

BENNER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
January 6, 2011

CALL TO ORDER

The regularly scheduled meeting of the Benner Township Planning Commission was called to order at 7:00 p.m. by Nate Campbell, Chair, at the Benner Township Municipal Building.

ATTENDANCE

Members present: Rob Fugate, Dave Jackson, Nate Campbell, Jim Swartzell, and Genny Robine. Also attending was Renee Swancer, Zoning Officer; Dan Sieminski, Bryan Rodgers, and Dave Breon.

MINUTES

The minutes from the December 9, 2010 regular meeting minutes were presented for approval. It was noted that a typo is in the minutes. Mr. Fugate is listed twice in the members attending. Ms. Swancer will make the change. Mr. Fugate moved the approval of the minutes. Mr. Jackson seconded the motion.

Vote: Mr. Swartzell - yes Mr. Fugate - yes Mrs. Robine - yes
 Mr. Jackson -yes Mr. Campbell - yes

PERSONS TO ADDRESS THE BOARD

NEW BUSINESS

OLD BUSINESS

Spring Creek Overlay Ordinance

Discussion began with Mr. Fugate expressing that if requirements in the overlay are important than why not move them to the zoning ordinance-- specifically the requirements for the secondary zone. Mr. Swartzell is of the same opinion. Mr. Campbell thinks the requirements of the overlay are tailored to the canyon areas and may not be applicable for other areas of the Township. Conservation in the canyon is different than conservation on the mountain. Mr. Swartzell then suggested a new zone be created for the canyon area. Mr. Fugate agreed. Ms. Swancer stated the original discussion with Environmental Planning and Design (EPD) was that if a "new" zone is created then the Comprehensive Plan would need amended. Mr. Fugate didn't think that was a bad idea, since the Comprehensive Plan would need to be amended in the near future anyways (about four years). Mr. Fugate hates to make the Spring Creek Canyon Ordinance permanent. Mr. Campbell thinks the time to create a new zone for the canyon would be when the Comprehensive Plan is revised. Mr. Fugate suggested the overlay ordinance have a time limit placed on it--until the Comprehensive Plan is revised. Mr. Campbell stated he is not in favor of placing a time limit on the overlay.

Ms. Robine stated we already have the Spring Creek Overlay Ordinance adopted, and questions how Mr. Fugate's suggestions would work? Mr. Fugate recommended introductory language be added stating the overlay would only be effective until the underlying zoning can be included into the base zoning. Ms. Robine thinks if we already have the ordinance, we should then review it, make revisions, and not put this overlay into the base zoning now. Mr. Campbell stated Mr. Fugate's suggestion would be to make a new zone, which would require Benner Township to amend the Comprehensive Plan. Mr. Campbell is concerned that adding canyon criteria to the conservation zone would not work for other areas in the

Township. Mr. Fugate disagrees. Mr. Fugate wants to simplify the overlay. Mr. Fugate feels that if extra requirements for stormwater, lighting, etc. are required for the spring creek canyon then these requirements should be required throughout the Township too. Mr. Swartzell agrees.

Mr. Swartzell recommends the EPD purpose and intent statement should be read, and everyone think about the overlay. Does the overlay follow the purpose and intent statements?

Mr. Campbell thinks the Planning Commission (PC) is looking at this ordinance all wrong. Mr. Campbell stated the PC is being asked to review the comments received and adjust the ordinance. Mr. Fugate thinks there are components (ie., parking) of the overlay that are not critical to the canyon and should be removed. Mr. Campbell expressed concerns about removing sections of the overlay especially since the PC deemed the overlay "a good idea." Mr. Fugate thinks the purpose of the PC is to change areas needing revised.

Ms. Robine addressed the parking concern raised by Mr. Fugate. The reason parking was included because Barns Lane was to have parking lots added where there are banks, and concerns were raised by the PC about having paved parking areas in the canyon. Ms. Robine notes the overlay needs requirements for parking. Mr. Campbell suggested maybe components of the overlay need moved around, but not removed from the overlay entirely and placed in the zoning ordinance.

Mr. Campbell noted the primary zone does not need changed. Only discussion item is the forest on the north side of Barns Lane. It was noted the forest was discussed at the last meeting. Mr. Campbell asked should the forest be in the primary or secondary zone? Mr. Fugate suggested to leave the forest in the primary zone. Mr. Campbell agreed. The PC decided to leave the forest in the primary zone.

Exhibit B:

Mr. Campbell noted Exhibit B is clarifications and language changes recommended by EPD based on public comments received. Mr. Swartzell asked why were single family homes excluded from the overlay? Mr. Campbell stated single family homes don't create as much of an impact as a commercial use would. Mr. Swartzell thinks this is discrimination. Mr. Campbell notes the impact occurs when a lot is divided, so single family homes and parcels are excluded only if no subdivision or land development activity occurs. Mr. Swartzell also asked about the exclusion of Shiloh Road properties. Mr. Swartzell thinks site disturbances in this area will greatly impact Spring Creek. Ms. Robine agreed. Mr. Fugate and Mr. Swartzell think the Shiloh Road properties should be included in the primary zone. Ms. Robine thinks the secondary zone. It was agreed by the PC the properties should be included in the secondary zone.

The PC agreed to change the overlay wording to include warm season grasses acceptable to the airport. Mr. Swartzell questions heat islands in the secondary zone. Mr. Campbell thinks the heat island requirement should remain. The PC agreed to keep the heat islands.

The PC agreed on the recommendation to expand the lighting requirements to 2 footcandles and 4 footcandles.

The PC agreed on to make the revisions suggested in Exhibit B.

Exhibit C:

Parking - The PC discussed the parking ratio requirements in the secondary zone. The minimum required parking spaces are the maximum allowed. The PC agreed that as long as the stormwater infiltration and heat island requirements remain, the parking requirement of minimum being the maximum can be eliminated.

Pervious parking - the language in the overlay only "encourages" and does not "require." The PC decided to not change this requirement.

Impervious surface coverage ratio - The PC decided to have more discussion with EPD since the Shiloh Road commercial properties are now being included within the secondary zone.

Stormwater and Runoff - The PC decided not to make any changes to the stormwater management.

Solar panels - It was noted the solar panel allowances are already included in the computations for the heat island. The PC recommended no change here.

Hatcheries - USDA letter was acknowledged by the PC, but the PC did not recommend making any changes as suggested by USDA.

Mr. Breon asked Mr. Rodgers about the airport receiving federal monies that obligates the airport to follow Federal Aviation Administration (FAA)'s guidelines in the advisory circulars. Mr. Rodgers states that the airport will try, at its best, to mitigate impacts.

Forest Canopy Provision and Landscaping Requirements - The requirements of the Tree Canopy Plan include the overall tree canopy coverage which includes the tree species, trunk location and diameter of breast height and health condition on each tree. Questions were raised as to what area needs to be included, but it was decided that larger trees are important to identify. The PC felt trees of 6 inches in diameter are important. The site required for the forest canopy provision needs defined. The PC decided that more discussion needs to take place on this requirement with EPD.

Dave Breon's concerns:

- a. Airport Authority's inclusion into the overlay. The PC agreed to that if the airport drains towards Buffalo Run then portions of the overlay zone would not apply to the airport authority.
- b. Reason why Walnut Grove was excluded? The PC decided to include Walnut Grove into the secondary zone since the impacts to the residences are exempted from the overlay zone anyway.
- c. Inclusion of forest on north side of Barns Lane. The PC decided earlier to keep the forest in the primary zone.
- d. FAA Advisory circular: Mr. Breon noted the PC needs to read the advisory circular as it is recommends planned use.

Mr. Breon only asked the Planning Commission read his opening comments in his comment letter.

Mr. Fugate asked what are the deadlines relative to the overlay. Mr. Breon noted the deadline is February 7 as to how the municipality wants to act on this overlay. The overlay ordinance is already adopted. This overlay includes revisions recommended after the adoption of the ordinance. Mr. Breon would like to make revisions the overlay ordinance once, but is concerned about the impacts on landowners. Mr. Fugate agrees in making all the changes once.

The PC asked Ms. Swancer to make the request to the Supervisors to have EPD come to a future PC meeting to address the comments discussed by the PC. Mr. Swartzell made the motion. Ms. Robine seconded the motion.

Vote: Mr. Swartzell - yes Mr. Fugate - yes Mrs. Robine - yes
 Mr. Jackson -yes Mr. Campbell - yes

Elderly Housing/ Mixed Use Ordinance - tabled for tonight and the PC decided to discuss on Jan. 13.

CORRESPONDENCE

NOTES

ADJOURN

With all business complete, the meeting adjourned.

Respectfully submitted by:
Renee Swancer, Zoning Officer