

**ANN ARBOR CHARTER TOWNSHIP
PLANNING COMMISSION MEETING
MINUTES OF MEETING
MONDAY, MARCH 5, 2007**

I. ROLL CALL

The regular monthly meeting of the Ann Arbor Charter Township Planning Commission was called to order by Chair Olsson at 7:30 p.m.

Present: Kris Olsson, Richard Mitchell, Peter Kotila and Lee Gorman.

Absent: John Allison, Diane O'Connell and James Snyder.

Also Present: Township Attorney Sandra Sorini Elser, Township Planner Dick Carlisle, Township Engineer Damien Wetzel, Environmental Consultant Eugene Jaworski, Supervisor Michael Moran, Utilities Superintendent Rick Judkins and Planning Assistant Joanne Collins.

II. CITIZEN PARTICIPATION

No citizen signed up for participation. Chair Olsson welcomed new member, Lee Gorman, to the Planning Commission.

III. APPROVAL OF MINUTES

Corrections to the 2/5/07 minutes: On page 1 under V.A. in the third line after "10" insert "or fewer". **Mitchell moved approval of the February 5, 2007 Planning Commission meeting minutes as amended. Gorman seconded the motion which was adopted unanimously. Kotila moved approval of the February 12, 2007 Planning Commission workshop meeting minutes. Gorman seconded the motion which was adopted unanimously.**

IV. COMMUNICATIONS

Supervisor Moran reported on the Board of Trustees meeting held on February 19, 2007. The minutes were included in the Commissioner's packets.

V. PUBLIC HEARING

A. Public Hearing for Amendments to the Zoning Ordinance Section 10.02F.2 Limited Industrial District and Section 10.03E Industrial District Uses

Dick Carlisle, Township planner, explained this is simply a clean up of the I-1 district where the Township is attempting to match uses in the I-1 district with the existing conditions in the Township. Carlisle further explained it's a matter of refining the current permissible and conditional uses in I-1 district with the conditions that actually exist in the Township in an attempt to define uses that are more appropriate. There were no additional comments from the Township consultants.

Chair Olsson opened the public hearing at 7:38 p.m.

John Wurster said he received a letter dated November 14, 1994 from former Supervisor Langford during the time when the Township changed from general industry

to I-2 zoning then to limited industrial. Wurster said the letter states “please assure that the zoning change in no way affects you or the use of your property nor will it affect your property value or assessment.” Wurster said he thinks it has directly changed the price of the property. Wurster said it was limited in the past and now the Township is limiting it some more where prior to that under general industry zoning anything could go there.

Mrs. Wurster asked to see a cleaned up version of the ordinance instead of the crossed off version.

The Township Attorney explained this format is useful because it gives the public the idea of what is being changed. The Township Attorney said the final version will have the crossed off uses removed assuming it is passed.

George Fahmie asked how much industrial land is in the Township.

Supervisor Moran explained there are a couple of isolated parcels down around south industrial but in order for those to be developed they would have to be annexed into the City of Ann Arbor. Other than those, the parcel along Pontiac Trail is the only other area zoned for industrial use in the Township.

Chair Olsson closed the public hearing at 7:42 p.m.

Mitchell said the thinking of the Planning Commission was to eliminate things such as asphalt plants, paint shops, bottling plants, electrical machinery, junk yards, dry cleaners and the like that were obvious things that would not work on the site. He said it was pretty clear to the Planning Commission as to what would and would not work on that site. It was not an attempt to try to limit more of what the site could be sold for but to align the site with what would be a reasonable use.

Kotila moved that the Planning Commission recommend approval to the Township Board of the revised Limited Industrial District I-1 Sections 10.02F and 10.03E. Mitchell seconded the motion which was adopted unanimously.

B. Public Hearing to approve the Agricultural Residential Preservation District Ordinance

Dick Carlisle, Township planner, explained this is not a creation of a new zoning district but rather another development option that can be applied for in lands that are zoned for agricultural use. The intent of the particular provision is to provide the owner with another option for the development of the land; allowing for residential development and at the same time preserving significant amounts of agricultural lands. It also provides certain density bonus provisions when certain conditions are met. One of the prerequisites for applying for this is that there needs to be an intent for perpetual preservation of the area not being developed and perpetuation in agricultural use.

Chair Olsson opened the public hearing at 7:49 p.m.

Tom Costello, Joy Road, said he has been somewhat involved with the agricultural density PUDs and is familiar with the Silverman development. He said section 14.5 doesn't necessarily address density transitions between clusters and existing open space areas that exist today in the Township. Also in section 14.6 he doesn't believe community septic systems have been addressed and the effects of drainage systems on adjacent properties.

George Fahmie, 4545 Pontiac Trail, requested a clarification from the Planning Commission regarding the ownership of farmland as specified in the ordinance.

Bill Koeppel, 4808 Warren Rd, said he has been raising sheep on his property since 1990. Koeppel said as he has looked at development in the Township over the years and sees the biggest risk of development is large chunks of former agricultural land lying ~~few~~fallow, that ~~is-passed~~ from ownership of people who farmed it, into ownership of those who don't have interest in farming but have an economic interest in the land. He thinks it is unwise of the Township to create further economic incentives to have people densely develop land and to create incentives for them to develop land in such a way that it is occupied and owned by people who don't have a vested interest in the stability of the land. He said under the ordinance you can't develop the land without professional help which creates an economic situation and forces the owner to develop more densely. Koeppel suggested expanding the definition of agriculture to give as many options to people as possible and give them ways to encourage them to be involved in agricultural activities.

Chair Olsson read into the record the following letters from: Paul Roney, president of Domino Farms Corporation; Joseph Galvin of Miller Canfield, Paddock and Stone on behalf of Colt Farms Inc.; William and Nancy Gould; and Joseph Phillips of Conlin, McKenney and Philbrick P.C. on behalf of Charles and Catherine Braun and Edward and Muriel Pardon. All letters stated general opposition to the Township's proposed Agricultural Preservation Residential District ordinance.

The Township Attorney stated all of those letters assumed this is a rezoning which is not the case.

Martha Zeeb, Joy Road, said if people do decide to take advantage of the ordinance and part of their farm is put into this forever preserved farm is it still taxed?

The Township attorney said that is something for the state legislature to decide but the property would be taxed. Chair Olsson explained there are ways to petition the assessor for a reduction in property taxes if you're not using the property. Carlisle explained if an easement is dedicated it may not eliminate taxes but may reduce them. Moran said they have been working for several years to try and find a way to reduce property values on agricultural land. Moran said they have worked with the state legislature to introduce and create agricultural preservation districts. A bill was introduced by

Representative Pam Byrnes to try to create such agricultural zones but has not gone very far.

Chair Olsson closed the public hearing at 8:08 p.m.

Gorman said she made [a](#) few minor grammatical edits in the ordinance and would give them to the Township attorney. Kotila commented he was struck by the confusion surrounding the public hearing and the widespread misunderstanding about the purpose of the ordinance. He said it may have been cleared up tonight but the Planning Commission may want to take some time for a re-reading of the ordinance to allow for additional public comment. Olsson emphasized this is not a rezoning of the land and that she was struck by the comments tonight regarding expanding agricultural uses. Olsson said the Planning Commission may want to make sure the Township is not restricting the definition of agricultural uses. Carlisle said the ordinance doesn't place any restrictions on the properties that would be in violation of the right to farm act. Mitchell agreed with Kotila and suggested tabling the ordinance due to so much misunderstanding and to allow for more public comment which may be different next month. Gorman agreed with Olsson and said the Planning Commission may want to reconsider a broader definition of agriculture and may need to look beyond the right to farm act.

Mitchell moved approval to table the Agricultural Residential Preservation District ordinance for the purpose of having another public hearing next month. Kotila seconded the motion which was adopted unanimously.

VI. OLD BUSINESS

A. Planning Commission By-Law changes

The Township attorney said there were a number of comments the commissioners had at the previous meeting and she was asked to change the rules and to insert the provisions the Planning Commission had discussed. Kotila had several questions pertaining to sections 4.7, 6.3, 7.3 and 9.4. The Township attorney asked if the commissioners were comfortable with the changes to section 13. Under section 13.4 Moran said he is concerned, as it is written, it would permit a planning commissioner who has a conflict of interest to nonetheless appear as a representative of a petition and seems to be inappropriate. Mitchell said the only intent was not to limit a commissioner from representing their own property. The Commission agreed to remove the language "or as a representative of a petitioner" in section 13.4. **Mitchell moved approval of the Planning Commission rules as amended. Gorman seconded the motion which was adopted unanimously.**

VII. NEW BUSINESS

A. ZC-1-06 Pine Hills Villas submittal for a zoning change from A-1 to PUD

Dick Carlisle, Township planner, said the primary issue before the commission is the 20 acre size requirement. The ordinance requires a minimum 20 acre size for a PUD but does permit the Township Board to waive the 20 acre minimum lot requirement if it meets certain characteristics. He said from the standpoint of the parcel itself it does

meet five of the listed criteria, however, the plan itself will not result in the preservation of the items that the criteria are intended to preserve and there needs to be significant modifications to the site plan. Carlisle said he is therefore not prepared to recommend the waiver at this point.

Damien Wetzel, Township engineer, referenced his review letter dated March 1, 2007. Wetzel said his review is strictly in relation to preliminary requirements associated with the PUD application. Because this action request is for a waiver of the 20 acre minimum he doesn't think it's applicable for this action.

Eugene Jaworski, Environmental Consultant, said there are significant features on the site including woodlands and landmark trees.

John Wright, on behalf of Pine Hills Villas, said they came forward a couple of months ago with a rezoning conceptual plan because they were not familiar enough with the ordinance. He said they decided to have a pre-application meeting with the Township in order to get to the preliminary site plan stage. Wright said they are trying to develop a plan that will work for everyone and are trying to preserve much of the site characteristics. He said they are up for discussion and are trying to determine tonight if this site meets the requirements for a PUD.

Carlisle said there seems to be a conflict of interest in granting a waiver for a PUD for which at this time does not appear to be a PUD. Kotila asked Jaworski to expand on the unique characteristics of the site. Jaworski said there is a wetland on site with a stream which is flood prone and has eroded banks. There is woodland in the area with high relief. The plan does set the woodland aside however the plan doesn't meet the natural features setback requirements. Jaworski said his major concern is the trees and it appears they are using an existing tree survey which is not accurate. Jaworski said it is therefore difficult to develop a plan that will protect the trees, especially landmark trees, and for those reasons he is uncomfortable with the site plan.

Gorman said the petitioner is concerned about putting a lot of time and energy developing a site plan without knowing whether there is going to be this waiver. Gorman asked if it is a catch 22 or is there a way to have a conditional waiver. Olsson said granting the conditions of the waiver and recommending to the Board doesn't mean we are approving the site plan and sees them as separate issues. Mitchell said the site plan concerns him because there are 9 lots but only 2 are greater than a half acre in size for an area that is zoned for one acre lots. He said it appears the PUD is being seized as a vehicle to make more density. Mitchell said a more creative and effective way of designing cluster is needed in order to lend itself to the spirit of a PUD. Olsson agreed with Mitchell and said given this is in the sewer service area there is more flexibility to make the lots smaller, increase open space, reduce impervious surface, meet natural features setback requirements and preserve the natural elevation and topography of the site. Kotila said he is amenable to the idea of granting the waiver however the Board has been very consistent on how it deals with the natural features in the Township. The creek does flow into Fleming Creek and he is concerned about

impact on Fleming Creek. Kotila said it is an interesting parcel and there can be interesting things done to it and the consultants are doing what they can to provide guidance. Kotila said he thinks there are a lot of possibilities but he doesn't see it in the current site plan.

John Wright responded to some of the commissioners comments. He said one of the reasons that ~~distracted them from~~ they avoided the cluster option is because most people like individual lots and their privacy. Based on economics the cluster option starts to distract from the project and they are trying to achieve the price of homes that are ~~synonymous~~ consistent with the area.

Carlisle commented there isn't any inherent bias in terms of the style of development but simply an observation on the part of the Township that the manner in which the PUD is being used isn't going to achieve the intended purpose in accordance with the ordinance. The five or six lots that may be able to be achieved under a conventional form of development of this site may end up preserving more resources and the natural characteristics of the site than in the manner this PUD is currently being proposed.

Wetzel stated the outside agency approvals are the biggest points of concern and the hardest to obtain. Wetzel discussed the private road, approaches, right of way issues and concerns raised by the WCRC. Wetzel said the WCDC will need to review the plans and he recommends it be designated a chapter 18 drainage district consistent with previous development in the Township.

Mike Roady, a real estate agent representing the owners, said they have been trying to sell the property for some time. The major trees are at the edge of the property and the proposed road configuration has the best chance of the least amount of impact to the trees and provides the best location of building sites. He said if the WCRC makes us come in from the North it will impact a tremendous amount of trees, we will have to have a wetland crossing, and we will have 500 feet of road that doesn't serve any purpose other than access to the property.

Mitchell moved to table the motion requesting the waiver of the 20 acre minimum for the PUD requirement until the April meeting. Kotila seconded the motion which was adopted unanimously.

B. SP-06-06 Perkins Construction – Review and approval of Final Site Plan

Jeff Perkins, on behalf of Perkins Construction, presented the final site plan. Perkins said the preliminary site plan was approved in September or October of last year which was conditioned upon approval from the WCRC, WCDC and WCHD for well and septic. He said there was some concern expressed by the Fire Chief for the need to be able to turn emergency vehicles around on site. Perkins said the Fire Chief concerns were resolved by the construction of a hammerhead on site. He said they have received approvals from the WCHD, WCDC and the WCRC. He said the driveway permit will be issued by the WCRC when construction begins. Perkins said he received reviews from

the Township consultants and understands some further tweaking may be needed. Perkins requested the final site plan be approved with minor adjustments.

Damien Wetzel, Township engineer, referenced his report dated March 1, 2007. Wetzel said they received WCDC approval and WCRC approval of their approach location. Wetzel said all other requirements of the WCRC are strictly administrative in nature and are not design related requirements. The WCDPE approved the septic field location but will not issue a permit for well and septic until the time of construction. Wetzel said his remaining comments are minor in nature and he is confident the applicant's engineer can address those in an administrative fashion.

Dick Carlisle, Township planner, referenced his review letter dated January 27, 2007. Carlisle said his comments are very minor and most comments have been addressed. Carlisle said in the review they noted a lack of a van accessible barrier free space, however, it is on the plan and they will make sure it is properly noted on the construction plans. Carlisle said they continue to note in their review the need for some additional landscaping to screen commercial vehicles. In addition the ordinance requires the width of maneuvering lanes to be at 22 feet, however, portions of the site are shown at 20 feet which will need to be addressed. Carlisle recommended approval of the final site plan conditioned upon these items being addressed satisfactory to the planning commission.

Eugene Jaworski, Environmental Consultant, said in regards to natural features there is no tree loss and the wetlands and creek are fully protected including a 100 foot setback from the creek.

Jaworski recommended approval.

The Township attorney advised the commission that all conditions of the conditional use permit have been met. Kotila asked Perkins if he had given some consideration to the issue of supplemental landscaping. Perkins said the commercial vehicles are basically pick-up trucks and he has considered moving some trees from the side to the front of the building or adding some additional trees. Perkins said he is confident something can be worked out with the Township consultant.

Gorman moved approval of the final site plan based on the applicant meeting the conditions outlined by the Township consultants. Mitchell seconded the motion which was adopted unanimously.

VIII. ITEMS FOR DISCUSSION - None

IX. INFORMATIONAL ITEMS

The commission discussed their upcoming workshop meeting to be held on March 12, 2007.

XI. ADJOURNMENT

Kotila moved approval to adjourn the meeting at 9:40 p.m. Gorman seconded the motion which was adopted unanimously.