

BIRCH RUN TOWNSHIP
PLANNING COMMISSION
BOARD OF TRUSTEES
ZONING BOARD OF APPEALS
SPECIAL JOINT MEETING
SEPTEMBER 25, 2017

Planning Commission Chair C.J. Norris called the September 25, 2017 Special Joint Meeting Meeting of the Birch Run Township Planning Commission, Board of Trustees, and Zoning Board of Appeals to order at 7:00 p.m. Present for the Planning Commission were C.J. Norris, Chair; Mike Marr, Secretary; Elaine Parlberg, Helen Morse & Ed Munson, Members. Present for the Township Board of Trustees were Ray Letterman, Supervisor; Corey Trinklein, Clerk; Karen Parlberg, Treasurer; Pam Moore, Kurt Kiessler (ZBA Secretary), Fred Sheridan (Planning Comm. Member) & Brady Totten, Trustees. Present for the Zoning Board of Appeals were Mike Musial, Chair; Dale Trinklein, Jr., Vice-Chair; Brett Polley, Member. Approximately 0 people were in the audience. Others present were Doug Piggott from ROWE Professional Services.

A quorum was present for the Planning Commission, Township Board, and ZBA.

PASSED: Motion by Marr seconded by Sheridan to excuse Steve Schaar from the September 25, 2017 Special Joint Meeting.

Yeas: Sheridan, Marr, Norris, Munson, Parlberg, Morse
Nays:

PASSED: Motion by Sheridan seconded by Marr to approve the September 25, 2017 Special Joint Meeting Agenda as presented.

Yeas: Marr, Norris, Munson, Parlberg, Morse, Sheridan
Nays:

PUBLIC COMMENT: 7:01 p.m. to 7:01 p.m.

The following is an overview of the discussions that took place during the meeting:

Attachment 1: Handout from ROWE Professional Services dated September 18, 2017 Master Plan Update – Kick-off Meeting was reviewed at this point during the meeting; at this time the members were also asked to help find out what the uses were for a number of properties.

Attachment 2: Handout was provided to follow along through Doug Piggott’s presentation for this evening.

Attachment 3: Performed exercise called “Proud’s and Worries” with all members present asking what they were proud of in Birch Run Township and their worries.

PASSED: Motion by Marr seconded by Sheridan to adjourn at 8:35 p.m.

Yeas: Norris, Munson, Parlberg, Morse, Sheridan, Marr
Nays:

Kurt Kiessler
Zoning Board of Appeals Secretary



Memorandum

To: Birch Run Township Planning Commission
From: Doug Piggott, AICP
Date: September 18, 2017
RE: Master Plan Update – Kick-Off Meeting

Attached is material for your review in preparation for the Planning Commission Meeting on September 25, 2017, which will serve as the kick-off to the township's Master Plan Project. We hope to go over five items at the meeting:

1. **Basic Planning and Zoning Training for Planning Commission** - There will be a brief training session at the meeting about the different roles and duties of the Planning Commission and Township Board.
2. **Schedule for Master Plan Project** - Attached is the preliminary schedule for the Master Plan project.
3. **Prouds and Sorries Brainstorming Session** - We will conduct a brainstorming session to identify strengths in the community the plan should build on and weaknesses the plan should try to address.
4. **Existing Land Use** - Attached are aerial maps of parcels within the township, where it is unclear what the existing land use is. Please review the properties to help us determine the use. The different categories include: agriculture, single family residential, multiple family, commercial, industrial, public/quasi public, and vacant/fallow.
5. **Cover/Theme for Master Plan** - Also attached is the proposed cover/theme to the Master Plan. Are there any photos the township has that could be incorporated into the Master Plan?

If you have any questions, please contact me at (810) 341-7500.

Attachments: Master Plan Update Schedule
Master Plan Theme Sample
Existing Land Use Aerial Maps

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MASTER PLAN UPDATE

	MONTHS												
	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	MAY	
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mission Meetings

Total of 8 Meetings



ROWE PROFESSIONAL SERVICES COMPANY

Birch Run Township

Master Plan

Adopted:

Chapter 1 Chapter

Text

2nd Header

Text

3rd Header

Text

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8011 Dixie Highway - Vacant?

E TOWNLINE RD

DIXIE HWY

6

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Date: 8/3/2017



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ROWE PROFESSIONAL SERVICES COMPANY

540 S. Saginaw Street, Suite 200
Flint, MI 48502

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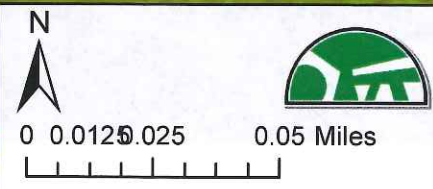
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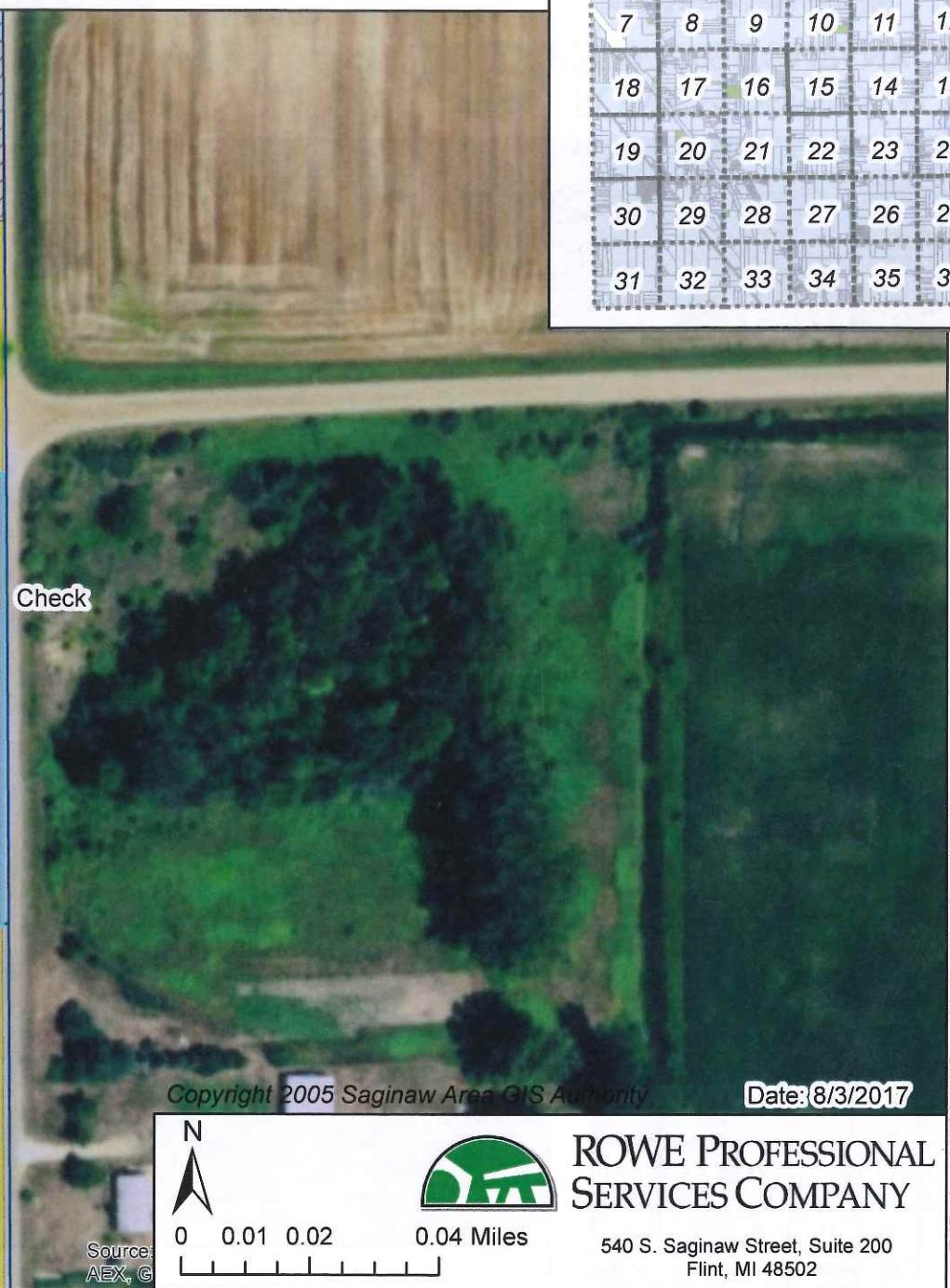
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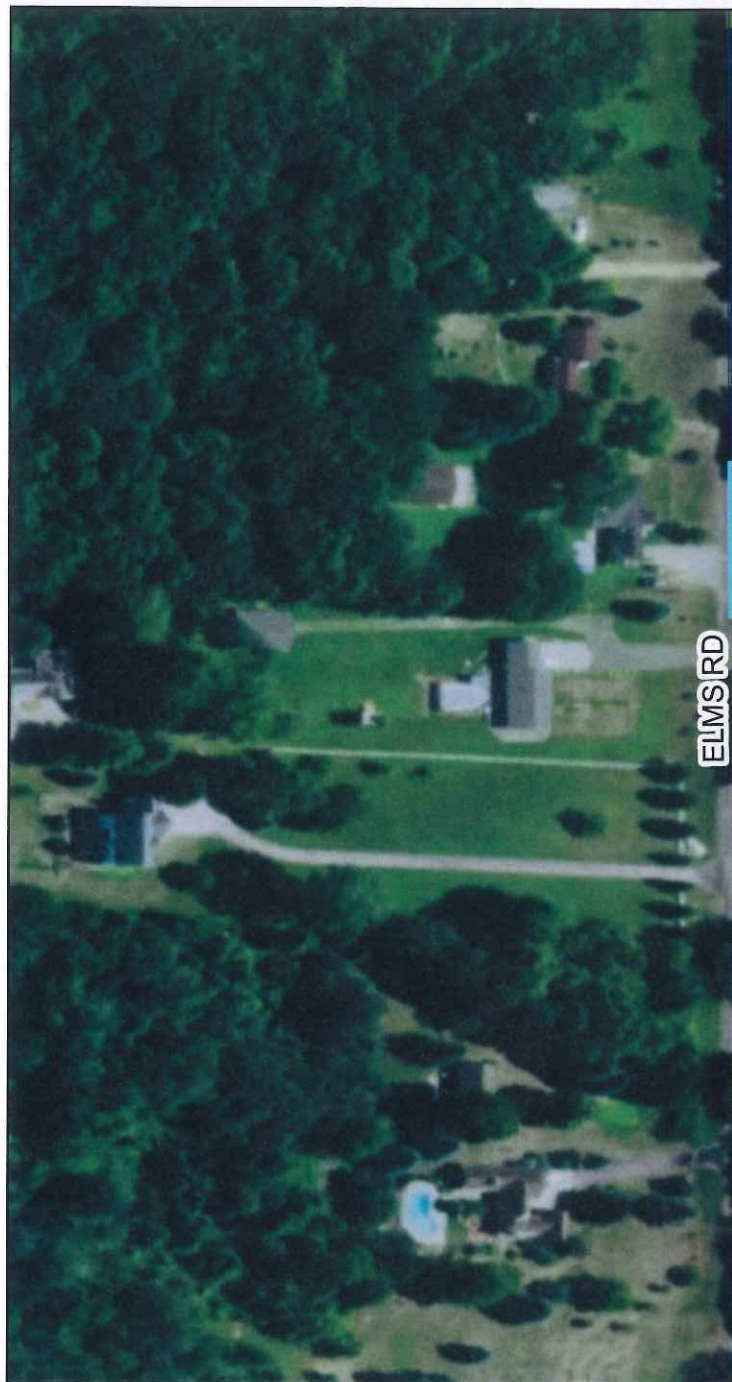
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Village of Birch Run

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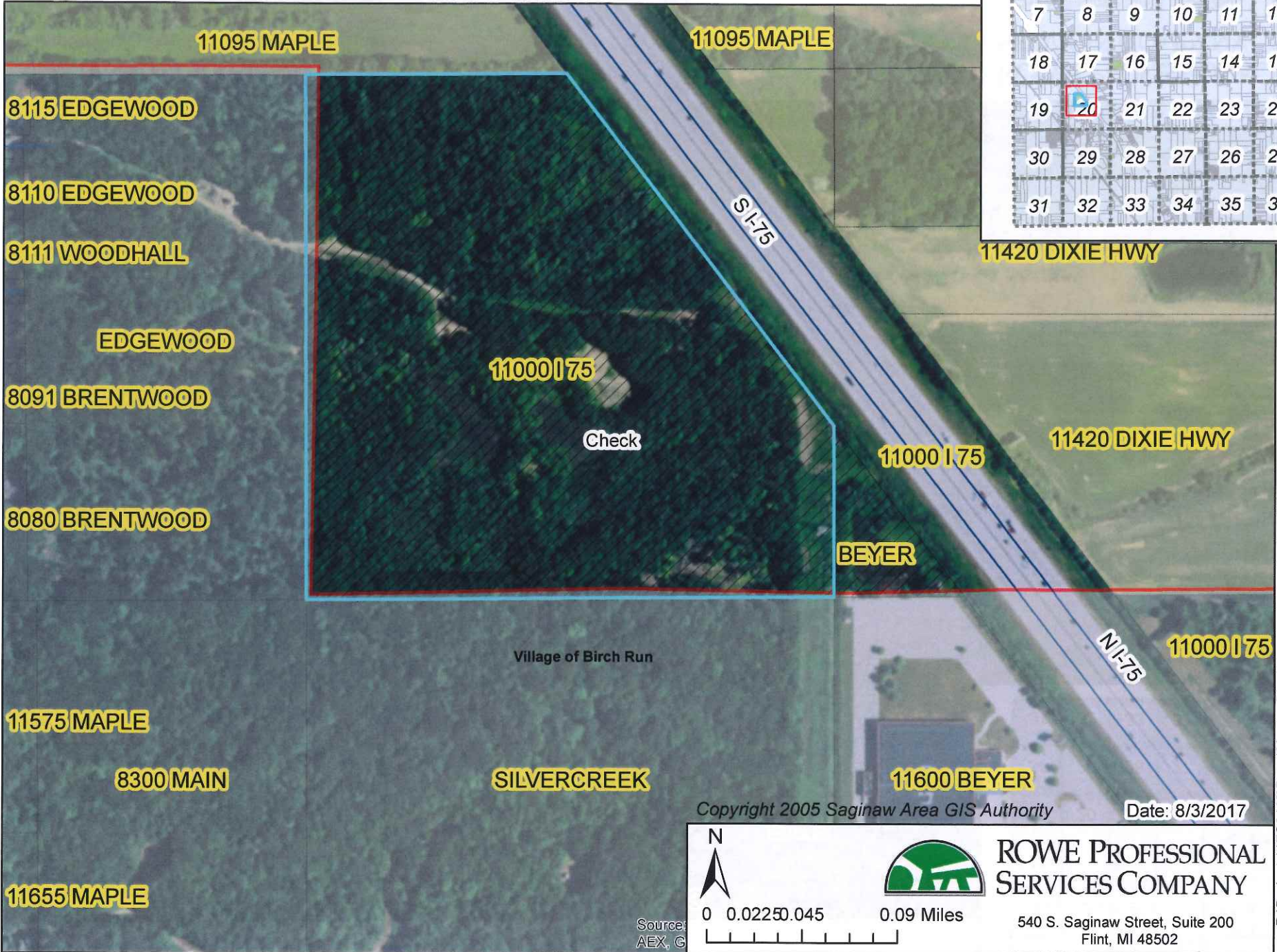
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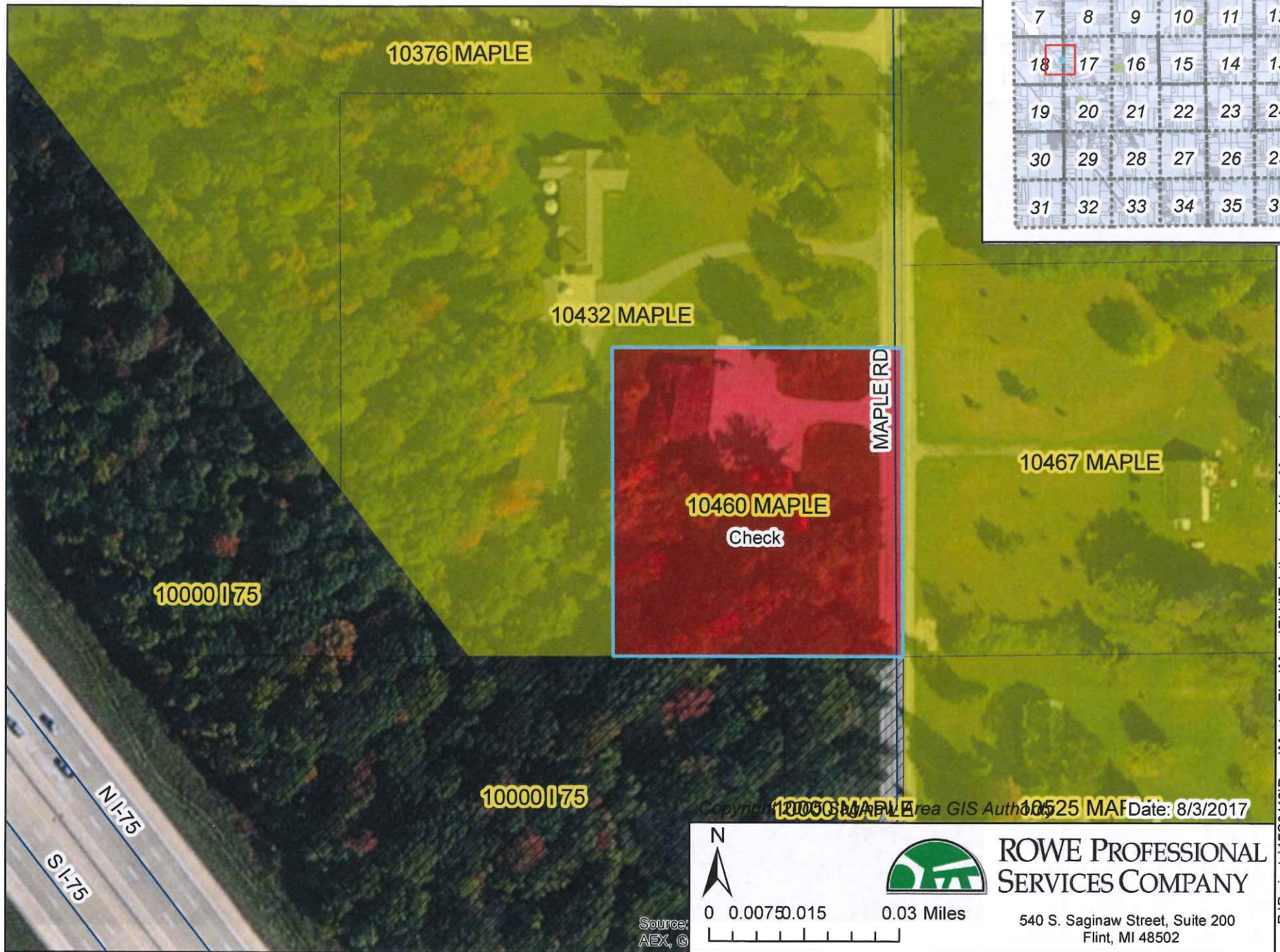
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**Birch Run Township Master Plan
Kick-Off**

Doug Piggott, Senior Planner


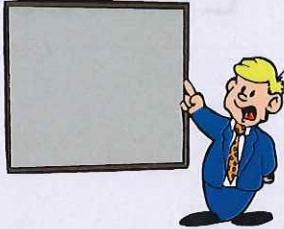
(800) 837-9131
DPIGGOTT@ROWEPSC.COM



1

AGENDA

- Project Timeline
- Planning Education
- Zoning Education
- Prouds and Sorries
- Next Time You See Us



2


Master Plan Schedule

SCHEDULE	MASTER PLAN UPDATE												Aug.
	MONTHS												
	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY		
Kick-off meeting	X												
Demographic analysis													
Land use													
Downtown analysis													
Public facilities and services													
Public engagement activity			X										
Updating current plan's goals, policies, and recommendations				X		X							
Updating future land use plan													
Updating zoning plan							X						
Updating implementation plan													
Planning commission approval of public hearing draft								X					
Township Board approval of public hearing draft									X				
Mail plan to jurisdictions / public comment period per MPEA										X	X		
Planning Commission public hearing / adoption												X	
Submission of approved plan to township													X

X = Planning Commission Meetings Total of 8 Meetings



Planning Education



Why Do We Plan?



“Would you tell me please which way I ought to go from here?” asked Alice.

“That depends a good deal on where you want to get to,” said the Cat.

I don't much care where...” said Alice.

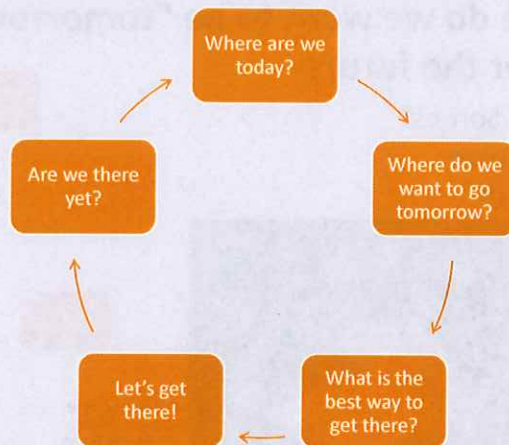
“Then it doesn't matter which way you go,” said the Cat.

From Alice Adventures in Wonderland, by Lewis Carroll



5

The Planning Process



6

Steps in the Planning Process (Cont)

1. Where are we today?

Identify current conditions:

- Land Use
- Natural Features
- Infrastructure
- Population Characteristics
- Economic Characteristics



Steps in the Planning Process (Cont)

2. Where do we want to be "tomorrow"?

Vision for the future

- "Prouds & Sorries"
- Public Attitude
- Future Goals



Picture of the City of Zilwaukee's Master Plan Visioning Session

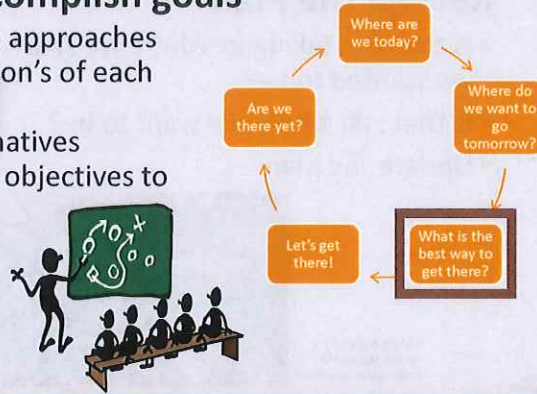


Steps in the Planning Process (Cont)

3. What is the best way to get there?

Approach to accomplish goals

- Identify alternative approaches
- Analyze pro's and con's of each alternative
- Select/revise alternatives
- Refine policies and objectives to
- implement plan



Steps in the Planning Process (Cont)

4. Lets Get There! Implement the plan!



Steps in the Planning Process (Cont)

5. Are we there yet?

Review the Plan

- Is the plan taking us where we said we wanted to be?
- Is that still where we want to be?
- Update the plan



Picture of the City of Burton Master Plan Stakeholder Interviews



Relationship Between Planning and Zoning

- Plans serve as the policy basis (the rationale) for zoning ordinances.
- Zoning Ordinances are one of the many tools that are used to implement the plan
- “*Master plan*” means an adopted or amended under this plan including a plan ...used to satisfy the requirement of Section 203 (!) of the Michigan Zoning Enabling Act

Section 3 (g) of the Michigan Planning Enabling Act
PA 33 of 2008



How the Plan Serves as the Basis for Zoning

Zoning Ordinance	Master Plan
Zoning Districts	Future Land Use Classifications
Zoning Map	Future Land Use Map (Sort of)
Zoning Regulations	Objectives and Strategies



Statutory Authority

Michigan Planning Enabling Act 33 of 2008

- Authority to establish a Planning Commission
- Appointment and qualifications of members
- Meetings (four times a year)
- Officers (one year terms)
- Shall adopt rules for transaction of business
- Public record
- Authority to adopt and amend Master Plan
- Contents of Master Plan
- Procedures for adoption of plan
- Review of public works (construction, recession)
- Review of plats



Roles and Responsibilities

Master Plan Process:

Township Board	Planning Commission
Appoint Planning Commission Members	Prepare Draft Master Plan
Approve Planning Commission Budget	Conduct Public Hearing on Master Plan
Hire Planner	Approval of Master Plan
Authorize Master Plan for Public Hearing	Conduct Five Year Review of Master Plan
Final Approval of Master Plan (Optional)	



Zoning Education



Procedural Issues- General

- Rules of Procedures/Bylaws
- Open Meetings
- Site Visits
- Meeting Frequency
- Conflict of Interest
- Public Records
- Conflict of Interest
- Ex Parte Contact
- Findings of Fact
- Conditions



Picture of a City of Burton Planning Commission member



Procedures – Bylaws

Bylaws normally identify:

- Officers and their responsibilities –
“A **planning commission** shall **elect a chairperson and secretary** from its members and create and fill other offices as it considers advisable.” Ex officio member cannot serve as chairperson. The term of each officer shall be 1 year, with opportunity for reelection “*as specified in bylaws.*”*
- How meetings are called
- Structure of the agenda
- Voting procedures

*Section 17 Michigan Planning Enabling Act



Procedures – Bylaws (Cont)

Bylaws normally identify (cont.):

- Amendments to the rules
- Annual meeting to set meeting dates
- Content of annual report –
“A **planning commission** shall make an **annual written report** to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.”
- Handling conflicts of interest issues (see below)

*Section 19 Michigan Planning Enabling Act



19

Procedures – Open Meetings/ Freedom of Information

All meetings of the Planning Commission, Zoning Board of Appeals and the legislative body must comply with the Open Meetings Act which requires:

- Meetings to be open to the public
- All decisions be made at a meeting open to the public
- Prohibits requiring a person to register as a condition of attending a meeting
- Person must be allowed to address a meeting but rules may limit public comment to a prescribed time
- A record of its proceedings is filed in the office of the clerk and be part of the public record



20

Procedures – Site Visits

- Visits by a majority of the members constitute a meeting and must be noticed
- Individuals visiting sites do not have the right to trespass and should avoid discussions with property owners (*Ex Parte Contact*)



21

Procedures – Meeting Frequency

- Planning Commissions “shall hold not less than 4 regular meetings each year, and by resolution shall determine the time.”*

*Section 21 Michigan Planning Enabling Act



22

Procedures – Conflict of Interest

Membership on a Planning Commission is a position of public trust. The **public must generally perceive** that the decisions made by the members of these bodies are **not affected by personal self interest**. To ensure that, members of a Planning Commission or Village Board must **remove themselves** from participation in a matter in which there is a **real or potential conflict of interest**.

This can occur if the matter involves:

- Property owned, leased or rented by a member
- A person with whom a member has close ties (family members, etc.)
- Property owned by a relative or boss of a member
- A person with whom a member shares financial interest such as:
 - Partner
 - Borrower, lender, renter
 - Investor



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Procedures – Conflict of Interest (Cont)

Procedures should be in place to allow a member to identify a **potential conflict** and determine if there is a need to **exclude themselves from the process**. The determination can be made by:

- The member
- The chairman
- On the recommendation of the body's legal counsel
- By vote of the other members

There is a policy for the **PC member to announce themselves** if there is a **conflict of interest** (Sec. 6.02.C.)

The procedures and standards for recognizing a conflict of interest should be in either:

- The ordinance establishing the Planning Commission
- The Planning Commission bylaws



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Procedures – Conflict of Interest (Cont)

It is generally recommended that the bylaws prohibit a member with a conflict of interest from:

- Voting on the matter
- Participating in the discussion of the matter
- If possible they should leave the meeting during the discussion, or at least leave the “table” during the discussion



25

Procedures – Ex Parte Communication

It is common for a **ZBA or Planning Commission member** to discuss a **pending issue** with an applicant during a visit to the site.

- This type of **discussion outside the meeting**, referred to as “**ex parte contact**” is **generally not prohibited** (but should be **discouraged**) in cases where the governmental body is **not making the final decision**.
- However, when the **Planning Commission** is **considering a site plan or special land use**, or when the **ZBA** is consider an **appeal, interpretation or variance**, **ex parte contact** is **inappropriate**.



26

Procedures – Ex Parte Communication (Cont)

If someone **contacts you concerning a matter that falls under these standards**, simply **explain** to them that you **should not discuss the issue with them outside the meeting**.

- If you go to **visit the site** of a proposed site plan. etc., and wants to *“show you around”*, let the **property owner know that you should not discuss their case** with them.
- The **basis** for this rule is that to have discussions in **private with the applicant** (or someone who opposes a request) can *“taint”* your **decision making process** and lead to an **appearance of bias**.



27


Procedures – Findings of Fact

- All administrative decisions (site plan and conditional use requests) made by the Planning Commission should include *“findings of fact”*
- The facts that serve as the basis for the a motion should be included in the motion
- Some communities have a separate motion to agree to the findings of fact than one to approve/disapprove




28

Powers – Site Plan Approval (Article 4)




- **Approval by: Planning Commission**
- **Approval of Plot Plans by: Zoning Administrator**
- **Site Plan required for:**
 - Preliminary Site Plan (Sec. 4.04.A-C)
 - Final Site Plan Approval (Sec. 4.04.D)
- **Pre-Existing Plan Under Review**
 - Plot Plan (Sec. 4.09.A)
 - Site Plan (Sec. 4.09.B)
- **Standards for Approval (Sec. 4.05)**
 - Plot Plan Standards 1-5
 - Site Plan Standards 1-12
- **No Required Time Period for Construction**
- **Appeals shall go to the ZBA (Sec. 4.07)**



29

Powers – Special Land Use (Article 5)

- **Approval by: Planning Commission**
 - Preliminary Review (Sec. 5.02.A)
 - **Planning Commission can require a Community Impact Analysis Report (Sec. 5.07) including:**
 - Transportation and Traffic Impact Analysis
 - Public Services and Infrastructure Analysis
 - Environmental Impact Analysis
 - Final Site Plan Approval (Sec. 5.02.B.4)
- **Public Hearing Notice Requirements Sec. 3.08**
- **Conditions are not mentioned.**
- **Appeals shall go to the ZBA (Sec. 5.03)**



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Powers – Special Land Use (Article 5) (Cont)

- **Standards for Approval 1-7 (Sec. 5.06)**
 1. Be harmonious with and in accordance with the Master Plan of the Township.
 2. Be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.
 3. Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
 - a. The bulk, placement, and materials of construction of proposed structures.
 - b. Pedestrian and vehicular circulation.
 - c. The location of vehicular use or parking areas.
 4. Not be hazardous or disturbing to existing or future uses in the same general vicinity.
 5. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties.
 6. Not involve uses, activities, processes, materials and equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
 7. Not create excessive additional requirements at public cost for public facilities and services.
- **Standards for Approval of Specific Land Uses (Article 14)**



Powers – Amendments (Article 7)

- Amendments may be initiated by (Sec. 7.02):
 - Township Board
 - Planning Commission
 - Petition of one or more owners of property affected by proposed amendment
- Process
 - Application to Township Clerk
 - Zoning Map requires particular information (Sec. 7.02 A.1)
 - Planning Commission holds Public Hearing
 - If a petition shall consider for a Map Amendment (Sec. 7.03.C.2.a.1-9)) (Next Slide)
 - If a petition shall consider for a Text Amendment (Sec. 7.03.C.2.b.1-3)) (Future Slide)
 - Form a recommendation to Township Board
 - Submit recommendation to Saginaw County Metropolitan Planning Commission
 - Township Board holds a Public Hearing
- No conditional rezoning provisions



Powers – Amendments (Article 7) (Cont)

- **Planning Commission holds Public Hearing**
- **If a petition shall consider a Map Amendment (Sec. 7.03.C.2.a.1)-9))**
 - 1) What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
 - 2) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
 - 3) What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
 - 4) Does the petitioned district change adversely effect environmental conditions or the value of the surrounding property?
 - 5) Is the site's physical, geological, hydrological, and other environmental features compatible with the host of uses permitted in the proposed district?
 - 6) Is the subject property able to be put to a reasonable economic use in the district in which it is presently located?
 - 7) Does the petitioned district change generally comply with the Birch Run Township Master Plan and other planning goals and policies of the Township?
 - 8) Is the proposed rezoning consistent with the zoning classification of surrounding land?
 - 9) Can all requirements in the proposed zoning classification be complied with on the subject parcel?



Powers – Amendments (Article 7) (Cont)

- **Planning Commission holds Public Hearing**
- **If a petition shall consider for a Text Amendment (Sec. 7.03.C.2.b. 1)-3))**
 - 1) Is the proposed amendment supported by documentation, such as from the Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
 - 2) Is the proposed amendment supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively deal with certain zoning issues?
 - 3) Is the proposed amendment supported by significant case law?



Powers – Variances

- **Variances shall be reviewed by the ZBA in regards to:**
 - Lot area and width
 - Building height
 - Setbacks
 - Off-street parking and loading spaces
 - Signage
 - **Not allowed to grant any use variances**
- **Process (Sec. 6.08.A.1)**
 - Written application to Township Clerk
 - Information include:
 - Name
 - Address
 - Phone number of applicant
 - Standard
 - Regulation or provision requiring an interpretation
 - Plot plan, site plan, or similar drawing illustration



Powers – Variances (Cont)

- **Standards 1-7 (Sec. 6.07.B)**
 1. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
 2. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that does not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
 3. That the practical difficulty or special conditions or circumstances do not result from actions of the applicant.
 4. That the variance will relate only to property described in the variance application.
 5. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
 6. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
 7. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.



Powers – Administrative Review

- **Administrative Review in regards to:**
 - Approval of Plot Plans
- **Appeals Process (Sec. 6.08.A.2)**
 - Written application for appeal to Township Clerk (within 21 days)
 - Required information
 - Name
 - Address
 - Phone number of application
 - Decision being appealed
 - Basis for appeal
 - Standards to reverse or modify the decision (Sec. 6.05)
 1. Was arbitrary or capricious
 2. Was based upon an erroneous finding of a material fact
 3. Constituted an abuse of discretion
 4. Was based upon erroneous interpretation of the Zoning Ordinance or zoning law
 5. Did not follow required procedures



Powers – Interpretations

- **Interpretation by the ZBA can be made in regards to (Sec. 6.06) :**
 - Provisions in the Zoning Ordinance
 - Standards
 - Consistent with the intent and purpose of the Ordinance
 - The Article in which the language in question is contained
 - All other relevant provisions in the Ordinance



Powers – Interpretations (Cont)

- **Interpretation by the ZBA can be made in regards to (Sec. 6.06) (cont):**
 - Location of boundary lines between zoning districts.
 - **Standards ((1-7) Sec. 9.04.A)**
 1. Boundaries indicated as approximately following roads or highways shall be construed as following the right-of-way center lines of said roads or highways.
 2. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
 3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.
 4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
 5. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
 6. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
 7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the district that presents the more restrictive provisions shall govern. "More restrictive provisions" shall be generally defined as provisions that place comparatively greater restrictions on the intensity and/or density of authorized uses and development.




Powers – Interpretations (Cont)

- **Interpretation by the ZBA can be made in regards to (Sec. 6.06) (cont):**
 - Classify a use which is not specifically mentioned as part of use regulation of any zoning district.
 - **Standard**- Conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
 - Where there is **no comparable permitted or prohibited use**, the ZBA shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.
 - Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Article 21, Off Street Parking and Loading, by an analysis of the specific needs (**Standard**).
 - If **no comparable use is found**, the ZBA shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Ordinance.




Powers – Interpretations (Cont)

- **Process (Sec. 6.08.A.1)**
 - Written application to Township Clerk
 - Information include:
 - Name
 - Address
 - Phone number of applicant
 - Standard
 - Regulation or provision requiring an interpretation
 - Plot Plan, site plan, or similar drawing illustration



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Prouds	Sorries
•	•
•	•
•	•
•	•
•	•



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Existing Land Use

- Help us determine what is the correct land use:
- Categories Include:
 - Agriculture
 - Single Family Residential
 - Multiple Family
 - Commercial
 - Industrial
 - Public / Quasi Public
 - Vacant/ Fallow



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Next Time You See Us

- How would you like to receive the Planning Commission Packets?
 - Mailed to the township to distribute,
 - Mailed to the individual Planning Commission Members, or
 - Email to the township or Planning Commission Members
- Prepared Material
 - Demographic Analysis
 - Existing Land Use
 - Downtown Analysis
 - Public Facilities and Services
 - Public Engagement



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Proud's

New Fire Hall

High level of Safety

Good mix of farming and residential

I-75 Corridor

Cooperative spirit of Township board

Township is served by good school districts

Good working relationship with surrounding municipalities

Good road network

No lakes in this municipality

We have a draw as an opportunity of growth and expansion

Up to date on the Zoning Ordinances

Sorries

I-75 corridor because of how busy the interchange is

Poor road surface conditions

Being unable to further finance the water system infrastructure

Being unable to further finance other infrastructure needs

Blending of the old and new look of the Township (modern vs. historic)

Level of community involvement can be lackluster at times