

CHARTER TOWNSHIP OF GARFIELD PLANNING COMMISSION MEETING

Wednesday, October 23, 2024 at 7:00 pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684
Ph: (231) 941-1620

A G E N D A

ORDER OF BUSINESS

Call meeting to order

Pledge of Allegiance

Roll call of Board Members

1. Public Comment

Public Comment Guidelines:

Any person shall be permitted to address a meeting of The Planning Commission, which is required to be open to the public under the provision of the Michigan Open Meetings Act, as amended. (MCLA 15.261, et.seq.) Public Comment shall be carried out in accordance with the following Commission Rules and Procedures: a.) any person wishing to address the Commission is requested to state his or her name and address. b.) No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Commissioner's questions. Where constrained by available time the Chairperson may limit the amount of time each person will be allowed to speak to (3) minutes. 1.) The Chairperson may at his or her own discretion, extend the amount of time any person is allowed to speak. 2.) Whenever a Group wishes to address a Committee, the Chairperson may require that the Group designate a spokesperson; the Chairperson shall control the amount of time the spokesperson shall be allowed to speak when constrained by available time. Note: If you are here for a Public Hearing, please hold your comments until that Public Hearing time.

2. Review and Approval of the Agenda – Conflict of Interest

3. Minutes – October 9, 2024

4. Correspondence

5. Reports

- a. Township Board
- b. Planning Commissioners
 - i. Zoning Board of Appeals
 - ii. Parks and Recreation Commission
 - iii. Joint Planning Commission
- c. Staff Report
 - i. Zoning Administrator Update

6. Unfinished Business

- a. PD 2024-92 – Zoning Ordinance Discussion – Signs – Continued

7. New Business

- a. PD 2024-91 – Zoning Ordinance Discussion – Definition of “Substantial Construction”

8. Public Comment

9. Other Business

- a. Summary of Planning Michigan Conference 2024
- b. Recent Development Photos

10. Items for Next Agenda – November 6, 2024

- a. Angel Care Child Care / Church of the Living God Special Use Permit – Findings of Fact
- b. Tower North Wireless Communication Facility Special Use Permit – Action
- c. K-1 Speed / High Tops – Site Plan Review Amendment – Update
- d. Cherryland Center Comprehensive Development Plan – Site Plan Review
- e. BATA / TC Housing Commission Phasing PUD Minor Amendment – Review
- f. Copper Ridge PUD Major Amendment – Introduction

11. Adjournment

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

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

**CHARTER TOWNSHIP OF GARFIELD
PLANNING COMMISSION MEETING
October 9, 2024**

Call Meeting to Order: Chair McManus called the October 9, 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, Pat Cline, Robert Fudge and Joe McManus

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

1. Public Comment (7:01)

Philip Beehler applicant for High Tops commented on the High Tops application. He is working through options and ideas and asked to table action on his application at this time. He addressed the sound/entertainment facility.

Zachary Cocliano commented on the High Tops application and took issue with the environment that a nightclub would produce.

Denise Jakubowski commented on the High Tops application.

Chris Remy of Woodward Street commented on the High Tops application and drag racing in the parking lot. He said it would not be compatible with the neighborhood setting.

Cara Eule of Alexander Drive commented on the Cherryland Center as a whole and shared concerns with the proximity of the nightclub to the neighborhood

Myriam Parker of Woodward Avenue commented on the High Tops application.

2. Review and Approval of the Agenda – Conflict of Interest (7:19)

Commissioners removed item 6C from the agenda at the request of the applicant.

Chair McManus asked for the addition of Other Business item a. – November Meeting Date

Racine moved and Robertson seconded to approve the agenda as amended removing item 6c, and adding item 9a.

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

Nays: None

3. Minutes (7:21)

a. September 11, 2024 Regular Meeting with Township Board

Fudge moved and DeGood seconded to approve the September 11, 2024 Regular Meeting minutes as presented.

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

4. Correspondence (7:21)

Several emails regarding the High Tops application were received before and since packets went out and those were distributed to commissioners.

5. Reports (7:22)

Township Board Report

Agostinelli stated that the Board discussed the proposed logos and seals in an effort to rebrand the Township. Chris Barsheff has been hired as the new Township Manager and Grand Traverse County has hired a new economic development person to collaborate with all townships in the county.

Planning Commissioners

i. Zoning Board of Appeals

Fudge said there was a second meeting regarding a zoning violation on Lake Drive.

ii. Parks and Recreation Commission

DeGood reported that at the last meeting the Parks Commission recommended a parks budget for 2025 and made a selection for playground equipment for River East Park.

iii. Joint Planning Commission

Racine had no report.

Staff Report

i. PD 2024-77 – Planning Department Report – October 2024

Sych stated that his report was submitted in writing and added that a minor amendment to the BATA development regarding phasing is expected to come before the Planning Commission in November.

6. Unfinished Business

a. PD 2024-79 – Angel Care Child Care/Church of the Living God SUP – Public Hearing (7:28)

This application by Angel Care Child Care requests the use of an existing church building at 1514 Birmley Road for a child care center as an additional use. Child care centers are permitted via Special Use Permit in the A-Agricultural zoning district. No new construction is planned. Angel Care Child Care proposes to have “up to 60 children in the center and 15+ staff members.” The 60 children did not require an upgrade to a sprinkler system. Aside from the Special Use Permit review by the Planning Commission, this application is also subject to review by other agencies such as Metro Fire and building plan review, which will determine if any

building upgrades are needed. Kim Lindsey, director of the child care center said that they are going to have two playground areas and one would be for infant/toddler aged children and the other would be for older children.

Chair McManus opened the public hearing at 7:35pm.

Zachary Cocliano commented on the child care application.

McManus closed the public hearing at 7:35pm.

DeGood moved and Agostinelli seconded TO direct staff to prepare Findings of Fact for application SUP-2024-03, submitted by Angel Care Child Care for a Special Use Permit for a child care center at Parcel 05-026-014-10 at 1514 Birmley Road, for the Planning Commission Regular Meeting in November of 2024.

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

Nays: None

b. PD 2024-80 French Manor LaFranier SUP Major Amendment – Findings of Fact (7:39)

This application is requesting a Special Use Permit (SUP) for expansion of French Manor LaFranier, an existing 6,410-square-foot adult foster care facility at 3090 LaFranier Road. The facility expansion consists of a 1,472-square-foot building addition and a 2,176-square-foot building addition for a total of 3,648 square feet. Sych said that the concerns with the dumpster enclosure has been resolved. Commissioners asked to strike the last sentence in Finding #9 regarding the private drive.

Racine moved and Robertson seconded THAT the Findings of Fact for application SUP-1990-07-A, as presented in Planning Department Report 2024-80 striking last sentence in Finding #9 and being made a part of this motion, BE ADOPTED.

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

Nays: None

Racine moved and Robertson seconded MOTION THAT application SUP-1990-07-A BE APPROVED, subject to the following conditions (1-3 as indicated in Planning Department Report 2024-80):

- 1. All final reviews from agencies with jurisdiction shall be provided prior to any Land Use Permits being issued.*
- 2. All proposed site amenities shall be installed prior to the issuance of a Certificate of Occupancy.*
- 3. The applicant shall promptly record a Report and Decision Order (RDO) with the Grand Traverse County Register of Deeds in the chain of title for each parcel or portion thereof to which the RDO pertains. A copy of each recorded document shall be filed with the Township within thirty (30) days*

of final approval by the Township or approval shall be considered to have expired.

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

c. PD 2024-81 - K-1 Speed/High Tops – Site Plan Review Amendment (7:42)

This item was removed from the agenda and remains tabled.

d. PD 2024-72 – Tower North Wireless Communication Facility SUP – Follow-Up #3 (7:42)

Hannon reviewed this application and stated that the applicant is still working on details of the facility and trying to contact the owner. The applicant has been in communications with the Planning Department and knows that November 6th will be their deadline.

7. New Business

a. PD 2024-83 – Cherryland Center Comprehensive Development Plan – Conceptual Review (7:44)

The subject parcels that comprise the Cherryland Center are zoned C-P Planned Shopping Center. The intent of the C-P District is for the development of planned centers located on a single, unified site and are designed and constructed as an integrated unit for shopping and other business activity. Over the years, management of uses and development on this site has been in a cohesive manner, including the conversion of the original enclosed shopping mall to a strip center approved by the Township in 1998. The 1998 conversion of the mall to a strip center was the last time the Comprehensive Development Plan was updated and approved for Cherryland Center. Recently, one of the property owners, Cherryland Center LLC, prepared a draft Comprehensive Development Plan for the Cherryland Center and submitted it for Conceptual Review. Planner Sych stated that compatibility of uses is important. Bob Vershave with Gosling Czubak worked on the Comprehensive plan with the three owners of Cherryland and said that the reciprocal easement agreement for the parking lot needs to be updated. Commissioners commented on greenspace, connectivity and sidewalks. Potential uses were discussed and parties will come back for actual approval of the plan. Erik Engel of NW Silver Lake Road on behalf of Two Brothers Dog Café which proposed to occupy a space in the center, commented and asked Commissioners to consider a set date to get this plan in place. He also shared concerns with connectivity and is ready to get to a site review.

8. Public Comment (8:26)

Zachary Cocliano commented on the site map for the Cherryland Center and people cutting through the neighborhood.

Denise Jacobowski talked about dirt bikers in the snow storage area at the Cherryland Center.

9. Other Business (8:34)

a. November Meeting Date

The annual planning awards event will be held on Wednesday November 13th. McManus proposes moving the first November meeting to Wednesday, November 6th

Robertson moved and Cline seconded to move the November 13th Planning Commission meeting to November 6th.

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

10. Items for Next Agenda – October 23, 2024 (8:36)


a. Zoning Ordinance Discussion – Signs and Definition of “Substantial Construction”

b. Recent Development Photos

11. Adjournment

Fudge moved to adjourn the meeting at 8:38pm.

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

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|  Charter Township of Garfield Planning Department Report No. 2024-92 | | |
| Prepared: | October 17, 2024 | Pages: 1 |
| Meeting: | October 23, 2024 Planning Commission Study Session | Attachments: <input type="checkbox"/> |
| Subject: | Signs – Continued Discussion | |

BACKGROUND:

At the past few study sessions, the Planning Commission has discussed priority updates to the Zoning Ordinance for 2024, including the sign regulations in Section 630. There are several cases from the past 5-10 years reviewed by the United States Supreme Court which may impact how municipalities can regulate signs. Many of these court cases focus on ordinance regulations which cover the content of a sign rather than regulations covering the size, setback, or other aspects of a sign.

At the August 28, 2024 study session, Staff provided a draft of Section 630 including some proposed changes to the regulations of this Section. This was intended to be a “first pass” for any potential future Zoning Ordinance amendment. Proposed changes encompassed adding content-neutral language throughout the entire Section with substantial changes to subsection 630.N, proposed to be renamed to “Signs Always Permitted and Exempt Signs.” Planning Commissioners provided their feedback on the proposed changes.

The September study session was cancelled to allow Staff to research questions raised during the discussion at the August study session. Staff found that many communities have yet to complete a set of fully content-neutral sign regulations. Staff did not find a “model sign ordinance” or a set of robust content-neutral regulations to use as a template. In reading through articles on the topic, some municipal attorneys were reluctant to offer any suggested ordinance language.

STAFF COMMENTS:

Based on the difficulty in finding guidance on the issue, Staff recommend that the Planning Commission ask that Section 630 of the Zoning Ordinance be forwarded to the Township Attorney for legal review for compliance with recent United States Supreme Court case law. Legal review would allow for a comprehensive look at all parts of Section 630 from a legal perspective.


Staff also suggest that the Planning Commission consider adding charts or tables to this Section to summarize the regulations and allow for easier understanding for anyone reading this Section. Staff can prepare charts and tables as part of the next review of the sign regulations.

ACTION REQUESTED:

If the Planning Commission is comfortable with having legal review of the sign regulations in Section 630, then the following motion is suggested:

MOTION TO RECOMMEND to the Township Board that Section 630 of the Garfield Township Zoning Ordinance BE FORWARDED to the Township Attorney for legal review.

Any additional information the Planning Commission deems necessary should be added to this motion.

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|  Charter Township of Garfield Planning Department Report No. 2024-91 | | |
| Prepared: | October 16, 2024 | Pages: 2 |
| Meeting: | October 23, 2024 Planning Commission Study Session | Attachments: <input type="checkbox"/> |
| Subject: | Substantial Construction – Discussion | |

BACKGROUND:

Recently, the Township Board deliberated at length about the “start of construction” as a term applied to a condition of approval for the BATA/Traverse City Housing Commission Planned Unit Development. While “start of construction” is a term not defined or used in the Zoning Ordinance, the related term “substantial construction” is used. However, there is no definition of “substantial construction.”

There are three primary areas in the Zoning Ordinance that use the term “substantial construction” related to special use permits, site plans, and planned developments:

SECTION 423 SPECIAL USE PERMITS

423.J Period of Effect

The special use permit and any amendment to it shall remain in effect unless substantial construction has not commenced within two (2) years of final approval by the township or an extension of time granted by the Planning Commission pursuant to § 423.K.

423.K Expiration of Approval

If substantial construction or, if the special use permit involves no construction, the permitted use has not commenced and proceeded meaningfully toward completion within two (2) years from the date the special use permit order was executed, the special use permit shall expire automatically.

SECTION 424 SITE PLANS

K. Expiration of Approval

Site diagram, administrative site plan or site development plan approval shall remain valid unless: (1) Substantial construction has not commenced and moved meaningfully toward completion within twelve (12) months from the date of approval

SECTION 425 PLANNED DEVELOPMENTS

L. Scope of Approval

If substantial construction or, if the order involves no construction, the permitted use has not commenced and proceeded meaningfully toward completion within two (2) years from the date of final approval, the planned development order shall expire automatically.

By providing a definition of substantial construction, it would help clarify its application in the above Sections of the Zoning Ordinance and may be applied in conditions of approval.

DEFINITION EXAMPLES:

The following examples provide definitions of substantial construction taken from a variety of sources:

- 1) Substantial Construction means that a continuous on-site physical construction program has progressed to a point where 25% or more of the total project is completed or where 25% or more of the total cost of the project has been expended for materials which are at the site.

- 2) Substantial Construction means the issuance of a building permit and owner's completion of the foundation for the first building of the project.
- 3) Substantial Construction means there are buildings on the site, the completion of construction of footings for the building where the principal use will take place shall constitute substantial construction.
- 4) Substantial Construction means a considerable amount of work done towards completing the project that received approval, that may include obtaining necessary plot plans, surveys, engineering data, easements, deed restrictions, approvals, permits, and physically starting the project. For typical building construction projects, the site work must progress beyond grading and completion of structural foundations, and construction must be occurring above grade to be considered substantial work.
- 5) Substantial Construction means following the issuance of site plan approval and all necessary building permits, substantial construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Substantial construction does not include land preparation (including clearing, excavation, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations or the erection of temporary forms or the installation of accessory buildings such as garages or sheds.
- 6) Substantial construction is generally defined by U.S. Department of Labor as more than 20% of total project cost.

ACTION REQUESTED:

These items are for discussion only. No action is requested.