

**DEWITT CHARTER TOWNSHIP
1401 W. HERBISON ROAD, DeWITT, MI
PLANNING COMMISSION MINUTES
MONDAY, DECEMBER 3, 2007**

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 Smelker.

MEMBERS PRESENT: Steve Gobbo, Kim Smelker, Mike Nolen, Jason Flower, Terrie Shively, Bruce Keilen, Greg White, Marsha Zimmerman and Trustee Ross.

MEMBERS ABSENT: None.

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

APPROVAL OF MINUTES: **Flower moved to approve the minutes of the regular meeting of November 5, 2007 as printed. Supported. MOTION CARRIED..**

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

1. Planning Department November Activity Report.
2. Staff Memorandum dated November 26, 2007 regarding Commissioner's biographies for 2008 Election of Officers.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

I. PUBLIC HEARING - Ordinance Amendment 60.72 to amend various Sections of the DeWitt Charter Township Zoning Ordinance of 1977, as amended, to address the construction of accessory buildings; to amend Section 6.1.6 as it relates to the construction of fences, walls, and screens; to amend several Sections to address day care facilities in various zoning districts; to amend Section 5.18 as it relates to rear setback requirements in the R4 and R5 (Residential Single and Two Family) zoning districts and the R6 (Residential Single Family) zoning district; and to provide an effective date hereof.

A. Open Public Hearing. **White moved to open the Public Hearing at 7:05 p.m. Supported. MOTION CARRIED.**

B. Administrative Comments/Applicant Comments/Public Comments.

Planning Director Jeff Gray stated the purpose of Ordinance amendment 60.72 is to address the following four items: total amount of accessory space allowed in the Zoning Ordinance;

decorative fences in front yards; in home daycare; and rear setback in residential districts.

Gray went on to review staff's report dated November 30, 2007. With respect to accessory space, Gray advised that the Planning Department has received several variance requests to the amount of accessory space allowed. Staff researched accessory space standards of other communities to try to obtain a standard that is more related to lot size rather than zoning district. This Ordinance Amendment would basically allow more accessory space as the lot area increases. For example, from 0.5 acres to 5 acres the amount of accessory space allowed starts at 960 square feet up to 2,400 square feet of detached space, with 1,200 square feet of attached space allowed on all lots. However, the maximum lot coverage of no more than 20%-30% of the lot is still in effect. Of the 22 accessory space variance requests over the last 10 years, 16 requests would not have been necessary under the currently proposed standards. In addition, this amendment would regulate accessory buildings in front yards. Lastly, this amendment would move language related to parking of commercial vehicles on residential properties to Section 10.1.4, Use of Parking Areas.

Brief discussion followed regarding the fact that permits are not required for temporary storage units.

Gray advised that in the event that someone is using a temporary storage unit for an extended period of time, with no extenuating circumstance, staff would require the structure to meet building code. Staff will explore the option of addressing the regulation of temporary "pod" storage units within the temporary building provisions.

Discussion followed regarding whether sanitary sewer and public water could serve accessory structures and potential occupancy of detached accessory buildings.

Gray advised that the Zoning Ordinance prohibits multiple residences on a single residential lot.

Gray went on to state that Section 6.1.6 of the Zoning Ordinance pertains to the placement of fences, walls, and screens. The proposed amendment would regulate placement and develop objective criteria for the definition of a "decorative fence". In addition, the proposed amendment would allow decorative fences to be built without the approval of the Planning Commission. There would be an administrative review conducted by staff. Lastly, maintenance of fencing has been added as a requirement.

Brief discussion followed regarding whether the placement of screening behind a decorative fence would be allowed to serve as a barrier for pets, etc.

Gray moved on to review the proposed amendment as it pertains to daycare facilities. These proposed changes were triggered by a request to allow a Group Daycare Facility in a dense residential area that was denied by the Board of Trustees (Variance Request 04-770009). There are basically two types of daycares licensed by the State, in home family daycare (licensed for less than 7 children) and group daycare facilities (licensed for 7-12 children). The State mandates that family daycares are allowed any place that a residence is allowed. The group daycares may be allowed in a residential area by Special Use Permit. Currently, DeWitt Township only allows group daycare facilities by Special Use Permit in the A (Agricultural) zoning district. The proposed amendment would add definitions for the various types of daycare

that more or less mirror the State law. In addition, all of the residential districts would be amended to permit Family Day Care Homes by right, as required by law. The proposed amendment would also permit Group Day Care Homes in every residential zoning district. However, it is up to the Township's discretion whether such facilities should be allowed in every residential district.

Gray reviewed the final item addressed in the proposed amendment relating to rear yard setbacks. He advised that the most common requested variance to this requirement involves the conversion of open decks to enclosed living space. In looking at other existing standards the subcommittee came to the conclusion that the R4 (Residential Single and Two Family) and R5 (Residential Single and Two Family) zoning districts would have the rear setbacks reduced by 5 feet. The R6 (Residential Single Family) zoning district setback would have the rear setbacks reduced by 10 feet. This is consistent with other community standards and the intended density of the Township zoning districts.

In closing, Gray advised that the Township Attorney has reviewed proposed Ordinance Amendment 60.72. Staff has incorporated the changes recommended by the Township Attorney.

Ross and Shively both commented that staff's report on Ordinance Amendment 60.72 was very comprehensive.

There was no public present for comment.

- C. Close Public Hearing. **Chairman Gobbo declared the Public Hearing closed at 7:35 p.m.**
- D. Discussion and possible action by Planning Commission.

Ross moved that the Planning Commission recommend that the Board of Trustees approve Ordinance Amendment 60.72. Supported.

**ROLL CALL vote on motion:
AYES: 9 NAYS: 0
MOTION CARRIED.**

NEW BUSINESS:

- I. **Rezoning Request 07-880002 from Mike Davis representing Davis Construction, Inc.**, for property located at 5250 N. Grand River Avenue, Lansing, MI 48906, west of Capital City Airport Drive, east of Airport Road, in the southwest ¼ of Section 31 of DeWitt Charter Township, to rezone approximately 0.91 acres from the IL (Industrial, Light) zoning district to the BC (Business, Community) zoning district.
Keilen moved to receive and set for a Public Hearing Rezoning Request 07-880002 from Mike Davis representing Davis Construction, Inc. to be held on Monday, January 7, 2008. Supported. MOTION CARRIED.
- II. **Rezoning Request 07-880003 from Avalon Place**, for property located at 13180 Schavey Road, DeWitt, MI 48820, south of Herbison Road, west of Schavey Road, Lot #25 of Country Meadows

Estates Subdivision, in the northwest ¼ of Section 18 of DeWitt Charter Township, to rezone approximately 6.61 acres from the M-2 (Multiple Residential) zoning district to the M-3 (Multiple Residential) zoning district.

Keilen moved to receive and set for a Public Hearing Rezoning Request 07-880003 from Avalon Place to be held on Monday, January 7, 2008. Supported. MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

I. Trustee:

Trustee Ross gave a brief report on business conducted and action taken at the November 13, 2007 and November 26, 2007 regularly scheduled meeting of the DeWitt Charter Township Board of Trustees.

II. Zoning Board of Appeals:

Gobbo commented that there was no Board of Appeals meeting held on Wednesday, November 21, 2007 due to no new applications being filed.

III. Committees: None.

IV. Staff:

Gray gave a brief update on the progress of the South Central Area Plan, recent ordinance violations, as well as staff's progress in working with the E.T. MacKenzie Company on closing their facility on Round Lake Road.

DISCUSSION: It was noted that this would be Commissioner White's final meeting with the Commission. Commissioner's expressed their appreciation for White's service to the community.

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

Linda K. Parkinson, Recording Secretary

Kim Smelker, Secretary