

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, MARCH 15, 2005, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, Veenstra, Woiwode
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, EMS/Fire Chief Fred Cowper, Attorney Geoffrey Seidlein

1. CALL MEETING TO ORDER
Supervisor McGillicuddy called the meeting to order at 6:00 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
Supervisor McGillicuddy opened Public Remarks.

Dr. Lee Gerard, Superintendent, Okemos Public Schools, 4406 Okemos Road, Okemos, expressed appreciation to the Board for its willingness to cooperate with the Okemos school district to see PUD #05014 (Mayberry Homes) through to fruition and spoke in favor of the project.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES
Supervisor McGillicuddy announced April 28, 2005 as a tentative date for walk through for pathways along/near Hulett Road. People will meet at the Bennett Woods Elementary School library at 4:00 P.M. to begin the walk.
 - A. Treasurer's Report
Treasurer Hunting summarized current fixed maturity investments by fund, non-fixed investments, delinquent personal property tax collections and 2004 distributions as of March 10, 2005.

Trustee Brixie attended the Okemos School Board meeting on March 6, 2005 and gave the school board an update on the pathways that impacted routes for children walking to school and recent subdivision approval relative to ongoing redistricting discussions.

Trustee Such summarized the Zoning Board of Appeals meeting of March 9, 2005 and asked the Board to consider creation of an overlay district for the Lake Lansing area. He asked that this item be placed on the Board agenda for discussion within the next two meetings.

Director Kieselbach noted that a draft ordinance was sent to the Lake Lansing Homeowners Association and the Lake Lansing Watershed Committee and staff was awaiting their comments.

Trustee Such also emphasized a board communication from the Williamston High School Environmental Chemistry class announcing the collection of hazardous waste on Saturday, March 19, 2005 at the Williamston High School.

Trustee Veenstra pointed out the Ingham County Drain Commissioner's letter of March 8, 2005 to Michigan State University giving notice to cease and desist discharge of sewage or waste matter into Ingham County Drains.

6. APPROVAL OF AGENDA — OR CHANGES

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

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Trustee Brixie moved to adopt the Consent Agenda. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (BD)

9A Vincent Lyon-Callo, 4112 Hulett Road, Okemos; RE: Comments on Planned Unit Development #05014 (Mayberry Homes) as affordable housing

(2). Board Information (BI)

BI-1 Peggy Ostrom, 3663 Van Atta Road, Okemos; RE: Comments on the draft Master Plan

BI-2 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Comments on Commission Review #05013, Draft Master Plan

BI-3 James Carter, 2296 Hulett Road, Okemos; RE: opposition to the proposed pathway on the east side of Hulett Road between Capeside Drive and Bennett Road

BI-4 Robert Bunker, 2348 Sapphire Lane, East Lansing; RE: Opposition to PUD #04-98014 (Giguere)

BI-5 Community Organizations Committee, Environmental Chemistry Class, Williamston High School, 3939 Vanneter Road, Williamston; RE: Hazardous Household Waste Collection, Saturday, March 9, 2005 at the Williamston City Garage

BI-6 Cheryl A. Fritze, President, Riverwood Park Neighborhood Association, 2207 White Owl Way, Okemos; RE: Proposed widening of Okemos Road

(3) Regional Linkage (RL)

RL-1 John W. Midgley, Managing Director, Ingham County Road Commission, 301 Bust Street, Mason; RE: 2005 Local Road Improvement Program

RL-2 Patrick E. Lindemann, Ingham County Drain Commissioner, 707 Buhl Avenue, Mason; RE: Copy of Notice to Cease and Desist Discharge of Sewage or Waste Matter into Ingham County Drains addressed to MSU President Lou Anna Simon

(4). Staff Communication/Referral (SC)

SC-1 Letter from Director Kieselbach to Brian Cenci, Fitzgerald Henne & Associates; RE: Wetland Use Permit #05-01 (Ingham County Drain Commissioner)

SC-2 Memo from Senior Planner Gail Oranchak; RE: Planning Commission motion on the Okemos Road Widening Project

(5). On File in the Clerk's Office (OF)

Materials received at the March 1, 2005 Meeting

Lynne S. Page, President, Briarwood Home Owners Association, PO Box 210, Okemos; RE: Opposition to Zoning Amendment #04080 (Township Board)

Trustee Brixie 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 Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

B. Minutes

Trustee Brixie moved to approve and ratify the minutes of the March 1, 2005 Regular Meeting as submitted. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

C. Bills

Trustee Brixie moved that the Township Board approve the Manager's Bills as follows:

Common Cash	\$ 167,383.21
Public Works	\$ 260,389.11
Total Checks	\$ 427,772.32
Credit Card Transactions	\$ 11,144.95
Total Purchases	<u>\$ 438,917.27</u>
ACH Payments	<u>\$ 264,574.68</u>

Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

[Bill list in Official Minute Book]

D. Outdoor Assembly Permit – Meridian Parks and Recreation Easter Egg Hunt

Trustee Brixie moved approval of the Outdoor Assembly License for the Flashlight Easter Egg Hunt to be conducted Saturday, March 26, 2005. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

E. Lease Agreement and Memorandum of Understanding with Friends of Historic Meridian

Trustee Brixie moved to approve the Lease Agreement and Memorandum of Understanding between Meridian Township and the Friends of Historic Meridian as approved by the Township Attorney and authorize the Supervisor, Clerk and Chair of the Park Commission to sign on behalf of the Township. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

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

9. HEARINGS

- A. Planned Unit Development #05014 (Mayberry Homes), request for preliminary planned unit development approval of Okemos Preserve consisting of 100 single-family homes on 51 acres east of Hulett Road, north of Jolly Road
Supervisor McGillicuddy opened the public hearing at 6:15 P.M.

Director Kieselbach summarized the proposed planned unit development as outlined in staff memorandum dated March 10, 2005.

PUBLIC

Bob Homan, 2176 Hamilton Road, Okemos, and consultant for Mayberry Homes, availed himself for questions under discussion item #11D.

Supervisor McGillicuddy closed the public hearing at 6:22 P.M.

10. ACTION ITEMS/ENDS (None)

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Peckham, Martin Property Development, 1111 Michigan, #201, East Lansing, believed the developer is in compliance with all criteria necessary to grant the proposed modification to Special Use Permit #04-83251. He stated the Planning Commission unanimously approved this request at its February 28, 2005 meeting.

Supervisor McGillicuddy closed public comment.

- A. Rezoning #05020 (Sumbal), request to rezone approximately 11.22 acres located at 2267 BL-69 and 6217 and 6219 Newton Road from RR (Rural Residential) to C-2 (Commercial) and RD (Multiple Family-Low Density)

Director Kieselbach summarized the proposed rezoning as outlined in staff memorandum dated March 10, 2005.

Ahsan Sumbal, 4232 Sugar Maple Lane, Okemos, gave a brief history of purchase of this property. He spoke to the type of business conducted by adjacent Hammond Farms to the north and felt it would be difficult to attract single family residents along that border. He expressed a willingness to work with the Township to develop a workable solution.

Board members and staff discussed the following:

- Hammond Farms is zoned rural residential, but an allowed use through the special use permit process
- Date when special use permit was granted to Hammond Farms
- Planning Commission denial of the rezoning request
- Whitehills Cove rezoning within the last five (5) years
- Recently rezoned property of the old M-78 drive-in to RD, multiple family
- The 1993 Master Plan designated the subject property community commercial (up to 70% commercial, 40% office and 40% residential)
- Allowed uses with a SUP in residential districts are schools, churches, day care centers, nursing or convalescent facilities, medical clinics, sororities and fraternities
- Rezoning request could create incompatibilities with current changing conditions of the surrounding properties
- Premise of moving a property into a higher zoning category based solely on zoning of adjacent property(ies)
- Concern with the amount of C-2 and the RD designation
- Change in zoning not justified based upon presented evidence
- Appropriateness of rural residential zoning for BL-69 corridor

- Rationale of lower density zoning for BL-69
- Inclusion of “smart growth” concept in the discussion for this proposed rezoning
- Consideration of the fact that property is assessed at its highest and best use
- Unrealistic belief that frontage of this property on BL-69 will remain RR
- Consistent with the current Master Plan
- Property immediately to the south is a mixed use development as the result of a court settlement
- Possible Board initiative to change the requested zoning subject to Planning Commission referral and approval
- Proposed RD zoning located across Newton Road from the Sierra Ridge subdivision
- Potential for combination of mixed use PO in the front and different residential category fronting Newton Road
- Draft Master Plan not final until Board acceptance
- Acceptability of looking at changing conditions when considering this proposal
- Request for an attorney’s opinion about the consequences of the Township’s position in the Tax Tribunal regarding the tax assessment
- Board position after change to the Zoning Act that the Board would be the final approving authority of the Master Plan
- Decision on this proposal should be based upon the current Master Plan

It was the consensus of the Board to have this on for action at the April 5, 2005 Board meeting and instructed staff to prepare a motion for approval and one to refer rezoning to the Planning Commission for further consideration.

Current and draft Master Plans: (Questions for the attorney (See Agenda Item #8))

- Q. Last night, the Planning Commission approved the new draft Master Plan. This proposal is still using the old plan and we are going to be visiting the new draft at our next meeting as well. How do we deal with this being in conflict?
- A. This was all applied for and you had standards that were available by which it was measured. It would be my opinion that you are measuring against the standards that are in place at the time that the application was made and action was taken. Now you’ve had a change in circumstance, but that has all occurred after it’s been brought to this point.

Rezoning Criteria: (Questions for the attorney (See Agenda Item #8))

- Q. Aren’t we provided in our rezoning criteria to look at two specific things: 1) changing development conditions in the area and 2) if we believe there’s an error in the Master Plan?
- A. Yes, I believe you are able to do that. The Master Plan is exactly that, a plan. You always have varying conditions that may influence your decision on an individual parcel.
- Q. The way that I look at this is the draft plan has been changed for a reason. Everyone has struggled with this area and I think people on the Board and on the Planning Commission weren’t happy with what the Master Plan indicated for us to choose from. That is why the change has been made, and there also are changing conditions in the area that sort of support that. The properties are being downzoned from what existed five years ago. Today we are seeing downzones in the area that would support this concept of “changing conditions.” It seems to me because of that, and that is one of the reasons that I’ve been struggling with this, because we are aware of the changing conditions in the area; we’re also aware of what’s on the Master Plan today and what’s on the Master Plan for next week. There’s the rub in that, so to speak. I was under the impression that it was acceptable for us to look at the changing conditions that went into the change to the Master Plan. It’s not that we are looking at the new Master Plan, but that we are looking at the changing conditions in the area as a basis for the rezoning denial or something that doesn’t match what the applicant had asked for that’s consistent with the Plan.

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- A. I would agree with that. The key is always to have articulable reasons and rationale for your decisions. When you are going about making these sorts of decisions, you can put forth those indices that you are aware of, recognizing that Master Plans are exactly that. They are a snapshot in a period of time and those are considerations that you can address. That is why when it comes to you for decisions when a landowner is asking a reconsideration of that issue, you have that authority.

Possible procedure to deny with options: (Questions for the attorney (See Agenda Item #8))

- Q. My concern is that if we just send this back to the Planning Commission, and it sounds like that is the majority of the Board's feeling, should we have the motion flat out deny this current request so that we can put an end to it, but also ask the Planning Commission to look at other options?

- A. I think, if my understanding is correct, if you make the disapproval it doesn't go back then to a working document with the Planning Commission. I think that was what Trustee Such was indicating that perhaps you can give some direction to the Planning Commission about your concerns either for or against when brought to you with some direction that we would look at and ask them to look at some other proposal than originally came to them. Obviously, they were not happy with that proposal and when presented with it, they made their decision. Your discussion would be, then, direction to them so that they can look at it and evaluate it in that purpose. That is their purpose.

Planning Commission options: (Questions for the attorney (See Agenda Item #8))

- Q. Did they not have the option to ask if there would be something else to look at?

- A. I believe they can always ask for that. The property owner is not necessarily required to comply. I don't know what happened at the Planning Commission as to whether or not that proposal had discussion with staff or anyone else and the property owner wanted to move forward with this particular proposal. My experience with the Planning Commission is that they are always able and willing to work with a land owner or a developer to propose some alternate if they have a sense that that's not going to be approved by the Planning Commission. My reaction would be that this was the proposal that was made, a decision was made and for one reason or another, there were not alternatives that were, at least, proposed by the property owner.

- B. Special Use Permit #04-83251 (Martin), request to add 8,500 square feet to the existing Target Center located at 4890 Marsh Road
Director Kieselbach summarized the amendment to the special use permit as outlined in staff memorandum dated March 10, 2005.

Board members discussed the following:

- Fire Department indicated no problem with an emergency access
- Possibility of the applicant placing a green roof on the building as a energy conservation measure
- No additional parking is required for the addition
- Rationale for changing this portion of the building from square to L shaped
- Replacement of the trees on the interior islands removed due to ash borer infestation
- Possibility for bicycle parking in the front

The consensus of the Board was to place this item on for action at the next Board meeting.

- C. Land Division Ordinance, Article II, Plat Procedures
Director Kieselbach summarized the draft plat procedures of the proposed Land Division Ordinance.

Board members and staff discussed the following:

- Mirror of the state act with a three (3) step approval process
- Sixty day limit would not allow time for the process with the Planning Commission and Township Board
- Language dealing with Planning Commission failure to act
- Land Division Act only recognizes the authority of the legislative body (i.e., Township Board)
- Grading of topsoil off the property might be more appropriately addressed in the development standards section
- Disapproval as the incentive for the applicant to work with the Township
- Proper definition of a completed application
- Explanation of the chronology of the deadline timeframe
- Internal control on the timeframe for Planning Commission action to allow Board action prior to the deadline
- Continuance of the application process which gives permission for the Township to access the site
- Environmental Commission as an advisory body
- More appropriate place for ensuring the Environmental Commission is allowed comments on plats is through a policy statement from the Board

Timeframe language: (Questions for the attorney (See Agenda Item #8))

Q. Could we just as easily say that if no action is taken, it is deemed disapproved?

A. I think Mark is correct in that the state statute gives that direction. Interestingly enough, I had the opportunity to sit on the work group that dealt with this language. The concern was, and the reason it was being brought, that they were wanting to expedite the plat process and to address as many problems as possible at the local unit level which is the preapplication process. That is where the reduced time frame comes in. If you will sit down with the local unit and whatever approving entities, what you get is benefit of a reduced time frame and trying to resolve those problems before you actually get to the hearing step.

It was expressed as a concern, because of who we represent, the Township and working with the Drain Commissioner, that it was going to be problematic. It was going to be problematic for the local units and a problem for some of the other reviewing entities. The concern was we have seen an increase in the use of site condos because the platting process is so cumbersome. They were attempting to move that process along in order to encourage the use of the plat process. They did recognize that was going to be problematic for the local units. MTA was there, together with us, expressing those concerns, but it went through as it went through. I think that whole idea of if you don't act within a time period is similar to MDEQ and others and not acting on a permit within a time frame is deemed granted. It is motivation for the Township but it's also problematic for your staff and your time frames in the planning process.

Q. My problem in looking at the wisdom of that language is that it doesn't put any pressure on the applicant to really work with the Township as far as extension in time. Where, in my opinion, if it was just the opposite, saying it would be disapproved, then they would have more of an incentive to work with the Township if there was a problem.

A. They also take the risk if there's materials that have not been submitted and the questions can't be answered. You may find that the approving entities disapprove because they can't get their questions answered.

It was the consensus of the Board to discuss the Development Standards section of the Land Division Ordinance at the next Board meeting.

- D. Planned Unit Development #05014 (Mayberry Homes), request for preliminary planned unit development approval of Okemos Preserve consisting of 100 single-family homes on 51 acres east of Hulett Road, north of Jolly Road

Director Kieselbach reminded the Board there are two other stages for this PUD; the secondary review and final approval.

Board members discussed the following:

- Room for garbage pickup of the lane lots as the lane widths are twenty (20) feet
- Fire Department intention to restrict parking in the lane and along one side of the primary streets
- Wetland consultant concerns regarding affect of road system run-off on the trees in pretreatment area #1
- Pond shape and design may change as process develops
- Possibility of easements for pathway which currently dead ends into Zephyr Lane
- Provision for a 50 foot buffer from homes immediately to the north
- Roads on this project will be 26 feet wide with parking on one side
- Suggestion for wetland consultant to revisit the site in Spring for possible adjustments to the wetlands and assessment of trees to be saved
- Preference for private roads in this development
- Neighborhood concept plan exemplified with interesting housing style of housing in the Hawk Nest area
- Final Board approval prior to commencement of construction

It was the consensus of the Board to place this item on for action at its April 5, 2005 meeting.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Mark Bush, 3912 Hazy Lane, Okemos, and member of Meridian Southwest Alliance (MSA), spoke in support of PUD #05014 (Mayberry Homes).

Cindy Joncas, 3918 Hazy Lane, Okemos, and Board member of MSA, spoke in support of PUD #05014 (Mayberry Homes).

Cathy Baird, 3720 Hulett Road, Okemos, spoke in support of a buffer on the south side of PUD #05014 (Mayberry Homes) and urged the Board not to allow property to the south of this development to be used as a cleansing area..

Carmen Gear, 3760 Hulett Road, Okemos, urged the Board not to allow the Mayberry Development to slope its lots toward the land to the south.

Bob Homan, 2176 Hamilton, Okemos, assured the previous two speakers that the mission of Mayberry Homes is to ensure that its water does not go onto any other landowner's property.

Manager Richards announced the next workshop of the Greater Lansing Regional Committee on Phase II Nonpoint Source Pollution Prevention will be held June 3, 2005. He also noted the 2004 edition of the Annual Report is available for review. A copy was sent to each library and it has been placed on the Township's website.

Manager Richards acknowledged the efforts of those involved in the Meridian Area Business Association (MABA) Expo held at Haslett High School on March 12, 2005. Approximately 5,000 people attended the function which highlighted local businesses within the Township.

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 8:12 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary