

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, DECEMBER 21, 2004, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Treasurer Hunting, Trustees Brixie, Such, Veenstra, Woiwode
ABSENT: Clerk Helmbrecht
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief
Dave Hall, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Lynne Page, 3912 Raleigh Drive, Okemos, expressed interest in having a preliminary agenda posted on the Township website shortly after agenda items are decided upon.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee Woiwode welcomed the new Board member, John Veenstra.

Treasurer Hunting reminded taxpayers that Township offices will be closed, December 24th, December 27th and December 31st. The curb-side drop box is available 24 hours a day.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Such moved to approve the agenda amended as follows:

- **Remove Agenda Item #11A – Rezoning #04030 (Hovey)**

Seconded by Trustee Brixie.

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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

NAYS: None

Motion carried 6-0.

The adopted Consent Agenda items are as follow:

A. Communications

- (1). Board Deliberation (BD)

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, DECEMBER 21, 2004 *Approved*

- 11B-1 Judy Barton and A. Scott MacGuidwin, 4317 Manitou Drive, Okemos; RE: Opposition to Zoning Amendment #04080 (Township Board).
- 11B-2 Valerie von Frank, 1995 Cimarron Drive, Okemos; RE: Opposition to Zoning Amendment #04080 (Township Board).
- 11B-3 Lynne S. Page, President, Briarwood Home Owners Association, PO Box 210, Okemos; RE: Opposition to Zoning Amendment #04080 (Township Board).
- 11B-4 Barbara A. Burke and John P. Leininger, 3895 Roxbury Avenue, Okemos; RE: Opposition to Zoning Amendment #04080 (Township Board).
- 11B-5 Scott Storey, 3823 Hemmingway, Okemos; RE: Opposition to Zoning Amendment #04080 (Township Board).
- 11B-6 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos, and 1893 Birchwood Drive, Okemos; RE: Opposition to Zoning Amendment #04080 (Township Board).

(2). Board Information (BI)

- BI-1 Dona Vogel, 6314 Lake Drive, Haslett; RE: Condition of Marsh Road between Haslett and Towner Roads
- BI-2 Ravi Soni, 4570 Chippewa Drive, Okemos; RE: Mixed Use Ordinance
- BI-3 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Public Hearing Request on the Okemos Road Widening Project'
- BI-4 Michael Giddings, MS Realty Investments, LLC, 32440 Northwestern Highway, Suite 200, Farmington Hills; RE: Postponement of Board action on Rezoning #04140 (MS Realty Investments, LLC)
- BI-5 The Michigan Townships Association, 512 Westshire Drive, Lansing; RE: December, 2004 Issue of *Capital Currents*

(3) Regional Linkage (RL)

- RL-1 John Midgley, Managing Director, Ingham County Road Commission, 301 Bush Street, Mason; RE: Okemos Road Widening Project

(4). Staff Communication/Referral (SC)

- SC-1 Richard F. Brown, Meridian Township Associate Planner; RE: Comments from the Environmental Commission on commission appointments
- SC-2 Michigan Townships Association Legislative Fax December 3, 2004 Edition
- SC-3 Michigan Townships Association Legislative Fax December 10, 2004 Edition

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

Materials received at the December 7, 2004 Meeting

- Win Stebbins, 3875 Roxbury, Okemos; RE: Support for alternate boulevard and smaller lane sizes in the Okemos Road Widening Project
- Pat Lindemann, Ingham County Drain Commissioner, 707 Buhl Avenue, Mason; RE: Lake Lansing Dam Triennial Dam Inspection Report

Trustee Woiwode 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, Woiwode, Supervisor McGillicuddy, Treasurer Hunting
NAYS: None
Motion carried 6-0.

B. Minutes

Trustee Woiwode moved to approve and ratify the minutes of the December 7, 2004 Regular Meeting amended as follows:

- **Amend the third bullet point on Page 6 to read “Light fixture chosen requires higher wattage”**
- **Amend the sixth bullet point on Page 7 by deleting the word “purchase” and inserting the word “sale”**

Seconded by Trustee Brixie.

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

C. Bills

Trustee Woiwode moved that the Township Board approve the Manager’s Bills as follows:

Common Cash	\$ 306,013.63
Public Works	\$ 47,327.33
Total Checks	\$ 353,340.96
Credit Card Transactions	\$ 8,547.03
Total Purchases	<u>\$ 361,887.99</u>
ACH Payments	<u>\$ 285,014.40</u>

Seconded by Trustee Brixie.

