

**DEWITT CHARTER TOWNSHIP
1401 W. HERBISON ROAD, DeWITT, MI
PLANNING COMMISSION MINUTES
TUESDAY, SEPTEMBER 5, 2006**

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, Jason Flower, Terri Shively, Kim Smelker, Mike Nolen, and Greg White.

MEMBERS ABSENT: Trustee Seeger.

VACANT SEATS: 1 (DeHoog)

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 August 7, 2006 Regular Meeting as printed. Supported. MOTION CARRIED.**

CORRESPONDENCE: None.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

- I. **PUBLIC HEARING - Rezoning Request 06-880003 from Auto-Owners Insurance Company**, for property located south of I-69 and Clark Road, north of Stoll Road, east of Saffron Hills Subdivision, and west of DeWitt Road, in the east ½ of Section 19 and west ½ of Section 20 of DeWitt Charter Township, to rezone approximately 311.52 acres from A (Agricultural) to POD (Planned Office Development). **Note: Tabled at the August 7, 2006 meeting.**

White moved to remove Rezoning Request 06-880003 from the table. Supported. MOTION CARRIED.

Planning Director Jeff Gray briefly reviewed staff's memorandum dated September 1, 2006 noting that action on the request was postponed at the August 7, 2006 meeting to allow the Michigan Department of Transportation (MDOT) to complete a thorough review of the Traffic Impact Study. As a result of a meeting on August 18th with representatives of the Auto-Owners Insurance Company and MDOT, Paul Steinman, Manager of the Lansing Transportation Service Center of MDOT has submitted a review dated August 31, 2006. MDOT continues to stick to its position that it will not recommend new traffic signals at the interchanges or adjustments to signal timing until the "warranting requirements" are met. Gray explained that "warrants" relate to delays and crash data at the intersections. Staff has

expressed the Township's willingness to continue to work with MDOT if the rezoning is approved and when site plans are developed for the subject property.

Gray went on to review the modified ten year building construction phasing plan. He explained that the revisions were made in the event Auto-Owners shall decide to construct less than the square footage stipulated in Phases I and II of the Plan.

Gray noted that the remaining reviewing agencies were satisfied that the site could be served with adequate utilities. Should the rezoning be approved, additional agency reviews will take place during the Site Plan Review process.

In closing, staff recommends that the Planning Commission recommend to the Board of Trustees approval of Rezoning Request 06-880003 from Auto-Owners Insurance Company, subject to the three conditions listed in staff's report.

Nolen questioned if MDOT gave any type of a time frame involved, should they determine that mitigation measures are warranted.

Gray advised that MDOT will be reviewing the intersections on an annual basis.

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

John Arnsman, 2729 W. Clark Road, Lansing, MI 48906, stated that his property was excluded in the purchase of the subject property. He expressed concern with negative impacts on his property taxes and increased usage of infrastructure. Mr. Arnsman further stated that he is unaware of staff's three recommended conditions of approval and expressed distress that he would not be notified of further activity on this site after the rezoning process. Arnsman went on to state that since the last Planning Commission meeting the applicant has cleaned up the property adjacent to his. He has also had discussions with Auto-Owners regarding the acquisition of his property. However, he is not satisfied with the property value amount arrived at. In closing, he stated that the Township should not allow Auto-Owners to reduce the property values of the residents that have made the area what it is today.

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

Lisa Ayotte, Assistant Vice President of Real Estate, Auto-Owners Insurance Company, 6101 Anacapri Boulevard, Lansing, MI 48917, requested that staff repeat for Mr. Arnsman the three proposed conditions for approval.

Gray reviewed staff's recommended conditions for approval.

Hearing no further comments or questions, Keilen moved to close the Public Hearing at 7:20 p.m. Supported. MOTION CARRIED.

Keilen moved that the Planning Commission recommend that the Board of Trustees approve Rezoning Request 06-880003 from Auto-Owners Insurance Company to rezone approximately 311.52 acres from A (Agricultural) to POD (Planned Office Development), together with the Development District Map, Development District Text,

and Building Construction Phasing Plan. Approval is recommended with a finding that the request is consistent with the Standards for Approval listed in Section 5.12B.5(4) of the Township Zoning Ordinance and is subject to the following conditions:

- 1. The applicant shall comply with all agency requirements when developing site plans and engineering drawings for the future development of the subject property.**
- 2. An application for site plan approval for the subject property shall be accompanied by an addendum to the Traffic Impact Study that addressed the then-current traffic conditions and the comments of the Clinton County Road Commission as stated in their letter dated July 13, 2006 and the Michigan Department of Transportation, as stated in their letter dated August 31, 2006.**
- 3. The proposed development of the subject site shall be served with public utilities, including water, sanitary sewer, storm drainage, and electricity, that comply with the requirements of the respective service providers.**

Supported.

ROLL CALL vote on motion:

AYES: 7 NAYS: 0 ABSENT: 1 (Seeger) VACANT SEAT: 1

MOTION CARRIED.

Brief discussion followed regarding the fact that efforts are made to keep the public informed through the DeWitt/Bath Review and Township Newsletter regarding the status of various developments in the Township. In addition, Agendas are posted on the Township website, as well as at the Township Hall. And, as always, a resident is welcome to call the Planning Department during regular business hours for an update on current developments.

II. PUBLIC HEARING - DeWitt Charter Township Year 2007 Capital Improvement Plan.

A. Open Public Hearing. Chairman Gobbo declared the Public Hearing opened at 7:21 p.m.

B. Administrative Comments/Applicant Comments/Public Comments.

Gray reviewed staff's memorandum dated August 24, 2006 regarding the 2007 Capital Improvement Program (CIP). He provided a brief overview of the process involved in compiling the CIP.

Hearing no Commissioner questions or comments, Chairman Gobbo invited the public to speak.

C. Close Public Hearing. Hearing no public comment, Keilen moved to close the Public Hearing at 7:25 p.m. Supported. MOTION CARRIED.

D. Discussion and possible action by Planning Commission.

Nolen moved to adopt the Resolution approving the DeWitt Charter Township 2007 Capital Improvement Program. Supported.

ROLL CALL vote on motion:

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

MOTION CARRIED.

NEW BUSINESS:

I. Request for Final Preliminary Plat 06-680002 from Kirkside Estates, LLC for Kirkside Estates Subdivision, consisting of 61 single family residential lots on approximately 33.080 acres located on the east side of Boichot Road, north and northeast of Dondale Subdivision, in the southeast ¼ of Section 22 of DeWitt Charter Township.

Assistant Planner Harmony Gmazel briefly reviewed staff's report dated September 1, 2006 advising this is the second in a three step review process for subdivision developments. Final Preliminary Plat involves the applicant providing comments from the respective reviewing agencies that the engineering for the water, sanitary sewers, storm drainage, etc is acceptable. Approval authorizes construction of the engineered systems in the subdivision.

The proposed development consists of 61 lots. Layout of the development has not changed since Tentative Preliminary Plat approval was granted in March 2006. Gmazel noted that the plan does not include signage. As a condition of approval, all signage would be subject to review and approval of the Planning Department. In addition, staff recommends that approval also be conditioned on receipt of a master grading plan that is acceptable by the Township Engineer.

With respect to public utilities, Gmazel stated the following: due to the length of the Kirkside Drive cul-de-sac, an easement for a secondary emergency drive access out to Wood Road over the property north of the site must be provided; the Clinton County Road Commission requires labels for the 2-inch leveling course on the road cross-section, permits for the Boichot Road entrance and Karl Street connection; all requested revisions have been made to the sanitary sewer system and the plans have been delivered to the Michigan Department of Environmental Quality (MDEQ) for permitting; water main utility plans have been reviewed and approved by the Board of Water and Light; electric and gas facilities are provided in the area by Consumers Energy; it has been determined by the Clinton County Drain Commissioner's Office that drainage plans and detention basins are designed to reasonably address the issues raised at the Tentative Preliminary Plat Review stage with a few remaining items to be provided (see page 4 and 5 of staff's report); the DeWitt Charter Fire Department has determined the nine (9) proposed fire hydrants to be spaced appropriately throughout the development; lastly, an MDEQ wetland determination letter is required as a condition of approval.

Flower questioned the status of the adjacent golf course development.

Gray advised that the applicant is not the developer of the golf course. However, agreements are in place regarding the construction of the project.

Brief discussion followed regarding the location of the emergency access road at the end of the Kirkside Drive cul-de-sac.

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

Luke Freund, 3326 W. Saginaw Hwy., Lansing, MI 48917, representing Kirkside Estates, LLC, stated he was present for questions. He is aware of staff's recommended conditions for approval and has no issues with them.

Gobbo questioned the nature of the construction schedule for the adjacent golf course project.

Freund advised the target date for opening the course is spring of 2007.

Nolen questioned if the easements for the emergency access road were currently in place. He further asked if maintenance of the access road was addressed.

Freund advised that the easements have been drafted. Mr. Kazenko has reviewed the documents and requested a few revisions. He would prefer to grant the easement to DeWitt Township rather than Kirkside Estates, LLC. Maintenance of the access has not been discussed.

Gray noted that although Mr. Kazenko wishes to grant the easements to DeWitt Township, it is important that the Kirkside Estates, LLC be given the authority to construct and maintain the emergency access.

Lengthy discussion followed regarding who would be responsible for maintaining the emergency access, especially during the winter months.

Gray noted that a few other developments in the Township have a similar emergency access agreement (Arbor Meadows Subdivision and Shadybrook Subdivision). These previous agreements could serve as a model for this development.

Bob Freund, 3326 W. Saginaw Hwy., Lansing, MI 48917, representing Kirkside Estates, LLC, advised that the emergency access will connect with the clubhouse parking lot and be a part of the golf cart trail. He suggested that the easement conditions include that Mr. Kazenko maintain the access area in conjunction with his parking lot.

Keilen pointed out that the proposed emergency access would only be used if access from Kirkside Drive is sealed off. Although it is possible, the chances are unlikely that the emergency access would need to be utilized.

Gray reiterated that the easement agreement will have to address who is responsible for maintaining the emergency access. The Township will not take responsibility for maintenance.

Keilen moved to recommend that the Township Board of Trustees approve the Final Preliminary Plat for Kirkside Estates, subject to the following conditions:

- 1. Signage for the development shall be subject to the review and approval of the Planning Department.**
- 2. The applicant shall provide proof of an easement and a site plan for the location of the secondary emergency access from the Kirkside Drive cul-de-sac to Wood Road.**
- 3. The applicant shall provide a letter from the DeWitt Charter Township Fire Department approving the location and design of the secondary access including emergency barriers.**
- 4. The applicant shall provide a master grading plan that is acceptable to the Township Engineer.**
- 5. The applicant shall comply with all agency requirements.**
- 6. The applicant shall provide a wetland determination letter from the Michigan Department of Environmental Quality (MDEQ).**

Supported.

ROLL CALL vote on motion:

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

MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

I. Trustee:

Due to the absence of Trustee Seeger, no report was given.

II. Zoning Board of Appeals:

Gobbo advised that the Zoning Board of Appeals did not meet during the month of August.

III. Committees: None.

IV. Staff:

Gray advised that Township Manager Kulhanek has resigned his position effective August 28, 2006. The Township Board of Trustees has appointed him to be interim Manager. The process for filling the position permanently will begin in October 2006. Gray stated he will also continue as Planning Director during his interim appointment.

Brief discussion followed regarding the pending appointment to fill the Planning Commission vacancy due to Commissioner DeHoog's resent resignation.

Gray further advised that the Planning Department has received the South Central Area Plan proposals. A contract is expected to be entered into within the next few months.

DISCUSSION: None.

ADJOURNMENT: **White moved to adjourn the meeting at 7:53 p.m. Supported. MOTION CARRIED.**

Linda K. Parkinson, Recording Secretary

Kim Smelker, Secretary