

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING – **APPROVED-**  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, DECEMBER 19, 2006, **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, EMS/Fire Chief Fred Cowper, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:00 P.M.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the Pledge of Allegiance.

A. Introduction of New Police Officers

Police Chief Hall introduced Brandon Sredzinski and Edward Besonen for presentation to the Board as new police officers.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Gil White, 6005 E. Lake Drive, Haslett, expressed his willingness to have White Family Properties participate in the Saginaw Street Sanitary Sewer Special Assessment District #51 if cost is determined on ~~billable~~ buildable acreage.

Ahsan Sumbal, 4232 Sugar Maple, Okemos, expressed similar concerns as Mr. White concerning his property at 2267 M-78 relative to Saginaw Street Sanitary Sewer Special Assessment District #51.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee Brixie noted the East Lansing Planning Commission held a meeting last week during which it held discussion on the applicant's request for modification to the SUP for the Patterson property on M-78 and Lake Lansing Road. The applicant is eliminating the gas station, fast food and small retail store and adding a pharmacy, which will necessitate a second driveway. The application was reviewed by Township staff. She also reported Darcy Schmidt will become the new East Lansing Planning Director in January, 2007.

Treasurer Hunting noted a telecommunications bill which passed both Houses of the Legislature will have a significant negative financial effect on the Township's HOM-TV channel. He stated the federal government is considering similar legislation which will make the Michigan bill moot.

Treasurer Hunting stated Township offices will be open Wednesday, Thursday and Friday only for the next two weeks.

Supervisor McGillicuddy indicated December 21, 2006 is Tri County Regional Planning Commission's 50<sup>th</sup> anniversary and a celebration will be hosted at the Hannah Center from 3:00 to 7:00 P.M.

6. APPROVAL OF AGENDA — OR CHANGES

**Trustee Brixie moved to approve the agenda amended as follows:**

- **Remove Agenda Item #10A**

**Seconded by Trustee Such.**

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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 Information (BI)

- BI-1 Debbie Miller, 2757 Del Mar Drive, Okemos; RE: Alleged mandatory curbside recycling
- BI-2 Hugh Pratt, 13903 GK Drive, Bath; Condition of Marsh Road
- BI-3 Sherida A. Shepherd, 4766 Cornell Road, Okemos; RE: Opposition to SUP #06-99091 (Wal-Mart)
- BI-4 Priscilla J. Wood, 1600 Jolly Road, Okemos; RE: Appreciation for Board action on SUP #06-99091 (Wal-Mart)
- BI-5 Cindy Garber, 3522 S. Friegel Road, Owosso; RE: Appreciation for Board action on SUP #06-99091 (Wal-Mart)
- BI-6 Jeffrey Elsworth, 5231 Madison Avenue, C2, Okemos; RE: Support for SUP #06-99091 (Wal-Mart)
- BI-7 Michael Brewster, 1639 Lake Drive, Apt. 84, Haslett; RE: Support for SUP #06-99091 (Wal-Mart)
- BI-8 Stephen J. Gauthier, Director, Government Finance Officers Association, 203 N. LaSalle Street, Suite 2700, Chicago; RE: Certificate of Achievement for Excellence in Financial Reporting for Meridian Township

(2). Regional Linkage (RL)

- RL-1 Michael R. DeVos, Executive Director, Michigan State Housing Development Authority; 735 East Michigan Ave., Lansing; RE: Partnership for Rural Investment

(3). Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative E-Report, December 1, 2006 Edition
- SC-2 Michigan Townships Association Legislative E-Report, December 8, 2006 Edition

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

Materials received at the December 5, 2006 Board Meeting

- Douglas S. Carr, CEO, Greater Lansing Home Builders Association, 6240 W. Mt. Hope Highway, Lansing, RE: Opposition to the proposed Tree Protection Ordinance
- John Wolenberg and Tim Lawrence, 2459 Barnsbury Road, East Lansing; RE: Rezoning #06040 (Wolenberg/Lawrence)
- Janet C. Donahue, 4305 Oakwood Drive, Okemos; RE: Opposition to SUP #06-99091 (Wal-Mart)
- Tina Kahn, 734 W. Grand River, #62, Okemos; RE: Opposition to SUP #06-99091 (Wal-Mart)

Therese M. Hercher, 1908 Danbury East, Okemos; RE: Opposition to SUP #06-99091 (Wal-Mart)  
Maria & William Struck, 4392 Stoneycroft Circle, Okemos; RE: Opposition to SUP #06-99091  
(Wal-Mart)

**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, Such, Veenstra, Woiwode, Supervisor  
McGillicuddy, Treasurer Hunting  
NAYS: None  
Motion carried 6-0.

B. Minutes

**Trustee Brixie moved to approve and ratify the minutes of the December 5, 2006 Regular Meeting as submitted. Seconded by Trustee Woiwode.**

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

C. Bills

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

Common Cash	\$ 153,326.66
Public Works	\$ 147,431.14
Total Checks	\$ 300,757.80
Credit Card Transactions	\$ 14,668.50
Total Purchases	<u>\$ 315,426.30</u>
ACH Payments	<u>\$ 281,476.03</u>

**Seconded by Trustee Woiwode.**

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 Brixie moved that the Township Board approve the 2006 amended budget as reflected on Page 2 of the memorandum to the Township Board from the Finance Director, dated December 15, 2006. Seconded by Trustee Woiwode.**

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

E. Amendments to Township Manager's Employment Agreement

**Trustee Brixie moved the employment agreement between the Charter Township of Meridian and Gerald J. Richards be amended to extend until December 31, 2008, and the salary for the Manager be increased by 3% over the 2006 salary. Seconded by Trustee Woiwode.**

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

F. Resolution Objecting to the Transfer of Property

**Trustee Brixie moved that the Township Board approve the resolution objecting to the transfer of property #33-02-02-20-378-011 from the County Treasurer to the Charter Township of Meridian. Seconded by Trustee Woiwode.**

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

G. Assessing Stipulation

**Trustee Brixie moved that the Township Assessor be authorized to sign a stipulation with Citizens Bank, on the following property:**

YEAR	DOCKET NO.	ADDRESS OF PROPERTY
2005	0316859	6025 Hagadorn, East Lansing
Assessment	2005	AV/TV \$319,400/306,900
Proposed Assessment	2005	AV/TV \$200,000/200,000

**Seconded by Trustee Woiwode.**

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

**Trustee Brixie moved that the Township Assessor be authorized to sign a stipulation with Citizens Bank, on the following property:**

YEAR	DOCKET NO.	ADDRESS OF PROPERTY
2006	0316859	6025 Hagadorn, East Lansing
Assessment	2006	AV/TV \$329,200/317,027
Proposed Assessment	2006	AV/TV \$175,000/175,000

**Seconded by Trustee Woiwode.**

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

I. Appointment to Boards and Commissions

**Trustee Brixie moved that the Township Board approve the attached list of appointees to various Boards/Commissions dated December 15, 2006. Seconded by Trustee Woiwode.**

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

[List in Official Minute Book]

- K. Saginaw Street Sanitary Sewer SAD #51, Resolution 1 and 2 (Set Public Hearing Date, January 16, 2007)

**Trustee Brixie moved to approve Saginaw Street Sanitary Sewer Special Assessment District #51, Resolution #1 and Resolution #2, tentatively declaring the Township Board's intention to construct approximately 150 L.F. of 8" sanitary sewer across Saginaw Street easterly from Pine Hollow Drive to 2267 M-78 and 300 L.F. of 8" sanitary sewer to the southwest; and to defray the cost by special assessment; tentatively designates the district; and sets a public hearing for January 16, 2007. Seconded by Trustee Woiwode.**

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 Item # 11A, #11C)  
9. HEARINGS (None)  
10. ACTION ITEMS/ENDS  
Supervisor McGillicuddy opened public comment.

Robert Hollenshead, President, Lake Lansing Property Owners Association, 6068 Columbia Street, Haslett, requested Rezoning #06040 (Wolenberg/Lawrence) be removed from the Board's agenda, citing traffic concerns on Lake Lansing Drive and development within the area.

