

CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
AGENDA

REGULAR MEETING

November 25, 2013

Town Hall Room, Meridian Municipal Building
5151 Marsh Road, Okemos, MI 48864

Regular Meeting

1. Call meeting to order at approximately 7:00 p.m.
2. Approval of agenda
3. Approval of minutes
4. Closed Session
5. Public remarks
6. Communications

A. Michael and Jan Jenkins	RE: SUP #13-77021 (DTN Management)
B. Whitehills Neighborhood Association	RE: SUP #13-77021 (DTN Management)
C. Howard Majors	RE: SUP #13-77021 (DTN Management)
D. Clifford Seybert	RE: SUP #13-77021 (DTN Management)
E. Victoria Bellon	RE: SUP #13-77021 (DTN Management)
F. Laura Waltz	RE: SUP #13-77021 (DTN Management)
G. Roy Saper	RE: SUP #13-77021 (DTN Management)
H. Mark & Mary McDaniel	RE: SUP #13-77021 (DTN Management)
I. Skyline Hills Association	RE: SUP #13-77021 (DTN Management)
J. L. Charles & Janet Bokemeier	RE: SUP #13141 (Wooledge)
K. Ipetitions	RE: SUP #13-77021 (DTN Management)
L. Patrick Brazil	RE: SUP #13141 (Wooledge)
M. Donell Snyder	RE: SUP #13-77021 (DTN Management)
N. L Charles and Janet Bokemeier	RE: SUP #13141 (Wooledge)
O. Tom Ditez	RE: SUP #13141 (Wooledge)

7. Public Hearings

- A. *Special Use Permit #13121 (Meridian Township), request to construct an approximate 15,000 square foot fire station on the south side of Central Park Drive, east of Okemos Road and west of the Okemos Post Office
- B. *Commission Review #13053 (Meridian Township), request for Section 61 review to construct a fire station on Central Park Drive, east of Okemos Road

Please note the Planning Commission may make a decision the same night as the public hearing regarding cases preceded by an asterisk ("")

Planning Commission Agenda

November 25, 2013

Page 2

8. Unfinished Business
 - A. Special Use Permit #13-77021 (DTN Management), request to operate a plasma center in the Carriage Hills Shopping Center located on the northwest corner of Lake Lansing Road and Hagadorn Road
 - B. Commercial Planned Unit Development #13044 (Wolverine Building Group)
Construct a Whole Foods store at 2758 Grand River Avenue
 - C. Special Use Permit #13141 (Wooledge), request to work and place fill in the 100-year floodplain at 2700 Mt. Hope Road
 - D. *Special Use Permit #13121 (Meridian Township), request to construct an approximate 15,000 square foot fire station on the south side of Central Park Drive, east of Okemos Road and west of the Okemos Post Office
 - E. *Commission Review #13053 (Meridian Township), request for Section 61 review of construct a fire station on Central Park Drive, east of Okemos Road
9. Other Business
10. Township Board, Planning Commission officer, committee chair, and staff comment or reports
11. New Applications
12. Site Plans received
13. Site Plans approved
14. Public Remarks
15. Adjournment

Post Script: Patricia Jackson

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**

**December 9, 2013
Regular Meeting 7:00 p.m.**

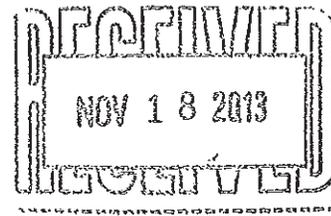
Regular Meeting

1. Public Hearings
 - A. Special Use Permit #13151 (Boggio), request to construct a Flagstar Bank with three drive-through windows on the southeast corner of Grand River and Washington Height

2. Unfinished Business

3. Other Business

*Please note the Planning Commission may make a decision the same night as the public hearing regarding cases preceded by an asterisk (***)



November 15, 2013

Dear Meridian Township Planning Commission:

My name is Mike Jenkins, and my wife Jan and I reside at 6030 Skyline Drive in Meridian Township. We are writing to express our opposition to the CLS Plasma Center proposed by DTN for a portion of the former L&L/C&H grocery store location in Carriage Hills Shopping Center at Hagadorn and Lake Lansing Road. It is Special Use Permit #13-77021 (DTN Management).

Our issues with this location becoming a plasma draw center are:

1. It is inconsistent with the Meridian Township Master Plan, and would change the nature of area.
2. Based on our research of other centers as well as **one-on-one discussions with police who were responsible for the area when a plasma center was on Grand River (area near Tuesday Morning)**, it will attract crime, requiring increased Township police resources.
3. It will impact the safety of children:
 - Donley Elementary is 500 feet away
 - Whitehills Elementary is within walking distance
 - Children walk home from school through this parking lot
4. We understand that a Special Use Permit is forever. If the plasma center fails, the permit could possibly allow unintended businesses to locate there.
5. Based on other areas of Lansing where plasma centers have located, it will negatively affect property values and existing/future area businesses. With increased crime, fewer people would want to live in the area and have their kids attend a school across the street from such a business. **To sell our houses, we would have to lower prices as an incentive to live in such an area.**
6. Safety of local citizens: We have schoolchildren, seniors, disabled and challenged, including blind people, and other citizens who regularly use the bus lines adjacent to this location. One of the reasons cited for this location being chosen was its close proximity to bus lines. **The CSL plasma center in south Lansing closes at 8:30 p.m., but will serve all who are in line at that time, many times between 100-150.** That means they are really closing at 10:30 p.m. The long hours and the many people who will be patronizing the center – the south Cedar center processes about 500 a DAY – people who are not invested in the area who will be coming to our small retail/residential area potentially from 5:30 a.m. to 10:30 p.m. They do not have a stake in the neighborhood or in Meridian Township. Because they will be paid via a debit card, good only specific places and none of them are in Carriage Hills, they won't be patronizing the other businesses there. But, they will be waiting for rides or the bus.
7. We have several excellent new businesses that recently located in this area including the Mobil gas station with J&H store/Tim Horton's, Option One Credit Union, Hong's Chinese Grill and Bar. These businesses are the types of local business that help raise up the area. We need more of these. If DTN cannot make the Carriage Hills shopping center attractive to other businesses, they should sell it to someone who can. What have they done to promote anything

there? The parking lot is atrocious. Think Old Town Lansing. How about a coffee shop where we can "linger longer" as a community. A specialty foods place ... Mert's Meats.

The smaller strip center at the bend in Lake Lansing Road was approached by a smaller but similar operation like CSL, and declined it because of safety concerns of its other residents. The strip, which was practically empty three years ago, is now full.

DTN appears to have a lot of input into the downtown East Lansing redevelopment. Why not locate it there? That's were MSU live and play. Security is on high 24/7.

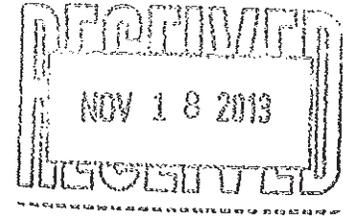
8. A Plasma Center is not consistent with raising the profile of an area. We are not against any development; we simply believe it should fit the area.
9. There have been two such plasma draw centers located closer to the target market (MSU students) that CSL has apparently identified for this center, and they are no longer in business. Why would this be more successful than those with superior bus service. They were located in in downtown East Lansing and in the Tuesday Morning space on Grand River. Both attracted crime.

We moved here three years ago. Previously we were in a Jack Nickolas-planned residential community sheltered from nearly all businesses. We want the vibrancy of a walking community. We wanted to live near a school and a LOCAL shopping center, next to open space (the golf course and the protected green space at the end of Margate/Skyline). This plasma center belongs in a more commercial area that is more frequently patrolled, with more street lights, and with more access to public transportation.

In closing, we and our neighbors urge you to deny DTN's request for a Special Use Permit #13-77021 to locate CLS Plasma Center in Carriage Hills.

Sincerely,
Michael and Jan Jenkins
6030 Skyline Drive'
Meridian Township

WHITEHILLS NEIGHBORHOOD ASSOCIATION
of EAST LANSING, INC.



To Members of the Meridian Township Planning Commission:

I am writing on behalf of the Board of the Whitehills Neighborhood Association of East Lansing, Inc., to express our opposition to the plasma center proposed for the Carriage Hills Shopping Center.

Our reasons for opposing this development are many. I shall focus on two. First, with or without a Special Use Permit, this proposed business is neither in keeping with the original plan for the Shopping Center, nor is it compatible with the residential nature of the surrounding area. This is a major concern to us, given the proximity to our neighborhood schools, and the reliance on this shopping center to meet daily commercial needs. We believe the project will adversely affect existing neighboring uses, and be detrimental to the economic growth and development of other properties in our community.

Second, we strongly question why Carriage Hills was selected in the first place. The developer, DTN, owns 63 properties in East Lansing. Surely, the company can find one that -- unlike Carriage Hills -- is not in the middle of a residential area and within walking distance of two elementary schools. The project is much more fitting for a large commercial district such as those on major corridors like Saginaw Highway, Cedar Street, and Jolly Road. We are concerned about the effect the proposed center could have on other businesses contemplating Carriage Hills as a location, on property values in our neighborhood, and, of paramount importance, on the safety of children who walk between their homes and schools.

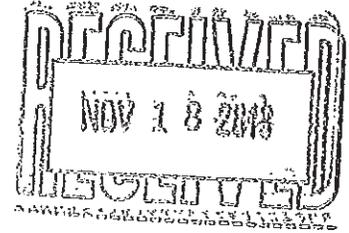
We understand that Meridian Township has no obligation to satisfy the needs and concerns of the Whitehills neighborhood. However, our greater sense of place dictates serious consideration of decisions in one community as they affect the lives of people in those neighboring it.

We urge you to deny the permit requested by DTN, while encouraging the developer to consider other, more suitable locations.

Sincerely,

Thomas A. Jones,
President

November 15, 2013



Mr. Mark Kieselbach
Meridian Township Planning Director
5151 Marsh Road
Okemos, MI 48864

Dear Mr. Kieselbach

I was recently advised that there is a proposal pending at the Meridian Township Planning Commission for a Special Use Permit to allow a Plasma Collection Center to operate in the former C&H Marketplace location (Carriage Hills Shopping Center). As a resident near this location, I am very concerned about the potential donors that could be attracted to this location. I am well aware that these Plasma Collection Centers often attract drug users and / or perhaps other unpleasant characters. Also, this location is, as you know, very close to two elementary schools - - adding further to my concern. Also, I understand that a proposal to put such a facility in East Lansing was recently turned down. Probably for the same reasons I have noted. I urge you and other board members to deny this request.

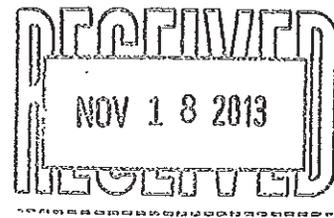
Sincerely,

Howard E. Majors
6310 Island Lake Drive
East Lansing, MI 48823



East Lansing
Public Schools

Clifford Seybert, Superintendent • seybert_cm@elps.us
501 Burcham Drive, East Lansing, MI 48823 • p 517 333 7424 • f 517 333 7470 • elps.us



November 18, 2013

To Whom It May Concern,

As the Meridian Township Board considers impact statements regarding the location of a Plasma Center in the Carriage Hills Shopping Center at the corner of Hagadorn and Lake Lansing Roads I wish to draw your attention to concerns the East Lansing Public Schools has with the location of the Plasma Center at this site. The district's partnership with the township is an important one in which we pursue mutually supportive neighborhood and school safety concerns. Concerns expressed by our families for the safety of their children and neighborhood warrant additional consideration by your governing board.

Many children will and are walking to school along a corridor that takes them past the Carriage Hills Shopping Center. The proposed location of the Plasma Center as you know is at the corner of Hagadorn and Lake Lansing Road adjacent to Donley Elementary School. Families have long enjoyed the convenience of a grocery store and other amenities in this location. Of course, the long-standing grocer has left an important storefront connection for families vacant. In the best of circumstances another vendor of this sort would be a positive addition to the shopping center. This may not be possible given current economic circumstances.

Clearly this is a challenging set of circumstances for the Township. We ask that your deliberations give equal weight to the safety and security of our families, Donley Elementary School, and to the neighborhood we both support.

Respectfully,

Clifford Seybert
Superintendent

Gail Oranchak

From: Bellon, Victoria <VEBellon@landolakes.com>
Sent: Monday, November 18, 2013 11:31 AM
To: Gail Oranchak
Subject: Objection to special use permit 13-77021

Hi Ms. Oranchak,

I sent an email to Mr. Brown objecting to the special use permit #13-77021 (proposed Plasma Center for Carriage Hills) earlier this month but I don't believe it was included in the packet under consideration tonight. Would you be able to register my objection to the permit? I don't believe a Plasma Center is in the best interests of the Township, my neighborhood or for Donley school. I am concerned that a Center would put individuals donating blood at risk of robbery and associated crimes. My two children attend Donley Elementary and the close proximity of the school to the planned Plasma Center is a worry. I am planning on attending tonight's meeting but I would very much like to have my written objection noted.

My thanks for your help,
Vicky Bellon

2767 Southwood Drive
Meridian Township, MI 48823

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Gail Oranchak

From: Laura Waltz <llwaltz@gmail.com>
Sent: Monday, November 18, 2013 1:23 PM
To: Gail Oranchak
Subject: Opposition to the Plasma Center in Meridian Township

Dear Gail Oranchak and other Members of the Meridian Township Board:

I am writing in opposition to the plasma center that is being considered for the spot in the Carriage Hills shopping plaza.

Although we are residents of East Lansing, we do live in Meridian Township and this directly impacts us. Having the Plasma Center in this location would not be ideal for many reasons. When looking at homes to purchase a few years ago, some of the items we took in to consideration were purchasing one in a safe and family friendly neighborhood, with a good school district, and a decent proximity to retail stores and buildings that would be beneficial to us as a family and to our community.

If the Plasma Center opens, I know that it would increase traffic to the area, and with one school at the major crossroads by this location, and another down the road, I don't feel that the children would be as safe commuting back and forth to school. I already see people who don't follow the speed limit on these roads, especially during the times when it is lowered for the schools' openings and dismissals. If the Plasma Center opens there will be more drivers who are unfamiliar with the area and it's speed limits passing through, with a higher risk of accidents.

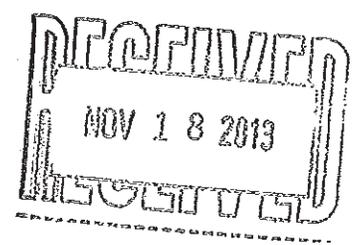
I also feel it would negatively impact the neighborhoods' property values, and be an area that would turn in to a place were people loitered while waiting for rides, the bus, etc.. I feel as if the Plasma Center would be better suited for a commercial district area, somewhere that is on a major crossroads with more business and not in a more residential area with two elementary schools close by.

Please do not approve the special use permit for the the Plasma Center in the Carriage Hills plaza. I appreciate you all taking these points in to consideration when deciding what to do.

Sincerely,

Laura Waltz
6196 Rutherford Ave.
East Lansing

To the Meridian Twp. Planning Commission
November 18, 2013



My name is Roy Saper, a resident of 812 Applegate Lane, south of Lake Lansing Road.

Thank you for allowing me this opportunity to speak against the proposed use for the L&L site.

The Carriage Hills Shopping Plaza was intended as a neighborhood shopping center. I would think the property would best be reserved for a use that is consistent with the purpose for which the shopping area was originally created, that is, to serve the desired interests of local residents who live on all sides bordering the shopping plaza, those interests being such services as day care, grocery stores, neighborhood restaurants, cleaners, among others.

Whitehills homes are 600 feet to the southwest. Homes to the west back right up to the shopping plaza property. Apartments to the east are right across Hagadorn and apartments to the north are only 200 feet away. Donley Elementary School is just kiddy-corner across the street to the southeast.

Many residents moved to this area as they truly wanted to live in a neighborhood of homes but close to shopping, neighborhood restaurants and the services they use. In that there are no area residents lining up to say they want to see this new business in their neighborhood or that this is the type business they would frequent, it may be best if the commission respects the fact that there is no neighborhood support for it and encourage the property owners to continue their search for tenants that truly would be asset and of value to those who choose to call this area their home.

The metropolitan Lansing area is large enough that there must certainly be other locations which would be better suited for the mass of daily traffic than in the center of a neighborhood of homes, apartments and schools. If the neighbors are telling you that this is not a suitable tenant for their interest, then one could knock on doors and ask what tenants the residents here would desire. I can assure you that there is no one who would not want a grocery store such as a Goodrich's, *Trader Joes*, or *Aldi's*.

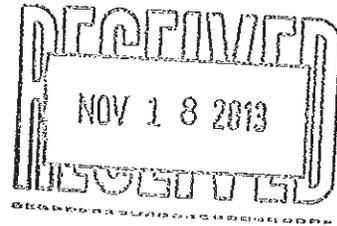
There is probably no neighborhood anywhere which can point to being next to a plasma center and claim that the quality, desirability, or value of their property benefited from that proximal addition to their neighborhood. We know that such centers bring a lot more traffic to neighborhood streets and the problems inherent with more traffic. Let's honor the interests of those who live here so they can maintain the security and safety of their neighborhood, so their children who walk past the shopping plaza to go to school are not at increased risk, and so we can work together to find an appropriate and desired tenant to the valuable neighborhood shopping center that makes us all feel better about living where we call home.

I would urge your consideration of the concerns of those who have written, signed the petition, and appeared before you today. If we can do better, shouldn't we pursue other options for the property that are more respectful of the interests of those who live in this community?

Wouldn't you want the same for your neighborhood?

Thank you for listening and for your respectful and thoughtful action that supports the community interests first.

Mark & Mary McDaniel
1057 Cambria
East Lansing, MI 48823



November 14, 2013

Dear Members of Meridian Township Board,

We are writing in opposition to the proposed plasma center being considered to open in the former L & L grocer space in Carriage Hills. We live in the Whitehills neighborhood just north of this site. This entire area has been making a comeback after a number of years of waning commercial and residential activity.

While we are East Lansing residents, we recognize no municipal boundaries that separate our neighborhoods. This entire area is our neighborhood, our sense of place. It is experiencing a renaissance of positive economic activity.

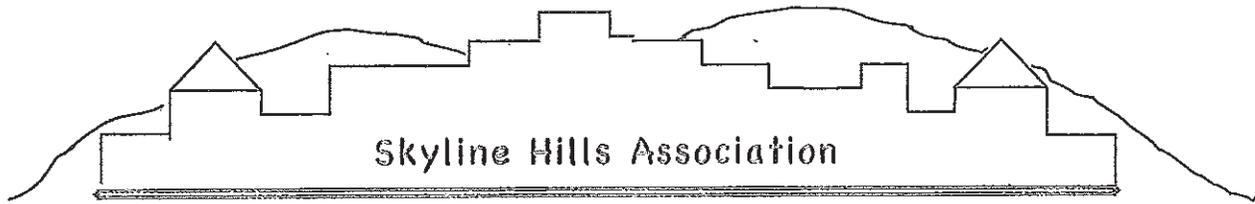
A plasma center in this location goes against all the strides this area has achieved economically and residentially. I personally have seen and experienced the negative impact of operations like this on the north side of Kalamazoo as a resident, community development planner and developer. Through my work experience on financing community development throughout the state I have seen firsthand the negative impacts of plasma centers when put in neighborhood settings. People sell plasma because they are desperate for money. In that desperation there are many other issues that come with it. Thus it becomes a target for criminal and unsavory activities. Plasma centers should be located on major thoroughfares serving larger scale commercial districts, not in neighborhood service centers. Grand River, Marsh Road, Jolly, Cedar, MLK, Michigan Ave., Saginaw are more appropriate locations for this use.

There are two elementary schools within walking distance of this location, two very nice neighborhood restaurants, a new credit union, a new workout facility, a framing/gift shop and gas station, and surrounding neighborhoods that will all be impacted negatively.

We ask Meridian Township to not misjudge the impact of this use. Creating business for the sake of business, no matter what it is, is not true economic development. Please stop this proposal.

Respectfully submitted,

Mark & Mary McDaniel
1057 Cambria
East Lansing, MI 48823



November 18, 2013

To: Meridian Township Planning Commission
From: Skyline Hills Homeowners Association
Re: Special Use Permit

We are writing on behalf of the Skyline Hills Association in opposition to the proposed special use permit permitting a Plasma Center to be located in the Carriage Hills Shopping Center.

We feel that requesting a Special Use Permit acknowledges that such a commercial- for-profit facility is not consistent with the existing Meridian Township Master Plan for this residential, retail business community. It's hard to imagine that the center would not be detrimental to the economic well being of home owners by reducing property values and to the Township by repelling potential retail facilities that might consider locating in Carriage Hills. There is no doubt that CH shopping center has had a difficult time of it but it seems to be coming around. The Marathon station and Tim Hortons, Option1, Hong's Café, and several others all indicate resurgence. We believe that approving the Special Use Permit would at best slow this resurgence and at worst bring it to a complete halt.

Additionally and more importantly why one would choose to locate the Plasma Center across the street from Donley Elementary and within walking distance to Whitehills Elementary is perplexing. Many Donley students walk through the parking lot that would service the Center going to and from school and we are concerned about their safety.

We are anxious to see Carriage Hills return to being a viable shopping area and encourage DTN to seek a more appropriate business and locate the Plasma Center elsewhere.

We encourage the Planning Commission to deny the Special Use Permit.

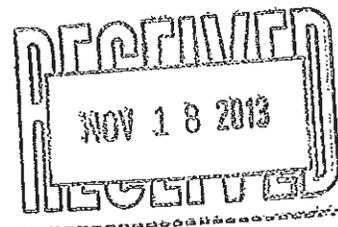
Sincerely,

E. Loomis

Edith Loomis
President

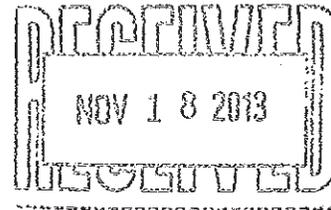
James F Harrison

James F Harrison
Immediate past President



November 18, 2013

To: Meridian Township Planning Commission



We very strongly object to the approval of Special Permit # 13141 from Jeff and Arianna Woledge of 2700 Mt Hope Hwy. Okemos, MI 48864. Our lot (4601 Sequoia Trail) backs to the east side of this property in question. We oppose this development because continuing to fill in the floodplain and build a dam will restrict and redirect the flow and drainage of floodwater and back water to our neighbors' and our property. This environmental change and encroachment will significantly increase the likelihood of flooding of our walk-out basement.

Nearly every year we experience some water in our backyard. Likewise, there is water regularly on the lot in question. If they complete the proposed project, the water from the property of 2700 Mt. Hope Hwy will be redirected to our neighbors' and our property.

Adequate drainage of this floodplain has been challenged by other developments in the area. Before this permit is approved we think the applicants must definitively show that the changes they request will not impact or change in any fashion the flow of water throughout this drain system.

Any change to the flow or level of water in this area will create a huge risk for our neighbors and us whose property back up to this area. As is, following years of soil erosion as well as the 2700 Mt. Hope property owners' practice of dumping yard waste and tree clippings from clearing their property in this area, the water has been coming up closer and closer to our back door. Of course, we have not filled in our back yard as it is not legal accepted practice. That is why we were so concerned when we saw the dirt movers and large equipment working on the property behind us -- shifting and filling in the low area in question with a dam that pushes flood water in our area rather than flowing onto their lower, unoccupied field. Already we see more water pooling behind the dam than is usual at this time of year. We strongly object to additional fill in this flood plain and request that the Board require the owners to return the land to the original grade.

We think it is important for this decision to include information on other developments that are influencing the drainage of this floodplain. We refer the Board to the development of Hannah Blvd that had led to the increased drainage into this floodplain.

We have been told that Mr. and Mrs. Woledge have employed an engineering company who will accept all responsibility for any future problems we and other neighboring property owners might have following the issuing of this SUP. We would like it to be made public record that this engineering company will be responsible for any costs related to future flooding of our property. We have never had flood water or drain water from this floodplain in our basement. If we would in the future, it would be due to this change in the drain system of the flood plain and we would like the engineering company to go on record that they would be responsible for any associated costs to us.

We sympathize with the applicants' desire to improve their property but object to having it completed at our expense and with such little regard for the detrimental impact to our neighbors' and our property, property values, and environmental quality in addition to their failure to address and meet guidelines for permits and study of the impact of these environmental changes.

Sincerely,

L. Charles and Janet Bokemeier
4601 Sequoia Trail
Okemos, MI 48864

NO on Carriage Hills Special Use Permit for a CSL Plasma Center

About this petition

We the following oppose the granting of a Special Use Permit # 13-77021 to DTN Management for the construction of a plasma center in Carriage Hills Shopping Center, 6075 Hagadorn Road, to be operated by CSL Plasma, King of Prussia, PA for the following reasons: • the safety of our children and ourselves, • the negative impact on area economic development and property values, and • the inconsistency of the plasma center with the Meridian Township Master Plan.

Signatures

1. Name: Craig Henry Jones on 2013-11-03 16:47:54
What is the zip code of your current address?: 48823
Comments:

2. Name: Jan Jenkins on 2013-11-06 11:28:22
What is the zip code of your current address?: 48823
Comments:

3. Name: megan chumbley on 2013-11-07 01:57:45
What is the zip code of your current address?: 48823
Comments:

4. Name: Jan Schneider on 2013-11-07 12:08:31
What is the zip code of your current address?: 48823
Comments: I live 2 blocks from this location. I commonly walk past it - in the 13 years I have lived here the Towar / Carriage Hills neighborhood has dramatically improved in appearance and safety. This plasma center will counter the progress - it does not belong here. There is a reason for zoning - let's protect the residents and their properties. NO special use permit for a plasma center.

5. Name: William and Mary Triola on 2013-11-07 17:10:24
What is the zip code of your current address?: 48823
Comments: We strongly believe that the Carriage Hills is not an appropriate site for a plasma center. We have great respect for the graceful and natural way that Meridian Township has been developing and sincerely hope that that will continue to be the case in this NEIGHBORHOOD SHOPPING CENTER.

6. Name: joseph reid on 2013-11-07 17:11:22
What is the zip code of your current address?: 48823
Comments:

7. Name: Gail I. Goodknect on 2013-11-07 19:00:56
What is the zip code of your current address?: 48823
Comments:

8. Name: Michael Goodknecht on 2013-11-07 19:04:07
What is the zip code of your current address?: 48823
Comments:

9. Name: shireen on 2013-11-07 20:29:49
What is the zip code of your current address?: 48823
Comments: being so close to a school and residential areas, this wouldn't be the ideal spot for such a business. there are many more convient industrial places in east lansing

and lancing to have a plasma center. as dtn management they should understand since they own many residential apartments to students and families

10. Name: Julia Frankosky on 2013-11-07 21:36:37
What is the zip code of your current address?: 48823
Comments:

11. Name: Jeff Thompson on 2013-11-08 13:40:12
What is the zip code of your current address?: 48823
Comments: No way!

12. Name: Kim Thompson on 2013-11-08 13:41:07
What is the zip code of your current address?: 48823
Comments:

13. Name: Thomas Vogel on 2013-11-08 13:43:56
What is the zip code of your current address?: 48823
Comments:

14. Name: Sunita N. Mahdavi on 2013-11-08 13:53:06
What is the zip code of your current address?: 48823
Comments: I stongly oppose the plasma center.

15. Name: LaNita Campbell on 2013-11-08 15:00:47
What is the zip code of your current address?: 48823
Comments: The safety of the kindergarten through 5th graders should be paramount to the citizens of Meridian Township. All of the residents in the area have worked hard to provide the best for their children and now to have an undesirable business undo all of this work is very disheartening.

16. Name: Kelley Minnehan on 2013-11-08 16:28:02
What is the zip code of your current address?: 48823
Comments:

17. Name: Elizabeth Anne Charamella, on 2013-11-08 18:09:44
What is the zip code of your current address?: 48823
Comments:

18. Name: Joan Gochberg on 2013-11-08 20:38:03
What is the zip code of your current address?: 48823
Comments:

19. Name: Seema Mahdavi on 2013-11-08 22:05:08
What is the zip code of your current address?: 48823

Comments: This is outrageous! This location is not suitable for a center of this nature. The neighborhood and people come first.

20. Name: Suzanne Brook on 2013-11-09 15:30:42
What is the zip code of your current address?: 48823
Comments: Among many reasons, A Plasma Center will raise safety questions for all of us, reduce property values, and bring in people who negative affect our neighborhood and likely cause the need for increased police presence to insure public safety.

21. Name: Bruce and Julie Milligan on 2013-11-09 17:42:43
What is the zip code of your current address?: 48823
Comments:

22. Name: Robert L. Francoeur on 2013-11-09 18:43:42
What is the zip code of your current address?: 48823
Comments: The plasma center proposal is not in keeping with the character of the neighborhood. The first transgression was the car-wash. Please don't add another one. Older neighborhoods struggle to maintain their quality of life as is. Why add another downer downer to ours?

23. Name: Robert L. Francoeur on 2013-11-09 18:46:15
What is the zip code of your current address?: 48823
Comments: The plasma center proposal is not in keeping with the character of the neighborhood. The first transgression was the car-wash. Please don't add another one. Older neighborhoods struggle to maintain their quality of life as is. Why add another downer downer to ours?

24. Name: Janet Chegwidden on 2013-11-10 02:06:56
What is the zip code of your current address?: 48823
Comments: We can do better! Please find a more suitable business to fill the space left by L&L .

25. Name: Tammy Averill on 2013-11-10 02:22:20
What is the zip code of your current address?: 48823
Comments:

26. Name: Ken Dirkin on 2013-11-10 20:24:48
What is the zip code of your current address?: 48823
Comments:

27. Name: Rusha Awad on 2013-11-10 22:50:18
What is the zip code of your current address?: 48823
Comments:

-
28. Name: Barbara Farrah on 2013-11-11 00:46:47
What is the zip code of your current address?: 48823
Comments:
-
29. Name: Michael Hudson on 2013-11-11 03:28:10
What is the zip code of your current address?: 48823
Comments: We desire stability, safety and a community resource that makes this a sustainable residential home neighborhood - put the plasma center on the Grand River corridor
-
30. Name: Karla Hudson on 2013-11-11 03:30:48
What is the zip code of your current address?: 48823
Comments: Keep our school safe - this will bring transients to our neighborhood. This belongs in an urban district like Grand River
-
31. Name: Debra Lashbrook on 2013-11-11 16:58:03
What is the zip code of your current address?: 48823
Comments:
-
32. Name: Mary McDaniel on 2013-11-11 19:17:03
What is the zip code of your current address?: 48823
Comments: NO on Plasma Center!!!!
-
33. Name: Bridget Balesky on 2013-11-11 20:43:43
What is the zip code of your current address?: 48823
Comments:
-
34. Name: kerry zsigo on 2013-11-11 20:59:00
What is the zip code of your current address?: 48823
Comments:
-
35. Name: Barbara Wirtz on 2013-11-11 21:55:20
What is the zip code of your current address?: 48823
Comments:
-
36. Name: Roy Saper on 2013-11-11 22:27:02
What is the zip code of your current address?: 48823
Comments: It would seem more appropriate to dedicate the L&L/C&H space to a more suitable use that truly provides a benefit to the neighbors who live in the area and whose children walk right by the facility. The proposed use may be better suited for an area away from a residential neighborhood and two elementary schools. Wouldn't you agree? Let's be considerate of neighborhood interests and work together to find a better use for the space.
-

37. Name: Kathryn Dirkin on 2013-11-11 23:20:23
What is the zip code of your current address?: 48823
Comments:

38. Name: Martha Brick on 2013-11-11 23:52:35
What is the zip code of your current address?: 48823
Comments: Just say NOOOOOOOOOOOOOOOOOOOOOOOOO!

39. Name: Al puzzuoli on 2013-11-12 00:30:36
What is the zip code of your current address?: 48823
Comments:

40. Name: Katherine Belles on 2013-11-12 01:08:56
What is the zip code of your current address?: 48823
Comments:

41. Name: elizabeth ivkovich on 2013-11-12 16:20:17
What is the zip code of your current address?: 48823
Comments: This is a horrible idea! This will bring questionable people into a VERY close proximity to two elementary schools and residential neighborhoods!

42. Name: keith ivkovich on 2013-11-12 16:21:15
What is the zip code of your current address?: 48823
Comments:

43. Name: Dane Sprecher on 2013-11-12 19:11:00
What is the zip code of your current address?: 48823
Comments:

44. Name: Constance R. Close on 2013-11-12 19:42:05
What is the zip code of your current address?: 48823
Comments:

45. Name: Claudia Maguire on 2013-11-12 19:54:22
What is the zip code of your current address?:
Comments: Do NOT want plasma center.

46. Name: Kay Jennings on 2013-11-12 19:55:40
What is the zip code of your current address?: 48823
Comments: I share email with daughter.

47. Name: Katherine Maguire on 2013-11-12 19:58:58
What is the zip code of your current address?: 48823
Comments:

-
48. Name: Katherine Maguire on 2013-11-12 19:59:35
What is the zip code of your current address?: 48823
Comments:
-
49. Name: Christopher Maguire on 2013-11-12 20:01:29
What is the zip code of your current address?: 48823
Comments:
-
50. Name: Megan Busque on 2013-11-12 20:02:01
What is the zip code of your current address?: 48823
Comments:
-
51. Name: Claudia maguire on 2013-11-12 20:02:14
What is the zip code of your current address?: 48823
Comments:
-
52. Name: Bruce Maguire, III on 2013-11-12 20:02:52
What is the zip code of your current address?: 48823
Comments:
-
53. Name: Nicolas Gisholt on 2013-11-12 20:45:10
What is the zip code of your current address?: 48823
Comments:
-
54. Name: Roseann and Jon Zumbrink on 2013-11-12 20:49:23
What is the zip code of your current address?: 48823
Comments: I am concerned about the negative impact on our neighborhood and values.
-
55. Name: C.L.Wolford on 2013-11-12 22:37:19
What is the zip code of your current address?: 48823
Comments:
-
56. Name: Merrilyn Vaughn-Hoffman on 2013-11-12 22:48:56
What is the zip code of your current address?: 48823
Comments: I am sincerely worried about the effect this will have on the children walking to Donley school.
-
57. Name: Thomas Baumann on 2013-11-12 23:10:50
What is the zip code of your current address?: 48823
Comments: I live close to this location and would like to see retailers in this area as is intended in the master plan and conform to current zoning. I am also concerned about the safety of school children who pass by this location on their way to and from school.
-

58. Name: gary ganakas on 2013-11-13 00:17:00
What is the zip code of your current address?: 48823
Comments:
-
59. Name: Katie Paris on 2013-11-13 00:29:08
What is the zip code of your current address?: 48823
Comments:
-
60. Name: Gina Brick on 2013-11-13 03:05:52
What is the zip code of your current address?: 48823
Comments:
-
61. Name: Brian Titus on 2013-11-13 03:20:56
What is the zip code of your current address?: 48823
Comments:
-
62. Name: Perihan Awad on 2013-11-13 06:55:02
What is the zip code of your current address?: 48823
Comments:
-
63. Name: Mona El Minyawī on 2013-11-13 07:00:01
What is the zip code of your current address?: 48823
Comments: We do not want this plasma center in our neighbor
-
64. Name: Wafik Awad on 2013-11-13 07:03:26
What is the zip code of your current address?: 48823
Comments:
-
65. Name: Helen C. Veselovsky on 2013-11-13 14:27:16
What is the zip code of your current address?: 48823
Comments: Please do not grant the special use permit!!!
-
66. Name: meri anne stowe on 2013-11-13 14:41:16
What is the zip code of your current address?: 48823
Comments: This type of business should be located in a busy commercial mid-city area where there is a lot of activity. Carriage Hills is a small complex that serves a residential community. Of further concern is that the proposed business, which would bring a largely transient, non-local population to its doors, would be located between two nearby elementary schools, where small children walk back and forth to school. DTN is a huge company, and has many other options, of a more appropriated nature, for locating a business of this type.
We are strongly in opposition to the grant of a special use permit.
-
67. Name: Krista Baumann on 2013-11-13 16:10:35
What is the zip code of your current address?: 48823

Comments: I used to shop there in that bldg and think a grocery store that has something different from nearby Meijer could still work and would be much more beneficial to the area.

68. Name: Mary Szlachetka on 2013-11-13 17:38:55
What is the zip code of your current address?: 48823
Comments:

69. Name: Jan Ragan on 2013-11-14 05:38:27
What is the zip code of your current address?: 48823
Comments: I oppose for a Plasma center to be located in a elementary school area, a Senior Housing area and Residential area. We do not need paid officers patrolling the area to SEEM SAFE. There are children walking home from school!

70. Name: Sheila Flynn on 2013-11-14 12:20:45
What is the zip code of your current address?: 48823
Comments:

71. Name: Kacee Reid on 2013-11-14 13:08:04
What is the zip code of your current address?: 48823
Comments:

72. Name: chuck tolhurst on 2013-11-14 13:14:26
What is the zip code of your current address?: 48823
Comments:

73. Name: Rick Enlow on 2013-11-14 13:15:24
What is the zip code of your current address?: 48823
Comments:

74. Name: Anyssa Marvin on 2013-11-14 13:17:03
What is the zip code of your current address?: 48823
Comments: I oppose the plasma center.

75. Name: Mary McDaniel on 2013-11-14 16:23:43
What is the zip code of your current address?: 48823
Comments: Vote NO on Plasma Center

76. Name: anonymous on 2013-11-14 17:08:00
What is the zip code of your current address?: 48823
Comments: With sincere apologies to those who legitimately give much-needed plasma, I have to agree that placing such a facility so near to residential neighborhoods and schools is ill advised. While I detest the categorization of "all" people who donate plasma as "transient criminal derelicts," as some here have implied, a small percentage of that element does exist in the donation population. Sadly, the well-intentioned, law-abiding

low-income folks who rely on a bit of income from donation end up being judged by others' actions. Unfortunately, due to the large number of children walking daily to and from school, this facility is just not suitable to the proposed location.

77. Name: Jan Tucker on 2013-11-14 17:14:20
What is the zip code of your current address?: 48823
Comments:

78. Name: Anastasia Kimbouris on 2013-11-14 19:10:00
What is the zip code of your current address?: 48823
Comments:

79. Name: Bernard Finifter on 2013-11-14 20:56:14
What is the zip code of your current address?: 48823
Comments: In addition to the 3 reasons above (any one of which is sufficient), a plasma center at 6075 Hagadorn is inconsistent with the character of this area. A more appropriate location can surely be found.

80. Name: elizabeth vanis on 2013-11-14 21:06:24
What is the zip code of your current address?: 48823
Comments:

81. Name: William Flynn on 2013-11-15 00:36:05
What is the zip code of your current address?: 48823
Comments:

82. Name: Susan M Perry on 2013-11-15 11:20:15
What is the zip code of your current address?: 48823
Comments: A pernicious proposal.

83. Name: Kevin Sayers on 2013-11-15 20:21:39
What is the zip code of your current address?: 48823
Comments: I am against the approval of this special use permit for the purpose of allowing a Plasma Center at Carriage Hills Shopping Ctr. There are numerous other locations (e.g. former L&L @ Haslett/Marsh Rd.) that offer a more compatible area for such an operation. I would be happy to help DTN identify other locations for this business as well as finding a suitable use/tenant for the Carriage Hills site as it is currently zoned.

84. Name: roberta mcelmurry on 2013-11-15 20:50:28
What is the zip code of your current address?: 48823
Comments: I am opposed to the plasma center as it is needing a special use permit and does not meet planning criteria - too much comings and goings in a quiet little neighborhood - not on a main avenue of traffic -should be more in the nucleus of Meridian township and not off the beaten path which is mostly quiet neighborhood uses. Most of

the clients coming to this center would not be from the area it is locating within.

85. Name: Ronald Melaragni on 2013-11-15 21:01:10
What is the zip code of your current address?: 48823
Comments: This is not the proper location for this type of organization. It is a neighborhood, near schools and churches.
-
86. Name: Lorraine Melaragni on 2013-11-15 21:01:56
What is the zip code of your current address?: 48823
Comments: Wrong location! Too close to schools and neighborhoods.
-
87. Name: Edward Belles on 2013-11-16 02:17:12
What is the zip code of your current address?: 48823
Comments:
-
88. Name: alexis branoff on 2013-11-16 03:28:10
What is the zip code of your current address?: 48823
Comments:
-
89. Name: Steve Wakulsky on 2013-11-16 13:28:26
What is the zip code of your current address?: 48823
Comments: I do not want a plasma center at Carriage Hills shopping complex.
-
90. Name: Barbara Soper on 2013-11-16 15:47:55
What is the zip code of your current address?: 48823
Comments:
-
91. Name: Kathleen Wakulsky on 2013-11-16 16:46:51
What is the zip code of your current address?: 48823
Comments: I am very opposed to a plasma center locating so close to an elementary school. NOT the right business for this residential area!
-
92. Name: Susan gisholt on 2013-11-16 19:53:26
What is the zip code of your current address?: 48823
Comments:
-
93. Name: Joan P. Reinhart on 2013-11-17 02:10:16
What is the zip code of your current address?: 48823
Comments:
-
94. Name: Bob Reinhart on 2013-11-17 13:16:10
What is the zip code of your current address?: 48823
Comments:
-

95. Name: Jeff Schieding on 2013-11-17 16:42:18
What is the zip code of your current address?: 48823
Comments: I absolutely oppose the Special Use Permit for a CSL Plasma Center. We do not need this kind of establishment in our neighborhood. If this permit is issued and the plasma center is established in the Carriage Hills Shopping Center it will totally change the culture of this residential neighborhood.

96. Name: Julie Schieding on 2013-11-17 17:02:15
What is the zip code of your current address?: 48823
Comments: I strongly oppose the Special Use Permit for a CSL Plasma Center for the Carriage Hills Shopping Center. While I understand the desire to fill the unoccupied space in the shopping center, the business that goes in there needs to be appropriate for this residential area. A plasma center in this neighborhood would completely change the culture of this area. Why would we even consider transforming this neighborhood in such a way? It is just perplexing to me that this is being given such consideration. Please tell CSL Plasma that they will need to look for another location. I would also like to say that I feel DTN Management was very underhanded in the approach they took to this issue.

97. Name: Andrea Branoff on 2013-11-18 02:23:23
What is the zip code of your current address?: 48823
Comments:

98. Name: Darrell Lindman on 2013-11-18 13:04:37
What is the zip code of your current address?: 48823
Comments:

99. Name: Paul Abid on 2013-11-18 13:30:04
What is the zip code of your current address?: 48823
Comments:

100. Name: Kristin Reinhart on 2013-11-18 13:37:16
What is the zip code of your current address?: 48823
Comments:

Rick Brown

From: Patrick Brazil <patrickjbrazil@yahoo.com>
Sent: Friday, November 22, 2013 9:24 AM
To: Rick Brown; Angela Wilson; Jane Greenway; Gail Oranchak; Julie Brixie
Cc: Bill Lee; Tom Dietz; janet.bokemeier@gmail.com; Joe Pavona; John Halloin
Subject: SUP #13141 on Agenda Nov 25th

To Meridian Township Planning Commission,

This email is in response to a special use permit #13141 from Jeff and Arianna Wooledge of 2700 Mt Hope Hwy, Okemos, MI 48864 for proposed work in the 100 year flood plain.

I am in Florida and will not be back in Michigan for the hearing on November 25th so please accept this email as my **disapproval** of this permit. I ask under my rights as a resident of Meridian Township for this email to be printed off, included in the packet for consideration and given to every planning commission member for review during the discussion of this special use permit #13141 as a person of interest that is unable to make it to the meeting in person.

From my email I sent on Nov 12th at 2:23pm to Mr. Brown I sighted the fact that **all regards to the Michigan DEQ floodplain management has been disregarded** by the Wooledge's. I have just seen the first pictures of this 'berm' that has already built without a permit. It is disheartening. This berm looks very large and is going to severely effect my back yard from the water run off in this area by not allowing proper drainage in a 100 year flood plain.

I have asked that the Indian Lakes Estates Homeowners Association take steps to secure a lawyer to be present at the meeting on Monday. As the previous Secretary of the Board I know they will come together to dispute this SUP #13141. In regards to the letters from other residents having approval of the work, none of them live next to the berm and as non-effected residents I ask that all these be dismissed. I will also ask that our attorney representing the Indian Lakes Estates Homeowners Association mention the fact to dismiss these 'form' letters.

During the recent storm that just came through one of the Wooledge dead ash trees blew over into my back yard. I had to hire a crew to chop it up. There are probably over 15 ash trees and dozens of other kinds of trees in the area between the berm and my back yard that will also be effected due to the extended period of time that water run off can not properly drain. There will be more trees that die and fall over and this berm will intensify this problem at my expense.

I am sure the Wooledge's are upset that the area is being disputed after they have paid someone to move probably hundreds of yards of dirt into the berm. This is not just a few yards of dirt. As a former landscaper I would estimate that this is over 120 yards of dirt that has been moved to make this berm. The contractor they hired should have applied for the permits **before** any work was done and that contractor should be responsible for all costs to reinstate the berm to it's original grade.

I strongly urge you to **decline this SUP #13141 from the Wooledge's**. I also ask that you vote to have them **reinstate the area to it's original grade** for proper flood plain drainage. I am extremely upset of both the building of the berm and the way that it is trying to be rushed through the planning commission.

Please do not hesitate to contact me with any questions.

As a note this email was sent on Friday morning at 9:23am to Mr Brown to be included in the packet for consideration of the SUP#13141.

Sincerely,

Patrick J. Brazil and Dana E. Brazil
4593 Sequoia Trail
Okemos, MI, 48864
517-819-5433

November 21, 2013

Regarding Special Permit #13141

To the Meridian Township Planning Commission and Whom It May Concern,

The only prudent vote on this permit is NO. A discrepancy measured in inches in this area could spell disaster for those surrounding this project as the residents opposed to this permit clearly already live with threatening water levels. Please note the addresses on the letters of support are from unthreatened elevations. There is absolutely no way for any expert to document how much dirt has been removed from this enlarged pond now that it is filled with water. There is no way to absolutely determine the change in watershed, the different elevations and how much they have been altered now that this work is done. If there was nothing to hide and no potential harm, having this information presented for a simple permit that would have probably gone unchallenged was certainly more than feasible for a family of such means and influence in this community.

Our homes are in the flood plain and the home to be built on the property in question is not. To the best of my ability, I have used Google Elevation maps to compile one large map for your convenience. They include several topographical points I thought were pertinent but you can easily go to the website yourselves. This is probably the only information that we have that may show how the original landscape existed now that the work has mostly been completed pre-permitting. The Commission has information from paid employees of this property owner and all the information provided by them especially regarding the amount of dirt removed and moved can easily be doctored in their favor.

The Engineering firm for this project speaks only in terms of moving earth "within the flood plain" assuming that as long as it is "within" the flood plain this amount "is a wash." I appeal to you to realize we are IN that flood plain. Moving dirt/fill from a higher area to a lower area in this plain means as our 'glacial bowl' fills from the bottom up, there is less area at lower elevations to be occupied by water and therefore fill up towards our lower properties faster. Because it IS a known flooding area it makes this demographic fragile. The extra fill that has been moved/added is now in lower parts of the property then they were originally located as shown with the enclosed maps. This map is from before the changes were made. The maps clearly show that the area where the fill was moved from is higher than that of where they have built their 8 foot berm and is also higher than the surrounding affected properties. You can see how the area between the pond and our homes acts as a large area of 835 to 836 feet of elevation to flood helping to relieve the water that has already collected in our lower area. NOT filling this in is critical due to the problems we have already been experiencing. We do see changes in how the standing water is pooling more towards the properties since the berm has been built.

I also contend that normal permitting circumstances taking into account only dirt volume being moved are missing the fact that the 'removed' area is now actually 'filled' with water for the pond. There is no space available for flood waters to occupy so this is an additional area of volume. It is already filled with pond water. And the additional berm and fill volume is displacing water at lower critical elevations of our properties. I contest that there is no loss in total volume and is instead a now immeasurable addition due to the 'do it now, ask for forgiveness later tactics of the applicant.'

We ask that you only let this owner move fill to areas southern to the southern edge of the lake and not be allowed to create elevations higher than ones that existed before they made their changes. Please do not allow fill any point below 838 or preferably 840 feet of elevation between the pond and our homes. This owner has ample room to consider other areas. Interlocking pine trees are a simple, environmentally safe alternative to a berm for privacy. The function of the berm is for them as it would be for us: IT IS A DAM THAT KEEPS THE WATER OUT of their yard and in our properties. They have resided here many years and know the issues. They want area that does not flood in the back of their property, as do I. At times I have a lake lapping at my back door instead of a back yard and I don't even own one acre. I ask that if such a project is approved it be contingent that approval also be granted to surrounding property owners who do follow proper channels requesting a similar berm to protect our homes and expand our usable yard space and/or require the applicant to offer to build such protection for us as they are for themselves. This request seems no less ridiculous to us as what they have already done.

This Committee, especially those who did come out to our properties, hopefully saw what even the DEQ cannot necessarily determine from their desks. First and foremost, that we will never know what changes have actually been made and we cannot make a true determination of risk. Please do not put this small population of people at any amount of risk for the benefit and gratification of frivolous needs for this applicant who has indulgently proceeded with no consideration for others or due process. I had a conversation with the Engineer for this project as we waited in the lobby during the hearings preceding ours on November 18. I asked him why no permits had been submitted. His reply was "It's their property. They can do whatever they want."

The little guys need you Commissioners!!! Please help keep our homes safe!!!

In Earnest,

Donell Snyder
4611 Sequoia Trail
Okemos, MI 48864
517-449-6302
snyderdo@gmail.com

Gail Oranchak

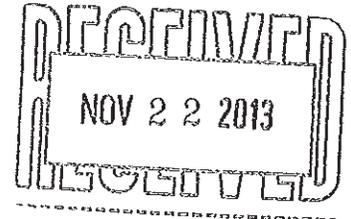
From: Rick Brown
Sent: Friday, November 22, 2013 10:32 AM
To: Gail Oranchak
Subject: FW: SUP #13141 (Wooledge) Letter and topo map
Attachments: November 21.docx

For packet

From: Donell Snyder [<mailto:snyderdo@gmail.com>]
Sent: Friday, November 22, 2013 10:30 AM
To: Janet Bokemeier; patrickjbrazil@yahoo.com; tdietzvt@gmail.com; Rick Brown
Subject: Re: SUP #13141 (Wooledge) Letter and topo map



11/22/13



Dear Meridian Township Planning Commissioners,

We ask that the planning committee deny the request for Special Use Permit #13141 (Woodridge). We live on an adjacent lot to the site of this project. We were shocked by the presentation of the permit request at the November 18th meeting.

The presentation neglected to mention the topography of the site in question. The site in question encompasses a high ridge and low flood field. The berm that has been constructed without permit is at the low point on their property. This berm is very long and tall – it spans the backyards of three homes to their East and is at least 6 feet tall. It is a lot of dirt. It is not a berm – it is a dam. Just south of the berm, the land rises to a ridge. North of this berm lies a flood plain which backs into the Red Cedar River. By placing the berm at this location, floodwaters that generally flow from the north will be impeded and diverted from their lowland to our yards. Water will rise higher into our yards and threaten our basements because the berm and the ridge will block the water. This area is a known wetland as designated by the MDEQ and County Officials, and the construction operations should be reviewed and permitted.

The 'specialists' argued on Monday 11/18/13 that the berm is not an issue because the water will eventually flow around it and thus level out any effect. However, what they failed to mention is that before the water overtakes the berm, it will have risen to a dangerous and destructive level in our yards. As you can see in the attached photo, the berm is already creating a large pool of standing water. The Owners are

required to provide engineering analysis that the proposed changes do not adversely affect adjacent properties.

The crux of their argument of non-impact is that the berm represents a near equal displacement of dirt from one point on the flood plain to another. What we cannot figure out is where all this dirt came from. There was no berm or even a rise of dirt encircling the lake prior to this work. Even if the dirt did come from the site, the creation of the berm changes the storm water runoff and drainage patterns of the site that adversely affects adjacent properties. Please refer to the attached pictures taken prior to the work in question to see the scope and size of the proposed changes and the adverse effects that are already occurring.

As you can see in the attached photo, heavy construction equipment was brought in to haul dirt, although they did not show where the dirt was originally. In the case of a heavy rain event or during the wet season that happens every spring, the berm represents an additional displacement of open areas on the flood plain and redirects storm water runoff to different areas that creates a greater risk for flooding for adjacent properties.

This area is a known wetland and permits and engineering reviews are required for such work. The Township already has a Wetland Ordinance 2011-04 (Wetland Activities) that regulate such activities. The proper design, reviews, and permits shall be obtained prior to any additional earth moving.

We are quite surprised that all these construction engineers working on the berm did not know to seek a permit. Surely someone directing such a major enterprise with specialized, heavy equipment would know about permits. For these

contractors and construction engineers to proceed without permit is negligent and outrageous.

Aren't you outraged that they would proceed with a project of this scope and impact without permit? At a minimum, the contractor should have submitted a site plan application, obtained a building permit, and have a soil erosion / sedimentation control permit **PRIOR** to any earthmoving activities. Imagine our shock in waking up to find this football field long mound of dirt just beyond our backyards.

We ask that you deny this SUP as they have not established the source of the dirt used to fill in this flood plain and built a giant berm without seeking a permit. The "specialists" who spoke for the Wooledges assured the township planning commission that the berm is "only for aesthetic purpose". The scope of these changes should require the submittal of signed and sealed engineering plans, and have a full review by engineering, planning, and Township officials.

We strongly believe that aesthetic wants of the homeowner could be satisfied with more environmentally friendly methods such as arbor vitae and landscaping. The Owner should not be allowed to complete large scale land changes that affect adjacent properties. They are seeking aesthetic benefit with a berm that redirects the flow of water and threatens the security of our homes. They are seeking this aesthetic benefit at our expense and with no regard for our well-being.

The environmental quality of our community rests on the adherence of citizens to commonly agreed environmentally friendly practices. One such practice is to leave flood plains as is without filling.

Sincerely,

L. Charles Bokemeier, MBA, CPA, DBA

Janet Bokemeier, MS, PHD

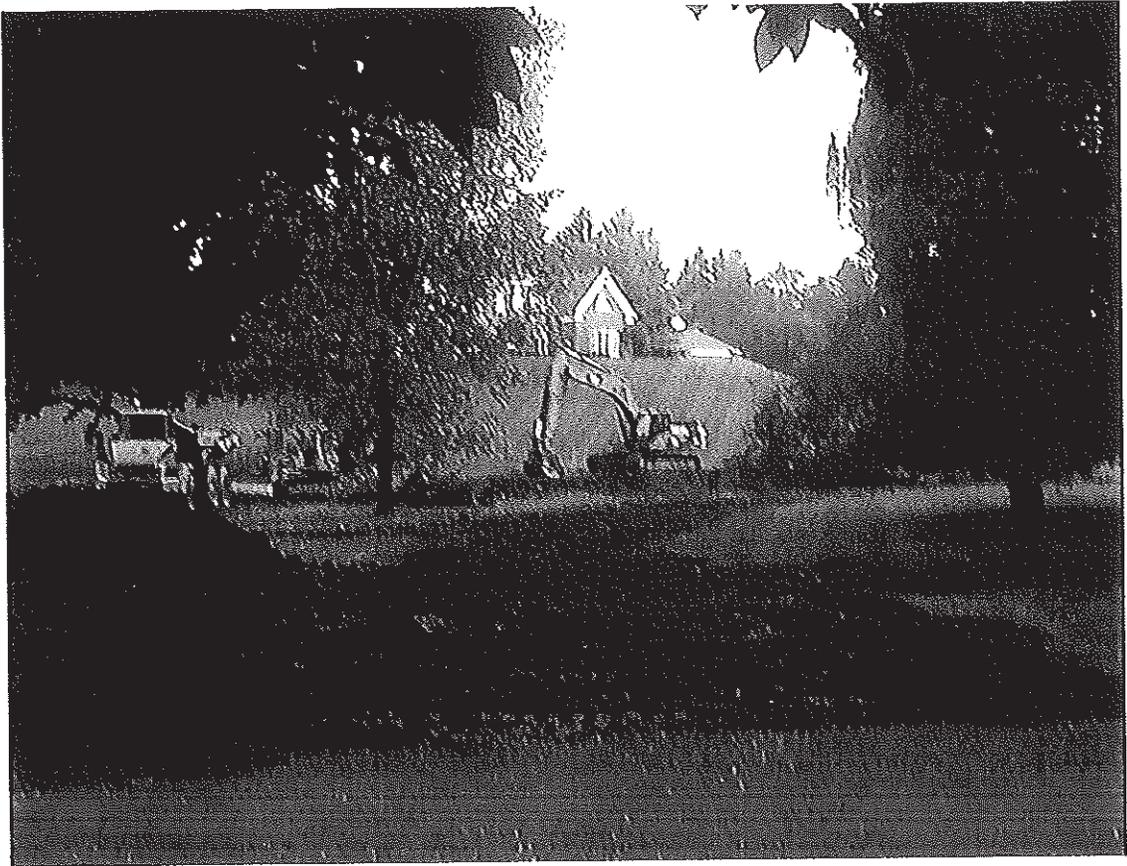
4601 Sequoia Trail

Okemos, MI 48864

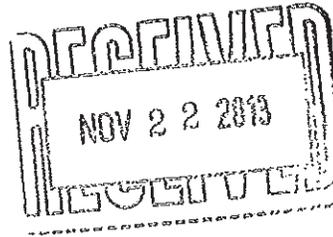












22 November 2013

TO: Meridian Township Planning Commission

FROM: Tom Dietz, 4651 Sequoia Trail, Okemos, Michigan

RE: Special Permit # 13141

I believe the Commission is faced with a clear choice.

On the one hand, the applicants have asked for a Special Permit for a berm that they consider an aesthetic improvement to their property.

On the other hand, a number of neighboring property owners are concerned that the berm will increase the risk of flooding and of serious property damage.

So the decision you must make is a tradeoff between an aesthetic improvement and a possible increased risk of flooding and water problems to neighbors.

Relatively little of the discussion at the hearing on Monday, 11/18/2013 addressed the issues being raised by the local property owners. The concern is that the berm will have effects on the flow of surface water and groundwater *in its immediate vicinity* in ways that will increase risk of flooded yards and basements for neighbors.

The engineer and attorney representing the applicant argued in passing that there will be no increase in such risk while discussing the issues of the larger floodplain and wetlands in more detail. Of course, if they did not hold a "no risk" position they would not have appeared before the board representing their clients.

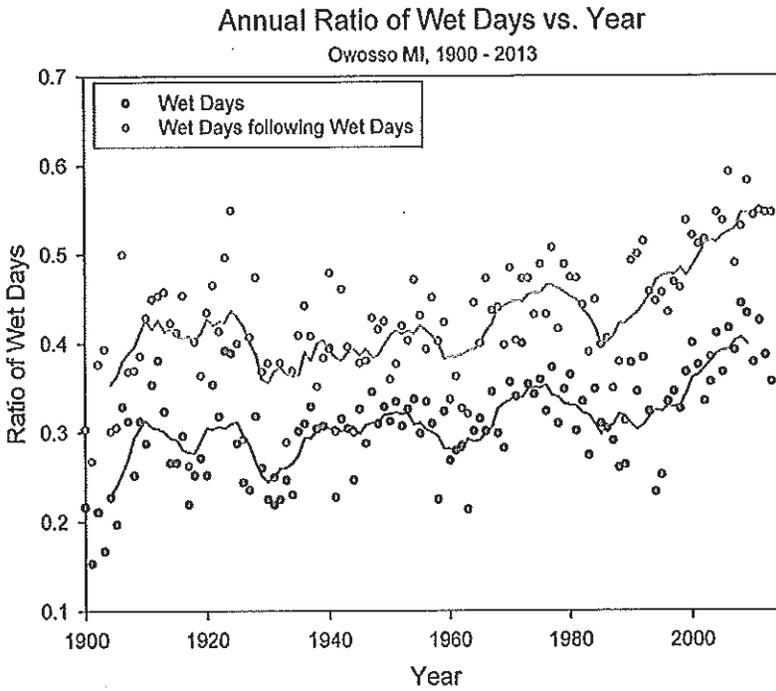
The Indian Lakes neighborhood has been troubled by water problems since its construction. At the moment there are a number of new factors stressing local surface and ground water flows in ways that are not well understood. These include:

- the very large development at Hannah Boulevard;
- the removal of snags some distance downriver from the local wetlands that may change water velocities upstream;
- the clear pattern of increased intensity of precipitation (multiple rainy days in a row) in mid-Michigan (see graph below based on work by State Climatologist Dr. Jeff Andresen). This type of rain pattern is exactly what causes flooding problems and is not captured by using long term averages.

No one has argued that the berm will have large scale effects on the wetlands and in any event those will be evaluated by the State. But it is reasonable to be concerned that the berm will have effects close by.

If you could be sure that the chances of increased flooding to the neighbors were nearly zero, then a permit for an aesthetic improvement might be justified. But given the long history of water problems in the neighborhood, the variety of new factors influencing water flow there and the substantial size of the berm, I don't see how anyone can confidently assign a low probability to those very local impacts. And that is exactly what is at issue here.

Trends in precipitation, mid-Michigan

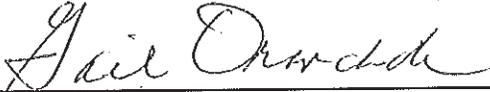


Note: Graph prepared by Dr. Jeff Andresen, Michigan's State Climatologist. Owosso is the weather station closest to Okemos with the best long term precipitation records. Solid line is 9 year moving average.

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM: 
Gail Oranchak, AICP
Principal Planner

DATE: November 21, 2013

RE: Special Use Permit #13121 (Meridian Township), a request to construct a new fire station, a nonresidential structure and use in a residential district

The Planning Commission's September 9, 2013 approval of Special Use Permit #13121 was appealed to the Township Board. SUP #13121 is a request from the Township to develop approximately four acres of a 28.5 acre Township-owned site for a new 15,000 square foot fire station. The building will consist of three fire apparatus bays, equipment storage facilities, a training classroom, Fire Department administrative offices, a staff day room, kitchen, fitness room, seven dorm rooms, men's and women's locker rooms, and laundry. A separate training tower south of the building is also shown on the site plan. The site is located east of Okemos Road on the south side of Central Park Drive. It is zoned RDD (Multiple Family, maximum five dwelling units per acre). Section 86-654 of the Code of Ordinances classifies public buildings as nonresidential structures and uses permitted in residential districts by special use permit.

The Township Board held the appeal hearing on October 15, 2013 and voted to "refer the matter back to the Planning Commission for further hearings or other action prior to final determination of the appeal by the Township Board." Attached for your review is the packet of materials distributed to the Township Board prior to the October 15, 2013 appeal hearing. The packet includes a revised site plan dated October 4, 2013. Minutes of the Township Board's October 15 meeting are also attached.

In accordance with the Michigan Planning Enabling Act, the Planning Commission conducted Commission Review #05073 and Commission Review #09053 to consider the location, character and extent of the Township's purchases of the two land parcels that make up the 28.5 acre site. The purchases are not reflected in the 2005 Master Plan since both commission reviews were conducted after the adoption of the 2005 Master Plan and those pertinent sections of the Master Plan have not yet been updated.

Since the Planning Commission's initial review, the Township Environmental Consultant's delineated wetland boundary was added to the site plan dated October 4, 2013. The original staff memorandum dated August 22, 2013 stated, "Conservatively, the closest wetland boundary is approximately 150 feet south of the fire station project area." The revised October 4, 2013 site plan shows the actual delineated wetland boundary is no closer than 240 feet from the nearest project site limits.

Other revisions to the original site plan include the combination of the two access drives closest

to the east property boundary and repositioning the building 50 feet from the Central Park Drive property line to meet the required front yard setback. The revised October 4, 2013 site plan shows one access drive for emergency vehicles exiting and entering bays inside the building and an area of off-street parking along the east side of the building. The revision was required by the Ingham County Department of Roads.

Planning Commission Options

The Planning Commission may approve, approve with conditions or deny the special use permit. A resolution to approve has been provided.

The case has been advertised for possible action the same night as the public hearing. The Planning Commission must suspend Bylaw 6.4a to take action. The following motion is provided to suspend Bylaw 6.4a.

I MOVE to suspend Planning Commission Bylaw #6.4a to consider Special Use Permit #13121 the same night as the public hearing.

Attachments

1. Resolution to approve
2. Staff memorandum dated October 10, 2013
3. Appeal submitted by applicant
4. Staff memorandum dated August 22, 2013
5. Staff memorandum dated September 6, 2013
6. Planning Commission minutes dated August 26, 2013 (public hearing) and September 9, 2013 (decision)
7. Communications
8. Planning Commission resolution to approve
9. SUP #13121 approval letter
10. Township Board Minutes dated October 15, 2013
11. Revised site plan dated October 4, 2013

RESOLUTION TO APPROVE

**Special Use Permit #13121
(Meridian Township)
Central Fire Station**

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 25th day of November 2013, at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, Meridian Township has requested a special use permit (Special Use Permit #13121) to construct a fire station, a nonresidential use permitted by special use permit in a residential district; and

WHEREAS, the project area is approximately four acres of a 28.5 acre Township-owned site located on Central Park Drive and zoned RDD Multiple Family (5 units per acre); and

WHEREAS, the Planning Commission held a public hearing on August 26, 2013 and voted to approve the special use permit at its meeting on September 9, 2013; and

WHEREAS, the Planning Commission's approval of Special Use Permit #13121 was appealed to the Township Board; and

WHEREAS, The Township Board held a hearing on the appeal on October 15, 2013 and voted to refer the matter back to the Planning Commission for further hearings or other action prior to final determination of the appeal by the Township Board; and

WHEREAS, the Planning Commission held a public hearing on Special Use Permit #13121 at its meeting on November 25, 2013, and has reviewed the materials forwarded under cover memorandum dated November 21, 2013; and

WHEREAS, the location of the fire station is consistent with the intent of the zoning ordinance by being located in a zone where public buildings are permitted by special use permit and by seeking the appropriate approvals; and

WHEREAS, the location is consistent with the Township's Master Plan by being within two miles of high and medium hazard occupancies such as the central business district, the Municipal Complex, and high-density residential development along Grand River Avenue; and

WHEREAS, the fire station will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity in that it will be compatible with other uses located on the Central Park Drive including the Okemos Post Office, Meridian Mall, Township Municipal Complex and multiple-family housing; and

**Resolution to Approve
SUP #13121 (Meridian Township)
Page 2**

WHEREAS, the Township's existing fire stations, located in proximity to a variety of commercial and residential uses, have not adversely affected and are not hazardous to existing neighboring uses nor is the use detrimental to the economic welfare of surrounding properties or the community and

WHEREAS, adequate public facilities such as a four lane arterial and collector roads already exist to serve the site; and

WHEREAS, the project will be connected to the public water and sewer systems; and

WHEREAS, the site's proposed use as a fire station, administrative offices and conference/training center will not create excessive traffic or noise, as the hours of operation are generally 8:00 a.m. to 5:00 p.m. with approximately four emergency runs being made from the site each day with less than one call between the hours of 11:00 p.m. and 6:00 a.m., and the use of sirens is at the discretion of the emergency vehicle driver; and

WHEREAS the site's proposed use will not emit smoke, fumes, glare or odors that could be detrimental to persons, property or the general welfare; and

WHEREAS, the project will have no effect on the Township's natural resources since neither floodplain, wetlands, lakes, rivers, nor streams are within the project area; and

WHEREAS, consistent with location and development standards for nonresidential uses in residential districts per Section 86-654 of the Code of Ordinances, the site faces and has access from a major street, the project will not require expensive extension of public utilities, the project area exceeds the minimum two acre site size, the structure will be set back at least 50 feet from all property lines, the structure will not cover more than 25 percent of the site, and the site abuts public land to the east and west and commercially zoned land to the south and east; and

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Special Use Permit #13121 subject to the following conditions:

1. Approval of the special use permit is granted in accordance with the site plans prepared by DLZ, dated October 4, 2013, subject to revisions as required.
2. The character and quality of the building materials and general architectural design of the building shall be consistent on all four sides. Building materials shall be substantially consistent with the elevation plans prepared by DLZ and dated August 2, 2013, subject to approval by the Director of Community Planning and Development.
3. The applicant shall obtain all necessary permits, licenses, and approvals from the Ingham County Road Department and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development.

**Resolution to Approve
SUP #13121 (Meridian Township)
Page 3**

4. The parking lot shall be designed in accordance with the requirements of Section 86-756 Design and Construction Requirements of the Code of Ordinances.
5. Bicycle parking shall be provided in accordance with the requirements of Section 86-760 of the Code of Ordinances.
6. Prior to issuance of a permit for construction activity or grading, any wellhead(s) located on the site shall be properly closed and abandoned pursuant to the requirements of the Ingham County Health Department and the Township.
7. The location, species and size of street trees to be installed on street frontages shall be subject to the approval of the Director of Community Planning and Development and the Ingham County Road Department.
8. Landscaping shall generally comply all applicable provisions of the Code of Ordinances.
9. Site and building lighting shall comply with Article VII in Section 38 of the Code of Ordinances and shall be subject to the approval of the Director of Community Planning and Development. Parking lot lighting shall not exceed 15 feet in height. LED lighting shall be used where feasible.
10. All mechanical, heating, ventilation, air conditioning, and similar systems shall be screened from view by an opaque structure or landscape material (if at street level) selected to complement the building. Such screening is subject to approval by the Director of Community Planning and Development.
11. The utility, grading and storm drainage plans shall be subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with the Township's Engineering Design and Construction Standards.
12. A copy of the site plan information that exists in a computer format for the development project and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.
13. Any future modifications to the building or site shall require an amendment to the special use permit.

ADOPTED: YEAS: _____

NAYS: _____

**Resolution to Approve
SUP #13121 (Meridian Township)
Page 4**

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 25th day of November, 2013.

Patricia Jackson, Chair
Meridian Township Planning Commission

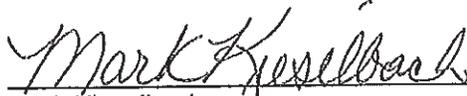
10 - A

MEMORANDUM

12 - A

TO: Township Board

FROM:



Mark Kieselbach
Director of Community Planning and Development

DATE: October 10, 2013

RE: Appeal of Special use Permit #13121

Special Use Permit #13121 is a request by the Charter Township of Meridian to construct a fire station on a vacant 28.5 acre parcel owned by the Township located on the south side of Central Park Drive, east of Okemos Road and west of the Okemos Post Office. Section 86-654 of the Code of Ordinances, Nonresidential Structures and Use in Residential districts, allows by special use permit public owned and operated buildings, Section 86-654(c)(5) such as a fire station, subject to the approval of the Planning Commission.

The application for the special use permit was submitted on August 2, 2013. Included in the submittal were the following items:

- Legal description
- Site Plan prepared by DLZ¹
 - Existing Conditions
 - Site Development
 - Layout and Geometrics
 - Floor Plan
 - Architectural Elevations/Building Materials
- Color Rendering of the Building
- Natural Feature Assessment
- Written Response to the Special Use Permit Review Criteria

Additionally the Township had its wetland consultant Fishbeck, Thompson, Carr and Huber (FTCH) delineate the wetland boundary on the property. The application was deemed to be complete by the Director of Community Planning and Development and a public hearing was scheduled for August 26, 2013.

The notice of the public hearing was published in the newspaper and mailed to all property owners and occupants within 300 feet of the boundary of the property. The notices included the date, time and place of the hearing; the nature of the request; indicated the property which was the subject of the request; and stated when and where the request may be examined. The Zoning Ordinance

¹ The Planning Commission does not have the authority to approve a site plan. Decisions on site plans are subject to the Director of Community Planning and Development per Section 86-155(a)(3).

Section 86-65(b)(3)(c) states the notice should include any existing street address for the site. No structures are located on the subject property so a street address has not been assigned. The property was adequately described in the notice to inform the public of its location. While the notice mailed to the property owners and occupants included a statement where written comments would be received, the legal notice did not contain that statement. The appeal of Planning Commission decision requires the Township Board to hold a public hearing. Notice of the public hearing must be given in the same manner as the public hearing before the Planning Commission. The legal notice and the notice mailed to all property owners and occupants within 300 feet of the boundary property for the public hearing on the appeal does include a statement where written comments will be received.

The Planning Commission held the public hearing on Special Use Permit #13121 at its regular meeting on August 26, 2013. The public hearing was opened and closed at that same meeting (approved Planning Commission minutes pages 10-14.) Section 86-125(2)b. states if the Planning Commission continues a public hearing and the hearing has been adjourned for over 36 hours, notice shall be provided in the same manner as the original hearing. Since the Planning Commission closed the public hearing there was no requirement that new notices be provided. Special Use Permit #13121 was approved by the Planning Commission at its regular meeting on September 9, 2013.

Since the Planning Commission's approval the Ingham County Road Department asked that the eastern driveway for the fire station be moved to the west. A revised site plan has been attached.

The Township's 2005 Master Plan was adopted by the Planning Commission on March 14, 2005 and the Township Board on May 5, 2005. At that time the Township did not own the Central Park property so consideration of using it as a fire station would not have been included in the Master Plan. Since the adoption of the Master Plan, the land use designation for the Central Park property or Chapter 9 Community Facilities relating to fire stations has been updated. The Planning Commission is currently working on updating Chapter 2 for goals, objectives and strategies.

Section 86-189 of the Zoning Ordinance outlines the process for the appeal of a decision made by the Planning Commission. In its determination of the appeal, the Township Board may take, but is not limited to any of the following actions:

- Affirm the decision of the Planning Commission with or without modification.
- Reverse the decision of the Planning Commission and state its reason(s) therefor.
- Refer the matter back to the Planning Commission for further hearings or other action prior to final determination of the appeal by the Township Board.
- Refer the matter to the Zoning Board of Appeals if the issue appears to be a matter of interpretation of the provisions of this chapter.

Appeal of SUP #13121
October 10, 2013
Page 3

When reviewing the appeal of the special use permit the Township Board has all the powers of the Planning Commission as to that appeal.

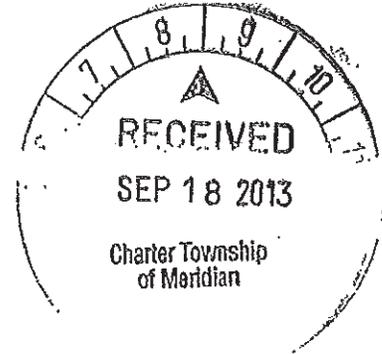
Attachments

1. Appeal submitted by appellant
2. Staff memorandum dated August 22, 2013 and attachments
3. Staff memorandum dated September 6, 2013 and attachments
4. Planning Commission minutes dated August 26, 2013 and September 9, 2013
5. Communications
6. Planning Commission resolution to approve
7. SUP #13121 approval letter
8. Revised Site Plan

G:\Community Planning & Development\Planning\CarolMark\SUP #13121 appeal.doc

NOLAN, THOMSEN & VILLAS, P.C.
ATTORNEYS AT LAW
239 SOUTH MAIN STREET
EATON RAPIDS, MICHIGAN 48827-1291

(517) 663-3306
FAX (517) 663-4300



LAWRENCE P. NOLAN*
MICHAEL W. THOMSEN+
GARY G. VILLAS
JESSICA S. FOX

ALSO LICENSED IN:
*DISTRICT OF COLUMBIA
+FLORIDA

September 18, 2013
Hand Delivered

Charter Township of Meridian
Department of Community Planning
and Development
5151 Marsh Road
Okemos, Michigan 48864

Re: Autumn Park Condominium Association, et al v Charter Township of Meridian Planning Commission

Dear Sir/Madam:

Under the provisions of the Michigan Freedom of Information Act, P.A. 442 of 1976, I hereby request a duplicate copy of any and all documents, communications, photographs, and any hand-written notes or documents of any kind contained in the file for the Application for Special Use Permit #13121.

I am also hereby requesting any and all minutes, agenda plans, and videotapes and/or audiotape recordings of any and all Planning Commission Meetings wherein the Special Use Permit #13121 was discussed.

Please provide my office with an estimate of the cost for providing the requested materials.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Gary G. Villas".

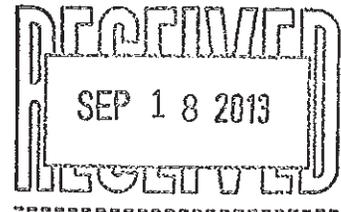
Gary G. Villas

GGV/pjw

FOI 2013-38

NOLAN, THOMSEN & VILLAS, P.C.
ATTORNEYS AT LAW
239 SOUTH MAIN STREET
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LAWRENCE P. NOLAN*
MICHAEL W. THOMSEN+
GARY G. VILLAS
JESSICA S. FOX

ALSO LICENSED IN:
*DISTRICT OF COLUMBIA
+FLORIDA

September 18, 2013
Hand Delivered

Charter Township of Meridian
Department of Community Planning
and Development
5151 Marsh Road
Okemos, Michigan 48864

**Re: Autumn Park Condominium Association, et al v Charter Township of
Meridian Planning Commission**

Dear Sir/Madam:

I have been retained by the Autumn Park Condominium Association and some of its members to represent them with regard to the appeal of the Resolution Approving the Application of Special Use Permit #13121.

I have enclosed a Notice of Appeal pursuant to Subsection 86-189 of the Zoning Ordinance.

Please process this Notice of Appeal in your usual manner and notify me of the hearing date of the meeting for which the Board will consider this appeal.

I look forward to your prompt response.

Sincerely,

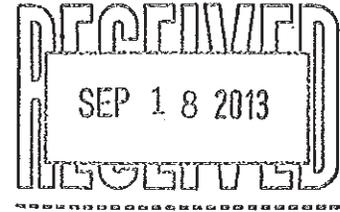
A handwritten signature in cursive script that reads "Lawrence P. Nolan".

Lawrence P. Nolan

LPN/pjw
Enclosure

APPEAL TO
MERIDIAN TOWNSHIP BOARD

**AUTUMN PARK CONDOMINIUM
ASSOCIATION; ALI and FARIDEH
BEHFOROOZ; STEVEN and PAM
LAMB; BILL and MARIE PERSONS;
ROGER and SUSAN SIMKIN;
ROBERT SZCZYGIEL;
ELIZABETH STROBL; BRYON
BRANDENBURG; MEREM FRIERSON;
M. GREATTING; HANS and ANGELA
KIEBLER, and DAN LATTERNER, Individually,**



Appellants,

v

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION,**

Appellee.

**LAWRENCE P. NOLAN (P25908)
NOLAN, THOMSEN & VILLAS, P.C.**
Attorney for Appellants
239 S. Main Street
Eaton Rapids, Michigan 48827
Telephone: (517) 663-3306

NOTICE of APPEAL

Autumn Park Condominium Association, on behalf of it's residents, Ali and
Farideh Behforooz; Steven and Pam Lamb; Bill and Marie Persons; Roger and Susan
Simkin; Robert Szczygiel; Elizabeth Strobl; Bryon Brandenburg; Merem

Frierson; M. Greatting; Hans and Angela Kiebler; and Dan Latterner appeal the decision to grant the Special Use Permit #13121 to the Township Board pursuant to Subsection 86-189 of the Zoning Ordinance.

Pursuant to Subsection 86-189 this Notice of Appeal is based upon the improper Notice of Hearing regarding Special Use Permit #13121; Meridian Charter Township's failure to follow the Zoning Ordinance with regard to Special Use Permits; and, that the public was misled by the ballot proposal; and, the Planning Commission disregarded the Township's Master Plan and inappropriately rushed through the approval of Special Use Application #13121.

INTRODUCTION

In November, 2012, Meridian Charter Township supported a referendum to fund the replacement of a fire station.

The Board chose a site on the southeast corner of Okemos Road and Central Park Drive. This land is zoned RDD (Multiple Family with up to 5 dwelling units per acre). A fire station could not be built on this property because it was zoned residential and therefore, Meridian Township had to apply for a Special Use Permit before a fire station could be erected on the property.

The Planning Commission accepted the application for Special Use Permit #13121 for the building of the fire station on the southeast corner of Okemos Road and Central Park Drive at their August 12, 2013, meeting. (Exhibit 1). A public hearing was held by the Planning Commission regarding the application for Special Use Permit #13121 at the

August 26, 2013 meeting. (Exhibit 2).

The Planning Commission did not make a decision regarding the application for Special Use Permit #13121 on August 26, 2013, and scheduled another meeting on September 9, 2013.

At the September 9, 2013, meeting, the Planning Commission passed a resolution approving the application of Special Use Permit #13121 to allow the building of the fire station. (Exhibit 3)

Appellants in this matter are the Autumn Park Condominium Association, and its residents who live on Central Park Drive, including: Ali and Farideh Behforooz; Steven and Pam Lamb; Bill and Marie Persons; Roger and Susan Simkin; Robert Szczygiel; Elizabeth Strobl; Bryon Brandenburg; Merem Frierson; M. Greatting; Hans and Angela Kiebler and Dan Latterner.

**THE TOWNSHIP DID NOT FOLLOW THE PROPER
NOTICE REQUIREMENT FOR EITHER THE AUGUST 26, 2013
OR SEPTEMBER 9, 2013 MEETINGS**

Subsection 86-65 provides the notice requirements for special use permits.

Subsection 86-65 (b) reads as follows:

- (b) *Notice of public hearing.* Notification of the public hearing shall be given as follows:
 - (1) A notice of public hearing shall be published in at least one newspaper of general circulation in the township not less than 15 days prior to the date of the hearing.
 - (2) A notice of public hearing shall be delivered personally or by mail to the parties making the request, owner(s) of the

property if different than applicant, and to all persons to whom real property is assessed located within 300 feet of the boundary of the property in question at the address listed on the most recent assessment roll, and to the occupants of all structures within 300 feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used.

- (3) Notification shall be given not less than 15 days before the date of the hearing. The notice shall contain all of the following information:
 - a. Indicate the date, time, and place of the hearing.
 - b. Describe the nature of the request.
 - c. Indicate the property which is the subject of the request, including any existing street addresses for the site.
 - d. State when and where the request may be examined.
 - e. Indicate when and where written comments will be received concerning the request.

In the present case, the notice for the August 26, 2013, Planning Commission Public Hearing regarding Special Use Permit #13121 was deficient.

The notice for the public hearing regarding Special Use Permit #13121 required that it be published in at least one newspaper of general circulation not less than 15 days prior to the date of the public meeting.

The Charter Township of Meridian did publish a notice in the Towne Courier on August 11, 2013, 15 days prior to the public hearing on Special Use Permit #13121.

However, this published notice was deficient because pursuant to Subsection 86-65(b)(3)(c) and (d) the published notice did not contain the street address for the site of the Special Use Permit nor did the notice indicate when and where written comments would

be received concerning the request for the Special Use Permit.

Moreover, notice of this public hearing was to be delivered personally or by mail, “[t]o all persons whom real property is addressed located within 300 feet of the boundary of the property in question at the address listed on the most recent assessment roll.” (Subsection 86-65(b)(2)).

Meridian Charter Township did provide notice of the August 26, 2013, public hearing which was mailed to the residents of Autumn Park Condominium Association who lived within 300 feet of the boundary line in question.

However the Planning Commission did not make a decision on Special Use Permit application #13121 at the August 26, 2013, meeting. It adjourned this meeting and this issue to its September 9, 2013, meeting.

Subsection 86-125 details the review process of the Special Use Permit application. The notice provision of Subsection 86-125 reads in pertinent part:

- (a) Upon determination that the application is complete, the director of community planning and development shall initiate the following review processes:
 - (1) *Notice of public hearing.* A notice shall comply with the provisions outlined in subsection 86-65(b) of the Code of Ordinances. The applicant shall post a notice of the public hearing on the subject site per the requirements of subsection 86-65(b)(5).
 - (2) *Conduct of public hearing.* The planning commission shall hold a public hearing on the request for a special use permit.

- a. Any person may appear at the public hearing and submit comments, either individually or as a representative of a person or an organization.

- b. **The planning commission may continue the public hearing to a fixed time, date, and place. Additional notices of continued public hearings shall not be required unless the hearing is adjourned for more than 36 hours. If the hearing has been adjourned for over 36 hours, notice shall be provided in the same manner as the original hearing.** (Emphasis added).

As demonstrated above, the Planning Commission is required to give notice of the public hearing pursuant to section 86-65.

A decision was not made regarding Special Use Permit #13121 on August 26, 2013.

Pursuant to section 86-125(a)(2)(b), the continuation of a Planning Commission meeting on a Special Use Permit may be continued at a later time and place. However, if it is adjourned for more than 36 hours, notice must be provided in the same manner as the original hearing. That would require a properly published notice in a newspaper at least 15 days before the hearing **and** either personal service, or service by mail on any resident within 300 feet of the subject property.

There is no evidence that notice of the September 9, 2013, Planning Commission hearing was ever published in a local newspaper. Nor did the Appellants receive personal

or mail notice of the September 9, 2013, as required by section 86-125(a)(2)(b). Finally, the Planning Commission did not give 15 days notice prior to the hearing as required by section 86-125. There were only 14 days between the August 26 and the September 9th meetings which prejudiced the Appellants' ability to challenge the issuance of this special use permit.

In *Hughes v Almena Twp*, 284 Mich App 50, 70; 771 NW2d 453 (2009), the court held that the right to a hearing before an unbiased and impartial decision maker is a basic requirement of due process, and that actual bias need not be shown if the situation is one in which experience teaches that the probability of actual bias on the part of a decision maker is too high to be constitutionally tolerable.

The Federal and Michigan Constitutions guarantee that the state cannot deny people "life, liberty, or property without due process of law." *Kampf v Kampf*, 237 Mich App 377; 603 NW2d 295 (1999), quoting US Const, Am C, Const 1963, art 1, §17. "At its most basic level, procedural due process requires fairness." *Kentwood v Sommerdyke Estate*, 458 Mich 642; 581 NW2d 670 (1998). "Procedural due process limits actions by the government and requires it to institute safeguards in proceedings that affect those rights protected by due process, such as life, liberty, or property." *Kampf supra*, at 382.

Moreover, Counsel for the appellants have reviewed the minutes of the meetings held in 2013 of the Planning Commission that are currently posted on the Township's website. Nowhere in the 2013 minutes of the Planning Commission does it state that the

site plans for Special Use Permit #13121 were either received or approved.

The Planning Commission's blatant disregard of the requirements of the notice ordinance is a violation of law that denies the appellants their due process rights.

The appellants would asks that the Board reverse the decision of the Planning Commission and/or refer the matter back to the Planning Commission for further hearings or other action prior to the final determination of the appeal by the Township Board pursuant to Subsection 86-189(d)(2) and (3).

**THE PLANNING COMMISSION FAILED TO FOLLOW
THE PROCEDURES OF THE ZONING ORDINANCE
WITH REGARD TO SPECIAL USE PERMITS**

Pursuant to subsection 86-12(a) Application Requirement, the ordinance indicates that only complete applications for special use permits will be processed.

Ordinance 86-124 outlines the information that is needed for a complete application for the granting of a special use permit. Pursuant to Subsection 86-124 the following information is required for a complete application for a special use permit:

- (b) A completed special use permit application form, available in the department of community planning and development, shall contain the following information, if applicable:
 - (1) The type of special use requested.
 - (2) The address and/or parcel number of the property.
 - (3) The applicant's name, address, and phone number.
 - (4) The name, address, and phone number of all persons with an ownership interest, if different from the applicant.
 - (5) Name and address of the developer, if different from

- the applicant.
- (6) Name and address of the engineer, architect, landscape architect, land planner and/or land surveyor aiding in preparation of the site plan.
 - (7) Project title.
 - (8) The gross and net acreage of all parcels in the project.
 - (9) Proposed project and development phases.
 - (10) Total number of existing and proposed structures, units, bedrooms, or offices.
 - (11) Square footage and usable floor area of existing and proposed buildings.
 - (12) Number of existing and proposed parking spaces, carports, or garages.
 - (13) Approximate number of employees by shift.
 - (14) Amount and type of existing and proposed recreation and open space.

(c) In addition, the following is required:

- (1) A nonrefundable fee in the amount established in the schedule of fees adopted by the township board.
- (2) A legal description of the subject property.
- (3) Evidence of fee and/or other ownership of the property for which the special use permit is being requested.
- (4) A site plan, drawn to a legible scale, containing the following information where applicable:
 - a. Boundaries of the subject property.
 - b. Total area of the subject property.
 - c. Location of all existing and proposed structures.
 - d. Approximate location and distance of all structures within 100 feet of the subject property.
 - e. Uses of existing and proposed buildings, on the subject site.
 - f. Proposed means of vehicular and pedestrian ingress and egress to the subject property.
 - g. Public and private roads and streets, rights-of-way, and easements, indicating names and widths, which abut or cross the site.
 - h. Existing and proposed parking spaces, and vehicular

- and pedestrian circulation patterns.
 - i. The buildable area of the subject property indicating all required setbacks, yards and open space.
 - j. Zoning classification of the subject and adjacent properties.
 - k. Existing and proposed fencing, screening, landscaping, and buffers.
 - l. Location and sizes of existing utilities including power lines and towers, both above and below the ground.
 - m. Amount and location of all impervious surfaces.
 - n. The verified boundaries of all natural water features and required setback lines.
- (5) Elevations illustrating all sides of the proposed structures and project entrance features as they will appear upon completion, accompanied by samples of or a display board of the various exterior materials and colors proposed to be used for the project.
- (6) A traffic study prepared by a qualified traffic engineer based, in whole or in part, on the most current edition of the handbook titled Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities, published by the state department of transportation, when the following thresholds are met.
- a. A traffic assessment shall be required for the following:
 - 1. New special uses which could generate between 50 to 99 directional trips during a peak hour of traffic.
 - 2. Expansion or change of an existing special use where increase in intensity would generate an additional 50 to 99 directional trips during a peak hour of traffic.
 - 3. All other special uses requiring a traffic assessment as specified in article IV, division 2 of this chapter.

- b. A traffic impact study shall be required for the following:
 - 1. New special uses which would generate over 100 directional trips during a peak hour of traffic, or over 750 trips on an average day.
 - 2. Expansion or change of an existing special use where increase in intensity would generate an additional 100 directional trips or more during a peak hour of traffic, or over 750 trips on an average day.
 - 3. All other special uses requiring a traffic impact study as specified in article IV, division 2 of this chapter.

(7) Natural features assessment. A written description of the anticipated impacts on the natural features at each phase and at project completion in accordance with the following provisions:

- a. The natural features assessment shall, at a minimum, contain the following information:
 - 1. An inventory of natural features proposed to be retained, removed, or modified. Natural features shall include, but are not limited to, wetlands, significant stands of trees or individual trees greater than 12 inches dbh, floodways, floodplains, waterbodies, identified groundwater vulnerable areas, slopes greater than 20 percent, ravines, and vegetative cover types with potential to sustain significant or endangered wildlife.
 - 2. Description of the impacts on natural features.
 - 3. Description of any proposed efforts to mitigate any negative impacts.
- b. The requirement for preparing a natural features assessment may be waived by the director of community planning and development in the following

instances:

1. The director of community planning and development determines that no natural features will be significantly impacted by the proposed project including impacts to adjacent properties.
 2. A similar environmental study was previously prepared for the subject site and the director of community planning and development has determined that no substantive change in conditions has occurred.
- (8) Other information specified by the director of community planning and development which is reasonably deemed necessary to evaluate the application.

As stated above, the published 2013 minutes of the 2013 Meridian Charter Township Planning Commission do not indicate that site plans for Special Use Permit #13121 were ever received or approved by the Planning Commission.

The processing of an application for a special use permit pursuant to Subsection 86-124(a) cannot even begin without a complete application which includes a site plan (Sec 86-124(c)(4)).

Moreover, the appellants, upon information and belief, would assert that the application is deficient because it did not have the legal address of the property, a legal description of the property, an approved site plan prior to the August 26, 2013, meeting, a display board of various exterior materials and colors proposed to be used for the project, or a natural features assessment. There is no evidence in the record that the Director of Community Planning and Development waived this requirement of a natural features

assessment.

Pursuant to 86-124(7)(a)(1-3) this natural features assessment at a minimum must contain the following information:

1. An inventory of natural features proposed to be retained, removed, or modified. Natural features shall include, but are not limited to, wetlands, significant stands of trees or individual trees greater than 12 inches dbh, floodways, floodplains, waterbodies, identified groundwater vulnerable areas, slopes greater than 20 percent, ravines, and vegetative cover types with potential to sustain significant or endangered wildlife.
2. Description of the impacts on natural features.
3. Description of any proposed efforts to mitigate any negative impacts.

There is not sufficient evidence in the record to believe that the application was ever completed. Accordingly, it should not have been processed by the Planning Commission.

Subsection 86-125 details the review process of the Special Use Permit Application. This subsection reiterates that the application must be complete before the review process is initiated. Subsection 86-125 reads as follows:

- (a) Upon determination that the application is complete, the director of community planning and development shall initiate the following review processes:
 - (1) *Notice of public hearing.* A notice shall comply with the provisions outlined in subsection 86-65(b) of the Code of Ordinances. The applicant shall post a notice of the public hearing on the subject site per the requirements of subsection 86-65(b)(5).

- (2) *Conduct of public hearing.* The planning commission shall hold a public hearing on the request for a special use permit.
 - a. Any person may appear at the public hearing and submit comments, either individually or as a representative of a person or an organization.
 - b. The planning commission may continue the public hearing to a fixed time, date, and place. Additional notices of continued public hearings shall not be required unless the hearing is adjourned for more than 36 hours. If the hearing has been adjourned for over 36 hours, notice shall be provided in the same manner as the original hearing.
- (3) *Additional Information.* The planning commission may request that additional information be submitted by the applicant to evaluate the special use permit application.
- (4) *Decision.* The planning commission may deny, approve, or approve with conditions an application for a special use permit. The decision shall be incorporated in a statement containing the conclusions relative to the special use under consideration which specifies the basis for the decision, and any conditions imposed.
- (5) *Notice of decision.* The director of community planning and development shall notify the applicant in writing of the planning commission's decision and the reasons therefore.

- (b) *Appeal.* An aggrieved person may appeal the planning

commission's decision to the township board, in accordance with section 86-189.

As demonstrated above, the Planning Commission is required to give notice of the public hearing pursuant to section 86-65. As argued in the first section of this appeal, the published notice was deficient for both the August 26 and September 9th meetings of the Planning Commission.

A decision was not made regarding Special Use Permit #13121 on August 26, 2013.

Special Use Permit #13121 was approved by the Planning Commission at the September 9, 2013, meeting.

Pursuant to section 86-125(a)(2)(b), a Planning Commission meeting on a Special Use Permit may be continued at a later time and place. However, if it is adjourned for more than 36 hours, notice must be provided in the same manner as the original hearing. That would require a properly published notice in a newspaper at least 15 days before the hearing and either personal service, or service by mail on any resident within 300 feet of the subject property.

That was not done in this case for the continued hearing that took place on September 9, 2013.

Accordingly, since the Planning Commission did not follow the proper procedures as required by the Ordinance in processing and noticing the application for the Special Use Permit the Township Board must reverse the decision of the Planning Commission

on Special Use Permit #13121, require the application to be completed, and processed according to the proper procedures.

**THAT THE PUBLIC WAS MISLEAD BY THE
BALLOT PROPOSAL, THE PLANNING COMMISSION
DID NOT FOLLOW THE TOWNSHIP'S MASTER PLAN
AND RUSHED THE APPROVAL OF
SPECIAL USE APPLICATION #13121**

The November 2012 Meridian Township ballot proposal read as follows:

Meridian Township Central Fire Station Replacement

Description: MERIDIAN TOWNSHIP CENTRAL FIRE
STATION REPLACEMENT

Shall the Charter Township of Meridian, County of Ingham, State of Michigan, borrow the principal sum of not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) and issue its general obligation unlimited tax bonds for the purpose of erecting, furnishing, and equipping a new central fire station on a site located at the Southeast corner of Okemos Road and Central Park Drive, and improving the site? The estimated millage to be levied in 2013 to service this issue of bonds is 0.2 mill (20¢ per \$1,000 of taxable value) and the estimated average annual millage rate required to retire the bonds of this issue is 0.2 mill (20¢ per \$1,000 of taxable value). The bonds may be payable in not to exceed fifteen (15) years from the date of issue.

Yes - For the Measure

No - Against the Measure (Exhibit 4)

This ballot proposal was passed by the citizens of Meridian Township.

This ballot proposal was misleading because it did not give the address of the property site where the fire station was to be built, that the land was residentially zoned

RDD (Multiple Family up to 5 dwelling units per acre) and did not advise the citizens that a Special Use Permit was required to be requested and approved before the fire station could be erected on the property.

This ballot proposal also contradicted the Charter Township of Meridian's 2005 Master Plan.

This Master Plan indicated that the township fire stations provide good coverage. It also indicated that property had been purchased, adjacent to the fire station on Clinton Street, to replace that facility with a 20,000 square foot fire station and administrative offices. (Exhibit 5, p. 149).

Moreover, the parcel of land which is the proposed site of the new fire station has wetlands present which would be approximately 150 feet away from the fire station project area. (Exhibit 6, Charter Township of Meridian Memorandum dated August 22, 2013)

The Charter Township of Meridian 2005 Master Plan, Objective B, Strategies 1 and 5 indicate that it is the goal of the Township to identify all wetlands and discourage development within wetlands, floodplains, floodplain fringe areas and water retention areas. (Exhibit 5, p. 13)

Moreover, the "staff analysis" of the Special Use criteria listed in Section 86-126 of the Zoning Ordinance failed to recognize that this parcel of land is not in a preferable location on the edge of a residential district, abutting a business or industrial district, or a

public space. This land is completely surrounded by residential zoned property. Upon information and belief even the Okemos United States Post Office is located on land that is zoned residential. The “staff analysis” is also wrong in indicating that Okemos Road and Central Park Drive separate the site from nearby residential uses by offering natural or manmade barriers which would lesson the effect of intrusion into residential areas. Okemos Road and Central Park Drive do not create a barrier from the noise or traffic congestion that would be caused by the use of a fire station.

This is further evidence that the Planning Commission intended to ignore the Township’s Master Plan and do anything in its power to expedite the approval of Special Use Permit Application #13121.

It is the apparent intent of the Township Planning Commission to ram through the provisions of the ballot proposal and the application for Special Use Permit #13121.

The Planning Commission accepted the application for Special Use Permit #13121 at their August 12, 2013, meeting. (Exhibit 1). It did not receive or approve the site plan at the August 12, 2013, meeting or at the August 26, 2013 meeting. (Exhibit 2).

The Planning Commission had another meeting on September 9, 2013. The minutes of this meeting have not been posted on the Township’s website at the time of the filing of this Notice of Appeal.

As discussed above, this September 9, 2013, meeting, was not properly noticed to the citizens who would be affected by the granting of Special Use Permit #13121.

Upon information and belief, the discussion regarding Special Use Permit #13121

was tabled. After the matter was tabled, some citizens who were interested parties in the matter left the meeting. Subsequently, the Planning Commission reopened the discussion and voted to approve the application for the Special Use Permit.

MCL 125.3851 requires that a Planning Commission shall consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens concerning the promotion or implementation of the Master Plan.

This was a complex issue regarding the building of a fire station. Issues involved included millions of dollars of expense to Meridian Township, noise pollution, the affects of the fire station on adjacent residential property, property values, environmental impact of the special use, seasonal flooding blocking the proposed fire station rescue routes to its citizens, etc.

In the matter at hand, the Planning Commission, by its actions and inactions disregarded, contradicted, and failed to promote the Master Plan.

Instead, the Planning Commission was hell bent on trying to accept and approve the application for Special Use Permit #13121 in a period of less than one month.

The Township Planning Commission's failure to follow the Master Plan, and the Ordinances regarding special use permits and notice deprived it's citizens of equal protection under the law.

Accordingly, the Appellants would request that the Board reverse the decision of

the Planning Commission and/or refer the matter back to the Planning Commission for further hearings or other action prior to the final determination of the appeal by the Township Board pursuant to Subsection 86-189(d)(2) and (3).

Respectfully submitted,

NOLAN, THOMSEN & VILLAS, P.C.

Dated: September 18, 2013

By: Dary D Villas (P43399)
for Lawrence P. Nolan (P25908)
Attorney for Appellants

LIST OF EXHIBITS

- Exhibit 1: Minutes for the August 12, 2013, Planning Commission Meeting
- Exhibit 2: Minutes for the August 26, 2013, Planning Commission Meeting
- Exhibit 3: Planning Commission Resolution, dated September 9, 2013, approving the application of Special Use Permit #13121 to allow the building of the fire station.
- Exhibit 4: Meridian Charter Township Ballot Proposal
- Exhibit 5: Meridian Charter Township Plan Master Plan excerpts
- Exhibit 6: Meridian Charter Township August 22, 2013, Memorandum

TAB 1

CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
August 12, 2013

APPROVED

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

PRESENT: Commissioners Cordill, Deits, Hildebrandt, Ianni, Salehi, Scott-Craig
ABSENT: Chair Jackson, Commissioners Honicky, Norkin
STAFF: Principal Planner Gail Oranchak

1. Call meeting to order

Vice-Chair Deits called the regular meeting to order at 7:00 P.M.

2. Approval of agenda

Commissioner Scott-Craig moved to approve the agenda amended as follows:

- Add Agenda Item #8A: Amendment to the 2013 Planning Commission Meeting Schedule
Seconded by Commissioner Hildebrandt.

VOICE VOTE: Motion carried 6-0.

Commissioner Cordill offered the following amendment to the agenda as these two items are a continuation of public hearings left open at the July 22, 2013 Planning Commission meeting:

- Add Agenda Item #6B: Special Use Permit #13091 (ICDTR), work in the floodplain of the Jeffries Drain associated with improvements to Cornell Road
- Add Agenda Item #6C: Wetland Use Permit #13-01 (ICDTR), impacts to regulated wetlands associated with improvements to Cornell Road

Seconded by Commissioner Scott-Craig.

VOICE VOTE: Motion carried 6-0.

3. Approval of Minutes

Commissioner Ianni moved to approve the Regular Meeting Minutes of July 22, 2013.
Seconded by Commissioner Scott-Craig.

VOICE VOTE: Motion carried 6-0.

4. Public Remarks

Vice-Chair Deits opened the floor for public remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett, offered suggestions on changes to the definition language for aged and mentally handicapped relative to adult day care centers contained in Zoning Amendment #13040.

John Kaufmann, 5140 Cornell Road, Okemos, read a letter on behalf of Thomas Voice, who requested restoration of certain wetland upland areas during the Cornell Road Improvements Project.

Leonard Provencher, 5824 Buena Parkway, Haslett, concurred with comments made by Mr. Bowlby. He spoke in support of Special Use Permit #13111, a pedestrian-bicycle pathway across the Red Cedar River.

Vice-Chair Deits closed public remarks.

5. Communications

A. Todd Wilson, Park Commissioner Chair; RE: Recommended Changes to the Proposed Master Plan Goals and Objectives

6. Public hearings

A. Zoning Amendment #13040 (Planning Commission), amend zoning ordinance Section 86-2 Definitions to add a definition of Adult Day Care Center; amend the conditions for adult day care centers in Section 86-403(d)(1), Section 86-404(d)(2), and Section 86-405(d)(2); and consider alternative types and locations for adult day care facilities.

Vice-Chair Deits opened the public hearing at 7:09 P.M.

- Introduction by the Chair (announcement of procedures, time limits and protocols for public participation and applicants)
- Summary of subject matter
Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated August 9, 2013.
- Planning Commission discussion:
Commissioner Salehi suggested amending the three (3) proposed definitions by adding the words "such as those" after "eighteen (18) years of age or older."

Vice-Chair Deits expressed concern that an individual with early onset Alzheimer's would not meet any of the categories listed. He asked fellow Commissioners for their thoughts on how particular they should be or whether any specific conditions should be covered.

Commissioner Cordill concurred with not limiting the conditions "too much" and believed the use of the term mentally ill could cause concern with neighboring residents.

Commissioner Ianni agreed that language should be changed to make it more inclusive but did not believe there should be a limitation as to who can use the facilities or a determination made as to whether a resident is "safe" or not. He offered that individuals living in residential neighborhoods may be mentally ill.

Commissioner Salehi was supportive of removal of the entire specification clause as suggested by earlier public comment.

Commissioner Scott-Craig also questioned inclusion of the phrase mentally ill. He noted that the child care center paradigm is being followed although adult day care facilities are not regulated by the state like child care centers. Since there are no licensing regulations, Commissioner Scott-Craig requested careful thought be given that the type of facilities and its users mentioned are compatible with residential neighborhoods.

Commissioner Hildebrandt believed the language should be made more inclusive and suggested placing the prohibitive clause "those who are a danger to themselves" in lieu of naming each type of individual allowed. She requested changing the word "less" to "fewer" in all applicable clauses within the proposed zoning amendment.

Vice-Chair Deits inquired if alcohol or substance abuse rehabilitation centers or residential centers for persons released from or assigned to a correctional facility are subject to licensure by the state.

Principal Planner Oranchak responded in the affirmative.

Vice-Chair Deits asked if these types of facilities are prohibited in the districts mentioned, is the Township prohibiting these legal uses of property throughout the Township.

Principal Planner Oranchak responded by noting the language would indicate they can't be incorporated into this specific use.

Vice-Chair Deits noted state law specifically permits child day care in residential districts and asked if state law allows alcohol or substance abuse rehab centers in certain zoning categories as well.

Principal Planner Oranchak responded there is no similar language in the Zoning Enabling Act.

Commissioner Scott-Craig addressed the condition contained in state law regarding a minimum distance from similar facilities for child family day care homes or the family group day care homes. He inquired if language to mimic that condition should be included for adult day care facilities.

Principal Planner Oranchak clarified that family child day care for up to six (6) children is a use permitted by right.

Commissioner Salehi added rationale for the state choosing not to license these facilities may be that it does not feel a need for licensure, so the Planning Commission can take a more relaxed approach to this zoning amendment.

Vice-Chair Deits noted individuals who are deemed a danger to themselves are assigned to a mental care facility and is an involuntary act. He suggested changing the language from "that require supervision" to "those who choose to enter supervision on an ongoing basis." This would allow the "laundry list" to be eliminated.

Commissioner Ianni pointed out there are other provisions in state law which govern individuals who are a danger to themselves and others. He was in agreement with removal of all descriptors, making the language more broad. He voiced concern with restricting a public facility to individuals with a certain type of disability.

Commissioner Salehi suggested changing the word "require" to "who benefit from".

Commissioner Scott-Craig expressed appreciation that the definitions of adult family day care home and adult group day care home operated in a single family dwelling require the

owner to reside in the dwelling. He believed the standards in the ordinance for placement should be less rigorously enforced for the adult day care center.

Vice-Chair Deits responded by indicating such criteria would be included as part of the special use permit review.

Principal Planner Oranchak added that requirements outlined in Section 86-654 (non-residential use in residential districts), apply to both child care centers and adult day care centers such as a minimum of two (2) acres of land and a 50 foot building setback. She indicated this zoning amendment would add adult group day care homes, requiring them to also have a special use permit, but not two acres of land area or a 50 foot building setback as they would be located in a single family residence. Principal Planner Oranchak indicated the Planning Commission could specify conditions similar to those for child care facilities.

Vice-Chair Deits suggested making them as parallel as possible for consistency and enforcement.

Vice-Chair Deits closed the public hearing at 7:39 P.M.

- B. Special Use Permit #13091 (ICDTR), work in the floodplain of the Jeffries Drain associated with improvements to Cornell Road and
- C. Wetland Use Permit #13-01 (ICDTR), impacts to regulated wetlands associated with improvements to Cornell Road

Principal Planner Oranchak updated Planning Commissioners on Board action for the Special Use Permit #13091 and Wetland Use Permit #13-01 as outlined in staff memoranda dated August 8, 2013.

Planning Commission discussion:

Commissioner Scott-Craig inquired as to the culvert mentioned during earlier public comment.

Principal Planner Oranchak believed the speaker was addressing a culvert under a private driveway which has an effect on his and his neighbor's property.

Vice-Chair Deits added that at least two of the driveways on the hill where the grade is going to be changed will need to be reconfigured.

Vice-Chair Deits expressed concern at the last meeting that a mitigation plan had not been provided and one is still not available; however, he noted that almost no wetland work is to be done compared to the previous plan.

Principal Planner Oranchak noted the Township will handle what little mitigation is necessary at the Township mitigation bank site.

Commissioner Deits expressed appreciation with the Board's choice of the more conservative option.

Vice-Chair Deits closed the public hearings at 7:50 P.M.

7. Unfinished Business

Commissioner Ianni moved to suspend Planning Commission Bylaw 6.4a to consider Special Use Permit #13091 the same night as the continued public hearing. Seconded by Commissioner Cordill.

VOICE VOTE: Motion carried 6-0.

- A. Special Use Permit #13091 (ICDTR), work in the floodplain of the Jeffries Drain associated with improvements to Cornell 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 approves Special Use Permit #13091 subject to the following conditions:

1. Approval is subject to the plans prepared by Bergmann Associates, Inc. submitted to the Township on July 9, 2013, and the related materials submitted as part of Special Use Permit #13091, subject to revisions as required.
2. The applicant shall obtain any applicable permits, licenses, and approvals from the Michigan Department of Environmental Quality, Ingham County Drain Commissioners' office, and the Township prior to any work taking place on the site. Copies of all permits, licenses, and approvals shall be submitted to the Department of Community Planning & Development.
3. Prior to any work taking place related to the project, the applicant shall submit a plan depicting the location and extent of the required minimum 81 cubic yards of compensating cut for review and approval by the Director of Community Planning & Development.
4. In no case shall the impoundment capacity of the floodplain be reduced.
5. Fill placed in the floodplain as part of the project shall be protected against erosion.
6. The applicant shall properly dispose of all excess materials from the compensating cut areas to an off-site location subject to the approval of the Director of Community Planning & Development.
7. The disposed materials at the off-site location shall be protected from erosion and re-seeded subject to the approval of the Director of Community Planning & Development.

Seconded by Commissioner Ianni.

Planning Commission discussion:

- 81 cubic yards are not a hold over from the larger project
- Impact to the floodplain of 81 cubic yards has not changed based on the engineering plans

ROLL CALL VOTE: YEAS: Commissioners Cordill, Hildebrandt, Ianni, Salehi, Scott-Craig, Vice-Chair Deits

NAYS: None

Motion carried 6-0.

- B. Wetland Use Permit #13-01 (ICDTR), impacts to regulated wetlands associated with improvements to Cornell Road

Commissioner Scott-Craig moved [and read into the record] 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 #13-01 with the following conditions:

1. Approval is subject to the plans prepared by Bergmann Associates, Inc. submitted to the Township on July 9, 2013, and the related materials submitted as part of Wetland Use Permit #13-01, subject to revisions as required by the Township Board's decision to implement Option #2 and by this permit.
2. The applicant shall obtain all necessary permits, licenses and approvals from the Michigan Department of Environmental Quality (MDEQ), the Ingham County Drain Commissioners 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 #13-01 shall be subject to the applicant receiving approval of Special Use Permit #13091 for work in the 100-year floodplain related to the project.
4. Prior to any work taking place, a soil erosion and sedimentation control plan and a wetland mitigation monitoring plan shall be submitted to the Director of Community Planning & Development for review and approval.
5. No work shall be permitted within regulated wetlands beyond the work proposed at the Jeffries and Foster Drains.
6. Erosion control measures shall be installed to ensure soil resulting from construction activities does not enter existing wetlands.
7. No straw bales shall be used for erosion control, unless in conjunction with sediment erosion control fencing.
8. Prior to construction, erosion control fencing shall be installed to prevent sedimentation from infiltrating into the 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.
9. Spoils shall be hauled and disposed of at an offsite location acceptable to the Director of Community Planning & Development.
10. Wetlands impacted at the Jeffries and Foster Drains shall be compensated for at a minimum ratio of 1.5 to 1 on the Township's Land Preservation mitigation site.

11. The applicant shall periodically inspect the subject sites during the first year after construction to identify and correct side slope erosion issues adjacent to wetlands.
12. Mitigation shall be provided at the Township's Wetland Mitigation Bank location off Okemos Road. If not, the applicant shall submit a wetland mitigation plan for review and approval by the Director of Community Planning & Development.
13. The wetland mitigation shall be monitored as part of the required annual report for the mitigation area with a written status report and photographic documentation provided to the Department of Community Planning & Development.
14. 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.
15. 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.

Seconded by Commissioner Hildebrandt.

ROLL CALL VOTE: YEAS: Commissioners Cordill, Hildebrandt, Ianni, Salehi, Scott-Craig, Vice-Chair Deits

NAYS: None

Motion carried 6-0.

8. Other Business

A. Amended 2013 Planning Commission Meeting Schedule

Principal Planner Oranchak summarized proposed amendment options due to scheduling conflicts in the Town Hall Room.

Planning Commission discussion:

- Preference to change the October 28th regularly scheduled meeting to October 21st to allow use of the Town Hall Room for a Grand River Corridor charette

Commissioner Ianni moved [and read into the record] NOW THEREFORE BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby revises the 2013 meeting schedule by moving the regular meeting scheduled for October 28, 2013 to October 21, 2013. Seconded by Commissioner Hildebrandt.

ROLL CALL VOTE: YEAS: Commissioners Cordill, Hildebrandt, Ianni, Salehi, Scott-Craig, Vice-Chair Deits

NAYS: None

Motion carried 6-0.

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

reports

Commissioner Ianni reported a resident approached him regarding an ordinance amendment to address non-conforming structures in the event of a natural disaster. He inquired if there was interest in such an ordinance change.

Principal Planner Oranchak responded this issue is not being addressed by staff at this time.

Commissioner Scott-Craig expressed appreciation for the tours given at the water plant by its staff last Saturday.

Commissioner Cordill thanked Park Commission Chair Wilson for his memo suggesting amendments to the Master Plan Goals and Objectives.

10. New applications

- A. Special Use Permit #13101 (St. Paul's Lutheran), request to use the building at 3407 Lake Lansing Road for philanthropic, educational and social programs
- B. Special Use Permit #13111 (Meridian Township), request to construct a pedestrian-bicycle pathway across the Red Cedar River on the west side of Okemos Road
- C. Special Use Permit #13121 (Meridian Township), request to construct an approximate 15,000 square foot fire station on the south side of Central Park Drive, east of Okemos Road and west of the Okemos Post Office

11. Site plans received

- A. Site Plan Review #13-78-22 (Zahra Institute), locate a religious institution at 4133 Okemos Road
- B. Site Plan Review #13-02 (Capstone), review of Hannah Lofts, third phase of Hannah Farms MUPUD located on Esoteric Way, south of Hannah Blvd and north of Eyde Parkway.

12. Site plans approved (None)

13. Public remarks

Vice-Chair Deits opened public remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, inquired if passage of the zoning amendment to allow adult day care facilities obligated the applicant to offer a full range of care, or if the applicant be allowed to provide only specific services. He inquired if there should be some type of Township format to regularly review ordinances to see if changes need to be made based on circumstances.

Vice-Chair Deits closed public remarks.

15. Adjournment

Vice-Chair Deits adjourned the regular meeting at 8:18 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary

TAB 2

CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
August 26, 2013

APPROVED

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

PRESENT: Commissioners Cordill, Deits, Hildebrandt, Honicky, Ianni, Jackson, Norkin (7:03 P.M.), Salehi (7:05 P.M.), Scott-Craig
ABSENT: None
STAFF: Principal Planner Gail Oranchak

1. Call meeting to order

Chair Jackson called the regular meeting to order at 7:01 P.M.

2. Approval of agenda

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

VOICE VOTE: Motion carried 7-0.

3. Approval of Minutes

Commissioner Cordill moved to approve the Regular Meeting Minutes of August 12, 2013. Seconded by Commissioner Hildebrandt.

VOICE VOTE: Motion carried 7-0.

4. Public Remarks

Chair Jackson opened and closed the floor for public remarks.

5. Communications (None)

6. Public hearings

A. *Special Use Permit #13061 (Caring Hand), request to establish an adult day care center in the International New Life Church addressed as 2630 Bennett Road

Chair Jackson opened the public hearing at 7:04 P.M.

- Introduction by the Chair (announcement of procedures, time limits and protocols for public participation and applicants)
- Summary of subject matter
Principal Planner Oranchak summarized the proposed special use permit as outlined in staff memorandum dated August 22, 2013.
- Applicant
Danelle Lofton, 5130 Wexford Road, Lansing, spoke in support of this adult day care community outreach for International New Life Church. She believed this day care program will be a coaching mechanism to achieve a good quality of life while allowing

adults to remain in their own home as long as possible. Ms. Lofton indicated Michigan's Office of Services to the Aging (OSA) guidelines will be followed when operating this adult day care center.

Pastor Phillip Moore, 3665 Ponderosa Drive, Okemos, spoke to the community need for an adult day care facility to allow attendees to maintain a specific quality of life and urged the Planning Commission to move forward on this request.

- Kim Carpenter, 4080 Hulett Road, Okemos, believed state regulations for adult day care facilities are vague and inquired if the Township would impose additional regulations. She expressed concern with how drugs which will be stored on the premises and if ex-convicts would be allowed at the facility.

Planning Commission discussion:

Commissioner Honicky requested the applicant explain reimbursement the day care facility will be receiving through insurance.

Ms. Lofton indicated she is working with the employee who oversees adult day care funding for the State of Michigan and will be reimbursed the standard hourly rate for care.

Commissioner Honicky asked how the applicant would identify clients who no longer fit the level of care the facility could provide.

Ms. Lofton indicated staff will work with clients' primary care physicians as well as other agencies to properly screen in order to ascertain the appropriate care needed.

Commissioner Honicky inquired if the applicant has a screening device it will utilize to determine if the current level of care is still appropriate.

Ms. Lofton indicated day care staff will observe clients on a daily basis and perform an assessment as needed.

Pastor Moore added day care staff will be working with each client's physician on an ongoing basis.

Commissioner Salehi asked if Ms. Lofton was a church member or church employee and if she has been involved in setting up other adult day care facilities.

Ms. Lofton answered she is a church member, has worked with the elderly for more than 16 years, although she has not previously been involved in setting up other adult day care facilities.

Commissioner Salehi noted that earlier the applicant referred to OSA guidelines and inquired what the acronym OSA stands for.

Ms. Lofton replied OSA stands for Office of Services to the Aging, a state umbrella agency which provides operating standard guidelines for adult day care.

Commissioner Salehi asked the applicant to summarize OSA guidelines for adult day care facilities.

Ms. Lofton noted the guidelines are available online, and are 100+ pages in length. She stated pages 52- through 57 specifically speak to adult day care.

Commissioner Salehi inquired if the applicant had provided the OSA guidelines for the Planning Commission.

Principal Planner Oranchak replied they had not.

Commissioner Salehi asked if OSA guidelines must be met in order to acquire federal or state funding.

Ms. Lofton responded in the affirmative.

Chair Jackson inquired if OSA was a State of Michigan agency or an industry agency.

Principal Planner Oranchak clarified OSA is a state umbrella which developed the standards required in order to receive federal or state funding.

Commissioner Scott-Craig expressed appreciation that the applicant will adhere to the OSA requirements. He asked the applicant if they were in agreement with condition #2 of the resolution which limits enrollment to 25 senior adults, 65 years or older.

Pastor Moore expressed concern with the limitations placed on both the number of clients and the age of those clients stated in the resolution. He believed it unfair for the previous child day care which operated in this facility to be allowed 38 children, while not allowing him the same number of clients.

Chair Jackson inquired, based on OSA standards and requirements, how many individuals could be cared for based on the size of the building.

Pastor Moore responded that according to OSA standards, they would be allowed well over 75 clients within the building.

Ms. Lofton added the time each client is in attendance at the adult day care facility will vary, e.g., some clients may attend on Monday, Wednesday and Friday mornings, while other will attend on Tuesday and Thursday afternoons.

Commissioner Deits stated his "quick calculation" of an 8,000 square foot building, supposing 200 square feet for each client, results in the ability to care for 40 clients. If the square feet per client is reduced to 100 square feet, the results would allow 80 clients. He expressed concern with condition #2, noting he did not believe an age restriction was necessary and believed the number of clients should be for clients in the facility at any given time.

Commissioner Cordill inquired if there are OSA standards regarding square footage per client in an adult day care facility.

Commissioner Scott-Craig indicated OSA standards do not contain any such regulation, noting the State of Michigan has chosen not to license and, therefore, not regulate adult day care facilities like child care facilities. He stated 200 square feet per client is not a lot of space, and offered his support for a number between 40 and 80 clients as well as removing the age restriction.

Commissioner Salehi suggested not placing a cap on the number of clients to be served, as there is no indication in the OSA guidelines of any client limit or space requirement.

Commissioner Hildebrandt believed there needs to be a reasonable number of clients contained in the resolution.

Commissioner Honicky indicated the proposed age requirement is a way to screen drug users, felons, ex-convicts, etc. as clients. He expressed concern with the ratio of one caregiver to ten (10) clients when dealing with medically fragile individuals without an employee contingency plan. Commissioner Honicky expressed a desire to see a plan in place to deal with emergencies.

Commissioner Ianni stated the zoning amendment initiated by the Planning Commission specifically excluded half-way houses and like facilities from the definition of an adult day care facility, so that is already specifically excluded under the ordinance.

Principal Planner Oranchak reminded Commissioners that while a public hearing was held on the proposed zoning amendment, the ordinance has not passed the Board and the definition is not in place within the Township's Code of Ordinances.

Commissioner Deits added facilities to treat drug users and ex-felons are regulated under separate state regulations.

Commissioner Honicky voiced his reluctance to give "carte blanche" to a facility that could take individuals under treatment since there is no definition of adult day care. He did not believe the community would be prepared to allow such a broad range of persons.

Commissioner Salehi indicated he could not support an age restriction unless there is empirical rationale for setting such a limitation. He requested information on what other cities and Townships have done that have approved adult day care centers. He believed the lack of an age contained in the OSA guidelines was purposeful.

Commissioner Deits stated there is no language contained in the application that it is to be a senior day care center. He believed it highly inappropriate to use age as a screening tool.

Principal Planner Oranchak noted the draft was written based on comments made by the applicant in its first meeting. She indicated the applicant has yet to provide a floor plan on how the building will be used and stated the Planning Commission may wish to add a condition regarding occupancy rates.

Commissioner Deits believed the Planning Commission should respect state regulations, since the Commission is not a regulatory body in this regard.

Chair Jackson asked at what age OSA standards apply to individuals.

Principal Planner Oranchak replied OSA has standards on how to operate facilities and cannot override building code standards for the Township. She indicated the Commission cannot assign a specific number of clients which cannot comfortably or legally be accommodated in the structure.

Chair Jackson asked if the proposed use has to go through the building permit process, since the building is not being altered.

Principal Planner Oranchak responded they are possibly adjusting the capacity of the building.

Commissioner Norkin also expressed concern with an age limitation for these types of facilities. He asked Commissioner Honicky what other criteria could be used other than age to screen out undesirable situations to ensure a use which is in "sync" with the community's objectives.

Commissioner Honicky indicated that people who live past the age of 65 will likely live an additional 15-20 years so people who have the potential for serious illness have already been "screened out." He voiced concern staff would have sufficient training to recognize when a client develops a debilitating condition and no longer belongs at the facility. Commissioner Honicky believed it necessary to have a registered nurse (RN) at the center.

Commissioner Salehi indicated OSA guidelines require a RN to administer medical service as well as a full-time program director with a bachelor's degree in health and human services related areas.

Commissioner Ianni expressed concern with burdening this particular applicant on this property more than others in the community.

Commissioner Cordill noted incongruities in the paperwork submitted as to who is allowed to dispense medication. She inquired if it is the intent of the applicant to have a registered nurse on duty during hours of operation.

Commissioner Salehi read from the appropriate section of the OSA guidelines.

Commissioner Deits again stated it is not the responsibility of the Planning Commission to legislate regulations within the context of this single land use.

Commissioner Salehi noted the state distinguishes between adult day care services and dementia adult day care services. He inquired if the applicant would be providing care for clients with dementia.

Ms. Lofton responded the applicant will not be providing services to dementia adults.

Chair Jackson closed the public hearing at 8:05 P.M

Chair Jackson reopened the public hearing at 8:06 P.M.

- Public

Joseph Guzman, 4084 Hulett Road, Okemos, expressed opposition to this special use permit, noting this location is near his home and across the street from an elementary school. He voiced concern that this business activity within the church is setting a precedent for all other churches in a residential community. Mr. Guzman believed the Planning Commission's objectives are two-fold: 1) What is in the best interest of the community and (2) what is called for by the neighbors. He reminded Commissioners that this use is not a right and the Planning Commission does not have to approve this activity within the church.

Chair Jackson closed the public hearing at 8:10 P.M.

B. Special Use Permit #13101 (St. Paul's Lutheran), request to use the building at 3407 Lake Lansing Road for philanthropic, educational and social programs

Chair Jackson opened the public hearing at 8:10 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the proposed special use permit as outlined in staff memorandum dated August 22, 2013.
- Applicant
Pastor Richard A. Moe, St. Paul Lutheran Church, 1553 Woodside, East Lansing, requested this SUP to make better use of the property. Since the church is landlocked, he believed this SUP would allow additional church activities (quilt making, youth activities, food pantry, personal needs closet) in the subject building without losing parking in order to expand the existing church building itself to accommodate those additional activities.

Planning Commission discussion:

Commissioner Salehi inquired about the potential impact on the neighbor to the west.

Julie Anderson, church member, 1961 Riveria, East Lansing, indicated her husband spoke with the neighbor who was pleased to have the church purchase the property and "clean" it up.

Commissioner Salehi inquired as to the use of the building since purchased in 2008.

Ms. Anderson responded small Sunday school classes, youth group rooms, quilt making, etc.

Commissioner Salehi asked if the SUP request was formalizing existing activity.

Principal Planner Oranchak responded in the affirmative, adding the food pantry was a recent addition.

Ms. Anderson added there would be no significant change in the amount of activity which takes place in the building.

Commissioner Cordill inquired about the hours of operation for the pantry.

Ms. Anderson responded the pantry is run on an appointment basis, having served 45 families since January.

Commissioner Deits inquired about the process for any future expansion.

Principal Planner Oranchak answered the applicant would need to make a request to modify the special use permit.

Commissioner Deits asked for the size of the church parcel.

Pastor Moe believed it to be approximately 2.3 acres.

Commissioner Deits asked staff what would be the impact of the SUP if this was a single parcel of land.

Principal Planner Oranchak responded the applicant wouldn't need a variance for the size, but would still need a variance for the setback.

Commissioner Deits requested landscaping between the subject building and the neighbor to the west as a condition to address the possible ownership change for that parcel to the west in the future.

Commissioner Salehi asked if the ingress and egress is only on the eastern side of the building.

Pastor Moe indicated there is no door on the western side of the building.

Commissioner Salehi believed, given no access on the western side of the building, that the neighbor to the west cannot see activity taking place on this parcel. He also thought landscaping between the two buildings would not be necessary.

Commissioner Deits clarified he thought landscaping would assist with noise penetration.

Chair Jackson noted this parcel, used by a church, is zoned office in the City of East Lansing. She believed there needs to be a legal recording of the association between the two properties.

Principal Planner Oranchak believed the chair's suggestion could be addressed through a condition in the resolution. She added there may need to be a formal agreement regarding the two properties as one is located in Meridian Township and one in East Lansing.

Commissioner Cordill asked where people park who come to the food pantry.

Pastor Moe responded clients park in the church parking lot. He added that clients come to the building, choose the desired food, and then church staff packages the selection and brings it to the client in a wagon down the ramp and then loaded into the clients' car.

Chair Jackson closed the public hearing at 8:32P.M.

- C. *Special Use Permit #13111 (Meridian Township), request to construct a pedestrian-bicycle pathway across the Red Cedar River on the west side of Okemos Road

Chair Jackson opened the public hearing at 8:32 P.M.

- Summary of subject matter

Principal Planner Oranchak summarized the proposed special use permit as outlined in staff memorandum dated August 22, 2013.

- Applicant

Director Severy indicated the pedestrian bridge will be constructed on the west side of Okemos Road. He added the Township will remove the existing sidewalk so there will no longer be a connection from the existing pathway to the bridge once the new pathway is built. Director Severy stated new pilings and supports will be constructed on both sides of the river, acknowledging the structure itself is well above the floodplain. He added the fill in the floodplain is approximately 1-1/2 feet deep and four feet wide, and explained the computation to obtain the 7.8 cubic yards of fill.

Director Severy explained the proposed compensating cut is west of the bridge along the bank of the river.

- Public

Roger Simkin, 2032 Central Park Drive, Okemos, expressed support for the placement of a proper walkway in this area for safety of both bikers and walkers.

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke in support of the proposed project, indicating it is long overdue.

Planning Commission discussion:

Commissioner Salehi inquired as to the cost of this project.

Director Severy estimated \$400,000-\$500,000, adding it has not been let for bid as the footings have not yet been designed. He added this bridge is similar to an existing bridge on the west side of Marsh Road, south of Haslett Road.

Commissioner Salehi inquired as to the length of the bridge.

Director Severy responded approximately 215 feet.

Commissioner Salehi asked if there have been incidences of injuries on the old bridge due to its hazardous nature.

Director Severy responded he was not aware of any, but the Township has closed the bridge in the winter for the last two (2) to three (3) years for safety reasons.

Commissioner Ianni believed granting this special use permit will make it safer for pedestrians and bicyclists, will increase nearby property values and is in line with our complete streets concept.

Commissioner Deits believed this bridge will be a centerpiece for downtown Okemos, and encouraged the Township to look at aesthetics, i.e., color, design, etc. when letting this project out for bid.

Commissioner Cordill inquired about the fence along the bridge on Marsh Road, specifically covering the top.

Director Severy responded the bridge on Marsh Road has eight (8) feet of vertical clearance and has a fence across the top.

Commissioner Cordill asked if the same fencing would be necessary for the proposed SUP.

Director Severy responded the fencing around the bridge on Marsh Road was to address safety concerns by individuals throwing objects onto the railroad tracks. He did not believe the bridge on Okemos Road would need coverage on the top or sides.

Commissioner Cordill inquired as to the height of the bridge.

Director Severy responded it may be as tall as the bridge on Marsh Road; however, part of the structure may be below the walkway to the bridge, adding the depth is needed for the strength of the structure due to the length of the bridge.

Commissioner Cordill asked how the walk is separated from the car traffic.

Director Severy indicated part of the existing sidewalk will be removed, and the proposed sidewalk will tie into the remaining portion. He noted there will be a concrete walk from each end of the bridge which ties into the existing walk.

Commissioner Cordill stated the pathway appears to be at least as wide as the sidewalk.

Director Severy responded it would normally be built eight (8) feet wide, but there is a possibility it will need to be ten feet for structural stability due to its length.

Commissioner Hildebrandt concurred with a previous Planning Commissioner comment about the need for aesthetics, due to it being a gateway to the community.

Commissioner Norkin asked if there are any plans built into this project which would discourage either pedestrian or bicyclists on the opposite side of the bridge for safety.

Director Severy responded by pointing to the location of the Camelback Bridge, which currently has a sidewalk located on it separated from traffic by a concrete railing.

Commissioner Norkin inquired if one bridge should be designated for bicyclists and one for pedestrians for separation.

Director Severy stated it is his preference to use this pathway for southbound bicyclists and the other pathway for northbound bicyclists. He believed pedestrians could walk on either side. He voiced a concern that pedestrians would not follow directions even if the Township implemented such a separation. Director Severy acknowledged that while it would be desired to separate pedestrians, bicyclists and vehicular traffic, the existing situation makes it difficult unless the pathway was increased to 16 feet in width.

Commissioner Deits added that while the complete streets concept speaks to multi-modal transportation, it doesn't conclude within itself a standard for true separation in all cases. He voiced concern that enforcing east-west cross traffic in order to get to the "appropriate" side of the bridge could create more problems than solved by the separation.

Commissioner Honicky asked how the Township can prevent scooters, three wheelers, etc. from using the bridge.

Director Severy responded it would be difficult to prevent scooters from using the pathway. He noted the interurban pathway is chained so wider vehicles cannot gain access. He suggested the possibility of signs and notification to the police department. Director Severy added a scooter is no wider than a bicycle and presents a real challenge.

Chair Jackson spoke to the costs associated with this project.

Director Severy responded all the money will come from the Pathway Millage Fund.

Commissioner Cordill inquired if the bridge is to receive southbound bicycle and pedestrian traffic since it is located on the southbound bridge on Okemos Road.

Director Severy responded it will receive bicycle and pedestrian traffic from both directions. He added there is a separate sidewalk across the Camelback Bridge approximately five (5) feet in width which can be used.

Chair Jackson closed the public hearing at 8:57 P.M.

- D. Special Use Permit #13121 (Meridian Township), request to construct an approximate 15,000 square foot fire station on the south side of Central Park Drive, east of Okemos Road and west of the Okemos Post Office

Chair Jackson opened the public hearing at 8:57 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the proposed special use permit as outlined in staff memorandum dated August 22, 2013.
- Applicant
Directory Severy offered a rendering of the proposed fire station, noting the building will be moved back to accommodate the 50 foot setback requirement. He pointed to the training tower location, indicating the training tower will be let as an alternate bid in the event funds are not available to construct both the station and tower.
- Public
Dr. David Strobl, 1320 Cove Court, Okemos, expressed concern with the proposed location, citing the financial and noise impact to residents of Autumn Park Condominiums located across the street. He questioned the linking of this location to placement of a new fire station on the ballot and wondered why this type of hearing could not have been held before the ballot question. Dr. Strobl requested the Planning Commission consider the quality of life of residents across the street from the proposed location.

Susan Simkin, 2032 Central Park Drive, Okemos, spoke to noise pollution from the sirens which will be experienced by the Autumn Park Condominium owners (more than 96.5 decibels) as well as residents of Ottawa Hills. She addressed the health consequences of noise. Ms. Simkin spoke to the increased size of the proposed new station. She suggested placement of the fire station behind the post office or moving it in the commercial district.

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke to the expense and the size of the property proposed for placement of the new central fire station. He expressed concern with the large size of the building and believed it is being placed in the wrong location. Mr. Kincaid showed photos of the flooding of Okemos Road and the alternate route which would have to be taken by emergency vehicles to access areas on the other side of the flooding. Mr. Kincaid suggested a better location to be on Gaylord C. Smith Court, next to Nancy Moore Park. He believed the location on Gaylord C. Smith Court to be more financially sustainable and would have less of a long-term budget impact. Mr. Kincaid spoke to the disparity in the amount of packet information placed on the website vs. what is available at the meeting.

Planning Commission discussion:

Commissioner Salehi expressed concern with the location, as he believed the land was prime and had much better use for potential development. He was disturbed that residents living in the Autumn Park Condominiums across Central Park Drive would have to endure sirens multiple times during the night when emergency vehicles were sent on a run. Commissioner Salehi believed the location on Gaylord C. Smith Court to potentially be a much better place to house the new fire station.

Commissioner Ianni asked if the Gaylord C. Smith Court location was considered.

Director Severy indicated there would be severe problems with the Gaylord C. Smith Court location as it is not on a main road and there are considerable wetlands on the property. He added if there is little traffic in the evening on Central Park Drive, the Fire Department would not have to use sirens. Mr. Severy noted that if the fire station is located as proposed, there are plans to utilize electronic controls for lights at Central Park Drive and Okemos Road. Mr. Severy stated that since the Ingham County Drain Commissioner has removed the log jams from the Red Cedar River, the water on Okemos Road referred to in earlier public comment has dropped significantly.

Commissioner Cordill inquired about placement of the fire station in the southeast portion of the parcel behind the post office.

Director Severy responded there is concern with the shape of the site and that the location would require fill in the floodplain, but acknowledged it would provide more distance from the condominiums. He did not believe it would address the noise issue for residents of the Autumn Park Condominiums as emergency vehicles would still need to use Central Park Drive.

Commissioner Deits inquired as to the discretion of the Planning Commission relative to the location of the proposed fire station, given that the location was contained in the language of the ballot initiative.

Principal Planner Oranchak replied that she was not clear regarding the Planning Commission's connection to the ballot initiative as the only request before the commission is to consider this specific site for the new fire station. She indicated Planning Commission action on this SUP is limited to approval, approval with conditions or denial.

Commissioner Deits asked how the size of the building was determined.

Director Severy answered that initial discussions included the number of bays needed to house equipment. He noted fire staff visited other stations in the greater Lansing area and once a consultant was hired, staff traveled to Indiana where several of the stations designed by the consultant were reviewed. Director Severy stated the former Township Manager and the Fire Chief worked with a local architect and local construction firm to produce a conceptual design to ascertain a preliminary cost figure in order to place this initiative on the ballot for approval.

Commissioner Deits asked what type of activities would take place at the training tower.

Director Severy responded the three (3) story tower would be used for training on hauling hoses up and using the ladder truck for access to upper floors in the event of a fire.

Commissioner Hildebrandt asked what was the benefit of having three (3) fire stations on the same road for a township the size of Meridian.

Director Severy believed it to be primarily for faster response time and Okemos Road is in center of the more heavily populated area in the township.

Commissioner Hildebrandt asked if the fire station was to be moved behind the post office, would access be possible from the rear of the strip mall (which currently houses Best Buy and Office Max) to Okemos Road.

Director Severy stated the only way to do that without going across a large wetland would be to use the road which runs along the western edge of the mall and then in front of Best Buy.

Commissioner Hildebrandt inquired as to other sites which were considered.

Director Severy answered that he was not involved in the site selection process, so he does not have an answer to that question.

Commissioner Hildebrandt requested staff obtain that information when this issues comes back to the Planning Commission.

Principal Planner Oranchak added that reuse of the existing site on Okemos Road, a location on Grand River Avenue east of Marsh Road and the proposed site were all considered. She believed the determination was made based on distance and response time.

Commissioner Hildebrandt asked if the average of four (4) trips per day mentioned earlier was accurate.

Director Severy offered information from the Fire Chief that in the last week, 100 calls (most of which were ambulance) were split between the three (3) stations, of which approximately 40 were responded to by the central station.

Commissioner Salehi asked who conducted the site analysis and looked at the options.

Principal Planner Oranchak indicated the Fire Chief provided information for Township Board review early in the process.

Commissioner Salehi asked if the Board debated the options and selected this as the preferred site.

Principal Planner Oranchak responded that she believed that was the case.

Commissioner Salehi noted mention was made of moving the Farmers Market and inquired if the current location and land west of it was ever considered as an option for location of the new central fire station.

Principal Planner Oranchak stated land west of the current Farmers Market is wetland and floodplain.

Commissioner Deits offered a brief history of the Planning Commission's previous purview relative to the Capital Improvement Plan.

Commissioner Hildebrandt reminded fellow Commissioners that while the commission may not have fiduciary responsibility, it does have the responsibility to do what is "right" for a majority of residents in the Township in the best manner it can. She stated the Planning Commission does have the right and/or responsibility to say no if this isn't what is best for the Township.

Commissioner Scott-Craig stated there is need for a redress mechanism for residents of the Autumn Park Condominiums across the street if the proposed location moves forward.

Commissioner Deits asked if an intermittent red light east of the fire station could be installed to coordinate with the light at Central Park Drive and Okemos Road, effectively stopping traffic from entering that segment of Central Park Drive thereby negating the state requirement to engage the siren leaving the station.

Director Severy responded it has been accomplished at other locations, but for different reasons.

Commissioner Deits asked that his suggestion be taken into consideration.

Commissioner Norkin asked if a floating cement bridge was considered to address the seasonal flooding on Okemos Road.

Director Severy responded Ingham County looked at trying to obtain grant money a few years ago to raise Okemos Road. He noted that in the event of a 100 year flood, the next section to flood would be the intersection of Okemos Road and Grand River Avenue, as water backs up through the storm drain which drains that intersection. He added that a fire truck can traverse water which a car cannot and, even if the county closed the road due to 6" of flooding, a fire truck could travel through it.

Commissioner Norkin asked if the distribution of the three (3) fire stations was expressly due to the railroad tracks.

Director Severy believed that certainly was part of the study conducted and would make that study available to the Planning Commission.

Chair Jackson inquired if the station was placed on the corner of Okemos Road and Central Park Drive facing Okemos Road, would it lessen the noise issue for residents living in the condominiums on Central Park Drive.

Director Severy responded it would probably "somewhat" reduce noise to the condos, but would complicate traffic flow from cars on Okemos Road and increase noise to the residents of Ottawa Hills.

Chair Jackson asked for an explanation on how the call load would be handled in the event of flooding on Okemos Road if the fire station is located as proposed.

Director Severy stated that if the north station was unable to respond, the shortest route would be to travel to Marsh Road, turning west onto Haslett Road. He was unsure of the length of time involved to travel that alternate route.

Commissioner Salehi inquired as to why the current Clinton Street location was not being renovated.

Director Severy answered that the consultant determined the location was not feasible for renovation, and would need to be torn down and rebuilt.

Commissioner Salehi asked why consideration was not given to tearing down the current central fire station and then rebuilding it on the same site.

Principal Planner Oranchak indicated the parcel is too small, partially in the floodplain and located in downtown Okemos where the Okemos Road traffic is "horrendous" for getting fire vehicles out of the site. She noted the current location could not accommodate the size of the proposed facility.

Commissioner Salehi inquired as to the size of the Clinton Street site.

Principal Planner Oranchak did not know the exact size, but indicated she would be surprised if it was one (1) acre. She added that a fire station is not the best land use for property in downtown Okemos.

Commissioner Salehi expressed concern that the existing fire station would sit "derelict" in downtown Okemos.

Principal Planner Oranchak indicated the property could be sold for potential commercial development which would increase the viability of downtown Okemos.

Commissioner Deits, as liaison to the Downtown Development Authority (DDA), believed the DDA views the land currently housing the central fire station as a resource for future development. He believed the proposed Douglas J project will stimulate interest in that property.

Commissioner Ianni also requested the Planning Commission be provided with EMS and fire response times used as rationale for the proposed location.

Chair Jackson closed the public hearing at 10:05 P.M.

Commissioner Cordill moved to suspend Rule 5.14 to allow introduction of an agenda item after 10:00 P.M. Seconded by Commissioner Norkin.

Planning Commission and staff discussion:

- September 9th Planning Commission agenda would contain four (4) items for decision making as well as some outstanding zoning amendments

VOICE VOTE: Motion carried 8-1 (Honicky).

7. Unfinished Business

Commissioner Deits moved to suspend Bylaw #6.4A to proceed with making a decision on Special Use Permit #13061 (Caring Hand) the same night as the public hearing. Seconded by Commissioner Scott-Craig.

VOICE VOTE: Motion carried 8-1 (Honicky).

