

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

APPROVED

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

PRESENT: Commissioners Cordill, Deits, DeLind, Hildebrandt, Honicky, Ianni, Jackson, Salehi, Scott-Craig
ABSENT: None
STAFF: Director of Community Planning and Development Mark Kieselbach, Director of Public Works and Engineering Ray Severy, Associate Planner Rick Brown, Principal Planner Principal Planner Oranchak

1. Call meeting to order

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

2. Approval of agenda

Commissioner Salehi moved to approve the agenda amended as follows:

- **Add SUP #13121 and CR #13053 as the first two unfinished business items**

Seconded by Commissioner Hildebrandt.

Planning Commission and staff discussion:

- Concern with the Township Attorney's statement that the Planning Commission did not make a decision on SUP #13121
- Township Board did not ask the Planning Commission to do anything further
- SUP #13121 was on appeal to the Township Board
- Township Board has all the authority to make the decision regarding the appeal
- The Planning Commission was asked to hold a public hearing and provide other information deemed necessary
- The Planning Commission fulfilled its obligations regarding the Township Board's request when it held the public hearing and sent a resolution back to the Board
- The SUP is in the Board's venue at this time because it is the body handling the appeal
- When a SUP is appealed to the Township Board, they take over the responsibility of making a decision on that appeal
- The Planning Commission did not take an affirmative vote on the SUP; therefore, no action was taken
- Planning Commissioner belief the Board sent the SUP back to the Planning Commission and requested the Commission act on it
- Planning Commissioner belief the Board is interpreting movement by the Planning Commission on this issue as inaction and it was the Planning Commission's responsibility to act on it
- The Township Board did not request further consideration by the Commission on SUP #13121 after the Planning Commission dealt with the SUP request at its January 13, 2014 meeting
- The Township Board asked the Planning Commission to make a recommendation on the Autumn Park residents' appeal of SUP #13121
- Planning Commissioner belief it is in everyone's best interest to make very clear the Commission's intent was to deny SUP #13121
- SUP #13121 is not before the Planning Commission and the Commission does not have the authority to place the special use permit (SUP) on its agenda

- Only reason the Board sent back the SUP to the Planning Commission for further review was to correct a procedural error
- Final decision of this appeal is at the Board level
- No fee involved for the Autumn Park Condominium owners to appeal
- Inquiry if a motion to deny would have had more legal stature in the appeal process
- Staff belief the Planning Commission's decision on the SUP was clear as it did not approve the SUP due to lack of a majority of votes on the issue
- Authority on this issue currently rests with the Township Board
- Legal standing of a resolution to approve which did not pass v. resolution to deny
- If there was a necessity for the Planning Commission to act on a resolution to deny subsequent to its vote on the resolution to approve which did not pass, the Board would have sent the SUP back to the Planning Commission for such action
- Resolutions to deny are usually prepared when no Planning Commissioner will read a resolution to approve or second a resolution to approve, resulting in nothing on the table for action
- Concern with the Township Attorney's statement during a recent Board meeting that seems to indicate a resolution to approve which does not pass is not interpreted as a denial
- Appellant has been and still is the Autumn Park Condominium owners
- Suggestion to ask the Township Attorney to clarify her remarks at the February 4, 2014 Board meeting
- Creating a resolution to deny this evening is not practical
- Request for staff to prepare a resolution to deny for SUP #13121 and CR #13053
- Legality of the Planning Commission placing these items on tonight's agenda without proper notice

Commissioner Cordill moved to approve the agenda as submitted. Seconded by Commissioner DeLind.

VOICE VOTE: Motion carried 7-2 (Hildebrandt, Salehi)

3. Approval of Minutes

Commissioner Ianni moved to approve the Regular Meeting Minutes of January 27, 2014. Seconded by Commissioner Scott-Craig.

VOICE VOTE: Motion carried 9-0.

4. Public Remarks

Chair Jackson opened the floor for public remarks.

Brenda Green, 6622 White Clover Drive, East Lansing, responded to questions asked by Planning Commissioners during the January 27, 2014 public hearing on SUP #14011.

Neil Bowlby, 46020 Beechwood Drive, Haslett, believed a resolution to deny for SUP #13121 is warranted, as failure to pass a resolution is equivalent to inaction; therefore the Planning Commission has not fulfilled the Board's request to take action. He requested maps be included in the public packet when they are germane to the discussion to take place. He spoke to septic systems in the Ponderosa subdivision which have successfully been replaced relative to the urban services management area discussion on septic system failures within the subdivision.

Leonard Provencher, 5824 Buena Parkway, Haslett, believed the Planning Commission's non-approval of SUP #13121 and CR #13053 was not interpreted as a denial by some members of the Township Board.

Chair Jackson closed public remarks.

5. Communications (None)

Brett Rycus, 2185 White Owl Way, Okemos; RE: Support for Rezoning #14020

Adam Goss, 3911 Sandlewood Drive, Okemos; RE: Support for Rezoning #14020

Jan and Larry Shoemaker, 2143 Raleigh, Okemos; RE: Support for Rezoning #14020

6. Public hearings

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

Chair Jackson opened the public hearing at 7:38 P.M.

- Introduction by the Chair (announcement of procedures, time limits and protocols for public participation and applicants)

- Summary of subject matter

Principal Planner Oranchak summarized the rezoning request as outlined in staff memorandum dated February 6, 2014.

- Applicant

David Pierson, attorney for Okemos Road, LLC, McClelland & Anderson, 1305 S.

Washington Avenue, Lansing, noted the comprehensive development plans since the 1970s show a large area to the south across the west side of Okemos and to the north which has long been designated multiple family development for this area of the Township. He added the west side of Okemos Road across from the subject property and to the south on both sides of Okemos Road has been rezoned and developed as office, a transition and buffer to the single family to the north and east of Okemos Road. Mr. Pierson indicated the advantage to office is that it is primarily a day time use and low intensity relative to its effect on nearby surrounding uses (day care and church to the south and the fire station directly across the street). He stated the current zoning is rural residential (RR), with well and septic on the property while acknowledging public water and sewer is available to the site.

Mr. Pierson did not believe the property had much value in its current condition, as the buyer would not likely live there. He noted quads and duplexes back up to the subject property and an eleven unit apartment building to the north is free standing and doesn't encourage a connection to make a useful larger development. Mr. Pierson stated the owners believe that office is a good use. He noted the user which will be attracted to this location will be different from one that preferred space in an office complex, similar to the complex across the road. Mr. Pierson offered Dr. Tenaglia's building as an example of the type of user who wants road exposure in an effort to draw people. He noted the applicant had originally drawn plans for a 10,000 square foot building, but the engineer noted 7,500 square feet is the limit which can be placed on the subject parcel and still comply with the Township's setback, landscaping and parking requirements. Mr. Pierson acknowledged the owner does not have a signed tenant for the property at this time.

- Public

Jim Robison, 3877 Hemmingway, Okemos, spoke in opposition to the proposed rezoning. He stated that at one time, Okemos Road was zoned as a buffer between development to the west and the residential use of the area to the east. Mr. Robison indicated there are many PO zoned vacancies at the intersection of Jolly and Okemos Road. He expressed concern with zoning “creep” along Okemos Road.

Jim Rypkema, 2167 Heritage Avenue, Okemos, expressed concern regarding development between his subdivision, Briarwood, and property to the south. As a homeowner near that area, he would like the RR zoning designation to remain.

Lynne Page, 3912 Raleigh Drive, Okemos, expressed opposition to the rezoning request. She believed it spot zoning from RR to PO which is inconsistent with the Master Plan. Ms. Page spoke in favor of redevelopment of the property as single family residential use is not the best use of the property. She stated uses permitted by right and by SUP on Okemos Road are more consistent with the Master Plan and the residential dwellings surrounding the property. Ms. Page expressed concern if this residential parcel is rezoned to PO, all the remaining residential uses to the north from Fox Hollow to Kinawa Drive would have the potential to be similarly rezoned to a commercial or PO use, much to the detriment of the seven (7) contiguous subdivisions.

- Planning Commission discussion:

Commissioner Ianni asked if it would be possible to rezone this property to RC or RD in conformance with the Master Plan to allow the applicant to have more productive use of the property while keeping it “in line” with the current zoning under the plan as a residential use.

Principal Planner Oranchak responded the Planning Commission can make a recommendation to the Township Board that the RD or RDD zoning designation is more appropriate, but that is not what the applicant has requested.

Commissioner Salehi noted the Master Plan’s Future Land Use Map intends for a rezoning of that entire area as residential with density. He noted the merits of Mr. Pierson’s argument that single family residential (RR) is not currently an appropriate zoning designation, but the Master Plan denotes a different direction for that parcel.

Commissioner Deits stated that a RC or RD zoning designation for this property would be a more intensive use and would have greater impact on traffic on Okemos Road, while acknowledging that infill development is a “good thing” and the Planning Commission has been presented with an opportunity to place infill residential at this location. He stated rezoning this property to PO would allow for a possible mixed use planned unit development (MUPUD) in the future, noting that the use is not before this body. Commissioner Deits added that many other uses allowed by right or SUP have a much more intensive use than PO and the Planning Commission needs to decide what type of intensity it sees for this site.

Commissioner Cordill requested information be included in the upcoming packet regarding trip generations by higher intensity residential. She stated PO is usually considered a transitional use between multi-family and single family as it typically has a day-time use and a lower impact than other uses.

Commissioner DeLind inquired if the traffic study is inclusive of the residential zoning options as well as the proposed use.

Principal Planner Oranchak responded the traffic engineer only looked at professional office uses and selected a higher traffic generator in the office use category. She noted a comparison was not made between the higher density residential uses proposed by the Master Plan.

Commissioner Hildebrandt asked if the applicant could come to the Planning Commission for a SUP for whatever PO they are considering as a non-residential use in a residential district.

Principal Planner Oranchak did not believe so, as there are very limited office type uses allowed by SUP in the non-residential use category.

Commissioner Hildebrandt inquired if there is any office-type use by right for RD or RDD.

Principal Planner Oranchak responded the non-residential uses are typically the same as PO.

Commissioner Hildebrandt added the rezoning to PO may at some point fall back into being vacant as PO has been, and is currently, hard to fill.

Commissioner Scott Craig stated his review of the uses permitted by SUP for PO and some of the other residential uses (e.g., RC) and believed there are more intrusive uses in some of the residential uses than in PO.

Principal Planner Oranchak believed that could be the case.

Commissioner Scott Craig stated the parcel seemed “orphaned” as it is surrounded by various types of development which will not change in the future. He did not believe this parcel will experience any type of residential use and thought the PO use proposed was likely one of the better choices.

Commissioner Deits believed one of the ways around the current situation on the subject site is a MUPUD with residential in the rear. He added leaving the parcel RR would not allow for that option and was unsure if increasing the density to allow some type of multi-family development is commercially viable.

Commissioner Salehi believed a SUP for a non-residential use in a residential district a preferable option to rezoning the parcel PO, as two properties directly to the south received a SUP for a non-residential use in a residential district (i.e., child day care and a church). He spoke to the theory of zoning “creep.

Commissioner Deits inquired if there is a two (2) acre minimum for all non-residential uses in a residential district.

Principal Planner Oranchak responded that is true for uses such as the child care center and the church. She noted there are some uses which do not require a minimum lot size, but most do.

Commissioner Deits added there is not as much flexibility as to the types of uses which could be allowed due to the one-acre size of the parcel.

Commissioner Honicky stated he visited the site and was visually reminded of the predestination of homes along Okemos Road to become non-residential when Okemos Road was widened and made a major artery. He believed PO is one avenue toward that use.

Commissioner Ianni believed the Planning Commission should have control over the process and RD and RDD would ensure, through SUP, it doesn't encroach on surrounding residential properties. He noted that PO is not a planned future land use for this area as noted in the Master Plan.

Commissioner Salehi inquired if there was a way to restrict the allowed special uses by SUP if the property was rezoned PO.

Principal Planner Oranchak responded it is not possible for the Township to place restrictions on the types of uses permitted when allowed by our ordinance.

Chair Jackson believed if this parcel is rezoned to PO, zoning "creep" will commence as buildings around it are older and the possibility of their redevelopment as PO is increased by the initial placement of PO in the area. She also spoke to the issue of spot zoning as the entire area is currently some type of residential zoning designation. Chair Jackson preferred rezoning to another residential category instead of the PO as request, believing it would provide the applicant with additional options.

Commissioner DeLind added he believed some residential classification will bring the site back in line with surrounding properties for functionality.

Commissioner Deits expressed concern that rezoning it to some type of residential zoning designation did not preclude it from remaining vacant due to its proximity to the fire station across the street. Since the applicant has not stated the intended use and the use is not germane to the Planning Commission discussion, Commissioner Deits indicated members must consider what zoning designation would most likely benefit the community.

Chair Jackson closed the public hearing at 8:24 P.M.

- B. *Special Use Permit #14-13111 (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 8:24 P.M.

- Summary of subject matter
Associate Planner Brown summarized the special use permit request as outlined in staff memorandum dated February 6, 2014.
- Applicant
Public Works and Engineering Director Severy added the proposed amendment to the previous approved SUP is being requested as the bridge needed to be made five (5) feet

longer to accommodate separate piers and larger abutments to handle the weight of and traffic on the bridge. He noted the extra fill was required near the north abutment and pushes the bridge slightly to the west while indicating there will be no fill in the floodway. Director Severy stated the retaining wall along the west side of the existing pathway will be extended and pushed further to the west to accommodate most of the added fill. He mentioned seeking an alternate bid to ascertain the cost of making the end of the bridge across the tracks more aesthetically pleasing.

- **Public**
Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in support of the proposed changes to the pathway. He inquired as to the rationale for removal of one of the two (2) trees larger than 24” in diameter located more than 50 feet from the structure.
- **Planning Commission discussion:**
Commissioner Honicky inquired as to the cost differential between the bridge approved in August and the one before the Planning Commission this evening.

Director Severy responded that he did not have cost estimates with him this evening, but the additional length is only five (5) feet.

Commissioner Honicky asked if the bridge span would be self-supporting.

Director Severy responded it will be a single span bridge between the two piers. He added the bridge will be constructed off-site, trucked to the site and fastened together and lifted into place.

Commissioner Honicky expressed concern with any recoil which would occur with a bridge this length.

Director Severy responded that for such a small increase, no recoil would be detected. He added that the bridge will be designed to allow snow plows to drive across.

Commissioner Cordill expressed appreciation for staff’s comment regarding seeking a alternate bid for a more aesthetically pleasing bridge, as she believed that area to be the entryway into downtown Okemos and sets the tone for that portion of the community. She asked staff to respond to earlier public comment regarding tree removal.

Director Severy answered that staff will look into why one of the 24” diameter trees is slated for removal.

Commissioner DeLind voiced his support for the project as it is a way to improve walkability in the downtown area.

Commissioner Deits recommended, if time permits, staff involve the DDA to solicit suggestions for aesthetic improvements. He encouraged a collaboration on the design and promotion of the bridge after its installation.

Chair Jackson closed the public hearing at 8:38 P.M.

Commissioner Deits received permission from the Chair to speak off-topic on the plans for integrating the two ends of the pedestrian bicycle pathway with the existing landscape surrounding the replacement of the Van Atta bridge.

Director Severy responded the bridge project does not include any plans for that, and stated the Township will need to make plans for that connection, noting the north end of the bridge has a steep embankment and will probably require a retaining wall.

Commissioner Deits stated he spoke with Parks and Recreation Director Maisner who indicated the south end has already been taken care of.

Director Severy responded that he believed Ms. Masiner has been working directly with the Ingham County Road Department to place a pathway across the south end.

Commissioner Deits stated that Ms. Maisner referred him to Director Severy for response.

Commissioner Hildebrandt offered her support for making the bridge more aesthetically pleasing, the idea of a grand opening and safer bicycling.

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

Chair Jackson opened the public hearing at 8:38 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated February 6, 2014.
- Public
Neil Bowlby, 6020 Beechwood Drive, Haslett, expressed concern with the proposed medical marihuana home occupation definition which states “....means a primary caregiver who assists more than one qualifying patient in addition to themselves...” would preclude a primary caregiver who serves only one patient. He requested the language be amended to allow a primary caregiver or the primary caregiver and one patient.
- Planning Commission discussion:
Commissioner Ianni stated a Michigan Supreme Court decision was released last week that it is illegal to “zone out” medical marihuana from the community. He indicated the Township Board was very thoughtful in its approach to provide the 500 foot setback from other medical marihuana facilities, which essentially prevents a medical marihuana district. He also commended the Board in its 1,000 foot setback from schools.

Commissioner Cordill expressed concern with language in Section 86-368 (b) (2) regarding a primary caregiver having the ability to serve himself/herself.

Principal Planner Oranchak responded that the aforementioned language is taken directly out of the state act.

Commissioner Cordill inquired as to why churches weren't included in the 500 foot setback.

Principal Planner Oranchak stated while she did not have a response for that rationale, she acknowledged that adults would transport children to a place of worship and children may travel on their own to and from school without an adult present.

Commissioner Cordill asked if language can be included which indicates a percentage (e.g., 25% of the square footage of the house) or 500 feet, whichever is less can be devoted to cultivation.

Principal Planner Oranchak responded that a 25% limit is in the Township's home occupation ordinance.

Chair Jackson reminded Commissioners that although that language is specifically stated in Section 86-368 (RR district), it applies to all residential zoning districts.

Commissioner Honicky expressed concern with the commercialization of medical marihuana in our community as written in the ordinance. He believed very little has "been taken" from other states' experiences and noted there is no language which protects children from access, deals with hybrid medical marihuana and deals with impaired individuals in and around the community.

Commissioner Deits stated there is a political change in the state legislature and regulation of medical marihuana is "imminent." He suggested movement of this issue at the state level should be closely monitored before the Township approves this ordinance. Commissioner Deits pointed out that signage is restricted in the home occupation version, but not C-1, C-2 and industrial district. He expressed concern that 30 caregivers in individual units within a single facility in an industrial district could utilize this process. Commissioner Deits inquired as to why colleges were excluded from the 1,000 foot setback. He asked how this ordinance would fit in with MUPUDs.

Principal Planner Oranchak responded it is currently a use permitted by right.

Commissioner Salehi inquired if there were any distance restrictions from neighboring grow facilities in the RR district.

Principal Planner Oranchak stated there are no grow facilities as allowed in the commercial and industrial districts. She noted the caregiver is allowed to grow in their own home.

Commissioner Salehi asked if there was a distance restriction between homes.

Principal Planner Oranchak responded there is not.

Commissioner Salehi asked if the Township allows for the home manufacture of any other medical drugs.

Principal Planner Oranchak responded she was not aware of any.

Commissioner Salehi believed this medical drug is appropriate only in commercial and industrial districts.

Commissioner Salehi inquired if it is the Planning Commission's responsibility to decide upon a set of zoning ordinances to propose to the Board relative to medical marihuana.

Commissioner Ianni noted the home based caregiver is part of state law. He believed the way the ordinance is written, activity within a home would not be visible to the public as there is no sign in front of a home. Commissioner Ianni stated it is his understanding that under state law, medical marihuana in the home is to be "locked up."

Commissioner Deits inquired if a rented apartment where 72 medical marihuana plants were grown but had no occupant would qualify as a home occupation.

Principal Planner Oranchak responded it would not.

Commissioner Deits asked how the Township would enforce such a scenario.

Principal Planner Oranchak responded it would be a code enforcement issue as a home occupation requires a resident.

Chair Jackson asked if the 500 foot separation between growers applied in multiple family.

Principal Planner Oranchak answered the 500 feet only applies only in non-residential districts.

In response to an inquiry by Commissioner Salehi, Commissioner Ianni explained that state law provides several places where medical marihuana can legally be grown, and the proposed zoning amendment is a decision on where the growing of medical marihuana can be located in the Township.

Commissioner Salehi would like information provided to the Planning Commission which outlines what the state law requires of communities relative to grow facilities in residential areas.

Principal Planner Oranchak responded she will look into the request, while acknowledging that it may not be spelled out as clearly as requested.

Commissioner Scott-Craig added the word dispensary is not contained in the Michigan Medical Marihuana Act (MMMA). He inquired as to what the Planning Commission is deciding with this land use issue. Commissioner Scott-Craig believed going forward at this point in time makes no sense as this issue is one of "shifting sand" due to activity at the state level. He questioned if the site which was set up by residents currently spending time in federal prison would be a caregiver grow and transfer site as defined in this zoning amendment. Commissioner Scott-Craig also questioned if such action by the Township sets up individuals to go to prison. He believed the Planning Commission does not have to be proactive at this time by moving forward with this issue, and questioned the Township's liability in this entire process.

Chair Jackson stated the Board subcommittee spent considerable time on this issue and brought forth the proposed draft for Planning Commission consideration.

Commissioner Deits stated the Board sent this draft to the Planning Commission for its recommendation. He stated the regulatory environment is so uncertain that it is not conducive to passage of this zoning amendment.

Commissioner Ianni clarified that medical marihuana grow facilities are a legally permissible land use under current law which need to be placed in the correct spot within the Township.

Commissioner Honicky noted other communities have elected not to allow any medical marihuana grow facilities or dispensaries within designated land uses. He believed the possibility which has not been raised is that they shouldn't be in our community at all and allow state law to govern.

Commissioner Ianni believed if the Township deferred to state law, the courts would write the ordinance and the Township would then have no control. He believed the Township is in a better position to write its own ordinance.

Principal Planner Oranchak clarified that under the MMMA, a community cannot disallow medical marihuana. She added that dispensaries were sharing medical marihuana from different caregivers, unlike individuals dispensing their own product to their own patients written in this zoning amendment. Principal Planner Oranchak also clarified that the arrest by the federal government in the Township was done because the operation was a commercialization of multiple plants grown to sell.

Commissioner Scott-Craig indicated there were maps contained in the Board packet when it dealt with this issue which showed the areas where these type of facilities would be allowed. He requested that information be provided to the Planning Commission.

Chair Jackson closed the public hearing at 9:21 P.M.

[Chair Jackson recessed the meeting at 9:21 P.M.]

[Chair Jackson reconvened the meeting at 9:26 P.M.]

7. Unfinished Business

- A. Mixed Use Planned Unit Development #14-05054 (DTN), request to revise the space allocation for commercial and office uses in the Hamptons of Meridian

Commissioner Hildebrandt moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of the amendment to Mixed Use Planned Unit Development #14-05054, to allow 8,371 square feet of commercial space within a PO (Professional and Office) zoned mixed use planned unit development, subject to the following conditions:

1. **Approval is granted in accordance with the floor plan received by the Township on December 16, 2013, subject to revisions as required.**
2. **The commercial space on the site shall not exceed 8,371 square feet unless the applicant applies for and receives an amendment to the mixed use planned unit development.**

- 3. All previous conditions placed on the mixed use planned unit development approval shall remain in effect.**

Seconded by Commissioner Cordill.

Planning Commission discussion:

- Appreciation that the applicant is expanding
- Amendment would give the applicant flexibility by allowing a blanket 65% for commercial uses
- Planning Commission is making a recommendation to the Township Board
- First change was for only 1% more which was determined by the Director of Community Planning and Development to be a minor amendment and handled at the staff level
- Major v. minor amendment threshold
- Planning Commission approval still allows the Director of CP&D to act on minor amendments
- Using the 65% blanket would allow the applicant not to return if the increase was over the currently requested 62.9%
- Preference to allow the applicant flexibility up to 65%
- Anything over 65% would require the applicant to come back to the Planning Commission
- If the owner desired to return back to office, because it is already zoned such, it would not matter how much they decreased below 65%

Commissioner Deits offered the following friendly amendments:

- **Delete the number “8,371” throughout the resolution and insert “8,656”**
- **Delete “62.9 percent” throughout the resolution and insert “65 percent”**
- **Delete “4,948 square feet” throughout the resolution and insert “4,661”**
- **Delete “37.1 percent” throughout the resolution and insert “35 percent”**

The maker and seconder accepted the friendly amendments.

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

NAYS: None

Motion carried unanimously.

- B. Special Use Permit #14011 (Green), request to expand an institution for human care at 2077 Haslett Road

Principal Planner Oranchak updated the Planning Commission by stating the Fire Department had no issue with this proposal providing all required safety measures were incorporated, including sprinkling, an alarm system and monitoring. She indicated there is no way to change the parking lot design without obtaining a variance for the side setback. In response to Planning Commissioner inquiry at the last meeting, Principal Planner Oranchak noted the land directly to the south has a single family residence on nearly five (5) acres with frontage on Okemos Road and extends 850 feet to the east. She added the residence is close to Haslett Road and most of the parcel is undeveloped.

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 #14011 (Green) with the following conditions:

- 1. Approval is granted based on the site plans dated December 20, 2013 prepared by KEBS, Inc. and the elevation plan dated December 20, 2013 prepared by Roger L. Donaldson, AIA, subject to revisions as required.**
- 2. No more than 20 adult residents, aged 55 years or older, shall reside in the adult foster care facility.**
- 3. The applicant shall obtain all necessary approvals, licenses or permits to operate an adult foster care facility for up to 20 persons from the State of Michigan. A copy of the approval shall be submitted to the Department of Community Planning and Development.**
- 4. Special Use Permit #14011 is subject to the approval of variances from the Zoning Board of Appeals including, but not limited to, a variance for the site size of .96 acres, a five foot setback variance for the parking lot's location 15 feet from the west property line, and a 30 foot variance for the addition's location 20 feet from the east property line.**
- 5. Additional landscaping shall be installed along the east and west property lines to screen the building addition and parking lot.**
- 6. Street trees shall be installed along Haslett Road as necessary to comply with Township requirements. Species and location of the trees shall be subject to the approval of the Director of Community Planning and Development and the Ingham County Road Department.**
- 7. The final site plan and landscape plan, prepared in compliance with all applicable sections of the Code of Ordinances, shall be subject to the approval of the Director of Community Planning and Development.**
- 8. Along the frontage of 2077 Haslett Road, a seven-foot wide segment of Meridian Township's Pedestrian-Bicycle Pathway shall be constructed in accordance with the Township Engineering Design and Construction Standards.**
- 9. Prior to issuance of any permit for construction activity including grading permits, 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.**
- 10. The air conditioning compressor shall be evaluated for excess noise production during site plan review. If noise exceeds 50 dBA at a property line, the compressor shall be relocated.**
- 11. The air conditioning compressor shall be properly screened. Solid walls or fencing may be no taller than six feet in height unless the Zoning Board of Appeals grants the necessary height variance.**

- 12. Site and building lighting shall comply with Article VII in Chapter 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.**
- 13. Debris found on the subject site, and debris resulting from clearing, grading, or construction activities related to the proposed project shall be removed from the site and shall be properly disposed.**
- 14. Final utility, grading, and storm drainage plans for the site 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.**
- 15. The applicant shall obtain all necessary permits, licenses, and approvals from the Ingham County Road Department, Ingham County Drain Commissioner, and the Township. Copies of all permits, licenses, and approval letters shall be submitted to the Department of Community Planning and Development.**
- 16. A copy of the information that exists on computer for the project and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.**

Seconded by Commissioner Scott-Craig.

Planning Commission and applicant discussion:

- Expansion of a pre-existing use
- Location of the parking lot lighting will not affect neighbors to the east as the parking lot is on the west
- Lighting ordinance requires shielded lighting which must shine on the property only
- Lighting plan will be required during site plan review

Commissioner Hildebrandt offered the following friendly amendment:

- **Amend condition #12 after “be used” by inserting “in the parking lot and other areas”**

The amendment was accepted by the maker of the motion.

Planning Commission, staff and applicant discussion:

- Applicant use of Mercy Ambulance services on Edson Road for emergencies and lift assists
- Township ordinance requires a minimum two-acre parcel for this use in a residential district and the subject site is less than one acre
- Requested variance for the parcel size not an appropriate action for the Zoning Board of Appeals to consider
- No neighbor voiced an objection to the proposal
- Suggestion to craft a zoning amendment in the future to address these types of uses on smaller parcels
- Concern with age restriction beginning at age 55
- Home for the aged requires the 55 year age limit
- Concern that an adult who is less than 55 years of age may require care
- More than one air conditioning compressor will be located on the site

Commissioner Salehi offered the following friendly amendments:

- **Amend condition #10 by inserting “s” after “compressor” for all references**
- **Amend condition #10 by inserting “aggregate” after “If”**
- **Amend condition #11 by inserting “s” after “compressor”**

The friendly amendments were accepted by the maker of the motion.

Continued Planning Commission discussion:

- Land area is at odds with the building envelope
- Parcel is too small as variances are needed on both sides to make the building fit on the property
- Screening for the air conditioning compressors would be required regardless of location
- If air conditioning compressors exceed the 50 dBA, they must be relocated
- Inquiry if there is a different zoning category which would obviate the immediate problem for this parcel
- This proposal is specific to a non-residential use in a residential district
- Concerns expressed deal with redevelopment issues
- Previous use was non-conforming in a less obtrusive manner

**ROLL CALL VOTE: YEAS: Commissioners DeLind, Honicky, Ianni, Salehi, Scott-Craig,
Chair Jackson**

NAYS: Commissioner Cordill, Deits, Hildebrandt

Motion carried 6-3.

**Commissioner Scott-Craig moved to suspend 5.14 regarding making decisions after 10:00 P.M.
Seconded by Commissioner Honicky.**

VOICE VOTE: Motion carried unanimously.

- C. *Special Use Permit #14-13111 (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 Planning Commission Bylaw 6.4a to consider
Special Use Permit #14-13111 the same night as the pulic hearing. Seconded by
Commissioner Hildebrandt.**

VOICE VOTE: Motion carried unanimously.

**Commissioner DeLind 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 #14-13111 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 January 7, 2014, and the related materials submitted as part of Special Use Permit #14-13111, subject to revisions as required.**
2. **In no case shall the impoundment capacity of the floodplain be reduced.**
3. **Fill placed in the floodplain as part of the project shall be protected against erosion.**
4. **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.**
5. **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 Scott-Craig.

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

NAYS: None

Motion carried unanimously.

- D. Commission Review #12053 (Planning Commission), 2005 Master Plan amendment
Commissioner Ianni moved to table this item until the next Planning Commission meeting.
Seconded by Commissioner DeLind.

Planning Commission discussion:

- Preference to have an opportunity to interface with the Township Board at the Joint Meeting on February 18th
- Chair has offered an invitation to the Township Board for a Board representative from the joint urban services management area committee to attend the next regular Planning Commission meeting in an effort to move forward

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

8. **Other Business (None)**

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

Commissioner Deits reported his attendance at this week's Downtown Development Authority meeting where the primary discussion revolved around the cost of the Annual DDA Event this year. He noted residents are encouraged to approach the DDA if they would like to volunteer to help coordinate the activity, noticing the success of the event will depend upon volunteer labor this year. Commissioner Deits added he has voluntarily served as the Planning Commission liaison to the DDA for the last seven (7) years, indicating if another Planning Commission member would like to serve in that capacity, they should contact Chair Jackson. He offered a lengthy description of what the DDA is about and what comes under its purview.

Commissioner Scott-Craig suggested another work session on the 2005 Master Plan amendment be held soon and requested it be televised.

Commissioner Cordill stated the visual build-out of a development is often different than it looks on plans and believed the Planning Commission would be well served by the services of an architect.

Commissioner Hildebrandt commented she watched past township board meetings to gain insight into the urban services management area decision and she is supportive of televised planning commission work sessions on this topic.

Commissioner DeLind announced he is a licensed civil engineer and part of his job is to create and draw construction documents and plans. He availed himself to assist in any way he can. Commissioner DeLind stated the job of a civil engineer is very similar to that of an architect.

Commissioner Salehi believed the Planning Commission should address any of its issues now before the fourth phase of the Hannah development comes before it.

10. New applications

- A. Special Use Permit #14031 (Friesen), request to establish group housing for up to six international students at 2500 Haslett Road
- B. Rezoning #14030 (Fedewa), request to rezone approximately 5.2 acres from RR (Rural Residential) to C-2 (Commercial) located on Saginaw Highway northeast of Lake Lansing Road

11. Site plans received (None)

12. Site plans approved (None)

13. Public remarks

Chair Jackson opened public remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, expressed support for Zoning Amendment #14010 which would establish definitions and standards for the medical use of marihuana. He also spoke to the completion of the public packet for tonight's meeting.

Chair Jackson closed public remarks.

14. Adjournment

Chair Jackson adjourned the regular meeting at 10:30 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary