

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD WORK SESSION MINUTES - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, JANUARY 9, 2001, **6:00 P.M. — 7:00 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 Roger Buell, Police Chief Gary Gibbons, EMS/Fire Chief Fred Cowper, Attorney Brian Goodenough

1. CALL WORK SESSION TO ORDER

Supervisor McGillicuddy called the Work Session to order at 6:04 p.m.

2. COMMITTEE OF THE WHOLE

A. Closed Session

Trustee Brixie moved to go into closed session to discuss a confidential written legal opinion between the Township Attorney and the Township. Seconded by Treasurer Hunting.

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 to hold a closed session at 6:06 p.m.

The Board adjourned to the Administrative Conference room for a closed session.

Supervisor McGillicuddy reconvened the meeting at 7:12 p.m.

3. PUBLIC REMARKS (None)

4. ADJOURNMENT

Trustee Woiwode moved to adjourn the work session. Seconded by Trustee Such.

Supervisor McGillicuddy adjourned the Work Session at 7:12 p.m.

SUSAN McGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
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349-1200, Town Hall Room
TUESDAY, JANUARY 9, 2001, **7:00 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 Roger Buell, Police Chief Gary Gibbons, EMS/Fire Chief Fred Cowper

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 7:14 p.m.

Supervisor McGillicuddy acknowledge the attendance of Boy Scout Troop #97.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the pledge of allegiance

3. ROLL CALL (See Agenda Item #4)

4. PUBLIC REMARKS*

Supervisor McGillicuddy opened Public Remarks.

Bruce Reizen, 2900 N. Wind Drive, East Lansing, spoke in support of the appeal of SUP #00011 (Gould Investors).

William Hicks, 3650 E. Arbutus, Okemos, spoke in support of SUP #00011 (Gould Investors).

APPELLANTS (See Agenda Item #8A: Appeal of SUP #00011 (Gould Investors))

Norm Gaffney, 530 S. Capitol, Lansing, representing Mr. & Mrs. Charles Lawler, and Richard McCarrius Jr.; stated the reasons for the appeal of SUP #00011 (Gould Investors) as follows:

- Official Record is insufficient to demonstrate full compliance with requisite criteria for SUP.
- Proposed development does not meet goal of Comprehensive Development Plan to promote the viability of existing businesses
- Proposed use will change the essential nature of the area
- Traffic impact of a previous proposed development was determined sufficient for denial
- Improvements to the property would be cosmetic only
- Questionable compliance with the Section 87.3(a)(5) requirement of adequate service of essential public facilities and services based on the existing traffic burden on Grand River Avenue.
- Proposed traffic controls are insufficient to meet increased demand.
- Historically, the proposed site has been unable to sustain business
- The proposed use will have negative impacts on local businesses financially and strain a short labor market.
- If the property owner honors the existing leases, construction could not begin until June 2002
- Recommend a market study to determine viability of proposed use
- Propose scaling down the project to meet impervious surface requirement
- Recommend limiting the hours of operation
- Residential use is too close to the proposed development
- Offered an audio recording of operating noise of a Farmer Jack's store in Flint

Supervisor McGillicuddy closed Public Remarks.

ROLL CALL (See Agenda Item #3):

Supervisor McGillicuddy called the roll of the Township Board.

5. APPROVAL OF AGENDA — OR CHANGES

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

Trustee Such moved to amend the agenda by adding Item #6H (Appointment of Planning Commission Representative to Zoning Board of Appeals). Seconded by Trustee Stier.

Supervisor McGillicuddy read the memo regarding the appointment of the Planning Commission Representative into the record.

[Staff memorandum dated January 9, 2001 in Official Minute Book]

Motion to Amend:

VOICE VOTE: Motion carried unanimously.

Clerk Helmbrecht acknowledged receipt of a communication from Martha & Harold Davidson (See January 23, 2001 BD-15) in support of the appeal of SUP #00011 (Gould Investors).

Supervisor McGillicuddy noted additional communications from the following: Anne Field in support of the appeal of SUP #00011 (Gould Investors) (See January 23, 2001 BD-14); and John E. Hunt in support of SUP #00011 (Gould Investors) (See January 23, 2001 BD-13).

Motion to Approve agenda:

VOICE VOTE: Motion carried unanimously.

6. CONSENT AGENDA

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

Trustee Brixie discussed a change to the December 5, 2000 Regular Meeting Minutes.

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

NAYS: None

Motion carried unanimously.

