

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, NOVEMBER 18, 2003, **6:00 P.M.**

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

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:01 P.M.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy announced Boy Scout Troop #109 was in attendance. Boy Scout Patrick Cruitt led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Will White, 4695 Okemos Road, Okemos, spoke in opposition to Comcast deleting the Detroit PBS channel from its lineup. He also spoke in support of the Appeal of SUP #03021 (Fineout).

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee Such asked the Township Manager to apprise Board members of the status of the one million dollars appropriated for roadwork in the Township in light of discussion on possible revenue sharing cuts. He added it is a policy decision of the Board on where to make cuts if they become necessary and stated he is not in favor of reducing police and fire services.

Township Manager Richards responded that the money has been spent and the roads have been paved.

Clerk Helmbrecht voiced her concern regarding possible revenue sharing cuts. She indicated the Board should look at other areas of the budget for potential reductions before considering police and fire services.

Trustee Brixie inquired, given the Emerald Ash Borer situation and the prohibition of transporting firewood out of the county, if consideration should be given to modifying the Township's burning ordinance to allow citizens to dispose of infected wood in that manner.

Supervisor McGillicuddy stated that burning wood inhabited by the Emerald Ash Borer would require a change in the Township's existing Code of Ordinances. Chipping the infected wood into pieces less than one inch effectively alleviates the insect problem. Alternatives other than burning the wood need to be explored first.

Supervisor McGillicuddy announced December 10th is Meridian Township's night at the Potter Park Zoo Festival of Lights beginning at 5:30 P.M., and encouraged residents to attend this fun-filled event.

A. Treasurer's Report

Treasurer Hunting summarized current fixed mixed investments by fund, non-fixed investments,

collections and distributions. He also announced winter tax bills will be mailed out by December 1, 2003, which will be due no later than February 16, 2004.

- B. Boards and Commissions Appointments
Supervisor McGillicuddy announced current vacancies to various Boards and Commissions and encouraged residents to apply.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Brixie moved to approve the agenda amended as follows:

- **Reletter Whispering Oaks Amended Streetlighting District from Agenda Item #11D to Agenda Item #11A**
- **Reletter the remaining Discussion Items in alphabetical order accordingly**

Seconded by Clerk Helmbrecht.

VOICE VOTE: 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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 Information (BI)

- BI-1 Ock Derosé, Dream Lake Condominium Board of Directors, Midwest Management Company, 5215 Jolly-Cedar Court, Lansing; RE: Request for construction of a pathway along West Hidden Lake Drive from Bear Lake Drive to Golden Circle
- BI-2 Michael G. Woodworth, Hubbard, Fox, Thomas, White & Bengtson, 5801 West Act/Hulett/Bennett Road Roundabout
- BI-3 William White, 4695 Okemos Road, Okemos; RE: *Small Town Design Initiative* Pamphlet, produced by Michigan State University Extension
- BI-4 Gary Shoup, 2440 Graystone Drive, Okemos; RE: Granting of variances for lakefront property
- BI-5 Kathy Bush, 6052 Columbia Street, Haslett; RE: ZBA Case No. 03-10-29-2
- BI-6 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Rezoning #03060 (G.S. Fedewa Builders)
- BI-7 Mike Swartz, 4539 Nakoma Drive, Okemos; RE: Deletion of PBS channel from Comcast's lineup for Meridian Township
- BI-8 The Michigan Townships Association, 512 Westshire Drive, Lansing; RE: *Capitol Currents* November, 2003 Issue

(2). Regional Linkage (RL)

- RL-1 John W. Midgley, Managing Director, Ingham County Road Commission (ICRC), 301 Bush Street, Mason; RE: Response letter to John Anderson relative to traffic at the Okemos/Jolly Road intersection
- RL-2 Richard Wright, Capital Area Rail Council (CARC), 4615 Tranter Avenue, Lansing; RE: Governance Changeover to Capital Area Transportation Authority

(3). Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative Fax October 31, 2003 Edition
- SC-2 Michigan Townships Association Legislative Fax November 7, 2003 Edition
- SC-3 Memorandum from Mark Kieselbach,, Director of Community Planning & Development and Troy Langer, Senior Planner, to the Township Board; RE: Request by Martha Mertz to waive variance application fee

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 Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, 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 November 6, 2003 Regular Meeting as submitted. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, 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	\$ 378,527.43
Public Works	\$ 193,067.80
Total Checks	\$ 571,595.23
Credit Card Transactions	\$ 11,504.80
Total Purchases	<u>\$ 583,100.03</u>
ACH Payments	<u>\$ 252,297.59</u>

Seconded by Clerk Helmbrecht.

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. Authorization to Add Delinquent Payment to the Tax Roll

Trustee Such moved to assess the charges identified attached in the staff memorandum dated November 18, 2003 for delinquent Special Assessments, Utility Bills, Lot Mowing, and False Alarms as a tax lien against the subject properties, as authorized by Sections 51-5, 92-6, 98-2, 11A-4.7 and MCL 41.728. Seconded by Clerk Helmbrecht.

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

E. Johnson Indian Island Sanitary Sewer Special Assessment District #48, Resolution #3

Trustee Such moved to approve Johnson's Indian Island Sanitary Sewer Special Assessment District #48, Resolution #3, which approves the construction of 500 L.F. of 2"

sanitary sewer force main along an easement within Johnson's Plat of Indian Island from the existing sanitary main to service four parcels located in Lot 11, Johnson's Plat of Indian Island; approves the plans and estimate of cost in the amount of \$16,000; declares the petition sufficient; determines the special assessment district; and directs the Supervisor to make a special assessment roll and affix a certificate to the completed special assessment roll.

Seconded by Clerk Helmbrecht.

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]

8. QUESTIONS FOR THE ATTORNEY (See Agenda Items # 9B, #11B)

9. HEARINGS

A. Whispering Oaks Amended Streetlighting District
Supervisor McGillicuddy opened the public hearing at 6:21 P.M

Director Severy introduced the proposed streetlighting district as outlined in staff memorandum dated November 13, 2003.

PUBLIC

Dennis Sergent, 4591 Mistywood Drive, resident of Whispering Oaks Subdivision and a member of the Whispering Oaks Homeowners Association Board, spoke in support of the Whispering Oaks Amended Streetlighting District for the following reasons:

- Personally addressed concerns of residents living on the cul-de-sac by circulating a petition
- Only three (3) residents in the lighting district did not sign petition
- Additional streetlight will alleviate darkness on the cul-de-sac as a matter of safety

Chris Nugent, 4563 Mistywood Drive, spoke in support of the streetlight amendment for the following reasons:

- Dangerous condition of the cul-de-sac due to lack of lighting
- Safety measure for the neighborhood children

Supervisor McGillicuddy closed the public hearing at 6:25 P.M.

B. Appeal of SUP #03021 (Fineout), request to convert a residential dwelling at 2080 Hamilton Road to a Non-Residential Use in a Residential District (Clinic)
Supervisor McGillicuddy opened the public hearing at 6:25 P.M.

Director Kieselbach introduced the Appeal of SUP #03021 (Fineout) as outlined in staff memorandum dated November 14, 2003.

APPELLANT & APPLICANT

Mark Fineout, 4612 Okemos Road, stated the reasons for the appeal as follows:

- He intends to convert the structure to a clinic by adding 939 square feet
- Conversion would meet the sideyard setback requirements
- Installation of twelve (12) parking spots meets requirements of the ordinance
- Site better suited for non-residential use due to traffic
- Site run-off capacity of 2625 square feet meets and exceeds the engineer's requirement
- Impervious coverage of 60% far below the 75% calculated allowance
- Location of existing drive access lrecommened by Ingham County at time of roundabout installation
- Structure designed and scaled to fit into the neighborhood
- Photographs show other converted homes to office or non-residential use adjacent to residential

- areas within close proximity of the proposed SUP site
- Recommendation for SUP condition to limit the type of human care occupation within this structure as a dentist office

PUBLIC

Eleanor Luecke, President, LINC, PO Box 40, Okemos, spoke in opposition to the appeal for the following reason:

- Support for the reasons contained in the Planning Commission's denial

John Anderson, 215 W. Newman, Okemos, spoke in opposition to the appeal for the following reasons:

- Health and safety concerns
- Inappropriate use due to traffic

BOARD DISCUSSION

Trustee Brixie asked if this property was developed under RC, what would be the maximum amount of parking allowed.

Director Kieselbach responded if the structure was renovated for the maximum of five (5) units, there would be two (2) spaces per unit. A twenty five percent (25%) expansion at a future date would allow for an additional two (2) spaces, bringing the total to twelve (12) parking spaces.

Trustee Brixie asked for the approximate size of the footprint of the five (5) units.

Director Kieselbach stated the ordinance indicated efficiencies are a minimum of 350 square feet. It could be a two story structure with units on each floor.

Trustee Brixie interjected that she wanted to know if the applicant could construct a building larger than the one currently proposed.

Director Kieselbach stated that depending upon the unit size, something larger could be proposed.

Trustee Brixie inquired as to the accuracy of the applicant's statement that the proposed site meets the pervious requirements.

Director Kieselbach answered that he believed it was.

Trustee Brixie asked if landscaping and/or islands were required in a parking lot of this size.

Director Kieselbach responded unless the Board placed this requirement in the SUP as a condition for approval, landscaping and/or islands would be addressed during the site plan review process.

Trustee Brixie asked if perviousness could be placed as a condition within the special use permit.

Director Kieselbach answered it would be an appropriate action if there were written reasons why the condition was being placed and the effect the condition had on the SUP.

Trustee Brixie inquired if the property currently has a rental license.

Director Kieselbach responded in the affirmative.

Trustee Stier inquired as to the minimum number of dwellings units on this site.

Director Kieselbach answered it would be a minimum of a duplex or three units, however single family is not allowed in the district.

Trustee Stier asked if the current 1,200 square footage includes both stories.

Director Kieselbach stated that it does.

Trustee Such asked if a clinic and residence is currently allowed in the same building on a piece of property such as the one before the Board.

Director Kieselbach responded the ordinance does not currently allow for that type of mixed use.

Supervisor McGillicuddy asked for confirmation of a resident's statement that the Planning Commission looked to change this site to a RB zoning category.

Director Kieselbach noted the 1993 Comprehensive Development Plan has this area designated for commercial development. The Planning Commission was looking at changing it on the future land use map, but he would need to reference his records for the exact residential category.

Supervisor McGillicuddy asked if properties across the street and to the south, which are designated single family, are used as rentals or as single family.

Director Kieselbach answered there is a large condominium project, three (3) rentals, a three (3) or four (4) unit condominium project and a large condominium project that goes back towards the river. There are a few owner occupied single family units that are used as single family units.

Trustee Stier inquired if this property was to be designated residential, whether it would encounter less traffic than if it was designated for a clinic.

Director Kieselbach stated that single family or duplex residential use typically generates less traffic than a clinic use.

Treasurer Hunting inquired as to traffic comparison if this site was developed as zoned (up to five units).

Director Kieselbach responded that an apartment typically generates seven (7) trips per unit while a single family home generates ten (10). With the potential for up to five (5) units, that could equate to 35 trips per day. The estimated trips for the clinic would be 68 trips per day.

Clerk Helmbrecht indicated her calculation, assuming an occupancy of one dentist and using the 68 trips per day, resulted in 8.5 patients per hour. She believed that number to be unrealistic.

Director Kieselbach answered that the figures come from the Institute for Transportation Engineers Manual based on two (2) studies with much larger sites. That was the only data available to compare possible trip generation

Clerk Helmbrecht asked if there was any information available which distinguishes between high and low turnover.

Director Kieselbach stated that the only available information in the manual was peak hours based on the number of employees or number of doctors.

Supervisor McGillicuddy pointed to the staff memorandum and noted the review stated the current structure doesn't meet any of the setbacks from the road and is, therefore, non-conforming. She inquired if the same would hold true for a clinic.

Director Kieselbach answered that the applicant would need to go to the Zoning Board of Appeals for a variance for the addition regardless of its use.

Treasurer Hunting stated the applicant asserted his proposal is forty percent (40%) impervious and sixty percent (60%) pervious. Assuming variances were granted, he asked how much of the four-tenths of an acre could be covered over and made impervious if it was developed as currently zoned.

Director Kieselbach answered the RC zoning would require thirty-five percent (35%) as open space. The project before the Board is proposing forty percent (40%).

Clinic Personnel: (Agenda Item #8 (Questions for the Attorney))

Q. Is there a way to legally limit the number of staff personnel if this site were developed as a clinic?

A. It would be difficult to enforce. As Mark said, if you can relate a condition to the necessity for the health and general welfare of the citizens or any other requirement that is listed in the Zoning Act of your ordinances, you can put on a condition. I thought I understood there was something in the request for two (2) doctors.

Director Kieselbach added that under our definition of clinic in the ordinance, it is a group of physicians or those that are licensed to provide human care. It would have to be at least two (2). It could not be a single doctor, dentist or single practitioner of some sort.

Definition of Clinic: (Agenda Item #8 (Questions for the Attorney))

Q. Under our definition of clinic as I understand it, it is two (2) licensed persons. If you had a dentist and two dental hygienists who are also licensed, would that be three (3) people making up this "clinic?"

A. If that is what the definition states. It is not the definition I see here in the Code of Ordinances. Does it say licensed, Mark?

Director Kieselbach answered by reading the following language from the ordinance, "...establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions."

Attorney Ditschman added that the ordinance does not specially have language about licensing.

Potential Occupation(s) included in the term "similar professions": (Agenda Item #8 (Questions for the Attorney))

Q. Would a dental hygienist fall into that category?

A. I would think so.

Treasurer Hunting stated that he was unsure if there was history or past practice on the last question regarding dental hygienists. He requested that the issue be researched to ascertain clear direction for future reference.

Trustee Such added that he felt the lines were somewhat blurry between clinic and office use and it bears some practical application for clarification.

APPELLANT'S REBUTTAL

Mr. Fineout, 2380 Hulett Road, Okemos, offered the following comments in rebuttal:

- Residence across the street has a six-foot fence in front of the house to buffer against the traffic on Hamilton
- Zoning intent to place office designation as a buffer between residential and commercial uses
- Planning Commission denial based mainly on safety issues with traffic at this corner; i.e., access management
- Access management books published by the Michigan Department of Transportation provide information, in large part, to roadways over 25 miles per hour. The site is located at a 15 mile-per-hour intersection
- The amount of conflict points would not increase if site was developed as a clinic. The eight (8) conflict points would be the same as for a vehicle backing out of a residential driveway onto a two (2) lane road.
- Shed removal would make site distance well within Access Management Guide's acceptable limits
- Ingham County Road Commission rating as one of the safest intersections

Lynn Ochberg, 4383 Maumee, Okemos and a Planning Commissioner, stated the Planning Commission denial was based on safety reasons, citing ingress and egress issues due to lack of

speed limit observance by motorists.

She also stated another Planning Commission concern was the number of trips per hour with patients visiting the clinic.

Traffic flow: (Agenda Item #8 (Questions for the Attorney))

Q. Would it be possible to restrict left hand turns in and out of the drive even though we do not have control of the roads? Could the Township post a sign?

A. I don't see why not. But you have to have a specific reason and relate it back to this particular site as opposed to any other site which had a similar set-up. Any driveway in that area might have the same situation. I'm not sure you want to put that kind of condition on this clinic. If you can relate it to the safety, then you should be able to.

Q. Is there somewhere in our Code of Ordinance that addresses what we must consider to approve or deny a SUP?

A. Yes. Mark would be better able to tell you, as there are several sections which deal with SUPs.

Trustee Stier requested the aforementioned sections be researched by staff before the SUP was discussed as an action item at a subsequent meeting.

Supervisor McGillicuddy closed the public hearing at 7:20 P.M

10. ACTION ITEMS/ENDS

Public Comment

Supervisor McGillicuddy opened public comment.

Dorothy Kunisada, 2149 Quarry, East Lansing, expressed concern relative to upzoning for Rezoning #02080 (Eyde).

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn, Suite 660, East Lansing, spoke in support of Rezoning #02080 (Eyde), and working with the Board on a project both can embrace.

Mr. Clouse spoke in support of the extension of Preliminary Plat #96022 (Eyde) for the Central Park Estates subdivision. Mr. Clouse gave a timeline of the events surrounding litigation on the adjacent property.

Eleanor Luecke, President, LINC, PO Box 40, Okemos, expressed concern over hesitation on the property owners' part for development of Preliminary Plat #96022 (Eyde), Central Park Estates subdivision.

John Anderson, 215 W. Newman Road, Okemos, directed the Board to language contained within the book, *Basic Training*, written by the Michigan Society of Planning. He stated he believed it was against the law to tie an upzoning to a specific site plan.

Supervisor McGillicuddy closed public comment.

A. 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

Board members discussed the following:

- Lack of Board authority to prevent an applicant from site plan submission

Trustee Brixie moved to postpone Rezoning #02080 (Eyde) until the December 16th Board Meeting. Supported by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None

Motion carried 6-0.

- B. Preliminary Plat #96022 (Eyde), request to extend approval of the 82-lot Central Park Estates subdivision

Treasurer Hunting moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the extension of Preliminary Plat #96022, Central Park Estates, for a period of one (1) year, from October 29, 2003 to October 29, 2004, is hereby granted and all previous conditions placed on the preliminary plat shall remain in effect. Seconded by Trustee Brixie.

Board members discussed the following:

- Planning Commission sentiment to grant extension with a sense of urgency for development
- Community support for the project

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

Public Comment

Supervisor McGillicuddy opened public comment.

Daria Schlega, 2446 Burcham, East Lansing, spoke in opposition to Board comments during the Appeal of SUP #03021 (Fineout).

Eleanor Luecke, President, LINC, PO Box 40, Okemos, spoke in support of the Planning Commission denial of SUP #03021 (Fineout).

Supervisor McGillicuddy closed public comment.

- A. Whispering Oaks Amended Streetlighting District

Board members discussed the following:

- Desire by residents for the streetlight
- Only resident living on the cul-de-sac who did not sign the petition was unavailable for signature
- Type of light fixture would match existing lights in the neighborhood

It was the consensus of the Board to place this item on the consent agenda for the next Board meeting.

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

Special Use Permit right of appeal: (Agenda Item #8 (Questions for the Attorney))

Q. A comment was made from a member of the public asking why we had a Planning Commission if the Board was going to overrule them. Could you explain to the public the rights allowed an applicant in this situation?

A. I believe you are referring to the ordinance that allows for the right of appeal. In the ordinance, there is a right of appeal to a special use permit in Section 86-188 and Section 86-189. It allows a person who is aggrieved to appeal the decision of the Planning Commission to the Board to ascertain if that decision contained appropriate reasons based on the ordinance and standards set out in the ordinance. That is what the Board is doing here today.

SUP Criteria: (Agenda Item #8 (Questions for the Attorney))

- Q. On the back of the original request for the SUP, there are eight (8) criteria or questions to which the applicant must respond. Are those the same criteria on which the Planning Commission judged the SUP?
- A. The general review criteria for a special use permit is contained in Section 86-126. The wording is slightly different from the application form.

Mark, was the criteria just reworded on the application form since the language is slightly different from the ordinance?

Director Kieselbach added that criteria contained in the packet are based on the old application form. Mr. Fineout filed his application back in February of this year. At that time, the application had not yet been amended to incorporate adopted changes in the ordinance.

- Q. In our decision whether to approve or deny the appeal, are we required to use the same criteria as that used by the Planning Commission?
- A. You are required to use the criteria set out in the Zoning Ordinance. This is the same criteria which should have been used by the Planning Commission when making its decision.

Board members and staff discussed the following:

- Criteria #2 will not be met as a clinic would change the essential character of the area
- Needed affordable housing could be met in the form of development as a duplex
- SUP approval for a specific type of clinic with a specific number of tenants
- Modification to concept drawing to reflect age of neighboring structures
- Expressed safety concerns not reflective of traffic engineer's finding(s)
- Size and occupant capacity level of remodeled clinic nearby on Marsh Road
- Traffic safety concerns addressed in criteria #5 and #7 of the application form
- Upgrade of entire corner
- Property designated commercial on the Comprehensive Development Plan
- Confirmation of appellant's site distance footage greater than 114 feet
- History where Planning Commission requested applicant come back with SUP request
- Zoning as RC
- Condition limiting a dentist as the tenant
- History with the Planning Commission on this site beginning in 1989
- Comment during the Planning Commission's August 25, 2003 public hearing from neighbor to the east in favor of the clinic
- Seek Ingham Road Commission permission for applicant to plant trees in right-of-way as a means to fit into the neighborhood and further walkability
- Inquiry to applicant if specific tenants have been identified for the SUP request
- Applicant acceptability to tenant limitation of a dentist as a condition of approval
- Residential homes in the area should remain as a residential use

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

- Q. There is a concern with timing. The Planning Commission is looking to list this site as residential on the Master Plan future land use map instead of the current commercial designation. The applicant has requested a SUP with the current zoning. Is it a conflict for us? I am very concerned given the fact we have just spent one and one-half years on the mixed use ordinance and believe this property would fall in the category of mixed use.
- A. The Board should be making its decision based on current circumstances. The Board does not currently know when the Planning Commission will finalize the Master Plan or when the Master Plan will come before the Board prior to final approval. At this point, you make a decision based on the current circumstances, current zoning and current land use plan.