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

[Bill list in Official Minute Book]

D. Fourth Quarter Budget Amendments

Trustee Woiwode moved that the 2004 Amended Budget as reflected on page 2 of the memorandum to the Township Board from the Finance Director, dated December 17, 2004, be approved. Seconded by Trustee Brixie.

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

E. Ratification of Police Officer Appointment

Trustee Woiwode moved ratification of Aaron W. Hubbard to the position of police officer contingent upon successful completion of those items stipulated in the conditional offer of employment. Seconded by Trustee Brixie.

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

F. Purchase of MERS Service Credit by Employee

Trustee Woiwode moved approval of Peter S. Vasilion’s request to purchase generic service credit service of 2 years, 0 months, under the MERS pension system and the Township Clerk is authorized to execute the authorizing resolution. Seconded by Trustee Brixie.

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

G. 2004 Fire Hazard Mitigation Grant Request

Trustee Woiwode moved to authorize the Fire Department to apply for and accept a Hazard Mitigation Grant through the Federal Fire Protection and Control Act in the amount of \$27,000.00 with the Township's share coming from the Township's Fund Balance. Seconded by Trustee Brixie.

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

H. Acceptance of EDC Resignation

Trustee Woiwode moved to accept the resignation of Thomas Westgate and appoint Ronald Burch to fill the vacancy on the Meridian Economic Development Corporation Board. Seconded by Trustee Brixie.

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

8. QUESTIONS FOR THE ATTORNEY (See Agenda Items # 9A, #10C, #11B)

9. HEARINGS

A. Zoning Amendment #04080 (Township Board)

Supervisor McGillicuddy opened the public hearing at 6:08 P.M.

Director Kieselbach summarized the proposed zoning amendment as outlined in staff memorandum dated December 17, 2004.

Trustee Woiwode asked Director Kieselbach if there was information which addressed the per hour traffic trips since it is a round the clock business and traffic can be expected in the early morning hours.

Director Kieselbach responded the International Traffic Institute's studies were used and there may be per hour information contained in its studies. Staff will look into this issue and report back to the Board.

Barbara Burke, 3895 Roxbury Avenue, Okemos, spoke in opposition to Zoning Amendment #04080, stating that she consulted current managers of the four (4) hotels near the Jolly/Okemos Road exit and found that on any given evening 152 rooms were unoccupied. She also expressed concern that an additional hotel(s) would bring crime to the area.

Eleanor Luecke, President, LINC, PO Box 40, and 1893 Birchwood, Okemos, summarized letters previously sent to the Board listed as communications in Board packets which opposed Zoning Amendment #04080.

John Anderson, 215 W. Newman, Okemos, congratulated Trustee Veenstra on his recount victory. He summarized a prepared statement in opposition to Zoning Amendment #04080.

Anita Fox, 1800 Yosemite, Okemos, spoke in support of reasonable growth within the community, the intents and purposes of the definitions established in the C-1, C-2 and C-3 categories, and in opposition to the hazardous conditions of the Jolly/Okemos Road intersection. She also expressed opposition to Zoning Amendment #04080.

Lynne Page, President, Briarwood Home Owners Association, 3912 Raleigh Drive, Okemos, spoke in opposition to Zoning Amendment #04080.

Melanie Jaramillo, 2080 Ashland Avenue, Okemos, asked if there was a plan to minimize the number of driveways currently on Jolly Road to facilitate the traffic pattern which would develop if the zoning amendment passed. She was opposed to further development within the Jolly/Okemos Road area unless something was done to decrease the number of access points.

Supervisor McGillicuddy responded jurisdiction of the roads is handled by the Ingham County Road Commission. It is a Board goal to close access points within the Township, but the area south of Jolly Road is within Alaiedon Township.

Scott Knapp, 505 Ardson Avenue, East Lansing, spoke of Planning Commission approval of this amendment. He noted the proposed change originated by the Township Board was to allow a developer the opportunity to construct a hotel/motel through the special use permit process, not as a matter of right.

Mr. Knapp also indicated that several of the uses currently permitted by right in C-2 generate more traffic than a hotel/motel.

Trustee Veenstra inquired if there was a limit on the number of stories a hotel could have under this proposed special use permit process.

Director Kieselbach responded that there is a 35 foot limit in the C-2 district.

Mr. Veenstra further inquired if that height was different for the C-3 district.

Director Kieselbach stated he would need to check, but believed the C-3 allowed for a taller building with larger setbacks.

Trustee Veenstra asked if the statement contained in the letter by LINC was correct relative to a 250 foot setback requirement in the C-3 district which abutted residential property.

Director Kieselbach answered that rear and sideyards in the C-3 district require 250 feet.

Trustee Veenstra questioned the Board proposal of requiring only 100 feet with trees.

Director Kieselbach responded that any other commercial use currently in the C-2 district would only have a 100 foot requirement.

Trustee Brixie asked Director Kieselbach to explain to the public the Ingham County Road Commission's "F" rating at the intersection of Jolly/Okemos Road.

Director Kieselbach stated the ratings reflect a time delay at the intersection, not a safety issue or the number of accidents which have taken place. It correlates with the number of seconds a vehicle will wait at a light before it changes.

Alleged illegality of the zoning change: (Questions for the attorney (See Agenda Item #8))

Q. There have been some claims made that changing the zoning would be illegal. Could you comment on that please?

A. First of all, I would disagree that it is illegal to change the zoning. The Board has the right to change the zoning text as well as zoning categories if it is appropriate to do so. Also, it should be pointed out in this case this is adding a use to the C-2 district that is by special use permit, not by right. Just by suggesting that it be a special use permit alone, the Board would be saying that this is not something that should be automatically allowed here, but that there are some characteristics of hotels and motels that make it more appropriate in a C-2 than a C-3 district.

Criteria regarding issuance of a SUP: (Questions for the attorney (See Agenda Item #8))

- Q. If somebody meets all of the characteristics in an SUP requirement, do we automatically have to issue a permit at that point?
- A. Yes. If the requirements are listed in the ordinance and they meet everything in the ordinance as well as state law then yes, you do need to approve it.

Supervisor McGillicuddy closed the public hearing at 6:46 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Joan Guy, 1083 Woodside Drive, Haslett, spoke to the “piece-meal” approach used in trying to protect the Township’s natural resources. Her hope is that the Board will come up with a policy so that future requests are viewed within the totality of the region or eco-system in which a property is located.

Ms. Guy expressed concern when a developer implies the Environmental Commission is not qualified and believes the Commission needs a broader role in the decision making process. The Township consultant is much narrower in scope and often ignores natural resources.

Steven VandenBossche, Talon Development Group, 550 Hulet Drive, Suite 103, Bloomfield Hills, spoke in support of Zoning Amendment #04090 (Planning Commission).

Supervisor McGillicuddy closed public comment.

A. Appointments to Boards and Commissions

Trustee Brixie moved that the Township Board approve the attached list of appointees to various boards/commissions. Seconded by Trustee Such.

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

C. Preliminary Plat #04032 (Eyde Company)

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 preliminary plat for a single family subdivision of 16 lots, commonly known as Lake Lansing Estates, located north of Lake Lansing Road and east of the Sierra Ridge Subdivision with the following conditions:

1. **Approval is granted for two years in accordance with the revised Preliminary Plat prepared by KEBS, Inc. dated August 24, 2004, indicating 16 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 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.**

3. **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.**
4. **Storm sewer leads shall be provided to each lot in the subdivision. The final location of the lead 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.**
5. **An overall grading plan for the subdivision shall be required with detailed construction plans, prior to issuance of any building permits.**
6. **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.**
7. **Lots 2, 3, 4, 5, 6 and 7 on the preliminary plat shall have the natural vegetation strip 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.**
8. **The wetlands located on Lots 2, 3, 4 and 5 of the preliminary plat as delineated by the applicant's wetland consultant and verified by the Township's Environmental Consultant shall not be filled or destroyed or used in any way contrary to the Township's Wetland Preservation Ordinance. Appropriate deed restrictions shall be placed on Lots 2, 3, 4 and 5 for this purpose and shall be subject to approval by the Director of Community Planning and Development.**
9. **Prior to any construction or grading on the site, the applicant shall install silt fencing at the upland edge of the water features setback. After construction, the fencing shall be removed once the area is stabilized.**
10. **The applicant shall apply for and receive a Land Clearing Permit for the removal of any significant trees on the site.**
11. **Street trees shall be required throughout the subdivision. 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.**
12. **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.**
13. **A copy of the information that 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.

Board members and staff discussed the following:

- Effect on Lake Lansing Estates being linked to an unbuilt project
- Time frame of two years in both the state act and Township ordinance to allow developer to commence construction and sell lots
- Ability for developer to request time extensions

- Possible agreement between developers for Lake Lansing Estates access through Isaac Lane
- Isaac Lane as a public road at final plat approval
- Confusion surrounding Lake Lansing Estates plat procedure before final plat on adjacent property which will give road access
- Supervisor reservations for approval of future phases if access is not obtained
- Effect on request if the Ingham County Road Commission denies the cul-de-sac
- Preliminary plat has a temporary turnaround
- Plans to extend the road at some point in the future
- Possible long range plan of connecting to the northern cul-de-sac in Sierra Ridge or to have access out to Towner Road on another property owner's site
- Majority of frontage on Lake Lansing Road is floodplain or wetlands
- Problem with property at the end of useable land
- Board obligation to move ahead without violating Township ordinances
- Need to be more proactive on a long-term basis

Property access: (Questions for the attorney (See Agenda Item #8))

- Q. Is it landlocked property if they don't have the Sierra Ridge Road built to access that site?
- A. I think we talked about this a bit at the last meeting, the issue of the Board not approving something that doesn't have suitable access. I guess the Board has to determine if this is suitable access or if they are requesting something in addition to this from the developer. I think Mr. Kieselbach has already explained this is going forward and they have already started work in this area. I would assume, and I don't know if the developer is here tonight or someone to represent them, that they have talked about this and know there is going to be a road there. I would assume they wouldn't go forward with this if they didn't think they would have access. But, you need to just feel secure that there will be some suitable access there to approve the plat.
- Q. As we look at the furtherance of this plat into the property, if there is not another access point provided, they won't be able to meet our requirements for the number of houses nor the length of the street. Correct?
- A. Right.
- Q. By approving this, this is not going to hold us responsible for the future, if they want to continue their Phase II and other phases farther north of this property, when they can't meet our code?
- A. All you are approving is what is before you today. If another phase comes forward for approval, at that time the Board has to look at whether it meets the requirements in the ordinance as well as the requirements for a plat. At that time, if they don't meet the numbers that you need and it doesn't meet the ordinance as far as the number of driveways or length or access, then you wouldn't approve it at that time.

This is what is before you today; not a future phase.

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

NAYS: None

Motion carried 6-0.

D. Zoning Amendment #04090 (Planning Commission)

Trustee Such 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, by amending Section 86-2, Section 86-404(e), Section 86-405(e)(4), and Section 86-755".

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 introduced at least once prior to the next regular meeting of the Township Board.

Seconded by Treasurer Hunting.

Board members and staff discussed the following:

- Initiation by and approval from the Planning Commission
- Proposed use more appropriate in the C-3 zoning district
- Ban on trucks with idling engines
- Retain screen of trees requirement
- Additional setbacks would be burdensome in light of the larger required setbacks for railroad, river or stream
- Definition of stream versus river
- Planning Commission recommendation to treat all sizes as a special use permit
- Lack of job creation or retail activity
- Assumption that the closed climate storage facility will not have a resident manager due to its location in a retail area

Treasurer Hunting moved to remove the words “or stream” in condition #B10 and #C10.

Amendment was accepted by the maker of the motion.

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

E. Planned Unit Development #04014 (Fairmont), Keystone Woods

Trustee Woiwode moved NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants final planned unit development approval for Planned Unit Development #04014, subject to the following conditions:

1. **Final approval is granted in accordance with the revised final planned unit development plans prepared by KEBS, Inc., dated December 8, 2004, depicting 12 single family condominium sites in the Keystone Woods PUD, subject to revisions as required.**
2. **Prior to grading or construction on the site a performance guarantee in the amount of \$8,950, for street trees and the pathway to be located between Units 6 and 7, shall be provided to the Township.**
3. **The applicant shall obtain all required permits, licenses, 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. 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.**

4. **The plans shall be revised to meet the Ingham County Drain Commissioner's (ICDC) condition that there be a 25 foot buffer strip around the detention basin, measured from the top of the bank, that does not include any private units, unless the ICDC alters or removes this condition.**
5. **Final utility, street, and pathway plans for the site shall be subject to the approval of the Director of Engineering and Public Works, and shall be in accordance with the Township Engineering Design and Construction Standards.**
6. **All dwelling units, accessory structures and structural appurtenances shall be built within the building area shown on the plan. No dwelling units or associated structural appurtenances shall be permitted in the 100-year floodplain, regulated wetland or the required water features setback.**
7. **A licensed professional engineer shall certify in writing Units 3-6 are located on land outside the 100-year floodplain elevation, both upon submittal of each building permit application and upon completion, prior to issuance of a certificate of occupancy.**
8. **All units adjacent to the 100-year floodplain shall have foundations designed to withstand hydrostatic pressure and the lowest floor, including the basement, shall be at least one foot above the flood elevation.**
9. **Prior to any construction or grading on the site, the applicant shall install silt fencing at the upland edge of the water features setback or the edge of the 100-year floodplain, whichever is closer to the proposed work. After construction, the silt fencing shall be removed once the area is stabilized and vegetation has been established.**
10. **Prior to any construction, grading or land clearing on the site, tree protection measures consistent with Section 22-179 shall be installed around all vegetation to be preserved to at least the drip line. Meridian Township staff shall verify the installation of the protective fencing prior to the commencement of site work. Any and all plant material that dies from moving, relocation, or as a result of construction activities shall be replaced with a similar type and size of plant species, subject to the approval of the Director of Community Planning and Development.**
11. **As depicted on the Landscape Plan, dated December 8, 2004, trees and other vegetation within the buffer area between Units 1, 10, 11 and 12 in the Keystone Woods PUD and Lots 35 through 41 in the Keystone Subdivision are to be preserved as a tree screen.**
12. **Prior to any grading or construction on Units 1, 10, 11 or 12, the applicant shall flag each tree that is greater than three inches in diameter at breast height that is to be removed. Meridian Township staff shall review the flagged trees and no tree shall be removed without the approval of the Director of Community Planning and Development.**
13. **The applicant shall be required to supplement the existing tree screen between Units 1, 10, 11 and 12 in the Keystone Woods PUD and Lots 35 through 41 in the Keystone Subdivision with additional evergreen trees if the Director of Community Planning and Development determines that there is not an adequate tree buffer. Any additional trees that are required to be planted shall be planted within two years of the PUD final approval date or at the issuance of the Building Permit for Units 1, 10, 11 or 12. The number, species and location of the evergreen trees shall be subject to the approval of the Director of Community Planning and Development.**

14. All conditions of Land Clearing Permit # 04-03 issued on March 31, 2004 shall be in effect.
15. The species and location of the street trees shall be subject to the approval of the Director of Community Planning and Development.
16. Street lights shall be designed to minimize glare and light trespass. Prior to installation, streetlights shall be subject to the review and approval of the Director of Community Planning and Development.
17. 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. In no case shall new wells be constructed for the purposes of irrigation or water supply.
18. All other applicable conditions of the preliminary and secondary planned unit development approvals shall remain in effect.
19. A copy of the information that exists on computer for the PUD and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.

Seconded by Trustee Such.

Board members and staff discussed the following:

- PUD will be built compatible with the neighboring subdivision
- Plan received preliminary, secondary and final Planning Commission approval
- Strong pro-environmental conditions
- Way to ensure continuity of the sidewalk as the subdivision nears completion
- Possible inclusion of a condition to have time-specific completion of all sidewalks
- Current process of yearly sidewalk orders include requests by neighborhoods for completion
- High degree of variability of time-specific sidewalk completion
- Designation of shaded trees labeled “remove” under Lot 10 on map

The seconder offered the following amendment:

- **Amend condition #15 by inserting “and completion of sidewalks” after “street trees”**

Amendment was accepted by the maker.

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

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Zoning Amendment #04080 (Township Board).

Eleanor Luecke, President, LINC, PO Box 40, Okemos, spoke in opposition to Zoning Amendment #04080 (Township Board).

Lynne Page, President, Briarwood Home Owners Association, PO Box 210, Okemos, spoke in opposition to Zoning Amendment #04080 (Township Board).

Supervisor McGillicuddy closed public comment.

- B. Zoning Amendment #04080 (Township Board), request to amend the C-2 District to allow a hotel as a Use Permitted by Special Use Permit, add a definition of “hotels and motels” and revise the C-3 (Commercial) and RP (Research Park) districts for consistency

Board members discussed the following:

- Citizen guidance to offer solutions regarding existing non-conforming uses
- Lack of controlled growth at Jolly/Okemos intersection by Alaeidon Township
- C-2 zoning does not limit size of the building, but use within the building
- Allowance of a multi-story building within 100 feet of residential property
- Incremental effect of additional traffic
- Meridian Township extension of sewer and water to developments at Jolly/Okemos intersection
- Ethical obligation to rebuild in the event of a fire, etc.
- Future of aging hotels which turn into single-room occupancies
- Definition of hotel and motel standards in a.(3) addresses future of aging hotels
- Zoning amendment a remedy for unintended consequences created by action of an earlier Board
- Occupancy rate may be an average
- Future Land Use Map and Master Plan designation was commercial
- Change from CS to C-1, C-2 and C-3 designation took into account that the Jolly/Okemos area would not be included in the C-3 district
- Conscious decision not to replicate adjacent Township’s development patterns in this area
- Redevelopment project with hotel/motel use near the commercial core could be beneficial for retailers in and near the commercial core
- Possibility of making a hotel/motel permissible in the mixed use category with a SUP
- Possibility of a hospitality overlay that the Board can approve and control
- Parcel size limitation of 2.5 acres would be different from the redevelopment areas
- Mixed use ordinance has a density cap of 14 units/acre
- Use as an apartment building would require a multiple-family designation
- Acreage (2.5) was used to calculate the minimum number of units at 80

Stipulation of SUP conditions: (Questions for the attorney (See Agenda Item #8))

- Q. Can’t we stipulate in the conditions of a Special Use Permit something about changing usage, that if it goes out of usage as a hotel then it cannot be used for apartments? Can’t we do that by stipulating conditions on a SUP?
- A. I think the problem is enforcement; how do we know when it is not a hotel anymore and it’s become a rental. How do we enforce that and how do we prove that. I think that was really the issue, not that we don’t want them to go there and we can’t tell them they can’t go there, but how to make sure it is. If they are checking in and out frequently; how do we know that it is not really a rental. I think that is what Trustee Brixie was alluding to.

Bed and breakfast definition: (Questions for the attorney (See Agenda Item #8))

- Q. This excludes bed and breakfast operations. I don’t know if there is a definition of that, because a lot of hotels will provide basically a breakfast option; it is a common thing. Does that make it a bed and breakfast or what is the definition? Where do we provide for bed and breakfast in the Township now?
- A. I think Mark should address where it is provided for in the Township. I know it is excluded here and I think it is not specifically provided for. I think it is a “catch all.”

Director Kieselbach added that over the years, interested parties have inquired about the conversion of a residential house into a bed-and-breakfast type of use. The ordinance does not allow for this process. In the early 1990’s, a zoning amendment to consider this type of use was not approved.

- Q. If we don't have bed and breakfast defined, why even use it in this ordinance? Perhaps that could be answered by next meeting. Do we need it? Do we have to have those references in there?
- A. (No response necessary at this time).

The consensus of the Board was to place this item on for action at the January 18, 2004 Board meeting with staff preparation of a resolution to approve and a resolution to deny.

- C. Land Division Ordinance, Article I
Director Kieselbach summarized the draft of Article I as outlined in staff memorandum dated December 17, 2004.

Board members discussed the following:

- Amendment of current zoning ordinance to incorporate some definitions
- Many of the definitions currently contained in the zoning ordinance
- List of definitions where staff had discussion due to differing opinions
- Definitions good in both a general area of an ordinance and in specific areas for clarification purposes
- Rules for construction as a useful tool for clarification
- Article II, section for platted lots, will take the most time to facilitate
- Retitle Section 1.3 as "Rules for Ordinance Language Construction"

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Barbara Burke, 3895 Roxbury Avenue, Okemos, spoke again in opposition to Zoning Amendment #04080.

Lynne Page, 3912 Raleigh Drive, Okemos, continued to speak in opposition of Zoning Amendment #04080.

Supervisor McGillicuddy closed Public Remarks.

13. POSSIBLE CLOSED SESSION

Trustee Such moved that the Township Board go into closed session to discuss ongoing litigation and to consider the purchase of real property. Seconded by Trustee Brixie.

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

Supervisor McGillicuddy recessed the meeting at 8:35 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, Treasurer Hunting
NAYS: None
Motion carried 6-0.

Supervisor McGillicuddy reconvened the meeting at 9:27 P.M.

Trustee Such moved to have the Township Manager go forward as discussed in closed session. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor McGillicuddy

NAYS: None
Motion carried 5-0.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:30 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary