

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
January 24, 2011**

APPROVED

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

PRESENT: Commissioners Beyea, Cordill, Deits, Goldsberry, Goodale, Honicky, Jackson, Norkin,
Scales
ABSENT: None
STAFF: Principal Planner Gail Oranchak

1. Call meeting to order

Chair Deits 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 Scales.

VOICE VOTE: Motion carried unanimously.

3. Approval of Minutes

**Commissioner Honicky moved to approve the Work Session Minutes of November 8, 2010.
Seconded by Commissioner Jackson.**

VOICE VOTE: Motion carried unanimously.

**Commissioner Scales moved to approve the Regular Meeting Minutes of January 10, 2011.
Seconded by Commissioner Honicky.**

VOICE VOTE: Motion carried unanimously.

4. Public Remarks

Chair Deits opened and closed the floor for public remarks.

5. Communications

A. Lynne Page, 3912 Raleigh Drive, Okemos; RE: Medical Marihuana Moratorium

6. Public hearings

A. Zoning Amendment #11010 (Planning Commission), to retain the ability to extend special use permit (Section 86-128) and site plan (Section 86-158) approvals.

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 proposed zoning amendment as outlined in staff memorandum dated January 20, 2011.
- Planning Commission discussion:
Commissioner Honicky inquired how many proposals are currently at risk without the proposed extension.

Principal Planner Oranchak noted she did not have that number readily available, but any special use permits (SUPs) and site plans approved within the last 24 months would come under the umbrella of asking for an extension until March 28, 2011.

Commissioner Honicky inquired if plans would have a 24 month limitation, plus the possibility of a 12-month extension.

Principal Planner responded in the affirmative, noting the applicant would have to make such a request in writing prior to the expiration date of the special use permit or site plan.

Commissioner Honicky asked if that process would be handled by staff.

Principal Planner Oranchak responded the extension request would go back to the body which made the original decision.

Commissioner Jackson inquired if the sunset clause applied by the Board was added as a condition.

Principal Planner Oranchak responded it was not a condition, but part of the ordinance adoption process.

Commissioner Jackson asked if the intent is to also limit the time of the reauthorization.

Principal Planner Oranchak responded continuation of the sunset clause is not before the Planning Commission this evening.

Commissioner Goldsberry inquired if the two SUPs which have utilized the extension had any issues identified at the Board level.

Principal Planner Oranchak responded they did not.

Commissioner Goodale inquired if this zoning amendment was to be applied “across the board” or only available in certain circumstances, e.g., lack of funding or special conditions.

Principal Planner Oranchak answered the applicant would be required to explain the reasons(s) in their request, while noting it is open to interpretation.

Commissioner Goodale noted his perception was this zoning amendment would be a benefit to businesses in the Township, but a potential problem for those developers who are not moving forward due to non-funding issues.

Principal Planner Oranchak responded by reading the proposed language in subsection (f) which specifically states that the extension will be granted if all three (3) of the listed criteria are met, one of which spoke to circumstances outside of the applicant’s control.

Commissioner Beyea noted proposed language in subsection (f) speaks to the person or body making the decision imposing new conditions and inquired if the two SUPs which received an extension had new conditions placed on them.

Principal Planner Oranchak stated they did not.

Commissioner Beyea inquired if the Planning Commission would have an opportunity for input on additional conditions or is the extension handled as an administrative review.

Principal Planner Oranchak responded staff does not have the authority to place new conditions on a SUP.

Commissioner Beyea inquired as to how Planning Commission members would know if a request has gone through the process.

Principal Planner Oranchak answered if the Planning Commission made the final decision on the SUP, the request for an extension would be sent back to the Planning Commission for determination. She added site plan review is a staff function, and the decision would be made by staff.

Commissioner Cordill requested clarification as to what circumstances would allow a special SUP to come back to the Planning Commission.

Principal Planner Oranchak indicated there are some SUPs where the decision is made solely by the Planning Commission and the extension request would come to the Planning Commission for approval. She added there are certain SUP categories where the Planning Commission makes a recommendation and the Township Board makes the final decision. Ms. Oranchak noted, in those cases, an extension request would go directly to the Township Board.

Commissioner Scales asked what type of extensions would be granted to development projects.

Principal Planner Oranchak responded staff would have to look at when the projects expired and whether the extension could be made from the original expiration date.

Commissioner Scales asked if there currently are time frames established for phased projects.

Principal Planner Oranchak responded this type of extension is the only one currently contained in the ordinance.

Commissioner Deits asked for Board's rationale for a sunset clause to be put in place.

Principal Planner Oranchak believed it was to have a trial period to see how it would work.

Commissioner Deits asked if the Planning Commission should make a recommendation to the Board whether or not the sunset clause should be continued.

Principal Planner Oranchak noted if the Planning Commission believed it should be continued, it may make a recommendation to the Board; conversely, if the Planning Commission did not want the sunset clause continued, it should just pass the resolution to approve and be silent on the sunset provision.

Commissioner Deits asked staff to look at what he believed was redundancy in Section 86-128 (f)3 and the last paragraph of Section 86-128 (f).

Commissioner Jackson made note an ordinance could have changed from the time the original SUP was approved and the applicant comes back for an extension.

Principal Planner Oranchak stated the language assumes something has changed between the time of approval and the extension request which may necessitate some new condition to deal

with potential impacts. She added she would obtain clarification prior to the Planning Commission considering this zoning amendment again.

Commissioner Cordill stated she interpreted this language as a “way out” if market conditions change.

Principal Planner Oranchak stated the language speaks specifically to the original request.

Commissioner Beyea believed the language needs to be clarified to ascertain if the intent is to illustrate conditions have changed in the surrounding area or if the ordinance has changed.

Chair Deits cautioned the Planning Commission not to create new special use permits through this zoning amendment process.

Principal Planner Oranchak stated the change is external, not the land use which received approval.

Commissioner Beyea believed this Planning Commission discussion highlighted the difficulty with the extension request to 36 months, noting the rationale for why the one (1) year sunset was placed in effect. He inquired as to the need to extend these approvals from two (2) to three (3) years.

Chair Deits believed the extension should remain temporary, but if the economy picked up, some projects could move quickly as they were already in the “pipeline”. He was concerned with these projects expiring and having to start the process over.

Commissioner Honicky indicated he could not support the proposed zoning amendment until he knew how many projects were “at risk.”

Chair Deits closed the public hearing at 7:28 P.M.

B. Special Use Permit #11-06031 (Extendicare), a request to expand the parking lot for Okemos Health and Rehabilitation Center, 5211 Marsh Road.

- Summary of subject matter
Principal Planner Oranchak summarized the special use permit request as outlined in staff memorandum dated January 21, 2011.
- Applicant
Richard Postema, Richard Postema Associates, 1580 44th Street, SW, Wyoming, gave an overview of what has transpired on this property since the original application in 2006 and the need for additional parking spaces.
- Planning Commission discussion:
Commissioner Honicky visited the site today and noted the parking situation is a problem. He expressed concern with additional run-off into the Mud Lake Drain. He asked if there was a retention pond on site.

Mr. Postema stated there is an elaborate retention system on site, through use of a ringed system. He stated the current underground storage facility is adequate to handle the run-off from the proposed additional 25 parking spaces.

Commissioner Honicky inquired as to the total volume of the storage system.

Mr. Postema responded it is 36,260 cubic feet of underground storage.

Commissioner Honicky asked the applicant for a “sense” of a significant rain that would overload this system.

Mr. Postema answered it would have to be a rain that exceeded a 100 year event because that is the design standard imposed by the Ingham County Drain Commissioner (ICDC).

Commissioner Honicky inquired as to the rain rate this system can carry.

Mr. Postema responded volumes are required by the ICDC to be run at 1 hour, 2 hour, 3 hour and 6 hours. He indicated that for the first hour of a storm, 2.5 inches of water must be accommodated by the system. He noted that for 2 hours, 2.9 inches must be accommodated; 3 hours require an accommodation of 3.2 inches and 3.7 inches for 6 hours. Mr. Postema indicated the calculations show that a “peak” is reached 3 hours after the theoretical 100 year storm, and wanes after that. The storage system is built to accommodate that peak.

Commissioner Goldsberry asked the applicant for his rationale as to the placement of the additional parking spaces at the location presented.

Mr. Postema responded there is space available closer to the building, but a Department of Health regulation for nursing homes prohibits parking within 20 feet of a resident’s window. He added three scenarios were considered, but parking to the north would require a variance as it would necessitate parking into the 40 foot side yard setback. Mr. Postema stated if you moved to the east, a cut would be necessary into a large bank where the site’s 8” water main loop is located, exposing the water main to insufficient cover and necessitate moving the water main. He stated the third scenario would create a separate parking lot with a drive to the south of the proposed parking. Mr. Postema noted this was the most expensive concept and would require additional permits due to its location within the floodplain.

Commissioner Goldsberry inquired of staff if Planning Commission consideration is only for the additional parking spaces.

Principal Planner Oranchak responded in the affirmative.

Commissioner Honicky asked the applicant if the north side is where the Consumers Energy right of way is located.

Mr. Postema responded in the affirmative, adding there are also underground gas and electric lines in the same area, spaced ten feet apart. He believed his company would be out of the right of way where the overhead power line is located.

Commissioner Honicky asked the applicant for the difference in cost between placement of a retaining wall and 25 parking spaces v. placing 25 parking spaces on the north side.

Mr. Postema responded when the cost estimates were calculated, they were nearly the same. He added the proposal to the north would allow for up to 35 parking spaces.

Commissioner Honicky stated he believed placement of the additional parking spaces on the north was the most beneficial to the applicant.

Mr. Postema responded that placement of the additional parking spaces on the north was his recommendation to Extendicare's corporate headquarters, but they were reluctant to ask for any variances from Meridian Township and moving the water main was discouraged by the Engineering Department. He added it has been difficult to convince corporate that there is a parking problem on this site, as historically, sufficient parking spaces were included in the original plan.

Chair Deits asked staff to speak to the variance needed if additional parking spaces were constructed on the north side.

Principal Planner Oranchak responded it is a setback variance. She indicated the minimum setback for a non-residential use in a residential district is 40 feet, noting that the site abuts another residential zoning.

Chair Deits asked how far the property line on the north side of this site is from the adjacent residential zoning.

Principal Planner Oranchak stated she believed the Consumers right-of-way is on the north side of the property line.

Chair Deits noted he believed the community impact by placing the additional parking on the north side is less than the community impact by placing the additional parking on the south.

Principal Planner Oranchak noted staff would need to verify if there are wetlands to the north and floodplains to the east along the north property line.

Commissioner Honicky indicated the site plan "markings" indicate it is unlikely there would be floodplain on the property in the area being discussed for additional parking.

Commissioner Beyea requested explanation of the Engineering Department's statement regarding moving the water main.

Mr. Postema responded there is a water main that loops the entire building, and the northern portion of that water main is a few feet off the edge of the access drive curbline. The water main crosses Marsh Road and ties into a 16" main. He added that Meridian Township requires a water main to be buried at a set depth of 5-½ feet below the surface; to cut into the hill to make the parking spaces level, cover must be taken off the water main and it becomes subject to freezing during the winter months. Mr. Postema noted that would then require the water main to be reinstalled two feet deeper to accommodate the new parking. He spoke to the burden it would place on the operations of the nursing home and its residents.

Commissioner Beyea spoke to several recommendations contained in the staff report and asked the applicant if he felt he could not adhere to any of those recommendations.

Mr. Postema indicated he would continue to work with staff to move this project forward.

Chair Deits asked the applicant if consideration had been given to "stepping" the wall with landscaping in between two five foot walls to avoid requesting a variance.

Mr. Postema responded that he could terrace the wall on the extreme west side, but would be in the floodplain elsewhere.

Commissioner Honicky asked if the existing stormwater emitters would be removed.

Mr. Postema responded they would be removed and reconstructed into the face of the wall, adding small discharges will be placed at the wall's base. He added the current discharge is handled through 8-10 emitters which "sit" along the edge of the floodplain elevation, in an attempt to return the discharge back to sheet flow. Mr. Postema noted the new wall will interrupt the existing emitters and they are being repositioned into the wall.

As a side note, Mr. Postema stated there is an urgency in moving this project forward, as visitors are receiving tickets for parking the in the "ring."

Commissioner Scales indicated his expertise is in emergency management planning, and the parking situation is not conducive to emergency equipment access in the event of a fire.

Commissioner Goldsberry noted that long-term planning of the site would be better served with additional parking located on the north side.

Commissioner Honicky suggested an interim possibility of renting parking spaces from Wal-Mart and using the nursing home van to shuttle visitors to and from the facility.

Chair Deits asked if the Planning Commission could condition approval of the special use permit on issues not shown on the site plan before the Commission.

Principal Planner Oranchak responded the Planning Commission can ask the applicant to redesign the site plan and bring it back to the Commission showing the additional parking on the north side.

Chair Deits asked staff to outline available options to the Commission.

Principal Planner Oranchak responded the Planning Commission can ask the applicant to redesign the site plan to show parking on the north side or adopt a resolution which requires parking on the north side subject to site plan review, in which case the applicant may appeal the Planning Commission's decision to the Township Board.

Mr. Postema asked if, in the event parking was relocated to the north, adding more than 25 parking spaces would be a problem.

Commissioner Honicky responded it would be the Planning Commission's concession to the applicant that more spots could be located on the north side.

Chair Deits added that runoff will be accommodated regardless of the location to the north or south, and there is a demonstrated need.

Chair Deits suggested a condition could be placed on the north edge which requires landscaping if it appears to be an encroachment on park use.

Principal Planner Oranchak noted it is typical to maintain a certain setback between parking and the property line which is to be landscaped. She added staff will look at the space in light of the discussion about the need for a variance.

Mr. Postema added the property to the north becomes wetland just across the property line.

Chair Deits closed the public hearing at 8:25 P.M.

7. Unfinished Business

- A. Commission Review #11013 (Township Board), conduct a Section 61 review of 2011 budgeted capital improvements projects.

Commissioner Scales moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN approves the location, character and extent of five public improvement projects—Towner Road Park, Legg Park South, Ted Black Woods, Okemos Road Pedestrian-Bicycle Pathway, and Mt. Hope Road Pedestrian-Bicycle pathway, scheduled for construction in whole or in part during 2011. Seconded by Commissioner Honicky.

Commissioner Goodale moved to separate Legg Park South from the main motion. Seconded by Commissioner Honicky.

Planning Commission discussion:

- Concern with the cost of placing a dog park in Legg Park during this current economic condition
- Different location for a dog park more suitable and in keeping with Township policies
- Programs funded through the parks millage
- Expenditure must be approved by the Township Board
- Financial issues of a Section 61 review project is not before the Planning Commission

VOICE VOTE: Motion failed 3-6 (Deits, Jackson, Honicky, Scales, Cordill, Goldsberry)

ROLL CALL VOTE YEAS: Commissioners Beyea, Cordill, Goldsberry, Honicky, Goodale,
ON THE MAIN Jackson, Norkin, Scales, Chair Deits

MOTION: NAYS: None
Motion carried unanimously.

8. Other Business

- A. Medical marihuana: Discuss whether to proceed to consider regulation

Planning Commission discussion:

- Need for a public hearing of the issues
- Concern with grandfathering of establishments at a later date if regulation is passed
- Need to manage how associated activities are executed in our Township
- Request that the Township make a formal request to the Michigan Municipal League to lobby the state legislature to “correct” this issue
- Reminder the Michigan Medical Marihuana Act (MMMA) was an initiative by the state’s citizens
- Legislature can amend the MMMA only by a ¾ majority in each house
- Moratorium allows time to study an issue
- Moratorium does not oppose the will of the people
- Possible request for a policy opinion on how medical marihuana fits into the Township’s current ordinance
- Issues important to the health, safety and welfare of our residents which are not addressed in the Township’s current ordinance
- Request for staff to look at how to recoup costs of regulation
- Reminder that the Township Board is not in favor of a moratorium or regulation at this time
- Planning Commission need to identify the primary issues prior to asking the Board to adopt a moratorium
- Planning Commissioner request for staff to prepare a motion in favor of Board adoption of a moratorium until it can identify the primary issues

- Several previous Board votes on a moratorium have ended in defeat
- Preference for the Planning Commission to focus on the issues of medical marihuana commercialization
- Reminder by the Chair that the Master Plan will be discussed at the Planning Commission's meeting on February 14, 2011
- Staff suggestion to hold a brief regular meeting followed by a work session consisting of the Master Plan and the medical marihuana issue
- Appreciation for the Township Attorney's presentation at a previous Planning Commission meeting
- Preference for the Planning Commission to focus on the issues related to the commercialization of medical marihuana use
- Look at regulation where growth, distribution and consumption occur when the land use services more than six (6) people
- Key aspect of legality is not treating medical marihuana differently
- Request that these uses be special uses to allow for Township oversight relative to location, operation, etc.
- Avoiding licensing of individuals will prevent lawsuits regarding confidentiality
- Activities allowed in residential districts in relation to the home-based business ordinance
- Solicit areas of concern from the perspective of the Township's police department
- Possible use of "attractive nuisance" within the regulatory language

The consensus of the Planning Commission was to move forward on this issue, reflecting on the issues involved over the next two weeks and talk further during the work session on February 14, 2011.

- 9. Township Board, Planning Commission officer, committee chair, and staff comment or reports**
Commissioner Deits announced the Entrepreneurial Cities Index out of the University of Michigan's Dearborn Center for Innovative Research listed Meridian Township as one of the top 7 communities in Michigan for entrepreneurial growth and economic development.

10. New applications (None)

11. Site plans received (None)

12. Site plans approved (None)

13. Public remarks

Chair Deits opened and closed public remarks.

14. Adjournment

Chair Deits adjourned the regular meeting at 9:15 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary