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Bruce Keilen
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Steve Gobbo
Secretary
Adam Bertram
Commissioners
Steve Musselman, Trustee
Dale Dailey
Marsha Zimmerman
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PLANNING COMMISSION MINUTES
MONDAY, APRIL 1, 2013
7:00 p.m.

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

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

ROLL CALL by Secretary Bertram.

MEMBERS PRESENT: Bruce Keilen, Steve Gobbo, Adam Bertram, Dale Dailey, Kristen Krol, Marsha Zimmerman, Kim Smelker, Trustee Musselman.

MEMBERS ABSENT: Tim Fair.

OTHERS PRESENT: Planning Consultant Jim Foulds, Planning Assistant Tory Niewiadomski, Township Manager Rod Taylor, Recording Secretary Linda Parkinson.

APPROVAL OF AGENDA: **Dailey moved to approve the Agenda as printed. Supported. MOTION CARRIED.**

APPROVAL OF MINUTES: **Gobbo moved to approve the minutes of the March 4, 2013 Regular Meeting as presented. Supported. MOTION CARRIED.**

CORRESPONDENCE: Niewiadomski advised the Planning Department received a correspondence dated March 28, 2013 from Cheryl L. Poole stating she is not in support of Special Use Permit 13-990002 from E. T. MacKenzie Company (Unfinished Business Item II).

PUBLIC COMMENTS: Katrina Bolton, 2200 Montego Drive, Lansing, MI 48912, briefly reviewed a proposal for a Bed and Breakfast/Event Venue for property located at 13403 Wood Road, Bath, MI 48808 which she has recently discussed with staff. Currently, the use would not be allowed in the A (Agricultural) zoning district. She questioned if the Township had a variance process in place that she could apply for.

Niewiadomski stated the Bed and Breakfast use could be allowed under a Special Use Permit. However, the Special Event use is a more intense use and would be appropriate in the BC (Business, Community) zoning district. This particular proposal would require a Zoning Ordinance text amendment before it could be allowed in the A (Agricultural) zoning district.

Commissioner Gobbo advised, without a formal application being submitted, he is not certain where the property is located and the particulars of the potential request. He would like to reserve comment until an actual application is filed with staff's comments and recommendations.

Musselman concurred with Gobbo. He urged Ms. Bolton to work with staff on exploring the possibilities of a text amendment to the Zoning Ordinance.

UNFINISHED BUSINESS:

- I. Mixed Use Zoning Amendment 42.1** to amend the DeWitt Charter Township Zoning Ordinance to permit by special use a range of residential land uses to be combined or mixed with non-residential land uses in the O (Office), BL (Business, Local), BC (Business, Community) and BSC (Business Shopping Center) zoning districts. **Note: Action postponed at the March 4, 2013 meeting.**

Niewiadomski provided a brief update advising that the Public Hearing was held on proposed Ordinance Amendment 42.1 on March 4, 2013. At that time the Planning Commission postponed action to allow time for staff to consider requested changes to the text.

The suggested amendments have been reviewed by the Township Attorney and Planning Commission members have the revised copy of the proposed Ordinance Amendment before them.

Gobbo moved to recommend to the Board of Trustees adoption of Proposed Ordinance Amendment 42.1 as it has been amended. Supported.

ROLL CALL vote on motion:

AYES: 8 NAYES: 0 ABSENT: 1 (Fair)

MOTION CARRIED.

- II. PUBLIC HEARING - Request for Special Use Permit, 13-990002 from E.T. MacKenzie** to replace/renew Special Use Permit #07-990007 for removal of additional gravel material from the bottom of the existing lake and the expansion of the pit and lake to the southern property line as approved in Major Amendment #09-990003 on property located at 1300 E. Clark Road, Lansing, MI 48906, south of Clark Road, east of US 27, north of a 25 acres parcel located at 14788 Boichot Road (Stoll Road excavation site, parcel #050-022-300-085-50), in the west ½ of Section 22 of DeWitt Charter Township.

- A. Open Public Hearing. Chairman Keilen declared the Public Hearing opened at 7:14 p.m.**
- B. Administrative Comments/Applicant Comments/Public Comments.**

Planning Assistant Niewiadomski briefly reviewed staff's report dated March 27, 2013 advising that the request is for the continuation of the existing Special Use Permit 07-990007 for a gravel extraction operation at the property located at 1300 E. Clark Road.

The subject site is zoned A (Agricultural). The surrounding zoning consists of A (Agricultural) to the east, south and west, and BL (Business, Local) to the north. The surrounding land uses consist of residential to the north and east, vacant to the west, and mining operation/single family residential to the south.

The entire site consists of 106 acres with approximately 75 acres being classified under the existing Special Use Permit. Roughly 38 of those acres are under excavation. The applicant is proposing to operate the existing mining operation for an additional 6 to 7 years. The parcel immediately south of the subject site (Kazenko property) was also an excavation site. However, the Special Use Permit (07-990005) for that property has expired and the property is now in the reclamation phase. Reclamation is expected to be completed in the Fall of 2013.

The proposed hours of operation are 7:00 am to 5:00 pm, Monday through Friday and 7:00 am to 3:00 pm on Saturdays with no activity on Sundays or Township recognized holidays. These hours of operation are consistent with the previous Special Use Permit.

Chairman Keilen invited the applicant to speak.

Ron Clark, representing E.T. MacKenzie Company, 4248 W. Saginaw Hwy., Grand Ledge, MI 48837, advised that the applicant's intention is to continue the existing operation as it has been permitted for the last five years. The reason for the request is due to the fact that plenty of material still exists on the site for processing. Approximately, 375,000 yards of material have been removed from the site. It was anticipated that it would take 8 to 9 years to complete the operation. However, the economy has suffered quite a financial downturn over the last 7 years, including severe restriction of the construction industry. Therefore, operations on the site have gone much more slowly than expected. It is anticipated that approximately 600,000 yards of material still remain on the site for removal.

Clark went on to advise that the proper permits have been obtained from MDEQ to allow the combination of the two bodies of water that exist on the site and the property to the south. The lake on the subject site will not expand any further north. However, a wetland area will be built on the north shoreline as part of the mitigation of the site. Expansion will take place on the west side of the existing body of water. It is anticipated that the final use of the site would most likely be residential in nature.

In closing, Clark briefly reviewed the future operation schedule for the duration of the proposed Special Use Permit request.

Gobbo noted that the proposed 6 to 7 year operation will largely depend upon the state of the economy over the next several years. Could the time frame be shorter if the economy recovers.

Clark stated the duration of the operation will be a variable, based on the economy.

Gobbo questioned if the extraction of materials could be ongoing with the storage of the aggregate offsite for when it is needed for a particular job. This might allow the reclamation of the property to take place in a more timely manner.

Clark stated it would be very improbable that offsite storage would take place. This would add approximately 70 percent to the cost of the final product. It may be possible to store some of the extracted materials on site. However, it is not a guarantee that the land would be reclaimed more quickly.

Gobbo questioned if Mr. Clark could put a dollar amount on what it would cost the applicant should they have to abandon this site.

Clark stated he could not give an exact amount but could guess the cost would exceed 5 million dollars of loss in cost.

Keilen noted a correspondence dated March 28, 2013 from Cheryl Poole stating issues with noise and dust. He questioned if dust abatement has been ongoing.

Clark stated there have been a few isolated times when dust was an issue. Water trucks are on site and the employees are supposed to stay on top of the dust mitigation.

Brief discussion followed regarding the number of residential properties located on the east side of the subject site.

Chairman Keilen invited public comments.

Margie Conner, 14781 Boichot Road, Lansing, MI 48906, questioned if equipment would be running prior to the hours of operation. She also expressed concerns with dust.

Musselman questioned if Ms. Conner had called the Township offices at the time that the dust is blowing.

Keilen advised that equipment should not be running prior to the hours of operation. He urged Ms. Conner to contact the Township offices when the dust is not controlled so that staff could address the issue at the time it is taking place.

Pat McAvoy, 14641 Boichot Road, Lansing, MI 48906, asked for clarification as to where the Special Use Permit area is located. She questioned if additional time would be allowed past the Special Use Permit duration to store materials on the site.

Niewiadomski indicated the Special Use Permit area on the presentation map.

Keilen advised the entire operation, including the reclamation process, would be required to end at the time that the Special Use Permit approval expires, or the applicant could request an extension of the Permit.

Township Planner Jim Foulds briefly described the annual review process for Special Use Permits of this nature.

Faye Hagy, 1745 E. Clark Road, Lansing, MI 48906, questioned what the intended end use would be for this site.

Keilen advised the applicant is required to return the site to its natural state. However, it is not the applicant's obligation to develop the site for a future use.

Brad Throop, 14545 Boichot Road, Lansing, MI 48906, expressed concern with the length of time this extraction operation is taking. He further expressed concern with noise and dust.

Rebecca Stimson, 1841 E. Clark Road, Lansing, MI 48906, asked what procedure is in place should a resident contact the Township with a complaint. She also noted there had been mention of creating a wetland on the north end of the site but also storage and sorting of materials at the north end of the site. Which of these would be closest to Clark Road.

Niewiadomski advised after a complaint has been made, staff follows up with the applicant and conducts a site inspection. Complaints are also noted in the file. If it is determined that the applicant is not responsive to following the conditions of the Special Use Permit, the permit could be revoked.

Clark advised the wetland mitigation area would project from the existing north shore of the lake, up to about the north line of the existing middle building, as shown on the plans submitted. The sorting operation would be located in the area between the existing middle building and the back side of the berm, as shown on the plans.

Brief discussion followed regarding the applicants dust mitigation plan.

Smelker suggested perhaps the hours of operation could be more specific as to what is allowed and disallowed to go on outside the agreed upon hours, such as the warming up of equipment.

Larry Swain, 14222 Boichot Road, Lansing, MI 48906, questioned if the existing concrete barriers and storage buildings would remain on the site after reclamation.

Clark advised the concrete barriers would eventually be moved to another job site but the storage buildings would remain on the property.

There were no further public comments.

- C. Close Public Hearing. **Musselman moved to close the Public Hearing at 8:14 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Gobbo moved to postpone action on Request for Special Use Permit 13-990002 from E.T. Mackenzie Company to allow staff time consider concerns and issues stated at the Public Hearing and return with a recommendation at the next meeting scheduled for Monday, May 6, 2013. Supported.

ROLL CALL vote on motion:

AYES: 8 NAYS: 0 ABSENT: 1 (Fair)

MOTION CARRIED.

III. PUBLIC HEARING - Request for Rezoning, 13-880001 from Daniel Rathke to rezone approximately 3 acres of a proposed parcel from Industrial, Light to Agricultural to make the 13.79 acre proposed parcel zoned Agricultural so that the property may be used in its entirety for residential purposes on current vacant parcel 050-004-300-010-50 on W. Round Lake Road, DeWitt, MI 48820, south of Round Lake Road, north of the Looking Glass River, east of the City of DeWitt limits, and west of Old US 27 in the SW ¼ of Section 4, and NW ¼ of Section 9 of DeWitt Charter Township.

A. Open Public Hearing. **Chairman Keilen declared the Public Hearing opened at 7:20 p.m.**

B. Administrative Comments/Applicant Comments/Public Comments.

Niewiadomski briefly reviewed staff's report dated March 28, 2013 pointing out the location of the site. The request is to rezone approximately three (3) acres of a proposed parcel from IL (Industry, Light) to A (Agricultural) to create a 13.79 proposed parcel that would be zoned A (Agricultural) in its entirety so that the property may be used for residential purposes on current vacant land located on the south side of Round Lake Road (Parcel #050-004-300-010-50) in the southwest ¼ of Section 4, and in the northwest ¼ of Section 9 of DeWitt Charter Township.

Currently, the subject site is zoned IL (Industrial, Light) and A (Agricultural). The surrounding zoning consists of A (Agricultural) to the north, south and west, and IL (Industrial, Light) and A (Agricultural) to the east. The Future Land Use designation for the site is SF-M (Single Family Medium Density). The surrounding designations consist of SF-M (Single Family Medium Density) and SF-L (Single Family Low Density).

In December 2012, the applicant received approval for a variance to create a parcel that would not conform to the minimum frontage requirements for a parcel in the A (Agricultural) zoning district (Appeal 12-770008).

Musselman questioned the history of the site and why the IL (Industry, Light) zoning would exist in this area.

Keilen advised the that many years ago the area was used as a meat packing plant.

Chairman Keilen invited the applicant to speak.

Daniel Rathke, applicant, 1922 Donora Street, Lansing, MI 48910, stated he intends to build a residence on the site, as well as enjoy some light agricultural uses.

Chairman Keilen invited public comment.

There was no public comment.

C. Close Public Hearing. **Zimmerman moved to close the Public Hearing at 8:30 p.m. Supported. MOTION CARRIED.**

D. Discussion and possible action by Planning Commission.

Musselman moved that the Planning Commission recommend to the Board of Trustees approval of Rezoning Request 13-880001 from Daniel Rathke for property as legally described on the application materials and survey documents, from IL (Industrial, Light) zoning district to A (Agricultural) 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: 8 NAYS: 0 ABSENT: 1 (Fair)

MOTION CARRIED.

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 Board of Trustees meetings held on March 11, 2013 and March 29, 2013.

II. Zoning Board of Appeals:

Gobbo advised there was no Zoning Board of Appeals meeting held on March 20, 2013 as no applications were filed.

III. Committees:


Niewiadomski gave a brief report on the progress of the Non-Motorized Transportation Committee.

IV. Staff: None.

DISCUSSION: None

ADJOURNMENT:

Musselman moved to adjourn the meeting at 8:38 p.m. Supported. MOTION CARRIED.



Linda K. Parkinson, Recording Secretary



Adam Bertram, Secretary