

**ANN ARBOR CHARTER TOWNSHIP
PLANNING COMMISSION MEETING MINUTES
Township Hall – 3792 Pontiac Trail
June 5, 2023 7:30 P.M.**

I. ROLL CALL

Chair Kotila called the meeting to order at 7:30 pm.

Present: John Allison
Richard Bunch
Lee Gorman
Peter Kotila
Karen Mendelson
Randy Perry
Linda Young

Absent: None

Also Present: Township Attorneys Alexandra Dieck and Sinéad Redmond, Township Planner Sally Elmiger, Township Engineer Eric Humesky, Planning Assistant Jennifer Morris, Supervisor Diane O’Connell

II. CITIZEN PARTICIPATION - None.

III. APPROVAL OF MINUTES

May 1, 2023 Draft Ann Arbor Charter Township Planning Commission Meeting Minutes

MOTION by Allison, support by Young, to approve the May 1, 2023 regular meeting minutes as submitted.

Motion carried unanimously by voice vote.

IV. COMMUNICATIONS

May 15, 2023 Draft Ann Arbor Charter Township Board of Trustees Meeting Minutes

Commissioner Allison reviewed the May 15, 2023 Board of Trustees meeting.

V. PUBLIC HEARINGS - None.

VI. NEW BUSINESS - None.

VII. OLD BUSINESS

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.

Greg Windingland, Special Project Manager, 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, was also present.

Consultant and attorney comments

- Township Planner Elmiger said that the applicant had provided all the information that she requested in her prior review. Suggested conditions had been incorporated in the draft resolution.
- Township Engineer Humesky said that the applicant had also addressed his prior review comments, with one minor discrepancy on the plan still to be corrected.
- Noting that this application had been before the Planning Commission at previous meetings, Township Attorney Dieck said that assuming final site plan approval, the applicant would be on the next Board of Trustees agenda.

Township Attorney Dieck reviewed the Resolution Approving Final Site Plan, Beckwith, highlighting the consistent set of restrictions and reservations between the site condominium and the three outlots. The condominium HOA will maintain the road and ensure common areas are maintained. The Master Deed documents will be finalized after the Planning Commission makes their final recommendations. The Master Deed will guide common elements including the road and the greenbelt easement space. Details of the conditions were set forth in this Resolution and the Resolution for Preliminary Site Plan and Area Plan approval. Approval of tonight's Resolution will be subject to Board of Trustees approval of the private road permit and the off-site easement agreement for the swale on the Tilian property. The applicant had provided all necessary documents.

- Chair Kotila reported that Building Official and Zoning Administrator Pace had indicated there was a request to require reflective numbers near the street or on the curb, in order to facilitate emergency response at night. Pace recommended that providing reflective numbers as well as compliance with the updated land development standards be conditions of approval.

Mr. Windingland said that the applicant would add reflective numbers, and would work with Building Official and Zoning Administrator Pace as to the best way to do this.

Township Attorney Dieck said that Condition 3 of the Resolution and the record in this evening's minutes will require the owner to comply with Building Official and Zoning Administrator Pace's comments.

MOTION by Perry, support by Gorman, to adopt the RESOLUTION APPROVING FINAL SITE PLAN, BECKWITH, dated June 5, 2023, amended as follows:

- Pg. 5, Condition 4, last sentence, change to read: . . . ~~does not enter~~ is not able to enter . . .

Motion passed unanimously by voice vote.

VIII. ITEMS FOR DISCUSSION

A. Home Occupations – Draft Ordinance - final review

Township Planner Elmiger noted that tonight's Home Occupations revised draft language mainly included style changes.

Discussion included:

- Category B home occupations allowed up to five vehicles on the property, including the occupant, two employees, and two customers. There was concern that this many parked vehicles at a residential home occupation would be excessive.
- Five parking spaces would not be practical at every home occupation site, especially in denser areas of the Township.
- A home occupation would be considered a nuisance if the occupation did not comply with provisions of the home occupation ordinance or other ordinances. However, if five vehicles are permitted by ordinance, it would be difficult to enforce against that number of vehicles under a nuisance enforcement.
- Sec. 74-9(a), par. 2, line 4, the sentence beginning "Similarly, the use of other dwellings..." referred to Category B occupations which were not permitted in every dwelling, such as apartments. After discussion, the suggestion was to change the first part of the sentence to read: "It is also the intent of this ordinance to permit the use of . . ."
- Change 74-9(g)(1)b to read: "If in reviewing an application, the Zoning Administrator determines that the proposed occupation meets the criteria for Category A . . ."
- Change 74-9(b)(1)d.i. to read: "The home occupation is conducted by the occupant of the dwelling unit and ~~only~~ employs onsite only other occupants of the dwelling unit."

Township Planner Elmiger said that the next step was to schedule a public hearing, after also reviewing the draft changes to Accessory Structures, which included which home occupations will be allowed in detached structures. Both ordinances could then be heard at the same public hearing.

MOTION by Kotila, support by Allison, to hear Agenda Item D next.

Motion passed unanimously by voice vote.

D. Accessory Structures

It was noted that the Planner's memo dated October 28, 2022 should have been dated May 23, 2023.

Township Planner Elmiger explained that the proposed draft ordinance modified the home occupation description to reflect the new home occupations ordinance. The Accessory Structures draft amendment permits the following:

1. Category A home occupations:
 - In all districts where any type of dwelling unit is permitted, and
 - May occupy the dwelling unit, an attached accessory structure, and a detached accessory structure.
2. Category B home occupations:
 - In any district that allows single-family and/or two-family dwellings, and

- May occupy the dwelling unit, and an attached accessory structure. A Category B home occupation may not occupy a detached accessory structure.

The draft amendment modifies the “home occupation” description in the various district tables to reflect the new home occupations ordinance.

Discussion:

- Change the ending of footnotes in Sec. 74-461, 74-462, and 74-463 to read: “. . .unit, if a permit is obtained per Sec. 74-9.”
- Commissioner Young reviewed the definition of “Total Area” in 74-426.c.(1). She suggested that both detached and attached accessory structures should be included in the area calculations (not just detached structures). Several Commissioners pointed out that this question had been discussed in prior meetings, and they were unwilling to revisit the topic this evening. On the other hand, if in the future there was a need to re-open discussion based on on-the-ground experience, they were willing to do that.

After further discussion, the following motion was offered:

MOTION by Gorman, support by Mendelson, to schedule a public hearing at the July 6, 2023 Planning Commission meeting for the Home Occupations Draft Ordinance and the Accessory Structures Ordinance draft changes.

Motion passed unanimously by voice vote.

C. Master Plan

Township Planner Elmiger explained that the last time the Planning Commission reviewed the Master Plan was in 2020-2021, when the Commission was meeting virtually due to the pandemic. An updated Master Plan draft was created in March 2021 that included updated background studies, additional climate change information, and new census information. However, the update process was postponed due to not being able to meet in person to gather public input during the pandemic. Public input was never received, and the updated draft was not distributed by the Board.

The Planning Commission was required to review the Master Plan every five years but was not required to make any changes. The Commission could now start the process over, if they so desired.

Commission Discussion:

- Commissioner Gorman supported a more extensive review of the Master Plan than the 2020 review, but proposed waiting at least until 2024, as another review was not necessary until 2025.
- Commissioner Allison was satisfied with the existing Master Plan. However, based on previous discussions, Allison thought a substantive discussion relative to potential locations for higher density zoning would be appropriate, especially as that related to climate change and also housing diversity.

- The Commission discussed creating an outline and timing plan for Master Plan review and update, in order to finish the process in 2025. The process could include a public charette, for example.
- Other suggestions included updating climate resilience language throughout the Master Plan. Noting that the Climate Resilience Committee was developing a climate action plan with the help of the Township's climate consultants, Planner Elmiger said she could create an outline for updating the Master Plan specific to climate change policies being adopted by the Township.
- The Master Plan update can start at any time. It is better to wrestle with certain planning issues on the Commission's time frame, rather than in reaction to a developer's proposal.
- Township Planner Elmiger said that she could create a specific schedule relative to required processes for a Master Plan update. The schedule would contain tasks that were necessary to create an updated document in a reasonable amount of time, insert public input processes, and incorporate statutorily required steps that were required to update the Master Plan.
- Township Planner Elmiger will send Commissioners the modified document from the 2020-2021 update that was not distributed by the Board.
- Chair Kotila suggested that all Commissioners read the current Master Plan.
- Commissioner Perry raised a concern that the statutory process for updating the Master Plan in 2020 was not completed because the Board did not approve the Master Plan revision or send a statement of objections back to the Planning Commission for consideration.
- Township Planner Elmiger pointed out that the Board did not reject the Master Plan revision because of the plan's content, but because the content was not complete, for reasons already stated in tonight's meeting.

B. Fences and Gates - Draft Ordinance

Township Planner Elmiger explained that a concern was raised by the Building Official and the Fire Chief that the current ordinance did not have a provision regarding gates – locked or otherwise – crossing residential driveways; such gates could prevent emergency vehicle access. Township Planner Elmiger had worked on a draft ordinance (dated January 30, 2023) with the Building Official and Fire Chief that required space for an emergency vehicle to park in the driveway, and that required a way to access the property through the gate.

The draft ordinance applied to single family homes only; it did not apply to gated communities or private roads.

MOTION by Gorman, support by Bunch to schedule a public hearing at the July 6 2023 Planning Commission meeting to discuss the proposed Fence Ordinance amendment.

Discussion:

- The Fire Chief should be invited to the July 6 meeting.
- A homeowners association bylaws and deed restrictions can be more restrictive than the zoning ordinance, but not less restrictive. The Township does not enforce HOA restrictions.

Motion carried unanimously by voice vote.

IX. INFORMATIONAL ITEMS

None

X. PUBLIC COMMENT

Referring to the March 15, 2021 Board of Trustees meeting minutes regarding the proposed distribution of the revised Master Plan, Supervisor O’Connell noted that the minutes did not include a re-direct back to the Planning Commission addressing Board concerns or giving a timetable for further revisions. Instead the Board expressed a concern with distributing a partial Master Plan revision, while acknowledging there might not be another Master Plan update for another two or three years, mainly due to the inability to meet face to face for public input during the pandemic. The Board had congratulated the Planning Commission for their work, especially on the climate change section.

XI. ADJOURNMENT

MOTION by Young, support by Gorman, to adjourn the meeting at 9:13pm.

Motion passed unanimously by voice vote.

/cem