

**CHARTER TOWNSHIP OF YORK
PLANNING COMMISSION
REGULAR MEETING
YORK TOWNSHIP HALL
July 23, 2007**

A Regular meeting of the Planning Commission of the Charter Township of York was held at 11560 Stony Creek Road on Monday, July 23, 2007. Chair Shearer called the meeting to order at 7:30 P.M.

MEMBERS PRESENT: Sandy Shearer, Paolo Visioni, Jane Kartje, Joan Alexander, John Hargrove (arrived at 7.53 p.m.), Keith Fineberg, Aimee Kay.

MEMBERS ABSENT: None

STAFF PRESENT: Don Pennington and Rodney Nanney of Don Pennington Land Use Planning and Consulting.

OTHERS PRESENT: 8, (*list on file*)

DETERMINATION OF A QUORUM

A quorum was present.

ADOPTION OF AGENDA

Motion by Kartje, seconded by Hargrove to adopt the agenda as corrected.

Motion carried: 6-0-1

APPROVAL OF MINUTES

Motion by Fineberg, seconded by Visioni to approve the minutes of the June 25, 2007 regular Planning Commission meeting and place them on file.

Motion carried: 6-0-1

CALL TO PUBLIC

One heard.

CORRESPONDENCE

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

Motion carried: 6-0-1

REPORTS

Report of Chairperson

None

Report of Township Board Representative

- Recommended approval to place Parcel # 19-22-400-002 in the Farmland & Open Space Preservation Program (PA 116).
- Awarded the Waste Disposal Bid to Stevens Disposal & Recycling service, Inc., for Township residents.
- A Consent Judgment was authorized regarding McIntosh v York Charter Township.

- Approved the new Milan Area Fire Department Operating Agreement.
- Joined the SEMCOG membership
- Indicated that the 3rd quarterly Special Land Use files are to be forwarded to the appropriate personnel and files.

Report of Zoning Board of Appeals

None

Report of Planning Consultant

None

Report of Engineering Consultant

Not present.

Report of Parks Committee Representative

John Bulmer provided information regarding unauthorized tree removal. He reported that 101 trees were cut at the Sandra Richardson Park property along the adjacent property line located on the parks western property boundary. He indicated that the Parks & Recreation Committee is seeking support from the Planning Commission to amend the zoning ordinance to include protections for local park land. Mr. Bulmer indicated that they would like to have some protections from commercial activities as well as any new development at least at the same level as the protections afforded to residentially zoned property.

Questions were directed to the Don Pennington, Planning Consultant regarding activities on the adjacent property and whether there are local requirements that would require the property owner to submit a site plan that should come before the Planning Commission for review. Donald Pennington relayed that the matter is being handled by the Township Board and no action needs to be taken at this time by the Planning Commission.

Report of Zoning Official

Not present.

PUBLIC HEARING

None

NEW BUSINESS

1. Yorktown Commons Area Plan

Mr. Mark Melchi from MAVDevelopment Company gave a brief presentation regarding the proposed changes to the Yorktown Commons Area Plan. An additional 1.6 acre parcel of land located at the southwest corner of Willis and Carpenter Roads was purchased with the intent to

add it to the approved PUD. An additional change was noted regarding the Area Plan in relation to wetland jurisdictional matters from the MDEQ.

Planning Commissioner Alexander noted that the petitioner will need to have a public hearing as well as apply for re-zoning.

Motion by Alexander, seconded by Hargrove to accept the Yorktown Commons Area plan, received by York Township on April 13, 2007, and turn it over to the consultants for review.

Roll call vote:

Alexander – Yes

Visioni – Yes

Fineberg – Yes

Hargrove – Yes

Kay – Yes

Kartje – Yes

Shearer – Yes

Motion carried: 7-0-0

This item will be placed on the August 13, 2007 agenda for review and discussion.

2. *Hamptons, Site Plan Submittal, Final Phase 1*

Mr. Adrian Fazecas from Gabrian Construction representing the petitioner indicated that phase 1 will include approximately 25 acres. He stated that public Roads, curb & gutter and sidewalks will be some of the amenities for the proposed development.

Motion by Visioni, seconded by Alexander to accept the Hamptons, Site Plan Submittal, Phase 1, received by York Township on July 5, 2007, and turn it over to the consultants for review.

Roll call vote:

Visioni – Yes

Fineberg – Yes

Hargrove – Yes

Kay – Yes

Alexander – Yes

Kartje – Yes

Shearer – Yes

Motion carried: 7-0-0

This item will be placed on the August 27, 2007 agenda for review and discussion.

OLD BUSINESS

1. Bemis Farms Special Use Permit SUP Discussion

Motion by Visioni, seconded by Hargrove to remove Bemis Farms Daycare SUP Amendment request from the table.

Motion carried: 7-0-0

Chair Sandy Shearer opened this item for discussion.

Peter Preston of Trinity Engineering was present on behalf of the petitioner. Mr. Preston explained that changes have been made to the site plan. He presented a site plan that depicted changes to the location and preliminary design of the storm water detention area. Mr. Preston proceeded to discuss the Play structure in relation to State of Michigan requirements and local zoning regulations. He indicated that the petitioner's belief is that the play structures current location is not in violation of the local ordinance.

Planning Commissioner Fineberg pointed out that there appears to be space for the play structure on the southern portion of the property.

Planning Commissioner Visioni concurred regarding alternative locations that appear to be available for the play structure.

Planning Commissioner Alexander indicated that setbacks need to be considered with respect to any alternative location of the play structure.

Planning Consultant, Rodney Nanney mentioned that consideration regarding the change in the historical use of the Day Care facility is a factor in deciding the issue of the location and overall use of the play structure. He pointed out that a significant change in the intensity of the use for the Day Care facility with regard to the increase in the amount of children is noteworthy. The Day Care Facility used to be a lot smaller and the amount of children used to be smaller. He indicated that perhaps it is an appropriate time to expand the boundary line for the Special Land Use area to deal with the fact that the number of children has increased.

Planning Commissioner Fineberg said that it would be amenable to expand the SUP area to include the play structure in the southern portion of the property.

Planning Commissioner Kay discussed the play structure and alternative locations that are available on the site.

Petitioner Andrew King provided the State of Michigan License to the Commissioners and gave a presentation regarding the items relevant to the License. The septic and drain field were also discussed.

Chairperson Shearer pointed out that even if the Commission decides to have the play structure moved to another location on site, that the area where it was located is still used for recreation.

Motion by Kartje, seconded by Kay to table the Bemis Farms SUP submittal, and to include information from the petitioner to be supplied before August 27, 2007 Planning Commission Meeting and bring it back for before the next Planning Commission as an update for comments and discussion.

Roll call vote:

Kartje – Yes

Visioni – Yes

Fineberg – Yes

Hargrove – Yes

Kay – Yes

Alexander – Yes

Shearer – Yes

Motion carried: 7-0-0

This item will be placed on the August 27, 2007 agenda for review and discussion or updated information.

2. Zoning Ordinance Amendments Discussion

Rodney Nanney, planning consultant, indicated that upcoming meetings will be held at the Township to discuss the Zoning Ordinance Amendments.

Planning Commissioner Alexander indicated that it would be helpful to continue with updating the Land Use Table.

Planning Commissioner Visioni made a statement about the urgency to strengthen our Zoning Ordinances given the recent occurrence of tree removal on the Sandra Richardson Park property.

Planning Commissioner Kay directed questions to the Planning Consultant regarding requirements for site plan submittals in relation to the recent tree removal on the Sandra Richardson Park... She believed that there are two separate issues with the recent tree removal,

first being the Sandra Richardson Park tree removal area and the second issue being the nature of the activities being performed on the property.

Planning Consultant Donald Pennington indicated that the Planning Commission does not review site plans until one has officially been submitted for their review. He also pointed out that the Zoning Administrator carries out the enforcement of the Zoning Ordinance and the consultants provide their recommendations.

He indicated that the Planning Commission does not currently have jurisdiction because a site plan has not been submitted for their review.

Further discussion mentioned ongoing items to be proposed for the Zoning Ordinance.

Additional discussion to be held at the August 13, 2007 Planning Commission meeting to continue making changes to the proposed Land Use Table and Zoning Ordinance.

COMMENTS FROM THE COMMISSION

Chairperson Shearer indicated that the Yorktown Commons and Zoning Ordinance items will be on the August 13th, 2007 agenda and the Hamptons and Bemis Farms will be on the August 27, 2007 agenda.

Planning Commissioner Visioni conveyed that he would like to see the Zoning Administrator at our meeting.

Discussion about whether or not the Zoning Administrator should come to all Planning Commission meetings or should a report suffice depending on the situation and what items are on the agenda.

FINAL CALL TO PUBLIC

None

NEXT REGULAR MEETING

August 13, 2007 at 7:30 p.m.

ADJOURNMENT

Motion by Visioni, seconded by Hargrove to adjourn the meeting at 9.31 p.m.

Motion carried: 7-0-0

Respectfully Submitted,

Aimee Kay
Planning Commission Secretary

Proposed minutes prepared by Aimee Kay, Planning Commission member, Charter Township of York, submitted to the Planning Commission for their review and consideration for approval at their next regular meeting.

For additional York Township information visit our website at www.twp-york.org