

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
October 12, 2015**

APPROVED

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

PRESENT: Commissioners Cordill, DeGross, Deits, Honicky, Ianni, Jackson, Scott-Craig,
Tenaglia, Van Coevering
ABSENT: None
STAFF: Principal Planner Oranchak, Associate Planner Martha Wyatt

1. Call meeting to order

Chair Scott-Craig called the regular meeting to order at 7:03 P.M.

2. Approval of agenda

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

VOICE VOTE: Motion carried unanimously.

3. Approval of Minutes

Commissioner Honicky moved to approve the Work Session Meeting Minutes and Regular Meeting Minutes of September 28, 2015. Seconded by Commissioner Jackson.

VOICE VOTE: Motion carried unanimously.

4. Public Remarks

Chair Scott-Craig opened the floor for public remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, questioned the prudence of voting on Rezoning #15040 the same night as the public hearing.

Chair Scott-Craig explained a public hearing and subsequent approval was held on this rezoning last month; however, a problem with notification to surrounding neighbors required a second public hearing.

Scott Fairmont, 4429 Apache Drive, Okemos, availed himself for Planning Commission questions during the public hearing on Rezoning #15040 (Mayberry Homes).

Dave Ledebuhr, 4767 Cornell Road, Okemos, expressed appreciation for holding a second public hearing on Rezoning #15040, as he owns property adjacent to the subject site. He voiced support for the project moving forward, but expressed apprehension with an engineered community septic system for the development. He was also concerned about residents within the county drain district absorbing the cost of moving the county drain as requested by the developer.

Robert Pairolo, 15590 Center Road, Bath, availed himself for Planning Commission questions during the public hearing on Special Use Permit (SUP) #15131.

Mike McCurdy, 5458 Okemos Road, East Lansing, voiced support for Rezoning #15060 and availed himself for Planning Commission questions during the upcoming public hearing.

Chair Scott-Craig closed public remarks.

5. Communications

- A. Adam Whitz, Broker/Owner, RE/MAX Commercial Group, 300 W. Lake Lansing Road, East Lansing; RE: Rezoning #00150 (St. King)
- B. Joy and Rich Schaberg, 5596 Star Flower, Haslett; RE: Rezoning #15060 (McCurdy)

6. Public hearings

- A. Rezoning #15040 (Mayberry Homes), request for conditional rezoning of approximately 25.5 acres located on the east side of Powell Road from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family-Low Density with a request for a decision the same night as the hearing.

Chair Scott-Craig 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 rezoning request as outlined in staff memorandum dated October 8, 2015.
- Applicant
Scott Fairmont, 4429 Apache Drive, Okemos, noted concerns voiced during earlier public comment will be addressed during site plan review.
- Planning Commission discussion:
Chair Scott-Craig inquired as to the components updated within the resolution.

Principal Planner Oranchak replied all dates have been updated as well as changes which may have been made at the last meeting.

Commissioner Deits inquired if the Planning Commission could condition the rezoning on the presence of the community septic system.

Principal Planner Oranchak replied it is the applicant's decision to offer conditions for the rezoning.

Commissioner Deits asked what would be the effect in the event the applicant chose to go into a different direction for the sewer system.

Principal Planner Oranchak believed the issue would be handled during the plat review portion of the project, which goes before both the Planning Commission for a recommendation and to the Board for a final decision. She noted the decision concerning any sewer will not be made until the plat is approved.

Chair Scott-Craig closed the public hearing at 7:19 P.M.

- B. Special Use Permit #15131 (Pairolero), request to construct a non-residential use in a residential district (optometry clinic) on two undeveloped platted lots located on the east side of Marsh Road north of Haslett Road

Chair Scott-Craig opened the public hearing at 7:19 P.M.

- Summary of subject matter
Associate Planner Wyatt summarized the special use permit (SUP) request as outlined in staff memorandum dated October 9, 2015.
- Applicant
Tom Gottschalk, James Edwards Builder, 1031 E. Saginaw Street, Lansing, representing the applicant, spoke to Eyecare Associates as a longstanding business in the Haslett community. He spoke to the thought which went into the design of the new building.
- Public
Simhr Pawar, 5697 Edson Street, Haslett, stated this relocation of the optometry clinic will be welcome change for Haslett. She indicates trees at the rear of the subject property are leaning over onto her residential property and the berm which separates the two properties is sinking.
- Planning Commission discussion:
Commissioner Cordill inquired how long the land has been vacant.

Associate Planner Wyatt did not believe there has ever been a home located on the property.

Commissioner Cordill inquired that if the nearby properties were rentals, would the owners be inclined to share the notification with their tenants.

Principal Planner Oranchak responded both owners and the occupants are noticed during the notification process.

Commissioner Ianni inquired if there was a way to eliminate the need for a parking variance by adding additional bicycle parking.

Associate Planner Wyatt responded parking cannot be reduced more than ten (10) percent of the required amount, so two would be the limit of the reduction for 20 required parking spaces.

Commissioner Deits asked why the property is not being rezoned to PO.

Principal Planner Oranchak replied because the SUP goes with the zoning and it would be a longer process for the applicant to go through a rezoning and then go through the remaining review.

While acknowledging the inconvenience, Commissioner Deits believed it a relevant issue from a planning perspective. He pointed out one lot immediately to the south is zoned residential while surrounded by PO and what amounts to an office building to the north.

Commissioner Deits stated if it is the Township's desire to have businesses extend farther along Marsh Road than the current location, it should make that decision in a more

coherent fashion. He expressed concern the applicant is requesting a variance on all four (4) sides of the property, stating from a zoning, design and land use point of view, he could not support the project. Commissioner Deits suggested a number of variances could be relieved by placing the parking in the rear and underneath, instead of in front and on top.

Commissioner Honicky expressed concern with the eight (8) foot drop and the surface water running downhill into the Lake Lansing Watershed. He believed water should be managed with forethought prior to bringing the project before the Planning Commission. He noted there is an abundance of PO zoned land in the Township and inquired if the applicant had considered any of those nearby parcels.

Mr. Pairolero stated he currently practices at 1536 Haslett Road and was proposing to move his practice two (2) blocks to the subject site. He indicated he has looked for over a year for PO zoned property for sale to accommodate his needs. Mr. Pairolero expressed concern with all the restrictions placed on rented property and none appeared to fit his professional needs. Regarding the question relative to water, he hired KEBS, Inc. to perform the engineering on the project and proposed a stormwater treatment area underneath the parking lot which would retain water runoff.

Commissioner Jackson spoke to the eight (8) foot drop in the land and the location of the stormwater treatment as the rationale for the parking being larger than the building and placed in the front of the site.

Mr. Pairolero added the number of parking spaces required was calculated based on the size of the building.

Commissioner DeGross suggested the applicant is placing too much building into a small area as the rationale for requesting variances on all four (4) sides. He believed if a SUP is available for this zoning designation, the applicant should be able to ask for it.

Commissioner Cordill believed the SUP is the more appropriate route for this project over a rezoning. She believed a rezoning would be interpreted as spot zoning based on the fact there are single family homes on three (3) of the four (4) sides.

Dr. Pairolero added he attempted to purchase the third lot without success.

Commissioner Cordill inquired about the possibility of building upward as height is available.

Dr. Pairolero responded many of his patients are handicapped and a second floor would present mobility issues and not be practical.

Commissioner Cordill suggested employee parking on the sides of the building.

Dr. Pairolero responded that in order to meet the need for expansion, parking on the north and south sides of the building would also require variances.

Commissioner Tenaglia did not believe this type of business would need the required number of parking spaces as it is not a high volume business. She reminded fellow

Commissioners working with the applicant would result in use of property that has been vacant for many years.

Commissioner Deits noted approval of a SUP to allow a non-residential use in a residential district would restrict Dr. Pairolero as he could only sell to a prospective buyer in the future who intended some type of medical use.

Commissioner Ianni stated part of the reason the property needs a significant number of variances is due to the fact these parcels were platted over a hundred years ago as residential parcels, were never used that way and are too small for other uses without variances.

Commissioner DeGroff believed earlier Commissioner comment regarding the limitation of an SUP is really an argument against this type of SUP.

Commissioner Ianni indicated medical use is a low intensity community based business and more appropriate in residentially zoned areas.

Chair Scott Craig stated the building is too large for the site. He noted the Planning Commission must uphold community standards and setbacks are one of those standards. He stated the Planning Commission has been asked by the Zoning Board of Appeals not to pass along projects to them when there are multiple variance requests which have been self-created. He agreed building up would eliminate the need for most of the variances.

Dr. Pairolero replied that a building which contained multiple floors but had a 30 foot by 30 foot footprint would not be aesthetically pleasing or attractive.

Chair Scott-Craig asked if the seven (7) foot pathway was required by the Township.

Associate Planner Wyatt responded in the affirmative, and would be placed on the applicant's property.

Chair Scott-Craig explained the Planning Commission's position on making a decision the same night as the public hearing for this SUP.

Mr. Gottschalk inquired if Planning Commission members had suggestions to the applicant relative to acceptable landscaping and parking lot setbacks. He stated he viewed the newly constructed building at Cornell and Grand River Avenue with front yard parking as an example of an approved project.

It was the consensus of the Planning Commission not to vote on this project the same night as the public hearing and not to support the project as proposed.

Chair Scott-Craig closed the public hearing at 8:14 P.M.

- C. Rezoning #15060 (McCurdy), request to rezone 5458 O4kemos Road from RAAA (Single Family Low Density) to RR (Rural Residential)

Chair Scott-Craig opened the public hearing at 8:14 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the rezoning request as outlined in staff memorandum dated October 8, 2015.
- Applicant
Mike McCurdy, 5458 Okemos Road, East Lansing, stated the goats currently located on his property are not in compliance with RAAA zoning regulations. Relative to the Right to Farm Act, he indicated there will never be a large commercial operation on only six (6) acres. Mr. McCurdy noted the property is surrounded by other parcels with large acreage and no nearby residential development.
- Planning Commission discussion:
Commissioner Ianni inquired as to how code enforcement was involved.

Principal Planner Oranchak replied the Township received a complaint which was investigated and found not to be in compliance.

Mr. McCurdy stated he filed two (2) Freedom of Information Act (FOIA) requests for copies of any complaints and was told by Township staff there was no record of any complaints.

Commissioner Tenaglia inquired how long the property owner has lived at 5458 Okemos Road and how long he has housed goats on that property.

Mr. McCurdy replied they have resided at 5458 Okemos Road approximately five (5) years and acquired pygmy goats last fall. He stated the previous property owner housed a horse, goats and chickens.

Commissioner DeGroff inquired what type of industrial farming could be conducted on six (6) acres.

Principal Planner Oranchak replied there are no limits on goats, chickens or rabbits in the RR district.

Commissioner DeGroff asked the applicant how many animals he could legally raise on this six (6) acre parcel.

Mr. McCurdy could not give an exact estimate, but acknowledged there are very strict regulations regarding water runoff into existing wetlands and odor control.

Commissioner Jackson reiterated the zoning goes with the land and the real question is the appropriateness of RR zoned land at this location.

Commissioner Deits asked what would trigger the Right to Farm Act on the subject parcel.

Principal Planner Oranchak replied she will research this issue and provide a response to Planning Commissioners.

Commissioner Deits asked if the applicant had any intent to sell any goat by-products.

Mr. McCurdy responded he may sell goat milk, etc. to friends in the future.

Commissioner Honicky noted the amount of wetland on the property limits an expanded agricultural use.

Principal Planner Oranchak clarified that agricultural use is an exemption in the wetland ordinance and read the applicable section(s) of the ordinance for the benefit of Commissioners. She stated it would apply to land zoned RR, RRR and agriculture, noting the Township does not currently have any land zoned for agriculture.

Commissioner DeGroff added that even if there is no regulatory restriction because of the wetlands, there may still be logistical restrictions because of the wetlands in the types of things a homeowner could do agriculturally.

Commissioner Ianni stated one purpose of the Right to Farm Act is to prevent urban sprawl into agricultural communities. He believed in this case, rural development is coming into a residential neighborhood, bringing a nuisance to individuals who are already residentially established in the area. He expressed opposition to the rezoning request.

Commissioner Jackson believed this type of question has previously been vetted several times, when chickens and rabbits were subsequently allowed to be raised in residential areas. She pointed out goats were specifically not permissible in more urbanized residential areas. Commissioner Jackson stressed that several attempts to rezone this property and several parcels to the south from RAAA to RR have failed and believed these types of uses should not be placed in the RAA and RAAA environment.

Commissioner DeGroff suggested the applicant bring proof that no industrial farming could take place on property this small in an effort to persuade Commissioners to support the rezoning request.

Commissioner Deits believed that although there is history to moving this area of the Township into residential, local agriculture is now viewed as an asset and a significant change since the last time this issue was before the Township. He noted the Planning Commission has not heard from any of the adjacent property owners in the neighborhood. He expressed support for the formation of "farmlets" but cautioned there is a need for a more global perspective.

Commissioner Van Coevering pointed to many letters (some of which were submitted by adjoining neighbors) contained in Board communications in support of the rezoning request. She inquired if those letters were still available.

Principal Planner Oranchak stated she would provide the aforementioned letters for the next meeting.

Commissioner Jackson requested staff provide the number of neighbors in the area who voiced support and opposition to the goats.

Commissioner Cordill inquired if the applicant was aware that he could request a conditional rezoning.

Principal Planner Oranchak responded the applicant is aware of that option.

Commissioner Jackson urged fellow Commissioners to consider the precedent which would be set within the Township if the rezoning request is approved.

Commissioner Ianni voiced concern with bringing rural uses into an established neighborhood area.

Chair Scott-Craig suggested one way to address the pygmy goats was to amend the ordinance to limit the number of animals within the RR designation. He believed the Right to Farm Act was established to protect existing farms from the pressure of residential development, not to expand the farm. Chair Scott-Craig pointed out that four (4) of the five (5) RR parcels to the north are nonconforming in terms of size. He reminded fellow Commissioners the Planning Commission would be making a recommendation to the Township Board on this rezoning request.

Mr. McCurdy added petitions have been submitted to the Township by his neighbors voicing support for retention of his pygmy goats through rezoning the subject property to the RR zoning designation. He requested the Planning Commission not make a fear-based decision on a worst case scenario and believed granting the rezoning request would discourage development which would be inappropriate in this area.

Chair Scott-Craig expressed concern with the timing of a decision as it relates to the pending court case on this issue.

Commissioner Van Coevering requested additional information regarding the Township's response to Mr. McCurdy's FOIA requests.

Commissioner Deits urged the Township to hold the court case in abeyance until there is a decision on the rezoning request.

Chair Scott-Craig closed the public hearing at 8:58 P.M.

Without objection, Agenda Items #7C and #7B will be taken up at this time to allow the applicants to go home.

[Chair Scott-Craig recessed the meeting at 9:13 P.M.]

[Chair Scott-Craig reconvened the meeting at 9:19 P.M.]

- D. Zoning Amendment #15070 (Planning Commission), amend Section 86-2 Definitions and Section 86-438 Wireless Communication Facilities Overlay District to comply with federal and state regulations

Chair Scott-Craig opened the public hearing at 9:19 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated October 8, 2015.
- Planning Commission discussion:
Commissioner Van Coevering inquired if the 60 and 90 day time periods were 60 and 90 business days.

Principal Planner Oranchak responded the draft states 90 days.

Commissioner Deits expressed concern Sec. 86-438 (a) (1) c. does not include commercial areas, which was the argument brought forth by the business owner adjacent to the proposed cell tower recently reviewed by the Planning Commission and Township Board. He also voiced concern with the use of the blanket term “protect” in that same subsection. Commissioner Deits suggested a rewrite of Sec. 86-438 (a) (1) c. to read: “Avoid potential adverse impacts of towers and antennas on future land uses.” He suggested it may be beneficial to point out somewhere in the ordinance that protection does not extend to the concept of direct or indirect health impacts.

Commissioner Jackson asked what kind of land “protections” are referred to in this section.

Commissioner DeGroff believed Sec. 86-438 (a) (1) c. does not add anything which is not already covered by Sec. 86-438 (a) (1) b.

Commissioner Ianni suggested (a) (1) c. be deleted, and there was general consensus from the other Commissioners.

Commissioner Jackson requested clarification whether Section 3514. (1) of the Michigan Zoning Enabling Act (MZEA) speaks specifically to colocation not being subject to special land use approval or any other approval because the tower is already in place. She believed it does not mean a new tower is a permitted use by right in every zoning district.

Principal Planner Oranchak responded that Commissioner Jackson was correct.

Chair Scott-Craig asked for clarification about the statement in the staff memorandum which spoke to the equipment meeting the first two conditions but not the last two as there were only three (3) listed.

Principal Planner Oranchak responded she will look into it prior to the next meeting.

Commissioner Deits noted the attorney’s comment about apparent ambiguity regarding tower height on page 10. He inquired if a maximum height was contained in the ordinance.

Principal Planner Oranchak did not believe there is a maximum height designated in the ordinance.

Commissioner Jackson asked if the maximum structural height within a specific zoning district applied.

Principal Planner Oranchak responded it did not.

Commissioner Jackson inquired if the ordinance specifically states that the maximum structural height within a specific zoning district cannot be applied.

Principal Planner Oranchak noted if the tower is stealth, it is a use by right except for site plan review. She indicated any other type of tower would require a special use permit (SUP where height can be a consideration.

Chair Scott-Craig inquired if the Township would be allowed to regulate the height of a tower.

Principal Planner Oranchak believed the attorney's comment speaks to a possible maximum height limit.

Commissioner Honicky inquired if we have height limits on other structures, e.g., windmills.

Principal Planner was unsure there was anything in the ordinance which speaks specifically to windmills. She did share there are certain things (i.e., church spire) which are not subject to a maximum height requirement of the zoning ordinance.

Commissioner DeGroff stated that, in some ways, it does not make sense to place a restriction on towers with a height of 200 feet or less as noted in the attorney's comment for subsection (F)(3) E.5. He believed the rationale behind that language is that if a tower is taller than 200 feet, it cannot be disguised as looking like the sky as a safety feature for planes.

Principal Planner Oranchak added the Federal Aviation Administration (FAA) requires lights to be installed on a cell tower if it is taller than 200 feet.

Commissioner Deits pointed out this ordinance speaks to wireless telecommunication, and was fairly certain it would not apply to radio towers, e.g., the radio tower at Vann Atta and Jolly Roads.

Principal Planner Oranchak concurred with Commissioner Deits assumption.

Commissioner Deits asked if the Township had a radio tower ordinance.

Principal Planner Oranchak was unsure whether the Township had a radio tower ordinance in place, but apprised the aforementioned radio tower has a SUP.

Commissioner Deits asked on what grounds the applicant applied for the SUP.

Principal Planner Oranchak replied she will go back and look at which section of the ordinance was used to apply for the SUP.

Commissioner DeGroff inquired as to why the automatic approval period in Section 85-438 (E) (5) is necessary.

Chair Scott-Craig stated the automatic approval period is in the law.

Commissioner DeGroff requested the meaning of “minimum height necessary” used in Section 85-438 (F)(1) a.

Commissioner Jackson responded that there were specific increments required between collocators.

As an addendum to Ms. Oranchak’s comment relative to the FAA requirement for lights on a cell tower taller than 200 feet, Commissioner Jackson stated there is a “typical” range where cell towers are built, and thought keeping the height requirement less than 200 feet was in response to the FAA requirement. She believed the range took into account the area between the height of most buildings and the height at which airplanes fly.

Commissioner Deits noted language in Section 85-438 (F)(1) a. states the report will discuss a number of issues relative to the necessary height, among them which is collocation needs, which would include both current and future collocation needs.

Commissioner Jackson added that the Township is encouraging permission for collocation as a means to have less towers within the Township, which would require height for the primary provider and additional height for collocators.

Principal Planner Oranchak explained the use of the word necessary means what is necessary to deliver service they are looking to provide in the designated area. She reminded Commissioners that for the proposed cell tower case which recently came before the Planning Commission, the applicant’s engineer provided documentation and maps showing the service area and the justification for the height needed for good coverage to that area.

Commissioner DeGroff believed without defining “minimum height necessary”, an applicant could select the desired height and show what that height would provide, and then use that criteria to justify the desired height.

Commissioner Van Coevering reminded fellow Commissioners of the graphs provided by Neil Bowlby during Planning Commission discussion on the recent cell tower request, which depicted the service areas for different heights.

Commissioner Deits added while Mr. Bowlby made a case that while the proposed tower was not of a height “necessary” for current service, it was made taller because of a desire to collocate in the future.

Commissioner Honicky recalled that during the most recent Planning Commission hearing on the application for a cell tower, the cell tower was requested in order to take some of the load off a current tower to better process high speed data. He added each increase in height provided additional coverage. Commissioner Honicky also recalled there was a direct correlation between the cell tower height and the required infrastructure, and believed sharing the associated cost could come through collocation. He believed language within the ordinance should reflect best engineering practices relative to the minimum necessary.

Commissioner Cordill believed cell tower applicants ascertain what capacity they can have in an effort to “edge” out their competitors. She stated there are land use implications from this competitive industry.

Commissioner Jackson urged caution in taking a position within the Township’s ordinance which unfairly impacts business competition; however, she believed the Township should also have leverage within the process. She believed state and federal law has taken away the Township’s ability to weigh and leverage these interests. Commissioner Jackson stated ways must be found for the Township to be involved in the decision making process to help manage how this resource is being used.

Commissioner Jackson inquired as to the decision making process to determine whether the Planning Commission or planning staff finds an application to be complete with the 14 day time period.

Principal Planner Oranchak replied planning staff already determines whether any application is administratively complete, and the new language now has a time limit of 14 days to do so.

Commissioner Cordill asked if the 90 day application approval process included the 14 days allowed for the application to be considered administratively complete.

[Commissioner Tenaglia left the room at 9:59 P.M.]

Chair Scott-Craig explained the 90 day application approval process begins when the staff determines the application to be administratively complete.

Commissioner Deits offered an alternative to the standard staff process for an application to be considered complete by allowing the Planning Commission to review the application and ask questions.

Principal Planner Oranchak inquired if the Planning Commission was willing to hold special meetings under the aforementioned scenario.

Commissioner Deits responded only in the event needed and there was not likely to be very many of them.

Commissioner Ianni believed the Township’s professional planning staff is competent to determine whether an application is administratively complete prior to it coming before the Planning Commission.

Commissioner DeGroff expressed concern cell tower applicants have a distinct advantage and the onus is on the Township to hire experts to take issue with the information provided. He stated all the applicant needs to do is “run out the clock” and not ultimately provide answers.

Chair Scott-Craig reminded fellow Commissions the zoning amendment is being presented by staff to bring the current Township ordinance into compliance with the 2012 state law and the other issues raised are not part of the proposed zoning amendment. He suggested

future discussions for the Planning Commission to reinsert some control over cell tower location may be to designate cell tower compatible zones.

Principal Planner Oranchak stated she did not believe the Township could set up a negotiation period within the initial 14 days, as the ordinance should state exactly what makes an application complete.

Commissioner Jackson pointed out that Section 85-438 (F)(1) a. specifically states what makes for a complete application. She also disagreed with the Chair that the proposed zoning amendment only deals with bringing our ordinance into compliance with state law as there are changes being proposed which support that effort.

Principal Planner Oranchak clarified that the proposed language being offered is for compliance with the state law which was passed in 2012.

Commissioner Deits believed the attorney's comment about tower height is relevant and needs to be addressed. He voiced concern with being able to revisit the issue of cell towers again.

Commissioner Jackson added the Planning Commission is the applicant for this zoning amendment.

Commissioner Honicky requested clarification if there is a standard for best engineering practices with regard to cell tower height.

Commissioner Van Coevering believed there needs to be clarification of what the Planning Commission is asking itself to do as there is confusion among Commissioners as to what is the Planning Commission's role.

Chair Scott-Craig explained the zoning amendment was prepared by planning staff and submitted to the Township attorney, who has clarified or "tweaked" the ordinance to bring the Township into compliance with state law. He outlined the remainder of the process for the proposed zoning amendment.

Commissioner Jackson noted that since the Township has been out of compliance with state law since 2012, the compliance argument is no reason not to look at other concerns already expressed by commission members.

Commissioner Van Coevering suggested focusing on compliance now and revisiting the entire ordinance at some point in the near future.

Commissioner DeGroff suggested changing "recommended" to "required" in 85-438 (F)(1) f.

Chair Scott-Craig closed the public hearing at 10:18 P.M.

7. Unfinished Business

- A. ~~Special Use Permit #15131 (Pairolero), request to construct a non residential use in a residential district (optometry clinic) on two undeveloped platted lots located on the east side of Marsh Road north of Haslett Road~~

[Commissioner Cordill left the room at 9:08 P.M.]

- B. Rezoning #15040 (Mayberry Homes), request for conditional rezoning of approximately 25.5 acres located on the east side of Powell Road from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family-Low Density). Decision the same night as the hearing.

Commissioner Jackson moved to suspend Planning Commission Bylaw 6.4a to consider Rezoning #15040 the same night as the public hearing. Supported by Commissioner Tenaglia.

VOICE VOTE: Motion carried unanimously.

Commissioner Deits 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 #15040 to rezone approximately 25.5 acres located on the east side of Powell Road, north of Grand River Avenue from RR (Rural Residential) and CR (Commercial Recreation) to RAA (Single Family Low Density) with the voluntary offer to condition the rezoning on not more than one dwelling unit per acre. Seconded by Commissioner Jackson.

[Commissioner Cordill reentered the room at 9:10 P.M.]

Planning Commission discussion:

- Planning Commission oversight of the community septic system v. sewer will take place during the plat process

ROLL CALL VOTE: YEAS: Commissioners Cordill, DeGroff, Deits, Honicky, Jackson, Ianni, Tenaglia, Van Coevering, Chair Scott-Craig

NAYS: None

Motion carried unanimously.

- C. 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) with the offer of a condition to retain RR zoning if a variance for a shared driveway is not granted by the Zoning Board of Appeals

Commissioner DeGroff 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 #15030 to rezone approximately 1.4 acres located at 1998 Jolly Road from RR (Rural Residential) to RA (Single Family-Medium Density) with a voluntary offer of a condition which would allow the property to remain RR (Rural Residential) if the applicant should be unsuccessful in obtaining a variance to allow a shared driveway. Seconded by Commissioner Ianni.

Planning Commission discussion:

- No imposition on surrounding landowners if the land remains zoned RR
- Condition requested respects the wishes of the applicant
- Importance of individuals who donate land to the Township “playing by the rules”
- Inquiry if the shared driveway issue can be resolved prior to the rezoning

- If the parcel is not rezoned and not split, there is no reason for the Zoning Board of Appeals to consider the variance
- Inquiry if a RR parcel is taxed at a lower rate than RA
- One Commissioner voted previously on the rezoning request for reasons which had nothing to do with the driveway
- Allowing this condition would make the Planning Commission's original decision on this rezoning capricious

ROLL CALL VOTE: YEAS: Commissioners DeGroff, Deits, Honicky, Ianni, Tenaglia, Van Coevering, Chair Scott-Craig

NAYS: Commissioners Cordill, Jackson

Motion carried 7-2.

8. Other Business (None)

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

Commissioner Deits reported a special meeting of the Downtown Development Authority (DDA) was held last week to discuss the design of the project proposed for the site currently occupied by the former central fire station and the Meridian Area Resource Center (MARC) building. He stated there will be the customary public input phases for the proposed mixed use planned unit development (MUPUD). Commissioner Deits also conveyed considerable discussion ensued about the Celebrate Downtown Okemos Event and there was general agreement to approve the idea of reimbursement to the Township for staff time required to manage the event. He noted whether this will become a Meridian wide event is still "up in the air."

Chair Scott-Craig reported his attendance at the Environmental Commission meeting where there was one wetland use permit on the agenda which the Planning Commission will probably see next month. He announced a public meeting on Ingham County's Regional Trails and Parks Plan will be held on Thursday, October 15, 2015 at 6:30 P.M. in the Township Hall.

A. Future Projects/New Applications

Zoning Amendment #15080 (Township Board) Amendment to Section 86-473 Street Trees

B. Update of Ongoing Projects

i. Site Plans Received

1. Site Plan Review #15-08 (Auto Zone), construct a 7,381 square foot building for auto parts sales

ii. Site Plans Approved - None

10. Public remarks

Chair Scott-Craig opened and closed public remarks.

11. Adjournment

Chair Scott-Craig adjourned the regular meeting at 10:24 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary