

**CHARTER TOWNSHIP OF MERIDIAN  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
September 28, 2015**

**APPROVED**

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

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

**1. Call meeting to order**

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

**2. Approval of agenda**

**Commissioner DeGroff moved to approve the agenda. Seconded by Commissioner Jackson.**

VOICE VOTE: Motion carried unanimously.

**3. Approval of Minutes**

**Commissioner Cordill moved to approve the Work Session Minutes and Regular Meeting Minutes of September 14, 2015. Seconded by Commissioner Ianni.**

VOICE VOTE: Motion carried unanimously.

**4. Public Remarks**

Chair Scott-Craig opened the floor for public remarks.

Dr. William Miller, 627 Earliglow Lane, Haslett, noted he has revised the application for Rezoning #00150 (St. King), but was unable to obtain a statement from the real estate broker relative to six potential tenants who had to be turned away because their business did not fit the special use permit criteria for medical office.

Chair Scott-Craig closed public remarks.

**5. Communications**

A. Robert J. Deans, 2191 Clinton, Okemos; RE: SUP #15-14051 (Parks and Recreation Dept.)

**6. Public hearings**

A. Rezoning #15030 (Sumbal), request to rezone approximately 1.4 acres addressed as 1998 Jolly Road from RR (Rural Residential) to RA (Single Family, Medium Density) with the offer of a condition to retain RR zoning if a variance for a shared driveway is not granted by the Zoning Board of Appeals (ZBA)

Chair Scott-Craig opened the public hearing at 7:08 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 rezoning request as outlined in staff memorandum dated September 24, 2015.
- Applicant  
Ghulam Sumbal, 1998 Jolly Road, Okemos, stated there is a need for the shared drive in order to use the second home at the rear as there is no frontage on Summergate Lane. He indicated he did not believe the Ingham County Road Department would give him another curb cut on Jolly Road as the property is too steep.
- Planning Commission discussion:  
Chair Scott-Craig inquired if the Planning Commission previously voted on this issue.

Principal Planner Oranchak responded it was previously recommended for approval by the Planning Commission, but the applicant wanted to amend his original application to provide for a shared drive.

Commissioner Tenaglia voiced support for the request of a shared driveway for both residences.

Commissioner Jackson voiced opposition to the request for a shared driveway to service both structures as the Township has an ordinance which prohibits more than one family residence on a single parcel. She believed the property needs to be split and it would require another drive for the applicant to use the second structure, even with approval of the rezoning request.

Commissioner Ianni believed resolution to this issue could be accomplished with approval of a variance from the ZBA and then an easement from one section of the property to another to use the shared driveway.

Commissioner DeGroff asked for the policy rationale behind only one home on a single parcel.

Principal Planner Oranchak replied she believed it was created to avoid conflicts between adjacent homeowners which may arise when there are shared situations, particularly when one of the two homeowners was not involved in the original decision to have a shared driveway. She believed the issue in this case is that the Township will not extend public utilities to the second house unless it is on a separate parcel as that would be a violation of the zoning ordinance which, subsequently, places the applicant in a “catch 22” situation.

Commissioner DeGroff reiterated that even if the applicant was granted the rezoning to RA, he would not be able to obtain public utilities to the second structure.

Principal Planner Oranchak responded public utilities would not be extended to the second structure until the land division was approved, but the land division can't move forward unless the zoning is changed.

Commissioner DeGroff inquired as to what would be the advantage to the applicant in now requesting that in the event the variance is not approved by the ZBA, the RR zoning designation is retained.

Principal Planner Oranchak replied it was the applicant's personal request.

Commissioner DeGroff indicated in the current situation, policy rationale behind the rule will not be implicated; but in the future, it could be a problem if one of the residences is sold.

Commissioner Honicky believed it made the most sense to approve a land division and then have an easement for the second residence in order to use the shared driveway.

Commissioner Deits believed the Ingham County Road Department (ICRD) would have an opinion on the two (2) driveways so close together.

Principal Planner Oranchak stated the ICRD would take issue with two (2) driveways close together on a road with a 45 mile per hour speed limit. She noted the ICRD would ultimately need to issue a permit for the second driveway and she was uncertain how the department would address this matter. She affirmed that if there is a shared driveway, there must be an easement to ensure that both parties have a legal right to use the driveway.

Commissioner Deits asked who owns the "wedge" piece of property to the east of the subject property.

Principal Planner Oranchak responded it is owned by the subdivision, which precludes a driveway entrance for the second structure off Summergate Lane.

Commissioner Deits inquired if the subdivision has refused to consider the situation.

Principal Planner Oranchak replied the applicant would need to be asked if he has approached the subdivision.

Mr. Sumbal explained the driveway is on the back of the house and even if there was a driveway off Summergate Lane, the current driveway would need to be used to reach the garage. He explained a situation with the Township which he believes should be given careful consideration.

Commissioner Van Coevering stated the driveway to the east on Summergate Lane is the driveway into Hiawatha Elementary School and could be a significant conflict point.

Commissioner Cordill asked where the garage was located.

Mr. Sumbal responded the garage is under the house and must be accessed by traveling around the home to the rear.

Commissioner Cordill stated she did not understand why something could not be worked out with the homeowners association.

Mr. Sumbal replied it is very close to the curb and both at the beginning and end of the school day there are 15-20 cars parked there, which would make it difficult for him to access the drive.

Commissioner Cordill recalled a recent circumstance for two homes located on one parcel located in the northwest corner of the Township that only had one driveway and asked staff to expound on that situation.

Principal Planner Oranchak stated the Township approved a zoning amendment which allowed the second home on a parcel 50 acres or more.

Commissioner Deits stated the aerial photograph in the packet designates the space as a common area which suggests it is in the plat as an amenity.

Principal Planner Oranchak added it is within the plat.

Commissioner Deits acknowledged that if a driveway is placed across this common area, it no longer is an amenity, and the subdivision would likely need to obtain a revision of the subdivision plat, an act which seems to be impractical.

Commissioner Jackson recapped the circumstances around the Planning Commission's previous approval of the rezoning request.

Principal Planner Oranchak reminded Commissioners the applicant must go through the process for a land division after the rezoning in order to divide the parcel into two RA zoned pieces of property and make both homes conforming.

Commissioner Jackson inquired if there was a private road provision to allow a single drive to serve two houses.

Principal Planner Oranchak responded private roads were allowed in the past, but not encouraged or approved today unless part of a planned unit development (PUD) and are the responsibility of the homeowners association.

Commissioner Ianni believed this rezoning request is no different than what was previously approved, other than the condition if the shared driveway is not approved, the parcel will retain its RR zoning designation.

Commissioner Jackson indicated this is different than the previous request.

Commissioner DeGroff noted the only difference is the Planning Commission is now weighing in on the shared driveway question this time, which was not previously addressed. He believed one drive would be better for traffic reasons and inquired if there was policy rationale which would be better for the community to only have one drive for both houses.

Principal Planner Oranchak stated the explanation of why one driveway should be permitted is an argument for the applicant to offer before the ZBA.

Commissioner DeGroff indicated the one driveway per parcel is within Township ordinance, but the issue before the Planning Commission is an uncommon circumstance and not precedent setting.

Commissioner Cordill inquired if the applicant has approached the ZBA with his request.

Principal Planner Oranchak replied he has not, but came back to staff and submitted this conditional rezoning request.

Commissioner Cordill believed the applicant is short-circuiting the process by requesting this conditional rezoning and is requesting the Planning Commission reverse its previous approval.

Commissioner Deits agreed the applicant is attempting to have some type of leverage with the ZBA, but believed it will be ineffective. He indicated the subject parcel will be zoned either RR (which it currently is) or RA (which the Planning Commission previously approved). He voiced his comfort in approving this request.

Commissioner Van Coevering agreed with Commissioner Deits. She believed an additional curb cut off Summergate Lane would make no sense especially when school commences in the morning and dismisses in the afternoon.

Commissioner Jackson added the Planning Commission made a decision to rezone from RR to RA based on assessment of the community and what was appropriate zoning policy in this situation. She believed it relevant that the previous discussion demonstrated it made more sense to rezone the parcel to RA and “stands behind” the Planning Commission’s original decision on the rezoning. Commissioner Jackson was not supportive of the condition which would revert the parcel back to RR zoning if a variance is not granted for the shared driveway.

Chair Scott-Craig closed the public hearing at 7:40 P.M.

## 7. Unfinished Business

- A. Rezoning #00150 (St. King), request to rezone 4660 Marsh Road from RC (Multiple Family, Medium Density) to PO (Professional and Office)

**Commissioner DeGroff moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Rezoning #00150 to rezone approximately 1.18 acres located at 4660 Marsh Road from RC (Multiple Family-Medium Density) to PO (Professional & Office). Seconded by Commissioner Cordill.**

Planning Commission discussion:

- No good arguments against rezoning this parcel
- Rezoning would allow additional tenants who do not fit the criteria for medical office
- Area has changed and rezoning to PO would not have an adverse impact to neighboring properties
- Rezoning would broaden the tenant base

ROLL CALL VOTE: YEAS: Commissioners Cordill, DeGroff, Deits, Honicky, Ianni, Jackson, Tenaglia, Van Coevering, Chair Scott-Craig

NAYS: None

Motion carried unanimously.

B. Zoning Amendment #14010 (Township Board), request to amend the zoning ordinance to establish definitions and standards for the medical use of marihuana

**Commissioner Honicky moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends denial of Zoning Amendment #14010, to amend Section 86-2 Definitions, amend Section 86-5, add Section 86-368(b)(2) a.5., amend Sections 86-368(b)(2)b4 and b6, add Section 86-408(c)4, add Section 86-404 (c)16, and add Section 86-435 (b)4. Seconded by Commissioner Deits.**

Planning Commission discussion:

- Resolution should be denied until such time as the rapidly revolving environment around medical marihuana is clarified
- Planning Commissioner reminder that there was not consensus of all Planning Commissioners on each reason offered for denial
- Staff recommendation for the lack of consensus of all Planning Commissioners for each reason for denial to be part of the staff memorandum to the Township Board

**Commissioner Deits offered the following friendly amendment:**

- **Amend the 6<sup>th</sup> WHEREAS clause by inserting “likely to be” after “residential districts is”**

**The friendly amendment was accepted by the maker of the motion.**

**Commissioner Van Coevering offered the following friendly amendment:**

- **Amend the 3<sup>rd</sup> WHEREAS clause by deleting “making” and inserting “which may make”**

**The friendly amendment was accepted by the maker of the motion.**

Continued Planning Commission discussion:

- Concern with giving material to a plaintiff in the event the Township Board is sued
- Recent Supreme Court decision explicitly stated a municipality cannot regulate the content of signs

**Commissioner DeGroff offered the following friendly amendment:**

- **6<sup>th</sup> WHEREAS clause by deleting “is likely to be contrary to” and inserting “may cause concern regarding”**

**The friendly amendment was accepted by the maker of the motion.**

ROLL CALL VOTE: YEAS: Commissioners Cordill, DeGroff, Deits, Honicky, Ianni, Tenaglia, Van Coevering, Chair Scott-Craig

NAYS: Commissioner Jackson

Motion carried 8-1.

**8. Other Business (None)**

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

Commissioner Deits announced a special meeting of the Downtown Development Authority (DDA) will be held at 7:30 A.M. on Monday, October 5, 2015 at the MARC, primarily to discuss the proposed project to occupy the site currently containing the MARC and closed central fire station.

Chair Scott-Craig reported his attendance at the last Environmental Commission meeting where Commissioner Schools gave a presentation on the interpretation of signs as a management tool. He stated there was also discussion on commencement of work on the natural features inventory. Chair Scott-Craig announced two (2) events to be held on October 3<sup>rd</sup>: Solar Home Tour Day and Meridian Township's Recycling Event at Chippewa Middle School. He noted the Tri-County Regional Planning Commission's Facebook page announced an event on October 1<sup>st</sup> from 5:00 P.M. until 7:00 P.M. titled Imagine Mid-Michigan, a partnership with Portland State University related to land use and development policies which boost the economy, protect quality of life and a variety of other topics.

**A. Future Projects/New Applications**

- i. Rezoning #15050 (McCurdy), request to rezone 5458 Okemos Road from RAAA (Single Family Low Density) to RR (Rural Residential)
- ii. Special Use Permit #15131 (Pairolero), request to construct a non-residential use in a residential district (optometry clinic) on two undeveloped platted lots located on the east side of Marsh Road north of Haslett Road
- iii. Zoning Amendment #15070 (Planning Commission), amend Section 86-2 Definitions and Section 86-438 Wireless Communication Facilities Overlay District to comply with federal and state regulations

**B. Update of Ongoing Projects**

- i. Site Plans Received – NONE
- ii. Site Plans Approved
  - SUP #15-14-071 (Department of Parks & Recreation), replacement of the Wonch Park Pavilion and portions of the internal sidewalk at 4555 Okemos Road, Okemos

**10. Public remarks**

Chair Scott-Craig opened public remarks.

Ghulam Sumbal, 1998 Jolly Road, Okemos, requested a summary of Planning Commission disposition on his case, Rezoning #15030.

Chair Scott-Craig explained the consensus was to approve the request when it comes back before the Planning Commission.

Chair Scott-Craig closed public remarks.

**11. Adjournment**

Chair Scott-Craig adjourned the regular meeting at 8:05 P.M.

Respectfully Submitted,

Sandra K. Otto  
Recording Secretary