

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
APRIL 26, 2023
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1. CALL TO ORDER

Chairman Gardner called the regular meeting to order at 7:00 p.m.

2. ROLL CALL

The following members were present: Brennan, Findley, Gardner, McGill, and Sanii-Yahyai. Also present was Ben Carlisle, Carlisle Wortman; and George Tsakoff, OHM.

3. DETERMINATION OF QUORUM

A quorum was present.

4. ADOPTION OF AGENDA

A motion was made by Commissioner Findley and supported by Commissioner Sanii-Yahyai to adopt the agenda as presented. The motion carried.

5. APPROVAL OF MINUTES

A. Minutes of the March 22, 2023, Meeting

A motion was made by Commissioner Brennan and supported by Commissioner Sanii-Yahyai to approve the minutes as presented. The motion carried.

6. CITIZEN PARTICIPATION

None.

7. REPORTS

A. Building Department Report

A motion was made by Commissioner Brennan and supported by Commissioner Sanii-Yahyai to receive the report. The motion carried.

B. Zoning Administrator Report

A motion was made by Commissioner Brennan and supported by Commissioner Sanii-Yahyai to receive the report. The motion carried.

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8. OLD BUSINESS

None.

9. NEW BUSINESS

A. STPC 22-03 Prospect Pointe West Phase 1 Final Site Plan

Amie Ackerman from Lombardo Homes and Matt Bush from Atwell were present to answer questions about the project.

Ben Carlisle reviewed the Planner's Report dated April 10, 2023.

George Tsakoff reviewed the Engineer's Report dated April 19, 2023.

Commissioner Gardner inquired about the price point of the homes.

Ms. Ackerman answered the sales price would be between \$600,000 and \$700,000.

Commissioner Gardner asked if there were any concerns from Lombardo Homes about the economy.

Ms. Ackerman replied, stating Lombardo Homes has looked at trends and other developments in the area and that is the price point they are comfortable with.

Motion by Commissioner Brennan and supported by Commissioner McGill to approve the Prospect Pointe West Phase 1 Final Site Plan with the condition that the applicant shall revise their submitted elevations and "Standard Housing Specifications" to ensure that no more than 50% of the total area of elevation is vinyl, aluminum, or steel.

Roll Call Vote:

Yes: Brennan, Findley, Gardner, McGill, Sanii-Yahyai.

No: None.

Abstain: None.

Absent: Dabish-Yahkind, Steele.

The motion carried.

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10. CORRESPONDENCE

- A. Correspondence regarding a proposed rezoning at 3900 N. Dixboro Road and the six surrounding parcels.

Motion to receive and file the correspondence by voice vote.

The motion carried.

11. PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS

- A. STPC 23-03 Garrett's Space Rezoning/Area Plan
Property located at 3900 N. Dixboro Road and the six surrounding parcels. Proposed rezoning from A-2 to PC.

Commissioner Gardner reviewed the order of comments and public hearing procedure.

Scott Halpert, co-founder of Garrett's Space and applicant, introduced himself and the Garrett's Space team. Mr. Halpert showed a presentation to the Planning Commission. The presentation is attached to these meeting minutes.

Peggy Galimberti, the Clinical Director for Garrett's Space, was introduced. Ms. Galimberti discussed the referral and intake process as well as who Garrett's Space will and will not serve (beginning on page 30 of the attached presentation).

Connie Wood, a member of the Garrett's Space Advisory Board spoke about the Garrett's Space model. She shared what she has learned working with residential centers.

David Saladik, MASS Design, showed examples of building interiors and exteriors to give an idea of what the site will look like. Mr. Saladik also showed an overhead view of the property indicating where future buildings would be placed (beginning on page 39 of the attached presentation).

Tom Covert, Midwestern Consulting, showed an alternate development site plan (beginning on page 54 of the attached presentation). He explained the comparison points for Garrett's Space as well as developing the property into single family homes.

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Gerald Fisher, land use and local government attorney, represents Garrett's Space. Mr. Fisher explained how the rezoning fits into the master plan and is required by law (beginning on page 61 of the attached presentation).

Teresa Ayers shared her daughter Sarah's story, and why she supports the Garrett's Space project.

Dr. Victor Hong, Medical Director of Psychiatry Emergency Services at the University of Michigan, spoke to the efficacy of the proposed program. He discussed how the proposed Garrett's Space project could help so many young people.

Julie Halpert spoke about why she is asking for the rezoning and why this location is perfect for Garrett's Space.

Mr. Carlisle reviewed the Planner's Report dated April 19, 2023.

Mr. Tsakoff reviewed the Engineer's Report dated April 20, 2023.

Commissioner Findley asked about the referral process for participants, including self-referrals.

Ms. Galimberti replied about 75% of the current participants are referred by a treating clinician or doctor. Those that are self-referred typically already have a therapist they're currently seeing and would be coming to Garrett's Space for additional support. She added that participants would not come to Garrett's Space without a diagnosis of depression or anxiety. Additionally, any medications would be managed by the participant's treating clinician.

Commissioner Findley inquired about parking at the site.

Mr. Carlisle replied parking would be addressed at the site plan stage of the project, if the project is approved by the Township Board.

Commissioner Findley asked Mr. Halpert about the participants and substance abuse or illegal substances.

Mr. Halpert replied anyone found to have illegal substances would be asked to leave the facility.

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Commissioner Gardner noted the Master Plan, a complex document, shows Rural Residential on the future land use map for this particular area, meaning homes on one- and two-acre parcels. He added the Master Plan did not contemplate a managed care and support facility. However, as Ben Carlisle described, the Master Plan cannot anticipate all different kinds of future uses. Commissioner Gardner questioned the compatibility of the use. He also questioned how to close the gap between Rural Residential, shown on the Future Land Use Map, and the proposed project.

Mr. Halpert stated the services are primarily residential, and Garrett's Space will retain the rural environment of the area.

Commissioner Gardner stated Garrett's Space is a support facility, not a single-family home. He asked how the use is compatible with the Master Plan.

Mr. Covert explained Garrett's Space would reuse the private access and the private drive. He added that another structure is proposed for the property, which is residential in nature. Additionally, the project is proposing to add a barn and studio, which are accessory structures.

Mr. Fisher explained how the proposed use fits with and is considered a compatible use in the Rural Residential zoning district. He discussed group homes, which are permitted in the residential districts in Article 4 of the Zoning Ordinance. He also noted the Federal Fair Housing Act directs that this type of facility be placed in mainstream residential areas. He acknowledged that Commissioner Gardner's concern was legitimate, but felt the concern is reconciled when the combination of laws and regulations are considered.

Commissioner Gardner clarified he is trying to understand the compatibility between what the Master Plan sets forth for Rural Residential and this particular use.

Mr. Fisher replied Garrett's Space is residential use, and the facilities he mentioned before are referred to in the Land Use Table as residential uses. He feels this is as rural as one could get and not have a farm.

Commissioner Gardner asked the applicant about the financial viability of Garrett's Space, including the sources of funding for the actual

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development, as well as ongoing operating costs. He added that it is not a determinate for the rezoning, but feels it is a pertinent question.

Mr. Halpert responded it will cost approximately ten million dollars to acquire the property and build the facilities. The applicants have acquired a four-million-dollar grant and have money saved, but the balance will be coming through donations. He added they have not yet begun their capital campaign but have every reason to believe Garrett's Space can raise that amount of money, as there is a lot of support for Garrett's Space.

Mr. Halpert stated mental health facilities around the county are charging around \$18,000 a month. He further explained since a stay at Garrett's Space is one month, if ten of the participants out of the twenty were to pay that amount, the facility could generate nearly two million dollars a year on that alone without fundraising. He added that last year Garrett's Space raised \$800,000 in philanthropy.

Mr. Halpert noted the facility would be unlicensed. He explained that Garrett's Space does not fit within any existing licensure category in the State.

Commissioner Gardner asked Mr. Halpert to discuss insurance proceeds, asking if Garrett's Space could collect insurance without being licensed.

Mr. Halpert admitted it would be challenging, but they would try. He mentioned a category, not a licensure category, called "housing with services" that Garrett's Space may fall into. He feels that could give them the credentials they need to get insurance reimbursement.

Mr. Halpert added he does not believe the model necessitates pursuing insurance, but it is another avenue they will pursue.

Motion by Commissioner Brennan and supported by Commissioner Sani-Yahyai to open the public hearing.

Attorney Greg Need introduced himself, explaining he is representing 39 citizens of Superior Township who live in close proximity to the proposed Garrett's Space project. Mr. Need provided the Planning Commission with a printed presentation. The presentation titled "Stick to the Plan" is attached to these meeting minutes.

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Mr. Need stated his clients object to the rezoning for numerous reasons and urged the Planning Commission to recommend denial to the Township Board. He clarified that his clients do not object to the Garrett's Space concept or the services it proposes to provide.

Mr. Need explained that the property is not suited for the use. Additionally, the rezoning, if approved, will have significant and detrimental effects on his clients and other nearby property owners. Mr. Need stated that he strongly disagrees with Mr. Fisher and the Carlisle Wortman review letter on consistency with the Master Plan and Growth Management Strategy, which is criteria for PC (Planned Community) zoning.

Mr. Need discussed why the proposed project is inconsistent with the Rural Residential Zoning district and the development plan. He added that the proposed project is not a low-density single-family use. Additionally, he notes the rezoning is inconsistent with the zoning classification and land use patterns in the area. He stated that although the PC (Planned Community) district offers flexibility, there are limits to what is allowed.

Mr. Need explained the A-2 (Agricultural District) Zoning District does not allow senior housing, large adult group homes or other managed residential facilities. He feels the proposed project is a commercial use and has many of the characteristics of what is prohibited in the A-2 Zoning District.

Mr. Need referenced the fourth slide in the presentation, noting that the PC uses near the site are residential and single-family homes on one acre or greater lots. None of them are primarily a business, include dormitory-style housing, nor have managed care facilities. He feels this proposed project fails the intent of the PC Zoning District and believes the applicant should seek a rezoning to MS (Medical Services) District in a spot that is compatible with the Master Plan and the surrounding area.

Mr. Need reacted to the applicant's Alternative Development Plan and referenced page 6 of his presentation. He does not believe 34 single family lots could be placed on the property based on location of wetlands and steep slopes and believes the Township should request a formal wetland delineation at the site (page 7 of the presentation). Mr. Need stated that the Fair Housing Act applies to permanent residences, not the short-term occupancy that Garrett's Space requests.

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He added his clients contacted the Washtenaw County Health Department regarding the septic on the property and the employee they spoke with indicated Garrett's Space may need a type two well and a commercial septic. Mr. Need feels the septic appears to be insufficient for what is being provided.

Mr. Need stated that his clients requested information from the Township and were told they need to submit a Freedom of Information Act request (FOIA). He explained they submitted one previously and only received some of the information requested.

Citing the Zoning Ordinance, he noted that the Planning Commission has 180 days to take action. Mr. Need requested that no recommendation be made at this evening's Planning Commission meeting so that his clients can request and receive information.

Ellie Serras, 3900 N. Dixboro Road, spoke about her options to divide and develop the property without a buyer under the A-2 Zoning District. She and her daughters believe that Garrett's Space is the highest and best use of the property.

Ken Hair, Tanglewood, stated the proposed residential feels like a dormitory and believes it is incompatible with the Master Plan. He also questioned safety at the site and how crisis situations would be handled. He urged Planning Commissioners to not recommend approval.

Genevieve Faber, 9734 Aspen Lane, discussed why Garrett's Space is critical for youth.

Bill Godfrey, 3875 Vorhies Road, feels 3900 N. Dixboro Road is the perfect location for Garrett's Space. He has no concerns with the young people that will be living and staying at Garrett's Space and will welcome them as neighbors.

Bill Phillips, Gale Road, asked the Planning Commission to support Garrett's Space. He feels there is a need for this use, and it sounds like their team can deal with all the various concerns that have been identified. He feels it is consistent with the Master Plan and his vision for the community.

Jennifer Laflair, 10400 Joy Road, spoke in favor of Garrett's Space, noting it is a unique and respectful use of the site. She feels it would

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improve the health and well-being of the community. The data that was shared shows the alarming increase in mental health illness in the youth, and the lack of treatment options.

Ella, a youth activist and organizer in Washtenaw County, voiced her support of the proposed Garrett's Space project. She spoke on how the current way to deal with mental health crisis is to offer little to no support which can cause people to turn to unhealthy coping skills. She urged Planning Commission members to think about the future of the County when making their decision.

Steve Opaleski, 5824 Becky Lane, stated that of the 140 letters to the Planning Commission regarding Garrett's Space, 78 of the letters came from non-residents, and 97% of those letters were in favor of the rezoning. Sixty-two of the 140 letters were from Superior Township residents, 85% of which were not in favor of the rezoning.

Dr. Joan Martin, 5530 Warren Road, stated she agrees with the analysis and recommendation of Carlisle Wortman to approve the rezoning request. Dr. Martin discussed the Huron River and the creek that flows past the site and the great shape it is in. She informed Commissioners that the decision they are making tonight will affect the quality of the creek and noted a conservation easement on the land would prevent further development.

Rose Matuzak, 4820 Vorhies Road, urged Planning Commissioners to deny the request because she would like to see a facility like this closer to the southeast corner of the Township where there is great need for an increased preventative care. She would like to see the proposed facility in an area where it can serve more of the Township's residents.

Dr. John Greden, 2015 Woodside Road, believes Superior Township is poised to be a role model for benefitting the wellbeing of the Country, and spoke in favor of Garrett's Space. Dr. Greden stated there is a mental health pandemic and youth are most affected.

Sheila Shulman, 5807 Fox Hollow, feels that the proposed facility will have a negative impact on property values.

Scott Ellis, staff at Ozone House, located at the corner of Superior Road and Huron River Drive, spoke in favor of Garrett's Space. Mr. Ellis shared the experience of Ozone House being a residential facility located

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within different neighborhoods. He added that at their current location, many neighbors have volunteered their time on service days to help beautify the property.

Ron Flowers, faculty member at Eastern Michigan University in the department of Leadership and Counseling, spoke in favor of Garrett's Space. He believes that given the number of young people struggling with mental illness, it would be an error to suggest that Garrett's Space would not provide support to the young people in Superior Township.

Greta Furlong, a clinical therapist who works with those who would be served by Garrett's Space, spoke in favor of the project. The setting for her practice is an old farmhouse surrounded by walking trails and outdoor gardens. She added her clients are wonderful people who need extra support to navigate anxiety and depression.

Joshua Stuempges, 9734 Aspen Lane, spoke in favor of Garrett's Space. He spoke about the large amount of space between the location of Garrett's Space and the neighboring parcels that share a boundary line.

Lori Roddy, Executive Director of Neutral Zone, spoke in favor of Garrett's Space. She explained that 25 years ago, Neutral Zone faced many of the same conversations. What they learned, however, is that the young people thrived when brought together with resources. She added that Neutral Zone is now a model known around the country.

Rakesh Latchamsetty, 5454 Red Fox Run, spoke in favor, noting that the proposed project is a good use of the land. He added that if approved, he would be proud of this in his community. He feels this organization has the potential to not just help, but to save young adults.

Annie Sommerville, Chief of Staff to State Senator Jeff Irwin and here on his behalf, as well as the rest of the Washtenaw County Delegation, expressed how invaluable this resource would be for Washtenaw County. Ms. Sommerville is also a Washtenaw County Commissioner representing the one precinct in the southeast corner of Superior Township. She explained that issues of anxiety and depression do not discriminate on race or class.

Heidi Bratton, 5759 Fox Hollow Court, stated that the applicant is proposing that Garrett's Space is the answer to mental health, but she feels mental health is already being addressed in the Township, however

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it is not being done through an institution. She shared how she and her neighbors support each other and participate in each other's lives. She also voiced concerns with the cost of services Garrett's Space is proposing.

Shabnam Shidfar, 5765 Becky Lane, stated she is well aware of the need for improved mental health, and the current system cannot manage the need that is out there. She explained she chose to live here deliberately, and she interpreted the Master Plan to be, as Rural Residential, not a place for people to migrate every four to six weeks. She does not feel the use is compatible with the Master Plan.

Stephen Henley, 5188 Warren Road, inquired if there was a particular reason this property was being requested for this type of facility. He asked why other locations were not being pursued where this type of facility could serve more individuals.

Tamarus Darby, spoke in favor of Garrett's Space. Mr. Darby also discussed the lack of resources in Michigan for those with mental health challenges.

Scott Merritts, 6978 Cherry Hill Road, shared his opinion that property values would not be affected by Garrett's Space. Mr. Merritts spoke in favor of Garrett's Space and asked Commissioners to consider the proposal.

Brian Athey, 29941 East River Road, former Superior Township resident, spoke in favor of Garrett's Space. He shared that his neighborhood in Superior Township was very concerned about Ozone House when it was built. He explained those concerns consisted of property values and effects on the neighborhood, but it ended up working out. The property values did not go down and a community was created that was more inclusive.

Barb Pinkman, Ann Arbor, spoke in favor of Garrett's Space.

Brenda Baker, 8512 Ashton Court, shared that the decision in front of the Planning Commission is whether or not to change the zoning on a parcel. Ms. Baker reviewed the Findings of Fact required under Section 18.06 of the Superior Township Zoning Ordinance.

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Janet Gilsdorf, 5796 Tanglewood Drive, spoke in favor of Garrett's Space. She added that if Freeman School, which is next to her property, was the chosen place for Garrett's Space she would be proud to have it there. She strongly urged the Planning Commission to support the application.

Ashely Oberheide, 1517 Granger Road, spoke in favor of Garrett's Space. She noted that Garrett's Space would be a blessing to have in this community.

Mark Creekmore, Ann Arbor, past president, and current treasurer of National Alliance on Mental Illness (NAMI) Washtenaw County shared that NAMI supports Garrett's Space. He shared that what anyone should do in the event of a mental health crisis, is to call 988 or the on-call mental health crisis response line at 734-544-3050 (and 911 in case of an emergency).

Perry Francis, 6327 Oakhurst Drive, spoke in favor of Garrett's Space. He stated the question is not why should Garrett's Space be here, but why aren't there more of them here?

Becky Brent, teacher at Community High School in Ann Arbor, and leads the depression awareness group at the high school. She added that at the last meeting she heard comments that she and her students were not officially Superior Township residents. She explained that her school is a fifteen-minute drive from Superior Township Hall, and some of her students are Superior Township Residents. She encouraged the Planning Commissioners to make the right decision for the students, staff, and community.

Gerald Matuzak, 4820 Vorhies Road, former Board of Trustee Member and former Planning Commissioner, stated that when anyone moves into a neighborhood, they look at the zoning. He added that everyone at the meeting opposed to Garrett's Space are not opposed to the concept but are opposed to putting it on property that's zoned A-2. If the property is rezoned, the Planning Commission will send a message to everyone who relies on zoning that they can no longer rely on the existing zoning. Mr. Matuzak asked the Planning Commissioners to oppose the rezoning.

Charlene Page, a member of the Washtenaw County Youth Commission, spoke in favor of Garrett's Space. She discussed mental health challenges and the need for resources.

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Deanna Hair inquired whether bus services and police and fire services will be provided to the site without having an impact on her property taxes.

Motion by Commissioner Brennan and supported by Commissioner Sanii-Yahyai to close the public hearing.

Roll Call Vote:

Yes: Brennan, Findley, Gardner, McGill, Sanii-Yahyai.
No: None.
Abstain: None.
Absent: Dabish-Yahkind, Steele.

The motion carried.

Commissioner Findley noted she is a Superior Township resident and Elected Official, serving as the Clerk. She has heard many comments from residents about the proposed project, such as moving Garrett's Space to the south part of the Township, and that property values would decrease if the project were approved. She prefaced that she is speaking as a Black woman. She stated:

"I grew up in a predominantly white environment. Property values went down because more people that looked like me moved in and there was flight. It had nothing to do with anything else other than the fact that people that looked like me. Some folks in multi-million-dollar homes chose not to want to live around people that looked like me. So, perhaps, let's say if there's only 34 single-family homes, let's say that the majority of those people that built those homes, move in those homes, were black, the same thing would occur. Property values [...] go down when the population changes, which is not the case."

Commissioner Findley addressed Mr. Need, letting him know that she has been fair on all FOIA requests, as they come from her office. She explained that Attorney Ellis Freatman made a FOIA request regarding Garrett's Space and her office fulfilled that request within two days. Additionally, Mr. Freatman called Commissioner Findley to report he never received the documents from his FOIA request. She informed him of when she emailed him the requested documents. She reported he

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looked through his email while on the phone with her and said “Oh, here it is.” Clerk Findley fulfilled the FOIA as requested because she believes in fulfilling her statutory responsibilities for this Township.

Commissioner Gardner asked for any additional comments from the Commissioners.

Commissioner Findley read a resolution recommending approval of the Garrett’s Space Rezoning to the Township Board of Trustees. The resolution is attached to these meeting minutes.

Motion by Commissioner Findley and supported by Commissioner Sanii-Yahyai to approve the resolution of approval for STPC 23-03 Garrett’s Space Rezoning/Area Plan petition to rezone seven (7) parcels from A2-Agriculture District to PC, Planned Community Special District with the following conditions of approval:

1. The Zoning and Land Use Agreement, subject to Township Attorney review.
2. The Conservation Easement, subject to Township Attorney review.

Roll Call Vote:

Yes: Brennan, Findley, Gardner, McGill, Sanii-Yahyai.
No: None.
Abstain: None.
Absent: Dabish-Yahkind, Steele.

The motion carried.

12. POLICY DISCUSSION

Mr. Carlisle reported the draft Master Plan is complete and the Master Plan Steering Committee will be reviewing it at their meeting on May 11, 2023.

Commissioner Gardner informed the Planning Commission he will not be at the May Planning Commission meeting.

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13. ADJOURNMENT

Motion by Commissioner Findley, supported by Commissioner Brennan to adjourn.

Motion Carried.

The meeting was adjourned at 10:51 pm.

Respectfully submitted,
Thomas Brennan III, Planning Commission Secretary

Laura Bennett, Recording Secretary
Superior Charter Township
3040 N. Prospect Rd.
Ypsilanti, MI 48198 (734) 482-6099

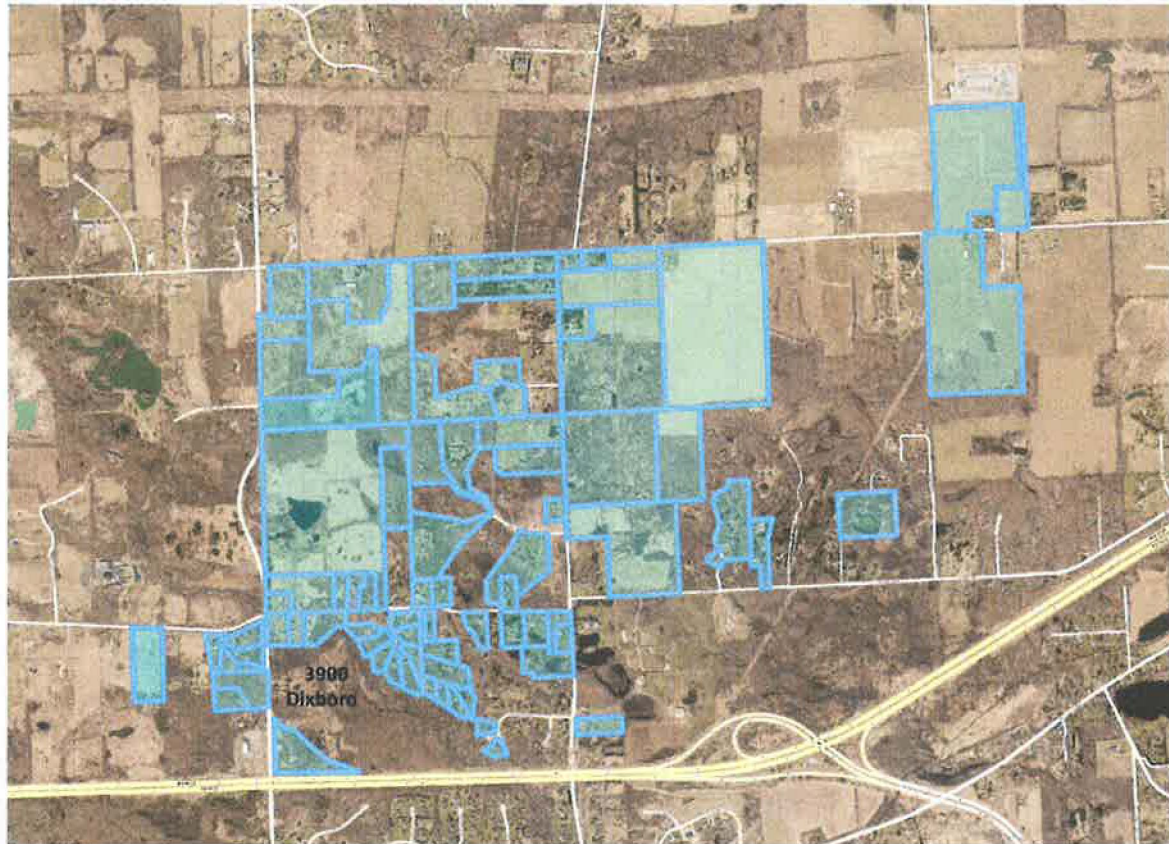


STICK TO THE PLAN

OPPOSE SPOT-ZONING | PROTECT OUR NEIGHBORHOODS



STRONG LOCAL OPPOSITION

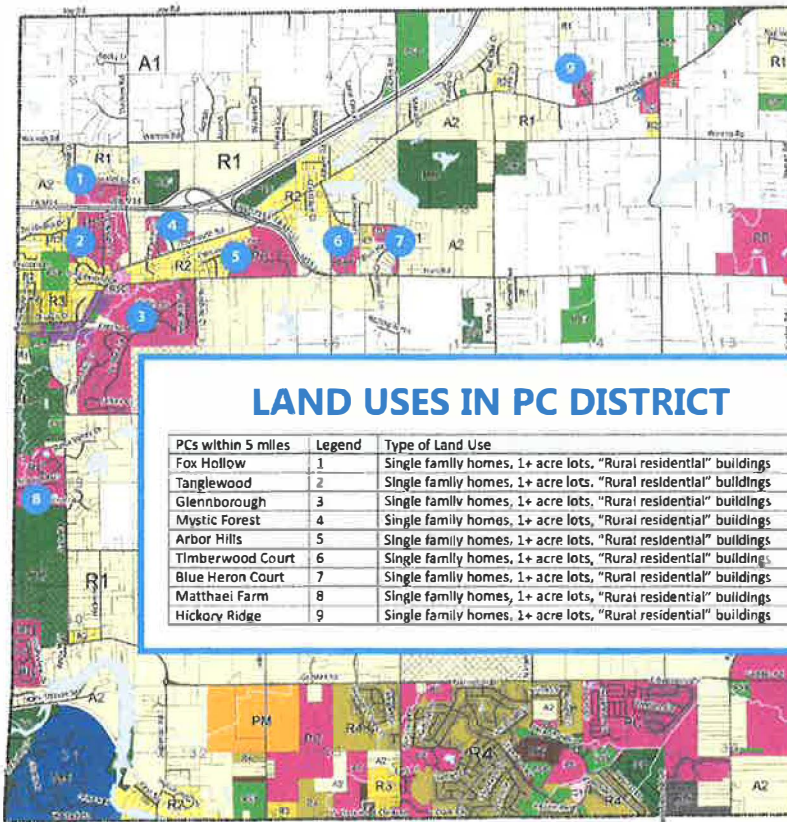


OF THE 78 OPPOSING PARCELS:

- 71** Properties are located in Superior Twp
- 7** Properties are located in Ann Arbor Twp
- 15** Properties are directly adjacent to proposed site.

INCONSISTENT ZONING AND LAND USE

OTHER PC DISTRICTS ARE SINGLE FAMILY HOMES, RURAL RESIDENTIAL BUILDINGS

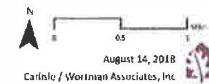


Zoning Districts

- RC - Recreation-Conservation District
- A1 - Agricultural District
- A2 - Agricultural District
- R1 - Single-Family Residential District
- R2 - Single-Family Residential District
- R3 - Single-Family Residential District
- R4 - Single-Family Residential District
- R6 - Manufactured Housing Park District
- R7 - Multiple-Family Residential District
- C1 - Neighborhood Commercial
- C2 - General Commercial District
- O1 - Office District
- PSP - Public/ Semi Public Services District
- PC - Planned Community District
- NSC - Neighborhood Shopping Center District
- VC - Village Center District
- MS - Medical Services District
- PM - Planned Manufacturing District
- OSP - Open Space Preservation Overlay District

DESIGNED BY
 SUPERIOR CHARTER TOWNSHIP
 AUGUST 14, 2018

Zoning Map Superior Charter Township



APPROVAL = ILLEGAL SPOT ZONING

- 1.** Approval of the rezoning request would create what is known as “spot zoning”, which the courts have held is illegal. The Master Plan provides that, where property is being requested for rezoning, the requested rezoning should not create an isolated or incompatible zone in the area.
- 2.** The proposed use is entirely inconsistent with the land use patterns in the surrounding area, which consist of single-family residential homes and farms. The Garrett’s Space use is more akin to dormitory housing, with administrative office buildings, and large hard surface parking lots. These are not similar in the slightest to the established land use patterns in the area.

FLAWED ALTERNATIVE DEVELOPMENT PLAN

THE 34 LOT DEVELOPMENT CREATED FOR DENSITY ANALYSIS IGNORES NATURAL FEATURES



1. WETLANDS:

Section 14.05.b.2 requires lot boundaries to be located entirely outside of required wetland setback areas.

2. SLOPED TERRAIN:

Section 14.05C prohibits development in any area of 25% slopes or greater.

3. MODERATE TO SEVERE SOIL LIMITATIONS:

Map 3-5 of the Master Plan shows moderate to severe limitations for septic systems in the proposed site.

THE ACTUAL NUMBER OF VIABLE BUILDING SITES IS GREATLY REDUCED.

FORMAL WETLAND DELINEATION NEEDED

SITE PLAN NOT CONSISTENT WITH TOWNSHIP ORDINANCES

- 1.** The property contains numerous environmentally sensitive features, including wetlands. Garrett's Space implies preservation of these features as justification for the PC zoning. However, much of the land cannot be developed in any fashion due to the wetlands, woodlands, and steep slopes, thus this land will likely be preserved no matter what the development .
- 2.** While Garrett's Space claims they will have a conservation easement on some of the area, none was included in the application. In addition, placing a conservation easement over property designated as wetlands is irrelevant, as that property could not be developed under Township ordinances in any event.
- 3.** Garrett's Space only provided US FWS wetland boundaries on the plans, but the Township Wetlands Map relies on a combination of US FWS wetland Maps and EGLE. The EGLE maps indicate a discrepancy, in the wetland areas. Due to this discrepancy and the proximity to the development area the Township should require a formal wetland delineation consistent with Ordinance 178 – Wetlands.

SECURITY ISSUES NOT ADDRESSED

INADEQUATE STAFFING AND BOUNDARIES

- 1. STAFFING:** The plan provides for 2 employees overnight on a parcel of property over 75 acres in size, with 20 individuals, who are suffering from various mental incapacities.
- 2. BOUNDARIES:** The property is not proposed to be fenced, thus raising concerns that residents could wander from the site onto the neighboring residential properties. There is an existing trail system which travels from the proposed site and across the creek



Fleming Creek is shallow and easily traversed

VISIBILITY FROM SURROUNDING PROPERTIES

Contrary to the applicant's statements, the proposed facility will clearly be visible from surrounding properties. The house and barn currently located on the property are visible to numerous neighboring properties, and the proposed facility will be significantly larger.



View from Warren Road, 4/20/2023

REVIEW OF SEPTIC SYSTEMS NEEDED

- 1. PROPOSED LOCATIONS:** The proposed locations of septic systems are inconsistent with the township Master Plan in regard to terrain.
- 2. SEPTIC CALCULATIONS SUBMITTED FOR PHASE 1 ONLY:** The plans do not include cooking, laundry, and bathroom facilities for the 20 overnight patients and bathrooms in the creative space. The septic fields, in addition to being near the creek and slopes, are insufficient for the use.
- 3. COMMERCIAL USE REQUIRES PUBLIC WATER AND PUBLIC SEWER:** The proposal is essentially a commercial use, and the township Master Plan indicates that commercial uses should be only located where there is access to public water and public sewer.
- 4. THE PROPOSAL RELIES ON A LARGE SEPTIC FIELD SITUATED NEAR WETLANDS:** If the property were to be developed as large lot residential consistent with the Master Plan, the septic systems required to support that development would be far smaller than what is being proposed for Garrett's Space

IN CONCLUSION

WE RESPECTFULLY REQUEST

1. **THE PLANNING COMMISSION DENY** the application for re-zoning from Garrett's Space.

OR

2. **THE PLANNING COMMISSION DEFER ACTION** on the application, to allow an opportunity for a more detailed response, including time to review FOIA requests.



GARRETT'S SPACE

Hope, Healing and Connection

April 26, 2023



In 2019, the Halpert's founded [Garrett's Space](#) to address gaps in available treatment for other young adults experiencing distress due to mental health challenges

Scott Halpert | About Garrett's Space

Meet Garrett Halpert



Posted on Thu, Nov 18, 2010 : 5:57 a.m.

Pioneer's Garrett Halpert is Washtenaw County Boys Tennis Player of the Year

By Kaleb Roedel



Pioneer's Garrett Halpert is Washtenaw County Boys Tennis Player of the Year.

Melanie Maxwell | AnnArbor.com

Multiple surveys confirm that nationally our teens and young adults are struggling with depression and anxiety:

- 70% of young adults ages 18-24 reported being moderately or severely depressed¹
- 96,000 college students were surveyed and 44% reported symptoms of depression, 37% reported anxiety disorders, and 15% reported having seriously considered suicide²
- 57% of high school girls surveyed, reported feeling sad or hopeless and 25% had considered suicide³

¹Kumanu/Harris, Dec. 2021, ²Healthy Minds 2021-2022, ³CDC 2021 data

This crisis is real in our community:

- Suicide is the **2nd leading cause of death** for young people ages 15-34 in the state of Michigan.
- In Washtenaw County, mental health crisis calls involving young people are up 20% year over year, with the mobile crisis team responding to mostly young adults ages 20 to 30
- A 2022 Washtenaw County Health Department report indicated that 37.6% of teens felt sad or hopeless every day for the past two weeks

Less than half of young adults ages 18-25 with mental illness received treatment in 2021¹.

There is a critical gap in treatment. Few options exist on the continuum of care between a psychiatric hospitalization which may be traumatic and stigmatizing, and outpatient therapy which may not be enough.



Garrett's Space

Garrett's Space is a holistically focused residential retreat that promotes wellness, healing, self-worth, and resilience.

With a team of local mental health professionals, and years of planning and research, we have created a model of care to help fill the treatment gap. A model that we believe would have made a difference for our son, Garrett.

The Garrett's Space model is based on an understanding of what young adults need most:

- Connections
- Improved self-worth
- Coping strategies
- Tools to get through challenging times
- Hope

To create this model, Garrett's Space has engaged leading experts who specialize in helping families with the placement of young adults in residential facilities. Their input, along with visits to multiple existing facilities, has informed the development of our non-medical approach.

Garrett's Space

Working with nature to create a serene place of healing.

During three to four week stays, our participants will:

- Be surrounded by a community of caring staff and peers
- Engage in facilitated peer support groups
- Engage in mood lifting activities including yoga, meditation, cooking, art, gardening, music, journaling, and exercise
- Connect with their therapist via telehealth

Garrett's Space will be a critical part of the continuum of care for young adults:

- Supporting their families and allies
- Serving 15-20 young adults in residential programming
- Serving an additional 10 young adults in day programming

Residential Center:

- 11,000-12,000 square foot residence
- Bedrooms for 15-20 young adults
- Group spaces including a library, meeting areas, telehealth rooms, and a dining room
- Cozy spaces and nooks for time alone or with one or two other participants

Creativity Studio:

- 2,000 square foot building
- Used for activities including dance, yoga, art, meditation, and music

Project Phasing*

- Late 2023, we will offer day programming, after making appropriate and necessary modifications to the existing house
- Spring/summer 2024, begin construction of the residence and creativity studio when final site plan approval is in place
- Early 2026, complete construction and expand day programming to use the constructed spaces
- Early 2027, begin overnight programming

*Assumes use and re-zoning are approved.



Greater exposure to green space within nature significantly relates to lower levels of mental health symptoms:

- Lower levels of depression in a sample of over 9,000 adolescents¹
- Lower levels of depression, anxiety, and stress in a sample of over 2,400 adults²

Movement and exercise improves mental health and suicide outcomes:

- Physical exercise related to improved mental health outcomes, including improvements in suicidality, among a sample of university students³
- Yoga and movement among adults with severe mental illness improved emotional wellbeing and self-awareness, and reduced symptoms of anxiety and depression⁴

Engagement in peer support groups positively impacts mental health:

- Improvements found in isolation, happiness, self-esteem, depression, and anxiety across various peer support studies¹
- Peer support in mental health is shown to instill hope and improve engagement, quality of life, self-confidence, and integrity among individuals²

Creative expression through art and music helps young people more positively cope with stressful situations:

- Increase of resilience in young people with mental health challenges who completed visual arts interventions (even short term)³
- Feelings of comfort and understanding from others were enhanced through young adults' engagement with music as a coping skill⁴

Weak social connection functions as a risk factor for suicide and strong social connection is shown to be protective¹:

- Lower levels of social connection relate to greater suicide thoughts and behavior among adolescents and adults²
- Lesser feelings of belongingness and greater social isolation relate to increased suicide ideation and attempt³

Enhancing the ability to cope with suicide thoughts and urges is a primary goal of many suicide prevention approaches and interventions⁴:

- Use of coping strategies can impact suicide outcomes and the management of emotions that are important to an individual's resilience from suicide⁵

Mental health experts in our community agree, the
Garrett's Space model is necessary and will work.

Garrett's Space Board of Directors

Scott Halpert, Co-founder, Pres/CEO
Garrett's Space Exec. Direc., Masco Corp. Counsel (former)

Lindsay Bornheimer, PhD, LCSW
U-M School of Social Work & Psychiatry Asst. Professor

Julie Halpert, Co-founder, COO
Journalist, U-M Journalism Instructor

Felicia Brabec, PsyD, MSW
MI State Rep., 33rd House District, licensed Clinical Psychologist

Jamie Abelson, MSW, VP/Secretary
U-M School of Social & U-M Institute for Social Research

Eli Golshteyn
Veoneer, Internal Audit Manager

Lisa Halpert, Treasurer, CFO
Tufts University, Senior Dir., Finance & Planning

David Share, MD, MPH
BCBS Senior VP (retired); Corner Health Center, Founding Dir.

Steve Stein, MD
Real Time Medical Systems, Chief Medical Officer

Lori Bennett, FNP
Corner Health & Packard Health, Family Nurse Practitioner

Brandon Bond, MPH, LLMSW-Macro
U-M Mental Health & Well-being Student Advocate Consultant

Robert Adams, M.Arch., SCI-Arc
U-M College of Architecture, Stamps School of Design, Asst. Professor; U-M Initiative on Disabilities, Director

Garrett's Space Advisory Board

Madeline and Aly Halpert

James L. Abelson MD, PhD

Nancy Baum, PhD

Nancy Davis

Mary Jo Desprez, MA

Daniel Eisenberg, PhD

Kate D. Fitzgerald, MD

Eric Furlong

Emily Gordy

John Greden, MD

Jyoti Gupta

Katie Layne Young, RN, MSN, PMHNP

Denise Hamburger

Michele Heisler, MD, MPA

Victor Hong, MD

Adam Kern, LLMSW

Wendy Kern, LMSW

Cheryl King, PhD

Hannah Kohn, LLMSW

Preeti N. Malani, MD

Lisa Mann, RN, MSN, CPNP

Tim McKay, PhD

Trish Meyer, EdM

Harry Rai, MD

Deborah Renner

Megan Rodgers

Gayle Rosen

Eva Rosenwald, MSW

Deborah Salem, PhD

Srijan Sen, MD, PhD

Marly Spieser-Schneider, CIYT

Rachel Sulkowski, LLMSW

Susan Thal

Connie Wood, MS, LLP

Scott Halpert | Current Support



US Senator
Debbie Stabenow



Congresswoman
Debbie Dingell



State Senator
Sue Shink



State Senator
Jeff Irwin



County Sheriff
Jerry Clayton



State Rep.
Felicia Brabec



State Rep.
Jason Morgan



State Rep.
Jimmie Wilson, Jr.



State Rep.
Reggie Miller



County Chair
Justin Hodge



Commissioner
Crystal Lyte

Scott Halpert | Current Support



Garrett's Space has Broad Support in the Health Community

Victor Hong, MD

U-M Psychiatry Emergency Services, Medical Director

Todd Favorite, PhD

U-M Psychiatry, Clinical Associate Professor

Sheila Marcus, MD

U-M Psychiatry, Clinical Professor

Charity Hoffman, PhD, MA, MSW

U-M Psychiatry, Qualitative Research Specialist

Katie Ryan, MD

Trinity Health, Psychiatrist

John Greden, MD

U-M Psychiatry, Chair Emeritus

Lindsey Mortenson, MD

U-M Student Life, Chief Medical Officer

Eileen Mollen, PhD*

Clinical Psychologist

Linda Young, PhD

Clinical Psychologist

EMU Faculty and Staff of Leadership & Counseling

Stephan Taylor, MD*

U-M Psychiatry, Clinical Professor

Irving Leon, PhD

Clinical Psychologist

Gregory Dalack, MD*

U-M Psychiatry, Clinical Professor

James Bauer

WCC, Counselor

Michael Mikhail, MD*

Emergency Physicians Medical Group, Sr. Advisor

Amy Mikhail, MD*

Community Pediatrician

Marianne Udow-Phillips

Rewind, Head of Public Health

Preeti Malani, MD, MSJ, MS

U-M Medicine, Professor & Special Advisor to Pres.

Rosalie Tocco-Bradley, MD, PhD, MHAS

Trinity Health, Chief Clinical Officer

Joya DCruz, MA, LMFT*

Marriage & Family Therapist

*Superior Twp. Resident

Financial Support:

- \$4 million government award secured by Congresswoman Dingell and Senator Stabenow to support construction of the residential facility
- Last fiscal year, before announcing the possible acquisition of this property, Garrett's Space raised over \$800K to support our work.

Going forward, our operations will be funded by philanthropy, private pay (sliding scale), grant funding, and we will pursue insurance reimbursement.

All young adults, who meet the criteria, will have an opportunity to attend our residential program regardless of their ability to pay.

Garrett's Space currently hosts three weekly Wellness Groups for young adults (age 18-28).

Currently we are serving 27 young adults who on average participate for six months.

We are seeing a rise in demand for our programming; since the beginning of the year, there have been 40 inquiries about services.

“If I’ve learned anything at Garrett’s Space, it’s that I’m never out of the fight and I’m never alone. I’ve come to understand what it takes to put myself in a position to be mentally healthy. Garrett’s Space has given me a place to say what I’m really feeling, without being judged. At Garrett’s Space, I’m surrounded by people who listen to understand and that’s hard to come by these days.”

~ Recent group participant (shared with their permission)

Who We Will Serve

The Garrett's Space Program is designed as a **voluntary** support program for young adults (ages 18- 28) living with mental health challenges (depression, anxiety, and/ or suicidality) who are seeking hope, healing, and connection.

This program is an ideal supplemental option for individuals who have previously participated in an inpatient or partial hospitalization program, or those who could benefit from support in addition to regular therapy and/or psychiatric support.

We will serve young adults who could benefit from:

- A community of warm, caring peers and facilitators
- Learning helpful skills and strategies for coping with difficult days
- Being in a safe environment to share their feelings, challenges, and successes
- Listening to and being with others who are struggling with similar lived experiences
- Movement, breathwork, and relaxation exercises to improve well-being
- Helpful discussions and healing activities that provide support and help participants cope with and navigate challenging life events.
- Developing hope for the future.

We will not serve any young adult who:

- Is in need of a court ordered or involuntary treatment program
- Is currently experiencing symptoms of psychosis or mania
- Is physically threatening or a danger to others, or who has a history of physically or sexually assaulting others
- Is actively using substances that would significantly impair their judgment or lead to unsafe behaviors
- Is imminently at high risk for suicide
- Is self-harming to such a degree it requires medical attention

Based on careful screening, individuals identified with any of the above conditions will not be accepted for residential or day programming on the property.

Referral and Intake:

- Participants will typically be referred by a health care professional (e.g., nurse, doctor, therapist, or other professional, hospitals or agencies). They also may self-refer or be referred by a friend or family member.
- All participants will be coming to our center **voluntarily** seeking extra support and connections.
- Participants will complete intake documents (gathering history and current concerns) and complete an in-person or telephone intake interview with a licensed mental health professional.

Referral and Intake (cont'd):

- Participants will agree for Garrett's Space to communicate with their treating clinician and/or a family member to gather collateral information to assess for safety and confirm the participant's information shared.
- Participants in the program will have been formally assessed by a therapist, psychiatrist, or other mental health professional prior to participation in Garrett's Space.
- Assessment of all participants will be **ongoing** and referrals for a higher level of care will be provided if or when needed.



Connie Wood, MS, LLP
A Circle of Hope, Clinical Consultant & Founder
Garrett's Space Advisory Board
Models Facilities Committee, Chair



Sarah Gallagher
6/22/1993 - 10/11/2021



Victor Hong, MD
Clinical Associate Professor
U-M Medical Director of Psychiatry Emergency Services



Garrett's Space

Garrett's Space is a **holistically focused residential retreat** that promotes wellness, healing, self-worth and resilience.

The buildings comprising Garrett's Space's campus will be **warm, welcoming, and homelike in nature**, enhancing the site's natural beauty and providing a true neighborhood asset.

MASS | Material Palette: Exterior

TRADITIONAL RESIDENTIAL SIZE & SHAPE



BUILDINGS NESTED IN NATURE



NATURAL MATERIAL PALETTE

LANDSCAPED COURTYARD



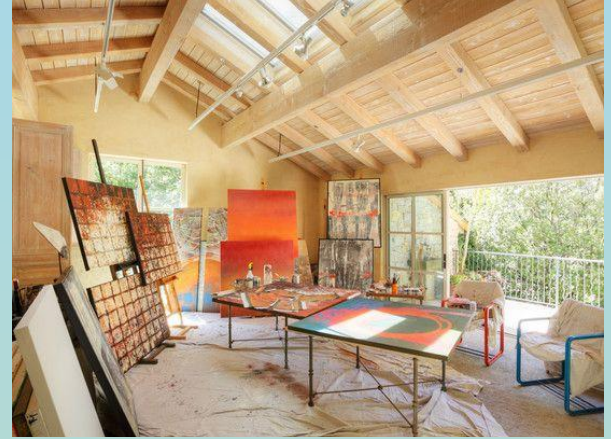
OUTDOOR GATHERING SPACES

MASS | Material Palette: Interior

DESIGNED FOR NATURAL LIGHT & VIEWS



CREATIVITY STUDIO & ART SPACE



WARM, NATURAL INTERIORS

TEACHING KITCHEN & DINING

MOVEMENT STUDIO

CREATIVITY STUDIO

EXISTING HOUSE

RESIDENCE, 20 BEDROOMS

BARN

SITE BOUNDARY

N. Dixboro Road

Garrett's Space Estimated Footprint

Working with nature to create a serene place of healing.

MASS | Minimal Impact to the Site/Preserving Natural Landscape



PLANT SCREENING

HEDGE SCREENING



HEDGE SCREENING

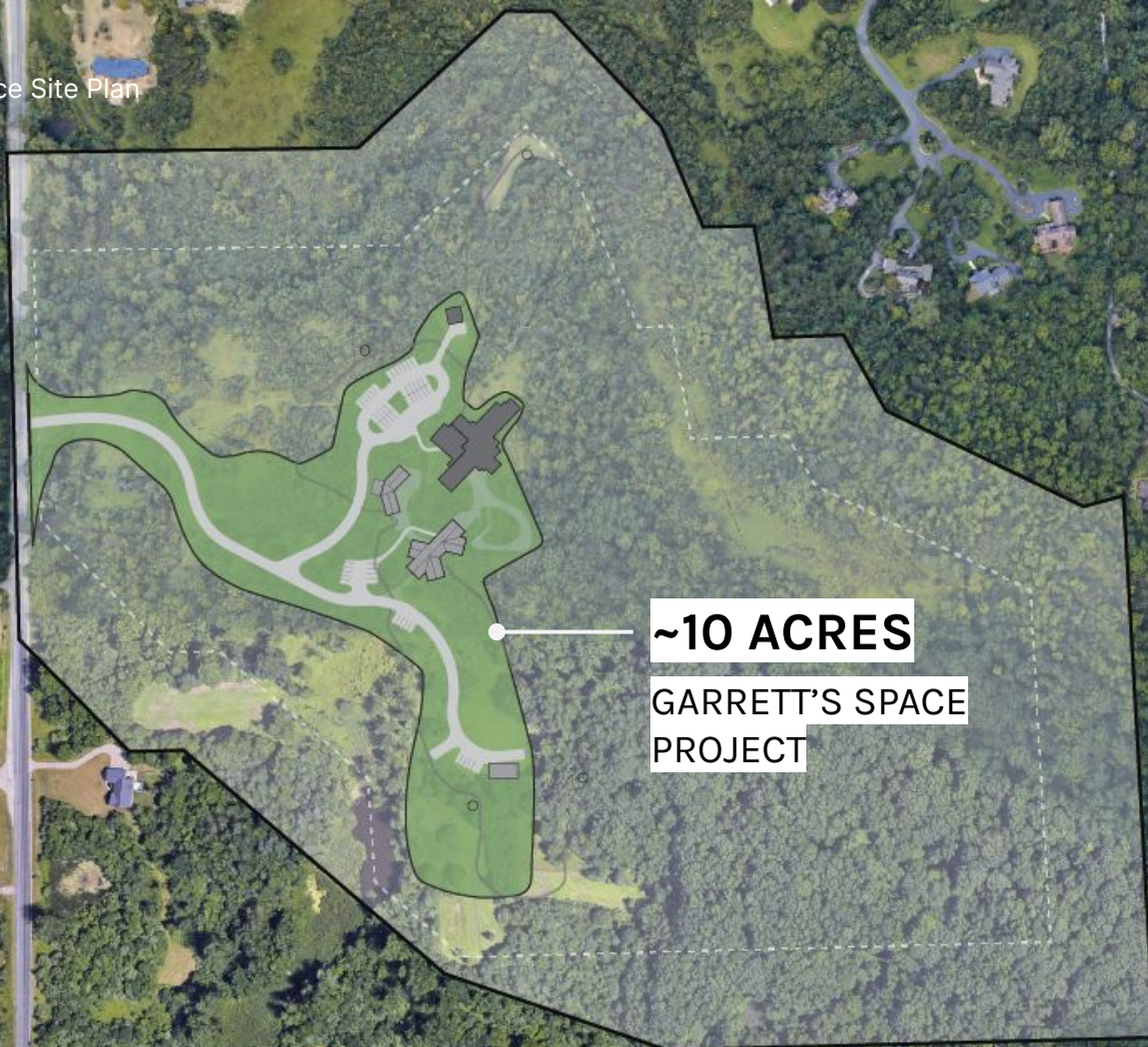


PARKING IN NATURE

REINFORCED GRASS TILES




PERMEABLE PARKING LOT PAVING OPTIONS



~10 ACRES
GARRETT'S SPACE
PROJECT



~66 ACRES
UNDEVELOPED
NATURAL AREA



Buildings are consolidated on top of the hill to create a heart to Garrett's Space "campus."

- Create a heart to Garrett's Space "campus"
- Protected central green space for gathering
- Ease of accessibility in all seasons
- Preserve as much of the site as possible
- Maximize distance to neighbors
- Maximize distance to site edge

~ 961 FT

~ 984 FT

~ 692 FT

DISTANCE TO CLOSEST NEIGHBORS

FROM NEW BUILDINGS



FLEMING RIDGE DEVELOPMENT

WING DRIVE DEVELOPMENT



WARREN ROAD HOMES

PROPOSED RESIDENTIAL BUILDING

PROPOSED BARN

PROPOSED CREATIVITY STUDIO

PROPOSED PARKING

EXISTING HOUSE

EXISTING SHED

FLEMING RIDGE DEVELOPMENT



Huron
River
Watershed
Council



PARKS & RECREATION COMMISSION



GARRETT'S SPACE

Number of Lots	1
Population	20 guests+10 day guests+20 staff = 50+/-
Vehicle Trips	186
AM Peak Hour	16
PM Peak Hour	16
Waste Water Drain Field	16,000 ft ²
Water Wells	3
Stormwater Management	115,000 ft ³
Open Space	70+ Acres
Conservation Easement	55-60 Acres
Floor Area Ratio	20,902 ft ² (R-1: 10% A-2: 5%)



RESIDENTIAL DEVELOPMENT (A-2/R-1)	
Number of Lots	34
Population	89
Vehicle Trips	374
AM Peak Hour	28
PM Peak Hour	36
Waste Water Drain Field	136,000 ft ²
Water Wells	34
Stormwater Management	550,000 ft ³
Open Space	0 Acres
Conservation Easement	0 Acres
Floor Area Ratio	296,208 ft ²



METRICS	GARRETT'S SPACE	RESIDENTIAL DEVELOPMENT (A-2/R-1)
Number of Lots	1	34
Population	20 guests+10 day guests+20 staff = 50+/-	89 (SEMCOG data 2.61 per household)
Vehicle Trips	186	374
AM Peak Hour	16	28
PM Peak Hour	16	36
Waste Water Drain Field	16,000 ft ²	136,000 ft ² (4 bedroom homes)
Water Wells	3	34
Stormwater Management	115,000 ft ³	550,000 ft ³
Open Space	70+ Acres	0 Acres
Conservation Easement	55-60 Acres	0 Acres
Floor Area Ratio	20,902 ft ² (R-1: 10% A-2: 5%)	296,208 ft ²

Garrett's Space is committed to securing a **conservation easement** for a minimum of **55-60 acres of the 76 acre property**.

In addition to rigorous screening protocols, **Garrett's Space will implement a multi-layered security approach**, while still maximizing feelings of wellbeing and trust:

- Strictly enforced screening process
- Inventory of personal belongings upon arrival
- Consent regarding possession of contraband and a substance free environment
- Nightly curfew, cameras in non-private areas, and clearly marked property perimeters
- Two designated staff members at the residence 24/7, responsible for monitoring resident whereabouts
- Licensed clinician at center or on-call 24/7

“Skyland Trail [Atlanta, GA] opened its first campus in 1989 after great opposition from the neighboring community - and then opened subsequent campuses in 1991, 1998, 2004, 2016, and 2019, each bringing high pitch resistance and opposition from the various neighborhoods, but thankfully, in declining decibels over the years. To my delight, all of these campuses continue to operate with the strong support of the surrounding communities. Each neighborhood has experienced the great care we bring to our campuses through tasteful design and quality construction, beautiful grounds and landscaping, and respect for the people we serve and the communities in which we operate. Because of the property improvements made by Skyland Trail at each of our campuses, property values have increased over time after we have come into a neighborhood. There have been no negative incidences between our clients and the neighbors.

I urge you to support the development of Garrett's Space. The fears of the community are unfounded, and most importantly, the need is great. As I am sure you hear every day, mental illness is a growing issue across our country and access to quality care is increasingly challenging. The people we serve at Skyland Trail, and the people being served at Garrett's Space, are just like you and me; they want a safe place to live, they want friends, and they want meaningful activity in their lives.”

"The center is inconsistent with the agriculture nature of our township."

"The center is incompatible with nearby subdivisions."

"Because we tend to fear change - or what we don't understand - or what we can't visualize, these type of comments aren't new or surprising to me. I've heard them before when I was the township supervisor. I heard these ... comments ... when there was considerable opposition to locating a residential home to house handicapped and mentally impaired young adults on west Clark Road. ... [T]he township voted to rezone the acreage and many young adults not only found hope, they also found a caring and sharing community."

INTRODUCTION

This legal analysis will focus on three points:

1. The **intent and vision of the Township PC and Board** as expressed in the Master Plan and Zoning Ordinance.
2. The **federal mandate** to provide housing **within neighborhoods** for persons with disabilities, as announced under both the Federal Fair Housing Act and the Americans with Disabilities Act.
3. A **Michigan zoning law**, generally referred to as Michigan's Exclusionary Zoning Statute, prohibits exclusion of needed uses, especially housing.

Preservation is the essence of the growth management plan:

- Rural residential: 76 acres, with only 10 acres actively developed
- Minimal change to the land (Master Plan Vision)
- Maintains visual and natural character (unlike division for subdivision)
- Preserves natural resources: surface water, wetlands, green spaces, steep slopes, and tree lined roads
- Preserves natural features (major issue in Chapter 4, Growth Mgt.)

Zoning: Planned Community Special District

- Section 7.301: **permits residential uses** (including multi-family), office, service, and community uses
- Compare Article 4, Land Use Table: Large Group Homes (13-20) and Congregate Care (more than 20) are classified as “**residential**” uses
- PC District: maximum **flexibility** for taking advantage of “**natural topography, vegetation, watercourse, and other site features**”

Pre-Federal Fair Housing Act Protection: Case Study

A care home for 13 mentally ill adults under the supervision of staff members was denied. The City Council was concerned with the **negative attitude of the majority of property owners located within 200 feet of the facility**. The Court observed that mere negative attitudes, or fear, unsubstantiated by factors which are properly cognizable in a zoning proceeding, are not permissible reasons for treating a home for the mentally ill differently from other forms of housing.

Although several reasons for the denial of the home were advanced, the Court found it was based on irrational prejudice against the mentally ill, including those who would occupy the facility and who would live under supervised conditions. *City of Cleburne, Tex. v. Cleburne Living Center*, 473 U.S. 432 (1985).

Federal Fair Housing Act Amendment intends to allow those with disabilities to reside in mainstream neighborhoods:

- Congress included a critical policy statement in enacting the Fair Housing Amendment Act: the amendment is ***“a clear pronouncement of a national commitment to end the unnecessary exclusion of persons with handicaps from the American mainstream.”*** Persons with disabilities, to the extent feasible, must be permitted to enjoy neighborhood living.
- This directly contradicts the claim that Garrett’s Space is the right use, but in the wrong place! **It is the right use in exactly the right place!**

Michigan zoning enabling act protection against the exclusion of this lawful use:

“A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use within either that local unit of government or the surrounding area within the state, unless a location within the local unit of government does not exist where the use may be appropriately located or the use is unlawful.” MCL 125.3207

Garrett’s Space is right in the wheelhouse of this law. **There is broad consensus this use is “needed”.**

FINAL CONCLUSION

The 76-acre Property which is proposed for the Garrett's Space care center represents mainstream living for persons with disabilities consistent with the mandate of federal housing law and Michigan zoning law. To quote the Township Master Plan, *“the rural landscape does more than simply provide scenery, as the benefits of nature to citizen mental health are recognized as very important.”*

The Property is appropriate for the proposed use. It provides a neighborhood setting, along with an environmentally rich atmosphere for healing. It provides extensive setbacks from adjoining properties.

The letter and spirit of the zoning ordinance is met.







Thank you!



Garrett's Space

**RESOLUTION
RECOMMENDATION OF APPROVAL
Garretts Space Rezoning
April 26, 2023**

WHEREAS Superior Township received Garretts Space Area Plan petition to rezone seven (7) parcels from A2, Agriculture District to PC, Planned Community Special District. The parcels are located at 3900 Dixboro Road, Section 7, known as Tax Parcel ID #J -10-07-200-010, 011, 012, 013, 014, 015, and 016.

WHEREAS, the Superior Township Planning Commission reviewed the petition; and

WHEREAS, the Superior Township Planning Commission held a pre-application conference; and

WHEREAS the Superior Township Planning Commission held a public hearing on this petition on April 26, 2023, and received comments on the petition; and

WHEREAS the Superior Township Planning Commission considered the Area Plan rezoning petition standards set forth in Section 7.102.C of the Zoning Ordinance:

1. **Growth Management Plan policies.** *The proposed development shall conform to the adopted Growth Management Plan.*
2. **Ordinance standards.** *The proposed development shall conform to the intent, regulations, and standards of the proposed Special District and this Ordinance.*
3. **Public facilities.** *The proposed development shall be adequately served by public facilities and services, such as highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, and refuse disposal, or that the persons or agencies responsible for the proposed development shall be able to provide, in a manner acceptable to the Township Board, such facilities and services.*
4. **Open space and recreation areas.** *The common open space, any other common properties, individual properties, and all other elements of a Special District are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land.*
5. **Common areas and improvements.** *The petitioner shall have made satisfactory provision to ensure that those areas shown on the plan for use by the public or by occupants of the development will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for the financing and maintenance of improvements shown on the plan for open space areas, and common use areas which are to be included within the development.*
6. **Location and layout.** *The location of the proposed uses, layout of the site, and its relation to streets giving access to it, shall be such that traffic to, from, and within the site, and assembly of persons in connection therewith, will not be hazardous or inconvenient to the project or the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, particularly of children, relationship of the proposed project to main thoroughfares and street intersections, and the general character and intensity of the existing and potential development of the neighborhood.*
7. **Compatibility of land uses.** *The proposed use(s), mix of housing unit types and densities, or mix of residential and non-residential uses shall satisfy the intent of the proposed Special District, conform to applicable use standards and limitations, and be acceptable in terms of convenience, privacy, compatibility, and similar standards.*

8. **Minimize adverse impacts.** *That noise, odor, light, or other external effects from any source whatsoever, which is connected with the proposed use, will not adversely affect adjacent and neighboring lands and uses.*
9. **Preservation of natural features.** *The proposed development shall create a minimum disturbance to natural features and landforms.*
10. **Streets.** *Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.*
11. **Pedestrian facilities.** *Major pedestrian circulation shall be provided for within the site and shall interconnect all use areas, where applicable. The pedestrian system shall provide for logical extensions of pedestrian ways outside the site, and pedestrian connections to the site boundaries, where applicable.*

WHEREAS the Superior Township Planning Commission considered the Planned Community (PC) Special District eligibility criteria set forth in Section 7.301.A of the Zoning Ordinance:

1. **Compatibility with the Special District intent.** *The proposed development shall be consistent with the intent and scope of this Article and the intent and purposes of the specific Special District.*
2. **Compatibility with the Growth Management Plan.** *The proposed development shall be compatible with the adopted Growth Management Plan.*
3. **Availability and capacity of public services.** *The proposed type and intensity of use shall not exceed the existing or planned capacity of existing public services and facilities, including police and fire protection, traffic capacity of the Township's public roads, drainage and stormwater management facilities, availability of water, and suitability for septic or capacity of existing or planned utility facilities.*
4. **Sufficient land area for proposed uses.** *The proposed Planned Community (PC) site shall include sufficient contiguous land area to comply with all applicable regulations of this Ordinance, to adequately serve the needs of all permitted uses in the PC project, and to ensure compatibility between uses and the surrounding area. Additional non-contiguous land areas within the Township may be included as part of the proposed open space dedications for a PC project.*
5. **Additional eligibility criteria.** *The petition and Area Plan shall be compatible with one (1) or more of the following additional criteria:*
 - a. *Conservation of open space. Long-term conservation of open space, agricultural lands, or lands with significant natural features in the Township will be achieved in accordance with the adopted Growth Management Plan.*
 - b. *Preservation of natural resources. Long-term conservation of natural resources will be achieved, where such resources of the Township would otherwise be destroyed or degraded by development as permitted by the underlying zoning district(s).*
 - c. *Public benefit. A recognizable and material benefit will be realized by both the future users of the development and the Township as a whole, where such benefit would otherwise be unachievable under the provisions of this Ordinance.*

WHEREAS the Superior Township Planning Commission found that the required finding of facts has been met:

1. The Area Plan maintains the rural character of the site and immediate area.
2. The proposed Planned Community (PC) site is over 70 acres and includes sufficient contiguous land area to comply with all applicable regulations of this Ordinance, to adequately serve the needs of all permitted uses in the PC project, and to ensure compatibility between uses and the surrounding area.
3. The Area Plan limits the development of the site as compared to other permitted and conditional uses of the underlying A2, Agriculture District. As a result, the proposed development of the site meets the Master Plan and Growth Management standards of sustainability, maintenance of the natural resource base, and reduction of visual impacts.
4. The applicant has placed conditions on the Area Plan to limit impacts upon adjacent property, protect the site's natural resources, and maintain community character.
5. The applicant is applying for a special district as encouraged in the Master Plan for flexibility in site development to help fashion a design that is compatible with adjoining properties.
6. As noted in the Master Plan, the rural landscape does more than simply provide scenery, as the benefits of nature to citizen mental health are recognized as very important.
7. The proposed use of the property, restricted through the Zoning and Land Use Agreement, is compatible with the Township's adopted Growth Management Plan, and harmonious and compatible with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area.
8. The PC, Planned Community District is intended to allow for greater collaboration to allow for a creative approach to land use and development. Through the PC, Planned Community District the township and applicant are able to collaborate to better protect the sites natural features and reduce impact upon adjacent properties than could be accomplished through a by-right site plan or through a conventional subdivision development.
9. The property is primarily adjacent to residential uses however there are institutional uses in the immediate area including directly across Dixboro.
10. The low intensity use of the site, especially in consideration as to what may be permitted with other permitted and conditional uses on the site, is consistent with density and character with existing residences and neighborhoods in the immediate area.
11. Development of a by-right traditional subdivision would require a significant amount of site grading and would have a significant impact upon natural features including woodland/tree loss, creek degradation, and impact upon wetland and ground water recharge than what is proposed.
12. This site is isolated from adjacent properties. The property is 76-acres, with a +/- 700 foot buffer from the existing house on site to the nearest residential adjacent home. This buffer includes hundreds of feet of thick woodland, and a ravine. The impacts upon adjacent properties are negligible. Any identified additional impacts determined through the approval process can be mitigated and codified through the Zoning and Land Use Agreement.
13. Assuming a maximum of 15 day-programing residents, and 12 employees at full shift, the total number of anticipated daily vehicles will be minimal to the site, and much less than what would be expected for other permitted or conditional uses allowed under the current zoning.
14. Because this is a rezoning, the Township has more authority to require natural feature preservation and maintenance than could be accomplished through a by-right site plan.
15. The applicant is not seeking approval of all uses listed in those the applicable categories, rather they have agreed to limit the uses of the site.

16. The type and intensity of use will not exceed the capacity of existing public services and the applicant is providing necessary onsite private infrastructure to accommodate use.
17. The proposed Area Plan greatly maintains the site in its current state and layout. The proposed site improvements are on areas of the site that have been altered already and will not significantly impact natural features.
18. The applicant has agreed to place up to 55 to 60 acres in a conservation easement that will protect the sites wetlands, forests, and green spaces that comprise the scenic character and ecosystem of the Township. The 55 to 60 acres account for 71 to 77% of the site.
19. The conservation easement will permanently protect these natural features in a manner that protects the property rights of adjacent landowners.
20. The Area Plan maintains the natural landscape buffer along Dixboro Road, so there will be no visual impact from a public road.
21. The applicant is employing the land use and development techniques identified in the Master Plan to maintain and preserve the site's natural features including the existing woodlands, creek, wetlands, and steep slopes.
22. By making minimal additional development to the site and maintaining the site's natural features, the applicant is maintaining the rural and natural character of the site.
23. The potential impact with regards to impact upon natural features, is less than what would occur if the site were to develop as a conventional A2, Agricultural district subdivision development.

NOW THEREFORE BE IT RESOLVED that the Superior Township Planning Commission recommends that the Superior Township Board of Trustees approve the Garretts Space Area Plan petition to rezone seven (7) parcels from A2-Agriculture District to PC, Planned Community Special District with the condition that the Zoning and Land Use Agreement and the provision of the Conservation Easement, subject to Township Attorney review, is a condition of approval of adoption of the Area Plan petition; and

BE IT FURTHER RESOLVED that the Superior Township Planning Commission transmits the Rezoning Review dated April 19, 2023 as the Planning Commission's report on this application.