A. *Special Use Permit #13061 (Caring Hand), request to establish an adult day care center in the International New Life Church addressed as 2630 Bennett Road

Commissioner Ianni moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #13061 subject to the following conditions:

1. Approval is based on the application and materials submitted with it dated November 13, 2012, subject to revisions as required.
2. No more than 25 senior adults, 65 years or older, shall be enrolled in the Caring Hand Adult Day Care Center.
3. Hours of operation for Caring Hand Adult Day Care shall not exceed 16 hours per day.
4. The applicant shall obtain all applicable permits, licenses, and approvals from the Township prior to any work taking place on the site to accommodate the adult day care use. Copies of all permits, licenses, and approvals shall be submitted to the Department of Community Planning and Development.
5. Prior to occupancy by Caring Hand, the building shall be inspected for compliance with ADA requirements and safety by Meridian Township's Chief Building and Fire Marshall.
6. The final site plan and landscape plan are subject to the approval of the Director of Community Planning and Development.
7. Any future modification to the site to modify the use will require an amendment of the special use permit.

Seconded by Commissioner Scott-Craig.

The seconder offered the following friendly amendment:

- Delete condition #2

The amendment was accepted by the maker of the motion.

Planning Commission discussion:

- Good use in an area with other churches
- Use will not adversely affect traffic in the area
- Concern about the type of clients will be addressed in the definition which will be discussed at the Planning Commission's next meeting
- Belief there should be a ceiling on the number of individuals served
- Adoption of a future definition would require the existing use to be grandfathered
- Preference to have a definition of an adult day care facility in the zoning ordinance prior to approving any adult day care centers
- Need to prescribe the number of clients served since no working definition exists
- Concern with developing a standard for the number of clients served and then changing that number
- Applicant can petition the Planning Commission to amend the resolution to increase the number of clients
- Possible inclusion of restrictive sentences previously discussed
- Drug rehabilitation, half-way houses for ex-felons, etc. are regulated separately by the state
- Belief this facility, without restriction, could serve a large clientele that could include drug users, and ex-felons

Commissioner Deits offered the following amendment as condition #2:

- 2. No more than 40 adult clients shall be present at any one time in the Caring Hand Adult Day Care Center.

Seconded by Commissioner Norkin.

VOICE VOTE: Motion carried 8-1 (Honicky).

Continued Planning Commission discussion:

- Applicant has been unduly delayed
- Risk of treating drug users and ex-felons is very minimal
- Public comment regarding breaking into the facility to steal stored drugs is not a credible statement
- No evidence presented that this activity is a risk to the neighborhood or children attending the nearby school
- Concern that 16 hours of operation is too long
- State law allows 16 hours for child care facilities
- Concern with restoration of the original condition #2 is silent on the issue of how many individuals under the age of 65 may be in attendance at the facility
- Ratio of staff to clients

Commissioner Honicky moved to amend condition #2 to read:

- "2. No clients shall be under 65 years of age."

The motion died for lack of a second.

Commissioner Hildebrandt called the question.

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

NAYS: Commissioners Cordill, Honicky

Motion carried 7-2.

- B. *Special Use Permit #13111 (Meridian Township), request to construct a pedestrian-bicycle pathway across the Red Cedar River on the west side of Okemos Road

Commissioner Scott-Craig moved to suspend Bylaw #6.4A to consider Special Use Permit #13111 the same night as the public hearing. Seconded by Commissioner Deits.

VOICE VOTE: Motion carried 8-1 (Hildebrandt):

Commissioner Scott-Craig moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #13111 subject to the following conditions:

1. Approval is subject to the revised pathway bridge plan prepared by the Meridian Township Department of Public Works & Engineering, dated August 23, 2013, and the related materials submitted as part of Special Use Permit #13111, subject to revisions as required.
2. The applicant shall obtain any applicable permits, licenses, and approvals from the Michigan Department of Environmental Quality prior to any work taking place on the site. Copies of all permits, licenses, and approvals shall be submitted to the Department of Community Planning & Development.
3. In no case shall the impoundment capacity of the floodplain be reduced.
4. Fill placed in the floodplain as part of the project shall be protected against erosion.
5. The applicant shall properly dispose of all excess materials from the compensating cut areas to an off-site location subject to the approval of the Director of Community Planning & Development.
6. The disposed materials at the off-site location shall be protected from erosion and re-seeded subject to the approval of the Director of Community Planning & Development.

Seconded by Commissioner Norkin.

Planning Commission discussion:

- Resolution language which addresses reseeding and checking over a period of time typically speaks to wetlands not floodplain areas

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

NAYS: None

Motion carried unanimously.

8. Other Business (None)

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

10. New applications (None)

11. Site plans received (None)

12. Site plans approved (None)

13. Public remarks

Chair Jackson opened public remarks.

Vance Kincaid, 4530 Nakoma Drive, Okemos, asked how much is enough and where is the right location relative to the issue of the central fire station. He believed the existing location could be utilized if the end of Ardmore Street was closed.

David Strobl, 1320 Cove Court, Okemos, spoke to the impact of the noise level for the new location of the central fire station on nearby residents. He believed the burden of proof has not been met by the Township.

Susan Simkin, 2032 Central Park, Okemos, believed relocation of the proposed new central fire station behind the post office would reduce noise level for residents of the condominiums by 11 decibels.

Chair Jackson closed public remarks.

14. Adjournment

Chair Jackson adjourned the regular meeting at 11:02 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary

TAB 3

RESOLUTION TO APPROVE

Special Use Permit #13121
(Meridian Township)
Central Fire Station

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 9th day of September 2013, at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____

WHEREAS, Meridian Township has requested a special use permit (Special Use Permit #13121) to construct a fire station, a nonresidential use permitted by special use permit in a residential district; and

WHEREAS, the project area is approximately four acres of a 28.5 acre Township-owned site located on Central Park Drive and zoned RDD Multiple Family (5 units per acre); and

WHEREAS, the Planning Commission held a public hearing on Special Use Permit #13121 at its meeting on August 26, 2013, and has reviewed the staff material forwarded under cover memorandums dated August 22, 2013 and September 5, 2013; and

WHEREAS, consistent with location and development standards for nonresidential uses in residential districts, the site faces and has access from a major street, the project will not require expensive extension of public utilities, the project area exceeds the minimum two acre site size; the structure will be set back at least 50 feet from all property lines, the structure will not cover more than 25 percent of the site and it abuts public land to the east and west and commercially zoned land to the south; and

WHEREAS, the Township Board selected the site after comparing several under consideration using the following factors: cost, parcel size, environmental factors, availability of public utilities, topography, impact on surrounding properties, site access, potential to expand, and site work required; and

WHEREAS, on the Township Board submitted the bond proposal for construction of the Central Fire Station replacement to the voters on November 6, 2012; and

WHEREAS, 58 percent of millage voters supported the proposal to construct the new fire station on the Township-owned site.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #13121 subject to the following conditions:

1. Approval of the special use permit is granted in accordance with the site plans prepared by DLZ, dated August 2, 2013, subject to revisions as required.

Resolution to Approve
SUP #13121 (Meridian Township)
Page 2

2. The character and quality of the building materials and general architectural design of the buildings shall be consistent on all four sides. Building materials shall be substantially consistent with the elevations plans prepared by DLZ and dated August 2, 2013, subject to approval by the Director of Community Planning and Development.
3. The applicant shall obtain all necessary permits, licenses, and approvals from the Ingham County Road Department and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development.
4. The parking lot shall be designed in accordance with the requirements of Section 86-756 Design and Construction Requirements.
5. Bicycle parking shall be provided in accordance with the requirements of Section 86-760.
6. The building shall be moved approximately five feet south to comply with the setback requirements of Section 86-654 or be granted a variance by the Zoning Board of Appeals.
7. Prior to issuance of any permit for construction activity including grading permits, any wellhead(s) located on the site shall be properly closed and abandoned pursuant to the requirements of the Ingham County Health Department and the Township.
8. The location, species and size of street trees to be installed on street frontages shall be subject to the approval of the Director of Community Planning and Development.
9. Landscaping shall generally comply all applicable provisions of the Code of Ordinances.
10. Site and building lighting shall comply with Article VII in Section 38 of the Code of Ordinances and shall be subject to the approval of the Director of Community Planning and Development. Parking lot lighting shall not exceed 15 feet in height. LED lighting shall be used where feasible.
11. All mechanical, heating, ventilation, air conditioning, and similar systems shall be screened from view by an opaque structure or landscape material (if at street level) selected to complement the building. Such screening is subject to approval by the Director of Community Planning and Development.
12. The utility, grading and storm drainage plans shall be subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with the Township Engineering Design and Construction Standards.
13. A copy of the site plan information that exists in a computer format for the development project and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.
14. Any future modifications to the building or site shall require an amendment modification to the special use permit.

Resolution to Approve
SUP #13121 (Meridian Township)
Page 3

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 9th day of September, 2013.

Patricia Jackson, Chair
Meridian Township Planning Commission

TAB 4

INGHAM COUNTY PROPOSALS

INGHAM COUNTY HEALTH SERVICES MILLAGE

Shall Ingham County be authorized to levy up to 0.52 additional mills for the purpose of providing basic health care services to Ingham County residents who are not eligible for Medicaid under the Federal Affordable Care Act, and whose individual income is less than \$28,000 and who do not have medical insurance. If this proposal is approved, Ingham County will use these funds to help pay for access to doctor visits, generic medications, and essential care such as preventative testing and treatment for cancer, diabetes, heart disease and other serious illnesses for low-income residents whose employers do not offer health insurance or who cannot afford to purchase health insurance. This proposal would increase the Constitutional limitation of the amount of property taxes which may be assessed each year against all the taxable real and personal property in Ingham County by up to 0.52 mills (\$0.52 per thousand dollars of state taxable valuation) as new additional millage for a period of three years (2012-2014 inclusive). If levied in full, this millage would raise an estimated \$3,349,707 in the first calendar year.

MERIDIAN TOWNSHIP PROPOSALS

Meridian Township Central Fire Station Replacement

Description: MERIDIAN TOWNSHIP CENTRAL FIRE STATION REPLACEMENT

Shall the Charter Township of Meridian, County of Ingham, State of Michigan, borrow the principal sum of not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) and issue its general obligation unlimited tax bonds for the purpose of erecting, furnishing, and equipping a new central fire station on a site located at the Southeast corner of Okemos Road and Central Park Drive, and improving the site? The estimated millage to be levied in 2013 to service this issue of bonds is 0.2 mill (20¢ per \$1,000 of taxable value) and the estimated average annual millage rate required to retire the bonds of this issue is 0.2 mill (20¢ per \$1,000 of taxable value). The bonds may be payable in not to exceed fifteen (15) years from the date of issue.

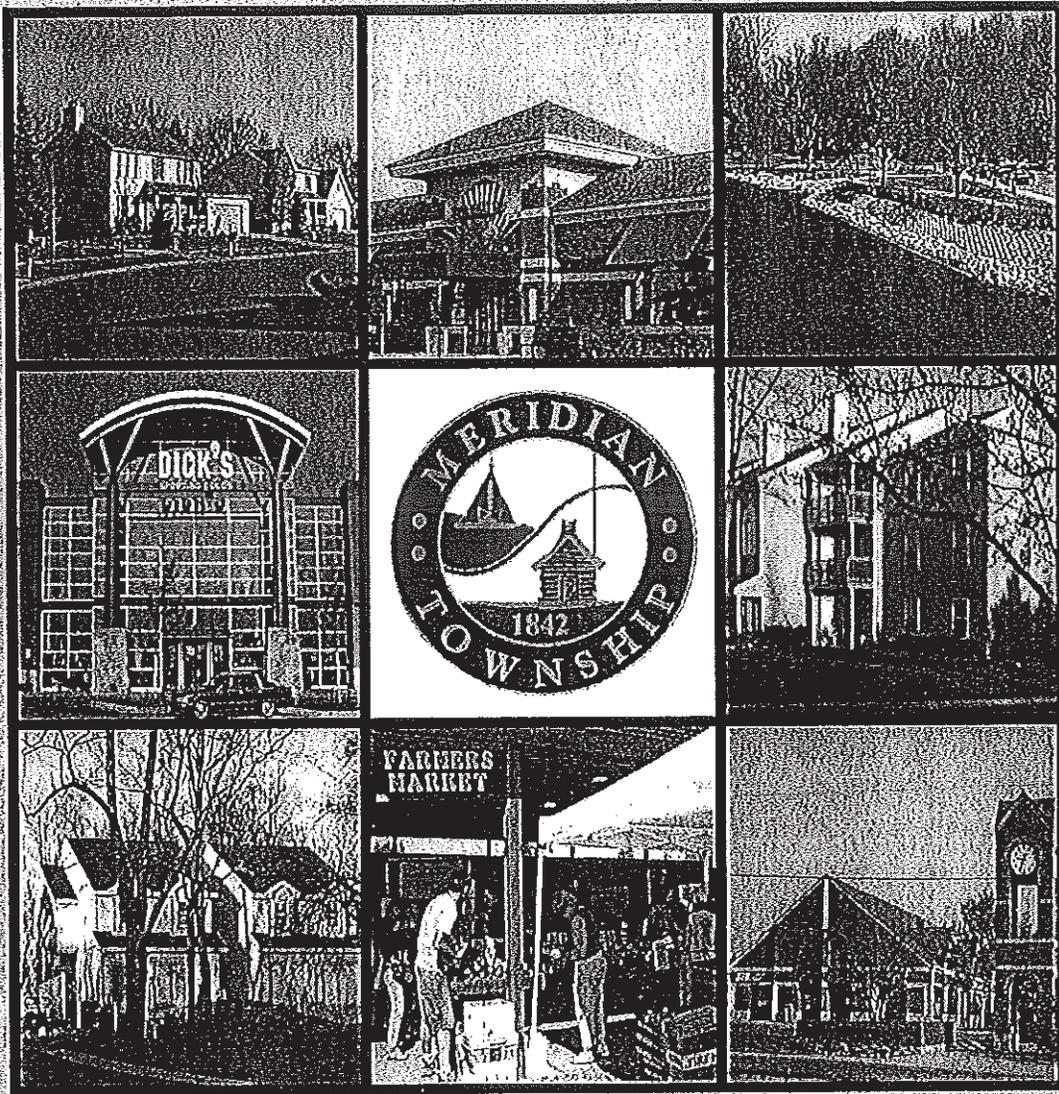
Yes - For the Measure

No - Against the Measure

TAB 5

2005 Master Plan

Charter Township of Meridian



Adopted

May 5, 2005

provide greater flexibility and incentives for the permanent preservation of open green spaces and environmentally sensitive natural features as development occurs on developable properties.

6. Protect land that is important to the ecological integrity of the Red Cedar River through zoning, voluntary agreements with landowners, donation of land to the Township, or the purchase of land, scenic easements, and development rights, where appropriate.
7. Consider developing a woodlands regulation ordinance to protect woodlots.

Objective B: Conserve wetlands, floodplains, and other water retention areas.

Strategies:

1. Identify all wetlands, floodplains, and other water retention areas.
2. Continue to enforce the Wetlands Ordinance.
3. Continue to communicate and coordinate with the Michigan Department of Environmental Quality on activities affecting lakes, streams, and wetlands.
4. Monitor and evaluate land use in areas having a high water table, unstable soils, or similar conditions that cause difficulty for the building of structures or roads.
5. Discourage development within wetlands, floodplains, floodplain fringe areas, and water retention areas.
6. Continue to administer policies restricting the discharge of storm water runoff into wetlands, to prevent siltation, salt, fertilizer, herbicide, and pesticide infiltration problems.

Objective C: Link open spaces and natural areas into a network of continuous greenways throughout the Township.

Strategies:

1. Develop and adopt a plan to establish the basis for linking natural areas into continuous greenways throughout the Township.
2. Work with the Land Preservation Board and Park Commission to continue the establishment of a continuous greenway along the Red Cedar River through the identification of additional parcels of land which are important to the ecological and visual integrity of the Red Cedar River.
3. Utilize land planning methods, purchases of land and development rights, and plat, site plan, and other review processes to create and maintain continuous greenways.

projected in this Plan, the addition of two to three new officers would maintain staffing at the current level through 2010. Five to seven new officers may be needed by 2020.

The Federal Bureau of Investigation's 2001 Uniform Crime Reports shows an average employee ratio of 2.1 per 1,000 residents in the East North Central Region for cities between 25,000 and 49,999 populations. Of all communities in this category, 12.5 percent have fewer than 1.5 law enforcement employees per 1,000 persons.

Fire Department

In 2002, Fire Department staff included 36 full time firefighters (all of whom are trained paramedics), plus six administrative personnel: Fire Chief, Assistant Fire Chief, Fire Marshal, Chief of Training, Fire Inspector and EMS Coordinator. The Assistant Fire Chief, Chief of Training, Fire Inspector and EMS Coordinator respond to all structure fires and unusual incidents (e.g., train derailments). Changes in the Fire Department over the last decade include the creation of four new administrative positions (Assistant Fire Chief, Chief of Training, Fire Inspector and EMS Coordinator) and the elimination of volunteer firefighters. In 1991, the Department had 37 full time firefighters, a Chief and Fire Marshal. Twelve volunteer firefighters assisted full time firefighters.

The National Fire Protection Association (NFPA) standards call for one to three fire fighters per 1,000 residents for a community the size of Meridian Township. Current staffing is approximately 1.04 firefighters (including administrators) for every 1,000 residents. By 2010, the Township will need two to three additional firefighters to maintain current staffing levels; and five to seven by 2020. Fire Department administration recommends a ratio of 1.69 fire fighters per thousand population to serve the Township derived from the national standards and local conditions which include:

- Combined firefighting and advanced emergency medical services from each station.
- Conditions that impact response time such as lack of total hydrant coverage, railroad tracks, and roadways.

Based on this data and an estimated 2002 population of 40,129, the minimum department size should be 68; 71 or 72 by 2010 and 77 to 79 by 2020. However, because the Township strictly

enforces fire and building codes that serve to minimize fire hazards, this level of staffing may overstate the exact need.

The Fire Department operates out of three fire stations (administrative personnel are housed in the Public Safety building) in Meridian Township:

- The Central Station, located at 2154 Clinton Street, was constructed in 1959 and has been renovated in 1980, 1984 and 1985. It has about 3,000 square feet of floor space including the three bays for apparatus. The site in the Okemos village is too small for the department's needs. Land adjacent to the current fire station on Clinton Street has been purchased. Plans to replace the current facility with a combined 20,000 square foot fire station and administrative offices are being discussed. Training programs would continue to be held at the Service Center.
- The South Station, located at 3711 Okemos Road, was constructed in 1990. This 6,100 square foot station was considered a state-of-the-art facility when it opened.
- The North Station, located at 2140 Haslett Road, was constructed in 1997. This 5,200 square foot facility replaced the former North Fire Station/Township Hall constructed in the 1950's and located at 2116 Haslett Road.

Existing fire stations provide good coverage, based on accepted standards. A general rule of thumb is for the first arriving piece of apparatus to be at the emergency scene within five minutes or less of the sounding of the alarm. Risk factors other than arrival time affect the five-minute rule. The higher the risk, the faster the fire fighters should arrive. Risk levels for various types of buildings are:

- High Hazard Occupancies. Schools, hospitals, nursing homes, high and mid-rise buildings, and industrial uses that have a high fire potential.
- Medium Hazard Occupancies. Apartments, offices, mercantile and industrial occupancies not normally requiring extensive rescue or fire fighting services.
- Low Hazard Occupancies. One- and two-family dwellings and scattered small businesses and industrial occupancies.

In general, high hazard buildings should be no more than three-quarters of a mile to one mile from an engine, hose, or engine-ladder company. Low hazard, single-family districts, should be located no farther than two to three miles from a station.

In Meridian Township, most high and medium hazard occupancies are located within one to two miles of a fire station. The Haslett Middle and High Schools, Haslett commercial district, and high

density residential areas west of Lake Lansing are within a mile and a half of the north fire station. The Central Station serves the Township's central business district, the Municipal Complex, and high-density residential development along Grand River Avenue. Okemos Middle and High Schools, Bennett Woods and Hiawatha Elementary Schools and high density residential development along Okemos Road are located within a mile and a half of the south fire station.

Most low hazard residential and small business uses are less than three miles from a fire station. Areas in the northeast corner of the Township and along Meridian Road are just outside the preferred three-mile radius. A mutual aid policy is in effect between the Township's Fire Department and the City of East Lansing's. The closest fire personnel are dispatched unrestricted by governmental borders. This policy enhances the coverage in the northwest corner of the Township making it possible for the East Lansing Fire Department to arrive first on the scene. Lack of fire hydrants puts the eastern third of the Township at greater risk. This requires different firefighting tactics and reliance on neighboring volunteer fire departments to haul water to the scene. The fact that the area is low density only lowers the probability of fire in the area, not the risk. Property owners in the eastern third will probably find their insurance premiums are higher than those in areas with hydrants. The Township has mutual aid agreements with the Cities of Lansing and Mason and Delhi, Delta, Bath, DeWitt and Lansing Townships as well as the East Lansing.

Parks and Recreation

The five-person elected Park Commission oversees the Park program in Meridian Township. A Parks and Recreation Department was created in November 1999 and currently has a full-time staff of five (previously it was a division of the Engineering and Publics Works department). The Township's grounds maintenance personnel are also in the Parks and Recreation Department.

Over the years the Township has acquired over 832 acres of park land through donations, purchases and long term lease agreements (Map 9-2). Park operations are financed through two Township funds, the Park Millage and the General Fund. The Park Millage is a 1/3-mill levy to support land acquisition, park development, maintenance and recreation. The first millage was approved in 1984 and has been renewed three times. In 2002, it generated approximately \$450,000. The millage was renewed in 2004.

TAB 6

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM: Gail Oranchak
Gail Oranchak, AICP
Principal Planner

DATE: August 22, 2013

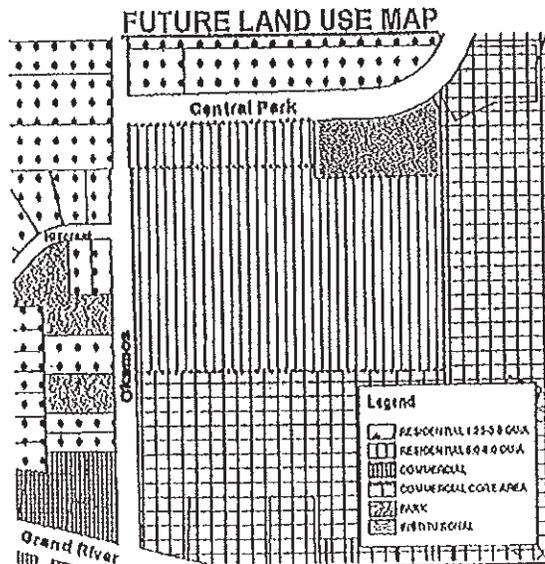
RE: Special Use Permit #13121 (Meridian Township), a request to construct a new fire station, a nonresidential structure and use in a residential district

Meridian Township has requested a special use permit to construct an approximate 15,000 square foot replacement for the Central Fire Station. The project area will occupy an approximate four acre portion of a 28.5 acre Township-owned site located on the southeast corner of Okemos Road and Central Park Drive. The site is zoned RDD (Multiple Family up to 5 dwelling units per acre). Publically owned and operated buildings such as a fire station are permitted by special use permit in the RDD zoning district subject to Section 86-654 Nonresidential structures and uses in a residential district.

The building will consist of three fire apparatus bays, equipment storage facilities, a training classroom, Fire Department administrative offices, a staff day room, kitchen, fitness room, seven dorm rooms, men's and women's locker rooms, and laundry. A separate training tower south of the building is also shown on the site plan. 61 off-street parking spaces are provided both east and west of the building. Construction is anticipated to begin later this year and be completed by September 2014.

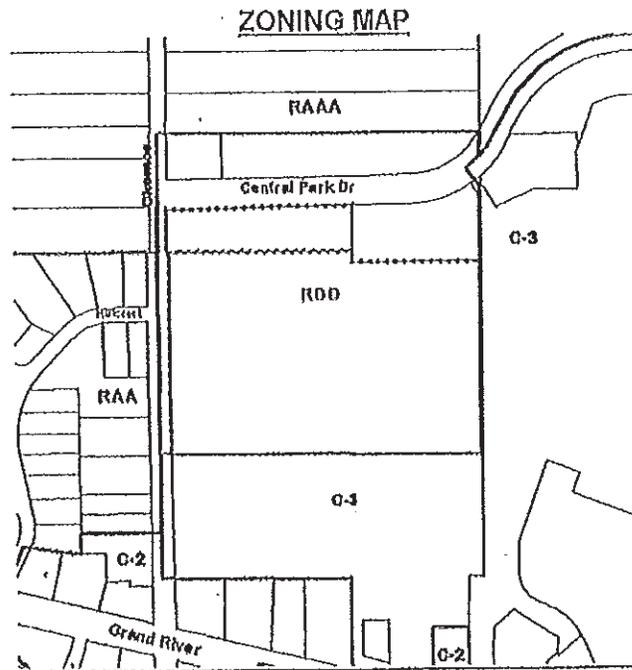
2005 Master Plan

The 28.5 acre site is designated Residential 5.0-8.0 dwelling units per acre on the 2005 Master Plan's Future Land Use Map.



Zoning

The RDD zoning district requires a minimum 100 feet of lot width while the lot area standard for a nonresidential use in a residential district (Section 86-654) is a minimum two acre parcel. With approximately 760 feet of frontage on Central Park Drive (approximately 480 feet designated for the fire station project area) and 960 on Okemos Road, the site exceeds the 100 foot minimum lot width requirement for the RDD district. At 28.5 acres, approximately four of them designated as the fire station's project area, the site exceeds the minimum two acres required by Section 86-654.



Physical Features

A natural features assessment of this undeveloped site prepared by the project architect/engineer DLZ, has been included in the application materials. In summary, the site is relatively flat, consists of a grassy area near Central Park Drive, shrub scrub vegetation, trees and clusters of trees within the site's interior. A tree inventory has been provided showing all trees with a diameter at breast height (dbh) of 12 inches or greater. Tree quality was not assessed. Floodplain elevations and wetlands are present on the site south of the project area. The Township's environmental consultant delineated wetlands on the site and an aerial photograph showing the delineated boundary location. Conservatively, the closest wetland boundary is approximately 150 south of the fire station project area.

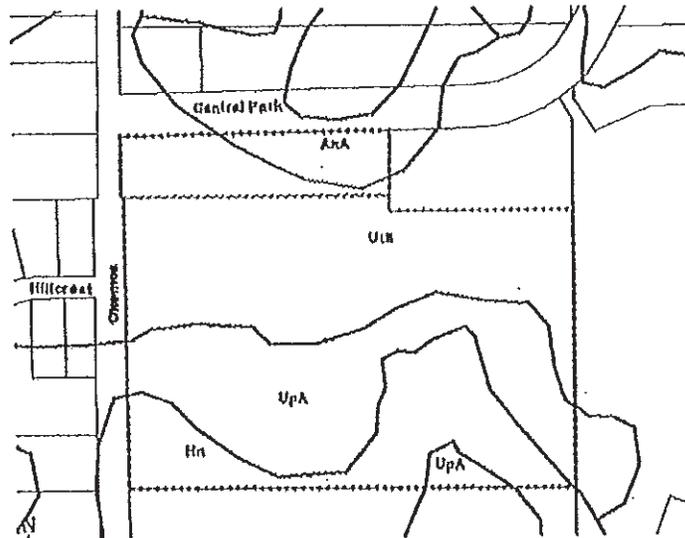
Soils

The following chart summarizes soil information for the subject site:

SOIL ASSOCIATION	SEVERE BUILDING SITE LIMITATIONS
(AnA) Aubbeenaubee-Capac, 0 to 3% slope)	Wetness
Hn (Houghton)	Subsides, ponding, low strength
UpA Urban land-Capac-Colwood	Wetness, ponding
UtB Urban Land – Marlette	None

Source: Soil Survey of Ingham County, Michigan, 1992.

SOILS MAP



Streets and Traffic

Access to the fire station will be from Central Park Drive east of Okemos Road and west of the Okemos Post Office. The map in Section 86-367 of the zoning ordinance shows Central Park Drive classified as a Collector street. It is a four lane paved road with pedestrian-bicycle pathways along both sides of the road.

While traffic counts are not available for Central Park Drive, they are available for Okemos Road. One of the issues associated with the current location of the Central Fire Station is traffic congestion in the vicinity of Okemos and Hamilton Roads. Traffic counts found on the Ingham County Road Department web site show more than twice as many vehicle trips occur near the Okemos/Hamilton Intersection than the Okemos/Central Park intersection.

YEAR	LOCATION	DIRECTION	VEHICLE TRIPS
2007	Between Grand River Avenue and Hillcrest	2-WAY	11,874
2008	Between Clinton Street and Hamilton	2-WAY	29,557

¹Ingham County Road Department web site

Staff Analysis

In 2012, Meridian Township voters supported a referendum authorizing the Township Board to issue general obligation bonds to fund the replacement of the Central Fire Station. Prior to the referendum appearing on the ballot, the Board evaluated the merits of different sites including the existing fire station location. The site on the southeast corner of Okemos and Central Park Drive was selected for the new fire station since it is owned by the Township, it is relatively close to the current fire station location, it has easy access to Okemos Road and Grand River Avenue, it is removed from the traffic congestion at Okemos and Hamilton Roads, it remains between the two railroad tracks but better positioned to assist the North Fire Station where call volumes are heavier, it closely mimics the coverage area of the current Central Fire Station, and the site is large enough to offer multiple site plan options and future expansion if necessary. Since the vote in November 2012, an architect/engineering firm was selected and Fire Department and Engineering and Public Works Department staff have worked with it to select the most effective location within the 28.5 acre site and the design.

Nonresidential structures and uses permitted in residential districts such as the fire station are evaluated using the nine general special use permit criteria listed in Section 86-126 of the zoning ordinance as well as the specific standards found in Sections 86-654 (d), (e), and (f) and summarized as follows:

1. Preferable location at the edge of a residential district, abutting a business or industrial district, or a public open space.

The project site is surrounded by Township-owned land to the west and south, the Okemos branch of the U. S. Post Office to the east and Central Park Drive to the north.

2. All means shall be utilized to face any permitted non-residential use on a major street.

The fire station will face Central Park Drive.

3. Motor vehicle entrance and exit should be made from a major street.

Ingress and egress will be from Central Park Drive.

4. Site locations are preferred that offer natural or manmade barriers that would lessen the effect of intrusion into residential areas.

Okemos Road and Central Park Drive separate the site from nearby residential uses.

5. Will not require costly or uneconomic extension of utility service.

Public water and sewer utilities are available in the vicinity to serve the site.

6. The parcel size shall be at least two acres in size.

The overall Township-owned site is 28.5 acres; the fire station project area is approximately four acres.

7. No more than 25 percent of the gross site shall be covered by buildings.

At approximately 15,000 square feet, the proposed fire station structure covers approximately 1.2 percent of the 28.5 acres site.

8. No building shall be taller than that permitted in the underlying zoning district.

The tallest point of the roof measures 28 feet; buildings up to 35 feet are permitted.

9. The building's appearance shall be harmonious and blend appropriately with the surrounding residential area.

The structure is of modern design with flat and angled roof lines. Building materials include metal siding with brick accents and long windows identified as "glazed storefronts."

10. All signs shall be in accordance with sign regulations for non-residential uses in residential districts.

Signage has not been proposed. If a free-standing sign is to be installed on the site, it may be no larger than 25 square feet in size. One wall sign no larger than 20 square feet is also permitted.

11. Off-street parking spaces shall be provided as required by the zoning ordinance.

Parking calculations appear on the site plan and are based on zoning ordinance standards of one parking space for each staff member on duty during the highest staffed shift plus 25 percent, and one parking space for every four seats in the training room. 41 motor vehicle parking spaces are required by ordinance; 61 off-street motor vehicle parking spaces are shown on the site plan. Although the 61 spaces exceed the zoning ordinance requirement, this is an instance where the zoning ordinance has not caught up with real world land use. Training classes are often held and open to staff of other fire departments thus additional parking spaces will accommodate persons travelling to the site for training one or two to a vehicle rather than the four anticipated by the zoning ordinance. Bicycle parking for four bicycles is shown west of the building.

12. Any building housing a nonresidential use in a residential district may be no closer than 50 feet to any property line or street line except that all buildings and structures shall be located in accordance with the setback requirements of Section 86-367 for the type of street upon which any yard abuts.

The structure is setback more than 50 feet from the property line on the east, west and south sides however it is only 46 feet from the Central Park Drive right-of-way when 50 feet is required. Options for compliance include moving the building south approximately four feet or seeking a variance from the Zoning Board of Appeals. Central Park Drive is a collector street. Buildings must be setback at least 85 feet from the centerline of Central Park Drive. The structure meets this standard.

Planning Commission Options

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

Attachments

1. Application materials
2. Delineated wetland boundary map prepared by the Township Environmental Consultant
3. Site Plans dated August 2, 2013

ficoh
 engineers
 scientist
 architects
 constructors

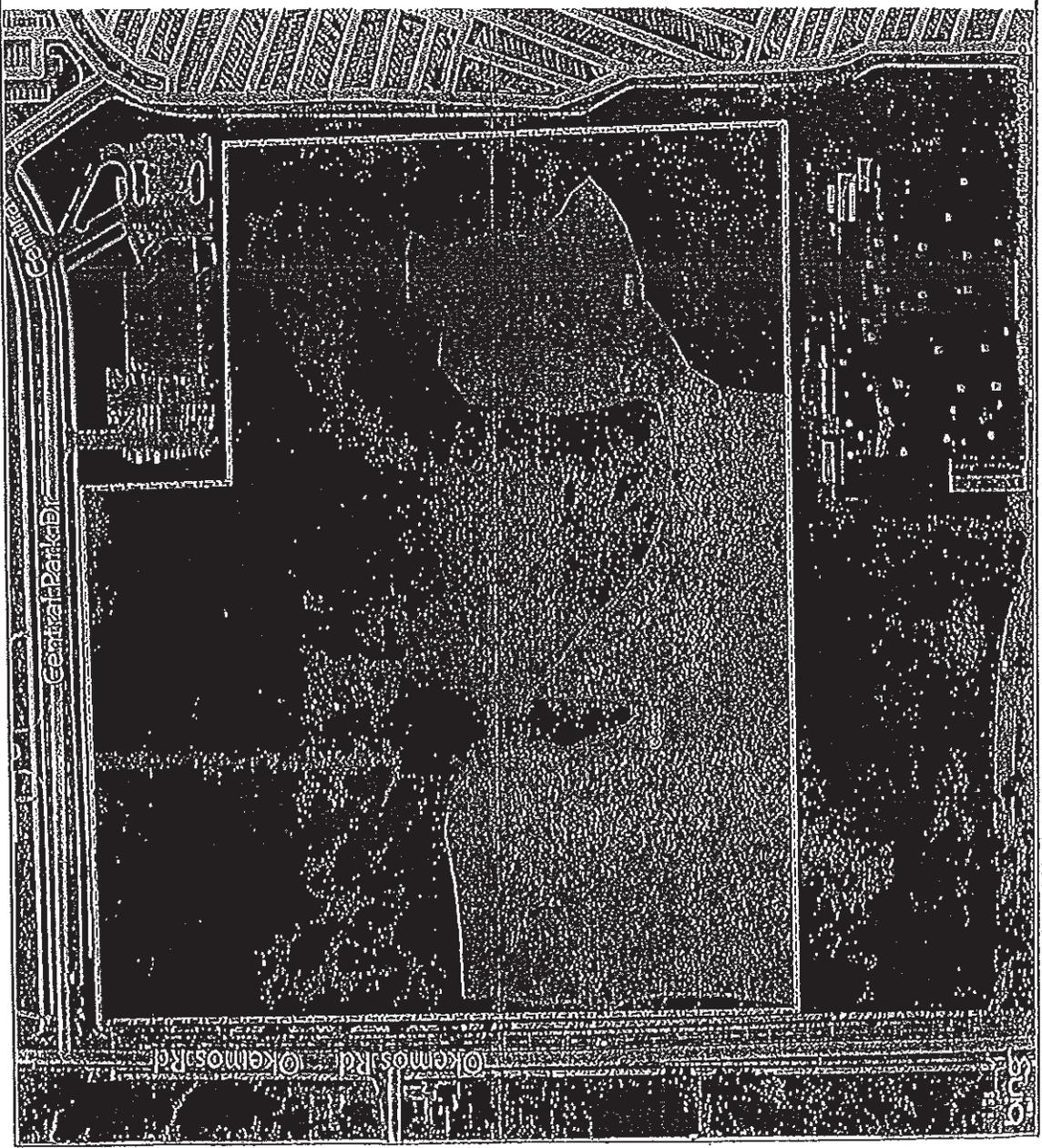
4390 Okemos Road, Ingham County, Michigan
 Charter Township of Meridian
 4980 Okemos Road, Ingham County, Michigan

Charter Township of Meridian
 4390 Okemos Road, Ingham County, Michigan
 Wetland Delineation

PRODUCT NO.
 G1300645
 PROJECT NO.
 1

LEGEND
 ○ Sample Location
 --- Wetland Delineation
 □ Approximate Property Boundary

NORTH
 0 75 150
 FEET
SITE PLAN



4390 Okemos Road, Ingham County, Michigan

Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustees Scales, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixle, Clerk Dreyfus

NAYS: None
Motion carried 6-0.

[Bill List in Official Minute Book]

9. QUESTIONS FOR THE ATTORNEY (See Agenda Item #10 A, #11C, #12A)

10. HEARINGS

A. Appeal of Special Use Permit #13121 -- Construction of the New Fire Station

Supervisor LeGoff opened the public hearing at 6:26 P.M.

Director Kieselbach summarized the special use permit (SUP) and its appeal to construct a new fire station on a vacant 28.5 acre parcel owned by the Township located on the south side of Central Park Drive, east of Okemos Road and west of the Okemos Post Office.

Fire Chief Cowper noted the current central fire station was in need of significant repairs and time volunteered by Wieland Davco and Hobson Black to inspect the current building resulted in a memorandum to the Board from the previous Township Manager which indicated the current fire station was structurally deficient, operationally obsolete and warranted replacement. He indicated it was subsequently determined the additional equipment and significant traffic on Okemos Road precluded rebuilding on the current site. Chief Cowper offered a chronology of events which led to the decision to place the new fire station on the subject property.

Chief Cowper addressed concerns expressed by Autumn Park Condominium owners. He spoke to the Fire Department's response procedure (which mirrors Michigan's Motor Vehicle Code), noting the department can operate its vehicles on an emergency call without turning on sirens in the evening. He believed that ability addresses noise concerns expressed by residents in the Autumn Park Condominiums during the public hearing. Chief Cowper indicated a 2010 and 2012 call volume analysis showed calls significantly drop off during the early morning hours. He addressed the 58% voter approval for construction of the new fire station on the November, 2012 ballot.

APPELLANTS' REPRESENTATIVE

Lawrence Nolan, Nolan, Thomsen & Villas, P.C., 239 South Main Street, Eaton Rapids and attorney for the appellants, spoke to the issue of where the new central fire station is proposed to be placed and questioned whether due process was followed. He noted the lack of an identified address or location for the land designated in the November, 2012 ballot proposal, adding the ballot language referred to a parcel in the southeast corner of Okemos Road and Central Park Drive where two parcels are actually located. Mr. Nolan noted he has been informed that the land tied to the millage money appropriated by the ballot proposal for the new fire station includes both parcels. He asked if voters knew the ballot proposal included both parcels. Mr. Nolan addressed the 2005 Master Plan where the RDD designation (multiple family, low density) showed the subject area to be residentially zoned. He spoke to the members of the Autumn Park Condominium Association purchasing their homes with the understanding the area would remain zoned residential.

Mr. Nolan indicated on August 2, 2013 the Township submitted an application for a special use permit and questioned conformance with the noticing requirement and whether the Township followed its own process relative to the public hearing for this special use permit request. He spoke to the mechanics of Planning Commission consideration of this special use permit request at its August 26, 2013 and September 9, 2013 meetings. Mr. Nolan indicated he was in possession of affidavits from some of the Autumn Park Condominium Association property owners stating they never received notice of the public hearing.

Mr. Nolan stated the public hearing scheduled for August 26, 2013 opened and closed, with no decision being made. He alleged it was postponed until the Planning Commission's September 9, 2013 meeting, requiring new notices to be sent if a public hearing is adjourned for more than 36 hours. Mr. Nolan also alleged the application process was not complete when the Planning Commission approved the special use permit on September 9, 2013.

Mr. Nolan stated the way this whole process has been handled is not right, and the obvious way to correct the situation relative to the notice requirement is to send it back to ensure everyone receives notice.

PLANNING COMMISSION REPRESENTATIVE

Planning Commissioner representative Dante Ianni, 3800 Viceroy Drive, Okemos, spoke to the process followed by the Planning Commission when SUP #13121 came before it on August 26, 2013. He spoke to the procedure of the Planning staff placing site plans which are received and approved on Planning Commission agendas as a method to transmit the information to the public and the Commissioners. Commissioner Ianni stated there was a lack of evidence to support property owners' assertions their property values would decrease if the fire station was constructed at the proposed location, indicating assessments were studied by the Township for parcels near the south fire station and no correlation between property values and proximity to the fire station could be ascertained. Commissioner Ianni noted there is a government use directly to the east and south, as well as property directly to the east designated commercial. He stated the Planning Commission believed the proposed project met all the qualifications for a special use permit and commissioners granted it through passage of a resolution on September 9, 2013.

PUBLIC COMMENT

Susan Simkin, 2032 Central Park Drive, Okemos, stated she would be affected by the fire station as presently configured and believed the project could be done "in a better way" without much of a change in plans. She expressed concern the noise from the sirens may have an adverse effect on individuals who have a medical condition. Ms. Simkin indicated there are traffic concerns on Central Park Drive sporadically throughout the day.

Marie Persons, 2028 Central Park Drive, Okemos, spoke in opposition to the proposed fire station as she believed the Autumn Park Condominium owners have not received their due process. She stated Meridian residents were misled when they voted on this ballot issue which, she believed, was not properly put before them by the Township. Ms. Persons spoke to the "rush" with which this project is moving forward, speculating that it may be due, in part, to the Shared Public Service Initiative, an Ingham County fire department merger. She inquired as to why the Township can "ignore" its own ordinances as the property in question is zoned residential. Ms. Persons believed her previous experience as a real estate agent qualified her to state that property values in the area will diminish as a result of construction of the proposed new central fire station.

Betsy Strobl, 2056 Central Park Drive, Okemos, stated she was not properly noticed for the Planning Commission meeting relative to SUP #13121 on September 9, 2013.

Lawrence Nolan, Nolan, Thomsen & Villas, P.C., 239 South Main Street, Eaton Rapids, inquired if the owners at Autumn Park Condominium Association were ever given written notice by mail as required by Meridian Township's Code of Ordinances. He spoke to the location of the current central fire station as deemed appropriate in the Master Plan adopted in 2005, noting that two additional fire stations were added later. Mr. Nolan believed an accepted application of this \$3.5 million project was not received until August 12, 2013, with Planning Commission approval 28 days later on September 9, 2013, although he alleged the subject application did not comply with Township rules regarding submission for an approved site plan.

Leonard Provencher, 5824 Buena Parkway, Haslett, believed there is merit to the appeal if the appellants were not properly noticed. He noted the appellants did not involve themselves over the last two (2) years while the proposed project was under discussion.

Vance Kincaid, 4530 Nakoma Drive, Okemos, believed the previous Board erred in its decision to place this issue on the November, 2012 ballot as the requisite zoning for the proposed new central fire station was not in place at that time. Mr. Kincaid held the public was not afforded a community wide in-depth discussion about the pros and cons of the various options. He believed the Township "stacked the deck" about what has not been said, alleging the previous Township Manager was planning on closing the central fire station in order to move to a two fire station system. Mr. Kincaid questioned building a traditional fire station with large bays to house federal equipment which has "dubious use" when 85% of the calls at the central fire station are BMS related. He concluded that due diligence was not exercised for this special use permit request.

Dr. David Strobl, 1320 Cove Court, Okemos, addressed cardiovascular risks of noise to health as it relates to the proposed location of new central fire station. He addressed concerns with the "startle reflex" which may be experienced by residents of the Autumn Park Condominiums when sirens are used. Dr. Strobl spoke to the standard which states, "The project will not adversely affect or be hazardous to existing neighboring uses" and did not believe a road to be a sufficient barrier to noise which would be experienced by the residents in Autumn Park Condominiums.

Bill Persons, 2028 Central Park Drive, Okemos, believed it is obvious on its face that construction of the proposed fire station will effect nearby property values.

Planning Commissioner Ianni stated Director Kieselbach's memorandum indicated proper notice was sent to all property owners within 300 feet of the subject property's boundary as required by ordinance.

Lawrence Nolan indicated none of his clients received written notice of the Planning Commission's September 9, 2013 meeting. He added a 15-day notice is required and there are not 15 days between August 26, 2013 and September 9, 2013. He asked if the Township Board wanted a fire station that would compromise the ability of the firefighters and EMT personnel to perform their job by not using the sirens, subsequently placing other drivers at risk.

Director Kieselbach clarified the original public hearing on August 26, 2013 was properly noticed, adding the Township created a mailing affidavit listing all of the property owners within 300 feet of the subject parcel who were sent notification letters. He added the ordinance states that if the public hearing is continued for more than 36 hours, then a new notice is required. Director Kieselbach stated the Planning Commission minutes of August 26, 2013 indicate the public hearing on this issue was opened and closed at that same meeting, and the September 9, 2013 meeting had the proposed fire station on its agenda as a discussion item for possible action.

Fire Chief Cowper responded to Mr. Nolan's earlier statement by noting Meridian Township's emergency response mirrors Michigan's Motor Vehicle Code for response of emergency vehicles. He stated there are exceptions in state law which indicates sirens do not have to be turned on if there is no need to do so. He indicated fire staff would never compromise the safety of a Township resident when responding to an emergency. Supervisor LeGoff closed the public hearing at 7:32 P.M.

11. ACTION ITEMS

Supervisor LeGoff opened Public Remarks.

Phil Parmalee, 1592 Haslett Road, Haslett, urged the Board to support the proposed Human Relations Ordinance. In response to Board member rationale at the last meeting, he indicated that giving the LGBT community "something is better than nothing" and noted "less is not more" and certainly "nothing is not more."

Joel Meredith, 1732 Cambria Drive, East Lansing, urged the Board to pass the proposed Human Relations Ordinance. He addressed the significance of every step forward, noting that every moment of inaction is a step backward.

ROLL CALL VOTE YEAS: Trustees Styka, Veenstra, Wilson, Supervisor LeGoff, Treasurer
ON THE MAIN Brixie, Clerk Dreyfus
MOTION: NAYS: Trustee Scales
Motion carried 6-1.

- D. Public Art Sculpture at the Marsh/Hamilton Road Roundabout
Treasurer Brixie moved to authorize the Township Manager to draft and execute a contract with artist Tim Higgins to produce and install the selected sculpture at the Marsh Road and Hamilton Road roundabout for an amount not to exceed \$10,000 in accordance with the provisions of the Public Art in Communities grant. Seconded by Trustee Wilson.

Board members discussed the following:

- Name of the sculpture and the concept of geography and balance ties into something unique to Meridian Township

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried unanimously.

[Supervisor LeGoff recessed the meeting at 8:37 P.M.]
[Supervisor LeGoff reconvened the meeting at 8:50 P.M.]

12. BOARD DISCUSSION ITEMS

Supervisor LeGoff opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, expressed appreciation for the three (3) Board members who worked on streamlining the medical marijuana ordinance to make it more understandable to the public.

Neil Bowlby, 6020 Beechwood Drive, Okemos, expressed appreciation to the three Board member subcommittee for making the medical marijuana ordinance more concise. He spoke to the lack of penalties contained in the proposed language, noting state law contains monetary fines for violations of the medical marijuana act.

Vance Kincaid, 4530 Nakoma Drive, Okemos, believed the Township Board erred when they placed the ballot initiative for the new central fire station before the voters as the requisite zoning was not in place. He addressed the deteriorating condition of the existing central fire station. Mr. Kincaid believed a traditional fire station does not need to be built, as most of the Township's needs are for EMS.

Lawrence Nolan, Nolan, Thomsen & Villas, P.C., 239 South Main Street, Eaton Rapids, concurred with Mr. Kincaid's comment that the use of the property would have been illegal at the time the central fire station millage proposal was placed on the ballot, as it was not zoned for the proposed special use. He expressed concern that it took the Township only 28 days to approve this \$3.5 million project. Mr. Nolan believed the Township did not follow proper noticing requirements relative to the proposed fire station special use permit request.

Supervisor LeGoff closed Public Remarks.

A. Appeal of Special Use Permit #13121 – Construction of the New Fire Station

Board members discussed the following:

- Importance of following the Township's processes
- Township erred in not including language in the legal notice which stated where written comments would be received
- Board member preference not to discuss the other merits of the appeal if it is going to be referred back to the Planning Commission

Referral back to the Planning Commission: (Questions for the Attorney (See Agenda Item #10))

- Q. If we were to refer this matter back to the Planning Commission, does that mean it would come back to us again for final determination of the appeal by the Township Board?
- A. My interpretation would be that if you remand it back to the Planning Commission for further information for whatever it is that you are asking them to do, then they would make another decision and then it would be appealable, and I imagine, Mr. Kieselbach, that you would agree with that.

Continued Board and staff discussion:

- Township Manager recommendation that the Board refer the matter back to the Planning Commission
- Proper notice would allow for due process as designed
- Need for consistency in how our ordinances are applied
- Site plan was included as part of the application process for the fire station and was dated the same day as the application
- Site plan provided to the Planning Commission v. final site plan
- Once the Planning Commission approves a special use permit, the next step is to go through site plan review
- Final site plan approval falls under the responsibility of the Director of Community Planning and Development
- Site plans listed as received and approved on Planning Commission agendas are for informational purposes as they are a function performed by staff
- New applications are listed on Planning Commission agendas to inform Commissioners what will be taken up at future meetings
- Property which is the subject of this special use permit is zoned RDD
- Publicly owned and operated buildings (e.g., fire station) are a use permitted by special use permit in the RDD residential zoning district (multiple family, low density)
- Service Center was mentioned as a possible location for the central fire station, which is also zoned residential

Timing of the millage language and the SUP request: (Questions for the Attorney (See Agenda Item #10))

- Q. Was there any invalidation or questionability with the millage language to naming the site before the site has gone through a review process? In your opinion, is there any other process needed when you put language on a millage that actually specifies an area where there is going to be Board action needed to be taken before it can actually even be designated as that usage?
- A. I see those as two separate processes. The SUP is zoning; the millage is a vote by the people. I am not aware of any requirement that the Board/Township have gone through the SUP process first.

Site specific millage language: (Questions for the Attorney (See Agenda Item #10))

- Q. Under what circumstances can a millage be invalidated based on the site being specified in the millage? Is there any case law?
- A. I'm not aware of any case law. Most of the time a millage will be invalidated due to procedural issues. I can check that further, but I'm not aware of a case that has invalidated a millage based on similar circumstances.

Continued Board and staff discussion:

- Three (3) story training tower will not require any variances
- Training tower is part of the special use permit
- Training tower will be 30 feet high and the building will be 28 feet in height
- Board member belief the training tower was not part of the original proposal
- Inclusion of the training tower was predicated on whether the budget would allow for its construction
- Facility will be used for regional fire training and community meetings and functions

- Number of anticipated training events where all 59 parking spaces will be used
- Concern with the additional parking spaces requested
- Preference to retain the amount of parking required in the ordinance and add additional parking if necessary
- Concept of a community room would be for residents to have a space for meetings, gatherings, etc.
- Bids need to be let for 30 days after a final decision is made, so it appears groundbreaking will not take place until Spring, 2014

Implications of specific millage language: (Questions for the Attorney (See Agenda Item #10))

- Q. Given the ballot language specified the location of this new fire station, are we in a box that if we don't go ahead and approve it at this location, we have to go back to the voters for approval?
- A. Just so we are clear, that issue is absolutely separate from the SUP. The SUP needs the Planning Commission and then the Board to make a determination on the zoning issue separate from the millage, no matter how the millage comes out, or doesn't, or however you can use it or can't use it. I think that is a question that I don't have a definitive answer for; however, there could be a question as to where the money is used, since specific location language was in the millage. There is a chance that you would need to not use the money that's been approved in that millage if it was a different location. But that, I think, needs more research and I'm not so sure there's even a very specific case on that issue.

Continued Board and staff discussion:

- If the Board believes this issue should be referred back to the Planning Commission, the current line of questioning serves no purpose at this time

Trustee Brixie moved to refer the matter back to the Planning Commission for further hearings or other action prior to final determination of the appeal by the Township Board. Seconded by Trustee Scales.

Continued Board and staff discussion:

- If the Township erred, the situation needs to be made right
- Board member belief the process is flawed since the SUP should have been requested and acted upon prior to placing the millage language on the ballot

Trustee Scales called the question. Seconded by Trustee Wilson.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie
NAYS: Trustee Veenstra, Clerk Dreyfus
Motion carried 5-2.

ROLL CALL VOTE ON THE MAIN MOTION: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
NAYS: Trustee Veenstra
Motion carried 6-1.

B. Medical Marihuana Ordinance

Director Kieselbach summarized the proposed ordinance language as outlined in staff memorandum dated October 10, 2013.

Clerk Dreyfus summarized the issues considered by the committee charged with working out changes to the draft ordinance as outlined in the October 10th staff memorandum.

Board members and staff discussed the following:

- Draft language is a compromise proposal
- Board member belief the 1,000 feet from a public or private K-12 school should be amended to be consistent with the state law requirement for distance of a bar from a school (500 feet)

**Commission Review #13053
(Charter Township of Meridian)
November 21, 2013**

APPLICANT: Charter Township of Meridian
Department of Public Works and Engineering
5151 Marsh Road
Okemos, MI 48864

STATUS OF APPLICANT: Owner

REQUEST: Construct a fire station, a nonresidential structure and use in a residential district

CURRENT ZONING: RDD (Multiple Family – up to 5 dwelling units per acre)

LOCATION: Central Park Drive, east of Okemos Road

EXISTING AREA LAND USES: N: Central Park Drive, Autumnwood Condominiums
S: Retail – Office Max, Best Buy
E: Okemos Branch, U. S. Postal Service
W: Okemos Road

CURRENT ZONING IN AREA: N: RDD (Multiple Family – up to 5 dwelling units per acre)
S: C-3 (Commercial)
E: RDD (Multiple Family – up to 5 dwelling units per acre) and C-3 (Commercial)
W: RDD (Multiple Family – up to 5 dwelling units per acre) and Okemos Road

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM: Gail Oranchak
Gail Oranchak, AICP
Principal Planner

DATE: November 21, 2013

RE: Commission Review #13053 (Meridian Township), Section 61 review of character, location and extent for a new fire station

The Planning Commission has been asked to conduct a review for location, character and extent of a proposed new fire station to replace the aged Central Fire Station in accordance with Section 61 (MCL 125.3861) of the Michigan Planning Enabling Act. Section 61 states:

“A street, square, park, playground, public way, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the legislative body.”

The 15,000 square foot structure is proposed for construction on approximately four acres of a 28.5 acre Township-owned site with primary access to Central Park Drive. The site is zoned RDD Multiple Family (5 units per acre).



The **location** refers to the placement in the Township. It is centrally located, surrounded on the east and south by public and commercial uses (Okemos Post Office, Meridian Mall and the Best Buy/Office Max) site to the south) and on the north and west by four-lane paved public streets classified as arterial (Okemos Road) or collector (Central Park Drive) roads. Response times are somewhat improved for areas east of Cornell Road between Grand River Avenue and Tihart Road and on south Hagadorn Road without affecting other areas. The location provides multiple options for travel in all directions thus avoiding periodic flooding on Okemos Road. Neither wetlands nor floodplain are affected by the proposed construction.

The **character** refers to the project's distinguishing features such its use as a multi-purpose public building including the fire station, Fire Department administrative offices, a meeting room for training classes and general Township-wide use and a 61 off-street parking spaces. The fire station will consist of three fire apparatus bays equipment storage facilities, seven dorm rooms and staff support facilities. A study of emergency vehicle calls showed the station would respond to approximately four calls per day and that calls drop off significantly to less than one call per day between the hours of 11:00 p.m. to 6:00 a.m. The structure is of modern design with flat and angled roof lines. Building materials include metal siding with brick accents and long windows identified as "glazed storefronts."

The **extent** refers to the building's 15,000 square foot size and its maximum height of 28 feet, which is less than the maximum 35 feet permitted in the RDD zoning district. It covers represents approximately 1.2 percent of the overall 28.5 acre lot.

The Community Facilities chapter of the 2005 Master Plan indicates the Plan's goals express adopted Township Board goals one of which is to maintain fire and ambulance services. Policy 1.2.2 in the current Township Board Policy Manual Health and Safety Ends states health and safety will be enhanced or sustained through a high level of public safety by preserving or improving response times, prevention activities, and working toward a fire safe community. References to a new fire station have been listed in Capital Improvements Programs for at least the last ten years.

Planning Commission Options

The Planning Commission may approve or deny Commission Review #13053. The legal notice indicated the Planning Commission may make a decision the same night as the public hearing. A resolution to approve has been provided for the Commission's consideration.

Attachments

1. Resolution to Approve
2. Application

Resolution to Approve

**Commission Review #13053
Meridian Township
Central Fire Station
Central Park Drive**

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 25th day of November 2013, at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by Commissioner _____ and supported by Commissioner _____.

WHEREAS, the Meridian Township has proposed to construct and approximate 15,000 square foot building to accommodate the new fire station, Fire Department Administration offices, a training/community room, training tower and associated parking areas on approximately four acres of a 28.5 acre Township-owned site located east of Okemos Road and south of Central Park Drive; and

WHEREAS, Section 61 (MCL 125.3861) of the Michigan Planning Enabling Act states, "A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the legislative body."; and

WHEREAS, the Planning Commission held the public hearing for Commission Review #13053 on November 25, 2013; and

WHEREAS, the Planning Commission reviewed staff materials forwarded under cover memorandum dated November 21, 2013 and discussed Commission Review #13053 at its November 25, 2013 meeting; and

WHEREAS, the request is supported by 2005 Master Plan Goal 5 Maintain Essential Public Services by maintaining and upgrading infrastructure such as community facilities which includes fire stations and to provide support for new fire stations via the Capital Improvements Program;" and

WHEREAS, the replacing an obsolete fire station in a less traffic prone location is also consistent with Township Board Policy 1.2.2 to enhance and sustain health and safety by maintaining response times at or better than national standards, prevention activities, and working toward a fire safe community.

**Resolution to Approve
CR #13053 (Meridian Township)
Page 2**

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN approves the location, character and extent of the proposed Central Fire Station located on a 28.5 acre site east of Okemos Road and south of Central Park Drive.

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Chair of the Planning Commission of the 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 25th day of November 2013.

Patricia Jackson
Planning Commission Chair

CHARTER TOWNSHIP OF MERIDIAN
DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT
5151 MARSH ROAD, OKEMOS, MI 48864
PHONE: (517) 853-4560, FAX: (517) 853-4095

**COMMISSION REVIEW:
AMENDMENT TO MASTER PLAN APPLICATION**
(Municipal Planning Enabling Act (MPEA), MCL 125.3861, Section 61)

A. Applicant Meridian Charter Township, Public Works & Engineering
Address of Applicant 5151 Marsh Road, Okemos, MI 48864
Telephone: Work 517-853-4440 Home _____
Fax 517-853-4095 Email severy@meridian.mi.us

B. Jurisdiction having authority (if different than applicant) _____
Address _____
Telephone _____ Fax _____ Email address _____
Please provide the name of the board, commission or body having jurisdiction for the authorization of financing of the public way, ground, space, building, structure or utility.

C. Applicant's Representative, Architect, Engineer or Planner responsible for request:
Name / Contact Person Raymond O. Severy, P.E.
Address 5151 Marsh Road, Okemos, MI 48864
Telephone: Work 517-853-4440 Home _____
Fax 517-853-4095 Email severy@meridian.mi.us

D. Site location/address Southeast corner of Okemos Road and Central Park Drive
Zoning Classification(s) RDD
Parcel number(s) 16-400-023, 21-226-007

E. I (we) hereby grant permission for members of the Charter Township of Meridian's Boards and/or Commissions, Township staff member(s) and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purpose of gathering information including but not limited to the taking and the use of photographs.

Yes No (Please check one)

By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate.

Raymond O. Severy 11-19-13
Signature of Applicant Date

Raymond O. Severy, P.E.
Type/Print Name

Fee: _____ Received by/Date: _____

Date application submitted: _____ Date application deemed complete: _____ Date of last day for decision: _____

This form should be included with the COMMISSION REVIEW APPLICATION.
Explain your position on the lines below, and attach supporting information.

REASONS FOR MODIFYING THE MASTER PLAN

Please explain your request to modify the Township's Master Plan for construction or authorization of a street, square, park, playground, public way, ground, other open space or public building, utility or other structure on the following lines:

To construct a fire station at the location approved by the voters in 2012.

The location, character and extent of your request will be evaluated in accordance with the responses you provide to Questions 1-12.

1. How will the request if approved be consistent with current development trends in the Township?

It will replace the existing fire station on Clinton Street to provide emergency services to
the central portion of the Township.

2. How does the request further the Township Master Plan goals to: Preserve and strengthen residential neighborhoods

- Preserve open space and natural areas
- Maintain the viability of Meridian Township Businesses
- Maintain and expand a strong and diverse park system
- Maintain essential public services
- Provide and support an efficient, safe and environmentally sensitive multi-modal transportation system
- Maintain and enhance the Township's growth management program

Construction of the fire station will provide fire protection and emergency services to
Meridian Township businesses and maintain these vital public services.

3. Is the request supported by surveys or studies of the present conditions and future needs of the Township? If yes, please attach a copy of the survey and/or study.

A study was completed that determined that the existing fire station on Clinton Street
should be replaced. Renovation was not feasible.

4. How does the request promote the health, safety and general welfare of the Township public?

It will improve emergency service response for this area of the Township and provide a
centralized location for fire department administration and operations, increasing efficiency.

5. How does the request promote the best use of time, effort and resources in the development of the Township?

Renovation of the existing Clinton Street fire station is not feasible. Construction of a new
fire station is the best use of Township resources.

6. How does the request promote wise and efficient expenditures of Township public funds?

Renovation of the existing Clinton Street fire station is not feasible. Construction of a new
fire station is the best use of Township resources.

7. How does the request impact traffic in the Township?

No impact

8. How does the request impact the public's safety from fire and other dangers in the Township?

The new fire station will improve the public's safety from fire and other dangers in the
Township.

9. How does the request impact the light and air in the Township?

No impact

10. How does the request impact the population distribution in the Township?

No impact

11. How does the request promote good public design and arrangement in the Township?

The location is centrally located between the existing north and south fire stations, is
between the railroad tracks, and is close to the Meridian Mall.

12. How does the request impact public utilities and other public services in the Township?

Both are available in Central Park Drive. The new fire station will have no impact.

CHARTER TOWNSHIP OF MERIDIAN

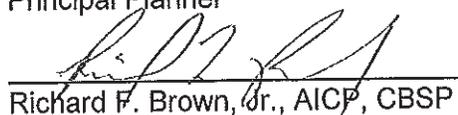
MEMORANDUM

TO: Planning Commission

FROM:



Gail Oranchak, AICP
Principal Planner



Richard F. Brown, Jr., AICP, CBSP
Associate Planner

DATE: November 21, 2013

RE: Special Use Permit #13-77021 (DTN Management), a request to open and operate a plasma center in Carriage Hills Shopping Center

The Planning Commission opened the public hearing on Special Use Permit #13-77021 at its October 14, 2013, meeting and continued it at its November 18, 2013, meeting. The Planning Commission may approve, approve with conditions, or deny Special Use Permit #13-77021. Pursuant to the adopted motion by the Planning Commission at its November 18, 2013 meeting, staff has prepared a resolution to deny for consideration.

Attachment

1. Resolution to deny

g:\planning\brown\sup\s\sup13-77021.pc3.doc

RESOLUTION TO APPROVE

**Special Use Permit #13-77021
(DTN Management)
Plasma Center**

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 25th day of November 2013, at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, DTN Management requested a special use permit (Special Use Permit #13-77021) to allow CSL Plasma to open and operate an approximate 13,300 square foot plasma center in the Carriage Hills Shopping Center; and

WHEREAS, the Planning Commission held a public hearing on Special Use Permit #13-77021 at its meetings on October 14, 2013 and on November 18, 2013, and reviewed the staff material forwarded under cover memorandums dated October 10, 2013 and November 14, 2013; and

WHEREAS, the Carriage Hills Shopping Center is sized and located to draw its primary patron base from surrounding neighborhoods and businesses; and

WHEREAS, the scale and scope of the proposed plasma center is consistent with a regional-level trade area, which is not consistent with the purpose of the C-2 (Commercial) zoning district that calls for businesses serving a community-level trade area; and

WHEREAS, establishments located in neighborhood-oriented shopping centers are typically engaged in selling goods and merchandise, and services incidental to the sale of goods, for the use and consumption by patrons living and working in surrounding neighborhoods and businesses; and

WHEREAS, a plasma center provides neither goods nor services for personal or household consumption; and

WHEREAS, the explanation of the plasma center's operation suggests it draws its clients from the region versus the surrounding neighborhood or community; and

WHEREAS, based on the extent of the plasma center's trade area, it would be better suited in a more highly trafficked commercial or business district that has a greater availability and variety of mobility options for its clients throughout the week.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby denies Special Use Permit #13-77021 as the proposed plasma center is consistent with all of the review criteria identified in Section 86-126 and Section 86-659 of the Code of Ordinances.

Resolution to Approve
SUP #13-77021 (DTN Management)
Page 2

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

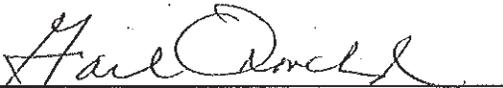
I, the undersigned, the duly qualified Chairperson of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Planning Commission on the 25th day of November, 2013.

Patricia Jackson, Chair
Meridian Township Planning Commission

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM: 
Gail Oranchak, AICP
Principal Planner


Martha K. Wyatt
Associate Planner/Landscape Architect

DATE: November 22, 2013

RE: Commercial Planned Unit Development #13044 (Wolverine Building Group), request to redevelop the existing properties at 2756 and 2758 Grand River Avenue as a commercial planned unit development (C-PUD), and construct an approximate 35,708 square foot Whole Foods supermarket.

The Planning Commission held a public hearing on November 18, 2013 regarding the request to establish a commercial planned unit development (C-PUD) on Grand River Avenue, north of the intersection of Grand River Avenue and Northwind Drive (2756 and 2758 Grand River Avenue). The redevelopment project includes the removal of several existing buildings and the construction of an approximate 35,708 square foot Whole Foods supermarket. The approximate 5.36 acre site for the proposed C-PUD is zoned C-2 (Commercial), with the exception a linear strip (0.30 acre) running north-south along the eastern property line, which is zoned RC (Multiple Family-Medium Density).

Planning Commission Options

The Planning Commission may recommend approval, approval with conditions, or denial. A resolution to approve has been provided.

Attachments

1. Resolution to approve
2. Aerial photograph of subject area

RESOLUTION TO APPROVE

**Commercial Planned Unit Development #13044
(Wolverine Building Group)
Whole Foods**

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 25th day of November 2013, at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, Wolverine Building Group, representing the property owner, has submitted a request to establish a commercial planned unit development on Grand River Avenue, north of the intersection of Grand River Avenue and Northwind Drive (2756 and 2758 Grand River Avenue) as a redevelopment project and to construct an approximate 35,708 square foot Whole Foods supermarket on the approximate 5.36 acre site;

WHEREAS, the Planning Commission held a public hearing at its regular meeting on November 18, 2013 and reviewed and discussed staff material forwarded under staff memorandums dated November 15, 2013 and November 22, 2013; and

WHEREAS, the subject site is appropriately zoned C-2 (Commercial), which allows for a commercial planned unit development; and

WHEREAS, the proposed commercial planned unit development will be harmonious and appropriate with the existing and intended character of adjacent commercial developments which includes Hobby Lobby, Tuesday Morning, and A-I Fusion to the south; Super 8 Motel to the east; and Tom's Party Store, Advanced Auto Parts, and Gables Point to the west; and

WHEREAS, the proposed commercial planned unit development is and will be adequately served by essential public facilities and services, such as police, fire, stormwater drainage, and existing roadways; and

WHEREAS, the proposed commercial planned unit development is and will be adequately served by public water and sanitary sewer; and

WHEREAS, the commercial planned unit development ordinance is intended to provide reasonable flexibility for modifications to or redevelopment of commercial sites to ensure the continuing economic viability of the Township's commercial areas; and

WHEREAS, the proposed project will rehabilitate and redevelop a degraded site and provide economic vitality to the one of the Township's commercial areas; and

**Resolution to Approve
MUPUD #13044 (Whole Foods)
Page 2**

WHEREAS, investment in the proposed redevelopment project is consistent with the Township Board policy #1.3.3 to facilitate a thriving economic community by encouraging commercial planned unit development zoning for redevelopment.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Commercial Planned Unit Development #13044, subject to the following conditions:

1. The recommendation for approval is based on the Overall Site Plan, Site Plan, Utility Plan, Grading Plan, and Landscape Amenities Plan, prepared by Paradigm Design, dated November 13, 2013, and building elevations prepared by Paradigm Design, dated received November 18, 2013, subject to revisions as required.
2. Approval is subject to one or more amenities. The applicant proposes the following amenities: rehabilitation of a degraded site; fenced outdoor patio; and two (2) sidewalk planters in the outdoor patio.
3. The requested waiver for building perimeter landscaping should be granted as site constraints and location of the building entrances limit the areas for landscaping around the building, and sidewalk planter boxes are proposed in the outdoor patio as an amenity.
4. The requested waiver for the side setback from the parking area and access drive on the east and west sides of the subject site should be granted as landscaping is proposed to provide screening, including a five (5) foot high berm with a double row of coniferous trees along the majority of the east property line.
5. The requested waiver to exceed the maximum number of parking spaces should be granted as the additional parking spaces will benefit customers both at the Whole Foods store and existing retail stores west of the subject site. Granting the waiver is subject to cross-parking agreements being secured between the Township and the appropriate property owners, in a format acceptable to the Township.
6. The requested waiver for the proposed ten (10) foot wide landscape buffer along Grand River Avenue (southwest corner of site) should be granted as additional right-of-way is required by the Michigan Department of Transportation in this area.
7. The requested waiver for the proposed five (5) foot wide landscape buffer on the west side of the subject site, adjacent to Tom's Party Store, should be granted as the existing buffer is approximately five (5) feet wide and new landscape screening is being provided to improve the area.
8. The requested waiver for the size of the proposed freestanding sign (56 square feet of surface display area) should be granted as similarly-sized freestanding signs are located on commercial sites along Grand River Avenue. Granting of the waiver is subject to a monument-style sign being provided in place of the proposed pole-style sign. Brick or masonry materials that match the building should be incorporated into the sign base.

**Resolution to Approve
MUPUD #13044 (Whole Foods)
Page 3**

9. The existing mobile homes and other structures associated with the entire Mobile Home Manor site, or other materials and debris found on the subject site, and debris resulting from clearing, grading, or construction activities related to the proposed project should be removed from the site and be properly disposed. Existing utilities including water, sanitary sewer, cable, natural gas, and electric utility lines should be properly abandoned.
10. All utility service distribution lines should be installed underground.
11. Truck deliveries to the site should be limited to the hours between 7:00 a.m. and 9:00 p.m.
12. A future ingress-egress connection should be considered, if feasible, to the adjacent commercial property east of the subject site (Super 8 Motel).
13. Appropriate pavement improvements should be made to the existing service drive located west of the subject site (next to Advanced Auto Parts) as part of the proposed project.
14. Shopping carts should be stored inside the building or in an enclosed area.
15. If the existing fence remains along the east property line of the subject site, the fence should be repaired or upgraded as deemed appropriate by the Director of Community Planning and Development.
16. Site accessories such as benches, trash and recycling receptacles, exterior lighting fixtures, and bicycle racks should be considered for commercial quality, and being complementary with the building design and style.
17. Site and building lighting should comply with Article VII in Chapter 38 of the Code of Ordinances and are subject to the approval of the Director of Community Planning and Development. LED lighting should be used where feasible.
18. All mechanical, heating, ventilation, air conditioning, and similar systems should be screened from view by an opaque structure or landscape material selected to complement the building. Such screening is subject to approval by the Director of Community Planning and Development.
19. The applicant should obtain all necessary permits, licenses, and approvals from the Michigan Department of Transportation and the Township. Copies of all permits and approval letters should be submitted to the Department of Community Planning and Development.
20. The utility, grading, and storm drainage plans for the site are subject to the approval of the Director of Public Works and Engineering and should be completed in accordance with the Township Engineering Design and Construction Standards.
21. The applicant should apply to the Township for a land division; once approved, documents should be recorded with the Ingham County Register of Deeds and proof of recording submitted to the Township prior to the issuance of an occupancy permit.

Resolution to Approve
MUPUD #13044 (Whole Foods)
Page 4

- 22. Copies of the site plan information and construction plans for the project that exist in an AutoCAD compatible format should be provided to the Township Engineering staff.
- 23. Any future building addition or expansion will require a modification to the Commercial Planned Unit Development #13044.

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Chair of the Planning Commission of the Charter Township 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 25th day of November 2013.

Patricia Jackson, Chair
Planning Commission



Proposed
Whole Foods

Park Lake Rd

McMile Dr

Blue Haven Dr

Cahill Dr

Heather Dr

Roseland Ave

Wardcliff Dr

Greenclyff Dr

Rockwood Dr

Mansfield Dr

Roseland Ave

Greenfield Pkwy

Brenwood Ave

Sirhal Dr

E Brookfield Dr

Maplewood Dr

Grand River Ave

Oakwood Dr

Hagadorn Rd

Cahill Dr

CHARTER TOWNSHIP OF MERIDIAN

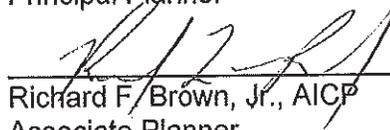
MEMORANDUM

TO: Planning Commission

FROM:



Gail Oranchak, AICP
Principal Planner



Richard F. Brown, Jr., AICP
Associate Planner

DATE: November 21, 2013

RE: Special Use Permit #13141 (Wooledge), a request to work and place fill in the 100-year floodplain at 2700 Mt. Hope Road

The public hearing regarding Special Use Permit #13141 was held at the Planning Commission's November 18, 2013 meeting. The memorandum addresses issues discussed at the meeting.

On Wednesday, November 20, 2013, two Planning Commission members (James Selehi and Richard Honicky) accompanied staff on a site visit to the applicant's property. They were joined on-site by one of the applicants, as well as their consultant.

A copy of the Township Environmental Consultant's summary email report of their findings from the September site visit is attached for review.

Planning Commission Options

The Planning Commission may approve, approve with conditions, or deny Special Use Permit #13141. A resolution to approve has been provided for consideration.

Attachments

1. Resolution to approve
2. Email message from the Township's Environmental Consultant
3. Letter from applicant's consultant, dated November 22, 2013

RESOLUTION TO APPROVE

**Special Use Permit #13141
(Wooledge)
Work/fill in the Floodplain**

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 25th day of November 2013, at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, Jeff & Arianna Wooledge requested a special use permit (Special Use Permit #13141) to enlarge an existing pond and create a berm by placing fill in the 100-year floodplain in Section 20 of the Township; and

WHEREAS, Section 86-436, Conservancy District of the Township Code of Ordinances requires a special use permit for the proposed activities impacting the 100 year floodplain; and

WHEREAS, the Planning Commission held a public hearing on Special Use Permit #13141 at its meeting on November 18, 2013, and reviewed the staff material forwarded under cover memorandums dated November 14, 2013 and November 21, 2013; and

WHEREAS, the proposed work and fill in the floodplain is consistent with the requirements and standards outlined in Section 86-436, the Conservancy District for the granting of a special use permit because the fill will not cause an increase in the flood level as it will be exceeded by the proposed cut; and

WHEREAS, the improvements associated with the proposed project will not be adverse or damaging to the public health, safety, or welfare because a 1.25:1.00 compensating cut will be provided in exchange for the proposed fill and site topography will be appropriately shaped, thus eliminating potential hazardous impacts from the project on neighboring uses and properties; and

WHEREAS, the proposed work and fill in the floodplain is consistent with the general purpose identified in Chapter 86-5 as it reduces the hazards to life and property from flood and other dangers by increasing the impoundment capacity of the 100-year floodplain; and

WHEREAS, the proposed work and fill in the floodplain will not alter the property's residential character, use, and appearance, nor will it include operations, processes, or activities that would result in the production of excessive traffic, noise, smoke, fumes, glare or odors; and

WHEREAS, the Director of Public Works and Engineering in his role as the Township Floodplain Manager, approved the project, contingent on any permits or conditions required by the Township.

**Resolution to Approve
SUP #13141 (Wooledge)
Page 2**

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #13141 subject to the following conditions:

1. Approval is subject to the plan prepared by Mayotte Engineering & Design, dated September 30, 2013, and the related materials submitted as part of Special Use Permit #13141, subject to revisions as required.
2. The applicant shall obtain any applicable permits, licenses, and approvals from the Michigan Department of Environmental Quality and the Township prior to any further site work taking place. Copies of all permits, licenses, and approvals shall be submitted to the Department of Community Planning & Development.
3. In no case shall the impoundment capacity of the floodplain be reduced.
4. Prior to work restarting on the site, silt fencing shall be installed at the required 40 foot setback from regulated wetlands located to the east of the berm to prevent accidental erosion and/or disturbance in the water features setback.
5. All fill placed in the floodplain or on other parts of the subject site shall be protected against erosion with silt fencing.
6. Prior to any additional site work taking place, the applicant shall provide to the Department of Community Planning & Development a set of detailed stormwater calculations prepared and sealed by a professional engineer, which confirm that additional stormwater will not accumulate on properties located east of the proposed berm because of the addition of the berm.
7. If detailed stormwater calculations as described in condition #5 above cannot be provided, the entire berm proposed in the 100-year floodplain shall be removed and all soils from it deposited in an upland location first approved by the Director of Community Planning & Development. Upon removal of the berm, the pre-existing grade shall be re-established.

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

**Resolution to Approve
SUP #13141 (Wooledge)
Page 3**

foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Planning Commission on the 25th day of November, 2013.

Patricia Jackson, Chair
Meridian Township Planning Commission

Rick Brown

From: Tripp, Elise <ehtripp@FTCH.com>
Sent: Tuesday, September 17, 2013 4:19 PM
To: Rick Brown
Cc: Mark Kieselbach
Subject: 2700 Mount Hope Road

Rick: this email discusses the wetland status in the vicinity of pond excavation at 2700 Mount Hope Road. I inspected this area on September 16, 2013, during a site meeting attended by Tim Mayotte – Mayotte Design & Engineering, Joe Cook – Mayotte Design & Engineering, Donna Cervelli – MDEQ, Tom Kolhoff – MDEQ, Younes Ishraidi – Meridian Township, and yourself.

The area of excavation was located directly east of a pre-existing pond, north of the toe of slope. Turf grass was the dominant vegetation in this area. A large burr oak tree and a fairly large redbud tree were observed to the north, at the same approximate elevation as the pond excavation. These trees are upland species. No wetland species were observed intermixed with the turf grass. The water level in the pond was approximately 3 feet below the ground surface. It is apparent that the area of excavation does not contain wetland, due to lack of wetland vegetation and hydrology.

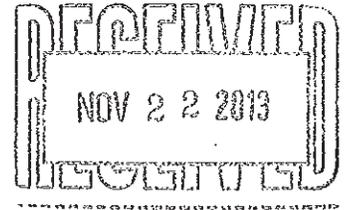
We also inspected the southern end of the property, near Mount Hope Road. A forested wetland was observed in this area but did not extend to the eastern property boundary. This wetland will need to be delineated prior to construction of an entrance drive, to assure the appropriate buffer is maintained.

Let me know if you need any further assistance with regards to this site.

Elise Hansen Tripp, PWS ♦ Senior Wetlands Specialist/Ecologist/Landscape Designer ♦ 616.464.3738 ♦
www.ftch.com
Fishbeck, Thompson, Carr & Huber, Inc. ♦ Engineers, Scientists, Architects, Constructors

November 22, 2013

Planning Commission
Charter Township of Meridian
5151 Marsh Road
Okemos, Michigan 48864-1198



**RE: Special Use Permit (SUP) Application No. 13141
Excavation and Fill Placement in 100-Year Floodplain
Wooledge Parcel
2700 Mount Hope Road
Okemos, Michigan 48864**

Dear Commissioners:

On behalf of Jeff and Arianna Wooledge, we offer the following observations and facts to address the SUP review criteria, pursuant to Section 86-126 of the Meridian Township Code of Ordinances:

1. The project is consistent with the intent and purpose of this chapter.

The expansion of an on-site pond and placement of fill to create a landscaped berm are enhancements to existing natural features on the parcel. Neither feature will increase flood potential or impede the drainage of flood waters from the subject or adjacent parcels. Therefore, we submit that the project is indeed consistent with the intent and purpose of the chapter.

2. The project is consistent with applicable land use policies contained within the Township's current comprehensive development plan.

The pond expansion and berm construction does not decrease the water retention volume of the floodplain. In fact, there will be a small increase in floodplain volume afforded by the creation of these two features. The intent of both features is in the spirit of preserving natural areas of the Township and resources of the State. Therefore, we submit that the project is consistent with applicable land use policies contained within the Township's current comprehensive development plan.

3. The project is designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.

The pond expansion and berm construction will serve to modify the topography of the ground surface exclusively in the immediate vicinity of these features. No outlying areas are to be altered. Both new features represent subtle alterations to existing natural features. The general use and appearance of the new features will be entirely consistent with the prior use and appearance of the pre-construction land surface. Therefore, we submit that the project is designed and will be constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.

4. The project will not adversely affect or be hazardous to existing neighboring uses.

The combined actions of pond expansion and berm construction will result in a net increase in the water retention volume of the floodplain, as determined through cut-and-fill analysis of both features. The position and orientation of the berm will not impede the encroachment or recession of floodwaters. Therefore, the project will not adversely physically affect or be hazardous to existing neighboring uses. Consultation with the Ingham County Drain Commission re-enforces this assertion, as that agency has reviewed and not taken issue with the proposed project.

5. The project will not be detrimental to the economic welfare of the surrounding properties or communities.

The expansion of the pond and construction of the berm on a rural residential parcel will not result in detrimental impacts to the economic welfare of adjacent or surrounding properties as the project features do not materially affect the natural conditions of those properties. Because the pond expansion and berm construction will not affect the water retention capacity of or drainage into or from the floodplain, the project will not be

detrimental to the economic welfare of the surrounding properties or communities.

- 6. The project is adequately served by public facilities, such as existing roads, schools, stormwater drainage, public safety, public transportation, and public recreation, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such service.**

For all intents and purposes, this criterion is not applicable to the expansion of a pond or construction of a landscaped berm on a private residence. Township staff have confirmed that this criterion is not applicable.

- 7. The project is adequately served by public sanitation facilities if so designed. If on-site sanitation facilities for sewage disposal, potable water supply and storm water are proposed, they shall be properly designed and capable of handling the long-term needs of the proposed project.**

For all intents and purposes, this criterion is not applicable to the expansion of a pond or construction of a landscaped berm on a private residence. Township staff have confirmed that this criterion is not applicable.

- 8. The project will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare, or odors.**

Although one to two days of on-site earth moving is necessary to complete the project, these actions will be conducted during normal business hours and will not encroach onto neighboring parcels. Township staff have indicated that this criterion is not applicable.

9. The project will not directly or indirectly have a substantial adverse impact on the natural resources of the township, including, but not limited to, prime agricultural soils, water recharge areas, lakes, rivers, streams, major forests, wetlands, and wildlife areas.

The soil within the floodplain of the Wooledge parcel has been mapped as Houghton Muck. Therefore, no agricultural soils are impacted by the project. The project site is within the 100-year floodplain and is therefore not considered a water recharge area. Only a private lake is affected through expansion. No other adjacent water bodies are impacted by the expansion of the Wooledge pond. Experts serving both the Township and Michigan Department of Environmental Quality have concluded that no wetlands are impacted by the project. The project area is within open terrain. Therefore, no major forests are affected. Wildlife continues to abound on the Wooledge parcel. Considering that the majority of the project has been complete since late August 2013, we assert that the local fauna has already adapted to the minor alterations to the Wooledge property landscape.

Pursuant to Section 86-436 of the Meridian Township Code of Ordinances, three issues to be considered when evaluating a request to work in a floodway fringe, we offer:

1. The project will not be adverse to the purpose of the Conservancy District.

The expansion of an existing pond and construction of a landscaped berm to improve the parcel for future single-family home construction is a reasonable use that does not adversely impact the purpose of the Conservancy District.

2. The project will not be adverse to the public health, safety and welfare.

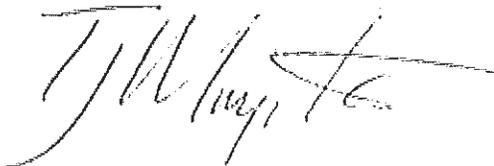
Because the combined actions of the pond expansion and berm construction will produce a small increase in the water retention capacity of the floodplain, there is no adverse threat posed to public health, safety and welfare.

3. The project will not impose a substantial financial burden on the Township.

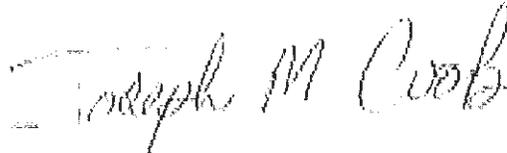
As confirmed by Township officials, no infrastructure or facilities are located in the vicinity of the project. Further, the small increase in floodplain volume afforded by the project will ensure that no financial impacts due to flooding will be associated with the project. Therefore, the project will not impose a substantial financial burden on the Township.

We appreciate the Commissions consideration of the foregoing information. Should you have any questions regarding this submittal, please contact Tim Mayotte at (517) 388-2623 or Joe Cook at (517) 899-8110.

Mayotte Design and Engineering, PC



Timothy J. Mayotte, Ph.D., P.E.
Owner/President



Joseph M. Cook, CPESC
Senior Project Manager