

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
November 9, 2015**

APPROVED

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

PRESENT: Commissioners Cordill, DeGroff, Deits, Honicky, Ianni, Scott-Craig, Tenaglia, Van Coevering
ABSENT: Commissioner Jackson
STAFF: Principal Planner Oranchak

1. Call meeting to order

Chair Scott-Craig called the regular meeting to order at 7:00 P.M.

2. Approval of agenda

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

VOICE VOTE: Motion carried 8-0.

3. Approval of Minutes

Commissioner Honicky moved to approve the Regular Meeting Minutes of October 26, 2015. Seconded by Commissioner Tenaglia.

VOICE VOTE: Motion carried 8-0.

4. Public Remarks

Chair Scott-Craig opened the floor for public remarks.

Mike McCurdy, 5458 Okemos Road, East Lansing, addressed his rezoning request relative to the possible application of the Right to Farm Act to his property, adding it is not a realistic proposition for his land. He spoke in support of his rezoning request. He believed a small family farm to be the highest and best use for the property, and no one would buy the property with the idea of doing anything else, except redevelopment.

Chair Scott-Craig closed public remarks.

5. Communications

A. Ginger Yang, LotusVoice Integrative Therapies, LLC, 4994 Park Lake Road, East Lansing
RE: ZA #15070 (Wireless Community Overlay & Corridor Improvement Authority)

6. Public hearings

A. Special Use Permit #15141 (Chvala), request to work in the 100-year floodplain to construct at pond at 5384 Van Atta Road and

B. Wetland Use Permit #15-02 (Chvala), request to impact wetlands to construct a pond at 5384 Van Atta Road

Chair Scott-Craig opened the public hearings at 7:06 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 and wetland use permit requests as outlined in staff memoranda dated November 5, 2015.
- Applicant
Cory Chvala, 5540 Earliglow Lane, Haslett, stated he has significantly cleaned up the property since he purchased it a few years ago. He noted his intent was to develop the plan to be an enhancement to the natural area, adding what currently exists on the property is a monocultured cat tail wetland with no diversity of plants. Mr. Chvala indicated the plan was designed with input by the Michigan Department of Environmental Quality (MDEQ) and the Township's wetland consultant to make it a better wetland. He summarized the current topography of the land, adding he has received a variance to use the Van Atta access as the driveway. Mr. Chvala noted the spoils would be placed in the upland to make it level in order to build a home in the future. He clarified the berm mentioned in the staff summary would be used on the perimeter of the property to help provide some privacy for the site. Mr. Chvala stated it is their intention to stock the pond with fish and have it be a natural habitat for turtles, frogs, etc.

Stephanie Jubb, Mid-Michigan Ponds, 6500 Howe Road, Bath Township, offered a roughly sketched map which showed placement of the spoils, none of which would be within the floodplain.

Planning Commission discussion:

Commissioner Honicky asked how the pond would be filled with water.

Ms. Jubb responded the hydrology already exists naturally with an existing wetland. She indicated it is their belief that with the excavation, the groundwater will sufficiently fill the pond, adding sufficient grades will allow the water to seep up the banks to keep the root zone saturated in the mitigated wetland areas.

Commissioner Honicky inquired where the pond would exit.

Mr. Chvala answered there is a natural overflow for the wetlands which currently exist. He indicated that when the land is very wet, the water will run along the fenceline and follow its natural flow to the back.

Commissioner Honicky asked how the applicant would maintain the pond.

Ms. Jubb responded it is his plan to install an aeration system in the deep water area and monitor algal growth. She added Mr. Chvala's intent is to maintain a healthy fishery, which will help combat algal growth as well. She specified that part of the mitigation plan for the wetland includes performing monthly hydrology assessments for (5) years as well as an annual vegetative assessment to determine if there is any invasive species present.

Commissioner Honicky inquired about the horse manure runoff from the neighbor's property to the east and the nitrogen it will produce which will end up in the pond.

Mr. Chvala stated the pond is set off from the direct area where his neighbors' horses are in.

Ms. Jubb added they can take a closer look at the area in question, and could use excavated dirt to alter the flow somewhat from his neighbor's property. She pointed to a different drawing which depicted a much larger wetland complex which will filter some of the water flowing into the subject pond.

Commissioner Honicky inquired about the safety of the children who live to the east.

Mr. Chvala responded if the project moves forward, it is his intent to place new fencing along Piper Road to prevent trespassing. He added the deep water area is south of the existing barn and a significant distance from Piper Road, as well as a significant distance from Van Atta Road. Mr. Chvala noted the deep water area would be closer to the future home, and within view for monitoring. He stated he also plans to have a gate off Piper Road.

Commissioner Van Coevering expressed appreciation for the exhaustive cleanup of the property. She spoke in support of the project based upon the recommendations of the Environmental Commission and tonight's presentation.

Commissioner Deits asked if the recommendation to place the spoils above the 500 year floodplain. He inquired if that was practical for this site.

Principal Planner Oranchak responded elevations will be placed on the plan as the project moves through the process. She indicated the floodplain itself is 653.1 feet above mean sea level while the 500 year floodplain is at 653.6 feet above mean sea level and should not be an issue.

Commissioner Deits inquired about the regulations that all runoff be accommodated on the property in question and not allow it to flow onto adjacent properties.

Principal Planner Oranchak replied the water is flowing towards the Foster Drain to the south. She clarified the regulation mentioned deals with construction relative to the use of impervious surfaces which does not apply here.

Chair Scott-Craig inquired if the applicant had an issue with the three (3) conditions offered by the Township's environmental consultant.

Mr. Chvala responded he did not.

Chair Scott-Craig spoke to the variance approved by the Zoning Board of Appeals (ZBA) for the driveway.

Mr. Chvala explained while his 200 foot frontage is on Piper Road, having a driveway dip down through the wetland and back up would be cost prohibitive. He stated a previous property owner created a farm drive off Van Atta Road which was approved for use. Mr. Chvala also noted when the pond is completed and the new house built, it is his plan to tear down the dilapidated barn and build a new structure in another location.

Commissioner Deits cited an instance where a barn was proposed to be placed in front of the house on Jolly Road, east of Van Atta Road, and the Planning Commission denied the request. He expressed puzzlement at the proposed barn which will be in “front” of their house.

Principal Planner Oranchak responded staff will be looking at that issue at the appropriate time in the process.

Mr. Chvala explained he was granted the variance as the ZBA believed it hard to determine front yard v. back yard on a 17 acre site.

Commissioner Deits requested staff look into the reasoning why the issue of the barn for the Jolly Road parcel came before the Planning Commission while Mr. Chvala’s property did not.

Chair Scott-Craig closed the public hearing at 7:41 P.M.

C. Zoning Amendment #15080 (Township Board), proposal to amend Section 86-473 Street Trees

Chair Scott-Craig opened the public hearing at 7:42 P.M.

- Summary of subject matter

Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated November 5, 2015.

Planning Commission discussion:

Commissioner Van Coevering inquired who has the financial responsibility to replace existing trees which die within one (1) year of project completion.

Principal Planner Oranchak replied it is the person requesting application for new construction.

Commissioner Honicky offered examples of locations in the Township where trees planted in new developments died from the top down over a period of time longer than two (2) years. He voiced his preference for lengthening the time for required replacement to five (5) years.

Principal Planner Oranchak clarified in most cases, landscaping is a continuous obligation of the property owner and replacement is required for projects which go through site plan review. She noted that in instances where street trees are planted in a subdivision by the developer, site plans are the continuous obligation of the property owner and/or homeowners association to ensure the trees are maintained as approved.

Commissioner Honicky inquired about the dead trees along Banyon Trail, Sapphire Lane and Burcham Drive, asking if the property owner has been cited for required replacement.

Principal Planner Oranchak noted the Township does not have the same requirements for residential areas that it has for commercial and multiple family.

Commissioner Honicky asked who would be responsible for their replacement.

Principal Planner Oranchak reiterated that unless they died within a couple of years of planting, staff would require the homeowners association or the property owner of a particular parcel to

replace the trees. She added Burcham Drive is a collector street and a different situation, although she assumed the homeowners associations for the planned unit developments along that street would want to take responsibility to keep their street well maintained. Principal Planner Oranchak noted if the dead trees are located within the right-of-way, the Ingham County Road Department (ICRD) will remove them.

Commissioner Cordill stated a two inch (2") caliper 2" seemed small.

Principal Planner Oranchak responded 2" is used in other sections of the ordinance and is the standard. She expressed concern regarding the viability of larger trees which require more watering. Ms. Oranchak added there is a significant increase in the cost of larger trees, stating the Township places a \$250 price tag on the performance guarantee for trees which have not yet been installed. She acknowledged it is a "balancing act."

Commissioner DeGroff asked what was the point of having the two (2) year requirement if the site plan conformance obligation takes care of tree replacement.

Principal Planner Oranchak replied that, as previously mentioned, site plan conformance does not take care of tree replacement in all circumstances. She believed if a tree is not healthy at the end of two (2) years, it probably will not survive.

Commissioner DeGroff inquired if an unhealthy tree which does not die within the two (2) year timeframe must be replaced.

Principal Planner Oranchak responded it would depend on how the tree is not healthy (i.e., no growth on the top), at which point the property owner would be asked to replace it.

Commissioner DeGroff voiced concern the language staff desires to enforce is not in the proposed zoning amendment.

Chair Scott-Craig inquired who was involved in the writing of this ordinance.

Principal Planner Oranchak indicated the amendment was written by staff with Township attorney review.

Commissioner Tenaglia stated trees between the curb and sidewalk will not survive due to snow removal and salt. She believed it unrealistic to make a property owner responsible for trees which are in an area where they will not survive due to winter road conditions.

Commissioner Deits addressed alleged ambiguity contained in Section 86-473 (B). He asked if the ordinance allowed someone with a large existing tree on their property the option to remove that tree, or can the Director of Community Planning and Development declare it a valuable tree and forbid the property owner to remove it. Commissioner Deits voiced concern the words "street trees may be preserved" are passive as it does not determine who would make the choice relative to preservation.

Principal Planner Oranchak replied the determination for preservation will be made at the staff level. She addressed the distinction between may v. shall.

Commissioner Deits expressed concern staff would be making the determination.

Commissioner Ianni noted Section B begins with “In lieu of planting new street trees,” which would indicate that existing trees would be in place of new ones.

Commissioner DeGroff added that with the use of the word “approval” in section B, as staff could not approve a request which was never made. He added use of existing trees could only be approved if a developer has requested them in lieu of the new trees.

Commissioner Cordill stated some species of trees (i.e., locust) are better for use as street trees as they tolerate snow and salt. She suggested the tree species which tolerate snow and salt be identified.

Commissioner Tenaglia expressed concern with trees close to the road which grow and become a safety issue.

Commissioner Deits voiced disappointment with any planting of monocultured street trees.

Principal Planner Oranchak responded staff does not encourage the planting of all the same trees on a particular property.

Chair Scott-Craig noted Section 86-473 A. (1) states the arterial street trees shall be placed in a manner determined appropriate by the Director of Community Planning and Development with input from Ingham County and the state, as applicable. He presumed that would preclude street trees being placed right next to the street. Chair Scott-Craig requested an explanation of the language in subsection A. (1) b. regarding street trees being placed between the curb and the right-of-way line on collector and local streets, as he believed the curb to be in the right-of-way.

Principal Planner Oranchak responded the chair is correct. She added the curb is not the edge of the right-of-way and there may be ten (10) to 15 feet between the curb and the right-of-way line in which to plant trees.

Chair Scott-Craig voiced additional concern that if there is the addition of a sidewalk, it takes up another five (5) feet and the issue is that if the trees are placed in the narrow space between the curb and sidewalk, sometimes those trees thrive and some are challenged.

Principal Planner Oranchak added the ability to thrive may have something to do with the species and how they were originally planted (girdled roots which result in the death of the trees). She indicated there are many variables involved in planting a street tree which is going to survive its youth.

Commissioner Ianni expressed opposition to extending the warranty requirement for street trees in residential areas as the developer may no longer own the property. He believed the one (1) or two (1) year requirement is an appropriate time frame.

Chair Scott-Craig reminded fellow Commissioners this language concerns multi-family and non-residential development only.

Commissioner Ianni believed it dealt primarily with non-multiple family and non-commercial.

Commissioner Ianni added that if Chair Scott-Craig's reading is correct, it is part of the site plan and is required to be kept in perpetuity and the warranty requirement would not come into effect.

Principal Planner Oranchak added the issue has to do with the requirements addressed during site plan review which state landscaping must be maintained on the site plan when it was originally approved.

Chair Scott-Craig added maintenance is the responsibility of the owner, not necessarily the developer, unless the developer continues to own the property.

Commissioner Ianni reiterated the developer still should not have to warranty the work beyond a reasonable period of time, i.e., two years.

Commissioner Van Coevering inquired if the warranty applies across the Township or just for multi-family and non-residential property.

Principal Planner Oranchak replied she will get clarification and bring back to the Planning Commission as she believed it applied to all trees within the Township.

Commissioner Deits offered history that the tree caliper requirement was changed from three inches (3") to two inches (2") several years ago after expert advice from arborists about the most productive tree planting size.

Commissioner Cordill commented on what she believed to be the vagueness of the second sentence in Section 86-473 and suggested the intent be "flushed out" for clarity. She asked who determines the spacing of street trees.

Principal Planner Oranchak responded specific spacing criteria is used by staff.

Commissioner Cordill asked if this amendment would be the appropriate place to insert the criteria.

Principal Planner Oranchak replied staff typically looks at the spacing during site plan review or the platting process.

Commissioner Cordill inquired if there is distinct specificity with the spacing or if discretion can be applied when designating spacing.

Principal Planner Oranchak answered that discretion is applied due to different circumstances (i.e., lot width) on various sites.

Commissioner Deits wondered if subsection B. should be changed to be indented (1) as he believed it to be a subsection of Paragraph A., not an entirely new section.

Principal Planner Oranchak believed the language was appropriately placed as written as there are two types of trees: new planted street trees (A) and existing trees (B).

Commissioner Deits offered a structural reconfiguration of the language to make planted street trees a subsection, as he believed only subsections (1) and (2) apply to planted street trees and the rest of the text in section A applies to all trees, existing and planted.

Commissioner Van Coevering reiterated the need for staff to define what areas (e.g., multiple-family, nonresidential, etc.) to which this language applies as she is unclear as to intent.

Commissioner DeGroff indicated the requirement is to plant streets trees as described in Section A and an alternative way to satisfy the requirements in Section A is the existing trees as described in Section B. He did not see any problem with the language as written.

Chair Scott-Craig suggested adding “as described in Section A” after “In lieu of planting new street trees” in Section B for clarity.

Commissioner DeGroff believed “In lieu of planting new street trees” makes clear the language in Section B is an alternative, as long as the requirements defined in the remainder of Section B are met.

Chair Scott-Craig closed the public hearing at 8:25 P.M.

7. Unfinished Business

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

Commissioner Ianni moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends denial of Rezoning #15060, a request to rezone 5458 Okemos Road, an approximately six acre parcel, from RAAA (Single Family, Low Density) to RR (Rural Residential). Seconded by Commissioner Deits.

Planning Commission discussion:

- Rezoning is an inappropriate avenue to deal with this issue
- Rezoning would allow the potential for more intensive agricultural use on the property
- More appropriate avenue would be for the Township to amend its ordinance to allow for a special use permit for certain agricultural uses in a residential area
- Planning Commissioner belief that with several neighbors indicating they have no objection to this use, there is no urgency to correct the situation
- Township can choose whether or not to vigorously enforce this issue as there is little evidence, other than an unidentified email, that there is opposition to the keeping of goats on the subject parcel
- Planning Commissioner preference that the Commission figure out ways to establish pocket agriculture in our community
- Proper for the Township Board to request the Planning Commission draft a document which allows flexibility for agricultural uses in the RAAA zoning category and request code enforcement not be pursued until the situation is resolved
- Applicant followed existing procedures and it is not fair to deny this rezoning request based on a better method which has not yet been established
- Reminder of the applicant’s example this land could have 25 homes built on it, each with four (4) chickens for a total of 100 chickens
- Zoning being requested is in line with the land around it
- RR zoning district does not limit the number of allowed animals

- Reminder the zoning stays with the land, not the current owner
- Development pattern along Okemos Road has been a series of residential projects, including nearby Cameron Oaks, which is entirely RAAA
- Uses permitted by right in the RR zoning district, as currently written, allow for things which are believed to be inappropriate at this site
- History of zoning designations for this parcel

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

NAYS: Commissioner DeGroff

Motion carried 7-1.

8. Other Business (None)

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

Commissioner Deits offered an extensive summary on the last Downtown Development Authority (DDA) meeting where discussion took place on changing the downtown Okemos Celebration historically managed by volunteers to a township wide event which would be managed by Township staff. He clarified that although a motion was passed to accept the change at the last meeting, it lacked specificity regarding expenditure of funds to reimburse the Township for staff time. Commissioner Deits added this topic will be discussed again in January. He noted DDA members were presented with an introduction to the Corridor Improvement Authority (CIA). He offered a suggestion that the CIA be turned into the DDA and make it a tax increment financing (TIF) district of some size which would be effective as a development tool and also alleviate the looming DDA debt. Commissioner Deits also announced the property consisting of the old library, closed central fire station and the Meridian Area Resource Center (MARC) property has been sold and demolition will soon begin.

Commissioner Ianni once again announced the Okemos Education Foundation (OEF) Annual Awards Banquet will be held on Thursday, November 19, 2015 at the Kellogg Center at Michigan State University. He indicated information and ticket purchase can be found at www.oefsite.org.

Commissioner Tenaglia reported her and Chair Scott-Craig attendance at last weeks' Meridian Economic Development Corporation (EDC) where the sale of the MARC property and the CIA were discussed.

Chair Scott-Craig added it was his first time attending an EDC meeting. He suggested the EDC meetings be televised. Chair Scott-Craig reported the Meridian Leadership breakfast was held last Friday, which included an overview from the ZBA and the Land Preservation Advisory Board (LPAB). He noted Township staff shared the LPAB is at the end of the property acquisition phase and into the continued stewardship phase of the existing LPAB parcels. Chair Scott-Craig reported his attendance at the Mid-Michigan Environmental Action Council Land Use Lunch for November where a talk was given by a member of the Detroiters Working for Environmental Justice. He announced the Community Resources Commission (CRC) is selling raffle tickets at Township offices for its Emergency Needs Fund Fundraiser.

A. Future Projects/New Applications

None

B. Update of Ongoing Projects

i. Site Plans Received - None

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 8:45 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary