

# **CHARTER TOWNSHIP OF GARFIELD PLANNING COMMISSION MEETING**

Wednesday, January 12, 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**

**Election of Officers**

#### **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 – November 10, 2021**

#### **4. Correspondence**

#### **5. Reports**

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

#### **6. Unfinished Business**

- a. PD 2022-3 – Serra Automotive Zoning Text Amendment – Request for Withdrawal

**7. New Business**

- a. PD 2022-6 – Ridge45 SUP Landscaping – Minor Amendment
- b. PD 2022-4 – Gauthier R-3 Rezoning – Introduction
- c. PD 2022-5 – Electronic Changeable Copy Sign ZO Text Amend – Conceptual Review

**8. Public Comment**

**9. Other Business**

- a. 2022 Planning Commission Meeting Dates

**10. Items for Next Agenda – January 26, 2022**

- a. Draft topics for Planning Commission / Township Board Joint Meeting
- b. Draft 2022 Annual Work Plan
- c. 2021 Annual Report

**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  
November 10, 2021**

**Call Meeting to Order:** Chair Racine called the November 10, 2021 Planning Commission meeting to order at 7:00pm at the Garfield Township Hall.

**Pledge of Allegiance**

The Pledge of Allegiance was recited by all in attendance.

**Roll Call of Commission Members:**

Present: Molly Agostinelli, Joe Robertson, Joe McManus, 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)**

None

**2. Review and Approval of the Agenda – Conflict of Interest (7:01)**

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

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

*Nays: None*

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

**a. October 27, 2021 Regular Meeting**

*Agostinelli moved and Fudge seconded to approve the October 27, 2021 Regular Meeting minutes as presented.*

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

*Nays: None*

**4. Correspondence (7:02)**

Letter from Haggard's Plumbing & Heating regarding Premier Place PUD  
Letter from Attorney Matthew Heron regarding Premier Place PUD  
Notice for a master plan update in Green Lake Township

**5. Reports (7:03)**

**Township Board Report**

Agostinelli stated that an agreement was reached between Blair Township and Garfield for water and sewer to help serve the Oleson's property.

**Planning Commissioners**

None

**Staff Report**

Sych said that they are working towards a tracking system for all projects.

**6. Unfinished Business****a. PD 2021-142 – Premier Place PUD Minor Amendment (7:04)**

Located at the northwest corner of Premier Street and Woodmere Avenue, the Premier Place Planned Unit Development (PUD) was approved as a phased residential project in 2003. There have been two amendments to the PUD since 2003 with the most recent amendment approved in 2015. In the first phase of development, eleven 10-unit buildings were constructed on Parcel 05-264-900-00. A major amendment for a 72-unit apartment building was approved in 2015, but the permit expired. There is now interest by the PUD developer to construct these five 10-unit buildings. Some changes to this phase of the PUD require a Minor Amendment review by the Planning Commission. Engineer Bill Crain discussed the proposed project.

Chair Racine opened the public hearing at 7:11pm.

*LuAnn Heinert* spoke and said that the residents met with the developer and worked out many details. She shared concerns with a proposed sidewalk along Simsbury.

*Laurel Campbell* commented on carports vs. garages.

The public hearing was closed at 7:17pm.

Sych commented on the proposed sidewalk and thought that an alternate location could be provided. He stated that the railroad crossing agreement needed to be adhered to and maintained.

Commissioners discussed the proposed project and asked questions.

*McManus moved and Robertson seconded THAT Findings for application SUP 2003-06-E, included in PD Report 2021-134 and forming part of this motion, BE APPROVED.*

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

*McManus moved and Robertson seconded THAT application SUP 2003-06-E, submitted by Woodmere Crossing, LLC to construct five 10-unit residential buildings with detached garages for the Premier Place PUD, BE APPROVED, subject to the following conditions:*

*1. Deposit of \$5,000 into a Township escrow account that may be drawn on by the Condominium Association or the Township in the event that the payment obligations under the Crossing Agreement are not met and that the conditions of the original 2015 RDO be adhered to.*



2. Relocate the proposed landscape plantings outside the stormwater retention basin proposed at the southeast corner of the site.
3. All proposed landscaping shall be installed prior to the issuance of a Certificate of Occupancy.
4. All final reviews and approvals from agencies with jurisdiction shall be provided prior to any Land Use Permits being issued, including infrastructure, stormwater, and private road reviews.
5. The applicant shall provide one (1) full-size plan set, one (1) 11x17" plan set, and one electronic copy of the full application (in PDF format) with all updates as required by the conditions of this approval and indicating compliance with all provisions of the Zoning Ordinance.
6. Relocation of proposed Sidewalk along south side of Simsbury be moved to north side
7. Sidewalk connections between building #7 and Simsbury, building #14 and Simsbury, building #10 and building #14, and building #13 and Simsbury to the agreement of the Premier Place condominium association.

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

**b. PD 2021-139 – Marengo 31 Special Use Permit (7:50)**

This application requests approval of a Special Use Permit for a commercial district housing development behind the Baymont Inn at 2326 N US 31 South. This development includes two 30-unit apartment buildings for 60 total dwelling units. Commercial district housing developments are permitted via Special Use Permit in the C-H Commercial Highway district.

*Agostinelli moved and DeGood seconded THAT the Findings of Fact for application SUP-2021-03, as presented in the Planning Department Report 2021-139 and being made a part of this motion, BE ADOPTED.*

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

*Agostinelli moved and DeGood seconded THAT application SUP-2021-03 BE APPROVED, subject to the following conditions:*

1. Waive the requirement for a traffic impact report.
2. Given the location of the development within the site and the surrounding natural features, accept the landscaping proposed for around the parking lot areas and waive the additional landscaping requirements.
3. The wetland setback of 25 feet according to Section 534.B. shall apply to all wetlands on the applicant's wetland delineation as verified by EGLE, except for any area for which the applicant has a valid permit from EGLE to fill such area. If any permit from EGLE expires or is otherwise no longer

*valid, and the work to fill such area authorized by the permit has not occurred, then the setback of 25 feet shall apply to all wetlands on the applicant's wetland delineation.*

*4. Upon Township construction of a nature trail connecting this site to the existing trails in the Miller Creek Nature Reserve, provide a sidewalk or pathway connection to this trail.*

*5. Work with MDOT to provide for pathway segments along the frontage of US 31, including one from the entrance drive to the north prior to a Certificate of Occupancy and one along the southern portion of the site frontage upon future development to the south.*

*6. Record a public access easement for the proposed sidewalks and pathways.*

*7. Final engineering review and approval by the Township Engineer is required including all infrastructure and stormwater.*

*8. All final reviews from agencies with jurisdiction shall be provided prior to any Land Use Permits being issued.*

*9. All proposed landscaping and site amenities shall be installed prior to the issuance of a Certificate of Occupancy.*

*10. The applicant shall provide two (2) full-size plan sets, one (1) 11x17" plan set, and one electronic copy of the full application (in PDF format) with all updates as required by the conditions of this approval and indicating compliance with all provisions of the Zoning Ordinance.*

*11. The applicant shall record promptly the amended Report and Decision Order (RDO) and any amendment to such order with the Grand Traverse County Register of Deeds in the chain of title for each parcel or portion thereof to which the RDO pertains. A copy of each recorded document shall be filed with the Director of Planning within thirty (30) days of final approval by the Township or approval shall be considered to have expired.*

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

*Nays: None*

## **7. New Business**

### **a. PD 2021-141 – Biggby/BCUBED at Cherryland – Site Plan Review (7:55)**

The project is to construct a Biggby Coffee on a 0.53-acre parcel on West South Airport Road, just west of South Garfield Avenue next to Burger King. The proposed building would be 349 square feet and offer only drive-through and walk-up service, with no dine-in services. The site (Parcel ID #05-014-049-76) is currently vacant. Restaurants with a drive-through are permitted by right in the C-P Planned Shopping Center district. Hannon discussed landscaping and stated that credits could be given for existing landscaping. Jeff Konczak spoke about their going into small unusable spaces and spoke about the portability of the business and designed it to be compact and portable.

*Robertson moved and Cline seconded THAT application SPR-2021-03, submitted by BCubed Manufacturing on behalf of owner MaryAnne Macintosh, to construct a drive-through and walk-up only coffee shop on the parcel 05-014-049-76, BE APPROVED, subject to the following conditions:*

- 1. All lighting fixtures shall meet all lighting standards of Section 517 including shielding and illumination, including updating the proposed fixtures to meet the color temperature requirement of 3,500 K or warmer.*
- 2. Submit an updated landscaping plan to meet the Zoning Ordinance requirements.*
- 3. Clearly identify which existing trees are in specific locations.*
- 4. Remove prohibited plant species from the landscaping plan.*
- 5. Snow storage areas shall be indicated on the site plan and calculations shall be provided.*
- 6. Record a public access easement for the proposed sidewalk.*
- 7. The applicant shall provide information demonstrating that the site shall have been found to be a suitable site for a drive-in or drive-through establishment, with regard to traffic safety, by a registered engineer with an educational specialization in traffic engineering.*
- 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.*

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

**b. PD 2021-140 – Ashland Park PUD Storage – Conceptual Review**

This application is for conceptual review of parcel 05-026-018-30 located south of the intersection of Garfield and Birmley Roads in the Ashland Park/Traditions Planned Unit Development (PUD). The parcel is 46.39 acres in area. However, the proposed concept only covers a 3.92-acre portion of the parcel. The underlying zoning of the parcel is A-Agricultural. The future land use designation for the parcel is Low Density Residential as indicated in the Township Master Plan. The Ashland Park PUD was originally approved in 2001. The PUD currently includes an existing small warehousing establishment which allows for self-storage on a 4.45 acre parcel (05-026-018-20). There are seven (7) existing self-storage buildings on the parcel. The area to the north of these buildings is approved for four (4) office buildings. The applicant is proposing to replace two (2) of the approved office buildings with an additional seven (7) self-storage buildings. The conceptual plan also shows a future assisted living facility replacing the other two (2) approved office buildings.

Bob Boeve gave some history of the property. He feels that storage is needed with the many new apartments coming to the townships. Ben Brower said that many trees have been planted on the property. The original plan shows office space in that area, but office space is difficult to

fill right now. Sych shared concerns from a planning perspective which included changing the character of the PUD and small warehousing only being allowed in the I-G General Mixed Use Industrial. This would be a major amendment to the PUD and would require public hearings. Commissioners discussed the concept of more storage on the site and discussed the disconnect with storage in a semi residential area serving a commercial use in the PUD. Boeve talked about all the good reason why this storage would be a good fit in the PUD. Commissioners shared concerns with storage not being right on this property because it is not zoned properly. Staff would need to research any previous industrial history on the property. Sych cited Section 426 of the zoning ordinance and the fact that developers would need to meet the criteria set forth in Section 426.

**8. Public Comment (9:18)**

Bob Boeve said that a roundabout should be placed at Hoch and Keystone Roads.

**9. Other Business (9:20)**

None

**10. Items for Next Agenda – December 8, 2021 (9:20)**


a. 2022 Planning Commission Meeting Dates

**11. Adjournment**

*Fudge moved to adjourn the meeting at 9:26pm.*

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

 <b>Charter Township of Garfield</b> <b>Planning Department Report No. 2022-3</b>		
Prepared:	January 5, 2022	Pages: 1
Meeting:	January 12, 2022 Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	Serra Automotive Zoning Ordinance Text Amendment – Request for Withdrawal	
File No.	Z-2021-01	

**BACKGROUND:**

The applicant, Serra Traverse City, LLC, proposed a text amendment to the Zoning Ordinance regarding freestanding signs allowed in the C-L, C-G, and C-H zoning districts encompassing two proposed changes to Section 630.E. Signs Permitted in C-L, C-G, and C-H Commercial Districts:

- The current regulation states only one freestanding sign is allowed along any major thoroughfare (Section 630.E. (2)(a)). The applicant proposed adding the words “per parcel” to the end of this statement as part of their proposed text amendment.
- The applicant also proposed adding a new subsection, Section 630.E. (2)(a)(ii), and proposed the following language as part of their proposed text amendment:
  - Individual tenants within a multi-tenant parcel, along any major thoroughfare, where the lot exceeds 100 feet of road frontage, shall be allowed (2) freestanding signs, not more than forty (40) square feet each, provided they have a minimum distance of 100 feet between each freestanding sign and each sign identifies a different entity.

This application was introduced to the Planning Commission at their regular meeting on August 11, 2021. Staff raised several items of concern in their report (PD Report 2021-107), including that this proposed text amendment would make it more difficult to achieve site designs which promote a neighborhood character and that it could end up encouraging the proliferation of excess signage along US 31, South Airport Road, Veterans Drive, and Front Street. Staff also commented that the applicant needed to demonstrate why the text amendment is needed and why they cannot meet the current sign regulations.

Upon discussion at the August 11, 2021 meeting and further discussion with the applicant, it was apparent that the proposed text amendment would not have allowed the applicant to install the signage that they were seeking. The applicant chose to withdraw the application; see the attached correspondence regarding the withdrawal of this application dated December 9, 2021.

**ACTION REQUESTED:**

This item is placed on the Planning Commission agenda to formally accept withdrawal of the application. The following motion is suggested:

MOTION THAT the WITHDRAWAL of application Z-2021-01, submitted by Serra Traverse City, LLC, BE ACCEPTED.

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

**Attachments:**

1. Email from Jessica Collins dated December 9, 2021.

## Steve Hannon

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**From:** Jessica Collins <jcollins@agi.net>  
**Sent:** Thursday, December 9, 2021 9:20 AM  
**To:** Steve Hannon  
**Cc:** John Sych  
**Subject:** RE: Garfield Township - Serra Automotive Application for Zoning Text Amendment

Hi Steve,

We would like to withdraw the Text Amendment or allow it to expire. We will not be proceeding with the Text Amendment.

We appreciate the townships consideration and willingness to work out a solution.

Thank you,

**Jessica Collins**

Facilities Account Manager

Project Manager II  
Signage Solutions



412 N. Cedar Bluff Road, Suite 306  
Knoxville, TN 37923  
M 407.860.3141  
O 800.877.7868 ext.3313  
[JCollins@AGI.net](mailto:JCollins@AGI.net)  
[www.AGI.net](http://www.AGI.net)

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**From:** Steve Hannon <shannon@garfield-twp.com>  
**Sent:** Tuesday, November 30, 2021 10:08 AM  
**To:** Jessica Collins <jcollins@agi.net>  
**Cc:** John Sych <jsych@garfield-twp.com>  
**Subject:** Garfield Township - Serra Automotive Application for Zoning Text Amendment

**\*\*\*External Sender – Please Exercise Caution\*\*\***

Hello Jessica,

The application for a Zoning Ordinance Text Amendment from Serra Automotive was tabled by the Planning Commission at the August 11, 2021 meeting and has continued to be tabled. Please see the following section of the Zoning Ordinance regarding expiration of application:

***SECTION 404 EXPIRATION OF APPLICATION***

*During the course of any administrative, legislative, or quasi-judicial application review, if an applicant has failed to proceed meaningfully towards application completion or application decision for a period of one-hundred and twenty*

*(120) consecutive calendar days, then the application shall be considered expired. Following expiration of an application, the applicant shall be provided with written notice of said expiration.*

Thursday December 9, 2021 will have been 120 days after the August 11, 2021 PC meeting. From our conversations and my understanding, it appears at this point that the proposed text amendment would not resolve the issue initially raised by the applicants and would cause issues with signage elsewhere within the Township. The applicants have the right to withdraw their application but we have not received any information indicating that they wish to do so.


If the applicants desire to continue with the application for proposed text amendment, please let me know no later than Thursday December 9, 2021. If we do not hear anything by that time, the application will be considered expired and this expiration will be acknowledged by the Planning Commission at their next meeting.

Please let me know if you have any questions.

Sincerely,

**Stephen Hannon, AICP**  
Deputy Planning Director  
Charter Township of Garfield

3848 Veterans Drive  
Traverse City, MI 49684  
[shannon@garfield-twp.com](mailto:shannon@garfield-twp.com)  
(231) 225-3156

 <b>Charter Township of Garfield Planning Department Report No. 2022-6</b>		
Prepared:	January 5, 2022	Pages: 6
Meeting:	January 12, 2022 Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	Ridge45 Multi-Family Housing Special Use Permit – Minor Amendment	
File No.	SUP-2015-01-D	Parcel No. 05-023-026-40
Applicant:	Midwest MFD – South, LLC	
Agent:	Scott M. Jozwiak, P.E./Jozwiak Consulting	
Owner:	Midwest MFD – South, LLC	

**BRIEF OVERVIEW:**

- Location: 1555 Ridge Boulevard, west off LaFranier Road
- Parcel area: 15.012 acres
- Existing land use: Multi-family housing
- Existing zoning: R-3 Multiple Family Residential

*Aerial image of the subject property (north is to the right):*







*View to the west from #1:*



*View to the west from #2:*





*View to the west from #3:*



*View to the west from #4:*



**PLANNING COMMISSION DISCRETION:**

In accordance with Section 530.H, the Planning Commission may waive or adjust an approved landscaping requirement in whole or in part provided that one or more of the following conditions exist upon the site:

- (1) Existing conditions such as topography or vegetation provide an established screen or buffer which is equal to or superior in its ability to meet the Purpose of this Section. For the purposes of this subsection, vegetation requirements may be adjusted either in terms of the quantity of plantings otherwise required or in terms of the physical location of plantings otherwise required.
- (2) Decorative walls or fencing will be provided in lieu of all or some required plantings to provide an equal or superior buffer to meet the Purpose of this Section.
- (3) Natural features such as steep slopes or other topographical features make full compliance impractical or impossible.
- (4) Space limitations on the site or prevailing development patterns in the surrounding neighborhood justify alternative compliance.
- (5) Safety considerations warrant flexibility upon the site.
- (6) No practicable alternative in the placement of a building, structure, street or utility construction, access drives, stormwater management facilities, trails or pathways, or other site improvements is available.
- (7) In the instance of a waiver being requested, a modification request shall only be approved upon a determination that the existing site conditions or developed form of a property are such that the requirements of this section cannot reasonably be completed, that an alternative landscaping plan cannot be reasonably be substituted, and that the requested modification is the minimum modification necessary resulting from such site conditions or developed form.

A 6-foot-high wood privacy fence was jointly installed between the applicant and King's Court along the shared property line.

**MINOR AMENDMENT:**

The applicant is requesting that the existing fence on the boundary line between Ridge45 and King's Court be accepted in lieu of the required landscaping due to the significant grade change between the west boundary line and the apartment buildings. The steep slope will make it difficult for plantings. Furthermore, a surplus of large tree credits can offset the requirement of the small trees and evergreens.

**STAFF COMMENTS:**

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

1. The existing 6-foot-high wood privacy fence provides an important buffer between the two developments. It also provides a safety barrier between the higher elevated King's Court houses at the top of the slope and the lower apartment buildings at the toe of the slope.
2. While the existing fence is beneficial, it does not provide an ideal privacy buffer between both developments and their residents.
3. A sufficient credit has been made for all the large trees and two of the medium or small trees. Therefore, only 19 medium or small trees and 7 evergreen trees are required to be planted.
4. Despite the slope, there remains an opportunity to provide the medium or small and evergreen trees. Smaller caliper, hardier trees can be planted in the buffer area by creating small terraced areas.

**ACTION REQUESTED:**

Following an opportunity for applicant presentation and Commissioner discussion, the following motion is offered for consideration:

MOTION THAT application SUP-2015-01-D, submitted by Jozwiak Consulting, for a Major Amendment to a Special Use Permit for the Ridge45 multi-family housing development at Parcel 05-023-026-40, BE APPROVED with the condition that 19 medium or small trees and 7 evergreen trees be planted.

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

**Attachments:**

1. Letter from Scott M. Jozwiak, P.E., dated December 14, 2021
2. 11” X 17” site plan (Sheet C704) dated December 14, 2021

December 14, 2021

Planning Commission  
Charter Township of Garfield  
3848 Veterans Dr  
Traverse City, MI 49684

**RE: Request for Special Use Permit Amendment**  
**1555 Ridge Blvd**  
**Parcel ID 05-023-026-40**  
**Current Zoning: R-3 Multi-Family**

Dear Commissioners:

The Ridge45 Multi-Family Development on Lafranier Road has completed its final phase. The project has successfully complied with the obligations of the Special Use Permit and the facility is at capacity. During final inspections by Township Staff and our office, it was noted that compliance with the landscaping plan was deficient. The majority of this deficiency is along the border that separates Ridge45 from the newly approved South22 multi-family project. Because the South22 project is slated for construction starting in the spring of 2022, the landscaping along that common property line was not fully installed knowing that there would be some grade changes in proximity to the property line. The developers of the South22 project are also the owners of Ridge45 which makes grading edits easy to accomplish. It is for this reason that we have provided assurance in the form of an escrow that allows us to defer the plantings along that common property line. Once we complete the grading and install the prescribed plantings per the Ridge45 special use permit, the escrow funds will be returned to us.

The other area that was found to be deficient is along the west property line which lies between Ridge45 and Kings Court mobile home park. There are currently a total of 15 trees equating to 42 tree credits under the large tree requirements. These are all trees that were there before the project started and we were able to retain them throughout grading and construction. These trees are all located at the southern end of the west property line. The majority of the west property line contains a cut slope. This cut slope precludes the effective planting of the remaining small trees and evergreens required by the ordinance.

Pursuant to Section 503(H), we are requesting that a 6' high privacy fence be approved in lieu of the deficient vegetation. The reasons are as follows:

#### H. Adjustments

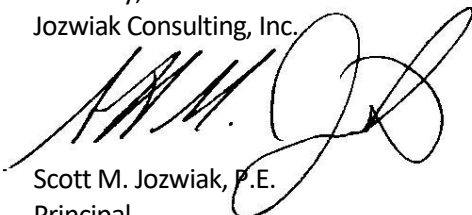
The Planning Director in the case of a site diagram or administrative site plan, or the approval authority in all other cases may waive or adjust any requirement of this section in whole or in part provided that one or more of the following conditions exist upon the site:

1. Existing conditions such as topography or vegetation provide an established screen or buffer which is equal to or superior in its ability to meet the Purpose of this Section. For the purposes of this subsection, vegetation requirements may be adjusted either in terms of the quantity of plantings otherwise required or in terms of the physical location of plantings otherwise required.
  - a. Not relevant
2. Decorative walls or fencing will be provided in lieu of all or some required plantings to provide an equal or superior buffer to meet the Purpose of this Section.

- a. A 6 foot high wood privacy fence jointly installed with Kings Court along the property line provides a substantial visual buffer.
  - b. The fence will offer a more significant screening than the vegetation in this particular case.
3. Natural features such as steep slopes or other topographical features make full compliance impractical or impossible.
  - a. The topography resulting from the grade changes made along the west property line preclude the proper planting of the additional trees and evergreens needed to be in compliance.
4. Space limitations on the site or prevailing development patterns in the surrounding neighborhood justify alternative compliance.
  - a. Not relevant
5. Safety considerations warrant flexibility upon the site.
  - a. Safety is one reason for the jointly installed privacy fence. The fence precludes access between the two developments in the area that contains the most slope. Pedestrian movement between the two developments is not desired since that would put people walking within feet of a unit in Kings Court creating a very undesirable consequence.
  - b. Both Kings Court and Ridge45 recognized and responded to this situation and jointly installed the foot tall privacy fence.
6. No practicable alternative in the placement of a building, structure, street or utility construction, access drives, stormwater management facilities, trails or pathways, or other site improvements is available.
  - a. Not relevant
7. In the instance of a waiver being requested, a modification request shall only be approved upon a determination that the existing site conditions or developed form of a property are such that the requirements of this section cannot reasonably be completed, that an alternative landscaping plan cannot be reasonably be substituted, and that the requested modification is the minimum modification necessary resulting from such site conditions or developed form.
  - a. It is our opinion that the fence will provide superior screening than a vegetative landscaping element. This is primarily due to the fact that the plantings would have occurred down the slope thereby reducing the effectiveness.
  - b. The surplus of large tree credits that are demonstrated on our plan can offset the requirement of the small trees and evergreens.

Please review our request for the substitution of a 6 foot high wood privacy fence for the deficient plantings. If you have any questions or require additional information in advance of the planning commission meeting, please do not hesitate to reach out to us. We look forward to presenting this at your January planning commission meeting.

Sincerely,  
Jozwiak Consulting, Inc.



Scott M. Jozwiak, P.E.  
Principal



West Property Line Type C Buffer	Buffer Type	Property Line Dimension	Large Trees		Med/small Trees		Evergreen		Shrubs	
	C	657	3 per 100 ft	20	3 per 100 ft	20	1 per 100 ft	7	N/A	
			Totals	20	20		7		0	
	Credit value					Credit value				
			3" oak	1	4" Serviceberry		2			
			20" oak	5						
			4" maple	2						
			20" maple	5						
			8" oak	3						
			2" oak	1						
Existing Tree Inventory			20" oak	5						
			16" maple	5						
			12" maple	4						
			2" oak	1						
			3" oak	1						
			2" oak	1						
			2" oak	1						
			4" oak	2						
			16" oak	5						
			Total Existing Credit	42	2		0			
Total Additional Required			0	18		7				


Buffer Type	Property Line Dimension	Large Trees		Med/small Trees		Evergreen		Shrubs		
		1590	3 per 100 ft	48	3 per 100 ft	48	1 per 100 ft	16	N/A	
		C		Totals	48		48		16	
Existing Tree Inventory		Credit value					Credit value			
		8" oak	3				3" White Pin	1		
		16" oak	5				3" White Pin	1		
		16" oak	5				3" White Pin	1		
		12" oak	4				2" Spruce	1		
		2" maple	1				2" Spruce	1		
		3" maple	1				2" Spruce	1		
		3" maple	1				2" Spruce	1		
		3" maple	1				2" Spruce	1		
		3" maple	1				2" Spruce	1		
		3" maple	1				2" Spruce	1		
		3" maple	1				2" Spruce	1		
		3" maple	1				2" Spruce	1		
		3" maple	1				2" Spruce	1		
		3" maple	1				2" Spruce	1		
		2" locust	1							
		2" locust	1							
		2" maple	1							
		2" maple	1							
		2" maple	1							
		2" maple	1							
		4" oak	1							
		4" maple	1							
		3" elm	1							
		3" oak	1							
		4" maple	1							
		Total Existing Credit	39			0		12		
	Total Additional Required		9			48		4		



PURSUANT TO SECTION 530 H., WE ARE REQUESTING THAT A 6' HIGH PRIVACY FENCE BE USED IN LIEU OF COMPLYING WITH MED/SMALL TREES AND EVERGREEN PLANTING REQUIREMENTS. EXISTING TREES MEETING THE "LARGE TREE" CRITERIA FOR SIZE AND QUANTITY EXIST AT THE SOUTHERN END OF THE WEST PROPERTY LINE.

# C704



 <b>Charter Township of Garfield</b> <b>Planning Department Report No. 2022-4</b>		
Prepared:	January 5, 2022	Pages: 7
Meeting:	January 12, 2022 Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	Gauthier Property R-3 Rezoning – Introduction	
File No:	Z-2021-02	Parcel No. 05-021-054-00
Owner / Applicant:	Colleen Smith	

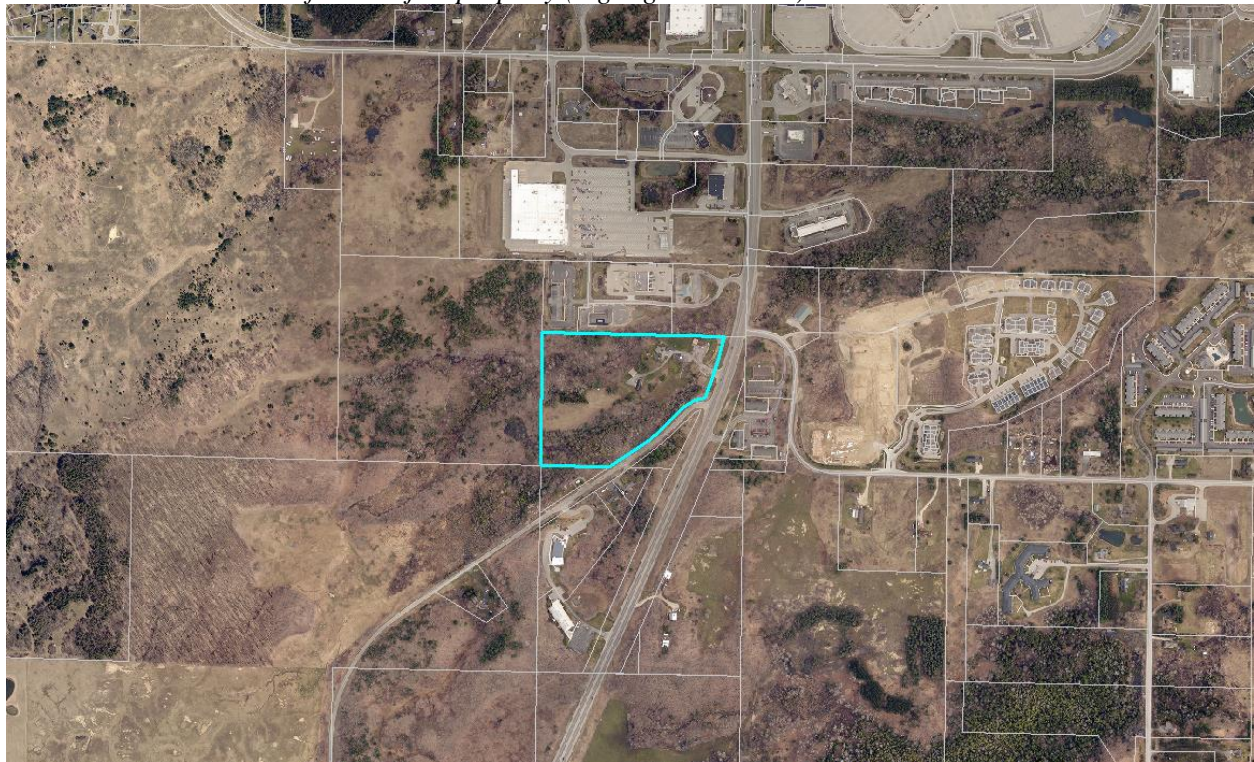
**PURPOSE OF APPLICATION:**

This application requests the rezoning of one parcel on the west side of US 31 south of the intersection of US 31 and South Airport Road, totaling approximately 18 acres, from its current split zoning of Agricultural (A) and Highway Commercial (C-H) to the Multi-Family Residential (R-3) zoning district via the zoning Map Amendment process, without restriction.

**SUBJECT PROPERTY:**

According to the application, the subject property has historically been used by the Gauthier family for both commercial and agricultural uses and has more recently been used as a rental income property. There are extensive wetlands on the property. Exhibit C as provided by the applicant shows only about 7.7 acres of the site are buildable. The site has about 410 feet of frontage on US 31 and about 775 feet of frontage on McRae Hill Road, although access is only from US 31. The site is immediately south of the Fairfield Inn and Alliance Surgery Center located on North Country Drive.

*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:**

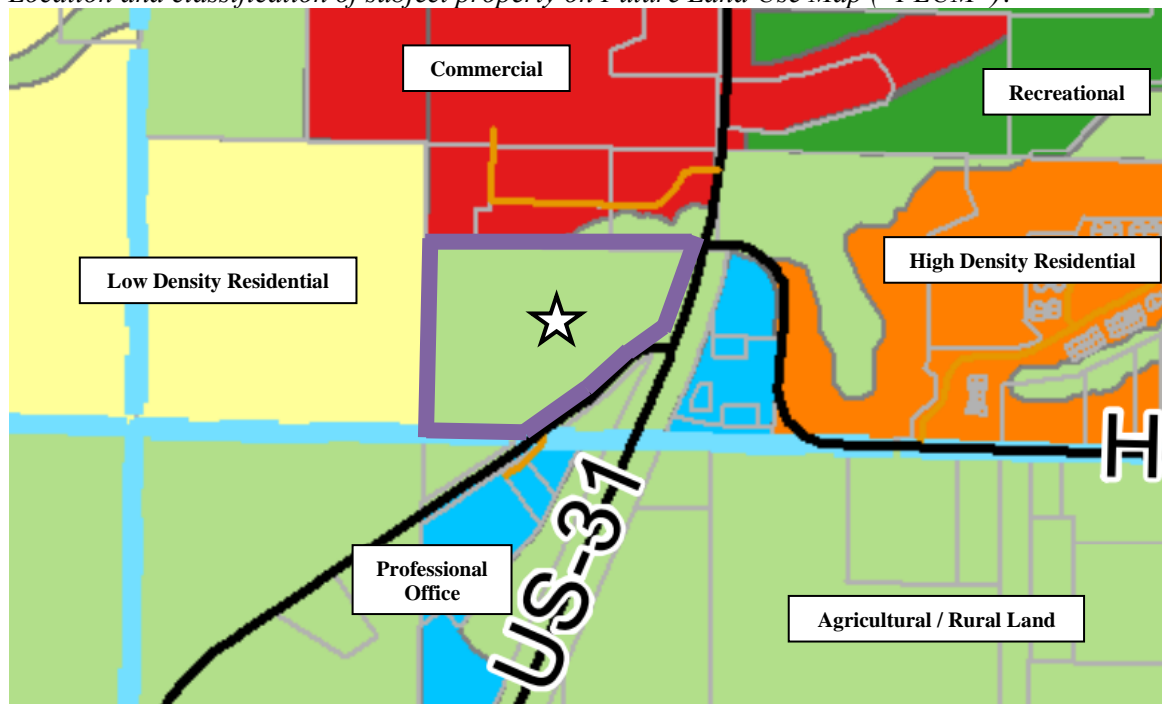
A key factor in considering rezoning requests is whether the request is consistent with the Master Plan. In this case, the Future Land Use Map shows the subject parcel with the designation of “Agricultural / Rural Land.” This designation is intended to “provide areas for agricultural operations and low intensity land uses in the outlying areas of the Township. These districts are composed primarily of unsubdivided lands that are vacant or are in agricultural use with some dwellings and accessory uses...This land use type is also used to protect natural resources and environmentally sensitive areas, such as stream buffer zones.”

Looking at surrounding properties shows the following Future Land Use designations:

- Commercial to the north along US 31
- Low Density Residential to the west
- Professional Office to the south and east along US 31
- High Density Residential further east along Hammond Road
- Agricultural / Rural Land to the southwest and southeast

The most compatible zoning district for the “Agricultural / Rural Land” designation is the A-Agricultural zoning district. R-R Rural Residential and R-1 One-Family Residential are both identified as potentially compatible districts. The proposed zoning of R-3 Multi-Family Residential would not be compatible with the Future Land Use for the subject site but may be compatible with other sites in the area as a transition from Commercial in the north to and Professional Office to the south, and with High Density Residential identified to the east. An excerpt from the Zoning Plan for the R-3 zoning designation is provided below.

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



*Excerpt from Zoning Plan matching proposed R-3 zoning for the subject property:*

<b>Master Plan Designation</b>	High Density Residential (6-10 units per acre) • (Master Plan designation for the subject site is Agricultural / Rural Land)
<b>[Requested] Zoning</b>	R-3 Multi-Family Residential
<b>Zoning Ordinance District Intent</b>	The R-3 (Multi-Family Residential) districts provide areas for medium- to high-density single- and two-family residential dwelling units mixed with a variety of multi-family residential dwelling types, including apartments where adequate public facilities and services exist with capacity to serve such development. The districts are composed mainly of areas containing an existing mix of these dwelling types as well as areas within which such development appears likely and desirable. They are intended to encourage more intensive development in and near the core areas of the Township. The R-3 districts are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools, places of worship and parks that will promote a sense of community, urban vitality and the efficient provision of infrastructure. R-3 district regulations are designed to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and natural land areas.
<b>Potentially Compatible District</b>	R-2 Two-Family Residential / R-1 One-Family Residential
<b>Considerations for Downzoning (Less Density)</b>	Allowing a downzoning in designated redevelopment areas may be detrimental to the overall redevelopment plan. In some cases, however, when platted subdivisions are in play, a downzoning may accelerate the redevelopment process. Areas designated as R-3 are typically located close to the City core and amenities. The R-3 district is consistent with the High Density Residential Zoning classification; however, where platted subdivisions are prevalent, an R-1 or R-2 designation may be more appropriate and compatible.
<b>Considerations for Upzoning (More Density)</b>	The R-3 district allows the greatest density possible.

The Future Land Use Map designation for the site is Agricultural / Rural Land and the Agricultural zoning district is considered the most compatible zoning district for this designation with the intention to preserve farmland. However, the Zoning Plan in the Master Plan recognizes that in some instances another zoning district is more appropriate and provides the following as Considerations for Upzoning (More Density):

*“In many instances the land is not considered high value farmland and a change to a residential district may be appropriate. An evaluation of the properties location, proximity to amenities, and surrounding land uses should determine the most compatible district and density. A change to R-R would likely be supported due to the similarity with the districts. A PURD should be encouraged or required over a request to rezone farmland to a more intense residential use.”*

In this case, the applicants are proposing to rezone to R-3, which is more density than anticipated by the Zoning Plan. Other parts of the Master Plan anticipate the need for housing close to destinations, including the following goal and objective for housing location:

*“Equally important to the need for quality and affordable housing is the availability of desirable housing options close to public transportation, sidewalks and bike paths, jobs, health care, services, shopping, and entertainment, so as to limit the amount a family must spend on transportation costs.*

**GOAL:** *Locating new housing developments proximate to these resources can reduce the overall costs of housing and transportation while helping to create more efficient use of infrastructure in existing urban areas.*

**OBJECTIVE:** *Target appropriate areas and incentivize their development or redevelopment through density bonuses.”*

The subject site is located close to destinations especially nearby shopping and entertainment; although not directly served by public transportation, sidewalks, or bike paths, the site is also near these resources.

Master Plan implementation strategies for housing include the following:

- *Continue to implement zoning incentives such as density bonuses to encourage the development community to include particular housing types in high demand in the Township, such as single-bedroom apartment units and accessible housing options for seniors and individuals with disabilities.*
- *Continue to use the Township’s Zoning Ordinance to encourage a wide variety of housing types and densities, as well as the mixing of residential uses with commercial and light-industrial uses where compatible.*
- *Continue to incorporate subsidized units in developments via state and federally administered programs.*

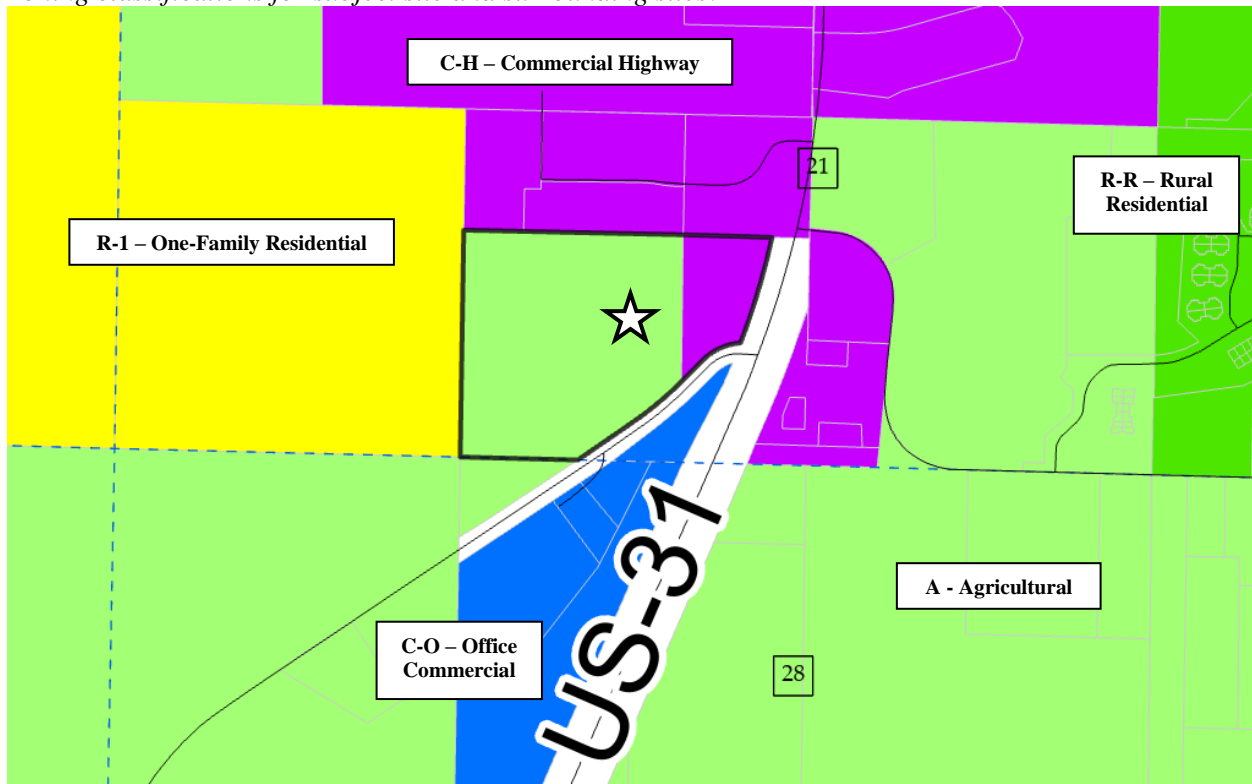
Staff recommends considering all parts of the Master Plan including the Future Land Use Map, Goals and Objectives, and Implementation, in the review of this rezoning request.

**SUBJECT SITE AND SURROUNDING PROPERTY ZONING:**

The subject property is currently split zoned between the A-Agricultural (shown below in green) and C-H Highway Commercial (shown below in purple) districts. Zoning for surrounding sites is as follows:

- North: C-H – Highway Commercial
- West: R-1 – One-Family Residential
- Southwest: A – Agricultural
- South: A – Agricultural and C-O – Office Commercial
- Southeast: A – Agricultural
- East: C-H – Highway Commercial

*Zoning classifications for subject site and surrounding sites:*

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

According to the application, the subject property has historically been used by the Gauthier family for both commercial and agricultural uses and has more recently been used as a rental income property. Uses of the surrounding sites are as follows:

- North: Fairfield Inn; Alliance Surgery Center; Cracker Barrel; Nicolet National Bank
- West: Vacant
- Southwest: Agricultural
- South: Single-Family Residential; North Bay Produce; Cherry Central Co-Op
- Southeast: Agricultural
- East: GreenStone Farm Credit Services

**STAFF COMMENT:**

This site was brought before the Planning Commission at their September 22, 2021 meeting for Conceptual Review in anticipation of a future rezoning application. During this review, Staff noted several factors to consider for the potential rezoning of this parcel including its location on the US 31 corridor, environmental conditions, access, and the impact of different uses. During this review, Staff also presented their opinion that multi-family residential would potentially be a good fit on the site for the following reasons:

- The Future Land Use Map shows Commercial to the north but not on this site, which appears to indicate wanting to avoid extending commercial uses further south on this corridor.
- Given the environmental constraints, this site is not likely to be considered high value farmland, and the Zoning Plan indicates a change to a residential district may be appropriate or that a PURD should be encouraged.
- Given the environmental constraints, commercial uses on this site could have potentially greater impacts than would residential.
- The only access for the site is on US 31 and is about 200 feet from the intersection with McRae Hill Road. Commercial uses would likely have greater traffic impacts than residential, especially throughout different parts of the day.
- The Master Plan includes a goal to encourage housing options near jobs, services, shopping, and entertainment. This site could offer such opportunity without extending commercial further south and could serve as a buffer area between commercial to the north and other surrounding sites to the south and west.
- The Master Plan implementation goals also indicate the desire to provide for housing types which are in demand in the Township and to encourage mixing residential and commercial uses where compatible.
- Recent development patterns in the Township indicate stronger demand for multi-family housing than new commercial or office, including the proposed multi-family near this site across US 31 behind the Baymont Inn.
- Regarding the C-H Commercial Highway zoning to the north and on the front portion of the site, this zoning district allows for commercial district housing developments via Special Use Permit process, encouraging multi-family residential designed cohesively with surrounding commercial. This indicates potential compatibility between multi-family residential and commercial in certain scenarios. Baseline project density is the same as the R-3 Multi-Family Residential district.

Upon preliminary review of the Master Plan and Future Land Use designation for the subject site and based on factors identified during the above analysis from the conceptual review of this site, Staff is of the opinion that this proposed Map Amendment is justifiable.

**PRELIMINARY APPROVAL CRITERIA DISCUSSION:**

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:**

The item is placed on tonight's agenda to introduce the rezoning application and consider scheduling it for public hearing at the Planning Commission Regular Meeting on February 9, 2022. If, after the applicant's presentation and following discussion, the Planning Commission is prepared to schedule the application for a public hearing, then the following motion is suggested:

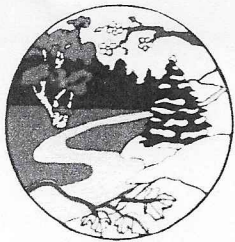
MOTION THAT application Z-2021-02 BE SCHEDULED for public hearing for the February 9, 2022 Planning Commission Regular Meeting.

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

**Attachments:**

1. Application for Zoning Ordinance Map Amendment dated November 18, 2021
2. Impact Statement for Zoning Ordinance Map Amendment for Gauthier Property dated November 18, 2021
3. Supplemental maps (Exhibit A, Exhibit B, and Exhibit C) and aerial photos, submitted with application





# 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

#### APPLICANT INFORMATION

Name: Colleen Smith  
Address: 132 Fairway Hills Drive Traverse City, Michigan  
Phone Number: 1-231-360-9694  
Email: colleen.smith5@icloud.com

#### AGENT INFORMATION

Name:   
Address:   
Phone Number:   
Email:

#### OWNER INFORMATION

Name: Colleen Smith  
Address: 132 Fairway Hills Drive Traverse City, Michigan 49684  
Phone Number: 1-231-360-9684  
Email: colleen.smith5@icloud.com



### CONTACT PERSON

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

Applicant:

Colleen Smith

Agent:

Owner:

Colleen Smith

### PROPERTY INFORMATION

Property Address:

2105 N. U.S. 31 South Traverse City, Michigan 49684

Property Identification Number:

28-05-021-054-00

Legal Description:

SEE ATTACHED INFO ON IMPACT STATEMENT

Zoning District:

GARFIELD TOWNSHIP

Master Plan Future Land Use Designation:

C-1 AND A-1

Area of Property (acres or square feet):

18.1 ACRES

Existing Use(s):

RENTAL PROPERTY

Proposed Use(s):

R-3 ZONING

### REQUIRED SUBMITTAL ITEMS

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

Application Form:

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

Application Fee:

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

- ☒ Fee

Escrow Fee:

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

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

Site Diagram

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

Supporting Information

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

For Text Amendment only, the following must be included:

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

For Conditional Rezoning only, the following must be included:

Site Development Plan

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

Supporting Information

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

Digital items to be delivered via email or USB flash drive

### IMPACT STATEMENT FOR ZONING ORDINANCE MAP AMENDMENT

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

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

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

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

#### IMPACT STATEMENT FOR ZONING ORDINANCE TEXT AMENDMENT

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

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

#### IMPACT STATEMENT FOR CONDITIONAL REZONING

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

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

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

#### OFFER OF CONDITIONS FOR CONDITIONAL REZONING

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

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

#### SUBMITTAL DEADLINE

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

#### WAIVERS

Submittal Waiver:

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



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

Data Waiver:

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

SITE PLAN

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

ADDITIONAL INFORMATION

If applicable, provide the following further information:

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

<i>Colleen Siffert</i>
<i>Colleen Siffert</i>
11-18-21

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 COLLEEN SMITH

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:

Date:

Colleen Smith  
11-18-21

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:

Date:

Colleen Smith  
11-18-21

Applicant Signature:

Date:

Colleen Smith  
11-18-21

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



## Impact Statement for Zoning Ordinance Map Amendment for Gauthier Property

### LEGAL DESCRIPTION:

GA 281 A ALL THAT PART SE 1/4 SW 1/4 LYING WLY US 31 & NLY OLD US 31 EXC N 460'  
SEC 21 T27N R11W 19 A

November 18, 2021

### To Whom It May Concern:

The Gauthier Family property, also identified as #28-05-021-054-00, is an 18+ acre parcel located just south of the US-31/South Airport Road intersection and is currently split zoned as C-1 and A-1. Executors of the James E. and Phyllis A. Gauthier Revocable Trust are requesting that Garfield Township consider changing the current zoning to R-3 in an effort to be more aligned with Garfield Township's Master Plan and the adjacent surrounding properties.

Historically, this property was used for both commercial and agricultural use over the 50 years the James E. and Phyllis A. Gauthier family occupied this parcel. Since their deaths in 2003 and 2016 respectively, the property has been used for rental income property.

Garfield Township has grown and changed over the last 50 years since James E. and Phyllis A. Gauthier purchased this property in the late 1950's. The original A-1 zoning of the property to the current split zone status, and now the request for rezoning of the property to R-3 is a reflection of the changing development needs and growth in Garfield Township.

There are topographical challenges to the property which includes the presence of wetlands as depicted in Exhibit B and Exhibit C. These challenges along with the current split zoning of C-1/A-1 prove to be a more complex challenge for marketing the property for future development. In addition to the topographical challenges, the current zoning does not complement adjacent property zoning of C-1 and C-O. Rezoning this parcel would have minimal adverse impact to the adjacent properties.

The suitability in the change in zoning would allow a developer to create a plan specifically designed for the 18+ acres while taking into consideration the topographical challenges and protecting the sensitive natural areas. It would also create a 'transition area' along this corridor that may be more aligned with the vision of Garfield Township's Master plan. The rezoning of this parcel would create more opportunity to develop and plan for much needed affordable housing for the citizens of Garfield Township and benefit the greater Grand Traverse County area.

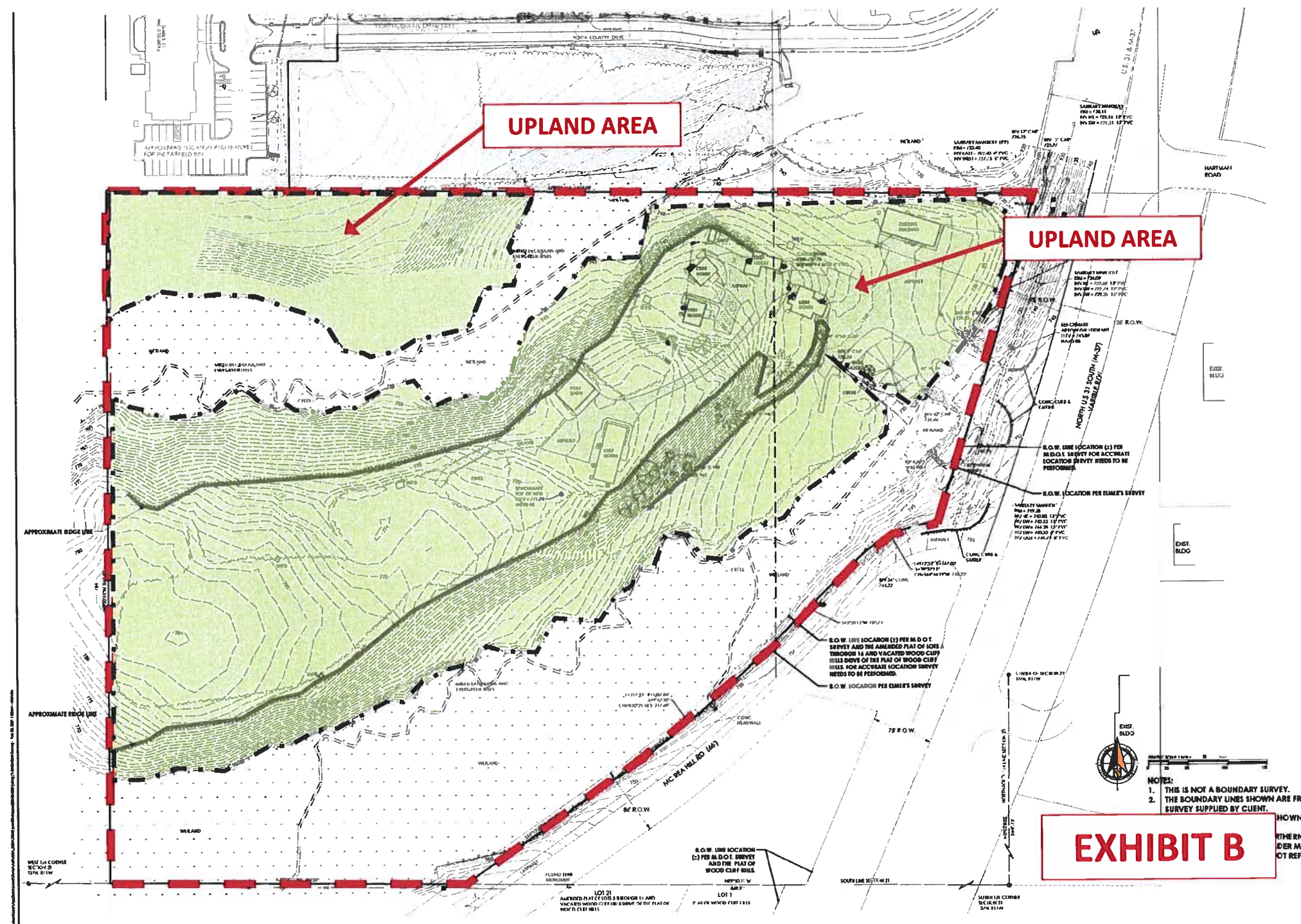
Thank you for your time and consideration to review this zoning request.

Respectfully Submitted,

Colleen E. Smith







<b>Mansfield</b> Land Use Consultants <small>an equal opportunity employer</small>									
830 Cambridge Dr., Ste. 201 P.O. Box 4015 Traverse City, MI 49785 Phone: 231-947-1000 Fax: 231-947-1001 <a href="http://www.mansfield.com">www.mansfield.com</a> <a href="mailto:info@mansfield.com">info@mansfield.com</a>									
<p><b>PROPOSED COMMERCIAL DEVELOPMENT</b></p> <p><b>EXISTING CONDITIONS</b></p> <p>Section 21 Town 27 North Range 11 West</p> <p>Gaufler Township, Grand Traverse County, Michigan</p>									
<b>Gaufler</b>									
<b>PRELIMINARY</b>									
DATE: 03/18/18 DRAWN BY: 18062									


















 <b>Charter Township of Garfield</b> <b>Planning Department Report No. 2022-5</b>		
Prepared:	January 5, 2022	Pages: 2
Meeting:	January 12, 2022 Planning Commission	Attachments: <input checked="" type="checkbox"/>
Subject:	Electronic Changeable Copy Sign Zoning Text Amendment – Conceptual Review	
Applicant:	Andrew Kohlmann – Image360	

**BACKGROUND:**

In the Zoning Ordinance, a changeable copy sign is any part of a sign that is changeable either manually or electronically, including changeable message boards, digital static messages or images that change physical position or light intensity, by any movement or rotation or that gives the illusion of movement or rotation.

Currently, changeable copy signs are permitted in the C-L, C-G, and C-H Commercial Districts with the following requirements:

Changeable copy (e.g. LED or manual change). Freestanding signs incorporating manual changeable letter, digital static messages, or images that change are permissible, provided the changeable copy does not exceed 20% of the permitted sign area and provided further that the rate of change between two static messages or images is not less than one (1) hour. The change sequence must be accomplished by means of instantaneous re-pixelization and shall be configured to default to a static display in the event of mechanical or electronic failure.

All signs permitted in the Commercial Districts are also permitted in the I-G and I-L Industrial Districts with the exception that all changeable copy signs are prohibited.

**PROPOSED CHANGE:**

Andrew Kohlmann of Image360 proposes two conceptual changes for consideration:

1. Permit changeable copy signs in the I-G and I-L Industrial Districts. The proposed change to allow changeable copy signs in the Industrial districts would be as follows (deleted text highlighted in red strikethrough):

**H. Signs Permitted in I-G and I-L Mixed-Use Industrial Business Districts:**

In the I-G and I-L Districts the following signs shall be permitted:

- (1) All signs as permitted by Section 630.E., ~~with the exception that all changeable copy signs are prohibited.~~

2. Provide requirements for electronic changeable copy signs for nighttime illumination. The proposed change to the requirements of a changeable copy sign would be as follows (added text highlighted in red):

Changeable copy (e.g. LED **Electronic Message Center (EMC)** or manual change). Freestanding signs incorporating manual changeable letter, digital static messages, or images that change are permissible, provided the changeable copy does not exceed 20% of the permitted sign area and provided further that the rate of change between two static messages or images is not less than one (1) hour. The change sequence must be accomplished by means of instantaneous re-pixelization and shall be configured to default

to a static display in the event of mechanical or electronic failure. LED EMC Changeable copy sign nighttime illumination shall conform with the criteria set forth:

- **EMC Illumination Measurement Criteria:** The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the total square footage of the EMC using the following calculation: Measurement Distance = the Square Root of the Area of Sign Sq. Ft. x 100. For instance, a 10 Sq. Ft. EMC should be measured at 32' away.
- **EMC Illumination Limits:** The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles at night.
- **Dimming Capabilities:** All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.
- **Definition of EMC:** A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

**STAFF COMMENTS:**

There are currently several commercial businesses in the Township with electronic changeable copy signs. The applicant approached the Township with the idea of rezoning his parcel from an Industrial district to a Commercial district to accommodate an electronic changeable copy sign. While rezoning the parcel would not be likely successful given the Future Land Use designation, Staff suggested that the applicant may want to approach the Planning Commission to consider permitting electronic changeable copy signs in the Industrial districts. Staff further suggested that these signs may be more acceptable if the signs were dimmed at nighttime. Currently, the Zoning Ordinance does not address light intensity for electronic changeable copy signs.

Issues to consider are the following:

- Is it appropriate to permit such signs in the Industrial districts?
- Is there a clear understanding of the definition of an electronic changeable copy sign? The applicant does suggest a definition for an electronic message center (EMC) which is an industry term.
- Are the dimming requirements sufficient?

**ACTION REQUESTED:**

The conceptual review is intended to provide an opportunity for dialogue between the Planning Commission and the applicant. No formal action is requested.

**Attachments:**

1. Written Support Information – Proposed Zoning Ordinance Text Amendment – provided by Andrew Kohlmann of Image360
2. Night-time Brightness Level Recommendations for On-Premise Electronic Message Centers – provided by Andrew Kohlmann of Image360



## Written support information: Proposed Zoning Ordinance Text Amendments

**Introduction:** My business, Image360, located at 1702 Barlow St. in the I-L district of Garfield Township is a mixed-use industrial/retail establishment and, like many other Garfield Township businesses zoned Industrial and Commercial, needs the ability to communicate messages to the community that direct, sell and inform. Some message examples include the ability to share special offers, open positions, or community-related general awareness messages. Currently, the Zoning Ordinance does not allow LED Electronic Message Centers (EMCs) in Industrial areas. I'm proposing a change to the ordinance text to allow them following the same restrictions as Commercial Districts while also adding a section that ensures EMC brightness does not become a nuisance.

Below, you will find two sections of the existing ordinance. The black text has been kept as-is while **red text denotes proposed additions or removals**.

Additionally, please reference the ISA (International Sign Association) 2016 EMC Research Document for examples, history and additional details and consideration included in this packet.

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### E. Signs Permitted in C-L, C-G, and C-H Commercial Districts

In the C-L, C-G, and C-H Districts the following signs shall be permitted:

- (1) All signs permitted under Section 630.D.(1).
- (2) Freestanding signs. One (1) sign, freestanding, including project development signs, of not more than forty (40) square feet in sign face area indicating the location of a business, or development, physically located on the property PROVIDED that the same is at least 100 feet from any residence or residential district and PROVIDED FURTHER that the same shall be solely for identification of the land use or goods and services sold on the premises, subject to the following conditions:
  - (a) Only one (1) free-standing sign shall be allowed along any major thoroughfare. Lots in excess of 100 feet in width will be allowed 0.4 square feet of additional signage for each one (1) foot of lot width in excess of 100 feet to a maximum of 80 square feet for free-standing signs.
  - (i) Lots, parcels, and building sites with frontage on two streets may have a second sign identifying the business provided the signs are not located on the same street and provided further the second sign does not exceed a maximum of 25 square feet.

(b) Changeable copy (e.g. LED **Electronic Message Center (EMC)** or manual change). Freestanding signs incorporating manual changeable letter, digital static messages, or images that change are permissible, provided the changeable copy does not exceed 20% of the permitted sign area and provided further that the rate of change between two static messages or images is not less than one (1) hour. The change sequence must be accomplished by means of instantaneous re-pixelization and shall be configured to default to a static display in the event of mechanical or electronic failure. **LED EMC Changeable copy sign nighttime illumination shall conform with the criteria set forth:**

- **EMC Illumination Measurement Criteria:** The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the total square footage of the EMC using the following calculation:  $\text{Measurement Distance} = \sqrt{\text{the Area of Sign Sq. Ft.} \times 100}$ . For instance, a 10 Sq. Ft. EMC should be measured at 32' away.
  - **EMC Illumination Limits:** The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles at night.
  - **Dimming Capabilities:** All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.
  - **Definition of EMC:** A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.
-

**H. Signs Permitted in I-G and I-L Mixed-Use Industrial Business Districts:**

In the I-G and I-L Districts the following signs shall be permitted:

- (1) All signs as permitted by Section 630.E., ~~with the exception that all changeable copy signs are prohibited.~~
-



# RESEARCH

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## Night-time Brightness Level Recommendations for On-Premise Electronic Message Centers

*Updated August 2016*

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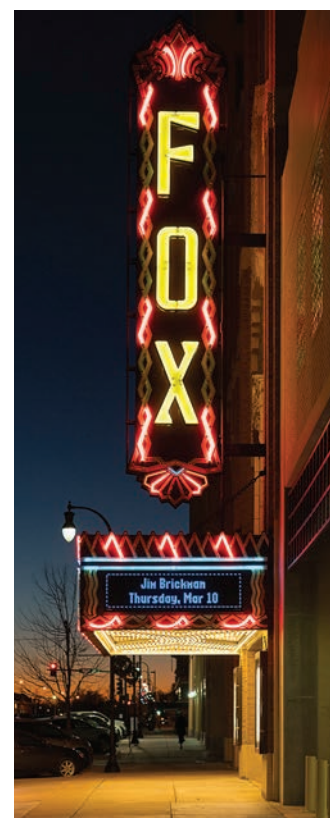
PRODUCED BY:



INTERNATIONAL SIGN ASSOCIATION

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## LEARN MORE ABOUT EMCS

The International Sign Association offers an Electronic Message Center (EMC) Resource Center, with resources on:

- EMCs and traffic safety
- A framework for developing EMC sign code language
- The differences between EMCs and digital billboards

[www.signs.org/local](http://www.signs.org/local)

## ADDITIONAL SIGN CODE RESOURCES

The International Sign Association has developed numerous tools to help communities develop better sign codes. All are housed at [www.signs.org/local](http://www.signs.org/local), including:

- The Supreme Court ruling, *Reed v. Town of Gilbert*
- Model sign codes
- Best practices in regulating temporary and wayfinding signs
- The Economic Impact of On-Premise Signs

ISA's advocacy team is available to provide complimentary assistance on sign codes and sign-related issues.

Contact [SignHelp@signs.org](mailto:SignHelp@signs.org) or 703.836.4012.

# INTRODUCTION

## ELECTRONIC MESSAGE CENTERS (EMCs)

Electronic message centers, or EMCs, continue to grow in popularity for business and community use. You may have heard EMCs being referred to as changeable message displays or digital signs.

EMCs are *not* digital billboards, which advertise a good or service that is located away from the sign. Rather, EMCs are digital signs that are located *on the premises*, and that advertise goods and services that are available at the location.



*Electronic Message Center (EMC)/on-premise sign advertising a bank that is located on the same premises as the sign*

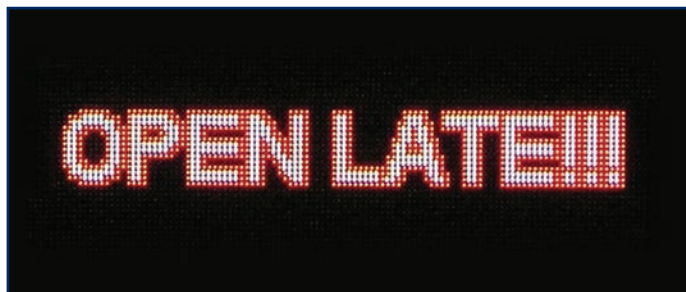


*Digital billboard/off-premise sign advertising an automobile business in another location*

There is often confusion regarding on- and off-premise digital signs. However, EMCs and digital billboards have very distinct capabilities and purposes, each targets a specific audience and each has traditionally been treated under separate legal and regulatory regimes, a zoning practice which was noted in the 2015 U.S. Supreme Court ruling in *Reed v. the Town of Gilbert*. For the purposes of this publication, we are focusing solely and exclusively on EMCs.

EMCs that are too bright at night can be offensive and ineffective. Night-time EMC brightness is an issue where sign users, the sign industry, and local offices have a common goal: ensuring that EMCs are appropriately legible. We know the messages that these signs convey can be rendered unattractive and perhaps even unreadable if they are programmed too bright.

That's why many sign companies recommend to their customers that in order for these signs to be most effective, their brightness be set at such a level to be visible, readable and conspicuous.



The International Sign Association (ISA) retained noted lighting expert Dr. Ian Lewin of Lighting Sciences to help the industry develop scientifically-researched, understandable recommendations for EMC brightness. Dr. Lewin was a past chair of the Illuminating Engineering Society of North America (IES), and was greatly respected within the lighting field. His work for ISA was conducted with the input of experts within the sign industry.

*As a result of his research, Dr. Lewin recommended two different brightness settings based on whether the EMC was located in an area of high or low ambient light. After field testing and utilizing Dr. Lewin's recommendations, it was determined that using the more conservative recommendation is appropriate in areas of both low and high ambient light. In order to simplify Dr. Lewin's recommendations, and to take a more reasonable approach to ensure that EMCs are sufficiently visible but not overly bright, **it is recommended that EMCs not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.***

The research and the recommendations contained in this report pertain only to EMCs, not traditionally internally illuminated signs, such as these channel letter and neon signs below. EMCs use a different lighting technology than most of these types of signs, and as such the scientific approach differs.

Community leaders should understand that, while it is recommended that brightness measurements be taken perpendicular to the sign, sign viewers rarely see the sign at that same perpendicular approach. At any viewing point away from or off the forward angle, the apparent brightness will be reduced. In other words, the measurements will capture the recommended brightness levels, but, unless viewers are looking at the sign directly perpendicular, they will not perceive the brightness at the full level.

We have provided recommended statutory language and tips to measure brightness with and without control of the EMC. If you need further assistance, feel free to contact ISA, [signhelp@signs.org](mailto:signhelp@signs.org) or at (703) 836-4012 to answer any of your EMC questions.



## FOOTCANDLES VS. NITS: WHICH MEASUREMENT IS BETTER?

This document recommends communities adopt illumination measurements in footcandles as compared to nits. Here are a few reasons why more than 200 localities and many state departments of transportation have adopted the footcandle measurement for EMCs:

### FOOTCANDLES

- Measures illuminance
- Accounts for ambient light conditions
- Luxmeter measuring device \$100
- "Twilight" measurement possible
- Measures light impact and appearance
- Works with roadway lighting standards
- Easier to check and enforce

### NITS

- Measures luminance
- Measures only the amount of brightness emitted
- Luminance spectrometer (nit gun) - \$1,000
- Does not allow adjustment based on ambient light
- Does not measure appearance
- Difficult to measure accurately
- Difficult to enforce

\* While the main advantage of using nits as compared to footcandles is that daytime measurement is possible, EMC brightness is typically more of an issue at night.

# CASE STUDY: Columbus, Ohio



COMMUNITY .....	<b>Columbus, Ohio</b>
POPULATION .....	<b>836,000</b>
LOCATION .....	As Ohio's largest city and state capitol, Columbus is the country's 15th largest city.
SPECIFIC EMC ISSUE .....	Crafting a reasonable, enforceable code that addresses complaints while preserving the ability for businesses to use what it termed automatic changeable copy signs.

As automatic changing copy signs—as Columbus refers to EMCs—grew in use, so did community complaints.

By 2011, city planners began to edit the graphics codes to limit special effects. The goal was to continue to allow for a variety of commercial graphics, “but not at the expense of neighborhoods,” said Lisa Russell, the city’s Planner II who facilitated the code development project.

The city had in place certain limits on automatic changing copy signs, aka EMCs, in the graphics code, limiting their use to commercial and manufacturing zoning districts and requiring that only half of the sign could be used for the changeable copy. But signs lacked brightness limits and a hold time.

Russell led a team to draft the new code, which incorporated a brightness limit for both on-premise and off-premise signs. The testing method also is included in the code.

It was the result of much scientific discussion. “I believe that the best answer is revealed if you have enough information,” Russell said. The committee included a community group leader who was an architect specializing in lighting and representatives from the sign and graphics industry.

“When we started exploring brightness, it appeared the footcandle method was the way to go,” Russell said. “However, some group members wanted us to explore the luminance method. ISA believed so strongly that the luminance method was problematic that they brought a demonstration to us.”

The demonstration included a field trip to visit a sign to show the impact of the two measurement methods. “They wanted to make sure that we didn’t go down the wrong path. They rented a lift and showed us that with the luminance method you’d have to get up in the lift, raise it and shine the nit gun at the sign. With the footcandle meter, you can stand on the ground.”

Russell helped the group to see that the “members of the professional sign and graphics industry are not the same as end-users of signs, such as an owner of a carryout who wants to draw attention to his shop over others. We all had an interest in developing reasonable regulations instead of just banning these signs. We also did not want to take away the rights that businesses had to display electronic signs.”

The new code has significantly lessened complaints about sign brightness. And when a complaint is received, the code enforcement officers have a verifiable process for determining whether the sign complies with the code.



# CASE STUDY: Kitsap County, Washington



COMMUNITY .....	<b>Kitsap County, Washington</b>
POPULATION.....	<b>260,000</b>
LOCATION .....	Across the Puget Sound from Seattle and bordered by rural communities on the west. It is the third most densely populated county in the state.
SPECIFIC EMC ISSUE.....	Existing codes did not cover electronic signs.

As a “transition” county between rural Washington and the metropolitan city of Seattle, Kitsap County had the challenges of creating regulations for electronic signs that fit the county’s dual personalities.

“The first step was to identify where these signs would be allowed,” said Darren Gurnee, a planner with the county. “We wanted to make sure these were restricted to areas of increased density and primarily non-residential use such as industrial zones and commercial zones within the urban growth area.”

Previously, the county had allowed electronic signs “as a matter of interpretation,” Gurnee said. Crafting more defined electronic sign regulations would provide a measure of stability—and help business owners know what was allowed and where. An added bonus: Gurnee felt the signs would be more attractive than the block letters signs that had to be changed manually.

While the county wanted to make it easier for businesses to convert existing static monument signs into electronic signs, it also wanted to ensure that the regulations were not written in a way that would allow billboards to convert.

“We were able to craft our regulations in a way that required signs be brought into conformance before any change could be made,” Gurnee said. “Billboards were non-conforming, so that would not be an issue.”

ISA provided Gurnee with industry standards—contained in this publication—and some background on the technology that today’s electronic signs offer, such as automatic dimming. It also incorporated some of the recommended language on animation, hold times and transitions.

“The regulation is written in a way that it would be easy to enforce,” Gurnee said, and easy to understand, without the ambiguities contained in the previous method. The ending code created a perfect fit for both of the community’s personalities.

# CASE STUDY: SPARKS, NEVADA

COMMUNITY .....	<b>Sparks, Nevada</b>
POPULATION.....	<b>93,500</b>
LOCATION .....	A rapidly growing community, Sparks is located near Lake Tahoe, California, and Reno, Nevada, and is Nevada's fifth largest city.
SPECIFIC EMC ISSUE.....	Existing regulations were difficult to enforce and outdated.



Sparks, Nevada had existing regulations of electronic message centers—or electronic variable signs as the community deemed them. But “it wasn’t very explicit,” said senior planner Karen Melby. “The brightness standards were in lumens, which we didn’t even know how to measure.”

The regulations were outdated as well—having been drafted in 2002. Technology had changed dramatically and the costs of EMCs had dropped, putting them in the range of more businesses’ budgets. “We felt we could see more coming and felt that we needed to get a handle on it.”

As a first step, planners required that those seeking an EMC permit meet their standards before approval was granted, but nothing was written into the code. That method can create problems.

So Melby led the city through the code revision process. She sought out industry expertise from both the planning community and the sign and graphics industry. For industry insight, she turned to ISA. ISA provided feedback on how other communities were regulating electronic message centers, and recommendations on what was working for these communities.

One outside group felt strongly that the standards should be regulated in nits, not footcandles. They brought in an expert who opposed the proposed regulations. But Melby held strong on the issue of footcandles. “In my research, it seems like footcandle is what you can see with your eyes while a nit is pinpointing a spot on a sign. When you look at a sign, you’re looking at the whole thing, not just one small spot.”

The city adopted the widely recognized standard of 0.3 footcandles above ambient light, using the distance measurements outlined in this publication. Melby took that table, determined the formula and wrote the formula into the code.

The community allows smaller signs—those under 32 square feet—to include scrolling, while those larger do not.

The result has been a city that has successfully navigated the balance between business interests and community aesthetics. “We’ve had very few complaints,” Melby said. “When we do get a complaint about a sign being too bright, we go out and measure it. When they bring it down to standards, we don’t get complaints.”

Being able to use a simple light meter to measure brightness is far easier than simply guessing whether the sign is in compliance, Melby said. “The other method (measuring nits) was really based on opinion. What may seem bright to me may not seem bright to you. Now, we can say, ‘This is what the meter says.’”

By having clear standards that are easier to enforce, both community and business win.

# EXECUTIVE SUMMARY

## ISA ELECTRONIC MESSAGE CENTER NIGHT-TIME BRIGHTNESS RECOMMENDATIONS

This summary has been developed with an understanding that EMCs that are unreasonably bright are not effective for the communities or end users. This intends to help communities and stakeholders develop brightness standards for on-premise EMCs. The summary comprises:

- 1) *An overview of the importance of ensuring appropriate brightness,*
- 2) *Technology utilized to ensure appropriate brightness, and*
- 3) *Recommended brightness standards*

### 1. Overview of the importance of ensuring appropriate night-time brightness.

EMCs that are too bright at night can be offensive and ineffective. There are significant advantages to ensuring than an electronic display is not overly bright. These advantages include:

- » Conservation of energy
- » Increased life expectancy of the electronic display components
- » Building goodwill with the community
- » Ensuring the legibility of the display

It is in the best interest of all stakeholders to ensure that EMCs are sufficiently bright to ensure clear legibility, while at the same time avoiding a display that is overly bright.

### 2. Technology utilized to ensure appropriate brightness.

Most EMCs are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are usually inappropriate for night-time viewing. The following general methods are used to dim an EMC for appropriate night-time viewing:

1. **Manual Dimming.** Using this method, the sign operator dims the display in response to changing ambient light conditions.
2. **Scheduled Dimming.** Sunset-sunrise tables allow an EMC to be programmed to dim at the same time that the sun sets and rises. This method is generally acceptable, but is more effective when used as a backup to automatic dimming controls capability, such as photocell technology.
3. **Photocell Technology.** An EMC that utilizes photocell technology can automatically dim as light conditions change. A photocell sensor alerts the display to adjust brightness according to ambient light conditions.

### 3. Recommended night-time brightness standards.

Dr. Lewin recommended the development of brightness criteria based on the Illuminating Engineering Society's (IES) well-established standards pertaining to light trespass, IES Publication TM-11-00. The theory of light trespass is based on the concept of determining the amount of light that can spill over (or "trespass") into an adjacent area without being offensive.

In order to simplify Dr. Lewin's recommendations, and to take a more reasonable approach to ensure that EMCs are sufficiently visible but not overly bright, **it is recommended that EMCs not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.**

Email [signhelp@signs.org](mailto:signhelp@signs.org) to receive Dr. Lewin's original research.



*...it is recommended that EMCs not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.*

# RECOMMENDED LEGISLATIVE LANGUAGE



**Electronic Message Center (EMC) Criteria:** The night-time illumination of an EMC shall conform with the criteria set forth in this section.

**A. EMC Illumination Measurement Criteria:** The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area of a Sign versus Measurement Distance table.

**B. EMC Illumination Limits:** The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles at night.

**C. Dimming Capabilities:** All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.

**D. Definition of EMC:** A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.



## SIGN AREA VERSUS MEASUREMENT DISTANCE

AREA OF SIGN sq. ft.	MEASUREMENT (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

\* For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula: Measurement Distance =  $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$

# HOW TO MEASURE THE NIGHT-TIME BRIGHTNESS OF AN EMC WITH OPERATIONAL CONTROL

*(Note: This method can be completed by one individual, but requires operational control to shutoff the EMC)*

## STEP 1

### OBTAIN AN ILLUMINANCE METER.

Purchase or otherwise procure an illuminance meter. Most city/county traffic departments have an illuminance meter, which are also referred to as lux or footcandle meters (lux is the metric measure of illuminance; footcandles is the English measure of illuminance). The illuminance meter must have the ability to provide a reading up to two decimal places and must be set to read footcandles. It is preferred to have an illuminance meter with a screw-mount that allows the sensor to be mounted on a tripod. A tripod ensures that the highly sensitive sensor is held perfectly still; otherwise it may be difficult to obtain an accurate reading.

## STEP 2

### DETERMINE SQUARE FOOTAGE.

Determine the square footage of the face of the electronic message sign (EMC) by multiplying the height and width of the EMC. This information may be available in a permit application, or can be determined by physically measuring the height and width of the EMC. Do not include the sign face square footage attributable to any additional static signs associated with the EMC (if applicable).



## STEP 3

### DETERMINE THE MEASUREMENT DISTANCE.

Using the total square footage found in Step 2, look up the measurement distance in the table provided in the Recommended Legislative Language on page 8, to determine the distance to measure the brightness of the EMC. The distance should be measured perpendicular to the EMC sign face. The use of a measuring wheel, laser finder or a smartphone app are the most convenient ways to measure the distance.





## STEP 4

### PREPARE THE DISPLAY FOR TESTING.

Ensure that the EMC is programmed to alternate between a solid white (or in the case of a monochrome display – the solid color of the display) message and a blank message. The community may require that the sign owner cooperate with testing by programming the EMC for testing upon written notice.

## STEP 5

### USE AN ILLUMINANCE METER TO MEASURE THE BRIGHTNESS OF THE EMC.

Mount the sensor of your illuminance meter to a tripod and orient the sensor directly towards the face of the EMC at the measurement distance determined in Step 2.

Ensure that the illuminance meter is set to measure footcandles up to two decimal places. As the display alternates between a solid white message and an “off” message, note the range of values on the illuminance meter. If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance. If not, the display will need to be adjusted to a lower brightness level using the manufacturer’s recommended procedures.



## STEP 6

### ENSURE THAT THE DISPLAY CAN ADJUST TO DIFFERENT AMBIENT CONDITIONS.

Inspect the sign to ensure that it incorporates a photocell or other technology to ensure that the display can adjust according to ambient lighting conditions.



*As the display alternates between a solid white message and an “off” message, note the range of values on the illuminance meter.*

*If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance.*

# HOW TO MEASURE THE NIGHT-TIME BRIGHTNESS OF AN EMC—WITHOUT CONTROL OF THE SIGN

*(Note: This method requires two individuals, but does not require operational control of the EMC.)*

There will be instances where the EMC illumination needs to be evaluated to ensure that it does not exceed the brightness levels established in the municipal sign ordinance. If the municipality is unable to obtain access to the sign controls or attempting to take the measurement after business hours, this method should be followed.

Unlike the six-step process described previously, this process measures the difference in brightness between the sign in operation and when the sign is completely blocked from the illuminance meter. This procedure is extremely simple and requires only an illuminance meter and a piece of painted cardboard cut to the proper size.

## STEP 1

### OBTAIN AN ILLUMINANCE METER.

(See previous Step 1)

## STEP 2

### DETERMINE SQUARE FOOTAGE.

(See previous Step 2)

## STEP 3

### DETERMINE THE MEASUREMENT DISTANCE.

(See previous Step 3 or use  $\sqrt{(\text{Area of Sign in Sq. Ft.} \times 100)}$ )

## STEP 4

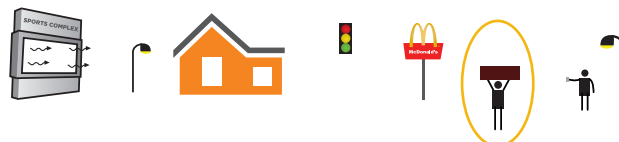
### POSITION THE TESTERS.

Based on the size of the digital display, the person conducting the test should position themselves as close to directly in front of the digital display as practical, at the appropriate distance (calculated in Step 3).

A helper should position themselves about 7 ft. to 10 ft. in front of the light meter and hold up an opaque, black sheet of material that is roughly 12 in. high by 40 in. wide. (Regular cardboard painted matte black works well for this.) The sheet should be positioned so it blocks all light from the EMC, but still allows the remaining ambient light to register on the illuminance meter.

EMC Area	Measurement Distance
24 ft <sup>2</sup>	49 ft
32 ft <sup>2</sup>	57 ft
50 ft <sup>2</sup>	71 ft
100 ft <sup>2</sup>	100 ft

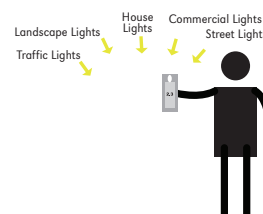
This helper should use a cardboard sheet to block the EMC light from the footcandle meter. This will establish the baseline footcandle reading.



After the cardboard block is held in place, a reading should be taken for the ambient light.

In this example, various light sources are impacting the photocell measuring 2.3 footcandles of ambient light.

This is the baseline for the measurement. Write it down.



## STEP 5

### USE AN ILLUMINANCE METER.

The illuminance meter should be held at a height of about 5 ft. (which is approximately eye level) and aimed directly at the EMC. The illuminance meter will account for surrounding sources of light or the absence thereof.

In this case our ambient light reading was 2.3 fc. The new light reading with the LED displaying a full white frame cannot read above 2.6 fc or 2.3 (ambient) + 0.3 (threshold). If a full white frame cannot be arranged, watch the meter to see if any ad exceeds 2.6 fc.



At this point, readings should be taken from the illuminance meter to establish a baseline illumination level. (ISA recommends that the illuminance meter is capable of levels to 2 decimal places 0.00).

Once the baseline level is established, add 0.3 footcandles to the baseline level to calculate the max brightness limit. (For example: Baseline reading is 3.15 footcandles. The max brightness level is 3.45 footcandles.)

## STEP 6

### DETERMINE THE BRIGHTNESS LEVEL.

Remove the opaque sheet from blocking the EMC. Watch the foot-candle meter for 3 to 5 minutes to see if the max brightness level is exceeded by any of the images on the sign. If the readings do not exceed the max brightness levels, then the EMC illumination is in compliance.

If any of readings consistently exceed the max brightness level, the lighting level is not in compliance. In this scenario, the municipality will need to inform the sign owner of noncompliance and take appropriate steps to ensure that the EMC be adjusted to a lower brightness level using the manufacturer's recommended procedures.



*If any of readings consistently exceed the max brightness level, the lighting level is not in compliance.*



## INTERNATIONAL SIGN ASSOCIATION

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# Charter Township of Garfield

## Grand Traverse County

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TRAVERSE CITY, MICHIGAN 49684  
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## 2022 PLANNING COMMISSION MEETING DATES

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The Charter Township of Garfield Planning Commission meets on the second and fourth Wednesdays of each month, excepting the months of November and December. All meetings begin at 7:00 p.m. and are held at the Garfield Township Hall, 3848 Veterans Drive, Traverse City, Michigan. The adopted 2022 meeting schedule is as follows:

### Regular Meeting

January 12, 2022  
February 9, 2022  
March 9, 2022  
April 13, 2022  
May 11, 2022  
June 8, 2022  
July 13, 2022  
August 10, 2022  
September 14, 2022  
October 12, 2022  
November 9, 2022  
December 14, 2022

### Study Session

January 26, 2022  
February 23, 2022  
March 23, 2022  
April 27, 2022  
May 25, 2022  
June 22, 2022  
July 27, 2022  
August 24, 2022  
September 28, 2022  
October 26, 2022

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

Garfield Township 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 Township. Individuals with disabilities requiring auxiliary aids or services should contact Garfield Township by writing or calling Lanie McManus, Clerk, Ph: (231) 941-1620.