

CHARTER TOWNSHIP OF YORK PLANNING COMMISSION REGULAR MEETING MINUTES

AUGUST 13, 2018

York Township Hall, 11560 Stony Creek Rd., Milan, Mi. 48160

Call to Order: Vice-Chair Visoni called the meeting to order at 7:30 p.m. advising that Chairman Dick Cupka would be late to the meeting.

Roll Call: John Hargrove, Mitch Gasche, Jane Kartje, Tom Gary, Frank Rochowiak, Paolo Visoni. Absent: Dick Cupka. Quorum present.

Approval of Agenda. Motion by Hargrove, Seconded by Kartje to approve as amended, the August 13, 2018 Regular Meeting Agenda. Discussion: add Faust Acres PUD, Preliminary Plan Review to Old Business and Farmland Preservation (PA116) Tour to New Business. Voice Vote: 6-0-1. Carried.

Approval of Minutes. Motion by Gary, Seconded by Kartje, to approve the July 9, 2018 Regular Meeting minutes, as corrected. Discussion: change Paolo Visoni's wording under Master Plan Update from "the very outdated maps are useless" to "the maps are outdated". Voice Vote: 6-0-1. Carried.

Call to Public: No comments heard.

Correspondence: latest *Planning and Zoning News*.

Reports:

Chairperson, Dick Cupka. None.

Township Board Representative, John Hargrove. Overview of July 10th meeting, see Board minutes.

Zoning Board of Appeals Representative, Jane Kartje. No July meeting.

Planning Consultant, Paul Lippens. Reports below.

Engineering Consultant, Mike Peterson. Not present.

Township Committees: None.

Township Officials: None present.

NEW BUSINESS:

Mr. Rochowiak advised of an event on August 28, 2018 to explain placing land into a Farmland Preservation (PA 116) status. The tour will begin at 9090 Bemis Rd., Phil Selter farm, then to Frank's farm on Stony Creek Rd. with final stop at Zilke's farm stand on Carpenter Rd.

OLD BUSINESS:

Saline Valley Farms Phase 4, Final Site Plan & Private Road application

Applicant's Engineer, Todd Pascoe prefers to wait for Township Engineer Mike Peterson's report before completing a response to questions/concerns raised by Township Planning Consultant Lippens' August 7, 2018 reviews of the Final Site Plan and the Private Road application so they may respond to all questions simultaneously. Planner Lippens commented in concurrence with Mr. Pascoe. In addition, Planner Lippens stated he found minor issues with the Private Road Agreement, but would defer to the Township Engineer. In his view, the Final Site Plan might be ready for a Resolution and Private Road recommendation to the Township Board at the September meeting.

Deer Ridge Site Condominium, Phase 2, Revised Final Site Plan/Private Road application

Planner Lippens discussed status of applicant's Phase One landscape requirements and receipt of a letter after the landscape inspection. This letter not received in time to make it into information sent to the PC. Mr. Lippens advised that the required number of trees was 195 with 181 planted, so far; still several inconsistencies in Phase 2. Applicant Ron Cook explained the letter's content that 181 trees were planted in Phase One, with 139 currently alive. They will plant street trees as houses are built, need 56 trees to complete Phase One plus 32 Trees to be added in Phase Two. Applicant agrees to plant required Phase One and Two trees in the fall when weather is cooler and more conducive to landscape planting.

The Township Attorney is reviewing the Private Road Agreement, Phase 2, for the Board's consideration

as well as a Development Agreement for Phase Two. Report needed by Township Engineer Peterson on the revised plan submitted June 28, 2018 along with stormwater run-off and the Private Road. PC Chair will follow up with Township Engineer.

Fosdick Property, Petition to Amend Zoning Map/PUD Area Plan

PC reviewed a Resolution Planner Lippens had provided of a PUD Rezoning Petition and Area Plan to consider recommending approval to the Township Board and made corrections to typos of dates and missing or changed words. Discussed gravel v. grass pathways in common areas. Consensus of PC was that the purpose of the area plan is to not require applicant to designate gravel for pathways and removed references to limestone for walking paths. This topic will be reviewed during the site plan review process. Nothing more needed by Township Engineer at this time. Planner Lippens took care of making the changes, as discussed and will forward to everyone tomorrow.

(Note Dick Cupka's arrival @ 8:25 pm)

Moved by Gary, Seconded by Gasche to adopt a Resolution To Make Report And Recommend Approval of PUD Rezoning Petition and Area Plan filed by Peters Building Co., Parcel #S-19-04-200-001, as presented and amended; to be a part of this meeting's minutes.

Roll Call Vote: Aye: Hargrove, Aye; Gasche, Aye; Visioni, Aye; Cupka, Aye; Gary, Aye; Kartje, Aye; Rochowiak, Aye; Nay: None; Absent: None; Abstain: None. Carried 7-0-0

Faust Acres PUD, Preliminary Site Plan Review

Planner Lippens discussed his recommendation contained in his 8/7/2018 review letter. The issues are summarized as follows:

1. The 50-foot wetland buffer is clearly labeled on the site plan.
2. The landscape plan must be included in the Final Site Plan. It must include trees to be removed and planted within the site.
3. That the applicants obtain a letter from the responding fire department granting approval of the street names.
4. Driveways are added to the plan.
5. A Natural Features Impact Statement is provided.
6. Review comments of Township Engineer to be incorporated into the plan, if any.

In addition, Emergency road was discussed with applicant agreeing to follow up with fire authority on gates, barriers that they will agree to.

Continued Work/Discussion on Master Plan Update

Chair Cupka commented that the research phase of the project is complete and they will move into chapter prioritization and review. Cupka directed Planner Lippens to prepare a road map and timeline for completion by early 2019 at the latest. Discussion on overall direction of the Township and the need for the PC to insure the Master Plan continues to follow the policy directions of our citizens and the PC. The September meeting will include review on demographic data with October being focused on higher level policy and township direction.

Final Call to Public: No comments heard.

Next Regular Meeting: September 10, 2018 at 7:30 p.m.

Adjournment. Motion by Gary, Seconded by Hargrove to adjourn the meeting at 9:03 p.m. Carried 7-0-0

Respectfully submitted,

Tom Gary, Planning Commission Secretary

**YORK CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

***[Resolution To Make Report And Recommend Approval Of PUD
Rezoning Petition And Area Plan Filed By Peters Building Company]***

Minutes of a regular meeting of the Planning Commission for York Charter Township, Washtenaw County, Michigan held at the Township Hall, 11560 Stony Creek Road in said Township, on the 13th day of August, 2018 at 7:30 p.m.

PRESENT: John Hargrove, Mitch Gasche, Jane Kartje, Tom Gary, Frank Rochowiak, Paolo Visioni,
Dick Cupka

ABSENT: None.

The following preamble and resolution were offered by Member Tom Gary and seconded by Member Mitch Gasche.

WHEREAS, on May 14, 2018 a pre-application conference was held at the request of Peters Building Company for the purpose of introducing a proposed new residential development in the Township; and

WHEREAS, on May 14, 2018 the Township received a Permit Application for New Development and an Application for Zoning Amendment filed by Peters Building Company (hereinafter "Petitioner" or "Developer") requesting to re-zone parcel S-19-04-200-001 (hereinafter "Property") being a total of approximately 68.1 acres from zoned Interim Agricultural District (A-2) under the terms of the York Charter Township Zoning Ordinance, as amended, (hereinafter "Zoning Ordinance") to a Planned Unit Development (PUD) zoning district as defined and provided for in the Zoning Ordinance; and

WHEREAS, the PUD rezoning petition was supported by an Area Plan (originally dated May 14, 2018 and amended on June 15, 2018) submitted with the Application for Zoning Amendment (hereinafter "Application") and included a development narrative proposing a development project to include a residential site condominium with 44 single-family residential units to be sold to individuals for the construction of single-family homes with an anticipated sales price in the mid \$400,000; and

WHEREAS, the proposed site condo development described in the Area Plan (dated May 14, 2018) appears to be fully self-maintained with a proposed on-site community well and a community private wastewater treatment plant to be approved by the Michigan Department of Environmental Quality (hereinafter "MDEQ") and Washtenaw County Health Department, on-site water runoff detention and filtration systems to be approved by the Washtenaw County Water Resources Commission, private roads and open areas and recreational space to include walking paths, and recreational fields, all of which are proposed to be governed and maintained by a homeowners association under the terms and conditions set forth in a master deed and bylaws required for the condominium development proposed for the Property; and

WHEREAS, notices were duly mailed and published and a public hearing was held on July 9, 2018 at which time persons spoke about the petition, including comments both for and against, and the substance of public comments is reported as follows:

Traffic Concerns: Some public comments were questions about the potential traffic that will be generated by the new development. The Developer and Developer's Engineer addressed the public comments by providing traffic generation analysis stating peak hour trips would be 38 in A.M. and 49 in P.M., noting that WCRC requires a traffic study for developments with more than 50 peak hour trips. Other questions were about vehicle site distance. The applicant's analysis states that the current proposal will likely meet WCRC standards but will need to be met for approval of the site plan.

Environmental Concerns: There were some public comments raising concerns related to water retention and run-off. It was expressed that water drainage was already an issue and where the additional runoff from the development would go. The concern was also related to how the land would be graded and changed and what impact that would have for the surrounding area. The Developer and the Developer's Engineer addressed public comments by asserting that runoff and drainage would be controlled on site and released in accordance with requirements of the Washtenaw County Water Resources Commission.

Water and Sewage Concerns: Some comments expressed concerns about the impact of a community well on other local wells in the vicinity, possible contamination of local wells, possible drying up of local wells and the smell associated with a private wastewater plant. Several who spoke were against the proposed development for these stated reasons. The Developer and the Developer's Engineer addressed these comments with assertions that the community well would be very deep to avoid affecting local private wells. Both the community well and the private wastewater facility would require approval by the Michigan Department of Environmental Quality before any construction may begin.

WHEREAS, on July 18, 2018 the applicant provided to the Township a supplemental information packet responding to the concerns expressed at the public hearing, the Township Engineer review and the Township Planner review, with a site distance diagram dated July 18, 2018 and a trip generation memo dated July 18, 2018; and

WHEREAS, the Planning Commission reviewed the Application, Area Plan and supplemental information provided by Applicant and the submissions prepared by the Township's Planning Consultant, Paul Lippens, of McKenna Associates, dated June 7, 2018 and July 3, 2018, and reports by the Township's Engineering Consultant, Michael Peterson of Nowak & Fraus, dated July 7, 2018 and various other materials; and

WHEREAS, the Planning Commission considered the standards specified in Section 8.05(C) of the Zoning Ordinance and now makes the following report of findings related to the required standards for approval of the proposed PUD and Area Plan:

1. Section 8.05(C)(1): Requires that the proposed development generally conforms with the Township's Master Plan.

In this regard the Planning Commission concurs with and adopts the reasoning of the Township Planner's reviews of June 7, 2018 and July 3, 2018 reported to the Planning Commission on July 9, 2018 that the proposed development is consistent with the general goals and objectives the Township's Master Plan because it strengthens the identity of York Township, preserves natural resources of the area, promotes new development of high quality and manages growth.

2. Section 8.05(C)(2): Requires the proposed development to conform to the intent and all standards and regulations related to a PUD district under the Zoning Ordinance.

The Planning Commission concurs with and adopts the reasoning of the Township Planner's reviews of June 7, 2018, and July 3, 2018 reported to the Planning Commission on July 9, 2018. The proposed development will promote high quality housing consistent with the intent of the Zoning Ordinance and regulations. We also find as reported by the Township Planner, the proposed development complies with district regulation requirements stated in Section 8.03 of the Zoning Ordinance including compliance with allowed permitted uses, density regulations, yard requirements, circulation and access requirements, utility requirements and open space regulations.

3. Section 8.05(C)(3): The proposed development must be adequately served by roads, police and

fire protection, drainage courses, water and sanitary sewer facilities, and waste disposal, or the developer must be able to provide such facilities and services in a manner acceptable to the Township Board.

The proposed Area Plan and development purports to be primarily a self-contained and supported Property with regard to typical public facilities because it includes a proposed on-site community water well and sanitary sewer system that will be approved and regulated by MDEQ. The road will be private in the proposed development and will be adequate and suitable if constructed and maintained in accordance with the Township's Private Road Ordinance. The proposed connecting road between Fosdick Acres and Fosdick will access to the south and some dispersion of the trips generated by the development. Grading and drainage issues on the site will be approved and supervised by the Washtenaw County Water Resources Commission and the Township through site plan review and approval. There is no indication that the proposed development will significantly impact police and fire services for the area. Accordingly, the proposed Area Plan and development appear to adequately serve by public facilities or substitutes therefore.

4. Section 8.05 (C)(4): Open space and other common elements in the development should be planned to achieve a unified open space and recreation system.

The proposed development appears to be so planned. As noted by the Township Planner reviews of June 7, 2018, and July 3, 2018, the main open space areas throughout the site form a usable and coherent open space area that can be used by everyone in the development. The development narrative on the Area Plan indicates walking paths and informal athletic field areas.

5. Section 8.05(C)(5): The Applicant must make provisions to assure that areas planned for public use will be irrevocable made and continued. The commitment by the Applicant in this regard must be made satisfactorily to the Township Board.

The Area Plan commits property to open space that will be owned and maintained by a homeowners association. The further planning and site plan review process will further address the commitment in this regard to assure that the commitment is irrevocable and incorporated into appropriate development documents including the master deed, bylaws, development agreement and other security.

6. Section 8.05(C)(6): The layout of proposed uses and traffic will be safe and convenient for use. In applying this standard the Commission must consider convenient pedestrian traffic, the main roads and thoroughfares in the area, street intersection and the general character and intensity of the existing and potential development in the neighborhood.

The Planning Commission concurs with the Township Planner's review of compliance with this standard in the review correspondence dated reviews of June 7, 2018, and July 3, 2018. Additional detail in this regard can be added and confirmed during the site plan review process. Under Section 8.09 of the Zoning Ordinance, the Applicant is required to file a declaration of covenants and restrictions that will govern the Area Plan Application. No such declaration has been formally made. This requirement should be satisfied as a condition of the Planning Commission's recommendation and prior to Board approval of the Application.

7. Section 8.05(C)(7): The mix of uses in the proposed PUD must be acceptable in terms of compatibility of uses, assuring privacy, convenience and other similar compatibility issues.

The only use in the proposed PUD is residential. There are no compatibility issues related to mixed uses in the proposed development that would impact privacy, convenience and other such concerns.

8. Section 8.05(C)(8): Where applicable, the Planning Commission must determine that nuisance

factors such as noise, odor, light or other external effects connected with the proposed use, will not adversely affect adjacent uses.

Concerns were raised at the public hearing that the private wastewater treatment plant would create odors. Except for these concerns, the Commission believes that this standard is not applicable because the development is a typical residential development that generally is not associated with the type of nuisance concerns raised by this standard. With respect to the potential for odor from a proposed private wastewater and sewage disposal system as proposed in development of the PUD, this will need to be addressed by the Developer and in conjunction with approvals from MDEQ for a private sewage disposal system.

9. Section 8.05(C)(9): The proposed development must create a minimum disturbance to natural features and land forms.

The Planning Commission concurs with the statement by the Township Planner in the review correspondence dated June 7, 2018 and July 3, 2018, that the proposed development is designed to preserve natural features on the site and minimize impacts to the County Drain.

10. Section 8.05(C)(10): Streets must follow topography, be properly spaced, and be located in accordance with the intended function of each street. There must be adequate access to public streets. The plans must provide for logical extensions of streets and must provide suitable street connections to adjacent properties, where applicable.

The Planning Commission believes that the private roads in the proposed development are properly situated consistent with this standard. There is adequate access to public streets for the proposed development by access to Bemis Road and Fosdick Road. In addition, access onto Bemis Road and Fosdick Road from the Property will be controlled by the Washtenaw County Road Commission. Compliance with all requirements of the Road Commission for such access should be a condition of the PUD and Area Plan approval.

11. Section 43.05(C)(11): Major pedestrian circulation must be provided within the site and interconnect with all relevant uses with the development and adjacent communities.

Sidewalks are proposed along both sides of all private roads in the development. Accordingly, the Planning Commission believes that this standard is satisfied for providing proper pedestrian circulation within the development, subject to final review and determination at the time of site plan review. The Area Plan for interconnectivity with the potential future development is provided via a stub road on the west property line. The Planning Commission concurs with the Township Planner's review of compliance with this standard in the review correspondence dated June 7, 2018 and July 3, 2018.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission believes that the Application and Area Plan (dated May 14, 2018), filed by Applicant with additional supplementation submitted by the Applicant on July 18, 2018 generally complies with requirements in the Zoning Ordinance and that the standards of approval in Sections 8.05(C) and 21.05 have generally been satisfied and makes the following recommendation to the Township Board of Trustees:

1. Prior to approval of the PUD and Area Plan, Applicant and the Property owner shall file a declaration of covenants and restrictions on the land consistent with Section 8.09(D) of the Zoning Ordinance;

2. Prior to final approval of the PUD and Area Plan, and as a condition of any temporary approval, Applicant and the owners of the Property shall enter into an agreement with the Township pursuant to Section 8.05(A)(9) of the Zoning Ordinance to bind the Applicant, owners, and their heirs, successors and assigns to the PUD and Area Plan as finally approved by the Township Board;

3. As a condition of final approval of the PUD and Area Plan, Applicant shall resolve potential odor issues related to the proposed private waste water treatment facility in a manner satisfactory to the Township Board and Township Engineer, and this condition shall be a continuing condition through the site plan review and approval process and subsequent to completion of the proposed development;

4. As a condition of final approval of the PUD and Area Plan, Applicant shall be required to comply with all requirements of the Washtenaw County Road Commission for developing access onto Bemis Road and Fosdick Road from the Property, and all requirements of the Washtenaw County Water Resources Commission, MDEQ, and all other public agencies with jurisdiction, and these conditions shall be continuing conditions through the site plan review and approval process and subsequent to completion of the development; and

5. As a condition of final approval of the PUD and Area Plan, Applicant shall comply with the Township Zoning Ordinance, the Township Private Road Ordinance and all other regulatory provisions of the Township for the proposed development, including the design of the connection points between and other design-related elements (sidewalks, stormwater ponds, landscaping, tree mitigation and similar site plan items).

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that the Application, dated May 14, 2018 and Area Plan dated May 14, 2018 and revised on June 15 2018, be APPROVED subject to the foregoing comments, requirements and conditions.

ROLL CALL VOTE:

AYES: Hargrove, Gasche, Visioni, Cupka, Gary, Kartje, Rochowiak

NAYES: None

ABSENT: None

ABSTAIN: None

RESOLUTION DECLARED ADOPTED

Dick Cupka, Chairperson
York Charter Township Planning Commission

Dated: _____

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Planning Commission of York Charter Township, County of Washtenaw, State of Michigan at a regular meeting held on the 13th day of August, 2018, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the open meetings act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Tom Gary, Secretary
York Charter Township Planning Commission

Dated: _____