

CALL TO ORDER:

Vice-Chairman Bill Sullivan called the meeting to order at 7:05 p.m. He led the Pledge of Allegiance.

ROLL CALL

Members Present: Bill Sullivan, Dannel Ballard, Deb Good, Tim Hunnicutt, Mike Lee, Bob McClean, and Brian Vicary.

Members Excused: Sue Erickson and Bob Smith

Motion by Mike Lee, seconded by Dannel Ballard and carried by unanimous vote of the Planning Commission that Commissioners Erickson and Smith be excused from this meeting.

STAFF:

Teresa Bevier, Rob Nesbitt, Kevin Feuka and Chris Olson

AUDIENCE:

Members of the DeWitt Downtown Developing Authority: Beth Herendeen, Paul Hartlieb, and Fred Motz

Members of the City Council: Dave Hunsaker.

Others: None

APPROVE AGENDA:

Motion by Commissioner Lee, seconded by Commissioner Vicary and carried by unanimous vote of the Planning Commission **that the Planning Commission's agenda for January 28, 2010 be approved as presented.**

SPECIAL AGENDA ITEMS:

1. **Downtown Design Standards:** The Planning Commission extended an invitation to the Mayor and Council as well as members of the Downtown Development Authority (DDA) to attend this presentation. The purpose of the manual is to provide the City with a comprehensive set of guidelines to consider when preparing, reviewing and approving development proposals within DeWitt's downtown. The guidelines are intended to strengthen the functional and aesthetic qualities of the downtown to create an appealing environment typical of small to mid-sized communities in Michigan and the Midwest. The intent is to create an atmosphere that is distinct from other areas within the City and Township.

Rob Nesbitt (City's Planning Consultant with LSL) offered a presentation of the proposed downtown design standards. Following the presentation Mr. Nesbitt answered questions that the DDA Design Committee had from their review of the Downtown Design Standards.

Some of the topics of discussion included: Downtown Area Map; Tax Increment Financing (TIF) District; Parking Locations, Facades, and Sign Ordinance guidelines. The DDA will forward all their comments to Mr. Nesbitt for review.

APPROVAL OF MINUTES:

Motion by Commissioner Ballard, seconded by Commissioner Hunnicutt and carried by unanimous vote of the Planning Commission that **the minutes of the November 19, 2009 Regular Planning Commission Meeting be amended as follows:**
Correct name on Page 4 to read, "Commissioner ~~Sullivan~~ Vicary arrived."

Let the record show that Commissioner Sullivan did not vote since he was not present at the November 19th meeting.

PUBLIC COMMENTS:

None

OLD BUSINESS:

1. Proposed Zoning Ordinance Amendment/WECS: At the November 19, 2009 Planning Commission meeting, the Commission submitted a revised WECS ordinance to the Council with a recommendation for approval. At their December 7, 2009 meeting, the City Council discussed the proposed ordinance amendment to allow persons in the City to have a windmill device to produce electricity for their own consumption, provided that the terms of the ordinance can be met as it regards to lot size, setback and other qualifications. The Council discussed the standards and enforcement issues. The Council asked the City Administrator to provide a list of items to present to Rob Nesbitt (City's Planning Consultant with LSL) which reflects the Council's concerns about the proposed WECS ordinance. Mr. Nesbitt presented his recommendations in response to those items:

- a) Section B should be deleted since the restriction of one WECS per site is already addressed in Section C 5.
- b) Section C 12 should be deleted since there is no evidence that small-scale WECS create interference with electrical or telecommunication equipment and devices.
- c) Section F 4 should be deleted since a WECS is likely to remain on a site for a number of years and it may be onerous to require a property owner to provide a performance guarantee for this length of time. Further, the draft regulations require a WECS to be removed if it is inactive for a period of 12 months. The City would have the ability to take legal action on the property owner in the event that an inactive system is not removed.

Councilman Hunsaker brought up concerns regarding the need for clarity on the applicable standards for WECS and the effects that the wind energy system could have on nearby neighboring electrical devices. After a lengthy discussion, Mr. Nesbitt will revise the wording that addresses Mr. Hunsaker's concerns and an updated version of the WECS ordinance will be presented at the next Planning Commission meeting and eventual City Council approval.

2. Update on The Oaks Subdivision Phase 2: Kevin Feuka (C2AE) provided a brief outline regarding The Oaks Subdivision Phase 2. He stated that an understanding was reached with the Drain Commissioner on the maintenance provisions, accepting responsibility between the Homeowners Association (to be formed) and the Drain Commissioner. They were given a punch list of items for spring 2010, which describes engineering concerns, a negotiated a price for the final amount on the letter of credit (remaining improvements), and approved vegetation for the pond with a deadline of June 1, 2010 to get everything in.

3. Discuss Proposed Master Plan – Planning Area 6: At their November 16th meeting, the City Council rejected the Master Plan and offered the required written list of objections for the Planning Commission to consider. At the last Planning Commission meeting, the Commission deferred the discussion of the City's proposed Master Plan until their next meeting allowing them sufficient opportunity to review the Council's list of objections and be prepared to discuss them. The Planning Commission was provided with the Revised August 2009 draft version of the Master Plan.

After a lengthy discussion among those in attendance, it was determined that the Council's list of objections were unclear in regards to the bulleted items on page 3-15 and 4-16 of the Master Plan. Vice-Chairman Sullivan suggested that the City Clerk review the previous minutes from Council to be sure the correct information was recorded and report back her findings.

NEW BUSINESS:

1. Annual Election of 2010 Officers: As required by Chapter 2 of the City Code of Ordinances, the Planning Commission is required to annually elect a Chair and Vice-Chair at its first meeting of the calendar year.

Motion by Commissioner Ballard, seconded by Commissioner McClean and carried by unanimous vote of the Planning Commission **to nominate Bob Smith as Chair, and to nominate Bill Sullivan as Vice-Chair, to close nominations and cast a unanimous ballot for Bob Smith as Chair and Bill Sullivan as Vice-Chair.**

2. Annual Report of Activities for 2009: The Planning Commission received a copy of their Annual Report for 2009. In accordance with Chapter 2 of the City Code of Ordinances, the Planning Commission shall annually file a report with the Mayor and City Council.

No changes were offered.

Motion by Commissioner ____, seconded by Commissioner ____ and carried by unanimous vote of the Planning Commission that:

BE IT RESOLVED to approve the Planning Commission's Annual Report for 2009, as received, and authorize Chairman Smith to present it to City Council at their February 2, 2010 Regular Meeting.

PLANNING COMMISSION MEMBER COMMENTS:

The following comments were discussed:

- Form Based Zoning Information: Last fall, Dan Matson (City Attorney) attended a meeting through MML regarding Form Based Zoning. It discusses the recent trend in the formulation of zoning ordinances and provides information for consideration in the future when revision of the city's zoning ordinance is reviewed again.

- Medical Marijuana Ordinance: One year after the implementation of the Michigan Medical Marijuana Act (MMA) many communities will need to amend their zoning ordinance to address this state-approved use. The Planning Commission was provided with information regarding medical marijuana facilities/dispensaries and zoning. It is recommended that preparation of a zoning ordinance amendment be addressed in a manner appropriate to the community.

- Invitation to Greenways Design Charette: Commissioners are invited to participate in the Michigan Trails and Greenways Alliance regional visioning design charette on February 18 at the Hannah Center.
- School Construction Projects: Chris Olson met with school officials earlier today regarding the new plans for Fuerstenau School. The drawings are available for review.
- Rules & Bylaws Committee Update: To make the old Planning Commission By-Laws comply with state law, Commissioners Hunnicutt, Good, and Sullivan have met and completed this work. They will meet with Dan Matson (City Attorney) and should have it ready to present at the next Planning Commission meeting.
- Parking Ordinance Update: Commissioner Sullivan stated he would like to resume discussion on the Parking Ordinance that was tabled two years ago. He would like this topic to be placed on the next Planning Commission meeting agenda.

ADJOURNMENT:

Motion by Commissioner Lee, seconded by Commissioner Ballard and carried by unanimous vote of the Planning Commission that **this meeting be adjourned at 9:57 p.m.**

Respectfully submitted,

Teresa Bevier
Recording Secretary