

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
March 14, 2011**

APPROVED

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

PRESENT: Commissioners Beyea, Cordill, Deits, Goldsberry, Goodale, Honicky, Jackson, Norkin,
Scales
ABSENT: None
STAFF: Principal Planner Gail Oranchak

1. Call meeting to order

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

2. Approval of agenda

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

VOICE VOTE: Motion carried unanimously.

3. Approval of Minutes

Commissioner Cordill moved to approve the Regular Meeting Minutes of February 28, 2011 as amended. Seconded by Commissioner Scales.

VOICE VOTE: Motion carried unanimously.

4. Public Remarks

Chair Deits opened and closed the floor for public remarks.

5. Communications

- Jon Chester, 383 Shoemsmith Road, Haslett; RE: Zoning Amendment #11030, amendment to allow the raising and keeping of chickens and rabbits as a non-agricultural accessory use in residential districts
- Jon Chester, 383 Shoemsmith Road, Haslett; RE: Zoning Amendment #11030, amendment to allow the raising and keeping of chickens and rabbits as a non-agricultural accessory use in residential districts

6. Public hearings

- A. Special Use Permit #11-88031 (Park Commission), amend the original special use permit for work in the floodplain to construct a fishing dock on Lake Cathryn in Central Park and
- B. Wetland Use Permit #11-1 (Park Commission), impacts associated with construction of a dock on Lake Cathryn in Central Park

Chair Deits opened the public hearings at 7:05 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 special use permit and wetland use permit as outlined in staff memoranda dated March 10, 2011.
- Applicant
Director of Parks and Recreation LuAnn Maisner, availed Jane Greenway, Parks and Land Management Coordinator and the architect's consultant for Planning Commission questions.
- Planning Commission discussion:
Commissioner Honicky inquired as to the rationale for the dock being constructed of galvanized steel when the gazebo is made of wood and has withstood the elements. He also inquired as to the necessity for a bubbler system and electrical service to the dock.

Craig Hondorp, Progressive AE, 1811 4 Mile Road, NE, Grand Rapids, responded the development of the design and cost of a wood dock exceeded the cost shown in the original grant application. He added the auger posts were always intended to be made of metal to minimize disturbance of the lake bottom.

Director Maisner added it is anticipated that a bubbler system will not be necessary, but the electrical service will allow for a variety of uses, such as using a public address system during possible special events in the future.

Commissioner Goodale asked how close the proposed dock would be to the existing wooden dock.

Mr. Hondorp responded approximately 250 feet. He noted placement of the dock was proposed as there would be fewer disturbances to the area.

Commissioner Goodale noted there is concrete over to the existing gazebo and inquired if any consideration was given to extending the grass path with concrete and placing the new addition on the other side of the lake.

Ms. Greenway said consideration was initially given to placing the dock further to the north to save on concrete and as a more suitable access, but an important goal was to make this a successful fishing experience for Township residents. She added staff used the topographical map from when the lake was dug to measure the depths and determined the southeast portion of the lake was best suited for the location. Ms. Greenway noted the quick depth at that location allowed for the most cost effective construction of the dock.

Mr. Hondorp added that, at one point, consideration was given to completing the semi-circle walk but that it was also cost prohibitive. He added the site will be "set up" so that the semi-circle walk could be constructed at some point in the future.

Commissioner Beyea believed the project would be a great addition to the area. He asked how flooding of the area at certain times of the year would impact use.

Mr. Hondorp responded there may be periods where the dock is briefly under water; however, the structure is very open, the lake has a controlled lake level which is approximately two (2) feet above the normal maintained water level. He clarified that in order to be above the floodplain elevation, it will be approximately nine (9) feet above the normal water level.

Commissioner Beyea asked if the dock will adjust based on the water level or be constant in terms of how it is mounted.

Mr. Hondorp responded it will be constant.

Commissioner Beyea expressed a concern with the surface becoming slippery in inclement weather and asked the architect to speak to the type of material to be used. He inquired if slip pads would be used.

Mr. Hondorp responded the material has a wood grain appearance, but has a texture to the surface and will be an improvement over treated wood in terms of skidding.

Commissioner Beyea inquired as to the life of the structure and its long term maintenance.

Mr. Hondorp responded the decking itself has little maintenance and a 20 year warranty. He added the structural frame has a ten (10) year warranty.

Commissioner Cordill inquired if the dock will be open or have railing.

Mr. Hondorp responded it will have railing. He added the boardwalk would have the normal 42" height guardrail. He noted the latest accessibility standards for fishing dock railings speaks to no less than 25% of the railings will have a height of 34". He explained the top rail would be treated timber on an angle for ease of fishing and the 34" high railing would have holes drilled for resting poles.

Commissioner Cordill asked if the metal material would attract lightning.

Mr. Hondorp responded it is never good to be in or on the water during a storm, but the company which manufactures this system has a significant amount of commercial applications.

Chair Deits closed the public hearings at 7:28 P.M.

7. Unfinished Business

- 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 residential districts

Commissioner Beyea 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 #11030, to amend Section 86-368(b) of the Code of Ordinances in order to allow the raising and keeping of chickens and rabbits as a non-agricultural use accessory to a single family dwelling in the RRA, RAAA, RAA, RA, and RB zoning districts. Seconded by Commissioner Jackson.

Planning Commission and staff discussion:

- Concern accumulated chicken feces results in a fungus called histoplasmosis
- Suggestion to incorporate a condition that a chicken coop must be moved every four (4) months and be predator proof
- Concern a ten (10) foot setback from a side or rear lot line for covered structures is not a sufficient distance
- Ten feet from the lot line is common in other places within our code of ordinances

- Lack of consequences for not obtaining a permit and for non compliance with the standards
- Not obtaining a permit would be a violation of our nuisance ordinance and subject to its provisions
- Complaints would be investigated for compliance with all requirements within the ordinance
- Inquiry of staff if a permitting system currently exists which requires an applicant to reapply every five (5) years
- Concern if there is precedent for this type of permitting process
- Most accessory uses are relatively benign (e.g., accessory garage, play structure, swimming pool) and do not have the impact the proposed zoning amendment potentially has
- Concern with equating this proposed zoning amendment with a building or structure
- Staff not aware of another use which has living creatures who reside outdoors and must be maintained
- Permit process is a burden to the property owner and a code enforcement process is in place to address violations
- Concern that the permit expires in five (5) years
- Personal experience of one Planning Commissioner that there is a bigger issue with dogs relative to smell and noise than chickens
- Inquiry if owning a dog requires obtaining a permit for a kennel which must be renewed every five (5) years
- No township requirement relative to dog kennels unless the structure is of a sufficient size to require a permit
- Few issues associated with dogs as a nuisance which have been reported to the Township
- Staff reminder that the listed lot sizes are much smaller than those in the RR zoning district
- Smaller lot sizes have the potential of a greater impact on surrounding properties
- Belief that standard #7 would not address raccoons and opossum

Commissioner Honicky offered the following amendments:

- **Add a standard which states “Chicken dwellings shall be moved every four (4) months.”**
- **Add a standard which states “Chicken dwellings shall be in predator proof structures.”**

Seconded by Commissioner Scales.

Continued Planning Commission discussion:

- Concern with neighbors as the enforcers
- Neighbors are the observers who initiate a nuisance complaint
- Nuisance ordinance is the enforcement mechanism
- Staff interprets complaints as possible code violations
- Proposed amendment regarding chicken dwellings allows for only a mobile apparatus
- Statement made by Mr. Chester that there are a number of ways to move structures
- Specifications of moving a chicken dwelling is too prescriptive
- Preference to keep standard #9 (The covered structures....shall be kept in a sanitary condition) v. moving the dwelling allows for a number of methods which are sanitary
- Need for a sterile long term solution
- Various ways to move a chicken dwelling
- Moving the chicken dwelling every four (4) months in Michigan weather is not practical and unreasonable
- Question of viable space to move the chicken dwelling on a small lot
- Having the predator proof chicken dwelling is self regulating

VOICE VOTE: Motion failed 2-7 (Beyea, Cordill, Deits, Goldsberry, Goodale, Jackson, Scales)

The maker offered the following friendly amendment:

- **Remove the permit requirement from the proposed ordinance**

Continued Planning Commission discussion:

- Regulations in place for accessory uses
- Mechanism currently in place to address a violation if it occurs
- Concern that addressing the permitting issue as a friendly amendment will affect the outcome of the vote on the resolution

The maker withdrew his friendly amendment.

Commissioner Scales offered the following amendment:

- **Remove the permit requirement from the proposed ordinance**

Seconded by Commissioner Beyea.

Continued Planning Commission discussion:

- Passage of this proposed zoning amendment would allow for the raising and keeping of chickens by right in the listed residential districts
- Inquiry if a permit is required for dogs and cats
- No Township ordinance for dogs and cats, but a license is required for dogs at the county level
- Similarity of the permitting discussion with the one which took place for home businesses
- Consensus of the Planning Commission discussion on home business permits was to respond to a nuisance complaint if one was filed rather than institute a permitting process
- Planning Commission is not required under its bylaws to use Robert's Rules of Order
- Concern with the ability of our code enforcement officers to implement the provisions of this proposed ordinance
- Odor nuisances are listed in the Township's code
- Reiteration that chicken feces is a liquid that becomes infected with a fungus (histoplasmosis) which is a human pathogen and airborne
- Histoplasmosis effects humans, primarily those who are immune compromised
- Two most economical way to handle chicken feces is through a sewer system or subjected to sunlight
- Sustained exposure to sunlight will result in sterilization of the area where chicken feces is located
- Cat and dog feces are in solid form and can be managed
- Benefits to the permitting process
- Educational benefit when a resident applies for a permit
- Permitting process addresses health and safety
- Concern that the Township is moving down a "path" which requires a permit for accessory uses
- Need for consistency with outcome based standards within the ordinance which all citizens are required to understand when it is applicable to their activity
- Other mechanisms available in the Township to educate residents on health and safety issues regarding chickens and rabbits

ROLL CALL VOTE: YEAS: Commissioners Beyea, Goldsberry, Scales, Chair Deits
NAYS: Commissioners Cordill, Goodale, Honicky, Jackson, Norkin
Motion failed 4-5.

Commissioner Goodale offered the following amendment:

- **Remove condition #5 which places a five year expiration on the permit**

Seconded by Commissioner Norkin.

Continued Planning Commission and staff discussion:

- Permit is to the applicant and cannot be transferred
- Staff interpretation that the permit is connected to an individual at a specific site
- Permit does not stay with the property; the next residents must apply if they desire to keep or raise chickens and/or rabbits on that property

VOICE VOTE: Motion carried unanimously.

Chair Deits offered the following amendment:

- **Replace the word chickens with “chickens and other small poultry”**

Seconded by Commissioner Cordill.

Continued Planning Commission discussion:

- Staff developed the proposed language based on citizen requests
- Concern the proposed standards do not apply equally to all proposed categories
- Citizen request cited the keeping and raising of chickens and/or rabbits for eggs and entertainment
- Need for a definition of small poultry
- Some species of small poultry are appealing for reasons other than eggs and entertainment
- Possible recommendation of this language to the Township Board separate from this zoning amendment
- Public hearing was based only on chickens and rabbits

VOICE VOTE: Motion failed 1-8 (Beyea, Cordill, Honicky, Goldsberry, Goodale, Jackson, Norkin, Scales)

Continued Planning Commission and staff discussion:

- No regulation in the proposed ordinance as to the size of chicken dwellings
- Existing regulations in the ordinance require a building permit for any accessory structure greater than 200 feet
- Michigan Right to Farm Act does not apply to this activity
- Requirement for commercial chicken housing would address the predator proof requirement
- Current zoning ordinance allows the raising of chicken and rabbits only in RR and RRR zoning districts

ROLL CALL VOTE: YEAS: Commissioners Beyea, Cordill, Goldsberry, Jackson, Norkin,
Chair Deits

NAYS: Commissioners Goodale, Honicky, Scales

Motion carried 6-3.

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

Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated March 10, 2011.

Planning Commission and staff discussion:

- Appreciation to the Economic Development Corporation (EDC) for its ideas and recommendations
- Structural differences in the organizational sections of the MUPUD and CPUD
- Concern with the word “marketability” in the MUPUD definition of amenity
- The word “desirability” in the MUPUD definition of amenity does not have substance as it does not give guidance
- Consensus to merge the two definitions of amenity to read: Amenity means aesthetic, practical or other characteristics of a development that promote the goals of the township as defined by plans, policies and regulations. Amenities may differ from development to development.
- EDC recommendation to remove the CPUD language which states that the value of amenities shall be no less than one percent of the overall project cost
- MUPUD speaks to proportionality by stating the type, value and number of amenities shall be proportionate to the size and/or cost of the project
- MUPUD includes a criteria section
- Recommendation to remove (e) (1) e. from the MUPUD as it precludes many amenities; e.g., ability to see a green roof, efficient lighting, LEED certification
- Language promoting the goals of the township in the criteria section of amenities v. the definition section in the CPUD
- Recommendation to remove (2) (c) from the MUPUD as it is built into the definition of an amenity
- Inquiry if the Planning Commission is looking for placement of the amenities criteria from the MUPUD in the CPUD and vice-versa
- Board desire for consistency between the two ordinances
- Clarification as to the Planning Commission’s charge relative to the MUPUD
- Suggestion to focus primarily on the MUPUD and then look for consistency at another meeting
- Recommendation to change language in (3) c. 3. of the MUPUD from “aesthetic” to “covered” bicycle storage on site
- Bicycle storage is required on site
- Language in (3) c. 1 of the MUPUD speaks to the fact that in some circumstances, the developer has selected a location which includes a transit stop
- Belief (3) c. 1. relates back to (3) a. 5., LEED certification
- LEED certification is one of many amenity options
- Inquiry as to what extent the Board reviewed LEED certification requirements
- Staff prepared a report to the Township Board regarding LEED certification
- Discretionary decision made by the Board whether the level of LEED certification is proportional to a MUPUD project
- Request for staff to provide LEED certification criteria to the Planning Commission in an effort to be consistent with a standard receiving national recognition
- Planning Commission request for a compilation of smart growth principles
- Concern that language in (3) b. 1 of the MUPUD may not really be an amenity as once there is sufficient drainage, significantly increasing pervious surface may not necessarily be an asset
- Suggestion to delete the language in (3) b. 1 of the MUPUD

- Caution in limiting amenities to only LEED certification as other certifications exist; e.g., Society of Environmentally Responsible Facilities (SERF)
- Current language in (3) c.1. of the MUPUD speaks only to Capital Area Transportation Authority (CATA)
- Suggestion to change language in (3) c. 1. of the MUPUD from transportation “agency” to transportation “operator” to allow for the possibility of including Greyhound, Indian Trails, AMTRAK
- Suggestion to change language in (3) c. 1. of the MUPUD to read: The addition of a new transit stop or movement of an existing transit stop to a location more convenient to the project site
- Recollection of the discussion regarding more permeable surface as an amenity allowed a broader range of circumstances to keep drains from flooding all at once
- Change language in (3) b. 1. of the MUPUD to read: Significantly increased water change capacity
- Suggestion to delete the word “residential” in (3) f. 3. if the wording is mirrored in the CPUD
- Request to use the organizational structure of the MUPUD in the CPUD relative to the amenity section as it allows for the categories to be the same
- Organizational structure of the MUPUD is clearer and more informative than the structure in the CPUD
- Continuation of this type of discussion for another section of the MUPUD at the next meeting

8. Other Business

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

Chair Deits presented at comparative analysis of the Master Plan and Board policy ends documents, an exercise to determine if the Board’s policy goals and the Master Plan are harmonious. He emphasized the flow should be from the policy ends to the Master Plan.

Planning Commission and staff discussion:

- Considerable repetition in both Master Plan goals and Board policy ends
- Majority of Master Plan goals contained in the policy ends
- Many policy ends are not covered in the Master Plan goals
- Appreciation to the chair for his efforts in the documents’ analysis
- Master Plan is imbedded in statute and the legal document which serves as the policy guide for the Township’s zoning ordinance
- Board’s policy ends should be used for informational purposes only
- Suggestion to organize the master plan with the five categories that are listed in the global ends statement for consistency
- Most, but not all, of the strategies are ongoing and of a continuous nature
- Suggestion to set completion dates of those strategies which are not ongoing
- Board identified a tree ordinance as a priority for this year
- Land clearing ordinance deals with all undeveloped land
- Heritage Tree Program is on a volunteer basis handled through the Environmental Commission
- Staff preparation of a process outline focused on larger topics for the next meeting
- Consensus to review the goals
- Goals v. objectives, policy v. action items
- Possible consideration of the Planning Commission having its own five (5) year action plan
- Concern with too much specificity in the Master Plan; Master Plan is a policy guide
- Goals defined as long term aims to accomplish, while objectives are concrete attainments that can be achieved by following a certain number of steps
- Master Plan contains goals, objectives and strategies

- Continued suggestion to use SMART (Specific, Measurable, Achievable, Realistic, and Time Sensitive) planning
- Strategies which are open ended do not get accomplished
- Statute dictates what should be in the Master Plan
- Master Plan is different from an action document, strategic document or indicator document which a community can create separately
- Edit the existing goals so they are more consistent with the policies under which they are currently listed
- Addition of goals which speak to other policies not addressed by the document
- Suggestion to have half of the Planning Commission look for policies which need goals and the other half decide how the goals can be made to appropriately align to the policies
- Board's policies are not static
- Suggestion to choose which document, the Master Plan or Board policy ends, has the longer goal and choose to move forward with that document
- The Master Plan is not a mandate solely to the Planning Commission for achievement
- The Master Plan is the integration of all systems used in the development of land
- The Master Plan is not a guide book for each activity within the Township
- The Planning Enabling Act (the governing document) speaks to specific areas of interest for consideration in the preparation of the Master Plan
- No precedent where Master Plans have been date specific by strategy
- Reminder that the Master Plan is a collective vision for the Township
- Meridian Township's Master Plan is in keeping with the way the master plans of neighboring communities are written
- Action plans of the Master Plan are embodied in the adoption of zoning ordinances
- The Master Plan should not be considered as a "to do" list
- Directional issues will be placed on the table for consideration during this process
- Suggestion for discussion of form based planning for some areas
- Need for an educational component, through staff briefings and outside experts, for issues such as form based code, smart growth, sustainability, etc.
- Scheduling of a monthly work session dedicated to the Master Plan after a process outline is received by staff
- Process outline should include what the Planning Commission wants to accomplish, list of guiding principles and whether to adopt the set of quality of life goals tied to land development
- Determination as to the tools to be used to align the Master Plan with Board goals
- Previous discussion regarding use of on-line surveys, public forums
- Decision as to whether the Planning Commission wants to align the Master Plan with Board policy goals will determine Planning Commission direction for its Master Plan review
- Township Board's prioritization in its policy goals is not the township's planning document
- Inquiry if the Township Board measures each of its action against its policy goals
- Planning Commission does not need to mimic what the Township Board is doing in its policy goals
- Prior minutes reflect the Planning Commission's review of the Master Plan would not be a rewrite, but to deal with obsolete statements
- Reminder that the Planning Commission is providing an advisory function to the Board by writing the Master Plan (a land use plan) based on facts, policy, surveys, etc.
- Distinction that most Planning Commissions in Michigan adopt their community's Master Plan
- Distinction that under statute, the Planning Commission has the ability to recommend that it be the body to adopt Meridian Township's Master Plan
- Township Board has taken the authorization to be the final adoption entity of the Master Plan

- Many townships have a member of the Board on the Planning Commission

9. Township Board, Planning Commission officer, committee chair, and staff comment or reports
Commissioner Jackson reported that the Zoning Board of Appeals expressed appreciation to the Planning Commission for its recommendation to move the parking for SUP #11-06031 (Extendicare).

Commissioner Honicky reported his specific interest in two areas discussed during the Michigan Association of Planners (MAP) Regional Workshop on Planning and Zoning Essentials held March 9th: (1) form based planning which can be used in unique situations where there is significant non-compliance on a piece of property and staff providing two options in the form of resolutions to approve and resolutions to deny.

Principal Planner Oranchak added the resolution prepared by staff is based on Planning Commission discussion and direction received by staff on an issue.

Chair Deits stated an interesting notion was discussed during the Zoning Board of Appeals (ZBA) training held during the MAP Regional Workshop on March 9th. He stated an alternative was suggested to the current process where the Planning Commission approves a project which is then sent to the ZBA for variances; at the point the project is ready for presentation, it goes to the ZBA first to obtain variances prior to Planning Commission consideration.

Principal Planner Oranchak noted the other side of the question is that if the ZBA approves the variances, it is an indication to the Planning Commission that it should be approving the other process (e.g., special use permit). She indicated the ZBA would be approving variances on a land use which has not yet been approved.

Commissioner Norkin inquired which process would use the most resources.

Chair Deits noted the individual leading the ZBA session at the MAP workshop stated the “rule of thumb” is that 80% of variances should be denied, while stating that is not the case for Meridian Township. He added a successful project should not decide whether there is a variance.

Commissioner Beyea stated the ZBA has its own set of criteria and the statutes and court cases support the standards the ZBA uses on their own merit.

10. New applications (None)

11. Site plans received (None)

12. Site plans approved (None)

13. Public remarks

Chair Deits opened and closed public remarks.

14. Adjournment

Chair Deits adjourned the regular meeting at 10:25 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary