

City of Grand Ledge
Planning Commission Meeting
Minutes from Meeting Held on
Thursday, January 5, 2012

Chairman Mike Stevens called the meeting to order at 7:00 p.m.

Attendance: Mike Stevens, Ann Lawrence, Bob Doty, Bill Kane, Ron Graber, Steve Willobee, Steve Baribeau, and Jamie Malecki. Absent: Todd Gute and City Council Representative Jon Bonofiglio Also present: Zoning Administrator Sue Stachowiak.

Pledge of Allegiance - Mr. Baribeau led those present in the pledge of allegiance.

Approval of the Agenda - Mr. Doty made a motion to approve the agenda. Mr. Baribeau seconded the motion. Motion carried 8 - 0.

Approval of the Minutes - Mr. Kane made a motion to approve the minutes from the regular meeting held on December 1, 2011. Mr. Willobee seconded the motion. Motion carried 8 - 0.

Notice of Agenda Items Conflicts -

Business from the Floor

Chuck Pantera, 114 E. Scott Street, asked if the Planning Commission would be willing to change the Zoning Ordinance to allow Child Care Centers in the Central Business District. He said that the Koroniotis building is for sale and he would be willing to purchase it for the child care center that was not allowed to operate in Mr. Eschtruth's building on S. Bridge Street. Mr. Pantera said that the Koroniotis property at 104 W. Scott Street has plenty of room for an outdoor play area. He said that if it is not something that is feasible, then he won't purchase the property. He stated that times are changing and it may be time to look at our ordinance that prohibits day cares in the downtown area.

Mr. Stevens explained the process for reviewing and possibly amending the zoning ordinance. He said that even if the ordinance was to be amended, it would take a minimum of 6 months to process. Several Planning Commission members spoke about issues surrounding daycare center in the central business district. Mr. Stevens said that this issue will be reviewed by the Commission and Mr. Pantera should keep in touch with Ms. Stachowiak for updates.

John Dziejatkowski 328 Washington Street, Portland asked if child care centers are permitted in the CBD since they are permitted in the OS, Office Service district.

Ms. Stachowiak explained that the all uses permitted by right in the OS district are permitted in the CBD district. She said that child care centers are as use permitted subject to special conditions in the OS district and are therefore, not permitted in the CBD district.

Walt Eschtruth 315 S Bridge Street, raised concerns over the denial of a daycare center in his building. He asked the Commission to consider allowing daycare centers in the downtown as long as they are also approved by the State of Michigan.

Joe Gentilozzi 506 S. Clinton Street, asked the Commission to be flexible where land use restrictions are concerned as it is very difficult to rent space in this economy.

Mr. Doty thanked everyone for speaking and went on to explain that the original ordinance was written in 1997 and the Commission is currently in the process of updating the ordinance section by section.

NEW BUSINESS

Public Hearing - Zoning Ordinance Amendments - Sections 220-66, Landscaping & 220-67, Walls & Berms

Ms. Stachowiak stated that the only change she made to the ordinance since last month is correcting the inconsistency in the ordinance for how the trees are to be measured (12 inches from the ground). She stated that the primary purpose of the ordinance amendments is to provide specific standards for shrubs and trees within required landscape buffers, provide standards for the preservation of existing trees as part of the site plan review process, and include fences as an option for screening purposes.

Chairman Stevens opened the public hearing.

John Dzewiatkowski, 328 Washington Street, Portland stated that he has served on the Eaton Rapids Planning Commission. He said that the Commission should make sure that the wording for screen fences is such that it does not include chain link fences with slats in them. He also said that screen fences in industrial districts should be at least 10 feet high.

Keith Mulder, 500 W South Street, stated that it would be nice to have the public hearing information available to the public so that those in the audience can follow the same language the Commission is following. Ms. Stachowiak indicated that she thought it was on the City's website.

Seeing no one else wishing to speak, Chairman Stevens closed the public hearing.

Ms. Stachowiak stated that the Commission can forward this matter to Council now or wait until next month if it so chooses.

Mr. Doty made a motion to recommend approval of the proposed Zoning Ordinance Amendments to Sections 220-66, Landscaping & 220-67, Walls & Berms. Ms. Lawrence seconded the motion. On a roll call vote (8-0), the motion carried unanimously.

Public Hearing - Zoning Ordinance Amendments - Sections 220-4, Definitions & 220-79, Keeping of Animals

Ms. Stachowiak stated that this ordinance makes it abundantly clear that chickens are not permitted in residential zoning districts. She said that the only change she made to the ordinance since last month is the language exempting the snakes, reptiles, etc. that are kept confined to a cage or bowl.

Chairman Stevens opened the public hearing.

Shannon Norris, 601 W. Jefferson Street stated that birds are permitted under the ordinance and if a Scarlet Macaw can be treated as a pet than chickens should also be permitted. Dogs and cats can roam neighborhoods and but chickens stay within the yard. She said that the smell from 2 chickens will not offend anyone. Ms. Norris read several letters in support of allowing chickens in the City. Ms. Norris ask the Commission to amend the current ordinance to allow chickens in the City.

Ravin Norris, 601 W. Jefferson Street spoke in support of allowing chickens to be kept as pets in the City. Ms. Norris stated that she cleans the cages and takes good care of her chickens.

Cindy Brummette, 8600 Hartel Road spoke in support of allowing chickens in the City. Mrs. Brummette stated that she is the leader of the 4-H club that the Norris's belong to. She said that 4-H teaches responsibility to young people and she urged the Commission to allow City residents to own and raise chickens.

Heather Sleight, 8440 East Eaton Hwy. stated that she owns several chickens and caring for them teaches children responsibility. She suggested that the Commission consider allowing 3 to 5 chickens per residential lot in the City.

Sally Jo Nelton, 720 Maple Street said that she has 4 hens and was told that it was okay to raise chickens by someone who works at city hall when she came in to pay her water bill. Ms. Nelton said that back yard chickens create sustainability, and thinks chickens in a reasonable number would be a good thing.

Tara Kollar, 10753 Knockaderry Drive, stated that that both of her children were in 4-H and raised chickens for 5 years. She never had more than 5 and never got a complaint from a neighbor. Ms. Kollar said that raising chickens teaches children responsibility and is a wonderful family experience.

Julie Childs, 216 E. Grand Ledge Hwy. stated that chicken eggs can be given to neighbors, you can show the chickens at fair and you can use the manure for fertilizer. She agreed that raising chickens teaches responsibility.

Rosalyn Brummett, 8600 Hartel Road stated that she is a senior at GLHS and has been in 4-H for 15 years. Ms. Brummette said that she has many allergies and the fresh eggs she gets from her chickens are the only ones that she can eat. She sells the eggs and has made over \$100 at Falsetta's farm market. Ms. Brummette said that she has attended workshops at MSU that has taught her many things about chickens. She went on to say that raising chickens teaches students about being sustainable, smart and healthy and she hopes that the Planning Commission will strike down this motion to not allow chickens in the City.

Joel Wortley, 220 E. Scott Street stated that this may be opening a can of worms. He said that chickens are not the only farm animal that people can consider pets. Mr. Wortely said that people will want pot bellied pigs, sheep, goats, etc. Mr. Wortley went on to say that for over a dozen years

their neighbor raised birds and the smell and noise was terrible. Mr. Wortley asked the Commission to be very careful with how they write this ordinance.

Jerry Norris, 601 W. Jefferson Street stated that we should applaud the children for coming to the Commission to discuss this very important issue. Mr. Norris expressed concern over how this ordinance came into place and feels that the minutes are poorly written. Mr. Norris stated that we need to reconsider our values and should be going green and creating a sustainable community. He said that chickens are not noisy and dogs smell worse than chickens. Mr. Norris asked the Commission to create an ordinance allowing up to 5 females chickens, keeping the pens a certain distance from neighbors and requiring owners to take care of the manure.

Mr. Stevens closed the public hearing and thanked everyone for bringing their concerns to the table.

Mr. Baribeau said that when this ordinance was first written, the limitations on animals were designed to address safety and nuisance issues. However, chickens do not seem to present any safety or nuisance concerns when they are raised properly. He said that we allow 3 dogs in the City and that can be both a nuisance and safety issue. Mr. Baribeau also said that he will support an ordinance allowing 3 chickens in the City, subject to certain conditions.

Mr. Willobee said that he supports Mr. Baribeau's position and believes that a compromise can be reached to allow chickens in limited numbers and with conditions to protect the neighbors.

Ms. Malecki raised a concern over pot bellied pigs. In the ordinance swine can be interpreted the same way as poultry.

Ms. Lawrence stated that at all levels of government, laws are put in place for the good of the entire community and should not be written to accommodate a few individuals.

Mr. Doty stated that he was assured 2 years ago that the current ordinance prohibits chickens. He said that McCaw's were brought up earlier and but McCaw's and other exotic birds are not kept outside, particularly during the winter. He said that 10 people spoke tonight and six of them live in the Township. Mr. Doty went on to say that he had a survey of approximately 60 people from the City. 47 people said no to chickens, 5 people said yes and 7 people said they did not care. Mr. Doty said that he plans to vote against chickens.

Mr. Kane said that chickens and other farm animals are allowed in the townships where the lots are very large but in the city, we have small lots. He said that chickens tend to smell and are not appropriate for residential city lots. Mr. Kane said that he believes this issue has been studied enough and he is supportive of not allowing chickens in the city.

Mr. Graber stated that he is going to support this ordinance as written because he also believes that it is not appropriate to raise chickens in the city. He said that 4-H members can participate by caring for animals that are housed on someone else's property such as a farm out in the township. Mr. Graber also expressed concerns about how the ordinance would be enforced.

Mr. Baribeau said that whether an ordinance is enforceable or not is not relevant to the Planning Commissions. He said that chickens are no more of a noise or safety issue than dogs are. He said that the city was not sure how it would enforce medical marihuana either but that it not really the Planning Commission's concern. Mr. Baribeau said that if it is not a safety or nuisance issue, the city should not prohibiting it.

Mr. Willobee said that there may be legal challenges either way. He said that cats were outdoor animals only before people starting keeping them as indoor pets. Mr. Willobee said that we should not be fearful of what could happen and address the issue that is before us.

Mr. Doty made a motion to recommend approval of the Zoning Ordinance Amendments to Sections 220-4, Definitions & 220-79, Keeping of Animals to prohibit chickens. Mr. Graber seconded the motion. On a roll call vote, the motion failed 4-4.

Mr. Doty - yes

Mr. Kane - yes

Mr. Graber - yes

Mr. Baribeau - no

Ms. Malecki - no

Mr. Willobee - no

Ms. Lawrence - yes

Ms. Stevens - no

There was discussion as to whether this issue should be further considered. Ms. Stachowiak stated that she will put together something for discussion at the next meeting. No enforcement will be taken on any resident involving this issue until the Commission decides what they want to do next.

TCRPC Greening Mid-Michigan and Urban Service Management Study Resolutions.

Ms. Stachowiak stated that she spoke with Mr. Bayless and expressed the Planning Commission's concerns with regard approving the resolution adopting the Tri-County Regional Planning Commission 2011 Urban Service Management Study and its recommendations. She said that the Commission can recommend denial, approval with conditions/revisions, or the Commission can chose not act at all on the resolution.

Mr. Kane stated that adoption of this resolution may put the City in an unfavorable position with regard to future negotiations involving the provision of utility services to neighboring jurisdictions. More specifically, the City could be committing to prematurely opening up the water/sewer agreement between the City and Oneida Township and committing to the expansion of these systems within the Township.

It was the consensus of the Commission not to act on the proposed resolution.

Zoning Ordinance Amendments Article XIX. General Exceptions

Ms. Stachowiak reviewed the proposed changes. She said that in Section 220.81, Essential Services section, everything after the first sentence was struck out. There was discussion to why this was previously included and if it should be deleted or revised. The Commission decided that the language should be left in the ordinance but that Board of Appeals should be changed to Planning

Commission. Section 220.83, Porches in Residential Districts; the Commission agreed to strike the first sentence and change 15 feet to 20 feet. Section 220.87, Required Lot Area for Residential Districts ; revised section C and struck section D. The Commission agreed with the revisions and requested that Ms. Stachowiak schedule a public hearing for the February meeting.

Zoning Ordinance Amendments - Parking Lot Requirement.

Ms. Stachowiak stated that this ordinance was returned to the Planning Commission from the City Council. There are 3 items that were of concern to the Council: (1) Changing 500 feet to 300 feet for the measurement between the parking area and entrance to a place of worship, (2) Prohibiting utility trailers in residential neighborhoods and (3) Requiring bicycle parking.

Mayor Smith stated that there were Council Members that had issues with this ordinance because a small business would have to have same number of bicycle parking spaces as a large store like Meijers.

Mr. Mulder stated that as a small business owner, this would be too restrictive. He said that the ordinance could be more flexible so that it does not become a burden on small businesses.

Ms. Stachowiak stated that the bicycle parking could be incentivized rather than mandated. She said she will make some changes and bring this item back to the Commission for further review at the next meeting.

Election of Officers

Mr. Kane made a motion to retain Mr. Stevens as Chairman, Mr. Doty as Vice Chairman, and Ms. Lawrence as Secretary. Mr. Baribeau seconded the motion. Motion carried 8 to 0.

OTHER BUSINESS

Review of Violation Report

Ms. Stachowiak reviewed the violation report.

Zoning Administrator's Report -None.

Zoning Board of Appeals Representative's Report - None

Council Representative's Report - Mr. Bonofiglio was absent.

Mayor's Comments

Mayor Smith stated that there is a proposal from a company in Indiana to install 62 wind turbines in Oneida Township. They are 497 feet tall and this presents concerns for the Airport Commission and the National Guard and Channel 10 is concerned that their doplar radar will not work.

Mayor Smith said that the industrial park is a concern due to lack of interest in land sales. The LDFA has not met in quite a while. He said that while manufacturing is the preferred land use, the city may have to consider other uses in order to relieve the burden on the city.

Comments from Commissioners

Mr. Doty stated that the marihuana ordinance died. He suggested having an ordinance book at the front counter for the public to review. He also said that the city website has not been updated in quite a while. Mr. Doty said that the Council information is on the website but the Planning Commission information is not. Mr. Doty stated that he spoke to Gregory Newman and he is going to put on Planning Commission announcements (public hearing notices) on Channel 12. He stated that Jon Bayless is attempting to get in touch with MDOT and set up another meeting about Jefferson Street reconstruction project. He complimented the chairman for keeping everything in check tonight. He also stated that the minutes should be printed verbatim.

Ms. Lawrence thanked the Mayor and the powers that be for the lovely Christmas party.

Ms. Malecki thanked Mr. Doty for his comments at the public hearing on chickens.

Chairman's Report

Mr. Stevens asked about the widewalk extension progress.

Mayor Smith gave a brief update.

Adjournment

Mr. Baribeau made a motion, seconded by Ms. Lawrence to adjourn the meeting at 10:15 p.m. Motion carried 8 - 0.

Submitted By:

Amee King
Assistant City Administrator

Ann Lawrence, Secretary
Planning Commissioner