

Chair
 Bruce Keilen
Vice-Chair
 Kristen Krol
Secretary
 Abby Lorenzen
Commissioners
 Steve Musselman, Trustee
 Dale Dailey
 Marsha Zimmerman
 Tim Fair
 Adam Bertram
 Mike Nolen



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Community Development Director
 Tory Niewiadomski

Township Planner
 Brett Wittenberg

Recording Secretary
 Linda K. Parkinson

**PLANNING COMMISSION
 MINUTES
 MONDAY, NOVEMBER 7, 2016
 7:00 p.m.**

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

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

ROLL CALL by Secretary Lorenzen.

MEMBERS PRESENT: Keilen, Bertram, Krol, Lorenzen, Dailey, Musselman, Nolen, Fair.

MEMBERS ABSENT: Zimmerman.

APPROVAL OF AGENDA: **Fair moved to approve the Agenda as presented. Supported. MOTION CARRIED.**

APPROVAL OF MINUTES **Fair moved to approved the minutes of the October 3, 2016 Planning Commission meeting. Supported. MOTION CARRIED.**

CORRESPONDENCE: None.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

- I. **Site Plan Review 14-150002 – Request for a modification to the approved landscape plan from David Fedewa (DeWitt MI Self-Storage, LLC) for a mini warehousing facility located at 1073 E. Howe Road, DeWitt, MI 48820 (Parcel #050-003-300-031-00), the northeast corner of S. US 27 and E. Howe Road, in the southwest ¼ of Section 3 of DeWitt Charter Township. Tabled at the October 3, 2016 Planning Commission meeting.**

Community Development Director Tory Niewiadomski briefly reviewed staff’s memorandum dated November 1, 2016. He advised this item was tabled at the October 3rd meeting to allow time for staff to meet on site with the applicant and the neighbors to the east of the site to discuss landscaping on the east property line. The goal was to come up with an amenable solution that could be provided back to the Planning Commission for consideration.

As a result of the meeting that took place on October 12th, the neighbors conveyed their concerns primarily related to noise and screening. After the meeting the applicant submitted a revised landscaping plan (dated October 19, 2016). The revised plan focused on the area between the neighbor's home and garage (see attached).

Niewiadomski noted initially proposed 6 maples trees and 5 pine tree on the east side of the fence along the property line. They are now proposing (15) twelve to sixteen foot tall arborvitaes. Staff also recommends that 2 evergreens be provided on the east side of the driveway near the road entrance to cut down glare onto the neighbor's property from vehicles entering the site from traffic coming off Old 27.

The original approved landscaping plan submitted in 2014 included 6 canopies, 12 ornamentals, 4 shrubs and 6 evergreen trees for a total of 28 plantings. In September of this year they were proposing 6 maples and 5 pine trees. The latest revised plans include an additional 15 American arborvitaes for a total of 26 plantings. It is staff's opinion that this would actually provide a better year round screening effect.

Chairman Keilen invited the applicant to speak.

Dave Fedewa, 1555 Agnes Glen Circle, DeWitt, MI 48820, stated he is in total agreement with the 2 additional evergreens suggested by staff and could possibly provide a total of 3 if needed. With respect to people coming and going into the facility at all hours of the night, he provided a log of the activity at the facility. During the month of August there were 6 entries between the hours of 10:00 p.m. and 6:00 a.m. During the month of September there were 5 entries between the hours of 10:00 p.m. and 6:00 a.m. These usually occur during the beginning of the month or at the end of the month when people are moving out of their homes.

Michael Sollid, 1111 E. Howe Road, DeWitt, MI 48820, stated he did not agree to this revised landscaping plan. There are still concerns with the spacing between the trees and the amount of time it will take before they will fill in. Also, the first planting is even with the front of their garage and provides no screening from their large front porch that they use often. This is also where the office is located and a lot of activity takes place at the entrance to the site. He has requested that the arborvitaes be planted the entire length of the fence, or at least to the back of their pole barn, and close enough together that there will not be a 2 foot gap between them.

Brief discussion followed regarding the fact that there will be 15 additional plantings along the east property line that will be spaced 8 feet on center. To provide trees the entire length of the fence line would require more than 30 additional plantings.

Fair questioned if Mr. Sollid is requesting that more than the proposed additional 15 be added to the landscaping plan.

Mr. Sollid stated he would like at least 10 more plantings in addition to the proposed 15 additional plantings that would go to the back of their pole barn and to the front of the deck area.

Krol stated she does not recall hearing an issue with privacy on the Sollid's front deck at the last meeting.

Bertram asked staff how many trees were approved on the original plan for the east side.

Niewiadomski stated the originally approved plan had 6 canopy trees, 12 ornamentals, 4 shrubs and 6 conifers. The major difference is the 6 evergreen, adding 14 more to the original plan. This substitutes

the ornamentals and provides year round screening. There are actually 2 additional trees with this plan as compared to the plan approved in 2014.

Lorenzen noted the proposed arborvitaes would also be 12 – 16 ft. high rather than 5 – 6 ft. which is required.

Bertram expressed concern with the trees dying during the winter months and having to be replaced.

Niewiadomski stated perhaps the applicant has a warranty on the plantings. Perhaps a condition of approval could be added to require that a similar size tree be planted for any trees that die.

Shantana Sollid, 1111 E. Howe Road, DeWitt, MI 48820, stated they have a really large front deck and the first thing they see is the office for the mini storage facility. Although it is a very lovely facility she just does not want to see it from her residence. The fact still remains that there are large vehicles coming and going at all hours of the day and night. There are strangers in and out of the facility within a very close proximity of her home. She just does not want to see or hear them. She would like to see trees planted along the entire property line. In closing, she stated she only wants what anyone else would want if they lived next to a mini storage facility.

Bertram noted if the applicant had gone forward with the originally approved landscaping plan the neighbors would not have an opportunity to come to the Township to make changes.

Niewiadomski stated there is always legal recourse if someone does not agree with a Township decision. Because the applicant is seeking a modification to his landscaping plan, it opens the entire approved plan back up for reconsideration to require additional plantings or reductions in plantings.

Krol stated if the original plans included plantings along the entire fence line then any modifications should include the same.

Fair questioned if the applicant would be amenable to providing an additional 10 trees more than he is currently proposing on the east side of the property.

Fedewa stated “No.” He does not have an endless source of money. Economically it would not make sense for him to add even more plantings. He would rather revert back to the original landscaping plan that was approved in 2014. That would include trees that were 5 ft. in height, as opposed to 12 feet in height. He is currently looking at spending about \$7,500 to put the 15 to 16 taller arborvitaes in. He would not be opposed to providing shorter trees and spreading them out further.

Fedewa went on to show Planning Commissioners pictures of other mini storage facilities in the Township where it appears landscaping had died and was not replaced. He is trying to do better than this.

Bertram stated he understands Fedewa’s point. However, staff pointed out at the last meeting that they are in the process of revisiting previously approved sites to be sure their landscaping is in compliance with their approval.

Lorenzen noted that these are two totally separate issues.

Krol asked Mr. Fedewa if he could remind everyone why he is asking for an amended landscaping plan.

Fedewa stated he was constrained by where the fence was going to be placed. Ideally, he would have like the fence to have been placed more toward the east property line so that all plantings could be

done within that area. There was a requirement that the fence be placed no closer than 10 ft. from the property line. Once the fence was in place he realized he would not be able to access, mow or trim in that area with the large trees that are there. So he essentially spread them out to allow the mower to come in and mow without going on the neighbor's yard. He could go back and plant the additional trees on the inside of the fence but it would not provide any kind of screening that the neighbors are looking for between the back of their pole barn.

Keilen asked if the neighbors would be agreeable to a smaller stature of trees that would go the full length of the fence.

Todd Ness, 774 Divine Highway, Lyons, MI 48851, landscaper for the applicant, stated he was present for questions.

Musselman stated if they are planning to plant the arborvitaes 8 ft. to center that is pretty close together and would provide screening almost immediately. Once they grow won't they die from overcrowding?

