

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



**Township Planner**  
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**PLANNING COMMISSION MINUTES  
TUESDAY, SEPTEMBER 4, 2012  
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 Smelker.

**MEMBERS PRESENT:** Bruce Keilen, Kim Smelker, Adam Bertram, Dale Dailey, Kristen Krol, Tim Fair and Trustee Musselman.

**MEMBERS ABSENT:** Steve Gobbo and Marsha Zimmerman.

**OTHERS PRESENT:** Planning Consultant Jim Foulds, Assistant Planner Tory Niewiadomski, Recording Secretary Linda Parkinson and Township Manager Rod Taylor.

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

**APPROVAL OF MINUTES:** **Fair moved to approve the minutes of the August 6, 2012 Regular Meeting as printed. Supported. MOTION CARRIED.**

**CORRESPONDENCE:** None.

**PUBLIC COMMENTS:** None.

**UNFINISHED BUSINESS:**

**I. PUBLIC HEARING - Request for Special Use Permit 12-990002 from Suzanne Hansen, for property located at 1171 E. Webb Road, DeWitt, MI 48820, Lot #2 of Forest Hills Subdivision, in the southwest ¼ of Section 10 of DeWitt Charter Township, to be allowed to operation a Group Child Care Home (7-12 Children) from her residence.**

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

**B. Administrative Comments/Applicant Comments/Public Comments.**

Planning Consultant Jim Foulds briefly reviewed staff's report dated August 28, 2012 pointing out the location of the site. The applicant is requesting a Special Use Permit to be allowed to operate a group daycare (7-12 children) from her home located at 1171 E. Webb Road, DeWitt, MI 48820. The applicant's property is zoned R3 (Residential Single Family). The surrounding zoning consists of R3 to the north, east and west and BC (Business, Community) to the south. The Future Land Use designation for the surrounding area is CC (Community Oriented Commercial).

Foulds noted Section 42-1139 of the Zoning Ordinance regulates the proposed land use requested by the applicant. Section 42-1139(1)a requires that group child care homes shall be located no closer than 1,500 feet to any other licensed group child care home, licensed adult foster care facility, licensed substance abuse treatment facility or community correction center. The applicant's home is located approximately 800 feet from the Rosewood Adult Foster Care facility located on Webb Road, west of S. US 27. It is staff's opinion that the 1,500 foot rule was created for residential areas, so that these facilities do not change the character of a residential neighborhood. It should be noted that the applicant's property abuts a commercial use and is designated for commercial development in the future. Further, a state trunk line separates the site from the existing foster care facility. Staff recommends the applicant request a variance to the 1,500 separation requirement from the Zoning Board of Appeals.

Staff recommends the 1,500 foot separation requirement be considered for an amendment at some point in the future.

Foulds advised the Zoning Ordinance also requires an outdoor play area including a 4 ft. to 6 ft. in height fenced perimeter. The applicant intends to construct the required fencing, as well as provide a parking plan.

Chairman Keilen invited the applicant to speak.

Suzanne Hansen, 1171 E. Webb Road, DeWitt, MI 48820, advised she only intends to provide daycare to her existing families. Two of her daycare mothers are expecting and would like her to care for their newborns. She will be requesting that her State Licensing Consultant allow only 2 or 3 additional children in her home. She stated that the square footage of her home will not allow for 12 children.

Fair asked if the applicant currently lives at the home and if she intends to continue living at the subject site.

Hansen advised that she currently resides at the home and intends to continue to reside there.

Dailey questioned if a fenced in play area is required for the applicant's current daycare with 6 children.

Foulds advised there is no Township requirement for a fenced play area for a home daycare with 6 or less children.

Chairman Keilen called for public comment.

Ken Kain, 12651 S. US 27, DeWitt, MI 48820, stated the applicant's property backs up to his. He spoke in support of the request.

- C. Close Public Hearing. **Hearing no further comments, Fair moved to close the Public Hearing at 7:15 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

**Fair moved that the Planning Commission recommend that the Board of Trustees approve Special Use Permit 12-990002 from Suzanne R. Hansen to operate a group day care home licensed for up to twelve (12) children on the property located at 1171 East Webb Road, DeWitt, MI 48820. Approval is recommended on the following basis:**

- 1. Upon compliance with conditions of the Special Use Permit, the plans will comply with the site plan review standards and special conditions of Section 42.1139 listed in the Zoning Ordinance.**
- 2. The property shall be subject to a final inspection by the Mid Michigan Health Department regarding compliance with the standards for an on-site sanitary sewer system.**
- 3. The standards of the Basis for Determination listed in Section 42.1067 of the Zoning Ordinance have been met.**

**Supported.**

Musselman questioned the number of caregivers required when caring for more than one infant.

Hansen advised she is allowed to watch 6 children without additional help. Once the additional children come into the home the caregivers will be herself and her daughter. The criteria for number of caregivers to children for a group daycare is not more than four children under the age of 18 months and not more than 8 children under the age of 3 years old.

Musselman questioned if the State of Michigan would regulate the applicant's daycare to assure the applicant's home contains the correct number of employees and children.

Hansen stated "yes".

**ROLL CALL vote on motion:**

**AYES: 7    NAYS: 0    ABSENT: 2 (Gobbo, Zimmerman)**  
**MOTION CARRIED.**

## **II. PUBLIC HEARING - DeWitt Charter Township 2013 Capital Improvement Plan.**

- A. Open Public Hearing. **Chairman Keilen declared the Public Hearing opened at 7:20 p.m.**
- B. Administrative Comments/Applicant Comments/Public Comments.

Foulds briefly reviewed staff's memorandum dated September 4, 2012. The Commission received the draft copy of the Capital Improvement Plan (CIP) at the August meeting to allow time for review. Township Manager Rod Taylor is present to make a presentation.

Rod Taylor, Manager, DeWitt Charter Township, 1401 W. Herbison Road, DeWitt, MI 48820, stated the Planning Enabling Act requires that, in the process of preparing for the 2013 Budget, a CIP be drafted. The CIP is a 5 year plan that looks at any needed public structures or improvements that should be undertaken within the next 5 years. The purpose of the document is to look at long term planning and also to balance public improvements and preserve the Township's infrastructure. The CIP document is required to be reviewed by the Planning Commission before it goes onto the Board of Trustees to be incorporated into the final budget.

Taylor stated the CIP document is put together by staff and reviewed by the ad hoc committee. This year Bruce Keilen has been asked to sit on the ad hoc committee to represent the Planning Commission.

Taylor went on to explain the criteria for ranking the individual items within the CIP document. He reviewed the individual projects listed in the CIP and stated he would be happy to answer any questions the Commission may have.

Hearing no Commissioner questions, Chairman Keilen invited public comments.

- C. Close Public Hearing. **Hearing no public comments, Musselman moved to close the Public Hearing at 7:25 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

Musselman stated the Township was rated recently by the standards of corps and received a financial rating of AAA. He commended Manager Taylor on his efforts.

**Musselman moved that the Planning Commission adopt the Resolution approving the DeWitt Charter Township 2013 Capital Improvement Plan. Supported.**

**ROLL CALL vote on motion:**

**AYES: 7    NAYS: 0    ABSENT: 2 (Gobbo, Zimmerman)**  
**MOTION CARRIED.**

### III. PUBLIC HEARING - Comprehensive Development Plan Update.

- A. Open Public Hearing. **Chairman Keilen declared the Public Hearing opened at 7:30 p.m.**
- B. Administrative Comments/Applicant Comments/Public Comments.

Township Planning Consultant Jim Foulds briefly reviewed staff's report dated August 29, 2012 advising the Michigan Planning Enabling Act (PA 33 of 2008) requires that governmental jurisdictions that have adopted a Master Plan review that document every five years to determine if amendments need to be made. Over the past year the Planning Commission and Board of Trustees have worked on establishing a review of potential amendments to the Comprehensive Plan. The potential amendments have been prioritized as follows:

1. Traffic Access Management
2. US 127 Overlay Zone Planning Area
3. Mixed Land Use Regulations
4. Non-Motorized Transportation Planning
5. Senior Housing and Continuum of Care Services
6. DeWitt Road/US 127 Gateway Corridor Improvements
7. Low Impact Development
8. State Road Corridor Sub Area Plan
9. Wind Energy Conversion

Foulds advised most of these amendments are relative to the Policy Section of the Comprehensive Development Plan and are already being worked on by the Township. Action for approval by the Planning Commission would be considered an amendment to the Comprehensive Development Plan and would be forwarded to the Board of Trustees for a corresponding resolution of agreement.

Hearing no questions or comments from the Commission, Chairman Keilen invited public comment.

Faye Hagy, 1745 E. Clark Road, Lansing, MI 48906, asked for an example of mixed land use. She further questioned where 1189 and 1201 E. Clark Road are located, as referenced in staff's memorandum and if they are related to the casino proposal for the Clark Corners site. Hagy questioned how the Highway Oriented Commercial Development (HC) designation differs from the Community Oriented Commercial (CC) designation. In closing, Hagy noted a sign in the community that states "Clinton County is Business Friendly.". She suggested there be a sign that also states "Clinton County is Neighborhood Friendly".

Foulds advised the intent of a mixed land use would be an addition to the existing commercial zoning districts that would allow additional land uses that are not currently permitted, such as residential land use. The properties on E. Clark Road are

immediately east of the existing Clark Corners property and does not affect any property on the south side of Clark Road. No discussions have taken place to extend the commercial boundary further east. The proposed amendments were discussed well in advance of any discussion for a casino. With respect to HC designation, it is related to on and off commercial trips corresponding to a highway interchange. The CC designation is related to neighborhood economic activity.

Musselman advised that the Township Supervisor is in the process of designing welcome signs into the community. He suggested Mrs. Hagy contact Supervisor Galardi with her idea.

Ron Balzer, 3450 E. Clark Road, Bath, MI 48808, stated the Board of Trustees recently had discussions regarding the establishment of a Corridor Improvement Authority (CIA). He questioned if the Clark Corners property is included in the CIA area. He went on to read a legal description printed in the proposal for the casino in Section 15 and asked for the exact boundaries of the legal description.

Foulds advised the Clark Corners property (northeast corner of Clark Road and S. US) is not included in the CIA area.

Chairman Keilen suggested Mr. Balzer provide the Township Assessor with the legal description in order to determine the exact boundaries of the property.

Brief discussion followed regarding the proposal for several different sites in the state of Michigan for a casino.

Foulds stated for clarification that it seems the conversation is getting two issues mixed together. The proposal for the amendment to the Comprehensive Development Plan deals with two parcels (050-015-300-010-00 and 050-015-300-020-00). These are the same parcels that have been discussed over the past year and a half regarding possible amendment to the Comprehensive Development Plan from CC to HC. They are located directly east of the Clark Corners commercial development. The casino proposal is separate.

Balzer requested the Planning Commission postpone action on this item until it can be confirmed where the boundaries are of the property mentioned in the casino proposal.

Chelsea Martin, 13280 Turner Road, DeWitt, MI 48820, questioned if a casino could still be constructed on the Clark Corners property if the future land use designation for the properties immediately east were not changed to the HC designation.

Foulds stated there is no relationship between the casino proposal and the proposed amendment to the two parcels immediately east of Clark Corners. Any linkage would be purely coincidental. Further, before any commercial use could be placed on the two parcels, the property would have to be rezoned which would require public notification.

Keilen stated he has been on the Planning Commission for over 15 years and remembers talk of re designation of the property immediately to the east of Clark Corners to be used for future expansion of the retail mall.

Rebecca Stimson, 1841 E. Clark Road, Lansing, MI 48906, stated she feels there is a relationship between the proposed amendment to the Future Land Use Map and the proposed casino. If the Planning Commission does not approve the proposed change in the Future Land Use Designation how can the property described in the casino proposal be used in that way.

Foulds stated it is his opinion that it is a property owners right to apply for a rezoning for any property they own for any zoning district, even though it may not conform to the recommendation of the Comprehensive Development Plan. It is the charge of the Planning Commission and Board of Trustees to make sure the decisions that are made on rezoning petitions are as closely matched as possible to the recommendations of the Comprehensive Development Plan.

Stimson stated she feels the integrity of the residential community on Clark Road should be preserved. That did not happen in light of the most recently approved special use permit for an RV park at the southwest corner of Wood and Clark Road. Consideration of amending the two parcels immediately east of Clark Corners seems like a continuation of placing commercial development in the area, over protecting the character of the existing residential homes.

Musselman stated the Township's vision is to drive business onto the S. US 27 corridor rather than down Clark Road.

- C. Close Public Hearing. **Hearing no further comments, Musselman moved to close the Public Hearing at 8:10 p.m. Supported. MOTION CARRIED.**
- D. Discussion and possible action by Planning Commission.

**Fair moved to postpone action until the October 1, 2012 meeting, on the recommendations for the Comprehensive Development Plan update to allow time for clarification of the boundary lines of the property legal description called out in the proposal for a casino at the northeast corner of Clark Road and S. US 27. Supported.**

Dailey asked that staff clarify the boundaries of the legal description listed in the casino proposal and also provide more information regarding the process that the public can anticipate should the proposal be approved.

**ROLL CALL vote on motion:**

**AYES: 7    NAYS: 0    ABSENT: 2 (Gobbo, Zimmerman)**

**MOTION CARRIED.**

NEW BUSINESS: None.

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 August 13, 2012 and August 27, 2012 Board of Trustees meetings.

**II.** Zoning Board of Appeals:

Assistant Planner Tory Niewiadomski gave a brief report on business conducted and action taken at the Zoning Board of Appeals meeting held on Wednesday, August 15, 2012.

**III.** Committees: None.

**IV.** Staff:

1. Presentation and Update on Traffic Access Management Plan recommendations.

Foulds briefly reviewed staff's memorandum dated August 28, 2012. Staff's recommendation is to set a Public Hearing for November 5, 2012. The advisory committee has recommended an open house process be held approximately one week before the Public Hearing to allow property owners to come in and ask questions related to the potential impact on their property.

Musselman pointed out that much of the data within the document is fairly outdated. He requested that staff could include more current information.

**Fair moved to receive the proposed Access Management Plan and Ordinance and set for a Public Hearing to be held on Monday, November 5, 2012.**

2. Discussion – Regulation of Backyard Chickens.

Planning Consultant Jim Foulds advised that at the last meeting staff was directed to conduct some research on the regulation of chickens in residential districts. Currently, the Township does not allow chickens outside of the A (Agricultural) zoning district. Assistant Planner Tory Niewiadomski has compiled some information and will provide a presentation.

Assistant Planner Tory Niewiadomski advised that at a previous Board of Trustees meeting there were a few residents who expressed concern over the issue of keeping backyard chickens. The Board recommended the issue be referred to the Planning Commission for further discussion.

Niewiadomski briefly reviewed regulations of other jurisdictions related to backyard chickens, such as the number of birds allowed, whether roosters were allowed, if a permit is required, if enclosure is required, and property line restrictions. He further addressed the pros and cons of allowing backyard chickens. Should the Planning Commission be interested in implementing similar regulations, an amendment to the Zoning Ordinance would be required.

Niewiadomski noted that nearby Delta Township considered this type of regulation and decided to continue not allowing backyard chickens in any other zoning district except agricultural.

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Musselman stated an amendment to allow backyard chickens in residential areas would have a wide spread impact on the community. He feels this should not be determined without community input.

Krol stated she would like the Planning Commission consider an amendment to the ordinance.

Fair stated he has no problem with chickens being allowed in the residential areas. However, he has none in the vicinity of his residence.

Keilen stated this is an issue that would take more than one evening to discuss. He questioned if it would be the best use of staff's time as they already have several tasks that they are working on.

Dailey stated he is particularly sympathetic to the present work load of staff and feels this issue should not be a priority at this time. The Commission should respect the current work load and be sure that staff is working on the highest priority items.

Keilen concurred with Dailey's comments.

Krol stated she disagrees. She feels an ordinance amendment to regulate backyard chickens is a light enough task that it can be done amongst the current work load. She suggested staff present the recently adopted Bath Township ordinance so that it can be reviewed.

Bertram stated it would not be that simple. He feels it would be an extremely time consuming issue. It seems the percent of people interested in allowing chickens in residential areas is minimal in comparison to other tasks that staff is working on. This may also be quit a controversial topic for people who do not want chickens in their neighborhoods.

Smelker stated although the issue is important, she does not feel it should be ranked as a high priority over some of the other tasks mentioned.

Fair questioned the amount of time staff spent on the Bath Township ordinance amendment for backyard chickens.

Foulds advised the process took approximately 6 to 8 months. There was a large amount of community input.

Brief discussion followed regarding the items listed under the Public Hearing for the Comprehensive Development Plan. It was the consensus of the Planning Commission that the Planning Department is short staffed and has plenty of time consuming major tasks to complete. Amending the Ordinance to regulate backyard chickens is not a priority at this time.

**Fair moved to direct staff to further develop the regulations permitting chickens in residential zoning districts and present a draft ordinance at the October 1, 2012 Planning Commission meeting. Supported.**

**ROLL CALL vote on motion:**

**AYES: 2      NAYS: 5 (Musselman, Keilen, Bertram, Dailey, Smelker)**

**MOTION FAILED.**

Foulds stated he will convey the Commission's discussion to the Township Manager, with the thought of bringing ordinance amendment language back to the Planning Commission at an appropriate and reasonable time in the future.

DISCUSSION: None.

ADJOURNMENT: **Fair moved to adjourn the meeting at 9:00 p.m. Supported. MOTINO CARRIED.**

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Linda K. Parkinson, Recording Secretary

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Kim Smelker, Secretary