

DeWITT CHARTER TOWNSHIP
1401 W. Herbison Road
DeWitt, MI 48820
November 28, 2011 Minutes

Supervisor Galardi called the Regular Meeting of the DeWitt Charter Township Board to order at 7:00 p.m. with the Pledge of Allegiance.

MEMBERS PRESENT: Supervisor Rick Galardi, Clerk Diane Mosier, Treasurer Phyllis Daggy, and Trustees Max Calder, Steve Musselman, Brian Ross and David Seeger.

MEMBERS ABSENT: None

Also Present: Manager Rodney Taylor, Community Development Director (CDD) Richard Trent, Planning Consultant James Foulds, Clinton County Drain Commissioner Phil Hanses, and several citizens.

- AGENDA **Musselman moved, Calder seconded, to approve the Agenda, as presented. Motion voted and carried.**
- MINUTES **Seeger moved, Musselman seconded, to approved the minutes of the November 14, 2011 Meeting, as presented. Motion voted and carried.**
- BRIEF PUBLIC COMMENT None.
- COUNTY COMM REPORT None present
- CORRESPONDENCE Correspondence included the following: BetterBuildings /Reese Flyer; a letter from Sarah Hartman regarding the PMC; CCEA re: 425 Aerotropolis; notice from the CCDC re: Loesch Drain & John Voltz Drain; Activity Reports, and an email from resident Kendal Deatsman regarding his support for the Property Maintenance Code.
- COMM & COMM REPORTS Trustee Musselman reviewed the draft minutes of the Planning Commission meeting of November 7, 2011.
Musselman moved, Mosier seconded, to receive and place on file the draft minutes of the Planning Commission meeting of November 7, 2011. Motion voted and carried.
- UNFINISHED BUSINESS None.
- NEW BUSINESS Clinton County Drain Commissioner Phil Hanses explained the need for additional work Res 111166 Downer Drain Maint on the Downer Drain, due to many issues in the area and also to a residence flooding just east of Boichot and north of Stoll Road. He reviewed the map of the project area, and it was clarified that this work is not on the new golf course, and needs doing because the tile is full of tree roots and broken. He estimated the work to be in the range of \$12,000, which will be assessed to the properties in the district, the County, the Township and 40% to MDOT.

Bradley Throop, 14545 Boichot Road, stated that he is the resident who has experienced flooding because of problems with this drain. He stated that he has been patient, but that flooding for a third or fourth year is not fair, and he is asking for help in fixing the problem. He has worked with the Drain Commissioner, and this is his proposed solution which requires Township approval.

Trustee Seeger questioned whether he should abstain from voting on this issue because of his employment at the Drain Commission. Attorney Robinson advised that he sees no reason for Trustee Seeger to abstain from voting on this issue.

Musselman moved, Calder seconded, to adopt Resolution 111166, authorizing maintenance work to the Downer Drain.

AYES: Seeger, Galardi, Mosier, Daggy, Calder, Ross, Musselman

NAYS: None. Motion carried.

Division of Platted
Lots/Valley Farms

Planning Consultant Foulds explained that this is a request by Craig Devlin of Cooper Body Shop, 1221 West State Road, to combine .552 acres which is a portion of Lot 54 of Supervisor's Plan of Valley Farms and attach to a second parcel which is also a portion of Lot 54 of the same subdivision.

Tom Thelen, representing Cooper Body Shop, explained the use that the business intends for the new building and property, noting that it will be an extension of the existing use.

Ross moved, Daggy seconded, to approve the division of a parcel which is a portion of Lot 54 Supervisor's Plat of Valley Farms No. 1 Subdivision and attach .552 acres, as legally described on the survey, to a second parcel which is also a portion of Lot 54 of Supervisor's Plat of Valley Farms No. 1 Subdivision, subject to the following conditions: 1)a Memorandum of Lot Restriction shall be recorded with the Clinton County Register of Deeds combining the divided portion of Lot 54 of Supervisor's Plat of Valley Farms No. 1 Subdivision and attaching to the newly created parcel 2)The applicant shall record an affidavit and survey documentation for the division with the Clinton County Register of Deeds which describes the newly created parcels and all easements, including access easements 3)the applicant shall provide copies of all recorded documents to the Township Planning Department and Assessing Department. Motion voted and carried.

SUP 11-990002
Paris Property Mgt

Planning Director Foulds reviewed his staff report, which provided the history of the Planning Commission's consideration of this request for a Special Use Permit to construct and operate a 3,300 square foot dental office building on a 2.02 acre parcel within Phase III of the Hawthorne Woods project. He noted that the proposed office use would be part of a proposed residential development on 21.28 acres which is the last phase of the Hawthorne Woods project, explaining that the applicant has eliminated consideration of additional office uses in the future by indicating that the balance of the site would be developed in a residential manner.

Board members raised the following questions: 1)What road will provide access to the building? Answer: Schavey Road 2)If a deed restriction is offered for the two acres, why not the other twenty-one? Answer: The Township cannot require a deed restriction for use of the property, the developer has offered the restriction. 3)Should a deed restriction be implemented on the two acres, which would lock the future use to a use that may be too specific? Answer: the developers wording here will be very important, 4)What is the actual building size, since it seems to vary in the data provided? Answer: 3,300 square feet 5)Why the additional hour added to the closing time the developer's requested? Answer: discussion determined that the hour will allow for completion of treating the last patient of the day. 6)Should the parking areas be moved to the south of the building? Answer: Foulds agrees and this should be done at the Site Plan Review phase.

Todd Tarrant, 13626 Pearwood, stated that the residents just do not want this, and the Board should not approve it.

Jennifer Borges, 13184 Starwood Lane, stated that she believes that the proposed development will be a loss of habitat for wildlife that she does not want to lose. She stated that she opposes this use.

Patrick Moraniec, 3413 Hawthorne Woods Parkway, stated that he does not believe the proposed use is within keeping the residential character of the vicinity. He also wants more specificity on the landscaping plans for the two acre property. He expressed concerns that the Site Plan Review process is only done at the Planning Commission, and not by the Township Board.

There was discussion about the Site Plan Review process, as it relates to the details of the site, including landscaping.

Roger Gray, 3421 Hawthorne Woods Parkway, commented about the process in general, and stated that the property owners in the area have expectations for continued residential use in their development.

Patrick Moraniec, 3413 Hawthorne Woods Parkway, cautioned the Board about action, and requested that the matter be tabled.

Todd Tarrant, 13626 Pearwood, stated that with the 21 additional acres still available for development within the Hawthorne Woods development, the Board should move quickly to review whether "professional office" should be allowed in the R-5 zoning district. He noted that he would like to see this discussion on the Agenda of a future meeting.

There was lengthy discussion regarding the issues raised. Manager Taylor pointed out that the Board has not yet seen the deed restriction language from the developer.

Trustee Musselman stated that it is difficult from the large packet provided to follow the lengthy process used when this issue was before the Planning Commission. He stated that he has trust in the Planning Commission's evaluation of this request.

The Board concurred that the Planning Commission action weighs heavily in their decision on this matter.

Trustee Ross stated that he still has issues regarding this blending into the residential character of the surrounding neighborhood.

Trustee Calder stated that he believes the entrance to the development might better be from the south entrance into Hawthorne Woods.

Treasurer Daggy stated that based on the discussion, she is confused, because she assumes we are considering the use, not the site.

Clerk Mosier stated that unless the Board has further unresolved issues, she cannot support tabling this matter.

There was discussion about the Board's options for action on this matter, i.e. approve, deny, change, return to Planning Commission. Attorney Robinson and Planning Consultant agreed that the Board could, as an option, change items within the proposed Special Use Permit.

Mosier moved, Daggy seconded, to approve, based on the Planning Commission recommendation, the review of the requirements of Section 5.7.4 and Section 7.3 of the Township Zoning Ordinance, the SUP application materials as amended, and input from the public, it is recommended that Special Use Permit 11-990002 Paris Property Management, the construction and operation of a 3,300 square foot dental office on a 2.02 acre parcel as described on the conceptual site plan, subject to nine conditions following, and further, the Board believes that the proposed Special Use Permit complies with the requirements of Section 5.7.4 and Section 7.3 of the DeWitt Charter Township Zoning Ordinance and represents a reasonable land use transition from more intensive non-residential land uses on the east side of Schavey Road to the residential uses to the north and south of the proposed site. (The nine conditions recommended by the Planning Commission and the additional condition offered by the applicant follow).

1)that the proposed 3,300 square foot dental office building shall be the only principal land use to be developed and operated on the 2.02 acre site as approved and regulated by SUP 11-990002.

2)that the proposed 3,300 square foot dental office building on the 2.02 acre site shall be subject to Final Site Plan review as regulated by Chapter VII of the DeWitt Charter Township Zoning Ordinance.

3)that the balance of the 21.28 acre site shall be regulated by the R-5 Single Family Residential Zoning District and intended for single family residential development.

4)that future residential development of the balance of the 21.28 acre site shall be subject to a traffic impact study to include, in addition to the proposed residential development, an analysis of the impact on the educational facilities on the east side of Schavey Road.

5)that the proposed 3,300 square foot dental office building shall only have one vehicular access drive to Schavey Road as approved by the Clinton County Road Commission.
6)that the proposed dental office use shall only have office hours Monday through Friday from 8:00 am until 6:30 pm with no weekend activity.

7)that the Clinton County Drain Commissioner's Office shall review and approve the final drainage plans for the proposed office use to include an analysis of the impact on the existing surface water detention/retention are to the north of the site.

8)that the applicant/property owner shall be responsible for a proportional financial share of the maintenance of the off-site detention/retention pond to the north should the Clinton County Drain Commissioner determine that the proposed office site impacts that facility.

9)that the Final Site Plan documents, in addition to the requirements of Section 7.3, and in order to make the proposed office use more compatible with the existing and future residential areas, shall address the following issues:

a)the provision of an expanded and enhanced landscape buffer to include earth berms and a mature landscape screen to buffer the existing residential area to the north of the proposed site.

b)the provision of a detailed lighting plan to include a description of light fixtures on the building and on the site which will propose a minimal, measurable amount of light intrusion to the surrounding residential area.

c)the provision of a signage plan which proposes the smallest amount of signage square footage and sign placement which is reasonable to identify the location of the proposed use.

d)the identification of the potential location of a proposed non-motorized pathway connection from the west through the site to Schavey Road.

AYES: Daggy, Mosier, Galardi, Seeger, Musselman

NAYS: Ross, Calder **Motion carried.**

Res 111165/Establish
2012 Mtg Dates &
Holidays

Mosier moved, Daggy seconded, to adopt Resolution 111164 establishing Township Board meeting dates for 2012.

AYES: Galardi, Mosier, Daggy, Calder, Ross, Musselman Seeger

NAYS: None **Motion carried.**

Mosier moved, Ross seconded, to approve the 2012 Township Offices Closing Holiday Schedule and the 2012 Union Employees Holiday Schedule. Motion voted and carried.

IPMC/Violations
Bureau Discussion

Supervisor Galardi questioned committee members about the process the committee used to reach its final product, a new draft of a proposed Property Maintenance Code. Most commented favorably on the process, and the approach the committee used to test each section of the code.

Two members of the committee thought the committee was too heavily weighted with members in favor of a Property Maintenance Code, or that too many officials were on the committee itself. The following committee members were present: Scott Randall, Norm Spalding, Loretta Spinrad, Tom Nitzsche, David Seeger, Max Calder, Diane Mosier. A written correspondence was received from committee member Sarah Hartman.

The following points were made by committee members:

- The new code may provide some additional tools and give some teeth to enforcement
- The proposed code will be applicable to the entire Township, but may be especially useful within the Southern Tier, where the housing tends to be older, and deed restricted subdivision do not exist.
- Some violators have cost the Township, and the proposed code may assist in taking the financial burden from the Township on to the violator, or allow cost recovery when the courts are utilized.
- The calls the Township staff receives are generally from residents and property owners who maintain their properties, but request assistance with neighboring properties that are not properly maintained and affect their entire neighborhood.
- In some cases, the proposed code will be more lenient than the existing regulations.
- The proposed code is not perfect, but is intended as a start.
- The proposed code may be too far reaching, and infringe on property owners rights.
- The implementation under the uniform code system may be too complicated, cause issues in keeping it up to date, and be too difficult for residents to understand or acquire.
- How the proposed code is enforced will be the most important factor in its implementation and administration.

Supervisor Galardi called for public comments.

Robert Zeeb, 2840 Herbison Road, stated that in general he thinks this maintenance code can be a good thing, and he generally supports it. He stated that updates could be a problem, and he understands that how the code is enforced will be very important.

Ken Taylor, 1280 Boichot Road, stated that he has had issues with foreclosed properties in his area, and even some owner occupied maintenance issues involving the accumulation of junk. He thanked the Planning Department for addressing in the code an issue he has experienced with the draining of his neighbors swimming pool onto his property, killing his trees.

Loretta Spinrad, 16837 Turner, stated that she believes this code will create maintenance problems. She relayed what she has experienced as a realtor, and indicated that a PMC has not been the solution for other communities, so why adopt one here. She stated that other programs can better help residents who are not in a financial position to upgrade or properly maintain their programs. She stated that this proposed code is too intrusive, and she suggested that the Township ditch the International Property Maintenance Code and write our own code.

Several Board members commented that it appears that is what we have done by the committee's approach to dissect the IPMC line by line, and then write our own ordinance to make the IPMC fit our community.

Vicky Shepherd, 13216 Addington, stated that they live in a deed restricted subdivision in the DeWitt School District and this code will help them with unkept properties still owned by the developer who does not maintain the vacant properties. She stated that the PMC is just good for our community and will help protect the investment of those who live here.

Scott Randall, owner of Redline Auto Service, stated that he does not generally support government intrusion, but in this case he does. He asked how the property he bought and cleaned up got into the shape it was? He stated that he believes it is because we don't have adequate rules about maintaining properties. He noted that since he cleaned up the property he bought, he has noticed that others in the area are cleaning up their properties. He questioned how requiring that property owners maintain their properties could be a bad thing?

Supervisor Galardi explained how other government units have seen the effects of "cleaning up" their communities and how one positive change can tip the balance.

Rick Shepherd, 13216 Addington, stated that he has called the Township, both the Police Department and the Building Office, only to be told that the Township cannot help him with the issues. He stated that he support the proposed new PMC.

Lisa Stow, 2188 Longwoods Drive, stated that her family owns property in the Township and it has been used as a dumping ground. She stated that she fears regulations could cause those who cannot afford to property dispose of items to dump them on vacant properties or in their dumpsters.

Bradley Throop, 14545 Boichot, stated that they have had issues selling their rental property in DeWitt Township because the surrounding properties are a mess, have junk cars, unmowed lawns, and no one wants to live next door to that kind of a mess. He stated that he believes this code could be a start in helping the Township staff get properties cleaned up. He noted that his complaints to the Township have not produced any help because additional regulation is needed.

Supervisor Galardi thanked the committee members and those who commented about the proposed PMC. He stated that he understands that the process has taken their time, and they are commended for their participation.

There was discussion about where the proposed ordinance will go from here. Manager Taylor provided options. Attorney Robinson provided some guidance regarding how the PMC/VB will function and the implementation process.

Ross moved, Daggy seconded, to schedule a First Reading of the IPMC/VB.

Trustee Seeger asked for a roll call vote.

AYES: Mosier, Daggy, Calder, Ross, Musselman, Galardi
NAYS: Seeger Motion carried.

It was suggested that January may be a good time for beginning the process to consider the adoption of a PMC.

State Tax-Foreclosed Property Manager Taylor explained the location of the property at the corner of Meadowlawn and BR-127, a property that did not sell at auction and will be transferred to the Township per statute. He noted that the property is vacant and only one block from the lot currently owned by the Township at the north west corner of Sheridan and BR-127.

Ross moved, Calder seconded, to authorize the Clerk to accept the transfer of title for Lot 31 of the Auto Park Subdivision which is located on the corner of BR-127 and Meadowlawn. Motion voted and carried.

VOUCHERS **Seeger moved, Musselman seconded, to approve General Operating Fund Vouchers 59273 – 59305. Motion voted and carried.**

REPORTS & COMMENTS Manager Taylor reported the following: the most recent grievance filed by the POLC Supervisor Unit has been dropped; December 21st should be the date we will know about the Aerotropolis designation; 2012 health insurance rates are in with the high deductible plan at no rate change, and the traditional plan at a very minor increase; Ralph Street residents have filed an informal petition requesting streetlights.

Manager Taylor also noted that the BetterBuildings audit has been completed with good results.

Supervisor Galardi reported that he and Clerk Mosier have executed the 425 Agreements with the City of Lansing.

EXTENDED Kevin Kirk, Greenbush Township resident, introduced himself as a candidate for the 93rd State PUBLIC COMMENTS Representative District, an office currently held by State Representative Paul Opsommer, who will be term limited from office in 2012.

ADJOURNMENT **Calder moved, Seeger seconded, to adjourn at 11:01 p.m. Motion voted and carried.**

Respectfully submitted,

Diane Mosier, Clerk

Rick Galardi, Supervisor