

ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES MEETING
MINUTES OF MEETING
MONDAY, MAY 15, 2006

I. ROLL CALL

The regular monthly meeting of the Ann Arbor Charter Township Board of Trustees was called to order by Supervisor Moran at 7:32 p.m. at the Township Hall, 3792 Pontiac Trail, Ann Arbor, Michigan, 48105.

Present: Supervisor Michael Moran, Clerk Rena Basch, Trustees Della DiPietro and Richard Dieterle.

Absent: Treasurer Virginia Forshee, Trustees John Allison and Gene Ragland.

Also Present: Township Attorney Sandra Sorini Elser, Fire Chief Rick Ericson and Utilities Superintendent Rick Judkins.

II. CITIZEN PARTICIPATION – No citizen signed up for participation.

III. APPROVAL OF MINUTES OF APRIL 18, 2006

Corrections to the 4/18/06 minutes: Under Millage Committee Report, second line, delete “basic” and insert “remaining”. Under Supervisor’s Report spell out “PWS” as “Private Wastewater Treatment Systems”. Under Clerk’s Report strike part of the first sentence after “election” and insert “ask to” after “decided to”. **DiPietro moved approval of the April 18, 2006 minutes with corrections. Dieterle seconded the motion which was adopted unanimously.**

IV. ANNEXATIONS, ORDINANCES, CONDITIONAL USES, ZONING

A. ZC-5-05 Silverman, Lake Village

Moran stated this is a request for zoning change of 14.93 acres from R-1 to R-2 and 18.22 acres from A-1 to R-2. Moran said the Planning Commission has recommended denial and the matter was tabled at the last Board meeting to allow for review and consideration of Mr. Carson’s letter.

Steve Robinson was present representing Petitioner along with Robert Carson, Petitioner’s attorney. Robinson commented on the findings made by the Planning Commission. Robinson stated there have been a number of rezonings in the area and significant changes in conditions in the vicinity of the project which justifies the rezoning request. Robinson said denial of the rezoning petition based on the Planning Commission’s criteria ignores the policies of the GDP, specifically policy 6.02. Robinson stated the Township will set a negative precedent in denial of the rezoning petition and will be perceived by other petitioners that the numeric values of the GDP are not being consistently adhered to by the Township. Robinson said under the GDP public utilities are not required or intended for suburban residential areas and the GDP considers and contemplates this area as zoned for utility services. Robinson discussed the objectives, policies and strategies of the GDP specifically citing sections 4.01, 4.02, 4.07, 5.08 and 6.02(A). Robinson asked the Board to approve the rezoning petition and to consider the consequences of denial.

Basch commented she disagreed with Mr. Carson's letter claiming the R-2 zoning is consistent with surrounding properties. Basch said according to the County website, across from Pontiac Trail there are four 10-12 acre lots and directly east of the parcel there is a 2 acre lot, a 3.8 acre lot, a 4 acre lot and a 6 acre lot. Basch indicated north of the parcel there are three 10 acre lots and to the west there is a 13 acre parcel and two 20 acre parcels which are all farmed. Basch said R-1 zoning is more consistent with the surrounding area. Basch commented the R-1 zoning is appropriate for this property because it is intended to protect natural features. Basch said there is already a conservation easement to protect an old country lane which runs across the parcels being considered. Basch stated there is 3 acres of wooded area which makes up 10% of the property and the Petitioner's tree survey identified numerous landmark trees. Basch indicated other parts of the parcel are currently farmed and the Township has made it very clear it is interested in preserving farmland which would be another natural resource worth protecting by some sort of cluster development or lower density development.

Robert Carson, Petitioner's Attorney, addressed the Board in response to Basch's inquiry as to why the Petitioner did not pursue contract zoning. Carson also addressed the Board regarding issues raised in his letter.

Moran commented he agrees with the Planning Commission's recommendation and the most compelling is item D of the resolution and comments by the Township Planner. Moran agreed the map shows the area to be one to two acre lots, but in addition to the map, there is a range whereby the objectives, policies and strategies of the GDP guides the Township where the range ought to be. Moran said the Planning Commission demonstrated 2 acre lots are far more appropriate given the development that occurred in the area since the time the zoning was established which has generally been large acre lots. Moran disagreed with the Planning Commission on the inability of the Petitioner to provide on site water and sewer system. Moran stated he agrees with every other element of the Planning Commission's recommendation and supports the recommendation of denial.

DiPietro said of the Planning Commission findings the two she finds most compelling is the no change in conditions of the immediate vicinity and the adverse precedent. ~~which she finds of most concern.~~

Dieterle moved approval of the Board to adopt the resolution recommending denial of the zoning ordinance amendment for Lake Village Residential Properties, LCC dated April 3, 2006. Motion failed for lack of support.

Dieterle moved approval of the Board to adopt the resolution recommending denial of the zoning ordinance amendment for Lake Village Properties deleting elements 3 and 5.3 of the Planning Commission Findings. DiPietro seconded the motion which was adopted unanimously. Resolution attached.

B. AZ-2-06 Request for Release for Annexation

Moran stated the owner requests release of 31.93 acres to obtain access to city utilities for development. Moran said the matter was tabled at the last Board meeting to permit amendment of the application to correct drawing errors. Moran indicated the Petitioner has submitted a new map which appears to be correct as well as the amendment to the application to permit the filing of the corrected drawing. Moran indicated taxes have been paid. **DiPietro moved approval of the request for release for annexation for parcel AZ-2-06 to obtain access to city utilities. Basch seconded the motion which was adopted unanimously.**

Dieterle moved to amend the agenda to advance item VII C. DiPietro seconded the motion which was adopted unanimously.

VII. C. Discussion of bids for office remodel and request for additional funding.

Mark Borys of Mitchell and Mouat Architects was present for this item. Borys summarized for the Board the bidding process and recommended Denney Construction. Moran indicated the Board previously approved \$75,000 for renovations but the lowest bid came in at \$86,000. Moran said the \$86,000 does not include the full wireless microphone package or the new desks for the Board room. **Dieterle moved approval to permit the Supervisor to sign a contract with Denney Construction and to establish a budget not to exceed \$100,000. Moran seconded the motion which was adopted unanimously.**

D. Private Wastewater Treatment Systems Ordinance

Moran updated the Board on the Private Wastewater Treatment Systems (PWS) ordinance. Moran indicated the ordinance consists of two parts; one is a police power ordinance and the other is a zoning ordinance change which establishes that PWS are special uses which can be granted in a conditional use permit or in a plan unit development. DiPietro recommended a copy of the Township's final ordinance be provided to potential buyers in addition to educational materials. **Basch moved approval to adopt the Private Wastewater Systems Ordinance on the first reading with an addition to include a copy and summary of the ordinance under section 3.4.3.8. DiPietro seconded the motion which was adopted unanimously.**

E. Request for Special Use Permit, Barton Hills Fireworks Display at a wedding July 15, 2006

Moran stated this is a request for a special use permit for a fireworks display for a wedding on July 15, 2006. Moran said the Township incurs approximately \$500 in costs for the Fire Chief to inspect the display prior to ignition and to have a rescue vehicle with 2 men on site. Moran suggested the Township should recoup its costs and make the permit contingent upon payment of \$500 to cover costs. Fire Chief Ericson recommended the permit be made contingent upon meeting NFPA 1123 standards. **DiPietro moved approval of the special use permit for the Barton Hills fireworks display on July 15, 2006 contingent upon an additional \$500 fee being paid to the Township to cover inspections and emergency personnel and that NFPA 1123 standards on fireworks**

displays are followed as determined by Chief Ericson during his inspection. Basch seconded the motion which was adopted the unanimously.

VII. APPOINTMENTS, RESOLUTIONS, REPORTS, DISCUSSIONS

A. Discussion of 2006 Road Projects

Moran stated portions of Maple Road are in need of repair but it is a shared project between the Township, City of Ann Arbor and Scio Township. Moran said he discussed Maple Road with the Supervisor of Scio Township and was told they do not have the money this year for improvements. Moran said Ford Road is the worst road due to additional traffic from various developments in the area. Moran said the Township has budgeted \$67,000 for road improvement projects and will need \$13,000 for one full application of chloride and \$37,000 for Ford road which will leave \$15,000 for all other projects. **DiPietro moved approval designating road project money as follows: Ford road between Earhart and Dixboro for \$37,100, allocate \$13,000 for one application of calcium chloride, and the remaining \$15,000 for spot projects; one identified spot project is the interface of Blakeway, Riverside and Elmwood. Dieterle seconded the motion which was adopted unanimously.**

B. Resolution to Replace Current Competitive Bidding Resolution adopted in 1994

Moran stated the Township had a competitive bid resolution which required the Township to bid projects over \$20,000 based on certain statutory authority which has now been repealed. Moran indicated the Township Attorney prepared a resolution which rescinds the 1994 resolution and has drafted a new resolution for the Board to consider. DiPietro recommended under 2.1 of the resolution to specify at least 3 competitive bids for construction work. Fire Chief recommended under 2.2 of the resolution the amount should be in excess of \$20,000. **DiPietro moved approval to adopt the resolution revising the competitive bidding process with two changes, under 2.1 the Township shall solicit at least 3 competitive bids from contractors qualified to perform the work and under 2.2 for purchase contracts in excess of \$20,000 for special manufactured equipment and materials. Dieterle seconded the motion which was adopted unanimously.**

IV. C. Request for Conditional Use Permit

Moran indicated Washtenaw Community College is currently before the Planning Commission for preliminary and final site plan review for a health and fitness building. Moran said the building includes an indoor swimming pool and the Township ordinance requires a conditional use permit for a swimming pool. Moran recommended approving the conditional use permit contingent upon the Planning Commission granting final site plan approval and upon payment by WCC of outstanding permit bills. **DiPietro moved approval of the conditional use permit contingent upon the Planning Commission's approval of the final site plan and also contingent upon payment by WCC of the outstanding permit fees in the amount of \$7,837.80. Basch seconded the motion which was adopted unanimously.**

D. Supervisor's Report

Moran stated the Northbrook subcommittee met and had a very productive discussion and is making progress in resolving issues. Moran said the Township received a letter of intent from WCC on the water main loop contract but the City has not been responsive of late and additional review and approval is needed by the City Counsel. Moran reported the Pall pollution plume continues to migrate westward and may possibly be moving northward. Moran said the Township still does not have a signed contract for Sheriff Road patrol services. Moran said he met with other Supervisors and the Northfield Township Police Chief to consider regional police services. Moran stated the Millage Committee continues to meet.

E. Clerk's Report

Basch stated the Township will be releasing a newsletter the first week of June educating voters on the millage. Basch said she is still trying to switch the Township over to TDS Metro Com from SBC, and Moran stated there is still a major flaw in the system. Basch reported the Township will be hosting the County Clerks association luncheon on Wednesday, May 24, 2006. Basch informed the Board the State has selected the vendor; Automark, for Disabled Voter Assistant machines and the Township will be receiving a QVF computer upgrade which will include digitized signatures.

F. Planning Commission

Moran reported on the May 3, 2006 Planning Commission meeting. The minutes were included in the Board's packet.

G.1. Fire Department

Ericson informed the Board the 800 MHz radio millage passed. Ericson said in the past two weeks the Department has had radio problems and have not been properly dispatched. Ericson said he was notified today that Dispatch discovered they have 2 poor antennas on the tower in Scio Township. Ericson reported two groups of police cadets went through an orientation by the Fire Department.

G.2. Sheriff Department

Sergeant Mahalick submitted a written report to the Board.

H. Utilities Department

Superintendent Rick Judkins submitted a written report to the Board. Judkins requested to purchase a Kubota, an all terrain vehicle, to gain access to sewer lines for maintenance purposes. **DiPietro moved approval for the purchase of a Kubota for the amount not to exceed \$13,000. Basch seconded the motion which was adopted unanimously.**

J. Farmland and Open Space Preservation Board

Moran reported on the April 24, 2006 FOSPB meeting. The minutes were included in the Board's packet.

K. Approval of Claims Listing

DiPietro moved approval of the claims listing for May 1, 2006 in the amount of \$159,801.31. Dieterle seconded the motion which was adopted unanimously.

Dieterle moved approval of the claims listing for May 10, 2006 in the amount of \$33,773.78. Basch seconded the motion which was adopted unanimously.

DiPietro moved approval of the claims listing for April 24, 2006 in the amount of \$2,757.35. Basch seconded the motion which was adopted unanimously.

VIII. INFORMATIONAL ITEMS – Items were included in the Board’s packet.

IX. NON-AGENDA ITEMS

The Township Attorney reported the new Michigan Zoning Enabling Act was adopted and that she attended a seminar on the new Act. The Township Attorney said the zoning ordinance amendments are effective July 1, 2006 whether the Township adopts ordinance changes or not. The Township Attorney recommended changing notice provisions which are important to follow and informed the Board the new Act requires a 15 day notice.

X. PUBLIC COMMENT - None

XI. ADJOURNMENT

Moran moved approval to adjourn the meeting at 10:16 p.m. DiPietro seconded the motion which was adopted unanimously.

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES**

**RESOLUTION DENYING ZONING ORDINANCE AMENDMENT
LAKE VILLAGE RESIDENTIAL PROPERTIES, LLC
DATE: MAY 15, 2006**

Resolution adopted at a regular meeting of the Ann Arbor Charter Township Board of Trustees held on May 15, 2006.

PRESENT: Della DiPietro; Michael Moran; Richard Dieterle; Rena Basch

ABSENT: Virginia Forshee; John Allison; Gene Ragland

Resolution by Trustee Dieterle; supported by Trustee DiPietro

RECITALS

A. On March 6, 2006, the Ann Arbor Charter Township Planning Commission (“Planning Commission”) held a public hearing on the Petition of Lake Village Residential Properties, LLC (“Applicant” or “Petitioner”) for a zoning ordinance amendment to amend the zoning designation of Parcel 09-03-200-033 consisting of approximately 14.93 acres from R-1 to R-2, and a 18.22 acre portion of Parcel 09-03-300-002 (now known as 09-03-300-003) from A-1 to R-2. Both parcels are located north of Pontiac Trail, South of Joy Road, and east of U.S. 23 (“Property” or “Project”) being Petition No. ZC-5-05 (“Rezoning” or “Petition”).

B. The Applicant submitted the following in connection with the application for Zoning Ordinance Amendment (“Applicant’s Rezoning Request”):

- Zoning Amendment Form dated November 14, 2005, amended January 11, 2006 and February 1, 2006 and supporting authorizations from the Property owner and Applicant and other information required by the ordinance for the submission.

C. At the public hearing held on March 6, 2006, the Planning Commission considered, in light of the standards set forth in Section 25.05 of the Township Zoning Ordinance, the following, all of which were incorporated by reference in the Planning Commission Resolution described in Recital F below:

- The Applicant’s submittals pertaining to the Applicant’s Rezoning Request and other information presented prior to and at the meeting, including the Applicant’s presentation at the meeting;
- The reports of the Township’s consultants, including the February 22, 2006 report of the Township Planner, and the January 2, 2006 report of the

Township Environmental Consultant, and presentations by the Township Consultants at the March 6, 2006 meeting, including the Township Planner, Engineer and Environmental Consultants.

- The comments from the public presented orally at the public hearing and in writing, including comments expressing, among other things, the desire to (i) preserve the rural character of the Township, (ii) protect existing residences from new development, and (iii) to provide for new development consistent with the existing character, densities and uses in the area to not adversely affect existing residential uses in accordance with the Township's General Development Plan.
- The Township's General Development Plan adopted October 8, 2001, including Plan Amendments adopted August 1, 2005 ("GDP" or "Plan") and applicable laws and ordinances, including the standards and findings required for zoning ordinance amendments set forth in Article XXV of the Township Zoning Ordinance ("Ordinance").

D. On March 24, 2006, the Township Planner issued a supplemental report in light of the Applicant's testimony at the public hearing as follows:

"The GDP designation of 0.5 – 1.0 dwelling unit per acre is further explained by the written objectives, strategies and policies. While a range of density is depicted by the Residential Areas Plan Map 5, scrutiny of the written objectives, policies and strategies justifies the lower range of density (0.5 units per acre) as appropriate.

"What was not covered in my report is the fact that the R-1A Zoning District with a minimum lot size of two (2) acres is more consistent with the GDP than the R-2 District requested by the applicant."

E. As set forth in the Planning Commission Resolution, at the public hearing and at subsequent meetings, the Planning Commissioners questioned the Petitioner and raised the following concerns about the Applicant's Rezoning Request all of which were incorporated in the Planning Commission Resolution:

- Concerns that the Petition is inconsistent with the Township's GDP. Map 5 of the GDP designates the area of the Petition as a residential density of 0.5 to 1 DU/acre (1-2 acre lots). The Petition requests the upper range of density (1 acre lots) under the Suburban Residential District R-2. However, based on objectives, policies and strategies set forth in the GDP, the appropriate density would be the lower range of density (2 acre lots) available under the Rural Residential District/R-1A or a PUD with buffering and density consistent with the surrounding uses.

- Concerns that the density permitted under the R-2 zoning classification is not consistent with policy, goals and objectives set forth in the GDP, specifically the (i) objectives in Section 4.01 and Section 4.07 of the Plan of preserving the Township’s rural character and protecting existing residences by respecting existing lower density land use patterns, (ii) strategies in Section 5.08 providing that new developments must be consistent with existing dimensions, character, densities and uses in the area and will not be permitted to adversely affect existing residential areas, (iii) policies in Section 6.02A, B and L which establish a hierarchy of densities dependent on the availability of public water and sanitary sewer service and compatibility with the existing density, lot size and building types of existing residences leading to the conclusion that a residential density at the higher end of the range provided on the GDP Map (1 acre lots) is inconsistent with these policies; and (iv) maps in Section 1.02G providing that the GDP maps are intended only to illustrate some of the policies in the text, and the text of the GDP should be consulted in determining the appropriate densities and uses.
- Concerns that the Project will create an adverse precedent if the Rezoning is approved as the proposed density of 1 acre lots is inconsistent with the policies, objectives and strategies of the GDP.
- Concerns that the area of the Petition cannot support the R-2 density because of the lack of public utilities and services in the area.

F. At its meeting on April 3, 2006, the Planning Commission adopted a resolution recommending denial of the Applicant’s Rezoning Request, a copy of which is attached to this resolution as Exhibit A (“Planning Commission Resolution”).

G. At its meetings on April 18, 2006 and May 15, 2006, the Township Board considered the recommendation of the Planning Commission for denial of the Applicant’s Rezoning Request as set forth in the Planning Commission Resolution and the presentation of the Applicant concerning the Rezoning.

FINDINGS

Based on the information presented by Petitioner, the recommendation of the Planning Commission set forth in the Planning Commission Resolution, the reports of the Township Consultants, the Plan, and applicable laws and ordinances and the Recitals set forth above which are incorporated by reference, the Township Board makes the following findings:

1. **No change in Conditions.** The Township Board finds that the Petition is not justified by a change in conditions or by an error in the original Ordinance.

The current A-1 and R-1 zoning of the Property is not in error as it is intended to protect the open, rural character of the area from the intrusion of urban and suburban

uses. Portions of the Property are currently farmed, and the balance has been farmed in the past. Current zoning of the Property would allow 4-5 residences. The proposed rezoning to R-2 (1 acre lots) allowing 24-25 residences on the 33.15 acre parcel, an increase of 5-6 times that currently allowed, would be too dense for the area and inconsistent with the policies, strategies and objectives of the GDP as described above. The lower range of density described in the GDP is available under the R-1A zoning classification (2 acre lots) and appears more appropriate for the area and consistent with the policies, goals and objectives of the GDP.

2. **Adverse Precedents.** The Township Board finds that approval of the Petition would establish adverse precedents detrimental to the existing and future character of this area of the Township and the area of the Petition.

Approval of the Petition would be contrary to the policies, strategies and objectives of the Township's adopted GDP as it would introduce a zoning category incompatible and inconsistent with the surrounding area. The precedent established by allowing the proposed rezoning to R-2 would result in developments incompatible with existing uses and far too dense for the area.

3. **Condition and Value of Property.** The Township Board finds that approval of the Petition would adversely affect the condition and value of properties in the area because the increased density would be inconsistent with existing uses and residential developments in the area.

4. **Relation to General Development Plan.** The Township Board finds that the Petition for Rezoning does not conform to the Township GDP. The proposed Rezoning to R-2 is not consistent with the policies, strategies and objectives of the GDP designed to:

4.1 Preserve the Township's rural character, preserve and enhance the Township's identity, and protect existing residences by respecting existing land use patterns as set forth in Section 4.01, Section 4.02, and Section 4.07 of the Plan;

4.2 Provide for new developments consistent with existing dimensions, character, density and uses that will not adversely affect existing residential areas as set forth in Section 5.08 of the Plan; and

As set forth in Section 1.02G of the Plan, the maps are intended to be an illustration of the policies in the text, and the text of the GDP and the articulated policies, strategies and objectives must be consulted in determining the appropriate density and uses.

The Township Board finds that based on the Plan, the proposed R-2 Rezoning is too dense for the area and is incompatible with the Plan.

5. **The Existing Zoning Permits a Reasonable Use of the Property.** The Township Board finds that the existing zoning of the Property as A-1 and R-1, or development of the Property at the lower end of the density range designated in the GDP

APPROVED

through either an R-1A Rezoning, a PUD or clustering under the Open Space Preservation Ordinance permits a reasonable use of the Property.

Under the current zoning, the Property could be used for 4-5 rural residences. At the lower range of the density permitted under the Plan (2 acre lots), the Property could be developed with 12 residences or possibly more under a cluster or PUD under the Township Open Space Preservation Ordinance.

Under the PUD or cluster alternative, a significant portion of the Property could remain undeveloped open space preserving the natural features on the Property and adequate buffers could be provided.

The Township Board finds that the current zoning of the Property permits a reasonable use, that the Plan designates a reasonable use of the Property at the lower end of the density range, and that Rezoning to R-2 as requested by the Petitioner, would create a density and use that is detrimental to the Township and areas surrounding the Property.

6. **Conclusion.** For the reasons set forth in this Resolution, the Township Board finds that the condition of the Property and surrounding area have not changed in a manner which would justify the Rezoning, that the proposed Rezoning would create an adverse precedent, that the proposed Rezoning would adversely affect existing conditions and values in the surrounding area, that the proposed Rezoning is not consistent or compatible with the strategies, objectives and policies of the Plan, and that the existing zoning or development of the Property in the lower range of density designated in the Plan provides the Applicant with a viable use of the Property.

RESOLUTION

Based on the findings and information set forth above, the Township Board **denies** the Applicant’s Rezoning Request.

AYES: Della DiPietro; Michael Moran; Richard Dieterle; Rena Basch
NAYES: None
ABSTAIN: None

RESOLUTION DECLARED ADOPTED.

Michael C. Moran, Township Supervisor

I certify that the foregoing is a true and complete copy of a resolution adopted by the Ann Arbor Charter Township Board, County of Washtenaw, State of Michigan, at a regular meeting held on May 15, 2006, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings

APPROVED

Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Rena Basch, Township Clerk

Dated: _____, 2006

**EXHIBIT A
TO BOARD OF TRUSTEES RESOLUTION**

**ANN ARBOR CHARTER TOWNSHIP
PLANNING COMMISSION**

**RESOLUTION RECOMMENDING DENIAL OF
ZONING ORDINANCE AMENDMENT
LAKE VILLAGE RESIDENTIAL PROPERTIES, LLC
DATE: APRIL 3, 2006**

Resolution adopted at a regular meeting of the Ann Arbor Charter Township Planning Commission held on April 3, 2006.

PRESENT: Diane O’Connell, James Snyder, John Allison, Randy Perry, Richard Mitchell,
Peter Kotila, and Kris Olsson

ABSENT: None.

Resolution by Commissioner Perry; supported by Commissioner Allison.

RECITALS

A. On March 6, 2006, the Ann Arbor Charter Township Planning Commission (“Planning Commission”) held a public hearing on the Petition of Lake Village Residential Properties, LLC (“Applicant” or “Petitioner”) for a zoning ordinance amendment to amend the zoning designation of Parcel 09-03-200-033 consisting of approximately 14.93 acres from R-1 to R-2, and a 18.22 acre portion of Parcel 09-03-300-002 (now known as 09-03-300-003) from A-1 to R-2. Both parcels are located north of Pontiac Trail, South of Joy Road, and east of U.S. 23 (“Property” or “Project”) being Petition No. ZC-5-05 (“Rezoning” or “Petition”).

B. The Applicant submitted the following in connection with the application for Zoning Ordinance Amendment (“Applicant’s Rezoning Request”):

- Zoning Amendment Form dated November 14, 2005, amended January 11, 2006 and February 1, 2006 and supporting authorizations from the Property owner and Applicant and other information required by the ordinance for the submission.

C. At the public hearing held on March 6, 2006, the Planning Commission considered, in light of the standards set forth in Section 25.05 of the Township Zoning Ordinance, the following, all of which are incorporated by reference in this resolution:

- The Applicant’s submittals pertaining to the Applicant’s Rezoning Request and other information presented prior to and at the meeting, including the Applicant’s presentation at the meeting;
- The reports of the Township’s consultants, including the February 22, 2006 report of the Township Planner, and the January 2, 2006 report of the Township Environmental Consultant, and presentations by the Township Consultants at the March 6, 2006 meeting, including the Township Planner, Engineer and Environmental Consultants.
- The comments from the public presented orally at the public hearing and in writing, including comments expressing, among other things, the desire to (i) preserve the rural character of the Township, (ii) protect existing residences from new development, and (iii) to provide for new development consistent with the existing character, densities and uses in the area to not adversely affect existing residential uses in accordance with the Township’s General Development Plan.
- The Township’s General Development Plan adopted October 8, 2001, including Plan Amendments adopted August 1, 2005 (“GDP” or “Plan”) and applicable laws and ordinances, including the standards and findings required for zoning ordinance amendments set forth in Article XXV of the Township Zoning Ordinance (“Ordinance”).

D. On March 24, 2006, the Township Planner issued a supplemental report in light of the Applicant’s testimony at the public hearing as follows:

“The GDP designation of 0.5 – 1.0 dwelling unit per acre is further explained by the written objectives, strategies and policies. While a range of density is depicted by the Residential Areas Plan Map 5, scrutiny of the written objectives, policies and strategies justifies the lower range of density (0.5 units per acre) as appropriate.

“What was not covered in my report is the fact that the R-1A Zoning District with a minimum lot size of two (2) acres is more consistent with the GDP than the R-2 District requested by the applicant.”

E. At the public hearing and at subsequent meetings, the Commissioners questioned the Petitioner and raised the following concerns about the Applicant’s Rezoning Request all of which are incorporated in the Findings and Resolutions below:

- Concerns that the Petition is inconsistent with the Township’s GDP. Map 5 of the GDP designates the area of the Petition as a residential density of 0.5 to 1 DU/acre (1-2 acre lots). The Petition requests the upper range of density (1 acre lots) under the Suburban Residential District R-2.

However, based on objectives, policies and strategies set forth in the GDP, the appropriate density would be the lower range of density (2 acre lots) available under the Rural Residential District/R-1A or a PUD with buffering and density consistent with the surrounding uses.

- Concerns that the density permitted under the R-2 zoning classification is not consistent with policy, goals and objectives set forth in the GDP, specifically the (i) objectives in Section 4.01 and Section 4.07 of the Plan of preserving the Township's rural character and protecting existing residences by respecting existing lower density land use patterns, (ii) strategies in Section 5.08 providing that new developments must be consistent with existing dimensions, character, densities and uses in the area and will not be permitted to adversely affect existing residential areas, (iii) policies in Section 6.02A, B and L which establish a hierarchy of densities dependent on the availability of public water and sanitary sewer service and compatibility with the existing density, lot size and building types of existing residences leading to the conclusion that a residential density at the higher end of the range provided on the GDP Map (1 acre lots) is inconsistent with these policies; and (iv) maps in Section 1.02G providing that the GDP maps are intended only to illustrate some of the policies in the text, and the text of the GDP should be consulted in determining the appropriate densities and uses.
- Concerns that the Project will create an adverse precedent if the Rezoning is approved as the proposed density of 1 acre lots is inconsistent with the policies, objectives and strategies of the GDP.
- Concerns that the area of the Petition cannot support the R-2 density because of the lack of public utilities and services in the area.

FINDINGS

Based on the information presented by Petitioner, the public comment at the public hearing and at the Planning Commission meetings and in writing, the reports of the Township Consultants, the Plan, and applicable laws and ordinances and the Recitals set forth above which are incorporated by reference, the Planning Commission makes the following findings:

1. **No change in Conditions.** The Planning Commission finds that the Petition is not justified by a change in conditions or by an error in the original Ordinance.

The current A-1 and R-1 zoning of the Property is not in error as it is intended to protect the open, rural character of the area from the intrusion of urban and suburban uses. Portions of the Property are currently farmed, and the balance has been farmed in the past. Current zoning of the Property would allow 4-5 residences. The proposed rezoning to R-2 (1 acre lots) allowing 24-25 residences on the 33.15 acre parcel, an increase of 5-6 times that currently allowed, would be too dense for the area and

inconsistent with the policies, strategies and objectives of the GDP as described above. The lower range of density described in the GDP is available under the R-1A zoning classification (2 acre lots) and appears more appropriate for the area and consistent with the policies, goals and objectives of the GDP.

2. **Adverse Precedents.** The Planning Commission finds that approval of the Petition would establish adverse precedents detrimental to the existing and future character of this area of the Township and the area of the Petition.

Approval of the Petition would be contrary to the policies, strategies and objectives of the Township's adopted GDP as it would introduce a zoning category incompatible and inconsistent with the surrounding area. The precedent established by allowing the proposed rezoning to R-2 would result in developments incompatible with existing uses and far too dense for the area.

3. **Services.** The Planning Commission finds that the Property is not located within the Township's public water and sanitary sewer service area, that on-site water and sewer systems would be required, and that the Applicant has not demonstrated that the Property can support such on-site water and sewer systems.

Based on the principles of Section 6.02 of the GDP providing a hierarchy of density based on the availability of public water and sanitary sewer service, a density in the lower range illustrated in the residential areas map of the GDP (2 acre lots) appears more appropriate for the Property than the 1 acre lot density proposed in the Petition which is inconsistent with the GDP.

Further, the precedents established if the Petition were approved would result in significantly increased traffic and the increased need for other essential services such as police, fire and medical/rescue services.

The Planning Commission finds that the approval of the Petition, and the precedents established by the Petition would result in an increased need for public services from the Township and other governmental authorities.

4. **Condition and Value of Property.** The Planning Commission finds that approval of the Petition would adversely affect the condition and value of properties in the area because the increased density would be inconsistent with existing uses and residential developments in the area.

5. **Relation to General Development Plan.** The Planning Commission finds that the Petition for Rezoning does not conform to the Township GDP. The proposed Rezoning to R-2 is not consistent with the policies, strategies and objectives of the GDP designed to:

5.1 Preserve the Township's rural character, preserve and enhance the Township's identity, and protect existing residences by respecting existing land use patterns as set forth in Section 4.01, Section 4.02, and Section 4.07 of the Plan;

5.2 Provide for new developments consistent with existing dimensions, character, density and uses that will not adversely affect existing residential areas as set forth in Section 5.08 of the Plan; and

5.3 Establish a density at the lower end of the range suggested in the Residential Area Maps based on the absence of public water and sanitary sewer services and compatibility with existing residential uses as set forth in Section 6.02 A, B and L of the Plan.

As set forth in Section 1.02G of the Plan, the maps are intended to be an illustration of the policies in the text, and the text of the GDP and the articulated policies, strategies and objectives must be consulted in determining the appropriate density and uses.

The Planning Commission finds that based on the Plan, the proposed R-2 Rezoning is too dense for the area and is incompatible with the Plan.

6. **The Existing Zoning Permits a Reasonable Use of the Property.** The Planning Commission finds that the existing zoning of the Property as A-1 and R-1, or development of the Property at the lower end of the density range designated in the GDP through either an R-1A Rezoning, a PUD or clustering under the Open Space Preservation Ordinance permits a reasonable use of the Property.

Under the current zoning, the Property could be used for 4-5 rural residences. At the lower range of the density permitted under the Plan (2 acre lots), the Property could be developed with 12 residences or possibly more under a cluster or PUD under the Township Open Space Preservation Ordinance.

Under the PUD or cluster alternative, a significant portion of the Property could remain undeveloped open space preserving the natural features on the Property and adequate buffers could be provided.

The Planning Commission finds that the current zoning of the Property permits a reasonable use, that the Plan designates a reasonable use of the Property at the lower end of the density range, and that Rezoning to R-2 as requested by the Petitioner, would create a density and use that is detrimental to the Township and areas surrounding the Property.

7. **Conclusion.** For the reasons set forth in this Resolution, the Planning Commission finds that the condition of the Property and surrounding area have not changed in a manner which would justify the Rezoning, that the proposed Rezoning would create an adverse precedent, that the capacity of the Township and other governmental agencies to provide essential service if the Property is Rezoned would be limited, that the proposed Rezoning would adversely affect existing conditions and values in the surrounding area, that the proposed Rezoning is not consistent or compatible with the strategies, objectives and policies of the Plan, and that the existing zoning or development of the Property in the lower range of density designated in the Plan provides the Applicant with a viable use of the Property.

RESOLUTION

Based on the findings and information set forth above, the Planning Commission recommends that the Township Board deny the Applicant's Rezoning Request.

AYES: Diane O'Connell, James Snyder, John Allison, Randy Perry, Richard Mitchell,
Peter Kotila, and Kris Olsson

NAYES: None

ABSTAIN: None

RESOLUTION DECLARED ADOPTED.

Kris Olsson, Chair

I certify that the foregoing is a true and complete copy of a resolution adopted by the Ann Arbor Charter Township Planning Commission, County of Washtenaw, State of Michigan, at a regular meeting held on April 3, 2006, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Michael Moran, Township Supervisor

Dated: _____, 2006