

CHARTER TOWNSHIP OF GARFIELD PLANNING COMMISSION MEETING

Wednesday, April 13, 2022 at 7:00 pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684
Ph: (231) 941-1620

A G E N D A

ORDER OF BUSINESS

Call meeting to order

Pledge of Allegiance

Roll call of Board Members

1. Public Comment

Public Comment Guidelines:

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

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

3. Minutes – March 23, 2022

4. Correspondence

5. Reports

- a. Township Board
- b. Planning Commissioners
- c. Staff Report

6. Unfinished Business

7. New Business

- a. PD 2022-32 – Life Story Crematorium – Conditional Rezoning – Introduction
- b. PD 2022-33 – Fox Motors Commercial Vehicle Service Center – Site Plan Review
- c. PD 2022-34 – Cherryland Center Signs – Site Development Plan Amendment

8. Public Comment

9. Other Business

10. Items for Next Agenda – April 27, 2022 @ 5:30 PM

- a. MSU Urban Planning Student Presentation – Non-Motorized Opportunities / Analysis
- b. Updates – Master Plan and Zoning Ordinance Amendments

11. Adjournment

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

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

**CHARTER TOWNSHIP OF GARFIELD
PLANNING COMMISSION MEETING
March 23, 2022**

Call Meeting to Order: Chair Racine called the March 23, 2022 Planning Commission meeting to order at 7:00pm at the Garfield Township Hall.

Pledge of Allegiance

The Pledge of Allegiance was recited by all in attendance.

Roll Call of Commission Members:

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

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

1. Public Comment (7:00)

Bill Chichester of Traverse City shared concerns with traffic near the Chick-fil-A and said that one of his employees was a hit and run victim of a Chick-fil-A customer. Traffic is still an ongoing hazard.

2. Review and Approval of the Agenda – Conflict of Interest (7:02)

Agostinelli moved and Fudge seconded to approve the agenda as presented.

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

Nays: None

4. Minutes (7:03)

a. March 9, 2022 Regular Meeting

Fudge moved and Cline seconded to approve the March 9, 2022 Regular Meeting minutes as presented.

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

Nays: None

4. Correspondence (7:04)

a. Green Lake Township – Notice of Public Hearing for Master Plan Amendment

5. Reports (7:04)

Township Board Report

Agostinelli said that the Township Board approved the BATA/TCHC project and removed the portion of an agreement between BATA and TCHC which mentioned that BATA could obtain a certificate of occupancy before the housing was built.

Planning Commissioners

McManus shared his concerns with a crosswalk in the Chick-fil-A parking lot. Sych will review the matter and said there are other concerns about the site.

Staff Report

Sych said that the Planning Department continues to monitor the Chick-Fil-A situation. On April 27th the MSU student practicum will have a presentation for the Planning Commission as a wrap-up of their work.

McManus moved and Robertson seconded to change the time of the April 27th Planning Commission meeting to 5:30pm and notice the change through the proper channels.

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

Nays: None

6. Unfinished Business

None

7. New Business

a. PD 2022-26 Proposed Master Plan Timeline (7:14)

Staff presented a draft timeline for the required Master Plan Update which is coming up in 2023. This year would be community engagement and focus group interviews as well as some analysis of land uses and demographics. In 2023 the Master Plan would be developed in terms of broader goals and implementation strategies. Commissioners commented and asked questions about the timeline.

DeGood moved and Robertson seconded TO ISSUE the Notice of Intent to plan in accordance with Michigan Planning Enabling Act and as indicated in Planning Department Report No. 2022-26 for an update of the Master Plan.

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

Nays: None

b. PD 2022-27 Zoning Ordinance Amendments (7:25)

Hannon presented several proposed zoning amendment ideas that the commission may want to discuss throughout the year including lot width requirements in the R-3 Multi Family, Wetland Regulations, Changeable Copy signage in Industrial Districts, and Drive-Through requirements. Commissioners discussed the zoning ordinance and asked to review other lot width requirements in other zoning district as well. Commissioners brought forth some updates that could be added to the drive-through language such as stacking and menu boards as well as traffic impact

studies. Discussion of having a traffic engineer who is hired by the township to review plans was reviewed.

- c. **PD 2022-28 Proposed Service Drive – Chick-fil-A to Lowes (7:48)**
Since the proposal of the new Chick-fil-A restaurant at 2700 N US-31 South, Staff has been looking at the feasibility of a shared drive from Lowe’s at 3150 N US-31 South to the Grand Traverse Mall. Staff has been in conversation with the property owners of 2700 N US-31 South, the adjacent Williams auto dealerships, Lowe’s, and Brookfield Properties, owners of the Grand Traverse Mall. With the exception of Brookfield Properties, these property owners are interested in developing a new shared drive in this area. The Township Engineer has developed two proposed concept drawings for the drive. When the Lowe’s PUD was approved in 2003, a condition of the approval was to construct a drive to its southern boundary which abuts a parcel owned by Brookfield Properties. The drive has not been built yet, but the condition of approval remains valid and Lowe’s has agreed to construct the drive. Sych reviewed the options with commissioners. Commissioners discussed the potential roadway and asked questions about the options.

8. **Public Comment (8:25)**

9. **Other Business (8:25)**

None

10. **Items for Next Agenda – April 13, 2022 (8:25)**

- a. Life Story Crematorium – Proposed Conditional Rezoning - Introduction
- b. Cherryland Center Signs – Site Development Plan Amendment
- c. Fox Motors Proposed Commercial Vehicle Service Center – Site Plan Review

Commissioners discussed the upcoming business.

11. **Adjournment**

Fudge moved to adjourn the meeting at 8:48pm.

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

		<h2 style="margin: 0;">Charter Township of Garfield</h2> <h3 style="margin: 0;">Planning Department Report No. 2022-32</h3>	
Prepared:	April 6, 2022	Pages:	6
Meeting:	April 13, 2022 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Life Story Crematorium I-G Conditional Rezoning – Introduction		
File No.	Z-2022-01	Parcel No.	05-024-019-30
Owner:	LeVon M. Seavolt “Vaughn”		
Applicant:	LMS Property, LLC		

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.

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. A site plan from 2017 is included as a reference to show the dimensions and general layout of the site.

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):



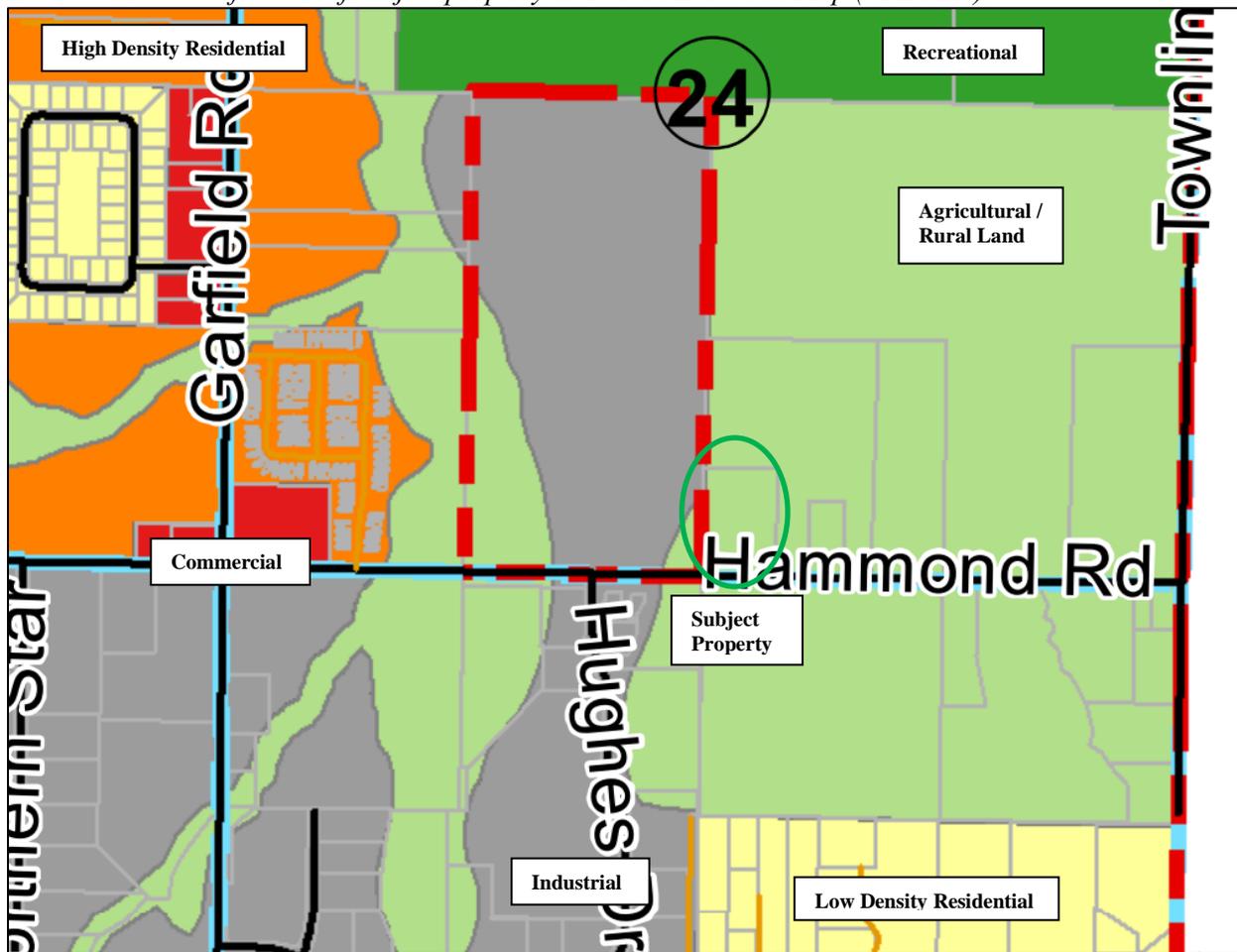
MASTER PLAN CONSIDERATIONS:

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 Rezonings 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”):

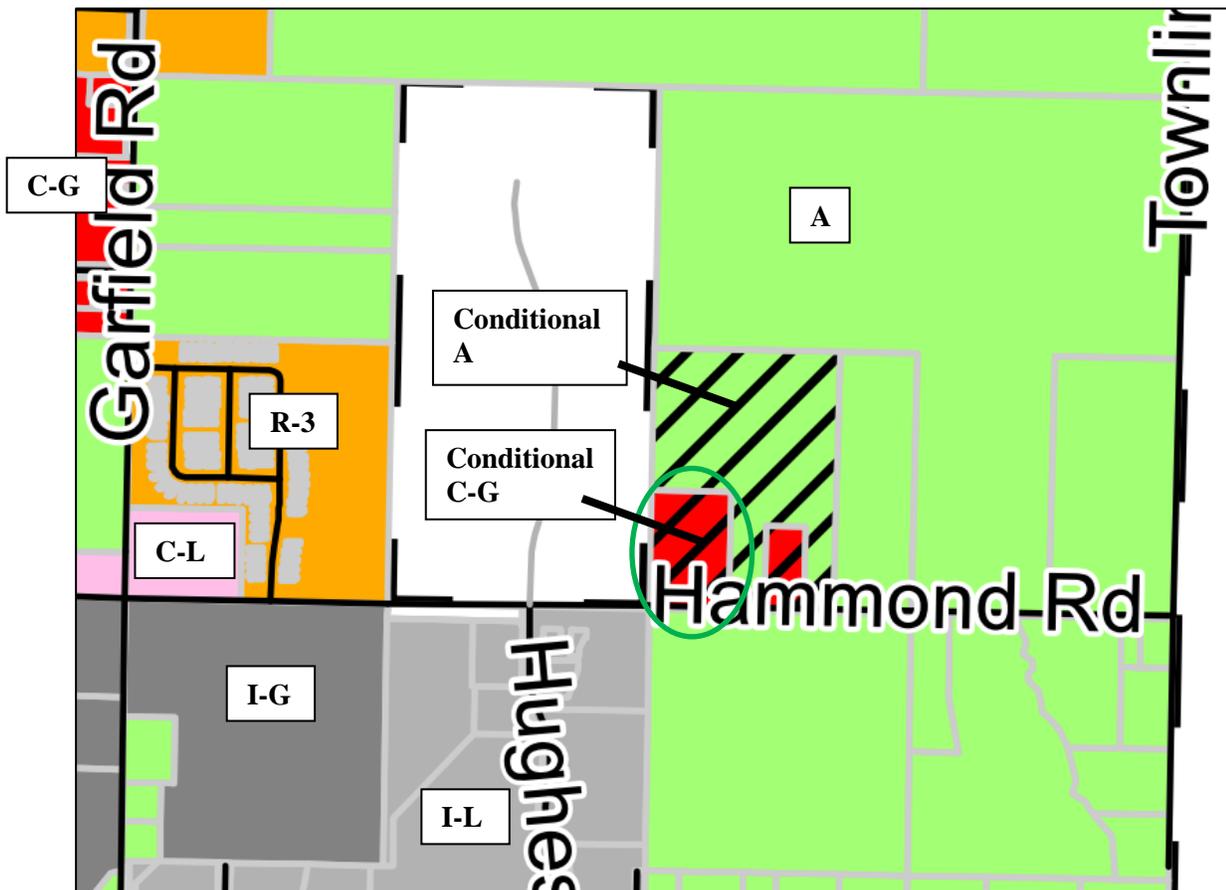


Excerpt from Zoning Plan:

Master Plan Designation	Commercial
[Requested] Zoning	I-G General Industrial (with conditions)
Zoning Ordinance District Intent	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.
Potentially Compatible District	R-M / I-L
Considerations for Downzoning (Less Density)	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.
Considerations for Upzoning (More Density)	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.

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. Staff recommends the following to be considered by the Planning Commission in reviewing this Conditional Rezoning application:

- The proposed conditional rezoning does not match the Future Land Use designation and Zoning Plan of the Master Plan; however, the site is already part of a conditional rezoning agreement that does not match the Master Plan. The proposed Conditional Rezoning would more closely match the character of the neighborhood since there are other industrial sites in the immediate vicinity but no other commercial sites.
- According to Section 422.B. (3)(c) of the Zoning Ordinance, “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.

- 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.

PRELIMINARY APPROVAL CRITERIA DISCUSSION:

A conditional rezoning is subject to review of the same criteria as any other Map Amendment. To focus the discussion on the factors relevant to approving a Map Amendment, the following approval criteria are included below for reference:

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
2. Adverse Impacts on Neighboring Lands
3. Suitability as Presently Zoned
4. Changed Conditions
5. Health, Safety, and Welfare
6. Public Policy
7. Size of Tract
8. Other Factors

ACTION REQUESTED:

This item is placed on the agenda to introduce the conditional rezoning request and consider scheduling a public hearing for the Planning Commission Regular Meeting on May 11, 2022. If, after the applicant's presentation and following discussion, the Planning Commission is prepared to schedule the application for public hearing, then the following motion is suggested:

MOTION THAT application Z-2022-01 BE SCHEDULED for public hearing for the May 11, 2022 Planning Commission Regular Meeting.

Additional information should be added to the motion as deemed necessary by the Planning Commission.

Attachments:

1. Zoning Ordinance Amendment application – dated March 8, 2022.
2. Cover Letter / Impact Statement – dated March 9, 2022.
3. Proposed Conditional Rezoning Agreement and Statement of Conditions – dated March 30, 2022.
4. Information on Emissions from Cremation Association of North America.



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>
A. <u>Sanitary Sewer Service</u>			
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. <u>Water Service</u>			
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			
C. <u>Public utility easements required?</u>			
If yes, show on plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. <u>Stormwater Review/Soil Erosion</u>			
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?

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

E. Roads and Circulation

- 1. Are interior public streets proposed?
 If yes, has Road Commission approved (attach letter)?
- 2. Will public streets connect to adjoining properties or future streets?
- 3. Are private roads or interior drives proposed?
- 4. Will private drives connect to adjoining properties service roads?
- 5. Has the Road Commission or MDOT approved curb cuts?
 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
A. Basic Information		
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. Site Plan Information		
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**

ATTORNEYS AT LAW

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

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E-mail: drowe@nmichlaw.com
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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.

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(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,¹ 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

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

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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 2005.² 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.³ More specifically, the total number of deaths with cremation have been consistently increasing in Grand Traverse County since 2017.⁴ 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.⁵ 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

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

³ 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>

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

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

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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)

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 all uses permitted under the I-G General Mixed-Use Industrial Business District zoning classification, and all special uses permitted so long as the Township grants such special land use permit, including the following:

- a. Crematorium
- 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 a conditional G-C General Commercial District if the special use of funeral home and/or crematory use were no longer viable due to the death of the Property's owner and the Property cannot be sold or if the business on the Property is no longer used for funeral and/or crematory services.

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

5. Right to Record. 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. Township Right to Rezone. 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. Subsequent Rezoning of Land. 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.

[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 30th day of March 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.

Diana M Pickard
Diana M Pickard, Notary Public
Grand Traverse County, MI
Acting in Grand Traverse County, Michigan
My Commission Expires: 07/21/2027

[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



Emissions Tests Provide Positive Results

A joint effort by CANNA and EPA produced evidence that crematories are capable of low emission without the addition of pollution equipment and that higher temperatures can increase pollutants.

The Cremation Association of North America recently participated in a detailed emissions study of a crematory as part of an effort by the U.S. Environmental Protection Agency to develop environmental regulations for crematories.

The crematory emissions testing, which took place from June 11 through June 17, 1999 at The Woodlawn Cemetery, Bronx, New York, was funded jointly by CANNA and the EPA.

The EPA is required by the Clean Air Act to establish regulations for the year 2000 for several different types of combustion equipment, including crematories.

Sensing the importance of being involved with the EPA in developing the regulations, CANNA selected the environmental team of Dale Walter and Paul Rahill from Industrial Equipment & Engineering Company to represent the interests of CANNA members during the development process.

Efforts to create the crematory regulations began in 1996 and the regulations were expected in November 1999. The regulations are now expected in the Spring of 2000 because priority has been given to other types of facilities. The CANA environmental team has participated in every step of the process to insure proper representation of the cremation industry.

The fact that EPA considers crematories a low priority would also have meant that testing funds would not have been available. However, the CANA environmental team felt that because these regulations could have such a large impact on the cremation industry it was important that they be based on complete test data. At this point EPA agreed to a CANA proposal to share the testing costs. This joint effort was made possible through donations from CANA members, and industry associations.

Testing Plan

The Woodlawn Cemetery facility was chosen because the All Crematory equipment installed there is typical of many facilities and also because it is one of the only crematories in North America with additional pollution control equipment. Water scrubber devices are installed in the exhaust ducts to clean the combustion gases.

During each test run, sampling of the combustion gases was conducted both upstream and downstream of the water scrubber device to determine how effective the device was.

Source: <http://www.cremationassociation.org/>

As recommended by the CANA environmental team, testing was conducted under three different secondary chamber operating temperatures to get a clear picture of how emissions change with temperature. A series of tests took place at each of the following temperatures: 1400°F, 1600°F, and 1800°F. Initially, EPA planned to test only at 1600°F and 1800°F. However, CANA felt it was important to test at 1400°F and decided to pay the full cost of the additional testing because many older facilities cannot operate at the higher temperatures.

Three cremations were performed at each temperature condition.

The following are the pollutants for which emission standards are to be established and for which testing was conducted:

- visible emissions
- particulate matter
- carbon monoxide
- nitrogen oxides
- sulfur dioxide
- hydrogen chloride
- metals (cadmium, mercury, and lead)
- dioxins and furans

Source: <http://www.cremationassociation.org/>



Cremation Association of North America

Testing Results

Visible Emissions:

The visible emissions were evaluated every 15 seconds and rated on a scale from 0% to 100% opacity by a qualified inspector.

The opacity readings for each cremation were then averaged over the six-minute period with the highest emissions. Figure 1 shows that visible emissions increased as the operating temperature increased. Comparison is given to a typical state emission limit.

Particulate Matter:

The results of sampling show that particulate matter emissions also increased with temperature. Overall, the emission of particulate matter were very low.

The average test results for particulate matter (shown in Figure 2) as well as the results for all of the following pollutants, are for the inlet to the scrubber. A comparison of the emissions before and after the water scrubber showed that the device had a little to no effect on the emissions of any pollutants.

Carbon Monoxide:

The levels of carbon monoxide (Figure 3) were very low for each test condition, well below the typical state standard of 100 parts per million.

Nitrogen Oxides and Sulfur Dioxide:

The levels of these gases (shown in Figure 4 and 5) were within acceptable limits.

Hydrogen Chloride:

Hydrogen chloride (HCl) is a gaseous pollutant produced by the burning of plastics or other material containing chlorine. The HCl emissions would not be expected to change with temperature. The average HCl emission for all the conditions was 0.15 pound per hour of operation.

Source: <http://www.cremationassociation.org/>

Metals:

Like HCl, emissions of mercury, cadmium, and lead are not expected to vary with operating temperature. The metal of concern from crematories is mercury, which mainly comes from dental fillings. The average mercury emission was 0.23 gram per hour of operation.

Dioxins and Furans:

Dioxins and furans are complex compounds released from many different combustion sources. The presence of chlorine in the combustion process is an important factor for dioxin and furan formation.

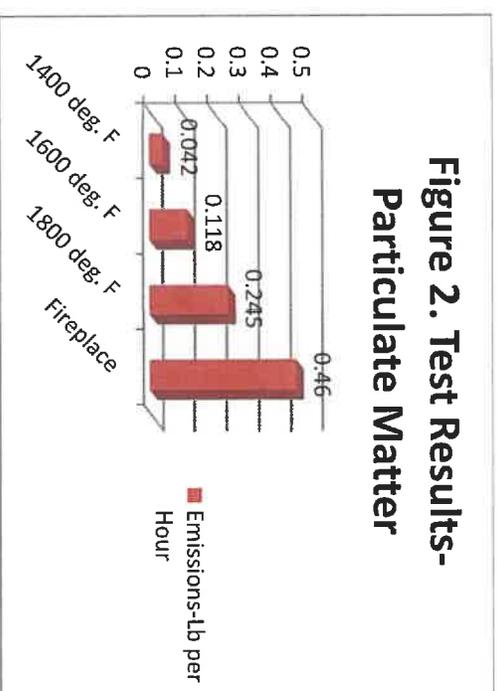
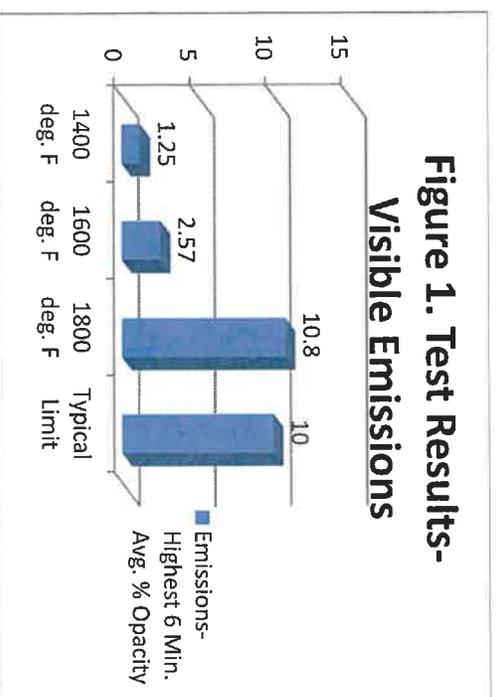
The test results show that the emissions of dioxins and furans went up as the temperature increased. The emissions, (shown in Figure 6) are low compared to other types of incinerators. The measurement unit is the nanogram, which is one-billionth of a gram.

Conclusion:

The test results show that the emissions of nearly all the tested pollutants increased when the operating temperature was raised. This indicates that there is no justification or benefit for the high operating temperatures required in many states.

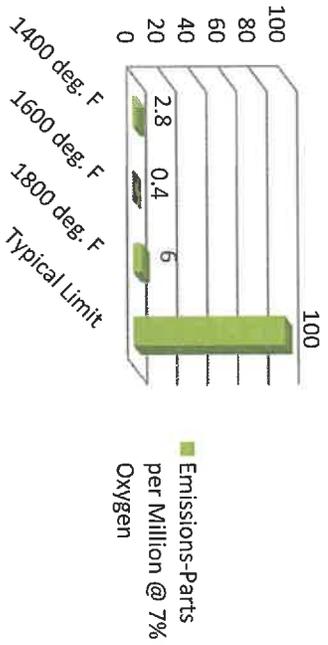
The results also demonstrate that the crematories are capable of low emissions without the use of additional pollution control equipment.

These findings should provide a positive benefit to the cremation industry as the EPA creates new regulations.

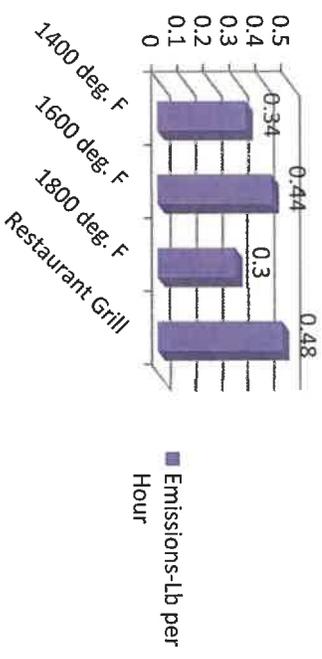


Source: <http://www.cremationassociation.org/>

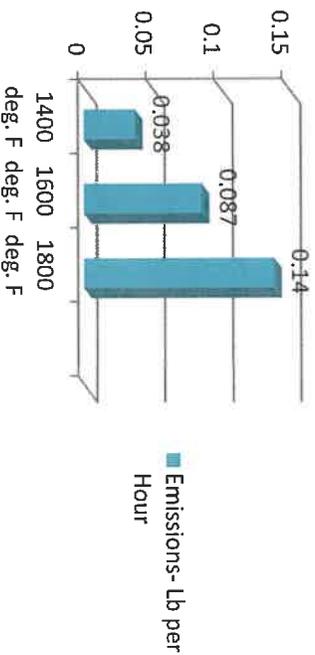
**Figure 3. Test Results-
Carbon Monoxide**



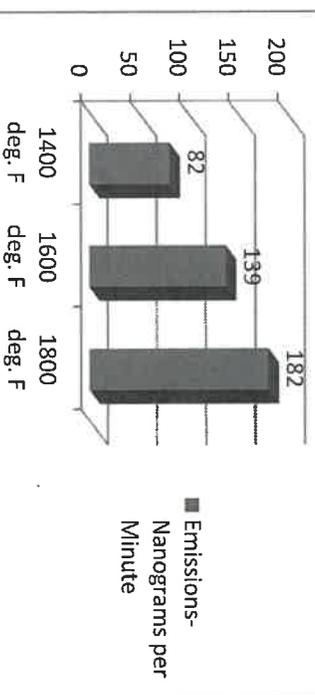
**Figure 4. Test Results-
Nitrogen Oxides**



**Figure 5. Test Results- Sulfur
Dioxide**



**Figure 6. Test Results-
Dioxins and Furans**



Source: <http://www.cremationassociation.org/>



Cremation Association of North America

The CANA Perspective on Particulate Emissions and Mercury: An In-Depth Look at a Global Controversy

For years, The Cremation Association of North America (CANA) has witnessed the concern surrounding cremating human remains and the corresponding release of primarily two emissions: particulate matter (PM) and mercury (Hg). PM can be defined as solid particles suspended in a gas as a byproduct of all combustion processes, including cremations. Mercury on the other hand, is derived from the use of silver amalgam in dental fillings that is released into the environment during the cremation process. A task force was developed by CANA to further investigate the issues; the results of the investigation are included in this report.

Particulate emissions (PM) are released into the environment in many ways, including through residential and commercial fuel-based heating — through cars, trucks, restaurant grills and fireplaces. None of these common community sources of PM have any emission controls to reduce, monitor or limit PM emissions. Crematories, however, have emission controls as part of their design to limit the amount of PM entering the atmosphere.

According to the U. S. Environmental Protection Agency (USEPA), there are many ways mercury emissions are released into the air. Some of these common sources include municipal incinerators, the breaking of used fluorescent tube lamps, dental facilities, production and disposal of batteries, household trash disposal and residential heating. USEPA lists the operation of crematories as one of the lowest sources of Hg emissions. Mercury emissions from cremation are very low and they are not

regulated by any environmental agency. Under the Clean Air Act, the USEPA reviewed and updated national air quality standards for all types of possible pollutant sources, including crematories. This review considered all possible pollutants including PM and mercury. As a result, crematories were not considered for any further federal regulation. CANA surveyed various crematories throughout the United States — Virginia, Georgia, Illinois, Washington, Florida, Indiana, Kentucky, California, Wisconsin and New York were just a few states to respond. CANA asked if there has ever been an air-quality or environmental agency in these areas that raised a concern regarding the release of mercury emissions from their crematories: The unanimous answer was no.

The American Dental Association (ADA), which oversees and regulates dentists in the United States, reports that since 1990 the use of silver amalgam has dropped from a 68-percent usage rate to 30 percent. The ADA attributes this decrease to the patients' preferences for natural-looking non metallic dental fillings. Moreover, continuous changes in dental practices, as the durability of other cavity-filling materials are proven, continues to lessen the already minimal amounts of Hg being released.

Furthermore, the Indianapolis Office of Environmental Services has responded to this growing concern by performing crematory emissions studies to determine if a source would be required to obtain an air permit. The group concluded that, although Hg from silver amalgam is certainly released, in reality, emissions are quite small, below the minimum levels of all criteria pollutants and Hazardous Air Pollutants.

The USEPA also states that crematories statistically represent 0 percent of the total inventory for national mercury emission rates, according to their Best Point Estimates. Based on actual data collected in 1999, when presumably more people still had silver amalgam fillings, all the U.S. crematories combined produced a total of only 238 pounds or 108 kilograms of Hg.

Actual tests performed for USEPA at the Woodlawn Crematorium by representatives of the Midwest Research Institute in New York, and published by the USEPA, have determined the amounts of Hg

released to the environment. The tests show that in a total of nine cremations, two were suspected of not containing any silver amalgam whatsoever. They contend that the stack testing at the Woodlawn facility was considered to be representative of all crematoria operations and, therefore, a reliable source for developing an uncontrolled emission factor for use in estimating potential emissions from all crematoria. The conclusion is that the average mercury release of nine cremations yielded 0.456 grams or 0.0010 pounds of Hg per body. In addition, the average Hg release for the seven cremations believed to contain silver amalgam fillings yielded only 0.584 grams or 0.0013 pounds per body.

Further testing by Pelican Scientific in the United Kingdom measured Hg in crematoria emissions and submitted the results to The Department of Environment, Food and Rural Affairs and the Scottish Environmental Protection Agency. Both agencies accepted the tests as having been conducted in compliance with testing standards. The first test, conducted during October 2006 at the Craighton Crematorium in Glasgow, Scotland, involved 23 cremations under normal operating conditions:

- 10 remains were suspected of not having silver amalgam fillings whatsoever.
- The average Hg release per cremation of more than 23 cremations yielded 0.128 grams or 0.0003 pounds per body.
- The average Hg release per cremation for the 13 cremations believed to contain silver amalgam fillings yielded 0.227 grams or 0.0005 pounds per body.

The second test, conducted September 2007 at the Linn Crematorium in Glasgow involved 31 cremations under normal operating conditions:

- 21 remains were suspected of not having silver amalgam fillings whatsoever.
- The average Hg release per cremation of more than 31 cremations yielded 0.323 grams or 0.0007 pounds per body.

- The average Hg release per cremation for the 10 cremations believed to contain silver amalgam fillings yielded 1.001 grams or 0.0022 pounds per body.

This information confirms that the Hg emissions information located in the USEPA National Emissions database is accurate for determining the Hg impact of cremations; and based on significant and unbiased testing, Hg emissions from crematories are not deemed sufficient to be regulated.

All the data available has already prompted notable environmentalists to draw realistic conclusions in regard to the emissions of Hg. Environmental Scientist Alexis Cain, of the Chicago office of the Environmental Protection Agency said, "I don't think it's a risk to people who live in the vicinity of crematoriums."

Two specific practices target the reduction of Hg emissions into the atmosphere via cremations. CANA recommended that neither of these directives be mandated:

- The first measure would be the installation of filtration systems or "bag houses" to the cremation equipment. There is no guarantee that these filtration systems will prevent the release of Hg into the environment, not to mention that they are extremely cost-prohibitive.
- The second measure suggests that teeth containing silver amalgam should be pulled prior to the cremation process. CANA considers this an act of mutilation and such an act would violate the respectful manner in which cremationists perform their duties. The notion that teeth-pulling would even be suggested implies that some individuals are not approaching this matter with objective insight. The misguided fear of mercury emissions clouds the realistic assessment of their environmental impact. Our decisions should be based on the soundness of the data collected and intellectually interpreted.

The most extensive cremation equipment emissions research ever undertaken confirms that the design and operation of typical North American crematories provides significantly better emissions than

regulations required, and even exceeds expectations with the older operating systems.

Summing up the matter, Samantha Wetzler, M.D., a medical examiner in the Tidewater Virginia region, said, "There are so many variables, and so many sources of mercury both to people and the environment, of which none have been eliminated ... not fish, amalgams, coal plants, industrial emissions and the breaking of light bulbs. It seems that regardless of what studies one does, no one will be able to predict these things, and pointing a finger at a crematory as one source that must be stopped seems ridiculous and frivolous. A neighbor putting a fluorescent bulb into the trash rather than recycling it properly will create more concrete hazards for the community than any amounts crematories will ... but policing of peoples' trash is not in the plans."

###

CANA is the recognized authority for all information, education, products, services and support for cremation. Founded in 1913, CANA is an International organization of over 1,300 members, composed of cemeteterians, cremationists, funeral directors, industry suppliers and consultants. CANA's purpose is to actively lead and support the providers of cremation services and to promote memorialization. This is accomplished through the highest standards of ethics, education and consumer information. CANA's members support and adhere to the following principles: integrity and ethics; excellence; professional development and education; and leadership and innovation.

For more information about CANA, visit www.cremationassociation.org.

Source: <http://www.cremationassociation.org/>

EPA Publishes New Mercury Data

The Cremation Association of North America's (CANA) contribution to the development of accurate and reliable environmental data has been acknowledged by the United States Environmental Protection Agency (US EPA). CANA is cited as the reference by the US EPA for human cremation statistics for the United States. Also, the joint test project performed and co-financed by CANA and the US EPA is now the national reference for mercury and other pollutants from human crematories ("EPA National Emissions Inventory"). The following statement was published in the Federal Register volume 69:

"In considering the nature of human crematories since the previous OSWI Federal Register notices were published, EPA has come to the conclusion that the human body should not be labeled or considered "solid waste." Therefore, human crematories are not solid waste combustion units, and are not a subcategory of OSWI for regulation. If EPA or States determine, in the future, that human crematories should be considered for regulation, they would be addressed under other authorities."

The US EPA based their recommendations of no regulations for human and animal crematories on actual data collected for a wide variety of pollutants including mercury. The US EPA determined (based on 1999 CANA cremation rates) that all US crematories, together, would have produced a total of 238 lbs. of mercury emissions in 1999. If we update the mercury emissions levels to include both the US and Canada using 2004 cremation rates, the mercury emissions would be approximately 320 lbs. . With 2050 crematories operating in the US and Canada, this would average out to about 0.15 lbs of mercury emissions per crematory per year. If you could capture 100% of the mercury from a crematory processing an average of 400 cremations per year, for one full year, the total mercury captured would be the smaller than a typical household sugar cube.

Mercury enters the cremation cycle, and therefore crematory emissions, is through silver amalgam dental fillings found in some dead human bodies.

Silver amalgam fillings contain mercury alloys that when exposed to the intense heat of the cremation process results in the volatilization of mercury and its emissions into the atmosphere.

However the use of Silver amalgam tooth fillings containing mercury is in significant decline. It is estimated that at one time silver amalgam represented almost 90%. Within the last 10 years, this has declined by 38% (United States Center for Disease Control), a significant decrease.

The recommendation by the US EPA has been open for comments for a period that ended February 7, 2005. Comments received were considered and a final determination was made in December 2005. Overall, CANA's visibility and credibility as the industry experts continues to grow with these types of outcomes and dividends for the cremation industry.

Source: <http://www.cremationassociation.org/>

 Charter Township of Garfield Planning Department Report No. 2022-33			
Prepared:	April 6, 2022	Pages:	8
Meeting:	April 13, 2022 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Fox Motors Commercial Vehicle Service Center – Site Plan Review		
Applicant:	Green Castle Properties, LLC		
Agent:	David Hendershott		
Owner:	East Paris Holdings, LLC		
File No.	SPR-2022-03		
Parcel No.	05-016-016-15		

PURPOSE OF APPLICATION:

The site is in the C-H Highway Commercial zoning district. Applications for development within the C-H Highway Commercial district shall be reviewed by the Planning Commission for compliance with Article 4, § 424 – Site Plans and Article 5 – Development Standards.

BACKGROUND:

Fox Motors is proposing a commercial vehicle service center for a site at 3536 N US 31 South, south of the intersection with Franke Road. The site is currently vacant and was formerly the site of Wahlstrom Marine. Both “Vehicle Service Center, Minor” and “Vehicle Service Center, Major” are allowed by right within the C-H district; the Zoning Ordinance does not have a separate distinction for a commercial vehicle service center. The site is about 3.14 acres according to the application.

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



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



SITE DEVELOPMENT REQUIREMENTS:

All sites in the C-H district are subject to the site development requirements in Section 321.D of the Zoning Ordinance, as summarized by the following:

(1) General

“Applications for development within the C-H district shall be reviewed by the Planning Commission for compliance with Article 4, § 424 - Site Plans and Article 5 – Development Standards.”

Staff comments on these standards are included in the site design and zoning compliance overview within this report below.

(2) External Access

“All site plan proposals submitted under the requirements of the Highway Commercial District shall provide for the proper handling of traffic on the highway, frontage road, or street giving access to the district. No access by motor vehicles other than stated herein shall be permitted to a minor or residential street. All points of entrance or exit for motor vehicles shall be no closer than fifty (50) feet from the intersection of the right-of-way lines of two streets...”

The access to this site from US 31 is part of a shared ingress and egress drive shared between this site and Garden Goods immediately to the south. This access is more than 50 feet away from the intersection of US 31 and Franke Road.

(3) Transition Strips

“A fifty (50) foot wide strip of land shall be provided on any side of a C-H District which abuts a residential or agricultural zone. This strip shall serve as a transition between the subject use and the adjacent property uses, both existing and future. No part of this transition strip shall be used for any of the site functions except that thirty (30) feet thereof may be used for parking area...”

The neighboring parcel for Garden Goods wraps around the site to the south and east and is zoned as C-H Highway Commercial. The parcels to the north are also zoned as C-H Highway Commercial. The parcel to the west is zoned as R-1 One-Family Residential. This parcel is across US 31 and the front yard of the subject site. The front yard setback is 50 feet; no site functions are proposed for this area.

(4) Service Roads

“In order to achieve a well-planned center, the Planning Commission may require access to the business facilities from an interior service road at least twenty-four (24) feet wide which shall be established in order to provide the major means of access to the planned commercial area. The site plan layout shall be such that access to commercial center parking lots shall be from the interior road and not from the major thoroughfare...”

Site access from US 31 is via a shared ingress and egress drive with Garden Goods as described above, and there are also existing cross-access connections to the neighboring parcels to the north. No further access points onto US 31 are proposed. Cross-access shall be maintained to the north for the site closer to US 31, and a cross-access easement shall be recorded with the Grand Traverse County Register of Deeds.

SITE DESIGN AND ZONING COMPLIANCE OVERVIEW:

Staff offers the following comments regarding site design and compliance with the Zoning Ordinance:

Section 424.F (1) states an “administrative site plan or site development plan shall conform to all provisions of this ordinance and to the following site development standards which shall be reflected on the plan:”

Required Information

Staff sent a completeness review to the applicants on March 17, 2022 to ask for further information and for clarification on a few items. Comments on individual items are included throughout this staff report.

Outside Agencies

The application is subject to additional reviews from several outside agencies, including but not limited to Township Engineer, Grand Traverse County Road Commission, and Metro Fire. Sewer and water utility improvements and stormwater improvements are reviewed by the Township Engineer. The escrow needed for these reviews is determined by the Township Engineer.

Essential Facilities and Services

The proposed project will redevelop an existing site. No adverse impacts on highways, streets, police, fire protection, refuse disposal, or schools are anticipated compared with the prior use. Stormwater, water, and sewer facilities are reviewed by the Township Engineer.

Natural Features

Kids Creek crosses US 31 in front of the site and occupies the northwest corner of the site. Section 535.A indicates that every commercial, industrial, or multi-family residential building shall be set back at least 75 feet from the watermark or the normal stream bank. Storm water retention or detention ponds shall be set back at least 50 feet a natural lake or normal stream bank.

There is an existing retaining wall which is not proposed to be changed which appears to be at least 75 feet from Kids Creek, based on how the creek is shown on the site plan. The 75-foot setback from Kids Creek shall be depicted on the site plan to demonstrate that the building is out of the setback. Another branch of Kids Creek runs along the back of the site near the proposed storm water detention basin; a 50-foot buffer is shown on the site plan. The stormwater system will be reviewed by the Township Engineer.

Site Design

According to the standards of Section 424.F (1)(e), “All buildings and structures shall be designed, situated, constructed, operated and maintained so as to be harmonious, compatible, and appropriate in appearance, with the existing or intended character of the general vicinity. Site design shall minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.”

The proposed site design includes an outdoor storage area in the back for at least 51 large vehicles. These vehicles would have a major impact on surrounding properties, especially the new hotel which is currently under construction to the north. The site plan shows a proposed 6-foot-tall chain link fence with privacy slats. This screening is not permitted per the following from Section 515.B (2) of the Zoning Ordinance:

(2) Uses other than residential single family and two family lots are limited to the following types fencing material:

- (a) Wood, stone, rock, decorative concrete block, masonry brick, brick, decorative wrought iron, or other materials that are similar in durability.*
- (b) Chain link may be acceptable when not in prominent view from a public street and provided a vegetative screen of living plant material is incorporated to provide screening and vegetative enhancement. Chain link fencing shall not incorporate “slats” for screening purposes.*

Staff recommends requiring a decorative wall to screen the vehicles, especially in the northeast corner near the hotel, to minimize adverse impacts of the vehicle storage.

Also, to be consistent with the proposed use as a type of vehicle service center and to minimize any adverse effects upon neighboring properties, Staff recommends requiring all repair activities to take place indoors and all vehicle parts to be stored inside. There is some concern that this type of use can potentially become a junk yard, which is not allowed in the C-H district. The definition of “junk yard” includes “any premise upon which two (2) or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more shall be deemed to be a “junk yard” within the meaning of this Ordinance.”

Orientation

The main building entrance faces US 31, and the shared drive from US 31 provides access for both this site and Garden Goods to the south. There is a proposed crosswalk connection from the existing trail in front of the site to the building entrance.

Vehicle and Pedestrian Systems

Vehicular access to the site from US 31 will be from the shared drive with Garden Goods to the south, and there will also be a cross-access connection to the north. There is a proposed crosswalk connection from the existing trail in front of the site to the building entrance. The proposed development is not anticipated to cause any undue burden on the overall vehicular or pedestrian systems in the area.

Shared Drives

Vehicular access to the site from US 31 will be from the shared drive with Garden Goods to the south, and there will also be a cross-access connection to the north. No additional curb cuts to US 31 are proposed.

Impervious Surfaces

The proposed development would maintain a similar amount of impervious surface as is currently on site. Two buildings are proposed to be removed in the back of the site to make room for the vehicle storage area.

Master Plan

The Future Land Use Map identifies the site as Commercial, and so the development does not conflict with future land use policies. This development also helps fulfill an implementation goal of the Master Plan to encourage and incentivize new and infill development close to the core area of the Township.

Article 5 – Development Standards

Dumpster Enclosures

The dumpster enclosure is proposed for the south edge of the site behind the building. Section 516 indicates that the enclosures shall be finished with the same materials and colors as the exterior finish of the principal structure or shall be concrete block or similar material. The gate shall be wood or similar opaque material, but not chain link with plastic or vinyl slats. The enclosure shall be at least 6 feet tall.

Dumpster enclosure details are included with the architectural site plan. The enclosure will have a height up to 6 feet and 8 inches, a width of 24 feet to accommodate two dumpsters, will be constructed of concrete block painted to match the building, and will include a wooden gate. The dumpster enclosure requirements appear to be met.

Lighting

Lighting standards of Section 517 of the Zoning Ordinance are described by the following:

Zoning Ordinance Lighting Standard	Subject Site
<i>A. Applicability</i> – All outdoor lighting shall be installed in conformance with the provisions of this section. Certain light fixtures exempt from this section include decorative lighting, public streetlights, emergency lights, nonconforming existing lights, neon, and flag lighting.	None of these exceptions apply to this site, so all lighting for this site is subject to the requirements of this section.
<i>B. Shielding and Filtration</i> – Lighting fixtures shall provide glare free area beyond the property line and light shall be confined to the lot from which it originates. All fixtures shall have full cut-off and shall not direct light upwards. Light sources shall be located, and light poles shall be coated, to minimize glare.	The site plan includes a lighting and photometric plan and a cut sheet for the light fixtures. The example pole and wall-mounted lights show the light to be directed downward. The site lighting appears to be arranged to direct the light into the site, away from neighboring properties, and to minimize glare.
<i>C. Illumination</i> – Average illumination levels shall not exceed 3.0 foot-candles (FC) for the main parking area, 2.0 FC for the peripheral parking area, 5.0 FC for main drive areas, and 20.0 FC directly below the lighting fixture. The illumination levels shall also not exceed 1.0 FC adjoining another nonresidential zoning district along a property line, or 2.0 FC along an arterial. Average lighting values of illuminated areas ranging from 0.5 to 1.5 FC are recommended.	The photometric plan includes a summary of the illumination levels. The maximum illumination anywhere on the site is in front of the building at 6.9 FC. The average illumination levels for the drives, parking areas, and spaces directly below light fixtures appear to be met. There are some points along the outdoor vehicle storage area where illumination appears to be over 2.0 FC at the property lines. These lights shall be adjusted to lower the illumination along property lines.

Zoning Ordinance Lighting Standard	Subject Site
<i>D. Color Temperature</i> – All proposed lamps shall emit light measuring 3,500 K or warmer.	In their response to the completeness review, the applicants cited an attached cut sheet showing that this standard will be met. It appears that the proposed light fixture has a color temperature of 4,000 K. All light fixtures shall have a color temperature of 3,500 or less.
<i>E. Prohibitions</i> – Prohibitions include mercury-vapor or metal halide fixture and lamps, laser source lights, searchlights, or any light that does not meet shielding and illumination standards.	No prohibited lighting elements are proposed.
<i>F. Pole Height</i> – All pole-mounted lighting shall not exceed the maximum zoning district height.	Maximum height in the C-H district is 35 feet. Pole heights are shown as 22 feet, 6 inches.

Landscaping

Landscaping requirements are described by the following for each length of greenspace area (e.g., without including the ingress and egress drives) for each lot line and for the parking lot interior area:

Lot Line (Length)	Adjacent Land Use	Buffer Planting Requirement	Amount Required	Amount Provided
West (160 ft.)	Arterial Road (US 31)	Type “D” * Ground cover as specified in Section 530.J, plus * 4 large trees, 3 medium or small trees, and 3 evergreen or coniferous trees per 100 linear feet of greenspace area * Minimum width: 20 feet	7 large trees 5 med./small trees 5 evergreen trees 20-foot width	12 large trees credit* 5 med./small trees 5 evergreen trees 20+-foot width *3 existing, 8-10” caliper credited at 1:3 ratio + 3 additional trees proposed
North (580 ft.)	Commercial	Type “B” * Ground cover as specified in Section 530.J, plus * 2 large trees, 1 medium or small tree, and 4 shrubs per 100 linear feet of greenspace area * Minimum width: 10 feet	12 large trees 6 med./small trees 24 shrubs 10-foot width	12 large trees 7 med./small trees 33 shrubs 5-foot width (narrowest)
East (215 ft.)			5 large trees 3 med./small tree 9 shrubs 10-foot width	7 large trees 3 med./small trees 9 shrubs 10+-foot width
South (590 ft.)			12 large trees 6 med./small trees 24 shrubs 10-foot width	16 large trees 7 med./small trees 53 existing shrubs (cedar) 10+-foot width

Most of the landscaping provided is sufficient, although the buffer along the north is only 5 feet wide at its narrowest point near the building. The north landscaping buffer needs to be widened to at least 10 feet.

Kids Creek runs through this portion of the site. According to Section 535.C, a vegetated buffer strip shall parallel and extend 35 feet inland from all points along the water mark of a lake-stream shoreline or normal stream bank which shall consist of native trees, shrubs, and other vegetation. The creek is identified on the landscaping plan and a buffer area around it is identified as “Existing Vegetation to Remain.”

As the approval authority for this project, the Planning Commission may waive or adjust any landscaping requirement in whole or in part provided that one or more of the conditions of Section 530.H exist upon the site including the existing topography, walls or fences proposed, natural features, space limitations, safety considerations, or lack of practicable alternatives.

None of the plant species proposed are prohibited by the Recommended Planting Guidelines for Garfield Township as referenced in Section 530.F (1), although many species are not listed at all. The landscaping plan was forwarded to staff at the Grand Traverse Conservation District, and no issues were identified with the plant species proposed.

Parking, Loading, and Snow Storage

For purposes of determining parking requirements in Table 5-47, the closest use to what is proposed is the “Gasoline service station and automobile repair garages.” Minimum required parking is one (1) space for each service and repair stall, plus one (1) space for each worker on the largest shift. There is no maximum parking requirement. The site plan indicates there are 4 service stalls and 10 employees on the largest shift for 14 required spaces. There are 22 spaces proposed including 1 barrier-free. Minimum dimensions for regular parking spaces are 9 feet by 20 feet for perpendicular spaces and 8 feet by 23 feet for parallel spaces, which have been met.

A minimum of two (2) bicycle parking spaces are required per Section 522.C. A bike rack is shown near the building which provides parking space for two bicycles.

For buildings at least 2,000 square feet up to 12,500 square feet of gross floor area, the site shall have one small loading space at least 10 feet wide by 20 feet long. A loading zone meeting these requirements shall be depicted on the site plan, which may be an off-hour loading zone.

As required by Section 551 of the Ordinance, a ratio of ten (10) square feet of snow storage is required per one hundred (100) square feet of parking area. The site plan does not indicate the total parking area or the required snow storage area. Snow storage requirements shall be calculated and indicated in an area on the site plan.

Signs

Signs require sign permit review and are not approved under the site plan review process. The architectural elevations show the proposed wall signage, and there is an existing freestanding sign on the site which will presumably be reused.

RECOMMENDATION:

Following the applicant presentation and Planning Commission discussion, if the Commission is prepared to decide on the application, then the following motion in support of approval is offered:

MOTION THAT application SPR-2022-03, submitted by Green Castle Properties, LLC, for a commercial vehicle service center on parcel 05-016-016-15 located at 3536 N US 31 South, BE APPROVED, subject to the following conditions:

1. All repair activities shall take place indoors.
2. All vehicle parts shall be stored inside.
3. Install a decorative wall to screen the vehicles, especially in the northeast corner near the hotel, to minimize adverse impacts of the vehicle storage.
4. Adjust the lighting and photometric plan to reduce the illumination levels below 2.0 foot-candles at the property lines.
5. The north landscaping buffer needs to be widened to at least 10 feet.
6. A loading zone meeting all requirements shall be depicted on the site plan, which may be an off-hour loading zone.
7. Snow storage requirements shall be calculated and indicated in an area on the site plan.
8. All agency reviews, including stormwater and utility review by the Township Engineer, shall be received, and deemed compliant prior to issuing a Land Use Permit or Building Permit.

Additional information deemed necessary by the Planning Commission should be added to the motion.

Attachments:

1. Application for Site Plan Review – dated March 8, 2022.
2. Project Narrative – dated March 9, 2022.
3. Site Plan Set including Site Layout, Lighting, Landscaping, Floor Plan, and Architectural Elevations – latest revision March 30, 2022.
4. Site Photos (date not indicated).



Charter Township of Garfield

Grand Traverse County

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

SITE PLAN REVIEW (SPR) 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 and/or Zoning 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

- Site Diagram Review
- Administrative Site Plan Review
- Site Development Plan Review

PROJECT / DEVELOPMENT NAME

Fox Motors - Commercial Vehicle Service Center

APPLICANT INFORMATION

Name: Green Castle Properties, LLC
Address: 200 Ottawa Ave, NW, Grand Rapids, MI 49503
Phone Number: 616-774-4044
Email: cschiefler@dpfox.com

AGENT INFORMATION

Name: David Hendershott
Address: 340 State Street, Suite 1C, Traverse City, MI 49684
Phone Number: 616-706-7192
Email: dhendershott@paradigmae.com

OWNER INFORMATION

Name: East Paris Holdings, LLC
Address: 200 Ottawa Ave, NW, Grand Rapids, MI 49503
Phone Number: 616-774-4044
Email: msekulich@dpfox.com

CONTACT PERSON

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

<i>Applicant:</i>	Colin Schiefler; cschiefler@dpfox.com
<i>Agent:</i>	David Hendershott; dhendershott@paradigmae.com
<i>Owner:</i>	Monica Sekulich; msekulich@dpfox.com

PROPERTY INFORMATION

<i>Property Address:</i>	3536 North US-31 South
<i>Property Identification Number:</i>	05-016-016-15
<i>Legal Description:</i>	See Drawings
<i>Zoning District:</i>	C-H, Commercial Highway District
<i>Master Plan Future Land Use Designation:</i>	Commercial
<i>Area of Property (acres or square feet):</i>	3.14 Acres
<i>Existing Use(s):</i>	Marine Sales and Service
<i>Proposed Use(s):</i>	Service and Repair of Motor Vehicles

PROJECT TIMELINE

<i>Estimated Start Date:</i>	May 15th, 2022
<i>Estimated Completion Date:</i>	November 1, 2022

REQUIRED SUBMITTAL ITEMS

A complete application for a Site Plan Review 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.

Site Diagram Review:

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

Administrative Site Plan:

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

Site Development Plan:

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

Digital items to be delivered via email or USB flash drive

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 Diagram (SD), Administrative Site Plan (ASP), or Site Development Plan (SDP). Please use the Required Site Plan Elements Checklist below.

APPROVAL CRITERIA

An administrative site plan or site development plan shall conform to all provisions of the Zoning Ordinance and to the following site development standards which shall be reflected on the plan:

1. Required Information. All required information shall be provided.
2. Outside Agencies. All applicable standards of outside agencies shall be met and all required permits and approvals from outside agencies shall be secured, or be made a condition of approval.
3. Essential Facilities and Services. Adequate essential facilities and services, including highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools, shall be available.
4. Natural Features. Sensitive natural features, or existing natural features that provide a buffer between adjoining properties, or assist in preserving the general appearance of the neighborhood, or help control soil erosion or stormwater, shall be preserved to the greatest extent possible.
5. Site Design. All buildings and structures shall be designed, situated, constructed, operated and maintained so as to be harmonious, compatible, and appropriate in appearance, with the existing or intended character of the general vicinity. Site design shall minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
6. Orientation. Primary buildings or structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.
7. Vehicle and Pedestrian Systems. The development, where possible, shall provide vehicular and pedestrian circulation systems which reflect and extend the pattern of streets, pedestrian and bicycle ways in the area. A proper relationship between existing and proposed roadways and parking areas shall be demonstrated, and the safety and convenience of pedestrian and vehicular traffic shall be assured. Travelways which connect and serve adjacent development shall be designed appropriately to carry the projected traffic.
8. Shared Drives. Where the opportunity exists, developments shall use shared drives. Unnecessary curb cuts shall not be permitted.
9. Impervious Surfaces. The amount of impervious surface has been limited on the site to the extent practical.
10. Master Plan. The proposal is not in conflict with the land use policies, goals and objectives of the Township Master Plan.

ADDITIONAL INFORMATION

If applicable, provide the following further information:

<u>A. Sanitary Sewer Service</u>	<u>Yes</u>	<u>No</u>	<u>Not Applicable</u>
1. Does project require extension of public sewer line? If yes, has a Utility Agreement been prepared?			
2. Will a community wastewater system be installed? If yes, has a Utility Agreement been prepared? If yes, provide construction plans and specifications			
3. Will on-site disposal be used? If yes, is it depicted on plan?			

B. Water Service

1. Does project require extension of public water main?
If yes, has a Utility Agreement been prepared?
2. Will a community water supply be installed?
If yes, has a Utility Agreement been prepared?
If yes, provide construction plans and specifications

C. Public utility easements required?

If yes, show on plan.

D. Stormwater Review/Soil Erosion

1. Soil Erosion Plans approved by Soil Erosion Office? Pending
If so, attach approval letter.
If no, are alternate measures shown?
2. Stormwater Plans approved by Township Engineer? Pending
If so, attach approval letter.
If no, are alternate measures shown?
Note: Alternate measures must be designed and sealed by a registered Engineer.

E. Roads and Circulation

1. Are interior public streets proposed?
If yes, has Road Commission approved (attach letter)?
2. Will public streets connect to adjoining properties or future streets?
3. Are private roads or interior drives proposed?
4. Will private drives connect to adjoining properties service roads?
5. Has the Road Commission or MDOT approved curb cuts? Email from MDOT
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

- 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.
- 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 may approve, approve with conditions, or deny the application.

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: Monica Schulich

Applicant Signature: Cal Sider

Agent Signature: David E. Hendershott

Date: 3/8/2022

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.

and David Hendershott

I/We authorize Green Castle Properties, LLC ~~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: Monica Schulich

Date: 3/8/2022

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: Monica Schulich

Date: 3/8/2022

Applicant Signature: Cal Sider

Date: 3-08-2022

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
A. Basic Information		
1. Applicant's name, address, telephone number and signature		
2. Property owner's name, address, telephone number and signature		
3. Proof of property ownership		
4. Whether there are any options or liens on the property		
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		
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		
7. A vicinity map showing the area and road network surrounding the property		
8. Name, address and phone number of the preparer of the site plan		
9. Project title or name of the proposed development		
10. Statement of proposed use of land, project completion schedule, any proposed development phasing		
11. Land uses and zoning classification on the subject parcel and adjoining parcels		
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		
B. Site Plan Information		
1. North arrow, scale, and date of original submittal and last revision		
2. Boundary dimensions of natural features		
3. Natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over twenty-five percent (25%), beach, drainage, and similar features		
4. Proposed alterations to topography and other natural features		
5. Existing topographic elevations at two-foot intervals except shown at five-foot intervals where slopes exceed 18%		
6. Soil erosion and sediment control measures as required by the Grand Traverse County Soil Erosion Department.		
7. The location, height and square footage of existing and proposed main and accessory buildings, and other existing structures		
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		
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>	*	
10. Existing and proposed driveways, including parking areas		
11. Neighboring driveways and other vehicular circulation features adjacent to the site		
12. A dimensional plan indicating the location, size and number of parking spaces of the on-site parking areas, and shared parking areas		
13. Identification and dimensions of service lanes and service parking, snow storage areas, loading and unloading and docks		
14. Proposed roads, access easements, sidewalks, bicycle paths, and other vehicular and pedestrian circulation features within and adjacent to the site		
15. Location and dimensions of curb cuts, acceleration, deceleration and passing lanes		
16. Location of neighboring structures that are close to the parcel line or pertinent to the proposal		
17. Location of water supply lines and/or wells		
18. Location of sanitary sewer lines and/or sanitary sewer disposal systems		
19. Location, specifications, and access to a water supply in the event of a fire emergency		
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		
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		
22. A sign plan indicating the location, size and specifications of all signs and advertising features, including cross sections		
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		
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		
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		
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)		
27. Changes or modifications required for any applicable regulatory agencies' approvals		



March 9, 2022

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

Re: Fox Motors – Commercial Vehicle Center
Location 3536 North US-31 South
Project # 2109074

Project Narrative

Fox Motors, through their agent, Green Castle Properties, is proposing to redevelop the site at 3536 North US-31 South as a commercial vehicle center. With this Commercial Vehicle Center, Fox Motors is aiming to provide our fleet and commercial customers with outstanding service at the dealership level. This facility will provide a dedicated service center for commercial vans, cab chassis, Super Duty trucks, various work trucks, dump trucks, snowplow trucks, and truck equipment. The existing property is being modified to provide a 4-bay service garage that will suit the repair needs for these commercial vehicles and a rear parking lot for the short-term storage of vehicles that are scheduled for service. The overall renovation and site improvements are scheduled to begin in May with the overall completion targeted for November 2022.

This project is expected to have very little impact on existing infrastructure. The previous use of the site, Marine Sales and Service and prior to that, automobile sales are a very similar use to the commercial vehicle center. Traffic impacts will be negligible. We have provided an email from the Michigan Department of Transportation (MDOT) that they have no objections to the project as proposed. With respect to sewer and water, there are existing facilities in the public road right-of-way are more than adequate to serve the site and similar to above, will be very similar to previous uses.

With respect to the natural environment, the owner has hired GEI consultants to delineate existing wetlands and environmental features. There are wetlands along the Kid's Creek system that are shown on the site plan. Impacts to Kid's Creek will be mitigated using a detention/water quality basin. This basin will attenuate flows from the additional pavement and will provide water quality treatment in accordance with Garfield Township's Stormwater Ordinance.



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DAVID E. HENDERSHOTT
NO. 1
ENGINEER
NO. 1
PROFESSIONAL
3-30-22
MI - REGISTRATION #6201028725
EXP. DATE 12/31/2023

PROJECT

**FOX MOTORS
COMMERCIAL
VEHICLE
CENTER
REMODEL**

3536 N US-31 SOUTH
TRAVERSE CITY, MI 49684

APPLICANT

**GREEN CASTLE
PROPERTIES
(DP FOX)**

200 OTTAWA AVE NW
GRAND RAPIDS, MI 49503

RELEASE DATE

DATE	DESCRIPTION
03-09-22	SITE PLAN REVIEW
03-30-22	PER STAFF COMMENTS

PROJECT

2109074GR

SHEET

CIVIL LAYOUT AND
UTILITY PLAN

C-102

GENERAL NOTES:

REFER TO ARCHITECTURAL PLANS FOR DETAILS OF CONCRETE DOOR STOPS.

REFER TO ARCHITECTURAL FOUNDATION PLAN FOR DETAILING OF BUILDING AND EXACT BUILDING DIMENSIONS

OWNER HAS SUBMITTED FOR AND IS IN THE PROCESS OF OBTAINING THE FOLLOWING SITE RELATED PERMITS:

AGENCY	PERMIT #
GARFIELD TOWNSHIP	LAND USE PERMIT
GRAND TRAVERSE COUNTY HEALTH DEPT	SOIL EROSION CONTROL PERMIT

UPON AWARD OF CONTRACT, CONTRACTOR WILL BE RESPONSIBLE TO CHECK WITH ENGINEER AND JURISDICTION ON STATUS OF THE PERMITS LISTED ABOVE.

CONTRACTOR IS RESPONSIBLE TO OBTAIN ALL SITE RELATED PERMITS NOT BEING OBTAINED BY THE OWNER. CONTRACTOR IS REQUIRED TO COMPLETE THE APPLICATION, AND SUBMIT NECESSARY DRAWINGS, FEES, ETC. TO THE APPROPRIATE JURISDICTION. CONTRACTOR SHALL PAY ALL FEES RELATED TO PERMITS AND SECURE PERMITS IN HIS NAME.

CONTRACTOR IS RESPONSIBLE TO COORDINATE ALL SITE UTILITY CONNECTIONS AND INSPECTIONS WITH THE PROPER JURISDICTION AND PAY ALL ASSOCIATED FEES.

THE CONTRACTOR SHALL FIELD VERIFY LOCATION AND ELEVATION OF EXISTING WATER, SANITARY SEWER, AND STORM SEWER CROSSINGS AND CONNECTION POINTS PRIOR TO CONSTRUCTION. CONTACT ENGINEER WITH ANY DISCREPANCIES.

ALL DIMENSIONS SHOWN TO CONCRETE CURB AND GUTTER ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.

CONCRETE GUTTER PAN TO TIP IN THE SAME DIRECTION AS THE ADJACENT PAVEMENT.

THE LAST THREE FEET OF ALL CURBS SHALL BE DUBBED DOWN UNLESS OTHERWISE NOTED.

ALL PAVEMENT MARKINGS SHALL BE 4" WIDE. STANDARD PARKING SPACES SHALL BE MARKED IN YELLOW AND BARRIER FREE SPACES IN BLUE. EACH BARRIER FREE SPACE SHALL BE PROVIDED WITH A PAINTED PAVEMENT SYMBOL, A PRECAST CONCRETE BUMPER BLOCK, AND A SIGN PER THE MANUAL OF UNIFORM TRAFFIC CONTROLS.

REFERENCE SOILS REPORT FOR BORING LOGS AND PREPARATION AND CONSTRUCTION PROCEDURES FOR SUBBASE AND DESIGN SECTION OF ALL PAVED AREAS.

ALL MDOT REFERENCES ARE TO THE 2012 EDITION.

GENERAL PRIVATE UTILITY NOTES:

PROPOSED PRIVATE UTILITY SERVICE AS SHOWN IS SCHEMATIC ONLY. ACTUAL LOCATION TO BE COORDINATED WITH INDIVIDUAL UTILITY COMPANY AND APPROVED BY OWNER.

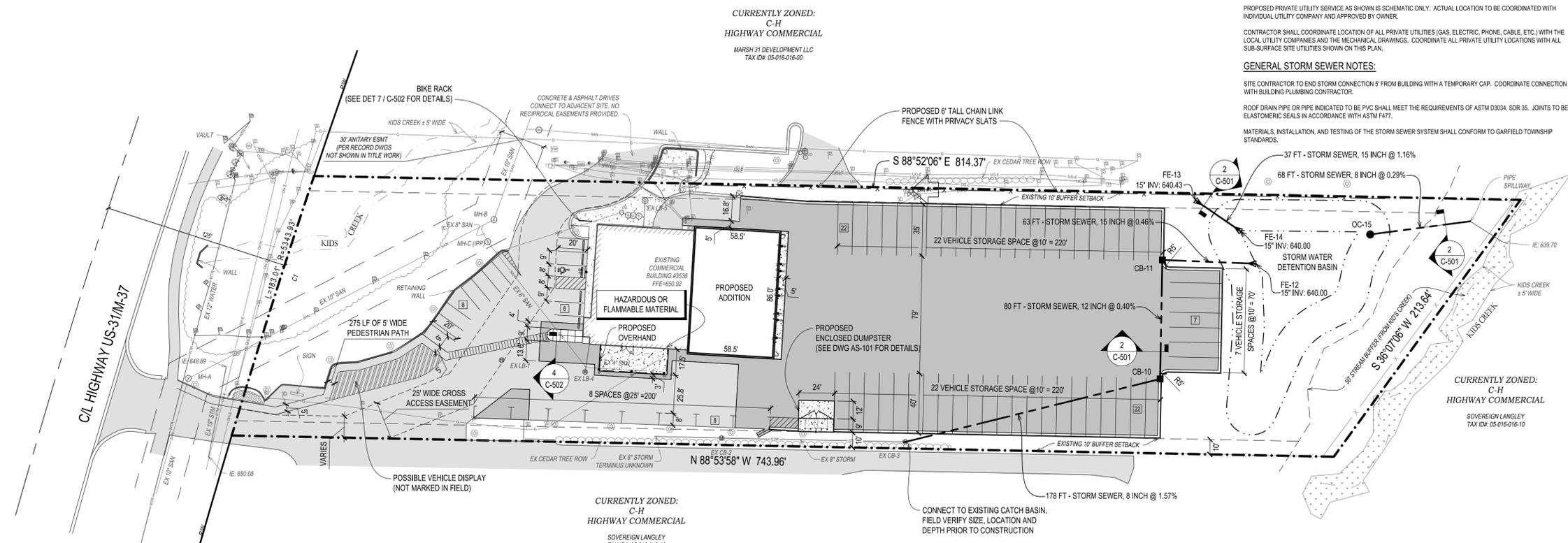
CONTRACTOR SHALL COORDINATE LOCATION OF ALL PRIVATE UTILITIES (GAS, ELECTRIC, PHONE, CABLE, ETC.) WITH THE LOCAL UTILITY COMPANIES AND THE MECHANICAL DRAWINGS. COORDINATE ALL PRIVATE UTILITY LOCATIONS WITH ALL SUB-SURFACE SITE UTILITIES SHOWN ON THIS PLAN.

GENERAL STORM SEWER NOTES:

SITE CONTRACTOR TO END STORM CONNECTION 5' FROM BUILDING WITH A TEMPORARY CAP. COORDINATE CONNECTION WITH BUILDING PLUMBING CONTRACTOR.

ROOF DRAIN PIPE OR PIPE INDICATED TO BE PVC SHALL MEET THE REQUIREMENTS OF ASTM D3034, SDR 35. JOINTS TO BE ELASTOMERIC SEALS IN ACCORDANCE WITH ASTM F477.

MATERIALS, INSTALLATION, AND TESTING OF THE STORM SEWER SYSTEM SHALL CONFORM TO GARFIELD TOWNSHIP STANDARDS.



CURRENTLY ZONED:
C-H
HIGHWAY COMMERCIAL
SOVEREIGN LANGLEY
TAX ID#: 05-016-016-10

EXISTING SANITARY SEWER	EXISTING STORM SEWER
MH-A, RIM: 652.79 10' (S) INV: 641.29 10' (NE) INV: 641.61	EX CB-2, RIM: 649.00 BEEHIVE GRATE 8' (W) INV: 645.08 8' (E) INV: 645.08
MH-B, RIM: 646.78 10' (SW) INV: 638.38 10' (N) INV: 638.29	EX CB-3, RIM: 647.12 BEEHIVE GRATE 8' (W) INV: 643.78 8' (E) INV: 643.78
MH-C (IPP), RIM: 646.82 8' (SE) INV: 642.52 8' (N) INV: 641.72	EX LB-1, RIM: 649.64 POSSIBLE LEACH BASIN FULL OF SEDIMENT
	EX LB-4, RIM: 650.83 POSSIBLE LEACH BASIN 4' (N) INV: 647.50
	EX LB-5, RIM: 650.89 POSSIBLE LEACH BASIN 4' (S) INV: 647.32

STRUCTURE NUMBER	STRUCTURE TYPE & SIZE	RIM ELEV.	CASTING TYPE	INVERT
10	CB 4'0"	RIM = 643.93 EJ 7045M-11	12" (N) = 640.83	8" (W) = 641.00
11	CB 4'0"	RIM = 643.88 EJ 7045M-11	12" (S) = 640.51 15" (E) = 640.29	
15	OC 4'0"	RIM = 643.00 SEE DETAIL		8" (E) = 640.00

SITE DATA:
SITE: 3.14 ACRES
ZONED: C-H (HIGHWAY COMMERCIAL)
USE: AUTOMOBILE SALES & SERVICE

PARKING DATA:
REQUIRED PARKING: 14 SPACES
USE: AUTOMOBILE REPAIR GARAGE - 1 FOR EACH REPAIR STALL PLUS ON FOR EACH WORKER ON MAX SHIFT
- THERE ARE 4 SERVICE STALLS
- MAX # OF EMPLOYEES IS 10

PROPOSED PARKING: 16 SPACES
(INCLUDES 1 BARRIER FREE SPACES)

PARKING SPACE: 9' x 20'
DRIVE AISLE: 20'(MIN), SEE PLAN

THE SPACES SHOWN EAST OF THE FRONT ENTRANCE ARE VEHICLE STORAGE AREA FOR SERVICE FACILITY. VEHICLES TO BE SERVICED WILL BE QUEUED IN THIS AREA.

BUILDING DATA:
THERE ARE THREE EXISTING BUILDINGS ON THE SITE. TWO OF THE BUILDINGS WILL BE REMOVED TO PROVIDE FOR VEHICLE STORAGE. A PORTION OF THE MAIN BUILDING WILL BE REMOVED AND A BUILDING ADDITION ADDED TO PROVIDE FOR THE SERVICE BAYS. OTHER IMPROVEMENTS WILL BE MADE TO THE INTERIOR TO FACILITY THE NEW BUSINESS.

BUILDING 1 - EXISTING AREA = 8,200 SFT
AREA TO BE REMOVED = 2,825 SFT
AREA OF BUILDING ADDITION = 5,030 SFT
NET BUILDING 1 AREA = 10,405 SFT

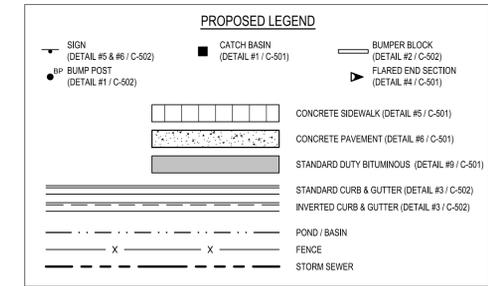
BUILDING 2 - AREA TO BE REMOVED = 5,610 SFT

BUILDING 3 - AREA TO BE REMOVED = 0,085 SFT

SITE AND BUILDING SIGNAGE:
ALL NEW SIGNAGE IS SUBJECT TO SIGN PERMIT REVIEW.

DEVELOPMENT REFERENCE:

PROPERTY OWNER:	EAST PARIS HOLDINGS, LLC 200 OTTAWA AVE. GRAND RAPIDS, MI 49603	CIVIL ENGINEER:	PARADIGM DESIGN 340 STATE STREET, SUITE 1C TRAVERSE CITY, MI 49684
ARCHITECT:	PARADIGM DESIGN 340 STATE STREET, SUITE 1C TRAVERSE CITY, MI 49684	SURVEYOR:	SHIMMER SURVEYING 8863 W. 24 RD. MUSKEGON, MI 49668 (231) 429-4914



THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN ON THESE PLANS WAS OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL POTHOLE ALL EXISTING UTILITIES TO VERIFY THE LOCATION AND ANY DISCREPANCY BETWEEN THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER.

Wednesday, March 30, 2022 at 12:25pm C:\2109074GR-Fox-Motors-Large-Track-Service-Drawings-2109074GR-Civil-Layout-Utility-Plan.dwg (hendershott)



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DAVID E. HENDERSHOTT
MI - REGISTRATION #6201028725
EXP. DATE 12/31/2023

PROJECT

FOX MOTORS
COMMERCIAL
VEHICLE
CENTER

REMODEL

3536 N US-31 SOUTH
TRAVERSE CITY, MI 49684

APPLICANT

GREEN CASTLE
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200 OTTAWA AVE NW
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RELEASE DATE

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03-30-22	PER STAFF COMMENTS

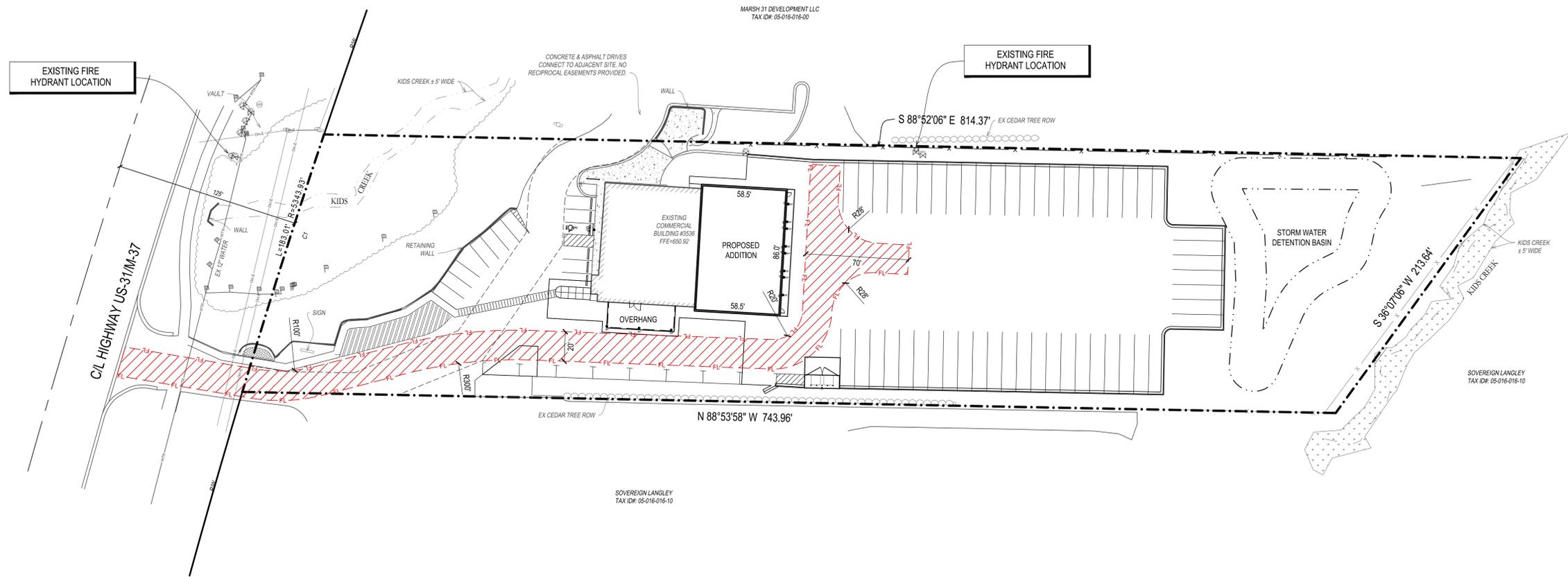
PROJECT

2109074GR

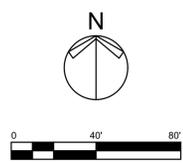
SHEET

CIVIL FIRE ACCESS PLAN

C-103



THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN ON THESE PLANS WAS OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL POthOLE ALL EXISTING UTILITIES TO VERIFY THE LOCATION AND ANY DISCREPANCY BETWEEN THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER.



Wednesday, March 30, 2022 at 12:25pm C:\109074GR Fox Motors Large Truck Service Drawings - 2109074GR\Civil\074C-103.dwg @hendershott



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PROJECT

2109074GR

SHEET

CIVIL GRADING AND
SWPP PLAN

C-104

GENERAL SOIL EROSION AND SEDIMENTATION CONTROL NOTES:

IT IS THE OWNER'S RESPONSIBILITY TO OBTAIN THE SOIL EROSION PERMIT FROM THE PROPER GOVERNING AUTHORITY.

A CONTRACTOR / INSPECTOR SHALL INSPECT THE SOIL EROSION/SEDIMENT CONTROL DEVICES ONCE EACH WEEK AND/OR WITHIN 24 HOURS OF A PRECIPITATION EVENT WHICH RESULTS IN A STORM DISCHARGE FROM THE SITE.

ALL DISTURBED NON-PAVEMENT AREAS MUST BE RESTORED WITH TOPSOIL, SEED, FERTILIZER, AND MULCH UNLESS SODDED. (SEE LANDSCAPE PLAN)

ALL SLOPES STEEPER THAN 1V:3H SHALL USE AN EROSION CONTROL BLANKET (NORTH AMERICAN GREEN S150BN OR EQUAL). ALL SLOPES BETWEEN 1V:4H AND 1V:3H SHALL USE AN EROSION CONTROL BLANKET (NORTH AMERICAN GREEN D575 OR EQUAL). UNLESS INDICATED OTHERWISE ON PLANS.

SEEDING SHOULD BE PREPARED ACCORDING TO THE MANUFACTURER'S RECOMMENDATIONS. THE CONTRACTOR / INSPECTOR SHALL INSPECT THE AREA AFTER SEEDING IS COMPLETED. AREAS THAT ARE BARE OR NOT MULCHED PROPERLY WILL NEED TO BE SPOT SEEDING AND/OR MULCHED.

SILT FENCE SHOULD BE TRENCHED IN, BACKFILLED, AND STAPLED OR STAKED ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS. MAINTENANCE INCLUDES THE REMOVAL OF BUILT UP SEDIMENT WHEN THE SEDIMENT ACCUMULATES TO 1/3 TO 1/2 THE HEIGHT OF THE FENCE. CONTRACTOR SHALL REMOVE, REPLACE, RETRENCH, OR REBACKFILL THE FENCE IF IT FAILS. CONTRACTOR SHALL REINSTALL IF ANY PORTION OF THE FENCING IS DAMAGED BY CONSTRUCTION MACHINERY.

INLET FILTERS SHALL BE SILT SACKS, DANDY BAGS, OR APPROVED EQUAL. INLET FILTERS SHALL BE INSPECTED FOR BUILDUP OF SILT AND OTHER DEBRIS. THIS IS EVIDENT IF STRUCTURE IS CAUSING FLOODING. MAINTENANCE SHALL CONSIST OF REMOVING OF SEDIMENTS OR REPLACING FILTER AS NECESSARY.

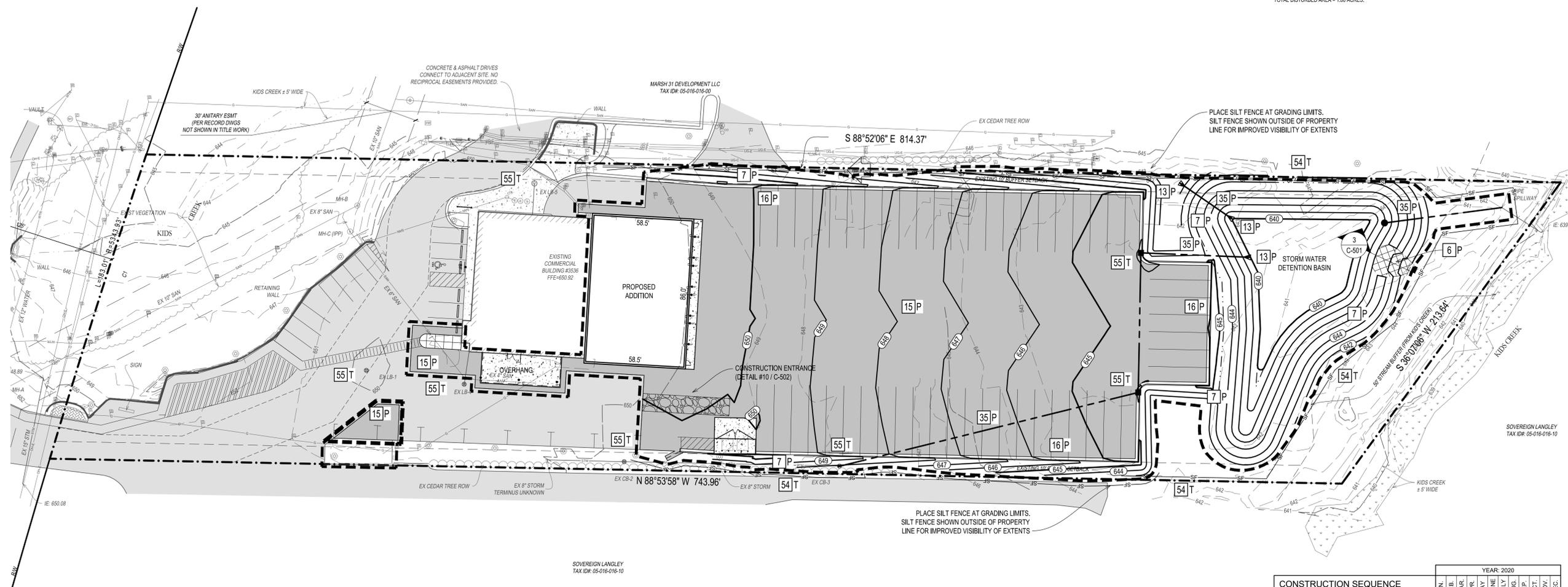
SOIL EROSION CONTROL METHODS SHOWN ARE A GUIDELINE AND DO NOT RELIEVE THE CONTRACTOR FROM ADDITIONAL METHODS THAT MAY BE REQUIRED BY THE SOIL EROSION CONTROL PERMIT.

DETENTION BASIN(S) SHALL BE ONE OF THE FIRST ITEMS CONSTRUCTED AND SHALL BE USED AS A TEMPORARY SEDIMENTATION BASIN UNTIL THE SITE IS STABILIZED. THE CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL ACCUMULATED SEDIMENT AND RESTORATION OF THE BASIN PRIOR TO ACCEPTANCE BY THE OWNER.

THE CONTRACTOR WILL ENGAGE A CERTIFIED STORM WATER OPERATOR IN ACCORDANCE WITH EPA PHASE II RULES TO MEET REQUIREMENTS OF THE PERMIT. THIS OPERATOR WILL INSPECT THE JOB SITE AS REQUIRED BY RULE, NOTIFY JOB SITE SUPERINTENDENT OF ANY DEFICIENCIES, AND ENTER FINDINGS IN THE JOB SITE INSPECTION JOB BOOK.

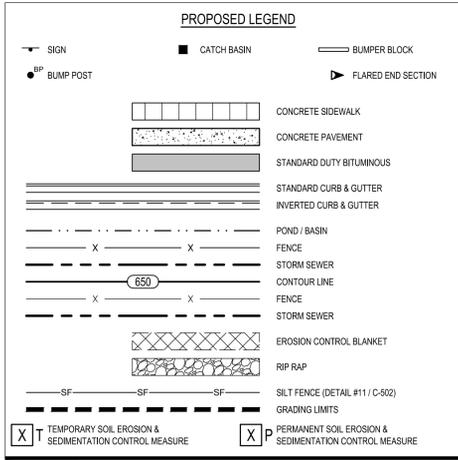
DISTURBED SITE SOILS CONSIST OF ALPENA-EAST LAKE GRAVELLY LOAMY SANDS, KALKASKA LOAMY SAND AND POSSIBLY EDWARDS MUCK NEAR KIDS CREEK PER USDA NRCS MAPS. A SITE GEOTECHNICAL REPORT IS PENDING.

TOTAL DISTURBED AREA = 1.80 ACRES.



UNIFIED KEYING SYSTEM
SOIL EROSION AND SEDIMENTATION CONTROL MEASURES

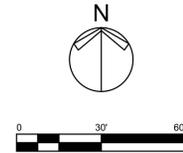
6	HYDRO-SEED UNDER EROSION CONTROL BLANKET	16	CURB & GUTTER
7	HYDRO-SEEDING	35	STORM SEWER CB
13	RIP-RAP, RUBBLE, GABIONS	54	GEOTEXTILE SILT FENCE
15	PAVING	55	GEOTEXTILE INLET FILTER

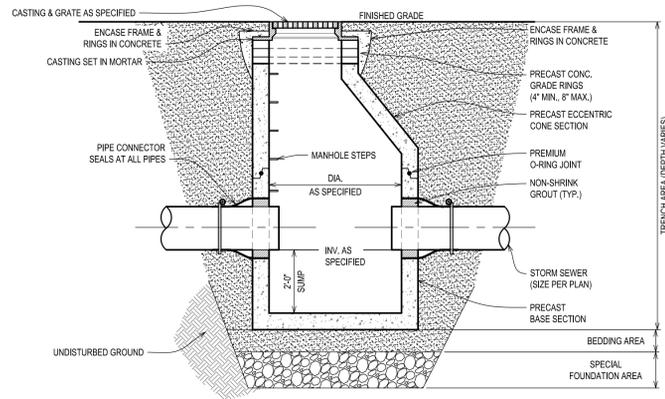


CONSTRUCTION SEQUENCE	YEAR: 2020											
	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.
STRIPPING & STOCKPILING TOPSOIL												
ROUGH GRADING SEDIMENT CONTROL												
TEMPORARY CONTROL MEASURES												
STORM UTILITIES												
TEMPORARY CONSTRUCTION ROADS												
PERMANENT CONTROL MEASURES												
FOUNDATION / BUILDING CONSTRUCTION												
SITE CONSTRUCTION												
FINISH GRADING												
LANDSCAPING												

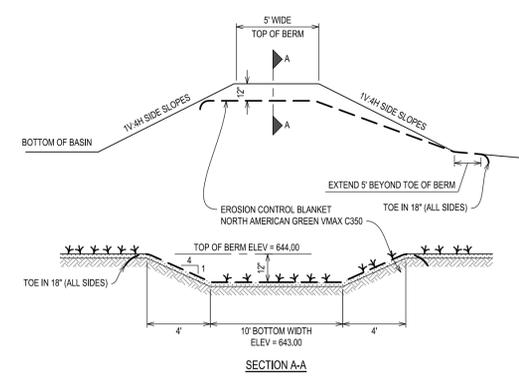
GENERAL CONTRACTOR SHALL COMPLETE CONSTRUCTION SEQUENCE SCHEDULE WHEN MAKING APPLICATION FOR SOIL EROSION CONTROL PERMIT.

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN ON THESE PLANS WAS OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL POthOLE ALL EXISTING UTILITIES TO VERIFY THE LOCATION AND ANY DISCREPANCY BETWEEN THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER.





1 STORM MANHOLE / CATCH BASIN
NOT TO SCALE

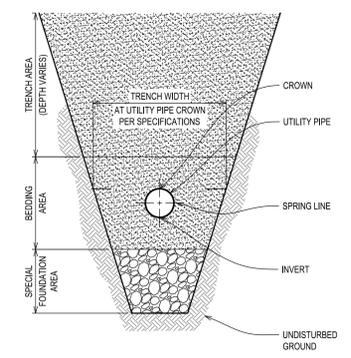


3 BASIN OVERFLOW SPILLWAY
NOT TO SCALE

STORM STRUCTURE CONSTRUCTION METHODS:
TRENCH AREA BACKFILL: DO NOT BACKFILL UNTIL CONCRETE HAS REACHED 75% OF DESIGN STRENGTH. COMPACT TO 95% OF MAXIMUM DENSITY PER ASTM D1557 (MODIFIED PROCTOR) IN LAYERS NOT EXCEEDING 6 INCHES.
BEDDING AREA BACKFILL: COMPACT TO 95% OF MAXIMUM DENSITY PER ASTM D1557 (MODIFIED PROCTOR).
SPECIAL FOUNDATION AREA BACKFILL: NOTIFY ENGINEER WHEN SOIL UNDER BEDDING AREA IS MUCK, SILT, ORGANIC CONTENT SOIL, OR HIGHLY SATURATED PLASTIC SOIL TO DETERMINE REQUIRED DEPTH OF SPECIAL FOUNDATION AREA. COMPACT TO 95% OF MAXIMUM DENSITY PER ASTM D1557 (MODIFIED PROCTOR) IN LAYERS NOT EXCEEDING 6 INCHES.
PRECAST CONCRETE WALL SECTION: FILL JOINTS COMPLETELY WITH MORTAR AND TROWEL.
GRADE RINGS: SET IN FULL BED OF MORTAR AND COAT EXTERIOR WITH 1/2 INCH OF MORTAR.
CASTING SETTING: SET IN FULL BED OF MORTAR AT ELEVATION SPECIFIED ON PLANS.

STORM STRUCTURE MATERIALS:
TRENCH AREA: FROM BOTTOM OF STRUCTURE TO BOTTOM OF PAVEMENT SECTION OR TO BOTTOM OF TOPSOIL LAYER.
BEDDING AREA: FROM BOTTOM OF STRUCTURE TO 12" BELOW BOTTOM OF STRUCTURE.
SPECIAL FOUNDATION AREA: FROM 12" BELOW BOTTOM OF STRUCTURE TO SATISFACTORY FOUNDATION SOILS.
TRENCH AREA BACKFILL: MDOT 902.07 CLASS II FOR CATCH BASINS & MANHOLES. MDOT 902.06, 34R FOR LEACHING BASINS.
BEDDING AREA BACKFILL: MDOT 902.07 CLASS II FOR CATCH BASINS & MANHOLES. MDOT 902.06, 34R FOR LEACHING BASINS.
SPECIAL FOUNDATION AREA BACKFILL: MDOT 902.07 CLASS II.
DRAINAGE MATERIAL: MDOT 902.06, 34R, MDOT 902.03, 6A FOR LEACHING BASINS.
CONCRETE: MDOT 7.01, S3.
MORTAR: ASTM C270, TYPE S.
BASE SLAB: ASTM C478.
PRECAST REINFORCED CONCRETE WALL SECTION: ASTM C478; RUBBER O-RING PER ASTM C443.
CATCH BASIN FLAT TOP: ASTM C478.
GRADE RINGS: ASTM C478.
MANHOLE STEPS: EJIW 8500 OR EQUAL.
GRATE AND CASTINGS:
 1. CURB AND GUTTER SECTION:
 A. STANDARD: EJIW 7045, TYPE M1 GRATE, TYPE T1 BACK, OR EQUAL.
 B. WIDE: EJIW 7030, TYPE M2 GRATE, TYPE T1 BACK, OR EQUAL.
 C. DOUBLE: EJIW 7031, TYPE M2 GRATE, TYPE T1 BACK, OR EQUAL.
 D. GUTTER PAN: EJIW 5105, TYPE M1 GRATE, OR EQUAL.
 2. VALLEY GUTTER SECTION:
 A. STANDARD: EJIW 7005, TYPE M1 GRATE, TYPE T1 BACK, OR EQUAL.
 B. WIDE: EJIW 7030, TYPE M2 GRATE, TYPE T3 BACK, OR EQUAL.
 C. DOUBLE: EJIW 7031, TYPE M2 GRATE, TYPE T3 BACK, OR EQUAL.
 3. IN PAVEMENT SECTION:
 A. STANDARD: EJIW 1040, TYPE M1 GRATE, OR EQUAL.
 B. STANDARD: EJIW 5105, TYPE M1 GRATE, OR EQUAL.
 4. DITCH SECTION:
 A. STANDARD: EJIW 1040, TYPE O2 BEEHIVE GRATE, OR EQUAL.
 B. LARGE: EJIW 6498, OR EQUAL.
 5. STORM MANHOLE:
 A. STANDARD: EJIW 1040, TYPE "B" COVER, OR EQUAL, IMPRINTED WITH LETTERING "STORM SEWER".
PIPE CONNECTION SEALS: ALL PIPE CONNECTION OPENINGS SHALL BE PRECAST WITH RESILIENT RUBBER WATER TIGHT PIPE TO MANHOLE SLEEVES OR SEALS WITH S.S. STRAPS, PER ASTM C923.

NOTE: SUITABLE ON SITE GRANULAR MATERIAL MAY BE SUBSTITUTED FOR MDOT CLASS II IF APPROVED BY ENGINEER.



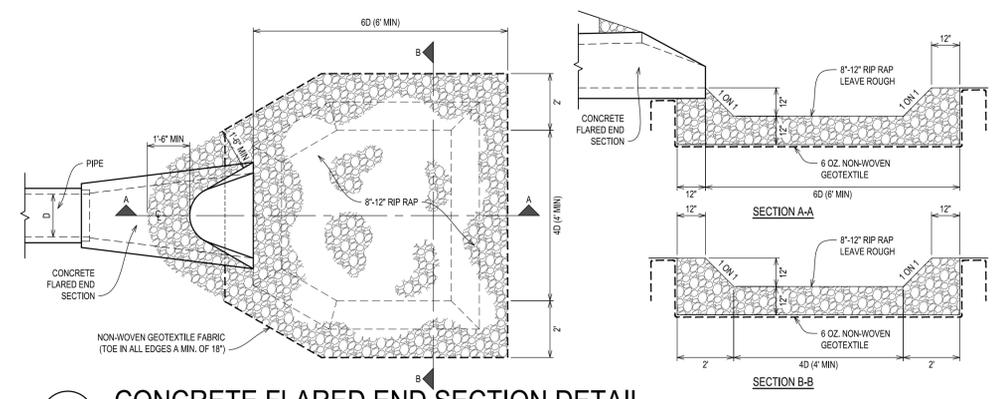
2 UTILITY TRENCH
NOT TO SCALE

UTILITY TRENCH BACKFILL MATERIALS:
TRENCH AREA: FROM 12" ABOVE CROWN OF PIPE TO BOTTOM OF PAVEMENT SECTION OR TO BOTTOM OF TOPSOIL LAYER.
BEDDING AREA: FROM 12" ABOVE CROWN OF PIPE TO 12" BELOW INVERT OF PIPE.
SPECIAL FOUNDATION AREA: FROM 12" BELOW INVERT OF PIPE TO SATISFACTORY FOUNDATION SOILS.
TRENCH AREA BACKFILL: MDOT 902.07, GRANULAR MATERIAL CLASS II.
BEDDING AREA BACKFILL: MDOT 902.07, GRANULAR MATERIAL CLASS II LIMITED TO 1" INCH MAXIMUM SIZE.
SPECIAL FOUNDATION AREA BACKFILL: MDOT 902.07, GRANULAR MATERIAL CLASS II LIMITED TO 1" INCH MAXIMUM SIZE.
DRAINAGE MATERIAL: MDOT 902.06, 34R.
DRAINAGE FABRIC: NON-WOVEN, MDOT 910.03C.
NOTE: SUITABLE ON SITE GRANULAR MATERIAL MAY BE SUBSTITUTED FOR MDOT 902.07, GRANULAR MATERIAL CLASS II, IF APPROVED BY ENGINEER.

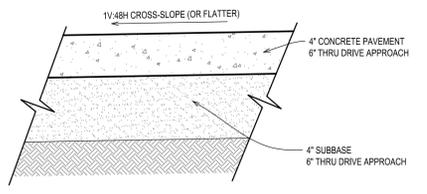
TABLE A

INTERNAL PIPE DIA.	TRENCH WIDTH "W"
6" - 10"	2.5'
12"	3.0'
18"	3.5'
24"	4.0'
30"	4.5'
36"	5.0'
42"	6.0'
48"	6.5'

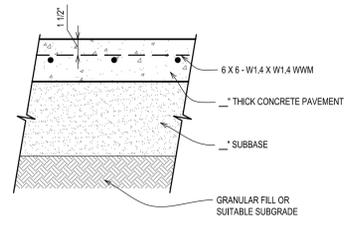
UTILITY TRENCH EXCAVATION AND BACKFILL METHODS:
 (REFERENCE SOILS REPORT)
EXCAVATION: SURPLUS MATERIAL SHALL BECOME PROPERTY OF CONTRACTOR FOR DISPOSAL.
SPECIAL FOUNDATION AREA BACKFILL: NOTIFY ENGINEER WHEN SOIL UNDER BEDDING AREA IS MUCK, SILT, ORGANIC CONTENT SOIL, OR HIGHLY SATURATED PLASTIC SOIL TO DETERMINE REQUIRED DEPTH OF SPECIAL FOUNDATION AREA. COMPACT TO 95% OF MAXIMUM DENSITY PER ASTM D1557 (MODIFIED PROCTOR) IN LAYERS NOT EXCEEDING 6 INCHES.
BEDDING AREA AND TRENCH AREA BACKFILL: COMPACT TO 95% OF MAXIMUM DENSITY PER ASTM D1557 (MODIFIED PROCTOR) IN LAYERS NOT EXCEEDING 6 INCHES.



4 CONCRETE FLARED END SECTION DETAIL
NOT TO SCALE



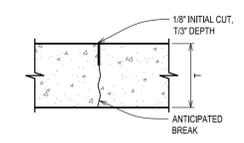
5 CONCRETE SIDEWALK
NOT TO SCALE



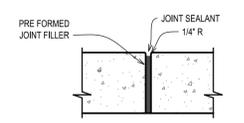
6 CONCRETE PAVEMENT SECTION
NOT TO SCALE

PAVEMENT CONSTRUCTION METHODS:
SITE PREPARATION AND EARTHWORK: MDOT 205.03.A, 205.03.E (SUBGRADE UNDERCUTTING TYPE II), AND 205.03.F - 205.03.H.
BASE COURSE: MDOT 302.03.
BOND COAT: MDOT 501.03.D.
BITUMINOUS LEVELING AND TOP COURSES: MDOT 501.03.A, 501.03.C, 501.03.E-501.03.K. VIBRATORY ROLLERS PROHIBITED.
CONCRETE PAVEMENT: MDOT 602.
CONCRETE CURB AND GUTTER: MDOT 602.03. PLACE EXPANSION JOINTS AT SPRING LINE OF PAVEMENT, AT JUNCTION WITH EXISTING CURB, AT JUNCTION WITH ADJACENT CONCRETE PAVEMENT, AND EVERY 100 FEET. PLACE PLANE OF WEAKNESS JOINT EVERY 10 FEET.
CONCRETE PAVEMENT JOINTS: PLACE EXPANSION JOINTS ALONG WALLS, AROUND DRAINAGE STRUCTURES, AND WHERE SHOWN ON PLANS. SPACE CONTROL JOINTS AT DISTANCES EQUAL TO 24 TO 30 TIMES THE THICKNESS OF THE SLAB.

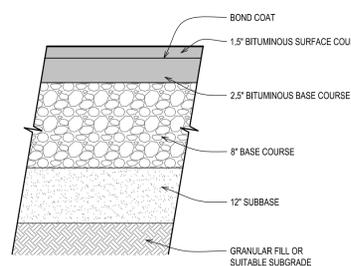
PAVEMENT MATERIALS:
SUBGRADE UNDERCUTTING BACKFILL: MDOT 902.07, GRANULAR MATERIAL CLASS II, OR SUITABLE ON SITE GRANULAR MATERIAL APPROVED BY ENGINEER.
SUBBASE: MDOT 902.07, GRANULAR MATERIAL CLASS II, OR SUITABLE ON SITE GRANULAR MATERIAL APPROVED BY ENGINEER.
BASE COURSE: MDOT 902.05, 22A OR 21AA AGGREGATE.
BOND COAT: MDOT 904.03, SS-1h OR CSS-1h.
BITUMINOUS BASE COURSE: MDOT BITUMINOUS MIXTURE [13A] [4E1] [3C], PERFORMANCE GRADE 58-28 ASPHALT CEMENT.
BITUMINOUS SURFACE COURSE: MDOT BITUMINOUS MIXTURE [13A] [5E1] [4C], PERFORMANCE GRADE 58-28 ASPHALT CEMENT.
CONCRETE: MDOT 601, GRADE P1 (OR P-NC).
WELDED WIRE FABRIC: MDOT 906.06.
CONCRETE JOINT FILLER: MDOT 914.03.
CONCRETE JOINT SEALANT: MDOT 914.04.



7 CONCRETE CONTROL JOINT
NOT TO SCALE



8 CONCRETE EXPANSION JOINT
NOT TO SCALE



9 SPECIAL DUTY BITUMINOUS PAVEMENT SECTION
NOT TO SCALE

Wednesday, March 30, 2022 at 12:27pm C:\109074GR-Fox Motors Large Truck Service Drawings - 2109074GR-Civil\074C-501.dwg (hendershot)

PARADIGM DESIGN ARCHITECTS | ENGINEERS
 340 E State Street, Suite 1C
 Traverse City, MI 49684
 (231) 346-3030
 Grand Rapids | Phoenix | Traverse City
 www.paradigm.com

PROJECT
FOX MOTORS COMMERCIAL VEHICLE CENTER REMODEL

3536 N US-31 SOUTH
 TRAVERSE CITY, MI 49684

APPLICANT
GREEN CASTLE PROPERTIES (DP FOX)

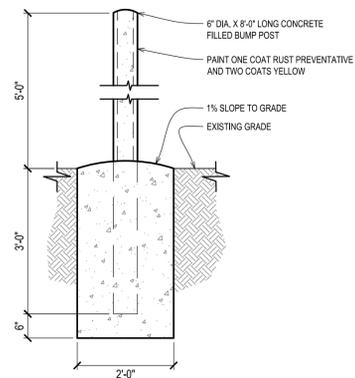
200 OTTAWA AVE NW
 GRAND RAPIDS, MI 49503

RELEASE DATE

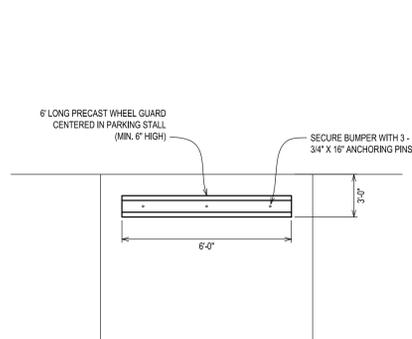
DATE	DESCRIPTION
03-09-22	SITE PLAN REVIEW
03-30-22	PER STAFF COMMENTS

PROJECT
2109074GR

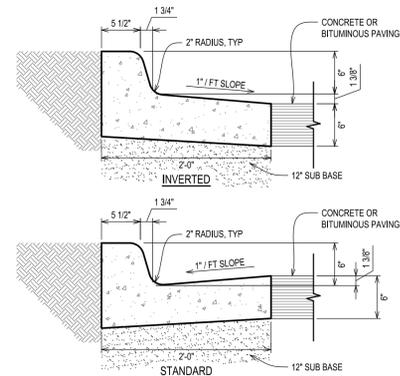
SHEET
CIVIL DETAILS
C-501



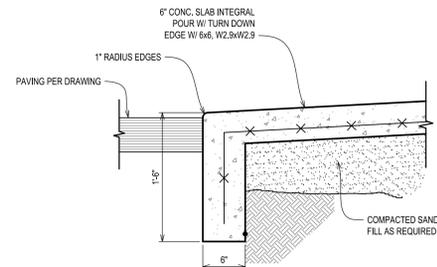
1 BUMP POST
NOT TO SCALE



2 BUMPER BLOCK DETAIL
NOT TO SCALE



3 24" CURB & GUTTER
NOT TO SCALE

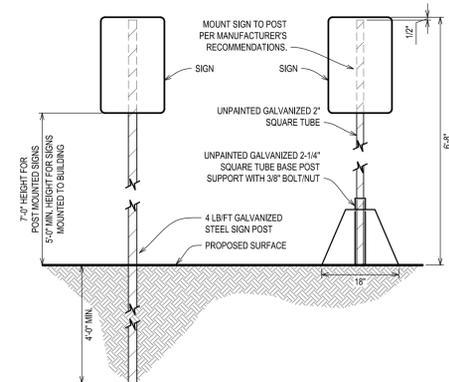


4 DELIVERY SLAB EDGE
NOT TO SCALE



SIGN MATERIALS:
GENERAL: SIGNS SHALL CONFORM WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
MOUNTING HARDWARE: STAINLESS STEEL.
PANEL MATERIAL: ALUMINUM SHEET.
SIGN FACE: REFLECTORIZED BACKGROUND, REFLECTORIZED LEGEND.

5 BARRIER FREE SIGNS
NOT TO SCALE

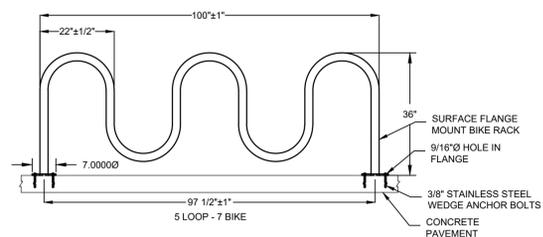


6 SIGN MOUNTING
NOT TO SCALE

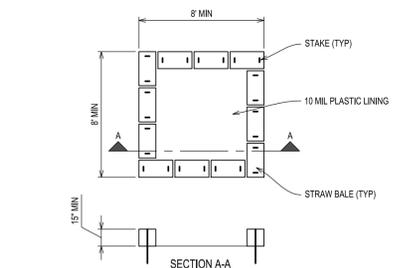
MADRAX DIVISION
GRABER MANUFACTURING, INC.
1900 LINCOLN DRIVE WALKERSVILLE, WI 53591
P(800) 448-7931, P(608) 849-1080, F(608) 849-1081
WWW.MADRAX.COM, E-MAIL: SALES@MADRAX.COM

MADRAX BIKE RACK
PRODUCT: CHP7-IG(SF)
DESCRIPTION: CHALLENGER PLUS BIKE RACK 7 BIKE, SURFACE MOUNT

- NOTES:
1. INSTALL BIKE RACKS ACCORDING TO MANUFACTURER'S SPECIFICATIONS.
2. FINISH TO BE GALVANIZED UNLESS OTHERWISE DIRECTED BY OWNER.
3. SEE SITE PLAN FOR LOCATION OR CONSULT OWNER.

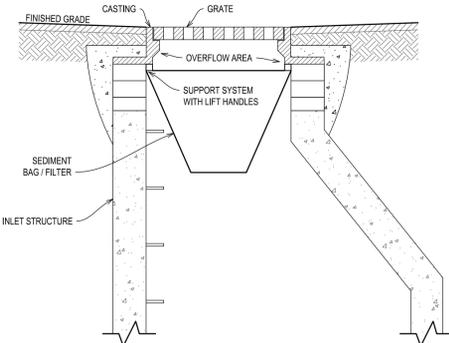


7 BIKE RACK DETAIL
NOT TO SCALE

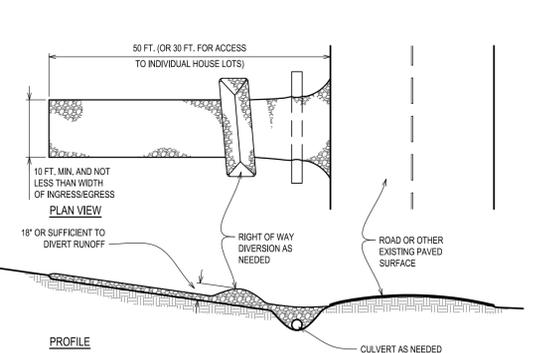


- INSPECTION & MAINTENANCE:
1. CLEAN OUT WASHOUT AREA WHEN IT IS 75% FULL.
2. REPLACE ANY DAMAGED OR MISSING HAY BALES OR OTHER FILTERING DEVICES.
3. PROPERLY DISPOSE OF ANY HARDENED CONCRETE.

8 CONCRETE WASHOUT AREA
NOT TO SCALE

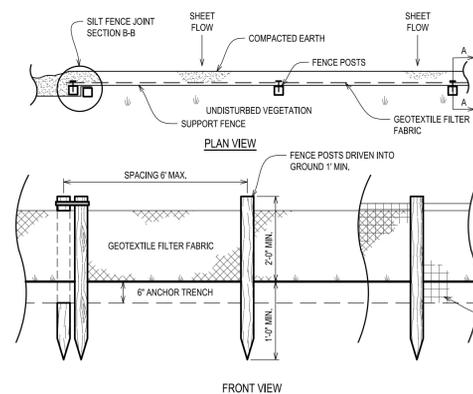


9 INLET FILTER
NOT TO SCALE

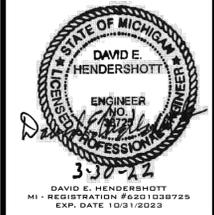


10 SPECIFICATIONS FOR CONSTRUCTION ENTRANCE
NOT TO SCALE

- STONE SIZE - TWO INCH STONE SHALL BE USED, OR RECYCLED CONCRETE EQUIVALENT.
- LENGTH - THE CONSTRUCTION ENTRANCE SHALL BE AS LONG AS REQUIRED TO STABILIZE HIGH TRAFFIC AREAS BUT NOT LESS THAN 50 FT. (EXCEPT ON SINGLE RESIDENCE LOT WHERE A 30 FT. MINIMUM LENGTH APPLIES).
- THICKNESS - THE STONE LAYER SHALL BE AT LEAST 6 IN. THICK.
- WIDTH - THE ENTRANCE SHALL BE AT LEAST 10 FT. WIDE, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
- BEDDING - A GEOTEXTILE SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING STONE. IT SHALL HAVE A GRAB TENSILE STRENGTH OF AT LEAST 200 LB. AND A MULLEN BURST STRENGTH OF AT LEAST 190 LB.
- CULVERT - A PIPE OR CULVERT SHALL BE CONSTRUCTED UNDER THE ENTRANCE IF NEEDED TO PREVENT SURFACE WATER FLOWING ACROSS THE ENTRANCE FROM BEING DIRECTED OUT ONTO PAVED SURFACES.
- WATER BAR - A WATER BAR SHALL BE CONSTRUCTED AS PART OF THE CONSTRUCTION ENTRANCE IF NEEDED TO PREVENT SURFACE RUNOFF FROM FLOWING THE LENGTH OF THE CONSTRUCTION ENTRANCE AND OUT ONTO PAVED SURFACES.
- MAINTENANCE - TOP DRESSING OF ADDITIONAL STONE SHALL BE APPLIED AS CONDITIONS DEMAND. MUD SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC ROADS, OR ANY SURFACE WHERE RUNOFF IS NOT CHECKED BY SEDIMENT CONTROLS, SHALL BE REMOVED IMMEDIATELY. REMOVAL SHALL BE ACCOMPLISHED BY SCRAPING OR SWEEPING.
- CONSTRUCTION ENTRANCES SHALL NOT BE RELIED UPON TO REMOVE MUD FROM VEHICLES AND PREVENT OFF-SITE TRACKING. VEHICLES THAT ENTER AND LEAVE THE CONSTRUCTION SITE SHALL BE RESTRICTED FROM MUDDY AREAS.



11 SILT FENCE
NOT TO SCALE



PROJECT
FOX MOTORS COMMERCIAL VEHICLE CENTER REMODEL

3536 N US-31 SOUTH
TRAVERSE CITY, MI 49684

APPLICANT
GREEN CASTLE PROPERTIES (DP FOX)

200 OTTAWA AVE NW
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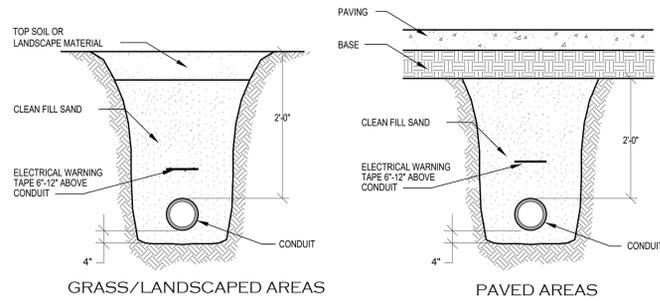
RELEASE DATE

DATE	DESCRIPTION
03-09-22	SITE PLAN REVIEW
03-30-22	PER STAFF COMMENTS

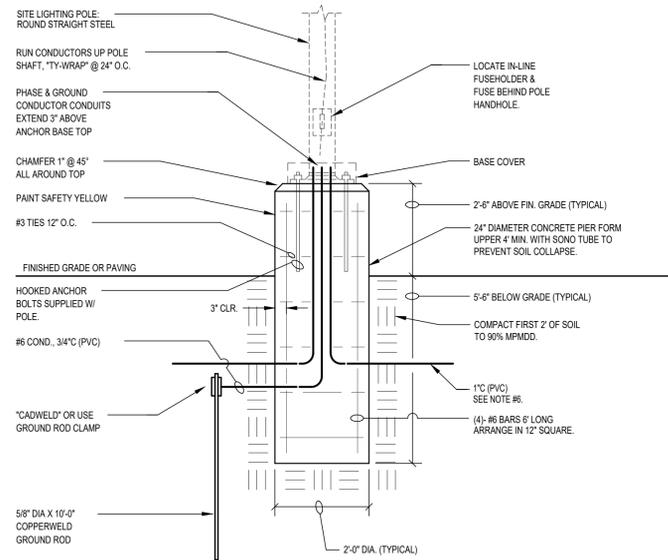
PROJECT
2109074GR

SHEET
CIVIL DETAILS
C-502

PHOTOMETRIC SUMMARY		
10' OVER PROPERTY LINE SIDES-BACK	LANDSCAPE ON PROPERTY	MAIN DRIVE ON PROPERTY
Average 0.3 fc	Average 0.5 fc	Average 2.6 fc
Maximum 2.2 fc	Maximum 4.5 fc	Maximum 6.9 fc
Minimum 0.0 fc	Minimum 0.0 fc	Minimum 0.4 fc
Max/Min N/A	Max/Min N/A	Max/Min 17.3:1
Average/Min N/A	Average/Min N/A	Average/Min 6.5:1
FRONT US-31 OFF PROPERTY	LANDSCAPE ON PROPERTY FRONT	MAIN PARKING
Average 0.2 fc	Average 0.4 fc	Average 2.4 fc
Maximum 3.2 fc	Maximum 4.4 fc	Maximum 6.3 fc
Minimum 0.0 fc	Minimum 0.0 fc	Minimum 0.3 fc
Max/Min N/A	Max/Min N/A	Max/Min 21.0:1
Average/Min N/A	Average/Min N/A	Average/Min 6.0:1



1 CONDUIT TRENCHING DETAIL
C800



2 POLE BASE DETAIL (TYPES "AA" & "BB")
C800

- NOTES:
1. CONCRETE TO HAVE 3000 PSI MIN. COMPRESSIVE STRENGTH.
 2. REBAR TO BE GR60. WELDING OF BAR IS NOT PERMITTED.
 3. AIR-ENTRAINED CONCRETE PER ACI.
 4. USE OF CHLORIDE ACCELERATORS IS NOT PERMITTED.
 5. REFER TO MANUFACTURER INSTALLATION GUIDELINES FOR BASE DETAIL AND BOLT PATTERN REQUIREMENTS.
 6. REFER TO ELECTRICAL SITE PLAN FOR QUANTITY OF RACEWAYS REQUIRED PER LOCATION.
 7. TOP OF LIGHT POLE SHALL NOT EXCEED 15'.

ELECTRICAL SITE PLAN NOTES

1. EXISTING POLE MOUNTED LIGHTING SHALL BE REMOVED. CONCRETE BASE SHALL REMAIN WITH WIRING CAPPED IN WIP. JUNCTION BOX ON TOP OF BASE COVERING THREADED STUDS. PAINT BASE AND BOX BLACK.
2. DISCONNECT AND REMOVE EXISTING POLE MOUNTED LIGHTING, POLE AND BASE.
3. NEW POLE AND LIGHTING ON EXISTING CONCRETE POLE BASE. PROVIDE ADAPTOR PLATE OR HILT INSERT TO ALLOW FOR NEW BOLT PATTERN AS REQUIRED. CLEAN AND PAINT EXISTING CONCRETE BASE COLOR DIRECTED BY CIVIL ENGINEER.
4. NEW POLE, LIGHTING AND BASE. REFER TO POLE BASE DETAIL.

PHOTOMETRIC NOTES

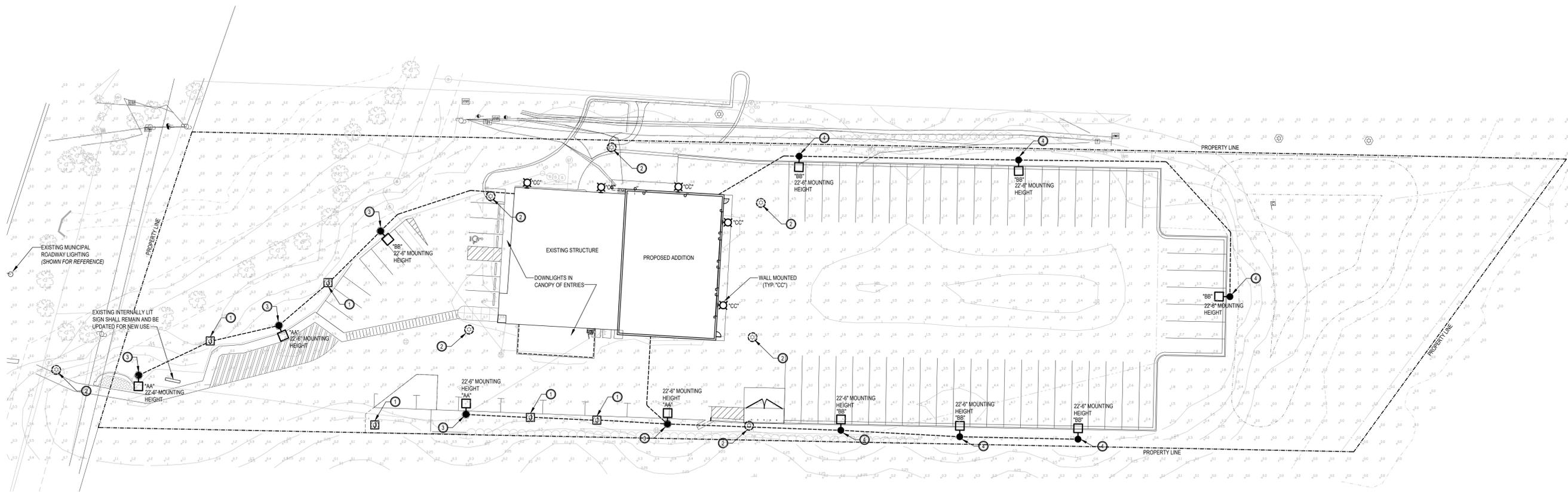
VALUES ON PLAN ARE IN FOOT CANDLES AND CALCULATED AT GRADE LEVEL.



3 POLE LIGHTING HEAD
C800



3 WALL MOUNT LIGHTING
C800



ELECTRICAL SITE PLAN - OVERALL

SCALE: 1" = 30'-0"



1751 Bellows St.
Traverse City, MI 49686
T 231 947 1707
F 231 947 1710
REC # 4820

4801 Henry St.
Muskegon, MI 49441
T 231 798 4028
F 231 798 2861
www.rhoadesengineering.com

Rhoades Engineering
Consulting Engineers
Mechanical - Electrical

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ARCHITECTS | ENGINEERS

340 E State Street, Suite 1C
Traverse City, MI 49684
(231) 346-3030

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PROJECT

FOX MOTORS COMMERCIAL VEHICLE CENTER

REMODEL

3536 N US-31 SOUTH
TRAVERSE CITY, MI 49684

APPLICANT

GREEN CASTLE PROPERTIES (DP FOX)

200 OTTAWA AVE NW
GRAND RAPIDS, MI 49503

RELEASE DATE	
DATE	DESCRIPTION
03-09-22	SITE PLAN REVIEW
03-30-22	PER STAFF COMMENTS

PROJECT

2109074GR

SHEET

SITE LIGHTING

C-800



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ARCHITECTS | ENGINEERS

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(231) 346-3030

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PROJECT

FOX MOTORS
COMMERCIAL
VEHICLE
CENTER

REMODEL

3536 N. US HIGHWAY 31S
TRAVERSE CITY, MI 49684

APPLICANT

GREEN CASTLE
PROPERTIES (DP
FOX)

200 OTTAWA AVE NW
GRAND RAPIDS, MI 49503

RELEASE DATE

DATE	DESCRIPTION
03-30-22	PER STAFF COMMENTS

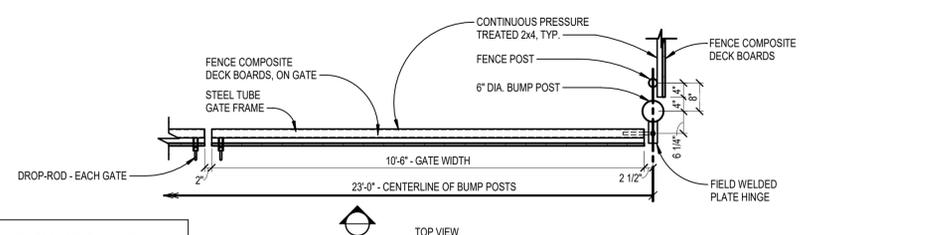
PROJECT

2109074GR

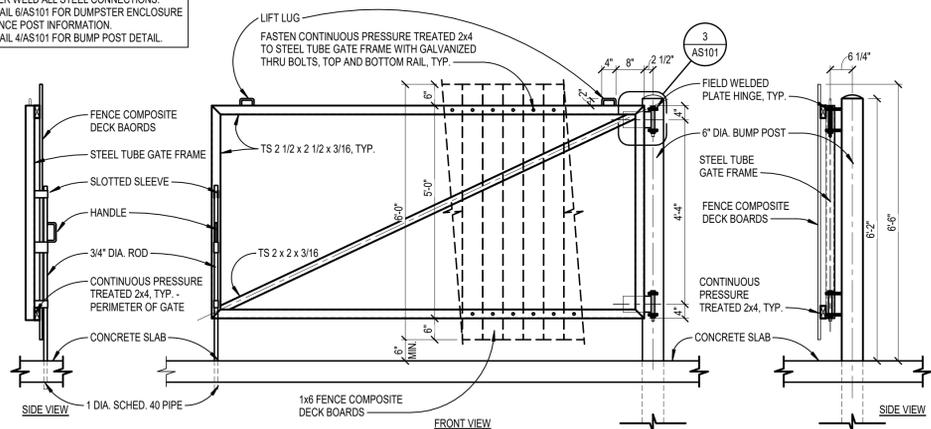
SHEET

ARCHITECTURAL SITE PLAN

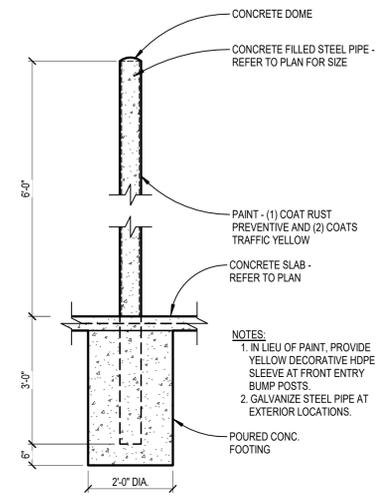
AS101



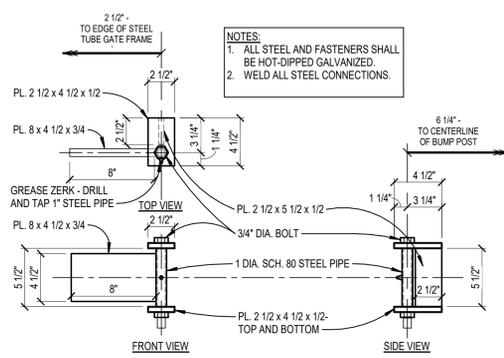
- NOTES:
1. ALL STEEL SHALL BE HOT-DIPPED GALVANIZED.
 2. FULL PERIMETER WELD ALL STEEL CONNECTIONS.
 3. REFER TO DETAIL 6/AS101 FOR DUMPSTER ENCLOSURE WALLS AND FENCE POST INFORMATION.
 4. REFER TO DETAIL 4/AS101 FOR BUMP POST DETAIL.



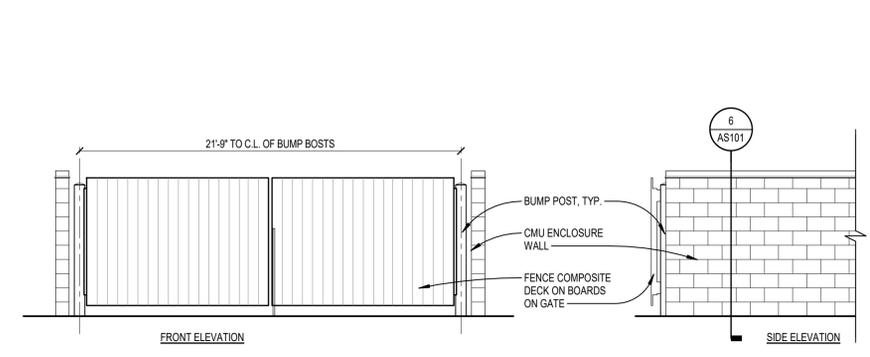
5 DUMPSTER ENCLOSURE GATE
SCALE: 1/2" = 1'-0"



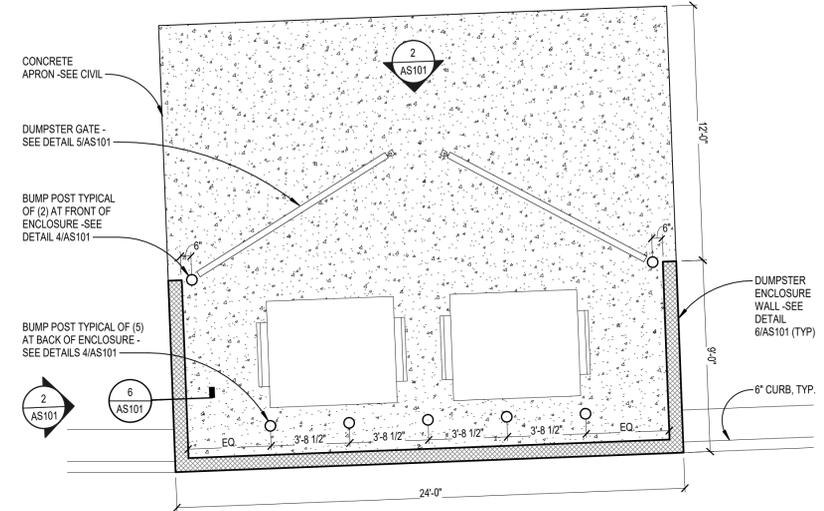
4 BUMP POST AT DUMPSTER
SCALE: 1/2" = 1'-0"



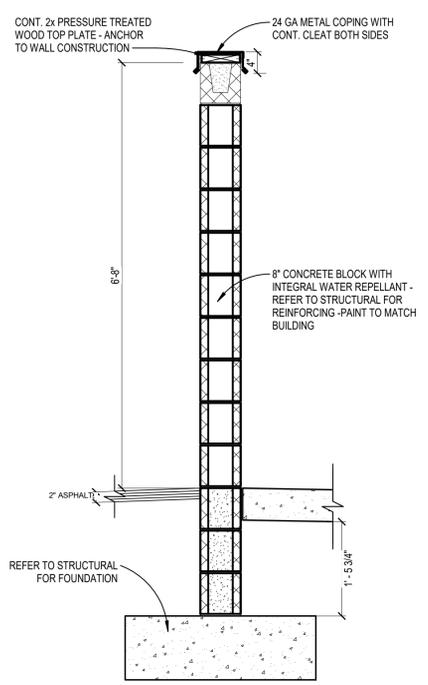
3 DUMPSTER ENCLOSURE GATE HINGE
SCALE: 1 1/2" = 1'-0"



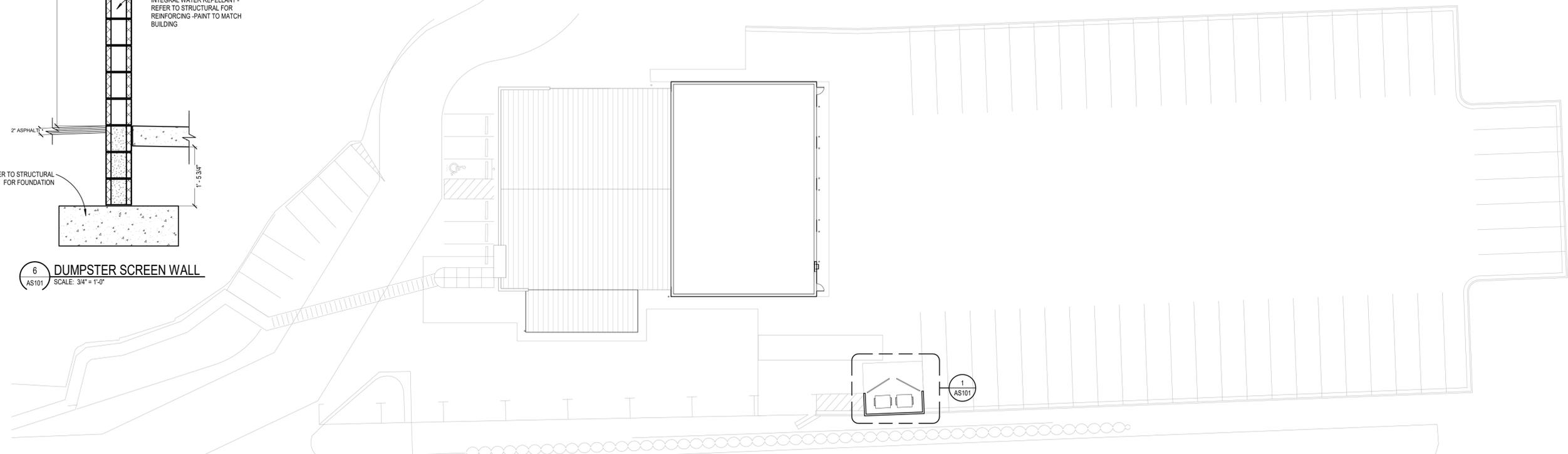
2 DUMPSTER ENCLOSURE ELEVATIONS
SCALE: 1/4" = 1'-0"



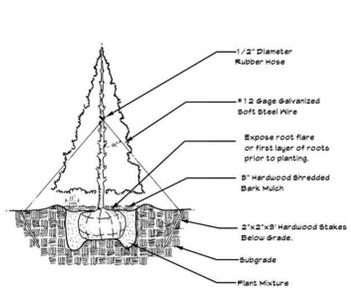
1 DUMPSTER ENCLOSURE PLAN
SCALE: 1/4" = 1'-0"



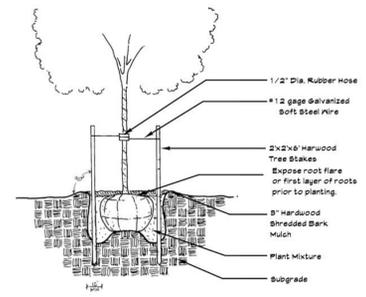
6 DUMPSTER SCREEN WALL
SCALE: 3/4" = 1'-0"



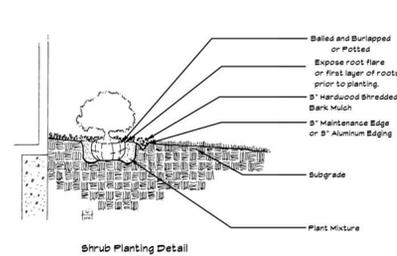
ARCHITECTURAL SITE PLAN
SCALE: 3/8" = 1'-0"
ACTUAL PLAN



Evergreen Planting Detail - 5' and Taller



Deciduous Trees 5' Caliper and Smaller



Shrub Planting Detail

Ordinance:

Buffer Type B (per 100' / 10' wide minimum):
 Required: 2 Large Trees (2" cal.), 1 Medium or Small Trees (1 1/2" cal.) and 4 Shrubs (5 gal.)

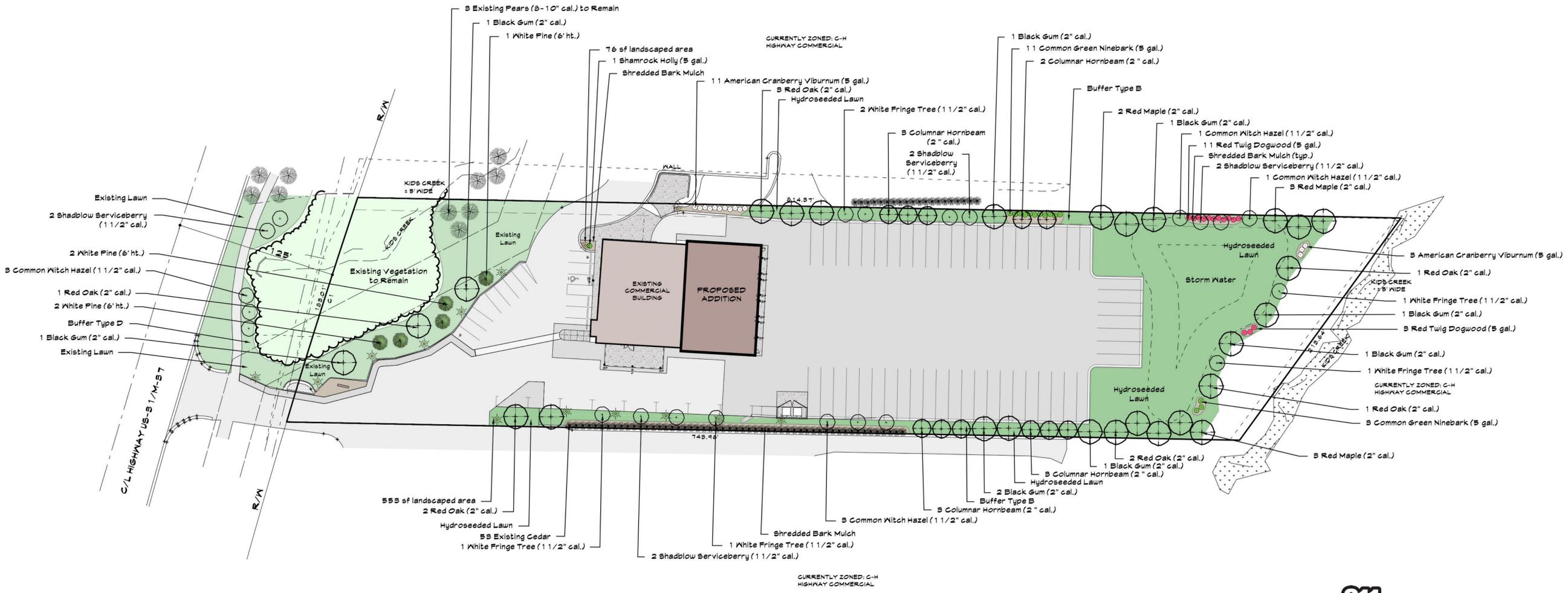
North Property Line Buffer: (761.87 in. ft.)
 Required: 15.24 Large Trees (2" cal.), 7.62 Medium or Small Trees (1 1/2" cal.) and 50.48 Shrubs (5 gal.)
 Proposed: 15 Large Trees (2" cal.), 8 Medium or Small Trees (1 1/2" cal.) and 53 Shrubs (5 gal.)

South Property Line Buffer: (749.96 in. ft.)
 Required: 14.9 Large Trees (2" cal.), 7.44 Medium or Small Trees (1 1/2" cal.) and 29.76 Shrubs (5 gal.)
 Proposed: 15 Large Trees (2" cal.), 7 Medium or Small Trees (1 1/2" cal.) and 53 Existing Cedar

East Property Line Buffer: (213.64 in. ft.)
 Required: 4.27 Large Trees (2" cal.), 2.12 Medium or Small Trees (1 1/2" cal.) and 8.54 Shrubs (5 gal.)
 Proposed: 4 Large Trees (2" cal.), 2 Medium or Small Trees (1 1/2" cal.) and 9 Shrubs (5 gal.)

West Property Line Buffer: (153.51 in. ft.)
 Required: 6.3 Large Trees (2" cal.), 4.74 Medium or Small Trees (1 1/2" cal.) and 4.74 Evergreen Trees (6' ht.)
 Proposed: 3 Large Trees (2" cal.), 3 Existing Pear Trees (8-10" cal.), 5 Medium or Small Trees (1 1/2" cal.) and 5 Evergreen Trees (6' ht.)

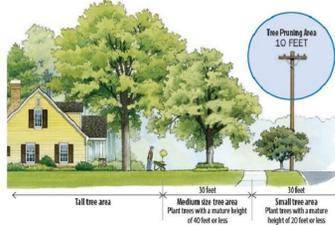
Parking: 10 sf of landscaped area per parking space & 1 Canopy Tree per 100 sf.
 Required based on 14 spaces - 140 sf. & 1.4 Canopy Tree
 Provided: 620 sf landscaped area and 1 Canopy Tree



Plant List

Quantity	Common Name	Latin Name	Planted Size
3	Red Maple	Acer rubrum	2" cal.
10	Red Oak	Quercus rubra	2" cal.
9	Black Gum	Nyssa sylvatica	2" cal.
11	Columnar Hornbeam	Carpinus betulus 'Frans Fontaine'	2" cal.
5	White Pine	Pinus strobus	6' Height
6	White Fringe Tree	Chionanthus virginicus	1 1/2" cal.
3	Common Witch Hazel	Hamamelis virginiana	1 1/2" cal.
3	Shadblow Serviceberry	Amelanchier canadensis	1 1/2" cal.
14	Common Green Ninebark	Physocarpus opulifolius 'Nana'	5 gal.
14	American Cranberry Viburnum	Viburnum trilobum	5 gal.
14	Red Twig Dogwood	Cornus sericea	5 gal.
1	Shamrock Holly	Ilex glabra 'Shamrock'	5 gal.

(note: Plant list for ordinance purposes only, the landscape contractor is responsible for plant quantities shown on the landscape plan)

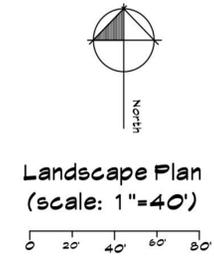


Smart planting

No trees should be planted near power lines. However, many trees are attractive additions to your yard and, under normal conditions, will not grow tall enough to interfere with our distribution lines.

Avoid planting tall-growing trees such as the following near or under power lines:

- Silver Maple
- Norway Maple
- Oak
- White Spruce
- Colorado Blue Spruce
- Most pines
- Willows

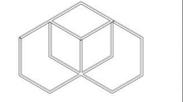


Landscape Plan (scale: 1"=40')



Notes:

- All landscaping shall be installed by a qualified Landscape Contractor. Plant sizes specified on the landscape plan shall be the size planted. Plants smaller than specified will be rejected. Substitutions of any kind must be approved by the Landscape Architect.
- All plantings shall be mulched with 3" shredded premium hardwood bark mulch. Trees in lawn areas shall receive a 6" diameter bark ring 3" deep.
- The landscape contractor shall remove any wire that is wrapped around the trunk of a tree or shrub as well as the top third of any burlap. Remove excess soil on the top of the root ball to expose the root flare or first layer of roots prior to planting. Use a wire cutter to make 3-5 cuts in the wire basket to allow roots to grow through.
- When planting trees in the lawn area or on the berm the existing soil within a 10 foot diameter shall be loosened by tilling or similar and amended with composted manure or peat at a depth of 6-12".
- Planting areas shall be edged with a mechanical bed edger to define a border for the shredded bark mulch.
- Lawn areas shall receive at least 4" of topsoil and hydroseeded. Check with specifications for topsoil availability or contact project manager. Topsoil for lawns shall be appropriate for growing and sustaining a healthy lawn. All lawns shall be hydroseeded with a seed blend consisting of 30% Kentucky Bluegrass, 20% Perennial Ryegrass, 10% Hard Fescue, 20% Creeping Red Fescue and 20% Chewings Fescue.
- All lawn and shrub bed areas shall be watered by an automatic irrigation system. The irrigation system shall be designed and installed by the Landscape Contractor.
- Maintenance of the landscape shall be provided for by the owner and include fertilizing of lawn and plant material, yearly pruning, top dressing of mulch areas every other year and provide 1" of water per week during the growing season.
- Plant materials shall be chosen and installed in accordance with standards recommended by the County Cooperative Extension Service or American Nursery Association.



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 Grand Rapids, MI 49504
 (616) 785-5656
 Grand Rapids | Phoenix | Traverse City
 www.paradigm.com



Landscape Plan Drawn By:
 Joyce E. Weise, P.L.A., A.S.L.A.

PROJECT
FOX MOTORS COMMERCIAL VEHICLE CENTER REMODEL

3536 N US-31 SOUTH
 TRAVERSE CITY, MI 49684

OWNER
GREEN CASTLE PROPERTIES (DP FOX)

RELEASE DATE	
DATE	DESCRIPTION
03-09-22	SITE PLAN REVIEW
03-30-22	PER STAFF COMMENTS

PROJECT
2109074GR

SHEET

L-101



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PROJECT

**FOX MOTORS
COMMERCIAL
VEHICLE
CENTER**

REMODEL

3536 N. US HIGHWAY 31S
TRAVERSE CITY, MI 49684

APPLICANT

**GREEN CASTLE
PROPERTIES (DP
FOX)**

200 OTTAWA AVE NW
GRAND RAPIDS, MI 49503

RELEASE DATE

DATE	DESCRIPTION
03-09-22	SITE PLAN REVIEW

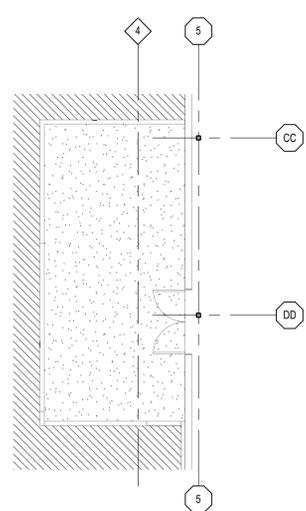
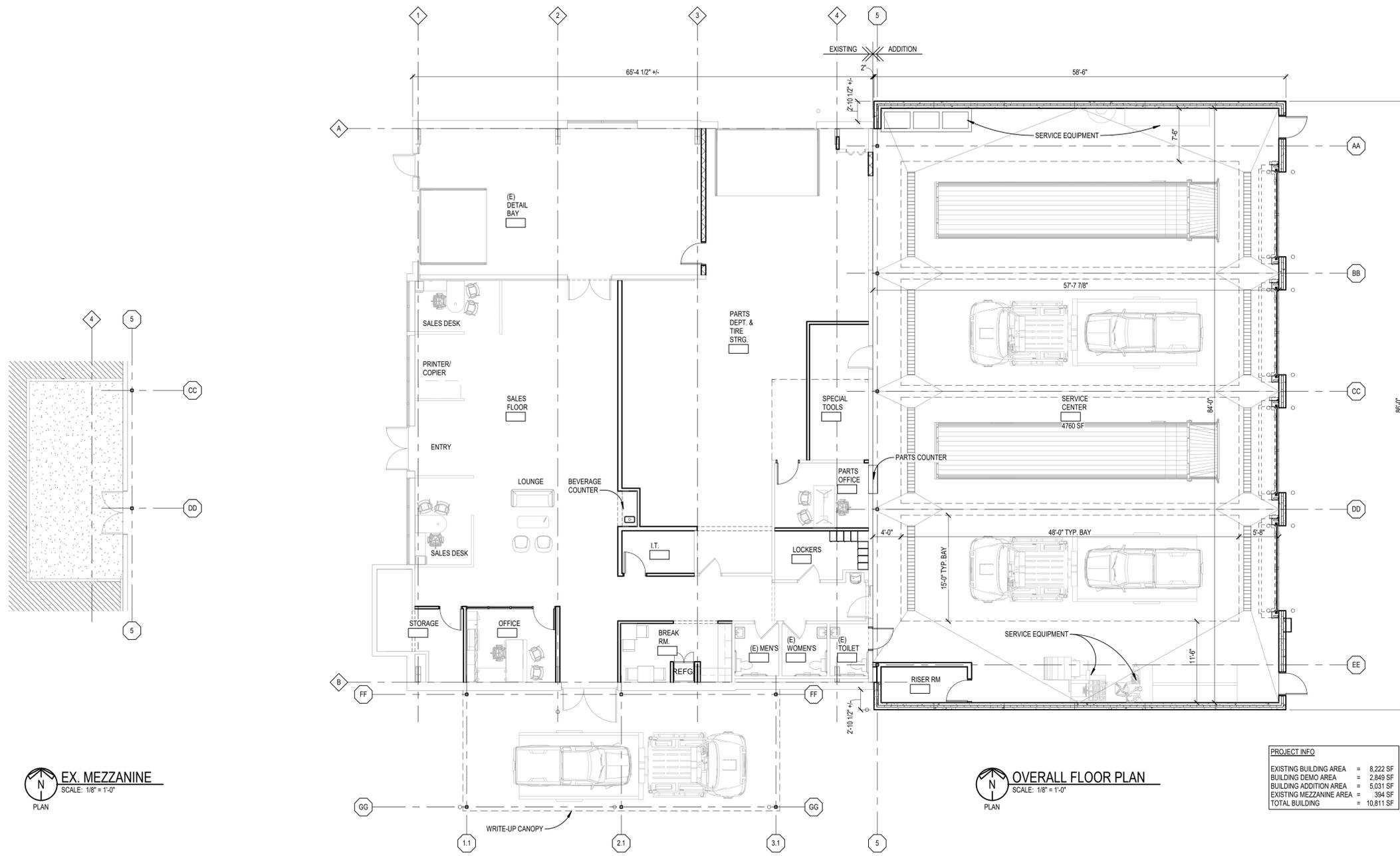
PROJECT

2109074GR

SHEET

OVERALL FLOOR PLAN

A-100

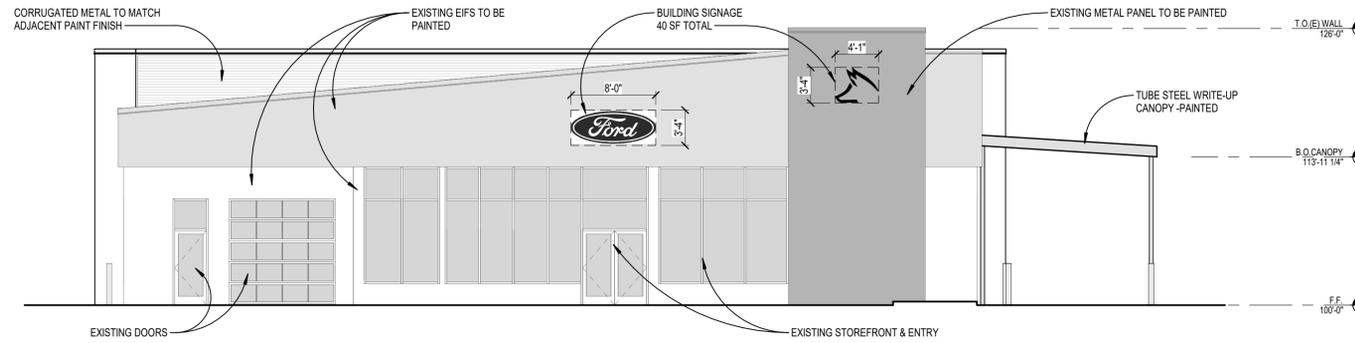


EX. MEZZANINE
SCALE: 1/8" = 1'-0"
PLAN

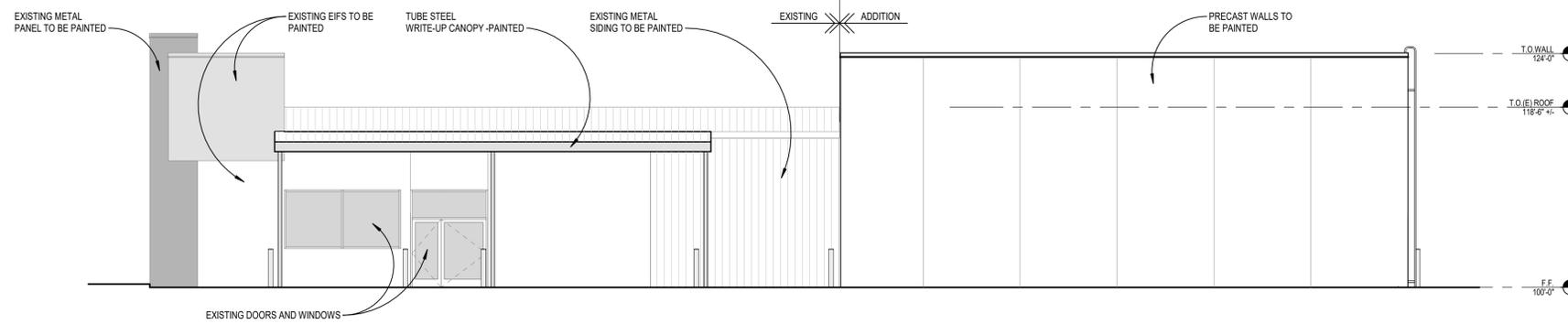
OVERALL FLOOR PLAN
SCALE: 1/8" = 1'-0"
PLAN

PROJECT INFO

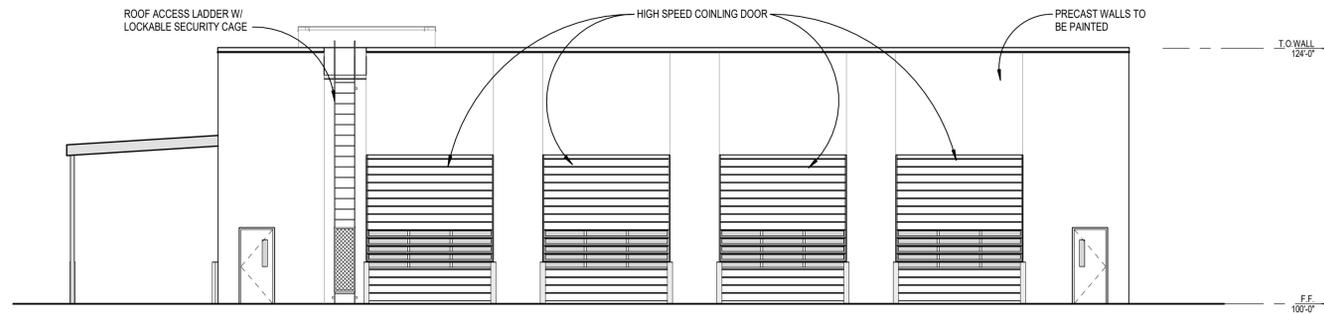
EXISTING BUILDING AREA	= 8,222 SF
BUILDING DEMO AREA	= 2,849 SF
BUILDING ADDITION AREA	= 5,031 SF
EXISTING MEZZANINE AREA	= 394 SF
TOTAL BUILDING	= 10,811 SF



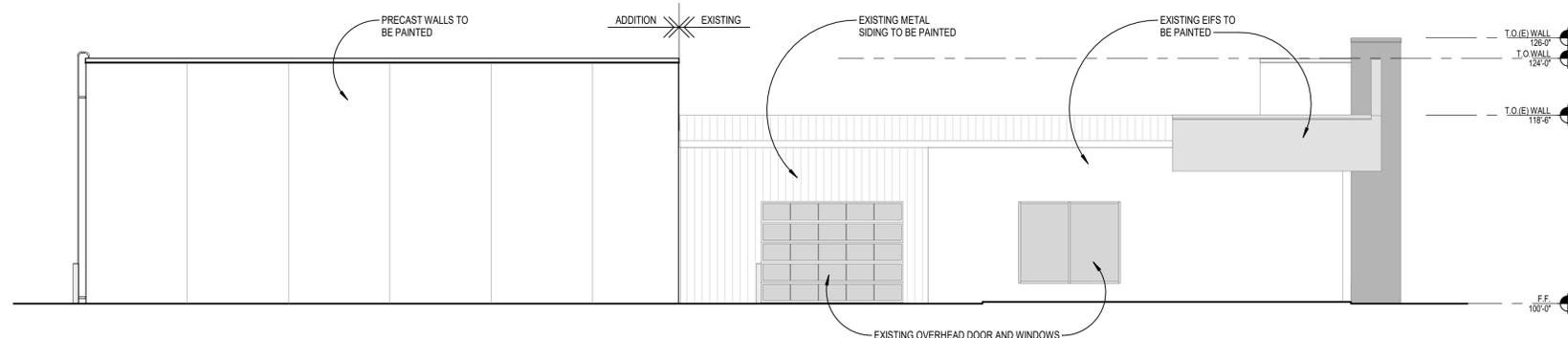
1 WEST ELEVATION
SCALE: 1/8" = 1'-0"



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



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



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

NOTE: ALL BUILDING SIGNAGE IS SUBJECT TO SIGN PERMIT REVIEW.



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PROJECT

**FOX MOTORS
COMMERCIAL
VEHICLE
CENTER**

REMODEL

3536 N. US HIGHWAY 31S
TRAVERSE CITY, MI 49684

APPLICANT

**GREEN CASTLE
PROPERTIES (DP
FOX)**

200 OTTAWA AVE NW
GRAND RAPIDS, MI 49503

RELEASE DATE

DATE	DESCRIPTION
03-09-22	SITE PLAN REVIEW

PROJECT

2109074GR

SHEET

EXTERIOR ELEVATIONS

A-200



PICTURE NO. 1 LOOKING NORTHEAST



PICTURE NO. 2 LOOKING NORTHEAST



PICTURE NO. 3 LOOKING NORTHEAST



PICTURE NO. 4 LOOKING NORTHEAST



PICTURE NO. 5 LOOKING NORTHEAST



PICTURE NO. 6 LOOKING NORTH EAST

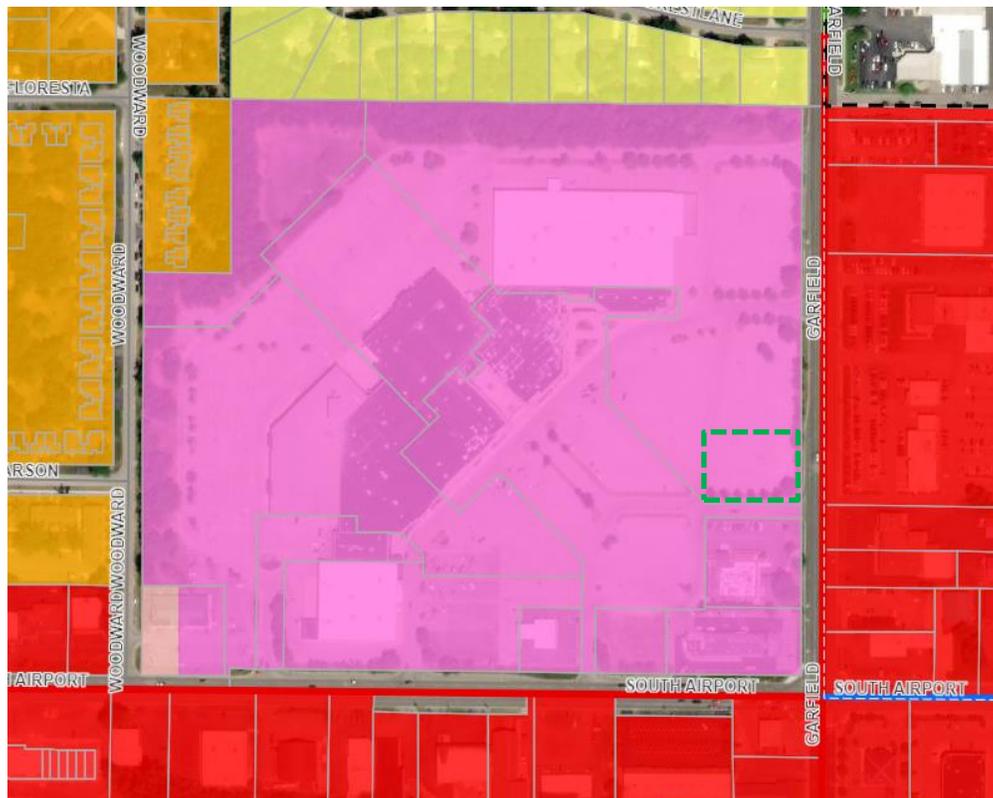
 Charter Township of Garfield Planning Department Report No. 2022-34			
Prepared:	April 6, 2022	Pages:	6
Meeting:	April 13, 2022 Planning Commission	Attachments:	<input checked="" type="checkbox"/>
Subject:	Wendy's Sign Application for Cherryland Center		
File No.	SPR-2020-02	Parcel No.	05-014-049-30
Applicant:	WM Limited Partnership		
Agent:	Bradley A. Flowers, Mika Meyers PLC		
Owner:	ARJCO, LLC		

SITE DESCRIPTION:

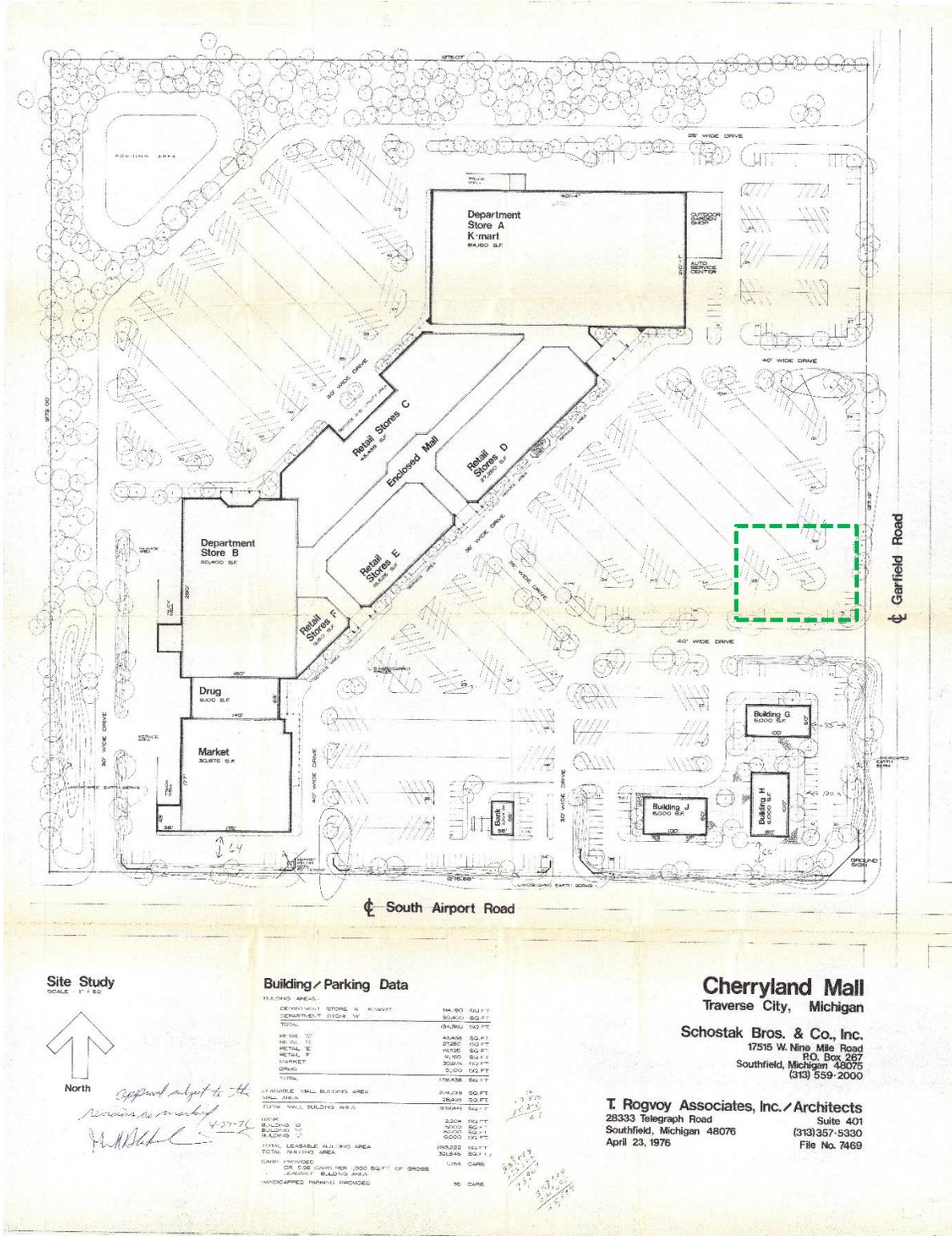
- Location: 1686 South Garfield Avenue
- Parcel area: 0.83 acres
- Existing land use: Wendy's drive-through restaurant
- Existing zoning: C-P Planned Shopping Center

BACKGROUND:

The subject parcel and neighboring parcels are zoned C-P Planned Shopping Center and constitute the Cherryland Center. The intent of the C-P District is for the development of planned centers located on a single, unified site and are designed and constructed as an integrated unit for shopping and other business activity. The current zoning of the C-P Planned Shopping Center District for this area matches the Cherryland Center site as illustrated below. The Cherryland Center is shaded in pink and the Wendy's parcel is outlined in green:



Opened in 1976, the Cherryland Mall (now Cherryland Center) was approved as a single development that include several parcels and businesses, including the Wendy's parcel as exhibited in the site plan below. The Cherryland site boundary was enlarged to the west towards Woodward Avenue in 1980 with the expansion of the Sears store.



Site Study
SCALE: 1" = 50'



North

*Approved subject to the
revisions as marked
4-27-76
H.W. Schick*

Building / Parking Data

BUILDING AREAS	
DEPARTMENT STORE A - K-MART	14,180 SQ. FT.
DEPARTMENT STORE B	50,400 SQ. FT.
TOTAL	130,380 SQ. FT.
RETAIL STORE C	45,458 SQ. FT.
RETAIL STORE D	27,280 SQ. FT.
RETAIL STORE E	14,450 SQ. FT.
RETAIL STORE F	10,100 SQ. FT.
MARKET	30,876 SQ. FT.
DRUG	2,500 SQ. FT.
TOTAL	176,426 SQ. FT.
CHERRYLAND MALL BUILDING AREA	
WALL AREA	274,028 SQ. FT.
FLOOR MALL BUILDING AREA	339,941 SQ. FT.
TOTAL	
MARKET	30,876 SQ. FT.
BUILDING G	8,000 SQ. FT.
BUILDING H	8,000 SQ. FT.
BUILDING J	8,000 SQ. FT.
TOTAL LEASABLE BUILDING AREA	132,876 SQ. FT.
TOTAL PARKING AREA	322,848 SQ. FT.
CARET PROVIDED	
ON 6.56 CARET PER 1,000 SQ. FT. OF GROSS	1,754 CARET
LEASABLE BUILDING AREA	
HANDICAPPED PARKING PROVIDED	36 CARET

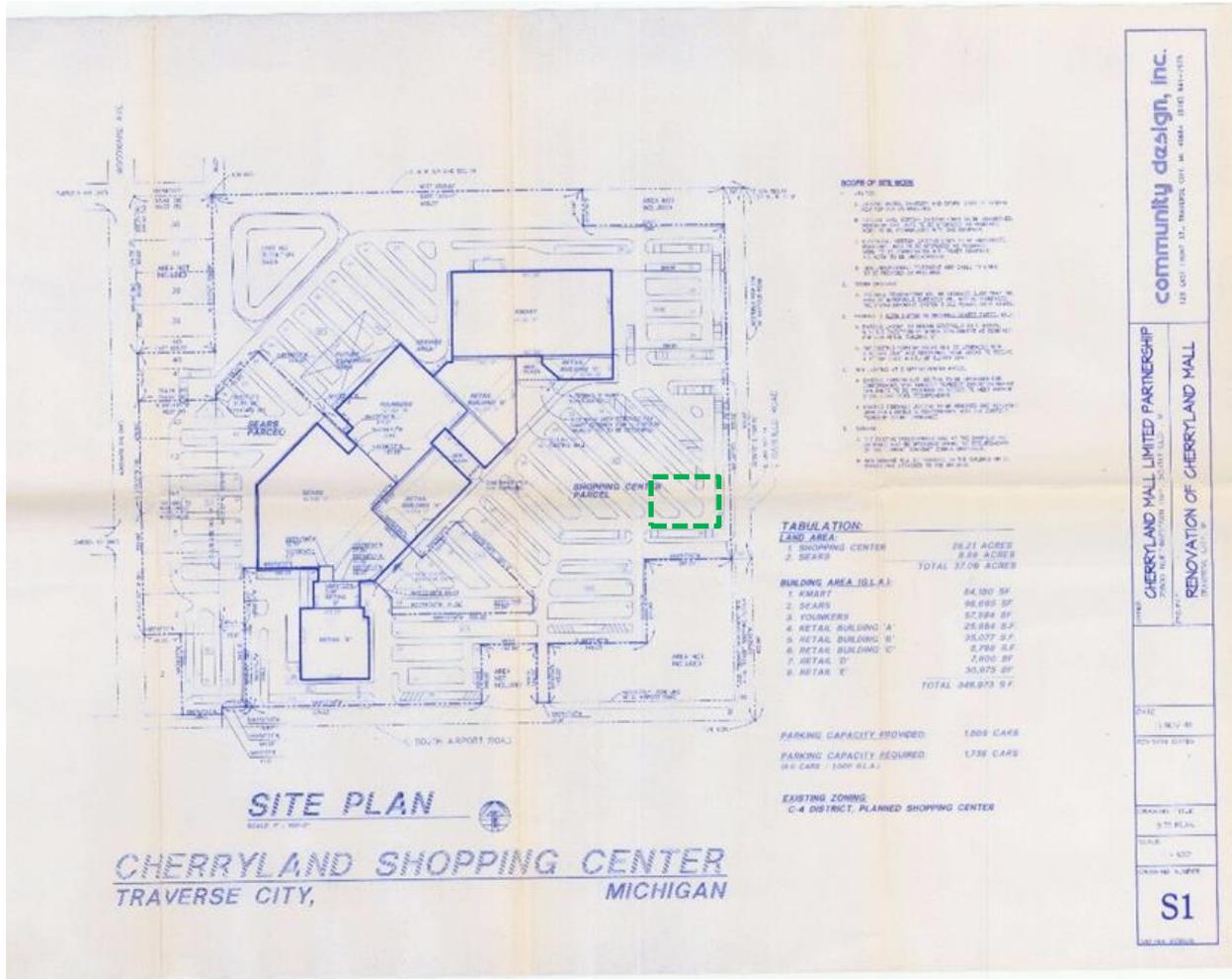
Cherryland Mall
Traverse City, Michigan

Schostak Bros. & Co., Inc.
17515 W. Nine Mile Road
P.O. Box 267
Southfield, Michigan 48075
(313) 559-2000

T. Rogvooy Associates, Inc. / Architects
28333 Telegraph Road
Southfield, Michigan 48076
April 23, 1976

Suite 401
(313) 357-5330
File No. 7469

Over the years, management of uses and development on this site has been in a cohesive manner, including the conversion of the original enclosed shopping mall to a strip center approved by the Township in 1998.



SITE PLAN APPROVALS:

A chronology of site plan approvals for Cherryland Mall/Center are as follows:

Cherryland Mall Site Plan	December 6, 1976
Great Lakes Steak House Site Plan (now Robby's Mexican & Spanish Cuisine)	June 20, 1978
Sears Building Expansion Site Plan (including Cherryland Boundary Expansion towards Woodward Avenue)	December 16, 1980
Burger King Site Plan	October 30, 1984
Conversion from Cherryland Mall to Cherryland Center Site Plan	December 8, 1998
Wendy's Site Plan	July 8, 2020
Burger King Renovation Site Plan	March 24, 2021
Biggby Coffee Site Plan	November 10, 2021

OWNERSHIP:

Today, current ownership for the Cherryland Center is illustrated in the map below:

Cherryland Center Property Ownership



Garfield Charter Township
 3848 Veterans Drive
 Traverse City, MI 49684
 Phone: 231.941.1620
 Fax: 231.941.1688
www.garfield-twp.com

**Cherryland Center Ownership
 Property Owners**

- Casciano (Burger King)
- V. Kumar Vemulapalli
- Cherrymart / Schostak (K-Mart)
- Copper Falls (Robby's)
- Family Video (Jimmy John's / Qdoba)
- Nexgen (Vacant)
- Schostak (Future Biggby)
- Sears
- Wendy's

This map is based on digital databases prepared by Garfield Township. The Township does not warrant, expressly or impliedly, that the information on this map is current or positionally accurate. Always contact a surveyor to be sure of where your property lines are located.

NOT A LEGAL SURVEY

STAFF COMMENTS:

- Pursuant to Section 630.R.5. of the Zoning Ordinance, “the Zoning Administrator shall retain the right to forward any sign permit applications to the Planning Commission for their review and approval.” The Zoning Administrator has referred this application to the Planning Commission for review.
- Historically, Cherryland and other Planned Shopping Centers were permitted to have one freestanding “development” sign at one entrance on each roadway. Cherryland had two development signs: one on Garfield Avenue and one on South Airport Road. The sign on Garfield Avenue fell into disrepair and was removed. The sign on South Airport Road remains in place as shown below. A retail signage plan was adopted for wall signage in the Cherryland Center in 1999 but does not address freestanding individual business signs or development signs.



- Currently, for commercial uses in the C-P Planned Shopping Center district, one (1) freestanding monument sign is permitted at each roadway entrance to the development at a maximum of 40 square feet per sign with a maximum of two (2) signs per roadway frontage. Since there is more than 50,000 square feet of retail space at Cherryland Center, one of the two permitted freestanding signs per roadway frontage may have a maximum of 100 square feet.
- The concept of the shopping center or development sign is also applied to shopping centers in other Commercial districts. In the C-L, C-G, and C-H Districts, a shopping center sign “shall identify the commercial center and/or individual tenants within a multi-tenant commercial center. Individual ground signs for tenants are prohibited.” The spirit of the Zoning Ordinance anticipates that shopping centers will have a development signs and not individual business signs.
- The majority owners within the Cherryland Center comprised of Cherrymart LLC (Schostak/former Kmart), TF Traverse City MI LLC (former Sears), and Cherryland Center LLC (V. Kumar Vemulapalli/former Younkers and current Big Lots) maintain a reciprocal easement agreement that affords each of them certain rights in developing and operating their site. However, as noted in the site plan above, the C-P district covers a larger area that composes the original Cherryland site plan.
- At this point, there is no provision to have freestanding signs in the Cherryland Center for an individual business as requested. A new development sign could be constructed for the Cherryland Center pursuant to Section 630 of the Township Zoning Ordinance. Such sign could be similar to the Grand Traverse Mall, another C-P zoned property, that has one development sign that lists several businesses. Finally, directional signs could be permitted subject to Section 630.G.3 of the Township Zoning Ordinance.

ACTION REQUESTED:

Following an opportunity for discussion, the following motion is offered for consideration:

MOTION THAT application SPR-2022-04, submitted by Bradley A. Fowler for a Sign Permit for Wendy's restaurant at Parcel 05-014-049-30, BE DENIED as freestanding signs for individual businesses in the Cherryland Center shopping center development are not permitted in accordance with the Zoning Ordinance.

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

Attachments:

1. Letter from Bradley A. Fowler dated February 25, 2022, including the Wendy's Sign Permit Application

Richard M. Wilson, Jr.
Daniel R. Kubiak
Scott E. Dwyer
William A. Horn⁵
Neil L. Kimball
George V. Saylor, III
Elizabeth K. Bransdorfer
John C. Arndts
James F. Scales

Ross A. Leisman
Neil P. Jansen
Daniel J. Parmeter, Jr.
Mark E. Nettleton²
Nathaniel R. Wolf
Jennifer A. Puplava
Benjamin A. Zainea
Christopher D. Matthyse
Ronald M. Redick

Kimberly M. Large¹
Nikole L. Canute³
Daniel J. Broxup
Joshua D. Beard
Bradley A. Fowler
Curtis L. Underwood
Dominic T. Clolinger
Alexander P. Henderson
Kathryn M. Zoller

Of Counsel
James R. Brown
John M. DeVries
Michael C. Haines
James K. White
Fredric N. Goldberg
John H. Gretzinger
Douglas A. Donnell⁴
Mark A. Van Allsburg
David S. Lefere

Also Admitted in
¹ Delaware
² Illinois
³ New York
⁴ Ohio
⁵ Wisconsin

February 25, 2022

Mr. John Sych
Planning Director
Garfield Township
3848 Veterans Drive
Traverse City, MI 49684

Re: Planning Commission Review of Sign Permit Application - Wendy's Site # 13204

Dear Mr. Sych:

This firm represents Wendy's in connection with its sign permit application for store #13204 located at 1686 S. Garfield Ave., Traverse City, MI 59686 (the Cherryland Mall). On November 30, 2021, Wendy's submitted a sign permit application to the Township's zoning administrator under Section 630 of the zoning ordinance asking for a permit to install a freestanding monument sign on its property. The requested sign is expressly permitted by right pursuant to Section 630(G)(2)(c)(ii) of the zoning ordinance. Moreover, Wendy's has already been granted the right to install such a sign by all other property owners in the Cherryland Mall Complex pursuant to a Reciprocal Easement Agreement. Nevertheless, in an email dated January 25, 2022, the zoning administrator indicated that he was unable to approve Wendy's sign permit application at this time because he believes it requires review by the Planning Commission.

Accordingly, enclosed please find the following items that are being submitted for your review and approval:

1. Wendy's Sign Permit Application;
2. The Reciprocal Easement Agreement between the owners of the Cherryland Mall parcels granting Wendy's the right to install the requested sign; and
3. Correspondence with the zoning administrator regarding this matter.

Mr. John Sych
February 25, 2022
Page 2

We request that you review the above-mentioned items and place this sign permit application on the agenda for the April 13, 2022 Planning Commission meeting pursuant to Section 630(R)(5) of the Township's zoning ordinance and the aforementioned January 25, 2022 email from the zoning administrator.

If you have any questions or require additional information or filing fees, please contact me at (616) 632-8086 or via email at bfowler@mikameyers.com

Very Truly Yours,



Bradley A. Fowler

Enclosures

Sent by e-mail

cc: Kristen Buter
Tom Amor
Ana Pelhank
Michael Anderson



Charter Township of Garfield

Grand Traverse County

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

SIGN PERMIT APPLICATION

Incomplete applications will be returned to applicant

1. Property Owner:

ARJCO, LLC

Address:

130 - 60th Street

City, State & Zip Code:

Grand Rapids, MI 49548

Phone Number:

Applicant Information:

WM Limited Partnership - 1998

Address:

45 Ottawa Avenue SW, Suite 600

City, State & Zip Code:

Grand Rapids, MI 49503

Phone Number:

616-776-2600

2. Property Information:

- a. Property Address: **1686 S. Garfield Avenue**
- b. Business Name: **Wendy's**
- c. Lot # _____ Subdivision Name: _____
- d. Parcel ID# 28-05- **014** - **049** - **30**
- e. Current Zoning: **C-P - Planned Shopping Center**
- f. Current Use: **Restaurant**
- g. Road Frontage: **210'**
- h. Development Approval (PUD etc): _____
- i. List any signs currently located on the parcel: _____

-----Application continued on the other side-----

Wendy's Site #13204

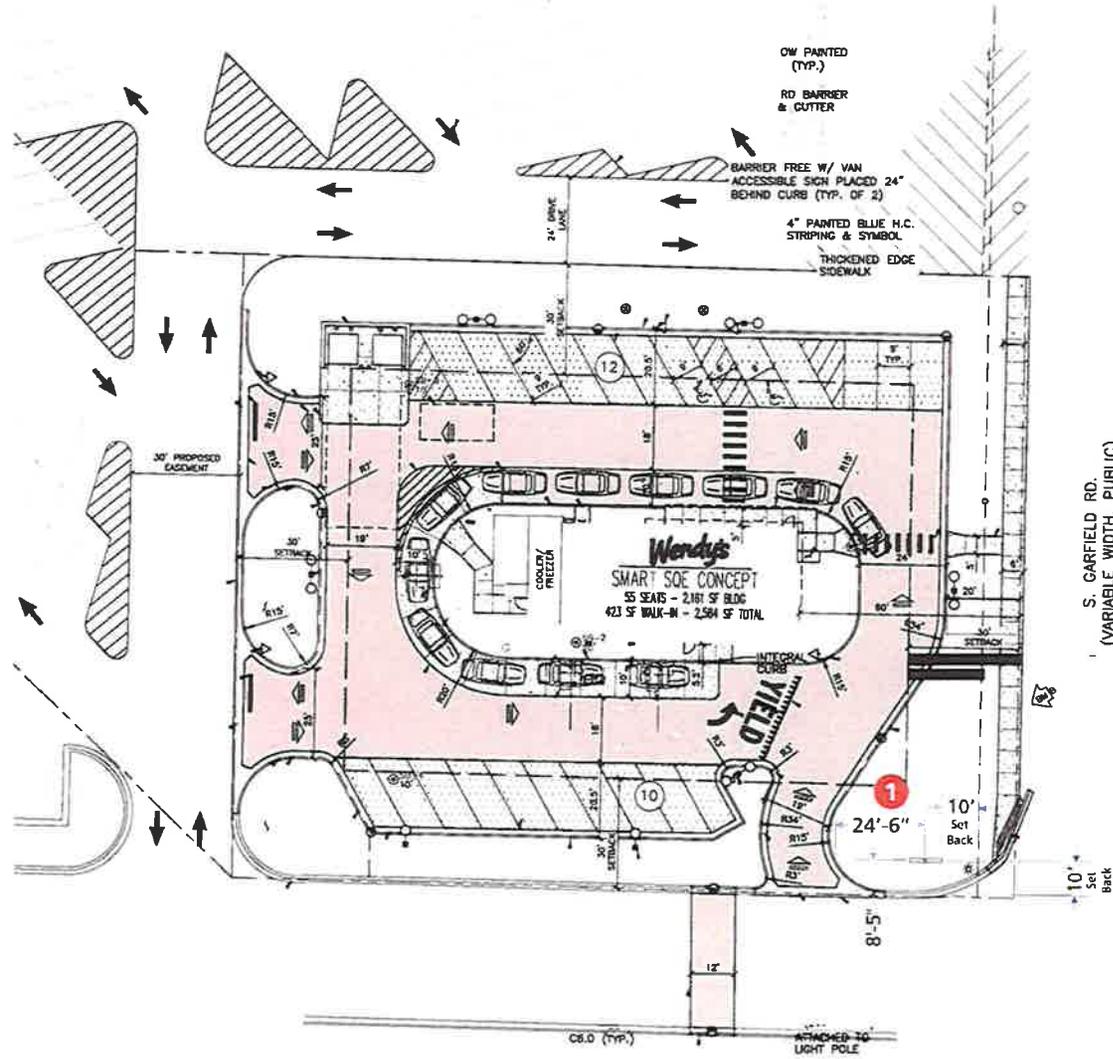
1686 S Garfield Rd
Traverse City, MI 49686



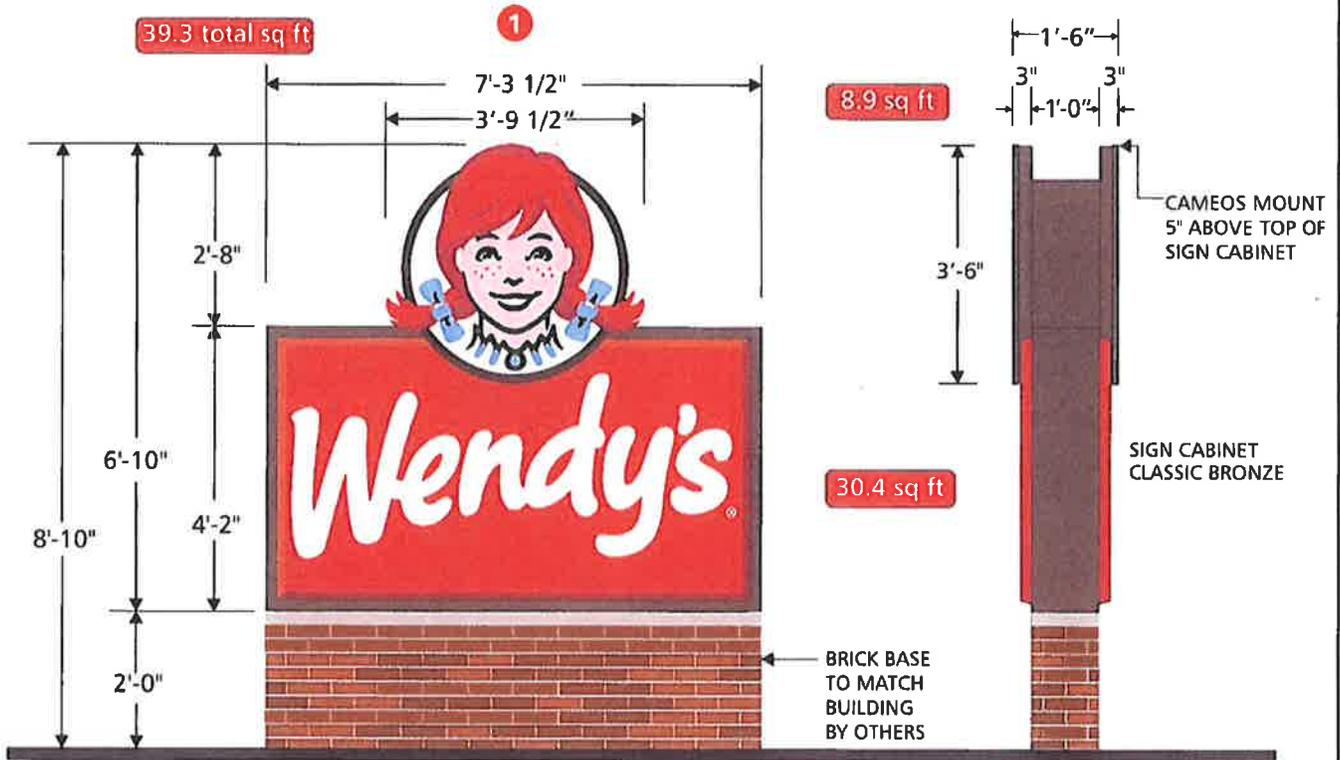
SCALE: 1" = 50'

SIGN KEY

1 Monument Sign



S. GARFIELD RD.
(VARIABLE WIDTH, PUBLIC)



ALL WIRING MEETS NEC 2017 SPECIFICATIONS.
SIGN TO BE WIRED TO A STANDARD 120 VOLT / 20 AMP CIRCUIT.

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES
THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

SIGN TYPE	SPECIFICATIONS	COLORS	SIGN SURVEY	ARTWORK
<input checked="" type="checkbox"/> DOUBLE FACE <input checked="" type="checkbox"/> ILLUMINATED <input checked="" type="checkbox"/> GROUND	- 12' SA ALUMINUM CABINET PAINTED CLASSIC BRONZE. - .150 PAN FORMED EMBOSSED SOLAR GRADE POLYCARBONATE FACES. - LED ILLUMINATION. CAMEOS - FORMED POLYCARBONATE WITH PRINTED GRAPHICS SECOND SURFACE WITH LED ILLUMINATION. - ALUMINUM RETURNS AND BACKS PAINTED CLASSIC BRONZE. - BASE BY OTHERS.	<input checked="" type="checkbox"/> CLASSIC BRONZE <input checked="" type="checkbox"/> PMS 186 RED <input type="checkbox"/> WHITE <input checked="" type="checkbox"/> PMS 186 RED HAIR <input checked="" type="checkbox"/> PMS N11 BERGANDY HAIR <input type="checkbox"/> PMS 299 BLUE <input type="checkbox"/> PMS 698 PINK <input checked="" type="checkbox"/> PMS 439 BROWN	<input type="checkbox"/> FACE TRIMS <input type="checkbox"/> FASCIA COLOR <input type="checkbox"/> RADIUS DIM. <input type="checkbox"/> BUILDING DIM. <input type="checkbox"/> FACADE ANGLE <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> PROVIDED <input type="checkbox"/> REQUIRED If required, customer to provide Custom Sign Center, Inc. with camera ready or appropriate digital file. Please contact your salesperson or Design Staff for appropriate file types.
FILENAME:U0601-IA-WM36-LED DATE:3/26/19	REV# DGNR: JLB	SCALE: 3/8" = 1' SALES: T. SHEEHY	Approval Signatures Required to insure that all spelling, colors, and specifications for sign(s) rendered meets customer & landlord approvals.	CUSTOMER: _____ DATE: _____ LANDLORD: _____ DATE: _____



3203 Valley View Drive
PH: 614-279-6700
Columbus, OH 43204
FX: 614-279-7525

This original design and all information herein are the property of Custom Sign Center, Inc. Artwork is subject to return if not purchased. Any unauthorized use is forbidden. © Copyright 2019. All rights reserved.

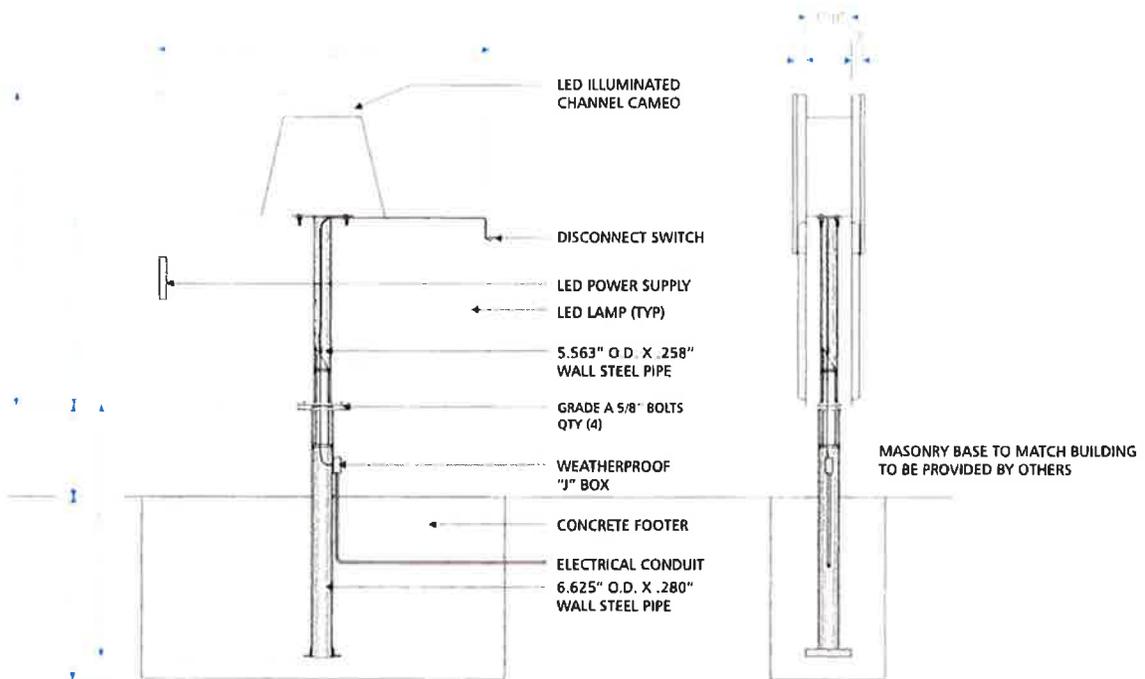
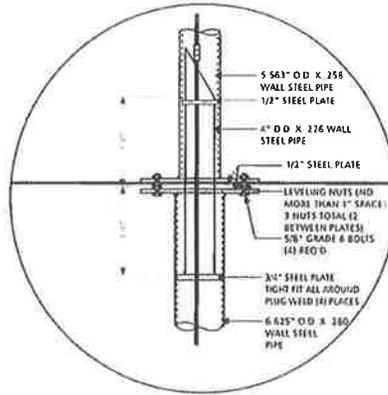
DESIGN CRITERIA:

90 MPH WIND LOAD

SOIL COMPACTNESS = 2,000 PSF

CONCRETE FOUNDATION - 3,000 PSI - 5 BAG, 28 DAY MIN.

MODEL IA-WM36



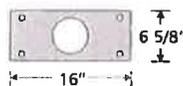
SCALE 1/4" = 1'-0"

ELECTRICAL REQUIREMENTS

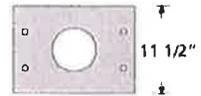
(1) ELECTRONIC LED POWER SUPPLY (.63 AMPS EA)

(8) 48" LED LAMPS, 21W EACH

(1) 20 AMP CIRCUIT REQUIRED



4 1/2" PIPE PLATE FOR THE INSIDE TOP AND BOTTOM OF THE CABINET



5 1/2" PIPE PLATE FOR THE OUTSIDE BOTTOM OF THE CABINET

1/2" THICK STEEL MOUNTING PLATES
SCALE " = 1'-0"

**FOURTH AMENDMENT TO RECIPROCAL EASEMENT AGREEMENT
CHERRYLAND MALL
GARFIELD TOWNSHIP, MICHIGAN**

This **FOURTH AMENDMENT TO RECIPROCAL EASEMENT AGREEMENT** (this "Amendment") is made as of the 1st day of March, 2021 (the "Effective Date") by and among **TF TRAVERSE CITY MI LLC**, a Delaware limited liability company ("TF"), **SASIKALA VEMULAPALLI** ("Vemulapalli"), and **CHERRYMART ASSOCIATES, LLC**, a Michigan limited liability company ("Cherrymart"). TF, Vemulapalli and Cherrymart are sometimes hereinafter referred to individually, as a "Party" and collectively, as the "Parties."

RECITALS:

A. TF is the owner of certain improved real estate located in the Township of Garfield, Grand Traverse County, Michigan, more particularly described on Exhibit A attached hereto (the "TF Parcel").

B. Cherrymart, successor in interest to Cherryland Mall Limited Partnership, a Michigan limited partnership ("Cherryland"), pursuant to a Quit Claim Deed, recorded November 7, 2002, Grand Traverse County Records, at Liber 1774, Page 655, successor in interest to Jerome L. Schostak, is the owner of certain improved real estate located in the Township of Garfield, Grand Traverse County, Michigan, more particularly described on Exhibit B attached hereto (the "Cherrymart Parcel").

C. Vemulapalli, successor in interest to Durga, LLC, a Michigan limited liability company, pursuant to a Quit Claim Deed, recorded April 19, 2016, Grand Traverse County Records, Document 2016R-06579, successor in interest to Wells Fargo Bank, N.A., pursuant to a Covenant Deed, recorded October 23, 2013, Grand Traverse County Records, Document 2013R-19936, successor in interest to Cherryland, pursuant to a Sheriff's Deed on a Foreclosure Sale, recorded September 2, 2010, Grand Traverse County Records, Document 2010R-14524, successor in interest to Jerome L. Schostak, is the owner of certain improved real estate located in the Township of Garfield, Grand Traverse County, Michigan, more particularly described on Exhibit C attached hereto (the "Mall Parcel"). The TF Parcel, the Cherrymart Parcel and the Mall Parcel are sometimes hereinafter referred to individually, as a "Parcel" and collectively, as the "Parcels."

D. The Parcels collectively constitute an integrated retail shopping center, commonly known as Cherryland Mall (hereinafter referred to as the "Shopping Center").

E. The Parcels are subject to that certain Reciprocal Easement Agreement, dated as of May 4, 1983, and recorded on June 7, 1983 at Liber 572, Page 65, Grand Traverse County Records, as modified by an Agreement Evidencing Opening Date, dated December 28, 1984 and recorded on January 25, 1985 at Liber 626, Page 791, Grand Traverse County Records, as amended by an Amendment to Reciprocal Easement Agreement, dated January 8, 1988 and recorded June 27, 1988 at Liber 745, Page 151, Grand Traverse County Records, as amended by a Second Amendment to Reciprocal Easement Agreement dated August 28, 1998 and recorded August 28, 1998 at Liber 1255, Page 517, Grand Traverse County Records, and as amended by a Third Amendment to Reciprocal Easement Agreement dated May 14, 2001 and recorded September 18, 2001 at Liber 1562, Page 568, Grand Traverse County Records (the "REA"). Capitalized terms not defined herein shall have the meanings ascribed to them in the REA.

F. Cherrymart intends to split the Cherrymart Parcel into two separate and distinct tax parcels, the "Cherrymart Outlot" and the "Remainder Parcel," as each such parcel is depicted, and legally described, on Exhibit D attached hereto (the "Cherrymart Site Plan"). Cherrymart may further split the Remainder Parcel into two (2) or more separate and distinct parcels.

G. TF, Cherrymart and Vemulapalli now desire to further amend the REA as set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. Cherrymart shall be responsible for complying with all governmental requirements and securing any approvals which may be required for the split of the Cherrymart Parcel and the Remainder Parcel and any subsequent splits of the Remainder Parcel, including, without limitation, compliance with the Michigan Land Division Act.

2. The Cherrymart Outlot shall be subject to the REA, as the same may be amended. The Remainder Parcel, and any additional parcels into which the Remainder Parcel may be split, shall be subject to the REA, as the same may be amended.

3. Anything contained in the REA to the contrary notwithstanding (including, without limitation, Sections 3.03, 8.01 and 8.02 of the REA):

(a) Cherrymart (or its assigns) may develop and construct on any portion or portions of the Cherrymart Outlot (including, without limitation, within the parking areas and/or Parking Lot Improvements currently located thereon) one or more buildings (of such size and design as may be determined by Cherrymart (or its assigns), in its reasonable discretion), including, without limitation, a restaurant, provided that such building or buildings, and the use thereof, complies with all applicable zoning ordinances and requirements.

(b) The parking ratio specified in Section 8.01(a) shall not apply to the Cherrymart Outlot; provided, however, the number of parking spaces on the Cherrymart Outlot must comply with the requirements of all applicable zoning ordinances, subject to any variances that may be requested and obtained by Cherrymart (or its assigns) with respect thereto.

(c) In connection with the development the Cherrymart Outlot, Cherrymart (or its assigns) may install one or more signs, including, without limitation, a pylon sign or signs, in such location or locations (including, without limitation, above the surface of any portion of the Parking Lot Improvements), and having such dimensions and designs, as shall be determined by Cherrymart (or its assigns), in its reasonable discretion; provided, however, each such sign must be in compliance with all applicable governmental laws, ordinances and requirements, including, without limitation, the applicable zoning ordinances, and the Parcel owner shall be responsible for securing all governmental approvals which may be required for such sign or signs.

4. Anything contained in the REA to the contrary notwithstanding: (i) as used in Articles X, XI and XVIII of the REA, the term "Developer" shall mean and include all of the owners of any portion of the Mall Parcel, the Cherrymart Outlot or the Remainder Parcel, as each may, in the future, be split into two or more separate and distinct tax parcels, and the term "Developer's Site" shall mean and include the Mall Parcel, the

Cherrymart Outlot and the Remainder Parcel, as each may, in the future, be split into two or more separate and distinct tax parcels; and (ii) as used in all other Articles of the REA, the term "Developer" shall mean and include only the owners of any portion of the Mall Parcel or the Remainder Parcel, as the same may, in the future, be split into two or more separate and distinct tax parcels, and the term "Developer's Site" shall mean and include only the Mall Parcel and the Remainder Parcel, as the same may, in the future, be split into two or more separate and distinct tax parcels.

5. Section 11.01(b) of the REA is hereby amended in its entirety to read as follows:

(b) The owner of the Mall Parcel (the "Mall Owner") shall be responsible for the maintenance, repair and replacement of the underground portions of the storm drainage system and the Retention Pond. Each owner of a parcel within the Shopping Center shall reimburse the Mall Owner for its "pro rata share," as hereinafter defined, of the Mall Owner's cost of operating, maintaining, repairing or replacing the Retention Pond and related storm drainage facilities. Each owner's "pro rata share" of such costs shall be such portion of the Mall Owner's total costs as the aggregate Floor Area of the buildings (excluding any parking structures) located on such owner's parcel bears to the sum of the Floor Area of all of the buildings (excluding any parking structures) located within the Shopping Center. The costs of operating, maintaining, repairing or replacing the Retention Pond and related storm drainage facilities shall include all costs and expenses of every kind and nature paid or incurred by the Mall Owner for such purpose including, where applicable and without implied limitation, water and other charges, real estate taxes attributable to the Retention Pond, personal property taxes on equipment owned by the Mall Owner used in performing such services, together with the amortization (including interest) of the cost of acquiring all such equipment, workmen's compensation insurance, all salaries and compensation in connection with such services (including all fringe benefits) and supplies. There shall not be included in such costs any initial construction costs of a capital nature,

depreciation, profit or interest on the Mall Owner's investment.

6. Section 12.05 of the REA is hereby amended in its entirety to read as follows:

12.05 Indemnification: The owner of any parcel within the Shopping Center (hereinafter referred to as the "Indemnifying Party") shall indemnify, defend and hold harmless each other Owner of a parcel within the Shopping Center, and its officers, directors, members, managers, agents, employees, tenants, guests and invitees (each, an "Indemnified Party") from and against any and all liabilities, obligations, demands, penalties, claims, costs, damages, losses and expenses (including, without implied limitation, reasonable fees and expenses of attorneys, expert witnesses and other consultants) which may be imposed upon, incurred by or asserted against an Indemnified Party by reason of the act or neglect of the Indemnifying Party, its agents and employees. In the event any such claim is asserted against an Indemnified Party as a result of any neglect covered by the forgoing indemnification, the Indemnified Party shall promptly notify the Indemnifying Party of the existence of such claim and the Indemnifying Party shall, at its sole cost and expense, undertake the defense of the Indemnified Party with respect to such claim, and if such defense be unsuccessful, pay any and all damages as shall be awarded as a result thereof. In the event the amount of the liability asserted shall be in excess of the limits of public liability insurance required by this Agreement or such other public liability insurance as shall be maintained by the Indemnifying Party, then the defense of such claim shall be undertaken by counsel selected by the Indemnifying Party with the prior written approval of the Indemnified Party which approval shall not be unreasonably withheld.

7. For all purposes under the REA, the term "Shopping Center" shall mean and include the TF Parcel, the Mall Parcel, the Cherrymart Outlot and the Remainder Parcel, as each such Parcel may, in the future, be split into two or more separate and distinct tax parcels.

8. Pursuant to Section 10.05 of the REA, Vemulapalli hereby consents to and approves the installation, in connection with the development of the Cherrymart Outlot, of a 12" storm sewer line across the Mall Parcel in the location depicted on Exhibit E attached hereto.

9. Except as set forth above, the REA shall continue in full force and effect in accordance with its terms.

10. This Amendment shall be construed, interpreted and enforced under the Laws of the State of Michigan.

11. This Amendment constitutes the entire agreement between the parties hereto with respect to the matters described herein. The parties do not rely upon any statement, promise or representation not herein expressed pertaining to the matters described herein, and this Agreement once executed and delivered shall not be modified or altered in any respect except by a writing executed and delivered in the same manner as required by this document.

12. The easements, restrictions, benefits and obligations under this Amendment shall create mutual benefits and servitudes running with the land. This Amendment shall bind and inure to the benefit of the parties hereto, their respective heirs, representatives, lessees, successors and assigns. The singular number includes the plural and the masculine gender includes the feminine and neuter.

13. This Amendment may be executed in one or more counterparts each of which in the aggregate shall constitute one and the same instrument.

Remainder of page left blank intentionally

SIGNATURE PAGE
FOR
FOURTH AMENDMENT TO RECIPROCAL EASEMENT AGREEMENT
CHERRYLAND MALL
GARFIELD TOWNSHIP, MICHIGAN

MALL PARCEL

IN WITNESS WHEREOF, the Parties have caused this Fourth Amendment to Reciprocal Easement Agreement to be executed effective as of the day and year first above written.

S. Venkyp.
SASIKALA VEMULAPALLI

STATE OF Ohio)
COUNTY OF Butler) ss.
)

THE FOREGOING FOURTH AMENDMENT TO RECIPROCAL EASEMENT AGREEMENT was acknowledged before me on this 5th day of February, 2021, by Sasikala Vermulapalli, individually.

Jo Marie Mingua
Notary Public
State of Ohio
County of Butler
My Commission Expires: 4/3/21
Acting in Hamilton County



JO MARIE MINGUA
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
04-03-2021

EXHIBIT A

LEGAL DESCRIPTION OF TF PARCEL

Land located in the Township of Garfield:

LOTS 1 3 4 AND 5 OF WEDGEWOOD ALSO LOTS 42 43 AND 44 OF FIRST ADDITION TO WEDGEWOOD ALSO PRT OF SE 1/4 SEC 14 T27N-R11W MORE FULLY DESCRIBED AS BEG AT SE COR SAID LOT 1 TH S 89-52-23 W 100' TH N 00-29-07 W 200' TH N 89-59-37 W 94.70' TH N 00-20-57 W 300' TH N 00-25-27 W 279.82' TH S 89-59-07 E 193.92' TH N 00-27-57 W 11.67' TH N 44-59-13 E 152.60' TH S 45-00-47 E 224.57' TH N 44-38-18 E 3.12' TH S 45-21-42 E 114.01' TH N 44-44-47 E 0.66' TH S 45-06-27 E 68.54' S 45-03-11 W 36.25' TH S 45-19-16 E 69.07' TH S 45-00-37 W 143.99' TH S 89-58-03 W 67.78' TH S 00-05-47 E 78' TH S 89-54-13 W 187.33' TH S 00-09-37 E 343.15' TH S 89-52-23 W 60.33' TH S 00-27-57 E 17' TO POB EXC W 88.83' OF LOT 1 WEDGEWOOD (PART 1) ALSO COM AT SE COR SAID LOT 1 TH S 89-52-23 W 100' TH N 00-29-07 W 200' TH N 89-59-37 W 94.70' TH N 00-20-57 W 300' TH N 00-25-27 W 279.82' TH S 89-59-07 E 193.92' TH N 00-27-57 W 11.67' TH N 44-59-13 E 152.60' TH S 45-00-47 E 224.57' TH N 44-38-18 E 3.12' TH S 45-21-42 E 114.01' TH N 44-44-47 E 0.66' TH S 45-06-27 E 68.54' TO POB TH S 45-06-27 E 69.04' TH S 45-03-37' W 35.99' TH SE TO POINT A TH N 45-19-16 W 69.07' TH N 45-03-11 E 36.25' TO POB ALSO COMM POINT A TH S 45-03-37 W 53.13 TO POB TH S 45-03-55 E 185.33' TH N 45--01-47 E 124.61' TH S 45-02-54 E 267.12' S 0-05-40 E 33.54' TH S 89-54-20 W 358.35' TH N 0-06-52 W 41.39' TH N 45-02-05 W 64.09' S 89-48-57 W 29.67' TH N 0-11-03 W 0.58' TH S 89-48-57 W 71.16' TH N 0-0-44 W 37.54' TH S 89-53-06 W 35.74' TH N 0-5-47 W 77' TH N 89-58-03 E 67.78' TH N 45-03-37 E 90.86' TO POB

Tax Parcel Id: 28-05-014-049-10

Commonly known as: 1212 W South Airport Rd.

EXHIBIT B

LEGAL DESCRIPTION OF CHERRYMART PARCEL

Land located in the Township of Garfield:

Part of the Northeast 1/4 of the Southeast 1/4 of Section 14, Town 27 North, Range 11 West, Garfield Township, Grand Traverse County, Michigan, more fully described as: Commencing at the East 1/4 corner of Section 14, Town 27 North, Range 11 West, Garfield Township, Grand Traverse County, Michigan; thence West, 50 feet along the East and West 1/4 line of said Section 14 to the point of beginning of this description; thence continuing due West, 975.00 feet along said East and West 1/4 line of Section 14; thence due South, 120 feet, thence South 45 degrees 00 minutes 00 seconds East, 431.33 feet; thence due East, 150 feet; thence due South, 15.0 feet; thence due East, 60.00 feet; thence North, 28.76 feet to a point on the extended original K-Mart building line as it existed before demolition; thence North 89 degrees 56 minutes 45 seconds East, 189.93 feet along said original building line extended; thence South 00 degrees 03 minutes 15 seconds East, 65.00 feet; thence South 89 degrees 56 minutes 45 seconds West, 160.00 feet; thence South, 178.78 feet; thence South 45 degrees 00 minutes 00 seconds East 318.20 feet; thence due East, 213 feet; thence North 00 degrees 32 minutes 10 seconds West, 880 feet to the point of beginning of this description. Containing 12.21 acres of land and subject to easements and restrictions of record or otherwise.

Tax Parcel Id: 28-05-014-049-01

Commonly known as: 1712 South Garfield Road

EXHIBIT C

LEGAL DESCRIPTION OF MALL PARCEL

Land located in the Township of Garfield:

COM SE COR NE 1/4 SE 1/4 SEC 14 T27N R11W TH W 540.52' & N 50'
TO POB TH CON'T N 253.54' TH N 45 DEG 3' W 267.12' TH S 45 DEG
2' W 124.61' TH N 45 DEG 4' W 185.33' TH N 45 DEG 1' E 118.12'
TH N 45 DEG W 50' N 45 DEG E 101' S 45 DEG E 37' N 45 DEG E 50'
N 45 DEG W 37' N 45 DEG E 70' N 45 DEG W 70' N 45 DEG E 70' S 45
DEG E 20' E 150' S 15' E 60' TH N 28.76' TH N 89 DEG 57' E
189.93' TH TH S 0 DEG 3' E 65' TH S 89 DEG 57' W 160' TH S
178.78' TH S 45 DEG E 318.2' TH E 213' S TH S 50' TH S 89 DEG
58' W 215' TH S 0 DEG 32' E 205' TH S 89 DEG 58' W 245.05' TH S
0 DEG 32' E 145' TH W 30' TO POB ALSO BEG NW COR NE 1/4 SE 1/4
TH E 300' TH S 120' TH S 45 DEG W 323.12' TH S 45 DEG E 60.93'
TH S 44 DEG 59' W 152.6' TH N 498.08 TO POB ALSO LOT 41 ADN S
1/2 LOT 40 FIRST ADD'N TO WEDGEWOOD SUBDN

Tax Parcel Id: 28-05-014-049-00

Commonly known as: 1148 W. South Airport Rd.

Land located in the Township of Garfield:

PRT NE 1/4 OF SE 1/4 SEC 14 T27N R11W COM 540.05' W & 195' N OF
SE COR TH W 140' TH S 145' TH W 540' TH N 242.22' TH E 310' TH S
30' TH E 370' TH S 67.22' TO POB.

Tax Parcel Id: 28-05-014-049-02

Commonly known as: 1144 W. South Airport Rd.

Land located in the Township of Garfield:

COM SW COR NE1/4 SE1/4 SEC 14 T27N R11W TH N 50' TH E 106.59' TO
POB TH N 00DEG 10'W 242.22' TH E 310' TH N 00DEG 7'W 11.39' TH N
45DEG 02'W 64.09' TH S 89DEG 49'W 29.67' TH N 00DEG 11'W .58' TH
S 89DEG 49'W 71.16' TH N 37.54' TH S 89DEG 53'W 35.74' TH S

00DEG 06'E 1' TH S 89DEG 54'W 187.33' TH S 00DEG 10'E 343.15' TH
N 82DEG 25'E 46.59' TO POB (DESC CORR 9/11/13 DUE TO OVERLAP)

Tax Parcel Id: 28-05-014-049-03

Commonly known as: 1146 W. South Airport Rd.

Land located in the Township of Garfield:

COM E 1/4 COR SEC 14 T27N R11W TH W 1025.07' S 120' TO POB S 45
DEG W 323.12 S 45 DEG E 285.5' N 44 DEG 38' E 3.12' S 45 DEG 21'
E 114.01' S 44 DEG 44' E 66' S 45 DEG 6' E 68.54' N 45 DEG E 29'
N 45 DEG W 50' N 45 DEG E 101' S 45 DEG E 37' N 45 DEG E 50' N
45 DEG W 37' N 45 DEG E 70' N 45 DEG W 70' N 45 DEG E 70' N 45
DEG W 411.33' TO POB.

Tax Parcel Id: 05-014-049-08

Commonly known as: 1776 S. Garfield Ave.

EXHIBIT D

CHERRYMART SITE PLAN

See attached.



CAUTION: THIS PLAN AND ALL INFORMATION CONTAINED HEREIN IS UNLAWFUL TO REPRODUCE OR TRANSMIT IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT DESCRIBED HEREIN. THE ENGINEER IS NOT RESPONSIBLE FOR ANY OTHER INFORMATION OR FOR ANY OTHER PROJECTS OR FOR ANY OTHER INFORMATION OR FOR ANY OTHER PROJECTS.

CLIENT
CHERRYMART ASSOCIATES, LLC
1732 S GARFIELD AVE
TROY, MI 48063

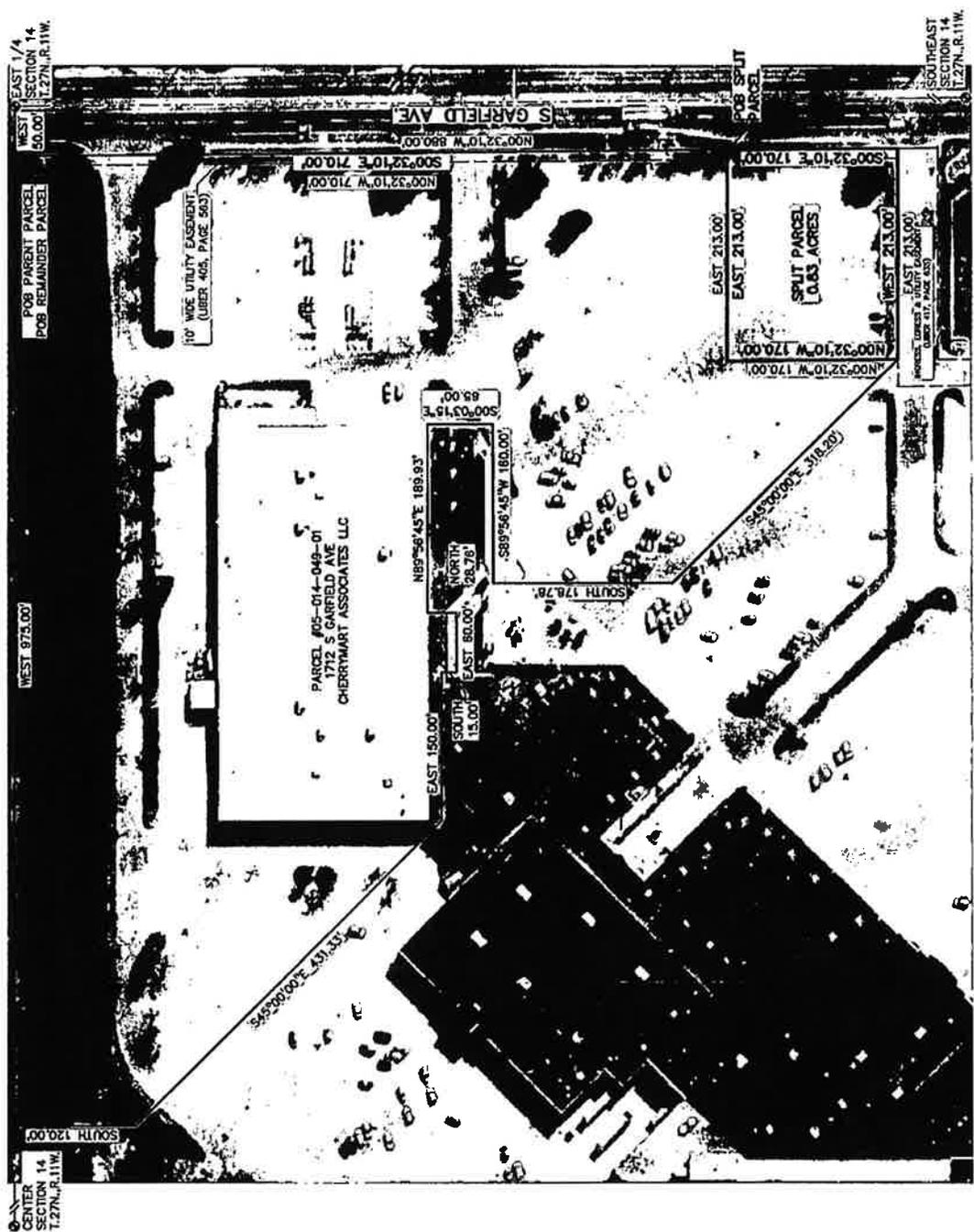
PROJECT TITLE
PARCEL SPLIT
1732 S GARFIELD AVE
TROY, MI 48063

REVISIONS

ORIGINAL ISSUE DATE:
AUGUST 06, 2020

DRAWING TITLE
LAND DIVISION
SKETCH

PEA JOB NO.: 2017-213
P.L.: CB
D.N.: CB
D.E.R.: CB
DRAWING NUMBER:
1 of 2



Existing Parcel Description

(Per Deed Liber 1774, Page 655, recorded date November 07, 2002)

Part of the Northeast 1/4 of the Southeast 1/4 of Section 14, Town 27 North, Range 11 West, Garfield Township, Grand Traverse County, Michigan, more fully described as: Commencing at the East 1/4 corner of Section 14, Town 27 North, Range 11 West, Garfield Township, Grand Traverse County, Michigan; thence West 50 feet along the East and West 1/4 line of said Section 14 to the point of beginning of this description; thence continuing due West 975.00 feet along said East and West 1/4 line of Section 14; thence due South 120 feet; thence South 45 degrees 00 minutes 00 seconds East 431.33 feet; thence due East 150 feet; thence due South 15.0 feet; thence due East 60.00 feet; thence North 28.76 feet to a point on the extended original K-Mart building line as it existed before demolition; thence North 89 degrees 56 minutes 45 seconds East 189.93 feet along said original building line extended; thence South 00 degrees 03 minutes 15 seconds East 65.00 feet; thence South 89 degrees 56 minutes 45 seconds West 160.00 feet; thence South 178.78 feet; thence South 45 degrees 00 minutes 00 seconds East 318.20 feet; thence due East 213 feet; thence North 00 degrees 32 minutes 10 seconds West 880 feet to the point of beginning of this description. Containing approximately 12.21 acres of land and subject to easements and restrictions of record or otherwise.

0.83 Acres Split Parcel Description

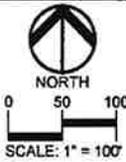
A parcel of land located in Northeast 1/4 of the Southeast 1/4 of Section 14, Town 27 North, Range 11 West, Garfield Township, Grand Traverse County, Michigan; described as being the South 170 feet of the East 213 feet of the parcel of land described and conveyed in the Quit Claim Deed recorded in Liber 1774, Page 655, Grand Traverse County Register of Deeds. Said parcel is; also, described as: Commencing at the East 1/4 Corner of Section 14; thence West along the East and West 1/4 line of Section 14, 50 feet; thence South 00 degrees 32 minutes 10 seconds East, 710 feet to the Point of Beginning; thence continuing South 00 degrees 32 minutes 10 seconds East, 170 feet; thence West, 213 feet; thence North 00 degrees 32 minutes 10 seconds West, 170 feet; thence East 213 feet to the Point of Beginning. Containing approximately 0.83 acres of land and subject to easements and restrictions of record or otherwise.

Remainder Parcel Description

Part of the Northeast 1/4 of the Southeast 1/4 of Section 14, Town 27 North, Range 11 West, Garfield Township, Grand Traverse County, Michigan, more fully described as: Commencing at the East 1/4 corner of Section 14, Town 27 North, Range 11 West, Garfield Township, Grand Traverse County, Michigan; thence West 50 feet along the East and West 1/4 line of said Section 14 to the point of beginning of this description; thence continuing due West 975.00 feet along said East and West 1/4 line of Section 14; thence due South 120 feet; thence South 45 degrees 00 minutes 00 seconds East 431.33 feet; thence due East, 150 feet; thence due South, 15.0 feet; thence due East 60.00 feet; thence North 28.76 feet to a point on the extended original K-Mart building line as it existed before demolition; thence North 89 degrees 56 minutes 45 seconds East 189.93 feet along said original building line extended; thence South 00 degrees 03 minutes 15 seconds East 65.00 feet; thence South 89 degrees 56 minutes 45 seconds West 160.00 feet; thence South 178.78 feet; thence South 45 degrees 00 minutes 00 seconds East 318.20 feet; thence due East 213 feet; thence North 00 degrees 32 minutes 10 seconds West 880 feet to the point of beginning of this description. EXCEPT the South 170 feet of the East 213 feet. Containing 11.38 acres of land and subject to easements and restrictions of record or otherwise.



PEA GROUP
TROY & WASHINGTON TWP
GRAND TRAVERSE & DETROIT
E 844.813.2949
www.peagroup.com



NORTH
0 50 100
SCALE: 1" = 100'



811 Call before you dig

CAUTION:
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETION OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

CLIENT
CHERRYMART ASSOCIATES, LLC
1702 LAUREL PARK DR. STE 200C
LANSING, MICHIGAN 48203

PROJECT TITLE
PARCEL SPLIT
1712 S GARFIELD AVE.
TOWN OF GARFIELD, MICHIGAN

REVISIONS	

ORIGINAL ISSUE DATE:
AUGUST 06, 2020

DRAWING TITLE
LAND DIVISION SKETCH

PEA JOB NO.	2017-218
P.M.	CB
D.N.	CB
DES.	CB

DRAWING NUMBER:
2 of 2

EXHIBIT E

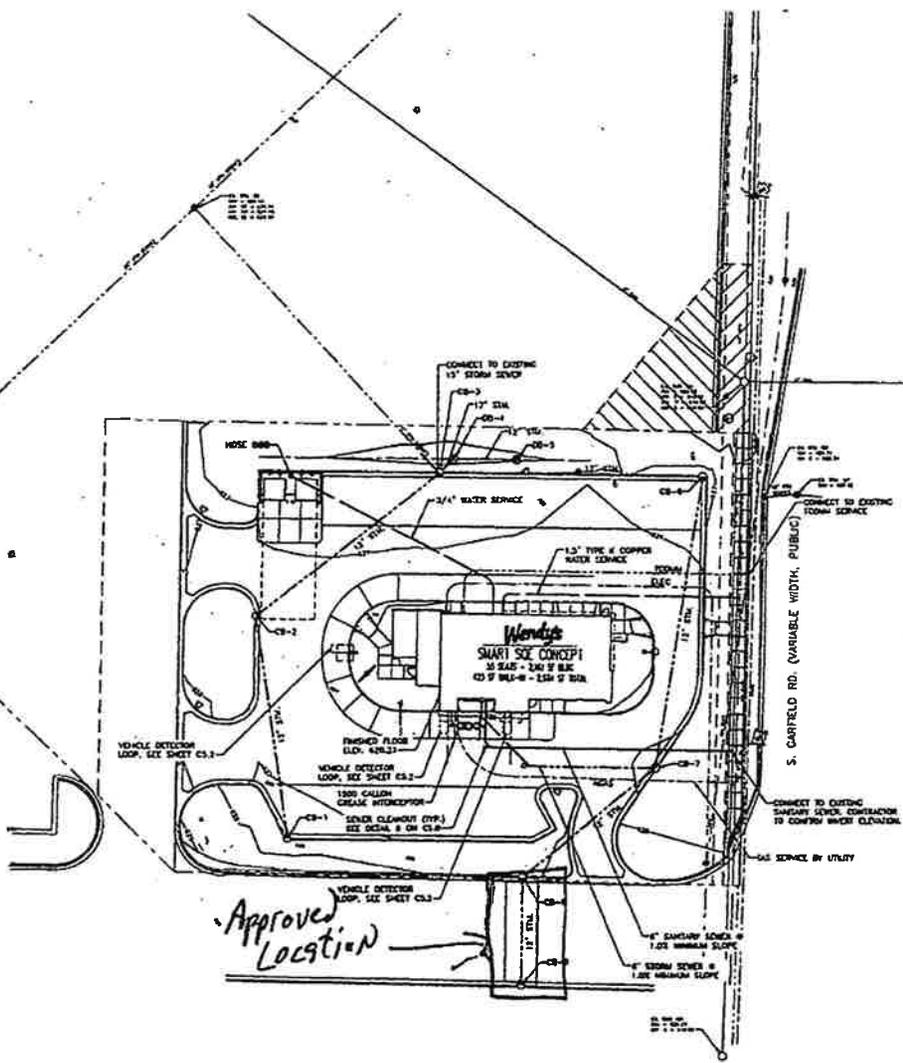
APPROVED LOCATION OF STORM SEWER LINE

See attached.

STORM WATER BASIS OF DESIGN

STORMWATER DESIGN, DESIGN AND INSTALLATION
 CONFORMS TO MANICURED & DRAINAGE COUNTY
 PROCEDURES AND DESIGN CRITERIA FOR FLOOD VULNERABLE
 PLANNING AND DESIGN AREA (PLA) 15.12 (P)
 PROPOSED IMPROVEMENTS SHALL BE IN ACCORDANCE WITH
 MANICURED & DRAINAGE COUNTY DESIGN CRITERIA
 NO OTHER BASIS OF DESIGN OR INFORMATION IS REQUIRED
 EXCEPT AS NOTED OTHERWISE ON THIS PLAN OR AS NOTED
 OTHERWISE FROM FURTHER INVESTIGATION.

STRUCTURE	ROW	SIZE	DEPTH	ELEVATION	CASTING
CS-1	126.44	48"	12' 6"	823.11	CONCRETE
CS-2	127.21	48"	12' 6"	823.80	CONCRETE
CS-3	128.20	48"	12' 6"	824.80	CONCRETE
CS-4	128.70	48"	12' 6"	825.30	CONCRETE
CS-5	129.20	48"	12' 6"	825.80	CONCRETE
CS-6	129.70	48"	12' 6"	826.30	CONCRETE
CS-7	130.20	48"	12' 6"	826.80	CONCRETE
CS-8	130.70	48"	12' 6"	827.30	CONCRETE
CS-9	131.20	48"	12' 6"	827.80	CONCRETE
CS-10	131.70	48"	12' 6"	828.30	CONCRETE
CS-11	132.20	48"	12' 6"	828.80	CONCRETE
CS-12	132.70	48"	12' 6"	829.30	CONCRETE



Approved Location



BENCHMARKS
 BENCH MARK 1: ELEVATION 429.00
 WEST CORNER BULL DOG THE VETERAN
 WEST SIDE OF 2nd AVE, WESTERN
 SIDE OF S. GARFIELD RD.
 BENCH MARK 2: ELEVATION 429.17
 WEST CORNER BULL DOG THE VETERAN
 WEST SIDE OF 2nd AVE, WESTERN
 SIDE OF S. GARFIELD RD.

SYMBOL LEGEND
EXISTING UTILITIES
 -○- SANITARY SEWER & MANHOLE
 -○- WATER MAIN & MANHOLE
 -○- WATER MAIN
 -○- GAS MAIN
 -○- CABLE TELEVISION
 -○- TELEPHONE POLE/BOX
PROPOSED UTILITIES
 -○- SANITARY SEWER & MANHOLE
 -○- WATER MAIN
 -○- GAS MAIN
 -○- CABLE TELEVISION
 -○- TELEPHONE POLE/BOX

UTILITY SUMMARY
 WATER: 12" DIA. POLYETHYLENE GLASS REINFORCED (PEGR) PIPE, 1.0% SLOPE TO EXISTING 12" DIA. WATER MAIN. 12" DIA. POLYETHYLENE GLASS REINFORCED (PEGR) PIPE, 1.0% SLOPE TO EXISTING 12" DIA. WATER MAIN.
 GAS: 8" DIA. BLACK IRON PIPE, 1.0% SLOPE TO EXISTING 8" DIA. GAS MAIN.
 SANITARY SEWER: 12" DIA. POLYETHYLENE GLASS REINFORCED (PEGR) PIPE, 1.0% SLOPE TO EXISTING 12" DIA. SANITARY SEWER.
 STORM SEWER: 12" DIA. POLYETHYLENE GLASS REINFORCED (PEGR) PIPE, 1.0% SLOPE TO EXISTING 12" DIA. STORM SEWER.

UTILITY NOTES
 1. CONFORM TO ALL CITY ENGINEERING DEPARTMENT AND THE 2012 ILLINOIS STATE ENGINEERING ACT.
 2. ALL UTILITIES TO BE INSTALLED SHALL BE SHOWN ON THIS PLAN AND SHALL BE SHOWN IN ACCORDANCE WITH THE ILLINOIS STATE ENGINEERING ACT.
 3. EXISTING UTILITIES LOCATIONS SHOWN ARE APPROXIMATE.
 4. VERIFY THE POSITION, USE, DEPTH, LOCATION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION WHERE NECESSARY.
 5. PROTECT AND MAINTAIN SERVICE OF EXISTING UTILITIES AT ALL TIMES.
 6. DO NOT EXCEED 12" DIA. POLYETHYLENE GLASS REINFORCED (PEGR) PIPE, 1.0% SLOPE TO EXISTING 12" DIA. WATER MAIN.
 7. VERIFY AND MAINTAIN ALL UTILITIES AT ALL TIMES.
 8. VERIFY ALL UTILITIES TO BE INSTALLED.
 9. VERIFY THE LOCATION OF EXISTING UTILITIES AT ALL TIMES.

SANITARY SEWER NOTES
 1. SANITARY SEWER SHALL BE 12" DIA. POLYETHYLENE GLASS REINFORCED (PEGR) PIPE, 1.0% SLOPE TO EXISTING 12" DIA. SANITARY SEWER.
 2. VERIFY THE LOCATION OF EXISTING UTILITIES AT ALL TIMES.
 3. VERIFY THE LOCATION OF EXISTING UTILITIES AT ALL TIMES.
 4. VERIFY THE LOCATION OF EXISTING UTILITIES AT ALL TIMES.

GAS MAIN NOTES
 1. GAS MAIN SHALL BE 8" DIA. BLACK IRON PIPE, 1.0% SLOPE TO EXISTING 8" DIA. GAS MAIN.
 2. VERIFY THE LOCATION OF EXISTING UTILITIES AT ALL TIMES.
 3. VERIFY THE LOCATION OF EXISTING UTILITIES AT ALL TIMES.

WATER MAIN NOTES
 1. WATER MAIN SHALL BE 12" DIA. POLYETHYLENE GLASS REINFORCED (PEGR) PIPE, 1.0% SLOPE TO EXISTING 12" DIA. WATER MAIN.
 2. VERIFY THE LOCATION OF EXISTING UTILITIES AT ALL TIMES.
 3. VERIFY THE LOCATION OF EXISTING UTILITIES AT ALL TIMES.

STORM SEWER NOTES
 1. STORM SEWER SHALL BE 12" DIA. POLYETHYLENE GLASS REINFORCED (PEGR) PIPE, 1.0% SLOPE TO EXISTING 12" DIA. STORM SEWER.
 2. VERIFY THE LOCATION OF EXISTING UTILITIES AT ALL TIMES.
 3. VERIFY THE LOCATION OF EXISTING UTILITIES AT ALL TIMES.

DATE	10/20/2021
PROJECT NAME	SMART SIZE CONCEPT
PROJECT LOCATION	1800 S. GARFIELD ROAD, TRAVERSE CITY, MI 49686
PROJECT TYPE	NEW BUILD

fishbeck
 ENGINEERS ARCHITECTS INTERIORS
 1000 WEST WASHINGTON ST. #200
 TRAVERSE CITY, MI 49686
 TEL: 231.947.1211
 FAX: 231.947.1212

Wendy's
 1800 S. GARFIELD ROAD
 TRAVERSE CITY, MI 49686

DATE	10/20/2021
PROJECT NAME	SMART SIZE CONCEPT
PROJECT LOCATION	1800 S. GARFIELD ROAD, TRAVERSE CITY, MI 49686
PROJECT TYPE	NEW BUILD

C4.0

Chelsea Y. Kleinhans

From: Mike Green <Mgreen@garfield-twp.com>
Sent: Tuesday, January 25, 2022 4:18 PM
To: Chelsea Y. Kleinhans
Cc: Brad A. Fowler; John Sych; Steve Hannon
Subject: RE: Wendy's Site 13204
Attachments: SKM_C300i22012517030.pdf; cherryland_signplan.pdf

Good afternoon,

After careful consideration of the information you have provided, I am writing to inform you that I am unable to approve the requested sign permit at this time. Although such signs are permitted by right pursuant to Section 630.G(2), it is my understanding that such approvals shall be based on an approved sign plan meeting the standards in Table 956.A(22) of the Zoning Ordinance. Further, the sign plan shall be reviewed by the Planning Commission as part of an overall development plan for the Cherryland Center as laid out in Section 322 of the Zoning Ordinance. I have attached relevant sections of the Zoning Ordinance as well as the previously approved Cherryland Center Sign Plan for your reference. Feel free to contact me if you have any questions about this communication.

Sincerely,

Michael Green, Zoning Administrator
Charter Township of Garfield
Phone: 231-941-1620
Fax: 231-941-1588

From: Chelsea Y. Kleinhans <CKleinhans@mikameyers.com>
Sent: Thursday, January 20, 2022 11:07 AM
To: Mike Green <Mgreen@garfield-twp.com>
Cc: Brad A. Fowler <BFowler@mikameyers.com>
Subject: Wendy's Site 13204

Mr. Green,

Please see the attached correspondence and enclosures from Mr. Fowler.

Thank you!

Mika Meyers^{PC}

Chelsea Kleinhans, Secretary to Ross A. Leisman, Douglas A. Donnell and Bradley A. Fowler
Mika Meyers PLC
900 Monroe Avenue NW
Grand Rapids, MI 49503
Tel: 616-632-8000
Fax: 616-632-8002

Direct: 616-632-8073
E-mail: ckleinhans@mikameyers.com

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Mark A. Van Allsburg
David S. Lefere

Also Admitted in
¹ Delaware
² Illinois
³ New York
⁴ Ohio
⁵ Wisconsin

January 20, 2022

Mr. Michael Green
Zoning Administrator
Garfield Township
3848 Veterans Drive
Traverse City, MI 49684

Re: Wendy's Site # 13204 - Sign Permit Application

Dear Mr. Green:

This firm represents Wendy's in connection with its sign permit application for store #13204 located at 1686 S. Garfield Ave., Traverse City, MI 59686 (the Cherryland Mall). It has come to our attention that you are refusing to process Wendy's permit application unless Wendy's obtains signed authorizations from the other property owners in the C-P Planned Shopping Center District stating that they understand they are giving up the ability to place other shopping center signage at the entrance on Garfield Ave.

First, written permission from the other property owners in the Cherryland Mall complex for Wendy's to erect a free-standing sign on the property has already been obtained. In connection with the development of the Wendy's store, all of the property owners in the mall complex executed an amendment to their Reciprocal Easement Agreement. The amendment, which has been recorded with the Grand Traverse County Register of Deeds, is enclosed for your reference. It contains the following provision at paragraph 3(c):

(c) In connection with the development the Cherrymart Outlot, Cherrymart (or its assigns) may install one or more signs, including, without limitation, a pylon sign or signs, in such location or locations (including, without limitation, above the surface of any portion of the Parking Lot Improvements), and having such dimensions and designs, as shall be determined by Cherrymart (or its assigns), in its reasonable discretion; provided, however, each such sign must be in compliance with all applicable governmental laws, ordinances and requirements, including, without limitation, the applicable zoning ordinances, and the Parcel owner shall be

Mr. Michael Green
January 20, 2022
Page 2

responsible for securing all governmental approvals which may be required for such sign or signs.

Pursuant to the above provision in the Reciprocal Easement Agreement, Wendy's, as the assign of CherryMart Associates LLC, has already been granted the right by all of the other property owners in the Cherryland Mall Complex to install a sign in the location depicted in the permit application. Additional permission would be needlessly duplicative and overly burdensome.

Moreover, I would point out that there is nothing in the Township's zoning ordinance requiring property owners in the C-P district to provide written consent from all other property owners in the district as a condition of obtaining a sign permit. To the contrary, Section 630(R)(2) sets forth the requirements for a sign permit application. Those enumerated requirements are limited to providing an illustrated site-plan containing the following elements: (a) sign type; (b) dimensional characteristics; (c) materials, appearance, and lighting; (d) relationship to buildings or structures; (e) setbacks from rights-of-way; and (f) locations of any existing signage. Wendy's permit application contains each of those elements and is therefore administratively complete. Consent from other property owners in the development and/or district is not a required element of a permit application in the zoning ordinance.

Upon receiving a complete application containing all of the above elements, the ordinance requires that you as the Zoning Administrator review the application for compliance with the zoning ordinance within 10 business days (See Section 630(R)(3)). If the application is compliant, the zoning ordinance explicitly provides that you "*shall*" issue a sign permit to the applicant (See Section 630(R)(4)). The ordinance does not grant you any discretion to impose additional requirements for permit applications not enumerated in the ordinance.

As you are no doubt aware, under Section 630(G)(2)(b)(ii) of the ordinance, commercial uses in the C-P Planned Shopping Center district are permitted *by right* to have one free standing monument sign located at each roadway entrance to the development. Wendy's, as a commercial use, is therefore entitled to have such a sign. That right has been confirmed and agreed to by the other property owners in the mall complex.

Mr. Michael Green
January 20, 2022
Page 3

Accordingly, we have enclosed and are hereby resubmitting the sign permit application dated 11/31/2021 on behalf of Wendy's. We respectfully request that you review the application for compliance with the sign standards in the zoning ordinance within 10 business days as required and issue a permit. Alternatively, we request that you forward this sign application to the Planning Commission for their review and approval pursuant to Section 630(R)(5) of the zoning ordinance.

Very Truly Yours,


Bradley A. Fowler

Enclosure

Sent by e-mail

cc: Kristen Buter
Tom Amor
Ana Pelhank
Michael Anderson