

**DEWITT CHARTER TOWNSHIP
1401 W. HERBISON ROAD, DeWITT, MI
PLANNING COMMISSION MINUTES
TUESDAY, JANUARY 3, 2006**

The regularly scheduled meeting of the DeWitt Charter Township Planning Commission was called to order at 7:00 by Chairman Nolen.

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

ROLL CALL:

MEMBERS PRESENT: Mike Nolen, Bruce Keilen, Jane DeHoog, Greg White, Kim Smelker, Terri Shively, Steve Gobbo, Jason Flower and Trustee Seeger.

MEMBERS ABSENT: None.

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

APPROVAL OF MINUTES: **Gobbo moved to approve the minutes of the December 5, 2005 Regular Meeting as printed. Supported. MOTION CARRIED.**

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

1. DeWitt Charter Township Holidays for the Year 2006.
2. Notice of Intent to Amend the City of Lansing's North East Area Comprehensive Plan.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

I. PUBLIC HEARING - Request for Special Use Permit 05-990008 from Tom Magsig representing Motz Development, Inc., to be allowed to construct a 2,466 sq. ft. community building on an approximately 4.81 acre parcel located on the north side of Howe Road, west of Schavey Road, east of Airport Road, in the south ½ of Section 6 of DeWitt Charter Township.

A. Open Public Hearing. Chairman Nolen 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 December 22, 2006 pointing out the location of the site. He advised that in addition to serving as the site of the proposed community building and outdoor pool, this open space area will include a large detention area that will be a component of the storm water management system for the Crowner Farms Subdivision.

The surrounding land uses consist of Land Under Construction to the north and Single Family Residential to the east, south and west. The surrounding zoning consists of R2 (Residential Single and Two Family) to the north and west, and A (Agricultural) to the east and south. The surrounding Future Land Use Designations consist of SF-L (Low Density Single Family Residential) to the north, south, east and west, and SF-M (Medium Density Single Family Residential) to the east and south.

Gray went on to review the request for compliance with the site development requirements for the proposed use, as set forth in Section 7.13.2(1) of the Zoning Ordinance (see pages 4-6 of staff's report). He further advised that the proposed community building shall be intended for the exclusive use of the residents of Crowner Farms Subdivision and their guests.

Gray further reviewed the request for compliance with site plan review requirements as set forth in Section 7.1(B) of the Zoning Ordinance (see pages 6-8 of staff's report) stating that the site plan complies with the specific lot and building setback and height requirements set forth in the Zoning Ordinance for community buildings.

With respect to off-street parking and circulation, adequate off-street parking is provided. Staff is recommending that the southernmost parking space on the west side of the parking lot be labeled "turnaround/no parking". In addition, the Special Use Permit includes the following conditions: that the handicap accessible parking be provided with the required sign; a revised site plan be provided showing 24 foot wide driveways; that the applicant provide parking lot lighting that meets the requirements of the Zoning Ordinance and that the applicant be required to place evergreen landscaping on the proposed berm at the south end of the parking area to help screen headlights in the parking lot.

Gray went on to state that sidewalks are shown along the frontages of Howe Road and Murano Drive; if a sign is proposed in the future, it will be subject to the requirements of Chapter XI of the Zoning Ordinance; and a detailed construction schedule states that construction will begin in February 2006 and wrap up in August 2006.

With respect to public services and facilities, Gray advised the following: the Clinton County Road Commission indicates that a driveway permit will be required for the proposed driveways; both the Board of Water and Light and the Southern Clinton County Municipal Utilities Authority (SCCMUA) have expressed considerations that the applicant must make in designing connections to the

respective systems; staff has confirmed that some amendments to the grading plan are necessary and must be approved by the Clinton County Drain Commissioner prior to issuance of a building permit; lastly, no additional concerns have been received regarding this Special Use Permit.

In closing, staff finds that the site appears to be in compliance with all the regulations listed in the Zoning Ordinance for community buildings with outdoor pools. In addition, the site will comply with the Site Plan review standards listed in the Ordinance, provided the previously noted conditions are met. Lastly, the request appears to comply with standards set forth in Section 7.6(1) of the Zoning Ordinance, Basis for Determination for Special Use Permits.

Chairman Nolen called for Commissioner's questions or comments.

Smelker questioned if there would be designated hours of operation for the proposed community building.

Gray advised that the Zoning Ordinance does not include specific requirements for hours of operation.

Gobbo questioned what standards would be used to review this proposed use if it were for public use, as opposed to private use.

Gray advised that the review process would not differ. He noted that the current location of the community building would be encouraged if the use was proposed to be public to allow easy accessibility.

Flower noted the correspondence from Brian and Meredith Krause dated January 2, 2006 in opposition of the request. He questioned where their residence was located relative to the proposed community building.

Gray advised that the Krause residence is not visible on staff's location map. However, their home is located southwest of the site.

White questioned how staff calculated the required parking. He further questioned if the proposed building would be used as a sales office for the developer.

Gray advised that Section 10.1.10(7) of the Zoning Ordinance provides calculations for parking spaces, based on the proposed use. Parking for community centers are based on occupancy of the building rather than square footage. Since the facility is for the exclusive use of Crown Farms Subdivision residents and their guests it is most likely that people will walk to the location. He further advised that the applicant is present and can address whether the building will be used as an office.

Brief discussion followed regarding the height of the proposed landscape berm.

DeHoog asked if the concerns expressed by the Southern Clinton County Utilities Authority have been addressed.

Gray advised that adequate REU's exist to serve the site. The issue of discharge from the swimming pool into the sanitary sewer system will be addressed at the time a building permit is applied for.

Hearing no further questions or comments, Chairman Nolen invited the applicant to speak.

Tom Magsig, representing Motz Development, Inc., 13183 Schavey Road, DeWitt, MI 48820, stated he would like to clarify the intended use of the proposed building. The facility is not extremely large in size. It is intended to be used for small gatherings of 30 to 50 people. There is also a small fitness center and 20 ft. by 40 ft. swimming pool to be used exclusively by the Crownier Farms Subdivision residents and their guests. He does not anticipate a large amount of increased traffic associated with the facility. In closing, Magsig provided a color rendering of the proposed community building advising that it will be very residential in appearance. He noted the site is adjacent to property where the applicant intends to create and market 128 single family residential lots.

Chairman Nolen called for public comments.

Al DeLafe, 96 Quail Run Road, DeWitt, MI 48820, suggested that the applicant locate the proposed community building more to the center of the residential development to allow for easier access by foot. A more central location in the subdivision would also assure that the building would not be presumed as a public facility. He expressed concern with the proposed landscape berm not being high enough to mitigate car headlights from shining onto surrounding properties.

Todd Stump, 65 Quail Run Road, DeWitt, MI 48820, expressed concern with parking and noise related to the swimming pool. He suggested that the proposed berm be raised to serve as a noise buffer. In closing, Stump asked if the community building would be open to the public.

Gray advised that the proposed community building is intended for the exclusive use of Crownier Farms Subdivision residents and their invited guests.

Dale Carpenter, 64 Quail Run, DeWitt, MI 48820, expressed concerns regarding noise. He suggested that the building be located more in the center of the proposed Crownier Farms Subdivision.

DeHoog asked staff to clarify how far back Howe Road the swimming pool would be.

Gray advised that the swimming pool would be placed approximately 170 ft. from the road right-of-way.

Magsig stated that the landscape berm will most likely be approximately 3 ft. in height with plantings on the top. He would not recommend going higher as it would cause a “tunnel effect” from the road. He noted that the swimming pool will be placed at a much lower grade than the berm. Lastly, he feels the community building will have a positive impact on the area.

Gobbo questioned if the applicant had any concerns regarding the conditions of the Special Use Permit.

Magsig stated he had no concerns with the conditions of the Special Use Permit specifically the additional plantings on the berm. He went on to explain that the entire plat was designed with the intent to place the community building at the proposed location. The layout of the Tentative Preliminary Plat has already been approved by the Township. It is not feasible to relocate the community building at this time.

Shively questioned if the applicant intended to provide additional landscaping along Howe Road.

Magsig advised that additional evergreen screening will be provided, as well as existing vegetation. He reiterated that the community building is intended to be used exclusively by Crowner Farms Subdivision residents and their invited guests. Further, the facility will be maintained by the homeowners association. Magsig clarified that Motz Development, Inc. will not be operating an office from the community building. There will be a small office area for the association to operate from.

- C. Close Public Hearing. **Gobbo moved to close the Public Hearing at 7:35 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Keilen moved that the Planning Commission recommend that the Board of Trustees approve Special Use Permit 05-990008 from Motz Development, Inc. based on the plans dated December 1, 2005. Approval is recommended on the following basis:

- 1. The proposed community building and outdoor pool have been designed in accordance with the requirements of Section 7.13.2 of the Zoning Ordinance.**
- 2. Upon compliance with the conditions of the Special Use Permit, the plan 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: 9 NAYS: 0
MOTION CARRIED.**

NEW BUSINESS:

I. Election of Officers for 2006:

Chairman Nolen opened the floor for nominations for the office of Chairperson.

Keilen nominated Steve Gobbo for the office of Chairman.

There were no further nominations for Chairperson.

Hearing no further nominations, Keilen moved to close the nominations for Chairperson and cast a unanimous ballot for Steve Gobbo for the office of Chairman. Supported.

**ROLL CALL vote on motion:
AYES: 8 NAYS: 0 ABSTENTION: 1 (Gobbo)
MOTION CARRIED.**

Chairman Nolen opened the floor for nominations for the office of Vice Chairperson.

DeHoog nominated Greg White for the office of Vice Chairperson.

There were no further nominations for Vice Chairperson.

Hearing no further nominations, DeHoog moved to close the nominations for Vice Chairperson and cast a unanimous ballot for Greg White for the office of Vice Chairman. Supported.

**ROLL CALL vote on motion:
AYES: 8 NAYS: 0 ABSTENTION: 1 (White)
MOTION CARRIED.**

Chairman Nolen opened the floor for nominations for the office of Secretary.

DeHoog nominated Kim Smelker for the office of Secretary.

There were no further nominations for the office of Secretary.

Hearing no further nominations, DeHoog moved to close the nominations for Secretary and cast a unanimous ballot for Kim Smelker for the office of Secretary. Supported.

ROLL CALL vote on motion:

AYES: 8 NAYS: 0 ABSTENTION: 1 (Smelker)

MOTION CARRIED.

The Planning Commission Officers for 2006 are:

Steve Gobbo, Chairman

Greg White, Vice Chairman

Kim Smelker, Secretary

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

I. Trustee:

Trustee Seeger stated that the December 12, 2005 Board of Trustees meeting was mainly administrative in nature.

II. Zoning Board of Appeals:

Commissioner Gobbo gave a brief report on business conducted and action taken at the regularly scheduled meeting of the Zoning Board of Appeals held on December 21, 2006.

III. Committees: None.

IV. Staff:

Gray welcomed Assistant Planner Harmony Gmazel to the DeWitt Charter Township staff.

Gray further advised that the Planning Department budgets for Commissioners to attend training sessions. Should any of the Commissioners see a seminar that they would be interested in please let staff know.

Lastly, Gray stated that the Township Attorney has notified staff that the E.T. MacKenzie Company will be filing suit against the Township regarding Special Use Permit 05-990007 for a mining operation on Solon Road.

DISCUSSION: None.

ADJOURNMENT: **Keilen moved to adjourn the meeting at 8:45 p.m. Supported.
MOTION CARRIED.**