Ness stated he does not believe that is true in this case. The reason is because both sides will still be exposed. The inner branches that are not exposed to the sun will die out but you cannot see that. If you were to add another row then they can start shading each other and die. A single row will grow together and stay alive.

Musselman asked what his normal recommendation would be for spacing arborvitaes.

Ness stated it depends on the variety of arborvitaes. The varieties that have a narrow growth habit can be planted 3 to 4 ft. centers for a tight screen. Mr. Fedewa is considering the American arborvitaes and they have a 10 to 12 ft. diameter so 8 ft. is a compromise. In 3 to 4 years they should be pretty filled in. He is not concerned about damage due to snow but salt is a concern. Also, there is some concern with proper drainage.

Brief discussion followed regarding planting 15 additional trees that are 12 ft. tall or increasing the number of trees that would be only 8 ft. tall.

Brief discussion followed regarding the fact that the applicant provided an ornamental fence on the south side of the site as well as ornamental shrubs and flowers which traded off the required landscaping.

Dailey stated he does not understand how a decorative fence could take the place of landscaping. Especially when the applicant is not being required to provide landscaping on the west and north side of the site. He does not understand why the ordinance requirements are not being adhered to. The applicant should be required to provide what was proposed in the original plan.

Lorenzen concurred with Dailey. She expressed concern with no landscaping being required on the north side of the site. Once the adjacent property to the north is developed there will be empty land. The wooded area is on the adjacent property and will not be there forever. Although the facility is very beautiful, it would look even better with landscaping. She is somewhat surprised that there is no concern for providing landscaping of the other three sides of the site.

Keilen stated the applicant has tried very hard to accommodate the neighbors on the east side. If the Township is too strict in their requirements businesses will not want to come to DeWitt Township.

Fair moved that the Planning Commission approve to amend the previously approved landscaping plan for Site Plan Review 14-150002 based upon the finding that the landscaping will achieve stated utilitarian and aesthetic objectives contingent upon the following conditions:

1. **That the north property line buffer yard area be granted a reduction of 100% of the ordinance requirements for the quantity of plant materials listed under Section 42-1321.**
2. **That the west property line buffer yard area be granted a reduction of 56% of the ordinance requirements for the quantity of plant materials listed under Section 42-1321.**
3. **That the south property line buffer yard area be granted a reduction of 75% of the ordinance requirements for the quantity of plant materials listed under Section 42-1321, as outlined in staff report which includes 3 supplemental evergreens on the south side of the site, east of the driveway.**
4. **That the east property line buffer yard area provides 15 additional American arborvitaes to meet the intent and purpose of the ordinance requirements for the quantity of plant materials listed under Section 42-1321.**
5. **The applicant shall be required to install final landscaping within 30 days to release the condition of the temporary certificate of occupancy.**

Supported.

ROLL CALL vote on motion:

AYES: 6 NAYS: 2 (Lorenzen, Dailey) ABSENT: 1 (Zimmerman)

MOTION CARRIED.

II. Batch Ordinance Amendment 42.10 – Discussion

Township Planner Brett Wittenberg briefly reviewed staff's memorandum dated November 1, 2016. The proposed amendments have been drafted in ordinance form to amend the following:

1. Effective Timeline for a variance – increasing from 6 month to 2 years.
2. Modifications to an approved site plan – to allow an administrative review process by staff
3. Administrative site plan approval
4. Expansion of non-conforming residential structures – allowing expansion of criteria is met
5. Corner lots – amending definition
6. Zoning District Setbacks – R1 – R6 proposing a 10 ft. reduction across the board
BL and BC proposing front yard setback from 40 ft. to 25 ft.

Musselman moved to receive Batch Ordinance Amendment 42.10 and set for a Public Hearing to be held at the December 5, 2016 meeting. Supported. MOTION CARRIED.

NEW BUSINESS:

- I. **Site Plan Review 16-150002 from Dr. Ed Grubaugh, to allow the construction of an approximate 3,336 square foot professional office building (Building B) on property located on the north side of Clark Road, east of Schavey Road, northwest of I-69, 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 #015-018-400-015-51).**

Township Planner Brett Wittenberg briefly reviewed staff's memorandum dated November 3, 2016. The applicant is request site plan approval for an approximately 3,336 professional office building which will ultimately contain Dr. Grubaugh's orthodontic practice. The site is located in the recently

approved special use permit (15-990003) to incorporate the office component within the Shadybrook subdivision.

Wittenberg went on to review the overall site plan layout. The proposed site plan is consistent with what the Planning Commission saw as part of the PUD amendment, as well as the Step II site condominium layout. The access point for the proposed building will be off from Panther Drive. The request meets all Site Plan Review requirement. There were no concerns expressed by the public facility reviewing agencies. Staff mailed out property owner notices to all properties within 300 feet since there was a large turnout for the Public Hearing during the Special Use Permit process. Only one resident stopped into the Planning Office to review the plans. He expressed no concerns.

Wittenberg noted the applicant had initially requested hours of operation to be Monday through Friday from 7:00 a.m. to 8:00 p.m. At this time the applicant has indicated that they would also like to include Saturdays from 8:00 a.m. to 5:00 p.m.

The proposed building will be in keeping with the residential character of the surrounding area.

Bertram asked if landscaping would be provided in phases.

Wittenberg stated there is a condition of approval that will require all perimeter landscaping be installed and that a landscaping plan be provided for areas immediately adjacent to the proposed building. This plan shall include 1 ornamental tree in the landscape island in front of the office building.

Bertram questioned if there would be an emergency break away gate so that cars cannot access the part of the roadway that is not yet paved.

Wittenberg stated there were no concerns expressed by reviewing agencies regarding access to the gravel roadway.

Tom Motz, Tom Motz Builder, 11920 Murano Drive, DeWitt, MI 48820, representing the applicant, stated perhaps the issue of driving on unpaved roads should be addressed with the developer, Larry Clark. He is present tonight to seek approval of a single professional office building.

Dailey commended the applicant for designing a building that is so compatible with the surrounding residential uses.

Musselman moved that the Planning Commission approve Site Plan Review 16-150002 from Dr. Ed Grubaugh, to construct a 3,336 square foot professional office building subject to the following conditions:

- 1, The applicant shall comply with the requirements of all reviewing agencies having jurisdiction over the project.**

- 2. The applicant complies with the Board of Water and Light and Southern Clinton County Municipal Utility Authority requirements regarding public water and sewer.**

- 3. The applicant complies with the Clinton County Road Commission's requirements for a commercial driveway access permit.**

4. **Prior to issuance of a certificate of occupancy, the Step III Site Condominium shall be approved and public utilities shall be installed and accepted as public by the Township.**
5. **Prior to issuance of a final certificate of occupancy, all perimeter landscaping shall be installed.**
6. **Prior to issuance of a building permit, the applicant shall provide a landscaping plan for the areas immediately adjacent to the building that shall include one (1) ornamental tree in the landscape island in front of the office building.**
7. **Prior to issuance of a building permit, the applicant shall provide details regarding the parking lot lighting that meet the requirements of the ordinance.**
8. **Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m. Monday through Friday and Saturday 8:00 a.m. to 5:00 p.m.**

ROLL CALL vote on motion:

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

MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

I. Trustee:

Trustee Musselman gave a brief report on business conducted and action taken at the Board of Trustees meetings held on Monday, October 10, 2016 and Monday October 24, 2016.

II. Zoning Board of Appeals:

Trustee Balzer gave a brief report on business conducted and action taken at the Zoning Board of Appeals meeting held on October 19, 2016.

III. Committees: None.

IV. Staff: None

DISCUSSION:

Staff Memo - Redevelopment Ready Communities Program

Niewiadomski briefly reviewed staff's memorandum dated November 2, 2016 explaining the strategic initiatives and strategies of the Redevelopment Ready Communities Program.

ADJOURNMENT: Fair moved to adjourn the meeting at 8:30 p.m. Supported. MOTION CARRIED.

Linda K. Parkinson-Gray
Linda K. Parkinson-Gray, Recording Secretary

Abby N. Lorenzen
Abby Lorenzen, Secretary