

**DEWITT CHARTER TOWNSHIP
1401 W. HERBISON ROAD, DeWITT, MI
PLANNING COMMISSION MINUTES
MONDAY, AUGUST 6, 2007**

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

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

ROLL CALL by Secretary Smelker.

MEMBERS PRESENT: Steve Gobbo, Bruce Keilen, Kim Smelker, Mike Nolen, and Trustee Ross.

MEMBERS ABSENT: Jason Flower, Greg White, and Terrie Shively.

APPROVAL OF AGENDA: **Keilen moved to approve the Agenda of the June 4, 2007 Regular Meeting as printed. Supported. MOTION CARRIED.**

APPROVAL OF MINUTES: Gobbo noted on page 10 of the July 2, 2007 minutes the roll call vote on the motion should indicate 7 ayes.

Smelker noted on page one of the July 2, 2007 minutes that Commissioner Flower is not listed as present.

Ross moved to approve the July 2, 2007 minutes with the following changes:

- 1. Roll call vote on page 10 should indicate 7 ayes.**
- 2. Commissioner Flower should be added as being present on page 1.**

Supported. MOTION CARRIED.

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

1. Updated Zoning Map and Ordinance

PUBLIC COMMENTS: Ron Clark, representing E.T. MacKenzie Company, 4248 W. Saginaw Highway, Grand Ledge, MI 48837, referred to the correspondence dated July 24, 2007 from E.T. MacKenzie Company to the Planning Commission. He noted that the letter requests that the Township re-instate the language of the old SUP#02-990002, condition II.B) regarding hours and days of operation.

Clark stated that when E.T. MacKenzie Company recently requested to be allowed to operate on Martin Luther King, Jr. Day, Good Friday, and Veteran's Day under Special Use Permit 07-990005 he did not realize that the Board of Trustees had an existing history behind why hours of operation are prohibited on these days.

UNFINISHED BUSINESS:

- I. Request for Special Use Permit 07-990005 from E.T. MacKenzie Company, to be allowed to continue to extract soil and minerals from property located north of Stoll Road, east of US-127BR (formerly Business-27), on the west side of Boichot Road, in the southwest ¼ of Section 22 of DeWitt Charter Township. Note: Board of Trustees referred back to the Planning Commission at their July 23, 2007 meeting.**

Planning Director Jeff Gray briefly reviewed staff's report dated July 31, 2007 advising that the Planning Commission's recommendation for approval of Special Use Permit 07-990005 went to the Board of Trustees at their July 23, 2007 meeting. The Board did not approve the recommendation on the basis that the hours of operation should not include Martin Luther King, Jr. Day, Good Friday, and Veteran's Day.

Gray went on to explain that it was noted by Board members that when the request was originally presented to the Township in 1996, it was met with considerable concern from surrounding property owners. The Board denied the request, resulting in litigation with E.T. MacKenzie Company. Both parties negotiated and arrived at acceptable conditions for the mining operation that resolved the lawsuit. For this reason, the Board referred this request back to the Planning Commission to review the additional holidays requested by the applicant.

Subsequently, the applicant has submitted a letter dated July 24, 2007 requesting that the Commission reconsider the condition related to hours of operation and reinstate language of the previous Special Use Permit, eliminating Martin Luther King Jr. Day, Good Friday, and Veterans Day as potential work days.

Gobbo requested that staff include in their reports any information regarding litigation relative to requests in the future.

Ross moved that the Planning Commission recommend, as requested by the applicant, that the Board of Trustees approve Special Use Permit 07-990005 from E.T. MacKenzie Company as amended to prohibit use of the site on Martin Luther King, Jr. Day, Good Friday, and Veterans Day, based on the plans last revised on May 22, 2007. Approval is recommended on the following basis:

- 1. The use has been designed and operated in accordance with the requirements of Section 7.13.7 of the Zoning Ordinance.**
- 2. Upon compliance with the conditions listed in the Special Use Permit, the use is designed and operates so that it does not change the essential character of the area.**
- 3. The conditions included in the permit assure that the use will not be hazardous to existing or future uses in the general vicinity.**
- 4. The permit includes reasonable conditions to assure that the potential impacts of the use, including noise and traffic, are mitigated.**

Supported.

ROLL CALL vote on motion:

AYES: 5 NAYS: 0 ABSENT: 3 (White, Shively, Flower)

VACANT: 1

MOTION CARRIED.

NEW BUSINESS:

- I. DeWitt Charter Township Year 2008 Capital Improvement Plan. Receive and set for a Public Hearing to be held on Tuesday, September 4, 2007.**

Keilen moved to receive and set for a Public Hearing the DeWitt Charter Township Year 2008 Capital Improvement Plan to be held on Tuesday, September 4, 2007. Supported. MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

- I. Trustee:

Trustee Ross advised that he had no report for this month.

- II. Zoning Board of Appeals

Gobbo advised that there was no Board of Appeals meeting held in the month of July.

- III. Committees: None.

- IV. Staff:

Gray briefly noted the following: the South Central Area Plan kick off meeting is tentatively scheduled for Tuesday, September 4, 2007; a Community Visioning Meeting is planned for late September; all department heads have been diligently working on their department budgets for the year 2008; lastly, Gray gave a brief update on the litigation related to the Lochinvar Estates development.

DISCUSSION:

Discussion followed regarding Chairman Gobbo's request that staff provide the Commission with any litigation history on proposed site locations. It was the general consensus of the Commission that staff should first obtain an opinion from the Township Attorney regarding this matter.

ADJOURNMENT: Nolen moved to adjourn the meeting at 7:25 p.m. Supported. MOTION CARRIED.

Linda K. Parkinson, Recording Secretary

Kim Smelker, Secretary