

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

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**PLANNING COMMISSION
MINUTES
TUESDAY, July 6, 2021
7:00 p.m.**

Per the Open Meetings Act (OMA) 1976 PA 267, and Clinton County Declaration of Local Emergency, Board members and public may choose to attend in person or 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 the Recording Secretary can unmute your line. Please contact the Planning Office at (517) 669-6576 with any additional questions.

The regular meeting of the DeWitt Charter Township Planning Commission meeting 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 Nolen.

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

MEMBERS ABSENT: Fair, Hayes

APPROVAL OF AGENDA: Dailey moved to approve the Agenda with an amendment to move Correspondence Items to further down on the agenda following the New Business Item. Supported by Fedewa.

ROLL CALL vote on motion:
AYES: 6 NAYS: 0 ABSENT: 2 (Fair, Hayes)
MOTION CARRIED.

APPROVAL OF MINUTES: Dailey moved to approve the June 7, 2021 meeting minutes as presented. Supported by Nolen.

ROLL CALL vote on motion:
AYES: 6 NAYS: 0 ABSENT: 2 (Fair, Hayes)
MOTION CARRIED.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

I. PUBLIC HEARING – Rezoning Request 21-880001 From Bear Teachworth - to rezone approximately 3.479 acres from BL (Business, Local) to BC (Business, Community). The subject site is located at 11530 S. US 27, DeWitt, MI 48820, on the west side of S. US 27, north of Howe Road, south of Round Lake Road, in the southeast ¼ of Section 4 of DeWitt Charter Township (Parcel #050-004-100-105-00).

A. Open Public Hearing. Chairman Keilen declared the Public Hearing opened at 7:05 p.m.

B. Administrative Comments/Public Comments.

Township Planner Salam Habhab briefly reviewed the staff’s memorandum dated July 01, 2021. She indicated that this a rezoning request #21-880001 from Bear Teachworth to rezone approximately 3.479 acres from Local Business (BL) to Community Business (BC). The property is located at 11530 S. US 27 and is zoned BL district.

Habhab noted that the property has been used for unpermitted use of an overflow facility of an office and outdoor equipment and material storage from the other business SimTech Outdoor Solutions located to the north of the property at 11390 S. US 27. The current use is not permitted under the Local Business (BL) district, and the property is in violation of the Zoning Ordinance.

Habhab added that the applicant is requesting to rezone the property to BC in an attempt to bring the property into compliance with the Zoning Ordinance. If the rezoning is approved, the applicant has to go through the subsequent review procedure.

The property is improved with an office building, abandoned house, and an accessory building. The site falls within a floodplain area, and subject to the regulations of section 3.25 of the Zoning Ordinance. In addition, any activities or development within a floodplain requires approval and permit of the Department of Environment, Great Lakes, and Energy (EGLE).

Habhab indicated that the property is zoned Local Business (BL) district and the immediately adjacent properties are zoned, Community Business (BC), Single-Family Residential (R-3), and Agricultural (A) zoning districts.

Habhab pointed out that the BL district is intended to provide day to day retail and personal services to persons living in local adjacent residential area. The Zoning Ordinance also indicates that the intent of the future local business development will be placed in planned centers rather than small scattered local business zones.

On the other hand, the community business is intended to facilitate the needs of a larger consumers population.

Habhab added that the property and buildings meet the development standards of the BL and BC districts except for the front yard setback. The property is considered a legal non-conforming.

As the Planning Commission aware, a major consideration in evaluating a rezoning request is consistency with the Comprehensive Development Plan. As indicated in the report the property is designated for Community Oriented Commercial (CC) and the immediate adjacent properties are designated for Community Oriented Commercial (CC) and High Density Single Family Residential (SF-H).

Habhab explained that the CC areas are envisioned to be developed under the provision of the Community Business (BC) or Shopping Center Business (BSC) districts. Community Oriented Commercial has a good regional access and easy access to several existing or emerging neighborhoods.

Habhab noted that the Planning Department's records indicate that notices were sent in accordance with State Statute. Earlier today, a resident raised a concern about the type of the use of the property and the potential noise that might be associated with it. Staff explained that this is a request to rezone the property, if the rezoning is approved, the applicant has to go through the subsequent review procedure and the noise associated with the proposed use would be addressed.

Subject to the result of the public hearing and based on the findings and analysis described in the staff report, Staff recommends that the Planning Commission recommend approval for rezoning the property from Local Business (BL) to Community Business (BC). Based on the fact that the request is not in conflict with recommendations of the comprehensive development plan and is consistent with the existing land use pattern in the immediate area.

Habhab invited Commissioner discussion.

Trustee Fedewa wondered if the non-conformity of the front yard setback is the reason for the rezoning request.

Habhab explained that the rezoning request has nothing to do with the non-conformity of the property. Section 7.11 of the Zoning Ordinance permits the continuance of a legal use or enlargement of legal nonconforming properties, subject to the regulations of this section. The rezoning request is solely related to operating a use that is not permitted in the BL district.

Chairman Keilen questioned if the Commission has any more questions or comments.

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 7:15 p.m. Supported by Dailey.

ROLL CALL vote on motion:

AYES: 6 NAYS: 0 ABSENT: 2 (Fair, Hayes)

MOTION CARRIED.

D. Discussion and possible action by Planning Commission.

Bertram moved that Rezoning Request # 21-880001, Bear Teachworth as legally described on the application materials and survey documents, be recommended for approval for rezoning from Local Business (BL) District to the Community Business (BC) District based on the fact that the request is not in conflict with recommendations of the Comprehensive Development Plan and is consistent with the existing land use pattern in the immediate area.

Supported by Nolen.

ROLL CALL vote on motion:

AYES: 6 NAYS: 0 ABSENT: 2 (Fair, Hayes)

MOTION CARRIED.

NEW BUSINESS:

- I. Rezoning Request 21-880002 from MCAP DEWITT PROPCO, LLC, to rezone approximately 6 acres from A (Agricultural) to PO (Professional and Office Services). The subject site is a vacant land located on the west side of S. US 27, north of Stoll Road, south of W. Solon Road, east of Myers Road, part of the northwest ¼ of the southeast ¼ of Section 21 of DeWitt Charter Township (Part of Parcel #050-021-300-045-50).**

Bertram moved to receive request for rezoning 21-880002 from MCAP DEWITT PROPCO, LLC and set for a Public Hearing to be held at the August 2, 2021 Planning Commission meeting. Supported by Dailey.

ROLL CALL vote on motion:

AYES: 6 NAYS: 0 ABSENT: 2 (Fair, Hayes)

MOTION CARRIED.

CORRESPONDENCE:

- I. Mining Operations Letter to Senator Tom Barrett**

Wittenberg reviewed the correspondence that was included in the packet and indicated the Township had already sent the letter of opposition to Senator Barrett, Representative Fuller, and the Michigan Township Association.

- II. DeWitt Charter Township Housing Study**

- A. Target Housing Analysis – Final report
- B. Housing Strategic Analysis – Final Report
- C. Appendix One – TMA Resources
- D. Appendix Two – Demographics
- E. Appendix Three – Housing Strategic Analysis

Wittenberg indicated that the Housing Study has been completed and was provided to the Township Board in the same manner that it came to the Planning Commission. The Township Board acted to receive the document and place it on file.

Wittenberg stated that the Township Manager is coordinating with the Township Board and consultant as to a date and format for a possible joint meeting to have the consultant available to review the document and answer questions from the Township Board and Planning Commission.

Dailey stated that a broad philosophical/policy question he believes everyone needs to be cognizant of is how does the Township want to grow and the impacts on the Township. While he has heard comments regarding the desire for more rooftops, this ultimately has an impact on public facilities and services like police, fire, schools and parks. In addition, how do you balance future development with Ag preservation? (Commissioner Dailey provided notes for staff).

Bertram concurred with everything that Dailey had said and also commented on the age of the existing housing stock.

Wittenberg stated he would keep the Planning Commission apprised of the next steps.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

I. Trustee:

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

II. Zoning Board of Appeals:

Bertram advised that there was no meeting in June and shared that there will be a meeting for the month of July.

III. Committees: None.

IV. Staff:

Wittenberg mentioned that Clinton County extended their emergency order related to Covid and it expires at the end of July. It does not appear that the emergency order will be extended and that means meetings shall be in-person.

DISCUSSION: None.

ADJOURNMENT: **Bertram moved to adjourn the meeting at 7:47 p.m. Supported by Fedewa.**

MOTION CARRIED.

Brett C. Wittenberg, Community Development Director

Mike Nolen, Secretary