

DEWITT CHARTER TOWNSHIP
1401 W. HERBISON ROAD, DeWITT, MI 48820
PLANNING COMMISSION MINUTES
MONDAY, JUNE 4, 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, Greg White, Terrie Shively and Trustee Ross.

MEMBERS ABSENT: Jason Flower.

VACANT: One

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

APPROVAL OF MINUTES: **White moved to approve the minutes of the May 7, 2007 Regular Meeting as printed. Supported. MOTION CARRIED.**

CORRESPONDENCE: None.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

I. PUBLIC HEARING - Request for Special Use Permit 07-990003 from Motz Development, Inc., to be allowed to construct a single tennis court to service the Crowner Farms residents for day use only, located on the west side of Murano Drive, across from the Crowner Farms Subdivision Community Center, near the entrance on Howe Road, in the southwest ¼ of Section 6 of DeWitt Charter Township.

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

B. Administrative Comments/Applicant Comments/Public Comments.

Planning Director Jeff Gray briefly reviewed staff's report dated June 1, 2007 pointing out the location of the subject site on Murano Drive. The applicant is requesting a Special Use Permit to allow the construction of a tennis court for daytime use by the residents of Crowner Farms Subdivision. The applicant was previously granted Special Use Permit 05-990008 to be allowed to build a community building and swimming pool on the east side of Murano Drive. The addition of the proposed tennis court represents a major amendment to the previous Special Use Permit.

Gray advised that the proposed site is zoned R2 (Residential Single and Two Family) currently undeveloped and will serve as part of the open space in future phases of the Crowner Farms Subdivision.

Surrounding zoning consists of R2 (Residential Single and Two Family) to the north, east, and west. The surrounding land uses consist of undeveloped to the north and south, Crowner Farms Community Building to the east, and Single Family Residential to the south. The

surrounding Future Land Use designations consist of SF-L (Low Density Single Family Residential to the north, south, east, and west.

Gray went on to review the request for consistency with the requirements listed in Section 7.13.2(1) of the Zoning Ordinance advising the following: the immediate site complies with the minimum area of 1 acre and minimum lot width of 150 feet; the proposed plan complies with the minimum required setbacks; whether landscaping is adequate is subject to the discretion of the Planning Commission; the proposed tennis court would utilize the existing parking lot that was developed in association with the community center; and, the tennis court is designated for daytime use only. Therefore, no lighting is proposed.

Gray further reviewed the request for compliance with Section 7.1(B) of the Zoning Ordinance pertaining to Site Plan Review stating the following: the applicant has proposed adding four new parallel parking spaces to the service drive for the community building. This would provide 19 spaces where the Ordinance requires 14; sidewalks are shown on the plan, as required; no signs are proposed; the Clinton County Road Commission has no concerns, since no new driveways are proposed; the Clinton County Drain Commissioner indicates some proposed grading, as well as the finished elevation of the proposed tennis court, needs to be modified to limit impacts on the adjoining drainage facility; and, no additional agency concerns have been received.

In closing, Gray noted that the request appears to comply with the standards set forth in Section 7.6(1) of the Zoning Ordinance, Basis for Determination for Special Use Permits.

There were no Commissioner questions.

Chairman Gobbo invited the applicant to speak.

Tom Magsig, representing Motz Development, Inc. 13183 Schavey Road, DeWitt, MI 48820, stated he had no comments to add to staff's presentation.

Hearing no Commissioner questions, Chairman Gobbo invited public comment.

Chris LaGrand, 13501 Cottonwood Court, DeWitt, MI 48820, stated he owns lot #26 in the Crouner Farms Subdivision. He spoke in support of the request and feels the proposed tennis court will be a nice addition to the development.

Chairman Gobbo noted for the record a correspondence in support of the request received May 29, 2007 from David and Chris Klein.

C. Close Public Hearing. **Hearing no further comments, Chairman Gobbo declared the Public Hearing closed at 7:14 p.m.**

D. Discussion and possible action by Planning Commission.

White moved that the Planning Commission recommend that the Board of Trustees approve Special Use Permit 07-990003 from Motz Development, Inc. based on the plans received on April 17, 2007. Approval is recommended on the following basis:

1. The proposed tennis court has been designed in accordance with the requirements of Section 7.13.2 of the Zoning Ordinance.

2. **Upon compliance with the conditions of the Special Use Permit, the plan will comply with the site plan review standards listed in the Zoning Ordinance.**
3. **The standards of the Basis for Determination listed in Section 7.6(1) of the Zoning Ordinance have been met.**

ROLL CALL vote on motion:

AYES: 7 NAYS: 0 ABSENT: 1 (Flower) VACANT: 1

MOTION CARRIED.

II. PUBLIC HEARING - Ordinance Amendment 60.71, to amend certain sections of the DeWitt Charter Township Zoning Ordinance of 1977, as amended, to comply with the requirements of Public Act 110 of 2006; to amend that portion of Chapter VII of the Zoning Ordinance that relates to the review of site plan and Special Use Permit applications; to amend Chapter XII to enable the review of applications for conditional rezonings; to make other minor corrections, including typographical changes, to improve the understanding and ease of use of the Zoning Ordinance; and to provide an effective date thereof.

A. Open Public Hearing. **Chairman Gobbo declared the Public Hearing opened at 7:15 p.m.**

B. Administrative Comments/Applicant Comments/Public Comments.

Planning Director Jeff Gray briefly reviewed staff's report dated May 31, 2007 advising that the State legislature took action last year to consolidate the Township Zoning Act, County Zoning Act, and the City and Village Zoning Act. Staff set out to draft proposed Ordinance Amendment 60.71 to address changes that were necessary to address the change in statute. During this process staff found that some of the review processes spelled out in the Ordinance were in need of an update. Consequently, proposed Ordinance Amendment 60.71 addresses changes required due to the new Michigan Zoning Enabling Act (MZEA), changes to the Site Plan and Special Use Permit review processes, and changes to the zoning amendment process to add conditional rezoning.

Gray gave a brief presentation explaining the proposed changes to various sections of the Zoning Ordinance (See staff's report dated May 31, 2007).

There were no Commissioner questions.

Chairman Gobbo invited the public to speak.

C. Close Public Hearing. **Hearing no public comment, Keilen moved to close the Public Hearing at 7:23 p.m. Supported. MOTION CARRIED.**

D. Discussion and possible action by Planning Commission.

Nolen moved that the Planning Commission recommend that the Board of Trustees approve Ordinance Amendment 60.71. Supported. MOTION CARRIED.

NEW BUSINESS:

I. Request for Site Plan Review 07-150002 from Sheffer Court, LLC, to allow the construction of a 30'x72' storage building previously destroyed by fire on property located at 3707 Sheffer Avenue, Lansing, south of the Capital City Airport West Service Drive, east of Airport Road and west of Capital City Boulevard, in the southwest ¼ of Section 31 of DeWitt Charter Township.

Chairman Gobbo noted that staff is recommending postponement of action on Site Plan Review 07-150002. He questioned if the applicant was in agreement with staff's determination. If so, perhaps staff's report could be presented at the July meeting.

Gray stated the reason for recommending postponement is to allow the applicant time to provide proof that the site can be served by a private septic system.

Mark Kerrins, owner Sheffer Court, LLC, P.O. Box 14073, Lansing, MI 48906, stated he would like the Commission to consider taking action at this meeting as he feels very confident that the issue of providing an onsite septic system can be resolved. After discussions with the Mid Michigan Health Department, he is looking at the feasibility of either a septic field or providing a holding tank, as some of the other buildings on the site have done.

Assistant Planner Harmony Gmazel briefly reviewed staff's report dated May 31, 2007 pointing out the location of the approximately 1.78 acre site. The applicant is requesting Site Plan approval to allow the construction of a 2,160 sq. ft. warehouse structure that was destroyed by fire in December 2006.

There are currently ten existing storage buildings located on the subject parcel. These buildings are owned by the applicant and leased out to tenants. If approved, the building is proposed to be built in the northwest corner of the parcel.

The property is located in the IL (Industry, Light) zoning district. The surrounding zoning consists of BC (Business, Community) to the north, IL (Industrial, Light) to the east and west, and Light Industrial (City of Lansing) to the south. The surrounding land use consists of B & O Railroad Right of Way/Airport Facilities to the north, Industrial to the east and west, and Commercial to the south.

With respect to Site Plan Review, Gmazel stated the following: the use is allowed in the IL (Industrial, Light) zoning district; building height and lot area requirements have been met; at their May 2007 meeting the Zoning Board of Appeals granted a variance of 14.8 ft. to the required 20 ft. side yard setback and a variance of 38.7 ft. to the required 40 ft. rear yard setback; staff recommends as a condition of approval that the site plan be amended to include the condition that appropriate parking improvements related to the proposed building be depicted on a revised site plan; landscaping and sidewalks are not required at this time; and, no new signs are proposed at this time.

With respect to Public Services and Facilities, Gmazel advised the following: because staff does not have any indication whether a septic system improvement is feasible, staff would recommend that action be postponed due to the uncertainty for adequate sewage facilities to serve the site; requirements of the Drain Commissioner's Office must be met by the applicant prior to issuance of a building permit; Michigan Department of Transportation (MDOT) and the Clinton County Road Commission have no objections to the proposed building; the DeWitt Township Fire Department has no objections to the request; the DeWitt Township Building Department expressed that the applicant must meet all current fire restrictive construction standards; lastly, the Capital Region Airport Authority has commented that they are opposed to the request, as this may be an opportunity to bring this area into compliance with current zoning requirements.

Nolen questioned if the other structures on the site have restroom facilities.

Gmazel advised that there are three holding tanks on the site. Some of the existing buildings are not served with a septic system or holding tank.

Gobbo noted the site is not served with public water. He questioned how the property would be provided with fire suppression in the event of another fire.

Gmazel advised that the fire department would utilize their tanker truck to bring water to the site. In addition, there is a fire hydrant located 800 feet from the site that could be used.

Brief discussion followed regarding the fact that the City of Lansing responded to the fire in December of 2006. They are not accustomed to providing service where water is not on site. The DeWitt Township Fire Department is equipped to handle such a circumstance.

Keilen questioned if it would be possible to approve the request with the condition that the applicant must be able to adequately serve the site with a septic system.

Gobbo stated he would prefer to resolve the septic system issue prior to granting approval.

Kerrins advised that he is receiving some pressure from his insurance carrier that he is not moving forward in a timely manner. His coverage includes loss of rents. However, that coverage expires soon. It would be helpful to be able to proceed with construction as quickly as possible.

Brief discussion followed regarding the cause of the fire that destroyed the previous building.

Ross questioned if anyone had explored the possibility of entering into a sanitary sewer service agreement between the City of Lansing and DeWitt Township. He noted that public sanitary sewer service is available to other business in the vicinity of the site.

Gray advised that staff has not explored the feasibility of such an agreement. However, the possibility could be entertained.

There were no public comments.

Gray noted that staff understands the applicant's reasons for wanting the Commission to grant approval. Staff also appreciates the applicant's diligence in working with the Mid Michigan Health Department. The difficulty lies with the fact that the Mid Michigan Health Department comments indicate that a soil analysis has not been done. Therefore, the ability of onsite sewage disposal is not known at this time. At one point the Health Department mentioned the possibility of a 1,800 sq. ft. septic field. With so much of the site containing buildings and parking, this could modify the site plan and require staff and the Planning Commission to conduct an entirely new review.

Nolen moved that the Planning Commission postpone action to July 2nd, 2007 on Site Plan Review 07-150002 from Sheffer Court, LLC to construct one 2,160 square foot warehouse to allow the applicant additional time to determine whether or not the site can be adequately served by an onsite septic system. Supported.

Ross stated for the record that an onsite holding tank previously mentioned might be a very feasible alternative to a large septic field.

ROLL CALL vote on motion:

AYES: 7 NAYS: 0 ABSENT: 1 (Flower) VACANCY: 1

MOTION CARRIED.

- II. Request for Special Use Permit 07-990004 from Tim Hortons (Sean Essinger), to be allowed to construct a 2,384 sq. ft. coffee/donut shop with a drive through window located on property at 12970 S. US, on the west side of BR-27, north of Herbison Road, south of Webb Road, in the southeast ¼ of Section 9 of DeWitt Charter Township.**

Keilen moved to receive and set for a Public Hearing request for Special Use Permit 07-990004 from Tim Hortons (Sean Essinger) to be held on Monday, July 2, 2007. Supported. MOTION CARRIED.

- III. 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 Business-27, on the west side of Boichot Road, in the southwest ¼ of Section 22 of DeWitt Charter Township.

Nolen moved to receive and set for a Public Hearing request for Special Use Permit 07-990005 from E.T. MacKenzie Company to be held on Monday, July 2, 2007. Supported. MOTION CARRIED.

- IV. Request for Special Use Permit 07-990006 from Auto Body Credit Union,** to be allowed to construct a 4,100 sq. ft. lending institution with a drive through, on an approximately 2.25 acre vacant parcel located on the west side of US 27, south of Clark Road, north of Aaron Drive, in the northeast ¼ of Section 21 of DeWitt Charter Township.

White moved to receive and set for a Public Hearing request for Special Use Permit 07-990006 from Auto Body Credit Union to be held on Monday, July 2, 2007. Supported. MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

- I. Trustee: Trustee Ross gave a brief report on business conducted and action taken at the May 14, 2007 and May 28, 2007 regularly scheduled meetings of the DeWitt Charter Township Board of Trustees.
- II. Zoning Board of Appeals: Chairman Gobbo gave a brief report on business conducted and action taken at the May 16, 2007 regularly scheduled meeting of the Zoning Board of Appeals.
- III. Committees: None.
- IV. Staff: Gray stated he has been attending several meetings regard a "Safe Routes to School" program. This is a State program with an objective of analyzing walking routes to school in order to increase and improve the safety of pedestrian walkways. This may bring some revenue to the Township for walkway improvements. The Township Board of Trustees has asked the Planning Department to develop a sidewalks program for the Township in 2008.

The South Central Area Plan is underway with approval of the contract with Vilican Leman consulting firm.

Gray noted that there have been recent news stories regarding Auto Owners Insurance Company building a new data center in Delta Township. Staff has spoken with Auto Owners representatives and been assured that this is no indication that they have decided not to move forward at sometime in the future with developing a 300 acre parcel south of I-69, west of DeWitt Road and north of Stoll Road, in DeWitt Charter Township.

DISCUSSION: None.

ADJOURNMENT: **White moved to adjourn the meeting at 8:00 p.m. Supported. MOTION CARRIED.**

Linda K. Parkinson, Recording Secretary

Kim Smelker, Secretary