

Chair
Bruce Keilen
Vice-Chair
Tim Fair
Secretary
Mike Nolen
Commissioners
Trustee Fedewa
Dale Dailey
Brett Hanlon
Adam Bertram
Erika Hayes
Abby Lorenzen



Community Development Director
Brett C. Wittenberg

Planner
Salam Habhab

Recording Secretary

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**PLANNING COMMISSION
MINUTES
MONDAY, June 7, 2021
7:00 p.m.**

Per the State of Michigan Department of Health and Human Services (MDHHS) Emergency Order – Gatherings and Face Mask Order dated May 14, 2021, this meeting will be held both in-person, up to a limit of 64 persons, and virtually by phone conference. Per the Open Meetings Act (OMA) 1976 PA 267, Board members and public may choose to listen and participate at the phone number below.

Meeting Dial-in: (623) 600-3750, PIN: 346832

The call will be muted to reduce interference with proceedings. The public will be invited to make comments during the public comment sections of the meeting as well as before any vote. If you desire to comment, you will be invited to dial 5* so the Recording Secretary can unmute your line. Please contact the Planning Office at (517) 669-6576 with any additional questions.

The regular meeting of the DeWitt Charter Township Planning Commission meeting was called to order at 7:00 p.m. by Chairman Keilen.

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

ROLL CALL by Secretary Nolen.

MEMBERS PRESENT: Keilen, Dailey, Bertram (remote), Trustee Fedewa, Fair, Nolen, Lorenzen (remote), and Hayes (remote).

MEMBERS ABSENT: Hanlon.

APPROVAL OF AGENDA: Fair moved to approve the Agenda as presented. Supported.

ROLL CALL vote on motion:
AYES: 8 NAYS: 0 ABSENT: 1 (Hanlon)
MOTION CARRIED.

APPROVAL OF MINUTES: Fair moved to approve the May 3, 2021 meeting minutes as presented. Supported.

ROLL CALL vote on motion:
AYES: 8 NAYS: 0 ABSENT: 1 (Hanlon)
MOTION CARRIED.

CORRESPONDENCE: None.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

I. PUBLIC HEARING - Proposed Ordinance Amendment 21-2 - (Outdoor RV Storage and Outdoor Dining) to amend the DeWitt Charter Township Zoning Ordinance; to amend Article 4.0 “Use Standards” Section 4.57 “Mini-warehousing,” to permit outdoor storage of personal recreational vehicles in the Light Industrial (IL) and Community Business (BC) districts, subject to certain design and performance standards; to amend Article 4.0 “Use Standards” to add Section 4.83, to permit outdoor dining uses as a use permitted under special conditions; to repeal ordinances in conflict herewith; and to establish an effective date hereof.

A. Open Public Hearing. Chairman Keilen declared the Public Hearing opened at 7:04 p.m.

B. Administrative Comments/Public Comments.

Township Planner Salam Habhab briefly reviewed the staff’s memorandum dated June 03, 2021. She noted that the proposed Ordinance Amendment 21-2 had been discussed at various Planning Commission meetings. The proposal is to allow:

1. **Outdoor storage of personal recreational vehicles in the light industrial and community business subject to certain design and performance standards.** Currently, Mini-warehousing is a permitted use (by right) within the Township in the IL and BC districts subject to Section 4.57 of the Zoning Ordinance, and outdoor storage of any kind is prohibited. And;
2. **Outdoor dining as a use permitted under special conditions.** Currently, the Township’s Codified Code of Ordinance does not address or regulate outdoor dining.

Habhab noted that the proposed Ordinance Amendment 21-2 is attached for the Planning Commission’s review and consideration.

Planner Habhab added that in addition to the proposed amendment, staff would like to address the lot coverage condition listed in Section 5.57 Mini-warehousing facilities, which limits the building area structures to 50% of the total lot area. Potentially, this would restrict the designated outdoor storage area of recreational vehicles if the business desires to provide RV carports.

Habhab explained that in general, other similar permitted uses, such as gasoline service stations, motor vehicle cleaning or carwashes, or servicing and repair of motor vehicles, trailers and boats or equipment that might pose a more detrimental impact on adjacent properties, comply only with the lot coverage requirement of the district development standards in which they are located as listed in Article 3 of the Zoning Ordinance. Therefore, staff recommends removing the lot coverage condition of 50%.

If the Planning Commission concurs with the staff's recommendation, staff proposes to delete subsection 4.57 B:

§5.57 B. Lot coverage. Mini-warehousing structures including an office shall not cover more than 50 percent of the total lot area.

However, if the Planning Commission finds that the lot coverage condition is appropriate, staff proposes to add a requirement that addresses RV carports as the following:

Outdoor storage of recreational vehicles area may be contained within carports subject to the approval of the Planning Commission. The lot coverage of the proposed carports shall not be counted toward the lot coverage of the mini-warehousing structures as described in Subsection 4.57 B.

Habhab added that per State Statute, public notice was sent out in the DeWitt/Bath Review and Lansing Community News on Sunday, May 16, 2021. No public comment was received.

Based on the outcome of the public hearing tonight, staff would like the Planning Commission to recommend that the Township Board approve the Proposed Ordinance Amendment 21-2.

Keilen invited Commissioner discussion.

Dailey stated he has a concern about eliminating the 50% lot coverage. Based on his observation about storage facilities, in order to provide access and circulation, the 50% lot coverage seems reasonable. Reducing the percentage might cause clutter and congestion. He is in favor of maintaining the lot coverage condition.

Township Planner Habhab explained that the mini-warehousing structures could be proposed as a one-building development or multiple storage units/structures. Either way, there are specific regulations in place to regulate the site access and vehicular movement between buildings along with the setbacks and landscaping and buffer yard requirements. Any proposed development must comply with these regulations.

Habhab also pointed out that currently, other similar permitted uses within the Township that might pose a more detrimental impact on adjacent properties are not restricted with a specific lot coverage but comply with the lot coverage standards of the district they are located in.

Keilen asked if Commissioner Dailey would like to see the language changed.

Dailey indicated that he doesn't see the reason to change the language. Carports are permanent structures and should be counted toward the total lot coverage.

Fair wondered what is driving the proposal? Is there a particular business or individual wanted to be able to provide outdoor storage for RVs?

Habhab explained that Tim Mulder from Mulder Property Investment, LLC, presented a request to allow outdoor storage of RV's. The current ordinance does not allow any type of outdoor storage. The Planning Commission directed the staff to research the proposal and draft a proposed ordinance amendment to allow the outdoor storage of recreational vehicles.

Habhab added that the recommendation to address the RV carport is staff's recommendation and not based on any business's or individual request. The staff has been investigating the lot coverage requirements and feels that to either eliminate the lot coverage requirement of the mini-warehousing structures or to add a condition to address the carport's lot coverage when proposed, not be counted toward the 50% lot coverage of the total area as listed in Section 4.57.B.

Nolen indicated that he has no experience in such a matter, but he understands Dailey's concerns.

Planner Habhab asked if the Commissioners are not in favor of eliminating the 50% lot coverage standard, would they be in favor of changing the language to address the RV carport's lot coverage as presented?

Dailey reiterated that he doesn't see the need to address the RV carport's lot coverage. Carports are structures and should be counted toward the total lot coverage of the property. He has a concern about cluttering and congestion.

Keilen suggested that this might be something the Planning Commission can introduce later on if they find a need to address the carports issue and eliminate the 50% lot coverage to ease into it.

Fair mentioned that he used to work for a national carport manufacturer and installer company in the past, and some of these carports are massive in size.

Fedewa questioned that going forward if any individual who is going to be offering this service is going to come before the Planning Commission and ultimately the Township Board for approval on their project. It does seem reasonable that knowing that each development will be looked at by the Planning Commission if the proposal is too cluttered or too congested, that could be addressed at that time.

Keilen wondered how this would be addressed in the ordinance and suggested that the developer can come for a variance if he demonstrated to the Planning Commission that the lot coverage is too restrictive and it would result in an undue hardship on the property or the applicant.

Fedewa concurred with Keilen's recommendation to have the option for the developer to come for a variance if the lot coverage seems too restrictive based on the location, topography, or other physical constraints.

Hayes concurred with the most recent suggestion allowing for a variance. She thinks that if an applicant comes with a proposal, and the Planning Commission turns it down while it is allowed in the ordinance might create some problems. However, she believes that moving into it slowly and if any of these issues arise, the Planning Commission might consider it.

Chairman Keilen questioned if the Commission has any more questions or comments.

There were no Commissioner comments or questions.

Chairman Keilen invited public comments.

There were no public comments.

- C. Close Public Hearing. Fair moved to close the Public Hearing at 7:18 p.m. Supported by Nolen.

ROLL CALL vote on motion:

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

MOTION CARRIED.

- D. Discussion and possible action by Planning Commission.

Dailey moved that the Planning Commission recommend that the Township Board approve Ordinance Amendment 21-2 based on the finding that the proposed amendment complies with the process for amending the Zoning Ordinance. In addition, the Planning Commission would add the opportunity to allow an applicant to request a variance during the Site Plan Review process subject to certain criteria.

Supported by Fair.

ROLL CALL vote on motion:

AYES: 7 NAYS: 0 ABSENT: 1 (Hanlon)

ABSTAINED: 1 (Fedewa)

MOTION CARRIED.

NEW BUSINESS:

- I. **Rezoning Request 21-880001 from Bear Teachworth**, to rezone approximately 3.479 acres from BL (Business, Local) to BC (Business, Community). The subject site is located at 11530 S. US 27, DeWitt, MI 48820, on the west side of S. US 27, north of Howe Road, south of Round Lake Road, in the southeast ¼ of Section 4 of DeWitt Charter Township (Parcel #050-004-100-105-00).

Dailey moved to receive request for rezoning 21-880001 from Bear Teachworth and set for a Public Hearing to be held at the July 6, 2021 Planning Commission meeting. Supported by Bertram.

ROLL CALL vote on motion:

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

MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

- I. Trustee:

Trustee Fedewa gave a brief report on business conducted and actions taken at recent Board of Trustees meetings.

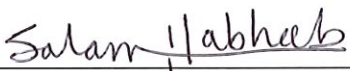
II. Zoning Board of Appeals: No Meeting was held in May.

III. Committees: None.

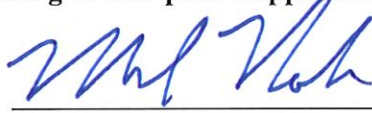
IV. Staff: None.

DISCUSSION: None.

ADJOURNMENT: Fair moved to adjourn the meeting at 7:37 p.m. Supported. MOTION CARRIED.



Salam Habhab, Planner



Mike Nolen, Secretary