

**PLANNING COMMISSION MEETING  
MINUTES  
Wednesday March 4, 2009**

**I. Call to Order - Pledge of Allegiance - Roll Call**

The meeting was called to order at 7:00 p.m. and opened with the Pledge of Allegiance.

**Roll Call**      **Francis McNamara – present**  
                     **Donald Hartwick – present**  
                     **Craig Landes – present**  
                     **John Maahs – present**  
                     **Ronald Overton – present**  
                     **Richard Turcotte – present**  
                     **Ulrika Zay – absent with notice**  
                     **Charles Openlander – present**  
                     **Beth Ball – present**

**Also present** – **Andrea Polverento**, Planning Director, **Amy Kinney**, Planning Assistant

**II. Communications Received –**

**Polverento** outlined the communications given to the Planning Commissioners.

**III. Agenda Approval**

**MOTION** by **OVERTON** and seconded **MAAHS** by to approve the agenda as amended, moving unfinished business to after new business.

**Passed unanimously**

**IV. Public Comment – Non-Agenda Items - None**

**V. Approval of Minutes from January 7, 2009**

**MOTION** by **TURCOTTE** and seconded by **MAAHS** to approve the 1/7/09 minutes as presented.

**Passed unanimously**

**Approval of Minutes from January 7, 2009 Executive Committee Meeting**

**MOTION** by **BALL** and seconded by **OVERTON** to approve the 1/7/09 Executive Committee Meeting minutes as presented.

**Passed unanimously**

**Approval of Minutes from February 18, 2009 Special Meeting**

**MOTION** by **MAAHS** and seconded by **TURCOTTE** to approve the 2/18/09 Special Meeting minutes as presented.

**Passed unanimously**

**VI. Public Hearings**

**A. Zoning Ordinance Amendments: Various Sections of the Zoning Ordinance including Sections 28-7, 28-525, 28-528, 28-563, 28-566, 28-570 and others.**

**Overton** outlined the public hearing procedure.  
**Public Hearing opened at 7:10 p.m.**

**Polverento** explained that this public hearing is intended to review the errors and omissions that occurred during the codification process as well as all other amendments made to the Zoning Ordinance since September 2007, when the codification was adopted by the Board of Trustees. She noted that the section numbers for the individual amendments, not including the codification issues, were 28-7 (Definitions for Private and Commercial Kennels), 28-252 and 28-528 (Grand River Overlay and VSC), 28-563 (Storage of Recreation Equipment), 28-566 (Temporary Buildings and Uses), and 28-570 (Keeping of Animals.)

She explained that this public hearing is being conducted so that the Board of Trustees may re-adopt these amendments in a proper legal manner.

**Public Hearing Closed at 7:15 p.m.**

**VIII. New Business**

**A. Deer Creek Final Plat – Case #09-03 FPLT**

**Polverento** explained that the applicant is requesting Final Plat Approval for the Deer Creek development. The entire development encompasses forty single-family lots and is located on the east side of Watertown Parkway, north of Grand River Avenue. Nick Bolhouse from Deer Creek LLC was present to answer any questions the Commissioners had.

**Polverento** explained that the Final Preliminary Plat for this development was approved in 2004, and a one-year extension was granted in December 2006. The Final Preliminary Plat expired in December 2007. The site plan submitted with the application for Final Plat shows no changes from the approved Final Preliminary Plat.

**Polverento** stated that all roads, sewer, water, streetlights, fire hydrants, etc., have been installed in this development. The developer would like to try to sell lots, and they have no current approvals to do so. It did not make sense for them to re-apply for a preliminary plat, so they have chosen to apply to Final Plat the project so they may move forward.

**Polverento** explained that it is only the responsibility of the Planning Commission to review the final plat for conformance to the Land Division Act, the Subdivision Ordinance and the Preliminary Plat.

**Overton** would like to add condition 10 stating that the applicant must comply with all previously imposed conditions set forth by the Township in **Case 04-14 FPPLT and Case 06-04 14 FPPLT.**

**Turcotte** would like to see the resolution that states the Clinton County Road Commission has taken the road over as a county road and not a private road. **Polverento** stated that it was the Township Board's responsibility to make sure that was done, but that she would follow up with the Road Commission.

**MOTION** by **OVERTON** and seconded by **LANDES** that the Planning Commission recommend approval to the Board of Trustees for case **#09-04 FPLT for Deer Creek LLC** at the **east side of Watertown Parkway**, granting the Final Plat for Deer Creek Subdivision, provided that conformance to the conditions 1-10, as noted below, is achieved to the satisfaction of the Township's Zoning Administrator as being in accordance with the requirements of the Watertown Charter Township Zoning Ordinance and Subdivision Ordinance:

1. Provide a new copy of covenants and deed restrictions.
2. Comply with the requirements of the Clinton County Drain Commissioner's office.
3. Comply with the requirements of the Clinton County Road Commission.
4. Comply with the requirements of the Clinton County Soil Erosion Control Officer.
5. Comply with the requirements of the Township Engineer.
6. Comply with the requirements of the Southern Clinton County Municipal Utility Authority.
7. Comply with the requirements of the Michigan Department of Environmental Quality.
8. Comply with the requirements of the Lansing Board of Water and Light.
9. Subdivider must comply with all State, Federal and Township Laws.
10. The applicant must comply with all previously imposed conditions set forth by the Township in **Case 04-14 FPPLT and Case 06-04 14 FPPLT.**

**Passed unanimously**

## **B. Zoning Ordinance Amendments**

**Polverento** gave a brief overview of the case. **Turcotte** asked about amending the ordinances, and if currently the Township had a legal copy of Ordinances to be working from. **Polverento** explained that the Township Attorney told her that the he would be comfortable defending the codified ordinances in court. She explained how the adoption process was not done properly by the Board of Trustees in the past, but that the new Clerk has been very proactive on this issue and has been working with the attorney to have everything re-done properly.

**MOTION** by **OVERTON** and seconded by **MAAHS** that the Planning Commission forward the amendments to sections 28-7 Definitions; 28-525 Intent and Purpose (Grand River Avenue Overlay District); 28-528 District Regulations (Grand River

Avenue Overlay District); 28-563 Storage of Recreation Equipment; 28-566 Temporary Buildings and Uses; 28-570 (C)(2) Keeping of Animals; 28-570 (B) Keeping of Animals; and various errors and omissions that occurred as part of the codification process, with their recommendation for approval to the Board of Trustees.

**Passed Unanimously.**

### **C. Farm/Accessory Buildings**

**Polverento** explained that **Turcotte** asked that the issue of farm vs. accessory buildings be put on the agenda to discuss.

**Polverento** reminded the Commission about a pole barn that exists on Steiner Way with no supporting principal structure. She explained that the owner was able to get an agricultural exemption for a building permit.

She feels that some of the regulations in the Ordinance can be tightened, and discourage what happened on Steiner Way from happening elsewhere in the Township.

**Polverento** feels this issue should be referred to the ordinance review committee for further discussion. In the meantime she has been researching what other communities have done on this issue and will have some sample ordinance language to review at for the next ORC meeting.

Discussion took place regarding the ordinance and how the process is done and if the process is being done consistently. **Turcotte** stated that he was unhappy with the way the case had been handled, and felt the Township attorney did not help the situation. **Polverento** explained her reasons for contacting the attorney regarding the issue. **Turcotte** felt it should have been referred to the Zoning Board of Appeals.

**Overton** asked the Commissioners if they wish to continue to disallow building accessory building on parcels without a principal use unless it's agricultural or to just send this issue to the ORC to strength the language. General consensus among the Commissioners is to strengthen the language.

**Overton** asked **Polverento** to check with some neighboring communities to see how they have tightened their ordinances.

**MOTION** by **MAAHS** and seconded by **LANDES** to refer this issue to the ORC to strength the current language.

**Passed unanimously**

### **D. Front Yard Setback/Accessory Buildings**

**Polverento** explained that the discussion of accessory buildings and whether or not they should be permitted in the front yard has come up. A couple of the commissioners suggested that your recollection was that the intent of this was that accessory buildings should not be permitted in the front yard setback.

Reviewing section 28-559(b) (3) (pages 28:98-99), it states that "Unless otherwise specifically permitted by this chapter, accessory uses shall not be permitted in the required front yard."

## Planning Commission Meeting Minutes

March 4, 2009

It would be **Polverento's** recommendation that people allowed to build a pole barn directly in front of their house, just meeting the setback requirements, but I think there are many lots in the Township where the house is hundreds of feet from the road, and a pole barn in the front may be necessary based on the size and shape of the lot. While currently, people with this situation have the option to seek a dimensional variance to do this, she would prefer that we avoid that route and amend the ordinance prior to this becoming an issue. A number of people seeking variances is a sign of a weak zoning ordinance.

**Polverento** feels this issue should also be forwarded to the Ordinance Review Committee.

Discussion took place regarding striking the word required front yard.

**MOTION** by **MAAHS** supported **OVERTON** to refer this item to the Ordinance Review Committee.

**Passed unanimously**

### VII. Unfinished Business

#### A. Discuss Master Plan Update – FLUM and Implementation

**Polverento** outlined the materials from the consultants. The Commissioners would like to schedule a meeting with the consultants to review the FLUM. Wed March 18<sup>th</sup> at 7pm. **Overtton** discussed the FLUM.

**MOTION** by **OVERTON** and seconded by **MAAHS** to hold a special meeting on March 18, 2009 to discuss the update on the Master Plan.

**Passed unanimously**

### IX. Committee and Staff Reports

- A. Executive Committee Report – None
- B. Ordinance Review Committee Report – Set a meeting date for April 15<sup>th</sup> at 2pm
- C. Site Plan Review Committee Report – None
- D. Board of Trustees Report - Minutes 1/19/09, 2/17/09 Draft – **Maahs** presented the Board of Trustees Report.
- E. Zoning Board of Appeals - None
- F. Non-Motorized Circulation Plan Committee Report – **Polverento** presented the report.
- G. Capital Improvements - None
- H. Staff Reports
  - 1. Directors Report, January and February 2009
  - 2. Assistants Report, January and February 2009

- X. **Comments and Questions from Audience, Staff and Commissioners-**  
**Landes** announced that he will be stepping down from the Planning Commission on March 31, 2009 when his term ends.

### XI. Adjournment

**MOTION** by **MAAHS** and seconded by **BALL** and seconded by to adjourn the meeting.

**Planning Commission Meeting Minutes**  
March 4, 2009

**Passed unanimously**

Meeting was adjourned at 8:56 p.m.

Date approved:

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Ron Overton, Chair

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Beth Ball, Secretary