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Steve Musselman, Trustee
Dale Dailey
Marsha Zimmerman
Tim Fair
Adam Bertram
Kristen Krol



Township Planner
Jim N. Foulds

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PLANNING COMMISSION MINUTES
MONDAY, NOVEMBER 5, 2012
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 Kim Smelker.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Planning Consultant Jim Foulds, Recording Secretary Linda Parkinson.

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

APPROVAL OF MINUTES: **Fair moved to approve the minutes of the October 1, 2012 Regular meeting as presented. Supported. MOTION CARRIED.**

CORRESPONDENCE: None.

PUBLIC COMMENTS: David Schalk, 1572 Craig Street, Lansing, MI 48906, stated he approached the Planning Commission a few months ago regarding amending the Zoning Ordinance to allow backyard chickens in residential areas. At that time he was advised that the Planning Commission would place this on their task list but it was not a high priority at this time. Mr. Schalk has now received a letter from the Township Code Compliance Officer advising that he is not in compliance with the Ordinance and has been given three months to get rid of his chickens. He questioned who he should contact regarding this.

Planning Consultant Jim Foulds advised Mr. Schalk to contact Township Manager Rod Taylor.

Mr Schalk further questioned the status of the proposed Property Maintenance Code.

Trustee Musselman provided a brief update on the status of the proposed Code.

UNFINISHED BUSINESS:

I. PUBLIC HEARING - Request for Special Use Permit 12-990003 from Sam Dalman, to be allowed to operate an ice cream shop with a drive thru window on property located at 13191 Schavey Road, Suite 1 of Schavey Road Shopping Center, DeWitt, MI 48820, in the northeast ¼ of Section 18 of DeWitt Charter Township.

A. Open Public Hearing. Chairman Keilen declared the Public Hearing opened at 7:10 pm.

B. Administrative Comments/Applicant Comments/Public Comments.

Planning Consultant Jim Foulds briefly reviewed staff's report, as well as the proposed site plan. He noted the site is located within the Schavey Road Shopping Center. The existing access drives, parking spaces, etc. have been previously approved at the time the shopping center went through site plan review. It should be noted the existing drive through at the applicant's site did not receive Special Use Permit approval, as the Zoning Ordinance now requires.

With respect to the nature of the request, the applicant is proposing to utilize the existing configuration for drive through space which will require approval of a Special Use Permit. The proposed use of an ice cream shop is a permitted use within the existing BSC (Business Shopping Center) Zoning District.

Foulds went on to advise that the standards for commercial drive through operations include stacking space requirements. The Ordinance requires room for four vehicles that will not extend into the public right-of-way. Both the Police Department and Fire Department have reviewed the exterior circulation and have no concerns from a public safety standpoint. The primary question when reviewing this request would be whether the function of traffic in the drive through would change the operation of the traffic circulation system within the shopping complex.

Chairman Keilen invited Commissioner questions or comments.

Brief discussion followed regarding the fact that no Special Use Permit is on file with the Township for the existing drive through window. The applicant is required to have SUP approval and therefore is now seeking the approval for a permit.

Chairman Keilen invited the applicant to speak.

Sam Dalman, applicant, 3797 Gorman Drive, Lansing, MI 48906, stated he would be glad to answer any questions or concerns raised.

Fair questioned if the proposed use is strictly for an ice cream store or does the applicant intend to provide other types of food.

Dalman stated he may serve soups and hotdogs in addition to ice cream.

Deb Kirchen, 501 E. Main Street, DeWitt, MI 48820, stated she is the owner of a coffee shop in the same building as the proposed ice cream shop. She is in favor of the ice cream shop. However, she expressed concern with circulation surrounding the use of the proposed drive through. She does not feel there is sufficient room to operate the window without blocking traffic. She further stated she submitted a letter expressing her concerns (see correspondence received November 2, 2012 in file).

Trustee Musselman stated he visited the site and measured the drive through area. It appears as if two vehicles would fit in the space. A third vehicle would extend into the internal circulation area.

Alexa Vitek, 13681 Cottonwood Drive, DeWitt, MI 48820, stated she owns a dental office in the Schavey Road Shopping Center. She is 100 percent in support of new businesses coming into the shopping plaza. However, she expressed concern with traffic flow and advised there is already traffic congestion issues related to the customers of the coffee shop. She questioned where the overflow of vehicles would wait if the drive through area was full.

Justin Carpenter, 3469 Donamere Drive, Lansing, MI 48906, stated he is co-owner of a tanning salon in the Schavey Road Shopping Center. He also is very much in favor of the new business going into the shopping center. However, he expressed the same concerns with increased traffic and the flow of the internal circulation should the drive through use be approved. He stated a large percentage of customers enter the shopping plaza from the Old Hickory Trail entrance which is right by the proposed drive through area.

Dalman stated he appreciates all of the concerns expressed. He has conducted some studies and found that for this type of business approximately 65% of the business will come through the drive through window. He agrees two vehicles can fit in the drive through area. He has done some measurements and suggests possibly a turn lane be constructed to allow for traffic to pass through. Another thing to consider is the proposed hours of operation are Noon until 9:00 pm so traffic flow would not be affected in the morning hours. In closing, Dalman noted there is also a main entrance off of Schavey Road that can be used to access the shopping center.

Gobbo questioned if the applicant would consider closing off the drive through area and use the space for walk up service. The proposed drive through is the only one in the shopping plaza and seems incongruent with the rest of the center. He questioned if the applicant had a backup plan in case the request is not approved.

Dalman stated he did not have a backup plan. He does have a plan in place to be sure the employee's provide fast and efficient service in order to avoid traffic back up.

Fair questioned if the owners of the shopping center are willing to provide a turn lane along the area where the drive through exists.

Dalman stated the owners are willing to provide markings for a turn lane. He has measured the area and it appears as if there is sufficient room to do so.

Brief discussion followed regarding various scenarios for accommodating backed up vehicles.

Zimmerman questioned if the applicant intends to have a speaker system to place orders.

Dalman stated he would be unable to do so due to the placement of an existing transformer.

There were no further comments or questions.

- C. Close Public Hearing. **Fair moved to close the Public Hearing at 7:40 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Fair questioned if staff could meet with the applicant and the property owner to discuss alternative options for handling the stacking issue.

Foulds stated he could certainly meet with the applicant and property owner to try to figure out an operational solution that is acceptable and discuss these ideas at the next Planning Commission meeting.

Gobbo stated he could not recommend approval of the request at this time, based on the current layout of the drive through area.

Fair moved to postpone action on request for Special Use Permit 12-990003 from Sam Dalman to allow staff time to meet with the applicant and property owner to discuss possible solutions to address traffic issues related to the proposed drive through window. Supported.

ROLL CALL vote on motion:

AYES: 9 NAYS: 0

MOTION CARRIED.

Chairman Keilen requested that anyone who property signed in at this Public Hearing be noticed of the next meeting when this request will be discussed by the Planning Commission.

II. PUBLIC HEARING – Proposed Access Management Plan for the S. US 27 Corridor between Round Lake Road and Sheridan Road in DeWitt Charter Township.

- A. Open Public Hearing. **Chairman Keilen declared the Public Hearing opened at 7:45 p.m.**
- B. Administrative Comments/Applicant Comments/Public Comments.

Planning Consultant Jim Foulds briefly reviewed staff's memorandum, draft ordinance, as well as the corresponding panels indicating proposed changes to the S. US 27

Corridor between Round Lake Road and Sheridan Road. The objective of the ordinance is to maintain and improve traffic flow through the corridor and improving public safety. These guidelines would be implemented at the time development or redevelopment takes place on the designated parcels.

Foulds noted Commissioner Dailey has been the Planning Commission representative on the Access Management Committee. He would be able, as well as staff, to answer any questions. He further noted two representatives from the Michigan Department of Transportation (MDOT), Tom Doyle and Paul Lott, are also present for questions.

Bertram questioned if any major issues were brought up at the public open house held on Monday, October 29th regarding the proposed Access Management Plan and Ordinance.

Foulds advised the one issue that was brought up that could not be addressed was the Webb Road/S. US 27 intersection. MDOT has and will continue to conduct studies to look at the intersection and the need for a four way traffic light.

Brief discussion followed in support of the plan providing a “blueprint” for the future.

Dailey commented that the Open House had good participation and support from the community.

Brief discussion followed regarding who would bear the cost of the proposed improvements set forth in the plan.

Paul Lott of MDOT commended DeWitt Township for initiating this Access Management Plan.

There were no further comments.

C. Close Public Hearing. **Gobbo moved to close the Public Hearing at 7:55 p.m. Supported. MOTION CARRIED.**

D. Discussion and possible action by Planning Commission.

Dailey moved that the Planning Commission recommend to the Board of Trustees approval and adoption of the proposed Access Management Plan and Ordinance. Supported.

**ROLL CALL vote on motion:
AYES: 9 NAYS: 0
MOTION CARRIED.**

NEW BUSINESS: None.

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 regularly scheduled meetings of the Board of Trustees held on October 9, 2012 and October 23, 2012.

II. Zoning Board of Appeals:

Gobbo gave a brief report on business conducted and action taken at the Zoning Board of Appeals meeting held on Wednesday, October 17, 2012.

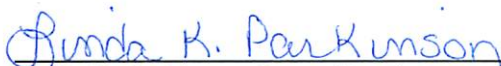
III. Committees: None.

III. Staff: Discussion on mixed use zoning amendment.

Foulds gave a brief update on a possible amendment to allow mixed uses.

DISCUSSION: None

ADJOURNMENT: **Fair moved to adjourn the meeting at 8:10 p.m. Supported. MOTION CARRIED.**


Linda K. Parkinson, Recording Secretary


Kim Smelker, Secretary