

**CHARTER TOWNSHIP OF MERIDIAN  
PLANNING COMMISSION  
AGENDA**

**WORK SESSION MEETING  
AND  
REGULAR MEETING**

**NOVEMBER 23, 2015**

**Meridian Municipal Building  
5151 Marsh Road, Okemos, MI 48864**

**Work Session Meeting – Administrative Conference Room**

1. Call meeting to order at approximately 6:00 p.m.
2. Approval of agenda
3. Discussion
  - A. Master Plan Request for Proposals
4. Public Remarks
5. Adjournment

**Regular Meeting – Town Hall Room**

1. Call meeting to order at approximately 7:00 p.m.
2. Approval of agenda
3. Approval of minutes
  - A. November 9, 2015 Regular Meeting
4. Public remarks
5. Communications
6. Public Hearings
7. Unfinished Business
  - A. Special Use Permit #15141 (Chvala), request to work in the 100-year floodplain to construct at pond at 5384 Van Atta Road

**Planning Commission Agenda**

**November 23, 2015**

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- B. Wetland Use Permit #15-02 (Chvala), request to impact wetlands to construct a pond at 5384 Van Atta Road
  - C. 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
8. Other Business
- A. 2016 Planning Commission calendar
9. Township Board, Planning Commission officer, committee chair, and staff comment or reports
- A. Special Use Permit #15161 (Okemos Road LLC), develop an 8-unit townhouse project at 3698 Okemos Road
  - B. Update of Ongoing Projects
    - i. Site Plans Received
      - 1. Site Plan Review #15-11 (Meridian Investment Group), review site plan for Red Cedar Flats (MUPUD #15034), 112 residential units,
    - ii. Site Plans Approved
      - 1. Site Plan Review #15-10 (Grange Acres), review site plan for modifications to 38 units in Phase 1, 6101 Marsh Road
10. Public Remarks
11. Adjournment

**Post Script:** Joyce Van Coevering

The Planning Commission's Bylaws state agenda items shall not be introduced for discussion or public hearing that is opened after 10:00 p.m. The chair may approve exceptions when this rule would cause substantial backlog in Commission business (Rule 5.14 Limit on Introduction of Agenda Items).

Persons wishing to appeal a decision of the Planning Commission to the Township Board in the granting of a Special Use Permit must do so within ten (10) days of the decision of the Planning Commission (Sub-section 86-189 of the Zoning Ordinance)

**TENTATIVE  
PLANNING COMMISSION AGENDA**

**Work Session Meeting  
and**

**Regular Meeting  
December 14, 2015**

**Meridian Municipal Building  
5151 Marsh Road, Okemos, MI 48864**

**Work Session Meeting – Administrative Conference Room**

1. 2005 Master Plan Update

**Regular Meeting – Town Hall Room**

2. Public Hearings
  - A. Special Use Permit #15161 (Okemos Road LLC), request to construct an 8-unit townhouse group on approximately one acre at 3698 Okemos Road
3. Unfinished Business
  - A. 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
4. Other Business

**CHARTER TOWNSHIP OF MERIDIAN  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
November 9, 2015**

**DRAFT**

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

PRESENT: Commissioners Cordill, DeGroff, Deits, Honicky, Ianni, Scott-Craig, Tenaglia, Van Coevering  
ABSENT: Commissioner Jackson  
STAFF: Principal Planner Oranchak

**1. Call meeting to order**

Chair Scott-Craig 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 DeGroff.**

VOICE VOTE: Motion carried 8-0.

**3. Approval of Minutes**

**Commissioner Honicky moved to approve the Regular Meeting Minutes of October 26, 2015. Seconded by Commissioner Tenaglia.**

VOICE VOTE: Motion carried 8-0.

**4. Public Remarks**

Chair Scott-Craig opened the floor for public remarks.

Mike McCurdy, 5458 Okemos Road, East Lansing, addressed his rezoning request relative to the possible application of the Right to Farm Act to his property, adding it is not a realistic proposition for his land. He spoke in support of his rezoning request. He believed a small family farm to be the highest and best use for the property, and no one would buy the property with the idea of doing anything else, except redevelopment.

Chair Scott-Craig closed public remarks.

**5. Communications**

- A. Ginger Yang, LotusVoice Integrative Therapies, LLC, 4994 Park Lake Road, East Lansing  
RE: ZA #15070 (Wireless Community Overlay & Corridor Improvement Authority)

**6. Public hearings**

- A. Special Use Permit #15141 (Chvala), request to work in the 100-year floodplain to construct at pond at 5384 Van Atta Road and
- B. Wetland Use Permit #15-02 (Chvala), request to impact wetlands to construct a pond at 5384 Van Atta Road

Chair Scott-Craig opened the public hearings at 7:06 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 and wetland use permit requests as outlined in staff memoranda dated November 5, 2015.
- Applicant  
Cory Chvala, 5540 Earliglow Lane, Haslett, stated he has significantly cleaned up the property since he purchased it a few years ago. He noted his intent was to develop the plan to be an enhancement to the natural area, adding what currently exists on the property is a monocultured cat tail wetland with no diversity of plants. Mr. Chvala indicated the plan was designed with input by the Michigan Department of Environmental Quality (MDEQ) and the Township's wetland consultant to make it a better wetland. He summarized the current topography of the land, adding he has received a variance to use the Van Atta access as the driveway. Mr. Chvala noted the spoils would be placed in the upland to make it level in order to build a home in the future. He clarified the berm mentioned in the staff summary would be used on the perimeter of the property to help provide some privacy for the site. Mr. Chvala stated it is their intention to stock the pond with fish and have it be a natural habitat for turtles, frogs, etc.

Stephanie Jubb, Mid-Michigan Ponds, 6500 Howe Road, Bath Township, offered a roughly sketched map which showed placement of the spoils, none of which would be within the floodplain.

Planning Commission discussion:

Commissioner Honicky asked how the pond would be filled with water.

Ms. Jubb responded the hydrology already exists naturally with an existing wetland. She indicated it is their belief that with the excavation, the groundwater will sufficiently fill the pond, adding sufficient grades will allow the water to seep up the banks to keep the root zone saturated in the mitigated wetland areas.

Commissioner Honicky inquired where the pond would exit.

Mr. Chvala answered there is a natural overflow for the wetlands which currently exist. He indicated that when the land is very wet, the water will run along the fenceline and follow its natural flow to the back.

Commissioner Honicky asked how the applicant would maintain the pond.

Ms. Jubb responded it is his plan to install an aeration system in the deep water area and monitor algal growth. She added Mr. Chvala's intent is to maintain a healthy fishery, which will help combat algal growth as well. She specified that part of the mitigation plan for the wetland includes performing monthly hydrology assessments for (5) years as well as an annual vegetative assessment to determine if there is any invasive species present.

Commissioner Honicky inquired about the horse manure runoff from the neighbor's property to the east and the nitrogen it will produce which will end up in the pond.

Mr. Chvala stated the pond is set off from the direct area where his neighbors' horses are in.

Ms. Jubb added they can take a closer look at the area in question, and could use excavated dirt to alter the flow somewhat from his neighbor's property. She pointed to a different drawing which depicted a much larger wetland complex which will filter some of the water flowing into the subject pond.

Commissioner Honicky inquired about the safety of the children who live to the east.

Mr. Chvala responded if the project moves forward, it is his intent to place new fencing along Piper Road to prevent trespassing. He added the deep water area is south of the existing barn and a significant distance from Piper Road, as well as a significant distance from Van Atta Road. Mr. Chvala noted the deep water area would be closer to the future home, and within view for monitoring. He stated he also plans to have a gate off Piper Road.

Commissioner Van Coevering expressed appreciation for the exhaustive cleanup of the property. She spoke in support of the project based upon the recommendations of the Environmental Commission and tonight's presentation.

Commissioner Deits asked if the recommendation to place the spoils above the 500 year floodplain. He inquired if that was practical for this site.

Principal Planner Oranchak responded elevations will be placed on the plan as the project moves through the process. She indicated the floodplain itself is 653.1 feet above mean sea level while the 500 year floodplain is at 653.6 feet above mean sea level and should not be an issue.

Commissioner Deits inquired about the regulations that all runoff be accommodated on the property in question and not allow it to flow onto adjacent properties.

Principal Planner Oranchak replied the water is flowing towards the Foster Drain to the south. She clarified the regulation mentioned deals with construction relative to the use of impervious surfaces which does not apply here.

Chair Scott-Craig inquired if the applicant had an issue with the three (3) conditions offered by the Township's environmental consultant.

Mr. Chvala responded he did not.

Chair Scott-Craig spoke to the variance approved by the Zoning Board of Appeals (ZBA) for the driveway.

Mr. Chvala explained while his 200 foot frontage is on Piper Road, having a driveway dip down through the wetland and back up would be cost prohibitive. He stated a previous property owner created a farm drive off Van Atta Road which was approved for use. Mr. Chvala also noted when the pond is completed and the new house built, it is his plan to tear down the dilapidated barn and build a new structure in another location.

Commissioner Deits cited an instance where a barn was proposed to be placed in front of the house on Jolly Road, east of Van Atta Road, and the Planning Commission denied the request. He expressed puzzlement at the proposed barn which will be in "front" of their house.

Principal Planner Oranchak responded staff will be looking at that issue at the appropriate time in the process.

Mr. Chvala explained he was granted the variance as the ZBA believed it hard to determine front yard v. back yard on a 17 acre site.

Commissioner Deits requested staff look into the reasoning why the issue of the barn for the Jolly Road parcel came before the Planning Commission while Mr. Chvala's property did not.

Chair Scott-Craig closed the public hearing at 7:41 P.M.

C. Zoning Amendment #15080 (Township Board), proposal to amend Section 86-473 Street Trees

Chair Scott-Craig opened the public hearing at 7:42 P.M.

- Summary of subject matter  
Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated November 5, 2015.

Planning Commission discussion:

Commissioner Van Coevering inquired who has the financial responsibility to replace existing trees which die within one (1) year of project completion.

Principal Planner Oranchak replied it is the person requesting application for new construction.

Commissioner Honicky offered examples of locations in the Township where trees planted in new developments died from the top down over a period of time longer than two (2) years. He voiced his preference for lengthening the time for required replacement to five (5) years.

Principal Planner Oranchak clarified in most cases, landscaping is a continuous obligation of the property owner and replacement is required for projects which go through site plan review. She noted that in instances where street trees are planted in a subdivision by the developer, site plans are the continuous obligation of the property owner and/or homeowners association to ensure the trees are maintained as approved.

Commissioner Honicky inquired about the dead trees along Banyon Trail, Sapphire Lane and Burcham Drive, asking if the property owner has been cited for required replacement.

Principal Planner Oranchak noted the Township does not have the same requirements for residential areas that it has for commercial and multiple family.

Commissioner Honicky asked who would be responsible for their replacement.

Principal Planner Oranchak reiterated that unless they died within a couple of years of planting, staff would require the homeowners association or the property owner of a particular parcel to replace the trees. She added Burcham Drive is a collector street and a different situation, although she assumed the homeowners associations for the planned unit developments along that street would want to take responsibility to keep their street well maintained. Principal Planner Oranchak noted if the dead trees are located within the right-of-way, the Ingham County Road Department (ICRD) will remove them.

Commissioner Cordill stated a two inch (2") caliper 2" seemed small.

Principal Planner Oranchak responded 2" is used in other sections of the ordinance and is the standard. She expressed concern regarding the viability of larger trees which require more

watering. Ms. Oranchak added there is a significant increase in the cost of larger trees, stating the Township places a \$250 price tag on the performance guarantee for trees which have not yet been installed. She acknowledged it is a "balancing act."

Commissioner DeGroff asked what was the point of having the two (2) year requirement if the site plan conformance obligation takes care of tree replacement.

Principal Planner Oranchak replied that, as previously mentioned, site plan conformance does not take care of tree replacement in all circumstances. She believed if a tree is not healthy at the end of two (2) years, it probably will not survive.

Commissioner DeGroff inquired if an unhealthy tree which does not die within the two (2) year timeframe must be replaced.

Principal Planner Oranchak responded it would depend on how the tree is not healthy (i.e., no growth on the top), at which point the property owner would be asked to replace it.

Commissioner DeGroff voiced concern the language staff desires to enforce is not in the proposed zoning amendment.

Chair Scott-Craig inquired who was involved in the writing of this ordinance.

Principal Planner Oranchak indicated the amendment was written by staff with Township attorney review.

Commissioner Tenaglia stated trees between the curb and sidewalk will not survive due to snow removal and salt. She believed it unrealistic to make a property owner responsible for trees which are in an area where they will not survive due to winter road conditions.

Commissioner Deits addressed alleged ambiguity contained in Section 86-473 (B). He asked if the ordinance allowed someone with a large existing tree on their property the option to remove that tree, or can the Director of Community Planning and Development declare it a valuable tree and forbid the property owner to remove it. Commissioner Deits voiced concern the words "street trees may be preserved" are passive as it does not determine who would make the choice relative to preservation.

Principal Planner Oranchak replied the determination for preservation will be made at the staff level. She addressed the distinction between may v. shall.

Commissioner Deits expressed concern staff would be making the determination. Commissioner Ianni noted Section B begins with "In lieu of planting new street trees," which would indicate that existing trees would be in place of new ones.

Commissioner DeGroff added that with the use of the word "approval" in section B, as staff could not approve a request which was never made. He added use of existing trees could only be approved if a developer has requested them in lieu of the new trees.

Commissioner Cordill stated some species of trees (i.e., locust) are better for use as street trees as they tolerate snow and salt. She suggested the tree species which tolerate snow and salt be identified.

Commissioner Tenaglia expressed concern with trees close to the road which grow and become a safety issue.

Commissioner Deits voiced disappointment with any planting of monocultured street trees.

Principal Planner Oranchak responded staff does not encourage the planting of all the same trees on a particular property.

Chair Scott-Craig noted Section 86-473 A. (1) states the arterial street trees shall be placed in a manner determined appropriate by the Director of Community Planning and Development with input from Ingham County and the state, as applicable. He presumed that would preclude street trees being placed right next to the street. Chair Scott-Craig requested an explanation of the language in subsection A. (1) b. regarding street trees being placed between the curb and the right-of-way line on collector and local streets, as he believed the curb to be in the right-of-way.

Principal Planner Oranchak responded the chair is correct. She added the curb is not the edge of the right-of-way and there may be ten (10) to 15 feet between the curb and the right-of-way line in which to plant trees.

Chair Scott-Craig voiced additional concern that if there is the addition of a sidewalk, it takes up another five (5) feet and the issue is that if the trees are placed in the narrow space between the curb and sidewalk, sometimes those trees thrive and some are challenged.

Principal Planner Oranchak added the ability to thrive may have something to do with the species and how they were originally planted (girdled roots which result in the death of the trees). She indicated there are many variables involved in planting a street tree which is going to survive its youth.

Commissioner Ianni expressed opposition to extending the warranty requirement for street trees in residential areas as the developer may no longer own the property. He believed the one (1) or two (1) year requirement is an appropriate time frame.

Chair Scott-Craig reminded fellow Commissioners this language concerns multi-family and non-residential development only.

Commissioner Ianni believed it dealt primarily with non-multiple family and non-commercial.

Commissioner Ianni added that if Chair Scott-Craig's reading is correct, it is part of the site plan and is required to be kept in perpetuity and the warranty requirement would not come into effect.

Principal Planner Oranchak added the issue has to do with the requirements addressed during site plan review which state landscaping must be maintained on the site plan when it was originally approved.

Chair Scott-Craig added maintenance is the responsibility of the owner, not necessarily the developer, unless the developer continues to own the property.

Commissioner Ianni reiterated the developer still should not have to warranty the work beyond a reasonable period of time, i.e., two years.

Commissioner Van Coevering inquired if the warranty applies across the Township or just for multi-family and non-residential property.

Principal Planner Oranchak replied she will get clarification and bring back to the Planning Commission as she believed it applied to all trees within the Township.

Commissioner Deits offered history that the tree caliper requirement was changed from three inches (3") to two inches (2") several years ago after expert advice from arborists about the most productive tree planting size.

Commissioner Cordill commented on what she believed to be the vagueness of the second sentence in Section 86-473 and suggested the intent be "flushed out" for clarity. She asked who determines the spacing of street trees.

Principal Planner Oranchak responded specific spacing criteria is used by staff.

Commissioner Cordill asked if this amendment would be the appropriate place to insert the criteria.

Principal Planner Oranchak replied staff typically looks at the spacing during site plan review or the platting process.

Commissioner Cordill inquired if there is distinct specificity with the spacing or if discretion can be applied when designating spacing.

Principal Planner Oranchak answered that discretion is applied due to different circumstances (i.e., lot width) on various sites.

Commissioner Deits wondered if subsection B. should be changed to be indented (1) as he believed it to be a subsection of Paragraph A., not an entirely new section.

Principal Planner Oranchak believed the language was appropriately placed as written as there are two types of trees: new planted street trees (A) and existing trees (B).

Commissioner Deits offered a structural reconfiguration of the language to make planted street trees a subsection, as he believed only subsections (1) and (2) apply to planted street trees and the rest of the text in section A applies to all trees, existing and planted.

Commissioner Van Coevering reiterated the need for staff to define what areas (e.g., multiple-family, nonresidential, etc.) to which this language applies as she is unclear as to intent.

Commissioner DeGroff indicated the requirement is to plant streets trees as described in Section A and an alternative way to satisfy the requirements in Section A is the existing trees as described in Section B. He did not see any problem with the language as written.

Chair Scott-Craig suggested adding "as described in Section A" after "In lieu of planting new street trees" in Section B for clarity.

Commissioner DeGroff believed "In lieu of planting new street trees" makes clear the language in Section B is an alternative, as long as the requirements defined in the remainder of Section B are met.

Chair Scott-Craig closed the public hearing at 8:25 P.M.

## 7. Unfinished Business

- A. Rezoning #15060 (McCurdy), request to rezone 5458 Okemos Road from RAAA (Single Family Low Density) to RR (Rural Residential).

**Commissioner Ianni moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends denial of Rezoning #15060, a request to rezone 5458 Okemos Road, an approximately six acre parcel, from RAAA (Single Family, Low Density) to RR (Rural Residential). Seconded by Commissioner Deits.**

Planning Commission discussion:

- Rezoning is an inappropriate avenue to deal with this issue
- Rezoning would allow the potential for more intensive agricultural use on the property
- More appropriate avenue would be for the Township to amend its ordinance to allow for a special use permit for certain agricultural uses in a residential area
- Planning Commissioner belief that with several neighbors indicating they have no objection to this use, there is no urgency to correct the situation
- Township can choose whether or not to vigorously enforce this issue as there is little evidence, other than an unidentified email, that there is opposition to the keeping of goats on the subject parcel
- Planning Commissioner preference that the Commission figure out ways to establish pocket agriculture in our community
- Proper for the Township Board to request the Planning Commission draft a document which allows flexibility for agricultural uses in the RAAA zoning category and request code enforcement not be pursued until the situation is resolved
- Applicant followed existing procedures and it is not fair to deny this rezoning request based on a better method which has not yet been established
- Reminder of the applicant's example this land could have 25 homes built on it, each with four (4) chickens for a total of 100 chickens
- Zoning being requested is in line with the land around it
- RR zoning district does not limit the number of allowed animals
- Reminder the zoning stays with the land, not the current owner
- Development pattern along Okemos Road has been a series of residential projects, including nearby Cameron Oaks, which is entirely RAAA
- Uses permitted by right in the RR zoning district, as currently written, allow for things which are believed to be inappropriate at this site
- History of zoning designations for this parcel

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

NAYS: Commissioner DeGross

Motion carried 7-1.

**8. Other Business (None)**

- 9. Township Board, Planning Commission officer, committee chair, and staff comment or reports**  
Commissioner Deits offered an extensive summary on the last Downtown Development Authority (DDA) meeting where discussion took place on changing the downtown Okemos Celebration historically managed by volunteers to a township wide event which would be managed by Township staff. He clarified that although a motion was passed to accept the change at the last meeting, it lacked specificity regarding expenditure of funds to reimburse the Township for staff time. Commissioner Deits noted this topic will be discussed again in January. He noted DDA members were presented with an introduction to the Corridor Improvement Authority (CIA). He offered a suggestion that the CIA be turned into the DDA and make it a tax increment financing (TIF) district

of some size which would be effective as a development tool and also alleviate the looming DDA debt. Commissioner Deits also announced the property consisting of the old library, closed central fire station and the Meridian Area Resource Center (MARC) property has been sold and demolition will soon begin

Commissioner Ianni once again announced the Okemos Education Foundation (OEF) Annual Awards Banquet will be held on Thursday, November 19, 2015 at the Kellogg Center at Michigan State University. He indicated information and ticket purchase can be found at [www.oefsite.org](http://www.oefsite.org).

Commissioner Tenaglia reported her and Chair Scott-Craig attendance at last weeks' Meridian Economic Development Corporation (EDC) where the sale of the MARC property and the CIA were discussed.

Chair Scott-Craig added it was his first time attending an EDC meeting. He suggested the EDC meetings be televised. Chair Scott-Craig reported the Meridian Leadership breakfast was held last Friday, which included an overview from the ZBA and the Land Preservation Advisory Board (LPAB). He noted Township staff shared the LPAB is at the end of the property acquisition phase and into the continued stewardship phase of the existing LPAB parcels. Chair Scott-Craig reported his attendance at the Mid-Michigan Environmental Action Council Land Use Lunch for November where a talk was given by a member of the Detroiters Working for Environmental Justice. He announced the Community Resources Commission (CRC) is selling raffle tickets at Township offices for its Emergency Needs Fund Fundraiser.

A. Future Projects/New Applications

None

B. Update of Ongoing Projects

i. Site Plans Received - None

ii. Site Plans Approved - None

**10. Public remarks**

Chair Scott-Craig opened and closed public remarks.

**11. Adjournment**

Chair Scott-Craig adjourned the regular meeting at 8:45 P.M.

Respectfully Submitted,

Sandra K. Otto  
Recording Secretary

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM:



Gail Oranchak, AICP  
Principal Planner

DATE: November 19, 2015

RE: Special Use Permit #15141 (Chvala), a request to excavate material from the 100-year floodplain of the Foster Drain at 5384 Van Atta Road

The Planning Commission held a public hearing regarding Special Use Permit #15141 at its November 9, 2015 meeting. Cory Chvala has requested a special use permit to excavate materials from the floodplain of the Foster Drain to construct a pond at 5384 Van Atta Road. Section 86-436 of the Code of Ordinances requires special use permit approval when excavating materials from the 100-year floodplain. Special Use Permit #15141 is being reviewed concurrent with Wetland Use Permit #15-02.

The Township's Chief Engineer has recommended approval of the request subject to a condition to locate the berm above the elevation of 863.5 feet above mean sea level. The Chief Engineer also noted information about the location, size and height of the berm has not been provided. A condition of approval will require the applicant to provide such information before work begins on the pond.

**Planning Commission Options**

The Planning Commission may approve, approve with conditions, or deny Special Use Permit #15141. A resolution to approve has been provided for consideration.

**Attachments**

1. Resolution to Approve

g:\community plng & dev\plng\SUP\2015\SUP 15141(Chvala)\staff reports\SUP 15141.pc2

**RESOLUTION TO APPROVE**

**Special Use Permit #15141  
(Chvala)  
5384 Van Atta Road**

**RESOLUTION**

At a regular meeting of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 23rd day of November 2015, at 7:00 p.m., Local Time:

PRESENT: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_

WHEREAS, Cory Chvala requested a special use permit (Special Use Permit #15141) to work in the 100-year floodplain associated with the excavation of material to construct a pond at 5384 Van Atta Road in Section 13 of the Township; and

WHEREAS, excavation of materials from the 100-year floodplain requires a special use permit pursuant to Section 86-436(l)(5) of the Conservancy District of the Code of Ordinances; and

WHEREAS, the Planning Commission held a public hearing on Special Use Permit #15141 at its meeting on November 9, 2015, and has reviewed the staff material forwarded under cover memorandums dated November 5, 2015 and November 19, 2015; and

WHEREAS, the excavation in the 100-year floodplain will be consistent with the requirements and standards outlined in Section 86-436(n), the Conservancy District for the granting of a special use permit in the floodway fringe; and

WHEREAS, the excavation will not be adverse or damaging to the public health, safety, or welfare; and

WHEREAS, the proposed excavation work will not have an adverse impact on the impoundment capacity of the 100-year floodplain; and

WHEREAS, a permit from the Michigan Department of Environmental Quality was not required for excavation work; and

WHEREAS, the Chief Engineer approved the project, contingent on any permits or conditions required by the Township.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #15141 subject to the following conditions:

1. Approval is subject to the plans and application materials submitted as part of Special Use Permit #15141, subject to revisions as required.

**Resolution to Approve  
SUP #15141 (Chvala)  
Page 2**

2. Prior to work taking place on the site, the applicant shall submit a detailed site plan showing the location where excavated materials will be used to create a berm. The site plan shall show excavated materials will be removed to a location above 863.5 feet above mean sea level; and the proposed length, height, and width of the berm. The Director of Community Planning and Development shall review and approve the berm location.
  
3. The applicant shall obtain a soil erosion and sedimentation control permit from the Department of Public Works & Engineering prior to any work taking place on the site. A copy of the permit shall be provided to the Department of Community Planning & Development.

ADOPTED: . YEAS: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

STATE OF MICHIGAN     )  
                                  ) ss  
COUNTY OF INGHAM    )

I, the undersigned, the duly qualified Chairperson of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Planning Commission on the 23rd day of November, 2015.

\_\_\_\_\_  
John Scott-Craig, Chair  
Meridian Township Planning Commission

**CHARTER TOWNSHIP OF MERIDIAN  
MEMORANDUM**

**TO:** Planning Commission

**FROM:**   
Gail Oranchak, AICP  
Principal Planner

**DATE:** November 19, 2015

**RE:** Wetland Use Permit #15-02 (Chvala), request to impact regulated wetlands associated with construction of a pond

The Planning Commission held a public hearing regarding Wetland Use Permit #15-02 at its November 9, 2015 meeting. Wetland Use Permit #15-02 is being reviewed concurrent with Special Use Permit #15141.

Cory Chvala is requesting a wetland use permit to impact regulated wetlands for the construction of a pond at 5384 Van Atta Road in Section 13 of the Township. The applicant intends to excavate approximately 19,500 cubic yards from two acres of Township Wetland #13-12D to create a .3 acre deep water area and 1.7 acres of wetland enhancement. Mitigation will be accomplished with the creation of wetlands located on the north (.15 acre) and west (.15 acre) sides of Wetland #13-12D.

The Township's Environmental Consultant recommended approval of Wetland Use Permit #15-02 with conditions and the Township's Environmental Commission concurred with the consultant's findings and recommendation. The Michigan Department of Environmental Quality granted approval for the proposed work in regulated wetlands on June 29, 2015.

### **Planning Commission Options**

Pursuant to Section 22-157(1) of the Code of Ordinances, the Planning Commission has the options to approve, approve with conditions, or deny Wetland Use Permit #15-02. Based on the original submittal date and the 90-day review timeline established in the State Wetland Act and the Township's Wetland Ordinance, the deadline for action is December 8, 2015. A resolution to approve has been provided for consideration.

### **Attachments**

1. Resolution to approve

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**RESOLUTION TO APPROVE**

**Wetland Use Permit #15-02  
Cory Chvala  
5384 Van Atta Road**

**RESOLUTION**

At a regular meeting of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 23rd day of November 2015, at 7:00 p.m., Local Time.

PRESENT: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_.

WHEREAS, Cory Chvala requested a wetland use permit (Wetland Use Permit #15-02) to excavate approximately 19,500 cubic yards of material from two (2) acres of wetland to create a 0.3 acre deep water area and 1.7 acres of wetland enhancement associated with construction of a pond at 5384 Van Atta Road; and

WHEREAS, Section 22-151 of the Township Wetland Protection Ordinance requires a wetland use permit for the proposed activities impacting regulated wetlands; and

WHEREAS, the Planning Commission held a public hearing on Wetland Use Permit #15-02 at its meeting on November 9, 2015 and has reviewed the staff material forwarded under cover memorandums dated November 5, 2015 and November 19, 2015; and

WHEREAS, the Township's Environmental Consultant, in a report dated October 1, 2015, recommended issuance of Wetland Use Permit #15-02 with conditions; and

WHEREAS, in its advisory capacity, the Environmental Commission reviewed the project and recommends approval of the permit; and

WHEREAS, there are limited locations for placing the pond and constructing the required acreage of mitigation wetland on the site; and

WHEREAS, the proposed activity will improve and diversify wetland functions, including improving habitat; and

WHEREAS, the site's scenic values are expected to improve and the project is expected to have a positive impact on fish and wildlife by improving their habitat; and

WHEREAS, the project will diversify the wetland plant communities associated with the wetland complex and the open water component will improve wildlife habitat; and

WHEREAS, .3 acre of on-site mitigation is proposed to compensate for impacts to regulated wetlands associated with the pond construction; and

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WUP #15-02 (Chvala)  
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WHEREAS, the Michigan Department of Environmental Quality issued a permit for the proposed project on June 29, 2015.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to Article 4 of Section 22 of the Township Code of Ordinances, hereby approves Wetland Use Permit #15-02 with the following conditions:

1. Approval is subject to the application materials and mitigation plan prepared by Mid-Michigan Ponds, dated September 4, 2015, and related materials submitted as part of Wetland Use Permit #15-02, subject to revisions as required.
2. If required, the applicant shall obtain all necessary permits, licenses and approvals from the Ingham County Drain Commissioner's office, and the Township prior to any work taking place. Copies of all permits, licenses and approvals shall be submitted to the Department of Community Planning & Development.
3. Wetland Use Permit #15-02 shall be subject to the applicant receiving approval of Special Use Permit #15141 for work in the floodplain.
4. Prior to any work taking place on the site, the applicant shall submit a detailed site plan showing the location and dimensions of the berm to be created using materials excavated from Wetland #13-12D and an associated soil erosion plan to the Director of Community Planning and Development for review and approval.
5. Prior to any work taking place on the site related to activities in and around wetlands to create the pond, a soil erosion and sedimentation control plan shall be submitted to the Director of Community Planning & Development for review and approval.
6. Prior to construction, erosion control fencing shall be installed to prevent sedimentation from infiltrating into the wetlands, the water features setback/natural vegetation strip and mitigated wetlands. The erosion control fencing shall be maintained throughout the duration of the project and shall be removed after construction is completed and the area is stabilized.
7. Mid-Michigan Ponds shall periodically monitor the site during the first year after construction to identify and correct erosion issues.
8. The mitigation wetlands shall be monitored for five years in accordance with Mid-Michigan Ponds' September 24, 2015 Chvala Wetland Mitigation Plan with vegetation monitoring being conducted between July 15 and August 15. Annual reports shall be provided to the Director of Community Planning and Development and include a written status report and photographic documentation.
9. No straw bales shall be used for erosion control, unless in conjunction with sediment erosion control fencing.
10. A copy of the approved wetland use permit containing the conditions of issuance shall be posted in a conspicuous manner such that the wording of the permit is available for public inspection and the posting shall remain in place throughout the duration of site work.

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11. Upon completion of construction, the applicant shall contact the Department of Community Planning & Development for an inspection of the site to ensure compliance with the permit.

ADOPTED: YEAS: \_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_

STATE OF MICHIGAN        )  
                                  ) ss  
COUNTY OF INGHAM        )

I, the undersigned, the duly qualified Chairperson of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Planning Commission on the 23rd day of November, 2015.

\_\_\_\_\_  
John Scott-Craig, Chair  
Meridian Township Planning Commission

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM:   
Martha Wyatt  
Associate Planner/Landscape Architect

DATE: November 20, 2015

RE: Special Use Permit #15131 (Robbie Pairolero), request to establish an optometry clinic as a nonresidential use in a residential district, east side of Marsh Road, north of Haslett Road, Haslett MI

The Planning Commission held a public hearing regarding Special Use Permit #15131 at its October 12, 2015 meeting. The special use permit is a request by Dr. Pairolero to establish an optometry clinic, a nonresidential use permitted by special use permit in a residential district, on two vacant platted lots zoned RN (Multiple Family, Mixed Residential), located on the east side of Marsh Road, north of Haslett Road. The approximate 0.40 acre site is in Section 10 of the Township.

At the public hearing the Planning Commission noted concerns with the number of variances that would be required, including building and parking setbacks, landscape buffer width, and insufficient parking. The applicant had requested a decision the same night as the public hearing however the Planning Commission did not act on that request.

In a letter dated October 20, 2015, the applicant asked to delay further review until November 23, 2015 in order to address the Planning Commission's comments. Revised plans have been submitted for the Planning Commission's consideration prior to a decision on the special use permit.

The building footprint has been reduced by approximately 252 square feet, from 3,840 to 3,588 square feet for the first floor where the clinic is located. The basement is of equal size (3,588 square feet) but is intended for storage and is not included for parking calculations. A stand-alone medical office requires five parking spaces per 1,000 square feet of gross floor area. Using the square footage of the clinic (first floor), 18 parking spaces are required. The number of motor vehicle parking spaces can be reduced when bicycle parking is provided, but no more than a 10% reduction per Section 86-760. In this case two motor vehicle parking spaces could be eliminated, thus 16 parking spaces are required. Four bicycle parking spaces (two bicycle racks) are provided. The plan shows 16 motor vehicle parking spaces thus a variance is not required for the number of parking spaces.

**SUP #15131 (Robbie Pairolero)**  
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The site layout (building and parking area) remains the same as the plan reviewed at the public hearing, except for the reduction of the building footprint. The building is located approximately 10 feet from the rear (east) lot line whereas the previous plan showed the building 7.96 from the rear lot line. Several variances are required as summarized below:

- Rear yard setback for the building (a 50-foot setback is required and the proposed setback is 10.1 feet).
- Side yard setback for the parking area (a 20-foot setback is required and the proposed setbacks are 15 feet from the north and south lot lines).
- Landscaped buffer along the frontage of the site adjacent to parking (a 20-foot wide landscaped buffer is required and a 5-foot wide landscaped buffer is proposed).

**Planning Commission Options**

The Planning Commission may approve, approve with conditions or deny the special use permit. A resolution will be provided at a future meeting.

**Attachments**

1. Planning Commission minutes dated October 12, 2015 (public hearing)
2. Revised Site Plans and Building Elevations

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- B. 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

Chair Scott-Craig opened the public hearing at 7:19 P.M.

- **Summary of subject matter**  
Associate Planner Wyatt summarized the special use permit (SUP) request as outlined in staff memorandum dated October 9, 2015.
- **Applicant**  
Tom Gottschalk, James Edwards Builder, 1031 E. Saginaw Street, Lansing, representing the applicant, spoke to Eyecare Associates as a longstanding business in the Haslett community. He spoke to the thought which went into the design of the new building.
- **Public**  
Simhr Pawar, 5697 Edson Street, Haslett, stated this relocation of the optometry clinic will be welcome change for Haslett. She indicates trees at the rear of the subject property are leaning over onto her residential property and the berm which separates the two properties is sinking.
- **Planning Commission discussion:**  
Commissioner Cordill inquired how long the land has been vacant.

Associate Planner Wyatt did not believe there has ever been a home located on the property.

Commissioner Cordill inquired that if the nearby properties were rentals, would the owners be inclined to share the notification with their tenants.

Principal Planner Oranchak responded both owners and the occupants are noticed during the notification process.

Commissioner Ianni inquired if there was a way to eliminate the need for a parking variance by adding additional bicycle parking.

Associate Planner Wyatt responded parking cannot be reduced more than ten (10) percent of the required amount, so two would be the limit of the reduction for 20 required parking spaces.

Commissioner Deits asked why the property is not being rezoned to PO.

Principal Planner Oranchak replied because the SUP goes with the zoning and it would be a longer process for the applicant to go through a rezoning and then go through the remaining review.

While acknowledging the inconvenience, Commissioner Deits believed it a relevant issue from a planning perspective. He pointed out one lot immediately to the south is zoned residential while surrounded by PO and what amounts to an office building to the north. Commissioner Deits stated if it is the Township's desire to have businesses extend farther along Marsh Road than the current location, it should make that decision in a more

coherent fashion. He expressed concern the applicant is requesting a variance on all four (4) sides of the property, stating from a zoning, design and land use point of view, he could not support the project. Commissioner Deits suggested a number of variances could be relieved by placing the parking in the rear and underneath, instead of in front and on top.

Commissioner Honicky expressed concern with the eight (8) foot drop and the surface water running downhill into the Lake Lansing Watershed. He believed water should be managed with forethought prior to bringing the project before the Planning Commission. He noted there is an abundance of PO zoned land in the Township and inquired if the applicant had considered any of those nearby parcels.

Mr. Pairolero stated he currently practices at 1536 Haslett Road and was proposing to move his practice two (2) blocks to the subject site. He indicated he has looked for over a year for PO zoned property for sale to accommodate his needs. Mr. Pairolero expressed concern with all the restrictions placed on rented property and none appeared to fit his professional needs. Regarding the question relative to water, he hired KEBS, Inc. to perform the engineering on the project and proposed a stormwater treatment area underneath the parking lot which would retain water runoff.

Commissioner Jackson spoke to the eight (8) foot drop in the land and the location of the stormwater treatment as the rationale for the parking being larger than the building and placed in the front of the site.

Mr. Pairolero added the number of parking spaces required was calculated based on the size of the building.

Commissioner DeGroff suggested the applicant is placing too much building into a small area as the rationale for requesting variances on all four (4) sides. He believed if a SUP is available for this zoning designation, the applicant should be able to ask for it.

Commissioner Cordill believed the SUP is the more appropriate route for this project over a rezoning. She believed a rezoning would be interpreted as spot zoning based on the fact there are single family homes on three (3) of the four (4) sides.

Dr. Pairolero added he attempted to purchase the third lot without success.

Commissioner Cordill inquired about the possibility of building upward as height is available.

Dr. Pairolero responded many of his patients are handicapped and a second floor would present mobility issues and not be practical.

Commissioner Cordill suggested employee parking on the sides of the building.

Dr. Pairolero responded that in order to meet the need for expansion, parking on the north and south sides of the building would also require variances.

Commissioner Tenaglia did not believe this type of business would need the required number of parking spaces as it is not a high volume business. She reminded fellow

Commissioners working with the applicant would result in use of property that has been vacant for many years.

Commissioner Deits noted approval of a SUP to allow a non-residential use in a residential district would restrict Dr. Pairolero as he could only sell to a prospective buyer in the future who intended some type of medical use.

Commissioner Ianni stated part of the reason the property needs a significant number of variances is due to the fact these parcels were platted over a hundred years ago as residential parcels, were never used that way and are too small for other uses without variances.

Commissioner DeGroff believed earlier Commissioner comment regarding the limitation of an SUP is really an argument against this type of SUP.

Commissioner Ianni indicated medical use is a low intensity community based business and more appropriate in residentially zoned areas.

Chair Scott Craig stated the building is too large for the site. He noted the Planning Commission must uphold community standards and setbacks are one of those standards. He stated the Planning Commission has been asked by the Zoning Board of Appeals not to pass along projects to them when there are multiple variance requests which have been self-created. He agreed building up would eliminate the need for most of the variances.

Dr. Pairolero replied that a building which contained multiple floors but had a 30 foot by 30 foot footprint would not be aesthetically pleasing or attractive.

Chair Scott-Craig asked if the seven (7) foot pathway was required by the Township.

Associate Planner Wyatt responded in the affirmative, and would be placed on the applicant's property.

Chair Scott-Craig explained the Planning Commission's position on making a decision the same night as the public hearing for this SUP.

Mr. Gottschalk inquired if Planning Commission members had suggestions to the applicant relative to acceptable landscaping and parking lot setbacks. He stated he viewed the newly constructed building at Cornell and Grand River Avenue with front yard parking as an example of an approved project.

**It was the consensus of the Planning Commission not to vote on this project the same night as the public hearing and not to support the project as proposed.**

Chair Scott-Craig closed the public hearing at 8:14 P.M.

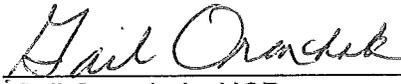
- C. Rezoning #15060 (McCurdy), request to rezone 5458 O4kemos Road from RAAA (Single Family Low Density) to RR (Rural Residential)

Chair Scott-Craig opened the public hearing at 8:14 P.M.

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM:   
Gail Oranchak, AICP  
Principal Planner

DATE: November 19, 2015

RE: 2016 Planning Commission Meeting Schedule

Following is the list of proposed Planning Commission meeting dates for 2016. Two regular meetings are scheduled each month. No special or work session meetings are planned but may be added by the Planning Commission either now or during the year if warranted.

Typically the Planning Commission meets on the second and fourth Monday of each month. There were no conflicts with holidays or elections. As in past years, back-to-back meetings are scheduled in December to avoid conflicts with end of year holidays.

2016 MEETING CALENDAR

January	11 - regular meeting 25 - regular meeting
February	8 - regular meeting 23 - regular meeting
March	14 - regular meeting 28 - regular meeting
April	11 - regular meeting 25 - regular meeting
May	9 - regular meeting 23 - regular meeting
June	13 - regular meeting 27 - regular meeting
July	11 - regular meeting 24 - regular meeting

2016 Planning Commission Meeting Schedule  
November 19, 2015  
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August	8 - regular meeting 22 - regular meeting
September	12 - regular meeting 26 - regular meeting
October	10 - regular meeting 24 - regular meeting
November	14 - regular meeting 21 - regular meeting
December	12 - regular meeting 19 - regular meeting

A resolution has been provided to adopt this meeting schedule.

**Attachment**

1. Resolution to approve

**Planning Commission Meeting Dates  
2016 Schedule**

**RESOLUTION**

At a regular meeting of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 23rd day of November, 2015 at 7:00 p.m., Local Time.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_.

WHEREAS, Public Act 267 of the Public Acts of 1976 requires the publication of the meeting schedule of every municipal board at least once a year; and

WHEREAS, the Planning Commission desires to announce the time, date, and place of all regular meetings of the Commission, pursuant to the provisions of Act 267 of the Public Act of 1976.

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 2016 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	11 - regular meeting 25 - regular meeting
February	8 - regular meeting 23 - regular meeting
March	14 - regular meeting 28 - regular meeting
April	11 - regular meeting 25 - regular meeting
May	9 - regular meeting 23 - regular meeting
June	13 - regular meeting 27 - regular meeting
July	11 - regular meeting 24 - regular meeting

**Planning Commission Meeting Dates  
2016 Schedule  
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August	8 - regular meeting 22 - regular meeting
September	12 - regular meeting 26 - regular meeting
October	10 - regular meeting 24 - regular meeting
November	14 - regular meeting 21 - regular meeting
December	12 - regular meeting 19 - 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.

ADOPTED: YEAS: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

STATE OF MICHIGAN        )  
  )ss  
COUNTY OF INGHAM        )

I, the undersigned, the duly qualified Chairperson of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Planning Commission held on the 23rd day of November 2015.

\_\_\_\_\_  
John Scott-Craig  
Planning Commission Chair