

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

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

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

ROLL CALL by Secretary Shively.

MEMBERS PRESENT: Mike Nolen, Terrie Shively, Bruce Keilen, Dale Dailey, Marsha Zimmerman, Trustee Ross and Steve Gobbo.

MEMBERS ABSENT: Jason Flower and Kim Smelker.

STAFF PRESENT: Planning Director Jeff Gray, Assistant Planner Harmony Gmazel, and Planning Secretary Linda Parkinson.

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

APPROVAL OF MINUTES: **Keilen moved to approve the minutes of the regular meeting of February 4, 2008 as printed. Supported. MOTION CARRIED.**

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

1. Planning Department Activity Report for February 2008.
2. Planning Department Activity Report for March 2008.
3. City of DeWitt – Notice of Intent to Update Comprehensive Development Plan.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

- I. **PUBLIC HEARING – Special Use Permit 08-990001 from Patrick Feldpausch**, for property located at 13393 S. US-127BR, DeWitt, MI 48820, north of Twinbrook Drive, south of Commerce Park Drive, in the northwest ¼ of Section 15 of DeWitt Charter Township, to allow the applicant to demolish the existing buildings and construct a 13,300 sq. ft. multi-

purpose commercial building on the site.

- A. Open Public Hearing. **Keilen moved to open the Public Hearing at 7:05. Supported. MOTION CARRIED.**
- B. Administrative Comments/Applicant Comments/Public Comments.

Planning Director Jeff Gray briefly reviewed staff's report dated April 3, 2008 pointing out the location of the approximately 1.37 acre site. The applicant is proposing to remove the existing structures on the site and construct a 13,300 square foot two-story office building. Although the exact tenants are unknown at this time, the building would be designed to house a real estate office, doctor's office and other general offices, as well as a small restaurant and a bank with a drive-through. The property is located in the BC (Business, Community) zoning district. The various proposed uses are allowed by right in the BC (Business, Community) zoning district. However, the proposed drive-through facility is subject to a Special Use Permit.

The surrounding properties are zoned BC (Business, Community) to the north, east and west, and R1 (Residential Single Family) to the south. The surrounding Future Land Use designations consist of CC (Community Oriented Commercial).

Gray went on to review the request for compliance with the conditions relating to drive-throughs listed in Section 7.13.30 of the Zoning Ordinance (see pages 4 and 5 of staff's report). It is staff's opinion that the proposed site plan complies with all five conditions set forth in Section 7.13.30.

Gray further reviewed the proposed request for compliance with the conditions relating to site plan review listed in Section 7.2.1(3) of the Zoning Ordinance stating the following: sufficient parking spaces are provided; a revised lighting plan has been submitted that meets the requirements for parking lot lighting; retention of existing buffer and the supplemental plantings proposed will exceed the landscaping requirements of the Ordinance; any proposed signs are subject to review and approval by the Planning Department prior to issuance of a sign permit; the applicant intends to close the southern most driveway onto S. US-127BR and provide a service drive that would connect to the parcel north of the site, in keeping with the Township's Access Management Plan; sidewalks will be provided, as well as a 3 ft. wide sidewalk easement along the entire frontage to assure that the entire walk will remain accessible to the public; lastly, the applicant is contemplating developing the project as a condominium. Therefore, staff recommends as a condition of approval that the Master Deed documents be subject to the review of the Township Attorney.

With respect to public facilities and services, Gray advised the following: the Michigan Department of Transportation (MDOT) has indicated that with the change of use, site access will be limited to a single driveway; public water and sanitary sewer are both

available to serve the site; the Clinton County Drain Commissioner's office indicates that adequate storm water management measures can be accommodated on site; the Michigan Department of Environmental Quality (MDEQ) will regulate the removal of the existing underground tanks to assure that groundwater and surrounding properties are protected from the risk of contamination; it has been determined that a "mountable" curb around landscaped islands at the southeast and northeast corners of the site, as well as the southeast corner of the building, serves as a workable solution to the Fire Chief's concern related to the ability to circulate the Fire Department's aerial truck through the one-way drives on the property, in the event of an emergency; lastly none of the other reviewing agencies have cited issues or concerns.

Brief discussion followed regarding future access to the site by connecting to Twinbrook Drive. It was noted by staff that plans to access the subject site by connecting with Twinbrook Drive were prior to the construction of the 127 bypass. The intent of the connection to Twinbrook Drive was a back up measure to allow the residents another outlet should the traffic on S. US-127BR become too heavy.

Chair Zimmerman invited the applicant to speak.

Patrick Feldpausch, applicant, 12805 Escanaba Drive, DeWitt, MI 48820, stated he was present for questions.

There were no Commissioner questions or comments.

Chair Zimmerman invited public comments.

There were no public comments.

- C. Close Public Hearing. **Trustee Ross moved to close the Public Hearing at 7:33 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Gobbo moved that the Planning Commission recommend that the Board of Trustees approve Special Use Permit 08-990001 from Patrick Feldpausch to construct a 13,300 square foot building with drive-through facilities on the property located at 13393 S. US-127BR. Approval is recommended on the following basis:

- 1. The proposed drive-through facility has been designed in accordance with the requirements of Section 7.13.30 of the Zoning Ordinance.**
- 2. Upon compliance with the conditions of the Special Use Permit, the plans**

will comply with the site plan review standards listed in the Zoning Ordinance.

- 3. The standards of the Basis for Determination listed in Section 7.4.3 of the Zoning Ordinance have been met.**

Supported.

ROLL CALL vote on motion:

AYES: 7 NAYS: 0 ABSENT: 2 (Smelker, Flower)

MOTION CARRIED.

- II. PUBLIC HEARING – Rezoning Request 08-880002 from Robin Ballard** for property located at 11441 DeWitt Road, DeWitt, MI 48820, on the east side of DeWitt Road, north of the City of DeWitt, south of Arbor Meadows Drive, in the northeast ¼ of Section 5 of DeWitt Charter Township, to rezone approximately 0.91 acres from A (Agricultural) to R3 (Residential Single Family).

- A. Open Public Hearing. **Keilen moved to open the Public Hearing at 7:26 p.m. Supported. MOTION CARRIED.**
- B. Administrative Comments/Applicant Comments/Public Comments.

Assistant Planner Harmony Gmazel briefly reviewed staff's report dated April 3, 2008 pointing out the location of the site. The applicant is proposing to rezone approximately 0.91 acres of his existing 3 acre parcel from A (Agricultural) to R3 (Residential Single Family). There is a single family residence on the 3 acre parcel. The proposed rezoned parcel is currently vacant.

The surrounding properties are zoned A (Agricultural) to the north and south, R5 (Residential Single and Two Family) and MF (Multiple Family) – City of DeWitt to the west, and R3 (Residential Single Family) to the east. The surrounding land uses consist of Single Family Residential to the north and south, Undeveloped (Open Space within Arbor Meadows), and Single and MF (Multiple Family) to the west.

Gmazel went on to review the permitted uses for the existing A (Agricultural) zoning district and the proposed R3 (Residential Single Family) zoning district (see page 4 of staff's report).

The site is designated on the Future Land Use Map as SF-M (Medium Density Single Family Residential). The requested R3 (Residential Single Family) zoning district is consistent with the Future Land Use designation. The surrounding Future Land Use designations consist of SF-M (Medium Density Single Family Residential) to the north,

east, and south, and SF-H (High Density Single Family Residential) & Residential (City of DeWitt) to the west.

Staff has reviewed the proposed land division and finds that the new parcel meets the area, frontage and width to depth ratio for the R3 zoning district. The parent parcel also meets these requirements for the A (Agricultural) zoning district.

The proposed rezoning request is consistent with the Comprehensive Development Plan and growth management strategy for the Township. The site can be served with all necessary public facilities, including public water and sanitary sewer.

With respect to public services and facilities, Gmazel state the following: the Clinton County Road Commission has no objection to the request, but does note that any future development on the property will require a residential driveway permit; the Board of Water and Light has reviewed the application and does not have any concerns pertaining to public water service; the Southern Clinton County Utilities Authority (SCCMUA) has reviewed the application and has expressed no concerns with availability to serve the site with sanitary sewer; the Clinton County Drain Commissioner's office has reviewed the site and did not find any site specific drainage issues; lastly, there were no issues or concerns expressed by the remaining reviewing agencies.

Chair Zimmerman invited Planning Commissioner's questions or comments.

Brief discussion followed regarding the applicant's intent to rezone only the 0.91 acres and leave the remainder of the 3 acre parent parcel as A (Agricultural).

Chair Zimmerman invited the applicant to speak.

Robin Ballard, applicant, 11441 DeWitt Road, DeWitt, MI 48820, acknowledged that he was present for questions.

Ross questioned if the applicant intends to connect a future new home on the subject site to public sanitary sewer.

Ballard stated he intends to connect to public sanitary sewer at the time that he is ready to sell the property.

Gray noted that the Township's Zoning Ordinance has a provision that says where sanitary sewer is available you are not permitted to exceed your minimum front setback, unless you connect to sanitary sewer.

Chair Zimmerman invited public comments.

- C. Close Public Hearing. **Hearing no further questions or comments, Trustee Ross moved to close the Public Hearing at 7:33 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Ross moved that the Planning Commission recommend that the Board of Trustees approve Rezoning Request 08-880002, from Robin Ballard, to rezone approximately 0.91 acres located at 11441 DeWitt Road from A (Agricultural) to R3 (Residential Single Family). Approval is recommended on the following basis:

1. **The requested rezoning is consistent with the Future Land Use designation and residential 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: 7 NAYS: 0 ABSENT: 2 (Smelker, Flower)

MOTION CARRIED.

NEW BUSINESS:

- I. **Request for Site Plan Review 08-150001 from Michael Davis** for property located at 5250 N. Grand River Avenue, Lansing, MI 48906, on the north side of Grand River Avenue, west of the Waverly Road intersection, in the southwest ¼ of Section 31 of DeWitt Charter Township, to allow the applicant to construct an 8,400 sq. ft. retail building.

Gray briefly reviewed staff's report dated April 4, 2008 noting that staff is recommending postponement of action on this request to allow the applicant additional time to address a number of outstanding issues. Revised plans were submitted this afternoon which address some of the outstanding issues. Assistant Planner Gmazel attempted to provide a revised analysis in order to come forward with a revised recommendation. Unfortunately, due to some of the issues still outstanding, such as connection to storm drainage and site access, staff was unable to do so. Staff still recommends postponement.

Chair Zimmerman invited the applicant to speak.

Michael Davis, representing Davis Construction, Inc., 5236 Dumond Court, Suite A, Lansing,

MI 48917, advised that staff has been very helpful in working with him to provide information pertaining to the remaining outstanding issues. He would like the Planning Commission to approve this request with the condition that the applicant be able to come forth with information that addressed the unresolved issues.

Gobbo questioned if the applicant has approached the City of Lansing with regard to connecting to their public sanitary sewer system.

Davis advised that he has not had conversations with the City of Lansing since the rezoning phase of this project. At that time, they were not interested in allowing the site to connect.

Gobbo encouraged the applicant to have discussions with the City of Lansing to see if they would reconsider their original determination.

Keilen moved that the Planning Commission postpone action on Site Plan Review 08-150001 from Michael Davis to allow the applicant additional time to address outstanding issues and to provide a revised site plan that addresses site access and circulation.

Supported.

MOTION VOTED AND CARRIED.

- II. Request for Special Use Permit 08-990002 from Classic Pool and Spa, Inc.** for property located at 12455 S. US-127BR (formerly US-27), DeWitt, MI 48820, south of Howe Road, north of Webb Road, in the northwest ¼ of Section 10 of DeWitt Charter Township, to allow the applicant to have two above ground display pools outdoors on the site.
- III. Request for Special Use Permit 08-990003 from JNL Partnership, LLC** for property located at 13161 Schavey Road, DeWitt, MI 48820, south of Herbison Road, north of Clark Road, Lot #84 of Country Meadows Estates, in the northeast ¼ of Section 18 of DeWitt Charter Township to allow the applicant to construct a drive through ATM, a new building, and an addition to an existing building to be used for retail sales and professional offices.
- IV. Request for Special Use Permit 08-990004 from Raymond and Marie Mohre** for property located at 16231 S. US-127BR (formerly US-27), Lansing, MI 48906, at the southeast corner of Wieland Road and S. US-127BR, in the northwest ¼ of Section 34 of DeWitt Charter Township, to allow the applicant to construct a 40'x40' addition to an existing building and have outdoor storage on the site.
- V. Request for Special Use Permit 08-990005 from Wendalyne T. Greene** for property located at 1933 E. Stoll Road, Lansing, MI 48906, east of Boichot Road, west of Wood Road, in the southeast ¼ of Section 22 of DeWitt Charter Township, to allow the applicant to operate a group day care home from the existing residence on the site.

Keilen moved that the Planning Commission receive Request for Special Use Permit 08-990002 from Classic Pool and Spa, Inc., Request for Special Use Permit 08-990003 from JNL Partnership, LLC, Request for Special Use Permit 08-990004 from Raymond and Marie Mohre, and Request for Special Use Permit 08-990005 from Wendalyne T. Greene and set for Public Hearings to be held on Monday, May 5, 2008. Supported. MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS:

Raymond Mohre, 15750 Brook Road, Lansing, MI 48906, questioned why his request for Special Use Permit 08-990004, under Item IV. for New Business was not being considered until the May 5, 2008 Planning Commission meeting.

Gray advised that items of business that require a Public Hearing are received by the Planning Commission at one meeting and scheduled for the Public Hearing at the following meeting. This allows the Planning Department staff the time to provide proper public notification, as required under State statute.

REPORTS:

I. Trustee:

Trustee Ross reported on business conducted and action taken at the Board of Trustees regular meetings held on March 10, 2008 and March 24, 2008.

II. Zoning Board of Appeals:

Commissioner Gobbo advised that the Board of Appeals did not meet in the month of March, due to no applications being filed.

III. Committees: None.

IV. Staff:

Gray gave a brief update on the progress of the ongoing South Central Area Plan. Staff has been in weekly meetings with the consulting firm Beckett & Raeder, Inc. to discuss the quality and quantity of materials they have provided to the Township as of this date. Beckett & Raeder, Inc. is the parent company of Vilican Leman, who was hired to complete the project. Gray is optimistic that a "mid course correction" will be complete following a scheduled meeting on April 15th.

DISCUSSION:

Marie Mohre, 15750 Brook Road, Lansing, MI 48906, advised that the property address for request for Special Use Permit 08-990004 should be corrected on the Agenda to read 16231 S. US-127BR.

Brief discussion followed regarding whether the Board would be involved in future meetings with the consultants for the South Central Area Plan.

ADJOURNMENT: **Gobbo moved to adjourn the meeting at 7:51 p.m. Supported. MOTION CARRIED.**

Linda K. Parkinson, Recording Secretary

Theresa Shively, Secretary