

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, JUNE 4, 2002, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Gary Gibbons, EMS/Fire Chief Fred Cowper, Director of Finance Diana Hasse, Director of Parks & Recreation LuAnn Maisner, Attorney Mike Woodworth

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

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Mark K. Clouse, Financial & Legal Counsel, Eyde Company, 4660 S. Hagadorn Rd, Ste 660, East Lansing, spoke in support of Preliminary Plat #02022 (Eyde).

Michael Radke, President, Okemos Board of Education, spoke and submitted a statement in support of Rezoning #02010 (Township Board). [Written statement in Official Minute Book]

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Rezoning #02010 (Township Board).

Eleanor V. Luecke, President, L.I.N.C., requested an amendment to her comments under Agenda Item #11 (Discussion Items) in the May 7, 2002 Approved Board Minutes. (See Agenda Item #7 (Consent Agenda)).

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Clerk Helmbrecht reported absentee ballots would be available for the June 10, 2002 Okemos and Haslett School Elections through Saturday, June 8, 2002. She reminded Okemos School District voters of the consolidation of precincts to three (3) polling places.

Trustee Stier requested consideration of increased building setbacks from railroad rights-of-way at the June 18 or July 2, 2002 regular meeting

6. APPROVAL OF AGENDA — OR CHANGES (See Agenda Item #7)

Supervisor McGillicuddy requested Attorney Woodworth present a communication from attorney Scott Knapp regarding Agenda Item #10B (Appeal of CR #02013 (Jakovac)).

Attorney Woodworth read into the record a communication dated June 4, 2002 from Scott R. Knapp, representing the appellants of CR #02013 (Jakovac), requesting an adjournment of the matter for ninety (90) days. He recommended the Board grant the request.

Setting of Date for Consideration of the Appeal: (Agenda Item #8 (Questions for the Attorney))

- Q. Should the Board schedule action on the Appeal of Commission Review #02013 (Jakovac) to a date specific ninety (90) days out (September 3, 2002).
- A. The Board should adhere to the terms of the appellants' request and schedule the matter for the September 3, 2002 meeting. The appellants' have been asked to expedite the provision of the information to the Board, and notify the Township should the appellants require less than the requested ninety (90) days as reflected in the written request. This is a situation in which it is advisable to adhere to the terms of the request.

[Appellant's request dated June 4, 2002 filed in the Official Minute Book]

Trustee Such moved as advised by the Township Attorney, to adjourn the Appeal of Commission Review #02013 (Jakovac) for ninety (90) days to September 3, 2002. Seconded by Clerk Helmbrecht.

VOICE VOTE: Motion carried unanimously.

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

Trustee Brixie as the seconder, offered an amendment to the agenda to add Item #11H. (Planning Commission Request for Clarification of Rezoning #02020 (Township Board)). Accepted by maker.

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the proposed consent agenda:

Trustee Such moved to amend the agenda by adding Agenda Item #7B(1) (May 7, 2002 Regular Meeting Reapproval) [May 21, 2002 renumbered to Agenda Item #7B(2)] to reflect the following amendment to the approved minutes:

Page 10, Agenda Item #11 (Discussion Items), para 4#:

Change " Eleanor V. Luecke, President, L.I.N.C., spoke in support of the proposed...." to " Eleanor V. Luecke, President, L.I.N.C., spoke in support of amending the proposed...."

and moved to adopt the Consent Agenda. Seconded by Clerk Helmbrecht.

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

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (##)

10A-1 Brian McCardel, MD, 3631 Beech Tree Lane, Okemos; RE: Support for Rezoning #02010 (Township Board)

10A-2 Linda Koons, 2087 Birch Bluff Drive, Okemos; RE: Opposition to Rezoning #02010 (Township Board)

10A-3 Barbara Collar Hansen, 1801 Birchwood Drive, Okemos; RE: Support for Rezoning #02010 (Township Board)

10A-4 John T. Anderson, 215 W. Newman Road, Okemos; RE: Opposition to Rezoning #02010 (Township Board)

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- 10B-1 William Jakovac Sr., 2441 S. Wild Blossom, Okemos; RE: Invitation to Discuss CR #02013 (Jakovac)
- 10B-2 Scott R. Knapp, Dickinson Wright, PLLC, 215 S. Washington Sq., Suite 200, Lansing; RE: Support for CR #02013 (Jakovac)

(2). Board Information (BI)

- BI-1 Eleanor V. Luecke, President, L.I.N.C.; RE: Correspondence to the Planning Commission Regarding Rezoning #02060 (Eyde)

(3) Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative Fax May 17, 2002 Edition
- SC-2 Michigan Townships Association Legislative Fax May 24, 2002 Edition

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) May 7, 2002 Reapproval

Trustee Such moved to reapprove the minutes of the May 7, 2002 Regular Meeting amended as follows:

Page 10, Agenda Item #11 (Discussion Items), para 4#:
Change " Eleanor V. Luecke, President, L.I.N.C., spoke in support of the proposed...." to " Eleanor V. Luecke, President, L.I.N.C., spoke in support of amending the proposed...."

Seconded by Clerk Helmbrecht.

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

(2) May 21, 2002 Regular Meeting

Trustee Such moved to approve and ratify the minutes of the May 21, 2002 Regular Meeting 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	\$ 245,272.97
<u>Public Works</u>	<u>\$ 183,005.94</u>
<u>Total Checks</u>	<u>\$ 428,278.91</u>
<u>Credit Card Transactions</u>	<u>\$ 13,288.38</u>
<u>Total Purchases</u>	<u>\$ 441,567.29</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 in Official Minute Book]

- D. Remy Chandler Phase II Storm Water Improvements Resolution
Trustee Such moved to adopt the Remy Chandler Watershed Management Plan Resolution finding that maintenance and improvement or construction of drainage infrastructure and the preparation of a watershed management plan for the Remy Chandler Intercounty Drain pursuant to Chapter 21 of the Michigan Drain Code are necessary for public health and management of storm water in the Township. 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. Outdoor Gathering Permit - 4th of July Celebration
Trustee Such moved approval of the outdoor assembly license for the Independence Fireworks Celebration. Seconded by Clerk Helmbrecht.

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

8. QUESTIONS FOR THE ATTORNEY (See Agenda Items #6, 10A. & 11B)

9. HEARINGS

- A. Pedestrian/Bicycle Pathway Master Plan Proposed Amendments
Supervisor McGillicuddy opened the public hearing at 6:22 P.M.

Director Severy introduced the proposed amendments to the Pedestrian/Bicycle Pathway Master Plan.

Director Maisner introduced the final reports for the Briarwood/Van Atta and Van Atta Task Force Task Forces and the respective presenters.

Joe Hanley, Van Atta Task Force Member, presented the Task Force Final Recommendation. [On File in Official Minute Book]

Steve Webster, Briarwood/Van Atta Task Force Member, presented the Task Force Final Report and Recommendation. [On File in Official Minute Book]

Supervisor McGillicuddy commended the members of the Task Forces.

Supervisor McGillicuddy opened and closed the floor for Board Questions.

Supervisor McGillicuddy opened the floor for public comment.

Rick Coy, 1843 Cimarron Drive, Okemos, spoke in support of the Briarwood/Van Atta Task Force recommendation for the following reasons

- Opposition to original eight-foot (8') asphalt pathway
- Task Force recommendation represents a compromise
- The Task Force recommendation recognizes the principles of preservation and continuation
- The original proposal failed to recognize existing features and resident interests
- Provision for modifications consistent with basic principles

Andy Granscog, 4398 Van Atta Road, Okemos, spoke in support of the Van Atta Task Force recommendation for the following reasons:

- Presents a detailed and reasonable compromise among residents
- Creates a new pathway classification
- The recommendation acknowledges existing features

Gary Boszak, 3796 Viceroy Drive, Okemos, spoke in support of the Briarwood/Van Atta Task Force recommendation for the following reasons:

- The recommendation represents a good consensus
- The pathway from Okemos Road to Dobie Road should remain on the Master Plan
- The licenses granted by Consumers Energy to residents should be respected
- Support use of porous materials for the pathway

Shelley Lowe, 1860 Yosemite Drive, Okemos, stated the following concerns related to the Briarwood/Van Atta Task Force recommendation:

- The proposed pathway does not remain on the Pedestrian/Bicycle Pathway Master Plan
- The Briarwood Park bicycle pathway has not been maintained because it is not on the Master Plan
- Consumers Energy should recognize the easements on the license agreement to the Briarwood Homeowners Association to preserve the natural pathway

Phil Stevens, 4371 Van Atta Road, Okemos, spoke in opposition to the Van Atta Task Force recommendation for the following reasons:

- The January 19, 2002 Task Force Minutes demonstrates significant resident opposition to any pathway
- The recommendation is a better alternative to the original plan, but is undesirable
- There is no demonstrated need for the Township to construct this pathway
- The Consumers Energy easements are granted to the property owner and are unavailable for a pathway
- The Ingham County Road Commission must consent to any pathway construction within the Van Atta Road right-of-way
- There is insufficient evidence of necessity to condemn property for the construction of a pathway
- The recommendation was provided under duress
- Local residents drive to the area parks and are the primary users

Commissioner Ted Black, speaking on behalf of the Park Commission, commented on the Van Atta Task Force recommendation as follows:

- The recommendation provides access to Harris Nature Center and Legg Park from Van Atta Road
- Most park users drive rather than walk or bike
- Legg Park is intended to be developed as an athletic complex
- Recommend at the north edge of the Red Cedar floodplain to use elements of both east and west pathway options as the east-side has no place for a boardwalk
- The proposed pathway strictly serves pedestrians and can not support bicycle traffic
- The proposed pathway probably requires alternative financing as it does not meet the standards of the mileage

Leonard Provenchar, 5824 Buena Parkway, Haslett, commented on the proposed amendments as follows:

- There should be no deletions from the Pedestrian/Bicycle Pathway Master Plan at any time
- Hulett Road needs pathways to address safety issues
- Tentative support for the Briarwood/Van Atta Task Force recommendation:
 - Concise and workable compromise
 - Provides an eight-foot (8') wide surface
 - Recommends alternate paving materials
- Oppose the Van Atta Task Force recommendation:
 - Excessive and unlevel road crossings
 - The surface has no width standards
 - Proposed landscaping would interfere with bicyclist line-of-site
 - Places unreasonable burdens on the Township and Ingham County Road Commission
 - The pathway must serve the community as a whole
 - Does not reflect the ongoing changes in the Township

Joan Guy, 1083 Woodside Drive, Haslett, speaking on behalf of Gary Shoup, commented on the proposed amendments as follows:

- There are increasing numbers of requests for variances related to wetland setbacks for the pathway system
- There are several gaps remaining in the Grand River Avenue pathway between Powell and Van Atta Roads presenting significant wetland issues
- Consideration of guidelines and criteria for variances for construction of pathways

Christina Riddle, 2049 Hamilton Road, Okemos, read from a prepared statement in opposition to the Van Atta Road Task Force recommendation. [Statement in Official Minute Book]

John Veenstra, 320 Piper Road, Haslett, commented on the proposed amendments as follows:

- Request the public hearing be continued to provide notice to interested parties
- The pathway task forces should have included more than adjacent property owners to reflect the broader functions of the pedestrian/bicycle pathways
- Support all four (4) of the recommended additions to the Master Plan
- Concur with comments of Mr. Provenchar and Ms. Riddle
- Need for bicycle parking requirements in the Code of Ordinances
- Grand River Avenue exists crossing multiple wetlands that would be encroached upon by necessary pathways
- Need a wider outer lane on Grand River Avenue to support bicycle transportation and the variety of non-motorized users
- The issue of Consumers Energy licenses should not mean the ability of individuals to block the construction of a continuous pathway
- There should be a pathway from Okemos Road to Legg Park and terminate at the park
- The Dobie Road to Legg Park segment should be constructed as soon as possible without being tied to development
- The narrative for the Dobie Road to Legg Park should include accessibility to pedestrians
- Support the addition of a pathway from the east end of Sylvan Glenn to Legg Park
- Support retaining the Natural Beauty Road designation for Van Atta Road
- Construction materials for the Van Atta pathway should be compliant with the Americans with Disabilities Act (ADA)
- Opposed to sanding or salting the Van Atta pathway
- Support the plowing of the Van Atta pathway at the lowest priority
- The Van Atta Task Force recommendation appears to give any one land owner inappropriate veto power
- Consumers Energy owns the utility corridor property rather than an easement
- The Van Atta Road speed limit should be established through standard means rather than arbitrarily lowered
- Preference for option 2 for the Van Atta pathway to avoid crossing the road

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Tom Diets, 4045 Van Atta Road, Okemos, spoke in support of the Van Atta Task Force recommendation for the following reasons:

- A paved shoulder on Van Atta Road would be inappropriate to the character of the road
- Recommend the pathway conform in general to the resolution
- The original Master Plan was drawn up in 1974 and did not account for mountain bikes
- The majority of bicycles purchased are mountain bikes not necessitating paved pathways
- Van Atta Road is not a through-way to anywhere
- The majority of bike use is for short-distance recreational purposes not requiring the standard pedestrian/bicycle pathway materials and width

Supervisor McGillicuddy opened and closed the floor to Board questions:

Supervisor McGillicuddy opened discussion on holding the public hearing open to the next meeting.

Clerk Helmbrecht stated her desire to hold the hearing open to provide for notification of interested parties.

Without objection, Supervisor McGillicuddy declared the hearing open until the next regular meeting.

Clerk Helmbrecht thanked Trustee Woiwode and Trustee Brixie for their service on their respective task forces.

Trustee Woiwode thanked those who served on the task forces as well as those who regularly participated in the meetings.

Trustee Brixie thanked those who served on the Van Atta Task Force and residents of Van Atta Road.

Supervisor McGillicuddy suspended the public hearing at 7:30 P.M.

10. ACTION ITEMS

Supervisor McGillicuddy opened public comment.

Jean Nicholas, 6232 Brookline Court, East Lansing, read from a prepared statement in support of postponing action on Rezoning #02010 (Township Board). [Statement in Official Minute Book]

Daria Schlega, 2446 Burcham Drive, East Lansing, spoke in support of a consistent policy on development.

John Veenstra, 320 Piper Road, Haslett, spoke in support of postponing action on Rezoning #02010 (Township Board).

David Haynes, 3663 Kansas Road, Okemos, spoke in support of Rezoning #02010 (Township Board).

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Rezoning #02010 (Township Board).

Eleanor V. Luecke, President, L.I.N.C., spoke from a prepared statement requesting the referral of Rezoning #02010 (Township Board) to the Planning Commission.

Supervisor McGillicuddy closed public comment.

- A. Rezoning #02010 (Township Board), Request to rezone Approximately 126 Acres from RR (Rural Residential) to RA (Single Family-Medium Density) - **Tabled Final Adoption**

Treasurer Hunting moved [and read the amended resolution into the record] THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby Finally Adopts Ordinance No. 2002-06, entitled

“Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #02010” rezoning from RR (Rural Residential) to RA (Single Family-Medium Density), excluding parcel no. 32-400-006 (commonly known as the "Smith property"). Seconded by Trustee Brixie.

[This rezoning is only for the 74 acres "Netzloff property"]

Board Members discussed the following:

- Available capacity of public infrastructure and utilities
- Traffic problems at the intersection of Jolly and Okemos Roads
- Rezoning supports a proactive and moderate approach to development
- Opposition to Rezoning #95090 (Smith)
- Rezoning supports the community as a whole
- Significance of the availability of public infrastructure in development issues
- Recommendation to refer the excluded parcel to the Planning Commission
- Proposed rezoning as a way to control sprawl and accommodate anticipated population growth
- Rezoning supports a walkable community
- Need to address traffic issues and develop a traffic plan for the community
- Potential for reduction of vehicle trips to Okemos High School
- Appropriateness of residential development adjacent to schools
- Daily traffic counts
- Ratings of intersections based on peak traffic times
- Need for affordable housing
- Need to permit only sustainable growth
- Need for completion of Comprehensive Development Plan to determine appropriate density
- Need for consideration of GIS analysis of development impacts
- Historical development in the Township of RA (Single Family-Medium Density) averages to the middle of the density range

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustee Stier
Motion carried 6-1.

Treasurer Hunting moved to refer Rezoning #02010 (Township Board) to the Planning Commission to consider rezoning the northern approximate 51.35 acres (parcel no. 32-400-006 commonly known as the "Smith property") to RAA (Single Family-Low Density) or to reaffirm its original recommendation of RA (Single Family-Medium Density) zoning on the northern portion of the site and to submit a report thereon to the Township Board within thirty (30) days. Seconded by Trustee Woiwode.

Board Members discussed the following:

- Communication of Board intent to the Planning Communication for input on zoning

Limitation on Consideration of Zoning Categories: (Agenda Item #8 (Questions for the Attorney))

- Q. Could the Planning Commission recommend a zoning classification(s) other than what is specified in the motion to refer?
- A. If it is the intent of the Board to include the possibility of lower density zoning than what is specified, it is suggested this be included in the motion e.g.: "...or a less dense zoning classification...."

Board Members discussed the following:

- Planning Commission desire for specific guidance
- Need for broader option for residential zoning categories
- Planning Commission option to recommend denial of rezoning
- Support for limitation of zoning to categories consistent with the Comprehensive Development Plan
- Inappropriateness of existing RR (Rural Residential) zoning

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustee Stier
Motion carried 6-1.

Trustee Brixie moved to request that the Environmental Commission generate a report of the southern seventy-four (74) acres (the Netzloff parcel). Seconded by Clerk Helmbrecht.

Board Members discussed the following:

- Later referral of remaining portion following rezoning
- Early evaluation to provide greater flexibility to the developer

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

Supervisor McGillicuddy recessed the meeting at 8:33 P.M.
Supervisor McGillicuddy reconvened the meeting at 8:46 P.M.

11. DISCUSSION ITEMS

Supervisor McGillicuddy opened public comment.

Robert Bunker, 2348 Sapphire Lane, East Lansing, representing the Sapphire Lake Homeowners Association, spoke in opposition to Rezoning #02040 (Rysberg).

John Veenstra, 320 Piper Road, Haslett, spoke in support of a traffic study and studying incorporation as a city.

Supervisor McGillicuddy closed public comment.

A. Auditor Report

Mary Schafer, Plante & Moran, introduced the 2001 Comprehensive Annual Financial Report, the 2001 Economic Development Corporation Financial Report, and the Report to the Township Board. She introduced Pamela McIntosh and Jean Young to present a summary of the Financial Statements.

Pam McIntosh and Jean Young, Plante & Moran, presented a summary of the Financial Statements.

Board Members discussed the following:

- Operating loss for the Enterprise Fund

Ms. Schafer introduced the Report to the Township Board.

Board Members discussed the following:

- Resolution and response to reportable items

B. Rezoning #02040 (Rysberg), request to rezone approximately 60 acres located on the west side of Okemos Road from RAAA to MP

Director Kieselbach introduced the requested rezoning.

Supervisor McGillicuddy opened the floor to the applicant.

Kevin J. Roragen, Loomis Ewert Parsley Davis & Gotting PC, 232 S. Capitol Ave, Suite #1000, Lansing, representing the applicant, spoke in support of Rezoning #02040 (Rysberg).

Board Members discussed the following:

- Extent of wetlands on the site
- Proximity of the proposed access road to the existing rail road tracks
- Ability to construct manufactured housing in any residential area based on state statute

Manufactured Housing Park Concept: (Agenda Item #8 (Questions for the Attorney))

Q. Is it possible to accommodate the applicant's development concept under current zoning of the subject site.

A. The section for Mobile Park Subdivisions provides under subsection G. that a Mobile Home Park is a parcel of land which has been planned and improved for the placement of mobile homes as defined in Section E. Section E provides a definition of Mobile Home as a moveable or portable dwelling of thirty-five feet (35') or more in length, which is constructed to be towed on its own chassis and is capable of being connected to public utilities, etc. Clearly what is contemplated here is not a mobile home park, but manufactured housing, for which the Township Zoning Ordinances make no discrimination in any residential zoning classification. As understood, the issue is a desire not to have designated lots, as would be required under the other zoning classifications; rather than develop a mobile home park as contemplated under Chapter 104.

Board Members discussed the following:

- Manufactured housing community requiring license under the Michigan Manufactured Housing Commission
- Consideration of development under PRD or condominium ownership
- Ordinance requirements for construction of a manufactured home
- Zoning of property at time of purchase
- Previous request for Rezoning (Rezoning #01130 (Rysberg))
- Comparison of staff and applicant calculations for maximum units
- Potential future development of the site as a PUD¹
- Consistency of existing rezoning with the Comprehensive Development Plan
- Irrelevance of economic feasibility to applicant in considering a rezoning

Prohibition on Conditioned Rezoning: (Agenda Item #8 (Questions for the Attorney))

Q. Please confirm the statutory prohibitions on conditioning the zoning.

A. This is correct; and it is recommended not to do so. The Township is prohibited from engaging in contract zoning such that there is a quid pro quo.

Board Members discussed the following:

- Restrictions on the maximum numbers of units on a single access
- Access from Okemos Road
- Need for delineation of the wetlands and floodplain on the site
- Township permits required for work in wetlands and/or floodplains
- Need for an economic analysis to determine market need and comparability
- Applicant intent to lease the land

Trustee Such stated for the record he can not support the applicant's request because of the overriding concern of public safety; based on a single access point and the potential loss of emergency access to residents in the event of a train accident.

C. Clustered Housing Ordinances (PUD & PRD), and Statutory Compliance
Director Kieselbach introduced options to achieve statutory compliance.

Board Members discussed the following:

- Necessity to cover zoning districts with densities of two (2) and fewer units per acre.
- Lack of any additional obligation for the provision of sewer and water
- Balancing the increase in open space and the incentive to cluster housing
- Implications of nonconformance with the statute

¹ Subject to adoption of ZA #02070 (Township Board)

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- Minimal standards of the state construction code
- Necessity of action
- Zoning Amendment #01090 (Planning Commission) as the preferable starting point

- D. Zoning Amendment #02050 (Township Board), amendment to the C-1 zoning district to allow gasoline stations by special use permit (excluding repair service and car washes)

Director Kieselbach introduced the proposed zoning amendment.

Board Members discussed the following:

- Limitation on hours of operation in C-1 (Commercial, Retail and Business)
- Prohibition on the Zoning Board of Appeals to grant use variances
- Possible reduction on the number of pumping stations from the proposed ten (10)
- Possible limitation on the playing of recorded messages
- Possible restrictions on lighting
- Prohibition on the temporary storage of vehicles
- Information on the number of existing pumps at different stations

- E. Preliminary Plat #02022 (Eyde), request for preliminary plat approval for 14 lots in the Braemoor Subdivision located south of Grand River Avenue, in Section 25, Okemos

Director Kieselbach introduced the proposed plat for preliminary approval.

Board Members discussed the following:

- Failure for final plat approval of Preliminary Plat #91022 (Braemoor Subdivision)
- Construction of existing homes

- F. Pedestrian/Bicycle Pathway Master Plan Proposed Amendments
Supervisor McGillicuddy postponed discussion until the hearing is closed.

- G. 2002 Local Street Resurfacing List
Manager Richards introduced the list for Board review noting no additional Board action is required.

Director Severy reviewed the Local Street Resurfacing List submitted to the Ingham County Road Commission.

- H. Planning Commission Request for Clarification of Rezoning #02020 (Township Board)
Supervisor McGillicuddy opened discussion on reasons for the recommended rezoning to be communicated to the Planning Commission.

Board Members discussed the following:

- Correction of the inconsistency between the zoning and the Future Land Use Map
- Inappropriateness of I (Industrial) zoning based on the construction of neighboring schools
- Consistency of the recommended rezoning with the findings of the Planning Commission Study of the Southwest Portion of the Township adopted March 2000
- Current zoning provides for the development of an inappropriate industrial use by right

12. PUBLIC REMARKS (None Present)

13. POSSIBLE CLOSED SESSION

Treasurer Hunting moved that the Township Board go into closed session to discuss ongoing litigation. Seconded by Trustee Woiwode.

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

Supervisor McGillicuddy recessed the meeting at 10:23 P.M.

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

Trustee Such moved to return to open session. Seconded by Clerk Helmbrecht.

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

NAYS: None

Motion carried unanimously.

Supervisor McGillicuddy reconvened the meeting at 11:11 P.M.

14. VISION SESSION/ENDS: (None)

15. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 11:11 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary