

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
JANUARY 28, 2015
APPROVED MINUTES
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1-1 CALL TO ORDER

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

1-2 ROLL CALL

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

1-3 DETERMINATION OF QUORUM

A quorum was present.

1-4 ADOPTION OF AGENDA

A motion was made by Gardner and supported by Steele to adopt the agenda as corrected. The motion carried.

1-5 APPROVAL OF MINUTES

A. MINUTES OF THE OCTOBER 22, 2014 MEETING

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

1-6 CITIZEN PARTICIPATION

There was no Citizen Participation.

1-7 CORRESPONDENCE/PRESENTATIONS

A. Plymouth Township – Distribution of Draft Master Plan

A motion was made by Baker and supported by Gardner to receive the plan with the understanding that the Township staff will make access to the digital plan available to Planning Commissioners. The motion carried.

1-8 PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS

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A. STPC#14-03 Request to rezone 1.23 acres from NSC (Neighborhood Shopping Center) to R-2 (Single-Family Residential). The site is located at 5990 Plymouth Rd.

1. Public Hearing

A motion was made by Gardner and supported by Steele to open the public hearing.

The motion carried with the following vote:

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

No: None

Absent: Anderson and Phillips

Abstain: None

Kimberley Kern, one of the applicants, described the request. She said the property was used as a residence when they bought it. She said the title search did not reveal any problems with the residential use. She said the property qualified for homestead tax exemption and a residential tax classification.

There were no public additional comments.

A motion was made by Gardner and supported by Steele to close the public hearing.

The motion carried with the following vote:

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

No: None

Absent: Anderson and Phillips

Abstain: None

2. Deliberation

Guenther asked how the parcel came to be zoned NSC. Pennington said the existing building had been used as a drafting office many years ago. Guenther said he did not want to use the property's non-compliant use as a reason to support rezoning. He said, however, the fact that the size of the parcel does not meet the minimum lot size requirement for the NSC district and the fact that the applicants were not responsible for the original nonconforming situation are persuasive.

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Nanney presented the planner's report dated January 16, 2015. He noted that the parcel is located at the northeastern corner of a larger area of land that has been zoned for commercial use since the early 1970's. He said however commercial development has remained limited to a small portion of the commercially-zoned area. He noted that the 2004 and 2010 updates to the Master Plan reduced the area proposed for the shopping center district zoning. He said this reduction could be considered a change in conditions that would justify the proposed rezoning.

Nanney said the rezoning would also resolve the illegal conditions of the property. He said the current residential use is not protected by legal, nonconforming status. Furthermore, he said the change is consistent with the Master Plan and the site is too small for the NSC district. He noted that the existing building does not meet the front yard setback requirements of the R-2 district but that the zoning ordinance accommodates additions to residential structures.

Gardner said he found the planner's report compelling and said he supported the rezoning. He said however, he was concerned about similar requests to resolve illegal land uses in the future. He said that past non-compliance is not a reason for rezoning.

McGill asked the applicants their reason for acquiring the adjacent 4-acre parcel and if it would have to be rezoned. The applicants said it is mostly wetlands that they want to attach to their residential parcel. Nanney said the land would not need to be rezoned.

Guenther described the need for the Planning Commission to make findings (Section 18.03):

1. *Whether or not the requested zoning change is justified by a change in conditions since the original Ordinance was adopted, or by an error in the original Ordinance.*

The Planning Commission found a change of conditions in that the Master Plan updates reduce the area proposed for commercial use. The Commission also noted that the parcel does not comply with the minimum lot size required for the NSC zoning District.

2. The precedents, and the possible effects of such precedents, that might result from approval or denial of the petition.

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The Planning Commission found that the current residential use of the property was not a factor to support a zoning change to residential (R-2) zoning.

3. The capacity of Superior Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.

The Planning Commission agreed with the planner's report that the rezoning would not impair the capacity of the public road network or affect the capacity of any government agency to provide services.

4. Effect of approval of the petition on the condition and/or value of property in Superior Township or in adjacent municipalities.

The Planning Commission found that the expansion of the residential district may result in some increase in property values.

5. Relation of the petition to the Township's adopted Master Plan, and of other government units where applicable.

The Planning Commission found that the rezoning is consistent with the Master Plan. Also, the parcel cannot be used under the current zoning classification.

3. Action

A motion was made by Gardner and supported by Steele to recommend to the Township Board approval of STPC#14-03 a request to rezone 1.23 acres at 5990 Plymouth Rd. from NSC (Neighborhood Services Commercial) to R-2 (Single Family Residential.) The Planning Commission, per Section 18.06, finds that the rezoning is justified by a change in conditions since the original zoning ordinance was adopted and that the change is consistent with the Master Plan designating the subject parcel for rural residential future lands use; also, the Commission finds that the subject 1.23 acre parcel is not consistent with existing NSC zoning; and finally, the Commission finds that notwithstanding the foregoing, past non-compliance is not a reason to rezone any property.

The motion carried with the following vote:

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

No: None

Absent: Anderson and Phillips

Abstain: None

1-9 REPORTS

A. Ordinance Officer

A motion was made by Baker and supported by Steele to receive the three reports dated October 2014 through January 2015. The motion carried.

B. Building Inspector

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

C. Zoning Administrator

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

1-10 OLD BUSINESS

A. Master Plan Update – Revisited

Nanney said work on the maps was underway and the plan would be on the February agenda for review.

1-11 NEW BUSINESS

A. Election of Officers for 2015

A motion was made by Gardner and supported by McGill to elect David Guenther as Chairman for 2015. There were no other nominations. The motion to elect David Guenther as Chairman of the Superior Township Planning Commission for 2015 passed with the following vote:

Yes: Baker, Gardner, McGill and Steele.

No: None

Absent: None

Abstain: Guenther

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A motion was made by Guenther and supported by McGill to elect Jay Gardner as Vice Chairman for 2015. The motion passed. There were no other nominations. The motion to elect Jay Gardner as Vice Chairman of the Superior Township Planning Commission for 2015 passed with the following vote:

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

A motion was made by Guenther and supported by McGill to elect Porshea Anderson as Secretary for 2015. The motion passed. There were no other nominations. The motion to elect Porshea Anderson as Secretary of the Superior Township Planning Commission for 2015 passed with the following vote:

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

B. Adoption of 2015 Meeting Schedule

A motion was made by Gardner and supported by Baker to adopt the 2015 Meeting Schedule as presented. The motion carried.

1-12 POLICY DISCUSSION

There was no Policy Discussion.

1-13 ADJOURNMENT

A motion was made by Gardner and supported by Steele to adjourn at 8:50 p.m. The motion carried.

Respectfully submitted,

Deborah L. Kuehn
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