

Chair
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Vice-Chair
Steve Gobbo
Secretary
Adam Bertram
Commissioners
Steve Musselman, Trustee
Dale Dailey
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Kristen Krol



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**PLANNING COMMISSION MINUTES
TUESDAY, SEPTEMBER 3, 2013
7:00 p.m.**

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

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

ROLL CALL by Secretary Bertram.

MEMBERS PRESENT: Bruce Keilen, Steve Gobbo, Adam Bertram, Dale Dailey, Kristen Krol, Marsha Zimmerman, Tim Fair, Trustee Musselman.

MEMBERS ABSENT: None.

OTHERS PRESENT: Township Manager Rod Taylor, Assistant Planner Tory Niewiadomski, Planning Secretary Linda Parkinson.

APPROVAL OF AGENDA; Keilen stated he would prefer to switch Unfinished Business Items III.. and IV. on the Agenda.

Fair moved to approve the Agenda with the amendment to place Crown Pointe Center, LLC Site Condominium Request as Item III. on the Agenda and place Proposed Ordinance Amendment 42.2 as Item IV. on the Agenda. Supported. MOTION CARRIED.

APPROVAL OF MINUTES: Fair moved to approve the minutes of the August 5, 2013 Regular Meeting as presented. Supported. MOTION CARRIED.

CORRESPONDENCE: None.

PUBLIC COMMENTS: William Law, 15802 Brook Road, Lansing, MI 48906 stated he was present to obtain additional information regarding Step II Review – Establishing a Site Condominium by Crown Pointe Center, LLC for property located at 15851 S. US 27, Lansing, MI (Parcel #050-130-000-001-02).

UNFINISHED BUSINESS:

- I. Sidewalk Variance Request related to Site Plan Review 12-150004 from Donn Bohde NCARB-Hope Lutheran Church, for property located at 1180 W. Herbison Road, DeWitt, MI 48820, west of**

S. US 27 and east of Turner Road, in the southeast ¼ of Section 9 of DeWitt Charter Township. **Note: Postponed action at the August 5, 2013 meeting.**

Assistant Planner Niewiadomski advised that the Planning Department received a correspondence dated August 23, 2013 from Attorney Ronald D. Richards, Jr., representing the applicant, requesting that the sidewalk variance or deferment be withdrawn at this time. Township staff will be meeting with the Township Attorney to discuss the next steps in resolving this issue.

Fair moved to postpone discussion on this request until the Township Attorney is able to provide a legal opinion on this issue. Supported.

ROLL CALL vote on motion:

AYES: 8 NAYS: 0 VACANT: 1

MOTION CARRIED.

II. PUBLIC HEARING - DeWitt Charter Township 2014 Capital Improvement Plan.

- A. **Open Public Hearing. Chairman Keilen declared the Public Hearing opened at 7:06 p.m.**
- B. **Administrative Comments/Applicant Comments/Public Comments.**

Chairman Keilen invited Township Manager 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 2014 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 is certain criteria that exists for ranking the individual items within the CIP document.

Taylor went on to review the individual projects listed in the 2014 CIP. He stated he would be happy to answer any questions the Commission may have.

Brief discussion followed.

Chairman Keilen invited public comments.

- C. **Close Public Hearing. Hearing no public comments, Fair moved to close the Public Hearing at 7:20 p.m. Supported. MOTION CARRIED.**
- D. **Discussion and possible action by Planning Commission.**

Musselman moved that the Planning Commission adopt the Resolution approving the DeWitt Charter Township 2014 Capital Improvement Plan. Supported.

ROLL CALL vote on motion:

AYES: 8 NAYS: 0 VACANCY: 1

MOTION CARRIED.

III. PUBLIC HEARING - Step II Review – Establishing a Site Condominium by Crown Pointe Center, LLC for property located at 15851 S. US 27, Lansing, MI (Parcel #050-130-000-001-02)

- A. Open Public Hearing. **Chairman Keilen declared the Public Hearing opened at 7:21 p.m.**
- B. Administrative Comments/Applicant Comments/Public Comments.

Niewiadomski briefly reviewed staff's memorandum dated August 28, 2013 advising that the applicant is requesting Step II approval of a site condominium conversion project for the existing 6 units located at 15851 S. US 27, the east side of S. US 27, north of Ralph Street, south of Boichot Road and west of Brook Road.

If approved, tenants of the existing buildings would have the option of purchasing the units. The site will still be operated as an office park development and no expansions are proposed.

The Step II review process provides a conditional approval that authorizes the applicant to proceed with site improvements. However, this site was developed in 1995 and no site improvements are proposed.

The request has been examined by the Township Attorney and all reviewing agencies. Minor comments have been expressed. The applicant will be working with the agencies to address these issues. Therefore, staff's recommendation is that the Planning Commission recommend approval of the request.

Musselman questioned how the Township would be able to assure the uses at this site would comply with the zoning of the property.

Niewiadomski advised that the Township requires a Zoning Compliance review for each use to be sure the uses comply with the corresponding zoning district of the property. This review is done administratively through the Planning Department.

Dailey questioned who would be responsible for the maintenance of the common areas.

Niewiadomski advised there would be a condominium association established to maintain common areas.

Attorney Ken Lucas, 1314 Tavistock Place, East Lansing, MI 48823, representing the applicant stated his client intends to convert the existing development into a site condominium development so that each building will have its own parcel ID number.

The common areas between the buildings will be maintained by an association of co-owners (owners of each building). Currently, there is a plan to sell one of the buildings which is what began this process of converting to site condos.

Chairman Keilen invited public comments.

William Law, 15802 Brook Road, Lansing, MI 48906, asked for clarification that the units would not be used for residential use.

Attorney Lucas clarified that the units will be commercial uses.

Joe Perrone, 15880 Brook Road, Lansing, MI 48906, stated he would have liked the notification letter to explain what a site condominium is.

C. Close Public Hearing. **Fair moved to close the Public Hearing at 7:34 p.m. Supported. MOTION CARRIED.**

D. Discussion and possible action by Planning Commission.

Musselman moved that the Planning Commission recommend that the Board of Trustees grant Step II approval for the “Crown Pointe Condominium” Site Condominiums in accordance with the As Built Site Plans dated June 19, 2013 (received August 12, 2013), subject to the following conditions:

- 1. The applicant shall comply with the requirements of all reviewing agencies.**
- 2. The applicant addresses comments from Southern Clinton County Municipal Utility Authority (SCCMUA).**
- 3. The applicant addresses comments from the Lansing Board of Water and Light (BWL).**
- 4. The applicant addresses comments from the Clinton County Drain Commissioner’s Office.**

Supported.

ROLL CALL vote on motion:

AYES: 8 NAYS: 0 VACANCY: 1

MOTION CARRIED.

IV. PUBLIC HEARING - Proposed Ordinance Amendment 42.2 to amend Chapter V (Article III), “District Regulations, and Specifically Section 5.7A (Division 8), “R6 District: Residential Single Family: Residential Single Family”, to amend Section 5.7A.2 (42-385), “Uses Permitted by Right”, to add Two-Family Dwellings, and Section 5.7.4 (42-387), “Uses Permitted by Special Use Permit”, to add Three-Family Dwellings and Four-Family Dwellings, and other various amendments.

- A. Open Public Hearing. **Chairman Keilen declared the Public Hearing opened at 7:36 p.m.**
- B. Administrative Comments/Applicant Comments/Public Comments.

Niewiadomski briefly reviewed staff's report dated August 30, 2013 giving a brief overview of the proposed amendments related to the following: R6 Residential District; Duration of Approval for Site Plans; Consideration by the Board of Trustees for Special Use Permits; Duration of Approval for Special Use Permits and Day Care Facilities Distance Requirement.

Krol asked for an example of when the duration for approval of a site plan may need to be extended from one year to two years.

Gobbo stated the golf course on Wood Road would be a good example of the need for an approved site plan to have the duration extended. Due to the down turn on the economy there was a need to extend the duration.

Chairman Keilen invited public comment.

Faye Hagy, 1745 E. Clark Road, Lansing, MI 48906, questioned if an approved Special Use Permit would be allowed to have a two year extension or would the extension request be only for one year at a time.

Niewiadomski advised that extension requests are for a period of one additional year. The two year period only applies to Special Use Permits once the ordinance amendment has been adopted.

- C. Close Public Hearing. **Fair moved to close the Public Hearing at 7:34 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Fair moved that the Planning Commission recommend to the Board of Trustees approval of proposed Ordinance Amendment 42.2 to amend the following: Article III-Division 8 R6 Residential District; Section 42-1038 Duration of Approval (Site Plans); Section 42-1069 Consideration by the Board of Trustees (Special Use Permits); Section 42-1072 Duration of Approval (Special Use Permits); and Section 42-1139 Day Care Facilities. Supported.

ROLL CALL vote on motion:

AYES: 8 NAYS: 0 VACANCY: 1

MOTION CARRIED.

NEW BUSINESS:

- I. **Site Plan Review 13-150001 from Christopher Jolley, exp US Services Inc.** for a 2.75 acre site located at 13155 S. US 27, DeWitt, MI 48820, on the east side of S. US 27, south of Commerce Park Drive, north of Twinbrook Drive, in the northwest ¼ of Section 15 of DeWitt Charter Township, to be allowed to construct a 900 sq. ft. addition to an existing 3,000 sq. ft. building (gas station).

Niewiadomski briefly reviewed staff's memorandum dated August 28, 2013 pointing out the location of the site at 13155 S. US 27, DeWitt, MI 48820. The applicant is requesting to construct a 900 sq. ft. (18'x50') addition to the existing 3,000 sq. ft. building, as well as making parking upgrades and replacing/upgrading the underground storage tanks. The reason for the proposed addition is to provide what is the typical model of other Speedway locations.

Niewiadomski noted the proposed site is currently zoned BC (Business, Community) and is designated for CC (Community Oriented Commercial) on the Future Land Use Map. The surrounding properties are also zoned BC and designated for CC on the Future Land Use Map.

It should be noted that the site is designated within FEMA's Flood Zone A. This requires that any substantial improvements to an existing site, require that the building be structurally modified to prevent flood damage to the building and would have to satisfy building code requirements. The Township requires the applicant of any nonresidential structural expansion in a floodplain to obtain a Special Use Permit to be allowed to construct within the floodplain. However, MDEQ has provided information stating the flood elevation level has been determined at an elevation of 822 feet. This would provide a possibility for the applicant to remove themselves from the floodplain if they are able to certify that the building is elevated above the base of flood elevation level. This process would require the applicant go through the Letter of Map Amendment (LOMA) process with FEMA.

Niewiadomski went on to advise that the site is already served by public utilities and the existing land use and future land use supports the existing use. In addition, the reviewing agencies did not express concern with the request. It is staff's recommendation that the Planning Commission approve request for Site Plan Review 13-150001, subject to the five conditions stated in staff's report dated August 28, 2013.

Brief discussion followed regarding the floodplain area in the vicinity of the site and the reconfiguration of the parking lot.

Musselman questioned why there were no landscaping or drainage plans included.

Niewiadomski advised that staff met with the reviewing agencies and no substantial concerns were expressed by the Drain Commissioner's Office.

Gobbo questioned what other requirements would be triggered by this proposed addition.

Niewiadomski stated the applicant will be required to provide sidewalks and additional landscaping. The applicant does not intend to make any changes to signage.

Gobbo asked that staff review the sign regulations to verify that the applicant will not be required to remove any signage.

Chairman Keilen invited the applicant to speak.

Chris Jolley, exp US Services Inc., 150 E. Gay Street, Suite 1510, Columbus, OH, representing the applicant, stated the Drain Commissioner did not feel the slight modifications to the impervious surface would be of concern. The intent of the addition is to provide more food services and merchandising that fits in with the typical newly built Speedway Gas Stations.

Brief discussion followed regarding the proposed changes to parking. Some concerns were expressed by Commissioners regarding the existing parking issues related to availability of parking spots for customers who are not purchasing gasoline.

Niewiadomski stated the site plan exceeds the minimum parking requirements. However, much of the parking is on the north side of the building.

Gobbo encouraged the applicant rethink placing more parking spaces on the south side of the building to accommodate customers who are not purchasing gasoline.

Fair moved that The Planning Commission approve Site Plan Review 13-150001 from EXP US Services on behalf of Speedway, LLC to construct a structural addition of 900 square feet to the existing 3,000 square foot building along with additional upgrades on site for parking and underground storage tanks 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 shall comply with the final review requirements of the Clinton County Drain Commissioner.**
- 3. The applicant provides a landscaping plan that satisfies the Type A Bufferyard Requirements.**
- 4. That applicant obtains the necessary permits from the Michigan Department of Environmental Quality or any other regulatory agency for the installation and modification to the underground storage tank system.**
- 5. The applicant shall address the floodplain concern and do one of the following:**
 - a. Remove the site from the floodplain by performing the Letter of Map Amendment Process and providing documentation to the Township within 6 months.**
 - b. If they are unable to be removed from the floodplain, that they provide information listed under Article VI of the Zoning Ordinance to show that the building can be modified to be flood proofed and comply with the Floodplain standards and would be required to obtain a Special Use Permit.**

Supported.

ROLL CALL vote on motion:

AYES: 8 NAYS: 0 VACANCY: 1

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 13, 2013 and August 27, 2013.

II. Zoning Board of Appeals:

Commissioner Gobbo reported that there was no Zoning Board of Appeals meeting held during the month of August.

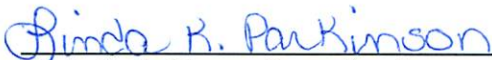
III. Committees: None.

IV. Staff: None.

DISCUSSION: None.

ADJOURNMENT:

Fair moved to adjourn the meeting at 8:20 p.m. Supported. MOTION CARRIED.



Linda K. Parkinson, Recording Secretary



Adam Bertram, Secretary