

**CHARTER TOWNSHIP OF NORTHVILLE
PLANNING COMMISSION
July 30, 2019**

DATE: July 30, 2019
TIME: 7:00 PM
PLACE: Northville Township Hall
44405 Six Mile Road

APPROVED: August 27, 2019

CALL TO ORDER: 7:00 PM

ROLL CALL:

Present: Lisa Anderson, Timothy Guerriero, Erik Lark, George McCarthy, Fred Shadko, Jayne Watson, Tim Zawodny

Excused: None.

Staff: Jennifer Frey, Township Planner

Approval of Minutes:

Planning Commission – June 25, 2019

MOTION by McCarthy, support by Shadko, to approve the June 25, 2019 Planning Commission minutes as published.

Voice vote: Ayes: All
Nays: None

Motion approved unanimously.

Correspondence: None.

Brief Public Comments: None.

New Business:

1. **PSKPR19-0001 Ward Church**
Representative: Jennifer M. Austin, Boss Engineering
Location: 40000 Six Mile Road
Request: Relocate two ballfields from the east side to the west side of the property
Action: Approve, Approve with Conditions, Postpone, Deny

Referring to her July 15, 2019 letter, Township Planner Frey gave the review for this request to relocate two ballfields from the east side to the west side of the property at 40000 Six Mile Road.

As part of the recent PUD amendment to allow the construction of the senior housing development on the Ward Church site, the ball fields were permitted to be relocated to the west side of the site. The amendment required that a site plan showing the relocated ball fields be approved by the Planning Commission.

A minimum 200-foot setback was required from the property line; a minimum 261.3 feet were provided at the south end and 369.5 feet were provided at the north end. A small equipment shed and dugouts were proposed.

Outstanding issues included:

- The majority of the tree replacement was on the western property line and south of the existing fields, which would supplement existing vegetation and a berm in that area. Consideration should be given to relocating some of the deciduous trees to the northern and northwest sides of the parking lot.
- The landscape areas on the west side were required per ordinance to have irrigation.
- Almost all of the existing shrubs along the west property line were dead or almost dead. The dead and damaged shrubs on each side of the berm should be removed and replaced.
- A number of the existing Austrian Pine trees were past their prime, with many dead branches and thin structure. The trees that were dead and in poor condition should be removed and replaced.
- Trees #1285, 1286, 1287, 1288 and 1885 were identified on the plan as being removed but were not listed on the tree inventory; the tree inventory should be updated and the replacement calculations adjusted accordingly.
- The chain link fence was required per ordinance to be vinyl coated.
- Full dimensional brick was required for the dugouts and equipment shed. This should be noted on the plans.
- Any bleachers or seating areas should be identified on the plan.

The Engineering and Fire Departments did not have review comments for this site plan.

Township Planner Frey concluded her review.

Brent W. LaVanway, Vice President and Director of Engineering, Boss Engineering, 3121 E. Grand River, Howell, MI, was present on behalf of this application. Ward Church representatives present included Steve Meyers, 19970 Silver Springs Drive; Attorney Timothy Stoepker, Dickinson Wright, and John Nowacki, Director of Campus Services.

Mr. LaVanway displayed a graphic of the site, and explained that as noted by the Planner, tonight's proposal was a continuation of the recently approved PUD amendment. The ballfields were being relocated from the northeast portion of the existing site toward the west property line. The closest the fields were to the west property

line was 260 feet, and they extended to about 350 feet from the property line at the north portion of the fields. The fields were oriented as shown due to the site's topography and in order to preserve a number of mature trees toward the north end of the fields. This was a change from the conceptual review, when the fields were oriented north/south.

Mr. LaVanway responded as follows to Township Planner Frey's review letter:

- The listed trees that were shown as being removed but not listed on the tree inventory were below the size threshold; those could be removed completely or the plans could indicate the trees were smaller than the threshold. Tree replacement calculations would not be impacted.
- Full dimensional brick would be used for the dugouts and equipment shed.
- The bleachers would be portable, and would be located between the two ballfields and closer to the parking lot, approximately 300 feet from the west property line. Spectators not using the bleachers would bring their own lawn chairs.
- Ward Church was not planning on irrigating the area on the west side of the site; it was not irrigated presently.
- Regarding the shrubs along the west property line, the evergreen trees had matured and killed the understory shrubs. If the shrubs were replanted, the same thing would happen.
- Regarding the Austrian pines, there were just a few – perhaps just two – and while those could be removed, with the approximately 120 new trees between the parking lot and the existing buffer, removing the Austrian pines would not make a difference in the overall landscaping.
- The plan was to use standard chain link fencing, not vinyl-coated fencing, consistent with the existing fields.
- The applicants agreed with all other items called out in the review letter.

In response to questions from the Commission, Mr. LaVanway said that the fields would not be illuminated. The requirement for the fence to be vinyl coated was a newer requirement; Ward Church understood that they were replacing like for like when they moved the fence, which did not require that the fence be vinyl-coated. The fields would not be visible from any of the surrounding property.

In response to a question from the Commission, Township Planner Frey explained that the vinyl coating requirement was for aesthetic, durability, and safety reasons. The intent of the PUD amendment was not to approve noncompliance with ordinance standards, although the specific fence materials had not come up in earlier discussions of the amendment. Others in the Township who had built ballfields and fences in non-residential zoning districts had to comply with the ordinance requirement. Modification of the requirement would require a variance, or a supporting interpretation from the Board of Trustees regarding the PUD amendment.

Ward Church Attorney Stoepker argued that the PUD amendment required equivalent ballfields. The amendment gave Ward Church the right to enhance the ballfields at their expense if they chose, subject to Planning Commission approval, but the actual replacement requirement was for equivalent fields. The ballfields were being replaced in

part because the Township wanted and would be using the fields, but there was no requirement for Ward Church to pay for enhancements to fields which would be used by the community and the Township. The only reference in the amendment to the fence was its location in terms of the distance from home plate.

Mr. Stoepker further explained that the PUD amendment also did not require irrigation. The PUD amendment was conditioned on relocating the fields, subject to additional landscaping and/or berming as decided via the Planning Commission site plan process.

Commissioner Lark summarized that Ward Church's position was that the ballfields were not required to meet current standards.

Mr. Stoepker said that was correct; the PUD amendment had not mentioned vinyl-coated fences or irrigation.

Commissioner Shadko said he did not support the idea that something that was not specified in the PUD trumped ordinance requirements.

Mr. Stoepker said Ward Church did not want to be put in a position of building ballfields for the Township at even greater expense than was already being incurred. The agreement clearly said "equivalent fields."

Commissioner Shadko pointed out that the entire development process was being done to benefit Ward Church; it had been Ward Church's idea to move the ballfields.

In response to a question from Commissioner Lark, Mr. LaVanway said the fences would have a safety tube along with the top.

Chair Zawodny agreed with Commissioner Lark, in that this process was going forward for the benefit of the Church, in order to allow the construction of a new development on land previously owned by the Church. He thought equivalent would mean same size, same purpose and same use, but there was nothing in the PUD amendment language that gave the Commission authority to approve something that did not comply with the ordinance.

Chair Zawodny also could not support the claim that replacing the required shrubs meant that the shrubs would die again. The shrubs received western light. The question was: why hadn't that landscaping been maintained over the years?

Mr. LaVanway acknowledged that he was not a landscape architect; nevertheless planting replacement shrubs with the limited space between the mature trees on the property line would be a challenge. When the trees were originally planted they were probably 6-8 feet tall; now they were mature and much taller.

Township Planner Frey explained that the landscape plan was the approved plan into perpetuity; required landscaping needed to be maintained. If in time the landscape plan

needed to be modified, the applicants could go through the appropriate process, but without that the original landscape approval and intent remained.

Mr. Stoepker suggested that the Church's landscape architect/arborist visit the site with Township staff to ascertain what could be replanted and thrive there. After discussion, the consensus of the Commission was to require this action.

In response to a question from Commissioner Lark, Township Planner Frey said the location of the portable bleachers as described this evening seemed appropriate for this site and use.

Chair Zawodny opened the public hearing.

William Salliotte, 17520 E. Northville Trail, said he was the only homeowner directly adjacent to the Ward Church developed property. He noted that over time the berm had been neglected, resulting in many dead trees and bushes. Mr. Salliotte had attended meetings in 2018 when additional berms had been discussed. He described the orientation of his property toward this site, and requested additional screening. The proposed landscape plan showed only 10-12 trees screening his property, while 119 trees were being added to the south where there was already a 10-foot berm. He requested additional trees in his area, and a minimum 6-foot high berm.

Mr. Salliotte asked about the "sports turf" that was shown on the plans. Chair Zawodny confirmed with the applicants that the fields would not be artificial turf.

Thomas Stanek, 17540 E. Northville Trail, said he also attended meetings in 2018, when he remembered that Township Supervisor Nix had said that a berm would be built behind his and Mr. Salliotte's properties to give them more privacy. Without a berm there, everything would be visible. He asked that the Commission require a berm.

Seeing that no one else came forward to speak, Chair Zawodny closed the public hearing and brought the matter back to the Commission.

Commissioner Anderson asked how many trees were being removed from behind the property line. Mr. Meyers said they were not removing any trees behind the property line.

Mr. Myers pointed out that the location of the fields required a significant cut, and therefore the fields were placed at a substantial depth, outside the view of the residents.

Mr. Myers acknowledged that the landscape plan had missed the opportunity to put trees further north; they could achieve that and would be happy to move trees to put a greater buffer between the ballfields and the neighbors who spoke this evening. He pointed out that planting on the slope provided a screening that would virtually eliminate all views of the fields. He didn't see the value of a berm. While there would probably be enough dirt from the cut for a berm, the important thing was to correctly locate the new trees.

Chair Zawodny noted that the furthest point of the cut measured approximately 10 feet. Tree species providing a denser growth could be planted further north. Mr. Meyers agreed, and said that planting trees in appropriate locations would provide an adequate landscape buffer to support everyone's goals.

After further discussion regarding shifting trees to the north, Chair Zawodny reiterated that the Church's arborist and Township staff should walk the site together. Commissioner Anderson suggested that the residents most affected by the landscape plan also be present when the site was walked.

Mr. Salliotte said that he would be looking at the 30-foot-long brick wall of the dugout from his property line.

In response to questions from the Commission, Mr. Meyers said the dugout was 7 feet tall and 30 feet wide. It was not recessed or dug in. If financial goals were achieved, the dugout would be enclosed. The existing dugouts did not have full dimensional brick. Mr. Meyers hoped to bring to the community something better than what was existing.

Commissioner Lark asked what the PUD agreement said about berms. Township Planner Frey said the agreement was "subject to final site plan approval, which shall include additional landscaping, trees, and/or a berm along the west property line to further buffer the adjacent neighborhood as determined during site plan review."

Township Planner Frey said that the Township Engineer would have to sign off on any new berm, should one be constructed, regarding grading and location.

In response to questions from Commissioner Anderson, Mr. Myers explained that the intent was to provide fields for youth and women's softball; this was what local teams were looking for. The fields as proposed brought the greatest value. While the outfield length was not the same length as the existing fields, the enhancements including fences were far greater than what existed today. There was probably a 50-60 foot difference from the existing fields in length from the home plate to the fence. However, the existing fields didn't account for a backstop depth that met playable requirements and provided rewarding play experiences. Looking at the field depth as a whole, the measurement from the backstop fence to the outfield fence was nearly the same as existing; it was just the home plate location that was different. Mr. Meyers restated his intent was to improve on the experience at the fields.

Mr. Myers said his conversations with Parks and Recreation Director Gasche, the Northville Baseball-Softball Association leadership, and with travel program representatives had resulted in the proposed fields being discussed this evening. Additionally women's softball did not have a local location to play on fields that met collegiate level requirements.

Commissioner Anderson was concerned regarding the shorter fields and how that impacted older kids, who might start hitting homeruns every time they were up to bat.

Mr. Myers gave further information regarding who was using the fields. The fields were nearly a 1 to 1 match with those in Cooperstown, where most 12U players went in the summer. The fields were also nearly a 1 to 1 match with what was required under NCAA softball regulations. The proposed fields would satisfy all baseball levels in 12U and under, and for women's softball: those were the largest markets, and constituted the majority of users for the current fields. Older players (14U) typically played at high school fields.

Chair Zawodny summarized that the fields were shorter than the previous fields but were appropriately sized for the athletic groups that would be using them.

Mr. Meyers repeated that from home plate to fence they were 50-60 feet shorter than the existing fields; from backstop to fence they were approximately the same size, and in square feet they were actually larger.

Chair Zawodny said it was important for the Commission to have this discussion because the PUD agreement referred to "equivalent fields." He suggested that documentation be provided from the fields' users (Parks and Recreation, NBSA, etc.) that the new fields would meet their requirements; this should be a condition of approval.

Chair Zawodny suggested that if the slightly shorter field was geared toward women's softball and 12U and under, that might allay some concerns regarding sound levels and activity at the field.

Commissioner Shadko reiterated that the Planning Commission did not have the authority to grant exceptions to the ordinance, regarding the vinyl-coated fence and the irrigation requirement. As the Commission's representative from the Board of Trustees, he knew that the fence materials had never been discussed at the Board level. The Board would need to interpret what "equivalent" meant.

Commissioner Anderson pointed out that ordinance compliance was discussed during site plan review, which was the purpose of tonight's meeting.

Mr. Meyers said the cost of a vinyl coated fence along with adding irrigation to the west landscaping would significantly reduce the amount of money available to provide quality fields.

Commissioner Anderson asked the cost of regular vs. vinyl coated fencing. Mr. Meyers said he did not have that information with him this evening. However, he believed vinyl coating would come close to doubling the cost of the fence.

Commissioner Guerriero summarized the issues thus far:

- The Planning Commission could not approve a plan that did not comply with the ordinance requirements for a vinyl-coated fence and for irrigation of landscape areas.
- There was a need for a berm and/or a greater buffer between this project and the neighbors who spoke this evening.

The Commission discussed how to move forward. They could postpone or deny the application, in order for the applicants to resolve these issues.

Mr. Meyers spoke to the urgency of resolving the issues; they were required to have operational ballfields by spring 2020. Any delay in resolution eliminated that possibility. Chair Zawodny explained that timing was the responsibility of the applicant; the Commission could not be responsible to expedite a request that should have been before them some time ago. The Commission could not approve a noncompliant plan.

In response to questions from Commissioner Anderson, Mr. Nowacki explained that the areas that were watered on the site used the retention pond along 6 Mile Road, which was the sole source of water, and which was already stretched to accommodate the needs of the site. He questioned whether the pond and its pump were capable of watering even more area, or if they would they have to convert to domestic water – a costly solution.

The applicants asked for an approval, conditioned on them meeting ordinance requirements. This would allow them to meet those requirements, or pursue a request for a different interpretation from the Board of Trustees, or pursue a request for relief from the Board of Zoning Appeals.

Seeing that discussion had ended, Chair Zawodny indicated he was ready to entertain a motion.

MOTION by Guerriero, support by McCarthy, in the matter of PSKPR19-0001, 40000 6 Mile Road, that the Planning Commission APPROVE the relocation of two ballfields from the east side to the west side of the property as presented, subject to the following conditions:

- **Compliance with all comments in the July 15, 2019 Township Planner review letter, including:**
 - **Ordinance-based requirement for landscape irrigation on the west side.**
 - **Ordinance-based requirement for the installation of vinyl-covered chain link fence.**
- **Applicant and Township staff together do an on-site review of the tree planting plan on the west side of the site, to appropriately revise the landscape plan in order to maximize the installation of buffer vegetation including trees in an area more conducive to addressing the concerns of the neighbor residents who spoke this evening, and to communicate with those residents regarding their concerns in order to obtain input from them, and to obtain their cooperation with the on-site review.**
- **Written review from the Township Parks and Recreation Department and the Northville Baseball-Softball Association confirming that the ballfields are size-appropriate and equivalent to the existing fields on the site.**

Roll Call Vote: Ayes: Anderson, Guerriero, Lark, McCarthy, Shadko,

Watson, Zawodny

Nays: None

Motion approved unanimously.

Department Reports:

Township Planner Frey

- The Village at Northville Lofts submittal was under administrative review.
- The Village at Northville PUD Amendment for Building G (outside dining) would come before the Commission in the near future.

Eric Lark, Board of Zoning Appeals

- Commissioner Lark summarized the July BZA meeting.

Fred Shadko, Board of Trustees

- The Board of Trustees approved demolition of old 7 Mile Fire Station; proceeds of the sale of property to be used to construct an addition to the DPS facility on Beck Road.

Extended Public Comments: None.

Adjournment: 8:30 p.m.