

**CHARTER TOWNSHIP OF MERIDIAN  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
June 22, 2015**

**APPROVED**

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

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

**1. Call meeting to order**

Chair Scott-Craig called the regular meeting to order at 7:00 P.M.

**2. Approval of agenda**

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

VOICE VOTE: Motion carried 8-0.

**3. Approval of Minutes**

**Commissioner DeGroff moved to approve the May 18, 2015 Work Session Meeting Minutes and the Regular and Work Session Meeting Minutes of June 8, 2015. Seconded by Commissioner Jackson.**

VOICE VOTE: Motion carried 8-0.

**4. Public Remarks**

Chair Scott-Craig opened the floor for public remarks.

Kathleen Donahue, 2221 Burcham Drive, East Lansing, questioned the need for another cell tower in the Township and the specific location of the one proposed in Special Use Permit (SUP) #15071 along the Grand River corridor and near many “wellness-type” businesses. She requested the applicant provide answers to all questions posed by Commissioners at the public hearing held on June 8, 2015. Ms. Donahue urged the Planning Commission to carefully consider the visual appearance of what she labeled as the “gateway” into Meridian Township from East Lansing.

Ginger Yang, owner of Lotus Voice Integrative Therapies LLC, 4994 Park Lake Road, East Lansing, addressed public perception of the electromagnetic field associated with cell towers. She voiced opposition to a cell tower located on property addressed as 4980 Park Lake Road as it is proposed to be near many health related businesses and questioned the safety of the structure. She voiced her belief the tower is not needed and would only benefit the property owner.

Neil Bowlby, 6020 Beechwood Drive, Haslett, addressed comments made during the previous Planning Commission meeting by stating Meridian Township is amenable to small wind turbines, possibly a vertical access wind turbine on the cell tower located on Township property. He believed there are many appropriate locations for small scale solar energy installation (e.g., roof of the Service Center), and urged their inclusion in the Master Plan. Mr. Bowlby expressed disappointment that no motion to deny was provided when the motion to approve MUPUD #15014 and SUP #15051 failed to pass. He provided language included in the bylaws of several public bodies around the country to address the issue that a motion to approve an application which fails to

pass constitutes a denial. Mr. Bowlby suggested the Planning Commission amend its bylaws to include this addition. He requested the applicant prove the need for a 90-foot tower requested in SUP #15071, believing that 50-75 foot height would meet most capacity needs, based on information demonstrated in several self-made graphs. Mr. Bowlby suggested the applicant use the cell tower at the end of Dawn Avenue, which would keep a new tower off of Grand River Avenue.

Leland Calloway, Jacobs Engineering, PO Box 2297, Southgate, reminded Planning Commissioners the Federal Telecommunications Act prohibits decisions being made regarding cell tower location based on aesthetics or health effects. He offered information regarding the photo simulations provided by the applicant in the staff report, stating there were no alterations as suggested during earlier public comment. He noted the propane tank has been removed from the revised site plan as a result of Planning Commission concern during the public hearing, explaining the area has been determined not to be diesel restricted. Mr. Calloway indicated the applicant will retain the barb wire on the fence, as it is following the direction of the Planning Commission on that issue. He explained the spread sheets provided by the applicant showing all surrounding Verizon Wireless towers to the proposed tower and their respective heights, stating all towers are above 90 feet in height. Mr. Calloway described in detail the graph titled, ‘surrounding sectors exhaust projection’ which demonstrated the sectors to be offloaded onto the proposed new cell tower to increase coverage to customers. He offered history on the Dawn Avenue tower, culminating in the fact the tower would need to be rebuilt and Verizon could not meet the setbacks to various property lines.

Chair Scott-Craig closed public remarks.

## 5. Communications

- A. Mac Men Computers, 2660 E. Grand River Avenue, East Lansing; RE: MUPUD #15014 (Campus Village Dev.)
- B. Mike Shih, Boiling Pots, 2650 E. Grand River, East Lansing; RE: Petition on MUPUD #15014 (Campus Village Dev.)
- C. Lloyd & Theresa Bingham, 1425 Ambassador Drive, Okemos; RE: PRD #15-97015 (SP Investments LP)
- D. Bob Wasserman, 2796 Buglers Way, East Lansing; RE: Master Plan
- E. Mark Hooper, 3653 Stagecoach Drive, Okemos; RE: PRD #15-97015 (SP Investments LP)
- F. Ginger Yang, 4994 Park Lake Road, East Lansing; RE: SUP #15061 (Jacobs Engineering)

Communications received and distributed at the May 18, 2015 meeting and placed on file:

- A. Justin Grinnel, State of Fitness, 2655 East Grand River Avenue, East Lansing; RE: MUPUD #15014 (Campus Village Dev.)
- B. Mary Seager, 2643 East Grand River, East Lansing; RE: MUPUD #15014 (Campus Village Dev.)
- C. Kirk Morrison & Sarah Campbell, Foods for Living, 2655 East Grand River Avenue, East Lansing; RE: MUPUD #15014 (Campus Village Dev.)
- D. Paul Vlahakis, Vlahakis Cos., 4900 Montrose, Suite 100, Okemos; RE: MUPUD #15014 (Campus Village Dev.)
- E. Adam Anderson, Advanced Auto parts, 2786 East Grand River Avenue, East Lansing; RE: MUPUD #15014 (Campus Village Dev.)
- F. Richard J. McCarius, Jr., Tom’s Party Store, 2780 East Grand River Avenue, East Lansing; RE: MUPUD #15014 (Campus Village Dev.)

G. Richard J. McCarius, Jr., Tom's Party Store, 2780 East Grand River Avenue, East Lansing; RE: Petition on MUPUD #15014 (Campus Village Dev.)

**6. Public hearings (None)**

**7. Unfinished Business**

A. Special Use Permit #15071 (Jacobs Engineering), request to install a 90 foot cell tower on 4980 Park Lake Road

Planning Commission and staff discussion:

- Cell tower does not need to meet the requirements of the Land Division Act as it is being offered as a “renewable easement”
- Commissioner belief there is no such thing as a “renewable easement”
- Commissioner belief it is a lease agreement according to Black’s Law Dictionary
- Commissioner request for staff explanation of ordinance language which requires “careful sighting of all cell towers”
- Staff interpretation of “careful sighting of all cell towers” means it complies with all standards and requirements in the Township ordinance
- Additional equipment would not require further review by the Township
- After approval, state law regulates oversight of existing tower locations
- Request for additional height would require a variance from the Zoning Board of Appeals
- Graphs created by a member of the public showed little is gained with height beyond 50 feet
- Statement by the applicant’s representative that 90 feet is the optimum height for best coverage as modeled by engineers in the field
- Objective of the new tower is both for capacity and coverage
- Background of the member of the public who shared his graphs on the overhead is not in the field of engineering
- Commissioner belief it makes more sense to construct a new tower at the Dawn Avenue location and request several variances than to construct a tower at the proposed location which requires no variances
- Taller tower will allow more colocations which result in the need for less towers elsewhere
- Planning Commissioner reminder the engineers from Verizon have the expertise on this issue
- Commissioner belief the site does not meet the requirements of the ordinance
- Land Division ordinance addresses a lease of more than one year
- Proposed easement is for one year renewable on an annual basis
- Other Verizon cell towers in Meridian Township requested a variance from the Land Division Act seeking relief from the Land Division Ordinance requirement
- Verizon has previous renewable easement agreements with other municipalities
- Reminder that the “clock” cell tower on the Township campus appears to have addressed all concerns expressed by the public
- Modifications to a cell tower make a tower less co-locatable
- Stealth towers only require an administrative decision by the Township as they are a use permitted by right
- Applicant preferred to utilize the special use permitting process rather than construct a stealth tower
- Commissioner belief there is no such legal “creature” as a renewable easement
- Corporations now receive “benefits” assigned to individuals and should be good citizens of

the community

- Applicant has a right to bring this project forward if it complies with all requirements of the Township's ordinance
- Commissioner belief she has not been provided with a complete analysis to determine the proposed project meets all requirements of our ordinance
- Shelter and generator sit on same concrete pad so any spilled diesel can be contained in the built in retention well on the base of the pad
- Applicant explanation of the process used by Verizon to determine the proposed location
- Applicant contacted several landlords in the area regarding locating on their land
- One alternative site considered in the target area was on Dawn Avenue
- Commissioner request for additional information regarding whether the proposed tower complies with Township ordinances
- Staff provided ordinance compliance information in its first staff memorandum

**8. Other Business (None)**

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

Commissioner Honicky addressed public comment regarding the Township providing solar energy for its buildings through the use of roof solar panels. He indicated without critical engineering assessments, renewal energy (wind and solar) cannot be successful in this area. Commissioner Honicky spoke to the length of payback without subsidies (i.e., 23 years).

Commissioner DeGroff offered to research whether a motion to approve which does not pass is, in fact, a denial and to include such language in the Planning Commission's bylaws.

Commissioner Deits noted that when a motion to deny is passed, there is an enumeration of the reasons to deny in the event of a legal challenge. He voiced his preference for a legal opinion on how the Planning Commission should proceed on this issue.

Commissioner Deits encouraged the public to look at actual data regarding renewable energy, using Germany as an example of producing sufficient energy over the summer that it pumped out of the country. He expressed his appreciation for the large turnout at the Celebrate Okemos Event.

Commissioner Scott-Craig noted New Applications, Site Plans Received and Site Plans Approved are for informational purposes and do not reflect activity by the Commission. He suggested that it be relabeled to indicate they are only informational updates.

**10. New applications**

- A. Rezoning #15030 (Sumbal), request to rezone approximately 1.4 acres addressed as 1998 Jolly Road from RR (Rural Residential) to RA (Single Family, Medium Density)

**11. Site plans received**

- A. Site Plan Review #15-06 (Evan Neal), renovate the building and site at 2703 Grand River for occupancy by an O'Reilly Auto Parts store

**12. Site plans approved**

- A. Site Plan Review #15-03 (BBI Holdings), request to develop a 13,000 square foot child care center at 2172 and 2190 Association Drive

**13. Public remarks**

Chair Scott-Craig opened public remarks.

Min Hao Kuo, 2233 Burcham Drive, East Lansing, questioned whether the primary focus of the Planning Commission is to meet the legality of the cell tower requirements, and challenged whether there is really a need for placement of the tower at the proposed location.

Kathleen Donahue, 2221 Burcham Drive, East Lansing, reiterated a comment made by a Commissioner at a previous meeting by pointing out the City of East Lansing denied a cell tower. She urged Commissioners to think outside the box to determine if there is really a need.

Ginger Yang, 4994 Park Lake Road, East Lansing, once again offered comments on the cell tower proposed to be located near her business.

Chair Scott-Craig closed public remarks.

**14. Adjournment**

Chair Scott-Craig adjourned the regular meeting at 8:28 P.M.

Respectfully Submitted,

Sandra K. Otto  
Recording Secretary