

**PennfieldCharter Township
Planning Commission Meeting
Minutes of June 2, 2008**

Chairman Lindsay Draime called the Planning Commission meeting to order at 6:30 pm. Members present were Paul Anderson, Jon Bartlett, Brad Messenger, Jack Pooler, and Joseph Weiss. Elaine Walter 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

No additions or deletions.

Meeting Minutes of May 5, 2008

It was moved by Jon Bartlett, seconded by Jack Pooler to approve the May 5, 2008 meeting minutes with an amendment on page 2, last paragraph, to read: "...facility for cats and dogs only...". Motion carried. Minutes were amended as requested.

Unfinished Business

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

The public hearing for a special use request submitted by Michael Terpening of E.A.R.T.H Services was re-opened. It was previously tabled at the May 5, 2008 Planning Commission Meeting, pending receipt of detailed site plans and business plans. Mr. Terpening has provided the requested plans, which were reviewed by the Planning Commission members prior to this meeting. Letters were received in the Township office prior to the meeting from Chuck Corbin, Ron Hoerr, and Mr. and Mrs. Gregory Scott. The letters are on file, and are all in opposition to the proposed shelter. The letter from Mr. and Mrs. Scott lists stipulations that they feel would give some

degree of protection to them in the event that the special use request is approved. The letter from Mr. Hoerr accompanies a petition signed by 21 persons residing on Rustic Lane. The petition represents 14 of the 18 households located on Rustic Lane.

Public comment was opened by Chairman Lindsay Draime. Mr. and Mrs. Larry Burbank, of 125 Rustic Lane, are opposed to the shelter. They own 2.5 acres which run behind their home on Rustic Lane. They indicated they may want to build a home on their vacant land in the future, and are concerned that the shelter will have an adverse affect on their enjoyment and usage of their property, and also lower their property value.

Public comment was closed, and questions from the Planning Commission members were addressed. These issues follow:

1. What is the maximum number of animals to be housed at this facility?
2. Will there be any animal other than dogs and cats?
3. How will waste disposal be handled?
4. How often will the outside and inside of the facility be cleaned to control odor?
5. Where will euthanasia take place; how will deceased animals be disposed of?
6. How often will animals be let out, and for how long will they remain outside?
7. What are the hours of business?
8. If Mr. Terpening decides not to remain, who will take over the business?
9. What kind of noise barrier will be constructed?
10. How will dangerous animals be handled?
11. How will the business be funded?

Mr. Terpening addressed the above questions as follows:

1. Maximum number of adult animals will be about 22 to 34 dogs, and their puppies if necessary, and 20 cats and their accompanying kittens.
2. If an animal other than a dog or cat is taken in as a rescue animal, i.e. ferret, bird, etc, then it will only be housed until such time that a foster home can be found.

3. There will be an underground waste holding tank, that can be pumped as needed, and it will meet State of Michigan guidelines. Licensing and yearly inspections will be through the State of Michigan Department of Agriculture.
4. The outside will be cleaned as needed, but at least every three days. The inside of the structure will have floors that are built up above the floor drains, and will be cleaned every day with a cleaner comparable to bleach, but not as toxic to animals.
5. Euthanasia will take place in the veterinary area, and deceased animals will be held in a freezer until they can be sent to an off-site incinerator. They will not be buried on site.
6. The animals will be out 3 to 4 times a day to go to the bathroom, and as needed to allow time to clean the interior cages. They will not be outside for extended periods, as the public needs to be able to view and interact with the adoptable pets. The hours that they may be outside will only be between 8 and 5 pm.
7. The hours of business will be Monday and Tuesday, 10 am to 5 pm, Wednesday 10 am to 7 pm, Thursday and Friday 10 am to 5 pm, and Saturday and Sunday 12 to 3 pm.
8. E.A.R.T.H. Services has a Board of Directors who would manage the business if Mr. Terpening were to leave the establishment.
9. Noise barriers will include a 6 foot high privacy fence along the perimeter, and possibly a double fence with other landscaping as needed. The walls of the business are cement block, and should be thick enough for noise barrier from the inside of the shelter.
10. Dangerous or abused animals may be brought in by animal control officers, and would be put into the quarantine area of the shelter. Vicious animals would probably not be offered for adoption, and would most likely end up being euthanized. Sick animals that can be nursed back to an adoptable state would also be confined to the quarantine area until such time they are well enough to be adopted. No individual breed of dog could be excluded from entering the facility.

11. Mr. Terpening indicated that this shelter would be the headquarters for a veterinary intern program, and also have a grooming clinic. He wants to operate in conjunction with Michigan State University Veterinary School, and include student volunteers to help with the spay/neuter program. He wants to include Pennfield High School student volunteers. The grooming clinic will help offset the cost of operation, along with donations, federal and state grants, and possibly a contract with Calhoun County Humane Society.

Discussion was held concerning the need for three Zoning Variances in the event that the special use request is approved by the Planning Commission. These variances follow:

1. Paved Parking Lot, as covered in Zoning Ordinances, Section 16.02, (B), 3.
2. No dog runs located nearer than 100 feet from occupied building, as covered in Chapter 17.07, (Q) Commercial Kennels, Section 1.
3. Minimum 5 acres in size, as covered in Chapter 17.07, (Q) Commercial Kennels, Section 5.

Chairman Lindsay Draime covered the conditions of approval as outlined in Chapter 17.05: that the Planning Commission may impose reasonable conditions in conjunction with approval of the special use request. It was also stated that if Mr. Terpening's request is approved by the Planning Commission, it would then be sent to the Township Board of Trustees for approval, and that the three variances listed above will need to be approved also before the shelter can become operational.

Motion was made by Paul Anderson, seconded by Joseph Weiss to approve the special use request submitted by Michael Terpening, with the following conditions:

1. Shelter limited to domestic dogs and cats only, with a limit of 30 adult dogs and their puppies, and 30 cats and their kittens. The age of puppies and kittens is 6 months or less.
2. Dogs shall be outside only between the hours of 8 am and 5 pm, hours of operation to be Monday and Tuesday 10 am to 5 pm, Wednesday 10 am to 7 pm, Thursday and Friday 10 am to 5 pm, and Saturday and Sunday 12 to 3 pm.

3. Privacy fence must be in place before shelter can open for business.
4. All State and County regulations must be met.
5. Outdoor areas must be cleaned at least once a day May through October, weather permitting. Other months they must be cleaned every three days.
6. No donated items to be stored outside the building.

General discussion was held related to monitoring the operation, and having the applicant come back after 18 months for review. Zoning Administrator Russ Wicklund indicated that any violation of the conditions would be a violation of Township Zoning Ordinances.

Voice vote to consider the motion to approve request:

Paul Anderson	yes	Jon Bartlett	yes
Lindsay Draime	yes	Brad Messenger	yes
Jack Pooler	no	Elaine Walter	excused
Joseph Weiss	yes		

Motion carried. Zoning Board of Appeals and Board of Trustees approval is now needed before shelter can become operational.

New Business

A. Public Hearing for Rezoning of Split Zoned Properties

A public hearing was held to consider the rezoning of three areas within the Township that are presently defined as “split-zoned” parcels. The request was initiated by the Pennfield Township Planning Commission, and will follow either the Master Plan designation and/or be consistent with zoning of contiguous parcels.

It is proposed that area #1, approximately 40 acres located on the south side of Clear Lake, be rezoned to R-2 and AG. A line will be created designating 8 acres adjacent to

Alden Park to be R-2 to be consistent with other R-2 parcels on the east and west sides. This line is approximately 400 feet from the shoreline of Clear Lake.

The south 32 remaining acres will be zoned AG to be consistent with other large tracts surrounding it that are AG zoned. This area is consistent with the Master Plan.

It is proposed that area #2, 75 acres located at the junction of North Avenue and Bauman Roads, be rezoned to R-2 and AG. A line will be created designating the west 27 acres to be R-2, consistent with parcels to the south. The remaining 48 acres will be zoned AG to be consistent with parcels to the north and east.

It is proposed that area #3, 140 acres located at Gorsline Road (N Drive) and 91/2 Mile Road, be rezoned to AG to be consistent with other parcels of the same size and zoning to the east.

Public comment was opened. The following residents commented and/or asked for clarification on the definition of "R-2" and "AG" zoning and uses. General comments were supportive with the concerns related to the development of the property.

Aaron Oaks	20420 North Avenue
Don West	80 Harriett Lane
Richard Logan	10104 Verona Road
Julia Newman	21489 Clear Lake Avenue
Shelly Sinclair	20270 North Avenue
Betty Moorehead	241 Arcadia Blvd
Betty Dawson	209 Arcadia Blvd

Motion was made by Paul Anderson, seconded by Jon Bartlett, to recommend approval of the rezoning of the three areas now split-zoned, and send the recommendation to the Calhoun County Planning Commission for their recommendation, and then to the Pennfield Township Board of Trustees for approval. Motion carried.

B. Special Land Uses/Site Plan Review Requirements

Discussion was held to clarify issues related to application for special land uses (Chapter 17.02) and site plan reviews (Chapter 16.02 C), and possible amendments or minor modifications. Further information will be covered at subsequent Planning Commission meeting.

Public Comments

No public comments.

Commissioner's Comments

Paul Anderson – Congratulations to the Pennfield High School graduates!

Jack Pooler – his “no” vote on the animal shelter request does not mean he is against the idea, but the opposition of neighbors and small land size had a bearing on the matter.

Next Planning Commission meeting is July 7, 2008.

Motion was made by Brad Messenger, seconded by Paul Anderson, to adjourn the meeting at 8:41 pm. Motion carried.