

**DEWITT CHARTER TOWNSHIP  
1401 W. HERBISON ROAD, DeWITT, MI  
PLANNING COMMISSION MINUTES  
MONDAY, JUNE 2, 2008**

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

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

ROLL CALL by Secretary Shively.

MEMBERS PRESENT: Bruce Keilen, Dale Dailey, Steve Gobbo, Jason Flower, Kim Smelker, Terrie Shively, Mike Nolen and Trustee Ross.

MEMBERS ABSENT: Marsha Zimmerman.

STAFF PRESENT: Planning Director Jeff Gray and Assistant Planner Harmony Gmazel.

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

APPROVAL OF MINUTES: **Flower moved to approve the minutes of the May 5, 2008 Regular Meeting. Supported. MOTION CARRIED.**

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

1. Planning Department Activity Report for May 2008.
2. Eaton County Community Development Department – Notice of Intent to Update Comprehensive Development Plan.
3. City of Lansing - Department of Planning and Neighborhood Development – Notice of Intent of Intent to Update Comprehensive Development Plan.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

- I. **Request for Special Use Permit 08-990005 from Wendalyne T. Greene** for property located at 1933 E. Stoll Road, Lansing, MI 48906, east of Boichot Road, west of Wood Road, in the southeast ¼ of Section 22 of DeWitt Charter Township, to allow the applicant to operate a group day care home from the existing residence on the site. **Note: Referred back to the**

**Planning Commission by the Board of Trustees at their May 27, 2008 meeting.**

Planning Director Jeff Gray briefly reviewed staff's memorandum dated May 30, 2008 noting that this request was recommended for approval by the Planning Commission at their May 5, 2008 meeting. The applicant is requesting to conduct a group day care home that would provide care for up to twelve children from the existing residence at 1933 E. Stoll Road, Lansing. Lengthy discussion at the meeting focused on concerns expressed by the neighbors to the west, Mr. and Mrs. Carlock. These concerns centered around the fact that the entrance to the proposed day care is located on the west side of the home, directly opposite the Carlocks' bedroom window. To address the concerns, staff had recommended the installation of a fence around the applicant's driveway and along the exterior stairway leading to the day care entrance. Staff also recommended the relocation of the exterior light fixture.

Gray further stated that the Board of Trustees considered the recommendation of the Planning Commission at their May 27, 2008 regular meeting. At that time, the applicant provided supplemental materials to support her request that the Board eliminate the requirement to install a fence. Among these materials was a petition signed by several neighbors indicating that the requirement would "set a precedent that would be detrimental to the neighborhood". In addition, Mr. Carlock was present and provided direct testimony to the Board that the applicant's change to a daytime operation satisfactorily addressed his concerns and that additional changes, in his view, are not necessary. In light of this information, the Board acted to refer the application back to the Planning Commission for additional consideration.

In closing, Gray advised that staff has three recommended options for the Planning Commission to consider (see pages 2 and 3 of staff's memorandum).

Flower questioned if the applicant was present to comment on the three recommended options.

Thomas Faulkner, 306 Townsend Street, Lansing, MI 48933-2012, stated he was present with the applicant, Wendalyne Greene, to help her with her presentation to the Planning Commission. He advised that the two main complaints by Mr. Carlock were the outdoor lighting and disruptive activity at night. The applicant has since replaced the outdoor floodlight with a low wattage directional light that has been removed from the motion sensor. In addition, the applicant has amended the requested hours of operation to be 6:00 a.m. to 10:00 p.m. to address the issue of nighttime commotion. The applicant expects that most pick ups will occur between 5:00 p.m. and 6:00 p.m. In closing, Faulkner stated that he believes all issues raised by the Carlocks' have been addressed and the applicant is willing to address any other concerns that may arise. He would request that the Planning Commission recommend approval of "Option 1".

Keilen stated he is pleased that it appears as if the issues between the applicant and the neighbor have been resolved. At the last meeting it was unclear to him what the Carlocks' opinion was.

Gobbo noted that the applicant's letter dated May 23, 2008 refers to the fact that fencing is not allowed as part of the deed restrictions of the subject site. He stated that any tangible

information regarding this covenant would have been helpful at the last Planning Commission meeting. In addition, Gobbo pointed out that the applicant's husband represented at the May 5<sup>th</sup> meeting that they intend to transition into nighttime day care in the future. This was one determining factor for recommending the requirement of fencing.

**Gobbo moved that the Planning Commission recommend that the Board of Trustees approve Special Use Permit 08-990005 from Wendalyne T. Greene, as amended to eliminate the requirement for the installation of fencing or relocation of the existing light fixture and to specify that the permitted hours of operation for the proposed daycare are between 6:00 a.m. and 10:00 p.m.**

**Supported.**

**ROLL CALL vote on motion:**

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

**MOTION CARRIED.**

**NEW BUSINESS:**

- I. Request for Special Use Permit 08-990006 from Michael E Wood – Mike & Son Asphalt, Inc.** for property located at 1590 E. Round Lake Road, DeWitt, MI 48820, east of S. US-127BR, west of Wood Road, in the northeast ¼ of Section 3 of DeWitt Charter Township, to allow the applicant to excavate sand and gravel from the site, resulting in an approximately 3.24 acre pond.

**Gobbo moved to receive Special Use Permit 08-990006 from Michael E. Wood – Mike & Son Asphalt, Inc. and set for a Public Hearing to be held on Monday, July 7, 2008. Supported. MOTION CARRIED.**

- II. Rezoning Request 08-880003 from Ron Jona & Associates** for property located at 1171 and 1121 E. Webb Road, DeWitt, MI 48820 and 12651 and 12649 S. US 27, DeWitt, MI 48820, at the northeast corner of S. US-127BR and Webb Road, in the southwest ¼ of Section 10 of DeWitt Charter Township, to rezone approximately 3.76 acres from R3 (Residential Single Family) to BC (Business, Community).

**Gobbo moved to receive Rezoning Request 08-880003 from Ron Jona & Associates and set for a Public Hearing to be held on Monday, July 7, 2008. Supported. MOTION CARRIED.**

**EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS:**

Ken Kain, 12651 S. US 27, DeWitt, MI 48820, stated that his property is included in the area requested to be rezoned at the northeast corner of Webb Road and S. US-127BR (Rezoning Request 08-880003). He noted that the S. US-127BR corridor has for many years been planned to develop from a residential

area to more commercial uses. He hopes the current Board and Commission are still in agreement with the Future Land Use plan of DeWitt Charter Township.

REPORTS:

I. Trustee: None.

II. Zoning Board of Appeals

Gobbo gave a brief report on business conducted and action taken at the regularly scheduled Board of Appeals meeting held on Wednesday, May 21, 2008.

III. Committees: None.

IV. Staff:

Gray noted that the Commission received a portion of the draft plan for the South Central Area plan. He gave a brief update on the progress being made on the Plan. Staff hopes to hold a Special Meeting with the Planning Commission and Board of Trustees on Monday, July 21, 2008 for the purpose of having a round table discussion regarding the goals and objectives of the end Plan.

Discussion followed regarding general comments and suggestions that could be incorporated into the final draft of the South Central Area Plan.

**Gobbo moved that the Planning Commission set a Special Meeting with the Township Board of Trustees to be held on Monday, July 21, 2008 at 7:00 p.m. in the Township Hall. The purpose of the meeting is to review and discuss the status of the South Central Area Plan. Supported.**

**MOTION CARRIED.**

DISCUSSION: None.

ADJOURNMENT: **Gobbo moved to adjourn the meeting at 7:46 p.m. Supported. MOTION CARRIED.**