

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
May 12, 2014**

APPROVED

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

PRESENT: Commissioners Cordill, Deits, Hildebrandt, Honicky, Ianni, Jackson, Salehi, Scott-Craig, Van Coevering

ABSENT: None

STAFF: Director of Community Planning and Development Mark Kieselbach, Associate Planner Peter Menser

1. Call meeting to order

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

Chair Jackson welcomed Joyce Van Coevering as the newly appointed Planning Commissioner.

2. Approval of agenda

Commissioner Ianni moved to approve the agenda. Seconded by Commissioner Scott-Craig.

VOICE VOTE: Motion carried unanimously.

3. Approval of Minutes

Commissioner Scott-Craig moved to approve the Regular Meeting Minutes of April 28, 2014. Seconded by Commissioner Hildebrandt.

VOICE VOTE: Motion carried unanimously.

4. Public Remarks

Chair Jackson opened the floor for public remarks.

Ryan Henry, Kincaid Henry Building Group, 318 University Drive, East Lansing, applicant's representative for Special Use Permit (SUP) #14061, inquired if the pathway installation can be performed when the rest of the sidewalk is installed. He also asked for the total cost of the funds in lieu of construction as noted in condition #10. Mr. Henry voiced concern with the requirement in condition #12 which indicates all utility lines must be installed underground as the project proposes an overhead line off of Cornell Road connected to the northeast corner of the building. He noted correspondence in the staff memorandum relative to delineation of an adjacent wetland, as such work has not yet been completed by staff and could pose a problem for underground electrical service.

Neil Bowlby, 6020 Beechwood Drive, Haslett, addressed inclusion of Areas 4 and 5 in the Urban Services Management Area (USMA) due to alleged septic system failure. He showed several drawings regarding septic system repairs and point of sale (POS) inspections from the records of the Ingham County Health Department, stating the facts indicate there is no problem in septic system failures in Area 5. Mr. Bowlby believed that once the Georgetown subdivision and the Georgetown Phase 3 sewer, coupled with Area 5, are within the Urban Services Management District (USMD), it will be difficult to prevent high density development in that area.

Leonard Provencher, 5824 Buena Parkway, Haslett, questioned what on-site monitoring systems

will be in place at the proposed commercial dog kennel (SUP #14061) during unattended evening hours. He asked several questions regarding overall animal welfare at the current facility on the west side of Lansing and what provisions will be utilized at the proposed dog kennel in Meridian Township.

Janice Milligan, 235 Leland Place, Lansing, applicant for SUP #14061, responded to several questions posed by Mr. Provencher. She outlined requirements each dog must meet to be considered as a client as well as the safety measures employed at her current facility which will be duplicated at the proposed commercial kennel in Meridian Township. Ms. Milligan requested condition #6 be changed to allow for additional dogs on special days (i.e., day before Thanksgiving).

Chair Jackson closed public remarks.

5. Communications

A. Darlene Sargent, 4591 Mistywood Drive, Okemos: RE: Opposition to Special Use Permit #14061

6. Public hearings (None)

7. Unfinished Business

A. Special Use Permit #14061 (Kincaid Henry Bldg. Group, Inc.), a request to develop a commercial kennel (dog day care and spa facility) at 1284 Grand River Ave.

Associate Planner Menser summarized the applicant's written response to Planning Commission questions posed at the last meeting regarding waste removal procedures, as well as staff response to inquiries regarding traffic, the wetland to the north and required construction of the pedestrian/bicycle pathway on the property.

Planning Commission, staff and applicant discussion:

- Future discussion with the Ingham County Road Department on installation of a pedestrian signal for the light at Grand River Avenue and Cornell Road to complement the proposed pathway
- Funds in lieu of construction for the pedestrian/bicycle pathway would be the Township's "at cost" price for installation
- Township use of a formula which it applies in every case for construction of the pathway
- Fire or building codes does not require the building which will house the kennels system to be sprinkled
- Response time from Guardian Alarm
- Protocol employed by Guardian Alarm
- Dog waste to be disposed in a waste receptacle which will be picked up by a waste management company
- Commissioner inquiry if the applicant would be willing to test the wetlands for ecoli as a base line prior to construction
- Applicant's belief she cannot control the wildlife and its interaction with the wetlands in the area so was opposed to the wetland test
- Applicant to install central heating and air conditioning
- Lack of necessity for the project to have underground electrical lines as the building can be serviced by an electrical pole on Cornell Road
- No current regulation in RR zoned property for underground electrical lines

- Applicant's preference to earmark funds for pathway construction in lieu of actually constructing the pathway during the time of building construction
- Concern over hygiene protocols if a different individual owns the business, as the SUP goes with the property, not the applicant
- Commissioner preference for the north, west and east sides of the concrete "pen" to have a 6" curb, which will direct potential flow to the south
- Grade of land to the north is higher and drains toward the street
- Applicant preference to run the grade to the south without the installation of curbs
- Cageless provision during the day for social interaction in an established play area
- Total of 20 kennels
- Some clients have two-dog families and prefer to have them kenneled together
- Majority of the dogs are at the facility for day care and are picked up prior to 7:00 PM
- Current facility does not usually care for more than 60 day-care dogs
- Current facility does not usually care for more than 35 boarding dogs
- Applicant must procure a kennel license from Ingham County Animal Control
- Ingham County Health Department (ICHHD) permit will require submission of engineered septic system drawings
- ICHHD staff will scrutinize runoff from the outdoor play area in conjunction with the septic field drain
- Option to include a condition that animal waste not be placed in the approved septic system
- Project must still go through the site plan review approval process
- Site plan review approval will be conditioned upon all permits being received by the various agencies listed in condition #9
- ICHHD will approve its application based upon the approved use, so a new owner would be subject to the conditions of the SUP regardless of ownership
- Individual underground distribution lines are a requirement of site plan review
- Building code would interpret this non-residential use in a residential district as a commercial building
- Size and type of use reviewed by the Development Review Committee determined neither the building nor the fire code require a sprinkling system for this building
- Inquiry if the applicant believed the maximum capacity needed to be increased to 100 for ten (10) days per year

Commissioner Hildebrandt moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #14061 (Kincaid Henry Building Group, Inc.) for a commercial kennel with the following conditions:

- 1. Approval is granted based on the application materials submitted by Kincaid Henry Building Group, Inc., dated April 7, 2014.**
- 2. Approval is granted based on the site and landscape plans prepared by Economides Architects, LLC dated April 7, 2014, subject to revisions as required.**
- 3. Approval is based on the building elevations submitted by Economides Architects, LLC dated April 1, 2014, subject to revisions as required.**
- 4. The applicant shall apply for and receive all necessary variances from the Zoning Board of Appeals.**

5. Dog training shall be an ancillary use to the primary commercial kennel use. Should the commercial kennel use cease to operate on the site, the dog training use shall not continue.
6. The number of dogs shall be limited to 60 dogs at any one time and the boarding of dogs shall be limited to 35 dogs at any one time.
7. Hours of operation shall limited be to the hours of 7:00 a.m. to 10:00 p.m. Monday through Sunday.
8. The existing driveway on Cornell Road shall be closed subject to the approval of the Ingham County Road Department.
9. The applicant shall obtain all necessary and applicable permits, licenses, and approvals from the Ingham County Road Department, Ingham County Drain Commissioner's office, Ingham County Health Department, Michigan Department of Transportation, and the Township prior to any construction on the site. All approval documents shall be submitted to the Department of Community Planning and Development.
10. A minimum 16-foot wide easement will be required for the 7-foot wide pedestrian/bicycle pathway along the frontage of the site (Grand River Avenue). A portion of the pathway, approximately 400 lineal feet, will be required to be installed as part of the proposed project, or funds in lieu of construction of the pathway will be required. The design and location of the pathway is subject to the review and approval of the Director of Public Works and Engineering.
11. The utility, grading, and storm drainage plans for the site are subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with the Township Engineering Design and Construction Standards.
12. All utility service distribution lines shall be installed underground.
13. All mechanical, heating, ventilation, air conditioning, and similar systems shall be screened from view by an opaque structure or landscape material selected to complement the building. Such screening is subject to approval by the Director of Community Planning and Development.
14. Site and building lighting are subject to the requirements of Chapter 38 Article VII of the Code of Ordinances.
15. The final site and landscape plans and building elevations are subject to the approval of the Director of Community Planning and Development.
16. Any modification to the approved use will require a modification of the special use permit.

Seconded by Commissioner Ianni.

Continued Planning Commission discussion:

- Concern over noise disturbing neighbors was addressed during the public hearing
- Concern over groundwater contamination was alleviated through the condition which requires approval by the ICHD
- Solid animal waste to be handled through a waste removal service and will not be handled by the engineered septic system

The maker of the main motion offered the following friendly amendment:

- **Amend condition #9 after “Michigan Department of Transportation, “ by inserting “Ingham County Animal Control”**

The friendly amendment was accepted by the seconder.

Commissioner Deits offered the following friendly amendment:

- **Add condition #17 to read: The outdoor concrete play area shall be graded to the south to minimize incidental runoff to the north.**

The friendly amendment was accepted by the maker of the main motion.

The maker of the main motion offered the following friendly amendment:

- **Add condition #18 to read: Solid animal waste shall be disposed of through a waste pick-up service.**

The friendly amendment was accepted by the seconder.

Continued Planning Commission and applicant discussion:

- Applicant amenable to amending condition #6 to allow for 60 day care dogs and 35 boarding dogs at any one time

Commissioner Scott-Craig offered the following friendly amendment

- **Amend condition #6 after “60” by inserting “day care”**

The friendly amendment was accepted by the maker of the main motion.

Continued Planning Commission and applicant discussion:

- Guardian Alarm monitors for security, smoke and heat
- In the event of a power outage, Guardian Alarm would not receive a signal and would engage the call list
- Security system has a battery back-up mechanism

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

NAYS: None

Motion carried unanimously.

8. Other Business (None)

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

Director Kieselbach announced as a result of a suggestion by the Chair, staff will be providing the Planning Commission with a monthly synopsis of development projects within the Township. He also reminded Commissioners their next meeting will be held Monday, May 19th due to the Memorial Day holiday.

Commissioner Honicky noted that due to the closed confined nature of the doggie day care facility, the dogs would likely perish from carbon monoxide poisoning in the event of a fire. He estimated it would cost the applicant more than \$500,000 for a fire suppression system at the proposed facility.

Commissioner Hildebrandt reported her attendance at the Carriage Hills Study presentation, as well as the Green Infrastructure Conference hosted by the Michigan Department of Environmental Quality (MDEQ). She noted for green infrastructure to commence and be demonstrated as useful, it is best done by the municipality due to perceived costs. She inquired if there has been any movement on the proposed joint meeting with the Williamstown Township Planning Commission or the Urban Services Management Area (USMA).

Chair Jackson clarified she made a decision not to move forward with a joint meeting with the Williamstown Township Planning Commission until there is improved communication within Meridian Township (e.g., Master Plan). She announced the Future Land Use Map (FLUM), as part of the Master Plan and review of the Commission's bylaws, are tentatively on the May 19th Planning Commission agenda.

Director Kieselbach added there was discussion by the Manager's office to have the previously established committee of three (3) Planning Commissioners and three (3) Board members meet one more time to discuss the urban services boundary before it goes to the full Board. He noted, to that end, the Manager's office has sent out dates to committee members.

Chair Jackson indicated the joint committee meeting date for the week of May 19th has been proposed, but the chair has not yet responded. Commissioners Ianni, Scott-Craig and the Chair will represent the Planning Commission.

Commissioner Scott-Craig suggested a meeting date of May 19th in an effort to report the results to the Planning Commission at its meeting that same evening. He addressed Board referral of Rezoning #14020 (Okemos Road, LLC) back to the Planning Commission and requested clarification as to where both the responsibility and issue lie.

Director Kieselbach stated the Board took no action on the rezoning and referred it back to the Planning Commission to consider any other zoning district category. He clarified staff has not prepared a report for the Planning Commission to consider until the Board approves its minutes and the Commission can review Board discussion on the issue. Mr. Kieselbach noted the issue is still at the Board level as it made no decision.

Commissioner Scott-Craig inquired if the Board took no action on Rezoning #13020, how can the Planning Commission take further action.

Director Kieselbach replied the Board is looking for a different recommendation on the rezoning of the property. He stated the Planning Commission speaks through its motions or resolutions.

Commissioner Deits expressed frustration with the process and interpretation of Board minutes in an attempt to understand the Board's intent. He believed both the Board and Planning

Commission process should require that unless the bodies vote and take a position on an issue, it should not leave that body.

Commissioner Ianni reminded fellow Commissioners rezonings are different than special use permits and the Board is the final authority on rezoning requests, noting it disagreed with the Planning Commission's recommendation and desired a different category.

Chair Jackson believed if the Board does not like the recommendation made by the Planning Commission, they should vote and "do it another way."

Commissioner Deits voiced continued frustration when the Planning Commission does not receive official guidance from the Board as to the Commission's next steps.

Chair Jackson asked staff to convey Planning Commissioner confusion over what is being asked of them by the Board relative to Rezoning #14020.

Commissioner Deits showed a photograph on the overhead projector looking south from the north end of the Van Atta Bridge and pointed out the steep slope of proposed pedestrian pathway on the west side of the bridge which ends in the water. He relayed his conversations with several Township officials have resulted in no response on how to mitigate the issue when the bridge is finished. Commissioner Deits suggested the public contact Township officials to encourage they address this concern before the bridge is completed.

10. New Applications (None)

11. Site plans received (None)

12. Site plans approved

- A. Site Plan Review #14-04 (Wolverine Building Group), request to construct a 37,784 square foot Whole Foods at 2750 Grand River Avenue
- B. Site Plan Review #14-05 (Hannah Hospitality), request to construct a 72,091 square foot Residence Inn on the south side of Hannah Boulevard east of the Towne Place Suites Hotel
- C. Site Plan Review #14-06 (MSU Federal Credit Union), request to construct a 7,520 square foot bank with six drive-through lanes on the northeast corner of Jolly Road and Jolly Oak Road

13. Public remarks

Chair Jackson opened public remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, offered his opinion on why the Board referred the Okemos Road LLC rezoning back to the Planning Commission.

Chair Jackson closed public remarks.

14. Adjournment

Chair Jackson adjourned the regular meeting at 8:34 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary