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## PLANNING COMMISSION REGULAR MEETING MINUTES

Wednesday, June 1, 2022 | 7:00 pm

**CALL TO ORDER:** The meeting was called to order at 7:00 pm by Chair Joe Davis with the Pledge of Allegiance.

**PLANNING COMMISSIONERS PRESENT:** Chair Joe Davis, Vice-Chair Rick Adams, Secretary John Wiesner, Zoning Board of Appeals Representative Charles Openlander, Beth Ball, Ron Overton, Andrew Powers, Richard Turcotte and Ulrika Zay.

**STAFF PRESENT:** Planning Director Andrea Polverento.

**COMMUNICATIONS RECEIVED:** Polverento outlined the communications received.

### AGENDA APPROVAL:

Motion by Openlander, seconded by Zay, to approve the June 1, 2022, regular meeting agenda as presented. Motion carried.

**PUBLIC COMMENT, NON-AGENDA ITEMS:** None.

### APPROVAL OF MINUTES:

#### 1. May 4, 2022 Regular Meeting

Motion by Powers, seconded by Adams, to approve the regular meeting minutes of May 4, 2022, as presented. Motion carried.

### PUBLIC HEARINGS:

#### 1. Case No. 22-04 SLU – Nottingham Fields Phase II

Chair Davis opened the public hearing at 7:03pm, and the public hearing procedure was summarized.

Polverento described the facts of the case, a request for a special land use permit for site condominiums for the remaining 31 units in Phase II of the subdivision known as Nottingham Fields. Polverento briefly described the history of this development, and explained the utility extensions that would be necessary to complete this phase, which are in keeping with the adopted PUD (Planned Unit Development) for the overall site. Polverento stated that the water and sanitary sewer mains were already installed, sanitary leads are all in place, while some lots will require the installation of new public water leads.

Brindley Byrd and Tyler Zdunic were present representing the applicant, Nottingham Fields Investors. They invited any questions from the Commissioners and public.

Davis asked Byrd and Zdunic if there were any major deviations from the original project. They replied that this phase is in keeping with the previously reviewed and approved plans for this development.

Overton asked if the applicants were familiar with the conditions that staff had proposed for the development, and if they were comfortable with those conditions. Zdunic replied that they were aware and had no concerns with the conditions.

Ball asked which school district this phase of development would fall into. Polverento responded that the lots on the east side of Nottingham Fields Parkway would be in the DeWitt school district, while lots on the west side would be in the Waverly school district.

Harold Ecker, 15110 Nottingham Fields Parkway, indicated that his property backed up to the detention pond and the field and barns. He asked if the developers owned that land, and if there would be any development in that area. Byrd referenced the temporary access/construction road which would be installed beyond the detention area, which Polverento pointed out on the map. Byrd also responded that the pond area was necessary for site drainage and there was no proposed construction within that area. Ecker asked if the next phase of development would be in the area along the access road. Byrd stated that they had not yet decided which part of the development they would address after this phase. Ecker said he was surprised that the farmland had not been planted, and Byrd stated that the farmer would be beginning shortly and that it would be planted this year. Ecker asked if the proposed construction would be two-family homes. Byrd stated that the homes would be single-family, and that they would be of similar construction to the existing homes in the development. Polverento explained that the land is zoned R-2, Two-Family Residential, but that this proposal was for single-family development.

The Commissioners, public, and applicants briefly discussed the increased construction traffic and the secondary access/construction road.

Lyle Heaton, 4747 Stoll Road, referenced his property to the west of the subdivision on the site plan, and inquired about a setback from their property line as part of the development. Polverento responded that the only construction at this time in the vicinity would be the access road, which was several hundred feet east of the Heaton property. She indicated that as the applicant was considering revising the future layout, and there would be opportunities at that time to discuss setbacks and buffers between the properties.

Davis asked if the temporary access road would be utilized for all construction traffic, and how they would maintain the safety of those homes nearby during the construction activities. Byrd explained that all construction traffic would utilize the temporary access road, and that there were just a few homes beyond the access road which would be affected by the construction traffic on the southernmost portion of Nottingham Fields Parkway.

Turcotte asked about internal sidewalks. Byrd indicated that the existing internal sidewalks would be continued throughout this proposed phase of construction. Polverento stated that the updated construction plans show the internal sidewalks being continued. Turcotte stated that the cross-section he had been provided did not show the sidewalks. Byrd referenced the updated construction plans which show the sidewalk.

There being no further public comment, Chair Davis closed the public hearing at 7:20pm.

## NEW BUSINESS:

### 1. Case No. 22-04 SPR/SLU – Nottingham Fields Phase II

Polverento summarized the responses from the reviewing agencies, and directed the Planning Commission's attention to comments received from the Clinton County Drain Commissioner's office that had been placed on the table. Polverento outlined the remaining items to be addressed, and suggested additional conditions of approval to be considered.

The following standards are taken from Article 6 of the Zoning Ordinance, and are the basis for review by Township staff, Planning Commission, and Township Board. Staff and the Planning Commission have reviewed each standard, and suggest the following conclusions:

*General Review Standards.* Each application shall be reviewed for the purpose of determining that the proposed special land use meets all of the general standards. Each special land use will:

(A) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

<b>Complies</b>	<b>Does not Comply</b>	<b>Condition of Approval</b>	<b>Not Applicable</b>
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**Comments:** The proposed use is expected to meet this standard.

(B) Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;

<b>Complies</b>	<b>Does not Comply</b>	<b>Condition of Approval</b>	<b>Not Applicable</b>
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**Comments:** Road and utility extension will be conducted by the developer. The proposed use will be adequately served by police and fire protection. The applicant must meet the requirements of the Clinton County Drain Commission, Soil Erosion and Sedimentation Control Administrator, and Road Commission; EGLE; Board of Water and Light; and Southern Clinton County Municipal Utilities Authority.

(C) Not create excessive additional requirements at public cost for public facilities and services;

<b>Complies</b>	<b>Does not Comply</b>	<b>Condition of Approval</b>	<b>Not Applicable</b>
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**Comments:** Public facilities including road and utility extension is at the developer's cost and is not expected to create excessive additional requirements at public cost.

(D) No involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive effects of traffic, noise, smoke, fumes, glare, or odors affecting adjacent properties, streets, or uses;

<b>Complies</b>	<b>Does not Comply</b>	<b>Condition of Approval</b>	<b>Not Applicable</b>
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**Comments:** The proposed use is expected to comply with this requirement.

(E) The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will not be adversely impacted; and

<b>Complies</b>	Does not Comply	Condition of Approval	Not Applicable
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**Comments:** The proposed use complies with this requirement.

(F) The proposed use shall not be detrimental to existing and/or other permitted land uses in the zoning district.

<b>Complies</b>	Does not Comply	Condition of Approval	Not Applicable
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**Comments:** The proposed use complies with this requirement.

Motion by Overton, seconded by Zay, that the Planning Commission concurs with staff's report of the Special Land Use Permit general review standards, Sec. 28-6.2.3.A-F, for Case No. 22-04 SLU, as provided in the staff report. Motion carried.

Motion by Overton, seconded by Powers, that the Planning Commission recommend to the Board of Trustees approval of Case No. 22-04 SLU for Nottingham Fields Investors, LLC, for a Special Land Use Permit for Phase 2 of the site condominium subdivision known as Nottingham Fields, in Section 25 of Watertown Charter Township provided that conformance to the conditions 1-9 as noted, are achieved to the satisfaction of the Township Zoning Administrator as being in accordance with the requirements of the Watertown Charter Township Zoning Ordinance.

Conditions of **Special Land Use Permit:**

1. Applicant must receive approval for and meet all requirements for final site plan review. This special use permit will not be effective until the date of final site plan review approval.
2. The Special Land Use Permit is for Phase 2 of the Nottingham Fields site condominium subdivision, for 31 total lots, lots numbering 50-63 and 76-92. No changes to the lot numbers are permitted without prior approval of the Planning Commission and Township Board.
3. The applicant shall comply with the requirements of the Clinton County Drain Commissioner, Michigan EGLE (if applicable) and the township engineer pertaining to storm sewer; overall site drainage; and utility construction. Copies of any necessary EGLE permits shall be provided to the township.
4. The applicant must comply with requirements of Clinton County Road Commission and submit written approval. All roads shall be accepted by the Clinton County Road Commission as public roads prior to the issuance of building permits for any residential lots.
5. The applicant shall comply with the requirements of the Southern Clinton County Municipal Utilities Authority and the township engineer pertaining to sanitary sewer.
6. The applicant shall comply with the requirements of the Lansing Board of Water and Light and submit written approval.
7. The applicant shall submit a copy of the recorded Master Deed, Bylaws, and Rules & Regulations.
8. The applicant must comply with all applicable State, Federal and Township laws.

9. Applicant shall provide lot dimensions with building envelopes prior to approval by the Board of Trustees.

Roll call vote:

Yes: Ball, Davis, Openlander, Overton, Powers, Turcotte, Wiesner, Zay

No: Adams

Absent: None

Motion carried.

Motion by Overton, seconded by Powers, to waive the reading of and to concur with the Planning Director's recommended comments regarding the site plan review specific requirements, Sec. 28-6.1.B.4 for Case No. 22-04 SPR, as provided in the staff report. Motion carried.

Motion by Overton, seconded by Powers, that the Planning Commission approve Case No. 22-04 SPR for Nottingham Fields Investors, LLC, for final site plan review for Phase 2 of the site condominium subdivision known as Nottingham Fields, in Section 25 of Watertown Charter Township, provided that conformance to conditions 1-16, as noted below, are achieved to the satisfaction of the Township Zoning Administrator as being in accordance with the requirements of the Watertown Charter Township Zoning Ordinance.

Conditions of **Final Site Plan Approval:**

1. Applicant shall receive approval for a Special Land Use permit and meet all applicable requirements.
2. Final Site Plan approval is for Phase 2 of the Nottingham Fields site condominium subdivision, for 31 total lots, lots numbering 50-63 and 76-92. No changes to the lot numbers are permitted without prior approval of the Planning Commission and Township Board.
3. The applicant shall comply with requirements of the Clinton County Drain Commissioner, EGLE, and the township engineer regarding overall drainage and storm sewer. All necessary drain easements and other legal documents shall be properly recorded and a copy provided to the township.
4. The applicant shall comply with all requirements of the Soil Erosion Administrator.
5. The applicant shall comply with the requirements of the Southern Clinton County Municipal Utilities Authority, and the township engineer regarding sanitary sewer.
6. The applicant shall comply with the requirements of the Clinton County Road Commission. The public roads shall be accepted by the Clinton County Road Commission for maintenance before building permits are issued for individual lots. All requirements of the CCRC Road Construction Agreement dated May 26, 2022, shall be met.
7. Future road names shall be reviewed by Clinton and Eaton County Central Dispatch for the avoidance of similar or sound-alike names elsewhere in either county.
8. Internal sidewalks consistent with the size and construction of the exiting internal sidewalk system shall be installed concurrently with each new residential lot developed.
9. The applicant shall comply with the requirements of the Lansing Board of Water and Light and Consumers Energy, and any cable or internet providers.
10. Streetlights shall comply with Section 28-5.18 of the Watertown Charter Township Zoning Ordinance.
11. Applicant shall provide a copy of recorded master deed to the Township.
12. Any future signage shall comply with the requirements of Sec. 28-5.21.
13. A Pre-Construction meeting is required.

14. Applicant must comply with all applicable State, Federal and Township laws.
15. Construction materials remaining on site shall be utilized, remediated, or disposed of properly.
16. Remaining items which require acknowledgement or approval from the Clinton County Drain Commissioner shall be addressed prior to utility construction commencing.

Roll call vote:

Yes: Ball, Davis, Openlander, Overton, Powers, Turcotte, Wiesner, Zay

No: Adams

Absent: None

Motion carried.

Adams stated that his “no” vote was due to the township’s engineer and the applicant’s engineer being from the same firm, and despite working from different offices, he felt that the appearance of a conflict of interest warranted his vote in opposition to the special land use and site plan approvals.

## **2. Committee Assignments**

Motion by Powers, seconded by Openlander, to approve the 2022-2023 Committee Assignments as presented. Motion carried.

## **UNFINISHED BUSINESS:**

### **1. Master Plan Update**

Polverento reminded the Commission of a special meeting scheduled for Monday, June 13 at 6pm with Giffels Webster, regarding the master plan update.

No action taken.

## **COMMITTEE AND STAFF REPORTS:**

1. Executive Committee Report – None.
2. Ordinance Review Committee Report – None.
3. Site Plan Review Committee Report – None.
4. Board of Trustees Report – Overton provided the Board of Trustees report.
5. Zoning Board of Appeals Report – None.
6. Capital Improvements Committee Report – None.
7. Staff Reports: Assistant & Director’s Reports – Polverento provided the staff reports.

## **COMMENTS AND QUESTIONS FROM AUDIENCE, STAFF, AND COMMISSIONERS:**

Overton reminded the Commission of the upcoming native plant sale.

## **ADJOURNMENT:**

Motion by Openlander, seconded by Wiesner, to adjourn the meeting. Motion carried.

The meeting was adjourned at 8:4pm.

Date approved: 7/6/22

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Joe Davis, Chair

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John Wiesner, Secretary