

**CHARTER TOWNSHIP OF GARFIELD  
PLANNING COMMISSION MEETING  
November 9, 2022**

**Call Meeting to Order:** Chair Racine called the November 9, 2022 Planning Commission meeting to order at 7:00pm at the Garfield Township Hall.

**Pledge of Allegiance**

The Pledge of Allegiance was recited by all in attendance.

**Roll Call of Commission Members:**

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

Absent and Excused: Joe McManus

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

**1. Public Comment (7:00)**

Fred Campbell inquired about adding Prince of Peace Church to the agenda for the evening.

Dale Trotman of Birmley Estates Drive commented on the Birmley Hills Site Condominium.

**2. Review and Approval of the Agenda – Conflict of Interest (7:04)**

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

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

*Nays: None*

**3. Minutes (7:04)**

**a. October 26, 2022 Regular Meeting**

*Cline moved and Robertson seconded to approve the October 26, 2022 Regular Meeting minutes as amended noting that there were two #4's on the minutes and one needs to be #3.*

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

*Nays: None*

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

None

**5. Reports (7:04)**

**Township Board Report**

Agostinelli had no report.

**Planning Commissioners**

**(i) Zoning Board of Appeals**

Fudge had no report.

**(ii) Parks and Recreation Commission**

DeGood said staff has been working on the Commons Natural Area Design Plan and a recent open house to discuss the plans was well attended.

**(iii) Joint Planning Commission**

No report.

**Staff Report**

Hannon gave directions to comment on the Commons Design Plan through the Garfield Township website. Comments are due by November 21<sup>st</sup>. The Parks Master Plan will also have a comment period.

**6. Unfinished Business**

**a. PD 2022-104 – Birmley Hills Site Condominium – Public Hearing (7:07)**

This application is for a site condominium development of 35 single-family residential lots. According to the application, the lots will be between 15,000 and 38,000 square feet. Approximately 14% of the site will be preserved as open space and is primarily forested hills. The proposed development would be served by the water and sewer extending from the existing Birmley Hills Estates subdivision. The property is approximately 21.3 acres and is zoned as R-1 One-Family Residential. The property is at the end of Farmington Drive and Birmley Estates Drive which both provide access from Birmley Road. Commissioners asked if this site is required to connect its streets to neighboring properties to the east, south, and west. In reviewing the standards of the Zoning Ordinance, Staff identified that the site to the west is not subdivided and thus the proposed Birmley Hills site condominium is required to provide a street connection to the west. Carrie May, engineer for the project, explained the project to commissioners and the public. All water and sewer will be underground and the new access stub to the west has been added along with a water stub. Maintenance agreements will be in place for plowing and other maintenance of the private roads in the development.

Racine opened the public hearing at 7:17pm.

*Ben Antonassi* of Birmley Heights asked about the access points and tree cutting. He raised concerns about road damage during construction and asked about road safety and water pressure.

*Dale Trotman* of Birmley Estates Drive asked about greenspace requirements for this development in total and setbacks on the lots.

*Adam Jury* of Birmley Estates Drive asked about roads and traffic.  
*Steve Apostle* of Fairway Point Drive commented on the road conditions in the existing sub and asked about a road connection to Traditions.  
*Steve Zakrajsek*, developer of Traditions and purchaser of this property, acknowledged that the existing roads were in poor shape. He stated that there will be several different home plans and as few trees as possible would be removed.

*Katie Gorman* commented on stop signs and thought they would be helpful.

Racine closed the public hearing at 7:37pm.

Staff commented that the use matched the Zoning Ordinance and the use outlined for the R-1 zoning designation. The DPW and the project engineer and the township engineer are in approval of the water plans and water pressure will continue to be monitored. A stop sign is planned at an intersection within the development and Mr. Zakrajsek commented on any potential road assessments.

*Agostinelli moved and Robertson seconded to direct staff to prepare Findings of Fact for application SPR-2022-16, submitted by T&R Investments, for a proposed site condominium development to be known as Birmley Hills at parcel 05-026-020-30.*

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

**b. PD 2022-102 – 7Brew 2537 North US 31 – Special Use Permit – Findings of Fact (8:01)**

This application requests approval of a Special Use Permit for a proposed 652-square foot drive-through coffee shop with only drive-through and walk-up service, with no dine-in services. Drive-through business uses are permitted via Special Use Permit in the C-G General Commercial District. The site (Parcel ID #05- 021-036-10) is occupied by the former PNC Bank building with drive-through. At its last meeting, commissioners directed staff to prepare findings of fact. Commissioners reviewed the findings of fact for the 7Brew Special Use Permit. Rob Larrea, Land Use Planning Consultant, spoke regarding the traffic patterns for the site and is confident that it is a safe egress and ingress. MDOT has approved the site as proposed. The township can revisit traffic issues and the plan can be adjusted if need be. Staff considers that requirements have been met.

*Robertson moved and Agostinelli seconded THAT the Findings of Fact for application SUP 2022-01, as presented in Planning Department Report 2022-102 and being made a part of this motion, BE ADOPTED.*

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

*Robertson moved and Fudge seconded THAT application SUP-2022-01 BE APPROVED, subject to the following conditions:*

- 1. The lighting plan shall adjust the lighting fixtures to meet illumination levels in accordance with Section 517 of the Zoning Ordinance.*
- 2. A shared driveway easement and maintenance agreement shall be established for the shared driveway between the applicant and Mutual Gas located to the north.*
- 3. As per the requirements of Section 730 of the Zoning Ordinance, if the queuing of vehicles interferes with the free flow of traffic on the public roadway, then the Special Use Permit holder is subject to enforcement such as fines, injunctive relief and/or revocation of the Special Use Permit.*
- 4. As the traffic impact study indicates that the development will not be hindered by the location and its relationship to the often-busy US-31/South Airport Road intersection, monitoring of the operation on traffic patterns by Michigan Department of Transportation is recommended to ensure safe traffic movement.*
- 5. Final engineering review and approval by the Township Engineer is required including all infrastructure and stormwater.*
- 6. All final reviews from agencies with jurisdiction shall be provided prior to any Land Use Permits being issued.*
- 7. All proposed landscaping and site amenities shall be installed prior to the issuance of a Certificate of Occupancy.*
- 8. 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.*
- 9. 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: Robertson, Fudge, DeGood, Agostinelli, Cline, Racine*

*Nays: None*

**7. New Business (8:18)**

**a. PD 2022-103 – Loving Neighbors Preschool Special Use Permit – Introduction**

This application by the Northern Lakes Community Church requests use of an existing 7,441 square foot church to accommodate a child care center. Child care centers are permitted in the A-Agricultural District by Special Use Permit. No new construction is planned. The church is located at 5444 Herkner Road, south of Long Lake Road and is

situated on approximately 5.94 acres. The zoning classification for this property is A- Agricultural. Fencing will be at least four feet high in the proposed playground area, parking is adequate for the proposed use and worship services will continue.

*Cline moved and Fudge seconded THAT application SUP-2001-03-A, submitted by Julie Burton for a Special Use Permit for a child care center at Parcel 05-018-011-02, BE ACCEPTED, and BE SCHEDULED for a public hearing for the December 14, 2022 Regular Planning Commission meeting, subject to the following additional information being provided by the applicant:*

*1. The site plan is subject to review by others, including Metro Fire.*

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

8. **Public Comment (8:23)**

None

9. **Other Business: (8:23)**

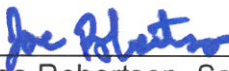
None

10. **Items for Next Agenda – December 14, 2022 (8:24)**

- a. Loving Neighbor Preschool Special Use Permit – Public Hearing
- b. Birmley Hills Site Condominium – Findings of Fact

11. **Adjournment**

*Fudge moved to adjourn the meeting at 8:26pm.*

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