

**DeWITT CHARTER TOWNSHIP
1401 W. HERBISON ROAD, DeWITT, MI
PLANNING COMMISSION MINUTES
MONDAY, MARCH 6, 2006**

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:

MEMBERS PRESENT: Steve Gobbo, Greg White, Bruce Keilen, Jason Flower
Mike Nolen and Trustee Seeger.

MEMBERS ABSENT: Kim Smelker, Jane DeHoog and Terri Shively.

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 February 6, 2006 Regular Meeting as printed. Supported. MOTION CARRIED.**

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

1. Letter dated February 15, 2006 from Applebee Development, LLC withdrawing request for Special Use Permit 06-990001.
2. Correspondence dated March 6, 2006 from Jill Albert.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

I. PUBLIC HEARING - Request for Tentative Preliminary Plat 05-670001 for Buckingham Estates Subdivision from Buckingham Landtec Holdings, LLC, consisting of 63 single family residential lots on approximately 31.14 acres located on the west side of Norris Road, east of Springbrook Hills Subdivision #6, in the northeast ¼ of Section 6 of DeWitt Charter Township.

- A. Open Public Hearing. **Chairman Gobbo declared the Public Hearing opened at 7:05 p.m.**
- B. Administrative Comments/Applicant Comments/Public Comments.

Planning Director Jeff Gray briefly reviewed staff's report dated March 3, 2006. He explained the steps involved in the plat review process. Tentative Preliminary Plat involves a review of the design of the development. In addition, the applicant is requesting a Special Use Permit (05-990009) to develop the proposed subdivision as

a Planned Unit Development.

Gray advised that the subject property was recently rezoned from A (Agricultural) to R4 (Residential Single and Two Family). The property is designated as SF-M (Medium Density Single Family Residential) on the Future Land Use Map.

Gray went on to review the request for compliance with the Subdivision Control Ordinance design standards. He stated that the street system appears to meet Ordinance requirements and the lot dimensions appear to be consistent with the requirements listed for PUDs. The proposed location and layout of sidewalks appears to be consistent with ordinance standards; however, staff has listed a condition in the proposed Special Use Permit for the PUD that requires appropriate sidewalk crossings be shown on the plans. Lastly, streets trees and street lights will be required in the development and are typically finalized during the Final Preliminary Plat review process.

With respect to public services and facilities, Gray advised that public sanitary sewer and water will be constructed within the development. The Drain Commissioner's office has expressed concern with the narrow size and steepness of two proposed drainage basins; the applicant is currently working to reconfigure the basins. The Clinton County Road Commission has approved the general layout of the streets. The Tri-County Regional Planning Commission indicates a number of street names proposed by the applicant are duplicates; staff recommends that approval include the condition that the applicant utilize names approved by the Tri-County Regional Planning Commission and that a single name be used over the entire length of a street. The Fire Chief has requested the opportunity to work with the Lansing Board of Water & Light on the placement of fire hydrants. The Michigan Dept. of Environmental Quality (MDEQ) has indicated that most likely a permit review will be required to assess possible impacts on wetlands and inland lakes and streams. Lastly, no additional concerns have been received regarding the request.

In closing, Gray stated that the proposed plat is in compliance with the subdivision control standards. The few outstanding issues cited in staff's analysis could be addressed without significant modification to the overall configuration of the plat.

Chairman Gobbo called for Commissioner's questions.

White questioned if concerns exist relating to the proposed streets connecting to the existing roadways. In addition, he questioned who would have jurisdiction over the drainage basin issues.

Gray advised that no stub streets exist that would connect to the proposed development. However, it is expected that future development would connect to the subject site on the northern boundary. With respect to drainage, Gray advised that the Drain Commissioner's Office has jurisdiction over the drainage system. Given some of the past flooding issues, this area is being monitored very closely. Brief discussion followed regarding general comments expressed by MDEQ.

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

Jim Rozema, Engineer, Williams & Works, 549 Ottawa Avenue, NW, Grand Rapids, MI 49503, representing the applicant, stated that the Drain Commissioner commented in his report that the drainage system would likely reduce the impact of downstream watershed.

Gobbo questioned if the applicant was aware of any wetland areas on the site.

Rozema advised that wetland assessments are expected to take place in the near future. Any issues or concerns will be addressed at that time.

Chairman Gobbo invited public comment.

Bill Geisler, 3281 Canopy Drive, DeWitt, MI 48820, questioned why the applicant is proposing drainage swales along Norris Road rather than curb and gutters.

Gray advised that the road improvements are under the jurisdiction of the Clinton County Road Commission. However, the drainage swales tend to mitigate the volume of storm water that enters into the public system.

Brian Lozen, 3020 Crofton Drive, DeWitt, MI 48820, expressed concern with the number of new residential developments in the area. He questioned if traffic studies exist that address what would be considered acceptable traffic flows in the area.

Gray advised that a major component of the Comprehensive Development Plan is a long term plan for transportation improvements in the Township. He noted that although the Township does not have jurisdiction over the roads, the Township is working with the Clinton County Road Commission to try to implement the long term plan. The Plan does not include the City of DeWitt roadways. However, the City Council participated in meetings for the Comprehensive Development Plan and is aware of the Township's long term plans for growth and development.

Tim Fedewa, 302 E. Main Street, Westphalia, MI 48894, stated that he is a developer in the area and is currently in discussions with the property owner east of the site (within the City of DeWitt). He expressed concern that the City of DeWitt will require him to construct curb and gutter along Norris Road.

- C. Close Public Hearing. **Hearing no further public comments, Chairman Gobbo declared the Public Hearing closed at 7:30 p.m.**
- D. Discussion and possible action by Planning Commission.

There was no discussion.

White moved that the Planning Commission recommend that the Township Board of Trustees approve the Tentative Preliminary Plat for Buckingham Estates Subdivision, subject to the following conditions:

- 1. The applicant shall coordinate the location of fire hydrants with the Township Fire Chief.**
- 2. The applicant shall comply with all conditions and requirements of all reviewing agencies.**
- 3. That the Planned Unit Development is approved by the DeWitt Township Board of Trustees.**
- 4. The applicant shall comply with the requirements of the Clinton County Drain Commissioner.**
- 5. The applicant shall comply with the requirements of the Clinton County Road Commission.**
- 6. The applicant shall utilize street names approved by the Tri-County Regional Planning Commission and a single name be used over the entire length of each street.**

Supported.

ROLL CALL vote on motion:

AYES: 6 NAYS: 0 ABSENT: 3 (Shively, Smelker, DeHoog)

MOTION CARRIED.

II. PUBLIC HEARNG - Request for Special Use Permit 05-990009 for Buckingham Estates Subdivision from Buckingham Landtec Holdings, LLC, for a Planned Unit Development (PUD) consisting of 63 single family residential lots, on property located on the west side of Norris Road, east of Springbrook Hills Subdivision #6, in the northeast ¼ of Section 6 of DeWitt Charter Township.

- A. Open Public Hearing. Chairman Gobbo declared the Public hearing opened at 7:32 a.m.**
- B. Administrative Comments/Applicant Comments/Public Comments.**

Gray briefly reviewed staff's report dated March 3, 2006 advising that the applicant is requesting approval for a Special Use Permit to develop the Buckingham Estates Subdivision as a Planned Unit Development (PUD). This will allow the applicant to reduce the size of the building sites to provide an offsetting amount of open space in the development. The character of the area in the vicinity of the site is a mix of undeveloped and residential uses.

Gray went on to review the request for compliance with the conditions listed in

Section 7.13.6 of the Zoning Ordinance (see pages 2 through 4 of staff's report).

Gray further reviewed the request stating the following: the site has direct access to a public road; adequate parking will be provided in garages and driveways; no mixed uses are proposed; curb and gutter are proposed along all of the internal streets of the development, as well as Norris Road; although, the Clinton County Road Commission has decided to allow the applicant to omit the curb and gutter and utilize drainage swales along Norris Road; the proposed location and layout of the sidewalks appears to be consistent with the ordinance standards; the SUP does include the condition that the plan be revised to show appropriate sidewalk approaches at the intersections; no fencing is proposed or required; the applicant intends to dedicate the street system as public; much of the open space and landscaping is proposed along Norris Road to preserve and enhance the rural character of the community; all utility services will be placed underground; lastly, curb side waste pickup will be allowed.

With respect to public services and facilities, Gray advised the following: plans for public water and sanitary sewer will be subject to the review by the appropriate agencies; some drainage concerns are being discussed with the Clinton County Drain Commissioner's Office and past flooding in the area is being given due consideration; the development will also be subject to the review and approval of MDEQ.

Gray went on to review the request for compliance with standards set forth in Section 7.6(1) of the Zoning Ordinance which provides the Basis for Determination for Special Use Permits (see page 7 of staff's report).

Chairman Gobbo called for Commissioner's questions.

Brief discussion followed regarding the reviewing process specific to the Michigan Department of Environmental Quality (MDEQ).

Chairman Gobbo called for public comment.

- C. Close Public Hearing. **Hearing no public comment, Chairman Gobbo declared the Public Hearing closed at 7:44 p.m.**
- D. Discussion and possible action by Planning Commission.

White moved that the Planning Commission recommend that the Board of Trustees approve Special Use Permit 05-990009 from Buckingham Landtec Holdings to develop Buckingham Estates Subdivision as a Planned Unit Development, based on the plans last revised on January 30, 2006. Approval is recommended on the following basis:

- 1. The proposed Planed Unit Development has been designed in accordance with the requirements of Section 7.13.6 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 7.6(1) of the Zoning Ordinance have been met.**

Supported.

ROLL CALL vote on motion:

AYES: 6 NAYS: 0 ABSENT: 3 (Shively, Smelker, DeHoog)

MOTION CARRIED.

III. PUBLIC HEARING - Request for Tentative Preliminary Plat 06-670001 for Kirkside Estates Subdivision from Kirkside Estates LLC, consisting of 61 single family residential lots on approximately 33.080 acres located on the east side of Boichot Road, north and northeast of Dondale Subdivision, in the southeast ¼ of Section 22 of DeWitt Charter Township.

- A. Open Public Hearing. **Chairman Gobbo declared the Public Hearing opened at 7:45 p.m.**
- B. Administrative Comments/Applicant Comments/Public Comments.

Gray briefly reviewed staff's report dated March 3, 2006 pointing out the location of the site. He advised that the property was recently rezoned from R3 (Residential Single Family) and A (Agricultural) to R4 (Residential Single and Two-Family). It is designated on the Future Land Use Map for SF-M (Single Family Medium Density) use.

Gray reviewed the request for compliance with the Subdivision Control Ordinance stating the following: the street system appears to meet all requirements; a secondary access must be provided through the adjacent golf course property to mitigate the fact that the proposed cul-de-sac is 680 feet longer than what is allowable; the proposed lots meet the width and depth standards for the R4 (Residential Single and Two-Family) zoning district; the applicant does not propose the development of duplexes; the proposed sidewalks, trees and roadway lighting are consistent with the standards set forth in the Ordinance.

With respect to public services and facilities, Gray advised that the development will be served with sanitary sewer and public water. The Southern Clinton County Municipal Utilities Authority (SCCMUA) has indicated that the addition of a new lift station at the north end of the development will be necessary and the Board of Water and Light will review site utility drawings at the time of Final Preliminary Plat approval. The fire hydrant proposed at Lot 25 conflicts with the location of the sidewalk staff recommends that approval include the condition that the fire hydrant

be relocated. Staff also recommends the condition that the location of all hydrants be subject to the review of the Fire Chief. The applicant proposes the construction of one storm water detention basin and the relocation of the Downer Drain to provide storm water drainage to the development; these improvements are subject to the review of the Clinton County Drain Commissioner. All electric, telephone and cable TV utility lines will be placed underground. Consumers Energy commented that they have no known conflicts. The Capital Region Airport Authority recommends that all prospective owners should be informed of the noise issues relating to the Airport through the developer's condominium disclosure statements. The Michigan Department of Environmental Quality (MDEQ) indicates that there is a "high probability" that the project will require permit review.

Chairman Gobbo called for Commissioner's comments.

Keilen questioned the time frame for completion of the housing development and the golf course. He expressed concern with the secondary access not being constructed in a timely manner.

Gray advised that the emergency access would be required regardless of the golf course construction schedule.

Gobbo questioned what type of surface would be on the secondary access road if the golf course construction was ongoing.

Gray stated that the applicant will be required to construct a private emergency access road that has adequate base and surface material to meet the requirements of the Fire Chief. No review is required by the Clinton County Road Commission. The applicant will also be required to provide proof of easements for any off-site improvements, such as the emergency access road.

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

Luke Freund, representing Kirkside Estates LLC, 3326 W. Saginaw Street, Lansing, MI 48917, advised that the Fire Marshall will require a base material on the emergency access road that will support a fire truck. He further advised that the owner of the golf course property has agreed to provide the proper easements needed. In addition, the purchase agreement states the completion date of the golf course to be 2006.

Gobbo called for public comments.

Bob Hicks, 14697 Boichot Road, Lansing, MI 48906, expressed concern that duplexes would be a part of the proposed development.

Gray advised that the applicant is proposing only single family homes in Kirkside Estates Subdivision. Since no duplex lots are designated on the plat, duplexes will not be allowed.

Jean Bien, 1545 Craig Street, Lansing, MI 48906, questioned the construction schedule of the residential development. She further stated that the first projected completion date for the golf course was approximately ten years ago.

Freund stated that the construction process will most likely begin within the next four months.

- C. Close Public Hearing. **Hearing no further public comments, Gobbo declared the Public Hearing closed at 8:04 p.m.**
- D. Discussion and possible action by Planning Commission.

White moved that the Planning Commission recommend that the Township Board of Trustees approve the Tentative Preliminary Plat for Kirkside Estates Subdivision, subject to the following conditions:

- 1. The applicant shall provide the Township with proof of easements for any off-site improvements including storm drainage, sanitary sewers and secondary emergency access.**
- 2. Design of the secondary emergency access is subject to review and approval of the Township Fire Chief.**
- 3. The applicant shall submit the street name "Kirkside Drive" to the Tri-County Regional Planning Commission for recommendation.**
- 4. The applicant shall coordinate the location of fire hydrants with the Township Fire Chief, and the hydrant at Lot 25 shall be moved to an alternate location so as to not interfere with the sidewalk system within the development.**
- 5. The applicant shall comply with the Michigan Department of Environmental Quality review and permitting process.**
- 6. The applicant shall comply with all conditions and requirements of all reviewing agencies.**
- 7. The applicant shall comply with the requirements of the Clinton County Drain Commission.**
- 8. The applicant shall comply with the requirements of the Clinton County Road Commission.**

Supported.

ROLL CALL vote on motion:
AYES: 6 NAYS: 0 ABSENT: 3 (Shively, Smelker, DeHoog)
MOTION CARRIED.

NEW BUSINESS:

- I. Request for Site Plan Review 06-150001 from Thomas Breakey, representing State Mini Storage, LLC,** to be allowed to construct a 15,000 sq. ft. warehouse and two 5,000 sq. ft. warehouses to be used for storage on a 17.308 acre vacant parcel located on the south side of State Road, west of Chandler Road, north of the abandoned railroad, in the southeast ¼ of Section 25 of DeWitt Charter Township.

Gray briefly reviewed staff's report dated March 3, 2006 pointing out the location of the site. The property is currently zoned IL (Industry, Light) and is designated for CC (Community Oriented Commercial).

The proposed 15,000 square foot building would be constructed during the first phase, with the two 5,000 square foot buildings to be built in two subsequent phases. Storage facilities (warehouses) are considered Uses Permitted by Right in the IL (Industrial, Light) zoning district, subject to Site Plan Review.

Gray went on to review the request for compliance with Site Plan Review standards set forth in the Zoning Ordinance stating the following: the proposed buildings and site comply with the lot area, width, and building setback standards; adequate off-street parking is provided during the construction phases; once tenants are proposed, staff will evaluate the parking needs for the tenant through Zoning Compliance review; staff suggests that it is in keeping with the intent of the Ordinance to allow the applicant to landscape only that portion of the site that is proposed for development at this time; sidewalks will be required along the entire frontage of the parcel labels "C", unless the applicant provides a written agreement that would guarantee the four separate parcels would remain together; no new signs or changes to existing signs are proposed at this time; and, the first phase of construction would commence when site plan approval is granted and a building permit is issued and would be complete in 16 weeks.

Gray noted that the applicant is not certain when construction will begin on phases 2 and 3 of the project. In the absence of a schedule, staff recommends that the Planning Commission issue Site Plan approval for a two year period and provide the applicant with the opportunity to request an extension of approval prior to the end of the two year period.

With respect to public services and facilities, Gray stated the following: public sewer and water services are not planned for the proposed buildings; the Clinton County Drain Commissioner's Office has indicated it will be necessary to review more detailed construction plans for the proposed detention basin before the Township issues a building permit; the Clinton County Road Commission indicates that there is adequate sight distance for the proposed driveway; the Michigan Department of Environmental Quality (MDEQ) indicates that there is a high probability that permits will be required due to wetlands and floodplains; and, the remaining reviewing agencies have expressed no concerns.

There were no Commissioner's questions or discussion.

Gobbo invited public comment.

There was no public comment.

Keilen move that the Planning Commission approve Site Plan Review 06-150001 from State Mini Storage, LLC to construct one 15,000 square foot warehouse and two 5,000 square foot warehouses, in accordance with the site plan dated February 2006, subject to the following conditions:

- 1. The applicant shall comply with the requirements of all applicable reviewing agencies.**
- 2. The overall height of the buildings shall not exceed 36 feet.**
- 3. The applicant shall provide a written agreement indicating that the four parcels will remain tighter as a single site. The agreement shall be subject to the review of the Township Attorney prior to the issuance of a building permit.**
- 4. This Site Plan Approval shall remain valid for a period of two years ending on March 6, 2008. The duration of approval may be extended by the Planning Commission, provided the applicant applies for an extension prior to March 6, 2008.**
- 5. The applicant shall provide written approval from the Clinton County Drain Commissioner prior to issuance of a building permit.**
- 6. The applicant shall provide a copy of a commercial driveway permit from the Clinton County Drain Commission prior to issuance of a building permit.**
- 7. The applicant shall provide copies of any permits issued by the Michigan Department of Environmental Quality (MDEQ) prior to issuance of a building permit.**

Supported.

ROLL CALL vote on motion:

AYES: 6 NAYS: 0 ABSENT: 3 (Shively, Smelker, DeHoog)

MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

I. Trustee:

Trustee Seeger gave a brief report on business conducted and action taken at the February 13, 2006 and February 27, 2006 regularly scheduled Board of Trustees meetings.

II. Zoning Board of Appeals:

Gobbo advised that there was no Zoning Board of Appeals meeting held in February 2006 as no applications were filed.

Gobbo advised that he attended a RED Team meeting recently.

III. Committees: None.

IV. Staff:

Gray noted that the Board of Trustees has been approached by two of the many groups that are vying for leadership in economic development in the area. It is the general consensus of the Board to take a "wait and see" approach.

Brief discussion followed regarding regional economic development in the area.

Gray reported that staff recently met with officials of Auto Owners Insurance Company, as well as their architect and construction management company.

DISCUSSION: None.

ADJOURNMENT: **Seeger moved to adjourn the meeting at 8:33 p.m. Supported. MOTION CARRIED.**

Linda K. Parkinson, Recording Secretary

Kim Smelker, Secretary