

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
JUNE 12, 2018
APPROVED MINUTES
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6-1 CALL TO ORDER

Chairperson Guenther called the special meeting to order at 7:30 p.m.

6-2 ROLL CALL

The following members were present: Findley, Gardner, Guenther, McGill, Sani-Yahyai, and Steele. Also present were George Tsakoff, Township Engineer, and Rick Mayernik, Building/Zoning Administrator.

6-3 DETERMINATION OF QUORUM

A quorum was present.

Commissioner Guenther noted that he had a conflict of interest as a member of the Board of Directors of Dixboro Village Green and would need to recuse himself from item 6-11B.

6-4 ADOPTION OF AGENDA

A motion was made by Commissioner Findley and supported by Commissioner Sani-Yahyai to adopt the agenda as presented. The motion carried.

6-5 APPROVAL OF MINUTES

A. Minutes of the May 23, 2018 Meeting

A motion was made by Commissioner Sani-Yahyai and supported by Commissioner Findley to approve the minutes as revised. The motion carried.

6-6 CITIZEN PARTICIPATION

None.

6-7 CORRESPONDENCE

A motion was made by Commissioner Findley and supported by Commissioner Sani-Yahyai to receive and file a Site Plan Review from the Superior Township Fire Chief and a memo from Rick Mayernik regarding Dixboro House Restaurant. The motion carried.

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6-8 PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS

None.

6-9 REPORTS

None.

6-10 OLD BUSINESS

None.

6-11 NEW BUSINESS

A. STPC #18-08 Dixboro House Restaurant – Final Site Plan

Dave Kubiske, engineer for the project, stated that regarding the outside agency approvals, the applicant is in discussion with all of those agencies. Additionally, he explained that a letter was received from the Washtenaw County Road Commission (WCRC) stating approval of the applicant to use the right-of-way (ROW).

Mr. Mayernik reviewed the Planner's Report dated May 25, 2018.

Mr. Mayernik reviewed his memo dated June 11, 2018.

Mr. Tsakoff explained that he had been in touch with WCRC, Washtenaw County Water Resources Commission (WCWRC), and Washtenaw County Health Department and felt that the applicant was moving in the right direction. He did not hear anything that would suggest the applicant would not receive agency approvals.

Mr. Tsakoff reviewed the Engineer's Report dated May 25, 2018.

Commissioner Gardner asked if the applicant could discuss comments in the Planner's report.

Additionally, Commissioner Guenther asked the applicant to discuss the pending outside agency approvals. Guenther felt that many of the other comments in the consultants' reports are things that could be resolved in the engineering stage of the site plan process.

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Mr. Kubiske discussed the septic field at the site noting “extreme assurance” that a permit would be granted. He went on to state that WCWRC comments were technical in nature, such as the location of the rain garden. The main focus was on how water was entering and leaving the site.

Commissioner Guenther asked Mr. Kubiske if the applicant could provide reasonable assurance that the permit would be granted by WCWRC. Mr. Kubiske noted that there was a 90% assurance.

Commissioner Guenther reminded Commissioners of the letter received from the WCRC noting no objection to items in the right-of-way.

Commissioner Gardner suggested giving final site plan approval contingent upon permits from outside agencies being received.

Mr. Kubiske stated that the applicant is meeting with the WCRC next week and plan to argue the necessity of a left turn lane at the site.

Mr. Mayernik asked if some elements on the site would need to be moved in the event the WCRC would not remove the requirement of a left turn lane. He also inquired how that would affect other elements of the plan, such as the driveway and parking.

Kubiske replied that the grade would likely change since a certain portion is drained into the ROW. He continued to state that the drainage is a minor change and the rain garden on the site is negotiable.

Mr. Mayernik explained that the Township would not want to approve a final site plan that gets drastically altered by an outside organization making the approval unrecognizable. This is the concept behind the Zoning Ordinance requiring permits be in-hand or assured. Mayernik added that it doesn't sound like there would be a significant change to the plan if elements at the site were moved.

Commissioner Guenther explained that after reading Mr. Mayernik's memo, he believes that the site does qualify as a nonconforming site.

Commissioner Guenther asked Mr. Kubiske if the applicant could provide reasonable assurance that the permit would be granted by WCRC. Mr. Kubiske again noted that there was a 90% assurance.

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The Planning Commission reviewed each item in section 16.09(3) of the Zoning Ordinance and determined that the property meets the criteria for a nonconforming site.

Mr. Mayernik verified with the applicant that they could complete the necessary changes that were listed within the Planners Report.

Mr. Mayernik then informed the Commissioners that the next step for the applicant is Detailed Engineering Review where the applicant will modify the drawings to include corrections and modifications. He added that no construction can start and no work can begin until the engineer has issued final approval, and that cannot happen until outside agency permits are in-hand.

Motion by Commissioner Gardner, supported by Commissioner Findley, to approve STPC #18-08, Dixboro House Restaurant Final Site Plan dated 4/28/2018, finding that it complies with the applicable Zoning Ordinance requirements, including Section 16.09 (Non-Conforming Sites), Section 10.07 (Required Site Plan Information) and Section 10.10 (Standards for Site Plan Approval), subject to the following conditions:

1. Approval is conditional upon obtaining public agency approvals (Washtenaw County Health Department, Washtenaw County Water Resources Commission, and Washtenaw County Road Commission).
2. All items in the Township Engineer's report dated 5/25/2018 shall be addressed by the applicant during the detailed engineering review of the construction plans.
3. All items in the Township Planner's report dated 5/25/2018 shall be addressed by the applicant during the detailed engineering review of the construction plans.

Roll Call:

Yes: Findley, Gardner, Guenther, McGill, Sani-Yahyai, Steele.
No: None.
Absent: Brennan.
Abstain: None.

The motion carried.

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B. STPC #18-09 Dixboro Village Green Pavilion – Minor Site Plan

Commissioner Guenther recused himself and left the room.

Richard Mitchell, architect, gave an overview of the project. He discussed parking at the site and showed building elevations.

Mr. Mayernik reviewed the Planner's Report dated May 16, 2018.

Mr. Tsakoff reviewed the Engineer's report dated May 16, 2018.

Commissioner Gardner asked if there was any discussion about why the project is a minor site plan versus a major.

Mr. Mayernik replied that Township staff and consultants concluded that the project was a minor site plan.

Commissioner Gardner asked if the church will remain owner of the pavilion and inquired about the arrangement.

Tom Freeman replied that there is a lease agreement in place allowing the farmers market to be held on the Village Green, which will also cover the pavilion.

Motion by Commissioner Findley, supported by Commissioner Steele to approve STPC #18-09 Dixboro Village Green Pavilion – Minor Site Plan dated 4/20/2018, finding that it complies with the applicable Zoning Ordinance requirements, including Section 10.07 (Required Site Plan Information) and Section 10.10 (Standards for Site Plan Approval), and Section 16.09 (Nonconforming Sites) subject to the following conditions:

1. All items in the Township Engineer's report dated 5/16/2018 shall be addressed by the applicant during the detailed engineering review of construction plans.

Roll Call:

Yes: Findley, Gardner, McGill, Sanii-Yahyai, Steele.

No: None.

Absent: Brennan.

Abstain: Guenther.

The motion carried.

Commissioner Guenther returned to the room and rejoined the meeting.

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6-12 POLICY DISCUSSION

Commissioner Guenther stated that he received information via mail from Cypress Creek Renewables, a solar energy company.

Mr. Mayernik stated that solar farms for energy production are not allowed by the Zoning Ordinance. Homeowners wishing to use solar panels for their own use is allowed.

6-13 ADJOURNMENT

A motion was made by Commissioner Findley supported by Commissioner Sani-Yahyai to adjourn at 9:05 p.m. The motion carried.

Respectfully submitted,
Jay Gardner, Acting Planning Commission Secretary

Laura Bennett, Recording Secretary
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