

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
February 28, 2011**

APPROVED

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

PRESENT: Commissioners Beyea, Goldsberry, Goodale, Honicky, Jackson, Norkin, Scales (7:05 P.M.)
ABSENT: Chair Deits, Commissioner Cordill
STAFF: Principal Planner Gail Oranchak

1. Call meeting to order

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

2. Approval of agenda

Commissioner Goldsberry moved to approve the agenda. Seconded by Commissioner Honicky.

VOICE VOTE: Motion carried 6-0.

3. Approval of Minutes

Commissioner Honicky moved to approve the Regular Meeting Minutes of February 14, 2011. Seconded by Commissioner Goldsberry.

VOICE VOTE: Motion carried 6-0.

Commissioner Goldsberry moved to approve the Work Session Meeting Minutes of February 14, 2011. Seconded by Commissioner Honicky.

VOICE VOTE: Motion carried 6-0.

4. Public Remarks

Vice-Chair Jackson opened the floor for public remarks.

David Reicosky, 3836 Pine Knoll Drive, Okemos, spoke to voter support of the Land Preservation millage renewal and what it means to the community at large. He also spoke to Planning Commission discussion(s) of the Five-Year Master Plan during which it would address the opportunities which support the concepts of greenspace, open space and land preservation. Mr. Reicosky believed the establishment of an urban service boundary would control the growth of commercial and business development and supports controlling greenspace and environmental activities.

Vice-Chair Jackson closed public remarks.

5. Communications

- Jon Chester, 383 Shoemith Road, Haslett; RE: Zoning Amendment #11030, an amendment to allow the raising and keeping of chickens and rabbits as a non-agricultural accessory use in residential districts
- Notification from Wheatfield Township, 985 Holt Road, Williamston; RE: Initiation of development of a new Master Plan

6. Public hearings

- A. Zoning Amendment #11030 (Township Board), amendment to Section 86-368(b) to allow the raising and keeping of chickens and rabbits as a non-agricultural accessory use in the RRA, RAAA, RAA, RA and RB zoning districts

Vice-Chair Jackson opened the public hearing at 7:12 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 January 20, 2011.
- Public
Jon Chester, 383 Shoemsmith Road, Haslett, read from a prepared statement, addressing the issues of controlling the quality of our food, satisfaction of being involved in food production, new interest in sustainable living during difficult economic times and teaching responsibility to children by showing them the basics of food production. He offered several reasons for his preference to have hens on his property; most notably, that our country has swung too far in the direction of industrialization and specialization of occupation. Mr. Chester also addressed common concerns to having chicken in suburban areas and offered solutions to those concerns.

[Prepared statement in Official Minute Book].

Mary LaPorte, 2176 Seminole Drive, Okemos, spoke to the abundance of wildlife in her subdivision and believed a few chickens would have little effect. She believed urban farming and backyard chickens promote community. Ms. LaPorte spoke to the fact that chickens eat insects and would aid in the control of mosquitoes and grubs, adding chickens in residential areas is a popular concept across America and Canada.

- Planning Commission discussion:
Commissioner Honicky noted the Michigan Right-to-Farm Act allows for “normal” farm odors which some neighbors may not appreciate. He expressed appreciation for Mr. Chester’s predator-proof facility and the change in location of the facility on a regular basis to avoid concentrated areas of chicken feces. Commissioner Honicky expressed concern that once chickens are on a person’s property, there is no avenue for neighbors to complain about the odor. He also expressed concern with disease(s) carried by chickens.

Commissioner Norkin noted there is a permit process through the Township which allows for recourse by neighbors.

Principal Planner Oranchak noted Commissioner Norkin was correct and clarified the zoning amendment is only for non-agricultural use and not subject to the Right to Farm Act. She added this personal use would not be exempt from the Township’s nuisance ordinance.

Commissioner Goodale expressed appreciation for the comments by Mr. Chester regarding teaching children the elements of food production, but suggested there be a requirement for the applicant to obtain signatures of approval by neighbors prior to permit approval. He also expressed concern about the potential odor from chicken feces.

Commissioner Goodale noted chickens carry diseases and parasites and was concerned with this fact.

Commissioner Beyea inquired of staff if this ordinance is considered a permitted use within the two districts which currently allow for chickens (RR and RRR).

Principal Planner Oranchak responded this ordinance does not apply to the RR and RRR districts.

Commissioner Beyea clarified that the regulations being put into place would not require a permit in the RR and RRR districts for the keeping and raising of chickens and rabbits.

Commissioner Beyea spoke to the permitting process as an administrative burden as well as a burden on residents and against the provision which prohibits the slaughtering of chickens and rabbits and the selling of eggs.

Principal Planner Oranchak added selling from roadside stands is only allowed in the RR and RRR districts and the proposed language is consistent with our current ordinance.

Commissioner Goldsberry spoke to the value of property owners being able to raise chickens and did not believe a permitting process to allow that was necessary. She also suggested the Planning Commission have a discussion in the future to allow residents to sell home grown vegetables in residential districts other than RR and RRR.

Vice Chair Jackson inquired of staff if either the state or county health departments were contacted regarding any potential health concerns with raising chickens in urban residential districts.

Principal Planner Oranchak responded that although staff's extensive research on this issue did not reveal state or county concerns, she had not been in direct contact with the state or county health departments for their views.

Vice-Chair Jackson requested staff contact state and county health departments for their comments.

Commissioner Beyea stated his interpretation regarding the prohibition on slaughtering chickens and rabbits on the property as a prohibition of on-site consumption.

Principal Planner Oranchak responded chickens and rabbits can be taken to a facility which specializes in processing. She reminded Planning Commissioners that some of the lots may be as small as 8,000 square feet and could be in very close proximity to adjoining neighbors.

Commissioner Beyea requested staff explore where the areas are in the Township where chickens and rabbits could be taken to be slaughtered.

Principal Planner Oranchak stated staff will look into places within the Township where chickens can be slaughtered.

Commissioner Scales expressed concern with the resulting violation on the number of rabbits given their proliferation.

Commissioner Norkin added that rabbits are welcomed at the Humane Society.

Vice-Chair Jackson closed the public hearing at 8:05 P.M.

B. Zoning Amendment #11020 (Township Board), amendment to Section 86-440 Mixed Use Planned Unit Development (MUPUD)

Vice-Chair Jackson opened the public hearing at 8:05 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated January 20, 2011.
- Planning Commission discussion:
Vice-Chair Jackson reminded fellow Planning Commissioners that the topic of this public hearing was the MUPUD, not a comparison between the CPUD and the MUPUD. She spoke in support of the proposed revisions suggested by the Board. Vice-Chair Jackson noted the relationship between amenities and Board decisions regarding dimensional requirements and setbacks has changed; specifically, it is expected that at least one amenity will be provided and consideration of relaxing the dimensional requirements is now not tied to types and quality of amenities offered.

Commissioner Beyea inquired if the Board is looking for inconsistencies between the C-PUD and the MUPUD.

Principal Planner Oranchak responded in the affirmative. She added staff can provide a side-by-side analysis of the CPUD and the MUPUD at a future meeting.

Commissioner Beyea believed it would be helpful for Planning Commission members to receive that comparison.

Commissioner Beyea inquired as to the number of approved MUPUDs in the Township.

Principal Planner Oranchak responded there are five (5).

Commissioner Beyea inquired if the changes proposed by the Board reflected issues which surfaced after initial passage of the MUPUD ordinance.

Principal Planner Oranchak responded amenities seemed to be the biggest issue and believed it has been addressed in the proposed document. She added the phasing component has also been addressed.

Vice-Chair Jackson added the existing requirement for 50% windows on the first floor when the building is primarily residential has just been addressed

Commissioner Beyea expressed an interest in receiving comments from the business community prior to moving forward.

Principal Planner Oranchak added the concept plan was an idea which came from the business community.

Vice-Chair Jackson stated this version of the MUPUD relative to the concept plan might work better than the current language in the CPUD regarding the sketch plan.

Principal Planner Oranchak noted the Planning Commission may want to consider the concept plan contained in the MUPUD v. the sketch plan in the proposed CPUD.

Commissioner Scales requested clarification on the proposed language which states residential uses shall be located as far as possible from railroad tracks.

Principal Planner Oranchak responded it is a message to developers to do their best to keep residential uses away from railroad tracks.

Commissioner Scales inquired if there was a specific distance known to be a hazard.

Principal Planner Oranchak answered there is a section in the ordinance which speaks to a minimum 175 foot setback from railroad tracks, but language contained in the MUPUD provides relief from all setback requirements. She added approval of a specific site plan establishes the setbacks for each project.

Commissioner Scales inquired if a minimum could be set.

Principal Planner Oranchak noted the Board chose not to set a minimum, but were satisfied to address the issue on a case-by-case basis

Commissioner Scales inquired who would decide the distance for a specific project and at what point the decision would be made.

Principal Planner Oranchak responded the Planning Commission would review the project and make a recommendation to the Township Board. She stated the Township Board would make the final decision.

Commissioner Scales asked how consistency would be maintained.

Principal Planner Oranchak each decision would be based on the facts of a specific project.

Commissioner Honicky inquired if the project on the corner of Mt. Hope and Hagadorn is 175 feet from the railroad tracks.

Principal Planner Oranchak responded it is not. She added the setback was waived as part of the MUPUD ordinance, and the setback provided in the site plan was the setback allowed during the approval.

Commissioner Honicky inquired as to the origin of the 175 foot distance from a railroad track.

Principal Planner Oranchak explained the origin came from an actual accident which occurred in Haslett in the 1980s and where an actual railroad car landed once it derailed. She added no lives were lost in the derailment.

Commissioner Honicky asked if the pervious/impervious surface requirements are "up" to negotiation.

Principal Planner Oranchak responded the pervious/impervious surface requirements are generally waived for the MUPUD (Sec. 86-440 (f) (1) a).

Vice-Chair Jackson asked if the Planning Commission was ready to vote on this issue or wished to hold the public hearing open.

Principal Planner Oranchak noted there was additional information requested by Planning Commissioners at this public hearing which will be provided at a future meeting. She also stated Planning Commissioners were awaiting feedback from the development community.

Commissioner Beyea believed the public hearing could be closed and discussion could continue at a future meeting before a decision was made.

Commissioner Norkin spoke in support of leaving the discretion to the Planning Commission on determining setbacks for projects. He cited the consistency of the setbacks for the project at the corner of Mt. Hope and Hagadorn with the adjacent Berry Tree apartment complex setbacks.

Vice-Chair Jackson closed the public hearing at 8:38 P.M.

7. Unfinished Business (None)

8. Other Business

A. Discussion of 2005 Master Plan Goal #2 and Goal #4

Principal Planner Oranchak summarized review of Goal #2 (Preserve Open Space and Natural Areas) and Goal #4 (Maintain and Expand a Diverse Park System) of the Master Plan as outlined in staff memorandum dated February 23, 2011.

Planning Commission discussion:

- Staff explanation of the land clearing ordinance and how it relates to Goal #2, Objective A: Strategy 7: Consider developing a woodlands regulation ordinance to protect woodlots
- All proposed woodlands ordinances were problematic in some fashion
- Land clearing ordinance allows sites to be looked at on a case-by-case basis
- Goal #2, Objective A: Strategy 7 and Goal #1, Objective C: Strategy 3 (Continue to implement the Land Clearing Ordinance that may require the replacement of mature trees that are cut down) appear to overlap
- Inquiry if the land clearing ordinance addresses instances where the land is cleared prior to initiation of the platting process
- Replace language in Goal #2, Objective C: Strategy 1 (Develop and adopt a plan to establish the basis for linking natural areas into continuous greenways throughout the Township) with “Continue to use the greenspace plan as a reference for determining how natural areas can be linked into continuous greenways throughout the Township.”
- Goal #2, Objective E, Strategy 1: Revise “Develop and implement a set of policies protecting animals, ecosystems, plants and natural features....”) to “Evaluate site plan review process to insure it includes protection of sensitive species and natural features on sites proposed for development.”
- Revise Goal #2, Objective E: Strategy 2 to state “The Environmental Commission shall publish a list of endangered animals, ecosystems...”
- Revise Goal #2, Objective E: Strategy 3 to state: “The Environmental Commission shall develop programs to educate citizens....”
- Previous conversation about looking at the Township Board Policy Manual Goals and how they correspond to the goals in the 2005 Master Plan
- Master Plan does not currently speak to preserving the rural character
- Include an objective in the Master Plan which speaks to preserving the agricultural land uses in the Township including working farms, farmlands, farmsteads and community gardens

- Include strategies which parallel the Township Board Policy Manual relative to identifying properties for community garden sites, support of the Meridian Farmers Market, encourage agricultural zoning where appropriate
- Planning Commissioner preference to use the SMART (Specific, Measurable, Achievable, Realistic, and Time limited) format for the Master Plan
- Master Plan traditionally has not had the SMART objectives or strategies
- No time frame for most of the goals as the Master Plan is a long-range plan (20 years)
- Need to set measurable goals
- Master Plan is in statute through the Planning Enabling Act
- Act speaks to a 20 year horizon with reviews at least every five (5) years
- Planning Commissioner belief the plan is more policy oriented as it is in statute
- Long range planning does not preclude the Planning Commission from putting indicators in place which are reviewed on a yearly basis
- Economic indicators may prevent development of policy
- Implementation Chapter of the Master Plan as the appropriate place to include short range strategies
- Planning Commission consensus to discuss Goals #1 and #3 at its next meeting
- Staff to draft new language for Goal #2 based on Planning Commission comments
- Request for staff to develop a process and timeframe for review of the Master Plan, beginning with economic growth, sustainability and commercial reuse
- Suggestion to establish a monthly work session on the Master Plan Update
- Goal #2 has been discussed in terms of elimination, but no discussion has taken place regarding additions
- Request for staff to provide minutes from the November 8, 2010 work session relative to the previous Planning Commission discussion of the 2005 Master Plan Goals and Objectives
- Consensus to complete Goals #2 and #4 before discussing Goals #1 and #3
- Request for the document prepared by staff regarding changes in Goal #2 show strikeouts and insertions
- Planning Commissioners to submit comments to staff by March 4th for incorporation in the revised goals

B. Discussion of Medical Marihuana

Planning Commission discussion:

- Regulate dispensaries with the same criteria as bars
- Suggestions during the work session discussion included drafting of an ordinance or a resolution, letter or recommendation to the Township Board notifying it of the Planning Commission's consideration of a possible draft ordinance

Commissioner Scales moved to draft an ordinance regulating medical marihuana dispensaries, specifically relating to location. Seconded by Commissioner Honicky.

Continued Planning Commission discussion:

- Most pressing issue is location of dispensaries
- Use of East Lansing's most recent draft ordinance
- Request for clarification on the difference in distribution and consumption of alcohol in a bar v. a grocery store
- Include language in the draft which prohibits consumption on the dispensary premises
- Include language in the draft which limits the location of dispensaries in commercial areas only
- Request for language which specifies medical marihuana be stored in a childproof container

- Medical marihuana as a new use in the existing zoning ordinance
- Separation of dispensing medical marihuana from on-site consumption
- Staff to provide a working definition of a dispensary
- Need to obtain feedback from the Township Board prior to expending staff and Planning Commission time and resources to write a draft ordinance
- Providing the Township Board with an ordinance which contains specificity would provide for Board consideration of the merits of the language contained in the ordinance
- Board member comments as justification for their votes on the medical marihuana issue were too general in nature
- Planning Commission responsibility to write an ordinance, not ask the Board for permission to write an ordinance
- Request to find a solution somewhere between a general question and a legal ordinance to send to the Board
- Concern previous statement that medical marihuana dispensaries are legal is factual due to supremacy of federal law
- Concern that an ordinance will face a legal challenge and use Township resources to defend
- Language approved by Michigan voters does not address distribution of medical marihuana
- Belief the strategy behind legalization of medical marihuana at the federal level is for a majority of the states to pass a law which will essentially force the federal government to change its position

ROLL CALL VOTE: YEAS: Commissioners Beyea, Goodale, Honicky, Scales, Jackson, ice-Chair Jackson

NAYS: Commissioners Goldsberry, Norkin

Motion carried 5-2.

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

Commissioner Beyea inquired of staff as to the status of the draft doggy day care ordinance.

Principal Planner Oranchak responded that staff provided the Board with an update to its priorities which will be discussed at the Board's March 1st Board meeting. She believed that the Board discussion would determine where this issue would fit into staff's workload.

Commissioner Beyea indicated the Planning Commission was unanimous in its decision to move forward with a doggy day care ordinance and it is obligated to put together a recommendation.

Commissioner Honicky noted vertical wind mills were installed in Reno, Nevada and the information will be quantified. He was interested in reviewing that information in relation to township interest in a wind energy ordinance.

Principal Planner Oranchak noted the wind energy ordinance is at the Township Board level at the current time. She also stated the Board will discuss the water main extension within the road right-of-way of Grand River Avenue, from Wellington Drive eastward to 743 Grand River Avenue and indicated the Planning Commission may wish to have a representative attend who supported the Planning Commission's decision to deny the extension.

Commissioner Beyea believed the motion which passed by a majority of Planning Commission members speaks for itself.

10. New applications

- A. Special Use Permit #11-83251 (Jeffrey Scott Architects), a SUP amendment to add a 400 square foot building addition to the Kroger store addressed as 4884 Marsh Road.

- B. Planned Unit Development #11014 (Cameron Oaks Development Co. LLC), develop a 14-site condominium on approximately 51.67 acres located on the east side of Okemos Road, north of the Grand Trunk and Western/CN Railroad.

11. Site plans received

- A. Site Plan Review #11-01 (Jeffrey Scott Architects), an addition of approximately 400 square feet to the Kroger store addressed as 4884 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 10:00 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary