

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
June 14, 2010**

APPROVED

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

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

1. Call meeting to order

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

2. Approval of agenda

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

VOICE VOTE: Motion carried 7-0.

3. Approval of Minutes

Commissioner Honicky moved to approve the Regular Meeting Minutes of May 24, 2010. Seconded by Commissioner Beyea.

VOICE VOTE: Motion carried 7-0.

4. Public Remarks

Chair Reicosky opened and closed the floor for public remarks.

5. Communications

- A. Marilyn & Joel Aronoff, 2248 Kent Street, Okemos; RE: Comments regarding the C-PUD
- B. Susan Simkin, 2032 Central Park Drive, Okemos; RE: Support for SUP #10071 & WUP #10-05 (Meridian Township)
- C. Ethan Segal, 2306 Seminole Drive, Okemos; RE: Support for SUP #10081 (Gist)

6. Public hearings

- A. Special Use Permit #10081 (Gist), a request to work and place fill in the 100-year floodplain at 2280 Seminole Drive.

Chair Reicosky opened the public hearing at 7:03 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 wetland use permit request as outlined in staff memorandum dated June 10, 2010.
- Applicant
Tara Gist, 2280 Seminole Drive, Okemos, stated she worked with the Michigan Department of Natural Resources and Environment (MDNRE) and the Ingham County Drain Commissioner (ICDC) to obtain the necessary approvals to complete the installation of decorative rock wall, stairs, elevated fire pit, patios and related site work which took place on the north side of the home located at 2280 Seminole Drive.

- **Public**
Richard Boruszewski, 4948 Algonquin Way, Okemos, spoke in support of Ms. Gist's project as it has enhanced the aesthetics of the neighborhood. He requested that the Planning Commission waive the need for the remaining four (4) cubic yards of compensating cut.
- **Planning Commission discussion:**
Commissioner Honicky indicated landscapers who work in Meridian Township should be more aware of permits which need to be obtained prior to commencement of work in the floodplain. He noted Federal Emergency Management Agency (FEMA) produces a good map of Meridian Township which designates wetlands, floodplains, etc. Commissioner Honicky recommended use of FEMA's website to ascertain if a certain property is within the floodplain.

Commissioner Wilcox noted that the landscaper hired is new to the area. She indicated the Planning Commission has a responsibility to provide public information to landscapers about the need to obtain permits prior to commencement of work.

Commissioner Deits inquired if there was statutory responsibility on the part of a contractor to abide by Meridian Township "rules."

Principal Planner Oranchak responded the homeowner, as the property owner, is required to apply for and obtain all necessary permits.

Commissioner Deits inquired if the Township has been in contact with the landscaper to apprise him of all necessary requirements.

Principal Planner Oranchak answered that the property owner, not the landscaper, is the responsible party.

Commissioner Deits inquired if, under Township ordinance, there is a minimum amount of work which can be done in the floodplain without needing a permit.

Principal Planner Oranchak responded that any work in the floodplain, no matter how small, requires a permit.

Chair Reicosky inquired as to the permitting process for residents who want to perform work in wetland and/or floodplain areas.

Principal Planner Oranchak responded residents who have land in the floodplain have to pay flood insurance. It is best to call the Township prior to commencing any project to ensure compliance.

Commissioner Jackson stated the question is whether to issue a special use permit for work already performed, plus a compensating cut of four (4) additional cubic yards of soil.

Principal Planner Oranchak stated the MDNRE has already issued the permit and the Township's floodplain coordinator (Director of Public Works and Engineering Ray Severy) has indicated the permit should be issued providing the compensating cut is completed. She indicated the Planning Commission does not have the authority to waive the compensating cut.

Commissioner Honicky indicated condominium and home owners' associations have considerable knowledge on these issues. He again recommended using FEMA's on-line floodplain map to obtain the necessary information.

Chair Reicosky inquired if there would have been a different outcome had this project followed the normal process.

Principal Planner Oranchak responded that it would not. She stated the MDNRE report indicated this is considered a minor permit.

Chair Reicosky wanted the public not to fear the process; it is in place to ensure the natural environment and floodplains are maintained.

Commissioner Beyea expressed appreciation for the improvements in the neighborhood, while acknowledging the Planning Commission does not have the authority to waive the compensating cut requirement.

Commissioner Jackson inquired if the permit had been obtained first, would all of the subsequent steps been required.

Principal Planner Oranchak answered the wetland consultant would still have had to perform his review; the MDNRE, ICDC and the Ingham County Health Department would all have been involved.

Commissioner Jackson inquired if the cost would have been the same.

Principal Planner Oranchak answered the wetland fee was due to the Township's wetland consultant delineating the wetland boundary.

Chair Reicosky closed the public hearing at 7:30 P.M.

- B. Zoning Amendment #10050 (Planning Commission), a request to amend sections of Chapter 86 Zoning, Article VII, Signs and Advertising Structures, of the Code of Ordinances to permit signs designating parking spaces reserved for "take-out" patron parking at restaurants in commercial zoning districts.

Chair Reicosky opened the public hearing at 7:30 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated June 10, 2010.
- Planning Commission discussion:
Commissioner Deits inquired as to why the focus is only on "take-out" signs and not other non-directional designations of special parking.

Principal Planner stated other types of signs have not come up as an issue. She indicated the signs are being reserved for cars that would not otherwise be there.

Commissioner Deits indicated his preference for more general language that designates specific customers in an effort not to revisit this ordinance each time another use is recognized and brought forth.

Chair Reicosky asked why the number of designated parking spots was being restricted to only two. He inquired if a formula might work better where it is based on a percentage of the existing number of parking spaces.

Commissioner Beyea inquired as to the impetus for this request.

Principal Planner Oranchak responded this issue surfaced at a Zoning Board of Appeals (ZBA) meeting.

Commissioner Jackson added that an establishment came to the ZBA with this request. She added that while there are restaurant establishments in the Township who currently have these types of signs in their parking lots, the Township has not made any formal reference in its ordinance about how these signs will appear and be regulated. Commissioner Jackson indicated the question before the ZBA was more of how much signage a business has as opposed to how many parking spaces.

Commissioner Beyea stated if the Planning Commission “goes down this path,” it needs to take a more comprehensive view. He added if the real issue is the visual impact instead of content management, the Planning Commission needs to take a broader approach.

Commissioner Jackson disagreed, as the question before the ZBA was how much advertising signage each establishment had, not how many parking spaces were set aside. She noted the Township has a sign ordinance which states the advertising function is limited to a specific amount based on the size and/or frontage of the building. Commissioner Jackson stated the primary issue was the addition of the business logo on these parking signs and how those impact the total allowed signage at each establishment.

Commissioner Deits inquired if the concerns of the ZBA would be addressed if the Planning Commission used language which states, “Signs to regulate parking spaces at commercial establishments shall be no more than 1.5 square feet of which not more than one-third will be logo.”

Commissioner Beyea indicated his earlier comments still stand, as the language before the Planning Commission does not differentiate between a “takeout/carry out sign” from an “employee of the month” or “10 minute prescription drug pick-up”. He stated if the real issue is the logo, that issue should be addressed instead of coupling it with the proposed limited language.

Commissioner Wilcox agreed that the Planning Commission needs to address the issues of the ZBA. She added the language should be general in an effort for the ZBA not to have another case come before it which is very similar, but a different type of establishment.

Chair Reicosky also agreed, while indicating there are complexities which may require a legal opinion on the draft language to provide equity among various types of businesses or organizations.

Chair Reicosky closed the public hearing at 7:45 P.M.

- C. Zoning Amendment #10060 (Planning Commission), a request to amend section 86-591 of Chapter 86 Zoning, Article V, Supplementary Regulations, of the Code of Ordinances to limit the height of parapet walls.

Chair Reicosky opened the public hearing at 7:45 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated June 10, 2010.
- Planning Commission discussion:
Commissioner Deits stated there should be consistency in Section 86-591 which refers to structures: appurtenances, extensions, elements

Principal Planner Oranchak responded the three different words address different types of structures.

Commissioner Deits questioned the necessity of Sec. 86-591 (3) (c) as there could not be a building which would violate (c) and not violate (3).

Principal Planner Oranchak clarified that (c) deals with building an actual structure on a roof which took up more than 20% of the roof. She stated it would require the structure to be included as part of the building, not a structural appurtenance.

Commissioner Deits suggested changing the word “elements” in Sec. 86-591 (3) (c) to “appurtenances.”

Commissioner Jackson noted the maximum height of a building is 35 feet, structural appurtenances of five (5) feet would bring total height to 40 feet.

Principal Planner Oranchak added that in most districts the maximum height of a building is 35 feet, with the caveat that you can increase the height with every foot of additional setback.

Chair Reicosky expressed concern that pre-designed chain buildings (e.g., Tim Hortons, McDonalds, Taco Bell) would not be able to fit into the Township’s sign ordinance without a variance.

Principal Planner Oranchak responded there has not been a problem to date, as none of the aforementioned buildings are taller than the maximum height.

Chair Reicosky closed the public hearing at 7:55 P.M.

7. Unfinished Business

- A. Special Use Permit #10071 (Meridian Township), a request to work in the 100-year floodplain to construct approximately 800 feet of pedestrian-bicycle pathway on the east side of Okemos Road north of Central Park Drive.

Commissioner Honicky 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 #10071 subject to the following conditions:

1. **Approval is subject to the revised plans prepared by the Department of Public Works and Engineering dated May 11, 2010, and the associated materials submitted as part of Special Use Permit #10071, subject to revisions as required.**
2. **The applicant shall obtain any applicable permits, licenses, and approvals from the Township and an updated approval from the Michigan Department of Natural**

Resources and Environment prior to work taking place on the site. Copies of all permits, licenses, and approval letters shall be submitted to the Department of Community Planning and Development.

- 3. No work shall take place in the regulated wetlands without first obtaining approval of Wetland Use Permit #10-05 from the Township.**
- 4. Fill placed in the floodplain as part of the project shall be protected against erosion.**
- 5. The final design of the compensating cut areas shall be subject to the review and approval of the Director of Community Planning and Development. A minimum cut to fill ratio of 1.5 to 1.0 shall be provided by the applicant.**
- 6. The applicant shall properly dispose of all materials from the compensating cut areas to an upland location subject to the approval of the Director of Community Planning and Development.**
- 7. The disposed materials shall be protected from erosion and re-seeded subject to the approval of the Director of Community Planning and Development.**
- 8. Two signs shall be installed along the pathway; the first approximately 50 feet north of Central Park Drive alerting users that the pathway ends, and the second approximately 50 feet prior to the gravel segment to alert users of the transition from concrete to gravel surface.**

Seconded by Commissioner Beyea.

Planning Commission discussion:

- Previous discussion of a stop sign dealt with the interurban pathway

Commissioner Deits offered the following friendly amendment:

- **Add condition #9 to read: All surface transitions should be smooth and even for safety purposes.**

The friendly amendment was accepted by the maker and seconder.

ROLL CALL VOTE: YEAS: Commissioners Beyea, Deits, Domas, Honicky, Jackson, Wilcox, Chair Reicosky

NAYS: None

Motion carried 7-0.

- B. Wetland Use Permit #10-05 (Meridian Township), a request to work in regulated wetlands to construct approximately 800 feet of pedestrian-bicycle pathway on the east side of Okemos Road north of Central Park Drive.**

Commissioner Deits moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to Article 4 of Section 22 of the Township Code of Ordinances, hereby approves Wetland Use Permit #10-05 with the following conditions:

- 1. Approval is subject to the revised plans prepared by the Department of Public Works and Engineering, dated May 11, 2010; and the associated materials submitted as part of Wetland Use Permit #10-05, subject to revisions as required.**

2. **Wetland Use Permit #10-05 shall be subject to the applicant receiving approval of Special Use Permit #10071 for work in the 100-year floodplain.**
3. **The applicant shall obtain all applicable permits, licenses and approvals from the Township prior to any work taking place on the site. Copies of all permits, licenses and approvals shall be submitted to the Department of Community Planning and Development.**
4. **The staging areas for equipment and materials related to the project shall not be located in wetlands or in the natural vegetation strip portion of the water features setback.**
5. **Prior to any work taking place on the project, a soil erosion and sedimentation control plan shall be approved by the Township.**
6. **All work areas that border wetlands shall be contained using properly installed and maintained silt fencing. Any disturbed areas along the pathway route shall be immediately stabilized with blankets seeded with annual rye.**
7. **The applicant shall properly dispose of all materials from the mitigation area to an upland location subject to the approval of the Director of Community Planning and Development.**
8. **The disposed materials shall be protected from erosion and re-seeded subject to the approval of the Director of Community Planning and Development.**
9. **All appropriate soil erosion and sedimentation control best management practices shall be installed and maintained until natural stabilizing vegetation has been established.**
10. **No straw bales shall be used for erosion control, unless in conjunction with sediment erosion control fencing.**
11. **A detailed mitigation plan shall be submitted for review and approval to the Director of Community Planning and Development prior to commencing any work on the project.**
12. **The wetland mitigation areas shall be monitored annually by the applicant's wetland consultant for five (5) years with a written status report and photographic documentation provided to the Township each year.**
13. **Should the mitigation area fail to establish wetland vegetation after one growing season or fail to progress satisfactorily to a self-sustaining wetland as designed, the applicant shall conduct corrective measures as directed by the Director of Community Planning and Development to ensure successful wetland establishment.**
14. **Prior to work starting on the project, the Director of Public Works and Engineering shall provide to the Department of Community Planning and Development written notice of commencement.**

15. A copy of the approved wetland use permit containing the conditions of issuance shall be posted in a conspicuous manner such that the wording of the permit is available for public inspection and continue throughout the duration of the project.

16. Upon completion of construction, the applicant shall contact the Department of Community Planning and Development for an inspection of the site to ensure compliance with the permit.

Seconded by Commissioner Jackson.

ROLL CALL VOTE: YEAS: Commissioners Beyea, Deits, Domas, Honicky, Jackson, Wilcox, Chair Reicosky

NAYS: None

Motion carried 7-0.

C. Zoning Amendment #10010 (Township Board), a request to amend Section 86-368 (b)(2) Home occupations to update the allowed uses and standards for home occupations.

Planning Commission and staff discussion:

- Amend Section 86-368(b)(2)b.(3) to read: The home occupation shall involve no more than one employee other than those persons residing in the dwelling.
- Need to provide definition of employee
- If focus is on impacts, is it better to have language regarding one employee or one person at a time within a particular home occupation
- Concern that subcontractors would not be considered employees and there could be more than one subcontractor on the premises at a time
- Concern that while there may be only one subcontractor on the premise at a specific time, several subcontractors arriving and leaving throughout the day would impact the neighborhood
- Section 86-368(b)(2)b.(7) addresses the issue of continual traffic on the premises
- Concern with child labor laws being violated
- Some form of this ordinance has been on the books since the 1970's and there has never been a complaint filed for violation of child labor laws
- Regulation of how many hours a child can work is outside of the Planning Commission's jurisdiction
- Deletion of the word "detectable" in Section 86-368(b)(2)b.(7)
- Veterinary clinics are an allowed use in residential zoning districts by special use permit

Commissioner Domas moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Zoning Amendment #10010, to amend Section 86-368 of the Code of Ordinances in order to update the allowed uses and standards for home occupations. Seconded by Commissioner Deits.

ROLL CALL VOTE: YEAS: Commissioners Beyea, Deits, Domas, Honicky, Jackson, Wilcox, Chair Reicosky

NAYS: None

Motion carried 7-0.

D. Zoning Amendment #10040 (Township Board), a request to amend Section 86-223 of the Code of Ordinances to extend the approval period for a variance from 18 months to 24 months.

Commissioner Jackson moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Zoning Amendment #10040 to extend the approval period for a variance granted by the Zoning Board of Appeals. Seconded by Commissioner Wilcox.

ROLL CALL VOTE: YEAS: Commissioners Beyea, Deits, Domas, Honicky, Jackson, Wilcox, Chair Reicosky

NAYS: None

Motion carried 7-0.

8. Other Business

A. C-PUD Process Discussion

Principal Planner Oranchak offered a review of the tentative process to move this proposed zoning ordinance amendment forward.

Planning Commission discussion:

- Informational sessions with interest groups could be held before or after a regular meeting
- Informational sessions with interest groups could be held on a different night than the Planning Commission meetings
- Informational sessions must be properly noticed according to state statute
- Informational sessions must be open to the public
- Informational sessions would have an agenda
- Lack of distinction between informational sessions and holding a public hearing
- Informational sessions would be informal meetings in the form of a work session
- Concern with inviting only special interest groups
- Concern with focus group meetings which target a specific group(s) since the Planning Commission does not know who all are the interested parties
- Charge from the Township Board during the joint meeting with the Planning Commission to hear from property owners, business owners and commercial developers
- Work session with attendance by anyone who has an interest in the specific topic
- Smaller informational and informal sessions should take place prior to holding public hearings
- Inquiry on how the Township Board's visioning sessions are organized and noticed
- Visioning sessions at the Township Board are one item on its agenda
- Determination by the Township Supervisor on who to invite to participate in the visioning session
- Suggestion to have topic oriented informal sessions
- Content of the audience should be open in an effort to avoid excluding anyone
- Difference in procedure when in the informational gathering stage v. deliberation stage
- Suggestion to notice organizations v. specific individuals
- Refocus on the purpose of the meetings which is to make the ordinance work for each interest group and then meld the issues together
- Sometimes the dialogue is not successful when there are too many competing interests being expressed in a single meeting
- Focus groups are legally allowed as part of the information gathering process
- How to ensure people who have knowledge on the topic to be discussed are aware of the informal session to be held
- No decisions can be made during a work session, in which a free exchange can take place
- Good start with the groups identified in the June 8, 2010 staff memorandum
- How to identify members of each group and then send invitations

- Need for the Planning Commission to identify groups within Meridian Township (e.g., DDA, Builders Association) and let them invite representatives of their respective contingencies as a starting point
- Planning Commission should determine the length of the meeting and focus of the discussion
- Invite organizations and groups and let them determine their input as they see fit
- Township Board's visioning sessions are limited to one hour and could be used as a model in an effort to control the meetings
- Need for a more defined plan in order to move forward
- CPUD subcommittee was dissolved when a decision was made to move forward as a committee of the whole
- Support for adoption of staff's five step plan, then developing the first step with the type of detail necessary for Planning Commission approval of the process
- Planning Commissioners to e-mail ideas to staff which will be incorporated into a plan to be discussed at the next meeting, including a draft time-line to accomplish the five-step plan outlined in the June 8, 2010 staff memorandum
- Potential process of opening the sessions with public comments followed by work sessions with a focus for the various groups mentioned in the June 8, 2010 staff memorandum, after invitations had been sent to the representative associations of the identified areas
- Representative associations' responsibility to invite interested parties

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

Commissioner Honicky reflected that institutional memory is extremely valuable and term limits are detrimental to productive government.

10. New applications

- A. Special Use Permit #10091 (All Shapes & Sizes, LLC), a request to operate a canine day care facility at 1640 Haslett Road.
- B. *Special Use Permit #10011 (ICRC), a request to amend approved special use permit which allowed impacts to the floodplain on the west side of Dobie Road at the Wolverine Pipeline.
- C. *Wetland Use Permit #10-01 (ICRC), a request to amend the approved wetland use permit which allowed impacts to Township Wetland #27-3 on the west side of Dobie Road.

11. Site plans received

- A. Site Plan Review 10-03-06 (Blue Gill Grill), a request to add a roof-top outdoor eating area at 1591 Lake Lansing Road.

12. Site plans approved (None)

13. Public remarks

Chair Reicosky opened public remarks.

Lynne Page, President, Briarwood Home Owners Association, 3912 Raleigh Drive, Okemos, noted the structure of the Planning Commission's agenda does not provide immediate opportunity for the public to provide comment prior to Planning Commission votes. She expressed concern with the provision in Zoning Amendment #10010 which allows a non-resident employee in a home occupation dwelling. Ms. Page believed this provision effects the essential character of a single-family residential neighborhood and will be a violation of deed restrictions for many platted subdivisions. She added she believed most residents of single family neighborhoods and most home owners associations would not be supportive of this amendment.

Chair Reicosky closed public remarks.

14. Adjournment

Chair Reicosky adjourned the regular meeting at 9:45 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary