

**CHARTER TOWNSHIP OF GARFIELD  
PLANNING COMMISSION MEETING**

**Wednesday, February 11, 2015 @ 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  
January 14, 2015**
- 3. Correspondence**
- 4. Reports**
  - a. Township Board
  - b. Planning Commissioners
- 5. Business to Come Before the Commission**
  - a. PD 2015 -12 Frank Hayes Conditional Rezoning Request - Public Hearing
  - b. PD 2015- 13 Culver Meadows – Continuation
  - c. PD 2015- 14 2015 Annual Report
- 6. Public Comment**
- 7. Items for Next Agenda – February 25, 2015**
  - a. PURD Draft
  - b. Master Plan discussion
- 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  
January 14, 2015**

**Call Meeting to Order:** Chair Racine 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, Kit Wilson, Joe Robertson, Terry Clark, Gil Uithol, and John Racine

**Absent and Excused:** John Nelson

**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 Uithol, Cline, Robertson, Racine*

*Nays: None*

**2. Election of Officers 7:01**

*Uithol moved and Cline seconded to re-elect Racine and Planning Commission Chair for the 2015 year.*

*Yeas: Uithol, Cline, Wilson, Robertson, Clark, Racine*

*Nays: None*

*Wilson moved and Robertson seconded to re-elect Nelson as Vice Chair of the Planning Commission for the 2015 year.*

*Yeas: Wilson, Robertson, Uithol, Cline, Clark, Racine*

*Nays: None*

*Wilson moved and Cline seconded to reelect Robertson as Planning Commission Secretary for the 2015 year.*

*Yeas: Wilson, Cline, Robertson, Clark, Uithol, Racine*

*Nays: None*

**3. Minutes**

**a. December 10, 2014 Minutes (7:02)**

*Clark moved and Wilson seconded to adopt the December 10, 2014 Regular Meeting minutes as presented.*

*Ayes: Clark, Wilson, Robertson, Uithol, Cline, Racine*

*Nays: None*

**4. Correspondence (7:03)**

None

**5. Reports:**

**a. Township Board (7:03)**

Wilson reported that the Township Board approved the Premier Manor major amendment and appointed Lanie McManus as Township Clerk effective February 1, 2015.

**b. Planning Department (7:04)**

Larrea said that the Planning Commission Annual Report should be ready for the next meeting. He also proposed a joint meeting between the East Bay Township Planning Commission on February 25<sup>th</sup> and said that discussion would most likely center on the Hammond Road corridor.

**c. Planning Commissioners (7:05)**

No Reports

**6. Business to Come Before The Commission**

**a. PD 2015-03 LaFranier Road Rezoning Application – Public Hearing (7:05)**

This application requests a rezoning of approximately 30 acres of land from the A-1 Agricultural District to the R1-M Multi-Family Residential District. The application affects four properties along LaFranier Road about ¼ mile north of Hammond Road. The subject properties are currently vacant and are abutted by medium to high density residential development on the north/northwest, and by vacant or low density residential uses on all other sides. The applicant indicated that the intent of the rezoning application is to allow the future construction of a development similar to a 232 unit project brought to the Planning Commission in November of 2014. Larrea stated that the request appears consistent with the Master Plan. Mark Oppenhuizen from Oppenhuizen Architects spoke about the proposed rezoning and said that the proposed rezoning would conform to the master plan and that adjacent properties are also zoned R-1M.

Racine opened the Public Hearing at 7:09 pm.

Kathleen Ruin of Garfield Township expressed concern that there was no fencing proposed on the lands to be rezoned. Racine indicated that this was

only for the rezoning of the land, and that no building was being proposed at this time.

Racine closed the Public Hearing at 7:11pm.

*Clark moved and Robertson seconded THAT the Findings of Fact for Application Z-2014-02, attached to PD Report 2015-03 and forming part of this motion, BE APPROVED.*

*Yeas: Clark, Robertson, Uithol, Wilson, Cline, Racine*

*Nays: None*

*Clark moved and Uithol supported THAT application Z-2014-02, submitted by Midwest MFD, LLC, to rezone lands along LaFranier Road to the R1-M Multiple Family Zoning District, BE RECOMMENDED FOR APPROVAL to the Garfield Township Board based on the approved Findings of Fact and for reasons set out in Report PD 2015-03*

*Yeas: Clark, Uithol, Robertson, Wilson, Cline, Racine*

*Nays: None*

**b. PD 2015-04 Arbors of Traverse Major PUD Amendment Application – Public Hearing (7:14)**

The application requests a major amendment to the Arbors at Traverse Planned Unit Development to expand the project boundary and to add 32 additional parking spaces. The Arbors complex is located along Hammond Road and was initially approved in 2002 for 468 total apartments. In 2014, the Planning Commission approved construction of the remaining 78 units. Architect Mark Oppenhuizen represented the project and stated that this application is intended to supplement the overall development by providing an area for overflow parking. Setbacks would still be maintained and the proposed overflow lot will be located at the Southeast corner of the property.

Chairman Racine opened the Public Hearing at 7:18pm and seeing no one wishing to speak, closed the public hearing.

Larrea already discussed the trespass issue on the Miller Creek Nature Reserve to the north and anticipates an amical agreement. Larrea added that the proposed landscaping may be a bit shy around the parking area and additional landscaping may be needed. Commissioners asked to add condition #5 which states that the applicant will work with staff to address landscaping issues and the light trespass associated with the parking area. Oppenhuizen presented a grade map indicating how the parking area would look from a person on Hartmann Road.

*Wilson moved and Robertson seconded THAT the Findings of Fact originally adopted for Special Use Permit #2002-03 do not require modification as they remain current and valid for major amendment application #SUP-2002-03-D.*

*Yeas: Wilson, Robertson, Uithol, Wilson, Clark, Cline, Racine*

*Nays: None*

*Wilson moved and Uithol seconded THAT application SUP-2002-03-D, BE RECOMMENDED FOR APPROVAL to the Township Board, subject to the following conditions:*

- 1. The applicant shall secure all necessary agency review and approvals prior to the issuance of a land use permit.*
- 2. The applicant shall work with Staff to come to an acceptable solution to inhibit vehicular trespass on lands to the north of the project area.*
- 3. Approval is subject to final stormwater review by the Township Engineer.*
- 4. The applicant shall provide two (2) full-sized plan sets, one (1) 11" x 17" plan set, and one electronic plan set copy (in PDF format) with all updates as required by the conditions of this approval.*
- 5. The Applicant shall work with staff to address landscaping issues and the light trespass buffer associated with the parking area.*

*Yeas: Wilson, Uithol, Clark, Robertson, Cline, Racine*

*Nays: None*

**c. PD 2015-05 Frank Hayes Conditional Rezoning Request – Introduction (7:31)**

The applicant proposes to rezone the property for the C-2 General Commercial District to the General Mixed-Use Industrial Business District. The subject property is located at 3100 Keystone Road and measures approximately 3.7 acres. Scott Hardy, on behalf of Frank Hayes spoke to the project and said that all activity will take place inside the building. This facility would take juice which has already been processed and refine the product to remove sugars and glucose, greatly reducing caloric content and preserving nutritional product. His goal is to fit in with light industrial currently in the area. Traffic will be minimal and there will be no disposal issues on site. Only the water from the sanitation onsite will be disposed of in the sewers. Less than ten employees will be at the site and no retail will be onsite. Noise should not be an issue. The applicant proposes that if the manufacturing concept does not work, the land could revert back to a C-2 zoning.

*Clark moved and Wilson seconded THAT application Z-2015-01, submitted by Holcomb Masonry CO LLC to conditionally rezone lands along Keystone Road from the C-2, General Business District to the MUIBD-G, Mixed-Use Industrial Business District (General), BE ACCEPTED; and further*

*THAT application Z-2015-01 be scheduled for public hearing at the regular meeting of the Garfield Township Planning Commission to be held on February 11, 2015.*

*Yeas: Clark, Wilson, Robertson, Uithol, Cline, Racine*

*Nays: None*

**7. Public Comment (7:49)**

None

**8. Items for Next Agenda – January 28, 2015 (7:49)**

a. PURD Draft

b. Master Plan Discussion


c. 2015 Annual Report

**9. Adjournment:**

*Wilson moved to adjourn the meeting at 7:51pm.*

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

		<b>Charter Township of Garfield</b>	
		Planning Department Report No. 2015-0512	
Prepared:	February 4, 2015	Pages:	Page 1 of 6
Meeting:	February 11, 2015 Planning Commission	Attachments:	<input type="checkbox"/>
Subject:	Proposed Conditional Rezoning to MUIBD-G		
File No.	Z-2015-01	Parcel No.	05-014-041-00
Applicant:	Frank Hayes		
Owner(s):	Holcomb Masonry Co INC		

**SUBJECT PROPERTY:**

The subject property is located at 3100 Keystone Road, being parcel number 05-014-041-00. This property measures approximately 3.7 acres is located to the east of the Keystone Road/Park Drive intersection. The property is to the south of the EPI (formerly Lear) and Northern Building Supply (formerly Brown Lumber) businesses which front on W. South Airport Road. Three structures and associated parking areas exist on the property. *A parcel map is included on page 4 of this report.*

**PURPOSE OF APPLICATION:**

The application proposes to rezone the entirety of the property from the C-2 General Commercial District to the General Mixed-Use Industrial Business District subject to a conditional rezoning agreement.

**STAFF COMMENT:**

Pursuant to the Michigan Zoning Enabling Act, an applicant for rezoning may offer specific use and development restrictions as a voluntary condition of approval. This type of request was most recently before the Planning Commission in 2012, when a property along US-31 was conditionally rezoned to the C-2 zoning district but with a condition that the land could only be used for stormwater control.

In this case, the request is to rezone land along Keystone Road from C-2 to MUIBD-G, with a voluntary offer that if the rezoning is approved, the land may only be used for an existing auto service facility and/or to operate a high-tech fruit juice processing and research and design facility. If the juice processing was to cease, and upon request of the landowner, the land would revert to a commercial zoning district, or could be used for a similar, low-impact use permitted within the MUIBD-G if determined by the Director of Planning that the use would be harmonious and compatible with adjacent properties.

The intent of this particular application is to permit a specific industrial use which is compatible with a nearby residential neighborhood, while disallowing other future industrial uses which may not be. This use is not permitted under the current C-2 Zoning so a rezoning is necessary.

As explained to Staff, this facility would take juice which has already been processed and refine the product to remove sugars and glucose, greatly reducing caloric intake while preserving the nutritional value of the product. The entire production process and all material storage, including waste, will be contained within the existing structures on the site. There would be no processing of raw fruit into juice, mitigating potential odor issues which are commonly associated with that type of operation.

**APPLICATION AMENDMENT:**

Commissioners may observe that this request did not originally include the auto service use. Following the introduction, the applicant submitted an amended request to allow an existing auto service business, located in an adjacent building, to continue lawfully under this proposal. This modification will allow the owner to keep the current tenant until the juice facility is ready to expand into the adjacent buildings. Auto Service is permitted by right in the MUIBD District.

The specific terms of the agreement as offered are as follows:

**Proposed Agreement and Statement of Conditions**

Rezoned Limited Land Use and Development Conditions. The Rezoned Property ("Property") shall be rezoned from C-2, General Business to MUIBD-G, Mixed-Use Industrial Business District (General). With respect to the Township Zoning Ordinance in effect on the date of this Agreement, the Applicant voluntarily offers and agrees the uses of this property will be limited to the following:

- a. Auto Service as described and governed by the zoning ordinance.
- b. Juice production facility as described in the application.
  - i. All production equipment and material storage (including waste) shall be enclosed within buildings to mitigate potential impacts of noise or odor upon adjacent properties.
- c. In the event that the property is vacated by the juice production facility, the land shall either:
  - i. Revert to the C-2 General Commercial Zoning District or equivalent, subsequent commercial zoning district upon request of the land owner; or
  - ii. Be used for a similar, low-impact industrial use permitted within the district as determined by the Director of Planning to be harmonious and compatible with adjacent properties.

**COMPREHENSIVE PLAN CONSIDERATIONS:**

The subject property is identified as Mixed Use Business (MUB) on the Master Plan, which calls for "a wide range of businesses, including manufacturing, to support the economic needs of the greater Traverse City Area and Northwestern Michigan." The Township's Mixed-Use Industrial Business District was created and adopted to accommodate this land use policy.



Though the property is planned for Mixed-Use Business, we must remain cognizant of surrounding properties when considering any rezoning application. As noted above, this parcel is adjacent to a residential subdivision, and many of the industrial uses allowed within the MUIBD-G may not be compatible with that neighborhood. However, as described and as conditioned, Staff feels comfortable that the conditional rezoning will allow for the use of the site as identified by the Master Plan while also being respectful of the use and enjoyment of surrounding properties. *A future land use plan overlay is included on page 5 of this report.*

### **SURROUNDING PROPERTIES**

As noted above, the properties to the south of the subject property are planned, used and zoned for residential purposes. The adjacent properties to the subject and on the south side of Keystone Road are zoned commercial, but planned for MUB, with the property to the west of the subject acting as an overflow lot for the EPI industrial. Across Keystone Road to the north the properties are planned, zoned, and used for industrial activity, and as noted above, are the location of EPI and Northern Building Supply.

*A zoning map overlay is included on page 6 of this report.*

### **ACTION REQUESTED:**

The Planning Commission acts as the recommending body to the Township Board in any application for zoning ordinance amendment.

Following an opportunity for applicant presentation, public comment, and commission discussion, the following separate motions in support of approval are offered for your consideration:

THAT the Findings of Fact for Application Z-2015-01, attached to PD Report 2015-12 and forming part of this motion, BE APPROVED. *(to be adopted only after review of the finding of fact document).*

The following motion would be appropriate to recommend approval of the application:

THAT application Z-2015-01, submitted by Frank Hayes for properties owned by Holcomb Masonary Co Inc., to conditionally rezone lands at 3100 N. Keystone Road to the General MUIBD, BE RECOMMENDED FOR APPROVAL to the Garfield Township Board based on the approved Findings of Fact and for reasons set out in report PD-2015-12.

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

*(End of report. Maps follow.)*



### Parcel Map

## Keystone Road Rezoning Request

#### 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.

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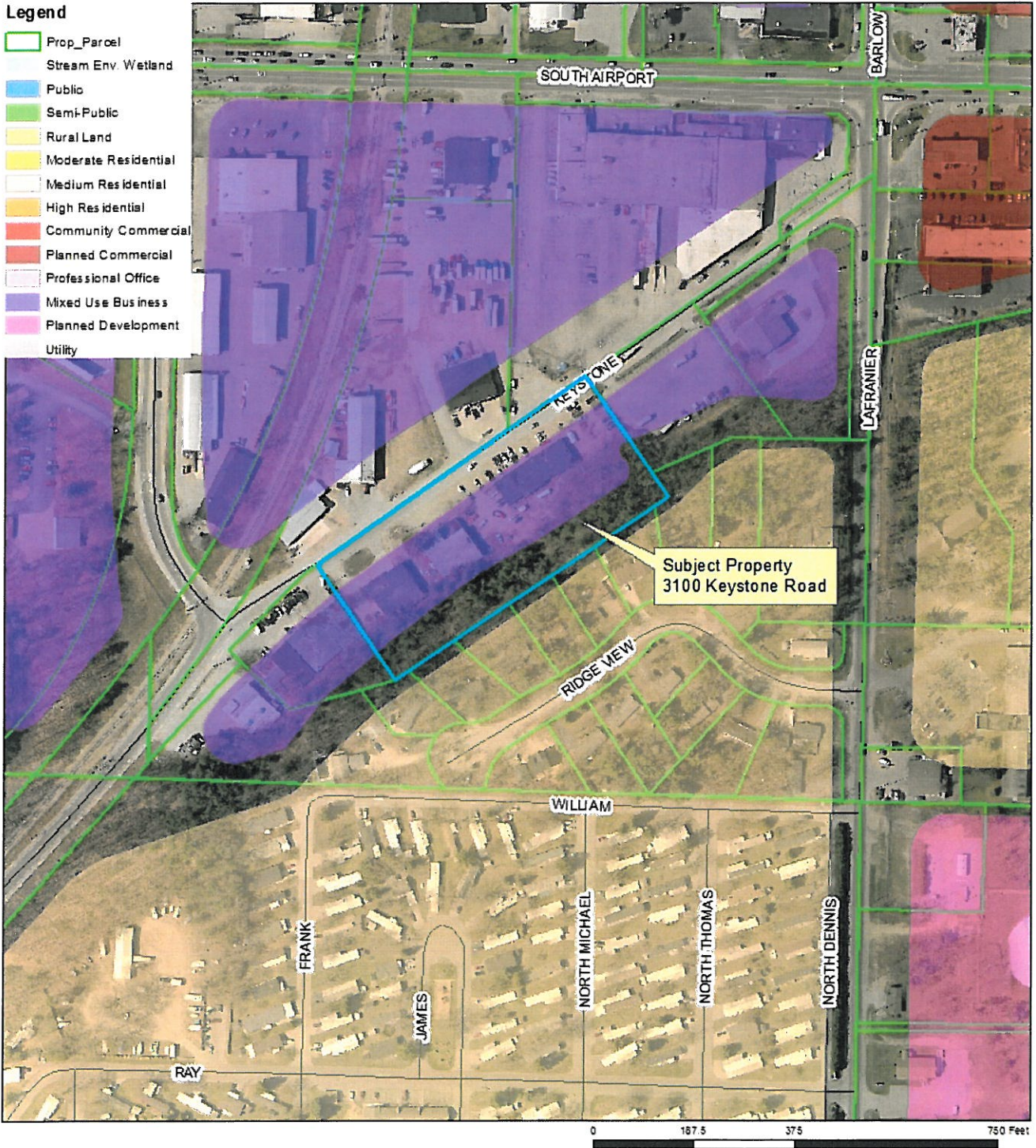


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**Legend**

- Prop\_Parcel
- Stream Env. Wetland
- Public
- Semi-Public
- Rural Land
- Moderate Residential
- Medium Residential
- High Residential
- Community Commercial
- Planned Commercial
- Professional Office
- Mixed Use Business
- Planned Development
- Utility



**Future Land Use Map**

**Keystone Road Rezoning Request**

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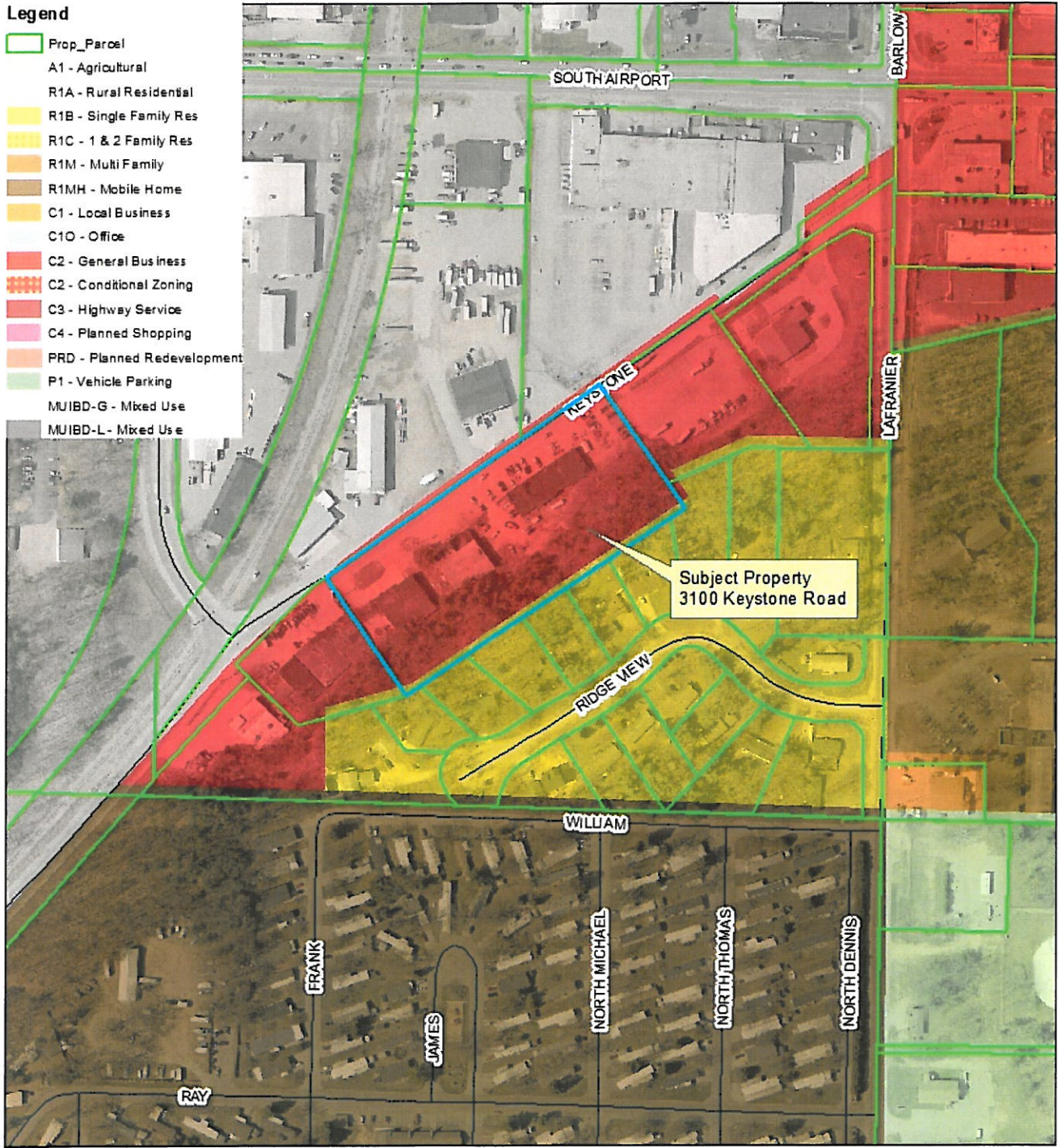
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**Legend**

- Prop\_Parcel
- A1 - Agricultural
- R1A - Rural Residential
- R1B - Single Family Res
- R1C - 1 & 2 Family Res
- R1M - Multi Family
- R1MH - Mobile Home
- C1 - Local Business
- C1O - Office
- C2 - General Business
- C2 - Conditional Zoning
- C3 - Highway Service
- C4 - Planned Shopping
- PRD - Planned Redevelopment
- P1 - Vehicle Parking
- MUIBD-G - Mixed Use
- MUIBD-L - Mixed Use



**Zoning Map**

**Keystone Road Rezoning Request**

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# Charter Township of Garfield

## Grand Traverse County

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

### Zoning Map Amendment #Z-2015-01 – Holcomb Masonry Co INC

Subject Property: 3100 Keystone Road

Permanent Parcel Number: 05-014-041-00

Current Zoning: C-2 General Commercial

Request: To rezone 3.7 acres of land from the C-2 General Commercial District to the General Mixed Use Industrial District, subject to a conditional rezoning agreement.

Owner: Holcomb Masonry Co INC

### **Findings of Fact for Application Z-2015-01**

*Staff Draft for February 11, 2015 Public Hearing*

### **General Findings:**


1. An application has been made by Frank Hayes on behalf of Holcomb Masonry Co INC to rezone 3.7 acres of land from the C-2 General Commercial District to the General Mixed Use Industrial District, subject to a conditional rezoning agreement as provided for by MCL 125.3405 of the Michigan Zoning Enabling Act, as amended.
2. The application requests to conditionally rezone the property, which is currently zoned C-2 General Commercial District to General MUIBD. The property located at 3100 N. Keystone Road, parcel number 05-014-041-00. The property is legally described as follows:

*GA 145-A COM AT S 1/4 COR OF SE 1/4 OF SW 1/4 TH N0 DEG 27' 30" W 1145.76' TH S53 DEG 49' W 646.25' ALG C/L OF KEYSTONE RD TO POB TH S36 DEG 11' E 277.76' TH S55 DEG 34'30" W 605.28' TH N36 DEG 11' W 259.17' TH N53 DEG 49' E 605' TO POB SEC 14 T27N R11W EXC RD R/W. Situated in the Township of Garfield, County of Grand Traverse, State of Michigan.*

5. The owner of the site would like to establish a high-tech fruit juice processing and research and design facility within one of the three existing structures on the site. The owner would also like to allow an auto service business which currently leases one of the buildings to continue legally as a conforming business under the conditionally rezoned MUIBD district.
6. The Master Plan has identified the property as Mixed Use Business (MUB) for its future land use designation, which is consistent with the request to rezone the property to MUIBD. Lands within the MUB use designation are intended to accommodate a wide range of businesses that support the economic needs of the greater Traverse City area and Northwestern Michigan. The voluntary conditions placed on the property will limit the use of the property to only two (2) uses permitted by right in the MUIBD District.
7. The property owner has requested that the Township consider approval of the rezoning subject to a conditional rezoning agreement. The conditions of rezoning approval which have been voluntarily offered in writing by the property owner include:

The Rezoned Property ("Property) shall be rezoned from C-2, General Business to MUIBD-G, Mixed-Use Industrial Business District (General). With respect to the Township Zoning Ordinance in effect on the date of this Agreement, the Applicant voluntarily offers and agrees the uses of this property will be limited to the following:

- a. Auto Service as described and governed by the zoning ordinance.
  - b. Juice production facility as described in the application.
    - i. All production equipment and material storage (including waste) shall be enclosed within buildings to mitigate potential impacts of noise or odor upon adjacent properties.
  - c. In the event that the property is vacated by the juice production facility, the land shall either:
    - i. Revert to the C-2 General Commercial Zoning District or equivalent, subsequent commercial zoning district upon request of the land owner; or
    - ii. Be used for a similar, low-impact industrial use permitted within the district as determined by the Director of Planning to be harmonious and compatible with adjacent properties.
8. Approval of the proposed conditional rezoning agreement is beneficial to all parties in that it will allow for the properties to be used as designated in the Master Plan and permitted under the conditional rezoning.

 <b>Charter Township of Garfield</b> <b>Planning Department Report No. 2015-13</b>		
Prepared:	February 3, 2015	Pages: 1 of 5
Meeting:	February 11, 2015 Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	Special Use Permit Application – Culver Meadows Senior Apartments	
File No.	SUP-2014-01	Parcel No. 28-030-008-00
Applicant/Owner:	Brad and Trina Jewett	
Agent(s):	Ryan Cox, M2E Engineering; Fred Campbell, JML Design	

**SUBJECT PROPERTY:**

1755 N. West Silver Lake Road, just south of Secor Road and about 600-feet north of the existing Culver Meadows senior living facility which is also owned and operated by the applicant. The site is zoned R1-B single-family residential and is currently vacant.

**PURPOSE OF APPLICATION:**

The application requests Special Use and Site Plan approval for construction of a senior apartment building. The Township considers licensed assisted living to be an “institutional” use which *may* be permitted by Special Use Permit in this district.

**BACKGROUND:**

This application was introduced at the January 8, 2014 Planning Commission meeting, was discussed again on February 12, 2014, was the subject of a public hearing on March 12, 2014, and was again before the Planning Commission on April 9, 2014.

At each of the above meetings the Planning Commission expressed to the applicant that the proposed senior apartment structure and use of the site was not in character with the surrounding residential area and did not meet the Planning Commission’s intent in allowing “institutional” uses in the agricultural and residential districts.

At the conclusion of the April 9th meeting, the applicant's agent requested that the request be tabled until he could speak with his client to discuss potential remedies to the Planning Commission's concerns.

At this time, a revised application has been submitted. The primary difference between this application and the prior is that the west "wing" of the structure has been removed from the site plans, resulting in a reduction in density from 88-units to 43-units. No other changes to the site have been made.

A side-by-side comparison of the original and revised site plan created with the Township GIS and overlaid on 2014 aerial photography follows.

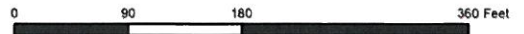


### Proposed Culver Meadows Senior Apartments

**Legend**

- Parcel line
- Asphalt
- Building

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Garfield Township Planning Dept: 2/3/2015





### Proposed Culver Meadows Senior Apartments

#### Legend

- Parcel line
- Asphalt
- Building

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Garfield Township Planning Dept: 2/3/2015

A side-by-side comparison of the initial and revised application is provided below:

Original Proposal:	Revised proposal:
# Stories: 2	# Stories: 2
# Units: 88	# Units: 43
Occupant load: 88-128	Occupant load: 38-76
Building footprint: 42,111 square feet	Building footprint: 28,090 square feet
Overall square footage: ~ 80,000 s.f.	Overall square footage: ~ 50,000 s.f.
Phasing: 3 phases	Phasing: 1 phase
Parking spaces provided: 61 spaces	Parking spaces provided: 56 spaces
Parking spaces required: 54-56	Parking spaces required: 27 spaces
# Employees: 10-12	# Employees: 5-8 <i>per shift</i>

As noted above, the primary change between the original plan and the revision is the elimination of the southwesterly wing of the project. This change was intended to address the Planning Commission's prior concerns that the building was simply too large and out of character for this corridor and neighboring properties.

Additionally, the applicant's revised impact assessment makes a number of arguments as to how these concerns have been addressed or why the Planning Commission should approve the project. Certain arguments and staff's response to each are outlined below.

**Argument:** The proposed multi-family building is harmonious and comparable with the use, height, and size of surrounding structures.

**Staff Response:** First and foremost, the application identifies itself as an apartment. Traditional apartment buildings are allowed in the R1-M Multiple-Family district, but not within the R1-B Single-Family District where this project is proposed. Therefore, the proposed use itself is challenging before even considering the scale of the building.

Even when considering the revised application and reduced size of the building, this structure is substantially larger than any other structure in the vicinity. When combining the first and second floors, this building measures roughly 50,000 square feet in area. Based on Township Assessing records, the average square footage of residential homes within ¼ mile of the subject property measures 1,553.2 square feet (all floors, excluding basement). The average square footage of residential homes within ½ mile of the subject property measures 1,546.2 square feet (all floors, excluding basement).

As described in Section 8.5 of the Zoning Ordinance, the Township Planning Commission may authorize the construction and operation of certain institutional uses if the use is found to be reasonably compatible with surrounding residential uses. This is a discretionary decision to be made by the Commission and based on competent findings for or against an application.

**Argument:** Because the Township approved Traverse Manor, it must approve Culver Meadows.

**Staff Response:** This argument is invalid because Special Use Permits are decided upon in a case-by-case basis, and based on the merits of each application. Each application must demonstrate that it meets the intent of Section 8.1, Special Use Permits, and the individual standards that must be met to determine that an application will be harmonious and compatible with surrounding land uses. Unlike approval of a variance, prior approval of a similar request elsewhere in the Township does not set the precedent that a new application must be approved.

**Argument:** The existing Culver Meadows facility to the south is 236-feet in length. The proposed structure is 328-feet in its longest length.

**Staff Response:** The Planning Commission has already expressed that it may have pushed the envelope approving the existing building, which is only one-story in height rather than two. Furthermore, the 328-foot measurement is that of the longest wing of the building. Overall, the combined length of all wings is closer to 475-feet when viewed from the roadway and 600-feet when viewed from properties to the north.

**Argument:** There are already a number of non-residential uses within two miles of the subject property.

**Staff Response:** Similar to how the application identifies itself as an apartment building, an argument that this project should be approved because a number of non-residential uses already exist in the vicinity is evidence that the project may not be harmonious with the predominantly single-family character of the neighborhood.

Furthermore, the majority of these non-residential uses are exempt from Township control as they are churches, schools, public structures, or are outside of the Township.

### **MOVING FORWARD**

When this application and the potential changes to the site plan were last reviewed in April 2014, the Planning Commission felt that the proposed changes may be significant enough to justify the need for another public hearing. The Planning Commission should discuss if another public hearing should be held, and schedule this hearing for April 8, 2015 if appropriate.

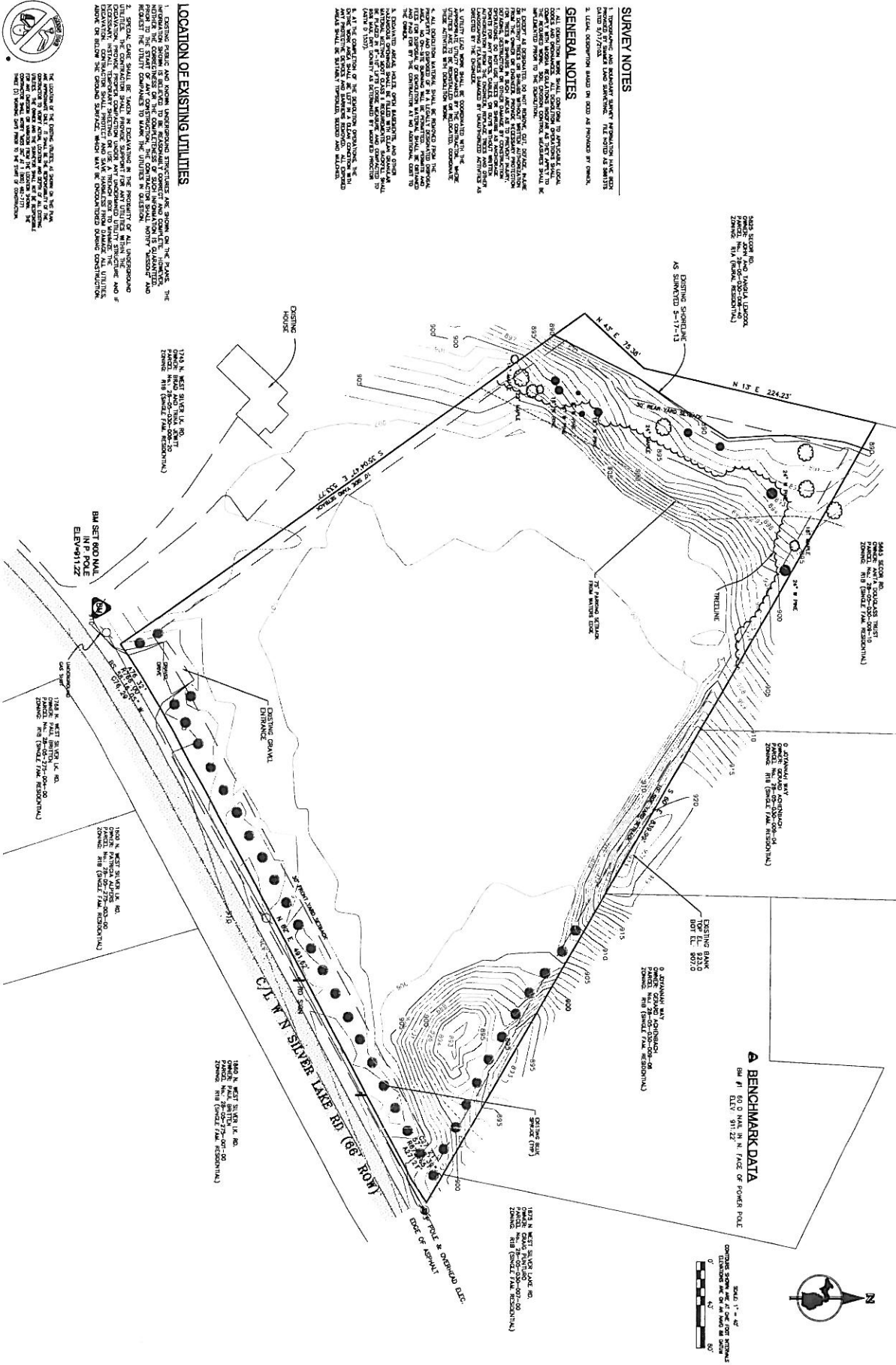
Due to the significant changes to the site plan and unknown Planning Commission reaction to the revised application, Staff has not yet prepared findings in support of a decision. If the Planning Commission is prepared to do so it may direct Staff to prepare these findings for or against the application.

### **ACTION REQUESTED:**

As noted above, no action is appropriate at this time other than to decide if an additional public hearing should be held and to potentially direct Staff to prepare findings.



# EXISTING CONDITIONS AND TOPOGRAPHY



### SURVEY NOTES

1. TOPOGRAPHIC AND REMOVAL SURVEY INFORMATION HAVE BEEN DATED 9/17/2014.
2. LOCAL ACQUISITION MADE BY GDD AS PROVIDED BY OWNER.

### GENERAL NOTES

1. ALL CONSTRUCTION MATERIALS SHALL BE DELIVERED FROM THE PROJECT SITE TO THE CONSTRUCTION SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
2. ALL CONSTRUCTION MATERIALS SHALL BE DELIVERED FROM THE PROJECT SITE TO THE CONSTRUCTION SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

### LOCATION OF EXISTING UTILITIES

1. EXISTING PUBLIC AND PRIVATE UNDERGROUND UTILITIES ARE SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
2. SPECIAL CARE SHALL BE TAKEN IN EXCAVATING THE PROPERTY OF ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL PROVIDE SUPPORT FOR ALL UTILITIES WITHIN THE PROPERTY. THE CONTRACTOR SHALL PROVIDE SUPPORT FOR ALL UTILITIES WITHIN THE PROPERTY. THE CONTRACTOR SHALL PROVIDE SUPPORT FOR ALL UTILITIES WITHIN THE PROPERTY.



**BRAD JEWETT**  
**CULVER MEADOWS SENIOR APARTMENTS**

SECTION 30, T27N, R11W, CHARTER TOWNSHIP OF GARFIELD  
GRAND TRAVERSE COUNTY, MICHIGAN

REV	DATE	DESCRIPTION

1200 Pennington Co., Traverse City, MI 49786 | Phone: (231) 216-0800

104-2013

**C-2**

SHEET 2 OF 7

BRAD JEWETT

REGISTERED PROFESSIONAL ENGINEER

NO. 104-2013

ISSUED 07/14/2013

REVISED 07/14/2013

PROJECT NUMBER: 104-2013

DESIGN FOR: BRAD JEWETT

DATE: 07/14/2013

SCALE: 1" = 40'

PROJECT NO: 104-2013



**DRAINAGE CALCULATIONS**

FOR EACH DRAINAGE BASIN, DETERMINE THE TOTAL VOLUME OF WATER TO BE STORED IN THE BASIN. THIS VOLUME IS THE SUM OF THE VOLUMES OF WATER TO BE STORED IN THE BASIN DURING THE RAINFALL EVENT. THE VOLUME OF WATER TO BE STORED IN THE BASIN DURING THE RAINFALL EVENT IS THE PRODUCT OF THE RAINFALL INTENSITY AND THE DRAINAGE AREA. THE VOLUME OF WATER TO BE STORED IN THE BASIN DURING THE RAINFALL EVENT IS THE PRODUCT OF THE RAINFALL INTENSITY AND THE DRAINAGE AREA. THE VOLUME OF WATER TO BE STORED IN THE BASIN DURING THE RAINFALL EVENT IS THE PRODUCT OF THE RAINFALL INTENSITY AND THE DRAINAGE AREA.

**Basin #1**  
 DRAINAGE AREA = 12,422 S.F.  
 RAINFALL INTENSITY = 3.522 S.F.  
 VOLUME = 43,754 S.F.  
 25% OF VOLUME = 10,938 S.F.

**Basin #2**  
 DRAINAGE AREA = 12,422 S.F.  
 RAINFALL INTENSITY = 3.522 S.F.  
 VOLUME = 43,754 S.F.  
 25% OF VOLUME = 10,938 S.F.

**Basin #3**  
 DRAINAGE AREA = 12,422 S.F.  
 RAINFALL INTENSITY = 3.522 S.F.  
 VOLUME = 43,754 S.F.  
 25% OF VOLUME = 10,938 S.F.

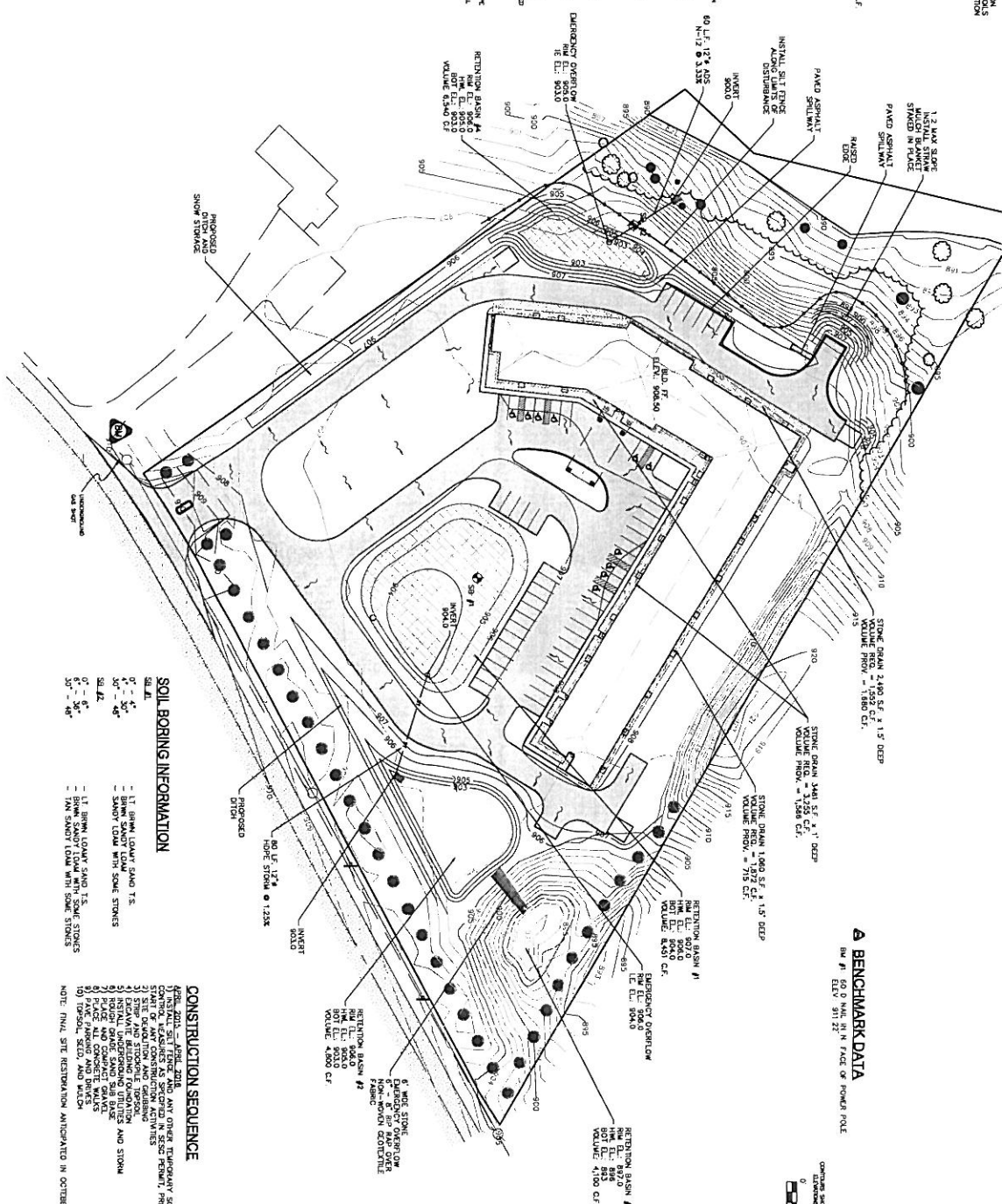
**GRADING AND PAVING NOTES**

1. FINISH GRADE SHALL BE MAINTAINED AS MUCH AS POSSIBLE TO MATCH EXISTING GRADE.
2. THE FINISH GRADE SHALL BE MAINTAINED AS MUCH AS POSSIBLE TO MATCH EXISTING GRADE.
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**SOIL EROSION PREVENTION NOTES**

1. THE SOIL EROSION PREVENTION NOTES SHALL BE MAINTAINED AS MUCH AS POSSIBLE TO MATCH EXISTING GRADE.
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10. THE SOIL EROSION PREVENTION NOTES SHALL BE MAINTAINED AS MUCH AS POSSIBLE TO MATCH EXISTING GRADE.

**SOIL EROSION AND STORM WATER RUNOFF CONTROL PLAN**



**SOIL BORING INFORMATION**

- 1 - LT BRN LOAMY SAND T.S.
- 2 - BRN SANDY LOAM
- 3 - SANDY LOAM WITH SOME STONES
- 4 - LT BRN LOAMY SAND T.S.
- 5 - SANDY LOAM WITH SOME STONES
- 6 - LT BRN LOAMY SAND T.S.
- 7 - SANDY LOAM WITH SOME STONES
- 8 - LT BRN LOAMY SAND T.S.
- 9 - SANDY LOAM WITH SOME STONES
- 10 - LT BRN LOAMY SAND T.S.
- 11 - SANDY LOAM WITH SOME STONES
- 12 - LT BRN LOAMY SAND T.S.
- 13 - SANDY LOAM WITH SOME STONES
- 14 - LT BRN LOAMY SAND T.S.
- 15 - SANDY LOAM WITH SOME STONES

**CONSTRUCTION SEQUENCE**

1. INSTALL SILT FENCE AND ANY OTHER TEMPORARY SOIL EROSION CONTROL MEASURES.
2. EXCAVATE AND CONSTRUCT FOUNDATIONS FOR ALL STRUCTURES AND STORM.
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14. EXCAVATE AND CONSTRUCT FOUNDATIONS FOR ALL STRUCTURES AND STORM.
15. EXCAVATE AND CONSTRUCT FOUNDATIONS FOR ALL STRUCTURES AND STORM.

**BENCHMARK DATA**

BM #1: 50.0' VERT. IN FACE OF POWER POLE  
 BM #2: 51.5' ST.

**CONSTRUCTION SEQUENCE**

1. INSTALL SILT FENCE AND ANY OTHER TEMPORARY SOIL EROSION CONTROL MEASURES.
2. EXCAVATE AND CONSTRUCT FOUNDATIONS FOR ALL STRUCTURES AND STORM.
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15. EXCAVATE AND CONSTRUCT FOUNDATIONS FOR ALL STRUCTURES AND STORM.



THE ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE. THE ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE. THE ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE.

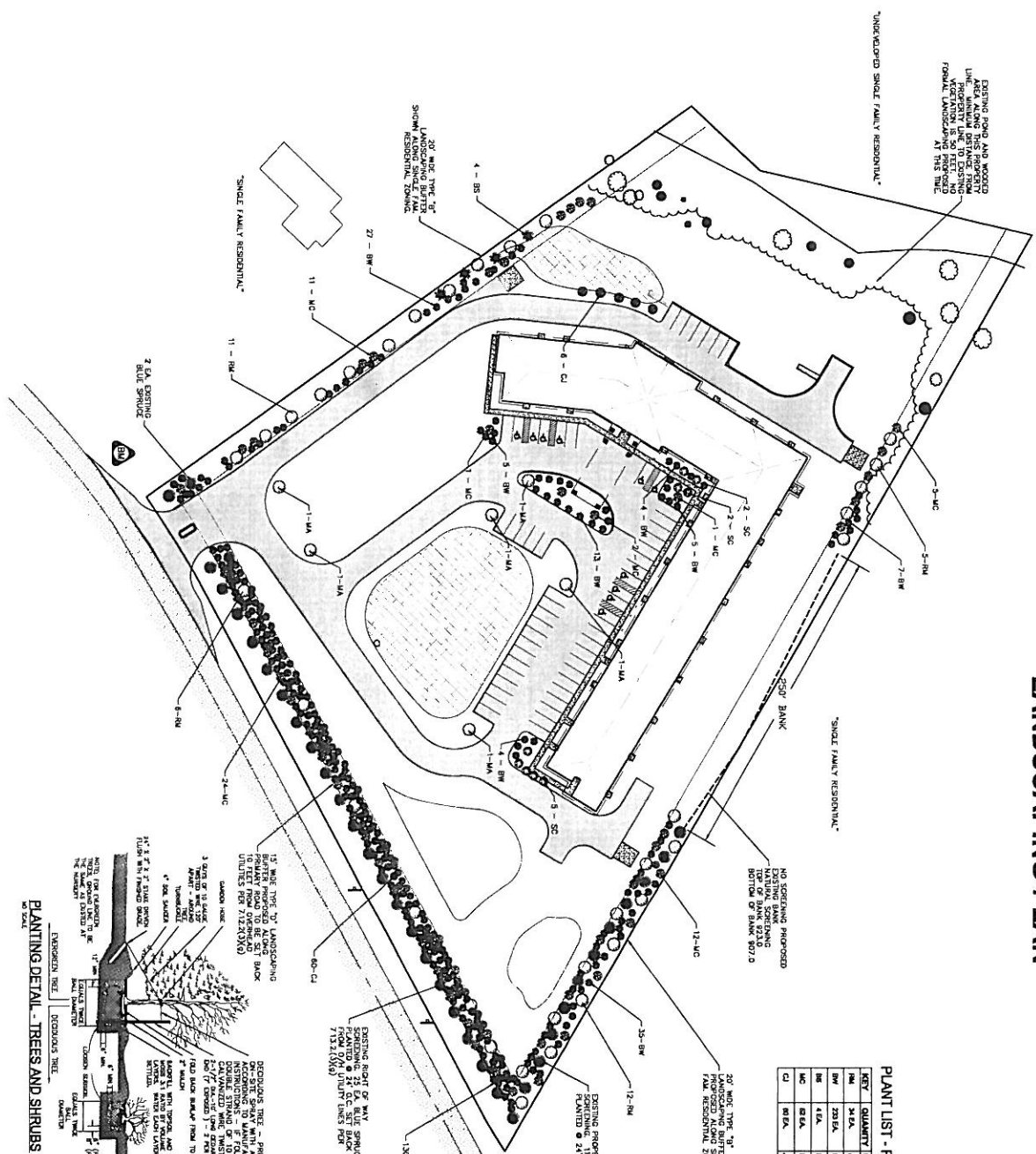
**BRAD JEWETT**  
**CULVER MEADOWS SENIOR APARTMENTS**

SECTION 30, T27N, R11W, CHARTER TOWNSHIP OF GARFIELD  
 GRAND TRAVERSE COUNTY, MICHIGAN

DATE: 10-20-2013  
 DRAWN BY: J. JEWETT  
 CHECKED BY: J. JEWETT  
 PROJECT MANAGER: J. JEWETT

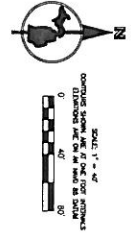
1200 Peninsula Ct., Traverse City, MI 49684 | Phone: (231) 214-0580

# LANDSCAPING PLAN



**PLANT LIST - PROPOSED LANDSCAPING BUFFERS**

KEY	QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE	SYMBOL	PLANT TYPE
1	24 EA.	ACER RUBRA	RED MAPLE	2.0' DBL. DIA.	○	DECIDUOUS TREE
2	225 EA.	BALUS SERRIFOLIA	BALUS	1' DIA.	○	DECIDUOUS SHRUB
3	4 EA.	PECEA QUINCA	BLUE SPRUCE	8' HT. DIA.	○	EVERGREEN TREE
4	2 EA.	PRUNUS VIBESNA	CHOKE CHERRY	1" DBL. DIA.	○	FLOWERING TREE
5	1 EA.	AMERISIA COMPLANATA	JANETTS SHUB	24" HT. DIA.	○	EVERGREEN SHRUB



## LANDSCAPE CALCULATIONS AND REQUIREMENTS

THE PROPOSED LANDSCAPING PLAN FOR THE BRAD JEWETT CULVER MEADOWS SENIOR APARTMENTS IS BASED ON THE FOLLOWING ASSUMPTIONS AND REQUIREMENTS:

1. ALL PLANTINGS SHALL BE INSTALLED WITHIN THE PROPOSED LANDSCAPING BUFFERS AND SHALL BE MAINTAINED IN ACCORDANCE WITH THE MICHIGAN LANDSCAPE MAINTENANCE ACT (MCLA 207.1001-207.1005).

2. ALL PLANTINGS SHALL BE INSTALLED WITHIN THE PROPOSED LANDSCAPING BUFFERS AND SHALL BE MAINTAINED IN ACCORDANCE WITH THE MICHIGAN LANDSCAPE MAINTENANCE ACT (MCLA 207.1001-207.1005).

3. ALL PLANTINGS SHALL BE INSTALLED WITHIN THE PROPOSED LANDSCAPING BUFFERS AND SHALL BE MAINTAINED IN ACCORDANCE WITH THE MICHIGAN LANDSCAPE MAINTENANCE ACT (MCLA 207.1001-207.1005).

## LANDSCAPING NOTES

1. ALL PLANTINGS SHALL BE INSTALLED WITHIN THE PROPOSED LANDSCAPING BUFFERS AND SHALL BE MAINTAINED IN ACCORDANCE WITH THE MICHIGAN LANDSCAPE MAINTENANCE ACT (MCLA 207.1001-207.1005).
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3. ALL PLANTINGS SHALL BE INSTALLED WITHIN THE PROPOSED LANDSCAPING BUFFERS AND SHALL BE MAINTAINED IN ACCORDANCE WITH THE MICHIGAN LANDSCAPE MAINTENANCE ACT (MCLA 207.1001-207.1005).

## IRRIGATION SYSTEM

THE PROPOSED IRRIGATION SYSTEM FOR THE BRAD JEWETT CULVER MEADOWS SENIOR APARTMENTS IS BASED ON THE FOLLOWING ASSUMPTIONS AND REQUIREMENTS:

1. THE IRRIGATION SYSTEM SHALL BE INSTALLED WITHIN THE PROPOSED LANDSCAPING BUFFERS AND SHALL BE MAINTAINED IN ACCORDANCE WITH THE MICHIGAN IRRIGATION ACT (MCLA 207.1001-207.1005).

**BRAD JEWETT  
CULVER MEADOWS SENIOR APARTMENTS**

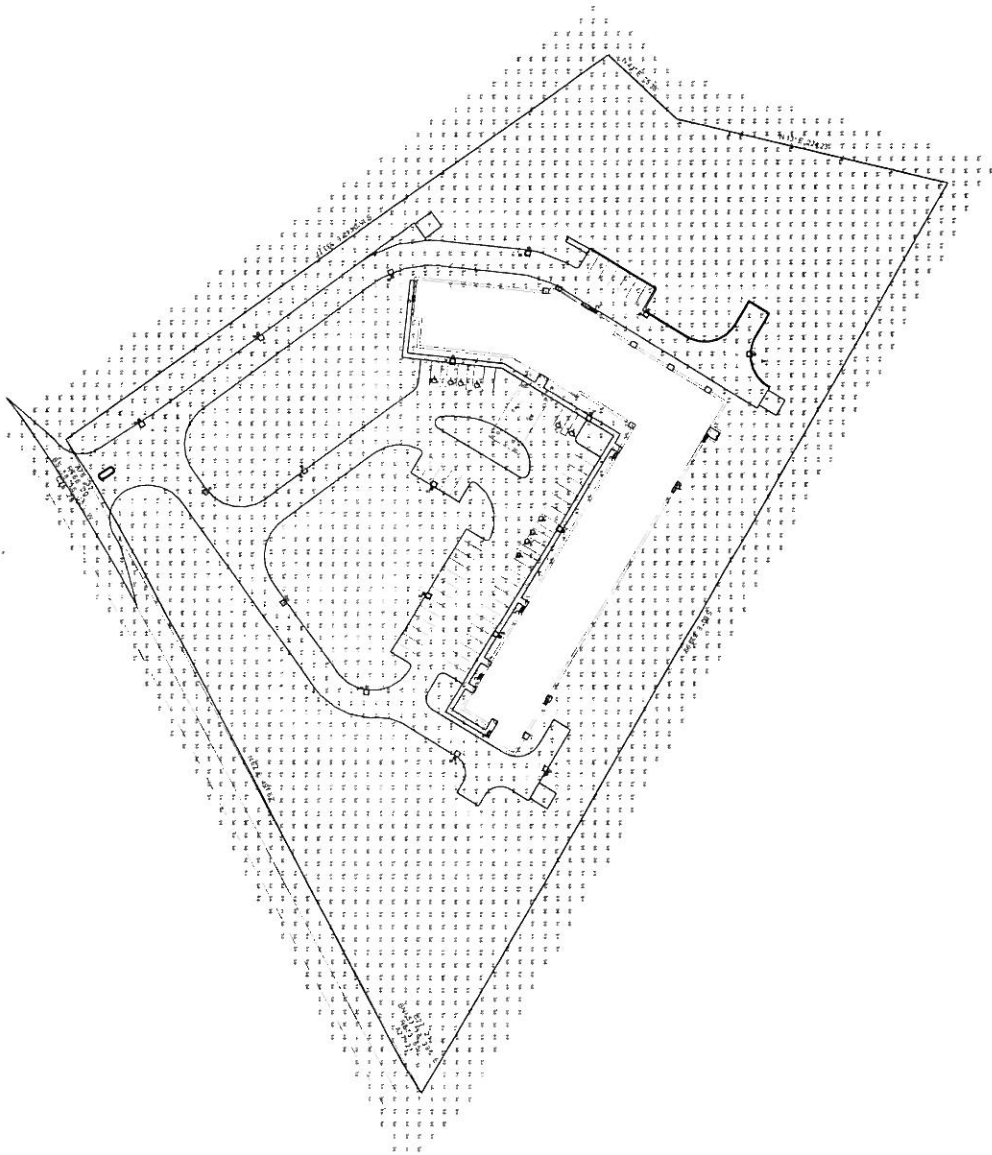
SECTION 30, T27N, R11W, CHARTER TOWNSHIP OF GARFIELD  
GRAND TRAVERSE COUNTY, MICHIGAN

REV	DATE	DESCRIPTION

CIVIL ENGINEERING  
SITE PLANNING  
SURVEYING  
PERMIT ACQUISITION SOLUTIONS

1200 Poplarville Ct., Traverse City, MI 49684 | Phone: (231) 214-0800





**Project:** Culver Meadows Senior Living

Space	Type	Area (sq ft)	Height (ft)	Volume (cu ft)	Description	Number	Height
0	Type A	1,000	11	11,000	COOPER LITING - 11' x 11' x 11'	20	11
1	Type B	1,000	11	11,000	COOPER LITING - 11' x 11' x 11'	20	11
2	Type C	1,000	11	11,000	COOPER LITING - 11' x 11' x 11'	20	11
3	Type D	1,000	11	11,000	COOPER LITING - 11' x 11' x 11'	20	11

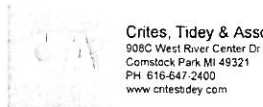
Category	Units	Avg. Height (ft)	Max. Height (ft)	Min. Height (ft)	Any/Other Height (ft)
Back and Front Open Area	11	11	11	11	N/A
Other Area	11	11	11	11	N/A
Outside Perimeter	11	11	11	11	N/A
Interior Lighting	11	11	11	11	11
Exterior Lighting	11	11	11	11	11

Category	Units	Avg. Height (ft)	Max. Height (ft)	Min. Height (ft)	Any/Other Height (ft)
Back and Front Open Area	11	11	11	11	N/A
Other Area	11	11	11	11	N/A
Outside Perimeter	11	11	11	11	N/A
Interior Lighting	11	11	11	11	11
Exterior Lighting	11	11	11	11	11

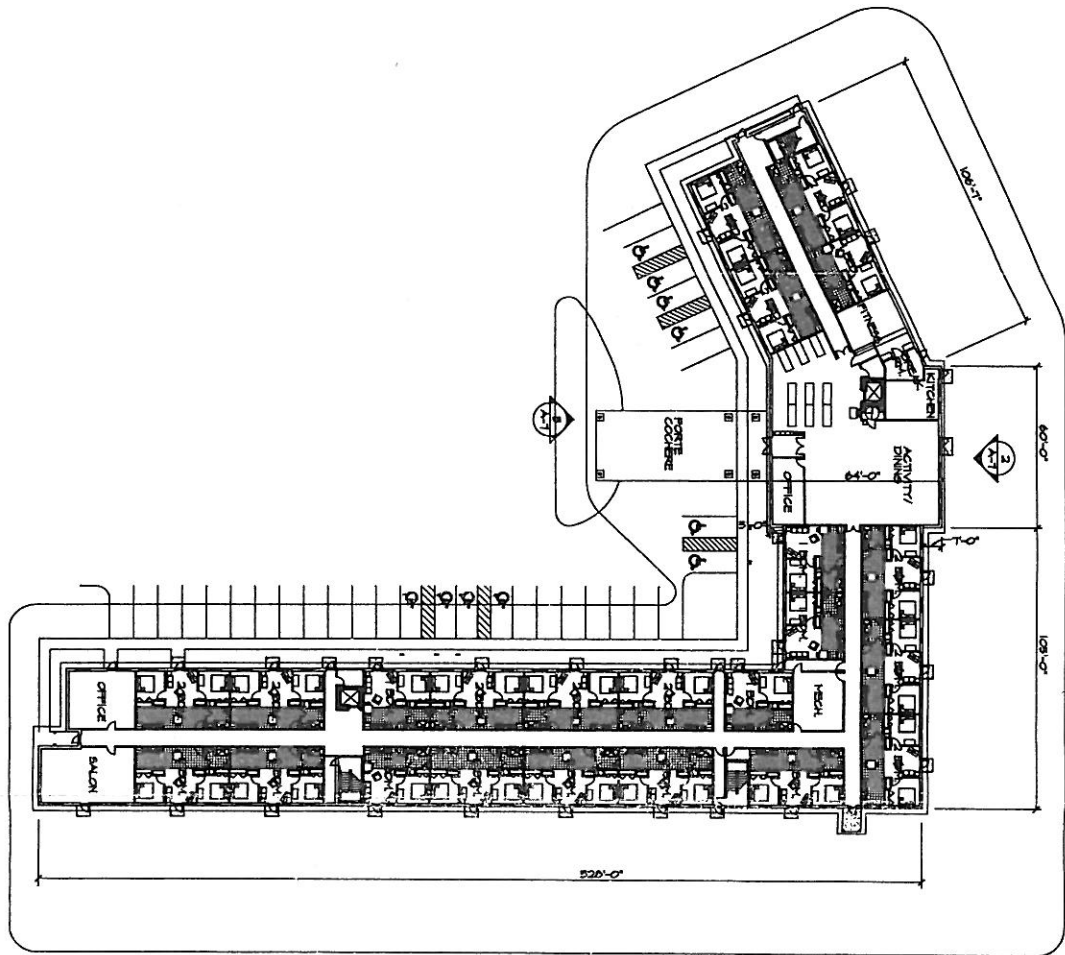
# CULVER MEADOWS SENIOR LIVING

**DISCLAIMER**  
 Illumination results shown on this lighting design are based on project parameters provided to Crites, Tidey & Assoc. used in conjunction with luminaires and procedures conducted under laboratory conditions. Actual project conditions differing from these design parameters may affect final results. The customer is responsible for verifying compliance with applicable lighting or energy codes. Any changes to the above reflectance and/or construction not noted will affect the light levels. Please verify the data used to assure the accuracy of the report. Values represent an approximation. Footcandle Levels are considered at the end of the life of the lamps and ballast.



**Crites, Tidey & Assoc., Inc.**  
 908C West River Center Dr.  
 Comstock Park MI 49321  
 PH 616-647-2400  
 www.critesidey.com

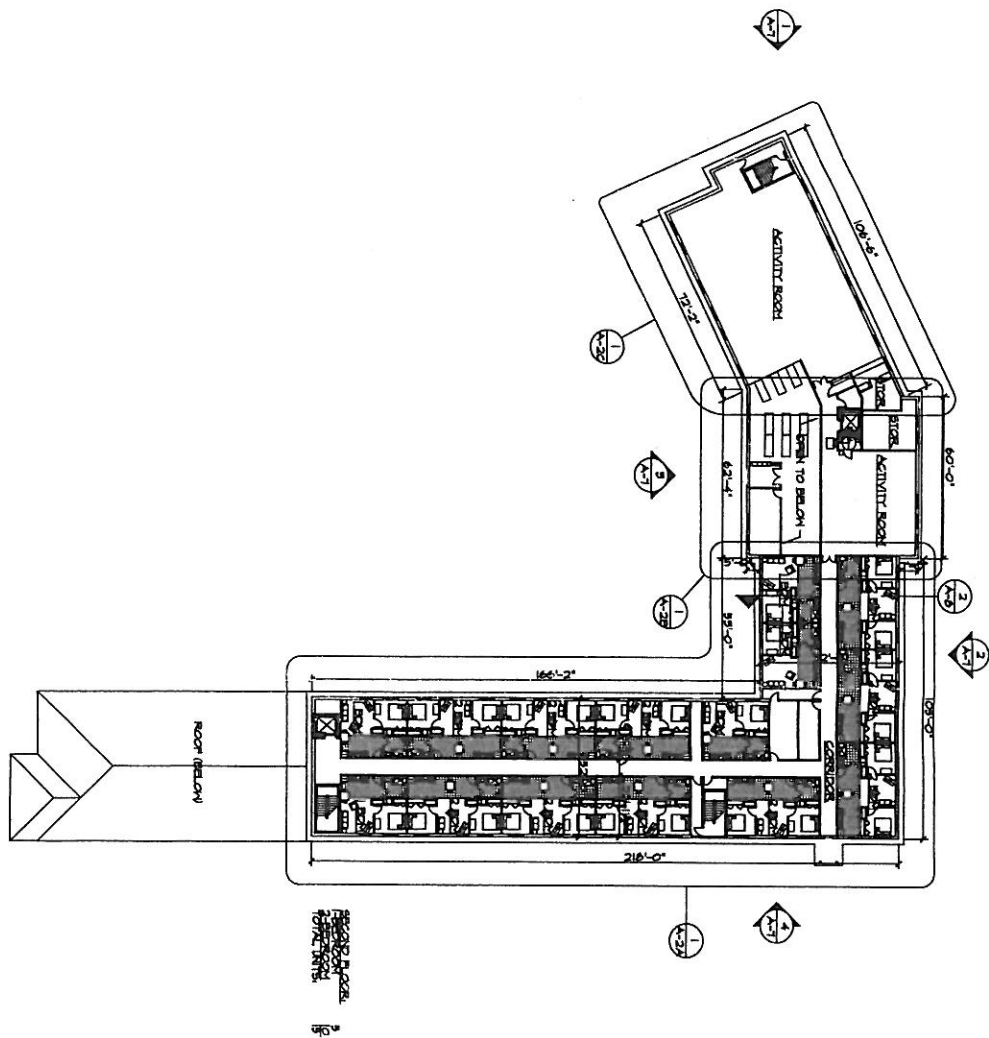
**OVERALL FLOOR PLAN**  
 (1)  
 SCALE: 1/4" = 1'-0"



FIRST FLOOR  
 2-RECEPTION  
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J.M. DESIGN GROUP, LTD. 225 E. 16TH STREET, SUITE B, TRAVERSE CITY, MICHIGAN 49604

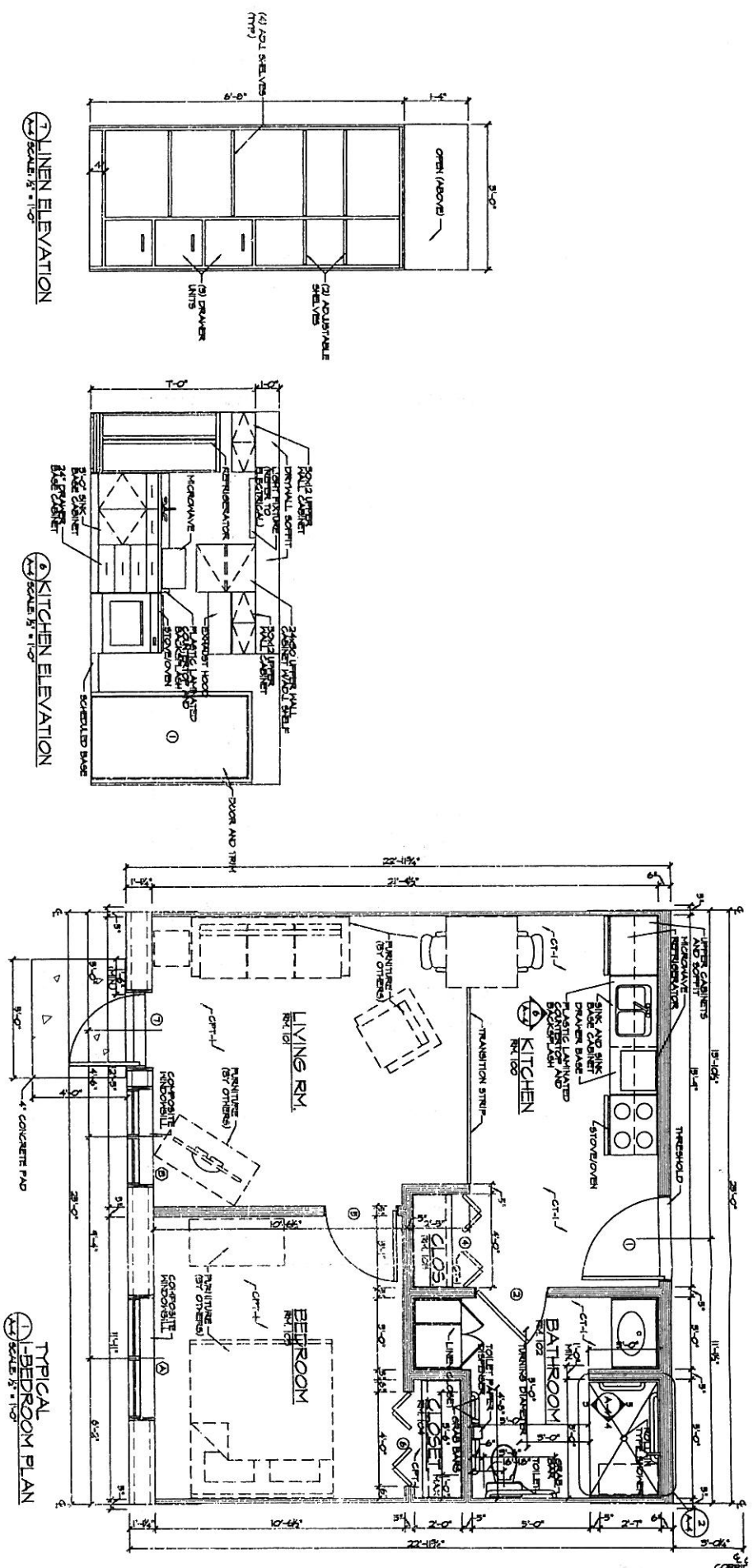
<p>DATE: 12/01/05          SHEET: A-1</p>	<p>0 preliminary          1 construction</p>	<p>Sheet No:  <b>OVERALL FLOOR PLAN</b>          Project Name:  <b>CULVER MEADOWS</b></p>	<p>Location:  <b>TRAVERSE CITY, MICHIGAN</b>          District:  <b>CULVER MEADOWS</b></p>	<p>Revision:          01/12/05 ISSUED FOR PLANNING REVIEW</p>	<p>Architect:  <b>CF CAMPBELL</b>          Phone: (261) 441-4094          Fax: (261) 441-8756</p>	<p>Scale:          AS NOTED          Drawn:          L.N.A.R.</p>
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**SECOND FLOOR PLAN**
  
 1/2" SCALE 1/4" = 1'-0"

 <b>A-3</b>	Date: 01/17/01	Title:	Location:	Revision:	Designer:	Checker:
	0 preliminary	<b>SECOND FLOOR PLAN</b>	<b>TRAVERSE CITY, MICHIGAN</b>	01/12/01 ISSUED FOR PLANNING REVIEW	CF CAMPBELL	AS NOTED
1 construction	<b>CULVER MEADOWS</b>	<b>CULVER MEADOWS</b>		phone: (226) 941-4094	L.N.A.R.	
				fax: (226) 941-8750		

J.M. DESIGN GROUP, LTD. 225 E. 16TH STREET, SUITE B, TRAVERSE CITY, MICHIGAN 49684



1 TYPICAL 1-BEDROOM PLAN  
SCALE: 1/8" = 1'-0"

1 LINEN ELEVATION  
SCALE: 1/8" = 1'-0"

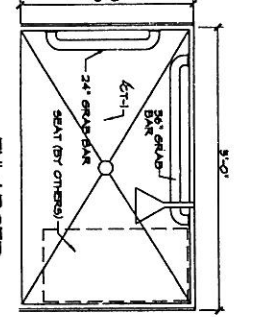
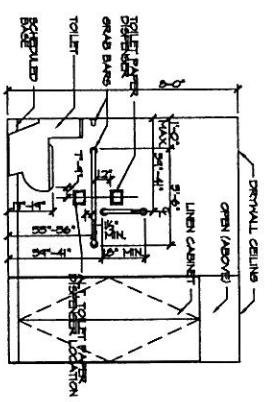
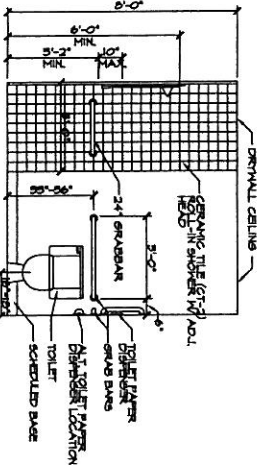
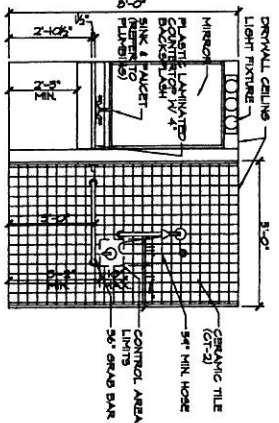
2 KITCHEN ELEVATION  
SCALE: 1/8" = 1'-0"

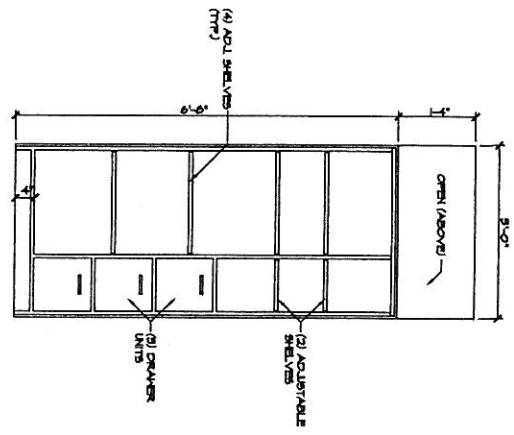
3 TOILET ELEVATION  
SCALE: 1/8" = 1'-0"

4 TOILET ELEVATION  
SCALE: 1/8" = 1'-0"

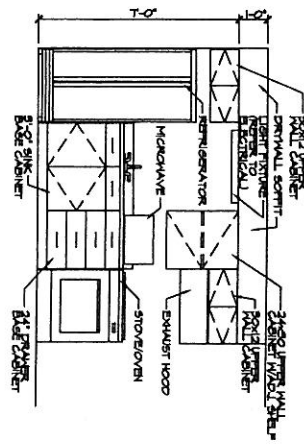
3 TOILET ELEVATION  
SCALE: 1/8" = 1'-0"

2 ENLARGED SHOWER PLAN  
SCALE: 1/8" = 1'-0"

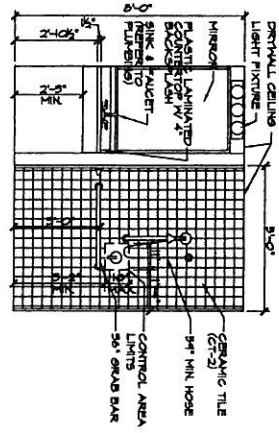




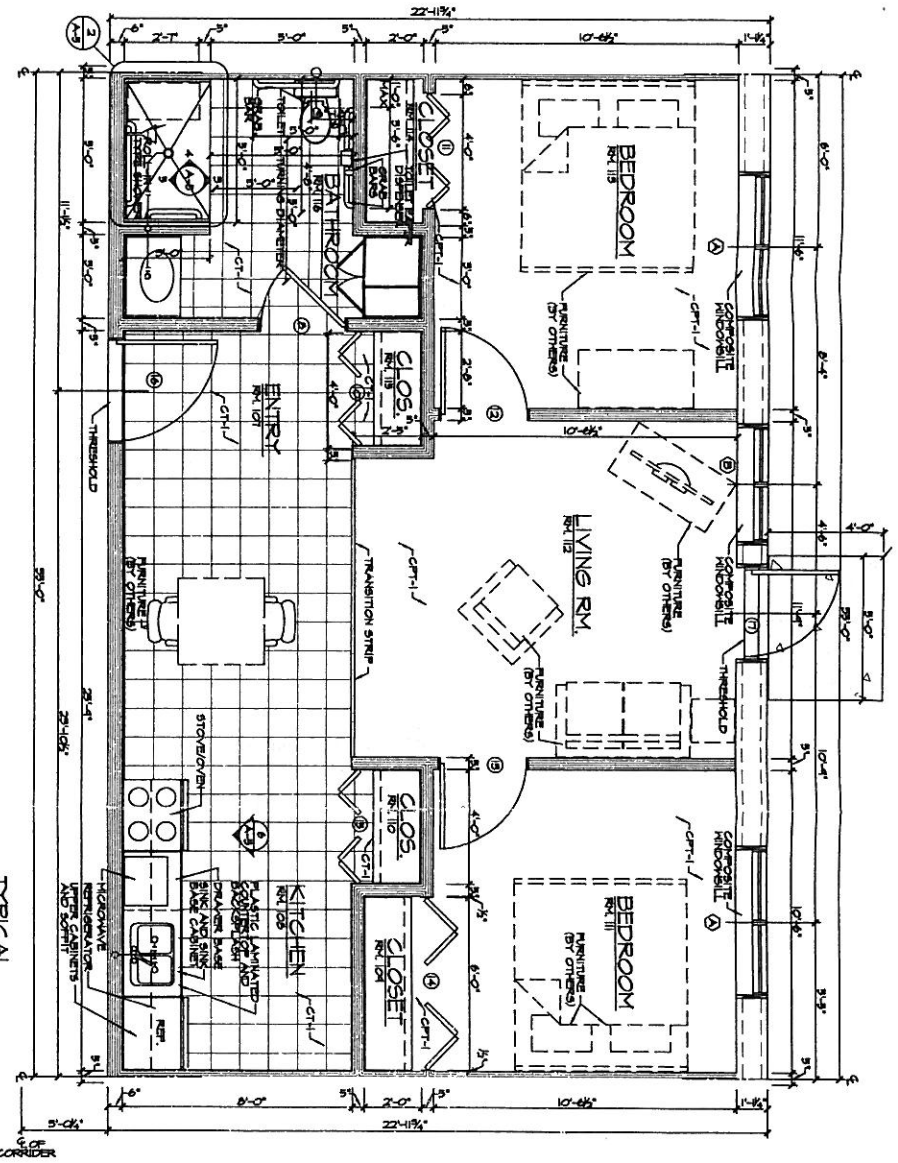
7 LINEN ELEVATION  
SCALE: 3/4" = 1'-0"



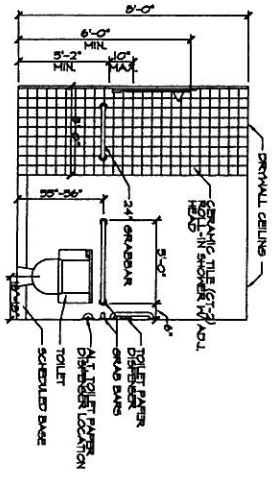
6 KITCHEN ELEVATION  
SCALE: 3/4" = 1'-0"



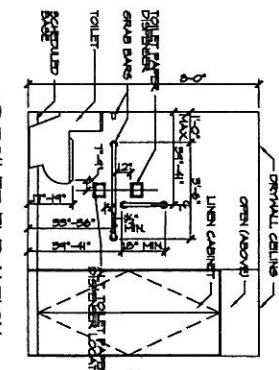
5 TOILET ELEVATION  
SCALE: 3/4" = 1'-0"



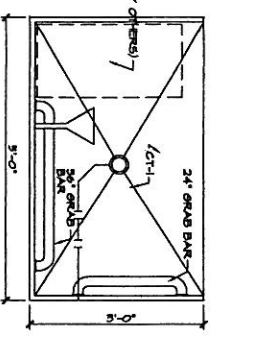
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SCALE: 3/4" = 1'-0"



4 TOILET ELEVATION  
SCALE: 3/4" = 1'-0"



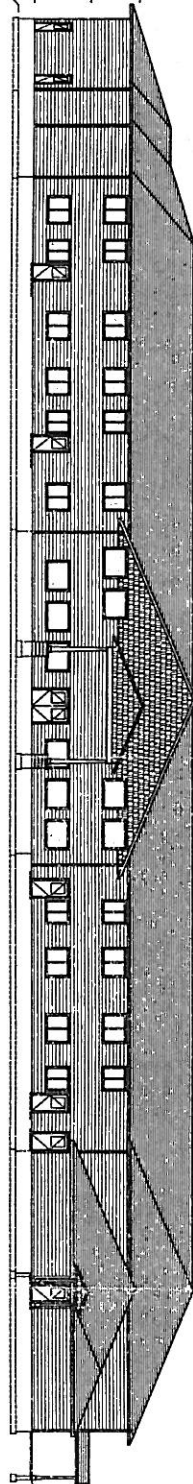
3 TOILET ELEVATION  
SCALE: 3/4" = 1'-0"



2 ENLARGED SHOWER PLAN  
SCALE: 1/2" = 1'-0"

	DATE: 01/21/15 ISSUED FOR PLANNING REVIEW PROJECT: CP CAMPBELL PHONE: (226) 447-4091 FAX: (226) 447-8750	DRAWN: AS NOTED CHECKED: L.N.A.R.
	TRAVERSE CITY, MICHIGAN CULVER MEADOWS	

TRUSS BEARINGS  
 SECOND FLOOR  
 FIRST FLOOR  
 TOP OF FOOTING



3 SOUTH ELEVATION  
 1/2" = 1'-0"

**JM**  
 Date: 12/2/11  
 Sheet: A-7

○ preliminary  
 ● construction

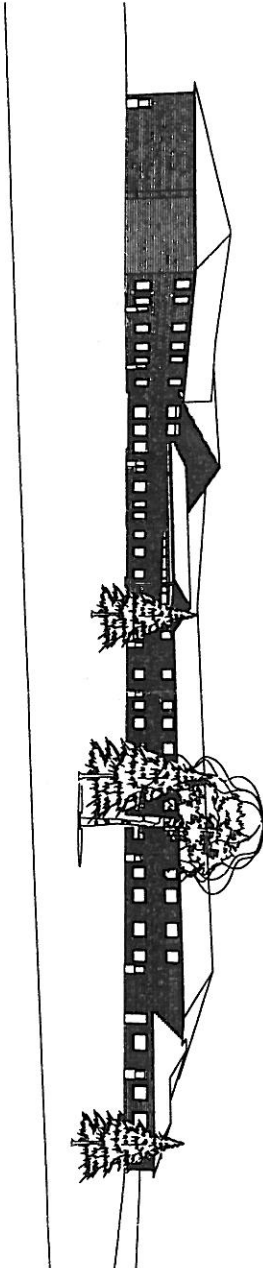
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 Project name:  
**CULVER MEADOWS**

Location:  
**TRAVERSE CITY, MICHIGAN**  
 Job title:  
**CULVER MEADOWS**

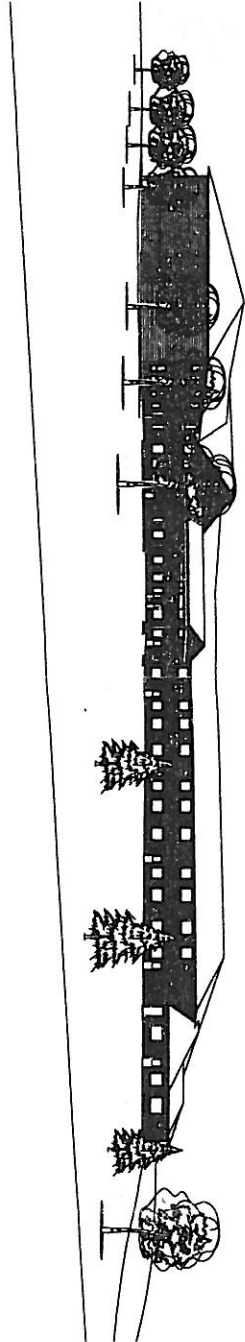
Revision:  
 01/12/15 ISSUED FOR PLANNING REVIEW

Architect:  
**CP CAMPBELL**  
 phone: (226) 447-8019  
 fax: (226) 447-8750

scale:  
 AS NOTED  
 drawn:  
 LVAR



2 PERSPECTIVE VIEW #2  
NOT TO SCALE



1 PERSPECTIVE VIEW #1  
NOT TO SCALE



date: 12/01/05  
sheet: PV-1

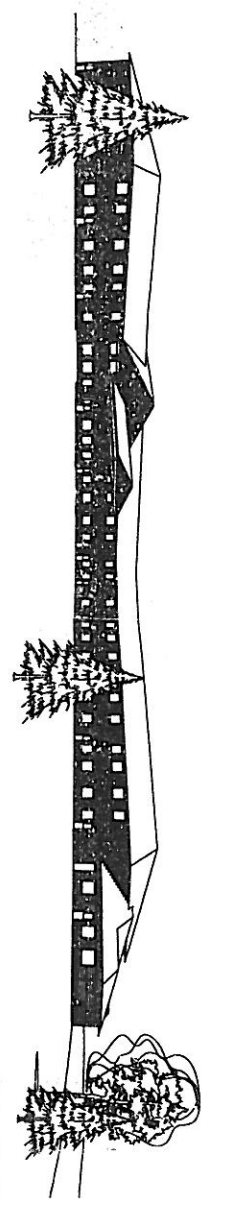
preliminary  
 construction  
 sheet title: PERSPECTIVE VIEW  
 project name: CULVER MEADOWS

location: TRAVERSE CITY, MICHIGAN  
 client: CULVER MEADOWS

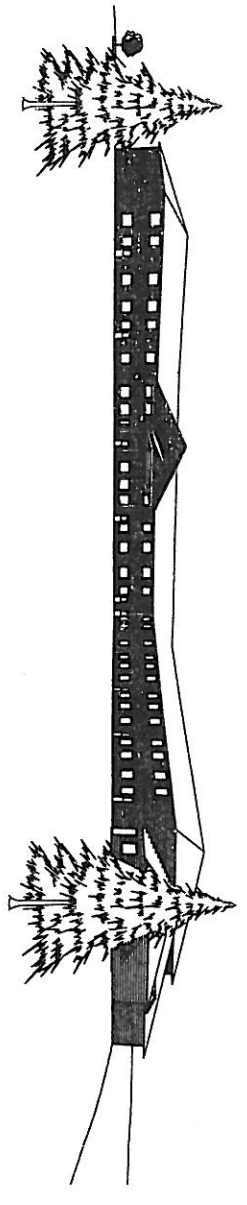
revision: 01/12/05 ISSUED FOR PLANNING REVIEW

architect: C.P. CAMPBELL  
 phone: (231) 947-1014  
 fax: (231) 947-8750

scale: AS NOTED  
 drawn: L.N.A.R.



① PERSPECTIVE VIEW #3  
1/2" = 1'-0" SCALE



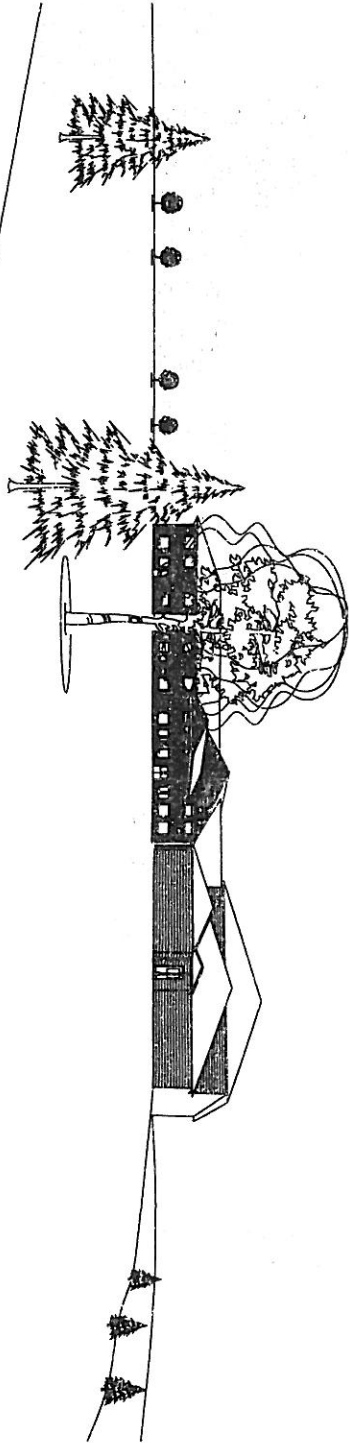
③ PERSPECTIVE VIEW #4  
1/2" = 1'-0" SCALE

J.M. DESIGN GROUP, LTD., 225 E. 16TH STREET, SUITE B, TRAVERSE CITY, MICHIGAN 49604

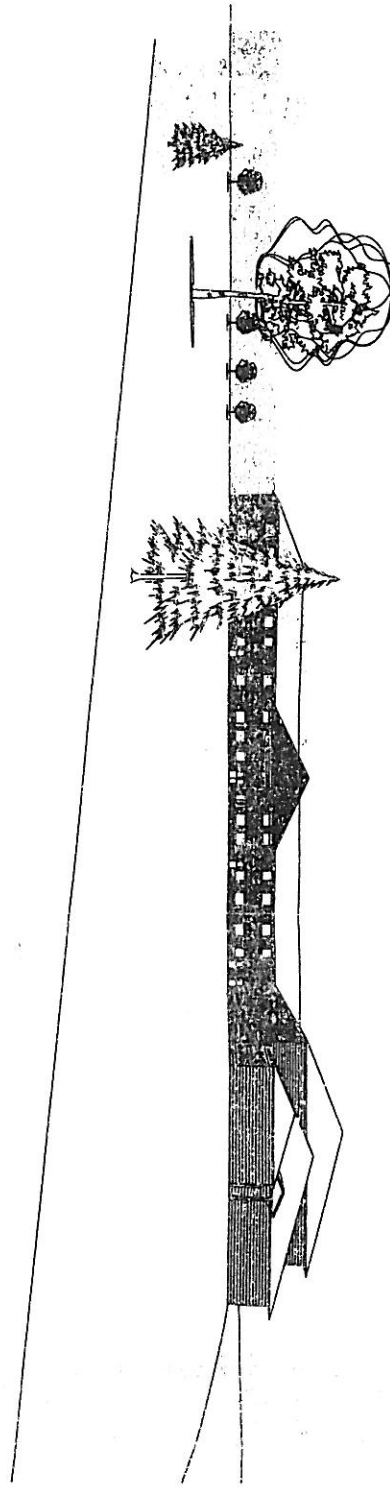
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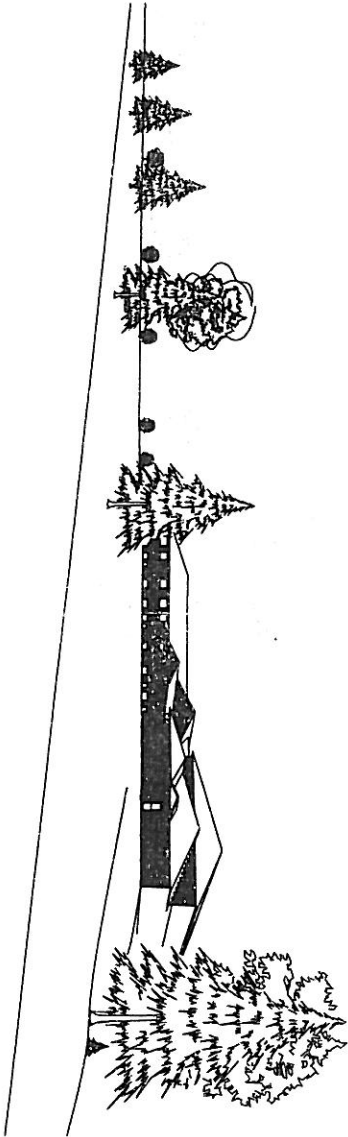


3 PERSPECTIVE VIEW #6  
NOT TO SCALE



1 PERSPECTIVE VIEW #5  
NOT TO SCALE





① PERSPECTIVE VIEW #7  
AS NOTED

J.M. DESIGN GROUP, LTD. 225 E. 16TH STREET, SUITE B, TRAVERSE CITY, MICHIGAN 49664

3  
12/2/15  
PV-4

○ preliminary  
● construction


sheet title  
**PERSPECTIVE VIEW  
CULVER MEADOWS**

location  
**TRAVERSE CITY, MICHIGAN**  
about  
**CULVER MEADOWS**

release  
07/2/15 ISSUED FOR PLANNING REVIEW

architect  
**CF CAMPBELL**  
phone: (231) 947-4019  
fax: (231) 947-0736

scale:  
AS NOTED  
drawn:  
LNAAR

		<b>Charter Township of Garfield</b>	
		<b>Planning Department Report No. 2015-14</b>	
Prepared:	January 6, 2015	Pages:	1 of 14
Meeting:	February 11, 2015 – Planning Commission	Attachments:	<input type="checkbox"/>
Subject:	2014 Annual Report		

### **Introduction**

This 2014 annual Planning Report was prepared pursuant to the requirements of Section 19(2) of the Michigan Planning Enabling Act, which states:

"A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development."

This report is intended to serve as the Planning Commission's report to the Township Board, as required above, and will also outline the activities of the Planning Department in the 2014 year. Additionally, this report will also inform on both the Zoning and Building Department's recent activities.

### **Boards & Commissions**

The Planning Department participates in various committees and provides support services to various Commissions and Boards, which include:

- Garfield Township Board
- Garfield Township Planning Commission
- Garfield Township Zoning Board of Appeals
- Joint Traverse City and Garfield Township Planning Commission (Grand Traverse Commons)
- Joint Traverse City and Garfield Township Recreation Authority
- Parks & Recreation Commission
- TC-TALUS Technical Committee
- Joint Housing Task Force
- Among others

### **Administration**

The Planning Department continues to be very active as it moves towards finalizing documents, preparing new ordinances, and ensuring that development projects are completed as required by the Planning Commission and Township Board.

Routine tasks also include dialogue with the development community to ensure that development applications are complete and ready to be brought before the Planning Commission, which can take weeks or months. The management and oversight of three active Natural Resources Trust Fund projects occupies a substantial amount of Staff time.

As current documents and plans are finalized in early 2015, attention will be shifted to successor documents and ordinances to help the Township realize the goals of recently adopted documents. This, combined with yet another projected year of strong growth, as well as planning for upcoming grant applications, will continue to demand efficiency in the administration of the Planning Department.

### **Planning Commission**

The Planning Commission meets the second and fourth Wednesday of each month and is responsible for reviewing development applications, preparing plans, and advising the Township Board on development matters and zoning amendments. The meeting schedule allows the Planning Commission to hear, review and decide on projects during the first meeting and to advance the interests of the community by holding a work session during the second meeting of the month. This schedule will continue throughout 2015 as the Commission works to finalize its Master Plan review.

### **Activity Highlights**

The Planning Commission continues to work on the Master Plan update and is currently in the process of drafting a community survey. Staff continues to meet with community stakeholders such as TCAPS, BATA, Cherry Capital Airport, GT Metro Fire, and the Sheriff's Office to understand each agency's current and future infrastructure needs and how each need relates to the community.

The updated draft Zoning Ordinance is currently being reviewed by the Township attorney. Once the Attorney's comments are received, remaining issues and any proposed changes to the document will be discussed. The Planning Commission will soon begin discussions on how to move forward with a public information session and public hearing to educate the public on the new document prior to its adoption.

### **Development Reviews**

The Planning Commission reviewed and approved numerous projects in 2014, which included Site Plan Reviews, Planned Unit Developments, Special Use Permits and zoning text and map amendments. A brief description of those reviews follows.

#### **2014 Special Use Permits - New Applications**

##### **SUP – 2014-01 Culver Meadows Assisted Living Apartments**

This project is proposed on Silver Lake Road in the R-1B single family residential district. The Planning Commission, following several contentious meetings, directed Staff to prepare findings for denial of the project. Subsequently, the applicant requested another opportunity to present to the Planning Commission with a modified plan instead of a decision, which request was granted.

As of the end of 2014, however, the applicant has failed on numerous occasions to complete its revised application for a decision. The application remains open.

#### **SUP – 2014-03 Grand Traverse Timbers**

Grand Traverse Timbers was granted a Special Use Permit to establish an enclosed sawmill operation and associated warehousing within two existing buildings on a 1.5-acre parcel located at 5111 Cedar Run Road. The property is currently zoned A-1 Agricultural and is the site of the former Ken's Landfill, which was decommissioned in 2012.

#### **2014 Planned Unit Developments (PUD) - New Applications**

##### **PUD – 2014-01 Sheffer Farms**

This mixed use project is proposed on 52 acres of open, gently sloping, grassy field located off of North Long Lake Road. The applicant's proposal evolved over a period of months but mostly included single family lots, small single family cottages, apartment buildings, an assisted living facility and an additional institutional building. The Planning Commission required the applicant to provide a traffic study for the project, and, following the Township traffic consultant's review and comment on the inadequacies of the study, the project appears to have stalled.

##### **PUD – 2014 -02 Buffalo Ridge Center**

This application involved a commercial PUD (redevelopment) project on approximately 34 acres of commercially-zoned property, formerly the site of Horizon Outlet Mall. The northern portion of the site will be redeveloped into a 14-screen movie theater, an additional commercial building, and associated parking areas. The southern half of the site will remain in its present state for the time being until future redevelopment opportunities are explored and approved through the appropriate amendment process. Following a few months of disingenuous opposition by the Grand Traverse Mall representatives, the project was approved. Demolition has since occurred on the site and the project is in the permitting phase. This project was a good example of the redevelopment of a dilapidated commercial property in a prime location rather than development of a greenfield site outside of the urban core.

#### **Amendments to previously approved Special Use Permits**

The following requests were processed as amendments to approved Special Use Permit projects. It is not uncommon for projects to request various changes to plan sets as they grow. The Planning Commission is required to evaluate minor and major amendment requests to these projects, while Staff has the authority to allow small administrative changes

##### **SUP – 1989-A Just Golf**

The application requested a major 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 at 4163 Meadow Lane Drive. Working through a number of applicant misrepresentations and driving range safety concerns, the Planning Commission eventually approved the project.

**SUP 2013-02(A) – Panera Bread** requested a major amendment to add 559 square feet of floor area to its approved building footprint. The Planning Commission approved the request.

**SUP 1992-01(L) – Sam’s Club PUD** – a PUD sign request to increase allowable signage for the Harbor Freight building on US-31 was approved.

**SUP 2005-05(E)** – Members of the **Lone Tree PUD** requested a minor amendment to modify duplex boundary lines to rectify a past surveying issue and to provide a better layout for the units. The Planning Commission approved the request.

**SUP 2000-08(H) – Copper Ridge** – The application requested a clarification of a previous condition of approval which required that a play area for children within the development to be established. The Planning Commission denied two proposals by the applicant to place the playground in areas that were deemed unsafe for children. Following those discussions, however, a revised plan to convert two drainage basins to play areas (accommodating the drainage in underground basins) was found acceptable. However, the status of the project is unknown at this time.

**SUP 1991-10 (K) – Crown PUD** – This request was to amend an approved sign package to allow an LED changeable letter sign within the Crown PUD. The Planning Commission has historically denied requests to establish commercially-oriented LED signs within Planned Unit Developments out of incompatibility concerns with surrounding residential and agricultural districts. The Crown PUD already enjoys an increased number of signs and an increase in sign size over most PUDs. The request was denied for the second time in 5 years and is being appealed by the applicant.

**SUP 2003-06(D) – Premier Manor.** The request is for a major amendment to the approved mixed-residential **Premier Place PUD** located along Premier Street, Woodmere Avenue, and Boardman Lake. The project was first approved in 2003 and is presently approved for a 72-unit multi-family structure called Premier Manor. The applicant has requested to replace the approved 72 unit structure with an alternate, larger structure. This application was recommended for approval by the Planning Commission and is under review by the Township Board.

**SUP 2000-08(I)** – The **Eagles View condominium**, part of the **Copper Ridge Planned Unit Development**, obtained a minor amendment approval to combine two lots within the condominium project into one building site.

**SUP 2000-09(E) – The Chelsea Park PUD** project has been sitting idle for several years. This mixed residential PUD has recently been purchased by a local developer who has revived the project, including much-needed final completion of street and stormwater infrastructure. A request for a minor amendment was granted by the Planning Commission for an increase in building footprint of 15% for various duplex and quadplex units.

**SUP 2002-03(D) – The Arbors Apartments PUD** requested a major amendment to expand the project boundary line to allow for the construction of an overflow parking area adjacent to Hartman Road. This project was recommended for approval by the Planning Commission and is under review by the Township Board.

### Zoning Ordinance Text & Map Amendments

**Z-2014-01** – The application requested a rezoning of approximately 28,000 square feet, or 0.64 acre of land, from the R1-M Multi-Family Residential District to the C-1 Local Business District. The property is located at the southeast corner of Barlow and Floresta Streets and is currently vacant. Following a recommendation by the Planning Commission, the Township Board approved the rezoning. According to the owners, a new structure will be built in 2015 to accommodate a new S'wiches Deli.

**Z-2014-02** – The application is currently before the Planning Commission for consideration to rezone approximately 30-acres of land from the A-1 Agricultural District to the R1-M Multi-Family Residential District. The application affects four properties along La Franier Road, roughly 1/4 mile north of Hammond Road. The applicant intends to propose a market-rate apartment complex of approximately 230 units if the application is approved.

### Conceptual reviews

Conceptual reviews were established in 2010 to allow developers and applicants the ability to appear before the Planning Commission with little more than a concept and basic site plan. This procedure provides the applicant with valuable feedback to gauge the Planning Commission's interest in the project before an application is submitted. This procedure has been very useful to developers as they are able to discuss a potential project without having to first secure a planner, engineer, surveyor, etc. to complete an application. The following projects were brought before the Planning Commission for discussion in 2015:

- **Horizon Mall Redevelopment** – This project was presented to the Planning Commission to redevelop the old horizon outlet mall. Following comment by the Planning Commission an application was submitted and approved as a PUD.
- **Just Golf** – Just Golf approached the Planning Commission to establish a driving range and non-golf activities such as badminton, bocce ball etc. Following comment by the Planning Commission an application was submitted and approved by way of SUP.
- **Leelanau Coffee** – Leelanau Coffee gauged reaction to the concept of establishing a roasting facility, distribution center and café at the coming Brookside Commons project. The Planning Commission felt the café would fit but the roasting and distribution center may be outside the intent of the PUD.
- **Bareknuckle Distillery** – The applicant approached the Planning Commission regarding a distillery in the EPI building on W. South Airport Road. Overall, Commissioners were in favor of the project.
- **Ace Hardware** – Ace Hardware expressed interest in purchasing the former Western Concrete building on W. South Airport Road with intentions of opening a new retail store on the premises. The property is zoned MUIBD-G, which does not support the retail request. Following Planning Commission comment, an application was not submitted for the project.
- **Lafranier PUD** – The applicant requested conceptual review of an apartment complex by way of a PUD. The Planning Commission did not feel that the project met the

standards to establish a PUD but indicated that it would consider an application to rezone the property to a suitable zoning district.

- **Crown PUD** (Contractors establishment) – A conceptual request to amend the Crown PUD to allow the construction of a contractors establishment was reviewed. The Planning Commission was supportive of the request; however, upon review of the request it appears that the project area may not be buildable for zoning purposes due to a previous transfer in development density from the subject parcel to elsewhere in the site. Research continues on both the applicant and Township side.
- **Sheffer Farm** – Prior to making its formal application, this mixed-residential project received a generally favorable conceptual review from the Planning Commission.

### Parks & Recreation

On the surface, 2014 was a relatively quiet year for our park network, in part because a lot of Staff time which could otherwise be devoted to parks was taken up by the above duties. However, a lot of work did go on behind the scenes to set us up for a productive 2015.

The sprinkler system was expanded at the **Silver Lake Recreation Area (SLRA)** to cover the dog park area, and dog drinking water stations were also installed in each of the enclosures. Additionally, the Township came to a resolution with Elmer's Construction to fix a persistent ponding issue which came up after the 2013 improvements to the park were made. As this park grows and matures, we continue to learn as we go regarding appropriate levels of maintenance such as lawn care and snow removal.

Reservations for the pavilions within the SLRA remain in high demand. The Township has budgeted a significant amount to make additional improvements to this park in 2015, likely including additional sidewalks, lighting, and trees.

Two of three necessary easements have been secured for the construction of **Phase II of the Buffalo Ridge Trail**. A letter writing campaign was organized to petition Great Wolf Lodge to grant the remaining easement. That, combined with the persistence of Staff and other Township officials, has appeared to have paid off. The easement request has made its way up the GWL chain of command, and is under review by Great Wolf's legal and engineering departments as of this writing. Upon receipt of this easement, the Township's engineering consultant is prepared to quickly finalize drawings and permitting in hope of 2015 construction.

The Township, in partnership with the Grand Traverse Regional Land Conservancy, continued efforts to finalize **Phase III of the Boardman Valley Nature Preserve (BVNP)**. This grant-funded project will continue the momentum by acquiring an adjacent parcel on Keystone Road which is suitable for trailhead and small community park development, and the rear acreage of the Verizon retail store to accommodate a future trail corridor. This project is nearly finalized. With the Conservancy now in possession of each of these parcels, it is and prepared to deed the titles over to the Township upon final DNR review and acceptance of appraisals.

The lease agreement for the property occupied by the Grand Traverse Bay YMCA, also within the Boardman Valley Nature Preserve, continues to be a topic of discussion as the Y transitions to their new facility. While not common knowledge, the Township owns the entirety of this



facility, and the Y has operated since 2004 under a lease which was to expire in 2014. Following the summertime departure of the Y's long-time executive director, Staff reached out to the YMCA executive committee, resulting in recent productive discussion of how the Township and the YMCA may continue to partner into the future to provide great recreational opportunities for our residents and visitors.

As expected, the **Grand Traverse Commons** continues to grow in demand as a recreational race and events venue, including the second year of the Conquer the Commons mountain bike race event. Also at the Commons, and following up on the 2013 Forest Management Plan, in 2014 the Township contracted to have a Hazardous Tree Inventory prepared. The Township then issued a bid request for a tree service to address as many of these hazards as possible within a \$30,000.00 budget. The successful bidder proposed to remove each of the 358 trees which have been deemed hazardous, as well as to prune an additional 50 trees. It was unexpected and notable that this work will address the full scope of the hazardous tree report. This work will be completed in 2015.

Planning Staff also remained involved in a collaborative effort between the Township, Traverse City, the Grand Traverse Ski Club, and Preserve Hickory to complete a **Master Plan for the Hickory Hills Recreation Area**, which is owned and operated by Traverse City but located in Garfield Township. Now that the Master Plan has been completed, this team is considering opportunities and challenges in its implementation.

Together, the above achievements reflect ongoing efforts of the Parks and Recreation Commission to implement the goals of the 5-Year Parks and Recreation Master Plan. With a number of great parks now established, we continue the push to enhance these resources and to allow people to reach their parks by bike.

### **Joint Traverse City & Garfield Township Planning Commission**

Staff continues to meet with Traverse City's Planning Department to continue polishing the draft Grand Traverse Commons Zoning Ordinance. This form-based code will regulate the specific Commons area campus and will be separate from the Township's regular Zoning Ordinance. The Joint Planning Commission is comprised of City and Township residents, appointed from their respective Planning Commissions (Racine, Clark) as well as staff representatives from both municipalities. The Commission continues to review ordinance drafts and recommend changes as work towards the Ordinance's completion progresses. Meetings with individual stakeholder groups are ongoing and a public hearing by spring 2015 is anticipated.

### **Garfield Township Infrastructure Overview**

The Planning Department now works closely with our utility engineer to ensure that municipal sewer and water extensions are escrowed, installed and inspected properly. This report is intended to summarize the utility projects that required review and oversight by our utility engineer, Jennifer Hodges, in 2014.

**Zimmerman Road**

A new water main was installed along Zimmerman Road in 2014 and is projected to be extended to the north in the spring of 2015.

**Brookside Commons**

Jennifer Hodges continues discussions with the WODA Group to negotiate pricing to extend the newly installed 16" Zimmerman Road water main along the boundaries of the Brookside Commons project property. This partnership would benefit all parties and lower costs to the Township. MDEQ Permits have been issued for the installation of utilities.

**Buffalo Ridge Center**

MDEQ permits have been issued for the installation of utilities for this project, which is described above. The project manager is now required to provide a construction schedule and timeframe to our engineer.

**Carson Square**

Representatives for this multi-family residential project, which was approved in 2013, have recently provided an escrow and plans for utility review, indicative that the project is moving forward.

**Crown PUD**

There are various issues associated with the Crown Development. The most pressing is the water usage and associated fluctuating water pressure. The anticipated northwest-side water storage project described below will alleviate the concern, but for the time being the Township, in cooperation with the MDEQ, has been given permission to install a temporary booster station in spring 2015.

**Garfield Road**

Improvements along Garfield Road from the Birmley Road area to just north of Hammond Road will occur in 2015, including undercuts and repairs at the Mitchell Creek Crossing.

**La Franier Road**

The 2015 reconstruction of La Franier Road (lowering the hill and widening the roadway) will result in changes to the existing utilities. Among those utilities to be affected include a 12" force main, 8" sewer and 20" water main. The extent of improvements or any interruption in service is unknown at this time.

**Pineview / Cedar Valley Sewer Extension**

This project was completed in 2014 after the Township being petitioned to establish a Special Assessment District to pay for the extension of municipal water and sewer to this subdivision.

**YMCA (New)**

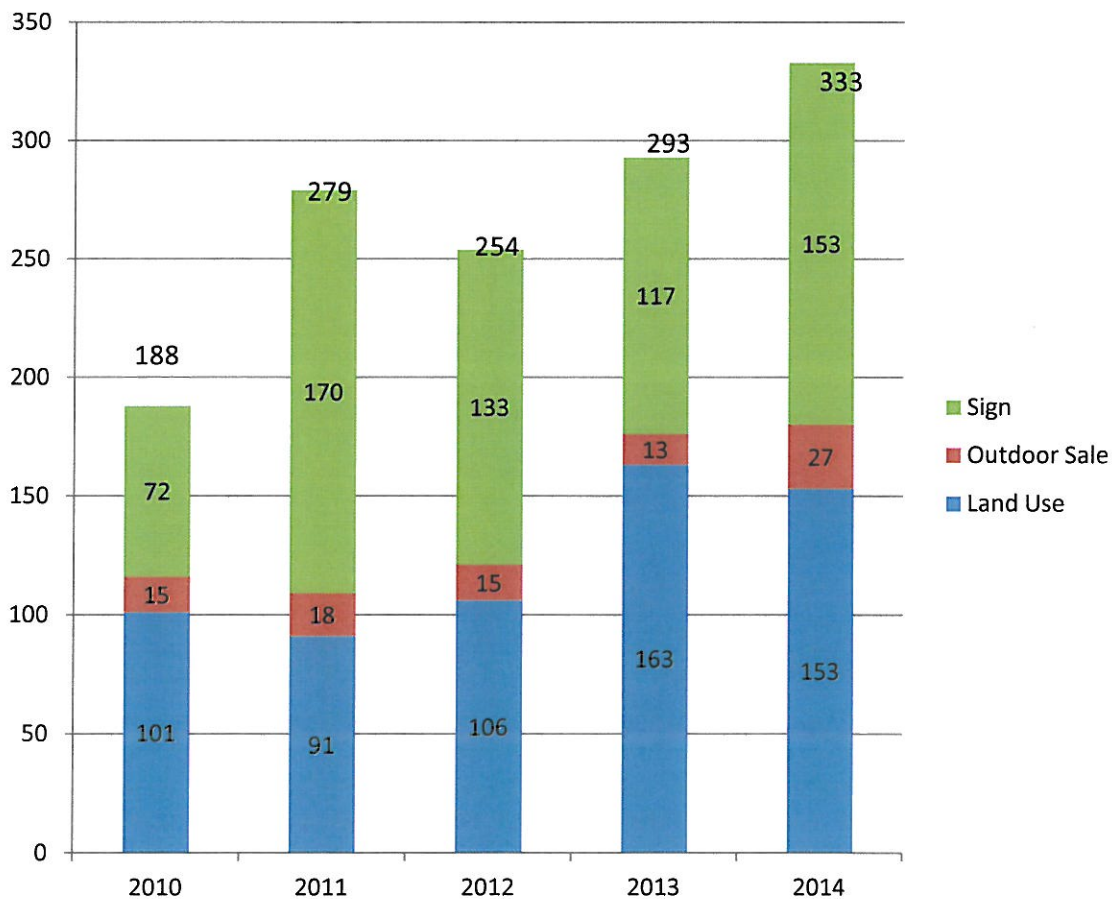
Upon final construction review it was found by the Township engineer it was noted that the "as-built" utilities did not match what had been approved. These unapproved changes have been resolved and the project utilities have been finalized.

**2014 Zoning Department Permit Summary**

Zoning Permits are required for all new construction, changes of use, signs and temporary events. Land Use Permits include new dwellings, commercial projects, accessory buildings, as well as other types of construction or change of use. Sign Permits include wall signs and freestanding signs for businesses and are required for each individual sign. Outdoor Sale Permits in temporary uses that may be non-profit or for-profit and are for a limited amount of time.

333 Zoning Permits were issued in 2014, an increase of 40 permits from the 293 Zoning Permits which were issued in 2013. As reflected in the chart below, the number of zoning permits which are issued annually continues a steady climb, a trend which is expected to continue.

**Total Permits Issued**



The table below identifies the specific Zoning Permits issued in 2014, including the number of late permits issued. In the time since the more costly "late permits" policy was put into place in 2011, primarily in response to numerous signs which were being erected without a permit, these after-the-fact permits have dropped dramatically. Late sign permits violations can be arduous to identify; however, they are among the easiest violations to rectify. Late construction or Grading Permits are far more complicated and time consuming due to the public health safety and welfare issues. Late permits are assessed a late fee equal to the permit amount, essentially doubling the cost of the permit, and in some cases the applicant also receives a citation for knowingly violating the Ordinance.

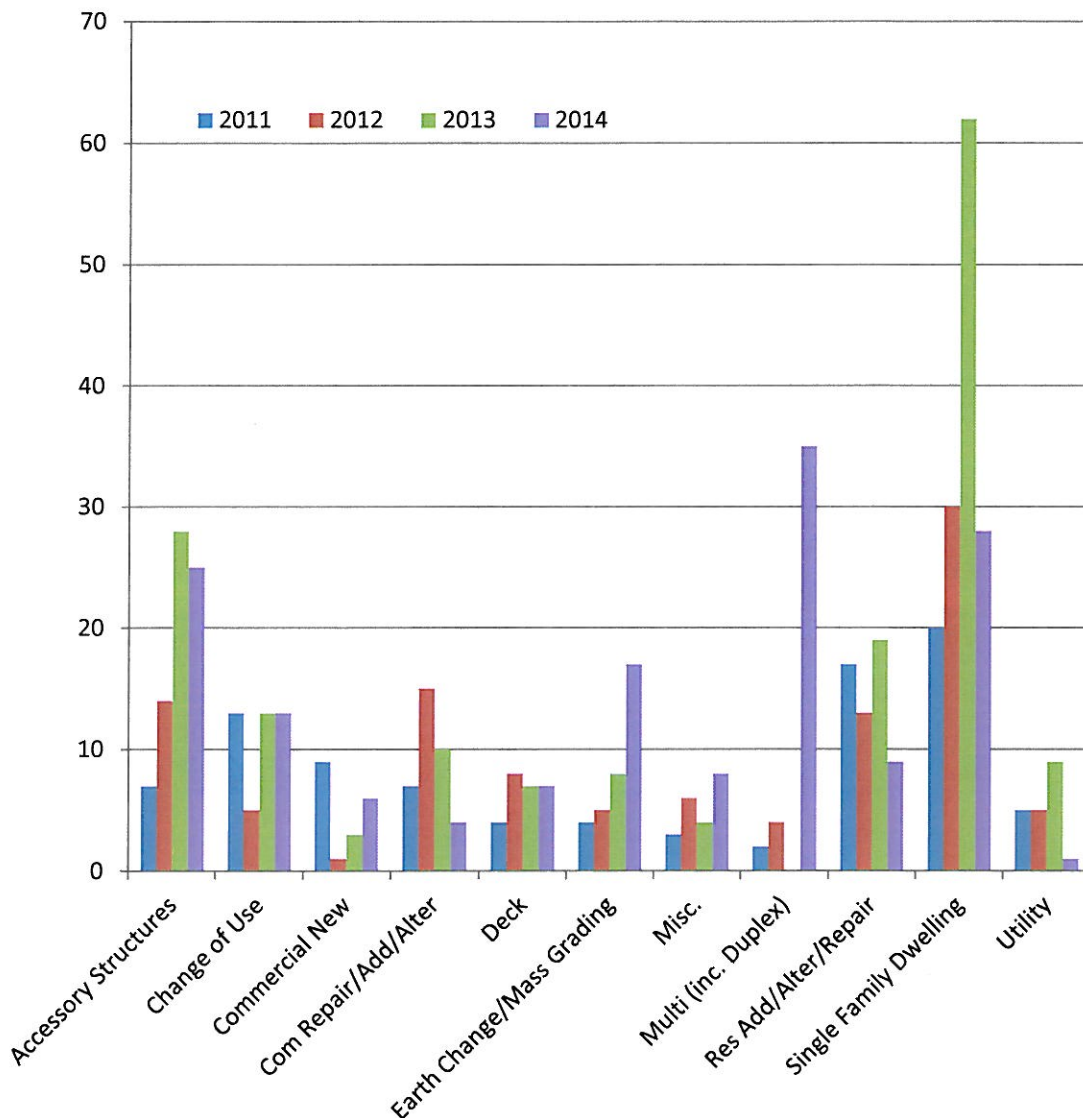
Permits listed in the "Late Permit" column are included in the "Number of Permits Issued" column and should not be added to the total.

2014	Permits Issued	Late Permits
Accessory Structures	24	2
Agricultural Building	1	1
Change of Use	13	N/A
Commercial Building- New	6	N/A
Commercial Building Repair/Addition/Alteration	4	N/A
Deck	7	N/A
Earth Change/Mass Grading	17	2
Home Occupation	0	N/A
Misc.	2	N/A
Outdoor Sale	26	5
Outdoor Sale-Nonprofit	1	1
Residential Addition/Alteration/Repair	9	N/A
Residential Multi-Family Buildings	19 (180 units total)	N/A
Residential Duplex	16 (units)	N/A
Residential Single Family Dwelling	28	N/A
Sign	153	15
Swimming Pool	1	N/A
Tower Co-location	5	N/A
Utility	1	N/A
<b>Total</b>	<b>333</b>	<b>26</b>

The chart below represents the number of permits issued by type for the last four years (2014, 2013, 2012, and 2011). Permits in the miscellaneous category include parking lot paving, swimming pools and home occupations. The utility category includes generators, cell tower collocations and replacement of equipment on towers.

What is notable in this chart is a year of high growth of single-family homes in 2013, while this growth shifted to multi-family units in 2014.

### Land Use Permits



### Garfield Township Building Department

The table below identifies the types of permits issued by the Building Department 2014. These numbers are different than those issued for zoning purposes as the State of Michigan views land use classifications differently than zoning. For instance, multi-family buildings are considered commercial buildings by the State despite the same being considered residential under zoning law. In addition, if an applicant is remodeling the interior of a structure he or she is not required to obtain a land use permit (zoning) but is required to obtain a building permit.

Garfield Township Building Department Annual Permit Overview	Number of Permits Issued in 2014
Single Family Homes	44
Residential Alterations	20
New Commercial Buildings	23
Commercial Alterations	51
Miscellaneous Permits (accessory buildings, decks, mobile homes, swimming pools etc)	67
<b>Total Permits Issued</b>	<b>205</b>
<b>Total Inspections</b>	<b>&lt; 900</b>

The Building Department experienced its best year since 2005, with a total construction value of \$44,489,420.00 being invested in new builds and alterations in 2014. According to the Building Department, total construction for all categories (listed in the table above) was up nearly 17% from last year. The number of commercial building permits issued in 2014 increased 55% over those issued in 2013.

### Zoning Enforcement

In 2014, there were 234 zoning enforcement cases where letters of information or violation were sent to individuals or businesses in our community. The letters are intended to seek voluntary compliance by informing the owner of a violation and offering to work with them to correct the problem. In many cases, a property owner is not aware that they have violated an ordinance, so the letters are intended to educate them on the issue. Of 234 cases, the majority were resolved amicably while 30 were ultimately issued a Civil Infraction Citation.

The types of violations vary but are mostly associated with zoning and police power ordinances such as noise and junk. The list below provides a quick overview of the types of violations encountered.

<b>Types of Violations</b>		
Weeds	(Property Maintenance Ordinance)	17
Junk	(Junk Ordinance)	47
Illegal Signage/No Permit	(Zoning Ordinance)	95
Outdoor Lighting	(Zoning Ordinance)	14
Unauthorized Land Use	(Zoning Ordinance)	61
<b>Total Violations</b>		<b>234</b>
<b>Total Civil Infraction Citations</b>		<b>30</b>

### **Zoning Board of Appeals**

The Zoning Board of Appeals held three meetings in 2014 (January, November, and December). The number of cases has dropped significantly since 2009 and is largely in part to “fixing” the regulations that have proven burdensome and unnecessary. For instance, parking was a major issue and the reason for variance requests for years. The Board, upon recommendation by the Planning Commission, adopted new parking regulations for certain uses that are more realistic. Those amendments have resulted in a significant decline in variance requests for parking relief.

In 2014, the ZBA had two requests for relief from front yard setbacks. The first request was for an addition to an existing single family dwelling located in the Incochee Hills subdivision. This property, due to its extremely steep grade, had originally received a variance to build the home on the parcel. Due to the topography of the site and previously approved variance, the ZBA felt it was appropriate to grant an additional front yard variance.

The second case involved an after-the-fact request to locate a non-essential drive within the front yard setback. This request was denied as it did not meet the standards of approval for a variance.

### **Other Planning Department Efforts**

Due to the instability currently surrounding the County Soil Erosion Department, Staff has prepared a draft Soil Erosion Ordinance to ensure that applicants for development within Garfield Township are always supported by a fair and efficient Soil Erosion Control process.

Previously, after the County Board greatly stripped the responsibilities of the Drain Commissioner, the Township took on the responsibility of enforcing its own stormwater control ordinance. With the assistance of a Township engineering consultant retained under development review fees, project review and enforcement of the stormwater ordinance has been simple, relatively painless, and effective for both the Township and the development community. The stormwater control ordinance is intended to shape the finished product, while a soil erosion

control ordinance is intended to mitigate environmental impact while a project is under construction. As such, they are sister efforts.

The background work on creating a Soil Erosion Department is near completion. Upon review and certification by a qualified soil erosion inspector, the necessary documents will meet all qualifications for submittal to the State. It has yet to be determined if the Township Board desires creating this department; however, we are being proactive in an effort to avoid any unforeseen circumstances created by possible changes at the County level. Our current Board has made it clear that customer service and departmental efficiency remains a top priority. As we have experienced in the Township administering its own Building Department and Stormwater Ordinance, establishing a Township Soil Erosion Department may be best way to provide a better and more efficient process than what the County currently offers.

The Planning Department is in the process of researching and drafting a Business Licensing Ordinance. This Ordinance would require any existing business to register and any new business to first receive zoning approval before establishing the business. Quite often, realtors and landlords alike will simply rent their spaces to a tenant knowing the use is not permitted by zoning. Once a problem is identified, the Township is required to intervene, which takes a tremendous amount of Staff time and results in perceived negative business atmosphere for our community. This type of Ordinance is common in larger communities to protect start up businesses and those relocating to our community. This process would also alert the Treasurer's Department to ensure that applicable business taxes are paid. Once in place, the Clerk would be responsible for processing applications.

The Planning Department now oversees every aspect of a project, from application to occupancy. This oversight requires constant coordination between the Planning, Zoning, and Building Departments, as well as working with our outside consultants, to ensure that projects are built as approved.

### **Conclusion**

2015 should be a very busy and exciting year as we anticipate adoption of the new Garfield Township Zoning Ordinance (rewrite), GT Commons Form Based Zoning Ordinance, and Garfield Township Master Plan. Following the adoption of the above mentioned documents the Planning Commission will likely be shifting focus to implementing the goals of the Master Plan and identifying roadways in our community most in need of a corridor plan. It is also expected that development projects will continue to increase.



MSU  
CITIZEN PLANNER PROGRAM



Complements MSU Citizen Planner Program

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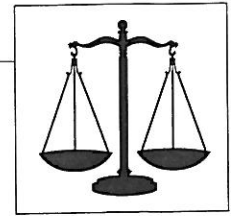
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Case Summary by  
Marc Daneman, AT&T Mobility Corp.

U.S. COURT OF APPEALS

Dangerous Building/42 USC §1988/  
Attorney Fees

A prevailing defendant can be awarded attorney fees under §1988 regardless of their actual verdict; and settlement sanctions can be awarded if the verdict does not exceed the settlement offer. **Hescott, et al v City of Saginaw.** \_\_\_ Fed Sup \_\_\_. No. 13-2103/2153. Decided July 2, 2014.

Plaintiff Hescott (a deployed serviceman) and his brother had rental property which the City of Saginaw demolished without advance notice when police officers saw a dangerous situation where children were playing in and around the vacant dilapidated house. The city acted under its Dangerous Building Ordinance. When Hescott returned from deployment, he went to the residence to make repairs and found it gone. He sued the city under 42 USC §1983 for unconstitutional (4<sup>th</sup> Amendment) seizure and destruction of the personal effects in the home; along with claims for inverse condemnation and punitive damages for the taking. Prior to trial the city offered to settle the matter for \$15,000. Hiscott rejected the offer and went to trial seeking damages including \$7,000 for loss of materials in the house, \$35,000 for damages due to the inverse condemnation, and \$250,000 in punitive damages. Following trial the jury only found for Hescott on his 4<sup>th</sup> Amendment claim and awarded him \$5,000 in compensatory damages for the value of some of the building materials. It denied the inverse condemnation and punitive dam-

ages claim, finding that there were exigent circumstances for tearing down the house immediately.

Following that verdict, both parties filed for costs and attorney fees. Hescott moved under 42 USC §1988(b). The city asked for cost and attorney fees under Federal Rule of Civil Procedure #68, which allows for defendants to recover its costs when it prevails in having an award that is below the one offered in settlement. The Federal District Court initially reject Hescott's award, but later granted it on reconsideration. It also initially granted the city's request for \$25,000 in costs and attorney fees; but then denied it after the rehearing. Both parties appealed.

The Court first addressed Hescott's denial of its cost and attorney fees. It noted that

*"Congress enacted 42 U.S.C. § 1988 to encourage the private enforcement of civil rights. Section 1988 provides that when a party files suit under § 1983, as the Hescotts did here, 'the [district] court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.' Although § 1988 uses permissive language regarding fee awards, 'the Supreme Court has read [§ 1988] as mandatory where the plaintiff prevails and special circumstances are absent.'"*

There was no dispute regarding Hescott's prevailing, what the city argued was that there were special circumstances to bar such award. They asserted that there was an insufficient award in a partial victory. The Court disagreed. It did not matter of the amount, the plaintiff had succeeded on its constitutional claim.

The Court held that the "special circumstances" exception is not to be easily found. It cannot be based on the relative value of any award or the failure to receive punitive damages. Doing so "would seriously undermine Congress' purpose in enacting § 1988." The fact that Hescott's owned a "modest residence" in a neighborhood of "poor condition" [makes it] "no less worthy of vindication under 42 U.S.C. §§ 1983 and 1988." Nor is acting in good faith, as the city did to remove the home, a special condition that justifies an exception from the §1988 award.

What still remains to be decided for Hescott is the amount of attorney fees award.

That amount is determined by calculating "the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate. (... the "lode-star" calculation.) The court should then exclude excessive, redundant, or otherwise unnecessary hours. Next, the resulting sum should be adjusted to reflect the 'result obtained.' This involves two questions: 'First, did the plaintiff fail to prevail on claims that were unrelated to the claims on which he succeeded? Second, did the plaintiff achieve a level of success that makes the hours reasonably expended a satisfactory basis for making a fee award?'"

This was remanded back to the District Court to determine.

As for the city's claim for costs and attorney fees under Federal Rule of Civil Procedure 68 for achieving a verdict below the settlement offer, the Court rejected part of that position. "Rule 68 permits a party defending against a claim to make a pretrial settlement offer, and if the claimant rejects the offer but then obtains a judgment that is less favorable, the claimant 'must pay the costs incurred after the offer was made. Fed.R.Civ.P. 68. This rule "encourages early settlements ... [and] ... when applicable, 'is mandatory and leaves a district court without any discretion' to deny costs." The Court noted that "costs" are the actual costs, but not necessarily attorney fees. Unless a statute provides for attorney fees, attorney fees are not deemed part of the costs awarded. Here, the defendant did not prevail in all respects in defending against the §1983 civil rights claim; therefore it cannot get attorney fees under §1988. Section 1988 is clear, only "a prevailing party can be awarded attorney fees if he is the prevailing party and proves the plaintiff's action was frivolous, unreasonable or without foundation." As noted above, Hescott prevailed on his constitutional claim.

What only remains is whether the city is eligible for its actual costs after the settlement offer. That will depend on the amount of damages the lower court awards to Hescott. If the award is below the total initial offer of \$15,000, then the city may claim its post offer costs; but not its attorney fees. The case was remanded back to the U.S. District Court to determine costs for both parties. □

About the Author

Marc Daneman is Manager of Lease Administration for the Michigan and Indiana market of AT&T Mobility Corp. He is an attorney and has served public and private clients in zoning, land use and development, and wireless communications; as well as being a planning consultant and former municipal manager in the Grand Rapids area. He can be reached at [md729r@att.com](mailto:md729r@att.com) or at [marcdaneman@cs.com](mailto:marcdaneman@cs.com).

# MSU'S CITIZEN PLANNER PROGRAM: 15 Years of Successfully Educating Michigan Land Use Decision Makers

By Dean Solomon and Glenn Pape, MSU Extension

Michigan has over 18,000 appointed and 8,500 elected local officials who have local land use decision making roles; this is more than in most other states. This list includes planning commissioners, zoning board of appeals members, elected township, city, village and county boards, as well as staff including zoning administrators and municipal planners. With average tenure of appointed officials between 3-4 years, this pool is also constantly changing. Statewide organizations and educational institutions have long been challenged to provide effective training for this large group of local leaders that is continuously in flux.

Most local officials enter their roles with varied life experiences, mixed skill sets and great commitment to their communities, but little background in the fundamentals of planning and zoning, let alone the nuances of many legal issues and best practices. It makes common sense that better training of local officials can yield more effective land use decisions. There is growing evidence that this is true as well.

One of MSU Extension's responses to this challenge is the Citizen Planner Program, our marquee land use education effort. This article and three accompanying ones review the Citizen Planner Program's history, impacts and future direction.

A Citizen Planner Program strategic plan developed in 2002 identified the following program goals:

- Improve land use decision making
- Increase awareness of existing land use tools
- Provide locally focused, current, and on-going land use education
- Nurture alumni to promote "good practices" in land use
- Increase length of time served on local boards and commissions
- Increase satisfaction of serving on local boards and commissions
- Improve continuity/institutional memory at the local level regarding land use and decisions
- Enhance the understanding and responsibility of local officials in relation to ethics and conflict of interest issues
- Improve working relationships and citizen involvement within and among communities
- Reduce local litigation and liability through improved risk management practices.

## Program History

The idea for the Citizen Planner Program arose in the late 1990s amid grow-

ing concerns about land use development patterns and their impacts on Michigan's environment and economy. Earlier in that decade the **Michigan Environmental and Relative Risk Assessment**<sup>1</sup> identified "absence of land use planning that considers resources and the integrity of ecosystems" as among the most critical environmental issues facing the state. **Michigan's Trend Future**<sup>2</sup> reports built a compelling case that current land use patterns, if unabated, would impact infrastructure costs, threaten viability of urban areas, lead to job loss in resource-based industries, and lessen tourism opportunities. Sprawl was the operative term.

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***"... Extremely well prepared program presented by knowledgeable and approachable professionals. I would highly recommend this to anyone on a planning board." 2013 Citizen Planner Participant***

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These trends were especially evident in the Grand Traverse Bay region. Concerns about rapid growth and the impact on natural resources led to the development in 1992 of the **Grand Traverse Bay Region Development Guide Book**.<sup>3</sup> This excellent resource, developed through efforts of many regional stakeholders and prepared by the Planning and Zoning Center, included design guidelines and associated regulatory options to better manage the region's rapid growth.

There was a problem. Although the document was widely distributed and promoted, relatively few of the recommended practices were implemented in the years following publication. During 1995, a committee facilitated by the Traverse Area Chamber of Commerce and Rotary Charities looked into the question of what could be done to increase use of the guidebook. As part of that process, Jim Wiesing, Grand Traverse County Extension Director (now retired), conducted a survey of over 600 local planning and zoning officials to learn more about their skills, motivations and training interests.

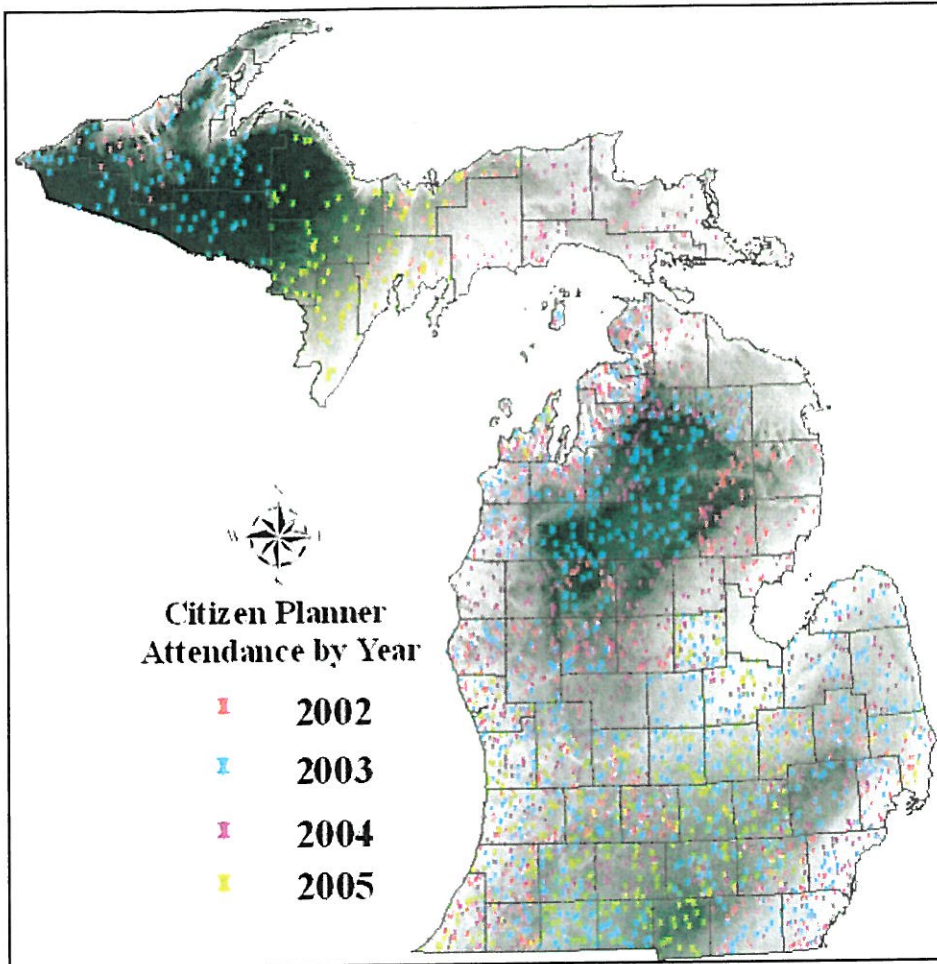
Wiesing's study showed that local official's background and basic understanding of planning and zoning were major impediments to use of the guidebook. He found that most planning officials in the region were appointed with no prior background, little understanding of their roles,

and no training upon being elected or appointed. He concluded that local officials, for the most part, did not have the training or expertise to implement the techniques advocated in the guidebook. Not a surprising result — a prerequisite for implementing innovative techniques is a grasp of the planning basics — the legal framework for planning and zoning, basic techniques and community engagement methods. How, for instance, could a planning commission propose conservation design standards without an understanding of the difference between a land division, subdivision, site-condominium and PUD?

While one-day or part-day basic training opportunities were available from statewide and regional organizations, they often involved substantial travel and expense — a price communities were not always willing to pay. Survey respondents said that they would attend training if it was offered locally, was reasonably priced, and could be completed in a relatively short amount of time.

These factors led to the creation of the Citizen Planner Pilot Program in 2000. With funding assistance from Rotary Charities and the Traverse Area Chamber Foundation, a team of MSU Extension Educators developed a six-session classroom based program for elected and appointed officials, with two of the sessions including the Michigan Society of Planning Officials (now Michigan Association of Planning) *Planning and Zoning Essentials* curriculum. That basic content was complemented with additional sessions addressing plan implementation techniques, innovative methods and, very importantly, the art of community planning — the process skills to function successfully as a board and engage residents.

The first pilot programs offered in Kalkaska and four other locations in northwest Lower Michigan attracted 256 persons and were well-regarded by participants. From there, the program expanded and attracted growing interest in other parts of the state. Based on those successes, MSU Extension, through funding from the People and Land Program — W.K. Kellogg Foundation and MSU, hired a statewide coordinator and expanded the program to a statewide effort in 2002, focusing on delivering the core series. During this roll out period 53 programs were offered across the state with 2,073 participants from 79 counties. Michigan was developing rapidly during this period and there was a pent up demand for this type of training giving officials the skills and tools needed. Map 1 shows the distribution of the participants



Citizen Planner Attendance (indicated by dots) during the early years of the statewide program.

by year and location over the first four years of the statewide program.

The Citizen Planner Program entered a new phase in 2006 with a focus on a different product suite. Having completed an administrative move to become part of the new Land Policy Institute at MSU, Citizen Planner created an expanded course offering building on the successful classroom program. Citizen Planner Online was developed and launched after a successful pilot. Master Citizen Planner courses were developed and offered building on the content introduced in the core series. The core series was offered in classroom programs in 39 locations during 2006-2009 with a participation of 1,119 planning officials. It was during this phase that Citizen Planner began repeating training by returning to locations that had already hosted the program once or twice before.

Municipal training budgets were greatly reduced during and after the 2007-2009 recession and at the same time Michigan State University Extension began a structural reorganization. Citizen Planner transitioned from campus administration to a field work team in 2012 and the program underwent a significant content update at that time.

Since its inception, over 4,000 local leaders have participated in the Citizen Planner core course, making it one of the leading locally-focused land use training programs in the nation.

### Citizen Planner Classroom Program

The current version of the Citizen Planner classroom-based program is most typically a series of seven consecutive weekly, three-hour evening sessions, totaling 21 hours of instructional time. MSU Land Use Educators, and occasionally other land use professionals, teach the following topics:

- 1. Introduction to Planning and Zoning:** Smart Growth, Placemaking and the New Economy, Conflict of Interest and Planning Resources
- 2. Legal Foundations of Planning and Zoning:** Cases, Statutes and other Planning Authority
- 3. Roles and Responsibilities, Part I:** Master Plan and Planning Process, Sub-Area Plans, and Working with the Public
- 4. Roles and Responsibilities, Part II:** Zoning, Site Plans and Zoning Board of Appeals Process
- 5. Plan Implementation and Develop-**

**ment Controls:** Subdividing Land, Zoning Controls and Non-Regulatory Techniques

**6. Innovative Planning and Zoning:** Green Development, Form-Based Code, Traditional Neighborhood Design and Conservation Design

**7. The Art of Community Planning:** Participation, Effective Meetings and Managing Conflict

Participants also receive a spiral-bound Citizen Planner manual that includes short chapters for each of the seven sessions, PowerPoint slide handouts and references. At the conclusion of the program, participants receive a certificate of completion. Graduates may choose to go one step further and complete additional requirements to become a Master Citizen Planner (see accompanying article). The seven-week course requires significant personal commitment to attend and read the course materials. Over the years, though, most participants have stuck with it and completed the program.

### Spartville

During the first several years as a statewide program, feedback from Citizen Planner graduates was very positive. One clear message, though: two to two and a half hours of straight lecture was too much, and there was not enough time to interact with and learn from other participants. The challenge was to incorporate activities within the program that were a balance between longer sessions and reduced the amount of lecturing, while helping participants apply their new knowledge and learn from their peers to address real-world problems.

The MSU Extension team's response was to develop, in cooperation with the Small Town Design Initiative within MSU Landscape Architecture program, the innovative Spartville exercises. These were added to the classroom program in 2005.

Spartville is a fictional Michigan place designed specifically for the Citizen Planner Program. There is a cast of Characters – Rick Belding, the businessman who wants to develop a new gravel mine; Ruth Johnson, a zoning board of appeals (ZBA) member and historical society past-president; Larry Bingham, the farmer concerned about development around his land; Mary Rodriguez, the planning commission chairperson, and many others. Spartville is neither a city nor township, rather it is a fictional place with both urban and rural areas, bisected by the Green River.

Although none of the characters or places are real, the situations are similar to day-to-day issues local planning officials may face. In one exercise, for example, the Spartville Planning Commission is considering a gravel mine request – all of the characters have some relationship



Kent County Citizen Planner Graduates in 2001, one of the first years of the program.

to one another and one of the tasks of the Citizen Planner participants is to figure out who may or may not have a conflict of interest. In another fun instructive exercise, participants review a site plan for a Spartyville Burger Barn. The examples are drawn from real projects with some alterations to create obvious and not-so-obvious design problems or impacts on abutting properties.

Each exercise is presented on a ledger-sized sheet that includes a short description of the situation, questions to answer, pictures of the characters, maps and diagrams. Each exercise is designed for groups of three to four to read, discuss and reach conclusions within a 30-minute time block during each of the seven Citizen Planner units. For many units, both urban and rural scenarios are included – instructors can choose one or both, depending on the characteristics of the group. The scenarios are simple enough to be understood during the allotted time, yet suitably ambiguous so that there is opportunity for active participant discussion.

Since its introduction, the Spartyville exercises have consistently been one of the most popular Citizen Planner elements. Participants quickly get into the spirit of the activities and engage in active discussions. These experiences emphasize the advantage of providing opportunities for participants in all land use education programs, not just Citizen Planner, to have a break from expert presentations, to interact and learn from each other, and have fun. MSU Extension land use educators now routinely incorporate this type of interaction in many of their workshops.

More importantly, the Spartyville exercises incorporate experiential learning into the program. Adults learn in different ways, and the idea was to have Citizen Planner programs provide several learning techniques in each session that correspond to each participant's dominant learning style.

### The Need for Varied Approaches

The Citizen Planner classroom pro-

gram, including Spartyville, continues to be popular, with peaks and valleys in year-to-year participation influenced by the economy and local government resources. Sitting in a classroom an evening per week for seven weeks, though, is not a practical approach in all communities and for all local officials.

First, Citizen Planner requires a minimum enrollment of approximately 20

individuals in order to cover travel, materials, facility and other costs. Because of this requirement and a limited instructor pool, the course is offered only periodically in any one area, and it is a struggle in some parts of the state to gather enough participants to host a program at all.

Second, as noted above, adults vary in their preferred way of learning. For some, it's listening to and watching an expert, while others prefer to read about a topic at their own pace. Some appointed or elected officials simply do not have the time or availability to attend another meeting.

To explore opportunities for broadening education and training opportunities, MSU conducted a survey of local officials, and hosted focus group sessions in 2004<sup>4</sup> to learn about information needs, preferred training formats and demand for an online program of study. One of the survey and focus group results indicated that, although planning officials were most comfortable with face-to-face training and independent study, more than one-half

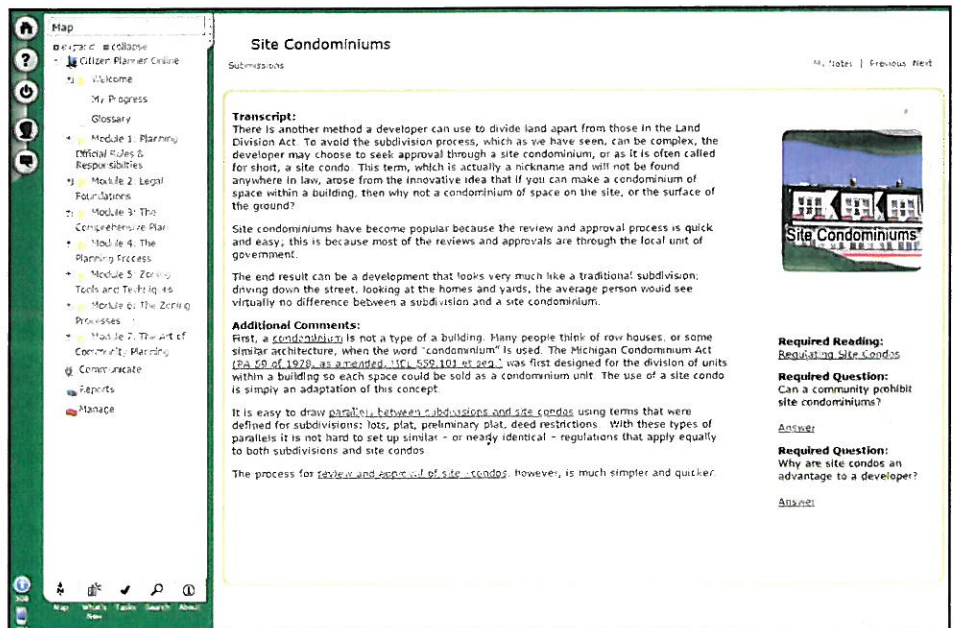
said that they would be comfortable with an instructor-led online format. (This study includes a lot of other information about planning officials' attitudes and preferences – a worthwhile reference even now, a decade after the research was conducted. It is available at <http://lu.msue.msu.edu/pamphlet/Bres/RR574.pdf>.)

Informed by that study, Citizen Planner is now offered in two other formats, Citizen Planner Online and Citizen Planner on the Web, making the program more available to communities and individuals around the state.

### Citizen Planner Online

Between 2005 and 2007, with support from the W.K. Kellogg Foundation, the Citizen Planner team developed an online version of the program, available 24/7 for Michigan residents. Online learning is a very different experience from classroom-based instruction, so the structure of this version was modified to fit the medium. Enrollees can choose among seven modules with four to eight separate units within each module. Participants read information on a series of pages, and can download additional information for reviewing at a convenient time. A quiz at the end of each unit reinforces learning. Although each unit can be purchased separately, most participants enroll for the entire certificate course. Just as with the classroom program, graduates can opt to continue on to become a Master Citizen Planner.

The web-based course is more intensive, giving participants the opportunity to complete both required and optional readings. Since the online course was piloted in 2006, enrollees report that finishing all of the online modules required to earn a completion certificate takes around 40 hours. Reviews are positive, with graduates reporting that they liked the conve-



Citizen Planner Online example screen. The course will be moving to the national eXtension platform in 2015.

nience and ability to go through the content at their own pace. Approximately 900 individuals have completed the online course since 2006.

The Citizen Planner Online program was one of the early attempts, nationally, to offer comprehensive web-based planning and zoning training for local appointed and elected officials. Other state Extension services began inquiring about the Michigan model, leading to the launch of the American Citizen Planner Program (<http://americancitizenplanner.com>). This effort established partnerships with several educational institutions around the United States to offer a national version of portions of the Citizen Planner curriculum, customized to meet needs within each partner state. (See, for example, the Arizona Citizen Planner 101 program, <https://extension.arizona.edu/arizona-citizen-planner-101>.)

The Citizen Planner Online program is currently enjoying somewhat of a sabbatical, and is unavailable for new sign-ups while the Citizen Planner Team moves it to a new online course delivery technology and updates the content and learning tools. The course will be re-launched in mid-2015.

the program via MSU's Adobe Connect® video conferencing system. Participants can see the PowerPoint presentations and hear the speaker, ask questions and interact with one another. Pilot program survey respondents enjoyed the convenience and reduced travel, indicating that the program was as good or better than other workshops they attended that **did not** use this technology. The approach is especially successful in the Upper Peninsula, where long travel distances are a significant challenge.

New videoconferencing technology used by MSU Extension since 2014 solves common complaints about sound quality during discussions and the inability to see the speaker.

### Junior Citizen Planner Curriculum

The planners of tomorrow are youth today, and engaging elementary and middle school kids in understanding land use issues is a valuable way to build civic skills for the future. Junior Citizen Planner (JCP) was developed in the early 2000s in partnership with the MSU Extension 4-H Youth Development program, adapted from the United Growth for Kent County *This Land is Your Land* curriculum (<http://www.unitedgrowth.org/>).

available for free download at [http://4h.msue.msu.edu/resources/junior\\_citizen\\_planner\\_curriculum1](http://4h.msue.msu.edu/resources/junior_citizen_planner_curriculum1). Also available on the same site is the very good *Safe Routes 2 School Make Trax* curriculum that is now incorporated into JCP.

### CPP as a Prerequisite to the Zoning Administrator Certificate Program

In 2009, the Planning & Zoning Center at MSU began offering once or twice annually, a Zoning Administrator Certificate Program (ZACP). This eight-module program has 24 hours of instruction over a three-day period, or alternatively, one full day of instruction, for four weeks in a row. The location of the training is moved across the state over time. Participants take a written, open book exam at the end of the training. However, they cannot receive a certificate for the course unless they also complete the Citizen Planner Program (either in the classroom or online). It is highly recommended that participants complete the CPP before taking the ZA training, but it is not required. Some experienced professional planners with credentials from the American Institute of Certified Planners (AICP) can “comp” out of the CPP, but only a small percent of the zoning administrators who participate fall into this category. Most experienced zoning administrators grumble about this requirement, some fairly loudly, but nearly all express gratitude afterwards for having to go through the CPP classes. They say that CPP classes provide them with useful basic information, a common language that is used throughout the ZACP, and a better understanding of the job and role of planning commissioners, and local elected officials.

### The Value of Partnerships

MSU Extension is among many organizations in the state who provide education and services to local planning officials. Working together to provide a range of training options, and being careful to play to each other's strengths is an important factor in the success of all programs, including Citizen Planner.

Early in the program, as mentioned above, MSU Extension licensed the Michigan Association of Planning (MAP) curriculum for two of the Citizen Planner Sessions, and yearly presents the entire 7-module Citizen Planner course during the MAP annual conference. Representatives from the Michigan Townships Association (MTA), Michigan Association of Counties (MAC), Michigan Municipal League (MML) and other organizations have served on Citizen Planner advisory committees and also helped to promote the program. The Master Citizen Planner Program (MCP) also promotes educational opportunities offered by other organizations to our graduates seeking MCP credit.

MICHIGAN STATE UNIVERSITY Extension

## “Euclidean” Zoning Model

- *Urban Based* - Developed in New York City, 1916
- Originally created to *alleviate sanitation problems* in cities
- *Philosophy* - “The solution to all land use problems is spatial”
  - Segregation of uses
  - Minimum lot sizes
  - Setback requirements

14

Google Earth

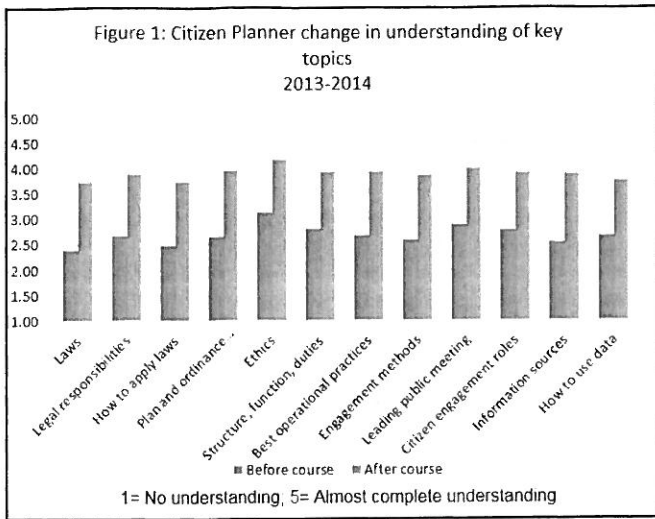
How the 2015 Citizen Planner on the Web program appears to viewers. Participants can see and hear the presenter, and see the PowerPoint presentation.

### Citizen Planner via the Web

Online learning is a great alternative for individuals comfortable with technology, motivated and self-disciplined to complete the program. This alternative is not perfect for all local officials, and despite availability of the online program, portions of the state were still underserved. With rapidly evolving videoconferencing technology, a third option for taking the Citizen Planner program was piloted in 2011, Citizen Planner on the Web. This option allows small groups of five or more at several locations around the state to participate in

Interactive group activities target youth in 3<sup>rd</sup> to 8<sup>th</sup> grades and can be used in the classroom, after-school programs, home schools, 4-H clubs, and other day and summer camp programs. Youth learn skills to become good citizens and decision makers through fun and creative activities – from mapping your neighborhood and exploring changes to conducting a mock public hearing. Early on, adult Citizen Planner program graduates were encouraged to teach the curriculum in cooperation with local schools.

The JCP curriculum and materials are

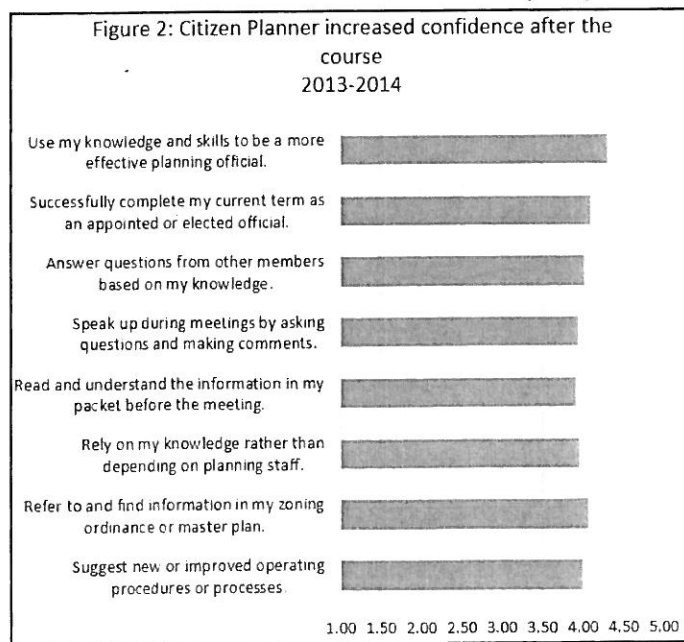


### Program Impact

MSU Extension has been collecting evaluation data since the beginning of the program. Recent data from 2013 and 2014 (n=188) shows that participants report increased knowledge of planning and zoning and confidence to apply those skills in their local communities. For example, participants reported that they:

- Significantly increased their knowledge in all of the 12 basic knowledge categories surveyed (Figure 1)
- Increased their confidence to actively contribute and be more effective in their planning and zoning roles (Figure 2)
- Plan to use the information in many ways – including, for example, more actively participating in local plan and ordinance development, changing review procedures, being more prepared for meetings, and encouraging public participation at meetings.

Although the above evaluation data is a recent example, knowledge gain and confidence data has been very consistently



positive since the program's beginning.

MSU Extension and the MSU School of Planning, Design and Construction are currently in the middle of a study to gauge longer-term Citizen Planner impacts on individual program participants, their board or commission and their communities. This effort includes two focus group sessions to learn from both participants and other community leaders (who did not attend Citizen Planner but were able to observe changes from people who did) about the program's ripple effects, and an online survey to quantify objective measures of program impacts. The results from that study will be available in Spring 2015 (and will be reported in *Planning and Zoning News*).

See the accompanying article about the Master Citizen Planner program to learn about the capstone projects participants have completed.

### Staying Connected with Citizen Planner Advanced Academy

Continuing to engage Citizen Planner Program graduates after they complete the core course is an important program goal. Laws, regulations and current approaches are always changing, and thus the need to keep Citizen Planners involved with their fellow graduates, with MSU and with other organizations. MSU Extension continues this educational process by regularly communicating via an e-newsletter, Facebook page, and Twitter feed.

In addition to the Master Citizen Planner Program, MSU Extension hosts an annual day-long Citizen Planner Advanced Academy. Over the years,

participants have heard presentations during that event on advanced topics ranging from wind energy to placemaking. Like any MSU Extension program, this event is open for anyone to attend, not just Citizen Planner participants.

### What's Next?

The Citizen Planner Program team strives to keep the program useful, relevant and engaging. Although there is a constant stream of new planning officials who would benefit from the course, MSU Extension continues to

innovate to expand basic and advanced training opportunities. Among our goals in the next couple of years are to:

- Update and incorporate video and new learning tools into the Citizen Planner Online program.
- Continue to experiment with rapidly-evolving video technology to bring the Citizen Planner program to underserved communities in the state.
- Build connections between Citizen Planner graduates through social media, web sites, meetings, and active membership in MAP, MTA, MAC, MML and other organizations.
- Increase opportunities for short, informative webinars to keep Citizen Planners current on the latest planning news.
- Continue to provide local face-to-face training with existing programs and new topics.
- Build interest and capacity among other land use professionals to serve as Citizen Planner instructors.
- Enhance the Master Citizen Planner credential and online continuing education opportunities through the national eXtension network.

### How to Find Us

For more information about the Citizen Planner Program contact: Janean Danca at the Citizen Planner Office, 269-657-8213; email [cplanner@msu.edu](mailto:cplanner@msu.edu) [www.citizenplanner.msu.edu](http://www.citizenplanner.msu.edu) <https://www.facebook.com/pages/MSU-Michigan-Citizen-Planner/146664335394140> Twitter: @CplannerMSU

Connect with individual MSU Land Use Educators at: [http://msue.anr.msu.edu/program/info/land\\_use\\_education\\_services](http://msue.anr.msu.edu/program/info/land_use_education_services).

### FOOTNOTES

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# THE MASTER CITIZEN PLANNER CREDENTIAL AND ONLINE COURSE: Impacts Beyond the Classroom

By **Wayne Beyea, J.D., AICP**, MSU School of Planning, Design and Construction (SPDC);

**Patricia Crawford, PhD, SPDC**; **Rohit Menon**, Graduate Student, SPDC; **Brad Neumann, AICP**, MSU Extension

Since 2006 planning officials throughout the state of Michigan who complete the Citizen Planner Program either in a classroom setting or online have had the option to become a Master Citizen Planner (MCP). The MCP credentialing program was developed to provide advanced skill development and a benchmark for continuing education for Michigan elected and appointed officials and citizen volunteers. Today, the MCP credential is recognized and respected in the planning and zoning profession as the standard of excellence for individual achievement and a foundational level of knowledge for citizen planners. The MCP and related online program have received national recognition. Citizen planners from around the nation will be able to enroll in online modules and take a national MCP exam through the USDA Cooperative Extension eXtension network beginning in 2015.

Numerous statewide groups, including governmental associations and municipal insurance companies, support the Master Citizen Planner program and encourage their members to pursue the MCP credential. Completion of the Citizen Planner program, and the continuing education classes that must be taken thereafter, provide measurable impacts to municipalities throughout Michigan.

MCP graduates have demonstrated their ability to facilitate and lead sustained planning efforts in their respective communities. Literature on sustained public participation in urban planning suggest to properly engage a population that can and will be invested in an area, it is important to involve them "early, often and [be] on going" (Wondolleck and Yaffee, 2000, 103).

## The MCP Credential

The MCP credential requires completion of the seven-session Citizen Planner program, passing an online examination at a rate of 70 percent or higher, completing a capstone project, and meeting continuing education requirements. The exam is administered online as part of Michigan State University's web-based online course platform. The capstone component is the "transformational education" aspect of the program. The capstone projects involve time outside the classroom to create measurable impacts and outcomes.

Master Citizen Planners meet continuing education requirements by logging at least six hours of training annually to

keep the MCP credential. Participants can meet the education requirement by enrolling in MCP-approved courses available throughout the year. Approved training is offered by MSU Extension and partnering organizations. If a MCP certificate holder fails to meet the continuing education requirement, MCP status can be re-established by re-taking the exam and obtaining eight hours of approved education in one year. Over the past three years alone (2012-2014), MCPs have accrued over 2,100 hours of continuing education. This enhanced knowledge has strengthened their ability to address complex planning-related problems.

Besides classroom-based continuing education classes, the Citizen Planner team initiated a MCP Webinar Series in 2014 consisting of six, one-hour webinars on advanced planning and zoning, community development, and other local government topics. The addition of the MCP Webinar Series allows MCPs in all corners of the state to maintain their credential without being burdened by long travel distances. For a list of upcoming training programs and webinars that offer MCP continuing education hours, visit [http://msue.anr.msu.edu/events/search?program=michigan\\_citizen\\_planner](http://msue.anr.msu.edu/events/search?program=michigan_citizen_planner).

## Capstone Projects

The capstone project requirement is intended to serve as an opportunity for a participant to share the knowledge gained with their community. Each MCP candidate is required to develop a presentation (20 minute minimum) on a topic learned in the Citizen Planner program that is applicable to the community. The presentation is given before the community's legislative body or planning commission and must be delivered within 60 days of completion of the Citizen Planner classroom series or online course. Prior to 2012, Master Citizen Planners were required to complete a capstone project (later changed to the capstone presentation). Like the capstone presentation, the primary goal of the capstone project was for Citizen Planner participants to apply their learning to benefit their community.

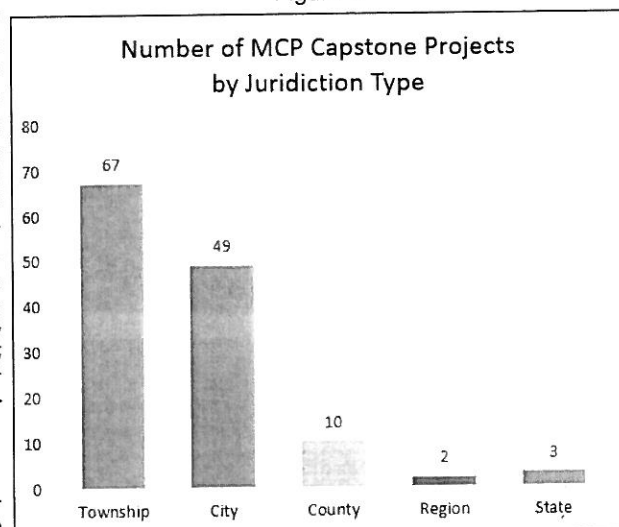
The MCP Capstone Projects and pre-

sentations demonstrate how citizen planners can overcome impediments in the planning process. The capstone projects empower MCPs to apply program objectives through a practical application in their communities. A majority of the Master Citizen Planner students completed Capstones that impacted their communities under one of four broad categories:

1. Environmental and natural resource planning
2. Master plan and zoning regulations
3. Community and economic development
4. Best practices and education.

Almost 50 percent of the capstones were carried out at the township level (Figure 1).

Figure 1



Data: 2006-2011

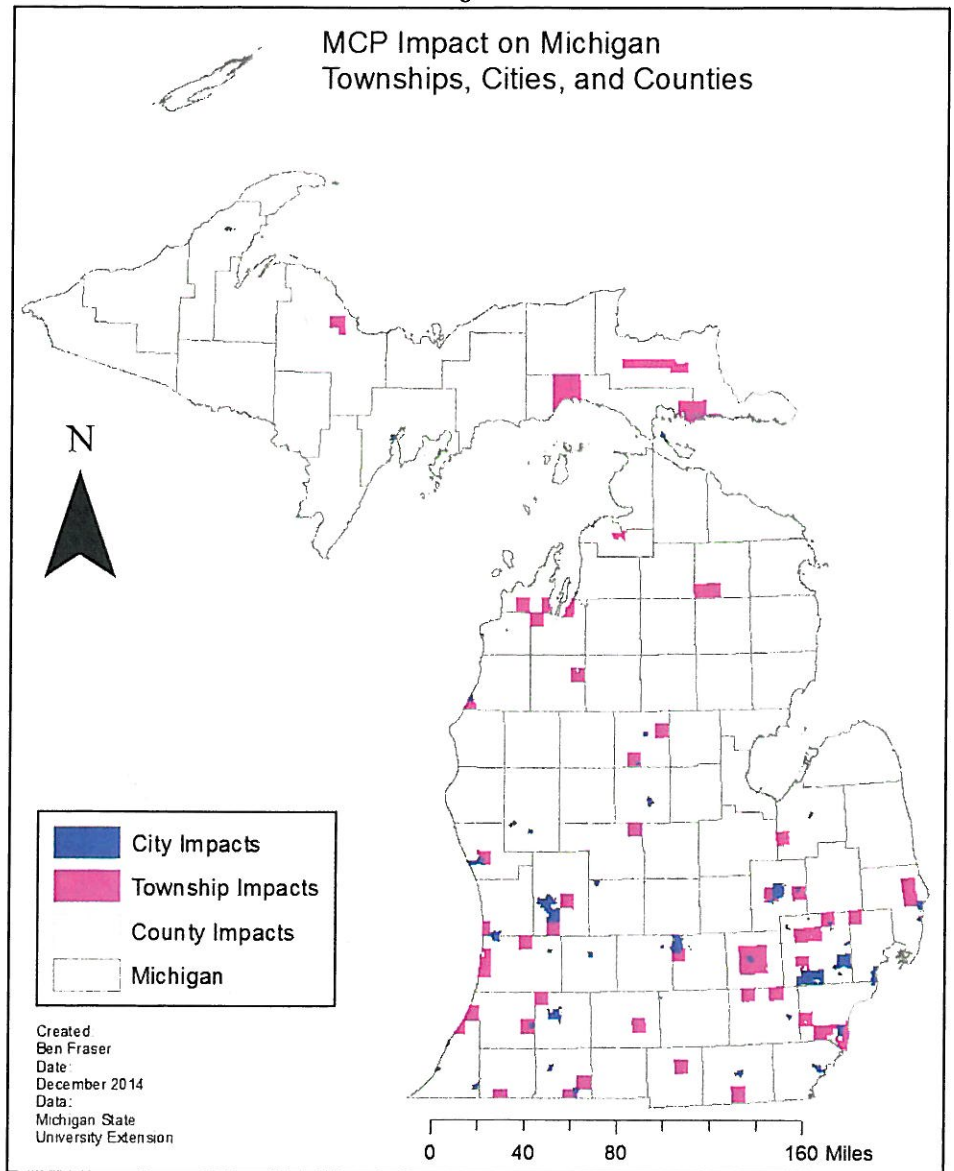
## Impacts

The cities, townships and counties that were impacted over the first six years of the MCP program (2006-2011), are illustrated in Figure 2. Some example impacts of capstones projects include:

- Expanded funding options for a Downtown Development Authority and support for a renewable energy renaissance zone, Charter Township of Kinross (Chippewa County). Using knowledge gained from the Citizen Planner training, a graduate created and presented a report outlining the advantages of creating a Downtown Development Authority for her community and funding options.
- A new community park focused on se-



Figure 2



MCP Impact on Michigan Townships, Cities, and Counties

nior citizen recreational opportunities, City of Howell (Livingston County). Recognizing the need for senior recreational activities, a Citizen Planner became the project manager on an initiative to build a senior citizen park. The project used grant dollars, volunteers and township staff while partnering with Wayne County in an innovative way. This one-of-a-kind park features a variety of activities and is well-attended.

- *Historic preservation planning and its economic, environmental, and social benefits, City of Three Rivers (St. Joseph County).* Referencing training received during the Citizen Planner program, a graduate created a professional presentation entitled "How Historic Preservation Can Help Your Community." She presented the information at a community event held at an historic theater in Three Rivers.
- *GIS zoning map enhancements, Muskegon Charter Township (Muskegon County).* Recognizing how essential an accurate, easy-to-read zoning map is, a program graduate realized that her community was still using an outdated, hard-to-read black and white copy. With help from the County Property Information Analyst, she created an updated, professional-looking map that is instrumental to both the township staff and to those looking to alter or develop property.
- *Installation of a low impact development rain garden, City of Grosse Pointe Farms (Wayne County).* A Citizen Planner used his talents as a civil engineer to design a rain garden at a local park. The 500-600 square foot garden is helping to keep Lake St. Clair clean by filtering the water before it is released back into the lake.
- *Wind energy planning, City of Manistee (Manistee County).* A program graduate applied his Citizen Planner knowledge to gather information about wind energy – different types of wind turbines and economic feasibility – and presented his findings to his local planning commission. The goal was to provide local leaders with a broad understanding of the wind energy industry and ways in which Manistee could get involved.
- *Multi-jurisdictional planning for a Planned Unit Development, Sturgis Township (St. Joseph County).* A Citizen Planner graduate helped develop zoning requirements for the I-9/M66 Planned Unit Development (PUD) project – a joint venture between Sturgis Township, the City of Sturgis (Michigan) and LaGrange County, Indiana. The goal of the PUD was to attract companies to build and invest, and to draw tourists to the area.

**Conclusion**

Since the MCP Program launch in 2006, the program has consistently gained momentum bridging the gap between knowledge gained during training and applying that knowledge to address issues of local concern. The success of this one-of-a-kind model is apparent from its widespread impact, however there are still challenges to fully maximize its potential. There is a need for more MCP continuing education opportunities, increasing the number of Citizen Planner graduates that obtain MCP status, and the need to capitalize on the use of emerging technologies, to name a few. Despite these challenges, over 3,000 persons have participated in MCP continuing education training events (both graduates and non-graduates of the Citizen Planner course) since the program was launched. The launch of the Master Citizen Planner program at the national level in 2015 is evidence of its popularity and will provide enhanced opportunities for new partnerships and training resources. □

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# CITIZEN PLANNER HELPS MANISTEE PLANNERS ADDRESS CONTROVERSIAL ISSUES

By Kurt H. Schindler, AICP, MSU Extension

It was a very controversial zoning decision. Even that is a big understatement. The public hearing had over 500 people attend with most signing cards indicating they wanted time to speak. The hearing lasted 17 hours, spread over three evenings. Instead of adjourning when the hour was late, the planning commission recessed and reconvened the next week to continue the hearing where they had left off. They did that twice before the hearing part of the meeting was over.

Before the hearing even started there was posturing as various sides pointed to possible conflicts of interest. This was not just someone in the audience making the charge. It was high priced attorneys who were brought in for the zoning hearing. It did not matter which way the planning commission ruled, the city was going to be sued.

The case was to build a coal-fired electric power plant on the Manistee Lake shore in Manistee City. Eventually the city turned the special use permit application down. The developer sued in federal court. The city prevailed.

"A major reason for the city coming out on top was the training from Citizen Planner," Denise Blakeslee, Planning and Zoning Administrator, said. Citizen Planner taught us, and then we practiced what we needed to do; including the necessary detail in our minutes including records retention, and more.

As a result of Citizen Planner training, members of the city's planning commission, zoning board of appeals, and city staff all had a better understanding of the hearing and decision process, as well as what each person's role was, Blakeslee said. The city has people who know how to treat zoning permit applicants, have a command of the Open Meeting Act, how

to conduct meetings and how to conduct oneself.

"It [Citizen Planner training] definitely made the process run smoother," Blakeslee said about the coal-fired electric generation plant case.

But the city's benefit from Citizen Planner is not just for this one case. Blakeslee explained the training benefits are seen across the board with the more run-of-the-mill operations as well. "It gives our members of the zoning board of appeals and planning commission confidence in what they are doing," Blakeslee said that benefit is what she likes most about the citizen planner training.

"Planning Commission members are proud to be master Citizen Planners," Blakeslee said. "The city is proud of that too." City government invests in building that skill and in the continuing education required to retain the Master Citizen Planner title. It has become the unspoken expectation of expertise.

She also believes the training has resulted in members staying on the planning commission and zoning board of appeals for a longer time. With self-confidence citizen volunteers stay in their roles longer. "It is not just the Christmas cookies I make for them each year," Blakeslee said.

The Citizen Planner class is the start. Equally important is the follow-up training. That follow-up training in the community is also appreciated. Local and state 'hot topics' such as classes on the New Economy, Placemaking, Open Meeting Act, Right to Farm Act, streamlining the zoning ordinance have all been well attended in Manistee.

"Manistee City offers its council chambers meeting room to MSU Extension" and Networks Northwest (formerly Northwest Michigan Council of Governments)

for the local training, Blakeslee said. It works to the city's advantage because the city's training costs are lower. The registration fee is lower because there is not a room charge. The big savings is the city does not have to pay its planning commission and zoning board of appeals members travel to drive elsewhere. In northern Michigan that can easily be over \$100 travel costs per automobile trip.

"This has also brought city and surrounding township planning officials together," Blakeslee said. The audience in the training is often from all the municipalities in this area of the state. And those people are all in a room together, talking, networking, and getting to know each other. Everyone is exposed to that broader spectrum of issues and concerns. Blakeslee explained it also helps city volunteers and officials get to know various experts in the planning and zoning field. "Many times the further training exposes us to resources and specialists we would not otherwise know about. And the city takes advantage of those services."

"That has created a community of planners in our area of the state," Blakeslee said. Cooperation and working together grows out of that community.

For herself, Blakeslee continued her own training even further. She has completed the Zoning Administrator Certificate Program offered by the Planning & Zoning Center at MSU. Those that have completed Citizen Planner (or are AICP and experienced at zoning administration) are eligible to take a 24 hour intensive training on zoning administration.

"I use that training every day," Blakeslee said. The next round of those classes are in January 2015 at Frankenmuth. Visit <http://www.pzcenter.msu.edu/news.php> for more information. □

## A CITIZEN PLANNER'S JOURNEY: From Village Planning Commission Member to Township Planner

By Kurt H. Schindler, AICP, MSU Extension

"Continuing education and exposure to people in planning," Kathy Egan said is what Citizen Planner means to her. "Knowing MSU Extension Educators, members of Extension's Government and Public Policy team, networking with people, information and opportunity" all grew out of taking Citizen Planner and becoming a Master Citizen Planner.

Ms. Egan took the Citizen Planner training course in Leelanau County in 2001. At

that time she was in her second year on the village of Suttons Bay planning commission. Egan used those connections to provide benefits for her community and shape her career, she said.

She leveraged knowledge gained by connections. One week she met Extension Educator Kurt H. Schindler, and then the next week met now-retired Educator Rod Cortright. He was talking to Egan about this new type of zoning – Form-

Based Code – and told her that Schindler and he were looking for an applied research project in a small town to explore how it would work under Michigan's zoning statutes. It turns out the village was looking for a way to update its zoning and was intrigued with this new idea. Soon all persons were working together to make it happen.

Her participation in the Citizen Planner program brought that connection and

the parties together Egan said. That work ultimately lead to Ms. Egan being named Citizen Planner of the year. The networking continued when she learned of, and attended, MSU Extension's Great Lakes Leadership Academy in 2007. The networking continued providing contacts with people, professional planners in private practice, information sharing, and opportunity Egan said.

Egan is a University of Michigan graduate in environmental studies (which included one land use and planning class). "I liked the planning class a lot" she said. Serving on the village planning commission, then taking Citizen Planner, and keeping up continuing education as a Master Citizen Planner also opened up more doors.

*"It gave me the confidence to know*

*what I am doing,"* Egan said. "And to know I wanted to do more of it." So after a lot of self-education and practical experience, when Suttons Bay Township was looking for a planner she was able to combine her environmental studies education with training from Citizen Planner to apply for the job.

Egan has been the Suttons Bay Township planner since 2007. As planner she said she has continued to network through MSU Extension circles, Networks Northwest (formerly Northwest Michigan Council of Governments), and other organizations. She worked to bring the MSU Smart Growth Readiness Assessment Tool (and later the Waterfront Readiness Assessment Tool) to the township and village joint planning commission. That led

to a direction and focus for development of a joint Master Plan prepared by consulting planners.

This is a success story: from a new member of a village planning commission, participation in Citizen Planner training, participation in the creation of a form-based code, state-wide Citizen Planner of the Year award, building upon her university degree in a related field to become the planner in a township planning department. The distance was no farther than one side of the village to the other, but the journey provided a lifetime of rewarding knowledge and experience, and the chance to meet and interact with a lot of people that have enriched Egan's life and helped her to improve the quality of life for all the people that she has served. □

## JOBS AVAILABLE

The **City of Ypsilanti** has three related open positions:

### **Director of Economic Development.**

This is a department head position responsible for the overall management of the City's Economic Development, with a concentration in redevelopment, as well as managing operations of the Planning and Building divisions. Working with considerable independence and judgment under the general supervision of the City Manager, the Director of Economic Development supervises a small work force of employees integrating economic resources, community resources, building code enforcement, and land use into a viable working program to improve the economic climate of the community. Salary: \$65,000 – \$75,000 (DOQ).

**Requirements of Work:** The successful candidate will possess a minimum of a Bachelor's Degree but a Master's Degree is preferred from an accredited college or university with a major in public administration, planning, business or related field and five years of related experience or any combination of experience and training. Knowledge of the methods and principles of economic development; brownfield redevelopment funding methods and tax issues; Knowledge of Federal and State laws on community and economic development and related internal compliance data; Knowledge of financial analysis, negotiations, project management and proposal or grant writing; Ability to assemble multi-faceted programs and funds; Ability to influence, persuade and negotiate with various individuals and organizations; Ability to establish and maintain effective working relationships with supervisor, co-

workers, subordinates and the public; Ability to communicate effectively verbally and in writing. The applicant must be familiar with the ARC Geographic Information System (GIS).

**Planner I.** This is a professional planning position responsible for various economic and community development projects and initiatives for the City. This classification performs a variety of work and reports to the Director of Economic Development. An employee in this classification may supervise student interns. Salary: \$30,000 – \$45,000 (DOQ).

**Requirements of Work:** The successful candidate will possess a minimum of a Bachelor's Degree but a Master's Degree is preferred from an accredited college or university with a major in public administration, planning, business or related field and five years of related experience or any combination of experience and training. The applicant must be familiar with the ARC Geographic System (GIS). Knowledge of principles & procedures of professional planning; knowledge of private funding sources and restrictions; ability to communicate with a diverse population; proficient in computer word-processing and spreadsheet applications; ability to maintain effective working relationships with supervisor, subordinates, co-workers and the public.

**Planner II.** An employee in this classification is primarily responsible for the administration of the City's planning and zoning program. Under the supervision of the Director of Economic Development, the employee has considerable initiative and independence to meet the objectives

of the position. Facilitates the preparation and implementation of the Master Plan, Zoning Ordinance and other development-related regulations; Responsible for coordination of the City Planning Commission and Zoning Board of Appeals; Monitors architects, engineers and private contractors for project specifications and work quality; Coordinates activities with appropriate City departments or private agencies and other stakeholders; Prepares memos and letters for City Council. The position may entail supervision of student interns. Salary: \$45,000 – \$55,000 (DOQ).

**Requirements of Work:** The successful candidate will possess a minimum of a Bachelor's Degree but a Master's Degree is preferred from an accredited college or university with a major in public administration, planning, business or related field and five years of related experience or any combination of experience and training. The applicant must be familiar with the ARC Geographic Information System (GIS). Knowledge of the principles and procedures of professional planning; Knowledge of private funding sources and restrictions; ability to communicate with a diverse population; proficient in computer word-processing and spreadsheet applications; ability to maintain effective working relationships with supervisor, subordinates, co-workers and the public.

**ANYONE INTERESTED** in applying for any of these positions must complete an online application at:

<http://cityofypsilanti.com/Government/Departments/HumanResources/JobPostingsDescriptions>

by 5:00 P.M. on Saturday, January 31, 2015. EOE □

## PLANNING & ZONING NEWS®

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FIRST CLASS MAIL

## FEBRUARY

- 12 **COMMUNITY ENGAGEMENT.** Traverse City, Government Center. Knowing which public engagement technique to use for which audience, and managing the public participation process so that all voices can be heard, all the while ensuring that the input is meaningful and relevant is one of a planner's greatest challenges. A process that can be rife with politics, on one hand, and rewarding and beneficial on the other, is part and parcel of the effort. This interactive session explains best practices on how to engage with community members and stakeholders in a more meaningful way. 5:00 p.m. - 9:00 p.m. 3.5 AICP CM Credits, 3.5 Master Citizen Planner CEU. For more information or to register visit: [http://www.planningmi.org/officialtraining.asp#community\\_engagement](http://www.planningmi.org/officialtraining.asp#community_engagement)
- 25-27 **MICHIGAN STORMWATER-FLOODPLAIN ASSOCIATION 28<sup>TH</sup> ANNUAL CONFERENCE.** Radisson Hotel, Lansing. Highlights include: FEMA Updates; 2014 Flood events – Detroit area (August), Muskegon (April); Climate change and effects on future flood events; Case studies related to storm water & floodplain management; CFM Refresher/Exam; Construction Site Stormwater Training; Building Code Workshops. For more information or to register visit: <http://www.mifloodsconference.org/>

## MARCH

- 5 **ZONING BOARD OF APPEALS: BEYOND THE BASICS.** Hampton Inn – Okemos. Quasi-judicial functions of the zoning process are handled by the zoning board of appeals. This interactive, case study based workshop goes into greater depth on the issues of practical difficulty and unnecessary hardship. Recent case law is also discussed, along with a summary of voting and membership requirements, and other procedural requirements unique to ZBA. 5:00 p.m. to 8:00 p.m. 3 Master Citizen Planner CEU. For more information or to register visit: <http://www.planningmi.org/officialtraining.asp>
- 5 **SITE PLAN REVIEW.** Hampton Inn – Okemos. This program will demonstrate the site plan review and approval process and provide practical tools and techniques on how to read a site plan. You'll discuss the techniques on how to read a site plan. You'll discuss site design principles, such as pedestrian and traffic considerations, lighting, utilities, ADA compliance, inspections, and landscaping. Participants in this hands-on workshop receive an engineering scale, turning template, and sample site plan to evaluate. 5:00 – 9:00 PM. 4 Master Citizen Planner CEU. For more information or to register visit: <http://www.planningmi.org/officialtraining.asp>
- 24-25 **MML CAPITAL CONFERENCE.** Lansing Center, Lansing. For more information visit: <http://www.mml.org/events/conference/index.html>

## APRIL

- 9 **MAP SPRING INSTITUTE.** Radisson, Lansing. For more information: For more information or to register visit: <http://www.planningmi.org/officialtraining.asp>
- 18-21 **APA ANNUAL CONFERENCE.** Washington State Convention Center, Seattle, WA. For more information: <https://conference.planning.org/conference/>
- 30 **ICLE HOMEWARD BOUND SERIES: DETROIT-REDEVELOPMENT SYMPOSIUM. WEBCAST.** Hear about initiatives aimed at fueling the recovery of the City of Detroit and its surrounding region with a particular emphasis on the legal and practical components necessary to aid in the recovery. For more information visit: [http://www.icle.org/modules/store/seminars/schedule.aspx?PRODUCT\\_CODE=2015CR7164](http://www.icle.org/modules/store/seminars/schedule.aspx?PRODUCT_CODE=2015CR7164)

## PLANNING & ZONING ESSENTIALS - 3 LOCATIONS!

This is the most requested training product offered by the Michigan Association of Planning. This course is designed to boost confidence by sharpening skills, identifying conflicts of interest, understanding legal foundations, examining roles and responsibilities, and more! This program is ideal for introducing new planning commissioners and zoning board of appeals members to their roles and responsibilities, and also for more experienced officials looking to refresh their skills and build upon existing knowledge. Roles and responsibilities, site plan review, comprehensive planning, zoning ordinances, variances, how to determine practical difficulty, and standards for decision-making are covered.

**January 14,** 4:00 p.m. - 9:00 p.m.; Mt. Pleasant, *Isabella County Building.*  
**February 4,** 4:00 p.m. - 9:00 p.m.; *Oshtemo Township Hall*  
**February 26,** 4:00 p.m. - 9:00 p.m.; *Washtenaw County Building, Ann Arbor*

There are three (3) options to fit your training needs. For more information or to register visit: [http://www.planningmi.org/officialtraining.asp#planning\\_zoning\\_essentials](http://www.planningmi.org/officialtraining.asp#planning_zoning_essentials)

## For Information on Upcoming MSUE Events

MSU Extension Land Use Educators work with regional and sub-regional groups to bring training on various topics throughout Michigan. Topics in recent years have included: conflict of interest and ethics, streamlining your zoning, right to farm act, wireless communication, and many more. Webinars are also offered bi-monthly on a variety of topics that anyone anywhere in the state with a computer and passable Internet connectivity can join. Watch for all these events at <http://msue.anr.msu.edu/events>. For a catalog of currently available programs from MSU Extension see [http://msue.anr.msu.edu/about/catalog\\_of\\_programs](http://msue.anr.msu.edu/about/catalog_of_programs). To contact a land use educator for your part of the state with questions on these or any other services see [http://msue.anr.msu.edu/program/info/land\\_use\\_education\\_services](http://msue.anr.msu.edu/program/info/land_use_education_services).