

**AGENDA  
CITY OF SWARTZ CREEK  
PLANNING COMMISSION  
PAUL D. BUECHE MUNICIPAL BUILDING  
VIRTUAL (ZOOM) MEETING AVAILABLE FOR GENERAL PUBLIC  
TUESDAY, NOVEMBER 2, 2021, 7:00 P.M.  
CALL TO ORDER:**

**1. PLEDGE OF ALLEGIANCE:**

**2. ROLL CALL:** Binder, Campbell, Cramer, Grimes, Henry, Keene, Krueger, Long, Wyatt.

**3. APPROVAL OF AGENDA:**

**4. APPROVAL OF MINUTES:**

**5. CORRESPONDENCE:**

- A. Resolutions
- B. Minutes: October 5, 2021
- C. Staff Meeting Letter
- D. Draft Pond Ordinance

**6. MEETING OPENED TO PUBLIC (NON-PUBLIC HEARING ITEMS):**

**7. BUSINESS:**

- A. Zoning Ordinance: Pond Requirements PUBLIC HEARING

**8. MEETING OPENED TO THE PUBLIC:**

**9. REMARKS BY PLANNING COMMISSION MEMBERS:**

**10. ADJOURNMENT:**

**RESOLUTIONS  
CITY OF SWARTZ CREEK  
PLANNING COMMISSION  
PAUL D. BUECHE MUNICIPAL BUILDING  
TUESDAY, NOVEMBER 2, 2021, 7:00 P.M.**

**Resolution No. 211102-01**                      **AGENDA OF NOVEMBER 2, 2021**

Motion by Planning Commission Member: \_\_\_\_\_

**I Move** the Swartz Creek Planning Commission approves the agenda for the November 2, 2021 Planning Commission meeting.

Second by Planning Commission Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 211102-02**                      **MINUTES OF OCTOBER 5, 2021**

Motion by Planning Commission Member: \_\_\_\_\_

**I Move** the Swartz Creek Planning Commission approves the Minutes for the October 5, 2021 Planning Commission meeting.

Second by Planning Commission Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 211102-03**                      **RESOLUTION TO RECOMMEND ADOPTION OF THE  
POND REGULATION ORDINANCE**

Motion by Planning Commission Member: \_\_\_\_\_

WHEREAS, the Public Act 110 of 2006, the Michigan Zoning Enabling Act, enables cities to regulate land use through the creation and enforcement of zoning maps and regulations, and

WHEREAS, the city, in pursuing certification as a Redevelopment Ready Community, performed a zoning audit that revealed the need for incremental changes to the zoning ordinance and;

WHEREAS, the planning commission, with the assistance of staff, and input by the public, reviewed specific changes to the zoning ordinance at their regular meeting on November 2, 2021, and;

WHEREAS, the planning commission, at a public hearing at their meeting on November 2, 2021 and in reviewing the criteria in Zoning Ordinance Section 31.04, found the proposed zoning ordinance amendments to be in the best interest of the public.

THEREFORE, I MOVE the City of Swartz Creek ordains:

CITY OF SWARTZ CREEK  
ORDINANCE NO. 456

An ordinance to amend the Code of Ordinances: Zoning Appendix A to add Section 13.13 Ponds

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Addition of Articles to Appendix A of the Code of Ordinances.

The City hereby adds Section 13.13 to the Code of Ordinances of Appendix A as follows:

Section 13.13. - Ponds.

(A) Definition

Pond, Accessory Use: A facility (natural or excavated) capable of holding 24 inches or more of water, with an area larger than 100 square feet. Such basins are intended to be an accessory use to improved property and have aesthetic or intrinsic value as a water resource. Such basins are not intended for storm water management and may or may not have an outlet.

(B) Application and review procedures.

1. Application shall be made to the city zoning administrator. Applications shall contain the following information:
  - a. Name and address of the applicant.
  - b. Legal description of the property upon which the pond will be established.
  - c. Site plan submitted in accordance with article XXI, Site Plan Review.
2. Evidence shall also be presented at the time of application that the Genesee County Drain Commission and Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have released the applicant from any obligation thereto.
3. The applicant shall also, at the discretion of the building official or zoning administrator at the time of application, provide evidence from a licensed excavator, civil engineer, or similar allied professional that water can be continuously maintained in the pond once it is constructed, that the drainage pattern of the site will preclude drainage of water onto adjacent property or toward buildings, and that the natural or manmade drainage pattern of the area will remain unaffected.
4. The zoning administrator may require full site plan review by the planning commission at his or her discretion.

(C) Requirements.

1. Accessory Use Ponds shall be an accessory use.
2. The minimum lot size for any pond shall be 1.5 acres.
3. The minimum setback distance for the pond shall be a minimum of 50 feet from any property line. A pond may cross a property line only when all properties are owned by the applicant or upon submittal of an easement allowing such occupation.
4. There shall be a horizontal distance of not less than 25 feet from any overhead transmission lines.
5. The pond shall not have a slope steeper than one to three (1:3) for the first ten feet around the perimeter of the pond.
6. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.
7. The zoning administrator or planning commission may, at its discretion, require the installation of a fence not less than four feet in height to protect the health, safety, and welfare of the property owners and/or tenants, neighboring uses, and residents.
8. No pond is to be located closer than 25 feet to a building, adjoining or abutting property lines, septic fields, property easements, or road rights-of-way.
9. All materials removed as a result of the pond excavation must be retained on-site and distributed about the property so as not to disturb or redirect the natural flow of water and drainage of the property. The Building Official may require a plan submitted for a pond include drawings showing adequate methods to prevent overflow of water onto adjacent properties or right-of-ways.

(D) Fees required.

1. Fees shall correspond to the standard Zoning Permit fee for administrative reviews and the applicable Site Plan Review fee for full site plan review by the planning commission, as set by the City Council.
2. The zoning administrator, building official, or planning commission may require posting of a performance bond or other surety to cover the estimated cost of completion or removal of the pond facility.

Section 2. Effective date.

This Ordinance shall take effect thirty (30) days following publication.

Second by Planning Commission Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**Resolution No. 211102-04**

**ADJOURN**

Motion by Planning Commission Member: \_\_\_\_\_

**I Move** the Swartz Creek Planning Commission adjourns the November 2, 2021 Planning Commission meeting.

Second by Planning Commission Member: \_\_\_\_\_

Voting For: \_\_\_\_\_

Voting Against: \_\_\_\_\_

**CITY OF SWARTZ CREEK  
VIRTUAL PLANNING COMMISSION BOARD MEETING  
ACCESS INSTRUCTIONS  
TUESDAY, NOVEMBER 2, 2021 7:00 P.M.**

The Planning Commission meeting of November 2, 2021 at 7:00 p.m. will be conducted as a hybrid meeting, with commissioners, staff, consultants, petitioners, and public attending in-person. The meeting will also be held virtually (online and/or by phone) to non-commissioners, due to health concerns surrounding Coronavirus/COVID-19.

To comply with the **Americans with Disabilities Act (ADA)**, any citizen requesting accommodation to attend this meeting, and/or to obtain the notice in alternate formats, please contact Connie Olger, 810-429-2766 48 hours prior to meeting,

**Zoom Instructions for Participants**

**To join the conference by phone:**

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID** number (also provided below) when prompted using your touch-tone (DTMF) keypad.

**Before a videoconference:**

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provide below. The details include a link to **“Join via computer”** as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

**To join the videoconference:**

1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](https://join.zoom.us) on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touchtone (DTMF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your participant ID to be associated with your computer.

**Participant controls in the lower left corner of the Zoom screen:**



Using the icons in the lower left corner of the Zoom screen you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View participant list-opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” show the active speaker.

Topic: City of Swartz Creek Planning Commission Meeting  
Time: November 2, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/5699610014>

Meeting ID: 569 961 0014

One tap mobile

+13126266799,,5699610014# US (Chicago)

+19292056099,,5699610014# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 569 961 0014

Dial your local number: <https://us02web.zoom.us/j/5699610014>

**If you have any further questions or concern, please contact 810-429-2766 or email [colger@cityofswartzcreek.org](mailto:colger@cityofswartzcreek.org). A copy of this notice will be posted at City Hall, 8083 Civic Drive, Swartz Creek, Michigan.**

+

**CITY OF SWARTZ CREEK  
VIRTUAL (ELECTRONIC) MEETING RULES AND PROCEDURES**

In order to conduct an effective, open, accessible, and professional meeting, the following protocols shall apply. These protocols are derived from the standard practices of Swartz Creek public meetings, Roberts Rules of Order, and city board & commission procedures. These procedures are adopted to govern participation by staff, councilpersons and members of the public in all City meetings held electronically pursuant to PA 228 of 2020. Note that these protocols do not replace or eliminate established procedures or practices. Their purpose is to augment standing expectations so that practices can be adapted to a virtual meeting format.

The following shall apply to virtual meetings of the city’s public bodies that are held in accordance with the Open Meetings Act.

1. Meetings of the City Council, Planning Commission, Zoning Board of Appeals, Downtown Development Authority, Park Board, or committees thereunder may meet electronically or permit electronic participation in such meetings insofar as (1) the Michigan Department of Health and Human Services restricts the number of persons who can gather indoors due to the COVID-19 pandemic; (2) persons have an illness, injury, disability or other health-related condition that poses a risk to the personal health or safety of members of the public or the public body if they were to participate in person; or (3) there is in place a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or other person authorized to declare a state of emergency or disaster.
2. All meetings held hereunder must provide for two-way communication so that members of the public body can hear and respond to members of the general public, and vice versa.
3. Members of the public body who participate remotely must announce at the outset of the meeting that he/she is in fact attending the meeting remotely and by further identifying the specific physical location (by county, township, village and state) where he/she is located. The meeting minutes must include this information.
4. Notice of any meeting held electronically must be posted at the City Offices at least 18 hours before the meeting begins and must clearly explain the following:
  - (a) why the public body is meeting electronically;
  - (b) how members of the public may participate in the meeting electronically, including the specific telephone number, internet address or similar log-in information needed to participate in the meeting;
  - (c) how members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting;
  - (d) how persons with disabilities may participate in the meeting.
5. The notice identified above must also be posted on the City’s website homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website’s homepage that clearly describes the meeting’s purpose.



6. The City must also post on the City website an agenda of the meeting at least 2 hours before the meeting begins.
7. Members of the public may offer comment only when the Chair recognizes them and under rules established by the City.
8. Members of the public who participate in a meeting held electronically may be excluded from participation in a closed session that is convened and held in compliance with the Open Meetings Act.

## **MAINTAINING ORDER**

Public body members and all individuals participating shall preserve order and shall do nothing to interrupt or delay the proceedings of public body.

All speakers shall identify themselves prior to each comment that follows another speaker, and they shall also indicate termination of their comment. For example, "Adam Zettel speaking. There were no new water main breaks to report last month. That is all."

Any participants found to disrupt a meeting shall be promptly removed by the city clerk or by order of the Mayor. Profanity in visual or auditory form is prohibited.

The public body members, participating staff, and recognized staff/consultants/presenters shall be the only participants not muted by default. All other members must request to speak by raising their digital hand on the Zoom application or by dialing \*9 on their phone.

## **MOTIONS & RESOLUTIONS**

All Motions and Resolutions, whenever possible, shall be pre-written and in the positive, meaning yes is approved and no is defeated. All motions shall require support. A public body member whom reads/moves for a motion may oppose, argue against or vote no on the motion.

## **PUBLIC ADDRESS OF BOARD OR Commission**

The public shall be allowed to address a public body under the following conditions:

1. Each person who wishes to address the public body will be first recognized by the Mayor or Chair and requested to state his / her name and address. This applies to staff, petitioners, consultants, and similar participants.
2. Individuals shall seek to be recognized by raising their digital hand as appropriate on the digital application.
3. Petitioners are encouraged to appropriately identify their digital presence so they can be easily recognized during business. If you intend to call in only, please notify the clerk in advance of your phone number.
4. The city clerk shall unmute participants and the members of the public based upon the direction of the mayor or chair. Participants not recognized for this purpose shall be muted by default, including staff, petitioners, and consultants.
5. Individuals shall be allowed five (5) minutes to address the public body, unless special permission is otherwise requested and granted by the Mayor or Chair.
6. There shall be no questioning of speakers by the audience; however, the public body, upon recognition of the Mayor or Chair, may question the speaker.

7. No one shall be allowed to address the public body more than once unless special permission is requested, and granted by the Mayor or Chair.
8. One spokesperson for a group attending together will be allowed five (5) minutes to address the public body unless special permission has been requested, and granted by the Mayor or Chair.
9. Those addressing the public body shall refrain from being repetitive of information already presented.
10. All comments and / or questions shall be directed to and through the Mayor or Chair.
11. Public comments (those not on the agenda as speakers, petitioners, staff, and consultants) are reserved for the two "Public Comment" sections of the agenda and public hearings.

## **VOTING RECORD OF PUBLIC BODIES**

All motions, ordinances, and resolutions shall be taken by "YES" and "NO" voice vote and the vote of each member entered upon the journal.

**CITY OF SWARTZ CREEK  
SWARTZ CREEK, MICHIGAN  
MINUTES OF PLANNING COMMISSION MEETING  
OCTOBER 05, 2021**

Meeting called to order at 7:01 p.m. by Commissioner Henry.

Pledge of Allegiance.

**ROLL CALL:**

Commissioners present: Binder, Grimes, Krueger, Henry, Cramer.

Commissioners absent: Long, Campbell, Keene, Wyatt.

Staff present: Adam Zettel, City Manager.

Others present: Carmine Avantini.

Others Virtually Present: Kathleen Duffy Alicia Adams, Rae Lynn Hicks, Robert Plumb.

**APPROVAL OF AGENDA:**

**Resolution No. 211005-01 (Carried)**

Motion by Commissioner Krueger support by Commissioner Grimes, the Swartz Creek Planning Commission approves the agenda for the October 5, 2021 Planning Commission meeting.

Unanimous Voice Vote  
Motion Declared Carried

**MINUTES OF SEPTEMBER 7, 2021**

**Resolution No. 211005-02 (Carried)**

Motion by Planning Commission Member Cramer  
Second by Planning Commission Member Krueger

**I Move** the Swartz Creek Planning Commission approves the Minutes for the September 7, 2021 Planning Commission meeting.

Unanimous Voice Vote  
Motion Declared Carried

**MINUTES OF SEPTEMBER 14, 2021**

**Resolution No. 211005-03 (Carried)**

Motion by Planning Commission Member Krueger

Second by Planning Commission Member Cramer

**I Move** the Swartz Creek Planning Commission approves the Minutes for the September 14, 2021 Planning Commission meeting.

Unanimous Voice Vote  
Motion Declared Carried

**MEETING OPENED TO THE PUBLIC:**

None.

**BUSINESS:**

**Master Plan Update**

**Presentation**

Kathleen Duffy, Smith Group consultant, along with Carmine Avantini & Alicia Adams, they reviewed the schedule, proposed PUD/design guidelines boundary, design guideline organization, draft progress, downtown projects.

**Zoning Ordinance: Pond Requirements**

**Discussion**

Mr. Zettel reviewed the draft ordinance and the board made recommendations of changes to the draft. Mr. Zettel will make changes to the draft and will setup a public hearing on the November 2, 2021 agenda.

**Meeting Open to Public:**

None.

**Remarks by Planning Commission:**

None.

**Adjourn**

**Resolution No. 211005-03**

**(Carried)**

Motion by Planning Commission Member Grimes  
Second by Planning Commission Member Krueger

**I Move** the Swartz Creek Planning Commission adjourns the September 14, 2021 Special Planning Commission meeting.

Unanimous Voice Vote  
Motion Declared Carried

Meeting adjourned at 8:23 p.m.

\_\_\_\_\_  
Betty Binder, Secretary



Where Friendships Last Forever

Adam Zettel, AICP

City Manager

[azettel@cityofswartzcreek.org](mailto:azettel@cityofswartzcreek.org)

Date: November 2, 2021

To: Planning Commissioners  
From: Adam Zettel, AICP  
RE: November 2, 2021 Planning Commission Meeting

Hello everyone,

**We will be meeting at 7:00 p.m. on November 2, 2021. Commissioners MUST attend in-person unless excluded due to illness or military service.** However, we shall be conducting the meeting using the Zoom application for the benefit of the general public.

The master plan update continues, but it is not ripe at this point for review. I will send along an update from the consultants or otherwise update the commissioners at the meeting. As it stands now, the design guidelines have been completed in draft form, the vision of the community reviewed, and a new format outlined. We should be looking at a more complete draft by December. However, as we see more information trickle in from the census, things may be altered.

Concerning the pond ordinance, the commission gave quite a bit of input at the October meeting. If I was efficient, all comments should be incorporated into the draft ordinance that is within the packet. We have also scheduled a public hearing. At the meeting, the commission may alter the ordinance further, delay action, or cancel all action. I have placed the ordinance in an affirmative resolution.

That is all for now. Contact me with questions or comments. If I get other materials, I will send them along!

Sincerely,

Adam H. Zettel, AICP  
City Manager  
City of Swartz Creek  
[azettel@cityofswartzcreek.org](mailto:azettel@cityofswartzcreek.org)

---

8083 Civic Drive

Swartz Creek Michigan 48473

Phone: (810)-635-4464

Fax: (810)-635-2887

[www.cityofswartzcreek.org](http://www.cityofswartzcreek.org)

<ftp://cityofswartzcreek.org>