

**Chair**  
Bruce Keilen  
**Vice-Chair**  
Kristen Krol  
**Secretary**  
Mike Nolen  
**Commissioners**  
Steve Musselman, Trustee  
Dale Dailey  
Marsha Zimmerman  
Tim Fair  
Adam Bertram  
Abby Lorenzen



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**Township Planner**  
Brett Wittenberg

**Recording Secretary**  
Linda K. Parkinson

**PLANNING COMMISSION  
MINUTES  
TUESDAY, SEPTEMBER 5, 2017**

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

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

ROLL CALL by Secretary Nolen.

**MEMBERS PRESENT:** Keilen, Dailey, Nolen, Lorenzen, Krol, Zimmerman, Trustee Musselman.  
Fair (arrived at 7:44 p.m.), Bertram (arrived at 7:50 p.m.)

**MEMBERS ABSENT:** None.

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

**APPROVAL OF MINUTES** **Musselman moved to approve the minutes of the August 7, 2017 meeting as printed. Supported. MOTION CARRIED.**

**CORRESPONDENCE:** Correspondence dated September 5, 2017 from Rick Nalett regarding Rezoning Request 16-880003 from Signature Land Development.

Correspondence dated September 5, 2017 from Marcy Matson regarding FLU Map Amendment 16-870001 and Rezoning Request 16-880003 from Signature Land Development.

**PUBLIC COMMENTS:** None.

**UNFINISHED BUSINESS:**

- I. Request for Future Land Use Map Amendment 16-870001 from Signature Land Development – Michael R. McGraw, to amend from SF-M (Medium Density Single Family Residential) to SF-H (High Density Single Family Residential) for a 77.98 acre parcel located south of Clark Road, north of Solon Road, east of Myers Road and west of Business 27, in the northeast ¼ of Section 21 of DeWitt**

Charter Township (Parcel #050-021-100-005-50). **Withdrawal request submitted by applicant on 8-25-17.**

**II. Rezoning Request 16-880003 from Signature Land Development – Michael R. McGraw, to rezone a 77.98 acre parcel from A (Agricultural) to R6 (Residential Single Family). The property is located south of Clark Road, north of Solon Road, east of Myers Road and west of Business 27, in the northeast ¼ of Section 21 of DeWitt Charter Township (Parcel #050-021-100-005-50). Action postponed at the August 7, 2017 meeting.**

Township Planner Brett Wittenberg briefly reviewed staff's report dated August 28, 2017 providing a summary on the request since the Public Hearing was held on Tuesday, January 3, 2017. As a result of months of postponements and discussions with the residents the applicant has offered additional conditions to the rezoning request as follows:

1. The housing units developed on the site shall be "for sale" units and not "rental"
2. Maximum density shall not exceed 225 units.
3. Lots that front onto Myers Road shall be a minimum of 90' wide and 15,000 s.f. in area (consistent with the R4 Zoning District requirements). Those areas along Myers Road that do not have lots fronting onto it shall not have any structures within 50' of the right-of-way and the first 20' adjacent to the right-of-way will be improved with berming, evergreen, and deciduous trees.
4. There shall be no more than 8 residences either fronting on or directly backing up to Myers Road, north of the exception parcel.
5. There shall be no more than 14 residences either fronting on or directly backing up to Myers Road, south of the exception parcel.
6. There shall be no attached product of any type within 300 feet of the right-of-way for Myers Road.
7. Townhome buildings shall be restricted to the eastern 600 feet of the property. No portion of any townhome building shall be located more than 600 feet west of the east property line.

Wittenberg again reviewed staff's analysis related to the review criteria (see pages 13 – 16 of staff's August 28, 2017 report) and recommends the Planning Commission recommend approval of the request, subject to the conditions previously stated.

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

Mike McGraw, applicant, Signature Land Development, 188 East Paris, SE, Grand Rapids, MI 49546, stated he feels there was value in the discussion at the last meeting and the tenor of the meeting was positive. The efforts that have been made between himself and the neighboring residents have helped. Although he still believes there could have been a case made for the original 300 units proposed, he did not feel it was the right way to go about the project. He went on to summarize what has transpired from the January 3, 2017 Public Hearing until today.

McGraw stated the reason for requesting withdrawal of the Future Land Use Map Amendment pertains directly to the fact that overall density for the rezoning is now at 2.88 units per acre and the gross density allowed in the R4 Zoning District is 2.9 units per acre. It did not seem to make sense to continue with the amendment request.

McGraw also reviewed the proposed conditions for the rezoning and stated they all stem from hearing the feedback and concerns expressed by surrounding residents. Now there are specific conditions that assure the subject property will be developed as a transitional development with higher density on the eastern portion and less density on the western portion of the property.

McGraw went on to state he was a little surprised when he received correspondence today from a few residents. Although the potential exists that he could sell the property, he has no intentions of doing so. He understands that some residents want the assurance that anything agreed to would be binding should the subject property be sold.

McGraw reiterated that there is a need for diversified housing types within DeWitt Charter Township. In addition, developing the subject site would be a responsible use of the existing public infrastructure. Lastly, the property has easy access to transportation arteries and commercial services.

In closing, McGraw stated he feels as if he has shown his desire to compromise. However, if there is something that has been missed it is better to address it now. The correspondence sent today from Marcy Matson brings up some questions that need to be clarified. He is not certain if the Township Attorney or staff has had the appropriate time to respond to the correspondence. Therefore, he does not think requesting action from the Planning Commission at this time would be fair. Everyone would be better served if the time was taken to respond the Matson's correspondence dated September 5, 2017 prior to the Planning Commission taking action.

Chairman Keilen noted that Township Attorney Gordon VanWieren is present and invited him to comment.

Gordon VanWieren, Township Attorney, Thrun Law Firm, P.C., 2900 West Road, Suite 400, East Lansing, MI 48823, advised he has not had the opportunity to review the most recent documents he received this afternoon. There are certain allegations and legal statements that he has not had a chance to review. He is not in a position to provide counsel to the Planning Commission pertaining to those issues.

Chairman Keilen stated, although this is not a Public Hearing, he will entertain public comments that have not been brought up at previous meetings.

John McComb, 14120 Myers Road, DeWitt, MI 48820, asked that the applicant provide some assurance that development on the west side of the site is given equal priority so that it is a finished product rather than an unknown to potential home buyers of the surrounding residences.

Rick Nalett, 14052 Myers Road, DeWitt, MI 48820, questioned when there will be a site plan that will show exactly what will be directly across from his home. He has the lowest property and is located closest to the site. He also expressed concern with his property flooding.

Marcy Matson, 1561 W. Solon Road, DeWitt, MI 48820, stated that, although the conditions proposed by the applicant run with the land, that is not a guarantee for the long term. Planning Commissioners change, the property could be sold, etc. If the intent is to keep the western portion of the site consistent with the R4 Zoning District the subject site should be divided and the western parcel should be rezoned to R4.

Chairman Keilen clarified that a conditional zoning is recorded with the Register of Deeds and assures that the conditions stay with the land, regardless of whether the property is sold to someone else.

Brian Herrington, 1561 W. Solon Road, DeWitt, MI 48820, expressed concern with the applicant withdrawing the request to amend the Future Land Use map. He pointed out that approval of rezoning requests should be consistent with the Future Land Use map and it appears this is a step that is being skipped. He expressed concern that the proposed conditions could be retracted in the future. If the property were to be zoned R4 it would assure the property would be developed with the R4 density requirements.

Julia McKay, 1440 W. Clark Road, DeWitt, MI 48820, stated the existing sewer line in the area is not adequate to serve an additional 225 more residential units. Her home has had sewage back up after storms pass through. She also has concern with drainage as her property is very low and they have had drainage problems in the past.

Karen McComb, 14120 Myers Road, DeWitt, MI 48820, asked for clarification of the conditions proposed by the applicant. She also questioned if the zoning district being requested was R6.

Wittenberg briefly reviewed the conditions. He noted the request is for the R6 Zoning District, with conditions attached.

McComb questioned why the applicant wouldn't just split the subject site and rezone the western portion to R4 and the eastern portion to R6. This would eliminate any need to put restrictions on the property and would assure that the higher density would remain on the eastern portion.

Hearing no further public comments, Chairman Keilen invited the applicant to respond.

McGraw stated they are a long way from knowing how the development would be phased. The proposed housing units would have a positive impact on the surrounding property values partly because they will sell for a higher price than the existing homes in the area. With respect to providing a site plan, he cannot go through the expense of drafting a site plan until the rezoning phase is completed and the approved density is in place. The engineering of storm water and sanitary sewers will all be reviewed by the Clinton County Drain Commissioner's Office and the Southern Clinton County Utility Authority to assure that the site meets all regulations.

McGraw stated the comments pertaining to splitting the property could be a viable solution he would like to explore. For this reason he would like to request that the Planning Commission postpone action to allow time to explore this option.

Brief discussion followed regarding the pros and cons of a conditional rezoning as opposed to splitting the property and rezoning it to R4 and R6 and the additional time it would take.

**Fair moved to postpone action on Rezoning Request 16-880003 from Signature Land Development – Michael R. McGraw as requested by the applicant, and to allow the Township Attorney time to review additional correspondence received by the Planning Department on September 5, 2017. Supported.**

**ROLL CALL vote on motion:**

**AYES: 9      NAYS: 0**

**MOTION CARRIED.**

### **III. PUBLIC HEARING - DeWitt Charter Township 2018 Capital Improvement Plan.**

- A. Open Public Hearing. **Chairman Keilen declared the Public Hearing opened at 8:05 p.m.**
- B. Administrative Comments/Applicant/Public Comments.

Township Manager Rod Taylor briefly reviewed the process and the status of the projects listed in the 2018 CIP document.

There were no questions or public comment.

- C. Close Public Hearing. **Fair moved to close the Public Hearing at 8:20 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

**Lorenzen moved that the Planning Commission adopt the Resolution approving the DeWitt Charter Township 2018 Capital Improvement Plan. Supported.**

**ROLL CALL vote on motion:  
AYES: 9 NAYES: 0  
MOTION CARRIED.**

**NEW BUSINESS:**

- I. **Request for Special Use Permit 17-990002 (Major Amendment) from DeWitt Charter Township, to be allowed to expand the area of the existing Special Use Permit (SUP 01-990002) at Valley Farms Park on properties located east of S. US 27 and south of State Road, in the northwest ¼ of Section 34 of DeWitt Charter Township (Parcel #050-034-200-205-00 and a portion of Parcel #050-034-200-005-00).**

**Fair moved to receive request for Special Use Permit 17-990002 (Major Amendment) from DeWitt Charter Township and set for a Public Hearing to be held on Monday, October 2, 2017. Supported. MOTION CARRIED.**

**EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.**

**REPORTS:**

- I. Trustee:

Trustee Musselman gave a brief report on business conducted and action taken at the Board of Trustees meetings held on August 14, 2017 and August 28, 2017.

- II. Zoning Board of Appeals:

Krol advised there was no Zoning Board of Appeals meeting held in August.

- III. Committees: None.

- IV. Staff None.

**DISCUSSION:**

Trustee Musselman commended Mr. McGraw of Signature Land Development for working closely with the Township residents to address their concerns related to the proposed rezoning request 16-880003.

**ADJOURNMENT: Fair moved to adjourn the meeting at 8:26 p.m. Supported. MOTION CARRIED.**

  
Linda K. Parkinson-Gray, Recording Secretary

  
Mike Nolen, Secretary