

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - APPROVED -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, OCTOBER 21, 2003, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, Woiwode
ABSENT: Trustee Stier
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 Mike Woodworth

1. CALL MEETING TO ORDER
Supervisor McGillicuddy called the meeting to order at 6:02 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.

Leonard Provencher, 5824 Beuna Parkway, Haslett, spoke in support of the Greenspace Plan and urged its adoption.

Roger Drobney, HDI Builders, 4217 Okemos Road, Okemos, expressed interest in the clustered housing concept contained in the preliminary Greenspace Plan, but noted difficulty in implementing some of the recommendations under existing Township ordinances.

Dale Crites, 1633 Dobie Circle, Okemos, spoke in support of the Greenspace Plan, and was concerned with safety for future bike paths.

Rene Hinojosa, 5268 Bear Lake, East Lansing, expressed a desire to know the cost to the private sector for the implementation of the Greenspace Plan over the next five (5) to ten (10) years.

Christina Riddle, 2049 Hamilton Road, Okemos, expressed appreciation to the Board for its insight into greenway preservation. She also expressed concern regarding pedestrian and bike safety and envisioned the adoption of the Greenspace Plan as a way to address these issues.

Eleanor Luecke, President of LINC, PO Box 40, Okemos, spoke to what she believed was the developer's intent in Rezoning #02080 (Eyde).

John Anderson, 215 W. Newman Road, Okemos, invited citizens to attend a Meridian Citizen's Government School.

Supervisor McGillicuddy closed Public Remarks.

- A. Greenspace Plan Presentation
Norman D. Cox, The Greenway Collaborative, Inc., 214 Nichels Arcade, Ann Arbor, presented a slide overview of the Greenspace Plan. The vision of the plan is to provide a network of greenspaces and non-motorized linkages which connect and protect the natural and cultural resources, provide linkages to adjacent communities and improve the quality of life for Township residents. The main goals are to identify a network of ecologically and culturally valuable

resources to be protected and develop an off-road system which links major destinations for both recreation and transportation, working with the existing non-motorized plan.

There are three (3) components to the plan; the physical network (existing open spaces, priority conservation corridors, scenic road corridors, non-motorized transportation corridors), the tools used to accomplish the physical network (Land Preservation Fund, conservation zoning with clustered housing, linked site plan approval, conservation and trail easements), and the implementation strategy to apply the tools (implementation matrix was provided).

Board Members discussed the following:

- Approach for the future with areas not designated as developed
- Township ecological assessment as a guideline for expansion
- Preservation of integrity of corridor while maintaining flexibility for development
- Highlighted corridors which are currently narrow and fragile links
- Availability of final copies of map for distribution and posting on Greenway's website
- Correlation between philosophy, focus and connectivity of the Greenspace Plan and Land Preservation Advisory Board
- Lack of cost to the Township for a new development

5. REPORTS/BOARD COMMENT/NEW WORRIES

Clerk Helmbrecht announced there will be no election in Meridian Township on November 4, 2003.

Treasurer Hunting gave an update on the collection of delinquent personal property taxes billed prior to 2000.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Such moved to approve the agenda amended as follows:

- **Delete Agenda Item #7E (Liquor License Transfer, Coscarelli Restaurant)**
- **Delete Agenda Item #10D (Rezoning #02080 (Eyde))**

Seconded by Trustee Brixie.

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Trustee Such moved to adopt the Consent Agenda amended as follows:

- **Amend Agenda Item #7C (2004 Board Meeting Schedule) by deleting the Saturday, March 20, 2004 Policy Governance Review Meeting. Seconded by Trustee Brixie.**

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

NAYS: None

Motion carried 6-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (BD)

10D-1 Bob and Frank Deatrck, 1166 Teakwood Circle, Haslett; RE: Opposition to Rezoning #02080 (Eyde).

10D-2 Mark Clouse, Esq., Chief Financial Officer & General Counsel, Eyde Co., 4660 S. Hagadorn, Suite 660, East Lansing; RE: Potential postponement of Rezoning #02080 (Eyde)

10F-1 Steven M. Jentzen, P.C., 106 South Washington, Ypsilanti; RE: Special Use

Permit#03-94071 (Okemos Christian Center).

(2). Board Information (BI)

- BI-1 Environmental Economics and Environmental Journalism Classes, Meridian High School, 1590 Franklin, Haslett; RE: Appreciation to Supervisor McGillicuddy for her speech to the class on local environmental issues.
- BI-2 Ann L. Alchin, 2227 Hamilton Road, Okemos; RE: Traffic on Hamilton Road
- BI-3 Ann Stormzand, 3906 Binghampton Drive, Okemos; RE: Library Millage
- BI-4 Mike Obsitnik, 1992 Thistlewood Drive, Okemos; RE: Ember Oaks Subdivision Streelighting Special Assessment District
- BI-5 Dr. Cindy Hollenbeck, 1433 Wandering Way, Okemos; RE: Ember Oaks Subdivision Streelighting Special Assessment District
- BI-6 Susan J. Hill, Director, Capital Area District Library (CADL), 401 S. Capitol Avenue, Lansing; RE: CADL Board and Management Internal Use Report for 2003
- BI-7 The Michigan Townships Association, 512 Westshire Drive, Lansing; RE: *Capitol Currents* October, 2003 Issue
- BI-8 Deidre Choksy, Meridian High School, 1590 Franklin, Haslett; RE: Support for Greenspace Proposal
- BI-9 Jessica Longo, Meridian High School, 1590 Franklin, Haslett; RE: Support for Greenspace Proposal
- BI-10 Alex Strandmark, Meridian High School, 1590 Franklin, Haslett; RE: Support for bike trails in Meridian Township
- BI-11 Tierra Hanson, 1677 Cahill Drive, East Lansing; RE: Meridian High School environmental ed class nature trail outing and support for the proposed pathway in Meridian Township
- BI-12 Patrick Amundsen, 3240 Waverly Road, Lansing; RE: Support for proposed pathway contained in the Greenspace Proposal

(3) Regional Linkage (RL)

- RL-1 John W. Midgley, Managing Director, Ingham County Road Commission (ICRC), 301 Bush Street, Mason; RE: Regrets for ICRC attendance at Meridian Township's November 6th Intergovernmental Meeting

(4). Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative Fax October 3, 2003 Edition
- SC-2 Michigan Townships Association Legislative Fax October 10, 2003 Edition
- SC-3 Letter from LuAnn Maisner, Director of Parks & Recreation to Richard Brown; RE: Appreciation for donation of digital telescope and affiliated accessories to the Harris Nature Center

(5). Handed out at Board Meeting (HO)

- HO-1 Patrick E. Lindemann, Ingham County Drain Commissioner, 707 Buhl Avenue, Mason; RE: Invitation to Towar Gardens Area Residents/Landowners to attend a meeting on Thursday, October 30, 2003 at 7:00 PM in the Town Hall Room, to hear survey results on the drainage problems of surface water in the neighborhood
- HO-2 Jean Nicholas, 6232 Brookline Court, East Lansing; RE: Rezoning #03050 (South Whitehills Limited Partnership)

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 Trustee Brixie.

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, OCTOBER 21, 2003 *Approved*

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

B. Minutes

(1) July 16, 2002 Reapproval

Trustee Such moved to approve the corrected minutes of the July 16, 2002 Regular Meeting amended as follows:

- **Revise the motion to read: Trustee Brixie moved to amend the Pedestrian/Bicycle Master Plan by adding an ALTERNATIVE surface pathway along the west side of Van Atta Road, FROM GRAND RIVER AVENUE TO THE RAILROAD TRACKS (OPTION 2 OF THE RECOMMENDATION), THEN CROSSING TO THE EAST SIDE OF VAN ATTA ROAD AND CONTINUING SOUTH TO JOLLY ROAD.**

Seconded by Trustee Brixie.

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

(2) October 7, 2003 Regular Meeting

Trustee Such moved to approve the minutes of the October 7, 2003 Regular Meeting as submitted. Seconded by Trustee Brixie.

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

C. 2004 Regular Board Meeting Schedule

Trustee Such moved to adopt the 2004 Township Board Meeting Schedule Resolution as amended. Seconded by Trustee Brixie.

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

[Resolution on file in Official Minute Book]

D. Bills

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

Common Cash	\$ 637,380.51
Public Works	\$ 267,359.22
Total Checks	\$ 904,739.73
Credit Card Transactions	\$ 15,137.81
Total Purchases	<u>\$ 919,877.54</u>
ACH Payments	<u>\$ 349,391.83</u>

Seconded by Trustee Brixie.

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, OCTOBER 21, 2003 *Approved*

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

[Bill list in Official Minute Book]

- F. Resolution for Title of Parcel Located in Section 6, T4N, R1W, of Meridian Township
Trustee Such moved NOW, THEREFORE, BE IT RESOLVED that the Township Manager is authorized to make application to the State of Michigan, Department of Natural Resources, Office of Property Management Division for conveyance of said land to the Charter Township of Meridian for a nominal fee as set by the Natural Resources Commission; and

FURTHER BE IT RESOLVED that the Township Board of the Charter Township of Meridian shall set up necessary procedures and controls to provide for the proper distribution for funds arising from the subsequent sale of the acquired property in conformity with the above mentioned act. Seconded by Trustee Brixie.

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

[Resolution on file in Official Minute Book]

- G. Whispering Oaks Amended Streetlighting District (Set Public Hearing November 18)
Trustee Such moved to approve Whispering Oaks Amended Streetlighting District - Resolution #1 tentatively declaring its intention to install and maintain one (1) additional streetlight and defray the cost of operation and maintenance by special assessment against the 36 parcels and setting a public hearing for November 18, 2003. Seconded by Trustee Brixie.

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

[Resolution on file in Official Minute Book]

- H. Disposal of Surplus Vehicle
Trustee Such moved to approve the sale of the above listed (see staff memorandum dated October 17, 2003) surplus Township vehicle at public auction or by sealed bid. Seconded by Trustee Brixie.

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

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

9. HEARINGS

- A. Special Use Permit #03051 (Newman Equities), Request to Modify Condition
Supervisor McGillicuddy opened the public hearing at 6:51 P.M.

Director Kieselbach introduced the request to modify a condition of the Special Use Permit as

outlined in staff memorandum dated October 17, 2003.

APPLICANT

Roger Drobney, Newman Equities, 2160 Hamilton Road, Okemos, spoke in support of the modification of the Special Use Permit for the following reasons:

- Preservation of greenspace best served by donating land on the northern part of the property which would also allow for permanent pervious space to the north of the property
- Allowance of conservation corridor down to the stream located on western portion of property
- Kohl's representative indicated company standard is 501 parking spaces, but will accept a minimum of 475 parking spaces
- At Kohl's 500 stores, two (2) to three (3) weekends per month lots are considered full (90% of capacity)
- Overflow parking at Christmas time and during large sales at existing stores
- Proposed site has no overflow capability

PUBLIC

Eleanor Luecke, LINC, PO Box 40, Okemos, asked if the hearing had been properly noticed in the paper. She also questioned why this proposal should receive special consideration concerning the parking regulations.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to the request to modify a condition of SUP #03051 (Newman Equities) for the following reasons:

- His belief this will be the largest Kohl's store ever built
- His belief that eighty percent (80%) of traffic congestion will be produced by vehicles driven by residents outside the township
- Alleged lack of adherence to Township ordinances

Board Members, staff and applicant discussed the following:

- Suggestion to put entire site at 475 parking spaces as the maximum number, forty (40) of which would be earmarked for future development
- Legal notice requirement satisfied in the Lansing State Journal
- Parking spaces based on floor space vs. theoretical floor space
- Agreeability by applicants to parking spaces under the second alternative listed by Director Kieselbach
- Granting 475 parking spaces in return for applicant consideration of pervious pavers as a portion of the overflow parking
- Research indicates plowing will destroy parking space usability of asphalt pervious pavers
- Pervious concrete currently used in Canada
- Ingham County Drain Commission recommendation for large pervious catch basins as islands and emptying of roof drains directly into wetland area for refurbishing of the wetland
- Consideration of green rooftops as pervious surface

Increase in number of parking spaces: (Agenda Item #8 (Questions for the Attorney))

Q. Regardless of what we do, if there is an increase in the number of parking spaces, it has to go to the Zoning Board of Appeals, correct? What is in here is the maximum allowable and we had put a cap on it, basically saying no to ZBA. If there was an increase, there will still be another step?

A. That is not necessarily the case. With regard to the second alternative that Mr. Kieselbach stated in his presentation, if you look at this as a total site, the answer to the Clerk's question about the maximum number of parking spaces that could conceivably be built on that site would be 519. Because this is a special use permit that covers the entire 13.4 acres, the Board could, as one alternative, look at the entire site and look at the maximum number of parking spaces that would be allowed, assuming full development. Whether you use the 12,000 square foot building with the maximum amount of wetlands or the 18,600 square foot building with the minimum amount of wetlands, you have the range of what potentially exists out there. As long as it is for the entire site and it covers future development, the Board could make your

amendment at this level.

In the past, everything has been tied strictly to the size of the proposed Kohl's building. Now what is being said is that we are looking at all buildings and all developments for all purposes in the future for this 13.4 acre site.

Q. If Mr. Drobney and Mrs. Mertz agree to this approach, is that enough for the constraint here?

A. If they are in agreement with this, the question is can we look at this as a total site and allocate the parking spaces accordingly, given the potential development? The answer is yes.

Q. Mr. Drobney has indicated in his earlier statement that he intends to donate a portion of the land to the Land Preservation Advisory Board. Will he have to come in and modify the special use permit for a change in ownership for a portion of the land?

A. No. While that is a laudable objective, that offer ought not to be considered in any way in connection with whether you do or do not grant the special use permit. Certainly he can make that decision independent of this Board's determination, but that would strictly be his, and unrelated to your decision here tonight.

Q. If he does indeed do that, what effect does that have if we choose the option of the 519 parking spaces for the entire site?

A. It really wouldn't do anything. If the second alternative was pursued, it is very clear that there would be very few parking spaces available for any subsequent development. The option, whether it's 500, 470 or 475 sites, would be tied specifically to the buildings that are the subject of this special use permit. In other words, it would be solely dedicated to that use.

Q. The calculation is based on this possible future development which will no longer become possible if a portion of the land is donated to Land Preservation. Correct?

A. That again is a hypothetical. What you are dealing with right now is a 13.4 acre site on which, as Mr. Kieselbach has explained, there is a potential for at least a minimum 12,000 square foot building. Those are the facts you need to deal with tonight.

Supervisor McGillicuddy closed the public hearing at 7:22 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Craig Dumont, Pastor of Okemos Christian Center, 4576 Herron Road, Okemos, spoke in opposition to the Appeal of SUP #03-94071 (Okemos Christian Center) and clarified several issues surrounding the proposed building.

Michael Kiley, 2550 Bennett Road, Okemos, spoke in support of the appeal of SUP #03-94071 (Okemos Christian Center).

Jean Nicholas, 6232 Brookline Court, East Lansing, spoke in opposition to Rezoning #03050 (South Whitehills Limited Partnership).

Eleanor Luecke, urged the Board to consider what she believes is the extreme density of SUP #03-94071 (Okemos Christian Center). She also believes adoption of Rezoning #03050 (S. Whitehills) will inadvertently create non-conformity for all or part of Carriage Hills shopping center.

Vance Kincaid, 4530 Nakoma Drive, Okemos, expressed concern over Board discussion of SUP #03051 (Newman Equities). He also spoke in support of Appeal of SUP #03-94071 (Okemos Christian Center).

John Anderson, 215 W. Newman, Okemos, voiced concern over increased traffic and what he believes is excessive parking in SUP #03051 (Newman Equities).

Supervisor McGillicuddy closed public comment.

B. 2004 Budget, Final Adoption

Trustee Brixie moved [and read the resolution into the record] to adopt the 2004 Budget. Seconded by Trustee Such.

Board Members and staff discussed the following:

- Revenue sharing constitutes twenty five percent (25%) of the Township's general fund budget based on projected state sales and income tax collected
- State projections have been revised to reflect \$900 million decrease
- Potential impact on the Township budget for additional cuts due to state revenue shortfall

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

[Resolution on file in Official Minute Book]

C. Special Use Permit #03051 (Newman Equities), Request to Modify Condition

Trustee Such moved [and read the resolution into the record] NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby approves an amendment to Special Use Permit #03051 by modifying condition #17 to read as follows:

“Not more than a total of 475 parking spaces shall be allowed on the 13.4 acre subject parcel and all parking spaces shall be dedicated solely to the use of the building or buildings approved by this Special Use Permit or any future amendments to this Special Use Permit.”

Seconded by Treasurer Hunting.

Board Members discussed the following:

- Good approach to the need for additional parking spaces but limit parking spaces on the entire parcel
- Buildable area in the northern portion
- Reasonable modification to address Board and Planning Commission concerns regarding pervious vs. impervious area on the 13.4 acres

Requirements for additional commercial development: (Agenda Item #8 (Questions for the Attorney))

Q. Since there is buildable land there by our own wetland standards, this land would certainly be subject to development at some future date. What would be required for commercial development?

A. If zoned commercially, they could come in with a possible split; however, there would be parking which would accompany that commercial use. My understanding is that commercial development could occur outside of any wetland areas on the site.

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

[Resolution on file in Official Minute Book]

E. Rezoning #03050 (South Whitehills Limited Partnership), request to rezone the west 280 feet of Lot 21, Carriage Hills Subdivision (an approximate 1.55 acre parcel), from C-2 (commercial) to RC (Multiple Family Medium Density). The site is located on the south side of Birch Row, east of Carriage Hills Car Wash in Section 6 of the Township

Treasurer Hunting moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby FINALLY ADOPTS Ordinance No. 2003-13, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #03050” from C-2 (Commercial) to RC (Multiple Family-Medium Density).

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 Trustee Such.

Board Members discussed the following:

- Four category downzoning as significant rationale
- Current zoning is C-2; there could be no legal justification for denial of hypothetical proposal for C-2 development
- Downzoning inconsistent with the Comprehensive Development Plan
- Traffic engineer determination that RC zoning has less traffic than C-1, C-2 or PO zoning districts

ROLL CALL VOTE: YEAS: Trustees Such, Supervisor McGillicuddy, Clerk Helmbrecht,
Treasurer Hunting
NAYS: Trustees Brixie, Woiwode
Motion carried 4-2.

[Resolution on file in Official Minute Book]

F. Appeal of SUP #03-94071 (Okemos Christian Center)

Treasurer Hunting moved to remove Appeal of SUP #03-94071 (Okemos Christian Center) from the table for discussion. Seconded by Trustee Woiwode.

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

Trustee Brixie moved to withdraw her motion to deny the Appeal of Special Use Permit #03-94071 (Okemos Christian Center). Seconded by Treasurer Hunting.

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

Availability of Motions: (Agenda Item #8 (Questions for the Attorney))

Q. It is my intent to read a motion which would support in part, the appeal, and deny, in part, the appeal. Is that motion in our packet?

A. I have urged the Board to consider the use and the size of the building issues separately. There are separate motions. One addressed to the use and another addressed to the building size is contained in the packet. One will refer to Okemos Christian Center Non-residential use (School) in Residential District and that pertains only to use. There is another proposed resolution that deals with the size of the building.

Treasurer Hunting moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF

MERIDIAN hereby denies the appeal and affirms the Planning Commission's approval of Special Use Permit #03-94071 to the extent that approval allows the non-residential use of an appropriately sized school in a residential district, subject to the following conditions:

- 1. Any structure to be located on the subject property in furtherance of the permitted non-residential use shall comply with all applicable Township requirements and any final site plan, landscaping plan, and building elevations shall be subject to the approval of the Director of Community Planning and Development.**
- 2. A staggered double row of trees shall be installed along the open portions of the north and east property lines to screen any school facilities from adjacent properties. Trees at planting shall be of sufficient size and quantity to create a solid landscape screen within seven (7) to ten (10) years. The location and type of trees shall be subject to the approval of the Director of Community Planning and Development.**
- 3. The applicant shall install a fence consistent with the Township fence regulations along the rear property line subject to the approval of the Director of Community Planning and Development.**
- 4. The applicant shall obtain the necessary permits, licenses, and approvals from the Ingham County Drain Commissioner's office, Ingham County Road Commission, Ingham County Health Department, and the Township. Copies of all permits, licenses, and approval letters shall be submitted to the Department of Community Planning and Development.**
- 5. Final utility plans for the site are subject to approval of the Director of Public Works and Engineering and shall be completed in accordance with the Township Engineering Design and Construction Standards.**
- 6. Consistent with the applicant's expressed needs, enrollment for any school located on the subject site shall not exceed a maximum of 125 students.**
- 7. If the existing playground is re-designed or relocated it shall be subject to the review and approval of the Director of Community Planning and Development.**
- 8. The applicant shall apply for and obtain all necessary variances from the Township's Zoning Board of Appeals.**
- 9. All applicable conditions of Special Use Permits #94071 (church) and #00-94071 (day care) shall remain in effect.**

Seconded by Trustee Woiwode.

Board Members discussed the following:

- Use of property as a school as a good concept
- Separation of use and size issues
- Size of school problematic given lot size

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

NAYS: None

Motion carried 6-0.

[Resolution on file in Official Minute Book]

Attorney Woodworth stated it would be appropriate for the Board to receive additional information from staff before proceeding further on the Resolution to Deny Special Use Permit #03-94071.

Director Kieselbach indicated an issue which came up at last Board meeting was the acreage of similar facilities in relation to the size of the building on that acreage. He referenced a staff document entitled "Land Area to Building Ratios" which showed that all existing public and private schools were less dense than the proposed addition for the Okemos Christian Center site. Director Kieselbach also indicated the National Education Association (NEA) has standards or recommendations for building to school size type. The NEA suggests that elementary schools have a minimum ten (10) acre site, middle schools have a minimum of twenty (20) acres and high schools have a minimum of forty (40) acres and referred to the land area to building ratios chart provided to the Board.

Trustee Woiwode moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, that the size of the proposed church and school facility in relationship to the size of the subject site is out of proportion to similarly situated schools and combined church and school facilities within the Township and inconsistent with those review criteria and standards for the granting of a special use permit contained in Sections 86-126 (1), (2), (3) and (4). Accordingly, the Board hereby denies Special Use Permit #03-94071 pursuant to Section 86-658 and Section 86-126 of the Code of Ordinances to allow construction of an addition that results in a building or combination of buildings with a gross floor area of 25,000 square feet or greater.

Seconded by Trustee Brixie.

Board Members discussed the following:

- Proposed 35,000 square feet as allowance for a potential of 360 students in the future
- Federal statute cited by applicant
- Beneficial use of land area to building ratio information

Proof of substantial burden: (Agenda Item #8 (Questions for the Attorney))

- Q. Would denial of the 35,000 square foot building constitute an imposition of a "substantial burden"? If so, does the Board have a "compelling governmental interest" to impose this burden?
- A. Any analysis of the substantial burden test under the federal law would necessarily focus on the fact that we have a school use limited to an enrollment of 125 students. We have a proposal here for a combined church and school facility of 45,900 square feet. When you look at that, whether it is a court or anyone else, it is going to ask whether or not limiting the size of facilities to 45,000 square feet for 125 students constitutes a substantial burden. I recognize that the school portion is only 35,000 square feet of that. Nevertheless, the legal issue is whether not allowing 35,000 square feet to serve 125 students imposes a substantial burden. I would suggest that the earlier resolution of the Board that would permit a 25,000 square foot facility without the need for a special use permit, in fact, is more in keeping with enrollment of 125 students.
- Q. So the first part of the test is not satisfied?
- A. I don't believe there will be a substantial burden that could be established here.
- Q. So we don't even need, in your opinion, to get to the compelling interest requirement?
- A. No, but if we did, the compelling interests are those that underlie our zoning ordinances and our criteria for special use permits.

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

[Resolution on file in Official Minute Book]

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

David Pierson, 1305 S. Washington Avenue, Lansing, legal counsel for the applicant, Dr. Gregory Brya, spoke in opposition to Appeal of SUP #03071 (Leslie Brogan).

Dr. Gregory Brya, 5323 Thames Drive, Haslett, availed himself for questions.

Juan Arellano, Planning Commission member, gave an overhead presentation on access management, showing conflict points at the intersection near the location of SUP #03071 (Brya).

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke in favor of preservation of the existing building by possibly moving to another location within the Township for SUP #03071 (Brya).

John Anderson, 215 W. Newman, Okemos, voiced appreciation for the Greenspace presentation and expressed concern over his belief that excessive traffic already exists in Meridian Township.

Eleanor Luecke, President, LINC, PO Box 40, Okemos, spoke in support of the Appeal of SUP #03071 (Brogan).

Supervisor McGillicuddy closed public comment.

A. Greenspace Plan

Board Members discussed the following:

- Next step in the process is for the plan to be sent to the Planning Commission to hold a hearing
- Plan would be referenced in the Comprehensive Development Plan, but not included in the Plan
- To be treated similarly to the Park Commission's long range plan, the Planning Commission's Business I-69 Study and the Southwest Study
- Serve as an advisory document with the majority support of the Board
- Adoption of changes to ordinances as a result of the plan in small increments
- Transmission of the plan to other involved governmental units to solicit responses
- Map as the actual plan
- Executive summary delineates implementation of the plan, various components, strategies, etc.
- Hotlink from Township website to the plan on Greenway Collaborative's website

The consensus of the Board was to send the Greenspace Plan to the Planning Commission to set a public hearing on the plan.

B. Appeal of SUP #03071 (Leslie Brogan), Aggrieved Status

Director Kieselbach introduced the appeal as outlined in staff memorandum.

Board Members discussed the following:

- Procedural options due to lack of attendance by appellant
- Postal method by which notice was sent to appellant
- Possibility of tabling issue until next meeting
- Schedule the entire appellate process at one meeting as a convenience to the appellant

Standing determination: (Agenda Item #8 (Questions for the Attorney))

Q. Is there a time limit that we are under to decide if this person has standing or not?

A. The time limit is imposed upon the filing of the Appeal, not on the processing.

Q. If the appellant knew the appeal was going to be on tonight's agenda, she had an obligation to

be here. If it is the Board's desire to hold it off, can't we do that?

- A. When this is on for action, the very first issue that will come to the Board is the question of addressing the standing. Of course, at this point, all we have to go on is the letter she has submitted and the staff report which indicates what is the standard.

I agree with much of what Attorney Pierson had to say, but with one potential exception, and that is his possible implication that traffic can never be a basis for standing. That is not really correct. I think a good contrast in this case is Mr. Kiley, who appeared today as an appellant. As the Board may recall, he predicated his standing on the fact that he literally could not get out of his driveway and expected that this would be exacerbated by the addition of this new school use. There you have specific special injury or damage to the beneficial use of his property. Mr. Pierson is correct, however, when he says that when you are talking about general concepts of traffic and traffic congestion, that is something that your representative by the Planning Commission is charged to address anyway. That does not give you standing. So, as I look at this letter, I see this far different on utilizing that traffic issue for one of standing than I did in Mr. Kiley's case.

Procedure on hearing an appeal: (Agenda Item #8 (Questions for the Attorney))

Q. Procedurally, we don't need to decide whether or not to have a hearing tonight, but would that be at the next meeting?

- A. When this is moved as an action item, the first issue that you will need to entertain is the issue of standing. Now it is possible that you would want to separate out that issue of standing from the merits. Essentially, there are three (3) choices this Board will be faced with: 1) The appellant does not have standing and you don't deal with the merits of it; 2) The appellant does have standing and you get to the merits and then determine on the merits that the appeal should not be allowed; or 3) The appellant does have standing and on the merits you determine that the appeal is well taken. You could separate out the issue of standing. It appears as a substantial question whether or not the appellant has standing; you could move that issue to the agenda for November 16th if you wanted to separate them. Or, you could combine those two; but, if you did that, what I would suggest is that you phased the discussion. In other words, first address only the issue of standing, make your decision on that, and then if you determine the appellant does have standing, go back and entertain the merits of the appeal. You could combine them all on the same day; just phase what you consider.

Q. I bring this up every time we get into the aggrieved person issue. Is it not incumbent on the person who is trying to appeal to put all their reasons for the appeal into writing when they file their appeal, and even if the person was here to speak on their own behalf tonight, they could not introduce anything that they had not put in writing to begin with?

- A. In order to file an appeal, our ordinance requires within ten (10) days a notice of appeal as a written statement, specifying the grounds for appeal, the date of the decision, and supporting materials related to the decision. Specifically not mentioned in there is the issue of standing; however, it is clear the way our procedure is designed to work that all of the issues pertaining to standing should be contained in that written statement. It is understandable someone reading it would say that they didn't know they were to put all of their standing information in there, but clearly, that is what is intended in the ordinance. It doesn't specifically say to include the basis for standing.

Q. Should I stop asking this question, or should we add a word or two to our ordinance?

- A. You can continue to ask the question, because I think it is an excellent point. I think if a potential applicant is going to be put on notice of the need to address the standing issue, that is an omission currently in our ordinance. It does not refer to the basis for standing and it should.

It was the consensus of the Board to place this appeal on as an action item at the next Board Meeting.

- C. Comprehensive Development Plan, Infrastructure and Economics Chapter
Board Members discussed the following:

Infrastructure Chapter

- Errors in the map or grammatical corrections to be passed along to the Planning Department

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- Recommendations by Director of Public Works and Engineering are highlighted within the document
- Delete subjective comments throughout document
- Maintain positive statements
- Page 1, line 29 and 30 - separate Towar Gardens issue as storm drainage causing water problems out from Ottawa Hills as being within the floodplain
- Page 3, key findings – several comments will be incorporated by staff for inclusion
- East Lansing-Meridian Water and Sewer Authority Long Range Planning Study recommendations for expansion of long range water capacity forthcoming
- Page 5, line 18 - insert “if necessary,” after “that”
- Page 7, line 10 – insert “implement conservation option,” after “Options include:”
- Page 8, lines 6 through 8 – delete “They” and insert “The studies”
- Page 8, lines 6 through 8 – clarify to separate out storm drainage issues from flood issues
- Page 10 – establish type of road for Powell and list in proper category
- Page 11, line 18 – clarify intent of “residential lot access is discouraged”
- Page 12, Table X-1 – include statement that this is a “snapshot” at a certain point in time
- Page 13, lines 27 through 29 – delete
- Page 15, lines 25 through 33: Include section regarding public attitude and delete in other sections throughout the document
- Create separate section for Tri-County Regional Planning 2025 Transportation Plan and outline its recommendation(s)
- Page 17, Table X-4 – verify whether number of lanes is for each side or total for road
- Page 19, line 23 – insert “and maintenance” after “pathway construction”
- Page 19, line 23 - establish consistency of millage rate with page 2, line 27
- Page 19, line 29 – delete “jogging” and insert “running”
- Page 20, line 36 – delete “north” and insert “south”
- Page 20, lines 31 through 32 – clarify for inclusion in next draft
- Page 21, line 14 – delete “almost .2” and insert actual mill levy number
- Map X-9 – Change title to read “Current Electric and Gas Service Area”
- Page 23 – add reference to cable
- Page 24 , line 9 – delete “right above the” and insert “north of”
- Page 24, line 16 and 17 – check with Wolverine on its intent to decommission and include potential future uses for the pipeline

Supervisor McGillicuddy indicated the Community Values Chapter will be discussed at the November 18th meeting.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Eleanor Luecke, President, LINC, PO Box 40, Okemos, spoke in opposition to multiple downzonings for Rezoning #03050 (South Whitehills Limited Partnership) and suggested pursuing the use of pervious pavers to satisfy parking requirements.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to denial of SUP #03-94071 (Okemos Christian Center).

Vance Kincaid, 4530 Nakoma Drive, Okemos, voiced concern that sidewalks be required near the Okemos Christian Center.

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:24 P.M.

SUSAN MCGILlicUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary