### CHARTER TOWNSHIP OF GARFIELD VIRTUAL PLANNING COMMISSION MEETING

Wednesday, July 8, 2020 at 7:00 pm Garfield Township Hall 3848 Veterans Drive Traverse City, MI 49684 Ph: (231) 941-1620

The Wednesday, July 8, 2020 Planning Commission meeting at 7:00 pm will be held virtually due to COVID-19 and Governor Whitmer's Executive Order 2020-129: Temporary Authorization of Remote Participation in Public Meetings and Hearings and Temporary Relief from Monthly Meeting Requirements for School Boards. To provide input on any business that will come before the Commission or to contact the Commissioner(s), please send an email to the Township Planning Director, John Sych, at <a href="mailto:isych@garfield-twp.com">isych@garfield-twp.com</a>.

You are invited to join the Garfield Township Planning Commission Meeting on July 8, 2020 at 7:00 pm

Please click the link below to join the webinar: <a href="https://us02web.zoom.us/j/87245242628">https://us02web.zoom.us/j/87245242628</a>

Or iPhone one-tap:

US: +13126266799,,87245242628#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 Webinar ID: 872 4524 2628

International numbers available: https://us02web.zoom.us/u/kcDEwhj5Nf

### AGENDA

### 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 - June 24, 2020

### 4. Correspondence

### 5. Reports

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

### 6. Unfinished Business

- a. PD 2020-101 Oakleaf Village of Garfield Township PUD FOF
- b. PD 2020-100 Village at LaFranier Woods PUD Final
- c. PD 2020-99 4051 Cedar Run C-O Rezoning Withdrawal
- d. PD 2020-103 Chick-fil-A SUP Withdrawal
- e. PD 2020-105 3077 Garfield Conditional Rezoning Update

### 7. New Business

- a. PD 2020-102 Wendy's Restaurant SPR
- b. PD 2020-104 Property Maintenance Ordinance Proposed Amendment

### 8. Public Comment

### 9. Other Business

### 10. Items for Next Agenda - July 22, 2020

- a. Redevelopment Ready Communities Status Update
- b. Zoning Ordinance Use Chart Project Update
- c. Requirements for Siting Solar Energy Systems Discussion

### 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 June 24, 2020

<u>Call Meeting to Order:</u> 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 (7:01)

None

### 2. Review and Approval of the Agenda – Conflict of Interest (7:02)

Fudge moved and Cline seconded to approve the agenda as amended adding "In Person Meeting Discussion" to agenda item 9.

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

Nays: None

### 3. Minutes (7:06)

### a. June 10, 2020

Duell moved and Cline seconded to adopt the minutes of June 10, 2020 as amended noting that on page two John Sych stated that the stub was placed as a dead end and not John Urbain; and the times need to be adjusted in items 10 to 8:34pm and item 11 to 8:37pm.

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

Navs: None

### 4. Correspondence (7:06)

None

### 5. Reports (7:06)

### **Township Board Report**

Duell reported that the ZBA Fees were approved as presented. The revised Parkland Ordinance was approved and Tim Hughes was reappointed to the Joint Recreation Authority. Board members also reviewed the Township Strategic Plan and added Emergency Transport Services under the Public Safety item.

### **Planning Commissioners**

None

### Staff Report

Sych mentioned that the volume of applications may taper off slightly in the upcoming months.

### 6. Unfinished Business

a. PD 2020-97 Redevelopment Ready Communities – Self- Evaluation (7:11)

John Sych said that staff has done the Self Evaluation portion of the Redevelopment Ready Community. Deputy Planner Hannon has already completed training, which is a requirement as well. Staff reviewed the six components of the Self Evaluation with commissioners and said that the MEDC would provide more feedback at an upcoming meeting. Sych explained the benefits of an RRC community and commissioners and Staff discussed the importance of attracting business to the area and to engage with community partners whenever possible. Staff suggested delaying any action on the application until they could meet with the MEDC and incorporate any feedback.

b. PD 2020-98 Zoning Ordinance Use Chart Project (7:37)

Staff said that this Use Chart is used on a daily basis with applicants and the public. Revisions will help staff, public, Commissioners and applicants to have a sense of the Zoning Ordinance and where a proposed project fits. Hannon gave an overview to recap where they are in this process of revision. He reiterated the six guiding principles and explained some of the uses that need further explanation and clarification in the definitions section. Commissioners gave feedback on definitions and inconsistencies in the ordinance and staff thought it may be prudent to revise ordinance definitions altogether to reduce any confusion.

### 7. New Business

a. Requirements for Siting Solar Energy Systems – Discussion (8:01)
Staff has seen an uptick in solar energy systems in the area and believes that the ordinance ought to include such uses. Sych suggested that language pertaining to solar systems could be placed in the Essential Services portion of the ordinance. If it is a small private solar energy panel, it could be a use by right. Larger solar farms would need some type of management and possibly go through a Special Use Permit process at the Planning Commission level. Commissioners discussed the use and also touched upon the decommissioning of a larger solar farm use and a possible bond or ordinance language which cites what happens when the solar farm is no longer in use. Staff will continue to take suggestions from other municipal entities who already have such an ordinance in place and will revisit the item with commissioners in the near future.

### b. Sidewalks Near North Long Lake Road and Zimmerman Road & TC West Senior High (8:28)

Sych showed a map which indicates where sidewalks are located in the area of Long Lake Road and Zimmerman Road and suggested where sidewalks will be required for developments. The proposed plan for the Oakleaf PUD has a multi -use path and a safe road crossing. With this new portion of sidewalk installed they will be abundant in the area and come close to connecting the schools. Staff is looking at a Property Maintenance police power ordinance for maintenance of the sidewalks.

### 8. Public Comment (8:40)

None

### 9. Other Business (8:41)

### a. In Person Meeting Discussion

Staff and commissioners discussed whether the next meeting would be via Zoom or in person. After talking about social distancing and mask use, it was decided that the next meeting would be held via Zoom on July 8<sup>th</sup>.

### 10. <u>Items for Next Agenda – July 8, 2020 (8:56)</u>

- a. Oakleaf Village PUD FOF
- b. Village at LaFranier Woods PUD Final
- c. Chick-fil-A SUP Update
- d. 3077 Garfield Conditional Rezoning Update
- e. 4051 Cedar Run Rezoning Withdrawal
- f. Wendy's SPR

### 11. Adjournment

Fudge moved and Duell seconded to adjourn the meeting at 9:00pm.

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

Nays: None

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

### John Sych

From:

Kimberly Weiner <mikekimweiner@gmail.com>

Sent:

Sunday, June 14, 2020 12:33 AM

To:

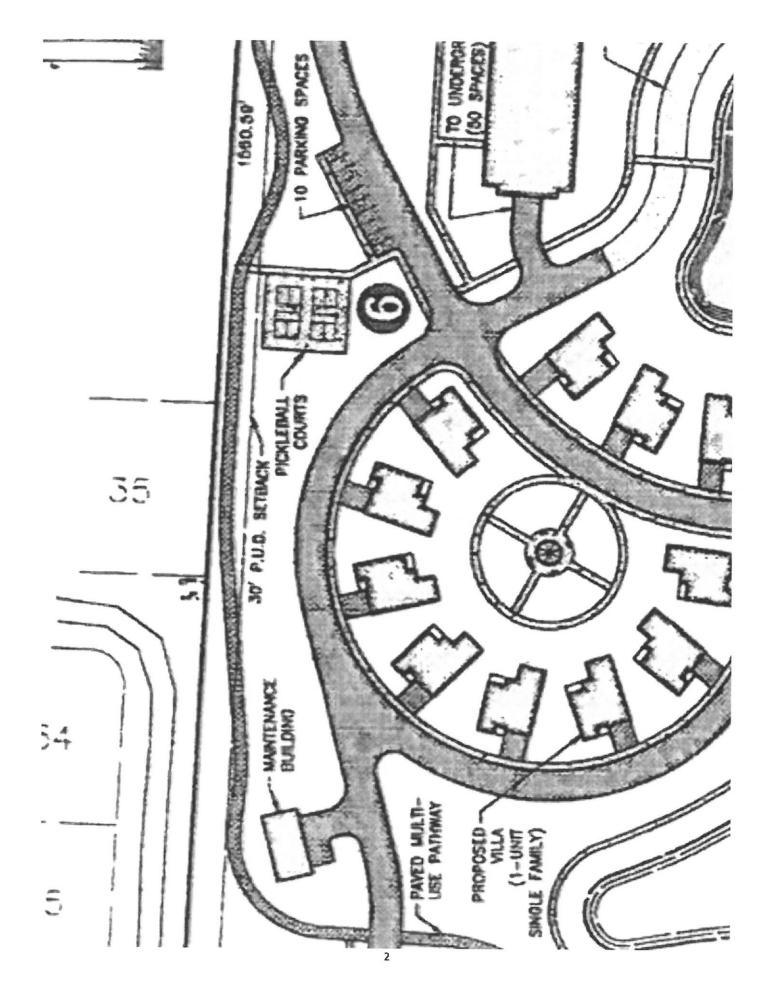
John Sych

Subject:

Help

John,

I need your help. I'm in the process of buying 5260 Eaglehurst. We started the process back in early March. After reviewing the latest information on the new development going in at 5143 North Long Lake Road I'm hoping you can voice my concern about how close their bike path is to my future home. The Northern part of the path is at a 30' setback where there are NO neighboring homes, but once you get to lot 35 (5260 Eaglehurst) it's closer then the 30' setback and there aren't any homes on the opposite side of the path. I would appreciate some trees and space for privacy pushing the path to the 30 foot line.



Thank you, Mike and Kimberly Weiner Lot 35 5260 Eaglehurst

Sent from Kimberly's iPhone

### John Sych

From:

Ken Murray < kmurraytvc@gmail.com>

Sent:

Thursday, June 18, 2020 9:15 AM

To:

John Sych

Subject:

Oakleaf proposed development

Hello, John Sych Garfield Township planner.

My name is Ken Murray. My wife Mary and I own a home located at 3713 Falcon Hurst Dr. in the Eagle Hurst Subdivision.

I recently received a copy of the proposed development of the 53 acres that neighbors our sub. While the new development appears to be a good fit to the area I am troubled by the possible connection to Ravenhurst Drive. The connection could/would place more traffic on an already busy road where people walk and kids play. In closing it just doesn't seam necessary or required.

Also no one in our sub received notice of the P.U.D.

Thank You, Ken Murray

### John Sych

From:

Jess and Al Russell <jessal898@gmail.com>

Sent:

Saturday, June 27, 2020 11:09 AM

To:

John Sych

Subject:

Concerns over Oakleaf connection to Eaglehurst Estates

John,

Forgive me if you are not the person to contact about this, but we are residents in the Eaglehurst Estates neighborhood and have serious concerns about connecting our little neighborhood to the new Village at Oakleaf development.

To be clear, we do not have issues with the development itself. only in needlessly tying it in to our neighborhood. This connection would increase traffic through the neighborhood as people will no doubt use it to try and avoid the lights at Herker and Zimmerman. I have a suspicion that it won't even be any faster, but that doesn't stop people from cutting through slabtown, Munson, NMC or any of the other areas of TC that have become victims of parade folks who are not inclined to wait in traffic.

Furthermore, it would not serve our neighborhood as it takes very little time for us to get in and out and we do not need another exit. I also don't see how this connection would benefit future Oakleaf residents. It just seems like a waste of asphalt.

We are planning to make our voices heard at the meeting on the 8th, but wanted to also submit our concerns in writing. It would be a real shame to disrupt our peaceful little neighborhood and put the safety of our families at risk with increased traffic.

Thank you for your time and attention.

James & Jessica Russell

5319 Ravenhurst Dr. Traverse City, MI 49685

	narter Township of Garfield anning Department Report No. 20	020-101
Prepared:	July 1, 2020	Pages: 5
Meeting:	July 8, 2020 Planning Commission	Attachments:
Subject:	Oakleaf Village of Garfield Township PU	D – Findings of Fact
Applicant:	Wallick Communities	
Owner:	OTTO, LLC	
File No.	PUD 2020-01	
Parcel No.	05-018-013-00	

### **SUBJECT PROPERTY:**

- 5143 North Long Lake Road, west of Zimmerman Road
- 52.56 acres in area
- · Currently undeveloped open land
- A-Agricultural zoning

### **PURPOSE OF APPLICATION:**

The application proposes a Planned Unit Development (PUD) for senior living campus including the following:

- Phase 1 − 154 units
  - 155,000 square-foot one-story and two-story licensed Adult Care Facility (50
     Independent Living Apartments, 60 Assisted Living, and 24 Memory Care units)
  - o 20 Independent Living detached villas
  - o 1,800 square-foot maintenance building
- Phase 2 75 units
  - o 33 detached single-family homes
  - o Addition to Adult Care Facility (30 Assisted Living and 12 Memory Care units)

Based on this configuration, 229 total units are proposed.

Aerial image of the subject property (property lines highlighted in blue):



Page 1 of 5

### PROCEDURE:

PUD applications shall be reviewed in a two-step process in accordance with Section 426.B Preliminary Review and Decision and with Section 426.C Final Review and Decision.

Preliminary review shall establish proposed land uses, project density, site layout and design, proposed vehicular and pedestrian circulation patterns, natural resource protection areas, open space, land use buffers, grading, storm water management patterns, and site servicing. Final engineering is not required for preliminary review and decision.

The Planning Commission held a public hearing on the PUD application on June 10, 2020. At this meeting, the Planning Commission shall make a preliminary recommendation to the Township Board on whether to approve or deny the request for preliminary PUD approval. Preliminary recommendation of a PUD shall specify all conditions that must be satisfied prior to submission of the PUD under Section 426.C Final Review and Decision.

Upon receipt of the Planning Commission's recommendation, the Township Board may hold a public hearing on the application for preliminary PUD approval and may specify additional conditions or requirements that shall be satisfied prior to submission of the PUD under Section 426.C Final Review and Decision.

Preliminary plans may not be changed or amended except as required by final engineering.

### **FINDINGS OF FACT:**

- An application has been received to develop a 229-unit Planned Unit Development (PUD) for senior living (including an adult care facility and detached villas) and single-family residential dwellings.
- 2) The proposed development will be comprised of the following two phases:
  - a. Phase 1 154 units containing a 155,000 square-foot one-story and two-story licensed Adult Care Facility (50 Independent Living Apartments, 60 Assisted Living, and 24 Memory Care units), 20 Independent Living detached villas, and an 1,800 square-foot maintenance building
  - b. Phase 2 75 units containing 33 detached single-family homes and an Addition to Adult Care Facility (30 Assisted Living and 12 Memory Care units)
- 3) The subject parcel is 52.56 acres located at 5143 North Long Lake Road.

### Section 426.E(4) Criteria

- (a) The uses will be compatible with the natural environment, and with adjacent and surrounding land uses and properties, and will not have an adverse economic, social or environmental impact on adjacent and surrounding land uses and properties;
  - <u>Finding</u>: The Planning Commission finds that this standard HAS BEEN MET because the
    application proposes a variety of senior living and single family residential housing units
    which are compatible with surrounding institutional, multi-family, and single-family
    residential uses; are located on a large parcel which will provide open space and
    landscaping between uses; and will not have an adverse impact on adjacent or
    surrounding properties.

- (b) The uses will be compatible with the capacity of existing public services and facilities, or of planned and feasible future public services and facilities, and such use is consistent with the public health, safety and welfare of the Township residents;
  - Finding: The Planning Commission finds that this standard HAS BEEN MET. The proposed development is located in an area with a variety of existing institutional, office, and residential uses and will be adequately served by existing available services, including water and sewer services. Other agency reviews have been conducted to ensure that road design and emergency service requirements have been met.
- (c) The uses and development are warranted by the design of additional amenities made possible with, and incorporated by, the development proposal;
  - Finding: The Planning Commission finds that this standard HAS BEEN MET. The proposed development includes outdoor amenities such as a multi-use path, pocket neighborhood parks, outdoor patio, gazebos, pickleball courts and water features. The development will include many indoor amenities for residents including 24-hour care and security, state of the art dining and exercise facilities, multi-purpose room used for movie nights and large group activities, bistros and pubs, classes, planned indoor and outdoor activities, beauty salon and barbershop, and large living rooms to gather with friends and family.
- (d) Insofar as practicable, the landscape shall be preserved in its natural state by minimizing tree and soil disturbance and removal;
  - <u>Finding</u>: The Planning Commission finds that this standard HAS BEEN MET. The
    proposed development has an extensive landscaping plan that utilizes existing trees
    where possible, provides landscaped buffers with adjacent properties and creates an
    attractive visual aesthetic for the site.
- (e) Existing important natural, historical and architectural features within the development shall be preserved;
  - <u>Finding</u>: The Planning Commission finds that the standard HAS BEEN MET because the applicant has made reasonable efforts to provide open space on the property. The previous use of the site was farmland with no identifiable features.
- (f) Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings;
  - <u>Finding</u>: The Planning Commission finds that the standard HAS BEEN MET because the
    proposed building setbacks are compatible and create a residential campus setting for all
    the uses. Building architecture, street layouts, signs, park features, and landscaping create
    a unified look for the development.
- (g) With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, minimizing potential motorized/nonmotorized conflict points, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe

and convenient and, insofar as is practicable, do not detract from the design of proposed structures and neighboring properties;

- <u>Finding</u>: The Planning Commission finds that the standard CAN BE MET because the proposed roadways, drives, sidewalks, and walking paths are laid out in a cohesive manner, including safe and separate areas for pedestrians and vehicles. However, two additional issues will need to be addressed:
  - i. Street connection to two adjacent neighborhoods are also proposed. The Road Commission is reviewing these connections to determine the best arrangement to facilitate maintenance of these connections.
  - ii. After review and agreement between the Road Commission and the applicant, the main entrance off North Long Lake Road in Phase I will require minor improvements by the applicant to the roadway to provide safe turning movements. For the entrance off Zimmerman Road in Phase II, the applicant is required to prepare a Traffic Impact Report. An updated Trip Generation Analysis has been provided by the applicant (see attached). The updated Analysis indicates that after completion of both phases the site will generate 958 total vehicular trips per day with 66 vehicular trips during the morning peak-hour and 87 vehicular trips during the afternoon peak-hour. These projections do not exceed the threshold requiring a Traffic Impact Report in the Zoning Ordinance; however, a Report is necessary to provide guidance to the Road Commission to determine the appropriate improvements to the Zimmerman Road entrance. The Report is not expected to impact the design and layout of the PUD and any required improvements will be performed by the applicant.
- (h) Landscaping is provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and, where applicable, to create a pleasant pedestrian scale outdoor environment;
  - Finding: The Planning Commission finds that the standard HAS BEEN MET because consistent landscaping is proposed that is attractive and serves to provide buffers where needed.
- (i) The development consolidates and maximizes useable open space;
  - Finding: The Planning Commission finds that the standard HAS BEEN MET because the development plan provides approximately 12.6 acres of open space. Common areas and activities have also been identified, including multi-use path, pocket neighborhood parks, outdoor patio, gazebos, pickleball courts and water features.
- (j) The benefits of the development are not achievable under any single zoning classification; and
  - <u>Finding</u>: The Planning Commission finds that the standard HAS BEEN MET because the
    development plan presents a mixed-use development which is not achievable under any
    single zoning district.
- (k) The development is compatible with the intent and purpose of the adopted master plan.
  - <u>Finding</u>: The Planning Commission finds that the standard HAS BEEN MET because the development plan remains generally consistent with the Master Plan and surrounding

existing land uses. The planned density for the PUD is approximately 4.4 units per acre. Planned unit developments in the vicinity have densities ranging from 3.4 to 4.8 units per acre.

### **ACTION REQUESTED:**

The following motion is offered for consideration:

MOTION THAT the Findings of Fact for application PUD 2020-01, as presented in Planning Department Report 2020-101, BE ADOPTED.

The following motion is recommended to grant *preliminary* approval for the project in accordance with Section 426 of the Zoning Ordinance, subject to the conditions as noted, and subject to conditions which are routinely added to all approvals.

MOTION 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.

### Attachments:

- 1. Trip Generation Analysis from Progressive AE dated June 26, 2020
- 2. Oakleaf Village of Garfield Township PUD plan set provided by applicant dated June 29, 2020



June 26, 2020

Doug Hula, PE Senior Geotechnical Engineer Gosling Czubak Engineering Sciences, Inc. 1280 Business Park Drive Traverse City, MI 49686

Re: Trip Generation Analysis

Oakleaf Village Development, Garfield Township, Grand Traverse County, MI

Dear Mr. Hula.

Progressive AE has completed a review of the anticipated future trip generation characteristics for the proposed Oakleaf Village project located on Long Lake Road in Garfield Township, Michigan. The following sections summarize our findings regarding the potential trip generation projections for the proposed site.

### INTRODUCTION

As a part of the approval process for the proposed Oakleaf Village development, a trip generation analysis has been requested for the proposed development. The project will be constructed in two phases. In total, the proposed development will consist of 196 senior adult housing units, including 70 attached independent housing units, 90 assisted living units, and 36 memory care units. In addition, 33 single family homes (not restricted to seniors) are included in the project. Figure 1 shows the proposed site plan for the project.



Figure 1. Proposed Site Plan

### TRIP GENERATION

The <u>Trip Generation Manual</u>, Tenth Edition, by the Institute of Transportation Engineers (ITE) was used to calculate the anticipated traffic that may be generated by the proposed site. Trips are measured individually for inbound and outbound movements; therefore, a visit to the site by an employee or visitor, for instance, generates two trips—one inbound and one outbound.

Based on the land use descriptions provided within the ITE <u>Trip Generation Manual</u>, the most applicable land uses for the proposed site would be the Single Family Residential (Land Use Code 210), Senior Adult Housing — Attached (Land Use 252) and Assisted Living (Land Use 254). As the memory care units are the most similar to the assisted living land use description, these units were included with the assisted living units for the purposes of the trip generation analysis.

The trip generation calculations were completed separately for Phase I and Phase II of the development. Phase I of the proposed development consists of 70 independent senior housing units, 60 senior assisted living units, and 24 senior memory care units. Phase II includes an additional 30 senior assisted living units and 12 senior memory care units. In addition, Phase II includes a 33-unit single family residential subdivision with no age restrictions. Table 1 shows the anticipated trip generation for the proposed site for both Phase I and Phase II.

Table 1. Oakleaf Village Trip Generation Summary

Land Use	ITE Code	Size		AM			PM		Daily Trips
Lallu USE	II E Code	Size	Total	Enter	Exit	Total	Enter	Exit	
Phase I									
Senior Adult Housing - Attached	252	70 units	14	5	9	19	10	9	256
Assisted Living 254		84 units (60 assisted living, 24 memory care)	16	10	6	22	8	14	218
P	hase I Subtotal	154 units	30	15	15	41	18	23	474
Phase II									
Single Family Residential	210	33 units	28	7	21	35	22	13	375
Assisted Living	Assisted Living 254		8	5	3	11	4	7	109
Phase II Subtotal		75 units	36	12	24	46	26	20	484
	Grand Total	229 units	66	27	39	87	44	43	958

Source: Progressive AE, June 2020

### CONCLUSIONS

Based on the analyses performed, Phase I of the proposed Oakleaf Village development will have minimal impact to existing traffic operations along adjacent roadways. For Phase I, the site is anticipated to generate approximately 474 total vehicular trips (total entering and exiting) during the typical weekday, 30 vehicular trips (15 entering, 15 exiting) during the morning peak-hour and 41 vehicular trips (18 entering, 23 exiting) during the afternoon peak-hour.

At the completion of Phase II, the site is anticipated to generate approximately 958 total vehicular trips (total entering and exiting) during the typical weekday, 66 vehicular trips (27 entering, 39 exiting) during the morning peak-hour and 87 vehicular trips (44 entering, 43 exiting) during the afternoon peak-hour.

Garfield Township traffic impact study thresholds state that the minimum threshold for requiring a traffic impact study is 150 new peak-hour directional trips during either the morning or afternoon peak hour or 1,000 daily trips. The proposed project's trip generation is anticipated to be below these thresholds after the completion of Phase I and Phase II.

Sincerely,

Nicholas D. LaCroix, PE, PTOE Senior Transportation Engineer Christopher E. Zull, PE Transportation Practice Leader

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# **OAKLEAF VILLAGE OF GARFIELD TOWNSHIP**

PLANNED UNIT DEVELOPMENT
NE 14, SECTION 18, TZ7A-R11W
GARPIELO CHARTER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN

DEVELOPER

WALLICK
Governmentities
150 West Man Street
Sudia 200
New Absary, OH 43064
wallock com

SITE

13 0



REDLEASTROLLS
ARCHITECTS
16102 Chaptin Bive.
Staker Heights, OH 44120
216 726, 4300
RDLurchthects.com

ARCHITECT

SITE LOCATION MAP

24



Sheet Title	Cover Sheet	Ste Plen	Main Entry/Apartment Elevations	Assisted Living/Villa Elevations	Existing Conditions and Demolition Plen	Ste Layout Plan (Phase 1)	Site Layout Plen (Phase 2)	Enlarged Site Piun (Sheet 1)	Enlarged Site Plan (Sheet 2)	Soil Erosion and Sedimentation Control Plan	Overall Grading and Drainage Plan	Overall Utility Plan	Landscaping Cover Sheet	Overall Landscape Site Plan	Northwest Quadrant Planting Plan	Northeest Quadrant Planting Pian	Southwest Quadrant Planting Plan	Villes Planting Plan	0 0
Sheet		A-1	A-2	A-3	2	C-2	63	2	6.6	95	6.7	3	07	2	1.2	2	1	9-7	



LANDSCAPE ARCHITECT

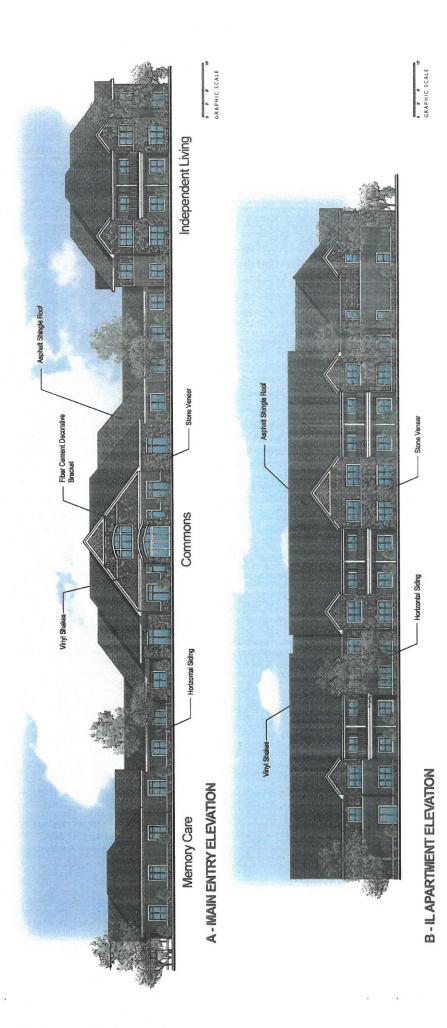


CIVIL ENGINEER

AN ITA COLVERMAN 300 W. 7th Street Treese Co. 7th 1000s 231 622 625 shvermanished to open com











SRAPHIC SCALE



GRAPHIC SCALE

D-DUMPSTER ENCLOSURE ELEVATIONS

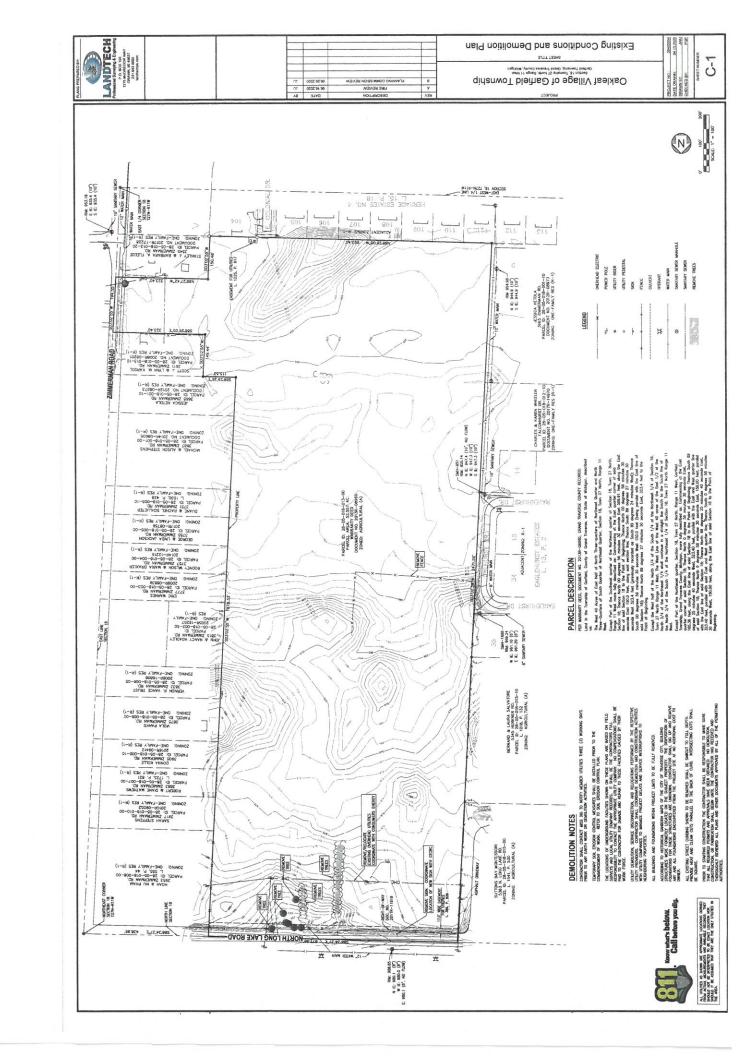
Cultured Stone Wall Cap

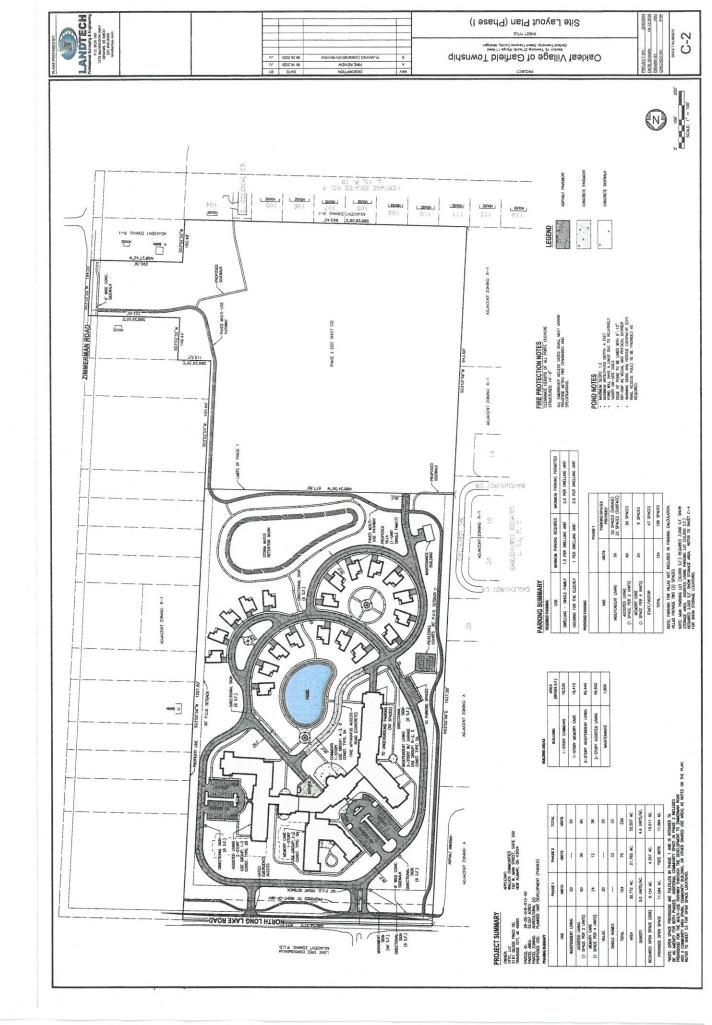
Galv. Steel Post & Frame -

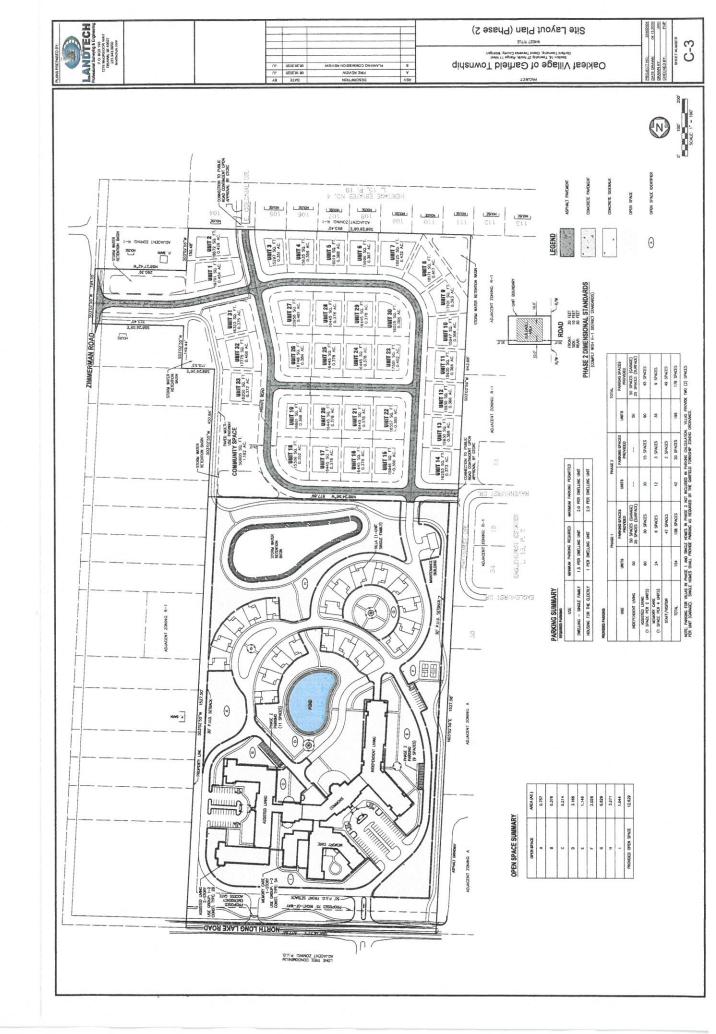
Stained Wood Gate (Two 8' Gates)

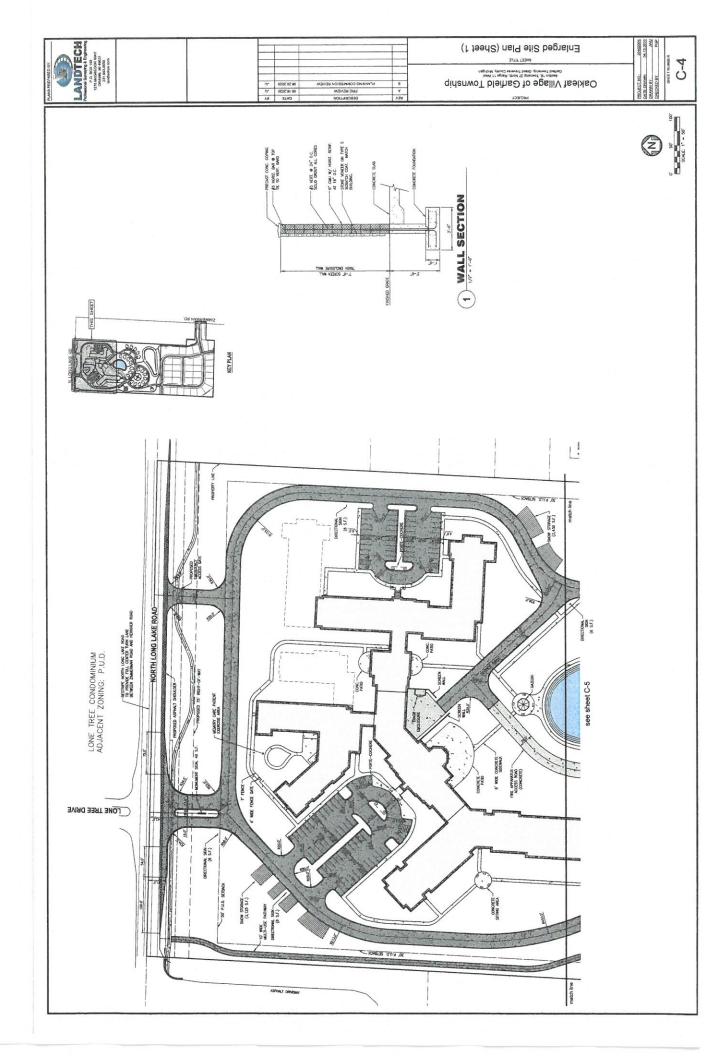
**WILLA ELEVATION** 

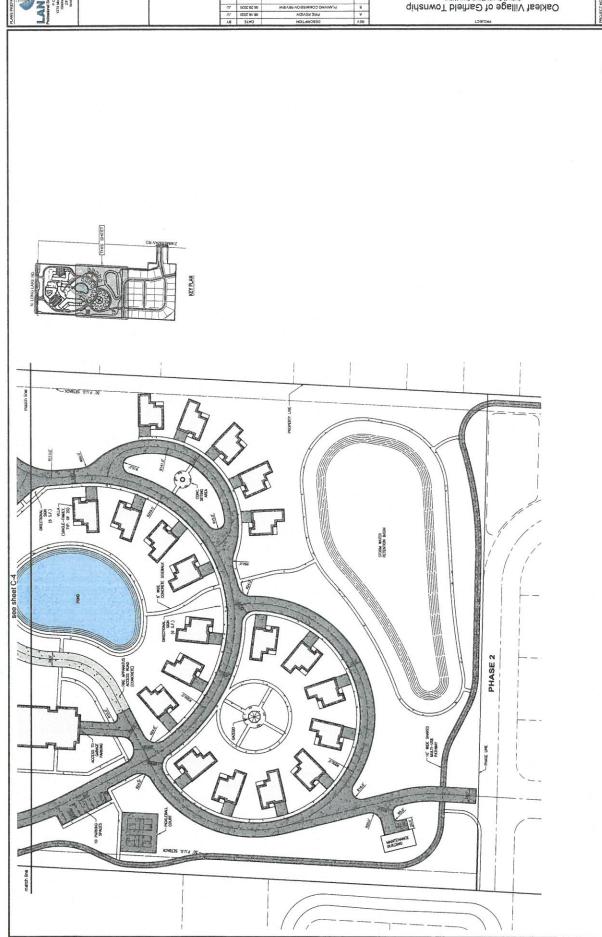
Stone Veneer to Match Building















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nr	06.29.2020	PLANNING COMMISSION REVIEW	6
nr	08.16.2020	LISE REVIEW	V

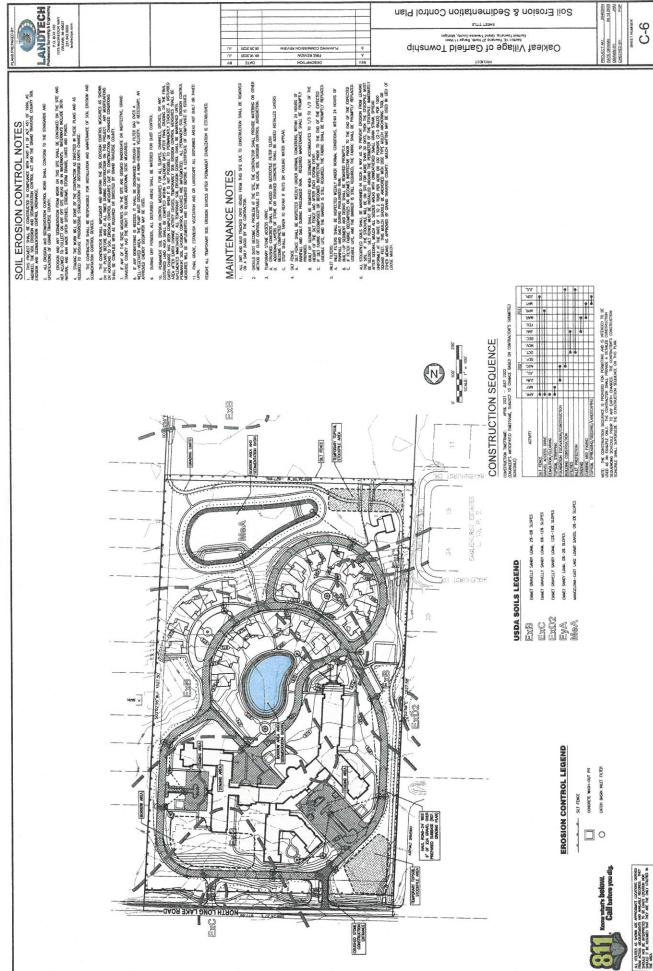
Oaklest Village of Garfield Township

before 16, Township 27 Near, Neage 17 Near

Carded Township, Cared Township Carety, Micropen

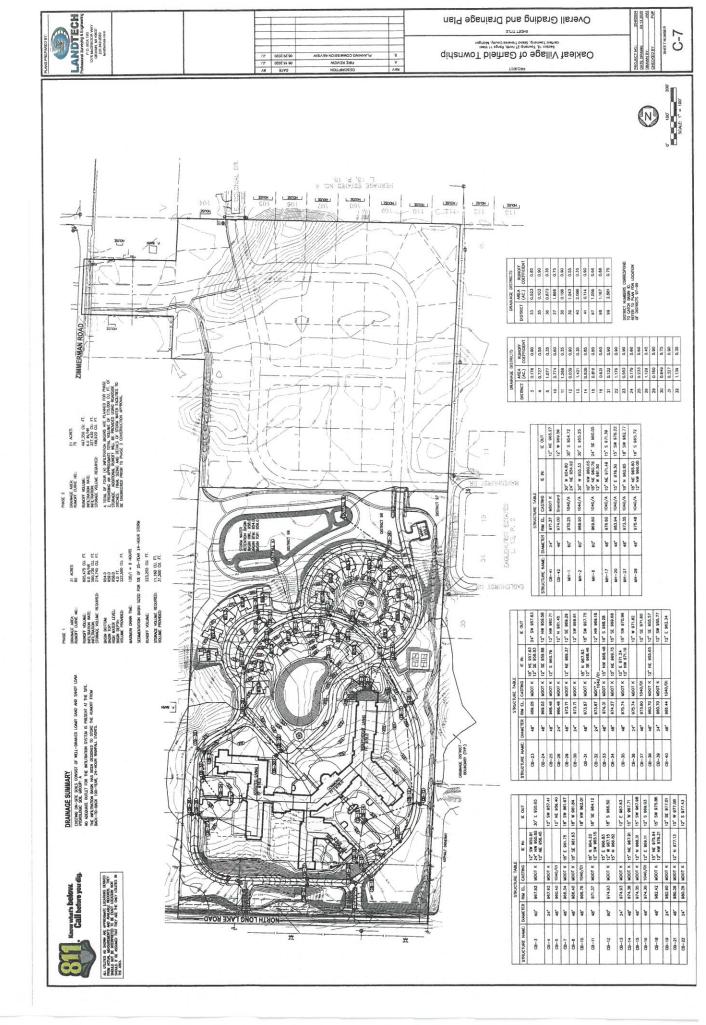
Enlarged Site Plan (Sheet 2)

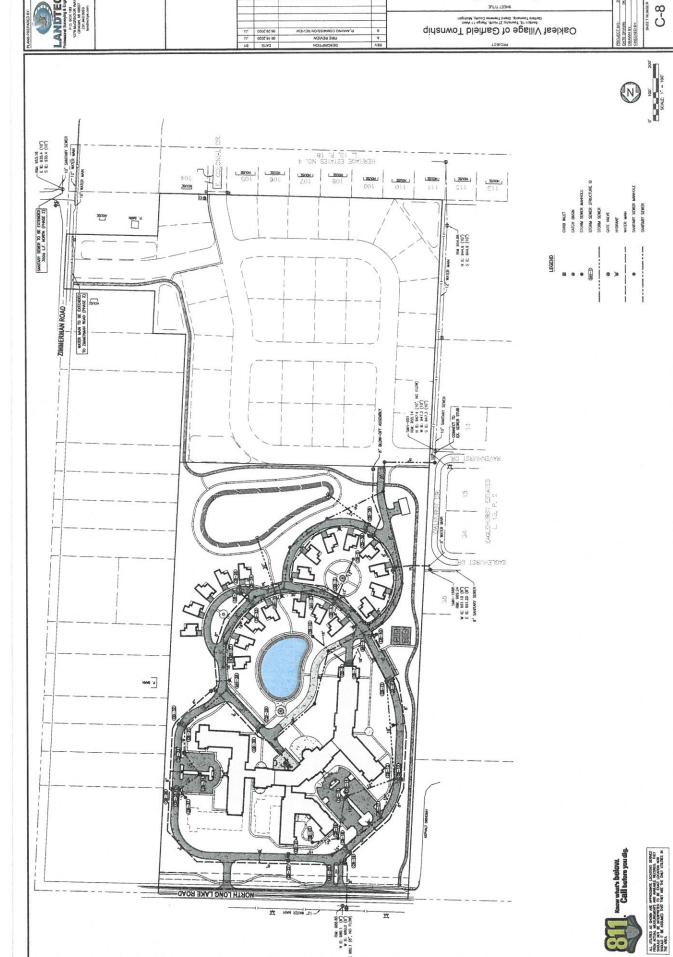




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Soil Erosion & Sedimentation Control Plan





8-Ο

Overall Utility Plan

NORTH LONG LAKE ROAD, TRAVERSE CITY, MICHIGAN OAKLEAF VILLAGE - GARFIELD TOWNSHIP

COVER

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# DAKLEAF VILLAGE

## TRAVERSE CITY, MICHIGAN

### PRELIMINARY LANDSCAPE PLAN REVISED 06/26/20 APRIL 10, 2020

### DRAWING INDEX:

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COVER SHEET

LANDSCAPE NOTES, CALCULATIONS & PLANTING DETAILS OVERALL LANDSCAPE SITE PLAN NORTH WEST QUADRANT NORTH EAST QUADRANT SOUTH WEST QUADRANT

VILLAS STORMWATER DETENTION & POND



SHEET NUMBER

33-32433

PERENNIAL PLANTING DETAIL

### LANDSCAPING CALCULATIONS:

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LANDSCAPE NOTES:

PROVIDED LANDSCAPE - BUFFER.

WEST PROPERTY LINE 402.8 LF (TYPE "C"
REQUIRED = 14 LARGE TREES
REQUIRED = 14 MEDISM TREES
RECAURED = 5 EVENGREEN TREE

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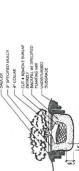
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PROPERTY LINES 1462.8 LF (TYNE "D" REQUIRED = 68 LARGE TREES REQUIRED = 44 MEDISM TREES REQUIRED = 44 EVENGREEN TREES PROPERTY LINE 877 LF (TYPE YC-REQUIRED = 26 LANGE TREES REQUIRED = 26 MEDYSM TREES REQUIRED = 9 EVERGREEN TREE

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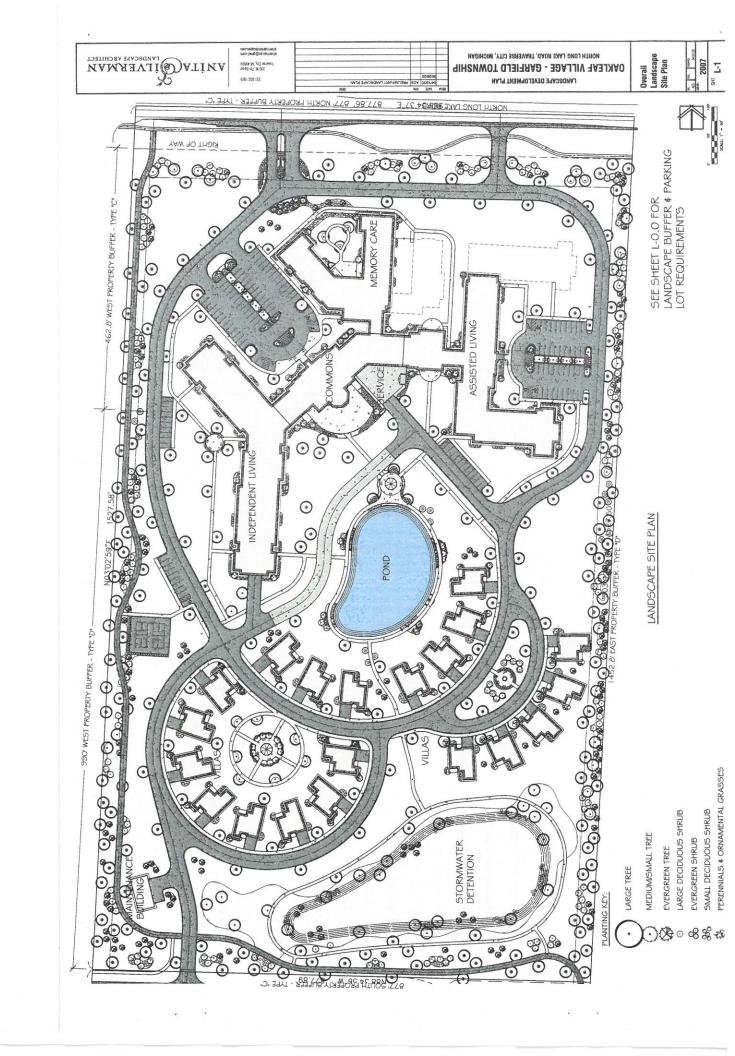
TREE PLANTING DETAIL



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VILLAS SHEET L-5

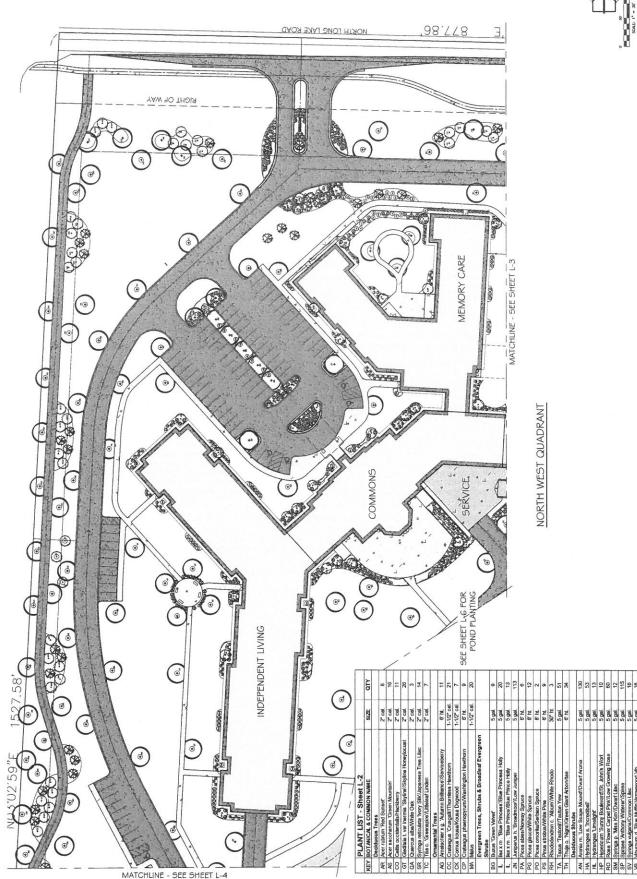
SHRUB PLANTING DETAIL



NORTH WEST QUADRANT PLANTING PLAN

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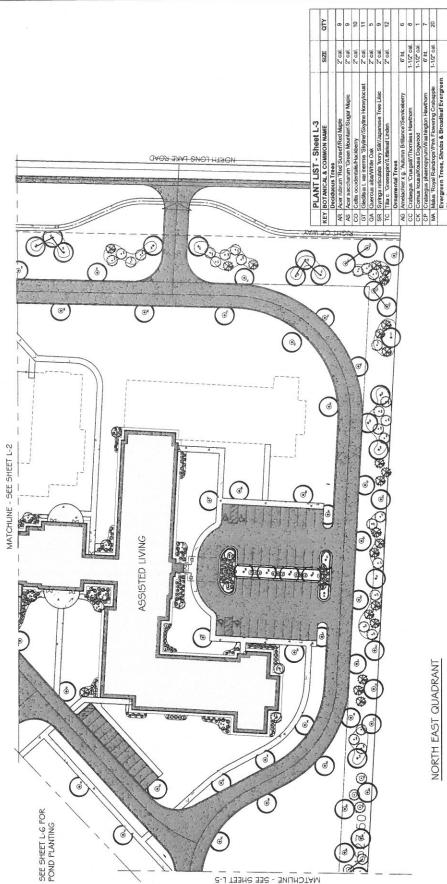
### NORTH LONG LAKE ROAD, TRAVERSE CITY, MICHIGAN OAKLEAF VILLAGE - GARFIELD TOWNSHIP

LANDSCAPE DEVELOPMENT PLAN

NORTH EAST QUADRANT PLANTING PLAN

SHT L-3





NORTH EAST QUADRANT

SOUTH WEST QUADRANT PLANTING PLAN







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KEY	BOTANICAL & COMMON NAME	SIZE	QTY
	Deciduous Trees		
AR	Acer rubrum 'Red Sunset'	Z cal.	16
AS	Acer saccharum 'Green Mountain'	Z cal.	8
8	Cettis occidentalis/Hackberry	Z cal.	3
GT	Gleditsia t, var inermis 'Skyline'/Skyline Honeylocust	Z cal.	17
PA	Quercus alba/White Oak	Z'cal.	5
SR	Syringa reticulata 'Nory Silk/Japanese Tree Lilac	Z cal.	8
10	Tilla c. 'Greenspire'/Littlekeaf Linden	Z cal.	9
	Ornamental Trees		
AG	Amelachier x g. 'Autumn Brilliance'/Serviceberry	6° ht.	2
20	Crataegus Crusgalli'/Thornless Hawthorn	1-1/2" cal.	11
¥	Matus 'Royal Raindrops/Pirik Flowering Crabapple	1-1/2" cal.	80
WG	Magnofia s. 'Royal Star/ISter Magnolia	6 ht	2
PR	Prunus s. 'Kwanzan'/Kwanzan Flowering Cherry	1-1/2" cal.	23
	Evergreen Trees, Shrubs & Broadleaf Evergreen Shrubs		
3	Juniperus h. 'Broadmoor'/Low Juniper	5 gal.	8
25	Juniperus c. 'Hetzii Columnaris'/Green Columnar Juniper	6 H	18
PA	Pices ables/Norway Spruce	6 M	8
PG	Picea glauca/White Spruce	6' ht	3
90	Pices omorika/Serbian Spruce	97 TA	11
PS	Pinus strobus/White Pine	67 ht	26
TA	Taxus 'Tautonii'/Tauton Yew	5 gel.	21
E	Thuje o. 'Ngra'/Green Giant Arborvitae	6 ht.	49
	Deciduous Shrubs		
¥	Aronia m. "Low Scape Mound/Dwarf Aronia	5 gal.	15
S	Comus s. 'Farrow'/Arctic Fire Red Twig Dogwood	5 gal.	6
DG	Deutzia g. Nana'	5 gel.	5
¥	Hydrangea a. 'Incrediball'	5 gal.	27
9	Hypericum 'Sunny Boulevard'/St. John's Wort	5 gal.	24
Æ	Physocarpus o. 'Seward'/Summer Wine Ninebark	5 gal.	8
SL	Saltx purpurea 'Nana'/Dwarf Arctic Williow	5 gal.	3
SM	_	5 gal.	12
ds	Spiraea J. 'Galen'/Double Play Artisan Spirea	5 gal.	8
N	Meaning of Blue Methol/Armanagood Me	5 cm	a

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				SEE SHEET L-G FOR PLANTING POND PLANTING E SHEET L-5 E SHEET L-5
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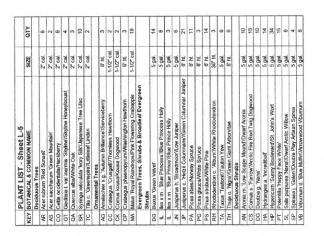
## SOUTH WEST QUADRANT

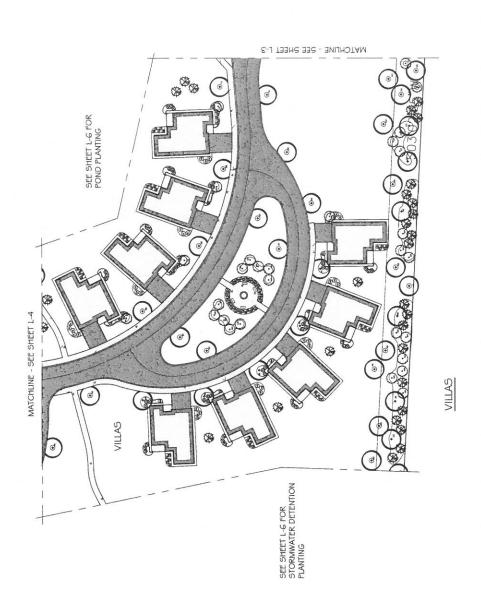
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MATCHLINE - SEE SHEET L-4

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	PLANT LIST - Sheet L-6 - POND		
(EY	KEY BOTANICAL & COMMON NAME	SIZE	ΩTY
	Deciduous Trees		
BN	Betula ngra 'Hentage'/River Birch	10° ht.	3
SA	Salx alba Tristis/White Willow	Z cal.	3
2	TC Tilia c. 'Greenspire'/Littleleaf Linden	Z cal.	1
	Ornamental Trees		
PR	Prunus s. 'Kwarzan'/Kwarzan Flowering Cherry	1-1/2" cal.	17
	Evergreen Trees, Shrubs & Broadleaf Evergreen Shrubs		
3	Juniperus h. 'Broadmoor'/Low Juniper	5 gal.	18
	Deciduous Shrubs		
cs	Cornus s. 'Farrow'/ Arctic Fire Red Twig Dogwood	5 gal.	17
PT	Potentilla 'Happy Face White'	5 gal.	33
SL	Salix purpurea 'Nana'/Dwarf Arctic Willow	5 gal.	13

PLANT LIST - Sheet L-6 - F KEY BOTANICAL & COMMON NAME BU Botalor age "Heritage/Rheer Birch SA Risia and "Heritage/Rheer Birch To Tilas can and "Heritage/Rheer Birch To Tilas can and "Heritage/Rheer Birch To Tilas can and "Heritage/Rheer Birch Progreen Trees, Shrubs & Broadless An Jumperson Trees, Shrubs & Broadless Shrubs and Authorita and Authoritate Burbane and Authoritate Fire Rod Twig Sa Cornus s. Farnovil Area Sa Cor	DETENTION BASIN SEED MIX Grasses, sedges & Rushes Crasses, sedges & Rushes Loise muddhrum Area ashe Escoloris pokatis Gyora vibriodea Gyora vibriodea Gyora vibriodea Grasses, sedges & Rushes Grasses of the sedges Gyora vibriodea Grasses of the sedges Gyora vibriodea Grasses of the sedges Gyora vibriodea Grasses of the sedges Gyora vibriodea Gyora v
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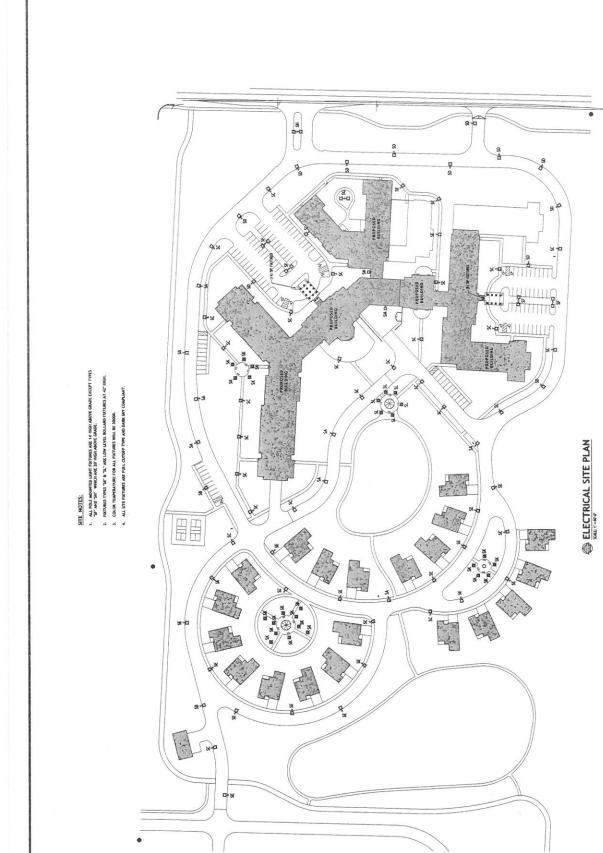
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Assisted Living Canopy	+	11.86	12.7 E	10.0 ft	13:1	1.2:1
Assisted Overg Parking	×	238	6.1 %	0.6 %	7.4:1	2.9.1
New Access Road	×	1.6 %	4.7 K	0.2 %	23.5.1	4.0.1
Hain Entrance Parking	×	2.0 %	5.3 K	0.6 %	8.8:1	3.3:1
Haln Entry Canopy	+	11.4 %	16.0 lc	0.0 ft	N/A	M/A
Main Estry Orive	×	2.6 %	5.0 %	1.0%	5.0.1	1.9.2
Hancry Care Estantor Fercad Area	×	II.R	3.0 %	0.2 K	15.0:1	1:5'5
Omerail Graf	+	0.5 %	16.7 %	0.0%	N/A	N/A
Property Line Liest	×	9.1.0	0.4 %	0.0 %	M/A	MUA
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Propery Loop Readway	×	1.9 85	0.1 7	0.1 N	81.0:1	19.0:1
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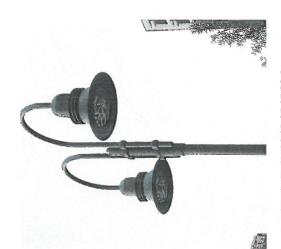
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1	harter Township of Garfield anning Department Report No. 2	020-100
Prepared:	July 1, 2020	Pages: 5
Meeting:	July 8, 2020 Planning Commission	Attachments:
Subject:	Village at LaFranier Woods PUD Final Re	eview
Applicant:	RW Properties I LLC	
Owner:	Louis G. and Marvel R. LaFranier Trusts	
File No.	PUD 2019-01	
Parcel No.	05-023-041-00	

### **SUBJECT PROPERTY:**

- 2242 LaFranier Road, north of Hammond Road
- 33.19 acres in area
- Currently undeveloped open and wooded land
- A-Agricultural zoning

### **PURPOSE OF APPLICATION:**

The application proposes a 385-unit Planned Unit Development (PUD) for senior living residential development including detached cottages, congregate residential buildings and assisted living residences. The proposed development would be comprised of the following buildings in four phases:

- Phase 1: One (1) three-story building complex containing 116 independent living units.
- Phase 2: Four (4) one-story duplex and eight (8) one-story fourplex independent cottages totaling 40 units.
- Phase 3: One (1) one-story building complex containing 113 assisted living units.
- Phase 4: One (1) three-story building complex containing 116 independent living units.

Note: The subject parcel (05-023-041-00) is approximately 40 acres. The parcel was split resulting in approximately 33 acres for the subject development.

Aerial image of the subject property (property lines highlighted in blue):



Page 1 of 5

Aerial image of the subject property (property lines highlighted in blue):



### **PROCEDURES:**

PUD applications are reviewed in a two-step process. Preliminary Approval for the Village of LaFranier Woods PUD was granted by the Township Board on February 25, 2020. The applicant is now returning for Final Approval of the PUD application. The Planning Commission will be conducting a final review and making a recommendation at this meeting. Upon receipt of the Planning Commission's recommendation, the Township Board will hold a public hearing before consideration of approval at its meeting on July 14, 2020.

### **AGENCY REVIEWS:**

The following agency reviews have been provided by the applicant and are attached to this report:

- Township Engineer Water and Sewer Review
- Township Engineer Stormwater Review
- Grand Traverse County Department of Public Works
- Grand Traverse County Road Commission
- Grand Traverse County Metro Fire Department
- Grand Traverse County Soil Erosion & Sedimentation Control

### **FINDINGS OF FACT:**

- An application has been received to develop a 385-unit Planned Unit Development (PUD) for senior living including detached cottages, congregate residential buildings and assisted living residences.
- 2) The proposed development will be comprised of the following buildings in four phases:
  - a. Phase 1: One (1) three-story building complex containing 116 independent living units.
  - b. Phase 2: Four (4) one-story duplex and eight (8) one-story fourplex independent cottages totaling 40 units.
  - c. Phase 3: One (1) one-story building complex containing 113 assisted living units.
  - d. Phase 4: One (1) three-story building complex containing 116 independent living units.

3) The subject parcel is 33.19 acres located at 2242 LaFranier Road.

### Section 426.E(4) Criteria

- (a) The uses will be compatible with the natural environment, and with adjacent and surrounding land uses and properties, and will not have an adverse economic, social or environmental impact on adjacent and surrounding land uses and properties;
  - Finding: The Planning Commission finds that this standard HAS BEEN MET because the application proposes a variety of senior living residential housing units which are compatible with surrounding multi-family and single-family residential; are located on a large parcel which will provide open space and landscaping between uses; and will not have an adverse impact on adjacent or surrounding properties.
- (b) The uses will be compatible with the capacity of existing public services and facilities, or of planned and feasible future public services and facilities, and such use is consistent with the public health, safety and welfare of the Township residents;
  - Finding: The Planning Commission finds that this standard HAS BEEN MET. The proposed development is in an area planned to have high density residential uses and will be adequately served by existing available services, including water and sewer services. Other agency reviews have been conducted to ensure that road design and emergency service requirements have been met. The plan reflects future cross access between the subject parcel and adjacent parcels. Reviews have been obtained 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 & Sedimentation Control.
- (c) The uses and development are warranted by the design of additional amenities made possible with, and incorporated by, the development proposal;
  - <u>Finding</u>: The Planning Commission finds that this standard HAS BEEN MET. The proposed development includes outdoor amenities such as sidewalks, nature trail and gardens throughout the site. Other outdoor amenities are located adjacent to the buildings include outside patios, pergolas and fireplaces. The development will include many indoor amenities for residents including entertainment areas, libraries, computer rooms, beauty salons, health clinics, fitness centers, etc.
- (d) Insofar as practicable, the landscape shall be preserved in its natural state by minimizing tree and soil disturbance and removal;
  - <u>Finding</u>: The Planning Commission finds that this standard HAS BEEN MET. The
    proposed development has an extensive landscaping plan that utilizes existing trees
    where possible, provides landscaped buffers with adjacent properties and creates an
    attractive visual aesthetic for the site. Onsite contaminated soils from previous
    agricultural uses will be mitigated and addressed to meet residential requirements for the
    site.
- (e) Existing important natural, historical and architectural features within the development shall be preserved;

- <u>Finding</u>: The Planning Commission finds that the standard HAS BEEN MET because the
  applicant has made reasonable efforts to protect and retain existing mature vegetation and
  provide open space on the property. The previous use of the site was a fruit orchard with
  no buildings or structures.
- (f) Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings;
  - <u>Finding</u>: The Planning Commission finds that the standard HAS BEEN MET because the proposed building setbacks are compatible and create a residential campus setting for all the uses. Street layouts, signs, and landscaping create a unified look for the development.
- (g) With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, minimizing potential motorized/nonmotorized conflict points, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as is practicable, do not detract from the design of proposed structures and neighboring properties;
  - <u>Finding</u>: The Planning Commission finds that the standard HAS BEEN MET because the
    proposed roadways, drives, sidewalks and walking paths are laid out in a cohesive
    manner. The entrance to the development has been approved by the Road Commission.
    Future connections are identified to the adjacent properties to the north and south of the
    subject parcel.
- (h) Landscaping is provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and, where applicable, to create a pleasant pedestrian scale outdoor environment;
  - <u>Finding</u>: The Planning Commission finds that the standard HAS BEEN MET because consistent landscaping is proposed that is attractive and serves to provide buffers where needed.
- (i) The development consolidates and maximizes useable open space:
  - <u>Finding</u>: The Planning Commission finds that the standard HAS BEEN MET because the development plan provides 8.6 acres of open space, including two larger garden areas and one wooded area. Common areas and activities have also been identified, including patios, sidewalks, and walking paths.
- (j) The benefits of the development are not achievable under any single zoning classification; and
  - <u>Finding</u>: The Planning Commission finds that the standard HAS BEEN MET because the
    development plan presents a mixed-use development which is not achievable under any
    single zoning district.
- (k) The development is compatible with the intent and purpose of the adopted master plan.
  - Finding: The Planning Commission finds that the standard HAS BEEN MET because the amended development plan remains generally consistent with the Master Plan

designation for this area as high density residential (6-10 units per acre). The planned density for Village at LaFranier Woods PUD is approximately 11 units per acre.

### **ACTION REQUESTED:**

The following motion is offered for consideration:

MOTION THAT the Findings of Fact for application PUD 2019-01, as presented in Planning Department Report 2020-100, BE ADOPTED.

The following motion is recommended to grant *final* approval for the project in accordance with Section 426 of the Zoning Ordinance.

MOTION 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.

### Attachments:

- 1. Township Engineer (GFA) Water and Sewer Review June 4, 2020
- 2. Township Engineer (GFA) Stormwater Review June 18, 2020
- 3. Grand Traverse County Department of Public Works April 12, 2019
- 4. Grand Traverse County Road Commission June 11, 2020
- 5. Grand Traverse County Metro Fire Department May 8, 2020
- 6. Grand Traverse County Soil Erosion & Sedimentation Control June 29, 2020
- 7. Village of LaFranier Woods PUD plan set provided by Progressive Associates, Inc. June 15, 2020
- 8. Village of LaFranier Woods PUD plan set provided by Nederveld June 4, 2020

231 946 3703



June 04, 2020

Mr. Chuck Korn, Supervisor Charter Township of Garfield 3848 Veterans Drive Traverse City, MI 49684

RE:

Reenders - Lafranier Road (Village at LaFranier Woods)- Phase I

Water Main and Sanitary Sewer Extension

**GFA No. 20078** 

Dear Mr. Korn,

We received and reviewed further revisions to the plans for the proposed water and sewer system improvements associated with the above referenced project. The revisions incorporated a scope reduction of phase 1. The revised submittal package contains updated plans and permit applications. The permit application was adjusted for to the current phase limits with recalculated REUs. The plans were prepared by Nederveld and submitted for final PUD application dated 06-04-20. Based upon our review on behalf of Garfield Township with respect to utilities, we offer the following comments.

### **DESCRIPTION OF THE PROPOSED PROJECT**

These sanitary sewer and water main extensions are proposed to serve the current and future phases of the Village at LaFranier Woods development. The current project proposes 47.25 Residential Equivalent Units (REUS) with the future phases adding 83.3 REUS. The current project includes six (4) cottages/multi-unit buildings totaling 7-REUs and one (1) congregate building with 115 mixed 1 & 2 bedroom units valued at 0.35-REUs/unit. The future phases propose an additional six (8) cottages totaling 13-REUs, one (1) congregate building with 115 units at 0.35 REUs/Unit, and one (1) assisted living building with 100 units at 0.3 REUs/unit (this portion was not part of this review and will be submitted / reviewed at a future date with additional escrow funds required).

### **COMMENTS ON THE PLANS**

The comments from the previous review letter are addressed. Please note the following minor comments:

### Sheet C-401-402 (Watermain and Sanitary Plan)

- It's understood the hydrant near sta. 17+02 is planned to be relocated during future phase.
   While not required, we recommend a mainline valve and tee to limit interruption of service during future extension.
- 2. Please include a 10' stub and plug from MH D for the future extension.



This concludes the review and we the plans are recommended to the Township for submission of permit application. GFA is in receipt of four (4) copies of plans and specifications (signed/ sealed) and one (1) pdf set. Please send four (4) copies updated sheets per the comments above.

We appreciate the opportunity to assist the Township during the approval of this project. If you have any questions, please don't hesitate to contact me at (231) 946-5874.

Sincerely,

**GFA** 

lennifer Hodges, P.E.

CC: John Divozzo, Director, GTC DPW Mr. John Casserly, PE - Nederveld

**Project Manager** 

Mark Maguire, P.E.

**Project Engineer** 







June 18, 2020

Mr. Michael Green, Zoning Administrator Charter Township of Garfield 3848 Veterans Drive Traverse City, MI 49684

RE:

Reenders – LaFranier Road (Village at LaFranier Woods)- Phase I Water Main and Sanitary Sewer Extension GFA No. 20078

Dear Mr. Green,

The following summarizes of GFA's storm water review of the of the plans for the Village of LaFranier Woods - Phase I. Plans are titled Reeders-LaFranier by Nederveld dated 06-11-20 and the storm water calculations by Jozwiak Consulting was received on 06-13-20. Additional plan sheets and calculations regarding the sediment forebay and snow storage were provided on 6-17-20. The submitted items were in response to GFA's initial storm water review dated 04-14-20. We have reviewed the plans for their accordance to Garfield Township's Storm Water Control Ordinance Number 49, hereinafter referred to the Ordinance. A summary of our review is as follows.

### **EXISTING CONDITIONS**

### **Site & Storm Water Conditions**

- The existing terrain is hilly with the north edge of the site shedding north and the remaining majority of the site shedding to the south and south west. The existing parent parcel is approximately 40-ac of undeveloped, wooded land.
- 2. No existing drainage facilities are present.
- 3. A geotechnical report provided indicates sandy soils. Soil boring locations are on the plans.

### PROPOSED SITE PLAN

The proposed plan shows phased development of the site. The current phase, Phase I, develops the west half of the property which includes (4) cottages buildings and one (1) Congregate 115-unit building. A network of paved private drives and parking is shown throughout. Primary access to the site is with a divided commercial drive off LaFranier located generally midway along the west property line. Emergency access drive to LaFranier is provided to the north as well.

### **Determination of Surface Runoff**

 Storm water is managed on-site with a system of paved roads, storm sewer, and one retention basin. The storm sewer collects drainage and routes all drainage from the proposed phase to the retention basin located in the south-middle of the property. The southerly large building is routed directly to the retention area.



2. HydroCAD Model was used to calculate the surface runoff volumes. The design rainfall and depths used appear acceptable.

### Conveyance system

- 3. A HydroCAD model was used to evaluate the capacity of the storm system.
- 4. A review of the HydroCAD model and Design Manual shows that Ordinance criteria is met for the 10-year design flow 25-year event criteria. The system showed no instances of surcharging.
- 5. Storm sewer pipe is MDOT approved smooth interior polyethylene. Pipe sized, roughness, and slopes meet Ordinance criteria.
- Roof water to the Congregate building are connected directly to the storm sewer system. The
  Cottages roof water drain to yard basins or the common rain garden with storm sewer connection
  to the retention basin. No overland flow to the retention basin is planned.

### **Storm Water Facilities**

### Retention Basin:

- 7. The retention basin was modeled in HydroCAD with a design infiltration rate of 6-in/hr. Infiltration tests were not performed, nor feasible at the design bottom. However, the geotechnical report provided a typical rate for the sieve analysis performed which is more than twice the design rate. This is acceptable. Future verification of infiltration rate should be collected during future phase connections to the basin.
- 8. The Design Manual shows modeled results for the back-to-back 100-year storm.
- 9. The results show sufficient storage volume for design event. The basin does not overtop when tested without deduction for infiltration. This is acceptable.
- 10. It is noted the provided calculations apply for Phase 1 only. Connections during future phases will require additional analysis and be evaluated at the time of submittal for consideration. Do they intend to connect to it the basin?
- 11. The basin is shown to drain within the 72 hours and is acceptable.
- 12. Plans and calculations detailing the sediment forebay show adequate treatment volumes.

### **Erosion Control**

13. Sufficient measures for erosions control are shown on the plans.

### Geometry/Safety

14. The retention basin is considerably deep. The plans show perimeter fencing as required by the Ordinance.

### Maintenance

15. A Site Maintenance Plan and Budget was included and appears to be acceptable. Document to be recorded and copy provided to the Township.



16. Snow storage map was provided and shows adequate management. No storage is planned within the proposed basins.

### **RECOMMENDATION**

The plans are considered approved as submitted. At this point it is requested the Applicant submit a final signed and sealed copy of the revised plans with corrections (as applicable) to address the above comments.

We appreciate the opportunity to assist the Township during the approval of this project. If you have any questions, please don't hesitate to contact me at (231) 946-5874.

Sincerely,

**Goudie Frasier** 

**GFA** 

cc:

Jennifer Hodges, P.E.

Scott Jozwiak, PE, Jozwiak Consulting

**Project Manager** 

Mark Maguire, P.E.

**Project Engineer** 



April 12, 2019

L. Mackie Woodruff Reenders, Inc. 950 Taylor Avenue Grand Haven, Michigan 49417

Re: Proposed Residential Development - Garfield Township

Dear Mr. Woodruff:

I have received the Site Concept Plan for the residential development along LaFranier Road just north of Hammond Road in Garfield Township.

Water infrastructure currently terminates on the north boundary of the development property; sewer infrastructure is one parcel north of this. To service the parcel in question, utilities will need to be extended to the south property line of the parcel in question.

The utility systems have sufficient capacity to accept this new connection.

I recommend you contact the township directly because of the infrastructure installation requirements; the contact person is Jennifer Hodges, engineering consultant with Gourdie Fraser, and her phone number is 231-946-5874.

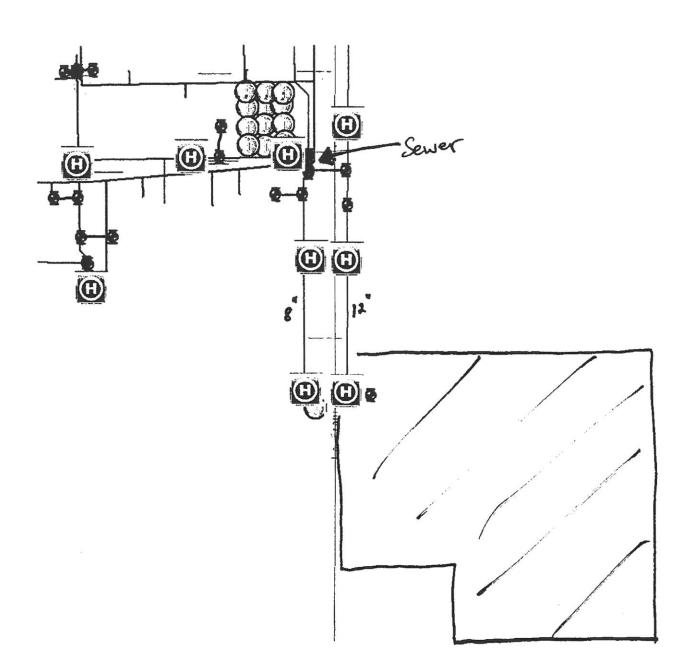
If you have any questions, comments, or concerns please contact the DPW office.

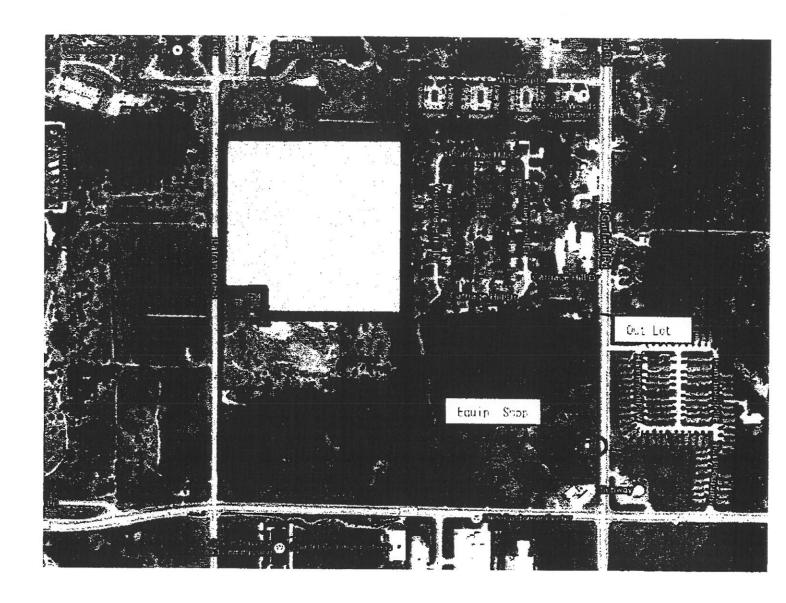
Sincerely,

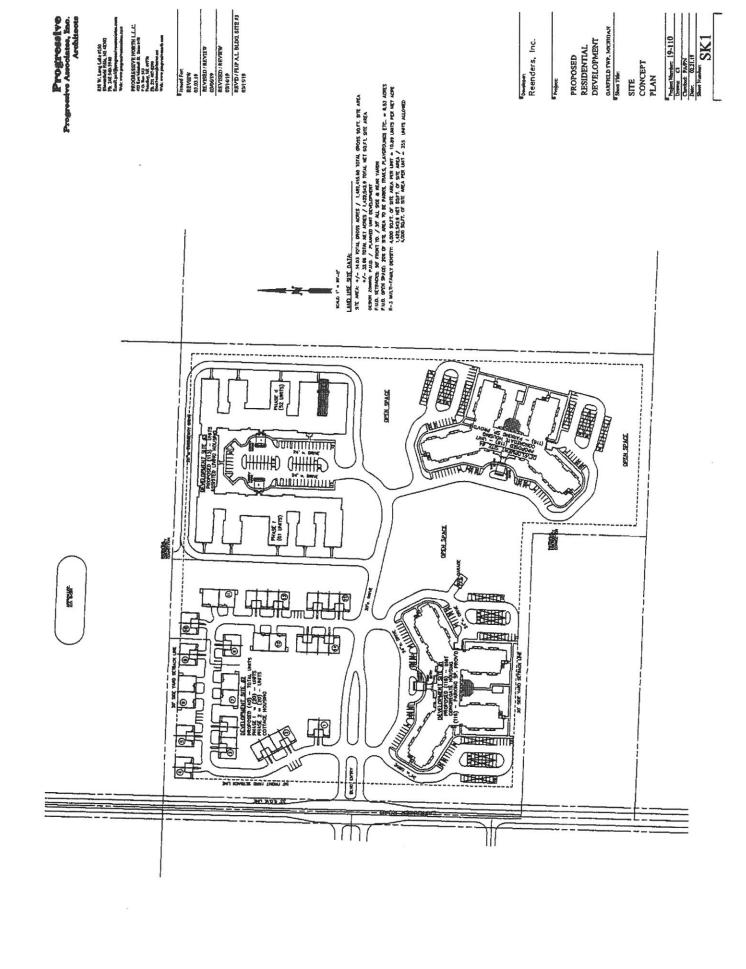
John Divozzo

Director

Site map is attached







### John Sych

From:

Ron Rohloff <RRohloff@gtcrc.org>

Sent:

Thursday, June 11, 2020 4:55 PM

To:

John Sych

Cc: Subject: John Casserly LaFranier Woods Entrances

Attachments:

Ridge45 Apartment Community.pdf

John,

We have approved the entrance for this development with the exception of additional 17' of ROW. I have also concluded talks with Ridge 45 and have attached their letter of intent on reconstructing their entrance to better align with our standards and the opposing development. WE will be processing the drive permit along with other requirements and conditions we may have as we also work on drainage issues. Let me know if you have any questions or concerns.

Ron Rohloff

Traffic Services Supervisor Grand Traverse County Road Commission 1881 LaFranier Rd Traverse City, Mi. 49696 231-922-4849 ext 212 ph. 231-929-1836 fax



May 8, 2020

Grand Traverse County Road Commission 1881 Lafranier Road Traverse City, MI 49696

Re: Ridge45 Apartment Community

To Whom It May Concern,

Please accept this correspondence as a letter of intent from Midwest MFD, LLC, a Michigan limited liability company, which is the owner of the Ridge45 apartment community in Garfield Township.

Assuming the senior living community project across the street from Ridge45 proceeds with construction, and assuming further that said project still intends to line its boulevard entrance directly across from the Ridge45 boulevard entrance, then, as specifically directed by the Grand Traverse County Road Commission, for the safety of our respective residents and others, it is our intention to revise the Ridge45 boulevard entrance in accordance with the plans and specifications attached hereto dated February 20, 2020. We will complete this revision in advance of the date the senior living community is ready to open to the public.

In the event the senior living community does not start construction within one (1) year from the date of this letter, or, if the senior living community boulevard entrance design is substantially revised or relocated, then our intention would be to leave the Ridge45 entrance as presently constructed. In such event, our expectation would be that the Grand Traverse County Road Commission would issue a final permit for the Ridge45 entrance as it currently exists.

If you have any questions or comments regarding this matter, please do not hesitate to contact the undersigned.

Best regards,

Scott M. Knowlton

Manager

Midwest MFD, LLC

(616) 842-2030

scott@westwind.build

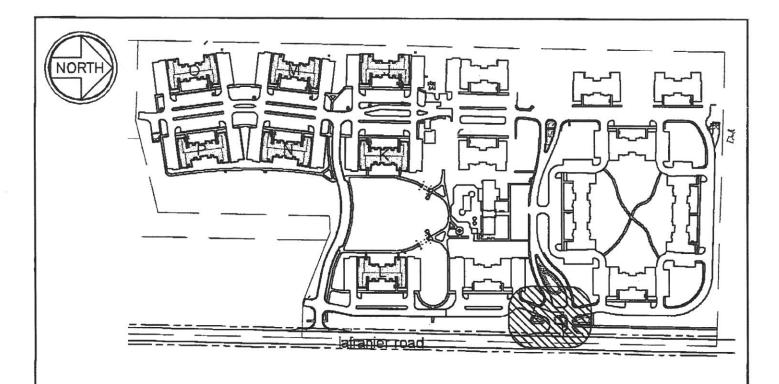
DOUG MEEKHOFF

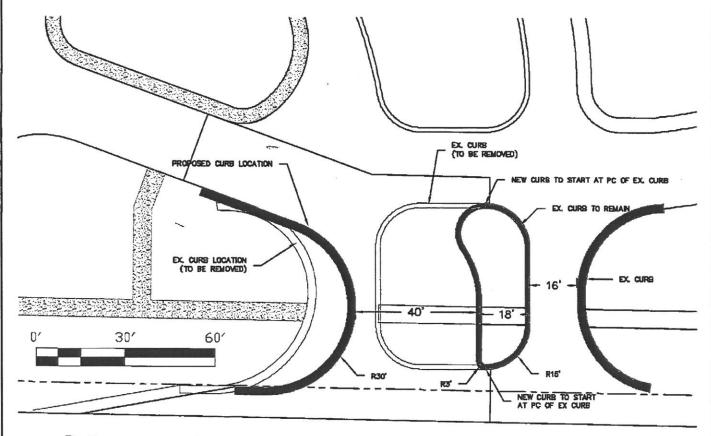
doug@westwind.build cell: 616.260.3642

Grand Haven 616.842.2030

Traverse City 231,778,4545









p.o. box 5342 traverse city, mi 49598 231-218-1201

www.jpzwiakconsulting.com

proposed main entrance modifications ridge45, garfield twp

project no.: 2016-161

date issued: 2-20-2020 sheet no. 1 of 1

Land Committee



# GRAND TRAVERSE METRO FIRE DEPARTMENT

FIRE PREVENTION BUREAU

897 Parsons Road ~ Traverse City, MI 49686 Phone: (231) 922-2077 Fax: (231) 922-4918 ~ Website: <a href="www.gtfire.org">www.gtfire.org</a> Email: <a href="mailto:lnfo@gtfire.org">lnfo@gtfire.org</a>

# SITE PLAN REVIEW RECORD REVIEW # 2

ID# P-1244-M6810

DATE 5/8//2020

PROJECT NAME: Village at Lafranier Woods

PROJECT ADDRESS: 2242 LaFranier Rd.

TOWNSHIP: Garfield

APPLICANT NAME: Jared Secor

APPLICANT COMPANY: Reenders, Inc.

APPLICANT ADDRESS: 950 Taylor Avenue, Park Place Center

APPLICANT CITY: Grand Haven STATE MI ZIP: 49417

APPLICANT PHONE: 616-842-2425

FAX#

REVIEW FEE: \$75.00

Reviewed By: Kathy Fordyce, Plan Reviewer

This review is based solely on the materials submitted for review and does not encompass any outstanding information. Compliance with all applicable code provisions is required and is the responsibility of the permit holder. Items not listed on the review do not negate any requirements of the code nor the compliance with same. Inspection requests must be made a minimum of 48 hours prior to needed inspection. This plan review is based on the 2015 International Fire Code, as adopted.



# **GRAND TRAVERSE METRO FIRE DEPARTMENT**

**FIRE PREVENTION BUREAU** 

897 Parsons Road ~ Traverse City, MI 49686 Phone: (231) 922-2077 Fax: (231) 922-4918 ~ Website: <a href="www.gtfire.org">www.gtfire.org</a> Email: <a href="mailto:lnfo@gtfire.org">lnfo@gtfire.org</a>

# SITE PLAN REVIEW REVIEW # 2

ID# P-1224-M6810

DATE: 5/8/2020

### 1. 505.1 Address identification.

New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

### 2. 503.6 Security gates.

The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

-Provide Knox Padlocks for security gates. Padlocks can be ordered at www.KnoxBox.com.

### 3. 503.4 Obstruction of fire apparatus access roads.

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times.

-Fire apparatus turnaround to the East of buildings #4 & #6 must be maintained year around.

Project may proceed with township approval process.

# GRAND TRAVERSE COUNTY ENVIRONMENTAL HEALTH SOIL EROSION AND SEDIMENTATION CONTROL C F. SITE DETERMINATION FORM

PART 91, SOIL EROSION & SEDIMENTATION CONTROL, ACT 451 OF 1994, AS AMENDED & GTCHD SOIL EROSION SEDIMENTATION CONTROL ORDINANCE

JUN 29 2020

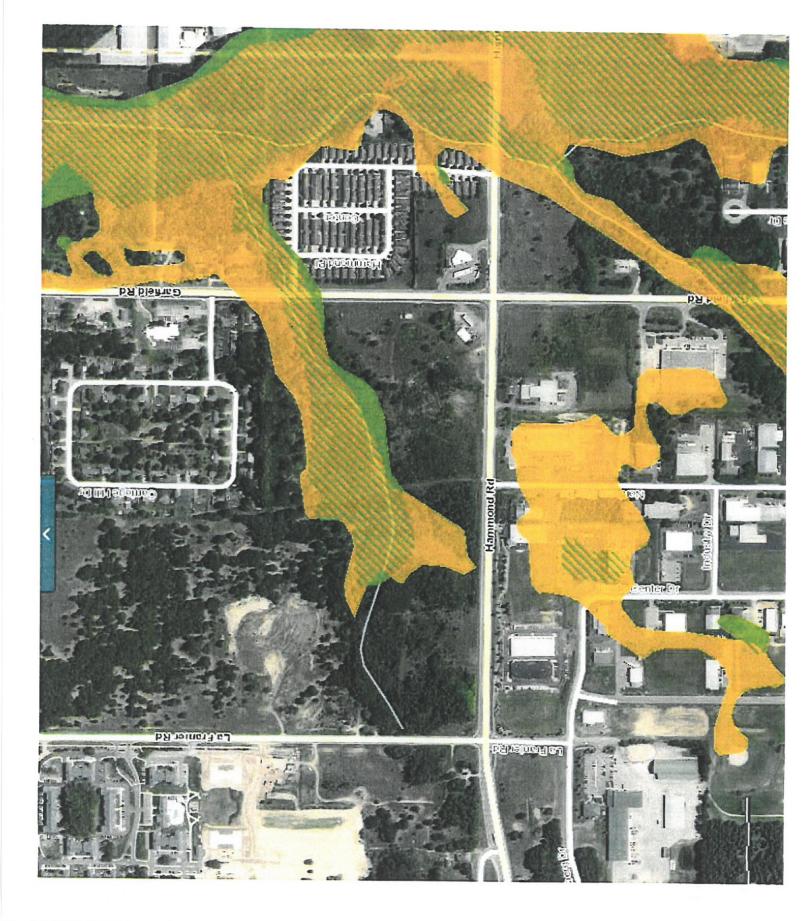
Office Use Only Receipt #: USS Received By:

Project Type:   Residential   Multi-Family   Commercial
Project Address: 2051 Garfield Road and 2136 & 2242 LaFranier City, Zip: Traverse City 49686
Tax #: 05-023-042-00, -05, -041-00 Twp: Garfield Section: 23 Town: 27N Range: 11W
Subdivision: n/a  Lot: n/a
Size of Earth Change: 22.4 acres
Name & Distance to Nearest Surface Water, Wetland or Drain: On-site; Unnamed Creek
Describe Project: The construction of 136 units of senior housing with associated parking, drives, and utilities
*** DETERMINATIONS MUST BE SUBMITTED WITH AN ACCURATE SITE PLAN OF PROPOSED WORK***
Owner's Name: Louis G and Marvel R LaFranier Trusts
Owner's Mailing Address: 15532 Bluff Road City, State, Zip: Traverse City, MI 49686
Owner's Phone: (231) 250-1896 Owner's email: dixier@charter.net
Applicant (if other than owner): Reenders Inc. attn: Dennis Reenders
Address: 950 Taylor Avenue City, State, Zip: Grand Haven, MI 49417
Phone: (616) 842-2425  Email: dreenders@reendersinc.com
**Signature: × Date: 2-13-20
THE FOLLOWING CRITERIA DO NOT APPLY:
SOW PA 451, PART 91 REQUIREMENTS GTCHD SESC REQUIREMENTS
Within 500' of Lake or Stream   Within 500' of Regulated Wetland   Slopes of 20% or greater
☐ Disturb 1 acre or more ☐ Within 500' of a County Drain ☐ Group D Hydrologic Soils
A \
Comments: (M-site explaneral stream unnamed, stream his
Surrounding designated wetlands, no slopes > 200 ho
Josephy drains, possible hydric roils in without
Based on information and it is a series of the series of t
Based on information provided by the Land Owner, the requirement for a Soil Erosion/Sedlmentation Control (SESC) Permit has been reviewed in accordance with Part 91, Act 451 of 1994 and the Grand Traverse County Soil Erosion and Sedimentation Control Ordinance, as amended. Grand Traverse County Health Department of the County Soil Erosion and Sedimentation Control
State Traverse County Health Department, County Enforcing Agency, has determined that a SESC Permit is:
□ NOT REQUIRED □/REQUIRED
Sanitarian Reviewer: Date: 0/30/20
K:\EH\Soil Erosion\Forms and Documents\GTCHD SESC SITE DETERMINATION FORM .docx  May 2019

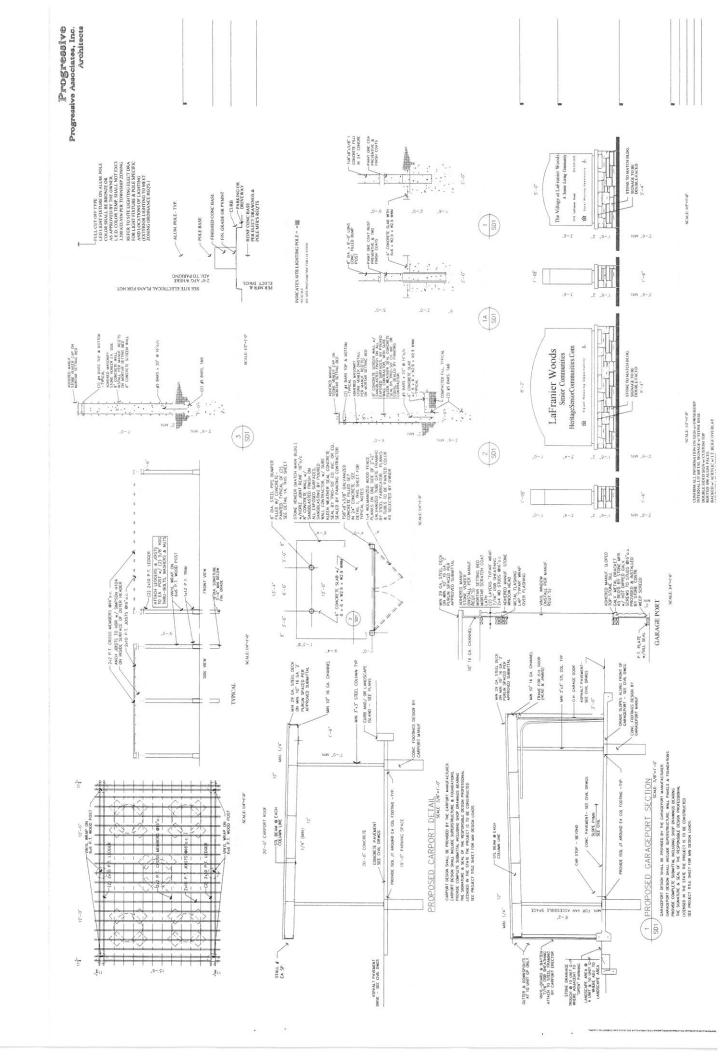


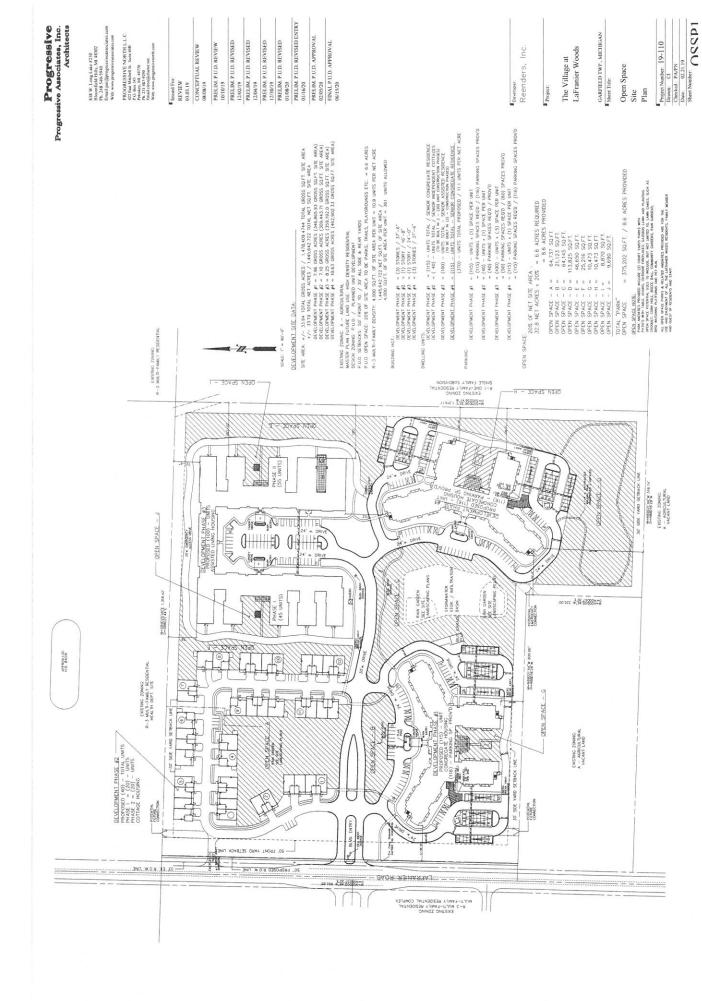
Natural Resources Conservation Service

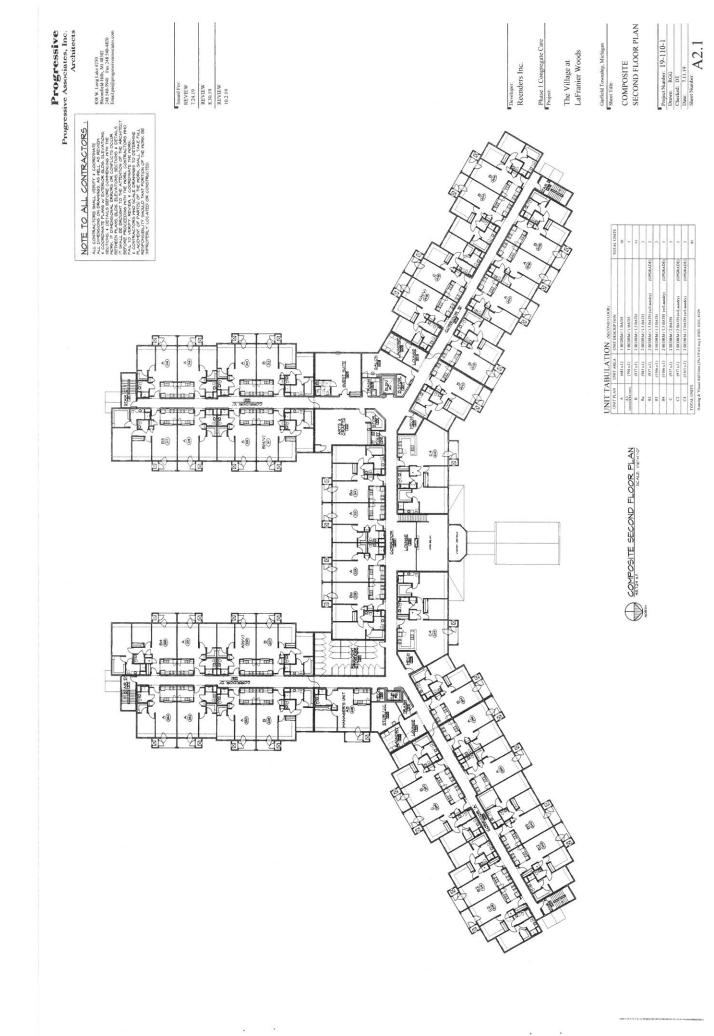
ACSO



CONCEPTUAL REVIEW
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FINAL PLUD APPROVAL
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RRYD/FINAL PLUD APPROVAL
6615.20







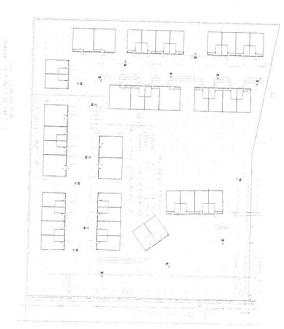
Progressive Associates, Inc.
Architects COMPOSITE FIRST FLOOR PLAN Project Number: 19-110-1
Drawn: R0G
Checked: DT
Date: 7.11.19
Sheet Number: A1.1 Phase | Congregate Care The Village at LaFranier Woods Developer: Reenders Inc. Essued For-REVIEW 7.24.19 REVIEW 8.30.19 REVIEW 10.2.19 NOTE TO ALL CONTRACTORS:

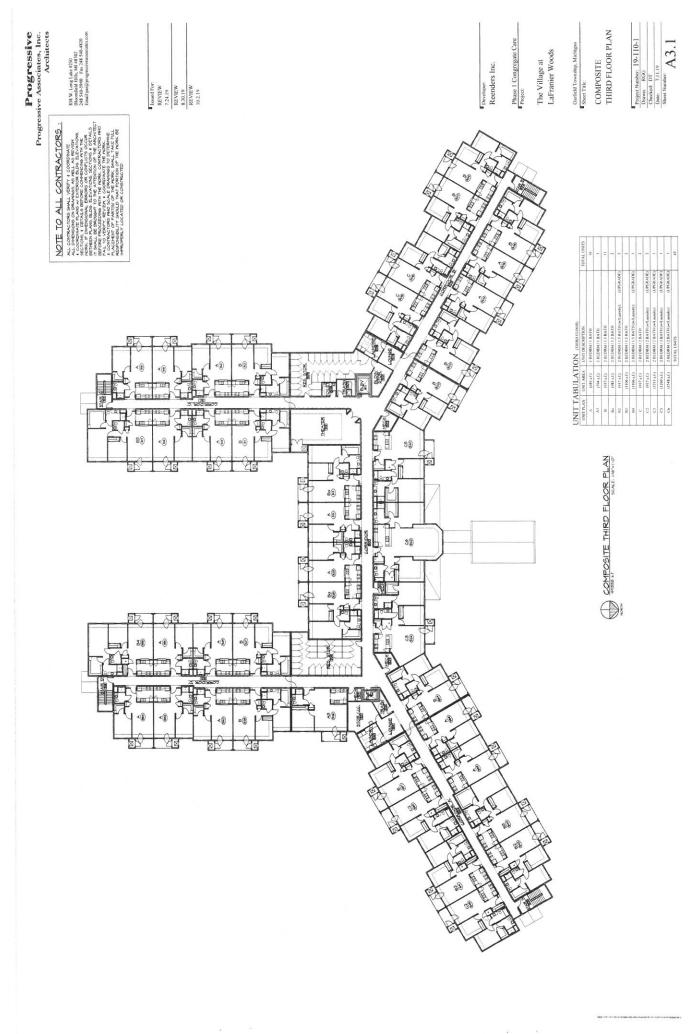
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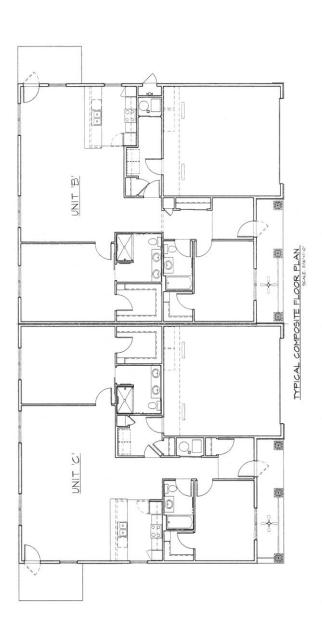


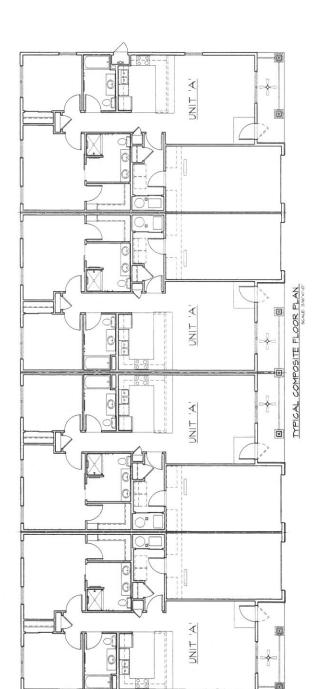
Plan View Scale · 1" = 50th











Progressive Associates, Inc.
Architects

838 W. Long Lake #250 Bloomfield Hills, MI 48302 248 540-5940 Fax 248 540-4820 Email:pai@progressiveassociates com

Issued For: REVIEW

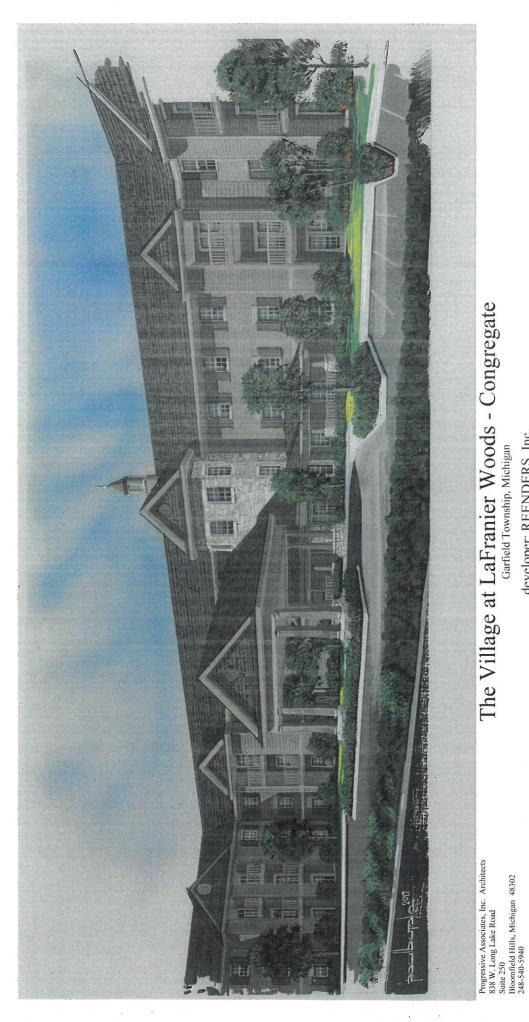
Developen Reenders Inc.

Cottage Units Project:

The Village at LaFranier Woods

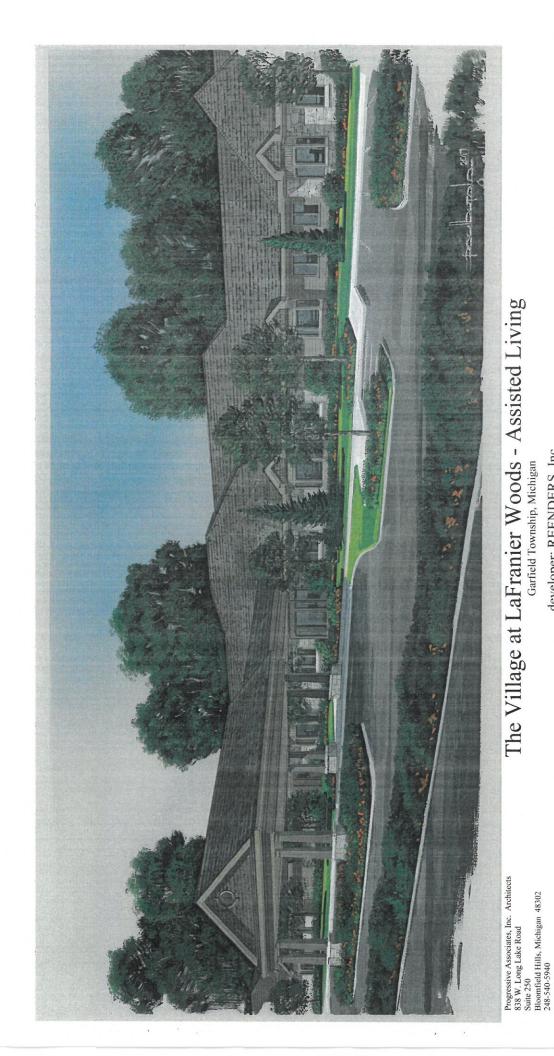
TYPICAL COTTAGE BUILDING FLOOR PLAN

Project Number:
Drawn:
Othecked:
Date:
Sheet Number: SK1

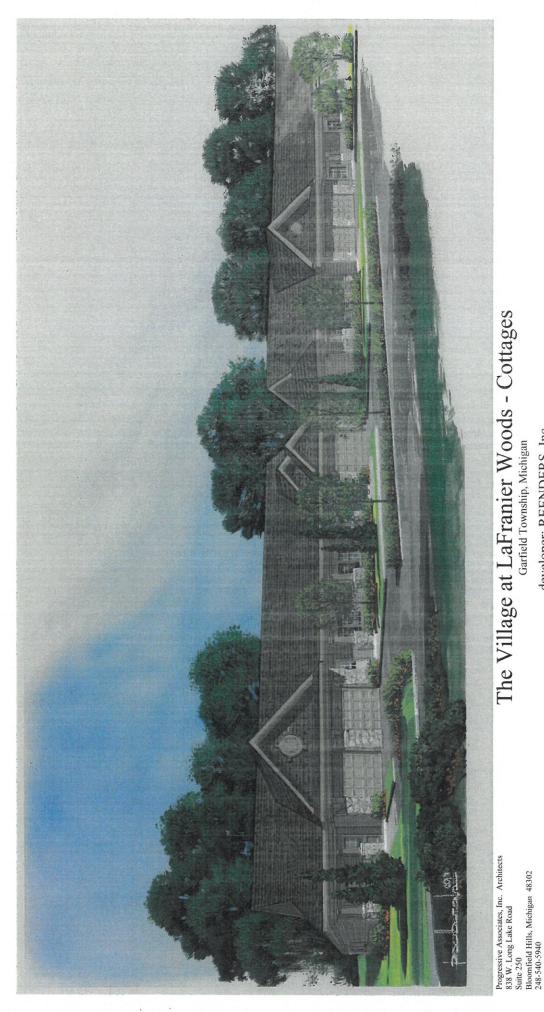


# The Village at LaFranier Woods - Congregate Garfield Township, Michigan

developer: REENDERS, Inc.



developer: REENDERS, Inc.



The Village at LaFranier Woods - Cottages

developer: REENDERS, Inc.





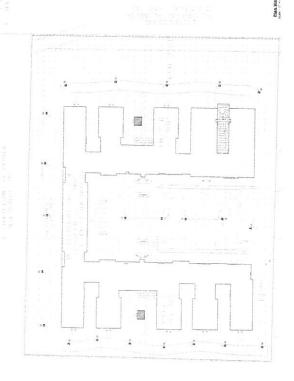
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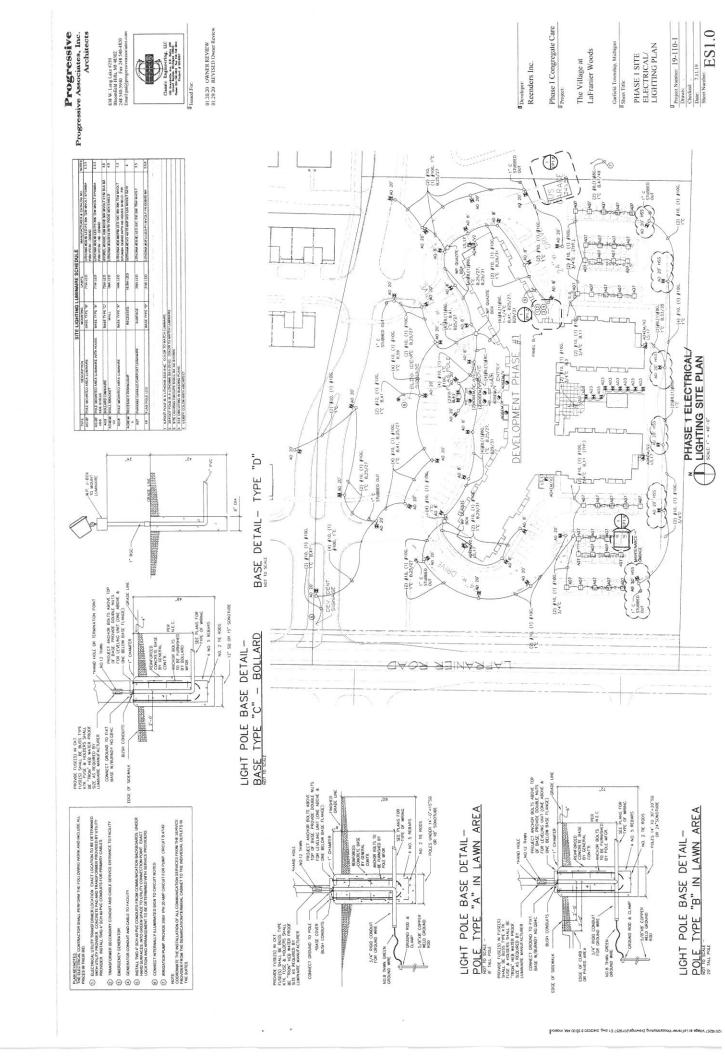




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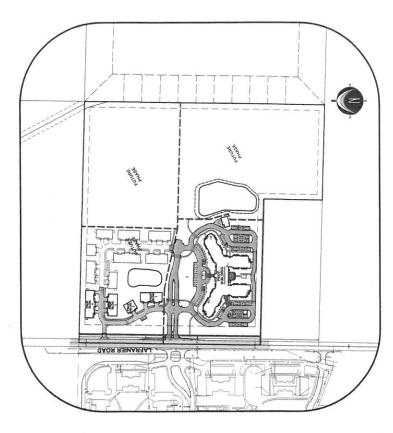
LOCATION MAP

GARFIELD TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN

SITE PLAN

REVISIONS:
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950 Taylor Ave. Grand Haven, ME 49417



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Civil Index / Cover Sheet

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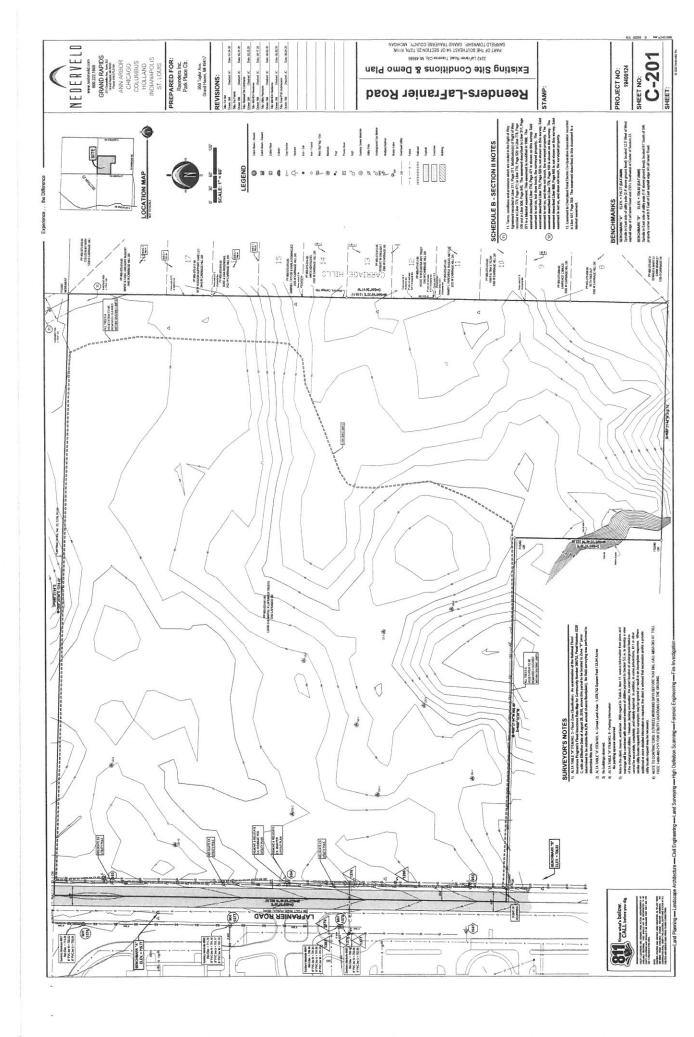
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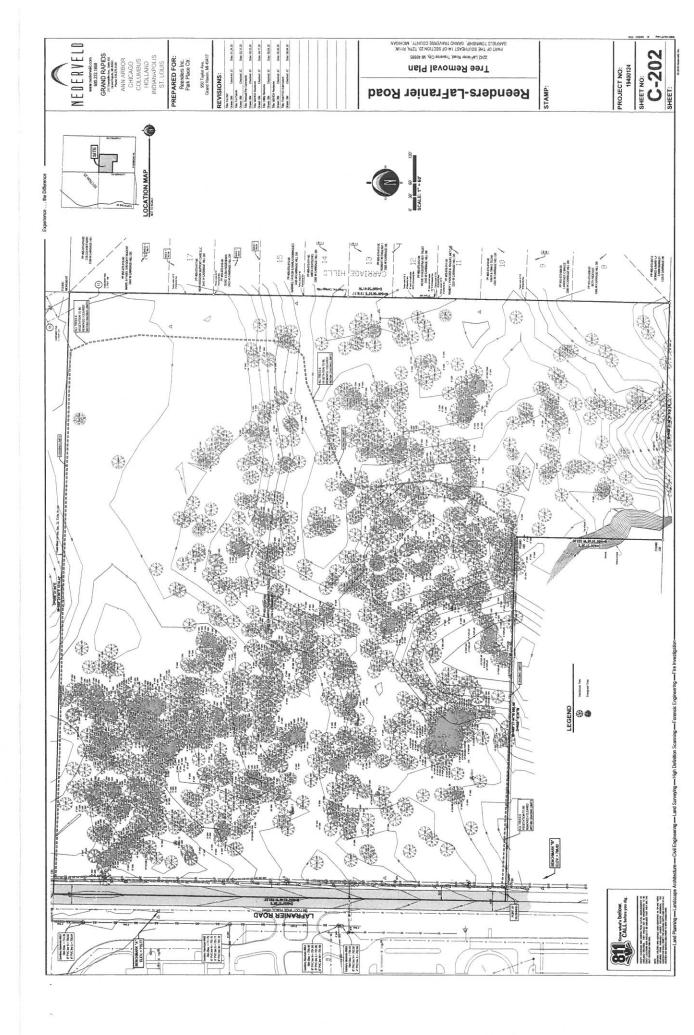
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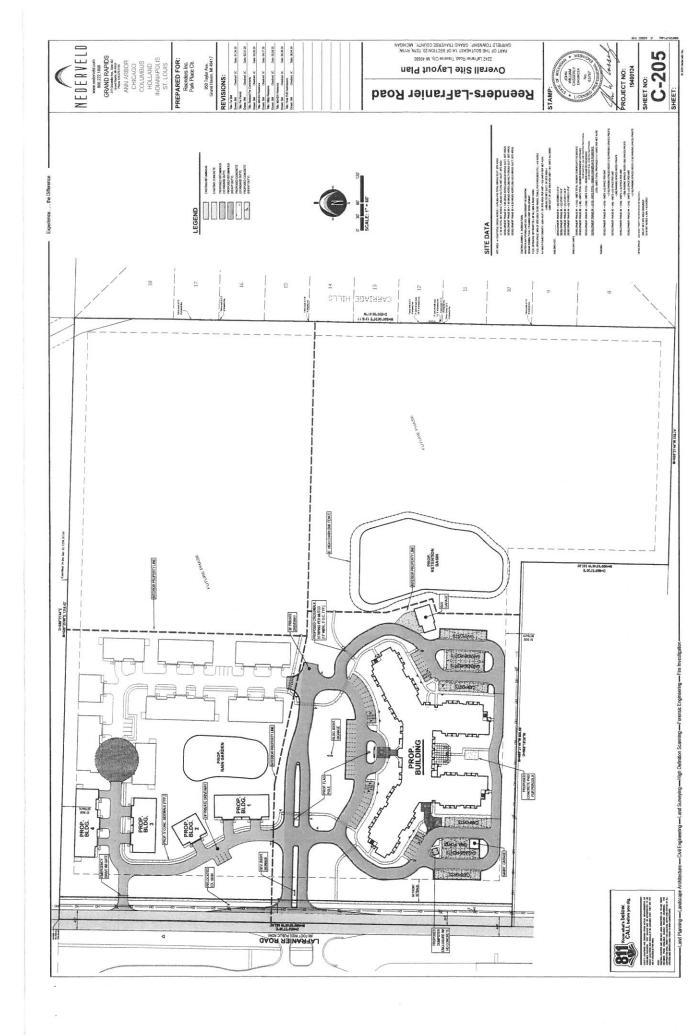
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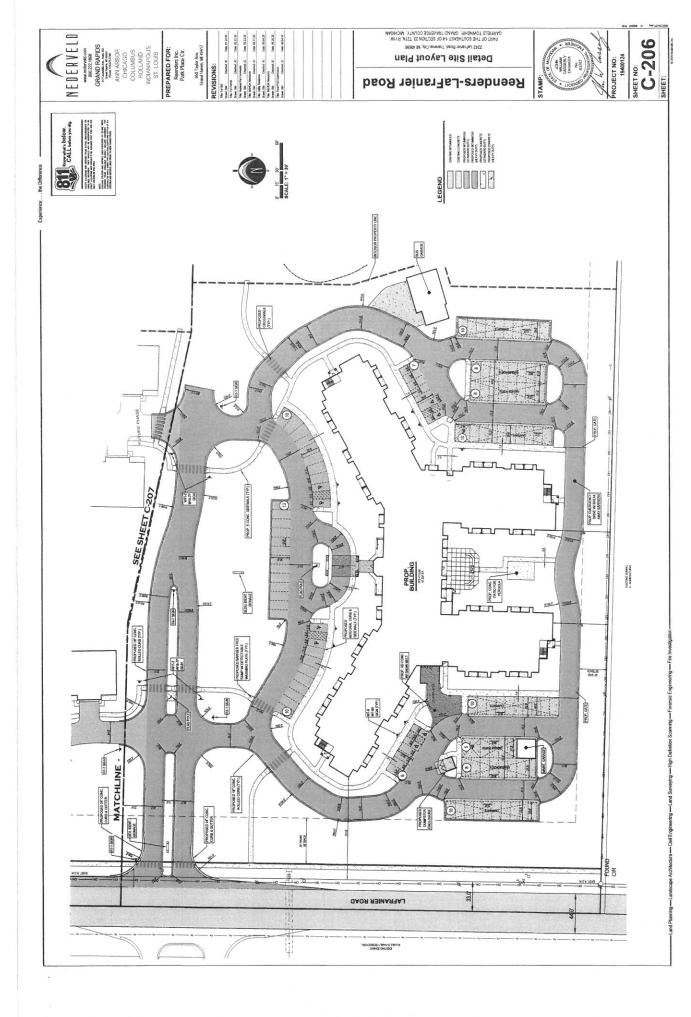
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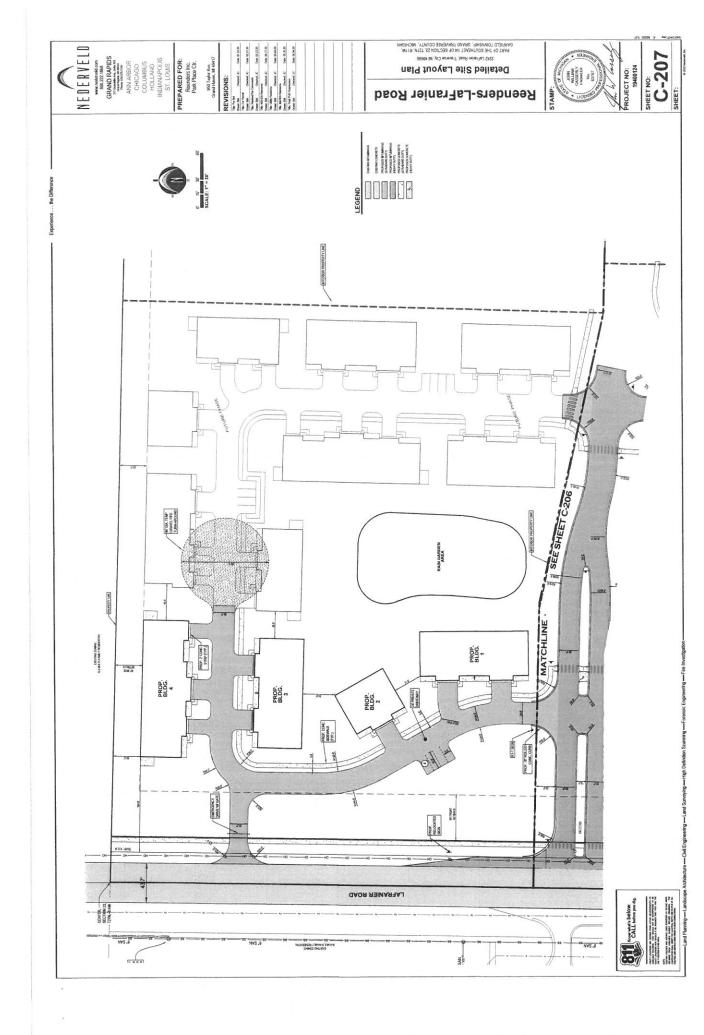
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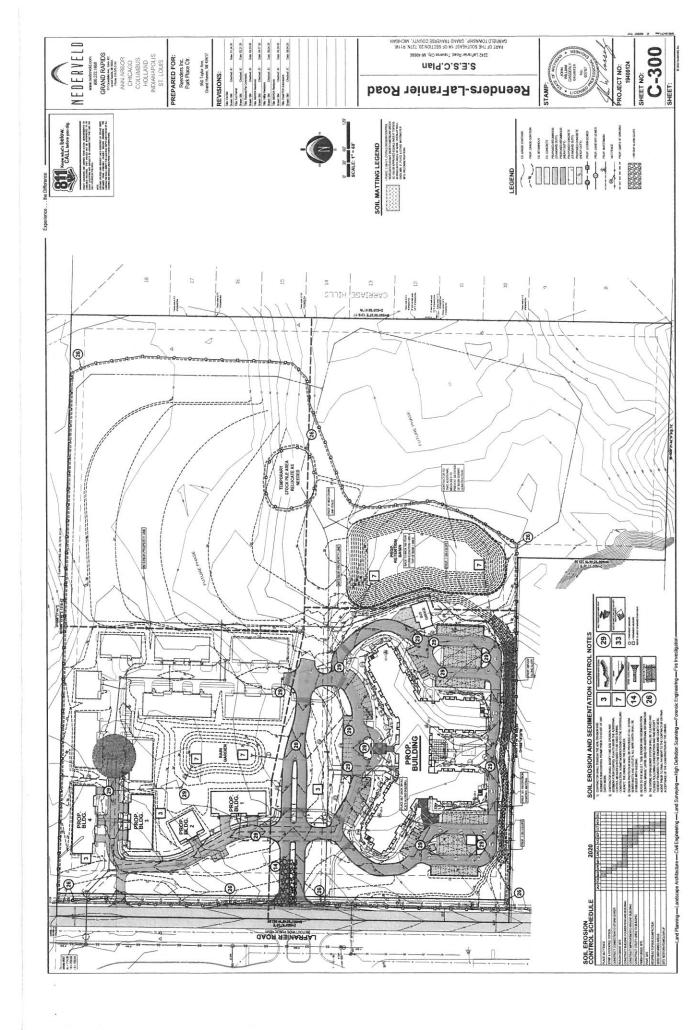


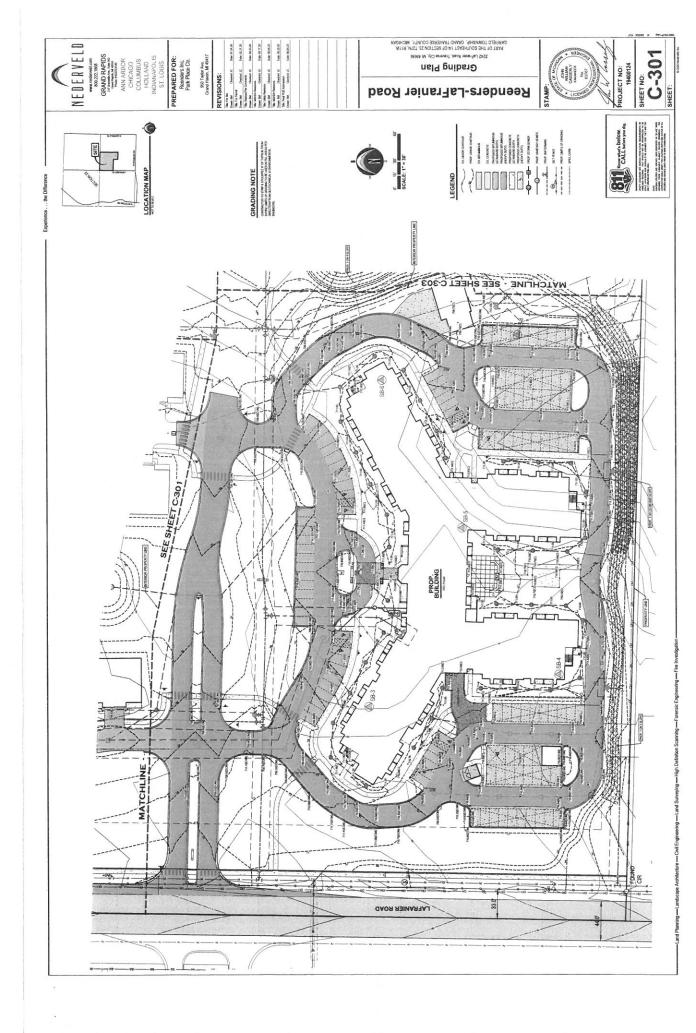


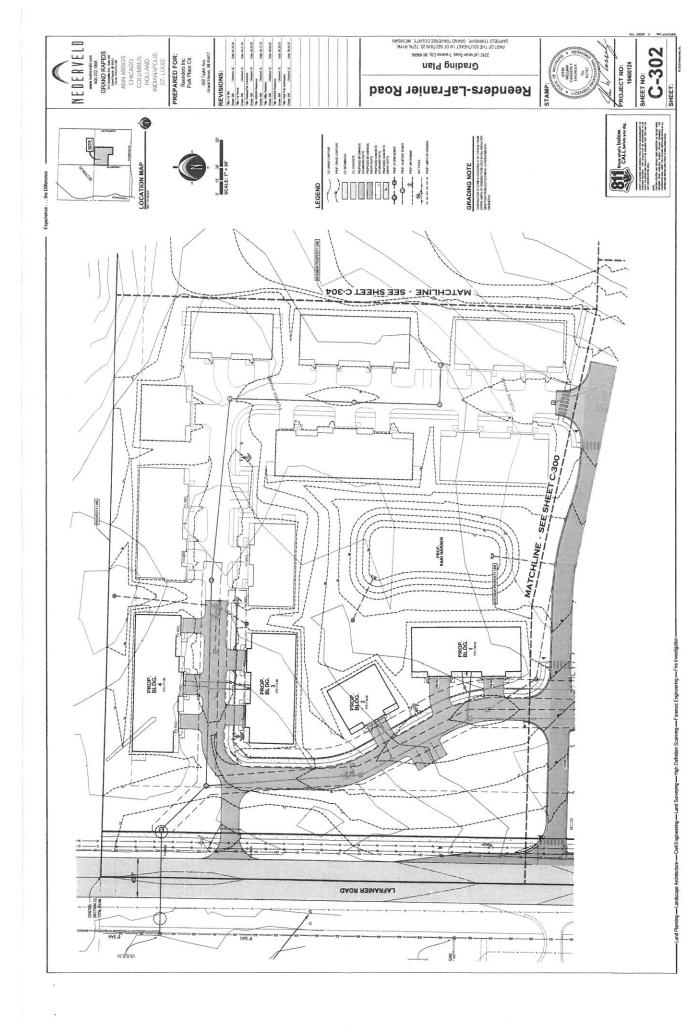


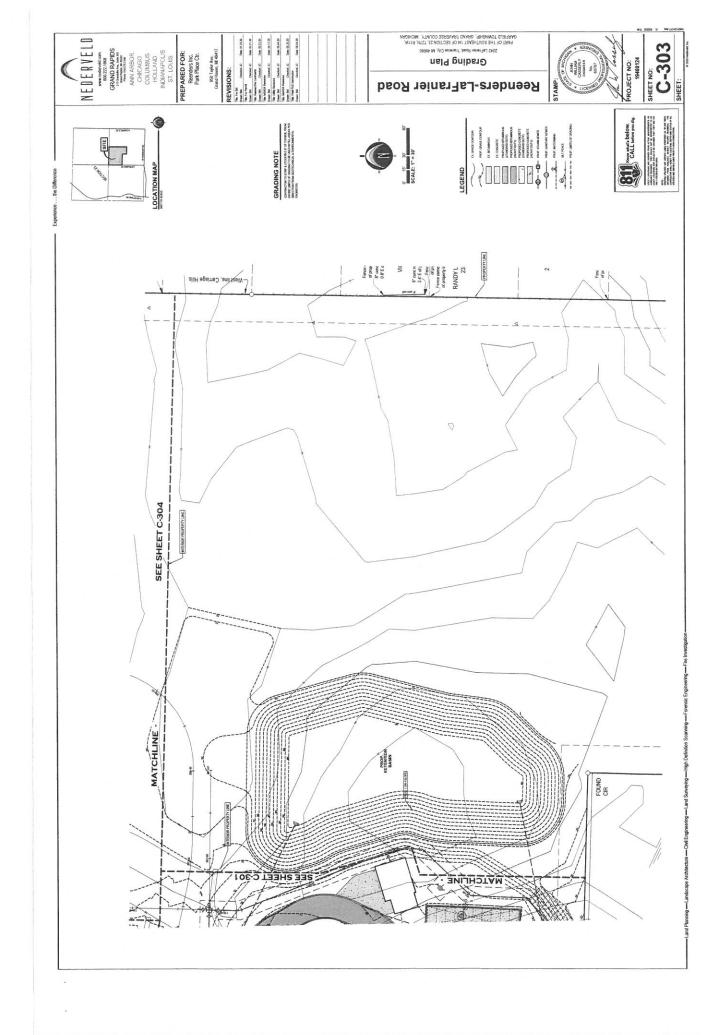


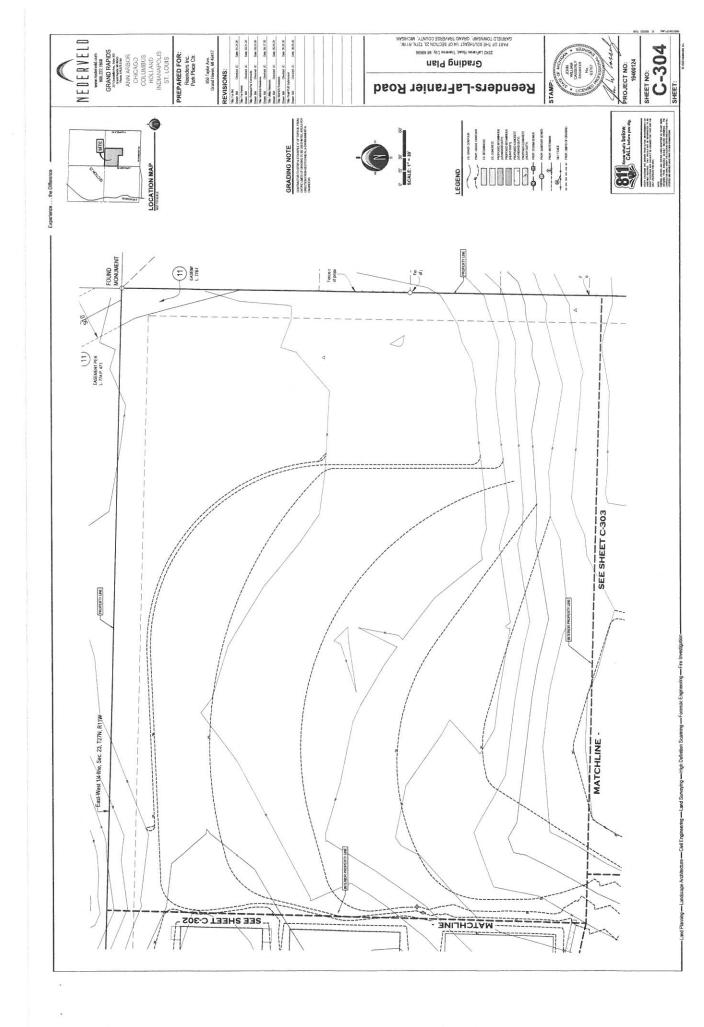


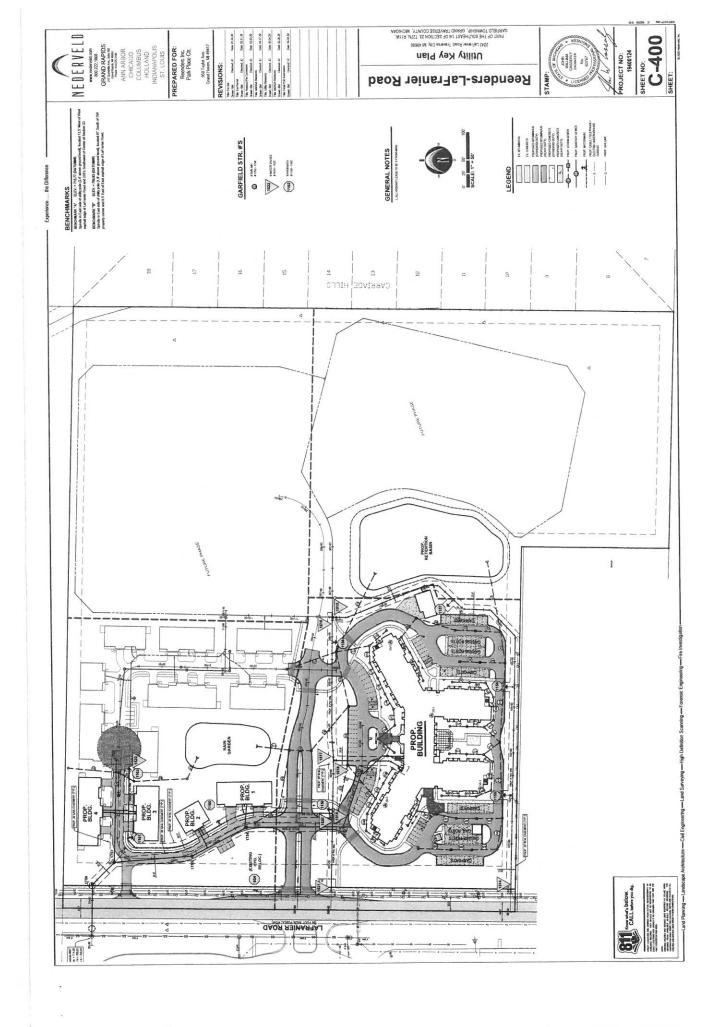


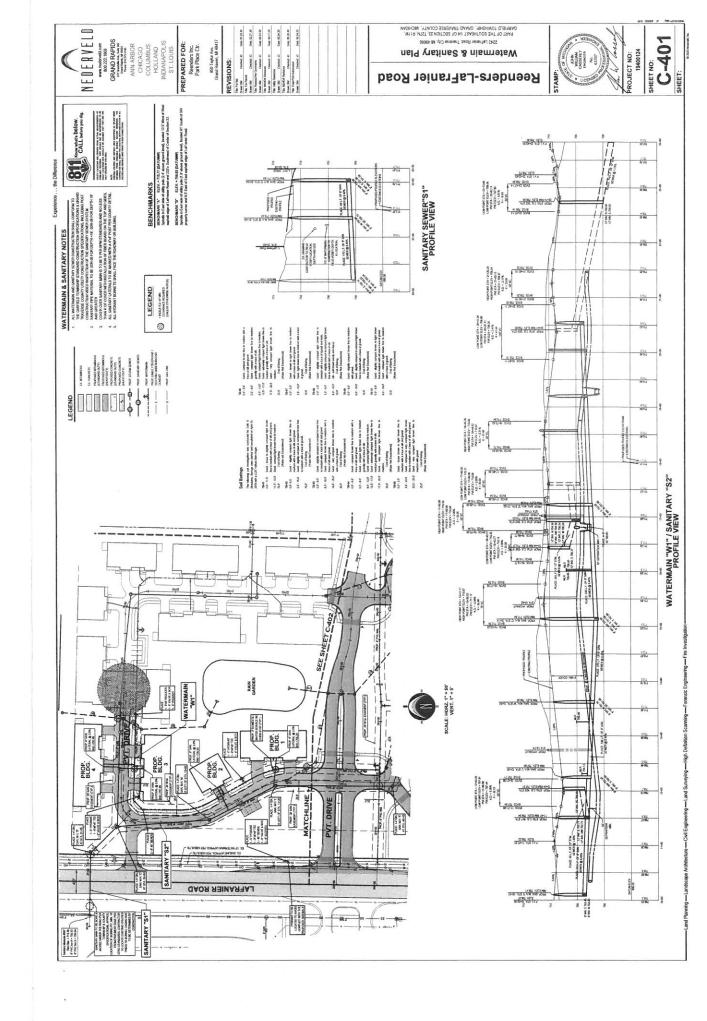


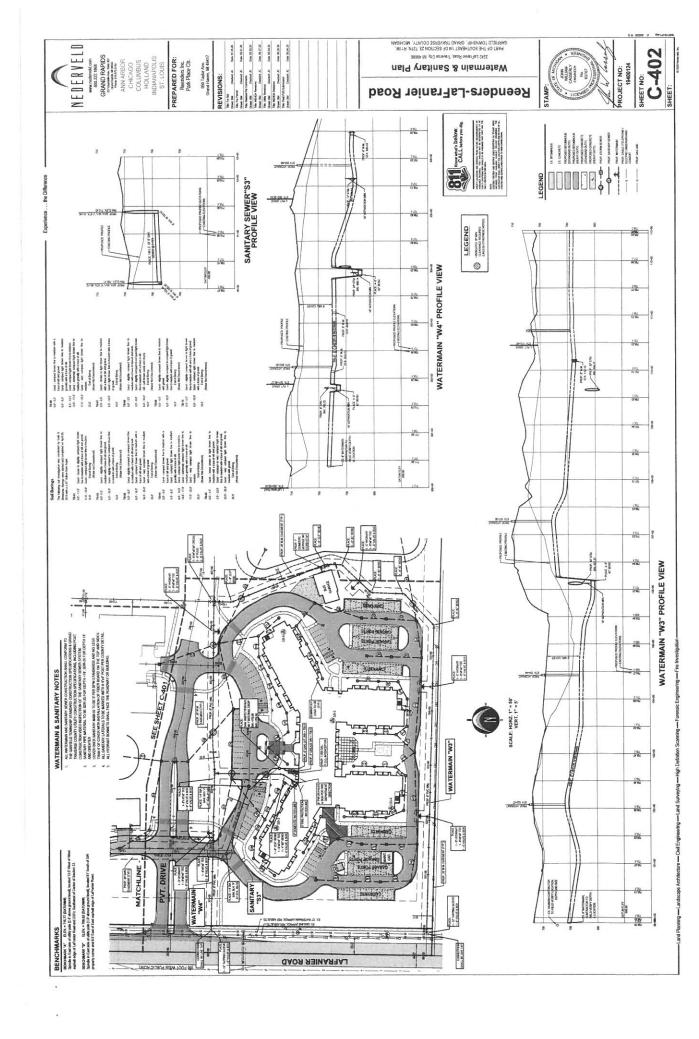


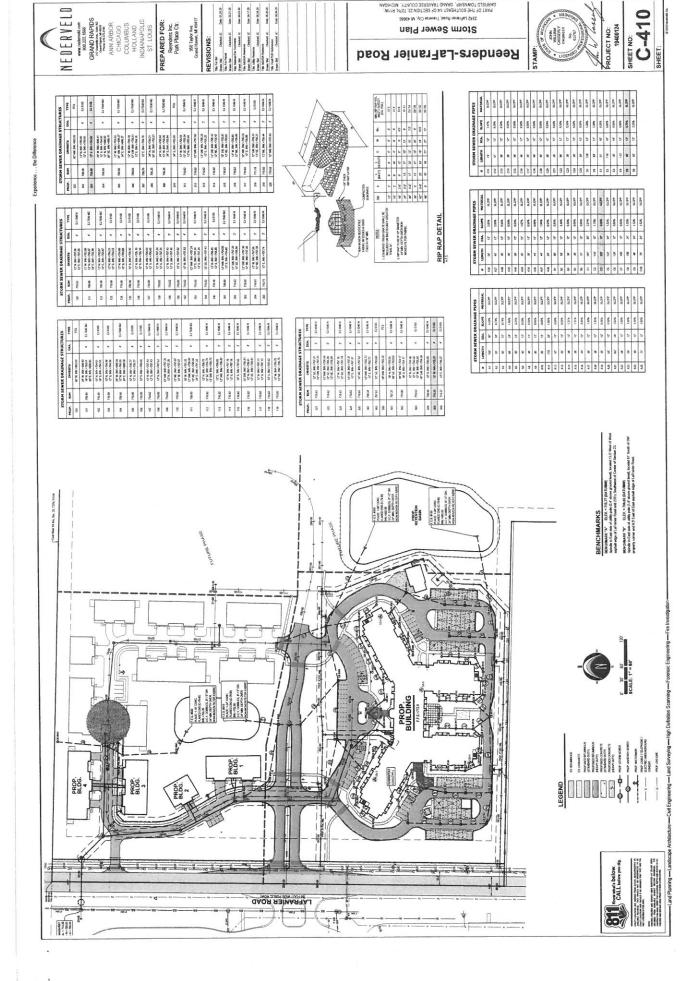


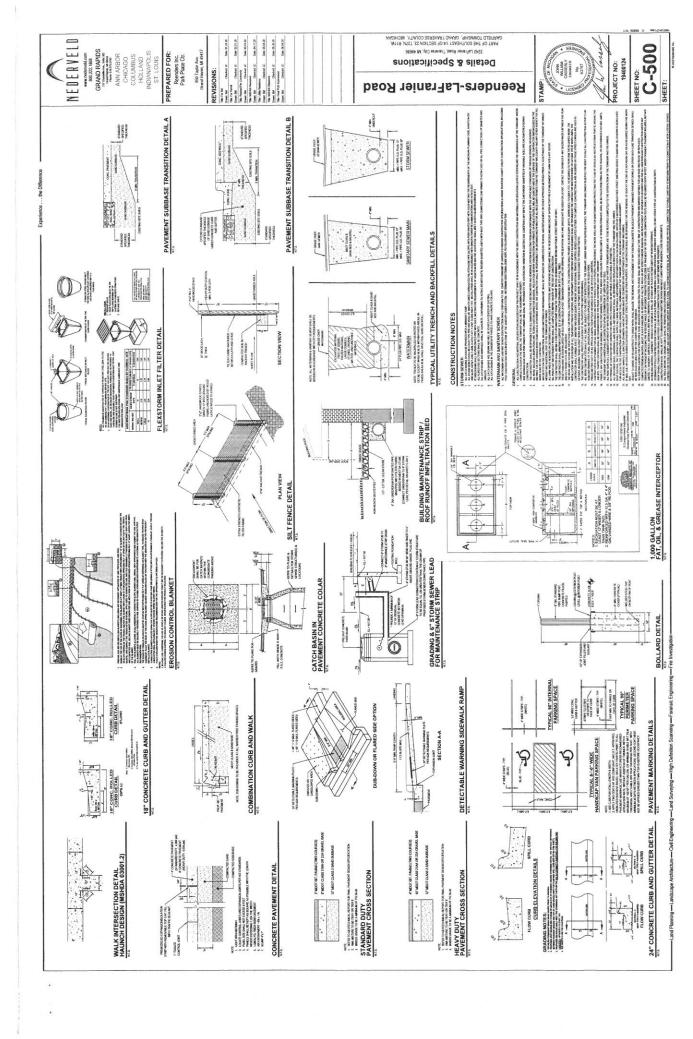


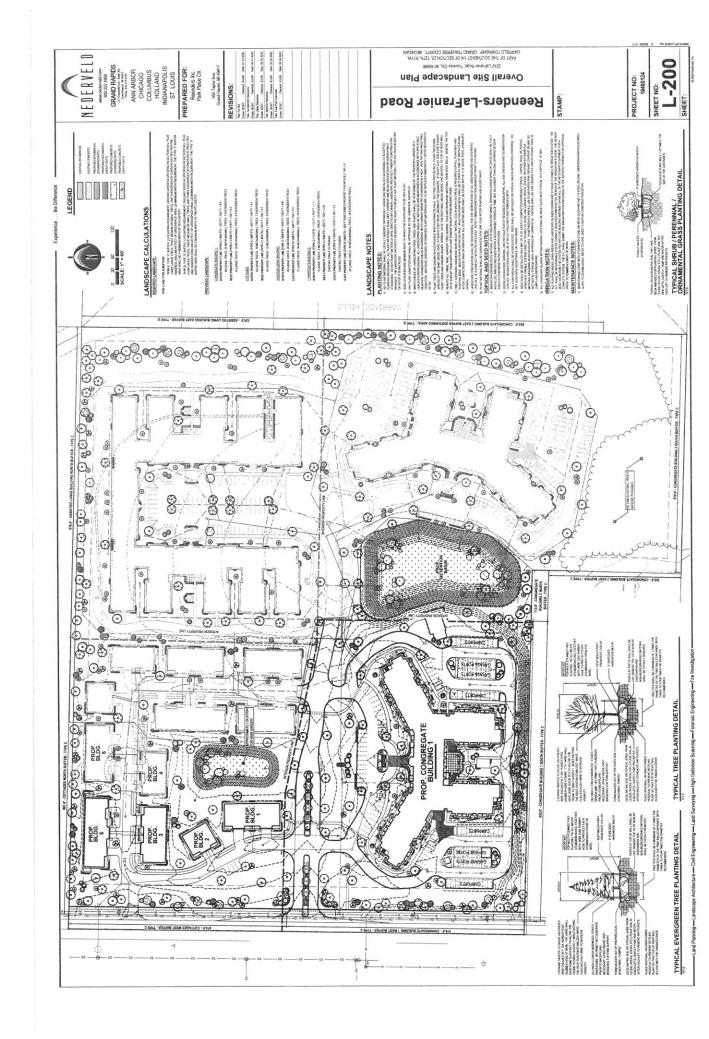


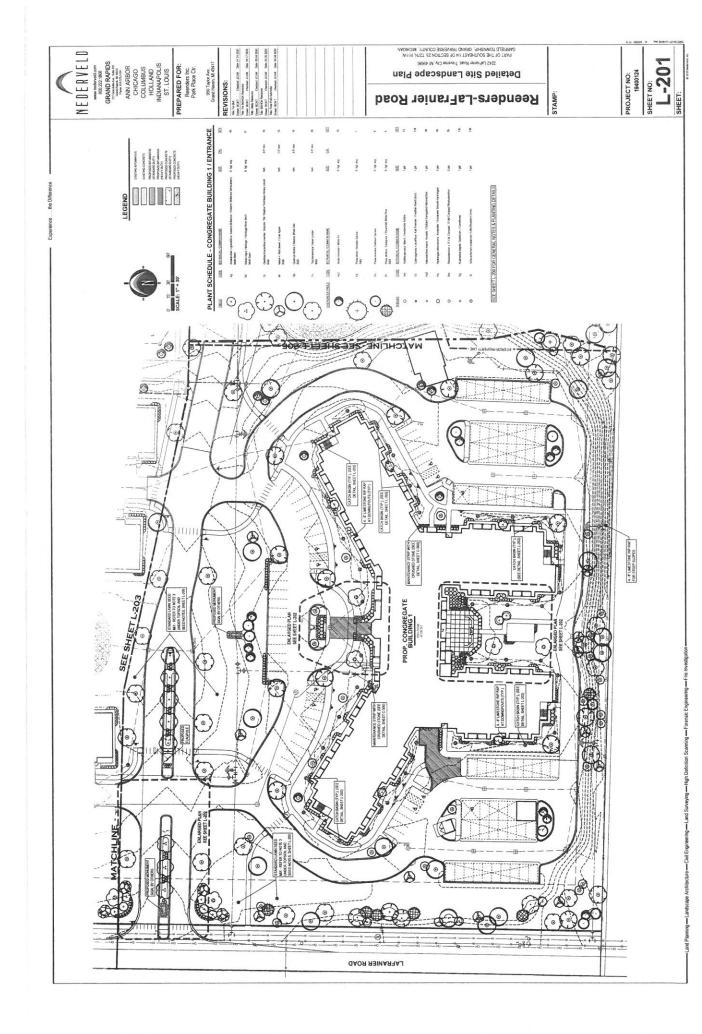


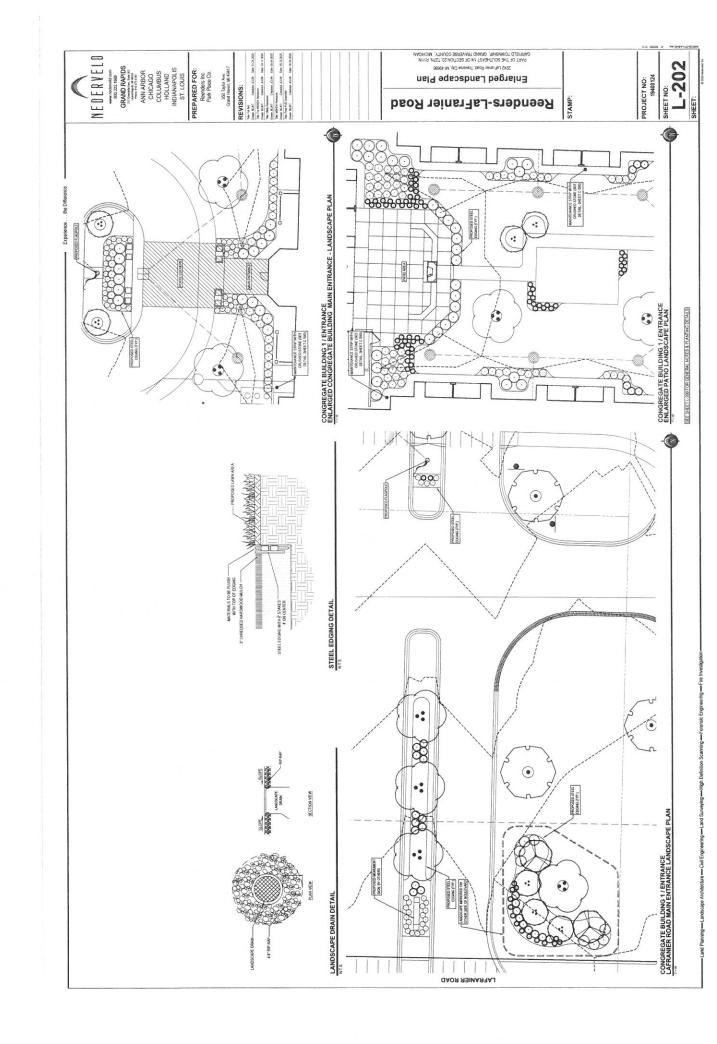


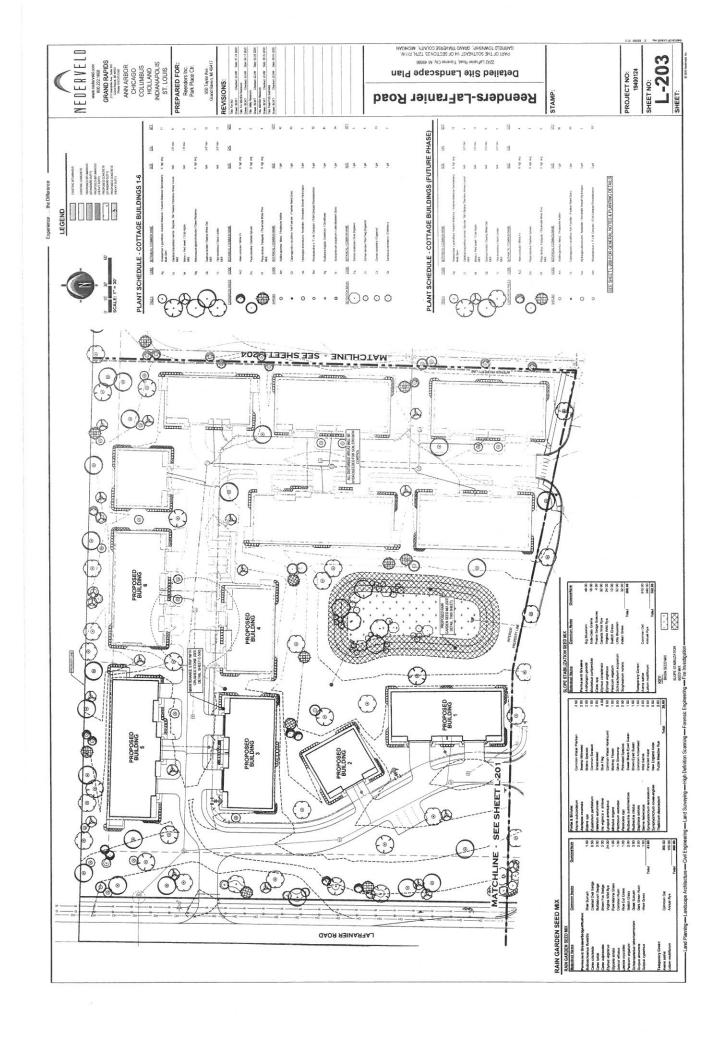


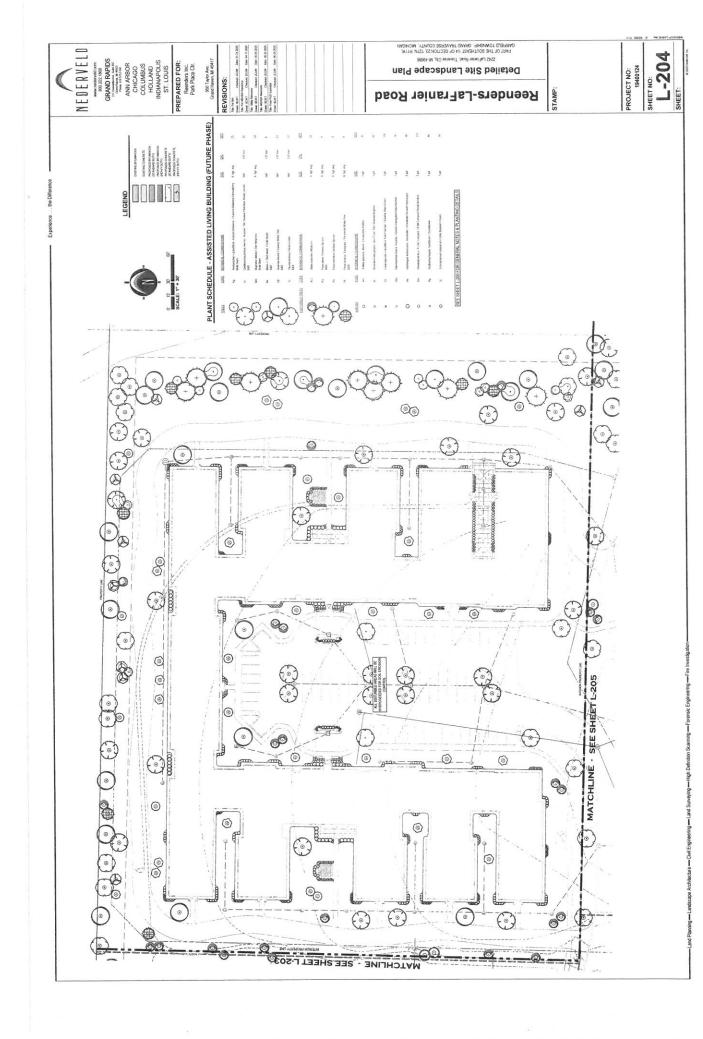


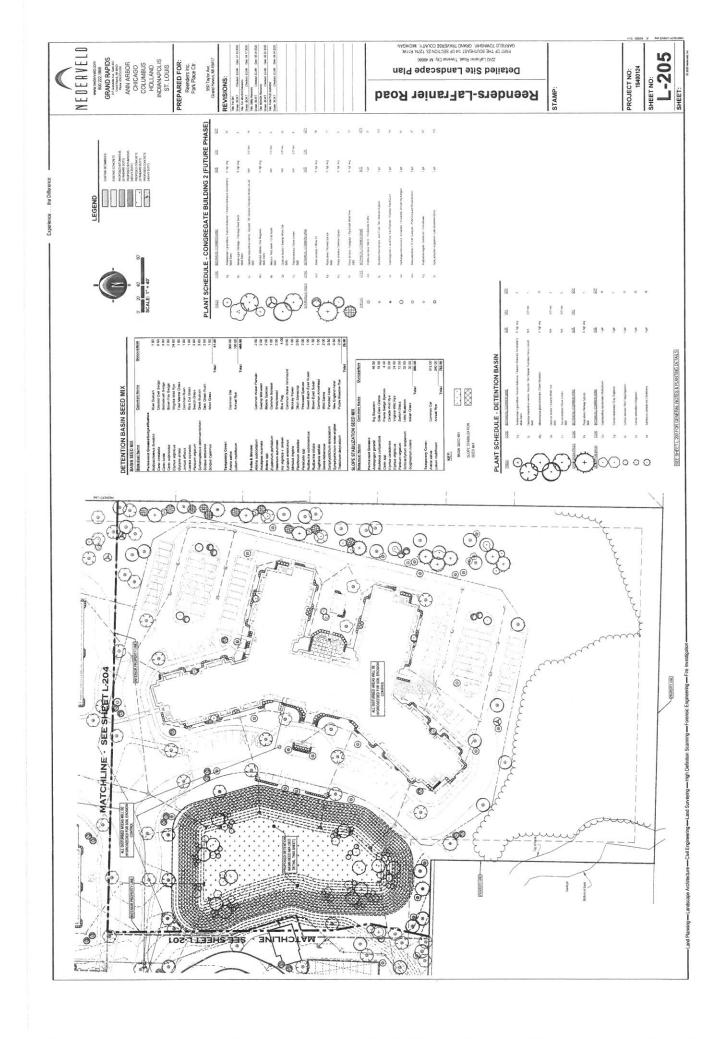












	narter Township of Garf anning Department Report N		47		
Prepared:	July 1, 2020	I	Pages:	1	
Meeting:	Meeting: July 8, 2020 Planning Commission Attachments:				
Subject:	4051 Cedar Run C-O Rezoning - W				
File No.	Z-2020-02	Parcel No. 05	-008-010-00		
Owner:	Chris Millward and Erik Gruber GM	MLLC			
Applicant:	Chris Millward and Erik Gruber GM	MLLC	71555-99-56391		

# **BACKGROUND:**

This application was to request rezoning of one parcel at 4051 Cedar Run Road, totaling 3.75 acres, from the R-1 One-Family Residential zoning district to the C-O Office Commercial zoning district through the zoning Map Amendment process, without restriction. The subject property is currently vacant. The site is on the south side of Cedar Run Road between Front Street / North Long Lake Road and Barney Road. This neighborhood includes a mix of medical offices and other small commercial and office uses.

This project was originally introduced at the March 11, 2020 Planning Commission meeting (PD Report 2020-39). Staff provided their initial analysis and comments on the proposed rezoning, including several relevant factors which could potentially find the proposed Map Amendment to be justified. The Planning Commission discussed several issues with the site and application. The main issue was with the wetlands at the front of the site which would require a building to be placed further from the road, where there are more residential uses. The Planning Commission then voted unanimously to postpone the application for further information and an EGLE wetland delineation.

The applicant has since decided not to pursue the property. An email exchange is attached to this report detailing the reasons for their decision.

# **ACTION REQUESTED:**

This item is placed on the Planning Commission agenda to formally accept withdrawal of the application. The following motion is suggested:

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

Additional information should be added to the motion as deemed necessary by the Planning Commission.

#### Attachments:

1. Email from Chris Millward dated June 11, 2020.

# **Steve Hannon**

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John Sych

Sent:

Thursday, June 11, 2020 2:20 PM

To:

Millward, Chris D.

Cc:

Steve Hannon

Subject:

RE: 4051 Cedar Run Road Rezoning Application

Hi Chris,

Thank you for your response.

We will consider this communication your official withdrawal of your rezoning application. This communication will be conveyed to the Planning Commission where the withdrawal will be accepted at the July 8 meeting.

John

John Sych, AICP
Planning Director
Charter Township of Garfield
3848 Veterans Drive
Traverse City, MI 49684
jsych@garfield-twp.com
231.225.3155

From: Millward, Chris D. <Chris.Millward@lfg.com>

Sent: Thursday, June 11, 2020 2:13 PM
To: John Sych <jsych@garfield-twp.com>

Subject: RE: 4051 Cedar Run Road Rezoning Application

Hey John

I really appreciate the follow up.

We decided not to pursue the property. We felt what the Twp was asking was too much just to see if the office we wanted to build would be allowed. We couldn't put the owner of the land on hold any longer and we were not willing to take a chance.

Thanks again for all your help!

Have a great day.

Chris

# CHRIS MILLWARD PARTNER | FOUNDER



440 W. FRONT ST., SUITE 1
TRAVERSE CITY, MI 49684
231.668.4147 OFFICE | 231.668.6845 FAX
CHRIS@BLUEPRINT.FAMILY | BLUEPRINT.FAMILY

IF YOU DO NOT WANT TO RECEIVE FUTURE EMAILS, PLEASE CALL ME AT 231-668-4147, OR EMAIL ME AT CHRIS@BLUEPRINT.FAMILY OR WRITE TO ME AT 440 W. FRONT St., SUITE 1, TRAVERSE CITY, MI 49684.

LINCOLN FINANCIAL ADVISORS CORP. AND ITS REPRESENTATIVES DO NOT PROVIDE LEGAL OR TAX ADVICE. YOU MAY WANT TO CONSULT A LEGAL OR TAX ADVISOR REGARDING ANY LEGAL OR TAX INFORMATION AS IT RELATES TO YOUR PERSONAL CIRCUMSTANCES.

PLEASE DO NOT SEND ANY TRADING OR TRANSACTION INSTRUCTIONS THROUGH THIS EMAIL. THEY WILL NOT BE HONORED OR EXECUTED. SHOULD REQUIRE IMMEDIATE ASSISTANCE, PLEASE CALL THE LINCOLN FINANCIAL ADVISORS TRADE DESK AT 1-800-237-3813.

CHRIS MILLWARD IS A REGISTERED REPRESENTATIVE OF LINCOLN FINANCIAL ADVISORS CORP.

SECURITIES AND INVESTMENT ADVISORY SERVICES OFFERED THROUGH LINCOLN FINANCIAL ADVISORS CORP., A BROKER-DEALER (MEMBER SIPC), A REGISTERED INVESTMENT ADVISOR AND AN INSURANCE AGENCY. INSURANCE OFFERED THROUGH LINCOLN AFFILIATES AND OTHER FINE COMPANIES. BLUEPRINT PARTNERS IS NOT AN AFFILIATE OF LINCOLN FINANCIAL ADVISORS CORP.

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CRN-2639542-071119

From: John Sych < <u>jsych@garfield-twp.com</u>>
Sent: Thursday, June 11, 2020 1:54 PM

To: Millward, Chris D. < <a href="mailto:Chris.Millward@lfg.com">Chris.Millward@lfg.com</a>>
Subject: 4051 Cedar Run Road Rezoning Application

Hi Chris,

The expiration date for your 4051 Cedar Run Road rezoning application is July 9. If we do not receive anything by that date then we will consider your application expired pursuant to Section 404 of the Zoning Ordinance.

Note that the next Planning Commission meeting is July 8. If you want to provide additional information to the Planning Commission regarding your application, then we will need to receive it by Monday, June 29.

Thank you,

John

John Sych, AICP Planning Director Charter Township of Garfield 3848 Veterans Drive Traverse City, MI 49684

	er Township of Garfield ng Department Report No. 2	2020-103
Prepared:	July 1, 2020	Pages: 1
Meeting:	July 8, 2020 Planning Commission	Attachments:
Subject:	Chick-fil-A Restaurant Special Use I	Permit – Withdrawal
File No.	SUP-2020-01	Parcel No. 05-016-002-10 & 05-016-007-10
Applicant/Owner:	Chick-fil-A Restaurants	
Agent:	Progressive AE	

# **BRIEF OVERVIEW:**

- 3980 US-31 South
- 1.80 acres in area
- Existing Flap Jack Restaurant and parking area
- C-G General Commercial District

# **BACKGROUND:**

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 would be for 71 vehicles and a drive-through window could accommodate 32 cars. Drive-through businesses uses are permitted via Special Use Permit in the C-G General Commercial District.

This project was originally introduced at the March 11, 2020 Planning Commission meeting (PD Report 2020-40). After the public hearing held on April 22, the Planning Commission tabled the application so that ingress and egress agreements are put in place between the applicant, Walgreens and Memorial Gardens.

The applicant has since decided not to pursue the project. An email from the applicant is attached to this report requesting their application be withdrawn.

# **ACTION REQUESTED:**

This item is placed on the Planning Commission agenda to formally accept withdrawal of the application. The following motion is suggested:

MOTION 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 & 05-016-007-10 BE ACCEPTED.

Additional information should be added to the motion as deemed necessary by the Planning Commission.

# John Sych

From:

Justin Lurk <justin.lurk@cfacorp.com>

Sent:

Tuesday, June 30, 2020 12:42 PM

To:

John Sych; Cheryl Scales

Cc:

Justin Lurk

Subject:

RE: Chick-fil-A Site Plan - Garfield Township - Request to Pull SUP & Site Plan

application

## Good afternoon John,

As we just discussed, I regretfully inform you that Chick-fil-A is formally pulling our application for the special land use & site plan approval for the current Flap Jack Shack parcel. We genuinely appreciate everything Garfield Township has done to try and make this deal come together. Please note, this has nothing to do with Garfield Township.

Unfortunately, the easement area and working with Ed Roy representing Memorial Gardens is what put the kibosh on this deal. We thought we were being a good neighbor with the proposed improvements we were looking to make to that easement area not to mention providing them documented access through Walgreens so that parcel could also benefit from access to a traffic signal – both improvements from the existing condition. Yes, those improvements benefited us as well, but we felt it was a win-win. However, if feels they felt otherwise and were looking to capitalize monetarily on a big corporation trying to come into the market.

Again, thanks for all you have done to try and work with us on this site. Here's to hoping our paths can cross again on another site in Garfield Township.

Thank you,

. . .

#### **Justin Lurk**

Development & Construction M 573.268.0957

#### Chick-fil-A, Inc.

5200 Buffington Road, Atlanta, GA 30349

The state of the s	narter Township of Garf nning Department Report N	
Prepared:	July 1, 2020	Pages: 1
Meeting:	July 8, 2020 Planning Commission	Attachments:
Subject:	3077 Garfield Conditional Rezonin	g – Update #3
File No.	Z-2020-03	Parcel No. 05-014-077-00 (portion)
Owner:	3077 Garfield LLC / Richard Weav	/er
Applicant:	Premier Space Solutions	

# **PURPOSE OF APPLICATION:**

This application requests the conditional rezoning of a portion of Parcel #05-014-077-00 at 3077 Garfield Road, identified as the "Subject Lands for Conditional Rezoning" by the applicant. These "subject lands" consist of approximately 2.85 acres of a 4.43-acre parcel. The request is to conditionally rezone this part of the site from C-G General Commercial to I-G General Industrial via the conditional rezoning process.

# **BACKGROUND:**

The applicant has offered a set of proposed conditions including: the only use on the conditionally rezoned portion will be small warehousing establishments; no servicing, repair or maintenance will be allowed, and the hours of operation will be limited. This application has been considered during the following Planning Commission meetings:

- March 11, 2020 Introduction (PD Report 2020-45)
- April 22, 2020 Public Hearing (PD Report 2020-58)
- May 13, 2020 Update #1 (PD Report 2020-70)
- June 10, 2020 Update #2 (PD Report 2020-91)

#### **STAFF COMMENT:**

This report is only intended to provide an update on the project. It has been suggested to the applicant to provide updated application materials, including a voluntary update to the Statement of Conditions and a site development plan, to address concerns identified by the Planning Commission and others at the public hearing. No updated materials have yet been provided. Staff has received information suggesting that the property owner may want to shift his interest in this property to a different developer. Staff will provide updates to the Planning Commission as needed.

#### **ACTION REQUESTED:**

As such, the following motion is offered for consideration:

MOTION 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.

Additional information that the Planning Commission deems necessary should be added to this motion. If the applicant submits updated materials or offers revised conditions, these may be reviewed by Staff and/or the Township Attorney before coming to the Planning Commission.

1.	narter Township of Garfield anning Department Report No. 20	20-102
Prepared:	July 1, 2020	Pages: 8
Meeting:	July 8, 2020 Planning Commission	Attachments:
Subject:	Wendy's Restaurant	
Applicant:	WM Limited Partnership - 1998	
Owner:	Cherrymart Associates LLC	
File No.	SPR-2020-01	
Parcel No.	05-014-049-01	

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

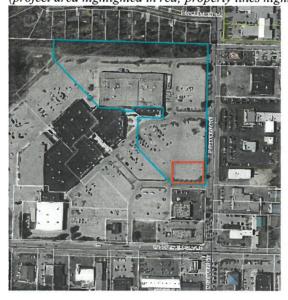
Applications for development within the C-P Planned Shopping Center shall be reviewed by the Planning Commission for compliance with Article 4, § 424 – Site Plans and Article 5 – Development Standards.

## **BACKGROUND:**

The approximately 0.83-acre project site is located at 1712 South Garfield Avenue, north of South Airport Road. The project site is part of the former K-Mart parcel (05-014-049-01) at Cherryland Center, which is approximately 12.33 acres, and the former K-Mart building is 87,344 square feet. The project would occupy about 7% of the K-Mart parcel and would be split off from the parent parcel. The proposed development is for a restaurant with drive-through, which are a use by right in the C-P Planned Shopping Center district. The intent of the C-P district as stated in the Zoning Ordinance is as follows:

"It is the intent of the C-P (Planned Shopping) Districts to recognize the various areas of our community that have been developed in a grouped retail setting with department store anchors and expansive parking areas. These planned centers are typically located on a single, unified site and are designed and constructed as an integrated unit for shopping and other business activity. This section recognizes the transition from antiquated development patterns and encourages multi-use, multi-story, infill development of the parking areas to create a more pedestrian-friendly, mixed-use area. Multi-story structures are encouraged."

Zoomed-out (left) and zoomed-in (right) aerial images of the subject property (project area highlighted in red; property lines highlighted in blue):





# **SITE DEVELOPMENT REQUIREMENTS:**

## (1) General

Applications for development within the C-P Planned Shopping Center shall be reviewed by the Planning Commission for compliance with Article 4, § 424 – Site Plans and Article 5 – Development Standards. The following criteria as listed in Section 424.F(1)(a)-(j) of the Zoning Ordinance are offered for consideration by the Planning Commission:

- (a) **Required Information.** All required information shall be provided.
  - Staff has determined the application and site plan to be substantially complete.
- (b) Outside Agencies. All applicable standards of outside agencies shall be met and all required permits and approvals from outside agencies shall be secured, or be made a condition of approval.
  - The applicant is required to comply with all agencies with jurisdiction. Agency approvals that are not received may be a condition of site plan approval.
- (c) Essential Facilities and Services. Adequate essential facilities and services, including highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools, shall be available.
  - As the site is a proposed redevelopment of a portion of an existing commercial site, many essential facilities and services are in place.
  - The site is accessed from a major road and is serviced by existing public sewer and water.
  - The site has been used as commercial without overburdening area municipal services.
  - The site will be served by an existing 8" municipal water line and a 10" sanitary sewer line.
- (d) Natural Features. Sensitive natural features, or existing natural features that provide a buffer between adjoining properties, or assist in preserving the general appearance of the neighborhood, or help control soil erosion or stormwater, shall be preserved to the greatest extent possible.
  - The proposed development is on a portion of an existing parking lot. There are no known sensitive natural features that would be impacted by this development.
- (e) Site Design. All buildings and structures shall be designed, situated, constructed, operated and maintained so as to be harmonious, compatible, and appropriate in appearance, with the existing or intended character of the general vicinity. Site design shall minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
  - Robby's Mexican restaurant and Burger King are located immediately south of this parcel.
     The proposed development is like the neighboring restaurants, especially the Burger King building which has a drive-through with the same orientation as the proposed Wendy's.
  - For a drive-through, a setback of at least 60 feet from the right-of-way line of any existing or proposed street shall be maintained, and this is indicated on the site plan.
  - The proposed landscaping as described below in this letter will help provide a transition between adjacent sites and will contribute positively to the character of this vicinity.
- (f) **Orientation.** Primary buildings or structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.

- The front entrance of the proposed building faces Garfield Avenue.
- There is a proposed internal sidewalk and crosswalk connecting the front of the building with a new sidewalk along Garfield Avenue.
- (g) Vehicle and Pedestrian Systems. The development, where possible, shall provide vehicular and pedestrian circulation systems which reflect and extend the pattern of streets, pedestrian and bicycle ways in the area. A proper relationship between existing and proposed roadways and parking areas shall be demonstrated, and the safety and convenience of pedestrian and vehicular traffic shall be assured. Travelways which connect and serve adjacent development shall be designed appropriately to carry the projected traffic.
  - The proposed entrances and exits to the site are at the back of the building. The entrance to the Cherryland Center area from Garfield Avenue serves several adjacent parcels. The vehicles using the proposed drive-through will circle the building twice, which is the same configuration as seen in the Burger King to the south.
  - The site plan also shows a right-turn only entrance on the south side of the parcel. Staff recommends removal of this right-turn only entrance to maintain safety and reduce traffic conflict points. Staff has observed other drive-throughs in the Township with high traffic volumes, likely reflecting greater usage of drive-throughs in response to COVID-19.
  - The site plan shows a proposed new sidewalk along Garfield Avenue located mostly on the development site with about 1 foot extending into the right-of-way. According to Section 522 of the Zoning Ordinance, "non-motorized pathways may be constructed within the public street right-of-way or upon private property subject to an appropriate public access easement being recorded." The applicant is required to record a public access easement for the proposed sidewalk.
- (h) **Shared Drives.** Where the opportunity exists, developments shall use shared drives. Unnecessary curb cuts shall not be permitted.
  - As described above, the development site will use the existing entrance drive which serves
    several adjacent parcels on Garfield Avenue, and the entrances and exists to the site are at
    the back of the building.
  - As stated above, staff recommends the removal of the right-turn only entrance on the south side of the development parcel to maintain safety and reduce traffic conflict points.
- (i) Impervious Surfaces. The amount of impervious surface has been limited on the site to the extent practical.
  - The site is located on an existing parking lot. The proposed design limits the amount of impervious surface to the extent practical and reduces the impervious area by introducing new landscaping areas to the site.
- (j) Master Plan. The proposal is not in conflict with the land use policies, goals and objectives of the Township Master Plan.
  - The proposal fits with the Future Land Use Map, as the parcel and surrounding vicinity are envisioned as Commercial, which accommodates a wide range of potential businesses.

- The site is part of the Barlow Garfield Neighborhood Plan which guides development in this neighborhood of the Township. This plan included several development principles for this neighborhood encompassing the following:
  - o Allow for mixed-use development on primary corridors.
  - Account for public spaces that accommodate a variety of activities.
  - o Encourage connectivity through sidewalks, trails, cross-access, and other means.
  - Allow sites to be designed at a scale that encourages a neighborhood character.
  - o Allow for new housing with diverse selection of unit types and sizes.
  - o Facilitate improvements for public infrastructure upon new development.
- Several site plan elements support the development principles within the Barlow Garfield Neighborhood Plan, especially the sidewalk and placement of the entrances at the back of the building to help manage curb cuts. The site is also designed at a similar scale to that of neighboring properties. As stated above, staff recommends the removal of the right-turn only entrance on the south side of the development parcel as an extraneous curb cut.
- The Barlow Garfield Neighborhood Plan envisions a connected, livable, community center
  within Garfield Township in this neighborhood. The project continues the development
  pattern from the adjacent sites to the south, but any further continuation of this pattern to
  the north would not likely enhance the vision of this neighborhood.
- Furthermore, for as long as the former Kmart building still exists, there should be enough
  parking to anticipate future development in that building. If the property owners wish to
  develop more out lots along Garfield Avenue, then enough parking shall be maintained to
  serve the former Kmart building unless the former Kmart building is demolished.

The following review of the proposal with regards to the relevant sections within Article 5 – Development Standards is also provided:

### Lots

A land division will be needed to split the development parcel for the proposed restaurant from the parent parcel, which is the site of the former Kmart building.

### Access Management

As described above, the development site will use the existing entrance drive which serves several adjacent parcels on Garfield Avenue, and the entrances and exists to the site are at the back of the building. This is consistent with the intent of access management standards including encouraging shared drives. As stated above, Staff recommends the removal of the right-turn only entrance on the south side of the development parcel as an unnecessary curb cut.

### Dumpster Enclosures

A dumpster enclosure is proposed for the back of the site in the northwest corner. Section 516 states that such enclosures shall be finished with the same materials and colors as the exterior finish of the principal structure or shall be concrete block or similar material. The dumpster enclosure material shall be indicated on the site plan. All other standards of Section 516 appear to be met.

### Lighting

A photometric plan was submitted which appears to meet the requirements of Section 517 of the Ordinance. A note on the lighting plan indicates that all proposed lamps shall emit light measuring 3,500 K or warmer (between 0 K and 3,500 K) on the Kelvin scale, and that lighting fixtures shall be full cut-off and shall not direct light upwards. The applicant needs to 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.

### Stormwater Management

Stormwater review by the Township Engineer will be required prior to the issuance of a Land Use Permit. The proposed Wendy's restaurant is planning to utilize the Cherryland Center stormwater system, including the retention basin at the northwest corner of the Cherryland Center property. Appropriate easements will need to be provided to utilize the Cherryland Center stormwater system.

### Landscaping

A "Type B" buffer is required along the north, south, and west property lines. The Type "B" buffer planting requirement is ground cover as specified in Section 530.J, plus two large trees, one medium or small tree, and four shrubs per one hundred (100) linear feet of greenspace area. The Type "B" Buffer area shall have a minimum width of ten (10) feet. The north and south property lines are about 214 feet long and the west property line is about 170 feet long, but these should be clarified once the parcel split occurs.

A "Type D" buffer is required along the east property line. The "Type D" planting requirement is ground cover as specified in Section 530.J, plus four large trees, three medium or small trees, and three evergreen or coniferous trees per one hundred (100) linear feet of greenspace area. The Type "D" Buffer area shall have a minimum width of twenty (20) feet. The east property line is approximately 170 feet long, but this should be clarified once the parcel split occurs.

The landscaping plan shows 42 trees and 191 shrubs provided. The landscaping provided appears to meet these requirements, but the parcel split is still needed for the final parcel measurements and to determine whether these requirements are met.

### Parking, Loading, and Snow Storage

Restaurants with a drive-through have a minimum parking requirement of 1 space for each 150 square feet of floor area and a maximum of 1 space for each 75 square feet of floor area. The proposed building will be 2,584 square feet, giving a minimum of 17 spaces and a maximum of 34 spaces. There will be 22 total parking spaces, including 2 barrier-free.

Bicycle parking shall be provided at the rate of 2 bicycle spaces per 25 motor vehicle spaces. One bicycle rack is proposed which will give space for 2 bicycles.

For buildings at least 2,000 square feet up to 12,500 square feet of gross floor area, the site shall have one small loading space at least 10 feet wide by 20 feet long. An off-hour loading zone is provided within the parking lot and measures 10 feet by 20 feet.

With this development, the number of parking spaces for the former Kmart building will be reduced. The applicant shall ensure that the former Kmart building maintains enough parking to accommodate the future redevelopment of that building. Based on Section 551 of the Zoning Ordinance, the parking requirement for the former Kmart building as a retail store is a minimum of one parking space for each two hundred and fifty (250) square feet of floor area and a maximum of one parking space for each one hundred fifty (150) square feet of floor area. The minimum parking requirement is 349 spaces with a maximum of 582 spaces.

The applicant has presented information that there are about 500 parking spaces currently provided for the former Kmart building. It is important to know that a portion of these parking spaces still provide parking for other Cherryland Center businesses not on the former Kmart parcel.

Finally, with the proposed new Wendy's site, the existing parking space layout of the former Kmart parcel shall be reconfigured for both parking spaces and circulation, including the restriping of parking spaces and maneuvering areas. The site plan shows new parking space striping and pavement markings on the former Kmart parcel.

As required by Section 551 of the Ordinance, a ratio of ten (10) square feet of snow storage is required per one hundred (100) square feet of parking area. This site has about 15,000 square feet of parking space and maneuvering lane area which would require 1,500 square feet of snow storage. The site plan shows three snow storage areas with a total area of 2,166 square feet.

### (2) External Access

The proposed development will gain its most direct access from the internal drives of the Cherryland Center. A right-in only one-lane drive is proposed to give quick access from vehicles entering off Garfield Avenue. Staff has observed other drive-throughs in the Township with high traffic volumes, likely reflecting greater usage of drive-throughs in response to COVID-19. Circulation of the parking lot will be counterclockwise with a one-way drive entering from the west side of the site and with a one-way drive existing to the west side of the site.

### (3) Internal Pedestrian Circulation

Section 522 requires pathways and interior sidewalks. Interior sidewalks have been provided along with a connection from the front of the restaurant to a proposed sidewalk along Garfield Avenue.

### (4) Non-Motorized Pathways

A sidewalk is proposed at the front of the parcel along Garfield Avenue. As mentioned previously, most of this sidewalk is on the private parcel with about one foot of width extending over the right-of-way. The applicant is required to record a public access easement for the proposed sidewalk.

### (5) Building Placement

The building placement is consistent with that of the adjacent sites to the south. The internal sidewalks will encourage pedestrian circulation and the proposed sidewalk along Garfield Avenue will add to the sidewalk network and encourage future connectivity. The side entrance to the building faces the shared drive serving as an entry off Garfield Avenue, which is a curbed internal roadway.

### (6) Vegetative Transition Strip

A fifty-foot wide vegetative transition strip is required if the site abuts a residential or agricultural zone, but this does not apply in this case. Comments on landscaping for the whole site are included above.

### (7) Service Drives

Access to the site, including the parking lots, is from an interior service drive and not a major thoroughfare.

### (8) Prohibited Outdoor Storage

The applicant does not propose any outdoor storage on this site.

### **USE STANDARDS – DRIVE-THROUGH:**

Section 730 of the Zoning Ordinance outlines several specific regulations and conditions for drive-in and drive-through uses, including the following:

- 1. Service and dining may be in automobiles or outdoors, but all other activities shall be carried on within a building.
  - The site plan shows a single drive-through service lane and parking. There is no outdoor dining proposed.
- 2. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street shall be maintained.

The building measures 60 feet from the right-of-way line of Garfield Avenue.

3. Ingress and egress points shall be located at least fifty (50) feet from the nearest edge of the traveled portion of any intersecting streets.

There are no intersecting streets within 50 feet.

4. Pedestrian areas shall be clearly marked and maintained.

The site plan shows internal sidewalks around the front and sides of the building with a designated connection to a new sidewalk planned along Garfield Avenue.

5. Only one (1) ingress-egress drive shall be allowed per major thoroughfare.

There ingress-egress for the subject parcel is proposed off an existing shared driveway for the entire Cherryland Center off Garfield Avenue.

6. All parking requirements shall comply with Article 5 of this Ordinance.

The parking requirements are described in a previous section of this letter and have been met.

7. Notwithstanding the dimensional standards of this Ordinance, lots used for drive-in businesses and drive-in or drive-through restaurants shall have a minimum width of one hundred (100) feet.

The proposed parcel width is 170 feet.

8. Queuing requirements, drive-in and drive-through businesses shall be designed to accommodate the maximum number of queuing vehicles that may be expected to seek service at any one time without queuing onto an adjacent thoroughfare, including service drives. The determination as to the required queuing spaces shall be established by the Planning Commission based upon the anticipated number of vehicles likely to queue while waiting for service. The Planning Commission may require more than twelve (12) queuing spaces based upon evidence presented to it, but in no event shall the required number of queuing spaces be reduced below twelve (12).

There is one drive-through service lane with 12 queuing spaces provided.

9. Notwithstanding the provisions of this section, the queuing of vehicles onto the traveled portion of a public roadway providing access to the business establishment such that queuing interferes to an extent with the free flow of traffic on the traveled portion of that roadway shall subject the Special Use Permit holder to enforcement action, including fines, injunctive relief and/or revocation of the Special Use Permit.

This requirement shall be enforced as needed as part of the operation of the site.

10. The site shall have been found to be a suitable site for a drive-in or drive-through establishment, with regard to traffic safety, by a registered engineer with an educational specialization in traffic engineering.

The applicant shall provide information demonstrating that this requirement is met.

### **RECOMMENDATION:**

To accommodate this proposed development, several key issues must be addressed. These issues may be potentially addressed as conditions of approval if the Planning Commission finds in favor of an approval. Following the applicant presentation and Planning Commission discussion, if the Commission is prepared to decide, then the following motion in support of approval is offered:

MOTION 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. Removal of the right-turn only entrance to maintain safety and reduce traffic conflict points.
- 3. Record a public access easement for the proposed sidewalk.
- 4. The dumpster enclosure material shall be indicated on the site plan.
- 5. 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.
- Stormwater easement will need to be provided to utilize the Cherryland Center stormwater system, or an on-site stormwater management system shall be provided.
- 7. The parcel split is needed for the final parcel measurements and to determine whether the landscaping requirements are met.
- 8. 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, with regard to traffic safety, by a registered engineer with an educational specialization in traffic engineering.
- 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.

Additional information deemed necessary by the Planning Commission should be added to the motion.

### Attachments:

1. Wendy's 2020 New Build site plan set – dated June 19, 2020.

# WENDY'S 2020 NEW BUILD

1800 S. GARFIELD ROAD, TRAVERSE CITY, MI 49686

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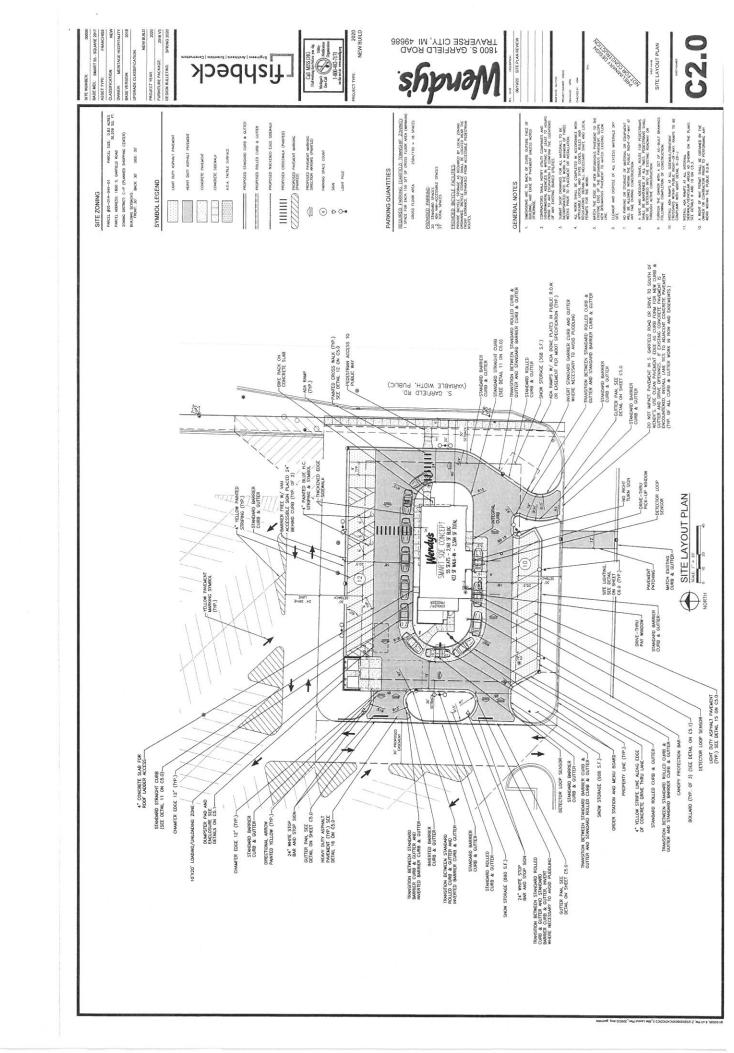
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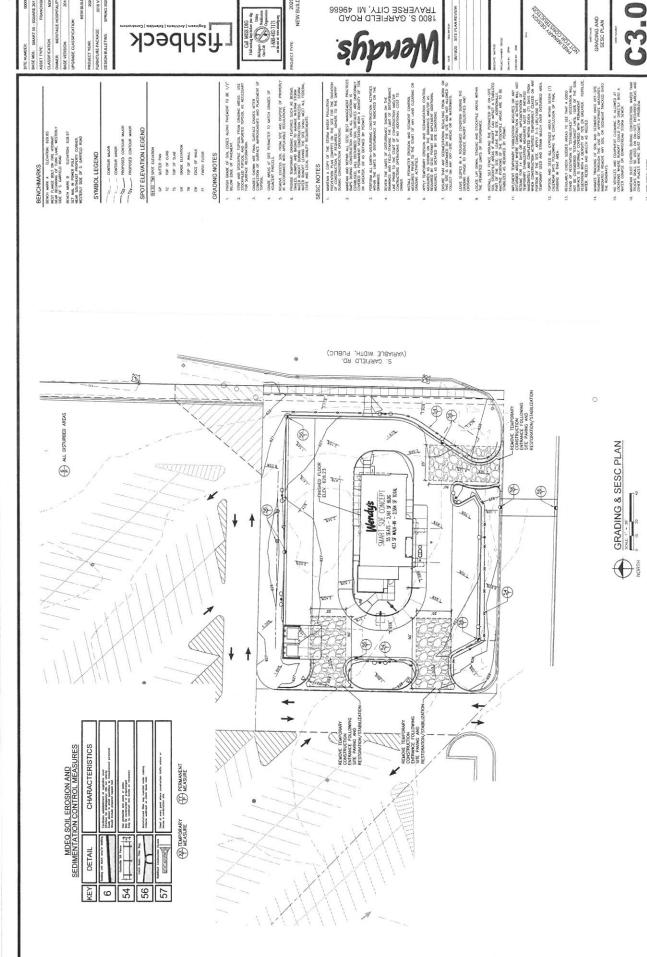
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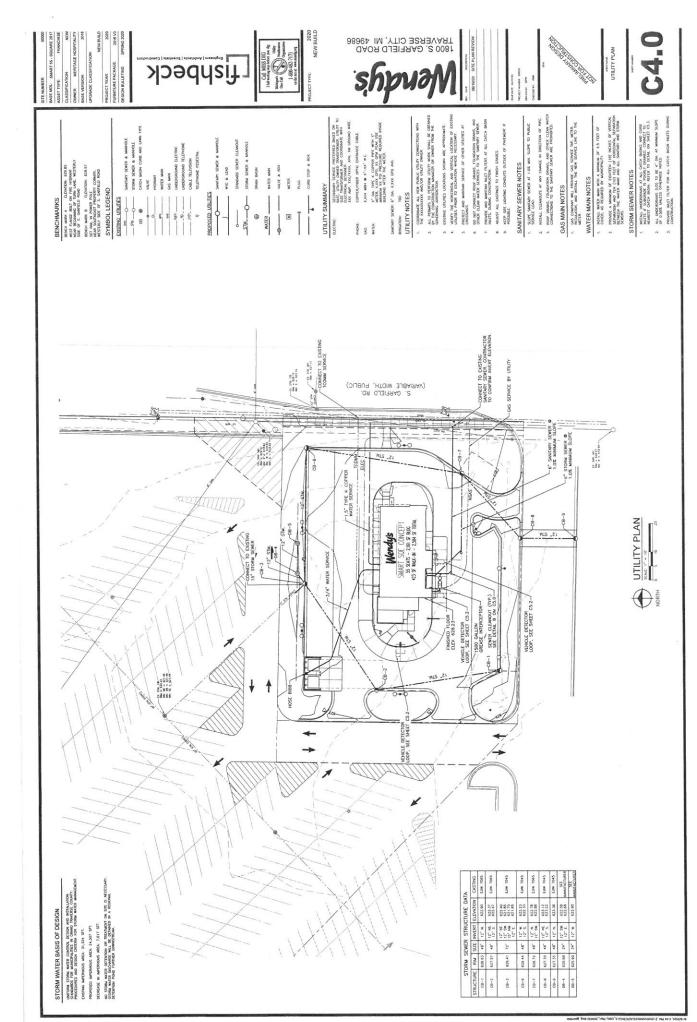
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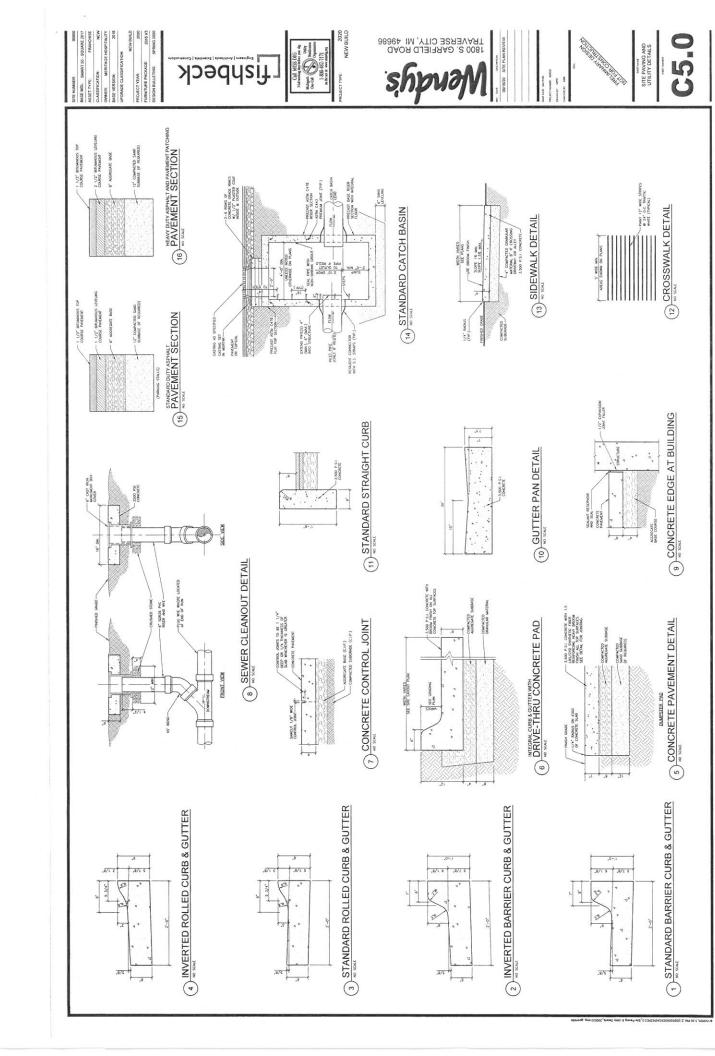
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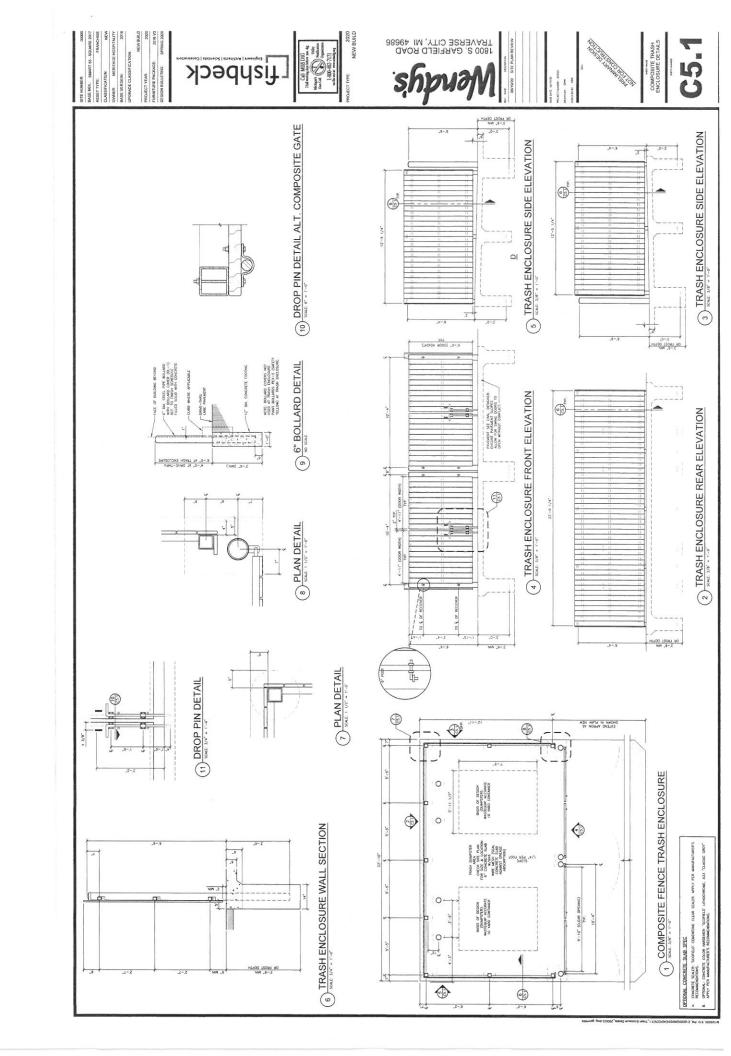
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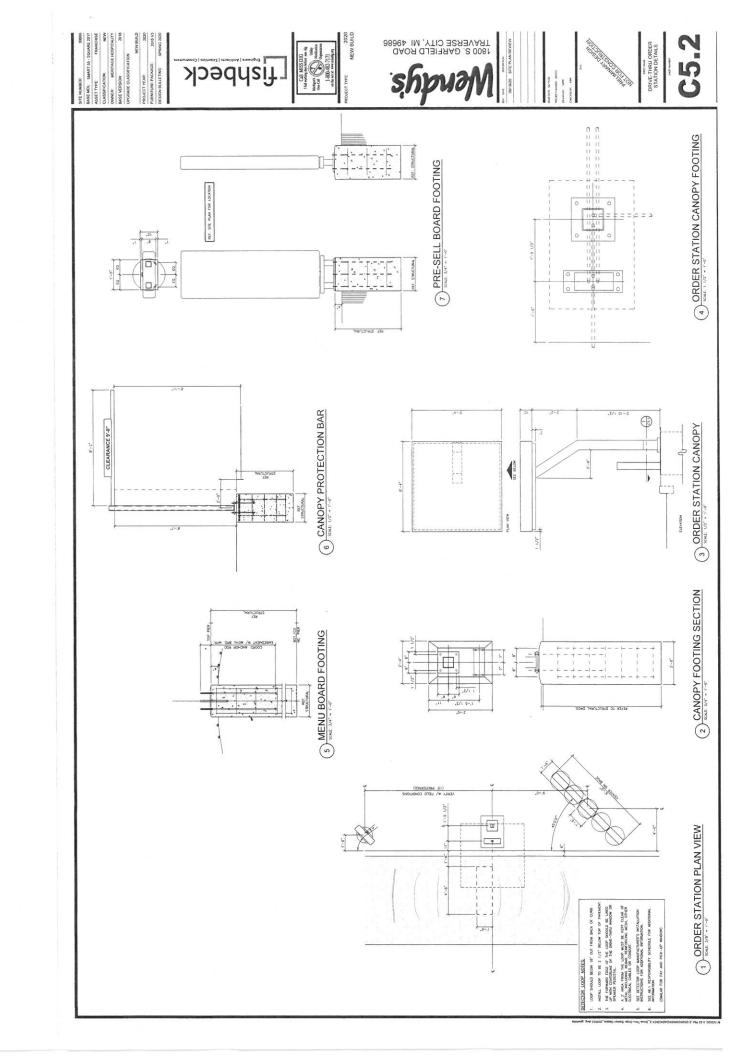
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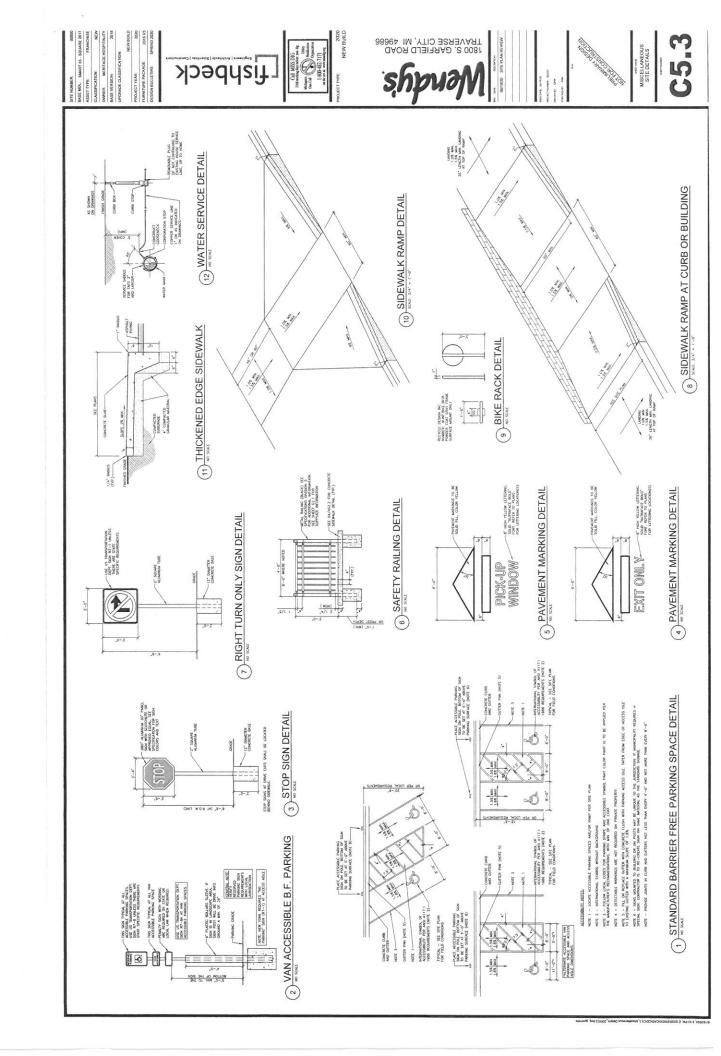




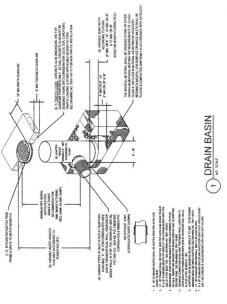




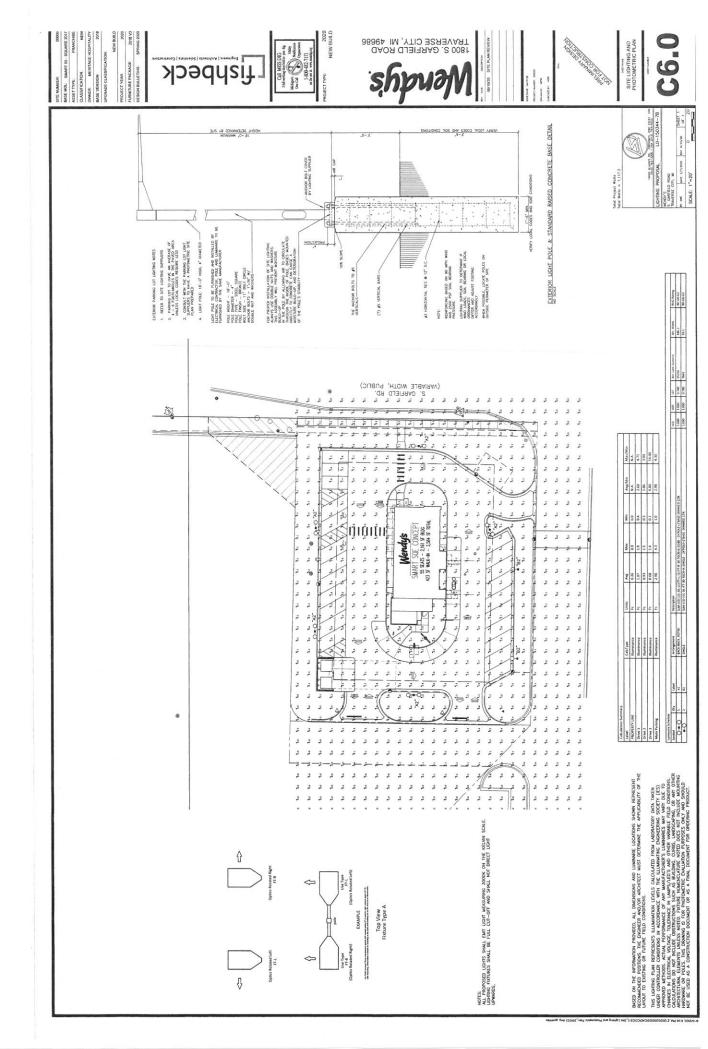


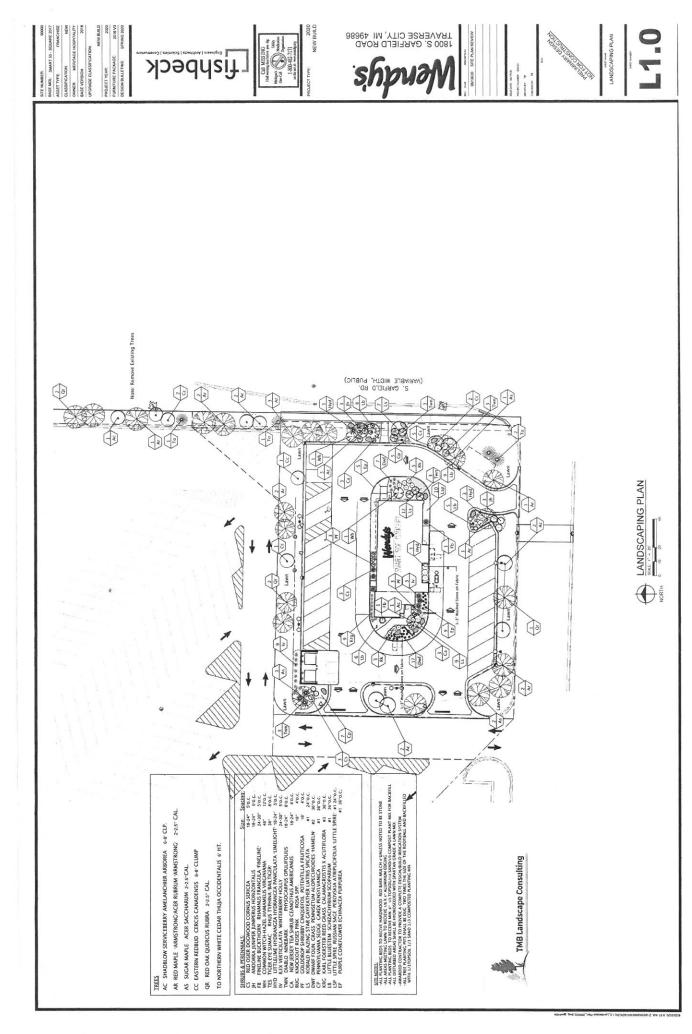


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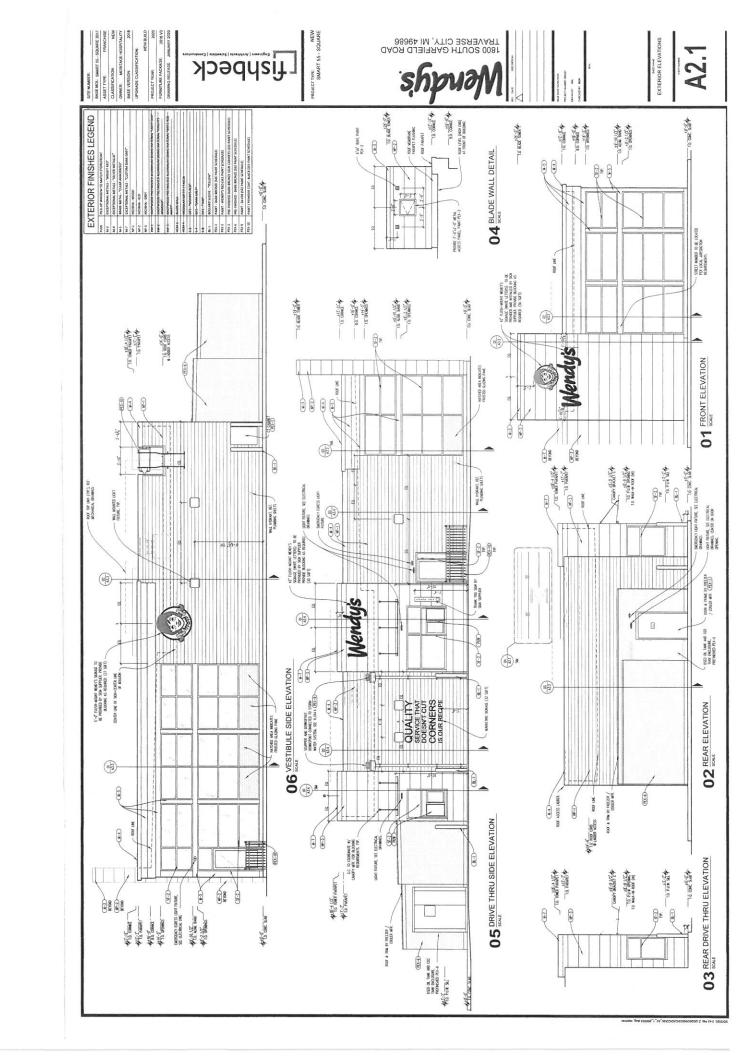
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Charter Township of Garfield Planning Department Report No. 2020-104					
Prepared:	July 1, 2020	Pages: 2			
Meeting:	July 8, 2020	Attachments:			
Subject:	Property Maintenance Ordinance Proposed Amendme	ent			

### **BACKGROUND:**

Planning Department and Zoning Department staff has reviewed Township Ordinance No. 55 – Property Maintenance Ordinance and recommends the following revisions to the Ordinance since its adoption in 2009. The revisions include updated reference to the International Property Maintenance Code, requirements for sidewalk maintenance, and an amendment that would allow the Township to accept inspection reports of multi-family housing units from other governmental agencies.

The full Property Maintenance Ordinance with proposed changes shown is included as an attachment to this report as highlighted with underlined and crossed-out text.

### PROPOSED REVISIONS:

The proposed amendment to the Property Maintenance Ordinance includes the following revisions:

### Section 1. Adoption

The International Property Maintenance Code (IPMC) is a model code that regulates the minimum maintenance requirements for existing buildings. The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. The Ordinance currently references the 2006 International Property Maintenance Code. The proposed amendment would reference the 2015 International Property Maintenance Code.

### Section 2. Amendments to the International Property Maintenance Code

Section 2 of the Property Maintenance Code amends certain sections of the 2015 International Property Maintenance Code to address issues specific to Garfield Township. Revisions to Section 2 are as follows:

- Subsection (i) would amend IMPC Section 302.3, entitled "Sidewalks and driveways" by
  adding maintenance standards for sidewalks used by the public that are located on or along
  public road rights-of-way. Section 302.3 currently applies general maintenance
  requirements for all sidewalks, driveways, parking spaces, and similar areas. The proposed
  amendment to this Section is intended to apply more specific standards for sidewalks and
  to place responsibility for maintenance on adjacent property owners.
- 2. Subsection (j) would amend IPMC Section 302.4, entitled "Weeds" by adding provisions allowing the Township to apply a tax assessment to a property if the Township enters a property in violation of Section 302.3 to cut or destroy weeds, as defined in Section 302.4. Further amendments would require mowing a 2-foot strip on either side of sidewalks on properties 2 acres or greater.

### Section 8. Inspections of All Rental Units

Section 8 would be amended by adding Subsection (d), entitled "Inspections by Other Agencies". This amendment is in response to passage of Michigan Public Act 14 of 2016, entitled the "Housing Law of Michigan." In accordance with this act, the proposed amendment would allow the

Township to accept inspection reports of multi-family housing units from other governmental agencies such as the U.S. Department of Housing and Urban Development in lieu of Township inspections. Some state and federally subsidized multi-family developments in the Township are already inspected by other agencies and would qualify under this amendment.

### **PROCESS TIMELINE:**

The Property Maintenance Ordinance is Ordinance No. 55 in the Charter Township of Garfield Ordinances. Amending the Property Maintenance Ordinance will consist of the following steps following Commission discussion about the proposed amendment:

- Planning Commission recommendation to the Township Board
- Township Board introduction and set public hearing
- Township Board public hearing and action/resolution on proposed amendment

### **ACTION REQUESTED:**

The purpose of bringing this item before the Planning Commission is to discuss the proposed amendment. Following discussion, if the Planning Commission is comfortable with the proposed amendment, then the following motion is suggested:

MOTION 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.

Any additional information the Commission feels is necessary should be added to this motion.

### **Attachments:**

- 1. Proposed amendments to Ordinance No. 55 Property Maintenance Ordinance (with track changes)
- 2. Public Act 14 of 2016, entitled the "Housing Law of Michigan" (with relevant section highlighted)

# ORDINANCE FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE ORDINANCE NO. 55

### THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:

### PART I

# Adoption of International Property Maintenance Code by Reference with Amendments and General Definitions

### Section 1. Adoption.

A certain document, on file in the Building Department of the Charter Township of Garfield, being marked and designated as the International Property Maintenance Code, 2006–2015 Edition ("IPMC"), as published by the International Code Council, Inc., is hereby adopted as the Property Maintenance Code of the Charter Township of Garfield, in the State of Michigan by reference pursuant to MCL 42.23; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof by reference, as if fully set out in this ordinance, with the additions, insertions, deletions, amendments and augmentations prescribed in this ordinance.

### Section 2. Amendments to International Property Maintenance Code

The IPMC is hereby amended as set forth in this Section 2:

- a. Throughout the IPMC, replace the terms International Zoning Code, International Building Code, International Plumbing Code, International Mechanical Code and ICC Electrical Code with Charter Township of Garfield Zoning Ordinance, Michigan Building Code, Michigan Residential Code, Michigan Rehabilitation Code for Existing Buildings, Michigan Plumbing Code, Michigan Electrical Code, and Michigan Mechanical Code.
- b. Insert within Section 101.1 Title the following: "Charter Township of Garfield."
- c. Section 101.2 is amended to read as follows:

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises (except for state, federal, school, and other public structures, and other licensed structures such as nursing homes, hospitals, adult foster care facilities, which may be exempt from, or preempted from the application of this code) and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the

responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

- d. Section 103.5 of the IPMC shall be amended to read as follows:
  - **103.5** Fees. Any fees for services and activities associated with enforcement of this article shall be established by resolution of the Garfield Township Board.
- e. Section 106.3 of the IPMC shall be amended to read as follows:

106.3 Violation as a Municipal Civil Infraction. Any person failing to comply with a notice of violation or order served in accordance with Section 107 of the IPMC shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine for each violation in accordance with the schedule set forth herein, along with costs which may include all expenses, direct and indirect, to which the Charter Township of Garfield has been put in connection with the municipal infraction. In no case, however, shall costs of less than Ten Dollars (\$10.00) or more than Five Hundred Dollars (\$500.00) be ordered. A violator of this code shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation continues to exist shall constitute a separate violation. The provision of this code may also be enforced by suit for injunctive relief.

### Civil Fines for Municipal Infractions

Unless otherwise provided elsewhere within this Ordinance for specific violations, Civil Fines for municipal civil infractions shall be assessed in accordance with the following schedule.

	<u>Fine</u>
1 <sup>st</sup> violation within 3-year period*	\$ 50.00
2 <sup>nd</sup> violation within 3-year period*	\$ 125.00
3 <sup>rd</sup> violation within 3-year period* 4 <sup>th</sup> or subsequent violation within	\$ 250.00
3-year period*	\$ 400.00

<sup>\*</sup>determined on the basis of the date of violation(s)

- f. Section 106.4 of the IPMC shall be deleted in its entirety.
- g. Section 111 of the IPMC shall be deleted in its entirety
- h. Section 302.2 of the IPMC shall be deleted in its entirety.
- i. Section 302.3 of the IPMC shall be amended to read as follows:

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free of hazardous conditions.

# 302.3.1 Responsibilities of Sidewalk Repair; Conditions Requiring Replacement.

- A. The owners of all lots and premises within the Township are required to maintain, repair, and keep safe sidewalks adjacent to or upon their lots and premises in or along the public street rights-of-way in the Township.
- B. It shall be the duty of all owners of premises within the limits of the Township to keep all cement, asphalt and concrete walks, and sidewalks that have been laid in front of, upon or adjacent to such premises in or along any of the street rights-of-way in good repair and free of dangerous ice, snow or other dangerous obstructions and/or conditions. Any owner of any such premises who shall allow any such sidewalk to remain in disrepair or in a dangerous condition shall be responsible and liable for injuries and damages arising out of the disrepair or unsafe condition of the sidewalk. Such owner shall further indemnify and reimburse the Township for all liability, costs, and expenses the Township might incur as a result of any such defective or dangerous sidewalk.
- C. The provisions of this section shall not apply to those walks, pathways or greenways designated by the Township as exempt from this section.

302.3.2 Owner Caused Sidewalk Defects. Where sidewalk defects creating pedestrian hazards are caused by conditions existing upon an abutting property, such as, but not limited to, trees or other growth, surface drainage, on-site construction or vehicular traffic, or other on-site activities, the abutting property owner shall be responsible for its repair, maintenance and/or safe condition, and liable for all consequential injuries, damages, expenses or costs resulting from the condition and lack of repair or maintenance and unsafe condition. Such liability shall include full indemnification of the Township for any damages, costs or expenses resulting from such owner defaults as well as liability to others. The foregoing liability and responsibility shall apply without notice or hearing.

### 302.3.3 Sidewalk Snow and Ice Removal.

- A. Within 24 hours after the end of each accumulation of snow greater than one inch, the owner or occupant of every property shall remove the accumulation from the adjacent public sidewalk and walks and ramps leading to a crosswalk. The accumulation may be from any source, including precipitation and drifting. Furthermore, the removal of snow and ice shall be further defined as being free of snow and ice for the entire constructed width and length of the sidewalk, including walks and ramps leading to a crosswalk.
- B. If the owner or occupant fails to remove snow or ice within 24 hours of a notice of violation having been served by attaching to the door, mailing by first class mail, or personal service, the Township may cause such snow or

ice to be removed at the expense of the property owner. The owner of record shall then be charged the actual cost of the sidewalk clearance (time and material). All charges which remain unpaid as of October 1 of the current year shall become a lien against the subject property and may be added to the tax rolls for the property. Liens shall be reported not later than November 1 to the Township Treasurer for inclusion on the December 1 property tax statements. One notice of violation per parcel per season shall be deemed adequate notice for the entire snow and ice removal season.

ij. Section 302.4 of the IPMC shall be amended to read as follows:

302.4 Weeds. All premises and exterior property, less than two (2) acres, shall be maintained free from weeds or plant growth in excess of more than 10 Inches. Weeds and plant growth shall be defined as all grasses, annual plantsplants, and vegetation, other than trees, shrubs, cultivated flowers and gardens. For properties two (2) acres or greater, a strip of land two (2) feet wide on either side of any sidewalk subject to the provisions in Section 302.3.1 of this Ordinance must also be maintained free from weeds or plant growth more than 10 inches.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, a duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property If any property owner shall fail to comply with the provisions of this Ordinance within the time specified, the Township may, at its option, cause all violations to be cut or destroyed upon the parcel, and the cost thereof, including the cleanup of trash and/or debris necessary to prevent damage to lawn equipment, resulting damages to lawn equipment resulting in mowing debris that remains on the lot, and a \$50 administrative fee, shall be assessed against the property as a special assessment and shall be collected in the same manner as ad valorem property taxes. Liens shall be reported not later than November 1 to the Township Treasurer for inclusion on the December 1 property tax statements.

ik. Section 304.3 shall be amended to read as follows:

**304.3. Premises Identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be

a minimum of 3 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

kl. Section 304.14 shall be amended to read as follows:

**304.14. Screen.** Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

im. The first paragraph of Section 602.3 shall be amended to read as follows:

602.3. Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 60°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

The "Exceptions" paragraphs, 1 and 2, shall remain the same.

### Section 3. <u>Definitions</u>

For purposes of this ordinance, certain terms, phrases, words, and their derivatives shall be construed as specified in this section. If not specified in this section, or elsewhere in the Charter Township of Garfield Ordinances, the term shall have its ordinary accepted meaning within the context used.

- a. <u>Authorized Township Official or ("ATO")</u>: refers to the Charter Township of Garfield Building Official and Building Inspectors, Code Enforcement Officer, Zoning Administrator and Grand Traverse County Sheriff Deputies.
- b. <u>Code</u>: means any code or ordinance adopted by Garfield Charter Township.
- c. <u>Common Area</u>: is the area in a rental dwelling or rental complex not within a tenant's private rental unit. It may include, but is not limited to, hallways, basement areas, common exterior stairways, balconies, and spaces which contain mechanical, electrical, or plumbing equipment.
- d. <u>Multi-Family Rental Dwelling or ("MFD")</u>: is any building containing more than 4 (four) rental dwellings.

- e. <u>Owner</u>: means any individual holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common, or as a land contract vendee or title to a mobile home or house trailer. Owner shall also mean any individual, association of individuals, a public, private, or not for profit corporation, a firm or partnership. Owner shall not mean a tenant.
- f. Owner Occupied Dwelling: means a dwelling which a person both owns as an owner and lives in as his or her true, fixed and permanent home to which, whenever absent, the person intends to return.
- g. Rental Complex: is a group of rental dwellings.
- h. **Rental Dwelling**: is any dwelling containing a rental unit, a rooming unit, or hotel/motel unit, including single-family homes and mobile homes occupied by a tenant or tenants for residential living purposes.
- i. <u>Rental Property</u>: refers generally to all rental complexes, rental dwellings and rental units.
- j. **Rental Unit**: is a particular living quarters within a rental dwelling intended for occupancy by a tenant or person other than the owner and the family of the owner, including mobile homes, single-family homes, apartments, hotel/motel units, rooming units, and for which a remuneration or consideration of any kind is paid.
- k. <u>Tenant</u>: is a person residing in a rental property who is not an owner, as defined by this article, of the rental property, and who pays a remuneration or consideration of any kind for residing on the rental property.
- 1. <u>Township</u>: Charter Township of Garfield.
- m. <u>Violation Notice</u>: is a written correspondence issued by an authorized Township official advising an owner, or his agent, of a violation of this article or a code. Violation notices shall list all infractions and corrective measures necessary to comply with this article or a code and a time period within which such corrections must be completed.

### **PART II**

# Registration and Inspection of Multi-Family Dwellings in Township, Inspection of Rental Properties in the Township

### Section 4. Purpose.

The Charter Township of Garfield finds that the act of renting or leasing dwelling units is a

business activity. The Township also finds that dwellings or dwelling units which are leased or rented to the public, when improperly maintained, by reason of their structures, equipment, sanitation, use or occupancy, may adversely affect public health, safety and general welfare as well as the aesthetic value of surrounding property and community. To correct unsuitable conditions which exist within rental properties and to establish mechanisms for the continued maintenance of a sound rental housing stock within Garfield Charter Township, and to promote the public health, safety and general welfare of its citizens, the Township establishes these regulations which shall require the registration of rental multi-family dwelling units and provide for the enforcement of minimum rental housing standards.

The following sections augment the IPMC in protecting and promoting the health, safety and welfare of the citizens of Garfield Charter Township by requiring the registration of all multifamily rental dwelling units in the Township. This registration, combined with regular systematic inspections, will help prevent overcrowding, the incidence of communicable diseases, and will aid in the enforcement of the IPMC, which sets minimum allowable standards for adequate maintenance of habitable dwellings. These sections are not intended, nor shall be used for the purpose of including the Township in civil disputes between rental owners and tenants involving, but not limited to, non-payment of rent, evictions and/or personal disputes.

### Section 5. Registration of Multi-Family Dwelling Rental Properties

### (a) Registration Required Before Rental.

An owner of any multi-family rental dwelling ("MFD") located within the Township shall not rent any rental unit unless such rental unit is registered pursuant to this ordinance and is in compliance with all applicable federal, state, and local laws, rules, and ordinances and regulations.

### (b) <u>Initial Registration</u>.

- (1) Within 90 days following the effective date of this ordinance, all owners of multifamily dwelling ("MFD") rental properties shall register with the Township building department each MFD within the boundaries of the Township.
- (2) Newly constructed MFD rental properties will be registered by the Township at the time a certificate of occupancy is issued, and then must be subsequently reregistered and inspected as required by Section 8.

### (c) Registration Requirements.

The registration of any MFD rental property shall require at least the following information on forms provided by the Township:

(1) The address of the rental property with each rental unit contained therein enumerated. If the rental units are within a rental complex, the property manager's

address shall also be included.

- (2) If applicable, the number of buildings, including rental dwellings, in the rental complex.
- (3) The number of rental units per rental dwelling.
- (4) The name, address and telephone number of the registered agent or other responsible person designated by the owner, to receive official notices, legal processes, tenant concerns and correspondence from the Township.
- (5) The applicant shall sign the registration attesting to the truth and accuracy of its contents.
- (6) Payment of all applicable fees as established by resolution of the Township Board.
- (7) Changes in registration information. The owner or his/her agent shall provide written notification to the Township building department of any change in the above information.
- (8) Agreement to permit inspections. Included with the registration application shall be an agreement, signed by the owner, permitting inspections of his/her rental properties by officials or agents of the Township and affirming that all tenants of the subject properties have been informed of the regulations contained in this ordinance and of inspections of the rental properties, including common areas, by authorized Township officials. Owners shall provide, or cause to be provided, a copy of the agreement to all existing tenants, as well as tenants who enter into leases or come to reside on a rental property after the agreement takes effect. All leases executed after the effective date of this article shall contain a provision requiring the tenant(s) to consent to such inspection upon notice as provided in Section 8.
- (9) Additional requirements. An authorized Township official may, with written notice, require additional information of any or all registrants in order to reasonably further the purposes of this ordinance.

### Section 6. Registration, Expiration, and Re-registration.

All MFD rental properties within Garfield Charter Township shall be registered with the building department within 90 days from the adoption of this ordinance. Thereafter, all MFD rental properties shall be registered once every two years, or with change in ownership, at least 30 days before the expiration date assigned by the Township, following the same requirements set forth in Section 5.

### Section 7. Transfer of MFD Rental Property Registration and Change of Status.

- (a) Registration Transfers and Fees A purchaser of an MFD rental property shall cause a registration to be transferred upon the sale of a MFD rental property. The new owner shall sign all appropriate agreements and affidavits for registration and shall complete a new registration application. All the above shall be provided to the Township by the new owner or the real estate closing institution within 30 days of closing the sale. There is no fee for transferring registration.
- (b) <u>Change of Status</u> If a structure previously used as an MFD rental property is no longer to be used as an MFD rental property, a statement and affidavit to this effect must be provided to the Township building department. No inspections or transfer fees shall be required.
- (c) <u>Existing Violations</u> It shall be unlawful to sell an MFD rental property having outstanding violations unless the "transfer of ownership" stipulations of the IPMC, as amended, have been satisfied.

### Section 8. <u>Inspections of All Rental Units</u>.

- (a) <u>MFD Periodic Inspections</u> It is the intention of the Township to inspect MFD rental properties, including common areas, every two years. However, this section shall not be construed as creating a responsibility for the Township to inspect such properties.
- (b) MFD Periodic Inspection Scheduling The owner shall be notified of the date and time of a periodic inspection via first class mail at least 30 days prior to the inspection date. Owners shall be required to provide all notices of inspection to the tenant(s) as required by law. A list of inspection guidelines, prepared by the Township building department, shall be given to all owners at the time of rental property registration. Periodic inspections shall be conducted between the hours of 8:00 a.m. to 5:00 p.m., Monday-Friday.
- (c) Other Rental Property Inspections. Any rental property, including a MFD, even though not scheduled for a periodic inspection, may be inspected by an Authorized Township Official without prior notice, where there is an imminent threat to persons or property, to the owner and/or tenant. Other inspections by an ATO may occur on reasonable notice based upon the following:
  - (1) A written complaint basis from the tenant.
  - (2) A recurrent violations basis where any rental property which is found to have a high incidence of recurrent or uncorrected violations.
  - (3) A follow-up inspection, so that a previous violation is inspected for correction and compliance.

(d) Inspections by Other Agencies. Multiple-family buildings that are inspected by the U.S. Department of Housing and Urban Development under the real estate assessment center inspection process, or by other government agencies, shall be exempted from inspections required by this Section, upon a copy of the written inspection report being filed with the Building Department and determination by an Authorized Township Official that the filed report confirms compliance with the inspection guidelines under this article

### **PART III**

### **General Provisions**

### Section 9. Notice of Violations.

### Violations.

Upon inspection by an Authorized Township Official of any structure in the Township, rental or non-rental, if a violation of the IPMC code is discovered, the ATO shall provide notice of a violation in conformance with Section 107 of the IPMC. The owner shall be advised of the time period to correct the violation.

### Section 10. Re-inspection

Re-inspections shall occur on the date specified on the violation notice, or sooner if requested by the owner and Township scheduling permits such inspection. It shall be the owner's responsibility to coordinate the access to all areas of their rental properties.

### Section 11. Correction Schedules

Time schedules for the correction of violations shall be reasonable as determined by the Authorized Township Official. Correction periods exceeding 60 days require an application for extension be filed by the owner or his/her designee and approved by the authorized Township official.

### Section 12. Warrants for Inspection

If access to any structure, premises or area for the purpose of inspection authorized by this section is refused, an Authorized Township Official may petition and obtain such appropriate warrant or order from a court which has jurisdiction.

### Section 13. Violations that Threaten Life, Limb or Property

If upon inspection of a rental property the Authorized Township Official determines that a violation is of such serious nature so as to immediately threaten the health, safety or welfare of the public or the occupants thereof, the official shall demand that the violation(s) be corrected immediately and/or the rental property be vacated immediately in accordance with applicable IPMC provisions.

### Section 14. Other Permits

Owners shall procure the appropriate building, mechanical, plumbing, and/or electrical permits from the respective departments for all corrections requiring such permits.

### Section 15. Fees

- (a) Owners shall be required to pay a fee for registration and for any inspections, including re-inspections prior to the inspection or re-inspection taking place. If an owner and/or his agent fail to coordinate access to a rental property for any reason for inspection or re-inspection, the owner may be subject to no show/re-inspection fees. The Township Board shall establish by resolution an appropriate fee schedule.
- (b) All fees required must be paid at the Township office. The Authorized Township Official may not accept payment while conducting an inspection under this ordinance.
- (c) A failure to pay any fee required by this article shall constitute a violation of this ordinance.
- (d) Any unpaid fee and/or cost under this article may be collected by the Township as allowed by law.

### Section 16. Appeals and Variances.

An owner may appeal an application of the IPMC to property, or request a variance, to the Township Construction Board of Appeals as provided for under Township Ordinance No. 36, as amended. Such a request for an appeal or variance must be filed within 21 days of the date a notice of violation is provided to an owner under this ordinance.

### Section 17. Enforcement

This ordinance shall be enforced by the Township Building Official, Building Inspectors, Code Enforcement Officer, Zoning Administrator and Grand Traverse County Sheriff Deputies.

### Section 18. Violation as a Municipal Civil Infraction

Any person failing to comply with a notice of violation or order served in accordance with Section 107 of the IPMC shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute or otherwise in violation of any section of this ordinance which shall be punishable by a civil fine for each violation in accordance with the schedule set forth herein, along with costs which may include all expenses, direct and indirect, to which the Charter Township of Garfield has been put in connection with the municipal infraction. In no case, however, shall costs of less than Ten Dollars (\$10.00) or more than Five Hundred Dollars (\$500.00) be ordered. A violator of this code shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation continues to exist shall constitute a separate violation. The provision of this code may also be enforced by suit for injunctive relief.

### Civil Fines for Municipal Infractions

Unless otherwise provided elsewhere within this Ordinance for specific violations, Civil Fines for municipal civil infractions shall be assessed in accordance with the following schedule.

	Fine
1 <sup>st</sup> violation within 3-year period*	\$ 50.00
2 <sup>nd</sup> violation within 3-year period*	\$ 125.00
3 <sup>rd</sup> violation within 3-year period* 4 <sup>th</sup> or subsequent violation within	\$ 250.00
3-year period*	\$ 400.00

<sup>\*</sup>determined on the basis of the date of violation(s)

### Section 19. Persons Authorized to Serve Citations and Notices

The following persons are authorized to issue notices of violation, and to issue municipal civil infraction citations pursuant to Public Act 12 of 1994 (MCL 600.8701, et seq., as amended):

- (a) Grand Traverse County Sheriff Deputies.
- (b) Township Code Enforcement Officer.
- (c) Township Zoning Administrator.
- (d) Township Building Official.
- (e) Township Building Inspectors.

### Section 20. Conflicting Ordinances.

Any other ordinances or parts of ordinances in conflict herewith are repealed.

### Section 21. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Garfield Township Board hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared invalid.

### Section 22. Suits or Proceedings.

Nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any causes of action acquired or existing, under any act or ordinance hereby repealed as cited in section 14 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

### Section 23. <u>Effective Date</u>.

This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 90 days after the date of publication.

Upon roll call vote, the following voted:

NAYS:	None		
ABSTAIN:	None		
ABSENT:	None		
Garfield located		may be inspected at the office of the Charter Torive, Traverse City, Michigan, between the hours gh Friday Thursday.	
		CHUCK KORN, Supervisor	17
		SCHUMACHER, Clerk LANIE MCMANUS, Clerk Garfield	Town
		Board	TOWI
		———Introduced on: April 23, 2009	D.
		on: May 14, 2009	——Ра
		Prepared in the law offices of:	
		Running, Wise & Ford, P.L.C.	_
		——Thomas A. Grier,	——Ву
		——Township Attorneys	
		Business Address:	
		State Street, P.O. Box 686	32
		Traverse City, MI 49685-0686. 2020 Amendments prepared by Township	ip staff

F	Please send affidavit to:	Thomas A. Grier and The Charter Township of G		
F	Please send bill to:	The Charter Township	of Garfield	
	*	*	*	
F	Received via e-mail			

Act No. 14
Public Acts of 2016
Approved by the Governor
February 16, 2016
Filed with the Secretary of State
February 16, 2016
EFFECTIVE DATE: May 16, 2016

### STATE OF MICHIGAN 98TH LEGISLATURE REGULAR SESSION OF 2016

**Introduced by Senator Robertson** 

## ENROLLED SENATE BILL No. 394

AN ACT to amend 1917 PA 167, entitled "An act to promote the health, safety and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings; to define the classes of dwellings affected by the act, and to establish administrative requirements; to prescribe procedures for the maintenance, improvement, or demolition of certain commercial buildings; to establish remedies; to provide for enforcement; to provide for the demolition of certain dwellings; and to fix penalties for the violation of this act," by amending sections 1, 125, and 126 (MCL 125.401, 125.525, and 125.526), sections 1 and 126 as amended by 2008 PA 408.

The People of the State of Michigan enact:

- Sec. 1. (1) This act shall be known and may be cited as the "housing law of Michigan".
- (2) This act applies to each city, village, and township that, according to the last regular or special federal census, has a population of 10,000 or more. However, this act does not apply to private dwellings and 2-family dwellings in any city, village, or township having a population of less than 100,000 unless the legislative body of the local governmental unit adopts the provisions by resolution passed by a majority vote of its members.
- (3) This act applies to all dwellings within the classes defined in section 2, except that a reference to 1 or more specific classes of dwellings applies only to those classes to which specific reference is made.
  - Sec. 125. (1) The enforcing agency may maintain a registry of owners and premises regulated by this act.
- (2) If the enforcing agency maintains a registry of owners and premises, the owner of a multiple dwelling or rooming house containing units which will be offered to let, or to hire, for more than 6 months of a calendar year shall register with the enforcing agency the owner's name, the address of the owner's residence or usual place of business, and the location of the multiple dwelling or rooming house. The owner shall register within 60 days following the day on which any part of the premises is offered for occupancy.
- (3) If the premises are managed or operated by an agent, the agent's name and place of business shall be entered with the name of the owner in the registry under subsection (2).
- Sec. 126. (1) A local governmental unit is not required to inspect a multiple dwelling or rooming house unless the local governmental unit receives a complaint from a lessee of a violation of this act.
- (2) Subject to subsection (1), the enforcing agency shall inspect multiple dwellings and rooming houses regulated by this act in accordance with this act.
- (3) Subject to subsection (1) and except as provided in subsection (4), the period between inspections of a multiple dwelling or rooming house shall not be longer than 4 years. All other dwellings regulated by this act may be inspected at reasonable intervals. Inspections of multiple dwellings or rooming houses conducted by the United States Department of Housing and Urban Development under the real estate assessment center inspection process or by other government

agencies may be accepted by a local governmental unit and an enforcing agency as a substitute for inspections required by a local enforcing agency. To the extent permitted under applicable law, a local enforcing agency or its designee may exercise inspection authority delegated by law or agreement from other agencies or authorities that perform inspections required under other state law or federal law.

- (4) Subject to subsection (1), a local governmental unit may provide by ordinance for a maximum period between inspections of a multiple dwelling or rooming house that is not longer than 6 years if the most recent inspection of the premises found no violations of this act and the multiple dwelling or rooming house has not changed ownership during the 6-year period.
- (5) An inspection shall be conducted in the manner best calculated to secure compliance with this act and appropriate to the needs of the community, including, but not limited to, on 1 or more of the following bases:
- (a) An area basis, under which all the regulated premises in a predetermined geographical area are inspected simultaneously, or within a short period of time.
- (b) A complaint basis, under which premises that are the subject of complaints of violations are inspected within a reasonable time.
- (c) A recurrent violation basis, under which premises that have a high incidence of recurrent or uncorrected violations are inspected more frequently.
- (d) A compliance basis, under which a premises brought into compliance before the expiration of a certificate of compliance or any requested repair order may be issued a certificate of compliance for the maximum renewal certification period authorized by the local governmental unit.
- (e) A percentage basis, under which a local governmental unit establishes a percentage of units in a multiple dwelling to be inspected in order to issue a certificate of compliance for the multiple dwelling.
- (6) An inspection shall be carried out by the enforcing agency, or by the enforcing agency and representatives of other agencies that form a team to undertake an inspection under this and other applicable acts.
- (7) Except as provided in subsection (9) and this subsection, an inspector, or team of inspectors, shall request and receive permission to enter before entering a leasehold regulated by this act to undertake an inspection and shall enter at a reasonable hour. In the case of an emergency, including, but not limited to, fire, flood, or other threat of serious injury or death, or upon presentment of a warrant, the inspector or team of inspectors may enter at any time.
- (8) Before entering a leasehold regulated by this act, the owner of the leasehold shall request and obtain permission to enter the leasehold. However, in an emergency, including, but not limited to, fire, flood, or other threat of serious injury or death, the owner may enter at any time.
  - (9) The enforcing agency may require the owner of a leasehold to do 1 or more of the following:
  - (a) Provide the enforcing agency access to the leasehold if the lease provides the owner a right of entry.
  - (b) Provide access to areas other than a leasehold or areas open to public view, or both.
- (c) Notify the lessee of the enforcing agency's request to inspect a leasehold, make a good-faith effort to obtain permission for an inspection, and arrange for the inspection. If a lessee vacates a leasehold after the enforcing agency has requested to inspect that leasehold, the owner of the leasehold shall notify the enforcing agency of that fact within 10 days after the leasehold is vacated.
  - (d) Provide access to the leasehold if a lessee of that leasehold has made a complaint to the enforcing agency.
  - (10) A local governmental unit may adopt an ordinance to implement subsection (9).
- (11) For multiple lessees in a leasehold, notifying at least 1 lessee and requesting and obtaining the permission of at least 1 lessee satisfies the notice and permission requirements of subsections (7) to (9).
- (12) The enforcing agency or the owner shall not discriminate against an occupant on the basis of whether the occupant requests, permits, or refuses entry to the leasehold.
- (13) The enforcing agency shall not discriminate against an owner who has met the requirements of subsection (9) but has been unable to obtain the permission of the occupant, based on the owner's inability to obtain that permission.
- (14) The enforcing agency may establish and charge a reasonable fee for inspections conducted under this act. The fee shall not exceed the actual, reasonable cost of providing the inspection for which the fee is charged. An inspection fee is not required to be paid more than 6 months before the inspection is to take place. An owner or property manager is not liable for an inspection fee if the inspection is not performed and the enforcing agency is the direct cause of the failure to perform the inspection.
- (15) If requested, an enforcing agency or a local governmental unit shall produce a report on the income and expenses of the inspection program for the preceding fiscal year. The report shall state the amount of the fees assessed by the enforcing agency, the costs incurred in performing inspections, and the number of units inspected. The report shall be provided to the requesting party within 90 days after the request is made. The enforcing agency or local governmental unit may produce the report electronically. If the enforcing agency does not have readily available access to the information required for the report, the enforcing agency may charge the requesting party a fee not greater than

the actual reasonable cost of providing the information. If an enforcing agency charges a fee under this subsection, the enforcing agency shall include in the report the costs of providing and compiling the information.

- (16) If a complaint identifies a dwelling or rooming house regulated under this act in which a child is residing, the dwelling or rooming house shall be inspected prior to inspection of any nonemergency complaint.
  - (17) As used in this section:
  - (a) "Child" means an individual under 18 years of age.
- (b) "Leasehold" means a private dwelling or separately occupied apartment, suite, or group of rooms in a 2-family dwelling or in a multiple dwelling if the private dwelling or separately occupied apartment, suite, or group of rooms is leased to the occupant under an oral or written lease.

Enacting section 1. This amendatory act takes effect 90 d	ays after the date it is enacted into law.
This act is ordered to take immediate effect.	My 7 Cobb
	Secretary of the Senate
	Clerk of the House of Representatives
Approved	
Governor	