

Chair
Bruce Keilen
Vice-Chair
Tim Fair
Secretary
Mike Nolen
Commissioners
Trustee Fedewa
Dale Dailey
Brett Hanlon
Adam Bertram
Erika Hayes
Abby Lorenzen



Community Development Director
Brett C. Wittenberg

Planner
Salam Habhab

Recording Secretary
Linda K. Parkinson

Phone 517.669.6576

Fax 517.669.6496

www.dewitttownship.org

Per the State of Michigan Department of Health and Human Services (MDHHS) Emergency Order – Gatherings and Face Mask Order dated March 2, 2021, this meeting will be held both in-person, up to a strict limit of 25 persons, and virtually by phone conference. If attending in-person, mask usage is mandatory per the MDHHS order. No attendance beyond 25 persons, including Board members, will be permitted. Local law enforcement will be present to enforce, if necessary. Alternatively, per the Open Meetings Act (OMA) 1976 PA 267, Board members and public may choose to listen and participate at the phone number below.

Meeting Dial-in: (623) 600-3750, PIN: 346832

The call will be muted to reduce interference with proceedings. The public will be invited to make comments during the public comment sections of the meeting as well as before any vote. If you desire to comment, you will be invited to dial 5* so your line can be unmuted. Please contact the Planning Department at (517) 669-6576 with any additional questions.

**PLANNING COMMISSION
MINUTES
MONDAY, APRIL 5, 2021
7:00 p.m.**

The regular 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 Recording Secretary Linda Parkinson-Gray.

MEMBERS PRESENT: Hanlon (remote), Nolen, Lorenzen (remote), Hayes (remote), Keilen, Dailey, Bertram and Trustee Fedewa.

MEMBERS ABSENT: Fair.

APPROVAL OF AGENDA: Commissioner Dailey moved to approve the Agenda with an amendment to move Item III. (Batch Ordinance Amendment) under Unfinished Business to further down on the Agenda. Supported by Nolen.

ROLL CALL vote on motion:
AYES: 8 NAYS: 0 ABSENT: 1 (Fair)
MOTION CARRIED.

APPROVAL OF MINUTES:

Dailey moved to approve the minutes of the March 1, 2021 Planning Commission meeting. Supported by Lorenzen.

ROLL CALL vote on motion:

AYES: 8 NAYS: 0 ABSENT: 1 (Fair)

MOTION CARRIED.

CORRESPONDENCE:

None.

PUBLIC COMMENTS:

None.

UNFINISHED BUSINESS:

- I. Site Plan Review 21-150002 from Deborah J. Kirchen, Franchise, Margo Rees, Operator (daughter)**, to be allowed to operate a drive thru transaction window on the west side of the existing business location (Biggby) at 13181 Schavey Road, DeWitt, MI 48820, south of Herbison Road, north of Clark Road, in the northeast ¼ of Section 18 of DeWitt Charter Township. (Parcel 050-170-000-084-00).

Township Planner Salam Habhab briefly reviewed staff's report dated March 31, 2021 advising that at the March 1, 2021 the Planning Commission expressed the following concerns regarding this request:

1. Removing the only pedestrian and handicap sidewalk that connects the public sidewalk off of Old Hickory and the shopping center. The Planning Commission proposed to provide alternative sidewalk access off of Schavey Road.
2. The placement of the proposed drive through in a two-way drive access close to the pedestrian access and the outdoor picnic tables for the ice-cream shop directly to the west of the site.
3. Late correspondence from the property owner opposing to the extension of curbing to the north of the building.

Based on the feedback from the Planning Commission, staff met with the applicant and property owners and discussed the concerns that were raised at the March 1, 2021 Planning Commission meeting. The applicant provided a revised site plan that the property owners approved of showing the following:

1. A new sidewalk access connecting the public sidewalk off of Schavey Road and the shopping center.
2. Removal of the entire sidewalk to the building's west side to accommodate the drive-through lanes and four (4) stacking spaces are proposed.
3. The applicant no longer proposes to extend the curb to the north of the building, instead a painted strip is proposed to direct the traffic not to block the drive aisle.
4. The applicant proposed to move the curb and ramp located at the southwest corner of the building, in the same line of the building.
5. Traffic posts, signs, and a paint marking are proposed to regulate and direct the traffic flow.

After analysis of the revised site plan, staff believes that the revised plan, as presented, creates more concerns with internal vehicle parking and pedestrian circulation. The placement of the drive-through entry at the northwest corner of the building would be in the way of the vehicle traffic heading east to the drive aisle or from the drive aisle merging into the two-way drive access. In addition to the pedestrian access connecting the northwest corner of the building to the north east corner of the opposite building (ice cream shop). Also, the shifting of the drive-through window to the south of the building would place the drive-through exit closer to the main drive-entrance; merging near the drive entrance could cause accidents.

The Planning Commission also requested clarification about the sidewalk accessibility and ADA regulations. Based on the Building Official's review, the handicap accessibility "accessible route" is mandatory from an accessible parking space to the business front door. The existing or proposed sidewalk off of Schavey Road are not required to meet the ADA requirement for an accessible route.

Additionally, the new sidewalk access is considered pedestrian accessible and cannot be considered an "accessible route". To be considered an accessible route there should be a curb with a ramp connected to the existing sidewalk around the building. This would require major re-construction to the parking lot.

Lastly, denial of the request is recommended on the basis that the site plan is not in compliance with Section 5.10.I of the Site Development Requirements of the Zoning Ordinance and Section 6.1 of the Site Plan Review Requirements of the Zoning Ordinance.

There were no Commissioner comments or questions.

Chairman Keilen invited the applicant to comment.

Margo Rees, Operator of Biggby Coffee, 13181 Schavey Road, DeWitt, MI 48820, was present for questions. She wanted the Planning Commission to know that her business has been in the DeWitt community for over 10 years.

Deb Kirchen, Owner of Biggby Coffee, 13181 Schavey Road, DeWitt, MI 48820, stated that the owner of the property is not against them having a drive-through window. However, he does not want them to change the traffic flow of the shopping center. She briefly reviewed the second proposed site plan stating that the property owner is in favor of it. Their proposal to remove a section of the sidewalk was not a problem at the March 1st Planning Commission meeting. In closing, Kirchen stated that she feels the proposed site plan meets all of the requirements of the Zoning Ordinance.

Chairman Keilen invited Commissioner questions.

There were no Commissioner questions.

Nolen moved that the Planning Commission approve Site Plan Review 21-150002 from Deborah Kirchen and Margo Rees to develop and operate a drive-through facility associated with the existing Biggby Coffee, as described and defined in the application materials, within Schavey Plaza Shopping Center identified as parcel # 050-170-000-084-00. Approval is subject to the following conditions:

1. That the Zoning and Planning Official shall conduct an annual review to evaluate the drive-through facility for inconveniences that may impact traffic circulation within the shopping center.
2. That the applicant shall obtain a letter from the property owner to allow the DeWitt Township Police and Fire Departments to take parking enforcement for the fire lane violations.
3. That the applicant shall add a curb island at the exit end of the drive through to force vehicles leaving the pick-up window to merge across the northbound lane.
4. That the applicant shall satisfy the requirements of the DeWitt Charter Fire Department.
5. That the applicant shall satisfy the requirements of all required reviewing agencies.
6. That the applicant shall comply with Section 4.44 of the Zoning Ordinance.
7. That the applicant shall comply with Section 6.1 of the Zoning Ordinance.
8. That the applicant shall comply with any other federal, state, or local regulations.

Seconded by Keilen.

Trustee Fedewa stated he wished there was an acceptable solution that would allow the applicant to have a drive-through service window and not be in conflict with the requirements set forth in the Zoning Ordinance.

Brief discussion followed regarding the fact that staff recommended approval of the site plan submitted at the March 1st Planning Commission meeting. However, the property owner of the site did not support that site plan design. Staff cannot support the revised site plan because it creates more concerns with internal vehicle parking and pedestrian circulation.

Keilen pointed out that the shopping center was designed in the 1970's. It is difficult to retrofit a drive-through service window in an area that was not designed to do so. Perhaps the applicant should go back to the original design presented.

Bertram pointed out that the property owners were not in approval of expanding the curb to the north, as indicated in the first site plan submitted by the applicant. In his opinion, the revised site plan causes many concerns, as stated in staff's analysis.

ROLL CALL vote on motion:

AYES: 1 (Nolwn) NAYS: 7 (Hayes, Hanlon, Lorenzen, Bertram, Keilen, Fedewa, Daily)

ABSENT: 1 (Fair)

MOTION FAILED.

Keilen asked the applicant could meet with the property owner and work on a plan that would address the curb issue?

Kirchen stated she hopes to continue to work with the property owner and provide a satisfactory plan in the future.

Keilen noted that staff and the Planning Commission are very interested in continuing to work with the applicant to be able to grow their small business in the community.

Fedewa moved that the Planning Commission deny Site Plan Review 21-150002 from Deborah Kirchen and Margo Rees to develop and operate a drive-through facility associated with the existing Biggby Coffee, as described and defined in the application materials, within Schavey Plaza Shopping Center identified as parcel # 050-170-000-084-00. Denial is recommended on the following basis:

- 1. The proposed drive-through facility has not been designed in accordance with the requirements of Section 5.10.I Site Development Requirements of the Zoning Ordinance.**
 - a. Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.**
 - b. Adequate ingress and egress to the parking areas by means of clearly limited and defined drives shall be provided.**
- 2. The proposed site plan does not satisfy the requirements of the Site Plan Review as stated in Section 6.1 of the Zoning Ordinance.**
 - a. Be harmonious with and in accordance with the general principles and proposals of the comprehensive development plan of the township.**
 - b. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.**
 - c. Not be hazardous or disturbing to existing or future uses in the same general vicinity.**
 - d. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.**

Supported by Bertram.

ROLL CALL vote on motion:

AYES: 7 NAYS: 1 (Nolen) ABSENT: 1 (Fair)

MOTION CARRIED.

II. PUBLIC HEARING – Proposed Ordinance Amendment 21-1 (Industrial Building Height), to amend the maximum building height allowed in the IL (Light Industrial), IH (Heavy Industrial), and I-P (Industrial Park) Zoning Districts from 36 feet to 45 feet; to repeal ordinances in conflict herewith; and to establish an effective date hereof.

- A. Open Public Hearing. Chairman Keilen declared the Public Hearing opened at 7:45 p.m.**
- B. Administrative Comments/Public Comments.**

Township Planner Salam Habhab briefly reviewed staff's report dated March 25, 2021 advising at the March 1st Planning Commission meeting, staff introduced information about increasing the industrial districts building heights to 45 feet. The current maximum building heights permitted in the Industrial districts is 36 feet. The only question raised by the Planning Commission was if the Fire Department apparatus would be able to accommodate the increase

in height. The Fire Department has advised that their apparatus can accommodate the increase in height. Staff recommends that the Planning Commission recommend approval of proposed ordinance amendment 21-1 to the Board of Trustees.

There were no Commissioner comments or questions.

Chairman Keilen invited public comments.

There were no public comments.

- C. Close Public Hearing. **Fedewa moved to close the Public Hearing at 7:48 p.m. Supported by Bertram.**

ROLL CALL vote on motion:

AYES: 8 NAYS: 0 ABSENT: 1 (Fair)

MOTION CARRIED.

- D. Discussion and possible action by Planning Commission.

Nolen moved that the Planning Commission recommend that the Township Board approve Ordinance Amendment 21-1 based on the finding that the proposed amendment complies with the process for amending the Zoning Ordinance. Supported by Bertram.

ROLL CALL vote on motion:

AYES: 8 NAYS: 0 ABSENT: 1 (Fair)

MOTION CARRIED.

III. Batch Ordinance Amendment – Discussion (Moved to below New Business Item VI.)

NEW BUSINESS:

- I. Site Plan Review 21-150004 from Emergent Biosolutions (amendment to **SPR 21-150001 approved by Planning Commission on March 1, 2021**), to be allowed to construct an approximately +/- 280,000 sq. ft. production/processing facility on an approximately 33.67 acre site located southwest of the intersection of DeWitt Road and Port Lansing Road, in the southeast ¼ of Section 32 of DeWitt Charter Township. (Parcels 050-032-400-010-50 and 050-032-400-011-00 to be combined for the 2022 assessment/tax roll).**

Township Planner Salam Habhab briefly reviewed staff's report dated March 26, 2021 advising the applicant recently received Site Plan Review approval at the March 1, 2021 meeting for a 181700 sq ft. facility. The applicant has determined that their future business plan can support an additional 98,000 sq. ft. of space of operation. The proposed addition would extend approximately 100 ft. to the west of the originally approved building adding an additional 98,000 sq. ft. to the footprint of the building.

It should be noted on March 17, 2021 the Zoning Board of Appeals approved a 9 ft. variance to the building height to be permitted a 45 ft. building which was a requirement of the original site plan approval.

After conducting the site analysis, staff has found there were no major issues or concerns raised by the reviewing agencies. Some minor items need to be addressed as a condition of approval. Staff also

believes that all four site plan review standards of Section 6.1 of the Zoning Ordinance have been met. Therefore, staff is recommending approval of the request.

There were no Commissioner comments or questions.

Chairman Keilen invited the applicant to speak.

Jeff Adcock, Emergent Biosolutions, 3500 N. Martin Luther King Blvd., Lansing, MI 48906, representing the applicant, stated he was present for any questions the Commission may have.

Bertram moved that the Planning Commission approve Site Plan Review 21-150004 from Emergent Biosolutions, to construct an approximately 280,000 sq. ft. production/processing facility subject to the following conditions:

- 1. The applicant shall comply with the requirements of all reviewing agencies having jurisdiction over the project and coordinate the construction of drainage improvements with the Clinton County Drain Commissioner. Prior to issuance of a building permit, the applicant shall provide a letter of approval from the Drain Commissioner.**
- 2. The applicant shall provide a revised landscape plan for staff review approval, that addresses comments/concerns by the Capital Region Airport Authority and Clinton County Drain Commission.**
- 3. The applicant complies with the Board of Water and City of Lansing requirements regarding public water and sewer.**
- 4. The applicant complies with the Clinton County Road Commission's requirements for a right of way permit for access onto DeWitt Road.**
- 5. The applicant complies with the Capital Region Airport Authorities requirements for an agreement for access to Port Lansing Road.**
- 6. The applicant complies with the requirements of the DeWitt Township Fire Department.**

Supported by Dailey.

ROLL CALL vote on motion:

AYES: 8 NAYS: 0 ABSENT: 1 (Fair)

MOTION CARRIED.

- II. Condominium - Step I Preliminary Review from Signature Land Development, for development of 108 attached and detached condominium units on an approximately 77.980 acre parcel located on the south side of Clark Road, east of Myers Road, west of S. US 27 and north of Stoll Road, in the northeast ¼ of Section 21 of DeWitt Charter Township (Parcel #050-021-100-005-50).**

Township Planner Salam Habhab briefly reviewed staff's report dated March 31, 2021 advising that the overall development consists of a 225 unit housing mix (115 single-family lots, 20 ranch condominium units, and 88 2-story condominium units). This review is for Phase one – Step I Condominium Review which consists of the 20 ranch condominium units and the 88 2-story condominium units. The Step I Review is intended for informational purposes only.

After review of the of the Step I Review, staff recommends that the Step I Condominium Review for Thomas Farms be accepted and placed on file in the Township Planning Department.

Chairman Keilen invited the applicant to speak.

Don De Groot, Exxel Engineering, 5252 Clyde Park Ave. SW, Grand Rapids, MI 49509, representing the applicant, stated he was present for questions.

Bertram asked if the units are intended for sale or to rent. He also questioned where sidewalks would be constructed.

De Groot stated the units are for sale. Sidewalks will be provided along the public streets. They did not see the need for internal sidewalks as this has worked well in similar developments.

Bertram expressed concern with not providing any internal sidewalks. This could create safety issues for the children living in the proposed development.

Brief discussion followed regarding possible variances related to this request.

Dailey stated the Township takes great pride in being a walkable community. A lot of money has been spent putting sidewalks in. He personally feels strongly that this type of development should have some kind of sidewalk internally. He does like the diversity of the housing product proposed. He questioned if the applicant plans to have any playground or picnic areas within the development.

De Groot stated there is extensive open space indicated on the plan. They can consider adding some features within the open space.

Brief discussion followed regarding landscaping.

Lorenzen also expressed concern with no sidewalks being proposed within the development.

Hanlon also expressed concern with no sidewalks being proposed within the development.

Brian Papke, Architect, 5252 Clyde Park Avenue SW, Grand Rapids, MI 49509, representing the applicant, stated they are flexible when it comes to providing sidewalks within the development. He noted that the front yards of the residential units are quite small and sidewalks might require people parking in a driveway to block the sidewalk. Because the roads are private with limited access, developments of this nature tend to be very safe without sidewalks.

Papke presented a brief presentation on the type of product that would be built within the proposed project.

Brief discussion followed regarding maintenance related to snow removal, etc.

De Groot stated that the homeowner's association would own the general common areas that need to be maintained. This is set forth in a Master Deed.

Bertram moved that the It is recommended that the Step I Condominium Plan for Thomas Farms be accepted and placed on file in the Township Planning Department and the applicant be advised of the following:

1. **The applicant should review the application requirements for Step II Condominium review listed in Section 6.6 B.3. of the Zoning Ordinance.**
2. **It is recommended that the applicant contact Township Planning Department staff regarding the process for reviewing the sanitary sewer construction plans including a Utility Agreement, since these plans must be reviewed and approved prior to application being made for Step II approval.**
3. **The applicant shall submit the condominium subdivision plans to the applicable agencies having jurisdiction over the project for agency review and comment, and if required, their approval.**
4. **The applicant shall meet the required setbacks as part of the Step II process or, if reductions to the setbacks are necessary, request the reductions as part of the PUD process.**

Supported by Nolen.

ROLL CALL vote on motion.

AYES: 8 NAYS: 0 ABSENT: 1 (Fair)

MOTION CARRIED.

- III. Tentative Preliminary Plat Review from Signature Land Development, for 34 single-family residential lots on an approximately 77.980 acre parcel located on the south side of Clark Road, east of Myers Road, west of S. US 27 and north of Stoll Road, in the northeast ¼ of Section 21 of DeWitt Charter Township (Parcel #050-021-100-005-50).**

Lorenzen moved to receive request for Tentative Preliminary Plat Review from Signature Land Development and set for a Public Hearing to be held on Monday, May 3, 2021. Supported by Hayes.

ROLL CALL vote on motion:

AYES: 8 NAYS: 0 ABSENT: 1 (Fair)

MOTION CARRIED.

- IV. Special Use Permit 21-990001 from Signature Land Development, for a Planned Unit Development consisting of 115 single family lots with the requested deviations from the R-6 zoning district allowing for a 20 foot setback along the secondary front yard setback on an approximately 77.980 acre parcel located on the south side of Clark Road, east of Myers Road, west of S. US 27 and north of Stoll Road, in the northeast ¼ of Section 21 of DeWitt Charter Township (Parcel #050-021-100-005-50).**

Lorenzen moved to receive request for Special Use Permit 21-990001 from Signature Land Development and set for a Public Hearing to be held on Monday, May 3, 2021. Supported by Hayes.

ROLL CALL vote on motion:

AYES: 8 NAYS: 0 ABSENT: 1 (Fair)

MOTION CARRIED.

- V. **Special Use Permit 21-990002 from Consumers Energy**, to allow upgrades to an existing natural gas facility located at 13603 Turner Road, DeWitt, MI 48820, near the intersection of Turner Road and Wellman Road, north of I-69, in the southeast ¼ of Section 17 of DeWitt Charter Township (Parcel #050-017-400-086-00).

Bertram moved to receive request for Special Use Permit 21-990002 from Consumers Energy and set for a Public Hearing to be held on Monday, May 3, 2021. Supported by Lorenzen.

ROLL CALL vote on motion:

AYES: 8 NAYS: 0 ABSENT: 1 (Fair)

MOTION CARRIED.

- VI. **Special Use Permit 21-990003 from Signature Land Development**, to allow the construction of 88 two-story condominium units on an approximately 77.980 acre parcel located on the south side of Clark Road, east of Myers Road, west of S. US 27 and north of Stoll Road, in the northeast ¼ of Section 21 of DeWitt Charter Township (Parcel #050-021-100-005-50).

Lorenzen moved to receive request for Special Use Permit 21-990003 from Signature Land Development and set for a Public Hearing to be held on Monday, May 3, 2021. Supported by Hayes.

ROLL CALL vote on motion:

AYES: 8 NAYS: 0 ABSENT: 1 (Fair)

MOTION CARRIED.

UNFINISHED BUSINESS:

III. Batch Ordinance Amendment – Discussion

Township Planner Salam Habhab brief reviewed staff's report dated March 31, 2021 advising at the March 1, 2021 Planning Commission meeting the Commission offered feedback on ordinance language for outdoor storage of recreational vehicles associated with the mini-warehousing facilities and outdoor dining associated with food service establishments. Based on the feedback, staff has researched, edited and changed the ordinance language for each item.

Item 1: Outdoor Storage of Personal Recreational Vehicles

At the March 1st meeting a significant portion of the discussion was related to whether the outdoor storage use would be permitted when adjoining residential districts with a provision of adequate landscape buffer or if such use shall not be permitted to abut any residential districts. Staff researched outdoor storage facilities within neighboring jurisdictions and compared the proposed outdoor storage of RV's with other existing land uses within the Township which permit the outdoor storage. Staff would like to continue the discussion on each ordinance independently.

Dailey questioned if this ordinance might want to include business rather than just personal RV's.

Habhab advised that the mini-warehousing facilities are for personal use only.

Fedewa stated he is in favor of this proposed ordinance so that the DeWitt Township residents have a place to store their RV's in the community in which they live instead of going somewhere else.

Item 2: Outdoor Dining

Habhab stated based on the feedback from the Planning Commission, staff researched outdoor dining within neighboring jurisdictions (City of St. Johns, Meridian Township, and City of East Lansing). Staff would like to continue discussion focusing on the revised ordinance amendment related to permit time, hours of operation, noise, and alcoholic beverages.

Bertram asked if the permit time of 150 days was contiguous.

Habhab stated that the permit time of 150 days is contiguous.

Bertram suggested that this be clarified in the language of the proposed ordinance.

Lorenzen questioned if this ordinance is only for temporary outdoor dining.

Habhab clarified that this ordinance covers temporary or not temporary outdoor dining. Both would need to meet the standards of the proposed ordinance.

Lorenzen expressed concern with the permit time of 150 days. That length of time does not seem temporary.

Habhab stated that some other jurisdictions just started allowing outdoor dining. This has become more prevalent since the pandemic started. It is predicted that many of these outdoor dining establishments will continue after the pandemic. The 150 day permit time is roughly the amount of time that it is nice outside in the State of Michigan.

Bertram stated what was considered “normal” 18 months ago will no longer exist. There will be a large number of people who are going to want to go to a restaurant with an outdoor setting. He understands why staff is proposing the 150 day permit time. He is concerned about the aesthetics of what might be put up temporarily and feels the Planning Commission should have some input on this.

Keilen asked staff for the next steps to be taken on these two proposed ordinances.

Habhab stated the next step would be for staff to draft language for the two proposed ordinances and present it to the Planning Commission at the May 3, 2021 meeting to be received and set for a Public Hearing at the June 7, 2021 meeting.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

I. Trustee:

Trustee Fedewa gave a brief report of business conducted and action taken at the recent Board of Trustees meetings.

II. Zoning Board of Appeals:

Bertram gave a brief report of business conducted and action taken at the March 17, 2021 meeting and advised that there will be a meeting on April 21, 2021.

III. Committees: None.

IV. Staff: None.

DISCUSSION: None.

ADJOURNMENT: **Bertram moved to adjourn the meeting at 9:08 p.m. Supported by Nolen. MOTION CARRIED.**

Linda K. Parkinson-Gray, Recording Secretary

Mike Nolen, Secretary

DRAFT