

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
May 19, 2014**

APPROVED

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

PRESENT: Commissioners Cordill, Deits, Hildebrandt, Honicky, Ianni, Jackson, Salehi, Scott-Craig, Van Coevering
ABSENT: None
STAFF: Principal Planner Oranchak

1. Call meeting to order

Chair Jackson called the regular meeting to order at 7:00 P.M.

2. Approval of agenda

Commissioner Cordill moved to approve the agenda. Seconded by Commissioner Hildebrandt.

VOICE VOTE: Motion carried unanimously.

3. Approval of Minutes

Commissioner Hildebrandt moved to approve the Regular Meeting Minutes of May 12, 2014 as amended. Seconded by Commissioner Scott-Craig.

VOICE VOTE: Motion carried unanimously.

4. Public Remarks

Chair Jackson opened the floor for public remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett, critiqued grammar and language contained in Zoning Amendment #13040 (add Adult Day Care Centers to the zoning ordinance). He offered several clarifications/amendments to the proposed revision of the Planning Commission Bylaws.

Chair Jackson closed public remarks.

5. Communications (None)

6. Public hearings (None)

7. Unfinished Business

A. Zoning Amendment #13040 (Planning Commission), amend multiple sections of the zoning ordinance to add Adult Day Care Centers

Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated May 15, 2014.

Planning Commission discussion:

- Appreciation to staff for the initial draft which is expansive and inclusive in order to apply to people of all ages who may be in need of day care services

- Adult care centers, family adult care homes and group adult care homes are the three adult categories contained in the proposed zoning amendment
- Federal and state funding is passed through Office of Services to the Aging (OSA) for persons 60 years of age or older
- Facilities which service persons who are under 60 years of age may receive funding from other sources
- Commissioner concern language which states “adult care centers are not licensed” is informational, not a regulation/rule and should not be included
- Commissioner concern that language which requires any organization which receives funds to adhere to the rules of the funding agency is not necessary and should be removed
- Commissioner preference to leave agency reference in the language as it is an agency which has regulations and standards
- Commissioner preference to add the word “day” back in the definitions
- “Day” was removed to align with the state definition and terminology in child care act and guidelines
- Hours of operation need to be defined to differentiate from 24-hour care
- Keeping the language which references compliance with state regulations allows the Township to issue an ordinance violation
- Township expectation that persons who run the center will comply with OSA standards
- Explanation of “an area agency on aging”
- As part of the SUP process, the Planning Commission can restrict hours for group child care and group adult care homes on a case-by-case basis
- State of Michigan states the Township cannot require a SUP for family child care homes; consequently, there is no method to place conditions on hours of operation
- State definition for a child care home states the hours of operation are less than 24 hours per day
- Township has no experience with a group home desiring to stay open 24 hours per day
- Definition of group adult care home
- Any group home will require a SUP
- Family adult care home is a use by right to care for up to six (6) individuals
- All child and adult day care centers would require a SUP
- More than six (6), but not more than 12 individuals in a family adult care home requires a SUP
- Adult day care center is a non-residential facility and should not have restricted hours
- Adult care home (by right in a residential area) should have no more than 18 hours of operation
- Change the family adult care home and group adult care home definitions to parallel the construction of the adult care center definition
- Family adult care homes are allowed in residential districts by SUP and must meet certain conditions
- Suggestion for definition 2 and 3 to state “means a non-residential care program operated in a single family dwelling”
- Alcohol and substance abuse rehabilitation facilities must be licensed by the state
- Meridian Township currently does not have an ordinance which addresses alcohol and substance abuse rehabilitation facilities
- Staff will research information on how an applicant would apply to locate an alcohol and substance abuse rehabilitation facility in Meridian Township
- Inquiry if alcohol and substance abuse facilities are specifically addressed in other parts of the zoning ordinance

- Request by the chair to extend an invitation to the applicant who springboarded this topic
- State of Michigan's Department of Industry and Consumer Services has changed to Department of Licensing & Regulatory Affairs
- Public hearing was held on this proposed zoning amendment on August 12, 2013
- Staff will consider the comments offered during public remarks
- Chair will entertain a second public hearing dependent upon the amount of change within the proposed ordinance

8. Other Business

- A. Compare approved rezonings to the 2005 Master Plan Future Land Use Map designations
Principal Planner Oranchak summarized the approved rezonings as outlined in the table contained in staff memorandum dated May 15, 2014.

Planning Commission and staff discussion:

- Status of the applicant's intent to split the property in Mixed Use Planned Unit Development (MUPUD) #13054 (Aldi/Eyde)
- Applicant has the ability to request a land split but cannot split the MUPUD unless they go through the zoning process again
- Future Land Use Map (FLUM) reflects allowed uses of the land
- Land for Map #1 (Case #02060) has a MUPUD overlay district, but the MUPUD should not influence the underlying rezoning
- Value in retaining the FLUM designation of residential 3.5-5.0 units/acre for Map #1(Case #02060) as it eliminates the "notion" commercial can locate on the property
- A few years ago, there was a mixed use designation on the Master Plan, but was changed with the 2005 adopted version
- Zoning ordinance currently states mixed use can only be placed in commercial and office
- Broader discussion of the FLUM in the future can entail whether certain sites should be designated for mixed use
- MUPUD does not revert to the previous zoning unless specifically stated in a condition of the approval
- Three examples of MUPUD's where the residential component filled quickly and the other designation was slow to occupy or never acquired tenants
- Suggestion to change Map #1 (Case #02060) to a commercial designation on the FLUM
- Map #1 (Case #02060), a MUPUD, was a transitional use which softened the commercial core with the multi-family areas to the north and west
- Changes in zoning occur which are contrary to the FLUM
- Circumstances can dictate that the proposed/current rezoning is more appropriate than the FLUM designation
- Inclusion of verbiage in the rezoning resolution as to why the site is more appropriate for the proposed designation than the current FLUM (e.g., traffic, surrounding land uses, etc.)
- Use of the FLUM as a guide when a rezoning request is before the Planning Commission
- In the case of Map #1 (Case #02060), FLUM should be updated to reflect the current zoning designation
- Two small parcels to the north of Map #1 (Case #02060) should not be left in "isolation" and should also be considered
- Parcel immediately to the north of Map #1 (Case #02060) is the Okemos Rehabilitation Center
- Second of the two small aforementioned parcels has floodplain and wetland issues

- Map #1 (Case #02060) is no longer zoned RAAA, but designated as C-2* (a conditioned rezoning)
- Suggestion to develop a category on the FLUM to address mixed use designations
- If a land split occurs for Map #1 (Case #02060), the two sites will forever be joined as a MUPUD unless rezoned in the future and the MUPUD condition is removed
- Preference to leave FLUM designation for Map #1 (Case #02060) as residential
- Property designations changed “post development” (e.g., parks, institutional properties)
- Use of a mixed use designation as a planning tool
- Suggestion to have a discussion regarding a zoning designation for parks
- Concern with being proactive in assigning MUPUD as a zoning designation prior to an applicant wishing to locate a mixed use there
- Minimal inconsistencies in zoning designations relative to the FLUM
- Suggestion to communicate with the Economic Development Corporation (EDC) for the Planning Commission to have prior knowledge of businesses looking to locate in the Township
- Planning Commission efforts to reconcile the FLUM with rezonings approved since the 2005 Master Plan
- Commissioner preference to defer action on this issue until the larger discussion is vetted
- Mixed uses come before the Planning Commission in various forms
- Individuals need to use the designations when planning and if the new category is titled “mixed use”, it would be easy for them to assume those designations on the FLUM are the only places the Township wants mixed use at that specific point in time
- Consensus to create a new category for Map #1, Map #4, Map #5 and Map #8 entitled “existing and pending mixed use”
- Consensus to change Map #2 from the current FLUM designation of office to RC (8-14 dwelling units/acre)
- Consensus to change Map #6 from the current FLUM designation of institutional to commercial and residential (1.25-3.5 dwelling units/acre)
- Consensus to change Map #9 from the current FLUM designation of office and commercial to RB
- Suggestion to use property on Map #3 when the Planning Commission discusses appropriate parcels suitable for potential mixed use
- Reminder to look at the parcel in context of the entire area for Saginaw Highway
- Consensus to discuss Map #3 and Map #7 at the next Planning Commission meeting

B. Proposal to revise the Planning Commission Bylaws

Principal Planner Oranchak summarized proposed revisions of Planning Commission Bylaws as outlined in staff memorandum dated May 15, 2014.

Planning Commission and staff discussion:

- Reminder that items which are sent to the Township Board from the Planning Commission do not require an appeal process as the Board makes the final decision
- No mention of an appeal process in the Michigan Planning Enabling Act (MPEA)
- Section 61 review does not require the Planning Commission to hold a public hearing or notice the public as it is not a project until a building permit or SUP is granted
- Any project must go through the site plan review process which is an appealable process
- Planning Commissioner request to add Section 61 reviews to Bylaw 6.2 as it is the first time the public is exposed to the project
- Planning Commissioner request to add Section 61 reviews to Bylaw 7.2, titled

“7. APPEALS, Commission Decisions” as the Township should hold itself to higher standards than the minimum ones provided in the PEA

- Concern with adding Section 61 reviews to Bylaw 7.2 as no one would have standing to file an appeal for a Section 61 review, as outlined in the recent circuit court decision for the Township (Autumn Park Condominium Association v. Meridian Township)
- Aggrieved person is defined in the Zoning Ordinance and is provided an appeal process on Planning Commission decisions regarding special use permits
- Request to add Section 61 review to the items listed in Bylaw 6.4a
- By statute, public hearings are not required for a Section 61 review and would be a moot point
- Public hearings previously held on Section 61 reviews have been for informational purposes, not required by statute
- Planning Commissioner preference to notice Section 61 reviews through a legal notice
- Cost associated with legal notices in the newspaper for Section 61 reviews
- Planning Commission agendas which contain a Section 61 review are posted on the Township’s website
- Section 61 reviews which are not acted upon within 35 days from filing are automatically approved according to the MPEA
- Planning Commission bylaws and policies are based on statutes and existing ordinances
- Township’s which conduct their own business are exempt from their own ordinances
- New central fire station process did not require any noticing whatsoever
- Concern with Planning Commission authority to grant an applicant additional appeal rights in Bylaw 7.2 beyond what is provided by statute
- Revised bylaws will undergo legal review prior to adoption
- Suggestion to revise Bylaw 3.A.4. by deleting “master plan” and inserting “planning process.”
- Ability of the Planning Commission to prepare and submit an annual budget request to the Director of Community Planning and Development as noted in Bylaw 3.D.1.
- Suggestion to amend language in the last sentence of Bylaw 5.8. by deleting “Commission” and inserting “Chair”
- Concern that placing public remarks before approval of the agenda and approval of minutes may preclude a member of the public from commenting on an agenda change the Planning Commission may make afterward
- Staff to provide information on the requirement for members of the public to identify themselves by name and address prior to presenting their comments as noted in Bylaw 5.11.b.6
- Consensus to move first public remarks on the agenda directly after call to order as it will allow the Planning Commission an opportunity to change the agenda or minutes based upon prior public remarks
- Planning Commission ability to add and remove items on the agenda
- A noticed public hearing placed on an agenda can only be removed at the request of the applicant
- Staff inquiry on the history of inclusion of language in Bylaw 5.11.b.8
- Public noticing requirement for a special meeting is posting the meeting 18 hours prior to the time of the special meeting
- Possible inclusion of the secretary as the person who chairs Planning Commission meetings in the absence of the Chair and Vice-Chair
- History on the origin of language in 8. Parliamentary Authority
- Planning Commissioners cannot take it upon themselves to reconsider a topic

- Township Board must approve Planning Commission reconsideration of a topic
- History on prohibition of Planning Commission reconsideration of a topic without Board approval
- Request for a Township Attorney's opinion on whether a failure to approve a motion is a denial
- Absent a Township attorney's opinion, Planning Commissioner request to have both a motion to approve and a motion to deny prepared for the same meeting
- Planning Commission must table an agenda item prior to taking a vote
- Ability of the Chair to ascertain if there are insufficient votes for approval of an agenda item and subsequently ask for a motion to table
- Taking an agenda item off the table requires a 2/3 majority vote of the Planning Commission
- Reminder that the Planning Commission's denial of a SUP request can be appealed to the Township Board by the applicant
- Consensus to amend Bylaw 5.14 by deleting "10:00 P.M." and inserting "three (3) hours after the meeting is called to order."

C. Resolution of Appreciation – David DeLind

Commissioner Deits moved to suspend Bylaw 5.14a to consider agenda items after 10:00 P.M. Seconded by Commissioner Hildebrandt.

VOICE VOTE: Motion carried unanimously.

Commissioner Ianni 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:

The Planning Commission of the Charter Township of Meridian, by means of resolution, extends to David DeLind grateful thanks for his voluntary effort on behalf of all members of the Meridian Township community during this period of service on the Planning Commission.

Seconded by Commissioner Cordill.

Planning Commission discussion:

- Commissioner DeLind's resignation due to work-related relocation
- Appreciation for the engineering expertise Commissioner DeLind brought to the Planning Commission

ROLL CALL VOTE: YEAS: Commissioners Cordill, Deits, Hildebrandt, Honicky, Ianni, Salehi, Scott-Craig, Van Covering, Chair Jackson

NAYS: None

Motion carried unanimously.

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

Chair Jackson reported three members of the Planning Commission and three members of the Township Board attend a productive meeting on the issue of the urban services management area (USMA) earlier today. She indicated at this point in time, the USMA will remain at the Board

level.

10. New applications (None)

11. Site plans received (None)

12. Site plans approved (None)

13. Public remarks

Chair Jackson opened public remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett, inquired if special use permits which do not go to the Board are appealable, noting the Planning Commission Bylaws do not address this fact. He expressed appreciation that the Township does apprise the public of Section 61 Reviews through a legal notice, although not mandated by statute to do so. Mr. Bowlby believed the Township is not performing a Section 61 Review on all public improvements (i.e., sidewalk repair) as specified in Act 33 of 2008. He spoke to implications of the 35 day limit in the MPEA for Section 61 Reviews in the event action is not taken at one meeting and the time frame elapses before the issue can be addressed at the next Planning Commission meeting. Mr. Bowlby spoke to one Planning Commissioner's opinion as to Planning Commission duties relative to a Section 61 Review, stating he did not believe a reaffirmation that the facts are true is a proper interpretation of the Section 61 Review language.

Chair Jackson closed public remarks.

14. Adjournment

Chair Jackson adjourned the regular meeting at 10:44 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary