

# CHARTER TOWNSHIP OF GARFIELD

## TOWNSHIP BOARD MEETING

Tuesday, July 12, 2022 at 6:00pm  
Garfield Township Hall  
3848 Veterans Drive  
Traverse City, MI 49684  
Ph: (231) 941-1620

### AGENDA

#### **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 Township Board, 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 Board Rules and Procedures: a.) any person wishing to address the Board 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 Township Board Member'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.

#### **2. Review and approval of the Agenda - Conflict of Interest**

#### **3. Consent Calendar**

The purpose of the Consent calendar is to expedite business by grouping non-controversial items together to be dealt with in one Board motion without discussion. Any member of the Board, staff or the public may ask that any item on the Consent Calendar be removed there from and placed elsewhere on the Agenda for full discussion. Such requests will be automatically respected. If any item is not removed from the Consent Calendar, the action noted in parentheses on the Agenda is approved by a single Board action adopting the Consent Calendar.

a. Minutes – June 14, 2022 Regular Meeting  
(Recommend Approval)

b. Bills -  
General Fund \$1,403,554.62  
(Recommend Approval)

c. MTT Update (Receive and File)

- d. Consideration of adopting the revised Poverty/Hardship Exemption Policy, Resolution 2022-10-T (Recommend Approval)
- e. Consideration of Change Order No. 1 to Grand Traverse Construction for Garfield Township Roof (Recommend Approval)
- f. Consideration of Change Order No.4 to Elmer's for the Cedar Run PRV/Tank Abandonment Project (Recommend Approval)
- g. Consideration of Amended Resolution 2022-05-T correcting name of applicant to Chef Lady Enterprises, LLC (Recommend Approval)

**4. Items removed from the Consent Calendar**

**5. Correspondence**

- a. Letter dated June 17, 2022 from Michigan Liquor Control Commission to Mazatlan Mexican Bar & Grill
- b. Letter dated June 27, 2022 from Haggard's Plumbing & Hearing regarding Life Story rezoning

**6. Reports**

- a. County Commissioner's Report
- b. Sheriff's Report
- c. Planning Department Report for July 2022
- d. Parks and Rec Report
- e. Clerk's Report

**7. Unfinished Business**

- a. Consideration of financing through the lateral charge process for a sewer extension to Francisco's on Silver Lake Rd.

**8. New Business**

- a. Presentation of Dennis, Gartland & Niergarth Auditor's Report
- b. Public Hearing – Consideration of Article 3 Amendment to Grand Traverse Commons Development Regulations, Resolution No. 2022-13-T
- c. Public Hearing – Consideration of Life Story Crematorium I-G Conditional Rezoning, Resolution No. 2022-12-T

**9. Public Comment**

**10. Other Business**

**11. Adjournment**

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Lanie McManus, Clerk

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**  
**TOWN BOARD MEETING**  
**June 14, 2022**

Supervisor Chuck Korn called the Town Board Meeting to order at the Garfield Township Hall on June 14, 2022 at 6:00p.m.

**Pledge of Allegiance**

**Roll Call of Board Members**

Present: Molly Agostinelli, Chris Barsheff, Steve Duell, Chuck Korn,  
 Chloe Macomber, and Lanie McManus

Absent and Excused: Denise Schmuckal

Staff Present: John Sych, Planning Director

**1. Public Comment (6:01)**

Michael Krenzke and Tom Kern commented on the Francisco's sewer extension.

**2. Review and Approval of the Amended Agenda - Conflict of Interest (6:01)**

*Agostinelli moved and Duell seconded to approve the amended agenda as presented.*

*Yeas: Agostinelli, Duell, Barsheff, Macomber, McManus, Korn*

*Nays: None*

**3. Consent Calendar (6:02)**

**a. Minutes – May 10, 2022 Regular Meeting**  
 (Recommend Approval)

**b. Bills -**

(i) General Fund	\$1,313,281.77
(Recommend Approval)	

(ii) Gourdie-Fraser

Developer's Escrow Fund – Storm Water Reviews, Utility Plan Review, Oversight & Closeout	\$14,024.50
General Utilities	31,096.14
Park Funds / DNR Trust Fund	<u>8,685.00</u>

Total

\$53,805.64

(Recommend Approval)

**c. MTT Update (Receive and File)**

- d. Consideration of Article 3 Amendment to Grand Traverse Commons Development Regulations – Introduction and Schedule Public Hearing (Recommend Approval)**
- e. Consideration of Life Story Crematorium I-G Conditional Rezoning – Introduction and Schedule Public Hearing (Recommend Approval)**
- f. Consideration of Contractor’s Application for Payment No. 2 to Grand Traverse Construction for Garfield Township Roof (Recommend Approval)**
- g. Consideration of Contractor’s Application for Payment No. 2 to Elmer’s for the Cedar Run PRV Project (Recommend Approval)**
- h. Consideration of Change Order No. 3 to Elmer’s for the Cedar Run PRV / Tank Abandonment Project (Recommend Approval)**
- i. Consideration of Contractor’s Application for Payment No. 2 to Elmer’s for the River East Park project (Recommend Approval)**
- j. Consideration of River East Park Improvements Phase I – Closeout and Turnover Documents (Recommend Approval)**
- k. Consideration of scheduling a Public Hearing for a Payment in Lieu of Taxes for Hammond Road Apartments (Recommend Approval)**

*Board members removed consent items f., j. and k. to be covered under agenda item #4.*

*Duell moved and Agostinelli seconded to adopt the Consent Calendar as amended.*

*Yeas: Duell, Agostinelli, Barsheff, Macomber, McManus, Korn*

*Nays: None*

#### **4. Items Removed from the Consent Calendar**

- f. Consideration of Contractor’s Application for Payment No. 2 to Grand Traverse Construction for Garfield Township Roof**

*Agostinelli moved and Duell seconded to approve the Contractor’s Application for Payment No. 2 to Grand Traverse Construction for Garfield Township Roof in the amount of \$68,280.05.*

*Yeas: Agostinelli, Duell, Macomber, Barsheff, McManus, Korn*

*Nays: None*

**j. Consideration of River East Park Improvements Phase I – Closeout and Turnover Documents**

*McManus moved and Duell seconded to approve the River East Park Improvements Phase I – Closeout and Turnover Documents with ownership correction.*

*Yeas: McManus, Duell, Barsheff, Macomber, Agostinelli, Korn  
Nays: None*

**k. Consideration of scheduling a Public Hearing for a Payment in Lieu of Taxes for Hammond Road Apartments**

Board members questioned PILOT percentage and agreed to discuss at the Public Hearing.

*Macomber moved and Barsheff seconded to approve scheduling a Public Hearing for a Payment in Lieu of Taxes for Hammond Road Apartments*

*Yeas: Macomber, Barsheff, McManus, Agostinelli, Korn, Duell  
Nays: None*

**5. Correspondence (6:04)**

a. Grand Traverse Conservation District May 2022 Report

**6. Reports**

**a. County Commissioner's Report**

County Commissioner Brad Jewett reported on the County activities.

**b. Construction Report and Water System Upgrades Presentation**

Township Engineer Jennifer Graham reviewed the highlights from the Construction Report and presented a PowerPoint on water system upgrades for the Township.

**c. Sheriff's Report**

Lt. Brinks cited criminal statistics for the month of May 2022. He talked about the Coffee with a Cop program as an opportunity for community members to get to know their local officer.

**d. Planning Dept. Monthly Report for June 2022**

Planning Director Sych highlighted certain projects from the Planning Department report.

**e. Parks & Rec Report**

Derek Morton, Parks Steward, reported on Township Parks activities.

**f. Clerk's Report**

McManus submitted her report in writing and stated that voter ID cards were mailed out to all registered Township voters. She said that cameras were installed to monitor the Township ballot drop boxes and will come back to the Board with a request to apply for a grant from the Bureau of Elections to cover this cost.

**g. Supervisor's Report**

Supervisor Korn talked about a possible joint City and Township agreement for an ambulance. He spoke with Doug DeYoung regarding solar panels on Hoch Rd. acreage.

**7. Unfinished Business (6:53)**

**a. Public Hearing – Consideration of approving Ordinance No. 77 Regulating the Licensing and Operation of Transitional Housing Facilities, Resolution 2022-08-T**

Mike Green, Zoning Administrator, spoke about the changes made to the proposed ordinance based on comments from the previous Board meeting. Supervisor Korn opened the Public Hearing and seeing that no one wanted to speak, closed the Public Hearing.

Board discussed conducting a background check of the applicants and Green offered to investigate this further and will report back. Board moved to table the Ordinance.

**8. New Business**

**a. Consideration of reappointing Steve Duell to the Joint Recreational Authority Board**

*McManus moved and Barsheff seconded THAT Steve Duell be appointed to serve another term on the Joint Recreational Authority Board..*

*Yeas: McManus, Barsheff, Macomber, Agostinelli, Duell, Korn*

*Nays: None*

**b. Consideration of sewer extension to Francisco's on Silver Lake Rd.**

Board discussed funding for the sewer extension and asked if the County could use their ARPA funds.

*Agostinelli moved and Duell seconded that Supervisor Korn write a letter to the County Board requesting the County use ARPA funds for the sewer extension.*

*Yeas: Agostinelli, Duell, Macomber, Barsheff, McManus, Korn*

*Nays: None*

**c. Consideration of approving Master Plan – 2022 Community Survey Questionnaire**

*McManus moved and Macomber seconded THAT the 2022 Community Survey Questionnaire BE APPROVED.*

*Yeas: McManus, Macomber, Duell, Agostinelli, Korn, Barsheff*

*Nays: None*

**d. Consideration of approving Resolution 2022-09-T, a resolution adopting updates to the Township Fee Schedule**

Board discussed and decided to table until Ordinance 77 completion.

**9. Public Comment:**

**10. Other Business**

**11. Adjournment**

*Korn adjourned the meeting at 7:55pm.*

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Chuck Korn, Supervisor  
Charter Township of Garfield  
3848 Veterans Drive  
Traverse City, MI 49686

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Lanie McManus, Clerk  
Charter Township of Garfield  
3848 Veterans Drive  
Traverse City, MI 49686

07/06/2022 10:15 AM  
User: BETTY  
DB: Garfield

CHECK DISBURSEMENT REPORT FOR CHARTER TOWNSHIP OF GARFIELD  
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Banks: GEN

Page: 1/3

Check Date	Bank	Check #	Payee	Description	GL #	Amount
06/22/2022	GEN	40553	MAPLE RIVER DIRECT MAIL	BALLOT MAILING	101-191-726.001	1,131.26
06/23/2022	GEN	40554	AFLAC	AFLAC	101-000-227.001	775.47
06/23/2022	GEN	40555	BLUE CROSS BLUE SHIELD OF MICHIGAN	HEALTH INSURANCE	101-851-873.030	22,858.52
06/23/2022	GEN	40556	CITY OF TRAVERSE CITY	170975-94720	101-000-084.861	666.78
		40556		170975-118686	101-448-920.005	28.34
						695.12
06/23/2022	GEN	40557	ELLENS EQUIPMENT	SCAG PATRIOT 52" 22HP KAW	308-000-970.000	7,159.00
06/23/2022	GEN	40558	GFL ENVIRONMENTAL	002114258	308-000-935.000	435.01
06/23/2022	GEN	40559	GFL ENVIRONMENTAL	002114259	101-265-935.604	108.19
06/23/2022	GEN	40560	GMOSER'S SEPTIC SERVICE, INC	PORTABLE TOILET 5.25-5.30	308-000-935.000	70.00
06/23/2022	GEN	40561	GOURDIE-FRASER, INC.	RIVER EAST PHASE I	308-000-970.000	8,685.00
06/23/2022	GEN	40562	GRAND TRAVERSE CONSTRUCTION	PAYMENT #2 ROOF	101-900-970.002	68,280.05
06/23/2022	GEN	40563	GRANITE TELECOMMUNICATIONS	POTS LINES	101-265-850.000	121.19
06/23/2022	GEN	40564	MAPLE RIVER DIRECT MAIL	AV APP MAILING	101-191-726.001	1,334.69
06/23/2022	GEN	40565	MICHIGAN TOWNSHIP ASSOCIATION	ANNUAL DUES	101-101-801.002	205.59
		40565		ANNUAL DUES	101-101-965.102	6,853.00
						7,058.59
06/23/2022	GEN	40566	NORTHERN MI JANITORIAL SUP	PARK TP	308-000-935.000	99.90
06/23/2022	GEN	40567	OTIS ELEVATOR	ELEVATOR SVC CONTRACT	101-265-935.608	4,251.24
06/23/2022	GEN	40568	PREMIER OUTDOORS OF TRAVERSE CITY	OFFICES	101-265-935.602	345.00
		40568		SERENITY PARK	101-747-880.007	4,900.00
						5,245.00
06/23/2022	GEN	40569	PREMIER OUTDOORS OF TRAVERSE CITY	SILVER LAKE	308-000-935.000	960.00
06/23/2022	GEN	40570	PRINTING SYSTEM	AV RETURN ENVELOPES	101-191-726.000	651.20
06/23/2022	GEN	40571	SPECTRUM ENTERPRISE	INTERNET	101-258-935.016	149.98
06/23/2022	GEN	40572	SUPERFLEET	GAS	101-806-862.000	398.23
06/23/2022	GEN	40573	TEMPERATURE CONTROL	HUMIDITY IN BLDG	101-265-935.608	195.50
06/23/2022	GEN	40574	VC3 INC.	MICROSOFT 365	101-258-935.015	749.00
07/05/2022	GEN	40575	CITY OF TRAVERSE CITY	17097598310	101-448-920.005	10.61

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Check Date	Bank	Check #	Payee	Description	GL #	Amount
07/05/2022	GEN	40576	CONSUMERS ENERGY	100018131597	101-448-920.005	29.81
07/05/2022	GEN	40577	CONSUMERS ENERGY	103043977273	308-000-935.000	15.34
07/05/2022	GEN	40578	CONTEMPORARY CLEANING	CONTRACTED SVCS	101-265-935.603	1,350.00
07/05/2022	GEN	40579	CONTEMPORARY CLEANING	CONTRACTED SVCS	308-000-935.000	450.00
07/05/2022	GEN	40580	DEERING TREE SERVICE	PLAYGROUND MULCH	308-000-935.000	2,550.00
07/05/2022	GEN	40581	DTE ENERGY	910020833133	101-265-920.601	363.56
07/05/2022	GEN	40582	DTE ENERGY	910020833257	101-265-920.601	42.91
07/05/2022	GEN	40583	FIFTH THIRD BANK	1319 EDUCATION, SUPPLIES, MTT, FOLDER	101-101-726.000	1,321.75
		40583		1319 EDUCATION, SUPPLIES, MTT, FOLDER	101-171-805.000	25.00
		40583		1319 EDUCATION, SUPPLIES, MTT, FOLDER	101-215-960.000	37.88
		40583		1319 EDUCATION, SUPPLIES, MTT, FOLDER	101-265-726.003	21.00
						<hr/> 1,405.63
07/05/2022	GEN	40584	GARFIELD CHARTER TOWNSHIP	CHECK DEP IN GENERAL FOR ESCROW	101-000-476.000	2,000.00
07/05/2022	GEN	40585	GARFIELD CHARTER TOWNSHIP	HSA	101-000-237.000	523.84
07/05/2022	GEN	40586	GMOSER'S SEPTIC SERVICE, INC	PORTABLE TOILET 6.1-6.30.2022	308-000-935.000	270.00
07/05/2022	GEN	40587	GRAND TRAVERSE COUNTY	SHERIFF PATROL 4-6.2022	101-301-830.000	319,438.33
07/05/2022	GEN	40588	GRAND TRAVERSE COUNTY DPW	5105021	101-265-920.602	249.64
07/05/2022	GEN	40589	HOME DEPOT CREDIT SERVICES	PICNIC TABLE SUPPLIES, PAINT, TRUCK BOX	308-000-935.000	990.89
07/05/2022	GEN	40590	LAUTNER IRRIGATION INC	SILVER LAKE PARK SPRINKLERS	308-000-935.000	438.63
07/05/2022	GEN	40591	MARDEX, INC	ELECTION CAMERAS	101-191-726.000	970.00
07/05/2022	GEN	40592	NORTHERN OFFICE EQUIP	SVC CONTRACT	101-101-726.002	311.87
07/05/2022	GEN	40593	OLSON, BZDOK, & HOWARD	ANNEXATION	101-101-801.002	145.00
07/05/2022	GEN	40594	PITNEY BOWES INC	LEASE 4.30-7.29.2022	101-101-726.001	424.41
07/05/2022	GEN	40595	PRINCIPAL LIFE INSURANCE COMPANY	EMPLOYEE HEALTH/LIFE	101-851-873.030	1,605.20
		40595		EMPLOYEE HEALTH/LIFE	101-851-873.040	340.68
						<hr/> 1,945.88
07/05/2022	GEN	40596	STAPLES	PAPER, FILE FOLDER, NOTEBOOK, SEALER	101-101-726.000	142.87
07/05/2022	GEN	40597	STEPHANIE CHISHOLM	PARK REFUND	101-000-476.004	20.00
07/05/2022	GEN	40598	TEMPERATURE CONTROL	COBRA REFUND	101-000-676.000	1,853.56

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Page: 3/3

Check Date	Bank	Check #	Payee	Description	GL #	Amount
07/05/2022	GEN	40599	TRAVERSE CITY RECORD EAGLE	ANNUAL SUBSCRIPTION	101-101-965.101	325.17
07/05/2022	GEN	40600	U.S.POSTAL SERVICE	POSTAGE	101-101-726.001	2,000.00
07/05/2022	GEN	40601	UNITED WAY	UNITED WAY	101-000-238.000	90.00
07/05/2022	GEN	40602	VERIZON	PHONES	101-265-850.000	251.34
07/05/2022	GEN	40603	VOYA INSTITUTIONAL TRUST COMPANY	DEFERRED COMP VF3202	101-000-227.000	1,390.00
07/06/2022	GEN	40604	GARFIELD CHARTER TOWNSHIP	ARPA MONIES	101-000-001.000	932,126.33
07/06/2022	GEN	40605	GRAND TRAVERSE COUNTY DPW	5590511	308-000-935.000	16.86
TOTAL - ALL FUNDS				TOTAL OF 53 CHECKS		1,403,554.62

--- GL TOTALS ---

101-000-001.000	CASH - CHECKING	932,126.33
101-000-084.861	DUE FROM #861 STREET LIGHTS	666.78
101-000-227.000	DEFERRED COMP	1,390.00
101-000-227.001	AFLAC	775.47
101-000-237.000	HSA (FORMERLY FLEX)	523.84
101-000-238.000	UNITED WAY	90.00
101-000-476.000	BUILDING PERMITS	2,000.00
101-000-476.004	PARK USE FEES	20.00
101-000-676.000	REIMBURSEMENTS	1,853.56
101-101-726.000	SUPPLIES	1,464.62
101-101-726.001	POSTAGE	2,424.41
101-101-726.002	SUPPLIES - COPIER MAINTENANCE	311.87
101-101-801.002	LEGAL SERVICES - TOWNBOARD	350.59
101-101-965.101	DUES & PUBLICATIONS -TOWNBOAR	325.17
101-101-965.102	DUES - MICHIGAN TOWNSHIP ASSO	6,853.00
101-171-805.000	CONTRACTED AND OTHER SERVICES	25.00
101-191-726.000	SUPPLIES	1,621.20
101-191-726.001	POSTAGE	2,465.95
101-215-960.000	EDUCATION & TRAINING	37.88
101-258-935.015	COMPUTER SUPPORT SYSTEMS	749.00
101-258-935.016	COMPUTER NETWORK	149.98
101-265-726.003	SUPPLIES-MAINTANCE	21.00
101-265-850.000	TELEPHONE	372.53
101-265-920.601	HEATING / GAS	406.47
101-265-920.602	WATER / SEWER	249.64
101-265-935.602	LAWN MAINTENANCE	345.00
101-265-935.603	CLEANING SERVICE	1,350.00
101-265-935.604	RUBBISH REMOVAL	108.19
101-265-935.608	MAINTENANCE-OTHER	4,446.74
101-301-830.000	POLICE CONTRACT	319,438.33
101-448-920.005	STREET LIGHTS TOWNSHIP	68.76
101-747-880.007	COM. PROM. - COMMUNITY AWAREN	4,900.00
101-806-862.000	GAS & CAR WASHES	398.23
101-851-873.030	INSURANCE - EMPLOYEE HEALTH	24,463.72
101-851-873.040	INSURANCE - EMPLOYEE LIFE	340.68
101-900-970.002	CAPITAL OUTLAY - TOWNSHIP HAL	68,280.05
308-000-935.000	MAINTENANCE - MISC, EQUIP	6,296.63
308-000-970.000	CAPITAL OUTLAY	15,844.00
TOTAL		1,403,554.62

By: Amy L DeHaan, MMAO(4) - Assessor  
As of: June 27, 2022

33



# Charter Township of Garfield

## Grand Traverse County

3d.

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

CHUCK KORN  
SUPERVISOR

LANIE McMANUS  
CLERK

JEANE BLOOD LAW  
TREASURER


MOLLY AGOSTINELLI, TRUSTEE  
STEVE DUELL, TRUSTEE

CHRIS BARSCHEFF, TRUSTEE  
DENISE SCHMUCKAL, TRUSTEE

### MEMORANDUM

**DATE:** June 21, 2022

**TO:** Chuck Korn, Supervisor, and  
Township Board Member

**FROM:** Amy L. DeHaan, Assessor 

**SUBJECT:** 2022 REVISED Poverty/Hardship Policy & Guidelines

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After going through the AMAR (Audit of Minimum Assessing Requirements) in Benzie County, I learned that the Township is required to remove language that allows the Board of Review to consider "extenuating circumstances" when approving Poverty/Hardship Exemptions. The attached Revised Resolution, Policy & Guidelines now meets the requirements of the State.

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Amy L DeHaan, MMAO(4)  
Assessor

# **CHARTER TOWNSHIP OF GARFIELD**

## **RESOLUTION 2022-10-T**

### **ADOPTION OF REVISED POVERTY/HARDSHIP EXEMPTION POLICY**

WHEREAS, the homestead of persons who, in the judgment of the Supervisor and Board of Review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under the General Property Tax Act; and

WHEREAS, the Township Board is required by Section 7u of the General Property Tax Act, Public Act 206 of 1893 (MCL 211.7u), to annually adopt guidelines for such exemptions;

NOW, THEREFORE, BE IT HEREBY RESOLVED, pursuant to MCL 211.7u, that the Charter Township of Garfield, Grand Traverse County, adopts the following 2022 Poverty/Hardship Exemption Policy (attached) for the Supervisor and Board of Review to implement.

The rules and regulations shall include, but not be limited to, the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year.

To be eligible, a person shall do all the following on an annual basis:

- 1) Be an owner of, and occupy as a homestead, the property for which an exemption is requested.
- 2) File a claim with the Supervisor or Board of Review (Exhibit "A"), accompanied by federal and state income tax returns for all persons residing in the homestead, including any property tax credit returns filed in the immediately preceding year or in the current year. Or, if applicant is not required to file income taxes, complete and file with the Supervisor or Board of Review the Poverty Exemption Affidavit (Michigan Dept of Treasury form 4988 (Exhibit "B")).
- 3) Produce a valid drivers' license or other form of identification if requested.
- 4) Produce a deed, land contract, or other evidence of ownership of the property for which and exemption is requested, *if requested*.
- 5) Annually complete an Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty (from 5739 – Exhibit "C").
- 6) Meet Garfield Township's Income Guidelines, as stated in the attached Poverty/Hardship Exemption Rules, Regulations and Asset Test (Exhibit "D").
- 7) Meet additional eligibility requirements as determined by the Township Board.

BE IT ALSO RESOLVED that the Board of Review shall follow the above stated policy and Garfield Township Poverty Income guidelines in granting or denying an exemption. If the Board of Review denies a Poverty/Hardship reduction, it must provide a written decision specifying the reasons for the denial to the applicant.

The foregoing resolution offered by Board Member  
Board Member .

and supported by

Upon roll call vote, the following voted:

Yeas:

Nays:

Abstain:

Absent and Excused:

The Chairman declared the motion carried, and Resolution 2022-10-T duly adopted.

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Lanie McManus, Township Clerk

## **CERTIFICATE**

I, Lanie McManus, the duly appointed Township Clerk, hereby certify that the foregoing constitutes a true copy of a Resolution of the Township Board for the Charter Township of Garfield, adopted during a meeting of the Charter Township of Garfield Township Board, Grand Traverse County, Michigan, held on July 12, 2022, at which meeting (6) six members were present as indicated in said Minutes and voted as therein set forth and that all signatures affixed thereto are the genuine signatures of those so indicated, and that each signatory was duly authorized to affix his or her signature, that said meeting was held in accordance with the Open Meetings Act of the State of Michigan, and that due and proper notice of the meeting as required by law was given to the members of the Township Board, and that the Minutes of said Meeting were kept and will be and have been available as required by said Act.

Date: \_\_\_\_\_

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Lanie McManus, Township Clerk

CHARTER TOWNSHIP OF GARFIELD  
2022 REVISED POVERTY/HARDSHIP EXEMPTION POLICY

The Charter Township of Garfield Board of Review will accept and evaluate applications for a principal residence (homestead) property tax exemption based on the taxpayer's inability to pay or poverty, pursuant to PA 390, 1994 (MCL 211.7u) and Garfield Township Board Resolution #2022-10-T. The applicant shall comply with the following as part of the application (attached):

- Be an owner of, and occupant of, the principal residence for which an exemption is requested.
- Complete an application (Exhibit "A") annually with the Township for a current year poverty exemption request and submit it to the Garfield Township Board of Review AFTER January 1 but before the Thursday prior to the last day of the Board of Review (by law, this is the 2nd Tuesday in December). The application must be signed before a notary, the Township Supervisor, or a Township Assessing Department staff member.
- Federal and state income tax returns for all persons residing in the principal residence INCLUDING the Michigan homestead property tax credit claim form, proof of ownership of the homestead (*if requested by the Township*) for the preceding calendar tax year MUST be provided to the Board of Review prior to its poverty exemption determination for the current tax year. If applicant is not required to file income taxes, the Poverty Exemption Affidavit (Michigan Dept. of Treasury form 4988) MUST be completed, signed and attached to the application (Exhibit "B").
- Produce a valid drivers' license or other form of official identification, if requested.
- Annually complete Michigan Department of Treasury form 5739, Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty (Exhibit "C").

The Board of Review will objectively evaluate poverty reduction applications utilizing all available information, including statements, under oath by the applicant upon appearance before the Board of Review. An applicant must apply for a poverty exemption on an annual basis.

In order to qualify for the poverty exemption, an applicant must satisfy a two-part test:

**Part One** requires the applicant household to satisfy the Garfield Township poverty income guidelines, which are updated annually by Township Board resolution, through its review of the Federal Poverty Guidelines of the US Department of Health and Human Services, incorporated by reference in the attached Poverty/Hardship Exemption Rules, Regulations and Asset Test (Exhibit "D").

**Part Two** requires the applicant to satisfy an Asset Test based upon the total amount of household assets. An applicant may qualify for the poverty exemption provided the applicant has no more than \$20,000 in total aggregate household assets as listed in the attached Poverty/Hardship Exemption Rules, Regulations and Asset Test.

In the event the applicant meets the foregoing two-part test, as well as all of the general guidelines of Township Board Resolution 2022-10-T and PA 390 of 1994, the applicant shall be exempted from all property taxes for the tax year in question by the Board of Review. If the Board of Review denies a Poverty/Hardship reduction, it must provide a written decision specifying the reasons for the denial to the applicant.

Updated: June 21, 2022

Effective immediately. This policy and procedures are in force and effect until amended by the Charter Township of Garfield Township Board by resolution.

# MCL 211.7u Poverty Exemption Taxpayer Fact Sheet

[MCL 211.7u](#) provides for a property tax exemption, in whole or part, for the principal residence of persons who, by reason of poverty, are unable to contribute to the public charges. For purposes of the poverty exemption, the term “principal residence” means how principal residence exemption and qualified agricultural property are defined in MCL 211.7dd. The exemption does not apply to property of a corporation. This Taxpayer Fact Sheet includes updates made to MCL 211.7u by Public Act 253 of 2020.

## How To Apply For The Poverty Exemption

To request a poverty exemption, a taxpayer must file:

1. Form 5737 *Application for MCL 211.7u Poverty Exemption*
2. Form 5739 *Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty*
3. All required additional documentation (such as federal/state income tax returns)

Forms 5737 and 5739, along with any additional documentation, must be filed with the local assessing unit where the property is located. **Do not file these forms with the Department of Treasury or the State Tax Commission.** The forms may be submitted to the local assessing unit on or after January 1 but before the day prior to the last day of the December Board of Review during the year in which the exemption is requested.

Taxpayers should contact the local assessing unit directly to verify deadline dates for submission of the forms to ensure the application gets reviewed by a Board of Review during that calendar year.

In addition to filing Forms 5737 and 5739 and any supporting documentation, a taxpayer must do all the following to be eligible for the poverty exemption:

1. Own and occupy the property as a principal residence.
2. Provide federal and state income tax returns for the current or immediately preceding year, including any property tax credits, for all persons **residing in the principal residence** (disclosure of the income of an owner who is not residing in the principal residence is not required). Federal and state income tax returns are not required for a person residing in the principal residence if that person was not required to file a federal or state income tax return. Instead, Form 4988, *Poverty Exemption Affidavit* may be filed for all persons residing in the residence who were not required to file federal or state income tax returns in the current or immediately preceding year.

3. Produce a valid driver license or other form of identification, if requested.
4. Produce a deed, land contract, or other evidence of ownership of the property, if requested.
5. Meet the federal poverty guidelines published in the prior calendar year in the Federal Register by the United States Department of Health and Human Services or alternative guidelines adopted by the local assessing unit. The alternative guidelines cannot provide income eligibility requirements less than the federal guidelines.
6. Meet the asset level test adopted by the local assessing unit.

### **Appeal Rights**

An appeal of a decision of the March Board of Review is made by completing and submitting a petition to the Michigan Tax Tribunal no later than July 31 of the same year. A decision of the July or December Board of Review may be appealed by completing and submitting a petition to the Michigan Tax Tribunal within 35 days of the July or December Board of Review's decision. More information on how to file an appeal is available by contacting the Michigan Tax Tribunal. Information can also be viewed on the Michigan Tax Tribunal's website at <https://www.michigan.gov/taxtribunal>.

## Application for MCL 211.7u Poverty Exemption

This form is issued under the authority of the General Property Tax Act, Public Act 206 of 1893, MCL 211.7u.

MCL 211.7u of the General Property Tax Act, Public Act 206 of 1893, provides a property tax exemption for the principal residence of persons who, by reason of poverty, are unable to contribute toward the public charges. This application is to be used to apply for the exemption and must be filed with the Board of Review where the property is located. This application may be submitted to the city or township the property is located in each year on or after January 1.

**To be considered complete, this application must:** 1) be completed in its entirety, 2) include information regarding all members residing within the household, and 3) include all required documentation as listed within the application. Please write legibly and attach additional pages as necessary.

<b>PART 1: PERSONAL INFORMATION — Petitioner must list all required personal information.</b>				
Petitioner's Name			Daytime Phone Number	
Age of Petitioner	Marital Status	Age of Spouse	Number of Legal Dependents	
Property Address of Principal Residence		City	State	ZIP Code
<input type="checkbox"/> Check if applied for Homestead Property Tax Credit		Amount of Homestead Property Tax Credit		
<b>PART 2: REAL ESTATE INFORMATION</b>				
List the real estate information related to your principal residence. Be prepared to provide a deed, land contract or other evidence of ownership of the property at the Board of Review meeting.				
Property Parcel Code Number		Name of Mortgage Company		
Unpaid Balance Owed on Principal Residence	Monthly Payment	Length of Time at this Residence		
Property Description				
<b>PART 3: ADDITIONAL PROPERTY INFORMATION</b>				
List information related to any other property owned by you or any member residing in the household.				
<input type="checkbox"/> Check if you own, or are buying, other property. If checked, complete the information below.			Amount of Income Earned from other Property	
1	Property Address	City	State	ZIP Code
	Name of Owner(s)	Assessed Value	Date of Last Taxes Paid	Amount of Taxes Paid
2	Property Address	City	State	ZIP Code
	Name of Owner(s)	Assessed Value	Date of Last Taxes Paid	Amount of Taxes Paid

**PART 4: EMPLOYMENT INFORMATION** — List your current employment information.

Name of Employer

Address of Employer

City

State

ZIP Code

Contact Person

Employer Telephone Number

**PART 5: INCOME SOURCES**

List all income sources, including but not limited to: salaries, Social Security, rents, pensions, IRAs (individual retirement accounts), unemployment compensation, disability, government pensions, worker's compensation, dividends, claims and judgments from lawsuits, alimony, child support, friend or family contribution, reverse mortgage, or any other source of income, for all persons residing at the property.

Source of Income	Monthly or Annual Income (indicate which)

**PART 6: CHECKING, SAVINGS AND INVESTMENT INFORMATION**

List any and all savings owned by all household members, including but not limited to: checking accounts, savings accounts, postal savings, credit union shares, certificates of deposit, cash, stocks, bonds, or similar investments, for all persons residing at the property.

Name of Financial Institution or Investments	Amount on Deposit	Current Interest Rate	Name on Account	Value of Investment

**PART 7: LIFE INSURANCE** — List all policies held by all household members.

Name of Insured	Amount of Policy	Monthly Payments	Policy Paid in Full	Name of Beneficiary	Relationship to Insured

**PART 8: MOTOR VEHICLE INFORMATION**

All motor vehicles (including motorcycles, motor homes, camper trailers, etc.) held or owned by any person residing within the household must be listed.

Make	Year	Monthly Payment	Balance Owed

Continue on Page 3

**PART 9: HOUSEHOLD OCCUPANTS** — List all persons living in the household.

First and Last Name	Age	Relationship to Applicant	Place of Employment	\$ Contribution to Family Income

**PART 10: PERSONAL DEBT** — List all personal debt for all household members.

Creditor	Purpose of Debt	Date of Debt	Original Balance	Monthly Payment	Balance Owed

**PART 11: MONTHLY EXPENSE INFORMATION**

The amount of monthly expenses related to the principal residence for each category must be listed. Indicate N/A as necessary.

Heating	Electric	Water	Phone
Cable	Food	Clothing	Health Insurance
Garbage	Daycare	Car Expense (gas, repair, etc.)	
Other (type and amount)	Other (type and amount)	Other (type and amount)	
Other (type and amount)	Other (type and amount)	Other (type and amount)	

Continue and sign on Page 4

**NOTICE:** Per MCL 211.7u(2)(b), federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns, filed in the immediately preceding year or in the current year must be submitted with this application. Federal and state income tax returns are not required for a person residing in the principal residence if that person was not required to file a federal or state income tax return in the tax year in which the exemption under this section is claimed or in the immediately preceding tax year.

#### **PART 11: POLICY AND GUIDELINES ACKNOWLEDGMENT**

The governing body of the local assessing unit shall determine and make available to the public the policy and guidelines used for the granting of exemptions under MCL 211.7u. In order to be eligible for the exemption, the applicant must meet the federal poverty guidelines published in the prior calendar year in the Federal Register by the United States Department of Health and Human Services under its authority to revise the poverty line under 42 USC 9902, or alternative guidelines adopted by the governing body of the local assessing unit so long as the alternative guidelines do not provide income eligibility requirements less than the federal guidelines. The policy and guidelines must include, but are not limited to, the specific income and asset levels of the claimant and total household income and assets. The combined assets of all persons must not exceed the limits set forth in the guidelines adopted by the local assessing unit.

☐ The applicant has reviewed the applicable policy and guidelines adopted by the city or township, including the specific income and asset levels of the claimant and total household income and assets.

#### **PART 12: CERTIFICATION**

I hereby certify to the best of my knowledge that the information provided in this form is complete, accurate and I am eligible for the exemption from property taxes pursuant to Michigan Compiled Law, Section 211.7u.

Printed Name	Signature	Date

**This application shall be filed after January 1, but before the day prior to the last day of the local unit's December Board of Review.**

**Decision of the March Board of Review may be appealed by petition to the Michigan Tax Tribunal by July 31 of the current year. A July or December Board of Review decision may be appealed to the Michigan Tax Tribunal by petition within 35 days of decision. A copy of the Board of Review decision must be included with the petition.**

Michigan Tax Tribunal  
PO Box 30232  
Lansing MI 48909

Phone: 517-335-9760  
E-mail: [taxtrib@michigan.gov](mailto:taxtrib@michigan.gov)

## Poverty Exemption Affidavit

This form is issued under authority of Public Act 206 of 1893; MCL 211.7u.

**INSTRUCTIONS:** When completed, this document must accompany a taxpayer's Application for Poverty Exemption filed with the supervisor or the board of review of the local unit where the property is located. MCL 211.7u provides for a whole or partial property tax exemption on the principal residence of an owner of the property by reason of poverty and the inability to contribute toward the public charges. MCL 211.7u(2)(b) requires proof of eligibility for the exemption be provided to the board of review by supplying copies of federal and state income tax returns for all persons residing in the principal residence, including property tax credit returns, or by filing an affidavit for all persons residing in the residence who were not required to file federal or state income tax returns for the current or preceding tax year.

I, \_\_\_\_\_, swear and affirm by my signature below that I reside in the principal residence that is the subject of this Application for Poverty Exemption and that for the current tax year and the preceding tax year, I was not required to file a federal or state income tax return.

Address of Principal Residence: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Person Making Affidavit

\_\_\_\_\_  
Date

## Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty

This form is issued under the authority of Public Act 253 of 2020.

This form is to be used to affirm ownership, occupancy, and income status. MCL 211.7u(2) provides that, to be eligible for exemption under this section, a person shall, subject to subsection (6) and (8), annually affirm that the applicant owns and occupies, as a principal residence, the property for which an exemption is requested.

<b>PART 1: OWNER INFORMATION — Enter information for the person owning and occupying the residence.</b>			
Owner Name		Owner Telephone Number	
Mailing Address	City	State	ZIP Code
<b>PART 2: LEGAL DESIGNEE INFORMATION (Complete if applicable.)</b>			
Legal Designee Name		Daytime Telephone Number	
Mailing Address	City	State	ZIP Code
<b>PART 3: HOMESTEAD PROPERTY INFORMATION — Enter information for property in which the exemption is being claimed.</b>			
City or Township (check the appropriate box and enter name) <input type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village		County	
Name of Local School District			
Parcel Identification Number		Year(s) Exemption Previously Granted by Board of Review	
Homestead Property Address	City	State	ZIP Code
<b>PART 4: AFFIRMATION OF OWNERSHIP, OCCUPANCY, AND INCOME STATUS (Check all boxes that apply.)</b>			
<input type="checkbox"/> I own the property in which the exemption is being claimed.			
<input type="checkbox"/> The property in which the exemption is being claimed is used as my homestead. Homestead is generally defined as any dwelling with its land and buildings where a family makes its home.			
<input type="checkbox"/> After establishing initial eligibility for the exemption, my income and asset status has remained unchanged and/or I receive a fixed income solely from public assistance that is not subject to significant annual increases beyond the rate of inflation, such as federal Supplemental Security Income or Social Security disability or retirement benefits.			
<b>PART 5: CERTIFICATION</b>			
I hereby certify to the best of my knowledge that the information provided on this form is true and I am eligible to receive an exemption from property taxes by reason of poverty pursuant to Michigan Compiled Law, Section 211.7u.			
Owner or Legal Designee Name (print)		Signature of Owner or Legal Designee	Date
<b>Designee must attach a letter of authority.</b>			
<b>LOCAL GOVERNMENT USE ONLY (DO NOT WRITE BELOW THIS LINE)</b>			
<input type="checkbox"/> Approved <input type="checkbox"/> Denied (Attach appeal instructions and provide to owner.)		Tax Year(s) exemption will be posted to tax roll	
<b>CERTIFICATION — I certify that, to the best of my knowledge, the information contained in this form is complete and accurate.</b>			
Assessor Signature		Date Certified by Assessor	

# Charter Township of Garfield

## Poverty/Hardship Exemption

### Rules, Regulations and Asset Test

#### EXHIBIT D

<b>Poverty Exemption Information: MCL 211.7u (1)</b> The principal residence of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute toward the public charges is <u>eligible for exemption in whole or in part from taxation under this act.</u> [Excerpt]				
<b>Test 1: Poverty Income Guidelines</b>				
What's involved:	<b>"Table 1"</b> How much <u>INCOME</u> a person can receive per year and be eligible for the Poverty Exemption		<b>Test 2: Asset Test (if the applicant meets the Poverty Income Guidelines)</b>	
What the Law says:	<b>2023 Federal Poverty Income Guidelines</b>		<b>"Table 2"</b> <u>Things of Value</u> that a person can own and still be granted a Poverty Exemption	<b>"Table 3"</b> <u>Things of Value</u> that the BOR can consider to decide what percent exemption to grant  Every township must adopt an asset test, but no specific test is mandated by law. The township board should set a <u>maximum asset amount</u> - in other words, a total value of assets that will likely result in receiving a 0% exemption. This can either be a dollar amount or a percentage of total income.  Based on the assets listed on a poverty exemption application, the Board of Review may grant the applicant a 0% or 100% exemption.  ----- A township can consider the homestead property tax credit that the applicant is eligible for to calculate the the percentage of poverty exemption to be granted.  ----- <b>MCL 211.7u(5):</b> " <u>The board of review shall follow the policy and guidelines of the local assessment unit in granting or denying an exemption under this section .</u> "
	<b>Garfield Township Income Guidelines for 2023 Poverty Exemptions *</b>			
	<b>Size of Family/ Household</b>	<b>Maximum Total Income</b>		
	1	\$12,880		
	2	\$17,420		
	3	\$21,960		
	4	\$26,500		
	5	\$31,040		
	6	\$35,580		
	7	\$40,120		
	8	\$44,660		
	each additional person:	\$4,540		
<b>* Garfield Township's Income limits are based on census data of the Median Household Income (2020 Census) for Grand Traverse County of \$63,575 divided by 2.49 (number of people per household) = \$25,532 Avg Income per person x 60% (low income guidelines for housing in Grand Traverse County)</b>				
<b>Note:</b> The township board can adopt maximum income levels <u>higher</u> than the federal poverty guidelines. A township board can make it easier for a person to be eligible for the poverty exemption, but it <u>cannot make it harder</u> (by adopting lower income levels).				

# **Charter Township of Garfield** **Poverty/Hardship Exemption** **Rules, Regulations and Asset Test**

## **EXHIBIT D**

	<p><b>Test 1:</b> <b>Poverty Income Guidelines</b></p>	<p><b>Test 2: Asset Test</b> <b>(if the applicant meets the Poverty Income Guidelines)</b></p>
<p>Examples:</p> <ul style="list-style-type: none"> <li>* According to the US Census Bureau, "income" includes:               <ul style="list-style-type: none"> <li>* Money, wages and salaries before any deductions</li> <li>* Net receipts from nonfarm self-employment. (These are receipts from a person's own business, professional enterprise, or partnership, after deductions for self-employment.)</li> <li>* Net receipts from farm self-employment. (With the same provisions as above for self-employment.)</li> <li>* Regular payments from social security, railroad retirement, unemployment, workers' compensation, veterans' payments and public assistance.</li> <li>* Alimony, child support, and military family allotments.</li> <li>* Private pensions, government pensions, and regular insurance or annuity payments.</li> <li>* College or university scholarships, grants, fellowships, and assistantships.</li> <li>* Dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.</li> </ul> </li> </ul>	<p>The township may allow a person to own other things, besides the home, and still receive a poverty exemption.</p> <p>Garfield Township, in addition to the principal residence, allows an applicant to own:</p> <ul style="list-style-type: none"> <li>* Savings, checking accounts, stocks, bonds or other liquid accounts with a combined balance or value of \$6,000 or less.</li> <li>* One vehicle for each household member of driving age.</li> <li>* Tools and other household furnishings, equipment and clothes.</li> <li>* One recreational vehicle or boat with a market value of \$10,000 or less.</li> <li>* Jewelry of a value less than \$2,000, not including wedding and engagement rings.</li> <li>* Coin collections, firearm collections, stamp collections, rock collections, or similar collections, where the value of each collection does not exceed \$2,500.</li> <li>* <b>The TOTAL value of these assets cannot exceed \$20,500.</b></li> </ul>	<p>A township may ask applicants to list all of the following types of assets to apply for a poverty exemption (list is not exhaustive):</p> <ul style="list-style-type: none"> <li>* A second home</li> <li>* Land</li> <li>* Vehicles</li> <li>* Recreational vehicles (campers, motor homes, boats, ATVs, etc.)</li> <li>* Buildings other than residence.</li> <li>* Equity in the residence above a specified amount.</li> <li>* Jewelry</li> <li>* Antiques</li> <li>* Artwork</li> <li>* Equipment</li> <li>* Other personal property of value.</li> <li>* Bank accounts over a specific amount.</li> <li>* Stocks</li> <li>* Money received from sale of property such as stocks, bonds, a house or a car unless a person is in the business of selling such property.</li> <li>* Withdrawals of bank deposits and borrowed money.</li> <li>* Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance pymts.</li> <li>* Food or housing received in lieu of wages and the value of food and fuel produced and consumed on farms.</li> <li>* Federal noncash benefit programs such as Medicare, Medicaid, food stamps, &amp; school lunches.</li> </ul>

Change Order No. 1

Date of Issuance: June 21, 2022  
Owner: Charter Township of Garfield  
Contractor: Grand Traverse Construction  
Engineer: Gourdie-Fraser, Inc.  
Project: Township Hall Roof Replacement

Effective Date: June 21, 2022  
Owner's Contract No.:  
Contractor's Project No.:  
Engineer's Project No.: 21029C  
Contract Name:

The Contract is modified as follows upon execution of this Change Order:

**Description:**

The existing EIFS and STO product on both North and East undersides of the canopy, soffit and fascia has significant water damage from years of water infiltration. Cost include time and materials to provide replacement

Attachments: *Proposal from GTC dated 6/21/22*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES [note changes in Milestones if applicable]
Original Contract Price:  \$ <u>405,339.00</u>	Original Contract Times: Substantial Completion: <u>June 15, 2022</u> Ready for Final Payment: <u>July 15, 2022</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>1</u> :  \$ <u>405,339.00</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : Substantial Completion: _____ Ready for Final Payment: _____ days
Contract Price prior to this Change Order:  \$ <u>405,339.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u> days or dates
[Increase] [Decrease] of this Change Order:  \$ <u>18,000.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u> days or dates
Contract Price incorporating this Change Order:  \$ <u>423,339.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>June 15 2022</u> Ready for Final Payment: <u>July 15, 2022</u> days or dates

ACCEPTED:		ACCEPTED:	
By: _____	By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)	
Title: <u>Project Manager</u>	Title: _____	Title: _____	
Date: _____	Date: _____	Date: _____	



# GRAND TRAVERSE CONSTRUCTION

1714 Northern Star Drive  
Traverse City, MI 49696  
Ph : 231-929-1000

## Change Request

**To:** Gourdie - Fraser, Inc.  
123 W. Front St.  
Traverse City, MI 49686

**Number:** 1  
**Date:** 6/21/22  
**Job:** 1-21110 Garfield Twp Roof  
**Phone:**

**Description:** RCO #1 Existing Condition: NE Canopy Water Damage

We are pleased to offer the following specifications and pricing to make the following changes:

EXISTING CONDITION: The existing EIFS and STO product on both North and East undersides of the canopy, soffit and fascia have significant water damage from years of water infiltration.

Grand Traverse Construction proposes to remove and demolish the surface materials and repair/replace the STO, Densglass (where needed), gold coat and finish. All work would be performed on a T&M basis and is estimated between \$12,000 to \$18,000.

Submitted by: Grand Traverse Construction

Approved by: \_\_\_\_\_  
Date: \_\_\_\_\_

**From:** [Mahon, Paul](#)  
**To:** [Jennifer Hodges](#)  
**Cc:** [Meeuwes, Ashley](#); [Mike Trippe](#); [Thompson, Bill](#)  
**Subject:** Garfield Township Roof Project  
**Date:** Friday, June 17, 2022 7:25:34 AM

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Good Morning Jennifer,

Following is a quick update on the Garfield Township Roof job and follow up question:

- All GTC Roof Dry In is complete including underlayment, ice and water shield and Titanium Paper
- 80% of the shingled roof material is installed.....with the last of the new shingles being installed Saturday or early next week.
- All barrel roofs (big and small) have been dried in including underlayment, four layers of insulation, plywood layer, ice and water shield and Titanium Paper
- We are now awaiting the arrival of the metal panels to arrive from the supplier (estimated early July)
- Once arrived, metal panels will begin rolling on site and cutting to exact lengths .....this will take some time to accomplish as it's time intensive work

One issue has come up that we need some direction on:

We have begun repairs to the EIFS that are required due to the roofing installation (base contract work). But at the North / East Canopy, we began padding out the EIFS and stopped as we found an existing condition that needs direction on. On the Fascia, Soffit and underside lid of both sides of the N/E Canopy we have found "significant" water damage that has occurred over the years. The existing EIFS and STO product has been completely saturated and has failed and disintegrating so we need to step back and take direction as to what you would like to see. Again this is at the Architectural Canopy on the NE side. Our recommendation is that we remove and replace the EIFS, Sto Product and possible damaged densglass that has been saturated over the years. Our roofing related minor EIFS repairs cannot be performed in this area due to this existing material being spongy and completely flaking and falling off.

We would propose this demolition of surface materials and repair/replacement of sto, densglass (where needed), gold coat and finish be conducted on a T&M basis as we really will not have an understanding of the extent of existing damage until we do a tear off. Best guess I would have after some quick math is somewhere in the \$12k to \$18k range. But, T&M would be the fair way to go for both Owner and Contractor.

Attached are some pics of the canopy area. Please review and let us know your thoughts as to how to proceed.

The base contract work has been going well. I'm traveling up to a job in Cheboygan this morning so please feel free to call me on my cellphone with any questions you may have.

Thanks Jennifer!



Paul Mahon

Senior Project Manager

Grand Traverse Construction

P 231-929-1000

F 231-929-4435

C 231-499-4988

[pmahon@grandtraverseconstruction.com](mailto:pmahon@grandtraverseconstruction.com)









Change Order No. 4

Date of Issuance: June 20, 2022  
Owner: Charter Township of Garfield  
Contractor: Elmer's  
Engineer: Gourdie-Fraser, Inc.  
Project: Cedar Run PRV / Tank Abandonment

Effective Date: June 20, 2022  
Owner's Contract No.:  
Contractor's Project No.:  
Engineer's Project No.: 19135  
Contract Name:

The Contract is modified as follows upon execution of this Change Order:

**Description:**

- 1) Relocation of Generator Set to existing Pump station located in the Crown Development. Work includes concrete pad, install and telemetry connections

Attachments: *Proposal from Elmer's dated 6/8/2022*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price:  \$ <u>2,366,966.00</u>	Original Contract Times: Substantial Completion: <u>December 16<sup>th</sup>, 2021</u> Ready for Final Payment: <u>January 16<sup>th</sup>, 2022</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>3</u> :  \$ <u>773,349.00</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : Substantial Completion: _____ Ready for Final Payment: _____ days
Contract Price prior to this Change Order:  \$ <u>789,883.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>June 1<sup>st</sup>, 2022</u> Ready for Final Payment: <u>July 1<sup>st</sup>, 2022</u> days or dates
[Increase] [Decrease] of this Change Order:  \$ <u>34,365.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u> days or dates
Contract Price incorporating this Change Order:  \$ <u>824,248.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>June 1<sup>st</sup>, 2022</u> Ready for Final Payment: <u>July 1<sup>st</sup>, 2022</u> days or dates

RECOMMENDED:

ACCEPTED:

ACCEPTED:

By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title: _____	Title: _____
Date: _____	Date: _____	Date: _____

# PROPOSAL



P.O. Box 6150 Traverse City, MI 49696-6150  
1.800.3ELMERS • 231.943.3443 • 231.943.8975 Fax  
www.TeamElmers.com  
EOE/AA

Proposal submitted to: **GFA**  
**Attn: Jennifer Hodges**  
**123 W Front St**  
**Traverse City, MI 49684**

**6/8/2022**  
**231-946-5874**  
**jennifer@gfa.tc**  
**2022-5303**

We hereby submit specifications and estimates for:

## Re: Generator set at East Crown Drive

Provide labor, equipment and materials to perform the following work:

- 1 Mobilize equipment
- 2 Pickup generator and deliver to The Crown
- 3 Purchase and installation of underground conduit and wire from main disconnect to new transfer switch for power and control and from the switch and the generator to the lift station panel for alarming.
- 4 Purchase and installation of a new 200A Non-service rated switch on backside of control panel.
- 5 Purchase and installation of a new concrete pad for generator (exact location to be determined)
- 6 Set generator in place and make final connections
- 7 Generator and switch startup
- 8 Removal of existing generator inlet and transfer switch
- 9 PLC programming for alarming back to the SCADA at the garage (if comms space available)
- 10 Permits

**Total \$34,365.00**

The foregoing proposal is explicitly conditioned upon the fact that Team Elmer's and its employees, officers, directors affiliates, subsidiaries, assume any or successors, is NOT subject to and DOES NOT obligations relating to wages, hours, benefits or any other terms and conditions proposal or any other of any labor agreement the recipient of this contractor or entity associated with the quoted work may be party.

**RATHER, ANY SUCH OBLIGATIONS ARE SPECIFICALLY DISCLAIMED.**

**I can be reached directly at 231-218-6018 or sf206@teamelmers.com**

**Thank you for the opportunity to bid this project**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workers' Compensation Insurance. The General Conditions attached hereto or appearing on the back side of this Proposal are hereby incorporated by reference.



Authorized Signature

Name:

**Steve Folkersma**

Note: This proposal may be withdrawn by us if not accepted within

**30** days.

## Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Signature \_\_\_\_\_

Date of Acceptance \_\_\_\_\_

(Sign and return copy upon acceptance)

A finance charge of 1.5% per month, which is an annual percentage rate of 18% per year, or a minimum charge of \$.50 per month, shall be applied to all accounts over 30 days past due.

## When reviewing estimates and selecting a contractor:

- Always get multiple bids for a project. The lowest bid is not necessarily the best choice. Try to get an understanding of why one bid is significantly lower or higher than others; the reasons might change your decision.
- Get recent references from the contractors you are considering.
- Make sure the contractor has the appropriate business and builder licenses, as well as insurance.
- All project specifications and payment terms should be written in the contract.
- The best contractors provide a written warranty or guarantee.

**Fully Bonded & Insured • Daily quality control checks for all products**



**Local Government Approval**  
(Authorized by MCL 436.1501)

**RESOLUTION 2022-05-T**  
**AMENDED**

**Instructions for Applicants:**

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

**Instructions for Local Legislative Body:**

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a \_\_\_\_\_ regular \_\_\_\_\_ meeting of the \_\_\_\_\_ Charter Township of Garfield \_\_\_\_\_ council/board  
(regular or special) (township, city, village)  
called to order by \_\_\_\_\_ on July 12, 2022 at 6:00 pm  
the following resolution was offered: (date) (time)

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from Chef Lady Enterprises LLC  
(name of applicant - if a corporation or limited liability company, please state the company name)

for the following license(s): Tavern License  
(list specific licenses requested)

to be located at: 1610 Barlow St., Suite #109, Traverse City, MI 49686

and the following permit, if applied for:

☐ Banquet Facility Permit Address of Banquet Facility:

It is the consensus of this body that it recommends \_\_\_\_\_ this application be considered for  
(recommends/does not recommend)  
approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are \_\_\_\_\_

**Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the Garfield Township  
council/board at a \_\_\_\_\_ regular \_\_\_\_\_ meeting held on July 12, 2022 (township, city, village)  
(regular or special)

Lanie McManus

\_\_\_\_\_  
Print Name of Clerk

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:  
Michigan Liquor Control Commission  
Mailing address: P.O. Box 30005, Lansing, MI 48909  
Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933  
Fax to: 517-763-0059



Michigan Department of Licensing and Regulatory Affairs  
Liquor Control Commission (MLCC)  
Toll Free: 866-813-0011 • [www.michigan.gov/lcc](http://www.michigan.gov/lcc)

Business ID: \_\_\_\_\_

Request ID: \_\_\_\_\_

(For MLCC use only)

**Local Government Approval**  
(Authorized by MCL 436.1501)

**RESOLUTION 2022-05-T**

**Instructions for Applicants:**

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

**Instructions for Local Legislative Body:**

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a regular meeting of the Charter Township of Garfield council/board  
(regular or special) (township, city, village)  
called to order by Supervisor Korn on April 12, 2022 at 6:00 pm  
(date) (time)  
the following resolution was offered:

Moved by Denise Schmuckal and supported by Steve Duell

that the application from Lisa Rowland, Chef Lady TC LLC Revised -  
(name of applicant - if a corporation or limited liability company, please state the company name)

for the following license(s): Tavern License  
(list specific licenses requested)

to be located at: 1610 Barlow St., Suite #109, Traverse City, MI 49686

and the following permit, if applied for:

☐ Banquet Facility Permit Address of Banquet Facility: \_\_\_\_\_

It is the consensus of this body that it recommends this application be considered for  
(recommends/does not recommend)  
approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are \_\_\_\_\_

**Vote**

Yeas: 7

Nays: 0

Absent: 0

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the Garfield Township  
council/board at a regular meeting held on April 12, 2022  
(regular or special) (date) (township, city, village)

Lanie McManus

Print Name of Clerk

Lanie McManus 4/13/2022  
Signature of Clerk Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:  
Michigan Liquor Control Commission  
Mailing address: P.O. Box 30005, Lansing, MI 48909  
Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933  
Fax to: 517-763-0059



5a.

GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

June 17, 2022

Mazatlan Mexican Bar & Grill, LLC  
Attorney David Campbell  
([charlevoixattorney@gmail.com](mailto:charlevoixattorney@gmail.com))

**RID # 2205-04805**

**Reference/Transaction:** CONDITIONAL LICENSE, Transfer Ownership 2022 Class C & SDM license with Sunday Sales permit (PM) for Class C, Dance-Entertainment Permit, Outdoor Service Area and Specific Purpose Permit (food) from Copper Falls Ltd, Inc.; new Sunday Sales Permit (PM) SDM-Mixed Spirit Drink.

Please let this letter serve as notice the Michigan Liquor Control Commission has referred your application to our Enforcement Division for investigation of your request.

**Applicant/Licensee: Mazatlan Mexican Bar & Grill, LLC**

**Business address and phone number: 796 S Garfield Ave, Traverse City 49686**

**Home address and phone number of partner(s)/subordinates:**

1. Cesar Umbrai-Quezada: 1988 Sulsee Ln, Gaylord 49735 C: (804) 386-1056
2. Renato Valerio-Avila: 1317 Crestview Dr Apt 25, Petoskey 49770 C: (231) 939-9020
3. Ruben Muno-Jimenez: 8380 5<sup>th</sup> St, Onkama 49675 C: (231) 313-1718

As part of the licensing process, an investigation is required by the Michigan Liquor Control Commission Enforcement Division. The Enforcement investigation will be conducted from the following designated District Office: **Grand Rapids District Office (616) 447-2647**

You may contact your designated District Office regarding any appointments or questions on documentation requested by the Investigator. **Failure to provide requested information or to keep scheduled appointments will cause the application to be returned to the Lansing office for cancellation.**

Since this request is a transfer under MCL 436.1529(1), approval of the local unit of government is not required. However, a copy of this notice is also being provided to **Local Governmental Unit** should they wish to submit an opinion on the application or advise of any local non-compliance issues.

Under administrative rule R 436.1105, the Commission shall consider the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business when determining whether an applicant may be issued a license or permit.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. The licensee must obtain all other required state and local licenses, permits, and approvals before using this license for the sale of alcoholic liquor. Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements.

MICHIGAN LIQUOR CONTROL COMMISSION  
Retail Licensing Division  
(866) 813-0011

cc: Garfield Twp clerk ([lmcmamus@garfield-twp.com](mailto:lmcmamus@garfield-twp.com))

5b.

June 27, 2022

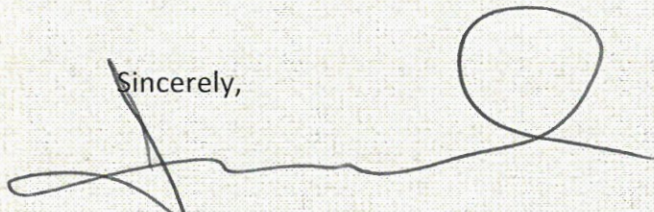
Garfield Township Hall  
3848 Veterans Dr.  
Traverse City, MI 49684

Ref: Application from LMS Property, LLC for rezoning of parcel#05-024-019-30 from conditionally zoned C-G General Commercial to I-G General Mixed-Use Business.

To whom it May Concerns,

Upon reviewing the above notice, I would like to express my view on the above plan request. Haggard's Plumbing & Heating is not opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the recourses in this time to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county, and state to do all we can to improve and promote in anyways possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Haggard', with a large, stylized loop at the end.

John Haggard

*Haggard's Plumbing & Heating*

# Grand Traverse Sheriff's Office Citation, Accident & Arrest Statistics

June 2022

Location	Citations	Traffic Crashes			Arrests		Traffic Crash Totals
		Fatal	PIA	PDA	OWI	Criminal	
01 Acme	7	0	4	28	1	8	32
02 Blair	29	0	3	18	3	13	21
03 East Bay	28	0	5	31	7	16	36
04 Fife Lake	9	0	5	4	0	1	9
05 Garfield	65	0	13	77	9	57	90
06 Grant	0	0	0	2	0	0	2
07 Green Lake	10	0	1	7	2	13	8
08 Long Lake	17	0	0	13	1	3	13
09 Mayfield	2	0	1	13	0	1	14
10 Peninsula	21	0	3	3	1	1	6
11 Paradise	5	0	0	3	0	0	3
12 Union	0	0	0	0	0	1	0
13 Whitewater	2	0	2	7	0	1	9
29 Fife Lake Vlg	0	0	0	0	0	0	0
30 Kingsley Vlg	0	0	0	4	0	6	4
66 Traverse City	3	0	0	2	1	32	2
84 Out of County	0	0	0	0	0	11	0
<b>Totals</b>	198	0	37	212	25	164	249
<b>Garfield Twp %</b>	<b>32.8%</b>	<b>0.0%</b>	<b>35.1%</b>	<b>36.3%</b>	<b>36.0%</b>	<b>34.8%</b>	<b>36.1%</b>

Ticket stats are based on what District Court has entered as of 7/01/22.

Arrest stats are as of 7/04/22.


# Grand Traverse Sheriff's Office Citation, Accident & Arrest Statistics

Second Quarter Totals April - June 2022

Location	Citations	Traffic Crashes			Arrests		Traffic Crash Totals
		Fatal	PIA	PDA	OWI	Criminal	
01 Acme	36	0	7	54	3	14	61
02 Blair	91	0	9	60	7	49	69
03 East Bay	79	0	10	65	10	35	75
04 Fife Lake	16	0	5	14	1	2	19
05 Garfield	222	0	36	186	22	147	222
06 Grant	1	0	1	6	0	0	7
07 Green Lake	22	0	5	22	5	29	27
08 Long Lake	23	0	3	22	2	6	25
09 Mayfield	12	0	6	29	0	2	35
10 Peninsula	30	0	5	11	1	2	16
11 Paradise	12	0	0	16	0	5	16
12 Union	2	0	1	3	0	1	4
13 Whitewater	4	0	3	16	0	2	19
29 Fife Lake Vlg	1	0	0	0	0	0	0
30 Kingsley Vlg	9	0	0	7	0	10	7
66 Traverse City	9	0	0	6	2	86	6
84 Out of County	0	0	0	0	0	40	0
<b>Totals</b>	569	0	91	517	53	430	608
<b>Garfield Twp %</b>	<b>39.0%</b>	<b>0.0%</b>	<b>39.6%</b>	<b>36.0%</b>	<b>41.5%</b>	<b>34.2%</b>	<b>36.5%</b>

Ticket stats are based on what District Court has entered as of 7/01/22.

Arrest stats are as of 7/04/22.

 <b>Charter Township of Garfield</b> <b>Planning Department Report No. 2022-57</b>		
Prepared:	July 5, 2022	Pages: 3
Meeting:	July 12, 2022 Township Board	Attachments: <input type="checkbox"/>
Subject:	Planning Department Monthly Report for July 2022	

**PURPOSE:**

Staff provides a monthly report to the Township Board on activities of the Planning Department and the Planning Commission. Presentation of this report also provides a venue for the Township Board to have dialog with staff about any of the activities or planning-related issues facing the Township.

**DEVELOPMENTS:**

The Planning Commission is currently conducting the following development review activity:

**Hammond Road Apartments – R-3 Zoning Map Amendment (Rezoning)**

- Location: 2051 N Garfield Road, northwest corner of Garfield and Hammond Roads
- Development Description: Proposed rezoning of about 24 acres from the Agricultural (A) to the Multi-Family Residential (R-3) zoning district.
- Status: Planning Commission had an introduction of the application on 6/8/2022 and scheduled a public hearing for 7/13/2022.

**Life Story Crematorium – Conditional Rezoning**

- Location: 500 West Hammond Road, east of Traversefield Drive
- Development Description: Proposed conditional rezoning to permit a crematorium on a site with an existing funeral home.
- Status: Planning Commission held a public hearing on 5/11/2022. They reviewed and adopted the Findings of Fact and recommended approval to the Township Board on 6/8/2022. The Township Board is scheduled to have a public hearing on 7/12/2022.

**7Brew – Special Use Permit**

- Location: 2537 N US 31 South, near South Airport Road (former PNC Bank site)
- Development Description: Proposed drive-through coffee shop.
- Status: Planning Commission will receive an introduction of the application on 7/13/2022.

**7Brew – Site Plan Review**

- Location: 1114 W South Airport Road (Cherryland Center – former Hometown Pharmacy site)
- Development Description: Proposed drive-through coffee shop.
- Status: Planning Commission will review the site plan on 7/12/2022.

**Kensington Park West/Kensington Park Planned Unit Residential Development (PURD) – Major Amendment**

- Location: Woodward Avenue, north of South Airport Road
- Development Description: Amend PURD to accommodate expanded building footprints and meet sidewalk requirements.
- Status: Planning Commission has an introduction of the application on 7/13/2022.

Fairfield Inn - Site Plan Review Amendment

- Location: 3654 N US-31 South, near Franke Road
- Development Description: Amend previously approved site plan for Fairfield Inn for proposed reconfiguration of parking and the addition of hotel amenities.
- Status: Planning Commission will review the site plan application on 7/13/2022.

**PLANNING:**

Other planning activities include the following:

- Staff continues to work together with Environmental Consulting & Technology, Inc. (ECT) on the Grand Traverse Commons Natural Area Design Plan. The Planning team has met with several key property owners/stakeholders in the area around the Commons Natural Area and has made considerable progress in identifying important design features, including trailheads, parking areas, and trail realignment.
- In its Master Plan activities, the Planning Commission reviewed a draft existing land use survey of the Township and discussed identifying subareas of the Township that will be studied as part of the Master Plan. These subareas will be identified as neighborhoods, nodes, and corridors around the Township.
- The Planning Commission is studying several zoning amendments throughout this year. Planning Commissioners have studied a few topics including wetland delineation and setback requirements, wetland setbacks for snow storage areas, outdoor display area standards, and changeable copy signs in industrial districts, at their study sessions on 4/27/2022, 5/25/2022, and 6/22/2022. Planning Commission will have a formal introduction of the proposed amendments at its meeting on 7/13/2022.
- The Grand Traverse Commons Joint Planning Commission will be facilitating a complete infrastructure assessment of the Commons. The assessment will be funded by the Commons brownfield redevelopment plan and enlist the services of the Township Engineer and HRC, an engineering consultant for the City of Traverse City. The assessment will catalog roads and utilities, identify their condition, and provide preliminary recommendations for their improvement.

**STAFF:**

John Sych, AICP, Planning Director  
Email: jsych@garfield-twp.com  
Direct Line: (231) 225-3155

Stephen Hannon, AICP, Deputy Planning Director  
Email: shannon@garfield-twp.com  
Direct Line: (231) 225-3156



## **Charter Township of Garfield**

### **Parks Report**

#### **Silver Lake Recreation Area**

Playground mulch installed. Using the rest for trees.

Adjusting irrigation for dry period.

Working on new area to grow grass in large dog park.

Bee & bug traps hung around pavilions.

Cleared a few down trees from high winds in dog park.

Brush hogged nature trail & front berm to clear rag weed. Also cleared high grass near entrance for better vision exiting the park.

Installed pea stone on corners of tennis courts to allow drainage. Preparing for new surfacing with contractor.

## **Commons**

Another Open House coming up. Planning met with ECT & Greenspire Superintendent at trailhead.

Covered graffiti & installed trail cameras at problem areas.

Removed three abandoned tents (meadows, cedars, creek).

Pruned and brush hogged trails.

Cleared multiple trees down from windstorm.

## **River East**

Working on last draft of RFP's for Phase II.

Trimmed and pruned trails down to river.

Working on more picnic tables.

No encampments to date.

Turned over a dumping complaint to CPO's on south side of the property.

## **Boardman Valley**

Kayak launch installed.

Trimmed & pruned the trails.

Fixed some loose boards on boardwalk.

Meeting with District about way finding grants involving the Boardman Lake Loop & BRVT.

### **Miller Creek**

Pruned & trimmed trails.

Removed multiple trees over trails from windstorm.

Removed one abandoned tent in meadow.

### **Kid's Creek**

Pruned & trimmed trails.

Brush hogged Buffalo Ridge Trail.

Monitoring fish in pond. Many kids fishing.

### **Additional**

Drone flyovers with CPO for encampments & also overhead photos for website & kiosks.

Submitted July 7, 2022

Derek Morton

Sean Kehoe

# Clerk's Report

For June 30, 2022

Submitted 07/06/22

To: The Garfield Township Board,

On the following pages you will find a copy of the Revenue and Expenditure Report. This Report is an informational report that gives you an overview of what has happened in that particular month, along with what has happened for the whole year. It also compares what has happened for the year with the Budget and gives you a final figure of what is left in that budgeted line item. The Budget is a tool to go by for that year. Nothing is guaranteed in the Budget, it is your best estimate. The Township's Budget is also a Cost Center Budget not a Line Item Budget, which means that what is important is the final figure. Some line items may run over as long as the final cost center total is not over. On this Report you will find the following captions on the top: Original and Amended Budget, Annual and Current Month, and finally Balance.

For the month of June in the General Fund, you will find that we had a total of \$1,325,148.29 Revenues and \$264,435.16 Expenditures. For the year we have a total of \$4,355,207.72 Revenues and \$2,233,721.15 Expenditures.

If you have any questions or would like further clarification, please feel free to contact me at: 231-941-1620.

Lanie McManus

Township Clerk

User: Lanie

DB: Garfield

PERIOD ENDING 06/30/2022

GL NUMBER	DESCRIPTION	2022	2022	YTD BALANCE 06/30/2022	ACTIVITY FOR MONTH 06/30/2022	AVAILABLE BALANCE
		ORIGINAL BUDGET	AMENDED BUDGET			
Fund 101 - GENERAL OPERATING FUND						
Revenues						
Dept 000						
101-000-403.000	CURRENT REAL PROPERTY TAXES	2,063,466.84	2,063,466.84	1,796,615.18	14,370.98	266,851.66
101-000-407.000	DEL PERSONAL PROP TAXES	500.00	500.00	3,875.50	3,875.50	(3,375.50)
101-000-412.000	SWAMP TAX COLLECTIONS	50.00	50.00	0.00	0.00	50.00
101-000-414.000	Protected PRE Interest	500.00	500.00	835.11	0.00	(335.11)
101-000-423.000	TRAILER PARK FEES	9,000.00	9,000.00	5,316.00	761.00	3,684.00
101-000-441.000	Local Community Stabilization Share Tax	35,000.00	35,000.00	47,169.98	0.00	(12,169.98)
101-000-445.000	PENALTIES & INT. ON TAXES	4,000.00	4,000.00	9,076.39	1,141.88	(5,076.39)
101-000-476.000	BUILDING PERMITS	150,000.00	150,000.00	203,195.00	13,438.00	(53,195.00)
101-000-476.001	PLANNING FEES	10,000.00	10,000.00	10,900.00	4,600.00	(900.00)
101-000-476.002	MAINT INSPECTION FEES	50.00	50.00	7,714.00	0.00	(7,664.00)
101-000-476.003	TREASURER FEES	900.00	900.00	87.50	0.00	812.50
101-000-476.004	PARK USE FEES	0.00	0.00	5,260.00	1,675.00	(5,260.00)
101-000-476.005	ZONING FEES	15,000.00	15,000.00	8,984.90	1,950.00	6,015.10
101-000-528.000	OTHER FEDERAL GRANTS	922,410.00	922,410.00	935,863.88	932,126.33	(13,453.88)
101-000-574.000	STATE SHARED REVENUE	1,504,000.00	1,504,000.00	1,052,526.00	9,771.00	451,474.00
101-000-574.001	STATE SHARED REV. - LIQUOR LA	22,000.00	22,000.00	151.25	0.00	21,848.75
101-000-574.002	EVIP DISTRIBUTION	58,600.00	58,600.00	360,880.00	341,338.00	(302,280.00)
101-000-612.000	CHARGES FOR TOWNSHIP SERVICES	5,000.00	5,000.00	2,357.43	30.00	2,642.57
101-000-627.000	TAX COLLECTION FEES	25,000.00	25,000.00	0.00	0.00	25,000.00
101-000-656.000	Ordinance Enforcement Fees	700.00	700.00	66.67	0.00	633.33
101-000-664.000	EARNED INTEREST	40,000.00	40,000.00	22,033.74	0.00	17,966.26
101-000-668.002	RENTS & ROYALTIES CABLE VIS	250,000.00	250,000.00	129,268.34	0.00	120,731.66
101-000-668.003	RENTS & ROYALTIES CABLE EQUIP	22,000.00	22,000.00	12,409.76	0.00	9,590.24
101-000-670.000	UNREALIZED LOSS ON INVESTMENT	0.00	0.00	(282,792.00)	0.00	282,792.00
101-000-673.000	SALE OF FIXED ASSETS	50.00	50.00	0.00	0.00	50.00
101-000-676.000	REIMBURSEMENTS	100.00	100.00	6,221.87	0.00	(6,121.87)
101-000-676.001	Reimbursed Treasurer Legal Fees	100.00	100.00	70.60	70.60	29.40
101-000-676.003	Reimburse Essential Services (PILOT)	17,000.00	17,000.00	17,120.62	0.00	(120.62)
Total Dept 000		5,155,426.84	5,155,426.84	4,355,207.72	1,325,148.29	800,219.12
TOTAL REVENUES						
		5,155,426.84	5,155,426.84	4,355,207.72	1,325,148.29	800,219.12
Fund 101 - GENERAL OPERATING FUND:						
TOTAL REVENUES						
		5,155,426.84	5,155,426.84	4,355,207.72	1,325,148.29	800,219.12

GL NUMBER	DESCRIPTION	2022		YTD BALANCE 06/30/2022	ACTIVITY FOR MONTH 06/30/22	AVAILABLE BALANCE	% BDGT USED
		ORIGINAL BUDGET	AMENDED BUDGET				
Fund 101 - GENERAL OPERATING FUND							
Expenditures							
Dept 101 - TOWNBOARD							
101-101-701.100	WAGES - TRUSTEE	13,000.00	13,000.00	4,800.00	1,025.00	8,200.00	36.92
101-101-701.101	WAGES - FILE CLERK	41,986.81	41,986.81	20,997.60	4,845.60	20,989.21	50.01
101-101-701.102	WAGES - TRUSTEE	13,000.00	13,000.00	3,875.00	725.00	9,125.00	29.81
101-101-701.103	WAGES - TRUSTEE	13,000.00	13,000.00	3,750.00	600.00	9,250.00	28.85
101-101-701.104	WAGES - TRUSTEE	13,000.00	13,000.00	3,475.00	725.00	9,525.00	26.73
101-101-701.105	WAGES - OFFICE COORDINATOR	39,098.59	39,098.59	19,552.00	4,512.00	19,546.59	50.01
101-101-726.000	SUPPLIES	6,000.00	6,000.00	2,262.15	358.90	3,737.85	37.70
101-101-726.001	POSTAGE	10,000.00	10,000.00	2,439.89	0.00	7,560.11	24.40
101-101-726.002	SUPPLIES - COPIER MAINTENANCE	7,500.00	7,500.00	1,349.82	319.78	6,150.18	18.00
101-101-801.002	LEGAL SERVICES - TOWNBOARD	10,000.00	10,000.00	4,112.77	269.24	5,887.23	41.13
101-101-801.004	LEGAL -Tax Tribunal	10,000.00	10,000.00	25.00	0.00	9,975.00	0.25
101-101-802.000	AUDIT AND ACCOUNTING	23,100.00	23,100.00	23,500.00	0.00	(400.00)	101.73
101-101-805.000	CONTRACTED AND OTHER SERVICES	7,500.00	7,500.00	1,980.45	197.00	5,519.55	26.41
101-101-860.000	MILEAGE	500.00	500.00	0.00	0.00	500.00	0.00
101-101-900.000	PRINTING & PUBLISHING	3,500.00	3,500.00	1,180.25	0.00	2,319.75	33.72
101-101-901.000	ADVERTISING	7,500.00	7,500.00	1,400.05	684.50	6,099.95	18.67
101-101-960.000	EDUCATION & TRAINING	4,000.00	4,000.00	0.00	0.00	4,000.00	0.00
101-101-965.101	DUES & PUBLICATIONS -TOWNBOAR	3,000.00	3,000.00	431.88	0.00	2,568.12	14.40
101-101-965.102	DUES - MICHIGAN TOWNSHIP ASSO	7,000.00	7,000.00	6,853.00	6,853.00	147.00	97.90
Total Dept 101 - TOWNBOARD		232,685.40	232,685.40	101,984.86	21,115.02	130,700.54	43.83
Dept 171 - TOWNSHIP SUPERVISOR							
101-171-701.201	WAGES - SUPERVISOR	84,682.61	84,682.61	42,341.26	9,771.06	42,341.35	50.00
101-171-701.202	WAGES - APPRAISER II	44,595.20	44,595.20	18,867.20	1,715.20	25,728.00	42.31
101-171-701.203	WAGES - GIS	5,000.00	5,000.00	7,230.00	1,950.00	(2,230.00)	144.60
101-171-701.204	WAGES - APPRAISER III	58,974.96	58,974.96	29,484.04	6,804.03	29,490.92	49.99
101-171-701.205	WAGES - ASSESSOR	104,556.18	104,556.18	52,278.07	12,064.17	52,278.11	50.00
101-171-726.000	SUPPLIES	2,000.00	2,000.00	206.73	0.00	1,793.27	10.34
101-171-726.001	POSTAGE	3,500.00	3,500.00	3,163.68	0.00	336.32	90.39
101-171-805.000	CONTRACTED AND OTHER SERVICES	32,500.00	32,500.00	14,044.29	0.00	18,455.71	43.21
101-171-860.200	MILEAGE - SUPERVISOR	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00
101-171-860.201	MILEAGE - ASSESSOR	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00
101-171-900.000	PRINTING & PUBLISHING	2,850.00	2,850.00	2,348.16	0.00	501.84	82.39
101-171-901.000	ADVERTISING	500.00	500.00	0.00	0.00	500.00	0.00
101-171-960.000	EDUCATION & TRAINING	7,750.00	7,750.00	3,331.07	1,481.73	4,418.93	42.98
101-171-960.200	EDUCATION - SUPERVISOR	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00
101-171-965.000	DUES & PUBLICATIONS	3,000.00	3,000.00	411.82	0.00	2,588.18	13.73
Total Dept 171 - TOWNSHIP SUPERVISOR		352,908.95	352,908.95	173,706.32	33,786.19	179,202.63	49.22
Dept 191 - ELECTIONS							
101-191-701.000	WAGES	80,000.00	80,000.00	9,832.00	2,641.00	70,168.00	12.29
101-191-726.000	SUPPLIES	16,000.00	16,000.00	4,710.73	2,041.78	11,289.27	29.44
101-191-726.001	POSTAGE	10,500.00	10,500.00	13,856.80	5,483.80	(3,356.80)	131.97
101-191-860.000	MILEAGE	400.00	400.00	0.00	0.00	400.00	0.00
101-191-901.000	ADVERTISING	600.00	600.00	0.00	0.00	600.00	0.00
101-191-935.010	MACHINE MAINTENANCE	3,000.00	3,000.00	0.00	0.00	3,000.00	0.00
101-191-935.015	COMPUTER SUPPORT SYSTEMS	5,000.00	5,000.00	0.00	0.00	5,000.00	0.00
Total Dept 191 - ELECTIONS		115,500.00	115,500.00	28,399.53	10,166.58	87,100.47	24.59

PERIOD ENDING 06/30/2022

2022		2022		ACTIVITY FOR		% BDET USE
ORIGINAL BUDGET	AMENDED BUDGET	YTD BALANCE 06/30/2022	MONTH 06/30/22	AVAILABLE BALANCE		
GL NUMBER	DESCRIPTION					
Fund 101 - GENERAL OPERATING FUND						
Expenditures						
Dept 215 - TOWNSHIP CLERK						
101-215-701.300	WAGES - CLERK	84,682.61	84,682.61	42,341.26	9,771.06	50.00
101-215-701.302	WAGES - DEPUTY CLERK	54,693.00	54,693.00	27,346.54	6,310.74	50.00
101-215-701.303	WAGES - ACCOUNTANT	5,000.00	5,000.00	0.00	0.00	0.00
101-215-726.000	SUPPLIES	1,500.00	1,500.00	39.05	0.00	2.60
101-215-860.300	MILEAGE - CLERK	400.00	400.00	0.00	0.00	0.00
101-215-860.301	MILEAGE - DEPUTY CLERK	400.00	400.00	0.00	0.00	0.00
101-215-956.016	MISCELLANEOUS	500.00	500.00	0.00	0.00	0.00
101-215-960.000	EDUCATION & TRAINING	6,000.00	6,000.00	2,031.21	19.76	33.85
101-215-965.000	DUES & PUBLICATIONS	700.00	700.00	0.00	0.00	0.00
Total Dept 215 - TOWNSHIP CLERK		153,875.61	153,875.61	71,758.06	16,101.56	46.63
Dept 247 - BOARD OF REVIEW						
101-247-701.400	WAGES - B OF R	1,500.00	1,500.00	500.00	0.00	33.33
101-247-701.401	WAGES - B OF R	1,500.00	1,500.00	0.00	0.00	0.00
101-247-701.402	WAGES - B OF R	1,500.00	1,500.00	0.00	0.00	0.00
101-247-701.403	WAGES - B OF R	1,500.00	1,500.00	1,250.00	0.00	83.33
101-247-960.000	EDUCATION & TRAINING	200.00	200.00	0.00	0.00	0.00
Total Dept 247 - BOARD OF REVIEW		6,200.00	6,200.00	1,750.00	0.00	28.23
Dept 253 - TOWNSHIP TREASURER						
101-253-701.500	WAGES - TREASURER	84,682.61	84,682.61	42,341.26	9,771.06	50.00
101-253-701.501	WAGES - ASSISTANT	5,000.00	5,000.00	0.00	0.00	0.00
101-253-701.502	WAGES - DEPUTY TREASURER	54,693.00	54,693.00	27,346.54	6,310.74	50.00
101-253-726.000	SUPPLIES	2,500.00	2,500.00	117.93	74.86	4.72
101-253-726.001	POSTAGE	6,000.00	6,000.00	2,854.20	2,854.20	47.57
101-253-801.000	LEGAL SERVICES	3,000.00	3,000.00	205.00	0.00	6.83
101-253-809.000	Bank Fees	300.00	300.00	0.00	0.00	0.00
101-253-860.500	MILEAGE - TREASURER	700.00	700.00	195.86	195.86	27.98
101-253-860.501	MILEAGE - DEPUTY TREASURER	500.00	500.00	123.32	0.00	24.66
101-253-900.000	PRINTING & PUBLISHING	2,000.00	2,000.00	0.00	0.00	0.00
101-253-901.000	ADVERTISING	100.00	100.00	0.00	0.00	0.00
101-253-960.000	EDUCATION & TRAINING	4,500.00	4,500.00	2,789.15	932.20	61.98
101-253-965.000	DUES & PUBLICATIONS	500.00	500.00	150.00	0.00	30.00
Total Dept 253 - TOWNSHIP TREASURER		164,475.61	164,475.61	76,123.26	20,138.92	46.28
Dept 258 - COMPUTER SUPPORT						
101-258-726.000	SUPPLIES	3,000.00	3,000.00	0.00	0.00	0.00
101-258-935.015	COMPUTER SUPPORT SYSTEMS	40,000.00	40,000.00	24,460.00	749.00	61.15
101-258-935.016	COMPUTER NETWORK	2,000.00	2,000.00	780.42	149.98	39.02
Total Dept 258 - COMPUTER SUPPORT		45,000.00	45,000.00	25,240.42	898.98	56.09
Dept 265 - TOWNSHIP HALL						
101-265-701.011	Maintenance Wages	2,500.00	2,500.00	0.00	0.00	0.00
101-265-726.003	SUPPLIES-MAINTANCE	3,500.00	3,500.00	1,943.88	345.29	55.54
101-265-850.000	TELEPHONE	18,000.00	18,000.00	6,881.04	650.99	38.23
101-265-920.601	HEATING / GAS	12,000.00	12,000.00	7,911.30	638.80	65.93
101-265-920.602	WATER / SEWER	6,000.00	6,000.00	723.74	143.51	12.06

PERIOD ENDING 06/30/2022

GL NUMBER	DESCRIPTION	2022		YTD BALANCE 06/30/2022	ACTIVITY FOR MONTH 06/30/22	AVAILABLE BALANCE	% BDGT USED
		ORIGINAL BUDGET	AMENDED BUDGET				
Fund 101 - GENERAL OPERATING FUND							
Expenditures							
101-265-920.603	LIGHTS BUILDING	14,000.00	14,000.00	4,902.58	1,035.70	9,097.42	35.02
101-265-935.601	SNOW PLOWING	10,000.00	10,000.00	2,650.00	0.00	7,350.00	26.50
101-265-935.602	LAWN MAINTENANCE	10,000.00	10,000.00	1,418.00	878.00	8,582.00	14.18
101-265-935.603	CLEANING SERVICE	27,381.02	27,381.02	6,750.00	1,350.00	20,631.02	24.65
101-265-935.604	RUBBISH REMOVAL	1,200.00	1,200.00	639.39	108.19	560.61	53.28
101-265-935.605	BUILDING REPAIR	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00
101-265-935.606	ELECTRONIC PROTECTION SYSTEM	1,500.00	1,500.00	730.80	0.00	769.20	48.72
101-265-935.608	MAINTENANCE-OTHER	20,000.00	20,000.00	5,822.92	4,446.74	14,177.08	29.11
Total Dept 265 - TOWNSHIP HALL		136,081.02	136,081.02	40,373.65	9,597.22	95,707.37	29.67
Dept 301 - POLICE SERVICES							
101-301-830.000	POLICE CONTRACT	1,400,000.00	1,400,000.00	307,119.12	0.00	1,092,880.88	21.94
Total Dept 301 - POLICE SERVICES		1,400,000.00	1,400,000.00	307,119.12	0.00	1,092,880.88	21.94
Dept 371 - TOWNSHIP BUILDING INSPECTOR							
101-371-701.702	WAGES BUILDING ASSISTANT	17,688.32	17,688.32	8,852.35	2,042.84	8,835.97	50.05
101-371-701.703	WAGES - BUILDING OFFICIAL	87,508.80	87,508.80	43,754.36	10,097.16	43,754.44	50.00
101-371-701.704	WAGES - BUILDING INSPECTOR	25,750.00	25,750.00	10,028.50	2,511.00	15,721.50	38.95
101-371-701.705	WAGES - CONSTRUCTION BOARD	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00
101-371-726.000	SUPPLIES	1,000.00	1,000.00	295.40	29.69	704.60	29.54
101-371-960.000	EDUCATION & TRAINING	1,000.00	1,000.00	62.00	0.00	938.00	6.20
101-371-965.000	DUES & PUBLICATIONS	1,000.00	1,000.00	345.00	0.00	655.00	34.50
Total Dept 371 - TOWNSHIP BUILDING INSPECTOR		134,947.12	134,947.12	63,337.61	14,680.69	71,609.51	46.94
Dept 400 - PLANNING COMMISSION							
101-400-701.800	WAGES - PLANNING	3,200.00	3,200.00	1,250.00	125.00	1,950.00	39.06
101-400-701.801	WAGES - PLANNING	3,200.00	3,200.00	1,250.00	250.00	1,950.00	39.06
101-400-701.802	WAGES - PLANNING	3,200.00	3,200.00	1,125.00	250.00	2,075.00	35.16
101-400-701.804	WAGES - PLANNING	3,200.00	3,200.00	1,250.00	250.00	1,950.00	39.06
101-400-701.805	WAGES - PLANNING	3,200.00	3,200.00	1,250.00	250.00	1,950.00	39.06
101-400-701.806	WAGES - PLANNING	3,200.00	3,200.00	1,250.00	250.00	1,950.00	39.06
101-400-701.808	WAGES - PLANNING	3,200.00	3,200.00	1,375.00	250.00	1,950.00	39.06
101-400-801.000	LEGAL SERVICES	25,000.00	25,000.00	99.00	0.00	24,901.00	0.40
101-400-805.000	CONTRACTED AND OTHER SERVICES	6,000.00	6,000.00	926.75	173.00	5,073.25	15.45
101-400-900.000	PRINTING & PUBLISHING	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00
101-400-901.000	ADVERTISING	2,000.00	2,000.00	306.20	0.00	1,693.80	15.31
101-400-960.000	EDUCATION & TRAINING	2,000.00	2,000.00	393.75	0.00	1,606.25	19.69
101-400-965.000	DUES & PUBLICATIONS	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00
Total Dept 400 - PLANNING COMMISSION		59,400.00	59,400.00	10,475.70	1,798.00	48,924.30	17.64
Dept 401 - TOWNSHIP PLANNER							
101-401-701.900	WAGES - DIRECTOR OF PLANNING	82,781.14	82,781.14	41,390.57	9,551.67	41,390.57	50.00
101-401-701.901	WAGES - DEPUTY PLANNER	59,068.44	59,068.44	29,534.05	6,815.55	29,534.39	50.00
101-401-701.902	WAGES -PLANNER ASSISTANT	13,723.58	13,723.58	6,639.45	1,532.18	7,084.13	48.38
101-401-726.000	SUPPLIES	1,000.00	1,000.00	224.59	0.00	775.41	22.46
101-401-860.900	MILEAGE - TOWNSHIP PLANNER	300.00	300.00	0.00	0.00	300.00	0.00
101-401-860.901	MILEAGE - DEPUTY PLANNER	300.00	300.00	0.00	0.00	300.00	0.00
101-401-900.000	PRINTING & PUBLISHING	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00

PERIOD ENDING 06/30/2022

GL NUMBER	DESCRIPTION	2022		YTD BALANCE 06/30/2022	ACTIVITY FOR MONTH 06/30/22	AVAILABLE BALANCE	% BDGT USED
		ORIGINAL BUDGET	2022 AMENDED BUDGET				
Fund 101 - GENERAL OPERATING FUND							
Expenditures							
101-401-960.000	EDUCATION & TRAINING	5,000.00	5,000.00	250.00	0.00	4,750.00	5.00
101-401-965.000	DUES & PUBLICATIONS	1,000.00	1,000.00	158.89	0.00	841.11	15.89
Total Dept 401 - TOWNSHIP PLANNER		165,173.16	165,173.16	78,197.55	17,899.40	86,975.61	47.34
Dept 410 - ZONING BOARD OF APPEALS							
101-410-701.001	WAGES - ZONING	1,200.00	1,200.00	125.00	0.00	1,075.00	10.42
101-410-701.002	WAGES - ZONING	1,200.00	1,200.00	250.00	0.00	950.00	20.83
101-410-701.003	WAGES - ZONING	1,200.00	1,200.00	250.00	0.00	950.00	20.83
101-410-701.004	WAGES - ZONING	1,200.00	1,200.00	350.00	0.00	850.00	29.17
101-410-701.005	WAGES - ZONING	1,200.00	1,200.00	125.00	0.00	1,075.00	10.42
101-410-801.000	LEGAL SERVICES	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00
101-410-805.000	CONTRACTED AND OTHER SERVICES	1,000.00	1,000.00	106.00	0.00	894.00	10.60
101-410-901.000	ADVERTISING	2,000.00	2,000.00	136.70	0.00	1,863.30	6.84
101-410-960.000	EDUCATION & TRAINING	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00
Total Dept 410 - ZONING BOARD OF APPEALS		20,000.00	20,000.00	1,342.70	0.00	18,657.30	6.71
Dept 412 - ZONING ADMINISTRATOR							
101-412-701.601	WAGES - ZONING ADMINISTRATOR	59,068.44	59,068.44	29,534.18	6,815.58	29,534.26	50.00
101-412-701.602	WAGES - ZONING CODE ENFORCER	27,809.60	27,809.60	14,605.72	3,410.58	13,203.88	52.52
101-412-726.000	SUPPLIES	1,000.00	1,000.00	307.00	0.00	693.00	30.70
101-412-860.601	MILEAGE - ZONING ADMIN	150.00	150.00	0.00	0.00	150.00	0.00
101-412-860.602	MILEAGE - DEPT ZONING	150.00	150.00	0.00	0.00	150.00	0.00
101-412-960.000	EDUCATION & TRAINING	2,000.00	2,000.00	281.25	0.00	1,718.75	14.06
101-412-965.000	DUES & PUBLICATIONS	500.00	500.00	0.00	0.00	500.00	0.00
Total Dept 412 - ZONING ADMINISTRATOR		90,678.04	90,678.04	44,728.15	10,226.16	45,949.89	49.33
Dept 448 - STREET LIGHTS - TOWNSHIP							
101-448-920.005	STREET LIGHTS TOWNSHIP	96,000.00	96,000.00	22,980.59	883.33	73,019.41	23.94
Total Dept 448 - STREET LIGHTS - TOWNSHIP		96,000.00	96,000.00	22,980.59	883.33	73,019.41	23.94
Dept 747 - COMMUNITY PROMOTIONS							
101-747-880.003	COM. PROM. - ECONOMIC DEVELOPMENT	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00
101-747-880.004	COM. PROM. - TC-TALUS	3,000.00	3,000.00	3,000.00	0.00	0.00	100.00
101-747-880.007	COM. PROM. - COMMUNITY AWAREN	20,000.00	20,000.00	10,037.50	4,900.00	9,962.50	50.19
101-747-880.008	COM. PROM. - CONTRACTED SERVI	50.00	50.00	0.00	0.00	50.00	0.00
101-747-880.009	COM. PROM. - TREE CARE	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00
101-747-880.011	COM. PROM. - P.E.G.	100,000.00	100,000.00	43,131.26	0.00	56,868.74	43.13
Total Dept 747 - COMMUNITY PROMOTIONS		125,050.00	125,050.00	56,168.76	4,900.00	68,881.24	44.92
Dept 806 - TOWNSHIP VEHICLES							
101-806-862.000	GAS & CAR WASHES	2,500.00	2,500.00	1,304.82	398.23	1,195.18	52.19
101-806-863.000	OIL CHANGES	500.00	500.00	0.00	0.00	500.00	0.00
101-806-864.000	MISCELLANEOUS	1,500.00	1,500.00	0.00	0.00	1,500.00	0.00
Total Dept 806 - TOWNSHIP VEHICLES		4,500.00	4,500.00	1,304.82	398.23	3,195.18	29.00

GL NUMBER	DESCRIPTION	2022		YTD BALANCE 06/30/2022	ACTIVITY FOR MONTH 06/30/22	AVAILABLE BALANCE	% BDGT USED
		ORIGINAL BUDGET	AMENDED BUDGET				
Fund 101 - GENERAL OPERATING FUND							
Expenditures							
Dept 851 - EMPLOYEE BENEFITS & INSURANCES							
101-851-701.000	WAGES	2,000.00	2,000.00	3,750.60	750.12	(1,750.60)	187.53
101-851-701.027	UNEMPLOYMENT	4,000.00	4,000.00	0.00	0.00	4,000.00	0.00
101-851-873.001	John Hancock 403B	106,000.00	106,000.00	109,805.18	0.00	(3,805.18)	103.59
101-851-873.010	SOCIAL SECURITY - EMPLOYER	85,000.00	85,000.00	43,531.75	9,956.19	41,468.25	51.21
101-851-873.020	VACATION & PERSONAL PAYOUT	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00
101-851-873.030	INSURANCE - EMPLOYEE HEALTH	426,000.00	426,000.00	258,149.70	22,858.52	167,850.30	60.60
101-851-873.040	INSURANCE - EMPLOYEE LIFE	10,000.00	10,000.00	2,021.13	0.00	7,978.87	20.21
101-851-912.001	INSURANCE - LIABILITY	14,000.00	14,000.00	14,086.00	0.00	(86.00)	100.61
101-851-912.002	INSURANCE - WORKMENS COMP.	8,000.00	8,000.00	9,403.00	0.00	(1,403.00)	117.54
Total Dept 851 - EMPLOYEE BENEFITS & INSURANCES		656,000.00	656,000.00	440,747.36	33,564.83	215,252.64	67.19
Dept 890 - CONTINGENCIES							
101-890-890.000	CONTINGENCIES	11,862.58	11,862.58	0.00	0.00	11,862.58	0.00
Total Dept 890 - CONTINGENCIES		11,862.58	11,862.58	0.00	0.00	11,862.58	0.00
Dept 900 - CAPITAL OUTLAY							
101-900-970.001	CAPITAL OUTLAY - ELECTIONS	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00
101-900-970.002	CAPITAL OUTLAY - TOWNSHIP HAL	400,000.00	400,000.00	136,128.11	68,280.05	263,871.89	34.03
101-900-970.003	CAPITAL OUTLAY - COMPUTER	15,000.00	15,000.00	2,377.88	0.00	12,622.12	15.85
101-900-970.004	CAPITAL OUTLAY - VEHICLES	30,000.00	30,000.00	0.00	0.00	30,000.00	0.00
101-900-970.005	CAPITAL OUTLAY - LAND	50.00	50.00	0.00	0.00	50.00	0.00
Total Dept 900 - CAPITAL OUTLAY		447,050.00	447,050.00	138,505.99	68,280.05	308,544.01	30.98
Dept 965 - TRANSFERS TO OTHER FUNDS							
101-965-990.308	TRANSFERS TO #308 PARK SYS	549,476.70	549,476.70	549,476.70	0.00	0.00	100.00
Total Dept 965 - TRANSFERS TO OTHER FUNDS		549,476.70	549,476.70	549,476.70	0.00	0.00	100.00
TOTAL EXPENDITURES		4,966,864.19	4,966,864.19	2,233,721.15	264,435.16	2,733,143.04	44.97
Fund 101 - GENERAL OPERATING FUND:							
TOTAL EXPENDITURES		4,966,864.19	4,966,864.19	2,233,721.15	264,435.16	2,733,143.04	44.97

GL NUMBER	DESCRIPTION	BUDGET	AMENDED BUDGET	06/30/2022	06/30/22	BALANCE	USE%
Fund 308 - PARK SYSTEM FUND							
Expenditures							
Dept 000							
308-000-701.905	WAGES - REC BOARD	5,200.00	5,200.00	1,500.00	0.00	3,700.00	28.85
308-000-701.906	Parks Steward	27,809.60	27,809.60	13,904.80	3,208.80	13,904.80	50.00
308-000-701.907	Park Steward 2	22,089.60	22,089.60	10,970.46	2,548.80	11,119.14	49.66
308-000-801.000	LEGAL SERVICES	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00
308-000-805.000	CONTRACTED AND OTHER SERVICES	400.00	400.00	0.00	0.00	400.00	0.00
308-000-864.000	MISCELLANEOUS	800.00	800.00	0.00	0.00	800.00	0.00
308-000-880.001	COM. PROM. - SILVER LAKE PARK	100.00	100.00	0.00	0.00	100.00	0.00
308-000-880.006	COM. PROM. - BVNP (YMCA)	100.00	100.00	0.00	0.00	100.00	0.00
308-000-880.008	COM. PROM. - Cont. Serv GTCD	15,000.00	15,000.00	0.00	0.00	15,000.00	0.00
308-000-880.012	COM. PROM. - GT COMMONS	100.00	100.00	0.00	0.00	100.00	0.00
308-000-880.013	COM. PROM. - BOARDMAN RIVER	100.00	100.00	0.00	0.00	100.00	0.00
308-000-880.014	COM. PROM. - MILLER CREEK	100.00	100.00	0.00	0.00	100.00	0.00
308-000-880.016	COM. PROM. - KIDS CREEK PARK	100.00	100.00	0.00	0.00	100.00	0.00
308-000-880.019	RIVER EAST RECREATION AREA	100.00	100.00	0.00	0.00	100.00	0.00
308-000-890.000	CONTINGENCIES	9,503.30	9,503.30	0.00	0.00	9,503.30	0.00
308-000-935.000	MAINTENANCE - MISC, EQUIP	97,190.00	97,190.00	29,291.56	4,746.78	67,898.44	30.14
308-000-970.000	CAPITAL OUTLAY	460,000.00	460,000.00	70,992.50	29,042.00	389,007.50	15.43
Total Dept 000		639,692.50	639,692.50	126,659.32	39,546.38	513,033.18	19.80
Dept 851 - EMPLOYEE BENEFITS & INSURANCES							
308-851-873.010	SOCIAL SECURITY - EMPLOYER	4,784.20	4,784.20	1,992.79	434.71	2,791.41	41.65
Total Dept 851 - EMPLOYEE BENEFITS & INSURANCES		4,784.20	4,784.20	1,992.79	434.71	2,791.41	41.65
TOTAL EXPENDITURES		644,476.70	644,476.70	128,652.11	39,981.09	515,824.59	19.96
Fund 308 - PARK SYSTEM FUND:							
TOTAL EXPENDITURES		644,476.70	644,476.70	128,652.11	39,981.09	515,824.59	19.96



## MEMO

**To:** Garfield Township Trustee

**Re:** Franciscos' Sanitary Sewer Service

**From:** Jennifer Graham (Hodges), GFA

**Date:** June 8, 2022

Francisco's Deli/store, located at 2770 Silver Lake Road has expressed a desire to convert one of their vacant office spaces into a restaurant/bar. Based upon their communication with the GTC Health Department they were advised they do not have a large enough existing drainfield nor available land to construct additional. Therefore, representatives for Franciscos' contacted Township staff to inquire on availability of municipal sanitary sewer service. Review of the location depicts the nearest sanitary sewer to be located approximately 1,800 LF from either the east or southwest. Additional research of topography, site conditions and existing infrastructure further indicates and supports the ability to accommodate service. Budgetary costs were provided to both the Township and interested party of approximately \$285,000 to construct the main extension in compliance with the Township Design and Specification requirements.




In follow up it was the request of the representatives from Franciscos to proceed with extension and connection to the municipal sewer. Several methods were discussed, and it was our understanding that Franciscos' would like to request the Township provide funding assistance through the Lateral Charge Process.

To proceed in this route, the Township would both fund and manage the project through the use of their consultant GFA. All costs including construction would be paid up front by the Township and upon completion an assessment established for the property owners that the new main fronts to pay back costs upon connection. This assessment (lateral charge) would be defined either by frontage, acreage, REUs, etc that is best representative for each parcel and can be financed over 5 or 20 years at current Treasury Bill + Interest.

This method has been used several other times recently as opposed to a Special Assessment District including Randolph Street, Oak Terrace and Pineview to name a few.

\*The Township will be applying to the County for ARPA funding of this project. If accepted the funds will be used to offset the costs to those in the service area.

 <b>Charter Township of Garfield</b> <b>Planning Department Report No. 2022-58</b>		
Prepared:	July 5, 2022	Pages: 2
Meeting:	July 12, 2022 – Township Board	Attachments: <input checked="" type="checkbox"/>
Subject:	Article 3 Amendment to Grand Traverse Commons Development Regulations – Public Hearing and Decision	
Applicant:	Charter Township of Garfield and City of Traverse City	

**BACKGROUND:**

The Grand Traverse Commons Joint Planning Commission oversees land use planning for the Grand Traverse Commons. The adopted Grand Traverse Commons Development Regulations regulates development with the Commons and ensure their compliance with the Grand Traverse Commons Master Plan.

**PROPOSED DEVELOPMENT REGULATIONS AMENDMENT:**

The Joint Planning Commission drafted an amendment to Article 3 - Zoning Board of Appeals of the Grand Traverse Commons Development Regulations.

At this time, the Zoning Board of Appeals does not have any members and hasn't had to convene since the adoption of the Development Regulations in 2017. The current membership criteria are fairly restrictive and would make it difficult to fill the seats on the Board. Therefore, the proposed amendment removes the requirement that at least one member of the Zoning Board of Appeals also be a member of the Joint Planning Commission. It maintains the requirement that two members be from the City Zoning Board of Appeals and two members from the Township Zoning Board of Appeals. The requirement that the fifth member be jointly approved the legislative bodies of the City and Township and must reside within the jurisdiction of the Joint Planning Commission remains in place. The final revision is an additional requirement that alternative members must also live within the jurisdiction of the Joint Planning Commission.

A public hearing was held by the Joint Planning Commission on April 20, 2022 to gather input on the proposed amendment to the Grand Traverse Commons Development Regulations. For final adoption of the amendment, both the Township and City must adopt concurrent resolutions.

An introduction to the Township Board was made on June 14, 2022 and a public hearing was scheduled for July 12, 2022.

**ACTION REQUESTED:**

The proposed text amendment is being placed on tonight's agenda for public hearing and potential adoption by the Township Board. If, following discussion and the public hearing, the Township Board is satisfied with the proposed text amendment as presented, the next step is to adopt the proposed resolution attached to this report. The following motion is suggested:

MOTION THAT Resolution #2022-13-T adopting Amendment No. 2 to the Grand Traverse Commons Development Regulations, including proposed amendments to Article 3, BE ADOPTED.

The Board may make any modifications to the motion, including adding any conditions.

**Attachments:**

1. Proposed Resolution #2022-13-T regarding Amendment No. 2 to the Grand Traverse Commons Development Regulations, including proposed amendment language.

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

**GRAND TRAVERSE COMMONS DEVELOPMENT REGULATIONS: AMENDMENT NO. 2**

**RESOLUTION #2022-13-T**

**A RESOLUTION TO AMEND THE GRAND TRAVERSE COMMONS DEVELOPMENT REGULATIONS**, in accordance with the provisions of Act 110 of the Public Acts of 2006, as amended.

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

**WHEREAS** the Garfield Township Board of Trustees, following their July 12, 2022 public hearing, finds that an amendment to the Grand Traverse Commons Development Regulations is necessary to incorporate the changes to Section 3.02 Membership: Terms of Office for the Zoning Board of Appeals.

**NOW, THEREFORE, THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:**

**AMENDMENT NO. 2 TO GRAND TRAVERSE COMMONS DEVELOPMENT REGULATIONS:**

That Section 3.02 Membership: Terms of Office of the Grand Traverse Commons Development Regulations be amended to read in its entirety as follows:

**Article 3: Zoning Board of Appeals**

**Section 3.01 Establishment**

The Zoning Board of Appeals is established in accordance with Article VI. of Public Act 110 of 2006 (M.C.L. 125.3101 et seq.). The Board shall perform its duties and exercise its powers as provided by state law and this Zoning Ordinance such that the intent of this Zoning Ordinance is observed and the health, safety and welfare of the public are secured.

**Section 3.02 Membership: Terms of Office**

A. The Zoning Board of appeals shall consist of five (5) members.

1. The City Commission shall appoint two (2) members from the City Board of Zoning Appeals
2. The Township Board shall appoint two (2) members from the Township Zoning Board of Appeals
3. One member of the Zoning Board of Appeals shall be appointed jointly by the City Commission and Township Board and shall be a registered elector of the City or Township residing within the zoning jurisdiction of the Grand Traverse Commons. The members elected shall be representative of the population distribution of the various interests present in the local unit of Government.

B. Terms shall be overlapping to provide for the appointment of an equal number of members each year. A successor member must be appointed within one month following the expiration of the previous term. ~~At least one member shall also be a member of the Joint Planning Commission.~~ Terms shall be three (3) years in length.

C. The City Commission and Township Board shall also each appoint one (1) alternate member for terms of three (3) years each. An alternate member may be called by the Chairperson of the Board, the Planning Directors or the Zoning Administrators to sit as a regular member of the Board in the absence of a regular member if a regular member is unable to attend a regularly scheduled meeting, or if a regular member has abstained from a decision for reason of conflict of interest. The alternate members shall be registered electors of the City or Township residing within the zoning jurisdiction of the Grand Traverse Commons.

D. An alternate member appointed to hear an appeal shall serve on the appeal until a final decision has been made. Such alternate member shall have the same voting rights as a regular member of the Board.

E. Absence, inability to attend, or abstention because of a conflict of interest may be established by communication of a Board member at least twenty-four (24) hours prior to the regularly scheduled Board meeting.

### **Section 3.03 Meetings**

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and shall keep a public record of its proceedings showing the action of the Board and the vote of each member upon each question considered. The presence of three (3) members shall be necessary to constitute a quorum and a majority vote of the members of the Board shall be necessary to reverse an order, requirement, decision or determination of an administrative official, or to decide in favor of the applicant in the case of a variance, exception or interpretation.

### **Section 3.04 Rules of Procedure**

The Zoning Board of Appeals shall follow such procedures as are established by statute, ordinance and resolution of the Board. These procedures shall include:

A. Appeals, Generally. For purposes of these rules of procedure, an appeal shall include all applications for appeals, interpretations, variances, exceptions and matters involving nonconforming uses.

B. Initiating Appeals. Appeals shall be filed with each of the Zoning Administrators within twenty-one (21) days after written notice has been given of the action being appealed. Following receipt of a written appeal request, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request.

C. Application Contents. In addition to all other requirements of this statute and ordinance, applications shall be in a form determined by the Zoning Administrators and shall contain such information as the Zoning Administrators shall direct. Such applications shall also include the following:

1. A site plan or site diagram reflecting accurate dimensions of the property, the location of structures on the property and the location of buildings on adjacent properties. If requested by the Board or the Zoning Administrators, such drawing shall be a survey performed by a registered land surveyor;
2. The name, address and telephone number of the applicant and all authorized agents of the applicant;
3. An application signed by the owner or someone acting upon written consent of the owner, whose written consent must be submitted with the application; and
4. A listing of all previous appeals involving the property noted on the application as to the subject, date and outcome of the appeal.

D. Filing Fee. The filing fee for appeals shall be established by joint resolution of the City Commission and Township Board.

E. Notices. Notice of an appeal will be given pursuant to State statute. Such notice shall be mailed or delivered at least fifteen (15) days prior to the first meeting of the Board at which time the appeal will be formally considered.

F. Advertisements. One advertisement in a local newspaper of general circulation indicating the nature of the appeal and the date of the hearing will be placed at least 15 days before the hearing. A minor deviation in the notice published in the newspaper or in the time of appearance of such notice in the newspaper shall not affect the validity of the proceedings of the Board unless there is a clear demonstration of prejudice as a result of such minor deviation.

G. Regular Meetings. The Board's regular meeting schedule shall be adopted and published on an annual basis.

H. Exceptions to Regular Meeting Dates. If a quorum of the members is not present or anticipated, then the regular meeting may be canceled and the matter rescheduled to the next regularly scheduled meeting or to the earliest possible date as determined by the Chairperson of the Board. If no requests have been received 21 days prior to the date of a regularly scheduled meeting, the meeting may be canceled by the Zoning Administrators.

I. Conflict of Interest. Before deliberating any appeal, the Chairperson shall ask if any member has such a conflict of interest. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

J. Representation at Hearing. The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. At the discretion of the Board, if the applicant or agent is not present the appeal may be deferred until the next meeting or dismissed.

K. Reconsideration. An applicant may re-appeal a decision after twelve (12) months from the decision of the Board. The Board will not reconsider any appeal within twelve (12) months from the date of the decision

unless the applicant can show that there have been substantially changed circumstances affecting the appeal, which circumstances were not known to the Board at the previous hearing. The substantial change in circumstances shall be described, in writing, by the applicant at the time of the application. Before rehearing the matter, the Board shall decide whether there is a substantial change in circumstances allowing the rehearing.

L. Instructions. The Zoning Administrators shall prepare a written description of the procedures of the Board and instructions to all potential applicants. Such written instruction shall be submitted to the Board for its approval prior to public distribution.

M. Other Rules. The Board may adopt such other rules to govern its procedure as it deems advisable, provided such rules are not in conflict with other existing statute or ordinance.

### **Section 3.05 Powers and Duties**

A. Generally. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property or make any change in the terms of intent of this Ordinance. The Board shall have the power to act on those matters where this Ordinance provides for an appeal, interpretation, variance or exception. The Zoning Board of Appeals shall not have the power to vary a standard for a Special Land Use Permit.

B. Appeals. The Board shall hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, decision or determination made by the administrative official or body charged with the enforcement of this Ordinance.

C. Interpretations. Upon application by a City or Township official or person of interest in a specific affected parcel of land, when all other administrative appeals have been exhausted, the Board shall have the power to:

1. Interpret this Zoning Ordinance in such a way as to carry out its intent and purpose;
2. Determine the precise location of a zoning district and special area boundaries;
3. Classify a use which is not specifically mentioned, determine the district within which the use is permitted, and determine the necessary parking to support the use; and
4. Determine the off-street parking and loading requirements of this Zoning Ordinance.

D. Variances. The Board shall have the power to authorize specific variances or departures from this Ordinance if all of the basic conditions are satisfied and if there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance. A variance from the dimensional requirements of this Ordinance may only be granted if it is determined that all basic conditions have been satisfied and that there is a practical difficulty in carrying out the requirement. A variance from the use requirements of this Ordinance shall be prohibited.

1. Basic Conditions. Any variance granted from the Zoning Ordinance shall meet the following basic conditions:

- a. The spirit of this Ordinance shall be observed, public safety secured and substantial justice done.
- b. There is no substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
- c. The difficulty or hardship relating to the property is not so general or recurrent in nature that the formulation of a general regulation for such conditions is preferable.
- d. The practical difficulties or unnecessary hardships are unique to the property under consideration and not to the general neighborhood and shall apply only to property that is under the control of the applicant.
- e. It shall be necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- f. There is a clear showing of an unnecessary hardship in that the property as a whole cannot reasonably be put to a use authorized by this Ordinance.
- g. The alleged hardship or difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
- h. It may be denied where the alleged practical difficulties or unnecessary hardships resulted from an act of the applicant, or a person in privity or in concert with the applicant.

2. Practical Difficulties and Unnecessary Hardships. In order to determine if there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance the following shall apply:

- a. Dimensional Variance. A practical difficulty shall exist where there are exceptional or extraordinary circumstances or physical conditions, such as narrowness, shallowness, shape or topography of the property involved, that do not generally apply to other property or uses in the same zoning district.
- b. Use Variance. An unnecessary hardship shall exist where the property considered in combination with other land owned by the applicant adjacent thereto has no reasonable value as zoned.

E. Exceptions. The Board shall have the power to grant the following exceptions:

1. Extend a district where the boundary line of a district divides a lot of record in single ownership at the time of adoption of this Ordinance.
2. Interpret or apply the Ordinance where the street layout on the ground actually varies from the street layout as shown on the District Map.
3. Permit the alteration or enlargement of an existing building associated with a building associated with Class I. nonconforming use (*as defined in Article 13 of this Ordinance*), or permit the increase in intensity of use of a Class I. nonconforming use, where:
  - a. The change will not unreasonably delay future probability of compliance with this Ordinance.
  - b. There will be greater compliance with this Ordinance or, in the alternative, with the Building Code or other applicable ordinances if the change is permitted, and such compliance is the maximum which can be reasonably expected.

- c. The change will not detract from any historical or unique architectural qualities of the building.
  - d. The change will not be detrimental or tend to alter the character of the campus.
4. Permit a change in use of a Class I. nonconforming use (*as defined in Article 13 of this Ordinance*) to another nonconforming use which is more nearly conforming to the use restrictions of this Ordinance. Such a change in use may be permitted only where:
- a. The change in use will not unreasonably delay future probability of compliance with this Ordinance.
  - b. There will be greater compliance with this Ordinance if the change is permitted, and such compliance is the maximum which can reasonably be expected.
  - c. The change will not be detrimental to the campus or tend to alter the character of the campus.

After a change in use has been permitted, the use shall not be changed back to the former nonconforming use or to any less conforming use.

### **Section 3.06 Time Limitations of Orders**

A. Building Alterations. An order of the Zoning Board of Appeals permitting the erection or alteration of a building is valid for no longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

B. Uses. An order of the Board permitting the use of a premises is valid for no longer than one (1) year unless such use is established within such period. However, where such permitted use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for such erection or alteration is obtained within such period and as such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

C. Modification. Time limits established by this section may be lengthened or shortened by the Board as a condition imposed under the standards for conditions set forth in this Ordinance.

D. Expiration. In addition to any expiration provision contained in an order itself, an order of the Zoning Board of Appeals may be declared by the Zoning Administrators to be expired where there has been a change in a material circumstance of facts such as, but not limited to, destruction of a building or natural feature, vacation of a street or a change in topography upon which the order was issued. Before so declaring an order expired, the Zoning Administrators shall notify the landowner and, if requested, shall conduct a hearing with notice and procedures as practical.

### **Section 3.07 Court Review**

A. Circuit Court Review. A decision of the Zoning Board of Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision of the Zoning Board of

Appeals may appeal to the Circuit Court if the appeal is made to the Court within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing signed by the Chairperson or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision or upon a grant by the Court of leave to appeal.

B. Standards for Review. The Circuit Court shall review the record and decision of the Board of Zoning Appeals to ensure that the decision:

1. Complies with the constitution and laws of the State;
2. Is based upon proper procedure;
3. Is supported by competent, material, and substantial evidence on the record; and
4. Represents the reasonable exercise of discretion granted by the law to the Zoning Board of Appeals.

C. Inadequate Record. If the Court finds the record of the Zoning Board of Appeals inadequate to make the review required, or that additional evidence exists which is material and with good reason was not presented to the Zoning Board of Appeals, the Court shall order further proceedings before the Zoning Board of Appeals on conditions which the Court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm its original decision. The supplementary record and decision shall be filed with the Court. The Court may affirm, reverse or modify the decision.

Moved:

Supported:

Ayes:

Nays:

Absent and Excused:

By: \_\_\_\_\_  
Lanie McManus, Clerk  
Charter Township of Garfield


**CERTIFICATE**

I, Lanie McManus, Clerk of the Charter Township of Garfield, do hereby certify that the above is a true and correct copy of Resolution 2022-13-T which was adopted by the Township Board of the Charter Township of Garfield on the 12th day of July 2022. Amendment No. 2 to Grand Traverse Commons Development Regulations shall take effect upon the expiration of seven (7) days following publication.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Lanie McManus, Clerk  
Charter Township of Garfield

Introduced: June 14, 2022  
Adopted: July 12, 2022  
Published:  
Effective:

 <b>Charter Township of Garfield</b> <b>Planning Department Report No. 2022-59</b>		
Prepared:	July 5, 2022	Pages: 10
Meeting:	July 12, 2022 Township Board	Attachments: <input checked="" type="checkbox"/>
Subject:	Life Story Crematorium I-G Conditional Rezoning – Public Hearing	
File No.	Z-2022-01	Parcel No. 05-024-019-30
Owner:	LeVon M. Seavolt “Vaughn”	
Applicant:	LMS Property, LLC	

### **OVERVIEW AND PURPOSE OF APPLICATION:**

This application requests the conditional rezoning of Parcel #05-024-019-30, 400 West Hammond Road, totaling approximately 5.5 acres. The request is to conditionally rezone the parcel to I-G General Mixed-Use Business District for use of the site as a crematorium and mortuary / funeral home, via the process as described below. This application was previously discussed at the following meetings:

- April 13, 2022 – Planning Commission – Introduction (PD Report 2022-32)
- May 11, 2022 – Planning Commission – Public Hearing (PD Report 2022-39)
- June 8, 2022 – Planning Commission – Findings of Fact (PD Report 2022-47)
- June 14, 2022 – Township Board – Introduction (PD Report 2022-55)

### **STATEMENT OF CONDITIONS:**

The proposed Statement of Conditions offered by the applicant is attached to this report, included as part of the Conditional Rezoning Agreement. These conditions would limit use of this site to a crematorium and mortuary / funeral home.

### **SUBJECT PROPERTY:**

The subject property is currently the site of the Life Story Funeral Home. The site is mostly surrounded by wetlands on adjacent sites, agricultural uses further east, and industrial uses to the west along Hughes Drive and Traversefield Drive.

### **PROCESS FOR CONDITIONAL REZONING:**

The process for conditional rezoning is described in Section 422 of the Zoning Ordinance. The procedure for approving a conditional rezoning is the same as for a rezoning and includes the following:

- A landowner may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested.
- The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner.
- If the Township Board approves the conditional rezoning request and offer of conditions, the offered conditions shall be incorporated into a formal written Statement of Conditions.
- Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this ordinance and be punishable accordingly including by rezoning of the property to its base zoning classification.

*Zoomed-out aerial view of the subject property (highlighted in blue):*



*Zoomed-in aerial view of the subject property (highlighted in blue):*



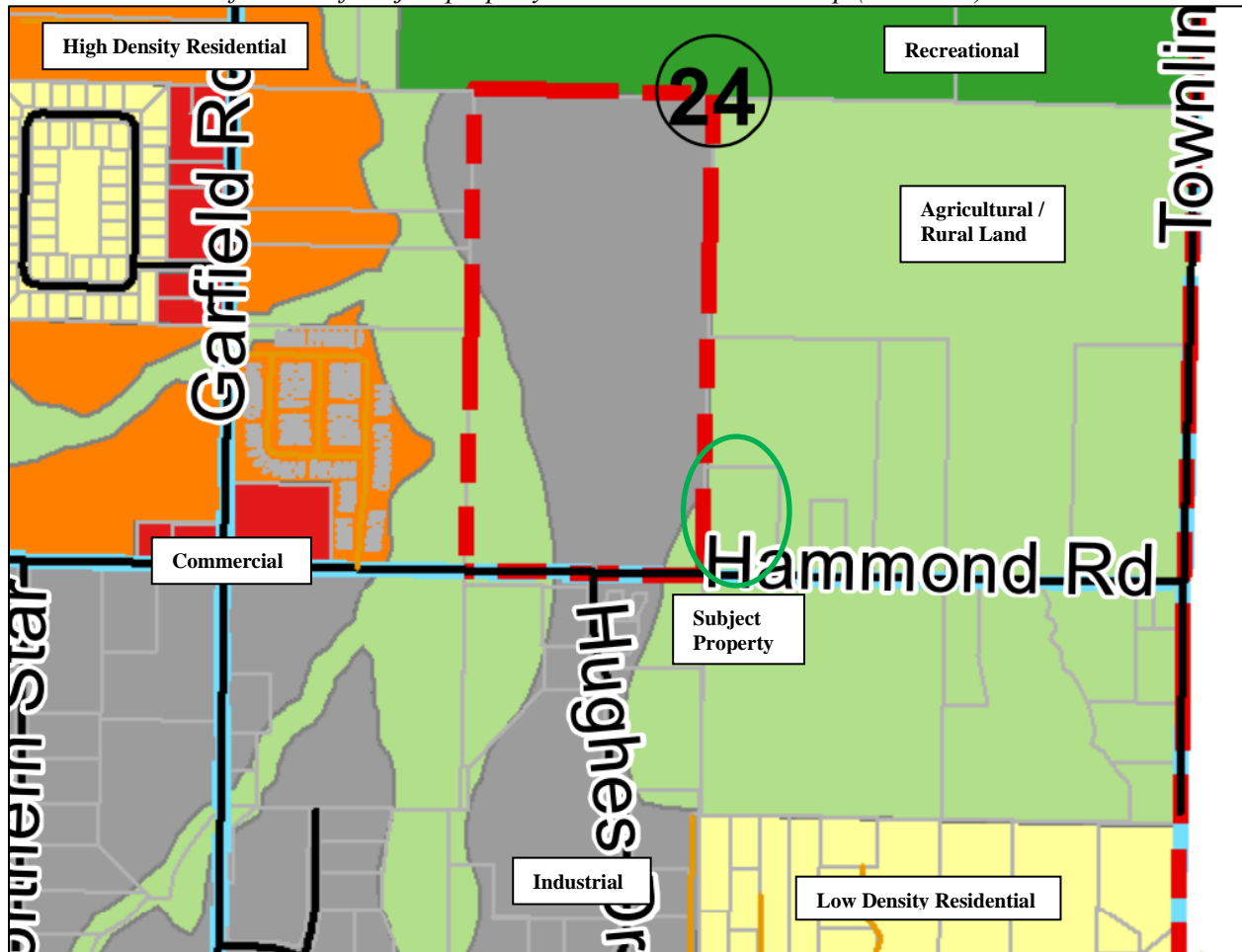
**MASTER PLAN CONSIDERATIONS:**

A key factor in considering a rezoning request, including conditional rezoning, is whether the request is consistent with the Master Plan. In this case, the Master Plan shows the subject site with the Future Land Use designation of “Agricultural / Rural Land.” This land use designation is intended to provide areas for agricultural operations and low intensity land uses in the outlying areas of the Township, and generally include primarily of unsubdivided lands that are vacant or are in agricultural use with some dwellings and accessory uses. The most compatible zoning districts for this designation are Agricultural (A) and Rural Residential (R-R), with One-Family Residential (R-1) identified as potentially compatible.

The Future Land Use map shows Agricultural surrounding the site to the north, east, and south along both sides of Hammond Road and Industrial to the west in the Traversefield industrial park. The existing site and a nearby parcel are part of a Conditional Rezoning to C-G General Commercial. The larger adjacent site is under a Conditional Rezoning to A-Agricultural. The background on these Conditional Rezoning is included later in this report. Parcels to the south across Hammond Road are zoned as A-Agricultural.

The subject site is currently conditionally zoned C-G General Commercial; the request is to conditionally zone the parcel as I-G General Industrial. There are some sites zoned as I-G General Industrial within the neighborhood to the southwest on Hughes Drive, and sites under the City of Traverse City’s I-Industrial zoning on Traversefield Road. An excerpt from the Zoning Plan for the I-G district is provided below.

*Location and classification of subject property on Future Land Use Map (“FLUM”):*

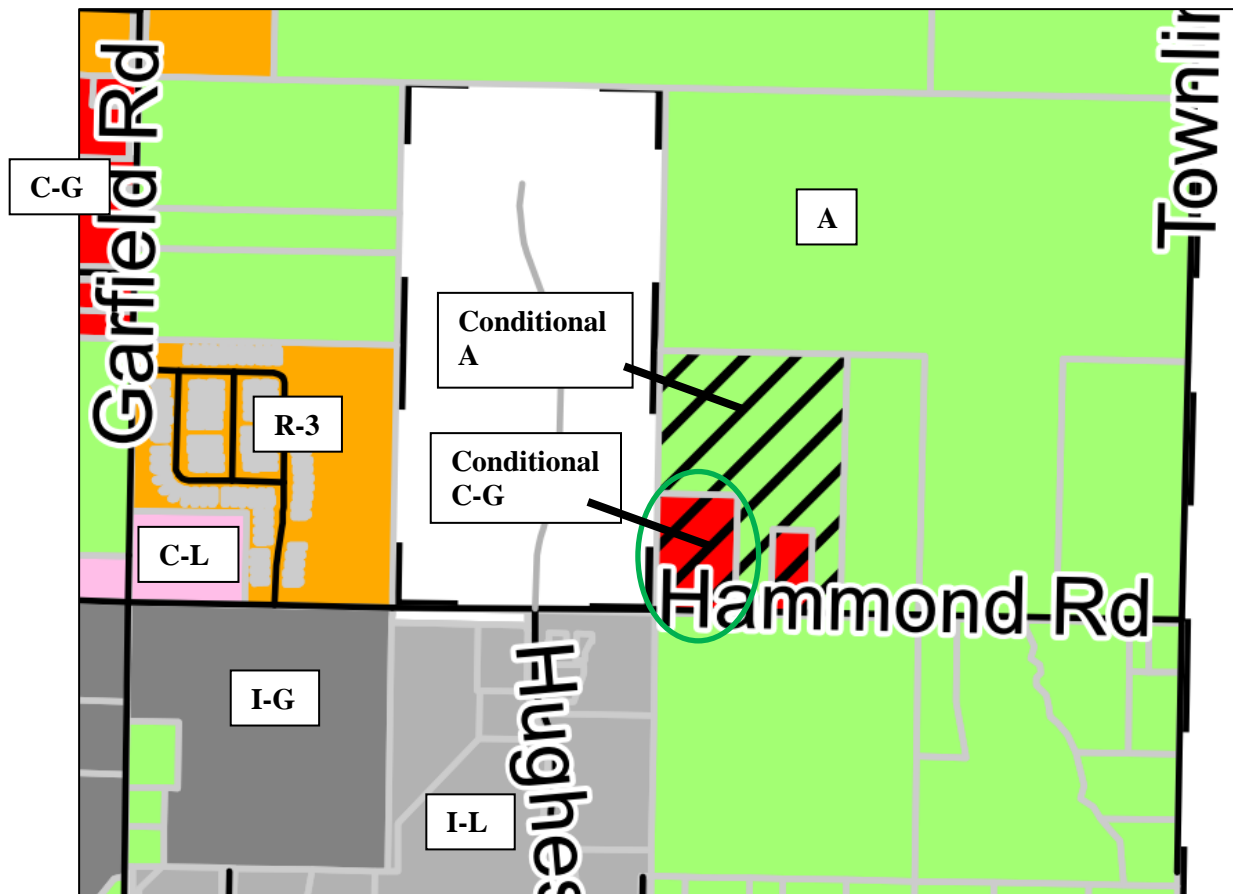


*Excerpt from Zoning Plan:*

<b>Master Plan Designation</b>	Commercial
<b>[Requested] Zoning</b>	I-G General Industrial (with conditions)
<b>Zoning Ordinance District Intent</b>	The intent of the General Mixed-Use Industrial Business (I-G) district is to remain primarily industrial in nature while allowing a limited number of non-industrial uses that are envisioned as accessory or complimentary to existing and future industrial uses of the districts. Nonindustrial uses of property within these districts are subject to industrial impacts from adjacent parcels including, but not limited to, noise, dust, and vibrations.
<b>Potentially Compatible District</b>	R-M / I-L
<b>Considerations for Downzoning (Less Density)</b>	The R-M district may be deemed compatible in various areas of the Township. These areas could provide workforce housing in close proximity to manufacturing opportunities. Nuisance issues should be considered for future residents when considering a change in zoning to allow for residential uses. Generally, the I-G and I-L districts should remain as employment hubs and not changed to a commercial zoning.
<b>Considerations for Upzoning (More Density)</b>	In areas adjacent to I-L, consideration could be given to rezoning an area to a more intense zoning classification. The I-L district allows far more intense uses so consideration to surrounding areas should be carefully scrutinized.

**SUBJECT AND SURROUNDING PROPERTY ZONING:**

Zoning of the subject site and surrounding properties is as follows (key on next page):



**Zoning Map Key:**

- C-G – General Commercial (red)
- Conditional C-G – General Commercial (red with hatch)
- A – Agricultural (light green)
- Conditional A – Agricultural (light green with hatch)
- C-L – Local Commercial (pink)
- R-3 – Multi-Family Residential (orange)
- I-G – General Mixed-Use Industrial Business (dark grey)
- I-L – Limited Mixed-Use Industrial Business (light grey)

**USES OF SUBJECT SITE AND SURROUNDING SITES:**

The subject property is currently the site of the Life Story Funeral Home. To the west, in Traversefield Industrial Park in the City of Traverse City, are Allied Van Lines and Morse Moving & Storage. To the southwest on Hughes Drive, there is a site condominium with several industrial uses including Munson Data Center. Other surrounding sites are either farmland or wetlands.

**STAFF COMMENT AND BACKGROUND:**

Upon preliminary review of the Master Plan and Future Land Use designation for the subject site, context of zoning and future land uses of sites in the surrounding neighborhood, and other factors, Staff offers the following comments regarding this conditional rezoning request:

The site is part of an existing Conditional Rezoning Agreement, which was originally approved in 2008, and which covered land that is now divided into three parcels: the subject site (05-024-019-30) and a site with a single-family home (05-024-020-00), as well as a larger parcel primarily comprised of wetlands (05-024-019-20). At the time, there were only two parcels since the subject site was still part of the larger site with the wetlands.

Minutes from the Planning Commission meeting on December 12, 2007 and the Township Board meeting on January 24, 2008 indicate that a key reason for the conditional rezoning was to protect the wetlands. Township Board minutes also indicate from Gerry Harsch (Staff) that “rezoning the subject properties to C-2 with conditions is temporary, and once the new Zoning Ordinance is adopted those properties would be designated mixed use business.” However, if a conditional rezoning were to be no longer in effect, the property would revert to its underlying zoning, understood to be Agricultural based on the information available. Furthermore, the Future Land Use designation for the site is Agricultural / Rural Land in the current Master Plan, which does not envision “mixed use business” or anything similar on this site.

The subject site was separated into its own parcel in 2016 after review of a land division application and contains the Life Story Funeral Home site. The Conditional Rezoning Agreement from 2008 applied to all three parcels.

In 2018, a new Conditional Rezoning was approved for just the larger parcel, to remove the site from the previous Conditional Rezoning agreement and establish its own separate Conditional Rezoning agreement to Agricultural. The other two parcels remain in the original 2008 Conditional Rezoning agreement as is shown on the Zoning Map above. The conditions as proposed in this application would apply to only the Life Story parcel, which would be removed from the original 2008 Conditional Rezoning agreement.

During the public hearing for this application on May 11, 2022, one person raised concerns regarding the potential for mercury contamination especially of the wetlands on adjacent properties. The applicant has offered additional supplemental materials on this topic which are attached to this report. Staff offers the following comments:

- Crematories are regulated and inspected by the State of Michigan through the EGLE Air Quality Division. Staff corresponded with EGLE Air Quality Division staff in 2021 when language about crematories was added to the Zoning Ordinance. EGLE staff provided examples of permits and inspection reports for crematories which are also included as attachments to this report. The State of Michigan, through EGLE, appears to be the appropriate regulatory agency that would deal with any issues regarding mercury emissions, not only through permitting but also through undergoing regularly scheduled inspections.
- Section 422.B.(3)(c) states “Any use or development, proposed as part of an offer of conditions that would require a special land use permit under the terms of this ordinance, may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this ordinance.” A crematory on this site would still need to be approved under the Special Use Permit process and meet the criteria for approval of a special use permit. These criteria would consider the impacts on surrounding properties, environment, and the health, safety, and welfare of the community.

Upon consideration of the above comments, Staff is of the opinion that the proposed conditional rezoning is justifiable. The Planning Commission adopted the following Findings of Fact at their meeting on June 8, 2022.

#### **FINDINGS OF FACT:**

##### **Section 421.E Approval Criteria of Zoning Map Amendment**

In its review of an application for rezoning, the Township should consider, but is not necessarily limited to, the criteria as defined in § 421.E (1) Master Plan Consistency through § 421.E (8) Other Factors. No single factor is controlling; instead, each must be weighed in relation to the other standards.

The applicant shall have the burden of justifying the amendment, including identifying specific reasons warranting the amendment, and providing any supporting data and information to address the following:

##### ***1. Master Plan Consistency***

*Rezoning should be consistent with the intent and purpose of the adopted master plan.*

The Planning Commission may consider this standard to be **MET** based on the following reasons:

- The Future Land Use designation for the subject parcel is Agricultural / Rural Land.
- The proposed conditional zoning of I-G (General Mixed-Use Industrial Business) would not be compatible with the Future Land Use designation and Zoning Plan for the subject parcel. However, the Zoning Plan (Considerations for Upzoning) says “In many instances, the land is not considered high value farmland and a change to a residential district may be appropriate. An evaluation of the properties location, proximity to amenities, and surrounding land uses should determine the most compatible district and density.” Residential use is not proposed, however there are surrounding industrial land uses to the west and southwest.
- The site is already part of a conditional rezoning agreement that does not match the Master Plan, and which predates the current Master Plan. The proposed conditional zoning is more compatible with surrounding land uses than the current conditional zoning.
- If the proposed conditional zoning agreement were to expire, the property would revert to its base zoning classification. The base zoning of the site is A-Agricultural, which is appropriate for the Future Land Use classification of Agricultural / Rural Land. The proposed conditional zoning is more appropriate than a regular rezoning to I-G because the conditional zoning will maintain the base zoning of A-Agricultural.

## 2. ***Adverse Impacts on Neighboring Lands***

*The Township shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Township finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social separation. Accordingly, rezoning may promote mixed uses subject to a high degree of design control.*

The Planning Commission may consider this standard to be **MET** based on the following reasons:

- There are some sites zoned as I-G General Industrial in the neighborhood on Hughes Drive to the southwest, along with other sites on Traversefield Road under the City of Traverse City's I-Industrial zoning. The proposed conditional zoning would be compatible with these sites.
- The proposed conditional zoning would more closely align with neighborhood character than the existing conditional zoning since there are other industrial sites in the immediate vicinity, but no other commercial sites.
- A concern was raised at the public hearing regarding the impact of mercury emissions and the impacts on wetlands, especially the impacts on the neighboring properties. Crematories are permitted and inspected by the State of Michigan via the EGLE Air Quality Division, which reviews facility emissions. Any crematory on this site would need to meet all requirements of other regulatory agencies including federal, state, and local, as applicable, including all permitting and inspection requirements.
- A crematory on this site would still need to be approved under the Special Use Permit process and meet the criteria for approval of a special use permit. Any potential site impacts specific to the crematorium on neighboring sites, wetlands, or other impacts can be addressed through the Special Use Permit review process.

## 3. ***Suitability as Presently Zoned***

*The Township shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which suitably zoned lands may be rezoned upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the master plan, specification, or this ordinance.*

The Planning Commission may consider this standard to be **MET** based on the following reasons:

- The proposed conditional rezoning to the I-G General Industrial district would replace the current conditional zoning of C-G General Commercial and would limit uses available on the site to a funeral home / mortuary and crematory. The funeral home / mortuary is an existing use on the property; a crematory is potentially compatible and could be incorporated onto the same site.
- The current conditional rezoning agreement allows for most of the uses permitted in the C-2 General Business district (now the C-G General Commercial district) on this site, with some exceptions. Removing the current conditional rezoning agreement removes the possibility of further commercial development along Hammond Road. The Planning Commission has had prior discussions about limiting commercial uses along this portion of Hammond Road.

**4. *Changed Conditions***

*The Township shall consider whether any conditions have changed, since the zoning ordinance was adopted, that might justify the amendment.*

The Planning Commission may consider this standard to be **MET** based on the following reasons:

- Since the new Zoning Ordinance was first adopted in 2015, the parcel which contains the existing funeral home / mortuary was separated via land division application in 2016 from a larger parcel which are mostly wetlands. In 2018, a new and separate Conditional Rezoning to Agricultural was approved for just the larger parcel. Part of the intent of the original 2008 conditional zoning was to protect the wetlands. The proposed conditional rezoning would not affect these wetlands since they are under a separate parcel and different conditional zoning agreement.
- The existing funeral home / mortuary is an established use on the site.
- The current conditional rezoning agreement allows for most of the uses permitted in the C-2 General Business district (now the C-G General Commercial district) on this site, with some exceptions. Removing the current conditional rezoning agreement would provide a benefit to Garfield Township by removing the possibility of further commercial development along this portion of Hammond Road.

**5. *Health, Safety, and Welfare***

*The ordinance amendment must bear a substantial relationship to the public health, safety, or general welfare, or must protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need or purpose exists.*

The Planning Commission may consider this standard to be **MET** based on the following reasons:

- The proposed conditional rezoning would limit uses on the site to a funeral home / mortuary and crematory.
- A concern was raised at the public hearing regarding the impact of mercury emissions and the impacts on wetlands. Crematories are permitted and inspected by the State of Michigan via the EGLE Air Quality Division, which reviews facility emissions. Any crematory on this site would need to meet all requirements of other regulatory agencies including federal, state, and local, as applicable, including all permitting and inspection requirements.
- A crematory on this site would still need to be approved under the Special Use Permit process and meet the criteria for approval of a special use permit. Any potential site impacts specific to the crematorium on neighboring sites, wetlands, or other impacts can be addressed through the Special Use Permit review process.

**6. *Public Policy***

*Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.*

The Planning Commission may consider this standard to be **MET** based on the following reasons:

- The current Master Plan does not anticipate commercial uses along the portion of Hammond Road where this site is located.
- The Planning Commission has discussed limiting commercial uses along Hammond Road.

- The proposed conditional rezoning would potentially allow a compatible use with the existing funeral home / mortuary use already established on the site, while limiting the possibilities for expansion of commercial uses along this portion of Hammond Road.
- The current conditional rezoning agreement allows for most of the uses permitted in the C-2 General Business district (now the C-G General Commercial district) on this site, with some exceptions. Removing the current conditional rezoning agreement removes the possibility of further commercial development along this portion of Hammond Road.

#### 7. *Size of Tract*

*The Township shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Ordinance amendments shall generally not rezone a single lot when there have been no intervening changes or other saving characteristics. Proof that a small tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify an ordinance amendment.*

The Planning Commission may consider this standard to be **MET** based on the following reasons:

- The subject parcel is approximately 5.5 acres, 400 feet wide by 600 feet long. The minimum lot width standard of 150 feet for the I-G district is met.

#### 8. *Other Factors*

*The Township may consider any other factors relevant to a rezoning application under state law.*

The Planning Commission may consider this standard to be **MET** based on the following reasons:

- Section 422.B. (3)(c) of the Zoning Ordinance says that: “Any use or development, proposed as part of an offer of conditions that would require a special land use permit under the terms of this ordinance, may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this ordinance.” The funeral home is an established use on the site, but a crematorium is not yet established on the site. A crematory on this site would still need to be approved under the Special Use Permit process and meet the criteria for approval of a special use permit. Any potential site impacts specific to the crematorium can be addressed through the Special Use Permit review process.

#### **ACTION REQUESTED:**

The purpose of this item being placed on tonight’s agenda is to hold a public hearing on the application. If, following the public hearing, the Board is prepared to adopt the Planning Commission’s recommended Findings of Fact included in this report and to adopt the attached resolution adopting the amendment to the Zoning Map, the following **three (3) separate motions** are suggested:

(1) First, to adopt the Findings of Fact:

MOTION THAT the Planning Commission's recommended Findings of Fact for the application Z-2022-01 as provided in PD Report 2022-59 and forming part of this motion, BE APPROVED.

(2) Second, to approve the Map Amendment:

MOTION THAT application Z-2022-01, submitted by LMS Property, LLC (Life Story Funeral Home), to conditionally rezone Parcel No. 05-024-019-30 to I-G General Mixed-Use Business District subject to the applicant's proposed Statement of Conditions and constituting Amendment No. 32 to Garfield Township Ordinance No. 68, BE APPROVED based on the adopted Findings of Fact and for the reasons set forth in PD Report 2022-59.

(3) Finally, to adopt the attached resolution adopting the Map Amendment:

MOTION THAT Resolution 2022-12-T for adopting Amendment No. 32 to Garfield Township Ordinance No. 68, conditionally rezoning Parcel No. 05-024-019-30 to I-G General Mixed-Use Business District subject to the applicant's proposed Statement of Conditions, BE ADOPTED.

Any additional information deemed necessary by the Township Board should be added to the motion.

**Attachments:**

1. Resolution #2022-12-T.
2. Zoning Ordinance Amendment application – dated March 8, 2022.
3. Cover Letter / Impact Statement – dated March 9, 2022.
4. Proposed Conditional Rezoning Agreement and Statement of Conditions – dated April 27, 2022.

Staff has additional supplemental information available upon request including the following:

1. Information on Emissions from Cremation Association of North America.
2. Supplemental information from applicant regarding impact on wetlands and emissions.
3. Example EGLE permits and inspection reports – 1783 Perrys Loop and 2466 Cass Road.
4. Site diagram of existing site (information only).

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

**ORDINANCE NO. 68 (Zoning Ordinance): AMENDMENT NO. 32**

**RESOLUTION #2022-12-T**

**A RESOLUTION TO AMEND GARFIELD TOWNSHIP ORDINANCE NO. 68 (Zoning Ordinance):**

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

**WHEREAS** application Z-2022-01 has been received to rezone approximately 5.5 acres of land (“subject property”) at Parcel No. 05-024-019-30; and

**WHEREAS** the request has been found to be justified based on criteria in the Garfield Township Zoning Ordinance listed in Section 421.E: Approval Criteria of Zoning Map Amendment; and

**WHEREAS** the Garfield Township Planning Commission, after conducting a public hearing on May 11, 2022 and adopting Findings of Fact on June 8, 2022, recommended the approval of the application to the Township Board; and

**WHEREAS** the Township Board, following a public hearing on July 12, 2022, and having adopted Findings of Fact in support of approval of the application to rezone the subject property.

**NOW, THEREFORE, THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:**

**AMENDMENT NO. 32 TO GARFIELD TOWNSHIP ORDINANCE NO. 68 (Zoning Ordinance):**

At the request of the owners and their representatives of Parcel No. 05-024-019-30, situated in the Charter Township of Garfield, Grand Traverse County, Michigan has been conditionally rezoned by way of a map amendment from its current zoning of the C-G General Commercial zoning district with restrictions to the I-G General Mixed-Use Industrial Business zoning district with new restrictions, subject to the execution of the Conditional Rezoning Agreement between the owners and the Township.

Moved:

Supported:

Ayes:

Nays:

Absent and Excused:

By:

\_\_\_\_\_  
Chuck Korn, Supervisor  
Charter Township of Garfield

**CERTIFICATE**

I, Lanie McManus, Clerk of the Charter Township of Garfield, do hereby certify that the above is a true and correct copy of Resolution 2022-12-T which was adopted by the Township Board of the Charter Township of Garfield on the 12th day of July, 2022. Amendment No. 32 to Garfield Township Ordinance No. 68 (Zoning Ordinance) shall take effect upon the expiration of seven (7) days following publication.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Lanie McManus, Clerk  
Charter Township of Garfield

Introduced: June 14, 2022  
Adopted: July 12, 2022  
Published: July 17, 2022  
Effective: July 24, 2022



# Charter Township of Garfield

## Grand Traverse County

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

### ZONING ORDINANCE AMENDMENT (ZOA) APPLICATION

#### ASSISTANCE

This application must be completed in full. An incomplete or improperly prepared application will not be accepted and will result in processing delays. Before submitting an application, it is recommended that you contact the Planning Department to arrange an appointment to discuss your proposed application. Time is often saved by these preliminary discussions. For additional information or assistance in completing this development application, please contact the Planning Department at (231) 941-1620.

#### ACTION REQUESTED

- ☐ Map Amendment (Rezoning)  
☐ Text Amendment  
☒ Conditional Rezoning

#### PROJECT / DEVELOPMENT NAME

LMS Property, LLC (Life Story Funeral Home)

#### APPLICANT INFORMATION

Name: LMS Property, LLC  
Address: 400 Hammond Rd. W. Traverse City, Michigan 49686  
Phone Number: 231-941-9034  
Email: vaughnseavolt@lifestorynet.com

#### AGENT INFORMATION

Name: David Rowe  
Address: 202 E. State St., Suite 100, Traverse City, Michigan 49684  
Phone Number: 231-346-5400  
Email: drowe@nmichlaw.com

#### OWNER INFORMATION

Name: LeVon M. Seavolt "Vaughn"  
Address: 400 Hammond Rd. W., Traverse City, Michigan 49686  
Phone Number: 231-941-9034  
Email: vaughnseavolt@lifestorynet.com

### CONTACT PERSON

Please select one person to be contact person for all correspondence and questions:

*Applicant:*

*Agent:*

*Owner:*

LeVon M. Seavolt "Vaughn"

### PROPERTY INFORMATION

*Property Address:* 400 Hammond Rd W., Traverse City, Michigan 49686

*Property Identification Number:* 05-024-019-30

*Legal Description:*

*Zoning District:* Commercial - Improved

*Master Plan Future Land Use Designation:*

*Area of Property (acres or square feet):* 5.5 acres

*Existing Use(s):* Funeral Home

*Proposed Use(s):* Funeral Home and Crematory

### REQUIRED SUBMITTAL ITEMS

A complete application for a Zoning Ordinance Amendment consists of the following:

Application Form:

- ☐ One original signed application
- ☐ One digital copy of the application (PDF only)

Application Fee:

Fees are established by resolution of the Garfield Township Board and are set out in the current Fee Schedule as listed on the Planning Department page of the Township website (<http://www.garfield-twp.com>). Please make check out to Charter Township of Garfield.

- ☐ Fee

Escrow Fee:

Additional fees may be required if a review by independent professional help is deemed necessary by the Township. If required, such additional fees must be placed in escrow by the applicant in accordance with the escrow policies of the Township and prior to any further processing of this application. Any unused escrow funds shall be returned to the applicant. Please complete an Escrow and Review (ER) Application form.

For Map (Rezoning) Amendment only, the following must be included:

Site Diagram

- ☐ Ten complete stapled 11"x17" paper sets
- ☐ One digital set (PDF) only

Supporting Information

- ☐ Ten paper copies of the Impact Statement for Map (Rezoning) Amendment
- ☐ One digital copy of the Impact Statement for Map (Rezoning) Amendment (PDP only)

For Text Amendment only, the following must be included:

- ☐ Ten paper copies of the Impact Statement for Text Amendment
- ☐ One digital copy of the Impact Statement for Text Amendment (PDF only)

For Conditional Rezoning only, the following must be included:

Site Development Plan

- ☐ Ten complete stapled 11"x17" paper sets
- ☐ Two complete bound 24"x36" paper sets
- ☐ One digital set (PDF only)

Supporting Information

- ☐ Ten paper copies of the Impact Statement for Conditional Rezoning
- ☐ One digital copy of the Impact Statement for Conditional Rezoning (PDF only)
- ☐ Ten paper copies of the Offer of Conditions for Conditional Rezoning
- ☐ One digital copy of the Offer of Conditions for Conditional Rezoning (PDF only)

Digital items to be delivered via email or USB flash drive

#### IMPACT STATEMENT FOR ZONING ORDINANCE MAP AMENDMENT

A written impact statement of the application as it relates to § 421.E of the Zoning Ordinance. The applicant shall have the burden of justifying the amendment, including identifying specific reasons warranting the amendment, and providing any supporting data and information.

1. Master Plan Consistency. Rezoning should be consistent with the intent and purpose of the adopted master plan.
2. Adverse Impacts on Neighboring Lands. The Township shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Township finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social separation. Accordingly, rezoning may promote mixed uses subject to a high degree of design control.
3. Suitability as Presently Zoned. The Township shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which suitably zoned lands may be rezoned upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the master plan, specification, or this ordinance.
4. Changed Conditions. The Township shall consider whether any conditions have changed, since the zoning ordinance was adopted, that might justify the amendment.
5. Health, Safety, and Welfare. The ordinance amendment must bear a substantial relationship to the public health, safety, or general welfare, or must protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need or purpose exists.
6. Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.
7. Size of Tract. The Township shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Ordinance amendments shall generally not rezone a single lot when there have been no

intervening changes or other saving characteristics. Proof that a small tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify an ordinance amendment.

8. Other Factors. The Township may consider any other factors relevant to a rezoning application under state law.

#### IMPACT STATEMENT FOR ZONING ORDINANCE TEXT AMENDMENT

A written impact statement of the application as it relates to § 421.E of the Zoning Ordinance. The applicant shall have the burden of justifying the amendment, including identifying specific reasons warranting the amendment, and providing any supporting data and information.

1. Master Plan Consistency. A text amendment should be consistent with the intent and purpose of the adopted master plan.
2. Changed Conditions. The Township shall consider whether any conditions have changed since the zoning ordinance was adopted that might justify the amendment.
3. Health, Safety, and Welfare. The ordinance amendment must bear a substantial relationship to the public health, safety, or general welfare, or must protect and preserve historical and cultural places and areas.
4. Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.
5. Other Factors. The Township may consider any other factors relevant to a zoning text amendment application under state law.

#### IMPACT STATEMENT FOR CONDITIONAL REZONING

A written impact statement of the application as it relates to § 421.E of the Zoning Ordinance. The applicant shall have the burden of justifying the amendment, including identifying specific reasons warranting the amendment, and providing any supporting data and information.

1. Master Plan Consistency. Rezoning should be consistent with the intent and purpose of the adopted master plan.
2. Adverse Impacts on Neighboring Lands. The Township shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Township finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social separation. Accordingly, rezoning may promote mixed uses subject to a high degree of design control.
3. Suitability as Presently Zoned. The Township shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which suitably zoned lands may be rezoned upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the master plan, specification, or this ordinance.
4. Changed Conditions. The Township shall consider whether any conditions have changed, since the zoning ordinance was adopted, that might justify the amendment.
5. Health, Safety, and Welfare. The ordinance amendment must bear a substantial relationship to the public health, safety, or general welfare, or must protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need or purpose exists.

6. Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.
7. Size of Tract. The Township shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Ordinance amendments shall generally not rezone a single lot when there have been no intervening changes or other saving characteristics. Proof that a small tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify an ordinance amendment.
8. Other Factors. The Township may consider any other factors relevant to a rezoning application under state law.

#### OFFER OF CONDITIONS FOR CONDITIONAL REZONING

A written offer of Conditions as described in § 422.B(3) of the Zoning Ordinance. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested.

1. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
2. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
3. Any use or development, proposed as part of an offer of conditions that would require a special land use permit under the terms of this ordinance, may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this ordinance.
4. Any use or development, proposed as part of an offer of conditions that would require a variance under the terms of this ordinance, may only be commenced if a variance for such development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this ordinance.
5. Any use or development, proposed as part of an offer of conditions that would require site plan approval under the terms of this ordinance, may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner.

#### SUBMITTAL DEADLINE

Submittal deadlines are listed on the Planning Department page of the Township website (<http://www.garfield-twp.com>). Please note that the listed dates are the deadlines after which submittals will not be considered for the indicated meeting. Any errors or missing information on an application submitted at the deadline will result in a delay in the processing of the application. An earlier submittal is encouraged to avoid possible delays.

#### WAIVERS

Submittal Waiver:

At the discretion of the Zoning Administrator in the case of a Site Diagram, or the Director of Planning in the case of an Administrative Site Plan or a Site Development Plan, the requirement to submit a Site Diagram, an Administrative Site Plan or a Site Development Plan may be waived in any of the following cases when it is determined that the submission would serve no useful purpose:

1. The erection or enlargement of an accessory structure;
2. The enlargement of a principal building by less than 20 percent of its existing gross floor area, provided such enlargement will not result in a requirement for additional off-street parking;
3. A change in principal use where such change would not result in an increase in impervious surface area, additional off-street parking, site access, other external site characteristics or a violation of this ordinance.

Data Waiver:

1. The Zoning Administrator may waive a particular element of information or data otherwise required for a Site Diagram upon a finding that the information is not necessary to determine compliance with this ordinance.
2. The Director of Planning may waive a particular element of information or data otherwise required for a Site Development Plan upon a finding that the information or data is not necessary to determine compliance with this ordinance or that such information or data would not bear on the decision of the approval authority.

### SITE PLAN

Check that your site plan includes all required elements for a Site Development Plan (SDP). Please use the Required Site Plan Elements Checklist below.

### ADDITIONAL INFORMATION

If applicable, provide the following further information:

	<u>Yes</u>	<u>No</u>	<u>Not Applicable</u>
<b>A. <u>Sanitary Sewer Service</u></b>			
1. Does project require extension of public sewer line?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Will a community wastewater system be installed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, provide construction plans and specifications			
3. Will on-site disposal be used?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, is it depicted on plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>B. <u>Water Service</u></b>			
1. Does project require extension of public water main?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Will a community water supply be installed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, has a Utility Agreement been prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, provide construction plans and specifications			
<b>C. <u>Public utility easements required?</u></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, show on plan.			
<b>D. <u>Stormwater Review/Soil Erosion</u></b>			
1. Soil Erosion Plans approved by Soil Erosion Office?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If so, attach approval letter.			
If no, are alternate measures shown?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Stormwater Plans approved by Township Engineer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If so, attach approval letter.

If no, are alternate measures shown?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Note: Alternate measures must be designed and sealed by a registered Engineer.

E. Roads and Circulation

1. Are interior public streets proposed?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

If yes, has Road Commission approved (attach letter)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

2. Will public streets connect to adjoining properties or future streets?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

3. Are private roads or interior drives proposed?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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4. Will private drives connect to adjoining properties service roads?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

5. Has the Road Commission or MDOT approved curb cuts?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

If yes, attach approved permit.

OTHER INFORMATION

If there is any other information that you think may be useful in the review of this application, please attach it to this application or explain it on a separate page.

REVIEW PROCESS

1. Upon submittal of this application, Staff will review the materials submitted and will, within ten (10) working days, forward a determination of completeness to the applicant. If the submission is incomplete or noncompliant with the Zoning Ordinance, it will be returned to the applicant for revision. Once the submission is revised, Staff will again review it for completeness and again forward a determination to the applicant within ten (10) working days. This procedure shall be repeated until a complete submission is received.
2. Once the application is deemed to be complete and submitted according to the application deadlines, it will be forwarded to the Planning Commission for review. The Planning Commission will determine if the application is complete and schedule a public hearing.
3. Following the public hearing, the Planning Commission will make a recommendation on the application to the Township Board.
4. Prior to making a decision, the Township Board will hold a second public hearing on the application. Following the public hearing, the Township Board will make a decision to approve or deny the application.
5. If a Conditional Rezoning is approved or approved with conditions, the decision of the Township Board shall be incorporated into a written report and decision order.

PERMISSION TO ENTER SUBJECT PROPERTY

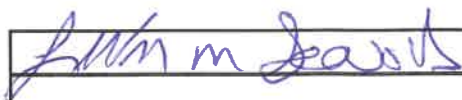
Permission is hereby granted to Garfield Township staff and Planning Commissioners to enter the premises subject to this application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

Owner Signature:

Applicant Signature:

Agent Signature:

Date:


3/8/22

OWNER'S AUTHORIZATION

If the applicant is not the registered owner of the lands that is the subject of this application, the owner(s) must complete the authorization set out below.

I/We LeVon M. Seavolt "Vaughn" authorize to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application. Moreover, this shall be your good and sufficient authorization for so doing.

Owner Signature:

LeVon M Seavolt

Date:

3/8/22

AFFIDAVIT

The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, involved in the application and all of the information submitted in this application, including any supplemental information, is in all respects true and correct. The undersigned further acknowledges that willful misrepresentation of information will terminate this permit application and any permit associated with this document.

Owner Signature:

LeVon M Seavolt

Date:

3/8/22

Applicant Signature:

Date:

3/8/22

Required Site Plan Elements Checklist (See § 956 of the Zoning Ordinance) Site Diagram (SD) / Administrative Site Plan (ASP) / Site Development Plan (SDP)		SD	ASP/ SDP
<b>A. Basic Information</b>			
1. Applicant's name, address, telephone number and signature	<input type="checkbox"/>	<input type="checkbox"/>	
2. Property owner's name, address, telephone number and signature	<input type="checkbox"/>	<input type="checkbox"/>	
3. Proof of property ownership	<input type="checkbox"/>	<input type="checkbox"/>	
4. Whether there are any options or liens on the property	<input type="checkbox"/>	<input type="checkbox"/>	
5. A signed and notarized statement from the owner of the property that the applicant has the right to act as the owner's agent	<input type="checkbox"/>	<input type="checkbox"/>	
6. The address and/or parcel number of the property, complete legal description and dimensions of the property, setback lines, gross and net acreages and frontage	<input type="checkbox"/>	<input type="checkbox"/>	
7. A vicinity map showing the area and road network surrounding the property		<input type="checkbox"/>	
8. Name, address and phone number of the preparer of the site plan	<input type="checkbox"/>	<input type="checkbox"/>	
9. Project title or name of the proposed development	<input type="checkbox"/>	<input type="checkbox"/>	
10. Statement of proposed use of land, project completion schedule, any proposed development phasing	<input type="checkbox"/>	<input type="checkbox"/>	
11. Land uses and zoning classification on the subject parcel and adjoining parcels	<input type="checkbox"/>	<input type="checkbox"/>	
12. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan, as well as their name, address and telephone number		<input type="checkbox"/>	
<b>B. Site Plan Information</b>			
1. North arrow, scale, and date of original submittal and last revision	<input type="checkbox"/>	<input type="checkbox"/>	
2. Boundary dimensions of natural features		<input type="checkbox"/>	
3. Natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over twenty-five percent (25%), beach, drainage, and similar features		<input type="checkbox"/>	
4. Proposed alterations to topography and other natural features		<input type="checkbox"/>	
5. Existing topographic elevations at two-foot intervals except shown at five-foot intervals where slopes exceed 18%		<input type="checkbox"/>	
6. Soil erosion and sediment control measures as required by the Grand Traverse County Soil Erosion Department.	<input type="checkbox"/>	<input type="checkbox"/>	
7. The location, height and square footage of existing and proposed main and accessory buildings, and other existing structures		<input type="checkbox"/>	
8. Location and specifications for any existing or proposed (above or below ground) storage facilities for any chemicals, salts, flammable materials, or hazardous materials. Include any containment structures or clear zones required by county, state or federal government authorities		<input type="checkbox"/>	
9. Proposed finish floor and grade line elevations of any structures <i>*Required only for habitable construction within the floodplain on site diagrams and administrative site plans.</i>	<input type="checkbox"/> *	<input type="checkbox"/>	
10. Existing and proposed driveways, including parking areas	<input type="checkbox"/>	<input type="checkbox"/>	
11. Neighboring driveways and other vehicular circulation features adjacent to the site		<input type="checkbox"/>	
12. A dimensional plan indicating the location, size and number of parking spaces of the on-site parking areas, and shared parking areas	<input type="checkbox"/>	<input type="checkbox"/>	
13. Identification and dimensions of service lanes and service parking, snow storage areas, loading and unloading and docks		<input type="checkbox"/>	
14. Proposed roads, access easements, sidewalks, bicycle paths, and other vehicular and pedestrian circulation features within and adjacent to the site		<input type="checkbox"/>	
15. Location of and dimensions of curb cuts, acceleration, deceleration and passing lanes		<input type="checkbox"/>	
16. Location of neighboring structures that are close to the parcel line or pertinent to the proposal		<input type="checkbox"/>	
17. Location of water supply lines and/or wells	<input type="checkbox"/>	<input type="checkbox"/>	
18. Location of sanitary sewer lines and/or sanitary sewer disposal systems	<input type="checkbox"/>	<input type="checkbox"/>	
19. Location, specifications, and access to a water supply in the event of a fire emergency		<input type="checkbox"/>	
20. Sealed (2) stormwater plans including the location and design of storm sewers, retention or detention ponds, swales, wastewater lines, clean out locations, connection points and treatment systems		<input type="checkbox"/>	
21. A utility plan including the location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam		<input type="checkbox"/>	
22. A sign plan indicating the location, size and specifications of all signs and advertising features, including cross sections		<input type="checkbox"/>	
23. A lighting plan including exterior lighting locations with area of illumination illustrated by point values on a photometric plan, Kelvin rating, as well as the type of fixtures and shielding to be used		<input type="checkbox"/>	
24. Proposed location of any open spaces, landscaping and buffering features such as buffer areas, vegetation belts, fences, walls, trash receptacle screening, and other screening features with cross sections shown		<input type="checkbox"/>	
25. A Landscape plan and table identifying the species, size of landscape materials, and number proposed, compared to what is required by the Ordinance. All vegetation to be retained on site must also be indicated, as well as, its typical size by general location or range of sizes as appropriate		<input type="checkbox"/>	
26. Statements regarding the project impacts on existing infrastructure (including traffic capacity, schools, and existing utilities, and on the natural environment on and adjacent to the site)		<input type="checkbox"/>	
27. Changes or modifications required for any applicable regulatory agencies' approvals		<input type="checkbox"/>	

**ALWARD FISHER RICE  
ROWE & GRAF**

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ATTORNEYS AT LAW

202 E. STATE STREET, SUITE 100  
TRAVERSE CITY, MI 49684  
Phone (231) 346-5400  
Facsimile (231) 941-9679

WWW.NMICHLAW.COM

E-mail: [drowe@nmichlaw.com](mailto:drowe@nmichlaw.com)  
Direct: (231) 346-5407

March 9, 2022

Charter Township of Garfield  
3848 Veterans Drive  
Traverse City, Michigan 49684

Re: Life Story Funeral Homes

To Whom It May Concern:

Please be advised that our firm represents LMS Property, LLC (hereinafter “LMS”), which owns certain real property located at 400 W. Hammond Road, Traverse City, Michigan 49686 (hereinafter the “Property”). LMS owns and operates Life Story Funeral Home (hereinafter “Life Story”) on the Property.

The purpose of this letter is to provide specific facts and information supporting LMS’s application to amend the current zoning map as it pertains to the Property. The amendment seeks to change the Property from a Conditionally Zoned / C-G – General Commercial district to a conditional I-G General Mixed-Use Industrial Business district. This letter also supports any future applications for a special use permit.

Life Story was established in April 2008, is locally owned, and has built a reputation for providing affordable and personal services to its customers. In order to continue growing as one of the community’s leading funeral homes, Life Story seeks the flexibility of having the option to add on-site cremation to its list of services.

In Garfield Township, crematorium use is allowed only in I-G and I-L districts, requires a special use permit, and must comply with applicable regulations and conditions. For the reasons set forth herein, guided by the factors to be considered for an impact statement in Garfield Township Zoning Ordinance, art. 4, div. 5, § 421.E and § 423.E, the Property should be amended to be a conditional I-G district.

**(1) Master Plan Consistency**

The intent behind I-G districts is to remain primarily industrial in nature while allowing certain non-industrial uses subject to their impact on adjacent parcels. As further discussed below, the proposed rezoning will enable the Property to retain an industrial nature without negatively impacting the surrounding lots.

# **Alward Fisher Rice Rowe & Graf, PLC**

## **ATTORNEYS AT LAW**

Charter Township of Garfield  
March 9, 2022  
Page 2

### **(2) Adverse Impacts on Neighboring Lands**

To the west of the Property is Traverse City Industrial Park, which provides a natural buffer of trees and greenery between the parcels. Running to the north and east of the Property is a parcel commonly known as 478 W. Hammond Road, which is zoned as an A-Agricultural district. This parcel has a perpetual conservation easement, Peggy Haines, Register of Deeds, 2021R-04707, which prohibits building on said parcel and provides substantial buffering. Further, the Industrial Park is zoned to allow for the operation and use of funeral homes and crematories and is set to revert back to Garfield Township in the future. The parcel south of the Property is another A-Agricultural district and provides an additional wooded buffer.

If the requested amendment and permit were granted, the nature and degree of adverse impact to these surrounding parcels would be virtually none. At the outset, various studies have shown that the design and operation of crematories in North America provide better emissions than regulations require,<sup>1</sup> and Life Story would be no exception (more in subsection (5) below).

### **(3) Sustainability as Presently Zoned**

As presently zoned, LMS cannot meet the increasing public need for cremation services because the Property is currently zoned as a Conditionally Zoned / C-G – General Commercial district. While C-G districts allow for a broad range of commercial activities, these do not include the operation and use of crematoriums. The sought amendment would enable LMS to remain primarily industrial in nature while giving them the ability to provide additional services.

### **(4) Changed Conditions**

The conservation easement mentioned above was recorded on February 26, 2021, after the Property was zoned as its current district. The easement was created to assure that the parcel's natural, scenic and forested condition would be preserved. Meaning, the natural buffering from the parcel cannot be eliminated.

### **(5) Health, Safety and Welfare**

A previous study by the Cremation Association of North America (CANA) and the Environmental Protection Agency (EPA) was performed to address the two primary emission concerns of cremation, these being emissions of particulate matter and mercury. There were three cremations performed at three

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<sup>1</sup> Rahill, Paul. "Mercury & Cremation Issues Revisited - Cremation Association of North America (CANA)." Cremation Association of North America. Accessed June 8, 2015

# **Alward Fisher Rice Rowe & Graf, PLC**

## **ATTORNEYS AT LAW**

Charter Township of Garfield

March 9, 2022

Page 3

different temperatures, and the following pollutants were measured: visible emissions, particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, hydrogen chloride, metals, and dioxins and furans.

The study yielded the conclusion that cremations can be performed in a manner that produces low levels of emissions without the need for additional pollution control equipment. Another finding was that the average amount of pollutants increased when the temperature increased, eliminating any justification or benefit from operating crematoriums at higher temperatures. These results were deemed a positive benefit to the cremation industry; a copy of the study is attached hereto.

LMS plans to have the necessary filters and equipment so that their emission levels are expected to be nearly nonexistent. There is also no concern about potential nuisances from any noise or smell as the crematorium would operate in a manner that renders any sounds or scents undetectable.

### **(6) Public Policy**

The United States has experienced a near 30% increase in cremations since 2005.<sup>2</sup> In the last year, Michigan experienced an increase of 1.5% in growth for cremation rates from 2019 to 2020, which is on par with the average rate of growth.<sup>3</sup> More specifically, the total number of deaths with cremation have been consistently increasing in Grand Traverse County since 2017.<sup>4</sup> By allowing the Property to be rezoned and granted a permit, Life Style can help assist with this local increasing need for crematory services.

### **(7) Size of Tract**

The size of the Property is approximately 410 ft x 593.5 ft.<sup>5</sup> The parcel to the west is approximately 1,317 ft x 2690 ft; the parcel to the south is approximately 1290 ft x 1330 ft; the portion of the parcel that is north of the Property is approximately 433 ft x 711 ft, with a total length of approximately 955 feet. The vast difference in size that the surrounding parcels have in comparison to the Property should be assurance that the Property has sufficient natural buffering from all directions.

### **(8) Other Factors**

Operating a crematorium on the Property will not present any adverse effects on the surrounding parcels, nor will it present any impediments to any development or improvement of these parcels consistent with their permitted uses. Furthermore, the operation will not be detrimental to public health, safety, comfort, or general welfare. Life Story already provides adequate walkways and parking for its customers and

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<sup>2</sup> Cremation Association of North America, Industrial Statistical Information, <https://www.cremationassociation.org/page/IndustryStatistics>

<sup>3</sup> Barbra Kemmis, *Snapshot: Cremation Statistics from the U.S. Pandemic*, <https://www.cremationassociation.org/news/542189/Snapshot-Cremation-Statistics-from-the-U.S.-Pandemic.htm>

<sup>4</sup> Western Michigan University School of Medicine, *2020 Annual Report*, <https://mimedicalexaminer.com/node/27>

<sup>5</sup> Measurement estimations taken from Garfield Map Center, <https://garfield-twp.maps.arcgis.com/apps/webappviewer/index.html?id=f8178e3a44324a0ea20ad37330a0b9d7>

# **Alward Fisher Rice Rowe & Graf, PLC**

## **ATTORNEYS AT LAW**

Charter Township of Garfield

March 9, 2022

Page 4

guests. The placement of the crematorium has not yet been decided but LMS anticipates the location will be towards the back of the Property or on the east side of the Property. Nonetheless, the placement of the crematorium would be in a location that would not cause any traffic congestion or present obstacles to ingress and egress.

Any necessary infrastructures, including water facilities and drainage structures, already exist and can continue to be provided without incurring any cost to the public. Most importantly, there are no individual interests that would be affected by the construction and use of a crematorium on the Property. If there are any interests affected, they would be greatly outweighed by the benefit of serving the statistical increase in public need for crematory services.

### **Offer of Conditions**

LMS's application does not purport to authorize any uses or developments that are not permitted in the requested amendment to a conditional I-G General Mixed-Use Industrial Business district. By allowing the Property to become a conditional I-G district, Garfield Township would afford LMS the ability to operate and maintain a crematorium on its' Property. The operation and use of a crematory bear a reasonable and rational relationship to the existing nature of Life Story's business –providing funeral services. In the event that the amendment is granted and LMS can move with the operation of a crematorium, such use would not occur without first obtaining the proper permits as previously mentioned; there is no anticipated need for a variance. LMS is aware that it may amend this offer of conditions during the process of rezoning consideration so long as any amended or additional conditions are entered into voluntarily. LMS ultimately offers that the Property would revert to its current zoned district if funeral home and/or crematory use were no longer viable due to the death of Life Story's owner and the Property cannot be sold or if Life Story closed.

Sincerely,

ALWARD, FISHER, RICE, ROWE & GRAF, PLC

*David H. Rowe*

David H. Rowe

DHR/bmn

Enclosures

c w/encls:

Life Story Funeral Home (via email)

**ALWARD, FISHER, RICE, ROWE & GRAF, PLC**  
**202 E. STATE STREET, SUITE 100**  
**TRAVERSE CITY, MI 49684**

## **CONDITIONAL REZONING AGREEMENT**

This **Conditional Rezoning Agreement** (hereinafter "Agreement") is entered into by and between LMS Property, LLC, a Michigan limited liability company, of P.O. Box 3062, Traverse City, MI 49685 (hereinafter "Applicant"), and the Charter Township of Garfield, 3848 Veterans Drive, Traverse City, Michigan 49684 (hereinafter "Township").

### **Recitals**

- A. The Applicant is the owner of property as described below and located along Hammond Road in the Township of Garfield, County of Grand Traverse, State of Michigan and more fully described as follows (hereinafter "Property"):

PT SW1/4 SE1/4 SEC 24 T27N R11W BEG AT S1/4 COR SEC 24 TH N 89DEG 43'E 400' TH N 00DEG 15'2 600' TH S 89DEG 43'W 400' TH S 00DEG 15'E 600' TO POB SPLIT/COMBINED ON 09/21/2016 FROM 05-024-019-00 TO 05-024-019-20 & 05-024-019-30

Parcel Identification Number 05-024-019-30

- B. The Property is subject to a Conditional Rezoning Agreement entered into in 2008 (hereinafter "2008 Agreement") and recorded at 2008R-07868, Grand Traverse County Register of Deeds whereby the Property was conditionally rezoned from an A-1 Agricultural District to a conditional G-C General Commercial District with restrictions and limitations.
- C. The Applicant requests withdrawal of the 2008 Agreement and desires to enter into a new Conditional Rezoning Agreement to further restrict the use of said Property and rezone to a conditional I-G General Mixed-Use Industrial Business District.
- D. MCL 125.3405 of the Zoning Enabling Act, as amended, provides that a landowner may offer use limitations related to the rezoning of land within a township pursuant to a Conditional Rezoning Agreement ("CRA").
- E. The Applicant has requested to enter into the provisions of the Statement of Conditions set forth in this Agreement.
- F. By entering into this Agreement, the Applicant and the Township desire to set forth the parties' obligations with respect to the Property and the conditions under which the Township has granted rezoning approval.

NOW THEREFORE, the Applicant and the Township hereby declare and agree that the Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions, restrictions, grants and reservations set forth herein; all of which are for the benefit of the Township and shall run with and bind the Property and all parties having any right, title or interest in all or any proportion of the property, as well as its heirs, successors and assigns.

### **Agreement and Statement of Conditions**

1. The Property shall be rezoned from a conditional G-C General Commercial District to a conditional I-G General Mixed-Use Industrial Business District. With respect to the Township Zoning Ordinance in effect on the date of this Agreement, the Applicant shall be permitted to conduct the following permitted uses under the I-G General Mixed-Use Industrial Business District zoning classification, and special uses permitted so long as the Township grants such special land use permit: (a) Crematorium and (b) Mortuary or Funeral Home

2. The Property shall not be used for any use or special use not permitted in the Township Zoning Ordinance for an I-G General Mixed-Use Industrial Business District.

3. The Property shall revert back to an A-Agricultural District if the Applicant or its successor determines the Property cannot be viably used as a Crematorium and/or Mortuary or Funeral Home.

4. The Applicant shall continuously maintain the Property in compliance with all of the conditions set forth in Paragraph 1.

5. This Conditional Rezoning Agreement and Agreement and Statement of Conditions may be recorded by the Township with the Grand Traverse County Register of Deeds.

6. Nothing in this Agreement shall be deemed to prohibit the Township from rezoning all or any portion of the land that is subject to the Agreement to another zoning classification. Any rezoning shall be conducted in compliance with the Township Zoning Ordinance and the Zoning Enabling Act. Upon any rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in this Agreement.

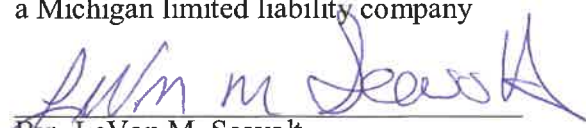
7. If the Property is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, the statement of conditions imposed under this Agreement shall cease to be in effect. Upon the Applicant's written request, the Township Clerk shall record with the Register of Deeds of Grand Traverse County a notice that the statement of conditions in the Agreement is no longer in effect.

8. None of the terms contained herein shall be interpreted to require the Applicant to obtain a special use permit to continue the current operation of a Mortuary or Funeral Home on the Property.

*[Signatures contained on the following pages]*

**LMS Property, LLC, hereby attests the conditions imposed by this Agreement were offered voluntarily and are consented to willingly.**

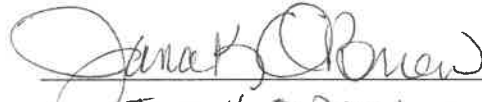
**LMS Property, LLC,**  
a Michigan limited liability company

  
By: LeVon M. Seavolt  
Its: Managing Member

STATE OF MICHIGAN                    )  
  )SS.  
COUNTY OF GRAND TRAVERSE)

Acknowledged on the 27 day of APRIL 2022, before me personally appeared LeVon M. Seavolt, Managing Member of LMS Property, LLC, a Michigan limited liability company, the organization described in and which executed the foregoing instrument, and that he signed his name thereto as and for his voluntary act and deed and as and for the voluntary act and deed of said organization.



  
JANA K O'BRIEN Notary Public  
GRAND TRAVERSE County, MI  
Acting in Grand Traverse County, Michigan  
My Commission Expires: 2-14-26

*[Signatures continued on the following page]*

**Charter Township of Garfield**

\_\_\_\_\_  
By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MICHIGAN                    )  
  )SS.  
COUNTY OF GRAND TRAVERSE)

Acknowledged on this \_\_\_\_\_ day of \_\_\_\_\_ 2022, before me personally appeared \_\_\_\_\_, \_\_\_\_\_ of the Charter Township of Garfield, known to me to be the above-described person, who executed the foregoing and acknowledged the same to be his/her free act and deed.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public

\_\_\_\_\_ County, MI

Acting in Grand Traverse County, Michigan

My Commission Expires: \_\_\_\_\_

**Prepared By/Return To:**

David H. Rowe, Esq.

*Alward, Fisher, Rice, Rowe & Graf, PLC*

202 E. State Street, Suite 100

Traverse City, Michigan 49684

(231) 346-5400

W:\Seavolt, Vaughn\Conditional Rezoning Agreement updated on 3-30-2022.docx