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Stephen Gobbo
Vice-Chair
Bruce Keilen
Secretary
Dale Dailey
Commissioners
Max Calder, Trustee
Kimberly Smelker
Marsha Zimmerman
Jason Flower
Theresa Shively
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**PLANNING COMMISSION MINUTES
MONDAY, FEBRUARY 1, 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. by Chairman Gobbo.

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

ROLL CALL by Secretary Dailey.

MEMBERS PRESENT: Steve Gobbo, Dale Dailey, Bruce Keilen, Terri Shively, Kim Smelker, Tim Fair and Trustee Calder.

MEMBERS ABSENT: Marsha Zimmerman and Jason Flower.

STAFF PRESENT: Township Planner Jim Foulds, Township Manager Rod Taylor and Recording Secretary Linda Parkinson.

APPROVAL OF AGENDA: Chairman Gobbo suggested that the Agenda be amended to place the Public Hearing for Rezoning Request 09-880001 from Rose Acceptance, Inc. as Item I. under Unfinished Business.

Keilen moved to approve the Agenda with the suggested amendment stated by Chairman Gobbo. Supported. MOTION CARRIED.

APPROVAL OF MINUTES: Fair moved to approve the minutes of the January 4, 2010 Regular Meeting s printed. Supported. MOTION CARRIED.

CORRESPONDENCE: Memorandum dated January 15, 2010 from Township Manager Rodney Taylor regarding Tri-County Urban and Rural Service District/Urban Service Boundary.

Township Manager Rod Taylor briefly reviewed his memorandum and answered questions by Commissioners.

PUBLIC COMMENTS: Carla Eno, 15089 Pinehurst Drive, Lansing, MI 48906, questioned if staff had conclusive information regarding the outcome of the South Central Area Plan Water Expansion Survey.

Manger Taylor briefly advised the outcome of the survey indicating that residents in Zones 1, 3, 4 and 5 were not interested in expanding public water citing the cost that would be incurred. Residents in Zone 2 expressed some level of interest in the expansion of public water. The Township will work on gathering more specific costs and information about a potential special assessment for that zone.

UNFINISHED BUSINESS:

I. PUBLIC HEARING - 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.

A. Open Public Hearing. **Keilen moved to open the Public Hearing at 7:20 p.m. Supported. MOTION CARRIED.**

B. Administrative Comments/Applicant Comments/Public Comments

Township Planner Jim Foulds briefly reviewed staff's report dated January 29, 2010 pointing out the location of the site. The applicant is requesting to rezone the 4.80 acre site from BC (Business, Community) to M-2 (Multiple Residential). The surrounding zoning consists of BC (Business, Community) to the north and south, A (Agricultural) to the east, with R3 (Residential Single Family), BL (Business, Local) and BC (Business, Community) to the west.

The subject property is designated for CC (Community Commercial) use on the Future Land Use Map. Parcels in the vicinity of the site are generally planned for CC (Community Oriented Commercial) use, except for the single family area to the east.

The site is presently not serviced by public sanitary sewer or public water. The subject property represents development which occurred without public services prior to adoption of the current Comprehensive Development Plan. The Plan calls for the continuation of the commercial corridor on Business-27, including the subject site. However, this property was developed and has been used for residential purposes. It has existed as a non-conforming use in the BC (Business, Community) zoning district. When the use became vacant beyond the threshold requirement for a non-conforming use, it lost its non-conformity and the residential use could not be continued. The current owner of the site wishes to continue the residential use. Therefore, the applicant is requesting to rezone the property.

Foulds noted in the event that the property is rezoned, there may still be some building code and site plan review requirements for the applicant to meet prior to the existing buildings being occupied. In addition, other local agencies may require reviews such as the Mid-Michigan District Health Department (MMDHD), which would require that the applicant obtain a permit for the existing well. The existing septic system has been determined operable by the MMDHD.

Foulds further noted that an eastern portion of the property lies within the floodplain. Therefore, any future development would require permits from the Michigan Department of Environmental Quality (MDEQ).

Keilen questioned how a residential use on the site would affect the existing Access Management Plan for the US 27 corridor and if allowing a residential use to be located between commercial properties would be contrary to the goals and objectives of the Comprehensive Development Plan.

Foulds stated, based on the information provided, there should be no issues. He advised that the site

has an existing access point on US 27. Should the applicant wish to make any changes to the existing access they would have to go through the review process of the Michigan Department of Transportation (MDOT).

Calder expressed concern with recommending approval of this request. He advised that the previous use of the site was a commercial motel. The property is located between commercially zoned properties and is designated CC (Community Oriented Commercial) on the Future Land Use Map.

Chairman Gobbo invited the applicant to speak.

Chris Gallo, representing the applicant, Rose Acceptance, Inc. (f/k/a Ottaco Acceptance, Inc.), 241 East Saginaw, East Lansing, MI 48823, advised that they have owned the property for two years and have attempted to sell it. Although they have had potential buyers, the cost of redeveloping the property has been prohibitive. Currently, there is a new prospective buyer that is interested in using the property in its current configuration. The site has five efficiency apartments, one single family home and a duplex on it. The purchaser intends to lease the existing buildings for medium to long term use. The applicant wishes to rezone the proposed site to preserve the value of the property.

Chairman Gobbo invited public comments.

Ron Feldpausch, 5353 N. Hinman Road, Fowler, MI 48835, stated that he is the owner of the 20 acre vacant parcel adjacent to the south of the site. He distributed a list of his concerns should the property be rezoned for multiple residential use (see attached).

Gobbo stated that, although he finds some of Mr. Feldpausch's concerns valid, many of them are not issues that the Planning Commission can address. Perhaps the one issue that could be addressed is fencing of the site.

- C. Close Public Hearing. **Hearing no further public comment, Keilen moved to close the Public Hearing at 7:45 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Keilen stated he concurs with Trustee Calder's concerns with "down zoning" the subject property. As much as he would like to see the property utilized, it could set a precedent for future rezoning requests along US 27. He considers this request to be inconsistent with the Comprehensive Development Plan as the Future Land Use Map designation for the site is currently CC (Community Oriented Commercial).

Shively stated she remembers the site from years ago and it seemed to have ongoing blight issues.

Keilen noted that if this property is rezoned to M-2 (Multiple Residential) it could pose a problem for a future commercial use in the area.

Foulds addressed the concerns regarding the request not being compatible with the Comprehensive Development Plan. He noted that under the "Smart Growth Principles" being recommended for inclusion in every Master Plan, the issue of mixed-use are encouraged rather than discouraged. The Township's Comprehensive Plan encourages mixed uses, reinvestment, redevelopment and the encouragement of properties to become more productive. The current BC (Business, Commercial) zoning of the property does not allow residential use. Therefore, the site has no use if it cannot be sold for commercial use. Staff is trying to encourage a transitional use for the property to allow reinvestment in the existing buildings. At some point in the future when the area becomes viable for commercial reinvestment,

perhaps the property could be redeveloped in conjunction with the property to the south. Denial of the rezoning sets a precedent for the difficulty of redeveloping marginal properties all along the Business 27 corridor. Foulds reminded the Commission that the question to consider is whether the uses allowed in the proposed M-2 (Multiple Residential) zoning district are compatible with the existing pattern of the area. Staff's recommendation is that the proposed request is not incompatible with the area or the Comprehensive Development Plan. In closing, Foulds advised that in the future staff will be recommending that the commercial districts of the Zoning Ordinance include a provision for incorporating residential uses.

Fair noted that residential uses do exist in the close vicinity of the subject site. He would rather see the property rezoned and be able to be used than to see it sit vacant and underutilized.

Calder stated that the area of the site is primarily commercial uses. The site is currently zoned commercial and is designated on the Future Land Use Map for commercial use. He feels the site should remain commercially zoned.

Dailey expressed concern that the site would become low income housing with the potential of creating an issue of blight. The Township has recently implemented the South Central Area Plan which is intended to help revitalize blighted properties. However, he does understand staff's rationale and feels it supports a recommendation for approval.

Fair moved to recommend that the Board of Trustees approve Rezoning Request 09-880001 from Rose Acceptance, Inc. (f/k/a Ottaco Acceptance, Inc.) to rezone the approximately 4.80 acre parcel located at 11549 US 27 from BC (Business, Community) to M-2 (Multiple Residential). Approval is recommended on the following basis:

- 1. The request represents a transitional zone prior to redevelopment of the area for commercial and mixed use purposes.**
- 2. The property has been previously utilized for residential purposes and contains several existing residential structures.**

Supported.

ROLL CALL vote on motion.

AYES: 2 NAYS: 5 (Gobbo, Smelker, Keilen, Calder, Shively)

ABSENT: 2 (Zimmerman, Flower)

MOTION FAILED.

Further discussion followed regarding the recommendation process and the next steps for the request. It was the determination of the Planning Commission that the failed motion constitutes a recommendation to the Board of Trustees for denial of the request.

II. Wind Energy Conversion Systems Discussion and Draft Ordinance

Foulds advised the Commission that the draft ordinance dated January 4, 2010 was provided in their packets for this meeting. He asked if there were any questions regarding the language of the draft document. In addition, he would like direction from the Planning Commission as to how they would like to proceed with obtaining public input prior to the Public Hearing.

Staff has reached out to a local distributor of Wind Energy Conversion Systems (WECS). They commented that the thirty-five (35) foot height limitation recommended in the draft document was probably not going to be

sufficient. They would prefer a height of forty (40) to forty-five (45) feet due to the type of wind patterns in this particular area.

After brief discussion it was the consensus of the Commission to direct staff to invite the public to attend a regularly scheduled meeting of the Planning Commission for the purpose of reviewing the proposed draft ordinance and seeking input. Notice of the public forum would be placed on the Township website, as well as in the newsletter. The next step would then be to hold a Public Hearing.

Brief discussion followed regarding the progress of Clinton County's adoption of a wind ordinance.

Gobbo moved to direct staff to take the necessary action to hold a public forum at a future regularly scheduled meeting of the Planning Commission for the purpose of obtaining public input regarding the draft ordinance language prior to a Public Hearing being held. Supported. MOTION CARRIED.

III. Comprehensive Development Plan – Review Procedures and Timeline

Foulds noted at the last meeting it was the consensus of the Planning Commission to place this item on the Agenda every month and proceed forward with the Comprehensive Development Plan review process rather than appoint a Subcommittee.

Foulds went on to review staff's memorandum dated January 29, 2010 providing a timeline for proposed Master Plan amendments including the DeWitt Charter Township and City of Dewitt Gateway Corridor Entry Policies, Business 127 Overlay Zone and Capital Region International Airport subarea plan amendment.

Brief discussion followed regarding specifics of the proposed timelines.

Dailey stated he has reviewed the Comprehensive Development Plan and submitted thirteen (13) considerations for revision (attached). He briefly commented on each item.

NEW BUSINESS:

- I. Request for Special Use Permit 10-990001 from Janelle Taylor**, to allow the operation of a beauty shop from her residence located at 3178 Granview Lane, Lot #82 of Springbrook Hills East Subdivision, in the southeast ¼ of Section 6 of DeWitt Charter Township.

Keilen moved to receive Request for Special Use Permit 10-990001 from Janelle Taylor and set for a Public Hearing to be held on Monday, March 1, 2010 at 7:00 p.m. Supported. MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS. None.

REPORTS:

- I. Trustee:**

Trustee Calder gave a brief report on business conducted and action taken at the regularly scheduled Board of Trustees meeting held on January 11, 2010 and January 25, 2010.

- II. Zoning Board of Appeals:**

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

III. Committees: None.

IV. Staff: None.

DISCUSSION: None.

ADJOURNMENT:

Fair moved to adjourn the meeting at 9:00 p.m. Supported. MOTION CARRIED.

Linda K. Parkinson, Recording Secretary

Dale Dailey, Secretary