

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
February 8, 2016**

APPROVED

**5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room, 7:00 P.M.**

PRESENT: Commissioners Cordill, DeGroff, Honicky, Ianni, Jackson, Opsommer, Scott-Craig,
Tenaglia (7:03 P.M.), Van Coevering
ABSENT: None
STAFF: Principal Planner Oranchak, Associate Planner Gmazel

1. Call meeting to order

Chair Scott-Craig called the regular meeting to order at 7:02 P.M.

2. Approval of agenda

Commissioner DeGroff moved to approve the agenda. Seconded by Commissioner Honicky.

VOICE VOTE: Motion carried 8-0.

3. Approval of Minutes

**Commissioner Cordill moved to approve the Regular Meeting Minutes of January 25, 2016.
Seconded by Commissioner Ianni.**

VOICE VOTE: Motion carried 8-0.

4. Public Remarks

Chair Scott-Craig opened public remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, requested the typographical error in the special use permit (SUP) number for the Fann's be corrected.

Timothy Ziegler, 1217 Ascot Place, Haslett, spoke in opposition to SUP #16021, as they live next door to the day care. He also was opposed to the additional traffic which would be created by this business, the noise created by the children and expressed concern with property maintenance.

Chair Scott-Craig closed public remarks.

5. Communications

- A. Kathleen Rogan, 5612 Ventura Place, Haslett; RE: SUP #16021 (Szuma)
- B. Larry & Lynne Ezzo, 5643 Ventura Place, Haslett; RE: SUP #16021 (Szuma)
- C. Carol Trojanowski, 5653 Ventura Place, Haslett; RE: SUP #16021 (Szuma)
- D. Beth Hubbell, 1158 Woodside Drive, Haslett; RE: SUP #16021 (Szuma)
- E. Gary & Sharon Dawson, 5611 White Ash Lane, Haslett; RE: SUP #16021 (Szuma)
- F. Carol Trojanowski, 5653 Ventura Place, Haslett; RE: SUP #16021 (Szuma)
- G. Linda Peet, 1181 Buckingham Road, Haslett; RE: SUP #16021 (Szuma)

6. Public hearings

- A. Special Use Permit #16021 (Szuma), request to establish a group day care home for not more than 12 children at 1211 Ascot Place, Haslett, MI

Chair Scott-Craig opened the public hearing at 7:12 P.M.

Associate Planner Gmazel summarized the SUP request as outlined in staff memorandum dated February 1, 2016.

- Applicant

Alyssa Szuma, 1211 Ascot Place, Haslett, offered her credentials which qualify her to serve as a day care provider. She indicated, weather permitting, the day care children are taken outside one hour twice per day, adding she has a fully fenced in yard to keep the children safe, a requirement of the state. Ms. Szuma noted she has a wait list for parents who wish to enroll their children in her Montessori styled program, and there is clearly a need for this group home in the Haslett area. She added she was evaluated by the state and was rated as a three star program through the Great Start to Quality, which means she offers high quality care. Ms. Szuma clarified she has changed her hours for her Monday through Friday care from 6:30 AM until 6:30 PM, which will allow neighbors their private evening time.

Tammy Heilman, 5529 Strawberry Lane, Haslett, spoke in support of both special use permit requests on the agenda for group day care homes. She stated she has 40 years of background in early childhood development and is an early childhood consultant in the Office of Young Children as part of the Michigan Department of Education's Office of Great Start. Ms. Heilman explained her office rates day care programs as part of the Great Start to Quality system, and Ms. Szuma is the highest home rated program in the Haslett area. She clarified the difference between child care programs and preschool programs. She noted there are only four (4) family providers licensed in Haslett (Ms. Szuma is one of the four (4)) and twelve (12) family providers licensed in Okemos (Ms. Fann is one of the twelve (12)). Ms. Heilman stated there is a lot of center based care in Haslett and Okemos, adding a number of children do not do well in larger settings and need a smaller program which family child care providers can offer.

David Namie, 5608 Ventura Place, Haslett, voiced opposition to the special use permit request. He stated a day care was previously housed at this location and listed several problems experienced by neighbors. Mr. Namie believed the day care, run as a business, would be better suited in a commercial location, and should not be placed in a quiet neighborhood. He did not believe this location to be the place for a day care center, alleging he has a right to the peace and quiet use of his home. Mr. Namie offered scenarios regarding potential litigation which could result if this special use permit is approved.

Larry Ezzo, 5643 Ventura Place, Haslett, spoke to safety concerns with traffic at the "T" intersection of Ascot and Ventura during drop off and pick up of children attending the day care. He expressed opposition to this business in a quiet residential location. Mr. Ezzo objected to the characterization of the drop off and pick up times as staggered, stating he was unsure the applicant could "dictate" when customers come and go.

Leonard Provencher, 5824 Buena Parkway, Haslett, objected to the depiction in the staff memorandum that two staff members would be on site "at all times" since this is not a 24 hour operation. He requested specificity as to the hours of operation. Mr. Provencher believed no property violations for the subject site is not proof the applicant maintains the property consistent with the visible characteristics of the neighborhood. He inquired if a three (3) foot fence for the playground area is sufficient to contain children of varying ages. Mr. Provencher questioned if there was egress from the playground area to a safer area

“should something come up. (e.g., house on fire).” He expressed concern there are no handrails for step down off the deck. Mr. Provencher asked if the small dogs be contained during hours of operation. He inquired if there were fire extinguishers on site, where they were located, if they are regularly inspected and certified and if day care personnel have been trained in their use.

Eric Fann, 4628 Manitou Drive, Okemos, explained fire extinguishers and hand rails are regulated by the state as is the amount of space required for a specific number of children. He noted the 30 foot driveway provides ample room for staggered drop off and pickup of the children. Mr. Fann voiced concern with comments made about how the previous occupant ran the day care program as it is not reflective on this applicant. He added the applicant’s designation of three (3) stars in the Great Start to Quality Program is indicative of her desire to run an exemplary program needed in the Haslett area.

- Planning Commission discussion:
Commissioner Van Coevering asked if there was a restriction on the amount of toys allowed in the backyard.

Principal Planner Oranchak responded there is no such restriction.

Commissioner Van Coevering noted the question relative to the three (3) foot fencing mentioned earlier during public comment was in compliance with state standards. She addressed the issue of diversity of day care within the community, noting residents should have a choice between home day care center and a child development center. Commissioner Van Coevering indicated comments seem to indicate home day care may be less expensive than child development centers. She did not believe the traffic concerns to be substantial and if traffic becomes a problem, neighbors can report lack of compliance. Commissioner Van Coevering believed there is a need for this day care in the community and spoke in support of this special use permit request.

Commissioner Ianni reminded fellow Commissioners the Zoning Enabling Act (ZEA) states the Township shall issue the permit if five (5) conditions outlined in the staff memorandum are met. He noted staff has indicated the applicant has met all five (5) of the listed conditions for approval, so the Planning Commission has little discretion to consider other issues outside of what the state has indicated.

Commissioner DeGroff noted the applicant has indicated she does not intend to put up a sign. He inquired if she would have to ask for some type of permission if she later decided to put up a sign.

Ms. Gmazel clarified the applicant would be allowed to place a two (2) foot square sign affixed to the façade of her house, subject to approval of a building permit to install the sign.

Commissioner DeGroff asked if the Planning Commission could approve the special use permit with a condition that she not install the sign.

Principal Planner Oranchak responded staff will look into that issue and if such a condition is allowed, it will be placed in the resolution of approval.

Commissioner DeGroff added that as someone who drops children off at day care, he generally follows a schedule and did not view the staggered drop-off and pickup times to be problematic. He agreed with Commissioner Ianni that the Planning Commission does not have discretion to deny if all five (5) standards are met. He indicated neighbors' complaints about sidewalks not being cleared at all times is an allegation without evidence.

Commissioner Honicky recommended painting the six (6) foot privacy fence a dark color. He suggested an open house as a possible way for the applicant to connect with the neighbors in an attempt to undo the legacy damage created by the previous day care provider.

Commissioner Cordill inquired as to why the fencing to the west was only three (3) feet in height.

Ms. Szuma responded retaining the three (3) foot fence on the west side of the property was to not "section off" the neighbors, but have it be "in keeping" with the rest of the neighborhood. She explained the six (6) foot fence was already in place so they finished off that side with six foot fencing. Ms. Szuma added she has plans to paint the fence this Spring. Ms. Szuma noted she sent out a letter to 20 surrounding neighbors introducing herself, telling them about her program, and invited them to her home. She indicated she wants to be on good terms with her neighbors and was willing to make a concession regarding no signage.

Commissioner Cordill recommended an additional foot in height for the fence on the west side of her property. She explained she lives close to a home child care and was unaware there were 12 children at the child care location until a flyer indicated so. Commissioner Cordill believed a higher fence would buffer more of the sound.

Commissioner Jackson explained one of the most pleasant sounds she hears in her neighborhood over the last 29 years of residing in Meridian Township is the sound of young children playing outside. She noted aside from the fact the state regulates the day care environment, the day care operation is evaluated, trained and regularly visited by an agency which looks for the things a day care center should have. Commissioner Jackson believed Commissioners should feel comfort and confidence in the ~~types of programs~~ quality of care provided to these children.

Commissioner Jackson stated there are a lot of home based day care centers in Meridian Township and the SUP allows Township to review, vet and ensure expectations of the whole community are met. She added there are many home based businesses in Meridian Township and some exist without the benefit of a SUP. Commissioner Jackson asked the applicant how long she has been open.

Ms. Szuma replied she has been open in Meridian Township since the end of September, 2015, currently licensed for six (6) children, including 2 of which are her own children.

Commissioner Jackson asked the applicant if she is currently in the process of application to the state to increase the number of children to 12. She noted the Township does not yet know if the state requirements for 12 children will be adhered to by the applicant.

Ms. Szuma responded she cannot officially apply for state approval until she receives approval from the Township.

Commissioner Jackson requested clarification if there would be two (2) caregivers for the 12 children.

Ms. Szuma explained the maximum state ratio of one caregiver/teacher for every six (6) children.

Commissioner Jackson asked if the children were strictly of preschool age.

Ms. Szuma replied that while she will be licensed to accept children up to the age of 12, her program provides for children up to 5 years old. She noted she has the right, as program manager, to stipulate which children she receives into her program.

Commissioner Jackson commented she believed the height of the fence around the playground correlated with the children of preschool age.

Commissioner Jackson addressed the traffic situation for a corner house on a short block. She spoke to the use of the driveway for parking by her additional staff person and the parents dropping off and picking up their children.

Ms. Szuma explained her preference for parents to park in the driveway as a safety issue. She noted her handbook states a parent must walk their child to and from her door. Ms. Szuma added they are a one car family, and that car is driven to work each day.

Commissioner Jackson stated harmony with the rest of the neighborhood was reviewed by staff through evaluating the complaints lodged by neighbors and the resulting violations issued. She noted no known complaints have been registered for this property.

Commissioner Opsommer indicated he looked at the applicable section of the ZEA which provides townships with the criteria to issue SUPs for this use. He requested staff examine SUPs for some other day cares in the Township. Commissioner Opsommer suggested reasonable conditions relative to the traffic concerns expressed during public comment be included in the resolution for approval.

Commissioner Van Coevering stated several letters contained in the packet were supportive of the day care, but not supportive of any signage. She suggested inclusion of a condition relative to no signage, if appropriate. Commissioner Van Coevering encouraged neighbors to be the "eyes and ears" relative to code compliance.

Commissioner Jackson encouraged the applicant to pursue approval through the Ingham County Road Department (ICRD) for signage which states children at play.

Commissioner Cordill stated a sign on the house may be helpful so that people are aware of children in that location.

Chair Scott-Craig voiced appreciation for comments from the public. He polled the Commission and ascertained approval when this SUP comes before the Planning Commission in two weeks.

Chair Scott-Craig closed the public hearing at 8:14 P.M.

- B. Special Use Permit #16031 (Fann), request to establish a group day care home for up to 12 children at 4628 Manitou Drive

Chair Scott-Craig opened the public hearing at 8:14 P.M.

Associate Planner Gmazel summarized the special use permit request as outlined in staff memorandum dated February 1, 2016.

- Applicant

Jacqueline Fann, 4628 Manitou Drive, Okemos, clarified an earlier comment stating there are other available properties outside of a residential area better suited for home day care by indicating family home licenses are only permitted in residential areas. She added that when she moved from Williamston, her licensed closed and she had to apply for a new one at the current address.

Eric Fann, 4628 Manitou Drive, Okemos, noted many of the issues are the same as the previous case. He indicated he and his wife offer an early childhood development program for children current aged six (6) months to five (5) years. Mr. Fann explained his wife operates under a contracted care agreement, one which is used as a sample by the state due to its thoroughness. He clarified the contract contains language which requires the parents to drop off and pick up within a 15 minute window and provides for staggered traffic at the site. Mr. Fann stated the first floor of the home is used for child care. He added that, as part of the Great Start to Quality Program, they voluntarily commit to monthly inspections.

Ms. Fann added that in the 14 years she has operated a group day care home, she has never had a complaint filed or violation issued.

- Public

Leonard Provencher, 5824 Buena Parkway, Haslett; objected to the use of staff being “on site at all times” contained in the staff memorandum. He inquired if the state or the Township takes precedent where the number of days in operation are concerned, since the state approved seven (7) days per week operation. Mr. Provencher voiced safety concerns with the open hand rail and low seating. He inquired about the dog and cats on site, noting the need to keep the sandbox covered to prevent cats from using it as a bathroom. Mr. Provencher asked if there are any requirements to carry business liability insurance.

- Planning Commission discussion:

Commissioner Honicky asked about the car currently in the driveway which is significantly damaged, indicating it to be an imposing attractive nuisance for children. He addressed the pile of 4 x 4s next to the garage and an old Christmas tree in the yard. Commissioner Honicky noted pictures provided in the packet of the deck and stairway show they had not been shoveled, culminating in an overall maintenance concern. He suggested a condition which requires the applicant to address and maintain the property in a high quality manner.

Ms. Fann explained her daughter was in a car accident, the car in the driveway is totaled and is to be towed tomorrow. She clarified the 4 X 4s next to the garage are part of the playground structure to be constructed, and the state requested these pieces of wood be

removed from inside the fence and stacked against the garage. Ms. Fann noted she has been in contact with Waste Management to remove the Christmas tree. She explained the pictures were taken over the weekend when no children are at the day care facility and shoveling is handled on a daily basis when children are present.

Commissioner Honicky inquired about the need to cover the sandbox.

Ms. Fann stated it is not a state requirement for the sandbox to be covered, but she looked into natural ways to keep the neighborhood animals away (e.g., use of cinnamon in the sand). She added she has indoor cats which do not go outside.

Commissioner Cordill expressed concern with the large space between the steps coming down off the deck.

Mr. Fann explained the state reviewed the steps and required a railing in order for the children to have something to hold on to while using the steps. He believed the distance to be approximately two (2) feet from the bottom to the top of the steps.

Ms. Fann explained the building code only required a hand railing on one side of the steps. She noted they made the railing a little larger for smaller hands to grasp the underside of the railing if needed.

Commissioner Cordill suggested the applicant go beyond the requirements as the one side is fairly open as depicted in the pictures.

Commissioner Jackson stated Great Start to Quality is a state run program for managing the quality of child care.

Ms. Heilman offered an explanation of the Great Start to Quality Program, noting it is Michigan's tiered quality rating and improvement system. She offered nearly every state in the nation has a quality rating system. Ms. Heilman explained that center or home based providers fill out a self-assessment survey to rate themselves relative to training, background, whether they have contracts, whether they operate below ratio, etc. with a rating of one (1) to five (5). She added Ms. Fann is currently in the process of obtaining her four star rating. Ms. Heilman indicated the Great Start to Quality is a voluntary program for licensed child care programs which has the benefit of working with an early childhood consultant on issues.

Commissioner Jackson stated one of the Great Start to Quality assessments noted the presence of animals, listing them by name. She believed the list suggested state professionals dealing with child care were not concerned about household animals in the child care arena. Commissioner Jackson specified parents had a choice of whether to place their children in a day care home knowing the presence of animals.

Ms. Fann explained paperwork for prospective day care clients must be filled out by parents, and within that paperwork are several issues which must be listed (e.g., firearms on the premises, immunizations, etc.). She noted when her licensing representative came to the home, she asked to see the animals and spent time assessing the animals' temperaments. Commissioner Jackson asked the applicants if they have communicated with their neighbors regarding the proposed day care.

Mr. and Mrs. Fann explained they introduced themselves to their neighbors and explained their intent for the property's use before an offer was placed on the home. Ms. Fann added that three (3) of the families within her neighborhood have enrolled their children into her program.

Commissioner Cordill observed this SUP request is for a single family low density (RAA) zoning designation whereas the previous applicant's property was zoned single family medium density (RA). She wondered if that was a distinguisher factor for more negative comments.

Principal Planner Oranchak explained both properties are in the same density category in the Master Plan. She explained most residential density categories have multiple zoning districts within them.

Chair Scott-Craig inquired if the days of operation are regulated, since the state approved days of operation at seven (7), while the applicant has requested a Monday-Friday operation.

Associate Planner Gmazel explained the ZEA uses a 24 hour period, so it does allow for weekends.

Chair Scott-Craig inquired what is meant by the verbiage "the local unit of government may limit but not prohibit operation of the home between the hours of 10:00 P.M. and 6:00 AM."

Ms. Gmazel explained it is up to the discretion of the Township.

Chair Scott-Craig addressed earlier public comment regarding liability insurance and assumed the homeowners policy covered it.

Mr. Fann stated their homeowners insurance required a rider for coverage of children in their care.

Ms. Fann further explained that if they operated the day care home without informing their insurance company, the homeowners insurance would be invalid if there was an incident.

Commissioner Jackson believed the SUP approval includes the hours of operation for this site. She held the applicant could operate 24 hours per day allowed by the state absent any conditions placed within the SUP.

Principal Planner Oranchak clarified if the applicants want to operate beyond what the state allows, they would come back to the Planning Commission.

Commissioner Opsommer clarified the ZEA specifically states the local unit of government may limit, but not prohibit, the operation of a group child care home between the hours of 10:00 P.M. and 6:00 A.M.

Chair Scott-Craig announced the Planning Commission will take a vote on this special use permit request at its February 22, 2016 meeting.

Chair Scott-Craig closed the public hearing at 8:55 P.M.

7. Unfinished Business (None)

8. Other Business

9. Township Board, Planning Commission officer, committee chair, and staff comment or reports

Commissioner Honicky outlined a recent Court of Appeals case involving a Williamston resident concerning the Right to Farm Act. He believed the Planning Commission may be faced with the issue of a mini urban farm again and, in so doing, the aforementioned Court of Appeals precedent should be a part of the Commission's discussion relative to manure and sewage runoff.

Commissioner Cordill pointed to a viewpoint article in last weekend's Towne Courier from a former Meridian Township Planning Commissioner.

Chair Scott-Craig reported the Township Board authorized signing of the Master Plan consultant contract at its January 26th Board meeting, pending review by the Township Attorney and staff. He announced he and several Planning Commissioners attended the dedication of the new central fire station on February 1st. Chair Scott-Craig attended the Economic Development Corporation (EDC) meeting last week where there was extended discussion of the CATA BRT, adding both the EDC and the Township Board will independently host a presentation on the BRT in the near future. He noted there was also a discussion of the brownfield proposal for The Square on Grand River and a sign ordinance update. Chair Scott-Craig added Planning staff will begin providing a list of development projects on a regular basis.

Chair Scott-Craig announced the January 28th Boards and Commissions Appreciation Event was held at the new Central Fire Station where a new award titled "Meridian Leadership Award" was given to recipient Commissioner Pat Jackson.

Commissioner Honicky requested McKenna Associates (consultant for the Master Plan) specifically articulate what it would take to obtain wage earner's housing in the Township.

Commissioner Van Coevering voiced her preference for CATA representatives to attend the presentations on the BRT in order for participants to obtain facts concerning the BRT.

Chair Scott-Craig added the CATA representative attended the January 26th Board meeting and indicated her willingness to meet with neighborhood groups in an effort for accurate information to be disseminated to Meridian residents.

Commissioner Opsommer believed the Township's role with the BRT would require the Planning Commission to hold a public hearing to act on a revision to the existing Meijer SUP, due to CATA's proposed use of a portion of the Meijer parking lot for a transit center.

Commissioner Jackson expressed her appreciation to staff for bestowing the Leadership Award on her. She noted the employees hired by the Township pay attention to and appreciate the work of volunteers.

A. New Applications

- i. Rezoning #16-14060 (Meridian Hospitality, LLC), request to amend voluntarily offered condition of Rezoning #14060 to develop the site as an “all-suites” hotel

B. Update of Ongoing Projects

- i. Site Plans Received – None
- ii. Site Plans Approved - None

10. Public remarks

Chair Scott-Craig opened public remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, stated he asked his earlier questions on the two (2) special use permit requests because staff and state agencies did not provide sufficient detail in the packet. He voiced appreciation to Commissioners for the time they dedicate to their work on the Planning Commission and suggested they consider running for the Board positions.

Chair Scott-Craig closed public remarks.

14. Adjournment

Chair Scott-Craig adjourned the regular meeting at 9:12 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary