

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, JUNE 5, 2007, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, Veenstra (6:05 PM)  
ABSENT: Trustee Woiwode  
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Dave Hall, EMS/Fire Chief Fred Cowper, Personnel Director/Assistant Manager Paul Brake, Attorney Andria Ditschman

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.

Doug Carr, 5781 Whisperwood, Haslett, spoke in support of Rezoning #06020 (Mayberry Homes, Inc.)

Wanda Bloomquist, Williamstown Township Planning Commission representative, 375 Turner Road, Williamston, spoke in opposition to Rezoning #06020 (Mayberry Homes, Inc.)

Michael Duda, Superintendent, Haslett Public Schools, 5593 Franklin Street, Haslett, spoke in support of Rezoning #06020 (Mayberry Homes, Inc.)

Charles Willems, PO Box 184, Haslett, apologized that he had not followed procedure regarding change of ownership regarding property and expressed concern with the legality and administration of the Hickory Island area.

Richard Harrington, 820 Piper Road, Haslett, expressed concern with Comcast's announcement of the public access studio closure on Trowbridge Road.

Mike Casby, 5624 Creekwood Lane, Haslett, expressed concern with the alleged amount of increased traffic as a result of Rezoning #06020 (Mayberry Homes, Inc.) and encouraged the Board to consider a low density development.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee Veenstra expressed concern with closing the public access studio on Trowbridge Road.

6. APPROVAL OF AGENDA — OR CHANGES

**Trustee Brixie moved to approve the agenda amended as follows:**

- **Remove Agenda Item #7G**

**Seconded by Trustee Such.**

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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

NAYS: None  
Motion carried 6-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Determination (BD)

- 9A/11A-1 Dave Gauthier, 870 Moss Glen Circle, Haslett; RE: Opposition to Rezoning #06020 (Mayberry Homes, Inc.)
- 9A/11A-2 Bill Opland, 315 Haslett Road, Haslett; RE: Rezoning #06020 (Mayberry Homes, Inc.)
- 9A/11A-3 Michael W. and Elizabeth A. Casby, 5624 Creekwood Lane, Haslett; RE: Rezoning #06020 (Mayberry Homes, Inc.)
- 9A/11A-4 Susan Witkus, 5700 Wood Valley Drive, Haslett; RE: Opposition to Rezoning #06020 (Mayberry Homes, Inc.)
- 9A/11A-5 LINC, PO Box 40, Okemos; RE: Rezoning #06020 (Mayberry Homes, Inc.)
- 10C-1 Rick and Marty Simonds, 6274 Mereford Court, East Lansing; RE: Amendment to WUP #07-06-09 (Whitehills Lakes #8)

(2). Board Information (BI)

- BI-1 Christine Beavers, 5125 Brookfield, East Lansing; RE: Code enforcement in the Wardcliff area
- BI-2 Leslie A. Brogan, Government Affairs Area Director, Comcast, 29777 Telegraph Road, Suite 4400B, Southfield; RE: Compliance with PA 480 of 2006
- BI-3 Richard Harrington, 820 Piper Road, Haslett; RE: Alleged denial of public access by Comcast regarding cable communications
- BI-4 Judy and Paul Kindel, 2915 Margate Lane, East Lansing; RE: Energy plan for Meridian Township regarding reduction of CO<sup>2</sup> emissions

(3). Commission Linkage (CL)

- CL-1 Scott D. Basel, Bauckham, Sparks, Rolfe, Lohrstorfer & Thall, 458 West South Street, Kalamazoo; RE: Resignation from the Zoning Board of Appeals

(4) Regional Linkage (RL)

- RL-1 Sandra L. Draggoo, CEO/Executive Director, Capital Area Transportation Authority, 4615 Tranter Street, Lansing; RE: Appreciation for letter of support to the US Department of Transportation regarding the FTA proposed rulemaking change
- RL-2 Linda Towsley, Windsor Charter Township Clerk, 405 W. Jefferson Street, Dimondale; RE: House Bills 4780-4788, legislation which transfer elections, tax collection and assessing functions to counties

(5). Staff Communication/Referral (SC)

- SC-1 Letter from Suzanne Decocq, Director of Assessing, to Charles Willems; RE: 1387 Hickory Island, Haslett

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, JUNE 5, 2007 \*APPROVED\*

- SC-2 Article from Supervisor McGillicuddy off the Michigan Land Use Institute website entitled, *Forum Tells Michigan: Cuts Won't Cut It*
- SC-3 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organizations engaged in soliciting or canvassing dated May 15, 2007
- SC-4 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organizations engaged in soliciting or canvassing dated May 23, 2007
- SC-5 Michigan Townships Association Legislative E-Report, May 11, 2007 Edition
- SC-6 Michigan Townships Association Legislative E-Report, May 18, 2007 Edition
- SC-7 Michigan Townships Association Legislative E-Report, May 25, 2007 Edition

**Trustee Such 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, Such, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

B. Minutes

**Trustee Such moved to approve and ratify the minutes of the [May 15, 2007 Regular Meeting](#) as **submitted**. Seconded by Trustee Brixie.**

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

C. Bills

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

Common Cash	\$ 648,872.12
Public Works	\$ 176,786.17
Total Checks	\$ 825,658.29
Credit Card Transactions	\$ 16,073.92
Total Purchases	<u>\$ 841,732.21</u>
ACH Payments	<u>\$ 766,911.11</u>

**Seconded by Trustee Brixie.**

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

[Bill list in Official Minute Book]

D. Assessing Stipulations

**Trustee Such moved that the Township Assessor be authorized to agree to a stipulation with Federated Retail Holding, Inc. on the following property:**

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>OWNER OF RECORD</u>		
2006	0326923	Federated Retail Holding Inc. (Macy's)		
True Cash Value	2006	TCV	\$9,933,400	
Assessment value	2006	AV	\$4,966,700	
Taxable Value	2006	TV	\$4,441,900	
Proposed TCV	2006	TCV	\$8,000,000	
Proposed AV	2006	AV	\$4,000,000	
Proposed TV	2006	TV	\$4,000,000	

Seconded by Trustee Brixie.

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

Trustee Such moved that the Township Assessor be authorized to agree to a stipulation with Federated Retail Holding, Inc. on the following property:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>OWNER OF RECORD</u>		
2007	0326923	Federated Retail Holding Inc. (Macy's)		
True Cash Value	2007	TCV	\$8,829,400	
Assessment value	2007	AV	\$4,414,700	
Taxable Value	2007	TV	\$4,414,700	
Proposed TCV	2007	TCV	\$8,296,000	
Proposed AV	2007	AV	\$4,148,000	
Proposed TV	2007	TV	\$4,148,000	

Seconded by Trustee Brixie.

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

- E. Outdoor Gathering and Fireworks Display Permits for Independence Day Celebration  
**Trustee Such moved approval of the Outdoor Assembly License and the Permit for Fireworks Display by Night Magic, Inc. for the Independence Fireworks Celebration on Wednesday, July 4, 2007, as described in the memorandum dated June 5, 2007. Seconded by Trustee Brixie.**

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

- F. Ratify Amendments to the Teamsters Collective Bargaining Agreement  
**Trustee Such moved approval of the amendments to the Teamsters Collective Bargaining Agreement for 2007-2008 and authorize the Supervisor and Clerk to sign the same.**

**Seconded by Trustee Brixie.**

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

H. Authorization to Dispose of Surplus Equipment

**Trustee Such moved to approve the sale of the above listed surplus Township equipment and the surplus equipment on the 2-page list from HOMTV at public auction or by sealed bid; or, if no bids are received, to dispose of the equipment appropriately. Seconded by Trustee Brixie.**

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

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item #10B, 11A)

9. HEARINGS

- A. Rezoning #06020 (Mayberry Homes, Inc.), a request to rezone approximately 141 acres located at 580 Haslett Road and east of 350 Haslett Road from RR (Rural Residential) to RA (Single Family-Medium Density) conditioned on the site being developed as a PUD  
Supervisor McGillicuddy opened the public hearing at 6:15P.M.

Director Kieselbach summarized the proposed rezoning as outlined in staff memorandum dated May 23, 2007.

APPELLANT

John Anderson, 215 W. Newman Road, Okemos, reviewed Meridian Township's rezoning criteria to see if this rezoning request meets that criteria.

PLANNING COMMISSION REPRESENTATIVE

Planning Commissioner Ochberg stated that although the proposed rezoning does not conform to the Master Plan, Planning Commission members felt a compromise was acceptable if the Master Plan was revised to reflect the recommended rezoning. She indicated that although the Williamstown Township Planning Commission Chair initially felt the compromise was acceptable, he subsequently expressed concern, stating he did not understand exactly what it meant as Williamstown Township has different zoning categories, titles and densities.

Commissioner Ochberg stated she was not happy with the compromise for several reasons, but, in order to appear before the Board, she needed to vote with the majority. She stated the Planning Commission recommendation has many problems, some of which are that the recommendation does not conform to the Master Plan and does not promote many of the smart growth principles. Commissioner Ochberg read seven (7) of the Tri County Regional Growth Choices for the Future principles which she believed this proposed development would not meet.

Commissioner Ochberg stated this rezoning also did not adhere to the number 5 principle in the Governor's Council document on planning which states development decisions are to be made predictable, fair and cost effective.

DEVELOPER'S REBUTTAL

Bob Schroeder, 670 Aquilla Drive, East Lansing, noted Meridian Township's Master Plan is not just a document of the Future Zoning Map, but also a book of the values of Meridian Township. He believed the book was put together to create a vision of what Meridian Township would like in development. Mr. Schroeder stated it is clear the Future Zoning Map serves the Master Plan; the Master Plan does not serve the Future Zoning Map.

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, JUNE 5, 2007 \*APPROVED\*

He indicated the proposed plan addresses a checklist of Township objectives. One Master Plan objective is how to preserve the environment and work with development. Mr. Schroeder stated the "trade" is density, and if done correctly, does not create problems. He also felt the proposed development complies with a checklist of principles contained in the Tri County Regional Growth Choices for the Future principles, but acknowledged it is impossible for any development to comply with the Tri-County agreement in its entirety.

APPLICANT'S REBUTTAL

Mr. Anderson reiterated that Meridian Township agreed with smart growth principles from the Tri-County Regional Planning Commission. He felt the proposed development encouraged sprawl and was a violation of the Township's Master Plan.

PUBLIC

Ned Krouse, 5413 Meridian Road, Haslett, read from a prepared statement in opposition to Rezoning #06020 (Mayberry Homes, Inc.) stating it does not adhere to the 2005 Master Plan and the Future Land Use Map for rural residential. He felt the increased traffic could not be handled by Haslett and Meridian Roads, the development would negatively impact wildlife and the development would produce excessive light pollution.

[Prepared statement in Official Minute Book]

Joan Guy, 1083 Woodside Drive, Haslett, spoke in opposition to Rezoning #06020 (Mayberry Homes, Inc.). She expressed several concerns, some of which was that the Board's decision to approve undercuts the leadership position the township could have demonstrated to promote regional planning by respecting the need to protect active agricultural land immediately adjacent in another Township and that this proposal represents urban sprawl.

Teri Banas, 5606 Creekwood Lane, Haslett, representative of the Creekwood Neighborhood Association, noted the subject land is surrounded by very strong densely populated suburban neighborhoods and no longer can be considered a rural area. She voiced opposition to opening Wood Knoll Drive as a through street into the new development.

Richard Foster, 4990 Country Drive, Okemos, read from a prepared statement in opposition to Rezoning #06020 (Mayberry Homes, Inc.), stating the proposed rezoning is a violation of the 2005 Master Plan and the Master Plan should be amended before approving this rezoning request.

[Prepared statement in Official Minute Book]

Richard Baumgartner, 1064 Cliffdale Drive, Haslett, spoke in opposition to Rezoning #06020 (Mayberry Homes, Inc.), expressing concern that such a large development would be built in the rural eastern third, which would have a major impact on Haslett Road. He also voiced concern that it would increase demand on water, sanitary and storm sewer systems.

Carl Harmon, 1924 Birchwood, Okemos, expressed concern with precedence if the Board approves Rezoning #06020 (Mayberry Homes, Inc.), citing apprehension that a lot of the set-aside open space is not upland and the proposed project is too dense.

Gil White, 6005 E. Lake Drive, Haslett, spoke in support of Rezoning #06020 (Mayberry Homes, Inc.), stating the Tri-County Regional Growth Committee recommendation was that the growth for the greater Lansing area should be confined, if possible, south of I-69 and east of I-96 on Lansing's west side. He indicated one of the Governor's Land Use Leadership Council recommendations was that sites which have public infrastructure available which are designated single family residential property have a minimum allowable density of four (4) units per acre. Mr. White stated the proposed development is innovative and state-of-the-art.

Bob Homan, 923 S. Lansing Street, Mason, spoke in support of Rezoning #06020 (Mayberry Homes, Inc.). He stated he could not recall any subdivision or any development created in this Township that agreed with the Master Plan at its inception. Mr. Homan noted that, over the years, the vacant land in the Township has been designated on the land use map in a category that would

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, JUNE 5, 2007 \*APPROVED\*

not be developable. He did not believe that because this proposed development meets almost all the goals of the Master Plan but does not meet the zoning map is a reason to deny the rezoning.

Berneda Stephens, 125 Shoemsmith Road, Haslett, spoke in support of Rezoning #06020 (Mayberry Homes, Inc.). She indicated she moved into the area thirty seven (37) years ago, and was not naïve to think she would live in the area by herself. Ms. Stephens stated that someone will develop the subject property and she believed this state-of-the-art project would be a welcomed addition to her neighborhood.

Brian Dyke, 486 Haslett Road, Haslett, expressed concern with the close proximity of the access road to his property and spoke in opposition to Rezoning #06020 (Mayberry Homes, Inc.).

Supervisor McGillicuddy closed the public hearing at 7:30 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Scott Knapp, legal counsel for Mr. Campbell, 505 Ardson, East Lansing, spoke in support of Rezoning #06080 (Campbell), as he believed this request to rezone is consistent with the Master Plan and Future Land Use Map.

Supervisor McGillicuddy closed public comment.

- A. Rezoning #07020 (Planning Commission), request to rezone the south 34.2 feet and west 14.2 feet of Lot 7 Supervisor's Plat of Haslett, located north of 5686 School Street from C-2 (Commercial) to RB (Single Family-High Density), **Final Adoption**

**Trustee Such moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby FINALLY ADOPTS Ordinance No. 2007-05, entitled "Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #07020" from C-2 (Commercial) to RB (Single Family-High Density).**

**BE IT FURTHER RESOLVED, that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is finally adopted at least once prior to the next regular meeting of the Township Board. Seconded by Trustee Brixie.**

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

NAYS: None

Motion carried 6-0.

- B. Rezoning #06080 (Campbell), request to rezone 2095 Hamilton Road from RC (Multiple Family-Medium Density) to C-1 (Commercial) with an offer to have the rezoning conditioned on development as a Mixed Use Planned Unit Development, **Introduction**

**Treasurer Hunting moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. \_\_\_\_\_, entitled "Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #06080" from RC (Multiple Family-Medium Density) to C-1 (Commercial) conditioned on the property being developed as a mixed use planned unit development.**

**BE IT FURTHER RESOLVED, that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is introduced at least once prior to**

**the next regular meeting of the Township Board. Seconded by Trustee Veenstra.**

Board members discussed the following:

- Rezoning fits into the concept of the old downtown Okemos area
- Mixed use PUD's have been promoted by the Board
- Road Commission recommendation of ingress and egress onto the Hamilton Road round-about
- Conditional rezonings should always have a two year deadline for approval or it reverts back to the previous zoning category

**Trustee Veenstra moved to amend the motion as follows:**

- **Amend the NOW, THEREFORE, clause by adding “with an approved mixed use planned unit development application within two years from the effective date of the rezoning, and, if not approved, the zoning would revert back to the original zoning of the parcel”**

**The motion was supported by Treasurer Hunting for purposes of discussion.**

Time limitation on approval of MUPUD application: (See Agenda Item #8 (Questions for the Attorney))

- Q. I would like to ask our attorney her opinion on the request to amend that it be developed within two years. What would that do to our motion; is that going to jeopardize the Board in any way with this motion as far as its being conditioned on a mixed use development? Would that revert the zoning back to the zoning that it is now? My understanding is because it is a mixed use development that if it wasn't, and it's already being conditioned to be developed that way, what purpose would a two-year condition serve on this motion? Does that make sense?
- A. I think that makes sense. So, what you're asking is if it is conditioned on the development anyway, why put two years on it? This is a new concept with conditional rezoning. What I would suggest is if the Board feels that some kind of development should take place within the two years or they know for sure they would want to revert it back, they would only approve this change in rezoning with this condition on it. Otherwise, they want it to go back to the other way, and they don't want to wait five (5) years for it to take place, but it could be used for some other purpose if it was under the prior zoning, then you could add a time limit to it. There's no requirement to add a time limit.

What happens is once the condition is on there, in order to change it back again, the applicant has to come back and request to have it rezoned; you need to refer it to have it rezoned. So if you're feeling is that the only reason it should be rezoned is with this condition, and if this condition doesn't happen within a certain amount of time, you want it to go back, then you could add the condition to it today. Otherwise, if you feel that it's appropriate with this development, it doesn't matter if it is two (2) years or five (5) years, I don't see why you would add the time limit to it.

- Q. The disadvantage of putting the two (2) year time limit on it, as opposed to leaving that condition off, would be what? Could you hypothesize?
- A. The way I understand the recommendation or modification right now to your motion is that if the PUD is not approved within two (2) years, then it would automatically revert back to its prior zoning category.
- Q. So that would be a disadvantage in what way? Can you foresee that, let's say for example, it's in the pipeline; it hasn't yet been finally approved; and, the two year time limit arises and arrives, then procedurally, where are we at that point then?
- A. The option the Board can agree with the applicant to extend the times; but if the Board wasn't in effect, and a new Board didn't like that rezoning or that development, they could not agree to an extension, and then the rezoning with that condition would no longer be in effect and they'd

have to start over again.

- Q. As another hypothetical, if the approval is done without the condition of two (2) years and then five (5) years rolls around, then seven (7) years rolls around and nothing has happened, procedurally, what would the Board be looking at doing, if anything?
- A. The Board could initiate a rezoning without the condition to correct the one that's requested. The Board could initiate a rezoning back to the prior category, or it would stay with the new rezoning category and the conditions in place.
- Q. And the Board could do that at any time following our action, if we were to take action without that condition? The Board could initiate that at anytime in the future?
- A. They could initiate it, but, of course, in order to approve it, there would have to be a basis for changing it from that decision you'd be making today.
- Q. Could inactivity or some other issue with respect to the proposed development be a condition for initiating a rescission of that?
- A. Not a condition, but a basis? No. The basis for rezoning it to the prior category is a similar basis that you apply for zoning it today. What would be a reasonable category there; are we following proper procedure, what's an appropriate zoning category; it wouldn't be did they take too long to develop what we wanted to be there. If you feel today that with the conditions in place that's appropriate for that site, and I'm assuming that something would start to happen as soon as you made that approval, then you wouldn't really have the opportunity at that point to say you are going to rezone it back to the prior category. If nothing happened, and four (4) or five (5) years down the road, you thought, yes, with all those conditions in place, we think it is improper to have something else, you can initiate the rezoning back to the prior category.
- Q. But, not just because they haven't proposed something within four (4) years; that wouldn't be a basis for initiating a rezoning?
- A. I'm going to say, again, this is a new area. That has not been tested yet; that may very well be upheld by a court as a basis for doing that. But at this point, what I would say is the Board would need to make sure that their legislative decision in rezoning it back to a prior category was based on what is a proper use for that area, what is existing at that time, what your Master Plan shows for that area and all the other reasons you would look at rezoning in the first place, not simply because somebody did not go forward. Conditions could be entirely different in four (4) years than what they are now.
- Q. My concern with this is not so much the time limit, but the wording that says it would revert back because I don't understand how....zoning can't revert back unless we have a public hearing. Correct?
- A. This provision, the state statute does say revert back. Again, it has not been tested yet; it's a new provision just this year. So, I can't tell you what the legislature meant by "revert back", my recommendation is that you don't automatically allow it to revert back because you don't know what will be there in two (2) years, four (4) years, five (5) years, ten (10) years and you may not want it to revert back.
- Q. I was just wanting to know if there was some sort of procedural right or wrong decision on whether we should have a sunset or not and to try and eliminate potential difficulties in the future. That was the basis for my questions and the basis for entertaining the idea of having a sunset; a deadline. Andria, did I say anything that was out of line?
- A. I just wanted to make sure what is understood is if the property changes hands and the new owner wants to revert the property back and doesn't want to go forward with this rezoning with this condition, they can come back and ask the Board to revert the property to the prior zoning. Otherwise, if the Board feels it is proper to have this zoning with this condition on this parcel, maybe it doesn't matter how long it takes. Just like if it was RR, you wouldn't say build within five (5) years, or we're going to change it. It's appropriate for the parcel when you build it.

Continued Board discussion:

- Difficulty for the developer to procure funding and then complete the process within two (2)

years

- Applicant has no control over several aspects within the process
- Reading of the motion to amend as an “approved application” vs. addressing the motion to amend as an “approved plan”
- Intention of the Board member who offered the motion to amend to have the plan approved within two (2) years
- Rezoning consistent with the Master Plan
- Amending the mixed use ordinance to deal with a time limitation
- Basis for incorporating a sunset on conditional rezonings
- Importance of design on this parcel which will include amenities to enhance walkability

**Clerk Helmbrecht offered the following friendly amendment to the motion to amend:**

- **Change two (2) years to three (3) years**

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

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra  
NAYS: Trustee Such, Supervisor McGillicuddy, Clerk Helmbrecht,  
Treasurer Hunting  
Motion failed 2-4.

ROLL CALL VOTE ON THE MAIN MOTION: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

B. Amendment to WUP #07-06-09 (Whitehills Lakes #8)

**Trustee Veenstra moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to Article 4 of Section 22 of the Township Code of Ordinances, hereby approves Wetland Use Permit #07-06-09 with the following conditions:**

1. **Approval is based upon the revised plans prepared by KEBS, Inc., dated April 10, 2007, and the other documents and materials submitted in conjunction with the wetland use permit, subject to revisions as required.**
2. **The applicant shall obtain all necessary permits, licenses and approvals from the Ingham County Drain Commissioner prior to any construction on the site.**
3. **The applicant shall work with Township staff and the Michigan Department of Environmental Quality to revise the mitigation plan.**
4. **The mitigation plan shall indicate the elevations of the existing and proposed wetlands, as well as the outlet of the overflow pipe located at the south end of Township Wetland #4-42. The elevation of the outlet shall be subject to the review and approval of the Director of Community Planning and Development.**
5. **The mitigation area shall be constructed and completed prior to the completion of the subdivision.**
6. **Construction of the mitigation area shall be overseen by the applicant’s wetland consultant. Deviations from the approved mitigation plan shall be first reviewed and approved by the Director of Community Planning and Development.**

7. **Should the mitigation area fail to establish wetland vegetation after one (1) growing season, or fail to progress satisfactorily to a self-sustaining wetland as designed, the applicant shall conduct corrective measures as directed by the Township's Environmental Consultant to ensure successful wetland establishment.**
8. **The wetland mitigation shall be monitored annually by the applicant's wetland consultant for five (5) years with a status report provided to the Township each year.**
9. **A performance guarantee in the amount of \$10,000 shall be provided in an acceptable form to the Township to ensure completion of the wetland mitigation.**
10. **The existing culvert located in the county drain shall be removed during dry streambed conditions created by seasonal low water levels or temporary pumping.**
11. **The proposed culvert to be installed in the county drain for the road crossing shall have a minimum 24 inch wide natural substrate bottom through the entire length of the culvert.**
12. **The applicant shall ensure all appropriate soil erosion and sedimentation control best management practices are installed and maintained until natural stabilizing vegetation has been established.**
13. **Prior to construction, erosion control fencing shall be installed to prevent sedimentation from infiltrating into the wetlands. The installation and location of the erosion control fencing shall be subject to the approval of the Director of Community Planning and Development. The erosion control fencing shall be removed after construction is completed and the area is stabilized.**
14. **No straw bales shall be used for erosion control, unless in conjunction with sediment erosion control fencing.**
15. **Prior to construction on the site related to the wetland use permit, the applicant shall provide to the Department of Community Planning and Development written notice of commencement.**
16. **The applicant shall notify the Department of Community Planning and Development when construction related to the wetland use permit has been completed so the site can be inspected to ensure compliance.**
17. **The applicant shall obtain a variance from the Zoning Board of Appeals for work proposed within the water features setback and natural vegetation strip or revise the plans so a variance is not necessary.**
18. **A copy of the approved wetland use permit containing the conditions of issuance shall be posted on the site in a conspicuous manner such that the wording of the permit is available for public inspection. Posting of the site shall be done prior to commencement of work on the site and continue throughout the duration of the project.**

**Seconded by Trustee Such.**

Board members discussed the following:

- Decrease of mitigation area may reduce amount of damage to the wetland

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

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Rezoning #06020 (Mayberry Homes, Inc.)

Bob Schroeder, 670 Aquilla Drive, East Lansing, stated Rezoning #06020 (Mayberry Homes, Inc.) is a perfect example of smart growth. He indicated he believed the existing status quo in development produced an abundance of product no longer needed and this rezoning would comply with the forward thinking of the Township Board over the last twenty (20) years.

Jean Nicholas, 6232 Brookline Court, East Lansing, spoke in opposition to Rezoning #06020 (Mayberry Homes, Inc.).

Supervisor McGillicuddy closed public comment.

- A. Rezoning #06020 (Mayberry Homes, Inc.), a request to rezone approximately 141 acres located at 580 Haslett Road and east of 350 Haslett Road from RR (Rural Residential) to RA (Single Family-Medium Density) conditioned on the site being developed as a PUD

Board risks in not adhering to the Master Plan: (See Agenda Item #8 (Questions for the Attorney))

Q. We've heard a lot about the Master Plan and I wondered what are the risks that the Board could expose the Township to if it chose not to follow the Master Plan.

A. I am going to answer your question and then I have a couple of things to add to that. There are a lot of comments tonight, some that aren't correct and I wanted to straighten that out. The issue with the Master Plan is that when the Township rezones, what their decision has to be is reasonable and the Master Plan, if it's consistent with the rezoning decision, is evidence of that reasonableness; that's how the court uses it. It is not necessarily true that the opposite is also correct. If there's a rezoning decision that is not consistent with the Master Plan, it doesn't necessarily mean that it is proved that your decision is unreasonable. O.K? That's assuming that your decision is based on some other things; perhaps conditions have changed and the Master Plan hasn't reflected those yet. Or, there are goals in the Master Plan that might not necessarily be reflected in the Master Planner or Future Land Use Map, but that are reflected in this new application that's submitted to you.

So, yes, in general, you put the Township potentially at risk by making zoning decisions that are inconsistent with the Master Plan because that's a very strong basis to say your decision is reasonable. There are a few exceptions where you can make a decision that's inconsistent with the Master Plan if you have other evidence to support that decision. I'm not saying this is one way or the other tonight I'm just saying it is possible to do that in rare instances.

The other issue that was brought up here tonight is the issue of making a decision that's inconsistent with the Master Plan that somehow then voids your ability to ever follow the Master Plan in the future. I don't accept that statement one hundred percent (100%). I think if the Board making decisions in general without basis, and not following the Master Plan, then, yes, when you get to court in the future and say you are going to follow our Master Plan, why should the court believe that Master Plan is reasonable in the first place. Is there any reason you said this should be RR and this should be RA. But if the Board, in making a decision, puts on the record why, in some specific rare case, this is different; I don't think that voids your ability to follow the Master Plan in the future and use that to support you in your decisions if you are questioned at the court level. I think those were the two main issues in answer to your question. I just also wanted to state that there was some talk about the criteria; meeting the criteria or not meeting the criteria. I again want to state for the Board and to the public that this criteria is just a guideline that's been submitted to the Board to help them think about ways and

issues that should come up in a rezoning decision. It's a legislative decision being made by this Board; there's no specific criteria that you have to approve or not approve in making a rezoning decision. That criteria or guidelines that have been given to you are not written into your ordinance. What you need to do is make a decision that's reasonable, that is treating people equally out there, that's not discriminating, that is not taking property, that is not arbitrary. Those are the things you need to think about; that criteria is to help, but it is not set in stone and it's not written in your ordinance. I think that covered some of the main issues I just wanted to make sure were touched on.

- Q. I wanted to ask you something else and that is in regards to the Master Plan, helping to make our decisions predictable. How important is that predictability?
- A. For an applicant?

RESPONSE TO ATTORNEY QUESTION: For anyone when they look at the Master Plan in regards to what the Board most likely will or will not do.

- A. I think it assists in that predictability, but again, this is one thing to look at. I think if, in this case, the Master Plan is more recent, so I think one can assume that unless some other thing is going on outside, that the Master Plan should be consistent and be able to be relied upon by the public, by the Board and by an applicant. Since it is somewhat new, if it was voted on for the right reasons in the first place, then you should be able to rely on that. I think I answered your question.
- Q. If someone were to define "adhering to the Master Plan," are we talking strictly about the map or are we talking about the 150± pages of written material that accompany that?
- A. If we are talking about a court decision where a judge looks at if you are consistent with the Master Plan as one reason or one support or evidence towards the reasonableness of your decision, that one issue can be the map; is it consistent with the map. There may be another factor the court can look at is if it is consistent with the goals, is it consistent with what you want to have in the future. It's possible to make a decision that is not consistent with the map, but may be consistent with a majority of the goals, and in some other ways, consistent with the current existing conditions out there or something to that affect. There are multiple issues. When I think Master Plan, I think the map in zoning decisions. What we heard a lot tonight about goals and in prior meetings about goals, and that's one other factor to look at; is the decision reasonable; is it consistent, does it help perpetuate the goals that are already in your plan? Hopefully the map and the plan are consistent.

Board members and staff discussed the following:

- Difference of number of homes between conventional development and a PUD
- The proposed plan is totally consistent with Tri-County Regional Planning Commission Plan
- Distinguishing between the Master Plan and the Future Land Use Map
- Additional WHEREAS clause which designates Board reasoning for "violating" the Future Land Use Map
- Rezoning only a portion of the land does not achieve the goal of the Planning Commission to leave the remainder undeveloped
- Defeat of the Board's own goal by dividing the zoning into two (2) categories
- Difference in number of units between the applicant's proposal and the Planning Commission's recommendation translates into approximately one additional unit per each four (4) acres over the entire development
- Overall density is approximately 1.7 units per acre based upon 341 units
- Map in the Tri County Regional Choices for the Future plan clearly shows this area calls for transitional clustered development such as the proposed development
- Proposed development adheres to regional growth concepts contained in the Tri County Regional Choices for the Future plan
- Conditional zoning allows for flexibility without changing the Master Plan for the zoning category
- PUD concept preferable to "phased" rezoning
- Request for data on additional traffic generated by the proposed development for Haslett Road at the proposed site and further west where Haslett Road is three (3) lanes

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, JUNE 5, 2007 \*APPROVED\*

- Requirement of left turn waiting lane at Haslett Road and Creekwood Lane to address traffic hazard for eastbound Haslett Road traffic
- Request for existing traffic counts on Meridian Road as well as projected additional traffic
- Blue area within the Tri County Regional Growth Choices for the Future plan designates transitional clustered development with no rezoning based upon the zoning of the Master Plan at the time of Tri-County Plan's adoption
- Pink area within the Tri County Regional Growth Choices for the Future plan represents urban fringe where growth is to be focused
- Tri-County plan focus on redevelopment and in-fill development
- Tri-County goal to have development near a transportation center (e.g., bus route)
- Additional traffic on Van Atta Road, part of which is still a dirt road
- Input from neighboring communities into Meridian Township's Master Plan
- Ability for clustered development to take place in all of the Township's zoning categories without rezoning
- "Two acre" density does not take wetlands into consideration
- Approximately 48 acres of wetlands on the site
- Densities contained in the Master Plan did not take wetlands out of its formula
- Low lot density not considered the primary use according to Tri-County
- Proposed development would place pressure on the agricultural lands to the east in Williamstown Township
- Lack of walkability in the area
- Request for a full complement of the Board when this proposal is voted upon

Record of changes in the zoning map which are inconsistent with the Master Plan: (See Agenda Item #8 (Questions for the Attorney))

Q. I believe you said that obviously this proposed upzoning violates the Future Land Use Map which actually calls for lots to be two (2) acres or larger. Did you tell us that violating the Future Land Use Map should be an exceptional act so that if we do it in this case, we should explain in our resolution approving the conditional rezoning what the reasons were we chose to violate the Future Land Use Map in this particular case?

A. I'll answer your question this way. If at any time the Board chooses to make a change in the zoning map that's inconsistent with the Master Plan, you should always put that basis on the record.

Q. I think that was a yes?

A. Well, I didn't agree with everything you said. What I did say was that you want to put your basis on the record no matter what decision you're making, Should you ever decide to vote inconsistent with the Master Plan, you can put on the record why you are voting that way.

Q. First of all, I think it is useful if we distinguish, apparently, between the Master Plan and the Future Land Use Map. If we are talking about the map, I guess we should say Future Land Use Map because it has been at least argued that there is a difference between the Master Plan which is 150 pages of text and it is argued that this proposal is consistent with the values in the Master Plan although it violates the Future Land Use Map. I guess what I was asking is, since this violates the Future Land Use Map, we should have an explanation of why we are violating the Future Land Use Map in this particular rezoning. Is that correct?

A. The Board needs to put on the record, if they are going to approve it, as part of the discussion or as part of the resolution, why it should be approved, because the consistency with the Land Use Map is one of the reasons that supports your decision. So, if you go forward without that support, you need some other basis to support your decision.

Voting with a full complement of the Board: (See Agenda Item #8 (Questions for the Attorney))

Q. For this issue and for potential future issues, do you have a recommendation on this point (full complement on the Board)?

A. In order to make it a clean decision, especially if you're questioned at the circuit court level, it would be better to have your full membership here. Unless the applicant says it doesn't matter and he wants to go forward, then you could go forward. Otherwise, I would recommend you have a full Board present in a close decision.

**The consensus of the Board was to place this item on for action at the June 20, 2007 Board meeting.**

- B. Membership in the Michigan Municipal League  
Township Manager Richards summarized potential membership in the Meridian Municipal League (MML) as outlined in staff memorandum dated June 1, 2007.

Board members discussed the following:

- Request by representatives of large townships for Michigan Municipal League to allow them membership
- Importance of remaining a member of the Michigan Township Association (MTA)
- Potential for differences between the two organizations where statutory law are concerned
- Membership in each association to take advantage of benefits/expertise of each
- Request for preview of MML legislative bulletins
- Meridian Township has the same revenue sharing formula as cities
- Annexation as a charter, not general, township issue, so Meridian Township is a minority within the MTA

**The consensus of the Board was to move forward with membership in the Michigan Municipal League.**

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Carl Harmon, 1924 Birchwood, Okemos, noted varying interpretations of Tri-County Regional Planning Commission's intention. He requested the Township Board ask Planning staff to calculate the percentage upland left in open space proposed for Rezoning #06020 (Mayberry Homes, Inc.).

Supervisor McGillicuddy closed Public Remarks.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:28 P.M.

---

SUSAN McGILlicuddy  
TOWNSHIP SUPERVISOR

---

MARY M. G. HELMBRECHT, CMC  
TOWNSHIP CLERK

Sandra K. Otto, Secretary