

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, SEPTEMBER 20, 2005, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such (6:05 P.M.), Veenstra, Woiwode (6:53 P.M.)
ABSENT: None
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, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:02 P.M.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Carl Harmon, 1924 Birchwood, Okemos, spoke regarding the Harrington art panels/fence.

Scott Knapp, 505 Ardson, East Lansing, spoke in support of SUP #05-99071 (Hotel Development Services, LLC).

Lynne Page, President, Briarwood Home Owners Association, PO Box 210, Okemos, expressed appreciation for the scheduling of the October 5, 2005 community forum with the Ingham County Road Commission (ICRC) and Michigan Department of Transportation (MDOT) regarding the Okemos Road Median project. She spoke in opposition to SUP #05-99071 (Hotel Development Services, LLC).

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Township Manager Richards announced that the community forum on the 2006 Okemos Road Median Project will be held on October 5, 2005 at the Meridian Senior Center at approximately 7:00 P.M.

Manager Richards also noted the Township will be sending the inspection reports to the Sapphire Lakes Homeowners Association on the plantings in the buffer area surrounding the ponds in Sapphire Lakes to be received from the wetland consultant. The Township's wetland consultant provided training for Sapphire Lakes and Northport homeowners to differentiate between plantings and weeds to facilitate adherence to the requirements of the special use permits.

Director Severy gave an update on trimming and cleanup of the pedestrian/bicycle pathways. He stated a new program has been implemented where postcard notices were sent to residents. The residents were asked to respond to the Township, indicating if they wanted to trim the bushes themselves or have the Township trim. The Township will be trimming in fall and winter to clean up pedestrian/bicycle pathways. Mr. Severy indicated the Township may want to consider some regulations/education regarding placing restrictions on residential plantings near the pathways.

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, SEPTEMBER 20, 2005 *Approved*

Manager Richards stated he attended the September 12th Okemos School Board meeting and discussed a possible land swap of Township owned property at Cornell Elementary for Okemos School property adjacent to Okemos High School and Hartrick Park. He indicated this item would be placed on the agenda for the next Board meeting.

Supervisor McGillicuddy announced the cancellation of the second budget meeting scheduled on September 27, 2005. She indicated the budget hearing will be on the Board agenda for October 4, 2005

6. APPROVAL OF AGENDA — OR CHANGES

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

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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

NAYS: None

Motion carried 6-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Information (BI)

- BI-1 R. Bruce Champion, D.D.S., Trustee for Lloyd R. Champion Trust, 4129 and 4153 Hulett Road, Okemos; RE: Letter in support of Rezoning #05050 (Nilson/Fairmont)
- BI-2 Carl Harmon, 1924 Birchwood, Okemos; RE: Harrington art panels/fence
- BI-3 Jeanne Anderson, 2692 Greencliff Drive, East Lansing; RE: Rezoning #05010 (Capstone Development)
- BI-4 Dave Card, 6045 E. Lake Drive, Haslett; RE: Code revision to allow hunting on non-park properties within Meridian Township

(2). 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 dated September 7, 2005
- SC-2 Michigan Townships Association Legislative E-Report September 2, 2005 Edition

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

Materials received at the September 6, 2005 Meeting

- Memorandum from Township Clerk Mary Helmbrecht; RE: Phone call from Joy Deans in opposition to the Okemos DDA
- Lynne S. Page, President, Briarwood Home Owners Association, PO Box 210, Okemos; RE: Opposition to SUP #05-99071 (Hotel Development Services)

Trustee Such moved that the communications be received and placed on file, and any communications not already assigned for disposition be referred to the Township Manager or Supervisor for follow-up. Seconded by Trustee Brixie.

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

NAYS: None

Motion carried 6-0.

B. Minutes

Trustee Such moved to approve and ratify the minutes of the September 6, 2005 Regular Meeting as submitted. Seconded by Trustee Brixie.

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

C. Bills

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

Common Cash	\$ 80,272.05
Public Works	\$ 521,868.78
Public Safety Bldg. Debt-Check #1095	\$ 25,402.50
JP Morgan Trust Co. – bond interest	
Total Checks	\$ 627,543.33
Credit Card Transactions	\$ 10,396.47
Total Purchases	<u>\$ 637,939.80</u>
ACH Payments	<u>\$ 267,898.59</u>

Seconded by Trustee Brixie.

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

[Bill list in Official Minute Book]

D. 2006 Recommended Budget, Set Public Hearing Date (October 4, 2005)

Trustee Such moved that the Township Board set a public hearing date for the recommended 2006 budget for the Regular Meeting on October 4, 2005 at 6:00 PM. Seconded by Trustee Brixie.

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

E. Outdoor Gathering Permit, Heritage Festival

Trustee Such moved approval of the outdoor assembly license permit for The Heritage Festival on October 1, 2005 in the Central Park, Historical Village and Nokomis Learning Center Area. Seconded by Trustee Brixie.

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

F. Reappointment to CATA, Patricia Munshaw

Trustee Such moved that the Township Board approve the reappointment of Patricia Munshaw of 5261 Golden Circle, East Lansing, Michigan, 48823, to the Capital Area Transportation Authority Board for a term to expire on September 30, 2008. Seconded by Trustee Brixie.

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

G. Forest Stewardship Grant Application

Trustee Such moved to approve submission of the Forest Stewardship Grant application to the Michigan Department of Natural Resources for interpretive signs at Van Atta Woods Park with a total project cost of \$2,275.00. The local match will be funded through the Park Millage in the amount of \$1,138.00. Seconded by Trustee Brixie.

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

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 11C)

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn, Suite 660, East Lansing, spoke in support of Tentative Preliminary Plat #05012 (Georgetown) expressing concern with the requirement for paved shoulders along Powell Road contained in condition #12 and the bond requirement for pathway construction along Cornell Road contained in condition #13. He asked that prior to final plat approval, the Township designate the location of the pathway along Cornell Road.

Supervisor McGillicuddy closed public comment.

A. Tentative Preliminary Plat #05012 (Eyde Construction Co.), request to plat Georgetown, a 158 lot single family home subdivision south of Tihart Road, west of Cornell Road and east of Powell Road

Trustee Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants approval of the tentative preliminary plat for a single family subdivision of 158 lots, commonly known as Georgetown, located south of Tihart Road, west of Cornell Road and east of Powell Road with the following conditions:

1. **Approval is granted in accordance with the revised tentative preliminary plat prepared by KEBS, Inc. dated August 31, 2005, indicating 158 single family lots, subject to revisions as required. Any revisions to the layout of the plat shall be subject to the Township's approval.**
2. **The applicant shall obtain a wetland use permit for the discharge of storm water into regulated wetlands prior to submittal for preliminary plat approval or revise the tentative preliminary plat so a permit is not necessary.**
3. **If a wetland use permit is determined to be required for the construction of the pathway and the installation of utilities across the Foster Drain (southwest of Lot 154), the applicant shall obtain a wetland use permit prior to submittal for preliminary plat approval.**
4. **The Planning Commission hereby grants a variance from Section 101-4.52, Minimum Length, for Giesboro Lane between Powell Road and Anacostia Drive of approximately 265 feet. The variance is required for the road layout which was designed to minimize the disturbance of the natural features on the site.**

5. **The Planning Commission hereby grants a variance from Section 101-4.53, Maximum Length, for Twinging Drive between Anacostia Drive and Giesboro Lane of approximately 11 feet. The variance is required for the road layout which was designed to minimize the disturbance of the natural features on the site.**
6. **The Planning Commission hereby grants a variance from Section 101-4.12g, Cul-De-Sac Streets, for Chaggal Lane of approximately 391 feet. The variance is required for the road layout which was designed to minimize the disturbance of the natural features on the site.**
7. **The applicant shall obtain all necessary permits and approvals from the Ingham County Drain Commissioner, Ingham County Road Commission, Michigan Department of Environmental Quality (MDEQ), and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development at the time the applicant requests final preliminary plat approval. Should a permit be required from the Michigan Department of Environmental Quality, no grading or construction work shall be conducted until the permit is final and unappealable at the MDEQ.**
8. **The applicant shall obtain a Letter of Map Amendment from Federal Emergency Management Agency for the subject site based on the surveyed floodplain.**
9. **Final utility plans shall be subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with Township Engineering Design and Construction Standards.**
10. **Storm sewer leads shall be provided to each lot in the subdivision. The final location of the leads shall be subject to the approval of the Director of Public Works and Engineering. All residences constructed in the subdivision shall be connected to the leads.**
11. **An overall grading plan for the subdivision shall be required with detailed construction plans, prior to issuance of any building permits.**
12. **Paved shoulders shall be constructed along the frontage of the plat on Powell Road and Tihart Road. The paved shoulders shall be built in accordance with Township Engineering Design and Construction Standards.**
13. **A seven foot wide concrete pathway is required along the frontage of the plat on Cornell Road. In lieu of constructing the pathway, the applicant shall provide to the Township a bond in the amount of the construction costs, so the pathway can be built once the design and location have been determined by the Township.**
14. **A five foot wide concrete sidewalk shall be constructed along both sides of all streets within the subdivision. The sidewalk shall be designed and constructed in accordance with Township Engineering Design and Construction Standards.**
15. **The applicant shall construct an eight foot wide off-road pathway, which meets the requirements of the Americans with Disabilities Act, connecting the two phases of the development between Lots 50 and 51 and Lots 153 and 154. The design and location of the pathway shall be subject to the approval of the Director of Public Works and Engineering. The pathway shall be built in accordance with Township Engineering Design and Construction Standards.**

16. The applicant has agreed to grant the Township a 15 foot wide easement for a pathway to run north of the wetland in the southwest corner of the site, then west of Lots 71 and 72, connecting to the sidewalk south of Lot 71.
17. The applicant has agreed to grant the Township a 15 foot wide easement for a pathway running along the Foster Drain. This easement shall be shown on the preliminary plat.
18. Other than those areas subject to a wetland use permit, no buildings, accessory structures, structural appurtenances, or grading shall be permitted in the regulated wetlands.
19. A deed restriction shall be recorded acknowledging the presence of the water feature setback and referencing the appropriate Township regulation on lots which contain a water feature setback.
20. The natural vegetation strip shall be clearly identified with permanent markers. The size, number and location of markers, and the language on the markers shall be subject to the approval of the Director of Community Planning and Development.
21. The preserved open space areas shall be clearly identified with permanent markers. The size, number and location of markers, and the language on the markers shall be subject to the approval of the Director of Community Planning and Development.
22. The preserved open space areas shall be designated on all plans. The preserved open space areas shall be deeded to the homeowner's association, a land conservancy, the Township or otherwise protected in a manner acceptable to the Township.
23. Prior to any construction or grading on the site, the applicant shall install silt fencing at the upland edge of the water features setback and at the floodplain elevation. After construction, the fencing shall be removed once the area is stabilized.
24. Trees #1 through #7, Tree #9, Trees #17 through #22, and Trees #27 through #42, as shown on the revised Open Space Plan received by the Township on September 8, 2005, shall be preserved. All plans, deed restrictions and the subdivision's covenants, codes and restrictions shall identify these trees and the location of these trees. All trees to be preserved shall be protected during construction using the standards outlined in Section 22-179 of the Code of Ordinances. No construction shall occur until tree protection has been installed and approved by the Director of Community Planning and Development.
25. Street trees, where appropriate, shall be required along Tihart Road, Cornell Road and Powell Road. Street trees shall be required throughout the subdivision along all internal roads. Species and location of the trees shall be subject to the approval of the Director of Community Planning and Development and the Ingham County Road Commission.
26. Any wellhead(s) located on the site shall be properly closed and abandoned per the requirements of the Ingham County Health Department and the Township, prior to the issuance of any permit for construction activity, including grading permits.
27. A copy of the information which exists on computer for the plat and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.

Seconded by Trustee Such.

Trustee Such offered the following friendly amendment:

- **Amend condition #12 by adding, “In lieu of constructing the paved shoulders, the applicant shall provide to the Township a bond in the amount of the construction costs, so the paved shoulders can be built once the design and location have been determined by the Township.**

The amendment was accepted by the maker.

Board members and staff discussed the following:

- Bond for construction costs for paved shoulders on Powell Road until a determination is to be made
- Conditions may be adjusted dependent upon comments for reviewing agencies
- Concern for protection of trees can be addressed through flexibility with bond requirement
- Provision for Township return of the bond in the event the pathway is not constructed on Cornell Road
- Off-road pathway constructed in other areas along Cornell Road which is hidden from the traffic but keeps pedestrians off the shoulder
- Current Master Plan calls for a pathway along Cornell Road as a paved shoulder
- Keep which side of Cornell Road will have the pathway open for discussion as there may be wetlands to consider
- Appreciation to the applicant for their cooperation in conforming with Township requests
- Preference for the subdivision to be connected with the cul-de-sac off Cornell Road
- Shifting of Powell Road to the west to save trees when paved
- Desire to have developer pay for paving of Tihart and Powell along entire frontage of the property as a matter of equity for the residents
- Placement of a pathway in the middle of an area that was agreed to be preserved on Cornell Road, a natural beauty road
- Letter to the Ingham County Road Commission suggesting Powell Road be paved narrower than Road Commission standards

Clerk Helmbrecht offered the following friendly amendment:

- **Amend condition #13 by deleting the second sentence and inserting, “Pathway requirements for Cornell Road will be clarified with the final plat.”**

The amendment was not accepted by the maker.

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

Trustee Such requested that the Board send a letter to the Ingham County Road Commission regarding the narrower paving of Powell Road as requested by Trustee Brixie.

- B. Rezoning #05040 (Hooker/Haynes), request to rezone an approximately 6.77 acre parcel located north of 3681 Kansas Road from RR (Rural Residential) to RAA (Single Family-Low Density), **Final Adoption**

Trustee Such moved [and read into the record], NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby FINALLY ADOPTS Ordinance No. 2005-07, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #05040” RR (Rural Residential) to RAAA (Single Family-Low Density) conditioned on: the site being developed with a maximum of five lots which meet the minimum standards of the RAAA (Single Family-Low Density) zoning district, the applicants deeding to the Township 50 feet, on the west side of the property north of the proposed road, to be used for a pathway, the applicants granting to the Township a 15 foot wide easement, on the east side of the property south of the proposed road, to be used for a pathway, and the preservation of maple trees on the lots which are greater than 12 inches in diameter at breast height.

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 Clerk Helmbrecht.

Board members discussed the following:

- Continued desire to have no connection to Kansas Road
- Lot sizes as RAAA minimizes the impact on the site
- Appreciation of the applicant’s willingness to make modifications and adjustments
- Desire for subdivision connectivity now and in the future

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

C. SUP #05-99071 (Hotel Development Services, LLC), request to amend the existing Meridian Crossing special use permit to add a 95-room hotel in C-2 (Commercial) on Jolly Oak Road

Trustee Such moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #05-99071 for Meridian Crossing, a shopping center of approximately 161,563 square feet in gross floor area, with the following condition:

1. **Approval is granted in accordance with the plans prepared by Mark A. Carlsen, dated August 2, 2005, indicating four one-story buildings and a three-story hotel, with a total square footage of approximately 161,563 square feet, and accompanying materials provided by the applicant, subject to revisions as required.**

Seconded by Supervisor McGillicuddy.

Board members discussed the following:

- Use as a hotel would decrease the number of car trips per day by 1,410
- Commercial development on this site would increase traffic
- Probable citizen use of the hotel
- Excessive size of the hotel
- Hotel precludes resident walkability to a commercial district which is in direct conflict with pathway expansion to increase walkability within the Township
- Increase of square footage over the existing SUP

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

Motion carried 4-3.

- D. Addition of Off-Road Pathways in the Hulett Road/Bennett Road/Jolly Road area to the Pedestrian/Bicycle Pathway Master Plan
Trustee Woiwode moved to amend the Pedestrian/Bicycle Pathway Master Plan by adding pathways as described below:

- 1. southerly from east of 2350 Sower Boulevard to and along the westerly side of the Smith Drain to Bennett Road, and continuing along the westerly side of the Smith Drain to the existing east-west pathway that runs from Okemos Road to Hulett Road**
- 2. southerly from the intersection of Zephyr Drive and Sunwind Drive along Zephyr Drive and the easterly portion of the Okemos Preserve to the existing east-west pathway that runs from Okemos Road to Hulett Road**
- 3. easterly from the existing east-west pathway near the southeasterly corner of the Okemos Preserve, then southerly across the Consumers Energy right-of-way and along the westerly portion of the Hooker-Hanes property to Robbins Way, then east and south to the north end of Kansas Road, then easterly to the Smith Drain, then southeasterly along the west side of the Smith Drain, then crossing the Smith Drain and continuing to the northwestern curve of Jolly Oak Road**
- 4. westerly from the north-south section of Jolly Oak Road to the Smith Drain, then northerly along the east side of the Smith Drain connecting with the pathway described in No. 3 above**

Seconded by Treasurer Hunting.

Trustee Woiwode offered the following friendly amendment:

- Add condition #5 to read: “southerly along the westerly side of the Smith Drain from the existing east-west pathway that runs from Okemos Road to Hulett Road to connect to the east-west pathway that extends easterly from the north end of Kansas Road”**

The amendment was accepted by the seconder.

Board members discussed the following:

- Area immediately north of the Consumers right-of-way to the existing east-west pathway was not included in the original motion because it is in the wetland
- Look at available options in the event added condition #5 is not feasible
- Building of a raised pathway or boardwalk in a wetland area is a relatively small intrusion when compared and balanced with the benefits of connecting the pathway areas
- Ingham County Drain Commissioner commitment to approve placement of the pathway on top of the berm after the drain is cleaned
- Property owner has expressed his desire for a pathway all the way around the pond south of the Consumers Energy right-of-way
- Proposed pathway near the northeast corner of the Sanctuary down to the northeast corner of The Meadows was removed from the map because the developers of The Meadows and the Sanctuary were not amenable to giving the Township an easement between platted lots to allow for the pathway

Clerk Helmbrecht offered the following friendly amendment:

- Amend condition #1 by adding: The Land Preservation Advisory Board or an environmental consultant shall be consulted as to the most environmentally acceptable placement of this pathway.**

The amendment was accepted by the maker and seconder.

Trustee Brixie called the question.

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

11. DISCUSSION ITEMS/ENDS

Public Comment

Supervisor McGillicuddy opened public comment.

Ann Alchin, 2227 Hamilton Road, Okemos, thanked the Board for its time and effort in considering the Downtown Development Authority (DDA). She expressed disappointment that more business owners have not come out in support of the Okemos DDA. She felt the DDA does not need to include the residential area on the south side of Clinton Street. She spoke in support of Will White's suggestions for dealing with the traffic at Okemos and Hamilton Road.

Joan Guy, 1083 Woodside Drive, Haslett, expressed concern that no streetlighting district should be approved until over 50% of the occupants/owners are living in the subdivision. She asked the Board to consider the position of intrusive outdoor lighting for a two-story home as it effects an adjacent one-story home.

Bud Nilson, 3695 Okemos Road, Okemos, expressed concern with waiting until more than 50% of the occupants/owners are living in the subdivision before creating a streetlighting district. It would be impossible to answer questions from prospective purchasers on whether there will or will not be streetlights in the area they are considering.

Supervisor McGillicuddy closed public comment.

A. Zoning Amendment #04120 (Planning Commission), an amendment to Section 86-439 Planned Unit Development of the zoning ordinance

Director Kieselbach summarized the proposed zoning amendment as outlined in staff memorandum dated September 15, 2005.

Board members and staff discussed the following:

- Sufficient time for staff review
- Amendment to (6) *Commencement of construction* to read prior to the expiration of the original two years instead of one year.
- No mention of conditions in (5) *Site Plan Review* was intended to allow for Board approval based on general layout, number of units, etc. and then have staff write the technical portion similar to special use permits
- Modification defined as a major amendment must go back through the process
- Fee for major and minor amendments to parallel those of special use permits
- Questionable improvement of efficiency if an amendment needs to go back through the process again
- Minor amendments would be at staff level review and the applicant would have resolution much sooner
- Sketch plan as a positive step
- Clarification of language contained in (1) *Generally* subsection of (h) *Amendments* to identify any person who has a property interest in the planned unit development as the homeowners association
- Public hearing conducted at the staff level for a minor amendment

The consensus of the Board was to place this item on the October 4, 2005 Board agenda as an action item.

B. SUP #05051 (Nilson), request to construct a commercial complex with five buildings that have a total square footage of over 25,000 square feet, at 6200 Pine Hollow Drive

Director Kieselbach summarized the special use permit request for size as outlined in staff memorandum dated September 15, 2005.

Board members discussed the following:

- Sidewalk to be constructed on the west side of Fenwick Court
- Safe traverse from the subdivision to the shopping area
- Placement of buildings near the road and parking areas on the inside
- No visible pathway on Pine Hollow Drive
- Possible connection by bending the sidewalk to the north towards the west and connect to Fenwick Court or Pine Hollow
- Need for pathway near northern entrance over to Fenwick
- Treatment within the parking lot to create designated pathways for pedestrian safety

The consensus of the Board was to place this item on the October 4, 2005 Board agenda with modifications as suggested by the Board.

C. Streetlighting Ordinance

Township Manager Richards introduced the topic by reviewing current board authority from a policy perspective as outlined in staff memorandum dated September 16, 2005.

At the Supervisor's request, Director Severy walked the Board through a handout designating lighting patterns for different types of lighting fixtures.

Board members and staff discussed the following:

- Clarification by the Board as to its level of involvement in the decision making process
- Light ordinance does not currently include streetlights
- Examples of cutoff lighting fixtures
- Uniform lighting through spacing and height of the fixtures as the key
- Goal is to create a process which assures a system of dark sky over time
- Differential lighting needs within the community
- Uniform lighting undermines the idea of a rural subdivision
- Tiered level of lighting which matches various zoning districts
- Questionable objective for all areas within the Township to be lit
- Materials which give lighting requirement, heights, and bulb wattage come from the power company whose goal is to make money by selling lights and electricity
- Desire to have timers on lights within commercial district parking lots
- Possible prohibition of streetlights through a policy or ordinance
- Issue of maintenance for the lights if the Township does not go through Consumers Power for purchase of its fixtures
- Potential for an agreement with another entity if streetlights are purchased through a different vendor
- Difference between cities and Townships when considering a lighting ordinance as cities usually own the right-of-way
- Special assessment districts assure continual maintenance through a collection of funds and an agreement to maintain
- Request for a presentation by both Consumers Energy and Board of Water and Light
- Include language which states that streetlighting should not be intrusive. It should not intrude into the sky above it and into the houses around it.
- Streetlighting should light only the roadway and sidewalk for safety reasons
- Developers should be responsible for wiring of subdivisions
- Residential streetlights 15 feet high as a Consumers Energy engineering standard
- Move forward with cut-off fixtures to implement dark sky policy
- Requested rationale from Consumers Energy representative for significant cost increase to add a cut-off fixture
- Consumers Energy representative response that significant additional cost is for the engineering and special equipment which creates the cut off. It is also not a standard stock item.

- Possible selection of lower priced cut-off fixtures would go through the commercial division of Consumers and the homeowners association would own the system which would be metered
- Take into consideration the administration of maintenance if purchased through a vendor other than Consumers Energy
- Need to keep evolving technology in mind when looking at the price of light fixtures
- Police desire for reasonable consistent lighting patterns as a safety issue
- Contrast between brightly lit areas and those areas next to it which have a low level of light as the challenge
- Goal to have the minimum light necessary for energy conservation and comfort level
- Staff enforcement issues need to be considered when creating this lighting ordinance
- Replacement policy for lights with a goal for Township uniformity

Procedure for implementing a residential lighting ordinance: (Questions for the Attorney (See Agenda Item #8))

- Q. I think what the staff needs is how much regulation does the Board want to have. Do we want to look at another entire ordinance to accomplish this? Is there a simpler method of doing this that you can think of, Andria?
- A. I think there are several options available to the Board. The first option might be to institute a policy that would inform the public as to the Board and Township's position as it involves lighting in these new housing areas, suburbs or new developments. That could be used primarily to approve or not approve an assessment district. That would not give the Board any authority to control a developer if the developer decided to put in the lights at their own expense or if homeowners decided to put up lights without coming to the Board for an assessment district.

On the other hand, the Board could use its police power to enact an ordinance for the health, safety and welfare of residents. That would have, obviously, more teeth and you could enforce it with that type of ordinance. I think, maybe, that's the type of ordinance that Mt. Pleasant has used. You could slowly increase the enforcement so that you place a timeline on when things become effective; when you are going to require a certain type of lights to be used. That doesn't include non-conforming uses so that eventually, all the lighting you are trying to regulate could be similar to the goal you are trying to reach.

The third option is amending or putting into place a zoning ordinance that involves lighting. Of course, that provides that everything that is there is grandfathered in. So there are several options; the zoning ordinance takes a longer period of time, the policy would be a shorter or shortest period of time with a little less ability to enforce it.

- Q. If we were to just look at the ordinance we have and remove the word multi-family and leave it residential, would that work?
- A. At first glance, I even thought that might work, but now that I have looked more deeply into it and have talked to Ray and Mark, I think there would need to be greater changes than that. The standards would need to apply to residences. Those standards were put into place to apply to commercial, more of a parking lot atmosphere. I think you need to change the standards, change the language so that either there would be large amendments made to the ordinance or a new ordinance put together; either zoning or under police power.
- Q. The question I have before I can say we should go towards a policy or new ordinance is if there is anywhere where we are going to prohibit streetlights and, if we want to do that, can we do that through a policy or do we have to do that through an ordinance?
- A. If you want to prohibit lighting, you need to do that through an ordinance, not through a policy. Your policy is a recommendation to the Township's citizens that we believe things should happen in this manner and therefore, if a decision comes in front of us having to do with a permit or an assessment district, we are going to take our policies into consideration. It does not have any enforcement outside of that.

If you want to prohibit certain lighting in certain areas, you would need to do that with an ordinance. What you also need to do then is make sure that has a rational basis and that it has to do with the public safety and welfare. If that is there, along with all the hearing requirements, then you could go forward with prohibiting lights, but it has to be done with an ordinance.

- Q. This ordinance that staff provided for us from Brighton is nice and short. Other than the definition section, it is really two and one-half (2-½) pages long. Would it be possible to go through this with our needs in mind? It also references commercial and business which we have already done in our own lighting ordinance, so maybe we wouldn't need to reference that, unless you felt it needed to be reiterated. I don't want to reinvent the wheel if this is something that has held up and worked well for Brighton Township.
- A. I could do that or staff could do it. I guess I would have a question that maybe the Board review it before I would expend time and your money in looking at it. You let me know if there is something missing in there. Do you want to bring prior subdivisions into compliance in the future? Is that in there? Do you want to give them time? Are you only worried about subdivisions from this point forward? I think there are some unanswered questions in that ordinance. So, if it is agreeable to you that the Board look it over and let me know if that meets your needs. Is that something that could be done?
- Q. We are feeling a little under pressure because we are having all these lighting districts come in and yet, at the same time, at our other Board meeting, you said that we could table those and modify our ordinance and then come back to them at a later date? I don't know how comfortable the Board feels doing that.
- A. I will be glad to look at that. Maybe, if you have comments, forward those to Jerry or to me. Otherwise, I could look at it and have it back to you at the next meeting if you would like me to do that.
- Q. Can we control private residential lighting with an intrusion ordinance similar to sound? Can we say you can't have lights that shine on a neighbor's house that are brighter than so much?
- A. If you are speaking to a nuisance type ordinance, yes.

The consensus of the Board was to place this item on for discussion at the October 4, 2005 Board meeting.

D. Central Park Estates Streetlighting District

Board members discussed the following:

- Suggestion to table streetlighting districts
- Proceed with the streetlighting district if cut-off fixtures are used
- Commercial and office portion at the beginning of Central Park Estates
- Current Township lighting ordinance does not cover streetlights

Trustee Such moved to table the Central Park Estates and Fieldstone Village Streetlighting Districts. Seconded by Trustee Brixie.

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

E. Fieldstone Village Streetlighting District

F. Downtown Development Authority (DDA)

Manager Richards reviewed responses to questions posed at the Board meeting of September 6, 2005 as outlined in staff memorandum dated September 16, 2005. He indicated that, in terms of level of support, there has been interest shown by approximately twenty (20) residents to serve on the DDA Board, some of whom did not sign the original petition.

Manager Richards apprised that Board action cannot take place before November 15, 2005.

Board members discussed the following:

- Request for a revised map at the next Board meeting
- Tax ramifications of redevelopment at the Meridian Activity Center (MAC) and the Central Fire Station
- MAC and the Central Fire Station properties are not taxed as long as the Township owns the property
- Request for rough cost estimate to change the streetscape along Okemos Road and Hamilton Road with the concrete fake brick sidewalk treatment and cut-off acorn style streetlights
- Inclusion in the DDA does not mean you will automatically receive a direct benefit
- Any monies collected in the DDA can be used anywhere within the DDA

The consensus of the Board was to place this item on for discussion at the October 4, 2005 Board meeting.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed Public Remarks.

13. CLOSED SESSION

Treasurer Hunting moved that the Township Board go into a closed session to discuss ongoing litigation and the purchase of property. Seconded by Trustee Brixie.

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

Supervisor McGillicuddy recessed the meeting at 8:50 P.M.
The Board adjourned to the Upstairs Conference Room for a closed session.

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

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

Trustee Woiwode moved to go forward as discussed in closed session. Seconded by Clerk Helmbrecht.

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

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:53 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary