

**CHARTER TOWNSHIP OF GARFIELD
VIRTUAL PLANNING COMMISSION MEETING
April 22, 2020
AMENDED MINUTES**

Call Meeting to Order: Chair Racine called the meeting to order at 7:02 p.m. via the ZOOM application.

Pledge of Allegiance

The Pledge of Allegiance was recited by all in attendance.

Roll Call of Commission Members

Present: Robert Fudge, Steve Duell, Joe McManus, Chris DeGood, Joe Robertson, Pat Cline, and John Racine

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

1. **Public Comment (7:03)**
None

2. **Review and Approval of the Agenda – Conflict of Interest (7:09)**
Duell moved and Fudge seconded to approve the agenda as presented.

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

3. **Minutes (7:10)**
March 11, 2020
McManus moved and Duell seconded to adopt the minutes of March 11, 2020 as presented.

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

4. **Correspondence (7:11)**
Sych had explained that there was much correspondence received since the packets were issued and all correspondence was placed on the website. Correspondence was included from Ed Roy, Kathleen Hyland, and Bret Backus.

5. **Reports (7:13)**
Township Board Report
Duell reported that John Racine was reappointed to the Joint Planning Commission and a request to consider taking over the Cherryland Mobile Home Park water system was denied. The board also approved that the Supervisor draft a letter to the Governor about opening up some sectors of the economy.

Planning Commissioners
None

Staff Report**4051 Cedar Run Rezoning Update**

Planning Director John Sych said that the applicant has requested that the Cedar Run Rezoning request be paused at this time.

6. Unfinished Business**a. PD 2020-60 Chick-fil-A SUP Public Hearing (7:16)**

Progressive AE is requesting the approval of a Special Use Permit for a proposed 4,998 square foot Chick-fil-A restaurant with seating for 110 inside the building and 12 outside at the patio, and parking for 71 vehicles with a drive-through window accommodating 32 cars. Drive-through business uses are permitted via Special Use Permit in the C-G General Commercial district. Most requirements have been met; however, an official agreement regarding the ingress and egress location is still being negotiated between the parties. Other items are minor and can be dealt with by staff. Justin Lurk of Chick-fil-A and Cheryl Scales of Progressive AE said that they would answer any questions at this time, and they were excited to bring a Chick-fil-A to Traverse City. Racine opened the Public Hearing at 7:21pm.

Ed Roy, an attorney representing Grand Traverse Memorial Gardens said that there have been communications regarding the US 31 access and easement agreement. He said the proposed agreement was negotiated between Chick-fil-A and Walgreens and claims that it does not protect the interests of his client. Roy said he needs to be involved in the negotiations since he cannot allow any restrictions which would hinder potential future development of the back part of the cemetery property on the hill.

Justin Lurk said that they do have a cross access agreement and that it was intended to be a three-party agreement. Lurk is more than willing to discuss the access and move forward.

Township Attorney Scott Howard said that an agreement will be worked out and would be brought back to the Township for review and approval.

Commissioners discussed the easement issue at length and decided they would rather have everything in place before Findings of Fact were drafted and the development moves forward.

Fudge moved and DeGood seconded that application SUP-2020-01, submitted by Progressive AE, for a Special Use Permit for a drive-through restaurant at Parcels 05-016-002-10 and 05-016-007-10, BE tabled and the Public Hearing continued into the next meeting until the ingress and egress agreements are in place between the applicant, Walgreens and Memorial Gardens.

Commissioners and the various parties discussed the timing of the application and all agreed that the matter would be placed on the agenda as soon as the additional materials were received.

Yeas: Fudge, DeGood, Duell, Cline, Robertson, McManus, Racine
Nays: None

b. PD 2020-58 3077 Garfield Conditional Rezoning Public Hearing

This application requests the conditional rezoning of a portion of Parcel #05-014-077-00 at 3077 Garfield Road. These subject lands consist of approximately 2.85 acres of a 4.43-acre parcel. Conditional rezoning is described in Section 422 of the Zoning Ordinance. This request would conditionally rezone the subject lands from the C-G General Commercial to I-G General Industrial with small warehousing establishments as the only permitted use. Any conditions are voluntarily made by the applicant and if these conditions are not kept, the subject lands revert back to the underlying zoning. Doug Mansfield, representative of the applicant, Tom Krause, gave a project overview. Racine opened the Public Hearing at 8:07pm.

Richard Weaver, property owner, commented in favor of the project.

Rob Larrea, Community Planning and Land Use Consultants, stated his clients recently purchased the neighboring property. He said the Zoning Ordinance and Master Plan offer protections for property owners which would not be followed by granting this request. He cited Section 421 of the Zoning Ordinance and said this proposed use does not comply with the Master Plan and is not compatible as a transition use to neighboring sites. He asks for the PC to deny this request and if the PC wanted to consider similar requests, to potentially update the Master Plan instead.

Dave Cutler, broker for the landowner, stated it doesn't make any sense that the neighboring property would not want this use because self-storage is non-detrimental compared to other uses allowed in commercial zoning.

Racine closed the Public Hearing at 8:17pm.

Mansfield commented on the proposed conditional rezoning and its intent. Commissioners asked questions about setbacks and any future zoning on the site and whether the conditional rezoning was recorded and runs with the land. The subject of Conditional Rezoning was discussed considering the application. Commissioners asked for clarification of the proposed project and were concerned with establishing a precedent in the matter.

Duell moved Robertson seconded to table application Z-2020-03 until further discussion between staff and the applicant could take place.

Yeas: Duell, Robertson, Cline, McManus, Fudge, DeGood, Racine
Nays: None

c. Consumers Energy Boardman Substation SUP Findings of Fact (8:45)

This application requests approval of a Special Use Permit for Consumers Energy to expand its existing Boardman Substation located at the corner of Cass and Keystone Roads. The substation is a major essential service which may be permitted by special use permit in any zoning district.

Commissioners discussed adding a condition which would ensure that Consumers Energy would work with the neighbors to the south on the landscaping along that property line. Consumers intends to wait on the landscaping along the northern border until the Keystone roundabout is complete. Staff suggested requiring the landscaping along the northern border within one year of the roundabout completion or one year of the cancellation of the roundabout, if applicable.

DeGood moved and Cline seconded that Findings of Fact for application SUP-2019-07, submitted by Consumers Energy for a Special Use Permit for expansion of an existing major essential service facility at 825 Cass Road, as presented in Planning Department Report 2020-59 and being made part of this motion, BE ADOPTED.

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

DeGood moved and Duell seconded THAT application SUP-2019-07 BE APPROVED, subject to the following conditions:

- 1. Non-emergency light fixtures shall be directed downward to avoid light trespass onto neighboring sites. This shall be indicated on the site plan.*
- 2. The applicant shall work with Staff to ensure that the landscaping on the north side will be installed within one (1) year of the completion of the roundabout at Cass and Keystone or, if the roundabout project is cancelled, within one (1) year of such determination.*
- 3. All final reviews from agencies with jurisdiction shall be provided prior to any Land Use Permits being issued.*
- 4. All proposed landscaping and site amenities, except those to be installed in future phases, shall be installed prior to the issuance of a Certificate of Occupancy.*
- 5. 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.*
- 6. 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.*
- 7. The applicant shall submit an agreement with the property owner to the south regarding landscaping along the property line.*

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

d. **Good News Automotive Rezoning Findings of Fact (9:07)**

This application requests the rezoning of one parcel located at 3300 Cass Road, totaling 0.96 acres, from the I-G General Industrial zoning district to the C-G General Commercial zoning district through the zoning Map Amendment process, without restriction. The property is currently used by Good News Automotive service center and the neighborhood includes a variety of industrial and commercial uses. Staff finds that the proposed rezoning is consistent with the Master Plan.

Duell moved and Fudge seconded that the Findings of Fact for application Z-2020-01, as presented in Planning Department Report 2020-56 and being made a part of this motion, BE ADOPTED.

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

Duell moved and Fudge seconded to recommend to the Township Board THAT application Z-2020-01 BE APPROVED.

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

7. **New Business**

a. **PD 2020-57 3479 Veterans Rezoning Intro**

This application requests the rezoning of one parcel at 3479 Veterans Drive, totaling 1.93 acres, from the R-1 One-Family Residential zoning district to the C-O Office Commercial zoning district via the zoning map amendment process, without restriction. The Veterans Drive corridor includes both residential and professional office buildings. Planning Commissioners want to know what neighbors think about the rezoning since it will be in the middle of a residential area. Thus, they agreed to move forward with a Public Hearing.

Fudge moved and Cline seconded that application Z-2020-04 BE SCHEDULED for public hearing for the May 13, 2020 Planning Commission Regular Meeting.

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

b. **PD 2020-61 Burlington Sign Review**

Burlington department store is in the process of occupying the former location of MC Sports located at 3450 West South Airport Road at US 31. The site is zoned C-P Planned Shopping Center. Section 630(G) of the Zoning Ordinance regulates signage in this district. The applicant is proposing a 149 square foot front wall sign located on the south side of the building. The proposed signage exceeds the requirement by 49 square feet. Sych commented that given the location and visibility of the

building from the road, excess signage is not warranted. Commissioners agreed with Sych and recommended that the request be denied.

McManus moved and Robertson seconded THAT application SPR 1995-02-D, submitted by Blair Sign Programs dated February 12, 2020, to install an exterior wall sign that exceeds the dimensional requirements on parcel 05-021-105-10 BE DENIED.

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

8. Public Comment

None

9. Other Business

a. Barlow Garfield Neighborhood Plan – Set Public Hearing for May 13, 2020 (9:30)

Sych said that the public comment period will be concluded on May 7 and the next step would be to set a Public Hearing for May 13, 2020. Commissioners discussed the proposed Public Hearing and format.

Fudge moved and Cline seconded to set a Public Hearing on the Barlow Garfield Neighborhood Plan for May 13, 2020.

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

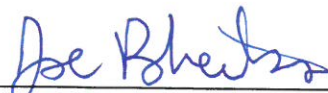
10. Items for Next Agenda – May 13, 2020

a. To Be Determined

11. Adjournment

Fudge moved and McManus seconded to adjourn the meeting at 9:40 p.m.

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



Joe Robertson, Secretary
Garfield Township Planning
Commission
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