

**SUPERIOR CHARTER TOWNSHIP
PLANNING COMMISSION
FEBRUARY 28, 2024
DRAFT MINUTES
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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 George Tsakoff, OHM.

3. DETERMINATION OF QUORUM

A quorum was present.

4. ADOPTION OF AGENDA

A motion was made by Commissioner Findley and supported by Commissioner Sani-Yahyai to adopt the agenda as presented. The motion carried.

5. APPROVAL OF MINUTES

A. Minutes of the January 24, 2024 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

Dave Phillips, Cherry Hill Road, explained he read the Land Use Agreement for Garrett's Space and was surprised that Garrett's Space was not proposed to be a State licensed facility. He asked if there would be any monitoring or oversight of the program. Also, if a neighbor or resident had a complaint, who would they contact?

Mr. Carlisle explained Garrett's Space is not required to be State licensed and the Township cannot require that. The project did receive conditions of zoning approval and a Development Agreement will be in place. If the Township becomes aware of an issue, or discovers the project isn't following guidelines, the Township can go in and inspect and revoke approval if need be.

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7. CORRESPONDENCE

Motion by Commissioner Brennan and supported by Commissioner Sani-Yahyai to receive and file communication.

8. PUBLIC HEARINGS, DELIBERATIONS AND ACTIONS

A. 2024 Comprehensive Master Plan Draft

Motion by Commissioner Brennan supported by Commissioner Sani-Yahyai to open the public hearing.

Mr. Carlisle noted some public comments had been received during the 63-day review period. Those changes had been incorporated into the document. He explained the Planning Commission can make a recommendation to send the Master Plan on to the Board of Trustees, send to the Board of Trustees with comments, or send back to staff to make revisions.

Joan Martin, 5530 Warren Road noted the Township and Consultants did a terrific job on the Master Plan.

Commissioner Gardner noted resident Dave Phillips submitted written comments regarding the Master Plan to the Planning Commission. Commissioner Gardner felt the comments were more geared toward the people executing the plan, rather than being included within the plan.

Mr. Carlisle reviewed the Huron River Watershed Council's letter and believed many of the comments are regulatory in nature.

Mr. Carlisle noted correspondence was received from resident Ken Schmidt regarding two parcels he owns at Ford and Plymouth Road.

Ms. Martin asked if the conservation easement for Garrett's Space is reflected in the Master Plan.

Mr. Carlisle noted specific conservation easements are not called out, but the Master Plan recommends the use of conservation easements as a conservation strategy.

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Ms. Martin asked if a rezoning request were submitted and included a conservation easement, would the rezoning request be “given points” toward approving the rezoning.

Mr. Carlisle replied it is one standard that can be considered as part of the overall consideration. It is just one factor of many.

Commissioner Steele brought up conversation at a previous Master Plan Steering Committee meeting where the Hospital Sub-Area boundary would end at the Huron River and not include the wooded lots along Superior Road.

Mr. Carlisle replied that one option, to keep the sub-area contiguous, is to add the lots between the Huron River and Superior Road to the Gale Road Sub-Area.

Commissioner Gardner noted he is compelled to move the land into the Gale Road Sub-Area.

Motion by Commissioner Steele, supported by Commissioner McGill to reclassify the area between Superior Road and the Huron River, south of Geddes Road from Hospital Sub-Area, to Gale Road Sub-Area.

Roll Call Vote:

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

The motion carried.

Ms. Martin noted the matrix on page 80 of the Master Plan. Some items that are listed as “mid” priority could be moved to “immediate” as the Huron River Watershed Council offered volunteer assistance in reaching those goals.

Mr. Carlisle replied if resources become available items can be handled immediately. Or, if the Planning Commission wants to move those items to the “immediate” designation, they can.

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Commissioner Gardner stated these are a list of goals, not necessarily commitments. He recommended moving the items from “mid” to “immediate” could be added to the list of changes.

Motion by Commissioner Findley, supported by Commissioner Sani-Yahyai change the following items in Table 10, Implementation Matrix, from the timeframe of “mid” to “immediate.”

- Identify important wildlife corridors to minimize impact on animal habitats and adopt necessary policies and ordinances to protect them.
- Inventory and identify sensitive environmental areas for potential purchase or enhanced protection.

Roll Call Vote:

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

The motion carried.

Mr. Carlisle explained the Planning Commission received correspondence from Ken Schmidt, the owner of two adjacent parcels, one of which fronts Plymouth Road, and the other Ford Road. On Map 21 of the Master Plan, Dixboro Future Land Use Map, the Plymouth Road parcel is classified Village Core, and the parcel fronting Ford Road is classified Fleming Creek Preservation Zone. Mr. Schmidt had asked in previous Master Plan Steering Committee Meetings that both parcels be considered Village Core designation. Mr. Schmidt has since combined the parcels into one contiguous parcel fronting Plymouth Road, through the Township Assessing Office, hoping the entire parcel will now be considered Village Core designation on the Dixboro Future Land Use Map.

Commissioner Findley noted her perspective was that the owner created another way to get what he wanted from day one. In her opinion it is self-serving.

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Commissioner Gardner stated he did not disagree but thought the Steering Committee had made a decision regarding these two parcels.

Commissioner Findley replied they had said no to his request.

Commissioner Gardner stated on the owner's part there is a commercial interest.

Mr. Carlisle explained the Planning Commission could leave the parcel two different designations, although it is not considered best-practice.

Commissioner Dabish Yahkind felt the owner used his position as a member of the Master Plan Steering Committee to self-serve, and now he's trying to force the Planning Commission's hand by combining the parcels. She felt the owner was acting in self-interest rather than acting in the best interest of the plan.

Commissioner Gardner agreed with Commissioner Findley that the owner did this entirely in his own self-interest. However, since he has combined the two parcels, he can't see why the land use would split the parcel according to the former designation. He asked the Commission how they should proceed now that the land is legally one parcel.

Commissioner Findley noted the Planning Commission does not have to make the parcel all one designation.

Mr. Carlisle stated it is a unique situation.

Commissioner Gardner asked if the Planning Commission could deny making the entire parcel "Village Core" designation because the owner acted unethically?

Mr. Carlisle stated the Planning Commission could decide either way. Ultimately the Township Board of Trustees will ratify this document one way or the other. He went on to explain the rear parcel that fronts Ford Road contains wetlands, which was the justification for the "Fleming Creek Preservation Zone" that is there now. The owner would need to come to the Planning Commission for any development on the property. Because the property has heavy wetlands, he may need the proper EGLE (Environment, Great Lakes, and Energy) permitting, as well.

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Commissioner Brennan stated on one hand, he agrees with having the parcel be one designation, but he agrees that the owner “backdoored” his way into getting it.

Commissioner McGill asked, if the parcel was left with both designations, how would that affect development in the future.

Mr. Carlisle stated the owner would likely seek a rezoning in the future. The Planning Commission would look at the future land use plan and see if the rezoning was consistent. If the Planning Commission does not make the entire parcel Village Core designation, the Planning Commission will have to make the determination based on the rezoning if it complies or not. It would make the Planning Commission’s job much harder if it were split in the Master Plan.

Motion by Commissioner Steele, supported by Commissioner Brennan, to recognize 5860 Ford Road, (Parcel ID J-10-18-100-030) as entirely Village Core designation on Map 21 of page 91 of the 2024 Draft Comprehensive Plan.

Roll Call Vote:

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

The motion carried.

Motion by Commissioner supported by Commission to close the public hearing.

Motion by Commissioner Brennan, supported by Commissioner McGill, to recommend approval of the 2024 Comprehensive Master Plan Draft, as amended, to the Superior Charter Township Board of Trustees.

Roll Call Vote:

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

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Abstain: None.
Absent: None.

The motion carried.

9. REPORTS

A. Ordinance Officer Report

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

B. Building Department Report

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

Commissioner Findley explained the concerns and major issues regarding Infinity Homes that have been brought to the attention of the Board of Trustees. Commissioner Findley asked if the developer ever came back to the Planning Commission with changes to the approved site plan.

She noted the homes are very close together and is concerned about the number of complaints the Board of Trustees have received.

Commissioner Gardner asked who the builder is.

It was noted Infinity Homes is the builder.

As a Board Member, Commissioner Findley has concerns, and felt the project should have come back to the Planning Commission with the new developer.

10. OLD BUSINESS

**A. STPC 23-05 Brookwood Superior Area Plan Amendment
Resolution Recommending Approval**

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Motion by Commissioner Brennan supported by Commissioner Steele.

Roll Call Vote:

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

The motion carried.

11. NEW BUSINESS

A. STPC 22-04 Kinsley Development Final Site Plan

Chris Rothhaar, Atwell, on behalf of Lombardo Homes noted Preliminary Site Plan was granted in November of 2022 and all outside approvals have been received.

Mr. Carlisle presented the Planner's Report dated February 16, 2024.

Mr. Tsakoff presented the Engineer's Report dated February 20, 2024.

Commissioner Gardner noted the site plan depicts two parcels in the center of the development.

Mr. Rothhaar noted those lots will be developed by Lombardo separate from the Kinsley development.

Commissioner Steele inquired about lots C and E. He noted they are larger lots and asked if they could be developed further.

Mr. Rothhaar replied the wetlands and steep slopes prevent the lots from being further developed.

Motion by Commission Brennan supported by Sanii-Yahyai to approve STPC 22-04 Kinsley Development Final Site Plan with the following conditions:

1. Address all items in the Township Engineer's review letter dated February 20, 2024.

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Roll Call Vote:

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

The motion carried.

12. POLICY DISCUSSION

Steele inquired about the state law that will remove alternative energy from the Township purview.

Mr. Carlisle stated Carlisle Wortman is putting together model ordinance language to send out to their communities. It'll be brought forward to the Board of Trustees and Planning Commission. In some places the Township will be able to maintain local control. If a parcel is over a certain size, there will be no local control. If the parcel is under a certain size, the Township will have control if there is an ordinance in place.

13. ADJOURNMENT

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

The motion carried.

The meeting was adjourned at 8:18 pm.

Respectfully submitted,
Thomas Brennan III, Planning Commission Secretary

Laura Bennett, Recording Secretary
Superior Charter Township
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