

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, JUNE 21, 2005, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, Veenstra
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, Director of Finance Diana Hasse, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:00 P.M.

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor McGillicuddy led the Pledge of Allegiance.

A. Introductions of New Fire Fighter and Promoted Officers

Chief Fred Cowper introduced Battalion Chief Rocklin Lerner, Lieutenant Derek Burcham, and new Firefighter Chris Johnson.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Leonard J. Savitskie, 2308 Grand River, Okemos, requested the Board initiate a rezoning of the property located at 2308 W. Grand River Avenue (across from Old Country Buffet) from residential to office.

John Anderson, 215 W. Newman Road, Okemos, spoke concerning Township purchase of property located near the corner of Okemos Road and Central Park Drive.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. 2004 Audit Report Presented by Plante & Moran

Mary Schafer and Jill Martinez, Plante & Moran, 1111 Michigan Avenue, East Lansing, gave a graphic audit presentation highlighting the Township's financial status for 2004 year-end. The Comprehensive 2004 Annual Report indicated the Township received a Certificate of Excellence in Financial Reporting. Recommendations were made on capital assets and performance deposits payable as outlined in the management letter.

Manager Richards reminded citizens the Township is on a calendar year budget and it is the Manager's responsibility to provide a budget to the Board by September 1st of each year. Supervisor McGillicuddy asked for an explanation the Township's Standard and Poor's rating of A+ to AA3.

Ms. Schafer explained that the rating is an indicator of the financial health of an entity. Having the rating increase provides the Township with better interest rates for borrowing and more people would be likely to buy bonds, if issued.

Supervisor McGillicuddy attended a meeting at Michigan State University last week of Cultural Economics Strategies Conference. Monies are available for cultural amenities in a community,

especially for DDA's. She believed it would be an asset for the community as one of the Township's goals is to increase cultural activities and amenities.

Trustee Veenstra inquired about the status of the rezoning request from Leonard Savitskie. Supervisor McGillicuddy responded that if the Board chooses to do so, the request can be placed on a future Board agenda.

Treasurer Hunting announced the summer tax bills will be sent out shortly. These taxes are due on or before September 14, 2005. Under the new state law, one-third of the county operating millage was moved from the winter tax to the summer tax. This will result in the summer tax bill increasing by approximately 2 mills and the subsequent winter tax bill will be offset by an equal decrease.

Trustee Veenstra noted the letter from Tim Potter regarding pathway maintenance and trimming of bushes adjacent to pathways. He inquired as to who is responsible for that maintenance.

Manager Richards clarified that the Township does a portion of summer maintenance on pathways. Director Severy added the Township mows and cleans up some brush, primarily on undeveloped parcels. There is concern over pathway blockage where some property owners do not want their bushes cut, either by the Township or by themselves. The Township is currently reviewing the mowing, which should be the responsibility of the property owner. Notices may be sent out to request the owner take over the maintenance of their land, as there are approximately 70 miles of pathway, much of which requires maintenance.

Trustee Such urged the Director of Engineering to notify residents before a major cutting occurs.

6. APPROVAL OF AGENDA — OR CHANGES

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

Clerk Helmbrecht moved to table Agenda Item #10A until the July 5th meeting. Seconded by Trustee Such.

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

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Trustee Brixie moved to adopt the Consent Agenda. Seconded by Treasurer Hunting.

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 Deliberation (BD)

- 7E-1 Robert Haines, 235 Wind-N-Wood Drive, Okemos; RE: Letter of resignation from the Land Preservation Advisory Board
- 7I-1 Vincent Lyon-Callo, PhD, 4112 Hulett Road, Okemos; RE: Non-motorized traffic design plan for Hulett Road
- 9B-1 Michael A. Zakhem, 2645 Greencliff Drive, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development)
- 9B-2 Michael Karagoulis, 2177 Heritage Avenue, Okemos; RE: Opposition to Rezoning

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- #05010 (Capstone Development)
- 9B-3 Christine Goodrick Beavers, 5125 Brookfield Street, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development)
- 9B-4 Sally Sproat, 4087 Breakwater Drive, Okemos; RE: Opposition to Rezoning #05010 (Capstone Development)
- 9B-5 John J. Hood, Principal, Wardcliff Elementary School,. 5150 Wardcliff Drive, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development) and PUD #05034 (Capstone Development)
- 9B-6 Deborah Baughman, President, Okemos Public Schools Board of Education, 4406 N. Okemos Road, Okemos; RE: Opposition to Rezoning #05010 (Capstone Development) and PUD #05034 (Capstone Development)
- 9B-7 Molly Wingrove, 2649 Melville Drive, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development) and PUD #05034 (Capstone Development)
- 9B-8 David E. Pierson, McClelland & Anderson, 1305 South Washington Avenue, Suite 102, Lansing; RE: Rezoning #05010 (Capstone Development) and PUD #05034 (Capstone Development)
- (2). Board Information (BI)
- BI-1 Richard A. Harrington, 820 Piper Road, Haslett; RE: June 8, 2005 Zoning Board of Appeals Hearing
- BI-2 Tim Potter, 4632 Van Atta Road, Okemos; RE: Condition and maintenance of pathways in Meridian Township
- BI-3 Marvin J. Matson, 3665 Autumnwood Lane, Okemos; RE: Proposed special assessment for sidewalk replacement at 3665 Autumnwood Lane
- BI-4 Leonard J. Savitskie, 2308 W. Grand River, Okemos; RE: Rezoning of property located at 2308 W. Grand River Avenue
- BI-5 Michigan Townships Association, 512 Westshire Drive, Lansing; RE: Invitation to attend Establishing Linkages With the Community Workshops on August 18, 23 or 25, 2005
- (3) Regional Linkage (RL)
- RL-1 Rick Schramm, Land and Water Management Division, Department of Environmental Quality (MDEQ), State of Michigan, PO Box 30242, Lansing; RE: Notice of Public Hearing to construct a bridge, install a water main and detention ponds with outfalls to the Hannah Drain and the Red Cedar River on July 6, 2005 at 7:00 P.M. in the Meridian Township Hall
- RL-2 David J. Sonnenberg, Director of Traffic & Safety, Ingham County Road Commission, PO Box 38, Mason; RE: Notice of public information meeting to discuss proposed closing at the west end of Hamilton Road at Grand River to be held on July 14, 2005 at 7:00 P.M. in the Austin E. Cavanaugh Administration Building in Mason
- (4). Staff Communication/Referral (SC)
- SC-1 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
- SC-2 Letter from Director Kieselbach; RE: Commissioner Review #05083 (Township Board), Sower Family Partnership Land Purchase
- SC-3 Michigan Townships Association Legislative E-Report June 3, 2005 Edition
- SC-4 Michigan Townships Association Legislative E-Report June 10, 2005 Edition

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

Materials received at the June 7, 2005 Meeting

E-mail from Craig Thiel; RE: attached communication from Tricia Keith relative to the "no" vote explanation at the EDC meeting on a DDA recommendation to the Board for the Okemos Village area

E-mail from Ronald F. Burch, Jr., RE: Formation of a DDA in the Okemos Village area

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 Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, 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 June 7, 2005 Regular Meeting as submitted. Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, 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	\$ 398,749.82
Public Works	\$ 385,432.82
Total Checks	\$ 784,182.64
Credit Card Transactions	\$ 12,968.57
Total Purchases	<u>\$ 797,151.21</u>
ACH Payments	<u>\$ 278,561.18</u>

Seconded by Treasurer Hunting.

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. Temporary Staffing Increase

Trustee Brixie moved to approve a temporary increase in staffing levels in the Accounting & Budgeting Department for a period not to exceed 60 days. Seconded by Treasurer Hunting.

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

E. Resignation and Appointment to the Land Preservation Advisory Board

Trustee Brixie moved to accept the resignation of Robert Haines from the Land Preservation Advisory Board and approve the appointment of Steven Webster of 1985

Cimarron Drive, Okemos, MI 48864 to fill the vacancy until the term expires on December 31, 2007. Seconded by Treasurer Hunting.

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

- F. Appointment to Fill Vacancy on the Assessing Board of Review
Trustee Brixie moved to approve the appointment of Jacqueline Foss of 2353 Sapphire Lane, Okemos, MI 48864 to fill the vacancy on the Board of review for a term to expire on December 31, 2006. Seconded by Treasurer Hunting.

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

- G. Marshall Fields Grant for Child Safety Seats
Trustee Brixie moved to accept grant funds when authorized by Marshall Fields and to purchase car safety seats. Seconded by Treasurer Hunting.

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

- H. Resolution for Mutual Aid Agreement for Fire Services with Northeast Ingham Emergency Service Authority (N.I.E.S.A.)
Trustee Brixie moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Meridian, Ingham County, Michigan, does hereby approve the attached Mutual Aid Agreement between the Northeast Ingham Emergency Service Authority and the Charter Township of Meridian, and authorizes and directs the Township Supervisor, and Clerk to execute, and enter into said Agreement on behalf of the Township. Seconded by Treasurer Hunting.

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

- I. Set Pubic Hearing Date for Adding Hulett Road Study, Off-Road Pathway Recommendations to the Pathway Master Plan (July 19)
Trustee Brixie moved to set the date for a public hearing on July 19, 2005 to hear comments regarding addition of off-road pathways in the Hulett Road/Bennett Road/Jolly Road area to the Pedestrian/Bicycle Pathway Master Plan. Seconded by Treasurer Hunting.

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 # 11A)

9. HEARINGS

A. Wetland Use Permit #05-02 (Okemos Preserve)

Supervisor McGillicuddy opened the public hearing at 6:43 P.M.

Director Kieselbach summarized the wetland use permit application as outlined in staff memorandum dated June 16, 2005.

- Applicant

Bob Schroeder, 644 Aquila Drive, East Lansing, stated he realized there was a sensitivity in the drainage in this area. The Ingham County Drain Commissioner (ICDC) wanted the pre- and post-development flow of water in and through the wetland to be at approximately the same rate.

Mr. Schroeder added water from the alleyways flow into a small swale which will clean and slow the water prior to going into catch basins. The roads have been sloped towards the islands, so water will be discharged into a pretreatment area. A device will be placed at the base of the wetland to control the rise in water during flood conditions.

Mr. Schroeder noted the neighborhood park will have a swale around the edge to retain the water, which will then be placed in a yard catch basin, discharged into a pretreatment and then released. Post development volume of water will be approximately half of the pre-development water and the rate will decrease by seventy percent (70%).

Treasurer Hunting inquired if the ICDC was aware of the calculations.

Mr. Schroeder responded he had just spoken with the Drain Commissioner outside of the room.

Supervisor McGillicuddy stated a total drainage site plan was recommended and asked the developer if that would be done.

Mr. Schroeder stated the site plan has already been completed.

Supervisor McGillicuddy expressed concern over the wooded wetland and wanted to see the oak trees preserved. She asked Mr. Schroeder about Mr. Gear's concern that he will have the water draining onto his property to the south.

Mr. Schroeder responded that utilizing on site Wetland B to slow and detain the wetland would be the only water being put into the wetland. The pond outlet goes into the road ditch which is lower than the wetland; hence the water would go into the wetland only during high water or flooding events.

- Ingham County Drain Commissioner

Ingham County Drain Commissioner Pat Lindemann stated a large amount of hard work has gone into fitting unique characteristics into the drainage that have not been done before.

He noted that wetland area B will realize no increase in water as the water from the surrounding land will be diverted around the wetland. The road ditches are lower than the wetlands and the ICDC is currently in discussion with the Park Commission to make the water course across the park a county drain to address the effect of land across the street.

Drain Commissioner Lindemann added that the first flush basins will hold and clean the first flush of water off the sub watershed and provide flow back to the wetland. Out of the design and plan submitted from the developer to the ICDC, the only question he had was the impact to the existing wetland in the southeast corner. He is satisfied that the information submitted regarding the rates and quantity of flow address the concerns of the Board and the Environmental Commission. To guarantee that result, he will require the developer to modify the swale around the commons area to accommodate rain gardens. These rain gardens will also aid in retaining water and ensuring another layer of purification added to the water before it travels into the wetland.

- Public
John Anderson, 215 W. Newman Road, Okemos, spoke to Board action by an earlier rezoning of this land.

Supervisor McGillicuddy closed the public hearing at 7:06 P.M.

- B. Rezoning #05010 (Capstone Development), request to rezone approximately 9.94 acres from C-2 (Commercial) and RX (One and Two-Family Residential) to RC (Multiple Family Medium-Density) at 2756 Grand River Avenue

Supervisor McGillicuddy opened the public hearing at 7:06 P.M.

Director Kieselbach summarized the proposed rezoning as outlined in staff memorandum dated June 16, 2005.

Supervisor McGillicuddy asked if there had been a previous request for the property to be rezoned

Director Kieselbach stated the current use as a mobile home park was a non-conforming use and has been there for many years. Back in 1996, Home Depot looked at redeveloping the entire area, and part of the redevelopment included both Mobile Home Manor and University Village trailer parks. Stratford Place requested rezoning of the land on which University Village resided to RC. The most recent rezoning revolved around changing it all at that time to CS. Director Kieselbach indicated this is the first time there has been a request to rezone to residential.

Trustee Veenstra noted the zoning category on the map across from Wardcliff School is labeled RC. He suggested the Township initiate a rezoning to accurately reflect what is currently built there.

Treasurer Hunting asked Director Kieselbach how much RX acreage there was that was being requested to be upzoned to RC.

Director Kieselbach responded approximately 4.1 acres. He noted there were two zoning categories between RX and RC.

Treasurer Hunting inquired as to the current non-conforming density use on the 4.1 acres.

Director Kieselbach replied when the initial staff report was prepared, there were 89 units. Past records indicate 128 trailer pads were approved and 116 units existed. Currently there would be a density of 9 units/acre for the entire property. He indicated that would place the current use somewhere between RD and RC.

Treasurer Hunting noted the request to change the 5.5 acre portion from C-2 to RC would be considered a less intense use and had two zoning categories between them. He stated the reason he wanted to be specific about this was because he had heard this proposal characterized as being an upzoning, and that only applied to the 4.1 acres as opposed to the downzoning request for the remaining 5+ acres.

Trustee Veenstra noted the traffic count dropped ten percent (10%) from 2002 to 2003 and inquired what would account for this drop. He asked what time of year the traffic counts were conducted.

Director Kieselbach stated he would obtain that information and provide it to the Board.

Supervisor McGillicuddy stated the C-2 is awkwardly configured. She inquired as to how the decision was made to have such a small amount of C-2 on Grand River Avenue.

Director Kieselbach responded that the trailer park that was on the western portion and the current trailer park predates (circa 1940 and 1950) much of the Township's zoning categories. Most of the RC and RX did not come into place until 1960, and the C-2 was not created until 2001.

Trustee Veenstra stated the traffic consultant felt left turns into and out of the property would be hazardous. He questioned how it would be hazardous to make a left turn into the property.

Director Kieselbach responded it would be the stacking and the closeness of Northwind with a light.

- Applicant

John Vawter, Chief Operating Officer, Capstone Development, 431 Office Park Drive, Birmingham, Alabama, offered background on the impetus for initially pursuing this development. He gave a brief overview of the process to date.

David Pierson, McClelland and Anderson, 1305 S. Washington Avenue, Lansing, spoke to the development as the Township's first conditional rezoning request. He indicated what this conditional rezoning allows is that if the Board rezones the property to RC, the only development would be a PUD. History of this site revealed it has never conformed to either the use or the Comprehensive Development Plan designation. The transitional rezoning request would effectuate a step-down of the area.

Mr. Pierson added conditioning the rezoning on a PUD guarantees 50% open space on this property. He noted the one hundred (100) foot setback issue for the adjoining property to the west owned by George Tesseris.

- Public

John Scott-Craig, 5244 Wardcliff Drive, East Lansing, spoke against the rezoning, as he believed it was a simple density issue. He alleged the surrounding area consists of single-family on ¼ acre lots and would like to see the development follow the same density.

Mr. Scott-Craig also believed traffic would be a problem and the parking in the proposed development is inadequate. He expressed concern with parking issues for the adjacent neighborhood streets and was convinced the development would house college students.

David Finet, 5007 W. Columbia Road, Mason, believed RC zoning on the east side is more like the RX to the north. He felt the rezoning would force multiple problems onto the neighborhood.

Ed Robinson, 1523 Roseland Avenue, East Lansing, President of Brookfield Neighborhood Association, expressed concern that renters are moving toward Wardcliff as East Lansing is tightening up their rental licensing requirements. He believed the alleged inadequate parking would spill over into the surrounding neighborhoods and well as traffic.

Michael Hupp, 5177 Wardcliff Drive, East Lansing, believed the rezoning is too dense and the property should not be upzoned.

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to the rezoning request. He believed the Planning Commission's denial of the rezoning should be considered by the Board and the residential zoning should not be considered in the middle of a C-2 commercial zoning district.

George Tesseris, 2838 E. Grand River Avenue, East Lansing and property owner adjacent to the west of the subject site, expressed concern with the 100 foot sideyard setback requirement. He believed the property will be redeveloped in some fashion and urged the Board to protect his interest.

Fred House, 5190 Wardcliff Drive, East Lansing, spoke in opposition to the rezoning request as a segment of the neighborhood will be disenfranchised. He believed low income individuals should have a voice and an opportunity to be part of whatever happens on this land. Mr. House alleged the development will generate excessive amounts of traffic and create traffic problems for the Wardcliff neighborhood, especially during the school year.

Christiane Bushell, 5272 Timberlane, East Lansing, spoke to the possibility of increased accidents during inclement weather and requested a change in the ordinance to prohibit street parking at night.

Carl Harmon, 1924 Birchwood, Okemos, stated the “duplex zoning” allows for 8 dwelling units per acre which would give the developer 92% of what has been requested. The zoning requested gives the developer 162% of the units requested. If the project ultimately fails and another developer takes over, this rezoning would allow for more units to be built than currently requested.

Fred Svoboda, 2761 Roseland Avenue, East Lansing, believed the site should be developed as zoned.

Christine Beavers, 5155 Brookfield, East Lansing, spoke in opposition to the rezoning as she believed the Board could not dictate the type of residents who would live there.

Supervisor McGillicuddy closed the public hearing at 8:10 P.M.

- C. Planned Unit Development #05034 (Capstone Development), request for preliminary Planned Unit Development approval for a 139 dwelling unit project located on 9.94 acres at 2756 Grand River Avenue

Supervisor McGillicuddy opened the public hearing at 8:10 P.M.

Director Kieselbach summarized the PUD request as outlined in staff memorandum dated June 16, 2005.

- Applicant
John Vawter, Chief Operating Officer, Capstone Development, 431 Office Park Drive, Birmingham, Alabama, stated the development contains 43 two-story duplex units. He believed Capstone addressed the Wardcliff neighborhood’s concern regarding a road connection to the Wardcliff neighborhood.

Mr. Vawter added the units are being considered as condominiums so the grounds, landscaping and plowing will be handled by the homeowner’s association as well as the maintenance of the exterior of the buildings.

He noted a similar development in Turlock, California will be up for final approval on July 12th. He stated Capstone Development employs 900 individuals and has a diversified product mix.

Cathy Burcham, Tomie Raines, Inc., 4800 Okemos Drive, Okemos, handed out a packet of real estate information and explained data in support of the proposed Capstone Development

David Pierson, McClelland and Anderson, 1305 S. Washington Avenue, Lansing, noted that the development is not a mixed use planned unit development. The design is intended to promote for sale duplex condominiums.

Mr. Pierson indicated that there would be no connection with the subject site and the Wardcliff neighborhood other than a pedestrian connection for access to Wardcliff Elementary School.

Mr. Pierson added the redesign from 139 multistory building units to this design was to make the product saleable as a “for sale” product. He felt the \$1,200 “per bedroom” price would make it uneconomical for an investor to purchase them and rent them out to students.

- Board members discussed the following:
Trustee Veenstra asked for clarification regarding the number of units per acre.

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Director Kieselbach responded the minimum lot size for a duplex in the zoning ordinance is 11,000 square feet, so approximately 4 buildings per acre would be allowed. This would translate into 8 units.

- Public

Elizabeth LeGoff, 5189 Brookfield Drive, East Lansing, opposed the proposed development, stating she believed when Cedar Village closes, this property will become student housing.

Michael Hupp, 5177 Wardcliff Drive, Okemos, spoke in opposition to the PUD as he believed it was not the right development for this property. Mr. Hupp stated the development is not consistent with the neighborhoods to the north, east and northwest. He noted parking and traffic issues would present safety issues for the children in the Wardcliff area.

Molly Wingrove, 2649 Melville Drive, East Lansing, spoke in opposition to the proposed development as she believed the proposal was not appropriate for the site and would be rental units for college and university students.

John Hood, Principal, Wardcliff Elementary School, 5150 Wardcliff Drive, spoke to the change which would best fit the long term vision for the Wardcliff neighborhood and school. He expressed a safety concern for the students walking to Wardcliff Elementary School as it related to traffic flow. Mr. Hood was also concerned the residents of this proposed development would use the Wardcliff Elementary parking lot for overflow parking.

David Finet, 5007 W. Columbia Road, Mason, spoke to the fact that the development shows one bathroom for every bedroom which is indicative of student housing, not family homes.

Fred House, 5190 Wardcliff Drive, East Lansing, voiced objection to the proposed project, stating the development does not have to be the only option.

Jeff Theuer, 4097 Breakwater Drive, Okemos, pointed to a letter in the Board packet from the Okemos Board of Education in opposition to the proposed development, believing the area is a critical at-risk neighborhood.

Barney Fenn, 2767 Brentwood, East Lansing, spoke in opposition to PUD #05034, as Capstone develops on and off campus housing. He stated the garages shown on the map were an optional feature and did not have to be included. Mr. Fenn also expressed concern with the close proximity of Tom's Party Store to the proposed development.

Cyndi Garza, Division President, Charter Funding, 2090 Jolly Road, Suite 100, Okemos, spoke in support of the Capstone Development, outlining facts, as a lender, in looking at a mortgage which would apply to this project.

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to PUD #05034, stating the problem with the project is that it is too close to Michigan State University.

Dave Bath, 6975 Foster, Haslett, spoke in favor of the PUD, and felt the development would assist in the prosperity of nearby businesses.

Carl Harmon, 1924 Birchwood, Okemos, spoke to the moral measure of the community in speaking on behalf of those individuals who cannot defend themselves.

Supervisor McGillicuddy closed the public hearing at 9:19P.M.

[Supervisor McGillicuddy recessed the meeting at 9:19 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 9:30 P.M.]

D. 2005 Order to Maintain Sidewalks, SAD #7

Supervisor McGillicuddy continued the public hearing held open from June 7, 2005.

Director Severy outlined the proposed SAD as outlined in staff memorandum dated June 16, 2005.

Supervisor McGillicuddy closed the public hearing at 9:35 P.M.

- E. 2005 Order to Construct Sidewalks, SAD #3
Supervisor McGillicuddy opened the public hearing at 9:35 P.M.
Director Severy outlined the proposed SAD as outlined in staff memorandum dated June 16, 2005.

Supervisor McGillicuddy closed the public hearing at 9:37 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

- B. Rezoning #05030 (South Whitehills & Wu), request to rezone approximately 14 acres located at the Northwest corner of Lake Lansing and BL-69 from RR (Rural Residential) to RAA (Single Family-Low Density) **Final Adoption**
Trustee Brixie 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. 2005-06 entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #05030” RR (Rural Residential) to RAA (Single Family-Low 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 Such.

Board members discussed the following:

- Total number of units being proposed
- Previous discussion concerning sight distance for left turn on possible new road which would intersect Lake Lansing Road
- Exit on Lake Lansing Road
- Consistent with both the 1993 and 2005 Master Plan

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

NAYS: None

Motion carried 6-0.

- C. Authorization to Purchase Foreclosed Properties
Trustee Such moved [and read into the record], NOW THEREFORE, BE IT RESOLVED the Township Manager is authorized to make application to the Michigan Department of Treasury, Property Services Division for conveyance of said land to the Charter Township of Meridian; and

FURTHER BE IT RESOLVED the Township Board of the Charter Township of Meridian shall set up necessary procedures and control to provide for the proper distribution for funds arising from the subsequent sale of the acquired property in conformity with the above mentioned act.

Seconded by Trustee Brixie.

Board members and staff discussed the following:

- Inclusion of Park Commission recommendation for purchase of only parcel 33-02-02-25-251-010
- Parcels 33-02-02-09-202-001 and 33-02-02-09-202-009 (Sleepy Hollow lots) would not be used as a pocket park
- Open space value weighed as it relates to maintenance and possible assessment of utilities
- Consideration should be the value of the property to the Township

Trustee Brixie offered the following friendly amendment:

- **Include Parcel 33-02-02-17-476-004**

The amendment was accepted by the maker.

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

D. 2005 Order to Maintain Sidewalks, SAD #7, Resolution #3

Trustee Brixie moved to approve 2005 Order to Maintain Sidewalks Special Assessment District #7, Resolution #3, approving Hiawatha Lakes, Hiawatha Lakes #2, Hiawatha Lakes #3, Hiawatha Lakes #4, Hiawatha Lakes #5, Hiawatha Lakes #6, Hiawatha Lakes #7, Hiawatha Lakes #8, Spring Lake, Spring Lake #2, Spring Lake #3, Spring Lake #4, Spring Lake #5, Spring Lake #6, Spring Lake #7, Spring Lake #8, Spring Lake #9, Hidden Valley #4, Trails at Lake Lansing #3, Sundance Estates, Sundance Estates #2, Sundance Estates #3, Sundance Estates #4, Sundance Estates #5, Woods of Heron Creek, and Woods of Heron Creek #2, defray the cost by special assessment; approving the estimate of cost of \$15,664.95; determining the special assessment district; and authorizing notices be sent to the property owners giving 20 days notice to replace defective sidewalk.

Seconded by Trustee Such.

Board members discussed the following:

- Attachment of special assessment in the Board packet

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

E. 2005 Order to Construct Sidewalks, SAD #3, Resolution #3

Trustee Such moved to approve 2005 Order to Construct Sidewalks Special Assessment District #3, Resolution #3, approving the public improvement to construct the sidewalk at 6080 Carriage Hill Drive, located in Section 6, Meridian Township; defray the cost by special assessment; approving the estimate of cost of \$13,000.00; determining the special assessment district; and authorizing notices be sent to the property owner giving 60 days notice to construct the sidewalk.

Seconded by Trustee Brixie.

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

- F. Resolution Supporting Roadway Designs Recommended in the Hulett Road Study
Trustee Such moved to approve the ‘Resolution Supporting the Recommendations from the Hulett Road Non-Motorized Traffic Design Workshop’, which endorses the recommendations in the consultant’s report concerning items within the traveled roadway and requests the Ingham County Road Commission to review and consider implementation of the recommendations that impact public roads.

Seconded by Trustee Brixie.

Board members discussed the following:

- Resolution addresses the recommendations under the control of the Ingham County Road Commission (i.e., width of road, three lane cross section)
- Inclusion of traffic calming devices within the recommendations
- Items within the road right of way
- Off road pathways and the pathway on the east side of Hulett Road not included in this resolution

Trustee Such offered the following amendment:

- **Insert after “consultant’s report” the wording “concerning items within the traveled roadway”**

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.

Carl Harmon, 1924 Birchwood, Okemos, stated that going back to 8 units per acre would affect the developer, but he would get 92% of what he has requested. He felt when the project was built, it would only affect the pricing by one percent (1%).

Supervisor McGillicuddy closed public comment.

Without objection, the Board agreed to discuss Agenda Items #11A and #11B simultaneously.

- A. Rezoning #05010 (Capstone Development), request to rezone approximately 9.94 acres from C-2 (Commercial) and RX (One and Two-Family Residential) to RC (Multiple Family Medium-Density) at 2756 Grand River Avenue

Possibility of development as student housing: (Questions for the Attorney (See Agenda Item #8))

Q. A lot of the residents mentioned students and that they viewed this PUD as student housing. Is that anything we are allowed to use? It sounds prejudicial to me to make a decision on whether or not students would be living there.

A. The standards that you apply in determining the rezoning and the PUD are those stated in the ordinance; those that you use for all of our rezonings and PUD’s. I don’t believe that any of those standards include review of who is going to live there, whether it be single families, parents with children, elderly, no children or a student.

Q. What about stipulating, and I don’t know if it would be in the covenants or wherever it might be, that none of these will ever be eligible for a rental license. Can you do that because rental license is in the ordinance?

A. Because we are talking about the first conditional rezoning review, which is in front of the Board today, potentially that could be a part of the discussion. Although, because conditional zonings have not been

tested and this is new ground you are moving into, it wouldn't be my recommendation that you add that kind of limitation at this point as it is entirely untested. Generally, it's been a recommendation to not limit any kind of rezoning or PUD to a specific type of ownership unless they want to market it as owner occupied. But its been our recommendation to not limit it to a specific type of person owning it.

- Q. Wasn't the intent of the state law to allow us to put certain conditions around the development of a property and connect that to the zoning?
- A. The intent of the law is for the developer or whoever is making the request to come to the Board with conditions and then the Board looks at those conditions to determine if it makes the rezoning request more amenable or favorable to the Township.
- Q. So, with regard to these stipulations, the ball is really in the developer's court rather than ours. It is not really our position to say here is a list of things we want. It is up to them to come back to us with a proposal they think we will accept and it increases the chance we'll approve the zoning.
- A. That's correct. The law is very short and very limited. It does not go into how far the Board can go as far as conditions, but it does make it clear that conditions are presented in writing by the applicant.

Board members discussed the following:

- Condominium associations and developers can initially determine bylaws and conditions of a condo development, some of which can designate percentage of rental units at any one time within the development
- Presentation of the bylaws by the developer early in the process for potential purchasers
- Setbacks are design standards in a conventional zoning waived in the PUD to allow flexibility of the design as determined by the Board for each property
- Some of the parking area restricted and posted as fire lanes
- Parking to be allowed on one side of the streets
- Number of parking spaces required for the 86 unit development as two (2) per unit
- Length of the driveways in order to cars not to block the sidewalks
- PUD ordinance states size as a minimum of 200 square feet
- Inside of the garage counts as a parking space
- Each unit has a one car garage
- Rezoning request is inconsistent with the Master Plan's Future Land Use Map
- Rezoning request is not consistent with the ordinance
- Rezoning request is not consistent with the Master Plan
- Expressed community concern that project is not compatible with all the surrounding uses
- Community belief there is a lack of demonstrated community need
- Belief there is a community need for duplex condominiums
- Aversion to driving past commercial as the driveway to residential
- No presented facts to support belief this would be student housing
- Traffic generated by proposed development would not cut through residential areas to reach Grand River Avenue
- Development would promote Township goal of a walkable community
- Affect of this proposal on the natural environmental

Association members' right to change bylaws: (Questions for the Attorney (See Agenda Item #8))

- Q. If the applicant brings the Board some bylaws for the association, wouldn't the residents of the condominium association have the right to change their own bylaws? If seventy percent (70%) of the residents that lived in the association wanted to rent to someone else, don't they have the right to change their own laws?
- A. They do. Let's take one step back. Again, this is unchartered territory so any kind of condition that would be offered by the developer, and approved by the Board, involving this rezoning has not been tested. We don't know if eventually there will be a decision that comes down from the court saying that

you can't go that far. Let's say there was a decision made by the Board where the developer said it would have the bylaws put into place and it goes into some type of agreement. Part of that would be, if the condition changed, the developer would no longer have the zoning. These conditions need to be met. You can place a period of time in the approval; you do not need to put a period of time as to when the conditions go away. If the conditions are not continued, that zoning would no longer exist.

This is not a procedure anyone has used yet, but I would assume it would come back to the Board, the Board would make a recommendation on Board initiation to rezone it back to what it was before because the developer is not in compliance with what was agreed. Again, it is unchartered. At this time, I wouldn't suggest going that far because it is unknown, but potentially could be something that was offered and considered.

Garages as an option of the development: (Questions for the Attorney (See Agenda Item #8))

- Q. There was some discussion that garages were optional in the plan. If the developer was to state to us that each one will have a garage; that they aren't optional, that would be conditioned on the plan?
- A. Yes, that could be a condition of the plan. My understanding is that the condition right now is that it is limited to being developed as a PUD. I believe that is the way the condition is stated. The PUD has to be approved by the Township, so if the agreement was here is the PUD, and the PUD involves these garages, and everyone has to have one, that is part of the agreement. The PUD is wrapped up in the rezoning, and anything that is approved in the PUD has to be approved by the Township.

Setbacks for a PUD: (Questions for the Attorney (See Agenda Item #8))

- Q. Because this is a PUD, does the developer have to offer setbacks to us?
- A. No, my interpretation is that every single thing in the PUD does not have to be offered by the developer and approved by the Township. The Township is still looking at the PUD to make a determination of what is harmonious, what works on this development parcel. The concept of the PUD itself is part of the rezoning, so they need to be done together, at the same time, not approval of the rezoning and PUD without approving the PUD itself. That is why you are having two (2) public hearings; that's why you are discussing it at the same time.

Restriction of purchasers: (Questions for the Attorney (See Agenda Item #8))

- Q. There was talk about parents buying the units. There's no way that we can restrict who is buying these, and whether or not they are letting their children live in them, is there?
- A. No, I don't see a way to tell a parent they can't allow their children to live in them. Although I did hear a statement earlier something to the effect that the rental ordinance doesn't limit the number, I do believe the rental ordinance clearly limits the number of people that can reside there, and how they are or are not related. I work with the Planning Department in enforcing those and answering questions, and I know that they are trying to enforce that ordinance.

Standards used for rezoning: (Questions for the Attorney (See Agenda Item #8))

- Q. There was a comment made about it not being family friendly, but virtue of the number of bathrooms. Would that be reason to restrict it?
- A. No, that is not one of the standards used to decide if it appropriate to rezone. I am not sure what is negative about having more bathrooms.

The consensus of the Board was to have staff prepare motions for action at the July 19th Board meeting.

- B. Planned Unit Development #05034 (Capstone Development) request for preliminary planned unit development approval for a 139 dwelling unit project located on 9.94 acres at 2756 Grand River Avenue
- C. Sign Ordinance
Without objection, the Board agreed to delay discussion until the July 19th Board meeting.

D. Wetland Use Permit #05-02 (Okemos Preserve)

Board members discussed the following:

- Developer and Drain Commissioner working together on this project
- Well designed drainage system will prevent flooding of basements
- Basement floors required to be above the floodplain
- Applicant's consultant and the Township Environmental Consultant's response to the ICDC's change in the drainage system
- Protection of trees in southeast corner
- Concern that drainage system will dry out the wetland

The consensus of the Board was to place this item on for action at the July 5th Board meeting.

E. Street Light District Consolidation, Spring Lake and Hiawatha Lake

The consensus of the Board was to place this item on the July 5th consent agenda to set a public hearing.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Dave Bath, 6975 Foster, Haslett, spoke to similar fears expressed over student housing when the City Center at MAC and Albert in East Lansing was proposed. He indicated there is a very small percentage of students who live in the development, which is mostly married couples with small and high school aged children. He also pointed to the older homes in the Wardcliff neighborhood which have one car garages with a driveway leading to it.

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 11:16 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary