

**Alaiedon Township Planning Commission Meeting Minutes**  
**Planning Commission Special Meeting**

January 21, 2019

The Alaiedon Township Planning Commission met Monday, January 21, 2019 at the Alaiedon Hall for a work session.

The meeting was called to order by Vice Chairman Roger Cook at 7:07pm.

Roll call was taken. Present were Roger Cook, Beth Smith, Kim Hafley, Bill Schneider, Matt Oesterle and Barb Kranz. Absent was Laurie Koelling.

Attorney Tom Hitch from the McGinty Law Firm, township attorney and Mark Eidelson of LandPlan Inc., township zoning consultant were also present.

Matt Oesterle made a motion to approve an amended agenda moving public comment after Item One. Roger Cook seconded. Motion approved.

Beth Smith made a motion to approve the Planning Commission meeting minutes from the January 7, 2019 meeting. Matt Oesterle seconded. Motion approved.

Beth Smith provided an overview of the procedure for the workshop session. She explained the public comment for both items being discussed has occurred and the purpose of the meeting is deliberation and to make recommendations for the Alaiedon Township Board of Trustees. She stated the public would have an opportunity to make public comment at the Board of Trustees meeting where recommendations are considered.

**Discussion on a zoning ordinance amendment to incorporate pet day care into the zoning ordinance.**

The Planning Commission reviewed the proposed draft amendment to the zoning ordinance. All members were in agreement of adding "Pet Care" businesses as an approved use with a special land use permit for I-1 zoning.

Beth Smith moved Mark Eidelson make changes based on feedback from tonight's discussion and the Planning Commission will proceed on scheduling a public hearing. Edits include:

- add "special use" prior to "permit" in Section 10.13.B.7.
- add "special use" prior to "application" in Section 10.13.B.12.
- add solid fence along for outdoor areas to deter barking. Have the fence requirement the same for all zoning areas.
- eliminate special lot size requirement.

Barb seconded. Motion passed. Mark will updated proposed amendment to Virginia in the near future.

**Public Comment**

Deb Dansby from Dog Gone Fun. Deb commented that the solid fence is a good choice to limit barking as dogs don't bark as much at things they can't see. Deb asked about the process going forward. Tom Hitch commented that Deb would be able to see the revised draft amendment after it was delivered to

the Planning Commission and to check with Virginia regarding when the public hearing would be scheduled. Deb thanked the Planning Commission for moving this forward.

**Continued discussion and deliberation of a Special land use permit request by property owner Dart Energy Corporation for DBT Institute of Michigan to allow the property owners to maintain offices and operate a mental health counseling facility with up to 20 overnight residents**

Tom Hitch explained to public that during deliberation the Planning Commission can ask questions of the applicant for clarification, however the Special Use Applicant can't ask questions of the Planning Commission and the public can't ask questions. Tom also stated that the Planning Commission can make reasonable conditions if it helps address issues section 15.6 of the ordinance addresses the standards for approving the Special land use permit.

Tom also addressed that as part of this special land use permit process there have been questions to the Planning Commission (PC) and the Alaiedon Township Board (Board). He stated the legal opinion provided to the township is that the PC and Board members are not obligated to answer direct questions in a public meeting whether written or oral. Under Michigan Law, meetings are governed by the Open Meetings Act (OMA). By law OMA, calls for public comment where the individuals can make their opinions known. The public is not entitled to a specific answer to a specific question. In terms of information available under the Freedom of Information Act (FOIA). The public is able to obtain records and copies of public documents. The public is only entitled to documents that already exist and meet the definition of public records. FOIA doesn't require that public body create a new document. Hence on the advice of counsel – the PC and the Board have no obligation to answer specific questions.

Vice Chair Roger Cook offered the floor to DBTI. Eric Rosekrans – representing DBTI commented that they have tried to do everything they can do to provide information and address issues at hand and are ready to work with the township and neighbors.

PC asked numerous questions. DBTI responses follow:

*Please define full-service counseling center?*

Services include individual outpatient, psycho-educational groups, and intensive day treatment. Clients have access 24/7 to help in the moment. Looking to add residential to complete full service for clients that need more intensive care.

*Are you requesting 12 or 20 or beds?*

Initially asked for 12 beds and that is what the floor plan shows. However, we asked for 20 in case of additional demand.

*Why only women patients?*

Highest need is for middle-age women.

*What is the difference between an outpatient to one who stays overnight? Please describe that patient?*

DBT is geared for people who are suicidal. They are fighting depression. The objective of DBT is to reduce suicidal behavior. Both include group and individual therapy can address this. While residential

treatment is more intensive. Residential treatment is typically 4 to 6 weeks. These patients are not hurting others they are hurting themselves.

*There is nothing about lighting on the site plan. Is there a lighting plan?*

DBTI has hired architect that is familiar with Alaiedon Township ordinances.

*Has there been progress made on address change?*

Contact has been made with Consumers Energy. Initial response is positive, should have answer by the end of week of January 21.

*What about the traffic volume and flow?*

With current staffing traffic less than 20 people an hour. Unlikely more than 30 cars at any one time.

*How would you see traffic changing once residential on board?*

There would be 2 new staff and modest additional traffic for intake, discharge and occasional visitors

*Is there a physician on staff?*

No. There is no one who prescribes meds on staff.

*There is some confusion about security incidents at DBTI, can you clarify?*

If DBTI has a client threatening suicide, 911 is called. When the question was addressed at the public hearing regarding security it was in regards to violent incidents. DBTI has not had any incidents of violence and DBTI sent a letter to the township explaining the incident where the police were called -

*Tell us about security at the Dart Road facility?*

Employees must swipe key card to get in and out. Until residential facility is active, security system is self-audited. When residential facility is open, licensing bodies will perform security audits.

Do you have security training programs for staff and current security protocol?

Yes.

*Do you have full-time security guard on site?*

No, however, DBTI has security systems in place. The receptionist has to buzz clients back to therapists offices. DBTI also have records covered by HIPAA and these need to be secured at all times.

*Do you have adequate water and septic?*

Jason Burnett reported DBTI is working on this. DBTI may need dedicated well for fire and still awaiting reviewing the septic. PC recommended DBTI contact fire department regarding well requirements and potential access requirements for the residential side of the building.

DBTI representative noted if we grow, we will not grow this campus, we will open offices in other locations.

Vice chairperson Roger Cook identified four main areas of concern communicated from residents to the township:

1. Safety and security
2. Traffic
3. Lights
4. Property value

Tom Hitch stated that he wanted to address a phrase used in one of the questions whether “highest and best use” must be considered. He stated that is really a consideration for valuation. Case law is fairly clear that a zoning body is not entitled to consider “highest and best use.”

The PC engaged in further discussion about additional buildings, traffic, hours, lighting, retaining residential character, security, fencing and landscaping with the intent of identifying conditions to include in the recommendation to address some of the residents’ concerns.

PC noted that Master Plan indicates the area described in the SUP could be moved to residential or commercial zoning in the future. Additionally, there are several special land use permits on Dart Road.

Beth Smith made a motion to recommend the approval of the SUP to the Board with the following conditions:

1. Inclusion of adequate security system to protect those on the property and prevent patients from eloping.
2. No increase in types of services or intensity of patients - approved the following services coaching, outpatient client, group therapy, intensive outpatient and residential treatment. No addition of services or intensity of patients without returning for amendment to the SUP.
3. No additional buildings without returning for amendment to the SUP.
4. Continue to maintain residential appearance of property and building(s).
5. Landscaping and lighting to be approved at site plan review by Board.
6. All necessary licensures, approvals, accreditations, completion of necessary internal structural changes for residential service must be completed within 3 year of SUP being issued. If not completed, SUP expires for residential treatment and applicant must reapply for SUP.
7. If permission is available, change the address from Dart Road to Howell Road where the actual driveway is located.

Barb Kranz second. Motion carried.

#### **Public comment**

- Kim Stewart 595 Dart Road – Commented that she never heard how the SUP benefits her. She also inquired how Dart got away without sprinkler system in a 12,000 square foot building.
- Steve Shuptar 532 Dart Road – Expressed disappointment with the lack of written response, the process and lack of transparency. He also stated that multiple realtors noted if SUP approved, his property has no residential value.
- Karen Kinder 640 Dart Road – Expressed her concerns about lack of privacy.
- Deborah Corey 878 Dart – Expressed her concerns about losing the natural feel of Dart Road and the potential loss of property value.

- Steve Meyer 755 Dart Road – Expressed concerns about traffic all day long instead of just traffic in the morning and evening.
- Jennifer Shuptar 532 Dart – stated she felt the PC didn't defend property owners and expressed concern about property value.
- Patti Reeser 3017 Harper Road – Stated she was disappointed how quickly a decision was made and is very concerned about the potential change in traffic.
- Nate Morehouse 641 Dart Road – Asked if anyone looked to see if DBTI's other facilities are in residential areas?
- Merrick Morehouse 641 Dart Road – Expressed extreme disappointment at recommendation.
- Steve Shuptar 532 Dart Road - Stated we paid taxes, we had a dream to live in a rural community and it is a struggle to live with this.
- Deborah Corey 878 Dart Road – Stated our issues are to protect our investment, our properties and our neighborhood.
- Ken Paullin 951 Dart Road – Noted DBTI is a lockdown place and he is mad about the decision.
- Nate Morehouse 641 Dart Road – stated the SUPs in the area were small mom and pops scenarios out of their garage and not comparable to DBTI.

Beth Smith made a motion to adjourn. Matt Oesterle seconded. Motion carried.

Meeting adjourned at 9:00 pm.

Minutes respectfully submitted by Kim Hafley