

**DEWITT CHARTER TOWNSHIP  
1401 W. HERBISON ROAD, DeWITT, MI  
PLANNING COMMISSION MINUTES  
MONDAY, AUGUST 4, 2008**

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

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

ROLL CALL by Secretary Shively.

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

MEMBERS ABSENT: Jason Flower.

STAFF PRESENT: Township Planner Jim Foulds and Recording Secretary Linda Parkinson.

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

APPROVAL OF MINUTES: **Keilen moved to approve the minutes of the July 7, 2008 Regular Meeting. Supported. MOTION CARRIED.**

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

1. Letter dated July 8, 2008 from Planning Director Gray to the Clinton County Planning Commission regarding their Comprehensive Plan Update.
2. Letter dated July 29, 2008 from Supervisor Galardi to citizens regarding the South Central Area Plan Workshop.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

- I. **PUBLIC HEARING - Request for Special Use Permit 08-990007 from Scott Randall** for property located at 16040 S. US-127BR (formerly US-27), Lansing, MI 48906 and 1011 W. State Road, Lansing, MI 48906, the southwest corner of S. US-127BR and State Road, Lots #51 and #51-01 of Valley Farms Subdivision, in the northeast ¼ of Section 33 of DeWitt Charter Township, to allow the applicant to operate an auto service repair and Budget Truck Rental business.

- A. Open Public Hearing. **Keilen moved to open the Public Hearing at 7:05 p.m. Supported. MOTION CARRIED.**
  
- B. Administrative Comments/Applicant Comments/Public Comments.

Township Planner Jim Foulds briefly reviewed staff's report dated July 24, 2008 pointing out the location of the site at the southwest corner of S. US-127BR (formerly US-27) and State Road. The site is comprised of two (2) parcels consisting of approximately 0.81 acres. If approved, the applicant would retain the existing commercial building and adjacent garage. An existing shed and the residential structures would be removed.

The subject property is zoned BC (Business, Community). The requested auto repair business and truck rental business is allowed in the BC (Business, Community) zoning district by Special Use Permit. All of the frontage properties on the S. US-127BR corridor in the area are also zoned BC (Business, Community). The adjoining property to the west of the site is zoned R5 (Residential Single and Two Family).

The subject site is designated as CC (Community Oriented Commercial) on the Future Land Use Map. The entire surrounding area is also designated CC (Community Oriented Commercial).

Foulds further reviewed the proposed site plan noting that it does indicate removal of the existing residential building, as well as the unattached garage. The two existing commercial buildings will be rehabilitated for commercial use. The plan indicates fencing on the southwest corner of the site serving as a buffer to the residential use west of the site. Two (2) of the existing four (4) curb cuts will be closed. The remaining two (2) are located in the southeast and north portion of the site.

Foulds went on to review the intended uses for compliance with the corresponding sections of the Zoning Ordinance (see pages 4 through 8 of staff's report). He pointed out that a revised lighting plan was previously requested by staff. The applicant has indicated that an updated plan will be submitted. With respect to landscaping and sidewalks, the application does not exceed the threshold requirements. Therefore, neither is required. The applicant has not indicated signage on the site. It should be noted that any future signage must meet the requirements of Chapter XI of the Zoning Ordinance. The project is anticipated to be constructed in a single phase, with work commencing immediately after approval and is expected to take place over several months.

Lastly, none of the reviewing agencies have expressed concern regarding the proposed project. Therefore, staff recommends that the Planning Commission recommend to the Board of Trustees approval of Special Use Permit 08-990007 from Scott Randall, subject to the four (4) conditions listed in staff's report.

There were no Commissioner comments or questions.

Chair Zimmerman invited the applicant to speak.

Scott Randall, applicant, 2132 N. Williamston Road, Williamston, MI 48895, stated he was looking forward to serving the community and would be glad to answer any questions the Commission may have.

Shively questioned if the applicant intended to provide any landscaping on the frontage of the site.

Randall stated he has no landscaping plans in mind. He does deal in high end vehicles. Therefore, he intends to make improvements to the site so that it would be more aesthetically pleasing. In closing, Randall passed around a conceptual drawing the completed site. He pointed out that the area in which the house and garage will be removed is intended to be green space with no parking.

Gobbo questioned if the applicant was aware of the report from the Michigan Department of Environmental Quality (MDEQ) related to bacteria in the well on the site.

Randall advised that he is aware of the MDEQ comments. He intends to contact a well professional and contract them to disinfect and obtain a bacteria free water sample. If this procedure is unsuccessful, he intends to hook up to the public water system.

Keilen questioned if the underground tanks have been removed from the site.

Randall confirmed that the tanks have been removed from the site.

Hearing no further Commissioner questions or comments, Chairperson Zimmerman called for public comments.

There were no public comments.

- C. Close Public Hearing. **Keilen moved to close the Public Hearing at 7:15 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

**Gobbo moved that the Planning Commission recommend the Board of Trustees to approve Special Use Permit 08-990007 from Scott Randall to conduct an auto repair and truck rental business on the property located at 16040 S. US-27BR (formerly US-27) and 1011 W. State Road. Approval is recommended on the following basis:**

1. **The proposed auto repair business will be operated in accordance with the requirements of Section 7.13.14 of the Zoning Ordinance.**
2. **The proposed truck rental business has been designed in accordance with the requirements of Section 7.13.35 of the Zoning Ordinance.**
3. **Upon compliance with the conditions of the Special Use Permit, the plans will comply with the site plan review standards listed in the Zoning Ordinance.**
4. **The standards of the Basis for Determination listed in Section 7.4.3 of the Zoning Ordinance have been met.**

**Supported.**

**ROLL CALL vote on motion:**

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

**MOTION CARRIED.**

**II. PUBLIC HEARING - Rezoning Request 08-880004 from David Schlegel Limited Family Partnership** for property located at 1650 and 1720 E. Clark Road, Lansing, MI 48906, and a 19.11 acre vacant property located on the south side of E. Clark Road, east of Boichot Road, west of Wood Road, in the northeast  $\frac{1}{4}$  of Section 22 of DeWitt Charter Township, to rezone approximately 46.86 acres from A (Agricultural) and R3 (Residential Single Family) to A (Agricultural).

- A. Open Public Hearing. **Keilen moved to open the Public Hearing at 7:17 p.m. Supported. MOTION CARRIED.**
- B. Administrative Comments/Applicant Comments/Public Comments.

Township Planner Jim Foulds briefly reviewed staff's report dated July 21, 2008 pointing out the location of the site, south of Clark Road and east of Boichot Road. The 46.86 acre site consists of three (3) parcels and two (2) zoning districts, R3 (Residential Single Family) and A (Agricultural). The applicant is requesting to rezone the property entirely to the A (Agricultural) zoning district.

Foulds noted that the request before the Planning Commission is only for the purpose of rezoning the property. There are no specific uses proposed by the applicant at this time.

The surrounding zoning consists of A (Agricultural) to the north and east and R3 (Residential Single Family) to the south and west.

The entire site is designated SF-M (Medium Density Single Family Residential) on the Future Land Use Map. The surrounding area consists of A (Agricultural) to the north, SF-M (Medium Density Single Family Residential) to the east, south and west, and INS (Institutional) to the east (formerly Gunnisonville School).

Public sanitary sewer is available to the site from its frontage on Boichot Road. However, the current structures along Clark Road are not presently connected to the public system. Any extension of utilities would be at the expense of the applicant.

Based on the scope of the project and the large amount of public interest, it is staff's opinion that the Planning Commission obtain public comment at this time and postpone action on Rezoning Request 08-880004. This would allow time for staff to analyze facts, consult with legal counsel and prepare a recommended action for the next meeting to be held on Tuesday, September 2, 2008.

Gobbo questioned if staff had any additional information regarding a proposed use for the site.

Foulds advised that there have been rumors of uses for the site. However, there has been no specific information submitted to the Township's Planning Department. It is staff's opinion that the rezoning request should be considered based on all of the uses that would be permitted in the A (Agricultural) zoning district.

Hearing no further Commissioner questions or comments, Chairperson Zimmerman invited the applicant to speak.

Mark Schlegel, applicant, 16527 Wood Road, Lansing, MI 48906, stated he is requesting to rezone the entire site from A (Agricultural) and R3 (Residential Single Family) to entirely A (Agricultural).

Gobbo questioned if the applicant participated in the process of the Master Plan and if he was aware that the site area is designated for SF-M (Medium Density Single Family Residential) on the Future Land Use Map. He further questioned why the applicant wishes to rezone the property to A (Agricultural)

Schlegel stated that the long term objective for the site is to return it to residential in nature.

Chairman Zimmerman reminded everyone present that the purpose of this Public Hearing is to consider the rezoning of the site, rather than specific uses for the site.

Hearing no further Commissioner questions or comments, Chairperson Zimmerman invited public comment.

Ray Doyle, 14455 Boichot Road, Lansing, MI 48906, questioned what the applicant's interim use for the site would be until it is developed for residential use. In addition, does the applicant have a time frame for an interim use of the site?

Foulds advised that there has been no time frame submitted to the Township for the development of a residential use on the site. It is his understanding that the applicant has had discussions with previous Township staff regarding a specific use for the property, if the rezoning is approved. Foulds quoted from page 5 of staff's report dated July 21, 2008 "The applicant has indicated to staff that the purpose of the application for rezoning is to allow a future application for a Special Use Permit to authorize the excavation of soil and minerals from the subject property." This communication was verbal between a previous staff member and no formal application has been filed. He reiterated that the issue before the Planning Commission tonight is specific to the applicant's request to rezone the property.

Brief discussion followed regarding the fact that a list of uses allowed by right and by Special Use Permit in the requested zoning district are available to the public at their request.

Faye Hagy, 1745 E. Clark Road, Lansing, MI 48906, stated that her property is just north of the subject site. She noted that approximately 175 residential homes exist in the area near the site. It also borders on property owned by the Lansing School District (former Gunnisonville School). The educational facility is currently closed but could reopen at sometime in the future. Will the Lansing Public Schools be allowed to provide comments regarding this request or future requests for the site. She questioned how the rezoning of this site would enhance or benefit the current area and/or affect the surrounding property values.

Chairperson Zimmerman reiterated that the request before the Planning Commission is to consider rezoning the property from A (Agricultural) and R3 (Residential Single Family) to entirely A (Agricultural).

Foulds advised that the Lansing School District was notified of this rezoning request. As of the date of this meeting, the Township has not received a response. Staff will attempt to obtain comments from them before the September 2, 2008 meeting.

Hagy further noted that a historical home is located on a portion of the site. It was constructed in the 1800's and designed by a well known architect, Darius Moon. She wondered if the Planning Commission would take that into consideration.

Foulds stated if the home has a historical designation from the State of Michigan or the Federal Government the Planning Commission will be informed. Staff does not have that information at this time.

Bruce Omundson, 1052 Wild Turkey Lane, Lansing, MI 48906, requested that staff advise the public of all uses allowed in the requested A (Agricultural) zoning district.

Foulds read from pages 4 and 5 of staff's report the list of all uses allowed by right, under special conditions and by special use permit in the A (Agricultural) zoning district.

Bob Lewis, 14394 White Oaks Drive, Lansing, MI 48906, expressed concern with the inconsistency of "zoning backward and forward" and the possibility of damage to the site for an undetermined amount of time. He would like to see the area remain as single family residential homes. He chose to live in this area of the Township because of its residential nature.

Zimmerman asked staff how common it is to rezone property to a lesser density.

Foulds stated that, although down zoning is somewhat unusual, it is not unprecedented in DeWitt Township. Staff would be glad to research the number of times a property has been down zoned to the A (Agricultural) zoning district within the Township.

Ray Doyle, 14455 Boichot Road, Lansing, MI 48906, noted that he is in the real estate business. He expressed concern with decreased property values for residential properties that back up to a gravel pit.

Rebecca Stimson, 1841 E. Clark Road, Lansing, MI 48906, stated she lives in the original Gunnison home at the northwest corner of Clark Road and Wood Road. The home has been owned and lived in by her family since 1953. She expressed concerns regarding the preservation of the integrity and history of the community. She feels the best use for the proposed site would be to farm the land and contribute to the State's economy. In closing, Stimson questioned if a use other than farming would damage the property for future agricultural use. She also asked if the applicant participated in the long range planning process for the Township.

Mark Titus, 1829 E. Clark Road, Lansing, MI 48906, stated that he and his wife operate a daycare center in their home. There are also two (2) bus stops near the site. He expressed concern with increased traffic and questioned if a traffic study would be conducted to determine the impact that this request could have on the area.

Foulds advised that at this point there has been no traffic study submitted or requested due to the fact that no specific use has been applied for.

Joan Annis, 1012 Robins Road, Lansing, MI 48917, stated she is present to speak on behalf of her mother, Ila Gardner, who lives at 1584 E. Clark Road, Lansing, MI 48906. Annis submitted a petition signed by several individuals related to concerns regarding Rezoning Request 08-880004 (see rezoning file). She requested that anyone who has

signed in at this meeting receive a notice via U.S. Mail for any meeting pertinent to this rezoning request, or any special use of the property. She also asked that the correspondence include a list of all uses allowed in the requested A (Agricultural) zoning district. Annis stated for the record that the applicant attended the neighborhood meeting held prior to this date and stated his intention was to excavate materials from the proposed site. In closing, Annis read a statement in opposition of the request (copy attached).

Zimmerman advised that anyone who wishes to receive additional correspondence regarding this property should properly register their name and address on the sign in sheet for this meeting.

Ron Sadler, 14291 Boichot Road, Lansing, MI 48906, expressed concern with the possibility of decreased property values should this request be approved. He stated that property should not be rezoned unless there is a valid reason for doing so. He further stated that he hopes the Planning Commission takes into consideration the overwhelming opposition to this request when making a recommendation to the Board.

Gerald Heiden, 1823 E. Clark Road, Lansing, MI 48906, expressed concern with existing and future truck traffic. He expressed traffic safety concerns regarding access to the site being on Clark Road.

Thomas McMahan, 14001 Boichot Road, Lansing, MI 48906, questioned if there were protected wetland areas on the site. In addition, he wanted to note that arsenic levels were found in the water of the former Gunnisonville Elementary School.

Foulds advised that any development on the site must meet the State wetland regulations regardless of the existing or proposed zoning. The issue of wetland preservation would be addressed during the site plan review process.

Chairperson Zimmerman invited additional public comment.

- C. Close Public Hearing. **Hearing no public comment, Gobbo moved to close the Public Hearing at 7:57 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Dailey questioned, assuming the intended use is a mining operation, if the applicant intended to mine the entire site. He stated he would like this answered by the September 2, 2008 meeting.

Foulds stated it is difficult for staff to prepare a response for the September meeting unless the applicant can provide a specific intended use for the site during the rezoning process. Staff intends to have further discussions with the applicant to find out if there



is more information to be obtained regarding the intended use of the proposed site. Otherwise, the full range of uses permitted in the proposed A (Agricultural) zoning district must be considered.

Gobbo suggested perhaps newly adopted ordinance regarding a conditional rezoning might be a solution to the concerns and issues surrounding this request. It is important that the concerns of the area residents are taken into consideration. It is also important that a property owner be allowed to use the property in a manner that is within his rights.

**Gobbo moved that Rezoning Request 08-880004, filed by David Schlegel Limited Partnership, be postponed until the September 2, 2008 regular meeting of the Planning Commission to enable the Planning Commission and staff to gather testimony from the Public Hearing, research and analyze facts from the rezoning application as well as DeWitt Charter Township Zoning Ordinance requirements. Further, that anyone who properly registered on the sign in sheets for the meeting be noticed of the next meeting.**

**Supported.**

**ROLL CALL vote on motion:**

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

**MOTION CARRIED.**

Chairperson Zimmerman reminded the public to register their name and address on the sign in sheets provided if they would like to be sent a notice of the date, place and time of the next Planning Commission meeting.

**NEW BUSINESS:**

- I. Dan McCrackin representing Superior Electric of Lansing, Inc. requesting a sidewalk variance related to Site Plan Review 07-150004 for property located at 212 W. Sheridan Road, Lansing, MI 48906, on the north side of Sheridan Road, east of Turner Road, west of Cedar Street, in the northeast ¼ of Section 33 of DeWitt Charter Township.**

Foulds briefly reviewed staff's memorandum dated July 23, 2008 advising that the applicant is requesting a variance to the sidewalk requirement. The applicant has submitted a written request for the variance based on the fact that there are no existing sidewalks on the north side of Sheridan Road within 1000 feet on either side of the subject property. Therefore, there is no possibility that a sidewalk would connect to any other walkway in the proposed location. Sidewalks do exist on the south side of Sheridan Road within the City of Lansing.

Staff has reviewed the request and determined that no public safety issues are related to granting the sidewalk variance and recommends approval of the request.

Brief discussion followed regarding the uses surrounding the subject site.

Chairperson Zimmerman invited the applicant to speak.

Dan McCrackin, Safety Manager, Superior Electric of Lansing, Inc. 212 W. Sheridan Road, Lansing, MI 48906, advised that all of the children walking to Sheridan Road Elementary School use the existing sidewalk on the south side of the road. Should he be required to install sidewalks on their property he is concerned that children would cross the road and be struck by a vehicle.

Brief discussion followed regarding the location of existing sidewalks in the area and the possibility of the applicant installing sidewalks at a later date.

Shively stated that she travels Sheridan Road everyday and feels it is best to keep the children on the existing sidewalks on the south side of the road for their safety.

**Ross moved that the Planning Commission recommend that the Board of Trustees approve the request from Superior Electric of Lansing, Inc. for a variance to the requirement to install sidewalks on the site located at 212 W. Sheridan Road and governed by Site Plan Review 07-150004. The variance is recommended on the basis that waiving the requirement to install sidewalks on the subject property will not impair the public health safety, or general welfare of the inhabitants of the Township and the request meets condition B, listed in Section V.(1) of the Township Sidewalk Ordinance.**

**ROLL CALL vote on motion:**

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

**MOTION CARRIED.**

**II. DeWitt Charter Township Year 2009 Capital Improvement Plan.**

**Keilen moved that the DeWitt Charter Township Year 2009 Capital Improvement Plan be received and set for a Public Hearing to be held on Tuesday, September 2, 2008. Supported. MOTION CARRIED.**

**III. Request for Special Use Permit 08-990008 from Norma Keener** for property located at 2113 W. Clark Road, DeWitt, MI 48820, on the south side of Clark Road, east of DeWitt Road, west of Everett Street, in the northeast ¼ of Section 20 of DeWitt Charter Township, to allow the applicant to operate a group day care home from the existing residence on the site.

**Keilen moved that Request for Special Use Permit 08-880008 from Norma Keener be received and set for a Public Hearing to be held on Tuesday, September 2, 2008. Supported. MOTION CARRIED.**

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS:

Gerald Heiden, 1823 E. Clark Road, Lansing, MI 48906, questioned if the owner of the property east of the Schlegel site (Rezoning Request 08-880004) had obtained a Special Use Permit to allow the use of a golf course.

Foulds advised that the current property owner of the Kirkside Estates golf course has received approval of a Special Use Permit and is in the process of meeting his site plan requirements.

Fay Hagey, 1745 E. Clark Road, Lansing, MI 48906, expressed safety concerns for the community should Rezoning Request 08-880004 from Mark Schlegel be recommended for approval by the Planning Commission. She noted that Mr. Schlegel did explain to her that his intended use for the site is the excavation of sand. She asked the Planning Commission to please take into consideration the number of people in the area that are opposed to Rezoning Request 08-880004.

Chairperson Zimmerman thanked Mrs. Hagey for her community involvement and comments on Rezoning Request 08-880004.

#### REPORTS:

- I. Trustee: None.
- II. Zoning Board of Appeals: None.
- III. Committees: None.
- IV. Staff:

Mr. Foulds stated he is looking forward to working with the Planning Commission in the future.

#### DISCUSSION:

Chairperson Zimmerman reminded those present that Tuesday, August 5<sup>th</sup> is the day for the primary elections. She encouraged everyone to vote.

**ADJOURNMENT: Gobbo moved to adjourn the meeting at 8:27 p.m. Supported. MOTION CARRIED.**