Therefore, the above actions were taken with the votes as follow:

A. Communications

(1). Application for Public Service (***)

CCC-5 Robert A. Homan, 2176 Hamilton Road, Okemos; RE: Cable Communications Commission

EC-1 Ted Black, 4714 Van Atta Road, Okemos; RE: Environmental Commission

EC-2 Michael R. Thomas, 2555 Capeside Drive, Okemos; RE: Environmental Commission

LPB-1 Ted Black, 4714 Van Atta Road, Okemos; RE: Land Preservation Advisory Board

LPB-2 Michael R. Thomas, 2555 Capeside Drive, Okemos; RE: Land Preservation Advisory Board

LPB-3 Vance L. Kincaid II, 4530 Nakoma Drive, Okemos; RE: Land Preservation Advisory Board

OTH-1 Charles H. Wing, 2099 Tamarack Drive, Okemos; RE: Elected Officials Compensation Commission

(2). Board Deliberation (BD)

BD-1 David J. Haywood, D. Haywood & Associates, P.C., 618 Creyts Road, Ste B, Lansing; RE: SUP #99091 (Wal-Mart) and SUP #99151 (Eyde)

BD-2 Tyler D. Tennent, Dawda, Mann, Mulcahy & Sadler, PLC, 39533 Woodward Ave, Ste 200, Bloomfield Hills; RE: Appeal of Extension for SUP #99091 (Wal-Mart)

BD-3 Rita M. Peffers, 4932 Sioux Way, Okemos; RE: Opposition to the Proposed Wal-

- Mart Development on Marsh Road
- BD-4 Frank Webster, 3845 Roxbury Ave, Okemos; RE: December 19 Appeals - Extension of Land Use Permits for Eyde Corporation
- BD-5 Bill Mory, President, Nine Iron, Inc.; RE: SUP #00-92031 (Nine Iron, Inc.)
- BD-6 Scott R. Knapp, Dickinson Wright, PLLC, 215 S. Washington Square, Ste 200, Lansing; RE: SUP #99091 (Wal-Mart) and SUP #99151 (Eyde)
- BD-7 Scott R. Knapp, Dickinson Wright, PLLC, 215 S. Washington Square, Ste 200, Lansing; RE: SUP #99091 (Wal-Mart) and SUP #99151 (Eyde)
- BD-8 Christopher M. Bzdok, Olson & Bzdok, P.C., 420 E. Front Street, Traverse City; RE: SUP #99091 (Wal-Mart) and SUP #99151 (Eyde)

(3). Board Information (BI)

- BI-1 Michigan Townships Association Capitol Conference Registration Form
- BI-2 Michigan Townships Association Political Action Committee Solicitation for Contributions
- BI-3 Michigan Townships Association Capitol Currents Newsletter December 2000 edition
- BI-4 Michigan Townships Association Legislative Fax December 15, 2000 edition
- BI-5 Michigan Townships Association Legislative Fax December 22, 2000 edition
- BI-6 Charles C. Hagen, 4195 Van Atta Road & John Hoehn, 4341 Van Atta Road, Okemos; RE: Van Atta Neighborhood Concerns
- BI-7 Red Team Red Letter, December 2000 edition
- BI-8 Juan Arellano, President, Ottawa Hills Homeowners Association; RE: Rezoning #00100 (Plott/OK2, LLC)

(4). Freedom of Information (FOI) [On file in Clerk's Office]

- FOI-2000-40 Christian K. Mullett, D. Haywood & Associates, P.C., 618 S. Creyts Road, Ste B, Lansing; RE: Video & Audio Tapes Related to the Appeal of Extension for SUP #99151 (Eyde)
- FOI-2000-41 Mr. & Mrs. Richard Ferris, 4508 Mistywood Drive, Okemos; RE: Complaint(s) Received Regarding 4508 Mistywood Drive, Okemos

(5). News Release (NR)

- NR-1 Winter Wonderland at the Harris Nature Center
- NR-2 Scout Badge Programs at the Harris Nature Center
- NR-3 Harris Nature Center, Nature for Toddlers Program Registration
- NR-4 Harris Nature Center, Nature for Preschoolers Registration

(6). On File in Clerk's Office (OF)

