

# NORTHFIELD TOWNSHIP PLANNING COMMISSION

## Minutes of Regular Meeting

### February 19, 2014

#### **1. CALL TO ORDER**

The meeting was called to order by Chair Marlene Chockley at 7:04 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
Andrea Darden	Absent with notice
Kenneth Dignan	Present
Sam Iaquinto	Absent with notice
Larry Roman	Present

Also present:

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

#### **4. APPROVAL OF AGENDA**

Chockley noted that item 9C, Review of Article 26.0—Mobile Home Park, would be removed from the agenda because it is not yet ready to be discussed.

- **Motion:** Dignan moved, Roman supported, that the agenda be adopted as amended.  
**Motion carried 4—0 on a voice vote.**

#### **5. FIRST CALL TO THE PUBLIC**

John Walters introduced himself as the representative for Li'l Red, LLC, which is requesting rezoning of property in Case JPC140001.

#### **6. CORRESPONDENCE**

None.

#### **7. REPORTS**

##### **7A. Board of Trustees**

Chockley reported on Chick's behalf:

- Master Plan Amendment distribution approved.
- A Sewer Treatment Plant rate study was authorized.
- The position of Code Enforcement Officer was offered to William Lenaghan.

##### **7B. ZBA**

The Zoning Board of Appeals has not met since the last Planning Commission meeting. The next meeting is scheduled for February 24<sup>th</sup>.

##### **7C. Staff Report**

Nothing to report.

##### **7D. Planning Consultant**

Lewan reported that Township Board approved the distribution of the proposed Master Plan amendment. He said it was mailed to surrounding communities today, so the earliest a public hearing could be held would be the Commission's April 2<sup>nd</sup> meeting.

#### **8. PUBLIC HEARINGS**

- 8A. **Case JPC140001; Applicant: Li'l Red LLC; Location: North side of Pontiac Trail between Earhart and Dixboro Roads; Request for rezoning from Recreation Conservation (RC) to Agriculture (AR); Parcel 02-36-200-008**
- **Motion:** Roman moved, Dignan supported, that the public hearing be opened.  
**Motion carried 4—0 on a voice vote.**

Lewan referred to his written report and explained this rezoning is requested to allow construction of a home on a 7.85 acre parcel. He noted the property cannot be split, so only a single family home could be built on the site. He said the zoning and Master Plan designation is agricultural to the south and Recreation Conservation (RC) in the other directions. He said while the Master Plan designates this site as RC, it also envisions single-family development for the area.

He noted the site is currently undeveloped woodland, with Washtenaw County parkland to the east, German Park to the west, and agriculture to the south. He

**Northfield Township Planning Commission  
Minutes of Regular Meeting  
Public Safety Building; 8350 Main Street  
February 19, 2014**

reviewed the findings of fact required for rezonings under Section 68.05 and explained that a single-family home could be built with the current RC zoning, but a Conditional Use Permit (CUP) would be required as well as lot area variance, whereas under Agricultural (AR) zoning single-family is allowed by right with a minimum of five acres. He said the applicant should be aware of the types of recreation that occur on the adjacent German Park property. He added that while the proposed rezoning is not specifically in accordance with the Master Plan, single-family use of the property is in conformance with the intents of the RC future land use classification which lists low-density single-family land use as a "most compatible use."

Chockley read a letter from German Park which stated they do not specifically oppose the rezoning, but wish to make sure the property owners are aware of the year-round activities that occur on their property.

John Jarvis, 11309 Outer Drive, Hell MI 48169, said he is an attorney representing German Park. He asked whether this property could be used for anything other than a single-family residence if the rezoning is approved. Lewan said the AR district is predominantly agricultural, and other permitted uses for this parcel would include farming, keeping of animals, farm market, sod farming, utility distribution stations, accessory buildings, a two-family dwelling, and home occupations. He listed the conditional uses that would be allowed including a church or veterinary clinic.

Jarvis said the applicants have told him they intend to build a house and live on the property, but German Park's concern is that a future owner would object to their activities. He asked if the Township would have any objection to the property owners including a restrictive covenant in their deed that would state they cannot object to German Park's activities. Lewan said the Township would not have any input on that.

Jarvis asked if this rezoning would affect in any way how German Park could use their property in the future. Lewan said it would not.

William Wagner of Lansing said he represents his father who owns the property at 5810 Earhart Road—a centennial farm—next to German Park. He said he has walked the subject property since he was a child, and there are clearly wetlands on the property. He expressed concern about the effect this development would have on wildlife and the possibility that the trees could be harvested. He noted the property is between a county park and German Park which seems inconsistent to him. Lewan said a lot of things can be done with this property now—including harvesting the trees—which have no relationship to building a single-family home.

- ▶ **Motion:** Roman moved, Dignan supported, that the public hearing be closed.  
**Motion carried 4—0 on a voice vote.**

## 9. NEW BUSINESS

- 9A. Case JPC140001; Applicant: Li'l Red LLC;  
Location: North side of Pontiac Trail between  
Earhart and Dixboro Roads; Request for  
rezoning from Recreation Conservation (RC) to  
Agriculture (AR); Parcel 02-36-200-008**

John Walters, representative for Li'l Red, LLC, said this property has been for sale for some time. He said the plan is to build a house on the front of the property leaving 6.5 acres undisturbed, and they are planning a low-impact, environmentally-sound house with minimal landscaping and disturbance of the site. He said his partner comes from a German family and attended German Park activities as a child, and they are not concerned about living next to German Park. He said he cannot speak to what future owners would do, but he plans to live in the house for quite a while.

In answer to a question from William Wagner, Walters said he has a signed purchase agreement which is subject to the property being rezoned to allow construction of the house.

In answer to a question from Chockley, Lewan said he does not know how this property came to be zoned Recreation Conservation (RC), but it may be because that was appropriate zoning for the park and German Park on either side of it. Dignan said as far he has been able to determine this has been zoned RC—and so has been an unbuildable parcel—through several owners. There was discussion about whether parcels that are under the required 10 acres should be designated RC, or whether the lot size comes into play only when parcels are developed.

Dignan noted that the Township would have more control over the development of the parcel if it remained zoned RC because conditions could be attached to the conditional use permit (CUP) that would be required for a single-family home. He said his concern is that once it is rezoned to Agricultural (AR) it could be resold for much more money. Chockley questioned whether that would be true. Roman said no one on the Commission knows the history of why this parcel has never been built on; it is possible no one has wanted to.

In answer to questions from Cousino and Chockley, Lewan said it is theoretically possible to search land records to determine when this parcel was split, and under RC zoning both a CUP and lot size variance would be required, but under AR a single-family home could be built by right.

**Northfield Township Planning Commission  
Minutes of Regular Meeting  
Public Safety Building; 8350 Main Street  
February 19, 2014**

Chockley said she feels people should be allowed reasonable use of their property. Roman said he doubts requiring a CUP would change the likely location of a house on this site. Lewan noted that under RC many uses that are more intensive than a single-family residence could occur including any agricultural use by right and a bed & breakfast with a CUP.

Chockley asked whether this would create a situation similar to the one in which neighbors have been complaining about a shooting range on an AR property next to single-family homes. In answer to a question from Chockley, John Jarvis, representative for German Park, said the public is quite aware of the activities of the Park and the Park does not get complaints about noise. He noted that in addition to their monthly events that are open to the public in the summer the property is also rented out for private parties.

Chockley said she is inclined to recommend approval of the request.

Jarvis said he would like to pursue the issue of a restrictive covenant being placed in the deed to this property, and he asked that a decision on this be postponed to allow that to be discussed with the applicant. Lewan noted the Planning Commission makes a recommendation to the Township Board which will consider approval of the request on March 11<sup>th</sup>, so that allows time for the parties to meet with each other.

Chockley said German Park should have tried to purchase this property. A German Park member said the Park did try to buy it, but not at the price the applicant is paying.

- **Motion:** Roman moved, Cousino supported, that based on the information received by the Township from the applicant, Li'l Red Properties, on January 10, 2014, and reflected in the minutes of this meeting, the Planning Commission finds that the request in Case JPC140001, to rezone Parcel 02-36-200-008, from Recreation Conservation (RC) to Agricultural (AR) meets the information requirements of Section 68.04 and factors found in Section 68.05 and recommends approval.

**Motion carried 4—0 on a voice vote.**

**9B. Review of Article 11.0—Recreation Conservation (RC).**

Lewan referred to the proposed revisions to this section, but noted there is very little land in the Township with this designation, and because the Agricultural (AR) district does much of the same thing, he questioned whether there is much purpose in having this designation.

Chockley said her bigger concern is that there are groundwater recharge areas in the Township that would appropriately be designated RC but are not, and she is also concerned that single-family homes are not allowed given that anyone building a home on a 10 acre parcel would likely be more careful stewards of it than the owners of many other uses that are allowed.

Dignan noted that the Master Plan designates some areas as future RC even though they do not currently have that zoning. He said he has always considered RC to be the least attractive to developers to the extent that it almost seems to be a greenbelt designation. Lewan questioned whether this is more of a public lands designation which should include parks and schools. Dignan noted that schools in Northfield Township currently have the designations they had when zoning was first implemented, but those may not be the most appropriate classifications. He said he would prefer that if school property is sold for private use that rezoning would be required because it would allow an opportunity for public review.

Cousino said if additional agricultural properties had been designated as RC it may have amounted to a "taking" since fewer uses are allowed with more regulation, and he doubts there would have been public appetite for that. Chockley said she understands that it could be seen that way. She added that she is very much interested in seeing single-family homes allowed by right in the district while keeping the minimum 10 acre lot size.

In answer to a question from Roman, Lewan said many communities have had public lands designations in their zoning ordinances for a long time. Chockley said she is not in favor of eliminating the RC district, but she is interested in altering it. Dignan said he likes the idea of a property owner being able to request RC designation in exchange for a lower tax rate as long as it retains that designation.

Dignan asked whether a 10 acre minimum lot size should be required for a parcel to be eligible for RC zoning, or whether that should be required only if a structure is to be built. Lewan said it makes sense to require the minimum 10 acre lot size for all RC parcels.

Chockley questioned why the allowed lot coverage should be as much as 10%. Dignan said greenhouses or stables could easily cover more than 10% of a 10 acre parcel. Chockley agreed that would be reasonable. She noted that Lewan had removed the floor area ratio (FAR) coverage regulation as the Commission had previously discussed doing in many zoning districts.

In answer to a question from Cousino, Lewan said the animal maintenance language shown as an addition to this district is the language the Commission had developed for the AR district.

**Northfield Township Planning Commission  
Minutes of Regular Meeting  
Public Safety Building; 8350 Main Street  
February 19, 2014**

It was agreed to discuss this again at a future meeting.

**9C. Review of Article 26.0—Mobile Home Park (MHP)**

Removed from the agenda.

**9D. Annual Report of the Planning Commission**

Chockley referred to the draft document she had prepared and asked for comments. Roman said it looks great. Chockley said she will provide this to the Township Board.

**10. OLD BUSINESS**

**10A. Revision of Article 67.10—Violations and Penalties**

Lewan referred to the revised draft noting that he had included language recommended by the Township attorney. It was agreed to schedule this for public hearing.

**11. MINUTES**

**February 5, 2014, Regular Meeting**

Chockley made two minor corrections.

- **Motion:** Roman moved, Dignan supported, that the minutes of February 5, 2014, regular meeting be approved as corrected, and to dispense with the reading. **Motion carried 4—0 on a voice vote.**

**12. POLICY REVIEW & DISCUSSION**

**Fee Schedule.** Fink said he has discussed Planning Commission and building permit fees with Lewan. He said the goal is to make sure fees and expenses are in line with each other, and he said once the fees are determined it would be useful to have them in a format similar to Scio Township's fee schedule.

Regarding Planning Commission engineering fees, he said he is inclined to recommend that the Township engineer bill applicants directly. He said he has had previous experience with many systems of escrowing fees, but none of them ever worked because there is too much variability in how construction projects unfold and it inevitably becomes an accounting nightmare. He said he would propose that the Township engineer set fixed fees wherever possible and otherwise work out fees with developers.

Lewan said Scio Township performed a detailed analysis of how much time their employees spent on various types of development applications and tried to determine fees based on the various salaries of the

involved employees so actual costs were being passed through to applicants. He said they used the fees developed from that analysis for a couple years, but eventually decided they were too high and reduced them somewhat, so the Scio Township fee schedule distributed to Commissioners actually represents a discount to developers. He noted that Scio Township also tried an escrow system for fees, but they, too, found it to be unmanageable, and since then the flat fee system has worked very well for them.

Chockley said the Township engineer is not supposed to be working for applicants, and she questioned what would happen if a developer objected to the requirements the Township engineer was making and refused to pay the fees. Fink said without paying the fees the developer would not get approval, but he understands the concern. He said the issue of engineering fees is often difficult because the time involved often cannot be predicted in advance, and for that reason it will be better for the Township not to be directly involved if the engineer will agree to handle these transactions.

Cousino said he is an engineer and he has been on both sides of this equation. He said it is the responsibility of the design engineer to make the information understandable to the review engineer, but he has seen situations where review engineers have abused the system. He said he understands the desire of the Township to not have to be involved with escrows.

Fink said he understands Chockley's concern that there would be no oversight of the Township engineer's work and fees with direct billing, but in his experience complaints about excessive billing come up regardless of the billing system. Cousino said it is important for the Township to give its engineer instructions about the type of review it wants done.

**Building Fees.** Fink said under Michigan law fees charged by a building department must be directly related to its expenses, so a situation cannot exist where a profit is being made. He said for that reason fees cannot be based on what other townships charge, but what other townships charge is still relevant. He said it is also important for the Township to make sure that its budget properly accounts for all costs involved in administering building projects, and it turns out that Northfield Township's current building department budget does not include all of those costs.

He said he is working on making sure all costs are included in the budget and working on a more simplified fee structure. In response to a question from Chockley, Fink said there probably are some efficiencies that can occur, but calculations regarding the way fees are split between the inspector and the Township also need to be changed. He said the current system of calculating fees is very convoluted.

**Northfield Township Planning Commission  
Minutes of Regular Meeting  
Public Safety Building; 8350 Main Street  
February 19, 2014**

Lewan said his firm has experience doing audits of building departments and also has two former building officials on staff.

**13. COMMENTS FROM THE COMMISSIONERS**

**Zoning District.** Dignan said he would like the Commission to discuss a Public Lands zoning designation.

**Sewer Tap Fees.** Dignan noted the Commission has discussed these in the past and he would like Fink to look into these.

**FAR Variance Request.** Dignan noted that one of items on next Monday's Zoning Board of Appeals meeting is a floor area ratio (FAR) variance. This is an indication that the Planning Commission's recommendation that the FAR requirement be removed from most zoning districts is appropriate.

**14. SECOND CALL TO THE PUBLIC**

None present.

**15. ANNOUNCEMENT OF NEXT MEETING**

**March 19, 2014**, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location. Chockley noted there will be several public hearings. She also noted that it is hoped that a joint meeting of the Planning Commission and Township Board can be held on Tuesday, March 25<sup>th</sup>.

**16. ADJOURNMENT**

- **Motion:** Roman moved, Dignan supported, that the meeting be adjourned.  
**Motion carried 4—0 on a voice vote.**

The meeting was adjourned at 9:15 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 March 19, 2014.

---

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](http://twp-northfield.org/boards/planning_commission/Minutes)