

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, JUNE 15, 2004, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, EMS/Fire Chief Fred Cowper, Personnel Director/Assistant Manager Paul Brake, 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.

Lynn Ochberg, 4383 Maumee, Okemos, spoke regarding Board comments at the last meeting regarding the draft Future Land Use Map and the draft Mixed Use PUD Ordinance.

Don Schubert, 1696 Grand River, Okemos, spoke in support of Rezoning #04040 (Freeborough/Saturn).

John Anderson, 215 W. Newman, Okemos, spoke concerning flooding within Meridian Township.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Supervisor McGillicuddy asked Director Severy to give the Board an update on flooding within the Township, especially the Ottawa Hills subdivision.

Director Severy showed a map where areas of the Township are in the 100-year floodplain. He pointed out the location of the home where photographs of flooding were shown earlier during public remarks. The basement of that home is approximately eight (8) feet below the 100-year floodplain, and the water in the sewer system was higher than the basement of this property.

Director Severy further indicated that a study completed after the 1975 flood showed thirty (30) homes in the Ottawa Hills area that have the first floor elevation lower than the 100-year floodplain. All of the alternatives presented in the study were expensive, funds were not available and, consequently, none of the alternatives were pursued. He indicated there are 26 pump stations, all of which will have their flow charts analyzed to identify the highest incidents of inflow and infiltration of storm water into the sanitary sewer system. He added that Tacoma Hills and Indian Hills also have homes within the floodplain.

To address the system overall, there will be significant cost to the individual property owners to adequately deal with the problem of the current system. There were no reported basement backups from the 1.2 inches of rain which fell within an hour and a half yesterday.

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Supervisor McGillicuddy added that drainage is under the jurisdiction of the Ingham County Drain Commissioner and wondered if there was a cooperative effort initiated by the Commissioner to address a solution to the problem in Ottawa Hills.

Director Severy responded that he had not spoken with the Drain Commissioner regarding Ottawa Hills. The Township has money budgeted to line the sewers or grout the joints of the sewers in that area because the water table is most times higher than the sewers.

Township Manager Richards pointed out that the sewer fund and water fund are run as enterprise funds. This means ratepayers pay toward the treatment of wastewater and maintenance of the lines and any work on the sewer system comes from those funds. If additional money is needed, rates for all customers would need to be increased.

Trustee Woiwode asked if there was a way to encourage citizens who have homes below the floodplain not to have living facilities in the basement.

Director Severy felt it would be a good message to get out to those affected individuals. If they did want to have living area in the basement, a recommendation could be made for a small pump to pump water up to a higher level, so there would not be a direct connection back into the basement from the sewer. This would prevent backflow into the basement.

Trustee Woiwode expressed concern that those affected individuals would **not** be covered with flood insurance.

Trustee Stier summarized action at the Zoning Board of Appeals meeting on June 9, 2004.

Clerk Helmbrecht reported the results of the Okemos Public Schools and Haslett Public Schools Election held on Monday, June 14th. In the Okemos School District, Robert McDonough and Jeffrey Theuer were elected as the two (2) new school board members. Robert Fowler and Beverly Levy won the two (2) seats on the Haslett School Board. The Headlee Override passed by 70%.

Dual absentee ballot applications for the August 3rd and November 2nd Elections were mailed today by the Clerk's Office for those who applied or those on the permanent absentee voter list.

Treasurer Hunting announced summer tax bills will be mailed out the first week of July. For most residents in the Township, this will include school taxes and six (6) mills State Education Tax (SET) which will be collected and passed on to the local school districts. The due date is September 14, 2004.

Supervisor McGillicuddy attended the MDEQ wetlands hearing on the Rysberg property. To date, no findings have been sent to the Township. She also reminded citizens of the July 4th Celebration, with activities scheduled to begin at 7:00 P.M.

Supervisor McGillicuddy also announced the opening of Music in the Park tomorrow night, June 16th at the Meridian Historical Village. The Meridian Community Band will open the schedule, which will run through July 21st.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Such moved to approve the agenda amended as follows:

- **Remove Agenda Item #10B (Rezoning #04020)**
- **Remove Agenda Item #10F (Rezoning #04030)**
- **Add "Possible Closed Session" as Agenda Item #13 and renumber the remaining agenda items**

Seconded by Trustee Brixie.

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (BD)

11-C Will Tyler White, 4695 Okemos Road, Okemos; RE: Mixed Use Planned Unit Development

(2). Board Information (BI)

BI-1 Ken Baldwin, 4201 Southport Circle, Apt. 3B, Okemos; RE: Road conditions within Meridian Township

BI-2 Clifford Zang, 2413 Robinson Road, Lansing; RE: Support for trails in Meridian Township

BI-3 The Michigan Townships Association, 512 Westshire Drive, Lansing; RE: June, 2004 Issue of *Capitol Currents*

(3). Staff Communication/Referral (SC)

SC-1 Michigan Townships Association Legislative Fax May 28, 2004 Edition

SC-2 Michigan Townships Association Legislative Fax June 4, 2004 Edition

SC-3 Letter from Mark Kieselbach, Director of Community Planning and Development; RE: Commission Review #04073 (Township Board), Sumbal Land Purchase

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

Materials received at the June 1, 2004 Board Meeting:

Douglas and Teresa Fuller, 5177 Marsh Road, Okemos; RE: Planning Commission denial of Rezoning #04030 (Hovey)

Douglas Crown, 5454 Jessalee Circle, East Lansing; Supplement to Restrictive Covenants for Keystone Subdivision and accompanying photographs

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

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

NAYS: None

Motion carried unanimously.

B. Minutes

Trustee Brixie moved to approve and ratify the minutes of the June 1, 2004 Regular Meeting as submitted. Seconded by Trustee Woiwode.

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

NAYS: None

Motion carried unanimously.

C. Bills

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

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Veenstra, 320 Piper, Haslett, spoke in support of the Dunham-Boroughs Land Preservation Purchase and in support of the removal of Rezoning #04020 (Okemos Public Schools) from the agenda.

John Anderson, 215 W. Newman, Okemos, spoke concerning "upzoning."

Supervisor McGillicuddy closed public comment.

A. Dunham-Boroughs Land Preservation Purchase

Clerk Helmbrecht moved [and read into the record] NOW THEREFORE, BE IT RESOLVED that the Township Board of the Charter Township of Meridian, Ingham County, Michigan, does hereby approve and forward to the Planning Commission for Section 9 Review at its next scheduled meeting for approval as to its location, character and extent as a public ground or open space effective this date June 15, 2004.

BE IT FURTHER RESOLVED that the Township Board authorizes the Township Supervisor, Township Clerk and Township Manager to ratify an agreement entered into with Dunham-Boroughs and to take all further actions deemed necessary to close such transaction for acceptance of this parcel as defined by the attached legal description.

Seconded by Trustee Brixie.

Board members discussed the following:

- Located east of Wildflower Estates
- Adjacent to the previously acquired Winters property (east of Pine Creek Condominiums) and creates 28 acres of contiguous open space
- On the greenspace plan as a priority conservation corridor
- Seventh piece of acquired property, and the third purchase under the Land Preservation Program
- Right-of-way between the two parcels which needs to be abandoned

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

NAYS: None

Motion carried unanimously.

[Signed and Sealed Resolution in Official Resolution Book]

B. ~~Rezoning #04020 (Okemos Public Schools), request to rezone Hulett Road property from RR (Rural Residential) to RA (Single Family Medium Density), Final Adoption~~

C. Wetland Use Permit #04-02 (Terra Prima, LLC)

Clerk Helmbrecht moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to Article 4 of Section 22 of the Township Code of Ordinances, hereby approves Wetland Use Permit #04-02 with the following conditions:

1. **Approval is based upon the documents, materials and the preliminary plat dated June 9, 2004, prepared by Professional Engineering Associates submitted in conjunction with the wetland use permit, subject to revisions as required.**
2. **The wetland use permit shall be subject to the applicant receiving preliminary plat approval for the proposed Meridian Meadows subdivision.**

3. The applicant shall notify the Michigan Department of Environmental Quality of the changes to the wetland use permit as approved by the Township.
4. The applicant shall obtain all necessary permits and approvals from the Ingham County Drain Commissioner and the Michigan Department of Environmental Quality (MDEQ). Copies of all permits and approval letters shall be submitted to the Department of Community Planning & Development. No grading or construction work shall be conducted until the MDEQ permit is final and unappealable
5. The final design of the mitigation area shall be subject to the review and approval of the Director of Community Planning and Development.
6. Construction of the mitigation area shall be overseen by the applicant's wetland consultant. Deviations from the approved mitigation plan shall be first reviewed and approved by the Director of Community Planning and Development.
7. The applicant shall notify the Township in writing when construction of the mitigation area has been completed.
8. Should the mitigation area fail to establish wetland vegetation after one growing season, or fails to progress satisfactorily to a self-sustaining wetland as designed, the applicant shall conduct corrective measures as directed by the Township's Environmental Consultant to ensure successful wetland establishment.
9. A performance guarantee in the amount of \$10,000 shall be provided in an acceptable form to the Township to ensure completion of the wetland mitigation.
10. The wetland mitigation shall be monitored annually by the applicant's wetland consultant for five years with a status report provided to the Township each year.
11. A copy of the approved wetland use permit containing the conditions of issuance shall be posted on the site in a conspicuous manner such that the wording of the permit is available for public inspection. Posting of the site shall be done prior to commencement of work on the site and continue throughout the duration of the project.

Seconded by Trustee Such.

Board members discussed the following:

- Large amount of wetland preservation on this property
- Mitigation ratio of 9 to 1

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

[Signed and Sealed Resolution in Official Resolution Book]

- D. Preliminary Plat #04022 (Meridian Meadows), request to develop a 118-lot single-family subdivision on 66.43 acres from RA (Single Family-Medium Density) zoned land located on the northeast corner of Jolly and Hulett Roads
- Trustee Such 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 118 lots, commonly known as Meridian Meadows, located at the north east corner of Jolly and Hulett Roads with the following conditions:**

1. Approval is granted in accordance with the revised Preliminary Plat June 9, 2004 prepared by Professional Engineering Associates, indicating 118 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 Planning Commission hereby grants a variance from Section 101-4.52 of the Township's Subdivision Regulations for the minimum block length to be less than 500 feet for the following road segments:
 - Coreopsis Boulevard
 - Astilbe Drive between Coreopsis Court and Hyacinth Street
 - Astilbe Drive between Hyacinth Street and Lupine Drive
 - Lupine Drive between Astilbe Drive and Hyacinth Street
 - Lupine Court between Lupine Drive and Myrtle Drive

The variances are required to avoid roads impacting the wetlands.

3. An overall grading plan for the subdivision shall be required with detailed construction plans, prior to issuance of any building permits.
4. A five foot wide concrete sidewalk shall be constructed along both sides of all streets within the subdivision. A seven foot wide concrete pathway shall be constructed along the Jolly Road frontage and Hulett Road frontage of the subdivision.
5. Final utility plans shall be subject to the approval of the Director of Public Works & Engineering and shall be completed in accordance with Township Engineering Design and Construction Standards.
6. 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 & 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.
7. 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 & Engineering. All residences constructed in the subdivision shall be connected to the leads.
8. No buildings, accessory structures, structural appurtenances, or grading shall be permitted in the regulated wetlands, or required water features setback.
9. Lots 1, 18-20, 59-64, 66-71 and 76-79 shall have the natural vegetation strip clearly identified with permanent markers. The number, location and language on the markers is subject to the approval of the Director of Community Planning and Development. Conservation easements for area of the wetland setback on Lots 1, 18-20, 59-64, 66-71 and 76-79 shall be recorded on the deed. The covenants and restrictions for the subdivision shall mention the conservation easement for Lots 1, 18-20, 59-64, 66-71 and 76-79 and refer to the appropriate Township regulations.
10. Prior to any construction or grading on the site, the applicant shall install silt fencing at the upland edge of the wetland setback.
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 & Development and the Ingham County Road Commission.

12. **Final street names shall be subject to the review and approval of the Ingham County Road Commission and the Township.**
13. **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.**
14. **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 Brixie.

Board members discussed the following:

- Approved by the Planning Commission
- Appreciative of the changes to the plan relative to the pathway
- Within walking distance of Bennett Woods Elementary School
- Close proximity to Hartrick Park
- Ideal location for a subdivision within our infrastructure

Supervisor McGillicuddy offered the following friendly amendment as a condition:

- **Trees that are going to be protected on site will be protected in accordance with the Land Clearing Ordinance**

Amendment was accepted by the maker and seconder.

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

[Signed and Sealed Resolution in Official Resolution Book]

- E. Planned Unit Development #04014 (Fairmont), request to develop a 12-lot PUD north of the Keystone Subdivision

Trustee Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants preliminary planned unit development approval for Planned Unit Development #04014, with the following conditions:

1. **Approval is granted in accordance with the revised preliminary plan prepared by KEBS, Inc., dated March 1, 2004, indicating 12 detached single family condominium dwelling units and accompanying materials provided by the applicant, subject to revisions as required.**
2. **A minimum front yard setback of 25 feet from the road right-of-way line shall be provided for all units.**
3. **The minimum side yard setback between structures shall be 20 feet.**
4. **All dwelling units, accessory structures and structural appurtenances shall be built within the building area.**
5. **No lot area including building area, or grading shall be permitted in the floodplain, regulated wetlands, or required water features setback.**

6. 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.
7. All units adjacent to the 100-year floodplain shall have foundations designed to withstand hydrostatic pressure and the lowest floor, including basement, shall be at least one foot above the flood elevation.
8. 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.
9. JoPass shall be developed with curb and gutter construction.
10. A five foot wide concrete sidewalk shall be constructed along both sides of JoPass. This sidewalk shall be shown on all future plans.
11. Final utility plans for the site are subject to approval of the Director of Public Works and Engineering and shall be in accordance with the Township Engineering Design and Construction Standards.
12. The applicant shall obtain all necessary permits, licenses, and approvals from the Ingham County Drain Commissioner's office, Ingham County Road Commission, and the Township. Copies of all permits, licenses, and approval letters shall be submitted to the Department of Community Planning and Development.
13. If necessary, prior to any grading and/or building permits being issued, the applicant shall provide a copy of a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) from FEMA addressing the differences between the plans and the Flood Insurance Rate Map.
14. The applicant shall construct and dedicate a 10 foot easement between Units 6 and 7, to the Township so that it may be used by the public to access the proposed inter-urban pathway between Park Lake Road and Okemos Road. The design and construction of the pathway shall be subject to approval of the Director of Public Works and Engineering.
15. The common open space areas shall be designated on all plans and the master deed.
16. Street trees shall be required along JoPass and shall be depicted on the landscape plan submitted for Secondary PUD Review. 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.
17. There shall be a 20 foot easement, running from the south west corner of the subject site to the south east corner of Unit 1, granted to the Keystone Subdivision which will allow them to access their common area which is to the west of Keystone Woods. This easement shall be shown on future plans. Landscaping shall define the easement to preserve the privacy of adjoining lots in the Keystone Subdivision and shall be depicted on the landscape plan submitted for Secondary PUD Review.
18. Future plans shall show the Consumer's Easement and the proposed inter-urban pathway that runs north of the 50 foot wide strip of Keystone Subdivision common area that abuts the northern property line of the Keystone Woods PUD.
19. The applicant shall work with the abutting Keystone subdivision's homeowners association to create cross easements to allow residents of the existing Keystone subdivision and the proposed Keystone Woods to share the common spaces.

20. **The white oak tree (approximately 40-45 inches in diameter) which is directly abutting the southeast corner of the site shall be shown on all future plans. This tree shall be protected during construction using the standards outlined in Section 22-179 of the Code of Ordinances.**
21. **A survey of the existing trees in the buffer area north of Lots 36-41 of the Keystone Subdivision shall be completed, and to the extent possible all significant trees shall be saved and become part of a tree screen. The screen shall be depicted on the landscape plan submitted for Secondary PUD Review. This screen shall be supplemented as needed with additional evergreen trees planted north of Lots 36-40 of the Keystone Subdivision so that a buffer of interlocking trees is created. The existing landscaping north of Lot 41 (2194 Quarry Road) shall become part of the Keystone Woods landscape plan.**
22. **The applicant shall investigate the drainage problem behind Lot 35 of the Keystone Subdivision (2168 Quarry Road), and propose a remedy for implementation during construction. The proposed remedy shall be approved by the Ingham County Drain Commission and the Township's Department of Public Works and Engineering.**
23. **Any existing water supply or monitoring wells on the subject site shall be properly closed and abandoned per the requirements and approval of the Ingham County Health Department. In no case shall new wells be constructed for the purposes of irrigation or water supply.**

Seconded by Trustee Such.

Board members discussed the following:

- Appreciation to the developer for construction of this PUD
- Sixty-six percent (66%) open space on the site
- Applicant to pay for construction of the pathway
- Appreciation to the developer for tree preservation and landscape buffer for residents to the south
- Diameter of white oak tree technically referred to as diameter at breast height (dbh)

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

[Signed and Sealed Resolution in Official Resolution Book]

- F. ~~Rezoning #04030 (Hovey), request to rezone approximately 6.9 acres at 5177 and 5241 Marsh Road from RR (Rural Residential) and RA (Single Family Medium Density) to RC (Multiple Family Medium Density)~~
- G. **Rezoning #04040 (Freeborough/Saturn), request to rezone 2.49 acres at 1696 Grand River Avenue from C-2 (Commercial) and RC (Multiple Family-High Density) to C-3 (Commercial) Trustee Woiwode moved to refer Rezoning #04040 (Freeborough/Saturn) to the Planning Commission to consider rezoning the southern approximate 623 feet of 1696 Grand River Avenue from C-2 (Commercial) to C-3 (Commercial). The Township Board requests a recommendation from the Planning Commission in time for consideration at the Board's July 20, 2004 regular meeting. Seconded by Trustee Stier.**

Board members discussed the following:

- Auto dealership use allowed only in C-3

- Setback of 250 feet for the structure
- Need for rezoning if used for new/used car inventory storage
- Need for rezoning if used for employee parking
- If northern piece remains C-2, it has no structural or parking status for the dealership
- Need for variance in order to use southern piece for parking after being rezoned C-3
- If middle section remains C-2, it cannot be used for parking
- Wetland consultant review when the dealership was originally constructed indicated the wetland was not large enough to be regulated
- Ability to buffer the parking from the apartment complex

Trustee Brixie asked Mr. Roth how the applicant felt about the piece of land referred to in the motion being sent back to the Planning Commission to be rezoned C-2. Mr. Roth stated the applicant's position and questioned the need for the 100-foot strip of land to have three (3) different zoning categories.

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

Trustee Brixie 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 Zoning District Map of Meridian Township Pursuant to Rezoning Petition #04040" C-2 (Commercial) to C-3 (Commercial).

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

Seconded by Trustee Such.

Rezoning is for 2.1 acres of the site.

Board members discussed the following:

- Variance required on the north and west
- Concern over residential area designated RC and need to buffer
- Expansion and change will provide connection for access management link along Grand River to aid traffic flow
- Small strip as part of Rite-Aid site and does not interfere with service drive

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

H. Appeal of Special Use Permit #04041 (Stockwell), Aggrieved Status
Director Kieselbach summarized the appeal of the special use permit as outlined in staff memorandum dated June 11, 2004.

Board members discussed the following:

- Party which shares a common property line automatically considered aggrieved and the appellant

- Individual who does not share a common property line must present a case as to why he meets the definition of an aggrieved person and suffers special damages
- Possibility of allowing the property owner who does not share a common property line an opportunity to speak at the next meeting, make a determination and then hold the hearing
- Attempt to avoid two (2) hearings
- Appeal process is set up to have person who feels aggrieved put in writing reasons appellant believes he/she is aggrieved differently from someone else
- Provide Mr. McClutchey an opportunity to appear before the Board prior to the public hearing
- Process for notification of Planning Commission public hearing
- Process for notification when an aggrieved person does not share a common property line
- Proper notification to Mr. McClutchey that the Board will first determine his status and if he is recognized as an aggrieved person, will go directly to the public hearing

Combining grievances into one hearing: (Questions for the attorney (See Agenda Item #8))

Q. I would like to check with our attorney with respect to combining grievances in one hearing. Is that recommended, or should we keep these separate?

A. You can combine them in one. If you feel that Mr. McClutchey is aggrieved, you can add him to the public hearing scheduled for the next meeting.

Q. But if we don't know he is aggrieved and haven't had information from him to make a determination whether or not he is aggrieved by our definition, then could we still combine them, even though we haven't heard evidence to support his grievance?

A. No, you need to make a determination that he is aggrieved before it's added to the public hearing. But, if you didn't want to make a determination today, and you wanted to hear him first (even though I believe he has had adequate notice), you could set his request to be an aggrieved person on at the next meeting; address that first, and then go forward. If you thought he was aggrieved, he could be a part of the public hearing. The notices ahead of time would just say to him that you will be notified for this meeting for determination of aggrieved as well as a public hearing if we determine you are aggrieved. But, again, I believe he has been adequately noticed, and if you want to go forward today to determine aggrieved or not aggrieved, you could do that.

Q. Would it be all right for us to "monkey" with our agenda to take that one action item first on whether we believe he has standing and then do the hearing afterwards? Is there any problem with that?

A. I don't see a problem with that, but I want to check parliamentary procedure just to make sure that there wasn't something out of the norm that I'm not aware of. I don't see why you couldn't address that as long as it was separate on your agenda and clear that you were addressing that first. But I will check and get back with the Board on that.

Treasurer Hunting moved that we place on the agenda for action on our July 6, 2004 meeting a determination of Mr. McClutchey's status as a grievant. If we find that he is indeed a grievant by our determination, that we include him in the hearing that is being set for the Dietrich property owner on July 6th.

Seconded by Trustee Woiwode.

Legal rights of an aggrieved person: (Questions for the Attorney (See Agenda Item #8))

Q. We have to be careful, because giving someone the status as an aggrieved person does grant them certain legal rights in the process that other people might not have. Is that correct?

A. To object to that decision and take it to the court, correct.

Definition of Properly Noticed: Questions for the Attorney (See Agenda Item #8))

- Q. If we do the affidavit stating that we mailed, or we do the certified letter and we are all sitting here saying he needs to be properly noticed, do we need to define what “properly noticed” is? What if he called and said he wasn’t going to be here today, but he actually isn’t going to be here for three (3) months? Are we going to keep doing this, or if he is properly noticed and chooses not to be here in two (2) weeks....I would just like us not to keep carrying this forward until whenever.
- A. I believe he has been properly noticed for today’s hearing. Legally, he has been properly noticed. But, if the Board chooses to just take an extra step because they want to be more liberal or open to potentially an aggrieved party and make sure that they’ve covered the bases and let them speak to the Board, that’s why you would, I believe, legally choose to set him on. There is not a legal issue of notice. It doesn’t even say it needs to be sent certified. You put it in the mail, you send it out, they’ve been noticed. If they don’t get it, you have made the effort to notice them. In this case, the effort was made to actually send it certified; he just chose not to pick it up for whatever reason.
- Q. So my question is, is there agreement among the Board on what properly noticed is, and if he chooses not to pick it up or says he did not get it, are we going to still say he wasn’t properly noticed?

Trustee Woiwode withdrew her second of the motion.

Treasurer Hunting withdrew his motion.

- I. Appeal of Special Use Permit #04041 (Stockwell), Set Public Hearing Date (July 6, 2004)
Director Kieselbach summarized the appeal of the special use permit as outlined in staff memorandum dated June 11, 2004.

Trustee Brixie moved to schedule a hearing on the appeal of the Planning Commission’s decision on SUP #04041 for the regular Township Board meeting on July 6, 2004. The hearing will address the appeal filed by Janet K. Dietrich and the appeal filed by Mr. McClutchey if the Township Board determines that Mr. McClutchey has standing at their July 6th meeting.

Seconded by Trustee Woiwode.

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

[Supervisor McGillicuddy recessed the meeting at 8:05 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 8:17 P.M.]

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Will White, 4695 Okemos Road, Okemos, spoke in opposition to leaving the professional office (PO) zoning designation out of the Future Land Use Map and believes mixed use should include all commercial uses. He also spoke to the need for complete integrated communities to ensure walkability.

Supervisor McGillicuddy closed public comment.

- A. Planned Unit Development #04-99014 (Dunn and Balesky), Bennett Village

Director Kieselbach summarized the proposed PUD as outlined in staff memorandum dated June 10, 2004.

The applicant, Ric Balesky, 1502 South Shore Drive, East Lansing, discussed the reasons for changing the original plans as follows:

- Request from prospective customers for additional single detached units
- More balanced mix of duplex and single detached units throughout the project (approx. 50-50 split)
- Favorable comments from neighbors on the proposed changes
- Proposed buffer of screening trees as part of the landscaping plan

Board members discussed the following:

- Improvement over the original plan
- Four foot wide path through the “upland” portion of the wetland
- Permission by the applicant to allow neighbor in subdivision to the north to trim questionable tree
- Quandary with requesting maintenance of a natural area but yet take down a tree

It was the consensus of the Board to place this on as an action item at the July 6, 2004 Board Meeting.

B. Master Plan, Future Land Use Chapter and Map

Director Kieselbach summarized the draft Future Land Use Chapter and Map as outlined in staff memorandum dated June 8, 2004.

Board members discussed the following:

- Concern over “default” highest density
- Zoning to match the Master Plan
- Intent of state law to provide flexibility based on “reasonableness” factor
- Township parkland and Land Preservation acquisitions treated differently
- Concern over BL-69 being a road of continuous strip malls
- BL-69 as part office and part residential does not necessarily mean “mixed use”
- Value of a mixed use zoning as an overlay over office
- Question of market for single family residences fronting BL-69
- Feedback from citizens within the community as an integral component
- Procedure to change the map after noticing for public comment
- Attorney to compile what can be found in case law regarding density

Potential elimination of density ranges: (Questions for the Attorney (See Agenda Item #8))

Q. Is it possible on our Future Land Use Map or our Master Plan to not have density ranges? On the memo from staff it talks about Delhi Township having four (4) residential categories – rural residential/agriculture plus low, medium and high density residential. Is it possible just to have that on our Future Land Use?

A. Mark might know better. It is possible, although the only problem I see with that, and I don't know what else Delhi has, how do you know what medium is....somewhere you need to designate what those groupings are. Yes, that is what he is saying; don't put a specific number on each parcel.

If I may add, the Master Plan is just one criteria. If you review those criteria on a rezoning, you are starting with the context that the current zoning is appropriate; it is reasonable. You need to determine why it may not be reasonable, and then go from there. So you look at more than just the Master Plan, like other issues, such as infrastructure and current circumstances; have they changed? The Master Plan is just one issue. I know it's a big issue; I'm not saying it is not.

Director Kieselbach added there would be a color code designating low density-residential development in the areas that is allowed in. In the text, there is discussion what zoning relates to that. The density still has to relate back to zoning as that is where the Master Plan comes into effect. Long-range planning, which is the vision of what the community should look like 10-20 years from now, is the concept behind the Master Plan. What needs to be looked at is the appropriateness at this moment in time to rezone it, whether it has two (2) or three (3) designations.

Written language on the right of the Board to deny rezoning requests: (Questions for the Attorney (See Agenda Item #8))

Q. Does it say anywhere in the written text specifically that the Board reserves the right to deny any request for a rezoning based on those things?

A. I don't know. I don't think the criteria is listed in the rezoning section of the ordinance.

Q. I just didn't know if we can restate that in the text itself for the Future Land Use Map to make it clear that just because they are going to ask for it doesn't mean they'll necessarily get it?

A. You can add that to the ordinance, but it is a state law. It is not written in the ordinance as to what criteria you are looking at.

It was the consensus of the Board to send this item back to the Planning Commission.

C. Mixed Use Ordinance

Director Kieselbach summarized the proposed mixed use PUD as outlined in staff memorandum dated June 10, 2004.

Board members discussed the following:

- Addition of Sierra CR district without the benefit of infrastructure in place
- Permission needed to present a proposal for a mixed use overlay district
- Need to have flexibility of dwelling units per acre in order to draw proposals
- Expansion of number of allowed dwelling units per acre
- Lack of inclusion of PO when it is designated as a buffer between commercial and residential
- PO not included as it would allow additional commercial when intended to be a buffer from commercial to residential
- Concern with older offices as part of the commercial areas
- Mixed use applied with zoning on the property in place with those uses allowed in the district
- Inclusion of PO only a concern for new development
- Zoning still applies when using an overlay
- Argument against allowing residential on top of PO when PO was zoned and used as a buffer between residential and commercial
- Allow residential on top of PO when office wasn't/isn't used as a transition and is part of a redevelopment area
- Decisions need to be made on what is perceived to be the best for now and in the near future
- Concern that the large number of apartments which could be placed over an office park would not keep suburban neighborhoods thriving
- Make ordinance clear that the goal is to provide for transition in an office use and not automatically go to the highest density option
- Assure compatibility with neighboring uses

Allowing a mixed use PUD in the PO zoning district: ((Questions for the Attorney (See Agenda Item #8))

Q. Andria, you hear our discussion here. Do you see anything we can do in this ordinance that would help us?

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A. I don't have advice as to specifics for building categories. We talked quite a bit about this last time that we want to be flexible. I just want to also make note that if the criteria listed in the PUD is met, it does have to be approved. This is a discretionary decision, and it does say in statute that if all the criteria you are putting in this ordinance is met, it needs to be approved. So if there is an option to say, "Well, [tape inaudible], we really don't like the idea and we're not allowing you to go forward." You need to be specific enough so that you are able to make a determination and support it. Whether PO should be in or not...I guess, as I said, you need to make sure you're clear that if you are going to allow PO, exactly what you allow in that category. [Tape inaudible]

- Areas zoned as PO in older Haslett and Okemos neighborhoods are next to residential neighborhoods
- If density is a problem, alternative is to set minimum standard for living space
- Possible placement of an exception relative to office parks
- Any changes made to the ordinance will necessitate it going back to the Planning Commission
- Current draft contains maximum density for redevelopment as 14 du/acre + up to 25% bonus for additional amenities
- Ten (10) dwelling units per acre as the ceiling for new development + density bonus of up to 25%
- Relaxed parking requirements for redevelopment
- Concern over apartment buildings being incorporated into the mixed use ordinance in areas where the Board did not intend
- Make density comparable with neighboring zoning districts if mixed use is used in an office area
- Describe density as square footage per living unit

It was the consensus of the Board to send the mixed use ordinance back to the Planning Commission to include, among other things, a better definition of "office."

D. Sign Ordinance

Director Kieselbach summarized the working draft of the proposed amendments to the sign ordinance as outlined in staff memorandum dated June 11, 2004.

Board members discussed the following:

- Send draft to the Township Attorney
- Address different signage for Meridian Mall
- Enforcement of removal of "for lease" signs once leased
- Lighted sign to conform with lighting ordinance

It was the consensus of the Board to allow staff to continue work on the sign ordinance and subsequently send to the Township Attorney for review.

E. Subdivision Control Ordinance

Director Kieselbach summarized the draft of the proposed Subdivision Ordinance as outlined in staff memorandum dated June 11, 2004.

Board members discussed the following:

- No review yet by the Township Attorney or outside agencies
- Stand alone ordinance which would not be part of the zoning regulations
- Proper place to put no platting in the wetland as long as state act is followed, since subdivision regulations already contain no platting into a floodplain language
- Change shall to may for streetlighting requirement
- Concern on page 22 relative to 30-day default approval
- State Act for land division requires approval within ninety (90) days

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, JUNE 15, 2004 *APPROVED*

Will Tyler White, 4695 Okemos Road, Okemos, spoke in support of designating density as square footage per living unit.

Supervisor McGillicuddy closed Public Remarks.

13. POSSIBLE CLOSED SESSION

Treasurer Hunting moved that the Township Board go into closed session for the purpose of consulting with the Township Attorney on settlement strategies for pending litigation. Seconded by Trustee Such.

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

Supervisor McGillicuddy recessed the meeting at 9:55 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 Stier.

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

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

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

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:40 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary