

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

CALL TO ORDER

Chair Shearer called the meeting to order at 7:30 P.M.

ROLL CALL

Present: Joan Alexander, Keith Fineberg, John Hargrove, Sandy Shearer, Jane Kartje, Aimee Kay, Paolo Visioni

Absent: None

Others Present: Don Pennington and Rodney Nanney of Land Use Planning and Consulting, Michael Peterson of Nowak & Fraus Engineering.

DETERMINATION OF A QUORUM

A quorum was present.

ADOPTION OF AGENDA

Moved by Member Kartje, seconded by Member Visioni:

VOICE VOTE ON ADOPTION OF AGENDA AS AMENDED MOTION MADE BY MEMBER KARTJE AND SECONDED BY MEMBER VISIONI:

Motion to adopt the April 14, 2008 agenda as amended.

Motion carried: 7-0

APPROVAL OF MINUTES

Moved by Member Alexander, seconded by Member Fineberg:

VOICE VOTE ON MARCH 10, 2008 AND MARCH 24, 2008 MINUTES APPROVAL MOTION MADE BY MEMBER ALEXANDER AND SECONDED BY MEMBER FINEBERG:

Motion to approve the March 10, 2008 and March 24, 2008 Planning Commission minutes as amended.

Motion carried: 7-0

CALL TO PUBLIC

No one from the audience wished to speak.

CORRESPONDENCE

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

Motion carried: 7-0

REPORTS

Report of Chairperson

None

Report of Township Board Representative

Commissioner Kartje reported on general business held by the Township Board on April 8, 2008.

Report of Zoning Board of Appeals

None, has not met since our last meeting.

Report of Planning Consultant

Given under old business

Report of Engineering Consultant

Given under old business

Report of Parks Committee Representative

None, has not met since our last meeting.

Report of Citizens Environmental Advisory Committee

Commissioner Kay reported that the Earth Day/ Parks Appreciation Day Event will be held on April 19, 2008.

Report of Zoning Official

Not present

NEW BUSINESS

1. New Michigan Enabling Act Training

Commissioner Kartje stated that the Township Board has approved to have two Planning Commissioners attend the upcoming June 3rd training regarding changes to the Michigan Enabling Act. The training will be held at the Washtenaw County Fairgrounds. Joan Alexander and Keith Fineberg were selected to attend the upcoming training.

OLD BUSINESS

1. Mirage Lake PUD Discussion

Mr. Timothy Stoecker representing Desert Sand Inc. gave a presentation regarding their request for an extension of the time period for submittal of a final site plan for Phase 4 of Mirage Lake Condominium, a determination of whether the presence of a Private Community Wastewater Disposal System in the Development is a "Major" or "Minor" change and Final Site Plan Approval for the development.

Planning Consultant, Mr. Donald Pennington referred to his April 3rd, 2008 Site Plan Report and presented the procedural requirements for this submittal. He also indicated that any Planning Commissioner not present at the original meeting concerning the 1/24/2005 action to deny an extension of PUD Area Plan approval should not make a motion to reconsider the request for extension of the PUD Area Plan.

Commissioners discussed the request for an extension of the time period for submittal of a final site plan for Phase 4 of the Mirage Lake Condominium.

Commissioner Kay asked the planning consultant whether they considered this submittal to be a change in the concept of the development or a change in use or character of the development per the Zoning Ordinance, Section 43.10C.

Mr. Pennington replied that he did not consider the submittal a change in the concept of the development or a change in use or character of the development relative to the Zoning Ordinance.

Chairperson Shearer asked the planning consultant whether or not the proposed change from individual septic use to the community septic system would be considered a change in use.

Mr. Pennington replied that he did not consider that aspect of the proposal as a change in use. He stated that the overall development is still residential and that there aren't any changes to the lot boundaries or street layout or functions or open space.

Commissioners discussed open space with regard to the Private Community Wastewater Disposal System Ordinance No. 113, good cause for reconsideration of the submittal, procedural issues, and design considerations.

Mr. Rob Klocko, representing Desert Sand Inc. stated that he does not think he can start from the beginning if the reconsideration is denied. He stated that open space is high for the Planned Unit Development and that this phase is only seven (7) lots.

Chairperson Shearer called a short recess at 8.30 pm. Reconvened at 8.42 pm.

Moved by Commissioner Kartje:

Motion to reconsider the 2005 action to deny an extension of the approval period for the Mirage Lake Site Condominium PUD Area Plan based upon the findings that conditions and circumstances have changed.

Commissioner Kartje was unable to complete her motion because discussion continued by various Planning Commission members. Commissioner Kartje then requested to withdraw the motion from consideration prior to the Chairperson calling for support.

Moved by Chairperson Shearer, seconded by Fineberg:

Motion to deny the reconsideration of the previous motion of the Planning Commissions January 24, 2005 action to deny an extension of the approved period for the Mirage Lake Site Condominium PUD Area Plan based on the findings that a change in conditions or circumstances in place at the time of the original actions would not merit such a reconsideration and that no new pertinent evidence has been found that would merit such a reconsideration.

ROLL CALL VOTE:

**Fineberg-No
Hargrove-Yes
Visioni-Yes
Shearer-Yes
Kay-No
Alexander-Yes
Kartje-Yes**

Motion carried: 5-2

2. Zoning Discussion

Planning Consultant Rodney Nanney reviewed the various zoning ordinance updates.

Commissioners reviewed and discussed changes made to the draft zoning ordinance updates. Specifically Article 30.0 Dimensional Standards was discussed.

Commissioner Fineberg suggested that the setback requirement on page 30-1 be changed to 175'.

Commissioners discussed the review criteria and impacts related to the setback requirements and agreed to change it to 175'.

The Commission agreed to hold a one hour workshop at the next regular Planning Commission meeting to be held on April 28, 2008 beginning at 6.30 p.m. continuing to 7.30 p.m. to review material presented by the Planning Consultant regarding potential zoning ordinance amendments.

3. By-Law Update

Commissioners discussed the recent change to the By-Laws and stated that a new copy should be provided to the Commissioners before the next regular meeting.

COMMENTS FROM THE COMMISSION

Commissioner Alexander stated that the Citizen Planner classes were cancelled.

FINAL CALL TO PUBLIC

None

NEXT REGULAR MEETING

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

ADJOURNMENT

Motion by Member Visioni, seconded by Member Fineberg to adjourn the meeting.

Motion carried 7- 0

The meeting adjourned at 9:46 p.m.

Aimee Kay
Planning Commission Secretary

Prepared by Aimee Kay, April 25, 2008

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