

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



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**Township Planner**  
Tory Niewiadomski

**Township Planner**  
Brett Wittenberg

**Recording Secretary**  
Linda K. Parkinson

**PLANNING COMMISSION  
MINUTES  
MONDAY, JUNE 1, 2015  
7:00 p.m.**

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

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

ROLL CALL by Secretary Lorenzen.

MEMBERS PRESENT: Krol, Bertram, Keilen, Gobbo, Musselman, Lorenzen.

MEMBERS ABSENT: Zimmerman, Dailey, Fair.

OTHERS PRESENT: Township Planner Tory Niewiadomski, Township Planner Brett Wittenberg, Recording Secretary Linda Parkinson.

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

APPROVAL OF MINUTES **Musselman moved to approve the minutes of the May 4, 2015 meeting as printed. Supported. MOTION CARRIED.**

CORRESPONDENCE: None.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

- I. **Request for Site Plan Review 15-150004 from Herbison US 27 Group**, to allow the construction of a 13,000 square foot pharmacy on property located at 13020 S. US 27, DeWitt, MI 48820 (Parcel #050-016-100-021-00), at the southwest corner of S. US 27 and Herbison Road, in the northeast ¼ of Section 16 of Dewitt Charter Township.

Township Planner Brett Wittenberg briefly reviewed staff's report dated May 29, 2015 pointing out the subject site is located at the southwest corner of Herbison Road and S. US 27. The northeast corner of the site is currently owned by Michigan Department of Transportation (MDOT). The applicant is in

negotiations with MDOT to acquire a portion of that right of way which does encumber the site. Any significant modifications to the site plan would require further review by the Planning Commission.

The subject site is zoned BL (Business, Local) and the proposed pharmacy is a permitted use within the BL District. The surrounding zoning consists of BC (Business, Community) to the north, east and south and PO (Professional and Office Services) to the west.

Wittenberg went on to advise the proposed new building complies with the lot area, width, and building height requirements listed in the Schedule of Regulations, Section 42-857 of the Zoning Ordinance. However, in the BL District, there is a 40 foot rear yard setback from the west property line. The proposed setback to the covered drive-through is 13.5 feet which will require a variance of 26.5 feet.

With respect to the Off-Street Parking requirement, Wittenberg advised the proposed use will require a total of 41 parking spaces. The applicant is providing 40 parking spaces. The Zoning Ordinance does provide the Planning Commission or Planning Official to authorize up to a 25% reduction in the parking, as well as reductions to other parking standards such as parking space size. The applicant is proposing parking stalls that would be 16 ft. in length and 10 ft. in width. The Ordinance requires 18 ft. in length for parking spaces. Staff is comfortable with the reduced length for a couple of reasons. First, it is adjacent to landscape areas so it would allow for a 2 ft. overhang. Additionally, the applicant is maintaining the 24 ft. drive aisle width. By reducing the parking stall length the applicant was able to meet the buffer yard width along the east side of the site. Also by providing an access sidewalk from Herbison Road caused the loss of at least one parking space. The applicant also intends to close off the existing access drive on Herbison Road and provide two access points from an existing private drive on the west side of the site and one access drive that will connect to the existing multi tenant commercial development to the south of the site.

Wittenberg noted that the applicant shall be requesting the following variances to the required buffer yard widths at the Zoning Board of Appeals meeting to be held on Wednesday, June 17, 2015:

1. A 3 foot variance to the required 5 foot buffer yard width along the west property line.
2. A 4.1 foot variance to the required 5 foot buffer yard width along the south property line.

It should also be noted that there are some overhead utility lines that limit the types of landscaping that could be provided in certain areas. Staff is of the opinion that the landscaping provided meets the utilitarian and aesthetic objectives of the buffer yard requirements.

Regarding signage, Wittenberg advised the applicant has identified a free standing sign at the southeast corner of the site and will be required to satisfy the sign ordinance standards as outlined in Article VIII of the Zoning Ordinance.

Wittenberg advised sidewalks will be installed along Herbison Road and S, US 27. The applicant shall be required to comply with the Clinton County Road Commission's requirements for supplemental right of way along Herbison Road for the sidewalk area and MDOT requirements for work within the right-of-way.

Wittenberg went on to review the Uses Permitted Under Special Conditions (See pages 5 and 6 of staff's report dated May 29, 2015).

Wittenberg further reviewed the request for compliance with Public Services and Facilities (See pages 6 and 7 of staff's report dated May 29, 2015).

Wittenberg stated, as a result of the notification process, the Planning Department did receive a communication from Jill Sweeney, owner of Great Clips, located at 13707 S. US 27, DeWitt, MI 48820, expressing concerns with traffic flow and congestion in the vicinity of the proposed site. Staff noted the proposed use did not meet the threshold that would require a traffic impact study which is 15,500 square feet of retail use. After staff was able to explain the layout of the proposed site plan to Ms. Sweeney she seemed less concerned about traffic issues.

Wittenberg stated the site appears to be in compliance with all the regulations listed in the Zoning Ordinance for drive through uses in a commercial zoning district. In addition, the site will comply with the Site Plan Review standards listed in the Ordinance, provided the previously noted conditions are met.

In closing, Wittenberg noted that staff is currently in the process of amending the parking requirements. Currently, the applicant is required to provide 41 parking spaces. However, with the proposed amendment, a pharmacy use would only be required to provide 18 parking spaces. If the proposed use was strictly retail there would only be 31 parking spaces required.

Musselman questioned who is responsible for the maintenance of the access drive to the west of the proposed site. He expressed concern with increased traffic on the access roads and whether they will be properly maintained.

Wittenberg stated there is an agreement with the current property owner of the site. As a condition of approval, staff has requested that the access agreement be amended to clearly identify who is responsible for improvements and maintenance of improvements within the easement areas, as well as general maintenance.

Niewiadomski added the agreement will be required to be recorded with the Clinton County Register of Deeds to insure that the expectations remain the same should the property transfer ownership.

Brief discussion followed regarding the specifics of the variances being requested by the applicant that will be heard by the Zoning Board of Appeals.

Bertram expressed concern with the 16 ft. deep parking spaces. He noted that a standard size car would not be high enough to pull forward over the curb to make up for the space that an 18 ft deep parking space would provide. He further pointed out that an SUV size vehicle that would be able to pull forward would damage the landscaping.

Lorenzen concurred with Bertram and stated her vehicle would not fit into the 16 ft. deep parking space.

Discussion followed regarding the average length of a vehicle and that a 16 ft. deep parking space would be best suited for a compact size vehicle.

Wittenberg advised the reduction in the parking space depth was an attempt to meet parking standards without having to request additional variances.

Lengthy discussion followed regarding the potential for traffic back up onto Herbison Road by vehicles that are trying to enter the site from the access road to the west.

Wittenberg noted this same site was previously approved for a pharmacy several years ago (SPR 97-150007). There were similar variances requested at that time (ZBA 97-770019).

Bertram noted that the population of the community has gone up since the previously approved site plan for the same location.

Krol questioned if the facility could be smaller to allow for larger parking spaces. She further questioned if a traffic study had been conducted.

Niewiadomski advised that the proposed 13,000 sq. ft. building is the minimum size proposed by Walgreens. Most of their stores are larger. No traffic study has been conducted. He noted the Clinton County Road Commission expressed no concerns with traffic circulation.

Gobbo questioned if there are issues due to the fact that the Township is mandating shared use pathways at the same time as landscaping requirements.

Wittenberg noted the shared use pathway is located within the right of way. However, the requirement of sidewalks along Herbison Road could be an implication that requiring both would pose a problem.

Gobbo suggested perhaps if the landscaping could be cut down there would be room for larger parking spaces.

Wittenberg stated that the Planning Commission does have the ability to reduce the number of plantings within the landscaping area. Another option would be to require decorative fencing in place of landscaping.

Lorenzen questioned if Stephen Pratt's concerns on behalf of the Mid Michigan District Health Department have been addressed.

Niewiadomski advised his concerns were addressed. The underground storage tank is specifically for storm runoff and the applicant is proposing to remove the existing drain field.

Hearing no further questions or comments from the Planning Commission, Chairman Bertram invited the applicant to speak.

Paul Furtaw, Bergmann Associates Architects, 1427 W. Saginaw, Suite 200, East Lansing, MI 48823, representing the applicant, stated the size of the proposed building is smaller than the standard Walgreens stores. They are not inclined to propose a smaller building. The loading area is on the south side of the building. With respect to the depth of the parking, the applicant originally submitted a site plan that did have deeper parking spaces around the perimeter of the site. The size was reduced at the suggestion of staff to allow for wider buffer spaces. Bergmann and Associates has designed other parking lots with reduced parking space depths and they have been successful. The idea is in line with a green concept to reduce pavement area and increase permeable service. With respect to discussion regarding elimination of parking in front of the building, Furtaw noted that Walgreens does require parking in front of the building partly due to consideration of the clientele visiting the pharmacy. In closing, Furtaw noted the peak hours for the site would not match up with peak hours that you would see congestion on Herbison Road. Currently, the planned hours of operation are set to be 24 hours a day.

Musselman stated that it seems by the number of requested variances that the applicant is attempting to place a lot of things on a fairly small site. He questioned if any consideration was given to any other locations for this development.

Furtaw stated perhaps the developer, Sam Eyde, would be able to respond to that question. He does know the fact that this is a corner property made it a very desirable location.

Bertram questioned if snow would be removed off site. He further asked if the southern access drive is proposed as one way in.

Furtaw stated they would have to look at the cross access easements to see how snow removal would be dealt with. The southern access drive would be used for the drive up pharmacy vehicles to exit. It would also be used as an entrance for the vehicles using the loading area. These vehicles could then exit from the south and pass by the front of the existing buildings south of the property. The trucks would be smaller than an average semi truck.

Brief discussion followed regarding the fact that a "standard" size parking space is 10 ft. x 20 ft.

Sam Eyde, 4660 S, Hagadorn, East Lansing, MI 48823, representing Herbison US 27 Group, stated it appears as if the Planning Commission would prefer to see larger parking spaces on the perimeter of the site than comply with the buffer requirements. The applicant would be agreeable to that. However, it may require another variance request. In answer to Trustee Musselman's question, the Walgreens corporate office is only interested in the proposed site. They do not intend on exploring other site options. He noted the Walgreens site in Okemos is approximately 15,000 sq. ft. Based upon the new store model they are looking at becoming more than just a pharmacy with more square footage.

It was the consensus of the Planning Commission that the applicant should provide standard size parking spaces that are 10 ft. wide and 18 ft. deep.

Brief discussion followed regarding how small the site seems for the proposed building and how congested the area could be at the corner of Herbison Road and S. US 27.

Chairman Bertram invited public comment.

There was no public comment.

Gobbo suggested a few minor changes to staff's suggested action should the Commission decide to move to approve the request.

Niewiadomski questioned if Krol would like to require a traffic study be conducted as a condition of approval.

Gobbo stated that traffic studies take months to conduct and he gets the sense that the applicant would like to move forward in a timely manner. He doubts that a traffic study would say much more than at certain periods of time there is more traffic in the area of the site. The question is whether the Commission can properly approve the proposed site plan for development.

Krol concurred with Gobbo's comments.

Niewiadomski questioned what time deliveries would be made to the site.

Eyde stated deliveries are usually made mid morning. He pointed out that the Okemos location does not even have circulation all the way around the building and there have been no difficulties with delivery trucks maneuvering on the site.

Musselman questioned if the applicant expects MDOT to allow the acquisition of part of the right of way on the site.

Eyde stated the process is moving slowly but he does not foresee any problems with the acquisition.

Musselman noted the only major concerns with approval are traffic circulation and the size of the proposed parking spaces.

Niewiadomski reiterated that the Clinton County Road Commission expressed no concerns with circulation. In addition, the applicant intends to close the non conforming driveway currently located on Herbison Road. This would promote the Township Access Management Principles.

Keilen stated that the traffic flow is really a business decision whether the site is so impeded that it would have a negative impact on the establishment. He would not want to make the process difficult for the applicant. If circulation becomes a problem customers will go elsewhere.

Musselman concurred. He questioned what staff would suggest to address the concerns with parking space size.

With respect to parking space size, Niewiadomski stated it really gets down to preferring sacrifice over landscaping or the parking issue. If the Commission does request that the parking space depth be at 18 feet that it may require an additional variance.

Brief discussion followed regarding the fact that additional variances would have to be noticed and the Public Hearing would be held the month following the variances scheduled for the June 17<sup>th</sup> ZBA Meeting.

Musselman stated there is a reason why Walgreens is interested in the proposed site. They are very large corporation and seem to feel that this property is a prime location for their business that would be profitable. It has been noted that they have stores locally that have the same site conditions that we have here and it flows well.

Bertram stated he would prefer all of the parking spaces be 18 ft. in depth.

Brief discussion followed regarding if landscaping is required to be removed a possible alternative for the applicant to provide decorative fencing to the landscaping along Herbison and S. US 27, subject to administrative review and approval.

**Keilen moved that the Planning Commission approve Site Plan Review 15-150004 from Herbison US 27 Group, to construct a 13,000 square foot pharmacy with drive-through facility to be located at 13020 S. US 27, DeWitt, MI 48820 (Parcel #050-016-100-020-00), 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. Prior to issuance of a building permit, the applicant shall provide a letter of approval from the Drain Commissioner.**
- 2. The parking area along the north side of the building above the on-site water collection system is capable of supporting 75,000 pounds and the dumpsters along the south side of the building comply with the Fire Department's requirements.**
- 3. The applicant complies with the Board of Water and Light and Southern Clinton County Municipal Utility Authority requirements regarding public water and sewer, including any medical or chemical waste disposal requirements.**

4. **The applicant complies with the Clinton County Road Commission's requirements for supplemental right-of-way for the sidewalk along Herbison Road.**
5. **Prior to issuance of a building permit, the applicant shall provide a letter of approval from the Michigan Department of Transportation for the proposed site plan, including an agreement concerning the right-of-way owned by MDOT on the northeast portion of the property. If substantial changes are required to the site plan as a result of MDOT's review, the applicant shall be required to resubmit for site plan review and approval by the Planning Commission.**
6. **If landscaping along Herbison Road or Old US 27 is required to be removed as a result of other agency requirements, the applicant shall provide decorative fencing as an alternative to landscaping subject to administrative review and approval by the Planning Department.**
7. **The applicant provides easements that are subject to review and approval by the Township Attorney that will be recorded with the Clinton County Register of Deeds for cross access to the property to the south and access to the private drive to the west. These easements shall be provided prior to issuance of building permits. In addition, the easements shall identify who is responsible for improvements and maintenance of improvements within the easement areas.**
8. **Approval by the Zoning Board of Appeals for the following variances:**
  - a.) **A 26.5 foot variance to the required 40 foot rear yard setback requirement from the west property line;**
  - b.) **A 3 foot variance to the required 5 foot buffer yard width along the west property line;**
  - c.) **A 4.1 foot variance to the required 5 foot buffer yard width along the south property line;**
  - d.) **If necessary, a 2 foot variance to the required 10 foot buffer yard width along the east property line.**
9. **The applicant shall comply with all the special conditions as outlined in the staff report.**
10. **All parking spaces shall be 18 feet in depth.**

**Supported.**

**ROLL CALL vote on motion:**

**AYES: 6      NAYS: 0      ABSENT: 3 (Fair, Dailey, Zimmerman)**

**MOTION CARRIED.**

- II. Update - Proposed Ordinance Amendment 42.5 – Parking Requirements, An Ordinance to amend the DeWitt Charter Township Zoning Ordinance Article VII- OFF-STREET PARKING AND LOADING REQUIREMENTS to provide more flexibility to site development requirements; to amend the number of required off street parking space requirements; to amend the reduction, modification, waiver requirements; to add a section for maximum or capped parking ratios; to add a section to allow for parking deferments; to add a section to address snow storage on site within parking areas; to add a section for parking restrictions; to amend Article IX- LANDSCAPE AND BUFFERYARDS requirements to provide internal parking lot landscaping location requirements; to repeal Ordinances in conflict herewith; and to establish an effective date hereof.**

Township Planner Niewiadomski briefly reviewed staff's memorandum dated May 28, 2015. Staff has gone through and incorporated changes suggested at the last meeting. The next steps are for the Township Attorney to provide final comments and to set a Public Hearing for the Ordinance Amendment. After the Public Hearing is held, a recommendation will be forwarded to the Township Board of Trustees.

Lorenzen suggested under #11 – Elementary and Junior High School, that there should be 1 parking space provided per employee rather than for every 2 employees. It would seem like each employee would typically have their own vehicle.

Krol suggested several grammatical changes. In addition, she asked for clarification on the definition of “bicycle rack” and “bicycle parking areas”.

Gobbo suggested that staff indicate on further amended documents that there be strike outs for language removed and highlights where language is added to assist the Commissioners in reviewing amended documents.

**Gobbo moved to receive Proposed Ordinance Amendment 42.5 – Parking Requirements and set a Public Hearing to be held on August 3, 2015. Supported. MOTION CARRIED.**

#### NEW BUSINESS:

**I. Senior Study – Discussion**

Niewiadomski briefly reviewed staff's memorandum dated May 29, 2015 noting a few possible amendments to the Zoning Ordinance that could promote senior housing and continuum of care.

Gobbo suggested the Planning Commission appoint an Ordinance Amendment Sub Committee for the purpose of discussing potential ordinance amendments prior to the Planning Commission review. This might decrease the amount of time spent honing in on small details during the Public Hearing.

Niewiadomski stated staff would look into the process of reestablishing the Ordinance Amendment Sub Committee.

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 recent Board of Trustees meetings.



II. Zoning Board of Appeals:

Gobbo gave a brief report of business conducted and action taken at the May 20, 2015 Zoning Board of Appeals meeting.

III. Committees: None.


IV. Staff:

Place Making Workshop – Tentative date of Monday, June 29, 2015 (time to be determined).

Niewiadomski asked the Planning Commission to mark their calendars for Monday, June 29, 2015 with a time to be determined for a joint workshop with the City of Dewitt regarding Place Making in the community. Staff will send out a confirmation e-mail when a time has been confirmed.

DISCUSSION: None

ADJOURNMENT: **Gobbo moved to adjourn the meeting at 9:42 p.m. Supported. MOTION CARRIED.**

  
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Linda K. Parkinson, Recording Secretary

  
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Abby Lorenzen, Secretary