

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



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Township Planner
Tory Niewiadomski

Township Planner
Brett Wittenberg

Recording Secretary
Linda K. Parkinson

**PLANNING COMMISSION
MINUTES
MONDAY, SEPTEMBER 2, 2014
7:00 p.m.**

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

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

ROLL CALL by Secretary Fair.

MEMBERS PRESENT: Adam Bertram, Dale Dailey, Kristen Krol, Steve Gobbo, Abby Lorenzen, Tim Fair, Bruce Keilen and Trustee Musselman.

MEMBERS ABSENT: Marsha Zimmerman.

OTHERS PRESENT: Township Planners Tory Niewiadomski and Brett Wittenberg and Township Manager Rod Taylor.

APPROVAL OF AGENDA: **Musselman moved to place New Business Items I. and II. after the Public Hearing for the 2015 Capital Improvement Plan so that the applicant (Mr. Maurer) would not have to sit through discussion on Proposed Ordinance Amendments 42.5 and 42.6. Supported. MOTION CARRIED.**

APPROVAL OF MINUTES **Fair moved to approve the minutes of the August 4, 2014 Meeting as printed. Supported. MOTION CARRIED.**

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

1. Charter Township of Meridian – Notice of Master Plan Update

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

- I. PUBLIC HEARING - DeWitt Charter Township 2015 Capital Improvement Plan.**

- A. Open Public Hearing. **Fair moved to declare the Public Hearing opened at 7:05 p.m. Supported. MOTION CARRIED.**

- B. Administrative Comments/Applicant Comments/Public Comments

Chairman Bertram invited Township Manager Rod Taylor to speak.

Rod Taylor, Manager, DeWitt Charter Township, 1401 W. Herbison Road, DeWitt, MI 48820, stated the Planning Enabling Act requires that, in the process of preparing for the 2015 Budget, a CIP be drafted. The CIP is a 5 year plan that looks at any needed public structures or improvements that should be undertaken within the next 5 years. The purpose of the document is to look at long term planning and also to balance public improvements and preserve the Township's infrastructure. The CIP document is required to be reviewed by the Planning Commission before it goes on to the Board of Trustees to be incorporated into the final budget.

Taylor stated the CIP document is put together by staff and reviewed by the ad hoc committee. There are certain criteria that exists for ranking the individual items within the CIP document.

Taylor went on to review the individual projects listed in the 2015 CIP. He stated he would be happy to answer any questions the Commission may have.

- C. Administrative Comments/Applicant Comments/Public Comments.

There were no questions or comments from the Planning Commission.

Chairman Bertram invited public comments.

- D. Close Public Hearing. **Hearing no Public Comments Fair moved to close the Public Hearing at 7:15 p.m. Supported. MOTION CARRIED.**

- E. Discussion and possible action by Planning Commission.

Keilen moved that the Planning Commission adopt the Resolution approving the DeWitt Charter Township 2015 Capital Improvement Plan. Supported.

ROLL CALL vote on motion:

AYES: 8 NAYES: 0 ABSENT: 1 (Zimmerman)

MOTION CARRIED.

NEW BUSINESS:

- I. **Request for Site Plan Review 14-150003 from Robert F. Maurer, to allow the construction of a 35'x40' addition to an existing building located at 2050 Glenn Road, Lansing, MI 48906, in the southwest ¼ of Section 35 of DeWitt Charter Township (Parcel #050-035-300-010-01).**

Township Planner Tory Niewiadomski briefly reviewed staff's report dated August 27, 2014 advising the applicant is requesting Final Site Plan approval for the construction of a 1,400 square foot addition to the front side of an existing 3,600 square foot building used for a cleaning and embroidery business located on property at 2050 Glenn Road, Lansing. The applicant is also proposing additional upgrades on the site for parking.

The subject site is part of an Industrial Park type development. There is currently a single access point to the development off from Glenn Road. The property is zoned IH (Industry, Heavy). The surrounding zoning consists of IH (Industry, Heavy) to the east and south, and IL (Industry, Light) to the north and west. The surrounding Future Land Use Designations consist of IP (Industrial Park) and IH (Industrial, Heavy).

Niewiadomski went on to review the request for compliance with the Site Plan Review standards set forth in the Township Zoning Ordinance (see pages 3 -7 of staff's report).

Niewiadomski pointed out there is a discretionary item regarding landscaping. The applicant has proposed no additional landscaping for this particular site. Landscaping is required for all new construction or businesses that expand beyond 20% of their footprint. In this case, the applicant is requesting to expand by approximately 39%. The applicant would be required to provide a "Type A" buffer yard to the west, east and south property lines. On the north side a "Type E" buffer yard would be required. The Planning Commission does have the discretion to require additional landscaping if they feel it will achieve a utilitarian or aesthetic purpose. The Commission also has the ability to provide a reduction to the landscaping requirements if it is determined there are some hardships with the property such as topography or other features that might provide screening effectively. The applicant does not feel additional landscaping is necessary due to the way the property surrounding the site is developed. Also, additional landscaping would decrease the visibility of their site. Staff believes that the minimum landscaping standards would not create a hardship for this property and recommends that the applicant submit a landscaping plan that would meet Zoning Ordinance standards.

Niewiadomski further advised that when a building expansion exceeds 20% or more the applicant is also required to provide sidewalks. The applicant has requested a waiver to that requirement. The waiver request will be handled as a separate action item at this meeting.

Niewiadomski noted that the applicant was granted a variance by the Zoning Board of Appeals on August 20, 2014. The variance was for 35 ft. to the required 75 ft. front yard setback and a variance of 10.9 ft. to the required 20 ft. side yard setback to allow the construction of the proposed 35'x40' addition.

In closing, Niewiadomski advised that site is served adequately by public services and facilities such as drainage, water and sewer. He invited questions and comments.

There were no questions or comments.

Chairman Bertram invited the applicant to speak.

Jeff Kyes, KEBS, Inc., 2116 Haslett Road, Haslett, MI 48840, representing the applicant, stated he has read staff's report and recommendations. He does still have concerns with the landscape requirements. As staff mentioned, the applicant was granted variances on the east side for parking and on the north and west side for building. Because this is a redevelopment site he feels hardships do exist.

On the east and west side of the building there is very little grassy area. The Ordinance requires 25 trees and 32 shrubs in this area. If all of this were provided the landscaping would encroach on

adjoining properties. In addition, there are constraints with overhead electrical wires and sanitary sewer lines. He would like to propose providing a few ornamental trees on the frontage and possibly adjust the east and west sides and have the applicant's landscaper work with staff on a feasible and adequate landscape plan.

Brief discussion followed regarding the grassy area north of the proposed addition and the possibility of providing landscaping in that vicinity.

Further discussion followed regarding the site constraints mentioned by Mr. Kyes.

Bertram pointed out that the parking lot appears to surface drain to the east. Any run off from salting of the parking lot would damage plantings in that area. He further stated he is comfortable with the applicant and staff working out the landscaping plan administratively due to the uniqueness of the site. He does not think there is enough room for ornamental trees along the western edge of the property.

Gobbo questioned if the applicant could provide landscaping on the west side of the site. With the surrounding industrial uses it would seem to make more sense to provide buffering along Wood Road to provide screening from the industrial aspect of the area.

Kyes stated he feels shrubs could be planted along the west side at some point. When the property to the west develops the buffering would definitely be more extensive along Wood Road.

Fair stated he concurs with Bertram's comment to let the applicant work with staff on the location of landscaping and number of plantings.

Lorenzen noted the gravel area on the south side of the building was there for drainage purposes so there would be no possibility of planting in that vicinity.

Niewiadomski stated he feels staff could work with the applicant to be able to develop a plan that would be agreeable to both sides. The Ordinance allows staff to do this providing the Planning Commission states that as a condition of approval. He noted, although the applicant currently owns the property to the west of the site, it could be sold and some buffering should be required.

Musselman noted the grade is such that it drops approximately 5 feet. Landscaping would not be extremely visible on the west side of the site.

Brief discussion followed regarding the fact that landscaping requirements should be in place. However, each site has unique characteristics that may allow for flexibility.

Discussion followed regarding how low the existing building sits on the property and that Wood Road is actually at a much higher level. This makes the building far less visible from the road.

Several Commissioners (Musselman, Fair, Dailey, Lorenzen, Gobbo) agreed that it would make sense to allow staff to work with the applicant on landscaping. If no agreement can be made, the issue should come back before the Planning Commission for consideration.

Gobbo moved that the Planning Commission approve Site Plan Review 14-150003 from Robert Maurer to construct a structural addition and parking upgrades to the existing carpet cleaning and embroidery business subject to the following conditions:

- 1. The applicant shall comply with the requirements of all reviewing agencies having jurisdiction over the project.**

2. **The applicant obtained a variance of 35 feet to the 75 foot minimum front yard setback requirement, a variance of 10 feet to the 20 foot minimum side yard setback requirement, and a variance of 5 feet to the required ten (10) foot side yard setback for parking within the buffer yard setback.**
3. **Based on existing site configuration, utility placement, drainage pattern, lack of green space, and topography surrounding the building, that the applicant work with Township staff to provide an acceptable landscaping plan that achieves an appropriate amount of screening based on the context of the location.**
4. **If the applicant's variance to the sidewalk is denied, the applicant shall construct a sidewalk along the north property line.**
5. **The applicant remains in compliance with the site development requirements listed under Section 42-776.**
6. **The applicant remains in compliance with the performance standards listed in Section 42-800.**

Supported.

ROLL CALL vote on motion:

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

MOTION CARRIED.

- II. **Request for Sidewalk Variance from Robert F. Maurer for property associated with Site Plan Review 14-150003 located at 2050 Glenn Road, Lansing, MI 48906, in the southwest ¼ of Section 3 of DeWitt Charter Township (Parcel #050-035-300-010-01).**

Township Planner Niewiadomski advised the applicant for Site Plan Review 14-150003 also submitted a request for a waiver to construct sidewalks as a part of the proposed development. The process for an applicant to obtain a variance requires that they meet one of two conditions. The first condition would be that there is a practical difficulty such as topography, soil issue, etc. The second condition is that there are a preponderance of parcels within 1,000 feet that do not have sidewalks or have no possibility of connecting to sidewalks at any point in the future. Staff has determined that they meet the second condition.

Staff reviewed the Non-Motorized Transportation Plan (NMTP) for some guidance on this issue. Currently there are no sidewalks within the vicinity of the site. Therefore, the request would meet the second condition. In addition, after looking at the NMTP staff has determined that bicycle lanes would be the most appropriate type facility along Wood Road. Therefore, it is staff's opinion that of the sidewalk variance would not impair the public safety or welfare of the

approval
community.

Gobbo moved to recommend to the Board of Trustees approval of a variance for sidewalk installation for property located at 2050 Glenn Road, Lansing, MI (Parcel 050-035-300-010-01), in the southwest ¼ of Section 35 of DeWitt Charter Township. Recommendation for approval is based on the fact that the request meets Condition 2. Supported.

ROLL CALL on motion:

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

MOTION CARRIED.

UNFINISHED BUSINESS:

I. PUBLIC HEARING - Proposed Ordinance Amendment 42.6, to amend the DeWitt Charter Township Zoning Ordinance to amend Chapter 42, Article III, Division 24 to reduce building setback requirements along State or Federal highways; to amend Chapter 42, Article I, to add a definition for clear vision right of way and road right of way to address setbacks; to amend Chapter 42, Article III, Division 21 to reduce setbacks in Industrial Zoning Districts when adjacent to other industrial uses and to allow motor vehicle repair as a permitted use; to amend Chapter 42, Article III, Divisions 18 and 19 to permit drive through 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. **Fair moved to open the Public Hearing at 7:55. Supported. MOTION CARRIED.**

B. Administrative Comments/Applicant Comments/Public Comments.

Niewiadomski briefly reviewed staff's memorandum dated August 28, 2014 describing the items addressed in Proposed Ordinance Amendment 42.6.

With respect to Article III, Division 24, Section 42-857 "Limiting Height, bulk and area by zoning district", Niewiadomski stated limiting the 75 foot setback along Business 27 is proposed in an effort to promote current planning principles of a more walkable community.

With respect to Article I, Section 42-1 "Definitions", Niewiadomski advised that currently there is no definition for the term "right-of-way". It would be best to provide a definition rather than leave it up to interpretation.

With respect to Article III, Division 21, Section 42-773, 774, and 776 in "IL District: Industry, Light" Niewiadomski stated staff feels that there may be some benefits to allowing vehicle repair type facilities as a use permitted by right rather than by Special Use Permit in the IL district. Currently, other uses allowed pose larger impacts than vehicle repair.

With respect to Article V, Division 5, Section 42-1166 "Drive-through facilities" Niewiadomski stated drive through facilities are more common and accepted than when the Zoning Ordinance was created. Staff is not aware of any instances of complaints from adjacent property owners. In certain circumstances a Special Use Permit should still be required, particularly when directly adjacent to residential uses.

Gobbo questioned how staff would interpret nonconforming residential uses. He suggested perhaps the language under subsection (2) should read "Drive-through windows and audio transmission devices shall not be located closer than 100 feet to any property zoned or utilized for residential purposes.

Gobbo further suggested language be added under subsection (6) to include some type of objective measurement of sound such as decibels.

Brief discussion followed regarding various decibels levels allowed for specific uses and what may be loud for one person may not be loud by another. In addition, sound travels differently depending on the area and the time of day.

With respect to Article III, Division 18 & 19, Section 42-673, 674, 706 and 707 "Uses permitted under special conditions and uses permitted by special use permit within the BL (Business, Local) and BC (Business, Community) Zoning Districts" Niewiadomski stated staff has incorporated changes to the Commercial Zoning Districts to allow for drive-through facilities as a permitted use under special conditions when the drive-through facility is not directly adjacent to any property that is zoned or utilized for residential purposes.

There were no further Commissioner's comments.

Chairman Bertram invited public comments.

- C. **Close Public Hearing. Hearing no public, Fair moved to close the Public Hearing at 8:10 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Gobbo stated his suggestions related to noise coming from a drive-through facility were just for discussion. If the Commission feels comfortable with the way the proposed ordinance has been presented he would recommend the Commission move forward with a recommendation for approval. His main concern is residential properties. He noted that most business with a drive-through window would typically be closed after 5:00 p.m. except for maybe fast food facilities.

Brief discussion followed regarding the best way to regulate commercial noise levels that are in the vicinity of residential areas.

It was the consensus of the Planning Commission to change subsection (6) to read "Drive-through windows and audio transmission devices shall not be located closer than 100 feet to any property utilized for residential purposes."

Gobbo moved to recommend to the Township Board of Trustees approval of Proposed Ordinance Amendment 4.26 with two minor changes discussed with staff. Supported.

ROLL CALL vote on motion:

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

MOTION CARRIED.

II. Proposed Ordinance Amendment 42.5 – Sidewalk/Complete the Streets – Update

Township Planner Brett Wittenberg briefly reviewed staff's report dated August 28, 2014 advising at the August 25, 2014 Board of Trustees meeting staff presented the preliminary draft ordinance for some additional direction primarily address specific areas such as construction required, maintenance

and snow removal. The Board provided valuable input that was consistent with the Planning Commission discussions.

With respect to shared use pathways, the provision for residential properties to construct a pathway will not be required, unless it is part of an approved subdivision plat. Under this circumstance the developer of a subdivision would be required to construct a shared use pathway if the area is indicated for one on the Sidewalk/Complete the Streets Plan.

Staff is further looking at adding provision requiring non-residential properties to construct sidewalk. The Township may, on a case by case basis, contribute up to 50% of the additional cost to construct a shared use pathway.

With respect to maintenance, Wittenberg stated that staff will need some additional direction from the Township Attorney.

Wittenberg advised staff reviewed the language related to repair of sidewalks and shared use pathways. Residential properties would be exempt unless it is part of an approved plat.

In closing, Wittenberg outlined the following next steps for the review and public hearing of the proposed ordinance:

1. Review and comment by the Township Attorney;
2. Preliminary draft incorporating the comments received from the Planning Commission, Township Board, and Township Attorney for discussion purposes only at the October Planning Commission meeting;
3. Article in the November Township Newsletter setting a public workshop for mid to late November;
4. Incorporate any necessary changes for review and recommendation by the Planning Commission;
5. Forward recommendation to the Township Board for a public hearing.

Niewiadomski advised that the Public Hearing will be held at the Township Board of Trustees meeting.

Discussion followed regarding where the Public Hearing would be noticed and when it would take effect.

Musselman stated at the Board meeting the shared use pathways were referred to a “linear parks”. This term would imply that it is the Township’s responsibility to maintain them.

Wittenberg advised that a definition for “linear parks” was added.

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 regularly scheduled meetings of the Board of Trustees held on August 11, 2014 and August 25, 2015

II. Zoning Board of Appeals:

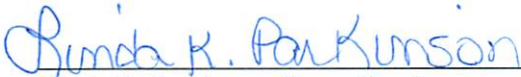
Gobbo gave a brief report on business conducted and action taken at the August 20, 2014 Zoning Board of Appeals meeting.

III. Committees: None.

IV. Staff: None.

DISCUSSION: None.

ADJOURNMENT: **Fair moved to adjourn the meeting at 8:50 p.m. Supported. MOTION CARRIED.**


Linda K. Parkinson, Recording Secretary


Tim Fair, Secretary