

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING AGENDA
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, JUNE 24, 2015 6:30 PM
TOWN HALL ROOM**

A. CALL MEETING TO ORDER

B. APPROVAL OF AGENDA

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

- o Wednesday June 10, 2015

D. UNFINISHED BUSINESS

E. NEW BUSINESS

1. ZBA CASE NO. 15-06-24-1, MF OKEMOS, LLC, 2165 LOUISA DRIVE, BELLEAIR BEACH, FL 33786

DESCRIPTION:	2049 Grand River Avenue
TAX PARCEL:	21-276-006
ZONING DISTRICT:	C-2 (Commercial)

The applicant is requesting variances from the following sections of the Code of Ordinances:

- Section 86-402(17), which states the maximum percentage of impervious surface permitted on a site shall be 70 percent. Impervious surfaces shall include all land covered with paving and buildings. The impervious surface ratio is calculated by dividing the total impervious surface by the gross area of the site. The following areas shall be counted as pervious surfaces: required perimeter landscaped buffers; fifty percent of onsite detention and retention basins above design level, if designed as an integral part of the site landscaping, providing that the side slope of such basins shall not be steeper than 4:1 (horizontal:vertical); parking lot islands and medians that are 20 feet or greater in each dimension and used for landscape plantings.
- Section 86-721, which states every building housing a retail use and having over 500 square feet of gross floor area shall be provided with at least one truck standing, loading, and unloading space on the premises not less than 12 feet in width, 25 feet in length, and 14 feet in height.
- Section 86-755, which outlines the off-street parking standards, and requires 5 to 5.5 parking spaces per 1,000 square feet of gross floor area for a retail use.
- Section 86-756(14), which states where a parking area, or its associated internal access or service drives, adjoins the same or any other nonresidential district, a landscaped buffer, at least 15 feet wide, shall be provided between the parking area and the property line. A vertical screen shall be erected consisting of a masonry wall, plant material, a landscaped berm, or a combination thereof, as appropriate for the site, no less than three feet in height.

The applicant is requesting variances to provide less than the required number of off-street parking spaces; provide landscaped buffers (east and west sides of site) that do not meet the required 15 foot width; exceed the maximum allowed impervious surface coverage of the site; and eliminate a loading/unloading space for the proposed multi-tenant retail building, to be located at 2049 Grand River Avenue.

- ☛ Variance requests may be subject to change or alteration upon review of request during preparation of the staff memorandum. Therefore, Sections of the Code of Ordinances are subject to change. Changes will be noted during public hearing meeting.

F. OTHER BUSINESS

G. PUBLIC REMARKS

H. BOARD MEMBER COMMENTS

I. ADJOURNMENT

J. POST SCRIPT – JIM HERSHISER

Information regarding the request may be examined at the Department of Community Planning and Development, 5151 Marsh Road, Okemos, Michigan 48864-1198, between the hours of 8:00 am and 5:00 pm, Monday through Friday. Comments may be made in writing addressed to the Zoning Board of Appeals at 5151 Marsh Road, Okemos, MI 48864 or may be made at the hearing.

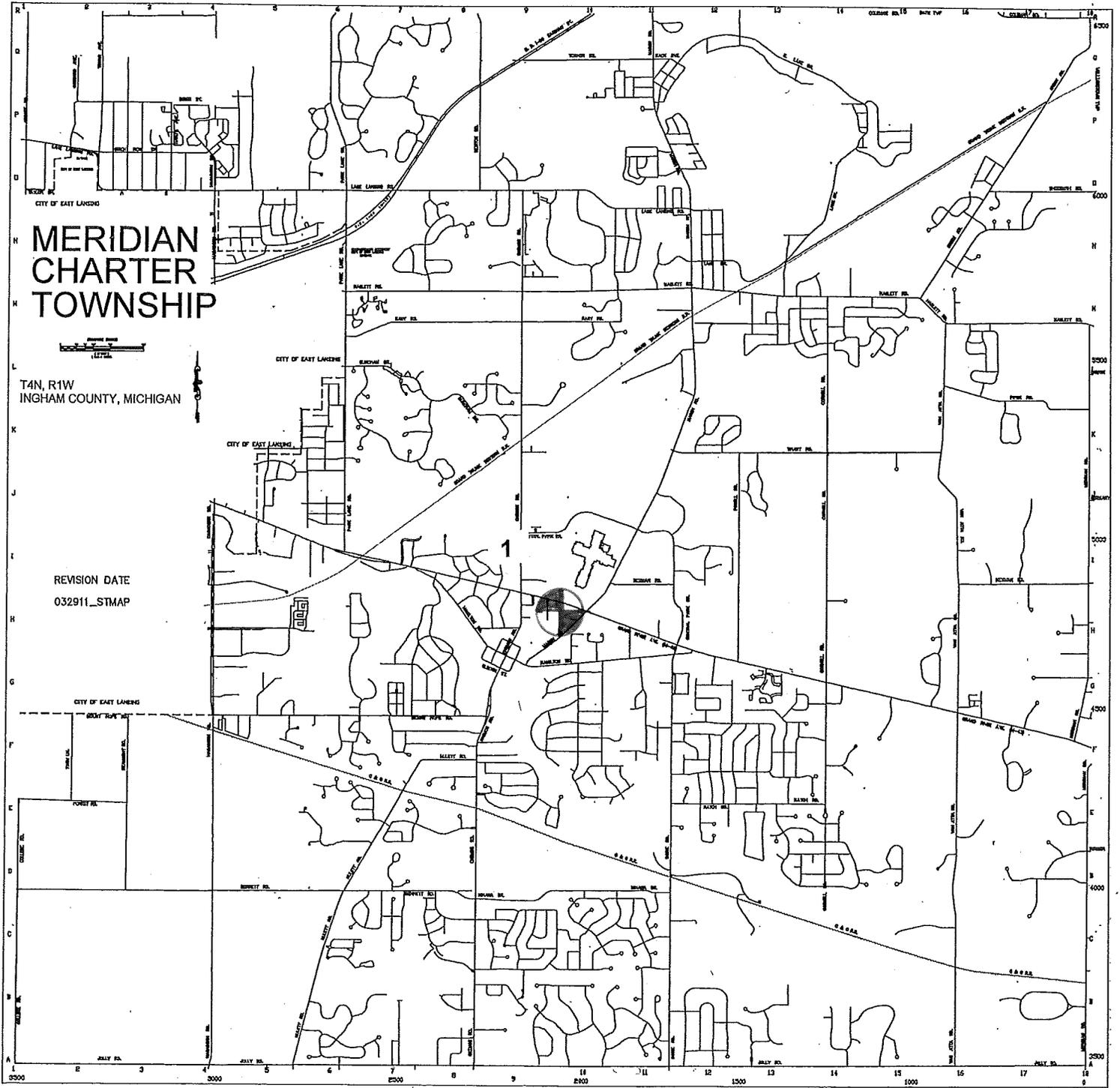
BRET DREYFUS
TOWNSHIP CLERK

ZONING BOARD OF APPEALS PUBLIC HEARING PROCEDURE

Persons wishing to address the topic of a scheduled public hearing are encouraged to present their remarks during the public hearing portion of the Zoning Board of Appeals meeting. **If you do intend to speak before the Zoning Board of Appeals please sign in at the door.** During a public hearing, the following order shall be used:

1. Township Staff Review
2. Comments by the applicant or applicant's designee(s)
3. Comments by other persons
4. Applicant rebuttal
5. ZBA members discuss the case. If necessary, the applicant may be asked to respond to questions from the ZBA members
6. Action by the ZBA

Persons wishing to appeal a decision of the Zoning Board of Appeals shall do so in accordance with Michigan Court Rules of Appeals to Circuit Court MCR 7.101.



LOCATION MAP

1. ZBA CASE NO. 15-06-24-1

VARIANCE APPLICATION SUPPLEMENT

A variance will be granted, if the following Review Criteria are met:

1. Unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district.
2. These special circumstances are not self-created.
3. Strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties.
4. The alleged practical difficulties, which will result from a failure to grant the variance, would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
5. Granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice.
6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.
7. The conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
8. Granting the variance will be generally consistent with public interest, the purposes and intent of this Zoning Ordinance.

Effect of Variance Approval:

1. Granting a variance shall authorize only the purpose for which it was granted.
2. The effective date of a variance shall be the date of the Zoning Board of Appeals approves such variance.
3. A building permit must be applied for within 24 months of the date of the approval of the variance, and a Certificate of occupancy must be issued within 18 months of the date the building permit was issued, otherwise the variance shall be null and void.

Reapplication:

1. No application for a variance, which has been denied wholly or in part by the Zoning Board of appeals, shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found by the Zoning Board of Appeals to be sufficient to justify consideration.

CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***DRAFT***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, June 10, 2015

PRESENT: Members, Hershiser, LeGoff, Chair Beauchine,
ABSENT: Members, Jackson, Ohlrogge
STAFF: Rick Brown, Associate Planner

A. CALL MEETING TO ORDER

Chair Beauchine called the meeting to order at 6:30 p.m.

B. APPROVAL OF AGENDA

MEMBER HERSHISER MOVED TO APPROVE THE AGENDA AS WRITTEN

SECONDED BY MEMBER LEGOFF

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, May 27, 2015

MEMBER HERSHISER MOVED TO APPROVE THE MINUTES AS WRITTEN

SECONDED BY CHAIR BEAUCHINE

VOICE VOTE: Motion carried unanimously.

D. UNFINISHED BUSINESS

Chair Beauchine informed the applicant only three board members were present. There are five members on the Zoning Board of Appeals (ZBA), and applicants are entitled to have five board members hear their case.

Chair Beauchine specified the ZBA Rules of Procedure states a majority of three voting members must be present in order for a variance to be approved or denied, and since only three board members were present, the vote must be unanimous in order to proceed. The applicant was given the option to move ahead with the case or postpone it until the next meeting on June 24, 2015. The applicant chose to have the case heard at the present meeting.

E. NEW BUSINESS

1. ZBA CASE NO. 15-06-10-1 KYLE FOX/PALMER CONSTRUCTION, 1245 HARBOR CUT, OKEMOS, MI 48864

DESCRIPTION:	1245 Harbor Cut
TAX PARCEL:	26-327-049
ZONING DISTRICT:	RAA (Single Family-Low Density)

The applicant is requesting a variance from the following section of the Code of Ordinances:

- Section 86-372(d)(5)c which states rear yards for lots up to 150 feet in depth, the rear yard shall not be less than 30 feet in depth.

The applicant is requesting a variance to allow a pergola to be constructed on a proposed concrete patio at 1245 Harbor Cut.

Rick Brown outlined the case for discussion.

Dan Smeak, 2360 Jolly Oak, Okemos, Vice President of Palmer Construction, stated the rear yard has a southern exposure and discussed utilizing the rear yard as a shaded entertainment space. Currently there are no shade trees in the rear yard. The plan is to replace the deck with a patio and pergola which would increase the value of the home and provide a shade structure for the rear yard.

Kyle Fox, 1245 Harbor Cut, applicant, detailed the lack of privacy in the rear yard. He works from home and his office faces the rear yard. The lack of privacy and shading has become problematic. The pergola would solve the issue of providing both privacy and shade for the home.

Member Hershiser specified the structure (house) sits on an oddly shaped corner lot resulting in two setback issues (front yards) which were not self-created.

MEMBER HERSHISER MOVED TO APPROVE THE VARIANCE AS REQUESTED.

SECONDED BY MEMBER LEGOFF.

Chair Beauchine confirmed the decision by the Planning staff related to the nonconformance issue.

Chair Beauchine asked staff if the pergola was considered a covered structure even though it was actually an open-air structure.

Mr. Brown replied in the affirmative (because it is a structure).

Member Hershiser indicated no house sets directly behind the property so a neighbor's privacy would not be compromised. The addition of a pergola would increase the value of the structure while increasing the aesthetics for the neighbors.

Member LeGoff agreed the pergola would be an improvement to the property.

Chair Beauchine outlined the review criteria (Section 86-221) to be considered for approval of the variance. Unique circumstances existed pertaining to the corner lot configuration which is particular to the structure and not self-created. Strict interpretation and enforcement would result in practical difficulties since the lot borders two streets. Granting this variance is the minimum action required to make use of the structure; is not contrary to public interest, will not affect the adjacent land and vicinity; and will be consistent with the public interest. He however understood it may not prevent the owner from the using the property for its permitted purpose.

VOICE VOTE: YES: Member Hershiser, LeGoff, Chair Beauchine
NO: None.
Motion carried 3-0.

F. OTHER BUSINESS

None

G. PUBLIC REMARKS

None

H. BOARD MEMBER COMMENTS

None

I. ADJOURNMENT

Chair Beauchine adjourned the meeting at 6:45 p.m.

Respectfully Submitted,

Erin M. Bierly
Recording Secretary

MEMORANDUM

TO: Zoning Board of Appeals

FROM: 
Martha K. Wyatt
Associate Planner/Landscape Architect

DATE: June 19, 2015

RE: ZBA Case No. 15-06-24-1

ZBA CASE NO. **15-06-24-1 MF OKEMOS, LLC, 2165 LOUISA DRIVE, BELLEAIR BEACH, FL 33786**
DESCRIPTION: 2049 Grand River Avenue
TAX PARCEL: 21-276-006
ZONING DISTRICT: C-2 (Commercial)

The applicant is requesting variances from the following sections of the Code of Ordinances:

- Section 86-402(17), which states the maximum percentage of impervious surface permitted on a site shall be 70 percent. Impervious surfaces shall include all land covered with paving and buildings. The impervious surface ratio is calculated by dividing the total impervious surface by the gross area of the site. The following areas shall be counted as pervious surfaces: required perimeter landscaped buffers; fifty percent of onsite detention and retention basins above design level, if designed as an integral part of the site landscaping, providing that the side slope of such basins shall not be steeper than 4:1 (horizontal:vertical); parking lot islands and medians that are 20 feet or greater in each dimension and used for landscape plantings.
- Section 86-721, which states every building housing a retail use and having over 500 square feet of gross floor area shall be provided with at least one truck standing, loading, and unloading space on the premises not less than 12 feet in width, 25 feet in length, and 14 feet in height.
- Section 86-755, which outlines the off-street parking standards, and requires 5 to 5.5 parking spaces per 1,000 square feet of gross floor area for a retail use.
- Section 86-756(14), which states where a parking area, or its associated internal access or service drives, adjoins the same or any other nonresidential district, a landscaped buffer, at least 15 feet wide, shall be provided between the parking area and the property line. A vertical screen shall be erected consisting of a masonry wall, plant material, a landscaped berm, or a combination thereof, as appropriate for the site, no less than three feet in height.

The applicant is in the process of redeveloping 2049 Grand River Avenue by razing the existing building (the former Northwest Tire and Service store) and constructing an approximate 6,000 square foot multitenant retail building with one drive-through lane on the east side of the building. The redevelopment project includes a new retail building with redesigned a parking layout and landscaped areas. An access driveway is proposed in the southeast corner of the site to connect to the adjacent property (Meijer parking lot) and provide a second means of access.

The proposed tenants are a mattress store, occupying the west side of the building, and a Jimmy John's fast food restaurant with one drive-through lane on the east side of the building. The drive-through lane (use) required a special use permit, which was approved under Special Use Permit #141111. The project was approved under Site Plan Review #15-04, subject to the applicant applying for and receiving all applicable variances.

Following is a summary of the variance request by ordinance section number.

Section 86-402(17): Impervious Surface Coverage

The maximum allowed impervious surface coverage in the C-2 zoning district is 70%. Based on the submitted plan, the site is approximately 70.5% impervious surface; therefore the applicant is requesting a variance of 0.5%.

Section 86-721: Loading and Unloading Space

One loading/unloading space is required for the site and is not provided; therefore the applicant is requesting a variance to eliminate the space.

Section 86-755: Off-street Parking Standards

The off-street parking standards require 5 to 5.5 parking spaces per 1,000 square feet of gross floor area for a retail business, if the building is less than less than 25,000 square feet in area. A minimum of 30 off-street parking spaces is required for the proposed 6,000 square foot building. Bicycle parking is provided (10 bicycle spaces) thus the required number of off-street parking spaces is 27 spaces, using the bicycle parking reduction option (Section 86-760(h)). The plan shows 26 off-street parking spaces; therefore the applicant is requesting a variance. The following chart summarizes the variance request:

Required Parking	Proposed Parking	Variance request
27 spaces	26 spaces	1 space

Section 86-756(14): Landscaped Buffer

A 15 foot wide landscaped buffer is required where a parking area, or its associated internal access or service drives, adjoins the same or any other nonresidential district. The adjoining properties east, west, and south of the subject site are zoned commercial (C-2 and C-3).

The proposed landscaped buffer on the east side of the site is approximately 8.1 feet in width at the closest point. The landscaped buffer on the west side on the site is approximately 11.0 feet in width. The following chart summarizes the variance request:

Location	Required Width- Landscaped Buffer	Proposed Width- Landscaped Buffer	Variance Request
East	15 feet	8.1 feet	6.9 feet
West	15 feet	11.0 feet	4 feet

As a point of information, a separate variance application has been submitted from Higgins Electric Sign Company for several sign variances related to the subject site. This request is scheduled to be heard at the July 8, 2015 meeting of the Zoning Board of Appeals.

Site History

- The Planning Commission held the public hearing for Special Use Permit #14111 at its regular meeting on November 24, 2014.
- On December 15, 2014 the Planning Commission, by a vote of 5-3, denied Special Use Permit #14111. The Planning Commission's denial of Special Use Permit #14111 was appealed by the applicant to the Township Board.
- On February 3, 2015 the Township Board held an appeal hearing for Special Use Permit #14111.
- On March 17, 2015 the Township Board voted to reverse the decision of the Planning Commission and uphold the appeal of Special Use Permit #14111, thus approving the construction of an approximate 6,000 square foot multi-tenant retail building with one drive-through lane, at 2049 Grand River Avenue.
- On May 21, 2015 the project was approved under Site Plan Review #15-04; with the condition the applicant secure all applicable variances from the Zoning Board of Appeals.

Attachments

1. Application
2. Site Location Map
3. Letter from Applicant
4. Special Use Permit #14111 decision letter dated March 19, 2015
5. Site Plan Review #15-04 approval letter dated May 21, 2015
6. Building Elevations
7. Site Plan

CHARTER TOWNSHIP OF MERIDIAN
PLANNING DIVISION
5151 MARSH ROAD, OKEMOS, MI 48864
(517) 853-4560

VARIANCE APPLICATION

A. Applicant MF OKEMOS, LLC
Address of Applicant 2165 LOUISA DRIVE, BELLEAIR BEACH, FL 33786
Telephone (Work) 727-709-5266 Telephone (Home) _____
Fax _____ Email address: STEVEN@WINDEVELOPMENT.NET
Interest in property (circle one): X Owner Tenant Option Other

B. Site address/location 2049 WEST GRAND RIVER AVENUE, OKEMOS, MI
Zoning district C2 Parcel number 33-02-02-21-276-006

C. Nature of request (Please check all that apply):
 Request for variance(s)
 Request for interpretation of provision(s) of the "Zoning Ordinance" of the Code of Ordinances
 Review an order, requirements, decision, or a determination of a Township official charged with interpreting or enforcing the provisions of the "Zoning Ordinance" of the Code of Ordinances

Zoning Ordinance section(s) section 86-755, section 86-756(14), section 86-721(b)

D. Required Supporting Material Supporting Material if Applicable
-Property survey -Architectural sketches
-Legal description -Other
-Proof of property ownership or approval letter from owner
-Site plan to scale
-Written statement, which demonstrates how all the review criteria will be met (See next page)

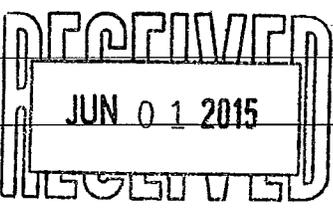
Slbfazan MF OKEMOS, LLC 05-18-15
Signature of Applicant Print Name Date

Fee: 450.00 Received by/Date: M. Wyatt 6/1/15

I (we) hereby grant permission for members of the Charter Township of Meridian Zoning Board of Appeals, Township staff members and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purposes of gathering information including but not limited to the taking and the use of photographs. (Note to Applicant(s): This is optional and will not affect any decision on your application.)

Slbfazan 05-18-15
Signature of Applicant(s) Date

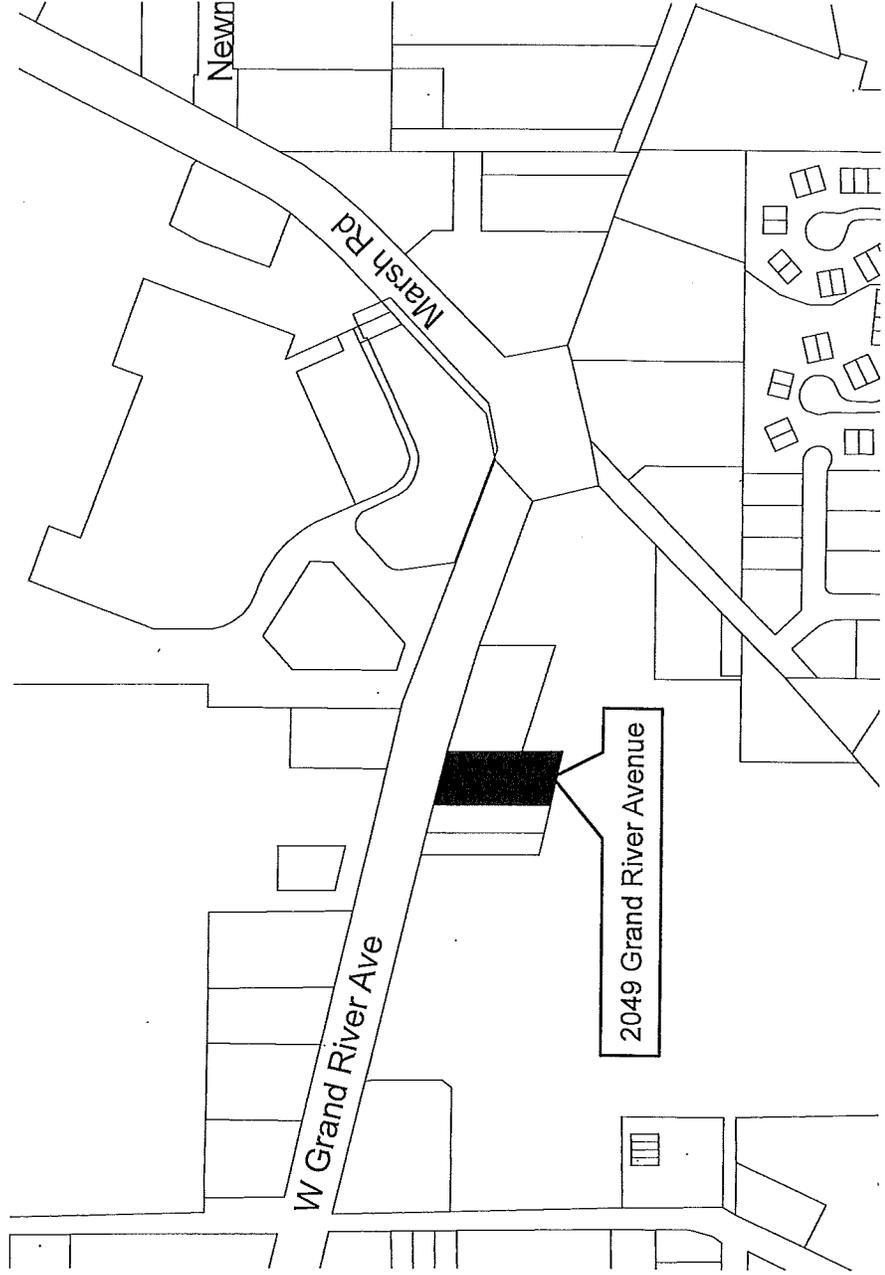
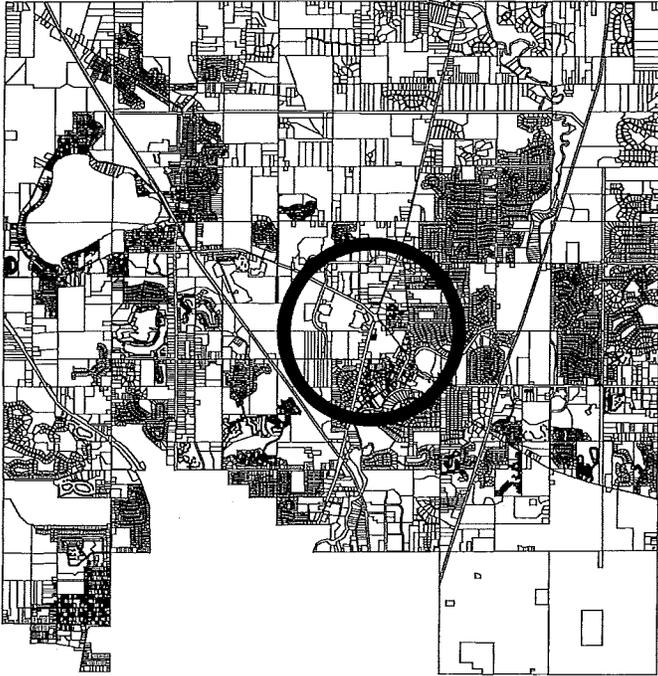
Signature of Applicant(s) Date



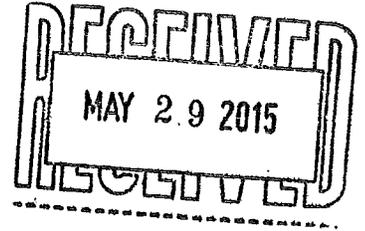
**ZONING BOARD OF APPEALS #15-06-24-1
(MF OKEMOS, LLC)**

**REQUEST TO PROVIDE INSUFFICIENT PARKING,
AND LANDSCAPE BUFFERS (EAST & WEST);
ELIMINATE LOADING ZONE; & EXCEED
MAXIMUM IMPERVIOUS SURFACE COVERAGE
AT 2049 GRAND RIVER AVE.
(NEW MULTITENANT BUILDING W/
ONE DRIVE-THROUGH WINDOW)**

CHARTER TOWNSHIP OF MERIDIAN



MYERS & MYERS, PLLC
ATTORNEYS AT LAW



Kelly A. Myers
Roger L. Myers *
* Also Admitted to Practice in California

915 N. Michigan Avenue
Howell, Michigan 48843

(517) 540-1700
Fax: (517) 540-1701

Matthew M. Hagerty
Rebecca J. S. Cassell
Robert F. Marvin

May 26, 2015

**VIA ELECTRONIC &
FIRST CLASS MAIL**

Meridian Charter Township Zoning Board of Appeals
c/o Ms. Martha Wyatt
Associate Planner/Landscape Architect
5151 Marsh Road, Okemos MI 48864-1198

Re: Variance Request for 2049 Grand River Avenue, MF Okemos, LLC –
Jimmy Johns & Mattress Firm

Dear Members of the Zoning Board of Appeals:

My office represents MF Okemos, LLC, (“MF Okemos”) owner/developer of commercial property located at 2049 Grand River Avenue upon which my client has proposed to raze the existing vacant Northwest Tire and Service store closed since 2013 and construct a two-tenant commercial building (Jimmy Johns and Mattress Firm) with a single drive-thru lane servicing the customers of the Jimmy John’s restaurant. Because the proposed drive-thru is not a use permitted by right in the C-2 Commercial Zoning District, the project necessitated the request of a Special Use Permit (“SUP”) solely to accommodate the drive-thru use, which was first previously submitted to Meridian Township on October 28, 2014 and approved on March 17, 2015 by the Township Board of Trustees.

Based upon site restraints and redesign, four variances from the Meridian Township Zoning Ordinance standards are now sought from the Zoning Board of Appeals as the final step to approval of this proposed redevelopment. A site development summary with the required variances is also enclosed herewith.

Brief Factual Background

After receiving the comments and input from the Board of Trustees at the February 3rd public hearing concerning the SUP request for the drive-thru lane, MF Okemos commissioned a re-designed site plan to incorporate the comments and suggestions provided. Working in conjunction with the Township Planning Department, Planning Commission and the Board of Trustees, a re-designed preliminary site plan for the property was unanimously approved by the Township Board of Trustees on March 17th.

A copy of the re-designed and approved preliminary site plan for the project detailing the site layout for the SUP is enclosed herewith along with a copy of the ALTA survey. My client and their engineers have worked closely to redesign the site features, which actually reduces the overall impervious surface from the existing site and reduces the gross building square footage by over 10%. Highlights of the changes on the attached site plan and SUP approved by the Township Board from the previous version submitted for consideration include the following:

- **A switch to a one-way drive on west side of building permitting additional green space;**
- **Preservation of an additional two 24" hickory trees in the northeast corner near Grand River Avenue;**
- **Curb and gutter installed on entire site;**
- **A revised parking layout to meet the 20' setback off of Grand River Ave.;**
- **A designated area for off peak loading area for deliveries;**
- **Reduced total building square footage by 665 square feet; and**
- **Increased green space on the west and east side of the site.**

Due to site constraints based on the size the property, the re-designed site does necessitate four (4) minor variances from ordinance standards under Sec. 86 of the Meridian Township Zoning Ordinance. They are as follows:

- 1) **Parking Standards for a retail business require 5 (minimum) off-street parking spaces per 1,000 square feet of gross floor area. A minimum of 30 spaces are required. However, as indicated by the Township Planning Department the number can be reduced to 27 using the bicycle parking reduction. The site plan therefore delineates 26 total spaces, inclusive of the bicycle reduction necessitating a variance of one (1) parking space. Meridian Township Zoning Ordinance Section 86-755.**
- 2) **A 15-foot wide landscape buffer is required where a parking area adjoins the same or any other nonresidential district. The plan**

currently proposes 8.1 feet and 11 feet on the east and west sides respectively. Accordingly, a side yard setback reduction is requested for 4 feet on the east side of the subject property and 6.9 feet to the west. Meridian Township Zoning Ordinance Section 86-756(14).

- 3) A loading/unloading space is required (12 feet in width, 25 feet in length). As set forth on the site plan, a loading/unloading space is depicted but the Township Planning Department has indicated that this designated area would not count this as a dedicated loading/unloading zone due to a potential conflict with access to the dumpster and the drive aisle on the southeast corner of the site. Meridian Township Zoning Ordinance Section 86-721(b).
- 4) The Zoning Ordinance requires a maximum of 70% impervious surface area within the site. A minor variance of 0.5% is requested for total impervious surface on the site of 70.5% due to storm-water retention/detention areas being included at only 50% for purposes of impervious surface calculations. Zoning Ordinance Sec. 86-402(17)

Response and Analysis of Review Criteria

1. Unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district.

Response: Unlike many of the large commercial sites along Grand River Avenue, this is a site under 1-acre (.909 acres) in size along the C-2 Commercial Grand River Avenue corridor which is very narrow, and that contains a now vacant and abandoned tire store which MF Okemos will tear down. The now-approved SUP for the drive-thru inherently limits the available space on site which results in the unique circumstances necessitating the variances requested. Additionally, the site redesign takes into account the Township Board's clear desire to preserve as many mature trees on this site.

2. These special circumstances are not self-created.

Response: Working collaboratively with the Township and incorporating comments of the Board of Trustees to reduce impervious surface area, increase green space, reduce building square footage and preserve many mature trees resulted in a creative site redesign. The variances requested are, in fact, a direct result of collective efforts by all parties to create the most beneficial use of the property while taking into account natural features, the Master Plan and site-specific needs. Accordingly, the variances requested are not self-created but rather result from proper planning and adherence to the Township's requests throughout the SUP approval process.

3. Strict interpretation and enforcement of the literal terms and provisions of the Ordinance would result in practical difficulties.

Response: Inherently, the inclusion of the now-approved SUP for the drive-thru use for Jimmy Johns will result in additional pervious surface needed. Jimmy Johns president, James North, has previously articulated to the Township Board of Trustees the necessity of a drive-thru for their expanding business model and that the site will not work without a drive-thru. The Township Board of Trustees recognized this in unanimously approving the SUP. Minimal side yard setbacks for the adjacent properties will be largely unrecognizable as a practical matter, as will the reduction of a single parking space and impervious surface calculation of 70.5%. The loading/unloading zone will largely be utilized in off peak (non-business) hours to reduce the potential for interference with customer parking. MF Okemos cannot keep the requested green space, pervious surface area and preserve the mature trees without the setback, impervious surface, and parking and loading/un-loading area variances.

4. The alleged practical difficulties, which will result from a failure to grant the variance, would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

Response: Given that the Township Board of Trustees has approved the SUP based on the site-re-design, a failure to secure the requested variances will result in the inability of MF Okemos to remove the existing building and re-develop the site with two new, viable businesses. The minor variances needed are outweighed by the benefits to both the Township and MF Okemos in having a redeveloped site benefitting the community at large, developer, tenants, and Township through an increased tax base. Much thoughtful planning and consideration to natural feature preservation has taken place to create a workable and beneficial site design from both the Township and MF Okemos's perspective.

5. Granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice.

Response: As delineated above, the re-designed site plan was engineered specifically to reduce the number of variances needed from the beginning of the process. The inherent "trade-off" for the variances requested, is the natural features and mature tree preservation and green space along Grand River Ave. As determined by the Township Board, the SUP is in the public interest, is in conformity with the surrounding uses and businesses in the area and conforms to the criteria for a special use under Township Zoning Ordinance Standards.

6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.

Response: Not only will the approved SUP and proposed site plan enhance the area, but it will remove an existing eye-sore and the requested variances will not change, but rather enhance the character of the area and positively impact surrounding businesses.

7. The conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.

Response: Again, the specific size and layout of this narrow property are conditions that inherently restrain the design of the site, limiting building size and layout options. Certainly, the site specific features and layout are not general or recurrent in nature. Variances of precisely the type and scope requested are needed to minimize impacts on surrounding properties, conform to adjacent properties' layouts and do not necessitate the formulation of a general regulation or condition. Limiting the type, scope, and impact of the variances requested through thoughtful and collaborative planning is a benefit to the subject property and the adjacent properties as well.

8. Granting the variance will be generally consistent with public interest, the purposes and intent of this Zoning Ordinance.

Response: The proposed site redevelopment plan and now-approved SUP have received community support and no one has spoken in opposition to the re-designed site plan. The Township Board has considered, on two separate occasions, the site plan and provided valuable input to ensure the site is consistent with the Township's Zoning Ordinance and Master Plan.

Conclusion and Request for Variance Approval

Given the location and existing layout of the surrounding uses, any necessary setback, parking, loading zone and impervious surface variances will have a negligible impact and the site will be "*harmonious and appropriate in appearance with the existing and intended character of the general vicinity*" as described in the Township's Zoning Ordinance. It remains MF Okemos's position that none of the requested variations from the strict zoning requirements negatively impact the surrounding area or are out of conformance with the surrounding commercial development, which include a nearby drive-thru use; a Meijer store; the Meridian Mall; and a variety of other commercial businesses in this commercial Grand River corridor.

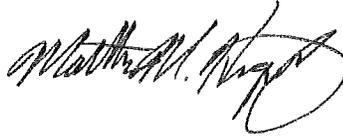
In light of the forgoing, request is respectfully made that the Township Zoning Board of Appeals approve MF Okemos's variance requests as set forth herein and in the accompanying application; permitting MF Okemos to move forward with the site

plan as proposed. Both the undersigned and a client representative of MF Okemos will be in attendance to answer any additional questions the Board may have.

My client and I look forward to meeting with the Zoning Board of Appeals in June and thank you in advance for your consideration.

Very truly yours,

MYERS & MYERS, PLLC

A handwritten signature in black ink, appearing to read "Matthew M. Hagerty", written in a cursive style.

Matthew M. Hagerty
Direct dial: (517) 376-4018

MH/hs
Enclos.
Cc: Client

CHARTER TOWNSHIP OF MERIDIAN

Elizabeth Ann LeGoff Supervisor
Brett Dreyfus Clerk
Julie Brixie Treasurer
Frank L. Walsh Manager



Milton L. Scales Trustee
Ronald J. Styka Trustee
John Veenstra Trustee
Angela Wilson Trustee

March 19, 2015

Steven Alafazanios
2165 Louisa Drive
Belleair Beach, FL 33786

RE: Special Use Permit #14111 (MF Okemos, LLC)

Dear Mr. Alafazanios:

The Township Board at its regular meeting on March 17, 2015, voted to reverse the decision of the Planning Commission and upheld the appeal of Special Use Permit #14111 thus approving the construction of an approximate 5,900 square foot multi-tenant retail building with one drive-through lane, at 2049 Grand River Avenue.

Approval of the special use permit was subject to the following conditions:

1. Approval is based on application materials submitted by MF Okemos, LLC; site plan prepared Westwood Professional Services, Inc., dated February 16, 2015 and building elevations prepared by Harriss Associates, LLC, dated October 17, 2014, subject to revisions as required.
2. Trees designated to be preserved as shown on the site plan shall be properly protected prior to the commencement of any demolition, grading, or construction activities. Any and all plant material that dies from moving, relocation or as a result of construction activities shall be replaced with a similar type and size of plant species, subject to the approval of the Director of Community Planning and Development.
3. A secondary means of egress shall be provided on the subject site so as to address circulation concerns of the Township Fire Department.
4. The final site plan, landscape plan, building elevations, building materials and colors, shall be subject to the approval of the Director of Community Planning and Development. Brick, stone or masonry products should cover no less than 60 percent of each building facade.
5. The applicant shall secure all applicable variances from the Zoning Board of Appeals.

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6. The trash dumpster shall be enclosed on four sides; the enclosure (3 sides) shall be constructed with masonry products to match the building.
7. All mechanical, heating, ventilation, air conditioning, generators, and similar systems shall be screened from view by an opaque structure or landscape material selected to complement the building. Such screening is subject to approval by the Director of Community Planning and Development.
8. Site and building lighting shall comply with Article VII in Chapter 38 of the Code of Ordinances and shall be subject to the approval of the Director of Community Planning and Development. LED lighting shall be used where feasible.
9. Final utility, grading, and storm drainage plans for the site shall be subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with the Township Engineering Design and Construction Standards.
10. The applicant shall obtain all necessary permits, licenses, and approvals from the Michigan Department of Transportation, Ingham County Drain Commissioner, and the Township. Copies of all permits, licenses, and approval letters shall be submitted to the Department of Community Planning and Development.
11. Copies of the site plan information and construction plans for the project that exist in an AutoCAD compatible format shall be provided to the Township Engineering staff.
12. Any future modifications to the drive-through lane shall require a modification to Special Use Permit #14111.
13. The sidewalk leading into the site shall be relocated in such a manner to preserve the 36" oak tree immediately east of the driveway into the property, resulting in the preservation of five (5) of the mature trees on the front of the site.

A copy of the resolution to approve is attached.

This letter shall act as the permit for the special use. The effective date of Special Use Permit #14111 shall be March 17, 2015, the date the Township Board voted to reverse the decision of the Planning Commission and upheld the appeal of Special Use Permit #14111. If the special use or construction related to Special Use Permit #14111 has not commenced within 24 months after the effective date of the special use permit, such permit shall be void.

All construction related to the special use must be completed within 36 months from the effective date of the special use permit, unless specifically approved as a phased development. If the special use or construction related to the special use has not commenced within the 24 months from the effective date of the special use permit, an extension may be requested in writing prior to the expiration date.

Steven Alafazanos
March 19, 2015
Page 3

If an extension is granted, all construction related to the special use permit shall be completed within 48 months from the effective date of the special use permit, unless specially approved as a phased development.

If you have any questions regarding this matter, please contact me.

Sincerely,



Mark Kieselbach
Director of Community Planning and Development

Enclosure

cc: Matthew Hagerty, Meyers & Meyers, PLLC

G:\Commun Plng & Dev\Plng\Special Use Permits (SUP)\2014\SUP 14111 (MF Okemos\SUP 14111 TB approval

CHARTER TOWNSHIP OF MERIDIAN

Elizabeth Ann LeGoff Supervisor
Brett Dreyfus Clerk
Julie Brixie Treasurer
Frank L. Walsh Manager



Milton L. Scales Trustee
Ronald J. Styka Trustee
John Veenstra Trustee
Angela Wilson Trustee

May 21, 2015

Steven Alafazanios
MF Okemos, LLC
2165 Louisa Drive
Belleair Beach, FL 33786

**RE: Site Plan Review #15-04 (MF Okemos, LLC)
 2049 Grand River Avenue**

Dear Mr. Alafazanios:

Staff has reviewed the site plans for the proposed redevelopment project at 2039 Grand River Avenue. The proposed project is a request to raze the existing building and construct an approximate 6,000 square foot multi-tenant retail building with one drive-through lane. Site plan review approval is hereby granted subject to the following conditions:

1. Approval is granted in accordance with the site and landscape plans prepared by Westwood Professional Services, Inc., dated May 19, 2015, subject to the following conditions:
 - a. The plans shall be revised to meet the ordinance standards or the applicant shall apply for and receive all applicable variances from the Township Zoning Board of Appeals, as follows:
 - Section 86-721(b): A loading/unloading space is required (12 feet in width and 25 feet in length). Although a loading/unloading space is shown, staff would not count this as a valid space as there is a conflict with access to the dumpster and the drive aisle in this area.
 - Section 86-755: Parking standards for a retail business require 5 (minimum) to 5.5 (maximum) off-street parking spaces per 1,000 square feet of gross floor area. A minimum 30 off-street parking spaces is required, however the number can be reduced to 27 parking spaces using the bicycle parking reduction. The plan shows 26 off-street parking spaces.
 - Section 86-756(14): A 15 foot wide landscaped buffer is required where a parking area, or its associated internal access or service drives, adjoins the same or any other nonresidential district. This applies to the east and west property lines, where the proposed landscaped buffer is 8.1 feet and 11 feet wide respectively. A vertical screen shall be provided no less than three feet in height, using plant material, masonry wall, berm, or combination thereof. The vertical screen (shrub row) is not provided along the southern row of parking spaces.

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- Section 86-401(17): The maximum percentage of impervious surface permitted on a site shall be 70 percent. Several areas that were counted as pervious (Sheet 5) do not count as outlined in Section 86-401(17)b., and the impervious surface appears to exceed 70 percent.
- b. The impervious surface calculations shall be revised on Sheet 4.
2. Approval is granted in accordance with the building elevations prepared by HA Architecture, dated May 12, 2015, subject to the following condition:
 - a. All roof-mounted HVAC units shall be properly screened. The screening device, drawn to scale, shall be shown on the building elevations.
 3. Approval is granted in accordance with the photometric plan prepared by HA Architecture, dated May 18, 2015, subject to the following condition:
 - a. Light fixture 'F' is not approved at this time as the light is not properly shielded nor is it shown on the photometric plan.
 - b. A scaled elevation drawing of the light pole shall be provided on the plan. The maximum allowed height is 30 feet from the adjacent grade, as measured from the base of the pole to the top of the light fixture.
 4. All applicable conditions of Special Use Permit #14091 shall remain in effect. The five existing canopy trees designated to be preserved as shown on the site plan shall be properly protected prior to the commencement of any demolition, grading, or construction activities. The trees to be preserved are as follows: two oak trees (30" and 36" diameter) on the northwest side of the site; one 36" diameter oak tree at the east side of the entrance drive; and two hickory trees (each 20" diameter) near the northeast side of the site. Best management practices shall be employed during the demolition and construction phases so as to minimize root damage to the trees. Any and all plant material that dies from moving, relocation or as a result of construction activities shall be replaced with a similar type and size of plant species, subject to the approval of the Director of Community Planning and Development.
 5. Ingress-egress agreements are required between the subject site and the adjoining property to the west. A draft agreement shall be submitted for review by the Township prior to the issuance of a building permit.
 6. Site plan review approval does not include approval of any wall or freestanding signs, Separate approvals and permits are required for any wall or freestanding sign.
 7. All utility service distribution lines shall be underground.
 8. Separate approvals and building permits are required for a flagpole, if applicable.
 9. The applicant shall secure all applicable approvals from the Township Fire Department.

10. Utility plans and soil erosion and sedimentation control plans are subject to the approval of the Director of Public Works and Engineering.
11. There shall be no relocation of watermains, sanitary sewer, fire hydrants, or the 7-foot pedestrian/bicycle pathway unless approved by the Director of Community Planning and Development.
12. Prior to the issuance of a building permit, the applicant shall submit the following items to the Department of community planning and Development:
 - a. Copies of all applicable approvals and permits from the Michigan Department of Environmental Quality (MDEQ), the Michigan Department of Transportation (MDOT), and the Ingham County Drain Commissioner's office.
 - b. Revised plans and elevations as noted in Condition #1, 2, and 3 of this letter.
 - c. A draft version of the ingress-egress agreement as noted in Condition #5 of this letter.
13. Prior to construction the applicant shall schedule a meeting with the necessary agencies to establish a construction program.
14. Prior to the commencement of any grading, construction, or demolition activities, protective fencing shall be placed around all existing vegetation to be preserved as outlined in Section 22-179 of the Township Code of Ordinances. Once installed, the applicant shall contact Township staff (Martha Wyatt) to verify the protective fencing is installed correctly. Any and all plant material that dies from moving, relocation or as a result of construction activities shall be replaced with a similar type and size of plant species, subject to the approval of the Director of Community Planning and Development.
15. All guy wires installed on deciduous or coniferous trees shall be removed by the property owner one year after installation of the trees.
16. Once the proposed landscaping is installed per the approved plans, it is the on-going responsibility of the property owner to properly maintain the landscaped areas and plant materials. All dead, missing, or diseased vegetation shall be replaced within 30 days or as soon as weather allows.
17. Upon completion of the landscape installation, as-built landscape plans, that exist in a computer format, shall be submitted to the Director of Community Planning and Development.
18. Upon completion of the installation of the outdoor light fixtures and prior to the issuance of a certificate of occupancy, a registered engineer or architect shall verify in writing to the Director of Community Planning and Development the outdoor lighting was installed in accordance with Section 38-371 (Outdoor Lighting).

19. The approved site, landscape, and photometric plans and building elevations shall be the official plans for the construction of the retail building. It is the responsibility of the owner to provide a set of approved plans to the appropriate construction companies for said project. Copies of the signed and approved plans will be forwarded to you. Revisions, if necessary, to the approved site, landscape, or photometric plans or plans or building elevations shall be subject to the approval of the Director of Community Planning and Development.

Decisions by staff, regarding site plan review approval, may be appealed to the Zoning Board of Appeals. Such an appeal would have to be made within ten (10) days of the date of staff action and must be in accordance with Section 86-186 of the Township Code of Ordinances. Consequently, your site plan review approval will not become valid until June 1, 2015. A building permit must be approved within 24 months of the effective date of the site plan, otherwise the site plan approval shall be void.

If you have any questions, please contact me at 517-853-4580.

Sincerely,



Martha K. Wyatt
Associate Planner/Landscape Architect

Approved:



Mark Kieselbach
Director of Community Planning and Development

Enclosures

cc: Ryan Bluhm, Westwood Professional Service
John Heckaman
Younes Ishraidi
Tavis Millerov