

**NORTHFIELD TOWNSHIP PLANNING COMMISSION
NOTICE OF REGULAR MEETING
May 18, 2016 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**
- 8. PUBLIC HEARINGS**
- 9. REPORTS OF COMMITTEES**
 - A. Board of Trustees**
 - B. ZBA**
 - C. Staff**
 - D. Planning Consultant**
- 10. UNFINISHED BUSINESS**
 - A. Proposed Lake Overlay District Zoning Ordinance Amendments**
 - B. Discussion on 2016 Goals & Objectives**
- 11. NEW BUSINESS**
 - A. Review Zoning Board of Appeals Standards for Determination/Variances**
- 12. APPROVAL OF PRECEDING MINUTES: May 4, 2016 Regular Meeting**
- 13. FINAL CALL TO THE PUBLIC**
- 14. COMMENTS FROM THE COMMISSIONERS**
- 15. ANNOUNCEMENT: Next Regular Meeting – June 1, 2016**
- 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.

MEMO

TO: Northfield Township Planning Commission
FROM: Sally Hodges, AICP
Senior Vice President
SUBJECT: Proposed Lake Overlay District Zoning Ordinance Amendments
DATE: May 10, 2016

At your request, we have adapted the previously discussed provisions for lake lots into a form suitable for adoption into the Zoning Ordinance. The purpose of the new overlay district is to better accommodate the existing lot sizes, setbacks and development patterns in the single family residential areas around Whitmore Lake and Horseshoe Lake. The proposed text that follows would create a new Article in the Zoning Ordinance, the Whitmore Lake/Horseshoe Lake Overlay District.

Proposed Addition of the Following New Zoning District and Text:

ARTICLE XXIII.II. - WLHL—WHITMORE LAKE/ HORSESHOE LAKE OVERLAY DISTRICT

Sec. 36-692. - Purpose.

The purpose of this district is to promote the continued investment in SR-1 and SR-2 zoned single family residential waterfront lots that abut either Whitmore Lake or Horseshoe Lake. It is also the purpose of this district to permit street front yard, side yard, and lakefront rear yard setbacks that reduce nonconformities on these waterfront lots.

Sec. 36-693. - District boundaries.

The WLHL Overlay District is composed of two sub-districts (Whitmore Lake and Horseshoe Lake). The boundaries of the Overlay District shall be displayed on the official zoning map; the applicable sub-district regulations shall be determined by the lake upon which the lot in question fronts.

Sec. 36-694. - Applicability.

The underlying zoning shall remain either SR-1 or SR-2 Single Family Residential District. Except as specifically provided in this article, all requirements of the Zoning Ordinance for the SR-1 and SR-2 Districts shall continue to apply.

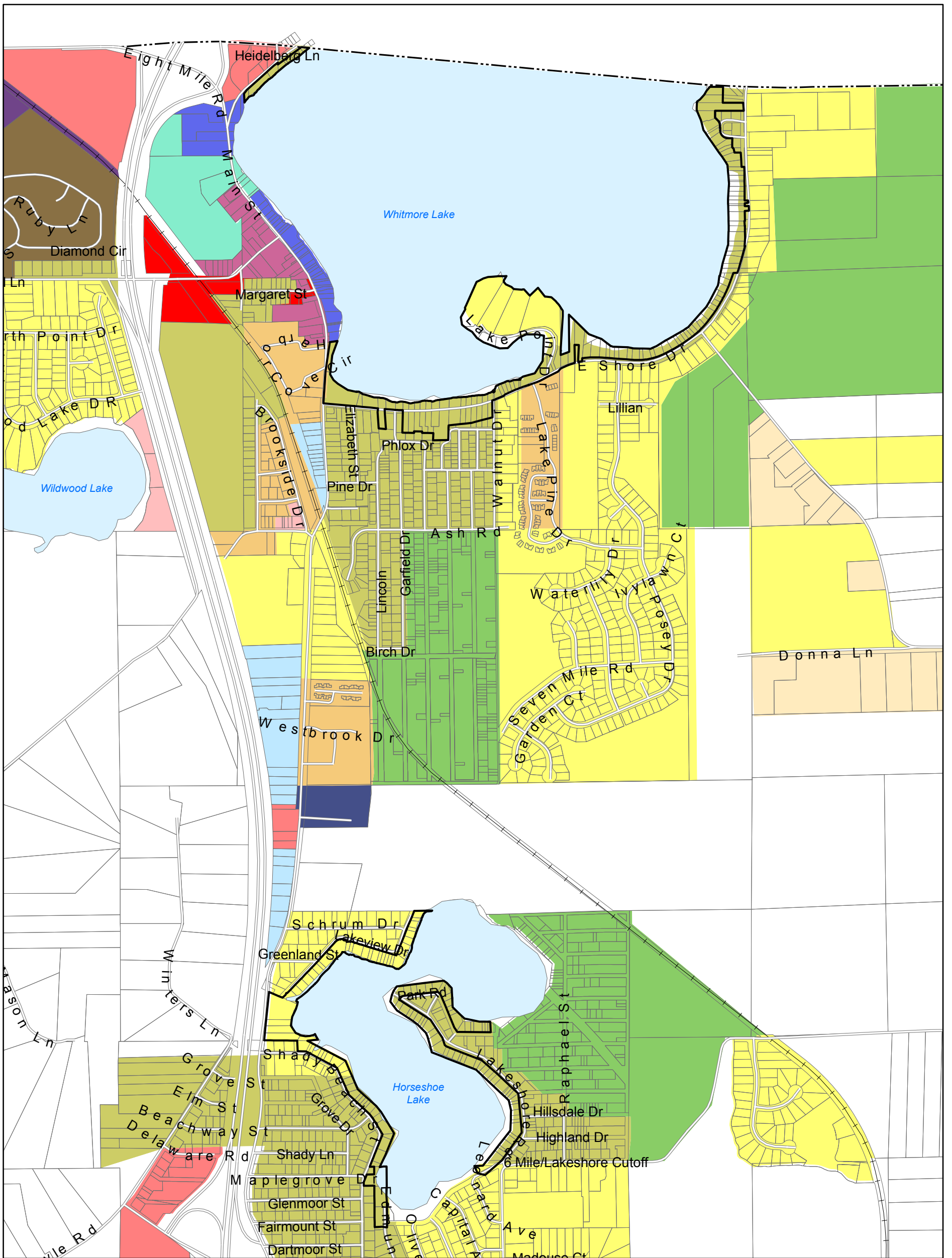
Sec. 36-695. - Setbacks.

The following street front, side and lakefront rear yard setbacks shall apply:

Overlay Sub-district	Setbacks		
	Street Front Yard	Side Yard	Lakefront Rear Yard
Whitmore Lake	10 feet	Each not less than 10 feet *	Not less than 20 feet
Horseshoe Lake	0 feet	Each not less than 10 feet *	Not less than 20 feet

* Where the lot does not comply with the minimum required lot width, the narrowest side yard shall not be less than 5 feet or 15% of the lot width, whichever is greater, and the sum of the two side yards shall not be less than 30% of the lot width.

We look forward to discussing the draft amendments at your upcoming meeting.



Zoning Map - Whitmore Lake/ Horseshoe Lake Overlay District

Northfield Township, Washtenaw County, Michigan

AR - Agricultureure	GI - General Industrial
LR - Low-Density Residential	RTM - Research/Technology/Manufacturing
MR - Multiple-Family Residential	ES - Enterprise Service
MHP - Mobile Home Park	PUD - Planned Unit Development
SR1 - Single-Family Residential	PSC - Planned Shopping Center
SR2 - Single-Family Residential	RC - Recreation Conservation
LC - Local Commercial	WLD-DD - Whitmore Lake Downtown
HC - Highway Commercial	WLD-NV - Whitmore Lake North Village
GC - General Commercial	WLD-W - Whitmore Lake Waterfront
LI - Limited Industrial	WLHL - Whitmore Lake/ Horseshoe Lake Overlay District
	Whitmore Lake/North Territorial Overlay District

DRAFT

May 10, 2016 0 500 1,000 FEET



McKENNA
ASSOCIATES

Map Feature Source: Michigan Geographic Data Library, Washtenaw County GIS.
Zoning Layer Source: Beckett & Raeder

MEMO

TO: Northfield Township Planning Commission
FROM: Sally Hodges, AICP
Senior Vice President
SUBJECT: Proposed Amendments to the Standards for Approval of Variances
DATE: May 11, 2016

The Zoning Board of Appeals (ZBA) has requested that the Planning Commission consider amendments to the standards used by the ZBA when considering and granting variances from the Zoning Ordinance. Currently the Ordinance's standards for determining whether a variance is warranted are very rigid. While variances should not be given easily or frequently, the ZBA has found that in practice, the current standards do not allow sufficient flexibility for reasonable determinations.

The revisions we propose are consistent with the Michigan Zoning Enabling Act, and are used in several other communities in which we work. Also, in the amendments, we have clarified that the appropriate test for a dimensional variance is "practical difficulty". The test of "unnecessary hardship" applies to uses variances and, except under very specific circumstances, townships may not grant use variances in Michigan.

For your consideration and ease of reading, I have attached both clean and track-changes versions of the proposed amendments. I look forward to discussing these with you at next week's meeting.

Sec. 36-943. - Variances.

- (a) ~~*Authority*~~*Intent*. The board of appeals shall have the ~~authority power and duty~~ to ~~provide relief from~~~~waive or relax~~ the provisions of this chapter in specific cases. To this end, the board of appeals may grant ~~dimensional or non-use~~ variances, ~~to provide relief from specific requirements in this chapter relating to area, height, setbacks, or other non-use standards~~ which will not be contrary to the public ~~health, safety and general welfare interest and~~ where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in ~~unnecessary hardship or~~ practical difficulty.
- (b) *Filing*. An application for a variance shall be filed with the township clerk by the record owner of the property in question or by a persons authorized to act on the record owner's behalf. The application shall consist of a completed application form, fee, and the information required in this section. The clerk shall transmit the application and information to each member of the board of appeals and to the zoning administrator within three days of the filing date.
- (c) *Information required*. An application for a variance shall contain the following information:
- (1) Legal description, address, and tax parcel number of the subject property.
 - (2) Boundary survey, showing all property lines, dimensions, and bearings of angles correlated with the legal description; all existing and proposed structures and uses on the property; existing zoning of subject and adjacent property; dimensions of structures and their dimensioned locations; lot area calculations necessary to show compliance with the regulations of this chapter. Such drawings shall also include well and septic locations, easements, and significant trees and wetlands if they exist on the site.
 - (3) Name and address of the applicant, property owners, interest of the applicant in the property, and signature of the property owner, if other than the applicant, concurring in the submittal of the application.
 - (4) ~~Written statement of R~~Reasons for the variance request ~~demonstrating:-~~
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and are not applicable to other lands, structures or buildings in the same district.
 - b. The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.
 - c. That literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this chapter.

d. That granting the variance requested will not confer upon the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.

(d) *Standards of determination.* A dimensional variance shall not be granted by the board of appeals unless the board of appeals finds that there is a practical difficulty in the way of carrying out the strict letter of this chapter. In determining whether a practical difficulty exists, the board of appeals must find that ~~and until all~~ 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. A written application for a variance is submitted, demonstrating:

~~a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and are not applicable to other lands, structures or buildings in the same district.~~

~~b. The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.~~

~~c. That literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this chapter.~~

~~d. That granting the variance requested will not confer upon the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.~~

(2) The variance will provide substantial justice to the applicant, as well as other property owners in the district.

(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.

(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.

(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 the applicant's predecessors; it is not self-created.

(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.

Further, the existence of nonconforming uses of neighboring lands, structures, or buildings in the same district, any permitted or nonconforming uses of lands, structures or buildings in other districts, and nonconforming structures, shall not be considered grounds for the issuance of a variance.

~~(3) — The board of appeals shall find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.~~

~~(4) — The board of appeals shall further find that the requirements of this section have been satisfactorily met by the applicant.~~

~~(5) — The board of appeals shall further find that the granting of the variance will be in harmony with the intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.~~

~~(Ord. of 7-22-2013, § 66.11)~~

Sec. 36-943. - Variances.

- (a) *Authority.* The board of appeals shall have the authority to provide relief from the provisions of this chapter in specific cases. To this end, the board of appeals may grant dimensional or non-use variances, to provide relief from specific requirements in this chapter relating to area, height, setbacks, or other non-use standards which will not be contrary to the public health, safety and general welfare and where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in practical difficulty.

- (b) *Filing.* An application for a variance shall be filed with the township clerk by the record owner of the property in question or by a persons authorized to act on the record owner's behalf. The application shall consist of a completed application form, fee, and the information required in this section. The clerk shall transmit the application and information to each member of the board of appeals and to the zoning administrator within three days of the filing date.

- (c) *Information required.* An application for a variance shall contain the following information:
 - (1) Legal description, address, and tax parcel number of the subject property.
 - (2) Boundary survey, showing all property lines, dimensions, and bearings of angles correlated with the legal description; all existing and proposed structures and uses on the property; existing zoning of subject and adjacent property; dimensions of structures and their dimensioned locations; lot area calculations necessary to show compliance with the regulations of this chapter. Such drawings shall also include well and septic locations, easements, and significant trees and wetlands if they exist on the site.
 - (3) Name and address of the applicant, property owners, interest of the applicant in the property, and signature of the property owner, if other than the applicant, concurring in the submittal of the application.
 - (4) Written statement of reasons for the variance request demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and are not applicable to other lands, structures or buildings in the same district.
 - b. The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.
 - c. That literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this chapter.

- d. That granting the variance requested will not confer upon the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.

(d) *Standards of determination.* A dimensional variance shall not be granted by the board of appeals unless the board of appeals finds that there is a practical difficulty in the way of carrying out the strict letter of this chapter. In determining whether a practical difficulty exists, the board of appeals must find that 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.
- (2) The variance will provide substantial justice to the applicant, as well as other property owners in the district.
- (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.
- (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.
- (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 the applicant's predecessors; it is not self-created.
- (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.

Further, the existence of nonconforming uses of neighboring lands, structures, or buildings in the same district, any permitted or nonconforming uses of lands, structures or buildings in other districts, and nonconforming structures, shall not be considered grounds for the issuance of a variance.

NORTHFIELD TOWNSHIP PLANNING COMMISSION Minutes of Regular Meeting May 4, 2016

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Roll call:
Janet Chick Present
Marlene Chockley Present
Brad Cousino Present (arrived at 7:08 P.M.)
Kenneth Dignan Present
Sam Iaquinto Present
Larry Roman Present
Mark Stanalajczo Present

Also present:
Township Manager Howard Fink
Assessing & Building Assistant Mary Bird
Township Engineer Jacob Rushlow, OHM
Planning Consultant Sally Hodges, McKenna Associates
Recording Secretary Lisa Lemble
Members of the Community

4. APPROVAL OF AGENDA

Dignan asked that New Business precede Old Business.

- ▶ **Motion:** Otto moved, Iaquinto supported, that the agenda be adopted as amended.
Motion carried 6—0 on a voice vote.

5. FIRST CALL TO THE PUBLIC

David Gordon, 5558 Hellner Road, asked that Board goals cover land preservation in addition to development.

6. CORRESPONDENCE

None. [Cousino arrived at this point].

7. REPORTS

7A. Board of Trustees

Chick reported that on April 26th the Board approved two public event permits and accepted two more easements for the Whitmore Lake sewer district. Fink provided an update on the status of the Van Curler purchase agreement.

7B. ZBA

No meeting since the last Commission meeting.

7C/D. Staff Report/Planning Commission

Fink and Hodges reported that L'il Porkies and Driftwood Marina applications will be coming to the Commission soon.

8. PUBLIC HEARINGS

- 8A. **Case #JPC160001; Applicant, Northfield Township; Request for Conditional Use Permit to allow a Wireless Communication Facility (Cellular Telephone Tower) for New Par dba Verizon Wireless; Location: Fire Station #2, 2727 E. North Territorial Road; Parcel 02-27-100-003; Zoned AR.**

- ▶ **Motion:** Iaquinto moved, Chick supported, that the public hearing be opened.
Motion carried 7—0 on a voice vote.

Jonathan Crane, engineer and attorney for Verizon Wireless, explained the proposal was originally for a 120' monopole, but based on co-location requests they would prefer a 150' monopole. He said this will be located behind the dumpster and will be heavily landscaped. He explained the reason and need for this location.

Planning consultant Hodges said this proposal does not yet comply with some zoning ordinance requirements, including site design, documentation regarding compliance with government regulations, and the minimum two mile separation requirement, although she noted the last requirement can be waived by the Commission. Her recommendations included improving landscaping. Commissioners asked questions about proximity to residences and power lines, and other towers within two miles, and also confirmed the need for better cell service in the area.

David Gordon, 5558 Hellner Road, asked if this tower would increase high-speed internet options in the area.

- ▶ **Motion:** Iaquinto moved, Stanalajczo supported, that the public hearing be closed.
Motion carried 7—0 on a voice vote.

- 8B. **Amendments to Articles II and XXII regarding the Research/Technology/Manufacturing (RTM) District of the Northfield Township Zoning Ordinance**

- ▶ **Motion:** Stanalajczo moved, Chockley supported, that the public hearing be opened.
Motion carried 7—0 on a voice vote.

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

- ▶ **Motion:** Iaquinto moved, Chick supported, that the public hearing be closed.
Motion carried 7—0 on a voice vote.

10. NEW BUSINESS

10A. Case #JPC160001; Applicant, Northfield Township; Request for Conditional Use Permit to allow a Wireless Communication Facility (Cellular Telephone Tower) for New Par dba Verizon Wireless; Location: Fire Station #2, 2727 E. North Territorial Road; Parcel 02-27-100-003; Zoned AR.

Jonathan Crane said he will be revising the site plan, and if a suitable tower were available they would not be spending the money to build this one.

- ▶ **Motion:** Iaquinto moved, Roman supported, that the request for conditional use permit in Case #JPC160001 be postponed until the timeframe when the applicant is ready to present a completed site plan.

In answer to questions, Crane said the specific location on the site is preferable to Verizon and the Fire Chief, but they will consider the site behind the tree line. Dignan asked for a GIS plan showing the property and the tower location on it.

Motion carried 7—0 on a voice vote.

10B. Case #JPC160002; Applicant: Arvin Sango; Request for Approval for a new 37,590 sq. ft. building at 955 E. North Territorial Road; Parcel 02-20-100-020; Zoned RTM

Matthew Nysse, ACS, Inc., Tom Christen, Director of Sales and Engineering for Arvin Sango, Gary Bireta, FES Group, and Tim Curry, Civil Engineering Solutions, all representing Arvin Sango, presented the project plans, addressed concerns raised in Township planning and engineering reports including access and circulation, landscaping, a stormwater infiltration basin, aesthetics, and lighting. They also answered questions from Commissioners about hours of operation, lighting, parking, landscaping, and signage.

Hodges said the applicant has addressed the issues in her report well, and she recommended approval subject to revising the site plan to address those issues, although she revised her comment about the height of light poles and additionally proposed raising the parapet to screen rooftop equipment. Roman said that screening is important to him, and Hodges confirmed the importance of appearance in this research park.

Regarding signage on two sides of the building, Fink said he and Hodges will work with the applicant to insure compliance with the ordinance. Chockley pointed out that only 20 parking spaces are required rather than the 45+ provided.

Jacob Rushlow, Township engineer, made comments and recommended approval subject to the items in the report. In answer to questions from Dignan, Rushlow and Hodges said all of the issues they cited can be addressed administratively given the clear direction from the Commission.

- ▶ **Motion:** Chockley moved, Chick supported, to approve the site plan request in Case #JPC160002 by Arvin Sango for site plan approval for a new 37,590 sq. ft. building at 955 E. North Territorial Road, Parcel 02-20-100-020, Zoned RTM, subject to the applicant meeting the concerns of the Township planner expressed in the 4/27/2016 review and expressed by the engineer in his letter of 4/27/2016, to be met in a timely manner. This includes the revision to #8 of McKenna's report to specifically permit 20 ft. light poles at the rear of the building, the addition in #9 to include an item f to raise the parapet or screen the rooftop equipment from the two public roads, and the addition of item 10, that there be staff determination of the number of wall signs on the building. This approval is subject to the successful passage of the text amendments to Articles II and XXII regarding the Research/Technology/Manufacturing (RTM) District.

Motion carried 7—0 on a roll call vote.

9. OLD BUSINESS

9A. Amendments to Articles II and XXII regarding the Research/Technology/Manufacturing (RTM) District of the Northfield Township Zoning Ordinance

- ▶ **Motion:** Stanalajczo moved, Chick supported, that the Commission recommend approval to the Township Board of proposed amendments to Article II, Definitions, and Article XXII, RTM, Research/Technology/Manufacturing District of the Northfield Township Zoning Ordinance Text.

Iaquinto said he would prefer to see religious institutions included as conditional uses. Dignan and Chockley agreed. Hodges recalled those uses were removed to preserve the limited amount of RTM land for research and development. There was discussion about whether to remove "theaters, auditoriums, and meeting facilities" from 36-637(2)c to avoid a violation of the Religious Land Use and Institutionalized Persons Act (RLUIPA).

Stanalajczo withdrew his motion to allow review of the ordinance language.

- ▶ **Motion:** Roman moved, Chick supported, that the Commission recommend approval to the Township Board of proposed amendments to Article II, Definitions, and Article XXII, RTM, Research/Technology/Manufacturing District of the Northfield Township Zoning Ordinance Text, provided that "theaters, auditoriums, and meeting facilities" be stricken from section 36-637(2)c.

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Cousino said “theater” has a standalone commercial, connotation, and does not fit as an ancillary use to other RTM uses.

Motion failed 3—4 on a roll call vote, Iaquinto, Dignan, Chockley, and Cousino opposed.

- ▶ **Motion:** Chick moved, Cousino supported, that the Commission recommend approval to the Township Board of proposed amendments to Article II, Definitions, and Article XXII, RTM, Research/Technology/Manufacturing District of the Northfield Township Zoning Ordinance Text, provided that “theaters” be stricken from section 36-637(2)c.

Roman said he still feels this would leave the ordinance in violation of RLUIPA. Hodges said she sees the “auditoriums and meeting facilities” language as reasonable to include in the RTM district.

Motion carried 5—2 on a roll call vote, Chick and Roman opposed.

9B. Goals & Objectives for 2016

- ▶ **Motion:** Iaquinto moved, Stanalajczo supported, to postpone discussion of item 9B, Goals & Objectives for 2016 to the next Commission meeting.
Motion carried 7—0 on a voice vote

11. MINUTES

- ▶ **Motion:** Stanalajczo moved, Chockley supported, that the minutes of the April 20, 2016, regular meeting be approved as presented, and to dispense with the reading. **Motion carried 7—0 on a voice vote.**

12. POLICY REVIEW AND DISCUSSION

None.

13. SECOND CALL TO THE PUBLIC

No comments.

14. COMMENTS FROM THE COMMISSIONERS

Dignan said this was an exciting day for the Township with the approval of the Arvin Sango site plan.

15. ANNOUNCEMENT OF NEXT MEETING

May 18, 2016, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location.

16. ADJOURNMENT

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

The meeting was adjourned at 9:55 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 _____, 2016.

Kenneth Dignan, Chair

Mark Stanalajczo, Secretary

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