

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, JULY 6, 2004, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Assistant Fire Chief Dale Monnier, Personnel Director/Assistant Manager Paul Brake, Director of Finance Diana Hasse, Attorney Mike Woodworth

1. CALL MEETING TO ORDER

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

Lynn Ochberg, 4383 Maumee, Okemos, congratulated Township staff responsible for an enjoyable Fourth of July event.

Laurie Tossava, 6020 Porter Street, Haslett, voiced her support of Brett Dreyfus for Township Treasurer.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Supervisor McGillicuddy thanked staff for their efforts towards the Fourth of July celebration.

Township Manager Richards announced the departure of Police Chief Gibbons and named Captain Dave Hall as interim chief. He thanked Chief Gibbons for an excellent job during his six and one-half years of service to the Township.

Trustee Stier summarized the Zoning Board of Appeals meeting of June 23, 2004.

Clerk Helmbrecht announced absentee ballots requested for the August 3rd Primary will be mailed July 8th. Absentee ballots may be requested through 2:00 p.m. Saturday, July 31st.

A. Treasurer's Report

Treasurer Hunting summarized current fixed maturity investments by fund, non-fixed investments, delinquent personal property tax collections and 2003 distributions.

B. CATA Report, Pat Munshaw, CATA Representative

Pat Munshaw summarized the function of Redi-Ride and gave an overview of Township usage. CATA will be making a proposal to the Township for an additional bus as well as a proposal to address the appearance and/or lack of proper waiting areas for the bus service.

6. APPROVAL OF AGENDA — OR CHANGES

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

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

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 Woiwode.

(1). Board Deliberation (BD)

11-D Gary Shoup, 2449 Graystone Drive, Okemos; RE: Comments on Planned Unit Development #04-99014

(2). Board Information (BI)

BI-1 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Opposition to Rezoning #04030 (Hovey)

BI-2 Rhonda Jones, System Integrity & Customer Projects, Lansing Board of Water & Light, 1232 Haco Drive, Lansing; RE: Changes in Rules and Regulations

BI-3 Lynne Page, President, Briarwood Home Owners Association, PO Box 210, Okemos; RE: Opposition to SUP #04061 (Hodney)

BI-4 David Mackson, 2112 Belding Court, Okemos; RE: Opposition to SUP #04061 (Hodney)

BI-5 Chad & Jillene Buehler, 3813 New Salem Avenue, Okemos; RE: Opposition to SUP #04061 (Hodney)

BI-6 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Opposition to SUP #04061 (Hodney)

BI-7 Nick Wierzba, 351 Oakhill, Apt. 306, East Lansing; RE: Support for SUP #04051 (Meridian Township)

BI-8 Kristin Dooley, 1244 Lilac Avenue, East Lansing; RE: Support for SUP #04051 (Meridian Township)

BI-9 Diana Twede, 407 Orchard Street, East Lansing; RE: Support for SUP #04051 (Meridian Township)

BI-10 Allison Stoutland, 2150 Quarry Road, East Lansing; RE: Support for SUP #04051 (Meridian Township)

BI-11 Wayne Abbott, 4534 Hawthorne, Okemos; RE: Support for SUP #04051 (Meridian Township)

(3). Regional Linkage (RL)

RL-1 John W. Midgley, Managing Director, Ingham County Road Commission, 301 Bush Street, Mason; RE: Ingham County Road Commission 2003 Annual Report (on file in the Engineering Department)

RL-2 Joseph D. Pulver, Director of Operations, Ingham County Road Commission, 301 Bush Street, Mason; RE: 2004 Chip Seal Program

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(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 organization engaged in soliciting or canvassing
- SC-2 Mark Kieselbach, Director of Community Planning and Development; RE: Commission Review #04093 (Township Board), Dunham/Boroughs Land Purchase
- SC-3 Michigan Townships Association Legislative Fax June 11, 2004 Edition
- SC-4 Michigan Townships Association Legislative Fax June 18, 2004 Edition
- SC-5 Michigan Townships Association Legislative Fax June 25, 2004 Edition

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

Materials received at the June 15, 2004 Board Meeting:

Tim Hovey, The Hovey Companies, LLC, 124 E. Washington Street, Suite C. DeWitt; RE: Request to postpone action on Rezoning #04030 (Hovey) until the July 20, 2004 Board Meeting.

Dan C. Wertz, Superintendent of Schools, Okemos Public Schools, 4406 North Okemos Road, Okemos; RE: Request to postpone final adoption of Rezoning #04020 (Okemos Public Schools) until the July 6, 2004 Board Meeting.

William Tyler White, 4695 Okemos Road, Okemos; RE: E-article from the Local Government Commission, Center for Livable Communities on *Compact Development for More Livable Communities*

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

NAYS: None

Motion carried unanimously.

B. Minutes

Trustee Brixie moved to approve and ratify the minutes of the June 15, 2004 Regular Meeting amended as follows:

- Amend page 2, paragraph 6, by inserting "not" between the words "would" and "be"
- Amend page 11, after the words "Seconded by Trustee Such" by inserting "Rezoning is for 2.14 acres of the site."
- Amend page 15, Agenda Item #11C, first bullet, by deleting "Sierra" and inserting "CR"

Seconded by Trustee Woiwode.

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

NAYS: None

Motion carried unanimously.

C. Bills

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

Common Cash	\$ 341,596.43
Public Works	\$ 23,920.88
Total Checks	\$ 365,517.31
Credit Card Transactions	\$ 21,015.23
Total Purchases	<u>\$ 386,532.54</u>
ACH Payments	<u>\$ 506,542.90</u>

Seconded by Trustee Woiwode.

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

[Bill list in Official Minute Book]

D. Second Quarter Budget Amendment Request

Trustee Brixie moved that the 2004 Amended Budget as reflected on page 2 of the memorandum to the Township Board from the Finance Director, dated July 1, 2004, be approved. Seconded by Trustee Woiwode.

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

E. Outdoor Gathering Permit

Trustee Brixie moved approval of the Mahanti Wedding Outdoor Assembly License and waive Section 38-261, bonding, based on the applicant's proof/demonstration of hardship. Seconded by Trustee Woiwode.

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

F. Terra Prima, LLC, request to extend gravity sewer line approximately 1,320 feet
Trustee Brixie moved to refer the gravity sewer extension to the Planning Commission for review of its location, character and extent. Seconded by Trustee Woiwode.

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

G. Additional Funding for 2004 Street Resurfacing

Trustee Brixie moved to amend the 2004 budget by appropriating \$72,500 from the General Fund fund balance to account number 101-440.446-974.000, Streets & Highways, Construction/ Improvements. Seconded by Trustee Woiwode.

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

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 9A, 11C, 12D)

9. SPECIAL ACTION ITEM

A. Determination of Aggrieved Status of Special Use Permit #04041 (McClutchey)
Director Kieselbach summarized Mr. McClutchey's request for aggrieved status as outlined in staff memorandum dated June 30, 2004.

Attendance by the appellant: (Questions for the attorney (See Agenda Item #8))

Q. The appellant has to be here, correct?

A. [Tape inaudible]...reasons why they need a representative or an attorney to enter an appearance on behalf of that individual, then that could be considered. I am not aware the Board has received any information designating an agent or representative.

Board members discussed the following:

- Lack of notification to the Planning Department by Mr. McClutchey that he had a designated agent for purpose of tonight's meeting
- Clarification of the term "sharing a common property line" when someone lives across the road

Procedure to address the question of standing: (Questions for the attorney (See Agenda Item #8))

Q. Will we need to act on this if he didn't appear? Do we need to have a motion at this time?

A. Yes, there should be a motion that addresses the question of standing. Because it is the prospective appellant's burden to show that he meets the requirements of our ordinance, and if he hasn't done that, there should be a motion to that effect.

Treasurer Hunting moved to deny the appeal of Special Use Permit #04041 filed by Mark McClutchey because he does not have an interest in real property sharing a common property line with the subject site nor has he established that he will suffer a particular injury to the beneficial use of his own land which is not shared in common with other members of the general public. Seconded by Trustee Such.

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

NAYS: Trustee Woiwode

Motion carried 6-1.

10. HEARINGS

A. Appeal of Special Use Permit #04041 (Stockwell)

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

Director Kieselbach introduced the appeal as outlined in staff memorandum dated July 1, 2004.

APPELLANT

Janet Dietrich, owner of the property located at 5056 North Okemos Road, East Lansing, stated the reasons for her appeal as follows:

- Plan does not meet many of the standards and requirements of Section 86-126
- Plan does not meet Requirement #3 as the surrounding neighborhood consists of single story homes. The density of these twenty-six (26) condominiums is not harmonious with single family detached homes
- Plan does not meet Requirement #4 as the project will adversely affect or be hazardous to existing neighboring uses
- Plan does not meet Requirement #5 as the project will be detrimental to the economic welfare of the surrounding properties due to increased runoff from the project on her and her neighbor's property. She would also have a view of the parking located on the north of the development which she alleged would have an adverse economic impact on her property.
- Plan does not meet Requirement #6 as the current stormwater discharge is inadequate for the area and the proposed project will cause additional flooding.
- Plan does not meet Requirement #7 as the proposed project added to the current overtaxed sewer system would ignore public health, safety and welfare. The current sanitary sewer system is not capable of handling excess rainfall as was recently experienced. She also requested information on the dredging of the Pine Lake Drain, said dredging which is essential for this development.
- Plan does not meet Requirement #8 as the addition of 52 vehicles and several hundred trips per day is excessive and the pollution, noise, glare and odors will permeate her property
- Plan does not meet Requirement #9 as the Township's Environmental Commission report states that the area proposed for this development is the least detrimental location in terms of the essential resources on the site. This acknowledges that some detriment will occur to the essential resources on the site.

Laura Dietrich, 5056 North Okemos Road, East Lansing and resident on the property, offered the following comments/concerns:

- Concern with the close proximity of the parking garages to her home and the resulting excess noise, light glare and pollution

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- Traffic from the proposed development will cause increased back-ups and create difficulty exiting her driveway
- Questioned where construction vehicles will be parked during the development of the project
- Concern with excess run-off draining onto the property and causing seepage into the house
- The central wetland on the Stockwell property (primarily a dry area) contained ten inches (10") of standing water this Spring
- Large deer population on the Stockwell property will be affected

APPLICANT'S REPRESENTATIVE

Tad Krear, Land Design Studio, 7 N. Saginaw, Suite 200, Pontiac offered the following comments:

- Team of architects, land planners, landscape architects, traffic engineers, environmental consultants and civil engineers have worked on this project for more than one (1) year
- First role of a land planner is to understand the ordinance requirements of the Township and be creative within the development criteria
- Current plan meets all ordinance requirements
- Parking buffer at 20 feet to allow for berming, saving of trees, planting of larger trees, installation of fencing, etc.
- Brownstone architecture for twenty-six (26) owner occupied condominiums has aesthetically pleasing front elevation
- Linear site developed as transitional zoning from single family to commercial district creates nice frontage on Central Park Drive
- Linear design allowed for a forty (40) foot setback to create more distance from the adjacent property
- Boulevard entryway eliminates the need for secondary access
- Migration of wildlife into and throughout the park area
- Development location for a walkable community
- Selection of seasonal plant materials to create variety
- Creation of residential type lighting
- Drainage issues due to infrastructure and storm sewer capacity
- Potential for carports or garages at a future date pending market demand

Matt Ottinger, KEBS, Inc. 2116 Haslett Road, Haslett, offered the following comments on the drainage issues:

- Existing drainage of the Stockwell property shown in red on the overhead projector drains to the north
- Existing drainage of the Stockwell property shown in blue on the overhead projector drains directly to the east into the wetland and distributing out eventually into the Pine Lake Drain
- Addition of berm along the north property line suggested by Ingham County Drain Commission engineer Dave Love to direct more water into the existing detention pond which goes into the Central Park Drive system
- Much of the drainage has been redirected into the proposed development's detention pond area
- Ingham County Drain Commission (ICRC) does not oppose this project
- Final site plans have been submitted to the ICRC
- Public Works & Engineering Director stated the sanitary sewer system is adequate to meet the needs of the proposed site

PLANNING COMMISSION REPRESENTATIVE

Planning Commission Chair Lynn Ochberg stated the Planning Commission approved the SUP application because all of the criteria were met according to data provided to the Planning Commission by staff.

Director Severy provided statistics which indicated the additional sanitary sewage generated by this project would be .004 of one percent (1%) into the capacity of the sanitary sewer system. The Planning Commission considered this amount negligible when looking at an entire system.

PUBLIC COMMENT

Ann Beck, 5080 North Okemos Road, East Lansing, spoke in opposition to the special use permit for the following reasons:

- Concern with run-off to her property as it is the lowest property on Okemos Road
- Upgrade to the sanitary sewer system before this project is built
- She enjoys the wildlife currently on her property

James Barron, 2573 Small Acre Lane, spoke in opposition to the special use permit for the following reasons:

- His property is located at the base of the Pine Lake Drain
- ICDC representative unaware that dredging of the Pine Lake Drain has not occurred within the last fifteen (15) years
- Heavy rains result in a sewage system which operates at capacity
- Concern with lack of guarantee that units will be owner occupied
- Large amount of the current vegetation buffering the Dietrich property is dead

APPLICANT'S REBUTTAL

Ken Stockwell, Stockwell Development Co., LLC, 4277 Okemos Road, Okemos, offered the following comments:

- Project will enhance the Dietrich property
- Project is in close proximity to Central Park
- Good location to promote walkable community concept
- Location and uniqueness of site

BOARD DISCUSSION

Trustee Brixie asked KEBS engineer, Matt Ottinger, if he could quantify the before and after drainage for the areas designated on the overhead.

Mr. Ottinger answered that surface drainage is designated as area of land.

Trustee Brixie stated that the area colored teal blue on the current drainage plan drains into the wetland directly to the east of the property. She inquired as to the size of the wetland.

Mr. Ottinger responded that the wetland directly to the east is larger than five (5) acres.

Trustee Brixie then asked Mr. Ottinger if the area colored teal blue on the proposed site drainage plan would all go into the wetland or if it would be the retention basin.

Mr. Ottinger stated that the teal area on the proposed site drainage overhead is an area that must be left intact because of the forty (40) foot wetland buffer.

Trustee Brixie stated that while she realized the applicant is following the Township's ordinances, she is concerned that the amount of water going into the wetland is being reduced and is concerned with the resulting impact on the wetland.

Mr. Ottinger answered that the Ingham County Drain Commission did not want the applicant directing drainage into the wetland.

Trustee Brixie inquired if there were measures being taken to ensure the wetland does not become dehydrated.

Mr. Ottinger responded that with the additional open area on the east side, there will be a large amount of drainage directly into the wetland.

Supervisor McGillicuddy thought drainage was going into the proposed retention basin, and then the overflow of the retention basin would flow into the storm sewer that empties into the larger storm sewer which is also used by Meridian Mall.

Mr. Ottinger stated there will be an outlet pipe set up in the retention pond. When the stormwater reaches the elevation of the outlet pipe, it will discharge into the current Central Park Drive system.

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Mr. Krear added that clean water roof drains could be used to continue hydration of the wetland and they would cooperate with the Ingham County Drain Commission to address this issue.

Trustee Stier asked Mr. Ottinger about the Drain Commissioner's recommendation for a berm along the north property line.

Mr. Ottinger indicated the berm would be addressed during the final site plan approval process.

Trustee Stier then inquired if the berm could be extended to preclude any drainage going towards the north.

Mr. Krear responded the berm could be extended, but the current configuration is sufficient. To the extent possible, the applicant is attempting to leave as much current vegetation undisturbed as possible.

Trustee Stier stated to Director Severy that he was puzzled by the .004 of one percent (1%) mentioned earlier as to if it was of the existing capacity of the storm sewer or the sanitary sewer.

Director Severy responded that Chair Ochberg was speaking to the sanitary sewer. Flow from the proposed development would be 5,000 gallons per day with peak flow at 20,000.

Supervisor McGillicuddy closed the public hearing at 7:25 P.M.

11. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Gloria Anderson, 4565 Manitou, Okemos, expressed a need for one-floor condominiums within the Township and urged the Board to consider ways to retain dollars of the aging population in this community.

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

Ron Styka, 2176 Belding Court, Okemos, member of the Okemos School Board, spoke in support of Rezoning #04020 (Okemos Public Schools).

Supervisor McGillicuddy closed public comment.

- A. Zoning Amendment #01090 (Township Board), PUD revisions, withdraw amendment
Treasurer Hunting moved to withdraw Zoning Amendment #01090, a revision to the Planned Unit Development ordinance and refer any future change to the ordinance to the Planning Commission. Seconded by Trustee Such.

Board members discussed the following:

- Inactivity over the last two (2) years

Clerk Helmbrecht offered the following friendly amendment:

- Delete the period after Commission and insert “, including, but not limited to, expediting the process by which PUDs are approved.

Amendment accepted by the maker and seconder.

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

NAYS: None

Motion carried unanimously.

- B. Rezoning #04020 (Okemos Public Schools), request to rezone Hulett Road property from RR (Rural Residential) to RA (Single Family-Medium Density), **Final Adoption**
Treasurer Hunting 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. 2004-04**, entitled “**Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #04020**” RR (Rural Residential) to RA (Single Family-Medium Density).

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

Board members discussed the following:

- Infill development
- Follows smart growth principles
- Anticipation that rezoning will result in a development which will draw young families with school-aged children
- Need for healthy viable school districts
- Lack of belief that the rezoning will save Okemos Public Schools
- Good location for open space and recreational uses
- Possibility that in fifteen (15) to twenty (20) years the need for this property as open space may outweigh the immediate benefit to the Okemos Public Schools
- Lack of interest by the School Board to pursue request(s) from the Land Preservation Advisory Board
- Sensitivity of the School Board to listen to the residents who requested the sale of land during community forums
- Rezoning compatible with adjoining properties
- Walkability of students to nearby schools
- Appreciation to the School Board for willingness to work extensively with neighbors

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

NAYS: Trustee Stier

Motion carried 6-1.

- C. Rezoning #04040 (Freeborough/Saturn), request to rezone 2.94 acres at 1696 Grand River Avenue from C-2 (Commercial) and RD (Multiple Family-Low Density) to C-3 (Commercial), **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. 2004-05, entitled “**Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #04040**” C-2 (Commercial) to C-3 (Commercial).

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:

- Rezoning received unanimous support of the Planning Commission
- Rezoning received support of adjacent property owners
- Proper screening for residents who live behind this property

Trustee Woiwode asked that her following comments be recorded in the minutes. She stated she would be unable to support this resolution for reasons stated in her last vote on this issue. She is concerned with extending C-3 as far north as is proposed. She felt the fourth “whereas” clause implied residential zoning or other zoning would not be consistent with the commercial core designation on the Future Land Use Map. She believed the commercial core land use designation is not solely a commercial designation, but actually a mixed use designation. Residential as well as other uses are consistent with the commercial designation.

Inference of consistency v. inconsistency for specific zoning districts: (Questions for the attorney (See Agenda Item #8))

Q. Mike, do you have an opinion on the question?

A. Perhaps Mark can clarify if there needs to be a distinction in that whereas clause. I think what Trustee Woiwode is saying is that there is some inference there by saying that commercial is consistent, therefore residential is inconsistent.

Trustee Woiwode added it was more an implication that residential would be inconsistent with commercial core. It is almost a moot point, regardless of the zoning, because one of the reasons commercial core was created in that land use plan was to allow for a mixture of uses to occur. She did not want the suggestion that the apartment complex, for instance, is inconsistent with the land use currently proposed for that area. It is consistent.

Attorney Woodworth asked Trustee Woiwode if she would be more comfortable if it was to read that the C-3 is not inconsistent.

Trustee Woiwode stated it would at least not create an implication that the residential is inconsistent.

Trustee Brixie responded by saying if that was a friendly amendment being offered, she would not be able to accept it because one of the criteria for rezoning is the question of whether it is consistent with the Comprehensive Development Plan. The whereas clause is addressing that criterion.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: Trustees Stier, Woiwode
Motion carried 5-2.

D. Planned Unit Development #04-99014 (Dunn and Balesky Development, LLC)
Trustee Such moved [and read into the record], NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants the amendment for Planned Unit Development #04-99014, with the following conditions:

- 1. PUD approval is granted in accordance with the revised Site Plans prepared by Enger Surveying & Engineering, dated February 17, 2004, and the Landscape Plan, dated March 29, 2004, prepared by Richard A Cooley, subject to revisions as required by the Director of Community Planning & Development.**
- 2. PUD approval is also granted in accordance with the Engineering, Grading and Utility Plans prepared by Enger Surveying & Engineering, dated February 17, 2004, subject to revisions as required by the Township.**
- 3. PUD approval is subject to the applicant receiving all required permits, licenses, and approvals, from the Ingham County Drain Commissioner's office, Ingham County Road Commission, Michigan Department of Environmental Quality, and the Township. A copy of each shall be forwarded to the Township.**
- 4. The minimum setback between buildings located side by side shall be 20 feet. A front setback of 25 feet shall be provided from the street right-of-way line of all interior streets. The rear yard setback shall either be 30 feet along the western property line and 40 feet along the northern property line. The minimum setback distance between the rear elevation of a structure and the side elevation of another structure shall be 30 feet. Proposed structures, including decks and/or patios shall not extend into the Bennett Road setback and shall meet the same setbacks as for buildings throughout the development. All other setbacks required by the Zoning Ordinance shall apply.**

5. **Required silt fencing, sidewalks, pathways, street trees, adjacent driveways, and building corner elevations shall be shown on all plot plans. The species, height, and location of the street trees shall be subject to the review and approval of the Director of Community Planning & Development.**
6. **As Units 34 through 40 are completed, the landscaping to the north of each (which composes the wildlife corridor) shall be installed. If these units are not completed by August 2006, the remaining landscaping for the wildlife corridor shall be installed in the fall of 2006.**
7. **All required improvements and landscaping for Phase II shall be properly installed within three years of the start of construction of Phase II.**
8. **No dwelling units or associated structural appurtenances shall be permitted in the floodplain, the regulated wetlands or the required water features setback. A licensed professional engineer shall certify, in writing, that each unit is located on land outside the 100-year floodplain elevation, both upon submittal of each building permit application and upon completion, prior to issuance of a certificate of occupancy.**
9. **All units adjacent to the 100-year floodplain shall have foundations designed to withstand hydrostatic pressure.**
10. **A note shall be placed on all drawings where applicable stating the need for a special use permit and a variance for pathway construction in the wetland and floodplain.**
11. **Overflow from the proposed stormwater detention areas shall be provided towards the Smith Drain in accordance with the requirements of the Ingham County Drain Commissioner's office.**

Seconded by Trustee Woiwode.

Supervisor McGillicuddy offered the following friendly amendment:

- Amend Condition #5 by inserting the following language after the first sentence:
"Silt fencing shall be removed when vegetation is established."

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

[Supervisor McGillicuddy recessed the meeting at 8:11 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 8:25 P.M.]

12. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. Special Use Permit #04041 (Stockwell), Autumnwood

Board members and staff discussed the following

- SUP is appropriate
- Lack of substantiated justification in the information presented in the appeal
- Planning Commission and staff addressed concerns
- Direction for appellants to be given staff responses to the appellant's questions
- Concern over hydration of the wetland
- SUP has no influence on sewage downstream
- Substantial buffer to address parking issues
- Request that any additional information by appellants be sent to the Board prior to final decision
- Request for Mr. Stockwell to reinitiate discussions with the Dietrichs regarding drainage

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- Constructive conversation(s) in the future between developer and neighbors early in the process
- Concern with requested use is the maximum number of units allowed on site
- Homes with sewage problem within the 100-year floodplain
- SUP requests close to the square footage requirement of what can be built without a SUP
- 25,711 square feet as gross square footage for the four (4) buildings
- Parking lot and buildings constitute 26% of the site; greenspace at 74% for the site
- Question by appellant of incompatibility of the proposed two-story buildings
- Number of two-story buildings within the vicinity
- Two-story elevation allowed by ordinance; 35 foot elevation as the maximum
- Citizen requests for quality condominiums within the community
- Forty-five foot buffer instead of 20 foot buffer from the Dietrich property
- Possibility of the water from the detention pond filtering into the wetland instead of the Central Park Drain
- Wetland currently being fed from other areas on adjacent property(ies)
- Assurance that the wetland will not be inadvertently drained as the bottom of the retention pond is below the level of the wetland
- Residential lighting shown by the applicant would give light off in all directions
- Lighting must adhere to Township lighting ordinance
- Additional provision within motion to approve to incorporate removal of silt fencing
- Preservation of Sycamore trees in conjunction with our Land Clearing Ordinance
- Option on floor plans for possible elevator within units
- Support of the Planning Commission recommendation
- Information from the wetland consultant how development will affect the wetland contiguous with the property to the east

The consensus of the Board was to have two motions prepared for the July 20th meeting; one to deny the appeal of the special use permit and one to grant the SUP for the size of the proposed development.

- B. Zoning Amendment #04050 (Township Board), Access Management
Director Kieselbach introduced the proposed zoning amendment as outlined in staff memorandum dated July 2, 2004.

Board members discussed the following:

- Length of time to bring this document back before the Board

The consensus of the Board was to place this item on for action at the July 20th meeting.

- C. Conservation Zoning

Board members discussed the following:

- Conservation zoning as one of the implementation tools of the Greenspace Plan
- One example provided by staff from Thomas Township used an overlay district
- Conservation zoning only applicable when used contiguous to greenspace plan
- Notification to affected property owners
- Possible Board mission statement regarding conservation zoning
- Conservation zoning for residential properties which underlie the Greenspace Plan
- Completion of Master Plan prior to creating an overlay district
- Possible added incentive to encourage clustered housing and PUDs
- No overlay district over greenspace within the Township
- Misperception that the Greenspace Plan is prescriptive
- Move forward the greenspace plan agenda
- Conservation zoning as a mandatory tool
- Assistance from legal counsel to tighten language
- Conservation zoning as a complement to the Master Plan
- Conservation zoning in tandem with the Master Plan to avoid amendments later
- Delay in approval of the Master Plan by referencing conservation zoning
- Passage of the Master Plan as currently written and then amend the Master Plan to incorporate conservation zoning

The consensus of the Board to was delay conservation zoning until after passage of the Master Plan.

D. Street Lighting Policy

Director Severy summarized the history of the Ember Oaks streetlight request. From an engineering perspective, it would be beneficial to include streetlights as part of the preliminary plat approval process. Developers, Consumers Energy and residents would all benefit from knowing early in the process as to whether there would be streetlights. Consumers is currently developing a Dark Sky Policy within its residential program. There is a larger selection of streetlights which are available through the existing Consumers Commercial Program, although the streetlights must be purchased. The initial cost is higher, but the annual cost is lower compared to the current residential program.

Director Severy and the developer of Ember Oaks met with a Consumers Energy representative, and just received a proposal back from Consumers. The Board will need to make a decision on how to proceed.

Board members and staff discussed the following:

- Plat plans include streetlights prior to Board approval
- Sale of lots with the promise of streetlights prior to Board approval
- Include prohibition in streetlighting ordinance for rural residential unless requested by the developer
- The use of post type lighting in rural residential areas
- Concern that rural residential prohibition may create larger light pollution issue
- No streetlights as a condition of the plat to provide clarity
- Need to act on current Ember Oaks petition request prior to creating a streetlighting policy
- Comment during prior discussion on Ember Oaks that streetlighting should be an administrative policy decision
- Streetlights as a special assessment district which, by law, need to come before the Board
- Base decision on whether it is included in the site plan by the developer
- Take streetlight districts on a case-by-case basis
- Availability of more options by the energy companies
- Annual maintenance cost would still need to be a special assessment
- Point at which Board would conduct a public hearing for the annual maintenance cost
- Timing for placing Ember Oaks on the agenda and still meet notification requirements

Approved plat with streetlights shown: (Questions for the attorney (See Agenda Item #8))

Q. Is it implicit that if we have approved a plat which shows streetlights that, therefore, they are approved?

A. I think the problem with it is one of timing. I understand what the engineer is saying. You have a developer who is depicting streetlights in the preliminary plat and the preliminary plat has been approved. The developer states he will put those in at one point and it never happens. I think what I am hearing Engineering say is that perhaps we ought to develop a policy that says if it is depicted on the preliminary plat which we approved, we will give you a “drop dead” date. They are approved and shall be installed by not later than...so people then know they are buying into something with streetlights.

Q. Is there any way, with a special assessment district, that when a plat is approved with lights, that it automatically triggers a special assessment district so that we would not have to have a hearing?

A. If the plat is approved with lights, that would be factored into the pricing of the parcels, I would anticipate. Usually, when you are talking about a special assessment district, you are talking about after the fact. You have an established neighborhood and established development. Those people are looking now to install lighting. So, it really wouldn't apply there.

It seems to me it's relatively simple to ask the developer a singular question: Do you intend to have streetlighting at this location? Declare now. If you do not, that is part of your plat. If

you do, when do you intend to have it installed; that will become a condition of the plat approval.

Need for additional hearing on Ember Oaks: (Questions for the attorney (See Agenda Item #8))

Q. Will we need to have another hearing on Ember Oaks? It has been about a year.

A. I'm going to need further input from Ray, but just off the top of my head my answer is going to be yes. It has been about a year and since more lots have been sold, we are going to need another hearing.

It was the consensus of the Board to have Director Severy and the Township attorney work together to prepare appropriate language based on the discussion and prepare this item for the approval process.

Manager Richards received notification from the Ingham County Road Commission on two projects. Okemos Road is currently in the design phase to be widened from four (4) to five (5) lanes next year. It will be widened in two (2) phases over a two year period, beginning on the southern end.

The widening of the intersection of Hatch Road and Dobie Road for a turn lane and signal is to take place this year. It is the Road Commission's intent to accomplish this within the existing right-of-way.

Board members and staff discussed the following:

- Status of boulevard inclusion during the Okemos Road design phase
- ICRC belief there is not enough right-of-way to construct boulevards
- ICRC intent to begin Dobie Road construction in August
- Lowering the crest of the hill on Dobie Road approximately 2.4 feet
- Inclusion of traffic signal at Dobie and Hatch Roads
- Township, Tri-County and MDOT goal to provide a variety of transportation methods within the community
- Township desire for bicycle lanes
- Resident notification of the July 14th walk through
- ICRC contact with affected residents

13. CLOSED SESSION

Treasurer Hunting moved that the Township Board go into closed session to discuss with legal counsel specific pending litigation and to address matters protected by the attorney/client privilege. Seconded by Trustee Stier.

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

Supervisor McGillicuddy recessed the meeting at 9:45 P.M.

The Board adjourned to the Upstairs Conference Room for a closed session.

Trustee Stier moved to return to open session. Seconded by Trustee Brixie.

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

Supervisor McGillicuddy reconvened the meeting at 10:27 P.M.

Treasurer Stier moved to go forward as discussed in closed session. Seconded by Trustee Brixie.

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, JULY 6, 2004 *APPROVED*

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

14. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Janet Dietrich, owner of 5056 North Okemos Road, East Lansing, requested assurances that the conditions outlined during discussion of Special Use Permit #04041 (Stockwell) will be added prior to final Board approval.

Supervisor McGillicuddy closed Public Remarks.

15. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:30 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary