BE ACCEPTED and forwarded to the Garfield Township Board as required by Section 19(2) of the Michigan Planning Enabling Act.*

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

*Nays: None*

**b. Hickory Hills SUP Findings of Fact (7:08)**

This application is requesting approval of a Special Use Permit (SUP) to begin implementation of the Master Plan for the Hickory Hills Ski Park and Recreation area. This is the last step to the SUP process. Hickory Hills is located in Garfield Township and is owned by the city of Traverse City. At the February 14<sup>th</sup> Planning Commission meeting, the Planning Commission requested staff to prepare Findings of Fact in favor of the proposed SUP. Commissioners asked questions regarding engineering and pedestrian circulation.

*DeGood moved and Robertson seconded a MOTION THAT the Findings of Fact for application SUP-2017-04, as presented in Planning Department Report 2018-30, BE ADOPTED.*

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

*Nays: None*

*DeGood moved and Uithol seconded THAT Application SUP-2017-04 requesting to implement the adopted Hickory Hills Master Plan BE APPROVED, subject to the following conditions:*

- 1. Final engineering review and approval by the Township Engineer including all infrastructure and stormwater.*
- 2. All final reviews from agencies with jurisdiction shall be provided prior to any land use permits being issued.*
- 3. All pedestrian circulation shall be constructed prior to receiving a Certificate of Occupancy.*
- 4. The applicant shall provide two (2) full-size plan sets, one (1) 11" x 17" 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.*

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

Nays: None

**c. Master Plan – Next Step (7:13)**

Larrea said that the Master Plan was completed in October and the Planning Commission made the choice to wait until spring to hold Public Hearings. He added that there is a 63 day period for other municipalities to comment on the Master Plan and asked that the process for the 63 day period begin at this time. Commissioners decided to wait until next month to begin the 63 day process. Commissioners had questions pertaining to the proposed zoning in the Master Plan and the maps of zoning as it is right now. Commissioners discussed some parcels in depth and Larrea reminded them that the new Master Plan was indicative of *future* land use, not land use as was the reality right now. Commissioners wanted to have another look at some parts of the proposed Master Plan to determine if the proposed zoning was intended. Staff will bring back new maps with a clearer color scheme for the next meeting.

**d. Planned Shopping Center Amendment – Intro (7:55)**

Commissioners were presented with a rough draft for the Planned Shopping Center amendment to Section 322-C-P. This section would replace the old section in its entirety. The proposed amendment would bring new uses to the district to help make it a “destination” and also allows for transition uses within mall areas. All uses would be permitted by right. The proposed setbacks are still being reviewed. Larrea said that buffer zones may need more detail and may be dependent on the neighboring use. Commissioners discussed drive-through’s in the district. Staff will continue to tweak the draft ordinance. Commissioners discussed the proposed U-Haul development and its compatibility with the proposed C-P amendment.

**e. Access Drive Amendment – Intro (8:25)**

Commissioners were given a first draft of an amended version of Section 512 – Service Drives. Currently, there is one entrance in most instances which could cause traffic issues. Entering and exiting traffic needs to be disbursed so as to not cause jams and additional curb cuts for these properties may be needed. Questions about phased construction and when such developments should be required to place a service drive were discussed. Larrea discussed primary roads versus identified roads.



Commissioners agreed to keep the wording on the draft, but to continue discussion of phased construction projects and look at primary roads vs. named roads.

**f. Administrative Reviews (8:40)**

**Life Story Funeral Home**

**Beers Dentistry Building Addition**

Larrea reviewed the report for the Administrative Site Plan Reviews for Life Story Funeral Home and Beers Dentistry so that commissioners could see the informative paper trail for these projects.

**g. By-Laws (8:48)**

Larrea said that by-laws are attached to remind commissioners about what their duties are as Planning Commissioners. It is informational in nature but if there are questions, commissioners can bring them up. Commissioners reviewed and re-approved the by-laws.

**7. Public Comment (8:54)**

Ken Patterson representing U-Haul and Schostak addressed commissioners regarding the proposed Planned Shopping Center amendment and encouraged them to add the use which would allow them to locate in the district.

Carey Waldey, Pastor of Living Hope Church, asked about his application timing in light of his plan to rezone the church property. He wanted to time the application so that it would have the best chance of approval and said that the R-2 District allows for churches, but not the R-1 district.

**8. Items For Next Agenda – March 14, 2018 (9:12)**


DeGood commented on the proposed Planned Shopping Center amendment and shared concerns with the proposed U-Haul use.

**9. Adjournment**

*Duell moved and DeGood seconded to adjourn the meeting at 9:21 p.m.*

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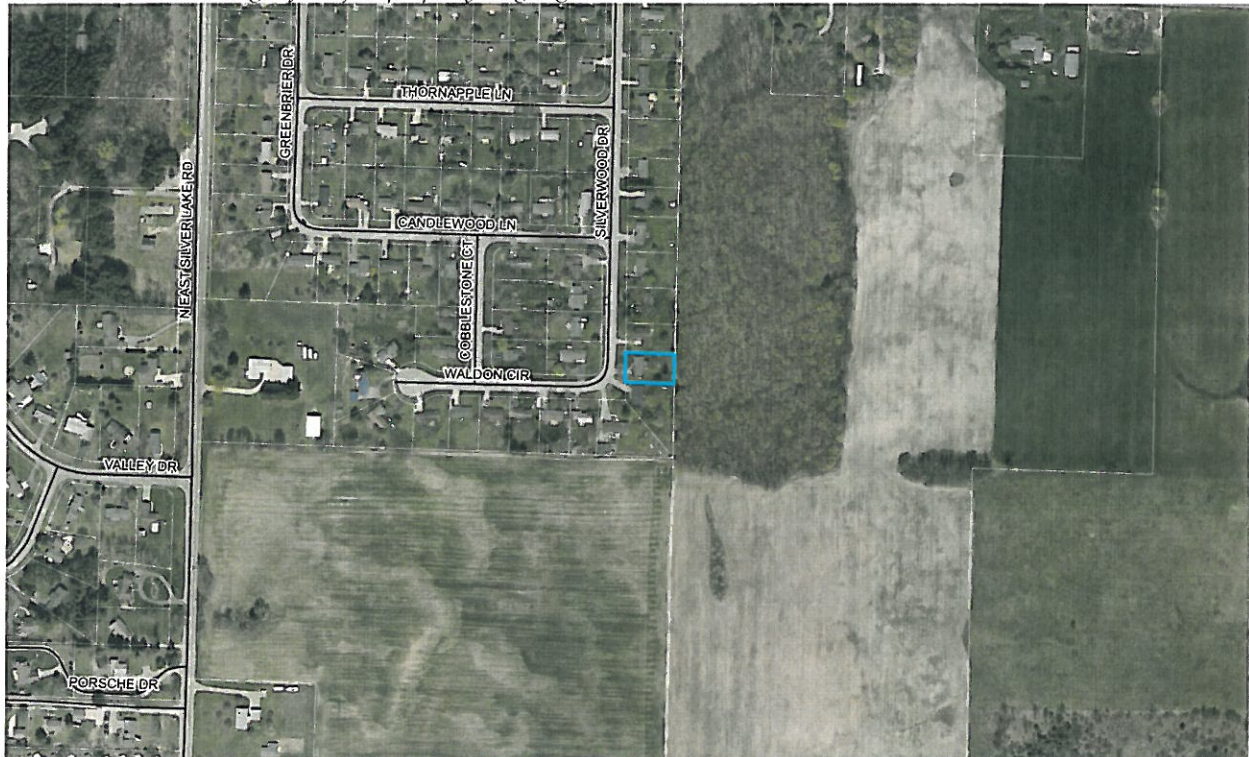
Joe Robertson, Secretary  
Garfield Township Planning  
Commission  
3848 Veterans Drive  
Traverse City, MI 49684

 Charter Township of Garfield Planning Department Report No. 2018-31		
Prepared:	February 21, 2018	Pages: Page 1 of 8
Meeting:	March 14, 2018-Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	Application for Approval of Child Care, Small Group Home (12 or less)	
File No.	SUP-2018-01	Parcel No. 05-305-059-00
Applicant/Owner:	Amber Rousseau/Tom Rookus	
Agent:	None	

**SUBJECT PROPERTY:**

- 1296 Silverwood Drive
- Approximately 0.28 acres in area
- Lot 59 Silver View No. 2
- R-1 One-Family Residential District

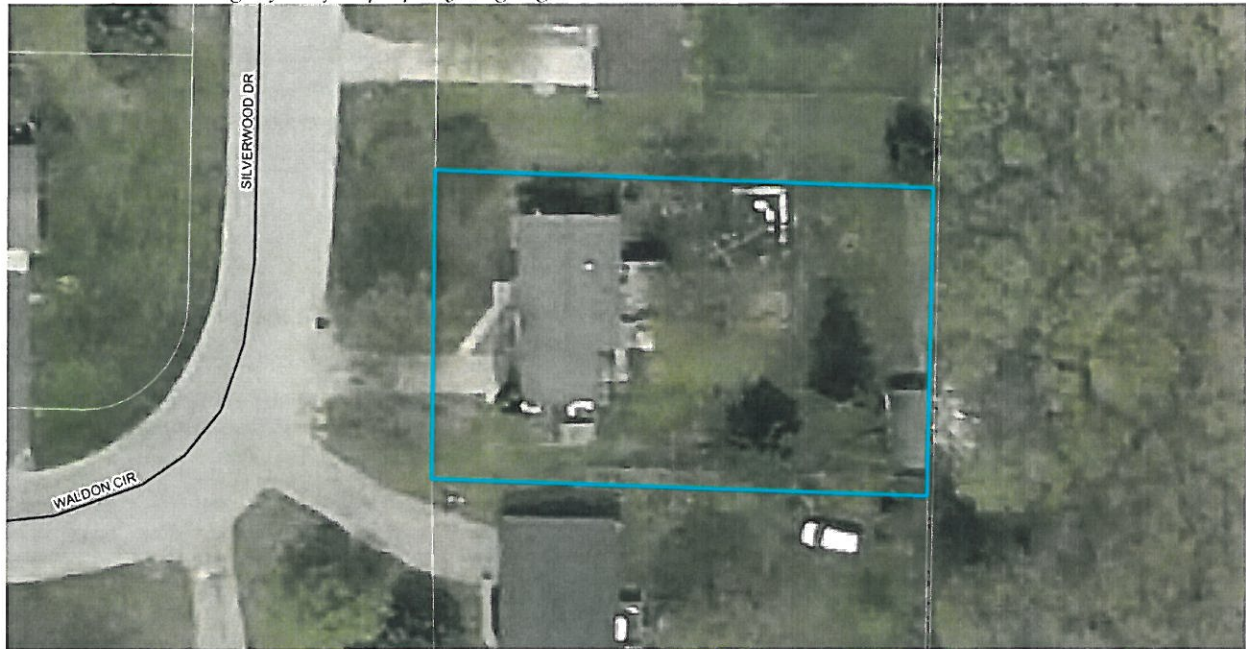
*Zoomed-out aerial image of subject property (highlighted in blue):*





## Silverwood Drive Daycare-SUP

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



### **PURPOSE OF APPLICATION:**

The application requests approval of a “Child Care, Small Group Home (12 or less)” at 1296 Silverwood Drive. Currently, the applicant is operating a licensed daycare with 6 children and is therefore looking to expand.

### **STAFF COMMENT:**

“Child Care, Small Group Home (12 or less)” is a use permitted via Special Use Permit (SUP) in the R-1 One-Family Residential District. In accordance with Section 719 of the Zoning Ordinance, a Planning Commission *hearing* is required; however, the typical two-stage introduction and *public hearing* process is not required for this particular use. Therefore, provided that the Planning Commission is satisfied with the information presented at the March 14th meeting, the application may be approved, approved with conditions, or denied at this meeting.

Section 719.A sets forth several regulations and conditions with regard to the proposed use. This portion of the report will discuss each of them in turn:

*Facility shall maintain all valid state and local licenses:*

Staff has verified via the Michigan Department of Licensing and Regulatory Affairs (LARA) that the applicant is actively licensed with the State (License #: DF280378475) for a “Child Care Family Home (Capacity 1-6).” Since the applicant is seeking to expand beyond the 1-6 capacity to 12 or less, Staff will condition this approval on the State license being updated to reflect the higher capacity as well.

*Facility shall be operated within the primary residence of the caregiver:*

According to LARA records, the applicant (caregiver) and her husband reside at the subject residence.

## Silverwood Drive Daycare-SUP

*All outdoor areas used for the care and supervision of patrons shall have appropriate fencing for the safety of the children in the group day-care home of no less than 4 ft in height or in accordance with State regulations:*

As illustrated on the applicant's site plan, 700 square feet of the subject property's backyard area is fenced with a fence 4 feet in height with two gates and is used as a designated play area. During a brief February 27, 2018 site visit, Staff confirmed the existence and height of the fence and observed several children's toys within the area. In addition, a State inspector was satisfied with the fenced play area after observing it during a June 3, 2016 inspection.

*Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood:*

The neighborhood is relatively quiet with primarily single-family homes and the proposed facility is a single-family home being maintained as such. Driving by, it is not apparent to a passerby that a daycare facility is being operated at the home. In addition, no complaints have been received by the Township regarding the daycare use; and notice of the opportunity for public comment was mailed to owners within 300 feet of the facility and was posted in advance of this meeting.

*Hours of operation shall not exceed sixteen (16) hours during a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM:*

The applicant's application narrative indicates her intent to maintain her current operating hours of 6:00AM-5:00PM, Monday-Friday, which does not exceed the 16-hour limit in the Ordinance.

*The Planning Commission shall determine that the facility will be safe to enter and exit via motor vehicle. This determination may rely upon the Planning Director's recommendation, following a site inspection, and, if necessary, the Planning Director's discussions with the Grand Traverse County Road Commission and/or other professional traffic impact consultant:*

The subject neighborhood has a very low traffic volume considering its single-family character and the configuration of the streets. Because of the way in which the home is situated on the lot near the curve at Silverwood Drive and Waldon Circle, traffic can be seen from either direction from the front entrance of the home. A vast majority of the traffic on those streets is likely be residents leaving from and returning to their homes. The proposed daycare would be unlikely to significantly impact traffic in the area in considering the maximum capacity of 12 children. Only about additional 24 trips in a given day would be created by parents dropping off once and picking up once.

Further, parents may pull into the driveway or curbside to pick up/drop off. The driveway can accommodate up to four cars and seven additional can be accommodated curbside—all within clear view of the home's entrance.

*The Planning Commission shall determine that the site is properly designed and capable of safely accommodating the proposed facility:*

State records indicate that the facility has been used as a licensed daycare since at least March 8, 2016. The home is a bi-level with a deck and stairs leading from the upper level to the outdoor play area. As observed by Staff at the February 27, 2018 site visit, the deck is constructed with very narrowly spaced

## Silverwood Drive Daycare-SUP

upright boards securing the railings on all sides apart from the staircase, thus making it virtually impossible for a child to fall under a railing from the deck area. As previously discussed above, the outdoor play area is fenced and gated in accordance with State regulations.

Regarding the suitability of the interior of the facility: The kitchen, dining room, and bathroom on the upper level are currently *approved* by the State for use by children. On the lower level, the family room and office are currently *approved* by the State for use by children.

However, on the upper level, the three bedrooms are *not approved* for children's use, nor are the furnace/laundry/bathroom on the lower level.

*The Planning Commission may deny the request if any of the following facilities exist within 1,500 feet of the subject property:*

- *A licensed or pre-existing operating group day-care home;*
- *An adult care small group home (1-12 adults);*
- *An adult foster care large group home (13-20 adults);*
- *A facility offering substance abuse treatment and rehabilitation service to 7 or more people;*
- *A community correction center, resident home, halfway house, or similar facility under jurisdiction of the Department of Corrections;*

A search of property records via the Township's Geographic Information Systems (GIS) and Assessing Department, as well as State records via LARA, found none of the facilities listed above within 1,500 feet of the proposed facility.

### **OTHER CONSIDERATIONS:**

This application should be considered in the context that the State's rules for daycare facility compliance are very stringent and include regular inspections for compliance. A State license will not be issued until the applicant has obtained zoning approval first. Thus, if this SUP is approved, the applicant will nonetheless have to reapply to the State for a capacity of up to 12. In other words, this zoning approval alone does not allow for the applicant to operate with 12 children or less; the State must also license her for that capacity.

### **ACTION REQUESTED:**

Following an opportunity for applicant presentation, public comment, and Planning Commission discussion, if the Commission is prepared to make a decision, the following separate motions in support of approval are offered for consideration:

THAT application SUP-2018-01 for a Special Use Permit to operate a Childcare, Small Group Home (12 or less) facility at 1296 Silverwood Drive, in accordance with Section 719 of the Charter Township of Garfield Zoning Ordinance, BE APPROVED, subject to the following conditions:

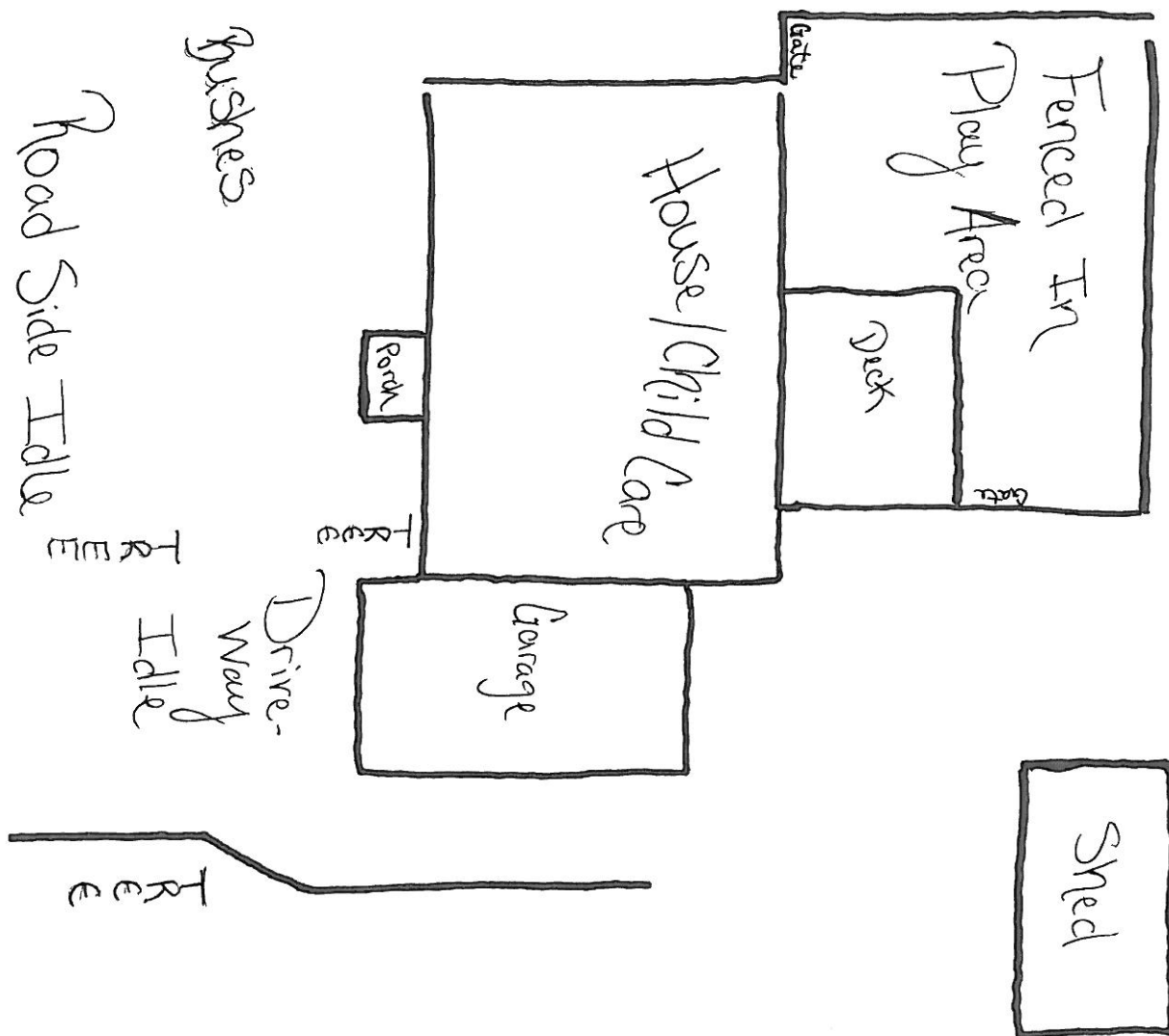
1. That the applicant remain in compliance with State of Michigan licensing requirements for a childcare facility for up to 12 children at all times.
2. That the facility only operate between the hours of 6:00AM to 5:00PM, Monday-Friday, with the exception of occasional evening events for parents.

## Silverwood Drive Daycare-SUP

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

*Attachments:*

1. Sketch Site Plan (provided by applicant)
2. Application Narrative (provided by applicant)
3. Assessing Sketch (provided by Staff)





12-12-2017

To whom it may concern:

I, Amber Rousseau resident at 1296 Silverwood Dr. (parcel # 28-05-305-059-00); child care owner of Blessings Child Care LLC is requesting permission to go from family child care (6) to group home (12) with my husband as assistant. He has been my helper & backup for the last 1.5 years of operation. With fantastic reviews & high demand in our area we feel this will not only be great for our family but help many families in our area continue to be employed. We plan to keep our current operating hours of 6AM-5PM M-F with our parent date nights offered 1x in the Spring & summer months & 1x in the months of Oct, Nov & Dec for Christmas shopping and such.

We live in a quiet neighborhood and many have been very supportive of our business. Our driveway is wide enough for 4 to idle & 3 on our side of the street and 5 on parallel side as well. Which gives us 12 vehicles at one given time within in sight of our front window & entrance. The neighborhood has little traffic & the curve near the house is open for full view of traffic on either side. We have adequate lighting as needed during the long dark winter months that gives lighting to the roadside for a safe approach to our home. We also have 2 large maple trees on each side of the driveway and a mulberry bush in the front yard which will work as safety barriers as needed. Never do we play in the front yard.

Furthermore, we currently have a large fenced in area in the back yard for safe outdoor play off the back deck. The fenced in 4 foot high & 700 sq feet in area with 2 gates for safe & effective entering and exiting for children, ourselves & families.

Thanks for your time & consideration of our request to open as a group as a benefit to all in our area.

Thanks,

Amber Rousseau  
Blessings Child Care LLC  
1296 Silverwood Dr.  
Traverse City, MI 49685  
Current Lic #: DF280378475


# SKETCH/AREA TABLE ADDENDUM

<b>SUBJECT</b>	Parcel No 05-305-059-00				
	Property Address 1296 SILVERWOOD DR				
	City TRAVERSE CITY	County GRAND TRAVERSE	State MI	Zip 49685	
	Owner ROOKUS THOMAS				
	Client				
<b>IMPROVEMENTS SKETCH</b>	Appraiser Name				
	<div style="position: relative; width: 100%; height: 100%;"> <div style="position: absolute; top: 10%; right: 10%; border: 1px solid black; padding: 5px; text-align: center;"> 20' NEW? NO PERMIT Wd Frm Shed 200.0 sf 10' </div> <div style="position: absolute; top: 30%; left: 35%; width: 15%; height: 15%; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); text-align: center;"> 16' WD 192.0 sf 12' </div> <div style="position: absolute; top: 40%; left: 25%; width: 30%; height: 20%; border: 1px solid black; text-align: center;"> 36' Bi-Level 864.0 sf 24' </div> <div style="position: absolute; top: 45%; left: 55%; width: 15%; height: 25%; border: 1px solid black; text-align: center;"> 14' Garage 308.0 sf 22' </div> <div style="position: absolute; top: 55%; left: 35%; width: 10%; height: 10%; border: 1px solid black; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px); text-align: center;"> 6' CPP 24.0 sf </div> <div style="position: absolute; top: 38%; left: 50%; transform: translate(-50%, -50%);">121 SF CONC</div> <div style="position: absolute; top: 56%; left: 55%; transform: translate(-50%, -50%);">383 SF CONC</div> <div style="position: absolute; top: 53%; left: 15%;">18'</div> <div style="position: absolute; top: 53%; left: 45%;">12'</div> <div style="position: absolute; top: 53%; left: 40%;">12'</div> <div style="position: absolute; top: 53%; left: 40%;">12'</div> </div>				
	Scale: 1" = 20'				
	<b>AREA CALCULATIONS SUMMARY</b>				
	Code	Description	Factor	Net Size	Perimeter
GLABi	Bi-Level	1.00	864.00	120.0	864.00
GARG	Garage	1.00	308.00	72.0	308.00
P/PWD	WD	1.00	192.00	56.0	192.00
P/PCPP	CPP	1.00	24.00	20.0	24.00
P/POE	OE	1.00	18.00	38.0	
	OE	1.00	12.00	26.0	30.00
OTEND	Wd Frm Shed	1.00	200.00	60.0	200.00
Net LIVABLE Area (rounded w/ factors)					864
<b>AREA CALCULATIONS</b>	Comment Table 1				
	Comment Table 2		Comment Table 3		

Garfield Charter Township, Grand Traverse County

APEX SOFTWARE 800-858-9958

Apr7100-wr Apex v5

 <b>Charter Township of Garfield</b> Planning Department Report No. 2018-28		
Prepared:	February 13, 2018	Pages: Page 1 of 6
Meeting:	March 14, 2018-Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	3717 W South Airport Rd Rezoning (Map Amendment)-Introduction	
File No.	Z-2018-01	Parcel No. 05-021-048-00
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:**

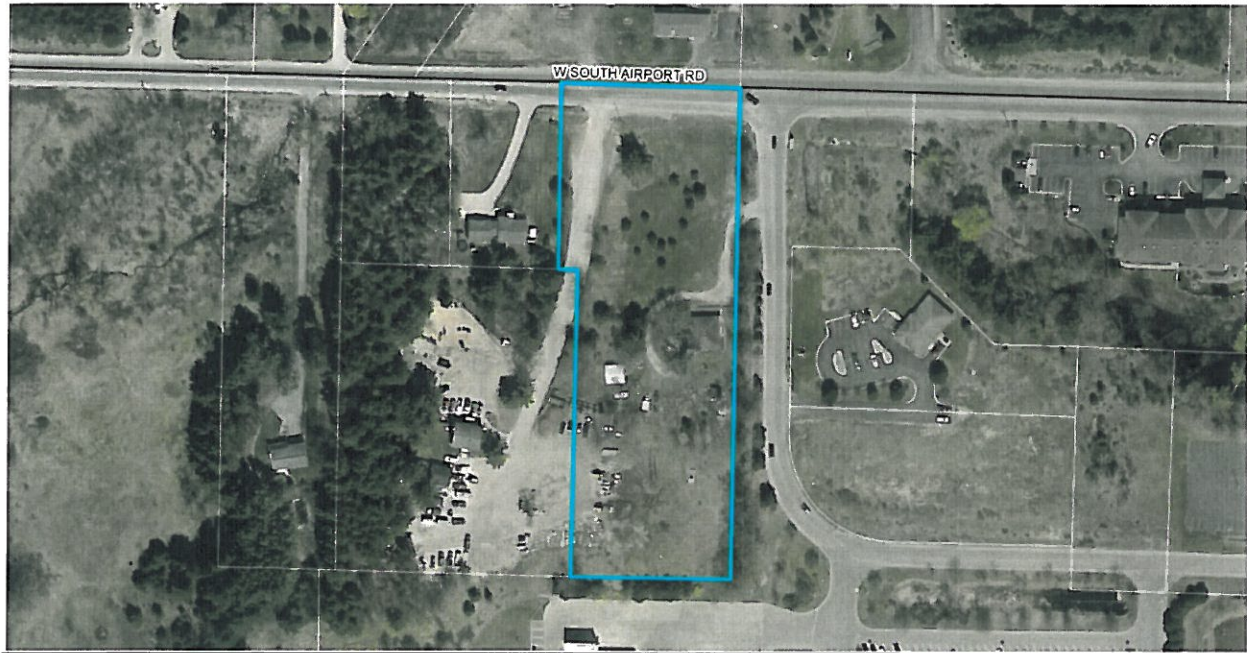
The application affects a single parcel at 3717 West South Airport Road (*see image below*). A single-family dwelling, a pole barn, a gravel drive, and two (2) water wells are located on the property. The property is bordered by one (1) dwelling and what appears to be some sort of landscaping business to the west, 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:**

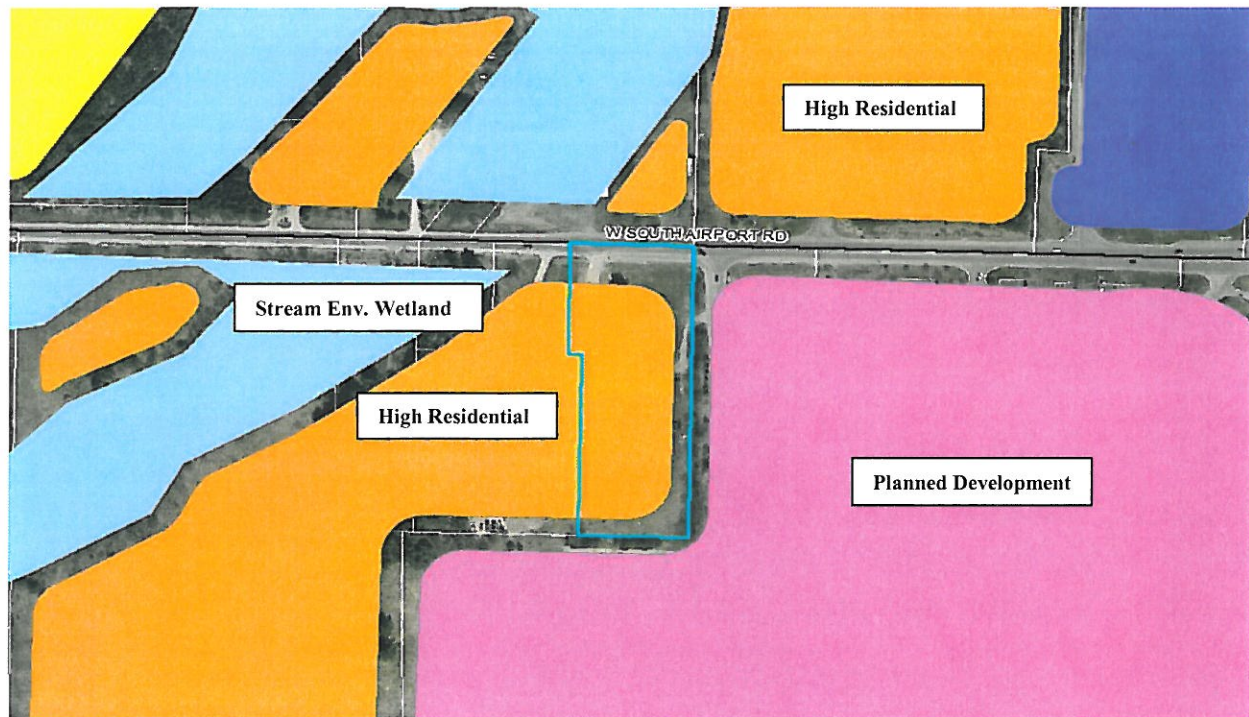
A primary factor in considering any rezoning request is the relationship between the application and the Master Plan. In this case, the Master Plan targets the site for “High Density Development,” which anticipates “[a]reas suited to developments of fifteen (15) units per acre or greater.” However, the *proposed* Master Plan targets the site for much less intensive “Agricultural/Rural Land,” which anticipates “>1 Units Per Acre.” Although the *proposed* Master Plan has not yet been adopted, it nonetheless provides relatively up-to-date context regarding the Planning Commission’s intended direction in terms of future land uses.

The High Density Development designation is compatible with the 6-9 units per acre called for in the R-3 Multi-Family District; whereas the Agricultural/Rural Land designation, on the other hand, is incompatible with the 6-9 units per acre called for in the R-3 Multi-Family District. Therefore, the rezoning request is consistent with the Master Plan, but inconsistent with the *proposed* Master Plan.

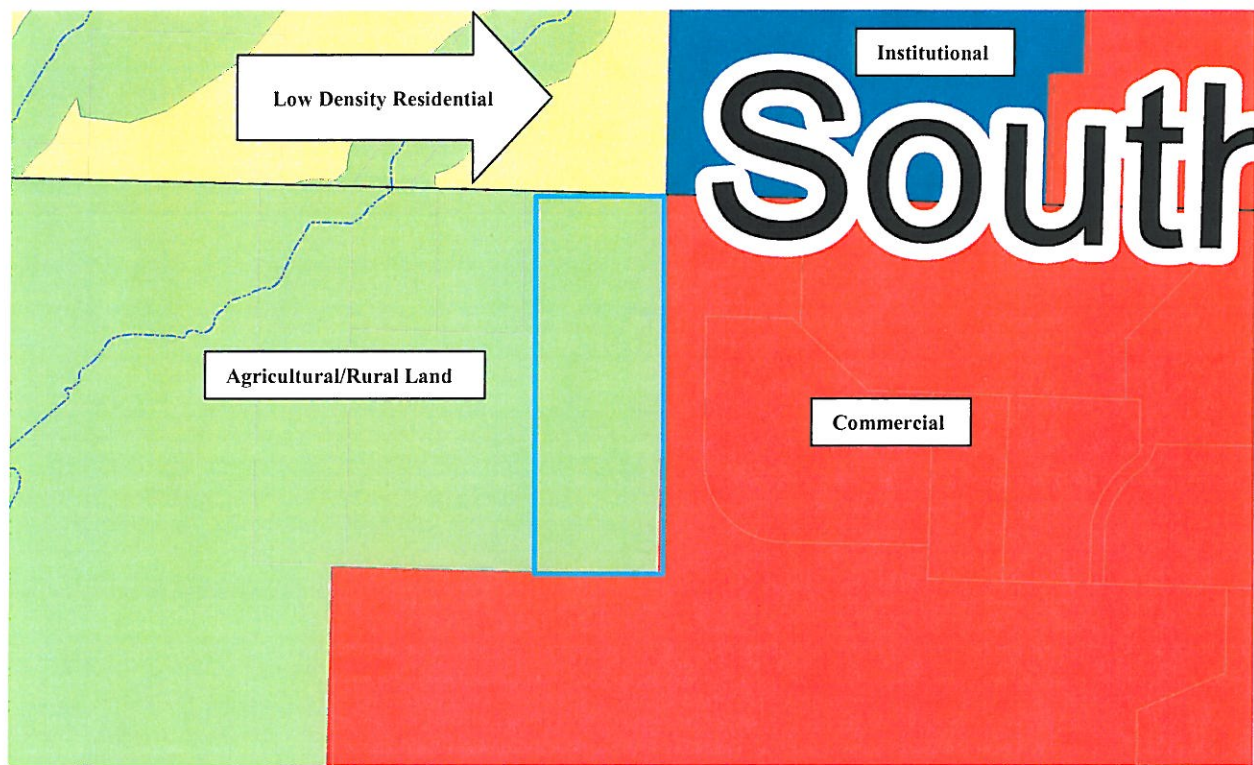


**MASTER PLAN:**

The Master Plan identifies this area (orange) as High Density Development (15 units per acre or greater):



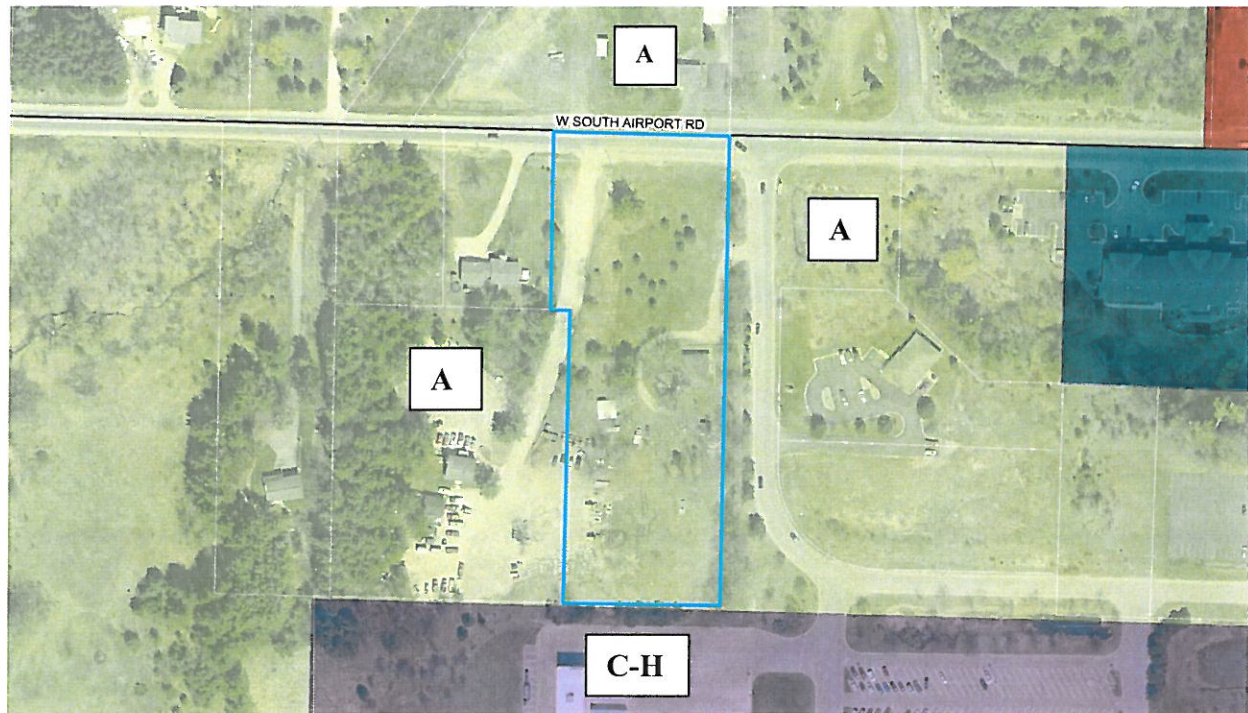
The *proposed* Master Plan identifies this area (light green) as Agricultural/Rural Land (>1 units per acre):





**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:**

Under the Zoning Ordinance, the burden is on the applicant to justify the rezoning. In this case, however, the Director of Planning waived the written impact statement for this application; therefore, Staff will address the request in light of Section 421.E.

It is debatable whether the site is appropriate for multi-family development in light of the surrounding uses, zoning, the subject property's Master Plan designation, and the other relevant factors in Section 421.E. First, uses on two sides (to the west and north) are single-family residential; whereas those on the other two sides (east and south) are commercial. Multi-Family residential is compatible with the commercial uses but arguably not the less intensive residential uses.

Second, the surrounding zoning is A - Agricultural on three sides (west, north, and east). The R-3 and A - Agricultural Districts are generally incompatible, as the two Districts are on entirely opposite sides of the density/intensity spectrum in terms of residential uses. Nonetheless, the C-H District to the south is generally compatible with R-3.

Third, as discussed on page 2 of this report, the Master Plan does anticipate High Density Residential on the subject property; however, the *proposed* Master Plan anticipates Agricultural/Rural Land (>1 Units Per Acre). Although the currently adopted Master Plan controls, the Zoning Ordinance allows for the consideration of public policy and other factors, and the *proposed* Plan may provide context in terms of Commissioners' more up-to-date future land use preferences.

Fourth, Section 421.E(7) requires that the size of the tract be considered. Here, the tract is quite small for multi-family development at just 3.14 acres. In addition, the Zoning Ordinance discourages rezoning a single parcel where there have been no intervening changes or other saving characteristics, which do not appear to be present in this case.

Finally, it appears that the rezoning would create a very small (single parcel) "island" of R-3 away from the areas where a vast majority of the new multi-family housing is developing. Whether this would be regarded as a spot zoning is something to consider.

**APPROVAL CRITERIA DISCUSSION:**

To aid in the discussion, the following approval criteria are offered for consideration:

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

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

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

1. Master Plan Consistency
2. Adverse Impacts on Neighboring Lands
3. Suitability as Presently Zoned
4. Changed Conditions
5. Health, Safety, and Welfare
6. Public Policy
7. Size of Tract
8. Other Factors



**ACTION REQUESTED:**

If the Planning Commission is satisfied with the information within this report and as presented by the applicant at the March 14, 2018 Planning Commission meeting, the following motion is offered for your consideration:

MOTION THAT application Z-2018-01, submitted by Dennis Banton to rezone parcel 05-021-048-00 from the A – Agricultural District to the R-3 Multi-Family Residential District, BE ACCEPTED and scheduled for public hearing at a meeting to be held on April 11, 2018.

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.




**Legend**  
 Garfield Parcels 2017  
 Garfield Roads 2017

This map is based on digital databases prepared by Garfield Township. The Township does not warrant, expressly or impliedly, that the information on this map is current or positional accurate. Always consult a surveyor to be sure of where your property lines are located.

Garfield Charter Township  
3848 Veterans Drive  
Traverse City, MI 49684  
Phone: 231.941.1620  
Fax: 231.941.1688  
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Garfield Township Planning Dept: 2/15/2018

 <b>Charter Township of Garfield</b> Planning Department Report No. 2018-29		
Prepared:	February 21, 2018	Pages: Page 1 of 7
Meeting:	March 14, 2018-Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	Brickways and Church of Christ Proposed Rezoning-Findings of Fact	
File No.	Z-2017-06	Parcel Nos. 05-015-042-10 & 05-015-044-00
Applicant/Owner:	Grand Traverse Engineering, LLC/Brickways ( <i>for Brickways Parcel only</i> )	
Agent:	Grand Traverse Engineering, LLC ( <i>for Brickways Parcel only</i> )	

**BACKGROUND:**

The request is to rezone approximately 12 acres of land from the R-1 One-family Residential District to the R-3 Multi-family Residential District, without restriction (3.6-acre Brickways parcel + 8.4-acre Church of Christ parcel = 12 acres).

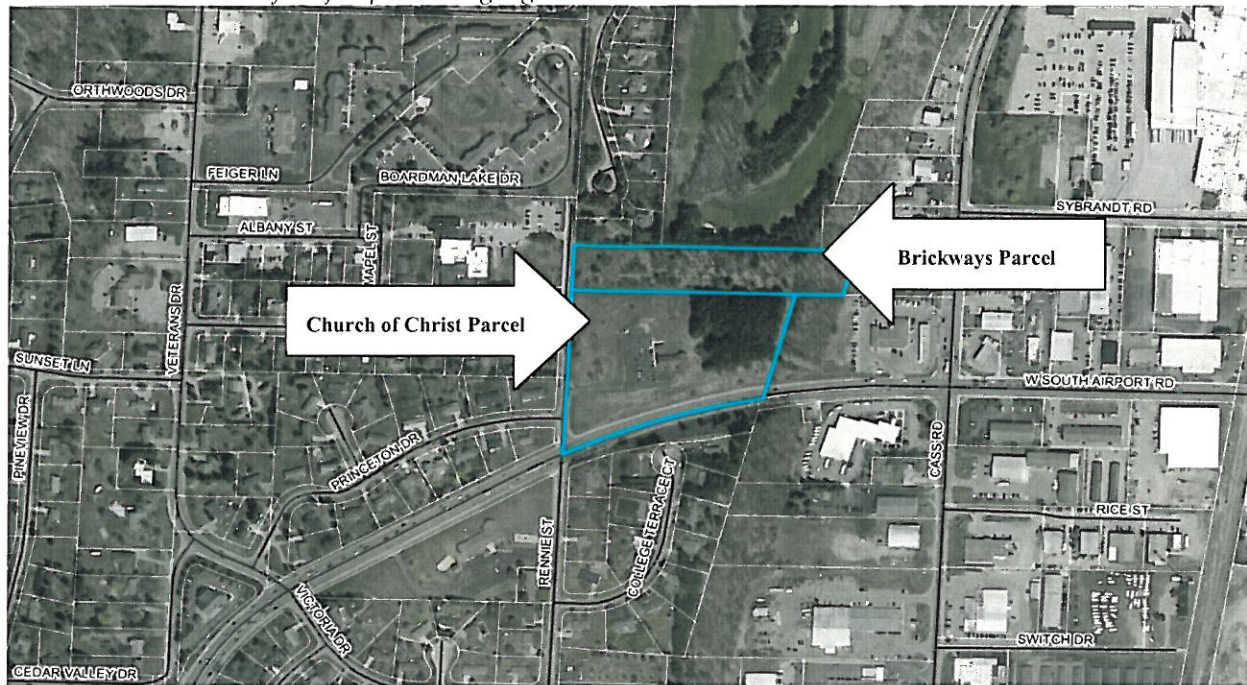
The original application which initiated this rezoning, submitted by Grand Traverse Engineering, LLC, was introduced at the January 24, 2018 Planning Commission meeting. This application included only the 3.6-acre Brickways parcel. At that meeting, Staff recommended that the Church of Christ parcel immediately south of the Brickways parcel be included in the rezoning and the applicant agreed. This was recommended because the 3.6-acre Brickways parcel is relatively small with regard to accommodating multi-family development and rezoning a single parcel is discouraged under the Zoning Ordinance. Consideration of the adequacy of the size of the tract in question is one of the approval criteria for map amendments (*see* Section 421.E(7)).

On January 29<sup>th</sup>, upon receiving correspondence from the Church of Christ indicating their willingness to be rezoned from R-1 to R-3, Staff officially added the 8.4-acre parcel to the request. Therefore, the rezoning request before you includes both the Brickways and Church of Christ parcels, totaling approximately 12 acres in area (*both parcels will together be referred to as the "subject property"*). At the February 14, 2018 Planning Commission meeting, Commissioners directed Staff to prepare findings of fact in support of the rezoning, which are included in this report.



## Brickways & Church of Christ Rezoning-Findings of Fact

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



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





**USES OF SURROUNDING PROPERTIES:**

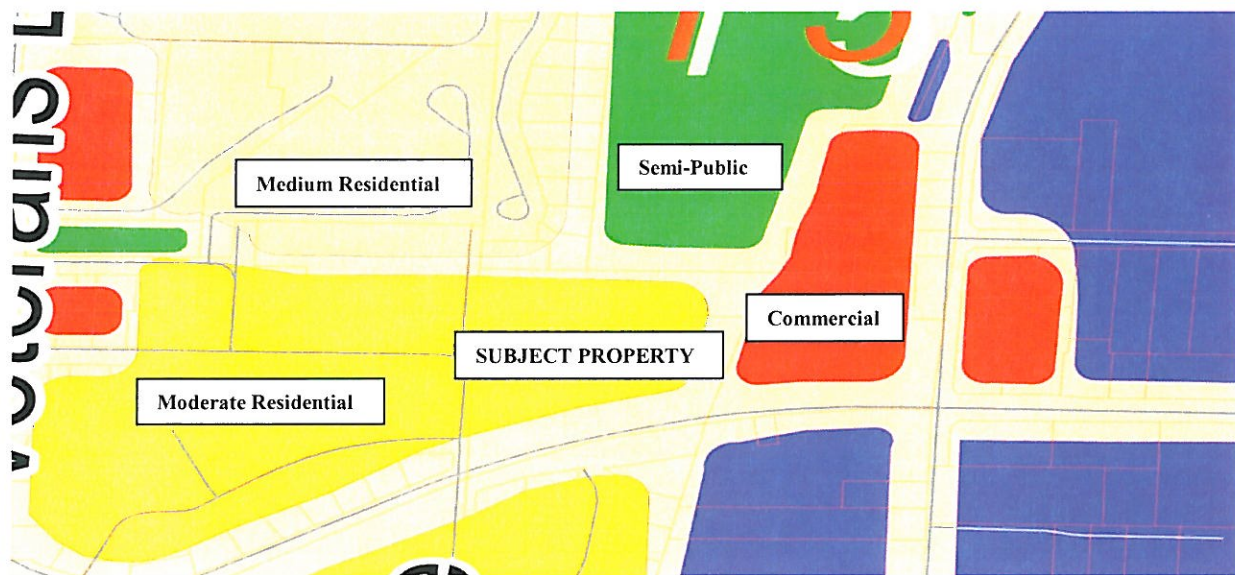
The subject property is abutted by medium- to high-density residential uses and single-family residential uses to the west (R-3); medium- to high-density residential (R-3), single-family residential (R-1), and commercial uses to the north (C-G); commercial uses to the east (C-G); and single-family residential (R-1) and industrial uses to the south (I-G).

**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 “Moderate Density Residential,” which anticipates “[a]reas having a density of 2 to 6 residential units per acre, ideally served by municipal water and sewer services” (p. 2). This Master Plan designation is compatible with the 6-9 units per acre called for in the R-3 Multi-Family District on the highest end, and the 2 units per acre called for in the R-2 Two-Family District on the lowest end. In addition, as specifically called for in the language of the Master Plan designation, the site is served by municipal sewer and water services. Therefore, Staff regards this rezoning request as consistent with the Master Plan.

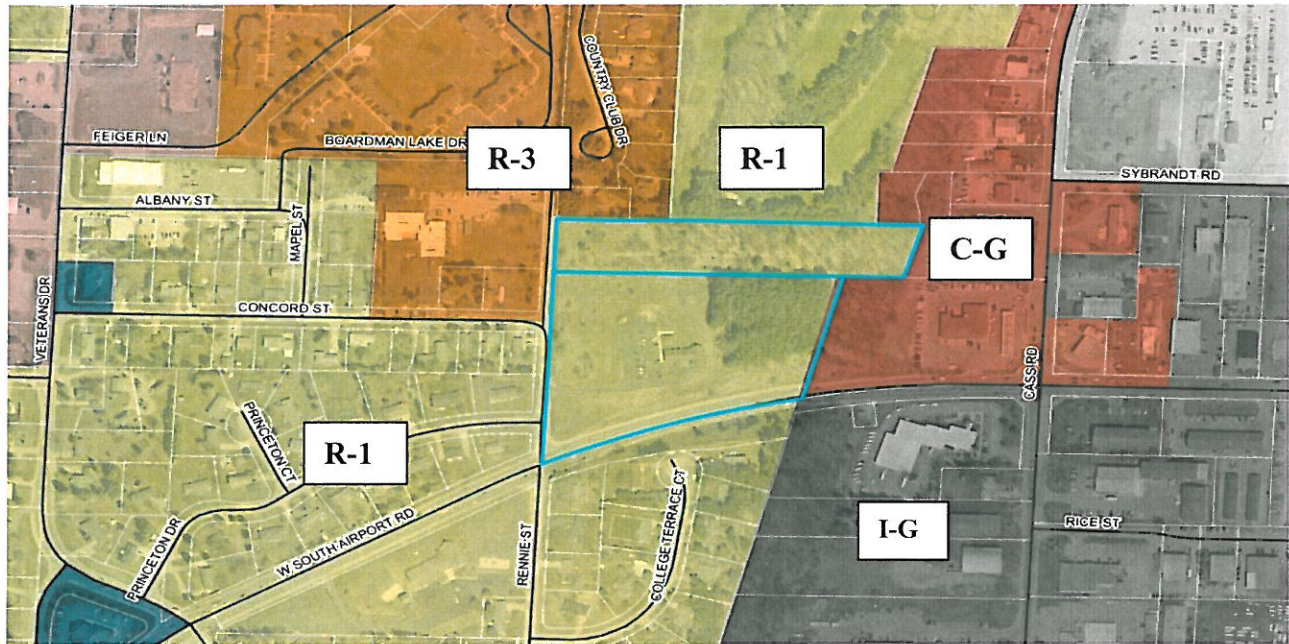
**MASTER PLAN:**

The Master Plan (yellow) identifies this area as Moderate Residential (2 to 6 units per acre):



**CURRENT AND SURROUNDING ZONING:**

The property is currently zoned R-1 One-Family Residential as identified in light green below and adjoins R-3 Multi-Family, C-G General Commercial, R-1 One-Family, and I-G General Industrial Districts:



**STAFF COMMENT:**

The property appears to be a logical location for multi-family development in light of the surrounding uses, zoning, and the subject property's Master Plan designation. It is adjacent to a large R-3 District to the northwest and in close proximity to many essential services along the South Airport corridor. In addition, the site is served by municipal sewer and water services. Although the subject property is adjacent to R-1 districts to the north, west, and south, the use within the District to the north, a golf course, is nonresidential and relatively intense. The uses to the west and south are single-family neighborhoods; however, the subject property is separated from those neighborhoods by W. South Airport Road.

Under the Zoning Ordinance, the burden is on the applicant to justify the rezoning. In this case, the applicant offers several persuasive reasons as to why the property is appropriate for rezoning for greater density, including that the rezoning is consistent with the Master Plan, that there is lack of foreseeable impacts on neighboring lands, and that there is a continuing need for affordable multi-family housing. The one criterion on which the application was initially deficient was the consideration of the size of the tract. However, this concern has been addressed with the addition of the 8.4 acre Church of Christ parcel.

**FINDINGS OF FACT:**

The application was introduced to the Planning Commission at their January 24, 2017 meeting and scheduled for a public hearing on February 14, 2017. Following the public hearing and discussion, the Planning Commission unanimously recommended approval of the request for a map amendment to the Township Board. The Zoning Ordinance requires various criteria to be addressed to aid in the decision, which are addressed below:



### **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:*

- The Master Plan targets the site for “Moderate Density Residential,” which anticipates “[a]reas having a density of 2 to 6 residential units per acre, ideally served by municipal water and sewer services” (p. 2). This Master Plan designation is compatible with the 6-9 units per acre called for in the R-3 Multi-Family District.
- The rezoning continues the pattern of encouraging density in the core area of the Township as called for in the Master Plan.
- The parcel is located in close proximity to amenities such as health services, support services, and transportation opportunities.
- As specifically called for in the language of the Master Plan designation, the site is served by municipal sewer and water services.

#### **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 intense commercial uses, approved moderate density residential projects or master planned moderate density projects, and relatively high intensity residential uses within a low density district (e.g., the golf course to the north)—in this light, foreseeable adverse impacts on neighboring lands appear highly unlikely.

#### **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 area surrounding the subject property is continuing to evolve from single-family residential to medium-/high-density residential to meet housing demand in the area.
- The 12-acre property is better suited for higher intensity residential uses than as presently zoned.

**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 land use pattern in the area of this request is continuing to evolve from single-family residential to mid-/high-density residential.
- Support services and care facilities have become prevalent in the area as have apartments, duplex units, mixed health care, and support services.

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

The ordinance amendment must bear a substantial relationship to the public health, safety, or general welfare, or must protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need or purpose exists.

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

- There continues to be a substantial public need for rental units in the area.

**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 a 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:*



## Brickways & Church of Christ Rezoning-Findings of Fact

- The applicant proposes to rezone 12 acres of land, which is an appropriate size for consideration.

### **ACTION REQUESTED:**

Following an opportunity for applicant presentation, public comment, and Board discussion, the following separate motions in support of approval are offered for consideration:

(MOTION) THAT the Planning Commission's adopted Findings of Fact for Application Z-2017-06, attached to PD Report 2018-29 and forming part of this motion, BE APPROVED *(to be adopted only after review of the finding of fact document)*.

The following motion would be appropriate to adopt the zoning map amendment:

(MOTION) THAT application Z-2017-06, submitted by Grand Traverse Engineering, LLC to rezone lands along Rennie Street to R-3 Multi-Family Zoning District, and constituting amendment No. 9 to the Garfield Township Zoning Ordinance, BE RECOMMENDED FOR APPROVAL to the Garfield Township Board, based on the approved Findings of Fact and for the reasons set out in report PD-2018-29.