

CHARTER TOWNSHIP OF YORK  
PLANNING COMMISSION  
REGULAR MEETING  
YORK TOWNSHIP HALL  
January 14, 2008

A regular meeting of the Planning Commission of the Charter Township of York was held at 11560 Stony Creek Road on Monday, January 14, 2008. Chairperson Shearer called the meeting to order at 7:38 P.M.

MEMBERS PRESENT: Sandy Shearer, John Hargrove, Jane Kartje, Paolo Vioni, Joan Alexander, Aimee Kay, Keith Fineberg.

MEMBERS ABSENT: None

OTHERS PRESENT: Don Pennington and Rodney Nanney of Land Use Planning and Consulting, Michael Peterson of Nowak & Fraus, List on file.

DETERMINATION OF A QUORUM

A quorum was present.

ADOPTION OF AGENDA

Motion by Kartje, seconded by Vioni to adopt the agenda as amended.

Motion carried: 7-0-0

APPROVAL OF MINUTES

Motion by Alexander seconded by Fineberg to approve the minutes of the December 10, 2007 regular meeting as presented.

Motion carried: 7-0-0

CALL TO PUBLIC

None

CORRESPONDENCE

Motion by Kartje, seconded by Fineberg to accept the correspondence and place it on file.

Motion carried: 7-0-0

REPORTS

Report of Chairperson

None

Report of Township Board Representative

The Board met on January 8, 2008 and Commissioner Kartje reported the following:

1. Regional Policing feasibility Study was discussed.
2. Approved payment for the River Raisin Watershed Council dues for 2008.
3. Had the first reading to amend the zoning map for Ordinance 65.
4. Continued discussion on the 2008-2009 Budget.
5. Discussed a ballot proposal for ½ mill for public safety to be put on the ballot in May.
6. Requested that a Commissioner attend a January 17, 2008 meeting regarding MAVD.

Report of Zoning Board of Appeals

None.

Report of Planning Consultant

Given under old business.

Report of Engineering Consultant

Mr. Michael Peterson indicated that open grants may be available and are eligible for those on an open list.

Report of Parks Committee Representative

None.

Report of Zoning Official

Not present

Report of Citizens Environmental Advisory Committee

The Committee met on January 9<sup>th</sup>, 2008 and Commissioner Kay reported the following:

1. Earth Day Co-Chairs Willow Newman and a representative from the Parks & Recreation are continuing to plan the upcoming Earth Day and Parks Appreciation Day to be held in Sandra Richardson Park on April 19<sup>th</sup>, 2008.
2. Several grants are being examined for feasibility.

NEW BUSINESS

None

OLD BUSINESS

1. Mirage Lake, Final Site Plan Phase 4 Discussion

Chairperson Shearer explained that the petitioner requested that the item be ~~removed~~—TABLED from the agenda in order to address issues from the Township Consultants review letters.

Motion by Kartje, seconded by Visioni to table the Mirage Lake, Final Site Plan Phase 4 Discussion as requested by the petitioner.

Roll call vote:

Fineberg: Yes

Hargrove: Yes

Visioni: Yes

Shearer: Yes

Kay: Yes

Alexander: Yes

Kartje: Yes

Motion carried: 7-0-0

## 2. Bemis Farms SUP Revised Site Plan Discussion

Mr. Patrick Carmody, representing Bemis Farms presented a brief presentation on the Bemis Farms SUP ongoing review. He described items with regard to their updated site plan and information regarding the proposed timeline for the project. He handed out a proposed timeline to be included with the site plan.

Commissioner Alexander had concern with the timeline and whether all the work could be completed by the proposed final date of June.

Mr. Peterson, Engineering Consultant representing York Township reviewed items to be addressed as outlined in his review letter dated January 10, 2008. In addition he requested that the petitioner include soil erosion and sedimentation control measures on the plan to be installed before any construction takes place on the site.

Commissioner Kay asked whether or not the Township typically requires a bond for projects like this where construction is occurring.

Mr. Peterson indicated that the Township does not usually require a bond for this type of project and he will follow-up with the zoning administrator to see how inspections will be handled.

Mr. Pennington, Planning Consultant representing York Township reviewed items to be addressed as outlined in his review letter dated January 4, 2008.

Mr. Pennington indicated that items as outlined in his report have been addressed with the exception of item 2.06 and 2.10. He stated that based on the changes made on the revised site plan dated December 28, 2007 he is recommending approval.

Commissioner Alexander requested that the final completion date for the project be July 31<sup>st</sup>, 2008 for the timeline.

Motion by Alexander, seconded by Fineberg that all fees must be paid in full before the Special Use Permit amendment becomes effective.

- **The York Charter Township Planning Commission approves the Special Use Permit amendment petition dated November 3, 2006, the final site plan dated December 28, 2007, and the time line for completion of work, submitted on January 14, 2008 by Mr.**

**Patrick Carmody, Jr., Attorney, with all of the drop dead dates revised to July 31, 2008 for Bemis Farms Daycare, 77 W. Bemis Rd.**

- **The Planning Commission accepted the Special Use Permit request and site plan on November 13, 2006.**
- **The Planning Commission held the required Public Hearing on January 8, 2007 regarding this application as per Zoning Ordinance Section 53.05. There were many Public Comments. A show cause hearing was also held on September 24, 2007. Again there were many comments made. All of these public comments were considered.**
- **The Planning Commission reviewed the reports of the York Township Planning Consultant, dated November 28, 2006, May 30, 2007, September 28, 2007, and January 4, 2008. The Planning Commission also reviewed the reports of the York Township Engineering Consultant dated March 12, 2007, June 4, 2007, October 1, 2007, November 20, 2007 and January 10, 2008.**
- **The Planning Commission addressed the Findings of Fact required by Section 53.04, 53.07, 54.06 and 54.11 within the York Township Zoning Ordinance, and specifically finds the following:**

**As pertains to 53.04, Data, Exhibits and Information Requested in Application:**

- A. The applicant's name, address and phone number is in the application packet.**
- B. The names and addresses of the adjacent land owners are provided on the plan.**
- C. Legal descriptions, address and tax parcel numbers have been included in the application packet.**
- D. Scaled drawings were submitted as part of the site plan.**
- E. A description of the proposed use was received September 24, 2007.**
- F. A site plan was received November 3, 2006, and a revised site plan was received on March 2, 2007, April 18, 2007, September 4, 2007, November 1, 2007, November 16, 2007 and December 28, 2007 as set forth in Section 54.03.**
- G. A written letter has been received from the York Township Zoning Inspector regarding the compliance with the Zoning Ordinance and the maintenance condition of this site, dated August 1, 2006.**

**As pertains to section 53.07, Special Use Standards, the proposed use is consistent with the permitted zoning uses.**

**As pertains to 54.06, Standards for Review, all standards have been met:**

- A. All required information has been provided.**
- B. The proposed use conforms to all regulations of the zoning district in which it is located.**

- C. The applicant may legally apply for the site plan review.**
- D. Vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.**
- E. The proposed site plan will be harmonious with, and not hazardous, detrimental or damaging to existing and future uses in the immediate area.**
- F. Natural resources and natural features will be preserved to the maximum feasible extent.**
- G. The proposed use respects natural topography to the maximum feasible extent and minimizes the amount of cutting and filling required.**
- H. Soils not suitable for development will be undisturbed or modified in an acceptable manner.**
- I. The proposed use will properly respect floodways, flood plains or drainage ways on or in the vicinity of the subject property.**
- J. Phasing is not required, however the applicant has indicated work will be done at different times as indicated in the time line submitted by Mr. Patrick Carmody, Jr., Attorney and as shown on the site plan. The Planning Commission notes that the drop dead dates listed in this time line have all been set for July 31, 2008 to maintain consistency. Soil erosion/sediment control measures must be installed prior to work beginning.**
- K. There is an approved natural features statement of impact, protection and mitigation for the site, as submitted by Mr. Patrick Carmody, Jr., Attorney in his reported dated November 6, 2007.**

As pertains to section 54.11, Required Data for a Final Site Plan, all data has been received.

Roll call vote:

Fineberg: Yes

Hargrove: Yes

Visioni: Yes

Shearer: Yes

Kay: Yes

Alexander: Yes

Kartje: Yes

Motion carried: 7-0-0

#### COMMENTS FROM THE COMMISSION

Commissioner Fineberg stated that the Office of Community Development's Home Rehabilitation Program is trying to find an eligible homeowner that may need repairs on their single family home to participate.

Commissioner Visioni wanted to know why the setbacks shown in the proposed ordinance revisions were reduced in the Industrial zone.

Proposed Zoning Ordinance amendments were reviewed and discussed with regard to setbacks, height requirements for residential zoning in relation to the existing standards.

Chairperson Shearer stated that there has been some communication with a potential submittal regarding a private Christian High School.

Commissioner Kay referred to the Planning & Zoning News magazine article regarding items that Planning Commissioners can be doing to promote proactive planning.

Commissioner Alexander indicated that she will be updating the SUP file.

#### FINAL CALL TO PUBLIC

None

#### NEXT REGULAR MEETING

January 28, 2008 at 7:30 p.m.

#### ADJOURNMENT

Motion by Kartje, seconded by Fineberg to adjourn the meeting at 9:04 p.m.

Motion carried: 7-0-0

Aimee Kay  
Planning Commission Secretary

Transcribed by Aimee Kay, January 20, 2008

Date approved: January 28, 2008

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