

**Chair**  
Bruce Keilen  
**Vice-Chair**  
Steve Gobbo  
**Secretary**  
Adam Bertram  
**Commissioners**  
Steve Musselman, Trustee  
Dale Dailey  
Marsha Zimmerman  
Tim Fair  
Kristen Krol



1401 W. Herbison Road  
DeWitt, Michigan 48820  
Phone 517.669.6576  
Fax 517.669.6496  
[www.dewitttownship.org](http://www.dewitttownship.org)

**Township Planner**  
Jim N. Foulds

**Planning Assistant**  
Tory Niewiadomski

**Recording Secretary**  
Linda K. Parkinson

**PLANNING COMMISSION MINUTES**  
**MONDAY, OCTOBER 7, 2013**  
**7:00 p.m.**

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

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

ROLL CALL by Secretary Bertram.

**MEMBERS PRESENT:** Bruce Keilen, Steve Gobbo, Adam Bertram, Dale Dailey, Kristen Krol, Tim Fair, Trustee Musselman.

**MEMBERS ABSENT:** Marsha Zimmerman.

**VACANCY:** One

**OTHERS PRESENT:** Assistant Planner Tory Niewiadomski and Recording Secretary Linda Parkinson.

**APPROVAL OF AGENDA:** Fair moved to approve the Agenda as printed. Supported. **MOTION CARRIED.**

**APPROVAL OF MINUTES:** Fair moved to approve the minutes of the September 3, 2013 meeting as presented. Supported. **MOTION CARRIED.**

**CORRESPONDENCE:** None.

**PUBLIC COMMENTS:** None.

**UNFINISHED BUSINESS:**

- I. **Sidewalk Variance Request related to Site Plan Review 12-150004 from Donn Bohde NCARB-Hope Lutheran Church**, for property located at 1180 W. Herbison Road, DeWitt, MI 48820, west of S. US 27 and east of Turner Road, in the southeast ¼ of Section 9 of DeWitt Charter Township. **Note: Postponed discussion at the September 3, 2013 meeting.**

Assistant Planner Tory Niewiadomski advised that the applicant has requested to withdraw their request for a sidewalk variance and/or deferment as stated in the August 23, 2013 correspondence from Ronald D. Richards Jr. of the Law firm of Foster Swift. Staff recommends that the Planning Commission remove this item from the Agenda.

**Fair moved to remove from the Agenda request for sidewalk variance and/or deferment as it relates to Site Plan Review 12-150004. Support. MOTION CARRIED.**

**NEW BUSINESS:**

- I. **Site Plan Review 13-150002 from Theresa A. Alvarado** for a 6.63 acre site located at 11525 Wood Road, DeWitt, MI 48820 (Parcel #050-002-300-015-00), on the east side of Wood Road, west of US 127, north of Howe Road, south of Round Lake Road, the southwest ¼ of Section 2 of DeWitt Charter Township, to be allowed to construct an approximately 7,500 sq. ft. twenty (20) bed adult foster care facility.

Niewiadomski briefly reviewed staffs memorandum dated October 2, 2013 pointing out the location of the site. The applicant is requesting Site Plan Review approval to be allowed to construct a twenty (20) bed adult foster care facility.

Niewiadomski noted on March 25, 2013 the applicant received approval of Special Use Permit 13-990001 from the Township Board to allow the applicant to use the subject site for a twenty (20) bed adult foster care facility. One condition of approval was that the applicant obtain final site plan approval for the construction of the facility. It should be noted that the Special Use Permit approval was for two (2) adjacent parcels owned by the applicant (Parcel #050-002-300-010-00 and #050-002-300-015-00).

Niewiadomski advised the applicant currently operates a six (6) bed adult foster care facility from her home located on the northern parcel ((050-002-300-010-00). The initial plan was to construct another wing onto the side of her home with a circle drive and parking in the front. Based on the feedback from residents at the Public Hearing, the applicant is now proposing to construct a new twenty (20) bed adult foster care facility on the parcel to the south (#050-002-300-015-00). They expect the new design would address concerns raised. If approved, the existing six (6) bed facility would no longer exist. The applicant feels that the plans submitted with this request will be more compatible with the surrounding area.

Niewiadomski went on to note some of the concerns raised at the Public Hearing for the Special Use Permit such as increased traffic, access area to the site, the proposed use may be detrimental to property values in the area, and perhaps the use was out of character for the existing residential area. The applicant is proposing a new driveway location that is further away from an existing crest in the roadway. The building is proposed to be farther back off the road so it will be less noticeable due to an abundance of coniferous trees in the area. And, staff is not aware of any reason why surrounding property values would be negatively impacted.

The subject site is zoned A (Agricultural). The surrounding area is also zoned A (Agricultural). The surrounding land use consists of Agricultural and Residential. Future Land Use designation of the area consists of A (Agricultural) and AP (Agricultural Preservation).

In closing, Niewiadomski advised no major concerns were expressed by the local reviewing agencies. Further, the proposed site plan meets the four standards listed in Section 42-1036 of the Township's Codified Ordinance. The proposed use is allowed in the Agricultural Zoning

District by Special Use Permit. In addition, the Township's Comprehensive Development Plan has adopted policies to promote senior housing.

Dailey stated this proposed site plan is relatively different from what was presented at the Public Hearing for the Special Use Permit. He noted one of the concerns expressed was that the facility be harmonious with the residences in the surrounding area. He questioned if the newly proposed structure would fit in. He likes a lot of the changes that were made but wonders if people who were at the Public Hearing should be noticed of the changes.

Keilen pointed out that the Public Hearing for the Special Use Permit was related to the use that would be allowed on the property rather than approval of the actual site plan.

Bertram stated he understands Dailey's concerns. He would also like to commend the applicant for making the changes because the proposed plans are far improved from the original conceptual plan. He expressed some concern with adjacent neighbors not getting insight into the changes that have been made.

Brief discussion followed regarding the fact that the Public Hearing was held to consider whether the use of an adult foster care facility was appropriate for the area. The site plan shown at that time was conceptual in nature. The decision before the Planning Commission tonight is to consider approval of the current site plan the applicant has submitted for Site Plan Approval.

Chairman Keilen invited the applicant to speak.

Theresa A. Alvarado, 11525 Wood Road, DeWitt, MI 48820, stated the reason she has submitted the site plan they have presented tonight is because of the concerns and issues expressed at the Public Hearing for approval of the Special Use Permit. That is why the site plan being considered tonight is farther away from the road and the access drive has been relocated. The proposed facility will not be noticeable from the road due to the existing trees. Lastly, the exterior will have the same appearance as a residential structure to be harmonious with the surrounding homes. Basically, the facility will look like a large one story home. The construction is proposed for two (2) phases. However, she hopes it could be done in one (1) phase.

Bertram commended the applicant on making the changes to the original conceptual plans in order to address concerns expressed at the Public Hearing. He noted there was a significant cost involved for the applicant to modify the plans.

Brief discussion followed regarding the fact that the driveway would most likely be crushed gravel and the parking lot would be paved asphalt.

Dailey commended the applicant on the design of the plans.

Gobbo questioned if there were any plans to fence in the water retention area.

Alvarado stated the Drain Commissioner did not feel there would be a body of water in the retention area. If there was standing water, a safety mechanism would be put into place.

Paul Furtaw, Bergman Associates, 1427 W. Saginaw, Suite 200, East Lansing, MI 48823, stated the current plan is somewhat conceptual in nature. The engineering still needs to be perfected to figure out how deep the retention area will be. He is sensitive to the fact that the resident's safety is most important. The plan is to provide an outlet for the water to go so that there is not standing water.

Musselman stated he is in support of the changes the applicant has made to the plans. He reiterated Keilen's point that a site plan does not need to be submitted at the time of the Public Hearing for a Special Use Permit. The approval of the Special Use Permit was to allow for an adult foster care facility. The applicant simply had a conceptual idea at that time. Tonight's meeting is to consider approval of an actual site plan. He noted the largest change is that the facility will be constructed on the southern parcel rather than constructed as an addition to the existing home on the northern parcel.

Fair commended the applicant on the revised plans and noted that approval of the Special Use Permit was for a twenty (20) bed adult foster care facility and that is exactly what the applicant is proposing.

Krol also commended the applicant on the revised site plan.

Brief discussion followed regarding the fact that the proposed facility exceeds all State regulations as far as the size of common areas, bedrooms, bathrooms, etc.

There were no further comments.

**Musselman moved that the Planning Commission approve Site Plan Review 13-150002 from Theresa Alvarado to construct a twenty (20) bed Adult Foster Care facility subject to the following conditions:**

- 1. The applicant shall comply with the requirements of all reviewing agencies having jurisdiction over the project.**
- 2. The applicant shall comply with the final review requirements of the Clinton County Drain Commissioner.**
- 3. That the applicant obtains the necessary permits from the Michigan Department of Environmental Quality, Mid-Michigan District Health Department or any other regulatory agency for the installation of the onsite water and septic system.**
- 4. That the applicant decommissions the existing six (6) bed adult foster care facility at the time of occupancy of the new facility and returns the home back to a single family use.**
- 5. That the applicant either implements sidewalks along the frontage of the property along Wood Road or is granted a variance from this requirement.**
- 6. That the applicant provides the Township a copy of their licensed facility documentation once approvals from the Michigan Department of Human Services**

are obtained for the new facility and that the six (6) bed facility has been decommissioned.

7. That the materials utilized in the construction of the new facility are consistent with the character of single family residences in the area.

**Supported.**

**ROLL CALL vote on motion:**

**AYES: 7    NAYS: 0    ABSENT: 1 (Zimmerman)    VACANCY: 1**

**MOTION CARRIED.**

- II. **Request for Sidewalk Variance from Theresa A. Alvarado** – Twenty (20) bed adult foster care facility on property located at 11525 Wood Road, DeWitt, MI 48820 (Parcel #050-002-300-015-00).

Assistant Planner Tory Niewiadomski briefly reviewed staff's memorandum dated October 3, 2013. He explained that part of the Site Plan Review process for properties that are greater than single and two-family require sidewalks if a certain threshold is met. In the case of Site Plan Review 13-150002 from Theresa Alvarado, sidewalks would be required. However, there is a provision in the ordinance that does allow for applicants to request a variance. The Planning Commission reviews the facts surrounding the variance request and provides a recommendation to the Township Board of Trustees.

Niewiadomski went on to explain the following:

The Township Board may, upon recommendation of the planning commission, grant a variance from the requirements of section 34-20 which require construction of a sidewalk. The township board shall only grant a variance if the proposed variance will not impair the public health, safety or general welfare of the inhabitants of the township. The granting of a variance requires that one of the following conditions be met under Section 34-21 of the Codified Ordinance:

- (1) That a strict application of such requirements would result in practical difficulties to or undue hardship upon the owners of such lots or parcels. Practical difficulties may include, but shall not be limited to, severe variations in topography, unsuitable soils or difficulty in providing safe separate between pedestrian and vehicular traffic due to site location, layout or existing building arrangements. The cost of installing a sidewalk shall not constitute the sole basis for a practical difficulty or undue hardship.

**Staff Response:**

Based on information provided by the applicant, it does not appear that a practical difficulty exists due to unsuitable soils, topography, or the site layout. Cost of installation of sidewalk shall not constitute the sole basis for a practical difficulty or undue hardship.

- (2) That the preponderance of lots or parcels of land on the street within 1,000 feet on either side of the property in question are already developed with no sidewalks existing,

and according that a sidewalk has no possibility of connecting to any other walk at any time in the future, and thus does not serve the purpose of a pedestrian system.

**Staff Response:**

The property is surrounded by Agricultural and residential uses and none of the properties within close proximity have sidewalks to connect to. The Township's Non-motorized plan indicates that this area would be more suitable for the construction of bike lanes and is unlikely suitable to develop and construct sidewalks in this rural area. In staff's opinion, it would be unlikely to assume the possibility of this property connecting to any other sidewalk at any time in the near future.

Brief discussion followed regarding the fact that no sidewalks exist on Wood Road in the vicinity of the subject site.

**Musselman moved that the Planning Commission recommends to the Board of Trustees that they approve the sidewalk variance request from Theresa Alvarado for the proposed twenty (20) Bed Adult Foster Care Facility. Approval is recommended on the following basis:**

**That the applicant's request satisfies Condition (2) under Section 34.21 of the Codified Ordinance.**

**Supported.**

**ROLL CALL vote on motion:**

**AYES: 7    NAYS: 0    ABSENT: 1 (Zimmerman) VACANCY: 1**

- III. **Rezoning Request 13-880002 from David J. Fedewa and Mary Jo Fedewa to conditionally rezone a vacant parcel consisting of approximately 2.75 +/- acres, located on the northeast corner of Howe Road and S. US 27, in the southeast ¼ of Section 3 of DeWitt Charter Township (Parcel #050-003-300-031-00) from PO (Professional and Office Services) to BC (Business, Community).**

**Fair moved to receive Rezoning Request 13-880002 from David J. Fedewa and Mary Jo Fedewa and set for a Public Hearing to be held on Monday, November 4, 2013. Supported. MOTION CARRIED.**

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

**REPORTS:**

**I. Trustee:**

Trustee Musselman gave a brief report on business conducted and action taken at the Board of Trustees meetings held on September 9, 2013 and September 23, 2013.

**II. Zoning Board of Appeals:**

Gobbo advised there was no meeting held in the month of September.


**III.** Committees: None.

**IV.** Staff: None.

DISCUSSION: None.

ADJOURNMENT:

**Musselman moved to adjourn the meeting at 7:45 p.m. Supported. MOTION CARRIED.**

  
\_\_\_\_\_  
Linda K. Parkinson, Recording Secretary

  
\_\_\_\_\_  
Adam Bertram, Secretary