

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



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Township Planner
Jim N. Foulds

Planning Assistant
Tory Niewiadomski

Recording Secretary
Linda K. Parkinson

PLANNING COMMISSION MINUTES
MONDAY, AUGUST 5, 2013
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 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, Tim Fair, Trustee Musselman.

MEMBERS ABSENT: Marsha Zimmerman.

VACANCY: 1

OTHERS PRESENT: Assistant Planner Tory Niewiadomski, Planning Consultant Jim Foulds and Recording Secretary Linda Parkinson.

APPROVAL OF AGENDA: **Fair moved to approve the Agenda as printed. Supported. MOTION CARRIED.**

APPROVAL OF MINUTES: **Fair moved to approve the minutes of the July 15, 2013 Regular Meeting. Supported. MOTION CARRIED.**

CORRESPONDENCE: None.

PUBLIC COMMENTS: None.

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 July 15, 2013 meeting.**

Assistant Planner Niewiadomski noted the applicant has again submitted a request asking that action on the requested sidewalk variance be postponed to allow sufficient time to thoroughly investigate options related to the request.

Fair moved to postpone discussion and action on the requested sidewalk variance from Hope Lutheran Church until the September 3, 2013 Planning Commission meeting. Supported.
MOTION CARRIED.

II. PUBLIC HEARING - Proposed Ordinance Amendment 42.2 to amend Chapter V, "District Regulations, and Specifically Section 5.7A, "R6 District: Residential Single Family: Residential Single Family", to amend Section 5.7A.2, "Uses Permitted by Right", to add Two-Family Dwellings, and Section 5.7.4, "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 7:15 p.m.**

B. Administrative Comments/Applicant Comments/Public Comments.

Niewiadomski noted there was a sleight error in the publication notice for the proposed amendment. Therefore, this item will be heard again at the September 3, 2013 meeting. He went on to review staff's memorandum dated July 31, 2013 (copy attached) outlining the proposed amendments to Sections 5.7A, 7.3.4, 7.4.5, 7.4.9 and 7.13.3 of the DeWitt Charter Township's Codified Ordinance.

Dailey expressed concerns related to proposed amendments to Section 7.4.5. He stated it is not clear to him whether the sixty (60) day processing time period would continue to be the standard, with the exception that it would be one hundred and twenty (120) at the request of the applicant. He feels the standard 60 days should remain in order to expedite the applicant through the process. The 120 day period should be only at the request of the applicant.

With respect to the same Section 7.4.5 he expressed concern with the Board of Trustees being allowed to make "minor" changes to the Planning Commission's recommendations for a Special Use Permit. Most recently the Commission made a recommendation on hours of operation for a specific mining operation. Unless you are present at the Public Hearing to hear all concerns and comments expressed it would be difficult to make a decision on issues such as hours of operation for an excavation site.

Fair stated he has concerns related to whether there is sufficient public input on items of business before decisions or recommendations are made. That was his main concern at the July meeting with the decision made on the Non-Motorized Plan. He further questioned if the proposed changes to Section 5.7A was directly related to Item II. under New Business.

Niewiadomski stated the proposed amendment to Section 5.7A is not related to the Crown Pointe Center, LLC request to establish a condominium. The Crown Pointe site is a commercial entity.

Fair questioned why the proposed changes to Section 5.7A were initiated.

Niewiadomski stated the Township is trying to stay current with development trends and to provide flexible options for housing types. The Township is also trying to promote senior and special needs housing.

Fair questioned what initiated the proposed amendments to Section 7.13.3.

Niewiadomski stated the Zoning Board of Appeals recently heard a case where a licensed daycare was within a ¼ mile radius of an adult foster care facility. The intent of the Ordinance is to separate these facilities in neighborhoods, not facilities that are separated by a major corridor. In the recent Zoning Board of Appeals request the child care facility was separated from the adult foster care facility by the US 27 corridor.

Chairman Keilen asked Planning Consultant Jim Foulds if he would like to comment on Commission Dailey's concerns.

Foulds advised currently in Section 7.4.5 there is an existing sixty (60) day period within which the Planning Commission is required to issue a report to the Board of Trustees. The 60 day period has been problematic for some cases because of the complexity of the request such as the necessity to meet with neighborhood residents to resolve issues or concerns. What staff has tried to accomplish is to let the 60 day time period remain unless the applicant feels additional time would be required to allow the Planning Commission to forward a more complete recommendation to the Board of Trustees.

Foulds further advised with respect to the Board of Trustees making minor changes to the Planning Commission's recommendations, the current language is specific in stating "The Board shall not make any changes to a recommendation of the Planning Commission on a Special Use Permit application". Staff is not certain what purpose is served by the Board sending the recommendation back to the Planning Commission for reconsideration.

Musselman stated the difficulty arises in trying to define what is a "minor" change to a recommendation. The Board of Trustees can make the decision whether the change is considered major or minor. He noted the Planning Commission should be notified of any changes made to their recommendation.

Gobbo concurred with Musselman's comments and further suggested adding verbiage stating the Planning Commission will be formerly notified at their next meeting of any changes made to their recommendations by the Board of Trustees.

Keilen stated the issue is what may seem like minor change to one person may seem like a major change to another person.

Gobbo suggested that staff make changes to Section VII. related to the repealing of any ordinances in conflict with this Ordinance. He recalled prior language used and asked that staff put that language back into the document. His concern is that an Ordinance that stands by itself for another purpose might be repealed.

There were no further comments or questions.

- C. Close Public Hearing. **Chairman Keilen declared the Public Hearing closed at 7:35 p.m.**
- D. Discussion and possible action by Planning Commission.

Musselman moved that proposed Public Hearing for Ordinance Amendment 42.2 be rescheduled for Tuesday, September 3, 2013. Supported. MOTION CARRIED.

NEW BUSINESS:

- I. **DeWitt Charter Township 2014 Capital Improvement Plan, receive and set for a Public Hearing to be held on Tuesday, September 3, 2013.**

Fair moved to receive the DeWitt Charter Township 2014 Capital Improvement Plan and set for a Public Hearing to be held on Tuesday, September 3, 2013. Supported. MOTION CARRIED.

- II. **Notice of Intent to Establish Condominium by Crown Pointe Center, LLC for property located at 15851 S. US 27, Lansing, MI (Parcel #050-130-000-001-02).**

Assistant Planner Tory Niewiadomski briefly reviewed staff's report dated August 1, 2013 advising that the applicant has provided a notice of intent to establish a condominium project at the Crown Pointe Plaza located at 15851 S. US 27. The site is located north of State Road on the east side of US 27, in the southwest ¼ of Section 27 of DeWitt Charter Township.

Niewiadomski stated it is important to note that there are two (2) parcels at this location. The two northern most parcels are owned by another entity. The site contains six (6) buildings. The applicant intends to divide each building into separate condominium units so that each unit could be sold rather than leased.

The next step in the review process is for staff to conduct an agency review meeting to identify any issues or concerns. The request will then come before the Planning Commission for preliminary approval.

Keilen invited the applicant to speak.

Ken Lucas, Attorney, Oade, Stroud, Kleiman, 200 Woodland Pass, East Lansing, MI 48823, stated the buildings currently exist. The applicant would simply like to turn them into condominium units to sell rather than lease. He and Curt Merrow of DC Engineering are present to answer any questions the Commission may have.

Musselman asked staff to clarify what the review process entails.

Foulds advised it is staff's job to make certain that the originally approved development still has all the supporting entities such as parking, utilities, etc.

Musselman questioned if the proposed condominium units would be residential or commercial in nature.

Attorney Lucas advised they would be commercial in nature. Each of the 6 buildings will be a condominium unit. An association will be formed in order to maintain common areas.

Curt Merrow, DC Engineering, 1210 N. Cedar Street, Suite B, Lansing, MI 48906, answered brief questions.

There were no public comments.

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 recent Board of Trustees Meetings.

II. Zoning Board of Appeals:

Commissioner Gobbo reported there was no Zoning Board of Appeals Meeting held during the month of July.

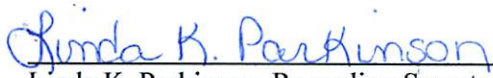
III. Committees: None.


IV. Staff: None.

DISCUSSION: None.

ADJOURNMENT:

Fair moved to adjourn the meeting at 7:50 p.m. Supported. MOTION CARRIED.


Linda K. Parkinson, Recording Secretary


Adam Bertram, Secretary