Review criteria #2)states the project must be consistent with applicable land use policies contained in the Township's Comprehensive Development Plan of current adoption. It is specific.

Building Size Restriction: (Agenda Item #8 (Questions for the Attorney))

- Q. Are we able to restrict building size on a Special Use Permit?

- A. This is only for the use, as the size is a variance issue. The addition to what is already there will be a variance issue. This is a special use permit for the use, so I don't believe it is before you to restrict size.

Director Kieselbach added that if the use is being looked at, then the size of the use is also under consideration. If the size of the use is not appropriate, then the Board must give rationale for the record as to why it is not an appropriate size and why a smaller size would be more appropriate.

Attorney Ditschman asked Director Kieselbach for clarification if the request for the SUP is inclusive of the addition or for use at the current size and then a request for an addition must be made to the Zoning Board of Appeals.

Director Kieselbach responded the change in use of the site would be for a clinic.

Future use of the property: (Agenda Item #8 (Questions for the Attorney))

Q. Doesn't the SUP go with the building and, if so, doesn't that present severe limitations for future use of that property?

A. Conditioning this SUP to only a dentist office has to be valid according to the Township Zoning Act in the ordinance. If the Board is going to place a condition, it must state the reason(s) it can only be used for dentistry, i.e., the traffic, the use, the neighborhood, the welfare of the citizens who live next door. There is a nexus between the condition and the use which addresses the welfare of the surrounding area. The condition can then be placed on the site which then transfers to the next owner.

Q. Could we actually use the words "low turnover"? I am uncomfortable stating a specific type of doctor can practice in this building. I am more comfortable using the term "low turnover" as part of the condition and then define the term as a means to address the issue of proximity to the roundabout.

A. Low turnover is a subjective term. I don't know what that means. The Board needs to relate the specific use as a condition, using the reason(s) listed in the Zoning Act as to why a condition can be placed on a SUP permit.

Q. At some future point in time, if it was to turn over and a psychologist wanted to go into that building, would that person have to come and modify the SUP to allow that profession in the building?

A. Yes they would. I would assume they would not look at that site, though, because it would be set up for dentistry.

I wanted to add a comment about our earlier conversation relative to two dentists with medical assistants. The information I referenced was contained in Mr. Fineout's Notice to Appeal letter contained in the Board packet.

Specificity of conditions: (Agenda Item #8 (Questions for the Attorney))

Q. If the applicant is amenable to conditions, do the conditions need to be specific? It seems to me if the applicant accepts the conditions, the Board has more freedom in assigning the conditions.

A. The Board's authority to add conditions is set by statute. Your applicant may be amenable today, but not amenable in three (3) months. You need to be specific as to the requirements placed on the SUP.

The consensus of the Board was to have this SUP on as an action item for the December 2nd meeting with a resolution for acceptance and a resolution for denial.

- C. Master Plan (formerly known as Comprehensive Development Plan) Review

Director Kieselbach summarized the Board's previous comments on three chapters as contained in staff memoranda dated November 12, 13, and 14, 2003.

Demographic Analysis Chapter

Board members discussed the following:

- Page 1, line 22 – remove "residents"

- Page 7, line 9 – delete “of”
- Page 8, line 7 – change ages from “36-54” to “39-57”
- Page 14, line 22 – delete “(regardless of race)”

Community Facilities Chapter

Board members discussed the following:

- Page 1, line 25-26 – delete “, with the exception of fire, police, parks and recreation” and list who is housed in the Township Administration Building
- Page 1, line 28 – delete “of”
- Page 2, line 1 - delete “is” and insert “,”
- Page 2, line 2 – delete “.” and the rest of the line after “Building”
- Page 2, line 2 – Insert after Building, “, houses the Township’s police station and administrative offices of the Fire Department.” Delete the remainder of line 2
- Page 2, line 3 – Delete “also located in the Public Safety building while t” and insert “T”
- Page 2, line 18 – delete “Branch”
- Page 2, line 18 – delete “buildings” and insert “, housed in the Noel & Florence Miller Building,”
- Page 3, line 26 – delete “also failed” and insert “was not approved”
- Page 3, line 29 – delete “is new and spacious and” after “office”
- Page 3, lines 30-31 – delete “The Haslett office needs site and building improvements.”
- Page 3, line 29 – acknowledgment of East Lansing as the third post office to serve Meridian Township
- Page 7, line 24 – delete “combined 20,000 square foot”
- Page 12 (Table X-2) – insert correct acreage and percent of total recreation lands for mini-parks
- Page 13, line 1 – delete “no mini-parks” and insert “one mini-park”
- Page 13 (Table X-3) – insert correct acreage under 1999 inventory for mini-parks
- Page 15, line 29 – delete “Branch” and insert “Library”
- Page 16, line 7 - delete “Branch is” and insert “Library is housed in the Noel & Florence Miller Building,”
- Page 16, line 22 – delete “foot” and insert “feet”
- Page 16, line 31 – include reference to both bond proposals
- Page 17, line 13 & 14 – delete remainder of sentence after “site” and insert “are 5,860 square feet.”
- Page 21, line 21 – indicate completion of two major renovation projects and list the two years
- Item #20 in Staff Memorandum should read “Page 15, line 26.”
- Have staff check facts with respective school superintendents from pages 19 to end

Natural Features Chapter

- Page 1, line 11 – delete “sources” and insert “resources”
- Page 7, line 30 – delete “Thus the Township ” and insert “The Township has”
- Page 12, line 7 – Rephrase section title to reflect material contained in that section
- Page 13, lines 18-23 – restore paragraph on the Heritage Tree Program
- Page 14, line 20 – rename the section to Greenspace Plan and have staff insert pertinent information
- Request staff proof to ensure narrative and numbers match narrative and numbers on the charts and maps

D. Greenspace Plan

Director Kieselbach outlined the goal for the Greenspace Plan in order to receive Board consideration at its December 16th meeting. The Greenspace Plan would be added to the Master Plan for the public hearing to be held by the Planning Commission at a future date.

It was the consensus of the Board to place this item on for action at its December 16th meeting.

E. Access Management Ordinance

Director Severy outlined the purpose of the Grand River Avenue Access Management Plan as outlined in staff memorandum dated November 13, 2003.

Director Severy added that at least two access points have been closed on Grand River this year. In addition, Director Kieselbach added the Farmer Jack site had at least two closed access points. One was closed at the Oriental Market across the street from Farmer Jack. Each opportunity to close an access point is acted upon, with as many as twenty (20) over the last four (4) to five (5) years of redevelopment.

Board members and staff discussed the following:

- Focus of the overlay zone as a set of Access Management standards
- Revised draft of the Access Management ordinance for the next Board meeting
- Overlay ordinance for M-43 corridor only
- Access on intersecting streets using county standards
- Extension of overlay ordinance on other streets for traffic flow and safety
- Redevelopment on Grand River with accompanying curb cut closures
- Spin-off discussion group from the original Grand River Forum reviewing draft model ordinance for Meridian Township
- Set up as a zoning ordinance for Planning Commission approval

12. VISION SESSION/ENDS: Lake Lansing Zoning District

Board members discussed the following:

- Long-standing history of variance requests
- Invite Lake Lansing Property Owners (LLPO) members for discussion at Board meeting
- Meet with group of Lake Lansing Advisory Board (LLAB) members currently looking at performance standards
- Meet with Zoning Board of Appeals members in a public forum to draw on their expertise
- Meeting with Fire Marshall regarding safety issues
- Meeting with Drain Commissioner
- Potential for staff to interview lake homeowners who are not members of the Homeowners Association
- Meet with group of builders who have done remodeling around the lake as well as Lansing Homebuilders Association
- Water quality around lake
- Invitation for each identified group to attend a future Board meeting for discussion
- Identification of problem areas with corresponding group invitation

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Daria Schlega, 2446 Burcham, East Lansing, requested a direct response from the Board to her question as to why the Township has a Planning Commission if the Board does what she believed was a de novo review of each decision.

Eleanor Luecke, spoke in support of the Grand River Access Management Plan. She also spoke in opposition to Appeal of SUP #03021 (Fineout).

John Veenstra, 320 Piper Road, Haslett, spoke concerning the press conference held yesterday regarding proposed additional revenue sharing cuts. He spoke in opposition to a cut in the state income tax rate, requesting a formal resolution from the Board in that regard.

He also urged that a hiring freeze be placed here in the Township to prevent employee layoffs.

Supervisor McGillicuddy closed Public Remarks.

14 ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:32 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary