

**DEWITT CHARTER TOWNSHIP
1401 W. HERBISON ROAD, DeWITT, MI
PLANNING COMMISSION MINUTES
MONDAY, OCTOBER 1, 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, Greg White, Terrie Shively, Bruce Keilen, Marsha Zimmerman and Trustee Ross.

MEMBERS ABSENT: None.

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

APPROVAL OF MINUTES: **White moved to approve the minutes of the regular meeting of September 4, 2007 as printed. Supported. MOTION CARRIED.**

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

1. Daniel G. Decker - Withdrawal of Site Plan Review 07-150003

PUBLIC COMMENTS: None.

PRESENTATION: South Central Area Plan – Vilican Leman and Associates, Inc.

Benjamin J. Tallerico, AICP, Managing Principal, Vilican Leman and Associates, Inc., 24725 W. Twelve Mile Road, Suite 306, Southfield, MI 48034, gave a brief presentation providing a background of Vilican Leman. He gave a brief overview of the process involved in conducting the South Central Area Plan for DeWitt Charter Township and answered questions from the Planning Commission, Board of Trustees and the public.

Planning Director Gray advised that there will be a South Central Area Plan visioning meeting held on Wednesday, October 24, 2007 at 7:00 p.m. at the DeWitt Township Community Center located at 16101 Brook Road, Lansing, MI 48906.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

I. Request for Site Plan Review 07-150004 from Superior Electric of Lansing, Inc., to be allowed construct a 10,368 sq. ft. pole barn on property located at 212 W. Sheridan Road, Lansing, MI 48906, on the north side of Sheridan Road, east of Turner Road, west of Cedar Street, in the northeast ¼ of Section 33 of DeWitt Charter Township.

A. Administrative Comments/Applicant Comments/Public Comments.

Assistant Planner Harmony Gmazel briefly reviewed staff's report dated September 28, 2007 pointing out the location of the site. The applicant is requesting to construct a 10,368 sq. ft. storage warehouse to serve as an accessory use to Superior Electric, Inc. The structure is intended to provide additional storage space for equipment related to the business.

The site is split-zoned and contains approximately 7.4 acres located in the R3 (Residential Single Family) zoning district and approximately 3.9 acres located in the BC (Business, Community) zoning district. The site plan proposes the construction of the storage warehouse in the commercially zoned portion of the split-zoned parcel. Although the warehouse will be located on a separate parcel from Superior Electric, Inc., the applicant has explained that he cannot combine the lots since one parcel is owned by the applicant and a partner, while the other parcel is owned by the applicant and his partner, and a third party.

The surrounding zoning consists of R3 (Residential Single Family) and MHP (Mobile Home Park) to the north, A (Residential-Single) to the south in the City of Lansing and R3 (Residential Single Family) to the east and west. The surrounding land uses consist of residential.

Gmazel went on to review the request for compliance with site plan review standards set forth in the Zoning Ordinance stating the following: the request complies with the lot area, width, building height, and setback standards listed in the Schedule of Regulations, Section 5.18 of the Zoning Ordinance; the site must be served by three additional parking spaces; staff recommends an access easement and shared parking agreement be provided; all outdoor lighting should be reflected away to the residential parcels on the west property line; and, landscaping and sidewalk installation is triggered since the proposed structure exceeds 20 percent of the existing facility (see page 5 of staff's report dated September 28, 2007).

With respect to outdoor storage, Gmazel advised that staff visited the site and found more than 15 unlicensed trailers that are being used to store equipment related to

Superior Electric, Inc. Electrical equipment is also being stored outside. The applicant has stated that the proposed warehouse will store most of the equipment that is currently outside. Section 5.14.3(6) of the Zoning Ordinance states that construction contractor businesses may only store licensed vehicles outside in the BC zoning district. The applicant has advised that the “tool cribs” are not required to be licensed by the State of Michigan. However, the Michigan Secretary of State’s Office has indicated that to their knowledge, no such exemption exists. Staff recommends as a condition of approval that the applicant provide a schedule/plan of action to remove the remaining outdoor storage and either properly license or remove all of the onsite trailers from the site.

