

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
TUESDAY, SEPTEMBER 8, 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, Dailey and Fair.

MEMBERS ABSENT: Zimmerman.

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

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

APPROVAL OF MINUTES Fair moved to approve the minutes of the August 3, 2015 meeting as printed. Supported. **MOTION CARRIED.**

CORRESPONDENCE: None.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

I. PUBLIC HEARING - DeWitt Charter Township 2016 Capital Improvement Plan.

A. Open Public Hearing. Chairman Bertram declared the Public Hearing opened at 7:02 p.m.

B. Administrative Comments/Applicant Comments/Public Comments.

Township Planner Tory Niewiadomski briefly reviewed staff's memorandum dated September 4, 2015. He also briefly reviewed the process and the status of projects listed in the 2016 CIP document.

Musselman questioned why Item CC. Park Monument Signs were recommended for the Year 2020 when the funds are currently available through 425 reserves.

Bertram noted the Township desires that the signage be uniform throughout the community and that may have an affect on the time frame of the project.

Lorenzen commented that she was a little surprised that the Dog Park project was also recommended for the Year 2020 due to the fact that it is a low funding project and very much wanted in the community.

Bertram stated he sat on the ad hoc committee for the dog park project. The people in the community that are in support of the project are planning fundraisers to help pay for the park, rather than all of the funding being provided by the Township. That may be a reason for the delay.

Township Planner Brett Wittenberg added that Township staff is meeting with the residents of the community and there are still a lot of unknowns such as a potential location and narrowing down the wants and needs.

Hearing no further Commissioner questions or comments, Chairman Bertram invited public comment.

Charles Allen, 1306 Boichot Road, Lansing, MI 48906, expressed concern with Section X. Expansion of Public Water in Southern Tier. He noted that at the March 2009 meeting referred to in the CIP document there were 110 people who attended. Only 32 attendees ranked public water or sewer on a "wish list" ranked 1 to 10. There were 14 people who placed water at a number 1 priority and 18 people placed water as a number 2 or 3 priority. The remaining 78 attendees did not rank public water at all. On November 10, 2010 a survey was distributed to all attendees of the March 2009 meeting. There were 186 households who responded out of 928 possible homes. The results of that response were 34 households wanted public water, 144 did not want public water and 10 people were uncertain. Subsequent surveys have been done and approximately 78% of the people in the South Central Area did not want public water. He asked that Section X. be removed from the 2016 CIP document.

Niewiadomski stated he was not with the Township at that time. However, he is aware that during the process the public was not in favor of public water. He noted that the CIP document indicates that without some sort of external funding sources it is highly unlikely that the project would be accomplished. This item does serve as a place holder in the document and may someday be strived for as a public investment.

Gobbo stated, although it is not likely that this project will move forward in the near future, he feels the project should still stay within the 2016 CIP document. If there should be development in the southern tier, the fire safety issues are on the map to

possibly be addressed. He noted the reason for having a planning process is to preserve the health, safety and well being of the residents.

Charles Allen, 1306 Boichot Road, Lansing, MI 48906, stated a community should never be planned around what the people do not want. The people in the southern tier have voiced their opinions on the public water issue. He suggested the following verbiage be added to Section X. "Will revisit if a significant source of funding, other than special assessment, is determined". The residents in the southern tier do not want the expense of connecting to public water.

Bertram stated it would make sense to keep Item X. within the CIP document in case a source of funding becomes available in the future.

Fair stated he understands Mr. Allen's view on this issue. It seems the people in the area are clearly against bringing in public water. However, he does not feel the project should be completely removed from the CIP document.

Lorenzen commented that when she read the 2016 CIP document it was her interpretation that the expansion of public water in the southern tier was not going to happen anytime in the near future. She does not feel it should be completely removed from the document. Currently the projected date is 2022. She perceives that to be "maybe sometime in the future".

Musselman stated the March 2009 meeting has always been used as the credibility for this project. In fact, surveys have shown that the residents are not in favor of public water in the southern tier. Perhaps that language should be removed from the document and replaced with a realistic reason why this project should still remain in the CIP document.

There were no further public comments.

- C. Close Public Hearing. **Keilen moved to close the Public Hearing at 7:33 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Gobbo moved to approve that the Planning Commission adopt the Resolution approving the DeWitt Charter Township 2016 Capital Improvement Plan, with the following amendments to Page 23, Item X. Expansion of Public Water in Southern Tier:

1. **Strike the last sentence of paragraph one which reads:
"This would improve the ISO rating for citizens in this area."**
2. **Strike the second paragraph which reads:
"In late 2009, the Township arranged a meeting with residents in the Southern Tier to discuss the estimated costs for expansion of public water. Even using an extended 30 year special assessment process, most residents felt that the investment was too high. Without significant external funding**

resources, it is unlikely this project will proceed anytime in the near future.”

3. **Under Funding Source strike out “Special Assessment” and add the underlined wording below:
Funding Source: Grants, Developers, or other resources that will not result in a special assessment to the residential tax payers.**

Supported.

Lorenzen asked for Gobbo’s reasoning for the second paragraph being removed.

Gobbo stated he felt the second paragraph should be removed due to Trustee Musselman’s previous comment about the March 2009 meeting being used as a reason to move forward with the project as some point in the future.

Lorenzen stated perhaps the second paragraph should be left in because it indicates that the residents are not in favor of public water in the southern tier due to the investment costs.

Gobbo stated that the rationale for moving forward with this project would be related primarily to the health, safety and welfare of the public. It is the Township as a whole that should be concerned about providing these components to its residents and also to any future development in the southern tier.

Brief discussion followed regarding the fact that this document comes before the Planning Commission annually. Changes related to using an assessment process can be revisited at a future date.

ROLL CALL vote on motion:

**AYES: 6 NAYS: 2 (Krol, Fair) ABSENT: 1 (Zimmerman)
MOTION CARRIED.**

NEW BUSINESS:

I. Wireless Communication – Discussion

Township Planner Tory Niewiadomski briefly reviewed staff’s memorandum dated August 20, 2015 stating in March of 2015 a joint meeting was held between the Board of Trustees and the Planning Commission which resulted in a prioritization of items to be addressed by staff. Based on the discussion, it was determined to classify the approximate 14 ordinance amendments into three priority levels. Wireless Communication Towers were classified in a group of 1st priorities.

Based upon review of the legislative changed under Section 125.3514 of the Michigan Zoning Enabling Act, it appears that the intent of the changes were to streamline the process for collocation of equipment on existing towers and compounds to bypass local zoning approval, provided certain conditions are satisfied.

Niewiadomski went on to review recommended changes to the Township's current regulations for wireless communication towers as set forth in Section 42-964 – Wireless Communication Towers and Appurtenances.

In closing, Niewiadomski advised this information is provided for preliminary discussion purposes. The next step would be to gather input from the Planning Commission and forward a rough draft to the Township Attorney for his review. The document would then be put into ordinance form for consideration by the Planning Commission.

There was no action taken.

II. Mining Regulations – Discussion

Township Planner Brett Wittenberg briefly reviewed staff's memorandum dated September 1, 2015 advising that at the March 2015 Joint Meeting between the Board of Trustees and the Planning Commission, Lands with Mineral Deposits (Mining Operations) were classified in a group of 1st priorities to address by staff as possible ordinance amendments in order to be consistent with the Michigan Zoning Enabling Act.

Wittenberg went on to review proposed amendments to the Township's current regulations related to mining operations.

Discussion followed regarding how unpredictable the extraction process can be based on many factors.

Gobbo commented that the proposed changes are simply trying to address the statutory changes of recent legislation.

Dailey questioned the need to have fencing provided around a residential use that is located on the property where extraction is to occur.

Wittenberg noted that the Township is responsible to assure the health, safety and welfare of the public.

Gobbo noted there is already a requirement that fencing be provided around any area where excavation is occurring. He concurs with Dailey's comment.

Discussion followed regarding the possibility of a waiver requirement related to rental properties. Staff will seek counsel from the Township Attorney on this matter.

Discussion also followed regarding the approval and renewal deadlines for mining operations.

It was the consensus of the Planning Commission that mining operation approval would be for a five (5) year period, subject to annual review.

There was discussion related to what the depth of a water body should be at the end of the extraction process. It was the consensus of the Planning Commission that it would depend upon what the final intended use of the property would be.

Bertram suggested staff research required water depth of other surrounding communities.

In closing, Wittenberg advised the next step would be to conduct additional research, consult with the Township Attorney and bring this item back to the Planning Commission.

III. Request for Special Use Permit 15-990003 from Lawrence D. Clark to do a major amendment to the Planned Unit Development for Shadybrook (SUP 04-990004 approving 115 single family residential units on 38.53 acres) to change the intent from a residential Planned Unit Development to allow for a mixed use Planned Unit Development that would include a four building Office Park development consisting of approximately 14,000 sq. ft. of commercial professional office space on a 4.67 acre site and modify the total number of single family residential units to 97 on the remaining 31.09 acres of undeveloped land. The property is located on the north side of Clark Road, east of Panther Drive, south of Myrtle Drive, west of DeWitt Road, in the southeast ¼ of Section 18 and the southwest 1/7 of Section 17 of DeWitt Charter Township (Parcel #050-018-400-015-51).

Gobbo moved to receive Request for Special Use Permit 15-990003 from Lawrence D. Clark and set for a Public Hearing to be held on Monday October 5, 2015. Supported. MOTION CARRIED.

Brief discussion followed regarding the benefits of the applicants meeting with property owners prior to the Public Hearing process.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS:

Ron Balzer, 3450 E. Clark Road, Bath, MI 48808, asked if staff could clarify the duration of Special Use Permits related to mining operations.

Wittenberg explained staff was asking for input from the Planning Commission as to whether the duration of a Special Use Permit might be a longer amount of time if it was for a rural property rather than property that is close to a residential use.

REPORTS:

I. Trustee:

Trustee Musselman gave a brief report on business conducted and action taken at the Board of Trustees meetings held on Monday, August 10, 2015 and Monday, August 24, 2015.

II. Zoning Board of Appeals:

Gobbo advised there was no meeting of the Zoning Board of Appeals held in the month of August.

III. Committees: None.


IV. Staff:


Niewiadomski advised the Planning Commission of a request for Site Plan Review that will be on the October 5, 2015 Agenda for property located on Mak-Tech Drive.

Niewiadomski also provided an update on the court action taken against the owner of the Highway Motel located at 16960 S. US 27, Lansing, MI 48906.

DISCUSSION: None.

ADJOURNMENT: Fair moved to adjourn the meeting at 8:50 p.m. Supported. MOTION CARRIED.


Linda K. Parkinson, Recording Secretary


Abby Lorenzen, Secretary