

**NORTHFIELD TOWNSHIP PLANNING COMMISSION  
NOTICE OF REGULAR MEETING  
February 17, 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. APPROVAL OF AGENDA**
- 5. CALL TO THE PUBLIC**
- 6. CORRESPONDENCE**
- 7. REPORTS**
  - A. Board of Trustees Report**
  - B. ZBA**
  - C. Staff Report**
  - D. Planning Consultant Report**
- 8. PUBLIC HEARINGS**
- 9. OLD BUSINESS**
  - A. Lake Overlay Zoning** – Consider recommendations from Beckett & Raeder regarding ways to reduce nonconformities on lakefront parcels.
  - B. Consider the addition of churches as a conditional use in the General Commercial (GC) District** – Review and discuss comments from Planner regarding zoning for churches and related questions.
- 10. NEW BUSINESS**
- 11. MINUTES:** February 3, 2016 Regular Meeting
- 12. POLICY REVIEW AND DISCUSSION:** Goals and Objectives for 2016
- 13. CALL TO THE PUBLIC**
- 14. COMMENTS FROM THE COMMISSIONERS**
- 15. ANNOUNCEMENT:** Next Regular Meeting – March 2, 2016
- 16. ADJOURNMENT**

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8350 Main Street, Whitmore Lake, MI 48189-0576  
[www.twp.northfield.mi.us](http://www.twp.northfield.mi.us)

Telephone: (734) 449-5000

Fax: (734) 449 -0123

Website:

## Northfield Township Planning Commission Lake Overlay Consideration III

*February 3, 2016*

The Northfield Township Planning Commission has requested a review of recent Zoning Board of Appeals cases to assess the need for a Lake Overlay District. The purpose of such a district would be to reduce nonconformities requiring residents of SR-1 and SR-2 districts to obtain variances before conducting many home improvements.

At the December 2, 2015 Planning Commission meeting, the following proposal and comments were put forth:

### PROPOSAL

- **Minimize street side setbacks.**

Reduce the street side (front) setbacks to the minimum that is reasonably considered to be safe for each street with parcels abutting the lake.

- **Firm up lake side setbacks.**

Determine a “best practices” distance for the lake side (rear) setback. This will likely be the same on all of the lakes, and though it should roughly accommodate the built conditions, the goal should be preserving lake health. Section 36-723: Natural Features recommends a 25’ vegetated strip to buffer any watercourse within the Township (and requires it on many, though not the three lakes surrounded by residences) and a 50’ setback for buildings and construction. Currently, only 14 parcels are not meeting the 20’ lake side setback required in both SR1 and SR2, and increasing the setback to 25’ as is consistent with the Natural Features section would only push 4 more parcels into nonconformity for a total of 17. Where street side setbacks have been minimized, an opportunity exists to encourage pushing development, and its related disturbances, away from the water.

- **Implement sliding minimum side setbacks.**

Currently, the minimum side setbacks represent 31% of the minimum lot width in the SR1 district (25ft setbacks; 80ft lot width) and 33% of the lot width in the SR2 district (20ft setbacks; 60ft lot width). A GIS analysis of all 117 lakefront parcels which do not conform to side setbacks found that half of those parcels would conform if the standard was simply that side yard open space must total 30% of the lot width. A particular benefit to this method is that it preserves the desired setbacks on parcels which are capable of handling it. If side setbacks were simply reduced to meet the most prevailing conditions, it would allow for a truly out-of-scale building with just one lot combination.

## COMMENTS

- **What does the building code have to say about setbacks?**

I did not find any mention of setbacks in either the International Residential Building Code (2012) or in the Michigan Residential Code (2015).

- *Followup: "Not directly, but it does contribute to allowable building area and may also affect permitted building materials. We may drive the building official crazy if we don't understand that." The Building Department's review of this proposal is attached.*

- **Have sliding setbacks been implemented anywhere else? Where? How did it work out?**

Not that I can find—the idea was developed by John Iacoangeli and myself in discussions that were specific to Northfield Township. We borrowed methodology from the form-based coding process by starting with an analysis of existing conditions, then using those measurements to define a range of regulations that would reduce nonconformity. This is hardly rocket science, but as a planning practice it is not yet widespread.

I did find one reference to a sliding setback in a 1971 newspaper article. Longboat Key, Florida was considering a sliding waterfront setback on properties that were too small to accommodate both the required setback and a building. I didn't see any reference to it in the town's current code, but since I happen to know that pretty much all planners are happy to chat about arcane zoning ordinances at length, I emailed the Longboat Key town planner to see if I could learn anything else. She replied that the Town had never adopted the methodology for reasons that were primarily related to the waterline:

*"Much of the problematic aspect of adopting sliding scales was due to the potential for encroachment into environmentally sensitive lands, especially on the beachfront. All coastal property on the island is subject to a State-mandated minimum setback from the mean high water line. The Town has no authority to allow encroachment beyond that line. The sliding scale was also found to create the potential to negatively impact water views from neighboring properties, without those neighboring property owners being afforded the opportunity to be heard on the issue. Thus, handling setbacks for properties that cannot meet the requirements was determined to best be handled on a case-by-case basis."*

- **What are the provisions in Green Oak Township?**

Green Oak's "Lakefront Area" district has a minimum side setback of just 7 feet, so it looks like they have decided to go with the prevailing conditions. As noted in the Proposal section, the same setback applies to buildings on all lot sizes, so one lot combination will decrease the side yard open space from 23% of the lot width to 11% (14ft of 60ft minimum width vs. 14ft of 120ft).

- **Minimizing street-side setbacks could go a long way.**

Through consultation with BRI's senior civil engineer, it has been determined that setbacks are not dependent on street type. Instead, the road right-of-way is a design feature that works with road characteristics to provide a buffer appropriate to the intended vehicle behavior. Therefore, it is

theoretically possible to reduce all front setbacks to zero, though it may be preferable to retain *some* front yard setback. This is likely the best place to encourage expansion of lakefront homes, and having this option available should highly incentivize it.

- **I would like different zones for different areas of the lake.**

The measures previously recommended are applicable to all waterfront parcels and consistent with best practices. After running the GIS model with the changes incorporated, two other patterns emerged:

- Wildwood Lake has very few nonconformities, limited to side setback issues in 9 of 11 contiguous properties. Due to the limited precision of GIS, even these properties may not actually be out of conformity. Therefore, no additional changes are recommended to properties abutting this lake.
- Whitmore Lake had a variety of nonconformities, but no regular spatial pattern suggested any particular concentration of nonconformity. Therefore, no additional changes are recommended to properties abutting this lake.
- Horseshoe Lake has a large percentage of properties that cannot even meet a minimal 10' streetside setback. Due to the low-speed, low-volume nature of the streets surrounding this lake, a complete removal of street-side setback requirements would be appropriate.

- **I am not in support of changing lakeside setbacks but may be interested in discussing lakeside structures.**

There are very few parcels which do not conform to the current 20' setback. Only 11 were officially nonconforming, and another 10 have buildings that are closer to the lake than 20' but the rear lot line is well into the lake. It is recommended that this requirement be reclassified as a "waterfront" setback, and that development within the waterfront setback is rigorously forbidden by including language to that effect in the zoning ordinance. If adopted in conjunction with relaxed front setbacks, homeowners can be educated about the benefits of waterfront buffering and offered the option to expand toward the street instead.

### Waterfront Setback Nonconformity

<i>Setback</i>	<i>SR1</i>	<i>SR2</i>	<i>Total (percentage of lakefront parcels)</i>
20' (existing)	3	11	14 (7%)
25' (vegetative setback from watercourses, §36-723(d)(3)(c))	4	13	17 (9%)
50' (building setback from watercourses, §36-723(d)(3)(c))	14	53	67 (34%)



## RECOMMENDATIONS

- Implement a Whitmore and Wildwood Lakes Overlay District that consists of all parcels abutting Whitmore and Wildwood Lakes. The Whitmore and Wildwood Lakes Overlay District shall replace the yard and setback requirements of the underlying district with the following regulations:
  - a. Street-front yards. Not less than 10 feet.
  - b. Side yards. Not less than 10 feet; except in the case where the lot does not meet the requirements for minimum lot width, the side yard least width shall not be less than 12% of the lot width and the sum of the two side yards shall not be less than 30% of the lot width.
  - c. Waterfront rear yards. Not less than 25 feet.
- Implement a Horseshoe Lake Overlay District that consists of all parcels abutting Horseshoe Lake. The Horseshoe Lake Overlay District shall replace the yard and setback requirements of the underlying district with the following regulations:
  - a. Street-front yards. No minimum setback.
  - b. Side yards. Not less than 10 feet; except in the case where the lot does not meet the requirements for minimum lot width, the side yard least width shall not be less than 12% of the lot width and the sum of the two side yards shall not be less than 30% of the lot width.
  - c. Waterfront rear yards. Not less than 25 feet.

	SR1 existing (#)	SR1 existing (%)	SR2 existing (#)	SR2 existing (%)	Both existing (#)	Both existing (%)
<b>All SR1 and SR2 Parcels</b>						
Total Parcels (in entire township, includes conforming)	672		856		1528	
Total Number of <i>Lakefront</i> Parcels (includes conforming)	62	9%	133	16%	195	12.8%

	SR1 existing (#)	SR1 existing (%)	SR1 proposed (#)	SR1 proposed (%)
<b>SR1</b>				
Parcels < Side Yard Setback	33	4.9%	4	0.6%
Parcels < Rear Yard Setback	5	0.7%	4	0.6%
Parcels < Front Yard Setback	26	3.9%	0	0.0%
Total Lakefront Parcels Nonconforming to Setback Requirements	64	9.5%	8	1.2%

<b>SR2</b>	SR2 existing (#)	SR2 existing (%)	SR2 proposed (#)	SR2 proposed (%)
Parcels < Side Yard Setback	123	14.4%	49	5.7%
Parcels < Rear Yard Setback	24	2.8%	10	1.2%
Parcels < Front Yard Setback	26	3.0%	28	3.3%
Total Lakefront Parcels Nonconforming to Setback Requirements	173	20.2%	87	10.2%

<b>SR1 and SR2</b>	Both existing (#)	Both existing (%)	Both proposed (#)	Both proposed (%)
Parcels < Side Yard Setback	156	10.2%	53	3.5%
Parcels < Rear Yard Setback	29	1.9%	14	0.9%
Parcels < Front Yard Setback	52	3.4%	28	1.8%
Total Lakefront Parcels Nonconforming to Setback Requirements	237	15.5%	95	6.2%

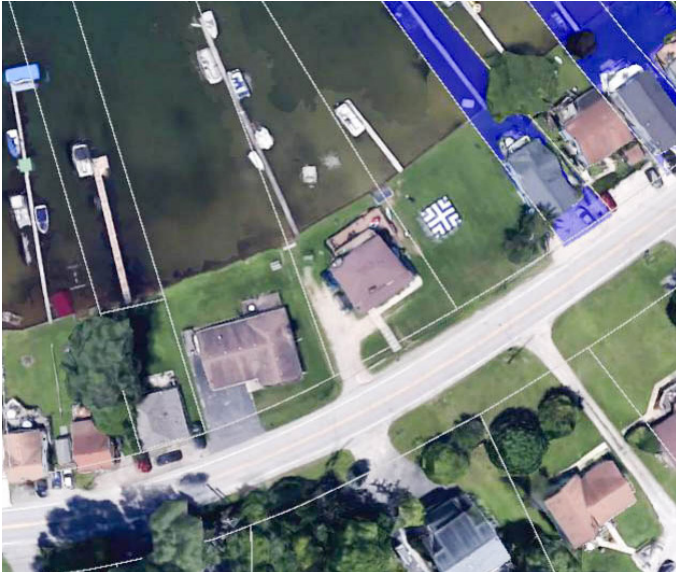
<b>SR1 and SR2</b>	SR1	SR2	Both
Total Parcels Removed from Nonconformity	56	86	142

Northfield Township Planning Commission  
**Lake Overlay Consideration III**

*Example Images*

B R *i*  
**Beckett & Raeder**

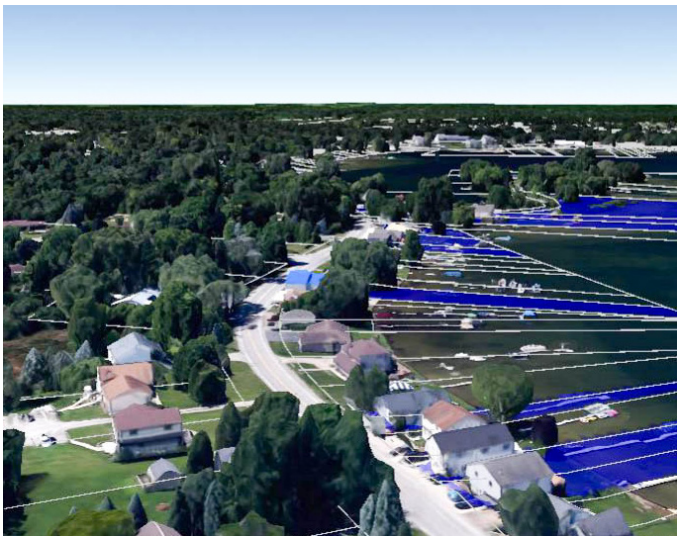
**EXISTING CONDITIONS**



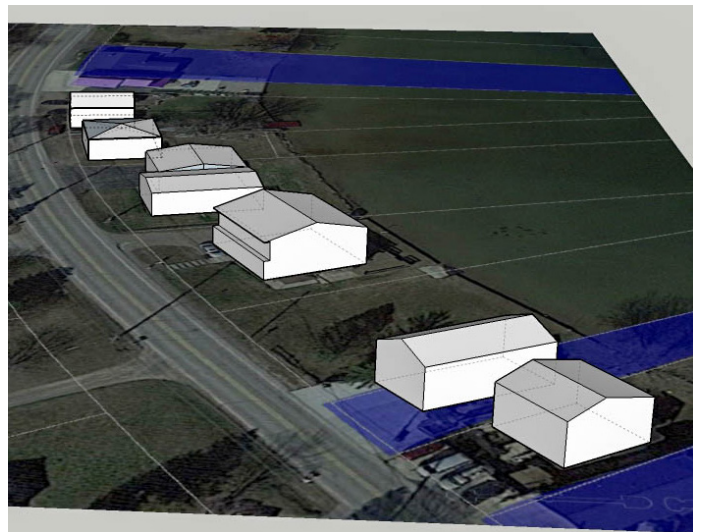
Top view, Google Earth



Top view, Sketchup

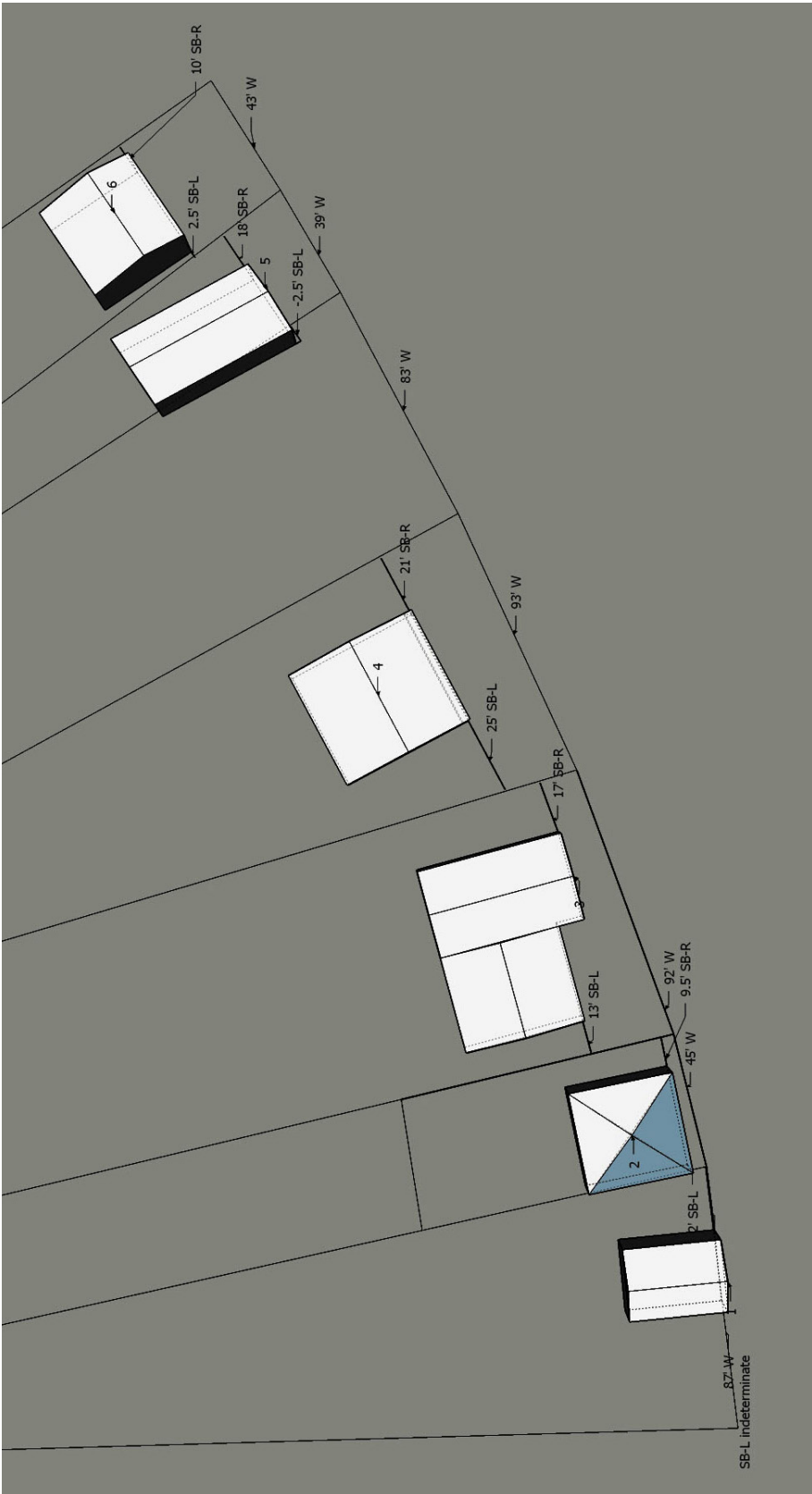


West View, Google Earth



West View, Sketchup

EXISTING CONDITIONS



Building	Lot	Lot width	Left Setback	Right Setback	Side open space	Pct Side Open Space
1	Standard	87	N/A	22	N/A	N/A
2	Small	45	2	10	12	26%
3	Standard	92	13	17	30	33%
4	Standard	93	25	21	46	49%
5	Small	39	-6	18	18	46%
6	Small	43	3	10	13	29%



Northfield Township Planning Commission  
 Lake Overlay Consideration III

Example Images

STANDARD LOT

Lot size 7931 sf  
 Lot width 83 ft

30% Lot Coverage 2380 sf  
 30% Side Open Space 25 ft



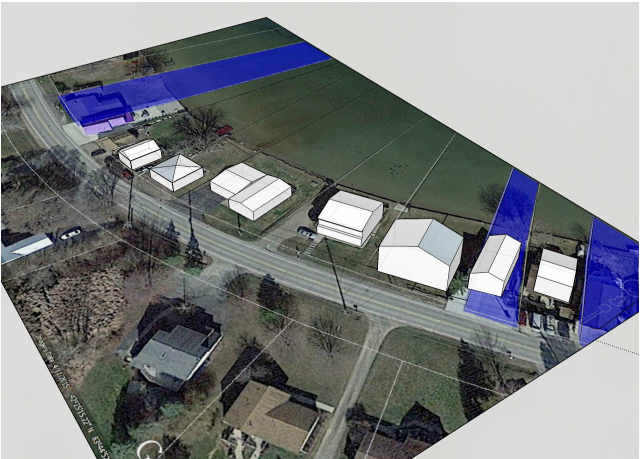
Existing setback



Existing setback - Top



Existing setback - rear

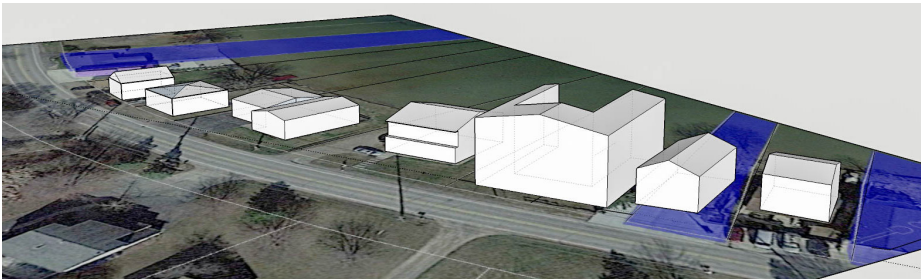


Sliding setback

Setback	Building size (sf)	Building width (ft)	Building length (ft)	Left Setback (ft)	Right Setback (ft)	Effective Right Setback	Side open space	Pct Side Open Space	Meets 50' waterfront setback?
Existing	2340	60	39	10	10	4	20	24%	Yes
Sliding	2365	55	43	10	15	11	25	30%	Yes



STANDARD LOT	Lot size	7931 sf	30% Lot Coverage	2380 sf
	Lot width	83 ft	30% Side Open Space	25 ft



Existing setback.  
“Maximum envelope” building configuration touches all setback lines and meets the lot coverage standard by carving out a private courtyard. Not likely to be common, but possible - rear view illustrates its appeal.



Minimum setback



Minimum setback - top

Setback	Building size (sf)	Building width (ft)	Building length (ft)	Left Setback (ft)	Right Setback (ft)	Effective Right Setback	Side open space	Pct Side Open Space	Meets 50' waterfront setback?
Existing	2380	60	69	10	10	4	20	24%	No
Minimum	2380	70	34	5	5	-1	10	12%	Yes



SMALL LOT	Lot size	4030 sf	30% Lot Coverage	1209 sf
	Lot width	45 ft	30% Side Open Space	14 ft



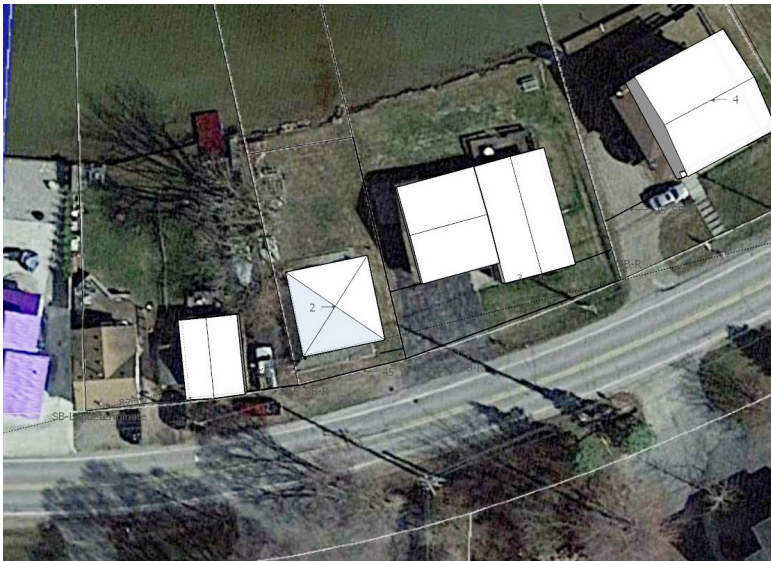
Grandfathered (as-built) setback



Grandfathered setback, front



Sliding setback. The only substantial change between this and the grandfathered setback is the lot placement.



Setback	Building size (sf)	Building width (ft)	Building length (ft)	Left Setback (ft)	Right Setback (ft)	Side open space	Pct Side Open Space	Meets 50' waterfront setback?
Grandfathered	1122	33	34	2	10	12	26%	Yes
Sliding	1116	31	36	5	9	14	30%	Yes



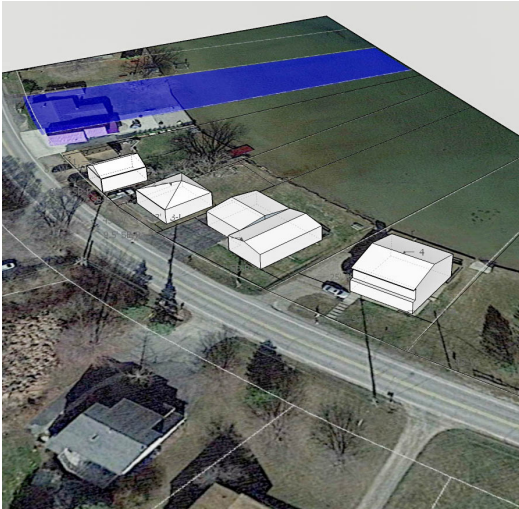
SMALL LOT

Lot size      4030   sf  
Lot width     45    ft

30% Lot Coverage      1209   sf  
30% Side Open Space      14    ft

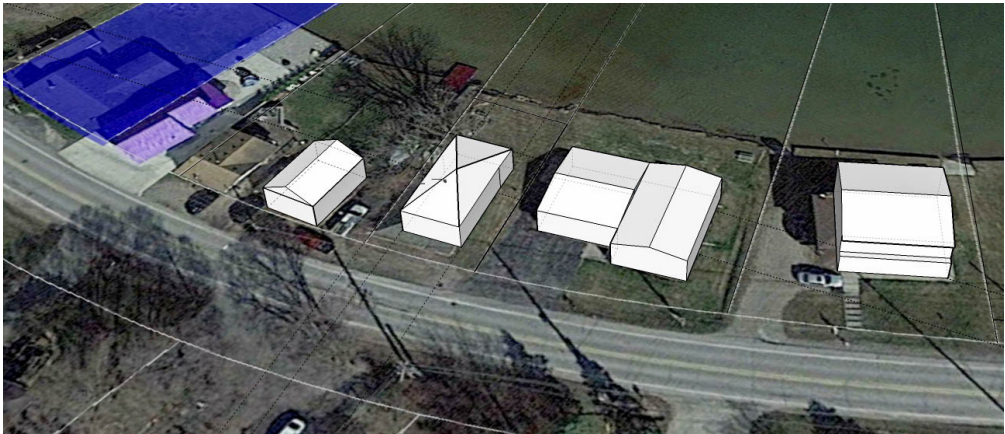


Minimum setback - top



Minimum setback

Existing setback. This is the shape the house would take if it were completely destroyed and rebuilt today.  
Note that this is the only scenario in which it does not meet the recommended 50' waterfront setback.



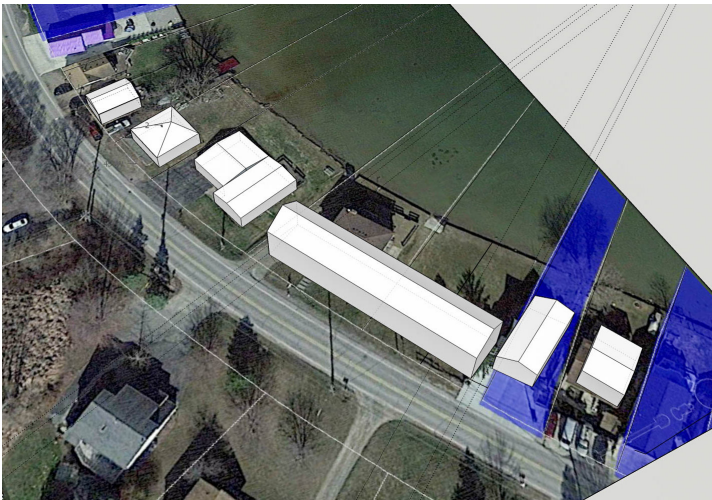
Setback	Building size (sf)	Building width (ft)	Building length (ft)	Left Setback (ft)	Right Setback (ft)	Side open space	Pct Side Open Space	Meets 50' waterfront setback?
Minimum	1190	35	34	5	5	10	22%	Yes
Existing	1200	25	48	10	10	20	44%	No



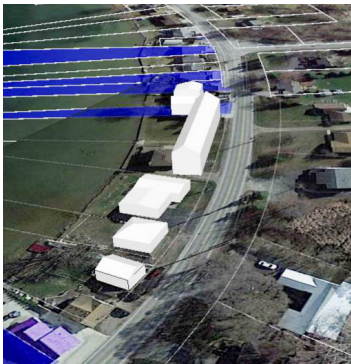
DOUBLE LOT

Lot size 15370 sf  
Lot width 176 ft

30% Lot Coverage 4611 sf  
30% Side Open Space 53 ft



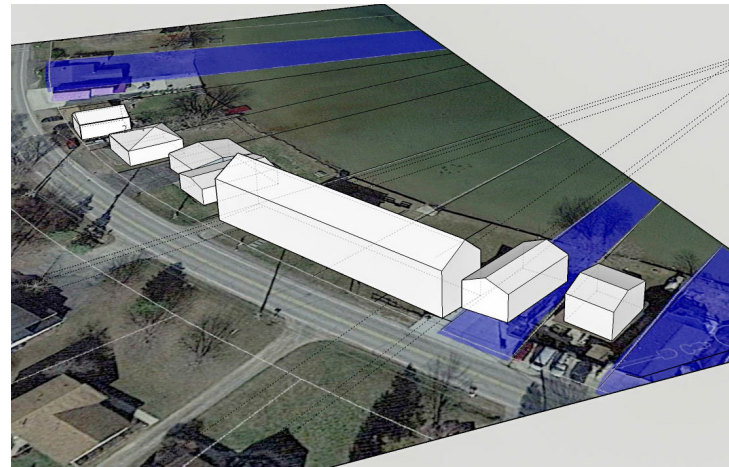
Existing setback



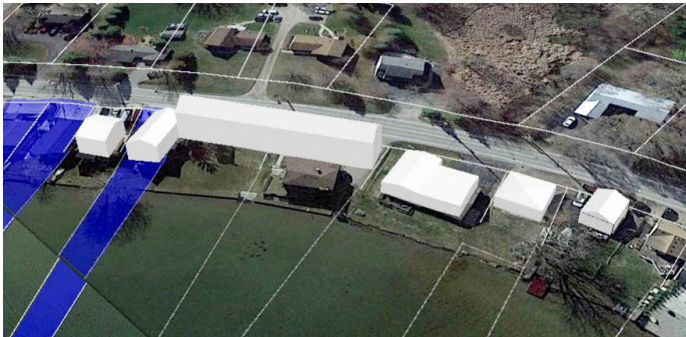
Existing setback,  
side



Minimum setback, front and rear



Minimum setback. At this scale, the difference between a 5-foot setback and a 10-foot setback looks minimal.



Setback	Building size (sf)	Building width (ft)	Building length (ft)	Left Setback (ft)	Right Setback (ft)	Effective Right Setback	Side open space	Pct Side Open Space	Meets 50' waterfront setback?
Existing	4530	151	30	10	10	4	20	11%	Yes
Minimum	4564	163	28	5	5	-1	10	6%	Yes



DOUBLE LOT

Lot size 15370 sf  
Lot width 176 ft

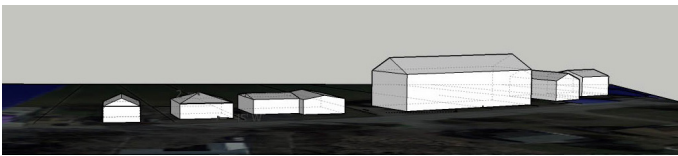
30% Lot Coverage 4611 sf  
30% Side Open Space 53 ft



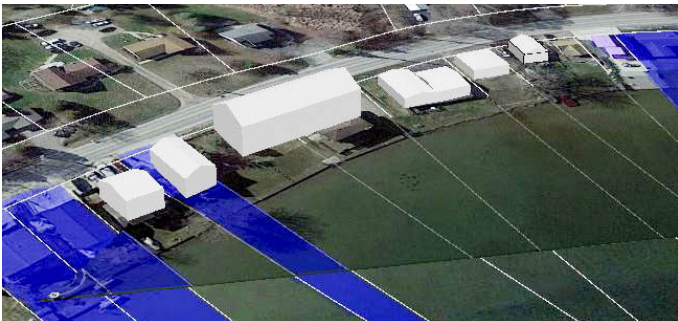
Sliding setback. This is the intended purpose of the sliding scale: to keep buildings proportional to their lots.



Sliding setback - top



Sliding setback, front and rear



Setback	Building size (sf)	Building width (ft)	Building length (ft)	Left Setback (ft)	Right Setback (ft)	Effective Right Setback	Side open space	Pct Side Open Space	Meets 50' waterfront setback?
Sliding	4558	106	43	22	30	26	52	30%	Yes

# Northfield Township

Building & Zoning Department

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To: Northfield Township Planning Commission

From: Kurt Weiland, Building & Zoning Administrator

Re: Review of Proposed lake Overlay District

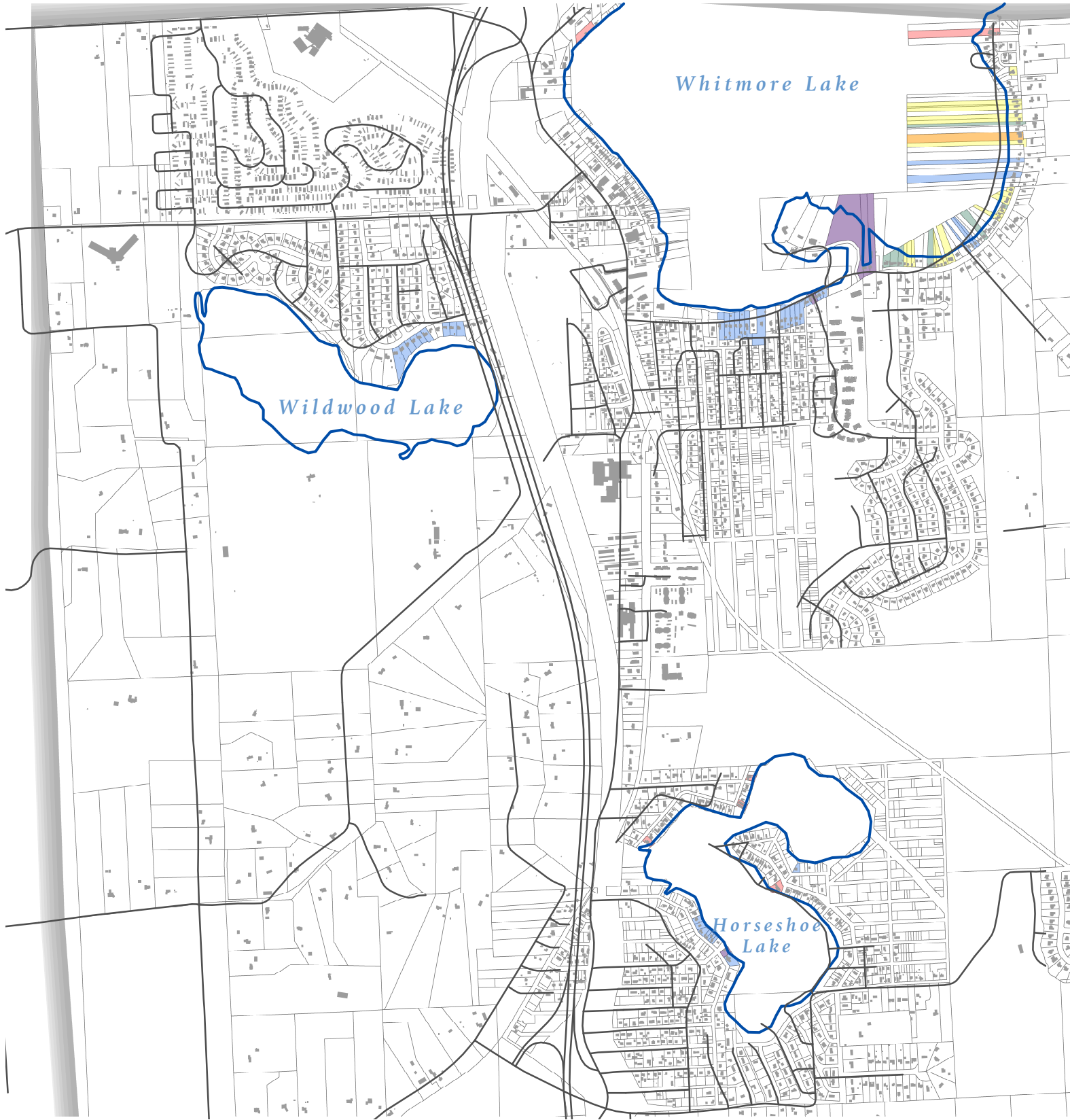
Date: January 26, 2016

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After a quick initial review of the possible revisions to the Zoning Ordinance for the lake front properties I have these comments;

1. It sounds like we are dealing with lake front properties only and not what I call the cottage district in general.
2. I believe the planner from Longboat Key makes a very good point when they mentioned the potential for negatively impacting water views of neighboring properties, without those neighboring property owners being afforded the opportunity to be heard on the issue.
3. The basic minimum setback for the building code is 5 feet. This is so special fire ratings are not required. Many of the current lake front homes would not be permitted to rebuild under current building codes if they were destroyed without significant changes to the construction materials used.








Again this was based on quick a review of the document and I do believe this is a very good start. It is clear that a lot of hard work and thought has gone into it. I see that more work is needed to indentify more of the issues with these areas and determine that the remedies that are proposed do indeed make things better.






NORTHFIELD TOWNSHIP

# Lakefront Overlay Parcel Study

Data Sources: State of Michigan Geographic Data Library, Washtenaw County GIS

-  Township Boundary
-  Roads
-  County Boundary
-  Lakes
-  Rivers/Streams
-  Parcels
-  Building Footprints

-  < Front Yard Setback
-  < Side Yard Setback
-  < Back Yard Setback

## MEMO

**To:** Northfield Township Planning Commission

**From:** Sally Hodges, AICP, Senior Vice President  
McKenna Associates

**Subject:** Review of Lakefront Overlay District Report

**Date:** February 11, 2016

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Enclosed with your packet is a report from Beckett & Raeder dated February 3, 2016 with their recommendations regarding the proposal to create a Lake Overlay District. We look forward to discussing this topic with you at your February 17<sup>th</sup> meeting.



**MEMO**

**TO:** Northfield Township Planning Commission

**FROM:** Sally Hodges, AICP, Senior Vice President  
McKenna Associates

**SUBJECT:** Questions Regarding Churches in General Commercial Zoning District and Zoning Along Baker Road

**DATE:** February 11, 2016

At your February 3, 2016 meeting, the Planning Commission asked us to address several questions pertaining to zoning for churches in relation to the January 14, 2016 letter from the Living Water Church. The church stated its interest in purchasing 200 Barker Road for use as a ministry center and would like the site to be zoned to permit it. The questions you asked are:

1. *Should churches be permitted uses in the General Commercial zoning district?*
2. *Should the site under discussion be rezoned to one of the Whitmore Lake Downtown (WLD) districts, as illustrated in the Township Master Plan?*
3. *If rezoning to WLD is considered, what should the boundaries be?*

Our comments that follow are based on review of the Township Master Plan, Zoning Ordinance, observation of the vicinity, and principles of good planning.

**COMMENTS****1. *Should churches be permitted uses in the General Commercial (GC) zoning district?***

When considering religious uses in the context of community planning and zoning, one of the factors that should be taken into account is the Federal Religious Land Use and Institutionalized Person Act (RLUIPA).

**A. RLUIPA:** The Religious Land Use and Institutionalized Person Act (RLUIPA) was adopted by Congress in 2000 because of concerns that communities were “frequently placing excessive or unreasonable burdens on the ability of congregations and individuals to exercise their faith with little to no justification and in violation of the Constitution” (Department of Justice, 2010). Below are several excerpts from Section 2 of RLUIPA describing the protections afforded to religious institutions:

*SEC. 2 PROTECTION OF LAND USE AS RELIGIOUS EXERCISE.*

*(a) SUBSTANTIAL BURDENS-*

- (1) GENERAL RULE – No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution –*
  - (A) Is in furtherance of a compelling governmental interest; and*
  - (B) Is the least restrictive means of furthering that compelling governmental interest.*

*(b) DISCRIMINATION AND EXCLUSION –*

*(1) EQUAL TERMS – No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.*

However, RLUIPA does not exempt religious uses from local zoning regulations. Nor does RLUIPA restrict a community from placing conditions on its approval of religious uses, provided that the conditions are applied uniformly for all similar uses (Department of Justice, 2010).

In the context of zoning and land use impacts, similar uses could include facilities like movie theaters, auditoriums, private clubs, assembly halls, reception halls, schools, meeting centers and other areas where people congregate. These are facilities that are places of assembly, that have “event-based” traffic characteristics i.e. large volumes at specific times, and other shared features.

**B. What Districts Currently Permit Churches?** The Township Zoning Ordinance permits churches and uses with similar characteristics as follows:

	<b>Zoning District</b>	<b>Churches Permitted as Conditional Use</b>	<b>Other Uses with Characteristics Similar to Churches Permitted in the District</b>
<b>AR</b>	Agriculture	Yes	Government and community buildings, secondary schools
<b>LR</b>	Low-Density Residential	Yes	Secondary schools
<b>MR</b>	Multiple-Family Residential	Yes	Secondary schools, college and university; funeral establishment
<b>MHP</b>	Mobile Home Park	Yes	Government office buildings, and similar government buildings; secondary schools
<b>SR1</b>	Single-Family Residential	Yes	Secondary schools
<b>SR2</b>	Single-Family Residential	No	No
<b>LC</b>	Local Commercial	No	Secondary schools
<b>HC</b>	Highway Commercial	No	Places of amusement, entertainment or recreation such as a dancehall, bowling alley; drive-in theater
<b>GC</b>	General Commercial	No	Funeral establishments, mortuary
<b>RO</b>	Residential/ Office District	Yes	Secondary schools
<b>LI</b>	Limited Industrial	No	No
<b>GI</b>	General Industrial	No	No
<b>RTM</b>	Research/ Technology/ Manufacturing	Yes	No
<b>ES</b>	Enterprise Service	No	Commercial recreation facilities, including indoor theaters, bowling alleys, skating rinks, racket clubs
<b>PSC</b>	Planned Shopping Center	No	Theaters
<b>RC</b>	Recreation Conservation	No	No
<b>WLD</b>	Whitmore Lake Downtown - Downtown Subdistrict Waterfront Subdistrict North Village Subdistrict	Yes	Secondary schools, colleges and universities; funeral establishments; commercial recreation facilities, including indoor theaters, bowling alleys, skating rinks, racket clubs

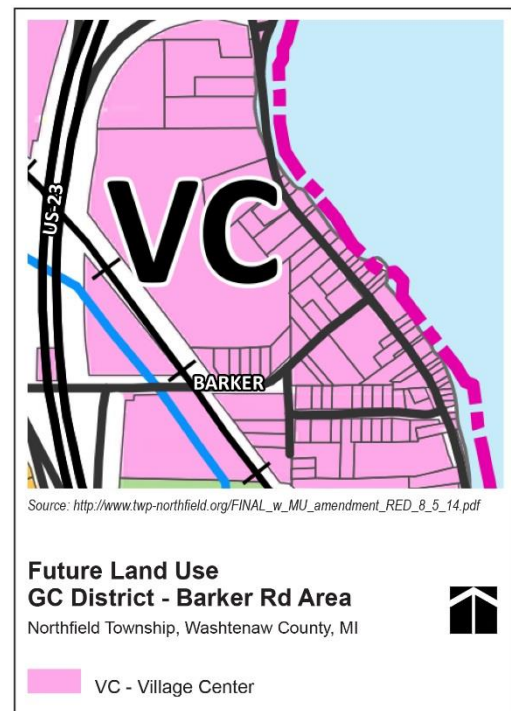
In summary, churches are permitted in eight (8) of the Township's zoning districts, subject to conditional use approval. Five (5) zoning districts, the Local Commercial (LC), Highway Commercial (HC), General Commercial (GC), Enterprise Services (ES), and Planned Shopping Center (PSC) currently do not permit churches but do permit other, non-church uses that have some characteristics similar to churches. We recommend that the Planning Commission discuss and consider including churches in the identified districts, in light of RLUIPA, the Township's goals and objectives, master plan and the context of the various districts.

**2. Should the site under discussion be rezoned to one of the Whitmore Lake Downtown (WLD) districts, as illustrated in the Township Master Plan?**

- A. Zoning and Master Plan:** The site is currently zoned GC General Commercial District. The Master Plan shows it and abutting parcels as Village Center. The Master Plan describes the Village Center as "mixed uses with a village scale and character within the Whitmore Lake community". The Whitmore Lake District (WLD) with its three sub-districts, was created to address these Master Plan objectives and to implement the VC plan category.

The purpose statements for the three WLD subdistricts are excerpted below:

- The **downtown (WLD-D)** subdistrict is intended to promote a unified vision for transforming the historic commercial core of the Whitmore Lake community focused on mixed-use development, increased land use intensity, and improved public amenities that is oriented as much to the needs of the pedestrian as to those of the automobile.
- The **waterfront (WLD-W)** subdistrict is intended to facilitate a long-term evolution of the Whitmore Lake waterfront from one made up of tightly packed, exclusively residential structures to one of a variety of building forms and open spaces. Like the downtown and north village subdistricts, it will allow mixed-use development and increased land use intensity and will require improved public amenities oriented as much to the needs of the pedestrian as to those of the automobile.
- The **north village (WLD-NV)** subdistrict is intended to promote those same principles as the downtown subdistrict (WLD-D), but provides a unique opportunity for large-scale project planning and the incorporation of new streets or public spaces. Like the WLD-D, the WLD-NV promotes a unified vision for transforming the historic commercial core of the Whitmore Lake community focused on mixed-use development, increased land use intensity, and improved public amenities oriented as much to the needs of the pedestrian as to those of the automobile.





All three subdistricts are focused on creating a compact, walkable environment that will create new opportunities for investment well protecting the quality attributes of the area.

If rezoning to WLD is seen as a desired way to proceed, one of the subdistricts will need to be selected. Clearly, since the site is not on the lakefront, the WLD-W subdistrict is not appropriate. Both the WLD-D and WLD-NV subdistricts are located immediately east of the site, across the railroad tracks. The land uses permitted in each of these subdistricts are almost identical to each other, with a few exceptions. We believe the WLD-NV may be more appropriate than the WLD-D due to the potential for larger scale development that it anticipates, some of the uses permitted, and the proximity of the freeway. However, this should be evaluated further.

- B. Impacts of Rezoning:** Beyond allowing different land uses, rezoning the site will change the regulations that apply to it. For example, the WLD District does not require off street parking, whereas the GC District requires uses to provide parking in accordance with Article XXV.

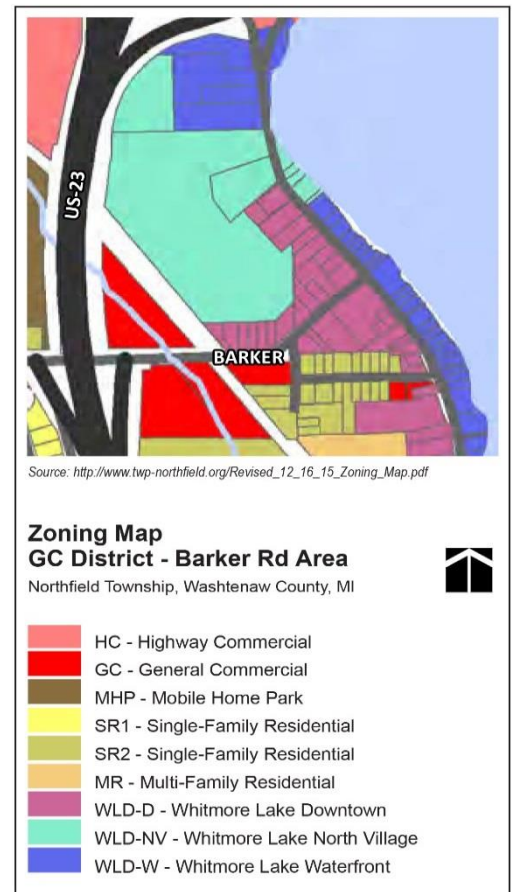
Dimensional requirements of the GC and WLD districts are compared below:

	<b>GC General Commercial</b>	<b>WLD-D Whitmore Lake District</b>	<b>WLD-NV Whitmore Lake District</b>
<b>Maximum Building Height</b>	45 feet	45 feet; 3 stories	55 feet; 5 stories
<b>Minimum Front Yard Setback</b>	35 feet	N/A. Required Building line of 10 feet.	N/A. Required Building line of 10 feet.
<b>Maximum Building Coverage</b>	25%	N/A. 30% required open space.	N/A. 30% required open space.

In addition, the WLD District contains specific building and site design criteria that must be met with new development. These criteria include, but are not limited to regulation of:

1. Building design and materials
2. Façade variation
3. Ground story transparency
4. Pedestrian access/ entrance

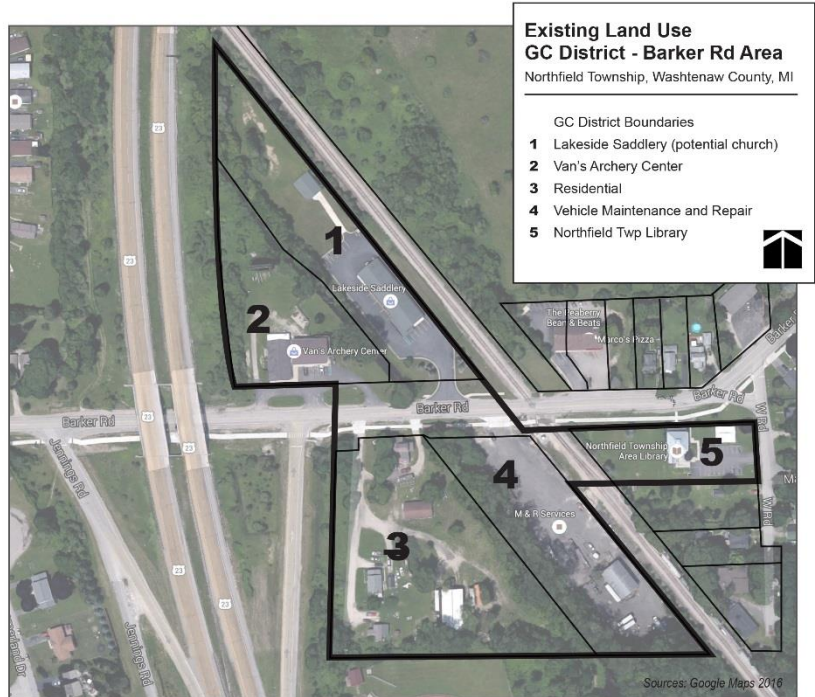
It should be noted that design criteria compliance is only required to be met for new buildings or when an existing building expands by more than 500 square feet or five percent of the total existing floor area.



Rezoning the site to WLD would promote the implementation of the Master Plan, and would allow the church to make application and be considered for approval as a conditional use. If the owners of the site are in agreement, we see few drawbacks to this approach if there is agreement on the appropriate subdistrict.

**3. If rezoning to WLD is considered, what should the boundaries be?**

- A. Rezone Only the Site:** See our comments under #2 above.
- B. Rezone a Larger Area:** The General Commercial District encompasses both sides of Barker Road, east of US-23 and west of the railroad tracks. The 2014 Future Land Use Map shows this entire area as VC Village Commercial, the Master Plan category corresponding to the WLD zoning district. There may be a graphic error on the 2014 Future Land Use Map; part of the land south of Barker Road has a single family residential color, and there are other blanks on the map, but the 2012 Future Land Use Map clearly shows this entire area as Village Commercial.



Existing land uses in the vicinity are listed and compared to the in the table below.

Existing Land Use	Use is Permitted in GC General Commercial	Use is Permitted in WLD Whitmore Lake District	Land Use Would Conform if Rezoned to WLD
1. Lakeside Saddlery/ Potential Church	Yes/ No	Yes/ Yes	Yes/ No
2. Van's Archery Center	Yes	Yes	Yes
3. Residential	No	Yes	Yes**
4. Vehicle Repair and Maintenance Facility	Yes	No	No
5. Northfield Library	No	No	No*

\* We did not see a land use category that permits the existing library in the WLD District.

\*\* There appear to be other aspects of the site's use that would not conform.

- C. Considerations:** Rezoning all five of these parcels would create several nonconforming situations. For instance, the vehicle repair and maintenance facility south of Barker Road would become a nonconforming use. As a nonconforming use, the changes that can be made to it are limited, and there may be less incentive for the owner to reinvest. On the other hand, that parcel is for sale and it might be sold for redevelopment to a use consistent with the Master Plan and WLD district. Many of the properties may not meet the specific WLD design criteria, and would have to comply with the new regulations if they were to expand or be redeveloped. Creating nonconforming situations as part of a rezoning is not necessarily a bad thing since it encourages redevelopment to be consistent with the community's vision as expressed in the Master Plan, but it does affect the owners of the land. Any such action should be carefully considered in light of the big picture and overall impacts on the community.

We believe sites 1, 2 and 5 are most consistent with the WLD at this time, although the library use should be further discussed. The Commission could also determine to pursue rezoning sites 3 and 4 since those sites are across the street and thus are impacted by several of the same locational factors.

## Mary Bird

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**From:** kjdignan@gmail.com on behalf of Kenneth Dignan <dignank@twp.northfield.mi.us>  
**Sent:** Thursday, February 04, 2016 3:09 PM  
**To:** Ken Dignan  
**Cc:** Marlene Chockley; Sam Iaquinto; Janet Chick; Brad Cousino; Mark Stanalajczo; Larry Roman; Mary Bird; Howard Fink  
**Subject:** Correspondence from a member of the public.

Please find below a correspondence I have received. It will be included in the packet as part of correspondence at our next meeting.

Thanks,

**Ken Dignan**

*Chairman, Northfield Township Planning Commission*

[www.whitmorelake.org](http://www.whitmorelake.org)

----- Forwarded message -----

**From:** **Craig Warburton** <[craig@bjwggroup.com](mailto:craig@bjwggroup.com)>

**Date:** Thu, Feb 4, 2016 at 2:54 PM

**Subject:** Dear Mr. Planning Commission Chair, regarding posting public hearings you don't hold

Dear Mr. Planning Commission Chair,

At the February 3, 2016 planning commission meeting a public hearing for the pending By-Law changes had been advertised, printed on the agenda and distributed via posting and website. At the instance of approving the agenda, the Commission Secretary spoke up removing it from the agenda as unnecessary. Some members of the public, also known as the taxpayers that fund this township government, had prepared extensively to discuss the bylaws changes, only to be disappointed. It seems the Secretary was responsible for the notice that predicated those preparations, as described in our By-Laws ("The Secretary shall be the facilitator for the receipt and transmission for all correspondence, notices, and minutes pertaining to meetings and official acts of the Commission") The secretary apparently takes such matters lightly. I can assure you many residents do not. I for one, in addition to the time spent writing the letter in your last packet, spent a couple precious hours preparing notes for the February 3, 2016 public hearing.

I would request you and the officers of the planning commission familiarize yourself with the bylaws so as to preclude such false starts in the future. The commission might not have been required to hold a public hearing, but it was not precluded from holding one. There was the option to follow through and listen to the public that was ready to present. That would have constituted good governance and beyond. Obviously, the Secretary found it in his best interests to deny participation when possible.

I was appalled, but powerless to bring this issue to bear during the meeting.

Sincerely,

Craig Warburton

## Mary Bird

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**From:** kjdignan@gmail.com on behalf of Kenneth Dignan <dignank@twp.northfield.mi.us>  
**Sent:** Sunday, February 07, 2016 12:31 PM  
**To:** Craig Warburton  
**Subject:** Thank you for contact Northfield Township

Mr. Warburton,

Thank you for your comments & feedback. I will convey your e-mail to the entire planning commission and include it as correspondence in the next Planning Commission Meeting Packet.

Sincerely

**Ken Dignan**

*Chairman, Northfield Township Planning Commission*

[www.whitmorelake.org](http://www.whitmorelake.org)

On Sun, Feb 7, 2016 at 11:35 AM, Craig Warburton <[craig@bjwgroup.com](mailto:craig@bjwgroup.com)> wrote:

Dear Planning Commission,

At your February 3, 2016 regular meeting, an election of officers was improperly held and the results improperly reported. Aside from being a month late due to the lack of nomination by the Township Supervisor, at the initiation of the electoral process for the position of Chair, 2 nominees were offered and seconded. There was no discussion, which is the option of the members. Acting chair Chockley requested a voice roll call vote of preference and Mr. Dignan interrupted and stated that was an improper procedure, without specificity as to how or why. His intercession was the only improper procedure. The Secretary immediately called the roll with only 1 name in contention. This did not address the possibility of a change in vote by a member or present the reality that endorsing one candidate is a expressed voice against another. Individual voting by nominee is not as complete as voting once for a position. Obviously there was risk the result would have been different if handled routinely as in past years. There were no new commissioners that had not participated with the usual method in prior years.

The planning commission is, until formally refuted, using Roberts Rules of Order as the standard for parliamentary procedure. Roberts rules provides for the use of "prior custom" unless some alternate method of voting is selected by motion, support and majority concurrence. There are 6 methods described by Roberts Rules. Mr. Dignan's statement was out of order. The method employed was not approved by the commission. The election that followed was out of order as it provided only the option to vote for one of the two properly nominated individuals. In that no-one on the planning commission is identified to be parliamentarian, parliamentary procedure is often determined by who raises their voice the most. This is not acceptable. The rapidity of the vote, the lack of discussion or statement from nominees and the immediate conclusion after a one nominee vote is improper and should be identified as lacking standing. The election of officers on February 3, 2016 must be declared invalid and set aside pending a proper vote at the next opportunity.

The public, also known as the taxpayers that fund this government, depend on certain standards for behavior and process to protect our interests on a day in and day out level. We depend on parliamentary proceed to stop partisanship and cronyism. When parliamentary procedure is absent, so is good government. The repeat

election may well produce the same result, but it would at that point be a fair election.

Sincerely

Craig Warburton

# NORTHFIELD TOWNSHIP PLANNING COMMISSION

## Minutes of Regular Meeting February 3, 2016

### 1. CALL TO ORDER

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

### 2. PLEDGE OF ALLEGIANCE

### 3. ROLL CALL

#### AND DETERMINATION OF QUORUM

Roll call:

Janet Chick	Present
Marlene Chockley	Present
Brad Cousino	Present (arrived at 7:10 P.M.)
Kenneth Dignan	Present
Sam Iaquinto	Present
Larry Roman	Present
Mark Stanalajczco	Present

Also present:

Township Manager Howard Fink  
Assessing & Building Assistant Mary Bird  
Planning Consultant Phillip McKenna,  
McKenna Associates  
Recording Secretary Lisa Lemble  
Members of the Community

### 4. APPROVAL OF AGENDA

Stanalajczco said a public hearing is not required for the by-laws, so item 8B should be removed.

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

### 5. FIRST CALL TO THE PUBLIC

Craig Warburton, 450 W. Joy Road, commented on the issues of zoning, conflicts of interest, and adding agenda items related to the Living Water Church GC zoning request. David Gordon, 5558 Hellner Road, commented on proposed by-law and GC zoning changes and Township spending. Lenore Zelenock, 1440 Six Mile Road, asked questions about the proposed by-law changes.

[Cousino arrived].

### 6. CLARIFICATIONS FROM THE COMMISSION

Dignan and Chockley commented on Living Water Church request and Chick answered a question about the by-laws.

### 7. CORRESPONDENCE

Chockley referred to letters from the public about the proposed by-law changes.

### 8. PUBLIC HEARINGS

#### 8A. Revised Research, Technology, and Manufacturing (RTM) District Standards.

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

Chockley explained that the proposed change would increase the allowable floor space dedicated to manufacturing to increase from 25% to 49%. Chockley answered a question from David Gordon about allowable uses in the district and confirmed that the documentation for this was not included in the Board packet until Tuesday although it was posted on the website. There was discussion about whether to reschedule the public hearing.

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

- **Motion:** Dignan moved, Chockley supported, that notice of changes to the RTM district be republished and the public hearing noticed for the first Planning Commission meeting in March.  
**Motion carried 7—0 on a roll call vote.**

#### 8B. Revised Planning Commission Bylaws.

Removed from the agenda.

### 9. REPORTS

#### 7A. Board of Trustees

Chick briefly reported on the January 26<sup>th</sup> Township Board meeting, including that the Board reappointed Iaquinto and Roman to the Planning Commission and hired McKenna Associates as the Township's planning consultants.

#### 7B. ZBA

Dignan reported that no January meeting was held, but the Nowatzke request will be heard in February.

#### 7C. Parks & Recreation

Nothing to report.

#### 7C. Staff Report

Nothing to report.

#### 7D. Planning Consultant

Nothing to report.

### 10. UNFINISHED BUSINESS

**10A. Revised Research, Technology, and Manufacturing (RTM) District Standards.**

- ▶ **Motion:** Chockley moved, Chick supported, that this item be removed from the agenda.  
**Motion carried 7—0 on a roll call vote.**

**10B. Revised Planning Commission By-Laws.**

Chockley noted that the Commission made additional changes to the draft on January 20<sup>th</sup>. She referred to two letters from members of the public and the Board discussed some of those items raised, including operating funds, maintenance of minutes, handling of special meetings, the number of votes required to recommend changes to the Master Plan, and timing of the organizational meeting and elections.

Regarding whether the proposed by-laws should be reviewed by the Township attorney, Fink said he and Burns agree that any request for review of documents should be voted on by the Planning Commission.

- ▶ **Motion:** Chockley moved, Cousino supported, that the proposed bylaws be sent to the Township attorney for legal review and recommendations for any changes. **Motion carried 6—1 on a roll call vote, Stanalajczo opposed.**

**10C. Election of Officers and ZBA and Parks & Recreation Commission Representatives.**

- ▶ **Motion 1:** Iaquinto moved, Stanalajczo supported, that Dignan serve as Chair of the Planning Commission.
- ▶ **Motion 2:** Chick moved, Cousino supported, that Chockley serve as Chair of the Planning Commission.

**Motion 1 carried 4—3 on a roll call vote, Chick, Chockley, and Cousino opposed. No action taken on Motion 2.**

- ▶ **Motion:** Iaquinto moved, Chick supported, that Larry Roman serve as Vice-Chair of the Planning Commission. Roman declined.
- ▶ **Motion:** Stanalajczo moved, Dignan supported, that Chick serve as Vice-Chair of the Planning Commission.  
**Motion carried 7—0 on a roll call vote.**
- ▶ **Motion:** Iaquinto moved, Chick supported, that Stanalajczo serve as Secretary of the Planning Commission.  
**Motion carried 7—0 on a roll call vote.**
- ▶ **Motion:** Chockley moved, Stanalajczo supported, that Roman serve as Planning Commission representative to the Zoning Board of Appeals.
- ▶ **Motion:** Dignan moved that Cousino serve as Planning Commission representative to the Zoning Board of Appeals.

- ▶ **Motion:** Dignan moved, Stanalajczo supported, that Chockley serve as Planning Commission representative to the Zoning Board of Appeals.  
**Motion carried 7—0 on a roll call vote.**

- ▶ **Motion:** Dignan moved, Chockley supported, that Iaquinto serve as the Planning Commission representative to the Parks & Recreation Commission.  
**Motion carried 7—0 on a roll call vote.**

**11. NEW BUSINESS**

**10A. Consider the addition of churches as a conditional use in the General Commercial (GC) District.**

Chockley referred to the letter from Living Water Church, the Township zoning map, and the Master Plan. Planning consultant McKenna recommended that all of the commercial districts be reviewed, and he expressed concern with making churches conditional uses because of potential legal conflicts with the freedom of religion provisions of the First Amendment of the U. S. Constitution and protections provided in the Religious Land Use and Institutionalized Persons Act (RLUIPA).

The reasoning behind and history of commercial zoning and establishment of the limits of the Whitmore Lake Downtown Overlay District were discussed.

- ▶ **Motion:** Stanalajczo moved, Chick supported, that the planner review the request from Living Water Church and consider whether there should be a text amendment and/or map amendment, which lots should be included, and whether church uses should be conditional or permitted by right in consideration of First Amendment rights issue.  
**Motion carried 7—0 on a roll call vote.**

**11B. Review of the Parks & Recreation Master Plan.**

Fink reviewed the propose Plan, the steps taken in preparing it, and where it stands in the approval process. He asked for the Planning Commission to make a recommendation of approval to the Township Board.

The Commission thanked the Parks & Recreation Commission, Fink, and the Township Trustees for their work on this.

- ▶ **Motion:** Stanalajczo moved, Iaquinto supported, to approve the Northfield Township Parks & Recreation Master Plan as presented.  
**Motion carried 7—0 on a roll call vote.**

**12. MINUTES**

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

**13. POLICY REVIEW AND DISCUSSION**



None.

#### 14. SECOND CALL TO THE PUBLIC

Lenore Zelenock, Craig Warburton, David Gordon thanked Chockley for serving as Commission chair, Gordon commented on the proposed by-laws and Parks & Recreation Master Plan, and Craig Warburton commented on the proposed by-laws. Jim Nelson, 7777 Sutton Road, thanked Fink and Iaquinto for their work on the Parks & Recreation Master Plan.

#### 15. COMMENTS FROM THE COMMISSIONERS

Commissioners commented on the Pond Hockey Classic dates, a statement made by a Board member at the last Township Board meeting, the Parks & Recreation Master Plan, and an internet blog covering

Township Board actions; thanked Chockley for her service as Chair; congratulated Dignan on his election as Chair; and thanked Phillip McKenna for his input.

#### 16. ANNOUNCEMENT OF NEXT MEETING

**February 17, 2016**, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location.

#### 17. ADJOURNMENT

► **Motion:** Dignan moved, Chick supported, that the meeting be adjourned.

**Motion carried 7—0 on a voice vote.**

The meeting was adjourned at 9:24 P.M.

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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.

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Kenneth Dignan, Chair

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Mark Stanalajczo, Secretary

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