

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



Township Planner
Jim N. Foulds

Recording Secretary
Linda K. Parkinson

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PLANNING COMMISSION MINUTES
MONDAY, FEBRUARY 6, 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, Steve Gobbo, Kim Smelker, Kristen Krol, Adam Bertam, Tim Fair, and Dale Dailey.

MEMBERS ABSENT: Marsha Zimmerman and Trustee Musselman.

OTHERS PRESENT: Township Planner Jim Foulds and Recording Secretary Linda Parkinson.

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

APPROVAL OF MINUTES: **Fair moved to approve the minutes of the January 5, 2012 meeting as printed. Supported. MOTION CARRIED.**

CORRESPONDENCE: Eaton County Community Development Dept. – Text Amendment Request was received and noted by the Planning Commission. Staff will review and comment, if necessary.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

I. PUBLIC HEARING - Request for Special Use Permit 11-990008 from Mr. Ralph Mason, for property located at 1074 W. Webb Road, DeWitt, MI 48820 and 1080 W. Webb Road, DeWitt, MI 48820, both located in the southeast ¼ of Section 9 of DeWitt Charter Township, to be allowed to demolish the existing structure at 1074 Webb Road and construct an approximately 6,100 square foot adult care facility.

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

B. Administrative Comments/Applicant Comments/Public Comments.

Township Planner Jim Foulds briefly reviewed staff's report dated January 23, 2012 pointing out the location of the site. The applicant intends to demolish an existing residence on property located at 1074 W. Webb Road and construct an approximately 6,100 square foot, 12 unit adult foster care facility. It would be necessary to purchase approximately 25 ft. from the adjoining property to the east and approximately 37 ft of property from the adjoining property to the west in order for the proposed structure to meet setback standards.

Foulds advised the property immediately east of the subject site is an existing adult foster care facility that is currently licensed by the State of Michigan. The other surrounding land uses consist of Single Family Residential to the north and west, and Residential and Commercial to the south. The surrounding zoning consists of R3 (Residential Single Family) to the north, east and west, M-3 and Commercial to the south. The site itself is zoned R3. The proposed Adult Foster Care facility is allowed by Special Use Permit in the R3 Zoning District.

Foulds further stated the applicant will be required to obtain a new driveway permit from the Clinton County Road Commission. The Clinton County Drain Commissioner's Office has expressed no concerns. The Southern Clinton County Municipal Utilities Authority (SCCMUA) has noted several additional operation requirements that should be included in the proposed Special Use Permit. Finally, an on-site water supply permit must be issued by the Health Department and the Township must stipulate that the project cannot be served by a municipal water system.

Commissioner Krol questioned who owned the trees shown on the plans as being between the proposed site and the Getter property (1065 Ro Dic Don Drive. DeWitt, MI 48820).

Foulds stated perhaps the applicant could clarify the location of the trees.

Hearing no further questions from the Planning Commission members, Chairman Keilen invited the applicant to speak.

Ralph Mason, 1070 W. Webb Road, DeWitt, MI 48820, stated he and his wife currently operate a twelve bed adult foster care home on property adjacent to the proposed site. They have operated in harmony with the surrounding area for the last twelve years. The existing facility provides care specifically for Alzheimer patients. The focus of the facility is to offer a family environment rather than institutional.

Mason stated the proposed adult foster care home will be completely separate from the existing Rosewood facility. It will have its own identity and licenses. He provided a conceptual drawing of the new building pointing out the intent is to make it residential looking in nature with no signage.

Commissioner Fair questioned what the applicant intends to do with the existing house located at 1080 W. Webb Road.

Mason stated the house located at 1080 W. Webb Road will remain on the property and will be used as a home for the manager of the new facility.

Commissioner Bertram commended the applicant on the existing Rosewood facility. He asked if the applicant could clarify what type of care is provided in an adult foster care home.

Mason advised that Alzheimer patient care is a specialized part of senior care. There are three categories of licensing in the State of Michigan, Adult Foster Care, Home for the Aged, and Skilled Nursing. Rosewood and the proposed new facility would be licensed for Adult Foster Care. This consists of "assisted living" by providing 24 hour staffing, preparing meals, doing laundry and housekeeping for the residents. They do not provide medical care but do manage dispersing all medications and coordinating care according to any doctor's orders.

Commissioner Keilen noted a correspondence received from Joyce and Richard Getter of 1065 Ro Dic Don Drive, DeWitt, MI 48820 whose property is adjacent to the proposed site. Although many of their concerns would be better addressed during Site Plan Review, he asked Mr. Mason to briefly review their concerns and provide any related comments.

Mason advised he would be agreeable to providing trees on the rear of the site for buffering purposes. Mason advised they have never had an issue with parking lot noise. The parking lot is proposed to be located in the rear in order to maintain a residential character of the site. There will only be approximately 4 spaces provided in the rear. The rear of the site is also proposed to be fenced to avoid wandering by the residents. The only lighting for the parking lot would be a motion activated system.

Commissioner Dailey commended the applicant on their current facility and the service that they provide. The Township has held visioning sessions that placed encouragement of senior living facilities very high on the priority list. He noted this request includes that the Planning Commission consider granting a variance to the requirement to provide a sidewalk on the site. He is fundamentally not in support of granting a variance due to the fact that the Township is encouraging non-vehicular transportation. Furthermore, the surrounding area consists of many residences. Although the sidewalk may not connect to anything right now, it would in the future and construction has to begin somewhere.

Keilen concurred with Dailey's comments.

Mason stated he is in favor of sidewalks. However, should he be required to provide sidewalks on this site the west end would stop at a culvert and large group of trees. Mason further advised that when he developed Rosewood he set up an escrow account for sidewalks, should the Township decide to construct them. That account has yet to be used. Lastly, he pointed out a sidewalk exists on the south side of Webb Road and he feels that is adequate enough to serve the needs of the community.

There was brief discussion that the sidewalk variance request would be handled separately from the request for Special Use Permit.

Hearing no further comments or questions, Keilen invited public comments.

Jillian Peters, 2425 S. Wacousta Road, St. Johns, MI 48879, stated she is the manager at Rosewood. She has been employed there for five years. She expressed her support of the applicant and feels they are responsible and compassionate people who provide excellent care at their existing adult foster care.

Christine Sutton, 12958 Ontonagon Drive, DeWitt, MI 48820, stated she is a volunteer at Rosewood. She is very impressed with the quality of care they provide to the residents of the facility.

Kurt Krahulik, 8729 W. St. Joseph Hwy., Lansing, MI 48917, representing the applicant's engineering company, DC Engineering, stated all concerns expressed in the Getter correspondence have been addressed. Great attention has been given to the drainage from the proposed site.

C. Close Public Hearing.

Hearing no further comments or questions, Fair moved to close the Public Hearing at 7:40 p.m. Supported. MOTION CARRIED.

D. Discussion and possible action by Planning Commission.

Fair questioned if the applicant had a timeline for beginning the project.

Mason stated he would like to begin construction in April 2012 and have the facility occupied in October 2012.

Gobbo questioned the size of the existing adult foster care home and what size building is being proposed.

Mason stated Rosewood is 4,300 square feet. They are proposing the new building to be 6,100 square feet.

Keilen noted during several visioning sessions the topic of encouraging more senior care facilities in the Township was very high on the list.

Fair moved that the Planning Commission recommend to the Board of Trustees that Special Use Permit 11-990008 from Ralph Mason to operate an adult foster care home licensed for up to twelve (12) persons on property located at 1074 W. Webb Road, DeWitt, MI 48820, be approved. 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 the Zoning Ordinance.**

2. The standards of the Basis for Determination listed in Section 7.4.3 of the Zoning Ordinance have been met.

Supported.

ROLL CALL vote on motion:

AYES: 7 NAYS: 0 ABSENT: 2 (Zimmerman, Musselman)

MOTION CARRIED.

Township Planner Foulds briefly reviewed Ordinance 225.6 (Sidewalk Ordinance) stating there is a procedure for property owners to request a variance to the sidewalk requirement, based on the preponderance of lots or parcels within 1,000 feet that have sidewalks. The applicant has requested such a variance. It is the Planning Commission's charge to make a recommendation to the Board of Trustees as to whether the applicant meets the criteria that would allow for a variance to Ordinance 225.6.

Foulds advised there have been no sidewalk variances approved within the last five years. However, a three year deferment was granted to a business located on S. US 27 two years ago.

Dailey stated sidewalk systems are built piece by piece. The general area of the site is residential and it would be beneficial to the residents to have sidewalks. It was discussed at a joint meeting of the Planning Commission and the Board of Trustees that the Township has difficulty funding sidewalks. If variances are granted it would be even more difficult to provide a walk able community for its residents. Over the years he has seen several separate stretches of sidewalk that eventually become connected and are used by many.

Fair stated he understands Dailey's comments. However, if the applicant is required to construct sidewalks now, they will lead to nowhere and fall into disrepair. He suggested the applicant be required to provide sidewalks at the time that more development goes in at the corner of S. US 27 and Webb Road.

Foulds clarified there are two options within the Sidewalk Ordinance. The first would be a variance or elimination of the requirement. The second would be a deferment for up to three years. The applicant is requesting the first option. If the variance is approved, the only way sidewalks could happen in that area would be if the Board of Trustees orders them to be constructed and a special assessment would be allocated to all properties involved.

Gobbo stated there has been a long history of the Township wanting to have sidewalks constructed whenever possible. He noted that once the sidewalks are constructed, there is a responsibility to maintain them. He suggested the Township consider amending Ordinance 225.6 (Sidewalk Ordinance) to extend the three year deferment to a five year period, due to the current economic situation. He is not in favor of waiving the requirement because it makes no sense to have the regulation in place if it is not going

to be enforced. Gobbo stated not requiring sidewalks pose public safety concerns as well.

Discussion followed regarding the possibility of extending the deferment time from three to five years.

Keilen stated granting a sidewalk variance would be in conflict with recent discussions at a joint meeting of the Planning Commission and Board of Trustees.

Discussion followed regarding the cost for the applicant to construct sidewalks on the site being approximately \$9,000.00.

Bertram noted this cost does not include ongoing maintenance.

Mason stated there is no argument against public safety. Of course it is of the utmost importance. However, he questioned what the likelihood would be that more development would take place on the north side of Webb Road in the vicinity of the site. He would be very willing to participate in the construction of sidewalks at the time the Township feels the entire north side of Webb Road is in need of them.

Krol concurred with Mr. Mason's comments.

Dailey reiterated his position and stated the sidewalk requirement has been written into the Ordinance as an essential part of our community. If the Commission chooses to grant waivers, it might be better to just amend the Ordinance. He doubts that the majority of people would support such an amendment.

Brief discussion followed regarding the applicant's current escrow account for sidewalks on the frontage of Rosewood located at 1070 W. Webb Road.

Krol asked staff to reiterate the requirements for granting a waiver.

Foulds quoted from Ordinance 225.6 under Section V. Variances and Deferments A(ii) as follows:

"That the preponderance of lots or parcels of land on the street(s) within 1000 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."

Fair moved that the Planning Commission recommend to the Board of Trustees approval of the applicant's request for a variance to the requirement set forth in Ordinance 225.6 to provide sidewalks for property located at 1074 W. Webb Road, DeWitt, MI 48820. Supported.

ROLL CALL vote on motion:

AYES: 4 NAYS: 3 (Keilen, Gobbo, Dailey)

ABSENT: 2 (Zimmerman, Musselman)

MOTION CARRIED.

NEW BUSINESS:

- I. **Rezoning Request 12-880001 from Michael McGraw**, for a vacant parcel located in the vicinity of Ridge Rock Subdivision, east of Airport Road, west of Schavey Road, south of Herbison Road, north of Clark Road, in the southwest ¼ of Section 18 of DeWitt Charter Township, to rezone approximately 22 acres from R3 (Residential Single Family) to R5 (Residential Single and Two Family).

Fair moved to receive Rezoning Request 12-880001 from Michael McGraw and set for a Public Hearing to be held on Monday, March 5, 2012. Supported. MOTION CARRIED.

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS:

Christine Sutton, 12958 Ontonagon Drive, DeWitt, MI 48820, spoke in support of sidewalks on Herbison Road.

Fay Hagey, 1745 E. Clark Road, Lansing, MI 48906, questioned what future uses are being considered for the property immediately east of the Clark Corners shopping plaza.

Foulds advised both Clark Corners and the property immediately east are owned by the same entity. At some point in the future the owners would like to see a use similar to Clark Corners that is more highway oriented commercial on the vacant property.

REPORTS:

- I. Trustee:

Trustee Musselman was not present to provide a report.

- II. Zoning Board of Appeals:

Commissioner Gobbo stated there was no Zoning Board of Appeals meeting held in January.

- III. Committees: None.


- IV. Staff: None.


DISCUSSION:

Brief discussion regarding correspondence received from two residents who attended the January 5, 2012 Planning Commission meeting.

ADJOURNMENT:

Fair moved to adjourn the meeting at 8:30 p.m. Supported. MOTION CARRIED.


Linda K. Parkinson, Recording Secretary


Kim Smelker, Secretary