



**Meeting Minutes**  
**Lodi Township Planning Commission**  
**April 27, 2010**  
**Lodi Township Hall**  
**3755 Pleasant Lake Road**  
**Ann Arbor, MI 48103**

- 1) Call to Order  
Meeting was called to order by Chair Jack Steeb at 7:36 p.m. The Pledge of Allegiance was recited.
  
- 2) Roll Call of the Commission  
Present: Canham, Diuble, Steeb, Swenson, Veenstra  
Absent: D'Agostino, Thelen  
Others Present: Planning Consultant Pennington  
                  E. Tencer (SBA Attorney)  
                  Jay Fash  
                  Glen R. Jedele  
                  Carol A. Eberle  
                  Recording Secretary Knepper

In the absence of Secretary Thelen, the Chair appointed Canham to be the Secretary for the meeting.

- 3) Approval of March 23, 2010 Minutes  
Canham noted a correction on page 3, section (b) of the March minutes. "Planning Commission Code of Conduct was adopted" should read "Planning Commission Bylaws were adopted". Motion by Canham to approve minutes as corrected, supported by Veenstra. Motion carried 5-0.
  
- 4) Old Business
  - a) SBA Tower – Waters Road (Wheeler Property) Final Site Plan. SBA provided a final site plan with attached documents to Planning Commission members and to Mr. Pennington prior to the April 27, 2010 meeting. Mr. Pennington supplied a written Site Plan Report based on his review of these documents. He discussed some of the procedural matters that will need to be tracked. He indicated there should be a legal document provided which would include the time period in which the Daniel and Jane Riddle property would be purchased and become a part of the current Carolyn Wheeler parcel. The revised site plan drawings still show it as two separate parcels. In addition, deed restrictions need to be recorded legally restricting building construction within the fall zone of the proposed tower. Further, regarding landscaping revisions within the revised site plan, Mr. Pennington suggested the number of arborvitae around the periphery of the fenced area not be reduced, but instead remain at 70 to appropriately screen the proposed tower. Finally, the current special use permit for the equestrian facility will be need to be amended since the SBA communication tower special use permit impacts the equestrian facility's special use permit.

Discussion followed regarding the need a legal description of the area for which the special use is being requested. Attorney Tencer indicated that her clients need final approval before they can move forward with purchase of the Riddle property, before surveying costs are incurred, allowing the property to be deeded as one parcel. On the other hand, final approval by the Planning Commission is contingent on the Riddle property being purchased by Carolyn Wheeler and a legal description which merges the property provided. The Riddles have thus far not signed the application. Attorney Tencer said her clients need to be assured that the permit is approved. They will then have the financial income to purchase the property. She said the Township has the final say that a building permit can be issued and it can delay issuance of the building permit until purchase of the property and legal descriptions are provided. She suggested that if everything that now at this meeting is said to be conditional has not been completed, the Township simply would not sign off on the building permit. The Planning Commission on the other hand is not concerned with who pays for the survey costs.

They need the area defined for which the special use is being granted. Attorney Tencer said the special use is being granted for the entire parcel including the Riddle parcel. The special use has already been approved. This is just site plan approval. The special use permit has already been approved both by the Planning Commission and the Township Board. Mr. Veenstra said it is true that the special use was based on the preliminary site plan where the properties weren't combined but final site plan is for every last detail to be nailed down and this is a last detail that is not nailed down.

Discussion followed regarding whether the township ordinance allowed for conditional approval. Mr. Steeb indicated the Township Board does not want conditional approval. They want everything done before approval is given on it. They want a final approval so the Planning Commission needs these things lined up before final approval is given. The Planning Commission can't give conditional approval based upon withholding a building permit until conditions are met. The Township Board wants everything done before the matter is passed to them. They've made it very clear what they want. Attorney Tencer indicated the drawings she provided do have a legal description with the properties combined, including the Riddle property. It's not recordable, but it is a legal description showing the property defined.

Another matter discussed was discrepancy with regard to parcel 14. There is no parcel 14. There are parcels 13, 15 and 16. Ms. Tencer indicated she received her information from the township office. This is a matter that will need to be clarified.

With regard to the Riddle property (parcel 13), nothing has been shown where they agree to their land being approved as a special use area. Ms. Tencer indicated the Planning Commission has seen a copy of the option to purchase submitted to the township. Mr. Veenstra indicated he has not seen their signature on the application. He said the option to purchase is not part of the application. It is part of the application, but it's not where they as owners are agreeing to this special use. It is necessary for the owner to sign. This was discussed at a previous meeting--whether or not the owners of that parcel had agreed to this special use--what happens if the Wheelers don't purchase it. Ms. Tencer said then we won't get a building permit and it won't be built. Because the township won't sign off on the building permit unless that's done. The reason this didn't come up early in the process was that initially that property was not part of the request for special use. It was only needed because it needed to be part of the fall area.

The conflict remains, however, that without completion of the purchase agreement and blending the properties into one main parcel as requested by the Planning Commission, and the unwillingness of Carolyn Wheeler to proceed until approval is granted for financial reasons, it's a "catch 22". Ms. Tencer indicated the Riddles are in favor of selling the property.

As a separate matter, Mr. Swenson raised the question, regarding the FCC shot clock regulation, is it Ms. Tencer's contention that this regulation applies to a broadcast tower or is it just to include cellular and broadband meant to encourage spread of internet? Ms. Tencer believes FCC did not limit talks about broadband. She feels that broadcast would be included.

Mr. Steeb asked whether anyone had suggestions about what to do with the "catch 22". There were three items needing attention.

Ms. Canham pointed out that this matter has gone on so long, been dragged out. "They've done pretty much everything we've asked them" she said. "I think there ought to be some way we can get this in writing so that these things can be resolved and then move forward rather than just keep stalling it month after month."

Mr. Veenstra pointed out that it has been made clear what the Planning Commission's requirements are. All the Riddles have to do is come in and sign the application for special use. Ms. Tencer said the application is not on their parcel, that it is simply part of the fall zone. Mr. Veenstra indicated it is part of the special area since it is needed for the fall zone.

Diuble said “Riddles have to agree Wheeler can purchase the ground so they’re out of it then, correct?”

Tencer. Right. The Riddles have nothing to do with it once it becomes a special use.

Steeb: Let’s worry about combination of the parcel and the deed requirement on the western parcel and the special use.

Tencer: I have a copy of the deed restriction. I’ve written it up already but we can’t record that until we know we’re going forward. If we record a restriction and we can’t move forward then we have a restriction on the property and no tower so that’s not right.

Mr. Pennington indicated that there has been no timeline. His concern is that it’s only been stated that parcel will be purchased. Ms. Tencer discussed the uncertainty related to a timeline—in addition to the land purchase issue, how long does it take in Washtenaw County for a building permit to be processed, what if it is a holiday weekend, etc. The radio station needs the tower as soon as possible so as soon as approvals are in, the project will most certainly move forward efficiently. She said “One way or another, we’re going to build a tower somewhere, somehow, because the radio station needs it. Once we get approval we want to build a tower. It’s not a matter well they may build a tower, they may not build a tower. They wanted it last year if not two months ago. If I would have told you what the schedule was, I would have been wrong because I would have assumed we’d already be building it.

Veenstra: So you’re saying that two weeks after Township Board approval takes place you can have all these things done?

Tencer: I can’t give specific date--2-4 weeks time for the process.

Swenson indicated that the AATA antenna has been removed from the Wagner Road tower. Is there assurance the Wagner Road tower will be taken down? Ms. Tencer indicated the old tower can’t be taken down until the new one is built. The radio station needs to be on air. Ms. Tencer further stated that SBA intends to take down the Wagner Road tower once AATA is off it and the radio station has moved to the new tower.

Moved by Steeb, supported by Canham, to approve the Final Site Plan provided the following three conditions are met before zoning compliance and the building permit are issued.

- 1) Parcels -013 and -014 be combined and the Township receive the legal description for the combined property, including the Riddle parcel.
- 2) Deed restriction for western parcel -015 be recorded and the Township receives a copy. The deed restriction language is to be reviewed by the Township Attorney prior to recording.
- 3) Amended equestrian center special use permit request showing the radio tower be submitted by Cedar Ridge or Carolyn Wheeler (whichever name is on the current special use permit) to the Township within 30 days of Final Site Plan approval by the Township Board.
- 4) A Zoning Compliance permit and a building permit for the tower will not be issued until these three items are present and correct.

Carol Eberle raised a question as to whether the special use permit is for the whole equestrian center or just where the tower will be. Mr. Veenstra indicated that because property has changed so much it’s for the whole Cedar Ridge. This gives the opportunity to change the boundaries to include Riddle property according to what’s going on, including the tower property. This does not include the house because it’s a separate owner--unless that owner wants to be included. Ms. Eberle questioned whether the owner would be notified if such was the case? Mr. Veenstra assured her they would have to sign the application.

Mr. Fash questioned, upon reading last month's minutes, were there two special use permits. Mr. Veenstra indicated that the property currently has special use permit for the Cedar Ridge Equestrian Center. That includes parcels 15 and 16, formerly parcel 14. There has been a special use requested for this radio antenna. The question was is the special use for the radio antenna a modification of the previous special use or a separate special use. We decided they were two separate special uses because they are so different.

Fash: "So the one for the tower is already done. The one for Cedar Ridge needs to be redone because of the changes."

Veenstra: "Right."

Steeb: "Actually just for your information, the number of horses that could be kept at the equestrian center is dependent on the total acreage and when SBA takes out the acreage that they are leasing, it will reduce the number of horses they can have. Flip side, when they put the Riddle property back in, that will add another horse or three to the number that they can keep. So this lets the township keep the balance of what they can legally keep. If they get over 30 acres total then the number becomes unlimited but less than 30 acres is limited to one per acre so if they have 28 acres they can keep 28 horses. If they have 30 acres they can keep 35 horses. But that's why we need to have their special use updated with this property added and deleted so we know what the total acreage is so that the fact that there is to be an SBA antenna in the acreage is included. We know that but we need it on paper. Any further discussion?"

Ms. Eberle asked what the reason was for the Riddle property being added and discussion followed. Mr. Steeb discussed further the second condition, that the deed restriction has to be recorded. He said that on the western property there's a portion varying from almost 0' to 150' that is within the fall circle on the eastern portion and that needs to be recorded that it's on the fall circle on the very eastern edge of that 6.7 acre parcel. In that area part of that is covered by the set-back area, part of it is where their septic field will be located but we want to make absolutely clear nothing can be built within that fall circle so that's what the deed restriction is for, to notify whoever purchases that property that they cannot build in that portion of the land, they can own it, they can use it for the septic field, but they cannot build a shed back there or any thing like that. This is the parcel off of Zeeb Road.

Veenstra: "I'll read what we said back in the January meeting, the conditions that we set down at that time. Parcel M-13-10-200-013, the Riddle property, must be combined with Parcel M-13-10-200-014 before zoning compliance and a building permit for the tower are issued."

"Parcel M-13-10-200-015 (which is the one to the west) must have a deed restriction recorded prohibiting any structure within 365 feet of the tower before zoning compliance and a building permit for the tower are issued."

"Section 55.12.C.14 of the Lodi Township Zoning Ordinance requires that the Township shall condition approval of any new tower subject to the removal of said tower, including all structural components of the tower above and below ground, within twelve months of cessation of operation."

Discussion followed regarding whether the 4<sup>th</sup> condition, which was the abandonment plan, should also be included, but it was decided this was not necessary because the Final Site Plan includes the abandonment procedure.

With no further discussion, vote called for and motion carried 5-0.

b) Distribution of the Bylaws.

All members received a copy from the Township Office.

c) Sign and Turn in the Code of Conduct.

Planning Commission members signed the Code of Conduct forms and turned them in to Peg Canham, who indicated she would prepare a book with the Bylaws and signed Codes of Conduct forms to be kept in the Township Office.

d) Revisions to the Zoning Ordinance.

Mr. Pennington indicated he had added the revisions to Article 20 which were suggested at the March 23 meeting. He has proceeded with working on Article 30 and provided in draft format a dimensional standards table for review by the Planning Commission. It includes dimensional standards with dimensions, heights, etc. depicted, as well as uses --sewers, how yards are measured, landscaping, dividing lots, commercial use standards, residential or commercial landscaping standards, buffer zone requirements for specific areas, barrier free issues, etc. He has set aside Lodi Central area to be looked at next meeting. Mr. Veenstra had questions regarding increasing maximum building heights from 25 to 40', minimum and maximum lot depth and width, recreational equipment definitions, wall/solid fence height limits, which Mr. Pennington will address. It is agreed that the new chart format makes it simpler to use specific information in the zoning ordinance.

Mr. Veenstra asked Mr. Pennington whether he had a projection as to when the zoning ordinance update would be complete. Indications are that completion should be possible this year.

Mr. Pennington indicated that at the next meeting his associate will attend since he will be on vacation. Canham and Veenstra indicated they will also be absent.

5) New Business.

Peg Canham indicated funding to restore historic town hall has been raised. Work is to start June 1. She questioned whether there needs to be historical building rezoning from the current agricultural? An attempt is being made to purchase property for a parking lot from the Finkbeiners since the building may be used by school children and others when the remodeling is complete. Rezoning will be discussed at a later date when work has progressed.

No other new business.

6) Other Business

- a) Discussion about changing the date of the May meeting followed but a decision will be made after determining whether a quorum can be met, since Canham and Veenstra as well as Mr. Pennington will be absent.

7) Adjournment. Steeb moved to adjourn, seconded by Canham. Motion carried. Meeting adjourned at 9:50 pm.

Next meeting is at 7:30 on May 25, 2010.

Margaret Canham  
Appointed Secretary