- OF-1 Ingham County Board of Commissioners January 2, 2001 Organizational Meeting Packet
- OF-2 Janice B. Jencka, Superintendent, Ingham Intermediate School District; RE: Intent to Collect 100% of 2001 Summer Taxes
- OF-3 State of Michigan, Liquor Control Commission; RE: Request from T. R. Lansing, Inc. to transfer ownership of 2000 Class C Licensed Business, located in escrow at 5100 Marsh, Suite I-1, Okemos MI, from Mark A. Sager, and transfer location to Meridian Mall, 1982 Grand River, Out-Parcel #2
- OF-4 State of Michigan, Department of Consumer & Industry Services, Notice of Rule Revision for Building Officials, Plan Reviewer, and Inspectors Registration Rules

(7). Staff Communication (SC)

- SC-1 Expiring/Vacant Appointment List

- SC-2 Recommendations for Environmental Commission Positions
- SC-3 Listing of Applications for Appointment to the Land Preservation Advisory Board

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

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

B. Minutes

- (1) December 5, 2000, Regular Meeting (Draft II)
- (2) December 16, 2000 Workshop

Trustee Such moved to approve and ratify the minutes of the December 5, 2000 Regular Meeting amended as follows:

Page 12, Item #15A(2)...Discussion:
Change "Support for Planning Commission Recommendation" to "Support for Planning Commission Recommendation, which is different from the motion"

and the minutes of December 16, 2000 Workshop as submitted.

Seconded by Clerk Helmbrecht.

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

C. Bills

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

General Fund/Special Revenue	\$ 233,190.24
<u>Public Works</u>	<u>\$ 875,844.78</u>
<u>Total Checks</u>	<u>\$1,109,035.02</u>
<u>Credit Card Transactions</u>	<u>\$ 7,272.46</u>
Total Purchases	<u>\$1,116,307.48</u>

Seconded by Clerk Helmbrecht.

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

[Bill list for 1/9/01 in Official Minute Book]

D. Capitol National Bank Resolution

Trustee Such moved to adopt a resolution entitled "Authority to Open Account" for Capitol National Bank. Seconded by Clerk Helmbrecht.

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

- E. Piper Road Special Assessment District - Set Hearing Date (February 6)
Trustee Such moved to approve the Piper Road Public Road Special Assessment District Resolution #4, which files the proposed final special assessment roll with the Township Clerk and sets the date for a public hearing on February 6, 2001. Seconded by Clerk Helmbrecht.

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 Minute Book]

- F. Appeal of Special Use Permit #00-92031 (Nine Iron, Inc.), Request to construct a driving range at the Meridian Sun Golf Club, 1018 Haslett Road - Set Hearing Date (February 6)

Trustee Such moved to schedule a hearing on the appeal of the Planning Commission's decision on the Special Use Permit #00-92031 for the regular Township Board meeting on February 6, 2001. The hearing will address the appeal of condition 6 of the special use permit as filed by Bill Mory, President of Nine Iron, Inc. Seconded by Clerk Helmbrecht.

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

- G. Regional Cooperation Task Force
Trustee Such moved that the Township Manager be authorized to expend \$1,000 for activities of the Regional Cooperation Task Force. Seconded by Clerk Helmbrecht.

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

- H. Appointment of Planning Commission Representative to Zoning Board of Appeals
Trustee Such moved to appoint Al Wolfe as the Planning Commission Representative to the Zoning Board of Appeals for the year 2001. Seconded by Clerk Helmbrecht.

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

7. ACTION ITEMS

- A. Public Comment
Supervisor McGillicuddy opened public comment

Frank Webster, 3845 Roxbury, Okemos, spoke in opposition to the appeals of the time extensions of SUP's #99091 (Wal-Mart) and #99151 (Eyde).

Chris Bzdok, Olson & Bzdok, P.C., 420 E. Front Street, Traverse City, spoke in support of the appeals of the time extensions of SUP's #99091 (Wal-Mart) and #99151 (Eyde).

Mark Clouse, Eyde Company, 4660 S. Hagadorn, East Lansing, spoke in support of SUP's #99091 (Wal-Mart) #99151 (Eyde).

Daria Schlega, 2446 Burcham Drive, East Lansing, spoke in support of the appeals of SUP's #99091 (Wal-Mart) and #99151 (Eyde).

Supervisor McGillicuddy closed public comment.

B. Creation of Land Preservation Advisory Board

Supervisor McGillicuddy recommended the Board consider an increase in the number of Advisory Board members to from seven (7) to nine (9). She reviewed her recommendations for appointments to the Resident Members and the Township Board Representative.

