

Chair
Bruce Keilen
Vice-Chair
Steve Gobbo
Secretary
Adam Bertram
Commissioners
Steve Musselman, Trustee
Dale Dailey
Marsha Zimmerman
Tim Fair
Kim Smelker
Kristen Krol



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Planning Assistant
Tory Niewiadomski

Recording Secretary
Linda K. Parkinson

PLANNING COMMISSION MINUTES
MONDAY, FEBRUARY 4, 2013
7:00 p.m.

The regularly scheduled meeting of the DeWitt Charter Township Planning Commission was called to order at 7:00 p.m. by Chairman Keilen.

The Pledge of Allegiance to the Flag was said by those present.

ROLL CALL by Secretary Bertram.

MEMBERS PRESENT: Bruce Keilen, Steve Gobbo, Adam Bertram, Dale Dailey, Kristen Krol.

MEMBERS ABSENT: Marsha Zimmerman, Kim Smelker, Steve Musselman, Tim Fair.

OTHERS PRESENT: Tory Niewiadomski, Township Planner and Linda Parkinson, Recording Secretary.

APPROVAL OF AGENDA: **Dailey moved to approve the Agenda as printed. Supported. MOTION CARRIED.**

APPROVAL OF MINUTES: **Gobbo moved to approve the minutes of the January 7, 2013 Regular Meeting as presented. Supported. MOTION CARRIED.**

CORRESPONDENCE: None.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

- I. **PUBLIC HEARING - Request for Special Use Permit 12-990003 from Sam Dalman**, to be allowed to operate an ice cream shop with a drive thru window on property located at 13191 Schavey Road, Suite 1 of Schavey Road Shopping Center, DeWitt, MI 48820, in the northeast ¼ of Section 18 of DeWitt Charter Township. **Note: Postponed at the November 5, 2012 meeting.**

Township Planner Tory Niewiadomski briefly reviewed staff's memorandum dated January 31, 2013 advising that many concerns were raised by business owners within the Schavey Road Plaza along with Planning Commission members at the Public Hearing held on November 5, 2012. These issues were related to stacking of vehicles in the drive-through area and the impact that it would have on the internal circulation of the plaza, as well as incoming traffic from Old Hickory Lane. Due to the concerns expressed, the Planning Commission acted to postpone action to allow staff time to discuss potential alternatives with the applicant related to stacking issues.

Staff has met with the applicant to discuss the required four (4) stacking spaces. The current situation of the site only provides for two (2) spaces. The applicant has indicated one option would be to have a walk up service window with outdoor seating rather than a drive-through window.

Based on the finding that the overflow of stacking vehicles would potentially cause circulation issues within the site, staff recommends that the Planning Commission recommend denial of the request.

Gobbo moved that the Planning Commission recommend to the Board of Trustees denial of Special Use Permit 12-990003 from Sam Dalman to be allowed to operate an existing vehicle drive-through facility for Suite #1 of the Schavey Road Plaza, located at 13191 Schavey Road, DeWitt, MI 48820. Denial is recommended on the following basis:

- 1. Based on results of the public hearing held on November 5th, 2012, the proposed drive-through facility has not been designed in accordance with the requirements of Section 42.1166 of the Zoning Ordinance.**
- 2. Section 42.1166 of the Zoning Ordinance requires**
 - a. Adequate stacking spaces shall be provided to assure that waiting vehicles do not extend into a public right-of-way. Each stacking space shall be a minimum of ten feet wide by 20 feet deep.**
 - b. Where one drive-through lane will be utilized, a minimum of four off-street stacking spaces shall be provided.**
 - c. The space at the drive-through window or transaction point shall be counted as one of the required stacking spaces.**
- 3. Based upon testimony from the public hearing and inspection of the drive through dimensions, it appears that the drive through facility only accommodates two cars within the required stacking space area from the transaction window.**
- 4. Article VII- Off Street Parking and Loading of the Zoning Ordinance requires the following for adequate ingress and egress to the site:**
 - a. Section 42-1242 Site Development Standards**
 - i. Adequate ingress and egress to the parking areas by means of clearly limited and defined drives shall be provided.**
 - 3) a. Except on property in use for single-family and two-family residential purposes, drives for ingress to and egress from parking areas shall be not less than 24 feet wide and located to secure the most appropriate development of the individual property.**

Supported.

ROLL CALL vote on motion:

**AYES: 5 NAYS: 0 ABSENT: 4 (Zimmerman, Smelker,
Musselman, Fair)**

MOTION CARRIED.

- II. Mixed Use Zoning Amendment 42.1 – Receive and set for a public Hearing to be held on Monday, March 4, 2013.**

Gobbo moved to receive Proposed Ordinance Amendment 42.1 – Mixed Use Zoning and set for a Public Hearing to be held on Monday, March 4, 2013. Supported. MOTION CARRIED.

Brief discussion followed regarding substitution of the word “repeal” under Roman Numeral VIII.

NEW BUSINESS:

- I. Request for Special Use Permit 13-990001 from Theresa Alvarado** to be allowed to operate a twenty (20) bed adult foster care facility on property located at 11525 Wood Road, DeWitt, MI 48820, south of Round Lake Road, north of Howe Road, in the southwest ¼ of Section 2 of DeWitt Charter Township. **Receive and set for a Public Hearing to be held on Monday, March 4, 2013.**

Gobbo moved to receive Request for Special Use Permit 13-990001 from Theresa Alvarado and set for a Public Hearing to be held on Monday, March 4, 2013. Supported. MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

- I. Trustee:**

Chairman Keilen and Planner Niewiadomski provided a brief report on the January 28, 2013 Board of Trustees meeting, due to the absence of Trustee Musselman.

- II. Zoning Board of Appeals:**

Commissioner Gobbo advised there was no Zoning Board of Appeals meeting held in January.


- III. Committees:**

Niewiadomski provided a brief update on the progress made by the Non-Motorized Transportation Committee.

- IV. Staff: None.**

DISCUSSION: None.

ADJOURNMENT: **Gobbo moved to adjourn the meeting at 7:21 p.m. Supported. MOTION CARRIED.**



Linda K. Parkinson, Recording Secretary



Adam Bertram, Secretary