

**PennfieldCharter Township
Planning Commission Meeting
Minutes of May 5, 2008**

Vice Chairman Brad Messenger called the Planning Commission meeting to order at 6:35 pm. Members present were Paul Anderson, Jon Bartlett, Brad Messenger, Jack Pooler, Joseph Weiss and Elaine Walter. Lindsay Draime was excused. A quorum was met.

Others present: Russ Wicklund, Township Planner and Zoning Administrator; Sandra Cummings, recording secretary; a representative of Access Vision, Barbara Darlington, Deputy Supervisor, and approximately 20 residents.

Meeting opened with the Pledge of Allegiance.

Public Comment

No public comments were made at this time.

Additions or Deletions to the Agenda

One addition will be added to new business: Text amendments for fencing along water-front lots.

Meeting Minutes of April 7, 2008

It was moved by Paul Anderson, seconded by Elaine Walter to approve the April 7, 2008 meeting minutes. Motion carried.

Unfinished Business

No unfinished business at this time.

New Business

A. Public Hearing for a Special Use Request for an animal clinic/shelter

The Planning Commission held a public hearing to consider a request for a special exception use to establish an animal clinic/shelter on a 2.55 acre parcel located at

23047 M-78, Battle Creek, Michigan. The parcel is zoned C-2 Commercial, which provides for veterinary hospitals or clinics as a special exception use.

This property is owned by Anthony Goodman. The applicant is Michael Terpening of E.A.R.T.H Services. Mr. Terpening proposes to lease the building and land for the purpose of operating an animal recovery and rehabilitation facility for cats and dogs only with minimal use of outdoor areas. Specific conditions for such use are listed under section 17.07 (RR). The only condition listed relates to compliance with those listed under (Q) for commercial kennels. These include: (1) A 100 foot setback from any occupied dwelling unit; (2) Dog runs or exercise areas in the rear yard only; (3) Fencing to separate dog runs; (4) A solid wall or fence of not less than 5-foot in height around the perimeter of the dog run areas; (5) A minimum parcel area of 5 acres; (6) Compliance with any additional conditions necessary to avoid a nuisance situation. Specific conditions that cannot be met will require an application for a variance from the Zoning Board of Appeals.

Mr. Terpening will include a low-cost spay and neutering clinic, and proposes to include youth volunteers to help with the care and grooming of the animals. He will offer companion animals to senior citizens for reduced fees. He plans to work closely with Calhoun County Humane Society, and may eventually work to get a contract with them.

Mr. Wicklund indicated that the special use requested fits in the C-2 Commercial zoning district for veterinary hospitals and clinics, with special conditions for approval the same as for commercial kennels. The Planning Commission must determine if the use will be compatible with the surrounding area. The Pennfield Township Board will make a final decision in regard to the approval of the special use.

Four letters were received prior to the meeting, and seven letters were received at the meeting. Names and address of the residents are on file. Nine of the letters supported the proposed endeavor. Two of the letters were against the endeavor, listing concerns with noise, odor, disposal of waste, the number of animals that will be allowed, communicable disease carried by stray animals, dangerous animals in close proximity to adjacent homeowners, and the inability of the applicant to meet minimum 5 acre lot size and 100 foot setback from an occupied dwelling unit.

Public Comments

A number of citizens commented on Mr. Terpening's proposed animal rescue facility. The majority of comments were in favor of the need for a facility of this nature, citing the fact that all local animal shelters are overrun with abused and neglected animals. It was pointed out that there will be good opportunities for youth volunteerism offered, and also a possibility for veterinary students from Michigan State University to do internships there. It was pointed out that this would be a way to put an otherwise vacant building to good use. Mr. Terpening was complimented on his visions for fostering both animals and children in the community.

JoAnne Scott of 23100 M-78 was not in favor of the rescue facility. Mrs. Scott lives directly east of the proposed site, and is concerned about noise, odor, disposal of waste, number of animals to be allowed, and funding of the facility.

Public comment session was closed, and Board comment was opened. The Board members posed numerous questions of the applicant. These questions follow:

How many animals would be housed at the facility? What is the total square footage of the facility? How would waste be disposed of? What are the plans for fencing and sound barriers? Will the animals be allowed to be outside barking at night to disturb neighbors? What is the plan for disposing of deceased animals? Will sick animals be separated from well animals? Where will the exterior dog runs be located and how much area will be used for them? What will be the hours of business?

Mr. Terpening addressed the questions of the Board members. He stated that there are two buildings, one about 3000 square feet, the other about 4200 square feet, and they will be divided between the grooming area, the veterinary area, the cat area and the dog area. The sick animals will be kept separate from the adoptable animals. The building is concrete, which will provide for a sound barrier. The exterior of the yard will be fenced all the way around with solid fencing. There is a 50 foot road right-of-way owned by the Highway Department between the property and the adjoining property. This strip has trees on it, and will serve as a sound barrier. The animals will not be left out for extended periods, and never at night. Deceased animals will be kept in a freezer until they can be incinerated. The septic system will be a sealed drainage tank located in the back of the property. It will be constructed to State specifications, and will be large enough to accommodate the waste for the facility. The number of animals allowed will

be primarily governed by the community and how many the facility can comfortably handle. Ideally, the animals will be kept just until they can be adopted. This will be a non-profit enterprise, and Mr. Terpening will be looking for grants and donations to fund it.

The Board feels the need for detailed site plans in regard to both interior and exterior usage of this facility. There must be a business plan, with hours of operation and specific plans for maximum number of animals, fencing, and location of outside animal runs.

Motion was made by Paul Anderson to table the special use request, seconded by Jon Bartlett, pending receipt of detailed site plans and business plans. Roll call vote follows:

Paul Anderson	yes	Jon Bartlett	yes
Brad Messenger	yes	Jack Pooler	yes
Elaine Walter	yes	Lindsay Draime	excused
Jay Weiss	yes		

Motion carried to table the request until June 2, 2008 Planning Commission meeting.

B. Interpretation of Front Yard on Waterfront parcels for Fencing

Mr. Wicklund discussed the interpretation of “front yard” for parcels located on waterfront lots. Many townships consider the front yard to face the lake, or that a lot may have two front yards, the one that faces the street and the one that faces the lake. Pennfield’s ordinance has established that the front yard is the one that faces the street. Therefore, a privacy fence would be allowed in the rear yard, which is the one that faces a lake. By allowing privacy fences in rear (lake side) yards, some problems have arisen with neighboring property owners who claim to have obstructed vision of the lake. An amendment needs to be created to modify fence ordinances and accessory buildings on waterfront lots. An amendment should also be addressed regarding “message center sign” regulations. Mr. Wicklund will be in touch with the township attorney in regard to these amendments.

At the June Planning Commission meeting, the “split-zoned” properties not located along the Capital Avenue Corridor will again be addressed.

Public Comment

None at this time.

Commissioner's Comments

Has there been any more activity on the Deep Lake Project? No activity has occurred.

Site plans showing screens and fencing needs to be provided for the Terpening Special use request.

Paul Anderson was excused from this meeting at 7:30 pm. Next Planning Commission meeting is scheduled for June 2, 2008.

Motion was made by Jay Weiss, seconded by Jon Bartlett to adjourn the meeting at 8:00 pm. Motion carried.