Marvin Johansen, 6236 W. Reynolds, Haslett, spoke in opposition to Rezoning #06040 (Wolenberg/Lawrence).

Charlie Henderson, 6349 E. Reynolds, Haslett, spoke in opposition to Rezoning #06040 (Wolenberg/Lawrence).

Joe Sheahan, Vice President, Lake Lansing Property Owners Association, 6150 Columbia, Haslett, spoke in opposition to Rezoning #06040 (Wolenberg/Lawrence).

David Pierson, McClelland and Anderson, 1305 W. Washington Avenue, Lansing, spoke in support of Sanctuary Plat #04052, indicating the applicant's willingness to construct a boardwalk to address the issue regarding how to lay a sidewalk where there is a first flush basin within the road right of way.

Gil White, 6005 E. Lake Drive, Haslett, spoke in support of Rezoning #06040 (Wolenberg/Lawrence). He also spoke in support of Final Preliminary Plat #06012 (Whitehills Lakes South), questioning how a sidewalk would be constructed on the east side of Park Lake Road when a wetland is within ten (10) to twelve(12) feet of the edge of the asphalt. While he stated he was not opposed to posting a cash deposit, he felt the amount should be based on normal sidewalk construction expense for the frontage involved. Mr. White also inquired if the cash deposit was refundable in the event the development was not built. Mr. White thought it ill advised to plant street trees given the slope and small amount of upland within which to plant the trees.

Carl Harmon, 1924 Birchwood, Okemos, expressed appreciation to the Board for its work during 2006.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Zoning Amendment #06100, which would allow mixed use PUD in the C-1 district.

Tim McCarthy, 6076 Columbia, Haslett, spoke in opposition to Rezoning #06040 (Wolenberg/Lawrence).

Supervisor McGillicuddy closed public comment.

~~A. Authorization to Sell Tax Reverted Property~~

- B. Resolution of Support for Amending the Okemos Road Enhancement Grant  
**Trustee Woiwode moved to approve the attached resolution supporting the enhancement of Okemos Road by construction of roadside elements without a median, and supporting application for a grant amendment from the Michigan Department of Transportation Enhancement Fund for this project. Seconded by Trustee Such.**

Board members discussed the following:

- Amendment to an existing grant from Michigan Department of Transportation (MDOT)
- Safety features (e.g., colored safety refuges) as a continuing effort to make entrance into the community safer and more attractive

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

C. Final Preliminary Plat #06012, Whitehills Lakes South

**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 final preliminary plat for a single family subdivision of 32 lots, commonly known as Whitehills Lakes South, located north of Lake Lansing Road, west of BL-69 and east of Park Lake Road with the following conditions:**

1. **Approval is granted in accordance with the final preliminary plat prepared by KEBS, Inc. received December 12, 2006, indicating 32 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. **Construction shall not commence until the applicant has obtained all necessary permits and approvals from the Ingham County Drain Commissioner, Ingham County Road Commission, and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development.**
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. **An overall grading plan for the subdivision shall be required with detailed construction plans, prior to issuance of any building permits.**
5. **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.**
6. **Storm sewer leads shall be provided to each lot in the subdivision. The final location of the leads shall be subject to the approval of the Director of Public Works and Engineering.**
7. **The stormwater detention basin and drainage system located south of Lot 22 shall be dedicated to the Ingham County Drain Commissioner.**
8. **A temporary "T" turn around shall be installed where Southridge Road ends at the south**

**edge of Phase 1 or a temporary gravel road shall be provided to Lake Lansing Road until the Southridge Road is completed subject to the approval of the Ingham County Road Commission and Meridian Township Fire Department.**

- 9. Prior to any construction or grading taking place related to Phase 2, the proprietor shall apply for and obtain a land division for the parcel containing the stormwater detention basin south of Lot 22.**
- 10. A five foot wide concrete sidewalk shall be constructed along the east side of Southridge Road, the north side of Winterfield Road, as well as the frontage of Lots 14, 15, 16, and 32 on the cul-de-sac. The sidewalk shall be designed and constructed in accordance with Township Engineering Design and Construction Standards.**
- 11. A seven foot wide concrete pathway shall be constructed on the north side of Lake Lansing Road from Southridge Road east to the existing pathway on the northwest side of BL-69. The final location of the pathway shall be subject to the approval of the Director of Public Works and Engineering. The design and construction of the pathway shall be in accordance with Township Engineering Design and Construction Standards.**
- 12. In lieu of constructing a seven foot wide concrete pathway on the east side of Park Lake Road and the north side of Lake Lansing Road, west of Southridge Road, the applicant shall provide to the Township a cash deposit.**
- 13. Lots 1, 2, 3, 4, 5, and 13 on the final 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.**
- 14. A deed restriction shall be included with the final plat acknowledging the presence of the water feature setback and referencing the appropriate Township regulation on lots which contain a water feature setback.**
- 15. Street trees shall be required along Lake Lansing and Park Lake Roads. Street trees shall be required throughout the subdivision along all internal roads. 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.**
- 16. The applicant shall identify those trees proposed to be removed or relocated on Lots 22, 23, 24, 25, and 26 to determine if there is a need for a vegetative screen between those lots and the existing dwellings on BL-69. If screening is determined to be necessary by the Township, the design and proposed landscape materials 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.**
- 18. A copy of the information which 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 Woiwode.**

Board members discussed the following:

- Discretion of staff to work on sidewalk placement and street tree locations
- Sidewalk on one side of Southridge Road for continuity with the rest of the subdivision
- Possibility of acquiring easements in the future to keep pathway on the north side of Lake Lansing Road on higher ground which would negate necessity for retaining walls
- Amount of cash deposit based on standard costs for a seven foot wide concrete pathway
- Cash deposit funds kept in escrow

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

- D. Rezoning #06040 (Wolenberg/Lawrence), request to rezone approximately 3.15 acres located on the north side of East Lake Drive and north and west of Milenz Street from RA (Single Family-Medium Density) to RB (Single Family-High Density) with the offer of conditions

**Trustee Such moved to postpone action on this item until a future meeting January. Seconded by Anne Woiwode.**

Board members discussed the following:

- Question regarding notification at the Board level
- Lack of public testimony when last before the Board for discussion
- Postponement to allow for residents point of view prior to action
- Request that notification for upcoming Board action and conditions of the rezoning be sent to nearby residents

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

- E. Zoning Amendment #06100 to allow mixed use PUD in the C-1 District, **Final Adoption**  
**Trustee Woiwode moved [and read into the record] NOW THEREFORE BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby FINALLY ADOPTS Ordinance No. 2006-08, entitled "Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article IV, Division 4, Section 86-440 by amending Section 86-440(c)(1)b."**

**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 finally adopted at least once prior to the next regular meeting of the Township Board.**

**Seconded by Treasurer Hunting.**

Board members discussed the following:

- Adjustment through this zoning amendment based on the additional understanding of the potential for this type of PUD
- Mixing uses in this type of commercial development provides more opportunities to make walkable communities
- Inclusion by the Planning Commission when originally brought to the Board
- Best to have the setbacks waived to provide maximum flexibility for each site
- Majority of C-1 is tiny parcels in the oldest part of the Township

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



McGillicuddy, Treasurer Hunting

NAYS: None

Motion carried 6-0.

- F. Sanctuary Plat #04052 (Giguere), request to amend a condition of the plat so sidewalks do not need to be constructed in all locations

**Trustee Brixie moved [and read into the record] NOW THEREFORE BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN amends condition #10 of the plat for the Sanctuary subdivision to read as follows:**

- #10. A five foot wide concrete sidewalk shall be constructed along both sides of all streets within the subdivision, except for approximately 200 feet along the west side of Hyacinth Street, adjacent to Robin's Way Park, where a five foot wide boardwalk will be constructed. The concrete sidewalk shall be designed and constructed in accordance with the Township Engineering Design and Construction Standards. The final location and design of the boardwalk shall be subject to the approval of the Director of Public Works and Engineering.**

**Seconded by Trustee Such.**

Board members discussed the following:

- Boardwalk to be maintained by the homeowner's association and contained in the covenant of the subdivision
- Boardwalk to be included in the Township's sidewalk maintenance review program

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, expressed concern with Rezoning #99020 (Forsberg), the Outdoor Lighting Ordinance and the Tree Protection Ordinance.

Carl Harmon, 1924 Birchwood, Okemos, expressed appreciation with the Board's work on the Outdoor Lighting Ordinance and the Tree Protection Ordinance.

Chris Thelen, Consumers Energy, 530 W. Willow, Lansing, voiced support for grandfathering in existing streetlights contained in the revised Outdoor Lighting Ordinance. He expressed concern with the engineering costs required for "undergrounding" some of the fixtures.

Supervisor McGillicuddy closed public comment.

- A. Rezoning #99020 (Forsberg), a request to rezone approximately 4.24 acres from RR (Rural Residential) to PO (Professional and Office) north of Jolly Road and west of Jolly Oak Road  
Director Kieselbach summarized the rezoning request as outlined in staff memorandum dated December 15, 2006.

Dennis Forsberg, the applicant, 2422 Jolly Road, Okemos, gave an extensive presentation on the proposed rezoning.

Board members, staff and the applicant discussed the following:

- 30,400 square feet of available PO space already in the area
- 2005 estimate of slightly more than 17% vacancy rate currently in this area
- Man made pond dug in 1991 to handle storm water detention for entire property development
- Age of house adjacent to the pond
- Site had PO designation both in 1993 and 2005 Master Plan

- Relocation of existing drain from the center to the west property line in 1991
- Applicant consideration of residential along Kansas Street which would tie in to the 600 homes being built along Hulett Road through walking trails
- Berm or extra buffering offered for homes adjacent to other office parks in the area
- Mixed use a better use for this transitional parcel
- Low density designation to the west and residential to the north of this parcel on the Future Land Use Map
- Concern with the amount of office zoned land in the greater Lansing area
- Concern that the Township currently has an excess of office zoned land which is undeveloped
- Possibility of condos being the connection between Coyote Creek and this parcel
- Potential constraint on development of nearby land already zoned office
- Height limitation of 2-½ stories or 35 feet for mixed use with residential

Designation for use of property: (Questions for the Attorney (See Agenda Item #8))

Q. I know when the Planning Commission and the Board were looking at the 2005 Plan, part of the reasoning the Planning Commission used for not looking at this area was at the time we were engaged in a lawsuit with Forsberg over the paving of the road. I believe we were still in litigation over that, so the thought at that time, if I remember right, was not to look at it because we didn't want to tamper with anything. Knowing that it has been on our plan in 1993 and again in 2005, how constrained is that office?

A. Based on the comprehensive plan or future plan, the fact that it is on your plan is one of the criteria that you look at in determining whether you rezone or not. It is only one of the criteria. There is a whole host of other things you are looking at to determine whether it is appropriate to rezone. It is suppose to help guide you, but there are circumstances and instances where it may be appropriate to zone or not rezone that is inconsistent with the plan. I think you look at all the criteria in making that decision.

Q. We have to have a use for all the properties. I mean, we cannot have any property that has no use. Everything has to have a zoning and a guarantee that the owner can use their land in some fashion, correct?

A. If you mean a use for property that is not zoned, to some degree. There has to be some use for it; it doesn't mean it has to be built out to the highest use. There has to be some ability to use that property; it doesn't have to be the highest and best.

Continued Board member, staff and applicant discussion:

- Board support for approval with the condition that it be developed as a MUPUD
- Further development of the mixed use proposal for Board review
- Request for notification to the public who attended the original Planning Commission meeting
- Suggestion that the applicant follow Mr. Wolenberg's example in Rezoning #06040

Motion for approval with conditions predicated upon applicant submission of detail: (Questions for the Attorney (See Agenda Item #8))

Q. From a legal standpoint, how would that read in a motion if we are to have more detail? Can you go into that sort of detail in a motion? I don't think you can.

A. What that means is if the applicant can supply more detailed information in a condition and propose that to the Board, the Board can vote on it in that manner. It sounds like if there is not more detail, then it is more questionable as to whether that would be approved by the Board or not. A condition would need to be submitted by the applicant, in writing, with more detail.

**The consensus of the Board was to have staff work with the applicant to prepare a motion for approval based upon a mixed use planned unit development. Further, staff is directed to also prepare a motion that denies the request.**

Q. Andria, is that acceptable; how to do that?

A. I think we just need to all be clear this is entirely up to the applicant. If the applicant wants to add conditions further limiting the proposal, then the applicant can do that after what he has heard here tonight. He can submit that information; if he chooses not to, then the Board goes

forward without any additional conditions to approve or deny the rezoning. What I would suggest is that he make that decision as soon as he can, get in touch with the staff and let them know where he wants to go, and then staff can make a determination whether it needs to be placed on for discussion, or action, or wait another month, based upon what the applicant chooses to do.

B. Outdoor Lighting Ordinance

Director Kieselbach summarized the preliminary draft of the outdoor lighting ordinance as outlined in staff memorandum dated December 15, 2006.

Board members and staff discussed the following:

- General requirements apply to new lighting fixtures
- Structural issue with placement of amendments in the ordinance
- Reduction of parking lot lights when businesses are closed
- Page 8 (l): change word “encouraged” to “required” and word “off” to “down”
- Page 8 (p): staff to look at façade lighting v. ground mounted luminaires

**The consensus of the Board was to direct staff to move forward as discussed with the drafting of the outdoor lighting ordinance.**

C. Tree Protection Ordinance

Director Kieselbach summarized the draft Tree Protection Ordinance as outlined in staff memorandum dated December 15, 2006.

Board members and staff discussed the following:

- Concern expressed by some members of the Environmental Commission regarding complicated verbiage
- Protection of tree groupings
- Possible incorporation into the present land clearing ordinance
- Implication for plats by excluding all subdivision lots
- Clear cutting only for roads and utilities
- Proposed language is in addition to the current land clearing ordinance
- Identification and value of landmark/historic trees
- Creation of incentive for land owners to come forward
- Simple format on number of trees and diameter of trees to simplify understanding for the citizenry
- Useful guidance contained in a December 15, 2006 Environmental Commission communication

**The consensus of the Board was to direct the Township attorney to find the appropriate place in the land clearing ordinance to place tree protection and meet with staff and Dr. Kielbaso to develop criteria for the Tree Protection Ordinance.**

Treatment of different types of lots: (Questions for the Attorney (See Agenda Item #8))

Q. Is there a problem with the discrimination factor that we had been alerted to before or is this a totally different direction and it's a bigger exclusion so it doesn't matter?

A. To answer your question, and I would hope this is what we have always been saying, is if there is a reasonable basis for treating different zoning categories or different types of lots differently, then we can do that. But, as far as what you have in front of you, the attorneys have not been involved in the most recent process at all. As far as the discussions that have been taking place on what's in front of you, I haven't been involved in that or neither has Mr. Woodworth as far as the legality of some of those concepts. We will certainly get that after all of this has been put in writing and then we will look at it. But, if there's a basis for treating one lot different than another, then you can do that. I would imagine that it what this discussion is....

Q. Andria, perhaps then you can help our staff find a basis for the way to treat the lots differently; the different size, and the correct place to put it into the Land Clearing Ordinance?

A. We'll talk with Mr. Richards and staff and see what we can do.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Gil White, 6005 E. Lake Drive, Haslett; spoke to the Tree Protection Ordinance, stating the Township's problem for tree preservation stems from a regulatory standpoint. He believed the intent of the ordinance would be better served by creating an incentive approach.

Thomas Cannon, 1524 River Terrace, East Lansing, questioned the need for a Tree Protection Ordinance.

Carl Harmon, 1924 Birchwood, Okemos, felt the ultimate protection for trees was appreciation. He suggested an article be placed in the *Meridian Monitor* on the importance of trees.

John Anderson, 215 W. Newman, Okemos, urged the Board to protect the trees along Dobie Road.

Supervisor McGillicuddy closed Public Remarks.

13. POSSIBLE CLOSED SESSION (None)

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:19 P.M.

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SUSAN MCGILLICUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Sandra K. Otto, Secretary