



SYLVAN TOWNSHIP

18027 Old US 12
Chelsea, Michigan 48118-9673
(734) 475-8890
Fax: (734) 475-8905

Sylvan Township Planning Commission
DRAFT AGENDA
October 27, 2022
7:00pm

- Call to Order – D.Seitz, Chairperson
- Pledge of Allegiance
- Roll call of members: T. Bareis, S. Eiseman, Courtney Heller, Leah Herrick S. Schulze, D. Seitz, Mike VanBuren - absent with notice
- Accept agenda
- Approval of Minutes for the September 22, 2022 regular meeting.
- Approval of Special Meeting Minutes for the October 6, 2022 regular meeting
- Public Comment –
- Unfinished Business –
 1. Public Hearing for Open Space Preservation Ordinance
 2. Tabled from Sept. 22, 2022 and Oct. 6, 2022. Consideration of a request of Inlandish Development LLC for a conditional rezoning of twenty acres, 5601 Conway Road, formerly known as 5710 Conway rd. Tax parcel ID F-06-11-200-024. The request is to conditionally rezone the parcel from the agriculture zoning district to low density residential for an additional 9-12 homes. There is one home currently on the property. There is no site plan for consideration at this time.
- New Business – Removal of Rezoning Application PC 21-006 5601 Conway Rd. from the Planning Commission tabled action item Oct. 28, 2021
- Communication-
- Comments/ concerns of the Planning Commission members
- Adjournment

REMINDER: Next regular meeting November 17, 2022 - no new items submitted

Established 1835



SYLVAN TOWNSHIP
18027 Old US 12
Chelsea, MI 48118
Phone (734) 475-8890
Fax (734) 475-8905

PLANNING COMMISSION Meeting
September 22, 2022 at 7:00 p.m.

The Sylvan Township Planning Commission Meeting was called to order by Chairman Seitz at 7:03 p.m.

Members Present: Chairman Dave Seitz, Vice Chairman Mike Van Buren, Tom Bareis, Stephen Eiseman, Courtney Heller, Trustee Sandie Schulze. Absent with notice: Leah Herrick.

Also Present:

Representing Sylvan Township: Planner/Zoning Administrator, Carol Konieczki; Treasurer, Rodney Branham; Clerk, Amanda Nimke

Members of the Public: Donald Adams, Michelle Adams, Trenda Eversole, Ellis Freatman, Ann Kalmbach, Jack Knowles, David Reinhardt, Wendy Reinhardt, David Rish, Christian Smith, Renee Townsend, Mike Van Goor, Michael Walton, Lois Wightman, Patrick Zieske.

via Zoom: Craig Adams, Phommauoung.

Chairman Seitz commenced with a roll call.

Chairman Seitz asked if there are any changes or additions to the agenda; there were none.

Approval of Agenda: Motion to accept the agenda moved by Bareis, supported by Eiseman.

Unanimously approved and adopted by roll call vote.

Approval of Minutes: Motion by Bareis, supported by Schulze to approve the minutes of July 28, 2022 regular meeting. Unanimously approved and adopted by roll call vote.

Chairman Seitz: The July 28, 2022 closed session minutes to be distributed to the PC members for review and will move for approval at the next meeting.

Public Comment opened by Chairman Seitz at 7:07 p.m.:

Patrick Zieske: Going back to the minutes, he wishes that something could be added to it and not sure if it is too late as they have already been approved. When Viasat came in, one of the first things the gentleman said that although he does a lot of military applications that his intent was strictly for residential. He thinks that this should be in the minutes. He does not know if it is going to matter much. The second thing is the open space ordinance for which is not a public hearing today, and he would like to speak for a moment to that. He is incredibly disappointed in the length of time that this has gone on for as it has been 3½ years since he first raised the issue. It is the primary reason why he submitted a rezoning application. It is the reason why he submitted an unconditional one nearly a year ago. This has increased his frustration when he realized what it has taken him to. It has been three months since this issue has come up for discussion in the Planning Commission with no new draft. There is no indication that the letter he sent to the Planning Commission has been forwarded to either Robert Thall or Rebecca Harvey.

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

He would like to go through that letter to refresh where he thought he was for the open space ordinance, but it has been too long. It was supposed to be forwarded to them.

Chairman Seitz stated that it was forwarded.

Patrick Zieske: He did not know that it had been forwarded as there has been no feedback. The problem is not necessarily that it had been forwarded, just that there has been no further feedback on the open space ordinance of any kind, not based on his letter, not based on anything. With terrible regret, that is what brings him here today for the rezoning. He regrets that as the rezoning puts even more burden of work on everyone. He does not want to do that. He really wants this to be moving along and wondering if there is any way that it can be restarted in earnest.

Renee Townsend: She would like to speak to the Master Plan. She is glad that we are here to do a review and revision of the Master Plan as the residents have been calling for this for close to two years. She truly hopes to do it in a proper way with plenty of feedback from the residents, and transparency and ethical behavior from all. As we begin the process, she would encourage perhaps looking back at the 2008 Master Plan. It was highly detailed and very explicit to some of its points. In 2017, the Master Plan is vague and inconsistent in comparison. The 2008 Master Plan stated seven times that the only reason sewer and water goes down Pierce Road was to get to the lake in order to follow public health and/or pollution problems, and that Pierce Road should not be developed because sewer and water lines are there. It was not the intent, nor is there capacity. What changed so much other than a new Board and Planning Commission, and a zoning supervisor? It does not reflect all of that. This consent judgment development has only 60 of the 400 homes being serviced built so far, and that the inappropriate development of Pierce Road could set us up for another lawsuit. Both the 2008 and 2017 Master Plans call for mixed use, and specifically in certain areas mainly south of the I-94/M-52 interchange and on the St. Louis campus, yet the master future land use in the 2017 Master Plan shows Pierce Rd as mixed use. This is a big part of why we keep getting these inappropriate requests.

Another issue came up in the August 9th Board minutes, and it is very concerning. It was recorded that a staff member was overheard stating they had a conversation with a commercial real estate agent who complained about Sylvan's stance on development. The staff member stated that he/she was going to reach out to another agent. That is absolutely inappropriate for any staff member or board member to do. The staff member also used a derogatory term mainly in reference to residents that spoke out against the inappropriate development. This is completely unprofessional. Is anyone looking into this? If not, they should be and finally should be reported at the next meeting. If this was an elected official, the name should be made public so the residents know going forward. If this is an appointed or employed person, she would question the appointment or employment. Is this person involved in the review of the Master Plan? That would seem like an ethically bad idea. We need to be able to work together to create a Master Plan that will truly serve Sylvan Township and its residents. We are the gateway to the Waterloo Recreation Area and the residents are here for the rural character that the Master Plan promises to preserve. We respectfully ask that you honor that so our township can be as it was intended.

Dave Reinhardt: He is disappointed on the rezoning of Conway tonight. Open space is his preference being a neighbor to this. He does not know why it has taken 4 years, and anybody except mild mannered Patrick would have a lawyer increasing the amount this township has spent on lawyers which in other minutes is significant compared to other townships. Is death by a thousand cuts something deliberate? Is it the fear of the unknown? Is it the excruciating slow movement of local government? He does not have a real tolerance for. The Planning Commission has been at this for 4 years and the neighbors have been contacted, elaborate drawings, experts, and still it is nowhere. He would much rather see that moving forward than the rezoning. If rezoning is the only way this can happen than he could speak to that then.

Mike Van Goor: He would like to address a couple thoughts on the Master Plan. He knows in the past that the Planning Commission has communicated that it was hard to get people to provide feedback last time.

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

He thinks the intention this time that it has been drawn on for a long time that the way things were that people were not thinking of how things could change a whole lot. He knows that the current Master Plan calls for this area to be mixed use. He thinks there are issues with that. He thinks there could be some areas that we could come together and focus on. He heard something about a lake district and that is an ordinance issue, but certainly this area along Pierce Road needs to be re-evaluated. He would like to challenge all of us to have some sort of vision of what we think this area of the township to be. He thinks right now it is very nebulous, like anything goes like we have seen in the past 1½ years. There are some things that might be inappropriate. He would like to say thank you to this Planning Commission for listening, and he thinks there have been some really good decisions made in moving forward. He would like to offer encouragement and patience.

Lois Wightman: She is encouraged that the Master Plan is up for review. She would like to see a lot of different things. She does not know all areas about the township and it is reasonable to look at the Pierce Road area be reviewed for the appropriateness of the mixed use designation. She would also like to see the open space ordinance proceed. It would be nice if consideration could be given to some other things like solar arrays or different things like that as we do not have a policy or guidance for. She is encouraged that this is going forward with thoughtful consideration on these topics.

Public Comment closed by Chairman Seitz at 7:18 p.m.

Unfinished Business:

- 1. Presentation of draft Open Space Preservation Ordinance – Rebecca Harvey, AICP.
Set public hearing?**

Discussion with Attorney Thall regarding process to review Master Plan.

Chairman Seitz: Regarding the open space preservation ordinance, Patrick, yes it has been 3½ years since we started and a version had been sent shortly thereafter to the Township Board where they wrestled with it for a while. It has been sent back several times. A consultant was hired and came up with a draft that would solve the issue that we were struggling with which was the density. There was no agreement on the density clause. It is not fair to say that it has been 3½ years when we have done several iterations, and we have not been able to come to agreement. There was diversity of opinion on the Planning Commission and the Board, and a change in members on the Board from when we started. It does change, it is hard, and policy is never fast and never easy. It always looks easier on the outside. He understands that. We are trying, and he is pushing this himself. On the open space preservation, we have all the public comments, Patrick's letter, and we have the consultant's versions to get this right. He does not want to send something more to the Board and have them send it back. Now Attorney Thall has it. Chairman Seitz cannot explain Attorney Thall's workload as he works for many townships and is very busy. He was not able to get the draft back to Chairman Seitz with his comments. Due to that, he agrees that this progress needs to be finished, and would like it finished by the end of October. He would like to have a work session meeting on October 6th to go over Attorney Thall's comments. Then at the regular meeting at the end of October we have our public hearing and can send it on to the Township Board.

Konieczki: If you have the meeting on October 6th, that will still give enough time to draft a notice to get it in for the following week and it will make the statutory deadline for the October 27th public hearing.

Seitz: The reason we need October 6th is that the attorney is making some language changes that we need to fit with our ordinances. We need to see that and discuss before the public hearing, so that it can be reviewed thoroughly. Any other members have any thoughts on the open space? It is a difficult topic that we have been discussing for years. He thought that when the consultant came on board we would be able to make some progress as we were able to get creative in terms of solving one issue which was, for some

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

members the density bonus. The consultant was able to think through other ways to incentivize open space. One of the ways was to allow private roads and to think about that as an incentive. Again, the project itself is a long process along with the design process. You start with the number of homes you would have under current zoning. You could then consider clustering them in a way that preserves as much open space as possible or at least buffer from the road to preserve a rural character. Then we get to figure out if there is enough room for setbacks, sewer, water, and all those things on top of it. He is hoping to get this done to go to the Township Board and it would be in their hands for the December meeting.

Konieczki: By the time the minutes get approved, it will go to the Board in December.

Seitz: We will schedule a work session meeting on October 6th at 7 p.m. This will be the only topic that we will focus on.

During the public hearing he heard a comment and does need to respond to one thing about the Master Plan. He agrees that the process should be open and noted the word "ethical" was used. He has been chair at Sylvan Township for a while and does not think that the Planning Commission has ever done anything unethical. It bothers him and that is not how to start off a conversation to working together. You have to respect everyone at the table. There are differences of opinions and there are reasons for what the future land use map said about Pierce Road. We get to decide now whether we change it, which is great, and part of the process. That did not mean that there was some nefarious thing there. The Master Plan process was very open. The process was almost two years, many meetings, public hearings, and had to notify the residents. We tried to get people's opinions through letters in their tax bills. He agrees with the comment from the gentleman in the back that you do not really see it until you need it. This time around we will have plenty more input which is great. He does not see the Planning Commission doing a full-scale review of the Master Plan which was decided at the last meeting. It will be amending and that protocol process will be what Attorney Thall will indicate to us. He will hopefully have that to us by October 6th so that we can look at it by October 27th. An amendment process was proposed some time ago for a change in zoning for the billboards.

Konieczki: That was under the 2008 Master Plan.

Seitz: Was it proposed as an amendment?

Konieczki: The Planning Commission had to amend the Master Plan so you could then amend the zoning, and that failed for the billboards.

Seitz: It was an amendment process to the Master Plan and still required several public hearings. It is the same process. Let us look at Pierce Road as everything has been rejected that has come before the Planning Commission.

We have a better understanding of what we do not want. A lot of that was based on the infrastructure. This is not something that is being held up. All we need to do is have the attorney lay out the exact number of hearings, steps, and that is what we do. If we have that information in October, then we can begin the process in November.

There was some mention about the August 9th Township Board. He is not aware of those minutes as he does not attend those meetings. His assumption would be that is something to comment at the Board meeting.

New Business:

- 1. Chelsea Square 81 units request a one-year extension of final site plan approved September 23, 2021 per Ord. Sec. 30.78 (f) (2)**

Chairman Seitz: There has been a delay with this project. The applicant had their view about the delay, but he did speak with Attorney Thall about it, and he had a different view. The delay is based on the

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

permitting process and that is what we are focused on today. We are running up against the 180 days for them to pull the permit or to start. Carol to clarify.

Konieczki: There is language in our ordinance that if you do not start within 6 months then your site plan fails or you do not pull a building permit in that time. One of the issues is that they cannot pull the building permit because of state Environment, Great Lakes, and Energy Department (EGLE). Jack Knowles is here to address that.

Seitz: We ran into this previously with St. Louis and their site plans needed to be extended.

Konieczki: That one was different because they had already started their construction. In particular for the St. Louis Center, it is their recreation building and where they are lacking some funding. They are moving forward and making progress on the other phases. It is only the one phase that they have not been able to fulfill.

Seitz: Jack Knowles is here and he can speak to the request

Knowles: He is with Snell Investments. The letter pretty much speaks for itself. Chairman, you summarized it pretty well. We would be in the ground as we speak if we could get the permit. This is totally out of our control and it is totally out of the township's control. We are not the only ones affected by this. Everyone is just waiting for EGLE to do something. Really for Leoni Township to comply with whatever EGLE is asking of them. There is one inaccuracy in his letter and it is on the expiration date. He states the new approval would expire on January 11th. It actually would be from the date of when it did expire which was in July, so it would be July 7, 2023 which is better for the Planning Commission. He hopes to not be in front of the Planning Commission again asking for another extension. He is glad to answer any questions that anyone might have. Carol has mentioned that they have been working diligently at this. They have everything ready to go and really just waiting on that. As soon as they get it, weather permitting, they will be moving some dirt.

Seitz: When we approved the final site plan, there were conditions and those have been completed. All of the conditions have been met except for the permit. When he spoke to Attorney Thall last month about a different issue, he was hopeful with the Leoni – Eagle dispute that something would be resolved. Attorney Thall represents several townships and there are other townships in the same boat.

Knowles: He understands that there are 11 communities that contribute sewage to that plant, and despite Sylvan not being one of the problems, you are being held hostage just like every other community that goes there.

Do any of the Planning Commission members have any questions for Mr. Knowles?

Van Buren: In your letter you mentioned that the township was in violation of the consent judgment. He is curious about that statement. He also read that there were not enough taps.

Knowles: He is not an attorney, but he has a court order that says you are supposed to give me an X amount of service. We are not getting that service. He understands that Sylvan has a problem with Leoni, but that is Sylvan's problem. He does not have enough taps for the entire project, but certainly enough to build several units and be up and running. He is short 17 sewer taps. The township owes them those 17 taps. That is part of the consent judgment to provide sewer service for those 17 units. Right now we do not have them. No one is pushing that.

Seitz: The problem is the Leoni stoppage.

This motion would be based on the actual language as we have done previously to provide a one-year extension from the site plan expiration based on good cause. The case of the good cause is lack of permitting capacity with EGLE at the moment.

Motion by Seitz to provide a one-year extension to the Chelsea Square 81 unit final site plan approval which would take us to July 7, 2023, and that extension is based on good cause being the current impasse

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

between Leoni and EGLE for further sewer extension, supported by Van Buren. Unanimously approved by roll call vote.

- 2. A Public Hearing and Planning Commission action on the request of Inlandish Development LLC for a conditional rezoning of twenty acres, 5601 Conway Road, formerly known as 5710 Conway Rd. Tax parcel ID f-06-11-200-024. The request is to conditionally rezone the parcel from the agriculture zoning district to low-density residential for an additional 9-12 homes. There is one home currently on the property. There is no site plan for consideration at this time.**

Public Comment opened by Chairman Seitz at 7:36 p.m.:

Patrick Zieske: He is the owner of the company. He wanted to start out by saying he did not intend his comments on the open space ordinance to be partially directed at any one person. The rezoning application, as he said, is not the direction that we started with. We started with hoping we could keep it in AG, and he still has some hope as the open space ordinance is still in process. He is hoping to keep it in AG and utilize the open space ordinance in a way that it was intended. His plan even before he knew about that ordinance was to preserve more than 50% of the property, and he still wants to do that. He still also wants to cluster the homes basically the same way he intended with some minor adjustments as he is learning the rules a little bit better. The rules are not finalized as the ordinance is not complete, and that is the reason he was not able to submit a site plan as he does not know what it is going to look like yet. He still hopes to utilize the open space ordinance even with the redesign. Although if we had a good open space ordinance, the rezoning would not be necessary. If you look at the conditions on it, they actually closely mimic the core principles of the open space ordinance. He wanted to do that to make sure people knew that this was not some kind of open-ended thing. He is voluntarily limiting this to only two additional units over and above what he is already eligible for. He always thought that two units would be in line with the typical density focus. The other condition on the rezoning application is the 50% preservation of the open land that shows that his intent has always been the same. Details of what the residential clusters look like are still to be determined based on how the other ordinances shape up, but all he was able to provide there was kind of a vague diagram of the homes clustered up front and the agriculture land being in the back. As was noted in the staff report, the soil there is actually good for agriculture, so he is very happy with preserving, and in fact, what might not be noted is that they had farming activity for produce on different parts of the land in the past couple of years. He thinks that there are so many different directions that this could go in. When he looks down the hill from his property and sees Westchester Park, it is only about ¼ mile away from the boundary of his property. He really thinks this represents, even with two extra units, that this is minimal, a gradual transition from what is going on down the hill. He is not asking the township to provide any utilities or services to them other than an increase in fire service which might happen if there was a fire. He thinks the considerations for water and sewer capacity are really not an issue. He has not heard traffic be raised, but twelve more homes on a road that probably already has fifty. He walks back and forth from his property on Bush Road, a trip that takes him probably 10 minutes to walk, on average he sees about one car. He wanted to pre-emptively note that too. He thinks they are doing this with minimal impact and a lot of these things would come up in the site plan review which he has already started planning. He would be happy to get input on the issues like that. In fact, he has actually sought out input from neighbors and other parties with neighbor's support. He has actively sought out input and even sat down with the site plan in their homes. He is very sensitive in getting feedback and welcomes feedback. Not that it would change the plans dramatically, but it would make a real difference. This is pretty much everything he would say to lead off. His associate, Christian, is

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

present and speaks more as a land preservation specialist, which he is. It could be part of their presentation and he would be happy to include that.

Christian Smith: He has been working with Patrick for a while and also with the Planning Commission. He no longer works in land preservation for full disclosure, but he did for about 5 years with county programs and land preservation. It is impossible to disentangle the rezoning from what has been happening with the open space ordinance. In his opinion, what they are asking for with the rezoning will allow the best use of the land. It is possible to use open space in LR or AG. In the current ordinance, it would allow more preservation of the land because the lots are smaller. He hopes that that continues to be the case in the next draft that they will see next month and the removal of lot widths and lot size. If you look at the Master Plan, the future land use is LR. They are the only AG space left. This is what happens when you hold out for larger lot sizes. They can shape it and cluster the homes to preserve land as they are asking. To him it seems like a hard case to deny the rezoning based on the fact that it is all residential around them and sited as low residential in the future. He thinks this is the best case. It is essentially preserving half the land. He looks forward to the open space development really being incredible with the continued conversation in October. He would be happy to go into more detail if needed.

Patrick Zieske: Rebecca Harvey has done great work.

Dave Reinhardt: He would like to support the additional rezoning that has been requested for twelve homes on this site as it would not affect traffic on Conway Road every day, and it would not be a concern. Twelve homes would not be a burden on the school system and from what has happened previously he would prefer open space as he said earlier. Patrick and Christian have been very inclusive of the neighbors and he commends that and hopes that this is considered in lieu of the open space.

Public Comment closed by Chairman Seitz at 7:48 p.m.

Chairman Seitz: He wishes that we had the open space preservation ordinance done. This project fits exactly with the open space preservation ordinance. He understands why Patrick is going for the rezoning and we will go through our standards review. We are limited in certain factors in rezoning and that is what the focus will be on tonight. If you go from AG to LDR and you want to farm, you can try some right farm stuff, but it gets more expensive for you and would have to fight for that. It is a challenging process. From what Patrick is trying to do with the property and what he wants it to look like, thinks it is AG and it should be zoned AG. He understands that, and the focus tonight is on the standards review. Would hate for Patrick to go through the process and change this to low-density residential if it does not offer him what he wants. Just to remind the Planning Commission members this is simply the standards review, and not a site plan review as one was not submitted. This is based on two conditions that we know about low-density residential, and if the land transfers tomorrow all you have is low-density residential. Would like to focus on a site plan, but Patrick was not able to submit one.

Are there any questions for Patrick?

Eiseman: What is the advantage of going from agriculture to low-density residential if you are still going to wait until the open space preservation to be passed? What is the advantage of changing the zoning as you may lose some benefits?

Zieske: The two additional houses is something we could live with if we lose either way. It is a general uncertainty of where the open space ordinance is going to end up. There is a lot uncertainty on the road right-of-ways. Every foot of the setback combination helps. The ironic thing is that the front yards for AG and LDR are the same. We are looking at how we can squeeze those dimensions in other places if you cannot get any relief in the front yard if the current draft ordinance happens.

Seitz: In an Open Space Ordinance, you would design what you want and bring it to the Planning Commission. One would show the setbacks and the standard of what you have without it. With the next one, you could throw them out the window.

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

Zieske: There is immense uncertainty about how that process ends up at this point. You cannot even implement Rebecca Harvey's illustration that is on page 2 of the document without following the exception process.

Seitz: The way she wrote it, and what Attorney Thall is looking at, is that do you write this thing as in I am going to establish setback minimums and we did not do that. Design it the way you want it and then everything is under exception. The Planning Commission has to go through the design process.

Zieske: If there was relief on the front yard for the road right-of-way, that would be great. At least we got the side and rear yards to pick up some of the slack.

Seitz: Twelve houses in an LDR with no setbacks on 10 acres with a road?

Zieske: He is being creative and trying to be. He is trying to put himself in the best position that he could. Frankly, the reason why he submitted this on July 26th was because the Master Plan was going to be over and he was afraid it was going to pre-empt everything.

Van Buren: You already have two buildings on this property, a barn and a house, and now you are asking to come in and rezone it again.

Zieske: He has one structure which is half barn and half house.

Seitz: How do we fit on the assumption of LDR that you would have all 20 acres buildable. There is an existing structure and you have to have something else on a property that cannot be built on. Are there any wetland or other non-buildable property?

Zieske: He does not believe there is. There is no wetland.

Seitz: There is the existing structure and existing well. That cannot be buildable property. Or is the existing structure going away?

Zieske: Definitely not. The existing structure is intended to be one of the twelve units.

Seitz: We will get into the zoning application and will review all the standards. Any other questions that will help us discuss the standards? The last question before we get into the standards is animals, farm animals, or anything like that. That is where you will have to go and fight for your right to farm as you cannot do that on LDR.

Smith: What it does is keeps us to minimal herd sizes, noise and smell. Set back a certain amount and a lot of regulations go along with that. General farming practices.

Zieske: He has sheep on the property. The sheep have been a sore point for at least one person. He sees the scenario being talked about and how that would play out if the person would say they do not like the sheep. Can the township sue over the sheep? That would cause a big headache for him. He does not want to go in that direction. He is thinking it would be a challenge to have livestock. He would rather keep it in agriculture.

Seitz: No matter how we move forward this evening with any motion to approve we would need to deal with two issues on the application. You will need to redo the drawings to show the existing structures for the official record and need you to show the abutting or adjoining uses of the properties labeled on that same drawing.

Konieczki: Yes, it would be nice to have it to scale showing as much as possible.

Zieske: He is clarifying that he needs a to-scale site drawing showing the existing structures and all of the adjacent property uses and zoning which is all AG.

Seitz: The Planning Commission will go through the standards review. He wants to point out before we start the discussion that everyone understands the two conditions that would go with this property if we were to change it to low-density residential. These two conditions would be set on these 20 acres and you cannot change this. The total number of residential lots would not exceed 12, that is one condition, which under LDR would be 20. Would go from 20 to 12 assuming all 20 acres are buildable. Under LDR that would actually be more than 12. Under agriculture you are limited to 10. At least 50% of the parent parcel would be dedicated to preserve for open space. What does parent parcel mean? Is it not all one parcel?

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

Zieske: It is considered a parent parcel as he is planning to split it off. He took that language directly out of the open space ordinance.

Seitz: Those two would go with the property. We have to consider all uses when going through the standards review for the rezoning which is what we have been doing. There are special uses in low-density residential that do not vary much from AG. He does want to point out that at that time we were considering multi-family residential which is a much bigger zoning change. LDR is mostly what the township is. If you have 10 acres, you are pretty much LDR. If you look at the uses in this township, you will not see much separation. The one thing that is different is home occupations are allowed in low-density residential.

Konieczki: Home occupations are pretty universal to be allowed, but they are special uses.

Zieske: Could someone define what a home occupation is?

Seitz: We get them a lot, like someone we had a while back who wanted to repair diesel trucks in a shop in the back, or someone who wants to cut hair in their basement. It is different than it used to be. This is old language. Setbacks – some of the differences there we have talked about. We have to consider this not just for Patrick’s use, but for any use in the future. He does not see a lot going from AG to LDR in this particular standard. According to the Master Plan, the staff report points us out that the Master Plan has this labeled as land use designation of LDR which includes AG.

Consistency with zoning in the general area. Is the zoning consistent with the general area? The general area can have many different meanings depending on traffic flow and where folks are at.

The next standard is very close to that. Is it consistent with land use patterns in the area? As he mentioned, land use in the area is certainly a low-density residential fits with the one-acre lots is not what we have and has more to do with what we have allowed in the past which is essentially take your AG property and split it up into 10-acre bowling alleys.

Any thoughts or comments on these two standards of general land use in the area?

Van Buren: Spot zoning – people get two-acre bigger lots in the area compared to the surrounding property.

Seitz: You would be dropping 12 or 10.

Bareis: What are we going to do when the next guy comes in and we have no say.

Heller: Have 40 acres and wants to make 40 homes. In the instance where this acreage is zoned LDR, the adjoining properties, like the 40 acre parcel to the east will then have potential to be zoned LDR, potentially allowing 40 houses be built at a later date. She farms and has 40 acres. She is cautious about how one zones AG property, because of the precedent it sets for future endeavors and the impact it can have on agriculture production. It is unfortunate we do not have the open space ordinance finalized. She wants us to be aware of what we are setting us up for as there is already the development one section over with a higher density level of zoning. The property requesting LDR zoning is intending to produce livestock as well as other production agriculture, this sets an awkward precedent in a currently ag-zoned region. She is concerned that property that runs behind would possibly become a risk of contention due to ag odor, noise, etc.

Seitz: The 40 acres that is off of Sibley Road that overlooks the new subdivision.

The suitability of zone uses in the area. We talked about that. What do we do around it?

Infrastructure: Where do you limit development and where do you do development? There is no infrastructure there. Apparently we only want development where there is sewer and water.

The suitability in services: public services such as transportation, roads, sewer, water, public safety, fire, and police. In this case, nothing is running down that road. How do you do 12 homes? We allow 3 on a driveway.

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

Zieske: Something needs to happen first. Private roads seem to be a big component of the open space ordinance. That seems likely. If nothing happens on private roads, then you get into another issue and the county takes back approving county roads.

Seitz: Traffic: Patrick brought up lack of traffic on that road.

Wendy Reinhardt: She brought up that there is lots of speeding traffic at certain times of the day. Coming from the factory.

Seitz: The traffic issue is not a negative here.

Reasonable use under current zoning: this is where it works against you as It is farmable land, but the condition is actually written to preserve the open space, not just farming.

Seitz: There is a need for low-density residential. It does not diminish the value around you.

Standards around suitability and consistency: Is this the right zoning for the proposed use?

Van Buren: Can this be withdrawn?

Seitz: It can be tabled. If it is not ultimately what Patrick wants. Any action we take, we can hold – it is a timing thing.

Zieske: Laying out options – can make a motion, table it, or withdraw. He had an unconditional rezoning on the table last year. He is not going to withdraw this one tonight. If the open space ordinance is the way it has been. If something was sent up to the Township Board, it would be adequate.

Seitz: Advised Patrick that he could table this until October 6 meeting. At that meeting, I intend to send the OSPDO to a full hearing at the end of October. If we don't take action on the OSPDO on October 6, then you know there is further delay and we can vote on this rezoning request.

Zieske: He wishes to table this one until at least October 6th.

Seitz: Table this until October 6th for unfinished business and then until the October 27th meeting.

Zieske: Yes, that is his request.

Motion by Seitz to table this until October 6th per Patrick Zieske's request, supported by Schulze.

Communication: None

Comments/Concerns of the Planning Commission Members: None; Mike Van Buren will be absent at the October 6 working session and on October 27.

MOTION to Adjourn: by Seitz, supported by Van Buren at 8:26 p.m.
Unanimously approved by roll call vote.

Next Planning Commission Meeting: October 27, 2022

Minutes respectfully submitted by Steve Eiseman, Planning Commission Secretary.

APPROVED: _____ Date: _____

Approved as Submitted _____ Approved with Corrections _____

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

Established 1835



SYLVAN TOWNSHIP
18027 Old US 12
Chelsea, MI 48118
Phone (734) 475-8890
Fax (734) 475-8905

PLANNING COMMISSION Special Meeting
October 6, 2022 at 7:00 p.m.

The Sylvan Township Planning Commission Meeting was called to order by Chairman Seitz at 7:01 p.m.

Members Present: Chairman Dave Seitz, Tom Bareis, Stephen Eiseman, Courtney Heller, Leah Herrick, Trustee Sandie Schulze. Absent with notice: Vice Chairman Mike Van Buren.

Also Present:

Representing Sylvan Township: Planner/Zoning Administrator, Carol Konieczki; Treasurer, Rodney Branham; Clerk, Amanda Nimke Ballard.

Members of the Public: Michelle Adams, Trenda Eversole, Ann Kalmbach, David Reinhardt, Wendy Reinhardt, Renee Townsend, Mike Van Goor, Patrick Zieske, Dawn Caplis

via Zoom: Michael Bila; Rebecca Harvey, AICP; Attorney Robert Thall.

Chairman Seitz commenced with a roll call.

Chairman Seitz asked if there are any changes or additions to the agenda; there were none.

Approval of Agenda: Motion to accept the agenda moved by Eiseman, supported by Heller. Unanimously approved and adopted by roll call vote.

Approval of Closed Session Minutes: Motion by Herrick, supported by Schulze to approve the minutes of the closed session for the July 28, 2022 regular meeting. Unanimously approved and adopted by roll call vote.

Chairman Seitz: The September 22, 2022 regular meeting minutes will be moved for approval at the next meeting on October 27, 2022.

Public Comment opened by Chairman Seitz at 7:05 p.m.:

Patrick Zieske: He has done a craft reading of Ms. Harvey's responses to his letter and a craft reading of the ordinance changes. What it comes down to for him, and he is reiterating what is in the letter. He found the responses mostly inadequate, in some cases make sense. Look at this from the perspective of the land owner or developer that wants to develop. Are you encouraging them to use the open space ordinance or are you encouraging them to stay with the conventional approach? When we started out the process before, Rebecca came up with a great idea that we should put incentives in the ordinance and clear away roadblocks. Some of that was done. In fact, one of the points in his letter was actually done. Some of the other items he is still scratching his head, thinking why. The first point in his letter about the road right-of-way and setbacks is a perfect prime example of that. He looks at the ordinance which is great. On page 2, there are examples of good open space cluster design. We have an ordinance here whose language prohibits what is illustrated. How can that be? The answer is that it doesn't completely

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke Ballard

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

prohibit it. It provides an exception process that the Planning Commission has the discretion to override the prohibition. That is like saying 'we said this, but don't really mean it in practice, but trust us' which sounds kind of weird, right? We don't say what we mean, but trust us. If you don't want to prohibit this, then the ordinance by default should prevent it. We have this problem with Cavanaugh Lake and there is a reason why you want to have a lake district because everything that is normal with the lake needs to go through ZBA and the exception process. Don't put the normal things in the exception process. From his perspective, probably if he submitted a site plan for an open space ordinance he could probably get the majority of the people here to pass the exception on the Planning Commission. If he submitted on the land ordinance and didn't know you, it's discouragement. He doesn't know next year who will be on the Planning Commission. It's discouragement for him. He wishes he had time to go through the other responses. There is a very simple way that could solve this. Ms. Harvey has set in her mind that we shouldn't change the dimensional requirements of the underlying zoning district. That is a basic principle that she doesn't want to do, but probably realize how this interacts with the other ordinances. The ordinance says basically that the front yard starts with the road right-of-way and ends with the front part of the home. We could keep the dimensional requirements the same and just say that the road right-of-way up to the travel surface road may be counted as part of the front yard space. That would solve it and you wouldn't have to change the dimensional requirements. He would be in favor of changing the dimensional requirements. There is a section that says general development requirements and under that says clustering design standards. There is another section that says design standards and another section that says review criteria. It is unclear which one of those are suggestions and which of those are actual standards that apply. Who determines if you are doing what you should? It should be clarified. He believes in all of those standards even though some of them can be overlapping and contradictory at times. One of the points he is trying to make is if the state law itself gives the land owner rights to develop the property, offer the land owner options. He knows it is more complicated than that. The state law gives you the ability to impose additional requirements on the open space development that were not in the underlying zoning district. When you see things added like 'may impose a development agreement'. If the lot being in the underlying zoning district for the type of development you are developing, he doesn't know if you can have these requirements. You can have the open space ordinance, but only if you do the other things too. You may find it unenforceable. He would ask to please relax on some of these things because that was the full intent of this to clear away the roadblocks, not add more. It may be a good idea legally as well. You don't want the land owner coming in and saying that I may have to fight for this legally.

Public Comment closed by Chairman Seitz at 7:12 p.m.

Experienced technical difficulties with audio and Zoom.

Unfinished Business:

- 1. Presentation of draft Open Space Preservation Ordinance – Rebecca Harvey, AICP
Set public hearing.**

Seitz: The last time we discussed this we had some changes, and Rebecca has incorporated those. The other thing we asked was for Attorney Thall to review the draft and look at some specific things that we discussed with him during our last discussion. He will go through some of those and then open for questions. He went through the actual changes to the ordinance which were bolded in the draft. First change is on page 4 where we changed the open space requirements - we had a minimum of 50% contiguous land area in preservation, and then talk about things that shall not be included in the open space which included road right-of-ways and land devoted to a lot or unit. We added land devoted to a

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke Ballard

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

community water supply and septic system. Some changes were made to subsection 8 on that page and the next page as we wanted it to be clear that it could be a single entity in ownership of the open space and a lot of that comes down to legal requirements. Page 6 subsection 4, this was the section we asked Attorney Thall to add regarding the maintenance responsibilities for private roads because in this township we have not allowed for private roads in so long. We have looked at the potential for a private roads ordinance and in this ordinance spelled out the language the same way. Section c on page 7, this is another special assessment district which allows the Planning Commission and Township Board to recognize that if there are things on the utility side, we want to make sure we don't get stuck with future safety systems there. If things go haywire, you can do a special assessment in order to pay for it. On page 13, this is again on the development agreement with a performance guarantee. We have to add language for performance guarantee as Attorney Thall recommended that we keep this consistent. He will address some items that Patrick brought up as he has read this ordinance several times in different iterations, and then read the state law that Patrick is referring to. To him, this ordinance provides an ability to incentivize the open space preservation in a way that is acceptable in an otherwise controversial topic. Several iterations were not successful on agreement until Rebecca brought this forward to help get past the resistance to adding density because in normal open space discussions it is all about density. Density is going to stay the same in the district it is in, but we can have this parallel design situation where you put the design up that you would put in a normal district on the left-hand side and then put in an open space version of it which would take into account leeway, setbacks, and things like that. This not only allows that, but the whole reason you would do it. You don't write an open space ordinance and say here are the new standards, you say show me what you can do under the standards of the current district and then show me what you can do under the open space preservation ordinance to figure out how to protect open space and make things better. Look at this township and all the things that have been rejected over the past five years. If we are going to have growth, let's keep it reasonable. He understands some of Patrick's discussion items. This is about a design process between the township and the developer. The township changes and different people come in to power, but in this case that is the point.

Are there any questions on the new language or Patrick's document?

We will set a public hearing and have the next several weeks to review.

Heller: She is not familiar with the policy on private roads. Is it the county road standard?

Seitz: In Sylvan Township there is a current policy on normal private roads and the county has a policy of no more public roads, so there has been talk about what we would do around that. That is a policy decision for the Board. We started drafting a road ordinance a long time ago and there was some confusion of whether it was worth the time and if we wanted to do all of that. When Rebecca came to us and said if you took the density out of the OSP, you don't have to use density as the bonus. Under normal circumstances, townships say if you do an OSPO, we'll give you an extra unit per 5 acres or one house per 10 acres. We took that off the table and decided that whatever zone you are in, that is the density you have. Under this process you go through another design process to say how can you make it look better than to have the large front yard setbacks. Follow the design process and at the end of that, what is the incentive of going through that. The incentive is that we can combine site plan, we can combine this with that process and we can offer you private roads which is a huge incentive for a developer.

Heller: ??-

Seitz: The entity that has ownership or has it under a deed restriction we could hold responsible.

Heller: [How will it be recorded or notated that the open space privately owned is to remain in agriculture production, versus lots for homes or other development once properties](#) changes hands. What is the township liable for?

Seitz: Our liability is clearly spelled out.

Attorney Thall: He reviewed the ordinance and made a few more revisions to it for special assessment districts for the streets and for the utilities in case they are not being properly maintained in the special assessment district and assess the properties for it. He added a development agreement at the end that we could require a development agreement. Otherwise, he thought the ordinance was really very good. It addresses what Rebecca Harvey went through and Patrick's letter. It addressed his concerns.

Heller: She has questions on page 7. [Regarding all lines being placed underground, is gas to be included since the community has gas lines?](#) Is it required to have them installed before they can build?

Seitz: We have a couple questions for Attorney Thall as it relates to the development agreement and some of the language added. Courtney Heller is new to the process stepping in in the middle of the game and trying to bring her up to speed on the structure of the township's liability on the open space and how that's structured, and then how it changes when change in ownership happens when a developer sells it or over the course of time the owners take ownership of it. She was asking some questions about how that is structured for an open space project. Is it deed restrictions on each piece of property, or how is it spelled out so that we have common ownership?

Attorney Thall: With the open space, they are going to do a deed restriction or some type of conservation easement, or trust or other restriction that will irrevocably hold the open space for the purposes and in doing that we can make sure of the approval process going forward, and keep it managed. Most of the time they will use like condominium to develop. deed restrictions that all of the parcels will be subject to. Typically, the master deed, deed restrictions, and bylaws for the condominium association, what they will do when they reach a certain level of sale of the development, the association takes over and are responsible for the open space and maintaining it in proper conditions. If they don't do that, there are provisions in the master deed and bylaws that provides for an assessment from the association. They can do a maintenance assessment to maintain the common space and open space. This is normally how we see this happen and what we would do is approve the condominium document for an open space development. They would do it as a plat or more likely a condominium development because the plat is more cumbersome and takes much longer. It is much easier to use a condominium statute to develop and most developers are using that now. When we approve the condominium units development, we would review and approve the master deed and bylaws to make sure that it properly takes care of things like the open space so we can ensure they take care of it as it will be held in an irrevocable open space. That is how we would do that, and also goes to some of the other things that have been built in too like the special assessment for streets and special assessment for the sewer and water systems. We want to make sure they properly maintain the sewer and water systems. If they are public systems, we would be responsible. What if they do not properly maintain, the State of Michigan oversees this. In a community water system, the State will oversee the operation of that. The same for the community well and septic. If they fail to do that, then the State could come back to us and say that you have to make sure that this is operating properly. That is why we set up a separate special assessment. If you fail to maintain or properly operate in the future, we are going to start to specially assess the units in a condominium for properly maintenance of the sewer or proper maintenance of the well or to make sure you are maintaining the streets. It gives us the level of control to make sure that even though these will be private properties, that we can specially assess them. If they are assessed and don't pay, you go back. We put those things in for utilities and streets, and for the open space we will make sure when we approve a project like this that they are using a condominium form and make sure there is an association that will take on responsibility. If they use platting we can make sure there are deed restrictions, and they can also have a plat association, and be required to make sure that it is maintained in that circumstance. This ordinance gives us the oversight and to control to make sure that we are not going to end up with a mess down the road.

Heller: If septic or well fails, could the cost come back to the taxpayers?

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke Ballard

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

Seitz: No, and that is why the language was added about the special assessment. What we could do is adding a special fail-safe assessment to those property owners or whoever in the end owned it and they would pay for it.

Attorney Thall: In general review of the ordinance is that it is a really nice ordinance and it covers everything you need to cover. It does answer Patrick's questions. Rebecca Harvey refers to sections in the ordinance that give enough discretion to the Planning Commission to take into consideration for flexibility that he is looking for in his comments.

Seitz: Rebecca, is there anything that you would like to add regarding the changes? He did start to review the changes and Patrick's letter. Patrick did speak earlier about his view of it. What it comes down to is a difference of opinion on how you legislate or how you write one of these in a way that provides the flexibility. He is in the opinion that you use the review process and lean on the review and design process which is how this is written to allow the Planning Commission to modify the design standards based on the overall design. You could go back and change all of the rules, but then you don't have a lot of flexibility on how you work on that design with the developer. Part of this is to encourage a more tight design process that happens together.

Harvey: You are exactly right. She has reviewed a lot of open space plans. This absolutely provides the framework and the information it provides. There are many things that are required, and the advantage to the developer is that it allows them to work with the assets of the property which is the advantage to the community because that is what they are wanting. They then do not have to go through the variance process. There are a handful of things they have flexibility on. The Planning Commission has the ability to look at those and have the ability to say from a big picture standpoint, and that is the purpose. It is why we do a very deep detailed description of the process so you can the design and support, and why. As a practical matter, when you are reviewing an open space project in front of you, and go through the process like you are used to doing, and the knowledge you have on the plan itself that is essentially the contract. You have the conditions or approval spelled out on the key points like the streets, the open space and utilities, and you are going to have some very specific conditions. You will require conditional and getting the site condo site approval at the same time. You will require a condition to submit a master deed and that master deed will be reviewed by Attorney Thall. That is going to parrot the approval and in addition have the weight of the zoning ordinance behind you. It is really a tight process that planning commissions prefer as it makes things tight when you move into the development phase.

Seitz: In follow up to that, we talked about what is the advantage of a developer to go through this process and one is that we can provide some leeway around these things and an incentive is the private road. Rebecca, are there any other roadblocks or incentives that you would articulate that are most important that you've seen in your time working with these? We have talked about the streamline process that is important.

Harvey: From the developer's side of things, if they are getting to establish the same density in a smaller portion of property, it's less costly for them to develop. So from a very practical basic standpoint, that is the number one advantage for a developer. If you have lot sizes and prevents easement. If your ordinance will let you do that same thing on 50% of the property, they are cutting their costs for the extension of those kinds of things. If it public services, that is another huge cost, but in the very least and just the cost of development in general. Compact development is less expensive and that is the biggest thing. The second thing and she would not understate this. The community establishes the lot size and lot requirements as a way of controlling density. In other ways that those dimensional standards are arbitrary other than that you are doing it to achieve density. When you apply those arbitrary standards on the property, it does not really let you work with the property which causes a developer to do a lot of or sometimes unnecessary grading and filling as they are stuck having to make certain properties. Cost, here

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke Ballard

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

is your density, but let the property tell you the right way to build for your zoning site and minimizes. Streamline and flexibility are her two from the developer's standpoint.

Attorney Thall: You have to have a water and septic system to allow for development of the property in places where they normally wouldn't be able to develop it if there is not public water or public sewer there. It is still the township's goal to preserve its rural character. If you want to use this, you are going to have to preserve open space. It maintains the township's rural character, but from a developer's standpoint, you could use the community septic and water systems and we put that in the ordinance. A lot of these properties would not be able to be developed this way.

Seitz: Does everyone feel comfortable going to the public hearing at the end of this month? We will set a public hearing for consideration of this ordinance for the end of October at our normal scheduled meeting on October 27, 2022. The intent is for the public hearing to take in comment, get to action, and then move this to the Township Board.

Konieczki: She will work with Attorney Thall as the notice needs to be submitted by tomorrow (October 7th). She will inquire if they can submit on Monday as that would be the two weeks required.

Seitz: In the meantime, Courtney if you have any questions or comments, you can reach out to him, Rebecca, or Attorney Thall. She is coming in after two years of discussions and iterations. Public hearing and action at the next meeting this month.

2. Discussion with Attorney Thall regarding process to review Master Plan.

Seitz: Attorney Thall will stay on and outline the documents and review process for the Master Plan. We can talk about and discuss the process timeline. From this body's previous discussions a few meetings prior, there was some consensus around amending the Master Plan and the last time this was done, it was a full-scale rewrite. The motion was to do an amendment to address some things that have come up over the past five years in terms of projects we have rejected, accepted, and so forth. We will do an amendment process and that process is not much different than a full rewrite process. There is one step that is easier based on timelines. To Attorney Thall, is that correct that the amendment process is similar?

Attorney Thall: Some of the timelines are a little shorter, but it follows pretty much the same process. The first thing to think about is what do you want to address. There may be certain areas of the Master Plan that you do want to look at. He recommends that you should ask for an RFP to help you through the process. It is important to have planners involved with this process and have the assistance as you go through this. He would suggest wanting to know what you want to address in the Master Plan and then ask for a quote of what it would cost to have a planner help you through that process. It will take much longer without a planner.

Seitz: In 2015 or whenever we started the 2017 plan, we had a planner and it was a firm who was working with surrounding townships. They spent a lot of time with us and helped us move through the process. The Board did approve some funding for this. That would be step one to get someone like that on board. The one thing we did not talk about last time that we should put in the Master Plan is the OSPDO and how we see that fitting in the plan for the township. Based on the rejections and approvals over the years, we can better spell out in the narrative the language of preserving open space by designing our community better or things like that. The last time we talked, folks wanted to look at Pierce Road and how that designation might be changed under the last future land use map.

Attorney Thall: Look at the Pierce Road area specifically as we seem to have so many problems and wrestle with that so much. That warrants taking a closer look at. Also, how do you incorporate open space ordinance into the Master Plan.

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke Ballard

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

Seitz: He would ask Sandie to take this to the Board and say that the Planning Commission is going through this process and if there are items that they have recommendations or suggestions of areas to consider reviewing.

Schulze: Establishing a lake district is an amendment?

Seitz: It is an ordinance. If it was done already, it could be put in the Master Plan under available zonings, but it isn't done right now. There might be narrative we could put in there for future. When we reviewed the Master Plan before, we talked about that, but because we didn't have a zoning district specific to it, it all fell under LDR. The lake doesn't fit LDR. We could ask the planner how to address that.

Konieczki: In the implementation of the Master Plan, one of the recommendations was that we adopt ordinances to make our Master Plan function together with our ordinances which we never implemented.

Seitz: In looking at the amendment process, focus on a few key areas, and getting the planner on board. At the next Township Board meeting, they can discuss it.

Heller: With the Master Plan, do we work with other townships or cities since we share roads, etc.?

Seitz: They are notified that we are starting the process. They are notified to come and submit input. We will have several public hearings where they are notified.

Konieczki: They also get notice of the plan and it is available to them. We did get some very valuable comments from the city of Chelsea at the time that was the only entity that commented on our Master Plan. We also get theirs, but we often don't comment. It is by statute that you have to send it around to many people, railroads, airports, etc.

Attorney Thall: Start with notifying all the entities around of the intent to start the plan process. We can work through language that goes through the Township Board. We should distribute the revisions to those communities to see what we are talking about for feedback. Go out to other communities before you move forward with the public hearings. There is a timeline for all of these things and he believes the Township Board has the ultimate say over the plan. If the Board doesn't exercise that control, the Planning Commission has final say.

Konieczki: It is by the resolution that the Planning Commission asks the Board if they want to opt in on it if they want to have that say. It is what was done last time.

Attorney Thall: Sometimes a Board can reserve that authority, but it is not in all cases. At some point, the Board will need to weigh in on whether they want a final say.

Konieczki: The process last time was that the Planning Commission sent it and asked, and the Board did weigh in.

Attorney Thall: That is the final approval process. The Planning Commission would approve it and send it to the Board for final approval. The first part of the process is what you are doing by identifying those things you want to focus on. If you want a special lake district you can plan to address how you want to look at that. At some point, you may be implemented through rezoning. The next step is to ask for an RFP for assistance to the project and have that for your next meeting in October.

Konieczki: The Board will not meet again until November.

Attorney Thall: You mentioned the Board had already authorized some funding for a planner.

Seitz: They authorized the money, but not sure of the process for the RFP at the Board meeting to approve the RFP.

Konieczki: Does not believe this needs approval for the RFP. They have already allocated \$5000 which may not go far.

Schulze: It is difficult to know what to ask for.

Seitz: We will take this to the Board that we are beginning the process and in the meantime begin the RFP on these three items, and get input from the Board. How to structure the RFP as we are looking at an amendment process, looking at the area around Pierce Road as we have had some changes around land use, looking at narrative on how we address and encourage more open space use given recent adoption of

the OSPO, and also how we might treat or create a lake district in the future and how that could affect future land use, and anything else the Board would like to consider. As far as process is concerned, we get the planner on board before we do the notice.

Attorney Thall: Yes, then you'll have the planner on board, you'll know the things you want to take a look at, and then typically the planner will help with all of the different notices that need to go out throughout the process.

Seitz: Last time, Rod was helpful with getting folks involved in public hearings, and we tried putting a notice in the tax bills and find different ways of getting the word out there. He would encourage doing that again. Maybe also encourage Sun Times to do something. We will start to get the RFP process going.

3. Consideration of a request of Inlandish Development LLC for a conditional rezoning of twenty acres, 5601 Conway Road, formerly known as 5710 Conway Road, Tax Parcel ID f-06-11-200-024. The request is to conditionally rezone the parcel from the agriculture zoning district to low density residential for an additional 9-12 homes. There is one home currently on the property. There is no site plan for consideration at this time.

Seitz: This item was tabled from the last meeting. We have gone through all of the review standards, and then we paused. He asked Patrick if he wishes to pause again or vote on this.

Patrick Zieske: It is in his interest to pause again. With everything happening in the open space ordinance, he found it mostly discouraging, but not necessarily final. He was discouraged, but got the sense that the public hearing is just intended as a formality. What he really needs to do is weigh a few things. He appreciated the comments on flexibility.

Seitz: It will be back on the agenda at the next meeting. We will be sending the open space ordinance to the Board or we won't depending on whether we think this ordinance should be adopted or not. The next item on the agenda after that will be Patrick's and he can decide at that time to send to the Board along with it or not for rezoning.

Motion by Seitz to table the consideration of the request for Inlandish Development for conditional rezoning of twenty acres on 5601 Conway Road to the next Planning Commission meeting on October 27th, supported by Bareis. Approved and tabled to the next meeting.

New Business: None

Communication: No notices received by Konieczki that others are taking up their master plans.

Comments/Concerns of the Planning Commission Members: Mike Van Buren may be absent for the October 27, 2022 meeting.

MOTION to Adjourn: by Seitz, supported by Eiseman at 8:17 p.m.
Unanimously approved by roll call vote.

Next Planning Commission Meeting: October 27, 2022

Minutes respectfully submitted by Steve Eiseman, Planning Commission Secretary.

APPROVED: _____ Date: _____

Approved as Submitted _____ Approved with Corrections _____

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke Ballard

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

Section 30-805 Open Space Preservation Developments

(a) *Purpose*

This section is intended to offer an alternative to traditional subdivision design through the use of open space preservation development opportunities, as authorized by Section 506 of the Michigan Public Act 110 of 2006, as amended, for the purpose of:

- 1) Assuring permanent preservation of substantial open space and other natural resources;
- 2) Allowing innovation and greater flexibility in the design of residential developments;
- 3) Facilitating construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
- 4) Providing for site development that maintains a low visual impact, particularly along roadways and abutting properties;
- 5) Encouraging a less sprawling form of development, thus preserving open space, natural features, and wildlife habitat areas consistent with the Township's rural character; and
- 6) Ensuring compatibility of design and use between neighboring properties.

These regulations are intended to result in a development substantially consistent with these Ordinance requirements, generally, yet allowing for specific modifications from the general requirements. These regulations are not intended as a device for ignoring the Township's zoning requirements or the planning concepts upon which this Ordinance has been based.

These open space preservation development standards provide the design framework for the residential development plan. The review and approval process for a subdivision or site condominium shall still apply and can be conducted in conjunction with the open space preservation development review and approval process.

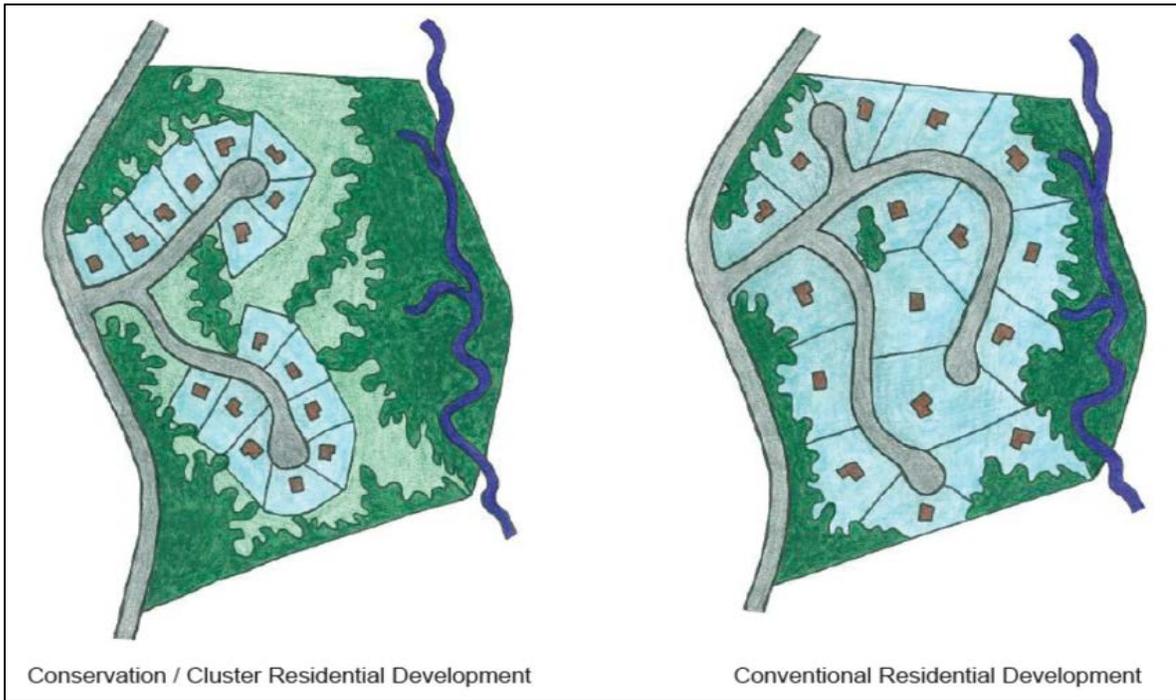
(b) *Scope*

An open space preservation development is defined as a residential development where the protection of substantial open space is the primary site development consideration,

Sylvan Township Zoning Ordinance

and the clustering or grouping of dwelling units and/or sites upon a small portion of the property is a fundamental feature.

An open space preservation development shall be permitted within the “RC”, “AG”, “LR”, “SR1” and “MR” zoning districts, subject to the following requirements and standards.



(c) *General Development Requirements*

- 1) An open space preservation development shall be limited to single- and two-family dwellings, if same is allowed by the underlying zoning district, and provided that the total number of dwelling units does not exceed the density for the open space preservation development allowed by subsection 2).
- 2) The total number of residential dwelling units allowable within an open space preservation development shall not exceed the density allowed by the applicable requirements of the underlying zoning district.
- 3) The number of residential lots allowable within an open space preservation development shall be determined in the following manner:
 - a. A parallel design for the project consistent with the State and Township requirements and design criteria for a tentative preliminary plat shall be presented to the Planning Commission for review.

Sylvan Township Zoning Ordinance

- b. The design shall be reviewed to determine the number of lots that could be feasibly constructed following the adopted plat requirements.
 - c. The number of lots determined by the Planning Commission in this review shall be the maximum number of residential sites allowable for the open space preservation development.
- 4) Minimum lot area, lot width, and lot coverage requirements shall not apply within an open space preservation development. All other zoning ordinance dimensional requirements for the underlying zoning district shall apply, unless specifically modified by the Planning Commission as authorized below.

The Planning Commission is authorized to approve specific modifications from the building setback and building separation requirements set forth in this Ordinance. Any such modification shall be approved through a finding by the Planning Commission that the modification meets the purpose of the open space preservation development set forth in section (a). Such a modification is not subject to variance approval or further relief by the Zoning Board of Appeals.

- 5) Residential sites shall be confined to cluster areas established within the open space preservation development.
- 6) Cluster area design standards:
- a. A range of approximately five (5) to 10 sites per cluster area, arranged in a small, cohesive neighborhood, shall be considered a desirable design feature, as opposed to a linear arrangement.
 - b. Cluster areas should provide access to accommodate vehicles, utilities, and commonly owned facilities, as well as a linkage to the project open space system.
 - c. Cluster areas should be visually and physically separated from one another and off-site roadways by open space buffers.
 - d. Cluster areas should be integrated into the site without causing significant impacts on neighboring properties.
 - e. Cluster areas should be designed to be compatible with the surrounding community character.
 - f. The use of single-loaded streets (houses on only one side), especially alongside “open space”, around community common areas, and to create foreground

Sylvan Township Zoning Ordinance

meadows along the public road that serves the development should be incorporated into cluster area designs to avoid a traditional suburban subdivision appearance.

- 7) Visual screening of dwellings from off-site street networks and open space preservation development boundaries shall be accomplished through the siting of residences, maximizing existing screens, and providing new natural screens and/or open space buffers where appropriate.
- 8) The proposed open space preservation development shall be under common ownership or control while being constructed, such that there is a single entity having proprietary responsibility for the full completion of the project. Sufficient documentation of ownership or control, that indicates the proposed development will be completed in its entirety, shall be submitted with the application for approval.

(d) Open Space Requirements

- 1) A minimum of 50 percent of the gross contiguous land area of the open space preservation development shall be designated as “open space”.
- 2) All significant/sensitive environmental resources (steep slopes, wetlands, woodlands, prime agricultural soils, scenic features, etc.) within the open space preservation development should be included within the designated “open space”.
- 3) The following land areas within the open space preservation development shall not be included as designated “open space”:
 - a. Land devoted to a residential lot or unit, accessory use, vehicle access, parking, and/or approved land improvement (other than those land improvements specifically referenced in the definition of “undeveloped state” in subsection 4) below);
 - b. Public or private road rights-of-way or easements.
 - c. Land devoted to a community water supply and/or septic system.
- 4) Designated “open space” shall remain perpetually in an undeveloped state. “Undeveloped state” shall be defined as a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park.

Sylvan Township Zoning Ordinance

- 5) Designated “open space” shall, except for open space used for agriculture, consist of contiguous land area and be easily accessible to all residents of the open space preservation development through open space segments between clusters, visual and pedestrian linkages and proximity to such open spaces. Open space design should consider adjacent properties for the purpose of linking open spaces and creating connected open space and wildlife corridors.
- 6) Division (using the Land Division Act, Condominium Act, or otherwise) of the designated “open space” is prohibited.
- 7) Designated “open space” shall be under common ownership or control, such that there is a single entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided.
- 8) Designated “open space” shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as:
 - a. Recorded deed restrictions;
 - b. Covenants that run perpetually with the land;
 - c. Conservation easements; and/or
 - d. Land trusts.
- 9) Such conveyance shall assure that the designated “open space” will be protected from all forms of development, except as shown on the approved site plan, and shall never be changed to another use. Such conveyance shall also:
 - a. Indicate the approved use(s) of the designated “open space”;
 - b. Require that the designated “open space” be maintained by parties who have an ownership interest in the “open space”; and
 - c. Provide standards for maintenance of the “open space”.
- 10) Failure of the party(ies) having an ownership interest in the designated “open space” to maintain said “open space” in accordance with the standards set forth in the terms of conveyance described in subsection 9) shall constitute a violation of this Ordinance and subject the violator(s) to all sanctions, including injunctive relief, provided for under this Ordinance.

(e) *Design Standards*

1) Interior Street System

The open space preservation development shall be serviced by an interior street system; dwelling units shall not front on or gain direct access from an off-site road network. Interior streets may be public and/or private subject to Township approval.

a. Public streets shall be constructed to the standards of and dedicated to the Washtenaw County Road Commission.

b. Private roads shall be subject to the following standards:

i. A private road shall be located upon a 66-foot right-of-way/easement. The Township shall have no obligation or liability for the private road or maintenance thereof by virtue of the right-of-way/easement.

ii. A private road shall be constructed to Washtenaw County Road Commission standards, except a private road shall have a driving surface with a minimum width of 20 feet, exclusive of parking area.

The Planning Commission may modify road construction standards upon a finding that the modification will continue to protect public health, safety and general welfare and upon review and approval by the Township Engineer and Township Fire Department.

iii. Construction of a private road shall be certified in writing by a licensed civil engineer or surveyor and such certificate shall accompany the maintenance agreement and be submitted to the Township Clerk and approved by the Township Zoning Administrator prior to the creation of any dependent lots.

iv. A private road shall be maintained by parties who have an ownership interest in the private road. Maintenance responsibilities shall be specified in a deed restriction. The private road shall be maintained to the minimum standards of the State Fire Code. The Planning Commission may also require that a special assessment district be established under Michigan Public Act 188 of 1954 to assure maintenance of the private road.

c. Street systems should be designed so that their curvature or alignment produces “terminal vistas” of open space elements, such as water features, meadows, or

Sylvan Township Zoning Ordinance

playing fields. This may commonly occur at the terminus of street intersections or through the use of single-loaded streets.

- d. Street systems shall be designed to accommodate required emergency vehicle access and circulation.

2) Access

Access to the open space preservation development shall be designed consistent with the rural, natural character of the area.

3) Utilities

- a. Public water and/or sanitary sewer services shall be required where reasonably available.
- b. Where such public services are not reasonably available, private on-site and/or community water supply and septic systems may be permitted subject to the review and regulation of the Michigan Department of Environmental, Great Lakes and Energy (EGLE) and/or the Washtenaw County Health Department and the approval of the Township.
- c. Appropriate provision for the ownership, operation, maintenance and replacement of a community system shall be irrevocably committed and documented through agreements, contracts, covenants, and/or deed restrictions. Sufficient documentation of the conveyance shall be provided and shall be subject to the approval of the Township. The Planning Commission may also require that a special assessment district be established under Michigan Public Act of 188 of 1954 to assure operation, maintenance and replacement of a community system.
- d. All utility lines and installations capable of being placed underground, including telephone, electric and cable television, shall be placed underground.

4) Storm Water Management

Storm water management systems and drainage facilities shall be designed so as to:

- a. Protect the natural environment, including wetlands, water bodies, watercourses, flood plains, groundwater and soils;
- b. Retain the natural retention and storage capacity of any wetland, water body, or watercourse, and not increase flooding or the possibility of polluting surface water or groundwater, on-site or off-site; and

Sylvan Township Zoning Ordinance

c. Incorporate and/or use natural drainage systems existing on the site.

5) Street Lighting

Street lighting shall be designed and arranged so as to avoid light spillover onto adjacent premises and so that any light source is shielded or directed so that the light intensity or brightness will not be reasonably objectionable to surrounding areas.

6) Natural Features

The open space preservation development shall be designed to promote the preservation of natural features.

(f) *Review Criteria*

In considering an application for approval of an open space preservation development, the Planning Commission shall make its determination on the basis of the site plan review criteria set forth in section 30-78 (c) and the following criteria:

- 1) The overall design and land uses proposed in connection with an open space preservation development shall be consistent with the intent of the open space preservation development concept and the specific open space/general development/design standards set forth herein.
- 2) The proposed open space preservation development shall be serviced by the necessary public and/or private facilities to assure the public health, safety, and welfare of project residents and users.
- 3) The proposed open space preservation development shall be designed to minimize the impact of traffic generated by the development on the surrounding land use and road network.
- 4) The proposed open space preservation development shall be designed so as to be in character with surrounding conditions as they relate to the bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.
- 5) The proposed open space preservation development shall be designed and constructed so as to preserve the integrity of existing on-site and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies, and groundwater resources.

Sylvan Township Zoning Ordinance

- 6) The designated “open space” shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.
- 7) The proposed open space preservation development shall comply with all applicable federal, state and local regulations.

(g) Approval Process

1) Conceptual Development Plan

- a. The applicant shall present the following information on the proposed open space preservation development for a conceptual review by the Planning Commission:
 - i. An accurate legal description of the development site;
 - ii. The names and addresses of all current owners of the development site;
 - iii. A parallel plan for determining the maximum allowable density. This plan shall meet the requirements for a plat based upon PA 288 of 1967, as amended, and the Township Subdivision Control Ordinance. The plan shall be based upon the minimum lot area and the required dimensions for the underlying zoning district;
 - iv. A concept plan of the proposed open space preservation development;
 - v. The total acreage of the development site;
 - vi. The location and dimension of known natural features.
 - vii. The number of acres ineligible for density computation or open space;
 - viii. The number of acres to be designated as “open space”;
 - ix. The number of acres to be developed by use;
 - x. The number and type of proposed dwelling units;
 - xi. The pedestrian and vehicular circulation system
- b. Conceptual Development Plan approval shall not constitute an approval of a detailed final development plan but shall be deemed a tentative approval of the development concept and layout as a guide to the preparation of the final development plan. A request for modification of the conceptual development plan shall be submitted to the Planning Commission for review in the same manner as the original conceptual development plan.

2) Final Development Plan

- a. Following conceptual development plan review, an open space preservation development shall undergo a final development plan review by the Planning

Sylvan Township Zoning Ordinance

Commission. The final development plan review shall conform to the approved conceptual development plan and incorporate any revisions required by the Planning Commission at the conceptual development plan review. If a final development plan is not submitted for review within six (6) months of conceptual development plan approval, the Planning Commission may require a resubmission of the conceptual development plan for further review and possible revision. Final development plan review shall be subject to all appropriate sections of this Ordinance.

b. The following information shall be provided as part of the final development plan:

- i. The names, address, and telephone number of:
 - all persons with an ownership interest in the land on which the open space preservation development will be located, including a description of the nature of each entity's interest
 - all engineers, attorneys, architects or registered land surveyors associated with the open space preservation development
 - the developer or proprietor of the open space preservation development
 - any person(s) authorized to represent the owner in the review process
- ii. Boundaries of the open space preservation development, including an accurate legal description with appropriate tax identification numbers;
- iii. Existing zoning designations, uses, and ownerships of the open space preservation development and all land within one quarter (1/4) mile of the boundaries of the open space preservation development;
- iv. The topography of the site and its relationship to adjoining land;
- v. A general description of existing soil conditions per the Washtenaw County Soil Survey Map and locations and dimensions of wetland areas and other significant natural features such as: woodland areas, slopes in excess of eight (8) %, lakes, ponds, streams and water drainage areas;
- vi. A parallel plan for determining the maximum allowable density. This plan shall meet the requirements for a plat based upon Michigan Public Act 288 of 1967, as amended, and the Township Subdivision Control Ordinance. The plan shall be based upon the minimum lot area and the required dimensions for the underlying zoning district;

Sylvan Township Zoning Ordinance

- vii. Delineation of proposed residential cluster areas indicating for each such area its size and number of buildings, dwelling unit density, building envelopes, and orientation of units;
- viii. The interior open space system and park/recreation areas;
- ix. The location of existing roads adjacent to the open space preservation development with an indication of how they will connect with the proposed circulation system for the proposed development;
- x. The pedestrian and vehicular circulation system proposed within the open space preservation development;
- xi. The proposed sewage treatment method and water systems;
- xii. The overall storm water drainage system;
- xiii. Proposed landscaping, including greenbelts, berms, and/or screening;
- xiv. A colored rendering of the development plan for presentation purposes;
- xv. Sealed engineering plans presented in sufficient detail to indicate compliance with the engineering standards adopted by the Township, including the cross sections of proposed streets, drive aisles, paved areas, and on-site drainage, including retention and/or detention areas.
- xvi. A specific time schedule for the intended development and construction details, including proposed phasing or timing of all improvements;
- xvii. The following analysis and documentation:
 - A narrative describing how the open space preservation development is consistent with the Township's Master Plan, the capacity and availability of necessary public facilities to the development, and the impact the development will have on adjoining properties;
 - An analysis of the significant natural, cultural, and geographic features of and near the site;
 - An analysis of vehicular traffic impact of the proposed open space preservation development on the existing road network;

Sylvan Township Zoning Ordinance

- Easements, deed restrictions, and other documents pertaining to the ownership and maintenance of the open space system, park/recreation areas and private road system;
- If condominium ownership is proposed, all documentation required by any condominium regulations of the Township; and
- Written reviews/approvals from all applicable regulatory agencies.

3) Public Hearings and Noticing

The Planning Commission shall hold a public hearing on an application for conceptual development plan review and final development plan review for an open space preservation development. Notice of a public hearing for an open space preservation development shall be given as required by section 103 of Michigan Public Act 110 of 2006, as amended.

4) Effect of Approval

After a final development plan has been approved and construction of any part thereof commenced, no other type of development is permitted on the site without further approval thereof by the Planning Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.

5) Conformity to Approved Plan

Property which is the subject of approval for an open space preservation development must be developed in strict compliance with the approved final development plan and any amendments thereto which have received Planning Commission approval. If construction and development does not conform to same, the approvals thereof shall be forthwith revoked. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation.

6) Amendment to Approved Plan

A proposed amendment or modification to a previously approved final development plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.

7) Project Phasing

When proposed construction is to be phased, the project shall be designed in a manner that allows a phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of users of the open space preservation development and the residents of the surrounding area.

Each phase of the project shall be commenced within 12 months of the schedule set forth on the approved final development plan. If construction of any phase is not commenced within the approved time period, approval of the plan for the unconstructed phases shall become null and void.

8) Performance Guarantee

The Planning Commission may require that a performance guarantee, in accordance with section 30-85, be deposited with the Township to ensure completion of the site in accordance with the approved final development plan. The Planning Commission may also require a development agreement to ensure completion of the site in accordance with the approved final development plan.

9) Recording of Action

No building permit shall be issued for an open space preservation development and no construction activity commenced within the open space preservation development until an affidavit containing the full legal description of the open space preservation development, specifying the date of final Planning Commission approval, and declaring that all improvements will be carried out in accordance with the approved open space preservation final development plan, is recorded with the Register of Deeds for Washtenaw County.

In addition, all required public dedications for streets, utility easements or other public facilities, and deed restrictions shall be duly filed with the Township and have been recorded with the Register of Deeds for Washtenaw County.



SYLVAN TOWNSHIP

18027 Old US 12
Chelsea, Michigan 48118-9673
(734) 475-8890
Fax: (734) 475-8905

December 16, 2021

Patrick Zieske
Inlandish, LLC
18799 Bush Rd.
Chelsea MI 48118

RE: 5601 Conway Rd. August 25, 2021 rezoning application;
October 28, 2021 Planning Commission approval of applicant's request to table action.

Dear Patrick,

The rezoning application of Inlandish LLC dated August 25, 2021 was presented to the Planning Commission for a public hearing at their regular scheduled meeting on October 28, 2021. The public hearing was held; however, you requested action on the application be tabled and wished to resubmit a new application for a conditional rezoning. To date, the conditional rezoning application has not been received.

Per Sec. 30-118 (c) (4) addressing the 125 days from the filing date for the Planning Commission to transmit a recommendation to the township board, the request to table action has suspended the 125 day timeline until you request in writing the Planning Commission resume action on the August 25, 2021 rezoning application, or withdraw and re-submit an application for a conditional rezoning.

Sec. 30-118. -Amendment procedures

(c) Planning Commission procedures

(4) Following the required public hearing and within 125 days of the petition's filing date, the planning commission must transmit a summary of comments received at the hearing and its proposed recommendations for disposition of the petition to the township board. The 125-day time limit may be extended by agreement of the petitioner and planning commission.

Sincerely,

David Seitz, Chairman
Sylvan Township Planning Commission

cc: Kathleen Kennedy, Supervisor
Carol Konieczki, Zoning Administrator
R. Thall, Bauckham, Sparks, Thall, Seeber & Kaufman

Established 1835



SYLVAN TOWNSHIP
18027 Old US 12
Chelsea, MI 48118
Phone (734) 475-8890
Fax (734) 475-8905

MINUTES
PLANNING COMMISSION REGULAR ZOOM MEETING
October 28, 2021 at 7:00pm

The Sylvan Township Planning Commission was called to order by Chairman Seitz at 7:02pm

Members Present: Chairman Dave Seitz, Vice Chairman Steve Eiseman, Secretary Dawn Caplis, Trustee Sandie Schulze, Tom Bareis, Mike VanBuren. Leah Herrick absent with notice.

Also Present:

Representing Sylvan Township: Carol Konieczki Planner/Zoning Administrator, Supervisor Kathleen Kennedy, Treasurer Rod Branham, Trustee Amanda Nimke Ballard, Sue Dickinson, MCI. Representing Inlandish Development, LLC: Patrick Zieske, Christian Smith, and Ellis Freatman. Members of the Public: Craig & Carol Adams, Dave Reinhardt, Mary Elordi, Tom Caplis, Jeff & Kathy Risner.

Approval of Agenda: Motion by Bareis, supported by Eiseman, to approve the agenda as presented. Unanimously approved by roll call vote.

Approval of Minutes: Motion by Bareis supported by VanBuren, to approve Minutes of September 23, 2021. Unanimously approved by roll call vote.

Public Comment – None

Unfinished Business - None

New Business

Public Hearing – Rezoning Request from AG to LR for 20+ acres located at 5601 Conway Road, Tax ID# F-06-11-200-024 (Inlandish Development LLC)

Chairman Seitz invited the applicant Patrick Zieske to address the request for rezoning of his property. Attorney Ellis Freatman asked to speak on behalf of Mr. Zieske. After speaking with township attorney Robert Thall, it was concluded that Mr. Zieske should table his request for one month while they work on other options. Zieske said they have struggled with the zoning for his proposed project for three years, trying to balance low residential use with agricultural activities. Referring to the Master plan for future development, Zieske would like to see a mix of agriculture and low residential housing with open space, clustering homes on the property. He is glad that the open space preservation ordinance amendment was sent to a professional community planner for review. In his opinion, things are happening with open space that were not in motion when he submitted the rezoning request. Therefore, he wishes to hold off and consider a conditional rezoning.

Chairman Seitz suggested that a residential agricultural community with low density residential housing might work. He acknowledged that current township ordinances don't permit this and that the low density residential designation is confusing. He encouraged Mr. Zieske to explore this further.

Supervisor
Kathleen Kennedy

Clerk
Amanda Nimke Ballard

Treasurer
Rodney J Branham

Trustee
Kurt Koseck

Trustee
Sandra Schulze

Schulze explained that the township engaged a community planner who works with open space preservation and who was recommended by Mr. Thall.

Konieczki commented the township had no knowledge of a conversation between Thall and Freatman.

Freatman explained that Thall felt the community planner would have information to share about open space preservation projects she has experience with, which might be helpful to the township. Therefore, they wished to table the rezoning request at this time.

Konieczki informed the planning commission that, during her last communication with Thall, he expressed surprise that Patrick Zieske had come with a rezoning and not a conditional rezoning. She added that a request for conditional rezoning would require a new application and fee payment.

Chairman Seitz asked for Planning Commission comments. Bareis and Eiseman had no problem with postponing this request. Caplis asked for clarification as to whether this was being taken off the table and revisited later or taking it off completely with a new application coming forward.

Konieczki explained that, if tabled and it comes back as currently set up, this meeting could be the public hearing. If Zieske brings forth a new application, then another public hearing would be required.

Zieske asked if the "rezoning request" and "conditional rezoning request" could be tied in a way so as not to incur additional fees. Konieczki responded that if resubmitted, the request would need a whole new application and re-notice of a public hearing as required by law. Seitz added that the township has already incurred the expense of holding this public hearing tonight.

Zieske agreed that he might come back with a different application, and it would be worth the money already spent. Seitz asked if the public hearing should go forward this evening and Zieske agreed it should.

Open Public Hearing at 7:26pm

Dave Reinhardt – they are neighbors directly affected and are in favor of Zieske's project. It's been a long, drawn-out discussion of open space preservation which is part of the intent of the law, like the conditional rezoning. They definitely support this and see no problem with traffic, the school system, or increased housing in the area.

Jeff Risner – is a neighbor strongly opposed to the rezoning request and felt that Mr. Zieske should not have purchased the property with a vague development plan and then push the township board to make it happen. Mr. Risner moved from Ann Arbor, wanting to be in a rural community, and it should stay that way. If Zieske wanted to do a "Neighborhood" development, he should have stated so up front. He spoke of lambs coming onto his property and mushrooms growing out of control, and concern for decreased property values.

Christian Smith – responded to Mr. Risner. Undeveloped preserved land would make his property more valuable. They would be glad to share their development plan with the neighbors. Open space preservation was an option when the property was purchased. There was no minimum lot size at that time, but the amended ordinance includes minimum lot sizes.

Patrick Zieske - responded to Mr. Risner's comments and acknowledged the unfortunate incident of sheep getting onto his property. Mushrooms would not likely be causing a problem because they are injected directly into logs and don't transmit easily. Mushroom growth this year is more likely due to the very wet weather. When he bought the land six years ago, he did not envision a community. Rezoning allows a lot more usage, some of it bad. Years ago, someone suggested to him that sand and gravel removal would be a good idea. Zieske said he wasn't interested, even though it is allowed in the AG District. Weigh what might happen if his property is not developed. A house is being built now and realistically the land will not remain open in the future. A compromise would be better to preserve the land.

Close Public Hearing at 7:41pm

Planning Commission Discussion

Chairman Seitz acknowledged the desire to preserve a portion of this 20+ acre parcel, but also the complications of the ordinances. With no further comments or discussion from the Planning Commission members, Chairman Seitz made a motion.

Motion: by Seitz, supported by Schulze, to table the application for request to rezone from Agricultural (AG) to Low Density Residential (LR), a 20+ acre parcel located at 5601 Conway Road Tax ID# F-06-11-200-024, submitted by Inlandish Development, LLC (Patrick Zieske). Roll call vote; unanimously approved.

Roll Call Vote:

Bareis YES; Caplis YES; Eiseman YES; Herrick YES; Seitz YES; VanBuren YES; Schulze YES.

Correspondence/Communications/Reports Received:

- Email Message from Karen Woollems sent to Chairman Seitz

Communications

- (1) **Zoning Map** – schedule discussion of the zoning map for the December PC meeting.
- (2) **Supervisor Kennedy** – has requested a joint meeting with BOT, PC, and ZBA, for future vision and budgeting in late November.

Comments/ Concerns of the Planning Commission Members: None

MOTION to Adjourn: by Bareis supported by Eiseman, at 7:50pm. Unanimously approved by roll call vote.

Next Planning Commission Meeting: December 16, 2021

Minutes respectfully submitted by Dawn Caplis, Planning Commission Secretary

APPROVED: *Dawn Caplis* Date: *Jan 10, 2022*

Approved as Submitted *✓* Approved with Corrections _____