

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED**
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, JUNE 2, 2009 **6:00 P.M.**

PRESENT: Supervisor McGillicuddy (6:45 PM), Clerk Helmbrecht, Treasurer Brixie, Trustees Dreyfus, LeGoff, Ochberg, Veenstra
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 Michael Woodworth

1. CALL MEETING TO ORDER

Clerk Helmbrecht called the meeting to order at 6:00 P.M.

2. PLEDGE OF ALLEGIANCE

Clerk Helmbrecht led the Pledge of Allegiance.

Trustee Dreyfus moved that Trustee Ochberg be appointed Supervisor Pro Tem for the Board meeting of June 2, 2009 until Supervisor Sue McGillicuddy arrives. Seconded by Trustee LeGoff.

VOICE VOTE: Motion carried 6-0.

3. ROLL CALL

The secretary called the roll of the Board.

4. PUBLIC REMARKS

Supervisor Pro Tem Ochberg opened Public Remarks.

Leonard Provenchur, 5824 Buena Parkway, Haslett, spoke in opposition to MUPUD #09014 and SUP #09011. He indicated he attended the Ingham County Road Commission meeting last week and was opposed to continuing the federal enhancement project for Okemos Road from Jolly to Clinton Street and the Township's share of approximately \$200,000 for that project.

Ganesh Reddy, 3614 Ponderosa Drive, Okemos, reminded the Board to govern with honesty, transparency, fiscal prudence and respect for citizens. He reminded the Supervisor of her campaign promises, expressed concern the Township attorney contract was not let for bid and urged the Board to exercise fiduciary responsibility through creation of a finance subcommittee.

Tim Potter, 4632 Van Atta Road, Okemos, requested the portion of Hamilton Road from Marsh to Dobie Road be placed on the Township's prioritization list for repaving.

Lynne Page, President, Briarwood Homeowners Association, 3912 Raleigh Drive, Okemos spoke in support of Zoning Amendment #09010 and requested the Board exercise fiscal responsibility regarding the fund balance when implementing the 2009 Road/Improvement/Preservation Program.

Supervisor Pro Tem Ochberg closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. 2008 Lake Lansing Report - Larry Wagenknecht, Lake Lansing Watershed Advisory Committee (LLWAC)

Mr. Wagenknecht, 6097 Partridge Street, Haslett, offered history on the Lake Lansing Special Assessment District, recapped accomplishments for Lake Lansing during 2008 and proposed activities during 2009.

Board members discussed the following:

- Assessment of use of milfoil weevil on eradication of Eurasian milfoil
- Lack of adequate data to determine if milfoil weevils will be successful in Lake Lansing
- Possible trial approach of a combination treatment of weevils and herbicide(s)
- Possible trial with use of weevils on the south end to take advantage of the need for natural shoreline over winter
- Lack of historical data to determine density of weevils for an appropriate approach
- Cost of herbicide(s) for spot treatment (24D) v. whole lake treatment (fluridone) of nuisance aquatic plants
- Lake Lansing Advisory Committee (LLAC) to provide Board with information on the number of gallons of fluridone used to treat Lake Lansing
- LLWAC recommendation that an ordinance be adopted which limits the use of phosphorus containing fertilizer in the Lake Lansing Watershed

[Supervisor McGillicuddy entered the room at 6:45 P.M.]

[Report in Official Minute Book]

6. APPROVAL OF AGENDA — OR CHANGES

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

Trustee Ochberg offered the following friendly amendment:

- **Add Agenda Item #11C – Reconsider the cessation of work on the South Hulett Road Pathway Pending Board Review of the Pathway Master Plan**

The amendment was not accepted by the maker.

Trustee Ochberg moved to amend the Agenda as follows:

- **Add Agenda Item #11C –Cessation of Work on the South Hulett Road Pathway Pending Board Review of the Pathway Master Plan**

Seconded by Trustee LeGoff.

Board members and staff discussed the following:

- Motion to reconsider this item at tonight’s meeting not allowed under Robert’s Rules
- Should be a motion to renew as the original motion was defeated at the last meeting
- Motions to renew can be brought before the Board at any time by any Board member and does not require notice or special consideration in terms of which Board member can offer the motion

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy

NAYS: Clerk Helmbrecht, Treasurer Brixie

Motion carried 5-2.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

- (1). Board Determination (BD)

- BD10B-1 Rose Wright, 5649 Bayonne Avenue, Haslett; RE: Support for MUPUD #09014 (Capstone)
- BD10B-2 Memorandum from Treasurer Brixie; RE: Response to tax revenue questions from the Board

(2). Regional Linkage (RL)

- RL-1 Victor Loomis, Jr., Mayor, City of East Lansing; 410 Abbot Road, East Lansing; RE: Response to request for financial assistance in litigation against Comcast relative to moving PEG channels to the second tier

(3). Staff Communication/Referral (SC)

- SC-1 Memorandum from Director Kieselbach; RE: Commission Review #09023 (Township Board)
- SC-2 Copy of letter from Township Manager Richards to the Ingham County Road Commission; RE: Board recommendations for projects listed on the proposed 2010-2035 Long Range Plan
- SC-3 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 May 20, 2009

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

Material received at the May 19, 2009 Board Meeting

John E. Vawter, Executive Vice President, Capstone Development, 431 Office Park Drive, Birmingham, AL; Request to postpone MUPUD #04014 and SUP #09011 until the June 2, 2009 Board Meeting

Cheryl Delaney Kreger, Superintendent, Okemos Public Schools, 4406 Okemos Road, Okemos; RE: Support for completion of the pedestrian/bicycle pathway along the east side of Hulett Road

Ron Rivard, 3655 Ponderosa Drive, Okemos; RE: Support for completion of the sidewalk on the east side of Hulett Road

Shaun Roark, 4363 Oakwood Drive, Okemos; RE: Support for an ordinance which would require businesses to install parking facilities for bicycles

Treasurer 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 Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried unanimously.

B. Minutes

Treasurer Brixie moved to approve and ratify the minutes of the May 19, 2009 Regular Meeting as submitted. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried unanimously.

C. Bills

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

Common Cash	\$ 255,391.64
Public Works	\$ 58,824.87
Total Checks	\$ 314,216.51
Credit Card Transactions	\$ 6,965.30
Total Purchases	<u>\$ 321,181.81</u>
ACH Payments	<u>\$ 505,130.18</u>

Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

[Bill list in Official Minute Book]

- D. Capitol Area Emergency Services Consortium Membership Letter of Agreement
Treasurer Brixie moved to approve the Capitol Area Emergency Services Consortium (CAESC) membership letter of agreement establishing the formation of the Capitol Area Emergency Services Consortium and Meridian Charter Township’s membership in the same and authorize the Township Manager to sign the agreement. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

- E. Assessing Stipulation
Treasurer Brixie moved that the Township Assessor be authorized to sign a stipulation with Daniel and Janine Kohler on the following property:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
2007	0336128	1043 Wild Ginger Trail, Haslett, MI 48840
2008		
2009		
<u>Assessment</u>	2007	<u>AV/TV</u> \$131,100/130,586
	2008	\$132,100/132,100
	2009	\$117,100/117,100
<u>Proposed Assessment</u>	2007	<u>AV/TV</u> \$116,200/116,200
	2008	\$116,200/116,200
	2009	\$113,000/113,000

Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

- F. Outdoor Gathering and Fireworks Display Permits, July 4th Celebration

Treasurer Brixie moved approval of the Outdoor Assembly License and the Permit for Fireworks Display by Night Magic, Inc. for the Independence Fireworks Celebration on Saturday, July 4, 2009, as described in the memorandum dated May 29, 2009. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried unanimously.

G. Accept School Tax Collection Agreements

Treasurer Brixie moved that the Township Board approve the “2009 Summer School Tax Collection Requests and Agreements” for East Lansing, Okemos, Williamston and Ingham Intermediate School Districts. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried unanimously.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item #10B)

Q. Would it be appropriate for me to ask the attorney at this time if he could go over the criteria we should be using to make our decision for Action Item #10B?

A. There are two sources, if you will, that the Board needs to keep in mind. One is the PUD enabling statute itself, that which gave the Township the authority to adopt the PUD ordinance. What that says is that any decision which you are going to be making on a PUD determination has to be made in accordance with your established standard. The whole idea behind the PUD is to allow flexibility, but still you need to be able to articulate your basis for your decision predicated upon the standards contained in the ordinance. That then takes us to our PUD ordinance, and I trust that everybody has a copy of that in front of them. When it comes to the intent behind the ordinance, I think our standards are actually contained there. You will see, for example, discussions regarding improvement of natural environment, open spaces, investment incentives, increasing the level of community amenities and, of course, public health, safety, and welfare is always an issue to be considered in the decision. Interestingly, there is a word that's in the enabling statute that is not carried over into our ordinance; nevertheless, it is, I think, significant. In the enabling statute, open spaces are referred to as encouraging *useful* open spaces; the word *useful* is inserted. When you make your decision, you cannot be arbitrary. You must have a basis in fact for that and it is to be grounded in the standards set forth in the ordinance. If you have any specific questions, maybe I can respond to those. I hope that's responsive to what I have been asked so far.

Q. In this particular instance for this particular mixed use planned unit development (MUPUD) proposal that we have before us this evening, we had this project “pitched” to us before the entire Township Board in 2007. At that time, I think the Board indicated to the applicant that the idea they were pitching to the Board was acceptable. In 2008, the applicant came to the Township Board and requested a rezoning on a portion of the property; they had an 81 acre rezoning request of which 15 acres are before us this evening. The Board approved a conditional rezoning on the site conditioned on the MUPUD submittal and it specifically addressed density. Could you address those specifics in terms of what we should be considering as it relates to the density of this site? It seems to me that perhaps we have taken a step further than just examining the mixed use ordinance since the applicant has already received a conditional rezoning on the site with specific density.

A. The reference, and we do have a specific reference, to density in our PUD ordinance has to do with “increasing the level of community amenities within mixed use developments by permitting higher density use.” The commitment that was made in terms of the conditional zoning that you referred to, Treasurer Brixie, essentially was a commitment that we think this will past muster; at least it gives us something that we will consider for final approval under our PUD. The Board essentially committed that it would apply the standards contained in our ordinance. At that time, there were density numbers that were provided.

The specific wording of our ordinance lends itself to the analysis that you are going to give the applicant this higher density and quid pro quo (in exchange for that), let's take a look at the amenities that we are going to be getting. I think even the qualitative nature of the amenities... We've got a definition of amenities that includes things like aesthetics that can be sometimes a very difficult thing to defend if I'm called upon to do; nevertheless, that's part of our ordinance. That's the only reference we have to this density consideration in our PUD ordinance.

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

D'Destin Kaufmann, 5140 Cornell Road, Okemos, urged the Board to move Cornell Road up on the priority list of roads needing repair. He spoke in support of MUPUD #09014, and expressed concern with Board portrayal of college student behavior.

Supervisor McGillicuddy closed public comment.

- A. Zoning Amendment #09010 (Planning Commission), an amendment to Sections 86-129, 86-187, 86-188, and 86-189 to update appeal procedures and add an appeal procedure for minor amendments to Special Use Permits

Trustee Ochberg moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____, entitled "Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article II, Division 4, Section 86-129 by amending Section 86-129(f); Article II, Division 6, by amending Section 86-187, Section 86-188, and Section 86-189; and Article IV, Division 4, Section 86-439, by amending Section 86-439 (h)(5)d."

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

Board members discussed the following:

- Cost of fee to appeal a decision
- Ten day notice for an appeal is standard language in the rest of the ordinance
- Public knowledge of commencement of the ten day appeal period

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None

Motion carried unanimously.

- B. Mixed Use Planned Unit Development #09014 (Capstone), a request to develop a Mixed Use Planned Unit Development consisting of 223 multiple family residential units in six buildings

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn, Suite 660, East Lansing, gave an overview of the entire site called Hannah Farms and the specific portion contained in MUPUD #09014.

Andrew Baque, Atwell-Hicks Development Consultants, 1245 East Diehl Road, Suite 100, Naperville, Illinois, spoke to his career background as an urban designer and smart growth consultant to the Eyde Company on the proposed mixed use planned unit development. He outlined village concepts related to redevelopment of this site and pinpointed amenities both off- and on-sites which attract the village concept (adjacent to the university, regional recreation destinations, hospitality destination, existing office on site, environmentally sensitive acreage on site, connection to the Red Cedar River and the regional greenway system).

Mr. Baque indicted that based on preliminary meetings with the Township in the summer of 2007, it was determined that municipal support and regulatory infrastructure was in place to sustain the village concept at this location. He stated a charette was held to test the village concept in the market, and multiple developers in a number of diverse areas responded. Mr. Baque pointed out there are four primary land uses to a mixed use project: office, retail, residential and recreational. He added the primary land uses are mixed vertically (all four (4) land uses) and horizontally (Two (2) of the four (4) – residential and recreational uses).

Mr. Baque indicated all land uses must be integrated to be successful; in this project the integration and connectivity occurs on the streets and the open spaces. He added that in the diagram provided, the retail creates the synergy at the ground, so it was necessary to be at the front “third” of the project. Mr. Baque explained the rationale for the “spine” road and the remaining road layout. He noted the public space was placed at the heart of the village to foster human energy in conjunction with the sidewalk grids. Mr. Baque showed the progression of diagrams for the project, beginning with the one shown at the charette and ending with the diagram before the Board tonight.

Mr. Bacque spoke extensively to parking and parking lots for this MUPUD.

John Acken, Capstone Development Corporation, 431 Office Park Drive, Birmingham, Alabama, reviewed some of his written responses to Board questions and comments made during the May 7th meeting for this project. He spoke to the rationale for why there is no retail in this particular portion of the development. Mr. Acken walked the sidewalk along Hannah Blvd. to get a feel for the traffic and stated the traffic report was on target as indicated by the traffic engineer.

Board members and the applicant discussed the following:

- Sufficient turning radii in the development for CATA buses
- Concern with use of vehicles on Hagadorn Road during peak hours to acquire groceries
- Addition of a condition to receive a variance by the Zoning Board of Appeals from the 175 foot setback from the railroad right-of-way
- Density for undeveloped vs. developed property
- Attraction of Cedar Village (open area which invites out-of-town individuals) not present in this development
- Quality of construction materials
- Several universities have multiple Capstone developments
- Cottage Builders a wholly owned subsidiary of Capstone
- Number of complaints at other Capstone projects
- University Commons portfolio built from 1991 to 2005 was sold and no longer managed by Capstone
- Financial stability of Capstone
- No pending legal claims involving Capstone and universities

[Supervisor McGillicuddy recessed the meeting at 9:05 PM]

[Supervisor McGillicuddy reconvened the meeting at 9:18 PM]

Continued Board member and applicant discussion:

- Three of the Board members were elected in November, 2008 and have come to this project in the middle of the process
- Board member concern that there is a preponderance of riots at Michigan State University
- Rezoning of this property was conditioned upon a range of 1,010 to 1,159 units for the 81 acre site

Previous rezoning of this property: (Questions for the Attorney (See Agenda Item #8))

Q. Did the Board pass a rezoning to the PUD that actually was a variance from the PUD itself?

A. I think I understand the question, Trustee Dreyfus. You are saying essentially, why were they using or apparently used the density figure off of a developed v. an undeveloped site. It appears to me that they did; I was not there to participate to arrive at the range. The range,

on one hand, would be a calculation off an undeveloped site on the low end (1,010) and the max would be off of a developed site. The only thing I can tell you is that our PUD allows for that to happen; that was the lawful decision that was made. If you look at the idea of the increased density (as we said, I think, in response to an earlier question that was put to me), one of the things that can be done is increase the level of community amenities within mixed use developments by permitting higher density use.

Q. Up to twenty-five percent (25%), correct?

A. No, this is right in the provisions; the standards themselves. You get the 25% elsewhere. The whole idea behind the PUD concept was to provide additional flexibility (this idea of clustered zoning). What they apparently did was decide to establish this range; you are going to come up with a density within this range. What I'm saying is that there is nothing I see that is inconsistent or in violation of our PUD ordinance when they did that. They could do that; they could exercise their discretion in that fashion.

- Maximum number of required parking spaces if this was a multi-family development would be two per unit plus a demonstration that a 25% expansion was possible
- Suggestion to remove parking spaces on the northernmost portion of the site and place them in other areas of the MUPUD on an as needed basis
- Level of parking on the proposed plan needed to make the project viable for students
- Approximately 65% impervious surface in a multi-family development
- Percentage of the forty (40) acres that is protected open space
- Conservation easement across the forty (40) acres and the majority of that acreage is floodplain or wetlands
- Any development within that forty (40) acres would require a permit to work in the floodplain and/or a wetland use permit
- Belief the traffic analysis does not clearly depict the actual number of cars/drivers based on the number of students
- Traffic analysis assumption that most students will not use their vehicles during peak hours
- Concern this property may be sold as it relates to future phases of the project
- Capstone has a contract only on the subject fifteen (15) acre parcel of the 81 acre site
- Annual Township revenue generated from the proposed Capstone project
- Township revenues generated for the properties along Hannah Boulevard to Hagadorn Road
- Pervious pavement for parking does not count toward the required percentage of pervious surface
- Board should revisit setback issues from the railroad for all residential properties regardless of the zoning
- Proposed berm will be refined during the site plan review process
- Placement of condition in the resolution to denote berm will be placed on the west and north sides of the project
- Board should revisit the requirement for a minimum of 50 percent window area on the first floor of a MUPUD building
- Appreciation for the condition which encourages LED lighting where feasible as a energy conservation measure
- Board member opinion that this is a review process
- Difficulty of viewing this in a "microcosm" without seeing the proposed development for the remaining 66 acres
- Concern there is no assurance the remainder of the 81 acres will be developed
- Amenities inadequate for this portion of the development
- Alleged insufficient amount of greenspace to satisfy open space requirements
- Lack of bicycle pathways on the site
- Lack of interconnection with the remainder of the site
- Concern that fence between the ice arena and the student housing complex reduces the ability for interconnection
- Lack of connection to the future senior housing area as student housing project is "surrounded" by water
- Hannah Boulevard will extend into the senior housing area
- "Need" for creativity (e.g., bicycle pathways and sidewalks which cross the river and railroad tracks to access Grand River's commercial area) with this site

- More public space needed
- Concern with reflection of heat generated from the asphalt onto the buildings
- Liner building placed along the southern end near Hannah Boulevard an ideal place for a small grocery store or coffee shop
- Plan lacks critical circulation patterns
- *Michigan Township News*, June edition contained a Delhi Township study on Cost of Community Services (COCS) which indicated the biggest contributor to the total expenditure is the amount of police and emergency medical services required
- Board member belief this development will cost between \$1.55 and \$1.78 for police and fire services for each dollar of revenue received
- Board member belief that until there are assurances the rest of the development will offset the “loss” of taxpayer dollars, the Board should not take the risk
- Belief this single phase of the 81 acre development fails to meet many of the new urbanist goals as it is a segregated community
- Board decision must be based upon what the ordinance requires
- Board previously rezoned an 81 acre parcel mixed use planned unit development
- Project before the Board should be viewed as infill development
- Applicant has presented at least ten (10) amenities, only four (4) of which are required in the Township’s ordinance
- Delhi Township’s COCS study was based on its costs, not a regional cost
- Delhi Township’s COCS study revealed that mixed use (mix of building forms in one comprehensive development) is the least expensive to the community and provides for excess tax revenue after expenses
- Parking lot for students who drive to Michigan State University is at the corner of Mt. Hope and Farm Lane, which is twice as far from the university as this development

Board option to request changes: (Questions for the Attorney (See Agenda Item #8))

Q. This is strictly a review. They still have the option to redesign and come back, correct?

A. They could resubmit. That would be one of their options.

Q. If the Board feels that the amenities are not sufficient for the site, it’s within their purview to say you need to beef up the amenities to match the site, correct?

A. Yes.

Q. As we apply the MUPUD criteria, do we have to assume that the whole project will be completed and make our judgment based on the whole concept, or should we judge this phase on its own merits with regard to the MUPUD standard?

A. The enabling statute for PUDs provides: “Final approval may be granted on each phase of a multiphased planned unit development if each phase contains the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the planned unit development and the residents of the surrounding area.”

Treasurer Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants mixed use planned unit development approval for Mixed Use Planned Unit Development #09014, subject to the following conditions:

- 1. Approval of the mixed use planned unit development design is in accordance with the site plans prepared by KEBS, Inc. dated May 26, 2009; building elevations and floor plans submitted by the applicant on February 9, 2009. All plans are subject to revisions as required.**
- 2. MUPUD #09014 (Capstone) to construct a group of six apartment buildings with 220 units (683 beds) and one maintenance building shall be contingent on the approval of SUP #09011 (Capstone) for a group of buildings greater than 25,000 square feet of gross floor area.**

3. **Approval is subject to construction and/or installation of all amenities depicted on the Amenities Plan dated May 26, 2009: recreational resources, outdoor gathering and eating (gym, ice skating, paver seating); street side planters; community center/clubhouse with WiFi; covered bike rack; bike racks; covered bus shelter; hot tub; and balconies. The size, capacity, and location of amenities shall be subject to the approval of the Director of Community Planning and Development.**
4. **The character and quality of the building materials and general architectural design of the buildings shall be consistent on all four sides of each building. The majority of each building shall be comprised of brick or masonry products.**
5. **The final design of the trash compacter enclosure shall be subject to the approval of the Director of Community Planning and Development.**
6. **A location shall be set aside and identified on the site plans for use by residents to deposit recycling materials. The number and locations shall be subject to the approval of the Director of Community Planning and Development during site plan review.**
7. **Bicycle parking facilities shall be provided. The number and location shall be subject to the approval of the Director of Community Planning and Development during site plan review.**
8. **Site accessories such as railings, benches, trash and recycling receptacles, exterior lighting fixtures, and bicycle racks shall be of commercial quality, and complement the building design and style. Final design and location shall be subject to the approval of the Director of Community Planning and Development.**
9. **Any future building additions or expansions to the buildings will require modification to the MUPUD #09014 and SUP #09011, subject to the approval of the Township Board.**
10. **Prior to the issuance of any permit, including, but not limited to, a grading permit or building permit, the applicant shall submit a report describing site conditions as they impact the installation of a permeable concrete system, including but not limited to existing soil conditions and the depth of the water table. The report shall be reviewed by the Department of Public Works and Engineering to determine the site's suitability for the installation of a permeable concrete system. If the site is determined to be suitable, then the permeable concrete system shall be installed.**
11. **Prior to any work occurring on the site, including but not limited to grading, the applicant shall provide written notification to the Department of Public Works and Engineering of intent to begin work. The applicant shall provide the Department a reasonable time to schedule a staff person to be on site to observe all work associated with the installation of a permeable concrete system. The applicant shall not begin work until written confirmation has been received from the Department of Public Works and Engineering that the proposed work time table is acceptable. A Department of Public Works and Engineering staff person shall be on site to observe the installation of the permeable concrete system.**
12. **A porous pavement maintenance plan shall be submitted to the Director of Community Planning and Development after the permeable concrete system has been installed which shall include, but not necessarily be limited to, periodic vacuum sweeping. Proper maintenance of the porous pavement shall be required and documented in a**

- report to be submitted to the Department of Public Works and Engineering at least two times in each calendar year.
13. The parking lot shall be designed in accordance with the requirements of Section 86-756 Design and Construction Requirements.
 14. The applicant shall apply for and receive a wetland use permit from Meridian Township and the Department of Environmental Quality, as applicable, to fill and work in wetlands on the site.
 15. A land clearing permit shall be required prior to issuance of a grading or building permit. If deemed necessary by the Director of Community Planning and Development, trees shown on the June 9, 2008 Existing Tree Plan to be preserved shall be properly protected prior to the commencement of grading or construction activities related to the proposed mixed use project. Tree protection shall be provided as outlined in Section 22-179 of the Code of Ordinances. Trees to be preserved shall not be removed unless a revised plan is submitted and approved by the Director of Community Planning and Development.
 16. All existing debris found on the subject site and other debris resulting from clearing, grading, or construction activities related to the proposed project shall be removed from the site and shall be properly disposed.
 17. Street trees shall be installed along Hannah Boulevard. 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.
 18. Landscaping shall generally comply with the provisions of the Code of Ordinances, including the mixed use planned unit development standards as outlined in Section 86-440(d)(4) and other applicable sections of the Ordinance pertaining to landscaping.
 19. Site and building lighting shall comply with Article VII in Chapter 38 of the Code of Ordinances and shall be subject to the approval of the Director of Community Planning and Development. Streetlights shall not exceed 15 feet in height. LED lighting shall be used where feasible.
 20. A sign program shall be submitted as part of site plan review and shall be subject to the review and approval of the Director of Community Planning and Development.
 21. The applicant shall apply for and receive a variance from the requirement for a minimum of 50 percent window area on the first floor of a mixed use planned unit development building abutting a public street or redesign the buildings to comply with the ordinance.
 22. All mechanical, heating, ventilation, air conditioning, and similar systems shall be screened from view by an opaque structure or landscape material (if at street level) selected to complement the building. Such screening is subject to approval by the Director of Community Planning and Development.
 23. The applicant shall obtain all necessary permits, licenses, and approvals from the Michigan Department of Environmental Quality, Ingham County Drain Commissioner, Ingham County Road Commission, and the Township. Copies of all permits and

- approval letters shall be submitted to the Department of Community Planning and Development.**
- 24. The utility, grading, and storm drainage plans for the site shall be subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with the Township Engineering Design and Construction Standards.**
 - 25. A copy of the site plan information that exists in a computer format for the development project and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.**
 - 26. A berm shall be constructed on the north end of the site to protect the site from railroad derailments.**
 - 27. Fences shall not be erected on the full length of the western border to facilitate bicycle and pedestrian traffic through the adjacent properties.**

Seconded by Clerk Helmbrecht.

Board members discussed the following:

- Purpose and intent of the MUPUD are to promote and accommodate developments in rationale mixed use patterns which respect the Township's transitional land use concept
- Large commercial area mixed with student housing development within sight of the university is a rationale MUPUD pattern
- Project meets Township goals: prosperity ends and diversity ends
- Township Board chose to focus on economic prosperity as its number one priority for the year as it recognized the dire economic situation both the state and local economy are experiencing
- MSU as a stable employer in the community
- Impending commercial loan crisis
- The FRIB (Facility for Rare Isotope Beams) will be located close to the proposed development
- Area in a unique situation to capitalize on some of the estimated 300 permanent new jobs to be created from the FRIB
- Additional 791 construction jobs at the FRIB
- Project design promotes walkability and bikability
- Property values will increase upon completion of the project
- Hannah Plaza contains a significant portion of individually owned unique businesses in Meridian Township
- Proposed project should encourage and increase these unique types of businesses
- M-TEAM (Meridian Township Entrepreneurial Asset Movement) and the Meridian Asset Resource Center (MARC) identified that Meridian Township is an aging community as a result of Proposal A and the Township needs to entice young people into the community to help reinvent the economy
- Applicant's intent to "tap" into the bike trail the Township is moving towards along the river to connect to the River Trail and then to Lake Lansing
- Suggestion to connect a pathway along the railroad tracks in the future
- Board reconsideration of the MUPUD ordinance in the future
- Project (as part of the PUD) viewed as a residential complex
- Proposed amenities viewed as marketing inducements to garner renters
- Requested parking spaces based on assumptions
- Board member belief the traffic volume has not been adequately addressed
- Ordinance calls for a 175 foot setback from the railroad right-of-way for a high density residential complex
- Board member belief a key factor in granting high density is sufficient open space
- Board member belief there is virtually no green space being provided on the 15 acre parcel other than what is required by the ordinance "outside" of the PUD

- Board member belief the project exceeds the density allowed by the Township's ordinance

Trustee Veenstra offered the following friendly amendment:

- **Amend condition #26 after the word "constructed" by inserting "on a portion of the west side as well as"**

The amendment was accepted by the maker.

Trustee Veenstra offered the following friendly amendment:

- **Add condition #28. Approval is subject to the installation of an emergency warning siren satisfactory to Township staff.**

The amendment was accepted by the maker.

Developed v. undeveloped site: (Questions for the Attorney (See Agenda Item #8))

Q. Is this sixteen acre site before us an undeveloped site?

A. The site was not undeveloped at the time of the rezoning. What you had here was a combination of parcels for rezoning, one of which had already undergone development, one of which was developed in part. So what we talk about in our ordinance is a development in conjunction with a redeveloped site. Whether that was tactical – what the reasons were for that at the time these two parcels were joined, you had one portion that had not been developed – there was another parcel that was partially developed. They were combined for rezoning, with this condition of the PUD on that entire 81 acre piece. So, it was, and it is; it presents a situation where redevelopment is occurring on the 81 acre piece. Now, to be sure, it is being done in phases. We are dealing with a 15 acre portion of that now. The rezoning was on a global part and the global part was partially developed.

Q. What we have before us is this sixteen (16) acre parcel which, as far as I know, is undeveloped. Isn't that what we have before us?

A. What you have is the first phase of a development on the entire 81 acre piece, a portion of which, at the time it was rezoned, was developed.

Q. I thought earlier in this meeting, we heard that this was a stand alone development on sixteen acres. This is a proposal from Capstone and there is no guarantee that other phases will be done because they are owned by the Eydes and there's no connection to possible future phases. Is that correct?

A. The assurance you have is that the entire 81 acre piece was rezoned with the condition that you have "x" number of units on this 81 acre piece. Where you place them on that 81 acre parcel is left open. You can concentrate them and you can cluster them but you're only going to have that number of units on an 81 acre piece and that will run with the land – that condition.

Continued Board, applicant and staff discussion:

- Maximum of 200 units on this sixteen (16) acre parcel if considered an undeveloped site
- In order to make the sidewalks safe for pedestrians, bicyclists belong on the street
- Traffic speed on the streets will be low as the streets are short
- Applicant to provide type of insulation to be used in the walls
- Applicant to provide information on whether the insulation meets the Level 1 LEED standards
- Tenant option to pay utilities separately or include in higher monthly rent
- Number of police calls to Glenwood Apartments averages three (3) calls per month
- Number of police calls to Glenwood comparable to other apartment complexes in the Township
- Number of police calls to comparable number of single family homes dependent upon the location of those homes in the Township

Board consideration of this MUPUD as a "review": (Questions for the Attorney (See Agenda Item #8))

- Q. The Supervisor asked earlier if this was “only” a review and they could come back later with a different design. Is a review something less than a complete vote and if we don’t support this, what would the process be for this applicant to come back? I thought a vote was a vote.
- A. Let me respond to that by, once again, referring to the enabling statute of the PUD ordinance. “Within a reasonable time following the public hearing, the body responsible for approving planned unit developments shall meet for final consideration of the request and deny, approve, or approve with conditions the request. The body shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.” The answer to your first question is no. There will be a definitive decision made, either approving, denying, or approving with conditions. Secondly, ultimately this Board will be required to make a decision and articulate the reasons for that decision. The Board will recall I said at the outset of this meeting that the standard that would apply to the Board’s decision in terms of any type of review, judicial review, would be whether it was arbitrary and capricious, whether it was based on fact or, if instead, it was based on feelings or something less than what would be the basis for a well-thought out decision. So I responded to the Supervisor’s question by saying one option if they are denied is to come back. That would not be the only option that is available. The statute is written to facilitate judicial review.

The seconder offered the following amendment:

- 29. Remove 60 parking spaces from the northern portion of the site and additional parking can be requested after one year.**

The amendment was accepted by the maker.

Trustee Veenstra offered the following friendly amendment:

- **Amend condition #29 to read: Remove 60 parking spaces and additional parking may be requested.**

The amendment was accepted by the maker and seconder.

Continued Board and applicant discussion:

- Applicant concern with ability to finance the project with a precondition of reduced parking spaces
- Concern with how the applicant would show a financial institution or Board that additional parking is needed
- Market studies show the required amount of parking spaces
- Reputation of having insufficient parking may not allow the applicant to “lease up”
- Possibility of the applicant removing parking if it is not needed
- Opportunity for applicant to postpone action
- Applicant’s pursuit of a shared parking agreement with the Ice Arena sufficient for the financial institution
- Possibility of a work session to work out the parking issue
- Work session would be a full meeting of the Board
- Applicant request to postpone action until the next meeting of the Board
- Request for a factual data collection on the probable number of cars using the entrances and exits off of Hagadorn Road rather than assumptions

The seconder withdrew her amendment.

Supervisor McGillicuddy called the question. Seconded by Trustee Dreyfus.

At the applicant’s request, Clerk Helmbrecht moved to postpone action on this item until the June 16, 2009 Board meeting. Seconded by Trustee Veenstra.

Motion to postpone: (Questions for the Attorney (See Agenda Item #8))

- Q. Is this motion legal under our time frame and what has to be done?

A. The thirty (30) day requirement...only upon consent of the applicant. Unless the applicant were to say they would like that opportunity; otherwise, the motion would be meaningless.

Q. Mr. Woodworth, would the project go back to the Planning Commission or to the Board?

A. The ordinance is less than clear. If there were to be a resubmittal, that would go to the Planning Commission. However, if there were a postponement, that would come back to the Board.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried unanimously

Without objection, the Supervisor removed Agenda Item #10C, #11A and #11C.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Lisa Hildorf, 6050 Standish Court, East Lansing, Board member of the Whitehills Woods Homeowners Association, spoke in support of road improvements for the Township.

Supervisor McGillicuddy closed public comment.

B. 2009 Road Improvement/Preservation Program

Manager Richards summarized the proposed 2009 Road Improvement/Preservation Program as outlined in staff memorandum dated May 29, 2009.

Board members and staff discussed the following:

- Manager latitude to add \$300,000 from the General Fund Fund Balance to the 2009 Road Improvement/Preservation Program
- Proposed budget amendment to transfer the balance of the Treasurer's 20% pay cut for 2009 to the road program
- Earmark Treasurer's annual salary reduction (\$15,000) for road improvement/preservation
- Concern with further revenue cuts in 2010
- Structure recovery of \$300,00 expenditure from the general fund if there is a 2010 budget shortfall by replacing it from road millage funds
- Cold in place recycling more expensive
- Microsurfacing material superior to chip sealing and other methods
- Possibility of grinding the current surface of Cornell Road up and compacting it
- Willingness of the Ingham County Road Commission to hold an informational meeting in the Township to receive public comments on the option to grinding the surface of Cornell Road in its initial phase from Grand River Avenue to Tihart Road
- Consideration of adding a bicycle pathway to allow riders access to Lake Lansing
- Cornell Road needs to be properly fixed like other roads in the Township
- Discussion of the surface of Cornell Road at a future meeting

The consensus of the Board was to allow the Manager to add \$300,000 from the General Fund, Fund Balance to the 2009 Road Improvement/Preservation Program.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 12:24 A.M., June 3, 2009.

SUSAN MCGILlicUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT, CMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary