

**CHARTER TOWNSHIP OF GARFIELD
PLANNING COMMISSION MEETING
January 8, 2025**

Call Meeting to Order: Vice Chair DeGood called the January 8, 2025 Planning Commission meeting to order at 7:00pm at the Garfield Township Hall.

Pledge of Allegiance

The Pledge of Allegiance was recited by all in attendance.

Roll Call of Commission Members:

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

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

Election of Officers

Racine moved and Fudge supported to appoint DeGood as Chair of the Planning Commission.

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

Racine moved and Fudge Seconded to appoint Agostinelli as Vice Chair and Robertson as Secretary of the Planning Commission.

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

1. Public Comment (7:02)

Kevin Clark of 4900 Greenhill Court commented on the proposed cell tower. Mark Plotzke of Eagle View commented on the PUD changes for Copper Ridge. Jean Allgaier of Eagle View shared concerns with building 10 in the Copper Ridge PUD.

Mike Hansen commented on the proposed cell tower and how it would affect development plans for his nearby property.

Sherry Treppa of Crown Drive shared concerns with the proposed cell tower. Suzanne Murphy of Eagle Vale commented on the Copper Ridge PUD and is opposed to building ten being residential.

Jan Freeman of Eagle Vale raised concerns regarding the Copper Ridge PUD amendment.

2. Review and Approval of the Agenda – Conflict of Interest (7:21)

Sych asked to add Ollie's Bargain Outlet to Other Business item 9.

Agostinelli moved and Cline seconded to approve the agenda adding Ollie's Bargain Outlet to Item 9.

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

Nays: None

3. Minutes (7:23)

a. December 11, 2024 Regular Meeting

Robertson moved and Fudge seconded to approve the December 11, 2024 minutes as amended adding the word "amplified" between the words "other" and "sound" to item 6d condition #6; and striking the word "be" from item 6c condition #6.

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

Nays: None

4. Correspondence (7:26)

Sych reviewed the correspondence with commissioners and noted that the Copper Ridge PUD Application and the portion of the application that established the PUD in 2003 were on commissioner desks for review when that item was heard. The motion to potentially approve the Copper Ridge PUD amendment has been amended slightly. Sych also stated that commissioners had emails through January 7th on the Copper Ridge matter and also a table showing uses in the Copper Ridge PUD. A letter from the MSU extension regarding zoning and cell towers and an excerpt from the United States Code regarding the Telecommunications Act was also included in correspondence. A note from Rick Grizell regarding safe distances from cell towers and the application for Ollie's Bargain Outlet is also on Commissioner desks.

5. Reports (7:31)

Township Board Report

Agostinelli stated that she had no report since the board has not met.

Planning Commissioners

i. Zoning Board of Appeals

Fudge said that there was no ZBA meeting

ii. Parks and Recreation Commission

DeGood reported that there was no meeting

iii. Joint Planning Commission

Racine stated that a meeting will be held later in the month.

Staff Report

i. PD 2025-1 – Planning Department Report – January 2025

Hannon noted that the report was submitted in writing.

6. Unfinished Business**a. PD 2025-2 – Tower North Wireless Communication Facility SUP – Public Hearing (7:32)**

The applicants have provided updated drawings including a site survey, site plan detail, and aerial vicinity plan. The updated drawings show that the proposed tower will be at least 244 feet away from the existing house on the site and at least 160 feet away from the nearest property line to the south. The proposed tower will be 155 feet tall. The tower would be placed within a 60' x 60' fenced-in area with a 6'-high chain link fence. Hannon stated that the application was originally submitted last summer but the applicant had some issues with the setbacks. Public comment was received regarding the proposed tower and staff conducted research based on the correspondence received. Sych talked about the authority of the Planning Commission in making any decisions about cell towers. Section 792 of the township ordinance deals with the siting of such structures and the Federal Telecommunication Act has limitations of siting for these towers. According to the Federal Act, health and radioactivity cannot factor into a decision on placement of these towers and the township must comply with the FCC requirements. The township cannot place a tower based on health effects, but it could consider FCC regulations as being satisfied. Applicant Mike Daubenmire from Kimley Horn addressed concerns from the public that were brought up earlier including health effects, setbacks and drone frequency. Chair DeGood opened the public hearing at 7:43pm. Kevin Clark commented with concerns of radio frequency noise and drones and asked what is planned for placing on top the towers. Dave Landis of Crown Point Drive stated that the FCC are not medical experts and cited a lawsuit from 2021. The public hearing was closed at 7:47pm.

Planning Commissioners discussed the application and suggested that staff have a township attorney review the application for any recent changes in the law or court opinions which consider health impact in the placement of cell towers.

Agostinelli moved and Racine seconded to table the Tower North Wireless Communication Facility application to obtain an attorney opinion on any action that can be taken regarding tower placement and health effects therefrom.

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

b. PD 2025-3 - Cherryland Humane Society SUP Major Amendment – Findings of Fact (7:54)

This application requests a Special Use Permit (SUP) Major Amendment for an addition to the Cherryland Humane Society's existing facility at 1750 Ahlberg Drive. According to the application, the scope of work consists of two (2) building additions totaling 9,006 square feet to an existing 14,168-square-foot building. Hannon noted that the Findings of Fact encompass two sections of the Zoning Ordinance: the supplemental use standards for kennels in Section 755 and the Approval Criteria for special use permits in Section 423.E. Kennels are a use permitted via special use permit in the A-Agricultural zoning district. Staff is of the opinion that most items have been met.

Cline moved and Robertson seconded THAT the Findings of Fact for application SUP-2001-05-A, as presented in Planning Department Report 2025-3 and being made a part of this motion, BE ADOPTED.

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

Cline moved and Robertson seconded THAT application SUP-2001-05-A, submitted by Kyle Richter for an amendment to the existing Special Use Permit for an expansion of the existing Cherryland Humane Society facility on Parcel No. 05-026-006-20 at 1750 Ahlberg Drive, BE APPROVED, subject to the following conditions:

- 1. All final reviews from agencies with jurisdiction shall be provided prior to a Land Use Permit being issued.*
- 2. All proposed site improvements shall be installed prior to the issuance of a Certificate of Occupancy.*
- 3. The applicant shall record promptly the 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: Cline, Robertson, Eule, Fudge, Agostinelli, Racine, DeGood
Nays: None

c. PD 2024-108 – Copper Ridge PUD Major Amendment Findings of Fact (8:01)

A request to amend the PUD is being considered according to Section 423.G of the Zoning Ordinance that incorporates different land uses in locations than requested in the original application and the potential to increase the number of residential dwelling units. The proposed amendment is the conversion of three building locations in the Copper

Ridge Professional Center from office to office, commercial, or residential, and the conversion of one building location in the Copper Ridge Retail Marketplace from retail and office to office, commercial or residential. The applicants would be restoring some residential units and would give flexibility for what could be built on the site. Sych stated that there are four unbuilt locations that are being adjusted to accommodate three primary land uses: office, commercial, and residential and this amendment would need to be recommended to the township board for final approval. The original PUD was approved in 2000 and in 2003, there were some amendments, but the development has stayed the same in terms of its intent. Many of the uses could be built today as described in the document and commissioners reviewed a list of permitted uses. Building ten is limited to 39 feet high – two stories. Sych addressed the public comment regarding the development as far as traffic, expansion and building height.

Commissioners discussed the application as far as traffic concerns and also discussed a possible connection for the Copper Village condos to Eagle View. Connie Deneweth, representing Copper Ridge, stated that a meeting is scheduled on January 24th with residents to discuss issues pertaining to the proposed PUD amendments. She states that Copper Ridge has voluntarily withdrawn some uses from building ten under commercial zoning and they have made important concessions. Sarah Kever, planner for Copper Ridge, spoke and said that the new uses which are asked for are mostly residential uses which may include adult foster care, dwelling multiple family, and live-work unit. Any remaining uses for building ten would fit into what is already approved. She indicated that the development was built to serve more units, but the units were cut back in 2003. Kever also cited the uses that were deleted such as bars, restaurants, solar energy, car dealerships, etc.

Commissioners asked for a better explanation of exactly what is being asked for in the amendment and what could be done right now without any amendments. Sych stated that flexibility is needed with some of these large unfinished PUD's and asked for a more concise use list for the buildings and exactly what is being used. Kever indicated that Copper Ridge had no say in a road connection with the Copper Village condos.

Racine moved and Robertson seconded to table any decision on the Copper Ridge PUD Amendment for one month to clarify use questions for each proposed building and obtain a report from the meeting between developers and Eagle View owners.

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

7. **New Business**

None

8. **Public Comment (8:58)**

Robert Barnes of Lakeridge Circle of Copper Ridge LLC, commented on the traffic impacts at Copper Ridge.

Jan Freeman commented and thanked commissioners for the delay of a decision in the Copper Ridge matter.

Gary Long of Eagle Ridge commented on the Copper Ridge proposed buildings.

9. **Other Business (9:00)**

a. **Discussion of Ollie's Bargain Outlet**

Sych stated that Ollie's Bargain Outlet is proposed for the old TJ Maxx site at the mall. The application proposes only an exterior entrance. Staff has not done a completeness review yet, but alteration to the site in terms of ingress and egress may be an issue. Staff wanted to know the overall plan for the mall from Brookfield, the mall owners. Staff is seeking answers but a comprehensive site plan for the mall may be needed if the mall plans to convert its uses or its circulation plans.


10. **Items for Next Agenda – January 22, 2025 (9:25)**

a. 2024 Planning Commission Annual Report

b. Housing TIF Potential Policies – Discussion

11. **Adjournment**

Fudge moved to adjourn the meeting at 9:30pm.



Joe Robertson, Secretary
Garfield Township Planning
Commission
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