

**CHARTER TOWNSHIP OF GARFIELD
PLANNING COMMISSION MEETING**

Wednesday, July 22, 2020 at 7:00 pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684
Ph: (231) 941-1620

A G E N D A

ORDER OF BUSINESS

Call meeting to order

Pledge of Allegiance

Roll call of Board Members

1. Public Comment

Public Comment Guidelines:

Any person shall be permitted to address a meeting of The Planning Commission, which is required to be open to the public under the provision of the Michigan Open Meetings Act, as amended. (MCLA 15.261, et.seq.) Public Comment shall be carried out in accordance with the following Commission Rules and Procedures: a.) any person wishing to address the Commission is requested to state his or her name and address. b.) No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioner's questions. Where constrained by available time the Chairperson may limit the amount of time each person will be allowed to speak to (3) minutes. 1.) The Chairperson may at his or her own discretion, extend the amount of time any person is allowed to speak. 2.) Whenever a Group wishes to address a Committee, the Chairperson may require that the Group designate a spokesperson; the Chairperson shall control the amount of time the spokesperson shall be allowed to speak when constrained by available time. Note: If you are here for a Public Hearing, please hold your comments until that Public Hearing time.

2. Review and approval of the Agenda – Conflict of Interest

3. Minutes – July 8, 2020

4. Correspondence

5. Reports

- a. Township Board
- b. Planning Commissioners
- c. Staff Report

6. Unfinished Business

- a. Redevelopment Ready Communities – Status Update
- b. PD 2020-113 Zoning Ordinance Use Chart Project – Update #2
- c. PD 2020-114 Requirements for Siting Solar Energy Systems – Update

7. **New Business**

8. **Public Comment**

9. **Other Business**

10. **Items for Next Agenda – August 12, 2020**

- a. Serra Toyota Car Wash – Review
- b. 3077 Garfield Conditional Rezoning – Update

11. **Adjournment**

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

The Garfield Township Board will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities upon the provision of reasonable advance notice to the Garfield Township Board. Individuals with disabilities requiring auxiliary aids or services should contact the Garfield Township Board by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620, or TDD #922-4412.

**CHARTER TOWNSHIP OF GARFIELD
VIRTUAL PLANNING COMMISSION MEETING
July 8, 2020**

Call Meeting to Order: Chair Racine called the meeting to order at 7:00pm 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)

Corey Flaska commented on behalf of residents of the Eaglehurst Subdivision and shared concerns with a road connection.

Mike and Kim Weiner asked developers to allow for a 30 ft setback from their lot #35 when locating the bike trail and also for minimum lighting on the trail. They were also opposed to a road connection.

Fred Creamer of Ravenhurst Drive shared concerns with the road connection and lighting.

Amanda Flynn of 5278 Ravenhurst Drive is against the road connections and does not want extra traffic.

Elizabeth Pomeroy shared concerns with any connections to Colonial Drive in Heritage Estates.

Karla Taylor commented on the Village at LaFranier Woods assisted living development and shared concerns with noise during construction.

2. Review and Approval of the Agenda – Conflict of Interest (7:19)

DeGood moved and Duell seconded to approve the agenda as presented.

Yeas: DeGood, Duell, Fudge, Cline, McManus, Robertson, Racine

Nays: None

3. Minutes (7:20)

a. June 24, 2020

Fudge moved and Cline seconded to adopt the minutes of June 24, 2020 presented.

Yeas: Fudge, Cline, Duell, McManus, DeGood, Robertson, Racine

Nays: None

4. Correspondence (7:21)

Planner John Sych said that he received a response from the engineer at the Grand Traverse County Road Commission regarding connections on public and private roads. Also received were communications from Attorney Ed Roy regarding the Chick-fil-A application and an email from Corey Flaska regarding the Oakleaf development.

5. Reports (7:23)**Township Board Report**

No report

Planning Commissioners

No reports

Staff Report

Sych mentioned that the Township Board meeting on July 14th will be in person and the next Planning Commission meeting will also be in person. DeGood asked that in-person meeting policies be established in advance of the July 22 meeting. Hannon said that the updated master plan is on the website and all commissioners have a new copy.

6. Unfinished Business**a. PD 2020-101 Oakleaf Village at Garfield Township PUD FOF (7:30)**

This application proposes a Planned Unit Development for senior living at 5143 North Long Lake Road. The property is 52.56 acres and is currently undeveloped and is zoned A- Agricultural. Phase one would include 154 units including a building housing 50 independent living apartments, 60 assisted living units and 24 memory care units. There would also be 20 independent living detached villas and a maintenance building. Phase two would be 75 units and would include 33 detached single-family homes and an addition to the adult care facility. Sych discussed the road connections and said they are looking for road commission guidance. He went on to say that township planning policy is to make connections to neighborhoods and to connect communities. The road commission is accepting connections between private streets and public streets. Sych added that there is a provision in place for a sidewalk along Long Lake and Zimmerman and any pathway would be set back 30" from lot #35. Landscaping would exist in the buffer between pathway and property lines and the lighting plan is acceptable with all lights meeting dark sky requirements. Findings of fact have been drafted for commissioner consideration. Commissioners discussed extensively the findings of fact and the street connections. Sych explained how these connections actually help communities. Traffic calming techniques were discussed and Sych said that the traffic impact report is still outstanding.

Duell moved and DeGood seconded THAT the Findings of Fact for application PUD 2020-01, as presented in Planning Department Report 2020-101, BE ADOPTED.

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

Duell moved and Fudge seconded that application PUD 2020-01, submitted by Wallick Communities for the Oakleaf Village of Garfield Township PUD, BE RECOMMENDED for preliminary approval by the Township Board, subject to the following conditions:

- 1. Provide a Traffic Impact Report to determine needed improvements for the Zimmerman Road Entrance to the PUD.*
- 2. Obtain Road Commission determination on best arrangement to facilitate street connections with Heritage Estates and Eaglehurst Estates.*
- 3. For the final review, the applicant shall obtain any necessary reviews or approvals from the Township Engineer, Grand Traverse Metro Fire Department, Grand Traverse County Department of Public Works, Grand Traverse County Road Commission, and Grand Traverse County Soil Erosion and Sedimentation Control.*

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

b. PD 2020-100 Village at LaFranier Woods PUD Final (8:03)

The subject property is located at 2242 LaFranier Road, north of Hammond Road and is 33.19 acres. It is zoned A- Agricultural. The application proposes a 385 unit Planned Unit Development for senior living residential development including detached cottages, congregate residential buildings and assisted living residences. The development would consist of four phases. Planner John Sych said the preliminary approval was granted in February and now the final approval is sought from the Planning Commission. All requirements and conditions have been met. Commissioners asked questions about the lighting plan and were happy that the Ridges 45 ingress and egress was addressed and corrected.

DeGood moved and Robertson seconded THAT the Findings of Fact for application PUD 2019-01, as presented in Planning Department Report 2020-100, BE ADOPTED.

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

DeGood moved and Cline seconded THAT Application PUD 2019-01, submitted by RW Properties I LLC for the Village at LaFranier Woods PUD, BE RECOMMENDED for final approval by the Township Board.

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

c. PD 2020-99 4051 Cedar Run C-O Rezoning – Withdrawal (8:20)

This application requested the rezoning of one parcel at 4051 Cedar Run Road totaling 3.75 acres from R-1 residential to C-O Office Commercial without restriction.

Duell Moved and Fudge seconded THAT the WITHDRAWAL of application Z-2020-02, by Chris Millward and Erik Gruber GMLLC, BE ACCEPTED.

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

d. PD 2020-103 Chick-fil-A SUP - Withdrawal (8:23)

This application requested approval of a Special Use Permit for a proposed 4,998 square foot restaurant with seating for 110 inside the building and 12 outside at a patio; parking for 71 vehicles; and a drive through window.

Fudge Moved and DeGood seconded THAT the WITHDRAWAL of 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 ACCEPTED.

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

e. PD 2020-105 3077 Garfield Conditional Rezoning Update (8:26)

This application requests conditional rezoning of a portion of Parcel #05-014-077-00 at 3077 Garfield Road. The subject lands are approximately a 4.43-acre parcel and was brought forward by the applicant. This request would conditionally rezone part of the site from the C-G General Commercial to I-G General Industrial. Any conditions of the rezoning are voluntarily made by the applicant and the underlying zoning is always kept in place. Hannon said that no updated information has been received at this point and hopes to get some information from the applicant in the next week.

McManus moved and Fudge seconded THAT application Z-2020-03, submitted by Premier Space Solutions for the conditional rezoning of a

portion of Parcel #05-014-077-00 BE FURTHER TABLED until the applicant submits updated application materials to address outstanding items.

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

7. New Business

a. PD 2020-102 Wendy's Restaurant SPR (8:29)

The site is approximately .083 acres and is located at 1712 South Garfield Avenue. The site is part of the former K-Mart parcel at Cherryland Center. The project would occupy about 7% of the K-Mart parcel and would be split off from the parent parcel. The proposal is for a restaurant with a drive through which is a use by right in the C-P Planned Shopping District. Deputy Planner Steve Hannon commented that the proposed development is in the newly approved Barlow Garfield Neighborhood which is home to many drive-through businesses. The proposed restaurant is planning to utilize the Cherryland Center stormwater system which is already in place. With three different owners of the Cherryland Center, commissioners had concerns with the legality of stormwater drainage. Doug Poland, representing the applicant, commented that adjustments would be made to stormwater lines and would be happy to provide legal analysis of the issue. Tony Asmourand said that this type of outlet stormwater drainage is common. Greg Whittle commented on traffic flow in the area and said that Wendy's is proposing a right in only one lane drive off of Garfield Ave with parking for 22 vehicles. Commissioners expressed concerns with the traffic flow on the site and the right turn only and thought a traffic study was warranted. They also discussed stacking traffic in the drive through and the safety of any spillover out on Garfield Avenue and wanted to ensure safe travel through the area.

DeGood moved and Duell seconded THAT application SPR-2020-01, submitted by WM Limited Partnership – 1998 to construct a drive-through restaurant on a portion of parcel 05-014-049-01, BE APPROVED, subject to the following conditions:

- 1. A land division is needed to split the development parcel for the proposed new restaurant from the parent parcel: 05-014-049-01.*
- 2. Record a public access easement for the proposed sidewalk.*
- 3. A dumpster enclosure material shall be indicated on the site plan.*
- 4. The applicant shall submit a cut sheet of the lighting fixtures used and indicate which fixtures are used at which locations, to determine if the lighting requirements have been met.*
- 5. Stormwater easement will need to be provided to utilize the Cherryland Center stormwater system, or an on-site stormwater management system shall be provided.*

- 6. *The parcel split is needed for the final parcel measurements and to determine whether the landscaping requirements are met.*
- 7. *The applicant shall provide information demonstrating that the site shall have been found to be a suitable site for a drive-in or drive-through establishment, and a right hand only ingress with regard to traffic safety, by a registered engineer with an educational specialty in traffic engineering.*
- 8. *All agency reviews, including stormwater and utility review by the Township Engineer, shall be received, and deemed compliant prior to issuing a Land Use Permit or Building Permit.*

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

b. PD 2020-104 Property Maintenance Ordinance – Proposed Amendment (9:36)

The departments of Planning and Zoning recommend the Ordinance No. 55 pertaining to Property Maintenance be updated to include an updated reference to the International Property Maintenance Code, requirements for sidewalk maintenance and an amendment which would allow the Township to accept inspection reports of multi-family housing units from other governmental agencies. Commissioners discussed the proposed amendment and noted that this amendment would address actual maintenance of sidewalks and have property owners maintain sidewalks.

DeGood moved and Fudge seconded to recommend to the Township Board THAT Garfield Township Ordinance No. 55 BE AMENDED to include the revisions as described in Planning Department Report No. 2020-104.

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

8. Public Comment (9:51)

The following comments were made on the Zoom chat section:

Fred Creamer commented on the traffic pattern in the new Oakleaf PUD and also on public and private roads. He also thanked commissioners for the discussion on the new Oakleaf development.

Corey Flaska commented that the private roads were paid for by citizens of the subdivision.

Doug Poland thanked the commission for hearing his proposal.

9. Other Business (9:56)

None

10. **Items for Next Agenda – July 22, 2020 (9:56)**
 - a. **Redevelopment Ready Communities – Status Update**
 - b. **Zoning Ordinance Use Chart Project – Update**
 - c. **Requirements for Siting Solar Energy Systems – Discussion**


11. **Adjournment**

Fudge moved and Duell seconded to adjourn the meeting at 9:58pm.

Yeas: Fudge, Duell, Robertson, McManus, Cline, DeGood, Racine

Nays: None

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

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|---|-----------------------------------|--------------|-------------------------------------|
|  Charter Township of Garfield Planning Department Report No. 2020-113 | | | |
| Prepared: | July 15, 2020 | Pages: | 1 |
| Meeting: | July 22, 2020 Planning Commission | Attachments: | <input checked="" type="checkbox"/> |
| Subject: | Use Chart Project – Update #2 | | |

OVERVIEW:

At their June 24, 2020 study session, the Planning Commission reviewed a list of uses without a clear and concise name. The goal of this exercise was to give every use a short name for easy identification and to put any descriptive language in the Definitions section of the Zoning Ordinance and any conditions in the Supplemental Use Regulations or other sections of the Zoning Ordinance.

Staff has created a draft use chart including the proposed names discussed at the previous meeting and the other use names already in the Zoning Ordinance. A sample of this draft use chart is attached, showing all uses, their permissions (by right, special conditions, or special use permit), and a link to any conditions.

RETAIL USES:

One of the next steps in this project is to review names and definitions for the different categories of retail. Staff has presented the attached portion of the proposed use chart focusing on the retail uses along with the definitions for these uses. Some potential discussion questions include the following:

- What are the most appropriate categories of retail uses?
- What criteria are the most appropriate for distinguishing between different categories of retail uses (e.g. % of floor area as retail, vehicle trips per day, etc.)?
- What specific retail uses should be identified separately, if any?

ACTION REQUESTED:

This report is intended for information and discussion. No formal action is requested at this time.

Attachments:

1. Draft use chart – sample
2. Retail use names and definitions

| Use Name | R-1 | R-2 | R-3 | R-R | R-M | C-L | C-O | C-G | C-H | C-P | I-G | I-L | A | P-R | Conditions |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------------|
| Accessory Uses, Industrial | | | | | | | | | | | | | | | |
| Adult Foster Care, Family Home (<7) | SC | SC | SC | SC | R | | | | | | R | R | SC | | Section 611 |
| Adult Foster Care, Small Group Home (7-12) | SUP | SUP | SUP | SUP | | | | | | | | | SUP | | Section 707 |
| Adult Foster Care, Large Group Home (13-20) | | | | | | R | R | R | R | | | | SUP | | Section 708 |
| Adult Care Facility (21+) | | | SUP | | | SUP | SUP | SC | SUP | | | | | | Section 709 |
| Agricultural Operations | | | | | | | | | | | | | R | | Section 710 |
| Airports and Airfields | | | | | | | | | | | | | SUP | | |
| Auditorium or Assembly Hall | | | | | | | | | R | | | | | | |
| Automobile Showroom | | | | | | | | | | | SC | | | | |
| Bakery, Coffee Shop | | | | | | | | | R | | | | | | |
| Bar, Tavern, Night Club | | | | | | | | R | R | | | | | | |
| Bed and Breakfast | | | SUP | SUP | | | | | | | | | SUP | | Section 714 |
| Boarding Residences | | | SUP | | | | | | | | | | | | Section 716 |
| Building Supply or Equipment Store | | | | | | | R | | | | SUP | | | | |
| Business College or Trade School | | | | | | | R | | | | SC | | | | |
| Business Complex | | | | | | SUP | | SC | | | | | | | |
| Campground | | | | | | | | | | | | | SUP | SUP | |
| Car Wash | | | | | | | SC | SC | | | SUP | SUP | | | Section 712 |
| Car Wash, Freestanding | | | | | | | SUP | | | | | | | | Section 712 |
| Catering Establishment | | | | | | | | | | | R | R | | | |
| Cemeteries | R | R | R | R | | | | | | | | | R | | |
| Child Care, Family Home (<7) | SC | SC | SC | SC | R | | | | | | | | SC | | Section 718 |
| Child Care, Small Group Home (7-12) | SC | SC | SC | SC | | | | | | | | | SC | | Section 719 |
| Child Care Center | | | SUP | | SUP | SUP | SUP | SC | SUP | | | | | | Section 720 |
| Clinics | | | | | | R | R | R | R | R | | | | | |
| Commercial District Housing Developments | | | | | | | | SUP | SUP | R | | | | | Section 725 |
| Contractor's Establishment | | | | | | | | | | | R | R | | | |
| Data Centers and Computer Operations | | | | | | | | | | | R | R | | | |
| Department Stores | | | | | | | | | | | | | | | |
| Drive-In Business | | | | | | | | SUP | R | | | | | | |
| Drive-Through Business | | | | | | | | SUP | R | | | | | | |
| Dry Cleaning Operation, Non-Retail | | | | | | | | | | | SC | SC | | | |
| Dry Cleaning Operation, Retail | | | | | | | | | | | SUP | | | | Section ZZZZ |
| Dwelling, Single Family | R | R | R | R | | SC | | | | | | | R | | |
| Dwelling, Two-Family | | | | | | | | | | | | | | | |
| Dwelling, Multiple Family | | | | | | | | | | | | | | | |
| Essential Service Facility, Major | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | Section 737 |
| Essential Service Facility, Minor | R | R | R | R | R | R | R | R | R | R | R | R | R | R | Section 737 |
| Farm Employees House | | | | | | | | | | | | | SC | | |
| Farm Market | | | | | | | | | | | | | SC | | Section 741 |
| Financial Institution, with Drive-Through | | | | | | SUP | SUP | SC | R | R | | | | | |

| Use Name | R-1 | R-2 | R-3 | R-R | R-M | C-L | C-O | C-G | C-H | C-P | I-G | I-L | A | P-R | Conditions |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| Shopping Center | | | | | | | | SUP | | | | | | | |
| Shopping Center, Local | | | | | | SUP | | SC | | | | | | | |
| Small Warehousing Establishment | | | | | | | | | | | R | R | | | |
| Stormwater Containment, Non-Agricultural | | | | | | | | | | | | | SC | | Section 777 |
| Taxi Terminal and Dispatch Center | | | | | | | | | | | R | R | | | |
| Temporary Outdoor Sales | | | | | | SC | | SC | SC | | | | | | Section 766 |
| Theaters | | | | | | | | R | | | | | | | |
| Travel Trailer Parks | | | | | | | | | SUP | | | | | | |
| Truck or Rail Freight Terminal | | | | | | | | | | | SUP | SUP | | | |
| Vehicle Service Center, Major | | | | | | | | R | R | | SUP | SUP | | | |
| Vehicle Service Center, Minor | | | | | | | | | | | R | R | | | |
| Veterinary Hospital | | | | | | SC | SC | SC | R | | R | | SUP | | |
| Video Rental and Sales Establishment | | | | | | R | | R | R | | | | | | |
| Warehouse or Distribution Center | | | | | | | | | | | R | R | | | |
| Warehouse or Distribution Center, Hazardous Materials | | | | | | | | | | | | SUP | | | Section 744 |
| Waterfront Stairways | SC | SC | SC | SC | | | | | | | | | | | Section 779 |
| WECS | | | | | | SUP | | SUP | | | SUP | SUP | SUP | | Section 780 |
| Wholesaler | | | | | | | | SC | | | R | R | | | Section 777 |
| Wireless Communication Facilities | | | | | | | | SUP | SUP | | SUP | SUP | SUP | | Section 792 |

| Use Name | C-L | C-O | C-G | C-H | C-P | I-G | Conditions |
|--|-----|-----|-----|-----|-----|-----|-------------|
| Building Supply or Equipment Store | | | R | | | SUP | |
| Department Stores | | | | | R | | |
| Dry Cleaning Operation, Retail | SC | | | | | SUP | Section ZZZ |
| Grocery Stores | | | | | R | | |
| Hardware Stores | | | | | R | | |
| Merchandise Service Shop | | | R | | | | |
| Personal and Business Services | | | R | | R | | |
| Personal Service Establishments | R | R | R | R | | | |
| Retail Establishment, not including Second Hand Stores | | | | R | R | | |
| Retail Establishments | | | R | | | | |
| Retail Fabricator | | | SUP | | | | Section ZZZ |
| Retail, Convenience | R | | R | | | | |
| Retail, Equipment Sales and Service | | | | | | SUP | Section 740 |
| Retail, Food Establishment | R | | R | | | | |
| Retail, Furniture Store | | | | | | SUP | |
| Retail, Low-Volume Retail | | | | | | SUP | |
| Second Hand Stores | | | SC | | | | Section 320 |
| Second Hand Stores involving outdoor storage or sales | | | SUP | | | | Section 776 |
| Shopping Center | | | SUP | | | | |
| Shopping Center, Local | SUP | | SC | | | | |
| Video Rental and Sales Establishment | R | | R | R | | | |

Retail Uses – Current Definitions from the Zoning Ordinance

Building Supply/Equipment Store: An establishment where construction products and materials are sold.

Dry Cleaning Operation (Retail): A facility for the cleaning of garments, fabrics, draperies, etc. with any of various chemicals rather than water, which may include direct retail customer contact.

Personal Service Establishment: Establishments primarily engaged in providing services involving the care of a person or their goods such as beauty shops, barber shops, laundry facility, jewelry repair shops, and shoe repair.


Retail Food Establishment: Establishments that supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off the premises. Foodstuffs may be prepared or manufactured on the premises as an accessory activity of the sale of the product is limited to the local retail store.

Retailer, Low Volume: An establishment or establishments engaging in the sale or rental of goods or merchandise, including the rendering of services incidental to the sale of such goods, which may be anticipated to generate less than 50 vehicular trips per day.

Retailer, High Volume: An establishment or establishments engaging in the sale or rental of goods or merchandise, including the rendering of services incidental to the sale of such goods, which may be anticipated to generate greater than 50 vehicular trips per day. High-Volume store retailers are not envisioned as appropriate within the MUIBD.

Second Hand Store/Pawn Shop: Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, and recreational equipment. This definition does not include secondhand motor vehicles, parts, or accessories.

Shopping Center: A group of ten (10) or more retail establishments, regardless of square footage, or one (1) or more retail establishments of fifty thousand (50,000) square feet or more in floor area, planned and constructed on a unified site, at least five (5) acres in size (consisting of one or more parcels) as an integrated unit for shopping and other business activity.

| | | | |
|---|---|--|--------------------------|
|  | | Charter Township of Garfield | |
| | | Planning Department Report No. 2020-114 | |
| Prepared: | July 15, 2020 | Pages: | 3 |
| Meeting: | July 22, 2020 | Attachments: | <input type="checkbox"/> |
| Subject: | Requirements for Siting Solar Energy Systems - Update | | |

BACKGROUND:

Recently, there has been an increased interest in developing solar energy systems, particularly solar arrays, in the region. This recent activity is similar to the interest that developed for wind energy systems in the region about a dozen years ago. In response to that interest, the Township developed siting requirements for wind energy systems within the Zoning Ordinance.

Following June study session of the Planning Commission, staff conducted additional research on solar energy systems. Staff reviewed other Township zoning ordinances including Elmwood Township and Green Lake Township. Different issues were of a concern to townships. For instance, some wanted to see a lot of screening of the larger solar farms while others were trying to encourage roof top systems.

DEFINITIONS OF SOLAR ENERGY SYTEMS:

The most common approach regulated energy systems as separate uses similar to wind energy systems or cell towers and not as essential services. Solar energy systems are typically defined as two kinds of systems:

- One, a solar energy system is ancillary use that is affixed to a permanent principal or accessory building or functioning as a freestanding structure; or,
- Two, a solar energy system is a “utility-scale solar energy system” that is a primary use of the property and is primarily used for generating electricity for sale and distribution to an authorized public utility (not intended to be used on-site).

DEVELOPMENT STANDARDS:

Solar energy systems are typically permitted in all zoning districts for on-site use with a land use permit. Development standards may include the following:

- Ground mounted solar panels shall only be located in a side or rear yard and shall meet or exceed required yard setbacks and shall be located to minimize any glare to adjacent properties.
- Placement of ground mounted solar energy equipment is not permitted within the required front yard.
- Roof mounted solar energy equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located.

The larger utility-scale solar energy systems often require special use permit. In addition to special use permits standards, here are some common development standards required for utility-scale solar energy systems:

- Minimum lot size for a utility-scale solar energy system shall be five (5) acres.
- All structures and equipment for a utility-scale solar energy system shall be 100 feet from any front property line and 50 feet from any side or rear property line.
- All structures and equipment shall be located a minimum of 100 feet from any residential dwellings not located on the subject property.
- Utility-scale solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system.
- All utility collection lines from the utility-scale solar energy system shall be placed underground.
- Utility-scale solar energy systems shall meet landscaping screening requirements.

- The operator of the utility-scale solar energy system shall maintain the facility in good condition. Maintenance shall include, but not be limited to structural repairs, and integrity of security measures.
- Site access shall be maintained to a level acceptable to local emergency response personnel. The operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s).

ABANDONMENT/DECOMMISSION REQUIREMENTS:

Abandonment and/or decommission requirements are found in most ordinances regarding solar energy systems. Here is a typical approach to this requirement:

- Abandonment
 - Any utility-scale solar energy system which has reached the end of its useful life or has been abandoned consistent with this ordinance shall be removed and parcel owners shall be required to restore the site.
 - Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the utility-scale solar energy system shall be considered abandoned when it fails to operate continuously for more than one year.
 - The property owner shall physically remove the installation no more than one-hundred and fifty (150) days after the date of discontinued operations.
 - The property owner shall notify the Township by certified mail of the proposed date of discontinued operations and plans for removal.
 - If the property owner fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Township is permitted to enter the property and physically remove the installation.
- Decommissioning. Decommissioning plans shall include the following:
 - Physical removal of all aboveground utility-scale solar energy systems and ancillary solar equipment, structures, equipment, security barriers, and transmission lines from the site.
 - Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
 - Stabilization and re-vegetation of the site as necessary to minimize erosion.
- Financial Surety.
 - The applicant for a utility-scale solar energy system shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal of the utility-scale solar energy system in the event the Township must remove the installation.
 - The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer.
 - The amount and form of financial surety is to be determined by the Township, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant.

RECOMMENDATION:

At this point, this information is being provided for review and discussion by the Planning Commission. Feedback by Planning Commissioners will determine next steps in drafting potential requirements for the siting of solar energy systems in the Township.