

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
FEBRUARY 26, 2014
APPROVED MINUTES
Page 1 of 7
2-1 CALL TO ORDER**

Chairman Guenther called the regular meeting to order at 7:30 p.m.

2-2 ROLL CALL

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

2-3 DETERMINATION OF QUORUM

A quorum was present.

2-4 ADOPTION OF AGENDA

A motion was made by Gardner and supported by Anderson to adopt the agenda as amended, adding Item 11. C., *Resolution Honoring former Planning Commissioner, Deborah Wardell*. The motion carried.

2-5 APPROVAL OF MINUTES

A. MINUTES OF THE DECEMBER 18, 2013 MEETING

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

2-6 CITIZEN PARTICIPATION

There was no Citizen Participation

2-7 CORRESPONDENCE

A. Memorandum from Tom Freeman, Chair of the Dixboro Design Review Board, regarding 5656 Plymouth Rd. (Heart Sync Proposal)

A motion was made by Anderson and supported by Baker to receive the memorandum. The motion carried.

B. Memorandum from Tom Freeman regarding the 2014 Meeting Dates for the Dixboro Design Review Board.

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
FEBRUARY 26, 2014
APPROVED MINUTES
Page 2 of 7**

A motion was made by Anderson and supported by Baker to receive the memorandum. The motion carried.

C. Information from Kyle DeBord, Ann Arbor Spark.

A motion was made by Anderson and supported by Steele to receive the information. The motion carried.

2-8 PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS

There were no Public Hearings.

2-9 REPORTS

A. Ordinance Officer

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

B. Building Inspector

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

C. Zoning Administrator

A motion was made by Anderson and supported by Gardner to receive the report. The motion carried.

2-10 OLD BUSINESS

A. STPC#13-06 Text Amendments to Section 14.05.F. (Natural Features Protection – Woodlands and Tree Preservation)

Nanney reviewed the proposed changes made since the Planning Commission last reviewed the ordinance in September 2013. He said all of the requirements associated with removal of regulated trees and the requirement to show replacement trees on the final site plan have been consolidated into a new table. He also reviewed the following changes:

- “Regulated trees” has been defined at the top of the table and in the “definitions” section, based on the location and size of the tree.

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
FEBRUARY 26, 2014
APPROVED MINUTES
Page 3 of 7**

- Size ranges for coniferous and deciduous regulated trees have been expanded to better reflect the anticipated height or diameter of maturity.
- Replacement ratio standards have been revised to reduce the potential for a regulatory takings claim, while continuing to require substantial mitigation of regulated trees removed as part of new development activity.
- The requirement that a developer provide a “minimum average ratio of 30 trees per acre” is proposed to be removed. Nanney said the standard was originally inserted into the ordinance years ago to ensure that new trees would be added to the existing trees when developing former farm fields.
- The minimum percentage of regulated trees required to be preserved has been revised to reduce the potential for a regulatory takings claim. Provisions have been added to encourage preservation of contiguous woodlands.
- A provision has been added specifying the circumstances under which no replacement trees would be required for removal of certain existing trees, including “dead and diseased trees,” invasive species, and four less desirable species (box elder, silver maple, cottonwood, and red cedar.)
- A provision has been added specifying that up to 50% of new trees required by the ordinance for screening and buffering purposes may also be counted toward meeting the replacement tree requirements of this section. The existing regulations do not allow any overlap.

Gardner noted that the coniferous replacement ratio went from 3:1 to 1:1 representing a significant reduction. He also noted that the requirement for overall tree preservation was reduced from 35% to 25%.

Guenther read remarks from John Copley, 6735 Cherry Hill Rd. that included the following points:

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
FEBRUARY 26, 2014
APPROVED MINUTES
Page 4 of 7**

1. The Planning Commission intentionally made the woodland and tree preservation regulations onerous because we wanted any large scale development to be thoughtful and creative and responsive to the Township's decision to remain as rural as possible.
2. All the regulations were designed to make applicants realize we were serious about protection and strong in our resolution to defend the environment and land/viewsapes in the Township.
3. We should be proud of the fact that we accept only the best and most thoroughly compliant proposals. Compliance should be confirmed in the field, as well as being submitted in writing.
4. The Woodlands at Geddes Glen is a startling example of what can happen when regulations are ignored or relaxed. The existing tree protection guidelines were essentially ignored, and it remains to be seen how many "preserved" trees will survive the construction process, and if the invasive species mitigation program will be successful. It also remains to be seen what effect the relaxation of mitigation numbers regarding tree replacement will have when the next large scale project comes along.
5. I strongly support the retention of the existing ordinance, and encourage the commission to recall the length of time and debate it took to bring it into existence, and rather than relax the requirements, try to find ways to strengthen them, and make them more defensible.

Pennington said the tree preservation ordinance was originally drafted to address the potential for excessive tree loss resulting from residential development. He said the regulations had not been tested until they were applied to the Woodlands at Geddes Glen project. He said the Township Attorney suggested the ordinance be reconsidered because he did not think the ordinance could be defended. He said the Township Board asked the Planning Commission to consider revisions to the ordinance.

Baker questioned the need to revise the ordinance if it already represents the Planning Commission's recommendations. Guenther said the Township can no longer defend the ordinance because it was not fully applied to the Woodlands project. Gardner asked if the applicants for the Woodlands at Geddes Glen project claimed the Township's woodland ordinance was creating a "taking". Nanney said that applicants did not make a takings claim.

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
FEBRUARY 26, 2014
APPROVED MINUTES
Page 5 of 7**

A motion was made by Steele and supported by Gardner to hold a public hearing on STPC#13-06 Text Amendments to Section 14.05.F. (Natural Features Protection – Woodlands and Tree Preservation) at the March 26, 2014 regular meeting with the changes as discussed.

The motion carried with the following vote:

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

B. STPC#13-09 Master Plan Update

Nanney reviewed the initial elements of the proposed amendment to the Master Plan regarding a Technology Center Area Plan. He said it was a skeletal draft because he wanted to make sure the Planning Commission approved of the direction of the update. Gardner asked why being located next to a wealthy neighborhood is considered a “Weakness” on page 9-3 of the plan. Nanney explained that the location of a technology center next to a wealthy area could be considered a weakness because traffic would have to drive into the center from Geddes Rd. and through unaffordable housing areas. He said based on SPARK’s experience, this is a situation that could make it harder to develop a technology center in the vicinity.

Gardner said that the location of Hyundai at Geddes is an anomaly and questioned the Township’s ability to expand such development. He noted that all of the new tech parks in the region have highway access and services. Nanney said that Visteon Village is as close to I-75 as Hyundai is to U.S. 23. He said the Township cannot attract development unless it is ready for development.

Mayernik questioned the status of current residences if the area becomes master-planned into the technology district. He suggested they would ultimately become non-conforming. Guenther asked how area residents will react to the change. Nanney said he would continue to work on the amendment and present it for additional discussion.

2-11 NEW BUSINESS

A. Election of Officers for 2014

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
FEBRUARY 26, 2014
APPROVED MINUTES
Page 6 of 7**

A motion was made by Gardner and supported by Anderson to elect David Guenther as Chairman of the Superior Township Planning Commission for 2014. The motion passed with the following vote:

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

A motion was made by Guenther and supported by Baker to elect Jay Gardner as Vice Chairman of the Superior Township Planning Commission for 2014. The motion passed with the following vote:

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

A motion was made by Guenther and supported by Gardner to elect Porshea Anderson as Secretary of the Superior Township Planning Commission for 2014. The motion passed with the following vote:

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

B. Meeting Schedule for 2014.

The Planning Commission reviewed the meeting schedule for 2014.

C. Resolution honoring former Planning Commissioner Deborah Wardell

Chairman Guenther read the resolution.

A motion was made by Anderson and supported by Gardner to adopt the resolution as presented. The motion passed with the following vote:

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

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
FEBRUARY 26, 2014
APPROVED MINUTES
Page 7 of 7
2-12 POLICY DISCUSSION**

Nanney updated the Planning Commission on medical marijuana.

2 -13 ADJOURNMENT

A motion was made by Gardner and supported by Anderson adjourn at 10:20p.m. The motion carried.

Respectfully submitted,
Porshea Anderson
Planning Commission Secretary

Deborah L. Kuehn
Planning Commission Recording Secretary
Superior Charter Township
3040 N. Prospect
Ypsilanti, MI 48198 (734) 482-6099