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



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**Township Planner**  
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**Planning Assistant**  
Tory Niewiadomski

**Recording Secretary**  
Linda K. Parkinson

**PLANNING COMMISSION MINUTES**  
**MONDAY, MARCH 4, 2013**  
**7:00 p.m.**

The regularly scheduled meeting of the Dewitt Charter Township Planning Commission was called to order at 7:00 p.m. 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, Marsha Zimmerman, Kim Smelker, Tim Fair.

**MEMBERS ABSENT:** Trustee Steve Musselman

**OTHERS PRESENT:** Planning Assistant 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 February 4, 2013 Regular Meeting of the Planning Commission as presented. Supported. MOTION CARRIED.**

**CORRESPONDENCE:** Planning Assistant Niewiadomski reviewed correspondence dated March 3, 2013 from Katrina Boulton and Sandra Walling related to potential bed and breakfast project.

**PUBLIC COMMENTS:** Ron Clark, representing E.T. MacKenzie Company, 4248 W. Saginaw Highway, Grand Ledge, MI 48837, introduced himself to the Planning Commission members. He stated he will be representing E.T. MacKenzie Company for their request listed as Item I. under New Business.

**UNFINISHED BUSINESS:**

**I. PUBLIC HEARING – Request for Special Use Permit, 13-990001 from Theresa Alvarado** to be allowed to operate a twenty (20) bed adult foster care facility on property located at 11525 Wood Road, DeWitt, MI 48820, south of Round Lake Road, north of Howe Road, in the southwest ¼ of Section 2 of DeWitt Charter Township.

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

B. Administrative Comments/Applicant Comments/Public Comments.

Planning Assistant Tory Niewiadomski briefly reviewed staff's report advising that the applicant currently operates a six (6) bed adult foster care facility at the subject site. The request is to be allowed to expand to a twenty (20) bed operation.

The proposed site consists of two (2) adjacent parcels totaling approximately 13.2 acres. There are three structures on the site. The remainder of the property is used for agricultural purposes.

The site is zoned A (Agricultural). The surrounding zoning consists of A (Agricultural) to the north, south and west and MDOT Right of Way to the east. The area is designated on the Future Land Use Map as A (Agricultural). The surrounding land uses are residential in nature.

The applicant has submitted a very conceptual site plan. The nature of this request is to see if the use of a twenty bed adult foster care facility would be permissible on the subject property. At the time of Site Plan Review, the applicant is considering adjusting the lot lines to accommodate a parcel that would be approximately 4.65 acres. The remaining property south of the current residence would continue to be used for agricultural purposes. Construction for the addition to the existing residence would be done in two phases on the north side of the home and would accommodate the additional beds. The plan also indicates a circle driveway with parking on the south side of the site.

Niewiadomski went on to review a map indicating where other adult foster care facilities are located within the Township. There are 3 Family facilities (care for up to six residents), 2 Small Group facilities (care up to six residents), 5 Medium Group facilities (care for seven to twelve residents), and 3 Large Group facilities (care for up to 20 residents).

The 3 Large Group facilities are located on one parcel. Although this facility is zoned differently than the applicant's site, it is in a similar type setting as the subject site.

Niewiadomski noted that thirteen notification letters were sent out regarding the request. Staff has received three written comments back. Some of the concerns expressed in the letters were increased traffic, negative impacts on surrounding property values and incompatibility with the surrounding residential area.

Staff advised that the Clinton County Road Commission does not feel the use would cause a heavy demand. Further, there are no facts that substantiate a negative impact on surrounding property values. Lastly, the Michigan Zoning Enabling Act requires that adult foster care facilities are to be permitted in all residential zoning districts.

Dailey noted the applicant has been operating a 6 bed facility for some time. He questioned if there have ever been complaints regarding the operation.

Niewiadomski stated he is not aware of any complaints being filed related to the current operation.

Niewiadomski gave a brief overview of staff's comments related to the criteria, Basis for Determination for Special Use Permits, as listed in Section 42-1067 of the Zoning Ordinance (see pages 6 and 7 of staff's report dated 2-27-13). It is staff's recommendation that the Planning Commission recommend approval of the request to the Board of Trustees.

Theresa Alvarado, applicant, 11525 Wood Road, DeWitt, MI 48820, stated she is not interested in operating a community mental health facility. The intent is to run a facility that cares for seniors who can no longer care for themselves. The residents average approximately 1 ½ visitors a week per person. The number of employees would most likely be three at peak times. Therefore, increased traffic should not be a concern. She stated the proposed addition will be designed to look like a large residence. She does not feel it would negatively impact surrounding property values. She has spoken with a couple of her neighbors that are in favor of the proposed request.

Fair questioned why the applicant would like to expand to twenty (20) beds.

Alvarado stated there is a need for this type of care. Also, she feels adding an employee(s) would make it easier to care for the residents, such as moving them around, etc. However, it would be cost prohibitive to have additional employees with only six residents.

Gobbo questioned if the applicant intends to fence the property, if anyone has ever wandered away from the facility and what would she anticipate traffic to be on a daily basis.

Alvarado stated she does not intend to fence the entire property. Also, she has no desire to care for dementia patients who might be a flight risk. She has never had a patient wander off from the premises. She stated there might be maybe 4 or 5 cars a day counting employees and visitors.

Bertram asked the applicant to explain the difference between a community mental health facility and an adult foster care facility.

Alvarado stated she is only interested in caring for the elderly rather than patients who have mental health issues.

Dailey questioned if the applicant intends to have signage on the site, has she ever had complaints from neighbors and does the applicant live at the residence.

Alvarado stated she does not intend to have signage as she does not want to attract anyone to a home with a vulnerable population. She wishes to have the facility look like a house within the neighborhood. She would provide a sign only if required by the Township. There have never been complaints from the neighbors and she resides at the current facility.

Chairman Keilen invited public comments.

Gloria Pumfrey, 11630 Wood Road, DeWitt, MI 48820, expressed concerns with increased traffic and safety. She moved to her home because of the country setting and has concerns with a commercial use going across the street from her.

Brief discussion followed regarding the current entrance of the facility and the fact that the Road Commission might possibly require a deceleration lane near the driveway.

Mary Harvey, 11380 Wood Road, DeWitt, MI 48820, questioned what would happen if the applicant no longer lives on the proposed site and another entity is running the facility.

Niewiadomski advised that the Special Use Permit would be required to be transferred to the new owners who would be subject to the same conditions.

Sharon Hetrick, 1885 Wilderness Drive, DeWitt, MI 48820, expressed concerns with increased traffic and residents wandering. It seems as if a twenty bed facility is excessive for a residential area.

Patricia Miller, 1915 Wilderness Drive, DeWitt, MI 48820, expressed concerns regarding traffic safety and negative impacts on property values. She would like to preserve the rural setting of the area. She stated, in discussions with surrounding neighbors, the majority of them were not in favor of this request. Many of them were unable to attend the Public Hearing.

Gobbo questioned if there was a separation requirement for adult foster care facilities.

Niewiadomski stated there is not a separation requirement.

Jeff Hetrick, 1885 Wilderness Drive, DeWitt, MI 48820, questioned what type of people would reside at the facility.

Alvarado stated she can delineate the type of residents she would like to serve. It is her intent to care for both short and long term patients. She is not interested in caring for memory care or community mental health patients. She does have approval to care for Alzheimer's patients. However, she will not accept them if they are a flight risk.

Brief discussion followed regarding the training qualifications of the staff at the facility.

Sharon Hetrick, 1885 Wilderness Drive, DeWitt, MI 48820, questioned the ratio of patients to caregivers.

Alvarado advised that staffing ratio varies from daytime to nighttime. Twenty patients would require 3 caregivers during the day and 2 caregivers for nighttime. In addition, there may be a cook on staff during the day to prepare meals.

Gobbo questioned what the increased square footage of the facility would be with the proposed addition.

Alvarado stated her current square footage is 1,800 feet, without the basement. The proposed addition would bring the total square footage up to approximately 5,024 feet.

There were no further public comments.

- C. Close Public Hearing. **Fair moved to close the Public Hearing at 8:02 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Fair noted that Condition 2) of the Basis for Determination states that the request must be harmonious with the existing or intended character of the general vicinity. He could support a ten (10) bed facility. However, twenty (20) beds would seem to exceed the character of the surrounding residential area. In addition, the adverse comments from the surrounding property owners should be considered.

Gobbo concurred with Commissioner Fair's comments. He does not feel a facility with twenty (20) patients and staff 24 hours a day 7 days a week would be compatible with the existing residential character of the area. He further noted that the site does not have public utilities available.

Dailey stated he appreciates that there is a need for this type of facility. He feels a residential setting is a positive thing. He has driven past the proposed site and never had any idea that an adult foster care facility existed there. It appears as if the proposed addition would fit very well into a residential character of the area.

Zimmerman concurred with Commissioner Daily's comments.

Bertram stated he has definitely experienced first hand the benefits of adult foster care facilities. However, he does have concerns with bringing a commercial use of this size into an existing residential area. Increased traffic is a concern for him.

Smelker stated the traffic situation on Wood Road is already dangerous. She does not feel the proposed facility will contribute to the existing issue. She would like to know if the transfer of an existing Special Use Permit would require a Public Hearing.

Krol stated that the site plan has not yet been submitted. The decision before the Planning Commission is whether the use should be allowed. She does not see any indication that the actual use will not fit into the area. It is simply an expansion of an existing use. In addition, it seems as if other properties in the area are well buffered with vegetation.

Keilen stated the site seems conducive for the residents to be able to enjoy a less institutional setting. Further, the Mid-Michigan District Health Department will have to address the fact that no public utilities are available, should the request be approved.

Brief discussion followed regarding the possibility of lowering the amount of beds being requested by the applicant.

Alvarado stated it would be cost prohibitive to decrease the number of beds from twenty (20) to twelve (12).

Bertram stated the issue he struggles with is requirement 2) of the Basis for Determination as to whether the request is harmonious with the surrounding area. Without seeing an actual site plan it is difficult to make this determination. If the Special Use Permit is approved, what discretion does that leave to the Planning Commission at the time of Site Plan Review.

Fair commended the applicant for operating her current adult foster care facility. However, a twenty (20) bed facility is significantly different from the surrounding single family residential uses.

Dailey noted the subject property is a very large lot where a reasonable small facility is proposed. The site is not in a platted subdivision with small lots.

**Dailey moved that the Planning Commission recommend to the Board of Trustees that they approve Special Use Permit 13-990001 from Theresa Alvarado to develop and operate an Adult Foster Care facility accommodating up to 20 residents, as described and defined in the application materials, on the property located at 11525 Wood Road. Approval is recommended on the following basis:**

- 1. Upon compliance with the conditions of the Special Use Permit, the plans will comply with the site plan review standards listed in Article V-Division 2 of the DeWitt Charter Township Zoning Ordinance to include review and approval of the final site plan by the DeWitt Charter Township Planning Commission.**
- 2. That the standards of the Basis for Determination listed in Section 42-1067 of the DeWitt Charter Township Zoning Ordinance have been met.**
- 3. That the requirements of the DeWitt Charter Township Fire Department concerning emergency access from Wood Road and fire suppression be addressed during Site Plan Review.**
- 4. That the requirements of the Clinton County Road Commission and Clinton County Drain Commission be met.**
- 5. That the applicant obtains from the Mid-Michigan District Health Department the appropriate reviews and permits for the on-site sewage disposal system and water well system prior to final site plan approval.**
- 6. That the applicant complies with the Land Division Act requirements.**
- 7. That the applicant complies with all other reviewing agencies.**
- 8. In addition to the conditions mentioned previously, the final site plan documents to be submitted to DeWitt Charter Township shall address**

**Landscaping and Bufferyard requirements listed under Article IX of the Zoning Ordinance as well as Off-Street Parking and Loading requirements listed under Article VII of the Zoning Ordinance.**

**Supported.**

**ROLL CALL vote on motion:**

**AYES: 5 NAYS: 3 (Fair, Gobbo, Bertram) ABSENT: 1 (Musselman)**

**MOTION CARRIED.**

**I. PUBLIC HEARING - Mixed Use Zoning Amendment 42.1** to amend the DeWitt Charter Township Zoning Ordinance to permit by special use a range of residential land uses to be combined or mixed with non-residential land uses in the O (Office), BL (Business, Local), BC (Business, Community) and BSC (Business Shopping Center) zoning districts.

A. Open Public Hearing. **Chairman Keilen declared the Public Hearing opened at 8:25 p.m.**

B. Administrative Comments/Applicant Comments/Public Comments.

Planning Assistant Niewiadomski briefly reviewed staff's memorandum dated February 27, 2013. The intent of the proposed amendment is to promote both residential and non residential land uses within the same building to create redevelopment and a more walk able community.

Gobbo noted he had suggested under Section VIII. Other Ordinance Provisions, that the word "repealed" be replaced. He does not feel the language is intended to repeal the existing ordinances but rather to "set aside".

Niewiadomski advised that Township Planner Jim Foulds did meet with the Township legal counsel regarding this proposed amendment. Legal counsel did feel strongly that the work "repeal" remain in the language of the document as it is typical language.

Lengthy discussion followed regarding possible changes in the grammar, punctuation and language of the proposed ordinance.

It was the consensus of the Planning Commission that staff should e-mail a copy of the proposed ordinance amendment to each Commissioner to obtain their individual suggested changes.

Chairman Keilen invited public comments.

There were no public comments.

C. Close Public Hearing. **Gobbo moved to close the Public Hearing at 9:05 p.m. Supported. MOTION CARRIED.**

D. Discussion and possible action by Planning Commission.

**Gobbo moved to postpone action on Proposed Ordinance Amendment 42.1 until the April 1, 2013 meeting to allow staff time to receive suggested changes to the document from Planning Commission members. Supported. MOTION CARRIED.**

**NEW BUSINESS:**

- I. Request for Special Use Permit, 13-990002 from E.T. MacKenzie to replace/renew Special Use Permit #07-990007 for removal of additional gravel material from the bottom of the lake and the expansion of the pit and lake to the southern property line as approved in Major Amendment #09-990003 on property located at 1300 E. Clark Road, 14700 Boichot Road, and 14732 Boichot Road, Lansing, MI 48906, south of Clark Road, north of Stoll Road, east of Old US 27, and west of Boichot Road, in the west ½ of Section 22 of DeWitt Charter Township.**

**Gobbo moved to receive Request for Special Use Permit 13-990002 from E.T. Mackenzie and set for a Public Hearing to be held on Monday, April 1, 2013. Supported. MOTION CARRIED.**

- II. Request for Rezoning, 13-880001 from Daniel Rathke to rezone approximately 3 acres of a proposed parcel from Industrial, Light to Agricultural to make the 13.79 acre proposed parcel zoned Agricultural so that the property may be used in its entirety for residential purposes on current vacant parcel 050-004-300-010-50 on W. Round Lake Road, DeWitt, MI 48820, south of Round Lake Road, north of the Looking Glass River, east of the City of DeWitt limits, and west of Old US 27 in the SW ¼ of Section 4, and NW ¼ of Section 9 of DeWitt Charter Township.**

**Gobbo moved to receive Rezoning Request 13-880001 from Daniel Rathke and set for a Public Hearing to be held on Monday, April 1, 2013. Supported. MOTION CARRIED.**

**EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.**

**REPORTS:**

- I. Trustee:**

Chairman Keilen and Planning Assistant Niewiadomski provided a brief report on the February 25, 2013 Board of Trustees meeting, due to the absence of Trustee Musselman.

- II. Zoning Board of Appeals:**

Commissioner Gobbo advised there was no Zoning Board of Appeals meeting held in February.

- III. Committees:**

Niewiadomski gave a brief update on the Non-Motorized Transportation Committee.

- IV. Staff: None.**

**DISCUSSION: Brief discussion regarding amending the Future Land Use Map near the vicinity of the Alvarado site (SUP 13-990001).**

**ADJOURNMENT:**



Fair moved to adjourn the meeting at 9:13 p.m. Supported. MOTION CARRIED.



Linda K. Parkinson, Recording Secretary



Adam Bertram, Secretary