NORTHFIELD TOWNSHIP PLANNING COMMISSION
NOTICE OF REGULAR MEETING
February 19, 2020 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. **ADOPTION OF AGENDA**
5. **CALL TO THE PUBLIC**
6. **CLARIFICATIONS FROM COMMISSION**
7. **CORRESPONDENCE:**
   - **A.** Informational and background material requested by Planning Commission from Township Planner -
     Marihuana Zoning and Permitting Ordinances (as adopted)
     Marihuana Application Materials (as approved by Township Board)
     Marihuana Applications drawing results
     North Village Committee recommendation and most recent plan submitted by Livonia Builders
8. **PUBLIC HEARINGS**
9. **REPORTS OF COMMITTEES**
   - **A. Board of Trustees**
   - **B. ZBA**
   - **C. Staff**
   - **D. Planning Consultant**
   - **E. Parks and Recreation**
   - **F. Downtown Planning Group**
10. **UNFINISHED BUSINESS:**
    - **A.** Case #JPC190008 Recommend to Approve, Approve with Conditions or Deny, the request of Hardscape Solutions, 1031 W North Territorial Rd, Ann Arbor, MI 48105 for a Conditional Use to operate a landscape supply company. Landscaping businesses are permitted as a conditional land use in the AR-District per Section 36-157 (16) of the Zoning Ordinance and are subject to specific requirements. The parcel number is B-02-19-300-012 and zoned AR – Agricultural District.

    - **B.** Case #JPC190008 Recommend to Approve, Approve with Conditions or Deny, the request of Hardscape Solutions, 1031 W North Territorial Rd, Ann Arbor, MI 48105 for site plan approval to operate a landscape supply company. The parcel number is B-02-19-300-012 and zoned AR – Agricultural District.

11. NEW BUSINESS

12. APPROVAL OF PRECEDING MINUTES: February 5, 2020 Regular Meeting

13. FINAL CALL TO THE PUBLIC

14. COMMENTS FROM THE COMMISSIONERS

15. ANNOUNCEMENT: Next Regular Meeting – March 4, 2020

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.

ORDINANCE NO. 19-66

NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MI

AN ORDINANCE OF THE BOARD OF TRUSTEES OF NORTHFIELD TOWNSHIP, MICHIGAN TO AMEND ARTICLE II- DEFINITIONS, SECTION 36-29, ARTICLES III GENERAL PROVISIONS, SECTIONS 36-64. – HOME OCCUPATIONS, ARTICLE VI AR AGRICULTURAL DISTRICT, SECTION 36-157, - CONDITIONAL USES, ARTICLE XIII LC LOCAL COMMERCIAL DISTRICT, SECTION 36-364.- CONDITIONAL USES, ARTICLE XIV GC GENERAL COMMERCIAL DISTRICT, SECTION 36-391 CONDITIONAL USES, ARTICLE XVIII LI LIMITED INDUSTRIAL DISTRICT, SECTION 36-510.- CONDITIONAL USES, ARTICLE XIX.- GI GENERAL INDUSTRIAL DISTRICT, SECTION 36-533.- CONDITIONAL USES, ARTICLE XXII.- RTM RESEARCH/TECHNOLOGY/MANUFACTURING DISTRICT, SECTION 36-638.- CONDITIONAL USES, ARTICLE XXIV SUPPLEMENTARY REGULATIONS AND STANDARDS, SECTION 36-729.- MEDICAL MARIHUANA CAREGIVERS, ARTICLE XXIV SUPPLEMENTARY REGULATIONS AND STANDARDS, SECTION 36-761.- STANDARDS FOR MARIHUANA ESTABLISHMENTS AND FACILITIES

Whereas, the Township Board reviewed the Township's zoning districts for consistency with Section 36-29 Definitions and;

Whereas, the Township Board reviewed the Township's zoning districts for consistency with Section 36-64 General Provisions - Home Occupations and;

Whereas, the Township Board reviewed the Township's zoning districts for consistency with Section 36-157- AR Agriculture District- Conditional Uses and;

Whereas, the Township Board reviewed the Township's zoning districts for consistency with Section 36-364- LC Local Commercial District- Conditional Uses and;

Whereas, the Township Board reviewed the Township's zoning districts for consistency with Section 36-391- GC General Commercial District- Conditional Uses and;

Whereas, the Township Board reviewed the Township's zoning districts for consistency with Section 36-533- GI General Industrial District- Conditional Uses and;

Whereas, the Township Board reviewed the Township's zoning districts for consistency with Section 36-638- RTM Research/ Technology/Manufacturing District- Conditional Uses and;

Whereas, the Township Board reviewed the Township's zoning districts for consistency with Section 36-729- Supplementary Regulations and Standards- Medical Marihuana Care Givers and;

Whereas, the Township Board reviewed the Township's zoning districts for consistency with Section 36-761- Supplementary Regulations and Standards- Medical Standards for Marihuana Establishments and Facilities and;

Whereas, the Planning Commission, spent more than six months researching and preparing draft marihuana Zoning Regulations for the Township Board to consider and;

Whereas, the Planning Commission held two public hearings and provided the Board with recommendations for standards to consider for adoption and;

Whereas, the Board considered the recommendations of the Planning Commission and public comments and voted on the modifications included herein;

Now, therefore, be it ordained by the Northfield Township Board of Trustees that the below zoning, text and various articles (A-I) be amended as follows:

A: Article II, Definitions – to amend Section 36-29 Definitions:

Marihuana Establishments and Facilities: The term Marihuana Facilities, shall encompass all use classes specifically defined and authorized by the State of Michigan Medical Marihuana Act, MCL333.26421, et seq; the Marihuana facilities Licensing Act, MCL 333.27101 et seq: and the Marihuana Tracking Act, MCL 333.27901 et seq; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq, and all other applicable rules promulgated by the state of Michigan as may be amended. Marihuana establishments and facilities include the following use classes:

(1) **Marihuana grower** means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. Growers shall be subdivided into six classes based on State licensing standards.
   a. Medical Class A – 500 marihuana plants.
   b. Medical Class B – 1,000 marihuana plants.
   c. Medical Class C – 1,500 marihuana plants.
   d. Recreational Class A – 100 marihuana plants.
   e. Recreational Class B – 500 marihuana plants
   f. Recreational Class C – 2,000 marihuana plants

(2) **Marihuana microbusiness** means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

(3) **Marihuana processor** means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

(4) **Marihuana retailer** means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
(5) **Marihuana secure transporter** means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
(6) **Marihuana safety compliance facility** means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
(7) **Provisioning center** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this act.
(8) **Registered primary caregiver** means a primary caregiver who has been issued a current registry identification card under the Michigan medical marihuana act

B: Article III, General Provisions, to amend Section 36-64 Home Occupations:

(2) **Medical Licensed Caregivers.** In addition to the general standards as specified in subsection (a) of this section, medical marihuana, cultivation, use and distribution shall meet the following specific standards:

a. Conformance with section 36-729.

b. In recognition of the confidential nature of this use, a licensed caregiver shall submit a Zoning Compliance Application pursuant to section 36-729(c) to obtain a Zoning Compliance Certificate.

C: Article VI, AR Agriculture District, to amend Section 36-157 Conditional Uses:

(24) Marihuana Establishments and Facilities, subject to the standards of Section 36-761, including:

a. Growers, excluding Medical Class C, Recreational Class C, and Medical Class B.

D: Article XIII, LC Local Commercial District, to amend Section 36-364 Conditional Uses:

(12) Marihuana Establishments and Facilities, subject to the standards of Section 36-761, including:

a. Retail Marihuana and Provisioning Centers

E: ARTICLE XII. - WLD—WHITMORE LAKE DISTRICT
Sec. 36-340. - Uses permitted.

Permitted Uses

Uses which are permitted by right (P); uses subject to conditional use approval (C); not permitted uses (NP); or uses permitted on upper floors only (UP)

	WLD-D	WLD-W	WLD-NV
Retail Marihuana and Provisioning Centers, subject to the standards of Section 36-761	C	C	NP

F: Article XIV, GC General Commercial District, to amend Section 36-391 Conditional Uses:

21) Marihuana Establishments and Facilities, subject to the standards of Section 36-761, including:

a. Retail Marihuana and Provisioning Centers
b. Secure Transporters
c. Safety Compliance Facilities

G: Article XVIII, LI- Limited Industrial District, to amend Section 36-510 Conditional Uses:

11) Marihuana Establishments and Facilities, subject to the standards of Section 36-761, including:

a. Growers, all licenses permitted.
b. Processors
c. Secure Transporters
d. Safety Compliance Facilities
e. Microbusinesses

H: Article XIX, GI – General Industrial District, to amend Section 36-533 Conditional Uses:

11) Marihuana Establishments and Facilities, subject to the standards of Section 36-761, including:

a. Growers, all licenses permitted.
b. Processors
c. Secure Transporters
d. Safety Compliance Facilities
e. Microbusinesses

I: Article XXII, RTM- Research/Technology/Manufacturing District, to amend Section 36-638 Conditional Uses:

2) Marihuana Establishments and Facilities, subject to the standards of Section 36-761, including:

a. Growers, excluding Medical Class A, Recreational Class A, and Recreational Class B.
b. Processors
c. Safety Compliance Facilities

J: Article XXIV, Supplementary Regulations and Standards, to amend Section 36-729 Medical Marihuana Caregivers:

(a) **Intent.**

(1) It is the intent of these regulations to allow medical marihuana ~~cultivation, use~~ caregivers, as defined by the Michigan Marihuana Act, as a home occupation pursuant to section 36-64, and further to protect the health, safety, and welfare of law enforcement officers and other persons in the community. These regulations are designed to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization for the limited cultivation, distribution, and use of marihuana for medical purposes; and to regulate around this fundamental intent in a manner that does not conflict with the Act so as to address issues that would otherwise expose the community and its residents to significant adverse conditions and the uninspected installation of unlawful structural, electrical, plumbing and mechanical equipment that create dangerous health, safety, and fire conditions.

(2) These regulations allow for activity based on the Act. Nothing in these regulations shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana.

(b) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Act means Initiated Law 1 of 2008 (MCL 333.26421 et seq.), and Michigan Administrative Rules, R 333.101 et seq.

Department means the State Department of Community Health.

Distribution means the physical transfer of any amount of marihuana in any form by one person to any other persons, whether or not any consideration is paid or received.

Distributor means any person, including, but not limited to, a caregiver, patient or any other person, who engages in any one or more acts of distribution.

Facility or **premises** means one premises having a separate or independent postal address.

Marihuana means the substance or material defined in section 7106 of the public health code, Public Act No. 368 of 1976 (MCL 333.7106).

Primary caregiver or **caregiver** means a person as defined under MCL 333.26423(g) of the Act, and who has been issued and possesses a registry identification card under the Act.

Principal residence means the place where a person resides more than one-half of the calendar year.

Qualifying patient or **patient** means a person as defined under MCL 333.26423(h) of the Act.

Registry identification card means the document defined under MCL 333.26423(i) of the Act.

(c) **Application requirements.**

(1) In addition to the requirements for home occupation pursuant to section 36-64 - Home Occupation, a medical marihuana caregiver shall submit a zoning compliance application. The requirement of these regulations is to permit a location, and not to regulate persons. An application as supplied by the township shall describe each of the following and shall:

a. Not require the name, home address, or date of birth of a caregiver.

b. Include the address and legal description of the precise premises at which, there shall be possession, cultivation, distribution or other assistance in the use of marihuana. The fact that a caregiver or other person providing assistance to patients also has an ID card as a patient shall not relieve the obligation to provide this information.

c. Specify the address of the place where all unused portions of marihuana plants cultivated in connection with the use of marihuana or caregiver activity at the premises shall be disposed.

d. Describe the enclosed, locked facility in which any and all cultivation of marihuana is proposed to occur, or where marihuana is stored, with such description including: location in building; precise measurements, in feet, of the floor dimensions and height; the security device for the facility.

e. Describe all locations in the premises where a caregiver or other person authorized under the Act shall render assistance to a qualifying patient.

f. Specify the number of patients to be assisted, including the number of patients for whom marihuana is proposed to be cultivated, and the number of patients to be otherwise assisted on the premises, and the maximum number of plants to be grown or cultivated at any one time. If the location at which patients will be assisted is different from the licensed premises, the application shall provide the address of all such other locations (other than the address of a patient being assisted). The maximum number of patients and plants is specified in subsection (c)(2)b of this section.

g. For safety and other code inspection purposes, it shall describe and provide detailed specifications of all lights, equipment, and all other electrical, plumbing, and other means proposed to be used to facilitate the cultivation of marihuana

plants as such specifications relate to the need for the installation of facilities. As noted in subsection (c)(2)d of this section, all new construction including structural, electrical, plumbing, and mechanical shall meet current state construction codes and shall require necessary permits and inspections.

The standards of approval as noted below will be used to review each application. An inspection will be made at each location noted in the application to verify the standards.

(2) **Requirements and standards for approval.**

a. Locations used for the cultivation and/or use of marihuana by caregivers and any other person permitted under the Act are pursuant to section 36-64 – Home Occupation. As a home occupation this use shall not be permitted under the following circumstances:

1. Within 500 feet from sites where children are regularly present, and specifically a daycare facility, a church, synagogue, mosque, or other religious temple, and from a recreational park and a public community center, a public or private preschool, elementary school, middle school, high school, community college, and all other schools that have different name references but serve students of the same age.
2. Within 500 feet of an adult use, as defined in this chapter, if applicable (attach appendix if not stated or incorporated).
3. Within 500 feet from the site at which any other caregiver or any other person cultivates marihuana, or assists in the use of marihuana, not including a patient's principal residence which is not used to cultivate marihuana or assist in the use of medical marihuana for persons other than the patient at such residence.

Measurements for purposes of this subsection a. shall be made from property boundary to property boundary.

b. The location of the facility at which a caregiver or any other person permitted under the Act cultivates marihuana, or assists a patient in the use of marihuana, shall not be the same facility at which any other caregiver or person cultivates marihuana or assists a patient in the use of marihuana. Accordingly, at a patient's principal residence used by such patient to cultivate marihuana for his personal use as permitted under the Act, there shall be not more than 12 marihuana plants being cultivated at any one time; only at a licensed facility may there be more than 12 marihuana plants being cultivated at any one time; and, at a facility at which a caregiver or any other person permitted under the Act cultivates marihuana for use by patients, there shall not be more than 12 marihuana plants being cultivated at any one time per patient, and in no event more than 60 marihuana plants being cultivated at any one time (which assumes cultivation for five patients), plus an additional 12 plants if the caregiver is also a patient that has not designated a caregiver to assist in providing medical marihuana.

c. In order to insulate children and other vulnerable individuals from such actions, all medical marihuana cultivation, and all assistance of a patient in the use of medical marihuana by a caregiver, shall occur within the confines of a building

licensed under this section, and such activities shall occur only in locations not visible to the public. This subsection shall not prohibit a caregiver from assisting a patient at the patient's principal residence or at a hospital.

d. All lights, plumbing, equipment, and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants shall be in accordance with all applicable state construction codes.

e. Considering that the distribution of marihuana is generally unlawful, and that the Act authorizes caregivers, and does not authorize any activity such as a dispensary (authorized by statutes in other states), and reading the Act as a whole, the activities of caregivers are interpreted as being limited to private and confidential endeavors. Moreover, the location and identity of a caregiver is known to patients. Accordingly:

1. Signage shall be in accordance with the township home occupation standards found in section 36-64(1)i.
2. Unless conducted as part of a related licensed professional medical or pharmaceutical practice, caregiver activity shall not be advertised as a clinic, hospital, dispensary, or other name customarily ascribed to a multi-patient professional practice.

(3) **Use of land in accordance with approved application.** If approved, all use of property shall be in accordance with an approved application, including all information and specifications submitted by the applicant in reliance on which the application shall be deemed to have been approved.

(d) **Restriction on distribution.**

(1) The restrictions in this section are based on the following findings:

a. It is reasonable to expect and require that all undertakings of caregivers and other persons in assisting a patient are intended to occur on a confidential and private one-to-one basis.

b. The Act does not reflect the intent for distributions of marihuana by more than one caregiver or other person to one patient, or by one or more caregivers or other persons to more than one patient at any given time and place.

c. The confidentiality provisions of the Act reflect the intent for all caregivers and patients to remain anonymous in terms of their name and address, thus further reflecting the private and confidential nature of the activities contemplated between a caregiver and the patient he is assisting.

(2) **Restrictions.**

a. A caregiver and any other person authorized under the Act to assist patients, if any, shall distribute medical marihuana only on a confidential, one-to-one basis with no other caregiver being present at the same facility at the same time, and no other patient or other person being present at the same facility at the same time; provided that a patient's immediate family members or guardian may be present within the patient's private residence, and one family member or guardian may be present in any facility other than the patient's private residence. For purposes of this subsection, the term "same time" shall mean and include concurrently as well as within a time interval of one hour.

b. Considering the health issues presented, no food shall be sold from the facility used for the distribution of medical marihuana.

(e) **Inspection of patient cultivation.** Upon the request of a patient who is cultivating medical marihuana, the Public Safety Director of the community shall confidentially coordinate any inspectors with regard to the siting of such cultivation for the purpose of determining whether all structural, electrical, plumbing, or mechanical means used to facilitate the cultivation of marihuana plants is in accordance with applicable code. In carrying out the provisions of this subsection, community officials shall not require the name and address of the patient. Rather, the intent of this subsection is to focus on the premises, and to ensure safety for the benefit of the resident of the premises and others who may be affected by one or more code violations.

I: Article XXIV, Supplementary Regulations and Standards, to add Section 36-761 Standards for Marihuana Establishments and Facilities

Section 36-761 Standards for Marihuana Establishments and Facilities

1. These standards shall apply to all marihuana establishments and facilities, unless otherwise noted, and excepting caregivers, which are regulated by Sec. 36-729. - Medical marihuana caregivers and Sec. 36-64. - Home Occupation.
2. Marihuana related activities shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, Marihuana facilities Licensing Act, the Marihuana Tracking Act, the Michigan Regulation and Taxation of Marihuana Act and all State of Michigan regulations for the transfer of marihuana, and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
3. All marihuana establishments and facilities shall submit a Zoning Compliance Application, shall obtain structural, electrical, plumbing, and mechanical permits and inspections to meet current state construction codes, and shall obtain a Certificate of Occupancy prior to any operation or occupancy of said establishment or facility.
4. Site plan approval and conditional use approval shall be required for all marihuana establishments and facilities.
5. The applicant location shall meet all applicable written and duly promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the Medical/Recreational Marihuana Licensing Board and obtain a Certificate of Occupancy.
6. The establishment or facility location shall conform to all standards of the zoning district in which it is located.
7. Establishments and facilities are not permitted within a 500-foot radius of any primary, intermediate or secondary school measured by the shortest possible line from the property edges.
8. The minimum distance from other marihuana facilities and establishments is 1,000 feet. Colocation of use classes on one site is permitted when consistent with State standards and all uses are permitted in the zoning district.

9. In the AR district, the minimum lot size for Recreational Class B growers shall be 10 acres. In the AR district the minimum lot size for Medical Class A, and Recreational Class A growers shall be 5 acres.
10. Hours of operation permitted for retail, provisioning centers, and microbusinesses: Monday – Saturday: 9:00 a.m. – 9:00 p.m.; Sunday: 10:00 a.m. – 6:00 p.m.
11. All activity related to the marihuana establishment or facility shall be done indoors.
12. All establishments and facilities must ensure that any water emanating from the establishment or facility meets or exceeds all applicable state and local environmental standards.
13. No required water supply and sanitary sewerage facilities shall be erected, altered, or moved upon a lot or premises and used in whole or in part for a marihuana facility unless it shall be provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial, and industrial waste. All such installations and facilities shall conform to the minimum requirements Washtenaw County, and any applicable statutes, ordinances, or regulations.
14. Security cameras shall be installed and maintained. Security Cameras, which include recordings and all recordkeeping, shall comply with all State requirements. All security cameras shall have at least 120 concurrent hours of digitally recorded documentation. The security cameras shall be in operation 24 hours a day, seven days a week, and shall be set to maintain the record of the prior 120 hours of continuous operation. An alarm system is required that is operated and monitored by a recognized security company. A security plan shall be provided and approved by the Public Safety Director.
15. Exterior lighting shall be required for security purposes, but in accordance with the provisions of the Zoning Ordinance.
16. Any medical marijuana provisioning center shall not have exterior signage using the word “marihuana” and/or “marijuana” or any other word, phrase or picture commonly understood to refer to marijuana. Neon signs and non-functional decorative lighting shall be prohibited. Sign(s) shall be posted stating that “No loitering is permitted” on such property.
17. Marihuana establishments and facilities are not permitted to operate in a manner that results in adverse impacts on adjacent property; including excessive odor, traffic, noise, or loitering. The Township may place reasonable conditions on facilities to ensure operation consistent with community norms. Failure to comply with Township regulations or conditions of approval shall be cause to revoke a local license. Odor for growers and processors shall be regulated as follows:

a. The building shall be equipped with an activated carbon filtration system for odor control and air scrubbing to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
b. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days, or according to manufacturer recommendations, whichever is less.
d. Negative air pressure shall be maintained inside the building.
e. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
f. An alternative odor control system is permitted if the special use permit applicant submits and the township accepts a report by a mechanical engineer licensed by the state of Michigan demonstrating the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The Township may hire an outside expert, at the cost of the applicant, to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
g. Secure transporters and safety compliance facilities shall also be required to submit plans for odor control for approval if in the opinion the planning commission such plans are required for the protection of the township and its residents.

18. If the marihuana establishment or facility ceases operation for a length of time of ninety days or greater, the conditional use shall expire.
19. Marihuana drive-through retail establishments and provisioning centers shall be prohibited.
20. All marihuana shall be contained within a structure that meets all applicable building code requirements in an enclosed, locked area. A floor plan shall be provided with the site plan application.
21. Application for a local Marihuana Facilities Permit shall be made to the Township Clerk, or a designee. The application shall be made using forms provided by the Township Clerk, or a designee, for a Marihuana Facilities Permit. The application shall be signed by the applicant verifying the truth and accuracy of all information and representations. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules of the State of Michigan. In addition to information and submittals, the application shall include payment of application fee in an amount set by the Township Board. Applications shall be filed according to licensing regulations, procedures, and fees established by the Township Board, and may be amended.
22. A State license is required for all Marihuana Establishments and Facilities.
23. Prior to issuance of a certificate of occupancy, an authorized Marihuana Establishment or Facility shall comply with the following regulations and shall only be operated as long as it remains in compliance with all such ordinances.

a. Compliance with State and Township licensing requirements and proof of issuance of a State operating license and compliance with all rules promulgated there under is filed with the Township.
b. Compliance with all Township Zoning regulations with written approval of Zoning Compliance issued by the Township Zoning Administrator.
c. Compliance with all Township construction and building ordinances and applicable police power ordinances.

24. Inspections may be made by the Township Official’s designee to confirm the Marihuana Establishment or Facility is operating in accordance with

applicable laws including, but not limited to, State Law and Township Ordinances.

25. The premises shall be open for inspection upon request by the Zoning Administrator, Code Enforcement Officer, Building Official, Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
26. The penalties and fees collected by the Township for Marihuana Establishments and Facilities shall be the maximum permissible by the State of Michigan unless otherwise established by the Township Board.

MISCELLANEOUS

If any portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of any other portion of this Ordinance.

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. Provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinances or parts of ordinances are hereby ratified, re-established and confirmed.

Effective Date

The provisions of this ordinance amendment are hereby ordered to take effect 30 days following its publication in a newspaper of general circulation within the Township. This Ordinance is hereby declared to have been adopted by the Township Board of Trustees of the Township of Northfield in a meeting duly called and held on this 19th day of November 2019.

TOWNSHIP OF NORTHFIELD,
WASHTENAW COUNTY, MICHIGAN

Marlene A. Chockley

Marlene Chockley, Supervisor

ATTEST:

Kathleen Manley, Clerk

I, Kathleen Manley, Northfield Township Clerk, hereby certify as follows:

A. The above Ordinance was passed by the Northfield Township Board of Trustees on the 19th day of November 2019. The names of the members voting thereon and how each member voted was as follows:

Yeas: Chockley, Zelenock, Manley, Chick, Dockett, Otto

Nays: Beliger

Absent: —

B. A true copy of the above Ordinance was published in Ann Arbor News, a newspaper circulating within the Township, on the 21st day of November 2019 and;

C. The effective date of the above Ordinance is the 21st day of December 2019.

NORTHFIELD TOWNSHIP BOARD

By:

Kathleen Manley, Clerk

ORDINANCE NO. 19-67

NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MI

AN ORDINANCE OF THE BOARD OF TRUSTEES OF NORTHFIELD TOWNSHIP, MICHIGAN TO ADD CHAPTER 23 MARIHUANA FACILITIES TO THE CODE OF ORDINANCES.

Whereas, the Township Board reviewed the code of ordinances and requested an additional ordinance regulating Marihuana Facilities to be added to the code of ordinances as Chapter 23 and;

Whereas, the Township Board reviewed the recommended Marihuana Facilities ordinance for the maximum number of permits in Section 23-4 and;

Now, therefore, be it ordained by the Northfield Township Board of Trustees that the below ordinance, text and chapter be added as follows:

Chapter 23 Marihuana Facilities, to add Chapter 23 Marihuana Facilities to the Code of Ordinances as follows:

SEC 23-1. - LEGISLATIVE INTENT.

The Township intends to issue permits for and regulate marihuana facilities to the extent they are permitted under the State of Michigan Medical Marihuana Act, MCL333.26421, et seq; the Marihuana facilities Licensing Act, MCL 333.27101 et seq: and the Marihuana Tracking Act, MCL 333.27901 et seq; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. The Township does not intend that permitting and regulation under this chapter be construed as a finding that such facilities comply with any law. By requiring a permit and compliance with the requirements of this chapter, the Township intends to protect the public health, safety and welfare.

SEC 23-2. - DEFINITIONS.

(1) Words and phrases contained in the State of Michigan Medical Marihuana Act, MCL333.26421, et seq; the Marihuana facilities Licensing Act, MCL 333.27101 et seq: and the Marihuana Tracking Act, MCL 333.27901 et seq; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.(State Marihuana Acts). This chapter contains some words and phrases that are defined in the State Marihuana Acts. As used in this chapter, they have the same meaning as provided in the State Marihuana Acts, except that if at any time the definition of a word or phrase set forth in this section conflicts with the definition in the State Marihuana Acts, then the definition the State Marihuana Acts shall apply. These words and phrases are as follows:

(a) *Grower* means a licensee that is a commercial entity located in this State that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

(b) *Licensee* means a person holding a State operating license.

(c) *Marihuana* means that term as defined in Section 7106 of the State of Michigan Public Health Code, 1978 PA 368, MCL 333.7106.

(d) *Marihuana facility* means a location at which a license holder is licensed to operate under the State Marihuana Acts.

(e) *Marihuana plant* means any plant of the species Cannabis sativa L.

(f) *Marihuana-infused product* means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the Food Law, 2000 PA 92, MCL 289.1101 to 289.8111.

(g) *Microbusiness* means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

(h) *Person* means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

(i) *Plant* means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

(j) *Processor* means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a retailer or a provisioning center.

(k) *Provisioning center* means a licensee that is a commercial entity located in this State that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A

noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for purposes of this Act.

(l) *Retailer* means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

(m) *Registered primary caregiver* means a primary caregiver who has been issued a current registry identification card under the Marihuana Act, MCL333.26421, et seq.

(n) *Rules* means rules promulgated under the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, by the Department in consultation with the Board to implement this Act.

(o) *Safety compliance facility* means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

(p) *Secure transporter* means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

(q) *State operating license* or, unless the context requires a different meaning, "license" means a license that is issued under this act that allows the licensee to operate as 1 of the following, specified in the license:

(i) A grower.
a. Medical Class A – 500 marihuana plants.
b. Medical Class B – 1,000 marihuana plants.
c. Medical Class C – 1,500 marihuana plants.
d. Recreational Class A – 100 marihuana plants.
e. Recreational Class B – 500 marihuana plants
f. Recreational Class C – 2,000 marihuana plants
(ii) A processor.
(iii) A secure transporter.
(iv) A provisioning center.
(v) A safety compliance facility.
(vi) A microbusiness
(vii) A retailer
(viii) A registered primary caregiver

(2) Other words and phrases. The words and phrases in this chapter, as used in this chapter, shall have the following meanings:

(a) Applicant means a person who applies for a Township permit.

(b) Authorized person means:

(i) An owner of a medical marihuana facility;
(ii) The directors, officers, members, partners, and individuals of a medical marihuana facility that is a corporation, limited liability company, partnership, or sole proprietorship;
(iii) Any person who is in charge of and on the premises of the medical marihuana facility during business hours.

(c) Marihuana means "marihuana" as defined in the State Marihuana Acts.

(d) Medical marihuana home occupation means an accessory use of a nonresidential nature that is conducted by a registered primary caregiver who resides in the dwelling and (A) is performed within a single-family dwelling or within an accessory building to that single-family dwelling; (B) is for the purpose of assisting 1 or more registered qualifying patients with the medical use of marihuana who do not reside in the dwelling and (C) complies with the MMMA. As used in this subsection, "accessory use" has the same meaning as it does in Chapter 36(Zoning) of the Northfield Township Code.

(e) State Marihuana Acts mean the State of Michigan Medical Marihuana Act, MCL333.26421, et seq; the Marihuana facilities Licensing Act, MCL 333.27101 et seq: and the Marihuana Tracking Act, MCL 333.27901 et seq; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.

(f) Permittee means a person holding a Township permit under this chapter.

(g) Facility means "marihuana facility" as defined in the State Marihuana Acts.

(h) Marihuana facility means "marihuana facility" as defined in the State Marihuana Acts.

(i) Township permit or, unless the context requires a different meaning, *permit* means a permit that is issued under this chapter that allows the permittee to operate as 1 of the following, specified in the permit:
(i) A grower.
a. Medical Class A – 500 marihuana plants.
b. Medical Class B – 1,000 marihuana plants.

c. Medical Class C – 1,500 marihuana plants.
d. Recreational Class A – 100 marihuana plants.
e. Recreational Class B – 500 marihuana plants
f. Recreational Class C – 2,000 marihuana plants
(ii) A processor.
(iii) A secure transporter.
(iv) A provisioning center.
(v) A safety compliance facility.
(vi) A microbusiness
(vii) A retailer
(viii) A registered primary caregiver

Sec 23-3. - MARIHUANA FACILITIES AUTHORIZED

Pursuant to the State Marihuana Acts, the Township of Northfield Township authorizes the operation in the Township of the following marihuana facilities, provided they possess a state operating license issued under the State Marihuana Acts and they comply with the additional requirements of this Chapter 23, and Chapter 36 (Zoning), and all other applicable laws and ordinances:

(i) A grower.
a. Medical Class A – 500 marihuana plants.
b. Medical Class B – 1,000 marihuana plants.
c. Medical Class C – 1,500 marihuana plants.
d. Recreational Class A – 100 marihuana plants.
e. Recreational Class B – 500 marihuana plants.
f. Recreational Class C – 2,000 marihuana plants.
(ii) A processor.
(iii) A secure transporter.
(iv) A provisioning center.
(v) safety compliance facility.
(vi) A microbusiness.
(vii) A retailer.
(viii) A registered primary caregiver.

Sec 23-4. - TOWNSHIP PERMIT REQUIRED; NUMBER OF PERMITS AVAILABLE

(1) No person shall operate a facility for which an annual permit as provided for in this chapter has not been issued. The maximum number of permits available for each type of facility is as follows:
(a) Grower Facilities (a total of 12 permits limited to 6 permits for medical and 6 permits for recreational):
i. Medical Class A – 500 marihuana plants.
ii. Medical Class B – 1,000 marihuana plants.

iii. Medical Class C – 1,500 marihuana plants.
iv. Recreational Class A – 100 marihuana plants.
v. Recreational Class B – 500 marihuana plants
vi. Recreational Class C – 2,000 marihuana plants.

(b) Processor Facilities (3 permits).

(c) Secure Transporters (3 permits).

(d) Safety Compliance Facilities (3 permits).

(e) Retail Facilities (3 permits).

(f) Provisioning Center Facilities (3 permits).

(g) Microbusiness Facilities (3 permits).

(2) The permit requirement in this chapter applies to all facilities that exist on the effective date of this chapter or are established after the effective date of this chapter. This includes all persons who engage or have engaged in any of the activities that are included in the definitions in the State Marihuana Acts of the types of entities that may obtain a state operating license, without regard to whether they called or call their businesses "dispensaries," "cultivation facilities," "clubs," "cooperatives," or any other similar label. A person who engaged in any of the activities that are included in the definitions in the State Marihuana Acts of the types of entities that may obtain a state operating license before the effective date of the State Marihuana Acts or before obtaining a state operating license does not have a vested right to obtain a Township permit.

(3) The permit requirement in this chapter applies to all facilities whether operated for profit or not for profit.

(4) The permit requirement in this chapter shall be in addition to any other requirements imposed by any other state or local law, including but not limited to state or local laws applicable to commercial entities performing functions similar to the functions performed by marihuana facilities.

(5) The issuance of any permit pursuant to this chapter does not create an exception, defense or immunity to any person with regard to any potential criminal or civil liability the person may have under any federal or state law or Township ordinance.

(6) A permit issued under this chapter shall be valid for 1 year after the date of issuance. To renew an existing permit, the permittee shall submit an application in the same manner as is required to apply for a new permit no sooner than 90 days before the expiration date and no later than 60 days before the expiration date.

(7) Medical marihuana home occupations do not require permits.

Sec 23-5. - GENERAL PROVISIONS

(1) A permit issued under this chapter is valid only for the location of the facility and type of facility that is listed on the permit application and is valid only for the operation of the facility at that location by the permit applicant.

(2) A permit issued under this chapter is valid only if the permit holder also holds a valid current state operating license and a copy of the valid current license and application for license has been provided to the Township Clerk, or designee, by the license holder and is in compliance with all other requirements in this chapter.

(3) The revocation, suspension, and placement of restrictions by the state on a state operating license shall apply equally to a permit issued by the Township.

(4) The expiration date of the State operating license that corresponds to a permit issued under this chapter constitutes the expiration date of the permit, however, operation of the facility under the expired permit is permitted to the extent that operation under the expired State operating license is permitted under the State Marihuana Acts.

(5) A permit issued by the Township under this chapter, shall be conspicuously posted in the facility where it is easily open to public view.

(6) Acceptance of a permit from the Township under this chapter constitutes consent by the permittee, owners, managers and employees to permit the Township Manager, or designee, to conduct inspections of the facility to ensure compliance with this chapter.

SEC 23-6. - APPLICATION REQUIREMENTS FOR AND ISSUANCE OF TOWNSHIP PERMIT.

(1) *Application for new annual permit.* An application for a new annual permit for a marihuana facility shall be submitted to the Township Clerk, or designee, on a form provided by the Township, which shall fulfill all of the requirements indicated on the form, including but not limited to:

(a) The name and address of the facility and any other contact information requested on the application form.

(b) The name and address of all owners of the real property where the facility is located.

(c) Name and address of all business managers of the facility.

(d) A statement with respect to each person named on the application whether the person has:

(i) Ever been convicted of a felony involving controlled substances as defined under the Michigan Public Health Code, MCL 333.1101 et seq., the federal law, or the law of any other state and, if so, the date of the conviction and the law under which the person was convicted;

(ii) Ever been convicted of any other type of felony under the law of Michigan, the United States, or another state, and, if so, the date of the conviction and the law under which the person was convicted.

(e) Proof of applicant's ownership or legal possession of the premises.

(f) A Township Zoning Compliance Permit.

(g) A Township Certificate of Occupancy or Temporary Certificate of Occupancy.

(h) If the application is for a grower's permit, the maximum number of plants that the applicant intends to grow. However, the application form for a grower's permit is the same regardless of whether the grower is applying for a state operating license for a recreational Class A, recreational Class B, or recreational Class C, medical Class A, medical Class B, or medical Class C license and 1 application fee for a grower's license shall apply without regard to the class of state operating license the permit application seeks.

(i) Payment of a non-refundable application fee of $5,000.00.

(2) *Renewal or amendment of existing permits.*

(a) The same procedures that apply to applying for a new permit shall apply to the renewal or amendment of existing permits.

(b) An application for renewal of an existing permit shall be submitted no sooner than 90 days before the existing permit expires.

(c) An amended application shall be submitted under either or both of the following circumstances:

(i) When there is a change in any information the permit applicant was required to provide in the most recent application on file with the Township; and,

(ii) When there is a change in any information the permit applicant was required to provide in the most recent application for a state operating license on file with the state of Michigan.

(d) An application to amend an existing permit to change the location of the facility shall be submitted no later than 90 days before the existing permit expires. All site plan approvals and conditional use permit approvals shall be required.

(e) An application to amend an existing permit to change any other information on the most recent application on file with the Township may be submitted at any time.

(f) Applications for renewal or amendment of existing permits shall be reviewed and granted or denied before applications for new permits are considered.

Sec 23-7. - ISSUANCE OF PERMIT AND AUTHORIZATION TO OPERATE FACILITY UNDER PERMIT.

(1) If the permit applicant has successfully demonstrated compliance with all requirements for issuance of a permit the Township Manager, or designee, shall issue a new permit to the permit applicant if a permit is available or grant renewal of an existing permit.

(2) The issuance of a permit under this chapter authorizes operation of the facility only after the following additional requirements are met:

(a) The applicant has provided the Township Clerk, or designee, with copies of the applicant's application for a State operating license and the issued license, and a non-refundable fee of $5,000.00

(b) The applicant has installed the following security measures on the premises:

(i) Security cameras, to meet State requirements, and to monitor all areas of the premises where persons may gain or attempt to gain access to marihuana or cash. Recordings from security cameras shall be maintained for a minimum of 120 hours and shall be made available to the Township Police Department personnel upon request.

(ii) A monitored alarm system.

(iii) A storage room for overnight storage of any marihuana product and cash on the premises. The storage room shall have only 1 door for entry and no other potential means of entry, lawful or unlawful, such as a window or crawl space, the door shall be equipped with a secure locking mechanism. Plant materials in grow facilities shall also be secured, as required by State Acts.

(c) The applicant has provided the Township Clerk, or designee, with a certificate signed by a qualified agent of an insurance company evidencing the existence of valid and effective policies of the following types of insurance, as well as a copy of an endorsement placed on each policy requiring 10 days' notice by mail to the Township before the insurer may cancel the policy for any reason:

(i) Workers' compensation insurance in accordance with Michigan statutory limits and Employers Liability Insurance with a minimum limit of $100,000.00 each accident for any employee.

(ii) Public liability and personal injury insurance with minimum limits of $500,000.00 for each occurrence as respect to bodily injury liability or property damage liability, or both combined.

Documentation must explicitly state the following:

(a) the policy number; (b) name of insurance company;

(c) name and address of the agent or authorized representative;

(d) name and address of the insured;

(e) location of coverage;

(f) policy expiration dates; and

(g) specific coverage amounts. An original certificate of insurance may be provided as an initial indication of the required insurance. Applicant shall be required to continue without interruption during the term of the permit the above named insurance coverages. If any of the above coverages expire by their terms during the term of a permit, the applicant shall deliver proof of renewal and/or new policies to the Township Clerk, or designee, at least 10 days prior to the expiration date.

(d) Insurance companies, named insureds and policy forms shall be provided to the Township Clerk, or designee, as defined in Sec. 23-7 (2)(c). The Township Clerk, or designee, may request approval of documentation by the Township Attorney. Insurance policies shall not contain endorsements or policy conditions which reduce coverage required under the terms of the permit.

SEC 23-8. - CONDUCT OF BUSINESS AT A FACILITY.

(1) A facility shall be conducted in compliance with the State Marihuana Acts, the rules promulgated pursuant to the State Marihuana Acts, and all other laws, rules, and regulations of the state of Michigan and the Township of Northfield Township.

(2) All marihuana in any form kept at the location of the marihuana facility shall be kept within an enclosed, secured building and shall not be visible from any location outside of the building.

(3) Marihuana facilities shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises or be delivered to or from the premises, between the hours of 9:00 p.m. and 7:00 a.m.

(4) An authorized person shall consent to the entry into a marihuana facility by the Building Official and/or designees and the Zoning Administrator and/or designees for the purpose of inspection to determine compliance with this chapter pursuant to a notice posted in a conspicuous place on the premises 2 or more days before the date of the inspection or sent by registered mail to the address of the premises 4 or more calendar days before the date of the inspection.

(5) All security measures required in this chapter shall be maintained in good working order. The premises shall be monitored and secured 24 hours per day.

(6) All marihuana in any form on the premises of a marihuana facility shall be marihuana cultivated, manufactured, and packaged in the State of Michigan.

SEC 23-9. - PROHIBITED ACTS.

It shall be unlawful for any person to:

(1) Violate any provision of this chapter or any condition of any permit granted pursuant to this chapter.

(2) Produce, distribute or possess more marihuana than allowed by any applicable state or local law.

(3) Produce, distribute or possess marihuana in violation of this chapter or any other applicable state or local law.

(4) Make any changes or allow any changes to be made in the operation of the marihuana facility as represented in the permit application, without first notifying the Township by amending its application.

SEC 23-10. - PERMIT REVOCATION.

A permit issued under this chapter may be suspended or revoked for any of the following violations:

(1) Any person required to be named on the permit application is convicted of or found responsible for violating any provision of this chapter;

(2) A permit application contains any misrepresentation or omission of any material fact, or false or misleading information, or the applicant has provided the Township with any other false or misleading information related to the facility;

(3) Any person required to be named on the permit application is convicted of a crime which, if it had occurred prior to submittal of the application, could have been cause for denial of the permit application;

(4) Marihuana is dispensed on the business premises in violation of this chapter or any other applicable state or local law, rule or regulation;

(5) The facility is operated or is operating in violation of the specifications of the permit application, any conditions of approval by the Township or any other applicable state or local law, rule or regulation

(6) The Township, the county, or any other governmental entity with jurisdiction, has closed the facility temporarily or permanently or has issued any sanction for failure to comply with health and safety provisions of this chapter or other applicable state or local laws related to public health and safety.

(7) The facility is determined by the Township to have become a public nuisance.

(8) The facility's state operating license has been suspended or revoked.

SEC 23-11. - REVOCATION NOT EXCLUSIVE PENALTY.

Nothing in this chapter shall be deemed to prohibit the Township Manager, or designee, from imposing other penalties authorized by the Northfield Township Code or other ordinance of the Township, including filing a public nuisance action or any other legal action in a court of competent jurisdiction.

MISCELLANEOUS

If any portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of any other portion of this Ordinance.

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. Provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinances or parts of ordinances are hereby ratified, re-established and confirmed.

Effective Date

The provisions of this Ordinance amendment are hereby ordered to take effect 30 days following its publication in a newspaper of general circulation within the Township. This Ordinance is hereby declared to have been adopted by the Township Board of Trustees of the Township of Northfield in a meeting duly called and held on this 12th day of November 2019.

TOWNSHIP OF NORTHFIELD,
WASHTENAW COUNTY, MICHIGAN

Marlene A. Chockley

Marlene Chockley, Supervisor

ATTEST:

Kathleen Manley, Clerk

I, Kathleen Manley, Northfield Township Clerk, hereby certify as follows:

A. The above Ordinance was passed by the Northfield Township Board of Trustees on the 12th day of November 2019. The names of the members voting thereon and how each member voted was as follows:

Yeas: Zelenock, Chick, Otto, Dockett

Nays: Beliger, Manley, Chockley

Absent: –

B. A true copy of the above Ordinance was published in Ann Arbor News, a newspaper circulating within the Township, on the 21st day of November 2019 and;

C. The effective date of the above Ordinance is the 21st day of December, 2019.

NORTHFIELD TOWNSHIP BOARD

By: _____

Kathleen Manley, Clerk

ORDINANCE NO. 19-72

NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MI

AN ORDINANCE OF THE BOARD OF TRUSTEES OF NORTHFIELD TOWNSHIP, MICHIGAN TO AMEND CHAPTER 23 MARIHUANA FACILITIES OF THE CODE OF ORDINANCES.

Whereas, the Township Board recently adopted Chapter 23 (Ordinance 19-67), which establishes permitting requirements for regulating Marihuana Facilities and;

Whereas, Section 23-6 authorizes the Township to create application forms to facilitate the approval process, and;

Whereas, The Township Board authorized the Township Manager to work with staff to create an application process and forms, and;

Whereas, Section 9, number 4 of the Michigan Regulation and Taxation of Marihuana Act authorizes municipalities to create a competitive evaluation process for the issuance of licenses, and;

Whereas, Section 502 of the of the Michigan Zoning Enabling act authorizes municipalities to establish standards for the approval of special land uses

Now, therefore, be it ordained by the Northfield Township Board of Trustees that the below ordinance, text and chapter be added as follows:

Chapter 23 Marihuana Facilities, to replace Section 23-6 (1) with the following:

SEC 23-6. - APPLICATION REQUIREMENTS FOR AN ISSUANCE OF TOWNSHIP PERMIT.

(1) *Application for new annual permit.* An application for a new annual permit for a marihuana facility shall be submitted to the Township Clerk, or designee, on an application form provided by the Township. The Township Manager shall create an application and procedure to protect the public health, safety, and welfare of Township residents and applicants, as authorized by the Michigan Regulation and Taxation of Marihuana Act, the Michigan Marihuana Facilities Licensing Act, and the Michigan Zoning Enabling Act. The Manager is further authorized to establish a time period for accepting initial permit applications. The applicant shall fulfill all of the requirements indicated on the application form, including but not limited to:

MISCELLANEOUS

If any portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of any other portion of this Ordinance.

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. Provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinances or parts of ordinances are hereby ratified, re-established and confirmed.

Effective Date

The provisions of this Ordinance amendment are hereby ordered to take effect 15 days following its publication in a newspaper of general circulation within the Township. This Ordinance is hereby declared to have been adopted by the Township Board of Trustees of the Township of Northfield in a meeting duly called and held on this 10th day of December 2019.

TOWNSHIP OF NORTHFIELD,
WASHTENAW COUNTY, MICHIGAN

Marlene A. Chockley

Marlene Chockley, Supervisor

ATTEST:

Kathleen Manley, Clerk

I, Kathleen Manley, Northfield Township Clerk, hereby certify as follows:

A. The above Ordinance was passed by the Northfield Township Board of Trustees on the 10th day of Dec, 2019. The names of the members voting thereon and how each member voted was as follows:

Yeas: Chockley, Manley, Zelenack, Chick, Otto

Nays: —

Absent: Dockett, Beliger

B. A true copy of the above Ordinance was published in Ann Arbor News, a newspaper circulating within the Township, on the 22nd day of Dec, 2019 and;

C. The effective date of the above Ordinance is the 6th day of Jan, 2020.

NORTHFIELD TOWNSHIP BOARD

By: _____

Kathleen Manley, Clerk

Applicant:
Address:
License:

Northfield Township
Marihuana Facility Voluntary Local Development Agreement (MFVLDA), December 4, 2019

This document is for voluntary use by any and all applicants applying to open a Marihuana Facility in Northfield Township. Participation in the MFVLDA program is voluntary. The selection by the Applicant of any voluntarily-offered conditions on the form is at the applicant's own discretion. However, once a completed, signed MFVLDA form has been submitted with a Marhuana Facilities Permit Application, it is legally enforceable. All voluntarily-offered conditions selected on the form will be required for the final approval of the project.

Each voluntarily-offered condition listed across 3 categories is of equal value. For example, if an applicant checks B. and C. under Category 1 (Local Residency), that applicant has two voluntarily offered conditions. The application with the highest number of checked voluntarily offered conditions may receive application consideration precedence by Planning Commission or the Township Board during review of the Conditional Use Application.

The selected voluntarily-offered conditions will be required to be shown on any/all required plans including the site plan and building/trade permit application and plans. If the checked voluntarily-offered conditions are not shown on the applicable plans, the Township may not grant approval of said plan/permits. Additionally, throughout construction and/or inspection subject to an approved permit, the Township Zoning Administrator shall confirm fulfillment of the selected voluntarily-offered conditions. Failure to comply may result in the denial of a Certificate of Occupancy and in all cases will result in the denial of the final permit.

Please read this entire document carefully.

By signing below, the applicant acknowledges all of the following:

- The applicant has read and understands all information contained in this document regarding the use and purpose of the MFVLDA.
- The applicant is choosing to participate in MFVLDA.
- The applicant understands that, once submitted this is a legally binding document and failure to comply shall result in the denial of plan approvals, permit issuance, inspection approvals, and/or the denial of a Certificate of Occupancy.

For Office Use Only

Signature of Applicant

Date

Instructions: Initial any of the following voluntarily-offered conditions you, as the applicant, will disclose, commit to, and/or include within the scope of the project. Applicants who are initialing and submitting this form as part of a Conditional Use (CU) application shall be the applicant/s for the CU request and shall be included on all State licensing applications. Please submit any supplemental documentation to the list as described below.

1) Local Residency (choose all that apply)

Verification Commitment: I understand that the Township of Northfield will verify adherence to these criteria annually for a minimum of three years, measured from the date of marihuana facility license issuance by LARA. I agree to provide the Township of Northfield information that the Township, in its sole discretion, deems necessary to verify satisfaction of these elements. I agree to self-report compliance using a form provided by the Township upon request.

_____Signature of applicant/s

Owner-applicant/s (having a minimum 25% ownership interest in the marihuana facility seeking CU approval) has/have resided for at least 1 of the last 5 years (minimum of 12 months) in:

APPLICANT INITIAL	APPLICANT √	VOLUNTARILY-OFFERED CONDITION TO BE INCLUDED IN PROJECT:
		A. Northfield Township
		C. Washtenaw County
		D. State of Michigan

Submittal: Driver's license or State of Michigan ID with an affidavit that includes years and address/es.

2) Local Economy (choose all that apply)

APPLICANT INITIAL	APPLICANT √	VOLUNTARILY-OFFERED CONDITION TO BE INCLUDED IN PROJECT:
		A. Commitment to hire 15% of employees or more who are Northfield Township residents, working more than 30 hours/week
		B. Commitment to hire 30% of employees or more who are Northfield Township residents, working more than 30 hours/week
		C. Commitment to hire 50% of employees or more who are Northfield Township residents, working more than 30 hours/week

Submittal: (A) Business tax records that demonstrate percent employees as Township or non-Township residents. By offering condition 2 (A and B), the applicant consents to the Township obtaining employee residency income tax percentages from the Income Tax Department. (C) Business records that demonstrate number of employees. By offering condition 2(C), the applicant consents to the Township obtaining withholding information from Income Tax Department to verify number of employees.

3) Streamlined Applications

APPLICANT INITIAL	APPLICANT √	VOLUNTARILY-OFFERED CONDITION TO BE INCLUDED IN PROJECT:
		A. No landscaping, parking, or other Planning Commission waivers or Zoning Board of Appeals variances will be requested.
		B. Applicant volunteers to participate in Marihuana Facility Scoring Evaluation as part of the Conditional Use approval process.

Submittal: (A) Affidavit and documentation establishing that no sensitive use separation distance waivers are required for the property at issue.

Northfield Township Marihuana Facility
Notice of Application Procedures, 12/4/19

The following administrative procedures are here-by established by the Northfield Township Manager for the purposes of receiving and evaluating applications to establish Marihuana Facilities. These procedures ensure the fair application of Ordinance 19-66 and Ordinance 19-67.

Township Application Window* Procedure

1. The Township window* will begin accepting applications on December 26, 2019 at 8:00 A.M. at the Township Offices, 8350 Main Street, Whitmore Lake, MI, 48189. Applications will be accepted until 4:30 P.M. on January 24, 2020.
2. The application packet must be submitted in hard copy; no electronic materials will be accepted. The Township will time-stamp the Pre-Application Questionnaire, which is the first page of the packet, at the time of submittal.
3. The application materials are available on the Township website, at the link below: http://www.twp-northfield.org/services_and_departments/documents_-_building_and_zoning.php#revize_document_center_rz221
4. One application is required per site. Applicants may request multiple permits per site. A fee of $5,000 is required per permit. Applicants may file multiple applications.
5. The window closes at 4:30 P. M. on January 24, 2020. All applications submitted in the application window will be assigned by random drawing** for processing at a special public meeting on January 28, 2020 at 6:00 P.M.
6. Applicants will be notified via email of the results of the January 28, 2020 draw, including number of applications received during the application window and their application randomly assigned order.
7. Applicants do not need to line up prior to December 26, at 8:00 A. M. to secure a place in line.
8. Any applicant wishing to submit a Marihuana Facilities application must have all application materials completed and provided in the application packet, including:
    a. A completed Marihuana Pre-Application Questionnaire
    b. A completed Northfield Township Marihuana Facilities Permit application
        i. Including a non-refundable $5,000 fee per permit; which shall be made by cashier's check, money order or certified check
    c. A completed non-refundable Zoning Compliance application
        i. Including a non-refundable $200 fee per application; which shall be made by separate cashier's check, money order or certified check
    d. Note: Site Plan and Conditional Use applications and fees will be required upon a positive determination of complete Marihuana Facilities Application AND Zoning Compliance.
9. The Township intends to notify persons submitting applications of application completeness on or before February 28, 2020.

Post Township Application Window* Procedure**

1. Applicants arriving after 4:30 P.M on January 24, 2020 will be processed in the order received and will not be processed until the Township completes the processing of applications received during the December 26, 2019 to January 24, 2020 application window.

** The Township application window procedure is the initial application process that starts on December 26, 2019 and runs through January 24, 2020. This window is created to protect and preserve public health, safety and welfare and ensure a safe and fair procedure for all applicants.*

*** Random drawing – random drawing procedure will commence at the special public meeting prior to the Township Board Meeting on 1/28/2020 after the close of the Township Window on 1/24/2020.*

**** Post Township Application Window Procedure is the application process that will commence for all applicants following January 24, 2020 at 4:30 P.M. After this time applications will be processed in the order received following completion of processing the applications submitted prior to January 24, 2020 at 4:30 P.M.*

Township of Northfield
Marihuana Facilities Permit
PRE-APPLICATION QUESTIONNAIRE

Instructions to Applicants: If you are applying for a Township of Northfield Marihuana Facilities Permit, this form must be completed prior to filling out the Marihuana Facilities Permit Application form. The Marihuana Facilities Permit Application form will not be accepted without this completed pre-application questionnaire.

Facility name: _____

Facility address: _____

Number permits requested at the site: _____ ($5,000 fee required per permit)

Please indicate, by checking YES or NO, if your establishment meets the following criteria. Proof via appropriate documentation must be attached, and is subject to Township review.

1. Has the business filed a Township *Zoning Compliance Application*? ❑ Yes ❑ No

2. Has the business received pre-approval for the required *State License*? ❑ Yes ❑ No

3. Does the business have legal possession or ownership of the business location? ❑ Yes ❑ No

_____ _____

Signature of Authorized Representative Printed Name

If all of the above have been answered YES*,* the applicant may submit an application for a Marihuana Facilities Permit. Fill out the Township of Northfield permit application form. Attach this completed questionnaire to the permit application and submit with the $5,000.00 application fee per permit requested and all other attachments to the Township Planning Department, 8350 Main Street, Whitmore Lake, Michigan 48189-0576, (734) 449-5000, Fax: (734) 449-0123

If any of the above have been answered NO**,** the Township may request more information or hold the application until a such a time the information is provided. Applicants that are not yet able to meet the minimum criteria may not be considered by the Township of Northfield.

Submittal of an Application Does not Guarantee Receipt of a Marihuana Facility Permit.

- Please see the reverse side of this pre-application questionnaire for important information regarding the permit application process.

Additional Information:

- The Zoning Compliance permit must be applied for and obtained from the Township Planning Department at 8350 Main Street, Whitmore Lake, Michigan 48189-0576, 734-449-5000, Fax: 734-449-0123. A Zoning Compliance permit is only issued following site plan approval and conditional use approval.

  Add hyperlink

- A Certificate of Occupancy Permit application will require an inspection and may trigger building code compliance for structural, electrical, plumbing, or other code issues. Applications can be obtained from and applied for at the Building Permit Desk at 8350 Main Street, Whitmore Lake, Michigan 48189-0576, 734-449-5000, Fax: 734-449-0123

- If your application is complete, you will receive official confirmation from Township staff. Issuance of a permit authorizes operation of the facility only after submission to the Township Clerk of a copy of the state license when issued.

- For more information on Township permit requirements, see Chapter 23 of the Township Ordinance

  Add hyperlink

- For more information on Township zoning requirements, see Chapter 36 of the Township Ordinance

  Add hyperlink

TOWNSHIP OF NORTHFIELD
MARIHUANA FACILITIES PERMIT APPLICATION

Please return completed application and **$5,000 permit fee** (per permit) to:
Northfield Township Office
8350 Main St., Ste. A
Whitmore Lake, MI 48189

Date Submitted: _____

Permit #: _____

❑ **NEW** ❑ **RENEWAL –** *Applications may be submitted 90 days prior to existing permit expiration.*

Type and Number of Permits Requested (Check All That Apply) #_____

❑ Grower – Maximum Number of Plants Requested:_____
Recreational: Class A ❑ Class B ❑ Class C ❑ Stacking # _____
Medical: Class A ❑ Class B ❑ Class C ❑ Stacking # _____

❑ Adult Use (Recreational Retail) ❑ Provisioning Center ❑ Microbusiness
❑ Processor ❑ Secure Transporter ❑ Safety Compliance Facility

FACILITY NAME & LOCATION	*Business Name* *Address* *Zip* *Website* *Ph* *Suite or Unit #*
PROPERTY OWNER(S)	*Name* *Ph* *Fax* *Address* *Zip* *Email* Are there additional property owners? ❑ Yes ❑ No If **yes**, attach a separate sheet listing this information for each additional owner.
FACILITY OWNER(S)	*Name* *Ph* *Fax* *Address* *Zip* *Email* This facility is owned by: (check one) ❑ me as the individual owner ❑ corporation ❑ limited liability company ❑ partnership ❑ sole proprietor with an assumed name **For any other than** "me as the individual owner," attach a separate sheet listing this information for all directors, officers, members, partners, and individuals.
FACILITY or BUSINESS MANAGER(S)	*Name* *Ph* *Fax* *Address* *Zip* *Email* Are there additional facility managers? ❑ Yes ❑ No If **yes**, attach a separate sheet listing this information for each additional person.

FELONY CONVICTIONS

Each person named on the application (i.e. facility owners including all names associated with a corporation, facility managers, and property owners) must fill out the following statement. Please duplicate this sheet and attach one copy for each person named on the application.

Name

Have you ever been convicted of a felony involving controlled substances as defined under the Michigan public health code, MCL 333.1101, et seq, the federal law, or the law of any other state? ❑ Yes ❑ No

If yes, what is the date of the conviction(s) and the law(s) under which you were convicted?

Have you ever been convicted of any other type of felony under the law of Michigan, the United States, or another state?
❑ Yes ❑ No

If yes, what is the date of the conviction(s) and the law(s) under which you were convicted?

I hereby certify that the felony conviction information provided is true and correct.

Signature: _____ *Date:* _____

Print Name of Signature and Title: _____

SECURITY MEASURES

Have the security measures required under Section 36-761 Standards for Marihuana Establishments and Facilities of Chapter 36 been installed?
□ Yes □ No

If no, what is the anticipated date of installation: _____

MARIHUANA FACILITY VOLUNTARY LOCAL DEVELOPMENT AGREEMENT (MFVLDA)

Does the application include a signed MFVLDA? ❑ Yes ❑ No

PROOF OF CONTROL OF PREMISES

Proof of the applicant's ownership or legal possession of the premises (such as a deed, lease, or other legally binding document) is attached. ❑ Yes ❑ No

ZONING COMPLIANCE

The facility's Zoning Compliance Permit application for Marihuana Facilities is attached. ❑ Yes ❑ No

CERTIFICATE OF OCCUPANCY – STAFF USE ONLY

The facility's Certificate of Occupancy is attached. ❑ Yes ❑ No Date Received: _____
The facility's Zoning Compliance Permit is attached. ❑ Yes ❑ No Date Received: _____
The facility's State Permit is attached. ❑ Yes ❑ No Date Received: _____

I, the undersigned, have the authority to sign this Application on behalf of _____(the "Facility"). I have read all of the above answers and they are true and correct. The Facility agrees to comply with all terms and conditions of a permit as it may be issued. This signature certifies applicant consent to the Township application procedures and indemnifies the Township, Township employees, Township officials, and Township contractors from all liability related to the proposed facility.

Signature: _____ *Date:*_____

Printed Name and Title: _____

Business Name: _____

Attachments Required at time of Application:

- Zoning Compliance Permit application
- Proof of legal owner of facility (e.g. lease, deed, purchase agreement, etc.)
- Additional owner/manager pages (if necessary)
- Prequalification Application Documents from LARA
- Facility Plan as Required by LARA
- Security Plan as Required by LARA

Applications and fees required upon successful determination of a completed Marihuana Facility Application and Zoning Compliance Application:

- Site Plan application
- Conditional Use application

Documents Required prior to Legal Operation of the facility under a permit that has been issued:

- Copy of State License
- Zoning Compliance Permit
- Certificate of Occupancy
- Insurance Documentation

OFFICE USE ONLY

POLICE / FIRE

Notes: _____

Recommendation: _____ Date: _____

PLANNING AND ZONING

Notes: _____

Recommendation: _____ Date: _____

ATTORNEY

Notes: _____

Recommendation: _____ Date: _____

TOWNSHIP MANAGER

Notes: _____

Recommendation: _____ Date: _____

CLERK
Permit Expiration Date: _____ Approved by Township Clerk's Office: _____ Comments: _____ Copy: Applicant/Planning/Township Clerk's Office (retains original)

Draft 12/4/19

Northfield Township - Marihuana Facility Application: Drawing for Application Processing Order

Date: January 28, 2020

Business name	Facility Address	Number of Permits Requsted	Permit Type(s)	Drawing Order
Joyology	9977 North Main Street, Northfield Township, 48189	1	Provisioning Center	1
Pure Roots LLC	9876 Main Street, Whitmore Lake, MI 48189	1	Provisioning Center	2
Larren Investments LLC	Vacant Land n E. North Territorial Rd. Parcel B-02-20-300-033	2	Adult Use (Recreational Retail) Provisioning Center	3
Whitmore Wellness	8475 North Main Street, Whitmore Lake, MI 48180	2	Adult Use (Recreational Retail) Provisioning Center	4
GS Ashley LLC	22 Barker Road, Whitmore Lake, MI	1	Adult Use (Recreational Retail)	5
The Tree House Wellness Center	9545-9551 Main Street., Whitmore Lake, MI	2	Adult Use (Recreational Retail) Provisioning Center	6
GS Ashley LLC	8505 Main Street, Whitmore Lake, MI	2	Adult Use (Recreational Retail) Provisioning Center	7
Pure Roots LLC	9876 Main Street, Whitmore Lake, MI 48189	1	Retail	8
Sugar Magnolia Nursery LLC	4271 North Territorial Road East, 48105	1	Grower - Class A	9
Northern Trellis	50 North Territorial, Whitmore Lake, MI 48189	2	Adult Use (Recreational Retail) Provisioning Center	10
Michigan Pure Green LLC	52 Barker Road, Whitmore Lake, MI 48189	2	Adult Use (Recreational Retail) Provisioning Center	11
Greenways	9559 Main Street	1	Adult Use (Recreational Retail)	12
Great Lakes Logistical Experts	587 West Northfield Church Road, Ann Arbor, MI 48105	1	Grower - Medical - Class A	13
GS Ashley LLC	8505 Main Street, Whitmore Lake, MI	1	Adult Use (Recreational Retail)	14
GS Ashley LLC	22 Barker Road, Whitmore Lake, MI	2	Adult Use (Recreational Retail) Provisioning Center	15
Kheti LLC	~127 acres of vacant land at East North Territorial Road, 48189	9	Grower - Recreational - Class C Grower - Recreational - Class C Grower - Medical - Class C Grower - Medical - Class C Grower - Medical - Class C Grower - Medical - Class C Grower - Medical - Class C Processor Processor	16

Applicant:
Address:
Permit:

Marihuana Facility Scoring Evaluation

Marihuana Facilities Scoring Criteria			
Description	**Criteria**	**Maximum Points**	**Earned Points**
I. Business Ownership			
Ownership Structure	Content and Sufficiency of information; Professionalism of submitted documentation including clear labeling of required items.	1	
Organizational Chart Provided		1	
Detailed Business Plan	Plan must be detailed with at least 3 year valid pro forma included.	1	
Total - Business Ownership		3	

Marihuana Facilities Scoring Criteria			
Description	**Criteria**	**Maximum Points**	**Earned Points**
II. Financial Stability			
Applicant has disclosed and documented sources and total amount of capitalization, dedicated to this application, to operate and maintain the facility of:	At least $300,000	1	
	At least $500,000	1	
	At least $1,000,000	1	
Sufficient Financial Resources	CPA attested financial statements attached	1	
Total - Financial Stability		4	

Marihuana Facilities Scoring Criteria			
Description	**Criteria**	**Maximum Points**	**Earned Points**
III. Business Experience			
Documented Business History	Nature and type of prior business, years of operation, etc.	1	
Cannabis Business Ownership Documentation	Description of experience with cannabis business ownership	1	
Compliance History	Documented history or regulatory compliance at local level	1	
Business Litigation	Applicant has not been involved and is currently not involved in any business litigation	1	
Total - Business Experience		4	

Marihuana Facilities Scoring Criteria			
Description	**Criteria**	**Maximum Points**	**Earned Points**
IV. Business Operations			
Applicant Describes a Staffing Plan to:	Provide training and educational opportunities for employees including best practices for patient confidentiality, tracking, fraud etc.	1	
	Requires employees to take cannabis training courses	1	
Employee Compensation	Applicant proposes to pay a living wage, as defined by Washtenaw County	1	
Total - Business Operations		3	

Marihuana Facilities Scoring Criteria			
Description	**Criteria**	**Maximum Points**	**Earned Points**
V. Community Outreach			
Applicant has Demonstrated and Described:	A plan to meet with neighborhood organizations, business association, crime watch and other neighborhood organizations to provide contact information for questions, concerns, issues, etc.	1	
	A plan to provide on-going public information program to inform Township residents of cannabis issues and proper/safe/legal use of cannabis products	1	
	A community commitment program	1	
Applicant has identified:	A specific owner and/or employee to serve as a liaison with the Township	1	
Total - Community Outreach and Relations		4	

Marihuana Facilities Scoring Criteria			
Description	**Criteria**	**Maximum Points**	**Earned Points**
VI. Public Safety			
Public Safety	At least 1,000 feet from a school	1	
	At least 1,000 feet from a library, day care, or park	1	
Total - Master Plan		2	

Summary Marihuana Facility Evaluation Results

Criteria	Maximum Points Available	Earned Points
Business Ownership	**3**	
Financial Stability	**4**	
Business Experience	**4**	
Business Operations	**3**	
Community Outreach and Relations	**4**	
Public Safety	**2**	
FINAL TOTAL:	**20**	

MCKENNA

January 6, 2020

North Village Committee
Northfield Township
8350 Main Street
Whitmore Lake, Michigan 48189

SUBJECT: NORTH VILLAGE RFQ SCORING MATRIX RESUTLS AND NORTH VILLAGE SUBCOMMITTEE RECOMMENDATION

Honorable Trustees

Per the Township Board request, the North Village Subcommittee has completed evaluation of the proposals / purchase offers submitted by Livonia Builders and A. R. Brouwer. The results of the evaluation and Committee recommendation are included here for Board Consideration.

North Village Subcommittee Combined Evaluation Results:

- Livonia Builders Average Score 80.13
- A. R. Brouwer Average Score 76.00

All 8 committee participants completed the evaluation.

Evaluation Criteria	Possible Score	Average Score LB	Average Score ARB
1. Demonstrated development experience by the applicant in completing mixed-use projects and/or projects of a similar nature to that which is proposed.	5	4.38	4.88
2. Compatibility and appropriateness of the proposed project scope and design in relation to the Township's stated goals. *Note: Points are available for each stated design objective.*	65	45.38	43.13
3. Experience in developing projects with creative and innovative approaches.	5	5.00	4.13
4. Experience of principals and team members.	5	4.88	5.00
5. Evidence of financial capability and ability to finance project. Examples of similar project financing experience strongly encouraged.	5	5.00	4.50
6. Demonstrated ability to deliver high quality projects on an established timeline.	5	4.75	4.75
7. Demonstrated ability to enter into a public / private partnership.	5	3.63	3.63
8. References – include up to three public agency references from communities or school districts where developer has successfully completed projects.	5	5.00	4.88
9. Any other criteria deemed important by the Township as important to evaluation of proposals, in its sole discretion. *Note: evaluators may optionally award 5 bonus points with justification notes provided.*	5	2.13	1.13
Total possible out of 100	105	80.13	76.00

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

North Village Subcommittee Additional Discussion Items

1. Both developers made changes to the offer template provided by the Attorney. Example, changing the due diligence period, is this ok? *The general terms are the same so we see no issue moving forward with a counter offer; however, the final offer must be reviewed again by the Attorney prior to acceptance.*
2. How much is each proposal valued at? What would the price per acre be? What would the sales price or rent price be? How much taxes will be generated? *A value-based estimate is the best way to give a sense for answering some of these questions. For the purpose of this estimate we are using an average sales price of $250 k for all single family and single family attached units – regardless of whether they are owner or rental units.*

Residential Component Value Estimate

	Livonia Builders	A.R. Bouwer
Number of Taxable Units	90	48
Number of Units proposed for PILOT	0	82
Total Value based on 250,000 per unit	$ 22,500,000	$ 12,000,000
Total Net Present Value of Apartments at $1375 Per Month		$ 3,220,592
SEV @ 50%	$ 11,250,000	$ 6,000,000
PILOT	-	$ 65,000
Annual Taxes (blended millage 44.975)	$ 505,969	$ 269,850
Total Annual Payment	$ 505,969	$ 334,850
Land Value at 5% of total Value	$ 1,125,000.00	$ 600,004.10
Offer	$ 765,000	$850,000

Note: We have not included the "main street" development proposed by A.R. Brouwer in this estimate because Livonia Builders is not proposing to complete this component of the project. This component estimates annually ~ $125K od taxes paid and offer $350,000 for the associated land.

*Note: We used a blended homestead / non homestead millage rate assuming a 75/25 split. Formula: ((40.43*3) + 58.61)/4 = 44.975*

Note: We used an inflation rate of 3.5% and 20 years of rent payments to calculate the NPV of the 82 apartments.

North Village Subcommittee Recommendation:

At this time, the North Village Committee recommends that Livonia Builders, with the development as proposed in the general plan for a counter offer price of one million. The Township will commit to dedicating a minimum of 50% of the sales price to be earmarked for reinvestment in the park area. The acceptance of the final offer is contingent on negotiating a development agreement and all required site approval requirements per the contract.

The North Village subcommittee noted that a refined version of the Livonia Builders plan, that includes access to Barker Road and a nonmotorized path is requested with a revised offer.

We also note that the North Village Committee was impressed by the A. R. Brouwer proposal, and if Livonia Builders should decline the Board's Counter offer, there is no reason not to consider the Brouwer offer.

SINGLE FAMILY RESIDENTIAL CONCEPT

PART OF THE NE 1/4 OF SECTION 6, T.1S., R.6E.

NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN

80 40 0 80 160 150

SCALE IN FEET 1"=80'

SITE DATA:

SETBACKS:

FRONT:	20 FEET
REAR:	15 FEET
SIDE ONE:	5 FEET (MIN)
SIDE TOTAL:	10 FEET
ABUTTING STREET:	20 FEET

40' X 110' LOTS: 90 UNITS

PROPRIETOR

TKB HOLDINGS, LLC
DANNY VERI
4902 DEWITT SUITE 101
CANTON, MI 48188
734-347-3434

DATE: 01-29-2020
PM: EMP
ENG: EMP
SURV: AEC
CAD: EMP
VDATUM:U.S.C. & G.S.
SCALE: 1"= 80'

STATUS:

REVISIONS

JOB NO. 2019.02

ENGINEERS - SURVEYORS
MLP
AND ASSOCIATES, INC

Michael L. Priest & Associates, Inc.
40655 Koppernick Road, Canton, MI 48187
phone: (734) 459-8560
fax: (734) 459-2585

RESIDENTIAL DEVELOPMENT

SINGLE FAMILY

PART OF THE NORTHEAST 1/4 OF SECTION 6, T.1S., R.6E.,
NORTHFIELD TOWNSHIP, WASHTENAW COUNTY, MICHIGAN

SHEET

SPC 190008

PAID
SEP 05 2019
NORTHFIELD TOWNSHIP TREASURER

RECEIVED
NORTHFIELD TOWNSHIP

NORTHFIELD TOWNSHIP MICHIGAN

8350 Main Street • Whitmore Lake, Michigan 48189-0576
Telephone: (734) 449-2880 • Building Dept. (734) 449-5000 • Fax: (734) 449-0123 • Web Site: www.twp-northfield.org

CONDITIONAL USE APPLICATION FORM

PROJECT NAME: Hardscape Solutions, LLC	
PROJECT ADDRESS: 1031 N Territorial Rd W Ann Arbor, MI 48105	
PARCEL ID(S): B-02-19-300-012	**DEVELOPMENT NAME:**
Applicant Information:	**Owner Information:**
Name: Hardscape Solutions, LLC	Name: Thomas Rogowski
Address: 1031 N. Territorial Rd W A² 48105	Address: 1031 N. Territorial Rd W A² 48105
Phone: 734 239-9300	Phone: 810 923-6498
Email: tom@hardscapeoutdoorsolutions.com	Email: tom@hardscapeoutdoorSolutions.com

If application is made by anyone other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or agent thereof that the application and the proposed work or operation is authorized by the owner in fee. If the owner or lessee is a corporate body, the full name and address of the responsible officers shall also be provided.

Proof of Ownership Attached: ☒ **Non-Owner Affidavit Attached:** ☐

If applicant is not the owner, describe applicants interest in the property: _____

PROPERTY DESCRIPTION

Description of Proposed Use: Operate Landscape Business

Conditional Use is Sought Under what section of the Northfield Township Zoning Ordinance: _____

Approval Zoning Board of Appeals 36-864

Zoning Classification(s):

(AR) LR MR MHP SR1 SR2 LC HC GC LI GI RTM ES PUD PSC RC RO WLD-___ W.L./N.T. Overlay OTHER:_____

AN APPLICATION FOR CONDITIONAL USE MUST CONTAIN THE FOLLOWING INFORMATION:

- ☒ Proof of Ownership
- ☒ Legal Description
- ☒ Scaled and accurate survey drawings, with existing buildings, drives, and improvements.
- ☒ A site plan, meeting the requirements of a preliminary site plan, as set forth in Section 64.03, herein.

AUTHORIZED SIGNATURE

I have read the attached provisions of the Northfield Zoning Ordinance in regards to Article 63.0, Conditional Use and understand a public hearing will be established within sixty-five (65) days of the filing date.

Applicant(s) Signature _____ Date 9/3/19

Comments: _____

DETERMINATION

The Northfield Township Planning Commission has reviewed the particular circumstances of the above proposed use relative to Section 63.0 Conditional Uses; and Approved / Disapproved same on _____, 20 _____.

Conditions imposed on the conditional use of the above described property are as follows:

BREACH OF SUCH CONDITIONS SHALL AUTOMATICALLY INVALIDATE THIS PERMIT.

_____ _____
Chair, Planning Commission **Date**

_____ _____
Secretary, Planning Commission **Date**

APPLICANT DETERMINATION AGREEMENT

I/We _____ applicant(s) for this Conditional Use permit hereby agree to comply with the above imposed conditions as specified by the Northfield Township Ordinance and the Planning Commission of Northfield Township.

_____ _____
Applicant Date

_____ _____
Applicant Date

RECEIVED
SEP 04 2019
NORTHFIELD TOWNSHIP

PAID
SEP 04 2019
NORTHFIELD TOWNSHIP
TREASURER

Receipt# 19-313 6453770
01/04/2019 Washtenaw Co, Michigan
Real Estate Transfer Tax
Tax Stamp # 446219
County Tax: $396.00 State Tax: $2,700.00

6453770 L: 5287 P: 1 D
Total Pages: 3 01/04/2019 03:49 PM
Lawrence Kestenbaum
Washtenaw County, Michigan

WARRANTY DEED

LIBERTY TITLE
PROTECTING PROPERTY RIGHTS SINCE 1974

File No. LIB104809

The Grantors: Rahim Khavidi

whose address is: 2688 Sand Hill Dr., Dexter, MI 48130

Convey and Warrant to: Thomas R. Rogowski

whose address is: P.O. Box 801, Lakeland, MI 48143

the following described premises situated in the Township of Northfield, County of Washtenaw, State of Michigan, to wit:

SEE ATTACHED EXHIBIT A/LEGAL DESCRIPTION RIDER

for full consideration of: $360,000.00 (Three Hundred Sixty Thousand Dollars and No Cents)

Subject to: Building and use restrictions and easements if any. Liens for any tax and/or assessment which become due and payable on or after the effective date hereof.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

The grantor grants to the grantee the right to make all divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

This Deed is given as an exercise of the powers reserved in a Deed recorded in Liber 5017, Page 51, Washtenaw County Records.

Dated 12/20/18

WASHTENAW COUNTY TREASURER
TAX CERTIFICATE NO. B15627

WARRANTY DEED

(Continued)

(Attached to and becoming part of the Warranty Deed between Rahim Khavidi, as Grantor(s) and Thomas R. Rogowski, as Grantee(s))

Signed By: Rahim Khavidi 12-20-2018

Rahim Khavidi

STATE OF MICHIGAN
COUNTY OF WASHTENAW

The foregoing instrument was acknowledged before me this 20th day of December, 2018 by Rahim Khavidi.

DAWN M. KEENAN
Notary Public, State of Michigan
County of Wayne
My Commission Expires 10-13-2019
Acting in the County of WASHTENAW

Dawn M Keenan
Dawn M Keenan Notary Public
Wayne County
My Commission Expires: 10/13/2019
Acting in the County of: WASHTENAW

Drafted by: Thomas D. Richardson, Esq.
111 N. Main St.
Ann Arbor, MI 48104

Tax Code: B-02-19-300-012

When recorded return to: Thomas R. Rogowski
~~1831 W. North Territorial Road~~
~~Ann Arbor, MI 48108~~
9806 Kress Rd. P.O. Box 801
Lakeland, MI 48143

(File Number: LIB104809)

WARRANTY DEED

(Continued)

(Attached to and becoming part of the Warranty Deed between Rahim Khavidi, as Grantor(s) and Thomas R. Rogowski, as Grantee(s))

EXHIBIT A/LEGAL DESCRIPTION RIDER

Land is located in the Township of Northfield, County of Washtenaw, State of Michigan, and described as follows:

Commencing at the South 1/4 corner of Section 19, Town1 South, Range 6 East, Northfield Township, Washtenaw County, Michigan; thence North 01 degrees 01 minutes 00 seconds East1338.21 feet along the North-South 1/4 line of said Section19 and along the centerline of Hellner Road for a Place of Beginning; thence North 89 degrees 24 minutes 31 seconds West 274.80 feet; thence North 01 degrees 01 minutes 00 seconds East 954.58 feet; thence South 79 degrees 49 minutes 51 seconds East 278.34 feet along the centerline of North Territorial Road; thence South 01 degrees 01 minutes 00 seconds West 908.27 feet along the East-West 1/4 line of said Section 19 and along the centerline of Hellner Road to the Place of Beginning, being a part of the Southwest 1/4 of said Section 19.

The above described property is commonly known as 1031 W North Territorial Road, Ann Arbor, MI 48105

NORTHFIELD TOWNSHIP
MICHIGAN

8350 Main Street • Whitmore Lake, Michigan 48189-0576
Telephone: (734) 449-2880 • Building Dept. (734) 449-5000 • Fax: (734) 449-0123 • Web Site: www.twp-northfield.org

ZONING COMPLIANCE APPLICATION / CERTIFICATION

Zoning Compliance is required prior to new construction, alterations to an existing structure, or change of use.
This application must be accompanied by two (2) copies of scaled site plans meeting the information requirements of the Zoning administrator. Plans must be dated (mo., day, yr.), including revisions, notate scale, and include a directional 'North' arrow. Proposed and existing structures must be included in plans. For non-residential uses in any zoning district, all buildings and structures, utilities, parking area, dumpsters, landscaping, sidewalks, paved drives, fences, sign locations, etc. must be clearly visible on plans. Site plans must also list the name, address, and parcel number of the property being reviewed on the Zoning Application.
Applications for zoning compliance certificates shall be deemed abandoned (6) months after the date of filing unless diligently pursued or a building permit or certificate of occupancy is issued. Any certificate shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after commencement of work.

PROJECT NAME:	
PROJECT ADDRESS: 1031 N TERRITORIAL RD W, ANN ARBOR, MI 48105	
PARCEL ID(S): B-02-19-300-012	IS THIS PROPERTY IN A FLOOD PLAIN: ☐ Yes ☐ No
Applicant Information:	**Proprietor/Owner Information:**
Name: Hardscape Solutions, LLC	Name: Thomas Rogowski
Address: 1031 N TERRITORIAL RD W	Address: 1031 N. TERRITORIAL RD W
Phone: 810 231-2170	Phone: 810 923 6498
Email: www.hardscapeoutdoorsolutions.com	Email: Tom@hardscapeoutdoorsolutions.com

If application is made by anyone other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or agent thereof that the application and the proposed work or operation is authorized by the owner in fee. If the owner or lessee is a corporate body, the full name and address of the responsible officers shall also be provided.

Proof of Ownership Attached: ☒	Non-Owner Affidavit Attached: ☐

If applicant is not the owner, describe applicants interest in the property: _____

PROPERTY DESCRIPTION

Description of Proposed Use: Landscaping Contractor

Sanitary Facilities: ☐ Sewer; Sewer Tap Permit #: _____ ☒ Septic; WCHD Permit #: _____

Zoning Classification(s):
(AR) LR MR MHP SR1 SR2 LC HC GC LI GI RTM ES PUD PSC RC RO WLD-___ W.L./N.T. Overlay OTHER:_____

Type of Construction/Alteration: _____

Project Start Date:	Project Completion Date:

AUTHORIZED SIGNATURE

In the case of a false statement or misrepresentation of fact in the application or on the plans on which the certificate is based, any zoning compliance certificate issued thereto shall be null and void.
I hereby acknowledge the above facts and those on the attached site sketch and prints to be true to the best of my knowledge and state that said construction and/or occupancy of the structure and/or site shall occur in accordance with this certificate. Further, I agree to give permission for officials of Northfield Township, Washtenaw County and the State of Michigan to enter the property for the purposes of inspection.

T R Rog
Applicant(s) Signature

1/30/19
Date

FOR OFFICE USE ONLY

Received Date: RECEIVED FEB 05 2019 NORTHFIELD TOWNSHIP

Paid Date: PAID FEB 05 2019 NORTHFIELD TOWNSHIP TREASURER

Existing Legal Non-Conformities: ☐ Yes ☐ No

If yes, explain below: BUSINESS ESTABLISHED WITH NO APPROVALS. NOT A LEGAL NC USE. NON-CONFORMING LOT AREA & WIDTH FOR LANDSCAPE BUFF.

ZONING COMPLIANCE CERTIFICATE:

☐ Approved: Date_____

☐ Denied: Date_____

☐ Approved ~~AS~~ Noted: Date_____

☑ Conditional Use Required

☑ Site Plan Approval Required

COMMENTS: See attached comment sheet. ZBA approval of variances reqd. prior to PC and BOT consideration of conditional use & site plan

Zoning Administrator Signature

Date 2/13/19

AREA OF CONCERN

Landscaping:	Complies	Does Not Comply	N/A
1 Greenbelt	☐	☐	☐
2 Parking lot islands, etc.	☐	☐	☐
3 Site Landscaping	☐	☐	☐
4 Foundation Planting	☐	☐	☐
5 Dumpster Screening	☐	☐	☐
6 Comments:			
Signs:			
7 Number of Signs	☐	☐	☐
8 Size and area	☐	☐	☐
9 Comments:			

Comments:

Engineering: _____

Utilities: _____ ☐ Connection fee's paid

Fire Chief: _____ ☐ Inspection Complete

Access: _____

Other Conditions of Approval: _____

Additional Comments: _____

1031 W. North Territorial

Applicant: Hardscape Solutions LLC (Owner: Thomas Rogowski)

Request: Landscaping Contractor

Zoning: AR (Agriculture District)

Action: **Zoning Board of Appeals and Planning Commission Action required (See comments below)**

Comments:

The applicant has filed a request for Zoning Compliance approval in response to a Code Enforcement violation notice. It is our understanding that the applicant recently purchased this business, which was formerly known as Sun and Shade Landscaping. That business never received any approvals from the Township and had been issued multiple violation notices to bring the site into compliance with the ordinance requirements. However, it appears that the business was sold to the applicant.

The application lists the use as "landscaping contractor". In addition, the site has a single family dwellings structure on it, which is listed on the Assessor's records as "residential". Single family dwellings are permitted by right in the AR district per Section 36-156 (1) of the Zoning Ordinance. However, it is unclear if the applicant is using this structure for residential uses or in conjunction with the landscaping business. The subject site is zoned AR district, which permits landscaping businesses as a conditional land use per Section 36-157 (16) of the Zoning Ordinance, as follows:

(16) Landscape nurseries, greenhouses, and landscaping businesses with retail facilities may be permitted where the nature of the business will not negatively impact adjacent nonagricultural uses, and provided the business does not pose an environmental hazard. Landscaping businesses may include operations necessary to install and maintain plant materials off site, including storage of trucks for transportation of plants, soils, and other landscaping materials. Such equipment may consist of trucks not exceeding 12 yards capacity, flatbed trailers only for hauling small equipment and necessary landscape products, and other necessary equipment such as tractors, skid loaders small front end loaders, and tree moving equipment. In addition, a landscaping/nursery operation may include other decorative manmade materials such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, garden pools, statues, and benches shall also be considered part of a landscaping operation, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Construction equipment or road maintenance equipment is not considered to be a part of nursery and/or landscaping operations. The following regulations shall apply to all landscape nurseries and landscape businesses the AR district:

- *a. The following yard and setback requirements shall apply:*
  - *1. Lot area. Not less than ten acres in area.*
  - *2. Lot width. Not less than 300 feet in width.*
  - *3. Front yard setback. 85 feet.*
  - *4. Side yard setback. Each side yard setback shall not be less than 50 feet, except in the case of a corner lot, where the side yard on the road or street side shall not be less than 60 feet.*
  - *5. Rear yard setback. Not less than 50 feet.*
- *b. A permanent vegetative buffer with a minimum width of 20 feet shall be established around the periphery of the landscaping operation. Such vegetative buffer shall be completed*

before the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials. See section 36-706 for planting materials.

The subject site has an area of 5.91 acres and a lot width of approximately 278 feet.
The applicant must provide a more detailed explanation of exactly what the business involves as a landscape contractor, including clarification if the residential structure is being used as part of the business or as a dwelling.

If the business is indeed a landscape company, it will first require approval from the Zoning Board of Appeals for lot area and lot width, neither of which meets the minimum requirements of the Ordinance. An application must be filed for ZBA consideration per the provisions of Section 36-943.

If the ZBA grants the variances, the applicant will subsequently have to apply to the Planning Commission for site plan and conditional land use approvals under the requirements of Section 36-864. Conditional land uses require a recommendation from the Planning Commission and final approval from the Township Board of Trustees.

Zoning Administrator
2/13/2019

NORTHFIELD TOWNSHIP
MICHIGAN

January 23, 2019

Thomas Rogowski
Hardscape Solutions, LLC
1031 W. North Territorial
Ann Arbor, MI 48105

Re: Notice of Violation 1031 W. North Territorial Rd. Parcel B -02-19-300-012

Dear Mr. Rogowski,

It has come to the attention of Northfield Township that you recently purchased the property at 1031 W. North Territorial and that you are operating a business, Hardscape Solutions LLC, at that location. All new businesses are required to file for a Zoning Compliance approval, which will determine the need for any additional approvals. The Township has not received any such application from you.

You are in violation of the following ordinance:
Sec. 36-864. - Site plan approval.
(b) "Site plan review and approval is required for all proposed uses and structures within the township except for individual single-family dwellings"…
(c) "Site plan review and approval is required for existing uses or structures, except individual single-family detached dwellings and farm buildings, where an alteration to the existing use or structure would result in one of the following:
(1) An increase or reduction of the floor area of a structure or land area occupied by the use.
(2) A change of use, even if the change of use is permitted in the subject zoning district.
(3) A variance from the provisions of this chapter, regardless of its size."

The first step to become compliant with the ordinances is to submit a zoning compliance application, which is enclosed. Please submit a zoning compliance application with the required $200 fee within 30 days, no later than February 23, 2019. If the Township does not receive the zoning compliance application, enforcement action will be taken. If you believe the information contained in this notice of violation is incorrect or you would like to discuss this matter further, please contact me at the phone number listed below. The Township looks forward to your cooperation with regards to this matter.

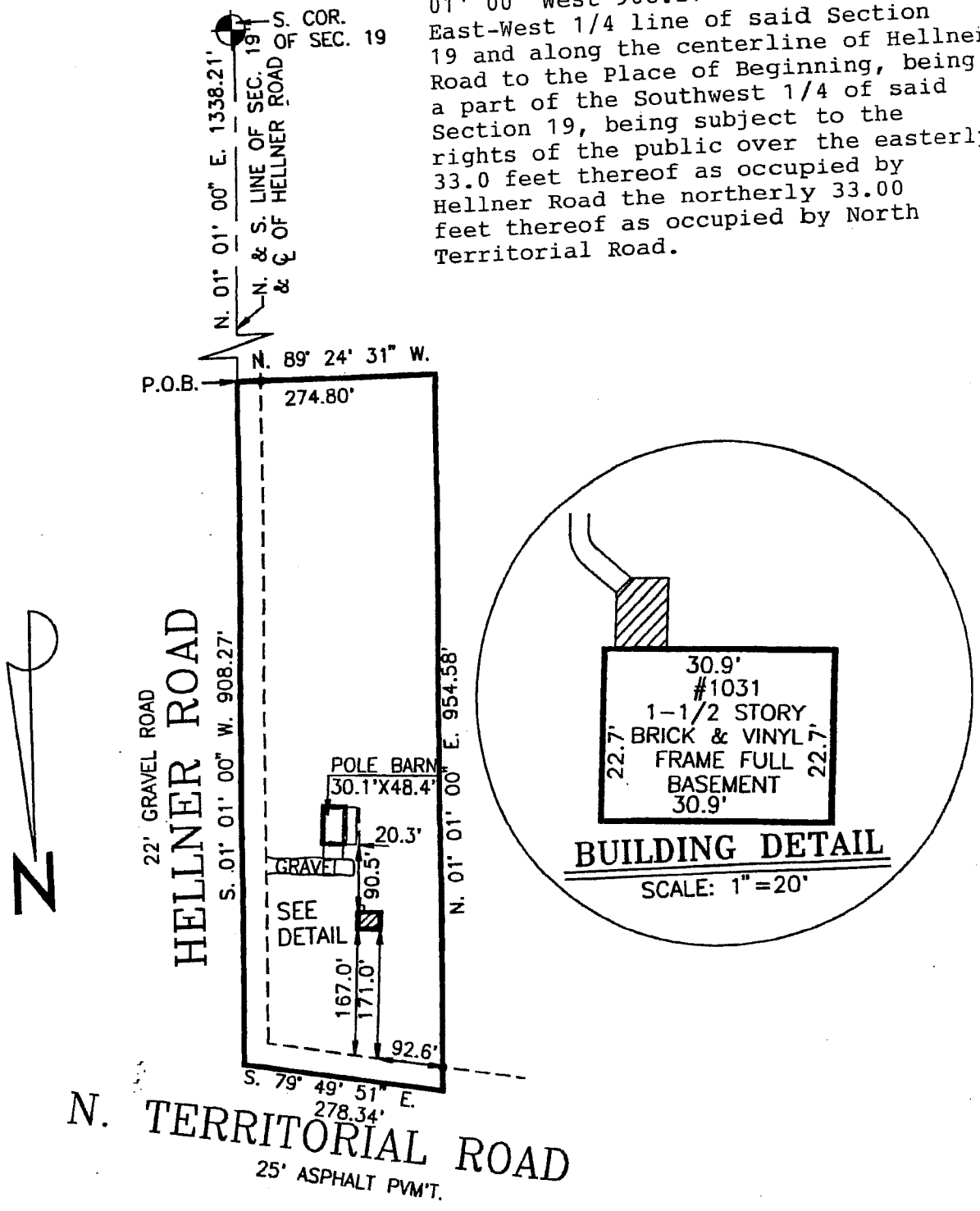
Sincerely,

James Turner
Code Enforcement Officer
Northfield Township
code_enforcement@northfieldmi.gov
(734) 449-2880 ext. 13

cc: Mrs. Vidya Krishnan, Zoning Administrator

MORTGAGE SURVEY

Property Description:
Commencing at the South 1/4 corner of Section 19, T1S, R6E, Northfield Township, Washtenaw County, Michigan; thence North 01° 01' 00" East 1338.21 feet along the North-South 1/4 line of said Section 19 and along the centerline of Hellner Road for a PLACE OF BEGINNING; thence North 89° 24' 31" West 274.80 feet; thence North 01° 01' 00" East 954.58 feet; thence South 79° 49' 51" East 278.34 feet along the centerline of North Territorial Road; thence South 01° 01' 00" West 908.27 feet along the East-West 1/4 line of said Section 19 and along the centerline of Hellner Road to the Place of Beginning, being a part of the Southwest 1/4 of said Section 19, being subject to the rights of the public over the easterly 33.0 feet thereof as occupied by Hellner Road the northerly 33.00 feet thereof as occupied by North Territorial Road.



CERTIFICATE: We hereby certify that we have surveyed the above-

MCKENNA

Febraury 12, 2020

Planning Commission
Northfield Township
8350 Main Street
Whitmore Lake, MI 48189-0576

Subject: Northfield Township; Hardscape Solutions LCC, 1031 N. Territorial Road W., MI Conditional Use Review #3;

Dear Planning Commissioners:

We have reviewed the proposed application for conditional use approval submitted by the Hardscape Solutions to use a portion of the site as landscape supplies. There does not appear to be a new building and the applicant has made minor changes to the site that indicate the landscape materials will be inside of the building. The site is located at the intersection of North Territorial Rd and Hellner Rd. The site is on the west side of Hellner.

The site is zoned as Agricultural (AR). The use is a landscape business which is permitted in the Agricultural District as a conditional use. Landscaping businesses (Section 36-157)(16)) are permitted subject to obtaining a conditional use permit.

Site Photo: Intersection of Hellner and North Territorial Road (Source: Google Maps 2019; site boundary is an approximate)

CONDITIONAL USE COMMENTS
Conditional use approval of landscape businesses are subject to the general discretionary standards in Section 36-838 (General Conditional Use Approval Requirements) of the Zoning Ordinance, which is applicable to all conditional uses. The applicant has removed outdoor storage from the site and indicated that the landscape supply material will be located in a barn.

HEADQUARTERS
235 East Main St.
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

Our comments are provided below. For conditional use approval to be granted, the Planning Commission and Township Board must find that the proposed use satisfies the following general criteria:

1. **Specific Standards for Landscape Businesses:** The proposed use is a landscape business. Regulations specific to Landscape Businesses are in Section 36-157(16) of the Zoning Ordinance. The standards are listed below.

    a. The following yard and setback requirements shall apply:

        1. Lot Area. Not less than ten acres in area. *There is a variance for lot area.*
        2. Lot width. Not less than 300 feet in width. *The lot width is not greater than 300 feet. There is a variance that addresses this.*
        3. Front yard setback. 85 feet*. The front yard setback is 113 feet for existing structures and the Future Landscape Supplies.*
        4. Side yard setback. Each side yard setback shall not be less than 50 feet, except in the cases of a corner lot, where the side yard on the road shall not be less than 60 feet. *The side yard set backs are meant.*
        5. Rear yard setback. 85 feet. The rear yard setback for the housing unit is 80 feet. *However, the portion of the site stated to be used as landscaping supplies is set back more than 85 feet. We find this standard to be met.*

    b. A permanent vegetative buffer with a minimum width of 20 feet shall be established around the periphery of the landscaping operation. Such vegetative buffer shall be completed before the date of issuance of a certificated of occupancy and shall thereafter be maintained with permanent plant materials. See section 36-706 for planting materials. *The location of the landscape supplies is uniquely screened on the site with existing vegetation. To the south of the landscape supplies there are trees on the site which act as screening. West of the landscape supplies there is an existing tree farm which also serves as screening. To the north of the landscaping supplies there is a barn which also acts as screening. Finally, to the east there is a 33 ft easement. Within the easement adjacent to the road there appears to be dense natural vegetation all along the east edge of the lot. The north edge has landscaping but it is not natural landscaping. We recommend that the planning commission find that the existing vegetation on and at the perimeter of the site sufficient for screening the landscape supplies.*

2. ***Will be harmonious with and in accordance with the general objectives, intent and purpose of this chapter.*** The landscaping business will be using resources and resource utilization is one of the purposes of the district. The landscaping business is also in close proximity to the tree farm on the site which shows its compatibility with agricultural related uses. The proposed use expansion is harmonious with and in accordance with the general objectives, intent, and purpose of this chapter.

3. ***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.*** There are no additional buildings proposed on the site. However, there are additional setbacks required for landscaping businesses.

    A. Building Setbacks. Section 36-157(16)(a)(1) of the Zoning Ordinance requires landscape businesses to be located on lots that are a minimum of ten acres in area. The site is only six acres. The applicant has obtained a variance from the Zoning Board of Appeals.

4. ***Will be compatible with the natural environment and existing and future uses in the vicinity.*** The site is bordered by Agricultural on all sides. The proposed use is generally compatible with the existing and anticipated future land uses of the vicinity. There is extensive landscaping located on the site as it currently exists, while there is a landscaping plan there is not additional landscaping proposed.

5. ***Will be compatible with the Township land use development plan.*** The site has a Future Land Use designation of AR– Agricultural, and the Zoning Plan of the Master Plan supports the current AR zoning of the site. The intent of the Agricultural Future Land Use designation is to allow low density residential land use as well as to conserve, stabilize, enhance, and develop farming and related resource utilization activities, to minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these activities, and to prohibit uses of parcels, lots, buildings, and structures which require streets, drainage, and other public facilities, and services of a different type and quantity than those normally required by these activities. The site is proposed to remain zoned as AR, which is appropriate for any potential future use that may be located on the site, including the uses listed in the Master Plan. The landscape business follows the development plan by utilizing resources within the Agricultural District. Thus, the site is compatible with the Master Plan and most adjacent uses.

6. ***Will be or can be served adequately by essential public facilities and services.*** Primary access to the site is via North Territorial Rd and Hellner Rd. This is close to US-23 a County Primary road. There are two driveways on Hellner Rd providing access to the site. The site is adjacent to North Territorial road which serves as a Minor Arterial road. Therefore, the site is accessible for emergency vehicles. The site is served by well and septic. No major changes are proposed for the day-to-day scale of operations on the site, so the demand for public facilities is likely to be the same as current demand. We defer to the Township Police and Fire Department for additional comments regarding the anticipated demand for their services.

7. ***Will not be hazardous or disturbing to existing or future neighboring uses.*** The zoning of adjacent lots includes AR Agricultural use to the north, east, south and west. This use is similar to AR Agricultural and matches the other uses around it.

8. ***Will not create excessive additional requirements at public cost for public facilities and services.*** The landscape business is not expected to create any excessive additional requirements at public cost for public facilities and services.

RECOMMENDATION
At this time, we recommend approval of the Conditional Use subject to the following:

1. Comments on the site plan are addressed.

We look forward to reviewing these findings with you. If you have any questions about this report, please contact us.

Respectfully submitted,

MCKENNA

Paul Lippens, AICP
Director of Urban Design and Mobility

RECEIVED
SEP 04 2019

PAID
SEP 05 2019

Application # SPR190008

NORTHFIELD TOWNSHIP

NORTHFIELD TOWNSHIP TREASURER

NORTHFIELD TOWNSHIP

SITE PLAN REVIEW APPLICATION

PROJECT NAME: Hardscape Solutions, LLC

PROJECT ADDRESS: 1031 N. Territorial Rd W Ann Arbor, MI 48105

Applicant Information:	Owner Information:
Name: Hardscape Solutions, LLC	Name: Thomas Rogowski
Address: 1031 N. Territorial Rd W A2 48105	Address: 1031 N. Territorial Rd W A2 48105
Phone: 734-239-9300	Phone: 810 923-6498
Email: tom@hardscapeoutdoorSolutions.com	Email: tom@hardscapeoutdoorSolutions.com

If the applicant is not the property owner, then a statement from the owner **MUST** be attached authorizing the application.

Proof of ownership **OR** Statement if applicant is not owner is attached. ☐

If applicant is not the owner, describe applicant's interest in the property

PROPERTY DESCRIPTION

Legal Description: ☐ Attached ☑ On Site Plan

Parcel ID(s): B-02-19-300-012

Description of Proposed Use: Landscape Contractor

Total Acreage of Site:	Total Floor Area:
5.91	Existing:
	Proposed:
Height of Structure(s) (in stories & feet):	Sanitary Facilities: ☐ Sewer ☑ Septic
	Water: ☐ Municipal ☑ Private Well

Zoning Classification(s):

☐ RC ☒ AR ☐ LR ☐ SR1 ☐ SR2 ☐ MR ☐ VC ☐ LC ☐ GC ☐ ES ☐ HC ☐ GI ☐ LI ☐ Other _____

SITE PLAN REVIEW OPTIONS

Administrative Site Plan Review:	Site Plan Review:
☐ Expansion or reduction of an existing, conforming structure less than 2,000 sq. ft. / 5% of floor area	☐ New Construction
☐ Additional parking, loading / unloading spaces and landscape improvements	☐ Building Addition
Development Plan Review:	**Amendment to Approved Site Plan or Development Plan:**
☐ Planned Unit Development	☐ Site Plan
☐ Planned Residential Development	☐ Development Plan
☐ Site Condominium Plan	

Site or Development Plan Review in conjunction with: ☐ Rezoning Request ☒ Special Land Use Request

Application # _____

AUTHORIZED SIGNATURE	
I hereby state that all of the above statements and all of the accompanying information are true and correct.	
Applicant's Signature: E R Roy	Date: 9/3/19
FOR OFFICE USE ONLY	
Application Received Date:	**Planning Commission Received Date:**
Planning Commission Action: ☐ Approved Date: _____	☐ Denied Date: _____
Expiration Date: _____	
Fee Received: ☐ Cash ☐ Check #_____	

Receipt# 19-313 6453770
01/04/2019 Washtenaw Co, Michigan
Real Estate Transfer Tax
Tax Stamp # 446219
County Tax: $396.00 State Tax: $2,700.00

6453770 L: 5287 P: 1 D
Total Pages: 3 01/04/2019 03:49 PM
Lawrence Kestenbaum
Washtenaw County, Michigan

WARRANTY DEED

LIBERTY TITLE
PROTECTING PROPERTY RIGHTS SINCE 1974

File No. LIB104809

The Grantors: Rahim Khavidi

whose address is: 2688 Sand Hill Dr., Dexter, MI 48130

Convey and Warrant to: Thomas R. Rogowski

whose address is: P.O. Box 801, Lakeland, MI 48143

the following described premises situated in the Township of Northfield, County of Washtenaw, State of Michigan, to wit:

SEE ATTACHED EXHIBIT A/LEGAL DESCRIPTION RIDER

for full consideration of: $360,000.00 (Three Hundred Sixty Thousand Dollars and No Cents)

Subject to: Building and use restrictions and easements if any. Liens for any tax and/or assessment which become due and payable on or after the effective date hereof.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

The grantor grants to the grantee the right to make all divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

This Deed is given as an exercise of the powers reserved in a Deed recorded in Liber 5017, Page 51, Washtenaw County Records.

Dated 12/30/18

WASHTENAW COUNTY TREASURER
TAX CERTIFICATE NO. B15627

WARRANTY DEED

(Continued)

(Attached to and becoming part of the Warranty Deed between Rahim Khavidi, as Grantor(s) and Thomas R. Rogowski, as Grantee(s))

Signed By: Rahim Khavidi 12-20-2018

Rahim Khavidi

STATE OF MICHIGAN
COUNTY OF WASHTENAW

The foregoing instrument was acknowledged before me this 20th day of December, 2018 by Rahim Khavidi.

DAWN M. KEENAN
Notary Public, State of Michigan
County of Wayne
My Commission Expires 10-13-2019
Acting in the County of WASHTENAW

Dawn M Keenan
Dawn M Keenan Notary Public
Wayne County
My Commission Expires: 10/13/2019
Acting in the County of: WASHTENAW

Drafted by: Thomas D. Richardson, Esq.
111 N. Main St.
Ann Arbor, MI 48104

Tax Code: B-02-19-300-012

When recorded return to: Thomas R. Rogowski
~~1831 W. Noah Territorial Road~~
~~Ann Arbor, MI 48105~~
9806 Kress Rd. P.O. Box 801
Lakeland, MI 48143

(File Number: LIB104809)

WARRANTY DEED

(Continued)

(Attached to and becoming part of the Warranty Deed between Rahim Khavidi, as Grantor(s) and Thomas R. Rogowski, as Grantee(s))

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The above described property is commonly known as 1031 W North Territorial Road, Ann Arbor, MI 48105

NORTHFIELD TOWNSHIP
MICHIGAN

8350 Main Street • Whitmore Lake, Michigan 48189-0576
Telephone: (734) 449-2880 • Building Dept. (734) 449-5000 • Fax: (734) 449-0123 • Web Site: www.twp-northfield.org

ZONING COMPLIANCE APPLICATION / CERTIFICATION

Zoning Compliance is required prior to new construction, alterations to an existing structure, or change of use.
This application must be accompanied by two (2) copies of scaled site plans meeting the information requirements of the Zoning administrator. Plans must be dated (mo., day, yr.), including revisions, notate scale, and include a directional 'North' arrow. Proposed and existing structures must be included in plans. For non-residential uses in any zoning district, all buildings and structures, utilities, parking area, dumpsters, landscaping, sidewalks, paved drives, fences, sign locations, etc. must be clearly visible on plans. Site plans must also list the name, address, and parcel number of the property being reviewed on the Zoning Application.
Applications for zoning compliance certificates shall be deemed abandoned (6) months after the date of filing unless diligently pursued or a building permit or certificate of occupancy is issued. Any certificate shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after commencement of work.

PROJECT NAME:

PROJECT ADDRESS: 1031 N TERRITORIAL RD W, ANN ARBOR, MI 48105

PARCEL ID(S): B-02-19-300-012 | **IS THIS PROPERTY IN A FLOOD PLAIN:** ☐ Yes ☐ No

Applicant Information:	Proprietor/Owner Information:
Name: Landscape Solutions, LLC	Name: Thomas Rogowski
Address: 1031 N TERRITORIAL RD W	Address: 1031 N. TERRITORIAL RD W
Phone: 810 231-2170	Phone: 810 923 6498
Email: www.landscapeoutdoorsolutions.com	Email: Tom@landscapeoutdoorsolutions.com

If application is made by anyone other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or agent thereof that the application and the proposed work or operation is authorized by the owner in fee. If the owner or lessee is a corporate body, the full name and address of the responsible officers shall also be provided.

Proof of Ownership Attached: ☒ | **Non-Owner Affidavit Attached:** ☐

If applicant is not the owner, describe applicants interest in the property: _____

PROPERTY DESCRIPTION

Description of Proposed Use: Landscaping Contractor

Sanitary Facilities: ☐ Sewer; Sewer Tap Permit #: _____ ☒ Septic; WCHD Permit #: _____

Zoning Classification(s):
(AR) LR MR MHP SR1 SR2 LC HC GC LI GI RTM ES PUD PSC RC RO WLD-___ W.L./N.T. Overlay OTHER:_____

Type of Construction/Alteration: _____

Project Start Date: | **Project Completion Date:**

AUTHORIZED SIGNATURE

In the case of a false statement or misrepresentation of fact in the application or on the plans on which the certificate is based, any zoning compliance certificate issued thereto shall be null and void.
I hereby acknowledge the above facts and those on the attached site sketch and prints to be true to the best of my knowledge and state that said construction and/or occupancy of the structure and/or site shall occur in accordance with this certificate. Further, I agree to give permission for officials of Northfield Township, Washtenaw County and the State of Michigan to enter the property for the purposes of inspection.

T R Rog
Applicant(s) Signature

1/30/19
Date

FOR OFFICE USE ONLY

Received Date: RECEIVED FEB 05 2019 NORTHFIELD TOWNSHIP

Paid Date: PAID FEB 05 2019 NORTHFIELD TOWNSHIP TREASURER

Existing Legal Non-Conformities: ☐ Yes ☐ No

If yes, explain below:
BUSINESS ESTABLISHED WITH NO APPROVALS. NOT A LEGAL NC USE.
NON-CONFORMING LOT AREA & WIDTH FOR LANDSCAPE BUSS.

ZONING COMPLIANCE CERTIFICATE:

☐ Approved: Date_____

☐ Denied: Date_____

☐ Approved ~~As~~ Noted: Date_____

☑ Conditional Use Required

☑ Site Plan Approval Required

COMMENTS: See attached comment sheet.
ZBA approval of variances reqd. prior to PC and BOT consideration of conditional use & site plan

Victoria S
Zoning Administrator Signature

2/13/19
Date

AREA OF CONCERN

Landscaping:	Complies	Does Not Comply	N/A
1 Greenbelt	☐	☐	☐
2 Parking lot islands, etc.	☐	☐	☐
3 Site Landscaping	☐	☐	☐
4 Foundation Planting	☐	☐	☐
5 Dumpster Screening	☐	☐	☐
6 Comments:			
Signs:			
7 Number of Signs	☐	☐	☐
8 Size and area	☐	☐	☐
9 Comments:			

Comments:

Engineering: _____

Utilities: _____ ☐ Connection fee's paid

Fire Chief: _____ ☐ Inspection Complete

Access: _____

Other Conditions of Approval: _____

Additional Comments: _____

1031 W. North Territorial

Applicant: Hardscape Solutions LLC (Owner: Thomas Rogowski)

Request: Landscaping Contractor

Zoning: AR (Agriculture District)

Action: **Zoning Board of Appeals and Planning Commission Action required (See comments below)**

Comments:

The applicant has filed a request for Zoning Compliance approval in response to a Code Enforcement violation notice. It is our understanding that the applicant recently purchased this business, which was formerly known as Sun and Shade Landscaping. That business never received any approvals from the Township and had been issued multiple violation notices to bring the site into compliance with the ordinance requirements. However, it appears that the business was sold to the applicant.

The application lists the use as "landscaping contractor". In addition, the site has a single family dwellings structure on it, which is listed on the Assessor's records as "residential". Single family dwellings are permitted by right in the AR district per Section 36-156 (1) of the Zoning Ordinance. However, it is unclear if the applicant is using this structure for residential uses or in conjunction with the landscaping business. The subject site is zoned AR district, which permits landscaping businesses as a conditional land use per Section 36-157 (16) of the Zoning Ordinance, as follows:

(16) Landscape nurseries, greenhouses, and landscaping businesses with retail facilities may be permitted where the nature of the business will not negatively impact adjacent nonagricultural uses, and provided the business does not pose an environmental hazard. Landscaping businesses may include operations necessary to install and maintain plant materials off site, including storage of trucks for transportation of plants, soils, and other landscaping materials. Such equipment may consist of trucks not exceeding 12 yards capacity, flatbed trailers only for hauling small equipment and necessary landscape products, and other necessary equipment such as tractors, skid loaders small front end loaders, and tree moving equipment. In addition, a landscaping/nursery operation may include other decorative manmade materials such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, garden pools, statues, and benches shall also be considered part of a landscaping operation, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Construction equipment or road maintenance equipment is not considered to be a part of nursery and/or landscaping operations. The following regulations shall apply to all landscape nurseries and landscape businesses the AR district:

- *a. The following yard and setback requirements shall apply:*
  - *1. Lot area. Not less than ten acres in area.*
  - *2. Lot width. Not less than 300 feet in width.*
  - *3. Front yard setback. 85 feet.*
  - *4. Side yard setback. Each side yard setback shall not be less than 50 feet, except in the case of a corner lot, where the side yard on the road or street side shall not be less than 60 feet.*
  - *5. Rear yard setback. Not less than 50 feet.*
- *b. A permanent vegetative buffer with a minimum width of 20 feet shall be established around the periphery of the landscaping operation. Such vegetative buffer shall be completed*

before the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials. See section 36-706 for planting materials.

The subject site has an area of 5.91 acres and a lot width of approximately 278 feet.
The applicant must provide a more detailed explanation of exactly what the business involves as a landscape contractor, including clarification if the residential structure is being used as part of the business or as a dwelling.

If the business is indeed a landscape company, it will first require approval from the Zoning Board of Appeals for lot area and lot width, neither of which meets the minimum requirements of the Ordinance. An application must be filed for ZBA consideration per the provisions of Section 36-943.

If the ZBA grants the variances, the applicant will subsequently have to apply to the Planning Commission for site plan and conditional land use approvals under the requirements of Section 36-864. Conditional land uses require a recommendation from the Planning Commission and final approval from the Township Board of Trustees.

Zoning Administrator
2/13/2019

NORTHFIELD TOWNSHIP
MICHIGAN

January 23, 2019

Thomas Rogowski
Hardscape Solutions, LLC
1031 W. North Territorial
Ann Arbor, MI 48105

Re: Notice of Violation 1031 W. North Territorial Rd. Parcel B -02-19-300-012

Dear Mr. Rogowski,

It has come to the attention of Northfield Township that you recently purchased the property at 1031 W. North Territorial and that you are operating a business, Hardscape Solutions LLC, at that location. All new businesses are required to file for a Zoning Compliance approval, which will determine the need for any additional approvals. The Township has not received any such application from you.

You are in violation of the following ordinance:
Sec. 36-864. - Site plan approval.
(b) "Site plan review and approval is required for all proposed uses and structures within the township except for individual single-family dwellings"…
(c) "Site plan review and approval is required for existing uses or structures, except individual single-family detached dwellings and farm buildings, where an alteration to the existing use or structure would result in one of the following:
(1) An increase or reduction of the floor area of a structure or land area occupied by the use.
(2) A change of use, even if the change of use is permitted in the subject zoning district.
(3) A variance from the provisions of this chapter, regardless of its size."

The first step to become compliant with the ordinances is to submit a zoning compliance application, which is enclosed. Please submit a zoning compliance application with the required $200 fee within 30 days, no later than February 23, 2019. If the Township does not receive the zoning compliance application, enforcement action will be taken. If you believe the information contained in this notice of violation is incorrect or you would like to discuss this matter further, please contact me at the phone number listed below. The Township looks forward to your cooperation with regards to this matter.

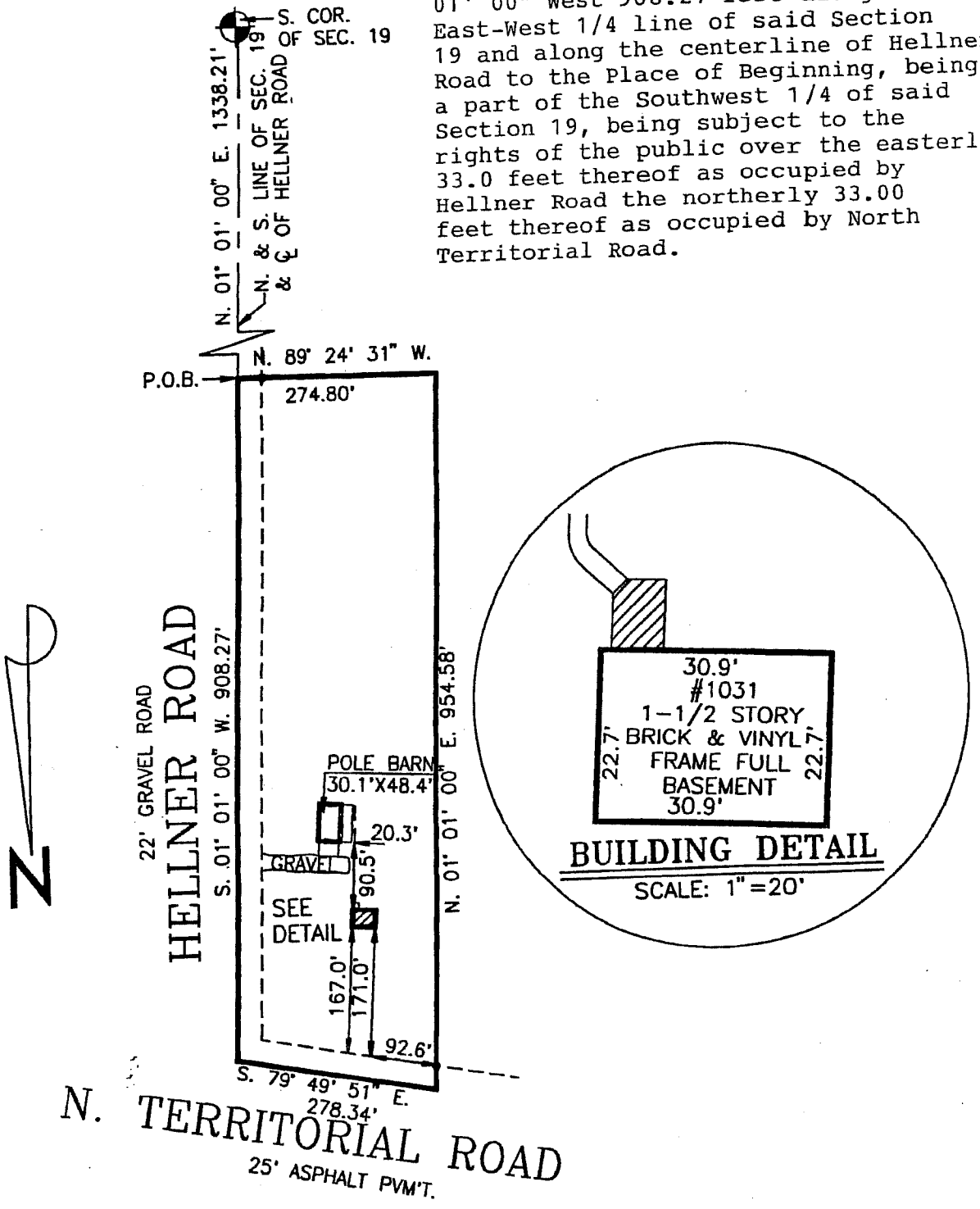
Sincerely,

James Turner
Code Enforcement Officer
Northfield Township
code_enforcement@northfieldmi.gov
(734) 449-2880 ext. 13

cc: Mrs. Vidya Krishnan, Zoning Administrator

MORTGAGE SURVEY

Property Description:
Commencing at the South 1/4 corner of Section 19, T1S, R6E, Northfield Township, Washtenaw County, Michigan; thence North 01° 01' 00" East 1338.21 feet along the North-South 1/4 line of said Section 19 and along the centerline of Hellner Road for a PLACE OF BEGINNING; thence North 89° 24' 31" West 274.80 feet; thence North 01° 01' 00" East 954.58 feet; thence South 79° 49' 51" East 278.34 feet along the centerline of North Territorial Road; thence South 01° 01' 00" West 908.27 feet along the East-West 1/4 line of said Section 19 and along the centerline of Hellner Road to the Place of Beginning, being a part of the Southwest 1/4 of said Section 19, being subject to the rights of the public over the easterly 33.0 feet thereof as occupied by Hellner Road the northerly 33.00 feet thereof as occupied by North Territorial Road.



CERTIFICATE: We hereby certify that we have surveyed the above-

MCKENNA

February 12, 2020

Planning Commission
Northfield Township
8350 Main Street
Whitmore Lake, MI 48189

Subject: North Field Township; Hardscape Solutions LCC 1031 North Territorial Road W Northfield, MI Site Plan Review #4; received by McKenna on September 5, 2019

Dear Planning Commissioners:

Hardscape Solutions LCC is located at the intersection of Hellner Rd and North Territorial Road and the site currently is being used as a tree farm. The tree farm is a permitted use in the Agricultural district. There is no additional structures planned to be built and the site is planned to be used as landscape supplies which is allowed as a conditional use in Agricultural (AR). The site currently has two barns and a single-family home located on it. The site is approximately 6 acres and zoned Agricultural (AR). Landscape Businesses (Section 36-157) (16)) are permitted with conditional use approval in the AR zoning district. **The applicant has moved the landscaping supplies into Barn "B"**. Our comments on the Conditional Use application for the existing and proposed uses are in a separate letter.

We have reviewed the site plan for compliance with the Township's Zoning Ordinance and with sound planning and design principles, and we offer the following comments for your consideration (any items requiring correction or additional information are underlined):

Site Photo: Intersection of Hellner and North Territorial Road (Source: Google Maps 2019; site boundary is an approximate)

DETROIT
28 West Adams Street
Suite 1000
Detroit, Michigan 48226

O 313.888.9882
F 248.596.0930
MCKA.COM

COMMENTS

1. **Use.** The site is located in the Agricultural (AR) zoning district. The stated intent of the Agricultural District is to allow low density residential land use as well as to conserve, stabilize, enhance, and develop farming and related resource utilization activities, to minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these activities, and to prohibit uses of parcels, lots, buildings, and structures which require streets, drainage, and other public facilities, and services of a different type and quantity than those normally required by these activities. The district, in preserving areas for agricultural uses, is also designed to prevent proliferation of residential subdivision and urban sprawl. Typical permitted uses in the Agricultural (AR) District include, single-family dwelling, open space development, and farms. Typical conditional uses in the AR district include veterinarian, animal clinic, kennels, essential service buildings, farm labor housing as an accessory use, public utility structures and right-of-way easements, **landscape businesses** and agricultural/tourism businesses. Landscape supplies are similar to landscape businesses which is a conditional use in the AR zoning district. The site plan shows that the landscape materials are located within Barn "B".

2. **Dimensional Requirements.** Section 36-158 of the Zoning Ordinance includes the dimensional requirements for the minimum lot area (5 acres), minimum lot width (150 feet), maximum lot coverage (10%), front yard setback (50 feet) from right-of-way, side yard setback (30 feet), rear yard setback (50 feet), and height (40 feet). All of these standards have been met for the proposed site, for the purposes of this review we considered Hellner to be the fronting street.

3. **Access and Circulation.** The access for the parcel is on the east side which appears to be connected to a driveway. There are two driveways that provide access to the site. One is an existing gravel driveway and the other is a brick paver driveway. There are no signs indicated on the plan. If there will be fewer than 50 vehicle trips during the peak hour, then Section 36-717(c) of the Zoning Ordinance does not require a Traffic Impact Study. The site appears to be in a rural area and may have less traffic. The applicant has provided information on the number of trips and because the number of trips is below 50 a traffic study is not required.

4. **Parking and Loading.** Parking and loading requirements are defined in Article 25 of the Zoning Ordinance. The parking requirements by use only include some uses. The parking is most similar to a single-family dwelling and a contractor's yard. Currently, there is one dwelling unit on the site so a minimum of two spaces are required. The parking requirements for single-family dwellings are two spaces for each family or dwelling unit. The contractor's establishments require one space for each employee and vehicle stored on the premise. This would require at least one employee space. If the residential units and the barns are the only structures on the site then the driveways are a sufficient supply of parking. The driveway has enough room to park four cars and allow for incoming traffic to pass by. Based on the information provided the parking standards are met.

   Section 36-762(12) of the Zoning Ordinance requires parking spaces to be at least 200 sq. ft. in area and at least 10 feet wide. The typical parking space dimensions are not shown but there is enough room for at least four 10 feet wide by 20 feet long parking space.

   The minimum required aisle width is 22 feet, and the parking aisle is at least 22 feet wide.

Section 36-766 and 36-767 requires 1 loading space at least 10 feet in width and 25 feet in length. A loading space is indicated on the site plan that is 100 ft. by 100 ft. One loading space is required for every 5,000 square feet of gross floor area. The applicant has provided the location of loading space and has provided dimensions. The loading space is located at the east side of the property in the middle of the site and meets the standards of the ordinance.

5. **Landscaping and Screening.** Our comments on the landscaping requirements are as follows:

   a. **Parking Lot Landscaping.** Section 36-722(m) of the Zoning Ordinance requires 1 canopy tree per 8 parking spaces. There are less than eight parking spaces. Canopy trees are not required.

   b. **Tree Mitigation.** For any landmark trees that are removed, Section 36-723(g) requires replanting of 100% of the original diameter at breast height (DBH) removed. The new building will be built on an open field, so it appears that none of the existing or landmark trees will be removed.

   c. **Fences.** There are no fences on the site. If a fence is on the site it must meet the requirements of Section 36-715.

   d. **Landscaping Plan.** A landscaping plan has been provided in the site plan review. Based on the street view from google roads and the landscape plan the site has existing trees that act as screening. There are trees along Hellner road that appear to be natural dense vegetation. There are also trees along the perimeter of the property making it difficult to view the property from the road. Where there are gaps in the landscaping there appears to be more trees located throughout the site. The following list provides the goals of the landscape plan.

      i. To integrate various elements of the site. *The site has various elements on the property and the existing landscaping buffers each element from each other and also serves as screening from the road. There are elements on the site that reflect a well landscaped residential front lawn and the residential landscaping is separated by more intensive landscaping which separates the driveway and the barn and the landscaping supply. The site also has a tree farm and trees along the perimeter and placed within the site. This helps to integrate all of the pieces of the site into one piece while at the same type using the landscaping as a design.*
      ii. To preserve and enhance the identity of the site. *The site has a unique identity with a large quantity of trees used for landscaping*. *The trees help preserve the identity of the sight by thoroughly screening the site from surrounding properties.*
      iii. To improve and enhance the character of the site; to screen or filter views, where necessary; to help unify various parts of the site; blend inharmonious land uses; and buffer incompatible uses. *The landscaping has the character of residential on the northern half of the site, but where there is a driveway the site has more intensive landscaping and utilizes natural landscaping as screening. This blends the uses of the site and serves as a buffer.*
      iv. To define and articulate outdoor and architectural space. *Based on the view of the property from the road the site has sufficient landscaping to define a more residential area from an area that is used as a tree farm.*
      v. To control soil erosion; moderate harsh or unpleasant sounds; remove are pollutants;

control glare and reflection; and slow the effects of erosive winds or water and promote stormwater retention, thereby helping to prevent flooding; and to block diver, or channel winds. *The current vegetation is dense and frequent which helps mimic and capture the positive effects of nature.*

vi. To moderate the effects of climate and to create a more desirable micro climate. The site has dense vegetation that is unique. *The various types of landscaping on the site varies from perimeter landscaping that is a combination of deciduous, evergreen trees, dense natural landscaping, and landscaping that would be present om a residential home.*

vii. All parts of a site that will not be covered by buildings or other structures, streets, driveways, parking lots, or other paved areas, or planting beds, shall be stabilized with grass or ground covers. Margins between sidewalks and streets, islands in parking lots, medians in boulevard streets or driveways, and similar areas, shall be landscaped. The surfaces of islands and medians shall be stabilized with grass, ground covers, low growing shrubs, or an approved mulch material. *The landscaping on this site prevents the site from only being buildings and at the same time lays out the design of the site. The drive way appears to be lined with a denser vegetation and uses on the site are thoroughly screened.*

We find the exiting vegetation on the site to substantively comply with the landscaping section in section 36-722.

The trees that exist on the site are indicated on the site plan. Below is a list of trees on the site:

Landscape Buffer
(Typ 7) 4" Caliper Trees 7
(Typ 30) 2" caliper Trees 31
Various Natural Vegetation 14
(smaller Various Natural Vegetation 14

Yard Landscaping
Existing Spruce (Typ 7) 7
Unmarked tree 4
Unmarked tree 5
Existing Mulberry Trees (Typ 4) 4
Existing Spruce Tree (Typ 11)
Unmarked Tree 3
Burning Bush 5
Cleveland Pear (Typ 9) 9
Globe Arborvitaes (Typ 4) 4
Existing Austrian Pines (Typ 6) 6

We note that the species of much of the landscaping is still not noted on the site plan.

Based on the landscaping plan there are 66 naturally occurring trees on the site, and 53 landscaped trees on the site. This does not include the 36 trees for the orchard and 72 trees for the tree farm.

6. **Natural Features.** Section 36-723 requires a natural features impact statement to be provided with the site plan application. There is no natural features impact statement on the plan. Based on the review of the use there does not appear to an impact on the natural features. The applicant has provided a note stating that there will be no impact to natural features.

7. **Stormwater Management.** The application does not have a drainage plan and the Township Engineer has not required one to be submitted.

8. **Lighting.** Section 36-728 of the Zoning Ordinance requires site plans to include the light fixture specifications and cut sheets for the site, as well as a photometric plan. The applicant noted that there will be minimal lighting on the site. This will include a porch light and a dawn until dusk light on the barn facing the driveway.

9. **Trash Enclosure.** The plan does not include a trash enclosure area. If a trash enclosure area is on the site it shall be constructed based on section 36-701(3) of the Zoning Ordinance. This requires dumpsters to be located an enclosure constructed of opaque materials on at least three sides, with an opening or gate on the fourth side. The applicant has indicated that there will be a trash enclosure. The applicant has provided details for the trash enclosure this includes 15x15x15 foot enclosure with 8-foot-tall panels. The dumpster is also screened by a burning bush. While the screening for the dumpster is acceptable a note on the plan stating that the concrete slab is 4 inches is required. We recommend that a note is provided stating that the concrete slab is 4 inches.

10. **Building Façade and Floor Plans.** All buildings on the site are existing.

11. **Signs.** No signs are proposed. Based on the information provided from the applicant a sign is unnecessary.

12. **Fire Suppression.** We defer to the Fire Chief on issues concerning public safety.

RECOMMENDATION
We recommend the Planning Commission approve the site plan review with the condition the following items are addressed administratively on a revised site plan:

1. A statement that the concrete slab for the trash enclosure is 4 inches is provided on the plan.

We look forward to reviewing these findings with you. If you have any questions about this report or require additional information, please contact us.

Respectfully submitted,

MCKENNA

Paul Lippens, AICP
Director of Transportation and Urban Design

Hardscape Solutions, LLC

1031 N Territorial Rd W Ann Arbor, MI 48105 (734) 239-9300

To Whom It May concern :

October 5, 2019

Re: **Site Plan Review # 1**
Hardscape Solutions
1031 N territorial Rd W
Ann Arbor, MI 48105

I am writing this letter in response to comments and recommendations made in a letter received dated September 10, 2019. Our response below along with the revised site plan (attached) will hopefully clarify and or address any concerns relating to our application for Conditional use.

(1) A revised site plan has been attached. The plan itself identifies the current landscaping around the single family dwelling. In addition, it clearly marks the loading area as needed. We have also made a notation on the plan that current natural features will not be impacted. Our intent is to leave the property in as much of it's natural state as possible. Tree's and natural vegetation has created a perfect barrier around the perimeter. All existing tree's and landscaping to remain as is.

(2) Re: Traffic study - Hardscape Solutions has a total of (7) vehicles that leaves at 7:30 a.m and returns at approximately 6 p.m everyday. There are periodic trips throughout the day. Hardscape Solutions is not a retail business where the general public will be coming and going. Therefore, we can confidently predict there will be fewer than 10 vehicles during peak traffic hours.

(3) In response to a photometric plan, at this time there is only a standard porch light on the single family dwelling and a Standard dawn to dusk light on the barn facing the driveway/single family dwelling. No other exterior lights are on the Premises.

In conclusion, the attached plan shows all additional notations as was requested along with a landscape plan for the single single family dwelling. Again, the abundance of tree's and natural vegetation to remain intact throughout. All other questions have hopefully been answered and or clarified above.

If I can be of any further assistance, please do not hesitate to let me know.

Sincerely,

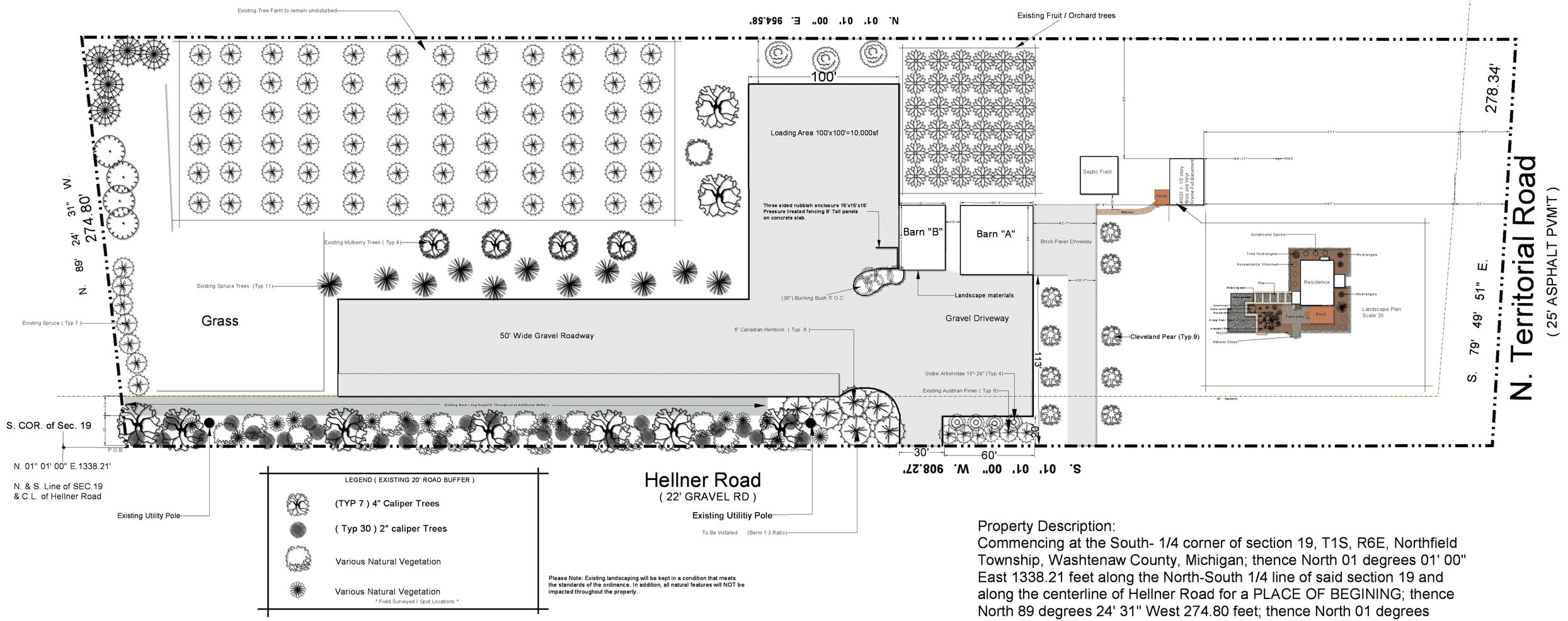
Thomas R Rogowski
Hardscape Solutions, LLC

RECEIVED

OCT 8 2019

Adjacent Lots Existing Farmland

NOTE:
Existing driveways contain no barriers which allow access for all emergency personnel.



LEGEND (EXISTING 20' ROAD BUFFER)

- (TYP 7) 4" Caliper Trees
- (Typ 30) 2" caliper Trees
- Various Natural Vegetation
- Various Natural Vegetation
  * Field Surveyed / Spot Locations *

Please Note: Existing landscaping will be kept in a condition that meets the standards of the ordinance. In addition, all natural features will NOT be impacted throughout the property.

Property Description:
Commencing at the South- 1/4 corner of section 19, T1S, R6E, Northfield Township, Washtenaw County, Michigan; thence North 01 degrees 01' 00" East 1338.21 feet along the North-South 1/4 line of said section 19 and along the centerline of Hellner Road for a PLACE OF BEGINING; thence North 89 degrees 24' 31" West 274.80 feet; thence North 01 degrees 01' 00" East 954.58 feet;thence South 79 degrees 49' 51" East 278.34 feet along the centerline of North Territorial Road;
thence South 01 degrees 01' 00" West 908.27 feet along East-West 1/4 line of said Section 19 and along the centerline of Hellner Road to the PLACE OF BEGINING, being a part of the Southwest 1/4 of said Section 19, being subject to the rights of the public over the easterly 33.0 feet thereof as occupied by Hellner Road the northerly 33.0 feet thereof as occupied by North Territorial Road.

Customer Name: Thomas Rogowski (OWNER)
Applicant: Hardscape Solutions L.L.C.
Address:
1031 N. Territorial Road W.
Ann Arbor, MI. 48105

Revision #4
01/30/2020

Scale: 30 Scale

STATE OF MICHIGAN
JOYCE E. WEISE
LANDSCAPE ARCHITECT
No. 1202
LICENSED LANDSCAPE ARCHITECT

Landscape Plan Drawn By:
Joyce E. Weise PLA, ASLA

November 13, 2019

Northfield Township
Building & Zoning Department
8350 Main Street, Suite A
Whitmore Lake, Michigan 48189

Regarding: **Hardscape Solutions LLC**
1031 North Territorial Road W

There are no improvements proposed with the above-mentioned project that would necessitate an engineering plan review.

If you have any questions please feel free to contact me at 734.368.5746 or marcus.mcnamara@ohm-advisors.com.

Sincerely,
OHM ADVISORS

Marcus McNamara

Digitally signed by Marcus McNamara
DN: CN=Marcus McNamara, E=marcus.mcnamara@ohm-advisors.com, O=State of Michigan, C=US
Reason: I am the author of this document
Date: 2019.11.13 14:34:04-05'00'

Marcus J McNamara

cc: File

P:\0126_0165\SITE_NorthfieldTwp\2019\Hardscape\Hardscape.docx

Northfield Township Fire Department

8350 Main Street Whitmore Lake, MI 48189
Phone (734) 449-2385 Fax (734) 449-2521

Fire Chief
William E. Wagner, Jr.

To: **Mary Bird**
From: **Lieutenant Rennells**
Date: **November 13, 2019**
Subject: **Site Plan Review for 1031 N Territorial W**

Upon review of the site plan for 1031 North Territorial Road, no concerns/requirements have been identified per the *2012 International Fire Code*.

This approval is subject to field inspection. This approval does not exempt the project from complying with all applicable codes. Additional submittals and approvals may be required.

SZBA 190005

NORTHFIELD TOWNSHIP
MICHIGAN

8350 Main Street • Whitmore Lake, Michigan 48189-0576
Telephone: (734) 449-2880 • Building Dept. (734) 449-5000 • Fax: (734) 449-0123 • Web Site: www.twp-northfield.org

ZONING BOARD OF APPEALS HEARING APPLICATION

Applicant Information:	Proprietor/Owner Information:
Name: Hardscape Solutions, LLC	Name: Thomas Rogowski
Address: 1031 N. Territorial Rd W	Address: 1031 N. Territorial Rd W A2 48105
Phone: (734) 239-9300	Phone: 810 923-6498
Email: tom@hardscapeoutdoorsolutions.com	Email: tom@hardscapeoutdoorsolutions.com

If application is made by anyone other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or agent thereof that the application and the proposed work or operation is authorized by the owner in fee. If the owner or lessee is a corporate body, the full name and address of the responsible officers shall also be provided.

Proof of Ownership Attached: ☐ | Non-Owner Affidavit Attached: ☐

If applicant is not the owner, describe applicants interest in the property:
Applicant & Owner is Same

1. PROPERTY DESCRIPTION:

A.) PROJECT ADDRESS: 1031 N. Territorial Rd W Ann Arbor, MI 48105

B.) PARCEL ID(S): B-02-19-300-012 | IS THIS PROPERTY IN A FLOOD PLAIN: ☐ Yes ☒ No

C.) LEGAL DESCRIPTION:
Attached on Site-Plan

2. PRESENT ZONING CLASSIFICATION:

(AR) LR MR MHP SR1 SR2 LC HC GC LI GI RTM ES PUD PSC RC RO WLD-___ W.L/N.T. Overlay OTHER:___

3: PRESENT USE OF PROPERTY: Residential & Landscaping

4. NON-CONFORMING STATUS:

A.) Please describe briefly the Non-Conformities which exist for this property (lot, structure or use):
Less than 10 acres for Landscape Business

B.) Stateyear/month Non-Conformity began (to the best of your knowledge): January 2019

5. VARIANCE REQUEST:

A.) Is a denial letter attached from the Zoning Administrator? ☑ Yes ☐ No

If no, identify each section of ordinance from which Variance is requested:

Variance request information continued, page 2

B.) Describe reason/need for Variance: Existing Property is Less than 10 acres, In Addition to the Lot width being 22 FEET Less than Necessary in order to be Compliant with operating A Landscape Business

C.) Explain existing special conditions or circumstances that are unique to the land or buildings involved which are not applicable to similar land or building in the same district:
Corner Parcel Surrounded by roadways on two sides (Hellner & N. Territorial), the other two Sides Surrounded by Large Agricultural Farmland (Aerial Photo Attached), we are unique in the FACT that we have NO Immediate neighbors

D.) Did the special condition or circumstances arise from your actions? ☐ Yes ☒ No
Describe: Purchased Land in January 2019 From Raheim Khavidi (Sun & Shade Landscaping), Previously been Leasing portion of the Property Since MAY 2009 In order to operate our business As well, In this 10 year Span WAS UNAWARE OF ANY Non-Conformities.

E.) Explain why interpretation of the ordinance would deprive you of rights commonly enjoyed by other property owners in the same district: Land Locked by (2) roadways & Parcels of Large Farmland, Purchase of Additional Parcels to Comply would be Financially UNATTAINABLE

F.) Explain why this is the minimum vatiance necessary to allow for a reasonable utilization of the land or structure:
1/3 (33%) of Existing Property is NOT Currently being Utilized, Current plans to leave tree Farm & orchard Intact. Space For Landscape Supplies, once Condensed, is minimal Portions of property will be unused.

G.) Explain how this variance would be in harmony with the intent of the ordinance and not injurious to the neighborhood or neighbors or otherwise detrimental to the public interest: Location (corner Lot) - Traffic to/From does not Disturb ANY Adjacent dwellings AS there is NO other within 500 Ft. Property is Secluded by roads & Farm Land.

H.) I, the applicant, request the Zoning Board of Appeals grant the following:
Conditional USE Within the AR District TO Operate A Landscape Business.

6. REQUIRED DOCUMENTS: (10 copies of application & site plans and 1 pdf file for large scale plans)

Attach a scaled and accurate drawing with the legal description and showing:

- All lot dimensions
- Dimensions and locations of all existing and proposed buildings/additions and drives
- Other improvements and easements of record
- Show distances between existing and proposed buildings and/ or additions
- Show locations and distances of wells, septic and/or sewer lines
- Locations, size, and distances of buildings/structures on adjoining lots
- All additional pertinent information as listed on the checklist on page 3

All documents must be submitted at time of application. If further information is needed, the Zoning Board of Appeals reserves the right to postpone the hearing to review new information.

7. If applicable, all lot lines and building corners must be staked out a minimum of 10 days before the hearing date.

8. The address of the property must be clearly marked and visible from the road.

9. A fee of * dollars as established by the township board is attached to the application. Applicant understands that the fee will not be refunded in whole or in part regardless of the outcome of the decision.

* $595.00 - Single unit (excludes subdivisions, site condo plans, commercial or apartment buildings greater than 4 units.)

$795 = All others

10. THE APPLICANT:

A.) Has received and read the attached provisions of the Township Zoning Ordinance in regards to Article XXX "Zoning Board of Appeals" and understands that a public hearing will be established within 45 days of the filing date and

B.) Has also read the sections of the Township Zoning Ordinance that to pertain to this request and

C.) Has complied with the above requested information and understands that the Zoning Board of Appeals reserves the right to adjourn a meeting if the above stated infromation is not provided and to re-schedule it when the information is provided and

D.) Understands that any approval or denial of this application shall not relieve the applicant of compliance with all other applicable provisions of the Township Zoning Ordinance or Building Code and each variance approved shall be null and void unless authorized activity commences within 180 days after the date of approval.

AUTHORIZED SIGNATURE

All information provided in this application is, in all respects, true and correct to the best of my knowledge, and I understand that incorrect information may be grounds for denying the application or voiding any approval granted hereunder.

Thomas Rogusk. — Applicant(s) Signature

10 May 2019 — Date

APPLICANT CHECKLIST

The following information must be submitted to the Northfield Township Clerk prior to the application being scheduled for a public hearing:

____ Completed application form

____ Statement authorizing variance application if not the owner

____ Proof of ownership property

____ Legal description of property

____ 8 copies of site plan and required information

____ Review Fee

FOR ZONING BOARD OF APPEALS USE ONLY

APPEAL OF DECISION

1.) Name and Office of Offical/Commission:

_____

_____

2.) Date of Decision: _____

3.) Describe Decision that is being appealed:

_____

_____

4.) Describe alternate interpretation or reason for the relief requested:

_____

_____

ACTION TAKEN

The Northfield Township Board of Appeals reviewed the above requested variance or appeal and;

☐ **Approved: Date**_____ ☐ **Denied: Date**_____

Comments: _____

_____

_____

_____

_____

_____ _____

Signature of ZBA Chair **Signature of ZBA Secretary**

Public Hearing date and time: _____

Notice sent to Newspapers: _____ for publication on: _____

(Notice shall be given not less than fifteen (15) days nor more than thirty (30) days before the date of public hearing.)

Notice sent to neighboring owners / occupants: _____

_____

_____

(Notice shall be sent to all persons to whom real property is assessed and to the occupants of all structures within 300 feet of the property.)

Notice sent to Zoning Board of Appeals Members: _____

_____

_____

Copies of Minutes sent to: _____ **File** _____

Applicant: _____

Building Deparmtent: _____

Ordinance Enforcement Officer: _____

Received Date:	Paid Date:	Existing Legal Non-Conformities: ☐ Yes ☐ No
RECEIVED MAY 13 2019 NORTHFIELD TOWNSHIP	PAID MAY 13 2019 NORTHFIELD TOWNSHIP TREASURER	If yes, explain below:

ZONING COMPLIANCE CERTIFICATE:

☐ Approved: Date_____ ☐ Approved As Noted: Date_____

☐ Denied: Date_____ ☐ Conditional Use Required

☐ Site Plan Approval Required

COMMENTS: _____

Zoning Administrator Signature _____ Date _____

AREA OF CONCERN

Landscaping:	Complies	Does Not Comply	N/A
1 Greenbelt	☐	☐	☐
2 Parking lot islands, etc.	☐	☐	☐
3 Site Landscaping	☐	☐	☐
4 Foundation Planting	☐	☐	☐
5 Dumpster Screening	☐	☐	☐
6 Comments:			
Signs:			
7 Number of Signs	☐	☐	☐
8 Size and area	☐	☐	☐
9 Comments:			

Comments:

Engineering: _____

Utilities: _____ ☐ Connection fee's paid

Fire Chief: _____ ☐ Inspection Complete

Access: _____

Other Conditions of Approval: _____

Additional Comments: _____

bing maps

Notes

1031 N. Territorial Rd W

Ann Arbor, MI 48105

NORTHFIELD TOWNSHIP
MICHIGAN

January 23, 2019

Thomas Rogowski
Hardscape Solutions, LLC
1031 W. North Territorial
Ann Arbor, MI 48105

Re: Notice of Violation 1031 W. North Territorial Rd. Parcel B -02-19-300-012

Dear Mr. Rogowski,

It has come to the attention of Northfield Township that you recently purchased the property at 1031 W. North Territorial and that you are operating a business, Hardscape Solutions LLC, at that location. All new businesses are required to file for a Zoning Compliance approval, which will determine the need for any additional approvals. The Township has not received any such application from you.

You are in violation of the following ordinance:
Sec. 36-864. - Site plan approval.
(b) "Site plan review and approval is required for all proposed uses and structures within the township except for individual single-family dwellings"...
(c) "Site plan review and approval is required for existing uses or structures, except individual single-family detached dwellings and farm buildings, where an alteration to the existing use or structure would result in one of the following:
(1) An increase or reduction of the floor area of a structure or land area occupied by the use.
(2) A change of use, even if the change of use is permitted in the subject zoning district.
(3) A variance from the provisions of this chapter, regardless of its size."

The first step to become compliant with the ordinances is to submit a zoning compliance application, which is enclosed. Please submit a zoning compliance application with the required $200 fee within 30 days, no later than February 23, 2019. If the Township does not receive the zoning compliance application, enforcement action will be taken. If you believe the information contained in this notice of violation is incorrect or you would like to discuss this matter further, please contact me at the phone number listed below. The Township looks forward to your cooperation with regards to this matter.

Sincerely,

James Turner
Code Enforcement Officer
Northfield Township
code_enforcement@northfieldmi.gov
(734) 449-2880 ext. 13

cc: Mrs. Vidya Krishnan, Zoning Administrator

MCKENNA

June 9, 2019

Zoning Board of Appeals
Northfield Township
8350 Main Street
Whitmore Lake, MI 48189-0576

Subject: **Hardscape Solutions LLC/1031 West North Territorial Road; Variance Review #1 (Application and materials dated received by Township on 5/13/19).**

Dear ZBA Members:

We have reviewed the above referenced variance application submitted by Thomas Rogowski of Hardscape Solutions LLC, to operate a landscaping business on an existing property. The parcel is located on the southwest corner of W. North territorial Road and Hellner Road and is zoned AR (Agriculture) District. The site is occupied by an existing dwelling and several accessory buildings.

BACKGROUND
The site has been operated as a Sun and Shade Landscaping, a landscaping business for the numerous years, with no approvals. The Township had repeatedly issued violations notices to the property owner to apply for formal approvals. The previous owner of the business met with the Township staff and stated his willingness to apply for approvals, but never followed through. It recently came to our attention that he sold the business to Mr. Rogowski, who informed the Township that he had been leasing space from Sun and Shade for 10 years under the impression that it was an approved use on the site. Mr. Rogowski was informed that the use was never approved and he must follow through on the approval process.

Landscaping businesses are permitted as a conditional land use in the AR district per Section 36-157 (16) of the Zoning Ordinance, and are subject to specific requirements. The applicant filed a Zoning Compliance application and was denied pending approval of variances by the Zoning Board of Appeals. ***The request before the ZBA is an attempt to correct a code violation and establish the legality of an existing unauthorized use. IF the ZBA should make a decision to grant the variances, the applicant will still be required to apply for site plan and conditional use approval from the Planning Commission and Board of Trustees.***

VARIANCES
The proposal will require the following variances from the Zoning Ordinance:

1. Article VI. AR Agriculture District, Section 36-157. Conditional Uses, Sub-section (16).a.1:

   Lot Area
   - 10.00 acres minimum required
   - 5.91 acres existing and proposed
   - 4.09 acres variance requested

2. Article VI. AR Agriculture District, Section 36-157. Conditional Uses, Sub-section (16).a.2:

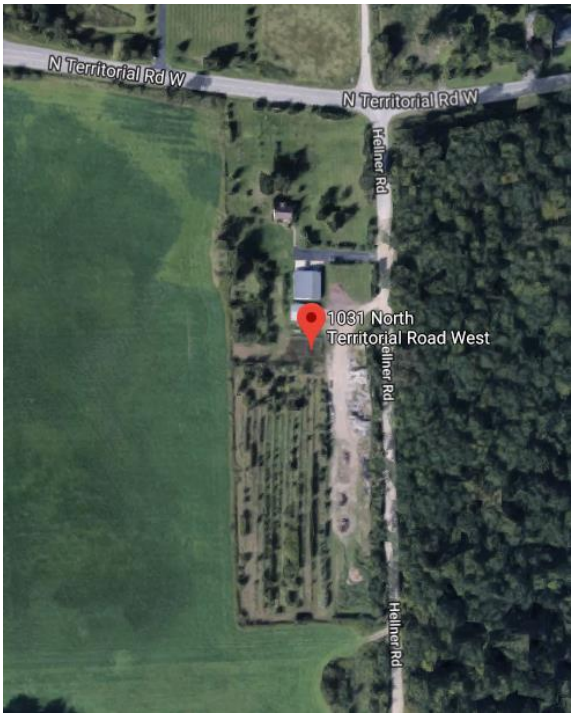
   Lot Width
   - 300.00 feet minimum required
   - 278.34 feet existing and proposed
   - 21.66 foot variance requested

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167
O 248.596.0920
F 248.596.0930
MCKA.COM

COMMENTS

Per Section 36-943 (d) of the Northfield Township Zoning Ordinance, the Board must, prior to acting on a proposed variance, consider and make findings regarding several factors, listed in bold type below. A variance shall not be granted by the ZBA unless the following conditions are met:

1. ***Strict compliance with restrictions governing area, setback, frontage, height, lot coverage, density or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with those restrictions unnecessarily burdensome.*** The subject site has an area of 5.91 acres and a lot frontage of 278 feet on East North Territorial Road, when the minimum required lot size and lot width for landscaping businesses is 10 acres and 300 feet, respectively. Since the use is currently existing, this could be considered an existing non-conformity. The subject property abuts public right-of-way to the north and east and the land to the west and south is owned by another property owner. Per the applicant, the abutting land is an established farmland and acquisition of additional land is not financially feasible. While the business was illegally established, strict compliance with the Ordinance standards would not allow for the business to continue on site. Eliminating an established business may cause a loss of livelihood and may be construed as being unnecessarily burdensome.



2. ***The variance will provide substantial justice to the applicant, as well as other property owners in the district.*** Approval of the variance will provide substantial justice to the applicant by allowing him to continue a business, and is not likely to be adverse to the interest of the other property owners. As noted previously, if the variances are approved, the applicant will still be required to go through site plan and conditional land use approvals to clean up the site and make changes as required to comply with ordinance requirements. To our knowledge, the Township has received no complaints regarding the business use of the site. The applicant also notes that there are no neighbors in close proximity to the subject site. As a corner lot the site has frontage onto both North Territorial and Hellner Roads and all access to the landscape business is off Hellner, which exceeds the 300 foot frontage requirement.

3. ***The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.*** As noted previously, the use of the site is existing and the applicant has stated that there is no possibility of acquiring additional land. Per the applicant, only 1/3rd or 33% of the site is actually in use as a landscape business, while the remaining portion is and shall remain untouched. Our visit to the site has indicated significant wet areas on the southern portion which is likely not usable. The variances being requested are the only option available to the applicant at this time; however, since the lot size is much below what is typically required for a landscaping business, the Zoning Board of Appeals can place a limitation or conditions on the extent of the use on the site. This will ensure that any potential adverse impacts resulting from a smaller lot size for the use will be mitigated.

4. ***The need for the variance is due to unique circumstances that are peculiar to the land, structure or building involved and not generally applicable in the area or to other properties in the same zoning district***. There are no unique circumstances that are peculiar to the land. The subject site meets the minimum lot size requirement for the AR district and is suitable for a single family residential use. The site has a dwelling located on it and the use should have been limited to the dwelling use and any related AR uses that do not have a minimum lot size requirement. However, as previously noted, the use was established with no approvals.

5. ***The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, and not by the applicant or applicant's predecessors; it is not self-created.*** The need for variances is entirely self-created. The previous owner of the property was well aware of the violations and had been issued multiple notices by the Township, which he chose not to comply with. The present owner's lack of due diligence prior to purchasing the property and assumption that the use was approved, is a self-created issue.

6. ***The variance will be in harmony with the spirit and intent of this ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety and welfare.*** The proposed variances are not likely to have any adverse impact on the neighborhood or on public health, safety and welfare. The intent of zoning and land use planning is to provide for the orderly development and use of land. Ideally, the property owner(s) should have sought approval from the Township prior to initiating a new business. However, like many other sites within the Township, it appears that the use of the site started off as a residential and farming use and evolved into a commercial business with no approvals. The location of the site on a street corner, adequate access, and no close neighbors, reduces any potential adverse impacts. Applying for and obtaining site plan and conditional land use approval will also ensure that the site is laid out and operated in a safe and functional manner consistent with the Zoning and Building Code regulations.

RECOMMENDATION AND FINDINGS

Based on the findings below, and subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Zoning Board of Appeals **approve** the requested variance for the Landscape business located at 1031 W. North Territorial Road:

1. Compliance with ordinance standards would require the business to shut down entirely.

2. While approvals should have been obtained prior to starting the business, the owner at this time is attempting to rectify a major code violation.

3. The variances requested are the minimum possible since it is an existing non-conforming lot (for the use proposed), with no scope for expansion.

4. There are no dwelling units in close proximity to the subject site.

5. The subject site is a corner lot with adequate frontage on the secondary street.

6. The variance will have no detrimental impact on public health, safety or welfare.

7. The variance requested is not adverse to the spirit and intent of the ordinance.

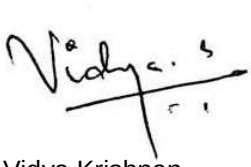
The variances are recommend for approval subject to the following conditions:

1. The applicant shall apply for and seek site plan and conditional land use approval.

2. Since the parcel is almost half the minimum required lot size for a landscaping business, the landscaping business use on the site shall not occupy more than 50% of the parcel at any time. The remaining portion of the parcel may be used for farming activities.

Respectfully submitted,

McKENNA



Vidya Krishnan
Principal Planner

cc:	Township Manager:	Steven Aynes, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
	Assessing/Building Asst.	Mary Bird, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
	Applicant:	Tom Rogowski, via e-mail: tom@hardscapeoutdoorsolutions.com

NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS
Minutes of Regular Meeting
June 17, 2019

1. CALL TO ORDER

The meeting was called to order by chair Kenneth Dignan at 7:06 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Brad Cousino	Present
Kenneth Dignan	Present
Scott Gustafson	Present
Greg Kolecki	Present
Jacki Otto	Present
Alternate: James Balsillie	Presence not required

Also present:
Building/Planning/Zoning Coordinator Mary Bird
Planning Consultant Vidya Krishnan
Member of the public

4. ADOPT AGENDA

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

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

**6A. Case #JZBA190004; Mark Zielinski;
Location: 9411 Main Street;
Request for determination under Article XIX Non-Conformities, Section 36-902(6), to allow addition onto existing non-conforming single-family dwelling; Parcel 02-05-328-020;
zoned WLD-D Whitmore Lake District--Downtown.**

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

Dignan called for comments from the public. There were none.

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

**6B. Case #JZBA190005; Hardscape Solutions, LLC;
Location: 1031 W. North Territorial Road;
Request for variances from Article VI, Section 36-157:**
- **subsection (16)(a)(1) for a 4.09 acre lot area variance, and**
- **subsection (16)(a)(2) for a 21.66 foot lot width variance,**

**to allow operation of a landscape supply .center;
Parcel 02-19-300-012; zoned AR—Agriculture**

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

Dignan called for comments from the public. There were none.

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

7. OLD BUSINESS

None.

8. NEW BUSINESS

**8A. Case #JZBA190004; Mark Zielinski;
Location: 9411 Main Street;
Request for determination under Article XIX Non-Conformities, Section 36-902(6), to allow addition onto existing non-conforming single-family dwelling; Parcel 02-05-328-020;
zoned WLD-D Whitmore Lake District--Downtown.**

Mark Zielinski, applicant, stated he had nothing to add to the information provided in the packet, and that he just wants to proceed with getting the work completed.

At Dignan's request Zoning Administrator Vidya Krishnan read the McKenna review letter dated June 9, 2019, including the findings of fact. Krishnan clarified that a new text amendment was adopted to allow for residential uses in the lower level of buildings in the WLD-D district as a conditional use. She explained, however, that the amendment was not in place at the time the applicant originally submitted his request; therefore, the application was processed as presented.

Krishnan noted the option of a conditional use approval is always available to the applicant; however, that would be too burdensome at this point. She said the proposed addition is in conformance with all of the required setbacks for the WLD-D District.

▶ **Motion:** Dignan moved, Kolecki supported, to approve the request in Case #JZBA190004 by Mark Zielinski for request for determination under Article XIX Non-Conformities, Section 36-902(6), to allow addition onto existing non-conforming single-family dwelling located at 9411 Main Street, Parcel 02-05-328-020, zoned WLD-D Whitmore Lake District—Downtown, based on the McKenna letter of June 9, 2019, providing justification for the request. **Motion carried 5—0 on a roll call vote.**

8B. Case #JZBA190005; Hardscape Solutions, LLC; Location: 1031 W. North Territorial Road; Request for variances from Article VI, Section 36-157:
- **subsection (16)(a)(1) for a 4.09 acre lot area variance, and**
- **subsection (16)(a)(2) for a 21.66 foot lot width variance,**

to allow operation of a landscape supply .center; Parcel 02-19-300-012; zoned AR—Agriculture

Thomas Rogowski, owner of Hardscape Solutions, LLC, stated he had nothing to add to the information provided in the packet.

At Dignan's request Zoning Administrator Vidya Krishnan read the McKenna review letter dated June 9, 2019, including the findings of fact. Her comments referenced the lack of required lot frontage and acreage, and noted that if the variances are approved site plan and a conditional use permit will also be required.

Krishnan explained that the prior owner of the property was aware that he was in violation of the ordinance. She said although that owner met with Township staff and stated he would follow the necessary steps to come into compliance with the zoning ordinance, he did not follow through and sold the property to Mr. Rogowski. She said even though Mr. Rogowski did not do his due diligence prior to purchasing the property, he is now trying to take the proper steps to establish a legally approved business.

In answers to question from Cousino:
- Tammara Braunscheidel, member of the public present, stated she was not opposed to the business.
- Mr. Rogowski said he lives in the home on the site and it is not used as an office, he installs brick pavers and walls, the operation on the site is not open to the public, there are no retails sales, and pavers are stored on the site.

Dignan said he does not feel the ZBA should restrict the extent of use of the site; he would prefer that any adverse effects be addressed by the Planning Commission through buffers during their review of the site plan and conditional use permit requests. He asked for Krishnan's guidance regarding limits the ZBA could place on the operation. Krishan said since the variance request deals specifically with the lot size required for this type of operation it is within the ZBA's scope of authority to plan limitations on the extent of the use to address any potential adverse impacts that may result from a small lot size. She said she contacted the Township Attorney and informed him of her recommendation, but she did not receive a response.

In answer to questions from Cousino, Krishan said although the house faces North Territorial, the only access is from Hellner Road.

▶ **Motion:** Dignan moved, Otto supported, that in Case #JZBA190005, Hardscape Solutions, LLC at 1031 W. North Territorial Road, the request for variances from Article VI, Section 36-157, subsection (16)(a)(1) for a 4.09 acre lot area variance and subsection (16)(a)(2) for a 21.66 foot lot width variance to allow operation of a landscape supply center on Parcel 02-19-300-012 be approved, in accordance with the findings in the McKenna letter dated June 9, 2019, subject to the applicant applying for and receiving site plan and conditional use permit approvals.

Cousino said the applicant needs to understand that the site plan must be approved by the Planning Commission and a Conditional Use Permit (CUP) must be approved by the Township Board.

Motion carried 5—0 on a roll call vote.

9. MINUTES

▶ **Motion:** Cousino moved, Gustafson supported, that the minutes of the February 19, 2019, and May 20, 2019 meetings be approved as presented. **Motion carried 5—0 on a voice vote.**

10. CALL TO THE PUBLIC

No comments.

11. ZBA MEMBER COMMENTS

None.

12. ANNOUNCEMENT OF NEXT MEETING

July 15, 2019, at 7:00 PM at the Public Safety Building was announced as the date and time of the next regular meeting of the Zoning Board of Appeals.

13. ADJOURNMENT

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

The meeting was adjourned at 7:50 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 July 15, 2019.

Kenneth Dignan, Chair

Greg Kolecki, Secretary

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

NORTHFIELD TOWNSHIP
PLANNING COMMISSION
Minutes of Regular Meeting
February 5, 2020

1. CALL TO ORDER

The meeting was called to order by Chair Roman at 7:02 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Roll call:

Janet Chick	Present
Brad Cousino	Present
Eamonn Dwyer	Present
Sam Iaquinto	Present
Cecilia Infante	Present
Larry Roman	Present
John Zarzecki	Present

Also present:
Building/Planning/Zoning Coordinator Mary Bird
Planning Consultant Paul Lippens, McKenna Associates
Township Engineer Marcus McNamara, OHM
Recording Secretary Lisa Lemble
Members of the Community

4. ADOPTION OF AGENDA

▶ **Motion:** Roman moved, Iaquinto supported, to adopt the agenda as presented.
Motion carried 7—0 on a voice vote.

5. FIRST CALL TO THE PUBLIC

No comments.

6. CLARIFICATIONS FROM THE COMMISSION

None.

7. CORRESPONDENCE

None.

8. PUBLIC HEARINGS

None.

9. REPORTS

9A. Board of Trustees
Chick reported that on January 28th the Board:
- hired Fink & Fink LLC as Township attorneys.
- Adopted new rules regarding Call to the Public.
- conducted a drawing to determine the order in which marijuana business applications would be considered for the available number of permits.

9B. ZBA
Has not met since the last Planning Commission meeting.

9C. Staff Report
Nothing to report.

9D. Planning Consultant
Lippens reported he has been working with Livonia Builders and the North Village committee regarding the proposal for development of the North Village site, and it should be on the next Township Board agenda. Iaquinto asked whether the proposed residential development fits what the Downtown Planning Group, the DDA and the community as a whole wanted, and, if not, why it is being considered. Lippens said there are three DDA members and three Board members on the North Village Committee. Chick said the proposal is not far from what the DDA and the Downtown Planning Group said what they wanted, and while it does not completely match the synthesis plan, it is not dissimilar. Roman noted the Planning Commission has not been given any information about this, so it is a premature discussion. Lippens said if the Commission wants to discuss this he can provide information about discussions the Board has had about this.

Lippens also reported that staff is reviewing applications for marijuana businesses received through January 24th, and expect to notify applicants by February 28th if their applications were complete. He recommended discussing at a March meeting how to handle the expected site plan submittals. Roman asked that Commissioners receive finalized copies of the marijuana ordinance and permitting process as soon as possible.

9E. Parks and Recreation
Iaquinto noted that on February 20th they will be discussing improvements to the Bark Park and Community Garden, and said they welcome input from the public.

9F. Downtown Planning Group
Infante noted they have not met since the last Planning Commission meeting.

Draft

10. UNFINISHED BUSINESS

10A. 2019 Annual Report of Activities by the Planning Commission.

▶ **Motion:** Roman moved, Zarzecki supported, to approve and forward to the Board of Trustees the Annual Report of Activities by the Planning Commission.
Motion carried 7—0 on a roll call vote.

11. NEW BUSINESS

11A. Case #JPC200001; People's Express; 175 Barker Road; Revised Site Plan Layout; Zoned GC—General Commercial; Parcel 02-06-400-001

Lippens referred to the amended site plan and recalled the original plan included two landscape berms, different fencing, and different parking arrangements. He said the amended plan includes significant changes, and he found it to be deficient in several areas, so he is recommending that action be tabled to allow staff to work with the applicant to make sure a revised plan meets Township standards.

He said they would like to see details about fencing, landscaping, lighting (including height of poles and photometrics), stormwater details to show that runoff from paving can be handled, and a floor plan for proposed renovations in the barn area. He said the north side of the site previously showed a berm which has now been replaced by parking and a vinyl fence, which is not acceptable. He said what was installed on the site did not meet site plan inspection.

Marcus McNamara, Township Engineer, said the most significant changes are:
- the queuing area between the road and the gate has been cut in half, although the new length is acceptable,
- the parking area has been changed from two driving lanes to one, and the footprint of the parking lot is larger, which adds stormwater runoff, so calculations are needed for that.
- lighting locations were changed.
    - Several other minor issues.

Lippens said a 60 day time limit for submitting revised plans would be reasonable and allow time for him and for McNamara to work with the applicant.

Doug Anderson, People's Express Director, said the County wanted him to make a lot of the proposed changes, and the amount of parking is still the same. He said the County told him they do not want a berm or anything permanent in concrete within 50 feet of the creek, so he put up a plastic privacy fence that the County agreed to.

He said the central area of the site is being left open for a future building, so they put lights there, but he did not realize this required a new site plan. He said some of the plantings they installed died and have already been replaced. He said they can provide plans to the Commission for the work being done inside of the building, but they got permits for it.

In answer to questions, Anderson said:

- The site is not being used for their business, and when he knew the site would be developed differently from what was approved he spoke with Lippens.
- He said he is hiring subcontractors, rather than using a general contractor, so he is the responsible person for the project.

Lippens said Anderson did not contact him about the changes requested by the County; Anderson said that is true. In answer to a question from Dwyer, Lippens said People's Express was given permits for the building alterations, but discussed the site plan variations only when he and McNamara did a site inspection. He said it was not the County's responsibility to notify the Township of their requirements.

Roman said the Township should not be accepting any plans not sealed by a professional engineer and/or architect. Zarzecki agreed. Cousino said when he recently had a pre-construction meeting for a project in the Township he provided permits and was required to post a bond. Lippens said no bond was required for this project.

McNamara said perhaps the process for such projects could be improved upon, but which agency issues permits first is often not agreed upon, but before final site approval those things are usually reviewed and addressed.

▶ **Motion:** Roman moved, Iaquinto supported, that the Planning Commission table the request in Case #JPC200001 by People's Express for revised site plan layout at 175 Barker Road, and the applicant submit a revised site plan within 60 days.

Roman said he hopes the next site plan is sealed by a professional engineer.

Motion carried 7—0 on a roll call vote.

12. MINUTES

▶ **Motion:** Roman moved, Iaquinto supported, that the minutes of the January 22, regular meeting be approved as presented, and to dispense with the reading. **Motion carried 7—0 on a voice vote.**

DRAFT

13. SECOND CALL TO THE PUBLIC

Kevin Serwatowski appeared on behalf the Green Guys Group, which has applied for medical and recreational marijuana businesses at 9545 Main Street. He said they have already made some local donations and asked for advice on how to show commitment to and involvement in the community. He also asked if there is any update on the timeline for processing applications.

14. COMMENTS FROM THE COMMISSIONERS

Chick referred Mr. Serwatowski to the Township website's calendar for community events they could be involved in. Infante also suggested Mr. Serwatowski attend Township Board meetings.

In answer to a question from Dwyer, Lippens said there were 16 applications for a total of 31-32 marijuana businesses, and the Township will notify applicants and post publicly the status of each application by February 28th, after which eligible applicants can submit site plan applications.

15. ANNOUNCEMENT OF NEXT MEETING

February 19, 2019, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location.

16. ADJOURNMENT

▶ **Motion:** Roman moved, Cousino supported, that the meeting be adjourned.
Motion carried 7—0 on a voice vote.

The meeting was adjourned at 7:58 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 _____, 2020.

_____ _____
Larry Roman, Chair John Zarzecki, Secretary

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

Draft