

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
November 8, 2010**

APPROVED

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

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

1. Call meeting to order

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

2. Approval of agenda

Commissioner Beyea moved to approve the agenda. Seconded by Commissioner Jorkasky.

VOICE VOTE: Motion carried 5-0.

3. Approval of Minutes

**Commissioner Deits moved to approve the Regular Meeting Minutes of October 11, 2010.
Seconded by Commissioner Goodale.**

VOICE VOTE: Motion carried 5-0.

4. Public Remarks

Chair Reicosky opened and closed the floor for public remarks.

5. Communications

- Catherine J. Ash, Interim Superintendent, Okemos Public Schools, 4406 N. Okemos Road, Okemos; RE: Concern with Rezoning #10070 (Wiggins)
- Planning Commission Year-End Report to the Township Board

6. Public hearings

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

Chair Reicosky opened the public hearing at 7:08 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 November 4, 2010.
- Applicant
Liz Harrow, 1147 Daisy Lane, East Lansing, architect for the applicant, spoke to the intent of the applicant to create examination rooms for a medical office building. She noted the applicant commenced renovations without first obtaining a permit from the Township. Ms. Harrow stated the proposed rezoning would allow improvements which would otherwise be out of "sync" with the current zoning and the Master Plan.

Dr. Shannon Wiggins, 2310 East Michigan Avenue, Lansing, spoke to the plan for the building as a general medicine family practice in a proposed medical office building.

- Public

Matthew Drake, 5477 Earliglow Lane, Haslett, and municipal attorney with Fahey, Schultz, Burczyk, 4151 Okemos Road, Okemos, noted the law firm is located on the property immediately north of the subject site. He spoke to the intended use of this site as a medical marihuana clinic/dispensary as evidenced by signs being placed against the side of the building when sold which featured large marihuana leaves. Mr. Drake believed those signs, now removed and placed inside the building, are indicative of the intended use for this property. He also noted multiple websites indicate Dr. Wiggins as a doctor who will certify medical marihuana patients and the assumption is that the intended use of the property will be medical marihuana related in some form.

Mr. Drake asked for this rezoning to be tabled until a medical marihuana moratorium can be instituted in Meridian Township. He expressed concern this property is very near the Chippewa Middle School and middle school children “hang out” on this property after school. Mr. Drake addressed the belief there is no need for a moratorium as a dispensary can only exist within a commercial district but the Medical Marihuana Act speaks to caregivers recovering only costs so there is an argument that such activities are not commercial in nature.

Mr. Drake noted the applicant removed trees on this site without Township authorization as well as commenced renovation without obtaining the proper building permit.

- Planning Commission discussion:

Chair Reicosky inquired of staff if a drugstore wished to locate in this PO building, would it be required to go through the special use permit process.

Principal Planner Oranchak responded in the affirmative.

Commissioner Deits noted the rezoning applications states that Part I, II and III must be completed and that failure to complete any portion of this form may result in the denial of the request. He observed that both Part II A and B were incomplete and asked staff if the application as submitted was an adequate response by the applicant.

Principal Planner Oranchak answered that while she did not believe it was necessary to have an answer to each question as not every item is applicable, the applicant has not answered any questions in Part II (B) regarding reasons why the zoning is appropriate. She believed the lack of answers to be potential grounds for recommending denial to the Township Board. Principal Planner Oranchak noted the Planning Commission may ask the applicant if she has a response to Part II (B), and the applicant could add that information to the application.

Commissioner Goodale also expressed a desire for the applicant to provide the necessary answers to the applicable questions posed in the rezoning application.

Chair Reicosky stated that changing this property from RA to PO district makes sense as it would be consistent with the surrounding professional and office on all sides.

Commissioner Deits does not find the requested change objectionable, but was unsure as to the current need in the community.

Commissioner Jorkasky asked staff to provide history on the site relative to the special use permit for the day care v. rezoning.

Principal Planner Oranchak responded a day care is a permitted use in a residential district. She added it may have been determined at some point in the PO district that the child care center had to be part of the office building itself so that it was serving the employees within the office building.

Chair Reicosky asked the applicant if there is intention to raze the current building and construct a new structure or architecturally modify the existing building.

The applicant, Dr. Shannon Wiggins, 300 W. Jolly Road, Lansing, indicated it was her intent to modify the building while not increasing the current square footage.

Commissioner Beyea noted the staff report mentioned floodplain and wetlands on the site. He inquired how they may impact future office use on the site as the Planning Commission must look at all permitted and special uses which could be allowed if a rezoning was approved.

Principal Planner Oranchak responded there is a standard in the Master Plan which speaks to how much space is needed to accommodate the building, parking and setbacks for office uses. She indicated that based on this information and the knowledge there are floodplain and wetlands, the estimate was that a 17,000 square foot building could potentially be placed on this site with the appropriate parking. Ms. Oranchak stated there is room for future development on this site in the form of an expanded office building. She noted a future plan could include a multiple story building provided all setbacks and parking requirements were met.

Commissioner Beyea asked, since the Planning Commission must look at all permitted and future special land uses, where the Township is at in crafting language regarding medical marihuana.

Principal Planner Oranchak responded the Board has discussed the medical marihuana issue on several occasions and has chosen not to place a moratorium on medical marihuana or initiate the process towards developing an ordinance. She noted the Township attorney has indicated the commercial district is the appropriate place for a medical marihuana dispensary.

Commissioner Beyea also voiced concern with the incomplete application submitted and requested more information be provided by the applicant in order to make a complete review.

Commissioner Deits asked if the surrounding land was zoned PO.

Principal Planner Oranchak all property surrounding the subject site is zoned PO.

Commissioner Deits noted no traffic study was required based on the fact the building size would not change and, commensurately, there would be no increase in traffic. He inquired if the issue would come before the Planning Commission in the event the applicant decided to expand the size of the building in the future to 15,000 square feet.

Principal Planner Oranchak responded it would not come before the Planning Commission, but go to site plan review, which is a staff function. She noted if there was a significant

increase in vehicle trips as a result of the building expansion, staff would look at the traffic issue and possibly require a traffic study.

Commissioner Jorkasky noted instructions for Part II of the rezoning application state for the applicant to respond only to the items which he/she intends to support with proof.

Principal Planner Oranchak added information provided by an applicant assists the Planning Commission and the Township Board in their decision

Chair Reicosky noted any professional office space available today would have to go through the SUP process in order to place a drug store on its premises.

Principal Planner Oranchak responded that would generally be the requirement.

Chair Reicosky inquired if the applicant would have to obtain a special use permit if the Planning Commission approved the rezoning to PO.

Principal Planner Oranchak responded in the affirmative if the applicant wants one of the uses listed in the special use category. She reminded the Planning Commission it is only making a recommendation to the Township Board on the rezoning.

Commissioner Jorkasky asked if the Planning Department needs to assist the applicant in completing its application.

Principal Planner Oranchak answered the staff can guide an applicant through the process, but staff does not assist with the application.

Commissioner Beyea asked what uses for the subject property are permitted, either by right or special use, under the current zoning.

Principal Planner Oranchak responded by right, single family homes would be permitted and day care facilities, churches, assisted living facilities and schools as a non-residential use in a residential district through the SUP process.

Commissioner Beyea noted there are current viable economic uses under the current zoning for the subject site using either the existing building or a newly constructed building.

Commissioner Deits encouraged the applicant to provide additional information to questions Part II B (2), B (5) and B (6) in the rezoning application.

- Applicant rebuttal

Dr. Wiggins stated that to allay fears, there would not be marihuana grown or distributed on the premises. She added it is intended solely for a medical practice. Dr. Wiggins stated she would replace the trees previously removed.

Chair Reicosky closed the public hearing at 7:52 P.M.

- B. Zoning Amendment #10080 (Planning Commission), request to add Section 86-444 Commercial Planned Unit Development (C-PUD) to the Code of Ordinances

Chair Reicosky opened the public hearing at 7:52 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated November 4, 2010.

- Public
Ann Alchin, 2227 Hamilton Road, Okemos, inquired as to the impetus behind this proposed zoning amendment. She expressed appreciation for the proposed changes. Ms. Alchin expressed concern with (j) (8), which allows any condition in a commercial planned unit development to be changed with the mutual consent of the Township and the landowner.

Vance Poquette, President, Cedar Bend Heights Neighborhood Association, 2226 Kent Street, Okemos, expressed concern with sacrificing setbacks for amenities. He voiced appreciation for the significant change in the process to require a public hearing before the Planning Commission. He suggested placing a wall as the most effective and expeditious way of placing a boundary between Cedar Bend Heights and the commercial property on Grand River Avenue.

Will Tyler White, 2142-½ Hamilton Road, Okemos, indicated the Township Board identified redevelopment of commercial land as one of its primary goals. He spoke to the non-conforming nature of many of the buildings in the downtown areas and believed the C-PUD was intended to “assist” these old buildings in order to spur development. Mr. White indicated he did not believe there is any incentive in the proposed zoning amendment for developers and the process is more complex, time consuming and expensive than going through the normal process to develop property. He suggested streamlining the process, outlining specific timelines. Mr. White questioned the need for two public hearings, as the Township Board is the final decision maker.

Doris Swartz, 2209 Kent Street, Okemos, offered a history on the origin of this zoning amendment. She spoke to the Planning Commission decision to expand on the Township Board’s goal by adding vacant property to the mix. Ms. Swartz pointed to lack of Planning Commission consideration of areas zoned office in its final product although the Board’s initial request included it. She believed the purpose of the CPUD is to take the amount of design and creation of projects which happen as a result of variances out of the realm of the Zoning Board of Appeals (ZBA) and redirect those decisions to staff and the Township Board. Ms. Swartz believed the ZBA to be the appropriate body to grant variances as it is the avenue which allows the public its greatest opportunity for “real” input.

Ms. Swartz requested inclusion of a definition for smart growth principles and green building and site development techniques. She spoke in opposition to the provision to allow any project to exceed current maximum building height. Ms. Swartz recommended the word “encouraged” be changed to “urged” in (j) (2) as it is a key to the success of the development for the applicant to meet with owners and occupants of surrounding properties. She noted the pre-application is a good idea as much of the design configuration takes place between staff and the developer. Ms. Swartz urged the Planning Commission to incorporate these staff suggestions in some sort of “minutes” to which the public can refer.

- Planning Commission discussion:
Chair Reicosky commented the process the Planning Commission is faced with is to develop an ordinance which meets and protects the needs of both the residents and the developers.

Commissioner Deits noted PO is not included in the C-PUD as it is now covered under the MUPUD. He spoke to earlier public statements that the CPUD process is too complicated, indicating the current process is too easy and against state law, as the Township is allowing the ZBA to act as a legislative body. Commissioner Deits noted there is no current method under law to obtain a setback waiver, height limit, etc. for a self-imposed circumstance, which would affect every redeveloped property within Meridian Township. He stated the Planning Commission is attempting to create a method through the C-PUD which allows the Township to work within its zoning ordinances as they currently stand.

Commissioner Deits requested clarification in (j) (3) b. as to whom will perform the review procedures.

Principal Planner Oranchak responded it was the intent for the sketch plan review process to follow other processes which allow the Planning Commission first review and the Township Board second review; however there have been occasions where the option has been left to the developer or applicant's discretion. She indicated the language is open ended.

Commissioner Deits believed the process should be clarified by considering a requirement that it come before the Planning Commission and if either the Planning Commission or the developer chooses, it then go to the Board.

Commissioner Deits believed there should be time limits incorporated for the Planning Commission and Township Board review process.

Commissioner Jorkasky inquired as to process for the pre-application sketch plan review.

Principal Planner Oranchak responded it would be an informal presentation, scheduled as an agenda item at a regular Planning Commission meeting.

Commissioner Beyea expressed appreciation for public comments. He requested Planning Commission consideration of identifying certain areas designated as signature "gateway" properties where an overlay district would be allowed by right.

Commissioner Jorkasky asked why the Planning Commission considered all commercial properties.

Chair Reicosky responded the subcommittee ultimately decided it did not want to exclude any commercial greenfield areas.

Commissioner Deits expressed concern with prejudging the area where a C-PUD would be the best fit, noting the process allows for determining the appropriateness of a project on the proposed site through the pre-application sketch plan review.

Chair Reicosky stated if the rapid bus transit system currently under consideration by the Michigan Avenue/Grand River Corridor Transportation Study Committee comes to fruition, a drastic change would be seen in redevelopment along that corridor in Meridian Township. He believed the C-PUD ordinance would be the best tool to use in that endeavor.

Commissioner Beyea indicated staff comment in its report regarding the inconsistency between the definition of amenity in the proposed ordinance and the current MUPUD. He voiced support for the definition contained in the MUPUD.

Chair Reicosky voiced support for the definition of amenity as contained in the proposed C-PUD.

Commissioner Deits voiced support for the definition of amenity as contained in the proposed C-PUD, as he believed it a significant improvement over the MUPUD definition.

Commissioner Beyea suggested the Planning Commission recommend to the Township Board use of the amenity definition as contained in the proposed C-PUD.

Commissioner Jorkasky agreed to use the definition of amenity as contained in the proposed C-PUD.

Chair Reicosky supported Commissioner Deits' comment regarding the sketch plan review process.

Principal Planner Oranchak suggested the sketch plan review process include the option for the developer to take it to the Township Board.

Commissioner Beyea indicated there are two issues being considered: 1) Whether a sketch plan, if proposed, should come to the Planning Commission and 2) If a sketch plan should be required. He supported Planning Commission review of proposed sketch plans and, at the developer's discretion, go to the Township Board.

Chair Reicosky and Commissioners Deits and Jorkasky voiced concurrence with Commissioner Beyea.

Chair Reicosky asked for other Commissioner's input on a proposed overlay district.

Principal Planner Oranchak noted that by virtue of this being a planned unit development, it is an overlay district. She explained the idea is to facilitate redevelopment and if it is the intent of the Planning Commission to allow C-PUD's only in certain areas, the language should simply state the C-PUD only applies in specific locations.

Commissioner Beyea explained the idea is to maintain certain commercial areas where there are large setbacks, etc. from having buildings with zero lot line and walkability in the middle breaking up continuity. He added there may be specific areas in the Township where walkable urbanism should be encouraged in a "gateway" fashion.

Principal Planner Oranchak commented by virtue of the fact that this is an option, it does not give any assurance approvals will result in a unified development.

Commissioner Beyea stated he did not believe the C-PUD should be a tool used "everywhere" in the Township and the next step is to identify and decide certain areas within the Township where walkable urbanism is desired. He believed this step to be part of the Master Plan update. While not ready to recommend certain properties at this point, he suggested comments to the Township Board include looking at this issue over the course of the next year.

Commissioner Deits voiced his continued disagreement on the concept of an overlay district, while acknowledging discretion needed to be used in the application of the C-PUD. He believed discretion should be based on review, not on geographical restriction.

Commissioner Beyea voiced agreement to strengthen language in (j) (2) as mentioned in earlier public comment to highlight the importance of the applicant meeting with owners and occupants of surrounding properties.

Commissioner Deits suggested mirroring MUPUD timelines in the C-PUD's decision making process at the Planning Commission/Board level for consistency. He pointed to (f)(4)(d) for use as a definition of green building technology (i.e., solar energy, green roofs, pervious pavement, and grey water recycling) while acknowledging that is not exclusive and the field is evolving.

Commissioner Deits suggested citing the Master Plan by reference for definition of smart growth principles. He addressed earlier public comment regarding (j)(5)(8) by suggesting the same process be used as currently exists for an applicant to request a SUP amendment either through reference or using the exact language for consistency.

Chair Reicosky closed the public hearing at 8:58 P.M.

7. Unfinished Business

Commissioner Deits moved to add Agenda Item #8A: Medical Marihuana Facilities as a permitted use in Meridian Township. Seconded by Chair Reicosky.

Planning Commission discussion:

- Obtain information on this topic when it was discussed by the Township Board and the Township attorney
- Concern discussion of this issue tonight is premature without additional information
- Concern with intermingling Rezoning #10070 and the medical marihuana issue

VOICE VOTE: Motion 4-1 (Beyea).

8. Other Business

A. Medical Marihuana Facilities as a permitted use in Meridian Township

Planning Commission and staff discussion:

- Request for training on what the medical marihuana law means
- How the medical marihuana law impacts Planning Commission decisions
- Belief that any physician can prescribe medical marihuana
- One interpretation is that a dispensary can locate in a commercial district
- Need for guidance from the Board on this issue
- Staff suggestion to view previous Board meetings/minutes where medical marihuana was discussed

Commissioner Deits moved to request guidance from the Board as to possible regulation of medical marihuana uses in the Township. Seconded by Commissioner Jorkasky.

Commissioner Beyea offered the following friendly amendments:

- **Request that the Township Attorney attend a future meeting to inform Planning Commissioners on the medical marihuana issue**
- **Request for staff to compile information to date on the medical marihuana issue**

The amendments were accepted by the maker and seconder.

VOICE VOTE ON THE MAIN MOTION: 5-0.

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

Chair Reicosky thanked staff for preparation of the Planning Commission End of the Year Report presented to the Board at its November 4, 2010 meeting.

10. New applications

- 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.
- 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.

11. Site plans received (None)

12. Site plans approved (None)

13. Public remarks

Chair Reicosky opened public remarks.

Doris Swartz, 2209 Kent Street, Okemos, requested the Planning Commission consider some procedural changes relative to subcommittee meeting announcements. She also requested subcommittee meetings be posted on the Township's website calendar.

Chair Reicosky closed public remarks.

14. Adjournment

Chair Reicosky adjourned the regular meeting at 9:20 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary