

**ANN ARBOR CHARTER TOWNSHIP  
PLANNING COMMISSION MEETING  
MINUTES OF MEETING  
MONDAY, NOVEMBER 9, 2005**

This regular meeting of the Ann Arbor Charter Township Planning Commission was called to order at 7:30 p.m.

Commissioners Present: Chair, Kris Olsson, Commissioners John Allison, Richard Mitchell, Peter Kotila, Randolph Perry, James Snyder and Diane O'Connell

Also Present: Township Attorney Sandra Sorini Elser, Township Planner Dick Carlisle, Environmental Consultant Eugene Jaworski, Township Engineers Dana Dougherty and Michael Bickel, and Township Supervisor Michael Moran.

**AMENDMENT OF AGENDA**

O'Connell moved to amend the agenda by moving item VI C to precede item VI A. Perry seconded the motion, which was adopted unanimously.

**CITIZENS' PARTICIPATION**

Paul Franz—4200 Nixon Rd, across from Northbrooke. He asked for a traffic study because of concern about traffic at Nixon and Green. He also asked if neighbors of the project would be notified in the event of problems with the proposed private sewer.

Shary Brown—4621 Ford Road, across from Vistas. She reaffirmed the comments made by her and her neighbors at the meeting last month. She pointed out that the new comments made by petitioners were more appropriate for consideration of a site plan but not for consideration of a rezoning. She stated that the traffic study statistics don't add up because they fail to account for the current residents vehicle trips; noted that there was a serious head-on collision in June 2005 that sent 3 to the hospital. The period selected by the traffic study does not fairly reflect the real danger on Ford Road.

Karen Mendelson—Ford Road, across from Vistas. She runs of Ford Road as to many others from Dominos and Med Sport. The traffic study shows that traffic on Ford Road would increase to 1600 cars. The petitioner's study shows that Ford Road already has an incidence of traffic accidents that is three times the county average, and that is with far fewer vehicle trips. She also contested the traffic study's assumption that only 4% of the vehicle trips would be to the east of Ford Road.

Sandy Plotkin—Ford Road, across from Vistas. Petitioner's traffic study shows that traffic would deteriorate to LOS F. There is significant foot traffic on Ford

Road, including many nuns who walk to the Church near Domino's Farms, and there are cross country runners from Gabriel Richard High School on the road as well.

**APPROVAL OF MINUTES**

Allison moved approval of the minutes with the changes included upon a sheet that he passed out. Mitchell seconded the motion, which was adopted unanimously.

**COMMUNICATIONS**

Allison reported on the board meeting held on October 17, 2005.

**PUBLIC HEARING—ZC-3-05 NORTHBROOKE, SILVERMAN**

Steve Robinson presented for petitioner. He noted that they had presented additional materials to show that the amendments did not change the look, feel, or smell of the project.

This matter is still for approval of the area plan. He felt that the Board would decide the private sewer issue and that approval of the area plan could be conditioned upon Board approval of septic system

Dick Carlisle, Township Planner—Stated that the additional material submitted by Petitioner are related to the private sewage system

Gene Jaworski, Township Environmental Consultant—Indicated that the system proposed for the southern portion of the property could create a mound that would spread out 700 feet and could get into the wetland.

The public hearing was opened at 7:59 PM.

Jean Wyman, 2154 Joy Road. People on the north of this project have developed at a low density. Houses would be less than 500 feet away and they would also have to deal with odor problems. One could farm the northern section.

Al Bloom—lives on Hickory Ridge Road and is a builder with experience with Advantex sewer systems

Tom Brandt—Warren Road, was worried about the wastewater system.

Terry Sargent—Joy Road. Northside property owners have deed restrictions with only one house. He is an architect and believes that these systems are noisy and smell. Agrees with farmland preservation efforts of the township but it is arbitrary to restrict that to south of Pontiac Trail.

Public hearing was closed at 8:10 PM.

**Planning Commission Discussion:**

Allison wanted to see a letter regarding donation of the farmland to the township. He asked if Silverman could do this project with traditional well and septic. Robinson stated that MCI says that they could. County Health did not say. The State and County have issued permits for the north and south private systems. Allison indicated that he had visited a similar system and did not smell anything.

Mark Kevich, for petitioner, said that on the north across Pontiac Trail they had adjusted the swale and addressed issues raised by WCDC, but haven't heard back from WCDC.

Jaworski, said that the pond is on-line and is about 150 feet away from a marsh. Pond would get some influence in wet season. There are 5 ponds, 3 of which are used for swimming. We could add additional protections.

Allison said that the area plan must show that drainage courses are adequate. WCDC approval is our way of assuring that.

Snyder indicated that he wanted this project to go, but that there are some issues. He felt that we needed to set a distance to the nearest residence from the treatment system. Allison stated that the isolation distance should be part of the area plan and that the utilities committee is actively working on recommendations.

Allison asked if Silverman could build the treatment system as a gravity system. Robinson answered that they could build it either way.

Perry agrees that this is a good project but approval of the area plan means that the PC has found that the proposal is adequately served by water and sewer and the drainage is ok.

Kotila suggested that a private treatment system would allow residences to be located elsewhere on the property. He is less concerned about the system.

O'Connell asked about the pump tests. Jaworski stated that the test should have been done for 8 hours at 20 gpm. All tests were 120 feet deep with large screens.

Carlisle said that it could take months to decide how to deal with private wastewater systems and that all of the issues should not be decided based upon one project. Since private treatment is the only issue different from the previous recommendation for approval, the PC could set conditions and go forward.

Allison said he would like to resolve the issues of odor, noise, and set back.

Sorini said that she could craft conditions.

Mitchell is concerned that approval of the area plan is approval of the number of lots and layout of streets.

Snyder suggested recommending approval with a condition that if the septic

decision by the Board required a change of layout, the matter would have to go back to the Planning Commission.

Allison indicated that prior to approval, he wanted:

- Farmland donation letter
- Detailed contact information for similar systems
- An analysis of alternatives in case of system failure
- WCDC letter
- Copy of DEQ approval
- Consideration of a gravity system
- Agreed upon changes to rear lot lines for lots 16-22
- Changes to basin 2 to retain water on site

Perry moved to table because the PC could not approve a community system in the abstract—too many unanswered questions. Olsson seconded the motion, which failed.

Allison moved to table in order to get a recommendation from the Utilities Committee regarding private wastewater systems, an assessment from our consultants regarding the possibility of odors and maintenance needs; and for the Township Attorney to draft a resolution recommending approval with conditions. Snyder seconded the motion and the motion carried, with Perry opposed.

#### **Amendment to Agenda**

Allison moved to amend the agenda to move item VI(C) ahead of items (A) and (B). Mitchell seconded the motion, which was unanimously adopted.

#### **ZC-4-05, 2511 Pontiac Trail**

The petition asks to rezone 1 ½ acres from A1 to R2. The remaining portion of the large parcel will be the subject of a request to release for annexation to foster development needing City water and sewer.

Carlisle said he wanted to compare the acreage from the petition and the survey to be sure they match.

Allison said we need to be certain that the resulting parcel is a conforming parcel. Dresselhouse stated that the front set-back is currently non-conforming.

Mitchell moved to set a public hearing in December on the rezoning, Kotila seconded the motion, which was unanimously adopted.

#### **SP-238-05, NSF site plan**

Last month the PC gave approval pending receipt of the WCRC letter and the lighting plan. The hours for lighting are shown on page 8 of the final site plan.

Allison moved approval of the final site plan conditioned upon approval by the

Township Engineer, O'Connell seconded the motion, which was adopted unanimously.

**ZC-2-05 DF Land Development, Vistas**

Richard Ratner presented for petitioner. He indicated that the new information packet contained additional traffic information, since that was the area of greatest comment during the public hearing. He represented there would be no traffic going onto Ford Road from the proposed project. The plan proposes reconfiguring Ford road and creating a "T" with their access road and Earhart Road. He felt that their design actually preserved Ford Road. "Drive One," their access road is 150 feet long. The trees are tagged and the wetlands delineated.

Ratner stated that the area had not been farmed since the 1940's. The electric lines are 60 feet from the center line of Ford Road.

Brad Strater, petitioner's planner, stated that:

- There were changes since the zoning—UM East Medical and other land use changes
- Utilities are available
- There was an error in the original zoning because the land is zoned A1 but is not suitable for agriculture
- There is no land currently zoned R7
- This would not create a precedent because this land is unique
- Services are available for this project
- The General Development Plan calls for .2 to .5 DU/A and the County Master Plan recommends 1-4 DU/A

Mike Labbide, petitioner's traffic engineer said that the usual formulas were employed and that during peak hours there would be only 123 vehicle trips.

Attorney Sorini reminded the PC that this is a rezoning application, not a site plan.

Engineer Bickel had no comments

Planner Carlisle reaffirmed his original report. He noted that site specific factors and conditions let the PC to master plan this site for only .2 to 15 DU/A. He noted Ford Road's special problems. He said that petitioner was really arguing for a PUD without filing a PUD application. The request does not comply with the GDP and would set a terrible precedent for this entire area of the township. He still recommends denial.

Environmental consultant Jaworski noted the many natural features on this site and stated that the Township could not protect those natural features with a rezoning to R7.

Allison asked about the earlier General Development Plans. He stated that he believed that the 1992 Plan called for 1-2 DU/A on this site. Petitioner appeared to agree. The 1999 Plan and every plan since then, called for 2-.5 DU/A.

Perry noted that the traffic study was based upon a road configuration that the township might never actually see and was therefore not helpful. He felt that nothing presented indicated that the property should be rezoned R7.

Snyder stated that this is exactly the kind of site that requires a PUD.

Allison stated that none of the five findings necessary for rezoning have been met. There is no meaningful change in conditions and no error in the master plan; it would create a bad precedent; it does not conform with the GDP.

Olsson felt that this was an area in which to encourage development.

O'Connell was not convinced that R7 zoning is appropriate. This parcel cries out for low density development.

Kotila feels that this property is unique and R7 is not the right choice. It would set a bad precedent in the township.

Allison moved to table to draft a resolution of denial incorporating the PC comments; Kotila seconded and the motion was adopted with Perry and Olsson opposed.

### **Stormwater Ordinance**

Allison moved to table consideration of this ordinance to the 12-7-05 working session.

### **SP-241-05 WCC Health and Fitness Building**

Michael Rein presented for petitioner. He indicated that the site is presently used for outdoor recreation. They have requests in front of the WCRC regarding road improvements and a request for a traffic light at the entrance of the proposed building.

They have filed plans with the WCDC but do not yet have a response from them

Carlisle stated that a swimming pool is a conditional use and should be the subject of a conditional use permit application. He did not feel that this would be a problem because the pool is enclosed in a building. The barrier-free situation seems to be adequate. He agreed that the access road and signal issues needed to be resolved by WCRC. He noted that under the ordinance much more parking would be needed, but using similar situations 356 spaces did not appear to be out of line. He would like to see a more naturalized detention pond and thought that it would be helpful if WCC could tie their walks to the county walking trail.

Engineer Bickel stated that his comments did not affect the layout. He noted that the water service proposed would only have a single feed.

Jaworski stated that he would like to see a stormwater forebay.

Dresselhouse wants to see barrier free parking dimensions. The plan should set aside space for additional parking, if needed later. He expressed some concern about the drop-off configuration.

It was determined that the height of the equipment penthouse would exceed 35 feet, but that under our ordinance that penthouse would not be included in the height calculation.

Allison felt that a natural features impact statement was needed. He noted that the reflecting pool, if permanently filled, must be calculated as impermeable surface. He noted that there are some grants to encourage green roofs.

If the slopes impacted are less than 12 % there would be no need for a natural features permit.

Rein stated that the parcel size is net of ROW. The parcel is a separate 25.6 acre parcel, which includes some land in Superior Township.

Mitchell asked if there were a traffic study, and was told that it is being prepared.

Kotila was concerned about students crossing the road.

Allison moved to set a public hearing for a CUP for a swimming pool for December 5, 2005, contingent upon receiving an application within 48 hours; O'Connell seconded the motion, which was unanimously approved.

Snyder moved to table the site plan; Allison seconded and the motion was unanimously adopted.

Allison moved to adjourn, Olsson seconded the motion, which was unanimously adopted and the meeting adjourned at 12:22 AM.