The applicant has submitted a construction schedule that indicates construction would commence immediately once all appropriate approvals are obtained.

With respect to public services and facilities, Gmazel stated the following: the applicant has not proposed any water and sewer improvements; the Clinton County Drain Commissioner will require onsite storm water retention and requires that the applicant not install the proposed 8 ft. fence on the existing drain, but locate it closer to the proposed warehouse; the DeWitt Fire Department has indicated that a Knox Box be required at each onsite gate for easy emergency access; lastly, all remaining agencies express no concerns with the applicant’s proposal.

Nolen questioned if the proposed warehouse was designed for the purpose of housing the existing outdoor equipment. If so, is staff willing to allow the outdoor equipment to remain outside until the warehouse is completed.

Gmazel advised that the warehouse is designed for the purpose of housing existing equipment being stored outside. Staff is still unaware as to the amount of outdoor equipment that will go inside the proposed warehouse. For that reason, staff is requesting the applicant provide a schedule/plan of action to remove the remaining outdoor storage items.

Gray further clarified that staff is only looking for a written schedule/plan from the applicant prior to the issuance of a Building Permit. Staff is willing to be flexible on timing to allow the applicant to construct the warehouse and remove the equipment stored outside.

Brief discussion followed regarding the size and general condition of the trailers being stored on the site.

Gmazel advised that the trailers resemble a semi trailer and, although it appears they have not been used recently, they seem to be in good condition. However, staff is unaware if they are road worthy.

White questioned if the applicant has interest in both the Superior Electric, Inc. parcel and the parcel where the warehouse is proposed to be constructed.

Gmazel advised that the applicant is a co-owner on both properties.

Gray advised that a simpler solution would be to split off the area where the warehouse is being constructed and add it to the Superior Electric, Inc. site. However, because the partnerships on the two parcels are slightly different, this is not possible. Staff is requesting that proper easements be in place to assure there will be no issues if either of the two parcels changes ownership.

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

Jim McCrackin, 2239 Cove Trail, Crystal, MI 48818, co-owner of Superior Electric, Inc., stated it is not necessary for the tool trailers on the site to be licensed. The trailers are used off premises at various job sites.

Gobbo stated that there seems to be two separate issues regarding the trailers. First, the Township Zoning Ordinance requires all outdoor vehicles in the commercial district to be licensed. Second, the applicant feels the State of Michigan does not require licensing.

Gmazel stated, in researching this issue, staff contacted the Secretary of State and was advised that their office could find no exemptions for the licensing of trailers.

McCrackin advised that Superior Electric, Inc. has operated in the contracting business for fifty-five years and have never been required by the State to license the trailers. He would be willing to research the issue further and provide information confirming that the trailers are not required by the Secretary of State to be licensed.

Gobbo wanted to be certain that the applicant understands staff's recommendation for approval is conditioned upon the trailers being licensed. Or, that the applicant provide proof that the trailers are not required to be licensed.

Nolen questioned how the trailers are transported from site to site. He reiterated Gobbo's comment that the licensing issue needs to be resolved since it is a condition of the site plan approval.

McCrackin advised that they are semi trailers. Northside Trucking hauls them for Superior Electric, Inc. They pass through weigh stations on a regular basis and have never been required to license the "tool cribs".

Loretta Spinrad, 16837 Turner Road, Lansing, MI 48906, stated the subject property backs up to her backyard. The applicant has a viable business in the Township and wishes to expand it. She encouraged the Commission to use common sense in reviewing this request. She questioned why the Township would require additional landscaping when the site has existing vegetation and require additional parking when the employees work off site. She feels the Township regulations make it very difficult for businesses to expand.

There were no further public comments.

B. Discussion and possible action by Planning Commission.

Keilen moved that the Planning Commission approve Site Plan Review 07-150004 from Superior Electric, Inc. for the construction of a storage warehouse consisting of a total of 10,368 square feet on a vacant property on W. Sheridan Rd. as an accessory use to 212 W. Sheridan Rd. as in accordance with the site plan dated August 15, 2007, subject to the following conditions:

- 1. That the site plan shall comply with the requirements of all other applicable reviewing agencies.**
- 2. That the site plan be revised to depict the type of paving material, the layout and markings of all onsite parking spaces and driveways at 212 W. Sheridan Rd., including the access drive to the vacant parcel, the appropriate accessible spaces, the three additional spaces to serve the proposed warehouse as required by Ordinance, and all appropriate measurements of the parking lot and driveway areas, as required by Section 10.1.10 of the Zoning Ordinance.**
- 3. That an access easement and shared parking agreement be provided to the Township by the applicant for review and acceptance by the Township Attorney.**
- 4. That the site plan be revised to depict the location of the required sidewalk and the Sheridan Rd. right-of-way as prepared by a licensed professional according to Section 7.2.2(5)(a) of the Zoning Ordinance.**
- 5. That the site plan be revised to depict the exact location of the proposed fencing around the warehouse, to depict all existing vegetation on the entire site, and along the Sheridan Rd. frontage of Superior Electric, Inc. that meets the requirements of Chapter 11A of the Zoning Ordinance, *Landscape and Buffer Yard Provisions*.**

6. **That the applicant provide a schedule/plan of action to remove the remaining outdoor storage items and to either properly license or remove all of the onsite trailers from the site.**
7. **That the applicant meet all of the requirements of the Clinton County Drain Commissioner's office, including the relocation of the proposed fence from along the west property line to nearer the proposed warehouse, away from the location of the Sheridan Road county drain.**
8. **That the applicant meet the requirements of the DeWitt Township Fire Department by providing Knox Box padlocks on each gate that exists on the Superior Electric driveway between Sheridan Road and the proposed warehouse.**

Supported.

ROLL CALL vote on motion:

AYES: 9 NAYS: 0

MOTION CARRIED.

II. Request for Site Plan Review 07-150005 from Ghulam H. Sumbal, to be allowed to operate a public club and banquet hall in the existing building located at 14300 S. US 27 (S. US-127BR), DeWitt, MI 48820, on the west side of S. US 27, north of Solon Road, south of Clark Road, in the northeast ¼ of Section 21 of DeWitt Charter Township.

A. Administrative Comments/Applicant Comments/Public Comments.

Planning Director Jeff Gray briefly reviewed staff's report dated September 28, 2007 pointing out the location of the site. The applicant intends to construct necessary site improvements on the property located at 14300 S. US-127BR to utilize the existing 2,103 square foot vacant structure as a banquet hall and social club. No kitchen facilities are proposed and the facility will seat approximately 75 people. The applicant intends to split the entire parcel, combining the rear portion with an existing parcel to the south and creating one stand alone parcel for the proposed banquet center.

The existing structure sits on the high point of the property. The parcel slopes down to both a wetland and floodplain area associated with the Prairie Creek Gunderman Lake County Drain.

Gray advised that the subject site is presently zoned BC (Business, Community) and is designated for HC (Highway Oriented Commercial) on the Future Land Use Map. The surrounding zoning consists of M-3 (Multiple Residential and BC (Business, Community) to the north, A (Agricultural) to the east and west, and BC (Business,

Community) to the south.

Gray went on to review the request for Site Plan Review standards set forth in chapter VII of the Zoning Ordinance stating the following: the proposed building and site plan comply with the lot area, lot width, building setback standards, and building height requirements; based on the building square footage, a total of 28 additional parking spaces would be required; all parking lot lighting must meet the requirements of the ordinance; 662.5 square feet of internal parking lot landscaping will be required, as well as 6 canopy trees; the applicant has submitted a plan that is consistent with the access management regulations; sidewalks are proposed and will be placed outside of the right-of-way due to the wetland areas; the applicant will be required to grant an easement to allow the public to access the sidewalk; no signs are proposed at this time; while dumpsters are not necessarily required by ordinance, it would seem that an un-staffed banquet facility would need to include some provision for waste management; lastly, permits will be required from the Building Department to reconstruct the interior before work can commence.

Gray noted that this request is somewhat of a unique circumstance in that the structure is already built. Usually most of the conditions of approval would be tied to a Building Permit. The interior of the building has been gutted and the Building Department has indicated that building permits will be required for the interior construction. Work authorized by a site plan approval cannot commence until a permit is issued.

With respect to public services and facilities, Gray advised the following: the applicant is proposing to extend public water across the width of the site, subject to the review and approval of the Board of Water and Light (BWL); the applicant intends to use the existing water well; the Mid-Michigan District Health Department 2006 evaluation of the property found that the existing well is in need of repair and an improperly abandoned well also exists on the property; the applicant will be required to provide written approval from the Mid-Michigan District Health Department for the on-site water system and that all unused wells have been properly abandoned; occupancy of the building will be permitted only after the Drain Commissioner's office has confirmed that the storm drainage improvements have been properly installed; the applicant will be required to obtain written approval from the Township Fire Department for designations, signage and issuance of traffic control orders regarding fire lanes on the property; lastly, the applicant will be required to provide a certification of the floodplain elevation and written concurrence that there will be no impacts on regulated wetlands from the Michigan Department of Environmental Quality (MDEQ).

Brief discussion followed regarding the process for splitting the subject parcel and combining "proposed parcel 2" (approximately 4.565 acres) to the adjacent property south of the site.

Gobbo stated that the required 53 parking spaces seems a little high since the facility is only 2,100 square feet. He also questioned if the site would have enough area to the additional parking spaces.

Gray explained that the type of use being proposed, such as a banquet facility, typically tends to require more parking because there are only a couple people to a vehicle. There is a considerable amount of vacant land behind the existing building where parking could be placed.

Gobbo invited the applicant to speak.

Ghulam H. Sumbal, 2143 White Owl Way, Okemos, MI 48864, applicant, stated that he used to live in this area and really believes in its potential. He has purchased several parcels near the subject site and feels it will be a very good investment. With respect to the proposed banquet facility, he advised that he has made many improvements and the structure is very sound. He realizes it may not be cost effective for him to save the building. However, the site is very beautiful and he feels it is worth refurbishing. He has no problem meeting all of the required conditions listed in staff's recommendation.

There were no public comments.

B. Discussion and possible action by Planning Commission.

White stated he would like to thank the applicant for his investment in DeWitt Township.

White moved The Planning Commission approve Site Plan Review 07-150005 from Ghulam H. Sumbal to construct necessary site improvements on the property located at 14300 S. US-127BR to utilize the existing 2,103 square foot vacant structure as a banquet hall and social club, in accordance with the site plan dated August 31, 2007, subject to the following conditions:

- 1. The applicant shall comply with the requirements of all applicable reviewing agencies.**
- 2. The applicant shall file the appropriate documentation with the Clinton County Register of Deeds and/or the Township Assessing Office for the proposed boundary adjustment prior to the issuance of a Certificate of Occupancy for the building.**
- 3. The applicant shall revise the plan to provide the appropriate number of parking spaces in accordance with Section 10.1.7(26) of the Zoning Ordinance and to provide appropriately designed accessible parking spaces**

prior to issuance of a building permit. Said plan shall be subject to approval by the Planning Department.

- 4. 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.**
- 5. The applicant shall revise the site plan to provide internal parking lot landscaping that complies with the requirements of Section 11A.8 of the Zoning Ordinance prior to issuance of a building permit. Said plan shall be subject to approval by the Planning Department.**
- 6. The applicant shall provide an easement and /or restrictive covenant requiring the property owner to maintain the access drive as a private street for use by the public, prior to issuance of a Certificate of Occupancy for the building. Said easement/covenant shall be in a form acceptable to the Township Attorney.**
- 7. The proposed access drive shall be constructed to the standards of the Clinton County Road Commission for a public road.**
- 8. The applicant shall provide an easement allowing public access to the sidewalk in a form acceptable to the Township Attorney, prior to issuance of a Certificate of Occupancy.**
- 9. 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.**
- 10. The applicant shall submit the necessary plans and applications to the Lansing Board of Water and Light (BWL) to allow execution of a water district between the Township and BWL prior to issuance of a building permit.**
- 11. The applicant shall provide written approval for use of the on-site water system from the Mid-Michigan District Health Department or approved connection to the public water system from the Lansing Board of Water and Light prior to issuance of a building permit.**
- 12. 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.

- 13. The applicant shall provide written confirmation that all unused wells and the on-site septic system have been properly abandoned from the Mid-Michigan District Health Department prior to issuance of a Certificate of Occupancy.**
- 14. The applicant shall comply with the requirements of the Clinton County Drain Commissioner's Office as indicated in their correspondence dated September 20, 2007.**
- 15. The applicant shall provide written approval for the designation and signage of fire lanes from the Township Fire Department and shall illustrate necessary improvements on the site plan prior to issuance of a building permit. Any required traffic control orders related to required fire lanes shall be executed by the applicant prior to issuance of a building permit.**
- 16. The applicant shall provide a certification of the 100-year floodplain elevation and a determination that wetland impacts are appropriately addressed from the Michigan Department of Environmental Quality prior to issuance of a building permit.**

Supported.

ROLL CALL vote on motion:

AYES: 9 NAYS: 0

MOTION CARRIED.

- III. 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).**

Nolen moved to receive and set for a Public Hearing Rezoning Request 07-880001 from Michael Parsley, representing WMBK Holdings, LLC to be held on Monday, November 5, 2007. Supported. MOTION CARRIED.

- IV. 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 extend and operate an existing mining operation on property located at 1300 E. Clark Road and 147 Boichot Road in the west ½ of Section 22 of DeWitt Charter Township.**

Nolen moved to receive and set for a Public Hearing Request for Special Use Permit 07-990007 from Ronald W. Clark, representing Site Services, Inc., E.T. MacKenzie Co. and MacKenzie Recycling Corp. to be held on Monday, November 5, 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 September 10, 2007 and September 24, 2007 regularly scheduled meetings of the DeWitt Charter Township Board of Trustees.

II. Zoning Board of Appeals:

Gobbo gave a brief report on business conducted and action taken at the September 19, 2007 regularly scheduled meeting of the Zoning Board of Appeals.

III. Committees:

Gray advised an Ordinance Amendment Sub-Committee meeting is scheduled for Monday, October 8, 2007 at 3:30 p.m. With the resignation of Greg White, effective December 31, 2007, there will be a vacancy on the Sub-Committee.

Flower stated he would volunteer to sit on the Ordinance Amendment Sub-Committee.

After discussion, it was decided that the meeting scheduled for October 8, 2007 would not work for all members. A meeting date will be determined in the near future.

IV. Staff:

Gray gave a brief update on the construction schedule for the completion of sidewalks in Heritage Glen Subdivision. Staff will also be considering amendments to the Sidewalk Ordinance at some point in the future.

DISCUSSION:

Keilen stated that, although Ms. Spinrad raised some valid points, he also knows that staff works very diligently to find alternatives for applicants which in within the requirements of the Zoning Ordinance.

Gobbo concurred. He noted that the goal is to insure some type of standardization with respect to

public health, safety and welfare in accordance with the Zoning Ordinance.

Shively commented that she lives in the area of the Superior Electric, Inc. site and feels some improvements could be made to the property. Any improvements would be consistent with the goals of the implementation of a South Central Area Plan.

ADJOURNMENT: White moved to adjourn the meeting at 8:30 p.m. Supported. MOTION CARRIED.

Linda K. Parkinson, Recording Secretary

Kim Smelker, Secretary