

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



Community Development Director
Brett C. Wittenberg

Planner
Vacant

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PLANNING COMMISSION MINUTES

MONDAY, MAY 1, 2023
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 Fair.

The Pledge of Allegiance was said by those present.

ROLL CALL by Secretary Parkinson-Gray.

MEMBERS PRESENT: Bertram, Dailey, Fair, Fedewa, Hayes (arrived at 7:02 p.m.), Keilen, Lorenzen, Nolen, and Parkinson-Gray.

MEMBERS ABSENT: None.

APPROVAL OF AGENDA: Chairman Fair stated that after some discussion with staff he would like to amend the agenda as follows:

1. New Business Item 2
2. New Business Item 1
3. Unfinished Business Item 1
4. New Business Item 3

Vice Chair Keilen moved to approve the agenda as amended. Supported by Betram.

AYE Vote on the motion:

AYES: 9 NAYS: 0 ABSENT: 0

MOTION CARRIED

APPROVAL OF MINUTES: Parkinson-Gray moved to approve the April 3, 2023 minutes as presented. Supported by Keilen.

AYE Vote on the motion:

AYES: 9 NAYS: 0 ABSENT: 0

MOTION CARRIED

CORRESPONDENCE: None

PUBLIC COMMENTS: None

NEW BUSINESS:

- I. Site Condo – Step II - #23-670001 from Westview Capital, LLC** – for a major modification to the southeast open space. The property is a vacant lot located on the north side of W. Clark Road, east of Panther Drive, just west of the I-69 overpass, and south of DeWitt High School, in the southwest ¼ of Section 17 and the southeast ¼ of Section 18 of DeWitt Charter Township (Parcel #050-018-400-015-52).

Community Development Director Brett Wittenberg stated that before the Commission is a request for an amended Step II for Phase III of the Shadybrook subdivision. This request includes the previously approved 48 single-family residential units and the addition of an earthen berm and landscaping.

Wittenberg noted that the modification to the approved plans include removing existing trees in the southeastern portion and constructing a berm with landscaping on top to provide a better buffer to mitigate sound from the highway. They are not requesting any changes in lots or configuration.

Staff recommends approval of the amendment and offered to answer any questions.

Commissioner Lorenzen asked how many trees they want to remove.

Wittenberg stated that he didn't have an exact number. He noted that the applicant is present and may be able to answer that.

Ryan Leary – 423 Prospect Ave SE – Grand Rapids – stated that he is unsure of the exact number and that there will be approximately an acre of open space. The proposed berm will be the height of the first floor of the homes and will have pine trees planted on top.

Leary stated that they are moving a lot of material and that creating this berm will eliminate about 500 truckloads going through the area in addition to providing some absorption of highway noise. He feels that though the property will lose some trees, it will gain a nice buffer from the noise.

Parkinson-Gray asked if home owners were notified as part of this application as they were with the original application.

Wittenberg stated that they were not, however, they were notified at the time of the original submittal. At that time there were comments from residents of the existing subdivision in regards to noise. He also noted that the proposed berm provides an additional barrier from the noise.

Trustee Fedewa stated that he likes the idea of a berm using natural materials and that he prefers this type over the manmade concrete ones seen elsewhere.

There was general discussion on the number of trees to be placed on the berm and the spacing needed for them to grow to maturity and be successful.

Chairman Fair asked if this modification was strictly for sound.

Lorenzen commented that the applicant stated it was also to avoid moving dirt.

Wittenberg stated that moving less dirt is part of the rational as well as the noise.

Commissioner Bertram noted that it is better to move less dirt as there won't be the number of trucks going in and out and wearing down the roads.

Chairman Fair asked if there were any other Commissioner questions for staff or the applicant. There were none.

Keilen moved that the Planning Commission recommend that the Township Board grant Step II approval for the Shadybrook Phase III project, based on the plans last received on April 10, 2023 as may be amended for grading and storm drainage, subject to the following conditions:

- 1. The final plan shall indicate the presence of street lights that meets the requirements of the Township.**
- 2. The Master Deed shall be subject to review and approval by the Township Attorney prior to Step III final plan approval.**
- 3. The applicant shall comply with the requirements of all reviewing and permitting agencies prior to the commencement of construction or issuance of any building permits.**
- 4. The applicant shall enter into a utility agreement with the Township for the construction of the sanitary system serving the site.**

Supported by Nolen.

ROLL CALL Vote on the motion:

AYES: 9 NAYS: 0 ABSENT: 0

MOTION CARRIED

- II. Site Plan Review #23-150003 from Daniel Rathke** – for a proposed 40’ x 150’ mini-storage building with associated amenities. The property is a vacant parcel on W. Round Lake Road, east of DeWitt Road, west of US 27, north of Dill Road, south of Cutler Road in the south ¼ of Section 4 of DeWitt Charter Township (Parcel #050-004-300-011-00).

Trustee Fedewa asked to recuse himself from participation and voting on this review as he owns a mini-storage facility in the Township. All Commissioners were in agreement.

Community Development Director Wittenberg stated that the applicant is requesting approval of Site Plan Review 23-150003 for the construction of a new 6,000 square foot mini-warehousing building on an approximately 5.42-acre vacant parcel.

The overall development area of the site is approximately 1.9-acres. The property is zoned IL, Light Industrial, and is designated for SF-H, High Density Single-Family Residential on the Future Land Use Map.

The development of the site will take place in the front portion along Round Lake Road. The property to the east is the old meat packing building and currently has multiple tenants.

The applicant is providing access off Round Lake Road. There is onsite detention and drainage and the applicant is trying to maintain the drainage and improve it a bit along Round Lake Road.

Wittenberg stated that the request is consistent with the IL, Light Industrial Zoning District. The applicant is requesting a reduction of the landscaping requirements to the north, south, and east property lines, which the Planning Commission can discuss. The parcel is heavily wooded to the south with adequate existing vegetation, the east is wooded and includes a detention area. The calculations were taken from the area being disturbed rather than from the property lines. The applicant will provide some landscaping along Round Lake Road but does have some concerns with maintaining visibility of the site for promoting the business as well as for security.

Staff recommends approval subject to the conditions in the staff report with the main condition to outline from the Township perspective is the fencing. They currently have a chain-link fence with slats. The ordinance has been amended to address non-residential fencing, so it either has to be vinyl coated, chain-link fencing with a mesh barrier, or some type of decorative fencing.

Wittenberg offered to answer any questions and noted that the applicant is also present.

Chairman Fair asked if there were any other Commissioner questions for staff or the applicant.

Lorenzen asked if the reduction on west side, where the residential area is, was reduced because it was based on if they were doing the entire property.

Wittenberg stated that on the east and west sides they took the distance going north and south from the area of disturbance so that area is where they are requesting a reduction as well. Wittenberg also pointed out that the property to the west of the proposed storage belongs to the applicant.

Lorenzen asked if the reduction on the east side is because the adjacent property is heavily wooded.

Wittenberg stated that is correct but they are providing some additional landscaping on their property as well.

Betram asked if the south side has existing vegetation.

Wittenberg confirmed that it does.

Chairman Fair asked if there were any other Commissioner questions for staff or the applicant. There were none.

Chairman Fair asked if the applicant would like to address the Commission.

Daniel Rathke, 1633 W. Round Lake Road, addressed the Commission and explained that this proposal is much smaller than the feasibility study provided for. He stated that he has concerns about the amount of woods and trees and he feels this is a good compromise. He discussed the current drainage on the property and the benefits of having fewer trees, which would eventually be taken out due to erosion.

Keilen asked if there is an open ditch that runs through the property or if the runoff goes into an enclosed tile.

Rathke stated that right now it goes to nothing.

There was some general discussion on the drainage and options for it.

Kurt Krahulik, DC Engineering, 1210 N. Cedar Street, Lansing, is the engineer for this project and he reviewed the drainage and stated that he has worked closely with Jon Morrison and the biggest concern is to try to control and slow down the drainage and release it back into the established portion of the cut in a manner that doesn't cause any more problems.

There was additional discussion on the drainage options and concerns.

Krahulik stated that in regard to landscaping they would propose no plantings to the south because it's up against the natural forest and east is also forested on the adjacent parcel. Along the northside they are asking for shrubs and a reduction of trees as customers want to feel safe and have an open view of the buildings.

Bertram asked about the fencing issue.

Krahulik stated that they are fine with doing a vinyl coated fence.

Chairman Fair asked if there were any other Commissioner questions for staff or the applicant. There were none.

Chairman Fair asked if there were any public comments from those present in-person or joining remotely. There were none.

Nolen moved that the Planning Commission approve Site Plan Review 23-150003 from Daniel Rathke for construction of a new 6,200 square foot mini-warehousing building, as described and defined in the application materials. Approval is subject to the following conditions:

- 1. Prior to issuance of a building permit, the applicant shall provide approvals from the Clinton County Drain Commissioner.**
- 2. The proposed chain link fence shall be vinyl coated or include mesh fabric for screening.**
- 3. That the applicant shall satisfy the requirements for all reviewing agencies.**
- 4. That the applicant shall comply with any other Federal, State, County, or Township regulations.**

Supported by Keilen.

ROLL CALL Vote on the motion:

AYES: 8 NAYS: 0 ABSENT: 0

RECUSED: 1

MOTION CARRIED

UNFINISHED BUSINESS:

I. Ordinance Amendment 23-1 BSC (Shopping Center Business) Zoning District

A. Open Public Hearing – Chairman Fair opened the Public Hearing at 7:38 p.m.

B. Administrative Comments / Public Comments

Community Development Director Wittenberg state that Ordinance Amendment 23-1 was previously introduced to the Planning Commission in March of this year. It is pretty straightforward and seeks to allow athletic clubs and health spas as a use permitted by right in the BSC (Shopping Center Business) zoning district.

Staff is of the opinion that these uses are consistent with other uses allowed in the BSC district which is more regional in nature and these uses are permitted use in the BC (Community Business) zoning district.

Staff recommends that the Planning Commission recommend to the Township Board the approval of Ordinance Amendment 23-1. Wittenberg offered to answer any questions.

Chairman Fair asked if there were any Commissioner questions for staff. There were none.

Chairman Fair asked if there were any public comments from those present in-person or joining remotely. There were none.

C. Close Public Hearing – Keilen moved to close the Public Hearing at 7:40 p.m. Supported by Hayes. Motion Carried.

D. Discussion and possible action by the Planning Commission

Keilen moved that the Planning Commission recommend that the Township Board approve Ordinance 23-1 based on the finding that the proposed amendment complies with the process for amending the Zoning Ordinance.

Supported by Parkinson-Gray.

ROLL CALL Vote on the motion:

AYES: 9 NAYS: 0 ABSENT: 0

MOTION CARRIED

NEW BUSINESS (continued):

- III. Special Use Permit #23-990002 from American Towing** – to construct a 60’ x 64’ pole barn for vehicle storage and outdoor vehicle storage. The subject property is located at 15890 S. US 27, Lansing, on the west side of US 27, north of State Road and south of Boichot Road, in Section 28 of DeWitt Charter Township (Parcel #050-120-000-063-00). **Receive and Set for a Public Hearing to be held at the Monday, June 5, 2023 meeting of the Planning Commission.**

Betram moved to receive and set Special Use Permit #23-990002 for a Public Hearing to be held at the regular meeting of the Planning Commission on Monday, June 5, 2023. Supported by Dailey.

AYE Vote on the motion:

AYES: 9 NAYS: 0 ABSENT: 0

MOTION CARRIED

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: (Must be made from the podium)

REPORTS:

- I. Trustee:** Trustee Fedewa gave a brief report on the ongoing Municipal Building South project. He also noted that everyone at the Township is busy.
- II. Zoning Board of Appeals:** Betram noted that there was a meeting in April but he was not in attendance so he deferred to staff for an update. Wittenberg stated that the request was from the owners of the old Hurd School House regarding a variance for a deck they constructed without a permit that encroached into the required rear yard setback. The Board approved their request. There will be no meeting in May.
- III. Committees / Staff:** Wittenberg gave updates on several items including the Webb Road project, Sparks Grant applications, and Westview Motel license revocation.

DISCUSSION

Keilen asked staff if there is any update on Rotunda. Wittenberg stated that there is an agreement with the property owner and the trash has been removed. They have been given 16-18 months to get the trailers removed. The Police Department has been given the authority to remove people from the property.

ADJOURNMENT: **Parkinson-Gray moved to adjourn the meeting at 7:55 p.m. Supported by Hayes. MOTION CARRIED.**

Kelli Furgason, Recording Secretary

Linda Parkinson-Gray, Secretary