

**CHARTER TOWNSHIP OF MERIDIAN  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
August 22, 2011**

**APPROVED**

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

PRESENT: Commissioners Cordill, Goodale, Honicky, Jackson, Norkin, Scales, Scott-Craig  
ABSENT: Chair Deits, Commissioner Beyea  
STAFF: Principal Planner Gail Oranchak

**1. Call meeting to order**

Vice-Chair Jackson called the regular meeting to order at 7:02 P.M.

**2. Approval of agenda**

**Commissioner Honicky moved to approve the agenda. Seconded by Commissioner Scales.**

VOICE VOTE: Motion carried 7-0.

**3. Approval of Minutes**

**Commissioner Cordill moved to approve the Work Session Meeting Minutes of July 25, 2011 and August 8, 2011 and the Regular Meeting Minutes of August 8, 2011. Seconded by Commissioner Scales.**

VOICE VOTE: Motion carried 7-0.

**4. Public Remarks**

Vice-Chair Jackson opened the floor for public remarks.

David Pierson, McClelland & Anderson, 1305 S. Washington Avenue, Lansing, representative for individuals owning property both inside and outside of the proposed urban service boundary, spoke in opposition to the urban service boundary.

Vice-Chair Jackson closed public remarks.

**5. Communications**

- Lynne S. Page, 3912 Raleigh Drive, Okemos; RE: Concern with Zoning Amendment #11060 as written
- James Dalton and Carol DiGregorio, 2187 Riverwood Drive, Okemos; RE: Opposition to Zoning Amendment #11060 as written, with a preference for the ordinance proposed by William Fahey
- Rick D. Brown, 3340 Lake Lansing Road, East Lansing; RE: Opposition to Zoning Amendment #11060
- Michele Glinn, 1913 Atherton Way, Okemos; RE: Support for Zoning Amendment #11060 with stricter restrictions

**6. Public hearings**

- A. Zoning Amendment #11070 (Township Board), amend Section 86-687 of the Code of Ordinances to establish regulations for murals in commercial zoning districts.

Vice-Chair Jackson opened the public hearing at 7:11 P.M.

- Introduction by the Chair (announcement of procedures, time limits and protocols for public participation and applicants)
- Summary of subject matter  
Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated August 18, 2011.
- Planning Commission discussion:  
Commissioner Goodale inquired if there currently are murals in the Township.

Principal Planner Oranchak responded there are two murals currently in the Township.

Commissioner Goodale asked if the existing murals are in violation of our ordinance.

Principal Planner Oranchak responded staff looked at the murals and agreed that they did not represent a sign in the way that was considered advertising, although there was no basis for an approval in the ordinance. She indicated staff wanted to implement a “clean” approval process.

Commissioner Goodale indicated his preference to include language which assigns a specific percentage of the wall space for text in lieu of saying “...text shall not be a dominate portion of the overall image.” He expressed concern with the language which states the “...mural shall not contain any text, except.....or other similar text that is an integral part of the mural.” Commissioner Goodale inquired if the Director of Community Planning and Development would make the decision on what is integral.

Principal Planner Oranchak responded in the affirmative.

Commissioner Goodale inquired if there were specifics to determine when a mural creates a public safety hazard.

Principal Planner Oranchak responded since there are no standards, the designation would need to be made on a case-by-case basis as the speed of the road, its location, etc. would be factors. She added the Planning Commission could include criteria which would determine if a mural is a public safety hazard.

Commissioner Scott-Craig was aware of one mural in the Township and believed it an improvement over a blank wall.

Commissioner Honicky noted his mental image of two regional murals both had very large lettering, were advertising and tastefully done. He expressed concern with limiting text when the mural is artful and believed much of the text size has to do with style and appropriateness.

Principal Planner Oranchak responded that the mural section is not intended to include advertising. She added the text would be limited to the artist’s name, the title and something integral to the design, such as a quotation. Principal Planner Oranchak added it is intended strictly as a non-commercial design.

Commissioner Scales expressed concern there is no definition of a public safety hazard, although proposed language in (15) f. speaks to a mural not creating one. He also pointed out a portion of the staff report which states “An ordinance addressing murals will provide clarity and consistency with regards to procedures and regulation for those wishing to install a mural

as well as remove staff and other Township officials from the position of having to judge a mural's quality or content." Commissioner Scales believed the language in (15) f. does not achieve the statement made in the staff report, as it would involve staff.

Principal Planner Oranchak responded that while staff is involved in the process, staff would not be involved in determining if the design was appropriate. She clarified that the sentence referred to in the staff report dealt with not putting staff in the position of being an art critic.

Commissioner Scales indicated including the definition of a public safety hazard would allow him to support the proposed zoning amendment, but what is currently proposed allows for arbitrary and capriciousness.

Vice-Chair Jackson noted the proposed ordinance allows development of a mural by right. She inquired when the assessment of the appropriateness of the mural's design would occur.

Principal Planner Oranchak responded murals are treated as signs under the proposed language and the building permit application process would be followed.

Vice-Chair Jackson inquired if the building permit application is processed by the planning staff.

Principal Planner Oranchak responded the building department staff processes building permit applications and the Director of Community Planning and Development is responsible for building permit approval.

Commissioner Norkin inquired if the proposed amendment regarding murals does not pass, would it require each mural to come before the Planning Commission as a special use permit.

Principal Planner Oranchak responded it would not.

Commissioner Norkin inquired if the status quo would prevail and, if so, what that would be.

Principal Planner Oranchak responded in the affirmative, adding that status quo is a process that does not involve zoning. She stated staff looks at anything applied to a building as a sign, due to the definition of a sign. She indicated it created a conflict between wanting to have visual design elements added and taking it out of the realm of being a sign and possibly challenged as non-compliance with the sign ordinance.

Commission Norkin inquired if it would be too burdensome to adopt an ordinance amendment for murals to go through a vetting process. He expressed concern that murals can create a distraction and pose a public safety hazard. Commissioner Norkin inquired if other townships or cities have processes for murals.

Principal Planner Oranchak responded the process for murals would be handled by staff, not a public body. She added this allows for an applicant to obtain a building permit, the same as for any sign. She believed the requirements to be minimal, noting there have been other inquiries regarding placing murals in the township over the years. Principal Planner Oranchak stated this would remove the "limbo" status for murals.

Commissioner Scott-Craig inquired if the safety hazard could be addressed by initiating a setback requirement from the road or not allowing a mural on the front of a building.

Principal Planner Oranchak responded if the Planning Commission proposes a setback requirement, staff will write that into the proposed amendment.

Vice-Chair Jackson noted the staff report cited Lansing and East Lansing's regulation of murals as signs but have created an art commission to evaluate issues such as safety hazards.

Principal Planner Oranchak responded she did not believe the art commission would evaluate safety hazards, but deal with the design review criteria.

Vice-Chair Jackson inquired if murals could be allowed in the sign ordinance by special use permit, so the Planning Commission could evaluate the circumstances relative to public safety on a case-by-case basis.

Principal Planner Oranchak responded that the Planning Commission can make that recommendation to the Board.

Commissioner Honicky spoke to "branding," "graffiti" and "tagging" as art forms and inquired if the Township currently has an ordinance against those art forms.

Principal Planner Oranchak responded there is nothing in the ordinance which speaks to graffiti and tagging. She added the proposed definition of murals precludes branding, logo, trademark, etc.

Commissioner Scales noted there is "wonderful" graffiti underneath the Grant Trunk Western Railroad tracks near Grand River Avenue and Park Lake Road. He added high school students use the graffiti as a backdrop for their senior pictures. He voiced his continued opposition of the language as proposed and against bringing murals before the Planning Commission for approval.

Commissioner Norkin supported Vice-Chair Jackson's suggestion to allow murals by special use permit, as there would be an opportunity for checks and balance and the public would be given notice.

Vice-Chair Jackson indicated there are five (5) members in support of allowing murals by special use permit, noting there will be more specificity in how a public safety hazard is evaluated.

Vice-Chair Jackson closed the public hearing at 7:40 P.M.

## **7. Unfinished Business**

- A. Zoning Amendment #11060 (Planning Commission), request to amend Section 86-2, Section 86-368(b), Section 86-403(d), Section 86-404(d), Section 86-405(d) and Section 86-435(b) of the Code of Ordinances to permit using, dispensing and growing medical marihuana in specified zoning districts.

Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated August 18, 2011.

Planning Commission discussion:

- Letter from a resident who works in the Michigan State Police forensic toxicology laboratory noting the abuses of medical marihuana
- Proposed language needs to be as strict as legally possible
- Need for consistency with the setback requirement of the federal government's drug free zone

- Request to consult the Township Attorney regarding charging a fee to dispensaries (e.g., \$1500) to offset the cost for police services and other associated costs
- Any project required to obtain a special use permit (SUP) must pay the SUP fee
- Medical marihuana dispensaries are a use similar to a retail use
- State act does not speak to dispensaries
- 1,000 foot setback requirement would preclude a cultivation facility anywhere in the Township

**Commissioner Scales 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 #11060, to amend Sections 86-368(b)(15), 86-403(d)(4), 86-404(d)(5), 86-405(d)(5), and 86-435(c)(1) of the Code of Ordinances in order to allow the medical use of marihuana in specific zoning districts.**

**The motion died for lack of a second.**

Continued Planning Commission and discussion:

- Bill before the legislature and recent court decision make any action by the Planning Commission preliminary
- Inquiry if medical research was part of the ballot initiative
- Any regulation by the Township will undoubtedly result in litigation
- Concern with the expense of legal fees if the Township passes an ordinance
- Preference for allowing court processes to run their course and have state regulation
- Without regulations, “anything” is possible
- Medical marihuana establishments will be more prevalent in Meridian Township because the surrounding communities have placed regulations on medical marihuana
- Proposed language provides for a very restrictive “business model”
- Concern that caregivers can grow and dispense medical marihuana from their home
- Majority of Planning Commissioners are interested in pursuing a “stronger” ordinance relating to medical marihuana in Meridian Township
- Suggestions for revision:
  - limit a person who grows medical marihuana in their home to be a patient only and only grow for him/herself
  - exclude dispensaries in the Township
  - exclude cultivation facilities in the Township
  - limit of one patient, one plant, one location (1-1-1)
  - mirror the ordinance written by the City of Livonia
  - Clear definition of dispensing in a commercial district v. transferring medical marihuana from caregiver to patient
  - Caregiver can grow six (6) plants in their home, but must grow off-site for other patients
  - Update setback requirements to 1,000 feet for consistency with the federal government’s drug free zone
- Concern with children’s access to medical marihuana
- 1-1-1 does not conform to state statute
- Need to ascertain to what extent there can be a prohibition on large scale commercial cultivation and dispensing
- Dispensaries can be regulated in any manner as they are not addressed in the state statute
- Focus is to regulate, not prohibit, medical marihuana
- Preference to place this zoning amendment on the record and then amend specific components
- Inquiry if the Township would be facilitating an issue which is against federal law with

- passage of this ordinance
- Most effective way to deal with the proposed ordinance is to provide staff with direction for revisions and read the resolution at a future meeting

**8. Other Business**

A. Urban Service Boundary Recommendation

Principal Planner Oranchak summarized the Urban Service Boundary recommendation as outlined in staff memorandum dated August 18, 2011.

**Commissioner Scott-Craig moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends an urban service area depicted on the attached Exhibit A. Seconded by Commissioner Norkin.**

Planning Commission and staff discussion:

- Staff report is a clear and concise summary
- Concern with characterization by a member of the public that an urban service boundary (USB) is an anti-development tool
- Property owners east of the boundary still have use of that property
- Use of property to the east of the boundary is not diminished because of the USB
- Explanation of rationale for drawing the boundary around the undeveloped land:
  - Properties to the east are zoned rural residential (RR)
  - Properties to the east are identified on the Future Land Use Map for densities of one (1) acre or less
- Belief the USB plans for low density in the future
- Preference to concentrate on infill development where infrastructure and services are already located
- Haslett Preserve was a conditional zoning and has reverted back to its previous RR zoning
- On-site septic fields and wells for land to the east of the USB
- Concern if there is a pollution issue to the east of the proposed boundary and more wells must be drilled, the Saginaw Aquifer is being opened up to that pollution
- USB can be amended at any time if there is pressure for development in that area in the future
- Role of Planning Commissions to plan, not restrict, for the future
- USB is a temporary boundary for planning development in the Township in the near future
- Demographic change over the last ten (10) years shows an aging population nationwide and in Meridian Township
- Need to amend the Township's view of density in the future to provide for short distance transportation and low cost housing to accommodate the needs of the aging population

ROLL CALL VOTE: YEAS: Commissioners Cordill, Goodale, Honicky, Norkin, Scott-Craig, Vice-Chair Jackson

NAYS: Commissioner Scales

**9. Township Board, Planning Commission officer, committee chair, and staff comment or reports**  
(None)

**10. New applications**

- A. Zoning Amendment #11080 (Township Board), amend Section 86-686 to increase the maximum free-standing sign size from 25 square feet to 28 square feet to include the site address; and, to permit free-standing directional signs in the PO (Professional and Office) District

**11. Site plans received**

- A. Site Plan Review #11-03 (Eyde Co.), develop the Marsh Road mixed use planned unit development consisting of one 81,910 square foot building at 5155 Marsh Road

**12. Site plans approved (None)**

**13. Public remarks**

Vice-Chair Jackson opened and closed public remarks.

**14. Adjournment**

Vice-Chair Jackson adjourned the regular meeting at 8:55 P.M.

Respectfully Submitted,

Sandra K. Otto  
Recording Secretary