

**ANN ARBOR CHARTER TOWNSHIP
PLANNING COMMISSION MEETING MINUTES
MONDAY, APRIL 6, 2009**

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, Richard Mitchell and James Snyder.

Absent: Kris Olsson

Also present: Township Attorney Sandra Sorini Elser, Township Planner Zak Branigan, Township Engineers Damien Wetzal and Dave Samuelson.

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

III. APPROVAL OF MINUTES

Corrections to 3/2/09 minutes: Under item VII. A. in the seventh line strike “for the SBA cell tower.” **Gorman moved approval of the March 2, 2009 meeting minutes. Allison seconded the motion which was adopted unanimously. Kotila moved approval of the March 9, 2009 workshop meeting minutes. Allison seconded the motion which was adopted unanimously.**

IV. COMMUNICATIONS

Allison reported on the Board of Trustees meeting held on March 16, 2009, and the Farmland and Open Space Preservation Board meeting held on March 23, 2009. The Board minutes were included in the Commissioner’s packets.

V. PUBLIC HEARINGS

A. SBA request to rezone parcel I-09-17-425-020 from R2 to RC

1. Presentation

Ellen Tenser presented SBA communications’ request for rezoning. Tenser explained that SBA manages state property for the state. Tenser said the state is looking to locate cellular towers on state property for the purpose of improving communication systems throughout the state, provide a complete network to bring more business into the state, and to generate revenue for the state. Tenser said they are asking to rezone the property from residential to recreation because the Township does not allow cell towers in residentially zoned areas. Tenser indicated a small portion of the property will be used for the construction of the cell tower while the rest of the property will remain the same and will continue to be used for recreational use. Tenser said there has been a change in conditions since the Township’s original ordinance was adopted. The telecom act of 1996 requires communities to allow cellular towers to provide service. Also there has been a change in people’s habits in that people now use cell phones all the time. Tenser said the change in zoning for an expressway exit ramp will not set a precedent and the master plan is irrelevant since housing is not conducive to the area. Tenser added recreational property is always an asset to a community and no change will take place if a cell tower is placed in the area. Tenser also provided statistics on cell phone usage.

2. Consultant Comment

Branigan commented this is a complex issue as to land use for this area and it is a substantial piece of property; 5 acres in size and adjacent to the Village of Barton Hills and McMahon Springs Historic District. Branigan said the property was taken by eminent domain by the state in the 1950s. Branigan agreed wireless communication has changed and evolved over time but the purpose of the ordinance is to make sure cell towers are allowed in the right districts. Branigan said many other conditional uses permitted in the RC district may result in a request for uses that could depend on a greater degree of services than would be required for conventional residential development. Branigan explained there are natural features on the site but there has been no detailed site analysis. Branigan recommended that the Planning Commission deny the rezoning request due to the fact that it is inconsistent with the Master Plan future land use designation which specifically supports the existing zoning classification.

3. Public Comment

O'Connell opened the public hearing at 8:00 p.m.

Gene Ragland, 2450 Whitmore Lake Rd, commented this has been a controversial piece of property for over half a century. Ragland provided some history on the property and that there have been many claims for various uses. Ragland said the Ann Arbor Parks and Recreation Department requested it be used for recreational purposes but there has never been any closure on the use of the property due to the eminent domain action by the state. Ragland said the property at one time was sold to the City of Ann Arbor for a connector road with a 10 year reverter clause. Ragland said he's not sure who holds title to the property and the Planning Commission should determine ownership before it proceeds any further. Ragland also indicated there are significant wetlands on the site, and questioned what the effects of construction of a cell tower will have on the wetlands.

Linda Etter, 2426 Whitmore Lake Rd, identified herself as the owner of the McMahon Springs historic home. Etter objected to the placement of a cell tower for reasons that it will compromise the setting of the historic district.

Bruce Benz objected to rezoning to a use that would allow a cell tower. Benz said he has a panoramic view of the Village of Barton Hills and the Township doesn't need an additional tower or more industrial type fixtures in a residential area.

Adele LaPorte, 959 Forrest Rd, indicated she is the President of the Village of Barton Hills and although the board has not formally discussed the matter the sentiment is they oppose the rezoning. LaPorte said there are already four providers on the water tower and interested carriers should seek co-location. LaPorte added a cell tower would be a substantial negative impact on many residents in Barton Hills because of its clear and natural environment.

Jim Lee, 1510 Normandy Rd, said he belongs to a mountain biking association and the land is used frequently for recreation and is maintained for many users.

O'Connell closed the public hearing at 8:20 p.m. O'Connell noted a letter received from Melissa Milton-Pung, Washtenaw County Principal Preservation Planner, which states a Section 106

Review under the National Historic Preservation Act of 1966 is required to assess potential negative impacts of the undertaking on adjacent historic resources.

4. Planning Commission Discussion/Action

Snyder moved to table the matter to Wednesday, May 6, 2009, in order to determine ownership of the property and to provide direction to the Township attorney regarding Planning Commission findings.

Kotila moved to amend the agenda to advance item VIII. A. Gorman seconded the motion which was adopted unanimously.

VIII. ITEMS FOR DISCUSSION

A. Discussion by DTE on Wind Energy

Paul Ganz, DTE Regional Manager, presented DTE's plan and current studies for wind energy. Matthew Wagner from DTE was also present to answer questions.

VI. OLD BUSINESS

A. SP-212-00 KLB Earhart

Robert Carson on behalf of KLB Earhart indicated their experts and Township consultants have worked closely together over the last few months to resolve issues pertaining to storm water management and traffic impacts regarding the unbanking of 144 parking spaces.

Wetzel referenced his report dated April 2, 2009. Wetzel said the site plan is over the 20% Rule for imperviousness therefore additional storm water needs to be retained on site. Wetzel said the applicant can meet this requirement with minor revisions to the water control structure outlet by raising the holes within the outlet by a foot. Wetzel added the applicant would need to show these revisions on the amended final site plan. Wetzel noted a safety shelf around the water control outlet structure could also be incorporated into the amended final site plan. Wetzel said the storm water calculations are satisfactory and the proposed improvements can comply with the Township's 20% impervious rule without increased flooding downstream.

Samuelson referenced his report dated March 2, 2009. Samuelson indicated most of the efforts over the last few months have been to resolve issues and clarify safety and traffic flow issues. Samuelson said there are potential improvements but the magnitude of costs associated with filling up the rest of the vacant office space is a relatively expensive effort. Samuelson noted in terms of those types of improvements it would require WCRC and MDOT approval, however, WCRC did not indicate the improvements would be required. Samuelson said WCRC did offer to re-time the lights at the ramp signals and the Earhart intersection but this would require inter-agency cooperation with MDOT. Samuelson said re-timing of the lights has not been fully studied so the tangible benefits aren't known and generally any tangible benefit would attract more people to use Old Earhart which would offset any gains. Samuelson added the WCRC and MDOT would want to do their own studies to determine effectiveness. Samuelson said in terms of traffic flows the delays will get higher but in terms of safety it is very problematic to predict the number of crashes.

Gorman moved to report to the Township Board its findings that 1) it appears feasible for the project to provide stormwater detention and management on site consistent with the Township's twenty percent (20%) rule after unbanking of the 140 land banked parking spaces, subject to compliance with the WCWRC Rules concerning a four foot wide safety shelf and other criteria and requirements set forth in the April 2, 2009 engineer's report; and 2) it does not appear at this time that traffic mitigation measures are necessary prior to unbanking the 140 parking spaces. Any unbanking of the 140 parking spaces should be conditioned on the developer agreeing to monitor the traffic flow and traffic incidents to determine if mitigation measures should be undertaken. Snyder seconded the motion. Motion carried with Allison opposed. The formal resolution will be drafted by the Township Attorney to be forwarded to the Board, subject to final Planning Commission ratification.

VII. NEW BUSINESS - None

IX. INFORMATIONAL ITEMS - Items were included in the Commissioners' packets. .

X. PUBLIC COMMENT - None

XI. ADJOURNMENT

Gorman moved to adjourn the meeting at 9:53 p.m. Mitchell seconded the motion which was adopted unanimously.