

**CHARTER TOWNSHIP OF GARFIELD  
PLANNING COMMISSION MEETING**

**Wednesday, October 8, 2014 7:00 pm**  
**Garfield Township Hall**  
**3848 Veterans Drive**  
**Traverse City, MI 49684**  
**Ph: (231) 941-1620**

**A G E N D A**

**Call Meeting to Order**

**Roll Call of Commission Members**

1. **Review and Approval of the Agenda - Conflict of Interest**
2. **Minutes**
  - a. September 24, 2014
3. **Correspondence**
4. **Reports**
  - a. Township Board
  - b. Planning Commissioners
5. **Business to Come Before the Commission**
  - a. PD 2014-60 - Grand Traverse Timbers – Public Hearing
  - b. PD 2014-61 - Chelsea Park – Minor Amendment
  - c. PD 2014-62 - Copper Ridge – Minor Amendment
  - d. PD 2014-63 - Crown Golf Course – Sign Amendment
  - e. PD 2014-64 - Premiere Manor - Major Amendment
  - f. PD 2014-65 – Just Golf –Major Amendment
6. **Public Comment**
7. **Items for Next Agenda – October 8, 2014**
  - a. To be determined
8. **Adjournment**

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

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

**CHARTER TOWNSHIP OF GARFIELD**  
**PLANNING COMMISSION MEETING**  
**September 24, 2014**

**Call Meeting to Order:** Vice Chair Nelson called the meeting to order at 7:00pm at the Garfield Township Hall, 3848 Veterans Drive, Traverse City, MI 49684.

**Commission Members Present:** Pat Cline, Terry Clark, Gil Uithol, John Nelson, and Kit Wilson

**Absent and Excused:** Robertson and Racine

**Staff Present:** Rob Larrea

**1. Review and Approval of the Agenda – Conflict of Interest: (7:01)**

*Clark moved and Wilson seconded to approve the agenda as presented.*

*Ayes: Clark, Wilson, Nelson, Uithol, Cline*

*Nays: None*

**2. Minutes**

**a. September 10, 2014 Minutes (7:01)**

*Uithol moved and Wilson seconded to adopt the September 10, 2014 Regular Meeting minutes as amended noting that Chair Racine called the meeting to order and not Vice Chair Nelson and also noting that in the Grand Traverse Timbers Introduction that Norris is leasing from Waste Management, not American Waste.*

*Ayes: Uithol, Wilson, Nelson, Cline, Clark*

*Nays: None*

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

- a. Gourdie-Fraser construction report

**4. Reports:**

**a. Township Board (7:02)**

Wilson said the Board is working on the 2015 budget and have budgeted for snow removal from the safe routes to school trail along Silver Lake Road, road improvements, and water projects. She added that a west side subdivision has poor water pressure so a temporary booster station will be installed to help alleviate the problem until a permanent solution is in place.

**b. Planning Commissioners (7:02)**

No reports

**5. Business to Come Before The Commission****a. PD 2014-58 Master Plan Continued Discussion (7:03)**

Larrea presented three options for public involvement in the Master Plan process. He said that one option was written surveys mailed to residents. Another option was an online survey. A third option was focus groups concentrating on one particular item of interest. Board members agreed that this master plan was more of an update and although focus groups were a good idea, they did not need to be comprehensive for all subjects. A Master Plan timeline was discussed and the inclusion of major members of the public such as BATA and Cherry Capital Airport were also discussed. Commissioners liked the idea of the written survey being mailed to residents and an online survey on the website which could be referenced in tax bills. Commissioners directed staff to collect survey results and then decide on focus groups.

**b. PD 2014-59 Buffalo Ridge Trail Update (7:19)**

Larrea said that the township has been unable to secure an easement from Great Wolf Lodge to construct the most direct route between the school and the YMCA. The Great Wolf Lodge is seeking compensation but there is very little value to the easement and there would be no cost to the Great Wolf Lodge for the trail. A letter writing campaign has been started by TART in an effort to educate the corporate level people at the Great Wolf Lodge and to secure the easement donation. Commissioners directed Larrea to draft a letter from the Planning Commission to the GWL regarding the trail system, the master plan and the important role the trail would play in the township.

**6. Public Comment (7:29)**

None

**7. Items for Next Agenda – October 9, 2014 (8:57)**

- a. Crown PUD Sign Request
- b. Premiere Place
- c. Just Golf
- d. Grand Traverse Timbers – Public Hearing
- e. To Be Determined


**8. Adjournment:**

*Nelson moved to adjourn the meeting at 7:31pm.*

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

## Special Use Permit - Public Hearing

 <b>Charter Township of Garfield</b>		General:	<input checked="" type="checkbox"/>
		Budget Related:	<input type="checkbox"/>
		In Camera:	<input type="checkbox"/>
Department:	Planning	Report No.	PD 2014- 60
Prepared:	September 30, 2014	Pages:	1 of 3
Meeting:	October 8, 2014 Planning Comm.	Attachments:	<input checked="" type="checkbox"/>
Subject:	Grand Traverse Timbers - Public Hearing		
File No.	SUP-2014-03	Parcel No.	05-007-001-60
Applicant:	Scott Norris		
Owner:	Ken's Acquisition Company; a subsidiary of Waste Management, Inc.		

### **SUBJECT PROPERTY:**

5111 Cedar Run Road, near the intersection of Cedar Run Road and Harris Road. The property is the site of the former Ken's Landfill, which was decommissioned in 2012. The property is zoned A-1 Agricultural and master planned as Moderate (Density) Residential.

### **PURPOSE OF APPLICATION:**

The applicant requests a Special Use Permit to establish an enclosed sawmill operation and associated warehousing within two existing buildings on a 1.5-acre parcel. These buildings were formerly used as the landfill's office and transfer station, respectively. The remainder of the former landfill site has been separated by land division and now exists on a separate parcel.

Per Zoning Ordinance Section 6.10.4(9), sawmill operations may be permitted by Special Use Permit in the A-1 Agricultural Zoning District.

### **COMPREHENSIVE PLAN CONSIDERATIONS:**

The application does not impact upon comprehensive plan policies.

### **AGENCY REVIEWS:**

The applicant has provided review letters from the County Health Department and the Michigan DEQ stating that the use of the site for a sawmill is acceptable. No other agency reviews are required at this time.

### **PUBLIC COMMENT:**

As of this writing, no written comment regarding the application has been received.

### **STAFF COMMENT:**

Following an introduction on September 10, 2014, the application was scheduled for a public hearing on October 8, 2014.

For any Special Use application, the Planning Commission is asked to determine if the proposal will negatively impact the health, safety, and welfare of the immediately surrounding areas and the overall region. A primary purpose of the public hearing is to gauge that impact.



Noise

As discussed in September, the primary concern of this application is potential noise impact on neighboring properties.

To give the Planning Commission an idea of some common noise levels, please review the attached sound chart, which was prepared by Purdue University. Some highlights are that 10 decibels (dB) is barely audible, while a vacuum cleaner generates 70dB. The report notes that the upper 70s can be annoyingly loud to some people. A milling machine (presumably a CNC metal cutting machine) generates 85dB. The report notes that 60dB is half as loud as 70db, and is comparable to an air conditioning unit at 100 feet.

Moving forward, the above may help the Planning Commission determine an accepted decibel level as the "trigger" for a possible review of the permit. Staff is of the opinion that establishing a limitation of 60dB at the property lines would set an achievable goal for the applicant while also being respectful of neighboring properties.

Stormwater

The existing stormwater system directs runoff from the subject property into a basin on the adjacent property (the properties were formerly the same, but were divided through a land division). A draft drainage easement has been provided and appears to adequately grant the subject property perpetual rights to use this neighboring system. Approval will be conditioned accordingly.

**ACTION REQUESTED:**

The purpose of the public process is to invite public comment that may weigh on an ultimate decision on the application. As such, the goal of the October 8, 2014 Planning Commission meeting will be to invite applicant presentation, accept public comment, and to hold further Commission deliberation.

Though public comment against the application and/or further Commission discussion may cause any action to be premature, Staff has prepared findings of fact and a recommended motion in the event that the Commission is ready to act on the application.

To that end, the following draft motions are offered for consideration:

1. THAT the Findings of Fact for Application #SUP-2014-03, submitted by Scott Norris for an enclosed sawmill operation at 5111 Cedar Run Road, Parcel #05-007-001-60, BE ADOPTED (*motion to be made only following review, amendment as necessary, and acceptance of the draft document*).
2. THAT Application #SUP-2014-03, submitted by Scott Norris for an enclosed sawmill operation at 5111 Cedar Run Road, Parcel #05-007-001-60, BE APPROVED based on the Adopted Finding of Fact, subject to the following conditions:
  - a. All machinery shall be operated solely within the front (north) building. The rear building is to be used for the storage only and may not be used to operate mechanical equipment.

- b. While machines are in operation the doors and windows of the front building shall be closed.
- c. The businesses' normal hours of operation shall be limited to between 8:00AM and 6:00PM.
- d. As represented by the applicant, the business will employ from 3 to 6 workers. Any expansion of the business over 6 employees shall require further Township review and approval.
- e. Approval is subject to execution and recording of the perpetual drainage easement authorizing Parcel #007-001-60 to drain to the basin located on Parcel #007-001-50.
- f. The applicant shall replace the gravel south of the primary building and adjacent to the service/garage doors with asphalt or concrete.
- g. To limit disturbance on neighboring properties, measurable noise shall be limited to not greater than 60 decibels at a property line, as calculated by a professional sound meter.
- h. Any violation of a condition of approval required herein is cause for the Township to take action to review, suspend, or revoke the Special Use Permit.
- i. The applicant shall record promptly the Report and Decision Order (RDO) and any amendment to such order with the Grand Traverse County Register of Deeds in the chain of title for each parcel or portion thereof to which the RDO pertains. A copy of each recorded document shall be filed with the Township within ninety (90) days of final approval by the Township or approval shall be considered to have expired.
- j. No land use permits shall be issued until all required recorded documents have been provided to the Township.
- k. The applicant shall provide two (2) full-sized plan sets, one (1) 11"x17" plan set, and one electronic plan set copy (in PDF format) with all updates as required by the conditions of this approval.

Any additional information may be added to either of the above motions. As noted above, pending public comment the above recommended motions may be premature.

Attachments:

Purdue University Noise Chart

Draft Findings 10/8/2014

## Noise Sources and Their Effects

Noise Source	Decibel Level	comment
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage 8 hr exp
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 h exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 ft	60	Half as loud as 70 dB. Fairly quiet
Quiet suburb, conversation at home. Large electrical transformers at 100 ft	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area	30	One-sixteenth as loud as 70 dB. Very Quiet
Whisper, rustling leaves	20	
Breathing	10	Barely audible

[modified from <http://www.wenet.net/~hpb/dblevels.html>] on 2/2000. SOURCES: Temple University Department of Civil/Environmental Engineering ([www.temple.edu/departments/CETP/environ10.html](http://www.temple.edu/departments/CETP/environ10.html)), and Federal Agency Review of Selected Airport Noise Analysis Issues, Federal Interagency Committee on Noise (August 1992). Source of the information is attributed to *Outdoor Noise and the Metropolitan Environment*, M.C. Branch et al., Department of City Planning, City of Los Angeles, 1970.



# Charter Township of Garfield

## Grand Traverse County

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

### **Special Use Permit #2014-03 – Grand Traverse Timbers**

Subject Property: 5111 Cedar Run Road  
Permanent Parcel Numbers: 05-007-001-60  
Request: Special Use Permit for a sawmill within the A-1 District  
Applicant: Scott Norris  
Owner: Traverse City Leasing Inc.

### **Findings of Fact – Staff Draft for October 8, 2014 Planning Commission Review**

#### **General Findings:**

1. Scott Norris has applied for a Special Use Permit to operate an enclosed sawmill and associated warehousing within two existing buildings on a 1.5-acre parcel.
2. The property is the site of the former Ken's Landfill, which was decommissioned in 2012. The buildings on the site were formerly used as the landfill's office and transfer station, respectively.
3. The remainder of the former landfill site has been separated by land division and now exists on a separate parcel.
4. Per Zoning Ordinance Section 6.10.4(9), sawmill operations may be permitted by Special Use Permit in the A-1 Agricultural Zoning District.

#### **Township Zoning Ordinance Section 8.1.3: Basis for Determination**

- (1) **General Standards:** The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:
  - (a) Be designed, constructed, operated and maintained so as to be harmonious, compatible, and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
    - The standard has been met based on the following:
      - The property was formerly used as a landfill for a number of decades. The impact of the use of existing buildings to accommodate a sawmill operation will be negligible in comparison to the impact of an active sawmill.
      - The operation of all mechanical equipment will be within the insulated structure which was formerly used as the landfill office. The un-insulated rear building (former transfer station) will be used for material storage only. Operation of equipment only within the insulated building will help to cut down on noise.
      - The equipment to be used by the sawmill operation includes band saws, planers, and dust collectors. Band saws are relatively quiet in operation when compared to traditional, circular-blade style sawmills.

- The application includes additional landscaping to meet the screening requirements of the zoning ordinance.
- As a condition of approval the Planning Commission will impose reasonable decibel restrictions at the property line. Any violation of this decibel restriction may be cause for review, amendment, and/or revocation of the Special Use Permit.

- The standard has not been met based on the following:
  - None

**(b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.**

- The standard has been met based on the following:
  - See Finding §8.1.3(1)(a).
  - As noted, the site was formerly an active landfill, and the use as described will be negligible in comparison to that former use. The re-use of presently vacant buildings and the associated site improvements are a substantial benefit to the immediate vicinity and to the community as a whole.
- The standard has not been met based on the following:
  - None

**(c) Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.**

- The standard has been met based on the following:
  - The site is accessed by Cedar Run Road, a County Road. Police and fire protection are available and existing. Drainage structures are in place. Private sewer and water in place, and the continued use of these systems has been approved by the County Health Department.
- The standard has not been met based on the following:
  - None

**(d) Not create excessive additional requirements at public cost for public facilities and services.**

- The standard has been met based on the following:
  - All required public facilities and services are in place to accommodate the proposed use and site development. No additional requirements at public cost for public facilities and services are foreseen.
- The standard has not been met based on the following:
  - None

**(e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.**

- The standard has been met based on the following:
  - No uses or activities would occur that would create unusual amounts of



fumes, glare, or odors.

- The standard has not been met based on the following:
  - None

**(2) Specific Requirements: In reviewing an impact assessment and site plan, the Planning Commission shall consider the following standards as the specific standards outlined in the following sections:**

**(a) That the applicant may legally apply for site plan review.**

- The standard has been met based on the following:
  - The applicant has been authorized by the owner of the property to apply for site plan review.
- The standard has not been met based on the following:
  - None

**(b) That all required information has been provided.**

- The standard has been met based on the following:
  - The applicant has submitted all information required by the provisions of the Garfield Township Zoning Ordinance and/or requested by the Garfield Township Planning Commission. Any outstanding information or agency reviews are considered minor in nature and may be imposed as conditions of approval.
- The standard has not been met based on the following:
  - None

**(c) That the proposed development conforms to all regulations of the zoning district in which it is located.**

- The standard has been met based on the following:
  - The application has been determined to be substantially in compliance with applicable zoning ordinance standards, including setbacks, parking, and lighting. Any outstanding plan revisions are considered minor in nature and may be reviewed and approved administratively.
- The standard has not been met based on the following:
  - None

**(d) That the plan meets the requirements of Garfield Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.**

- The standard has been met based on the following:
  - The project is designed to this standard.
- The standard has not been met based on the following:
  - None

**(e) That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.**

- The standard has been met based on the following:
  - The plan meets the requirements of the Grand Traverse County Health Department and the Michigan Department of Environmental Quality.
- The standard has not been met based on the following:
  - None

**(f) That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so indicated on the site plan and at the site per se.**

- The standard has been met based on the following:
  - Not applicable as no natural resources remain on the site.
- The standard has not been met based on the following:
  - None

**(g) That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property and open space areas as designated on the future land use map of Garfield Township.**

- The standard has been met based on the following:
  - Not applicable as no floodways or flood plains are known to exist on the site.
- The standard has not been met based on the following:
  - None

**(h) That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.**

- The standard has been met based on the following:
  - Not applicable as this is an existing site and no construction will occur except for minor paving work.
- The standard has not been met based on the following:
  - None

**(i) That the proposed development will not cause soil erosion or sedimentation problems.**

- The standard has been met based on the following:
  - Not applicable as this is an existing site and no construction will occur except for minor paving work.
- The standard has not been met based on the following:
  - None

**(j) That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto**

**neighboring property or overloading of water courses in the area.**

- The standard has been met based on the following:
  - The drainage system is existing and is adequate to meet the Township stormwater ordinance.
  - Portions of the drainage system now exist on the subject and neighboring property due to a land division. Though the Township would not normally approve directing stormwater to a neighboring site for a new development, this is a unique situation. A perpetual drainage easement will be recorded in the title chain of the neighboring property to allow for the ensured use of this basin.

**(k) That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.**

- The standard has been met based on the following:
  - Not applicable as no grading or filling is proposed.

**(l) That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.**

- The standard has been met based on the following:
  - Not applicable as the project will be constructed in one phase.

**(m) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.**

- The standard has been met based on the following:
  - No site changes that would provide an opportunity for expansion of these facilities are proposed.

**(n) That landscaping fences or walls may be required by the Planning Commission in pursuance of the objectives of this Ordinance.**

- The standard has been met based on the following:
  - A landscaping plan indicating substantial compliance with the standards of the zoning ordinance has been provided. Landscape buffering above and beyond what is regularly required is not necessary to meet the objectives of the Zoning Ordinance.


**(o) That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.**

- The standard has been met based on the following:
  - As designed, the parking layout will not adversely affect the flow of traffic within the site or to and from adjacent streets.

**(p) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.**

- The standard has been met based on the following:

- The project is designed to meet this standard.
- q) **That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.**
  - The standard has been met based on the following:
    - Outdoor storage of garbage will be maintained within a fully enclosed and screened dumpster enclosure. Final dumpster enclosure details are subject to administrative review and approval.
- (r) **That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.**
  - The standard has been met based on the following:
    - The proposed use of the site is determined to meet this standard.

 <b>Charter Township of Garfield</b>		General:	<input checked="" type="checkbox"/>
		Budget Related:	<input type="checkbox"/>
		In Camera:	<input type="checkbox"/>
Department:	Planning	Report No.	PD 2014-61
Prepared:	September 25, 2014	Pages:	1 of 3
Meeting:	October 8, 2014 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Chelsea Park PUD Amendment		
File No.	SUP-2000-09-E	Parcel Nos.	05-108-014-00
Applicant:	Broad Condos, LLC (Butch Broad)		
Owners:	Broad Condos, LLC (Butch Broad)		

**SUBJECT PROPERTY:**

The Chelsea Park Planned Unit Development, accessed via Hartman Road to the east of US-31.

**PURPOSE OF APPLICATION:**

The application requests to increase the building footprint of a number of duplex and quadplex units within the Chelsea Park PUD. An application to increase building footprint within a PUD may be considered as a minor amendment if the increase does not exceed fifteen (15) percent of total project's footprint. As proposed, the application meets this criteria.

Aside from increasing the unit size of the approved structures, together with any necessary changes in the master deed and by-law recognizing the change, no other changes to the site condominium or PUD are proposed.

**INFORMATIONAL REQUIREMENTS:**

The application materials contain all information required to process a minor amendment under the standards of the Garfield Township Zoning Ordinance.

**AGENCY COMMENTS:**

Revised agency reviews are unnecessary at this time. Permits will be required by the County soil erosion and sedimentation control office at the time of construction.

**COMPREHENSIVE PLAN CONSIDERATIONS:**

The proposed changes do not impact upon Comprehensive Plan policies.

**STAFF COMMENT:**

The Chelsea Park residential development was initially approved in the early 2000s, and subsequently amended on April 24, 2008 to establish the site plan in present form. Only a handful of buildings were ever constructed before the project stalled, with the last building permit being issued in 2005. Furthermore, because the road infrastructure was never completed and the stormwater management system was not functioning as designed, the Township had imposed a building permit moratorium within the development until that infrastructure was completed.



Earlier this year, the applicant purchased the development from the original owner and satisfactorily completed the unfinished infrastructure within the development. As such, the Township has lifted its building moratorium.

At this time, the applicant requests approval to increase the building footprint of the remaining duplex and quadplex units within the development. The application affects twelve duplex units and seven quadplex units within Phases II through VI, which units are colored orange on the attached site plan. This site plan has also been marked with a blue "B" to indicate which units have been built.

As proposed, the duplex unit footprint will increase from 3,761 to 4,306 square feet (14.5%) while the quadplex units will increase from 7,672 to 8,772 square feet (just less than 15%), qualifying as a minor amendment. On the attached floor plans, the approved building footprints are outlined in pink marker to provide a comparison with what is proposed.

The applicant notes that he wishes to construct one new duplex and two new quadplexes as test cases for the new footprint. If they sell, he will continue to construct new buildings with the larger footprint. In the event that they do not sell, it may be appropriate to allow construction in accord with the presently approved plans. The recommended motion for approval includes a condition to this effect for the record.

The remainder of the site will remain in present form and is unaffected by the current application. Of note are a number of multi-family structures within the western phases of the development, which the applicant intends to proceed with following completion of the eastern phases. All told, the development is approved for 326 residential units, with roughly 56 units having been constructed to date.

**ACTION REQUESTED:**

Following discussion, the Planning Commission may take action to approve, approve with conditions, or deny the request. A public hearing is not required for a minor amendment.

**RECOMMENDATION:**

If the Planning Commission is prepared to approve the request, the following separate motions are offered for consideration:

THAT the Findings of Fact approved by the Garfield Township Board on April 24, 2008 for Amendment #2008-01 to Special Use Permit #2000-09 do not require modification as they remain current and valid for proposed minor amendment application Special Use Permit #2009-09-E.

THAT Application SUP-2000-09-E, submitted by Broad Condos, LLC, for a minor amendment to the Chelsea Park Planned Unit Development, as amended, BE APPROVED subject to the following conditions:

- 1) The applicant shall provide all necessary site plan and architectural plan updates reflective of approved changes, as determined necessary by the Director of Planning.
- 2) As an element of this approval the applicant shall be permitted to construct either the currently approved and/or the proposed building footprint(s) for the duplex and quadplex structures.
- 3) The applicant shall provide updated condominium documents for affected condominium(s) to the Garfield Township Planning Department for review and approval prior to recording.
- 4) The applicant shall provide a copy of all recorded documents, bearing the stamp of the Register of Deeds office, to the Garfield Township Planning Department.
- 5) The applicant shall record promptly the Report and Decision Order (RDO) and any amendment to such order with the Grand Traverse County Register of Deeds in the chain of title for each parcel or portion thereof to which the RDO pertains. A copy of each recorded document shall be filed with the Township within ninety (90) days of final approval by the Township or approval shall be considered to have expired.
- 6) No land use permits shall be issued until all required recorded documents have been provided to the Township.
- 7) The applicant shall provide one (2) full-sized plan sets, one (1) 11"x17" plan set, and one electronic plan set copy (in PDF format) with all updates as required by the conditions of this approval.

Any additional information that the Planning Commission determines to be necessary should be added to either motion.

Attachments:

Approved site plan

Approved/proposed floor plans



Design Group, Ltd.

"Excellence is our Hallmark"

225 E. 16<sup>th</sup> Street, Suite B • Traverse City, MI 49684 • Phone: (231) 947-9019 • Fax: (231) 947-8738

September 22, 2014

Mr. Rob Larrea  
Charter Township of Garfield  
3848 Veterans Drive  
Traverse City, Michigan 49684

**Re: Chelsea Park**

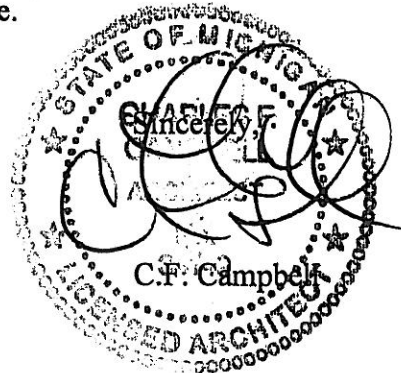
Dear Mr. Larrea:

Please note the following with regards to the duplex and quadplex units for the above referenced project.

The original duplex unit was permitted in July of 2007. The building contained 3,761 s.f.. The revised units, dated September 2014, contain 4,306 s.f.. This represents an increase of approximately 14 ½%.

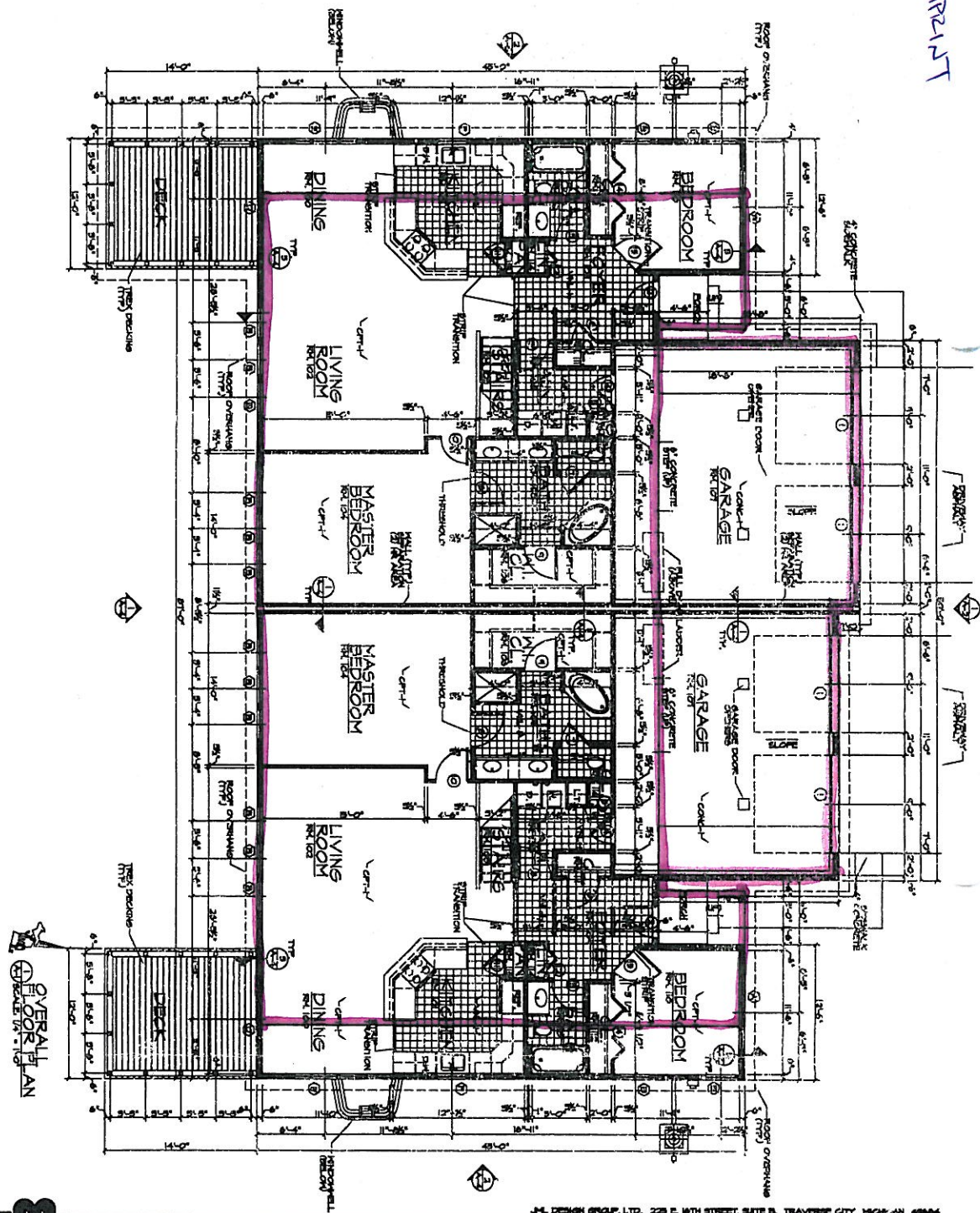
The original quadplex unit was also permitted in July of 2007. The building contained 7,672 s.f.. The revised units, which are currently being redesigned, will contain 8,772 s.f.. This represents an increase of just less than 15%.

If there should be any questions, please contact me.



CFC/nr

NURLEX  
= APPROVED FOR PLANT





QUADPLEX

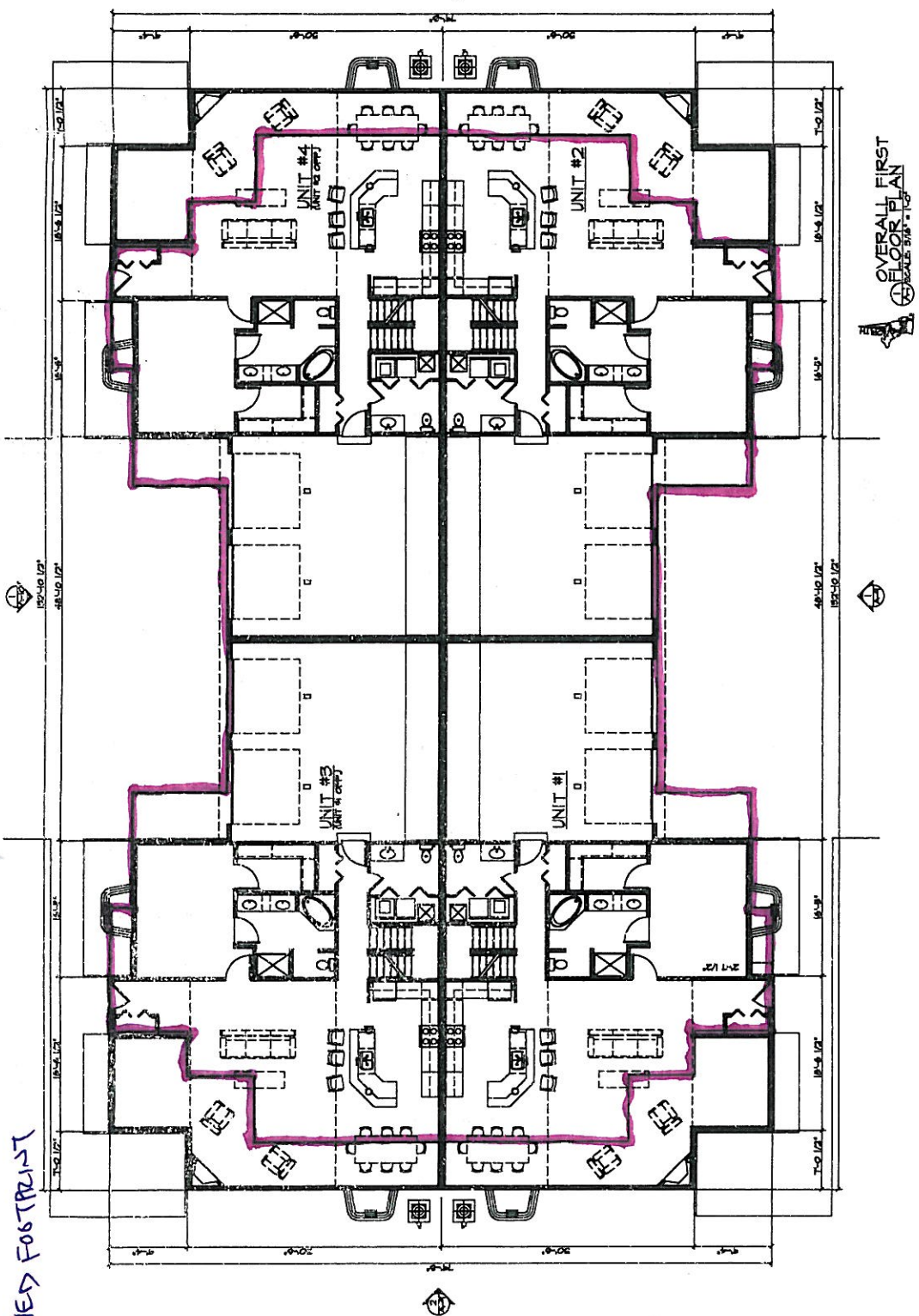
= APPROVED FOOTPRINT

1-A  
DATE: 11-15-13  
BY: [Signature]

OVERALL FLOOR PLAN  
CHESA PARK BLDG. #1  
TRAVERSE CITY, MICHIGAN  
BROAD CONDOS, L.L.C.

OWNER: BROAD CONDOS, L.L.C.  
ARCHITECT: J.A. DESIGN GROUP, LTD.  
DATE: 11-15-13  
BY: [Signature]

PROJECT: CHESA PARK BLDG. #1  
SITE: 1074 CASHWATMAN COURT, SUITE B, TRAVERSE CITY, MICHIGAN 49604



OVERALL FIRST FLOOR PLAN  
DATE: 11-15-13





Andersen & Crain, Inc.  
SCALE: 1" = 100 feet

# Chelsea Park PUD Minor Amendment Request SUP-2009-09-E

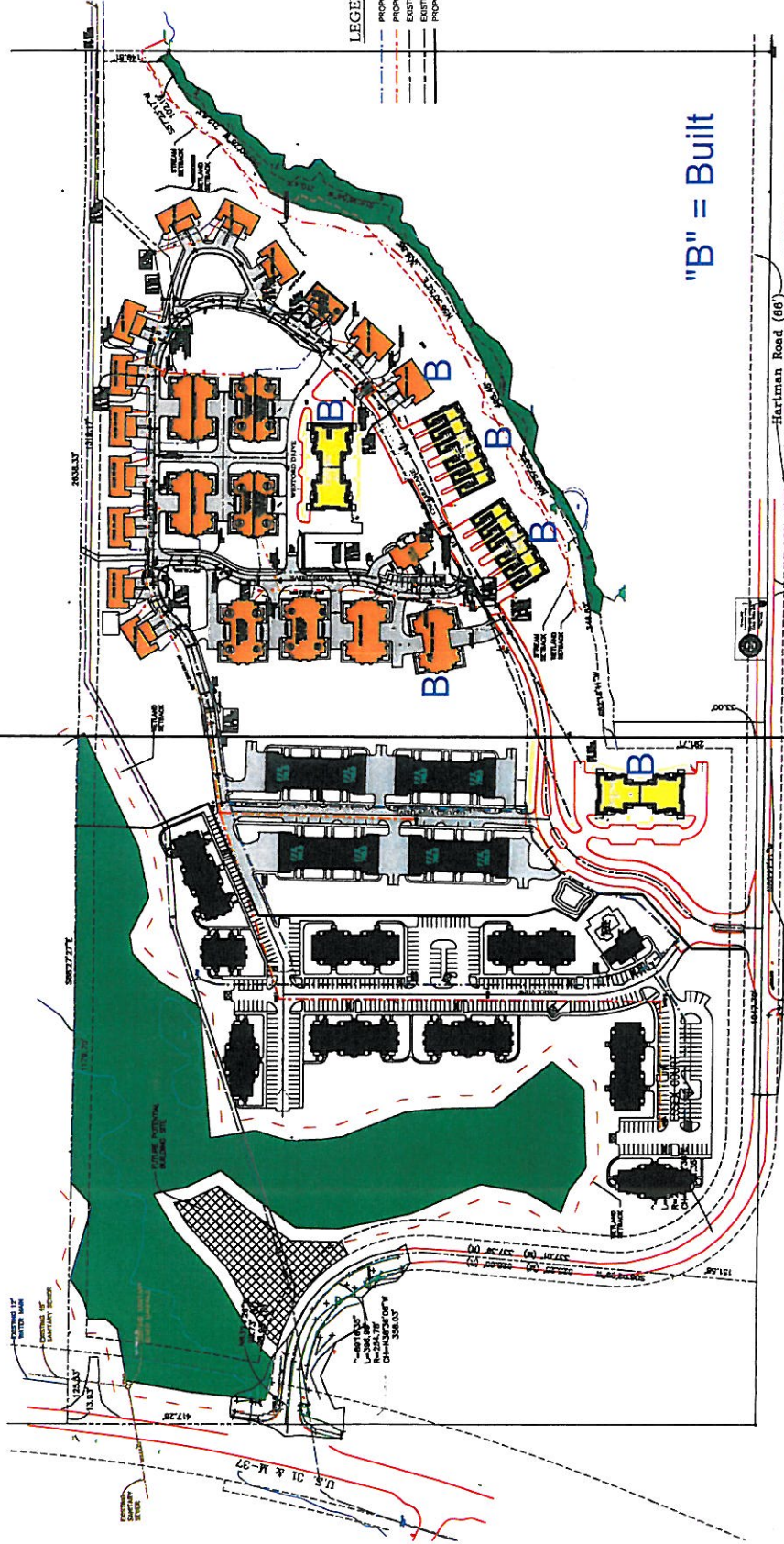
## SETBACK REQUIREMENTS

- R1-A RURAL RES  
SIDE STREET  
SIDE 25 FEET  
ROAD 35 FEET
- WETLAND SETBACK  
25 FEET FROM DESIGNATED WETLAND
- STREAM SETBACK  
25 FEET FROM NORMAL STREAM BANK

A-1 AGRICULTURAL ZONING ↔ R1-A RURAL RESIDENTIAL ZONING



WETLANDS



"B" = Built

- NOTES:
- ALL WATER MAINS ARE 8" DIAMETER UNLESS OTHERWISE NOTED.
  - ALL SANITARY SEWERS ARE 8" DIAMETER UNLESS OTHERWISE NOTED.
  - ALL WATER MAINS AND SANITARY SEWERS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT GRAND TRAVERSE COUNTY DPW SPECIFICATIONS.
  - WATER MAINS AND SANITARY SEWERS WILL BE CONSTRUCTED IN PHASES AS BUILDINGS ARE CONSTRUCTED.
  - THIRTY FOOT WIDE EASEMENTS FOR WATER MAIN AND SANITARY SEWERS WILL BE PROVIDED.


SETBACKS / SEWER / WATER PLAN  
CHELSEA PARK  
SECTION 21 - TOWN 27 NORTH - RANGE 11 WEST  
GARFIELD TWP. GRAND TRAVERSE COUNTY, MICHIGAN

OWNED BY: W.C.  
DATE: 02-12-09  
REV. DATE:



Andersen & Crain, Inc.  
Surveying, Engineering, & Design  
2636 Garfield Road N. Suite 30  
Traverse City, MI 49686  
Phone: (231) 947-7255 Fax: (231) 947-7276

JOB NUMBER  
186406  
SHEET 6 OF 12

	<b>Charter Township of Garfield</b>		General:	<input checked="" type="checkbox"/>
			Budget Related:	<input type="checkbox"/>
			In Camera:	<input type="checkbox"/>
Department:	Planning	Report No.	PD 2014-62	
Prepared:	September 25, 2014	Pages:	1 of 2	
Meeting:	October 8, 2014 Planning Commission	Attachments:	<input checked="" type="checkbox"/>	
Subject:	Eagles View Condominium (Copper Ridge) Amendment			
File No.	SUP-2000-08-I	Parcel Nos.	05-108-014-00 05-108-015-00	
Applicant:	John Kimock			
Owners:	John and Blossom Kimock (Lot 15); Walter Klingelsmith (Lot 14)			

**SUBJECT PROPERTY:**

Units 14 and 15 of the Eagles View Condominium, located within the Copper Ridge Planned Unit Development.

**PURPOSE OF APPLICATION:**

The application proposes to combine Units 14 and 15 of the Eagles View site condominium into one residential building site.

Aside from a reduction in development density, together with necessary changes in the master deed and by-law recognizing the change, no other changes to the site condominium or PUD are proposed.

**INFORMATIONAL REQUIREMENTS:**

The application materials contain all information required to process a minor amendment under the standards of the Garfield Township Zoning Ordinance.

**AGENCY COMMENTS:**

Revised agency reviews are unnecessary at this time. Permits will be required for soil erosion and sedimentation control at the time of construction.

**COMPREHENSIVE PLAN CONSIDERATIONS:**

The proposed changes do not impact upon Comprehensive Plan policies.

**STAFF COMMENT:**

Units 14 and 15 are currently vacant. As explained to Staff, the applicant purchased Unit 15 with intentions of building a new home but ran into site development constraints due to topography and the irregular shape of the unit. As such, the application proposes to combine these lots into one buildable site which will allow for more flexibility in the siting of the home. Upon approval of the application, the applicant would purchase Unit 14 and execute documentation to amend the condominium.

The effect of this application is to eliminate one approved residential building site within Eagles View, reducing the number of home sites in the phase from 60 to 59. No lands previously identified as common areas or as lands protected from development are



impacted. No other impacts have been identified by staff that would cause concerns with the application.

**ACTION REQUESTED:**

Following discussion, the Planning Commission is requested to approve, approve with conditions, or deny the request. A public hearing is not required for a minor amendment.

**RECOMMENDATION:**

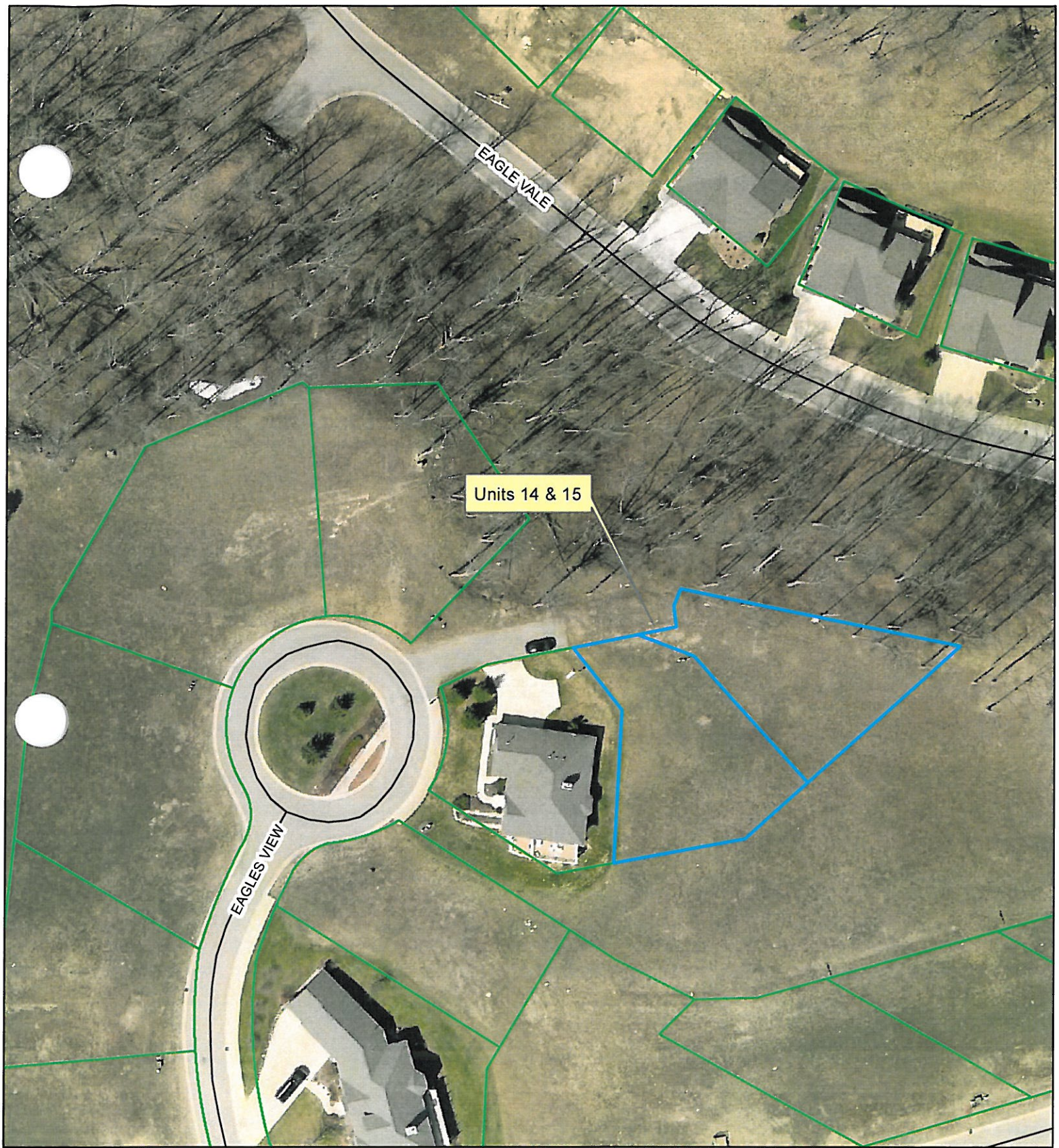
THAT the findings of fact originally approved by the Garfield Township Board on December 14, 2000 for special use permit #2000-08 do not require modification as they remain current and valid for proposed minor amendment application PUD-2000-08-I.

THAT Application SUP-2000-08-I, submitted by John Kimock for an amendment to the Copper Ridge Planned Unit Development, as amended, BE APPROVED subject to the following condition:

- 1) The applicant shall provide updated condominium documents for the full Eagles View condominium to the Garfield Township Planning Department for review and approval prior to recording.
- 2) The applicant shall provide a copy of all recorded documents, bearing the stamp of the Register of Deeds office, to the Garfield Township Planning Department.
- 3) Conditions 1 and 2 above shall be completed within 90 days of approval or this approval shall be considered to have expired and be of no effect.

Any additional information that the Planning Commission determines to be necessary should be added to either motion.





## Parcel Map - Eagles View Condominium

### Legend

 Prop\_Parcel

This map is based on digital databases prepared by the Charter Township of Garfield. The Township does not warrant, expressly or impliedly, or accept any responsibility for any errors, omissions, or that the information contained in the map or the digital databases is currently or positionally accurate.

Garfield Charter Township  
3848 Veterans Drive  
Traverse City, MI 49684  
Phone: 231.941.1620  
Fax: 231.941.1688  
[www.garfield-twp.com](http://www.garfield-twp.com)



NOT A LEGAL SURVEY

Garfield Township Planning Dept: 9/29/2014





## Parcel Map - Eagles View Condominium

### Legend

 Prop\_Parcel

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NOT A LEGAL SURVEY

Garfield Township Planning Dept: 9/29/2014



	<b>Charter Township of Garfield</b>		General:	<input checked="" type="checkbox"/>
			Budget Related:	<input type="checkbox"/>
			In Camera:	<input type="checkbox"/>
Department:	Planning	Report No.	PD 2014-63	
Prepared:	September 29, 2014	Pages:	1 of 1	
Meeting:	October 8, 2014 Planning Commission	Attachments:	<input checked="" type="checkbox"/>	
Subject:	Sign Request – The Crown PUD			
File No.	SUP-1991-10-K	Parcel No.	05-091-900-00	
Applicant:	Bowerman, Bowden, Ford, Clulo & Luyt (Kurt Bowden)			
Owner:	Green Hills, Inc. / Crown Associate Inc.			
Zoning:	R1-M / Approved as PUD			
Request:	Application to convert a portion of an existing sign to LED			

**SUBJECT PROPERTY:**

The Crown Planned Unit Development

**PURPOSE OF APPLICATION:**

The application requests approval to convert a portion of an existing sign at West Crown Drive to LED. The sign is shared by the Crown Golf Club and Mulligan's restaurant.

**STAFF COMMENT:**

Upon request of the Planning Commission on September 10, 2014, Staff has prepared findings in justification of denial of the request.

The draft findings have been reviewed by Township legal counsel are now presented for Planning Commission consideration.

**ACTION REQUESTED:**

Review and adoption of the Findings should occur before any decision is made on the application. The following separate motions are offered for consideration:

1. THAT the Findings of Fact for application SUP #1991-10-K, attached to report PD-2014-63 and forming part of this motion, BE ADOPTED (*motion to be made only following review, modification as necessary, and acceptance of the draft document*).
2. THAT Application SUP #1991-10-K to amend the Crown PUD sign package BE DENIED based upon the reasons set forth in the adopted Findings of Fact.

Attachments:

Draft October 8, 2014 Findings for SUP #1991-10-K

Adopted January 13, 2010 Findings SUP #2009-09



# Charter Township of Garfield

## Grand Traverse County

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

### **Special Use Permit #1991-10-K - Crown PUD Sign Request**

#### **Draft Findings of Fact – October 8, 2014**

1. An application has been made by Green Hills, Inc., for changes to a existing sign within "The Crown" Planned Unit Development("PUD").
2. The Crown PUD was established in the 1980s as a mixed use development including residential, recreational (golf course), and commercial (restaurant) uses.
3. Via the PUD approval process, the Township authorized land uses and densities which are not normally permitted within the underlying, A-1 Agricultural Zoning District. Examples include multi-family residential structures, reduced setback requirements, office buildings, and the Mulligan's restaurant and bar.
4. Because PUDs are often permitted within primarily residential zones and the Township desires to limit adverse signage impacts and ensure compatibility within these areas, all signs within Planned Unit Developments are subject to Planning Commission review and approval (Garfield Township Zoning Ordinance ("GTZO"), Section 7.2.4 (7). The zoning ordinance considers signs permitted by the underlying zoning district as the "baseline" for sign considerations within a PUD, and allows for signs which exceed the limitations of the underlying zoning district if found to be appropriate.
5. In this case, approval of the present sign plan within the Crown PUD occurred upon request of the applicant on January 13, 2010, as application SUP #2009-09 (the "2009 Application"). Importantly, the 2009 Application was presented and authorized as a sign package including both residential and commercial signs, and was submitted to rectify a situation in which signs had been erected without Township authorization or issuance of sign permits. Furthermore, because the proposed sign package exceeded the limitations of the underlying zoning district, the request was considered under the discretionary review standards of Section 7.2.4(7) c.
6. The 2009 Application included two residential entry signs which exceeded the standard of the underlying zoning district by roughly 88% (136.4 square feet vs. 16 square feet) in area, and which exceeded the number of signs normally permitted for a residential entry drive (2 vs. 1). The 2009 Application also authorized the 70.1 square foot Subject Sign but denied the request to establish LED sign area for the reasons outlined in the Planning Commission's adopted Finding of Fact #2009-9.A, which are attached and incorporated by reference. The current application again requests to convert a portion of an existing double-sided sign ("Subject Sign") at West Crown Drive to changeable-copy, Light Emitting Diode ("LED") type.

7. Because a PUD is intended as a self-contained development destination, the Township has long encouraged one (1) sign which identifies the overall development rather than the individual uses within that development. In previously authorizing multiple signs for this development the Township has already allowed greater than usual exposure for individual uses within the overall development. As currently approved, the subject sign identifies the presence of an individual commercial use, Mulligan's restaurant, already an increase in visibility over what is usually permitted.
8. The Planning Commission finds that review of the current application must be considered as an amendment to the previously approved sign package, and therefore that it shall again invoke the discretionary review standards of GTZO Section 7.2.4(7) c because the overall sign package exceeds the limitations of the underlying zoning district.
9. The Planning Commission finds that the approved sign package already constitutes a significant increase in the level of development signage which is permitted both within the underlying district as well as that which is regularly permitted within a Planned Unit Development. The Planning Commission finds that the proposed LED conversion of the Subject Sign would constitute an undesirable increase in the level, nature, and intensity of the signs already permitted within the West Silver Lake Road residential corridor.
10. The Planning Commission finds that the proposed LED conversion remains inappropriate for the West Silver Lake Road corridor and incompatible with surrounding land uses.
11. The Planning Commission finds that the development site already enjoys increased signage over what is permitted in the underlying zoning district and over what is generally permitted within a Planned Unit Development.
12. Therefore, the Planning Commission finds that the application should be denied for the reasons within this document, for the reasons set forth in Finding of Fact #2009-9.A.





# Charter Township of Garfield

## Grand Traverse County

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

### **Special Use Permit #2009-09 - Crown PUD Major Amendment**

### **Sign Package Findings of Fact #2009-9.A – Planning Commission Adopted 1/13/10**

#### **Township Zoning Ordinance Section 7.2.4 (7): PUD Signs**

All proposed signs within a Planned Unit Development shall be submitted to the Planning Commission for final review and approval. Within such developments, the following signs may be permitted:

##### **a) Residential Uses**

- i. For single family detached and semi-detached dwelling uses, all signs permitted in the R-1A, R-1B and R-1C Residential Districts and subject to the same limitations required for those districts

- Finding:

Not applicable to this application as the proposed east entry signs are not permitted by the limitations of the underlying zoning district.

- ii. For any other residential use, all signs permitted in any residential district and subject to the same limitations required for those districts

- Finding:

The standard is not applicable to this application.

##### **b) Commercial and Office Uses**

- i. All signs permitted in the underlying zoning district, and subject to the same limitations required for those districts

- Finding: The standard has been met for the West Entry sign based on the following:

The proposed west entry sign to identify the Crown Golf Club measures 70.1 square feet in sign face area and seven feet in height above grade. The underlying A-1 Agricultural Zoning District allows signs as they are permitted in the Commercial District. Signs of up to 80 square feet in sign face area and a height of 20-feet are permitted in the C-1 through C-3 districts for sites such as

this. The proposed LED sign, at 16 square feet, is normally permitted by right in the commercial zoning districts.

- c) **The Planning Commission shall have the authority to increase the maximum sign standards permitted under subsections a and/or b above, subject to the limits of the maximum sign standards of the R-1A, R-1B and R-1C Residential Districts for residential uses and the C-1, C-1-O, C-2 and C-3 Commercial Districts for commercial or office uses, based upon appropriate findings of fact demonstrating that:**

- *Finding: The standard applies to the East Entry signs based on the following:*

The parcel is zoned A-1 Agricultural by the Garfield Township Zoning Ordinance. The A-1 District permits all signs as permitted in the R-1A, R-1B, and R-1C Residential Districts, and as permitted in the C-1 through C-4 Commercial Districts, subject to the same limitations required for those Districts.

The two proposed 68.2 square-foot east entry signs to identify a residential portion of the development exceed what is permitted in the Residential Districts, where one sign, not exceeding 16 square-feet in area is permitted as the entrance treatment to a housing development.

Approval is therefore required under Section 7.2.4(7)(d). A finding of fact under Section 7.2.4 (7)(c) is required in order to consider an application under Section 7.2.4(7)(d).

(Section 7.2.4 (7)(c) Findings, Continued)

- i. The maximum sign standards of the underlying zoning district do not provide for the reasonable use of the parcel as provided for within the planned unit development

- *Finding: The standard has been met based on the following:*

The amount of on-site signage already exceeds what is normally permitted within the A-1 District and may now be considered as an important element for the use and identification of the site. The large size of and variety of uses within the PUD would appear to be conducive to the extent of signage proposed.

- *Finding: The standard has not been met based on the following:*

Reasonable use of the property will remain if the request is denied. The applicant would be required to remove the existing signs, but would have the option of presenting a revised sign package request for Planning Commission approval.



- ii. The proposed modification is appropriate for the site, compatible with surrounding land uses, and necessary for the reasonable use of the parcel as provided for within the planned unit development

Finding: The standard has been met based on the following:

- The signs are an existing and generally accepted element of a long-established use, which use itself has its own positive impact on the character of the general area. Following a public notice mailing that indicated the signs would be considered, no objections were raised to the signs as they presently exist.

The standard has not been met based on the following:

- The proposed LED sign is inappropriate for the reasons as follows:
  - LED signage would serve an advertising function, as opposed to a business identification function. The advertisement nature of the proposed LED sign is not consistent with the type of signs the Township has permitted within similar Planned Unit Developments in the past. Approval of the LED sign would set a negative precedent for the use of LED signage within residential mixed-use PUDs.
  - LED signage is not appropriate for the residential mixed-use character of the Crown PUD and West Silver Lake Road residential corridor.
  - LED signage would have an adverse impact on safety due to high speeds and high traffic volumes along West Silver Lake Road, turning movements into and from the development at West Crown Drive, and the proximity of the proposed LED sign to the West Crown Drive / West Silver Lake Road intersection.

- iii. The increase in permitted sign standards are, in the determination of the Planning Commission, the minimum increase(s) necessary to ensure that the proposed sign(s) is appropriate in scale, bulk and location relative to the site and surrounding land uses

• Finding: The standard has been met based on the following:

Despite their dimensions, each of the signs, including the west entry sign, would appear reasonably sized so as to fit appropriately with the large scale of the existing development and the character of the surrounding area. Existing landscaping helps to break up the appearance of the signs and lends to compatibility with the site itself and with surrounding uses.

• Finding: The standard has not been met based on the following:

None

- iv. All approved modifications from the required sign standards shall be specific to the sign(s) approved by the Planning Commission


- Finding: The standard has been met based on the following:  
Approval, if granted, will include specific references to the sign intent, size, and location.

- d) **The Planning Commission shall have the authority to increase the maximum sign standards permitted under subsection c above, based upon appropriate findings of fact as required in that subsection. For all signs approved under this subsection, the standards of Section 8.10 shall be complied with, including the requirement for a public hearing but excepting the requirement of Township Board approval**

- Finding: The standard has been met based on the following:  
As the application has generally demonstrated compliance with Section 7.2.4(7)(c)i.-iv, the Planning Commission has authority to increase the sign standards of the Garfield Township Zoning Ordinance. To mitigate potential adverse effects noted within this Finding where a standard has not been met, conditions of approval may be attached to any Planning Commission approval of the sign package as proposed.

- e) **An applicant shall have the option of submitting a conceptual signage plan indicating the number, location and maximum sign size for all signs within a development or within a specified portion of a development. Planning Commission review and approval of the conceptual signage plan shall be deemed to be a final review and approval as required by the provisions of this section**

- Finding:  
Not applicable to this application as a conceptual signage plan has not been submitted for review. This application seeks final sign approval.

 <b>Charter Township of Garfield</b>		General:	<input checked="" type="checkbox"/>
		Budget Related:	<input type="checkbox"/>
		In Camera:	<input type="checkbox"/>
Department:	Planning	Report No.	PD 2014-64
Prepared:	October 2, 2014	Pages:	1 of 3
Meeting:	October 8, 2014 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Premier Manor – Major PUD Amendment – Initial Review		
File No.	SUP #2003 – 06 - D	Parcel No.	05-014-108-00
Applicant:	Premier Place, LLC; Steve Nicolas, Managing Member		
Owner:	Woodmere Crossing LLC		
Agent:	Mansfield Land Use Consultants et al.		

**SUBJECT PROPERTY:**

The Premier Place Planned Unit Development located at the corner of Park Street and Woodmere Avenue and currently approved as a Mixed Residential PUD.

**PURPOSE OF APPLICATION:**

The application proposes site plan and building design changes for the apartment area of the site. The application is considered a Major Amendment to the development, requiring review before the Planning Commission and eventual decision by the Township Board.

**STAFF COMMENT:**

This application was introduced on July 9, 2014 and a public hearing was held on August 13, 2014. Following further discussion on September 10, 2014, the Planning Commission passed a motion directing Staff to prepare findings in support of the application, which are attached.

The Commission will note that the Findings and draft motion, below, include certain notes to address issues which have been discussed by the Planning Commission but which have not yet been fully resolved. The intent of these statements and conditions are to allow the Planning Commission to proceed with the application while directing the applicant to work with Staff towards finalization of the plan.

**ACTION REQUESTED:**

As noted, the draft Findings are attached for review and consideration. If the Planning Commission is prepared to adopt the Findings, the following motion is recommended:

1. THAT the Findings of Fact for Application SUP #2006-06-D, submitted by Woodmere Crossing LLC for a Major Amendment to the Premier Place PUD, BE ADOPTED (*motion to be made only following review, amendment as necessary, and acceptance of the draft document*).

If, upon adoption of the Findings, the Planning Commission is prepared to recommend approval to the Township Board, the following motion is recommended.

2. THAT Application SUP #2006-06-D, submitted by Woodmere Crossing LLC for a Major Amendment to the Premier Place PUD, BE RECOMMENDED FOR APPROVAL to the Township Board based on the Adopted Finding of Fact, and subject to the following conditions:

- a. The applicant shall provide documentation to the satisfaction of Township Board and Grand Traverse Metro Fire Department that the railway crossing agreement will be retained in perpetuity (ensured payment of \$1,000.00 per year).
- b. The pedestrian pathway within the Conservation Easement shall use Best Management Practices to limit grading and damage to the vegetation and hillside.
  - i. Prior to commencement of pathway construction, a separate grading plan for review of the northern pedestrian pathway by the township engineer shall be provided. Locations and fencing limiting the construction area within the easement shall be indicated on the plan and be approved by staff and the township engineer prior to grading.
  - ii. The construction of the pedestrian pathway shall be constructed with small scale equipment that will limit negative impact to the conservation easement.
  - iii. The pathway shall be constructed as to not damage the large oak tree within the northern buffer area.
- c. Lighting compliance shall be maintained. Final review of lighting fixtures and photometric details is subject to Staff review.
- d. Final completion of the Phase I asphalt top coating shall be completed prior to the occupancy of the Premier Manor structure.
- e. A bond for the entire cost plus an additional 10% for completing the asphalt paving of the Premier Manor project and any connection thereto shall be provided prior to issuance of a Land Use Permit. Occupancy of the building shall not take place until all asphalt is completed.
- f. A stormwater management system maintenance plan shall be provided and accepted by the township engineer prior to the issuance of a Land Use Permit.
- g. All construction traffic shall utilize the new Woodmere Avenue driveway connection and shall not use streets within the existing residential portions of the development.
- h. The applicant shall install a split rail or chain link fence along the area of the Conservation Easement prior to the issuance of a grading and/or Land Use Permit to ensure protection of the Easement.
  - i. The Conservation Easement shall not be graded or trespassed upon in any manner to support the grading or construction of the Premier Manor Building or project.
  - ii. The fence may be removed following completion of the buildings construction and prior to occupancy of the building.
  - iii. Trees within the Conservation Easement shall not be damaged during construction.
- i. The applicant shall work with Staff in good faith to identify trees which may be saved and protected, or otherwise relocated, throughout construction. Trees which are to be saved shall be protected by temporary fencing prior to a grading permit.
- j. The applicant shall record promptly the Report and Decision Order (RDO) and any amendment to such order with the Grand Traverse County Register of Deeds in the chain of title for each parcel or portion thereof to which the RDO pertains. A copy of each recorded document shall be filed with the Township within ninety (90) days of final approval by the Township or approval shall be considered to have expired.

- k. No land use permits shall be issued until all required recorded documents have been provided to the Township.
- l. The applicant shall provide two (2) full-sized plan sets, one (1) 11"x17" plan set, and one electronic plan set copy (in PDF format) with all updates as required by the conditions of this approval.
- m. Any violation of a condition of approval shall immediately halt construction until a hearing before the Township Board has been scheduled and an agreement, if any, is reached. Failure to comply with this condition shall constitute a violation of the permit and grounds for revocation of the Special Use Permit following a public hearing.





# Charter Township of Garfield

## Grand Traverse County

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

### **Planned Unit Development #2003-06 D – Premiere Manor**

Subject Property:

Permanent Parcel Number: 05-014-108-00

Request: Major Amendment to PUD for a new building

Owner: Woodmere Crossing LLC

Agent: Mansfield Land Use Consultants

### **Planning Commission DRAFT Findings of Fact – October 8, 2014**

#### **General Findings:**

1. Woodmere Crossing LLC has applied for a major amendment to the approved Premier Place Planned Unit Development (“PUD”).
2. The subject PUD was approved as a phased residential project in 2003 with various residential uses including a 72 unit apartment building that is the primary focus of the amendment.
3. An application for, and any subsequent amendment to, a Planned Unit Development is subject to review under Article VIII of the Garfield Township Zoning Ordinance (“GTZO”).
4. In acting upon a Planned Unit Development the Township may alter the regulations of the GTZO, such as required parking, height limitations, stories, setbacks, and so on provided that the spirit and intent of the Comprehensive Plan and GTZO are met.
5. The application proposes limited grading within the Conservation Easement, for the construction of a pedestrian trail for residents to safely access the Boardman Lake Trail.

#### **Township Zoning Ordinance Article VIII**

##### **Section 8.1.3: Basis for Determination**

**(1) General Standards: The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:**

**(a) Be designed, constructed, operated and maintained so as to be harmonious, compatible, and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.**

- Finding: The standard has been met based on the following:
  - The Planning Commission has determined that the proposed building is compatible with adjacent buildings and will not deter from the general vicinity or negatively change the character of the area.

**(b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.**

- Finding: The standard **has been met** based on the following:
  - The subject parcel is internal to the project and bordered by additional multi-family residential buildings to the south and east, a vacant parcel located within Traverse City to the north and Boardman Lake to the west.
  - The Planning Commission finds the proposed building is a substantial improvement from the currently approved apartment building and overall improvement to the project as a whole.

**(c) Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.**

- Finding: The standard **has been met** based on the following:
  - The Premier Place PUD is currently served by an entrance at Premiere Street. A second access point to Woodmere Avenue is required as a condition of Township and Fire Department approval.
  - Fire and police protection are available to the site; issuance of land use permits will be subject to final review and approval of the Grand Traverse Metro Emergency Services Authority. Plans for on-site drainage are subject to review and approval by the Township engineer. The site is served by municipal sewer and water systems; issuance of land use permits will be subject to approval of the County DPW.

**(d) Not create excessive additional requirements at public cost for public facilities and services.**

- Finding: The standard **has been met** based on the following:
  - No additional requirements at public cost for public facilities and services are anticipated.

**(e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.**

- Finding: The standard **has been met** based on the following:
  - No uses or activities are anticipated which would create unusual amounts of fumes, glare, or odors are foreseen.

**(2) Specific Requirements: In reviewing an impact assessment and site plan, the Planning Commission shall consider the following standards as the specific standards outlined in the following sections:**

**(a) That the applicant may legally apply for site plan review.**

- Finding: The standard **has been met** based on the following:
  - The applicant is the owner of the property and may legally apply for site plan review.

**(b) That all required information has been provided.**

- Finding: The standard **has been met** based on the following:
  - The applicant has submitted sufficient information as requested by the Garfield Township Planning Commission to demonstrate that the project meets the intent of GTZO § 8.1 and GTZO § 8.10.

**(c) That the proposed development conforms to all regulations of the zoning district in which it is located.**

- Finding: The standard **has been met** based on the following:
  - As a Planned Unit Development the Planning Commission may waive or modify the development regulations of the underlying Zoning District.
  - Through the flexibility of the PUD the application has also requested a reduction in required number of parking spaces, increase in building height, additional building story, and internal setback requirement. The Planning Commission has determined that the variations listed above will not adversely impact upon the site itself or upon surrounding properties.

**(d) That the plan meets the requirements of Garfield Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.**

- Finding: The standard **has been met** based on the following:
  - See Finding 8.1.3(1)(c).

**(e) That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.**

- Finding: The standard **has been met** based on the following:
  - The project has received review and approval by the Federal Aviation Administration for the building to exceed the 35-foot height maximum for the building.

**(f) That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so indicated on the site plan and at the site per se.**

- Finding: The standard **has been met** based on the following:
  - The Planning Commission finds that the existing conservation easement shall be left undisturbed and adequately protected prior to and during construction to protect the trees within the easement.
  - The Planning Commission finds that minor grading within the easement to provide a safe pathway down the slope is permitted as indicated on the approved plan and separate from the site grading to protect the easement.

**(g) That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property and open space areas as designated on the future land use map of Garfield Township.**

- Finding: The standard **has been met** based on the following:
  - Not applicable as no flood plains or open space areas as indicted on the master plan are known to exist.
- (h) **That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.**
  - Finding: The standard **has been met** based on the following:
    - No site conditions that would cause construction difficulties are known to exist.
- (i) **That the proposed development will not cause soil erosion or sedimentation problems.**
  - Finding: The standard **has been met** based on the following:
    - Final construction plans are subject to approval by the Grand Traverse County Soil Erosion and Sedimentation Control office.
- (j) **That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.**
  - Finding: The standard **has been met** based on the following:
    - The soils on the site are indicated as having a very high infiltration rate as indicated by Otwell/Mawby report and deemed appropriate for the underground stormwater containment system.
- (k) **That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.**
  - Finding: The standard **has been met** based on the following:
    - The Planning Commission finds that the grading of the area immediately adjacent to the Conservation Easement shall only occur following the protection the Easement to avoid adversely affecting the property.
- (l) **That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.**
  - Finding: The standard **has been met** based on the following:
    - The Planning Commission finds that the project is a phased development and is being developed with an additional access point to Woodmere Avenue which is required to remain open in perpetuity.
    - The project has been reviewed and determined that the utilities, drainage facilities, and erosion control are adequate.
    - The Planning Commission finds that final completion of the first (what is presently existing) phase infrastructure, notably asphalt top coating, shall be required prior to the issuance of an occupancy permit for Premier Manor.

**(m) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.**

- Finding: The standard **has been met** based on the following:
  - The Planning Commission finds that the PUD as proposed is properly served by existing utilities and will be extended to supplement the Premiere Manor apartment building.

**(n) That landscaping fences or walls may be required by the Planning Commission in pursuance of the objectives of this Ordinance.**

- Finding: The standard **has been met** based on the following:
  - The Planning Commission finds that a landscape plan has been provided and the retention walls for the patio have been reviewed and deemed adequate.

**(o) That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.**

- Finding: The standard **has been met** based on the following:
  - The Planning Commission finds that the parking layout will not adversely affect the flow of traffic within the site or to and from adjacent streets.
  - The second connection to Woodmere Avenue shall remain open in perpetuity to ensure the safety of residents.

**(p) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.**

- Finding: The standard **has been met** based on the following:
  - The Planning Commission has determined that the access to Woodmere Avenue is to remain open in perpetuity to insure the public health safety and welfare of the PUD.
  - The internal pedestrian circulation shall be required to use best management practices within the Conservation Easement to limit grading for the pedestrian walkway.

**(q) That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.**

- Finding: The standard **has been met** based on the following:
  - The Planning Commission finds that the use of individual refuse containers, rather than large dumpster containers, are consistent with residential uses provided they are kept in approved enclosed buildings.

**(r) That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.**

- Finding: The standard **has been met** based on the following:
  - The Planning Commission finds that the PUD is designed to be consistent



with sound planning principals by providing a mix of residential uses within the PUD and providing increased density in an area appropriately located to services and the Traverse City core.

**Section 8.10: Planned Unit Developments:**

**Section 8.10.1 Statement of Intent**

It is the purpose of this section to further the health, safety, and welfare of township residents by permitting the Township flexibility in the regulation of land development, and to encourage innovation and variety in land use and design of projects of sufficient size to be considered self-contained, to the extent the projects are physically and visually separated from other land uses in the immediate vicinity, are not an integral part of other already developed or committed land uses, are directly accessible from major thoroughfares as designated on the Major Thoroughfare Plan for the Township, and will not have any adverse economic, social, or environmental impact on surrounding land uses. Planned unit developments may be located anywhere in the Township upon the issuance of a special use permit by the Township Board. The spirit and intent of the Charter Township of Garfield Comprehensive Plan shall be followed by all planned unit development applications.

- Finding: The standard **has been met** based on the following:
  - The Planning Commission finds the application for a major amendment to replace the approved 72 unit apartment building with an improved building incorporates another residential option into the mixed residential PUD and will not result in any adverse economic, social, or environmental impact on surrounding land uses.
  - A perpetual access to and from Woodmere Avenue for emergency services is required for the public health, safety and welfare of the residents of the PUD.

**Section 8.10.2 Objectives**

**(1) To permit flexibility in the regulation of land development;**

- Finding: The standard **has been met** based on the following:
  - The Planning Commission finds relief granted from various zoning standards allows for the flexibility in sight and building design by permitting an additional building story, increased height, a reduction in required parking spaces and setbacks.
  - The building provides an additional residential component to the mixed residential PUD.

**(2) To encourage innovation in land use and variety in design, layout, and type of structures constructed;**

- Finding: The standard **has been met** based on the following:
  - The Planning Commission finds that the amendment to replace the existing building with that proposed will provide for an improvement in architecture, incorporate architectural undulation to minimize massing, incorporate internal pedestrian circulation, and a protect the conservation easement.

**(3) To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities;**

- Finding: The standard **has been met** based on the following:
    - The Planning Commission finds that the project is a mixed use residential project and incorporates a dense multi-family component in an area with existing services and utilities.
- (4) To encourage useful open space; to provide improved housing, employment, and shopping opportunities particularly suited to the needs of the Grand Traverse Region;**
- Finding: The standard **has been met** based on the following:
    - The Planning Commission finds that the project will complete an additional multi-family phase of the project providing high end apartments appropriately located near the city core.
- (5) To provide the innovative use, re-use, and improvement of existing sites and buildings;**
- Finding: The standard **has been met** based on the following:
    - The Planning Commission finds that the building will increase the overall appearance and add value to the project as a whole when compared to the approved structure.
- (6) To permit development in accordance with the policies and objectives of the Charter Township of Garfield Comprehensive Plan.**
- Finding: The standard **has been met** based on the following:
    - The Planning Commission finds that the Master Plan encourages a variety of housing options that cater to the greater community, are located in proximity to amenities, transportation and the city core.
    - The project will comply with the Master Plan by protecting the Conservation Easement and the trees within the easement during construction and in perpetuity.

**Section 8.10.4 Qualifying Conditions:**

A planned unit development is intended to accommodate developments; (a) with mixed or varied used, (b) sites with unusual topography or unique settings within the community, or (c) on land which exhibits difficult and costly development problems. Approval will not be granted when the planned unit development is sought primarily to avoid the imposition of standards and requirements of existing zoning classifications rather than to achieve the objectives of this Ordinance.

- Finding: The standard **has been met** based on the following:
  - The standards of §8.10.4 must to be met in order to issue planned unit development approval. They are not requirements which must be satisfied within the application itself, but must be demonstrated to the satisfaction of the Township through the PUD process.

Additionally, no planned unit development shall be approved unless it appears that the land use and development meet the following standards:

- (1) The use 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, and the benefits of the development are not achievable under any single zoning classification.**

- Finding: The standard **has been met** based on the following:
  - Public services and facilities exist and have served the existing PUD for several years. The project was designed to accommodate an approved 72 unit apartment building and constructed as such.
  - The development is a mixed use residential development that as a whole is not feasible under any single zoning classification due to the types of structures, densities etc.

**(2) The use will be compatible with the natural environment and 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 standard **has been met** based on the following:
  - The Planning Commission finds that the structure is more compatible with adjacent and surrounding land uses than that which is presently approved.
  - The structure as proposed will have a more positive economic impact with surrounding uses due to the enhancement of building materials, architecture, unit size and layout.
  - The Conservation Easement and trees will be protected during construction and in perpetuity.

**(3) The site shall be self-contained and shall contain no less than twenty (20) acres (exclusive of all existing public and private road rights of way on the perimeter of the site). Notwithstanding anything contained in the preceding sentence to the contrary, in the event that a planned unit development is proposed which lies partially within and partially outside the jurisdictional boundary of the Township and that portion lying within the Township is less than twenty (20) acres in size, that portion lying within the Township, may, in the discretion of the Planning Commission, be combined with the acreage of those areas of the proposed planned unit development lying beyond the Township's jurisdictional boundaries for purposes of establishing whether the twenty (20) acre minimum has been met.**

To encourage flexibility and creativity consistent with the objectives of the zoning ordinance, the Planning Commission may approve projects of less than twenty (20) acres. Such a deviation shall be approved through a finding of fact by the Planning Commission that the deviation meets the purpose of a planned unit development set forth in Section 8.10.2. In granting such a deviation, the Planning Commission shall consider factors such as preservation of steep topography, soils unsuitable for development, surrounding land uses which may make the parcel unsuitable for traditional development, transfer of acreage to the Township for broadly beneficial public projects, or truly innovative design. Such a dimensional deviation is not subject to variance approval by the Zoning Board of Appeals.

- Finding: The standard **has been met** based on the following:
  - The Planning Commission finds that the project area exceeds the minimum standard of 20 acres.

**(4) The use and development is warranted by the design of additional amenities made possible with and incorporated by the development proposal.**



- Finding: The standard **has been met** based on the following:  
The Planning Commission finds that the building and site will be located, designed and constructed in a manner that is to protect the Conservation Easement and the trees within that easement, to provide an internal walking path for the residents to access the Conservation Easement and Boardman Lake Trail, and provide pedestrian circulation as a whole.

**(5) The development consolidates and maximizes useable open space.**

- Finding: The standard **has been met** based on the following:  
Useable open space is mostly consolidated to the west of the building within the Conservation Easement.

**(6) Landscaping is provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.**

- Finding: The standard **has been met** based on the following:  
A landscaping plan has been provided and found to meet the intent of this standard. The project includes a Conservation Easement and several mature trees that will be protected and provide an immediate buffer from Boardman Lake.

**(7) Vehicular and pedestrian circulation, allowing safe, convenient, uncontested and well defined circulation within and access to the development shall be provided.**

- Finding: The standard **has been met** based on the following:
  - Refer to Finding 8.1.3(2)(p).

**(8) Existing important natural, historical and architectural features within the development shall be preserved.**

- Finding: The standard **has been met** based on the following:  
The Conservation Easement which will be protected is the only feature relevant to this standard.

**(9) The project is directly accessible from major thoroughfares as designated on the Major Thoroughfare Plan for the Township. The Township Board may authorize a project that does not have direct access to a major thoroughfare provided appropriate findings of fact are made demonstrating that:**

1. The project is directly accessible from a public road of suitable design and construction to handle any anticipated traffic that will be generated by the project
2. The anticipated traffic volumes are not reasonably expected to result in adverse impacts for those uses and properties along the public road system
3. The efficiency and safety of the overall public road system will not be negatively impacted.

- Finding: The standard **has been met** based on the following:  
Refer to Finding 8.1.3(c).

**Section 8.10.7 Additional Required Information:** Upon request of the Zoning Administrator or Township Board, the applicant shall provide the following information:


- (1) A plan identifying the location and type of individual trees of 10 inch caliper or larger, clusters and types of smaller vegetation.
- (2) Developer intent and objectives (physical, social and environmental).
- (3) A description of all exterior building materials.
- (4) Population profile for the development.
- (5) Proposed financing.
- (6) Impact of development on local streets, natural features, schools and utilities.
- (7) Market and economic feasibility.
- (8) Such other information pertinent to the development or use.

- Finding: The standard **has been met** based on the following:
  - The Township does not require additional information pursuant to GTZO §8.10.7(5)-(8). Under that ordinance, the decision to require such information is up to the Zoning Administrator or the Township Board. To date the Zoning Administrator has not decided to require such other information.

**Section 8.10.10 Phased PUD's.**

**Where a PUD is proposed for development in phases, a phasing plan that provides for the timely and integrated development of all proposed uses, infrastructure and other improvements shall be submitted**

- Finding:
  - The building and phase was previously approved and this amendment will serve to replace the approved building within the phased PUD.
  - Final completion of the first (existing) phase infrastructure will be required in order for the project to meet the intent of this standard.

 <b>Charter Township of Garfield</b>		General:	<input checked="" type="checkbox"/>
		Budget Related:	<input type="checkbox"/>
		In Camera:	<input type="checkbox"/>
Department:	Planning	Report No.	PD 2014-65
Prepared:	September 25, 2014	Pages:	1 of 2
Meeting:	October 8, 2014 Planning Comm.	Attachments:	<input checked="" type="checkbox"/>
Subject:	"Just Golf"		
File No.	SUP-1989-11-A	Parcel No.	05-032-002-00
Owner/Appl.:	Leonard Broughton		

**SUBJECT PROPERTY:**

The property is located at 4163 Meadow Lane Drive and is currently being operated as "Just Golf" equipment retail. The irregularly-shaped parcel measures 13.7 acres and has approximately 800 feet of road frontage on Meadow Lane Drive. The property is currently zoned C-2 General Commercial located south of Meadow Lane Mobile Home Park and adjacent to TCRV and Titan Equipment.

**PURPOSE OF APPLICATION:**

The applicant requests an amendment to an existing special use permit to reestablish a driving range and add bocce ball and badminton courts, a croquet area and 12-hole miniature golf course at the site of the existing "Just Golf" retail store. Miniature golf, driving ranges, and other similar outdoor commercial uses are permitted by Special Use Permit in the C-2 Commercial District.

**STAFF COMMENT:**

This application was first introduced in April. Over the course of a review lasting several months, the Planning Commission has focused its attention to the driving range, which has been found by the Commission to have the highest potential for negative impact on surrounding properties. As the project has evolved, additional safety measures have been put in place, the leased area has been expanded, and additional documentation from industry experts has been provided to demonstrate that the applicant was making reasonable good-faith efforts in being compatible with its neighbors.

Following conclusion of discussion on September 10, 2014, the Planning Commission was satisfied with the efforts of the applicant to demonstrate that adequate measures were taken to protect public safety, and asked Staff to prepare findings in support of the application. These findings are attached to this report for consideration. Importantly, the Findings are written to address the various safety measures which have been put in place to document the Commission's reasoning in approving the application.

**ACTION REQUESTED:**

The following separate motions are offered for consideration:

1. THAT the Findings of Fact #1989-11-A for "Just Golf," submitted by Leonard Broughton for a Special Use Permit major amendment to operate a commercial outdoor recreational facility within the C-2 General Business District, BE ADOPTED



*(to be adopted only following Commission review and acceptance of the draft document).*

2. THAT Application #SUP-1989-11-A, submitted by Leonard Broughton for a Special Use Permit major amendment to operate a commercial outdoor recreational facility within the C-2 General Business District, BE APPROVED based on the adopted Findings of Fact #1989-11-A, and subject to the following conditions:
  - a. In the event that the driving range safety barrier netting proves inadequate, the Township may take action to review, suspend and/or revoke the Special Use Permit.
  - b. The applicant shall record promptly the Report and Decision Order (RDO) and any amendment to such order with the Grand Traverse County Register of Deeds in the chain of title for each parcel or portion thereof to which the RDO pertains. A copy of each recorded document shall be filed with the Township within ninety (90) days of final approval by the Township or approval shall be considered to have expired. No land use permits shall be issued until all required recorded documents have been provided to the Township.
  - c. The applicant shall provide one (2) full-sized plan sets, one (1) 11"x17" plan set, and one electronic plan set copy (in PDF format) with all updates as required by the conditions of this approval.



# Charter Township of Garfield

## Grand Traverse County

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

### **Special Use Permit #1989-11-A – “Just Golf” Recreational Facility**

Subject Property: 4163 Meadow Lane Drive  
Permanent Parcel Number: 05-032-002-00  
Request: Special Use Permit for Recreational Use  
Owner: GDO Investments  
Applicant: Leonard Broughton

### **Staff Draft Findings of Fact – October 8, 2014**

#### **General Findings:**

1. Leonard Broughton has applied for a Major Amendment to an existing Special Use Permit to reestablish a golf driving range and to add bocce ball, badminton courts, a croquet area, and a miniature golf course to an existing commercial property located at 4163 Meadow Lane Drive.
2. The subject property measures 13.7 acres and is zoned C-2 General Commercial. Miniature golf, driving ranges, and other similar outdoor commercial uses are permitted by Special Use Permit in the C-2 zoning district.

#### **Township Zoning Ordinance Section 8.1.3: Basis for Determination**

- (1) **General Standards:** The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:
  - (a) Be designed, constructed, operated and maintained so as to be harmonious, compatible, and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
    - Finding: The standard has been met based on the following:
      - The US-31 corridor is zoned and planned for a variety of commercial uses and the application as presented will not change this character.
  - (b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
    - Finding: The standard has been met based on the following:
      - The driving range is likely the use with the greatest potential for impact on surrounding properties, and the application as initially received by the Planning Commission considered this issue. As proposed, driving range balls

would be hit from east to west, towards a vacant farm field. A 30-foot tall barrier net is provided to the north and south of the driving range to intercept errant balls. A 20-foot tall barrier is provided on the west end of the range. The tee boxes were repositioned approximately 150-feet to the west than currently exist to further mitigate potential impact on Titan Equipment.

- The design of the barrier followed consultation with Tex-Net, Inc, a professional sports netting company in business for nearly 50 years. The screening will follow the south property line, and will be offset 50-feet from the south property lines of Titan Equipment. The Township has relied upon the expertise and recommendation of Tex-Net, Inc., in approving the application as initially presented and subsequently amended.
- At a public hearing was on May 14, 2014, representatives of Titan Equipment, a neighbor to the north, expressed concern over the prospect of golf balls leaving the driving range and impacting its property. In response to this concern and the same shared concern by the Planning Commission, the application has been supplemented and amended as follows:
  - The proposed 30-foot tall netting located between the range and Titan Equipment was repositioned to run parallel with the north edge of the driving range rather than along the Titan Equipment property line, resulting in a higher barrier closer to range users.
  - The applicant proposed to install 10-foot by 10-foot screening, or "tee-line nets," adjacent to each tee area.
  - The lease area was modified to include the vacant land to the west of Titan Equipment, mitigating negative impact of balls landing within that area.
  - In addition to the initial documentation provided by Tex-Net, the applicant provided documentation by two golf teaching professionals and one golf course superintendant (altogether with over 100 years of experience) that the design of the barrier system as amended will result in a safer environment for surrounding land uses and protect most of the errant shots which could impact Titan Equipment. This documentation has been accepted in lieu of an outside consultant's review of safety procedures.
- With the provision of the revised safety netting measures the Planning Commission finds that the applicant has made appropriate efforts to limit impact on adjacent properties.
- Any approval will be conditioned so that in the event that the safety barrier netting proves inadequate, the Township may take action to review, suspend and/or revoke the Special Use Permit.
- As of September 3, 2014, the lease area was modified to include land area to the west of Titan Equipment, and the Planning Commission determines that netting to prevent balls from impacting on this area is unnecessary.
- The applicant has made a good-faith effort to mitigate errant golf balls.

**(c) Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.**

- Finding: The standard **has been met** based on the following:
  - The site is served by Meadow Lane Drive, a collector street with immediate access to US-31, State highway. Fire and police protection are available to the site. Plans for on-site drainage are subject to review and approval by the

Township engineering consultant. The site is served by private water and septic facilities; final approval of site improvements is subject to County Health Department review.

**(d) Not create excessive additional requirements at public cost for public facilities and services.**

- Finding: The standard **has been met** based on the following:
  - No additional requirements at public cost for public facilities and services are foreseen.

**(e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.**

- Finding: The standard **has been met** based on the following:
  - No uses or activities are anticipated which would create unusual amounts of fumes, glare, or odors.

**(2) Specific Requirements: In reviewing an impact assessment and site plan, the Planning Commission shall consider the following standards as the specific standards outlined in the following sections:**

**(a) That the applicant may legally apply for site plan review.**

- Finding: The standard **has been met** based on the following:
  - The applicant has been authorized by the owner of the property to apply for site plan review.

**(b) That all required information has been provided.**

- Finding: The standard **has been met** based on the following:
  - The applicant has submitted sufficient information as requested by the Garfield Township Planning Commission to demonstrate that the project meets the intent of Zoning Ordinance § 8.1.3(1).

**(c) That the proposed development conforms to all regulations of the zoning district in which it is located.**

- Finding: The standard **has been met** based on the following:
  - The project site design conforms to the regulations of the C-2 General Business District.

**(d) That the plan meets the requirements of Garfield Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.**

- Finding: The standard **has been met** based on the following:
  - The project is designed to meet the remaining requirements of this standard. Agency approval will be required prior to the issuance of any land use permit.



(e) **That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.**

- Finding: The standard **has been met** based on the following:
  - Final review and approval of the project is subject to review by Grand Traverse Metro Fire Department, County Health Department, County Soil and Erosion, and DPW.

(f) **That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so indicated on the site plan and at the site per se.**

- Finding: The standard **has been met** based on the following:
  - The site has been previously developed and used for commercial and agricultural uses, and no natural resources remain on site.

(g) **That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property and open space areas as designated on the future land use map of Garfield Township.**

- Finding: The standard **has been met** based on the following:
  - No floodways, flood plains or designated open space areas are present on the site.

(h) **That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.**

- Finding: The standard **has been met** based on the following:
  - No site conditions that would cause construction difficulties are known to exist.

(i) **That the proposed development will not cause soil erosion or sedimentation problems.**

- Finding: The standard **has been met** based on the following:
  - Final construction plans are subject to approval by the Grand Traverse County Soil Erosion and Sedimentation Control office.

(j) **That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.**

- Finding: The standard **has been met** based on the following:
  - Final drainage plans are subject to review and approval by the Township engineering consultant for compliance with the stormwater ordinance.

(k) **That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring**

**properties.**

- Finding: The standard **has been met** based on the following:
  - The site is relatively flat. Any grading necessary to accommodate the project will be minor in nature and will not disturb surrounding properties.

**(l) That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.**

- Finding: The standard **has been met** based on the following:
  - Not applicable as the project will be constructed in one phase.

**(m) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.**

- Finding: The standard **has been met** based on the following:
  - No site changes that would provide an opportunity for expansion of these facilities are proposed.

**(n) That landscaping fences or walls may be required by the Planning Commission in pursuance of the objectives of this Ordinance.**

- Finding: The standard **has been met** based on the following:
  - Street trees have been provided along Meadow Lane Drive. The Planning Commission finds no additional landscaping is necessary to meet the intent of this section.

**(o) That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.**

- Finding: The standard **has been met** based on the following:
  - The project is designed to meet this standard.

**(p) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.**

- Finding: The standard **has been met** based on the following:
  - The project is designed to meet this standard.

**(q) That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.**

- Finding: The standard **has been met** based on the following:
  - Outdoor storage of garbage is not proposed.

**(r) That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.**

- Finding: The standard **has been met** based on the following:
  - The proposed use of the site is in line with the policies of the existing C-2 General Business zoning district and Mixed Use Business category of the Township's Comprehensive Plan.