

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



**Township Planner**  
Jim N. Foulds

**Recording Secretary**  
Linda K. Parkinson

1401 W. Herbison Road  
DeWitt, Michigan 48820  
Phone 517.669.6576  
Fax 517.669.6496  
[www.dewitttownship.org](http://www.dewitttownship.org)

**PLANNING COMMISSION MINUTES**  
**MONDAY, MARCH 5, 2012**  
**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 Smelker.

**MEMBERS PRESENT:** Bruce Keilen, Steve Gobbo, Kim Smelker, Kristen Krol, Adam Bertram, Tim Fair, and Dale Dailey.

**MEMBERS ABSENT:** Marsha Zimmerman and Trustee Steve Musselman.

**OTHERS PRESENT:** Tory Niewiadomski, Planning Staff and Linda Parkinson, Recording Secretary.

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

**APPROVAL OF MINUTES:** Fair moved to approve the minutes of the January 30, 2012 - Joint Meeting of the Planning Commission and Board of Trustees. Supported. **MOTION CARRIED.**

Fair moved to approve the minutes of the February 6, 2012 Regular Meeting. Supported. **MOTION CARRIED.**

**CORRESPONDENCE:** Letters from Chairman Keilen and Vice Chairman Gobbo to Resident on Boichot Road were received and noted by the Planning Commission.

**PUBLIC COMMENTS:** None.

**UNFINISHED BUSINESS:**

- I. PUBLIC HEARING - Rezoning Request 12-880001 from Michael McGraw**, for a vacant parcel located in the vicinity of Ridge Rock Subdivision, east of Airport Road, west of Schavey Road, south of Herbison Road, north of Clark Road, in the southwest ¼ of Section 18 of DeWitt

Charter Township, to rezone approximately 22 acres from R3 (Residential Single Family) to R5 (Residential Single and Two Family).

**II.**

**A. Open Public Hearing. Chairman Keilen declared the Public Hearing opened at 7:05 p.m.**

**B. Administrative Comments/Applicant Comments/Public Comments.**

Township Planner Jim Foulds briefly reviewed staff's report dated February 28, 2012 pointing out the subject site. The nature of the request is to rezone the 22 acre site from R3 (Residential Single Family) to R5 (Residential Single and Two Family). He noted the request is a Conditional Rezoning which means the applicant has voluntarily proposed a restriction on the requested R5 Zoning District that would limit development on the site to single family only.

Foulds further advised that the site has road access from a public street system developed under a previous plat (Phase I of Ridge Rock Subdivision). In addition, during the approval process for the existing Ridge Rock Subdivision it is indicated on the plans that there will be a future connection to the Looking Glass Subdivision just north of the site. The appropriate time to discuss this connection would be during the plat review process, rather than at this Public Hearing for rezoning.

With respect to the proposed and existing zoning districts, Foulds advised the subject site is currently zoned R3 which allows for residential lots to be a minimum of 20,000 square feet. The requested R5 Zoning District allows for a minimum lot size of 10,000 square feet.

Foulds noted the surrounding zoning districts as R6 (Residential Single Family) to the north, OP (Office Park) to the south, A (Agricultural) to the east, and R3 (Residential Single Family) to the west.

Foulds advised the Future Land Use Map designation for the site is SF-H (High Density Single Family Residential). This designation corresponds with the requested R5 Zoning District. The surrounding designations are also SF-H (High Density Single Family Residential) to the north, south, east, and west.

Foulds reviewed the conceptual drawing submitted by the applicant noting that the lots would be less than the minimum 20,000 square feet for the R3 District but significantly larger than the minimum 10,000 square feet in the requested R5 District..

In closing, Foulds stated a major consideration by the Planning Commission should be that the request is consistent with the Master Plan. In addition, the applicant has voluntarily submitted a Conditional Rezoning that would restrict two family dwellings on the property, regardless of a possible ownership change.

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

Mike McGraw, applicant, 2688 Arbor Chase Drive, Grand Rapids, MI 49525, stated he is a member of Ridge Rock Land Investments, owner of the subject site. He is also an

employee, and future part owner, of a family owned company known as Eastbrook Homes, which has been in existence since 1967. He gave brief history of Eastbrook Homes. Currently they have approximately 30 communities that they are actively building in. The homes range from \$150,000 to \$600,000 with the strongest market being in the \$250,000 to \$450,000. The company has a fiscally conservative history and have been able survive through these difficult economic times. Eastbrook provides excellent customer service and build quality homes. This has also contributed to their ability to survive tough economic times.

McGraw went on to note that Eastbrook Homes is currently building in Holt, Mason, Okemos and DeWitt. They are currently building in DeWitt's Heritage Glen Subdivision. They expect to complete that project and then begin the next phase of Ridge Rock Subdivision.

In closing, McGraw stated his company has found that if customers purchase a lot that is adequate but not too big to maintain, they will invest the dollars saved in upgrades to the actual home. Lastly, the requested R5 (Residential Single and Two Family) zoning district is consistent with the Future Land Use designation for the subject site.

Fair questioned if the applicant has met with the residents of Ridge Rock to discuss what they would like to propose for the subject site. He also questioned the approximate size of lots that they intend to build on the property.

McGraw stated he did meet with the current residents of Ridge Rock Subdivision prior to purchasing the property. The majority of the lots would be approximately 85 feet wide or larger and would average 16,000 to 18,000 square feet. This is substantially above the minimum of 10,000 square feet for the requested R5 district.

Discussion followed regarding the applicant's desire to build quality homes on somewhat smaller lots than the original R3 district.

Gobbo questioned if the zoning remains R3, would there still be a connection to the Looking Glass Subdivision to the north?

McGraw stated the zoning of the property has no bearing on whether the development connects to the subdivision to the north. It is the Clinton County Road Commission who has jurisdiction over that decision.

Foulds confirmed that whether the zoning is amended to R5 or remains R3 there would still be a substantial number of homes over the allowable number of units with one egress.

Hearing no further Commissioner comments, Chairman Keilen invited Public Comments.

Brian Howe, 3954 Norway Pine Drive, DeWitt, MI 48820, expressed the following concerns: would the restriction to single family homes transfer should the property change owners; why not request R4 rather than R5; should the R3 zoning remain in

place, would the development still be required to connect to Looking Glass Pines Subdivision; will there be a minimum price point allowed for the homes built.

Foulds advised that the restriction of single family homes would remain in place regardless of who owns the property. The connection to Looking Glass Subdivision would be required by the Road Commission whether the zoning is R3 or R5.

McGraw stated the price point of the homes will be \$250,000 to \$450,000. There is no minimum price point. The requested R5 zoning is a more responsible use of the land and would offer a better package to the consumer. It would allow them to spend less on a lot and more on their home.

Gobbo asked if the applicant could address what size homes they intend to build.

McGraw advised the size of the lot will determine the size of the home but the residence they currently have under construction in Ridge Rock is 3,300 square feet with a totally finished basement. He would approximate the homes would range from 2,200 to 2,800 square feet.

David Soltow, 3860 Mesa Verde Blvd., DeWitt, MI 48820, stated he attended the neighborhood meeting held by Eastbrook Homes. He feels the lots proposed at that time were larger than the current conceptual plan. He also pointed out the area on the conceptual plan where there is a high pressure gas line and wondered how that would affect the lots in that area. He is opposed to smaller lots in the Ridge Rock Subdivision and feels the R3 Zoning District should remain in place in order to match the existing homes. Perhaps R4 zoning would be a good compromise.

McGraw advised the conceptual drawing presented is the same as the one shown at the neighborhood meeting, with the exception of the addition of lots 32 and 33. It is unfortunate that the housing market took a turn and many people's homes are not worth what they originally paid for them but Eastbrook Homes is trying to invest in DeWitt Township and bring activity back to the area.

Soltow stated the economy will turn around and is opposed to the rezoning request.

Jim Kasch, 3971 Norway Pine Drive, DeWitt, MI 48820, questioned the maximum number of lots that would be allowed under the current R3 zoning. He expressed concern with the proposed connection to Looking Glass Pines Subdivision and asked that it be limited to emergency access only. Lastly, he cannot see how proposed lots 32 and 33 could fit in the designated area.

Fair questioned how many lots would the applicant be able to have if they requested the R4 (Residential Single and Two Family) Zoning District rather than R5.

Foulds advised the difference in the number of lots would be very minimal.

McGraw stated he feels the R5 Zoning District is the correct zoning for the subject site and that is what they are asking for. With respect to access, he would prefer a cul-de-

sac and not connect to the subdivision to the north. However, the Clinton County Road Commission makes that determination.

Sam Thelen, 13667 Acacia Lane, DeWitt, MI 48820, stated the previous developer had intended to have streets that were more curved. He questioned if the applicant would consider adding a more curved street. He would prefer the zoning of the property remain R3.

McGraw stated Eastbrook Homes actually works with the same engineer as the previous owner of the property. The layout is very similar to what was proposed by the previous developer. If there was a way to curve the street without negatively impacting the lots he would much prefer curved streets.

Roy Peterson, 3935 Norway Pine Drive, DeWitt, MI 48820, stated he lives on the north side of the cul-de-sac. He expressed concern with Ridge Rock Subdivision connecting to Norway Pine Drive. He asked that the new development connect to property east of the site.

Foulds advised the connection requirements are decided by the Clinton County Road Commission. They require connection to existing streets. There are no existing streets in the area east of the proposed site.

Terry Frake, 3970 Norway Pine Drive, DeWitt, MI 48820, bought his home in 1999. At that time he knew the adjacent property was zoned R3 and was planned to be developed as so. That was a determining factor when he bought his home. He feels the economy will turn around and would like the subject site to remain in the R3 district.

Don Rochford, 3901 Norway Pine Drive, DeWitt, MI 48820, stated he has friends who live in the neighborhood that Eastbrook Homes is currently building (Heritage Glen) and they are concerned about the quality of homes being built as compared to existing homes. He expressed concern with maintaining his property value. Rochford further stated he lives on the existing cul-de-sac and does not want a future connection on his road. They have a lot of children in their neighborhood and would not like the increased traffic of vehicles cutting through. He would like to know the actual number of allowable units for one point of egress. He questioned how the applicant would conserve trees.

McGraw stated Eastbrook Homes would not have survived the current economy, or have had a 42 year history in the business, if they were building substandard homes. They have built their business on quality products and customer service. He suggested anyone concerned with the quality of their product should speak to their customers or check with Township inspectors, rather than rely on hearsay. McGraw reiterated that the rezoning request is in keeping with the Township Master Plan for SF-H (Single Family High Density) for the subject site. With respect to tree conservation, they try to keep as many trees as possible because it is an asset to the community. Lastly, the connection to Looking Glass Pines Subdivision has always been planned, as is indicated on the plat. There is really no other place for alternative access.

Bill Jury, 3894 White Pine Drive, DeWitt, MI 48820, stated he built his home in 1989. He has worked in the building industry and is familiar with subdivision projects. He expressed concern with maintaining his property value and would like to see the zoning of the subject site remain R3. He would also like to see any connection to Looking Glass Pines Subdivision an emergency access only.

Michelle Howe, 3954 Norway Pine Drive, DeWitt, MI 48820, stated they chose to live where they do because of the feel of the neighborhood. She feels changing the zoning of the subject site would take away from their home, which they waited a very long time to research before purchasing.

Amy Waddell, 13401 Norway Pine Drive, DeWitt, MI 48820, stated she cannot imagine how lots 32 and 33 could fit where they are proposed on the conceptual drawing. Currently, there is a lot of traffic on the existing cul-de-sac she lives on. She expressed concern with even more traffic, should there be a connection.

Kirk Carson, 13623 Acacia Lane, DeWitt, MI 48820, stated for the record that he objects to the proposed change from R3 to R5 zoning district. He questioned why the applicant wouldn't request the R4 (Residential Single and Two Family) as a compromise.

Foulds advised that an R4 zoning district exists. However, the applicant has requested the R5 zoning district. This is the application the Planning Commission is obligated to act upon.

Discussion followed regarding the size lots the applicant is proposing compared to the R3 zoning district.

Gobbo estimated under the current R3 zoning approximately 26 lots would fit on the site. Under the proposed R5 zoning change approximately 34 lots would fit on the site. That would be approximately a 31% difference.

McGraw stated the size difference in lots is directly correlated to lineal feet of road frontage. Therefore, to go from 120 feet of frontage to 85 feet is roughly a 30% difference from the R3 to the R5 zoning district.

Bob Kelly, 3950 Norway Pine Drive, DeWitt, MI 48820, stated he shares the same concerns as his neighbors who have spoken. He is especially concerned about the increase in traffic should the proposed site connect to Looking Glass Pines Subdivision.

Kathy Kelly, 3950 Norway Pine Drive, DeWitt, MI 48820, expressed concern with a possible negative impact on her property value if the applicant is allowed to construct homes on smaller lots. When the applicant bought the property it was zoned R3 and it should remain that way. Further many of her neighbors utilize Padgett Park and are not in favor of blocking access to the park. She asked the Planning Commission to take into consideration that the residents who have spoken at this meeting are opposed to the rezoning request.

McGraw stated he would be opened to providing an easement that would allow access to Padgett Park.

Don Rochford, 3901 Norway Pine Drive, DeWitt, MI 48820, asked if the applicant had a timeline to complete the phases of Ridge Rock Subdivision. He also stated he is in favor of the applicant providing access to Padgett Park. Lastly, he strongly urged the Planning Commission to recommend denial of Rezoning Request 12-880001 in order to maintain the character of the area and protect surrounding property values. Perhaps the applicant would consider requesting the R4 (Residential Single and Two Family) zoning district instead.

McGraw stated he could only guess that the timeline for the Ridge Rock project would be sometime around two years from now. However, that is only a guess.

Gobbo commented on the commercial zoning that is in place at the Airport Road and I-69 Interchange in the vicinity of the subject site. This was something that was considered when the Township reviewed the Master Plan and planned for transitional designations from commercial to residential.

McGraw questioned if the zoning of the existing Looking Glass Pines Subdivision north of the subject site was R6 (Residential Single Family).

Fair noted that the area of Norway Pines Drive is zoned R6. He questioned what the minimum lot size was for R6.

McGraw stated he believes the R6 Zoning District allows for 66 feet of frontage and a minimum lot size of 8,000 square feet.

Foulds confirmed that the R6 district does allow for minimum lot sizes of 8,000 square feet and a minimum frontage of 66 feet. He advised staff will double check the zoning map for accuracy of the R6 designation for Looking Glass Pines. The subdivision may have been platted differently than what the zoning called for.

- C. Close Public Hearing. **Hearing no further comments or questions, Fair moved to close the Public Hearing at 8:40 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Fair commended the applicant on his ability to respond to questions raised by the public. He expressed concern for the people who currently have residences in the Ridge Rock Subdivision because they purchased their homes with the expectation that the entire subdivision would be zoned R3. Fair stated, with that in mind, he would not be inclined to recommend approval of Rezoning Request 12-880001. He asked staff if there were any “middle ground” that could be reached.

Foulds advised the Planning Commission is obligated to pay very close attention to what the Comprehensive Plan recommends. This is a document adopted by the Planning Commission and is endorsed by the Board of Trustees. The additional issues, such as access to the north, are better addressed at the time of Plat Review. However,

there may be some benefit in staff having discussions with the Clinton County Road Commission to ascertain under what circumstances would they allow emergency access connections or will they mandate a connection regardless of the zoning district of the proposed site.

Foulds went on to state there has been some discussion regarding the applicant requesting the R4 zoning district. Although staff can discuss with the applicant whether they have additional options to offer to the Planning Commission, the applicant has requested the R5 district and that is what the Planning Commission must act upon.

Lastly, Foulds noted discussion regarding connection to the park land. Perhaps that may be something the applicant would consider voluntarily offering as a condition of the rezoning.

Fair stated he would be in favor of staff having discussion with the applicant about what they may consider voluntarily offering as a condition of approval.

Gobbo stated perhaps the subject site could include more than one zoning district to provide a smoother transition from larger lots in the area to smaller lots.

Krol questioned if it would be less likely the Road Commission would require a connection to Norway Pine Drive if the zoning remained R3.

Foulds stated he would obtain an answer to that question from the Road Commission.

**Hearing not further questions or comments, Gobbo moved to postpone a recommended action to the Board of Trustees until the April 2, 2012 meeting to allow staff to obtain answers to questions raised at the Public Hearing. Supported.**

**ROLL CALL vote on motion:**

**AYES: 6    NAYS: 1 (Dailey)    ABSENT: 2 (Zimmerman, Musselman)  
MOTION CARRIED.**

#### **NEW BUSINESS:**

- I. Request for Special Use Permit 12-990001 from Brian Seward (Brian's Automotive), for property located at 16987 Turner Road, Lansing, MI 48906, on the northeast corner of Turner Road and Sheridan Road, in the southwest ¼ of Section 33 of DeWitt Charter Township, to be allowed to operate a vehicle repair and maintenance business, buy and sell used vehicles and provide vehicle inspection and fleet maintenance for the Michigan Department of Transportation.**

**Gobbo moved to receive request for Special Use Permit 12-990001 and set for a Public Hearing to be held on Monday, April 2, 2012. Supported. MOTION CARRIED.**



EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

**I.** Trustee:

In the absence of Trustee Musselman, Chairman Keilen gave a brief report of business conducted and action taken at the February 27, 2012 Board of Trustees meeting.

**II.** Zoning Board of Appeals:

Vice Chairman Gobbo reported that there was no Zoning Board of Appeals meeting held in the month of February.


**III.** Committees: None.


**IV.** Staff: None.

DISCUSSION: None.

ADJOURNMENT:

**Fair moved to adjourn the meeting at 9:00 p.m. Supported. MOTION CARRIED.**

  
\_\_\_\_\_  
Linda K. Parkinson, Recording Secretary

  
\_\_\_\_\_  
Kim Smelker, Secretary