

Lodi Township Planning Commission Meeting Minutes

November 28, 2023, 7:02 PM

Lodi Township Hall
3755 Pleasant Lake Road
Ann Arbor, MI 48103

A. Call to Order and Pledge of Allegiance

The meeting was called to order by Chair Strader at 7:02 PM. The Pledge of Allegiance was then recited.

B. Roll Call of the Commission

Present: Rogers, Stevenson, Strader, Sweetland, Swenson, Vestergaard and Warner.

Absent: None.

Others Present: Township Planners Hannah Smith, Vicki Marsh, Pamela Marr, Dennis Marr, Steve Marsh, Alex Matelski, Carly Rose, Steve Rose, Ben Kellum, and Sara Ladd.

C. Announcements

There were no announcements.

D. Approval of Agenda

Moved by Rogers, seconded by Stevenson, to approve the agenda.

The motion passed unanimously by voice vote.

E. Public Hearing

None.

F. Public Comment

None.

G. Approve of Minutes

A. Regular meeting minutes of the October 24, 2023, Planning Commission meeting.

Moved by Sweetland, seconded by Vestergaard, to approve the minutes of the October 24, 2023, Lodi Township Planning Commission meeting.

The motion passed unanimously by voice vote.

H. Old Business

A. Cooper Leaf Crossing Minor Site Plan Application #2023-014

Planner Smith reviewed her report for this project dated November 27, 2023. She stated that at the August 22 Lodi Township Planning Commission meeting, the Commission approved a minor site plan amendment for a canine enclosure fence that the applicant was requesting. Subsequent to that approval, it was brought to the township's attention that three 750-gallon precast concrete top joint tanks had been placed in the area of the enclosure. These structures were not part of the approval granted by the Planning Commission in August of 2023 and did not receive zoning compliance or permit approval from the Township. The applicant is now requesting a minor site plan amendment to allow for the addition of the shelter structures. Smith's report indicates that the applicant should clarify the exact setbacks proposed for the Planning Commission to consider. She noted that typically in a PUD, the setbacks are consistent with the underlying zoning district. In this case, the zoning is AG, Agricultural. It is unclear at this time if the setback requirements were modified as part of the original PUD, but Smith recommends that the Planning Commission determine if the setbacks are correct before issuing any further approvals.

The Commission had a lengthy discussion about which sides of the lot were considered the front, side, and rear. Applicant Marsh indicated that he had been told that the side of the property facing Ann Arbor-Saline Rd, the primary entrance to the property, is considered the front of the property by the Township and the Road Commission. This would mean the Lutz property line on the west is the rear side, and the north property line shared with the Roses, is a side lot line. Steve Rose asked a question about accessory structures and fences and Smith clarified that the setbacks are different for each of those. She said that at this point it is unclear if the Ag Zone setbacks were modified in the original PUD. That is the reason that a PUD update was requested, with a deadline for submission. Marsh indicated that he is fine with going through a major site plan review, but he said he is not clear on the determination that Cooper Leaf Crossing has violated the original PUD. Marsh indicated that he has hired an engineering firm and they have been getting records for the original engineers. They have had meetings to discuss the project and are planning on a spring submission.

Strader mentioned that the submissions for the minor site plan seem to have changed with each submission and asked about what the separate shelters are used for. Marsh explained that he will need space for movement of animals when areas are being maintained, and that the future could involve other animals using the space when the wolfdog dies. Strader clarified that any submission needs to include all the details for an area, even if the applicant thinks the structure does not need a permit. Stevenson asked Marsh what the vision for the area is, and he explained that it is hard to predict what rescues might be brought to them. That is why they would like an area with flexibility to accommodate a variety of animal rescues. Warner and Rogers reiterated that it is important to know the entire plan for the property and Marsh said that at this point he is only trying to create a secure space for the wolfdog and his mate, and that he would not be doing any other work on the property until the major site plan review is completed. Carly Rose stated that she is not against the animals, but she does want any modifications to be in accordance with township ordinances. Marsh said that if these structures are eventually determined to not be consistent with the PUD, they can be crushed and buried within a day.

The Commission and the applicant continued the discussion about future plans and what structures and fencing are currently in place. Marsh said that he would like permission to complete the fence and install one of the structures. Warner pointed out that drawings with additional fencing were submitted after the original approval, and Dennis Marr explained the changes that had been made. Smith stressed that while the applicant may have been told by Washtenaw County that a building permit is not needed for the structures, zoning compliance is still required because the building permit and zoning compliance are two different things.

Smith commented on the fact that a PUD does not relieve applicants from adherence to zoning regulations that are not addressed or modified in the PUD. All zoning regulations apply unless modified by the PUD for the enhancement of the development and the township. Swenson stressed that it is important to get a final determination about what side of the property is the front. Smith said that if Supervisor Godek has approved the Saline-Ann Arbor Rd side as the front, then she is ok with that. Strader said that she agrees. There was also discussion about a transition buffer and what ordinances may have been in place when the PUD was approved.

Strader stated concerns about making any approval decision at this meeting for fear that it might need to change during the site plan approval and the cost associated with deconstruction. Warner and Strader also expressed concern about giving approval for any changes because it is unclear if that action can be rescinded in the future. Warner would like a legal opinion on this issue.

Swenson asked Smith what the ordinance violation would be if Marsh goes ahead and berms one of the concrete enclosures that are already in place so that it will provide shelter for "Harry" and his companion for this winter. She stated that as long as it meets the setback requirements, there would most likely not be a specific violation. The discussion continued with the comment that if the Commission takes no action at this meeting, and if Marsh berms the structure that is currently in place, with the understanding that it may need to be removed when the final site plan is approved, there may be a temporary solution to the situation. The Commission made no recommendation of this approach and took no votes to approve such an action. Marsh and Marr had a discussion about the fence. Warner expressed concern about the Zoning Administrator finding that the shelters and berm are in violation, and Smith then stated that without approval from the Zoning Administrator, the shelters are likely in violation, but she would defer to the Township attorney for his legal opinion. Strader again explained that she was not comfortable approving pieces of the plan without having the big picture and a final decision on what the front side is determined to be. Smith reviewed the minutes of the Township Board meeting and said that it appears the approval of the structures was delegated to the Planning Commission. Warner reiterated her concern about approving a small piece of the total plan, without knowing what the approved plan will be. Strader mentioned that the ordinance says that a setback should be measured from the boundary of the transition buffer. She also summarized her feelings that we should not take action without a legal opinion on the front side of the lot and whether we can approve just a small piece of a bigger plan, without creating a problem for the PUD and final site plan approval. The Commission also discussed the need for the applicant to modify their application to include just one structure. Smith indicated that she would need to consult with the township attorney before providing an answer.

Moved by Rogers, seconded by Vestergaard, to table the discussion of the Cooper Leaf Crossing application until the January 23, 2024 meeting, pending answers regarding the questions of setbacks, the accessory structure and the appropriateness of approving simply a portion of the plan; and additionally, if the advice of counsel and the Zoning Administrator can be obtained before January 23, 2024, the Planning Commission will set a Special Meeting for December 12, 2023 at 7:00 PM., at no cost to the applicant. If the attorney

advises that these questions can be handled by the Township Zoning Administrator, then the meeting will not be needed, and the topic will be addressed at the January meeting.

Yes: Rogers, Stevenson, Strader, Sweetland, Swenson, Vestergaard, Warner
No: None.
Absent: None.

The motion passed unanimously.

B. Solar/Wind Ordinance Update

Smith update the Commission on State of Michigan legislation regulating solar farms producing over 100 megawatts. The bill has passed both houses of the legislature but does not appear to have been signed by the governor yet. It is expected to become law. A bill regulating installations producing between 15 and 100 megawatts is still working its way through the legislature. Both bills essentially take final approval of these projects away from local officials and assigns it to the State. The Commission are waiting for the disposition of these bills to then enact regulations on those aspects that are left to local officials.

No action taken.

I. New Business

A. Lodi Master Plan Review

Smith indicated that she has a high-level review of the Master Plan that she can present today, but does not have an in depth review at this time. She expects to have that review done in January. Warner asked if that could be emailed to Commission members for review before the next meeting. Smith stated she would do that, and recommended that Commission member start their process by reading the current Lodi Township Maste Plan.

The Commission will review a summary of concerns and discuss the update at the January 2024 meeting. No formal action taken.

B. Planning Commission By-laws

Chair Strader would like for the Commission to review our by-laws and enhance a few areas of concern that she has. She will go into this process further next month.

B. Public Comment

Nothing.

C. Reports

A. Board of Trustees

Swenson reported that the Board of Trustees waived the fee for the Miller Special Use application, received the Saline Area Fire Department audit report, approved the purchase of Christmas decorations for the cemetery fence with funds donated to the Township, approved a Metro Act Permit application and a contract for snow plowing, and had a discussion about gravel pits.

B. Commissioners

Strader noted that the prayer hall on Ellsworth Road requested to be on the agenda for January. The Commission discussed the PSP District

C. Planning Consultant

Smith had nothing additional

D. Engineering Consultant

Not present.

D. Other Business

None.

E. Adjournment

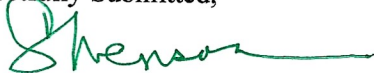
Motion by Warner, seconded by Rogers, to adjourn at 10:44 PM.

The motion passed unanimously by voice vote.

The next regular meeting is scheduled for January 23, 2023, at 7:00 PM.

There is a special meeting tentatively scheduled for December 12, 2023 at 7:00 PM

Respectfully Submitted,



Craig Swenson, Planning Commission Secretary