

**ANN ARBOR CHARTER TOWNSHIP
PLANNING COMMISSION MEETING
MINUTES OF MEETING
THURSDAY, NOVEMBER 10, 2016**

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, Lee Gorman, Peter Kotila, Diane O'Connell, and Karen Mendelson.

Absent: David Gidley and Kris Olsson.

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

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

III. APPROVAL OF MINUTES

Gorman moved approval of the October 3, 2016 meeting minutes as amended. Mendelson seconded the motion which was adopted unanimously.

IV. COMMUNICATIONS

Allison reported on the October 17, 2016 Board of Trustees meeting. The Board minutes were included in the Commissioners' packets.

V. PUBLIC HEARING

VI. NEW BUSINESS

A. Tree/Woodland Removal Permit application for 497 Ridge Creek Lane, I-09-01-101- 001

Scott Betzoldt with Midwestern Consulting on behalf of the petitioner explained that they applied for a tree/woodland removal permit to construct a new home. Betzoldt reported the existing site is made up of farm fields and woodlands and the homeowners would like to place their home on top of the hill in the woodlands. Betzoldt noted they reconfigured the driveway to reduce the impact of tree removal and are utilizing the open farm fields for reforestation.

Elmiger referenced her review letter dated October 31, 2016. Elmiger reported an ecological characterization report is not required for a project that doesn't require site plan review, however the planning commission can request one if they so desire. Elmiger noted the woodland had been logged 20 years ago but appears to have recovered with native trees and no invasive species. Elmiger recommended other natural features of the site be added to the plans and that the plans show the limits and conditions of the conservation easement. Elmiger recommended the applicant adjust the grading within the root zone of protected trees, consider another location of the septic system and driveway in relation to existing landmark trees, and consider alternative locations for the home outside of the woodland or closer to the edge of woodland. Elmiger also recommended the woodland be evaluated for Indiana Bats due to shagbark hickory trees and noted the mitigation trees should mimic the existing plant community on site in species, variety, and number. Kotila recommended redistributing the tree mitigation area to the westerly portion of the site to keep the woodland contiguous.

Betzoldt responded that the perc test for the septic field failed in the farm field area and the new driveway was placed in an existing cleared area to decrease the amount of tree clearing. Betzoldt also noted the slopes on site approach 15% and the homeowner did not want to build a walkout and that the proposed site is the most level piece of ground.

Kotila moved to table to allow petitioner to submit revised plans encompassing topics in consultant's report, with the exception of allowing the ecological assessment to be submitted in enough time for the Township planner to review, and the Township attorney to draft a resolution. Allison seconded the motion which was adopted unanimously.

VII. OLD BUSINESS

A. Bring back to the table: ZC-02-16 request for a zoning change from A-1 to PUD for Cornwell Farms 3601 Pontiac Trail, I-09-09-200-014.

Heath Hartt with Midwestern Consulting addressed the changes to the plans that were incorporated since the last meeting. Hartt reported they increased the buffer space between existing adjacent properties to 40 feet, decreased the density from 30 to 28 lots, increased the volume for storm water detention of the northwest basin, and increased the isolation distance of the septic system on lot 7 from the neighboring well.

Humesky referenced his review letter dated October 20, 2016. Humesky reported the volume of the northwest basin has been increased by 81.7% and is reasonable and satisfactory. Humesky also reported the proposed location of the offsite dry hydrant and the emergency access drive is acceptable, and an agreement has been signed allowing access for installation and maintenance.

Elmiger referenced her review letter dated October 28, 2016. Elmiger recommended the petitioner confirm the area calculation of the open space and show the easement for future non-motorized pathway along Pontiac Trail on the plans.

Allison recommended an increase in vegetation in the buffer area to be included on the final site plan and recommended adding language under section 6.2.10 of the resolution to include neighbors to the east and south. **Gorman moved to table until consideration of item VII.B. Kotila seconded the motion which was adopted unanimously.**

B. 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.

Elmiger reported she evaluated the permit application but didn't have any comments. Elmiger noted this is an agricultural field with trees that have been planted by a farmer and cleared numerous times. Attorney Sorini reported the conditions of tree removal are addressed under section 12.8 of the resolution. Attorney Sorini also summarized the findings and standards for PUD eligibility as outlined in the resolution including amendments recommended by the Planning Commission. **Allison moved approval of the Resolution of Findings and Recommendation of Approval of PUD Rezoning Petition and Area Plan and Approving Tree/Woodland Removal Permit Cornwell Farms dated November 10, 2016 with modifications as discussed. Gorman seconded the motion which was adopted unanimously.**

IX. ITEMS FOR DISCUSSION

A. Additional information required regarding the Medical Marijuana Grow Operation Ordinance due to the State House passing the Senate-passed version.

Elmiger provided the Planning Commission with a memorandum that described the Medical Marijuana Licensing Act. Elmiger explained the new law becomes effective in December 2016 and provides a licensing process for five commercial medical marijuana facilities including grower, processor, provisioning center, safety compliance facility, and secure transporter. Elmiger noted within a year, the state will set up a medical marijuana licensing Board, who will develop rules for administering the act and issue licenses for the five activities but the facilities will not be licensed until the end of 2017. Elmiger reported a community can prohibit the uses all together or permit all or a select few. Elmiger noted the Township can charge up to \$5000 per license per year. Elmiger also noted the Township has to adopt an ordinance in order to regulate the use. The Planning Commission discussed the pros and cons of the opt-in or opt-out provision of licensing commercial activities. **Gorman moved to recommend to the Township Board that the Township not allow the five commercial medical marijuana facilities. Allison seconded the motion. Kotila questioned the intention of the motion and indicated he couldn't support it without first having a substantive discussion on the matter. Gorman moved to amend her motion to recommend to the Township Board that the Township, at this time, not allow the five commercial medical marijuana facilities as outlined in P.A. 281 of 2016. Allison seconded the amended motion which was adopted unanimously.**

B. Uses in the RC, A-1 and A-R Rural Districts

Elmiger reported she added definitions of "passive" and "active" parks so the Zoning Ordinance can differentiate

between the types of parks allowed in more rural areas and the types of parks allowed in more suburban areas of the Township. Allison stated he is opposed to community active parks, regional active parks, and recreation facilities in the R-C and A-1 districts as it conflicts with the Township's farmland preservation initiatives. Allison recommended eliminating those uses all together except for community active parks under suburban and urban residential districts. **Allison moved to set a public hearing on January 9, 2017 for Amendments to Uses in Various Districts. Kotila seconded the motion which was adopted unanimously.**

X. INFORMATIONAL ITEMS

XI. PUBLIC COMMENT

Benjamin Joffe commented on the Medical Marijuana Facilities Licensing Act and provided a memorandum on the subject to Commissioners.

A resident expressed concern about property for sale across from Warren Court and what could potentially be developed there, and that she is unhappy with the Cornwell development because there are other aspects of the master plan that weren't taken into consideration.

XII. ADJOURNMENT - Gorman moved to adjourn the meeting at 9:10 p.m. Kotila seconded the motion which was adopted unanimously.