

**AGENDA
CITY OF SWARTZ CREEK
PLANNING COMMISSION
PAUL D. BUECHE MUNICIPAL BUILDING
VIRTUAL (ZOOM) MEETING AVAILABLE FOR GENERAL PUBLIC
TUESDAY, FEBRUARY 7, 2023, 7:00 P.M.
CALL TO ORDER:**

1. PLEDGE OF ALLEGIANCE:

2. ROLL CALL: Binder, Branoff, Campbell, Currier, Grimes, Henry, Krueger, Sturgess,
Wyatt

3. APPROVAL OF AGENDA:

4. APPROVAL OF MINUTES:

5. CORRESPONDENCE:

- A. Resolutions
- B. Minutes: August 25, 2022
- C. Staff Meeting Letter

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

7. BUSINESS:

- A. Selection of Officers
- B. Draft Annual Report Review
- C. Site Plan Review Training

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, FEBRUARY 7, 2023, 7:00 P.M.**

Resolution No. 230207-01 **AGENDA OF FEBRUARY 7, 2023**

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission approves the agenda for the February 7, 2023 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 230207-02 **MINUTES OF AUGUST 25, 2022**

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission approves the Minutes for the August 25, 2022 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 230207-03 **Selection of Chairperson**

Motion by Planning Commission Member: _____

I Move, the Swartz Creek Planning Commission selects Commissioner _____ to serve as the Planning Commission Chairperson for a twelve month period commencing immediately and ending at the next annual meeting or as stated in the bylaws.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 230207-04 **Selection of Vice Chairperson**

Motion by Planning Commission Member: _____

I Move, the Swartz Creek Planning Commission selects Commissioner _____ to serve as the Planning Commission Vice-Chairperson for a twelve month period commencing immediately and ending at the next annual meeting or as stated in the bylaws.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 230207-05

Selection of Secretary

Motion by Planning Commission Member: _____

I Move, the Swartz Creek Planning Commission selects Commissioner _____ to serve as the Planning Commission Secretary for a twelve month period commencing immediately and ending at the next annual meeting or as stated in the bylaws.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 230207-06

2022 Annual Report

(Carried/Denied)

Motion by Planning Commission Member: _____

WHEREAS, the Planning Enabling Act of the State of Michigan requires an annual report to be compiled that reflects the activities of the planning commission, and;

WHEREAS, the City of Swartz Creek desires to consolidate such activities with those of the Zoning Board of Appeals to better communicate with officials and the public, and;

WHEREAS, the annual report, as reviewed by the planning commission at their regular meeting on February 7, 2023 also includes training and related information to shape actions in the coming year.

NOW, BE IT RESOLVED that the Swartz Creek Planning Commission hereby recommends the approval of the 2022 annual report and direct staff to submit the report to the city council.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 230207-07

ADJOURN

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission adjourns the February 7, 2023 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

**CITY OF SWARTZ CREEK
VIRTUAL PLANNING COMMISSION BOARD MEETING
ACCESS INSTRUCTIONS
TUESDAY, FEBRUARY 7, 2023, 7:00 P.M.**

The Planning Commission meeting of February 7, 2023 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 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: February 7, 2023 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83096401128>

Meeting ID: 830 9640 1128

One tap mobile

+13017158592,,83096401128# US (Washington DC)

+13126266799,,83096401128# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 830 9640 1128

If you have any further questions or concern, please contact 810-429-2766 or email 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
August 25, 2022**

Meeting called to order at 7:00 p.m. by Commissioner Wyatt

Pledge of Allegiance.

ROLL CALL:

Commissioners present: Binder, Campbell, Grimes, Krueger, Henry, Wyatt.

Commissioners absent: Currier, & 2 Vacancies.

Staff present: Adam Zettel, City Manager, Chris Stritmatter City Attorney.

Others present: None.

Others Virtually Present: George Hicks, C. Kim Shierk.

APPROVAL OF AGENDA:

Resolution No. 220825-01

(Carried)

Motion by Planning Commission Member Krueger

Second by Planning Commission Member Binder

I Move the Swartz Creek Planning Commission approves the agenda for the August 25, 2022, Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

MINUTES OF JUNE 7, 2022

Resolution No. 220825-02

(Carried)

Motion by Planning Commission Member Henry

Second by Planning Commission Member Campbell

I Move the Swartz Creek Planning Commission approves the Minutes for the June 7, 2022, Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

MEETING OPENED TO THE PUBLIC:

None.

BUSINESS:

KROGER CONDOMINIUM MASTER DEED & REVIEW LETTERS

Mr. Zettel briefly reviewed the materials in the packet regarding the resolution. Commissioner Henry inquired about the current condition of the site and wondered if there could be a stipulation in the resolution for these conditions to be brought up to compliance. City Attorney Chris Strimatter responded this would be part of the city's enforcement procedures. Mr. Zettel asked that the Kroger representative Ms. Shierk, attending the meeting, make Kroger aware of these issues and request that these conditions be resolved without the city having to proceed with enforcement procedures. She responded she would let Kroger know.

RESOLUTION TO APPROVE A CONDOMINIUM MASTER DEED FOR 58-36-576-012 (KROGER)

Resolution No. 220825-03

(Carried)

Motion by Planning Commission Member Henry
Second by Planning Commission Member Binder

WHEREAS, Michigan Public Act 59 of 1978, the Condominium Act, as amended, provides the legal basis and requirements for newly established and converted condominiums in Michigan, and;

WHEREAS, the City of Swartz Creek Code of Ordinances, Appendix A, Article 11. Condominium Development Standards, provides standards for the review and approval of any condominiums within the City, and;

WHEREAS, the owner of 7084 Miller Road, PID 58-36-576-012, commonly referred to as Kroger, has petitioned to convert the site into a master deed condominium, and

WHEREAS, the city planner and city attorney have reviewed the master deed and have made recommendations for amendments.

NOW THEREFORE, BE IT RESOLVED, that the Swartz Creek Planning Commission approve the master deed and converted site plan condominium for PID 58-36-576-012, conditioned upon the incorporation all of the recommendations from the city planner and city attorney as included in the August 25, 2022, planning commission packet.

Discussion Ensued.

YES: Grimes, Krueger, Henry, Wyatt, Binder, Campbell.
NO: None. Motion Declared Carried.

Meeting Open to Public:

None.

Remarks by Planning Commission:

Commissioner Binder commented on the backflow inspection.

Adjourn

Resolution No. 220825-04

(Carried)

Motion by Planning Commission Member Grimes
Second by Planning Commission Member Henry

I Move the Swartz Creek Planning Commission adjourns the August 25, 2022, Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

Meeting adjourned at 7:20 p.m.

Betty Binder, Secretary



Where Friendships Last Forever

Adam Zettel, AICP

City Manager

azettel@cityofswartzcreek.org

Date: January 31, 2023

To: Planning Commissioners
From: Adam Zettel, AICP
RE: February 7, 2023 Planning Commission/Zoning Board of Appeals Meeting

Hello everyone,

We will be meeting at 7:00 p.m. on February 7, 2023. Commissioners MUST attend in-person. However, we shall be conducting the meeting using the Zoom application for the benefit of the public. **This is to be a meeting of the planning commission, with attendance required by all ZBA members as well.** If you cannot attend, please let me know.

We have our annual meeting of the planning commission as it relates to officer selection. I am also including a draft of the 2022 annual report. My hope is to review and recommend approval of the document as it relates to prior activities, as well as the plan for 2023 activities.

First on the agenda is the selection of officers. Tom Wyatt serves as the chairperson and the vice chair is held by Nate Henry. Betty Binder is currently serving as secretary. Nominations for all three can be made on Tuesday, and I have prepared three separate resolutions that are in the packet.

The training will be the official Site Plan Review course. The materials (available at the meeting) are provided by the Michigan Association of Planning, with the course taught by the city planner, Carmine Avantini of CIB Planning. Certificates will be issued after the event. Please try to attend! This is valuable for all commissioners.

Note that Advanced ZBA training will be offered in-person on Tuesday, March 14th. This will substitute for the regular meeting of March 15th for ZBA members. This is a day early, but it coincides with the course as offered by MAP.

As the planning commission moves into spring, we will be conducting some zoning updates to follow up with the Master Plan amendment. Carmine will be walking us through this process and can give a verbal update of what is in store at our meeting.

8083 Civic Drive

Swartz Creek Michigan 48473

Phone: (810)-635-4464

Fax: (810)-635-2887

www.cityofswartzcreek.org

<ftp://cityofswartzcreek.org>

February 7, 2023
Planning Commission

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

Sincerely,

A handwritten signature in blue ink that reads "Adam Zettel". The signature is fluid and cursive.

Adam H. Zettel, AICP
City Manager
City of Swartz Creek
azettel@cityofswartzcreek.org

CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
PLANNING COMMISSION
ZONING BOARD OF APPEALS
2022 ANNUAL REPORT

To: The Honorable David Krueger & Swartz Creek City Council
From: The Swartz Creek Planning Commission
Subject: 2022 Annual Report

Greetings,

Introduction

In addition to the Planning Commission and Zoning Board of Appeals updates that are delivered in city council meeting packets, and respective minutes, this document serves as a summary report of the activities of the planning commission and zoning board of appeals for the calendar year of 2022. This report is not to be confused with the monthly building report. This document is intended to summarize the general status and open-meeting decisions made by the planning commission (PC) and zoning board of appeals (ZBA).

Summary Findings

The PC experienced a slow year in terms of the number of reviews and meeting count. Aside from a review of a Condominium Plan for Kroger, the only business item spanning their four meetings was the master plan. In some respects, this may have allowed the commission to focus. The biggest issue facing the commission was a large turnover in members, resulting in many new faces and a pronounced need for training.

The ZBA had absolutely no business, aside from training and their annual meeting. We will focus on formal targeted training for the commission and ZBA early this calendar year.

Concerning attendance and activity, the planning commission had a slow year and met only four times and experienced 29 attendances out of 32 attendance opportunities (91%), with 4 vacancy occurrences. This is an increase from 75% in 2021.

The commission lost Mr. Keene and Mr. Long to resignations. With one seat vacant entering 2022, the commission greeted new members: Vickie Sturgess, Thomas Currier, and Mark Branoff. Tom Wyatt serves as the chair and represents the planning commission on the ZBA. Mr. Henry is the City Council representative on the planning commission. The Mayor serves on the planning commission by default.

The ZBA met only once, which was for training in March. Attendance was about 83% (5 attendances out of 6 total opportunities, including alternates and one vacancy). George Hicks filled the vacancy. However, the ZBA lost Mr. Plumb in 2022 and Knickerbocker became ineligible late in the year with his appointment to the city council. They were replaced by Mr. Walt Melen and Mr. Ken Brill Respectively.

Boardmembers & Commissioners

Below is the current list of the PC and ZBA membership. All members have been given copies of the city's personnel policies.

PLANNING COMMISSION	Term end date	Address
Vicke Sturgess	06/30/25	5153 Durwood
Charles Campbell	06/30/24	5342 Winshall
Thomas Currier	06/30/25	6324 Miller
Betty Binder, Secretary	06/30/23	8079 Bristol Road
Tom Wyatt (ZBA), Chair	06/30/23	5097 School
Bud Grimes	06/30/25	5171 Oakview Drive
Nate Henry (Council), Vice-Chair	11/25/24	5411 Don Shenk
Mark Branoff	06/30/24	7216 Parkridge
David Krueger, Mayor	Per Council Term	7399 Miller Rd

ZONING BOARD OF APPEALS	Term end date	Address
Tom Wyatt (PC Chair)	06/30/25	5097 School
Ronald Smith, Secretary	06/30/23	9194 Chesterfield
John Gilbert (Council member)	11/25/24	7459 Miller Rd.
Walt Melen	06/30/25	7054 Bristol
James Packer, Chairperson	06/30/24	7515 Elizabeth Ct.
Kenneth Brill (Alternate)	06/30/23	5352 Greenleaf
George Hicks (Alternate)	06/30/24	8373 Miller

Facts & Figures on Projects

Below is an exhaustive list of projects and activities that were addressed by the Planning Commission and Zoning Board of Appeals.

Project	Venue	Review	Location	Size or Units	Value	Month	Approval	Status
Kroger Condo	PC	Site Plan	7084 Miller	8.5 Acres	N/A	August	Yes	Complete
Master Plan Update	PC/DDA	Plan Update	N/A	N/A	N/A	Multiple	Yes	Complete
ZBA Basics	ZBA	Training	N/A	N/A	Priceless	March	N/A	Complete

Training

Staff is going to make a concerted effort to engage the new planning commissioners and zoning board of appeals members in formal training. We will specifically request that members with less than one full term engage in standard Michigan Association of Planning events, including the annual conference. A training letter is sent via email and hardcopy that encourages members to pursue formal training, to attend other city events/meetings, and to consult with the city manager about opportunities for improvement.

To get things moving, we have scheduled Michigan Association of Planning "Site Plan Review" training at the city offices in February. This will be a joint meeting of the planning commission and ZBA, and it will provide formal, in-person instruction with a MAP certificate.

In addition, the ZBA annual meeting in March will include MAP "Advanced Zoning Board of Appeals" training for the entire group.

Conclusions - Looking Forward

There were not any issues or anomalies with the commissions that demand attention. It is unclear what is in store for 2023 in the market place, making the workload for zoning, site plans, and variances unpredictable. However, the city will continue to improve our prospects for improvement by pursuing updates to the zoning code and plans for downtown in accordance with the new master plan. This will require efforts by the PC and DDA update the downtown Planned Unit Development zoning and Tax Increment Financing incentive policies. There are also inquiries for residential and commercial projects in the community.

Issues that we know must be looked at, all of which are pending, include:

1. Engaging in proactive planning as it relates to the RRC sites, such as the raceway
2. Continuing to update the six year Capital Improvement Program
3. Consideration of a specific downtown traffic plan for Miller Road

Please contact me directly if you have any comments or inquiries on the matter.

Sincerely,



Adam H. Zettel, AICP
City Manager

February 7, 2023
Planning Commission
Annual Report for 2022

City of Swartz Creek
azettel@cityofswartzcreek.org

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