

NORTHFIELD TOWNSHIP PLANNING COMMISSION Minutes of Regular Meeting August 6, 2014

1. CALL TO ORDER

The meeting was called to order by Chair Marlene Chockley at 7:05 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Roll call:

Janet Chick	Present
Marlene Chockley	Present
Brad Cousino	Absent with notice
Kenneth Dignan	Present
Sam Iaquinto	Present
Larry Roman	Present

Also present:

Township Manager Howard Fink
Planning Consultant Douglas Lewan,
Carlisle/Wortman Associates
Recording Secretary Lisa Lemble
Members of the Community

4. APPROVAL OF AGENDA

- **Motion:** Roman moved, Iaquinto supported, that the agenda be adopted as presented.

Motion carried 5—0 on a voice vote.

5. FIRST CALL TO THE PUBLIC

Biltmore Development Request for Master Plan Amendment. Sandra Klump, 9474 Lake Point Drive, said the issues currently facing the Township—annexation of the school district and potential growth—are related. She said she supports growth to support the school district and the downtown, and she urged approval of the Biltmore request.

Ed Wojtys, 6235 Hellner Road, said Commission actions can be precedent setting. He said the master plan was developed at great expense after a lengthy process involving community input, and if the Commission intends to change it he hopes the same process is used. He said without that every developer who makes a similar request will expect the same treatment. He said Ann Arbor Township has been sued 12 times in the last decade and they won every time because they followed their master plan. He thanked Commissioners for everything they do.

Kathy Fulkerson, 4090 Six Mile Road, said she is concerned that Biltmore has nothing invested in the

Township. She said this development would affect roads, bridges, and traffic which are already very bad, and she asked how improvements will be funded. She asked how water and sewer will be provided.

Craig Warburton, 450 West Joy Road, said this request is actually a zoning request because it is site specific, and the developer's statement that they want to work out a plan with the Township's input will make the Township complicit in the plans and, therefore, less able to deny the plans. He read a statement in the Master Plan which indicates the plan is a guiding tool as members of the Commission and Township Board change.

Kitty Burkhart, 6187 Nollar Road, supported the statements made by Wojtys. She said the Master Plan is the plan for the Township, and it was developed with input from the community. She said land for medium density development is there, and the plan should be followed. She said residents have been very consistent in stating they do not want quarter acre lots throughout the Township because they like the rural feel. She said small businesses should be pursued to help support the Township. She said a plan that cost \$30,000 two years ago should not have to be significantly changed again.

Della DiPietro, 4690 Mulberry Woods, Treasurer of Ann Arbor Charter Township, said she represents the entire Ann Arbor Township Board, and they voted on July 21st to go on record to oppose the requested master plan amendment because of negative effects on their township. She said a farmland preservation program started in 2003 has preserved 1100 acres from future development, and much of that is literally across the Township line from this area. She said the Township Supervisor, Mike Moran, is out of town, but he would like an opportunity to speak with Township officials in more depth about the negative effects this proposal would have on Ann Arbor Township.

Dylan Matouski, 7912 Lakeshore Road, said his wife is a Whitmore Lake School District teacher. He said he believes in following the process, but also believes changes need to happen. He said small businesses are supported by local residents, and he asked the Commission to take the long view and think about the community in 15 years or longer.

Deborah Broomham, 4488 Seven Mile Road, said she was previously the Northfield Township zoning administrator. She said she supports the right to farm efforts, loves living in the country, and the Master Plan should be protected. She said the Biltmore request is a back door effort to get a rezoning, and their interest is in making money for themselves.

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Jewell Clair, 6400 Whitmore Lake Road, said she moved to the township in 1964, and the area is being used commercially already whether it is zoned for it or not, so she is in favor of the proposed development.

Laura Wojtys, 6235 Hellner Road, said she grew up here and as a policy student at the University of Michigan she values following the Master Plan. She said this proposal will destroy the character of the community that has been built.

Julia Henshaw, 4681 Six Mile Road, said she does not understand why the Township has been so quick to consider Biltmore's request. She asked the Commission to consider the other possibilities for the future of this area.

Leigh Knope, 5270 Earhart, said the community planning that built so much trust has degraded. She said the Township has lost its way and needs to regroup. She said all requests from developers need to be put on hold while the Township considers information from surrounding communities. She said with the Ann Arbor annexation of the Whitmore Lake Schools the Township will feel tremendous development pressure. She said townships are successful when they use their master plans in defense of lawsuits by developers.

Diane O'Brien, 3140 Seven Mile Road, said when she lived in Novi a similar development resulted in the citizens being stuck with the bills for supporting services and lawsuits. She questioned changing a Master Plan that was developed only two years ago simply because a developer wants it. She said if putting this to a referendum to allow the citizens to vote on it is needed she will work as hard as she can on that. She asked who will end up paying for this.

Judy Crooks, 500 West Northfield Church Road, cited examples of past generations not taking the steps necessary to preserve resources for future generations. She said organic farming, farmer's markets, and the healthy eating movement have been growing rapidly. She said she has seen urban areas change, and she asked Commissioners to think about the past decisions that have been made in the Township.

Amy Grambeau, 5165 Hellner, said she has lived in the Township for 30 years. She said the Master Plan is good and was worked on diligently by many people.

Carmen Stemple, 6599 Hellner Road, asked the Commission to hold to the Master Plan. She said she has lived here for 10 years and said she appreciates the Commissioners listening to comments.

Krystyna Kozak, 6449 Hellner Road, said this proposal would be a hornet's nest.

Jeannette McBrough?, 66 East Shore Drive, said she has lived here since 1999, after briefly living in Novi following moving from the Upper Peninsula. She said

Northfield Township reminded her family of the Upper Peninsula, they love it here, and not every community has to be like Belleville or Canton. She said she is concerned this proposal would bring in sprawl and thanked the Commissioners for listening.

Udo Huff, 6431 Whitmore Lake Road, said the people who have spoken are asking the Commissioners to respect the Master Plan. He said it seems like the proposed development may be a trap to get the sewer line extended down Whitmore Lake Road.

Mary Maliarik, 5894 Earhart Road, asked Commissioners to support the Master Plan. She recalled the Grand Sakwa development issue and said the issues are the same. She said the current Master Plan was developed after those concerns were raised, and if the plan is to be changed the same process used to develop it should be followed, but that would take years.

George Hansen, 6519 Linton Way, said he lives near the proposed development. He said the Master Plan has been thought out and should be followed. He said if the proposed development was a good idea it should have been taken into account in the Master Plan. He said US-23 will never be able to accommodate the traffic that Detroit suburbs experience, and that kind of pressure on the local infrastructure will wreak havoc on the area. He said the Whitmore Lake Road and Territorial intersection is a bottleneck and the County is not going to put the money into upgrading it.

Karl Walzer, 7696 Kearney Road, said he supports the Master Plan because it is needed to protect the Township and to make sure infrastructure is developed appropriately. He said this proposal will not help the downtown or the public schools. He said it will support Ann Arbor, and the focus needs to be shifted toward supporting the downtown.

Susan Wienckowski, 5558 Hellner Road, asked the Commission to support the Master Plan which was the result of thoughtful discussion and input from residents throughout the Township. She said it is a healing document that gave residents peace of mind, and it is disheartening to see feelings return from the time before the Master Plan was developed. She said hundreds of acres of land were changed from the minimum five acre lot designation to medium density, but the area in question is appropriately designated for agriculture and low density residential. She said the question is who decides how the Township is developed—the residents or developers. She said the Master Plan is supposed to prevent the need to have the same discussions again and again.

David Gordon, 5558 Hellner Road, said people he spoke with at the polls today said they like the Township the way it is and asked why this issue has to be revisited again. He said the easy, smart thing to do is to tell the developer that their proposal is a square peg that does not fit into the Master Plan's round hole and that there are areas in the Township designated

for the type of development they propose. He said it is better to be honest with the developer now. He recommended that the Township contact the Michigan Townships Association legal staff and ask whether they think allowing this change would weaken the Master Plan. He said it is the most democratic document in the Township and asked the Commission to defend it.

Robin Wojtys, 6235 Hellner Road, said she is not anti-development, but she supports the Master Plan because a lot of thought went into it. She said she hopes the Commissioners are listening to these comments.

Chockley said the Commission is still looking at this objectively and gathering information.

6. CORRESPONDENCE

Biltmore Development Request for Master Plan Amendment. Chockley noted she and other Commissioners have received many letters about this and they appreciate the public input.

US-23 Plans. Chockley reported the Michigan Department of Transportation (MDOT) will have a US-23 study update meeting on August 14th from 4:00 P.M. to 6:30 P.M. and the public is welcome to attend.

7. REPORTS

7A. Board of Trustees

Chick reported that on July 22nd the Board:

- Heard a presentation about the Downtown Development Authority (DDA) and resetting the TIF (Tax Increment Financing) area.
- A barking and leash ordinance was discussed.
- Discussed RFPs for the Barker Road non-motorized path. RFPs continue to be accepted and will be opened at the August 26th meeting.
- Accepted Andrea Darden's resignation from the Planning Commission. Letters of interest may be submitted until August 20th.

7B. ZBA

No meeting has been held since the last Planning Commission meeting.

7C. Staff Report

Nothing to report.

7D. Planning Consultant

Lewan reported the public hearing on the Nowatzke request is scheduled for August 20th.

8. PUBLIC HEARINGS

None.

9. OLD BUSINESS

9A. Article 51.0-RTM Research/Technology/Manufacturing. Chockley noted that the Township Board voted against accepting the changes proposed by the Planning Commission to Article 51.0 because it included the provision to allow places of worship with a conditional use permit. She said that provision has been removed from this draft. Lewan noted that the other changes to this Article amount to housekeeping and clarification.

Chockley said "general development plan" should be replaced with "Master Plan" throughout the document.

- ▶ **Motion:** Roman moved, Chick supported, that the Planning Commission recommend to the Northfield Township Board adoption of Article 51.0—RTM Research/Technology/ Manufacturing.

In answer to a question from Chick, Lewan said the uses listed in 51.03B would have to be accessory to a permitted use, such as a fitness center in a manufacturing plant. Dignan asked how fire and police services could be accessory to a use that is permitted in this district. Lewan said this is the existing language, and a large development might want a sheriff's substation, for instance. In answer to a question from Dignan, Lewan said all items listed in 51.03B are accessory uses

Dignan asked why a "data center," which is listed as an accessory use, should not be a permitted primary use. Lewan said that likely would be a permitted use per the definition for the district. He said it could be specifically listed as a permitted use, but he does not think it is necessary to do so.

Motion carried 3—2 on a roll call vote, Iaquinto and Dignan opposed.

9B. Mixed Use South District—Discussion

Lewan said this is the second phase of the changes made to the Whitmore Lake/North Territorial Area which was adopted by the Township Board in July. He referred to the outline of an ordinance he had prepared for the Commissioners to consider and made comments including:

- Setbacks of underlying zoning districts vary from 35 to 85 feet; 35 and 50 foot setbacks are recommended respectively for Whitmore Lake and North Territorial to slow traffic and reduce the visual dominance of parking lots. Iaquinto questioned whether this would be sufficient for future road widening, if necessary. Lewan said it should be, but he will check into this. In answer to a question from Chockley, Lewan said the setbacks along Jackson Road in Ann Arbor in the Wagner/Little Lake area are 35 feet.

- To help with the streetscape feel some ordinances allow up to half of the setback area to be used for parking in exchange for some kind of screen wall being installed. Dignan asked for addresses where this has been done so he can see what it looks like. Lewan said this is going to be done on the Sesil-Lincoln dealership site on Jackson Road in Ann Arbor.
- Cross access between businesses, safe and attractive pedestrian circulation, community design elements, and landscaping are addressed in design standards.
- Building design standards would include maximum setbacks, visible entrances, concealed HVAC equipment, etc.
- It is important to include language to allow standards to be waived in the case of very small changes to buildings.
- Land uses allowed within overlay districts are not bound by the underlying zoning districts. Subareas within the overlay district could be created to differentiate the uses allowed. In answer to a question from Iaquinto, Lewan said the Township may be interested in doing this, for instance, to emphasize certain types of uses on the two main road frontages.

In answer to a question from Chockley, Lewan said condominiums above commercial uses would definitely be something the Township would want to encourage, and that can be made clear.

Dignan asked if non-profit and for-profit hospitals could be treated differently in a zoning ordinance. Lewan said the planning issues would be the same for both, and zoning ordinances generally do not differentiate between businesses based on that status.

Lewan encouraged Commissioners to review the proposed list of permitted and conditional uses and provide him with comments.

10. NEW BUSINESS

10A. Discussion of Study Area for Possible Master Plan Amendment of the Southwest Sub-area.

Lewan explained no decision will be made at this meeting concerning changes to the Master Plan. He said residents who spoke during the Call to the Public were generally very knowledgeable about zoning and planning. He said any development can be accomplished through:

- Rezoning, such as from AR to SR1. This does not require submittal of plans, but the request has to be in conformance with the Master Plan because planning comes first and zoning comes second.

- Conditional Rezoning, in which a developer self-imposes restrictions that the Township agrees to. This has been allowed only since about 2007 in Michigan, and it would not allow the Township to impose restrictions. This is essentially contract zoning, but it does not allow increased density and must also comply with the Master Plan.
- Planned Unit Development (PUD), which is a rezoning to a specific site plan. This can be very specific, and while it may allow for a density bonus it still must comply with the Master Plan.
- Cluster or Open Space Development. This allows the developer to cluster homes on small lots leaving at least 50% open space. The density must remain the same except in the AR district where a 150% bonus is allowed where access is provided from a paved road.

Lewan said when the Board and Commission discussed the Biltmore request none of them said the request should not be explored, and while State Law requires that Master Plans be reviewed at least every five years there is nothing to prevent a Master Plan from being reviewed every year. He said traffic, sewer capacity, and financial impact to the community are all significant issues to be considered as part of this review.

He said rather than this being a “growth vs. no growth” issue he would like the Commission and Township Board to make a decision based on the best information available. He said this the project proposed by Biltmore would be a significant departure from the Master Plan adopted two years ago and it would have a significant impact on the Township. He said growth raises both positive and negative issues including community character and the issues he cited earlier.

Lewan said as directed he has started the formal process for making a Master Plan change, and the result could be no change or a major change. In answer to a question from Chockley, Lewan said the study area does not have to be determined before notices go out to surrounding communities.

Lewan said the issue before the Commission now is what the boundaries of the study area should be and he presented two options—one including all land between US-23 and Hellner Road (Study Area #1) and the other including only approximately the eastern half of that area (Study Area #2), both extending from the south Township boundary north to North Territorial, but excluding the mixed use area around North Territorial and US-23.

Roman and Chockley said they see no reason to consider the larger area. Iaquinto said it makes sense to look at the larger area now rather than having to consider it again in the future. Dignan said the Commission has frequently discussed the desire for the density of zoning to taper from high-to-low, and considering the larger area would allow that to be

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considered more comprehensively. Dignan said there have been many changes in the area that have made it more difficult to use land agriculturally—including the inability of parts of it to be drained and the price per acre—in this area and those things should be look at as part of this process.

Chick suggested looking at natural features to help define the area to be looked at.

- ▶ **Motion:** Chockley moved, Roman supported, that The Commission choose potential Study Area #2. **Motion carried 3—2 on a roll call vote, Iaquinto and Dignan opposed.**

Lewan referred to maps showing several possible outcomes of considering a change to the Master Plan:

- *No change.* He noted this would allow development under AR zoning. He said five acre development—while legally defensible—is not sound planning because it chews up open space, but the Cluster development option could be used to preserve 50% open space.
- *Medium Density Residential from the current Mixed Use South area south to Joy Road.* This would create a very different character for this part of the Township.
- *Medium Density Residential from the current Mixed Use South area south to Northfield Church Road,* with the area south of Northfield Church remaining designated for agricultural.
- *Low Density Residential from the current Mixed Use South area south to approximately the halfway point between Northfield Church and Joy Roads.* This would not require municipal sewer.

Lewan referred to the Natural Features map which designates large areas of the Biltmore site as having woodlands and forested wetlands. He also referred to the Bioreserves map showing much of the Biltmore site as “Medium Rank Bioreserves.”

He said after reviewing minutes of the joint Commission and Township Board meeting, minutes of the prior Commission meeting, and his own notes of public comments at those meetings, he noted that the issue of sewer capacity came up repeatedly. He said while it might be true that there would be sufficient capacity for the Biltmore development, he would be concerned about capacity for a buildout of a larger area. He said he would recommend that the developer pay for a study of that issue as well as a traffic study.

Lewan said he would also suggest that a Cost of Services or Fiscal Impact Study be undertaken by Biltmore. He said it is likely that a company of their size has done these kind of studies.

He noted that this is not a consideration of Biltmore's proposal, rather it is a study of a wide variety of available options for this area.

Dignan said a sewer study is important. Regarding a traffic study, he said he sees cars going around backups on M-14 by getting off on Whitmore Lake Road and using rural roads in the Township to drive west and north, and he does not think that can be addressed in a traffic study. In answer to a question from Chockley, Lewan said the County Health Department could probably provide information about the issue of aquifer recharge from this area.

Iaquinto agreed with Dignan's comments. Chick agreed the studies are needed.

- ▶ **Motion:** Chockley moved, Roman supported, that the three studies cited be requested from Biltmore, and that Lewan contact the Health Department about the issue of aquifers so the Planning Commission has all the information might need to make any decisions. **Motion carried 5—0 on a roll call vote.**

11. MINUTES

July 2, 2014, Regular Meeting

- ▶ **Motion:** Iaquinto moved, Dignan supported, that the minutes of the July 2, 2014, regular meeting be approved as presented, and to dispense with the reading. **Motion carried 5—0 on a voice vote.**

July 16, 2014, Joint Meeting with the Board of Trustees

Chockley made three corrections.

- ▶ **Motion:** Iaquinto moved, Chick supported, that the minutes of the July 16, 2014, joint meeting with the Board of Trustees be approved as corrected, and to dispense with the reading. **Motion carried 5—0 on a voice vote.**

12. POLICY REVIEW & DISCUSSION

A. Discussion of Potential Small PUD Condominium Development on Whitmore Lake. Postponed due to lack of time.

13. COMMENTS FROM THE COMMISSIONERS

Second Call to the Public.

- **Motion:** Iaquinto moved, Dignan supported, that comments during the Second Call to the Public be limited to one minute per person for the Planning Commission tonight.
Motion carried 5—0 on a voice vote.

Conditional Uses. Dignan said after watching the hearing on the Nowatzke application he would like a clarification of whether conditional use permits (CUPs) go with the land or expire at some point.

Master Plan. Chick thanked Lewan for an excellent presentation on Master Plan issues.

14. SECOND CALL TO THE PUBLIC

Biltmore Development Request for Master Plan Amendment. David Gordon, 5558 Hellner Road, said 60 seconds is a very short period of time to allow for the public to speak, and it is insulting after people waited through a long meeting.

He said asking the developer to provide the three studies because it is like asking the fox to watch the hen house and suggested that the Township commission the studies to be paid for by the developer. He also said no vote was taken at the joint meeting with the Township Board to have this process move forward.

Craig Warburton, 450 West Joy Road, said the Commission acts with the decorum and parliamentary procedure of a Cub Scout den. He said no vote to engage in the Master Plan process was made by the Commission or the Board.

Udo Huff, 6431 Whitmore Lake Road, said it is strange to him that the Board and Commission did not make a

motion at their joint meeting about this. He commented on the issue of sewer service in this area.

Mike Jones asked if the proposed development of 500 homes at Warren and Nixon Roads and additional homes at Dhu Varren and Nixon have been taken into consideration for traffic impact and other studies.

Lewan noted that on June 4th the Planning Commission voted unanimously to authorize his firm to begin the Master Plan review process. He added that he specifically asked the Township Board about this at the joint meeting with the Commission to confirm their interest in doing this.

Thomas Zelenock, 1440 Six Mile Road, said he is glad that it was clarified that this entire process is being undertaken at the request of a developer, which opens the Township up to tremendous liability.

Dignan said the development proposed for the intersection of Nixon and Dhu Varren Roads is currently in Ann Arbor Township which is advocating that the area be annexed by the City of Ann Arbor to allow the development. He said that is hypocritical. Chockley said an agreement was made a long time ago that anything inside the interstate ring would eventually be annexed by the City.

15. ANNOUNCEMENT OF NEXT MEETING

August 20, 2014, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location.

16. ADJOURNMENT

- **Motion:** Iaquinto moved, Dignan supported, that the meeting be adjourned.
Motion carried 5—0 on a voice vote.

The meeting was adjourned at 10:13 P.M.

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 August 20, 2014.

Marlene Chockley, Chair

Kenneth Dignan, Secretary

Official minutes of all meetings are available on the Township's website at <http://www.twp-northfield.org/government/>