

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
JANUARY 24, 2024
APPROVED MINUTES
Page 1 of 9**

1. CALL TO ORDER

Chairman Gardner called the regular meeting to order at 7:00 p.m.

2. ROLL CALL

The following members were present: Brennan, Dabish-Yahkind, Findley, Gardner, McGill, Sani-Yahyai, and Steele. Also present were Ben Carlisle, Carlisle Wortman and Claire Martin, OHM.

3. DETERMINATION OF QUORUM

A quorum was present.

4. ADOPTION OF AGENDA

A motion was made by Commissioner Brennan and supported by Commissioner McGill to adopt the agenda as presented. The motion carried.

5. APPROVAL OF MINUTES

A. Minutes of the November 15, 2023 Meeting

A motion was made by Commissioner Findley and supported by Commissioner Brennan to approve the minutes as presented. The motion carried.

6. CITIZEN PARTICIPATION

None.

7. CORRESPONDENCE

Motion by Commissioner Findley and supported by Commissioner Brennan to receive and file communication.

8. PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS

None.

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
JANUARY 24, 2024
APPROVED MINUTES
Page 2 of 9**

9. REPORTS

A. Ordinance Officer Report

A motion was made by Commissioner Brennan and supported by Commissioner Sanii-Yahyai to receive the report. The motion carried.

B. Building Department Report

A motion was made by Commissioner Brennan and supported by Commissioner Sanii-Yahyai to receive the report. The motion carried.

C. Zoning Administrator Report

A motion was made by Commissioner Brennan and supported by Commissioner Sanii-Yahyai to receive the report. The motion carried.

10. OLD BUSINESS

A. STPC 23-05 Brookwood Superior Area Plan Amendment

Luke Bonner, Bonner Advisory Group, provided a summary of the Brookwood of Superior project.

Ben Carlisle, Carlisle Wortman reviewed the Planner's Report dated January 18, 2024.

Commissioner Garder asked if the plan is approved, is the applicant getting express approval to build 318 units.

Mr. Carlisle said Commissioner Gardner was correct. However, the Planning Commission needs to discuss if the applicant meets the density bonus criteria set forth in Section 7.301(E). If the Planning Commission recommends approval of the area plan with 318 units, that is the maximum number of units Brookwood can work with without coming back to the Planning Commission for an Area Plan Amendment.

Claire Martin, OHM, reviewed the Engineer's Report dated January 16, 2024.

Commissioner Gardner noted concerns with the density, height, and slope, as he mentioned in previous meetings. He asked the applicant to

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
JANUARY 24, 2024
APPROVED MINUTES
Page 3 of 9**

review the density bonus criteria in Section 7.301(E) and tell the Planning Commission which three the applicant believes have been met.

Mr. Bonner noted the Zoning Ordinance allows for up to a 20% density bonus, however, based on the number of proposed units, the applicant is seeking a 13% density bonus. He went on to explain the applicant feels the following criteria have been met:

1. On-site or off-site pedestrian walkways and access improvements substantially above the minimum required by this Ordinance. He added the connection to the housing development north of the proposed development is an additional connection point as well.
2. An integrated mixture of housing types or lot sizes.
3. The recreation facilities are above what is required by the Zoning Ordinance, including a gazebo and pickleball court.
4. Additionally, the preservation of the woodland areas. He noted 51% of the woodland areas are being preserved on site and are accessible through connections and walkways.
5. Parts of the construction will be financed with PACE (property assessed clean energy) financing. Therefore, there will be sustainable elements to the construction of the development as part of the financing package.

Commissioner Gardner agreed that there is an integrated mix of housing types. He asked Mr. Carlisle if the applicant was substantially above what was required by the other criteria.

Mr. Carlisle noted the Zoning Ordinance requires a sidewalk is placed, and that is the bare minimum. In his opinion, the applicant has gone above and beyond based on the number and length of trails that connect the housing types and also to LeForge Road. Additionally, he noted the trails are a significant amenity as well as the preservation of open space.

Commissioner Steele finds the applicant has met at least three of the density bonus criteria. He noted the connection between the housing types crosses a steep slope. He asked if the connection will be maintained.

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
JANUARY 24, 2024
APPROVED MINUTES
Page 4 of 9**

Mr. Carlisle noted that because the housing types are owned by the same entity, he does not expect an issue with maintenance.

Commissioner Gardner asked the applicant if they thought the Ordinance was met regarding height of the buildings.

Mr. Bonner explained the height of the building (Building A) closest to LeForge Road was reduced considerably.

The architect noted that the building was previously a three-story stacked flat unit, and the height has now been reduced to a two-story unit. The height at the ridge is now 32 feet at grade, with the height at the midpoint being 28 feet.

The architect also noted additional access around the stacked flats was added to provide ladder access, to address concerns of the Fire Marshal.

Commissioner Gardner asked the applicant to address concerns about the steep slopes, including areas over 25% slope.

Andy Wakeland highlighted the steep slope areas over 25% on the plan.

Commissioner Gardner questioned the ability of the Planning Commission to offer flexibility regarding steep slopes.

Mr. Carlisle noted the steep slopes can be addressed through the site plan process and the number of units may ultimately need to be reduced in response to those steep slopes. Additionally, the applicant could ask the Zoning Board of Appeals for a variance.

Motion by Commissioner Findley, supported by Commissioner Brennan to direct staff to draft a Resolution of Approval for STPC 23-05 Brookwood Superior Area Plan Amendment.

Roll Call Vote:

Yes: Brennan, Dabish-Yahkind, Findley, Gardner, McGill, Sani-Yahyai, Steele.

No: None.

Abstain: None.

Absent: None.

The motion carried.

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
JANUARY 24, 2024
APPROVED MINUTES
Page 5 of 9**

11. NEW BUSINESS

A. STPC 23-03 Garrett's Space Preliminary Site Plan

Candice Briere, Midwestern Consulting presented site context and background of the project. Ms. Briere noted the applicant does not anticipate impacts to the creek or flood plain with the project. Additionally, grading activities will be minimized, and structures will be built on piers to minimize earth work.

Ms. Briere explained a tree survey was completed for the area of proposed development. Of the 383 trees surveyed, there were 28 landmark trees and one sovereign tree. Eighty-one trees will be removed including eight invasive species, three landmark trees, and five trees of species not requiring replacement. Overall, 144 trees will be planted to mitigate the trees being removed.

She also noted the following:

- A wetland determination was completed last year, identifying six wetland areas.
- The existing driveway will be widened to accommodate a fire truck.
- The applicant has met with the Fleming Creek Advisory Council.
- The Washtenaw County Road Commission has provided feedback on the site plan and have offered their technical approval.
- The applicant has discussed the plan with the Washtenaw County Water Resources Commissioner's Office and their office has witnessed infiltration testing.

Mr. Carlisle reviewed the Planner's Report dated January 11, 2024.

Ms. Martin reviewed the Engineer's Report dated January 11, 2024.

Commissioner Brennan asked if there would be an elevator in the two-story residential building.

Mr. Halpert confirmed there would be an elevator.

Commissioner Gardner inquired about the conservation easement process, noting Garrett's Space has submitted an application for a conservation easement.

Mr. Halpert confirmed Garrett's Space has submitted an application and noted the process for approval can take upwards of a year.

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
JANUARY 24, 2024
APPROVED MINUTES
Page 6 of 9**

Mr. Carlisle asked the applicant to submit the conservation easement document to the Township so it can be reviewed by the Township and Township Attorney.

Mr. Carlisle stated he does not see why Washtenaw County would not accept the conservation easement, but if they won't there are other bodies that will accept it. If an issue arises where the conservation easement is not accepted, a deed restriction would be just as binding as a conservation easement. He also noted the site plan is a binding document, therefore the applicant can only do what is shown on an approved site plan.

Ms. Briere noted the boundary of the proposed conservation easement is shown on the preliminary site plan (existing conditions page) and it is the same area that was submitted to Washtenaw County for their approval.

Commissioner Findley suggested the Township review of the conservation easement be a condition of the Preliminary Site Plan approval.

Mr. Carlisle stated the Final Site Plan will not come back to the Planning Commission until the Township and Township Attorney are comfortable with the language of the conservation easement.

Brenda Baker, Ashton Court, reviewed the communication submitted to the Planning Commission from C. Grobbel of Grobbel Environmental & Planning Associates (on file with the Planning Department). She noted there are many concerns and deficiencies within the applicant's submittal. She questioned to what extent Washtenaw County was willing to take on these easements, in perpetuity.

She recommended the applicant be sent back to elaborate on more uncertain elements of the application before approving the site plan. She feels any applicant should receive fair consideration in a reasonable time. Additionally, "it would be irresponsible to fast track or give special treatment to any applicant at the expense of a substandard outcome."

Commissioner Gardner inquired about the author of the document and where they are located.

Ms. Baker replied he is located up north. It was noted the author is familiar with the area and the Fleming Creek.

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
JANUARY 24, 2024
APPROVED MINUTES
Page 7 of 9**

Ms. Baker stated the applicant made no reference to the Township Wetlands Ordinance, which in some cases exceeds the requirements of Environment, Great Lakes, and Energy (EGLE).

Commissioner Gardner asked Ms. Martin to review the letter from C. Grobbel.

Ms. Martin stated wetlands will be reviewed by EGLE and wastewater is regulated entirely by the Washtenaw County Health Department. A private community wastewater system would not be permitted at the site because Garrett's Space is not a multi-family development, as required by the Private Community Wastewater Ordinance.

Mr. Carlisle stated he read Dr. Grobbel's report and noted some issues the author was incorrect about. Regarding the proper zoning district – this was discussed by the Planning Commission at the Area Plan stage, finding the PC (Planned Community) zoning district was appropriate and the Board of Trustees agreed with that finding. The Court and the judge also agreed with the finding. The limitations of the uses were a similar discussion – being approved by the Board of Trustees. He noted building height is not an issue. The author is incorrectly calculating it to the top of the roof when it is correctly measured to the mean of the roof. Additionally, parking is based on maximum employees *per shift*, not total. The only public right-of-way is along Dixboro Road, and the applicant will maintain the existing entrance point. Mr. Carlisle noted nothing in the letter concerns him as items that haven't already been addressed.

Commissioner Findley responded to Ms. Baker's comment about fast-tracking and giving special treatment to applicants. Commissioner Findley noted she has been on the Planning Commission since 2015 and during that time she has tried to be fair and equal at all times when making decisions, and she stated the Planning Commission has been doing that. She noted, "once you become inconsistent for one person you have to do the same for all."

Motion by Commissioner Findley, supported by Commissioner McGill to approve STPC 23-03 Garrett's Space Preliminary Site Plan with the following conditions:

1. Clarify timing of the phases. Combine parcels.
2. Submit a conservation easement with legal description for Township review.

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
JANUARY 24, 2024
APPROVED MINUTES
Page 8 of 9**

3. Confirm if an EGLE permit is required. If required, obtain permit prior to final site plan approval.
4. Indicate any location where new development, grading, or other activity is proposed within a steep slope area as defined in the ordinance.
5. Confirm access and any necessary road improvements from the Road Commission.
6. Submit a lighting and photometric plan.
7. Submit a landscaping plan.
8. Provide a detailed narrative of the architectural concept for the site including materials details.
9. Address all items in the Township Engineers January 11, 2024 review.
10. Address all items in the Fire Marshal's December 18, 2023 review.

Roll Call Vote:

Yes: Brennan, Dabish-Yahkind, Findley, Gardner, McGill, Sanii-Yahyai, Steele.
No: None.
Abstain: None.
Absent: None.

The motion carried.

12. POLICY DISCUSSION

A. Election of Officers for 2024

Motion by Commissioner Brennan and supported by Commissioner Sanii-Yahyai to nominate Jay Gardner as Chair of the Planning Commission.

Motion by Commissioner Brennan and supported by Commissioner McGill to nominate Dr. Rob Steele as Vice-Chair of the Planning Commission.

Motion by Commissioner Sanii-Yahyai and supported by Commissioner Steele to nominate Tom Brennan as the Secretary of the Planning Commission.

The nominations carried by voice vote.

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
JANUARY 24, 2024
APPROVED MINUTES
Page 9 of 9**

B. Adoption of the 2024 Meeting Schedule

A motion was made by Commissioner Findley and supported by Commissioner Brennan to adopt the 2024 Planning Commission Meeting Schedule.

The motion carried.

13. ADJOURNMENT

Motion by Commissioner Brennan, supported by Commissioner Findley to adjourn.

Motion Carried.

The meeting was adjourned at 8:27 pm.

Respectfully submitted,
Thomas Brennan III, Planning Commission Secretary

Laura Bennett, Recording Secretary
Superior Charter Township
3040 N. Prospect Rd.
Ypsilanti, MI 48198 (734) 482-6099