

Chair
Stephen Gobbo
Vice-Chair
Bruce Keilen
Secretary
Kimberly Smelker
Commissioners
Steve Musselman, Trustee
Dale Dailey
Marsha Zimmerman
Tim Fair
Adam Bertram
Kristen Krol



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Community Development Director
Richard M. Trent

Township Planner
Jim N. Foulds

Recording Secretary
Linda K. Parkinson

PLANNING COMMISSION MEETING MINUTES
MONDAY, FEBRUARY 7, 2011
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 Gobbo.

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

ROLL CALL by Secretary Smelker.

MEMBERS PRESENT: Bruce Keilen, Steve Gobbo, Kim Smelker, Tim Fair, Dale Dailey, Adam Bertram, Kristen Krol.

MEMBERS ABSENT: Marsha Zimmerman, Trustee Steve Musselman w/ notice.

OTHERS PRESENT: Community Development Director Rich Trent and Recording Secretary Linda Parkinson.

Trent stated he would be presenting staff's report in Mr. Fould's absence due to a conflict with a Board meeting in another community.

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 January 3, 2011 Regular Meeting as printed. Supported.**

Trent noted in the January 3, 2011 minutes there was discussion related to recognizing Jason Flower for his years of service on the Planning Commission. This will take place in the spring.

Trent further noted discussion at the previous meeting related to changing the meeting date for the month of July due to the holiday of July 4th. Staff recommends the meeting date remain as Tuesday, July 5th and only consider a change if it appears a quorum will not be present.

MOTION CARRIED.

CORRESPONDENCE: The 2011 Planning Commissioner Member List was received by the Commissioners.

PUBLIC COMMENTS: No public present.

UNFINISHED BUSINESS:

I. PUBLIC HEARING - Proposed Ordinance Amendment 60.76 - R5 (Residential Single and Two Family) zoning district, Section 5.7.4, Addition of Medical Clinic, Health Service Office, and Professional Office as a Special Use Permit.

A. Open Public Hearing. **Fair moved to open the Public Hearing at 7:10 p.m. Supported. MOTION CARRIED.**

B. Administrative Comments/Applicant/Public Comments.

Community Development Director Rich Trent briefly reviewed staff's report written by Township Planner Jim Foulds and dated February 3, 2011. It is staff's recommendation that the Planning Commission recommend approval of proposed Ordinance Amendment 60.76 adding language under Section 5.7.4 (Uses by special Use Permit in the R5 Residential Zoning District) and Chapter XVII (Definitions).

For the purpose of clarification, Trent advised that the intent of the proposed Ordinance Amendment is to provide for the use of "Medical Clinics" in the R5 Zoning District (Option 1 in staff's report).

Trent went on to review Option 2 listed in staff's report which would allow for "medical clinics" and "health service office and professional offices" to the R5 Zoning District. This option would also include the definition of a "Medical Clinic".

Trent advised that staff has researched the reason why medical offices are allowed in the R4 Zoning District and not in the R5 Zoning District. Staff's conclusion is that it appears as if there was an oversight by not including medical offices in the R5 Zoning District. This proposed amendment will rectify the oversight.

Trent noted that staff has found that medical office uses would be compatible with the R5 (Residential Single Family and Two Family) Zoning District and that reasonable conditions can be placed under a Special Use Permit and Site Plan Review.

Gobbo questioned if Township Planner Jim Foulds had expressed which of the two options presented staff recommends.

Trent advised that no recommendation was provided. Both options would satisfy what staff would like to accomplish which is to provide the medical clinic uses within the R5 Zoning District. However, Option 2 does provide more description and therefore would be a preferred option.

Brief discussion followed regarding the numbering system suggested by staff.

Smelker stated the proposed definition for “medical clinic” seems quite vague. She questioned if there were any chance that a medical marihuana dispensary would be allowed under this definition.

Trent advised that a medical marihuana dispensary would not fall under the use of Medical Clinics. The recently adopted Medical Marihuana Ordinance (60.74) only allows for a “Primary Caregiver” to operate as a Home Occupation and a “Growing Operation” is only allowed in the Industrial Zoning Districts.

Dailey questioned if the definition of “professional offices” in Option 2 would pertain to any professional office service or is it limited to the medical field. He suggested that perhaps the language should be more clear and specific.

Trent advised that the intent was to focus in on health service offices, but also to allow broader professional office uses.

Gobbo asked if staff could provide a copy of the Zoning Ordinance definition of “Professional Office”.

After reviewing the definition of “Professional Office” (attached) it was suggested that perhaps the language should be deleted from option 2 and simply refer to “medical clinics” and “health service offices”.

Brief discussion followed regarding previous discussions at the December Planning Commission meeting pertaining to existing residential property along Schavey Road that could possibly be developed as a mixed use, due to the current state of the economy.

Seeing that no public was present for comment, Fair moved to close the Public Hearing at 7:25 p.m.

C. Discussion and possible action by Planning Commission.

Discussion followed regarding whether “professional offices” should be deleted from the language on Option 2 since staff’s intention is to focus on medical and health services being allowed in the R5 Zoning District.

Gobbo questioned if “professional offices” were allowed in the R4 Zoning District.

Trent advised that the R4 Zoning District speaks to “medical clinics” rather than “professional offices”. However, since the R5 Zoning District is a higher density district, perhaps there should be a greater flexibility in the uses within the R5 Zoning District to include other professional uses, as described in the existing definition of “Professional Office”.

Keilen commented that perhaps “professional offices” should be removed from the language of Option 2.

Fair stated that allowing “professional offices” in the R5 Zoning District might encourage further growth in the community.

Krol suggested that perhaps the language in Option 2 read as follows: “medical clinics” and “health service office” and “related professional offices”. This would clarify that uses are not included that fall under the broad definition of “professional office”.

Keilen commented that most medical offices are closed after regular office hours. Other professional office uses, such as tax preparation services, would be open in the evenings. The surrounding residents might have objections to the evening operations. It would be important to preserve the integrity of the neighborhood.

Trent noted that the proposed uses would be allowed by Special Use Permit with specific hours of operation being considered, as well as site specific elements.

Brief discussion followed regarding the fact that staff’s Option 1 would address a potential interest in developing a site on Schavey Road that is specific to a medical office whereas Option 2 would broaden the professional office uses allowed.

Bertram stated he was in favor of Option 2 which allows other professional uses so that if a professional other than medical would like to start a business in the area they would not have to amend the Zoning Ordinance again.

Gobbo commented that the proposed amendment should not limit other types of professional uses in the R5 Zoning District as their hours of operation are similar to that of the medical offices. He suggested that for consistency perhaps at some time in the future the Ordinance be amended to allow the same uses in the R4 Zoning District.

Discussion followed regarding possible amendments to the language stated in Option 2.

Trent recommended that, should the Commission prefer Option 2, it would be best to keep the wording simple just as staff has proposed in the memorandum dated February 3, 2011.

Gobbo noted that at the January 3, 2011 meeting there was brief discussion related to a particular site in the Township where a dental office was being considered. It was discussed that perhaps other professional officers could be included in the proposed ordinance amendment should the owner of the building wish to lease office space to other professionals not related to the medical field. Should the Commission be unclear as to staff’s intent, they have the option to table this item of business and discuss it further at the March 7th meeting.

Discussion followed regarding the possibility of directing staff to amend the R4 Zoning District so that it is compatible to what the proposed Ordinance Amendment 60.76 will add to the R5 Zoning District.

Lengthy discussion followed regarding amending staff’s proposed language in Option 2.

Fair moved to recommend that the Township Board approve Proposed Ordinance Amendment 60.76 with the following language:

Chapter V DISTRICT REGULATIONS

Section 5.7.4 Uses Permitted by Special use Permit (R5 District)

All uses permitted in District R4, Section 5.6A4 Subsections 1) through 10) subject to the conditions stated therein. Plus:

- 1) Planned Unit Development, upon compliance with Section 7.13.6**
- 2) *Health Service Offices and Professional Offices***

Chapter XVII DEFINITIONS

Add a new definition: *Health Service Office*

A structure where supportive and accessory medical care services are provided to include laboratory services, billing services, and follow-up patient health care services.

Supported.

ROLL CALL on motion:

AYES: 7 NAYS: 0 ABSENT: 2 (Musselman, Zimmerman)

MOTION CARRIED.

NEW BUSINESS: None.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: No public present.

REPORTS:

I. Trustee:

Trent briefly reported on recent business conducted and action taken by the Board of Trustees at their regularly scheduled meetings of Monday, January 10, 2011 and Monday, January 24, 2011.

II. Zoning Board of Appeals:

Gobbo gave a brief report on business conducted and action taken by the Zoning Board of Appeals at their regular meeting of Wednesday, January 19, 2011.

III. Committees:

Trent gave a brief update on the Access Management Plan Steering Committee.

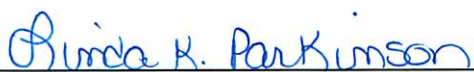
IV. Staff:

Trent advised that the Community Development Department Activity report will be sent via e-mail within the next few days. If there are any questions please do not hesitate to contact the office.


DISCUSSION:

Brief discussion regarding protocol for discussing Township matters of business or litigation.

ADJOURNMENT: **Fair moved to adjourn the meeting at 8:35 p.m. Supported. MOTION CARRIED.**



Linda K. Parkinson, Recording Secretary



Kim Smelker, Secretary