

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
November 19, 2012**

APPROVED

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

PRESENT: Commissioners Cordill, Deits, Honicky, Jackson, Norkin, Scales (7:02 P.M.), Scott-Craig
ABSENT: Commissioners Goodale, Hildebrandt
STAFF: Principal Planner Gail Oranchak

1. Call meeting to order

Chair Deits called the regular meeting to order at 7:01 P.M.

2. Approval of agenda

Commissioner Cordill moved to approve the agenda. Seconded by Commissioner Scott-Craig.

VOICE VOTE: Motion carried 6-0.

3. Approval of Minutes

Commissioner Scott-Craig moved to approve the Regular Meeting Minutes and Work Session Meeting Minutes of October 22, 2012. Seconded by Commissioner Norkin.

VOICE VOTE: Motion carried 6-0.

4. Public Remarks

Chair Deits opened the floor for public remarks.

Gino Baldino, 1812 North College Road, Mason, spoke in support of Zoning Amendment #12020.

Chair Deits closed public remarks.

5. Communications (None)

6. Public hearings

A. Special Use Permit #12081 (Van Dusen), request to operate a child care center for no more than 12 children at 5972 Greenman Street, Haslett

Chair Deits opened the public hearing at 7:03 P.M.

- Introduction by the Chair (announcement of procedures, time limits and protocols for public participation and applicants)
- Summary of subject matter
Principal Planner Oranchak summarized the special use permit (SUP) request as outlined in staff memorandum dated November 15, 2012.
- Applicant

Ashley Van Dusen, 5972 Greenman Street, Haslett, indicated she learned today that the fence encroached on adjacent property, stating the fence existed prior to her occupancy of the building. She noted that her landlord indicated the fence was in place when he purchased the property. Ms. Van Dusen stated she lived and ran her daycare at the property to the south for two (2) years and the fence in question was in place at that time.

Ann L. Alchin, 5975 Cypress, Haslett, expressed concern with one full time and one part time employee supervising twelve (12) children. She addressed the noise factor of twelve children playing outside in the warmer weather within such a small yard.

- Planning Commission discussion:
Commissioner Cordill asked the applicant if Ms. Alchin has ever approached her regarding the noise level of the children when playing outside.

Ms. Van Dusen responded she has not. She clarified that at the present time, she only has a part-time employee as there are only three (3) children at the day care from 7:00 AM until 9:30 AM. Ms. Van Dusen noted the additional staff person is at the daycare from 9:30 AM until 5:30 PM, the entire time six (6) children are in attendance. She added state licensing requirements indicate there must be a full time employee for more than six (6) children. Ms. Van Dusen clarified that backyard dimensions are licensed by the State of Michigan and she met the criteria.

Commissioner Cordill wondered if the outdoor play area would not meet state standards if the fence on the adjoining property was removed.

Ms. Van Dusen responded she did not believe so as the screened porch is also considered outdoor play area.

Commissioner Cordill asked if the solid wooden fence was on the applicant's property.

Ms. Van Dusen responded the wooden fence belongs to a neighbor.

Commissioner Cordill inquired if the wooden fence abuts the applicant's yard.

Ms. Van Dusen responded the wooden fence was recently put up, and the neighbor abutted the wooden fence to a chain link fence, but the chain link fence needs to be taken down because it is rusted.

Commissioner Cordill asked the applicant if the combination of the two wooden fences create a solid fence for the edge of the applicant's property.

Ms. Van Dusen responded in the affirmative.

Commissioner Cordill inquired as to the height of the fence.

Ms. Van Dusen believed it approximately (6) feet.

Commissioner Cordill asked if the chain link fence abutted the yards on Cypress Street.

Ms. Van Dusen responded it does not, as the Cypress Street houses are blocked by the wooden fence.

Commissioner Honicky inquired as to who was responsible for the maintenance of the house.

Ms. Van Dusen responded it is technically the responsibility of the landlord; however, she has been taking care of the maintenance.

Commissioner Honicky inquired if it landlord was a property management company or an individual.

Ms. Van Dusen responded it is a property management company named Alan Park out of Fowlerville.

Commissioner Honicky asked the applicant about her sense of the responsiveness of the management company to her requirements or needs.

Ms. Van Dusen responded “zero.”

Commissioner Jackson inquired as to who owns the property on which the fence is located and does that property owner “have anything to say” on the encroachment of the fence.

Ms. Van Dusen believed the property owner is not aware of the encroachment.

Principal Planner Oranchak stated the property on the corner is undeveloped, and the surrounding properties are rental units. She believes the owners are not aware of the situation with the fence and staff is not aware of when it was installed.

Commissioner Jackson inquired if the Planning Commission was being asked, through this SUP, to “rezone” a portion of someone’s property.

Principal Planner Oranchak believed that a portion of the SUP process may require that the applicant install a new fence along the property line to insure the daycare center occupies only the lot which is the subject of the special use permit. She added staff will make inquiries to clear up this concern.

Commissioner Jackson added that the Township cannot sanction the use of this property in its current configuration.

Chair Deits clarified that the use of the property is not a condition of the special use permit.

Commissioner Cordill inquired of staff if the tenant has a right to use this rental property as a daycare.

Principal Planner Oranchak answered she has received approval from the owner to use the property for a daycare.

Commissioner Cordill expressed concern about the issue of maintenance.

Principal Planner Oranchak responded the applicant can also take care of the property herself. She added the states indicates one of the issues the Township can consider in the SUP process is the property being maintained consistent with the visual characteristics of the neighborhood, noting the applicant will ultimately be held responsible as the person holding the SUP.

Commissioner Scales requested clarification if the Planning Commission could even deal with the SUP without the fence being placed on the property line.

Principal Planner Oranchak responded the Planning Commission can hold a public hearing and reach some solution prior to approval. She noted the Planning Commission can also place conditions on the SUP approval to correct the placement of the fence.

Commissioner Scales asked if a condition could be placed on the SUP which states the SUP is issued conditioned upon correct placement of the fence on the proper property line.

Principal Planner Oranchak responded in the affirmative.

Commissioner Scales asked what is the State of Michigan's required ratio between children and staff.

Principal Planner Oranchak stated that for 12 children in day care, you need two staff people.

Commissioner Cordill expressed concern that a chain link fence would not be adequate, but would need some type of wooden fence which provides screening.

Commissioner Jackson inquired if there is sufficient footage as required by the state to contain the play area within the property line.

Ms. Van Dusen responded in the affirmative.

Commissioner Honicky inquired as to the applicant's understanding of the driveway and the separation between the two (2) driveways.

Ms. Van Dusen responded that she continues with the line from the fence because that is what has existed. She indicated she is unsure where the property line is located, but is using the survey from 1991.

Commissioner Honicky inquired of staff as to the requirement for separation of the driveways.

Principal Planner Oranchak responded it is typically a green space maintained two (2) feet on either side of the property line.

Commissioner Honicky inquired if during drop off and pickup, if the parents take the children out of the car and into the facility.

Ms. Van Dusen responded that all parents use the main driveway and bring the children to the back porch.

Commissioner Honicky inquired as to how many children arrive at one time.

Ms. Van Dusen responded she provided a schedule which shows how children are dropped off and picked up, noting they are mostly staggered as indicated.

Commissioner Honicky inquired who owned the car in the driveway this afternoon.

Ms. Van Dusen responded it is her employee's car.

Commissioner Honicky inquired if the garage is used to house a car.

Ms. Van Dusen indicated the garage is not used to house a car.

Commissioner Norkin inquired if the applicant would be amenable to a condition which restricts the noise emitted from children during outdoor play.

Ms. Van Dusen responded in the affirmative, but did express concern as to how she would guarantee the noise level of three (3) and four (4) year old children playing outside. She did offer to restrict the amount of time the children spend outside and shorten the length of times outside.

Commissioner Norkin inquired if the applicant could continue providing daycare for six (6) children in the event the Planning Commission does not approve the SUP.

Ms. Van Dusen responded she would be able to continue with only six (6) children.

Commissioner Norkin inquired as to the applicant's rationale for increasing the number of children in the day care to 12.

Ms. Van Dusen responded it would give her additional income. She added that under the current license for six (6) children, she has four (4) during the day, and two (2) which come after school.

Commissioner Norkin inquired of staff as to Township rules in place regarding noise.

Principal Planner Oranchak responded noise can be a nuisance issue, although the criteria provided by the state for review does not mention noise created by the children. She added the fact it is not mentioned in the Zoning Act as something the Planning Commission should consider leads her to believe it is something that the Commission cannot place a condition upon.

Commissioner Scott-Craig inquired if the drop off and pick up schedule would double with 12 children.

Ms. Van Dusen stated the schedule for 12 children would be dependent upon when the children are picked up.

Commissioner Scott-Craig noted the daycare schedule provided by the applicant has limited outdoor activity.

Ms. Van Dusen stated more time is spent outdoors in the summer, with many of the activities taken outside (lunch, arts and crafts, etc.)

Commissioner Jackson inquired if the applicant would have a problem conforming to the Township's sign regulations.

Ms. Van Dusen responded she took down the signs, but expressed confusion since she was told in a phone conversation with Township staff some time ago that she could have a real estate sign. She inquired as to what is the acceptable form of signage.

Chair Deits noted staff are the experts on that issue.

Principal Planner Oranchak added the Township ordinance does not speak to regulations for signage of day care establishments as a non-residential use in a residential district.

Chair Deits added it is important for Planning Commissioners to take into consideration this request is not like the usual SUPs because there are state standards which must be met, and if those standards are met, the Planning Commission must approve by state law. He advised the applicant not to have children on the other property for liability reasons.

Chair Deits closed the public hearing at 7:45 P.M.

B. Zoning Amendment #12020 (Township Board), request to modify C-1 district uses to allow physical fitness facilities

Chair Deits opened the public hearing at 7:45 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated November 15, 2012
- Planning Commission discussion:
Commissioner Norkin inquired if the Planning Commission had previously approved this request.

Principal Planner Oranchak answered it has not.

Commissioner Scott-Craig stated the map provided by staff shows only five (5) shaded areas of C-1 zoned property, three of which contain Seven Eleven stores. He inquired if Seven Eleven Stores were a nonconforming use.

Principal Planner Oranchak responded in the affirmative if they are operating 24 hours a day.

Commissioner Scott-Craig stated the vast majority of C-1 districts contain businesses which do not conform, so this request is not unreasonable.

Commissioner Scott-Craig inquired as to the current size of the business.

Gino Baldino, 1812 N. College Road, Mason, responded it is 3,700 square feet.

Commissioner Scott-Craig asked if the expansion would be in the same “strip.”

Mr. Baldino replied it is adjacent to the current business to the east and would add 900 square feet.

Commissioner Cordill inquired if there are instances in the Township where C-1 abuts residential uses, expressing concern with the hours of operation, stating she believed midnight too late to be open.

Principal Planner Oranchak responded many of them abut residential uses.

Chair Deits indicated midnight is currently in the ordinance.

Principal Planner Oranchak noted the Planning Commission could modify the ordinance to address any use which goes beyond the current hours of operation.

Commissioner Scales expressed concern that the business owner is being punished for an error made by the Township. He believed the Planning Commission should do whatever it can to aid and assist the owner in expanding his business, recognizing that he chooses to continue doing business within Meridian Township.

Chair Deits expressed concern with the definition of (9), stating he is uncomfortable with defining something by what it does not have. He stated his inclination would be for a limit in square footage.

Commissioner Jackson suggested limiting the type of associated activities to indoors.

Principal Planner Oranchak offered that when C-1, C-2 and C-3 were first adopted, size limitation presented a problem.

Commissioner Scales inquired if there have been complaints regarding this business.

Principal Planner Oranchak responded there have been no complaints.

Commissioner Scales believed it appropriate for the Planning Commission to revisit the ordinance which hampers the applicant from doing what he is attempting to do. He indicated a size restriction would be an excellent mechanism to “tier these off.” Commissioner Scales noted the least amount of restrictions would be the best, offering a five or six thousand foot limit would assist the applicant and be more inviting for businesses.

Chair Deits indicated the setbacks limit those businesses to be relatively small by definition in every C-1 area in the Township. He believed Commissioner Jackson’s suggestion to limit to indoors only is an impact that is highly appropriate. Chair Deits believed the problem becomes self-limiting and no ordinances are needed to define function or size.

Commissioner Honicky asked if the hours of operation are already acceded; they will be 24 hours.

Chair Deits responded he was only speaking to the square footage limitation, but they could certainly talk about the hours of operation.

Commissioner Honicky believed the 24/7 operation is the number one “stumbling block” in terms of the ordinance for C-1 as opposed to square footage. He could foresee when other businesses leave that the size of the facility could encroach to potentially 10,000 square feet.

Chair Deits responded he had no problem with that scenario.

Commissioner Norkin believed there was no better use or addition in our community than health facilities and fitness centers, announcing that leadership has been preaching for the last decade that residents need to get on the “fitness craze.”

Commissioner Jackson noted that by definition, C-1 zoning is close to residential. She added that one of the tools the Planning Commission has to monitor how C-1 use impacts the neighborhood is the special use permit process. Commissioner Jackson believed the Planning Commission should develop an amendment that defines the physical fitness centers in the C-1 district on the basis that the activities are all indoors and require a special use permit.

Commissioner Scales questioned whether the use should be restricted to indoors only, pointing out the new Douglas J development will have a roof top exercise area.

Principal Planner Oranchak stated outdoor uses are not allowed in commercial districts.

Chair Deits voiced his preference for a SUP for hours of operation beyond 6:00 AM until midnight.

Commissioner Scales inquired of Mr. Baldino for his preferred hours of operation.

Commissioner Cordill noted the types of C-1 uses are meant to cater to the neighboring residents, attempting to compare this type of use with what is already permitted by right.

Principal Planner Oranchak noted those include personal services establishments, banks, financial institutions, instructional centers, offices of professionals licensed by the State of Michigan, general offices, barber and beauty shops, hair shops, pharmacies, tailors, laundries, dry cleaners, restaurants and other eating establishments, retail merchandise establishments, etc.

Commissioner Honicky inquired if a special use is allowed solely for hours of operation, would it keep a pizza parlor from operating until 4:00 A.M.

Principal Planner Oranchak responded in the affirmative, unless they have a special use permit. She added an existing pizza parlor would be grandfathered.

Commissioner Jackson asked if the activity would be listed as a use allowed by right.

Principal Planner Oranchak responded in the affirmative.

Commissioner Scales asked the applicant for his preferred hours of operation.

Mr. Baldino responded the very name of Anytime Fitness indicates it is a 24-7 franchise operation, which allows individuals to work out at their convenience in a safe environment when their schedule allows. He noted his business has 500 members within a 3-5 mile radius of Meridian Township, and the expansion would make it more convenient for members. Mr. Baldino indicated there are professional nurses, and law enforcement personnel who utilize the services late at night because of work schedules.

Commissioner Scales suggested staff look into grandfathering Mr. Baldino's business since the Township made the error when issuing a certificate of occupancy in 2009 and the business has operated with no complaints.

Commissioner Norkin inquired if there have been any complaints regarding noise.

Mr. Baldino responded there have been none, as the new machines have earphones for music and the television monitor.

Commissioner Norkin inquired if there was loud music for group activities.

Mr. Baldino responded the facility is small enough so that there are no group activities.

Commissioner Cordill reminded fellow Planning Commissioners that any language change would apply to all establishments in the C-1 district.

Commissioner Cordill inquired as to when the majority of patrons used the facility.

Mr. Baldino stated the vast percentage of patrons use the facility between 5:00 A.M. until 9:00 A.M. and in the evening between 4:00 P.M. and 7:00 P.M.

Commissioner Scales pointed out that residents who use the YMCA before a typical work day go there at 5:00 A.M., and limiting Mr. Baldino's hours to 6:00 A.M. until midnight would be cutting into his business.

Chair Deits closed the public hearing at 8:19 P.M.

7. Unfinished Business (None)

8. Other Business

A. 2013 Calendar

Principal Planner Oranchak summarized the proposed 2013 meeting schedule as outlined in staff memorandum dated November 15, 2012.

Planning Commission and staff discussion:

- Inquiry if Thanksgiving falls between the two Planning Commission meetings
- Back to back Planning Commission meetings in November, 2013 due to Veterans Day
- Having Planning Commission meetings once per month would require a change in the Planning Commission's bylaws
- Planning Commission meetings once per month would create a burden on applicants
- Pre-application process where the applicant lays out the project does not have to be in front of the Planning Commission

- Concept plans are specific to the PUD process
- Consideration of holding a public hearing and making a decision during the same meeting on a regular basis
- Holding a public hearing and making a decision during the same meeting shortens the opportunity for concerned citizens to offer input
- Staff recommendation that canceling a Planning Commission meeting is easier than adding regular meetings to the established calendar when business needs to come before the body
- Number of regular Planning Commission meetings which were canceled in the last calendar year

Commissioner Jackson moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN as follows:

1. **The Planning Commission will meet for regular meetings on certain Mondays, January through December in 2013 in the Town Hall Room of the Meridian Municipal Building, 5151 Marsh Road, Okemos, MI 48864, 517-853-4560.**
2. **The specific dates for meetings are as follows:**

January	14 - regular meeting 28 - regular meeting
February	11 - regular meeting 25 - regular meeting
March	11 - regular meeting 25 - regular meeting
April	8 - regular meeting 22 - regular meeting
May	13 - regular meeting 20 - regular meeting
June	10 - regular meeting 24 - regular meeting
July	8 - regular meeting 22 - regular meeting
August	12 - regular meeting 26 - regular meeting
September	9 - regular meeting 23 - regular meeting
October	14 - regular meeting 28 - regular meeting
November	18 - regular meeting

25 - regular meeting

December 9 - regular meeting

16 - regular meeting

- 3. Meetings will begin at approximately 7:00 p.m.**
- 4. Special meetings of the Planning Commission may be called pursuant to the applicable statute.**
- 5. Regular meetings may be canceled, recessed or postponed by members of the Planning Commission pursuant to the applicable statute.**
- 6. A summary of this resolution stating date, place, and time shall be posted in the Meridian Municipal Building within ten (10) days after the first regularly scheduled meeting of the year in accordance with MCL 15.265.**

Seconded by Commissioner Cordill.

ROLL CALL VOTE: YEAS: Commissioners Cordill, Honicky, Norkin, Scott-Craig, Vice-Chair Jackson, Chair Deits

NAYS:None

Motion carried 6-0.

B. Phase II 2005 Master Plan Amendments – Energy Conservation

Principal Planner Oranchak summarized the 2005 Master Plan Goals and Objectives as outlined in staff memorandum dated November 15, 2012.

Planning Commission discussion:

- Strategy #6 is redundant to #4
- Need for clarification of Strategy #8 to designate projects undertaken by the Township
- Change Strategy #11 to read “Explore methods through ordinance or by providing incentives...”
- Deletion of Strategy #12 as it is not an energy issue
- Consideration of including language supporting and encouraging electric vehicle charging stations
- Research needed to determine whether all plugs for the trickle charge of electric cars are the same before the Township asks private property owners to have a method to charge electric vehicles
- System of charging the battery from stop to stop will decrease the life of the battery
- Commissioner belief it is the responsibility of the individual auto owner to determine whether it is appropriate to charge
- Change Strategy #7 to read: “Evaluate and implement, if economically and technologically feasible, the purchase of renewable energy and electric vehicle charging stations for Township facilities and encouragement of similar facilities elsewhere in the Township.

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

Chair Deits reported the Okemos Downtown Development Authority (DDA) will lose significant revenue when Meijer wins their lawsuit to reduce their assessment. He added the DDA may not have funding to meet its obligation for the streetlighting.

Chair Deits reported a newspaper article indicated Meridian Township was recognized as one of eight (8) most business friendly communities in the state for entrepreneurs.

Vice-Chair Jackson congratulated Commissioner Scales on winning his election bid for Township Trustee.

Commissioner Scales thanked the over 21,000 Meridian Township residents who participated in the general election and the 10,056 resident who voted to put him in office. He promised to work hard to gain the trust and support of those residents who did not cast their vote for him. Commissioner Scales expressed appreciation for the opportunity to work with the other Planning Commissioners and looked forward to working with them in a different capacity in the future.

Commissioner Norkin hoped Commissioner Scales would vote as an advocate to allow the Planning Commission to have a true voice in the planning of the Township.

10. New applications

- A. Special Use Permit #12081 (Van Dusen), request to operate a child care center for no more than 12 children at 5972 Greenman, Haslett
- B. Zoning Amendment #12020 (Township Board), request to modify C-1 district uses to allow physical fitness facilities

11. Site plans received

- A. Site Plan Review #12-08 (Kincaid-Henry Building Group) Douglas J Mixed Use Planned Unit Development

12. Site plans approved (None)

13. Public remarks

Chair Deits opened and closed public remarks.

14. Adjournment

Chair Deits adjourned the regular meeting at 8:50 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary