

**DEWITT CHARTER TOWNSHIP
1401 W. HERBISON ROAD, DeWITT, MI
PLANNING COMMISSION MINUTES
MONDAY, NOVEMBER 5, 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, Marsha Zimmerman and Trustee Ross.

MEMBERS ABSENT: Greg White.

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

APPROVAL OF MINUTES: **Flower moved to approve the minutes of the regular meeting of October 1, 2007 as printed. Supported. MOTION CARRIED.**

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

1. Planning Department October Activity Report.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

I. PUBLIC HEARING - Rezoning Request 07-880001 from Michael Parsley, representing WMBK Holdings, LLC, for property located at 1050 W. Wieland Road, Lot #45-02 of Valley Farms No. 1 Subdivision, west of S. US-127BR, north of Valley Road, south of Hannah Street in the northeast ¼ of Section 33 of DeWitt Charter Township, to rezone 0.19 acres from BC (Business, Community) to R6 (Residential Single Family).

A. Open Public Hearing. **Trustee Ross 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 briefly reviewed staff's report dated November 2, 2007 pointing out the location of the 0.19 acre site. The property is located at 1050 W. Wieland Road, just west of the Old 27 corridor. The applicant is requesting to rezone the property from the BC (Business, Community) to the R6 (Residential Single Family) zoning district. The surrounding zoning consists of BC (Business, Community) to the north, south, east and west. The surrounding land use consists of Commercial to the north and south, and Single Family Residential to the east and west.

Although the site is currently located in the BC (Business, Community) commercial zoning district, the property does have a single family residence on it consisting of approximately 962 square feet. According to Township Assessing records, the home was built sometime in the 1920's. This was well before the Township took authority over zoning in 1977. The home is considered an existing legal nonconforming use under Township regulations and can continue to be used as a single family home. However, it cannot be enlarged or expanded. Also, any nonconforming use that is damaged by natural disasters can only be rebuilt if the damage does not exceed 60 percent of the value of the building, exclusive of its land and foundation.

Gray went on to point out that the surrounding area consists of residences immediately to the east and west. All four homes are on individual parcels. Originally, the four parcels were Lot #45 of Valley Farms Estates Subdivision. At some point the existing residential lot was split into four separate lots with identical dimensions of 55 ft. wide by 114 ft. deep. All of the existing homes on these lots are legal nonconforming uses.

In addition to photos submitted by the applicant of the homes surrounding the site, Gray presented a more panoramic picture noting how close the site is to the Business-27 corridor which principally consists of the BC (Business, Community) zoning district. Gray further pointed out that the rear of the subject property is adjacent to a large commercial parking lot for the former Panorama Video Store (the former Chip's Sports Bar).

Notification letters were sent out on this request. Staff received one response from Mrs. Norman Lofton who owns the two residential parcels immediately to the west of the site. Her concern is to insure that her properties were not involved in this rezoning request. She feels her properties are more valuable if they are zoned commercially. Staff assured Mrs. Lofton that the request would only impact the subject site at 1050 W. Wieland Road.

Gray briefly reviewed a list of uses allowed under the existing BC (Business, Community) zoning district and the requested R6 (Residential Single Family) zoning district (see pages 4 and 5 of staff's report). The BC (Business, Community) district is

the Township's broadest commercial district. The R6 (Residential Single Family) is the Township's highest density single family zoning district. The site currently meets the minimum dimension standards of the BC district. However, the site does not comply with the lot width requirements or the front and side setbacks for the proposed R6 district. The applicant made application to the Zoning Board of Appeals for variances to the R6 standards (Appeal 07-770006). This request was denied by the Zoning Board of Appeals at their October 17, 2007 meeting based on a finding that the request did not meet the requisite conditions in the Zoning Ordinance.

Gray further stated staff searched archives to provide some zoning history of the site area. Going back to 1977, the line between commercial and residential existed further east. The properties west of the pre-existing line were in the "RM" zoning district which has since been changed in 1982 to the R3 (Residential Single Family) zoning district. In 1981 there was a request to change the zoning of the area southwest of the line to BC (Business, Community). In 1985 the Township initiated a number of rezonings in the residential neighborhoods along the Old 27 corridor that had historically been for commercial use. One such change was the area west of the present BC zoning district. There was concern from the property owners in the area of the subject site. Therefore, the Township removed some properties from the (including the subject site) at the request of the property owners who wished to stay in the BC (Business, Community) zoning district.

With respect to the surrounding Future Land Use Map designations, Gray noted that the entire area is planned for CC (Community Oriented Commercial). This designation is consistent with the current BC (Business, Community) zoning on the site. One strategy to meet the goals of the Comprehensive Development Plan is to zone under utilized land along the corridor for commercial to more easily facilitate their eventual assembly for a conforming commercial use. The Township is currently developing the South Central Area Plan to attempt develop some programs consistent with the goals and objectives of the Comprehensive Development Plan.

With respect to public services and facilities, Gray advised that none of the reviewing agencies have expressed concerns, due to the requested zoning not really having an impact on the intensity of the use.

In closing, Gray reviewed staff's analysis of the request (pages 8 and 9 of staff's report) concluding that, if approved, the rezoning would constitute a "spot zone". Further the request is not consistent with the Future Land Use Map.

Ross questioned if staff had the opportunity to evaluate the basis for the property south of the applicant's property that was rezoned from BC to R3 in 1985.

Gray advised that the rationale behind that rezoning was due to the nonconformity of the residential homes; the owners were not able to expand their structures. The property owners in the area of the subject site were not interested in seeing their property revert back to a residential district.

Hearing no further questions, Chairman Gobbo invited the applicant to speak.

William Parsley, 124 W. Allegan Street, Suite 700, Lansing, MI 48912, stated he is an attorney representing the applicant. He stated that the Township's regulations relating to nonconforming uses, which do not allow a use to continue if 60% of the structure is damaged, are unreasonable. He noted that the subject property has residences on both sides, as well as across the street. This would make it almost impossible to use the site for a commercial operation. Since the site was at some point part of a larger lot, it must have received some type of approval when the building permit was issued for the existing residential structure. In closing, Mr. Parsley stated it is impossible to obtain a residential mortgage for the existing home because the Township ordinance will not allow the house to be rebuilt if it should be damaged by 60% or more. Although he cannot find a case to support his point, he feels the Township's restrictions could be considered a "taking".

Nolen asked if the applicant is requesting the rezoning in order to be able to sell the house.

Parsley stated "yes".

Hearing no further Commissioner questions, Chairman Gobbo invited public comments.

Hattie Lofton, 1088 W. Wieland Road, Lansing, MI 48906, stated she owns 1062 and 1088 W. Wieland Road, two of the four properties that were originally split from Lot #45 of Valley Farms Subdivision. Her properties are adjacent to the commercial property to the north. She feels it would be in her best interest to leave her property in the BC (Business, Community) zoning district.

- C. Close Public Hearing. **Hearing no further public comments, Ross moved to close the Public at 7:26 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Shively questioned if the property owner immediately east of the site had comments on the request.

Gray stated that they were sent notification of the request. However, staff has heard no response from them.

Keilen stated it has always been his feeling that the Planning Commission should follow the goals and objectives of the Comprehensive Development Plan.

There was no further discussion.

Keilen moved that the Planning Commission recommend that the Board of Trustees deny Rezoning Request 07-880001, from Michael Parsley (WMBK Holdings, LLC), to rezone the approximately 8,085 square foot property located at 1050 W. Wieland Road from BC (Business, Community) to R6 (Residential Single Family). Denial is recommended on the following basis:

- 1. The requested rezoning is inconsistent with the Future Land Use designation for the property, as shown in the Comprehensive Development Plan.**
- 2. The requested rezoning is not consistent with the planned and existing commercial character of other properties in the vicinity of the site.**
- 3. The property can be reasonably used for the existing residential use as a legal nonconforming use under the existing BC (Business, Community) zoning district.**
- 4. The property can be reasonably used for commercial uses under the existing BC (Business, Community) zoning district.**
- 5. The property does not comply with the minimum width and building setback requirements for the proposed R6 (Residential Single Family) zoning district, as listed in Section 5.18 of the Zoning Ordinance.**

Supported.

ROLL CALL vote on motion:

AYES: 7 NAYS: 1 (Flower) ABSENT: 1 (White)

MOTION CARRIED.

- II. PUBLIC HEARING - Request for Special Use Permit 07-990007 from Ronald W. Clark, representing Site Services, Inc., E.T. MacKenzie Co., MacKenzie Recycling Corp. to be allowed to excavate soil and minerals from property located at 1300 E. Clark Road (97.83 acres) and 14700 Boichot Road (10 acres) in the west ½ of Section 22 of DeWitt Charter Township.**

- A. Open Public Hearing. **Nolen moved to open the Public Hearing at 7:30 p.m. Supported. MOTION CARRIED.**
- B. Administrative Comments/Applicant Comments/Public Comments.

Assistant Planner Harmony Gmazel briefly reviewed staff's report dated November 2, 2007 pointing out the location of the two properties involved in the request. The entire site consists of 107 acres, located south of Clark Road, west of Boichot Road, in the west ½ of Section 22 of DeWitt Charter Township. Approximately 37 acres will be subject to actual mining activity.

The larger E.T. MacKenzie site is zoned A (Agricultural) with a small amount of R3 (Residential Single Family). The smaller Binkley site is zoned A (Agricultural). The surrounding zoning consists of A (Agricultural) and R3 (Residential Single Family) to the east and west, BL (Business, Local), BC (Business, Community) and A (Agricultural) to the north, and BC (Business, Community) and A (Agricultural) to the west. The surrounding land uses consist of residential, commercial, mining operations and vacant property. The Future Land Use Map calls for the area to be predominately SF-M (Medium Density Single Family) with some commercial and agricultural uses to the north.

Gmazel went on to provide some history of the site advising that Special Use Permit 11-0014 was originally issued to the then owner, the Brown Brothers, for excavation in 1978. The permit was renewed until 1988. After that, there were several zoning violations at the site resulting in court orders to cease related activity. The site has since been vacant for some time. E.T. MacKenzie acquired the property in 2005 and began cleaning up the site. Aside from the unauthorized activity on the property, the Township also had concerns with dewatering issues back in the 1970's and 1980's. The permittee voluntarily brought his dewatering activities to an end and surrounding private well issues dissipated.

Gmazel provided a general overview of the site characteristics stating the following: a 15.5 acre lake exists on the site which will be increased to 25.1 acres as part of the mining process; the life of the operation and rehabilitation is expected to be 7 to 8 years; the applicant has not proposed an end use for the site; 50,000 to 60,000 cubic yards of materials would be removed per year; the operation will occur in two phases; excavation will occur Monday through Friday and on some Saturdays; processing equipment will be imported to the site for only 75 working days of the year; access to the site will be limited by an electronic gate; activity will be limited to 75 ft. away from all residential property lines; the applicant will not dewater the site but will be utilizing a dredge; the Township typically requires that applicants execute a well protection commitment to address potential impacts to wells in the area; lastly, the applicant has completed a Phase I Environmental Assessment to ascertain whether or not there is any visible

contamination on the site. Staff recommends as a condition of approval that the applicant provide a copy of this document to the Planning Department.

With respect to minimum and discretionary standards, Gmazel advised the following: the applicant has met all minimum standards for setbacks, fencing and signage; staff finds the proposed screening at the site is adequate; the proposed hours of operation are consistent with other mining operations in the Township; the applicant will be required to enter into an agreement with the Clinton County Road Commission and post surety with the Road Commission to guarantee maintenance of the haul route; the applicant will be required to provide a financial guarantee in the amount of \$255,690.00 (\$6,750.00 per acre) for restoration of the site; the applicant will be required to provide proof of adequate insurance before commencing work on the site; proper mud and dust control and maintenance of noise suppression devices is a condition of the permit; parking of vehicles related to the site are prohibited from parking on the public roadway; lastly, the permit would be allowed to be issued for a period of one year, renewable for additional years, subject to staff inspection.

With respect to public services and facilities, Gmazel stated the following: no response has been received by the Clinton County Road Commission; however, the applicant will be required to provide a financial guarantee for maintaining the haul routes. The applicant has already provided a Soil Erosion and Sedimentation Control permit from the Clinton County Drain Commissioner's office; the Michigan Department of Environmental Quality (MDEQ) has indicated that there is a high probability that the project will be subject to their review; the applicant has provided the Township with a copy of their Joint Permit Application to the MDEQ, including a wetland mitigation plan; lastly, once there is a proposed end-use at the site, the Southern Clinton County Michigan Utilities Authority (SCCMUA) has indicated that lift station issues along Boichot Road will have to be addressed.

Lastly, Gmazel went on to review staff's analysis for compliance with Section 7.4.3 of the Zoning Ordinance which provides the Basis for Determination for Special Use Permits (see pages 8 and 9 of staff's report). The use is proposed to be conducted in accordance with the applicable regulations.

Chairman Gobbo invited Commissioner's questions.

Flower questioned the current depth of the existing lake on the site.

Gmazel advised that the current depth of 12 feet will be increased to 30 feet in the deepest areas.

Gobbo questioned if anything has been done with the subject site, other than clean up, since the 1990's.

Gmazel advised that nothing has been brought to the Township's attention for review or approval.

Hearing no further Commissioner questions, Chairman Gobbo invited the applicant to speak.

Ron Clark, 4248 W. Saginaw Highway, Grand Ledge, MI 48837, representing the applicants MacKenzie Recycling Corporation, MacKenzie Recycling Corporation and Richard and Lois Binkley, thanked Assistant Planner Gmazel for staff's thorough and precise report on this request. He did want to clarify one item. The applicant has completed the permit application from MDEQ, dated November 2, 2007. It should be received by the Township in a timely manner. In addition, the applicant has employed a wetland consultant to review the site and delineate the existing wetlands. He is aware that a permit will most likely be required to expand the existing lake on the site. The proposed site would provide the applicant with 22A grade gravel which is in great demand for construction. It is a material that is not easily found in the area. The applicant feels it is very prudent to excavate, especially on a site that has already been mined, rather than open up a new site. The Binkley property consists of approximately 250,000 yards of sand for excavation.

With respect to the haul route, Clark stated that Clark Road and S. US-127BR are both unrestricted all season roads. It will most likely not be necessary to enter into a haul route agreement with the Clinton County Road Commission (CCRC). Should there be any concerns expressed by the CCRC, the applicant will work diligently to meet any future conditions of that agency. Regarding existing vegetation, Clark stated it will remain undisturbed and basically the only visible appearance of the operation would be the tops of the trucks working on site.

Chairman Gobbo called for Commissioner's questions.

Keilen questioned if most truck traffic from the site would move west to S. US-127BR.

Clark stated the majority of the trucks carrying material will go north on S. US-127BR and end up traveling east and west on I-69. It is company policy to use the interstate highway system as much as possible.

Nolen questioned if the applicant has been able to review the conditions listed in the proposed Special Use Permit.

Clark stated the conditions have been reviewed and found to be very similar to previous conditions for their other mining operations in the Township. He noted that Condition I.C) of the Special Use Permit does not include a reference to being able to use a bond for the performance surety. He asked that that language be added. Also, Clark asked

that the bond be allowed to be posted in accordance with their two phases of operation, rather than a lump sum for the entire operation.

Gray stated it would probably be appropriate to make the proposed changes to the Special Use Permit.

Ross noted that sorting of materials is limited to 75 days a year. He questioned if hours of operation would be limited for the actual excavation process.

Clark stated that the Special Use Permit calls out hours of operation for excavation as 7:00 a.m. to 5:00 p.m., Monday through Friday, year round. He pointed out the sorting equipment is different than the processing equipment. The past Special Use Permits have limited the processing equipment to 75 days. However, sorting occurs on a daily basis, especially when excavation is taking place above the water table. He requested that the proposed Special Use Permit language reflect that point.

Brief discussion followed regarding the fact that there would never be more than 7 employees on site at any time.

Gobbo questioned if the applicant had a noise mitigation plan in place.

Clark stated all their equipment has modern noise suppression devices on them. It is possible to have a cell phone conversation within 10 ft. of the processing equipment. The loudest noise that would emanate from the site are the safety devices such as the back up beepers on the trucks.

Ross questioned the reasoning behind the applicant not having an end use for the property.

Clark stated the end date for the operation is too far out to predict an end use, especially in the current state of the economy. He noted any future development for the site would be required to come before the Planning Commission. With respect to the Binkley property, the applicant intends to eventually split it into two parcels for residential use and the original home would remain.

Hearing no further Commissioner questions, Chairman Gobbo invited the public to speak.

Lois Baumer, 14420 Boichot Road, Lansing, MI 48906, stated she has lived at her current residence since 1953. She has a real vested interest in this request from a property value standpoint. She testified against the previous owner of the property when the Township brought litigation against them for their violations. Originally the mining process was to last 7 years. It has now been over 35 years. In addition, the

previous owner did not construct the proper grading and her back yard was sliding into the site. Further, they operated in the middle of the night causing a noise nuisance. She expressed concern with noise, sand and dust for such an extended period of time. In closing, she is concerned with the site being properly secured and with the possible access to Boichot Road.

Bruce Omundson, 1052 Wild Turkey Lane, Lansing, MI 48906, concurred with Ms. Baumer's concerns. He further expressed concerns regarding private wells running dry, increased traffic, the 75 foot setback not being sufficient, and whether the proper guarantees would be in place should the applicant not adhere to the provisions of the proposed Special Use Permit.

Planning Director Jeff Gray advised that the Ordinance requires the applicant to submit a bond in the amount of \$6,750.00 per acre for the restoration of the site. In terms of other remedies, they would be addressed through a series of violation notifications and lastly, court action. Gray further pointed out that the Brown Brothers used dewatering during their excavation while the applicant is proposing to use a dredge which does not lower the water elevation. For the most part MDEQ is not permitting dewatering due to the negative impacts on ground water.

Nolen questioned if the applicant is in good standing with the Township with regard to their other operations within the Township.

Gray advised that the applicant has had no significant issues arise at other site locations. Any minor issues that arise are addressed in a very timely manner. Gray also noted that the Board of Trustees reviews the Special Use Permit operation annually. Should there be any problems they have the ability to not renew the permit.

Jonathan Washington, 14195 Boichot Road, Lansing, MI 48906, stated when the previous excavation operation was taking place his well went dry and he had to replace it. He expressed concerns with hours of operation related to noise and restoration of the site.

Cheryl Poole, 14574 Boichot Road, Lansing, MI 48906, questioned the applicant's intentions for the portion of the site that accesses Boichot Road. She commended staff for the thoroughness of the report. She expressed concern with noise coming from the site.

Ron Difilippo, 14745 Boichot Road, Lansing, MI 48906, expressed concerns with dust control.

Pat McAvoy, 14641 Boichot Road, Lansing, MI 48906, presented the following questions: where will the mitigation take place if the wetland is disturbed; how can the site be restored if there is no end plan for the site; where is the surety bond held for the restoration; has anyone investigated what affect this operation will have on private wells in the area; has there been a decibel impact study done on the noise generated from the operation; how does the Kazenko property relate to this operation; and how will the site be secured for safety purposes? In closing, she expressed concern with how costly court action would be to address violations of the Special Use Permit.

There were no further public comments.

Chairman Gobbo asked that staff respond to the questions presented by the public.

Gray clarified that although there is no end use proposed, there is a requirement for an end plan for rehabilitation of the site. There is a requirement in the Special Use Permit that the applicant must enter into a well protection agreement to address impacts to water quantity and quality. By using a dredge operation rather than dewatering it is unlikely that the water table will be impacted. Whether the operation would cease in the event of a violation would depend upon the nature and severity of the violation. Gray noted that violations have never been an issue with this applicant in past history.

Gobbo pointed out that all administrative remedies would be exhausted before entering into the litigation process.

With respect to wetland mitigation, Gmazel advised it would occur on the final shoreline of the lake by providing vegetation. Regarding the narrow access to Boichot Road, that is labeled as a "no work zone". It will be fenced off and no trucks will be entering that area. The hours of operation are 7:00 a.m. to 5:00 p.m., Monday through Friday and 7:00 a.m. to 3:00 p.m. on Saturdays with no operations on Sundays or Township recognized holidays.

Ross asked for clarification as to exactly where grading will take place on the site and where the surety bond for restoration is held.

Gray advised that there will be no grading in the "no work zones". Grading will take place in the Phase I area to the south and the west edge of the lake. The performance bond will be held in the Township Planning Department.

Chairman Gobbo invited the applicant to respond to public comments and concerns.

Clark stated that the E.T. MacKenzie Company has been in business since 1984 and intends to continue a long time into the future. The company employs approximately 350 people with about 250 here in the Lansing area. It is very important that they are

good neighbors in the community. Street sweepers are working continuously to clean up mud and dust on the roads. In addition, a water truck is on site to help mitigate dust. He invited anyone who is interested to visit their Round Lake Road site to get an idea of what the restoration of a mining operation looks like. The applicant will enter into a well protection agreement with the Township. However, he does not expect wells to be affected due to the fact that they will be using a dredge rather than dewatering. The site will be fenced in with an electronic gate on the only access into the property. The east side of the existing lake will not be disturbed. The mitigation that will take place on the west side with a very slow slope that will be planted with three types of wetland habitat. As a general rule they do not intend to work every Saturday unless it is absolutely necessary. In closing, Clark stated that E.T. MacKenzie owns the subject site and intend to see the operation through until the end, including future development of the property.

- C. Close Public Hearing. **Ross moved to close the Public Hearing at 8:55 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Brief discussion followed regarding the clarification between the term sorting of materials and gravel processing.

Flower commented that in his years of serving on the Planning Commission he has found the applicant to be very reputable.

Flower moved that the Planning Commission recommend that the Board of Trustees approve Special Use Permit 07-990007 from MacKenzie Recycling Corporation based on the plans dated September 21, 2007. 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: 8 NAYS: 0 ABSENT: 1 (White)

MOTION CARRIED.

NEW BUSINESS:

- I. Request for Site Plan Review 07-150006 from Fairway Investment Corporation**, to be allowed to construct a 5,200 sq. ft. clubhouse/banquet center for a developing golf course on property located at 14400 Wood Road, Lansing, MI 48906 and a vacant parcel on Wood Road, in the east ½ of Section 22 of DeWitt Charter Township.

- A. Administrative Comments/Applicant Comments/Public Comments.

Assistant Planner Harmony Gmazel briefly reviewed staff's report dated November 1, 2007 pointing out the location of the site. The applicant is requesting to build a 5,200 sq. ft. clubhouse building for his golf course currently being developed. The site is mostly zoned A (Agricultural) with a small portion to the west zoned R3 (Residential Single Family). The site is master planned for SF-M (Medium Density Single Family), as well as the properties to the west. The properties to the east are master planned for A (Agricultural) and INS (Institutional).

The site plan proposes the installation of driveways, parking areas, pathways, a maintenance shed and the clubhouse itself. In addition, public utilities are proposed to be extended through the property, including water, sanitary sewer and storm drainage improvements.

Gmazel went on to review the request for compliance with the Zoning Ordinance standards stating the following: the height, bulk, density and area requirements have been met; off-street parking requirements have been met with the exception that the plan does not reflect the provision of parking lot lighting; a condition of approval is that a revised plan be submitted indicating a lighting plan for the parking area; the proposed landscaping plan exceeds the Township requirements; no new signs are proposed at this time; lastly, it is recommended that approval include the condition that the applicant provide an acceptable waste management plan.

With respect to public services and facilities, Gmazel stated the following: the Board of Water and Light (BWL) has indicated that the proposed water service extension would be adequate for the clubhouse but would not meet fire flow requirements; the applicant will be having a discussion with BWL to explore possible options. The Mid-Michigan District Health Department has indicated that an on site water supply would be available as an option for the applicant; the Southern Clinton County Municipal Utility Authority

(SCCMUA) has asked that the applicant provide any anticipated average and maximum sewer flows from the clubhouse; the applicant will be required to enter into a utility agreement with the Township; the Clinton Country Road Commission (CCRC) has expressed no concerns regarding road improvements; the Clinton County Drain Commissioner's (CCDC) office will be conducting ongoing inspections but has expressed no concerns with the proposed plans. However, the CCDC has recommended as a condition of approval that the applicant upgrade a portion of an existing drain west of Kirkside Estates before it is utilized as a fairway for the golf course; the DeWitt Township Fire Department will require that the applicant provide "No Parking-Fire Lane" signs on the north and south sides of the clubhouse driveway; lastly, the Michigan Department of Environmental Quality (MDEQ) indicates there is a high probability that the applicant will be required to go through a permit review under the Natural Resources Environmental Protection Act of 1994.

Nolen questioned if the applicant has secured a liquor license for the clubhouse.

Gray advised that liquor license requests are processed through the Clerk's Office. He is not aware of the status of their availability.

Brief discussion followed regarding the fact that the applicant's clubhouse will connect to a proposed sanitary sewer system that will go through Kirkside Estates Subdivision that system has not yet been constructed, although, the applicant also has the option to have an on site system.

Shively questioned if the emergency access drive between Kirkside Estates and the proposed clubhouse will be cleared and maintained year round.

Gray advised that specific conditions were called out for the maintenance of the emergency access drive at the time that Kirkside Estates Subdivision was approved.

Chairman Gobbo invited the applicant to speak.

John Kazenko, Fairway Investment Corporation, 1077 E. Stoll Road, Lansing, MI 48906, applicant, explained that he is dependant upon the utilities being extended to the end of Kirkside Estates so that he can connect at that point. The developers of Kirkside Estates are reluctant to proceed due to the decline in the area economy. He explained that he has had some setbacks due to the installation of the underground sprinkler system that put him approximately four years behind schedule. It is most likely that the applicant will not begin construction on the proposed clubhouse within the next year.

Nolen questioned if the applicant has inquired about obtaining a liquor license.

Kazenko stated he is in the process of checking into his options for obtaining a liquor license. He does not intend to have a kitchen within the clubhouse. It would simply be a place for golfers to stop for a sandwich and/or beverage.

Gobbo pointed out to Mr. Kazenko that site plan approval expires after one year, subject to a renewed extension request and approval.

Chairman Gobbo invited public comment.

Bob Hicks, 14697 Boichot Road, Lansing, MI 48906, stated he cannot understand why the approval is only for one year. He feels the Township should give the applicant more time.

Gray advised that the Zoning Ordinance has a provision stating that every site plan approval is good for one year. There is also a provision to request for an extension. The rationale behind this provision is that situations can change with storm drainage issues and availability of water and sanitary sewer.

Brief discussion followed regarding the procedure for requesting for an extension of an approved site plan.

B. Discussion and possible action by Planning Commission.

Nolen moved that the Planning Commission approve Site Plan Review 07-150006 from Fairway Investment Corporation to construct a 5,200 square foot golf clubhouse and necessary site improvements on the property located at 14400 Wood Road in accordance with the site plan dated August 2, 2007, subject to the following conditions:

- 1. The applicant shall comply with the requirements of all applicable reviewing agencies.**
- 2. The applicant shall revise the site plan to provide parking lot lighting that complies with the requirements of Section 10.1.10(6) of the Zoning Ordinance prior to issuance of a building permit. Said plan shall be subject to approval by the Planning Department.**
- 3. The applicant shall provide a plan for waste management for the proposed facility and, if necessary, illustrate provisions on the site plan. Any revisions made to the plan to comply with this condition shall be subject to the review and approval of the Planning Department.**

4. **The applicant shall meet all requirements of the Lansing Board of Water and Light and/or Mid-Michigan District Health Department regarding water service to the site. A revised site plan must be provided to the Township that depicts a revised water utility plan.**
5. **The applicant shall enter into a Utility Agreement with the Township for the extension of public sanitary sewer prior to issuance of a building permit.**
6. **The applicant shall meet all of the requirements of the Clinton County Drain Commissioner's office concerning the drainage improvements along Wood Road, along the driveway, and on the golf course, west of Kirkside Estates prior to the issuance of a Certificate of Occupancy.**
7. **The applicant shall submit plans for any bar and/or kitchen facilities at the site to the Mid-Michigan District Health Department for proper permitting.**
8. **The applicant shall meet Fire Department signage requirements along the proposed driveway to the site.**
9. **The applicant shall contact the Michigan Department of Environmental Quality to begin the permitting process under the Natural Resources Environmental Protection Act of 1994 and shall provide a copy of said permit to the Township prior to the issuance of a building permit.**

Supported.

ROLL CALL vote on motion:

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

MOTION CARRIED.

- II. 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.

Nolen moved to receive and set for a Public Hearing Ordinance Amendment 60.72 to be held on Monday, December 3, 2007. 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 October 8, 2007 and the October 22, 2007 regularly scheduled meeting of the DeWitt Charter Township Board of Trustees.

II. Zoning Board of Appeals:

Gobbo noted that a copy of the October 17, 2007 Zoning Board of Appeals minutes were included in the Commissioner's packets.

III. Committees:

Minutes of the October 25, 2007 Ordinance Amendment Subcommittee were received and noted.

IV. Staff:

Gray noted that staff has provided a Planning Department Activity Report in the packets for the Commission's review.

Gray further stated that Supervisor Galardi was very pleased and energized by the success of the South Central Area Plan visioning session.

DISCUSSION:

There was brief discussion regarding the process for the Election of Officers in January 2008.

ADJOURNMENT: **Ross moved to adjourn the meeting at 9:45 p.m. Supported. MOTION CARRIED.**

Linda K. Parkinson, Recording Secretary

Kim Smelker, Secretary