

**CHARTER TOWNSHIP OF GARFIELD
PLANNING COMMISSION MEETING
August 14, 2024**

Call Meeting to Order: Vice Chair DeGood called the August 14, 2024 Planning Commission meeting to order at 7:00pm at the Garfield Township Hall.

Pledge of Allegiance

The Pledge of Allegiance was recited by all in attendance.

Roll Call of Commission Members:

Present: Molly Agostinelli, Joe Robertson, John Racine, Chris DeGood, and Robert Fudge

Absent and Excused: Joe McManus and Pat Cline

Staff Present: Planning Director John Sych and Deputy Planning Director Steve Hannon

1. Public Comment (7:02)

Sych updated the public on short term rentals and proposed house bill 5438 which may mandate that a municipality may not ban short term rentals in all zoning districts.

Ken Kaufman of 1726 NW Silver Lake Road commented on short term rentals.

2. Review and Approval of the Agenda – Conflict of Interest (7:08)

Racine moved and Robertson seconded to approve the agenda as presented.

Yeas: Racine, Robertson, Agostinelli, DeGood, Fudge

Nays: None

3. Minutes (7:09)

a. July 24, 2024 Regular Meeting with Township Board

Agostinelli moved and Fudge seconded to approve the July 24, 2024

Regular Meeting minutes as amended noting a correction in the sentence referring to side yard setbacks in item #6a and correcting a spelling error in item #10a.

Yeas: Agostinelli, Fudge, Robertson, DeGood, Racine,

Nays: None

4. Correspondence (7:10)

a. Notice – Elmwood Charter Township Planning Commission, Leelanau County – Notice of Intent to Prepare a Master Plan

5. **Reports (7:12)**

Township Board Report

Agostinelli stated that the Township Board held a special meeting regarding the BATA/TCHC project and the definition of start of construction. The Board decided that the definition in the Michigan Building Code as adopted by Garfield Township will be used as the official definition for the start of construction. Sych added that a temporary certificate of occupancy was issued for the BATA transfer station and the BATA headquarters building and that the Township received a surety for the proposed open space trail improvements.

Planning Commissioners

i. **Zoning Board of Appeals**

Fudge had no report.

ii. **Parks and Recreation Commission**

DeGood reported that the commission met last week and discussed the 2025 budget for township parks

iii. **Joint Planning Commission**

Racine had no report.

Staff Report

PD 2024-59 – Planning Department Monthly Report August 2024

Sych noted that his report was submitted in writing and added that the new Kingsley Lumber is beginning to grade its site. The lumber company is a use by right on that site and ingress and egress are being discussed. The township has received an application from High Tops bar and restaurant to go into the former Sears Building which will require an amendment to the K-1 Indoor Kart Racing Center site plan.

6. **Unfinished Business**

a. **PD 2024-60 – Zoning Ordinance Proposed Amendment R-3 District- Public Hearing (7:19)**

The R-3 Multiple Family Residential zoning districts provide for apartments. However, to provide more lenient requirements for additional housing choices, the Planning Department is proposing to allow triplexes and quadplexes as uses permitted by right in the R-3 District. Five units or more would require planning commission approval.

DeGood opened the public hearing at 7:21pm and seeing no one wishing to speak, closed the public hearing.

Robertson moved and Agostinelli seconded THAT the proposed amendment to the Garfield Township Zoning Ordinance, as attached to Planning Department Report 2024-60, BE RECOMMENDED FOR ADOPTION by the Township Board.

Yeas: Robertson, Agostinelli, Fudge, Racine, DeGood
Nays: None

b. PD 2024-47 – Potter’s Home Retreat B&B Special Use Permit – Follow up (7:22)

This application is requesting a Special Use Permit (SUP) for use of an existing single-family residence at 492 West Potter Road as a Bed & Breakfast Establishment. According to the applicant, the proposed bed and breakfast “is intended to serve anywhere from 1 to 6 guests per stay.” Bed & Breakfast Establishments are permitted via SUP in the A-Agricultural zoning district. At the last meeting, commissioners asked for a legal opinion on the application. Hannon reviewed the attorney opinion with commissioners. Based on the Township Attorney’s legal review, the information provided in the application, information gathered through a site visit to the property, and research into the history of the property, Staff are of the opinion that the Planning Commission is justified to deny the application. The application as proposed does not meet the building code requirements and evidence shows that it operates more as a duplex rather than a single-family home. The applicant could reapply for a permit in one year. Specific language in the ordinance stated that the SPU could not be reapplied for within one year if it was substantially the same.

Fudge moved and Robertson seconded THAT the Findings of Fact for application SUP-2024-01, as presented in Planning Department Report 2024-61 and being made a part of this motion, BE ADOPTED.

Yeas: Fudge, Robertson, Racine, Agostinelli, DeGood
Nays: None

Fudge moved and Racine seconded THAT application SUP-2024-01, submitted by Brandy Christina Waslawski for a Special Use Permit for a bed and breakfast establishment on Parcel #05-036-025-40 at 492 West Potter Road, BE DENIED for the reasons listed below and those described in this report which indicate that the use of the property as described in the application does not meet the definition of a bed and breakfast:

- 1. The lower level of the house, which is proposed as the innkeeper’s residence in the application, does not meet the building code requirements including adequate ingress and egress, smoke detectors, and carbon monoxide detectors.*
- 2. There is no staircase or any other direct connection between the lower and upper levels, which is required so the entire house would function as a single-family home and not a duplex.*

3. *Per the legal review from the Township Attorney, dated August 7, 2024 and attached to Planning Department Report 2024-61, indicates that “the Planning Commission may either proceed with the proposed findings prepared for the July 10 meeting and deny the application without prejudice to re-apply.”*

*Yeas: Fudge, Racine, Robertson, Agostinelli, DeGood
Nays: None*

c. PD 2024-62 – Tower North Wireless Comm. Facility Special Use Permit – Follow up (7:35)

This application requests a Special Use Permit (SUP) for a wireless communication facility (cell tower) at 2767 Zimmerman Road. The applicants propose a 155-foot-tall monopole tower with associated antenna equipment within a 60' x 60' fenced compound. Wireless communication facilities are permitted via SUP in the A-Agricultural zoning district. Staff reported that the applicant is currently still working on the application.

7. New Business

a. PD 2024-63 – French Manor LaFranier Special Use Permit Major Amendment – Intro (7:37)

This application is requesting a Special Use Permit (SUP) for expansion of French Manor LaFranier, an existing adult foster care facility at 3090 LaFranier Road. The facility expansion consists of a 1,472-squarefoot building addition and a 2,176-square-foot building addition for a total of 3,648 square feet. The expansion requires the applicant to go through the amendment process. Sych noted that the few minor outstanding items which include landscaping, ingress and egress, and lighting should be addressed by the applicant in time for a public hearing and also stated that there is no ability to add any more sidewalks to this proposed project. Applicant Dan Brown with Burdco commented that it was an existing facility and the addition will enhance the site. Commissioners commented on an access easement on the site.

Robertson moved and Fudge seconded THAT application SUP-1990-07-A for a Special Use Permit for expansion of an existing adult foster care facility at 3090 LaFranier Road BE SCHEDULED for a public hearing at the September 11, 2024 Planning Commission Regular Meeting.

*Yeas: Robertson, Fudge, Agostinelli, Racine, DeGood
Nays: None*

b. PD 2024-66 – Copper Ridge PUD Sign Review (7:43)

Thirlby Clinic is moving to the existing office building (Building 5) located at 4110 Copper Ridge Drive in the Copper Ridge Planned Unit

Development (PUD). The applicant is proposing an internal directional sign. Section 630.G(3)(a) of the Zoning Ordinance regulates internal directional signs permitted within a Planned Unit Development and are subject to Planning Commission approval. Internal directional signs with a maximum of 6 square feet per sign.

Staff commented that directional signs are allowed at 6 square feet as proposed. The applicant stated that the sign would be an overhang sign like an awning.

Racine moved and Agostinelli seconded THAT sign application SUP 2000-08-N for Thirlby Clinic in Building 5 at the Copper Ridge PUD BE APPROVED.

*Yeas: Racine, Agostinelli, Fudge, Robertson, DeGood
Nays: None*

8. **Public Comment (7:47)**

None

9. **Other Business (7:47)**

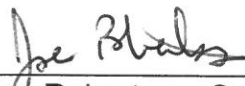
None

10. **Items for Next Agenda – August 28, 2024 (7:48)**

- a. Zoning Ordinance Continued Discussions – Sign Ordinance and Short-Term Rentals

11. **Adjournment**

Fudge moved to adjourn the meeting at 7:53pm.



Joe Robertson, Secretary
Garfield Township Planning
Commission
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