

Lodi Township Planning Commission Meeting Minutes

March 26, 2024 at 7:00 pm

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

1. Call to Order and Pledge of Allegiance

The meeting was called to order by Chair Strader at 7:01 PM. The Pledge of Allegiance was then recited.

2. Roll Call of the Commission

Present: Strader, Sweetland, Vestergaard, Warner

Absent: Swenson, Stevenson

Others Present: Township Planner Hannah Smith,
Township Attorney Jesse O'Jack,
Recording Secretary Michelle Joppeck
Township Supervisor Jan Godek
Ann Damon, Leslie Blackburn, Dixon (David Hammond), Gloria Keefer, Vicki Marsh, Douglas Boyce, Steve Rose, Tom Mayne, Karen Seltz, Charles Bultman, Ari Goldstein, and several other members of the public.

3. Announcements

Michelle Joppeck was introduced as the new recording secretary henceforth.

4. Approval of Agenda

Strader requested to add an item under new business, item B: election of officers. It was also requested to add a public comment section during each of the public hearing sections before the Planning Commission discusses and deliberates.

Vestergaard moved to approve the agenda as amended. Second by Sweetland. A voice vote was taken. Aye=all, Nay=none, absent=2. Motion Carried.

5. Public Hearing

A. Request by Charles Bultman to rezone an 8.08-acre parcel, Parcel M-13-01-100-019, from the current zoning A-1, Agricultural District to I-1, Industrial-Research District.

Warner moved to open the public hearing for the request by Charles Bultman to rezone an 8.08-acre parcel, Parcel M-13-01-100-019, from the current zoning A-1, Agricultural

District to I-1, Industrial-Research District at 7:06 pm. Second by Vestergaard. A roll call vote was taken. Strader=yes, Sweetland=yes, Vestergaard=yes, Warner=yes, absent=2. Motion carried.

Applicant Charles Bultman commented letting the Planning Commission know that he believes that the request is pretty straightforward and well stated, but he is there in case they have any questions.

Township Planner Hannah went over the report that she had prepared, dated March 21, 2024. The property is identified using the parcel number in her report, but it is her understanding that it has since had an address assigned to it as well. The property is currently vacant and is adjacent to single family homes. The property is bordered to the North by single family homes in Scio Township, by Storage Rentals of America to the South, by single family homes and AG to the West, and the Ann Arbor Ice Cube to the East which is Pittsfield Township. In her review report, the uses permitted by right and special use for the existing and proposed districts are listed. It should be noted that if a property is rezoned, it can be used for any use that is allowed in the district, assuming that it can meet all of the site plan requirements and, if applicable, special use standards. Any future use of the site would have to go through a site plan process and, if applicable, the special use process. The township zoning ordinance has specific criterion that a rezoning request is reviewed against which was then reviewed:

1. Evaluation of the existing zoning and land uses permitted in the district for compatibility with the Master Plan, surrounding development pattern, and site characteristics.

The future land use designation for the property is Industrial-Research and is within the designated Industrial-Research center area outlined for industrial development in our Master Plan. The intent of the current AG zoning district is to preserve land suitable for long term agricultural uses. This property is surrounded by single family residential, industrial and commercial uses. It is likely not an ideal site for agricultural production and is not designated an AG preservation property. Hannah did note that the property is outside of the Township's planned municipal service district which means that any development of the site must be appropriate for service by private well and septic which likely means that it would be a lower intensity industrial use which would be more compatible with the surrounding uses.

2. Apparent demand for types of uses in the proposed district and availability of land already zoned for that demand

There is currently only one property that is zoned I-1 in the Township which is the property directly to the South. There is an increasing demand for land zoned industrial across communities and since the only I-1 property in the Township is developed, there is currently no other land prepared for development that is consistent with this district. Adjacent communities have more industrial zoned land and may be better suited to provide municipal services to those properties, but do not have an expansive amount of industrial land.

3. Availability of public services and infrastructure

As noted, the property is outside of the municipal services district for municipal water and sewer meaning development will need to be able to be served by septic and well. Not all uses permitted in the I-1 district can be operated without utilities so it must be noted that some uses would require the ability to provide those services to this site. Some industrial uses may increase the need for services such as fire protection services and since the property is vacant, any uses will just naturally increase the traffic by some capacity. It can not be determined the level of impact an increased demand would have

based on just the rezoning. Review of all of this would be part of the site plan review process for any future proposed development.

4. Compatibility with surrounding character of the area in terms of traffic, noise, and scale
As noted, a number of permitted uses in I-1 district would be compatible with the area. There is residential to the West and the North so some higher intensity industrial uses would not be compatible with those single family homes.
5. Consistency with the Master Plan including future land use, natural features, and policies
Future land use is industrial and research. The Master Plan says that this area is intended for industrial and research development at a scale appropriate for service by private well and septic and compatible with the scale and character of Lodi. In terms of natural features, there is a creek going through the South side of the site and potentially some wetland soil areas. The Master Plan encourages that development be designed to preserve natural systems. It appears that the site could be developed without heavily impacting any potential wet land area, but that would all be reviewed as site plan review of any future development.
6. Additional factors including if the rezoning would set a precedent
The rezoning is consistent with the Master Plan and would not set a precedent.

The Township Planner's recommendation is that based on those comments and the details included in their report, the Planner recommends that the Planning Commission recommend approval to the Township Board of the request to rezone parcel M-13-01-100-019 from AG to I-1.

The meeting was opened up for public comment again at 7:18 pm. Ann Damon asked what the requestor wanted to rezone the parcel for. The Commission does not know and does not need to know for a rezoning request. Charles Bultman spoke to mention that they do not have any plans as of now for the property, but agricultural is not really feasible so they are trying to explore the future of the property as industrial/research.

Warner moved to close the public hearing. Second by Sweetland. A roll call vote was taken. Strader=yes, Vestergaard=yes, Sweetland=yes, Warner=yes, absent=2. Motion carried and public hearing was closed at 7:20 pm.

Vestergaard moved to recommend approval to the Township Board of the rezoning of parcel M13-01-100-019 from A-1 to I-1 based on the findings of fact found in our planner's, CIB, report dated March 21, 2024. Second by Sweetland. A roll call vote was taken. Strader=yes, Sweetland=yes, Vestergaard=yes, Warner=yes, absent=2. Motion carried.

- B. Public Hearing on proposed amendments to the Lodi Township Zoning Ordinance. Pursuant to the authority vested in it by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, Lodi Township, Washtenaw County, Michigan ordains the following amendment to the following sections within the Lodi Township Zoning Ordinance:

Article 42, Section 42.106 Amendment

Article 44, Section 44.08 Required Site Plan Information

Article 44, Section 44.11 Standards for Site Plan Approval

Township Planner Hannah reviewed the changes. The proposed changes do not change the intent of any of the ordinances, but just add some checkpoints and clarifications for the Township.

Article 44, Section 44.11 is the table of Standards for Site Plan Approval. This section lists the standards that must be met by a site plan in tabular form. The proposed clarification only applies for site plans that are part of a Special District (i.e. a planned unit development that was approved with an Area Plan) so it is not applicable to every site plan; only Special District properties. The amendment to Article 44, Section 44.11 provides an additional checkpoint that a site plan must conform to the approved Area Plan, if applicable. This just reinforces the existing Zoning Ordinance requirements that the Township needs to go back to check that what is being proposed also conforms to the overall approved Area Plan for that site.

Article 44, Section 44.08 lists the Township's Required Site Plan information. It is a checklist of what must be included with a site plan submittal. Here the Township is reinforcing in the checklist table that the applicant would have to demonstrate that their proposed site plan conforms with their previously approved Area Plan, if applicable. It does not apply to every site plan.

Article 42, Special District Regulations, Section 42.106 Amendments. Item D, Changes Following Completion of the Development. The proposed rewording of the paragraph clarifies the existing requirement that any proposed changes to a completed approved Special District development will be reviewed on a case by case basis, at which point the Township would determine if the changes would require going through the site plan process only, or if it is a major change and is not consistent with the current approved Area Plan, an amendment to the Area Plan will also be required. It also reiterates that the proposed changes still follow all other applicable procedures laid out in that section.

Vestergaard moved to open to public for public comment at 7:26 pm. Second by Warner. A roll call vote was taken. Strader=yes, Sweetland=yes, Vestergaard=yes, Warner=yes, absent=2. Motion carried.

Ari Goldstein with the firm Dever Eby & Issa spoke on behalf of the Marsh family and their various businesses and non-profit interests. In looking over the proposed ordinance amendment language, they had two primary concerns. The first would be the potential ambiguity about improper retroactive application of these standards to structures that may have been built within an approved special district prior to changes to this ordinance language. They expect that those would be evaluated by the standards in effect at the time that the structures were created rather than the new retroactive new standard. They are also concerned that the language is silent in the case of a change that does not require a site or area plan approval. There are some changes that only require a zoning compliance requirement or other lesser approval than a full site or area plan change or approval. They would like some clarity on those situations as well.

Sweetland moved to close the public hearing for this particular item at 7:29 pm. Second by Vestergaard. A roll call vote was taken. Strader=yes, Warner=yes, Vestergaard=yes, Sweetland=yes, absent=2. Motion carried.

After a discussion between the Planning Commission members, **Strader moved to recommend approval to the Township Board for the proposed amendment to Article 42, Section 42.106 as recommended by the Township Planner. Second by Vestergaard. A roll call vote was taken. Strader=yes, Sweetland=yes, Vestergaard=yes, Warner=yes, absent=2. Motion carried.**

Sweetland moved to recommend approval to the Township Board for the proposed amendment to Article 44, Section 44.08 as recommended by the Township Planner. Second by Stader. A roll call vote was taken. Warner=yes, Vestergaard=yes, Sweetland=yes, Strader=yes, absent=2. Motion carried.

Vestergaard moved to recommend approval to the Township Board for the proposed amendment to Article 44, Section 44.11 as recommended by the Township Planner. Second by Warner. A roll call vote was taken. Warner=yes, Vestergaard=yes, Sweetland=yes, Strader=yes, absent=2. Motion carried.

- C. Public Hearing on proposed amendments to the Lodi Township Zoning Ordinance. Pursuant to the authority vested in it by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, Lodi Township, Washtenaw County, Michigan ordains the following amendment to the following sections within the Lodi Township Zoning Ordinance: Article 20, Section 20.04 Table of Uses by District

Sweetland moved to open the public hearing at 7:36 pm. Second by Strader. A roll call vote was taken. Strader=yes, Sweetland=yes, Vestergaard=yes, Warner=yes, absent=2. Motion carried.

Township Planner Hannah reviewed the proposed amendment. This proposed amendment is to amend the zoning ordinance to allow institutional uses in the AG district instead of only being allowed in the PSP district. Institutional uses include educational, public, social, and religious institutions. The definition of institutional use is well laid out in the ordinance. The ordinance has specific use standards that any institutional use has to meet, even if they are allowed as a permitted use in the AG district. Any proposed institutional use would have to go through the site plan review process and would have to meet those specific use requirements that would be reviewed at the time the site plan is submitted. All that is being proposed is changing the ordinance so that institutional uses are permitted in an additional district. They used to be permitted in the AG district, but with the introduction of the PSP district a few years ago, institutional uses got shifted out of the AG district. Through ongoing conversations with the Planning Commission, it seemed like there was interest in putting those uses back in the AG district and down the line, maybe updating the PSP district as well.

The proposed amendment was opened to public comment. A letter was received from Leslie Blackburn and noted. Tom Mayne asked what the A, P and S stand for on the table. Strader explained that A is for accessory (it is connected to the primary use), P is permitted or primary use, and S is a special use.

Leslie Blackburn read the letter that she wrote related to the rezoning request for 2730 Ellsworth Rd. She is opposed to changing the table of uses to reflect P for institutional use in the AG district. She suggests that it be S instead for special use. She would like for institutional uses to have to go through the public hearing and site plan process so that neighbors have a chance to be involved in the process. She also noted that there are other cases where the precedent has been set where institutional uses are zoned as S in AG districts. She noted that many of these cases have a smaller number of people impacted than the proposal at 2730 Ellsworth Rd which includes child day care center group, day care center child or adult, foster family group home, and home occupation general. She feels that it should be changed to S in the AG district and would like to have that revised before voting.

Gloria Keefer spoke to Leslie's comment and mentioned that Ann Arbor Baptist Church is in the AG district and is zoned as special use already.

Dixon (David Hammond) wanted to point out that, in addition to the other stated examples, that even a massage studio or veterinary clinic is S not P. Concert halls are another institutional use, but they are listed as P and not S, but neighbors would probably like to have some say in the constructing of concert halls.

Vestergaard moved to close the public hearing at 7:44 pm. Second by Strader. A roll call vote was taken. Strader=yes, Sweetland=yes, Vestergaard=yes, Warner=yes, absent=2. Motion carried.

Strader asked Township Planner Hannah how designations are decided as far as how they are decided to be P or S. Hannah mentioned that the Planning Commission has the right to make that decision except in cases where there are laws governing how those are designated. Jan noted that before the PSP district was created, that religious institutions were designated as S in the AG district.

Vestergaard moved to make a recommendation to the Township Board to add religious institutional as a permitted use in the A-1 district in Table 20.04 Table of Uses by District. Second by Warner. A roll call vote was taken. Warner=yes, Vestergaard=yes, Sweetland=yes, Strader=yes, absent=2. Motion carried.

6. Public Comment

Public comment began at 8:08 pm. Comments were received from 9 people. Public comment ended at 8:29 pm.

7. Approve of Minutes

Approval of the regular meeting minutes of the February 27, 2024 Planning Commission meeting was considered. It was discovered that the minutes that were distributed were missing pages so the approval of the minutes was postponed until a complete set of minutes could be reviewed.

8. Old Business

A. 2730 Ellsworth Rd: Rezoning Request from AG to PSP district

At this point we do not have anything new for this. It was unsure if there would be a representative for this request. Assuming that the amendment to Article 20, Section 20.04 Table of Uses by District that was recommended for approval by the Township Board is approved by the Township Board, then this parcel would no longer need to be rezoned to a PSP district as the desired would be allowed in the current AG district.

Warner moved to recommend to the Township Board to deny the rezoning of the parcel at 2730 Ellsworth Rd from AG to PSP because it is no longer necessary to rezone per the request. Second by Strader. A roll call vote was taken. Warner=yes, Vestergaard=yes, Sweetland=yes, Strader=yes, absent=2. Motion carried.

B. Lodi Township Master Plan Amendment

Nothing new for tonight. The plan was to work out a joint work session between the Board and the Planning Commission in order to move forward with this. A time that works for both groups is still being found. It was determined that work on creating a new survey can be started.

9. New Business

- A. Home Occupation Application - Bradley Naebeck, 5200 W Ellsworth Rd, Ann Arbor 48103, Lodi Township Parcel # M-13-10-300-007. Concrete & excavating company, heavy equipment stored off site.

To our understanding, this request is only for the administrative side of the business to take place at his home office. From our understanding, there is no sign out front and there are no clients coming in to the office.

Sweetland moved to approve the Home Occupation permit by Bradley Naebeck for 5200 W Ellsworth Rd, Ann Arbor, MI 48103, Lodi Township Parcel # M-13-10-300-007 to operate the office portion of his concrete and excavating company in accordance with Section 40.13. Second by Warner. A roll call vote was taken. Strader=yes, Sweetland=yes, Vestergaard=yes, Warner=yes, absent=2. Motion carried.

7. Approve of Minutes (cont'd)

With receipt of the complete set of meeting minutes, approval of the minutes was brought back up. After a review of the minutes, a correction was noted. The correction that was proposed was to change the motion under Section 8A from "move Institutional Use from PSP zoning to AG zoning" to "add Institutional Use to AG zoning."

Warner moved to approve the minutes of the February 27, 2024 Lodi Township Planning Commission meeting as revised. Second by Vestergaard. A voice vote was taken. Aye=all, Nay=none, absent=2. Motion approved.

9. New Business (cont'd)

- B. Election of Officers

Per our bylaws, we are electing officers for the coming year. The available officers are Chair, Vice Chair, and Secretary. The secretary position would be supported by the recording secretary.

Warner nominated Strader as Chair. Strader is willing to continue as Chair. Vestergaard was willing to try Vice Chair and Warner was willing to try Secretary.

Sweetland moved to approve the slate of officers of Strader as Chair, Vestergaard as Vice Chair and Warner as Secretary. Second by Vestergaard. A roll call vote was taken. Warner=yes, Vestergaard=yes, Sweetland=yes, Strader=yes, absent=2. Motion carried.

10. Public Comment

Public comment began at 9:07 pm. Comments were received from 1 person. Public comment ended at 9:08 pm.

11. Reports

- A. Board of Trustees

Swenson and Godek are not present so no report was available.

B. Commissioners

Nothing

C. Planning Consultant

Nothing

D. Engineering Consultant

Not present

12. Other Business

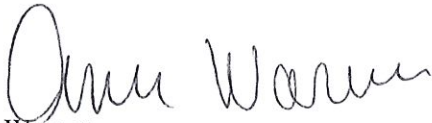
None.

13. Adjournment

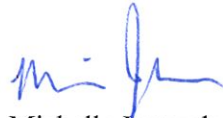
Warner moved to adjourn at 9:08 pm. Second by Sweetland. A voice vote was taken. Aye=all, Nay=none, absent=2. Motion carried.

The next regular meeting is scheduled for April 23, 2024 at 7:00 pm.

Respectfully Submitted,



Ann Warner,
Interim Planning Commission Secretary



Michelle Joppeck
Recording Secretary