

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
November 22, 2010**

APPROVED

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

PRESENT: Chair Reicosky, Vice-Chair Deits, Secretary Goldsberry, Commissioners Goodale, Honicky, Jackson, Jorkasky
ABSENT: Commissioner Beyea
STAFF: Principal Planner Gail Oranchak

1. Call meeting to order

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

2. Approval of agenda

Commissioner Deits moved to approve the agenda amended as follows:

- **Add Agenda Item #8B: Potential ordinance considering medical marihuana issues in the Township**

Seconded by Commissioner Jackson.

VOICE VOTE: Motion carried 7-0.

3. Approval of Minutes

**Commissioner Jackson moved to approve the Regular Meeting Minutes of November 8, 2010.
Seconded by Commissioner Jorkasky.**

VOICE VOTE: Motion carried 7-0.

4. Public Remarks

Chair Reicosky opened the floor for public remarks.

Liz Harrow, 1147 Daisy Lane, East Lansing, urged the Planning Commission to base their discussion relative to Rezoning #10070 on a land use decision.

Matthew Drake, Fahey, Schultz and Burczyk, 4151 Okemos Road, Okemos, believed it appropriate for the Planning Commission to take up the discussion of a township wide medical marihuana moratorium as Dr. Wiggins current office is a medical marihuana clinic and features marihuana leaves on the signage of that building. He reminded Commissioners that although Dr. Wiggins stated during the previous public hearing that she would not be dispensing medical marihuana out of the building to be housed on the subject property of Rezoning #10070, Meridian Township could not prevent her from doing so under the Township's current ordinances. Mr. Drake requested the Planning Commission carefully consider the type of office to be in the office district as the medical marihuana initiative had not been passed when the Township's zoning ordinance became effective.

Chair Reicosky closed public remarks.

5. Communications

- Monica and Jim Goble, 4875 Buttercup Lane, Okemos; RE: Opposition to Special Use Permit #10-09081 and Commission Review #10133
- Micahel Leon, 4890 Chipping Camden Lane, Okemos; RE: Opposition to Special Use Permit #10-09081 and Commission Review #10133

- Martti Gaabo, 273 Newman, Okemos; RE: Opposition to Special Use Permit #10-09081 and Commission Review #10133

6. Public hearings

- A. Special Use Permit #10-09081 (Grand Petro Mart), request to add a drive through window to the proposed gasoline/convenience store at 743 Grand River Avenue.

Chair Reicosky opened the public hearing at 7:11 P.M.

- Introduction by the Chair (announcement of procedures, time limits and protocols for public participation and applicants)
- Summary of subject matter
Principal Planner Oranchak summarized the special use permit (SUP) request as outlined in staff memorandum dated November 19, 2010.
- Applicant
Ali Damsaz, Grand Petro Mart, 743 Grand River Avenue, Okemos, spoke to the placement of a drive-through window for patrons to order coffee and hot chocolate.
- Public
Michael Leon, 4890 Chipping Camden Lane, Okemos, spoke in support of improving the look of the gas station, while expressing concern with the potential of high density use with a drive-through window. He questioned whether the appropriate road agencies have approved this use. Mr. Leon also expressed concern with the entrance onto Van Atta Road and a possible traffic signal at that corner in the future.
- Planning Commission discussion:
Commissioner Honicky asked the applicant if there was a specific fast food organization interested in locating at the gas station.

Mr. Damsaz responded that there is not.

Commissioner Honicky asked if cigarettes would be dispensed from the drive-through window.

Mr. Damsaz responded they would not.

Commissioner Jackson inquired of staff if a new or amended special use permit would be required in the event the drive-through window use changed to accommodate a fast food establishment.

Principal Planner Oranchak responded if additional construction was required to accommodate a second window, the request would need to go back through the process. She noted if the facility which is currently being requested was used "as is," it would not be necessary to obtain an amended SUP

Commissioner Jackson requested clarification as to the number of windows currently proposed.

Mr. Damsaz responded there would be one window.

Commissioner Jackson requested clarification regarding what she believed to be a traffic study based solely on the traffic generated by the drive-through window use.

Principal Planner Oranchak responded the Township's current ordinance requires fifty (50) or more directional trips to necessitate a more extensive traffic assessment. She reminded Planning Commissioners that the Township's traffic consultant concurred with the findings of the applicant's traffic consultant.

Commissioner Jackson asked whether the Planning Commission needed to consider the increased traffic on the site due to the enlargement of the gas station.

Principal Planner Oranchak responded the Planning Commission deliberated that issue last year.

Commissioner Deits requested staff review the noticing requirements for this special use permit request.

Principal Planner Oranchak responded that notification is mailed to property owners within a 300 foot radius of the subject property and a sign is typically placed on the property approximately three (3) weeks before the hearing.

Commissioner Deits requested clarification on the staff analysis relative to rear yard setback compared to Section 86-404(e)(13)b.2 contained in the Zoning Board of Appeals letter

Principal Planner Oranchak clarified the subject of this public hearing is the convenience store. The setback requirements are less than for a service station.

Chair Reicosky requested staff clarify the traffic flow pattern on the subject site.

Principal Planner Oranchak explained the traffic pattern through use of a colored map on the overhead projector.

Commissioner Deits requested the applicant provide rationale for the necessity of the Van Atta Road ingress/ egress.

Mr. Damsaz explained the Van Atta Road ingress/egress is needed for the tanker truck to navigate the site in order to make deliveries to the existing underground tank.

Commissioner Deits believed if the area behind the building was widened, the truck could drive around the back of the building and service the underground tank from Grand River rather than Van Atta Road.

Chair Reicosky expressed concern with potential difficulty for future increased traffic which desires to exit onto Grand River to the west. He spoke in support of the Van Atta Road exit and possible future traffic signal at the corner of Van Atta Road and Grand River Avenue.

Commissioner Deits voiced his strong opposition to a traffic signal at the corner of Van Atta Road and Grand River Avenue, stating the correct location for a signal in that area is the corner of Meridian Road and Grand River Avenue.

Chair Reicosky inquired how the Planning Commission can assure there is no microphone used at the drive-through window.

Principal Planner Oranchak noted the applicant would be required to request a modification to the proposed special use permit.

Chair Reicosky inquired if the modification request would come before the Planning Commission.

Principal Planner Oranchak responded she will check into the process for a SUP modification request and report her findings at the next Planning Commission meeting.

Chair Reicosky indicated there is a “nice” piece of residentially zoned property located to the south and would like to see a landscape border on the south property line.

Principal Planner Oranchak responded there is an existing double row of trees on that lot line and the subject residential property is owned by the owner of the gas station and convenience store.

Chair Reicosky inquired if the drive-through window would require special lighting needs.

Principal Planner Oranchak responded there did not appear to be any change to the photometric plan attached to the set of site plans. She added lighting will be reviewed as part of site plan review.

Chair Reicosky expressed concern with the hours of operation and suggested restricting the hours for the drive-through window to 7:00 A.M. until 9:00 P.M. might be considered to accommodate the residential neighbors.

Commissioner Jackson inquired of the applicant which of the two windows originally proposed would remain.

Mr. Damsaz responded the drive-through window on the east will remain.

Commissioner Deits commented that the drive-through window on the east does not face residential property; it faces commercial property and would have minimal impact on the residential neighborhood. He did not believe it necessary to restrict the hours of operation for the drive-through window. Commissioner Deits also noted the residential neighborhood being discussed is owned by the applicant who is building the drive-through window.

Commissioner Jackson added that while the residential property is currently owned by the applicant, that may not be the case in the future.

Commissioner Honicky asked the applicant if the convenience store will sell beer and wine.

Mr. Damsaz responded in the affirmative.

Commissioner Honicky asked the applicant what prohibited the sale of beer and wine through the drive-through window.

Mr. Damsaz responded that the employees selling coffee and hot chocolate through the drive-through window do not have access to the cooler where beer and wine is stored.

Commissioner Honicky expressed concern with adequate employee staffing relative to the potential for drive-offs.

Mr. Damsaz responded he has addressed adequate employee staffing through use of additional day and evening shifts.

Commissioner Honicky asked the applicant how many employees the applicant anticipated would be on site at any given time.

Mr. Damsaz responded he would be adding two part-time employees to the existing three employees in addition to the maintenance/cleaning personnel.

Commissioner Honicky asked if the applicant intends to install security cameras for the drive-through window.

Mr. Damsaz responded the digital security system for the new store will cover all the building area and the gas pumps from multiple angles.

Chair Reicosky inquired of staff if there is any mechanism to control what is sold through the drive-through window. He inquired if liquor sales through the drive-through window would be a different category of this use.

Principal Planner Oranchak stated she will look into this issue and provide an answer to the Planning Commission.

Commissioner Goodale commended the applicant for his redevelopment of this property. He believed allowing a drive-through window at this location has the potential to change the character of the area in the future.

Mr. Damsaz commented that he has been in “this” business for nearly 20 years, and he cannot foresee that the drive-through will become so successful that it would attract a large fast food chain to this location. He added the force behind a large fast food chain locating in an area is population based, and the population is not there for this area. Mr. Damsaz emphasized the drive-through window is solely a convenience for current patrons. He added statistics indicate approximately 60% of service station customers do not enter the store, but use their card(s) at the pump, and the drive-through window is an attempt to solicit further sales from that market.

Chair Reicosky closed the public hearing at 7:59 P.M.

- B. Commission Review #10133 (Township Board), Section 61 review of character, location and extent of an approximate 1,000 lineal foot water main extension within the Grand River Avenue right-of-way east of Wellington Drive.

Chair Reicosky opened the public hearing at 7:59 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the commission review as outlined in staff memorandum dated November 19, 2010.
- Applicant
Terry Baker, Kater Engineering, 6093 Anchor Cove, Dimondale, and engineer for the project, noted the gas station currently does not have the needed water volume to provide adequate public safety. He noted the adjacent area is fully developed, so attracting future development is not the impetus. The Department of Natural Resources and Environment (DNRE) and the Ingham County Health Department (ICHHD) both believe the water main to be a safety improvement for both the subject property and surrounding properties.

- Planning Commission discussion:
Commissioner Honicky asked how construction of the new water line will affect newly resurfaced Grand River Avenue.

Principal Planner Oranchak responded she believed the water line will be in the right-of-way, outside of the paved area. She indicated Van Atta Road would be impacted, but directional drilling may be an option.

Commissioner Honicky inquired if sewer would be involved.

Principal Planner Oranchak stated it would not.

Commissioner Deits pointed to a court agreement contained in the Commission's packet. He added he believed it gave the owner the right to construct a 12" municipal water line with the option for additional connectors.

Principal Planner Oranchak responded that if the court agreement was in effect at the current time, there would be no need for this Section 61 Review. She indicated this request is by a different owner who was not a party to the court agreement.

Commissioner Jackson inquired if the water line up Grand River Avenue to which this extension will connect is a 12" pipe.

Mr. Baker responded the water line on Grand River Avenue coming east up to Wellington Drive is 16 inches, and the line which crosses Grand River Avenue and up Wellington Drive is 12 inches in diameter. He added the normal spacing of fire hydrants is approximately 500 feet and, in all likelihood, there would be two hydrants, one located in front of the station and one half-way down to Wellington Drive.

Chair Reicosky commented that information in the staff report stated the applicant will be responsible for all costs associated with the construction of the water line. He added the staff report also mentioned a payback district, so any property owners adjacent to this line could connect if they so desired. He inquired as to the formula used to ascertain the cost for adjacent properties to connect.

Principal Planner Oranchak stated she does not have those calculations readily available.

Chair Reicosky inquired if the primary impetus for the water line was safety based.

Principal Planner Oranchak answered health and safety were discussed by the Township Board as well as issues associated with impacts to the aquifer, potential contamination from the on site underground tanks and drilling a new well.

Chair Reicosky inquired if the applicant provided an estimate on future water usage on a regular basis.

Principal Planner Oranchak stated the applicant did not provide that information to staff.

Mr. Baker pointed out the 12" water line has very little to do with the applicant's water usage and everything to do with the fire hydrants.

Chair Reicosky expressed concern with the necessity of extending the sewer line in the event the septic system fails due to increased water usage.

Principal Planner Oranchak noted this issue is dealt with on a case-by-case basis. She indicated there have been issues previously with failed septic systems in the area and each individual has had to find their own remedy. She stated none of these issues resulted in an extension of the sewer line and it would be a stretch to “connect” the addition of a new water line to a sewer extension.

Commissioner Jorkasky inquired if there was a concern with chemical fire suppression going into the septic system.

Principal Planner Oranchak noted she had not heard this concern but would look into the question. She added the addition of a water line is preferable for health and safety purposes and would preclude the need for a specialized well.

Commissioner Jorkasky inquired if there was a need for chemical suppression if fire hydrants are put into place.

Principal Planner Oranchak responded there would not be a need.

Chair Reicosky asked if the water line would be put into place before the construction.

Principal Planner Oranchak responded before occupancy.

Commissioner Honicky inquired as to the cost of the 1,000 feet water line.

Commissioner Goodale interjected he believed it was approximately \$100,000.

Commissioner Goodale asked if there would be a requirement for adjacent property owners to hook up to the water line.

Principal Planner Oranchak stated she believed there is not a requirement to hook up to the water line unless a property owner’s well fails.

Chair Reicosky asked if the applicant would have a water meter and be required to pay for water usage.

Principal Planner Oranchak responded in the affirmative.

Chair Reicosky closed the public hearing at 8:22 P.M.

7. Unfinished Business

- A. Rezoning #10070 (Wiggins), request to rezone 4133 Okemos Road from RA (Single Family-Residential) to PO (Professional and Office)

Planning Commission discussion:

- Concern with applicant statement that there is not a “great current demand” for professional and office
- Irresponsible for the Planning Commission not to discuss any and all possible uses of a potential rezoning
- Reminder that the issue before the Planning Commission is a rezoning, and potential uses should not be a consideration in the decision

- A preponderance of the criteria must be met in approval of a rezoning
- One argument is that the current RA designation is spot zoning
- Inquiry regarding the applicant's unwillingness to allow Planning Commissioners to observe the subject property
- Proposed rezoning to professional and office is consistent with the site's office designation on the Township's Future Land Use Map
- Medical clinic is an allowed use by special use permit in a residential district
- Letters from school superintendents concerned with the proposed rezoning
- Corner of Bennett and Okemos Roads currently has PO zoned office space directly across the street from Kinawa Middle School

Commissioner Jackson moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Rezoning #10070 (Wiggins) to rezone approximately 2.1 acres addressed as 4133 Okemos Road from RA (Single-Family-Medium Density) to PO (Professional and Office). Seconded by Commissioner Jorkasky.

ROLL CALL VOTE: YEAS: Commissioners Deits, Goldsberry, Jackson, Jorkasky, Chair Reicosky

NAYS: Commissioners Goodale, Honicky

Motion carried 5-2.

- B. Zoning Amendment #10080 (Planning Commission), request to add Section 86-444 Commercial Planned Unit Development (C-PUD) to the Code of Ordinances
Principal Planner Oranchak summarized changes based on comments at the Planning Commission's November 8th meeting as outlined in staff memorandum dated November 18, 2010.

Planning Commission and staff discussion:

- Site plan review has a 30 day time limit
- Effective date of a C-PUD is the date of approval by the Township Board
- Public hearing for minor amendments is held by the Director of Community Planning and Development
- Planning Commission recommendation for approval would send the C-PUD to the Township Board for consideration
- Belief this ordinance will be a significant tool used along Grand River Avenue if the Michigan/Grand River Avenue bus rapid transit system becomes a reality
- Change language to replicate the language on Page 4, (j)(5) on Page 6, l(4)b.3. and substitute references to the "Planning Commission" with "Director of Community Planning and Development"

Commissioner Goldsberry moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Zoning Amendment #10080 (Planning Commission) to allow commercial planned unit developments in C-1, C-2 and C-3 (Commercial) and CS (Community Service) zoning districts. Seconded by Commissioner Deits.

ROLL CALL VOTE: YEAS: Commissioners Deits, Goldsberry, Goodale, Honicky, Jackson, Jorkasky, Chair Reicosky

NAYS: None

Motion carried 7-0.

8. Other Business

A. 2011 Planning Commission Meeting Schedule

Principal Planner Oranchak summarized the proposed 2011 Planning Commission Schedule as outlined in staff memorandum dated November 18, 2010.

Planning Commission discussion:

- Possibility of saving money by holding fewer meetings
- Formal process to alter the meeting schedule
- Planning Commission packets would be delivered on the Wednesday before Thanksgiving for the meeting to be held November 28th
- Possible elimination of two meetings (second meeting in November and December) by simply not scheduling any business would not violate Planning Commission bylaws
- Primary concern that the Planning Commission schedule does not hold up the normal flow of Township business

Commissioner Goodale moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN as follows:

1. **The Planning Commission will meet for regular meetings on certain Mondays, January through December in 2011 in the Town Hall Room of the Meridian Municipal Building, 5151 Marsh Road, Okemos, MI 48864, 517-853-4560.**
2. **The specific dates for meetings are as follows:**

January	10 - regular meeting 24 - regular meeting
February	14 - regular meeting 28 - regular meeting
March	14 - regular meeting 28 - regular meeting
April	11 - regular meeting 25 - regular meeting
May	9 - regular meeting 23 - regular meeting
June	13 - regular meeting 27 - regular meeting
July	11 - regular meeting 25 - regular meeting
August	8 - regular meeting 22 - regular meeting
September	12 - regular meeting 26 - regular meeting

**October 10 - regular meeting
 24 - regular meeting**

**November 14 - regular meeting
 28 - regular meeting**

**December 12 - regular meeting
 19 - regular meeting**

- 3. Meetings will begin at approximately 7:00 p.m.**
- 4. Special meetings of the Planning Commission may be called pursuant to the applicable statute.**
- 5. Regular meetings may be canceled, recessed or postponed by members of the Planning Commission pursuant to the applicable statute.**
- 6. A summary of this resolution stating date, place, and time shall be posted in the Meridian Municipal Building within ten (10) days after the first regularly scheduled meeting of the year in accordance with MCL 15.265.**

Seconded by Commissioner Jackson.

ROLL CALL VOTE: YEAS: Commissioners Deits, Goldsberry, Goodale, Honicky, Jackson, Jorkasky, Chair Reicosky

NAYS: None

Motion carried 7-0.

- B. Potential Ordinance Concerning Medical Marihuana Issues in the Township
Chair Reicosky summarized discussion on the medical marihuana issue during the November 4, 2010 Board meeting.

Planning Commission and staff discussion:

- No current regulation of medical marihuana in Meridian Township
- Question as to the appropriateness of having medical marihuana regulation
- Medical marihuana as an unregulated use until such time as a decision is made on the issue
- Possible moratorium on growth and distribution of marihuana for medical purposes until such time as the Planning Commission discusses and/or makes a recommendation to the Township Board
- Similar substances (e.g., alcohol) are regulated and would not receive approval for facilities to be placed near schools
- Prescription containers which hold a mind-altering substance are clearly labeled with directions not to drive or operate heavy machinery
- Some form of discussion by the Township's attorney on liability regarding Township approval of a medical marihuana dispensary
- Lack of Planning Commission authority to adopt a moratorium
- Planning Commission has the authority to initiate a zoning amendment to regulate the dispensing and growing of medical marihuana within specific zoning districts from a land use perspective

- Planning Commission request to the Township Board to place a moratorium on medical marihuana while the Planning Commission initiates a zoning amendment to regulate the dispensing and growing of medical marihuana in Meridian Township

Commissioner Deits moved to initiate the process of considering a zoning ordinance to regulate the growth and distribution of medical marihuana in the Township. The Planning Commission further recommends that the Township Board pass a moratorium on these uses of medical marihuana until such time as the Planning Commission recommends and/or the Township Board approves a zoning ordinance. Seconded by Commissioner Honicky.

VOICE VOTE: Motion carried 7-0.

9. Township Board, Planning Commission officer, committee chair, and staff comment or reports
(None)

10. New applications

- A. *Commission Review #10153 (Township Board), Section 61 review of character, location and extent regarding a 20.04 acres land preservation purchase located on the east side of Saginaw between Lake Lansing and Newton Roads in Section 4.
- B. *Commission Review #10163 (Township Board), Section 61 review of character, location and extent regarding a 19.95 acre land preservation purchase located north of Fenwick Court and east of Mereford Court in Section 3.

11. Site plans received (None)

12. Site plans approved (None)

13. Public remarks

Chair Reicosky opened and closed public remarks.

14. Adjournment

Chair Reicosky adjourned the regular meeting at 9:29 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary