

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, JANUARY 20, 2004, **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, Personnel 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
Supervisor McGillicuddy opened Public Remarks.

Shayna McInay, General Manager, Culver's Restaurant, 5140 Times Square Drive, Okemos, thanked the community for its help and support in the building of Culver's Restaurant.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Rezoning #02080 (Eyde).

Joan Guy, 1083 Woodside Drive, Haslett, commended the Police Department for its follow-up on her complaint regarding vandalism of her property.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES
6. APPROVAL OF AGENDA — OR CHANGES
Trustee Brixie moved to approve the agenda as submitted. Seconded by Trustee Such.

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA
Supervisor McGillicuddy reviewed the consent agenda.

Trustee Brixie moved to adopt the Consent Agenda amended as follows:

- **Move Communication Item #7A (2) (BI-2) (letter from Richard A. Harrington) to Agenda Item #11F**

Seconded by Trustee Such.

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 (BD)

- 10A-1 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Opposition to SUP #03021 (Fineout)
- 10A-2 Michael S. Sternik, President, Tacoma Hills Homeowners Association, 2018 Tomahawk Road, Okemos; RE: Opposition to SUP #03021 (Fineout).

(2). Board Information (BI)

- BI-1 John T. Anderson, 215 W. Newman Road, Okemos; RE: Tri-County Regional Growth Project (TCRGP) Summary excerpts
- BI-2 Richard A. Harrington, 820 Piper Road, Haslett; RE: This Equals That state-owned sculpture
- BI-3 Meridian Senior Center, 4000 N. Okemos Road, Okemos; RE: Meridian Senior Center 2003 Income Tax Preparation
- BI-4 Hope Borbas Okemos Library, 4321 Okemos Road, Okemos; RE: New Library Hours
- BI-5 The Michigan Townships Association, 512 Westshire Drive, Lansing; RE: *Capitol Currents* January, 2004 Issue

(3) Regional Linkage (RL)

- RL-1 Congressman Mike Rogers, House of Representatives, Washington, DC; RE: 2004 Omnibus Appropriations Bill containing funding for the Help America Vote campaign.

(4). Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative Fax January 9, 2004 Edition
- SC-2 Letter from Manager Richards to Ms. Pamela George, 6242 Porter Street, East Lansing; RE: Drainage problems on her property and new houses constructed east of her property
- SC-3 Letter from Manager Richards to Mr. Al Champagne, 6038 Hart Street, East Lansing; RE: Drainage problems on his property and new houses constructed south of his property

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

B. Minutes

Trustee Brixie moved to approve and ratify the minutes of the January 6, 2004 Regular Meeting 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.

C. Bills

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

Common Cash	\$ 285,656.02
Public Works	\$ 163,415.46
Total Checks	\$ 449,071.48
Credit Card Transactions	\$ 9,982.51
Total Purchases	<u>\$ 459,053.99</u>
 ACH Payments	 <u>\$ 4,549,515.45</u>

Seconded by Trustee Such.

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. Beginning of Year Budget Amendment

Trustee Brixie moved that the 2004 Amended Budget as reflected on Attachment #1 of the memorandum to the Township Board from the Finance Director, dated January 16, 2004, be approved. Seconded by Trustee Such.

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

E. 2004 Order to Maintain Sidewalk, Special Assessment District #6, **Resolutions #1 and #2** [Set Public Hearing Date (February 17, 2004)]
Trustee Brixie moved to approve 2004 Order to Maintain Sidewalk-Resolutions #1 and #2, which tentatively approve the improvements, and cost estimates of proposed improvements, and sets the date for a public hearing on February 17, 2004. Seconded by Trustee Such.

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

[Signed and Sealed Resolutions in Official Minute Book]

F. 2004 Order to Construct Sidewalk, Special Assessment District #2, **Resolutions #1 and #2** [Set Public Hearing Date (February 17, 2004)]
Trustee Brixie moved to approve Order to Construct Sidewalk-Resolutions #1 and #2 for Lot 90, Woodside Estates #6, and Lot 13, Carriage Hill Estates, which tentatively approves the improvements, and sets the date for a public hearing on February 17, 2004. Seconded by Trustee Such.

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

[Signed and Sealed Resolutions in Official Minute Book]

8. QUESTIONS FOR THE ATTORNEY (See Agenda Items # 10A, #10B, #11B, #11C)
9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Ron Clark, 6700 White Clover Drive, East Lansing, spoke in support of Final Plat #02012 (Bird Strawberry Farm Estates #3).

Eleanor Luecke, President, LINC, Box 40, Okemos, spoke in opposition to Rezoning #03060 (Fedewa) and read a prepared statement in opposition to Special Use Permit #03021 (Fineout).

[Prepared statement in Official Minute Book]

Mark Fineout, 4612 Okemos Road, Okemos, spoke in support of Special Use Permit #03021 (Fineout).

Supervisor McGillicuddy closed public comment.

- A. Appeal of Special Use Permit #03021 (Fineout), request to convert a residential dwelling at 2080 Hamilton Road to a Non-Residential Use in a Residential District (Clinic)

Director Kieselbach summarized the request for a special use permit as outlined in staff memorandum dated January 15, 2004.

Spot Zoning: (Questions for the Attorney (Agenda Item #8))

- Q. It has been brought up this evening that this request for a special use permit in a residential district might be spot zoning. Can you give me your thoughts on that?
- A. I think in this case it wouldn't be spot zoning. First of all, it is not a request for a rezoning. Secondly, a SUP itself generally allows a use that is compatible, but different, with the other uses around it. That is the whole concept of a SUP.

My understanding is this request for a SUP is consistent with what is allowed in the ordinance. Spot zoning is generally when you rezone a property and that property is similar to the properties around it and has no special reasons why it should be considered differently.

If you're granting the SUP in this case, based on the criteria in the ordinance, then it meets the requirement that it be different in some way or you wouldn't be allowing the SUP in the first place. I don't consider this to be a spot zoning.

Board members and staff discussed the following:

- Board action to affirm the special use permit
- Monitoring of elevation design during site review process
- Redesign consistent with older neighboring homes
- Nonconformance of present building due to setback
- Trend of converting residences to office use
- Property originally not a corner lot
- Angle of house does not allow privacy in the back yard for use as a residence

Trustee Brixie moved NOW, THEREFORE, BE IT RESOLVED, THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, hereby reverses the Planning Commission's denial of Special Use Permit #03021 and approves the special use permit with the following conditions:

- 1. Approval is granted in accordance with the preliminary site plan prepared by Fred White Engineering, Inc., dated July 16, 2003, subject to revisions as required.**
- 2. The final site plan and landscape plan shall be subject to the approval of the Director of Community Planning and Development.**
- 3. The clinic shall be designed to have a residential appearance consistent with the adjacent residential uses. The final design shall be subject to the approval of the Director of Community Planning and Development.**

4. **The applicant shall apply for and receive all necessary variances from the Zoning Board of Appeals, or modify the project to comply with the Code of Ordinances.**
5. **The applicant shall obtain all necessary permits, licenses, and approvals from the Ingham County Drain Commissioner's office, Ingham County Road Commission and the Township. Copies of all permits, licenses, and approval letters shall be submitted to the Department of Community Planning and Development prior to issuance of a building permit.**
6. **The applicant shall provide a berm and landscaping at the rear of the parking lot, provided the design does not affect the stormwater drainage plan approved by the Ingham County Drain Commissioner's office.**

Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: Stier
Motion carried 5-1.

[Signed and Sealed Resolution in Official Minute Book]

- B. Rezoning #03060 (Fedewa), request to rezone approximately 5.2 acres on the south side of BL-69 from RR (Rural Residential) to PO (Professional Office)

Director Kieselbach summarized the rezoning request as outlined in staff memorandum dated January 15, 2004.

Board members and staff discussed the following:

- Planning Commission denial based on zoning of entire parcel of land
- Current zoning of the entire subject property as RR)
- Send back to the Planning Commission to rezone only the northern portion along BL-69 to PO
- Board modification to request Planning Commission consider rezoning only a portion
- Housing along southeast side of BL-69
- Planning Commission consideration of mixed use designation for this property
- Planning Commission category as "institution" on Draft Future Land Use Map for this property
- Send rezoning request back to the Planning Commission to make zoning conform to present land use map
- The portion to send back to the Planning Commission classified as office zoning
- No standards for mixed use currently in the zoning ordinance
- Only reason to rezone a property is if it is in the best long-range interest of the Township

Best process for consideration of rezoning request: (Questions for the Attorney (Agenda Item #8))

Q. I don't want this to become too overly complicated. What is the best process for this? Would it be better to send it back to the Planning Commission? What if they decided mixed use isn't what they want to see there at all now based on what's happening to the south? I have no idea what their thinking is on this whole area at this time. I don't know if they are planning on revisiting this.

A. The Board's best option based on the law right now is to treat this as it currently exists on the future land use map and address the request to rezone. If you want further input from the Planning Commission involving just a request to rezone the northern portion, then you may refer that back. At this point, the Board shouldn't be looking at where the future land use map may go.

- Q. If, in the future, they were to change it so all the properties south of that would possibly not stay office, would we be guilty of spot zoning on this if we end up changing this to office with RR all around?
- A. The future land to the north is office. If the Township Board were to determine that the northern part as office was appropriate, that would be consistent with the future land use map. If the future land use map was modified after the fact, that does not make it spot zoning because you rezoned it at the time it was consistent with the future land use map. Also, spot zoning is a different question than the future land use map.

Spot zoning is zoning a piece of property differently than everything around it with no legitimate reason to treat it differently than all of the land around it. The future land use map is something to guide you in your rezoning, but it is only one thing you look at of the criteria that is attached to the application.

Trustee Such moved to refer Rezoning #03060 (Fedewa) to the Planning Commission to consider rezoning only the northern portion of the subject site along BL-69 to PO (Professional Office) and to submit its recommendation to the Township Board within 60 days. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: Stier
Motion carried 5-1.

- C. Final Plat #02012 (Bird Strawberry Farm Estates #3)
Director Kieselbach summarized the request for final plat approval as outlined in staff memorandum dated January 16, 2004.

Board members discussed the following:

- Developer compliance with Board request to protect blandings turtles

Treasurer Hunting moved [and read into the record], NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN approves the Final Plat of Bird Strawberry Farm Estates No. 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.

[Signed and Sealed Resolution in Official Minute Book]

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Ronn Reed, 2444 M-78, Haslett, spoke in opposition to Rezoning #03060 (Fedewa).

Eleanor Luecke, President, LINC, PO Box 40, Okemos, supported Mr. Reed's comments relative to Rezoning #03060 (Fedewa). She also spoke in opposition to Rezoning #02080 (Eyde) and a mixed use ordinance.

Melissa Goodnoe, 4714 Powell Road, Okemos, spoke in opposition to Rezoning #02080 (Eyde).

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Rezoning #02080 (Eyde).

Supervisor McGillicuddy closed public comment.

- A. Rezoning #03080 (Wells), request to rezone .55 acre located at 5789 Okemos Road from RR (Rural Residential) to RAAA (Single Family-Low Density)

Director Kieselbach summarized the rezoning request as outlined in staff memorandum dated January 16, 2004.

Bob Homan, 2176 Hamilton Road, Okemos, stated the rezoning request was to correct the omission of this property in an earlier PUD proposal.

Board members discussed the following:

- Request consistent with the Comprehensive Development Plan

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

- B. Zoning Amendment #03070 (Township Board), request to amend the definition of “changed circumstances” in Section 86-2 and in Section 86-225 to replace “changed conditions: with “changed circumstances.”

Director Kieselbach summarized the zoning amendment as outlined in staff memorandum dated January 16, 2004.

Reason(s) for the change in definition: (Questions for the Attorney (Agenda Item #8))

Q. Would you like to add a little bit more embellishment to this? You and I had a conversation prior to the meeting.

A. The reasons for making this referral and considering changing the language from changed conditions to changed circumstances are several. One is for the sake of consistency. If you needed to determine for an applicant what changed circumstances means, it is already defined in your zoning ordinance. That is defined because the same language is used when someone tries to apply for a rezoning, as Mark just said.

The second reason is something that was considered some time ago. I believe the reason the attorney suggested that changed circumstances be used instead of changed conditions is because the term condition can be seen as a condition placed on an SUP or a condition placed on a variance request. Just to make sure there is no confusion, coming back and requesting review of a request for a variance because the surrounding circumstances have changed can be the same thing as conditions, but it doesn't have to be. Someone on the Zoning Board of Appeals could misinterpret and say changed conditions means that one of the conditions that was placed has to change. As I talked with Mark before the meeting, he does not believe that has happened or that that's a mistake that has taken place, but the word circumstances is already defined in the zoning ordinance and why not be consistent. I think that is why it was recommended. The reason(s) not to do it could be the cost of sending it back just for one change in a word. In the long run, the reason for the change would be for the sake of consistency.

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

- C. Rezoning #02080 (Eyde), request to rezone approximately 110 acres located east of Powell Road, west of Cornell Road and south of Tihart Road from RR to RAAA, RA and RB

Director Kieselbach summarized the rezoning request as outlined in staff memorandum dated January 16, 2004.

Rezoning Procedure: (Questions for the Attorney (Agenda Item #8))

Q. Procedurally, where should we go from here?

A. The Board has the option to refer this to the Planning Commission with very specific requirements as to what they want the Planning Commission to look at, collect information on and send a recommendation back to the Board.

The Board could set the matter on for action on the original application request. If the Board feels there may have been a mistake or it wasn't clear, or a recommendation wasn't made on what it requested, then perhaps you should send it back; that is up to the Board. Or, if you want to just go forward with your original request you can do that. I believe the applicant is here tonight and may be amenable to changes or additions to that original plan.

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn, Suite 660, East Lansing, stated the intention of the plan submitted to the Township in May, 2002 was an effort to maintain the greenspace of the area and provide open space along Powell and Cornell Roads, as well as provide approximately 215 home sites. He believed the intent and suggested layout of land may have "backfired" with too much information.

The objective of the applicant is to work with the Township. Of the fifteen (15) possible layouts, the maximum number of possible homes was 215. A planned residential development recommendation from staff was an opportunity for the zoning and planned layout to be addressed simultaneously. A communication problem during the January 12, 2004 Planning Commission meeting prevented a full understanding of the proposed new plan.

Mr. Clouse suggested a meeting with two (2) Board representatives, a member of the Planning Commission and staff to address specific concerns and the areas best suited for open space in an effort to move forward with a new plan. Mr. Clouse also clarified an earlier statement made by the public concerning Eyde's refusal to allow the Environmental Commission to tour the property at the rezoning stage of the process.

Board members discussed the following:

- Answer from applicant that the Eyde Co. is willing to consider a less intense proposal than the original submission
- Willingness by applicant to try to bring together the zoning and a planned residential development (PRD)
- Option in ordinance to allow applicant to ask for a PRD with current zoning in place or to ask for a rezoning concurrent with the PRD process
- Steps in the PRD process if it runs concurrent with the rezoning
- PRD used with RAA zoning
- Applicant allowance of access to the property by the environmental consultant and the Environmental Commission
- Current RR zoning designated in the early 1960's
- Number of sites developed under the current zoning as 77
- Failures of conventional zoning in the past apparent today
- Long range interest to the Township for the rezoning
- Motion to specify consistency with the Master Plan which would be RRA designation
- RRA designation for land west of the drain
- Consideration of a residential PUD as more flexible than PRD
- Intent of language in last motion which referred this rezoning back to the Planning Commission
- Several options of motions for Board consideration at the next meeting
- Attendance by Board representative at the Planning Commission to answer questions

Correct procedure for proposal modification: (Questions for the Attorney (Agenda Item #8))

- Q. Could you clarify what is and isn't the correct procedure with respect to the situation where the applicant is willing to modify the proposal? What are the allowed procedures?
- A. There have been comments made that referring back to the Planning Commission with modifications to the original request is not appropriate. Based on state statute and the Township's Zoning Ordinance, both of those allow for referral back to the Planning Commission with a modification to the original application request. As a matter of fact, your ordinance requires it. If the Board is considering alternatives that it thinks may be viable, it has the right and is required by the ordinance to refer it back to the Planning Commission to get a recommendation on those changes. If there is concern that there needs to be a new application filed, as long as there is a time for the public to respond to the changes being suggested they have all the same rights as they would have had had a new application been filed.

What isn't allowed is a sit down negotiation, writing out a contract, "we give you this, you give us that." That is considered contract rezoning. You are able to make a modification to the request that you think is viable and refer it to the Planning Commission.

- Q. Is it appropriate to set up a special committee as has been suggested, made up of members of the Board, perhaps members of the Planning Commission and perhaps members of the general public to examine the options and then report those options back to the respective Commissions? Would it be appropriate for such a study group to hold a public hearing or an informational meeting to have input from the public on what these options could be?
- A. I don't want to respond to that with the word "inappropriate." There is staff in place already to collect information, to deal with the applicant, and to bring that information to the Board and to the Planning Commission. That is what they are there for and they should continue to do that. Is it inappropriate to have some kind of hearing or informational meeting? Again, it may not be inappropriate, but there are procedures in place to consider a rezoning. My recommendation would be that you follow the procedures already in place, the Planning Commission follow those procedures, that you continue to have staff collect the information and bring it to you and to the Planning Commission. If you feel that there is some other alternative, make a motion to refer that back to the Planning Commission to have it look at some specific modification to the original request that you think is viable.
- Q. Is it inappropriate for a couple of Planning Commissioners and a couple of Township Board members to sit down and say ideally what would this look like? We can't do that?
- A. Again, I guess the quick answer to that is it would not be appropriate. I don't like to use inappropriate/appropriate because there are procedures in place. Would it be useful? Perhaps it would be useful to do that. Would it be the best route for the Township to go should there be litigation in the future? No. From your Township Attorney's perspective, it may be useful to you, but it would not be the best for potential litigation, should that arise. I would recommend that you follow the procedures in place. If you need more information, then you need to tell the staff what you want looked at, what you want considered, what plans you want to see that comes back to you that you consider and then refer to the Planning Commission or that those plans be made available to the Planning Commission and options be given to them. I don't think it is the proper place for the Board and the Planning Commission to get together and discuss those options.
- Q. If we are going to refer this to the Planning Commission to look at, obviously we need to be extremely specific. Do we want all the information from the environmental consultant in some kind of sketch form and then we look at it? If we like it or voice our concerns, then we send it to the Planning Commission?
- A. I must admit I am not exactly sure how the Environmental Commission's input changes the PUD/PRD considerations that are going on. I think that might be a better question for Mark. I don't know how that affects the end result plan. That is a good question to ask the staff; what information may come from the Environmental Commission that could change a PUD or PRD plan. Maybe he can tell you if this information comes out from them, it changes the PRD in this way. You need those kind of questions to be asked of Mark Clouse and your staff.
- Q. Having that information makes a distinct difference to whomever is going to try and draw a design for a PRD. Maybe this is coming from the Land Preservation stuff, but we have had the environmental consultant or other people go out and they would identify areas that might have particularly special natural features. What would be nice if you are going to do a PRD is to incorporate those particularly nice places into the 20% open space. The plan might not look like that; there might be a hole in the middle of it. It would completely make a difference in the actual design. If it is incumbent upon the applicant to have a design to go with a PRD and have the zoning and the PRD happening at the same time, we need to get that information to the applicant before he can even do a drawing.

Do we want to sit here tonight and ask the Planning Commission to “relook” at this? Do we want to gather the information from the environmental consultant and allow the applicant time to consider our request for the layout of this land or subdivision and then send it to the Planning Commission?

- A. I think by following procedure, and the fact that the Board is going to make a legislative decision on rezoning, you ask the staff to collect the information, put something together, based on the rezoning you think would be potentially appropriate. You refer it to the Planning Commission with that zoning, the Planning Commission will look at the plan, make a recommendation and send it back to the Board. You are looking at a rezoning, not necessarily how the PRD is laid out. Your legislative decision is going to be the rezoning. If you think there is a zoning category that is more appropriate than what has been requested, you should refer it to the Planning Commission, telling the staff this is the information that we want to go to the Planning Commission and telling the Planning Commission this is what we want you to consider.
- Q. I'm not making this a motion, but my suggestion would be to, once again, refer this to the Planning Commission with the Board's request to look at RA or RAA zoning, to be specific, that the Planning Commission consider a PRD, incorporating the environmental consultant's comments on special natural areas, and request that both that and the Greenspace Plan be taken into consideration for a PRD in the drawing. Is that the process?
- A. The only suggestion I would make is that you say for the rezoning that it is from whatever it is to this category. If you have to put two (2) in it that would be fine; one would probably be better. Also, at the same time, include a rezoning with a PRD overlay district. That is what you are really doing, adding a rezoning of the original and then the PRD overlay zoning. So you are adding two (2) zoning classifications to the property which is zoned something different right now.
- Q. Is there anything else that we should be looking at that was not discussed?
- A. The only thing is that based on the way the ordinance is written, the PRD is an option, not a requirement. You are really doing two rezonings here. It could be that you could ask the Planning Commission first to rezone it to a different underlying zoning classification and then the PRD zoning on top of that. I just want to make sure that is clear. The applicant could apply for just a rezoning to a different category, not necessarily with a PRD on top of that.

The consensus of the Board was to place this as an action item at the next Board meeting with several options.

- D. Ember Oaks Subdivision Streetlighting Special Assessment District
Director Severy summarized the streetlighting special assessment district as outlined in staff memorandum dated January 16, 2004.

Board members and staff discussed the following:

- Developer letter to lot owners resulted in ten (10) letters of support
- Ownership of seventeen (17) of the 34 lots by the developer
- First notice sent under Act 246 which requires a petition of ten percent (10%) of record owners
- Possible use of lighting ordinance to address amount of ambient light
- “Shielded” lights set to human scale
- Use of lighting fixtures which do not shine above horizontal
- Statutory requirement for Township involvement in streetlights through special assessment districts
- Property owner awareness of intended streetlights
- Potential to bring streetlights into the planning process through preliminary plat approval similar to sidewalks
- Police & Fire recommendation for streetlights as a public safety issue

The consensus of the Board was to place this on as an action item for a future Board meeting with specific language as to the type of lights.

- E. Sewer Payback District for Sierra Ridge Subdivision
Director Severy summarized the sewer payback district as outlined in staff memorandum dated January 16, 2004.

Board members discussed the following:

- Payback district as the proper vehicle for developer to recoup cost of improvements
- Payback districts already in place for Okemos High School and Bennett Woods Elementary lift stations
- No mandate for hook-up to currently developed property

The consensus of the Board was to have the Engineering Department work with the developer and once the costs are established, bring this item back before the Board.

- F. This Equals That state-owned sculpture

Treasurer Hunting suggested the Board discuss the letter submitted by Richard A. Harrington which requested the Board send a letter in support of renovation of the This Equals That sculpture.

Board members discussed the following:

- Concern that the Board support individual causes
- Interested individuals write letters of support and/or give personal donations
- Actual demolition of the sculpture and costly repair to restore in copper

The consensus of the Board was to not act on this request.

12. VISION SESSION/ENDS: Lake Lansing Zoning District discussion with Drain Commissioner Pat Lindemann and Paul Pratt, Deputy Drain Commissioner
Supervisor McGillicuddy stated the Board does not know the ramifications of the effects on the lake when requests are made to develop around Lake Lansing. She asked the Drain Commissioner what the Board should be looking at within his area of expertise.

The Ingham County Drain Commissioner offered the following comments:

- Lake Lansing is a unique body of water as it is not natural, but is an impoundment
- It is only a lake because the dam exists
- The dam is under the jurisdiction of the ICDC
- Level of the dam ordered by the court and monitored by the ICDC
- Long history of problems with the lake dating back a century; originally a swamp
- Natural forces at work which are hard to control
- Watershed management as the process by which you properly manage the land and then the receiving body of water mirrors the image of the impacts you have allowed to happen on the land
- Lake is 400+ acres in size, and the total watershed which puts water into the lake is 2,000+ acres
- Small proportion of land mass to water mass, making water budget of the lake sensitive to weather changes
- When you make more of the watershed impervious, water runs off the land faster, goes into the lake, over the dam if it is full and does not return
- More pervious surface allows water to soak into the ground, migrating slowly to the lake through the ground, keeping the level of the lake more uniform
- Management of the existing land as the lake is built out
- No good answer how to manage the water level as it is a function of the weather
- Problem with water quality due to weediness of the lake
- Weediness addressed by a public works project and an effort by Lake Lansing Homeowners Association to continue weed removal since 1994
- Meridian Township creation of an assessment district, with a 2004 budgeted amount of \$47,000 for weed control
- Recommendation to have the township determine the number of inlets into the lake and the ones which drain into the lake that are not county drains could be petitioned to become county drains in an effort to improve water quality
- Recommendation for some type of sump system to catch debris and sediment in the inlet structures

- ICDC mechanical repair three (3) or four (4) years ago to readjust drainage on the west side of the lake by diverting water through the Ingham County Parks property via a wetland
- Education as an important element of water quality and water management
- Watershed management as a function of social behavior and what is done on your own land
- Some water which empties into the lake comes off Green Road, the subdivision west of Green Road and condominiums off of Haslett Road
- Need to keep the wetland systems in existence around the lake viable as they feed water through a process called drift aquifered venting
- Need to keep good plant life for the lake
- Need for determination of a good buffer for water movement between houses and the lake
- Drainage districts managed by the ICDC which fall under the Federal Clean Water Act Phase II program are obligated to participate in educational programs and funds could be expended for this effort
- Money expended for educational programs by ICDC comes from money taxed to the Township and its residents
- Importance of setbacks from the lakeshore to keep impervious areas away from the lake
- Redirection of impervious surface water away from the lake and into an area where it can be recharged back into the ground in an effort to feed the lake
- Best storage place for water is in the ground; best way to put it in the ground is through the wetland systems that surround the lake
- ICDC view of wetlands as natural infrastructures and a way of managing flow, consistency of flow, base flows within drain systems, a way to hold back water during heavy rain, storage of water
- Indication by Center for Watershed Protection study out of Virginia that if a watershed surpasses 5-8% impervious range there is impairment to the water quality and for anything over the 15-20% range of impervious does irreversible damage to the water resource itself
- Struggle between ICDC reasons for quality water management and other entities (e.g., Road Commission's desire for wider roads as a safety issue)
- Levy of a dam assessment to keep dam in accordance with the Dam Safety Act
- Court order to change the water level of the dam, which is monitored weekly
- Dam level consistently low the last few years

Board members and the Drain Commissioner discussed the following:

- Porous cement better suited to southern climate as it tends to fill with ice and crack in the colder climates
- Look at entire impervious surface when resident goes to expand; i.e. roof
- Drain Commission assistance to staff in identification of all outlets
- Availability of matching funds through Drain Commission office or other watershed program for creation of brochure to educate homeowners

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Joan Guy, 1083 Woodside Drive, Haslett, spoke concerning the Rezoning #03060 (Fedewa), stating the original intent for this area was to develop a sliding mixture of mixed zoning that was not a mandated 80-20 split.

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Rezoning #02080 (Eyde).

Trustee Brixie apologized for earlier comments made during discussion of Rezoning #02080 (Eyde).

Supervisor McGillicuddy closed Public Remarks.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:20 P.M.

SUSAN McGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary