

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



1401 W. Herbison Road
DeWitt, Michigan 48820
Phone 517.669.6576
Fax 517.669.6496
www.dewitttownship.org

Community Development Director
Richard M. Trent

Township Planner
Jim N. Foulds

Recording Secretary
Linda K. Parkinson

**PLANNING COMMISSION MINUTES
MONDAY, MARCH 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 Commissioner Smelker.

MEMBERS PRESENT: Steve Gobbo, Bruce Keilen, Terri Shively, Kim Smelker, Tim Fair, Marsha Zimmerman, Jason Flower and Trustee Max Calder.

MEMBERS ABSENT: Dale Dailey w/ notice.

STAFF PRESENT: Township Planner Jim Foulds, Community Development Director Rich Trent and Recording Secretary Linda Parkinson.

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

APPROVAL OF MINUTES: **Keilen moved to approve the minutes of the February 1, 2010 Regular Meeting as printed. Supported. MOTION CARRIED.**

CORRESPONDENCE: The Clinton County Economic Alliance (CCEA) – 2009 Annual Report was received and noted by the Commission.

Commissioner Zimmerman inquired what the Township paid in membership fees to be a part of the CCEA. She expressed concern that the Annual Report indicates that only \$216.00 were used towards Marketing Materials while Dues and Subscriptions were approximately \$15,960.00.

Trent advised that he would express Commissioner Zimmerman's concerns at the next meeting.

PUBLIC COMMENTS: None.

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 Attorney requests new motion, basis for determination and vote.**

Chairman Gobbo noted that this request was back before the Planning Commission due to the fact that a failed motion to recommend approval was made at the February 1, 2010 meeting. It was determined that a failed motion to recommend approval does not constitute a recommendation to the Township Board for denial.

Township Planner Jim Foulds gave a brief summary of the applicant's request. He noted that the reason for the request is due to the fact that the site has lost its nonconforming status and can no longer be used for residential purposes. Therefore, the applicant is requesting to rezone the property from BC (Business, Community) to M-2 (Multiple Residential).

The applicant has a potential buyer for the property who intends to use the existing residential structures for medium to long term residential use.

Keilen pointed out a discrepancy in comments by the Mid-Michigan District Health Department (MMDHD). The memo dated June 23, 2009 states that a permit for the existing sewage disposal system was issued on 10/10/09. The memo goes on to state on page two (2) that the MMDHD Regulations prohibits connection of more than one single family residential or residential duplex into one sewage system.

Foulds advised that confirmation of a viable sewage system and potable water supply on the site would be necessary prior to any Building Permits being issued.

Discussion followed regarding whether there was an appeals process that would allow the applicant to regain their non-conforming status. It was determined by staff that no such process exists.

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, reiterated his comments made at the Public Hearing held on February 1, 2010 stating that the potential purchaser of the property does not wish to change the previous use or configuration of the site. They intend to continue with the previous multi-family use.

Vearl Green, 316 N. Cedar Street, Lansing, MI, representing the potential purchaser of the property, stated that the site is very nice with well maintained residential structures. The intended use would be to lease the existing residential units on an interim basis to people who are looking to relocate in the area. She feels there is a need for this type of use and stated the intention is to continue a use that already existed on the property.

Gobbo stated the main concerns expressed by Commission at the Public Hearing were based upon the fact that the request is not consistent with the Future Land Use designation for the site.

Keilen stated he has reconsidered his position regarding this request. He feels it would be a very long time before new commercial uses would extend to that area of the Township due to lack of public services. Therefore, the proposed request seems to allow for the best use of the property at this time.

Fair stated he understands that the applicant is simply trying to make use of the property, given the situation. He noted that the area around the site is not just zoned BC (Business, Community) and concurred with Keilen's

statement that it might be quite some time before commercial uses extend any further into this area of the Township.

Smelker expressed concern that the properties both north and south of the site are designated for CC (Community Oriented Commercial). In addition, she noted that up to 38 units can be placed on the property under the proposed M-2 (Multiple Residential) zoning district. She would be more comfortable supporting the request if there were some sort of guarantee that additional units would not be built.

Calder reiterated his concern with the proposed request deviating from the Future Land Use Map designation. He encouraged the Commission to realize everything that is allowed under the M-2 (Multiple Residential) zoning district, rather than what the applicant is proposing. He would not be opposed to the idea of a mixed use in the area. However, the Township does not currently allow these types of uses in the current zoning district.

Fair noted that the Township is encouraging revitalization of the US 27 corridor in the South Central Area and perhaps they should allow this applicant to make better use of the property, given the economic climate in the State.

After brief discussion, Chairman Gobbo read for the record Section 12.3.1 (Conditional Rezoning) of the Zoning Ordinance, copy attached.

Foulds noted that the applicant must submit such a "Conditional Rezoning" voluntarily. In the event that the applicant is interested in submitting this type of request, staff suggests the Commission postpone action on the request to allow staff time to discuss with the applicant how they would like to amend their current request.

Gallo, representing the applicant, stated his first preference would be to rezone the property to M-2 (Multiple Residential) to allow the property owner to use the site as it was originally intended. He does not agree that the non-conforming residential use should be taken away just because the property became vacant. However, he is open to discussing a conditional rezoning with staff if it would allow the potential purchaser to utilize the property for residential purposes as it is currently configured.

Calder pointed out that the Commission can only make a decision based on the regulations and policies that are in place at this time. The current Future Land Use Map designation for the proposed site is for commercial use.

It was the general consensus that the Planning Commission would like the owner to be able to use the property for residential use as it is currently configured, as long as the Township had some assurances that no additional residential structures would be built.

Gallo expressed an interest in meeting with staff to discuss submittal of a conditional rezoning.

Flower moved to postpone action of Rezoning Request 09-880001 from Rose Land and Finance Corporation to allow the applicant time to meet with staff to discuss the option of submitting a conditional rezoning. Supported.

ROLL CALL vote on motion:

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

MOTION CARRIED.

II. PUBLIC HEARING - 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.

A. Open Public Hearing. **Calder moved to open the Public Hearing at 8:20 p.m. Supported. MOTION CARRIED.**

B. Administrative Comments/Applicant Comments/Public Comments.

Foulds briefly reviewed staff's report dated February 17, 2010 pointing out the location of the site. The applicant is requesting a Special Use Permit to allow the operation of a one chair beauty care operation consisting of approximately 154 square feet at her residence located in the R4- (Residential Single and Two Family) zoning district at 3178 Granview Lane, DeWitt, MI 48820.

Foulds further advised that the applicant can meet all conditions listed in Section 7.13.15 of the Zoning Ordinance that are specific to Beauty Shops. It should be noted that one additional sink is proposed for the operation of the beauty shop. The applicant will be required to review any additional water/sewer requirements with the Township Building Official and the Southern Clinton County Municipal Utilities Authority (SCCMUA) to determine if an increase in sewer fees is warranted. All reviewing agencies have indicated no objections to the request.

Fair noted a letter of objection to the request submitted by Alan J. Wernert who resides at 3159 Granview Lane, DeWitt, MI 48820. He asked staff to clarify whether the applicant's proposed beauty salon would be allowed under the deed restrictions submitted by Mr. Wernert.

Foulds pointed out that the deed restrictions for Springbrook Hills East Subdivision allows home occupations, as regulated by the Zoning Ordinance. The proposed beauty salon is considered a home occupation with conditions. If the conditions are met, the use would be allowed.

Chairman Gobbo invited the applicant to speak.

Janelle Taylor, 3178 Granview Lane, DeWitt, MI 48820, applicant, stated she would be glad to answer any questions the Commission may have.

Gobbo questioned if the applicant had received all of the necessary approvals from the State of Michigan.

Taylor stated that she has received all approvals from the State that she is aware of.

Smelker asked if the applicant would be using signage.

Taylor advised that she did not intend to place any signage on the outside of the home.

Chairman Gobbo called for public comments.

C. Close Public Hearing. **Hearing no public comment, Fair moved to close the Public Hearing at 8:30 p.m. Supported. MOTION CARRIED.**

D. Discussion and possible action by Planning Commission

Keilen moved that the Planning Commission recommend that the Board of Trustees approve Special Use Permit 10-990001 application from Janelle Taylor to operate a home occupation one

chair beauty shop on the property located at 3178 Granview Lane. Approval is recommended on the following basis:

- 1. Compliance with the conditions of the Special Use Permit, the plans will comply with the site plan review standards and special conditions of Section 7.13.15 listed in the Zoning Ordinance for home occupations/beauty shops.**
- 2. The standards of the Basis for Determination listed in Section 7.4.3 of the Zoning Ordinance have been met.**
- 3. That the applicant determine the impact on the existing sewer system and the requirement for any additional fees prior to the issuance of the Special Use Permit.**

Supported.

ROLL CALL vote on motion:

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

MOTION CARRIED.

III. Wind Energy Conversion Systems Discussion and Draft Ordinance

Foulds advised that staff has been continuing discussion with a local supplier of wind energy conversion systems (WECS). They will be putting together a list of comments for staff to review in the next few weeks. In addition, Commissioner Smelker has compiled a list of comments for staff to review.

Foulds encouraged the Commission to provide staff with any comments they may have on the drafted ordinance language. Further discussion will take place to finalize the language at the next meeting to be held on Monday, April 5, 2010. The Public Hearing will most likely take place in May or June of this year.

Brief discussion followed regarding the possible regulation of the flicker affect that WECS generate.

IV. Comprehensive Development Plan – Review

Foulds reviewed the proposed changes to the Comprehensive Development Plan. Staff would like to have Commissioners provide any remaining comments so that the process can then move forward.

NEW BUSINESS: None.

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 meetings held on February 8, 2010 and February 22, 2010.

II. Zoning Board of Appeals:

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

III. Committees: None.

IV. Staff:

Foulds advised that he has been attending Federal and State mandated work groups to update the storm water post construction regulations in Michigan. All local jurisdictions must have these regulations in place by the year 2011. Staff will keep the Commission updated on the process.

DISCUSSION:

There was brief discussion amongst Commissioners regarding the conditional rezoning process, regulation of solar energy and the ground breaking ceremony for the First Bank construction on S. US 127BR.

ADJOURNMENT:

Flower moved to adjourn the meeting at 9:05 p.m. Supported. MOTION CARRIED.

Linda K. Parkinson, Recording Secretary

Dale Dailey, Secretary