

**CHARTER TOWNSHIP OF GARFIELD  
PLANNING COMMISSION MEETING**

**Wednesday, March 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**  
**February 25, 2015**
3. **Correspondence**
4. **Reports**
  - a. Township Board
  - b. Planning Commissioners
5. **Business to Come Before the Commission**
  - a. PD 2015-26 Zoning Ordinance Review
6. **Public Comment**
7. **Items for Next Agenda – March 25, 2015**
  - a. Culver Meadows – Findings of Fact
8. **Adjournment**

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

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**CHARTER TOWNSHIP OF GARFIELD  
PLANNING COMMISSION MEETING  
February 25, 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, John Nelson, Joe Robertson, Terry Clark, Gil Uithol, and John Racine

**Absent and Excused:** Kit Wilson

**Staff Present:** Rob Larrea

**1. Review and Approval of the Agenda – Conflict of Interest: (7:00)**

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

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

*Nays: None*

**2. Minutes**

**a. February 11, 2015 Minutes (7:00)**

*Uithol moved and Clark seconded to adopt the February 11, 2015 Regular Meeting minutes as presented.*

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

*Nays: None*

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

None

**4. Reports:**

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

Larrea stated that the Township Board adopted the Planning Department Annual Report and following a closed session, the Board made motions to purchase property for water storage and to exercise an agreement with the Grand Traverse Regional Land Conservancy.

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

Nelson thanked Racine and Larrea for arranging to postpone the Planning Commission Joint meeting with East Bay Township. He added that he really wanted to be in attendance to discuss transportation. The meeting was postponed until May.

**5. Business to Come Before The Commission****a. PURD Draft Review/Discussion (7:03)**

Larrea provided a copy of the draft PURD Ordinance for review and comment. The PURD is intended to encourage well designed neighborhoods that emphasize safe movements and a quality of life. The design based ordinance requires open space, pedestrian circulation and additional amenities to qualify for a density bonus.

Commissioners commented on the proposed ordinance and said it was more in keeping with the original intent of a PURD by allowing more flexibility. In Section D3, commissioners proposed the word "shall" be replaced with the word "may." Section A1 and B1 have the same ending sentence. The extension process was discussed and Larrea updated the Commission on the new two step approval process intended to save the developer engineering costs until a final design. Commissioners asked that the section be placed in the new ordinance.

**b. Master Plan Survey Draft Review/Discussion (7:19)**

Larrea showed Commissioners a proposed survey to be sent out randomly to township residents. He added that he wants honest opinions from people and does not want to guide them in any direction on any topic. Larrea walked commissioners through the survey and asked for comments. Commissioners said that on question #5, "lakefront" should be changed to "waterfront" to accommodate riverfront property owners. The possibility of having an optional place for the name and address of the respondent was discussed as was a larger box for question #14 and adding a box for an answer to #12. Commissioners also discussed adding other types of housing to numbers 15 and 26 such as granny flats, cluster housing and affordable housing. Larrea will make some changes and bring it back for further review. The Planning department is still gathering information on postage costs.

Larrea gave a new zoning ordinance draft to the Commissioners and introduced them to the new proposed Zoning Ordinance. It is intended to create much more flexibility in the ordinance for its users. He walked Commissioners through the Articles and what was contained in each one. Attorneys have already reviewed the proposed ordinance and it should be ready for an open house or public hearing very soon. Larrea will draft a report containing dates and options for how to proceed with adoption of the ordinance. Commissioners asked that the proposed zoning ordinance be placed on the township website so that people could familiarize themselves with the document before an open house or public hearing.

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

None

**7. Items for Next Agenda – March 11, 2015 (8:17)**

**a. Chelsea Park Amendment**

Larrea said that developers wanted to amend their phasing and it would be a minor amendment.

**b. Culver Meadow – Findings for Consideration**

Larrea added that the Findings of Fact needed to be reviewed by an attorney.

**c. New ordinance discussion**

**8. Adjournment:**

*Cline moved to adjourn the meeting at 7:52pm.*

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



**Charter Township of Garfield**  
 Planning Department Report No. 2015-26

Prepared:	March 4, 2015	Pages:	1 of 3
Meeting:	March 11, 2015 – Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Zoning Ordinance - Final Draft		

*Forward: Other than as noted within this report, the following modifications affect small portions of a much larger article, and as such, revised full article drafts have not yet been provided to the Planning Commission.*

**STAFF COMMENT:**

The Planning Commission was provided with a final draft zoning ordinance at its meeting on February 25, 2015. That draft incorporated the majority of comments and updates as recommended by the Township Attorney, however, at the time counsel was still looking into a few remaining details and supplemental language. These final changes recommended by counsel, as well as recent changes discussed by the Planning Commission, are summarized as follows and are incorporated into the most recent Zoning Ordinance draft on file with the Planning Department.

**Adult Foster Care:**

The ordinance definitions have been slightly amended to be directly consistent with state statute definitions which describe the number of residents who may be cared for within the various types of adult foster care facilities. The supplemental adult foster care use standards within Article 7 have also been adjusted accordingly.

**Mining:**

Per recently enacted legislation, the Township has limited control over mining activities. However, Section 774.A has been revised to exert control over mining to the extent reasonably possible. The Township permits mining as a Special Use in the I-L and AG Districts, and determines that there are "very serious consequences" for mining activities in other zoning districts. However, in the event that a court compels the Township to allow mining elsewhere, the ordinance still prescribes supplemental use regulations to attempt to limit the negative impact of these operations.

Counsel notes that, if desired, this section could be strengthened by incorporating regulations developed by Kasson Township (Leelanau County). Kasson Township's regulations are probably the most extensive and thought-out set of regulations for mining for any municipality in the State. While our current draft language is legally sufficient, adopting some of Kasson's standards may provide some additional protections that we may wish to consider for any new mining operations within the Township. However, if this is of interest to the Planning Commission, Staff would recommend taking this up as a future amendment rather than delaying the adoption of the new ordinance.

Right To Farm Act:

Article 6, Section 650, has been added and describes that the Ordinance is not intended to extend or revise the provisions of the Right to Farm Act.

Wireless Communications Towers:

Minor revisions to Section 792 have been made as recommended by counsel.

Planned Unit Residential Development (PURD):

Following discussion on February 25th, this draft was finalized. This section is attached to replace pages 4-45 through 4-48 which were previously provided.

Table of Contents:

The Table of Contents has been corrected and updated. This section is attached to replace the table previously provided.

Remaining Planning Commission questions:

At the conclusion of the February meeting, the Planning Commission was asked to forward any final questions to the Planning Department for consideration. These questions are as follows:

- Definition of Low Impact Design. At the request of Commissioner Nelson, a definition for Low Impact Design been created, as follows: *"A stormwater management practice intended to mimic a site's pre-development hydrology by using techniques which allow storm water runoff to infiltrate, filter, evaporate, and be retained close to its source in lieu of discharging to traditional retention basins or storm sewer systems. Low Impact Design may be accomplished via an engineered system of bio-retention areas, rain gardens, wetlands, grass swales, permeable pavement and similar methods."*

Of note, however, is that other "best management practices" recently incorporated into development approvals such as oil-water separators, sand filters, etc., are not, by definition, "Low Impact Design." Because each have the mutual goal of environmental protection, however, it may be appropriate to separately define these parallel stormwater management techniques.

- Definition of "principal" use. This question arose in a discussion about ensuring that the primary use of a proposed Planned Development was not out of context with the character of the underlying area. Upon consideration, Staff recommends that the definition of a principal use remain intentionally broad, and evaluate the suitability of a proposed principal use through the Planned Development and Special Use Permit standards of determination. This will provide for the flexibility intended for a Planned Development and avoid the possibility of unintended limitations.
- Section 523 Stormwater Management: Section 523 requires a project to accommodate stormwater. A question was raised as to whether this section should better describe appropriate levels of soil erosion, grading, and stormwater control. Staff does not feel that this is necessary, as this ordinance section is more of a cross-reference to the Township's police-power storm water control ordinance, which was developed by the County and subsequently adopted by the Township.

