

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
March 11, 2013**

APPROVED

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

PRESENT: Commissioners Cordill, Deits, Hildebrandt, Ianni, Jackson, Norkin (7:02 P.M.),
Salehi, Scott-Craig
ABSENT: Commissioner Honicky
STAFF: Principal Planner Gail Oranchak

1. Call meeting to order

Chair Jackson called the regular meeting to order at 7:00 P.M. She introduced the newest member of the Planning Commission, James Salehi.

2. Approval of agenda

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

VOICE VOTE: Motion carried 7-0.

3. Approval of Minutes

Commissioner Cordill moved to approve the Regular Meeting Minutes of February 11, 2013. Seconded by Commissioner Hildebrandt.

VOICE VOTE: Motion carried 7-0.

4. Public Remarks

Chair Jackson opened the floor for public remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke to the need for transparency by posting packets the Friday before a Planning Commission meeting. He spoke in opposition to the Hannah Farms Phase 3 Concept Plan.

Neil Bowlby, 6020 Beechwood Drive, Haslett, believed Hannah Farms Phase 3 should be brought to the Planning Commission as a major amendment to the previous MUPUD and believed Phase 3 housing is the same as Phases 1 and 2, not as originally presented.

Chair Jackson closed public remarks.

5. Communications (None)

6. Public hearings

A. Special Use Permit #13021 (Zahra), locate a religious institution, a non-residential use in a residential district at 4133 Okemos Road zoned RA (Single Family-Medium Density) residential

Chair Jackson 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 special use permit (SUP) request as outlined in staff memorandum dated March 7, 2013.

- Applicant
Dr. Ali Saeed, 1985 Groton Way, East Lansing, availed himself for Planning Commission questions.

Liz Harrow, Architect, 1147 Daisy Lane, East Lansing, also availed herself for Planning Commission questions.

- Planning Commission discussion:
Commissioner Ianni stated the request is in keeping with the surrounding character of the community and granting this request would not change that character.

Commissioner Scott-Craig inquired as to who is the owner of the property.

Dr. Saeed stated the acquisition of this property is in progress and a purchase agreement has been signed by the current owner, Dr. Shannon Wiggins and Zahra Institute.

Commissioner Deits inquired if Zahra has a religious exemption from the Internal Revenue Service (IRS).

Dr. Saeed responded that a religious exemption has been filed, but the official status is still pending.

Commissioner Salehi asked when the request was filed.

Dr. Saeed indicated approximately two (2) months ago.

Commissioner Salehi inquired as to the average turnaround time for an IRS decision on the religious exemption.

Dr. Naji, 1090 Harrington Lane, East Lansing, indicated that because of the income tax season, it may take some time.

Commissioner Salehi inquired if Zahra had not previously been a non-profit organization certified as a 501 (c)(3). He stated because Zahra has already submitted its application, he was told it was a non-profit organization “for the time being.”

Commissioner Salehi explained the 501 (c)(3) certification is a decision made by the IRS and applicant is not a non-profit organization until the decision is rendered.

Commissioner Deits added the non-profit status is not the key as the ordinance exempts religious institutions, not non-profits, which allows for the SUP application.

Commissioner Salehi inquired as to what constitutes a “religious institution.”

Principal Planner Oranchak responded she will provide that information the next time this special use permit application comes before the Planning Commission.

Chair Jackson asked if verification of ownership and agreement from the current owner for this special use permit request is available.

Principal Planner Oranchak responded that information is in the Township's file.

Commissioner Ianni noted the applicant stated he received an employer identification number (EIN) from the IRS, but asked if any certification had been received from the state.

Dr. Naji responded a tax identification number was acquired from the state.

Commissioner Ianni explained that a 501 (c)(3) is not required to qualify as a religious institution.

Commissioner Deits addressed the irony that if the property was rezoned to PO, the applicant would be able to have the facility by right regardless of its religious affiliation or status with the IRS. He explained the prior decision by the electorate regarding the rezoning referendum.

Ms. Harrow noted she brought this up to the applicant, as she was before the Planning Commission when it dealt with the original rezoning request by the current owner.

Commissioner Cordill asked the applicant if there are plans for more than a house of worship.

Mr. Saeed indicated there are no plans to go beyond worship at this time and no plans to have formal services at a set time and schedule with a designated pastor. He clarified the applicant has no affiliation with the previous attempts at obtaining a rezoning for this property.

Commissioner Salehi inquired as to projection of membership within a year.

Dr. Naji stated the group has grown gradually to 20 families and projected up to 30-35 families.

Mr. Saeed stated this group was not "planned", but has evolved and, as such, there has not been any tracked migration pattern. He added that as the number of families has grown, there has been the commensurate number of additional cars in neighborhoods where the group met. Mr. Saeed noted it is difficult to project if there will be like-minded families who wish to be part of the institute in the future.

Commissioner Salehi noted there are 20 parking spaces available and expressed concern where the applicant proposed a potential of 30 vehicles.

Principal Planner Oranchak added the applicant is proposing 21 on the site plan.

Mr. Saeed stated it is typical for a large number of families to car pool to an event, so there is no expectation for 35 cars to be at the site at any one time. He added talks have taken place with the architect about expansion of parking in the future if necessary.

Ms. Harrow added land is available, but suggested entering into a parking agreement with neighboring office buildings.

Chair Jackson noted based on staff analysis, there is sufficient parking based on projected usage.

Commissioner Deits noted it is a highly appropriate use of the property and the Township will work with the applicant to make sure it complies with all requirements.

Chair Jackson expressed appreciation that the site will be put to good use. She asked staff how a decision made to rezone to this property to better meet the design of the Master Plan would impact the SUP.

Principal Planner Oranchak did not believe rezoning would be an issue.

Commissioner Hildebrandt believed the proposed use to be compatible with the site and liked the setback from the road.

Commissioner Norkin believed if the property is sold to another institution, the SUP would remain with the land. He inquired if the applicant would object to Planning Commission placement of a condition regarding noise associated with services in proximity to a neighborhood.

Mr. Saeed indicated he did not believe there would be any objection, as the congregation would not want to be a disruptive presence to any local business, office or the neighboring residential area.

Commissioner Ianni expressed concern with “carving out” a special circumstance for a specific religion, and indicated the noise ordinance applies to all people within the community and is sufficient.

Commissioner Norkin inquired as to what is permitted in the Township’s noise ordinance relative to religious institutions regarding church bells and loud speakers.

Principal Planner Oranchak responded there is nothing specific to religious institutions in the noise ordinances.

Chair Jackson closed the public hearing at 7:39 P.M.

- B. Rezoning #13010 (Planning Commission), rezone 5691 Babbitt Street from C-2 (Commercial) to RB (Single Family-Medium Density) residential

Chair Jackson opened the public hearing at 7:39 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the rezoning request as outlined in staff memorandum dated March 7, 2013.
- Planning Commission discussion:

Commissioner Ianni stated the proposed rezoning is in conformance with the Master Plan, is compatible with the surrounding character of the neighborhood and would not be a burden to neighbors.

Commissioner Deits inquired as to the origin of the little “jog” adjacent to the northwest corner of the property.

Principal Planner Oranchak responded it is a small piece of commercially zoned land and is connected to property with frontage on Haslett Road. She indicated it is not a parcel unto itself.

Commissioner Salehi asked what would be the change in tax burden to the property owners as a result of the rezoning.

Principal Planner Oranchak stated she was uncertain, but would investigate and report back to the Commission.

Commissioner Jackson stated that although the property has been used as residential for many years, the 2005 Master Plan changed the designation from commercial to residential.

Principal Planner Oranchak added the residential zoning will now be consistent with the Master Plan.

Chair Jackson closed the public hearing at 7:48 P.M.

- C. Zoning Amendment #13020 (Planning Commission), request to amend Section 86-2 Definitions and Section 86-564 Yard Encroachments Permitted to update and clarify regulations for decks and patios

Chair Jackson opened the public hearing at 7:48 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the rezoning request as outlined in staff memorandum dated March 7, 2013.
- Planning Commission discussion:
Chair Jackson inquired of fellow Commissioners if the proposed revision is an improvement over the current language.

Commissioner Deits questioned the definition of an enclosed porch.

Principal Planner pointed to language regarding open air structures for clarification. She noted that once a structure is built which can be enclosed, it becomes part of the principal structure.

Commissioner Deits expressed concern with the “capable of being enclosed” clause v. all the remaining clauses dealing with partly open patios.

Principal Planner Oranchak explained if there is a patio with a pergola over it, staff would not interpret that as “capable of being enclosed.”

Chair Jackson believed part of the difficulty is the definition of enclosed and should be clarified.

Commissioner Deits suggested that the act of enclosing a structure should be the trigger, not whether the structure is capable of being enclosed.

Principal Planner Oranchak clarified the language in question is in the existing ordinance and is being replaced.

Commissioner Salehi inquired how carefully Planning Commissioners need to scrutinize and “fine tune” this language.

Principal Planner Oranchak responded it is up to individual members to bring their concerns forward, but staff would like it “fine tuned” as it moves forward to the Board.

Commissioner Ianni indicated Section 86-564 (f) addresses wheelchair ramps and asked if it is necessary to obtain a variance under the current ordinance in order to construct a wheelchair ramp.

Principal Planner Oranchak noted the current ordinance has no mention of wheelchair ramps and contains a restriction on the amount of encroachment into different yards, necessitating requests for variances in the past to install wheelchair ramps.

Commissioner Ianni asked if the new provision in (f) would eliminate the need for a variance.

Principal Planner Oranchak responded in the affirmative.

Commissioner Scott-Craig inquired as to the rationale for the deck or patio being 15 feet from the rear lot line contained in proposed Section 86-564 (a) (4).

Principal Planner Oranchak stated the reason for that was to have some setback for neighbors.

Commissioner Scott-Craig expressed concern this provision may make some existing patios non-conforming and unable to be upgraded.

Commissioner Scott-Craig believed the 15 foot setback is arbitrary and, in some cases, restrictive.

Principal Planner Oranchak indicated the intent with the proposed setback was to preserve privacy and asked for input on a different setback distance.

Commissioner Deits pointed to language contained in the heading of Section 85-564 (d) regarding accessory features on decks, patios and open porches but yet the prohibitions addresses decks only.

Principal Planner Oranchak explained staff rationale was to separate that subsection into two parts: the first was what is not allowed and the second part would be about the accessory features that could be affixed.

Commissioner Deits asked what the safety issue was for a concrete patio having a wood burning fire pit on it.

Principal Planner Oranchak believed the current Fire Ordinance contains language regarding a setback requirement from the principal structure for similar items. She indicated staff will look further into this issue.

Chair Jackson added this language is specific to wood burning and would not apply to charcoal and gas.

Principal Planner Oranchak added that in certain circumstances, charcoal is not allowed in proximity to a principal residence (e.g., multi-family housing complexes).

Commissioner Norkin expressed his desire for language which allows for seasonal enclosures.

Principal Planner Oranchak added that enclosures are not prohibited. She added that any roof which is constructed over an area is going to need a building permit.

Commissioner Norkin inquired if a retractable roof would require a building permit.

Principal Planner Oranchak was unsure, but believed retractable roofs are made of fabric. She thought this to be a different scenario than a roof structure which has supports and could be enclosed in the future, at which point it becomes part of the principal building and is no longer an accessory.

Commissioner Norkin asked if commissioners could email further suggestions to staff.

Principal Planner Oranchak responded in the affirmative.

Commissioner Deits suggested language stating "Use of fire will be in compliance with the Township's Fire Code" will adequately address what is attempted in (d). He added that use of such language will allow for congruency when the Fire Code changes.

Chair Jackson reminded fellow Commissioners that this ordinance language deals more with setbacks and what constitutes an accessory relative to setbacks.

Commissioner Deits concurred with Commissioner Scott-Craig regarding questionable need for such a large setback (15 feet) from the rear lot line to address privacy. He expressed comfort with an eight (8) foot setback.

Principal Planner Oranchak stated current language allows for an eight (8) foot encroachment into the setback, which depth varies dependent upon the residential zoning designation. She indicated the proposed language would create one standard and 15 feet is more than currently allowed by ordinance.

Chair Jackson closed the public hearing at 8:13 P.M.

7. Unfinished Business (None)

8. Other Business

A. Hannah Farms Phase 3 Concept Plan: Capstone Collegiate Communities “Local Lofts of East Lansing”

Principal Planner Oranchak briefly summarized the concept plan for Hannah Farms Phase 3 as outlined in staff memorandum dated March 7, 2013.

Mark Clouse, Legal Counsel and Chief Financial Officer, Eyde Co., 4660 S. Hagadorn Road, East Lansing, clarified this project is not to be considered as a continuation of Phase 1 and 2, but a mixed use portion of the Hannah Farms plan that was adopted several years ago. He noted the concept is for market rate housing (available to anyone who wishes to live there and meets the criteria for leasing) and a retail component. Mr. Clouse capsulized previous Planning Commission and Board discussion regarding the viability of retail and indicated it will be a “convertable” component. Mr. Clouse summarized the general concept plan.

John Acken, Executive Vice President Capstone Collegiate Communities, 431 Office Park Drive, Birmingham, Alabama noted two issues rose to the surface as conceptual plans were created: scale/size of the project and the retail component. He highlighted the two schemes as shown in the staff memorandum.

Planning Commission and applicant discussion:

- Property owner’s presentation of alternate conceptual plans if the proposal does not include mixed use as there is no demand for retail at the current time and the addition of acreage to the south for a hotel
- Eighty (80) acre site is already mixed use
- Continued concern with traffic in the area of Hannah Boulevard and Hagadorn Road as well as the railroad tracks
- Concern with lack of walking paths
- Underground parking more desirable than hiding it in the center of buildings, especially with a potential hotel on the site
- Underground parking brings higher value to the developer
- Suggestion to look at the parking “big picture” for the entire Eyde development region
- Piecemeal mixed use is a bad practice
- Inquiry if demographic study was undertaken regarding the need for a hotel
- Suggestion for an incubator instead of retail
- Rationale for having East Lansing included in the name
- Office space already in existence in the Hannah Plaza area
- Market study done signified adequate demand for a conventional hotel
- Proximity to Michigan State University (MSU) indicates residents will have some sort of affiliation to the university
- There will be transit in and out of this development
- Different unit types will be the draw to attract a variety of residents
- Concern with Capstone Collegiate Communities’ (CCC) website statement that it continues to focus on some aspect of student housing
- Continued concern with no “global” vision for this entire project
- Transportation plan for the entire project is still not being presented to the Planning Commission and is not conducive to collaborative planning

- Request for a working example of where first floor housing has been converted to first floor retail
- Fundamental concern that building retail which doesn't fill will "cannibalize" existing retail
- Street parking in front of the retail strip is not workable
- Economy has drastically changed since the 2008 conceptual plan was presented
- More of the medical component of MSU is moving onto the Hannah property
- Difficulty in creating a pathway plan on this site when the Township does not have a master plan on how to connect to this site
- Possibility of constructing an additional building in the future where the parking lot in front of the six (6) story building is currently located to address potential retail needs
- Design challenges regarding buffers for the units overlooking the parking area
- Concern with over concentration of student housing
- Diverse housing will help retail to follow
- Suggestion for inclusion of a small grocery store in the "area"
- Existing commercial establishments have seen revenues increase as much as 30% as a result of some of the residential construction
- Apartment rental vacancy rates
- Central Park Apartments and Club Meridian have an occupancy rate in the upper 90 percentile over the last 12-18 months
- Money for financing leans toward multifamily residential projects
- Concern with additional student housing at the western end locking all eighty (80) acres into a student housing area
- Preference to have had the alumni village and retirement center on the parcel "across the bridge" on one end and all the student housing at the western end where you are currently looking to develop
- Suggestion to schedule a series of work sessions with MSU, Ingham County Department of Transportation and Roads (ICDTR), Tri-County Regional Planning Commission (TCRPC) and developers regarding multimodal transportation
- Underground parking preferable to surface lots or a structure surrounded by apartments
- Challenge with underground parking is the expensive ventilation systems
- Rental rates to compensate for construction of underground parking would price the developer "out of the market"
- Request for the developer to provide information as to the added cost per unit when underground parking is included
- Large buildings close to the street are undesirable as a pedestrian in Meridian Township
- Concern with lack of open space for residents in the Phase 3 design
- Preference for the rectangular park area south of the proposal to be enlarged which would aid in walkability
- Request for a list of the five (5) empty retail spaces mentioned earlier in the Hannah Plaza
- Foot or bicycle path across the river and railroad would exit you out to Foods for Living, Grand River and the #1 bus route
- Applicant does not own the property, but is willing to talk with Ingham County again
- Primary issue is travel from all three (3) phases to the MSU campus
- Multi modal transportation plan still needs to be developed for the remainder of the complex to safely travel west to MSU
- Non student housing does not need a clubhouse
- Appreciation for statement by the developer regarding the possibility of using the first floor of the commercial building for retail when retail is needed
- Open space is key to draw non-student residents

- Survey from current residents as to what they would like in non-housing establishments other than retail
- Concrete information as to what it will take to build an underground parking structure
- Concrete information which address concerns regarding traffic and bicycle pathways
- Integration of indoor and outdoor activities regarding physical fitness
- Based on information presented by the applicant in 2008, a better mix of housing types is required
- Student housing is included in the definition of multi-family
- Phase 3 proposed to have at least 50% of the units as studio, one (1) and two (2) bedrooms units (market rate units) and the previous phases were weighted towards four (4) bedroom units (student housing)
- Phase 1 and 2 has a total of 364 units
- Retail requires visibility from the road
- A townhouse development would be more attractive to diverse population
- MSU class created a number of alternative designs for Phase 2 as an exercise and found that first and second level parking was not a major increase in cost over surface parking and allowed for a great deal of open space and a more aesthetically pleasing project
- Preference to include East Lansing in the name as a marketing tool as Meridian Township does not have the visibility as an entity
- Families will require play structures and areas to walk pets
- First floor could be used as galleries, meeting spaces, conference rooms, etc.
- Traffic signal at Eyde Parkway and Hannah Boulevard received funding from the Congestion Mitigation and Air Quality (CMAC) Program and is forthcoming

B. Rezoning Review and Recommendation: Rockwood Development Group's request to rezone approximately 25 acres located in the East Lansing/Meridian Township 425 Agreement area

Principal Planner Oranchak summarized the Rockwood Development Group Rezoning Application Review as outlined in staff memorandum dated March 7, 2013.

Planning Commission discussion:

- Request by the Supervisor for the Planning Commission to make a recommendation
- Meridian Township does not hold a public hearing; only East Lansing does
- Zoning is currently in place for a good reason and needs a persuasive reason to be rezoned
- Primary differences between East Lansing's RM-8 and Meridian Township's RDD zoning
- Rezoning would accommodate desirable development
- No information on when the committee may meet
- Rezonings do not require a site plan or information on how the property is going to be developed
- Discussion of the aerial view of buildings on nearby properties
- Land to the south is zoned RM-8
- Inquiry as to why the RDD zoned north-south strip between the RA and the proposed RM-8 is not being rezoned
- Inquiry if the rezoning will prevent some residents from full use of their property
- Eastern end of the property does not appear developable so residents on Gossard Avenue could possibly be protected
- Impact of rezoning on the nearby roads and traffic
- RDD allows only for family housing under this 425 Agreement, while the applicant alleges it is not a viable alternative

- Planning Commission mission is to provide a recommendation to the committee
- Request for approved minutes from the East Lansing Planning Commission's public hearing on this issue

It was the consensus of the Planning Commission to continue discussion at a future meeting.

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

Commissioner Deits attended a complete streets workshop in Lansing which was attended by a broad spectrum of staff in the Greater Lansing area.

10. New applications

- A. Special Use Permit #13031 (Public Works and Engineering), request to work in the 100-year floodplain to construct a pedestrian/bicycle pathway bridge over the Eberly Drain between Jo Pass Drive and the Interurban Pathway.

11. Site plans received (None)

12. Site plans approved (None)

13. Public remarks

Chair Jackson opened public remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in support for construction of a pedestrian/bicycle pathway bridge over the Eberly Drain.

Neil Bowlby, 6020 Beechwood Drive, Haslett, addressed the Capstone project as it relates to "market rate" housing. He expressed appreciation for the depth of discussion from Planning Commissioners.

Chair Jackson closed public remarks.

14. Adjournment

Chair Jackson adjourned the regular meeting at 10:22 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary