

**NORTHFIELD TOWNSHIP PLANNING COMMISSION
NOTICE OF REGULAR MEETING
December 4, 2013 at 7:00 p.m.
Second Floor, Public Safety Building
8350 Main Street, Whitmore Lake, MI 48189**

AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CALL TO THE PUBLIC**
6. **CORRESPONDENCE**
7. **REPORTS**
 - A. **Board of Trustees Report**
 - B. **ZBA**
 - C. **Staff Report**
 - D. **Planning Consultant Report**
8. **PUBLIC HEARINGS**
9. **OLD BUSINESS**
 - A. **U.S. 23 – North Territorial Interchange Study Area**
10. **NEW BUSINESS**
 - A. **2014 Planning Commission Calendar**
 - B. **Review of Planning Commission By-laws**
11. **MINUTES: November 6, 2013 Regular Meeting**
12. **POLICY REVIEW AND DISCUSSION**
13. **COMMENTS FROM THE COMMISSIONERS**
14. **CALL TO THE PUBLIC**
15. **ANNOUNCEMENT: Next Regular Meeting – December 20, 2013**
16. **ADJOURNMENT**

This notice is posted in compliance with PA 267 Of 1976 as amended (open meetings act) MCLA 41.7 2A (2) (3) and the Americans with Disabilities Act. (ADA) Individuals with disabilities requiring auxiliary aids or services should contact the Northfield Township Office, (734) 449-5000 seven days in advance.

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CARLISLE

WORTMAN
associates, inc.

605 S. Main Street, Ste. 1
Ann Arbor, MI 48104

(734) 662-2200
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MEMORANDUM

TO: Northfield Township Planning Commission

FROM: Douglas J. Lewan, Community Planner

DATE: November 27, 2013

RE: Whitmore Lake, N. Territorial Study Area

As we continue to refine our review of the Whitmore Lake, N. Territorial study area several items should be considered by the Planning Commission moving forward.

1. While the study area is quite large it should be made clear that most of this area will remain as planned. Our concentration will be on changes to the text and boundary of the MU Mixed Use area of the Master Plan. The current Master Plan outside of the MU area works well as a transitional area both east and west of the Whitmore Lake Corridor.


It is our plan to increase the MU area along both sides of Whitmore Lake Road to the south boundary of the study area. We will bring a large map Wednesday evening to depict this change and discuss any further refinement by the Planning Commission.

The increase in area in the MU designation will allow for more flexibility in development and may help to more fully utilize the sewer service area of the Township for uses other than simply light industrial. Please see our October 31, 2013 memorandum for a full explanation of the uses and corresponding zoning districts that are envisioned for the MU area.

2. In reviewing the overall study area we plan on moving the south border of the study area to the south. This will bring into the analysis properties that would be adjacent to the proposed sewer SAD.
3. We propose a re-write of the Mixed Use (MU) designation of the Master Plan to make sure we are including all of the uses that would be desirable within this part of the Township. Please review both the Master Plan as well as our memorandum of October 31 to go over the currently planned uses within this designation. Please consider the following:

- The development strategies for this part of the Township discuss a “corporate high tech jobs node” to help promote business growth, job creation, and tax base development. The proposed uses noted in the Master Plan should be tightened up to ensure we are getting what we are asking for.
- The master plan specifies that five (5) separate zoning designations would be appropriate for this area. While we do not want to reduce the flexibility of the MU designation we propose to add language that would encourage a more coordinated development concept with an emphasis on a “jobs node.” While commercial and residential uses may be acceptable within this area it would be preferable if they were part of a larger development scheme than stand alone uncoordinated districts and projects.
- It is recognized that this part of the Township is a special area with freeway access and an established commercial/industrial character. The decisions that the Township makes on permissible development will have long term effects on not only this intersection, but the entire Township.

At our meeting on Wednesday we should nail down the uses that we would like to see in this area as well as the final boundaries of the proposed changes. I will have both a map to finalize the proposed changes to the MU district as well as draft language for this district as well.



CARLISLE/WORTMAN ASSOC., INC.
Douglas J. Lewan, PCP, AICP
Principal

#271-02-1304

**NORTHFIELD TOWNSHIP
REGULAR MEETING SCHEDULE - 2014**

**PLANNING COMMISSION
1st and 3rd Wednesday of each month**

January 1 - cancelled
January 15
February 5
February 19
March 5
March 19
April 2
April 16
May 7
May 21
June 4
June 18

July 2
July 16
August 6
August 20
September 3
September 17
October 1
October 15
November 5
November 19
December 3
December 17

Adopted: December 4, 2013

All meetings will be held at 7:00 p.m. at the Northfield Township Public Safety Building,
8350 Main Street, 2nd Floor, Whitmore Lake, MI 48189



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MEMORANDUM

TO: Northfield Township Planning Commission


FROM: Douglas J. Lewan, Community Planner

DATE: November 27, 2013

RE: Planning Commission Bylaws

Find attached the Bylaws for the Township Planning Commission. In preparation for our discussion Wednesday evening we made a number of changes to the document for your consideration. Most of the changes are based on current state law (P.A. 33 Michigan Municipal Planning Act). I have also identified some of the headings that require review of the entire Planning Commission.

Please take a look at the changes proposed and if you have any questions please give me a call prior to Wednesday.



CARLISLE/WORTMAN ASSOC., INC.
Douglas J. Lewan, PCP, AICP
Principal

Copy: file.

Planning Commission By-Laws

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STATEMENT OF BY-LAWS

Northfield Township Planning Commission

ARTICLE I - PREAMBLE

SECTION 1.1 - BASIS:

Pursuant to ~~Township Planning Commission Act 168 of Public Acts of 1959~~ the Michigan Planning Enabling Act 33 of 2008, as amended. The Northfield Township Board created the Northfield Township Planning Commission by resolution, with the power to make, adopt, Extend, add to, or otherwise amend, and to carry out plans for the unincorporated portions of Northfield Township.

SECTION 1.2 - TITLE:

The official title of this Commission shall be the "Northfield Township Planning Commission."

ARTICLE II - AREA

SECTION 2.1 - AREA:

The area served by the Northfield Township Planning Commission shall include all lands legally within the present or future boundaries of Northfield Township.

ARTICLE III - PURPOSES

SECTION 3.1 - PURPOSES:

The purposes of the Commission shall be to:

- A. Promote and carry out policy and physical planning actions regarding the preservation, protection, and appropriate use of the township's resources.

- B. Manage suitable development of the economic, social, physical, natural, and cultural resources of Northfield Township.
- C. Promote and protect public health, safety and general welfare of the people residing in Northfield Township
- D. Encourage use of township resources in accordance with their character and adaptability.
- E. Prepare a basie-master plan pursuant to Act 168-33 of the Public Acts of 19592008, as amended, for the purpose of guiding the physical development of Northfield Township.
- F. Carry out research and responsibilities as directed by the Township Board.
- G. Promote cooperation between governmental units and private agencies towards the fulfillment of these bylaws.
- H. Avoid the overcrowding of land by buildings or people.
- I. Lessen congestion on public roads and streets.
- J. Facilitate provision for a system of transportation, sewage disposal, safe and adequate water supply, recreation and other public improvements.
- K. Effect economies in the Township through the recommendation of expenditure of funds in order to implement plans prepared for sound and orderly development of the Township.
- L. Consider the character of the Township and its suitability for particular uses judged in terms of such factors as the suitability of the land and the trends in land use and population developments.
- M. Implement the "planned and orderly growth" of the Township by officially adopting a basie-master plan to guide the physical development of the Township
- N. Promote the adoption and execution of plans by the Township, School Districts, County, State, Federal and other governments and agencies responsible for making public or influencing other improvements in the Township.
- O. Encourage and assist public and private agencies in improving the attractiveness of the Township,
- P. Preserve and protect fragile lands, natural features, water resources, and the environmental safety of Northfield Township.

ARTICLE IV -RESPONSIBILITIES AND DUTIES

SECTION 4.1 - ADOPTION OF A LAND-USEMASTER PLAN

The Planning Commission shall make and adopt a basie-master plan, pursuant to statute, as a guide for the management of the unincorporated portions of the Township. The contents of the plan shall include maps, plats, charts and descriptive, explanatory and other related matters and shall show recommendations for the physical development of the Township.

SECTION 4.2 - THE CONTENTS OF THE PLAN MAY INCLUDE:

- A. A statement of community goals and policies.
- B. A land use plan and implementation program.
- C. Recommendations as to the general location, character, and extent of traffic ways, waterways, flood prevention works, and sewer and water systems, and public utilities and structures.
- D. Recommendations as to the redevelopment or rehabilitation of blighted districts.
- E. Recommendations for the removal, widening, narrowing, vacating, abandonment, changes or use of extension of ways, grounds, open spaces, buildings, utilities or other facilities.
- F. Recommendations for the protection of important natural features, resources and fragile lands.
- G. Recommendations for implementing any of the Planning Commission's proposals.

SECTION 4.3 - REVIEW OF THE LAND-USEMASTER PLAN

The Planning Commission shall formally review the adopted Land-UseMaster Plan every five (5) years and shall take action by resolution to make amendments of the plan in whole or in part, or may determine as a result of its review that no amendments are in order as a result of the review.

SECTION 4.4 - AMENDMENT OF LAND-USEMASTER PLAN

Any amendment to the Land-UseMaster Plan must include notice, publishing or posting of text, public hearing, and must be adopted pursuant to statute.

SECTION 4.5 - PUBLIC WORKS REVIEW -(REVIEW SECTION)

After the Commission has adopted a plan then no public works shall be constructed until they are submitted to and approved by the Commission. However, disapproval can be overruled by a majority vote of the Township Board, or other body having jurisdiction contemplating particular public works. If no report from the Commission is made within 60 days of application, the proposed public work shall be considered approved, unless overruled by the Township Board at the next regularly scheduled meeting that may be convened for such purpose.

SECTION 4.6 - REVIEW PUBLIC DIRECTIVES (REVIEW SECTION)

Review and make recommendations to The Township Board on those directives of federal, state, and local public agencies that affect the physical development of the community. Examples of activities with which directives may deal are highways, airports, schools, public transit, urban renewal and housing, parks, public buildings and structures, commercial and industrial developments, utilities, and all other public facilities or services.

SECTION 4.7 - CAPITAL IMPROVEMENT PLAN

Assist the local governmental unit in preparing a public works capital improvement plan, based upon the land use plan, which defines all "project type" public needs, estimated cost, and the proposed method of financing.

SECTION 4.8 - ZONING ORDINANCE

Prepare a zoning ordinance to be submitted for adoption to the Township Board and/or review and make recommendations on all amendments or changes to be made in the zoning maps or the regulations of a zoning ordinance. It shall be the responsibility of the Planning Commission to review and make recommendations on special types of development permitted under the zoning ordinance, ~~such as site plan review, planned unit developments, condominiums, special housing projects, shopping centers, industrial parks, medical centers, educational centers, and others.~~

SECTION 4.9 - SUBDIVISION REGULATIONS

Prepare subdivision (plat) regulations to be submitted for adoption by the Township Board; review, make recommendations, and participate in the approval or disapproval of all subdivision plats, street openings and other developments which involve expansion of the community's developed area.

SECTION 4.10 - SPECIAL STUDIES

Initiate or make special studies and reports on all matters that may be referred by the Township Board, by an operating department, federal or state agency, subject to the approval of the Township Board.

SECTION 4.11 - INQUIRIES

Make inquiries, investigations and surveys of all the resources of the Township.

SECTION 4.12 - ASSEMBLE DATA

To assemble and analyze data and formulate plans for the proper conservation and uses of all resources; including a determination of lands having various use potentials, and for services, facilities and utilities required to equip such lands.

SECTION 4.13 - CONSULT

In the adoption of a ~~Land-Use~~Master Plan, the Planning Commission shall consult with representatives of the adjacent Townships, Washtenaw County ~~Planning Commissions~~, and ~~incorporated municipalities within Township and with~~ the regional Planning Commission (SEMCOG).

On other issues of Township concern, the Commission may consult with adjacent communities.

SECTION 4.14 - ADOPT RULES

The Planning Commission shall adopt rules and regulations for the transaction of its business. The regulations may address but are not limited to such matters as forms and number of copies of material to be submitted to the Commission and requirements as to time such materials must be submitted.

Such regulations shall be adopted by resolution of the Commission and shall be published and readily available to all citizens having business before the Commission.

SECTION 4.15 - APPOINTMENT:

The Commission may appoint and authorize advisory committees whose members may consist of governmental officials and individuals whose experience, training and interest in the Commission's work qualifies them to lend valuable assistance to the Commission. The Commission may also appoint various committees of citizens to collect information and prepare reports to the Commission on the various phases of the comprehensive planning program for which the Commission is primarily responsible.

ARTICLE V - MEMBERSHIP

SECTION 5.1 - NUMBER:

The Northfield Township Planning Commission shall consist of ~~not less than five or more than nine~~5, 7, or 9 members, who shall be qualified electors of Northfield Township except that 1 member may be an individual who is not a qualified elector of the Township. Members shall be representative of important segments of the community, such as the economic governmental, educational, and social development, as well as the entire geography of the Township to the extent practicable. One member of the Township Board shall be a member of the Planning Commission. One member of the Planning Commission shall be appointed to the Zoning Board of Appeals.

SECTION 5.2 - APPOINTMENT:

All members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board. ~~Members may be removed by the Township Supervisor after a hearing with the approval of the Township Board.~~The Township Board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

SECTION 5.3 - TERM:

The term of each member shall be for three (3) years, except that of the members first appointed; one-third (1/3) shall serve one (1) year, one-third (1/3) shall serve two (2) years and one-third (1/3) shall serve three (3) years. The term of the member of the Township Board shall expire with his or her elected term.

SECTION 5.4 - SUCCESSION:

Each member shall serve until his/her term shall expire. Members may be re-appointed by the Township Supervisor with the approval of the Township Board. Vacancies resulting from resignation and/or removal shall be filled in the same manner and shall be appointed for the remainder of the term of the resigning member.

SECTION 5.5 - COMPENSATION

- A. Planning Commissioners may be compensated as provided by the Township Board.
- B. Planning Commissioners may be compensated for travel expenses incurred as travel to conferences and meetings.

SECTION 5.6 - OPERATING FUNDS

- A. The Planning Commission shall prepare a budget at its regular meeting during the month of February, for transmittal to the Township Supervisor for consideration.
- B. Operating funds are provided annually by the Township Board.
- C. The Township Board may accept gifts and grants for Planning Commission purposes.

- D. It is the Chairperson's responsibility to properly manage-the Planning Commission's budget so as not to exceed the amount approved by the Township Board. The Planning Commission shall keep the Board advised of its financial activities and request an adjustment in the allocated amount if necessary.

SECTION 5.7 - COMMISSION EMPLOYEES

The Township Board may employ appropriate and other employees and/or contract for part-time or full-time service of individuals or firms to assist the Planning Commission in its responsibilities and duties.

ARTICLE VI - OFFICERS

SECTION 6.1 - SELECTION:

At the January meeting of each year, the Planning Commission shall elect from its membership a Chairperson, Vice Chairperson, Secretary and any other officers deemed necessary. All officers are eligible for re-election. The Township Supervisor shall not serve as Chairperson of the Planning Commission.

(Amended 03/17/99)

SECTION 6.2 -TERM:

The term of all officers shall be one year and each officer shall serve until re-elected or his/her successor shall have been elected.

SECTION 6.3 - ELECTION:

The chair, vice chair and secretary shall be elected by a majority vote of the membership of the Commission present at the time of election.

ARTICLE VII - DUTIES OF OFFICERS

SECTION 7.1 - CHAIRPERSON:

The Chairperson shall be the chief executive officer of the Commission and shall preside at all meetings of the Commission. The Chairperson shall appoint, with the approval of the Commission, all committees or advisory committees established and provided by the Commission and shall be an ex-officio member of all committees. The Chair shall have a vote on all resolutions as a commissioner. The Chair has no authority to sign contracts or legal documents authorized by the Commission, but shall refer such to the Township Board. The Chair shall also be responsible for such other duties as outlined herein.

SECTION 7.2 – VICE CHAIRPERSON:

In the event that the office of Chairperson becomes vacant by death, resignation or otherwise, the Vice Chairperson shall serve as Chairperson until a new Chairperson is elected. In the event of the absence of the Chairperson or inability to discharge the duties of that office, such duties shall, for the time being, devolve upon the Vice Chairperson.

SECTION 7.3 - SECRETARY:

The Secretary shall attend all meetings of the Commission and shall see to the safe keeping of the official minute books and records of the Commission. The Secretary shall be the facilitator for the receipt and transmission for all correspondence, notices and minutes pertaining to meetings and official acts of the Commission and such other duties as the Commission may direct including but not limited to:

- A. Signing all approved site plans.
- B. Signing and record approved minutes.
- C. Submitting attendance records of Planning Commission meetings to Township Clerk.
- D. Reading, upon request, correspondence at Planning Commission meetings.
- E. Calling and noticing special meetings, and
- F. Restating Planning Commission motions made prior to a vote.

In the event of the absence of both the chairperson and vice chairperson, such duties shall, for the time being, devolve upon the Secretary.

A recording secretary may be employed to record and prepare proposed meeting minutes. Compensation for the recording secretary shall be recommended by the Planning Commission and approved by the Township Board.

ARTICLE VIII - MEETINGS

SECTION 8.1 - REGULAR MEETINGS:

The regular meetings of the Commission shall be held on the first and third Wednesday of each calendar month, excluding legal holidays. (Amended 02/18/98)

A schedule of regular meetings for the forthcoming year will be determined during the December meeting. This schedule and time of meetings will be delivered to the Township Clerk and posted in general view of the public at the Township Hall.

SECTION 8.2 - AGENDA:

The Planning Commission shall establish deadlines for items to be included on the agenda. Unless proper notice is required or necessary, items may be added to the agenda upon the majority consent of the Commissioners present at a regular meeting. Agenda items shall be listed in order of those items closest to needing deadline action.

SECTION 8.3 - SPECIAL MEETINGS:

Special meetings may be held as required, subject to the call of the Chair or by two (2) members upon written request to the Secretary. Special meetings may be requested by members of the public by making application for said meeting with the Township Clerk. Notice of Special meetings shall be given by the Secretary to members of the Planning Commission at least forty-eight hours prior to such meeting and shall state the purpose and time of the meeting.

Agenda items that may be legally added without public notice may not be added at a special meeting unless all Commissioners are present and unanimously approve an addition to the agenda.

SECTION 8.4 - WORKSHOP MEETINGS

Workshop meetings for the purpose of performing Commission studies or preparing planning reports or documents may be called at the request of the Chairperson or any three members of the Planning Commission. No formal action by motion or resolution may be voted upon at a workshop meeting.

SECTION 8.5 - PUBLIC

All regular, workshop, and special meetings shall be open to the public. All meetings of the Planning Commission, hearings, records and accounts, are subject to the Open Meetings Act and shall be properly publicized prior to being held.

SECTION 8.6 - QUORUM:

A majority of the total number of members shall constitute a quorum for the, transaction of business and the taking of official action for all matters., A majority vote of members present, at a regular or special meeting, may effectuate an action or a decision of the Planning Commission in all other matters of business.

Whenever a quorum is not present at a regular or special meeting, those present may adjourn the meeting to another day or hold an informal discussion for the purpose of considering such matters as are on the agenda. No, action taken at such a meeting shall be final or official.

The affirmative vote of six members shall be necessary for the adoption of a comprehensive plan or any part thereof.

SECTION 8.7 - ORDER OF BUSINESS:

The order of business for regular and special meetings shall be:

- A. Call to order by the Chair.
- B. Pledge of Allegiance
- C. Roll call.
 - Determination of a quorum.
- D. Adoption of agenda.
- E. Call to Public
- F. Correspondence
- G. Public Hearings
- H. Reports of committees.
- I. Old business.
- J. New business.
- K. Approval of the minutes of the last preceding meeting.
- L. Comments From Commission
- M. Final Call to Public
- N. Adjournment.

SECTION 8.8 - MOTIONS

Motions shall be restated by the Secretary before a vote is taken. The name of the maker and the supporter of a motion shall be recorded for the minutes.

SECTION 8.9 VOTING

Voting on minutes, opening and closing of public hearings, election of officers, adoption of agenda, recess and adjournment shall be by voice and shall be recorded by yeas and nays, unless a roll call vote is requested by any member of the Commission. Roll call votes will be recorded on all other matters before the Commission. A member of the Planning Commission can only abstain from voting on a motion if he/she finds a conflict of interest on a motion. This can occur, only if a matter involves:

- A. Property the Commissioner owns leases or rents.
- B. Property owned by a Commissioner's relative or employer.

- C. A party with whom a Commissioner shares financial interests (such as partner, employer, lender, renter, investor); or
- D. A matter that would give rise to the appearance of impropriety.

Failure of a member to disclose a potential conflict of interest as noted above constitutes malfeasance in office.

SECTION 8.10 - NOTICE OF DECISION

A written notice containing the decision of the Planning Commission will be transmitted to petitioners and originators of a request for the Planning Commission to study an issue within the purview of the Commission. Such notice shall be transmitted by the Planning Commission Secretary.

SECTION 8.11 – ADJOURNMENT OF MEETING

Planning Commission meetings should adjourn no later than 10:00 pm. New agenda items shall not be taken up after 10:00 p.m., unless (A) an agenda item is approaching an ordinance deadline for Planning Commission action; or (B) Commissioners decide by majority vote to continue with one or more agenda items after 11:00 p.m.

ARTICLE IX -ANNUAL REPORT

SECTION 9.1 - ANNUAL REPORT:

The Commission shall make an annual report of its activities to the Northfield Township Board ~~prior to the annual meeting of the Township Electors~~ concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.

ARTICLE X - FISCAL YEAR

SECTION 10.1 - FISCAL YEAR:

The fiscal year of the Commission shall be the same as the fiscal year of the Northfield Township Board.

ARTICLE XI - AMENDMENTS

SECTION 11.1 - AMENDMENTS:

The rules of procedure, in whole or in part, may be altered, amended, added to or repealed by an affirmative vote of two-thirds of the Commission at any regular or special meeting provided that notice of proposed alterations, amendment or repeal shall be submitted by mail to an members of the Commission at least ~~fifteen~~ fifteen (15) days before the regular or special meeting of the Commission at which they are to be considered. Public notice of any proposed alteration, amendment or repeal shall be published in a newspaper of general circulation in the Township at least 15 days prior to the meeting at which they are to be considered. The notice shall either publish the text of the proposed change or advise the public of when and where the text may be inspected.

ARTICLE XII – PARLIAMENTARY PRACTICE

SECTION 12.1 - PARLIAMENTARY PRACTICE:

For meetings of the Commission and the advisory committees, the rules of parliamentary practice as set forth in "Roberts' Rules of Parliamentary Procedure" shall govern in all cases in which they are not inconsistent with the provisions of these bylaws and not contrary to any existing laws of the State of Michigan. Copies shall be provided to each Planning Commission member.

ARTICLE XIII - CITIZEN PARTICIPATION

SECTION 13.1 - CITIZEN PARTICIPATION

For meetings of the Commission and the advisory committees, any person shall be allowed to address the Commission on items unrelated to the adopted agenda or items scheduled for Commission discussion. Individual citizens shall be allotted three (3) minutes to speak on their own behalf. An individual citizen, recognized as representing an organization or group as their spokes person, shall be allotted five (5) minutes to address the Commission. Commission discussion of any raised issue may result in questions directed back to the individual or representative of an organization or group addressing the Commission. Time limits in this regard shall be at the discretion of the Commission.

ARTICLE XIV - EFFECTIVE DATE

SECTION 14.1 - EFFECTIVE DATE

These rules of procedure of the Township Planning Commission, Township of Northfield Washtenaw County, Michigan were adopted at a regular meeting of the Planning Commission held on January 19, 1994. The rules shall have immediate effect.

ARTICLE XV - EFFECT AND INTERPRETATION OF BYLAWS

SECTION 15.1 - EFFECT AND INTERPRETATION OF BYLAWS

All bylaws and parts thereof which conflict with any of the terms of these bylaws, I specifically the bylaws enacted May, 1971 are hereby rescinded. The catch line headings which precede each section of these bylaws are for convenience and reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of these bylaws.

The rules were adopted following a motion by Commissioner _____ and supported by Commissioner _____. The following Commissioners voted for adoption of the rules of procedure:

_____ was absent.

Dated _____

Chair - Planning Commission

Secretary - Planning Commissioner

**NORTHFIELD TOWNSHIP
PLANNING COMMISSION
Minutes of Regular Meeting
November 6, 2013**

1. CALL TO ORDER

The meeting was called to order by Chair Marlene Chockley at 7:00 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

**3. ROLL CALL
AND DETERMINATION OF QUORUM**

Roll call:

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

Also present:

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

4. APPROVAL OF AGENDA

- ▶ **Motion:** Iaquinto moved, Roman supported, that the agenda be adopted as presented.
Motion carried 5—0 on a voice vote.

5. FIRST CALL TO THE PUBLIC

No comments.

6. CORRESPONDENCE

Chockley reported that Green Oak Township has given notice that they will be starting their master plan process soon.

7. REPORTS

7A. Board of Trustees

No report.

7B. ZBA

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

7C. Staff Report

Nothing to report.

7D. Planning Consultant

Nothing to report.

8. PUBLIC HEARINGS

- 8A. Case JPC130006; D&G Nature's Way, 9380 Earhart Road; Request for Conditional Use Permit to expand business under Section 12.03(P) of the zoning ordinance; Parcel 02-01-300-018; zoned AR.**

- ▶ **Motion:** Iaquinto moved, Dignan supported, that the public hearing be opened.
Motion carried 5—0 on a voice vote.

George and Jim Jackson appeared as applicants. George Jackson provided MSDS sheets for the products they store on their site and said answers to most questions about the project were supplied at the last Planning Commission meeting. Township planning consultant Doug Lewan briefly reviewed the application for an addition to the existing building to house equipment for their landscape operation and the office for the operation.

Lewan also referred to his November memo which addressed questions asked at the last meeting, including (a) the number of vehicles to be stored on-site, (b) the type of fertilizer used, how it is stored, and how a spill would be handled, (c) business hours, and (d) the number of employees.

Lewan noted that this entire area is zoned AR and the master plan calls the land use to be agricultural. He explained that the Planning Commission makes recommendations on Conditional Use Permits (CUPs)

**Northfield Township Planning Commission
Minutes of Regular Meeting
Public Safety Building; 8350 Main Street
November 6, 2013**

to the Township Board which makes the final decisions.

Lewan also said:

- the subject site is wooded, screening most of the existing building.
- information about any trees that will be removed to make room for the addition must be specified.
- There will be no significant increase in traffic flow due to the proposed expansion.
- Some stormwater detention will probably be required related to the building addition.
- It is not clear whether a CUP was required for this type of business when it was first established, so it is considered a non-conforming use. The purpose of his letter of April 8, 2013, to the applicant's representative was to confirm that this operation was eligible to request a CUP.
- The property is considered a non-conforming lot of record because it is smaller than the 10 acres currently required.
- All conditional land uses are supposed to show that they will not be harmful or disruptive to the surrounding area, and one of the big issues raised during the review and by the public is chemicals stored on-site, so additional information has been requested about types and quantities. Specifying that information as part of a CUP approval will be a method of limiting the growth of the operation.
- If a CUP is granted, site plan review will be required, and that requires submission of a large amount of detail about the project.

Lewan said he recommends approval of the request with conditions as discussed.

Kathy Keinath, Perimeter Engineering, appeared for the applicants. She presented a plan of the site and pointed out the driveway location, the existing building and proposed addition locations, and the location for the stormwater detention.

Jacob Rushlow, township engineer, said:

- A new well and septic system will be part of the project.
- An on-site retention/infiltration pond will keep all runoff on site.
- He recommends approval of the CUP.

George Jackson said there will be a maximum of 350 pallets of fertilizer and 8 drums of liquid weed control on the site at any one time. He said he met on-site with Tom Winebrenner with the Washtenaw County Pollution Prevention Program and filled out information about these materials.

David Perry, 9411 Earhart Road, said this is a chemical warehouse and commercial garage to house a large fleet of trucks in the middle of a rural residential area. He said there is a lot of truck traffic on the road, and

contrary to statements made by George Jackson, there are deliveries of fertilizer throughout the year, not just once in the spring. He said the Washtenaw County Road Commission told him that the weight of vehicles and rate of acceleration are big factors in creating potholes. He also said this proposal is a threat to groundwater, and said there has been evidence of fertilizer trucks being washed out on this site without containment.

Kathy Nieman, 9355 Earhart, suggested that the applicants be required to provide financial statements for the last three and next three years to monitor the amount of chemicals being stored on the site. She said it is clear from the applicants' statements that they are unaware of how to safely handle chemicals so there should be a Phase I environmental study now.

Nieman said a huge hazardous waste cleanup was necessary in Northfield Township in the last decade and she and her neighbors do not want to see that in their neighborhood. She said that would lower the value of their properties.

Judy Johnson, 9381 Earhart Road, said she lives directly across the road from the Jacksons. She said the Jacksons have enjoyed the acquiescence of the neighbors for decades, and a Realtor advised her that she would have to disclose the presence of this operation if she were to try to sell her home. She said the Realtor also said the value of her home would be lowered by the presence of this business in the area.

Andy Duvall said he and his wife own a tree and shrub nursery at Earhart and 8 Mile Road, and while he been neighbors with the Jacksons for years, he is opposed to expansion of a commercial operation in the area. He said he has repeatedly rejected offers for commercial development of his site. He said if this proposal is approved, however, a precedent would be set for further commercial development on Earhart Road.

David Barry, 9581 Earhart Road, said while he believes the Jacksons try to be good neighbors, their interests are at odds with the rest of the property owners in the area. He said the number of vehicles on the site has increased by at least 400% since he moved to the area and that is unfair to the neighbors. He said it looks like they plan to triple the size of their building, so it is an insult to the neighbors to say they do not plan to increase their operation. He said the site does not meet the basic requirements for a landscape business in this zoning district, it is in conflict with the master plan, and the lack of prior approval indicates the business should be reviewed as a new proposal. He said the condition of the road is much worse than other roads in the area.

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Liz Hinkle, 9390 Earhart, said there is a strong chemical smell from this site, it creates a lot of traffic, and her family is concerned about having this business next door to them.

Steven Johnson, 9381 Earhart Road, said he would like to ~~given~~ give his time to David Perry so he can continue his comments. Perry referred to the improper, uncontained washing of fertilizer trucks cited earlier and said the neighbors are very concerned about groundwater contamination. In answer to a question from Perry, Iaquinto said there is nothing the Township can do about the operation as it currently exists. Perry said he and his neighbors do not want to shut anyone's business down, but they feel the business should relocate to an appropriate site where it can grow.

Regarding property values, Perry said he understands it is economically most advantageous for the Jacksons to remain where they are, but the neighbors do not want to subsidize the Jacksons' business with their property values.

Laurie Ratering, 9813 Earhart Road, said she and her husband have lived in their home for 23 years. She said the Jacksons are asking to expand their business at the expense of the other property owners in the area, and she asked why the Township would grant this request.

Jon Messner, 9623 Earhart, said he is in the process of trying to sell his house and horse farm, and he is concerned about having to disclose the location of this business to potential buyers.

- ▶ **Motion:** Iaquinto moved, Dignan supported, that the public hearing be closed.
Motion carried 5—0 on a voice vote.

9. OLD BUSINESS

9A. Case JPC130006; D&G Nature's Way, 9380 Earhart Road; Request for Conditional Use Permit to expand business under Section 12.03(P) of the zoning ordinance; Parcel 02-01-300-018; zoned AR.

Chockley asked what trainings have been held and what kinds of certifications the Jackson hold regarding handling of fertilizers. George Jackson said each employee is certified by the State of Michigan in the handling of fertilizers and insecticides and monthly meetings are held regarding this. Iaquinto asked how this is policed. Jim Jackson said the Department of Agriculture does site inspections and vehicle stops. Chockley asked if D&G has ever been cited for violations or had accidents involving their fertilizer trucks. Jim Jackson said they have not.

In answer to a question from Iaquinto, George Jackson confirmed that the purpose for the building addition is to allow all vehicles to be stored indoors. In answer to a question from Dignan, George Jackson said Tom Winebrenner with the Washtenaw County Pollution Prevention Program had asked last Monday why D&G washes their fertilizer spreaders, and he explained that any excess fertilizer is scraped off the spreaders indoors, then they are lightly sprayed off outside. He said Winebrenner did say there is a State law prohibiting washing commercial vehicles outdoors unless the water is contained, but Winebrenner added he was not sure whether that applied here and said he would get back to the Jacksons with more information. Lewan said compliance with State regulations about this could be a condition of approval of the CUP.

Dignan noted that a building of the size proposed could be put up in the AR district for an agricultural operation without a CUP. In answer to a question from Dignan, Lewan said Section 12.03Q of the zoning ordinance allows landscape businesses and greenhouses, and he read a letter from March of 2013 from D&G's attorney citing ordinance definitions of these types of businesses which the attorney said supports the ~~legality~~ legal use of this site for those purposes.

Regarding the issue of a disclosure statement being required for sale of homes in the area, Dignan said it is likely that any homeowner in that area would have to disclose the existence of some other kind of nearby agricultural operation even if this operation were not present.

In answer to questions from Chockley, George Jackson said they have their own well and there is electrical service to the barn.

Dignan referred to documents from the October 17, 1990, Planning Commission meeting concerning this property. George Jackson said that was related to an addition on the back of the house for an office, the addition of a garage, and paving of the driveway.

Lewan said the washing of vehicles outdoors is a very valid concern. George Jackson said if the State informs them they cannot do this anymore they will have no problem stopping that.

Lewan said the applicant could continue this non-conforming operation at its current size indefinitely, and if the Township approves this CUP it would make it a legal conditional use. He said a primary concern is secondary containment of hazardous materials and assurance of that will be required if this proposal is approved. Regarding stormwater detention, he said the new detention basin that will be required will only be addressing runoff from new roof area or pavement.

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He stressed that these two issues are completely separate.

Lewan said the applicant is not asking the Township to waive the rules of the Township, rather they are asking to go through a rather lengthy approval process. In answer to a question from Lewan, George Jackson said 350 pallets of dry fertilizer and 8 drums of liquid weed control is the maximum they will store at one time, and that amount will not increase if this proposal is approved. In answer to a question from Chockley, George Jackson said only one of their suppliers uses a semi-trailer; their main supplier uses smaller trucks. In answer to a question from Cousino, Jim Jackson said the 350 pallets are delivered early in the season with six semi-trailers during one week, and the rest of their product is delivered on 30-40 foot flatbeds.

In answer to a question from Cousino, George Jackson said the excess fertilizer that is scraped off trucks is swept up and reused, with smaller amounts placed in plastic bags and put in their dumpster. Lewan described the type of containment facilities required where hazardous materials are stored.

In answer to a question from Cousino, George Jackson said they do not have a snowplowing operation.

Possible conditions of a motion for approval as outlined in Lewan's November 1, 2013, memo were discussed. Regarding hours, Iaquinto said when the Commission approved a CUP for another landscape business the limit on hours was not as restrictive as the estimate of hours of operation provided by the Jacksons. There was discussion about what would be realistic.

In answer to a question from Roman, George Jackson said their trucks go out once each day; they do not return mid-day for supplies.

Township Supervisor Fink noted that while there will not be a public hearing when this is considered by the Township Board, the item will be listed on an agenda and the public may speak during the Call to the Public.

Roman asked if any applicant has ever been required to perform maintenance on a County Road. Lewan said that would be considered an off-site impact, and if there were a direct link to their operations a requirement could be added, but he does not recall that having been done before. Lewan said he can make sure the Road Commission gets a copy of the site plan, and they may make some recommendations.

In answer to a question from Cousino, Lewan said a majority of Commissioners present is required for a motion to pass.

► **Motion:** Chockley moved, Iaquinto supported, that based upon the information received from the applicant, D&G Nature's Way, represented by George Jackson, Case JPC130006, and reflected in the minutes of this meeting, the Planning Commission finds the site plan and related information received by the Township on November 6, 2013, meets the required standards and findings for Conditional Uses and recommends approval with conditions of a Conditional Use Permit to operate the business at 9380 Earhart Rd, South Lyon, MI 48178, Parcel number B-02-01-300-018. Specifically it is determined that the following required standards and findings found in Section 63.07 of the Zoning Ordinance have been demonstrated by the applicant:

- A. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance;
- B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
- C. Will be compatible with the natural environment and existing and future land uses in the vicinity;
- D. Will be compatible with the Northfield Township Master Plan;
- E. Will be served adequately by essential public facilities and services, such as highways, streets, police, and fire protection, drainage structures, refuse disposal or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- F. Will not be hazardous or disturbing to existing or future neighboring uses; and
- G. Will not create excessive additional requirements at public cost for public facilities and services.

Further, the Planning Commission recommends the following conditions be placed on the subject Conditional Land Use:

1. That a maximum of 17 pick-up truck type vehicles be permitted at this site with up to five (5) single axle trailers. All trucks and trailers must be stored indoors year-round.
2. That all granular and liquid products have appropriate secondary containment as required by Township ordinances and state law. This item is to be verified during detailed site plan review.
3. That the business be operated seasonally as described by the applicant and within the hours of 6:30 AM to 6:30 PM unless there are extenuating circumstances.

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4. That semi-truck deliveries be limited to six (6) per year.
5. That there are no more than 17 employees for this business at this site.
6. That hazardous and disturbing materials be stored according to best practices as regulated by the Michigan Department of Environmental Quality, the Michigan Department of Agriculture, and Northfield Township zoning standards.
7. That the applicant apply for a full site plan review.
8. That vehicles be washed in accordance with proper procedures to contain hazardous materials as required by state and county rules.
9. That maximum storage of fertilizers be 350 pallets and 8 drums containing 440 gallons.

Motion carried 3—2 on a roll call vote, Cousino and Roman opposed.

In answer to a question from Iaquinto, Fink said this proposal is likely to appear on a Township Board agenda in about a month.

Some members of the public asked how the Planning Commission could approve this request given the opposition stated by neighbors. Supervisor Fink said Commissioners were appointed by elected officials, and in his experience they are conscientious individuals who are among some of the best Commissioners he has ever seen. He said they must vote in whatever way they think is best for the community although people in the room may not agree with them.

10. NEW BUSINESS

10A. US-23/North Territorial Interchange Study Area.

Lewan referred to his memo of October 31st and noted that he had drawn the outline of the proposed study area on maps showing natural features, existing land use, future land use, and zoning districts. He said some of the things discussed at the last Commission meeting fit quite well with the master plan which was adopted just last year. He said that is very encouraging and means that very few changes may be needed to the master plan.

He noted specifically that the “selected development strategies of the Central Sub-area” listed in the master plan all relate well to what was discussed:

- Clustered residential where appropriate/compatible,
- Preserve ~~naturally sensate~~ sensitive natural areas,
- Maintain suburban transition by preserving greenbelt,
- Corporate high-tech jobs made,

- Actively promote business growth, job creation, tax base development, knowledge and growth industries,
- Improvements to existing intersections as new developments occur.

He said the keys will include refining the mixed use areas and defining implementation strategies, perhaps using a Planned Unit Development (PUD) or an overlay district, and verifying the sewer service area depicted in the Master Plan. He added he would like to have the capacity of the sewage treatment plant confirmed again, even though that was done at the time the master plan was written.

He said his recommendation at this point is to amend the master plan, probably with an expansion of the Mixed Use (MU) district. He said consideration should be given to:

- Main access to the district being from North Territorial and Whitmore Lake Road, with only limited access to 5 Mile Road properties.
- Protecting areas of natural features including woodlands and wetlands by leaving them in their current, less dense, zoning designations.
- Access to the sewer service area.
- Maintaining the existing industrial planned and zoned area to the east of the study area.

Dignan said he understands this issue came up because of the request for sewer service to property along Whitmore Lake Road south of Territorial, but he asked whether a purpose of this is to encourage development. Lewan said it is. Dignan questioned whether it would be appropriate to consider including the properties on the east side of Whitmore Lake Road to US-23 from 5 Mile to 6 Mile should be included in the Mixed Use area.

Iaquinto said when the Township Board discussed with Grand Sakwa their dropping its lawsuit against the Township the Board said it would look at multiple use concepts from Whitmore Lake Road west for commercial development with residential behind it. Dignan said he is talking about the property the high school is on and the property east and north of it, not the Grand Sakwa property. He said he is just raising the question and it can be discussed more at a later time. Lewan said there is time to discuss that, but the area is already designated as Medium Density Residential (MDR) and there is no development pressure in that area. He added that the issue of the bridge over US-23 must be addressed as part of any development consideration. Chockley said she would be concerned about expanding the area where development is desired too far. Lewan said again that he envisions only a small change to the master plan to address what is desired at this point.

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In answer to a question from Cousino, Lewan said he is not suggesting that this area be rezoned PUD, rather if someone proposes a mixed use development he would recommend that the proposal be developed using the PUD mechanism. Chockley asked if that would be an attractive option for developers. Lewan said for a mixed use development there would not be much of another option short of creating another zoning district. In answer to a question from Iaquinto, Lewan said the PUD ordinance was recently revised to make it easier to use.

Dignan said developers will consider sewer tap fees when choosing where to develop, and he questioned how Northfield Township's fees compare to other communities. Iaquinto said the Township Board reviewed those fees two years ago.

11. MINUTES

October 16, 2013, Regular Meeting
Chockley made one change.

- ▶ **Motion:** Iaquinto moved, Dignan supported, that the minutes of the October 13, 2013, regular meeting be approved as amended, and to dispense with the reading.
Motion carried 5—0 on a voice vote.

12. POLICY REVIEW & DISCUSSION

None.

13. COMMENTS FROM THE COMMISSIONERS

Iaquinto thanked Fink for his statement to the public about the consideration that Commissioners give to all requests. He said he is concerned about the issues brought up by the residents, and it was not an easy decision to vote in favor of the Conditional Use request. Chockley said she was grateful to the residents who came to the meeting. She said she thinks the conditions included in the recommendation will make a difference when the final site plan is developed. She said it is not possible to make everyone happy all the time.

14. SECOND CALL TO THE PUBLIC

None present.

15. ANNOUNCEMENT OF NEXT MEETING

November 20, 2013, 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 9:41 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 December 4, 2013.

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