



Lodi Township Planning Commission Meeting Minutes
November 24, 2009
Lodi Township Hall
3755 Pleasant Lake Road
Ann Arbor, MI 48103

1. Call to Order

Meeting was called to order by Chairman Steeb at 7:31 pm. The Pledge of Allegiance was held.

2. Roll Call of the Commission

Commissioners present: Canham, Diuble, Steeb, Swenson, Thelen, Veenstra.

Commissioners absent: .O'Connor

Others present: Attorney O'Jack, Planning Consultant Pennington, four members of the public.

3. Approval of Minutes

Motion by Diuble, supported by Thelen, to approve the minutes for the October 27, 2009, regular meeting. Motion approved 6-0.

4. Public Hearing -- SBA Radio Tower Special Use Permit Request, Waters Road at Zeeb Road -- Parcel M-13-10-200-014 (2009-019)

Hearing opened at 7:35 pm.

Ellen Tencer, attorney for petitioner, presented three copies of the NEPA Environmental Impact Report at the meeting. She summarized the report as stating that there is no impact. She stated that she has responded to all concerns expressed by Planning Consultant and Engineering Consultant.

Commissioner Steeb: The Engineering Consultant did not receive latest plans in sufficient time to review and prepare a report.

John Owdziej representing Carolyn Wheeler: Mr. Pennington's report raised the concern that the planned location for the communication tower does not provide for an 800 foot setback distance to all property lines. Carolyn Wheeler has an option to purchase the Riddle property to the east; this purchase will close when the SBA transaction closes. The property to west owned by Carolyn Wheeler was split for lien for financing purposes. There is no intent to sell the properties.

Commissioner Steeb: How do we know that separate parcels will not be sold?

Commissioner Diuble: Would a deed restriction work?

Commissioner Veenstra: Our attorney would need to review and approve any proposed deed restriction.

Mr. Pennington: The problem is with setbacks. Ideally, the parcels would be combined. If separate parcels continue to exist, an immediate non-conformance would be created.

Ms. Tencer: The parcel to the east will be combined after the purchase; the problem is only with the parcel to the west. The owner will look into moving property line to allow 800 foot setback.

Planning Consultant Pennington presented his preliminary report

- There is site name confusion. The title on the drawing is Wagner Road, but the actual location is on Waters Road.
- Requested a letter detailing all material that has been submitted including submittal dates.

- A new plan will be needed if property lines are adjusted.
- Recommend that the Planning Commission review the submittal and send to the Zoning Board of Appeals with our comments for any variances that would be needed.

Commissioner Swenson:

- What would fuel the emergency generator?
 - Emergency generator would be diesel-powered (100 gallon tank)
- What is state of compliance with current special use permit?
 - John Owdziej: Pigweed has been planted on the berms to stabilize them.
 - Commissioner Veenstra suggested that we have the Zoning Compliance Officer review the site for compliance with the terms of the existing Special Use Permit.

Moved by Thelen, supported by Canham, to close the Public Hearing. Passed 6-0. Public Hearing closed at 8:10 pm.

Ms. Tencer requested that this item be put on the December 22 agenda. She committed that new drawings will be submitted in 7-10 days.

Moved by Veenstra, seconded by Swenson, to schedule a special Planning Commission meeting at 7:30 pm on December 22, 2009, at the request of SBA. Passed 6-0.

Moved by Veenstra, seconded by Swenson, to table this item for the revised site plan until the special December meeting and to send the request for variance for the tower height limit to the Zoning Board of Appeals. Passed 6-0.

Break at 8:30 pm.
Resume at 8:32 pm.

5. SBA Radio Tower Special Use Permit -- Wagner Road -- Parcels M13-02-400-026 & -027 (#2009-003)

Upon submittal by SBA for a special use permit for a 350 foot communication tower and support apparatus on parcels M13-02-400-026 and M13-02-400-027, the Planning Commission has reviewed the particular circumstances and facts of the petitioner's proposal.

In reviewing the petition, the Planning Commission held the required Public Hearing on April 28, 2009, and received all comments regarding the subject project. Based upon review of the special use permit submittal, the Planning Commission determined that information depicted within the submittal was not in compliance with Sections 11.04E and 55.12 of the Zoning Ordinance. Therefore, the Planning Commission tabled action on the submittal until May 26, 2009 to allow the petitioner time to submit supplemental information as required by the Zoning Ordinance. At the May 26, 2009 meeting, the Planning Commission reviewed the amended submittal and continued to find non-compliance to requirements within the Zoning Ordinance. On October 2, 2009 Lodi Township again received revised information from the petitioner with a request for the Planning Commission to continue review of the project. The Planning Commission reviewed this supplementary information on October 27, 2009 and found that the submittal continued to be in non-compliance to Sections 11.04 and 55.12 of the Zoning Ordinance. The Planning Commission advised the petitioner that if the project was to proceed with non-compliance to Sections 11.04E and 55.12 of the Zoning Ordinance, it would have to be submitted to the Zoning Board of Appeals for consideration of variances on these issues. The applicant responded that there was no intent to submit the project to the Zoning Board of Appeals for needed variances and that the Planning Commission should take action on the current submittal with a recommendation to the Township Board. Therefore, based upon the Planning Commission's review of the submitted special use permit request, the Planning Commission finds the following:

Findings of fact:

- 1) The proposed 350 foot communication tower and support guys, located on land within the AG - Agricultural Zoning District, would not be in accordance with the objectives, intent or purposes of

Section 11.04 E of the Zoning Ordinance regarding conformance to Yard and Setback regulations in that the distance from the proposed anchor location on the southern side to the southern boundary of the parcel is less than the side yard setback requirement of 30 feet.

- 2) The requested special use would not be in conformance with Section 55.12 of the Zoning Ordinance in that:
 - a) The proposed 350 foot communication tower would exceed the allowed 180 foot height of a communication tower.
 - b) Location of the 350 foot communication tower would not maintain a minimum setback from all property lines equal to the height of the proposed tower.
 - c) No request for variance for the 350 foot tower height has been submitted to ZBA.
- 3) Construction of the proposed 350 foot communication tower at the intended location would not be harmonious or appropriate when considering its close proximity to an existing mobile home park east of the proposed communication tower and to other residential properties directly east, south, and west of the subject site.
- 4) The owner of the property has not signed the application for Special Use permit.
- 5) The proposed location of the 350 foot communication tower is currently zoned AG – Agricultural, but the intended use as outlined in the Lodi Township General Development Plan is Suburban Residential.
- 6) The requested special use permit would not be harmonious with or in accordance with the general objectives, intent, and purposes of the Lodi Township Zoning Ordinance nor would it be designed or constructed to be appropriate in appearance with the existing or intended character of the general vicinity.

Moved by Swenson, supported by Diuble, to adopt the Findings of Fact and recommend to the Township Board disapproval of the SBA application for a Special Use Permit for a 350 foot communication tower and support apparatus on parcels M13-02-400-026 and M13-02-400-027. Passed 6-0.

6. Master Plan Final Draft

Some minor changes need to be made to some of the maps and a few typographical errors need to be corrected. Mr. Pennington noted the changes and will make them before the final document is published.

Commissioner Diuble expressed a concern about the plans for Lodi Central: What happens if a developer wants to do something different? Commissioner Steeb stated that the Master Plan lays out plans for the Township based on the desires of the community. If a developer wishes to do something that is not in accordance with the Plan, the Planning Commission basically has two choices: If the developer convinces the Planning Commission that his plan is better than what is in the Master Plan, the Master Plan can be amended, which would take six months or so. Otherwise, the Planning Commission should request that the developer submit a proposal in accordance with the Master Plan. The Township does not need, and should not allow, a development such as a big box store that is out of character with the Township and the desires of its residents.

The following preamble and resolution were offered by Member Thelen and supported by Member Diuble:

WHEREAS, Lodi Township initiated a process to prepare a comprehensive new Master Plan for the future development of the Township in accordance with the Michigan Planning Enabling Act (MPEA) [Public Act 33 of 2008 as amended] and the former Township Planning Act (TPA) [Public Act 168 of 1959 as amended]; and

WHEREAS, this Lodi Township Master Plan is intended to be the plan as provided for in the MPEA, and incorporated within this Plan is the zoning plan referred to in the Michigan Zoning Enabling Act as the basis for the Township's Zoning Ordinance; and

WHEREAS, the purposes of the new Master Plan are to promote public health, safety and general welfare; to encourage the use of resources in accordance with their character and adaptability; to preserve the rural and agricultural character of the Township; to provide for planned and orderly land use and development; to avoid the overcrowding of land by buildings or people; to limit congestion on public roads and streets; to ensure that land uses will be situated in appropriate locations and relationships; and to meet the needs of residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; and

WHEREAS, the Lodi Township Planning Commission submitted copies of the proposed Master Plan for review and comment to Washtenaw County, all local units of government contiguous to the Township, and other entities as required by Section 7a of the TPA; and

WHEREAS, the Planning Commission solicited public comment throughout the plan preparation process and, notices having been duly posted and published in accordance with the TPA, conducted a public hearing on to receive public comments on the proposed Master Plan; and

WHEREAS, the Planning Commission conducted additional public meetings to consider the input received from Township residents, property owners, Washtenaw County, and others, and to identify any appropriate corrections or changes to the Plan.

NOW, THEREFORE, BE IT RESOLVED that the Lodi Township Planning Commission adopts in the whole this Lodi Township Master Plan.

BE IT FURTHER RESOLVED that the Lodi Township Planning Commission hereby refers this Master Plan to the Township Board for consideration and final approval in accordance with Section 43(3) of the MPEA and the adopted Township Board resolution asserting the right to approve or reject the Plan.

Roll Call Vote:

Ayes: Diuble, Steeb, Swenson, Thelen, Veenstra

Nays: None

Absent: O'Connor

Abstain: Canham

RESOLUTION DECLARED ADOPTED.

7. Other Business

None

8. Adjournment

Meeting adjourned at 9:11 pm.

Next meeting (special meeting) is at 7:30 pm Tuesday December 22, 2009.

Next regular meeting is at 7:30 pm Tuesday January 26, 2010.

Respectfully submitted,



Douglas Veenstra

Vice Chairman, acting Secretary