

**CHARTER TOWNSHIP OF MERIDIAN  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
September 12, 2011**

**APPROVED**

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

PRESENT: Commissioners Beyea, Deits, Goodale, Honicky, Jackson, Scales, Scott-Craig  
ABSENT: Commissioners Cordill, Norkin  
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 Jackson.**

VOICE VOTE: Motion carried 7-0.

**3. Approval of Minutes**

**Commissioner Goodale moved to approve the Regular Meeting Minutes of August 22, 2011, the Work Session Meeting Minutes of August 22, 2011 and the Work Session Meeting Minutes of August 23, 2011. Seconded by Commissioner Honicky.**

VOICE VOTE: Motion carried 7-0.

**4. Public Remarks**

Chair Deits opened and closed the floor for public remarks.

**5. Communications (None)**

**6. Public hearings**

- A. Zoning Amendment #11050 (Township Board), amend Section 86-402(3) pertaining to the size of flags and height of flagpoles in commercial zoning districts.

Chair Deits 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 proposed zoning amendment as outlined in staff memorandum dated September 8, 2011.
- Planning Commission discussion:  
Commissioner Honicky expressed appreciation for the changes in the proposed zoning amendment, specifically setting a minimum clearance for the flag of no less than 15 feet above ground when draped along the flagpole.

Commissioner Scott-Craig expressed concern as to where the lowest portion of the flag would drape when flying the flag at half-mast.

Chair Deits clarified any placement of the flag more than an inch below the top of the pole is defined as half mast.

Principal Planner Oranchak added that the American Legion recommendation would have taken this issue into consideration when it made its recommendation.

Chair Deits inquired if the zoning amendment applies to all flags, not just the American flag.

Principal Planner Oranchak responded the 60 foot flag size applies only to the American flag and the flag pole height does not make a distinction as other properly sized flags and banners can be flown on the same flagpole.

Chair Deits inquired if there was a limit to the number of flagpoles on a property.

Principal Planner Oranchak responded the limit is one flagpole with two flags.

Commissioner Jackson inquired if the rules for flags applied only in commercial districts.

Principal Planner Oranchak responded in the affirmative

Commissioner Beyea inquired if there would be any problems created by increasing the pole height from 35 to 40 feet.

Principal Planner Oranchak responded staff has not identified any problems associated with the five (5) foot increase in the flag pole height.

Commissioner Beyea inquired if staff had conducted additional research on the “standard size” of a flag.

Principal Planner Oranchak answered that a 60 square foot flag is readily available for purchase.

Commissioner Beyea inquired if the 40 square foot flag previously proposed more readily available than the 60 square foot flag.

Principal Planner Oranchak responded research has indicated both the 40 and 60 square foot flag are readily available.

Commissioner Goodale noted one staff report indicated the 35 square foot flag needed to be special ordered. He asked if the Planning Commission was approving the 40 or 60 square foot flag.

Chair Deits stated the real issue before the Planning Commission was the flag pole height, not the flag size.

Principal Planner Oranchak indicated the Board worded its motion to have the Planning Commission look at both the flag size and the flagpole height.

Chair Deits inquired if the Board had voted to increase the flag size to 60 square feet.

Principal Planner Oranchak clarified the Board voted to amend the resolution, but never adopted the resolution.

Chair Deits noted the sense of the Board was to increase the flag size to 60 square feet with the appropriate increase in pole height.

Commissioner Beyea expressed concern if 40 square feet is a standard issued size, why is there a need to increase flag size to 60 square feet. He inquired as to the compelling argument for not further increasing the flag size.

Chair Deits inquired of staff if the Planning Commission passed the ordinance without changing either the flag pole height or the square footage of the flag, would the Board have the option of amending one or both of these issues.

Principal Planner Oranchak responded in the affirmative.

Chair Deits explained the public hearing is to allow for input into the increase in the flag pole height.

Principal Planner Oranchak synopsized the process this zoning amendment has gone through since its inception.

Commissioner Jackson added another piece of supporting evidence was a letter sent to the Board by the American Legion requesting the 60 square foot flag size.

Chair Deits asked staff to look at the letter from the American Legion to determine if it was specifically requesting the 60 square foot flag size or simply a larger flag size than the previously proposed 40 square feet.

Commissioner Beyea addressed the last sentence in the staff analysis section of the staff report regarding the 25 foot flag pole height which would be required to fly a 60 square foot American flag and meet the minimum 15 foot clearance between the ground and bottom of the draped flag.

Principal Planner Oranchak reminded Planning Commissioners that the American Legion standard is only a recommendation and language has not been included in the proposed amendment that the Legion's standard must be met. She added staff included those statistics for informational purposes.

Commissioner Beyea noted the 60 square foot requirement could be satisfied with a flagpole height of 25 feet based on the American Legion standards, but the Planning Commission is being asked to increase the height an additional five (5) feet.

Principal Planner Oranchak explained the height is not based on the American Legion standard, but based on the 15 foot above the ground measurement when draped along the flagpole.

Commissioner Goodale believed the 40 square foot flag to be an adequate size.

Chair Deits believed there was not consensus as to what would be the right size for the US flag.

Commissioner Goodale indicated the discussion during the public hearing would guide staff in writing the resolution.

Commissioner Honicky expressed concern with a Board member comment made during the Board's July 19, 2011 meeting and stated a flag, 53 feet in length, was unveiled by the Army ROTC at Michigan State University's September 10<sup>th</sup> football game against Florida Atlantic.

Chair Deits stated there are many communities in California where “exceedingly” large flags have been flown precisely for the purpose of drawing attention to a building/business. He added it is not clear if the flags are there solely for patriotic purposes or for commercial motivation.

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

- B. 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

Chair Deits opened the public hearing at 7:28 P.M.

- Summary of subject matter  
Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated September 9, 2011.
- Public  
Will Tyler White, 2138 Hamilton Road, Okemos, spoke in support of directional signs as he has been requesting one for White Bros. Music Store/Traveler’s Club access drive for several years.
- Planning Commission discussion:  
Chair Deits inquired as to the need for increasing the size of a sign from 25 to 28 square feet as it is possible to include an address within the existing 25 square feet.

Principal Planner Oranchak responded it was for consistency with what is currently allowed in commercial districts.

Chair Deits inquired as to the current sign size contained in the ordinance.

Principal Planner Oranchak responded it is 25 square feet.

Chair Deits asked if the Township is requiring the address to be on signs.

Principal Planner Oranchak responded the Township is not requiring anyone to do that; however, if someone wanted to make a change to their sign, the Township would then require the applicant to include the address in the additional three (3) feet.

Chair Deits asked, going forward, if the Township will require all freestanding signs in the PO zoning district to have their address listed.

Principal Planner Oranchak responded that is the goal for the future. She stated that if all an applicant desires is to change the sign face, they will be allowed to keep a nonconforming sign.

Chair Deits reiterated that a business owner can include the business address within the existing 25 square feet when they want to make a change in their sign.

Commissioner Scales asked why logos are not permitted on directional signs.

Principal Planner Oranchak indicated it is a standard requirement, the same as for signs in the commercial district. She noted staff mirrored this language from the commercial district because the premise is to permit directional information only; there are other signs allowed to place the business name or logo.

Commissioner Scales asked how the signage would work if there were businesses placed side-by-side?

Principal Planner Oranchak stated there is a provision in the ordinance for parking signs in parking lots where individual parking spaces can be identified.

Chair Deits indicated one of the concerns that brought this issue forward was a multiple office complex and the directional signs were intended to point to a given office. He inquired how that would transpire without the name of the business on the directional sign.

Principal Planner Oranchak indicated the directional sign could list the address.

Chair Deits inquired if the three (3) foot monument sign height was a standard.

Principal Planner Oranchak noted the three (3) feet for a monument sign has been the standard in the commercial districts and noted the pictures provided in the staff packet are all three (3) feet in height

Chair Deits asked staff to expound on the concept as outlined in *(e) The free standing sign shall not be located within 20 feet of the intersection of the access drive and the street right-of-way line*. He requested staff provide examples on representative properties in the Township as to how that would impact location.

Commissioner Scott-Craig indicated his assumption was this zoning amendment is meant to address larger parking lots and complexes.

Principal Planner Oranchak stated the proposed language does not have a limit and is proposed for any sized lot in the PO district.

Commissioner Beyea inquired as to the rationale of having the edge of the sign at least ten feet behind the right-of-way line.

Principal Planner Oranchak answered that the standard for all signs must be ten (10) feet behind the right-of-way line. She indicated staff would provide a graphic representation for the next meeting.

Chair Deits closed the public hearing at 7:47 P.M.

- C. Zoning Amendment #11090 (Township Board), amend section 86-687 to provide standards for signs (banners) for outdoor sports fields in C-3 (Commercial) and RP (Research Park) zoning districts.

Chair Deits opened the public hearing at 7:47 P.M.

- Summary of subject matter  
Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated September 9, 2011.

- Planning Commission discussion:  
Commissioner Scales inquired if there was a prohibition on the color of the back of the sign.

Principal Planner Oranchak indicated there is no prohibition on either different colors or specific designs. She stated staff did not consider multiple colors when it drafted the proposed language.

Chair Deits suggested language be included to indicate the back of a sign shall be a single color.

Chair Deits expressed concern with the provision that the text of signs shall not be visible from a public street as it would render the facility making the request nonconforming. He indicated his preference would be not to include this requirement.

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

## 7. Unfinished Business

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

**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 #11070, to amend Section 86-2 and Section 86-687 of the Code of Ordinances to establish regulations for murals.**

**Seconded by Commissioner Scott-Craig.**

Planning Commission discussion:

- Concurrence with staff report which suggests not using the special use permitting (SUP) process to regulate murals
- Concern with allowing the Director to make the determination as to what is “art”
- Concern with provision (15) d. “No other signage shall be permitted on the wall where a mural has been painted.”
- Clarification that disabled parking space signs are typically stand alone signs and would not fall under this zoning amendment
- Trend in the legal field to use plain English language when drafting statutes and ordinances to make the intent clearer
- Trend in the legal field to “get away” from using the word “shall” as it can either mean “may” or “must” and has been litigated in countless cases

Commissioner Goodale offered the following friendly amendment:

**Sec. 86-687. NS, CS, CR, C-1, C-2, and C-3 commercial districts.**

**(1) – (14) Remain as written.**

**(15) Murals. Murals are allowed after approval of a special use permit by the planning commission.**

**a. A mural may contain text that either identifies the artist, provides a title or quote or other similar text that is an integral part of the mural. The text must not be more than 25% of the image.**

- b. A mural may be placed on one wall of the building.**
- c. A mural may cover 100% of the wall.**
- d. A mural wall cannot contain any other signs.**
- e. A mural may be illuminated in accordance with the provisions of Chapter 38, Article VII of the Code of Ordinances, Outdoor Lighting.**
- f. A mural must be kept in good condition and be well maintained. If the is not in good condition, it must either be removed or repaired within 60 days of written notice.**
- g. A mural must not create a public safety hazard.**

Chair Deits ruled the friendly amendment out of order as the entire ordinance is being replaced with new language.

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**(1) – (14) Remain as written.**

**(15) Murals. Murals are allowed after approval of a special use permit by the planning commission.**

- a. A mural may contain text that either identifies the artist, provides a title or quote or other similar text that is an integral part of the mural. The text must not be more than 25% of the image.**
- b. A mural may be placed on one wall of the building.**
- c. A mural may cover 100% of the wall.**
- d. A mural wall cannot contain any other signs.**
- e. A mural may be illuminated in accordance with the provisions of Chapter 38, Article VII of the Code of Ordinances, Outdoor Lighting.**
- f. A mural must be kept in good condition and be well maintained. If the is not in good condition, it must either be removed or repaired within 60 days of written notice.**
- g. A mural must not create a public safety hazard.**

Seconded by Commissioner Honicky.

Continued Planning Commission discussion:

- Concern that the proposed amendment is not written the same as the rest of the section
- Preference for staff to take the amendment under advisement as it would require an “overhaul” of the ordinance
- Suggestion for the maker of the amendment to talk with staff regarding the proper direction to regarding the “plain English” issue
- Recommendation for staff to take under advisement adding “with the following conditions:” after “planning commission” in Section 86.687. (15) Murals.

**Commissioner Scales moved to table the amendment. Seconded by Commissioner Honicky.**

VOICE VOTE: Motion carried 7-0.

**Commissioner Scales moved to table Zoning Amendment #11070. Seconded by Commissioner Goodale.**

ROLL CALL VOTE: YEAS: Commissioners Goodale, Scales

NAYS: Commissioners Beyea, Honicky, Scott-Craig, Vice-Chair Jackson, Chair Deits

Motion failed 2-5.

Continued Planning Commission discussion:

- Concern with requirement that (15) a. makes the Planning Commission arbiters of art
- Preference to use the SUP process so that each mural receives a public hearing for community input
- Continued concern that the SUP process is not an advisable avenue as it places the Planning Commission in the position of judging art
- Straight forward standards to have a staff review is "key"
- Murals are an important component of creating place making and vibrancy in downtown areas
- Concern that the language in (15) a. relative to qualified text not being more than 50% of the overall image is overly generous

**Commissioner Goodale offered the following amendment:**

- **Amend (15) a. by deleting "50%" and inserting "25%"**

**Seconded by Commissioner Beyea.**

Continued Planning Commission discussion:

- Reduction in percentage of text as a safety issue with a driver taking their eyes off the road to read verbiage within the mural
- Belief that text and a graphic of letters as well as the impact of text and a graphic of letters are different
- Making the distinction between text and a graphic of letters seems to indicate the Planning is making a decision as to what is considered art
- Need for definitive standards to be in place

ROLL CALL VOTE: YEAS: Commissioners Beyea, Goodale, Vice-Chair Jackson

NAYS: Commissioners Honicky, Scales, Scott-Craig, Chair Deits

Motion failed 3-4.

**Chair Deits offered the following amendment:**

- **Amend (15) by deleting subsection a.**

**Seconded by Commissioner Honicky.**

Planning Commission discussion:

- Need for guidance to staff if the process will not be through special use permit (SUP)

ROLL CALL VOTE: YEAS: Commissioners Honicky, Scales, Scott-Craig, Chair Deits  
NAYS: Commissioners Beyea, Goodale, Vice-Chair Jackson  
Motion carried 4-3.

**Commissioner Scales offered the following amendment:**

- Amend (15) by deleting “for and granting of a special use permit by the planning commission”

**Seconded by Commissioner Honicky.**

Continued Planning Commission discussion:

- Submission of a mural application to the Department of Community Planning and Development would become a building permit application
- Original draft did not include any language in (15) before it listed criteria a. through f

**Chair Deits offered the following friendly amendment:**

- Amend (15) by deleting all language after “Murals.”

**The friendly amendment was accepted by the maker and seconder.**

VOICE VOTE: Motion carried 6-1 (Deits)

**Commissioner Scales offered the following amendment:**

- Add subsection “g. A mural shall not contain nudity, profanity or language deemed offensive under the Michigan Civil Rights Act”

**Seconded by Commissioner Honicky.**

Continued Planning Commission discussion:

- Amendment provides staff with guidance in order to make decisions on a mural’s content
- Concern that passing a “bare bones” amendment sets staff up for problems
- Concern that this is a decision as to what is art and referenced Michelangelo not being allowed to paint a mural in Meridian Township if this amendment is passed
- An appeal of staff’s decision would go to the Zoning Board of Appeals
- Recommendation to send this language to the Township Board
- Need for standards, but unsure codifying the standards is productive
- Need to ascertain the content of the Michigan Civil Rights Act prior to voting on this amendment
- Guidance from the Township Attorney regarding the conditions of the Michigan Civil Rights Act

**Commissioner John-Scott Craig moved to table the amendment. Seconded by Commissioner Beyea.**

VOICE VOTE: Motion carried 7-0.

Continued Planning Commission discussion:

- Belief there is consensus of the Planning Commission that written standards regarding content are necessary prior to approval in order to effectively give guidance to staff

**Commissioner Jackson withdrew her main motion.**

Continued Planning Commission discussion:

- Suggestion for the Planning Commission to ascertain what it wants as a thematic for public murals in Meridian Township
- Question whether the Township has a right to determine a theme for murals created by citizens painted on privately owned buildings
- Needed discussion on legal structure of the ordinance relative to standards
- Staff has researched other communities' positions relative to murals

**It was the consensus of the Planning Commission to refer this proposed zoning amendment back to staff for further review.**

## 8. Other Business

### A. Mixed Use Planned Unit Development Concept Plan Review: Hamilton Square Mixed Use Planned Unit Development

Principal Planner Oranchak summarized the MUPUD concept plan review for the Hamilton Square MUPUD as outlined in staff memorandum dated September 8, 2011.

Will Tyler White, 2138 Hamilton Road, Okemos, outlined details of the concept plan for the Hamilton Square MUPUD in downtown Okemos, noting steps he has taken to date towards the project.

Planning Commission discussion:

- Building height standard is in the ordinance
- Flexibility in the ordinance regarding parking requirements
- Site is not within the floodplain
- Subterranean parking is completely covered by living space
- Condition that tenants not receive reserved parking in order to make shared parking work
- Request for a plan elevation drawing from Ardmore Street
- Inquiry if there are Ingham County Road Commission concerns regarding the existing curb cut on Okemos Road
- Applicant is including existing on-street parking in the parking space count
- Flexibility in determining the actual number of parking spaces
- Possibility of a redesign in the parking if the Ingham County Road Commission (ICRC) requires closing the curb cut on Okemos Road
- Issue of height is determining if the cupolas are defined as living space
- Inquiry if the Downtown Development Authority (DDA) has reviewed and offered input on the concept plan
- Inquiry if the concept plan adheres to established DDA guidelines
- DDA has a twenty (20) year plan with the goal to create a walkable community
- Appreciation that this infill development has both retail and residential proposed for Phase I
- Process for Planning Commission review of the first concept plan to come before the commission
- Project as a good improvement to the downtown Okemos area
- Rationale behind the 45 foot height rule was to provide a general look which was pedestrian oriented and equates to an older style city
- Appreciation that the plan is modern and may keep young people here in the Township

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

Chair Deits received a letter from the City of Lansing's Department of Planning and Neighborhood Development requesting comments on Lansing's Draft Comprehensive Plan. He indicated comments can be made at [www.designlansing.net](http://www.designlansing.net) within 63 days of the letter's receipt.

Commissioner Beyea announced his resignation from the Planning Commission effective this evening. He expressed his pleasure at having had the ability to serve with his fellow Commissioners.

**10. New applications** (None)

**11. Site plans received** (None)

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

**13. Public remarks**

Chair Deits opened public remarks.

Will Tyler White, 2138 Hamilton Road, Okemos, believed the mural ordinance unnecessary.

Chair Deits closed public remarks.

**14. Adjournment**

Chair Deits adjourned the regular meeting at 9:41 P.M.

Respectfully Submitted,

Sandra K. Otto  
Recording Secretary