## CHARTER TOWNSHIP OF GARFIELD PLANNING COMMISSION MEETING

Wednesday, April 11, 2018 - 7:00 pm Garfield Township Hall 3848 Veterans Drive Traverse City, MI 49684 Ph: (231) 941-1620

#### AGENDA

#### <u>Call Meeting to Order</u> Roll Call of Commission Members

- 1. Review and Approval of the Agenda Conflict of Interest
- 2. Minutes
  - a. March 28, 2018
- 3. <u>Correspondence</u>
- 4. Reports
  - a. Township Board
  - b. Planning Commissioners
  - c. Planning Department
- 5. <u>Business to Come Before the Commission</u>
  - a. PD 2018-43 Banton -South Airport Property Rezoning
  - b. PD 2018-45 Living Hope Church Rezone-Intro
  - c. PD 2018-44 Pine Grove Home Findings of Fact
  - d. Continued Discussion of the 2018 Draft Master Plan
- 6. Public Comment
- 7. Items for Next Agenda April 25, 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 March 28, 2018

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

#### **Roll Call of Commission Members:**

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

Absent and Excused: Joe Robertson, Chris DeGood

Staff Present: Planner Rob Larrea

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

Cline moved and Uithol seconded to approve the agenda as presented.

Yeas: Cline, Uithol, Duell, McManus, Racine

Nays: None

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

#### a. March 14, 2018 Regular Meeting Minutes

Duell moved and Uithol seconded to approve the minutes of the March 14, 2018 Regular Meeting as presented.

Yeas: Duell, Uithol, McManus, Cline, McManus

Nays: None

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

None

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

#### **Township Board Report**

Duell reported that that the Scussel property has been rezoned back to Agricultural A-1. He added that the Public Hearing on the Buffalo Ridge matter was formerly closed but the negotiations between the parties continue. A redline document will be given to the board for review. A bid went to Elmer's for the Northwest water system extension.

#### **Planning Commissioners**

McManus said that trees were recently cut on the property next to the Scussel's which was recently rezoned to agricultural.

#### **Planners Department**

Larrea said that the Planning Department is finalizing the DNR grant request for River East.

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

# a. PD 2018-40 Continued Discussion Service Drives Proposed Amendment (7:07)

Larrea said this is the 2<sup>nd</sup> draft of the proposed service drive amendment. He reviewed changes with commissioners and said that the intent of the amendment was to limit the amount of curb cuts on major roads and thoroughfares to allow for a better traffic flow. Larea said that longer roads, such as Garfield Road, could be limited in certain sections. Commissioners discussed curb cuts in depth and talked about sight distance between curb cuts and adopting a general rule for distance between cuts. Commissioners talked about 400-500 feet between curb cuts as a general rule and 600 feet along major roads. Larrea said that the Planning Department was looking for fairness and flexibility in the matter. Commissioners discussed residential and commercial connectivity as well. Larrea is working on Section 3 of the proposed amendment and commissioners gave him suggestions pertaining to the escrow portion. Larrea will bring the proposed amendment back to the Planning Commission after some consultation with an attorney regarding the escrow section.

# b. PD 2018-41 Continued Discussion of the 2018 Master Plan Draft (7:47)

Larrea explained that his memo covers the questions regarding the 63 day review period, however, the last zoning map was created in CAD and it would have to be recreated in GIS and it may be difficult to recreate the zoning map for comparison. Larrea said the intent of the new Master Plan was to retain landowner's rights and not to take anything away from anyone. Commissioners discussed the maps and the intent of the Master Plan. A couple pieces of property were discussed in depth as they related to the Master Plan as buffer areas. It was noted that Robertson may have a couple pieces of property to review as well and Larrea said that Robertson would be contacted by staff to discuss the properties in question. Racine urged Commissioners to keep moving forward with the Master Plan and asked that commissioners discuss the areas in question at the next meeting. Larrea will prepare an 18 x 24 zoning map for commissioner review.

#### 7. Public Comment (8:23)

None

#### 8. <u>Items For Next Agenda – April 11, 2018</u> (8:23)

Larrea said that the U-Haul applicant requested a subcommittee to discuss the C-P Shopping district. Larrea commented on subcommittees in general.

#### 9. Adjournment

Racine adjourned the meeting at 8:35pm.

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

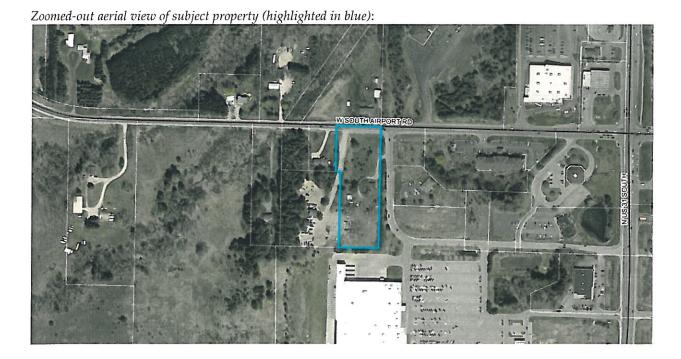
Charter Township of Garfield Planning Department Report No. 2018-43			
Prepared:	April 2, 2018	Pages: Page 1 of 7	
Meeting:	April 11, 2018-Planning Commission	Attachments:	
Subject:	3050 W South Airport Rd Rezoning (Map Amendment)-Introduction		
File No.	Z-2018-01	Parcel No. 05-021-048-00	
Applicant/Owner:	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-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).

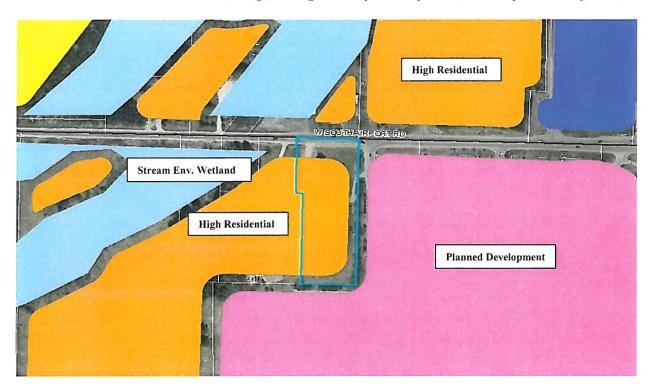
#### MASTER PLAN CONSIDERATIONS:

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.

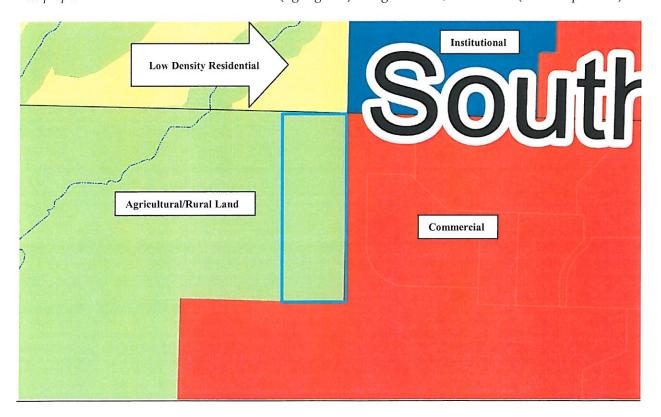
The High Density Development designation is compatible with the 6-9 units per acre called for in the R-3 Multi-Family District; whereas the Agricultural/Rural Land designation, on the other hand, is incompatible with the 6-9 units per acre called for in the R-3 Multi-Family District. Therefore, the rezoning 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):

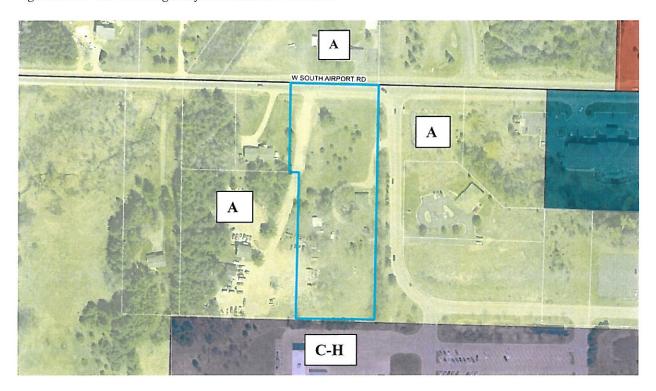


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K:\PLAN\Applications\2018\Z-2018-01 Banton Airport Rd Rezoning\PD Report 2018-43-Banton Airport Rd Rezoning-PCPH.docx

#### **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.

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.

#### **FURTHER CONSIDERATION:**

At the March 13, 2018 Planning Commission Regular Meeting, Commissioners were generally supportive of the request and suggested that the rezoning might provide a good transition between the commercial uses to the east and the low-density residential uses to the west. However, the small size of the parcel was discussed as a potential issue and Commissioners suggested that additional land area might be added to the request. Commissioners asked that a public hearing be held regardless of whether the applicant was successful in adding additional land area to the request.

Typically, adding land area to a request is accomplished via Staff simply asking the applicant to discuss with neighboring property owners whether they would be willing to join the request. In this case, however, the applicant was not present at the introductory meeting. In addition, Staff has not received any communication from the applicant since then, despite attempts to contact him.

Therefore, the question of whether neighboring owners might be interested in joining this request remains unresolved at this time. If the applicant is present at the public hearing, he could be asked at that time to reach out to neighboring owners before Staff drafts Findings of Fact for the next Regular Meeting. Commissioners should discuss whether they would like to move forward with the consideration of Findings of Fact if the amount of land area in the request remains approximately 3.4 acres.

#### 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:

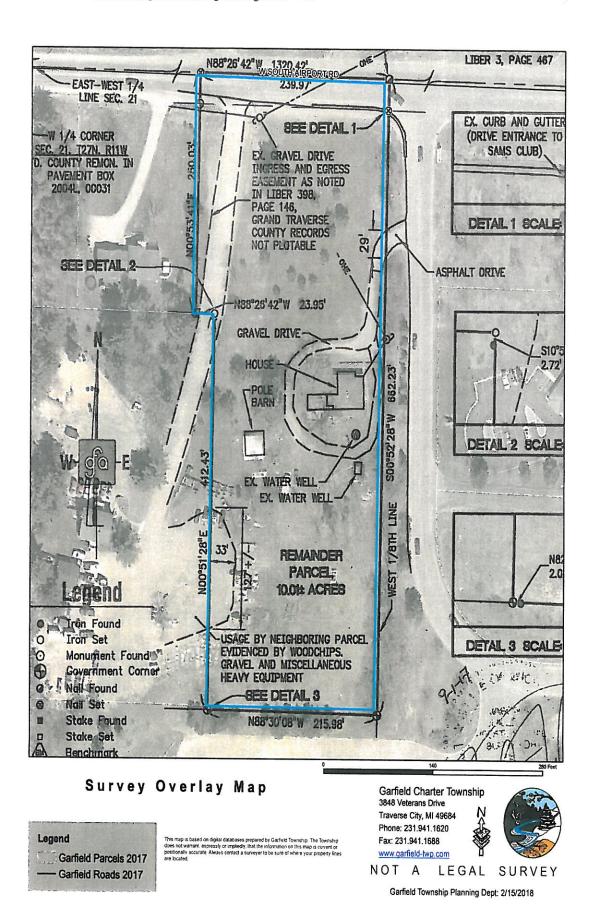
- 1. Master Plan Consistency
- 2. Adverse Impacts on Neighboring Lands
- 3. Suitability as Presently Zoned
- 4. Changed Conditions
- 5. Health, Safety, and Welfare
- 6. Public Policy
- 7. Size of Tract
- 8. Other Factors

#### **ACTION REQUESTED:**

If the Planning Commission is satisfied with the information within this report and as presented by the applicant at the April 11, 2018 Planning Commission meeting, the following motion is offered for your consideration:

MOTION TO direct Staff to prepare Findings of Fact for application Z-2018-01, to rezone parcel 05-021-048-00 from the A – Agricultural District to the R-3 Multi-Family Residential District, for consideration at the May 9, 2018 Regular Meeting of the Planning Commission.

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.



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Charter Township of Garfield Planning Department Report No. 2018-45					
Prepared:	April 4, 2018	Pages:	Page 1 of 5		
Meeting:	April 11, 2018-Planning Commission	Attachments:	$\boxtimes$		
Subject:	3050 W South Airport Rd Rezoning (Map Amendment)-Public Hearing				
File No.	Z-2018-02	Parcel No. 05-1	Parcel No. 05-105-001-00		
Applicant/Owner:	Living Hope Church				
Agent:	Carey Waldie				

#### **PURPOSE OF APPLICATION:**

The request is to rezone approximately 3.20 acres of land from the R-1 One-Family Residential District to the C-O Commercial Office District, without restriction.

#### SUBJECT PROPERTY:

The application affects a single parcel at 3050 West South Airport Road, which is Lot 1 of the Day Subdivision (*see* image below). A single-story church with a basement and an approximately 52-space parking area; a shed; a utility building; a dirt drive; and a sign are located on the property. The property is bordered by single-family dwellings to the west and north, South Airport Road to the east, and Day Drive to the south.





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

#### **USES OF SURROUNDING PROPERTIES:**

The subject property is abutted by low-density residential uses (R-1) to the west; low-density residential uses to the north (R-1); commercial uses to the east (within an R-1 District via PUD); and commercial uses to the south (C-P).

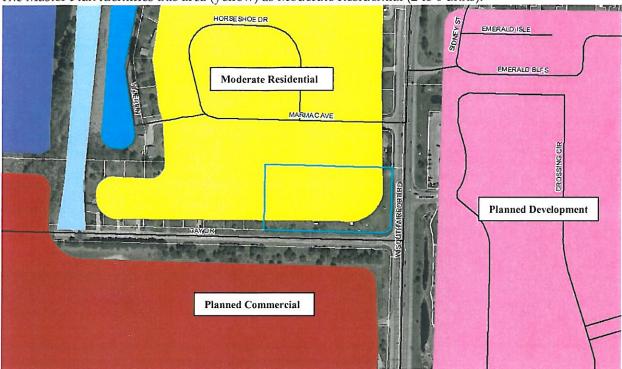
#### **MASTER PLAN CONSIDERATIONS:**

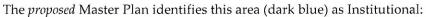
A primary factor in considering any rezoning request is the relationship between the application and the Master Plan. In this case, the Master Plan targets the site for "Moderate Residential," which anticipates "[a]reas having a density of 2 to 6 residential units per acre, ideally served by municipal water and sewer services." By contrast, the *proposed* Master Plan targets the site for "Institutional," which anticipates uses such as churches, educational institutions, or nonprofit organizations. 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.

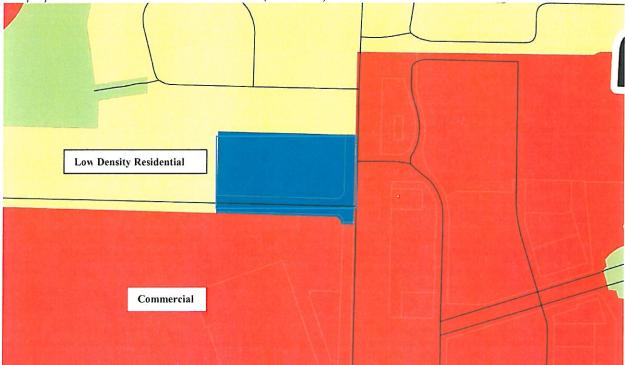
The Moderate Residential designation is generally *inconsistent* with the C-O Commercial Office District; whereas the Institutional designation, on the other hand, is generally *consistent* with the C-O Commercial Office District. Therefore, the rezoning request is generally *inconsistent* with the Master Plan, but generally *consistent* with the *proposed* Master Plan.

#### **MASTER PLAN:**

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



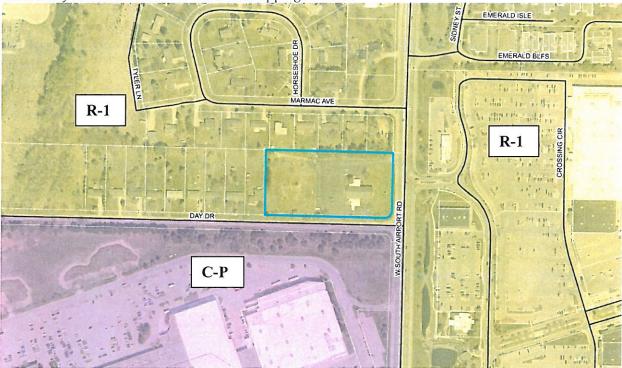




#### **CURRENT AND SURROUNDING ZONING:**

The property is currently zoned R-1 One-Family Residential as identified in yellow below and adjoins R-1

One-Family Residential and C-P Planned Shopping Districts.



#### **STAFF COMMENT:**

Under the Zoning Ordinance, the burden is on the applicant to justify the rezoning. Based on the applicant's impact statement and other submitted documents, it appears that, essentially, the applicant seeks the rezoning in order to be in a better position to sell the property.

In this case, it is debatable whether the site is appropriate for commercial 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 (west and north) are single-family residential; whereas those on the other two sides (east and south) are commercial. Commercial Office is compatible with the commercial uses but arguably not the less intensive residential uses.

Further, the surrounding zoning is R-1 on three sides (west, north, and east). The C-O and R-1 Districts are generally incompatible. Nonetheless, the C-P District to the south is generally compatible with C-O.

Asdiscussed earlier in this report, the Master Plan anticipates Moderate Residential on the subject property; however, the *proposed* Master Plan anticipates Institutional. Although the current 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. Nonetheless, approving this request at this time would be an approval that is not in accordance with the Master Plan, which has the potential to raise legal issues if someone were to challenge the approval. Courts provide deference only where decisions are in accordance with the *adopted* master plan.

Finally, Section 421.E(7) requires that the size of the tract be considered. Here, the tract is on the small side for commercial development, at just 3.20 acres. In addition, the Zoning Ordinance discourages rezoning a single parcel where there have been no intervening changes or other saving characteristics.

#### **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 April 11, 2018 Planning Commission meeting, the following motion is offered for your consideration:

MOTION THAT application Z-2018-02 submitted by Living Hope Church requesting to rezone approximately 3.20 acres at Parcel ID: 05-105-001-00 from R-1 One Family Residential to C-O Commercial Office BE ACCEPTED and schedule for a public hearing at the May 9, 2018 Regular Meeting of the Planning Commission.

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.



### **Charter Township of Garfield**

#### Grand Traverse County

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

## GUIDE FOR THE SUBMISSION OF AN APPLICATION FOR A ZONING MAP AMENDMENT

#### APPLICATION SUBMISSION

A complete application for a zoning map amendment consists of the following:

- a. A properly completed and signed application form;
- b. Supporting information adequate to explain your proposal;
- c. Consent from the registered owner of the subject lands where the applicant is not the owner; and,
- d. The required fee as set out in the Charter Township of Garfield Fee Schedule.

The above information is required to ensure that your application is given full consideration. An incomplete or improperly prepared application will not be accepted and will result in processing delays.

#### PROCESSING THE APPLICATION

Upon receipt of an application, it will be reviewed by the Planning Department for completeness. Once determined to be complete, the application will be scheduled for a public hearing before the Garfield Township Planning Commission and public notice of the application will be provided by direct mail and/or newspaper publication. Following the public hearing, the Planning Commission will recommend approval or refusal of the application to the Township Board. Grand Traverse County Planning Commission and Garfield Township Board consideration follows, including a second public hearing at the Township Board.

At the appropriate times, the applicant, owner or agent, as the case may be, will receive the following:

- a. Written acknowledgement of receipt of the submitted application and fees;
- b. Notice of completed application;
- Written notice of the public meeting before the Garfield Township Planning Commission (the applicant, owner, agent and the public will have the opportunity to make a verbal presentation at the meeting);
- d. Written notice of the public meeting before the Garfield Township Board (the applicant, owner, agent and the public will have the opportunity to make a verbal presentation at the meeting);
- e. A copy of the staff reports; and
- f. Written decision of the Garfield Township Board.

#### ASSISTANCE

Before submitting an application, it is recommended that you contact the Planning Department to arrange an appointment to discuss your proposed application. Time is often saved by these preliminary discussions. It may be necessary to seek the assistance of independent professional help (e.g. planning consultant, engineer, etc.) for complex applications.

#### FEES AND SUBMISSION

Fees for zoning ordinance amendments are established by resolution of the Garfield Township Board and are set out in the current Fee Schedule. Current application fees (subject to change – please confirm with current fee schedule) are established as follows:

Petition for Zoning Ordinance Text Amendment: \$1,000.00
Petition for Zoning Ordinance Map Amendment: \$750.00
Petition for Conditional Rezoning Amendment \$1,000.00

Additional fees may be required if a review by independent professional help is deemed necessary by the Township. If required, such additional fees must be placed in escrow by the applicant prior to any further processing of this application. Any unused escrow funds shall be returned to the applicant.

For additional information or assistance in completing this development application, please contact the Planning Department at (231) 941-1620.

Please submit the completed application and fees to the Planning Department, Charter Township of Garfield, 3848 Veteran's Drive, Traverse City, Michigan, 49684.



## **Charter Township of Garfield**

### Grand Traverse County

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

#### APPLICATION FOR ZONING MAP 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. Traverse City, MI  Phone: 946-4530 E-mail: CWALdie Caol. Com
Phone: 946-4530 E-mail: CWALdie Caol. Com
Name of Agent: Carey Walkie
Address: 3050 Airport Rd
Phone: 944-8237 E-mail: Cwaldie @ asl. com  Name of Owner: N/4
Name of Owner: N/4
Address: W/A
Phone: N/A E-mail: N/A
Please specify to whom all communications should be sent: Applicant Agent Owner
B. LOCATION/LEGAL DESCRIPTION OF SUBJECT LANDS  Tax Parcel ID Number: 05 - 105 - 001 - 00
Parcel Address: 3050 Airport F. Traverse City, MI
Legal Description.
Are there any easements or restrictive covenants affecting the subject lands?  Yes No
If yes, describe the easement or covenant and its effect:
C. PURPOSE OF APPLICATION  Please explain why the zoning ordinance amendment is being requested (if additional space is required, please attach a separate sheet):  See affachel
Present zoning:
Proposed zoning: C-O
Present Garfield Township Comprehensive Plan designation:
Explain how the application for zoning ordinance amendment conforms to the comprehensive plan:  See affacted
Are conditions being voluntarily offered as part of this zoning amendment application? Yes Nov If yes, please attach a detailed description of the conditions being offered as part of this application.

D. PROPERTY INFORMATION
Present use of the subject lands: usc
Proposed use of the subject lands: Office or local Commercial
Present use of adjacent properties: Grand Traverse mall, Walmart, Single family dweller
If known, the length of time the existing uses have continued on the subject lands:
Are there any existing buildings or structures on the subject lands?  Yes V No
Are any existing buildings on the subject lands designated as being historically significant?  Yes Now
If known, the date existing buildings or structures were constructed on the subject lands:
E. PREVIOUS USE OF THE PROPERTY  Has there been an industrial or commercial use on the subject lands or adjacent lands?  Yes No Unknown If yes, specify the use(s):
Has a gas station been located on the subject lands or adjacent lands at any time?  Yes \[ \] No \[ \] Unknown \[ \]
Has there been petroleum or other fuel stored on the subject lands or adjacent lands at any time?  Yes \[ \] No \[ \subseteq \] Unknown \[ \]
Is there reason to believe the subject lands may have been contaminated by former uses on or adjacent to the site?  Yes No Unknown
If you answered yes to any of the above questions, a previous use inventory showing all known former uses of the subject lands, or if appropriate, the adjacent lands, is needed. Is the inventory attached? Yes No
<b>F. OTHER INFORMATION</b> If there is any other information that you think may be useful in the review of this application, please attach it to this application or explain it on a separate page.
G. SUPPORTING MATERIAL TO BE SUBMITTED BY APPLICANT In order for your application to be considered complete, twelve (12) copies of a site plan(s) must be submitted drawn to scale, as part of the application, which shows:  1. The scale of the drawing and a north arrow 2. Boundaries and dimensions of the subject lands 3. The legal description of the subject lands
<ol> <li>Any major topographical features</li> <li>The approximate location of all natural and artificial features including but not limited to, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, pipelines, gas wells, wetlands, wooded areas that are located on the subject land and on land that is adjacent to it and may</li> </ol>

- affect the application
- 6. The name and location of any adjacent highway, street, alley or railway
- 7. The location and nature of any easements affecting the subject land
- 8. The location, size and type of all existing buildings and structures on the subject land, indicating their setbacks from property lines
- Location, dimensions and numbers of off-street parking spaces, parking structures and aisles, and the location of accesses
- 10. Any signs and lighting facilities and their location
- 11. Current uses of land that is adjacent to the subject land
- 12. Location of any existing outside storage, refuse storage and disposal facilities
- 13. Any additional information deemed by the Township to be necessary for proper review of the request.

#### H. PERMISSION TO ENTER SUBJECT LANDS

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

Carey Walk	Pi			3-//- / 8 Date	
Signature Ow	ner	Applicant	Agent	Date	
I. DECLARAT	Į <b>O</b> N				
I, Carry Wall	tements cont:	ained in all of the	exhibits transmitt	nnly declare that all of the ted herewith are true and	ne above I make this
solemn declaration co as if made under oath	nscientiously	believing it to be	true and knowing	g that it is of the same fo	rce and effect
Carey W.	eli			3-//-/ { Date	3
Signature Ow	ner	Applicant	Agent	Date	
J. OWNER'S A	UTHORI	ZATION			
	the registered	owner of the land	ds that is the subje	ect of this application, th	e owner must
I/We				am/are the reg g ordinance amendment.	gistered
I/We authorize	Carry	Vall-		to m	ake this
				nformation necessary for sufficient authorization for	
172	001				
Owner's Signature	Walle			3/11/18	
Owner's Signature				Date	
Owner's Signature					
Owner's Signature				Date	***************************************

#### Attachment 1

**C. Purpose of application:** Living Hope church as served our community for many decades. We are however, the victim of our own success. Our sanctuary, parking lot, and classrooms are often filled to overflowing. The church has outgrown the capacity of its current facility and our property is too small to make additions. As a consequence, we are relocating to Rennie School Rd and East Silver Lk. Our current property at 3050 South Airport rd. was developed in the 70's and now hinders us from serving our community. Our current facility has been for sale for over a year and we have not been able to sell it due to the zoning (according to the prospective purchasers, one a developer and the other a church). The current zoning of R-1 is hindering our ability to sell because it severely restricts those who would want to purchase it.

The current zoning has been in place for over 40 years and the community around it has changed substantially during that time. Walmart, Home Depot, The Grand Traverse Mall, and other commercial and retail businesses have moved into the neighborhood to create one of the busiest commercial districts in all of Northern Michigan.

The rezoning would benefit Garfield Township in the following ways:

- 1. According to article 3 Division 1 of the Garfield Township Zoning Ordinance, the purpose of zoning is to promote the public health, safety, morals and general welfare of the people in our community. The rezoning of the property would accomplish this goal by helping to facilitate greater capacity for Living Hope to perform these duties. Living Hope serves these purposes through various programs including, English as a second language, addiction training, LifeWorks programs for students in the summer, anti-bullying programs, as well as varied services that encourage the physical, emotional and marital health of those in our community. (See attached yearly report and letters).
- 2. The Airport Rd corridor has changed tremendously since the current zoning was put into place. The timing of this application allows for the current revision of the master plan and provides impetus and opportunity for the planning commission to re-evaluate the use of this central piece of property as well as the entire Airport Rd. corridor.
- 3. Living Hope is currently using the property in an institutional use that operates nearly seven days a week at all hours of the day. C-O zoning is designed to fulfill the same purpose as our current institutional use in relation to the surrounding neighborhoods, "serving as a buffer between residential areas and more intensive commercial areas. The C-O districts are primarily restricted to office and ancillary uses that do not have peak weeknight or weekend usage so as to provide for an orderly transition and buffers between uses." (Section 319)

A use as permitted by C-O zoning would be a *materially similar* use of the property as per Section 311 D of the zoning ordinance. It in fact, may be a *lesser use* than our current institutional use, especially on nights and weekends.

For instance, our traffic averages **469 cars per week**. (We surveyed the days of March 2<sup>nd</sup> through the 8<sup>th</sup>.) During that week, Friday was an evening event. Saturday was an afternoon event. Sunday was most of the day. Monday, we had two evening events. Tuesday, one evening event. Wednesday, we held services for the whole family in the evening. Thursday, Head Start

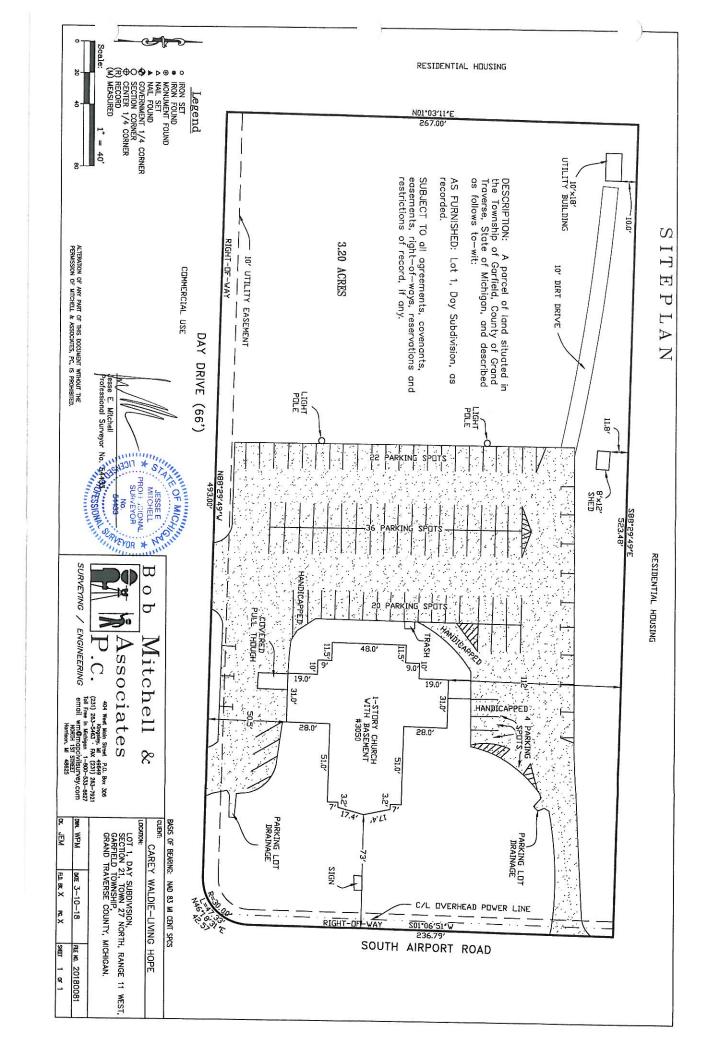
was scheduled to use our building, they bring about 65 cars. Every day of the week was used for programming and community service.

As a control, we surveyed another C-O facility, the Great Lakes Plastic Surgery Center on Anna Rd. The average traffic count for the Center (C-O) is **about 180 cars for the week.** (We surveyed Thursday, March  $8^{th}$  and extrapolated for the week. The count for March  $8^{th}$  was 36.  $36 \times 5 \, days = 180$ )

- **4. C-O zoning would also provide needed services and economic development** to Garfield township allowing for employment opportunities and professional development all while maintaining the buffer quality of the property. Living Hope Church currently employs nine people. A zoning change to C-O would provide employment for far more as well as the opportunity for professional development in that space.
- **5.** These zoning uses have proven to be beneficial and not detrimental to residential neighborhoods. Looking at the zoning map, we see a number of spaces zoned commercial-office, including one church abuts next to R-1 and other residential districts.

For instance:

- A. Great Lakes Plastic Surgery Center at 5085 Anna Drive is zoned C-O. This property was rezoned from R-IB, One Family Residential, to C-I-O, Professional and Commercial Office in 1996 under Amendment No. 183. It appears that the current office building was built soon after the rezoning.
- B. The Credit Union property at 2900 Airport Rd has been zoned commercial for many decades, even serving as a party store before the Credit Union.
- C. The Bay View Professional Center at 10850 E Traverse Hwy is zoned C-O. This is a high traffic area with R-1 surrounding it.
- D. The Mormon Church next to the Township Office is zoned commercial and surrounded by various residential areas.
- **6. Living Hope also has vision to help provide affordable/subsidized housing** for our community with mentoring to help people afford their own housing as their income and skills grow. The new location has two acres dedicated to building these units. Our current location prohibits these uses. We currently are helping the homeless through rent payments, and one family (of 6) is sharing a house with another family in our church. These are not good long-term solutions. We desire to bring solutions to this issue in our community.



	arter Township of Garfield nning Department Report No. 2018-44		
Prepared:	April 2, 2018	Pages:	1 of 8
Meeting:	April 11, 2018-Planning Commission	Attachments:	$\boxtimes$
Subject:	Modular/Manufactured and Mobile Home	Sales in C-G District-Find	dings of Fact
Applicant:	Richard Newman-Pine Grove Homes		
Agent:	Bill Crain-Crain Engineering, LLC		
Owner:	Richard Newman		
File No.	SUP-2017-03		
Parcel No.	05-032-001-20		

#### SUBJECT PROPERTY:

- 4030 Meadow Lane Drive
- 3.2 acres in area
- Relatively flat with a very gradual slope to the northeast
- C-G General Commercial District

The east property line runs along North US-31 South, the south line along Meadow Lane Drive, the west line along the Meadow Lane Mobile Home Park, and the north line along Chicory Lane (*see* aerial images below).

The subject property is an essentially vacant site with a large asphalt pad running through its center. During a brief site visit on November 16, 2017, Staff found none of the modular homes observed in the aerials on the property, except the "existing building" near the northwest corner of the property, which would be demolished as part of this proposal.

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



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



#### **PURPOSE OF APPLICATION:**

The applicant is seeking approval for the following uses at the subject property:

- 1. "Modular/Manufactured Homes Sales"
- 2. "Mobile Home Sales"

#### **STAFF COMMENT:**

Both "Modular/Manufactured Home Sales" and "Mobile Home Sales" are permitted via Special Use Permit (SUP) in the C-G District. The application was introduced at the January 24, 2018 Planning Commission meeting and a public hearing was held on February 14, 2018. A few particular issues were the focus of the discussion on this application thus far; each original Staff comment is included below, followed by an updated comment that indicates whether the original concern was resolved and provides further clarification:

#### Sewer Service:

According to the property owner and his engineer, the existing sanitary sewer line shown on the site plan running east-west to service the proposed office unit is part of a private system servicing the adjacent mobile home park, which extends from the park to the west. Township and Gourdie-Fraser, Inc. records verify that no public sewer line exists on the property. Nonetheless, Staff would like to see some form of documentation verifying that a private sewer agreement in fact exists. At the January 24th meeting, the applicant stated that they are looking further into whether documentation can be found. In addition, the Planning Commission suggested that the applicant might be able to "create" an agreement or documentation. This is particularly important since the property could of course change ownership.

On February 6, 2018, the applicant contacted Staff and explained that the property owner has been trying to get in touch with the owners of the neighboring mobile home park to work out some form of sewer agreement. His efforts have thus far been unsuccessful. The applicant stated that they are willing to

coordinate with the health department to install septic on the site if a sewer agreement ultimately cannot be obtained.

<u>UPDATE</u>: Ultimately, the applicant was unable to make contact with the owners of the Meadow Lane Mobile Home Park in an attempt to obtain a sewer agreement of some kind. Therefore, the applicant has decided to move forward with installing a septic system on the site for use by the office unit. Recall that the public line running along US-31 is a high pressure force main to which connections are prohibited. In correspondence dated February 15, 2018, the County Health Department stated the following:

Parcel is suitable for onsite wastewater disposal. Exact size and design of system will be determined at time of permit application. Overexcavation of disposal area may be required. Documentation of sewer unavailability will be required prior to permit application.

#### Stormwater/Impervious Surface:

This site is relatively complex from a stormwater review standpoint in part because a considerable amount of the impervious surface is moveable. The placement of the "concrete tire pads" for many of the modular units helps to alleviate this problem; however, the applicant should not be permitted to display any more than the three proposed units on the asphalt strip at the center of the property. This will ensure that stormwater review reflects the appropriate amount of impervious surface that will remain there in the future.

At the January 24th meeting, the applicant stated that all impervious surfaces have been identified and accounted for in the provided stormwater calculations. The applicant will be required to coordinate with the Township Engineer for stormwater review prior to any approval. Staff has already consulted with the Engineer regarding these concerns.

<u>UPDATE</u>: The applicant's stormwater plans were submitted to the Township Engineer for review on March 27, 2018.

#### Landscaping:

In accordance with Section 531 of the Zoning Ordinance, a "Type D" buffer is required along the east property line along US-31. Although the applicant has provided the required quantity and types of plantings for a "Type D" buffer, the placement of the plantings is highly clustered, which makes the buffer more ornamental than functional. For example, the required evergreens are tightly clustered at the southeast and northeast corners of the property. This is presumably so that the trees do not obscure one's view of the display units. Nonetheless, the intent of the Section 531 is to create a functional and visual buffer along the roadway, which would require dispersing the trees across the frontage to a greater extent. As proposed, Staff does not feel that the landscaping along the east property line meets the intent of the Zoning Ordinance.

Similarly, the required shrubs are tightly clustered in front of the display units, presumably to make each look like it has a landscaped front yard. This too makes the buffer more ornamental than functional. The applicant is free to plant to compliment the display units; however, the intent of the Ordinance is that the plantings be dispersed so as to create a functional barrier. The Ordinance does recognize that clustering is acceptable in many cases, but to create "viewing windows to a development site" (p. 529), rather than leaving virtually the entire frontage open.

On February 6, 2018, the applicant contacted Staff and explained that the property owner will be present at the February 14, 2018 Planning Commission meeting to discuss the application and that he would be willing to disperse the plantings to better meet the intent of the Ordinance.

<u>UPDATE</u>: The applicant has submitted an updated landscaping plan which fully complies with the Zoning Ordinance. The required "Type D" buffer is provided and the evergreens and bushes are no longer clustered and are dispersed per 100 feet across the property's US-31 frontage in accordance with Section 531.

#### Non-Motorized Connectivity and Circulation:

In accordance with Sections 424.F(1)(g) and 522.A of the Zoning Ordinance, as well as the Township's Non-Motorized Plan Map, a bike path measuring 10-feet in width is required to be constructed along the entire length of the property's North US-31 South frontage. The applicant has included the required 10-foot path; however, a note should be added to the site plan that specifies the type of material to be used to construct the path, as Section 522 requires that the path be made of asphalt or another appropriate permanent surface.

<u>UPDATE</u>: The applicant added a note indicating that the path will be made from asphalt to the plans.

#### Snow Storage:

The designated snow storage location on the site plan appears to be impractical as a plow truck would have to travel north up the asphalt strip from the parking lot several hundred feet and make a sharp left turn. In addition, the two spaces between the units and proposed storage building where a plow is to push the snow into the proposed storage area are less than 20 feet in width and are unlikely to be used in practice as proposed. Staff suggested that the applicant revise the plans to indicate a more usable snow storage area that better meets the intent of Section 551.E(6).

<u>UPDATE</u>: After discussion with the applicant, he agreed to locate the snow storage in a more usable area and the updated plans reflect this with locations near the corner of the parking area and the proposed storage building.

#### Lighting:

Originally, the applicant had proposed spotlights which would illuminate the display units. These did not comply with the Ordinance because all lights must be directed downward. The applicant did switch out the noncompliant spotlights for compliant pole mounted lights in similar locations, but initially did not include the new fixture type on the plan legend., thus making it unclear what would be approved.

<u>UPDATE</u>: After discussion with the applicant, a new photometric sheet was submitted that indicates on the legend that the lights will be pole mounted, which resolves the concern noted above.

#### FINDINGS OF FACT:

The following approval criteria are offered for consideration (Section 423.E(1)-423.E(11)):

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;

#### Pine Grove Homes-Findings of Fact-Planning Commission

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

- The Future Land Use Map (FLUM) targets this area for Mixed Use Business, which anticipates a wide range of businesses.
- The *proposed* FLUM targets this area for Commercial, which anticipates commercial uses of varying intensity.
- The underlying zoning district is C-G General Commercial, which allows for development a manufactured/modular homes sales and mobile home sales operation as uses permitted by a Special Use Permit (SUP).
- (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 is compatible with the adjacent uses, with commercial uses to the south and west, vacant land to the north (zoned for industrial uses), and moderate-density residential uses to the east.
- The corridor in which the project is located is largely commercial in character and continues to develop as such with similar uses, such as recreational vehicle and boat sales, nearby.
- (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:

- A manufactured/modular homes sales business was operated at the site in the past, and although the site is currently vacant, it retains much of the infrastructure for such an operation; therefore the project is essentially a continuation of a previous use.
- The proposed use is unlikely to create a significant increase in traffic as it is estimated to generate very few trips with approximately five fulltime employees and ten visitors each day.
- In light of the display-oriented nature of the proposed use, excessive noise, dust, gas, smoke, or vibration will not be created by the project; however, a suggested condition of this approval will be to limit the loading or unloading of units to defined hours, so that any noise created by that activity will occur during hours that are unlikely to disturb the neighboring residents.
- Site lighting is unlikely to create excessive glare as the proposed fixtures are to be directed downward and the photometric plan dated March 30, 2018 indicates 0.0 footcandles along all property lines.
- (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:

#### Pine Grove Homes-Findings of Fact-Planning Commission

- Landscape buffers will be used along all property lines to minimize adverse impacts on neighboring properties.
- Structures with more intensive uses are located away from the property line that adjoins the Meadow Lane Mobile Home Park and buffered by structures with less intensive uses.
- (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 project will retain all of the existing mature trees 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 project proposes a septic system to be constructed at the property owner's expense on the site and the Grand Traverse County Health Department has preliminary found the parcel to be suitable for such a system.
- The site is serviced by an existing water well, which will continue.
- There is an existing retention basin near the northwest corner of the site that will be enlarged at the owner's expense as part of the project.
- Streets and access drives are already in place to serve the project.
- (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 project has been designed with a ten-foot wide asphalt pedestrian/bike path for safe passage along US-31, including at night due to the locations of the site lighting. It also promotes public health by providing a nonmotorized option.
- The proposed landscaping buffers, nonintrusive site lighting, large retention basin, and suggested condition limiting loading and unloading and maintenance will help to ensure that the project will not be detrimental comfort or safety of the mobile home park residents or community at large.
- (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:

• A public hearing has been held on the applicant at which no opposition was expressed.

(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:

- The site is accessed via two existing access points at the north and south ends of the property and proposes no additional curb cuts.
- The site proposes no ingress and egress directly onto US-31, which is desirable in terms of the Township's access management policies.
- (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 existing asphalt walkway connecting the display units provides an element of safety in creating significant separation between pedestrian and vehicular traffic.
- The proposed ten-foot wide asphalt pedestrian/bike path makes accessing the site via nonmotorized means convenient, with a connection to the internal walkways provided.
- (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:

• The proposed use is essentially a continuation of an existing development and will not impede the development and improvement of the surrounding properties.

#### **ACTION REQUESTED:**

Following an opportunity for public input and commissioner discussion, the following motion is offered for consideration:

MOTION THAT the Findings of Fact for application SUP-2017-03, as presented in Planning Department Report 2018-44, BE ADOPTED. (Motion to be made only following review and modification as necessary.)

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

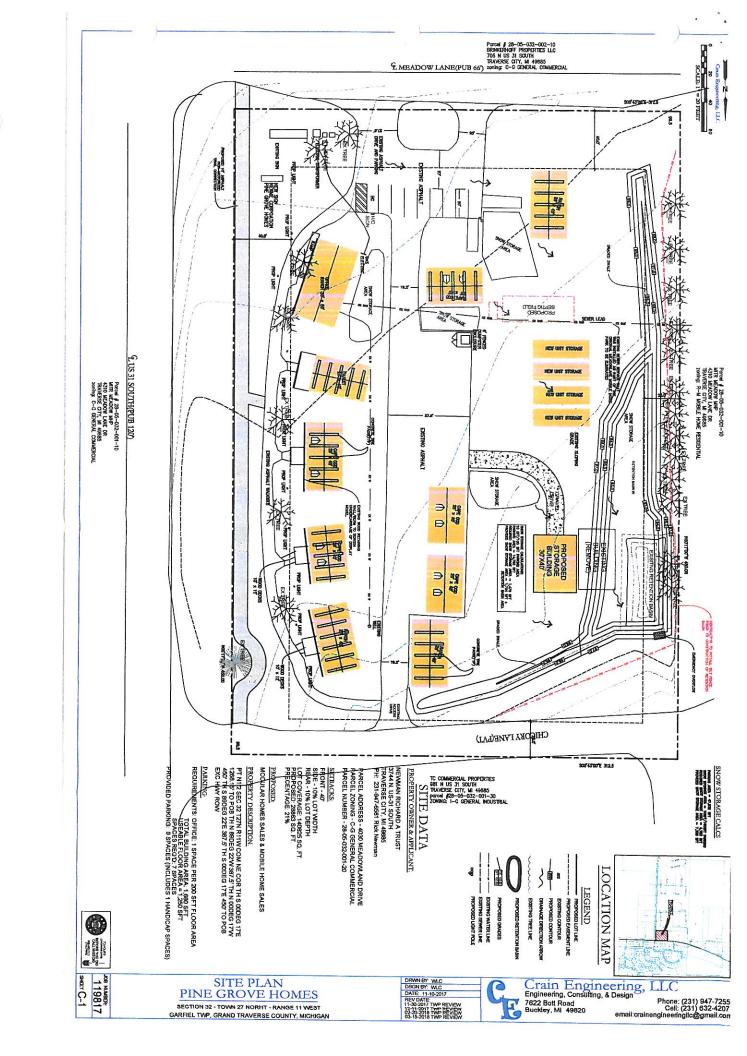
MOTION THAT application SUP-2017-03 to request a Special Use Permit for a modular/manufactured homes sales and mobile home sales operation in the C-G General Commercial District at Parcel ID 05-032-001-20 BE APPROVED, subject to the following conditions:

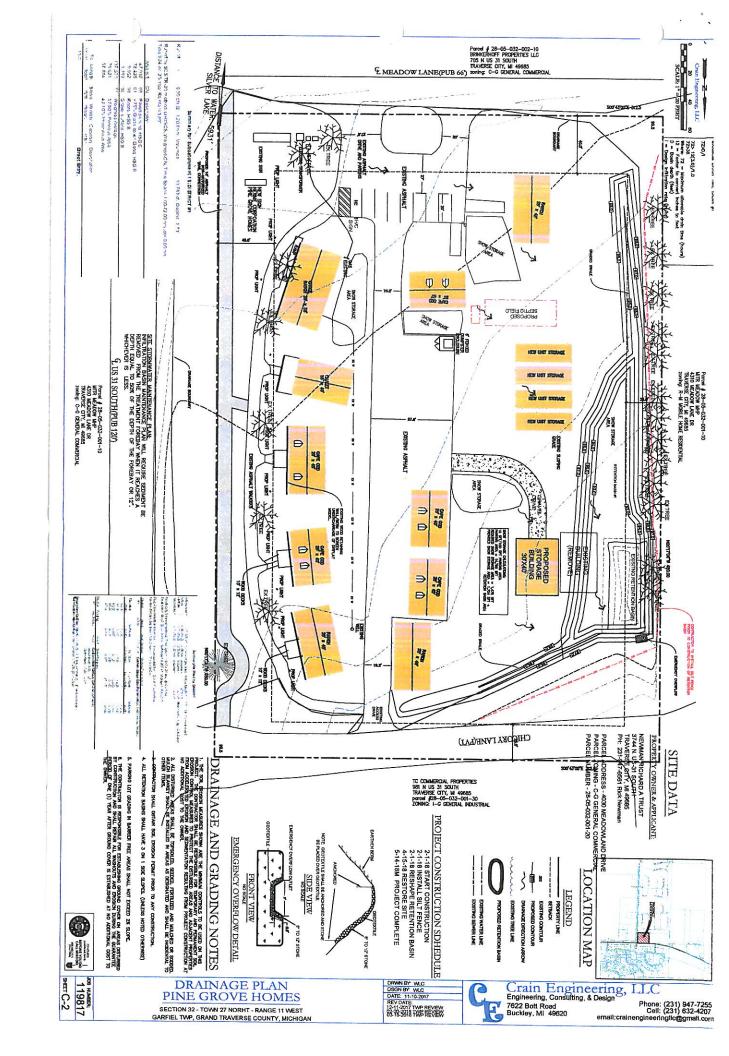
1. No loading or unloading of units or maintenance to units shall take place between the hours of 7:00PM and 7:00AM.

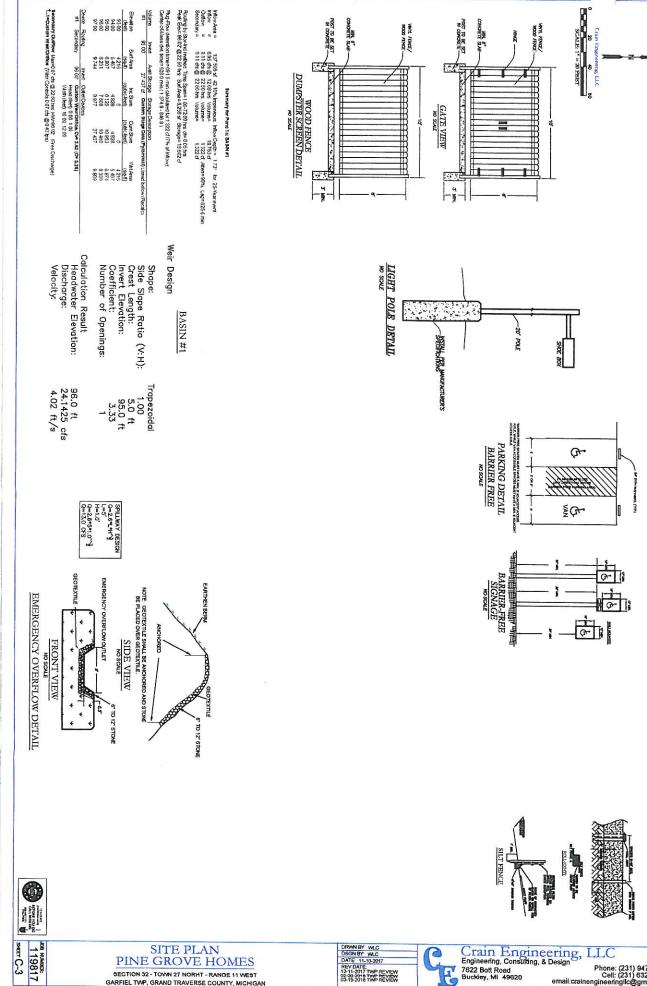
#### Pine Grove Homes-Findings of Fact-Planning Commission

- 2. Final engineering review and approval by the Township Engineer including all infrastructure, stormwater, and FAA, if necessary.
- 3. All final reviews from agencies with jurisdiction shall be provided prior to any land use permits being issued.
- 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. 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.



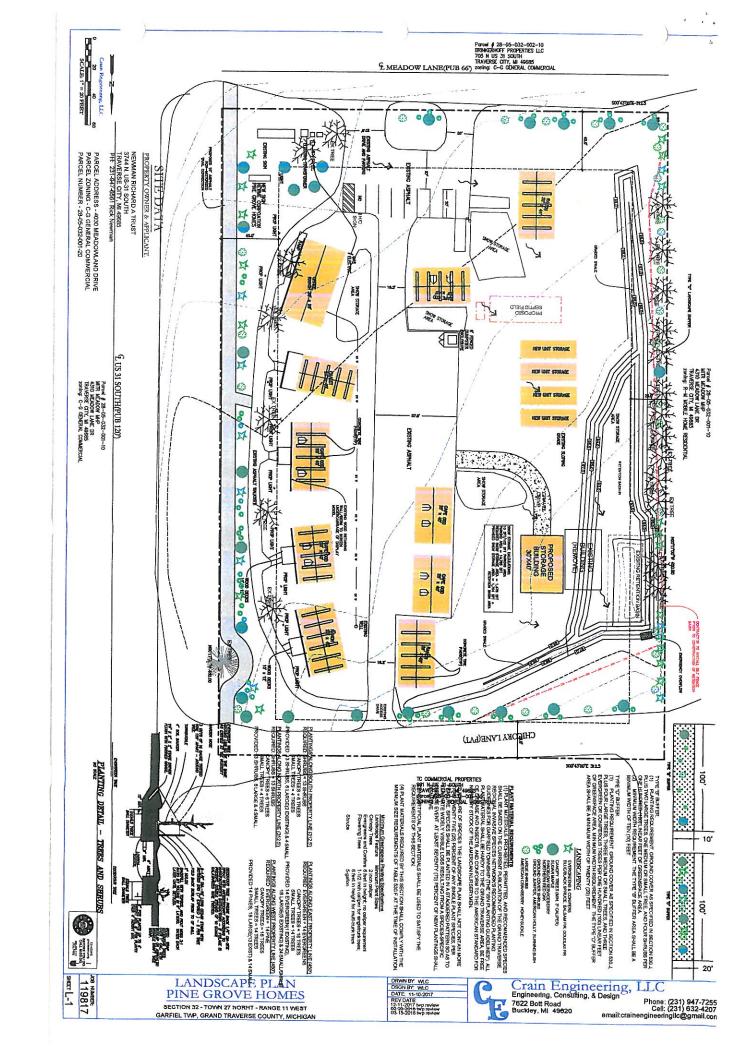


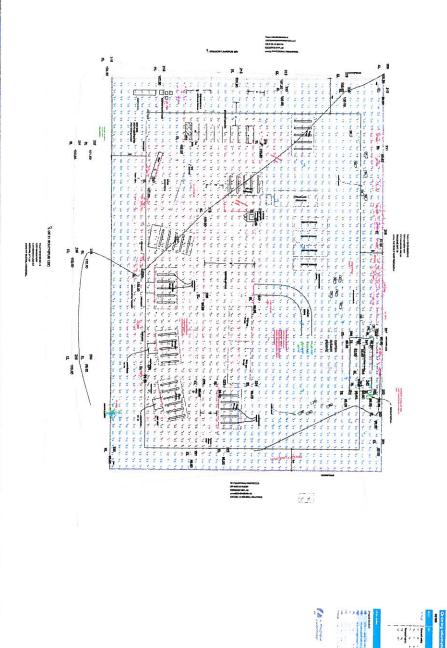


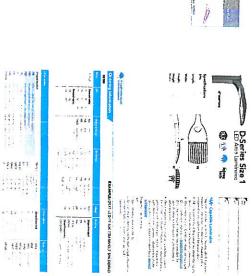












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PINE GROYE HOMES 4030 NEADOW LANE DRIVE GARFIELD TOWNSHIP, GRAND TRAVERSE CO, MICHIGAN





# Hett EAST BAY TOWNSHIP TRAVERSE CITY CITY OF West Grand Traverse Bay BLAIR TOWNSHIP ELMWOOD TOWNSHIP **CONG TYKE LOWNSHIP**

# Garfield Township Master Plan 2018

# Future Land Map Use 2018 DRAFT

# Legend

# Land Use Type

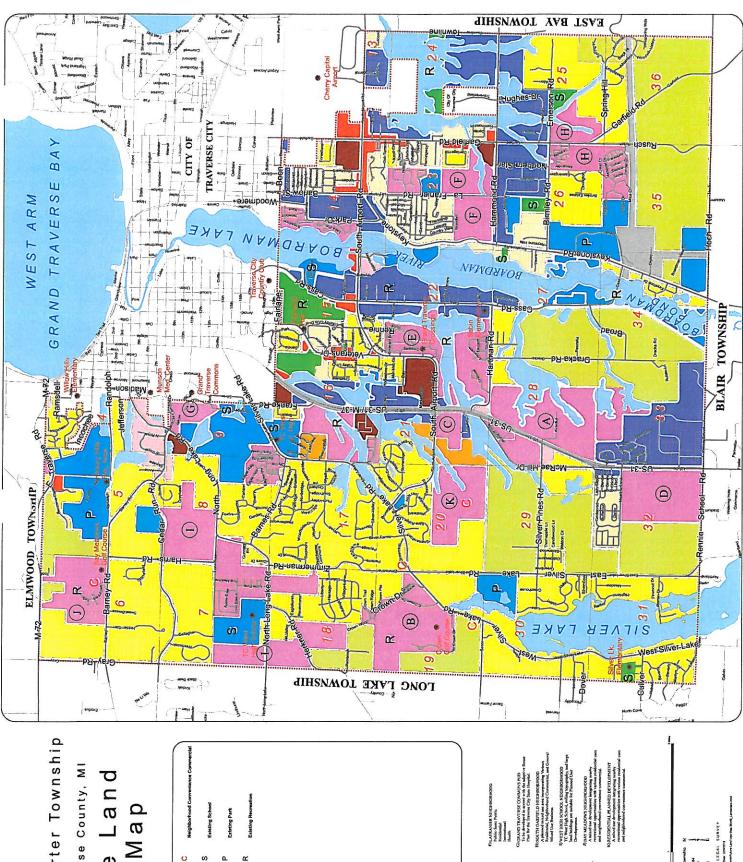
- Low Density Residential (1-3 Units Per Acre) Agricultural / Rural Land (>1 Units Per Acre)
- Moderate Density Residential (3-6 Units Per Acre)
  - High Density Residential (6-10)
    - Mobile Home Residential
- Professional Office Institutional
  - Commercial
    - Industrial
- Recreational
- Grand Traverse Commons Street Centerlines

Garfield Charter Townshi 3848 Veterans Drive Traverse City, MI 49684 Phone: 231.941.1620 Fax: 231.941.1688



NOT A LEGAL SURVEY www.garfield-twp.com

Garfield Township Planning Dept. 3/29/2018



Garfield Charter Township

Grand Traverse County, MI Future Φ S