Treasurer Hunting moved to increase the number of residents to five (5) to create a nine (9) person Land Preservation Advisory Board; and further to appoint Clerk Helmbrecht as the Township Board Representative; to appoint Tom Woiwode, Paul Kindel, Judith Hurst, Robert Haines and John Hoehn as Resident Members. Seconded by Trustee Woiwode.

Board Members discussed the following items:

- Township is an example for the nation in the preservation of open space
- Insufficient expertise and absence of development experience of appointments to fulfill the intended role of an advisory board
- Appointment of a resident engaged in litigation against the Township
- Concerned about disagreements between the Township Board and the Advisory Board leading to litigation

Trustee Such asked the question be divided to consider appointments individually.

Board Members discussed the following items:

- Need for recruitment of Township Residents with expertise to sit on Advisory Board
- Quality and completeness of work completed by the Land Preservation Task Force
- Leadership of Clerk Helmbrecht as Chair of Land Preservation Task Force
- Full confidence in recommended appointments
- Potential conflict of interest for the appointment of a developer
- Potential conflict of interest for the appointment of an owner of large tracts of land
- Balance of resident representation
- Empowerment of residents aggrieved by Township government
- Expertise of Advisory Board to be supplied by commission representatives
- Lack of attorney determination of conflict of interests for developers or land owners
- Designation of terms

[For purposes of these appointments, the Board determined the terms by unanimous consent to be as follows:

- **Township Board Representative is appointed to a four-(4) year term (duration of elected office)**
- **Park Commission Representative is appointed to a four-(4) year term (duration of elected office)**
- **Planning Commission Representative is appointed to a two-(2) year term**
- **Environmental Commission Representative is appointed to a two-(2) year term**
- **Resident Members are appointed to four-(4) year terms with initial terms staggered such that:**
 - **one (1) term expires December 31, 2002 (John Hoehn identified for two-(2) year term)**
 - **three (3) terms expire December 31, 2003 (Tom Woiwode, Judith Hurst and Robert Haines identified for three-(3) year terms)**
 - **One (1) term expires December 31, 2004 (Paul Kindel identified for four (4) year term)]**

- Interaction of developers and environmentalists essential to success of Land Preservation Task Force and Advisory Board

- Recommendation to appoint a member with knowledge of Township real estate

Clerk Helmbrecht moved to table the motion. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Such, Stier, Clerk Helmbrecht
NAYS: Trustees Brixie, Woiwode, Supervisor McGillicuddy, Treasurer
Hunting
Motion failed 3-4.

Board Members discussed the following items:

- Purpose of the Advisory Board is to involve members of the community
- Concern that a conflict of interest of a developer could remove significant properties from consideration
- Open forum of Land Preservation Task Force as a model for the Advisory Board
- Participation of developers in Land Preservation Task Force important in success of millage question

Motion to Approve and Appoint.

VOICE VOTE: Motion carried 6-1 (Such).

- C. Adoption of Land Preservation Site Screening Criteria
Supervisor McGillicuddy introduced the Site Screening Criteria for Board consideration.

Clerk Helmbrecht moved to adopt the Land Preservation Site Screening Criteria. Seconded by Trustee Woiwode.

Board Members discussed the following items:

- Ability to amend these criteria at a later date

Trustee Such moved to amend the motion to require the Land Preservation Advisory Board to present an oral or written annual report to the Township Board, to include a review of the Site Screening Criteria including any recommendations for amendment. Amendment accepted by Clerk Helmbrecht and Trustee Woiwode.

VOICE VOTE: Motion carried unanimously.

- D. Appeal of Time Extension for Special Use Permit #99151 (Eyde), request to work in the floodplain of the Mud Lake Drain and the groundwater recharge area for the proposed Times Square Drive

Trustee Woiwode moved to refer the appeal of the time extension of Special Use Permit #99151 to the Planning Commission to determine if the proposed use is still consistent with the standards and requirements of the Zoning Ordinance for the granting of a special use permit. Seconded by Trustee Brixie.

Board Members discussed the following items:

- The Planning Commission should review all factors in considering an extension of the SUP
- The Board has a duty to listen to all sides in considering these issues
- The Planning Commission looked at the extension only not as to whether anything changed

VOICE VOTE: Motion carried 6-1 (Such)

- E. Appeal of Time Extension for Special Use Permit #99091 (Wal-Mart), request to construct an approximate 141,000 square-foot retail store with an outdoor garden center, an automobile

service facility and work in the groundwater recharge area on the east side of proposed Times Square Drive

Trustee Brixie moved to refer the appeal of the time extension of Special Use Permit #99091 to the Planning Commission to determine if the proposed use is still consistent with the standards and requirements of the Zoning Ordinance for the granting of a Special Use Permit. Seconded by Trustee Woiwode.

Board Members discussed the following items:

- The receipt of requisite permits does not imply resident desire for a particular development

VOICE VOTE: Motion carried 6-1 (Such).

8. HEARINGS

A. Appeal of SUP #00011 (Gould Investors)

Director Kieselbach introduced the appeal of the request to construct an approximate 60,800 square-foot commercial building at the southwest corner of Grand River Avenue and Northwind Drive - Farmer Jack's

Supervisor McGillicuddy opened the hearing.

APPELLANTS

(See Agenda Item #4: Public Remarks, Norm Gaffney)

APPLICANT

Mark Latterman, 1305 S. Washington, Lansing, representing Farmer Jacks, introduced the representation for the applicant. He introduced Michael Rein of Bowers & Rein to speak first.

Michael Rein, Bowers & Rein, 3915 Research Park, Ann Arbor, representing Farmer Jacks, stated the reasons for affirming the approval of the SUP as follows:

- The proposed development reduces total square footage of building space
- The proposed development reduces the number of curb cuts
- The proposed development reduces the total impervious surface
- The traffic circulation on the proposed site is limited to the front of the building and away from the residential properties
- In considering the total impervious surface on the site, there is the addition of green space on the perimeter outside of the property line
- The rear of the building is over 200 feet from the nursing home
- The site plan separates delivery and customer/pedestrian traffic
- The site plan maximizes fire safety
- The Township Engineering Department and Ingham County Drain Commissioner have determined no significant impact on the water and sewer infrastructure
- The applicant's and the Township's traffic consultants have studied the impact of this development on Grand River Avenue
- The site plan eliminates the auto dealership site as a standalone commercial site and the accompanying curb cuts
- The site plan reduces cut-through traffic to Grand River Avenue
- The site is properly zoned for commercial uses
- The site plan provides easements for a pedestrian/bicycle pathway along Grand River Ave
- The site plan adds an oil/gas separator to clean storm water
- The site plan increases buffering to the residential neighborhood
- The appellants' concerns were discussed and considered by the Planning Commission over two (2) meetings
- This proposal redevelops and improves a key property on the Grand River Avenue Corridor

David E. Pierson, McClelland & Anderson, L.L.P., 1305 South Washington Avenue, Suite 102, Lansing, representing Gould Investors, stated the reasons for affirming the approval of the SUP as

follows:

- The site is a difficult redevelopment site because of the surroundings and the existing structure
- The proposal reduces the area, number of curb cuts, and impervious surface
- Redevelopment of the site requires a tenant with long term plans and significant funds for investment
- The current tenants can be moved in time to begin construction this year
- This redevelopment would be the first project to incorporate the goals of the Grand River Avenue Corridor Study
- Redevelopment of old commercial sites is never perfect
- Traffic issues have been studied in careful detail with conservative assumptions

PLANNING COMMISSION

Planning Commissioner Sam Smith discussed the Planning Commission's approval of the SUP. He stated the reasons for the Planning Commission's approval as follows:

- The proposed redevelopment is what the Master Plan intends for this site
- The proposed redevelopment is an improvement to the existing site, and is in accord with the essential commercial nature of area with appropriate screening to residential areas
- The appellants' claims of the proposed development being disturbing to existing uses, does not meet the threshold of the standards by being hazardous.
- The proposed use is not a new use, as the site has been retail for decades
- The proposed redevelopment is adequately served by public highways as there is no more adequate road in the Township
- The proposed redevelopment may reduce traffic volumes to the east
- The appellants' claims that the proposed redevelopment will create excessive additional requirements at public cost for public facilities, is unsubstantiated as a site's historical unsuccessful record demonstrates no likelihood of public costs.
- The appellants' argument that permitting competition qualifies as a negative impact on existing businesses is contrary to American economic theory and reduces service to residents.
- The Planning Commission's conditions (limiting delivery hours, truck parking, light, glare, and odor) and the low intensity of 24-hour operations, limit any detrimental effect to the welfare of any individual.
- The courts will eventually issue permits if denied by the Township, as the site is zoned and suited for a large retail operation.

BOARD DISCUSSION

Trustee Brixie asked the applicant's representative to clarify the issue of whether there are Farmer Jack stores running less than Twenty-four- (24) hour operations.

Mr. Rein referred to the letter submitted to the Board by Thomas Litzler, Vice President of Development.

Trustee Brixie stated the letter only refers to forty-nine (49) stores. She asked how many total stores are owned by Farmer Jack.

Mr. Rein stated there are 101 stores.

Treasurer Hunting asked about the remaining fifty-two (52) stores.

Mr. Pierson acknowledged the letter does not fully answer the question. He stated he does not know the answer, but the applicant could provide a more complete answer as to whether there are any restrictions on hours of operation.

Treasurer Hunting asked how long the owner has owned the property.

Mr. Pierson stated he would need to verify, but it would be in excess of thirty (30) years.

Treasurer Hunting asked if a standard sidewalk would fit within the ten-foot (10') easement along Grand River.

Mr. Rein stated the ten-foot (10') easement begins on the inside edge of the existing sidewalk.

Treasurer Hunting recalled seeing a front elevation with more brick and asked if any different elevations had been shown at any time during the SUP process.

Mr. Rein stated there have been no revisions to the elevations presented, and there are no anticipated changes.

Mr. Pierson stated Farmer Jack's is locked into this elevation because it is incorporated into the SUP approval.

Treasurer Hunting asked if the specification of the elevations in the SUP approval would also limit the construction materials.

Mr. Pierson stated the legend on the drawing specifies the materials to be used, and the specific reference to the map in the approval limits the materials.

Director Kieselbach stated it is common in for the Planning Commission to approve an SUP based on the date of the plans presented. He stated if there are changes in the materials, the matter would return to the Planning Commission for approval of this change. He stated for minor changes, i.e. a particular type of brick is unavailable but a comparable brick is available; there would be no necessity to return to the Planning Commission.

Mr. Latterman stated Farmer Jack considers itself legally obligated to the elevations shown.

Trustee Woiwode asked Mr. Gaffney whom he represents.

Mr. Gaffney stated he represents Mr. McCarrius, owner of Tom's Party Store, and Mr. and Mrs. Lawler.

Trustee Woiwode asked what the applicant has done to address the concerns of those opposed to the project, specifically those concerns related to impact rather than related to financial interests.

Mr. Rein stated Mr. Lawler, Mr. Reizen, and Mr. Johns were the only people to raise objections at the Planning Commission level. He stated the other letters of appeal were his first knowledge of other concerns. He stated the applicant moved the building forward as far as possible, increased rear buffering, and eliminated rear parking to address noise and lighting concerns.

Trustee Woiwode asked if the applicant has met directly with the appellants.

Mr. Rein stated there were no face-to-face meetings with individuals, but they tried to address concerns through the hearing process. He stated the other appellants have concerns that could not be addressed: Mr. McCarrius owns a store down the street, and Mr. Reizen does not want anything built.

Trustee Woiwode asked if the percentage of impervious surface is typical for redevelopment projects.

Director Kieselbach stated it is common for older sites to have high percentages of impervious surface, as the standard was not established until the early 90's. He stated the Zoning Board of Appeals has the ability to apply a fair standard in permitting the redevelopment while meeting the intent of the ordinance to increase green space.

Trustee Woiwode asked if the ten-foot (10') easement is considered part of the pervious surface.

Director Kieselbach stated the easement is on the applicant's property, and is included in the

calculation of pervious surface. He stated this easement complies with the goals of the Township's Economic Development Corporation (EDC) along Grand River Avenue.

Trustee Woiwode asked for confirmation that this easement is voluntary.

Director Kieselbach stated the easement is not a condition of the SUP and is voluntary on the part of the applicant.

Trustee Woiwode asked if the Board has the ability to require a market study as requested by the appellant.

Director Kieselbach stated an economic study has been done recently for the Planning Commission as part of its review of the Comprehensive Development Plan.

Trustee Woiwode asked if there are any expectations of additional traffic control measures in areas with or without this project.

Director Kieselbach stated any traffic control device is subject to the approval of MDOT. He discussed traffic light locations considered by the Township's Traffic Consultant, the Applicant's Traffic Consultant, the Ingham County Road Commission and MDOT.

Trustee Woiwode asked if any additional controls are anticipated.

Director Kieselbach stated Township Planning Staff is working with the EDC and the Traffic Consultant to add pedestrian-friendly traffic controls at Northwind Drive.

APPELLANT'S REBUTTAL

Norm Gaffney, 530 S. Capitol, Lansing, representing the appellants, rebutted the applicants statements as follows:

- In addition to those individuals listed by Mr. Rein previously, a Mr. Smith submitted objections to the SUP during the Planning Commission's consideration of the request.
- Many Farmer Jack's Stores in Michigan according to the company's web site are open less than twenty-four (24) hours.
- The conditioned restriction on delivery hours adds truck traffic to peak traffic times
- The applicant's traffic study shows significant increases in traffic and rear-impact traffic accidents.
- Variances are not appropriate from impervious surface requirements, as the entire site will be raised for this proposal.

APPLICANT'S REBUTTAL

David E. Pierson, McClelland & Anderson, L.L.P., 1305 South Washington Avenue, Suite 102, Lansing, representing the applicant, rebutted the appellant's statements as follows:

- There will be more traffic generated by this proposal, but there are imperfect methods to address an imperfect situation.
- The impervious surface percentage for this site is at the low end of the redevelopment range and is lower than previous proposals on this site.
- Older and smaller Farmer Jack Stores can not accommodate twenty-four (24) hour operations and limit their own hours rather than being externally restricted.
- The site plan has been revised substantially to address conditions and concerns of the Planning Commission.

Supervisor McGillicuddy closed the hearing.

9. NEW BUSINESS (Discussion Items)

A. Public Comment

Supervisor McGillicuddy opened public comment.

Carla Clos, President, Friends of Hope Borbas Okemos Library, discussed the history of the Okemos Library and spoke in support of the creation of a library task force to work toward adequate library services. [She submitted a history of Okemos]

Supervisor McGillicuddy closed public comment.

B. Library

Manager Richards introduced the proposed interim Okemos Library facility.

Board Members discussed the following items:

- Reasons for failure of library millage
- Minimizing resident concerns of an interim library becoming permanent.
- Cost estimate of interim library
- Township Manager's recommendation at January 23, 2001 Board Meeting
- Physical specifications for library facility
- Public access to available information
- Assessment of property taxes against the Township

C. Water Rate and Sewer Fee Study

Director Buell introduced the fee study.

Board Members discussed the following items:

- Selection process for contractor
- Review of expansion subsidy for development
- Scope of study

D. Van Atta Woods Home Sale/Mortgage Pay-Off

Manager Richards introduced the proposed home sale and mortgage pay-off.

Board Members discussed the following items:

- Details of property assessment, current mortgage and sale price
- History of ownership of property
- Financial soundness of mortgage pay-off

E. Special Use Permits Coming to Board for Approval

Supervisor McGillicuddy opened discussion on a zoning ordinance amendment to place approval authority at the Board level for SUP's for buildings over 25,000 square feet.

Board Members discussed the following items.

- These SUP's are generally appealed to the Board
- Zoning Amendment process
- Approval process in comparable-sized Townships
- Previous practice of SUP approval

10. PUBLIC COMMENT

Supervisor McGillicuddy opened public comment.

Wayne McLellen, 1459 Cheboygan Road, Okemos, spoke in support of the water and sewer rate study, and spoke against the limitation on operating hours for Farmer Jack (SUP #00011 (Gould Investors))..

Joan Guy, 1083 Woodside Drive, Haslett, stated concerns related to SUP #00011 (Gould Investors), and SUP #99151 (Eyde). She disputed the relevance of an appointee's involvement in past litigation against the Township when considered for public service.

Supervisor McGillicuddy closed public comment.

11. FINAL BOARD MEMBER COMMENT

Trustee Such asked the Manager to notify those people interested in the Pedestrian/Bicycle Master Plan that it will be on the next agenda.

Clerk Helmbrecht recommended the Board consider appointments to the Environmental Commission at its next meeting to permit the Commission to appointment its representative to the Land Preservation Advisory Board.

Trustee Brixie asked the Township Manager to take steps to permit resident communications to the Board via e-mail.

Board Members discussed the procedure for review and approval of Closed Session Minutes.

12. DETAILS OF NEXT MEETING

A. Committee of the Whole - Pedestrian/Bicycle Pathway Master Plan Amendments
Supervisor McGillicuddy stated this time is provided as an opportunity for resident input.

B. Library (For Action)

Trustee Such recommended some new business items be referred to the Committee of the Whole for in-depth discussion.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:33 p.m.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary