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Stephen Gobbo
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Bruce Keilen
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Dale Dailey
Commissioners
Max Calder, Trustee
Kimberly Smelker
Marsha Zimmerman
Jason Flower
Theresa Shively
Tim Fair



Community Development Director
Richard M. Trent
Township Planner
Jim N. Foulds
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Linda K. Parkinson

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PLANNING COMMISSION MEETING MINUTES
MONDAY, APRIL 5, 2010
7:00 p.m.

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

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

ROLL CALL by Commissioner Smelker.

MEMBERS PRESENT: Steve Gobbo, Bruce Keilen, Terri Shively, Kim Smelker, Marsha Zimmerman, Jason Flower.

MEMBERS ABSENT: Dale Dailey, Tim Fair, Max Calder.

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

APPROVAL OF MINUTES: March 1, 2010 Regular Meeting

CORRESPONDENCE: None.

PUBLIC COMMENTS: (Non-Agenda Items or an Agenda Item that is not covered by Public Hearing. Requests to speak should be made from the podium at this time.)

UNFINISHED BUSINESS:

- I. Rezoning Request 09-880001 from Rose Land and Finance Corporation,** to rezone approximately 5.05 acres from BC (Business, Community) to M-2 (Multiple Residential) for property located at 11549 S. US 27, DeWitt, Michigan, on the east side of US 27, north of Howe Road, south of Round Lake Road, in the northwest ¼ of Section 3 of DeWitt Charter Township. **Note: Public Hearing held on February 1, 2010.**

Township Planner Jim Foulds briefly reviewed staff's memorandum dated March 23, 2010 explaining the nature of the request. He advised that a public hearing was held on the request at the February 1, 2010 Planning Commission meeting. At that time, the Commission did not support a resolution to approve the rezoning. After further discussion at the March 1, 2010 meeting of the Planning Commission, the applicant verbally requested that the Planning Commission consider a conditional rezoning under Section 12.3.1 of the Zoning Ordinance. On March 19, 2010, the applicant submitted a written correspondence requesting consideration of a conditional rezoning. The request proposed two conditions of approval as follows:

1. The use would be limited to the current structures and number of units on the property.
2. Modification of the facilities would be allowed to provide laundry services for residents.

In closing, Foulds explained that any conditional rezoning runs with the site. Therefore, should the property come under new ownership, the same conditions will apply.

Discussion followed regarding the fact that the applicant would be required to obtain the proper approvals from the Mid-Michigan District Health Department (MMDHD) and the Southern Clinton County Municipal Utility Authority (SCCMUA) prior to a Certificate of Occupancy being issued.

Keilen moved that the Planning Commission recommend to the Board of Trustees approval of Rezoning Request 09-880001, as conditionally amended by Rose Acceptance, Inc., and legally described on the application materials (11549 S. US 27), for rezoning from the BC (Business, Community) zoning district to the M2 (Multiple Residential) zoning district based on the fact that the request represents a transitional zone with conditions prior to redevelopment of the area for commercial and mixed use purposes, and that the property had been previously utilized for residential purposes and contains several existing residential structures, subject to the following:

1. **That the permitted use would be limited to the current structures and number of units existing on the site at the time the conditional rezoning is approved.**
2. **That modification of the existing structures would be allowed to permit laundry services for residents.**

Finally, that prior to action by the Board of Trustees on the conditional rezoning request, a statement of conditions be prepared in recordable form as required by Section 12.8.1 of the DeWitt Charter Township Zoning Ordinance.

Supported.

ROLL CALL vote on motion:

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

MOTION CARRIED.

II. Wind Energy Conversion Systems (WECS) Discussion and Draft Ordinance

Foulds briefly reviewed staff's memorandum dated April 5, 2010 advising that he would like to move toward receiving final comments and input from the Commission and the community prior to setting a Public Hearing on the final draft ordinance. Staff hopes to incorporate comments and provide the Commission with an updated draft at the next meeting to be held on May 3, 2010.

Foulds further stated he has met with a local distributor of the Streamline WECS who suggests 45 feet to be the maximum height allowed for the structures in a residential district. This is due to a standard two (2) foot foundation and an additional eight (8) feet for the blade height. Should the maximum height allowed be 35 feet, there may be several requests for height variances.

Foulds advised that the draft ordinance will also include a section that will regulate "accessory wind energy conversion systems" to address the recent placement of solar/wind turbine units on property in the northeast ¼ of Section 36 of DeWitt Charter Township. He urged the Commission to visit the site and bring comments back to the next meeting related to where they feel such units should be allowed, keeping in mind the aesthetics of certain areas.

Brief discussion followed regarding proposed setbacks and height regulations for the WECS structures.

In closing, Foulds advised that he will consult with the Township Fire Department and the Township Attorney to obtain any comments they may have regarding the proposed WECS Ordinance.

III. Comprehensive Development Plan Update – Discussion

Foulds advised that he has met with the City of DeWitt Officials to discuss scheduling a joint Special Meeting with the DeWitt Township and the City of DeWitt Planning Commissions to be held mid-summer to discuss the Gateway Corridor Entry Policies. The objective would be to create jointly planned and implemented gateway entrances for the south and east entrances to the City of DeWitt. Items to be discussed would be a coordinated land use policy, infrastructure, signage, landscaping, lighting, and other planning and design elements.

Staff will coordinate with the City of DeWitt and present possible dates for a joint meeting.

NEW BUSINESS: None.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

I. Trustee:

Due to the absence of Trustee Calder, there was no Trustee Report.

II. Zoning Board of Appeals:

Chairman Gobbo reported that there was no Zoning Board of Appeals meeting held in the month of March,

III. Committees:

None.

IV. Staff:

A. Rezoning Request 08-880004 – David Schlegel Ltd. Family Partnership – Litigation

Foulds advised that David Schlegel Ltd. Family Partnership has filed a lawsuit with the 29th Circuit Court claiming that the Township's denial of Rezoning Request 08-880004 violates the applicant's due process rights and is a taking of the property entitling them to just compensation. The Township has turned the lawsuit over to legal counsel.

B. Agricultural Zoning District Amendments

Discussion related to the content of the Agricultural Tourism Local Zoning Guidebook prepared for Governor Granholm and the Michigan Legislature by the Michigan Agricultural Tourism Advisory Commission. The goal of the Commission is to encourage communities that have an agricultural economic base to implement into their Zoning Ordinance tools that would add more uses related to tourism in the agricultural areas. This will be on the agenda for further discussion at a future meeting.

C. Joint DeWitt Charter Twp. and Bath Charter Twp. Planning Commission Training Discussion

Foulds advised that the DeWitt Township and DeWitt City Administrators would like Attorney Dick Robinson to conduct a joint training session for both Planning Commissions. The purpose of the meeting would be to educate the Commissions on changes in land use planning decisions and processing of land use regulation cases. Possible dates for the session will be forthcoming.

D. Urban Service Boundary Committee

Initial discussion ensued regarding a possible Urban Service Boundary for the region. This will be an agenda item for further discussion at a future meeting.

DISCUSSION: None.

ADJOURNMENT:

Keilen moved to adjourn the meeting at 8:05 p.m. Supported. MOTION CARRIED.

Linda K. Parkinson, Recording Secretary

Dale Dailey, Secretary