

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
349-1200, Town Hall Room  
TUESDAY, MAY 20, 2003, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such  
ABSENT: Trustee Woiwode  
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, EMS/Fire Chief Fred Cowper, Director of Finance Diana Hasse, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:02 P.M.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

A. Audit Presentation

Mary Schafer and Pam McIntosh, Plante & Moran, 1111 Michigan Avenue, East Lansing, gave a graphic audit presentation highlighting the Township's financial status for 2002 year-end. The Comprehensive 2002 Annual Report indicates the Township has filed for and received an Achievement of Excellence for Reporting. Auditors Schafer and McIntosh noted the new fraud standard would be implemented next year during the audit.

Supervisor McGillicuddy opened Public Remarks.

Thomas Jayne, 1485 Sylvan Glen, Okemos, spoke against Rezoning #03020 (Newman Equities).

John Anderson, 215 W. Newman Road, Okemos, spoke against development which would bring additional traffic congestion into the Township and in support of a Comprehensive Traffic Study.

Cinda Kimbirauskas, 1751 Noble Road, Williamston, spoke in support of Rezoning #03020 (Newman Equities).

Gerald Card, 1999 Cimarron Drive, Okemos, spoke in support of Rezoning #03020 (Newman Equities).

Jean Yonke, 4510 Dobie Road, Okemos, spoke against Rezoning #03020 (Newman Equities), citing the possibility of increased traffic, air pollution, and destruction of trees and habitat for wildlife.

Robert Schaffer, 1676 Birchwood Drive, Okemos, expressed concern regarding the traffic implications of approval of Rezoning #03020 (Newman Equities).

Rosemary Schaffer, 1676 Birchwood Drive, Okemos, spoke against Rezoning #03020 (Newman Equities).

Eleanor Luecke, President, LINC, P. O. Box 140, Okemos, spoke against Rezoning #03020 (Newman Equities).

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John Veenstra, 320 Piper Road, Haslett, voiced concern regarding the potential amount of traffic generated by Rezoning #03020 (Newman Equities) and requested a traffic study be conducted.

Vance Kincaid, 4530 Nakoma Drive, Okemos, related an example of lack of planning with traffic congestion along M-59 east of the Howell exit off I-96 all the way to Walled Lake.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Supervisor McGillicuddy expressed the Board's sympathy to the family of Wayne McLellen, a longtime community activist.

Supervisor McGillicuddy reported that as a member of the Tri County Transportation Subcommittee, she has been working with the Director of the Ingham County Road Commission to edit out the widening of roads geared for Meridian Township in the 2025 Transportation Plan. At the subcommittee level, she spoke with the head of the project, who confirmed that the Director was removing the road widenings for the township from the plan.

Supervisor McGillicuddy also reminded the Board of the joint meeting with the Ingham County Road Commission on May 29<sup>th</sup> at 7:00 P.M. Manager Richards and Director Severy will also be in attendance.

Clerk Helmbrecht received eight phone calls and letters regarding Rezoning #03020 (Newman Equities), evenly divided for and against the rezoning. She also reported that absentee ballots for the June 9<sup>th</sup> school election are now available. Applications have been mailed out and ballots for received applications were mailed May 23<sup>rd</sup>.

6. APPROVAL OF AGENDA — OR CHANGES

**Trustee Brixie moved to approve the agenda as submitted. Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

**Clerk Helmbrecht moved to adopt the Consent Agenda. Seconded by Trustee Brixie.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (##)

- 10A-1 Roger Drobney, 1775 Noble Road, Williamston; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-2 Michael and Angela M. Peters, 4566 Mistywood Drive, Okemos; Jenni Swink, 4540 Mistywood Drive, Okemos; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-3 Grace Chi, 803 Crown Boulevard, East Lansing; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-4 Kasra Zarbinian, 2580 Meadow Woods, East Lansing; RE: Support of Rezoning #03020 (Newman Equities)

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- 10A-5 Cory Davis, 2425 Indian Hills Drive, Okemos; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-6 Michael K. Tsai, 1231 Jolly Road, Okemos; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-7 Hui-An Lee, 3585 W. Hiawatha Drive, Okemos; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-8 Yi Ping Kong, 1431 Stanlake Drive, East Lansing; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-9 Peter Chen, 1287 Harbor Cut, Okemos; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-10 Chung-po Chou, 3585 W. Hiawatha Drive, Okemos; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-11 Chih Chang Wang, 1746 Country View Drive, Okemos; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-12 F Cheng, 2266 Knob Hill Drive, Apartment 5, Okemos; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-13 Wasin Ammarittakus, 2266 Knob Hill Drive, Apartment 5, Okemos; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-14 Marian Howell, 5593 Wood Valley, Haslett; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-15 Sandra Boyd, 3741 Meridian Road, Okemos; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-16 Jan Chen, 1287 Harbor Cut, Okemos; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-17 Jason Chi, 1320 Ramblewood, East Lansing; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-18 Kam Sau Wang, 1103 Bonanza, Okemos; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-19 Xi Liang Wang, 1103 Bonanza, Okemos; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-20 Chun Nan Shih, 825 Crown Boulevard, East Lansing; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-21 Shu-ing Shih, 825 Crown Boulevard, East Lansing; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-22 Donna M. Palm, 2934 Mt. Hope, #107, Okemos; RE: Support of Rezoning #03020 (Newman Equities)
- 10A-23 Diana Paiz Engle, 2164 Quarry Road, East Lansing; RE: Opposition of Rezoning #03020 (Newman Equities)
- 11C The Presbyterian Church of Okemos, 2258 Bennett Road, Okemos; Support of quick action on Special Use Permit #03-77191 (Presbyterian Church of Okemos)

(2). Board Information (BI)

- BI-1 Stacy A. Hickox, 4291 Indian Glen Drive, Okemos; RE: Opposition to the USA Patriot Act
- BI-2 Brian J. Cenci & Gregory L. Minshall, P.E., Fitzgerald Henne & Associates, Inc., 3125 Sovereign Dr., Suite D, Lansing; RE: Towar Gardens and Branches Drain Door-to-door drainage survey inspections
- BI-3 Marion and Karen Smith, 2451 Haslett Road, East Lansing; RE: Rescission of agreement regarding payment of seven (7) foot pathway in front of 2451 Haslett Road.

(3). Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative Fax May 2, 2003 Edition

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- SC-2 Michigan Townships Association Legislative Fax May 9, 2003 Edition
- SC-3 Briarwood Home Owners Association, P. O. Box 210, Okemos; RE: Greenspace Plan
- SC-4 Charles T. Kuntzleman, Chair and Risa Wilkerson, Director of Active Community Environments, Governor's Council on Physical Fitness, Health and Sports, P. O. Box 27187, Lansing; RE: Congratulatory Letter to Meridian Township on receipt of a Level 4 Promoting Active Communities Award

**Clerk Helmbrecht moved that the communications be received and placed on file, and any communications not already assigned for disposition be referred to the Township Manager or Supervisor for follow-up. Seconded by Trustee Brixie.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

B. Minutes

**Clerk Helmbrecht moved to approve and ratify the minutes of the May 6, 2003 Regular Meeting amended as follows:**

- Amend page 5, line 28, after “amount of acreage”, by inserting “not”

**Seconded by Trustee Brixie.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

C. Bills

**Clerk Helmbrecht moved that the Township Board approve the Manager's Bills as follows:**

Common Cash	\$ 208,104.75
Public Works	\$ 152,129.63
Total Checks	\$ 360,234.38
Credit Card Transactions	\$ 14,351.08
Total Purchases	<u>\$ 374,585.46</u>
ACH Payments	<u>\$ 565,932.92</u>

**Seconded by Trustee Brixie.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

[Bill list in Official Minute Book]

- D. Rescind Community Resources Commission Ordinance Amendment Approved May 6, 2003  
**Clerk Helmbrecht moved that the Board approve the resolution to rescind Resolution for Publication and Subsequent Adoption of “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 2 Administration, Article VI, Division 2, Sections 2-196 – 2-200.” Seconded by Trustee Brixie.**

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ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

- E. Amendment to the Community Resources Commission Ordinance  
**Clerk Helmbrecht moved that the Board approve the resolution for Introduction and Subsequent Adoption of an “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 2 Administration, Article VI, Division 2, Community Resources Commission, Sections 2-196 – 2-200.” Seconded by Trustee Brixie.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

- F. Appointment to the Community Resources Commission (CRC)  
**Clerk Helmbrecht moved that Raymond C. Kley be appointed to fill the vacant position on the Community Resources Commission for a term to expire December 31, 2004. Seconded by Trustee Brixie.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

- G. Zoning Amendment #02100 (Township Board) - **Final Adoption**  
**Clerk Helmbrecht moved NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby Finally Adopts Ordinance No. 2003-07, entitled “Ordinance Amending the Code of Meridian Township, Michigan,” by Amending Section 86-2 to Add Definitions and by Adding Section 86-93(3). Seconded by Trustee Brixie.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

- H. Wetland Use Permit Public Hearing (WUP#03-01)  
**Clerk Helmbrecht moved to schedule a public hearing on Wetland Use Permit #03-01 for the Township Board’s Tuesday, June 3, 2003 Regular Meeting. Seconded by Trustee Brixie.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 11A, #11B)

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Dr. Preecha Supanwanid, 4974 Cornell Road, Okemos, spoke in support of Rezoning #03020 (Newman Equities).

Cory Davis, 2425 Indian Hills Drive, Okemos, spoke in support of Rezoning #03020 (Newman Equities).

Jerry Gilles, 6173 Oak Park Trail, Haslett, spoke in support of Rezoning #03020 (Newman Equities).

Daria Schlega, 2446 Burcham, East Lansing, spoke against Rezoning #03020 (Newman Equities).

Roger Drobney, 1775 Noble Road, Williamston, Partner from Newman Equities, spoke in support of Rezoning #03020 (Newman Equities), citing Township commission of a traffic study in the 1980's which concluded a ring road needed to be built around Meridian Mall to alleviate traffic. The Township approached the land owners along what is now Central Park Drive to build the road by special assessment. The property owners paid 100% of the paving of Central Park Drive.

Kevin Roragen, Loomis Law Firm, 232 S. Capital Avenue, Suite 1000, Lansing, on behalf of the applicant, addressed the issue which he felt is one of how this property will be developed. He reminded the Board that C-3 zoning has been erroneously viewed by some as a higher density or more intense use than the current C-2 zoning for this property.

John Anderson, 215 W. Newman, Okemos, spoke against Rezoning #03020 (Newman Equities).

Supervisor McGillicuddy closed public comment.

- A. Rezoning #03020 (Newman Equities), request to rezone 13.4 acres located on the northwest corner of Newman Road and Central Park Drive from C-2 to C-3.

**Trustee Such moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, The Township Board hereby Introduces for Publication and Subsequent Adoption Ordinance No. \_\_\_\_\_, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #03020 from C-2 (Commercial District) to C-3 (Commercial District).”**

**Seconded by Trustee Brixie.**

Board Members discussed the following:

- Rezoning as a simple reorder of the number of occupants of the building
- Board ultimately accountable for zoning decisions, taking Planning Commission recommendation into consideration
- Applicant has met rezoning application criteria for request
- Specialty stores (i.e. strip malls) generate forty-one (41) trips per 1,000 square feet
- Shopping centers generate forty three (43) trips per 1,000 square feet
- Logical and orderly development
- Building size can be the same whether zoned C-2 or C-3
- This style of commercial development in Comprehensive Development Plan since 1993
- An example of controlled growth
- Appropriate part of step-down zoning
- Basic fairness issue as a Township zoning reclassification transpired
- Denial of rezoning as a legally indefensible position
- Zoning as a failed institution
- Rezoning in the long range best interest of the Township
- Speculative investment of developers
- Traffic as a major concern
- Ingham County Road Commission information that a single user generates less traffic than multiple users
- Ingham County Road Commission information that a single use has less traffic for peak hours
- Ingham County Road Commission information that the road was built for commercial and it can handle the traffic
- Ingham County Road Commission information that a restaurant(s) or strip mall would generate more traffic
- Ingham County Road Commission information that a traffic impact study is conducted after development

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- Ingham County Road Commission information that there will be less traffic on Dobie Road with single v multiple use
- Special Use Permit still needs to come before the Board for approval
- Proximity of utilities
- Likelihood of outbuildings with single v multiple use
- Dedicated sidewalks to address walkability concept
- Preservation of wildlife and trees through Wetland Protection Act
- Threat of referendum

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

[Signed and Sealed Resolution in Official Resolution Book]

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Frank Hatfield, 1578 Sylvan Glen, Okemos, on behalf of Presbyterian Church of Okemos, spoke in support of SUP #03-77191. The special use permit to construct an addition was requested due to congregational growth, with twice as many members as current seating allows. With the proposed addition, the gross floor area goes over 25,000 square feet by 96 square feet. There is a need to break ground in the fall, taking off the roof structure before inclement weather.

William K. Fahey, Foster, Swift, Collins and Smith, 313 S. Washington, Lansing, on behalf of the applicant, spoke in support of Appeal of SUP #01020 (Hunsaker), giving a brief history of the case to date.

Supervisor McGillicuddy closed public comment.

- A. Administrative Permitting Process and Definition of “Aggrieved” Person  
Director Kieselbach summarized the topic as outlined in staff memorandum.

Board Members discussed the following:

- Err on the side of environmental protection and pollution control
- Elimination of phrase “not shared in common with other members of the general public” would increase the number of individuals classified as an interested party
- Level of threshold should not be high

Interested Person definition: (Agenda Item #8 (Questions for the Attorney))

- Q. The “not shared in common with other members of the general public” language is in both alternatives we have been given this week. Is there a legal reason why we keep including the language?
- A. If you take out “not shared in common with other members of the general public”, then the definition allows anyone to come in and complain for anyone else instead of having a specific injury to themselves. The number of possible complainants is significantly broadened. If they have an injury that is not shared in common with other members of the public, it is only an injury to them. Otherwise, it can be the same thing that everyone else is saying; “we don’t want the wetland filled because we like to look at it, it looks lovely and it is a place that is natural” as opposed to “I use the wetland every day going for walks and I see specific birds there.” An identifiable injury, loss, or potential loss then becomes a much broader definition which could be anything at that point. The Board must decide in each circumstance what is the identifiable injury, loss, or potential loss. Each decision would involve weighing the interests.

I think Mr. Woodworth was attempting to broaden it somewhat without opening it up to every type of injury which would have to come in front of the Board for appeal.

Q. A potential appellant could say they like to watch geese over that wetland; therefore, it is an individual thing. I don't think the threshold is that high. Someone saying they enjoy the use of that wetland to identify wetland flowers or they like to watch the geese fly over is an identifiable injury, loss or potential loss rather than saying I think we need to protect it for posterity. However, saying that an individual wants to protect it for their grandchildren would be an identifiable injury, loss or potential loss not shared in common with other members of the public. Is that correct?

A. In that example, it would not meet this threshold. Anyone in the township with a family would have the same injury. It is less narrow than before, however.

Q. So then the threshold is extremely high. If I understand what you are saying, then it has to be unique?

A. Maybe a better example would be when we were talking before about trees. When you sit under a specific tree with a friend every year, you have developed a specific relationship to this tree. Now someone is going to cut it down. This would be in opposition to a statement such as I like all the elms in the township.

It comes down to a Board decision of how much time and energy it wants to expend on appeals.

Q. Aren't the words "identifiable injury, loss, or potential loss" fairly confining?

A. It is a threshold. It is a minimal threshold, dependent upon how many individuals you want to allow to appeal a decision on a wetland permit.

Q. The last time this was discussed, the focus was on the fact that it stated the resident of the township had to suffer an identifiable injury. I thought the way we were broadening this to include more people was to add the words loss or potential loss. Can you provide more information on the significance of the addition of these words?

A. Again, Mr. Woodworth prepared the language and changed it from the previous Board meeting. Looking at the minutes of the last meeting, there was a question about deleting the specific language "not shared in common with other members of the general public" and retaining the "identifiable injury" language as it relates to a proper standing definition. Attorney Woodworth's response was that it is dependent upon whether the Board is comfortable with making the decision. He recommended the Board include whether an individual pursuing the appeal meets the interested party standard and has articulated standards with a higher threshold. I am assuming that is why he added the additional language.

I am also assuming that "not shared in common with other members of the general public" applies to identifiable injury, loss, or potential loss; all three.

Q. Can you provide an example of potential loss?

A. I don't have an example for you off the top of my head. This item is not on as an action item, so I can get an answer for you.

Supervisor McGillicuddy suggested this be kept on as a discussion item for the next Board meeting.

B. Appeal of Special Use Permit #01021 (Hunsaker)  
Director Kieselbach offered background information on this special use permit as outlined in staff memorandum.

Board Members and staff discussed the following:

- Minimum setback standard is 175 feet
- Closest home site to the railroad in feet
- Need for special use permit because of work in the floodplain

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- Section 9 Review approval as part of Planning Commission responsibility for new public road requests
- Planning Commission denial of the special use permit stated that it was based, in part, upon lack of Section 9 approval first before the issues of work in the floodplain were addressed
- Board agreement that the request for a new public road should have a Section 9 Review
- Board agreement that Planning Commission denial or failure to act needed to be overruled at the Road Commission level prior to a decision on the special use permit
- Ingham County Road Commission vote to overrule the Planning Commission on April 10, 2003
- Determination needs to be made as to whether fill can be placed in the floodplain
- Board request for soil borings prior to making special use permit determination
- Board packet information on standards for special use permit
- Property under discussion as a significant piece of land in an environmentally vulnerable area of the Township
- Effect on parcels outside this property by placing fill in this area
- Answers from expert to scientific questions on this site
- New territory for Board with respect to procedure
- Extent of Ingham County Road Commission's authority v Board approval
- Cut and fill as a legitimate and reasonable alternative to flood prevention
- Building of a bridge instead of a road as a measure to eliminate large amount of fill
- Public hearing as a forum for public access to the decision
- Hiring a consultant and then holding a public hearing as shortening of process
- Public notification criteria for a special use permit
- Following Board agenda process
- Question as to acquisition of additional information through a public hearing
- Public hearing allows the public access to scientific information from environmental site conditions and environmental impact of filling in a wetland
- Board determination of point at which land should not be built upon
- Charge and result of the Township wetland consultant's on-site visit

Attorney Ditschman asked and was given permission to address the Board. She clarified this issue is in litigation on the appeal. As part of that litigation, it was discussed that the matter come back before the Board now that Section 9 Review is no longer a concern. It is moot because the Ingham County Road Commission has overruled this issue, which was the basis for the Board saying they would not review the special use permit request because Section 9 Review had not been approved. Oral arguments have been put on hold and litigation has been "somewhat" put on hold from moving forward. The case has not been remanded by the Court, but has been brought back before the Board to apply the standards under the Special Use Permit Ordinance to this special use permit request, having the Board be the sole decision maker. In her opinion, if this goes through the Court process, it is more than likely to be referred back to the Board for it to make a decision on the special use permit standards, which has not yet been done. The Board needs to decide how it wants to move forward on addressing the standards of the special use permit and whether or not to hold a public hearing before making that determination. It is her understanding from prior discussions that soil borings are very expensive, and if there is uncertainty if the request will move forward, the applicant was hesitant to incur that expense.

Order of Board Action on Special Use Permit: (Agenda Item #8 (Questions for the Attorney))

Q. Would the order be to have a public hearing and then hire a consultant to look at the site, or should we hire a consultant to look at the site and then hold a public hearing to make the decision?

A. There is no requirement for a public hearing. If you choose to hold a public hearing, it can be done either way. I don't know how quickly you can get something back. You may want to hold the public hearing if you so choose, and find out where all the issues are and the information you need from the consultant. I don't know the timing of how long it will take a consultant to get the information. You might want to know what information you are looking for. The standards you are looking at are natural resources, agricultural soils, water recharge areas, lakes, rivers, streams, forest wetlands and wildlife, hazards to the area, detrimental

affects of hazards to existing neighborhood uses, storm water, on-site sanitation, fumes, noise, smoke and traffic. These may be some of the issues you want your consultant to look at.

Level of Finality of Board Action: (Agenda Item #8 (Questions for the Attorney))

Q. As a procedural issue, where is the Board in terms of making a final decision with respect to this project?

A. The Board is the final decision maker on the special use permit (SUP) request except for the Court. If it is not approved, then this is currently in litigation and the Court will either refer it back to the Board to review the standards or the Court will make the decision, stating they are overruling your decision as it is a legitimate request to put in fill. The Ingham County Road Commission does not approve the special use permit.

Are there other options? If you deny the SUP, can this request be modified and moved somewhere else? The Road Commission could then approve the road with different direction. I'm not sure that this would be an option; I believe it is not.

Mr. Kieselbach feels the issue is that there is limited upland on the site. The moving of the road will still entail some manner of work in the floodplain, even if it is redesigned.

Manager Richards suggested staff look at the site and standards to advise what type of information a consultant would look at and bring that information back to the Board. Simultaneously, the Township has asked for and received proposals for environmental consulting services in order to identify a consultant who will handle all of these types of studies. The Board could review the information staff supplies at the next Board meeting and decide whether it feels a public hearing should be held.

William K. Fahey addressed the Board, stating this matter has been before the Township for two (2) years. Two (2) studies done by the Township's wetland consultant have come to the conclusion there is not a problem with the Hunsaker proposal. Studies by the DEQ indicate there is no problem. This has been before the Planning Commission in two (2) separate public hearings and three (3) additional meetings. The Township Board has addressed this issue with one (1) public hearing plus two (2) additional meetings. Mr. Fahey indicated his client would object to any further public hearing(s). He feels if the Board is not prepared to make a decision, he will ask the Court to do so.

Court Reaction to Non-specific Court Date: (Agenda Item #8 (Questions for the Attorney))

Q. How do you think the Court would react to the Board setting a public hearing without giving a definite date? From a legal standpoint, should we set a hearing date now, so that this can be moved forward?

A. If a hearing is not scheduled at this point, my guess is that it will go back to the Court. The applicant will request that the Court address it immediately, since there is nothing limiting the applicant from doing so. The agreement is that the applicant come in front of the Board and the Board makes a decision; I'm not sure if those would continue to run concurrently. Once it comes before the Court, the decision may be made before the Board gets back to holding a public hearing.

**The consensus of the Board was to place this item on the next Board agenda as an action item and direct staff to provide the report from the Township wetland consultant's existing on-site visit.**

C. Special Use Permit #03-77191 (Okemos Presbyterian Church), request to construct an approximate 12,400 square foot addition to the existing church located at 2258 Bennett Road, Okemos

Director Kieselbach introduced the proposed special use permit as outlined in staff memorandum.

Board Members discussed the following:

- Efficiency of use of utilities with adjacent property owner

- Inclusion of inside storage area as a safety measure necessitated Board approval

Supervisor McGillicuddy will place this special use permit as an action item for the next Board meeting.

D. Rezoning #03040 (Planning Commission), request to rezone 1330 Hickory Island Drive from RR (Rural Residential) to RAA

Director Kieselbach introduced the proposed rezoning as outlined in staff memorandum.

Board Members discussed the following:

- Possible encroachment into easement down to the lake on Hickory Island Drive

Supervisor McGillicuddy will place this rezoning request as an action item for the next Board meeting.

E. Mixed Uses

Director Kieselbach introduced mixed land use information as outlined in staff memorandum, requesting general feedback from the Board.

Board Members discussed the following:

- Appreciation to the Planning Department staff for the time and energy put forth in gathering information
- Removal of two east-west properties on western border of road right-of-way between Kent and Methodist Street from proposed study
- Concept of mixed use is to make it compatible with existing land uses in the area
- Mixed use as an enhancement to both residential and commercial
- Human scale design descriptions
- Sign changes to include human scale design
- Consideration given to downtown Haslett area
- Mixed use near railroad tracks in downtown Haslett area
- Timetable for consideration of other areas in the Township
- Design standards for building façades
- Awnings and patio dining in front of cafes
- Fifty (50) percent glass front
- Usability of areas to increase walkability
- Connection of pedestrian paths to building entrances
- Balconies used for pitched roofs
- Maintain the concept of flexibility when creating new regulations
- No minimum setback to maintain flexibility
- Change study area to exclude southwestern most parcel on Clinton Street as it is in the 100 year floodplain
- Request for staff to change boundaries in accordance with discussion
- Smaller amount of residential in with commercial to keep village type mixed use
- Exclusion of properties on the south side of Clinton
- Err on the side of a small area v too large of an area

Manager Richards wanted it known that one of the driving forces for mixed use is the expressed interest of property owners.

Supervisor McGillicuddy stated the Board will continue discussion of mixed use as a regular agenda item.

F. Purchase of Property

Manager Richards indicated that in accordance with the Board's directive to pursue property purchase, there is an approximate 25-acre parcel available as a potential site for a centrally located library on Okemos Road between Grand River and Central Park Drive on the east side of the road.

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, MAY 20, 2003 \*APPROVED\*

Sufficient buildable area exists, along with some wetlands and environmental features which make it an attractive site. It is in the geographic center of the Township.

The purchase of this property would be contingent upon voter approval of a bond issue which could be put on the special election already planned on August 5<sup>th</sup>. Ballot language will be provided at the next Board meeting and will be on the agenda as an action item. The Library Task Force will discuss issues related to this potential purchase at its meeting on Thursday, May 22, 2003 at 5:30 P.M. in Town Hal Room.

An agreement with the Capital Area District Library (CADL) requires each community to be responsible for providing a facility, with CADL providing library materials, computers and staff. In 2001, the Township Board purchased an interim facility so that residents could receive more service. The library moved from a 3,000 square foot building to a 9,000 square foot facility which already has become outgrown. According to CADL statistics, a phenomenal increase has occurred.

If the Board chooses to go forward with an opportunity for residents to vote on a larger facility, it is in keeping with a promise made when the facility moved from downtown Okemos to the Science Parkway location. There is a short timetable for getting ballot proposals approved and the Clerk will be providing that information at the next meeting.

Board Members discussed the following:

- Attendance of the library consultant/architect at the meeting
  - Final recommendations on size and the bond issue
- Manager Richards reported that 1200 Township residents will receive postcard notification that the Township survey will be mailed to them shortly. The postcards are in the mail and should be delivered by the weekend. This is advance notice that a resident's household has been selected by random sample to participate in a survey which is slated to arrive approximately one (1) week after the postcard. There are specific directions as to who in the household should fill out this survey. A second mailing will take place to provide an additional opportunity to return the survey.

12. VISION SESSION/ENDS: (None)

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Charles Willems, P.O. Box 184, Haslett, displayed a map which he indicated went along with Agenda Item #11D. He stated the designation of (vac) for Hickory Island Drive was incorrect.

Vance Kincaid, 4530 Nakoma Drive, Okemos, urged the Board to get back to practical realities of addressing the issue of traffic on roads and a new fire station. The concept of a new library needs to be set aside. The mixed-use idea in downtown Okemos is not economically feasible until something is done about the traffic. There are severe flaws in Meridian Township's Wetland Ordinance.

John Veenstra, 320 Piper, Haslett, supports the concept of mixed use. The library is a necessity and he believed improved library facilities within the Township are needed. He requested that the Board consider building an appropriately sized building for the future.

Mr. Veenstra voiced support for deletion of the language contained in the definition of interested party as discussed on Agenda Item #11A.

Eleanor Luecke, 1893 Birchwood Drive, Okemos, spoke regarding Rezoning #03020 (Newman Equities) stating the Board created the step-down zoning of C-2 on this property, and then departed from the decision when challenged.

John Anderson, 215 W. Newman Road, Okemos, spoke against "contract" zoning as an illegal act.

William Tyler White, 4695 Okemos Road, Okemos, voiced concern about lack of discussion regarding parking requirements for Special Use Permit #03-77191 (Okemos Presbyterian Church). He would also

like to see figures for the existing library, stating it would be cost prohibitive to build a new one. The Board has initiated a good beginning on the area of study for the mixed use concept.

Mr. White also indicated the Economic Development Corporation is looking at the possibility of a Downtown Development Authority (DDA) in the old downtown Okemos and hopes there can be a coordination of efforts with the mixed use concept.

Supervisor McGillicuddy closed Public Remarks.

14. POSSIBLE CLOSED SESSION

**Treasurer Hunting moved that the Township Board go into closed session pursuant to Section 8 of the Open Meetings Act in order to consult with the Township Attorney on settlement strategy for pending litigation. Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

Supervisor McGillicuddy recessed the meeting at 9:29 P.M.

The Board adjourned to the Upstairs Conference Room for a closed session.

**Trustee Such moved to return to open session. Seconded by Trustee Stier.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

Supervisor McGillicuddy reconvened the meeting at 10:24 P.M.

**Trustee Such moved to go forward as discussed in closed session. Seconded by Treasurer Hunting.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

15 ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:25 P.M.

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SUSAN MCGILLICUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Sandra K. Otto, Acting Secretary