



Charter Township of Garfield
Planning Department Report No. 2015-65

Prepared:	December 1, 2015	Pages:	Page 1 of 2
Meeting:	December 9, 2015 - Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	2016 Meeting Schedule		

PURPOSE:

This report requests approval and adoption of the 2016 Planning Commission meeting schedule.

COMMENTS:

The Planning Commission is required to adopt and post their annual meeting schedule at the beginning of each year. Please see the attached 2016 meeting schedule for your review and, if acceptable, approval.

The 2016 meeting schedule follows the same format as previous years with meetings held on the 2nd Wednesday, and work sessions on the 4th Wednesdays of the month. Similar to past years, we have eliminated the work session in November and December due to the holidays.

The meetings are scheduled to begin at 7:00 pm as usual, however, staff is open to changing that time if the Planning Commission desires.

RECOMMENDATION:

The following motion would be appropriate:

THAT the 2016 Planning Commission meeting schedule, as attached to PD Report No. 2015 -65, BE APPROVED.



Charter Township of Garfield

Grand Traverse County

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

2016 PLANNING COMMISSION MEETING DATES

The Charter Township of Garfield Planning Commission meets on the second and fourth Wednesdays of each month, excepting the months of November and December. All meetings begin at 7:00 p.m. and are held at the Garfield Township Hall, 3848 Veterans Drive, Traverse City, Michigan. The adopted 2016 meeting schedule is as follows:

Regular Meeting


January 13, 2016
February 10, 2016
March 9, 2016
April 13, 2016
May 11, 2016
June 8, 2016
July 13, 2016
August 10, 2016
September 14, 2016
October 12, 2016
November 9, 2016
December 14, 2016

Study Session

January 27, 2016
February 24, 2016
March 23, 2016
April 27, 2016
May 25, 2016
June 22, 2016
July 27, 2016
August 24, 2016
September 28, 2016
October 26, 2016

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 the Township. Individuals with disabilities requiring auxiliary aids or services should contact Garfield Township by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620, or TDD #922-4766.

		Charter Township of Garfield	
		Planning Department Report No. 2015-66	
Prepared:	December 1, 2015	Pages:	Page 1 of 2
Meeting:	December 9, 2015 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Elizabeth Reid Group Child Care SUP Application - Introduction		
File No.	SUP-2015-02	Parcel No.	05-017-039-00
Applicant/Owner:	Elizabeth Reid		
Agent:	n/a		

PURPOSE OF APPLICATION:

The application requests Special Use Permit (SUP) approval to establish a group childcare home (providing care for up to 12 children) at 3181 Zimmerman Road.

SUBJECT PROPERTY:

The subject property is located on the west of Zimmerman Road, north of Silver Lake Road and south of the Heritage Estates subdivision. More specifically, the site is located along the curvy stretch of road roughly across from the Paysage Place subdivision (Panorama Road). The property is zoned R-1 Single Family Residential and contains an existing single-family home.

STAFF COMMENT:

As the Planning Commission is aware, we have drafted an ordinance amendment to permit this type of use on a conditional basis, rather than by Special Use Permit, in this zoning district. In fact, earlier conversations with Ms. Reid are what spurred that current ordinance amendment discussion, because it seemed burdensome to require a Special Use Permit for a small group child care home.

While Ms. Reid is aware of the pending amendment, she has nonetheless requested approval as a Special Use Permit so that she may open as soon as possible. Approval will allow her to open a month or two before the proposed ordinance amendment will be adopted if it is processed as efficiently as possible.

Therefore, the following comment is intended to guide the Planning Commission's review of the application:

Access to site

Access to the site is via the existing single driveway off of Zimmerman Road. As noted above, the driveway is located along a curve in the road, creating possible concerns regarding turning movements into and out of the site. The applicant has indicated that she has cleared out all of the brush at the end of the driveway to allow for additional visibility when entering the driveway, which should help.

Additionally, the driveway slopes down to the roadway, potentially a hazard in winter conditions. It may be appropriate to condition any approval that the entire driveway be properly treated with ice remover at all times.

If the Planning Commission desires, it could request the Road Commission to determine if it would like to weigh in on the suitability of the existing driveway to accommodate the daycare traffic.

Circulation

Once within the site, vehicles will travel up the driveway to the turnaround and dropoff point. The applicant indicates that there are two areas on the driveway that can be used as turnarounds in the event that two parents arrive at the same time.

Safety considerations

The applicant has proposed to construct a fenced in area in the backyard to allow for outside play. This area is located immediately behind the existing home, and a fair distance away from the closest neighbor to the north. The application narrative indicates that this will be a 600-square-foot area, but the provided fence installation quote is for a 912-square-foot area. Ms. Reid should be asked to clarify which enclosure she intends to install.

Licensing

As a group child care, State of Michigan licensing is required. Any approval should be conditioned accordingly.

Conclusion

As the Planning Commission will note, this is a relatively simple request and a good example of why this sort of application may be most appropriate as a by-right use subject to conditions.

In this case, however, a noticed public hearing in accordance with the Special Use Permit procedure is still required.

ACTION REQUESTED:

The purpose of the introductory meeting is to accept the application and to identify any broad Planning Commission concerns which should be addressed prior to further deliberation on the application. As such, following an opportunity for applicant presentation and commissioner discussion, the following motion is offered for consideration:

RECOMMENDED MOTION:

THAT application SUP-2015-02, submitted by Elizabeth Reid for a Special Use Permit for a Child Care Small Group Home BE ACCEPTED and scheduled for a public hearing at the regular meeting to be held on January 13, 2016.

Any additional information that the Planning Commission determines to be necessary (i.e. Road Commission comment) should be added to this motion. If the Planning Commission is not satisfied with the level of information provided to date, the above motion would be premature and should not be adopted.

Attachments:

*Application cover letter
8.5x11" property map*

My intention is to open a group childcare in my home. And with an assistant, care for up to 12 children.

I have adequate space, training and patience to do so.

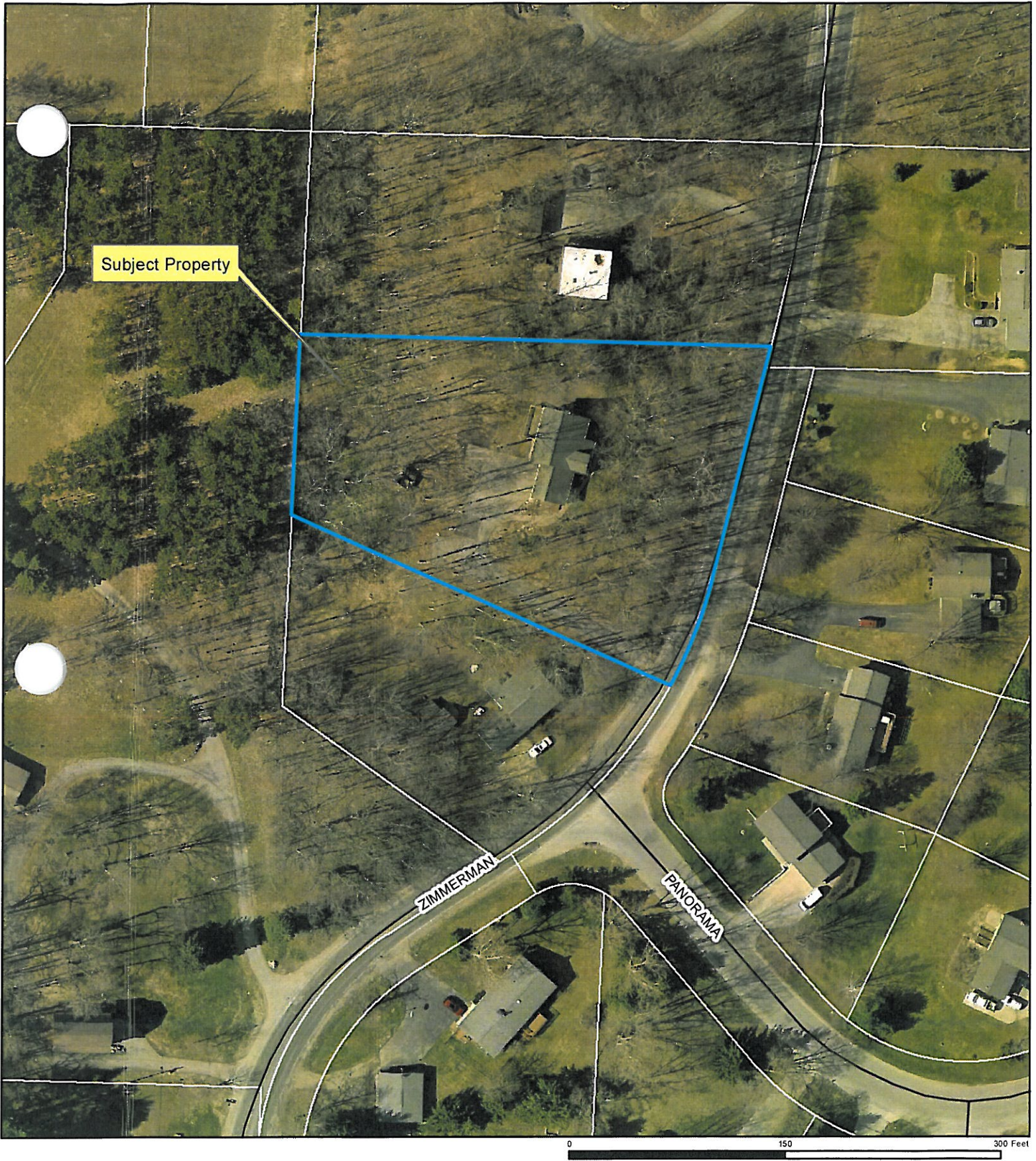
The only changes made to my property will be a 600 square foot fence put in in the existing yard.

I have 2 areas in my driveway that can be used as turn arounds. I have cleared out all the brush at the end of the driveway to allow for optimal visibility when entering and exiting the driveway.

Thank you for your time


Elizabeth Reid

3181 Zimmerman Rd
Traverse City, Mi 49685



Parcel Map - Reid Childcare SUP Application

Legend

 Parcel 2015


This map is based on digital databases prepared by Garfield Township. The Township does not warrant expressly or impliedly that the information on this map is current or positionally accurate. Always contact a surveyor to be sure of where your property lines are located.

Garfield Charter Township
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NOT A LEGAL SURVEY

Garfield Township Planning Dept: 12/1/2015

		<h2 style="margin: 0;">Charter Township of Garfield</h2> <p style="margin: 0;">Planning Department Report No. PD 2015-67</p>	
Prepared:	December 3, 2015	Pages:	1 of 2
Meeting:	December 9, 2015 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Zoning Ordinance Amendment - Public Hearing		

BACKGROUND:

At its meeting on October 28, 2015, the Planning Commission scheduled a public hearing for December 9th to consider the first amendment to the Garfield Township Zoning Ordinance.

These amendments include, in brief, the following:

- a. The establishment of Section 725 (Commercial District Housing Developments) and amendments to existing Sections 320, 321, and 322, to allow multiple-family residential developments as a Special Use Permit within the C-G General Commercial, C-H Highway Commercial, and C-P Planning Shopping Center zoning districts.
- b. An amendment to Section 313 (R-1 Residential) and to Section 325 (A - Agricultural) to allow Child Care facilities which provide care for up to 12 children as a use permitted subject to Special Conditions in the R-1, R-2, R-3, and R-R Residential Districts and in the A - Agricultural District. This amendment also includes changes to the review and approval criteria included in Section 719 (Child Care, Small Group Home (7-12)) of the Zoning Ordinance.
- c. An amendment to Section 777 (Supplemental Setbacks for PUD's, Mobile Home Developments and other Group Housing or Multi-Family Developments) to repeal multi-family developments and group housing developments from the list of uses which are subject to supplemental setback requirements.
- d. An amendment to Section 315, (R-3 Multi-Family Residential), and to Section 312, Table 3-3 Dimensional Standards Note "B," to amend the required minimum lot area from 5,000 square feet to 4,000 square feet of overall lot area per dwelling unit.
- e. An amendment to Section 315 (R-3 Multi-Family Residential) to eliminate Group Housing Developments as a use permitted by Special Use Permit in this district, and to repeal Section 430 (Group Housing) in its entirety.
- f. An amendment to Section 551 (Parking), Table 5-47 to eliminate Group Housing parking standards.
- g. An amendment to Section 321.D.2 (C-H Highway Commercial) to establish the Planning Commission as the review authority (rather than the Zoning Board of Appeals) for the purpose of determining traffic safety.
- h. An amendment to Section 315, (R-3 Multi-Family Residential), and to Section 312, Table 3-3 Dimensional Standards Note "B," to amend the required minimum

setbacks in the R-3 District from 25-10-30 (front-side-rear) to 25-20-20 (front-side-rear).

For the sake of clarity in the record, an error in the legal notice caused the R-3 District setback amendment listed under letter "h," above, to be omitted. This amendment has been discussed by the Planning Commission but was inadvertently left out of the publication. By referencing this here, and by ensuring that it is properly included in the Township Board's notice of public hearing, this amendment may still be considered by the Planning Commission. This amendment is reflected on Paragraph No. 9 of the attached draft Zoning Ordinance Amendment.

As a further housekeeping matter, we would also ask that the Planning Commission include an additional amendment related to the group housing discussion: THAT Article 2, Section 201 (Definitions) be amended by eliminating the definition of "Group Housing." The purpose of this amendment is that there is no need to define a use which will no longer be described in any zoning district. This amendment is reflected on Paragraph No. 10 of the attached draft Zoning Ordinance Amendment.

The full draft amendment, reflective of recommended changes above, is attached to this report for further review if necessary.

ACTION REQUESTED:

The Planning Commission is a recommending body for the purpose of a zoning ordinance amendment. Therefore, following an opportunity for public comment and commission discussion, the following motion is offered for consideration.

THAT proposed Amendment No. 1 to Charter Township of Garfield Zoning Ordinance No. 68, as described within and attached to Planning Department Report No. 2015-67, be recommended for approval to the Garfield Township Board.

Attachments:

Draft Amendment No. 1 to Garfield Township Zoning Ordinance No. 68

**CHARTER TOWNSHIP OF GARFIELD
GRAND TRAVERSE COUNTY, MICHIGAN**

ORDINANCE NO. 68 : AMENDMENT NO. 1

RESOLUTION #2015-XX-T

A RESOLUTION TO AMEND GARFIELD TOWNSHIP ZONING ORDINANCE NO. 68, in accordance with the provisions of Act 110 of the Public Acts of 2006, as amended.

WHEREAS the Charter Township of Garfield regulates the use and development of land pursuant to the authority of the Michigan Zoning Act, Act 110 of 2006, as amended;

WHEREAS the Township finds that an amendment to the Garfield Township Zoning Ordinance is necessary to: establish new regulations related to allowable residential uses within commercial zones; to address allowable child-care uses within residential and agricultural zones; to revise setback and maximum density requirements for multiple-family residential projects; to eliminate "group housing" residential projects as a permitted use in all districts and to amend the quasi-judicial review authority for projects located within the C-H Highway Commercial Zone;

NOW THEREFORE, THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:

AMENDMENT NO. 1 TO CHARTER TOWNSHIP OF GARFIELD ZONING ORDINANCE NO. 68:

1. THAT Section 725 be adopted as follows:

DRAFT SECTION 725 COMMERCIAL DISTRICT HOUSING DEVELOPMENTS

A. REGULATIONS AND CONDITIONS

1. Design.

- a. Multiple-family residential uses built within commercial zoning districts shall be designed to cohesively integrate with the surrounding commercial uses. For the purpose of making this determination, the Planning Commission may rely on the site design requirements and general criteria as set forth in § 427, Planned Unit Residential Developments.
- b. Multi-family structures shall be abutted by open space on at least one side per building.
- c. The baseline project density shall be as described in the R-3 Multiple Family Residential Zone. At its discretion, and based upon a determination that the project is designed to meet the intent of this Section, the Planning Commission may authorize increases in density over what is regularly allowable.
- d. Parking requirements shall be as described in the R-3 Multiple Family District. Shared parking agreements as described in § 551 of this Ordinance are supported and encouraged. Parking areas shall not be located within any setback.
- e. Landscaping shall be as required in Article 5, Table 531.1. In the event that the multi-family project does not sit on its own parcel, the application shall indicate a project boundary area which shall be used for the purpose of landscaping placement.
- f. Pedestrian walkways shall be provided within the subject parcel or project boundary for the purpose of providing safe and convenient movement within the site and towards other walkable places of interest such as stores, restaurants, or entertainment.

- g. The residential areas of an overall commercial development site shall be adequately, but not overly, lit at night. Applications shall demonstrate that commercial lighting in the vicinity meets the dark sky requirements of this Ordinance in order to minimize impact on the residential area. Where lighting is to be installed for a residential area, average illumination levels of 0.5 to 1.0 foot candle shall be maintained. Existing commercial lighting which illuminates the residential area of the site to this level may be used in lieu of installing additional residential lighting. Common entryways shall be adequately illuminated by wall-pack style lighting fixtures.
2. Open Space Requirements.
 - a. A minimum of fifty square feet per unit of private outdoor space with a minimum dimension of four feet in any direction shall be provided. Private open space shall be accessible directly from the living area of the unit, in the form of a fenced yard, patio, deck, or balcony.
 - b. A minimum of three hundred square feet per unit of common outdoor open space shall be provided. Required open space shall be consolidated to the extent reasonably possible to provide areas for the residents and/or to help buffer the residential structures from adjacent commercial uses.
 - c. Open space shall be designed to provide a rear yard along the longest building length of a given structure.
 - d. Required setback areas shall not be included towards required open space areas; however, placing required open space areas adjacent to setbacks is supported.
 3. Compatibility. Applications shall describe measures which will be taken to mitigate common commercial impacts such as noise, light, and nighttime operations on the multi-family project.
2. THAT Sections 320, 321, and 322 (C-G General Commercial, C-H Highway Commercial, and C-P Planning Shopping Center Districts) be amended by adding "Commercial District Housing Developments - Subject to §725" as a use permitted by Special Use Permit in each district.
 3. THAT Section 313 (R-1 One Family Residential District) be amended by adding "Child Care, Small Group Home (7-12) - See §719" as a use permitted subject to Special Conditions under Section 313.B, and by eliminating the same as a use permitted subject to Special Use Permit Section 313.C. This amendment also has the effect of permitting this use by Special Conditions, rather than by Special Use Permit, in the R-2, R-3, and R-R Residential Districts.
 4. THAT Section 325 (A Agricultural District) be amended by adding "Child Care, Small Group Home (7-12) - See §719" as a use permitted subject to use permitted subject to Special Conditions under Section 325.B, and by eliminating the same as a use permitted subject to Special Use Permit Section 325.C.
 5. THAT Section 719, Child Care, Small Group Home (7-12), be amended to read in its entirety as follows (note, as used in this resolution, **bold text** indicates new text, and ~~struckthrough~~ text indicates eliminated text):
 - DRAFT Section 719 - Child Care, Small Group Home (7-12)
 - A. REGULATIONS AND CONDITIONS
 - (1) **A Planning Commission hearing is required.**
 - (2) Facility shall maintain all valid state and local licenses.
 - (3) Facility shall be operated within the primary residence of the caregiver.
 - (4) All outdoor areas used for the care and supervision of patrons shall have appropriate

fencing for the safety of the children in the group day-care home of no less than 4 feet in height or in accordance with State regulations.

- (5) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
- (6) Hours of operation shall not exceed sixteen (16) hours during a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
- (7) **The Planning Commission shall determine that the facility will be safe to enter and exit via motor vehicle. This determination may rely upon the Planning Director's recommendation, following a site inspection, and, if necessary, the Planning Director's discussions with the Grand Traverse County Road Commission and/or other professional traffic impact consultant.**
- (8) **The Planning Commission shall determine that the site is properly designed and capable of safely accommodating the proposed facility.**
- (9) The ~~Township~~ **Planning Commission** may deny the request if any of the following facilities exist within 1,500 feet of the subject property:
 - (a) A licensed or pre-existing operating group day-care home.
 - (b) An adult care small group home (1-12 adults).
 - (c) An adult foster care large group home (13-20 adults).
 - (d) A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
 - (e) A community correction center, resident home, halfway house, or similar facility under jurisdiction of the Department of Corrections.

B) PROCEDURE

- (1) Applications shall be submitted to the Planning Department for completeness review. All applications shall include sufficient site plans or site diagrams, and written information to adequately describe the application as it relates to the conditions of approval. Upon determination that the application is complete, the Planning Department shall forward the application to the Planning Commission for review.
- (2) The Planning Department shall notify the owners of all real property within 300-feet of the subject property that an application for a Child Care, Small Group Home has been received. This notice shall inform the recipient that an opportunity for public comment on the application is available, but shall not be considered a public hearing for the purposes of the Michigan Zoning Enabling Act. The notice shall include a description of the proposed application, the mailing address where written comment may be sent, and the date, time, and address where the Planning Commission hearing will occur.
- (3) The Planning Commission, in its review, shall consider the standards of § 719.A as well as any public comment made in writing or made verbally at the Planning Commission's hearing. After this consideration, the Planning Commission may approve, approve with conditions, or deny the request.

6. THAT Section 777 (Supplemental Setbacks for PUD'S, Mobile Home Developments Mobile Home Developments and other Group Housing or Multi-Family Developments) be amended to read in its entirety as follows:

DRAFT SECTION 777 SUPPLEMENTAL SETBACKS FOR PUD'S, AND MOBILE HOME DEVELOPMENTS, ~~AND OTHER GROUP HOUSING or MULTI-FAMILY DEVELOPMENTS~~

A. REGULATIONS AND CONDITIONS.

It is the intent of this Ordinance that residential developments other than conventional subdivisions be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the Township in which they are located, and that such a use will not change the essential character of the area in which it is proposed. Inasmuch as planned unit developments, mobile home parks and other group housing developments may involve higher densities of land use or building types which distinctly differ from the single family conventionally built dwellings which predominate through the Township, periphery setbacks for such developments are established as follows.


All buildings, including single family homes within a planned unit development, ~~group housing, or other Multi-Family development~~ and mobile homes within a mobile home park development shall be placed at least fifty (50) feet from any public right of way line for existing roadways bordering a site and at least thirty (30) feet from a development boundary line which is not a public road right of way. Setback spaces shall be occupied by plant materials and appropriately landscaped.

7. THAT Section 315 (R-3, Multiple-Family Residential District) be amended by eliminating "Group Housing Developments" as a use permitted subject to Section 315.C., Uses Permitted By Special Use Permit.
8. THAT Section 315.E (R-3 Multiple-Family Residential District Dimensional Standards) and Section 312, Table 3-3 Dimensional Standards - Note "B," be amended by changing the required minimum lot area per multi-family dwelling unit from 5,000 square feet to 4,000 square feet of overall lot area per dwelling unit.
9. THAT Section 315.E (R-3 Multiple-Family Residential District Dimensional Standards) and Section 312, Table 3-3 Dimensional Standards, be amended by changing the required minimum yard setbacks in the R-3 District from 25-10-30 (front-side-rear) to 25-20-20 (front-side-rear).
10. THAT Section 430, Group Housing Developments, be eliminated in its entirety, and that Article 2, Section 201 be amended by eliminating the definition of "Group Housing."
11. THAT Section 551 (Parking), Table 5-47, be amended by eliminating "Group Housing" parking standards.
12. THAT Section 321.D.2 (C-H Highway Commercial) be amended to read in its entirety as follows:

All site plan proposals submitted under the requirements of the Highway Commercial District shall provide for the proper handling of traffic on the highway, frontage road, or street giving access to the district. No access by motor vehicles other than stated herein shall be permitted to a minor or residential street. All points of entrance or exit for motor vehicles shall be no closer than fifty (50) feet

from the intersection of the right-of-way lines of two streets. When a Highway Commercial District is located adjoining or within one-half (½) mile of an existing or proposed state or interstate limited access highway interchange, the ~~Zoning Board of Appeals~~ **Planning Commission** shall determine that an acceptable traffic safety relationship exists between the owner's or lessee's site plan and the design of the state or interstate facility. The proposed site development within the Highway Commercial District shall not be so located and designed so that unsafe traffic congestion results on the interchange facilities of the limited access highway.

DRAFT

		Charter Township of Garfield	
		Planning Department Report No. 2015-68	
Prepared:	December 1, 2015	Pages:	Page 1 of 5
Meeting:	December 9, 2015 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Vacation Home Rentals in Silver Lake District		

STAFF COMMENT:

The Township Board has asked the Planning Commission to research and recommend on a possible zoning ordinance amendment to allow vacation home rentals in the residential area surrounding Silver Lake in Sections 30 and 31. A "vacation" or "short-term" rental (hereinafter referred to simply as a "rental" or "vacation rental") is defined as *a commercial use of a residential dwelling where the dwelling is rented or sold for any term less than 30 consecutive days*. Currently, with limited exceptions, this type of use is not currently allowed in the lower density residential zones (R-R, R-1, and R-2).

At this point, we are still in the educational and fact-finding stage and have chosen to place this on the December 9th agenda for the Planning Commission's first discussion.

For background, vacation rentals have not been allowed ever since the former Garfield Township Zoning Ordinance No. 10 was adopted in 1974. (A number of pre-existing vacation resorts such as Baker's Silver Lake Cottages and Silver Shores, which were established before 1974, are considered legally non-conforming).

Despite the prohibition on rentals, a number of homeowners have offered rentals "under the radar" over the years. Recently, however, the Township contacted approximately 25 individuals and began to enforce this ordinance. These individuals subsequently asked the Township Board to consider amending this restriction, resulting in the current Board request for Planning Commission input on the matter.

SURVEY:

In order to help the Planning Commission begin to evaluate this issue, staff prepared and distributed a rental public opinion survey. The survey (*which is attached*) was sent to the tax mailing address for all property owners in Section 30 and 31, which is an area bounded by Secor Road to the north, East Silver Lake Road to the east, and the south and west township boundary lines. The survey briefly explained the issue and asked a series of questions, including:

- Do you own property on the lake?
- Have you considered renting out your home, or done so in the past?
- Do you feel that vacation rentals should be allowed in your neighborhood?
- If you feel that vacation home rentals are OK, should the Township set standards for minimum lengths of stay?
 - If so, how long? (2-3 nights, 1 week, 2 weeks, 3 weeks, or 4 weeks)
- Is there anything else you would like to tell us?

All told, the survey was sent to 378 owners of lakefront property, and to 338 owners of non-lakefront homes. To ensure a true result, measures were taken to ensure that surveys could not be duplicated.

Information provided prior to receipt of survey:

As noted above, the survey that was sent included a very brief introduction to the topic at hand, to wit:

"Recently, the Garfield Township Board has been asked to consider a zoning ordinance change which would allow short-term, or vacation rentals, in the residential areas surrounding Silver Lake. A short-term rental is described as anything less than 30 consecutive days, which is currently not permitted. (Rentals of 30 days or more are a permitted activity.)

The purpose of this letter is to request your anonymous opinion about possibly allowing short-term rentals in the residential neighborhoods surrounding Silver Lake. This survey is being sent to all homeowners within the area bordered by Secor Road to the north, east Silver Lake Road to the east, and the western and southerly boundaries of the township."

This was the only information provided by the Township as the survey was mailed.

However, recipients also received the attached letter from a group called the "Silver Lake Rental Group." This statement was prepared and deposited in newspaper boxes just prior to the survey being mailed (this group kept tabs on when the survey would go out.) This letter, which contains some inaccuracies and potentially misleading statements, was the only information provided to survey recipients other than the survey itself, and its affect on responses is undetermined.

Preliminary Survey Results

As of December 1, 2015, the following preliminary responses were observed:

- Lakefront property owner, for rentals: 78
- Lakefront property owner, against rentals: 72
- Non-lakefront owner, for rentals: 39
- Non-lakefront owner, against rentals: 30
- All responses, for rentals: 117 (53.4%)
- All responses, against: 102 (46.6%)

Preliminary Written Responses

As noted above, recipients were also provided with the opportunity to provide written comment. Below are some emerging themes in these responses.

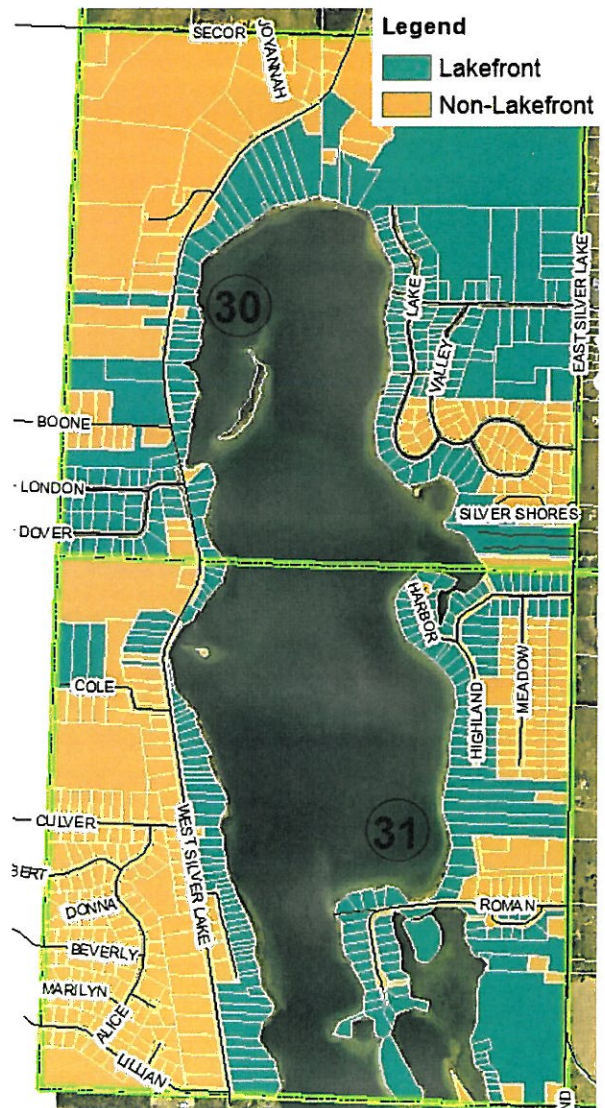
Common responses of vacation home rental supporters:

- A neighbor has rented for a long time and there has never been a problem
- The neighbors actually like and get to know families who come back annually

- Regulating rentals is government overreach / intrusion on private property rights
- Helps support tourism, local economy, employment
- Helps retain property values
- Helps offset non-homestead taxes
- Owner purchased the home as a second home, and without ability to rent on a weekly basis will not be able to afford mortgage
- Property was purchased at a premium because of income potential
- We consider this a business and are not opposed to annual fees and inspections
- Want to keep home in the family when we retire and relocate
- Have tried to rent on a monthly basis but unsuccessful
- OK with regulations on number of renters, noise, fireworks, parties, lake rules, respect for neighbors
- Owner should live nearby / be on call
- Has been happening for years with no issues or enforcement
- License, regulate, enforce
- Septic tank inspection ordinance
- Have high minimum rental fees to attract high quality renters
- Consider difference between full home rental and renting out a bedroom while homeowner is present

Common responses of vacation home rental detractors:

- Purchased based on existing residential zoning; keep current zoning to protect neighborhood character
- Overcrowding of homes; parking on streets; increased traffic including brewbuses and wine tours
- It is a business or commercial use of residentially zoned property; short term rentals equate to motels or hotels, not homes
- When we bought there were no rentals nearby; have been seeing slow conversion
- Unaccountability of homeowner who is renting out; can't get in touch with
- Rental owners are the vocal minority
- Trespassing / disrespect issues
- Renters do not respect the lake and neighbors as home and landowners do
- Hard to understand how bad it can be until you experience it for yourself
- Rentals are typically next door to permanent owners
- Excessive strain on septic systems
- OK with long-term rentals (30 days +)



- Poor upkeep of some vacation homes; garbage and litter issues; loss of property value
- Neighbors operate a rental and have had bad experiences; renters are there to have a good time regardless of laws or respect for neighbors; holiday atmosphere
- Having to wake up early for work while being kept up at night
- This is a detriment to those who are not renting out homes
- High ownership turnover of rental homes
- Area around Silver Lake should remain residential; weekly rentals are commercial
- Impact of noise, fireworks, traffic on everyone including non-lakefront property owners
- Don't change rules so a few can get richer; this is simply about making money

OTHER CONSIDERATIONS:

In addition to the survey responses, the Planning Commission should also consider the following during the course of this evaluation:

Statement of Intent of R-1 Zoning District:

PURPOSE The R-1 (One Family Residential) districts provide areas for low to medium density one family residential dwelling units. The districts include areas of existing one family developments as well as areas within which such development appears likely and desirable. They are intended to encourage more intensive development in and near the core areas of the township with less intensive development moving outward towards the more rural and remote areas of the township. **The R-1 districts are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and parks that will promote a sense of community and urban vitality.**

Statement of Intent of Moderate Density Residential Master Plan:

Moderate Density Residential: Areas having a density of 2 to 6 residential units per acre, ideally served by municipal water and sewer services.

Ramifications of choosing to amend the zoning ordinance by allowing vacation home rentals

- While many rentals may have operated under the radar for years without issue, choosing to allow them would almost certainly lead to more rental properties in this area.
- The Township may be on shaky legal ground because this amendment has never been discussed or described in Master Plan documents, and because commercial uses are not described in the statement of intent of the zoning district. *Therefore, defending this amendment in the face of a lawsuit would be challenging, even if the Township attempts to find a middle ground.*

Ramifications of maintaining the status quo by prohibiting vacation home rentals

- Homeowners could continue to rent homes on a monthly basis.
- The Township would be on strong legal ground due to a 2014 Circuit Court decision and order (Garfield v. Shafer) that the prior Zoning Ordinance was clear, that this use has

never been allowed, and that the Township is not compelled to authorize a commercial use within a residential zone.

Correspondence Received

Finally, the Township has received a number of letters both for and against this issue, many of which are duplicates or form letters. These letters have been included in your packet under "Correspondence."

CONCLUSION:

Though rentals may have been occurring for years, this does not mean that there was ever any implied consent to allow this type of use. As found by the Circuit Court, the ordinance has always been clear that this type of use has never been allowed. However, as requested by the public and as directed by the Township Board, the Planning Commission has been tasked with evaluating the issue to determine if that should change.

ACTION REQUESTED:

No formal action is requested or appropriate during this information gathering and educational stage in the process. Planning Commission discussion, questions, and additional information requested of Staff will help to keep this issue moving for further discussion in January.

Attachments:

Opinion Survey of allowing vacation home rentals in Silver Lake area

Pro-rental advocate sheet

A FEW THINGS WOULD

NEIGHBORS YOU TO KNOW...

Fall 2015

Hello Neighbor! Very soon, you will receive an important survey from Garfield Township regarding Vacation Rental Homes on the lake. Because there is so much ambiguity regarding and surrounding this issue and it is such an important issue, we (a group of concerned citizens that have owned rentals on the lake for a long time) wanted to share important and timely information with you and ask for your help and support.

Since the 1890's Silver Lake has had summer vacation rental homes and cottages (also known as short-term rentals). Beginning in 2014 and carried forward to 2015, the township issued blanket cease and desist orders to all cottage owners, even those who operated resorts that had continuously operated for decades and decades.

Silver Lake is the only inland lake in GT County not to allow short term rentals. Vacation Home Rentals are approximately 7% of rental homes on Silver Lake. The long term rental market (30 days or more) makes up 39.4% of all housing units in Garfield Township according to a GT County study. As of last count, there are approximately 30 summer vacation rental cottages/homes on Silver Lake. Most of these homes/cottages are rented for up to 10 weeks in the summer on a weekly basis, and then are rented on a nine-month basis for the rest of the year.

In the last 10 years, only five complaints have been logged against Vacation Home Rentals. One for noise and four to report a Vacation Home Rental status, but no complaints mentioned in those four reports.

Vacation Home Rental owners are typically local people who love and maintain their properties. According to the GT County study, these homes add to the overall value of homes in their area. They are kept in excellent condition so that guests will want to return. Most owners self manage their properties and provide guests with a set of rules about what they can and can't do on the property. (quiet hours, number of people and cars allowed, what to do in case of an emergency, etc.) In addition,

we require a damage/non-compliance deposit so that rules are taken seriously. Yes, a few years ago when properties were cheap, a few bad apples came in and took advantage of the situation, but they are gone now. We are concerned that our homes and neighbors are always treated well by our visitors.

Government is taking homeowners rights away by requiring a minimum of a 30 day rental period.

Property values have gone down since cease and desist orders have forced many owners to sell, causing a glut on the market.


Cottage owners will be forced to sell at low prices and businesses in the area will suffer if Vacation Home Rentals are stopped in Garfield Township.

If Vacation Home Rentals are stopped, vacationers who have come here for years, will no longer be able to rent a cottage here. Silver Lake will be one of the few inland lakes in the country where families can no longer rent a cottage for their vacation.

Silver Lake Rental Group is asking for your help to protect the long standing practice and culture of allowing visiting families to spend a week on the lake and to protect homeowners' right to rent a home – an age-old practice and use of a residence.



**PLEASE VOTE IN FAVOR OF THIS
PRACTICE AND SAVE OUR HOMES.**

		Charter Township of Garfield	
		Planning Department Report No. 2015-69	
Prepared:	December 3, 2015	Pages:	Page 1 of 2
Meeting:	December 9, 2015 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Grand Traverse Mall Site Plan Review - Dick's Sporting Goods		
File No.	SPR-1990-04-E	Parcel No.	05-021-015-00
Applicant/Owner:	Grand Traverse Mall LLC / Rouse Properties Inc		
Agent:	Gosling Czubak		

PURPOSE OF APPLICATION:

The application requests site plan review for a new tenant, Dick's Sporting Goods, to be located within the Grand Traverse Mall. While the site plan is up for consideration, Rouse Properties is also requesting approval of two new overhead service door entrances to the structure near Macy's and the main mall entrance. The subject property is zoned C-P Planned Shopping center.

SUBJECT PROPERTY:

As noted above, the subject property is within the Grand Traverse Mall. More specifically, Dick's would be located in the space formerly occupied by Carmike Cinemas, which will relocate to the new Buffalo Ridge Center this month. The existing structure will be demolished and rebuilt from the ground up.

STAFF COMMENT:

Applications for site plan review in a Planned Shopping Center are subject to Planning Commission approval following a public hearing. Therefore, this application is being introduced to the Planning Commission on December 9th for the purpose of identifying any concerns and scheduling a public hearing for the January application review meeting.

There will be no significant changes to the site layout, as the new Dick's will be constructed to the same building line as the former theater. Minor changes to the truck loading and unloading dock are proposed and are in conformance with zoning ordinance requirements.

The most significant change to the site will be the new building elevation. The building facade will range from about 20-feet in height up to about 26-feet in height when including the parapet, which is generally consistent with the majority of the mall. The main entrance to the store will be in the center of this building wall.

A 98-square foot, internally-illuminated wall sign is proposed on the central parapet. Approval of this sign is at the Planning Commission's discretion, but it appears to be reasonable in size as it relates to the scale of the building, and as compared to other anchor tenants within this development.

Additional wall-mounted lighting is proposed, and has been determined to meet the requirements of the zoning ordinance.

Other than the foregoing, no other changes are proposed or required for the Dick's site.

ADDITIONAL OVERHEAD DOORS:

As noted previously, the application also proposes two new overhead doors, one near Macy's and one near the main mall entrance, as well as changes to the site layout to access these doors. Near Macy's in particular, two landscaping beds will be replaced with concrete and a mature tree removed. Furthermore, the blueprints do not appear to match the built status of the site - no doors seem to exist where the plans say they should.

Staff was also unable to determine the exact location of the doors proposed near the main mall entrance, or their impact on the site plans. Clarification for each proposed overhead door is required.

ACTION REQUESTED:

As noted above, the purpose of this meeting is to identify any Planning Commission concerns that may affect the application, and to schedule a public hearing. Following an opportunity for applicant presentation and Planning Commission discussion, the following motion is offered for consideration:

THAT Application 1990-04-E, submitted by Rouse Properties for a site plan amendment to the Grand Traverse Mall, be accepted and scheduled for a public hearing on January 13, 2016.

Any additional information that the Planning Commission determines to be appropriate may be added to this motion.

Attachments:

11x17" site plan set



**Grand Traverse Mall
Rouse Properties
Amendment to Site Development Plan
For
Proposed Dick's Sporting Goods**

Impact Assessment:

- *A written illustrative description of the environmental characteristics of the site prior to development, i.e., topography, soils, vegetative cover, drainage, streams, creeks or ponds.*

The site is currently developed as a retail shopping mall which includes over 80 retail shops, boutiques, restaurants, and department stores. The three anchor stores at the mall include Target, JC Penney, and Macy's. Prior to the development of the mall in 1991, the site was agricultural. The topography is fairly flat paved parking areas with slopes generally ranging from 1%-3% facilitate drainage. Vegetative cover consists of landscaped islands within the parking lots and along buildings. Lawn areas between the ring road and South Airport Road are also present. A tree line buffer of conifers and deciduous trees is also present along the north property line and Day Drive. Storm water from the site drains to a large two cell detention basin at the northwest corner of the property. Storm water enters the first basin where sediment can be settled and then flows into the second cell. An outlet structure controls the permitted release of storm water to a drainage easement off site.

- *Types of uses and other man-made facilities.*

The proposed use for the requested building is a retail sporting goods store. Currently the space is used as an 8-screen theater and ten tenant spaces. Demolition of these spaces (53,000 sft) is proposed to allow construction of the new space to suit the needs of Dick's Sporting Goods. The footprint of the proposed space is similar to the existing footprint of that part of the mall with the addition of a receiving area and and loading dock to the east. The new space is approximately 54,540 sft. A small 295 sft addition to the existing building for utilities is proposed at the south end of the service area next to the Target property. This addition is for the relocation of the water service riser, phone, cable, and irrigation equipment.

- *The number of people to be housed, employed, visitors or patrons and vehicular and pedestrian traffic.*

The proposed Dick's Sporting Goods store will employ a total of between 60 to 75 people in three shifts of 20 to 25 people per shift.

Actual patron counts from 2014 for the nearest Dick's Store at The Lakes Mall in Muskegon, MI are provided for estimating patrons. The average daily customer counts for this store for the noted periods are as follows:

Non-holiday period 2/2/2014 – 11/22/2014:	1,851
Holiday period 11/23/2014 – 1/3/2015:	4,116
Fiscal year 2014	2,084

The potential impact to the overall mall vehicular traffic was estimated by using the ITE Trip Generation Manual to compare the entering and exiting trips to the mall for the existing and proposed uses. See the attached correspondence from Wade Trim. It is estimated that during the PM peak hour, the Dick's store will result in a reduction of 4 entering trips and a reduction of 13 exiting trips. Saturday entering trips are estimated to increase by 2 and exiting trips are estimated to increase by 66. This analysis shows that a "Traffic Impact Report" is not required under Section 618 A.(2) of the Zoning Ordinance.

- *Phasing of the project including ultimate development proposals.*

There are no separate development phases of the overall proposed project under this SUP Amendment request. However, the ultimate execution of the proposed project will consist of three "phases". First, the utility addition will be constructed and the existing utilities servicing this existing area of the mall will be re-routed to this addition. Once the utilities are switched over, demolition can begin. Following demolition, construction of the Dick's store can begin.

- *Natural features which will be retained, removed and/or modified including vegetation, drainage, hillsides, streams, wetlands, woodlands, wildlife and water. The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate the areas of change.*

There are no existing natural features such as streams, wetlands, woodlands, etc. that will be impacted by the proposed building demolition and reconstruction. The Kid's Creek Watershed is to the north of the mall property and receives the controlled runoff from the existing detention basin. No changes are proposed to the system. There are existing landscape areas at the northeast and northwest corners of the existing building that will be retained.

- *The method used to serve the development with water and sanitary sewer facilities.*

The existing mall is serviced by multiple municipal water and sewer services. Minor reconfiguration of these services will be required to maintain existing un-interrupted service to the remaining mall, facilitate demolition and construction, and connect the proposed Dick's store to the services.

- *The method to control drainage on the site and from the site. This shall include runoff control during construction periods.*

An existing storm sewer system collects storm water from the building and parking area and transmits it to the existing detention system in the northwest corner of the property.

- *If public sewers are not available to the site, the Applicant shall submit a current approval from the Health Department or other responsible public agency indicating approval of plans for sewage treatment.*

Not applicable.

- *The method used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.*

Interior demolition:

During the interior demolition process temporary barricades will be used to separate the public mall spaces from dust and noise. Where practical, HEPPA filter machines will be utilized to capture any dust generated by the demolition process. Decibels levels will be monitored throughout the demolition process to insure we do not exceed MI OSHA standards. Internal combustion machines will be prohibited. The use of chemicals for the demolition process is not anticipated. The means and methods of the demolition process will not create vibrations that will leave the work space footprint. Open burning will be prohibited. Burn permits will be required if and when any welding and cutting operations take place. All fumes generated from the cutting and welding operations will be immediately filtered through HEPPA filters. A fire protection plan will be submitted, reviewed, and approved prior to the commencement of any welding or cutting operations.

Exterior demolition:

During the removal of the theater and existing tenant space structures we will use water as a wetting agent to prevent dust from migrating away from the immediate construction area. Filter bags will be placed at all storm sewer inlets. Excess waste water generated



from this activity will not be directly discharged into the storm system. Decibel levels will be monitored throughout the process to insure we do not exceed MI OSHA standards. We do not anticipate the use of chemicals for demolition process. The means and methods of the demolition process will not create vibrations that will leave the work space footprint. Open burning will be prohibited. Burn permits will be required if and when any welding and cutting operations take place. A fire protection plan will be submitted, reviewed, and approved prior to the commencement of any welding or cutting operations.

- *An indication of how the proposed use conforms with existing and potential development patterns and any adverse effects.*

The proposed retail use is a permitted use under Section 322 A.(1) of the Zoning Ordinance for this existing C-P (Planned Shopping Center) zoned parcel. The mall is also located in the Planned Commercial area of the Garfield Township Master Plan. The use conforms to existing adjacent properties fronting US-31 and South Airport which are zoned General Commercial and Highway Commercial. Neighboring parcels to the east and south are residentially zoned, however, a large complimentary development to the east contains Walmart, and Home Depot. No adverse effects are anticipated with the proposed use.

- *Name and address of person responsible for preparation of this statement.*

Robert M. Verschaeve, P.E.
Gosling Czubak Engineering Sciences, Inc.
1280 Business Park Drive
Traverse City, Michigan 49686
231-946-9191
email: rmverschaeve@goslingczubak.com

- *Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. Recommendations for such measures may be obtained from the County Soil Conservation Service.*

The disturbed areas for this project will be kept to a minimum and primarily only consist of a flat, prepped, building pad area following demolition of the existing structure. Some existing concrete sidewalk and pavement will be removed and replaced as necessary for reconfiguring existing utilities. Removal and replacement will be coordinated to keep the duration dirt is exposed to a minimum. Inlet protection will be placed at nearby catch basins prior to construction work commencing. Additionally, contractors will follow soil erosion and sedimentation control permit requirements.

- *Type, direction and intensity of outside lighting.*

The exterior lighting fixtures are as shown on the building elevations, and per the catalog cut sheets included. A photometric plan of the exterior building lighting is included. The lighting levels are reflective of a commercial character. All of the fixtures are dark sky compliant, full cut off fixtures.

No changes to the existing site lighting in the surrounding parking areas are proposed.

- *General description of deed restrictions (including easements) if any.*

There are several utility, drainage, and access easements over the mall parcel. The ALTA survey included identifies these. There are not any specific restrictions or easements that affect the proposed amendment. There are also fourteen original "Conditions of Approval" (included for reference) for the original SUP for the mall that also have no affect on the proposed amendment.

Basis for Determination:

1.) General Standards (Section 8.1.3)

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 proposed change to the building is compatible and harmonious with the existing building use and design. The reconstructed portion of the building will invigorate a currently bland area of the mall property. The proposed loading dock is in the area it belongs near the loading dock for Target.

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 proposed retail sporting goods use will not be hazardous or disturbing to existing or future uses as it is proposed for an existing retail mall located in an area of the Township where this use is encouraged and planned for. This use will be a substantial aesthetic improvement to this part of the property. The community will benefit from the additional jobs and consumer choice brought by this retailer. Other businesses in the vicinity will benefit from the draw of consumers brought by this retailer to the mall.



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 existing infrastructure is in place to service the existing building and will be reconnected to service the new structure. The change in uses has almost no effect on the surrounding highways and streets. The existing building has a fire protection system which will be kept in service and the new building will be connected and meet the applicable fire protection requirements. Refuse disposal will be accomplished with a single dedicated compactor.

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

The costs of all proposed improvements will be paid for by the property owner.

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 retail character of the proposed use and the activities associated with it should not be detrimental to the general welfare of persons or properties within the vicinity.

2.) Specific Standards (Section 8.1.3)

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

The applicant is the owner of mall property and has full legal rights to make this application.

b) That all required information has been provided.

The applicant believes all required information as well as supplemental supporting information has been provided.

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

The applicant believes this is true.

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 applicant believes this is true. Coordination with Metro Fire is in process to maintain fire protection to the existing and proposed structures. No significant changes to the water supply, sewage disposal, or storm drainage are proposed. Grand Traverse County DPW has been notified of the minor adjustments of the existing service connections.

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 applicant believes this is true. A soil erosion and sedimentation control permit will be obtained prior to construction.

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.

There are no significant natural resources within the area that will be disturbed for construction. There are no changes proposed to the stormwater system that would affect the Kid's Creek Watershed outlet.

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 property is not within a floodway, floodplain and there are no Township identified open spaces on 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.

Soil conditions are suitable for construction by virtue of the property being currently developed with a building of similar size and shape to which is proposed.

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

Soil erosion and sedimentation control measures are minimal as shown on the plan and are designed to meet local standards and construction best practices.

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.

Storm water management is handled through existing storm sewers and detention basins. No increase in impervious area is proposed which would result in increased runoff volume.

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.

Site grading or filling is not proposed for the proposed project thus having no affect on the character of the surrounding property. Fill is needed within the theater area of the existing building footprint to provide a consistent finish floor elevation matching the existing mall.

l) m) 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.

No phases are proposed for the development. Public utilities and drainage facilities are in place and with minor modifications to the service connections, will be maintained.

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

No expansion of public streets, drainage systems, water, or sewage facilities are required or proposed.

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

The plans do not call for landscaping fences or walls, and it is the Applicant's opinion that none are required by the Ordinance.

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

No permanent changes to the parking lot layout affecting traffic flow are proposed. Temporary construction fencing will temporarily affect traffic flow but not prevent access to any public or service entrances.

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



There are no changes proposed to the vehicular and pedestrian traffic patterns within the site. The sidewalk along the new store front is separated from the adjacent road by a curb and maintains connection to the adjacent mall entrance.

r) 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.

Refuse storage for the proposed store is accomplished with a compactor and storage container located within the proposed loading dock. The neighboring Target store compactor is located nearby and the proposed location should not be a nuisance. Screening is accomplished by the compactor being recessed within the loading dock and screened by the retaining wall and guardrail screen.

s) 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 proposed use at this site is in accord with the spirit and purpose of the Ordinance. The use is allowed by the zoning and supported by the Master Plan at this location. Providing for the establishment of this retail use at the existing mall where all the necessary infrastructure exists adheres to sound planning principles.

CONDITIONS OF APPROVAL

1. Grand Traverse Mall Ltd. Partnership will prepare and follow a "Best Management Practices Program" for maintaining their parking lots and storm drainage system so as to minimize the potential for contamination of stormwater, including the sweeping of parking lots on a regular basis, particularly prior to forecasts of major storms, and the regular cleaning of catch basins and will limit the use of road salt as a means for ice removal.
2. Road right of way and traffic control improvements to South Airport Road, including the intersection with Townhall Road, shall be funded and constructed to the satisfaction of the Grand Traverse County Road Commission and Michigan Department of Transportation prior to occupancy of the proposed mall, including the dedication of necessary right-of-way by the developer of the developer's property for roadway drainage, public utility construction and non-motorized facilities.
3. All permits required by County, State and Federal agencies shall be obtained, including ground and surface water discharge permits and wetland permits should such be required by the Michigan Water Resources Commission.
4. Lighting shall conform to the general requirements and/or ordinance for outdoor lighting in place in Garfield Township. Outdoor lighting shall be a down type, have sodium light sources which are 100 percent shielded with no protruding lenses. Grand Traverse Mall Ltd. Partnership shall submit the specifications for the lights, poles, fixtures and light sources to the Township for approval prior to installation.
5. The design of the stormwater system shall safeguard the Kid's Creek Watershed from increased flood levels.
6. The Planning Commission will prepare a separate Findings relevant to the project meeting the requirements of the Michigan Environmental Protection Act. The Findings shall be separate and in addition to this approval of the project and shall be in connection with the Zoning Administrator's issuance of the Land Use and Building Permits. The development shall meet the requirements of the Michigan Environmental Protection Act.
7. The planting, berming and fencing of the buffer areas shall be designed to the satisfaction of the Garfield Township Zoning Board of Appeals with due consideration to the desires of the neighboring property owners on Day Drive. The

developer shall provide an automated irrigation system for the buffer area of the project. Grand Traverse Mall Ltd. Partnership shall provide fencing along the entire length of Day Drive to protect the existing property owners from trespass. The minimum fence shall be chain link, six feet (6') high.

8. Grand Traverse Mall Ltd. Partnership shall work with Grand Traverse County to provide easements for a non-motorized vehicular path on their property and shall grant such an easement. The Developer's obligation to work with the County for the granting of easements is specifically subject to agreement from the County to assume responsibility and liability for all improvements to the easement area and for all liability arising out of its use. Provision shall be made at entrance roads for the future development of pedestrian walkways for the use of pedestrians approaching or departing the center from surrounding properties.

9. Grand Traverse Mall Ltd. Partnership shall develop a water quality monitoring program of the ground and surface water discharge, reporting the results of such monitoring on a regular basis to the Michigan DNR and Garfield Township for their evaluation. Such a program shall be in place prior to the issuance of a land use permit and shall be as follows unless otherwise recommended by the Michigan DNR: three monitor wells installed in the immediate vicinity of the detention basin; one monitor well installed adjacent to each of the infiltration basins; quarterly sampling and analysis from all monitor wells for USEPA Scans 601 and 602, mercury, lead, chromium, nitrate and chloride; and annual inspection and sediment removal from the two proposed infiltration basins.

10. Grand Traverse Mall Ltd. Partnership shall finish grade, seed and landscape the outlots as a part of the first phase of the development. Outlot parcels shall not be used for snow storage.

11. Hours of operation and conditions of snow removal. The hours of operation for snow removal purposes shall be limited to the hours of 6:00 a.m. to 11:00 p.m. north of the main mall building. On the balance of the site, equipment use shall be operated in such a manner as to minimize back-up beepers and the operation of large engines which would act to disrupt the night time peace and serenity of adjoining neighbors. No snow storage shall be allowed in the first one hundred feet (100') of the buffer area.

12. Grand Traverse Mall Ltd. Partnership shall design

the stormwater detention system such that Cell I is not located within the first 100 feet of the required buffer area. The stormwater detention pond at Day Drive and South Airport Road shall be located outside of the first 100 feet of the buffer area. The balance of the stormwater detention ponds shall have as natural form and landscaping as possible to mitigate their appearance and provide buffering. The developer shall also maintain sufficient water within the retention areas during nonstorm periods to maintain the designed wetland environment and vegetation.

13. The applicant shall provide a bond, letter of credit or cash surety in a form and amount acceptable and approved by the Township Zoning Administrator before commencement of construction of the development or any phase of the development for completion of landscaping, irrigation, lighting, parking, blacktopping; etc. when improvements are proposed for which such bonds, letter of credit or cash surety are not required by other permitting agencies.

14. There will be no curb cuts to public roads allowed from reserve parcels.

Bob Verschaeve

From: Parker, Martin [MParker@WadeTrim.com]
Sent: Wednesday, October 28, 2015 9:00 AM
To: Bob Verschaeve
Cc: Bienkowski, Bridget
Subject: RE: Grand Traverse Mall Traffic study

Bob, before we speculate about the scope and cost of a full traffic impact study and report, I would like to get clarification as to whether or not a traffic study is needed.

Accordingly, I asked my colleague, Bridget Bienkowski, PE who conducted the study for the Buffalo Center, to review your information and provide an estimate of the number of trips for the existing development and the proposed Dick's store.

Using conservative estimations for trip generation, the following entering and exiting trips were estimated for the existing condition (a movie theater with 8 screens and 18,000 square feet of retail space) and the proposed condition (Dick's Sporting Goods at 55,000 square feet) using the ITE Trip Generation Manual. It was assumed that the retail space and movie theater were occupied and in business. Morning peak trips were not estimated as retail is not normally open for business during the morning peak.

Development	PM Trips Entering	PM Trips Exiting	Saturday Trips Entering	Saturday Trips Exiting
Retail Space	22	27	38	38
Movie Theater	50	60	115	45
Existing	72	87	153	83
Dick's Sporting	68	74	155	149
Difference between existing and proposed	-4	-13	2	66

As shown in the table, during the PM peak hour, the number of trips occurring because of the new development is estimated to be less than the existing number of trips. During the Saturday peak hour, it is estimated that 2 more trips will be generated that enter the development area and 66 more trips will be generated that exit the development. It should be noted that the movie exit trips do not normally occur during the Saturday peak hour (most movies are much longer than one hour), but most of the retail business development do have trips that peak during the Saturday peak hour.

As the number of trips estimated is less than 150 directional trips during the peak hour, per the Township Guidelines, a traffic impact report is not recommended for the redevelopment of the site from a movie theater and retail space to a Sporting Goods store. As the number of trips generated decreases during the week day, the capacity and LOS at intersections in the area can be expected to remain the same or even improve during the PM peak hour based on this redevelopment scenario. The sixty-six additional exiting trips during the Saturday peak hour are also not expected to have a major impact on capacity and LOS.

Please review and let me know if this helps.

Martin



Martin R. Parker, Jr., PE, Principal, Traffic Engineering
25251 Northline Road, PO Box 10, Taylor, Michigan 48180
734.947.9700 office | 734.947.2668 direct | 734.947.9726 fax

From: Bob Verschaeve [mailto:rmverschaeve@goslingczubak.com]

Sent: Tuesday, October 20, 2015 05:27 PM

To: Parker, Martin

Subject: Grand Traverse Mall Traffic study

Martin,

I wasn't able to get a return call from Garfield Township this afternoon about the limits of a traffic study that may be needed at the Grand Traverse Mall for the proposed Dick's Sporting Goods store. But I did find a section of their ordinance that defines the requirements for a "Traffic Impact Report" and attached that for reference. Also, there was a similar proposal for a Dunham's at the mall in 2008 that never happened and a traffic study was done by URS at that time. I have also attached that study for reference. Hopefully you can derive a limit to the scope of what a full report would entail if needed from these documents and an cost estimate for that.

As I read those township guidelines regarding applicability, would you be able to estimate a net increase or decrease in trips generated as described in section A.(1) or (2) to answer whether or not the full report is actually required? What would it cost to do a trip generation analysis between the existing uses and proposed and write a simple report outlining the results and professional opinion regarding the amount of new trips generated and if they are greater than their criteria for requiring the Traffic Impact Report. In the 2008 traffic report URS did they estimated that the total new PM peak hour trips for the Dunham's store was 36. Intuitively it seems to me that the current proposal would be not that large of an increase in new PM peak hour trips based on the scope of construction for the Dicks store is basically demolish existing mall space and rebuild a store for Dick's. The overall footprint of the mall is unchanged except for a loading dock bumpout. The existing theater that will be demolished is 8 screens and the additional retail space being demolished is approximately 18,000 sft (11 spaces). The new Dick's store is approximately 55,000 sft.

I appreciate your consideration. Please call me to discuss if you have any questions or comments.

Thank you,

Robert Verschaeve, P.E. | Project Engineer
Gosling Czubak Engineering Sciences, Inc.

231.946.9191 office | 231.933.5102 direct
rmverschaeve@goslingczubak.com | www.goslingczubak.com

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ATACSM LAND TITLE SURVEY
GRAND TRAVELER MALL
GRAND TRAVELER COUNTY, MISSISSIPPI

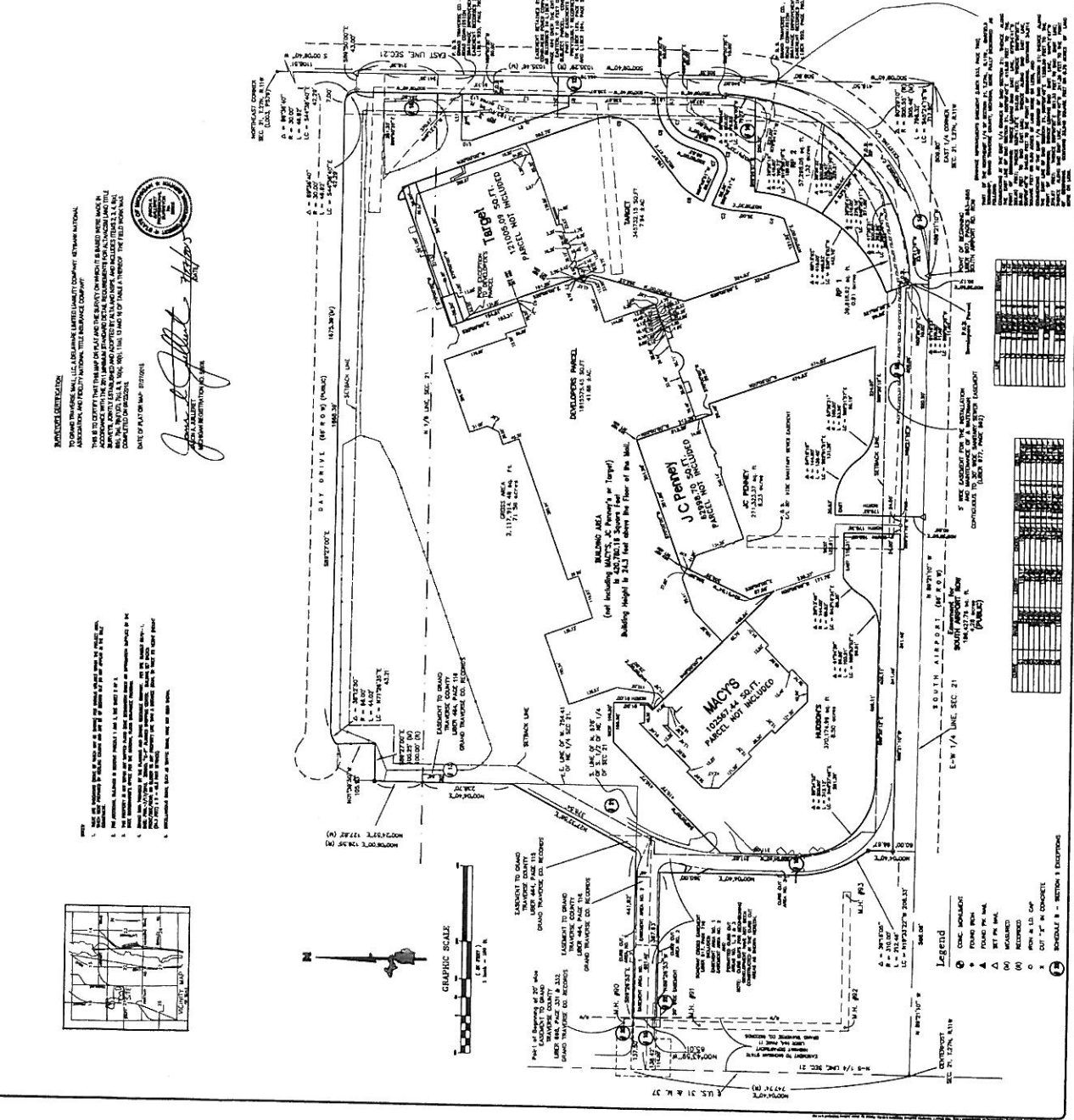
Date: 11/15/11
 Prepared by: [Name]
 Checked by: [Name]
 Title: [Title]

11/15/11

Rolling Creek
 Surveying & Mapping, Inc.
 1111 Highway 101, Suite 101
 Ocean Springs, MS 38871
 Phone: 662-893-1111
 Fax: 662-893-1112
 Email: info@rollingcreeksurveying.com

NOTICE TO CONTRACTORS: THIS SURVEY IS A PRELIMINARY SURVEY AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR. THE SURVEYOR'S RESPONSIBILITY IS LIMITED TO THE ACCURACY OF THE SURVEY DATA AND THE CORRECTNESS OF THE SURVEY CALCULATIONS. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE SURVEY DATA OR THE CORRECTNESS OF THE SURVEY CALCULATIONS. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY.

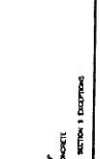
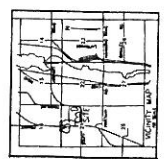
NOTICE TO CONTRACTORS: THIS SURVEY IS A PRELIMINARY SURVEY AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR. THE SURVEYOR'S RESPONSIBILITY IS LIMITED TO THE ACCURACY OF THE SURVEY DATA AND THE CORRECTNESS OF THE SURVEY CALCULATIONS. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE SURVEY DATA OR THE CORRECTNESS OF THE SURVEY CALCULATIONS. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY.

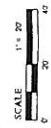
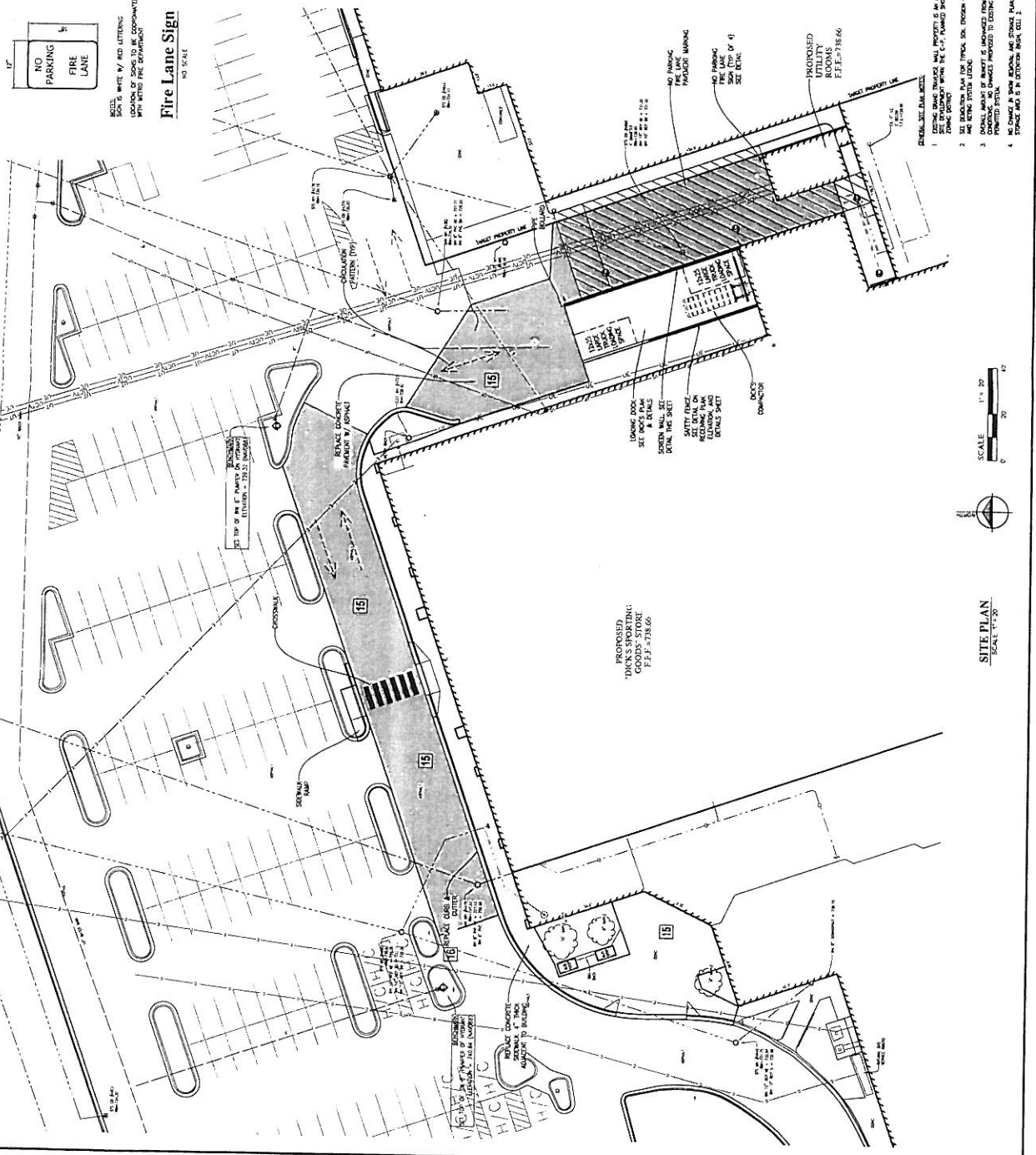
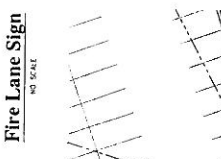
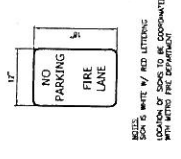
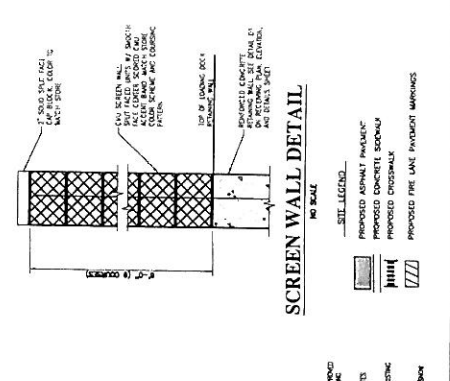
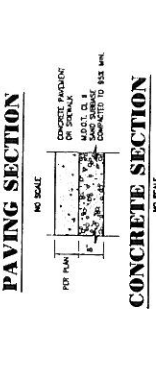
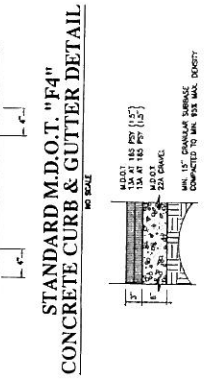
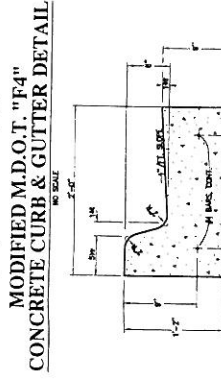
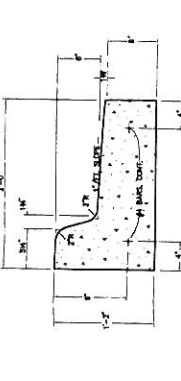


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J. J. Gilbert
 Surveyor

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SITE PLAN
 SCALE: 1" = 20'-0"

- GENERAL NOTE SHEET**
- EXISTING DRIVE THROUGH MAIL PROPERTY & APPROVED DRIVE THROUGH MAIL PROPERTY WITH 1-1/2' PLUMBED STOPPING ZONE WIDTH
 - SEE SECTION PLAN FOR TRUCK AND BUSES WITH NO DRIVE THROUGH MAIL PROPERTY
 - EXISTING DRIVE THROUGH MAIL PROPERTY WITH 1-1/2' PLUMBED STOPPING ZONE WIDTH
 - EXISTING DRIVE THROUGH MAIL PROPERTY WITH 1-1/2' PLUMBED STOPPING ZONE WIDTH

DICK'S SPORTING GOODS

DICK'S SPORTING GOODS
 1303
 GRAND TRAVERSE MALL
 TRAVERSE CITY, MI

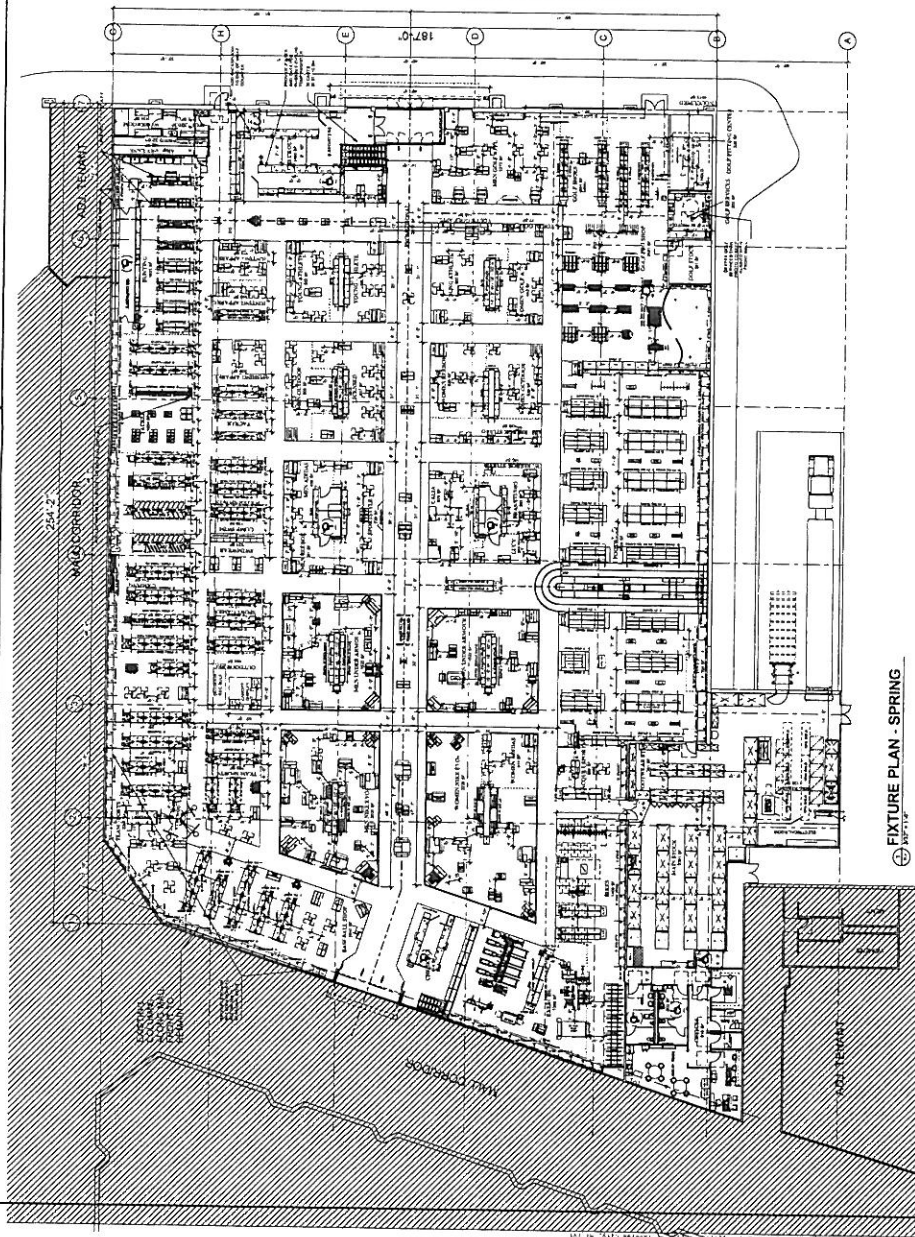
P-1

DATE: 11/11/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: 1303 GRAND TRAVERSE MALL
 SHEET: P-1 OF 1

- SITE-SPECIFIC OPTIONS**
- QUALITY CONTROL: YES/NO
 - BUILDING: YES/NO
 - PROVIDE: YES/NO
 - SECURITY GATES: YES/NO
 - COOL SIMULATOR: YES/NO
 - SMATE SHARPENER: YES/NO
 - SALT WATER LOCATION: YES/NO
 - TREESTANDS: YES/NO
 - HAT WALL: YES/NO
 - CEILING HEIGHT: YES/NO
 - SLAB ON GRADE: YES/NO
 - SEISMIC: YES/NO
 - REGISTERS REQUIRED: 6
 - REGISTERED SHOWN: 6
 - FOOTWEAR ROWS REQUIRED: 9
 - FOOTWEAR ROWS SHOWN: 9
 - HANDCUM MARKET: YES/NO

ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1
2
3
4
5
6
7
8
9
10

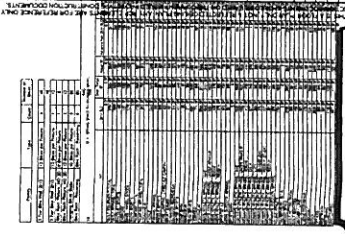
ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
11
12
13
14
15
16
17
18
19
20



FIXTURE PLAN - SPRING

ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
21
22
23
24
25
26
27
28
29
30

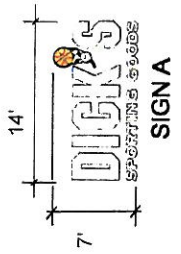
ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
31
32
33
34
35
36
37
38
39
40



PRELIMINARY, NOT FOR CONSTRUCTION DOCUMENTS.

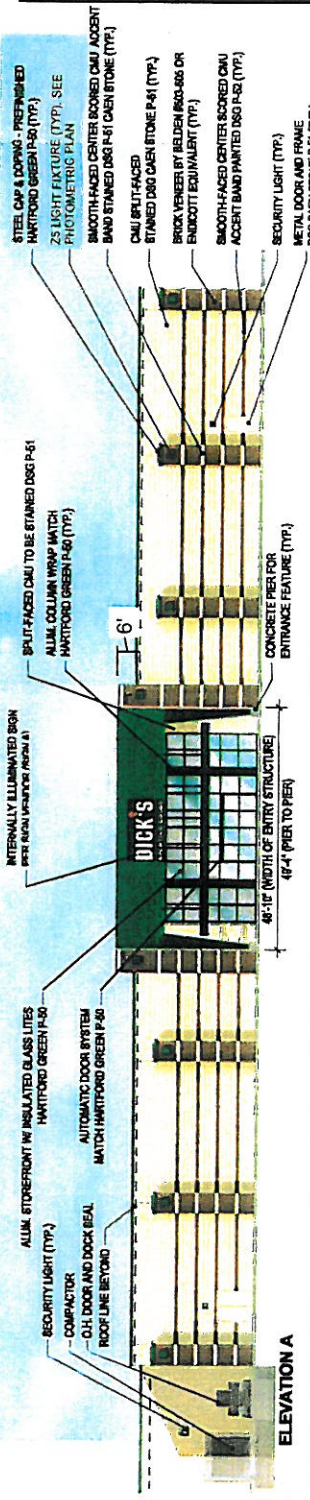


**GRAND TRAVERSE MALL
TRAVERSE CITY, MI
EXHIBIT K**

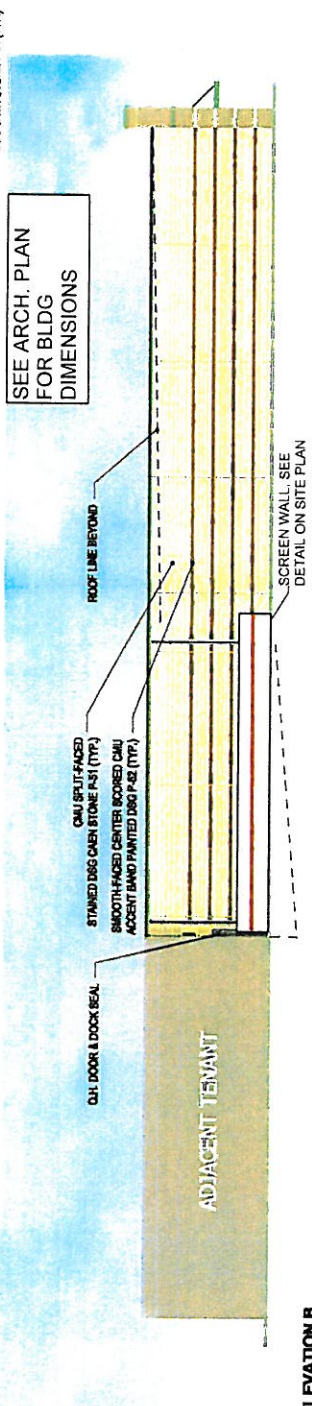


Key Plan

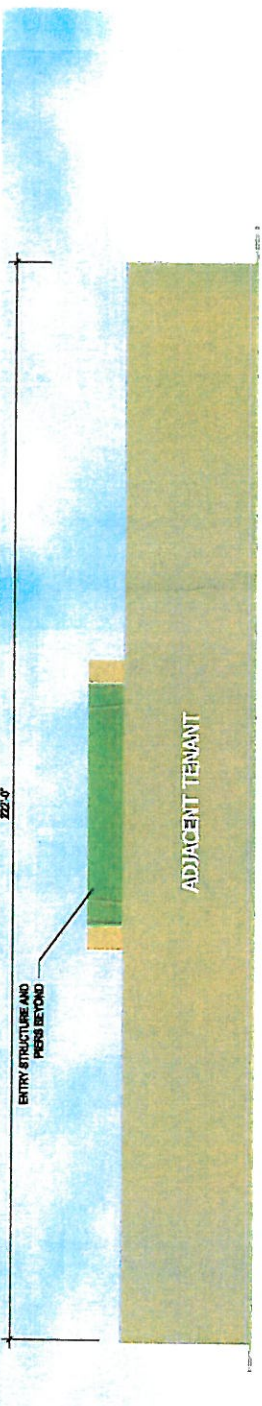
REV 1. 9.23.15
 REV 2. 12.15.16 TWP ORDINANCE
 REV 3.
 REV 4.
 REV 5.
 DGS APPROVAL _____ DATE _____
 LL APPROVAL _____ DATE _____



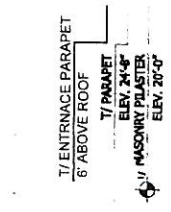
SEE ARCH. PLAN FOR BLDG DIMENSIONS



ELEVATION B



ELEVATION C



ELEVATION D All information contained on this exhibit is representative of the architectural materials and heights proposed to be used. This exhibit is NOT intended to be a Construction Document. All final adjustments will be incorporated into the Construction Documents and will be mutually agreed upon by the Landlord and Dick's Sporting Goods.



**GRAND TRAVERSE MALL
TRAVERSE CITY, MI
EXHIBIT A**

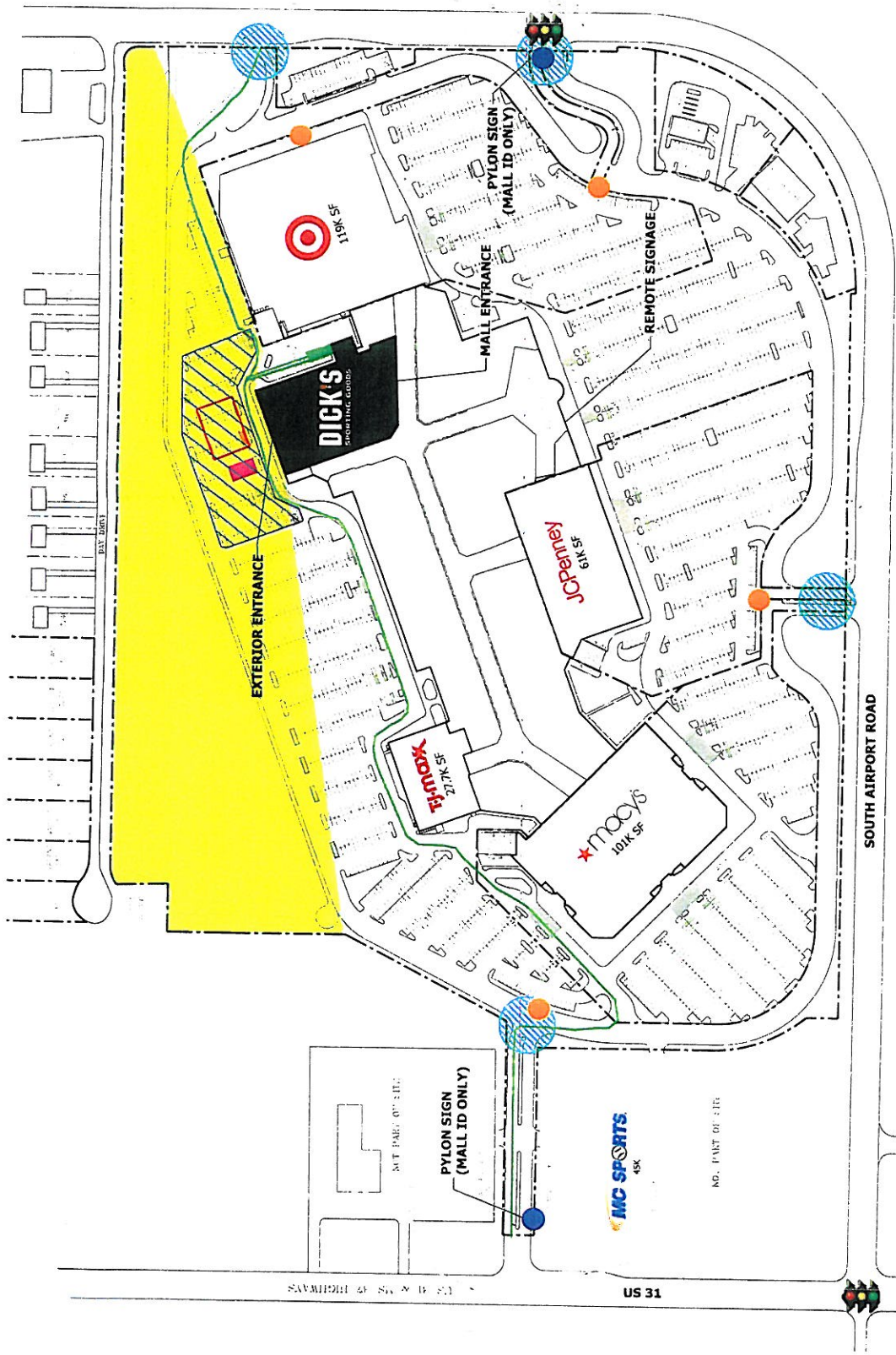
STORE #1303



- LEGEND**
- SHOPPING CENTER BOUNDARY
 - DSG PREMISES 54,678 SF (181'-5" x 311'-11")
 - PYLON SIGN (MALL ID ONLY)
 - TENANT'S PREFERRED AREA
 - NO BUILD AREA
 - TENANT'S SERVICE AREA AND SERVICE DRIVE
 - CRITICAL ACCESS WAYS
 - PROTECTED PARKING 165 PARKING SPACES 3,571,000 SF
 - EXPECTANT MOTHER PARKING SPAC
 - STAGING AREA

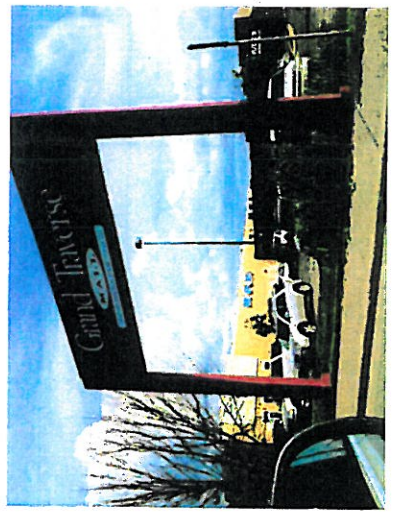
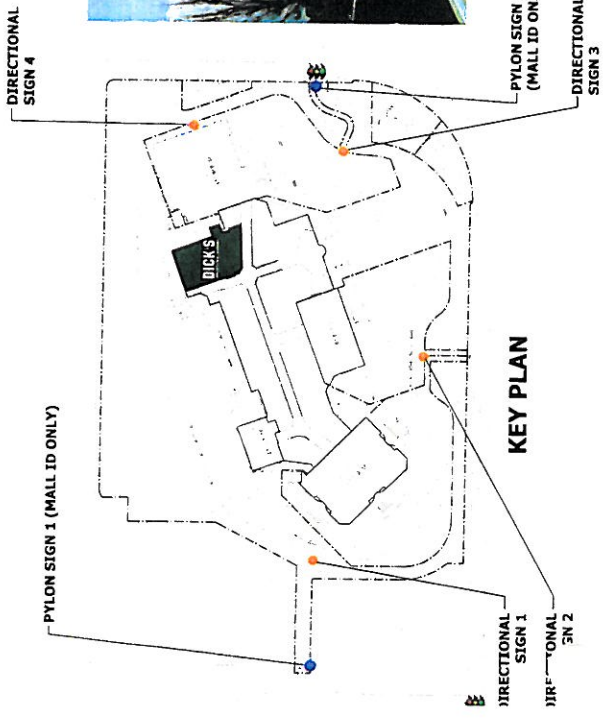
REV 1 10.21.15
 REV 2 _____
 REV 3 _____
 REV 4 _____
 REV 5 _____

DSG APPROVAL _____ DATE _____
 LL APPROVAL _____ DATE _____



US 31

SOUTH AIRPORT ROAD



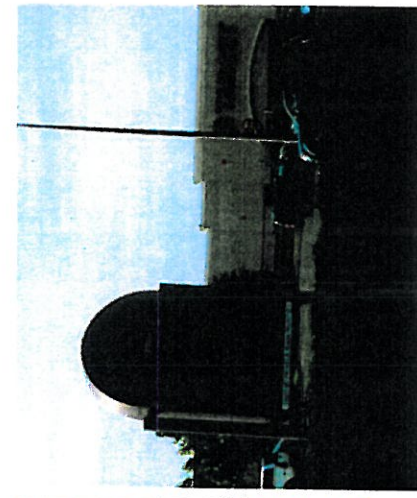
PYLON SIGN 1



PYLON SIGN 2



DIRECTIONAL SIGN 1



DIRECTIONAL SIGN 2



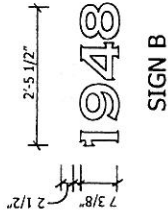
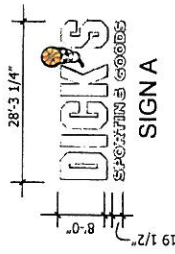
DIRECTIONAL SIGN 3



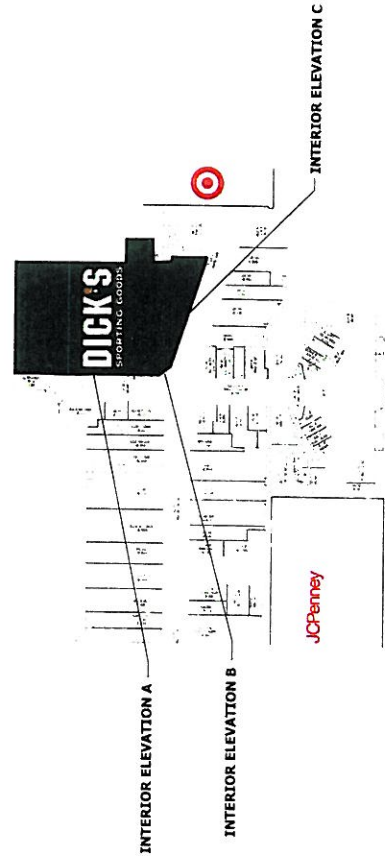
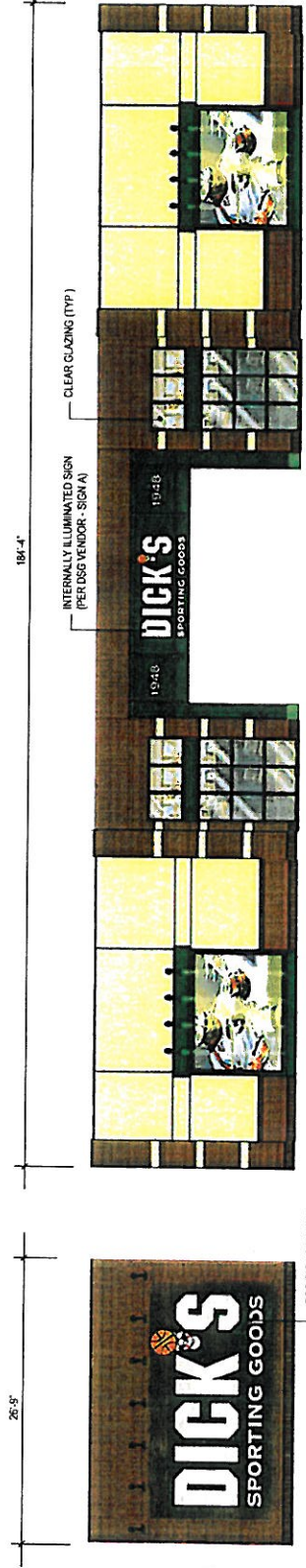
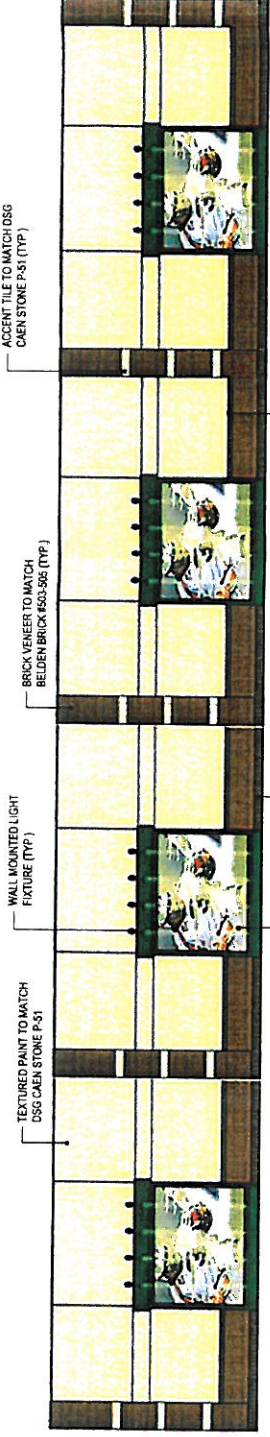
DIRECTIONAL SIGN 4



**GRAND TRAVERSE MALL
TRAVERSE CITY, MI
EXHIBIT L
STORE #1303**



REV 1	11.5.15
REV 2	
REV 3	
REV 4	
REV 5	
DSG APPROVAL	DATE
LI APPROVAL	DATE



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