

**DEWITT CHARTER TOWNSHIP
1401 W. HERBISON ROAD, DeWITT, MI
PLANNING COMMISSION MINUTES
MONDAY, JULY 7, 2008**

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

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

ROLL CALL by Secretary Shively.

MEMBERS PRESENT: Marsha Zimmerman, Bruce Keilen, Dale Dailey, Terrie Shively, Mike Nolen.

MEMBERS ABSENT: Jason Flower, Kim Smelker, Steve Gobbo, Trustee Ross.

STAFF PRESENT: Planning Director Jeff Gray, Township Manager Rodney Taylor and Recording Secretary Linda Parkinson.

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

APPROVAL OF MINUTES: **Dailey moved to approve the minutes of the June 2, 2008 Regular Meeting. Supported. MOTION CARRIED.**

CORRESPONDENCE: The following correspondence was received and noted by the Planning Commission:

1. Planning Department Activity Report for June 2008.
2. Resignation Letter – Assistant Planner Harmony Gmazel

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

I. Request for Special Use Permit 08-990006 from Michael E Wood – Mike & Son Asphalt, Inc. for property located at 1590 E. Round Lake Road, DeWitt, MI 48820, east of S. US-127BR, west of Wood Road, in the northeast ¼ of Section 3 of DeWitt Charter Township, to allow the applicant to excavate sand and gravel from the site, resulting in an approximately 3.24 acre pond.

A. Open Public Hearing. **Keilen moved to open the Public Hearing at 7:04 p.m. Supported. MOTION CARRIED.**

B. Administrative Comments/Applicant Comments/Public Comments.

Planning Director Jeff Gray briefly reviewed staff's report dated June 30, 2008 pointing out the location of the site. The applicant is requesting a Special Use Permit to excavate soil and minerals from an overall site of 12.06 acres, with approximately 3.24 acres subject to actual mining activity, resulting in a private pond. The estimated life of the operation is 1 to 5 years.

Gray noted that an almost identical request was made for this property by H&C Earthworks and Construction, LLC (SUP 02-990003). Following receipt of the Special Use Permit, the applicant did not proceed and the SUP never became valid and has expired.

The subject site is zoned A (Agricultural). The surrounding zoning consists of A (Agricultural) to the east, south and west, and Olive Township to the north. The surrounding Future Land Use designations consist of A (Agricultural) to the east, south and west and Olive Township to the north.

Gray went on to review the minimum standards proposed for the site stating the following: proposed hours of operation are Monday through Friday from 7:00 a.m. to 5:00 p.m. and Saturday from 7:00 a.m. to 3:00 p.m., except on Township recognized holidays, consistent with those previously approved for this site; the applicant will be required to enter into a haul route agreement with the Clinton County Road Commission; if dewatering is utilized the applicant will be required to provide a well protection agreement and a permit from the Michigan Department of Environmental Quality; a financial guarantee will be required in the amount of \$21,870.00 to assure that the site will be restored in accordance with the approved plans; proper mud and dust control and maintenance of noise suppression devices is a condition of the permit; lastly, Section 7.13.7 only allows the Permit to be issued for a period of one year, and renewable for additional years subject to staff inspection and approval of the Board of Trustees.

Lastly, Gray noted that staff has provided an analysis of the criteria to recommend approval of the request (see pages 8 and 9 of staff's report). It is staff's recommendation that the request be approved.

Dailey questioned if notifications of this request have been sent.

Gray advised that notification letters were sent to property owners/occupants within 300 feet of the proposed site. No responses have been received.

Discussion followed regarding the fact that the applicant would most likely be excavating through any water rather than going through a dewatering process. Staff has made it clear to the applicant that MDEQ (Michigan Department of Environmental

Quality) is not generally inclined to grant dewatering permits.

Hearing no further questions, Chair Zimmerman invited the applicant to speak.

The applicant was not present to speak.

Chair Zimmerman called for public comments.

Shirley Rusiecki, 12541 Wood Road, Lansing, MI 48906, expressed concern with a possible increase of gravel trucks on Wood Road and enforcement of specific haul routes.

Gray advised that the intent of a designated haul route is to direct the trucks to main roadways. However, if the delivery site is a local destination it is very difficult to require that the applicant use only main roads. Generally, local sites are exempted in the Special Use Permit from the haul route requirement.

Tim Fair, 15469 Wood Road, Lansing, MI 48906, concurred with Ms. Rusiecki that there are many gravel trucks traveling on Wood Road. However, with many industrial uses being located on Wood Road that is to be expected. He questioned where the applicant's business is located and if they would be hauling excavated materials back to their business site.

Gray advised that Mike and Son Asphalt, Inc. is located in Bath, Michigan. The excavated materials are mostly intended to be used as base material for road construction.

Nolen questioned if the Township should have any concern that only one of the two property owners of the site signed the owner authorization letter.

Gray stated he does not believe that it would be an issue since Mr. Paul Esch is one of the two property owners of the proposed site.

There were no further comments or questions.

- C. Close Public Hearing. **Keilen moved to close the Public Hearing at 7:20 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 08-990006 from Mike & Son Asphalt, Inc. based on the plans received in the Planning Department on May 29, 2008. Approval is recommended with the following basis:

1. **The use has been designed and operated in accordance with the requirements of Section 7.13.7 of the Zoning Ordinance.**
2. **Upon compliance with the conditions listed in the Special Use Permit, the use is designed and operates so that it does not change the essential character of the area.**
3. **The conditions included in the permit assure that the use will not be hazardous to existing or future uses in the general vicinity.**
4. **The permit includes reasonable conditions to assure that the potential impacts of the use are addressed, including a well protection agreement, dust, mud, noise and traffic mitigation measures.**

Supported.

ROLL CALL vote on motion:

AYES: 5 NAYS: 0 ABSENT: 4 (Gobbo, Smelker, Ross, Flower)

MOTION CARRIED.

II. Rezoning Request 08-880003 from Ron Jona & Associates for property located at 1171 and 1121 E. Webb Road, DeWitt, MI 48820 and 12651 and 12649 S. US 27, DeWitt, MI 48820, at the northeast corner of S. US-127BR (formerly US-27) and Webb Road, in the southwest ¼ of Section 10 of DeWitt Charter Township, to rezone approximately 3.76 acres from R3 (Residential Single Family) to BC (Business, Community).

- A. Open Public Hearing. **Nolen moved to open the Public Hearing at 7:21 p.m. Supported. MOTION CARRIED.**
- B. Administrative Comments/Applicant Comments/Public Comments.

Gray briefly reviewed staff's report dated July 1, 2008 pointing out the location of the four parcel site at the northeast corner of US-127BR and Webb Road.

The site is presently zoned R3 (Residential Single Family). The applicant is requesting to rezone the 3.76 acres site to BC (Business, Community). The surrounding zoning consists of R3 (Residential Single Family) to the north, R3 (Residential Single Family) and BC (Business, Community) to the east, and BC (Business, Community) to the south and west.

The surrounding current land uses consist of Single Family Residential to the north and east, Commercial to the south, and a religious institution to the west. The site is designated for CC (Community Oriented Commercial) use on the Future Land Use Map. The entire surrounding area is also designated CC (Community Oriented Commercial). The requested BC (Business, Community) zoning district is consistent with the CC

(Community Oriented Commercial) Future Land Use designation.

Gray went on to refer to the differences in the uses allowed in the current R3 (Residential Single Family) zoning district and the proposed BC (Business, Community) zoning district (see page 4 of staff's report).

With respect to public services and facilities, Gray advised the following: the site is subject to the jurisdiction of the Michigan Department of Transportation (MDOT). They have not commented on the request. It is likely they will reserve comments until a particular use is proposed. The Clinton County Road Commission has no objection to the request; Lansing Board of Water and Light has confirmed that public water is available to serve the site; the Southern Clinton County Municipal Utilities Authority (SCCMUA) has advised that the site can be adequately served by public sanitary sewer; the Clinton County Drain Commissioner's office also has confirmed that storm drainage is available; lastly, the remaining reviewing agencies have expressed no concerns or issues with the request

In closing, Gray advised that the request is consistent with the Township's Comprehensive Development Plan and the Growth Management Strategy. Therefore, staff is recommending approval of Rezoning Request 08-880003 from Ron Jona & Associates.

There were no comments or questions from the Commissioners.

Chair Zimmerman invited the applicant to speak.

Ron Jona, representing Ron Jona & Associates, 29000 Inkster Road, Suite #120, Southfield, MI 48034, stated he feels the request is compatible with the Township's Master Plan and, if approved, he will be coming forward with a site plan for the property in the near future.

There were no Commissioner comments or questions for the applicant.

Chair Zimmerman invited public comment.

Greg Whitlock, representing his father Earl Whitlock, 12625 US-27, DeWitt, MI 48820, stated the request does seem to be compatible with the area. He questioned if the applicant had a particular use in mind for the site.

Jona advised that he has some ideas in mind for the site but nothing concrete enough to comment on.

There were no further questions or comments.

- C. Close Public Hearing. **Keilen moved to close the Public Hearing at 7:30 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Nolen moved that the Planning Commission recommend that the Board of Trustees approve Rezoning Request 08-880003, from Ron Jona & Associates, to rezone the approximately 3.76 acres site located at 12649 and 12651 S. US-127-BR (formerly US-27) and 1121 and 1171 E. Webb Road from R3 (Residential Single Family) to BC (Business, Community). Approval is recommended on the following basis:

- 1. The requested rezoning is consistent with the Future Land Use designation and commercial land use goals of the Comprehensive Development Plan.**
- 2. The requested rezoning is consistent with the Growth Management Strategy component of the Comprehensive Development Plan.**
- 3. The site can be adequately served with the necessary public facilities, including public water and sanitary sewer.**

Supported.

ROLL CALL vote on motion:

AYES: 5 NAYS: 0 ABSENT: 4 (Gobbo, Smelker, Ross, Flower)
MOTION CARRIED.

NEW BUSINESS:

I. Review of Clinton County Draft Comprehensive Plan.

Gray provided a brief overview of the Clinton County Draft Comprehensive Plan. He noted that the Future Land Use Map indicates a transitional area north of DeWitt Township in Olive Township. Staff finds this to be consistent with future plans within DeWitt Township.

There were no comments or questions from Commissioners.

The Planning Commission directed staff to draft a letter to Clinton County thanking them for the opportunity to comment on the Plan and advise that there are no comments or objections at this time.

II. Request for Special Use Permit 08-990007 from Scott Randall for property located at 16040 S. US-127BR (formerly US-27), Lansing, MI 48906 and 1011 W. State Road, Lansing, MI 48906, the southwest corner of S. US-127BR and State Road, Lots #51 and #51-01 of Valley

Farms Subdivision, in the northeast ¼ of Section 33 of DeWitt Charter Township, to allow the applicant to operate an auto service repair and Budget Truck Rental business.

Keilen moved to receive Request for Special Use Permit 08-990007 from Scott Randall and set for a Public Hearing to be held on Monday, August 4, 2008. Supported. MOTION CARRIED.

- III. Rezoning Request 08-880004 from David Schlegel Limited Family Partnership** for property located at 1650 and 1720 E. Clark Road, Lansing, MI 48906, and a 19.11 acre vacant property located on the south side of E. Clark Road, east of Boichot Road, west of Wood Road, in the northeast ¼ of Section 22 of DeWitt Charter Township, to rezone approximately 46.86 acres from A (Agricultural) and R3 (Residential Single Family) to A (Agricultural).

Keilen moved to receive Rezoning Request 08-880004 from David Schlegel Limited Family Partnership and set for a Public Hearing to be held on Monday, August 4, 2008. Supported. MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

I. Trustee: None.

II. Zoning Board of Appeals:

Gray gave a brief report on business conducted and action taken at the regularly scheduled Board of Appeals meeting held on May 21, 2008.

III. Committees: None.

IV. Staff:

Gray reminded the Commission of the Special Meeting to be held on Monday, July 21, 2008 regarding the South Central Area Plan.

Gray advised that he has taken a position with the City of Mt. Pleasant and will continue as Planning Director for DeWitt Township until July 25th. He thanked the Commission and staff for their support during his 10 years with the Township and expressed his appreciation for everyone's cooperation.

Rod Taylor, Township Manager, stated that Planning Director Gray will be greatly missed by the Township. He has done a phenomenal job over the last 10 years. Taylor advised that the Township Board intends hire a consultant, Jim Foulds, to serve as interim staff planner.

All Commissioners thanked Planning Director Gray for the outstanding job he has done and wished him the best of luck in all of his future endeavors.

DISCUSSION: None.

ADJOURNMENT: **Keilen moved to adjourn the meeting at 7:48 p.m. Supported. MOTION CARRIED.**

Linda K. Parkinson, Recording Secretary

Theresa Shively, Secretary