

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
MAY 27, 2015
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5-1 CALL TO ORDER**

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

5-2 ROLL CALL

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

5-3 DETERMINATION OF QUORUM

A quorum was present.

5-4 ADOPTION OF AGENDA

A motion was made by Gardner and supported by Phillips to adopt the agenda as corrected, changing the order of public hearings to allow the hearing on the Sutton Ridge Area Plan to be first and to add an Item B. to Correspondence. The motion carried.

5-5 APPROVAL OF MINUTES

A. MINUTES OF THE MARCH 25, 2015 REGULAR MEETING

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

5-6 CITIZEN PARTICIPATION

There was no Citizen Participation.

5-7 CORRESPONDENCE

A. Northfield Township – Notice of Intent to Amend the Master Plan

A motion was made by Brennan and supported by Phillips to receive the Notice of Intent. The motion carried.

B. Letter from Brian and Annette Burak, 9566 Glenhill Dr. opposing the Sutton Ridge Area Plan.

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

5-8 PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS

B. STPC#15-02 Sutton Ridge Area Plan, 127 single-story apartments on the 30.7 acre undeveloped portion of the Bromley Park Condominium community. (Amendment to the Bromley Park Area Plan)

1. Public Hearing

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

Yes: Brennan, Findley, Gardner, Guenther, McGill, Phillips and Steele
No: None
Absent: None
Abstain: None

Kelli McIvor, representing the applicant Redwood Acquisitions, described the plan. She said the proposed development is comparable to the development approved for the Bromley Park Condominium Phase 2 plan. She said one difference was the original plan had 135 dwelling units and the Sutton Ridge Area Plan has 127 dwelling units. She noted that Redwood owns several rental communities in Michigan. She said the company builds, owns and manages all of the developments. She said the company markets to empty-nesters and residents who are not looking for amenities such as tot lots, swimming pools and club houses. She said there are no government subsidies and the development is privately funded.

McIvor said they met with some of the residents of Bromley Park and heard some of the concerns about traffic. She cited traffic study data that reports trip generation numbers are lower for renters than for owner-occupied dwellings. She said another concern expressed by the Bromley Park residents was about how the rental-units will affect their property values. She referred to a study from the MIT Center for Real Estate that concluded there were no impacts of rental housing on the value of owner occupied housing. She talked about the successful mix of rental and owner-occupied housing.

Tracy Pitt, 10175 E. Avondale said the existing Bromley Park community is a good mix. She said the addition of 300 renters does not fit into the community and will increase traffic and depress property values. She submitted a petition

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to Chairman Guenther with signatures of persons opposed the Sutton Ridge project.

Kathleen Hubbs, 1878 Kenwyck Dr., said she lives in the condominium community and pays association dues to maintain the site. She asked if the rental development would contribute to maintenance.

Vera Augustniak, 9633 Wexford Dr., said that the proposed development is an apartment complex situated within an owner-occupied community. She said apartment-living and subdivision-living are different. She said as an example, a homeowner cannot move out of the neighborhood whenever she feels like it the way renters can.

Don Haidys, 1836 Wexford Dr., asked who would be responsible for bonding the road. He said Superior Township may like the additional tax revenue brought in by the apartments but it will hurt the existing residents.

Ron Horvath, 1821 Wexford, said he disagreed with the speakers opposed to the development. He said the Township has a responsibility to offer a variety of housing options and the plan presented is not very different from the originally approved plan. He said he would like to see the vacant land weed patch in his back yard cleaned out.

Stephen Wiemero, 9651 Wexford, said he was concerned about security with the walking path behind Bromley Park. Phillips said the path was constructed to provide the Township utility department with access to water and sewer lines. He said the Township also saw it as an amenity. He said he shared the concern about security issues.

Eric McGuigan, 9987 W. Avondale Circle, said he moved into the neighborhood three years ago because it is a quiet community where children can move around without getting hurt. He said the plan does not do enough to protect the children in the neighborhood. He said he invested in safety when he moved into the community and said safety and security will be lost if the apartment project is developed. He asked what the Township will do to protect the character and integrity of the existing neighborhood.

David Bedwell, 9663 Wexford, said that the apartments will not be adjacent to the Bromley neighborhood, they will be "within" the community. He noted that the current residents pay extra money to plow and maintain the streets. He said before he moved in he read the Township's Master Plan and bought into it.

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Don Mills, 10227 E. Avondale, said he did not see a problem with the project. He asked if there was another option for access to the apartments.

Victoria Evans, 10187 E. Avondale Circle, said she was concerned that adding apartments would stigmatize the neighborhood. She said the Township should wait for the real estate market to improve and attract investors to buy and finish the condominium development.

Juanita Bell, 9867 High Meadow, said she loved her community. She noted that new homes were being built in Brookside and Prospect Pointe. She said adding apartments into the Bromley neighborhood was unfair to the current residents who have made investments and pay association fees to maintain the area.

Karen Cant, 10245 E. Avondale Circle, said she was concerned that the apartments would be rented to students. She said she thought the Township was jumping the gun and taking the first project that came along.

Phillips explained how the proposal came to the Township. He said the Township did not solicit the project. He said Redwood is a business and the owners have the right to propose a development. Pennington described the original Bromley Park Area Plan. He also noted that the Planning Commission is only advisory to the Township Board and that the Township Board makes the final decision.

Residents at 9559 Glenhill, 9771 Ravenshire and 10251 E. Avondale said the plan is not a good fit for the neighborhood and it will drive down housing values.

Dale Patterson, 9642 Wexford, said he was concerned about the walking path.

Perry Kapano, 10257 Avondale, said when he bought his home Pulte (the original developer) told him that houses and condominiums would be built. He asked how low the rents will go if Redwood cannot get the proposed \$1,200 per month. McIvor (Redwood) answered that they have never had to reduce their rents or use Section 8 funds. She did not know how many of the other Redwood developments were situated near low-income housing.

There were questions about putting up a gate to separate the apartments from Bromley Park. There was also a comment that if the apartments were adjacent to Bromley, there would not be as many concerns, but instead it is in the middle of Bromley Park and would exist separately.

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Lillian Newsome, 9635 Wexford, said she would not have bought her house if she knew apartments would be built within the community.

There were no additional public comments.

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

Yes:	Brennan, Findley, Gardner, Guenther, McGill, Phillips and Steele
No:	None
Absent:	None
Abstain:	None

2. Deliberation

Rodney Nanney presented the Planner's report dated 5-21-15. He said this was the first step of the proposed development process. He said at this meeting, the Planning Commission is looking at the general concept of the plan and not at engineering issues. He noted that the intended drives are private and will be maintained by the developer. He referred to the standards for area plan review within the zoning ordinance and how the proposed plan did or did not meet the standards. He said the original Bromley Park Area Plan was approved under a previous zoning ordinance and that the current ordinance has stricter standards, including the façade standards.

Nanney said that Section 7.003 (Regulatory Flexibility) of the zoning ordinance allows for the option of Township Board approval of "limited deviations" from specific site design and dimensional standards, subject to Planning Commission review and recommendation. He reviewed the minimum deviations that would have to be added to the area plan for the Planning Commission's consideration. He said the plan is complete except for the items that require regulatory flexibility. Phillips said that not all of the deviations have been identified.

Gardner questioned the compatibility of rental housing with owner-occupied condominium and single-family housing. He said he was concerned with the way the project is nested within the neighborhood. He asked if there were other Redwood development locations where the rental units are totally dependent on a private road system.

Gardner said there are several standards that the area plan must meet and that the Planning Commission must be satisfied have been met. He read the compatibility standard:

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Section 7.102(C)(7) Compatibility of land uses. The proposed use(s), mix of housing unit types and densities, or mix of residential and non-residential uses shall satisfy the intent of the proposed Special District, conform to applicable use standards and limitations, and be acceptable in terms of convenience, privacy, compatibility, and similar standards.

McIvor said compatibility was already determined by the Township when they approved the style of dwelling units for Bromley Park. She said the only thing not determined was how the residents paid for their dwelling units. She said Redwood wants to be a good neighbor and is taking over the existing storm water system.

Gardner said the issue of compatibility needs to be satisfied because it was originally approved as condominiums and single-family homes.

Guenther said based on the information presented, he was not concerned about density, layout or design of the proposed development because it appears that generally the plan can meet most of those standards. He said he is concerned about compatibility. He said unlike homeowners, renters are transient and have no ownership interest in the property. He said this is a qualitative difference. He said he was concerned because zoning should protect property rights and residents have a reasonable expectation of such protection when they buy into a subdivision or condominium

Findley asked if Redwood had any rental communities near universities and consequently had experience renting to students. She noted that Redwood cannot discriminate against college students so she questioned how they could avoid renting to them. McIvor said that credit scores and the lack of certain amenities and the inclusion of many restrictions make the apartments, such as Sutton Ridge, unattractive to college students.

Guenther said the Township cannot force Redwood to keep to its business model and cannot prevent them from turning Sutton Ridge into Section 8 housing units if the demand were weak. Alternatively, he asked what would happen if there was so much demand for the apartments there became no incentive to maintain them. He cited rental housing in Ann Arbor where the student demand is so high there is no incentive to maintain the property.

McGill asked how Redwood could guarantee they will not lower the rents. A representative from Redwood said if the rents were lowered, the company would not be able to pay its bills. He said Redwood has never been in a situation where it had to reduce the rents.

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Findley said the Bromley Park residents were promised a condominium development. Phillips said he had concerns about how it would fit in. He said Redwood has a good reputation and the number of dwelling units will be less than originally planned. He said it was a unique situation and he did not think it was ready for Planning Commission action at this meeting.

McIvor said that Redwood does have a good reputation but she agreed the area plan was not ready for Planning Commission action. She said Redwood would like to meet the Township engineers and planners again. She asked for a postponement of action.

Steele said he shared some of the concerns expressed, but noted there is more regulatory control over the maintenance of rental apartments than there can be over who is going buy the house next door. He asked how many of the Bromley Park condominiums were rented out.

Guenther said he was still concerned about compatibility and noted that the Planning Commission will apply the Zoning Ordinance standards as they are written.

3. Action

It was moved by Phillips and supported by Gardner to honor the applicant's request to postpone action on STPC#15-02 Sutton Ridge Area Plan – Amendment to the Bromley Park Area Plan until the Jun 24, 2015 or July 22, 2015 regular meeting of the Planning Commission to allow the applicant time to provide additional information to the Planning Commission.

The motion carried with the following vote:

Yes: Brennan, Findley, Gardner, Guenther, McGill, Phillips and Steele.
No: None
Absent: None
Abstain: None

Chairman Guenther noted the time and requested a motion to extend the Planning Commission meeting after 11:00 p.m. It was moved by Brennan and supported by Findley to continue the Planning Commission meeting past 11:00 p.m. The motion carried.

- A. STPC#15-01 Rezone 6 acres at 3880 Vorhies from R-1 (Single Family Residential) to A-1 (Agricultural)

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1. Public Hearing

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

Yes: Brennan, Findley, Gardner, Guenther, McGill, Phillips and Steele
No: None
Absent: None
Abstain: None

Jen Ferris, representing the applicant Lou Ferris, 4000 Vorhies, described the request. She said the property was purchased nine years ago with the intention to grow and sell produce as a community farm not a production farm.

Elizabeth Peacock, 3873 Vorhies, spoke in support of the rezoning.

There were no other comments.

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

Yes: Brennan, Findley, Gardner, Guenther, McGill, Phillips and Steele
No: None
Absent: None
Abstain: None

2. Deliberation

Nanney presented the Planner's report dated 5-19-15. He said he recommended A-2 zoning rather than the A-1 requested. He said with A-2 zoning, the applicant could still use his land in the manner proposed. He noted there was already an A-2 district adjacent to the subject parcel and A-2 was compatible with the area. He said A-1 zoning could be considered spot zoning

Guenther reviewed the Findings of Fact outlined in the Planner's report.

3. Action

A motion was made by Phillips and supported by Gardner that the Superior Township Planning Commission recommends to the Superior Township Board, approval of STPC#15-01, the rezoning of 6 acres at 3880 Vorhies from R-1 to A-

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2; finding the change satisfies the required Findings of Fact in Section 18.06 of the Zoning Ordinance and addressed in the Planner's report dated May 19, 2015.

The motion carried with the following vote:

Yes: Brennan, Findley, Gardner, Guenther, McGill, Phillips and Steele.
No: None
Absent: None
Abstain: None

5-9 REPORTS

A. Ordinance Officer

A motion was made by Gardner and supported by Brennan to receive the reports for March-April and April-May. The motion carried.

B. Building Inspector

A motion was made by Findley and supported by Gardner to receive the reports for March and April. The motion carried.

C. Zoning Administrator

A motion was made by Brennan and supported by Steele to receive the report for April. The motion carried.

5-10 OLD BUSINESS

A. STPC#13-09 Master Plan Update – Technology Center Area Plan

Phillips reported that the Administrative staff and the planners have met with some of the owners of property within the proposed Technology Center district. He said due to the late hour, further discussion and review of the plan should be postponed until the next regular meeting of the Planning Commission.

5-11 NEW BUSINESS

There was no New Business.

5-12 POLICY DISCUSSION

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There was no Policy Discussion.

5 -13 ADJOURNMENT

A motion was made by Brennan and supported by Gardner to adjourn at 11:29 p.m. The motion carried.

Respectfully submitted,
David Phillips
Planning Commission Secretary

Deborah L. Kuehn
Recording Secretary
Superior Charter Township
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