

Chair
Marsha Zimmerman
Vice-Chair
Stephen Gobbo
Secretary
Dale Dailey
Commissioners
Brian Ross, Trustee
Kimberly Smelker
Bruce Keilen
Jason Flower
Theresa Shively
Tim Fair



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Community Development Director
Richard M. Trent

Township Planner
Jim N. Foulds

Recording Secretary
Linda K. Parkinson

**PLANNING COMMISSION MINUTES
MONDAY, JUNE 1, 2009
7:00 P.M.**

The regularly scheduled meeting of the DeWitt Charter Township Planning Commission was called to order at 7:00 p.m. by Chairperson Zimmerman.

The Pledge of Alliance to the Flag was said by those present.

ROLL CALL by Secretary Dailey.

MEMBERS PRESENT: Marsha Zimmerman, Dale Dailey, Terrie Shively, Kim Smelker, Steve Gobbo, Bruce Keilen, Jason Flower, Tim Fair and Trustee Ross.

APPROVAL OF AGENDA: **Gobbo moved to approve the Agenda as printed. Supported. MOTION CARRIED.**

APPROVAL OF MINUTES: **Keilen moved to approve the minutes of the May 4, 2009 Regular Meeting as presented. Supported. MOTION CARRIED.**

CORRESPONDENCE: None.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

I. PUBLIC HEARING - Request for PA116 Status – Farmland and Open Space Preservation Program from Robert E. Bower for property located at 15413 Turner Road, Lansing, MI 48906, south of Stoll Road, north of State Road, in the northwest ¼ of Section 28 of DeWitt Charter Township.

A. Open Public Hearing. Gobbo moved to open the Public Hearing at 7:03. p.m. Supported. MOTION CARRIED.

B. Administrative Comments/Applicant Comments/Public Comments.

Township Planner Jim Foulds briefly reviewed the applicant's request involving consideration to be allowed to enter into a Farmland Preservation Agreement under Public Act 451, more commonly known as PA 116, which is a tax advantage program for agricultural properties under the Michigan statutes.

Eligibility requirements are based partially on parcel size. A farm of 5 acres or more, but less than 40 must have 51% or more of the land area devoted to an agricultural use that produces a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land. The applicant has submitted a drawing indicating his property is approximately 10.15 acres consisting of 2.6 acres used for a horse pasture, 1.6 acres of currently tilled land used for the growing of organic produce, and 1.9 acres designated for the future planting of approximately 900 Christmas tree seedlings. Therefore, the total amount of land used for agricultural purposes would be 6.1 acres.

In closing, Foulds further noted that staff received two (2) comments back from reviewing agencies. One (1) from the DeWitt Township Assessor dated March 30, 2009 and one (1) from Daniel Leonard, Assistant Planner for Clinton County, dated April 13, 2009.

Chairman Zimmerman invited the applicant to speak.

Robert Bower, 15413 Turner Road, Lansing, MI 48906, stated his property was originally part of a 33 acre parcel. Currently, 22 acres is owned and managed by Giving Tree Farm, Inc. This is a non-profit organization that provides services for the disabled. The two (2) horses on his property provide therapeutic treatment for the disabled individuals at the Giving Tree Farm. The remainder of the original parcel is still owned by Mr. Bower and used as designated on his diagram submitted on June 1, 2009. The planting of Christmas tree seedlings on the designated 1.9 acres was supposed to take place in the Spring of 2009. The planting did not occur due to the weather. Also, the best time to plant the seedlings is in the Fall. In closing, Mr. Bower stated he would not be opposed to the Planning Commission deferring approval of his request until the Fall when the Christmas trees are actually planted.

Brief discussion followed regarding the applicant's organic gardens and the certification process involved.

Foulds asked the applicant to clarify his statement that he is not opposed to the Planning Commission deferring approval of this request until Fall.

Bower stated he understands that at this time his property does not meet the minimum amount of land that must be devoted to agricultural use (51%). He will meet that requirement once the Christmas tree seedlings are planted in the Fall. He is not opposed to deferring final approval of his application until that time. He would hope to obtain approval by no later than November 1, 2009.

Rich Trent, DeWitt Township Community Development Director, stated he spoke with Mr. Rich Harlow, Unit Chief of the Farmland Preservation and Open Space Division of the Department of Agriculture. He indicated that the applicant should clarify if the applicant's annual growth sales were related to the existing pasture and organic produce or the anticipated sales of Christmas trees. Also, how much acreage is presently being tilled. Since the Christmas trees are not yet planted, Mr. Harlow suggested the applicant expand the organic produce or come back for approval after the trees have been planted.

Brief discussion followed regarding the tax benefits associated with the Farmland and Open Space Preservation Program.

Shively suggested that the Planning Commission recommend approval and allow Mr. Bower to defer approval by the Board of Trustees until he has completed the planting of the Christmas tree seedlings.

This would eliminate the applicant having to come back before the Planning Commission at a later date.

Fair asked Mr. Bower what the likelihood would be of getting the Christmas tree seedlings planted by this Fall.

Mr. Bower advised that the best time to plant is after the first frost but before the ground freezes. That could occur anywhere between mid September to the end of October. He is confident that the trees will be planted during that time period this year. Regardless of whether this request is approved, the trees will still be planted.

Brief discussion followed regarding the possibility of recommending approval with the stipulation that the request go before the Board of Trustees at the time that the applicant has completed the planting of the Christmas tree seedlings.

- C. Close Public Hearing. **Dailey moved to close the Public Hearing at 7:25 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Keilen moved that the Planning Commission recommend that the Board of Trustees approve the request for PA 116 Status – Farmland and Open Space Preservation Program as submitted by Robert E. Bower for the property located at 15413 Turner Road, Lansing, MI 48906, subject to the following conditions:

1. **That the proposed Christmas tree seedlings be planted prior to December 1, 2009.**
2. **That the current uses submitted by the applicant on a site plan received by the Planning Department on June 1, 2009 continue as presented.**

Supported.

ROLL CALL on motion:

AYES: 9 NAYS: 0

MOTION CARRIED.

II. PRESENTATION – DeWitt Charter Township Strategic Plan

Supervisor Galardi gave an outline of the history of DeWitt Charter Township over the last ten (10) years as it relates to the Comprehensive Development Plan and Future Land Use. In closing, Galardi explained that the Township needs to determine how to accomplish long term goals and objectives on a day to day basis. The Strategic Plan will play a very important roll in the successful implementation of long term goals.

Township Manager Rod Taylor gave a presentation outlining the goals and objectives of the DeWitt Charter Township Strategic Plan. The purpose of the Plan is to assist staff, Commission Members, and Board Members in moving forward in a cohesive direction that will benefit the entire Township.

In closing, Galardi thanked the Commission for their time and asked them to refer to the Plan when making decisions as members of the Planning Commission.

Chairperson Zimmerman called for a ten (10) minute recess.

Chairperson Zimmerman called the meeting back to order at 8:52 p.m.

III. DISCUSSION – Wind Energy Workshop (schedule workshop date)

Township Planner Jim Foulds briefly reviewed background materials recently distributed regarding wind energy conversion system (WECS) regulations. The objective for DeWitt Township would be to discuss and recommend to the Board of Trustees a Wind Energy Conversion System Ordinance. At the May 4th meeting the Planning Commission expressed interest in holding a workshop on this topic and to invite residents, people from the industry, regulators from the State of Michigan, etc. The purpose of the workshop would be to identify the approach that the Township is going to take on regulation of such systems.

After brief discussion it was the consensus of the Commission to schedule a workshop to be held on Monday, June 29, 2009 from 6:00 p.m. until 8:00 p.m. at the DeWitt Charter Township Hall. The Commission further suggested that surrounding municipalities be invited to attend.

NEW BUSINESS:

I. Request for Special Use Permit 09-990005 from Stacey Wey for property located at 14212 Turner Road, DeWitt, MI 48820, west side of Turner Road, south of Theresa Avenue, north of Solon Road, in the southwest ¼ of Section 21 of DeWitt Charter Township, to allow the applicant to operate a group day care home from an existing residence for up to twelve (12) children.

Ross moved to receive request for Special Use Permit 09-990005 from Stacey Wey and set for a Public Hearing to be held on Monday, July 6, 2009. Supported. MOTION CARRIED.

II. Request for Special Use Permit 09-990006 from Firstbank – St. Johns for vacant property located on the east side of S. US 27, south of Herbison Road, north of Twinbrook Drive, in the northwest ¼ of Section 15 of DeWitt Charter Township, to be allowed to construct an approximately 1,908 sq. ft. financial institution with a drive-thru window.

Keilen moved to receive request for Special Use Permit 09-990006 from Firstbank – St. Johns and set for a Public Hearing to be held on Monday, July 6, 2009. Supported. MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: (Must be made from the podium.)

REPORTS:

I. Trustee:

Trustees Ross gave a brief report on business conducted and action taken at the regularly scheduled meetings of the Board of Trustees held on May 11, 2009 and May 26, 2009.

II. Zoning Board of Appeals:

Gobbo advised that there was no Zoning Board of Appeals meeting held in the month of April due to no applications being filed.

III. Committees: None.

IV. Staff:

1. Discussion – Potential amendments to existing Sign Ordinance (Chapter XI of DeWitt Charter Township Zoning Ordinance 60)

Foulds explained that staff has received correspondence regarding questions related to the Township Sign Ordinance. The first question specifically relates to allowing off-premise signs and billboards within the Township. Foulds advised that he has conducted research on off-premise signs and found that some municipalities in Michigan, primarily rural, allow such signs by right, as a Conditional Use, or as a Special Use Permit in the agricultural zoning districts. However, permitting off-premise signs and billboards are typically not allowed in suburban settings.

The second question raised relates to exterior sign advertising on the fences or walls at ball park fields. Currently, the Township allows one (1) small freestanding sign and one (1) small wall sign.

Brief discussion followed regarding the fact that perhaps this item should be referred to the Ordinance Amendment Subcommittee. Further discussion followed regarding that fact that there is one vacancy on the Committee.

Commissioner Tim Fair volunteered to fill the vacancy on the Ordinance Amendment Subcommittee. It was the general consensus that the Ordinance Amendment Subcommittee should convene for the purpose of discussing possible amendments to the Sign Ordinance as it relates to regulation of off-premise signs/billboards and advertisement signage on the fencing at the municipal ball parks.

Gobbo moved that the issue of off-premise signs/billboards and advertisement signage at the municipal ball fields be sent to the Ordinance Amendment Subcommittee. Supported. MOTION CARRIED.

Ross moved that Commissioner Fair be appointed as a member of the Ordinance Amendment Subcommittee. Supported. MOTION CARRIED.

The Committee consists of Commissioner Gobbo, Commissioner Flower and Commissioner Fair.

DISCUSSION: None.

ADJOURNMENT: **Gobbo moved to adjourn the meeting at 9:25 p.m. Supported. MOTION CARRIED.**

Linda K. Parkinson, Recording Secretary

Dale Dailey, Secretary