

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
March 10, 2014**

APPROVED

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

PRESENT: Commissioners Deits, DeLind, Hildebrandt, Ianni, Jackson, Salehi, Scott-Craig
ABSENT: Commissioners Cordill, Honicky
STAFF: Director of Community Planning and Development Mark Kieselbach, Principal Planner
Gail Oranchak

1. Call meeting to order

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

2. Approval of agenda

Commissioner Scott-Craig moved to approve the agenda. Seconded by Commissioner DeLind.

VOICE VOTE: Motion carried 7-0.

3. Approval of Minutes

Commissioner Scott-Craig moved to approve the Regular Meeting Minutes of February 24, 2014 as amended. Seconded by Commissioner Ianni.

VOICE VOTE: Motion carried 7-0.

4. Public Remarks

Chair Jackson opened the floor for public remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett, noted the majority of runs from the central fire station are EMS related. He reviewed Planning Commission action on Phase 3 of Hannah Farms, reading an excerpt from those minutes. Mr. Bowlby addressed several areas the Board included in the urban services management area and offered suggestions "in the spirit of compromise." He presented his interpretation of the municipality's responsibility to provide a sewer system in the recent Michigan Supreme Court ruling in *Department of Environmental Quality v. Worth Township*. He requested the Planning Commission not be pressured into making a hasty decision on the central fire station and requested the commission have the Environmental Commission perform an analysis on groundwater vulnerability.

David Strobl, 1320 Cove Court, Okemos, gave a Powerpoint presentation on the "compromise" location of the central fire station, expressing his continued opposition to the project.

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke to several issues which should be considered during a full Section 61 review of the central fire station which will come before the Planning Commission at its March 24, 2014 meeting. He believed the Section 61 Review should be conducted "in tandem" with SUP #13121.

Chair Jackson closed public remarks.

5. Communications

Alex McCrae, 2473 Haslett Road, East Lansing; RE: Concerns with Special Use Permit #14031

6. Public hearings (None)

7. Unfinished Business

- A. Rezoning # 14020 (Okemos Road, LLC/Hagan), request to rezone 3698 Okemos Road from RR (Rural Residential) to PO (Professional and Office)

Commissioner Ianni 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 #14020 to rezone 3698 Okemos Road from RR (Rural Residential) to PO (Professional and Office). Seconded by Commissioner Scott-Craig.

Planning Commission discussion:

- Current zoning of the one-acre site makes it difficult to productively use the property
- PO is transitional zoning so it would have minimal impact on the surrounding neighbors
- Appreciation for the increased inclusion of findings in the resolution
- Subject site is directly across Okemos Road from the south fire station and allegedly has no value as zoned

ROLL CALL VOTE: YEAS: Commissioners Deits, DeLind, Hildebrandt, Ianni, Salehi, Scott-Craig, Chair Jackson

NAYS: None

Motion carried 7-0.

- B. Rezoning #14030 (Fedewa), request to rezone approximately 5.2 acres from RR (Rural Residential) to C-2 (Commercial) located on Saginaw Highway northeast of Lake Lansing Road
Commissioner Scott-Craig 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 #14030 to rezone approximately 5.228 acres located on the southeast side of Saginaw Highway, northeast of Lake Lansing Road, from RR (Rural Residential) to C-2 (Commercial). Seconded by Commission Ianni.

Planning Commission and staff discussion:

- Logical way to make use of the land since rural residential and residential development has not been occurring on the southern side of Saginaw Highway
- Significant commercial development to the south of this property and the rezoning would be consistent with surrounding uses
- At the time of site development, this parcel will need to comply with setbacks from adjacent properties
- Planning Commissioner inquiry if rezoning the adjacent land preservation property should occur prior to making a decision on rezoning the subject parcel in order to protect the land preservation parcel through setbacks
- Setbacks for commercially zoned land are 15 feet, 100 feet for residentially zoned land or 60 feet with a double row of conifer trees on residentially zoned land
- Staff concern with delaying a decision on this case in favor of a possible rezoning of adjacent land in the future
- Two recent rezoning decisions on property to the north

- Possible inclusion of an additional whereas clause which required a minimum 60 foot setback given the subject site abuts land preservation property
- Planning Commission cannot include an additional whereas clause that requires a 60 foot setback from land preservation property
- Only the applicant can offer the condition of a C-PUD on the property
- Inquiry if the C-PUD is an option for the Planning Commission in the rezoning process
- C-PUD is not an existing zoning district, but an overlay district which can be used when a property is zoned in the commercial zoning district
- Planning Commission does not have the authority to place conditions on a rezoning
- Inquiry as to the setbacks for a C-PUD
- Setbacks are based on the site plan that is proposed at the time the C-PUD is approved
- C-PUD does not have specific setback requirements
- Setbacks in place are generally waived during the C-PUD approval process
- Timeline for approval of a rezoning of the adjacent land preservation property if the motion to initiate is brought forth this evening
- This rezoning request was brought forth taking what currently surrounds the property into consideration and restricting the property now with “new” setbacks defeats part of the purpose of this rezoning request
- Planning Commissioner belief there is general consensus the 15 foot setback as currently zoned is inadequate relative to the adjacent land preservation property
- Large size of the adjacent land preservation property
- Part of the process for development of the property if a special use permit is requested will take the character of the adjacent land into consideration
- Concern whether the three (3) nearby homeowners have been properly noticed since two (2) did not provide input
- Staff confirmation that notification was properly sent to both property owners and occupants within 300 feet of the subject property
- Onus is on the property owners and/or occupants to voice objections after they have received proper notification

Commissioner Hildebrandt moved to table Rezoning #14030. Seconded by Commissioner Salehi.

VOICE VOTE: Motion failed 2-5 (Deits, DeLind, Ianni, Jackson, Scott-Craig).

Continued Board discussion:

- Rezoning of this parcel potentially will increase the value of the nearby properties with prime frontage on Saginaw
- Planning Commissioner suggestion that notice to the property owners and occupants be sent certified mail
- In addition to written notification, signs are also posted on the subject site
- If the applicant requests a special use permit to locate the building 30 feet from the property line of the land preservation property, a nexus between the proximity, type of use and the impact on adjacent property could be grounds for denial
- Commercial zoning is a good use of the subject property
- Possible communication with the Land Preservation Advisory Board that at the point of acquisition of property zoned commercial, it should consider a request to the Planning Commission to rezone the parcel
- February 24th memorandum from the LPAB denotes awareness the subject property may be subject to the special use permitting process or other form of review in the future

ROLL CALL VOTE: YEAS: Commissioners Deits, DeLind, Hildebrandt, Ianni, Salehi,
Scott-Craig, Chair Jackson

NAYS: None

Motion carried 7-0.

C. Commission Review #12053 (Planning Commission), 2005 Master Plan amendment

Planning Commission discussion:

- Addition of areas on the map by the Township Board due primarily to its inclusion of existing and planned sewer and water infrastructure rather than costly expansion in the rural areas as noted in Standard #1 of the Tri-County Regional Planning Commission's (TCRPC) standards for establishing an urban services management area (USMA)
- Several areas posed by the Board fit the standard which requires a boundary to take into account population centers or areas of high density population and relationships to particular transportation corridors
- Suggestion, in the spirit of compromise, to discuss each of the six (6) areas separately

It was the consensus of the Planning Commission to agree with the Township Board's boundary for Area 1.

Continued Planning Commission discussion:

- Urban services boundary (USB) maps from surrounding communities include areas which have planned future development, but are not currently developed
- Planning Commissioner perception is that as development occurs, the Board believes it will likely require expansion of services in the areas proposed by the Board
- Inquiry if the three (3) sewer stubs for the subdivision to the south in Area 2 would require tearing up the street in the event of septic system failure for a home within 200 feet
- Supreme Court decision in *Department of Environmental Quality v. Worth Township* indicated the Township was initially financially liable to install a system
- As the municipality, the Township could be held responsible to ensure there is no unsafe discharge
- Research indicated Worth Township had no public system, was negligent for years, and is looking at restoring or putting back a system (septic, community, or building a public system)
- Worth Township is working with the state on financing and building the system
- Hypothetical situation of a failed septic system on Meridian Road would require the Township to act in some capacity (e.g., enforce regulations, force the homeowner to act) to ensure a safe system
- Possibility of circumstances where the Township would be required to provide funds to install a system with no expectation of recompense from the homeowner
- Page 17 of the opinion lists various methods available to remedy a wide-spread discharge
- Township providing public sewer as one option
- Township is planning for the future in the event of development of Areas 4, 5 and 6
- Sewer designed to service Wellington Estates in the future is from the Mud Lake Lift Station, behind Georgetown and the line would run through the unbuilt properties between the two (2) points
- Installing a sewer line down Grand River Avenue would require construction of an additional lift station
- Board proposed boundary lines for areas 4, 5, and 6 negate using the USB as a tool to focus development on the side of the line where water and sewer currently exists
- Board action on drawing the USB belie its words

- Planning Commissioner comfort that if there is a compelling need, a process is in place for the residents directly impacted to petition moving the line
- Line in the 1995 Master Plan was taken out because it was described as arbitrary
- Proposed Township Board USB is arbitrary and one way to obviate that is to place it where sewer lines currently exist
- Proposed line does not plan for future development or extension
- Definition of “plan”
- TCRPC states a municipality should look for sustainability, infill and redevelopment when it designates the line
- Prime opportunity to take control of the Township to design and plan for the future instead of looking at greenspace and finding development to fit it
- Explanation of the amendment process in conjunction with changing the USB when development occurs
- Inquiry as to why the amendment process is not adequate for addressing all future plans
- Two largest population areas of growth are millennials and baby boomers
- Board responsibility to plan for services where it believes expansion will most likely occur in the Township
- Four (4) of the six (6) areas include current residences
- Suggestion to create an overlay district along Grand River with MUPUD and C-PUD zoning
- Suggestion to have all Commissioners present before voting on a recommendation
- Areas 2, 4, 5 and 6 all have current homeowners on septic
- In the event the Township extends water and sewer to an area, a homeowner would be required to hook up at their own expense in the event of a system failure
- Concern with absences essentially creating a one-person veto over any discussion
- Effect of system failure on the homeowner with and without a designated boundary
- Area 2 has several lots adjacent to property which has sewer
- Request for a detailed map of water and sewer lines in the Township
- Information on the Township Board’s long term plans of where water and sewer is planned for expansion
- A lift station is not a planning tool and should not define future plans
- USB is a tool which guides development
- Preference to focus the USB on redevelopment and infill
- Not allowing for growth and development will direct development into adjoining communities where it is economically feasible
- Growth and development can occur on the west side of the current “system”
- Perception of Meridian Township as a “flyover” community
- Property with access to public sewers and utilities aids in the sale as a new development
- Businesses with access to public sewers and utilities makes it easier to manage and is more economically feasible
- Other communities within the TCRPC area have planned for future growth with their USB
- Concern with creating a line which attempts to accommodate every growth scenario which may happen in the next 40 years
- Area 3 is arbitrary and indistinguishable from other undeveloped parcels on the east side of the proposed USB
- Proposed development in 2005 for Area 3
- Argument that you create development to produce children for Haslett Schools is not a land use issue and should not be considered
- Area 3 adjoins current development

- Planning Commission line near Area 3 was drawn due to zoning as land to the west is zoned RA
- Instruction from the Township Attorney that the Georgetown Payback District should not be considered as part of the USMA
- Inquiry as to how much of Area 5 is included in the Georgetown Payback District
- If Area 5 is in the Georgetown Payback District, it should not be in the map
- Request for staff to clarify the status of Area 5 relative to the Georgetown Payback District
- If Area 5 is not applicable, Area 4 is even more “arbitrary” than it is currently
- Planning Commissioner belief that Area 5 was included by one member of the Township Board because most of the area already has water
- Statements made relative to Area 2 are applicable to Area 5
- Expanding services to cover areas on the eastern edge in Area 5 protects the health and safety of our citizens and prevents potential condemnation in the event of widespread septic for residents of Winslow Mobile Home Park
- Winslow Mobile Home Park paid for installation of an engineered neighborhood system a “few” years ago
- Underlying zoning for Winslow Mobile Home Park is commercial and they will not be able to afford hook-up to sewer
- Planning Commissioner concern part of the greater plan in the event of septic failure is to revert the land on which Winslow Mobile Home Park sits back to commercial
- Planning Commissioner belief the sewer line for Winslow Mobile Home Park would need to run down Grand River Avenue, would be cost prohibitive and likely put the owners out of business
- Concern the boundary of Area 5 as proposed by the Board would financially ruin those the sewer line was intended to serve
- Planning Commissioner belief there is no safety issue for Winslow Mobile Home Park relative to sewers
- Winslow Mobile Home Park would not be required to hook-up to sewer if their engineered neighborhood system is operational
- An amendment process is in place in the event it needs to be used and precludes the need to “throw the line out to the east” to essentially “grease the skids” for development

[Chair Jackson recessed the meeting at 9:08 P.M.]

[Chair Jackson reconvened the meeting at 9:16 P.M.]

Continued Planning Commission discussion:

- Previous general comments made about the other areas cover Area 6 fairly thoroughly
- Some of the lot sizes for parcels in Area 6 are small for an engineered system
- Some of the soils for parcels in Area 6 are of poor quality
- Possible compromise by retaining the Ponderosa subdivision in Area 6 and excluding the undeveloped land north of the subdivision, south of the railroad tracks
- Three (3) parcels to the west of Area 6 have already been approved development by the Township (north of Ember Oaks)
- Agreement between the Board and Planning Commission that an USMA is a good thing and those parts of the Township not currently serviced by sewer should be subject to an amendment process
- Commissioner suggestion to define the USMA as the boundary of the Township and anything within that line which does not currently have sewer is subject to the amendment process

- The Planning Commission established the amendment process which was subsequently approved by the Board
- Public park land in Area 6 north of the railroad tracks was excluded in the original Planning Commission recommendation and was later included by the Board
- Request for staff to provide an analysis of Area 5 prior to the USMA coming back to the Planning Commission
- Possible compromise to leave the line for Area 6 as proposed by the Board
- Concern if the Planning Commission is presented with a resolution to approve and “something” is not included in the area, the action would be determined as “inaction”
- Based on comments at the time the resolution is considered, staff can bring back a resolution which more clearly matches the Planning Commission’s wishes at the next meeting
- Inquiry if the Planning Commission could draft a motion to deny at the same meeting
- Failure to approve would retain the Planning Commission’s boundary
- In Area 6, land north of the railroad tracks would be placed on the east side of the USB
- Property north of Ponderosa subdivision in Area 6 has plans for water and sewer development
- Property north of Ponderosa subdivision was included for the subdivision’s potential expansion but have not yet been platted
- Request for staff to provide the two aforementioned options for Area 6 which the Planning Commission will consider at its April 14th meeting

It was the consensus of the Planning Commission to direct staff to prepare a resolution for its April 14, 2014 meeting which allows the Planning Commission to vote on each area designated on the urban services management area map.

8. Other Business

- A. Initiate the rezoning of 20 acres of Township-owned land located on Saginaw Highway, northeast of Lake Lansing Road

Planning Commission discussion:

- Suggestion to rezone this parcel to rural residential
- Land preservation property has far more land use restrictions than any other zoning category
- Suggestion to create a Land Preservation (LP) category
- Township does not currently have a recreation and preservation district
- Appropriate to move ahead with the rezoning initiation while developing a zoning amendment to create a LP zoning category
- Primary issue is that rezoning to residential provides greater setbacks
- All other land preservation parcels are zoned residential
- All residential zoning categories have the same setbacks
- Four (4) of the 20 acres are already zoned rural residential

Commissioner Hildebrandt moved to initiate the rezoning of the 16-acre, C-2 zoned portion of the Forest Grove Preserve located east of Saginaw Highway and northeast of Lake Lansing Road from C-2 (commercial) to RR (rural residential). Seconded by Commissioner DeLind.

VOICE VOTE: Motion carried unanimously.

Continued Planning Commission discussion:

- Request for staff to solicit comments from the LPAB on the creation of a LP zoning designation
- Request for staff to research the recreation and preservation zoning designation of other municipalities

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

Chair Jackson suggested April 7th for possible Planning Commission training with the Township Attorney and offered April 21st as an alternate choice. A reminder was made to provide staff with a list of topics once the date is confirmed.

Commissioner Deits attended his first Downtown Development Authority (DDA) meeting as a non-member where the abandoned fire station and library were discussed, noting his suggestion to lease current parking spaces to either Douglas J or Hamilton Building would provide flexibility.

Commissioner Salehi requested input by the Environmental Commission regarding the site for the proposed central fire station relative to groundwater vulnerability and wellhead protection.

Commissioner Deits inquired as to why the special use permit (SUP) would not be considered by the Planning Commission at the same meeting where the Section 61 Review would be conducted.

Principal Planner Oranchak responded the SUP is on appeal and the process is still moving forward, while the Section 61 Review deals with the revised plan as well as the character, location and extent. She emphasized the Section 61 Review and the SUP are separate topics, as the Section 61 Review is considered under the Municipal Planning Act and the SUP is a part of the Zoning Enabling Act.

Chair Jackson inquired if a SUP for the revised site plan would come before the Planning Commission.

Principal Planner Oranchak offered history on where SUP #13121 is within the Township process. She reiterated the SUP and the Section 61 Review are two separate items. Principal Planner Oranchak noted the Section 61 Review will consider the character, location and extent as it applies to the Master Plan and has no correlation to zoning issues.

Commissioner Scott-Craig inquired if the Board will send the revised plan for the central fire station back to the Planning Commission once the Board acts on the appeal.

Principal Planner Oranchak responded that once the issue moved on to the Township Board, it had all the decision making authority regarding the size, design, setbacks, landscaping, etc.

Commissioner Hildebrandt reminded fellow Planning Commissioners that their body had a robust discussion on what character, location and extent meant and no conclusion was reached whether location meant the subject location or the best location.

Commissioner Ianni stated the applicant will be present at the Planning Commission meeting where the Section 61 Review will be taken up and can answer such questions to the Commission's satisfaction prior to a vote.

Commissioner Deits suggested a conversation regarding criteria for a Section 61 Review at the training session with the Township Attorney.

Commissioner Salehi questioned why input was not being requested from the Environmental Commission in order for the Planning Commission to fully evaluate the revised site plan at the next meeting.

Commissioner Ianni responded there may be the possibility that the applicant has engineered plans and such questions would be appropriate to be asked of the applicant during the meeting.

Commissioner Hildebrandt stated she had already reached out to the Environmental Commission chair to solicit his thoughts on the revised plan.

Commissioner Salehi moved the Planning Commission request the Environmental Commission provide input on the current site plan for the fire station prior to this Commission's consideration of the fire station's Section 61 Review. Seconded by Commissioner Hildebrandt.

Commissioner Scott-Craig asked if the Planning Commission could offer suggestions, ideas or changes to the revised site plan during the Section 61 Review.

Principal Planner Oranchak responded that the Planning Commission will either approve or reject what is presented.

Planning Commission and staff discussion:

- Site plan for the Section 61 Review may not be exhaustive, but would show building placement
- Environmental Commission response v. individual Environmental Commissioner response
- Potential ability of the Environmental Commission to meet prior to the March 24th Planning Commission meeting
- Environmental Commission is not obligated to comply with the Planning Commission request
- Importance of treating this Section 61 Review the same as for any other applicant by allowing the applicant to first answer questions posed

VOICE VOTE: Motion carried 6-1 (Ianni).

Commissioner Hildebrandt expressed appreciation for the session held in Williamstown Township regarding making bullet proof decisions.

10. New applications

- A. Special Use Permit #14041 (First Housing Corporation), request to modify studio apartments in Phase 1 of Grange Acres and bring all phases into compliance with Section 86-658 Buildings Greater than 25,000 square feet
- B. Commission Review #14033 (Meridian Township), Section 61 review for location, character and extent of proposed fire station on Okemos Road, north of Grand River and south of Central Park Drive

11. Site plans received

- A. Site Plan Review #14-03 (First Housing Corporation), approximate 100 square foot additions to 32 studio apartments in Phase 1 of Grange Acres addressed as 6101 Marsh Road

- B. Site Plan Review #140-04 (Wolverine Building Group), request to construct a 37,784 square foot Whole Foods at 2750 Grand River Avenue
- C. Site Plan Review #14-05 (Hannah Hospitality), request to construct a 72,091 square foot Residence Inn on the south side of Hannah Boulevard east of the Towne Place Suites Hotel
- D. Site Plan Review #14-89-14 (Howard Green), request to construct a 3,580 square foot addition to an adult foster care facility at 2077 Haslett Road

12. Site plans approved

- A. Site Plan Review #14-01 (Meridian Mall Limited Partnership), request to construct a 19,000 square foot addition onto the Meridian Mall building addressed as 1982 Grand River Avenue
- B. Site Plan Review #14-88-13 (St. Martha Parish), request to construct a 52,302 square foot addition onto the existing church at 1100 Grand River Avenue

13. Public remarks

Chair Jackson opened public remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, inquired who will have the burden to maintain and operate the bus rapid transit which will run through Meridian Township, stating he is a senior citizen living on a fixed income. He stated the fastest growing age demographic in Meridian Township is the 65+ and believed the continued additional taxes will drive those residents out of the Township. Mr. Provencher believed the Township should exercise fiscal responsibility with the current infrastructure.

David Strobl, 1320 Cove Court, Okemos, offered several reasons why he believed the Planning Commission had already denied a Section 61 Review of the central fire station.

Vance Kincaid, 4530 Nakoma Drive, Okemos, made numerous statements relative to the process for the proposed central fire station.

Chair Jackson closed public remarks.

14. Adjournment

Chair Jackson adjourned the regular meeting at 10:41 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary