

**SUPERIOR CHARTER TOWNSHIP  
PLANNING COMMISSION  
APRIL 24, 2013  
APPROVED MINUTES  
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4-1 CALL TO ORDER**

Chairman Guenther called the regular meeting to order at 7:35 p.m.

**4-2 ROLL CALL**

The following members were present: Baker, Gardner, Guenther, McGill, Phillips and Steele. Anderson was absent. Also present were Don Pennington and Rodney Nanney, Township Planners, Jacob Rushlow, Township Engineer and Rick Mayernik, Building/Zoning Administrator.

Chairman Guenther welcomed Dr. Steele to the Planning Commission.

**4-3 DETERMINATION OF QUORUM**

A quorum was present.

**4-4 ADOPTION OF AGENDA**

A motion was made by Gardner and supported by Phillips to adopt the agenda as amended to include Item 7.A. - *Letter from William Labeledzki and Linda Yohn, 17 E. Clark Rd.*

**4-5 APPROVAL OF MINUTES**

**A. MINUTES OF THE FEBRUARY 27, 2013 REGULAR MEETING**

A motion was made by Gardner and supported by Phillips to approve the minutes as corrected. The motion carried.

**4-6 CITIZEN PARTICIPATION**

There was no Citizen Participation.

**4-7 CORRESPONDENCE**

**A. Letter from William Labeledzki and Linda Yohn, 17 E. Clark Rd. supporting STPC# 13-04 15 E. Clark Rd. Apartments.**

A motion was made by Baker and supported by Phillips to receive the letter  
The motion carried.

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4-8 PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS

STPC# 13-04 15 E. Clark Rd. Apartments – Substitution of a Nonconforming Use (Section 16.07.D.) – To allow a nonconforming apartment building with 4 units on the second floor and a day care center on the first floor to be re-constructed as an apartment building with 2 units on the second floor and 2 units on the first floor. The site is zoned R-3 (Single Family Residential).

A motion was made by Gardner and supported by Phillips to open the public hearing. The motion carried with the following vote:

Yes: Baker, Gardner, Guenther, McGill, Phillips and Steele

No: None

Absent: Anderson

Abstain: None

Carl Heuter, the architect representing the applicant, said he was available to answer any questions about the request.

Nanney presented his report dated April 17, 2013. He said the purpose for allowing the substitution of nonconforming uses is to make it possible to redevelop and reuse older properties. He said in this case, the owners made significant safety improvements by installing a new water line and fire suppression system for the building and by making parking changes that will improve emergency access to the site and to the adjacent single-family dwelling to the north. He said by eliminating the day care center, the applicant had made a modest reduction in the use of the property. He also noted that the exterior façade upgrades and the clean-up and restoration of the yard areas will improve the appearance of the site. He said the improvements have exceeded the minimum requirements for approving a substitution as identified in Section 16.09 (Nonconforming Sites).

Gardner asked why the property was rezoned from R-7 to R-3 in 2008. Nanney said he did not know the particulars of the zoning change but that it was a part of an overall Township zoning assessment.

There were no public comments.

A motion was made by Gardner and supported by McGill to close the public hearing. The motion carried with the following vote.

Yes: Baker, Gardner, Guenther, McGill, Phillips and Steele

No: None

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Absent: Anderson  
Abstain: None

Guenther said the task for the Planning Commission is to determine if the proposed use meets the standards for substitution of a nonconforming use in Section 16.07(D)(7)(a) *Criteria for Approval*:

1. The nonconformity does not significantly depress the value of nearby properties.
2. The use does not adversely impact the public health, safety, and welfare.
3. The use does not adversely impact the purpose of the district where it is located.
4. No useful purpose would be served by the strict application of Ordinance requirements that apply to the nonconformity.
5. In the case of a use substitution, the proposed nonconforming use is more appropriate than the existing nonconforming use in the zoning district in which it is located.

The Planning Commission agreed that the proposed use meets the criteria. It was noted that the new use reduces the non-conformity because it reduces the density of the use on the site. Phillips said the applicant significantly improved the site.

A motion was made by Phillips and supported by Gardner that the Superior Township Planning Commission approve STPC#13-04 15 E. Clark Rd. Apartments Substitution of a Nonconforming Use and Minor Site Plan dated 3-25-13 finding that the application conforms to the use standards contained in Section 16.07 (D)(7) and that the project has completed at least three site improvements as required by Section 16.09(3), further, the requirements for minor site plan approval contained in Section 10.02(B) *Minor Site Plan* have also been met.

The motion carried with the following vote:

Yes: Baker, Gardner, Guenther, McGill, Phillips and Steele  
No: None  
Absent: Anderson  
Abstain: None

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4-9 REPORTS

A. Ordinance Officer

A motion was made by Baker and supported by Phillips to receive the reports. The motion carried.

B. Building Inspector

A motion was made by Baker and supported by Gardner to receive the reports. The motion carried.

C. Zoning Administrator

A motion was made by Baker and supported by Phillips to receive the report. The motion carried.

4-10 OLD BUSINESS

Guenther asked for update on the utility easement for the Woodlands of Geddes Glen. Phillips said he had heard informally that the University of Michigan will grant the easement.

4-11 NEW BUSINESS

A. STPC#13-03 Hyundai America Technical Center, Inc. Addition – Final Site Plan for Phase 2 (New electrical substation and screening)

Mark Torigian, representing Hyundai, described the request. He reminded the Planning Commission that a new electrical substation is needed to provide more reliable power for the expanded dynamometer facility. He said they have worked with screening to soften the appearance of the substation along Geddes Rd. He said they plan to go live next January.

Pennington presented his report dated 4-15-13. He said the final site plan was revised from the preliminary site plan. He said the proposed location of a second transformer has been removed from the revised layout. He said the ITC portion of the substation enclosure has also been removed eliminating a portion of the access drive and reducing the overall substation footprint by more than 70% from that shown on the preliminary site plan. He said if the applicant ever wants to bring in another transformer, they will have to come back to the Planning Commission for a plan amendment.

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Pennington said he reviewed the plan and found it in compliance with the requirements of Section 10.07 (Required Site Plan Information.) He said the site plan conforms to the zoning ordinance and to the approved area plan.

Rushlow presented the OHM report dated 2-22-13. He said the applicant has satisfactorily addressed all of the engineering concerns.

Gardner said that Hyundai had done a good job, however he asked about the east bound viewshed along Geddes Rd. He noted that the deciduous trees will not always provide screening. He asked if screening could be added to the northwest fence line. Baker suggested adding 2 or 3 evergreens. Torrigian agreed to take the suggestions into account and work with the Township. McGill cautioned about creating a space that could attract dumping or other undesirable activity.

Phillips noted that Pennington's report stated that Hyundai has met the requirements of the Zoning Ordinance, however they have exceeded the minimum requirements. Steele said everyone knows what a great job Hyundai does.

A motion was made by Phillips and supported by Baker that the Superior Township Planning Commission approve STPC#13-03 Hyundai America Technical Center Addition – Final Site Plan for Phase 2 (new electrical substation and screening) as depicted by the plan dated 4-5-13, finding that the plan conforms to requirements of the Superior Township Zoning Ordinance Section 2.117 Planned Manufacturing District and complies with the requirements of Section 10.07 Required Site Plan Information; Section 14.10, Screening and Land use Buffers, including Section 14.10(D)(5) Evergreen Screen; and that the standards for site plan approval contained in Section 10.10 have been met. This approval is conditioned upon obtaining all necessary outside agency approvals.

The motion carried with the following vote:

Yes: Baker, Gardner, Guenther, McGill, Phillips and Steele  
No: None  
Absent: Anderson  
Abstain: None

4-12 POLICY DISCUSSION

There was no Policy Discussion.

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4 -13 ADJOURNMENT

A motion was made by Gardner and supported by Phillips to adjourn at 9:15 p.m. The motion carried.

Respectfully submitted,  
David Phillips  
Planning Commission Secretary (Acting)

Deborah L. Kuehn  
Recording Secretary  
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