

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



1401 W. Herbison Road
DeWitt, Michigan 48820
Phone 517.669.6576
Fax 517.669.6496
www.dewitttownship.org

Township Planner
Tory Niewiadomski

Township Planner
Brett Wittenberg

Recording Secretary
Linda K. Parkinson

**PLANNING COMMISSION
MINUTES
MONDAY, APRIL 4, 2016
7:00 p.m.**

The regular 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, Dailey, Lorenzen, Trustee Musselman.

MEMBERS ABSENT: Bertram, Fair, Zimmerman.

VACANCY: One (Gobbo)

APPROVAL OF AGENDA: **Dailey moved to approve the Agenda with the amendment to move New Business Item I., Step I Site Condominium Review from Motz Development Inc. for Crowner Farms Ph. III to be the first item of business on the Agenda. Supported. MOTION CARRIED.**

APPROVAL OF MINUTES **Musselman moved to approve the minutes of the March 7, 2016 Planning Commission Meeting. Supported. MOTION CARRIED.**

CORRESPONDENCE: The Planning Commission received and noted the following information:

1. Correspondence dated March 22, 2016 from Watertown Township advising of a completed draft copy of an update to their 2009 Master Plan.
2. Correspondence dated March 31, 2016 from the City of Lansing advising of a proposed amendment to the Lansing Comprehensive Development Plan.

PUBLIC COMMENTS: None.

NEW BUSINESS:

- I. Step I Site Condominium Review from Motz Development Inc. for Crowner Farms Phase III, for property located on the north side of Howe Road, east of Airport Road, west of Schavey Road, south of**

Cutler Road, in the southwest ¼ of Section 6 of DeWitt Charter Township. The applicant is requesting to develop 25 single family residential units.

Township Planner Tory Niewiadomski briefly reviewed staff's memorandum dated March 30, 2016 advising that the Step I Site Condominium Review is an informal process that allows the applicant the ability to explain their concept plan. The applicant is requesting a review for 25 detached, single-family home sites as well as outlots or common area for the open space. The applicant is present for any questions the Commissioners may have.

Chairman Keilen invited the applicant to speak.

Tom Motz,, representing Motz Development Inc., stated when he originally planned Crowner Farms back in 2005 he envisioned a mix of forty 10,000 square foot lots and eighty-eight 15,000 square foot lots. The economy has changed since that time and he realized that he needs more 10,000 square foot lots to meet the demands of the current economy. One of the reasons for the change in the configuration is to accommodate those smaller lots. He is now proposing sixty-five 10,00 square foot lots and eighty-eight 15,000 square foot lots.

Lorenzen recommended that the Step I Site Condominium Plan for Crowner Farms Condominiums, Phase III 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 Site Condominium review listed in Section 42-963 (b)(2) and (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 site 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 have a determination of a minor or major amendment by the Township Board to determine the next steps prior to applying for Step II Review.**
- 5. The applicant shall provide pedestrian access between Phase III and IV with the modified road layout.**

Supported.

ROLL CALL vote on motion:

AYES: 5 NAYS: 0 ABSENT: 3 (Fair, Zimmerman, Bertram)

VACANCY: 1

MOTION CARRIED.

UNFINISHED BUSINESS:

- I. PUBLIC HEARING - Rezoning Request 16-880001 from Preston Commercial Properties, LLC to rezone a parcel consisting of approximately 4.26 acres, located at 12950 S. US 27, DeWitt, MI 48820, west of S. US 27, north of Herbison Road, in the southeast ¼ of Section 9 of DeWitt Charter Township (Parcel #050-009-400-065-50). from BSC (Business, Shopping Center) to BC (Business, Community).**

- A. **Open Public Hearing. Chairman Keilen declared the Public Hearing opened at 7:10 p.m.**
- B. **Administrative Comments/Applicant Comments/Public Comments.**

Township Planner Brett Wittenberg briefly reviewed staff's memorandum dated March 31, 2016 pointing out the location of the site. He further advised that Preston Commercial Properties, LLC owns approximately 4.26 acres of property that consists of Parcel 050-009-400-065-50. In 2008, the prior property owner, conveyed approximately 0.5 acres of the property to the parcel to the north without Township approval, thereby reducing the area of the parcel and enlarging the non-conformity relative to the minimum lot area requirement within the BSC (Business, Shopping Center) zoning district. If the rezoning were to be approved, the applicant would split 1.43 acres from the existing 4.26 acres to create a parcel that would be zoned BC (Business, Community) so he can utilize the property for development of a Goddard School for early childhood development. The applicant would also need to perform a land division and receive site plan approval prior to the issuance of a building permit. The remaining property may be considered for some type of commercial use.

Wittenberg further advised that the subject site is designated as CC (Community Oriented Commercial) on the Future Land Use Map. The proposed BC (Business, Community) Zoning District is consistent with that designation.

Wittenberg went on to review uses allowed in the BSC (Business, Shopping Center) Zoning District compared to the BC (Business, Community) Zoning District (see pages 4 and 5 of staff's memorandum). The primary distinction between the two districts is that the BSC District is intended to provide for grouped retail sales and service establishments on a single unified site while the BC District provides similar uses to serve a more regional population.

Wittenberg noted that the applicant would not be able to split the proposed site under the BSC designation without the benefit of an approved variance request. In addition, the proposed uses are permitted under Special Conditions in both the BSC and BC Zoning Districts. The proposed use does not represent spot zoning. There is no evidence that the proposed change would adversely impact traffic, public facilities, or population density. The proposed rezoning is consistent with the continuation of commercial development and the existing development pattern. And, the proposed change is not precedent setting since the request is in conformance with the surrounding land uses.

In closing, Wittenberg stated the requested zoning designation is appropriate and consistent with the Comprehensive Development Plan. Approval of the request would take a noncomplying parcel and make it compliant with the lot area requirement.

Chairman Keilen invited the applicant to speak.

Dick Cooley, 855 W. Jefferson, Lot #24, Grand Ledge, MI 48837-1358, representing the applicant, stated the existing building on the site was constructed 40 years ago and has been vacant for 10 years. After having an inspection of the building there did not seem to be any cost effective way to convert it into any new uses. As staff noted, the property is nonconforming. After considering all options available the best option to resolve the existing issue was to request to rezone the property.

Brief discussion followed regarding what type of services the Goddard School provides. The fact that no specific uses have been determined for the proposed commercial component on the property.

Chairman Keilen invited public comments.

Dave Fedewa, property owner of 1025 W. Herbison Road, DeWitt, MI 48820, stated he is excited to see forward progress on the subject site by planning to demolish the old building on the property.

There were no further comments or questions.

C. Close Public Hearing. **Musselman moved to close the Public Hearing at 7:41 p.m. Supported. MOTION CARRIED.**

D. Discussion and possible action by Planning Commission.

Musselman moved that Rezoning Request 16-880001 from Preston Commercial Properties, LLC, as legally described in application materials and survey documents, be recommended for approval by the Township Board of Trustees to rezone the property located at 12950 S. US 27 (Parcel #050-009-400-065-50) from the BSC (Business, Shopping Center) zoning district to the BC (Business, Community) zoning 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.

ROLL CALL vote on motion:

AYES: 5 NAYES: 0 ABSENT: 3 (Fair, Zimmerman, Bertram)

VACANCY: 1 (Gobbo)

MOTION CARRIED.

II. Proposed Ordinance Amendment 42.9 – Shooting Ranges – Discussion

Township Planner Tory Niewiadomski briefly reviewed staff's memorandum dated March 31, 2016 recapping the discussion from the March 7, 2016 Planning Commission meeting. He noted staff has provided a draft copy of proposed Ordinance Amendment 42.9 for review and comments.

Dailey suggested the definition of Sport Shooting Ranges should state "Sport Shooting Range – is an area designed and operated for the use of archery and firearms." He expressed concern with allowing a shooting range to be adjacent to residential property due to the noise generated by this use.

Brief discussion followed regarding only allowing shooting ranges in the industrial zoned areas.

Niewiadomski noted that the Township has very few parcels that are zoned industrial which is why BC was considered. If a shooting range is approved by Special Use Permit there can be conditions put in place such as hours of operation.

Lorenzen stated that many residents stay home during the day so limiting hours of operation would not be helpful to them.

Keilen noted Item (f) under General Standards states "No sport shooting range shall create a nuisance that becomes offensive or interferes with others' rights to safety and enjoyment of their own property." This could rule out almost any location in the Township where a shooting range is proposed.

Discussion followed regarding the level of decibels related to different types of uses.

Dailey suggested the following items be regulated for indoor shooting ranges:

1. Requiring supervision.
2. Types of weapons allowed.
3. Age limit for participants.
4. Use of alcohol.
5. Types of targets used.
6. Providing handicapped facilities.
7. Ownership (private or public).

Niewiadomski stated a range safety plan will be required by the Township and most of Dailey's concerns could be addressed in that document.

Krol expressed concern with the Township Ordinance restricting certain activity that the State of Michigan allows.

Lorenzen suggested that the distance of 1000 feet from a school be further away and should pertain to any children related activities.

Discussion followed regarding the fact that outdoor shooting ranges are limited to parcels consisting of at least 10 acres. Indoor shooting ranges do not have that requirement.

Niewiadomski stated Delhi Township has an indoor shooting range in their community. In speaking with their Planning Director she stated the facility was quite an asset to Delhi Township and they have had no sound issues reported.

Musselman stated there are 17 shooting ranges within 30 miles of DeWitt Township. He questioned if there is a need for this type of use in the community. He suggested there be more discussions with the surrounding jurisdictions to see what their experience has been with shooting ranges in their area. It is somewhat difficult to discuss regulations for a shooting range when he has only limited experience with them.

Niewiadomski stated it is an excellent idea to bring in experienced firearms operators and other municipalities that have shooting ranges within their community. Staff was experiencing some difficulty finding definable standards because many of the existing ranges have grandfather status. The reason why this discussion has come before the Planning Commission is because the Township Zoning Ordinance currently does not identify shooting ranges as a land use. This could be construed as exclusionary zoning.

Musselman questioned if there has been any interest in a shooting range facility locating within the Township.

Niewiadomski stated there have been a few inquiries related to shooting range facilities. Staff has contacted the Federal Agencies to obtain guidelines and most contacts have stated the NRA Range Source Book is the best resource for designing shooting range facilities. The Township has purchased the document and staff is using it as a reference source. Staff also intends to have the Township Police Chief attend a future Planning Commission meeting to answer questions the Commissioners may have.

Lorenzen stated if the only outdoor activity would be archery the hours of operation could be more like dawn to dusk.

Dailey stated there is a State Law that states any facility that was in place prior to 1989 there can be no ordinance written that will impact the existing facility. He suggested the Township's proposed ordinance could prohibit all outdoor shooting activities unless it met certain criteria.

Niewiadomski advised the State Law recently changed. The Firearms and Ammunitions Act of 1991 allows cities to ban the discharge of a firearm in their communities. In August of 2015 the Firearms Act was amended to include Charter Townships. However, it would be a general police power and not a zoning regulation.

Dailey asked for clarification that at this point the Commission is only discussing indoor firearm shooting ranges and outdoor archery ranges.

It was the consensus of the Planning Commission that Dailey's statement is true.

Krol stated she does not care if there are outdoor shooting ranges as long as the firearms are small caliber.

Niewiadomski stated staff will try to address some of the operational characteristics in the language of the proposed ordinance. He will also invite the Township Chief of Police to attend the next Planning Commission meeting to discuss shooting range facilities.

Rebecca Stimson, 1841 E. Clark Road, Lansing, MI 48906, stated she recently had to call the police because she could hear gunfire but was uncertain where it was coming from. She thanked the Commissioners for putting priority on the residents of the community when considering this type of use. She feels a shooting range would fit best within an industrial zoning district.

Johanna Balzer, 3450 E. Clark Road, Bath, MI 48808, stated it is good to be proactive and have regulations in place for shooting ranges.

Krol stated there are approximately 10 firearm shooting ranges within 20 miles of DeWitt.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

I. Trustee:

Trustee Musselman gave a brief report on business conducted and action taken by the Board of Trustees at their meetings held on March 14, 2016 and March 28, 2016.

II. Zoning Board of Appeals:

Krol advised there was no Zoning Board of Appeals meeting held in the month of March.

III. Committees: None.

IV. Staff: None.

DISCUSSION: None.

ADJOURNMENT: Lorenzen moved to adjourn the meeting at 9:50 p.m. Supported. MOTION CARRIED.

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

Abby W. Lorenzen
Abby Lorenzen, Secretary