

**ANN ARBOR CHARTER TOWNSHIP
PLANNING COMMISSION MEETING
MINUTES OF MEETING
TUESDAY, SEPTEMBER 6, 2015**

I. ROLL CALL

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

Present: John Allison, Peter Kotila, Diane O'Connell, and Kris Olsson.

Absent: David Gidley, Lee Gorman and Karen Mendelson.

Also present: Township Attorneys Sandra Sorini-Elser and Matt Rechtien, Township Planner Matt Lonnerstater, Township Engineer Eric Humesky, and Planning Assistant Joanne Collins.

II. CITIZEN PARTICIPATION

No citizen signed up for participation.

III. APPROVAL OF MINUTES

Corrections to the 8/3/16 minutes: Under item IX.D. in the 3rd line strike “Toyota” and insert “Toyota’s engineer”; strike the 5th and 6th sentence and insert “The Township may require additional storm water management for projects proposed to be greater than 20% impervious surface.” On page 4 under item E strike “Board would have to address this issue” and insert “consultants would supply sample ordinances for review by the Planning Commission and the Board would have to pass the ordinance.” **Olsson moved approval of the August 3, 2016 meeting minutes as amended. Kotila seconded the motion which was adopted unanimously.**

IV. COMMUNICATIONS

Allison reported on the August 15, 2016 Board of Trustees meeting. The Board minutes were included in the Commissioners’ packets.

V. PUBLIC HEARING

A. Public Hearing to consider an Amendment to Zoning Code Sections 74-2, 74-461, 74-462, and 74-465 and Addition of Zoning Code Sections 74-613, 74-614, and 74-615 “Medical Marijuana Grow Operation”.

1. Presentation

Township attorney Matt Rechtien presented the latest draft of the proposed amendments which included changes directed by the Planning Commission last month regarding site plan requirements under Section 74-613 subsection (4) and the reordering of zoning districts under subsection (5).

2. Consultant Comments/Planning Commission Comments

There were no consultant or Planning Commission comments.

3. Public Comment

O'Connell opened the public hearing at 7:46 p.m.

Leo Gonzales with CRS Real Estate Services indicated they have two parcels listed for sale at 3500 Pontiac Trail with 2 parcel ID numbers consisting of a 20,000 square foot building and a 3500 square foot building. Gonzales commented that under the Township's proposed ordinance grow operations are a permitted use in light industrial but would limit one grower per parcel which according to Gonzales is contrary to state law that allows more than one grower per building. Gonzales said that a grower has the right to grow up to 12 plants which takes up approximately 250 square feet. Gonzales explained other Townships are adopting similar ordinances however they are permitting more than one grower per building. Gonzales indicated under the Township's proposed ordinance leasing space to only one grower would be cost prohibitive and would be forced to lease out remaining building space to others with uses that may not be compatible. Gonzales asked for clarification as to the real intent of having a grow operation occur in the Township under the conditional use it is proposing.

O'Connell closed the public hearing at 7:55 p.m.

4. Planning Commission Discussion/Action

Kotila asked if the Planning Commission needs to define the term "plant" in the ordinance. Township attorney Rechtien explained that "plant" is not defined under the MMA. The Planning Commission explained they do not want to encourage warehouse operations in the Township. Allison explained state law allows setting up perimeters of where these grow operations are allowed in the Township and the proposed ordinance is a reasonable approach to discourage warehouse operations. **Allison moved to recommend to the Township Board Amendment to Zoning Code Sections 74-2, 74-461, 74-462 and 74-465, and addition of Zoning Code Sections 74-613, 74-614, and 74-615 "Medical Marijuana Grow Operation". Olsson seconded the motion which was adopted unanimously.**

B. Public Hearing to consider a zoning change from A-1 to PUD for Cornwell Farms 3601 Pontiac Trail, I-09-09-200-014.

1. Presentation

Heath Hartt with Midwestern Consulting reported they are proposing a 30 unit PUD development on 42 acres located on the Cornwell Farm property. Hartt said that the parcel, per the Master Plan, is located in a transition zone between rural and a more urban setting. The proposed project contains 30% open space with an average lot size of 8/10th of an acre. Hartt indicated they are limited to access off of Pontiac Trail due to the steep slopes on site and existing residential properties, and confirmed with the WCRC for placement of the entrance. Hartt noted they are not proposing any development to the steep slopes but are proposing to remove some trees. Hartt reported open space completely surrounds the property and they are proposing to replant and mitigate with trees to provide screening to properties to the north and south. Hartt reported they are proposing a true infiltrated site with no storm water discharge but in the event of failure they have planned for emergency overflow pathways so there would be no possible detriment to adjacent property owners.

2. Consultant Comments/Planning Commission Comments

Township engineer Humesky referenced his review letter dated August 31, 2016. Humesky reported the applicant has received preliminary approval from all outside agencies and the site has very well drained soils on site. Humesky reported all storm water is designed to leave the

site through infiltration and none of the storm water facilities have outlet pipes or structures proposed. Humesky confirmed if a basin were to overflow, the drainage will flow to existing drainage courses without impacting the proposed or existing homes. Humesky recommended a drainage district be established for the entire project giving the WCWRC statutory responsibility for ultimate maintenance. Humesky reported the applicant met with the fire chief and the proposed location of the dry-hydrant at the existing pond north of the site will likely be acceptable, however additional grading at the existing gravel drive will be required in the final site plan. Humesky also reported the road throughout the project will be a private road and meets the Township's private road standards.

Township planner Lonnerstater referenced his review letter dated August 16, 2016. Lonnerstater reported the proposed use and density are consistent with the Master Plan designation and considers this project to be a somewhat clustered development that provides modest open space for future residents. Lonnerstater recommended the applicant provide potential uses for the existing gravel drive to dry-hydrant (if it's not used to provide access to the dry-hydrant), provide environmental information regarding the existing pond, and impact of dry-hydrant on environmental quality of pond, provide written permission from property owner to use their pond for the source of a dry-hydrant, and explore options to increase the size of the central open space area. Lonnerstater also recommended the Planning Commission consider pedestrian connection of development's trail system to future non-motorized pathway along Pontiac Trail. Lonnerstater noted these are all minor site plan issues that can be addressed by the applicant.

Allison expressed concern that the proposed vegetated buffer to the north and east may not be sufficient and that additional screening may be needed to prevent impacts to adjacent property owners. Olsson commented that she does not find this pattern of land use to be that desirable but understands this is a transition area under the Master Plan and asked the applicant to consider more buffering and open space.

3. Public Comment

O'Connell opened the public hearing at 8:20 p.m.

Jennifer Crooker 3891 Warren Court expressed concern with the proposed density, woodland removal, and proximity to existing houses. Crooker said she moved here for more open space and the rural atmosphere and expressed concern that the proposed development will negatively impact adjacent property owners.

Kate Eaton 4051 Pontiac Trail concurred with Crooker and asked about the plans for sewage treatment and dealing with increased traffic generated from the development. Eaton also asked who made the decision to eliminate open space per the Master Plan.

Chao Wang 3865 Warren Court commented that he is closest to the development and wants to know the required distance from his well and proposed septic tanks. Wang also asked if there will be any swimming pools and expressed concern for the safety of his two children and that the development will bring more noise to his property. Wang also asked that they angle homes so they are not face to face and that either trees, bushes or a fence be built between his property and the proposed trail.

Dave Havlik 3535 Pontiac Trail expressed concern about storm water run-off from the project and wants a guarantee that storm water will be contained. Havlik explained that the field drains through his property under the old culvert on the old Pontiac Trail and is like a river during the winter and is a huge concern for him. Havlik commented he doesn't agree with the number of homes proposed and expressed concern about lots not selling after the infrastructure is completed.

Jack Duey 3499 Pontiac Trail expressed concern about drainage problems in the spring and concurred with Havlik. Duey commented he is not in favor of the development and that 30 homes on 42 acres is excessive. Duey stated he moved here for the rural view and the proposed project is suburbia. Duey expressed concern that the detention basin will be a breeding ground for contaminants and mosquitos and asked who will be responsible for maintenance of the trail.

Lea Donoghue 3770 Pontiac Trail commented she's has lived in the Township for 5 to 6 years and loves it but the proposed development is suburbia and not what they want to be around. Donoghue also commented this will inflame the amount of traffic on Pontiac Trail which is already a problem.

Carmen Quigg 3575 Pontiac Trail commented that she is opposed to the development and concurred with previous comments.

Henry Micallef 1549 Gleaner Hall asked who interprets and accepts the Master Plan.

Francis Quigg 3575 Pontiac Trail commented he moved to Township to live in a more rural area but with the proposed development he will be looking at 3 houses and will lose his tree line. Quigg also expressed concern about the increase in traffic and maintenance of detention ponds.

Jane Duey 3499 Pontiac Trail commented the proposed development is overkill and that she had to appeal to the ZBA in order to build her home on a 4.42 acre lot.

Elaine Micallef 1549 Gleaner Hall expressed concern about safety and security and if extra police and fire will be hired. Micallef also expressed concern with detention ponds being a breeding ground for mosquitos and that the development will change the flavor of the community.

4. Planning Commission Discussion/Action

Olsson commented the proposed development does meet the Master Plan but does not meet her desired land use. Olsson explained this is a transition area between urban and rural and explained the master plan process and the reasons for designating it a transition area. Olsson expressed concern of flooding to the southeast.

Hartt explained the site's drainage patterns, construction of a central and southeast detention basin, along with drainage and infiltration swales that allows time for water to soak into the ground. Hartt explained the site is designed for 100 year storm with full infiltration. Hartt

reported they are not proposing to remove vegetation along the property line except for installation of storm water piping and that all wells and septic systems meet all isolation distances on and off site to prevent contamination. Hart reported the development falls below the WCRC's threshold for peak traffic flows and did not warrant a traffic study. Hart reported the proposed trail will be natural woodchip path and they are considering proposing a fence along the property line. Alex de Parry with Ann Arbor Builders reported they are proposing to add 380 trees for buffering and there will be no community pools with the price of homes ranging from \$450,000 to \$500,000. Parry noted they will be keeping the existing farmhouse and are exploring the dry-hydrant and purpose of the road to provide emergency access to the pond.

Allison concurred with Olsson and stated the development is denser than what he would like it but it is consistent with the Master Plan and has been part of the plan for at least 10 years. Allison asked the applicant to give consideration in reduction in density for improving the proposed vegetated buffers to the north and east. Allison noted without adequate vegetated buffers he would have a hard time voting in favor of the development.

O'Connell commented she would like to see more open space with greater connectivity while reducing density. O'Connell noted buffers are critical so that development is compatible with adjacent land uses. O'Connell and Allison asked the Township engineer to study the emergency overflow outlet to find other possible solutions for channeling drainage.

Kotila asked the applicant to give strong consideration for light leaving the development as it can be most impactful in a rural community. Given the project's location next to the M14-US23 interchange noise generated by the development during and after construction is not expected to impact the existing neighbors. Kotila noted the proposed development preserves trees, avoids impacts to steep slopes, provides wetland protection, and has done a pretty good job of mitigating natural features. Biking may mitigate a portion of the expected increase in traffic volumes since the project's location is along a priority non-motorized corridor (Pontiac Trail).

Allison moved to table to allow the petitioner to address the comments of the Planning Commission and consultants. Kotila seconded the motion which was adopted unanimously.

VI. NEW BUSINESS

- A. NF-03-16 and WP-02-16 Arbor North Wetland Restoration Project, 4178 Whitmore Lake Road, Parcels I-09-05-400-001, 09-05-100-008, I-09-05-100-001, I-09-04-200-003. Applicant seeks approval of Wetland Permit and Natural Features Permit to restore wetland basins in agricultural fields. Set a public hearing for the Wetland Permit.**

Jim Hanzelman with the U.S. Fish and Wildlife Service reported they are partnering with the applicant on restoring the wetland basins on property owned by Kim Bayer. Hanzelman reported there are 14.3 acres of wetlands but only one wetland, wetland #5 is a jurisdictional wetland that the state requires a permit on. **Kotila moved to set a public hearing for the Wetland Permit to restore the wetland basins in agricultural field for October 3, 2016. Allison seconded the motion which was adopted unanimously.**

VII. OLD BUSINESS

- A. Bring back to the table: SP-02-16, NF-02-16 and a Tree/Woodland Removal permit Cornwell Farms 3601 Pontiac Trail, I-09-09-200-014, applicant wishes to build a residential development on 42 acres.

Allison moved to table. Kotila seconded the motion which was adopted unanimously.

IX. ITEMS FOR DISCUSSION

- A. Review Medical Marijuana Grow Operations – police power ordinance.

Township attorney Rechtien reported this has been the subject of discussion at the last two Planning Commission meetings with additional comments reflected in the latest redline draft version. Allison moved to informally recommend to the Township Board Amending Chapter 18-Businesses to add Chapter III Medical Marijuana Grow Operations. Olsson seconded the motion which was adopted unanimously.

- B. Review the uses in the RC, A-1 and A-R districts.

Township planner Lonnerstater reported adding the definition for Places of Worship was the latest draft revision. Allison expressed concern that recreation facility may be too intrusive in the agricultural areas and requested the planners to revise the language making recreation facility a more passive use. Commissioners agreed to defer discussion to next month's meeting.

- C. Clarification of July 5, 2016 Planning Commission Meeting Minutes

Allison moved to clarify the minutes of the July 5, 2016 meeting minutes that the straw poll was an informal discussion and not a binding action. O'Connell seconded the motion which was adopted unanimously.

X. INFORMATIONAL ITEMS - None

XI. PUBLIC COMMENT

Catherine Braun expressed support of the dry-hydrant for the Cornwell Farm development and that it would also protect everyone around them and would benefit the Township a lot. Braun also requested a horse type fence be constructed for the Cornwell Farm development so that children don't swim in the pond.

A resident requested the Township consider traffic patterns for the Cornwell Farm development.

A resident commented that putting a fence around the Cornwell Farm development doesn't integrate or transition the community.

XII. ADJOURNMENT

Allison moved to adjourn the meeting at 10:20 p.m. Kotila seconded the motion which was adopted unanimously.