

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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Township Planner
Brett Wittenberg

Recording Secretary
Linda K. Parkinson

**PLANNING COMMISSION
MINUTES
TUESDAY, JULY 5, 2016
7:00 p.m.**

The regularly scheduled meeting of the Planning Commission 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, Krol, Lorenzen, Nolen, Bertram.

MEMBERS ABSENT: Fair, Dailey, Zimmerman, Musselman.

APPROVAL OF AGENDA: Nolen moved to approve the Agenda with the amendment to move Item I. under New Business (Site Plan Review 16-50001) up to Item I. (New Business) prior to Unfinished Business. Supported. **MOTION CARRIES.**

APPROVAL OF MINUTES Krol moved to approve the minutes of the June 6, 2016 meeting as printed. Supported. **MOTION CARRIED.**

CORRESPONDENCE: MTA – Conference Information was received by the Planning Commission.

PUBLIC COMMENTS: None.

NEW BUSINESS:

- I. Request for Site Plan Review 16-150001 from Atlantis Asset Management LTD,** requesting approval for the construction of an approximate 8,400 square foot childcare facility on a 1.43 acre parcel located at 12950 S. US 27 (former L & L Food Center site), on the north side of Herbison Road, south of Northway Drive, east of Hope Lutheran Church and west of Old US 27, in the southeast ¼ of Section 9 of DeWitt Charter Township.

Township Planner Brett Wittenberg briefly reviewed staff's memorandum dated June 29, 2016 pointing out the location of the proposed site. The applicant's future intent is to divide the overall property. The proposed childcare facility would be located on approximately 1.43 acres on the western portion of the site with the remaining 2.83 acres to the east to be used for future commercial development. The applicant has provided an overall plan. However, the request before the Planning Commission tonight is only for the proposed childcare facility. It should be noted that the property

was recently approved to be rezoned from BSC (Business, Shopping Center) to BC (Business, Community).

Wittenberg went on to note that the existing access drive would be removed and a new access drive would be aligned with Tucker Drive to the south of the site. Also, a possible future cross access has been identified on the plans aligning with the northern drive aisle of the proposed facility. This would be contingent upon the proposed facility being used as something other than a childcare and dependent upon how the property to the east develops.

Wittenberg briefly discussed the storm water management plan. A maintenance agreement will be needed for the existing detention area which straddles the western property line. In addition, the applicant is requesting a reduction in the number of trees on the west buffer yard as existing mature vegetation exists.

Wittenberg noted the childcare facility being proposed is a use permitted under Special Conditions. There are six criteria that need to be met (see pages 5 and 6 of staff's report). Staff has found the request does meet all six of the criteria.

The applicant prefers to install sidewalks along Herbison Road rather than put up a surety bond for the project.

Lastly, all reviewing agencies have found no concerns related to this request. The easement for cross access has been drafted by the Township and will be recorded. An easement for storm water management will be a private agreement between the two property owners.

Brief discussion followed regarding how many trees on the western boundary are owned by the owner of the site or the adjacent property owner and where the underground utilities are located in that area.

Chairman Keilen invited the applicant to speak.

Gordon Hunsaker, 12245 Grove Road, DeWitt, MI 48820, applicant, stated there are no plans to remove trees unless it is necessary for construction. There will have to be some trimming of trees due to the requirements of the proposed childcare facility (Goddard School). He noted the reason for wanting to install sidewalks rather than provide a surety bond is due to safety of the children who may be using the childcare facility for before and after school care.

Bertram asked if the parking lot would be demolished along with the existing building on the site or will it be maintained.

Hunsaker stated his proposal with the current owner of the site is to demolish all of the existing building and the entire parking lot area.

Brief discussion followed regarding the possible future development of the remaining property east of the site and the fact that sidewalks would be provided along Herbison Road once development takes place on the property being split from the subject site.

There were no further questions or comments.

Lorenzen moved that the Planning Commission approve Site Plan Review 16-150001 from Atlantis Asset Management, LTD, to construct an 8,400 square foot childcare 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.**
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 work within the right-of-way.**
4. **The applicant provides an easement that is subject to review and approval by the Township Attorney that will be recorded with the Clinton County Register of Deeds for future cross access to the property to the east. This easement shall be provided prior to issuance of building permits. In addition, if or when the property to the east develops, and there is a change in use from a childcare facility, the applicant or current property owner shall be responsible for improvements within the easement area to create the cross connection or mutual access to the property to the east if necessary.**
5. **Prior to issuance of a certificate of occupancy, the applicant shall provide to the Township a copy of an easement agreement for the maintenance of the shared storm water detention facility.**
6. **The applicant performs a land division that is consistent with the approved site plan dimensions.**
7. **The applicant shall comply with all the special conditions as outlined in the staff report.**

ROLL CALL vote on motion:

AYES: 5 NAYS: 0 ABSENT: 4

MOTION CARRIED.

UNFINISHED BUSINESS:

I. Proposed Ordinance Amendment 42.9 – Shooting Ranges – Discussion

Community Development Director Tory Niewiadomski briefly reviewed staff's memorandum dated June 28, 2016 outlining items discussed at the June 6, 2016 meeting.

Brief discussion following regarding the fact that the State of Michigan, Federal Government and the National Rifle Association (NRA) will have jurisdiction in different areas over shooting range facilities. It was determined that the Township Attorney should review the draft ordinance language to assure that all safety requirements are met (construction, lead exposure, noise, etc.).

The Planning Commission discussed the fact that perhaps "controlled substances" rather than "unlawful substances" should be prohibited on the premises.

It was discussed that items listed under Section (1)(d)(iv) pertaining to Administrative Rules and Regulations would be addressed at the time a range safety manual is drafted for a specific facility. It was suggested by Commissioner Krol that the ordinance language note that all regulations listed in the manual be complied with.

Brief discussion followed regarding the fact that Section 42-800 (Industrial Zoning District Regulations) states a certain noise level cannot extend beyond the property line. Niewiadomski

suggested perhaps an amendment should be added to Section 42-1180(1)(a) stating the noise (no higher than 65 decibels) cannot extend beyond the property line or an adjacent use. This would address a multi-tenant building.

Niewiadomski stated staff will make changes to the draft document based on the discussion and will present the amended document at the August meeting.

NEW BUSINESS:

II. Batch Ordinance Amendment – Discussion

Niewiadomski briefly reviewed staff's memorandum dated June 29, 2016 related to some suggested ordinance amendment items that would help streamline the approval process and attempt to make it easier for redevelopment projects related to the administrative review process. These items are as follows:

1. Discretionary items for site plan approval
2. Modifications to an approved site plan
3. Administrative site plan approval
4. Effective timeline for a variance
5. Corner lots
6. Expansion of non-conforming structures
7. Zoning District Setbacks

Niewiadomski noted that no ordinance language has been drafted. Staff would like to introduce these topics for discussion only to determine if items should be added or removed from consideration. Based on discussion, staff would later present proposed language at a future meeting for further discussion.

Bertram stated many of these items are worth considering. He expressed concern with administrative approval of modifications to an approved site plan. Especially if the original approval process was contentious.

Brief discussion followed regarding the fact that there would have to be very specific thresholds in place that would allow staff to approve discretionary items on a site plan.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

I. Trustee:

Trustee Balzer gave a brief report on business conducted and action taken by the Board of Trustees at their meetings held on June 13, 2016 and June 27, 2016.

II. Zoning Board of Appeals:

Commissioner Krol advised there was no Zoning Board of Appeals meeting held in June.

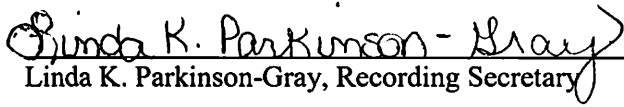
III. Committees: None.

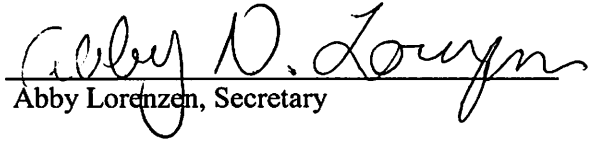
IV. Staff:

Niewiadomski provided a brief update on Planning Department projects.

DISCUSSION: None.

ADJOURNMENT: Lorenzen moved to adjourn the meeting at 8:37 p.m. Supported. MOTION CARRIED.


Linda K. Parkinson-Gray, Recording Secretary


Abby Lorenzen, Secretary