

**NORTHFIELD TOWNSHIP
Township Board Joint Meeting
with the Planning Commission
Minutes
March 25, 2014**

CALL TO ORDER

The meeting was called to order at 7:03 P.M. by Supervisor Engstrom at 8350 Main Street.

ROLL CALL

Township Board:

Marilyn Engstrom, Supervisor	Present
Shelle Manning, Clerk	Absent with notice
Kathy Braun, Treasurer	Present
Janet Chick, Trustee	Present
Wayne Dockett, Trustee	Present
Jacki Otto, Trustee	Present
Tracy Thomas, Trustee	Present

Planning Commission:

Janet Chick	Present
Marlene Chockley	Present
Brad Cousino	Absent with notice
Andrea Darden	Present
Kenneth Dignan	Present
Sam Jaquinto	Present
Larry Roman?	Absent with notice

Also present:

Township Manager Howard Fink
Township Planner Douglas Lewan, Carlisle-Wortman
Recording Secretary Lisa Lemble
Members of the community

ADOPT AGENDA

Otto asked that the discussion of New Residential Construction Development be moved to be part of the "Other" discussion between the Board and Planning Commission.

- ▶ **Motion:** Engstrom moved, Thomas supported, that the agenda be adopted as amended.
Motion carried 6—1 on a voice vote.

FIRST CALL TO THE PUBLIC

Mary Devlin, 9211 Brookside, applauded the Whitmore Lake High School musical production during the prior weekend.

Kathy Nieman, 9355 Earhart Road, said if the requirement for posting of signage for certain requests is eliminated from Section 63.05 it should be added under the Public

Hearings section. She added that references to Public Act 110 currently in the zoning ordinance should be updated to reflect a change in State law.

David Perry, 9411 Earhart Road, spoke in favor of maintaining the current system of the Township Board making final decisions on conditional use permits (CUPs), rather than returning that power to the Planning Commission. He recalled that a CUP he opposed was recommended for approval last year by the Planning Commission, but was then denied by the Township Board.

BOARD OF TRUSTEES DISCUSSION ITEMS

1.

Presentation of Civic Event Applications

a. *Vendors on Main Street (formerly Meet on Main)*. Jeffrey Vega said the American Dream Project is a non-profit organization formed to promote the community. He distributed copies of the *Whitmore Lake Gazette* being published by the organization, and he said this contains no advertisements, opinions, or politics, rather it only promotes positive things in the community.

He said he has met with Fink and Chief Wagner concerning the Vendors on Main proposal. Dockett asked that Vega specify when signing Township documents that he is Jeffrey Vega, Sr.

b. *Freedom Festival—July 5 & 6*. Jeffrey Vega said Independence Day falls on Friday this year, so they would like to have additional events on the weekend following it including car show and concert at 76 Barker Road on Saturday, and another concert on Sunday. He said he also reviewed plans for this with Fink and Chief Wagner.

In answer to a question from Otto, Vega said they will be applying for a liquor license and this will be covered by a separate insurance rider. Dockett thanked Vega for doing these things for the Township. Chick said these are great ideas. Vega said many other people are involved in planning these projects.

2.

New Residential Construction Development

Moved to "Other" under Planning Commission Discussion Items.

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PLANNING COMMISSION DISCUSSION ITEMS

1.

Planning Commission Annual Report

Chockley briefly reviewed her written report. She called for questions; there were none. She also distributed a list of all projects worked on by the Commission during the last year and a prioritized list of topics for the future.

2.

**Master Plan Amendment:
US-23/North Territorial**

Township Planner Douglas Lewan noted that Board members had been given copies of the proposed amendment, and he displayed a map showing the areas that are the subject of the proposal. He recalled that this grew out of a request for extension of the sewer system along Whitmore Lake Road south and west of US-23 and North Territorial. He said some of the land in this area is zoned agricultural whereas the area around the US-23 and Territorial intersection is designated in the Land Use Plan for mixed use development.

Lewan said the Commission studied the area and concluded that the future land use of the those properties along Whitmore Lake Road should be redesignated to allow a wider variety of uses. He noted that that the statutory review period of the proposal by neighboring communities will end on April 2nd and a public hearing before the Planning Commission has been scheduled for April 17th.

He said the designations Mixed Use North and Mixed Use South were created to allow for separate lists of appropriate uses for the downtown area and the US-23/Territorial areas respectively. He said the intent is to open up these areas to more potential uses. He said if this master plan is adopted it is likely that an overlay district or new zoning district for the US-23/Territorial area will be developed.

Dockett said his pawn shop has been on Main Street since 1970 and the zoning of it was changed by the Township at some point. He asked whether the Township has the legal right to change the zoning of private property. Lewan explained that in the planning and zoning process the planning is generally done first, then the zoning is initiated because that process is most legally defensible. He said the Township may initiate rezoning of property, and that is done by notifying the property owner and surrounding property owners (to a distance of 600 feet in Northfield Township). He said public hearings are then held before the Planning Commission and Township Board. He also noted that State law allows citizens to petition to put a referendum on a ballot if they disagree with a rezoning.

Dockett said he does not think it is right that someone's property can be rezoned without their permission. In answer to another question from Dockett, Lewan said he is

not an assessor, so he cannot say how any rezoning would affect someone's taxes. He noted there is still plenty of time for public input on this Master Plan amendment.

In answer to another question from Dockett, Lewan said the purpose of this proposal is to expand options for use of properties rather than restricting uses, but in general, under State law if a property is rezoned the existing use can continue even if it is not allowed in the new district.

3.

Capital Improvements Plan (CIP)

Planning Consultant Douglas Lewan recalled that in May of 2013 the Township Board adopted the Township's first Capital Improvements Plan (CIP). He said the purpose is to plan for large-cost projects over the next five years to help the Township budget for them. He noted that projects listed have a minimum cost of \$10,000, and Fire, Police, Senior Center, Wastewater Treatment, and Parks & Recreation projects were all considered in preparing that plan.

He noted that the plan is supposed to be updated each year, and things that are definitely capital improvements include buildings, land purchases, street projects, sidewalks, and street lights. He added that fire trucks, police radios, minor building remodeling, and playgrounds are examples of things that might be capital improvements.

Lewan said the initial plan involved a lot of work on the part of the Commission and department heads, but the updates will be much easier to complete. He said Board input is desired and asked them to consider capital projects in the next five years to include. He noted that this document is not a budget.

In answer to a question from Iaquinto, Lewan said matching funds required for a grant application would appropriately be included in the CIP.

Fink said he is interested in how to better integrate the process. He said it is nice to have the Planning Commission working on this as an independent body, but from a practical standpoint the discussions about spending happen between department heads and the Board. Lewan said the priorities in the current plan were developed by department heads. He added that this is a planning document, and State law allows the Township Board to take over this project, although in most communities it is prepared by the Planning Commission.

4.

Sewer Special Assessment District (SAD)

Fink said the Township is in the process of obtaining permits for the Whitmore Lake Road area sewer special assessment district (SAD) to make sure any issues that might come up are dealt with. He said Tetra Tech is in the process of identifying grinder pump locations and

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obtaining easements. He said advertising for construction bids will probably be done in the next few months which will provide real cost figures, but he would expect construction would not begin until next year. He noted preliminary estimates indicate lower costs than expected.

Fink said a few land owners are not happy with the district and they have been refusing to communicate about issues such as easements. He said it is likely some of those owners will be challenging the district, although the vast majority of property owners are in favor of the project. He said the process must continue and legal counsel will provide information as needed.

Chockley said once the master plan amendment is adopted the property owners may begin to see the value of the project. Lewan added that without the sewer district even allowed uses in the area would not have been possible, and the amendment to the Master Plan includes the caveat that some of the new allowed uses will be permitted only if sewer service is available.

5.

Review of Recent Zoning Ordinance Amendments

Lewan explained that the Planning Commission has been systematically reviewing the zoning ordinance and updating it where necessary to comply with new State law. He said the Commission is currently proposing changes to the SR-1, SR-2, and MR districts and associated definitions for day care homes and foster care homes.

He said an issue that might lead to more discussion is elimination of the requirement that applicants post signage for rezoning and conditional use permit (CUP) requests. He said the Planning Commission wants to keep this requirement, but he recommends that it be included in a single public hearing section of the ordinance, rather than having public hearing requirements included in several sections of the ordinance. He noted that posting of signage is not required by State law and Northfield Township requires mailing of notices of rezoning and CUP requests to property owners within 600 feet of the subject property rather than the 300 feet required by State law.

In answer to a question from Dockett, Lewan said notices for variance requests are sent to property owners only within 300 feet. He said that requirement had been changed to 600 feet at one point, but since most variances are requested for small lots around the lakes it became a cumbersome, expensive, and unnecessary requirement.

In answer to a question from Otto, Lewan said a number of the recently proposed zoning ordinance changes have included elimination of the floor area ratio (FAR) requirement. He said the reasoning for this is that where height restrictions are low there is no need for an FAR limitation in addition to the lot area coverage limit. Dignan said there have been many cases where the only variance needed was for FAR.

Regarding the change to increase the allowed height of accessory structures, Lewan said the Commission felt there was no need to have a 15 foot height limitation.

6.

**Discussion of Approval of
Conditional Use Permits (CUPs)**

Lewan explained that a conditional use (CUP) is a discretionary use which can be denied by the Township, and he noted that each section of the zoning ordinance contains separate lists of allowed and conditional uses. He said there have been informal discussions about allowing CUPs to be approved by the Planning Commission as was the practice until about 10 years ago. He said under the State zoning enabling act CUPs may be reviewed and approved by (a) a specified individual, (b) the Planning Commission, or (c) the Township Board, and currently in Northfield Township the Planning Commission makes a recommendation and the final decision is made by the Township Board. He said if the Board wants to retain the right to make these decisions the Commission will not consider it further.

Dockett said he does not feel qualified to make decisions on planning issues, so he would be in favor of the Planning Commission being the deciding body. In answer to a question from Thomas, Lewan said whether the Commission recommends approval or denial, the request must still be sent to the Board for final disposition.

Chockley said the Planning Commission considers CUP requests seriously because CUPs granted run with the land. She said most Planning Commissioners have extensive planning training, and having the decision made at that level can remove a lot of politics from the decision. Otto said she feels it is a cop out for Board members to say they do not have the necessary expertise to make a decision. She said it is their responsibility to educate themselves about issues. Regarding the issue of politics, Otto said there are checks and balances in all facets of Township government, and it is no different with planning issues.

Chick said the Planning Commission would certainly like Board members to be fully informed about all planning issues, but in reality they are not, rather they just receive documents to consider in making decisions. She said the Board of Trustees are elected, but Commissioners are appointed by those Board members, and Commissioners do their due diligence and are representative of the public at large in their experience and the geographical distribution of where they live. Referring to another comment by Chick, Otto said the decisions regarding rezonings and variances are final because that is based in State statute.

Dignan said although Planning Commissioners may spend dozens of hours on a single CUP request, he does not expect that Board members will have the time to do that. He said Commissioners also depend on input from experts. He said he understands why the Township Board took this responsibility for itself and it is an interesting

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discussion to have. Otto said it has been about 10 years since the final decision on CUPs was taken on by the Board and it has been working.

Thomas asked if the Planning Commission is unified in wanting this responsibility. Iaquinto said it is, which is why the discussion is being brought to the Board. Thomas said the Board certainly should not have the role of reviewing site plans, but he thinks when it comes to the issue of deciding uses of either body is capable.

In answer to a question from Engstrom, Dignan said the Grand Sakwa case involved a rezoning which by State statute had to be decided by the Township Board. In answer to another question from Engstrom, Lewan said site plans currently do not come to the Township Board for approval, but State law would allow that to happen. Fink noted that in the CUP request by D&G Landscaping which was referenced by members of the public the issue being decided was the CUP, not the site plan.

Fink said this is a policy consideration, and the pros and cons have clearly been discussed. In answer to a question from Fink, Lewan said the Township currently requires a preliminary site plan as part of a CUP submittal, but if the Township Board would like to have more information at the time it considers a CUP those requirements could be included in the ordinance. Iaquinto said he would be concerned about doing that because requiring a lot more information would result in the applicant incurring considerable cost without knowing whether their requested use would be allowed. Thomas said should not happen.

Thomas said he would like to see this put on an agenda along with a list of pros and cons, and he said he would also like the D&G request to be forgotten because it is not a good idea to make policy based on a single past decision.

Lewan said he understands that Fink was not suggesting that full engineering plans be submitted as part of a CUP proposal. He said, however, that the site plan review process is very open-ended, and if the Board thinks having a land use plan would help it make a decision about a CUP, either the Planning Commission or the Board may ask for that information as part of the CUP process. Fink said the types of things he was thinking would help the Board make a decision about a CUP are usually already submitted at that point.

Chick said the discussion about whether the Commission or Board should make this decision started before the D&G application was made. Darden said she was not on the Planning Commission when the D&G proposal was considered, and from her point of view the reason to have the Planning Commission make these decisions is that it has more time to consider them.

Chockley said she appreciates that Thomas served on the Planning Commission for a long time and brings that experience to the Board, and that the entire Board is a good group for the Commission to work with.

It was agreed to put this on a future Township Board workshop agenda for further consideration. Fink said he will work with Lewan on preparing a document listing the pros and cons and other information.

**7.
Planning Initiatives Desired by Township Board**

Chockley referred to the list of projects the Planning Commission is considering. She noted that many of these projects have originated outside the Commission (from the DDA, Board, ZBA, etc.), and the Commission is also interested in hearing from residents. She quickly reviewed the list, and made comments, including:

- The Commission will continue to work on revising the zoning ordinance.
- There has been a lot of interest in bike paths and trails for safe walking and exercise. She said this is something the Parks & Recreation Board should also work on. Thomas said it would be a good idea to have a Planning Commission representative on the Parks & Recreation Board. It was agreed to do this at the next Commission meeting. Dignan suggested possible routes for connecting people to the downtown area more easily.
- Studying traffic flow downtown and parking issues have been discussed for a long time, and these should probably be done in concert with the DDA.
- The lack of a municipal water supply has been brought up from time-to-time as being a possible hindrance to commercial development. Fink said the problem with something like this is always how it will be paid for, but it is correctly a topic of joint discussion between the Planning Commission and Township Board. He questioned whether easements could be obtained as new developments come in for future water line placement.

In answer to a question from Chick, Lewan said lack of sewer is a much larger impediment to development than lack of water as long as well water is available. He said it still can be an impediment, however, and it is a firefighting issue. He said this is currently an issue in another community he works with, specifically regarding building codes, and when the study they are doing is complete he will share the results with Northfield Township.

Dockett said a municipal water supply would be too expensive and water is readily available.

- Regarding solar and wind energy systems, Chockley questioned whether the Township has the ability to eliminate or abate taxes on these improvements. She said if they are taxed at the cost of their installation it would negate the savings realized in lowered energy costs. Fink said these systems are considered personal property in Michigan, and abatement can be

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granted but only in commercial situations. He said this deserves some creative research. He said he is not an assessor, but the value of a property would increase with improvements of this type.

Dignan said on the contrary he sees these as a utility—such as a TV antenna—so he does not see how it would be taxable.

Lewan noted that at the Commission’s April 2nd meeting he will be presenting a site plan review workshop for Commissioners. He said Board members and the public are welcome to attend. He said his firm’s retainer agreement includes an annual training of this type. Dignan said he will invite ZBA members to this as well.

Regarding the issue of new residential developments, Otto said Shadowood Farm cannot create a special assessment district (SAD) for maintenance of their roads because the streets are privately owned. She said how to pay to maintain the roads is a constant topic of concern for residents and she would like to see developments of these types prevented in the future. Lewan said in a condo or site condo development the roads can be public or private, and this is the choice of the developer. He said in Shadowood Farms the decision may have been made for design purposes or to save money.

Lewan said the Washtenaw County Road Commission is not accepting any new roads for maintenance because of severe budget constraints. Engstrom noted that in a similar development, Eagle Gardens, the County does plow the roads, but it does not have money for maintenance.

Otto noted it is good to see that Zoning Board of Appeals issues are being addressed by the Planning Commission.

SECOND CALL TO THE PUBLIC

CUP Approval by Commission or Board. David Perry, 9411 Earhart Road, said the case of D&G cannot be set aside when considering the issue of whether the Board or

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

Wording removed is ~~stricken through~~;
Wording added is underlined.

Adopted on _____, 2014.

Planning Commission should make the final decision on conditional use permit (CUP) applications. He said the Township Board as the elected representatives should make these decisions. Kathy Nieman, 9355 Earhart Road, agreed.

Nieman also said the signage requirement for rezonings should not be removed until a requirement for such signs is included in the overall public hearings section of the zoning ordinance.

BOARD MEMBER COMMENTS

- Chockley agreed with Kathy Nieman that the requirement for signage for rezoning requests should not be removed from the zoning ordinance until a requirement such signs is included in the overall public hearings section. She said this will be discussed by the Commission.
- Chockley noted that the landscaping use that D&G is involved in is only allowed in AR zoning, so perhaps the ordinance should be changed to allow those uses in a light industrial district.
- Board members and Planning Commissioners thanked each other for their input during the meeting.

ADJOURNMENT

- ▶ **Motion:** Engstrom moved, Chick supported, that the meeting be adjourned.
Motion carried 6—0 on a voice vote.

The meeting adjourned at 9:34P.M.

Marlene Chockley, Chair

Kenneth Dignan, Secretary

Official minutes of all meetings are available on the Township’s website at http://twp-northfield.org/boards/planning_commission/Minutes