

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, MARCH 3, 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: Bruce Keilen, Steve Gobbo, Adam Bertram, Dale Dailey, Abby Lorenzen, Kristen Krol, Tim Fair, Marsha Zimmerman.

MEMBERS ABSENT: Steve Musselman.

STAFF PRESENT: Assistant Planner Tory Niewiadomski, Assistant Planner Brett Wittenberg, Recording Secretary Linda Parkinson.

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

APPROVAL OF MINUTES **Fair moved to approve the minutes of the February 3, 2014 meeting. Supported. MOTION CARRIED.**

CORRESPONDENCE: None

PUBLIC COMMENTS: Kevin Monroe, 1502 Primrose Lane, DeWitt, MI 48820, expressed concern with chickens and roosters that are being raised on a 31.5 acre agriculturally zoned property located north of his home. His main complaints are the smell and the noise. He asked that the Township provide an ordinance that regulates the raising of chickens.

Assistant Planner Niewiadomski noted that the Assessor's Office classifies the property Mr. Monroe is referring to as residential because there is a single family home on the property. However, the 31.5 acre property is zoned A (Agricultural). The Agricultural Zoning District does allow for farm animals such as chickens. There is no limit on the number allowed but the Ordinance does limit the housing to be 100 feet from residentially zoned land. This situation is unique due to the property being in the area of residentially zoned property. Staff has sought an opinion from legal counsel and has been advised

that the Zoning Ordinance provides for chickens on the property and it would be hard to enforce the issue unless the housing of the chickens was located closer than 100 feet from residential property.

Niewiadomski stated if the Township wishes to revisit the regulations of the A (Agricultural) Zoning District, staff could research the issue.

Brief discussion followed regarding the Michigan Right to Farm Act.

UNFINISHED BUSINESS:

I. Commercial Corridor Overlay District – Discussion

Niewiadomski briefly reviewed staffs memorandum dated February 27, 2014 and the draft Ordinance related to the Commercial Corridor Overlay District. He stated the overall objective of the Overlay District is to achieve a specific desired objective in a defined geographic area.

Niewiadomski advised there are three key components to the objective of the proposed Commercial Corridor Overlay District. The first is to improve the quality of the development within the Corridor Improvement Authority (CIA) District area. The second component is to provide incentives for investment and reinvestment within the area. The last objective is to try to reduce the project review time by allowing staff to approve certain request administratively.

After review of the proposed Ordinance, Niewiadomski invited questions or comments.

Brief discussion followed regarding the criteria involved for staff to be able to approve plans administratively and circumstances that would require approval of the Planning Commission. It was noted that an appeals process will be in place should the applicant disagree with staff's determination.

With respect to the Access Management Plan, Niewiadomski noted each property will have some form of reasonable access. If the applicant can meet Ordinance requirements for separation and MDOT requirements the project could potentially have a different drive cut than what was illustrated in the Plan.

Brief discussion followed regarding different site scenarios and how the Access Management Plan would affect the property.

Dailey stated there may be particular sites where it will not be possible to achieve the requirements of the Access Management Plan. However, it should always be the goal. He noted that Section (10)b prohibits the display and storage of merchandise for sale or for rent in the front yard. He noted examples in the community where outdoor merchandise was displayed and it was not a problem. He feels that section of the proposed Ordinance should be amended to allow outdoor displays with some regulations in place.

Gobbo suggested the language Dailey is referring to be changed to read "Display of storage of merchandise for sale or for rent in the front yard is prohibited unless otherwise approved based on the character of the property, including setback and configuration of the building.". He further suggested items that are not creating pedestrian conflicts for access be allowed.

Discussion followed regarding the definition of outdoor display and also the difference between ongoing displays versus temporary displays.

Niewiadomski noted the comments made by Commissioners. He stated the intent of that section of the proposed Ordinance is to eliminate clutter. Although constraints exist on some of the properties within the area, the proposed Ordinance was drafted to provide some flexibility to address these site constraints.

Brief discussion followed regarding the definition of "Front Yard".

In closing, Niewiadomski advised that the Plan has been brought to several committees. In addition, a public workshop was held in the southern tier to allow public input. The next step would be to make some final revisions and ask the Township Attorney for final review. At that time the Township can move forward with setting a Public Hearing.

No action required by the Planning Commission.

NEW BUSINESS:

I. Draft Copy Storm Water Management Ordinance Phase 2 – Discussion

Assistant Planner Brett Wittenberg briefly reviewed staff's memorandum dated February 27, 2014. He advised the draft Ordinance language is being provided to the Planning Commission as an informational item, as it will apply to various land development applications that may come under review by the Planning Commission.

Wittenberg noted that this proposed Storm Water Management Ordinance is not a Zoning Ordinance amendment. It is required by the Michigan Department of Environmental Quality (MDEQ) as part of the National Pollutant Discharge Elimination System Permit through the Township. The purpose of the Ordinance is to provide standards to assure quality and consistency in the permitting design construction and maintenance of all storm water facilities within DeWitt Charter Township. The Ordinance is being done in coordination with the Clinton County Drain Commissioner's Office who would act as the Township's enforcement agent.

Wittenberg stated the Commission should be aware that this Ordinance would be applicable to any development or re development of sites that disturb an area greater than one acre. The Ordinance would not be applicable to interior build out situations. Also, the proposed Ordinance does not apply to single family or two family residences.

Niewiadomski added Clinton County has been involved in drafting the language for this proposed Ordinance. All communities are supposed to adopt these standards. DeWitt Township is the first community within the County that is adopting the Ordinance.

Township Manager Rod Taylor advised that only organizations within the Urban Service Area are required to comply with this proposed Ordinance. Essentially, that vicinity is a ring around the Lansing area. The City of Lansing is considered an MSA (Metropolitan Service Area). Communities within the MSA with a complex, such as the Township Hall, are required to comply.

Brief discussion followed.

No action required by the Planning Commission.

II. Old 27 Corridor Study Report

Niewiadomski briefly reviewed staff's memorandum dated February 27, 2014 advising that in the Year 2012 the Township Board established an Old 27 Technical Design Committee. The purpose of this

committee is to evaluate options to incorporate a vision to make improvements within the road right of way along Old 27 in the southern tier. After several meetings, the committee decided to contract C2AE to perform a comprehensive study of the corridor to provide recommendations for right of way improvements in the summer of 2012. Based on input from the Committee and public workshops held in January 2014, C2AE has provided the report attached to staff's memorandum for recommended actions to be forwarded to the Township Board of Trustees.

For the short term, C2AE and the Old 27 Technical Design Committee recommends that a shared use pathway and sidewalks are implemented along Old 27 corridor from Sheridan Road to Northcrest.

For the long term, C2AE and the Old 27 Technical Design Committee recommends that the Township maintain the existing configuration and evaluate mid-block non-motorized crossings along the Old 27 corridor in the southern tier.

Staff is requesting the Planning Commission to review the report and forward input and a recommendation to the Township Board.

Gobbo moved that the Planning Commission approve the Old 27 Preliminary Engineering Report conducted by C2AE as recommended by the Old 27 Technical Design Committee to the Township Board of Trustees for consideration. Supported.

ROLL CALL vote on motion:

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

MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS:

Township Manager Rod Taylor gave a brief update on previously approved Site Plan Review 14-150001 for property located at 16460 S. US 27 (proposed Reno's North). He advised it is very likely that MDOT will not require the north entrance to the site to be closed at this time. The applicant, Jessie Stipcak, has moved forward with the purchase of the property.

REPORTS:

I. Trustee:

Due to the absence of Trustee Musselman, Trustee Johanna Balzer gave a brief report on business conducted and action taken at the Board of Trustees meetings held on February 10, 2014 and February 24, 2014.

III. Zoning Board of Appeals:

Gobbo gave a brief report on business conducted and action taken at the Zoning Board of Appeals meeting held on Wednesday, February 19, 2014.

IV. Committees: None.

V. Staff:

Niewiadomski reminded the Planning Commission of the Joint Meeting of the Board of Trustees and the Planning Commission scheduled for March 31, 2014 at 7:00 pm. A copy of the Agenda was included in their packet of materials for this meeting.

Manager Taylor provided a brief update on the Township's plans to purchase property in the southern tier located at 16164 S. US 27 (former Chip's Bar). The purchase agreement is expected to be signed within the next few weeks.

Manager Taylor further advised that he hopes to know within the next week whether the Township will receive the sidewalk/pathway grant that has been applied for.


DISCUSSION:

Commissioner Krol commented with respect to Mr. Monroe's complaint regarding his neighbor's chickens. She stated the property in question has three residences on the south edge of the property and is not surrounded by homes. Mr. Monroe's property does not adjoin the subject property. She has never witnessed 100 chickens or 16 roosters on the property.

Bertram did question what MDEQ's stance would be on disposal of the chicken waste with wetland being on the property.

ADJOURNMENT:

Fair moved to adjourn the meeting at 8:30 p.m. Supported. MOTION CARRIED.



Linda K. Parkinson, Recording Secretary



Tim Fair, Secretary