

**ANN ARBOR CHARTER TOWNSHIP
PLANNING COMMISSION MEETING MINUTES
Township Hall – 3792 Pontiac Trail
May 1, 2023 7:30 P.M.**

I. ROLL CALL

Chair Kotila called the meeting to order at 7:30 pm. Per the Open Meetings Act members of the public could participate in person or participate via the ZOOM webinar platform. Members of the Commission must be physically present to participate as Commissioners at the meeting.

Present: John Allison
Richard Bunch
Peter Kotila
Karen Mendelson
Linda Young

Absent: Lee Gorman
Randy Perry

Also Present: Township Attorneys Alexandra Dieck and Sinead Redmond, Township Planner Sally Elmiger, Township Engineer Eric Humesky, Building Official and Zoning Administrator Peter Pace, Office Manager/Building and Utility Assistant Debbie Mariani, Supervisor Diane O’Connell

II. CITIZEN PARTICIPATION - None.

III. APPROVAL OF MINUTES

- A. April 3, 2023 Draft Ann Arbor Charter Township Planning Commission Meeting Minutes**
- B. April 11, 2023 Draft Ann Arbor Charter Township Planning Commission Workshop**

MOTION by Young, support by Allison, to approve the April 3, 2023 regular meeting minutes as submitted.

Motion carried unanimously by voice vote.

MOTION by Allison, support by Mendelson, to approve the April 11, 2023 workshop meeting minutes as submitted.

Motion carried unanimously by voice vote.

IV. COMMUNICATIONS

April 17, 2023 Draft Ann Arbor Charter Township Board of Trustees Meeting Minutes

V. PUBLIC HEARINGS - None.

VI. NEW BUSINESS

- A. SP-07-15 All Seasons of Ann Arbor 4600 All Seasons Circle - Applicant is requesting a major/minor determination for an amendment to the original site plan for reconfiguration**

of the trash/recycling enclosure on 31.66 acres, Parcel ID I-09-36-100-016.

Jennifer Roth, Atwell, was present on behalf of this application for an amendment to the original site plan. Zach Weiss and Sam Beznos, Beztak, were also present.

Utilizing a PowerPoint presentation, Ms. Roth introduced the following proposed changes to the site plan that was approved in July 2022:

- Relocation of the transformer and generator to the loading dock area.
- Addition of walls to the two patios.
- Addition of a ramada roof to one of the patios.
- Expand the dumpster/recycling enclosure to accommodate the new phase four building. The enclosure would have a roof.

Referencing her April 17, 2023 review memorandum, Township Planner Elmiger provided the following information:

- There were more existing parking spaces than required. The reconfiguration of the trash/recycling enclosure would eliminate two parking spaces, but this would not decrease the number of parking spaces beyond what was required.
- The relevant site plans would have to be updated regardless of what phases the proposed changes were in.
- The proposed changes did not meet the criteria for a major change, and were therefore considered minor changes to the final site plan.

Township Attorney Redmond reviewed the draft resolution approving this application as a minor change to the final site plan.

In response to questions from the Commission, Ms. Roth gave the following further information:

- The wall around the patio on the southeast side of the most westerly building would be 3'6" tall.
- The relocation of the transformer and generator to the loading dock area was for aesthetic reasons; the previously approved location was right outside residential units.

MOTION by Allison, support by Mendelson, that the Planning Commission approve RESOLUTION APPROVING MINOR CHANGE TO FINAL SITE PLAN FOR ALL SEASONS OF ANN ARBOR, DATE: May 1, 2023.

Motion carried unanimously by voice vote.

B. SP-03-19 Beckwith (fka The Reserve at Northbrooke) - Applicant is requesting Final Site Plan approval for a PUD of 16 residential units with septic and private wells on 31 acres, 4445 Pontiac Trail, Parcel ID I-09-03-300-010.

Jennifer Thomas, Director of Development, Lombardo Homes, was present on behalf of this request for Final Site Plan approval for Beckwith (fka The Reserve at Northbrooke), 4445 Pontiac Trail. Amie Ackerman, Entitlements Manager, Lombardo Homes; and Matt Bush, Atwell, were also present.

Utilizing a PowerPoint presentation, Ms. Ackerman briefly reviewed the history of the project from March 2019 to the present. Beckwith was a 31-acre, 16-lot single family development, including out-lots A, B, and C (with engineered septic fields) adjacent to the Beckwith Condominiums.

Referencing her April 11, 2023 review memorandum, Township Planner Elmiger made the following recommendations for conditions for final site plan approval:

- Regarding Washtenaw County Health Department approval of the septic fields for the proposed out-lots: Township ordinance requires outside agency approval for septic fields for the proposed out-lots for final site plan approval, and final site plan approval was required before land division. However, the Washtenaw County Health Department would not approve any septic systems prior to land division. An April 20, 2023 memorandum from the Washtenaw County Health Department indicated that the out-lots were evaluated and met Washtenaw County requirements for onsite sewage disposal but would not be approved prior to land division.
- Sign lighting will be evaluated by the Building Official for compliance with the ordinance at the time that the fixture was installed.
- Language must be added to the master deed describing management of native seed planting areas.
- Resolution of items A through F in the April 11, 2023 review memorandum, regarding required information, natural resources, site access and circulation, essential facilities and services, landscaping, and signs.

Commission discussion:

- The applicant's March 22, 2023 narrative response to the Planner's review referred to up-lighting of the proposed monument sign, which was inconsistent with the dark skies compliance also claimed in the narrative. After discussion as to whether the sign needed to be lit at all, it was suggested that as lighting was allowed by ordinance, final site plan approval should be conditioned on compliance with the lighting ordinance, including downlighting the sign.

Ms. Ackerman said they would submit sign lighting proposals for approval. The intended purpose for lighting the sign was to help drivers including emergency vehicle drivers to easily locate the turn into the development.

Ms. Thomas added that residents in other Lombardo communities that did not have a lit sign later requested lighting their sign, in order to help find the development at night.

- In response to a question, Township Engineer Humesky noted that there was a 120' right-of-way along Pontiac Trail; this would accommodate a future sidewalk. However, past minutes should be reviewed regarding the Pontiac buffer and potential future sidewalk placement.

Mr. Bush said there was 120' right of way where a sidewalk could be constructed, with a 50' tree buffer outside of that.

Referencing his April 27, 2023 review memorandum, Township Engineer Humesky provided the following information:

- The applicant had addressed all significant engineering comments; the remaining outstanding items were minor and while they would need to be resolved, were not a cause for concern.
- The Washtenaw County Health Department had approved the soils for every lot including lots A, B, and C, but could not complete formal approval of lots A, B, and C until the lots were split.
- The Water Resources Commissioner had approved the project. Ann Arbor Township's practice for all single family homes was to establish a drainage district under the jurisdiction of Washtenaw County. Washtenaw County needed assurance that the overall parcel plus lots A, B, and C would remain under the same ownership until the drainage district was established. This requirement should be included in the resolution.
- The Washtenaw County Road Commission had approved the project. The project had a private road that would need Township Board approval. The applicant had submitted a private road application, and the road had been reviewed during the site plan review and met Township standards.

In response to questions, Township Engineer Humesky gave the following further information:

- The drainage easement was reviewed by staff and placed in the optimal location relative to the parcel to the south (Tilian), so as to minimize impact to any future use there.
- There was an extensive exploration for the drain tiles to the east of the site, but many of the tiles were not found. The tiles that could be addressed were, and the rest would be rerouted as found. Township Engineer Humesky was satisfied that the applicant had done all they could and the site plan addressed rerouting the tiles during construction.
- The Washtenaw County Water Resource Commissioner's office had been discussing whether to institute 500-year storm water management requirements. However, under current requirements, the detention basin design met the Washtenaw County Water Resources Commissioner's standard for 100 year storms. Recently constructed basins to that standard had performed well, and Township Engineer Humesky did not know of a single basin that reached the overflow spillway during the past ten years. The proposed detention basin had an added layer of protection because the basin was deeper than the outlet pipe, so water would be infiltrated before leaving the basin.
- The applicant had satisfactorily addressed grading issues.

Further discussion:

- In response to a question, Township Planner Elmiger said that the landscaping plan around the detention basin was appropriate.
- Building Official and Zoning Administrator Pace noted that previously there had been a discussion about a fence between this property and the Moerhle property, because there was a pond on the Moerhle property that could be a safety concern for kids in the area.

Ms. Thomas said the fence had not changed from the original proposal.

Township Attorney Dieck explained that the Board of Trustees had approved the amended area plans, and tonight the plans were returning to the Planning Commission for final site plan review as the final step for amending the area plan. After approval, the plan would be completed with an amended PUD agreement including a development agreement and an escrow agreement. The Commission could ask the Township attorneys to draft a resolution for approval that

included details of the agreement as discussed this evening and in previous meetings.

The Board of Trustees would have to approve the private road permit and also the offsite easement for stormwater discharge on Tilian Farms. Township Attorney Dieck recommended allowing the applicant to move forward with requests for approval for these items at the next Board of Trustees meeting, noting that Board approval would be subject to final site plan approval by the Planning Commission.

The Planning Commission had previously required that details regarding the fence, the perimeter preservation buffer, and restoration in relation to a walking trail along the detention pond must be captured in a resolution for approval, and in the legal documentation of the development. The HOA will be maintaining the road and the stormwater management system. The applicant had submitted a master deed for the 13 condominium units and a declaration of covenants, conditions, and restrictions for the three out-lots, proactively adding provisions relative to Township enforcement rights and fees for administrative reviews. However, there were some things left out regarding the preservation of the perimeter, and Township Attorney Dieck was working with the applicant's attorney to ensure that the required documentation complies with previous township resolutions.

In addition to a 433 Agreement, the Township typically required a stormwater easement and maintenance agreement so that the Township had rights to access the properties. The applicant's 433 agreement would be reviewed before the next Planning Commission meeting. A stormwater easement and maintenance agreement would probably still be required.

Township Attorney Dieck said that township attorneys were prepared to draft a resolution if the Commission was ready for them to do so.

In response to a question from Commissioner Young, Township Attorney Dieck said that the 20' preservation easement and signs, and the 35' conservation easement and signs for lots seven and eight would be included in the master deed.

Commissioner Young noted that tree barriers would be used during construction and recommended using tree guards to protect trees from deer.

Commissioner Allison referred to the July 11, 2022 Planning Commission meeting, where the applicant had affirmed that greenbelt access will be restricted to units 6, 7, 8, and 9 only. That commitment was why he had supported the motion in July 2022, and the commitment to restrict access to those 4 lots needed to be protected in the documentation being discussed this evening, including in the Master Plan Deed and the Declaration.

The Commission and Township Attorney Dieck discussed the best way to assure that this commitment was met. Township Attorney Dieck would work with the applicant's attorney, and the applicant would submit revised documents ahead of the next meeting including language that addressed the issue of greenbelt access restrictions.

Commissioner Allison reiterated the importance of keeping this commitment.

In response to further questions, Township Attorney Dieck said that:

- She would check the master deed to make sure the 13 conditions for the master deed listed in the January 23, 2023 Washtenaw County Health Department letter were included. The master deed would also be reviewed by the County.
- The PUD agreement and the development agreement had been drafted but not circulated to the applicant.

By consensus, Planning Commissioners supported the Township Attorney facilitating the petitioner's application at the next Board meeting for approval of a private road permit and also the offsite easement agreement for stormwater discharge on Tilian Farm, with any approvals being subject to final site plan review.

MOTION by Allison, support by Bunch, that the Planning Commission table Final Site Plan Approval for Beckwith to allow time for drafting a resolution and for modifications to be made in the master deed for the 13 condominium units and in the declaration of covenants, conditions, and restrictions for the three out-lots.

Motion carried unanimously by voice vote.

VII. OLD BUSINESS

None.

VIII. ITEMS FOR DISCUSSION

A. Home Occupations – Review draft ordinance

Township Planner Elmiger led the continuing discussion of proposed language for the draft ordinance relative to home occupations. Changes made to the draft ordinance based on the most recent Planning Commission discussion included:

- Text clarifications and style changes.
- The list of prohibited home occupations was eliminated and replaced with general descriptions of uses that would most likely be prohibited.
- A permit would only be required for a Category B home occupation.
- The permit duration would be limited to three years, at which time a renewal would be needed.

The Commission continued to wordsmith the home occupation ordinance. Discussion on substantive issues included:

- A child care center is a special land use, but not a home occupation.
- The definition of tourist homes was included in the definition section; "tourist home" is a term used several places in the zoning ordinance.
- The definition of telecommuting should be updated to clarify that telecommuting can also apply to a self-employed person.
- (b)(1)c.: Owner permission should be written owner permission.
- Move (c)(2) *Adherence to Ordinances & Permits* to the end of (c).
- Home occupation criteria should be stated as much as possible in the positive.

- Change d.i. to read: Category B: “In total, home occupations may occupy not more than 20% of the floor area of the dwelling unit.” This language would allow for the existence of more than one home occupation in the same dwelling unit.
- After discussion with Building Official and Zoning Administrator Pace, add back in the final previously deleted sentence in (5)b.: “Insofar as practicable, all modifications shall be designed and constructed to maintain the residential character of the dwelling and its compatibility with surrounding residential uses, as determined by the Building Official.”
- Strike taxidermy from the list of prohibited home occupations.
- Regarding (g)(1)(b), change the language as follows: . . . “a permit is not required and no further action is required.”

In response to questions, Zoning Administrator Pace said that:

- He agreed with the updated list of prohibited occupations.
- He recommended limiting permits to three years to ensure that home occupations do not change without appropriate permitting, and to make sure that staff was able to address violations administratively.

Further discussion included:

- A home occupation is tied to both the person and the property, with the home occupation being an accessory use in a residential dwelling. A home occupation does not run with the land.
- The permit application form would include space for a description of the requested home occupation. The application form should address all home occupation criteria.

B. Fences and Gates – Review draft ordinance

Postponed to the next regularly scheduled meeting in June.

IX. INFORMATIONAL ITEMS

None

X. PUBLIC COMMENT

None.

XI. ADJOURNMENT

MOTION by Mendelson, support by Allison, to adjourn the meeting at 9:39pm.

Motion carried unanimously by voice vote.

/cem