

CHARTER TOWNSHIP OF GARFIELD PLANNING COMMISSION MEETING

Wednesday, September 23, 2020 at 7:00 pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684
Ph: (231) 941-1620

A G E N D A

ORDER OF BUSINESS

Call meeting to order

Pledge of Allegiance

Roll call of Board Members

1. Public Comment

Public Comment Guidelines:

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

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

3. Minutes – September 9, 2020

4. Correspondence

5. Reports

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

6. Unfinished Business

- a. PD-2020-132 – 3077 Garfield Conditional Rezoning – Expiration
- b. PD-2020-131 – Solar Energy Systems – Update
- c. Use Chart Project – Definitions Discussion Continued

7. New Business

8. Public Comment

9. Other Business

10. Items for Next Agenda – October 14, 2020

- a. Carter Lumber Rezoning – Introduction
- b. M Brothers Commercial Housing – Conceptual Review
- c. Village at LaFranier Woods – PUD Minor Amendment

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
PLANNING COMMISSION MEETING
September 9, 2020**

Call Meeting to Order: Chair Racine called the September 9, 2020 Planning Commission meeting to order at 7:00pm.

Pledge of Allegiance

The Pledge of Allegiance was recited by all in attendance.

Roll Call of Commission Members:

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

Absent and Excused: Pat Cline

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 (7:01)

Fudge moved and DeGood seconded to approve the agenda as amended

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

Nays: None

3. Minutes (7:01)

a. August 26, 2020

McManus moved and Robertson seconded to adopt the minutes of August 26, 2020 as amended noting that on page two, Jim Touhy's comment should include NW in place of NE as the location of the wash; and the last sentence under item 6B should refer to the removal of defunct "systems" instead of panels.

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

Nays: None

4. Correspondence (7:03)

None

5. Reports (7:03)

Township Board Report

Duell said that the County is creating an online permit system and East Bay Township is testing the new system. The board held a public hearing on the

Metro Fire budget and adopted the 2021 budget. Duell added that the Board discussed the Cass Road drainage district as well.

Planning Commissioners

McManus commented on the Hammond Road projects. Hammond will be closed in two places beginning September 14th.

Staff Report

Planner John Sych said his office received an initial draft assessment from the RRC. The finalized report will be completed soon and the RRC personnel may do a presentation in October. Sych added that the County Brownfield Coordinator is preparing an assessment grant application that could help with baseline environmental assessments in the area. He touched on the Britten Banner residential proposal.

6. Unfinished Business

- a. PD 2020-129 – 3077 Garfield Conditional Rezoning Update #5 (7:21)**
Deputy Planner Steve Hannon updated commissioners on the status of the rezoning.

Duell moved and Robertson seconded THAT application Z-2020-03, submitted by Premier Space Solutions for the conditional rezoning of a portion of parcel #05-014-077-00 BE FURTHER TABLED until the applicant submits updated application materials to address outstanding items.

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

- b. PD 2020-128 – Use Chart Project – Definitions Discussion (7:25)**
Deputy Planner Hannon said that the Planning Department is now seeking input from commissioners on proposed changes to the definitions that are currently in the zoning ordinance. Hannon has provided a copy of the proposed definitions and tracking of the proposed changes. Commissioners reviewed definitions and made suggestions for additions, deletions and changes. Commissioners agreed to stop after page 13 and begin again on page 14 at the next study session with the definitions beginning with “lot”.

- 8. Public Comment (9:12)**
None

- 9. Other Business (9:12)**
Commissioners agreed to move the November 11th meeting to November 12th.


- 10. Items for Next Agenda – September 23, 2020 (9:13)**

- a. **3077 Garfield Conditional Rezoning – Expiration**
- b. **Use Chart Project Update**
- c. **Solar Energy Systems - Update**

11. Adjournment

Fudge moved and McManus seconded to adjourn the meeting at 9:14pm.

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

		Charter Township of Garfield	
		Planning Department Report No. 2020-132	
Prepared:	September 15, 2020	Pages:	2
Meeting:	September 23, 2020 Planning Commission	Attachments:	<input type="checkbox"/>
Subject:	3077 Garfield Conditional Rezoning – Expiration of Application		
File No.	Z-2020-03	Parcel No.	05-014-077-00 (portion)
Owner:	3077 Garfield LLC / Richard Weaver		
Applicant:	Premier Space Solutions		

PURPOSE OF APPLICATION:

This application requested 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 was 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 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 was 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)
- July 8, 2020 – Update #3 (PD Report 2020-105)
- August 12, 2020 – Update #4 (PD Report 2020-122)
- September 9, 2020 – Update #5 (PD Report 2020-129)

STAFF COMMENT:

It was 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 were provided. The applicant was also informed of this section of the Zoning Ordinance:

SECTION 404 EXPIRATION OF APPLICATION

During the course of any administrative, legislative, or quasi-judicial application review, if an applicant has failed to proceed meaningfully towards application completion or application decision for a period of one-hundred and twenty (120) consecutive calendar days, then the application shall be considered expired. Following expiration of an application, the applicant shall be provided with written notice of said expiration.


As calculated by staff, the previous meaningful action towards application completion was at the May 13, 2020 Planning Commission meeting, and 120 days later from May 13 is September 10. The applicant did not provide any updated information or make any further progress toward application completion by September 10. Thus, the Planning Commission may consider this application to be expired. Any proposal for conditional rezoning or other development shall require a new application.

ACTION REQUESTED:

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 is considered EXPIRED.

Additional information that the Planning Commission deems necessary should be added to this motion.

 Charter Township of Garfield Planning Department Report No. 2020-131			
Prepared:	September 16, 2020	Pages:	4
Meeting:	September 23, 2020 Planning Commission	Attachments:	<input type="checkbox"/>
Subject:	Requirements for Siting Solar Energy Systems - Update		

BACKGROUND:

Recently, there has been an increased interest in developing solar energy systems, particularly solar arrays, in the region. This recent activity is similar to the interest that developed for wind energy systems in the region about a dozen years ago. In response to that interest, the Township developed siting requirements for wind energy systems within the Zoning Ordinance. Following the June, July, and August study sessions of the Planning Commission, staff has been conducting research on solar energy systems and drafting preliminary zoning requirements for discussion by the Planning Commission.

OUTSTANDING QUESTIONS:

At the August 26th meeting, the Planning Commission had some questions regarding solar energy systems. The following comments address some of those concerns:

- Personal property tax is adjusted over time based on current value of the system. Over time, the personal property tax lowers as the value of the system declines. There was concern that personal property tax assessed on solar energy systems could contribute to systems being abandoned.
- Building permits are currently required for solar energy systems, mainly to address the electrical part of the system.

DRAFT SOLAR ENERGY SYSTEMS REQUIREMENTS:

The following suggested changes to the Zoning Ordinance would permit Solar Energy Systems in the Township. The provisions differentiate between a small Solar Energy System affixed to a building or a freestanding structure and a large Utility-Scale Solar Energy System.

For Section 201 General Definitions, add the following definitions:

Ancillary Solar Equipment: Any accessory part or device of a solar energy system that does not require direct access to sunlight, such as but not limited to batteries, electric meters, converters, or water heater tanks.

Solar Collector Surface: Any part of a solar energy system that absorbs solar energy for use in the system’s transformation process. The collector surface does not include frames, supports, and mounting hardware.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

Solar Energy System: A system (including solar collectors and ancillary equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar energy systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems. Solar energy systems shall not be considered essential services. Solar energy systems do not include a panel or panel array less than 10 square feet.

Utility-Scale Solar Energy System: A solar energy system that meets one or more of the following:

1. The solar energy system is the primary use of the property;
2. The solar energy system is primarily used for generating electricity for sale and distribution to an authorized public utility (not intended to be used on-site) and is not located on the roof of a structure.

Insert the following new requirements:

SECTION 775 SOLAR ENERGY SYSTEMS

A. REGULATIONS AND CONDITIONS

1. Solar energy systems shall be permitted in all zoning districts as a permitted use for on-site use with a land use permit.
2. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
3. Roof mounted solar energy equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning district height regulations.
4. Placement of ground mounted solar energy systems is not permitted within the required front yard. Ground mounted solar energy systems shall only be in a side or rear yard and shall meet or exceed required yard setbacks.
5. Ground mounted solar energy systems shall not exceed 10 feet in height and shall be securely anchored into the ground.

B. UTILITY-SCALE SOLAR ENERGY SYSTEMS

It is the intent of this Ordinance to permit utility-scale solar energy systems by regulating their siting, design, and installation to protect public health, safety, and welfare, to ensure compatibility with adjacent land uses, and to protect active farmland, prime soils, and forested properties. Utility-scale solar energy systems may be permitted by special use permit in any zoning district provided it is demonstrated that the requirements of this section and all other applicable sections of this Ordinance are satisfied.

1. Minimum lot area for a utility-scale solar energy system shall be five (5) acres.
2. All structures and equipment for a utility-scale solar energy system shall be 100 feet from any front property line and 50 feet from any side or rear property line. In addition, all structures and equipment shall be located a minimum of 100 feet from any residentially used or zoned property.
3. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
4. Ground mounted solar energy systems shall not exceed 10 feet in height and shall be securely anchored into the ground.
5. Utility-scale solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system. All signage shall conform to the requirements of this Ordinance.
6. All utility collection lines from the utility-scale solar energy system shall be placed underground.
7. Utility-scale solar energy systems shall provide a Type “D” buffer for all adjacent land uses as required in Section 531.G of this Ordinance.
8. The utility-scale solar energy system operator shall maintain the facility in good condition, including but not limited to structural repairs and integrity of security measures and maintaining site access to a level acceptable to local emergency response personnel.

9. The applicant for a utility-scale solar energy system shall provide a form of surety, either through escrow account, bond, or otherwise, to cover the cost of removal of the system in the event the Township must remove the installation. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. The amount and form of financial surety is to be determined by the Planning Commission, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. The amount of financial surety shall be reviewed by the Planning Commission every 10 years and may be adjusted by the Planning Commission to reflect increased cost of removal and compliance with the additional requirements set forth herein.
10. Any utility-scale solar energy system which has reached the end of its useful life or has been abandoned consistent with this Section of this Ordinance shall be removed and parcel owners shall be required to restore the site.
 - a. Absent of a notice of a proposed date of decommissioning or written notice of extenuating circumstances, a utility-scale solar energy system shall be considered abandoned when it fails to operate continuously for more than one year. The property owner shall physically remove the installation no more than one-hundred and eighty (180) days after the date of discontinued operations.
 - b. The property owner shall notify the Township and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.
 - c. If the property owner fails to remove the installation within 180 days of abandonment or the proposed date of decommissioning, the Township is permitted to enter the property and physically remove the installation.
 - d. Any decommissioning of a utility-scale solar energy system shall include at minimum:
 - i. Physical removal of all aboveground utility-scale solar energy systems and ancillary solar equipment, structures, equipment, security barriers, and transmission lines from the site.
 - ii. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations. Any hazardous material in the solar panels, electronics and parts are required to provide proper disposal and profiling and documentation of the disposal.
 - iii. Stabilization and re-vegetation of the site as necessary to minimize erosion.

CHANGES TO ESSENTIAL SERVICE FACILITIES:

In its discussions about Solar Energy Systems, the Planning Commission also talked about adding abandonment and decommission requirements for Essential Service Facilities. The following changes are recommended to Section 737 Essential Service Facilities:

For Section 737.B.2(i) Essential Service Facilities, replace “may” with “shall” as shown below:

- (i) An above ground Major Essential Service Facility which is fenced, or which is housed in an equipment building shall include a sign placard of not more than two square feet which shall indicate the owner or operator’s name, address and emergency contact information. In addition, such facilities ~~may~~ **shall** include any required hazard warning signage.

For Section 737.B Essential Services Facilities, add the following language:

- (3) Any Major Essential Service Facility which has reached the end of its useful life or has been abandoned consistent with this Section of this Ordinance shall be removed and parcel owners shall be required to restore the site.

- (a) Absent of a notice of a proposed date of decommissioning or written notice of extenuating circumstances, a Major Essential Service Facility shall be considered abandoned when it fails to operate continuously for more than one year. The property owner shall physically remove the installation no more than one-hundred and eighty (180) days after the date of discontinued operations.
- (b) The property owner shall notify the Township and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.
- (c) If the property owner fails to remove the installation within 180 days of abandonment or the proposed date of decommissioning, the Township is permitted to enter the property and physically remove the installation.
- (d) Any decommissioning of a Major Essential Service Facility shall include at minimum:
 - (i) Physical removal of all Major Essential Service Facility equipment, structures, buildings, security barriers, and transmission lines from the site.
 - (ii) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
 - (iii) Stabilization and re-vegetation of the site as necessary to minimize erosion.

RECOMMENDATION:

At this point, this information is being provided for further review and discussion by the Planning Commission. If the Planning Commission is generally comfortable with these requirements, staff can introduce formal zoning requirements for solar energy systems.