Furthermore, concern has been raised about the prospect of the County "weakening" its ordinance. Please note that if that were to occur, the Township could adopt its own, stronger ordinance or simply adopt the County ordinance which is currently in place. The County's soil erosion agents would then enforce the Township's adopted ordinance.

**MOVING FORWARD:**

If the Planning Commission is prepared to do so, the Zoning Ordinance is now in a form suitable to move towards adoption by the Township. As with any zoning ordinance amendment, this adoption must follow a public process prior to recommendation by the Planning Commission and eventual adoption by the Township Board.

Due to the complexity of creating a completely new Zoning Ordinance, it should be expected that some necessary changes and amendments will emerge in short order after we begin to administer the new Ordinance. However, a new ordinance must start somewhere, and the current draft document reflects a best effort that gives the Township a solid base to work from.

**RECOMMENDED MOTION:**

***THAT proposed Ordinance No. 68, the Garfield Township Zoning Ordinance, be scheduled for a public hearing at the regular Planning Commission meeting to be held on April 8, 2015.***

Attachments:

PURD Replacement Pages 4-45 through 4-15  
Replacement Table of Contents

**SECTION 427 PLANNED UNIT RESIDENTIAL DEVELOPMENTS (PURD)**

The purpose of this section is to provide for a degree of flexibility and creativity in the planning and design of residential development projects. The standards of this section invite efficient, clustered development on portions of a site so that developers are better able to provide amenities and infrastructure improvements.

Planned Unit Residential Developments may incorporate any residential use which is permitted by right, under conditions, or under Special Use Permit within the Township's various residential zoning districts. It is expected, however, that the proposed use or mix of uses will be compatible within the site itself, but more so be compatible with and similar to existing and planned residential uses in the surrounding area.

**A. Eligibility**

**(1) Generally**

An application for a planned unit residential development may be submitted for any property zoned for residential use, and is especially encouraged on properties designated for redevelopment by the Garfield Township Master Plan. In order to qualify for a PURD the project shall be developed using clustered methods and innovative design while providing desirable open space and pedestrian connectivity. In exchange, the Township may authorize reductions in minimum lot size and increases in maximum density which would otherwise apply. Applications which do not meet the purpose and intent of this section will not be accepted. In addition to provisions of this Section, the provisions of § 425 Planned Developments shall also apply.

**(2) Site Accessibility**

A planned unit residential development shall be directly accessible from major thoroughfares as designated on the Major Thoroughfare Plan for the Township. The Township may authorize a project that does not have direct access to a major thoroughfare, provided appropriate findings of fact are made demonstrating that:

- (a) The project is directly accessible from a public road of suitable design and construction to handle any anticipated traffic that will be generated by the project; and
- (b) The anticipated traffic volumes are not reasonably expected to result in adverse impacts for those uses and properties along the public road system; and
- (c) Access management controls and connectivity to adjacent properties are utilized to ensure the efficiency and safety of the public road system will not be negatively impacted.

**B. Preliminary Review and Decision**

**(1) Generally**

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



**(2) Completeness Review**

The Director of Planning or designee shall conduct a completeness review in accordance with § 403 and § 425.D.

**(3) Planning Commission**

- (a) The Planning Commission shall hold a public hearing on the PURD.
- (b) Following review and public hearing on the application, the Planning Commission shall approve or deny the request for preliminary planned unit residential development approval. Preliminary recommendation of a planned unit development shall specify all conditions that must be satisfied prior to submission of the planned unit residential development under § 426.C., Final Review and Decision.
- (c) Preliminary plans may not be altered or amended except as required by final engineering and authorized by the Director of Planning.
- (d) Pursuant to § 425.L(3), preliminary approvals are valid for 12 months and not subject to an extension. Preliminary approval shall expire automatically.

**C. Final Review and Decision**

**(1) Generally**

Final review shall address all conditions imposed by the Planning Commission in the preliminary decision on the planned unit residential development. Submissions for final review and decision shall not be considered until all conditions have been addressed.

**(2) Completeness Review**

The Director of Planning or designee shall conduct a completeness review to determine that all conditions of the preliminary decision have been addressed. Once the plans and conditions are deemed substantially complete the project shall be referred to the Planning Commission for its final review and decision. No application shall be referred to the Planning Commission until this standard has been satisfied.

**(3) Planning Commission**

- (a) The Planning Commission may hold a public hearing on such application for final review and decision.
- (b) Following review, the Planning Commission shall render a decision to approve, approve with final conditions, or deny the request. Approval of a planned unit residential development shall be incorporated in a Report and Decision Order that shall include the decision, the basis for the decision and any final conditions imposed.

**D. Approval Criteria**

In its review of an application the Township shall, at a minimum, consider the criteria as defined in § 427.D.(1) Scope of Authority - Uses through § 427.D.(4) Criteria.

**(1) Scope of Authority - Uses**

A planned unit residential development may include any residential use(s) permitted by right, permitted under special condition or permitted by special use permit in the various agricultural

or residential zoning districts within the Township, provided appropriate findings of fact are made demonstrating that:

- (a) The proposed density is in accordance with the policies and objectives set out in the master plan; and
- (b) In areas where the surrounding lands have been substantially developed in accordance with a particular land use character, pattern and density, the PURD shall be consistent and compatible with that existing residential uses, land use character, pattern and density.

**(2) Scope of Authority – Dimensional Standards**

A planned unit residential development may alter and establish lot size limits, buffers, open space areas, density limits, setback requirements, height limits, building size limits, landscaping rules, miscellaneous regulations, and intensity limits where such regulations or changes are consistent with the intent of this section and the standards set forth herein.

**(3) Site Design Requirements**

Generally, the design of a site must be found to meet the overall purpose and intent of this section. Additionally, the following specific design standards must be met.

- (a) The site shall be designed in a compact, clustered manner which maximizes the preservation of usable and consolidated open space.
- (b) Open spaces are intended to function as a public areas or parks to encourage neighborhood interaction and recreation opportunities. These areas incorporate amenities such as play structures, pedestrian circulation, pavilions, and other similar design features.
- (c) Sidewalks shall be provided along all streets. Generally, sidewalks should be constructed on each side of the street except where found to serve no useful purpose, such as if there are no homes on one side of the street. Sidewalks along streets shall be constructed of concrete to a minimum width of four (4) feet and shall be separated from the street by a grassy lawn area.
- (d) In addition to the street sidewalks, hard-surfaced pathways connecting open areas, parks and other points of interest shall be provided.
- (e) In mixed-residential settings, each residential use (i.e. single family, multiple family, etc.) shall stand on its own in meeting the integrated site design requirements of this section. The intent of this requirement is for each area to resemble a traditional neighborhood with interior park areas. Useable open space shall be designed so that it is directly accessible to nearby residents.
- (f) There shall be a direct relationship between the residential use, density, and useable space of each project area, and each such areas shall be self contained. For example, an open area located within a far corner of a high-density setting may not meet the intent of this requirement in providing open space and recreation for a neighboring low-density area of the site. However, centrally located open areas which encourage interaction between residential uses by creating shared park-like settings are supported and encouraged.
- (g) The project shall be served by municipal water and sewer services.

**(4) General Criteria**

The PURD is intended to encourage well designed neighborhoods that emphasize safe movement of pedestrian traffic and open areas that encourage active lifestyles and quality of life. The Planning Commission shall determine if the project meets the following standards of approval:

- (a) The project is compatible and harmonious with adjacent and surrounding land uses and properties;
- (b) The project minimizes motorized / non-motorized conflict points and creates a separation of pedestrian and vehicular traffic;
- (c) The development consolidates and maximizes useable open space while encouraging neighborhood interaction;
- (d) The proposed use will retain as many natural features of the property as practicable, particularly where the natural features assist in preserving the general character of the neighborhood;
- (e) The development is compatible with the intent and purpose of the adopted master plan.

**E. Amendments**

Amendments to an approved Planned Unit Residential Development shall be considered according to § 423.G.

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