

**DEWITT CHARTER TOWNSHIP
1401 W. HERBISON ROAD, DeWITT, MI
PLANNING COMMISSION
MONDAY, MARCH 5, 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, Jason Flower, Trustee Ross and Mike Nolen (left at 8:03 p.m.).

MEMBERS ABSENT: Greg White and Terrie Shively.

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

APPROVAL OF MINUTES: **Flower moved to approve the minutes of the February 5, 2007 Regular Meeting as printed. Supported. MOTION CARRIED.**

CORRESPONDENCE: None.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

I., PUBLIC HEARING - Request for Special Use Permit 07-990001 from The McKnight Group, to be allowed to construct a 29,618 sq. ft. religious institution on a 37.52 vacant parcel located on State Road, northeast of the intersection of Coolidge Road, in the SE ¼ of Section 26 of DeWitt Charter Township.

A. Open Public Hearing. **Chairman Gobbo declared the Public Hearing opened at 7:06 p.m.**

B. Administrative Comments/Applicant Comments/Public Comments.

Assistant Planner Harmony Gmazel briefly reviewed staff's report dated March 1, 2007 pointing out the location of the site. The applicant is requesting approval for a Special Use Permit to be allowed to construct a new 29,618 sq. ft. religious institution (church) on vacant property located at the northeast intersection of State Road and Coolidge Road.

Gmazel advised that the City of East Lansing surrounds the site to the south and west. The City of East Lansing Department of Public Works facility is adjacent to the west. The properties to the south and east of the site are occupied single family residences. Property adjacent to the northeast is vacant.

Gmazel went on to explain the surrounding zoning and future land use designations (see pages 2 and 3 of staff report).

Gmazel reviewed the request for compliance with the conditions for religious institutions set forth in Section 7.13.1(1)(b) of the Zoning Ordinance advising that the proposed site plan meets all 6 conditions listed.

With respect to Site Plan Review requirements set forth in Section 7.1(B) of the Zoning Ordinance, Gmazel stated the following: the applicant must submit a revised sealed site plan showing the general site location and legal description; the proposed plan complies with the lot area, width, and building height requirements listed in the Schedule of Regulations, Section 5.18 of the Zoning Ordinance; the proposed plan meets most parking and circulation requirements with the exception of showing details of landscaping islands; the applicant is proposing, but not required, to provide landscaping along the driveway, around the parking area and in the southeast corner of the site; five (5) foot wide sidewalks along the State Road frontage will be provided; lastly, construction is said to begin within six (6) to twelve (12) months from the date of approval and be completed between twelve (12) and twenty-four (24) months following the start date.

With respect to public services and facilities, Gmazel stated the following: the applicant must meet all Board of Water and Light and Mid-Michigan Health Department permitting requirements to connect to public water and be served by a private septic system; the Clinton County Drain Commissioner's Office (CCDC) has noted no objections to the storm drainage plan as proposed. However, the CCDC must receive and approve a detailed site plan from the applicant prior to a building permit being issued; the Clinton County Road Commission (CCRC) has no concerns regarding the proposed location of the driveway. However, the applicant will be required to obtain a driveway permit, as well as any other permitting requirements; the Michigan Department of Environmental Quality (MDEQ) states that there is a high probability of the project requiring a permit review; lastly the DeWitt Township Fire Department (DTFD) will require the installation of a Knox Box, the installation of a fire hydrant at the northeastern most traffic island in the parking area, and that the driveway from State Road to the church building be marked with "Fire Lane-No Parking" signs on both sides. No other issues or concerns were indicated by the remaining reviewing agencies.

In closing, Gmazel reviewed the request for compliance with Section 7.6(1) of the Zoning Ordinance, Basis for Determination (see pages 8 and 9 of staff's report). Staff finds the proposed request to be consistent with the all standards listed in this Section.

Keilen questioned if property owners east of the site would be required to connect to the public water system.

Gmazel advised they would not.

Hearing no further questions, Chairman Gobbo invited the applicant to speak.

Matt Davis, representing The McKnight Group, 3351 McDowell Road, Grove City, OH 43123, stated he has been working closely with Faith Church on this project. The proposed site plan is phase one, with additional phases planned for the future.

Gobbo questioned if an evaluation application has been submitted regarding the proposed on site septic system.

Davis advised that will be done once Faith Church has purchased the property.

Hearing no further Commissioner questions, Chairman Gobbo invited public comments.

- C. Close Public Hearing. **Hearing no public comments, Keilen moved to close the Public Hearing at 7:22 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 Special Use Permit 07-990001 from the McKnight Group (Faith Church) based on the plans dated November 13, 2006. Approval is recommended on the following basis:

- 1. The proposed religious institution has been designed in accordance with the requirements of Section 7.13.1 of the Zoning Ordinance.**
- 2. 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.**
- 3. The standards of the Basis for Determination listed in Section 7.6(1) of the Zoning Ordinance have been met.**

Supported.

ROLL CALL vote on motion:

**AYES: 6 NAYS: 0 ABSENT: 2 (Shively, White) VACANCY: 1
MOTION CARRIED.**

II. PUBLIC HEARNG - Request for Special Use Permit 07-990002 from NW Lower Michigan Synod, to be allowed to construct a 10,652 sq. ft. addition to an existing religious institution located on a 3.54 parcel at 1000 W. Webb Road, northwest corner of BR-27 and Webb Road, in the SE ¼ of Section 9 of DeWitt Charter Township.

- A. Open Public Hearing. **Chairman Gobbo declared the Public Hearing opened at 7:26 p.m.**
- B. Administrative Comments/Applicant Comments/Public Comments.

Assistant Planner Harmony Gmazel briefly reviewed staff's report dated March 2, 2007 advising that the applicant is requesting approval for a Special Use Permit to be allowed to construct a new 10,652 sq. ft. addition to an existing church facility located at 1000 W. Webb Road, in the SE ¼ of Section 9 of DeWitt Charter Township.

Gmazel advised that the existing church has been operating at the site without a Special Use Permit, since the construction of the building occurred under County zoning. When the applicant recently proposed an addition to the existing structure, this triggered the process for a new Special Use Permit, in accordance with the requirements of Section 7.11A of the Zoning Ordinance.

The site is currently located in the R3 (Residential Single Family) zoning district and is designated for CC (Community-Oriented Commercial) use on the Future Land Use Map. The surrounding zoning consists of BSC (Business, Shopping Center) to the south and R3 (Residential Single Family) to the north, east and west. The surrounding Future Land Use designations consist of CC (Community Oriented Commercial) to the north, south, east and west.

Gmazel reviewed the request for compliance with the conditions for religious institutions set forth in Section 7.13.1(1)(b) of the Zoning Ordinance advising that the proposed site plan appears to meet all 6 conditions listed.

With respect to Site Plan Review requirements set forth in Section 7.1(B) of the Zoning Ordinance, Gmazel stated the following: the proposed addition complies with the lot area, width, building height, and setback standards listed in the Schedule of Regulations, Section 5.18 of the Zoning Ordinance; several issues exist with regard to off-street parking, landscaping and lighting (see page 5 of staff's report); the applicant is not required to provide landscaping buffer yards but has proposed additional landscaping along the north side of the proposed addition to mitigate some impact that the addition may have to the single family residences to the north; no new signs or alterations to existing signs are proposed; the applicant is proposing five (5) ft. wide sidewalks along the Webb Road and Business-27 frontage of the property which must be revised to include a pedestrian crossing at Webb Road and BR-27; lastly, the applicant would like to proceed with construction in the Fall of 2007, and complete the addition in one phase by Spring of 2008.

With respect to public services and facilities, Gmazel stated the following: the applicant intends to maintain the existing driveway on Webb Road. The Clinton County Road Commission (CCRC) has no objections to the proposed request; the Board of Water and Light (BWL) has denied the plans as submitted and recommends that the water main at the northeast corner of Business 27 and Webb Road be extended to the corner of Escanaba Drive and Webb Road; the applicant intends to abandon the existing well on the site and will have to meet all requirements of the Mid-Michigan District Health Department (MMDHD) and Southern Clinton County Municipal Utilities Authority (SCCMUA); the Clinton County Drain Commissioner's (CCDC) has indicated that the proposal appears to meet their requirements. In addition, it is recommended that the applicant install "rain gardens"

on the site instead of a detention basin; the DeWitt Charter Township Fire Department (DTFD) would like to review any changes to the existing sprinkler system and has expressed no objections or concerns related to the request; lastly, no additional concerns have been received from the remaining agencies.

In closing, Gmazel reviewed the request for compliance with Section 7.6(1) of the Zoning Ordinance, Basis for Determination (see pages 8 and 9 of staff's report). Staff finds the proposed request to be consistent with the all standards listed in this Section.

Trustee Ross questioned the rationale behind the BWL's decision to require the applicant to extend the water main at the northeast corner of Business 27 and Webb Road to the corner of Escanaba Drive and Webb Road.

Gmazel stated perhaps the added capacity that the church would put on the system would cause the BWL to require a loop to be added. She advised that the applicant is still in conversations with the BWL concerning this issue.

Ross further questioned if the applicant could continue to use their well for irrigation purposes even though they intend to abandon the system.

Gmazel advised that it might be a possibility. However, staff has encouraged the applicant to discuss this issue with the Mid-Michigan District Health Department.

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

Reverend Terry Williamson, Pastor of Christ United Church, 1000 W. Webb Road, DeWitt, MI 48820, representing the applicant, stated the addition is a joint project for the Christ United Church, as well as the Episcopal and Lutheran Churches. A portion of the proposed addition will be used by the NW Lower Michigan Synod as the Bishop's office. The number of employees present would range from 3 to 8 people. Other areas of the addition are intended to be used for conference rooms. These rooms would be occupied maybe a few times a month with 20 to 30 people in attendance.

Brief discussion followed regarding the affiliation between the Christ United Church, the Episcopal Church and the Lutheran Church.

There were no further comments or questions from the public.

- C. Close Public Hearing. **Keilen moved to close the Public Hearing at 7:44 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Keilen moved that the Planning Commission recommend that the Board of Trustees approve Special Use Permit 07-990002 from The North/West Lower Michigan Synod based on the plans last revised on January 29, 2007. Approval is recommended on the following basis:

- 1. The proposed addition has been designed in accordance with the requirements of Section 7.13.1 of the Zoning Ordinance.**
- 2. 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.**
- 3. The standards of the Basis for Determination listed in Section 7.6(1) of the Zoning Ordinance have been met.**

Supported.

ROLL CALL vote on motion:

AYES: 6 NAYS: 0 ABSENT: 2 (Shively, White) VACANT: 1

III. PUBLIC HEARING - Ordinance Amendment 60.70 to amend the amount and form of financial guarantee for the excavation of soil and minerals.

- A. Open Public Hearing. Chairman Gobbo declared the Public Hearing opened at 7:49 p.m.**
- B. Administrative Comments/Applicant Comments/Public Comments.**

Gmazel briefly reviewed staff's memorandum dated February 27, 2007 advising that Ordinance Amendment 60.70 has been proposed at the request of some current permit holders. Section 7.13.7(1)(c)(13)(a) currently allows for financial guarantees to be submitted in the form of cash, certified check, or irrevocable letters of credit. If approved, the Amendment would allow permittees to submit performance bonds or other forms deemed acceptable by the Board of Trustees and allow current permit holders to change the form of their current guarantees to one of the new forms. The Ordinance Amendment would also increase the minimum amount of the required financial guarantee that must be provided to the Township to assure proper rehabilitation of all mining operations from \$5,000 to \$6,750 per acre.

Brief discussion followed regarding clarification of staff's reference to "other forms deemed acceptable by the Board of Trustees".

Ross suggested the possibility of adopting a fee table that would increase dollar amounts incrementally so that the Ordinance would not have to be amended each time the Township wishes to increase the financial guarantee amount.

Gobbo referenced the Office of Financial and Insurance Services (OFIS) for the State of Michigan and recommended the Township involve this agency in our financial guarantee process to assure their credibility.

Brief discussion followed regarding how OFIS operates.

Gobbo stated that final decisions regarding financial guarantees would still be up to the discretion of the Township Board.

Chairman Gobbo noted that there was no public present for comments.

- C. Close Public Hearing. **Flower moved to close the Public Hearing at 7:58 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Discussion followed regarding whether another Public Hearing would be required if the Planning Commission acted to change Amendment 60.70 as proposed by staff.

Ross moved that the Planning Commission recommend that the Board of Trustees approve Amendment 60.70 as presented. Supported.

Keilen asked if Trustee Ross would relay the Commission's discussion regarding OFIS and continue that dialogue when this item goes before the Board of Trustees.

Ross agreed that he would convey the Commission's feelings to the Board regarding OFIS.

ROLL CALL vote on motion:

**AYES: 6 NAYS: 0 ABSENT: 2 (Shively, White) VACANT: 1
MOTION CARRIED.**

NEW BUSINESS: None.

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 February 12, 2007 and February 26, 2007 regularly scheduled Board of Trustees meetings.

- II. Zoning Board of Appeals:

Chairman Gobbo advised that the Zoning Board of Appeals did not meet on February 21, 2007 as no new applications were filed.

III. Committees: None.

IV. Staff:

Gobbo questioned the status of procuring a consultant for the South Central Area Plan Update.

Gmazel expects staff to move forward with hiring a consultant sometime in the future.

DISCUSSION: Gobbo advised the Commission of upcoming legislation that may have a bearing on Planning and Zoning procedures.

Trustee Ross commended Gmazel on the quality of staff's reports and presentations for the meeting.

ADJOURNMENT: **Flower moved to adjourn the meeting at 8:13 p.m. Supported. MOTION CARRIED.**

Linda K. Parkinson, Recording Secretary

Kim Smelker, Secretary