

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, FEBRUARY 19, 2002, **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, Director of Parks & Recreation LuAnn Maisner, Attorney Mike Woodworth

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Charles Louis Willems, 1387 Hickory Island, Haslett, led the pledge of allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS*

Supervisor McGillicuddy opened Public Remarks.

Daria Schlega, 2446 Burcham Drive, East Lansing, spoke in support of a specific definition of "family" under the Rental Housing Ordinance Amendments.

Charles Louis Willems, 1387 Hickory Island, Haslett, spoke regarding his filing of a Police Report for alleged trespass of the Township sewer.

Eleanor V. Luecke, 1893 Birchwood Drive, Okemos, spoke regarding the development process of the Clinton County Comprehensive Development Plan.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT

Supervisor McGillicuddy congratulated the Accounting Department for receipt of the Certificate of Achievement for Excellence in Financial Reporting.

Supervisor McGillicuddy reported on the success of the Okemos Library.

Supervisor McGillicuddy reported on her attendance at the Tri-County Regional Planning Commission Traffic Planning Subcommittee and its focus on the new mall development.

Trustee Woiwode thanked staff for assisting in the drafting of the Briarwood/Van Atta Task Force Final Report; and further assisting in attempts to resolve meeting schedule difficulties.

Treasurer Hunting reported the collection of nearly \$146,000 from delinquent multi-year or pre-2000 personal property taxes. He reported the final day to pay real property taxes at the Township Office and avoid additional interest is February 28, 2002. He reported collection efforts for delinquent 2001 personal property taxes would commence March 1, 2002.

Trustee Woiwode requested the Treasurer report on the potential impact to the Township from the Governor's proposal to collect property taxes during summer.

6. APPROVAL OF AGENDA — OR CHANGES

Board Members discussed the following:

- Addition of Agenda Item #10B. (Board Position Statement on 4-Winds Golf Course Rezoning)
- Deletion of Agenda Item #11C. (Railroad Right-of-Way Setbacks)

Trustee Brixie moved to approve the agenda amended as follows: Add Agenda Item #10B. (Board Position Statement on 4-Winds Golf Course Rezoning); Delete Agenda Item #11C. (Railroad Right-of-Way Setbacks). Seconded by Clerk Helmbrecht.

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

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

Board Members discussed the following amendment to the Consent Agenda:

- Correction of Trustee Woiwode's arrival time in the Header of the February 5, 2002 Minutes to 6:55 P.M.

The maker and seconder of the motion accepted the amendment to the motion to correct the February 5, 2002 Regular Meeting Minutes.

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

(1). Board Deliberation (BD)

- 10A-1 David E. Pierson, McClelland & Anderson, L.L.P., 1305 South Washington Avenue, Suite 102, Lansing; RE: Support for Rezoning #00160 (SP Investments)
- 12-1 Gretchen M. Foster, 4990 Country Drive, Okemos; RE: Practical Approach to Land and Wildlife Preservation

(2). Board Information (BI)

- BI-1 Eleanor V. Luecke, President, L.I.N.C.; RE: Consideration of Comprehensive Development Plan Before Rezoning #02010 (Township Board)
- BI-2 Eleanor V. Luecke, President, L.I.N.C.; RE: Communication to Planning Commission Opposing Commission Review #02013 (Jakovac)
- BI-3 Cindy Welch, 2223 Hamilton Road, Okemos; RE: Support for Rezoning #01010 (Township Board)
- BI-4 Legislative Liaison, Michigan Townships Association; RE: NPDES Phase II Storm Water Regulations
- BI-5 Frank Webster, 3845 Roxbury Ave, Okemos; RE: Application of "Ethics Statement" to Township Board
- BI-6 Frank Webster, 3845 Roxbury Ave, Okemos; RE: Township "Ethics Statement"
- BI-7 Mark K. Clouse, Financial & Legal Counsel, Eyde Company, 4660 S. Hagadorn Rd, Ste 660, East Lansing; RE: Development of "Central Park Estates"

(3). Staff Communication/Referral (SC)

- SC-1 Government Finance Officers Association February 5, 2002 News Release; RE: Award of Certificate of Achievement for Excellence in Financial Reporting to Charter Township of Meridian
- SC-2 Michigan Townships Association Legislative Fax February 1, 2002 Edition

- SC-3 Michigan Townships Association Legislative Fax February 8, 2002 Edition
- SC-4 Article "Neighborhood Development Revisits the Past", page 54; January 2002 American City & County Magazine

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 Clerk Helmbrecht.

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

- B. Minutes - February 5, 2002 Regular Meeting
Trustee Brixie moved to approve and ratify the minutes of the February 5, 2002 Regular Meeting amended as follows: Correct Trustee Woiwode's arrival time in the Header to 6:55 P.M. Seconded by Clerk Helmbrecht.

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:

General Fund/Special Revenue	\$ 231,463.06
Public Works	\$ 490,582.89
Central Park Debt Retirement	
<u>CK 1051 Bank One-Bond Interest</u>	<u>\$ 12,486.25</u>
<u>Total Checks</u>	<u>\$ 734,532.20</u>
<u>Credit Card Transactions</u>	<u>\$ 10,444.79</u>
Total Purchases	<u>\$ 744,976.99</u>

Seconded by Clerk Helmbrecht.

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. Initiate Amendment to C-1 Zoning Language
Trustee Brixie moved to initiate an amendment to the Charter Township of Meridian Zoning Ordinance to permit Gasoline Stations (excluding repair service or car wash facilities) as a use permitted by Special Use Permit in the C-1 zoning district, and subject to similar conditions for gasoline stations, as outlined in the C-2 zoning district. Staff is instructed to prepare the necessary language for the amendment and to present the amendment to the Planning Commission for a public hearing. Seconded by Clerk Helmbrecht.

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

E. Phase II Storm Water Master Plan

Trustee Brixie moved to approve the Resolution authorizing expenditure not to exceed \$7,415 for preparation of the Red Cedar Watershed Management Plan, and authorizing a budget amendment for this expense. Seconded by Clerk Helmbrecht.

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 #11A. & 11E.)

9. HEARINGS (None)

10. ACTION ITEMS

Supervisor McGillicuddy opened public comment.

David E. Pierson, McClelland & Anderson, L.L.P., 1305 South Washington Avenue, Suite 102, Lansing, representing the applicant, spoke in support of Rezoning #00160 (SP Investments).

Jack Schneider, Senior Vice President, Fifth Third Bank, 2501 Coolidge Road, East Lansing, spoke in support of Rezoning #00160 (SP Investments).

A. Rezoning #00160 (SP Investments) request to rezone property located at Jolly Road and Alaiedon Parkway from PO (Professional Office) and C1 to C2

Board Members discussed the following:

- Amendments to rezoning request
- Comprehensive Development Plan zoning designation
- Size of C-2 (Commercial, Retail and Business) zoning district
- Impervious surface maximums

Trustee Brixie moved [and read the resolution into the record] that the Township Board hereby Introduces for Publication and Subsequent Adoption Ordinance No. __-__, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #00160” from C-1 (Commercial, Retail and Business) to C-2 (Commercial, Retail and Business) and PO (Professional Office). Seconded by Trustee Woiwode.

Board Members discussed the following:

- Pro: Amendments to requested zoning address concerns of higher zoning
- Pro: Resident support
- Pro: Consistency with Comprehensive Development Plan
- Con: Zoning is treated too lightly
- Con: The applicant has been aware of the site's zoning restrictions from the beginning
- Pro: The applicant's effort to adjust the plan to the needs of the community
- Pro: The down-zoning of the northern half restricts potential large C-2 uses in the future

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustee Stier
Motion carried 6-1.

B. Board Position Statement on 4-Winds Golf Course Rezoning

Trustee Brixie discussed the status of consideration of the rezoning in East Lansing, and asked Director Kieselbach to summarize the rezoning request.

Director Kieselbach summarized the rezoning request.

Board Members discussed the following:

- East Lansing Planning Commission denial of rezoning request.
- Available zoning categories for the site under the Act 108 Agreement
- Recommendation to rezone to the lowest residential density.
- East Lansing RM-8 zoning category
- Possible correspondence requesting single-family residential zoning on the site to protect Township residents and support local schools
- Inappropriateness of formal resolution concerning this rezoning request
- Encourage zoning as a partner in development
- Desirability of a general agreement with East Lansing over all annexed land
- Importance of involvement of school districts
- Developer advocacy for consolidation of the site under the East Lansing School District

The consensus of the Board was to have the Supervisor send a letter to the East Lansing City Council encouraging single family residential zoning for the property.

11. DISCUSSION ITEMS

Supervisor McGillicuddy opened public comment.

Joan Guy, 1083 Woodside Drive, Haslett, spoke regarding her concerns or support for particular sections of the proposed Planned Unit Development (PUD) Ordinance amendments. She stated her belief the Planned Residential Development (PRD) Ordinance currently provides little value.

Eleanor V. Luecke, President, L.I.N.C., stated and submitted her written comments related to the Planned Unit Development (PUD) Ordinance Amendment, Planned Residential Developments (PRD), railroad right-of-way setbacks, and Amendments to Chapter 105 joint jurisdiction of wetlands. [Statement in Official Minute Book]

William J. Cleary, 1896 Danbury East, Okemos, stated his belief the Board applies inconsistent or contradictory standards in pedestrian/bicycle pathway development and traffic control measures.

A. Planned Unit Development (PUD) Ordinance Amendment

Director Kieselbach summarized proposed amendments related to the primary consideration to shorten the approval process.

Board Members discussed the following items:

- Criteria for appealing a final PUD Approval to the Board
- Approval and appeal process for a platted subdivision
- Involvement of Board at preliminary rather than final approval
- Current PUD approval process
- Incorporation of plat approval process in PUD approval process

Involvement of the Board at preliminary rather than final approval: (Agenda Item #8 (Questions for the Attorney))

Q. Would it be possible for the Board to be involved in the preliminary approval process and serve as the appellate body.

A. The Township Board serving as the appellate body to determine whether the Planning Commission's decision was correct, may be subject to a legal challenge. Such a legal challenge could be based on the Board's role in the initial decision as a body invested in the process from the beginning.

Expansion of "Aggrieved Party" Without Delaying Process: (Agenda Item #8 (Questions for the Attorney))

Q. Would it be possible to expand the definition of "Aggrieved Party" or define those qualifications for an appellant to a PUD without losing the benefit of the expedited process.

A. The intent to expedite the process may be defeated by a prolonged appeal period. By

expanding the definition of an "Aggrieved Party" or who may appeal the decision without very explicit definitions or criteria, there is the possibility of an appeal process that takes as long as the approval process. There must be something required more than simply being a resident or taxpayer in the Township. In addition, the appellate process must be explicit in its process and timeframe, with the Township Board as the responsible party to enforce compliance with the provisions of the appellate process. The appellate process must provide for a meaningful opportunity to appeal, definition of "Aggrieved Party" and definite time limits as to how this process is to proceed.

Board Members discussed the following items:

- Participatory requirement for consideration as an "Aggrieved Party"
- Importance of Board involvement in the approval process
- Increased Complexity of a PUD over a plat
- Role of Board in communicating and fostering core community values
- Board as appellate authority

Director Kieselbach summarized proposed amendments to Section 86-2.4 General Standards.

Board Members discussed the following items:

- Permitted commercial use percentage
- Minimum lot size
- Net benefit of small acreage PUD's
- Balancing commercial and residential uses to avoid unintended consequences in rural areas
- Commercial uses based on lot size
- Transforming the PRD Ordinance into a residential only PUD type ordinance and the PUD into mixed-use ordinance.
- Development of a "Planned Commercial Development (PCD)"
- Increasing PRD open space requirement to fifty percent (50%)
- Providing residential uses in office and commercial districts by special use permit rather than by right in a PUD
- Necessity of mixed use ordinance for development of walkable communities
- Development of mixed use PUD overlay district for urban areas

B. Planned Residential Developments (PRD)

Supervisor McGillicuddy opened discussion on the PRD Ordinance

Director Kieselbach summarized the history and function of the PRD Ordinance

Board Members discussed the following:

- PRD as an overlay district
- Three (3) existing developments under the PRD
- Multiple tools to accommodate clustered development strategies
- Lack of use of PRD
- Development of site condominiums
- Requiring clustered housing for all residential developments
- Development of a clustered housing overlay
- Use of PUD Ordinance in residential development
- Adapting PUD Ordinance to state statute
- Consideration of statutory standards for clustered housing the Township Ordinances fail to meet
- Increasing open space requirement to fifty percent (50%)
- Increasing incentives to compensate for increasing open-space requirement
- Balancing a density bonus to an increased open-space requirement

D. Review Proposed 2002-2003 Pathway Construction

Manager Richards discussed the change from a one-year construction program to a two- (2) year program.

Director Severy introduced the 2002 - 2003 pedestrian/bicycle pathway construction program. He noted two (2) additional pathways not listed in the staff memorandum because of pending grant consideration including: 1) the southbound bridge on Okemos Road across the Red Cedar River; and 2) the Old Interurban from Burcham to Okemos Road.

Board members discussed the number of years remaining on the Pedestrian/Bicycle Pathway Millage.

E. Amendments to Chapter 105 for Joint Jurisdiction of Wetlands

Director Kieselbach introduced the proposed Wetland Protection Ordinance.

Board Members discussed the following:

- Determination/listing of existing non-conforming structures
- The need for a financial impact estimate of the proposed ordinance

Statutory limitations on municipal jurisdiction over small wetlands: (Agenda Item #8 (Questions for the Attorney))

Q. Do the state statutes preempt local units of government from taking jurisdiction over small non-contiguous wetlands.

A. Before any regulation of wetlands less than two (2) acres, the Township Board must make a scientifically supportable determination of essentiality. With such a determination of essentiality, a local government may regulate the wetland.

Board Members discussed the following:

- Value of removing size restrictions from Township jurisdiction
- Increasing scientific attention to the importance of small wetlands
- Methodology for the determination of the locations of impacted wetlands and non-conforming structures
- Rebuilding of destroyed conforming structures
- Practicality of phasing out non-conforming structures in an area of significant wetlands

Trustee Such requested to be excused from the meeting.

Supervisor McGillicuddy approved Trustee Such's request.

[Trustee Such left the meeting at 8:42 P.M.]

Supervisor McGillicuddy recessed the meeting at 8:42 P.M.

Supervisor McGillicuddy reconvened the meeting at 8:53 P.M.

12. VISION SESSION: "Greenways"

Supervisor McGillicuddy opened discussion on creating a definition for the term "greenway."

Board Members discussed the following concepts to define the term "greenway":

- A network of conservation lands
- Preserve diverse habitats
- Includes farm land
- Includes park land
- Includes properties subject to PA 116 agreements
- Includes county drains

- Runs throughout the community
- Potential to grow into regional network
- Serves as a legacy
- A strategy to connect existing components
- Includes recreational functions
- Public and non-public functions
- Includes natural features setbacks
- Land use buffer
- The difference between greenways and greenbelts
- A "connector of green spaces"
- A "green infrastructure"
- A link for sensitive floodplain areas
- Serves a multiplicity of functions simultaneously
- Includes incentives for private participation
- Clearly based on the needs of the community
- Incorporates planning tools

Board Members discussed the following "worries":

- Sustainability of infrastructure and effort
- Loss of opportunities over time
- Lack of cooperation/support from property owners
- Legal ramifications and takings claims
- Increasing development burdens in ordinances
- Planning limitations
- Failing to involve residents
- Failing to educate public about the process and benefits
- Impact of potential misinformation
- Achieving support of development community
- Failing to recognize the service of outside organizations to land preservation
- Converting ideas to practice
- Communicating a fundamental vision to responsible parties

13. PUBLIC REMARKS (No Public Present)

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:38 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary