



**AGENDA**  
CHARTER TOWNSHIP OF MERIDIAN  
PLANNING COMMISSION – REGULAR MEETING  
March 8, 2021 7PM

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1. CALL MEETING TO ORDER
2. PUBLIC REMARKS
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES
  - A. February 22, 2021 Regular Meeting
5. COMMUNICATIONS
  - A. Piotr Lupa RE: Rezoning #21020
  - B. Yingxin Zhou RE: Recreational Marihuana
  - C. J.D. Faichney and Celene & Shereen Tabrizi RE: Rezoning #21020
  - D. Joell Ackerman RE: Rezoning #21020
6. PUBLIC HEARINGS
  - A. Rezoning #21020 (Martin Investment Properties, Inc.), rezone approximately six acres (three parcels) located on the north side of Jolly Road, east of Kansas Road from I (Industrial) and RA (Single Family-Medium Density) to PO (Professional and Office).
  - B. Special Use Permit #21011 (Lansing Mart Associates, LLC), excavate approximately 23,813 cubic feet (approximately 881 cubic yards) of soil from the floodplain to construct a retention pond at 2020 Grand River Avenue that will serve several commercial properties in the surrounding area.
7. UNFINISHED BUSINESS
  - A. Zoning Amendment #21010 (Township Board), amend the Code of Ordinances to require Township Board approval of special use permits for motor vehicle sales and service establishments and automobile dealerships in the C-2 and C-3 (Commercial) zoning districts.
8. OTHER BUSINESS – None
9. REPORTS AND ANNOUNCEMENTS
  - A. Township Board update.
  - B. Liaison reports.
10. PROJECT UPDATES
  - A. New Applications
    1. Special Use Permit #21021 (Mr. R's Driving School), install a driver's education road test course in the parking lot behind the shopping center at 1575 Haslett Road.

**Zoom meeting ID: 872 0006 8286**  
**Zoom password: 5151**

**AGENDA page 2**  
CHARTER TOWNSHIP OF MERIDIAN  
PLANNING COMMISSION MEETING  
March 8, 2021 7PM

- B. Site Plans Received
    - 1. Site Plan Review #21-01 (Woodward Way LDHA), construct multiple family development consisting of three townhouse buildings and one apartment building with a total of 49 dwelling units.
  - C. Site Plans Approved - None
11. PUBLIC REMARKS  
12. ADJOURNMENT

**TENTATIVE PLANNING COMMISSION AGENDA**  
**March 22, 2021**

- 1. PUBLIC HEARINGS
  - A. Special Use Permit #21021 (Mr. R's Driving School), install driver's education road test course in the parking lot behind the shopping center at 1575 Haslett Road.
- 2. UNFINISHED BUSINESS
  - A. Rezoning #21020 (Martin Investment Properties, Inc.), rezone approximately six acres (three parcels) located on the north side of Jolly Road, east of Kansas Road from I (Industrial) and RA (Single Family-Medium Density) to PO (Professional and Office).
  - B. Special Use Permit #21011 (Lansing Mart Associates, LLC), excavate approximately 23,813 cubic feet (approximately 881 cubic yards) of soil from the floodplain to construct a detention pond at 2020 Grand River Avenue that will serve several commercial properties in the surrounding area.
- 3. OTHER BUSINESS
  - A. Mixed Use Planned Unit Development (MUPUD) ordinance review.

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Individuals with disabilities requiring auxiliary aids or services should contact: Principal Planner Peter Menser, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4576 - Ten Day Notice is Required.  
Meeting Location: Zoom web conferencing application  
Meeting ID: 872 0006 8286 Password: 5151

Providing a safe and welcoming, sustainable, prime community.



**CHARTER TOWNSHIP OF MERIDIAN  
PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**DRAFT**

**February 22, 2021**

**Meeting held virtually using the Zoom web conferencing application**

**7:00 P.M.**

**PRESENT: Commissioners McConnell, Hendrickson, Cordill, Shrewsbury, Premoe, Snyder, Blumer, Trezise, and Richards**

**STAFF: Director of Community Planning & Development Mark Kieselbach, Principal Planner Peter Menser, Information Technology Director Stephen Gebes, and Multimedia Producer Samantha Diehl**

**1. CALL MEETING TO ORDER**

Chair Hendrickson called the regular meeting to order at 7:00 P.M.

**2. PUBLIC REMARKS – NONE**

**3. APPROVAL OF AGENDA**

Commissioner Cordill moved to approve the agenda.

Seconded by Commissioner McConnell.

VOICE VOTE: Motion approved unanimously.

**4. APPROVAL OF MINUTES**

A. February 8, 2020 Regular Meeting

Commissioner McConnell moved to approve the minutes.

Seconded by Commissioner Blumer.

A friendly amendment was made to erase Commissioner Blumer's comments noted in the adjournment section as he was able to download the ordinance during another attempt.

VOICE VOTE: Motion approved unanimously.

**5. COMMUNICATIONS**

A. Chair Hendrickson noted two communication items were received and included in the packet.

**6. PUBLIC HEARINGS**

A. Zoning Amendment #21010 (Township Board), amend the Code of Ordinances to require Township Board approval of special use permits for motor vehicle sales and service establishments and automobile dealerships in the C-2 and C-3 (Commercial) zoning districts.

Chair Hendrickson opened the public hearing at 7:04 p.m.

Principal Planner Menser provided an overview of the Zoning Amendment request. The proposed amendment would continue to allow new vehicle dealerships in C-2 by special use permit but the final decision on the special used permit would be made by the Township Board. In the C-3 zoning district new and used vehicle dealerships would be allowed by special use permit subject to Township Board approval. The ordinance would also require any expansion of existing dealerships receive special use permit approval from the Township Board.

Trustee Opsommer stated he and Supervisor Styka brought the discussion to the Township Board when historical content was reviewed regarding the ordinance in 2007 surrounding the request by Williams Auto Dealership on Jolly Road to expand their business. At the time of the request the property was in C-3 zoning district and they requested to rezone some property to C-2 in order to expand the dealership. The Township Board was not in favor of rezoning and elected into the zoning ordinance to allow the Planning Commission to permit the dealership to expand in C-2. He further noted that in the Master Plan adopted in 2017, the focus is on transforming most of the C-3 zoning into a more traditional town center and walkable corridor and the auto dealerships conflict with the overall mission in the Master Plan.

Public Comments:

None

Planning Commission Discussion:

- The final decision would be moved from the Planning Commission to the Township Board due to greater oversight of intensive development patterns and special use permits.
- The last time auto dealerships within the zoning ordinance were amended was in 2007 and at that time C-3 was a use by right and no ability to operate an auto dealership existed in C-2.
- Another consideration for change is because of what happened with the LaFontaine Dealership and how they abandoned the community after getting the special use permit, clear cutting the trees on the site near Powell Road and Grand River Avenue, and looking at how vast C-2 is along the corridor and how many undeveloped sites exist currently.
- Intensive development requires strict oversight by the Township Board when dealing with a volume of development over 25,000 square feet and impervious surface space of a vehicle dealership.
- It was noted Section 86-2 definitions for New and Used Automobile Dealerships is identical word for word. Principal Planner Menser stated this was an error and he would review the draft language and revise the wording.
- New dealerships are allowed in C-2 zoning districts and only used vehicle dealerships are allowed in C-3 zoning districts.
- The 2007 amendment has only been used once for Williams Auto Dealership.
- The three auto dealerships were all built by use by right.

The ordinance amendment was split into two sections for the straw poll. The first straw poll indicated the Planning Commission would be in support of recommending approval of a revised

version of the proposed zoning amendment. The second straw poll was more difficult but narrowly in support of the change in the approval process from the Planning Commission to the Township Board. A resolution will be provided for the March 8, 2021 Planning Commission meeting and additional conversation will take place.

Trustee Opsommer asked if staff could provide a list of special use permits for the next meeting. They include drive-thru windows, flood plain work, assisted living facilities and auto dealerships which have the greatest impact on development. Principal Planner Menser noted he would provide the information for further discussion.

Chair Hendrickson closed the public hearing at 7:41 p.m.

**7. UNFINISHED BUSINESS - NONE**

**8. OTHER BUSINESS**

**A. 1999 Saginaw Highway**

Principal Planner Menser provided an overview of the letter included in the packet from Mr. James Phillipich, Owner of The Meridian Company and noted the business owner is looking for rezoning guidance from the Planning Commission relating to future business growth.

Planning Commission Discussion:

- The Planning Commission noted a disclaimer to offer their opinions but not an approval.
- The current use map is consistent with surrounding uses and rezoning seems appropriate for the suggested changes.
- The C-2 zoning is surrounded by industrial zoning currently and is considered split zoning. Rezoning makes sense.
- Amending the property as C-2 could have unintended consequences in the future like what is currently being discussed regarding Zoning A #21010.
- There is a small area near The Meridian Company that is a 0.42 acre site that would remain commercial. We would not want to negatively impact the existing business in order to help another business.

Principal Planner Menser stated he would follow up with Mr. Phillipich and thanked the Planning Commission for their feedback.

**B. Mixed Use planned Unit Development (MUPUD) ordinance review.**

Principal Planner Menser mentioned the sub-committee met on February 16, 2021 and focused their meeting on amenities and density topics. A revised draft will be presented at the March 8, 2021 Planning Commission meeting for review and consideration.

**9. REPORTS AND ANNOUNCEMENTS**

**A. Township Board update.**

Principal Planner Menser provided a summary of the Township Board meetings. On February 16, 2021 they held a study session to discuss Recreational Marijuana, and on February 20, 2021 they had a retreat. He also noted the next Township Board meeting will be February 23, 2021.

Chair Hendrickson asked if a joint meeting might be scheduled with the Township Board when it comes time to begin the discussions at the Planning Commission level regarding Medical Marijuana and Principal Planner Menser noted he would pass on the request to the Township Board.

B. Liaison reports.

None

## 10. PROJECT UPDATES

A. New Applications

1. Rezoning #21020 (Martin Investment Properties, Inc.), rezone approximately six acres (three parcels) located on the north side of Jolly Road, east of Kansas Road from I (Industrial) and RA (Single Family-Medium Density) to PO (Professional and Office).
2. Special Use Permit #21011 (Lansing Mart Associates, LLC), excavate approximately 2,275 cubic yards of soil from the floodplain to construct a detention pond at 2020 Grand River Avenue that will serve several commercial properties in the surrounding area.

B. Site Plans Received - None

C. Site Plans Approved - None

## 11. PUBLIC REMARKS - NONE

## 12. ADJOURNMENT

Commissioner Richards moved to adjourn the meeting.

Supported by Commissioner Blumer.

VOICE VOTE: Motion carried unanimously.

Chair Hendrickson adjourned the regular meeting at 8:04 p.m.

Respectfully Submitted,

Debbie Budzynski, Recording Secretary

**From:** [Piotr Lupa](#)  
**To:** [Peter Menser](#)  
**Subject:** Land re-zone on Kansas Rd  
**Date:** Wednesday, February 24, 2021 1:18:31 PM

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Hello Peter,

I hope all is well with you in 2021. I have a couple inputs into the Planning Commission meeting, as a resident of the area.

There is a sewer on Kansas Rd that was installed 4 years ago and paid by the residents through special assessment. It already benefits the residents and the future of the neighborhood. House across the street sold a couple months ago only after it was connected to the sewer. Otherwise it would likely stand as vacancy, like many properties in the area before this project.

Municipal water situation was never solved on Kansas Rd. We use well water, but had low level issues in the summer, and some water quality issues that Ingham Health Department has been involved in. If the area is further developed it will further impact the water table and likely further impact to water quality. There are several studies on how paved surface impacts local groundwater supply. Also if Kansas Rd gets paved and easement landscaped, the cost of bringing water main will be much higher and difficult to implement.

In order for me to support the project I feel that the township with the investor needs to address domestic water supply for adjacent residential properties. It should be part of increased tax revenue for the township or business opportunity for the investor. Otherwise we stay as an island without 20th century basic amenities that impacts health and vitality of the neighborhood. My family doesn't think this is acceptable.

Best Regards,  
-Peter Lupa

**From:** [Yingxin Zhou](#)  
**To:** [Board](#); [Frank Walsh](#)  
**Cc:** [Planning Commision \(DG\)](#)  
**Subject:** Recreational cannabis businesses (Opposition)  
**Date:** Monday, March 01, 2021 7:09:01 AM

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Dear Township Board and Township Manager Walsh,

As an Okemos public schools parent, I'm strongly opposed to opting in to recreational cannabis businesses in our township. One of my concerns is opting in may result in an increase in the use of marijuana among youth.

Many thanks to Supervisor Styka who mentioned in the Feb 16 meeting that very few top schools in Michigan have marijuana facilities nearby. I checked each of Michigan top 20 public school districts by Niche (<https://www.niche.com/k12/search/best-school-districts/s/michigan/>). For those schools Ann Arbor and Grand Rapids are the only 2 municipalities, which both are cities, that opted in to recreational marijuana businesses.

Okemos (OPS) is the #4 best public school district in Michigan by Niche. Could you please give us parents a firm answer on how permitting 6 marijuana stores will impact our schools? If approved the 6 existing medical marijuana facilities will be allowed to sell recreationally. Overlay district # 6 is close to Bennett Woods and #7 is in very close proximity to Hiawatha and close to Kinawa, Chippewa, and Okemos High. In my opinion maintaining marijuana establishments at least 1,000 feet away from schools is simply not enough. The vast majority of the municipalities where the top school districts are located just don't have those facilities in their boundaries.

The township board did make a promise to the community in 2019 that the township wants to have one year of experience with medical marijuana before making the decision on what to do with the recreational use. I went back to the June 4 and July 9, 2019 board meeting recordings and I also looked at media coverage (WILX report: <https://www.wilx.com/content/news/Meridian-Township-votes-on-smoke-shops-512542122.html>). They all confirmed the promise you made. As elected officials you are just going to break your promise?

There are also safety concerns. Treasurer Phil Deschaine's presentation in the Feb 16 meeting is very informative. Even East Lansing, with 30,000 plus students, has only 2 stores. East Lansing has 102 police personnel ( 51 sworn and 51 non-sworn), MSU has

85 sworn officers. Leoni township near Jackson now has 3 dedicated police officers focused on their 6 recreational marijuana stores. Meridian township only has 41 sworn and 13 non-sworn. Do you have any plan to expand the police workforce if you permit 6 stores? Can you guarantee local residents the same quality of life and safety as what we have now if you permit 6 stores?

I watched the Feb 16 board meeting. Most of the speakers that spoke in support of the proposal work in the marijuana industry trying to sell.

I strongly urge you to put community first and continue to prohibit recreational marijuana businesses in Meridian township.

Sincerely,

Yingxin Zhou  
2565 Sophiea Pkwy  
Okemos, MI 48864

**From:** [john\\_david\\_faichney](mailto:john_david_faichney)  
**To:** [commission@meridian.mi.us](mailto:commission@meridian.mi.us)  
**Cc:** [Peter Menser](#)  
**Subject:** Fw: Rezoning # 21020 (Martin Investment) Kansas Road, Okemos, Mi.  
**Date:** Friday, March 05, 2021 1:20:11 PM  
**Attachments:** [scan0004.pdf](#)  
[scan0003.pdf](#)

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**From:** john david faichney <jdfaichney@hotmail.com>  
**Sent:** Friday, March 5, 2021 11:02 AM  
**Cc:** John David Faichney <jdfaichney@hotmail.com>; SHEREEN TABRIZI <shereen-faith@comcast.net>; celene tabrizi <highminded@att.net>  
**Subject:** Rezoning # 21020 (Martin Investment) Kansas Road, Okemos, Mi.

Rezoning # 21020 (Martin Investment) Kansas Road, Okemos, Mi.

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TO: Planning Commission, Meridian Township, Michigan and Peter Menser, Principal Planner

We were informed only by a letter from Martin placed personally in our mailbox at 3566 Kansas Road, Okemos, Mi. regarding a proposed development which would be adjacent to our recently (Dec 29,2020) purchased home. Naturally, we were taken aback by this form and content of communication because we had received nothing from Meridian Township. We doubted a clear and compelling reason for a medical office building here because there are numerous vacancies for such activity, even across the street, Jolly Road, from Kansas Road.

We drafted a petition and circulated it amongst neighbors. 17 /18 neighbors were opposed to rezoning property on Kansas Road from residential to medical office building. A copy is attached including 17 signatures. The following reasons are contained in petition:

1. The Meridian Township Master Plan designates 2 of 3 properties targeted for rezoning as residential.
2. These residential properties should not be rezoned without a clear and compelling reason.
3. The proposal for a medical office building will increase the number of daily automobile trips to this property from 19 to 1142, sixty times greater, on a typical weekday according to Rezoning Traffic Study included in application.
4. Kansas Road is a unique and vanishing road in Okemos with low traffic volume, low density, safety and wildlife. A large medical office building will destroy Kansas Road's most desirable qualities.
5. No case has been made to justify exchanging the residential values of Kansas Road versus the need for medical office space in this community. Surely, there are opportunities for such development in an appropriately zoned part of this community.

Given the above and the overwhelming opposition to this proposal, we ask that the Planning Commission reject the proposal for this rezoning and development on Kansas Road.

Sincerely yours, JD Faichney, Celene and Shereen Tabrizi.

Attachment: Petition in opposition to proposed zoning change signed by 17 adult neighbors.

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**Petition in Opposition to plan of Martin Investment Company to Rezone,  
Otherwise known as Rezoning #21020 (Martin Investment Properties, Inc).**

**I have read and understand the Rezoning #21020 letter from Meridian Township dated Feb 18, 2021.**

**We, the undersigned, oppose the proposal of Martin Investment Company  
To rezone 6 acres of property for the purpose of building a medical office building. The parcels are  
#33-353-016 (2446 Jolly Road), parcel # 33-353-005  
(3532 Kansas Road) and parcel # 33-353-004 (3558 Kansas Road).**

**The reasons for our opposition:**

1. **The Meridian Township Master Plan designates 2 of 3 properties targeted for rezoning as residential.**
2. **These residential properties should not be rezoned without a clear and compelling reason.**
3. **The proposal for a medical office building will increase the number of daily automobile trips to this property from 19 to 1142, sixty times greater, on a typical weekday according to Rezoning Traffic Study included in application.**
4. **Kansas Road is a unique and vanishing road in Okemos with low traffic volume, low density, safety and wildlife. A large medical office building will destroy Kansas Road's most desirable qualities.**
5. **No case has been made to justify exchanging the residential values of Kansas Road versus the need for medical office space in this community. Surely, there are opportunities for such development in an appropriately zoned part of this community.**

Name	Signature	Date	Address	MC.
Shereen Tabrizi		2/24/2021	3566 Kansas, Okemos	4886
of Faichney		2/24/2021	3566 Kansas, Okemos, mi	
Renea Kane		2/24/2021	3565 Kansas Okemos Mi.	
Josh Basker		2-24-21	3596 KANSAS RD	
Sondos A. Hachini		2/28/2021	3589 Kansas Rd.	
Carlene Hooker		2-27-2021	3663 Kansas Rd	
Anas Aijanadi		2/27/2021	2531 Robins Way	
Jen Miller		2/27/2021	3681 Kansas RD.	
Brenda Miller		2-27-2021	3681 Kansas Rd	
Carrie Zwyghuizen		2-27-2021	2496 Robins Way	

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**The reasons for our opposition:**

1. **The Meridian Township Master Plan designates 2 of 3 properties targeted for rezoning as residential.**
2. **These residential properties should not be rezoned without a clear and compelling reason.**
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5. **No case has been made to justify exchanging the residential values of Kansas Road versus the need for medical office space in this community. Surely, there are opportunities for such development in an appropriately zoned part of this community.**

Name	Signature	Date	Address
PEARSONT PADMAZ		02/27/2021	2499 ROBINS WAY OKEMOS 48864
Jam Halm		Feb 27, 2021	3535 KANSAS - OKEMOS 48864
CELENE FABRIZI		3/1/2021	3566 KANSAS OKEMOS 48864
Jody Weesly		3/1/20/21	2550 Robbins Way Okem
Judith J. Jankman		3/1/21	3521 Indiana 48864
Sharon D. Merritt		3/1/2021	3531 Indiana Okemos 48864
Gary Merritt		3/1/21	" "

MAR 04 2021

3/2/2021

Dear Planning Commission,

In response to Rezoning #21021

I am opposed for the following reasons:

- 1) light pollution ↑ (increased)
- 2) ↑ noise pollution
- 3) ↑ Traffic (so much noise from Tully & Hwy - I can no longer sleep w/ my bedroom window open in summer)
- 4) ↓ privacy
- 5) ↑ pollution - the lawn companies that maintain business lawns all seem to use chemical fertilizer & weed control.
  - a) smells bad (air pollution), b) poisons nature
  - c) ends up in our drinking water.
  - d) contaminates pets (who lick their skin) children & adults
  - e) ↑ trash - no one ever removes the little warning signs  
- people often throw their fast food trash & drink containers out of auto & businesses do not police their area.
- 6) ↓ <sup>space</sup> area for wild life.  
- since the apartments went in the deer eat most of my plants & garden.

This is a neighborhood

there are many empty businesses

that could be a new home to some business

opposed!

Joell Ackerman

3521 Indiana Rd

Okemos, MI 48864



To: Planning Commission

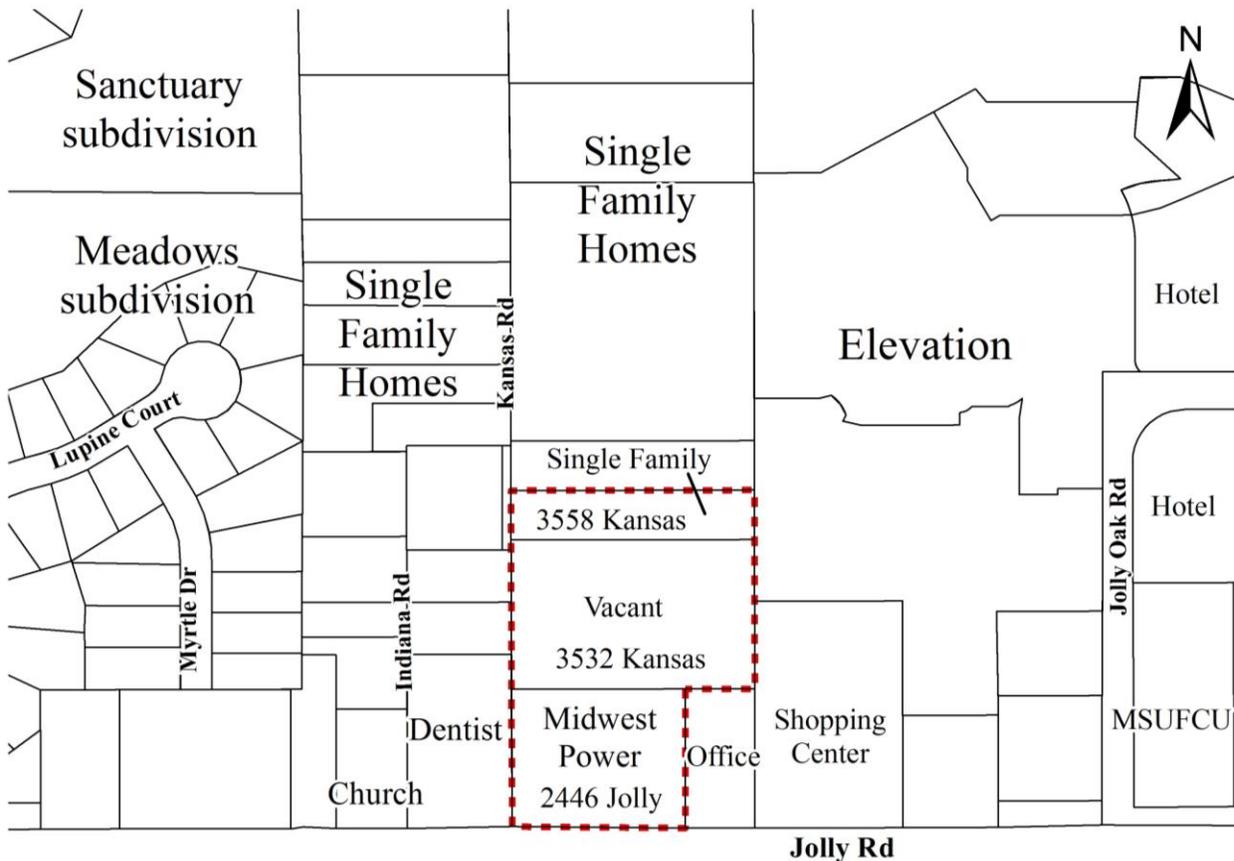
From: Peter Menser, Principal Planner

Date: March 3, 2021

Re: **Rezoning #21020 (Martin Investment Properties, LLC)**, rezone three parcels totaling approximately six acres located on the north side of Jolly Road, east of Kansas Road, from I (Industrial) and RA (Single Family-Medium Density) to PO (Professional and Office).

Martin Investment Properties, Inc. has requested the rezoning of approximately six acres (three parcels) located on the north side of Jolly Road, east of Kansas Road, from I (Industrial) and RA (Single Family-Medium Density) to PO (Professional and Office). The parcels proposed for rezoning include 2446 Jolly Road (Parcel #33-353-016), 3532 Kansas Road (Parcel #33-353-005), and 3558 Kansas Road (Parcel #33-353-004).

#### LOCATION MAP



**Rezoning #21020 (Martin Investment Properties, Inc.)  
 Planning Commission (March 8, 2021)  
 Page 2**

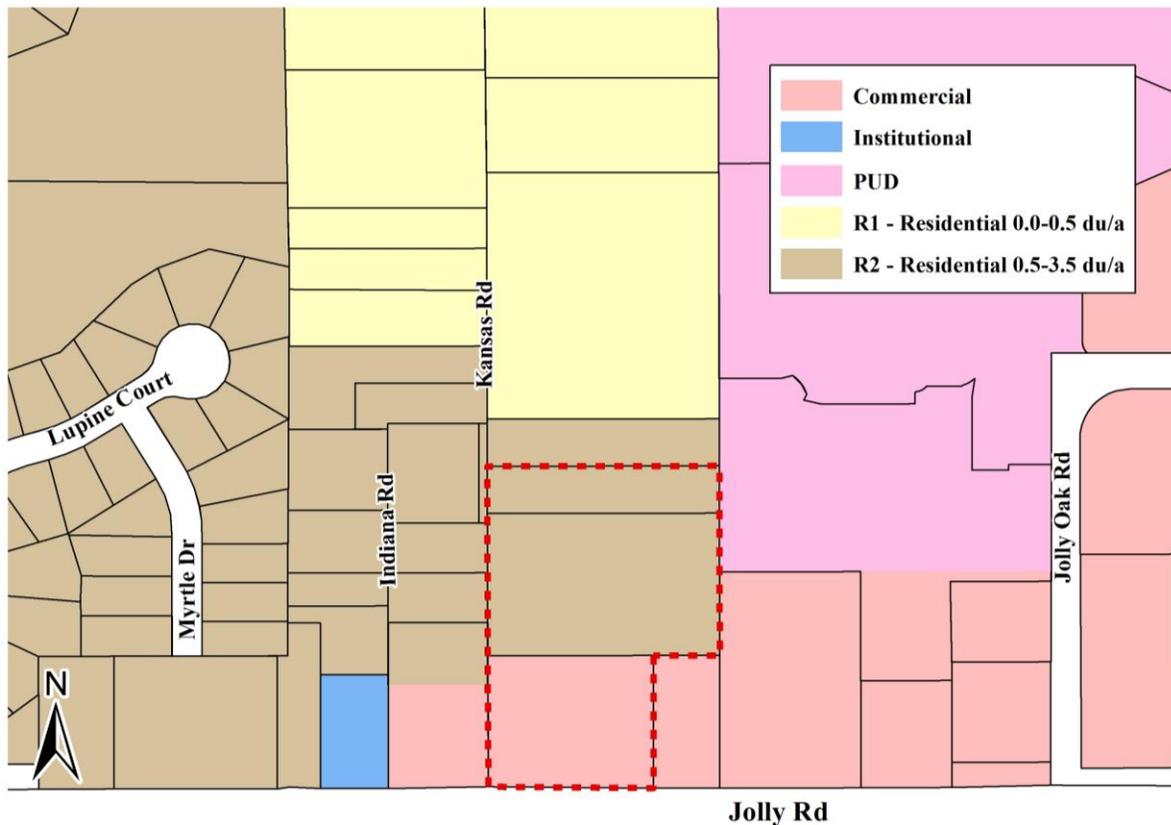
The following table identifies the size and frontage of each parcel included in the rezoning.

Address	Size	Frontage
2446 Jolly Road	2 acres	328 feet on Jolly Road, 270 feet on Kansas Road
3532 Kansas Road	2.68 acres	282 feet on Kansas Road
3558 Kansas Road	0.93 acres	93 feet on Kansas Road

**Master Plan**

The Future Land Use Map from the 2017 Master Plan designates 2446 Jolly Road in the Commercial category and the two parcels to the north as R2-Residential 0.5-3.5 dwelling units per acre (du/a). The proposed rezoning to PO (Professional and Office) is consistent with the Future Land Use Map designation for 2446 Jolly Road but is inconsistent for the two other parcels in the rezoning.

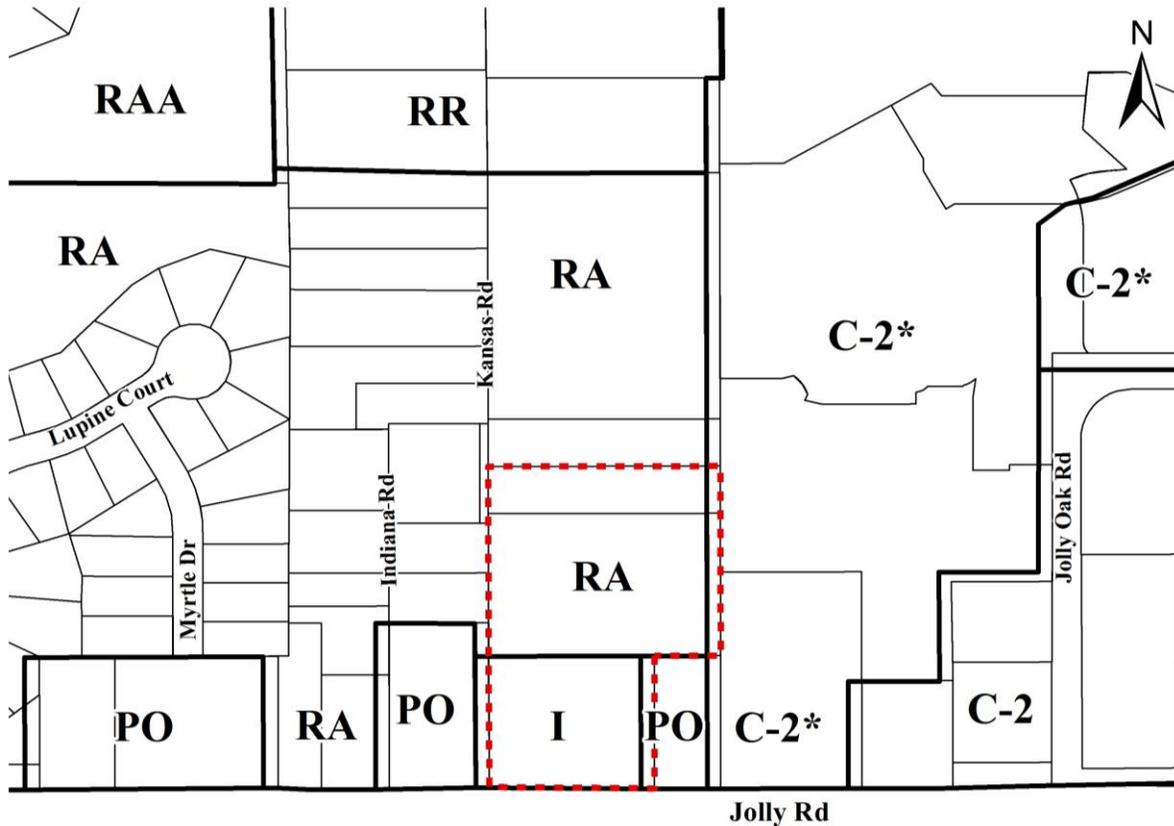
**2017 FUTURE LAND USE MAP**



**Zoning**

Of the three parcels proposed for rezoning, 2446 Jolly Road is currently zoned I (Industrial) and 3532 and 3558 Kansas Road are both zoned RA (Single Family-Medium Density).

**ZONING MAP**



The following table compares the required lot frontage and lot area standards for the current and proposed zoning districts.

Zoning District	Minimum Lot Area	Minimum Lot Frontage
I	1 acre (43,560 sq. ft.)	100 feet
RA	10,000 sq. ft.	80 feet
PO	5,000 sq. ft.	50 feet

All parcels proposed for rezoning meet the standards for lot area and lot frontage for both the current and proposed zoning districts.

**Physical Features**

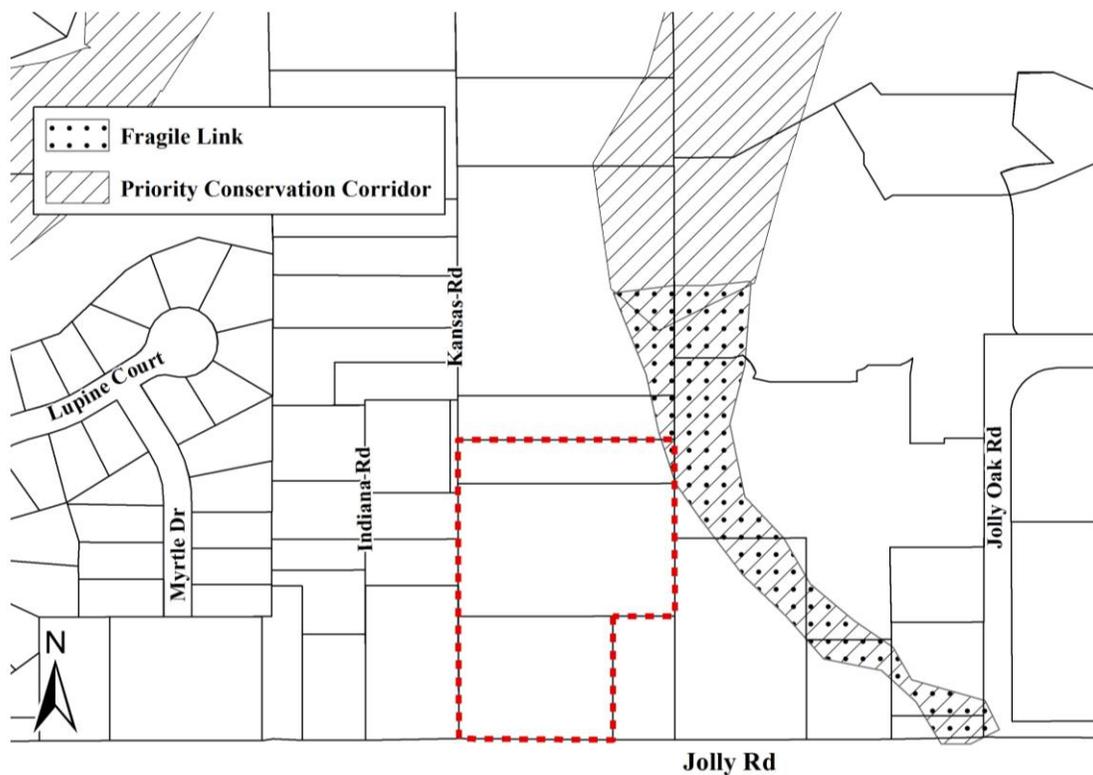
2446 Jolly Road is currently developed with a 10,000 square foot yard equipment sales and service business called Midwest Power Equipment. 3532 Kansas Road was developed with a single family home until it was demolished in 2019. 3558 Kansas Road is developed with a 1,237 square foot single family home built in 1937.

A natural features study will be required for submittal if development is proposed on the site. The natural features study will include information on items such as wetlands, significant stands of trees or individual trees greater than 12 inches d.b.h., floodplains, water features, vulnerable groundwater areas, slopes greater than 20%, ravines, wildlife habitats, vegetation, and endangered wildlife.

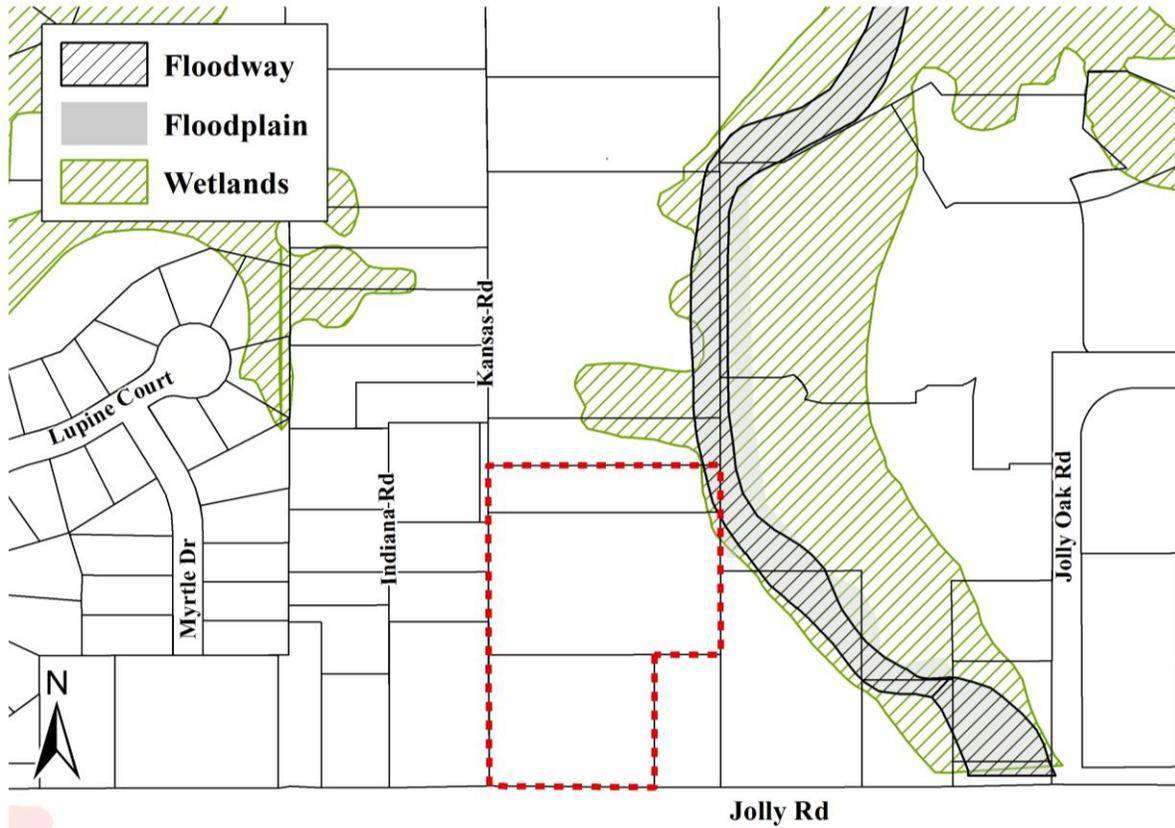
**Greenspace Plan**

The Township Greenspace Plan shows a Priority Conservation Corridor (PCC) and Fragile Link on portions of the property. A PCC is a network of ecologically significant open spaces. A Fragile Link describes an area where the PCC is exceptionally narrow or fragmented. The Greenspace Plan is a guide used by staff to identify areas of potential environmental features but was not adopted as a Township ordinance.

**GREENSPACE PLAN MAP**



### Floodplain and Wetlands



The Flood Insurance Rate Map (FIRM) for the Township shows floodplain and floodway associated with the Smith Drain is present along the east side of the northern two parcels proposed for rezoning. The Township wetlands map also shows wetlands near the east side of those same parcels. If development is proposed on the site an elevation survey and wetland delineation will be required to determine the location of both floodplain and wetlands.

### Streets & Traffic

One of the properties proposed for rezoning fronts on both Jolly Road and Kansas Road and the other two have frontage on Kansas Road. Jolly Road is a four lane road with curb and gutter. A center turn lane is added to the east of the subject site. Jolly Road is classified as a Principal Arterial on the Street Setbacks and Service Drives Map in the zoning ordinance. A seven foot wide pedestrian pathway is installed along Jolly Road. The most recent traffic count information from the Michigan Department of Transportation (MDOT) for Jolly Road just east of the subject site showed a total of 9,349 vehicles in a 24 hour period, however that data, the newest available, was from 2009. Kansas Road is a two lane dirt road classified as a Local street. There is no traffic information available for Kansas Road.

The applicant has submitted a rezoning traffic report prepared by Progressive AE comparing traffic generation of the existing land uses to the highest potential traffic generator under the proposed PO zoning, which is a medical/dental building. The study concludes that the medical/dental building will produce approximately 1,000+ more daily trips than the existing land uses under current zoning. A full traffic study showing detailed traffic generation, turning movements, and level of service at nearby intersections will be required should a development project be proposed.

### **Utilities**

Public water and sanitary sewer are available in the vicinity of the project area and can be extended to serve the subject site. The location and capacity of utilities for any proposed development will be reviewed in detail by the Department of Public Works and Engineering at the time of a development submittal.

### **Staff Analysis**

When evaluating a rezoning request the Planning Commission needs to consider all uses permitted by right and by special use permit in the current and proposed zoning districts, as well as the reasons for rezoning listed on page two of the rezoning application (attached).

#### *Allowed land uses*

Uses permitted in the proposed PO zoning district by right include offices of professionals licensed by the State of Michigan to treat human patients, hospitals, medical clinics, and veterinary clinics, general offices for a variety of professions, research laboratories, and religious institutions (except when located adjacent to a one-family or two-family residential zoning district). Uses allowed by special use permit in PO zoning include the following: child care centers, funeral homes and mortuaries, and religious institutions (when located adjacent to a one-family or two-family residential zoning district).

The following provisions of the PO zoning district may impact future development of the site:

- A 50 foot setback is required for any structure located adjacent to a single family residential zoning district boundary. The property, if rezoned, would border the RA district to the north.
- There is a required 100 foot front yard setback from the center of the Jolly Road right-of-way. A 25 foot front yard setback would be required from the Kansas Road right-of-way.
- The maximum percentage of impervious surface can be no more than 75 percent.
- The maximum allowed building height is 35 feet, unless each required yard setback is increased one foot for every foot of height above 35 feet.

### **Planning Commission Options**

The Planning Commission may recommend approval or denial of the request, or it may recommend a different zoning designation than proposed by the applicant to the Township Board. A resolution will be provided at a future meeting.

### **Attachments**

1. Rezoning application and attachments.
2. Rezoning traffic report prepared by Progressive AE dated February 16, 2021.
3. Rezoning criteria.

G:\Community Planning & Development\Planning\REZONINGS (REZ)\2021\REZ 21020 (Martin)\REZ 21020.pc1.docx

**CHARTER TOWNSHIP OF MERIDIAN  
DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT  
5151 MARSH ROAD, OKEMOS, MI 48864  
PHONE: (517) 853-4560, FAX: (517) 853-4095**

**REZONING APPLICATION**

**Part I, II and III of this application must be completed. Failure to complete any portion of this form may result in the denial of your request.**

**Part I**

A. Owner/Applicant Martin Investment Properties, Inc.  
Address of applicant 1111 Michigan Ave., East Lansing, MI 48823  
Telephone: Work \_\_\_\_\_ Home \_\_\_\_\_  
Fax \_\_\_\_\_ Email \_\_\_\_\_

If there are multiple owners, list names and addresses of each and indicate ownership interest. Attach additional sheets if necessary. If the applicant is not the current owner of the subject property, the applicant must provide a copy of a purchase agreement or instrument indicating the owner is aware of and in agreement with the requested action.

B. Applicant's Representative, Architect, Engineer or Planner responsible for request:  
Name / Contact Person Martin Investment Properties, Inc.  
Address 1111 Michigan Ave., East Lansing, MI 48823  
Telephone: Work \_\_\_\_\_ Home \_\_\_\_\_  
Fax \_\_\_\_\_ Email \_\_\_\_\_

C. Site address/location see attached  
Legal description (Attach additional sheets if necessary) see attached  
Parcel number see attached Site acreage 6.0+/- Acres

D. Current zoning see attached Requested zoning Professional Office

E. The following support materials must be submitted with the application:

1. Nonrefundable fee.
2. Evidence of fee or other ownership of the subject property.
3. A rezoning traffic study prepared by a qualified traffic engineer based on the most current edition of the handbook entitled *Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities*, published by the State Department of Transportation, is required for the following requests: **This is in process and will be supplementing this document**
  - a. Rezonings when the proposed district would permit uses that could generate more than 100 additional directional trips during the peak hour than the principal uses permitted under the current zoning.
  - b. Rezonings having direct access to a principal or minor arterial street, unless the uses in the proposed zoning district would generate fewer peak hour trips than uses in the existing zoning district.  
(Information pertaining to the contents of the rezoning traffic study will be available in the Department of Community Planning and Development.)
4. Other information deemed necessary to evaluate the application as specified by the Director of Community Planning and Development.

**Part II**

**REASONS FOR REZONING REQUEST**

**Respond only to the items which you intend to support with proof. Explain your position on the lines below, and attach supporting information to this form.**

- A. Reasons why the present zoning is unreasonable: **See attached supporting information to this form.**
- 1) There is an error in the boundaries of the Zoning Map, specifically: \_\_\_\_\_  
\_\_\_\_\_
  - 2) The conditions of the surrounding area have changed in the following respects: \_\_\_\_\_  
\_\_\_\_\_
  - 3) The current zoning is inconsistent with the Township's Master Plan, explain: \_\_\_\_\_  
\_\_\_\_\_
  - 4) The Township did not follow the procedures that are required by Michigan laws, when adopting the Zoning Ordinance, specifically: \_\_\_\_\_  
\_\_\_\_\_
  - 5) The Township did not have a reasonable basis to support the current zoning classification at the time it was adopted; and the zoning has exempted the following legitimate uses from the area: \_\_\_\_\_  
\_\_\_\_\_
  - 6) The current zoning restrictions on the use of the property do not further the health safety or general welfare of the public, explain: \_\_\_\_\_  
\_\_\_\_\_
- B. Reasons why the requested zoning is appropriate:
- 1) Requested rezoning is consistent with the Township's Master Plan, explain: \_\_\_\_\_  
\_\_\_\_\_
  - 2) Requested rezoning is compatible with other existing and proposed uses surrounding the site, specifically: \_\_\_\_\_
  - 3) Requested rezoning would not result in significant adverse impacts on the natural environment, explain: \_\_\_\_\_
  - 4) Requested rezoning would not result in significant adverse impacts on traffic circulation, water and sewer systems, education, recreation or other public services, explain: \_\_\_\_\_
  - 5) Requested rezoning addresses a proven community need, specifically: \_\_\_\_\_  
\_\_\_\_\_
  - 6) Requested rezoning results in logical and orderly development in the Township, explain: \_\_\_\_\_  
\_\_\_\_\_
  - 7) Requested rezoning will result in better use of Township land, resources and properties and therefore more efficient expenditure of Township funds for public improvements and services, explain: \_\_\_\_\_

**Part III**

I (we) hereby grant permission for members of the Charter Township of Meridian's Boards and/or Commissions, Township staff member(s) 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 purpose of gathering information including but not limited to the taking and the use of photographs.

Yes     No    (Please check one)

By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate

DocuSigned by:

Van W. Martin

2/8/2021

Signature of Applicant

Date

Van W. Martin

Type/Print Name

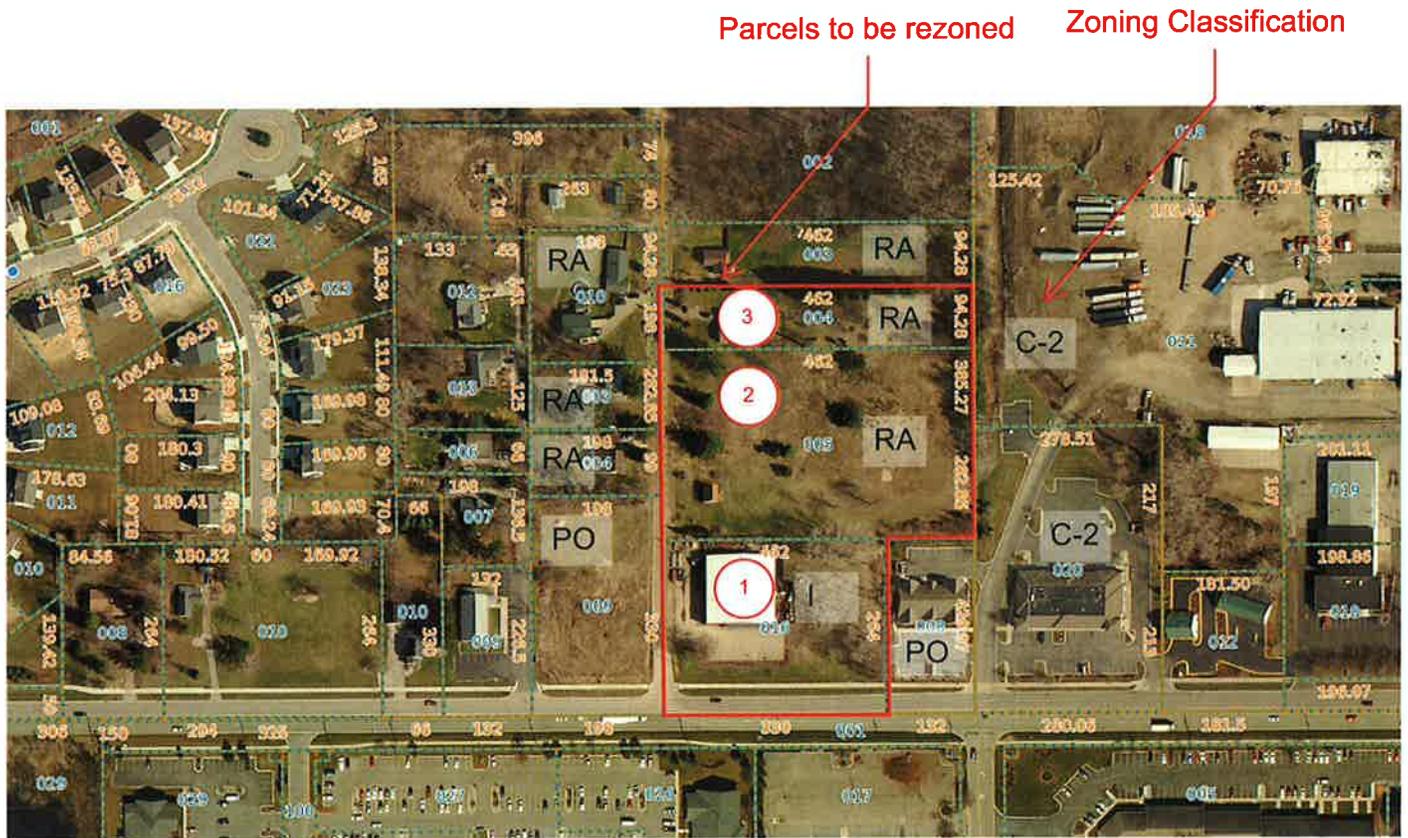
Fee: \_\_\_\_\_

Received by/Date: \_\_\_\_\_



# Ingham County Parcels 12/14/2020 3:00:49 PM

## Jolly Road Rezoning Exhibit 1



Parcels to be rezoned

Zoning Classification

Parcels to be Rezoned: Total area = 6+/- Acres

1. 33-02-02-33-353-016 : 2446 Jolly Rd, Okemos, MI 48864 : Industrial to Professional Office
2. 33-02-02-33-353-005 : 3532 Kansas, Okemos, MI 48864 : Residential to Professional Office
3. 33-02-02-33-353-004 : 3558 Kansas, Okemos, MI 48864 : Residential to Professional Office

RA = Single-Family Medium-Density

I = Industrial

PO = Professional and Office

C-2 = Commercial

**Disclaimer:** The data is provided for reference only and WITHOUT WARRANTY of any kind.

# Jolly Road Site, Okemos, MI

## Rezoning Supplemental information to application

February 8, 2021

### Parcels to be rezoned:

1. Parcel 1: 33-02-02-33-353-016 : 2446 Jolly Rd, Okemos, MI 48864 : Industrial to Professional Office
2. Parcel 2: 33-02-02-33-353-005 : 3532 Kansas, Okemos, MI 48865 : Residential to Professional Office
3. Parcel 3: 33-02-02-33-353-004: 3558 Kansas, Okemos, MI 48865 : Residential to Professional Office

### Legal descriptions

1. Parcel 1: 2446 Jolly Road, , Okemos, MI : (M 33-31) BEG ON S SEC LN 396 FT E OF SW COR OF SEC 33 - N00D 11' 20"W 264 FT - E 330 FT - S00D 11' 20"E 264 FT - W 330 FT ALNG S SEC LN TO POB ON SW 1/4 OF SEC 33 T4NR1W 2 A M/L
2. Parcel 2: M 33-30 COM. 24 RDS. E & 16 RDS. N OF SW COR. OF SEC. 33-E 28 RDS-N. 17 1/7 RDS-W 28 RDS-S 17 1/7 RDS. TO PT OF BEG EXC W 25 FT TO BE USED FOR ROAD PURPOSES SW 1/4 OF SEC. 33, T4N R1W-
3. Parcel 3: M 33-29 COM. 24 RDS. E & 33 1/7 RDS. N OF SW COR. OF SEC-E 28 RDS-N. 5 5/7 RDS-W 28 RDS-S 5 5/7 RDS. TO BEG. ON SW 1/4 OF SEC. 33, T4N R1W-1 A.

### COMBINED PARCEL TO BE REZONED – DESCRIPTION

A parcel of land in the Southwest 1/4 of Section 33, T4N, R1W, Meridian Township, Ingham County, Michigan, further described as:

Commencing at the Southwest corner of said Section 33; thence East along the South line of said Section 33, 396 feet to the point of beginning of this description; thence North 641.14 feet; thence East 462 feet; thence South 377.14 feet; thence West 132 feet; thence South 264 feet to a point on the South line of said Section 33; thence along said South line, 330 feet to the point of beginning. Containing 6.00 acres of land, more or less. This description is based on the tax parcel descriptions for the following parcels:

33-02-02-33-353-016: 2446 Jolly Rd, Okemos, MI 48865

33-02-02-33-353-005: 3532 Kansas, Okemos, MI 48865

33-02-02-33-353-004: 3558 Kansas, Okemos, MI 48865

### Reasons for Rezoning Request:

- A. Reasons why the present zoning is unreasonable:
  - 1) There is an error in the boundaries of the Zoning Map, Specifically: N/A

- 2) The conditions of the surrounding area have changed in the following respects: *Jolly Road has become a high traffic, major thoroughfare for the area. Professional office and Commercial uses have replaced residential land over the years. One of the parcels is zoned Industrial and it is the only Industrial parcel in the area. All of the surrounding parcels are either Professional Office, Commercial or Residential. Development of these parcels as Professional Office fits with the surrounding uses.*
- 3) The current zoning is inconsistent with the Township's Future Land use Plan, explain: *The current Industrial zoning does not meet the Future Land Use Plan that calls for Commercial use for this parcel. The residential parcel is residential in the Future Land use Plan, but it is adjacent to Professional office and Commercial zoning. Rezoning it to Professional Office would it fit with the overall master plan of Commercial in that area.*
- 4) The Township did not follow the procedures that are required by Michigan laws, when adopting the Zoning Ordinance, specifically: *N/A*
- 5) The Township did not have a reasonable basis to support the current zoning classification at the time it was adopted; and the zoning has exempted the following legitimate uses for the area: *Professional Offices are not allowed in this zoning unless associated with an Industrial use.*
- 6) The current zoning restrictions on the use of the property do not further the health safety or general welfare of the public, explain: *The current Industrial zoning could create an unhealthier use than the proposed use. Professional Office would exclude potential unhealthy Industrial uses.*

B. Reasons why the requested zoning is appropriate:

- 1) Requested rezoning is consistent with the Township's Master Plan, explain: *The Future Land Use Plan for this area is Commercial use. The rezoning would bring the industrial parcel in compliance with the Master Plan. The residential parcel is residential on the Future Land Use Plan, but it is adjacent to Professional office and Commercial uses, so the proposed rezoning will fit with the overall master plan in that area.*
- 2) Requested rezoning is compatible with other existing and proposed uses surrounding the site, specifically: *The rezoning of the Industrial parcel to Professional Office will match current zoning on the east and west side of the Industrial parcel. The Residential rezoning to Professional office is a better buffer between the current industrial use adjacent to residential.*
- 3) Requested rezoning would not result in significant adverse impacts on the natural environment, explain: *The rezoning from Industrial to Professional Office will be a less intensive zoning, and the development of the property will require the site to comply with current storm water management and green space requirements designed to protect the environment.*
- 4) Requested rezoning would not result in significant adverse impacts on traffic circulation, water and sewer systems, education, recreation of other public services, explain: *This parcel is located on Jolly Road, a major arterial collector road designed to handle the volume of traffic for these land uses. The site is serviced by public water and sanitary sewer. It will not add students to the schools, use of recreation, or other public services.*

- 5) Requested rezoning addresses a proven community need, specifically: *The rezoning from Industrial to Professional Office will provide more jobs and there is a community need for Professional Office uses.*
- 6) Requested rezoning results in logical and orderly development in the Township, explain: *The Industrial parcel is out of order with the current zoning, it is the only Industrial parcel in this area. The residential property is in order, but the adjacent uses are commercial and Professional Office, so it is not out of line to rezone this to Professional Office.*
- 7) Requested Rezoning will result in better use of Township land, resources and properties and therefore more efficient expenditure of Township funds for public improvements and services, explain: *The rezoning will have minimal impact on the townships need for improvements, and will offer additional services for its residents. The site is serviced by public streets and utilities currently and will not require additional funds for public improvements.*



February 16, 2021

Mr. Peter Menser  
Principal Planner  
Meridian Township  
5151 Marsh Road  
Okemos, MI 48864

Re: Rezoning Traffic Study - 2446 Jolly Road, Okemos, Michigan

Mr. Peter Menser:

Progressive AE has been requested to complete a rezoning traffic study based on the *Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities*. This work includes comparing the maximum trips generated by the existing industrial land use and single-family houses with the maximum trip generation for professional office land use. This request is for three parcels of land located on the north side of Jolly Road between Kansas Street and Woodlake Drive in Okemos, Michigan. The following sections outline the results of the trip generation comparison.

## **INTRODUCTION**

Martin Properties has requested to rezone three parcels to Professional Office. One parcel is zoned Industrial (2446 Jolly Road) and two parcels are zoned RA Single-Family Residential (3532 and 3558 Kansas). The property located at 2446 Jolly Road is occupied by Midwest Power Equipment (approximately 10000 square feet), and the two other properties are occupied by single-family houses. The area to be rezoned consists of approximately six acres.

For the purposes of this rezoning request, a comparison of the projected existing trips for the parcels under Industrial and Single-Family Residential zoning will be compared to the projected trips for the parcels under Professional Office zoning.

For the existing Industrial land use, it was estimated that the existing structure is approximately 10000 square feet. For Professional Office, a building area limit of approximately 32000 square feet was utilized based on preliminary site design concepts that comply with parking regulations, greenspace requirements and setback rules.

## **TRIP GENERATION**

Trip Generation, 10th Edition, by the Institute of Transportation Engineers (ITE) was used to calculate the anticipated traffic that may be generated by the existing and proposed zoning. Trips are measured individually for inbound and outbound movements. Therefore, a visit to the site by an employee or visitor, for instance, generates two trips—one inbound and one outbound.

Based on the land use descriptions provided within the ITE Trip Generation Manual, the maximum trip generator for Industrial zoning is projected to be General Light Industrial (ITE Code 110). This land use is described as:

*A light industrial facility is a free-standing facility devoted to a single-use. The facility has an emphasis on activities other than manufacturing and typically has minimal office space. Typical light industrial activities include printing, material testing, and assembly of data processing equipment.*

In addition to the existing light industrial, two single-family houses occupy the properties to be redeveloped. Based on the land use descriptions provided within the ITE Trip Generation Manual, the trips generated by the houses are quantified under Single-Family Detached Housing (ITE Code 210). This land use is described as:

*Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.*

The proposed rezoning to Professional Office could allow several different types of use. The use that would generate the largest number of trips would be Medical-Dental Office Building (ITE Code 720). This land use is described as:

*A medical-dental office building is a facility that provides diagnoses and outpatient care on a routine basis but is unable to provide prolonged in-house medical and surgical care. One or more private physicians or dentists generally operate this type of facility.*

A comparison of the existing zoning compared to the proposed zoning is provided in Table 1. It is projected that the rezoning to Professional Office from existing Industrial and Residential zoning will generate more trips on a typical weekday and during the typical weekday morning and afternoon peak-hours.

**Table 1: Trip Generation**

Zoning	Size (SF)	AM Peak Hour			PM Peak Hour			Daily Trips	
		Rate	In	Out	Rate	In	Out	Rate	Total
Existing Industrial	10,000	0.80	7	1	0.80	1	8	9.60	96
Existing Residential	2	0.74	0	2	0.99	1	1	9.44	19
Proposed Professional Office	32,000	2.53	63	18	3.47	31	80	28.02	1142
<b>Difference</b>		-	56	15	-	29	71	-	1027

Source: ITE Trip Generation Manual, 10th Edition

### **SIGHT DISTANCE**

A remote review, previous visits to the area and existing access to Kansas Street, indicate that sight distance appears to be adequate for existing movements and likely for any potential future site access points to Jolly Road.

### **CONCLUSION**

The rezoning request from Industrial and Residential to Professional Office has the potential to increase trips beyond the current zoning. A full traffic impact study may or may not be necessary depending on the actual planned use for the parcel and its specific trip generation characteristics.

Intersection sight distance for any proposed driveway to Jolly Road should be checked and verified by the site engineer. The sight distance should comply with the Ingham County Road Department sight distance standards.

Please let us know if you or others have any questions regarding the above information

Sincerely,

Christopher E. Zull PE  
Transportation Practice Leader

CEZ/crg  
P:\70760048\01 ADMIN\A2 CORRESPONDENCE\2021 02 16 Meridian Township Rezoning Trip Gen Letter.docx

**Part II**

**REASONS FOR REZONING REQUEST**

**Respond only to the items which you intend to support with proof. Explain your position on the lines below, and attach supporting information to this form.**

**A. Reasons why the present zoning is unreasonable:**

- 1) There is an error in the boundaries of the Zoning Map, specifically: \_\_\_\_\_  
\_\_\_\_\_
- 2) The conditions of the surrounding area have changed in the following respects: \_\_\_\_\_  
\_\_\_\_\_
- 3) The current zoning is inconsistent with the Township's Master Plan, explain: \_\_\_\_\_  
\_\_\_\_\_
- 4) The Township did not follow the procedures that are required by Michigan laws, when adopting the Zoning Ordinance, specifically: \_\_\_\_\_  
\_\_\_\_\_
- 5) The Township did not have a reasonable basis to support the current zoning classification at the time it was adopted; and the zoning has exempted the following legitimate uses from the area: \_\_\_\_\_  
\_\_\_\_\_
- 6) The current zoning restrictions on the use of the property do not further the health safety or general welfare of the public, explain: \_\_\_\_\_  
\_\_\_\_\_

**B. Reasons why the requested zoning is appropriate:**

- 1) Requested rezoning is consistent with the Township's Master Plan, explain: \_\_\_\_\_  
\_\_\_\_\_
- 2) Requested rezoning is compatible with other existing and proposed uses surrounding the site, specifically: \_\_\_\_\_  
\_\_\_\_\_
- 3) Requested rezoning would not result in significant adverse impacts on the natural environment, explain: \_\_\_\_\_  
\_\_\_\_\_
- 4) Requested rezoning would not result in significant adverse impacts on traffic circulation, water and sewer systems, education, recreation or other public services, explain: \_\_\_\_\_  
\_\_\_\_\_
- 5) Requested rezoning addresses a proven community need, specifically: \_\_\_\_\_  
\_\_\_\_\_
- 6) Requested rezoning results in logical and orderly development in the Township, explain: \_\_\_\_\_  
\_\_\_\_\_
- 7) Requested rezoning will result in better use of Township land, resources and properties and therefore more efficient expenditure of Township funds for public improvements and services, explain: \_\_\_\_\_  
\_\_\_\_\_



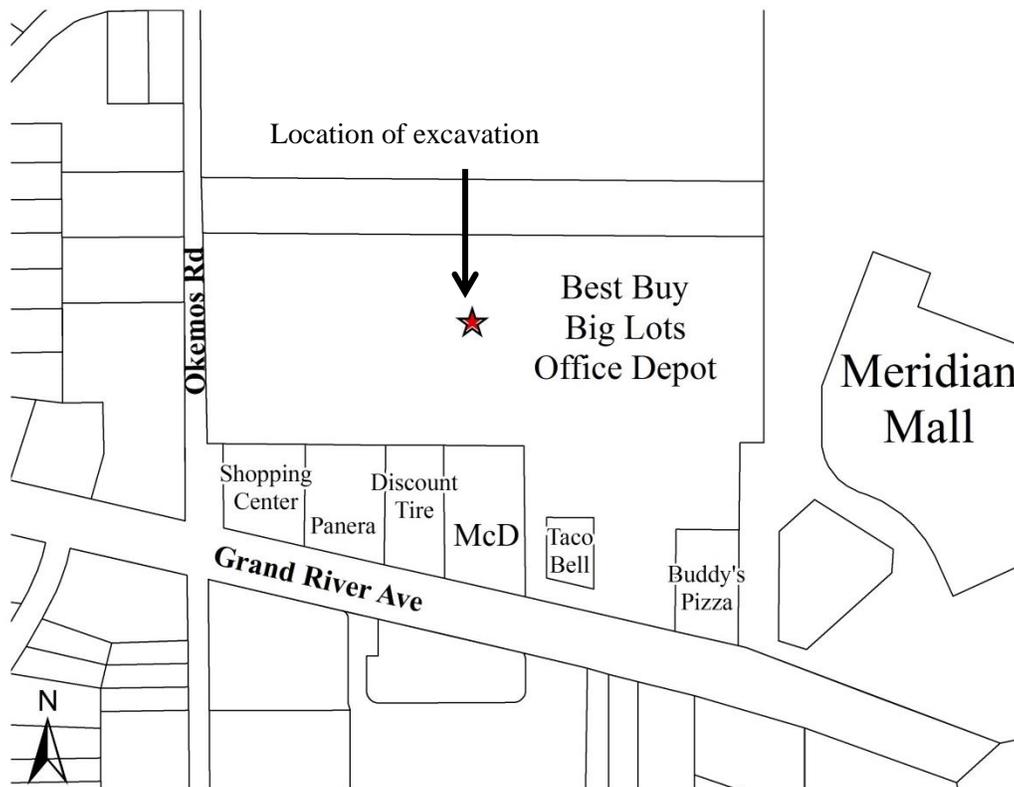
**To: Planning Commission**

**From: Peter Menser, Principal Planner**

**Date: March 4, 2021**

**Re: Special Use Permit #21011 (Lansing Mart Associates, LLC), excavate approximately 23,813 cubic feet of soil from the floodplain to construct a detention pond at 2020 Grand River Avenue.**

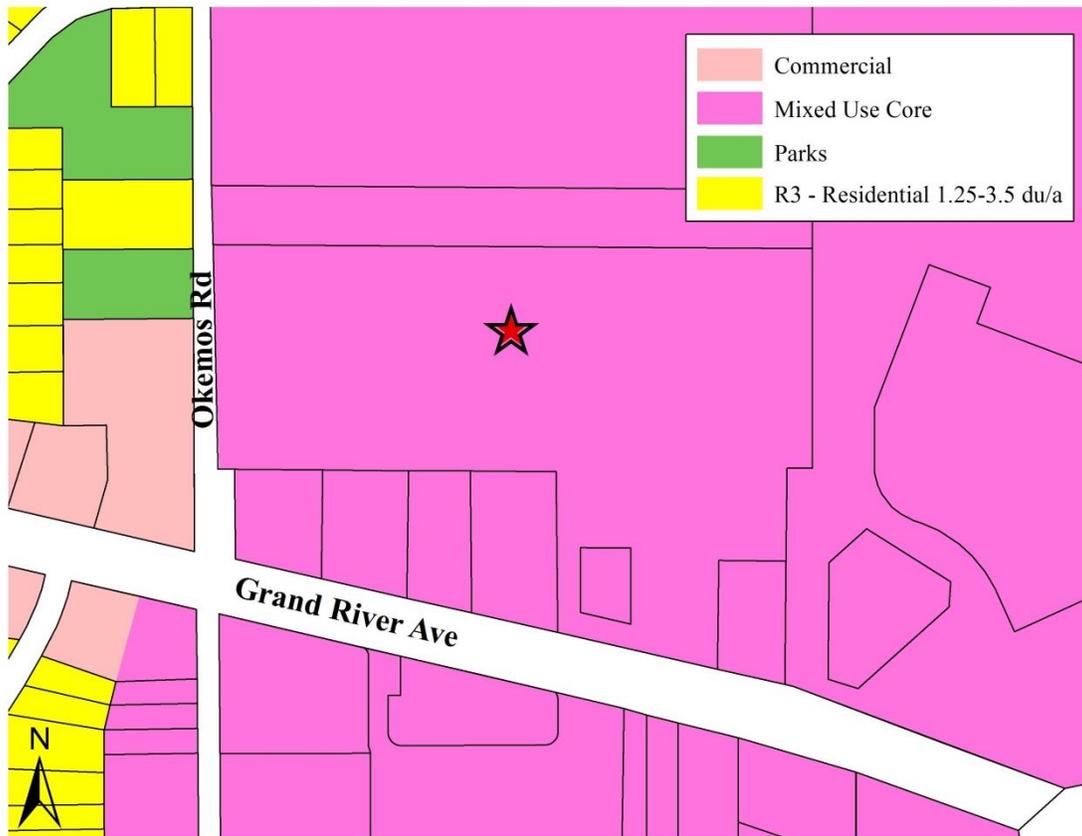
Lansing Mart Associates, LLC has requested special use permit approval to excavate 23,813 cubic feet (approximately 881 cubic yards) from the floodplain to construct a retention pond at 2020 Grand River Avenue. The retention pond is being created to serve several commercial properties in the surrounding area, including a new Buddy's Pizza restaurant slated for the site of the former Burger King restaurant at 2010 Grand River Avenue. The approximate 19 acre subject site is zoned C-2 (Commercial). A 119k square foot multi-tenant commercial building constructed in 1970 (remodeled in 2019) occupies the property, which hosts tenants Best Buy, Office Depot, and Big Lots.



### Master Plan

The Future Land Use Map from the 2017 Master Plan designates the subject property in the Mixed Use Core category.

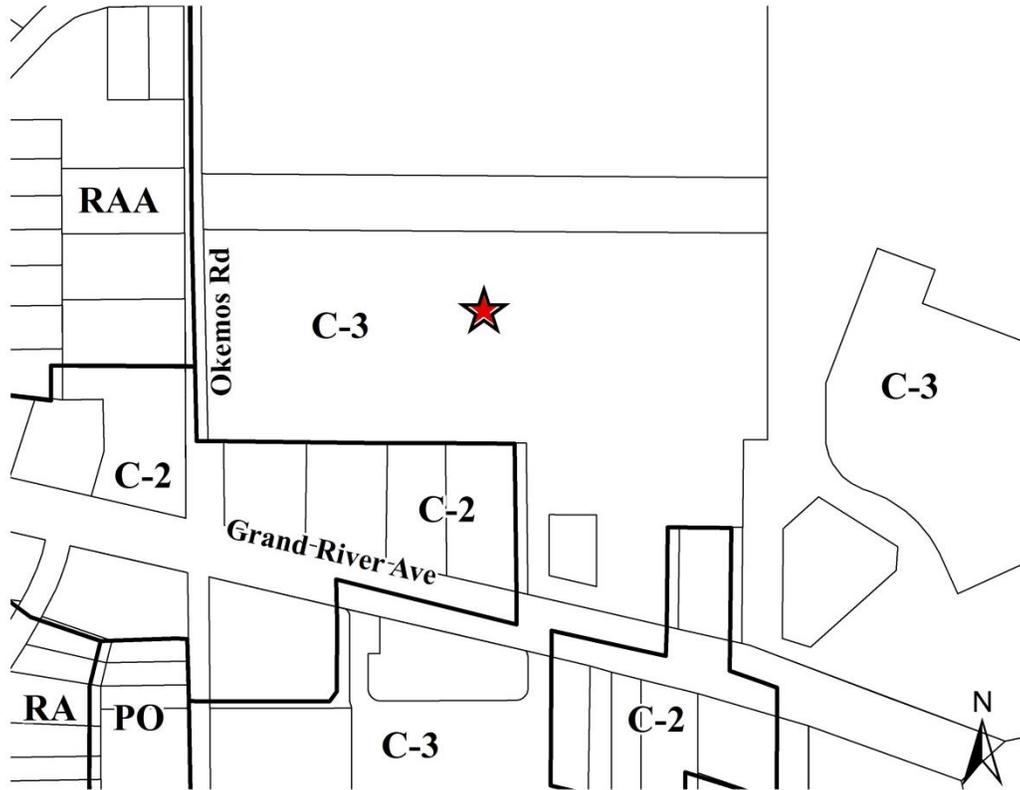
### FUTURE LAND USE MAP



### Zoning

The subject site is zoned C-3 (Commercial) which requires a minimum of 100 feet of lot frontage and 10,000 square feet of lot area. The subject site has 364 feet of frontage along Grand River Avenue and 500 feet along Okemos Road and is over 19 acres in total size.

### ZONING MAP



### Physical Features

The site is currently developed with a multi-tenant commercial building, a paved parking lot, and landscaping. The property has two access points, one along Grand River Avenue and one on Okemos Road. This area does not have any special designation on the Township Greenspace Plan.

### Floodplain

The site for the retention pond is located in the 100-year floodplain (floodway fringe). The applicant proposes to excavate 23,813 cubic feet (approximately 881 cubic yards) in the floodplain. No fill in the floodplain is proposed and the excavated materials will be deposited off-site outside of the floodplain. The submitted site plan depicts the elevation of the floodplain at 842.43 (NGVD 29) feet above mean sea level.

The applicant has submitted an application for work in the floodplain that is currently under review by the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

### FLOODPLAIN MAP



#### Wetlands

Wetlands are shown in the area surrounding the retention pond. The property owner had a wetland delineation completed in December of 2020, which is scheduled for verification by the Township's wetland consultant in the coming weeks. If the detention pond is proposed in a wetland setback a variance would be required from the Zoning Board of Appeals.

#### Staff Analysis

A special use permit is required for work in the floodplain, subject to approval by the Planning Commission. The general special use permit criteria found in Section 86-126 of the Code of Ordinances should be used when evaluating the request. Section 86-436(n) of the Code of Ordinances provides additional standards for projects in the floodway fringe, which are as follows:

**Special Use Permit #21011(Lansing Mart Associates, LLC)  
Planning Commission (March 8, 2021)  
Page 5**

1. All new residential structures and residential structures requiring substantial improvement shall have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation.
2. All new nonresidential structures and nonresidential structures requiring substantial improvements shall have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation or shall be floodproofed to one foot above the level of the base flood elevation.
3. Excavation and shaping of the floodway fringe shall be conducted in such a manner as to maintain or improve the natural impoundment capacity of the base flood elevation. In no case shall the impoundment capacity of the floodway fringe be reduced.

The Meridian Township Engineering Department recommends approval of the special use permit for work in the floodplain based on the following conditions:

1. An Elevation Certification (EC) must be completed after construction by a Surveyor, licensed in the state of Michigan. This EC must be provided to the Engineering Office prior to issuance of the Certificate of Occupancy.

If the Planning Commission decides to approve the special use permit staff suggests conditioning the approval on verification of the wetlands in the area adjacent to the proposed excavation and approval of an EGLE permit for the work in the floodplain.

**Planning Commission Options**

The Planning Commission may approve, approve with conditions, or deny the special use permit. A resolution will be provided at a future meeting.

**Attachments**

1. Special use permit application and attachments.
2. Excavation plans prepared by LSG Engineers & Surveyors dated January 19, 2021.
3. Letter from Meridian Township Engineering dated February 22, 2021.

G:\Community Planning & Development\Planning\SPECIAL USE PERMITS (SUP)\2021\SUP 21011 (Lansing Mart Associates)\SUP 21011.pc1.docx

**CHARTER TOWNSHIP OF MERIDIAN  
DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT  
5151 MARSH ROAD, OKEMOS, MI 48864  
PLANNING DIVISION PHONE: (517) 853-4560, FAX: (517) 853-4095**

**SPECIAL USE PERMIT APPLICATION**

**Before submitting this application for review, an applicant may meet with the Director of Community Planning and Development to discuss the requirements for a special use permit and/or submit a conceptual plan for review to have preliminary technical deficiencies addressed prior to submittal of the application. If the property or land use is located in the following zoning districts RD, RC, RCC, RN then the applicant must meet with the Planning Director to discuss technical difficulties before filing a formal application.**

**Part I**

- A. Applicant Lansing Mart Associates, LLC c/o Gershenson Realty & Investment  
 Address of Applicant 31500 Northwestern Highway, Suite 100, Farmington Hills, MI 48334  
 Telephone - Work 248-785-2300 Home \_\_\_\_\_ Fax \_\_\_\_\_ Email Rob@Gershenson  
 Interest in property (circle one):  Owner  Tenant  Option  Other realty.com  
 (Please attach a list of all persons with an ownership interest in the property.)
- B. Site address / location / parcel number 2010 & 2020 W. Grand River Parcel 33-02-02-21-226-008, 009, and 010  
 Legal description (please attach if necessary) See attached.  
 Current zoning C-3  
 Use for which permit is requested / project name C-3  
 Corresponding ordinance number 86-436 and 86-471
- C. Developer (if different than applicant) \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone – Work \_\_\_\_\_ Home \_\_\_\_\_ Fax \_\_\_\_\_
- D. Architect, Engineer Planner or Surveyor responsible for design of project if different from applicant:  
 Name LSG Engineers & Surveyors  
 Address 3135 Pine Tree Rd Suite D  
 Telephone – Work 517-393-2902 Home \_\_\_\_\_ Fax \_\_\_\_\_
- E. Acreage of all parcels in the project: Gross 20.27 Net \_\_\_\_\_
- F. Explain the project and development phases: Construction of a first flush basin on parcel 008 to serve all three parcels. This is a requirement of the Ingham County Drain Commission for demolition/construction of the building on parcel 010.
- G. Total number of:  
 Existing: structures 3 bedrooms \_\_\_\_\_ offices \_\_\_\_\_ parking spaces 543 carports \_\_\_\_\_ garages \_\_\_\_\_  
 Proposed: structures 3 bedrooms \_\_\_\_\_ offices \_\_\_\_\_ parking spaces 533 carports \_\_\_\_\_ garages \_\_\_\_\_
- H. Square footage: existing buildings 126,028 proposed buildings 128,612  
 Usable Floor area: existing buildings \_\_\_\_\_ proposed buildings \_\_\_\_\_
- I. If employees will work on the site, state the number of full time and part time employees working per shift and hours of operation:
- J. Existing Recreation: Type \_\_\_\_\_ Acreage \_\_\_\_\_  
 Proposed Recreation: Type \_\_\_\_\_ Acreage \_\_\_\_\_  
 Existing Open Space: Type \_\_\_\_\_ Acreage \_\_\_\_\_  
 Proposed Open Space: Type \_\_\_\_\_ Acreage \_\_\_\_\_



- M. Any other information specified by the Director of Community Planning and Development which is deemed necessary to evaluate the application.
- N. In addition to the above requirements, for zoning districts, **RD, RC, RCC, RN, and CV** and **Group Housing Residential Developments** the following is required:
1. Existing and proposed contours of the property at two foot intervals based on United States Geological Survey (USGS) data.
  2. Preliminary engineering reports in accordance with the adopted Township water and sewer standards, together with a letter of review from the Township Engineer.
  3. Ten copies of a report on the intent and scope of the project including, but not limited to: Number, size, volume, and dimensions of buildings; number and size of living units; basis of calculations of floor area and density and required parking; number, size, and type of parking spaces; architectural sketches of proposed buildings.
  4. Seven copies of the project plans which the Township shall submit to local agencies for review and comments.
- O. In addition to the above requirements, a special use application in zoning district **RP** requires the following material as part of the site plan:
1. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire hazards or safety hazards or the emission of any potentially harmful or obnoxious matter or radiation.
  2. Engineering and architectural plans for the treatment and disposal of sewerage and industrial waste tailings, or unusable by-products.
  3. Engineering and architectural plans for the handling of any excessive traffic congestion, noise, glare, air pollution, or the emission of any potentially harmful or obnoxious matter or radiation.
- P. In addition to the above requirements, a special use application for a use in the Floodway Fringe of zoning district **CV** requires the following:
1. A letter of approval from the State Department of Environmental Quality.
  2. A location map including existing topographic data at two-foot interval contours at a scale of one inch representing 100 feet.
  3. A map showing proposed grading and drainage plans including the location of all public drainage easements, the limits, extent, and elevations of the proposed fill, excavation, and occupation.
  4. A statement from the County Drain Commissioner, County Health Department, and Director of Public Works and Engineering indicating that they have reviewed and approved the proposal.
- Q. In addition to the above requirements, a special use application for a use in the Groundwater Recharge area or zoning district **CV** requires the following:
1. A location map including existing topographic data at two-foot interval contours.
  2. A map showing proposed grading and drainage plans including the location of all public drainage easements, the limits and extent of the proposed fill, excavation, and occupation.
  3. A statement from the County Drain Commissioner, County Health Department, and Director of Public Works and Engineering indicating that they have reviewed and approved the proposal.
- R. In addition to the above requirements, the Township Code of Ordinances, Article VI, should be reviewed for the following special uses: group housing residential developments, mobile home parks, nonresidential structures and uses in residential districts, planned community and regional shopping center developments, sand or gravel pits and quarries, sod farms, junk yards, sewage treatment and disposal installations, camps and clubs for outdoor sports and buildings greater than 25,000 square feet in gross floor area.



**Special Use Permit Application Attachment  
Site Plan Requirements Per Section 86-124(c)(4)**

A site plan, drawn to a legible scale, containing the following information where applicable:

- a. Boundaries of the subject property.
- b. Total area of the subject property.
- c. Location of all existing and proposed structures.
- d. Approximate location and distance of all structures within 100 feet of the subject property.
- e. Uses of existing and proposed buildings, on the subject site.
- f. Proposed means of vehicular and pedestrian ingress and egress to the subject property.
- g. Public and private roads and streets, rights-of-way, and easements, indicating names and widths, which abut or cross the site.
- h. Existing and proposed parking spaces, and vehicular and pedestrian circulation patterns.
- i. The buildable area of the subject property indicating all required setbacks, yards and open space.
- j. Zoning classification of the subject and adjacent properties.
- k. Existing and proposed fencing, screening, landscaping, and buffers.
- l. Location and sizes of existing utilities including power lines and towers, both above and below the ground.
- m. Amount and location of all impervious surfaces.
- n. The verified boundaries of all natural water features and required setback lines.



February 12, 2021

Peter Menser  
Meridian Township  
5151 March Road  
Okemos, MI 48864

RE: SUP Application  
Lansing Mart/Buddy's  
2010-2020 Grand River Avenue  
Okemos, MI

Dear Mr. Menser:

Buddy's Pizzeria and Gershenson Realty proposed to demolish the existing Burger King Building at 2010 W Grand River and construct a Buddy's Pizzeria on that site (Meridian Charter Township Site Plan Review #20-03). Initially, the proposed plans included a water quality unit on the Buddy's site, but this solution was not acceptable to the Ingham County Drain Commissioner. ICDC is requiring detention of first flush runoff to approve the construction plans with the request that the treatment address some portion of the entire development as noted in the attached review letter dated July 1, 2020. Since there is not sufficient space to address this within the Buddy's site, the proposed location of the first flush basin is west of the retail building outside the limits of the delineated wetland but within the flood plain on the Lansing Mart Site. This basin will provide treatment for the first flush from the parking lot for the retail building and Taco Bell as well, since the three sites share an existing drainage system.

The plans proposed a total excavation of 2,275 cubic yards of material below the base flood elevation. Excavated material will be taken to an upland disposal site. No fill is proposed.

In response to the standards of Section 86-436 (n) Standards for Special Use Permits within the floodway fringe:

1. All new residential structures and residential structures requiring substantial improvement shall have the lowest floor, including basement, elevated one foot above the level of the base flood elevation.  
**Response: No residential construction is proposed.**
2. All new nonresidential structures and nonresidential structures requiring substantial improvement shall have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation or shall be floodproofed to one foot above the level of the base flood elevation.

**Response: The proposed Buddy's building finished floor elevation is 845.40, which is more than the required one foot above the base flood elevation of 842.00 (NAVD 88). The proposed elevation is the same as the existing Burger King finished floor elevation.**

3. Excavation and shaping of the floodway fringe shall be conducted in such a manner as to maintain or improve the natural impoundment capacity of the base flood elevation.

**Response: The proposed first flush basin will add 2,275 cubic yards of storage below the existing base flood elevation. The proposed basin will improve water quality into the Okemos Drain and Red Cedar River.**

In response to the standards of Section 86-436 (o) Standards for Special Use Permits within the floodway fringe:

1. A letter of map amendment or a conditional letter of map revision based on fill from the Federal Emergency management Agency (FEMA)

**Response: No fill is proposed.**

2. A letter of approval from the state department of environmental quality.

**Response: An application for permit was submitted to EGLE on February 5, 2021 and it is understood that work to construct the first flush basin cannot begin prior to receipt of the EGLE permit. Copies of e-mail acknowledgement of receipt and assignment to a reviewer are attached. Copies of the permit will be provided to the Township when received.**

In response to the Special Use Permit Application Section P:

1. A letter of approval from the State Department of Environmental Quality.

**Response: An application for permit was submitted to EGLE on February 5, 2021. Copies of the permit will be provided to the Township when received.**

2. A location map including existing topographic data at two-foot interval contours at a scale of one inch representing 100 feet.

**Response: Demolition plans show contours for the proposed basin area.**

3. A map showing proposed grading and drainage plans including the location of all public drainage easements, the limits, extent, and elevations of the proposed fill, excavation, and occupation.

**Response: See attached plans and exhibits.**

4. A statement from the County Drain Commissioner, County Health Department, and Director of Public Works and Engineering indicating that they have reviewed and approved the proposal.

**Response: The attached letter dated January 25, 2021 from the Ingham County Drain Commissioner's office provides their comments. Plans were revised to address these comments and meet the requirements of Meridian Charter Township's wetland ordinance and resubmitted to ICDC on February 11, 2021. Copies of the approval will be provided when received. Health department review does not apply to construction of a first flush basin.**

**Your e-mail dated February 11, 2021 indicated that you would send material to the Director of Public works and Engineering to secure that approval. Thank you for this assistance.**

In response to the SUP Request Standards noted on the special Use Permit Application:

1. The project is consistent with the intent and purposes of this chapter.  
**Response: The first flush basin will allow construction of a new restaurant on a site where an existing restaurant is to be demolished while providing a positive impact on water quality.**
2. The project is consistent with applicable land use policies contained in the Township's Master Plan of current adoption.  
**Response: The 2017 Master Plan identifies this area as Mixed Use Core. The proposed first flush basin will allow construction of Buddy's Pizzeria in a location accessible by public transit, which meets the goal of varied storefronts and activities.**
3. The project is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.  
**Response: The first flush basin will be harmonious with the current surrounding wetland areas and will not change the essential character of the area.**
4. The project will not adversely affect or be hazardous to existing neighboring uses.  
**Response: The project will benefit existing neighboring uses by providing stormwater volume below the base flood elevation and improving water quality in the Okemos Drain and Red Cedar River.**
5. The project will not be detrimental to the economic welfare of the surrounding properties or community.  
**Response: The first flush basin will allow construction of Buddy's Pizzeria, which will have a positive impact on the economic welfare of the surrounding community.**

6. The project is adequately served by public facilities, such as existing roads, schools, stormwater drainage, public safety, public transportation, and public recreation, or that the persons or agencies responsible for the establishment of the propose use shall be able to provide any such service.

**Response: The first flush basin is proposed to improve stormwater drainage for the site. It will not require public facilities, including roads, schools, public safety, public transportation, or public recreation.**

7. The project is adequately served by public sanitation facilities if so designed. If on-site sanitation facilities for sewage disposal, potable water supply, and storm water are proposed, they shall be properly designed and capable of handling the long term needs of the proposed project.

**Response: The first flush basin will not require any sanitation facilities.**

8. The project will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

**Response: The first flush basin will not produce traffic, noise, smoke, fumes, glare, or odors.**

9. The project will not directly or indirectly have a substantial adverse impact on the natural resources of the Township, including, but not limited to prime agricultural soils, water recharge areas, lakes, rivers, streams, major forests, wetlands, and wildlife areas.

**Response: The project will create additional volume below the base flood elevation. It will also improve water quality into the Okemos Drain and Red Cedar River. The project's location, within a commercial area, will not impact prime agricultural soils, lakes, rivers, streams, major forests, or wildlife.**

Should you have any questions or comments, please contact me at extension 226.

Sincerely,

*Michelle Shumaker*

Michelle Shumaker, PE

Attachments:

ICDC Letter dated July 1, 2020

ICDC Letter dated January 25, 2021

Exhibit Drawing for EGLE application

EGLE Receipt of Submittal dated February 5, 2021  
EGLE Status Change notice dated February 8, 2021

Cc:  
Rob Cohon, Gershenson Realty

L:\1612 (GERSHENSON - 2020 GRAND RIVER)\C\14 Outgoing Correspondence\ltr-TWP03.doc

# Patrick E. Lindemann

## Ingham County Drain Commissioner

PO Box 220  
707 Buhl Avenue  
Mason, MI 48854-0220

Phone: (517) 676-8395

Fax: (517) 676-8364

<http://dr.ingham.org>



Carla Florence Clos  
Deputy Drain Commissioner

Paul C. Pratt  
Deputy Drain Commissioner

Angie Cosman  
Chief of Engineering and Inspection

Sheldon Lewis  
Administrative Assistant

July 1, 2020

Lansing Mart Associates, LLC  
31500 Northwestern Highway, Ste 100  
Farmington Hills, MI 48334

Re: ICDC #20072  
Parcel #33-02-02-21-226-010  
Site Plan and Drain Review for Buddy's Pizza  
2010 W. Grand River Ave, Okemos, MI

Dear Mr. Cooper:

This letter is in response to a submittal by LSG Engineers & Surveyors. for a site plan and drainage review for the proposed site redevelopment at 2010 West Grand River Avenue, Okemos, Michigan. This review is based upon plans and calculations received in our office on May 21, 2020. The purpose of the project is to demolish the existing Burger King restaurant and redevelop the site with a new Buddy's Pizza restaurant. The project is in Section 21 of Meridian Township on the north side of West Grand River Avenue between Okemos Road and Marsh Road. The site occupies one parcel (Tax ID #33-02-02-21-226-010) consisting of approximately 1.64 acres. The site currently hosts a Burger King restaurant.

The plans show the proposed demolition of the existing restaurant, related pavement area, curb and gutter. Proposed construction includes a new restaurant building, associated pavement area, curb and gutter. The existing parcel drainage is achieved via a series of storm catch basins that collect site drainage and discharge it to the existing storm system that serves the entire Lansing Mart site and ultimately outletting into the Okemos Drain with no storage on site.

The proposed drainage plan consists of collecting the runoff from the redeveloped area, conveying it through numerous storm structures, and connecting to the existing system that serves the Lansing Mart site as per the existing layout. However, the new outlet from the site includes the addition of a new stormceptor STC Model 4800 treatment unit before it connects to the existing outlet. The submitted plans did not include any other drainage calculations regarding storm design requirements to comply with the Drain Office Standards. The proposed drainage system will be privately owned and managed.

DRAFT

In order to meet the Drain Commissioner's Standards, the following items must be addressed:

- 1) The storm water management system must provide, at a minimum, for the capture and treatment of the first 1" of rainfall for the entire site. Even though the proposed Stormceptor unit does provide for the needed treatment, it fails to comply with the storage/detention for 24 hours of the captured flows. The request for a waiver from the detention requirement, based on LSG's letter of June 12, 2020, is hereby denied as the Drain office has already relaxed the requirements for storage associated with 2-year, 24-hour (bankfull), and 100-year, 24-hour storm events. This requirement will hold true for all properties within the Lansing Mart site and it would be best addressed through a regional storage basin for the entire site before it drains into the Okemos Drain. Provide design and support calculations for the proposed system.
- 2) Provide a drainage area map, overlaid onto a copy of the site grading plan, which clearly shows the areas tributary to each inlet and/or storage basin including off site drainage.
- 3) Submit an approved copy of the Soil Erosion and Sedimentation Control Permit from the Meridian Charter Township Office.

The proposed storm water system for the project will remain private and future maintenance is the responsibility of the parcel owner. We recommend that a Maintenance Agreement be executed with Meridian Charter Township to ensure that the post-construction discharge from private system complies with Phase II requirements.

If you have any questions, please do not hesitate to contact me. The published *Rules of the Ingham County Drain Commissioner and Supplemental Standards* are available at [http://drain.ingham.org/departments and officials/drain commission/](http://drain.ingham.org/departments_and_officials/drain_commission/). It is an honor and a privilege to serve you and the other businesses, citizens and municipalities of Ingham County.

Sincerely,

Angie Cosman  
Ingham County Drain Engineer

cc: Alan Boyer, PE, LSG Engineers & Surveyors  
Michelle Shumaker, PE, LSG Engineers & Surveyors  
Derek Perry, Meridian Township Public Works & Engineering

# Patrick E. Lindemann

## Ingham County Drain Commissioner

PO Box 220  
707 Buhl Avenue  
Mason, MI 48854-0220

Phone: (517) 676-8395

Fax: (517) 676-8364

<http://dr.ingham.org>



Carla Florence Clos  
*Deputy Drain Commissioner*

Paul C. Pratt  
*Deputy Drain Commissioner*

Angie Cosman  
*Chief of Engineering and Inspection*

Sheldon Lewis  
*Administrative Assistant*

January 25, 2021

Lansing Mart Associates, LLC  
31500 Northwestern Highway, Ste. 100  
Farmington Hills, MI 48334

Re: ICDC #20072  
Parcel #33-02-02-21-226-010  
Site Plan and Drainage Review for Buddy's Pizza  
2010 W. Grand River Ave., Okemos, MI  
Okemos Drain

Dear Mr. Cooper:

We are in receipt of modified plans and support documents dated November 18, 2020 from LSG Engineers & Surveyors for a site plan and drainage review for the proposed site redevelopment at 2010 West Grand River Avenue, Okemos, Michigan. This submittal reflects the understanding of the discussions that took place during the Zoom meeting on October 26, 2020 between ICDC staff and Gershenson Reality. The purpose of the project is to demolish the existing Burger King restaurant and redevelop the site with a new Buddy's Pizza restaurant. The project is in Section 21 of Meridian Charter Township, on the north side of West Grand River Avenue between Okemos Road and Marsh Road. The site occupies one parcel (Tax ID #33-02-02-21-226-010), consisting of approximately 1.64 acres. The site currently hosts a Burger King restaurant.

LSG has modified the plans to provide a detention basin for the first 1" of rainfall from 6.56 acres of the site that includes the proposed site for Buddy's Pizza, the Taco Bell site and associated parking areas around both facilities. The first flush basin is being proposed in a floodplain area, which requires an EGLE permit. The November 23, 2020 letter from LSG Engineer Michelle Shumaker indicates that the basin will be constructed once a permit is issued, but no copies were submitted of the actual permit application and/or support documents. The letter also asks that an approval be given to proceed with the demolition of the existing facility pending the EGLE permit being issued.

Based on our review of the submitted documents, the basin sizing is appropriate to handle the intended capture and treatment of the 1" of rainfall from the designated 6.56-acre contributing area from the overall Lansing Mart site. However, some clarification is requested to ensure that the designated area captures correctly the contributing drainage areas to the proposed basin. In addition, the designed weir

system within the newly placed manhole, over the existing 24" sewer, needs to be reconfigured to ensure that initial flows from the initial 1" of rainfall are captured into the basin and do not bypass it and flow into the Drain.

Therefore, the above-referenced site plan for Buddy's Pizza is hereby approved to start demolition on the existing facility. Final approval of the site plan is conditional on the following:

1. Submittal of an accurate sub-drainage area contributing to the proposed basin.
2. Completion of the basin construction and related design elements within six months of demolition.
3. Submittal of a copy of the EGLE permit for the basin construction and Meridian Charter Township's SESC permit.
4. Modification of the weir design.
5. Addition of LID elements to control volume. Additional trees could comply with the requirement.

The proposed stormwater system will remain private and future maintenance is the responsibility of the owner. A Maintenance Agreement with the Okemos Drain Drainage District must be developed, executed and recorded prior to the Certificate of Occupancy. A draft copy of a Maintenance Agreement to cover all the private drainage on the site is enclosed for your review. You will need to prepare Exhibit A (legal description); Exhibit B (an 8-1/2" x 14" Exhibit showing the drainage structures on the property); and Exhibit C (inventory of facilities, maintenance checklist, and a schedule). The owner's notarized signature must be placed on the document and submitted to our office for recording with the required recording fee (\$30).

If you have any questions, please do not hesitate to contact me. It is an honor and a privilege to serve you and the other businesses, citizens and municipalities of Ingham County.

Sincerely,



Angie Cosman  
Ingham County Drain Engineer

enclosure

cc: Alan Boyer, PE, LSG Engineers & Surveyors  
Michelle Shumaker, PE, LSG Engineers & Surveyors  
Derek Perry, Meridian Township Public Works and Engineering  
Younes Ishraidi, Meridian Township Public Works and Engineering  
Peter Menser, Meridian Township Community Planning and Development

## **DRAINAGE FACILITIES MAINTENANCE AGREEMENT**

This Drainage Facilities Maintenance Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by and between LANSING MART ASSOCIATES, LLC, (the "Owner") whose address is 31500 Northwestern Hwy., Ste. 100, Farmington Hills, MI 48334, and Patrick E. Lindemann, Ingham County Drain Commissioner on behalf of the OKEMOS DRAIN DRAINAGE DISTRICT, (the "Drainage District") P.O. Box 220, 707 Buhl Avenue, Mason, Michigan 48854-0220.

### **RECITALS**

1. Owner is the owner and has developed the real property described on Exhibit A which is attached hereto and incorporated herein by reference (the "Property"); and
2. Owner's development plans provide for storm water collection and treatment for the Property to be constructed on a portion of the Property, as shown on Exhibit B, and to remain in private ownership; and
3. The Drainage District is requiring the Owner to enter into an agreement concerning the operation and maintenance of the drainage system for the Property.

### **NOW, THEREFORE, IT IS AGREED:**

- (a) Owner shall be solely responsible for all costs necessary for the construction and establishment of facilities for stormwater collection and treatment (hereafter known as drainage system facilities) as approved by the Ingham County Drain Commissioner's Office.

(b) Owner shall be solely responsible for all maintenance of the drainage system facilities according to the attached Maintenance Schedule (See Exhibit C attached hereto and incorporated herein by reference). In all cases, drainage facilities shall be maintained to their designed capacity or function, as approved by the Ingham County Drain Commissioner. In addition, the County Drain Commissioner's Office shall have the right to inspect the drainage system on seven (7) days prior written notice to Owner. In case of emergency, the Drain Commissioner shall have immediate access to the drainage system.

(c) Owner does hereby grant, release and convey to the County Drain Commissioner's Office, its agents, employees and contractors, permission to enter the Property for the purpose of inspecting the drainage system and maintenance thereof, and to perform such maintenance as may be required in the event Owner fails to perform the required maintenance under the terms of this Agreement.

(d) In the event Owner fails to perform the maintenance required under this Agreement, the County Drain Commissioner shall make a written request via first class mail for performance of the maintenance, and if Owner does not perform the necessary maintenance to correct such failure within thirty (30) days of the date of mailing of the notice, the County Drain Commissioner shall have the right to perform the required maintenance, with all costs to be paid by Owner. In such event, the County Drain Commissioner's Office and its agents, employees, contractors, and assigns shall have the right to enter the Property for the purpose of performing such maintenance without any additional notice other than the thirty (30) day notice set forth above. The County Drain Commissioner shall provide Owner with written verification of all costs incurred and Owner shall pay this amount within fifteen (15) days after receipt of the accounting. In the event that Owner fails to pay such costs, the Owner authorizes the Drainage District to

levy an assessment against the Property to be paid in the same manner as assessments levied pursuant to the Michigan Drain Code of 1956, as amended (MCL 280.1, et. seq.)

(e) Owner shall be responsible for the cost of all required inspections and shall provide to the Ingham County Drain Commissioner written verification of compliance with the Maintenance Schedule on or before July 31<sup>st</sup> of each year.

(f) This Agreement shall be binding upon the parties hereto, their legal representatives, successors and assigns, and the covenants contained herein shall run with the Property.

(g) Any notice or other communication required or desired to be given under this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if delivered personally to the party to whom the same is delivered, or sent by first class mail addressed to the party whose name appears upon the last City or Township Tax Assessment Roll as owning the property at the address shown on the roll. The Drain Commissioner shall make an affidavit of said mailing. Any notice that is served personally shall be deemed to be given on the date in which the same is actually served. Any notice that is served by first class mail shall be deemed to be given on the date of mailing as documented by the affidavit. Any party may change its address for purposes of this Agreement by giving the other party notice in the manner provided herein for the giving of notices.

OKEMOS DRAIN DRAINAGE DISTRICT

\_\_\_\_\_  
Patrick E. Lindemann  
Ingham County Drain Commissioner

STATE OF MICHIGAN)  
  )ss.  
COUNTY OF INGHAM)

Acknowledged before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
by Patrick E. Lindemann, Ingham County Drain Commissioner, on behalf of the OKEMOS  
DRAIN DRAINAGE DISTRICT.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public  
State of Michigan, County of \_\_\_\_\_  
My Comm. Expires: \_\_\_\_\_  
Acting in the County of \_\_\_\_\_

“Owner”  
LANSING MART ASSOCIATES, LLC

\_\_\_\_\_  
By:  
Its: Authorized Member

STATE OF MICHIGAN     )  
  )ss.  
COUNTY OF \_\_\_\_\_)

Acknowledged before me, a Notary Public, by \_\_\_\_\_, Authorized Member  
of LANSING MART ASSOCIATES, LLC, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public  
State of Michigan, County of \_\_\_\_\_  
My Comm. Expires: \_\_\_\_\_  
Acting in the County of \_\_\_\_\_

DRAFTED BY, RETURN TO:  
Patrick E. Lindemann  
Ingham County Drain Commissioner  
707 Buhl Avenue  
Mason, Michigan 48854

**EXHIBIT A TO MAINTENANCE AGREEMENT**

(Property description)

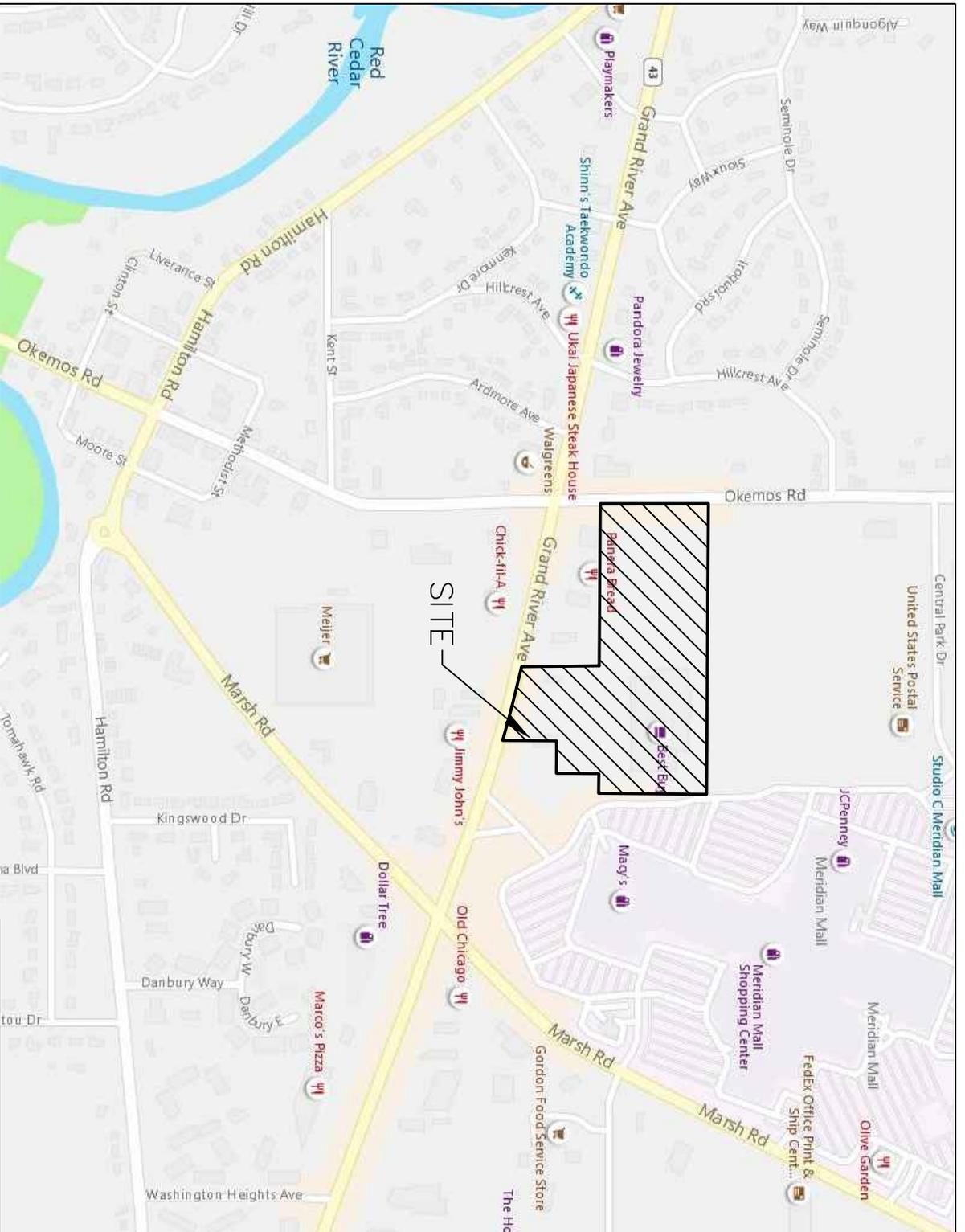
**EXHIBIT B TO MAINTENANCE AGREEMENT**

(Storm System Plan As-Builts - on an 8½" x 11" or 8½" x 14" Sheet of Paper)

**EXHIBIT C TO MAINTENANCE AGREEMENT**

Drainage facilities shall be maintained to function at their designed capacity,  
as approved by the Ingham County Drain Commissioner.

(Add Maintenance Schedule)

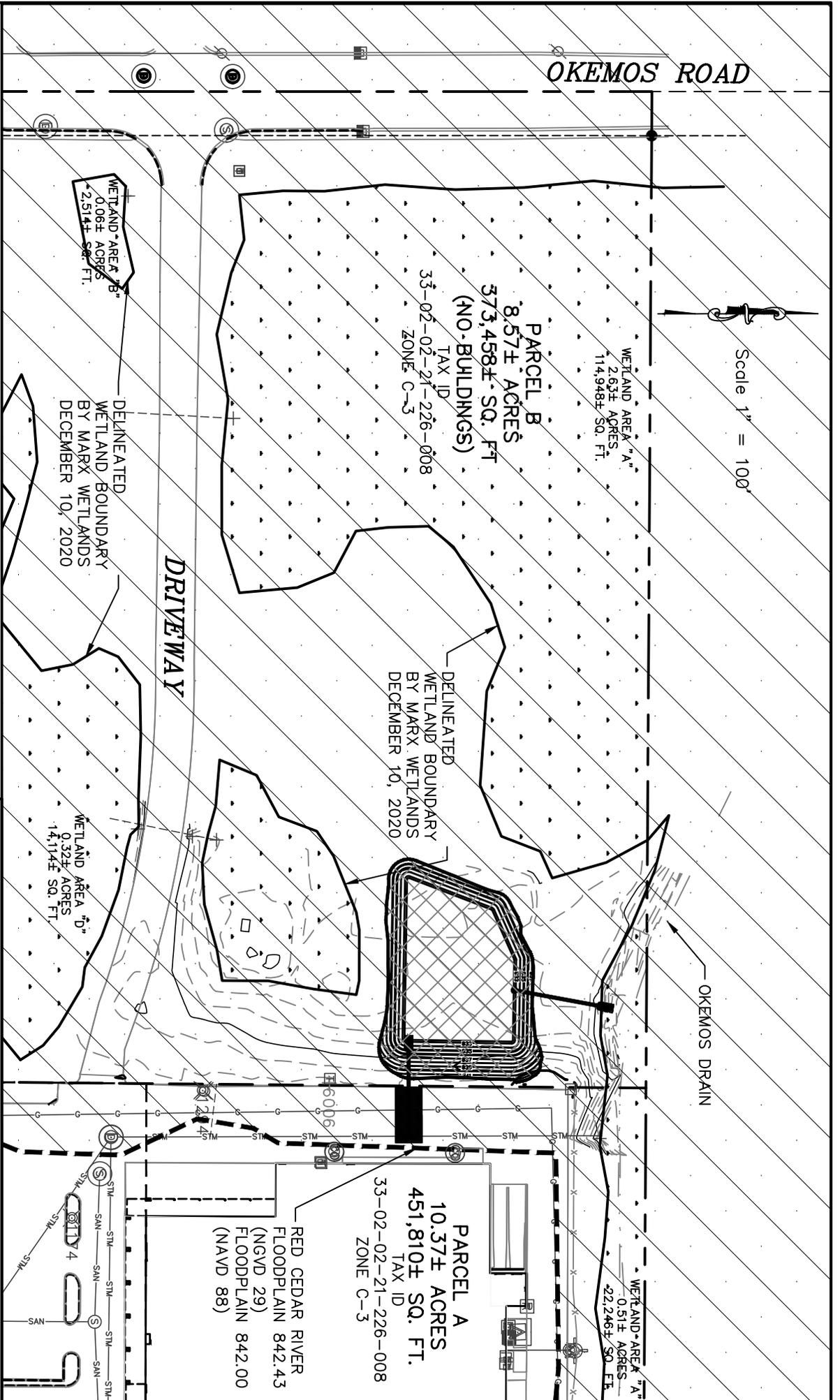


SECTION 21  
 T4N-R1W  
 MERIDIAN CHARTER TOWNSHIP  
 INGHAM COUNTY

LOCATION MAP  
 LANSING MART/BUDDY'S

PERMIT #

APPLICANT: LANSING MART ASSOCIATES, LLC  
 WATERWAY: OKEMOS DRAIN  
 CITY: MERIDIAN CHARTER TOWNSHIP, MICHIGAN  
 COUNTY: INGHAM  
 SHEET: 1 OF 7  
 DATE: JANUARY 26, 2021  
 EXHIBIT: LOCATION-1



Scale 1" = 100'

WETLAND AREA "A"  
2.63± ACRES  
114,948± SQ. FT.

PARCEL B  
8.57± ACRES  
373,458± SQ. FT  
(NO. BUILDINGS)

TAX ID  
33-02-02-21-226-008  
ZONE C-3

DRIVEWAY

DELINEATED  
WETLAND BOUNDARY  
BY MARK WETLANDS  
DECEMBER 10, 2020

DELINEATED  
WETLAND BOUNDARY  
BY MARK WETLANDS  
DECEMBER 10, 2020

WETLAND AREA "D"  
0.32± ACRES  
14,114± SQ. FT.

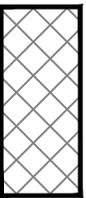
OKEMOS DRAIN

WETLAND AREA "A"  
0.51± ACRES  
22,246± SQ. FT.

PARCEL A  
10.37± ACRES  
451,810± SQ. FT.  
TAX ID  
33-02-02-21-226-008  
ZONE C-3

RED CEDAR RIVER  
FLOODPLAIN 842.43  
(NGVD 29)  
FLOODPLAIN 842.00  
(NAVD 88)

**LEGEND**



CUT AREAS

TOTAL 2,275 CY CUT BELOW  
BASE FLOOD ELEVATION

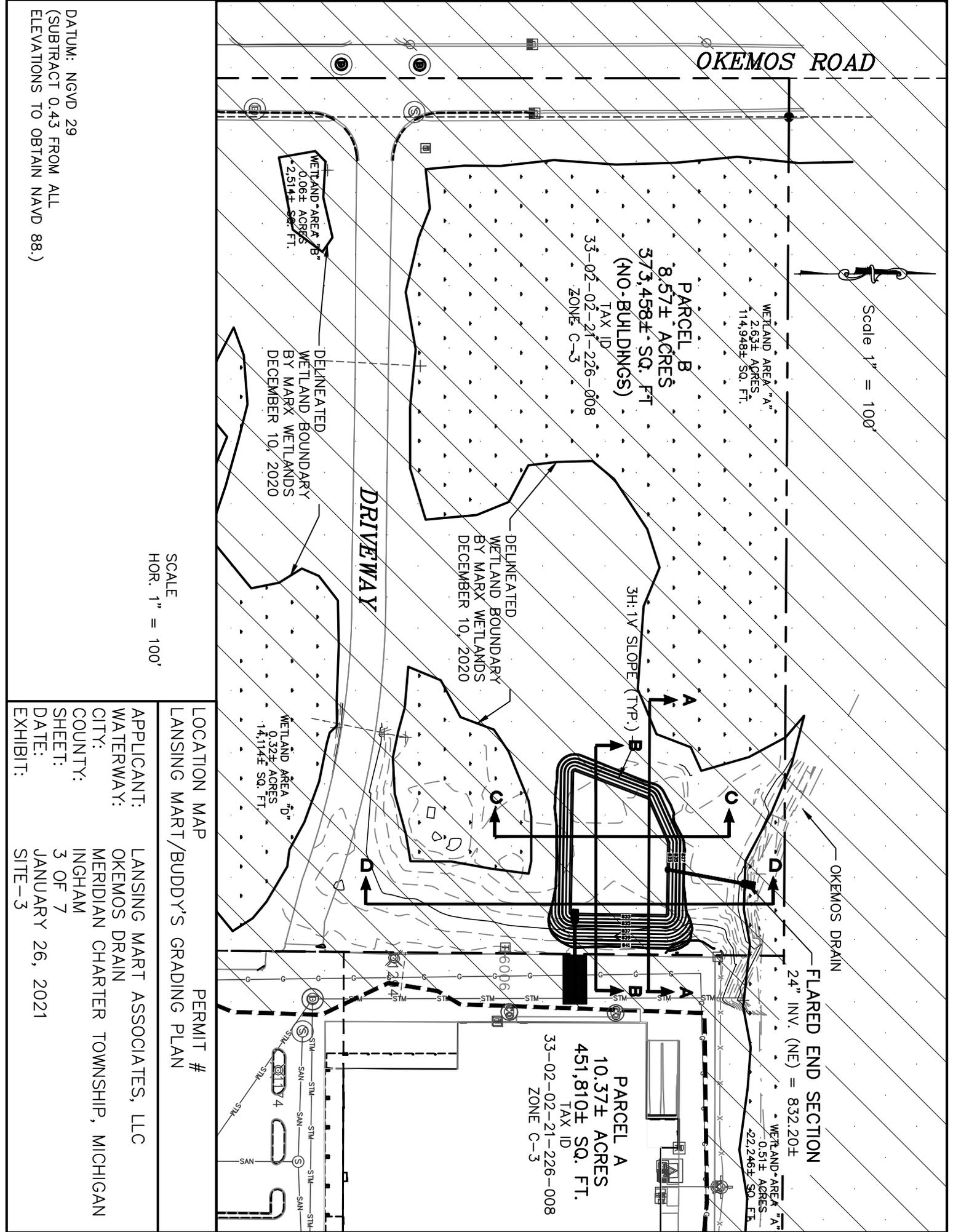
LOCATION MAP  
LANSING MART/BUDDY'S SITE PLAN

PERMIT #

APPLICANT: LANSING MART ASSOCIATES, LLC  
 WATERWAY: OKEMOS DRAIN  
 CITY: MERIDIAN CHARTER TOWNSHIP, MICHIGAN  
 COUNTY: INGHAM  
 SHEET: 2 OF 7  
 DATE: JANUARY 26, 2021  
 EXHIBIT: SITE-1

DATUM: NGVD 29  
 (SUBTRACT 0.43 FROM ALL  
 ELEVATIONS TO OBTAIN NAVD 88.)

SCALE  
 HOR. 1" = 100'



Scale 1" = 100'

OKEMOS ROAD

WETLAND AREA "A"  
2.63± ACRES  
114,948± SQ. FT.

PARCEL B  
8.57± ACRES  
373,458± SQ. FT  
(NO. BUILDINGS)  
TAX ID  
33-02-02-21-226-008  
ZONE C-3

DELINEATED  
WETLAND BOUNDARY  
BY MARY WETLANDS  
DECEMBER 10, 2020

DRIVEWAY

DELINEATED  
WETLAND BOUNDARY  
BY MARY WETLANDS  
DECEMBER 10, 2020

3H:1V SLOPE (TYP.)

OKEMOS DRAIN

FLARED END SECTION  
24" INV. (NE) = 832.20±

WETLAND AREA "A"  
0.51± ACRES  
22,246± SQ. FT.

PARCEL A  
10.37± ACRES  
451,810± SQ. FT.  
TAX ID  
33-02-02-21-226-008  
ZONE C-3

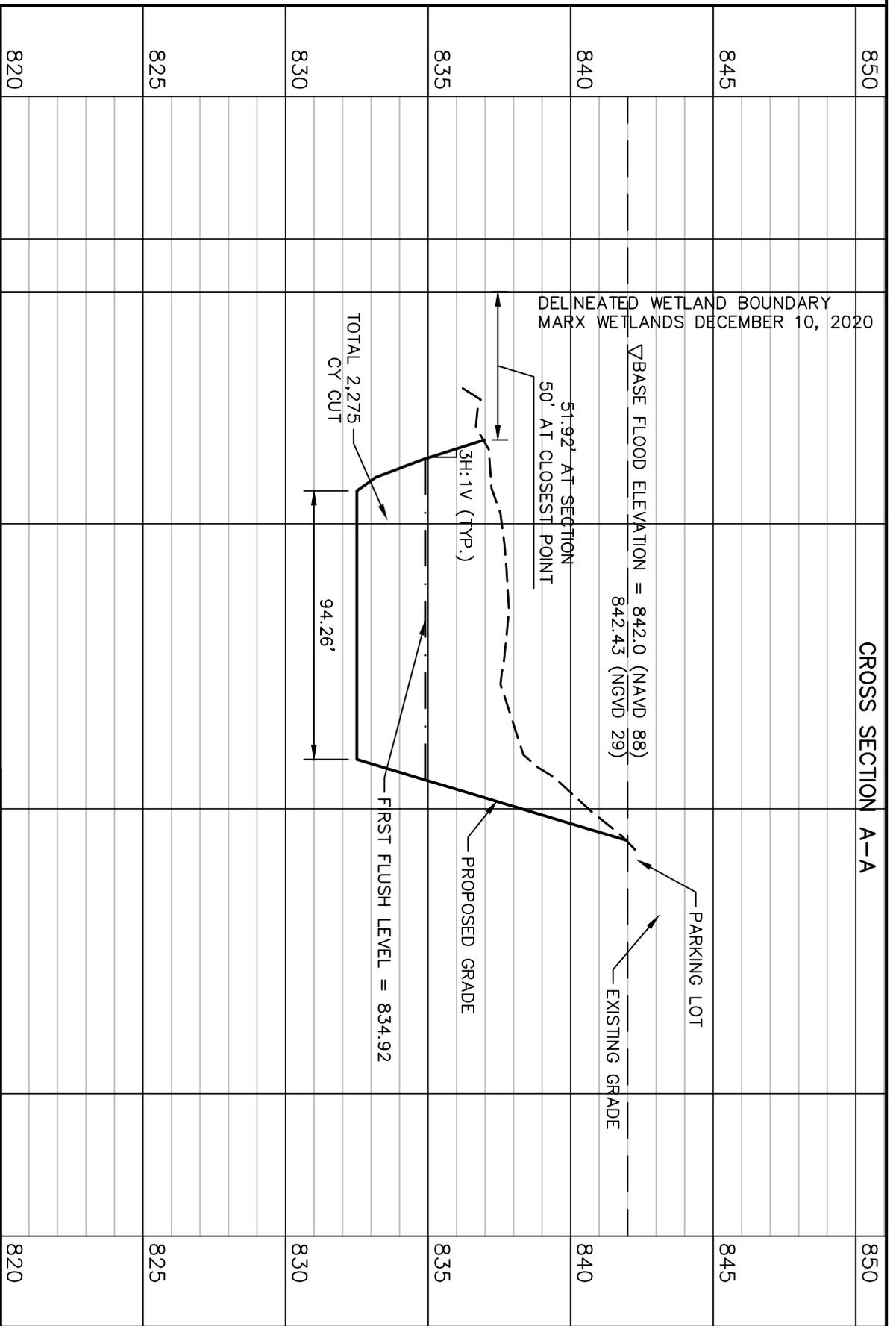
WETLAND AREA "D"  
0.32± ACRES  
14,114± SQ. FT.

SCALE  
HOR. 1" = 100'

LOCATION MAP  
LANSING MART/BUDDY'S GRADING PLAN  
PERMIT #

APPLICANT: LANSING MART ASSOCIATES, LLC  
 WATERWAY: OKEMOS DRAIN  
 CITY: MERIDIAN CHARTER TOWNSHIP, MICHIGAN  
 COUNTY: INGHAM  
 SHEET: 3 OF 7  
 DATE: JANUARY 26, 2021  
 EXHIBIT: SITE-3

DATUM: NGVD 29  
 (SUBTRACT 0.43 FROM ALL  
 ELEVATIONS TO OBTAIN NAVD 88.)



SCALE  
HOR. 1" = 50'  
VERT. 1" = 1'

LOCATION MAP  
LANSING MART/BUDDY'S

PERMIT #

APPLICANT: LANSING MART ASSOCIATES, LLC  
 WATERWAY: OKEMOS DRAIN  
 CITY: MERIDIAN CHARTER TOWNSHIP, MICHIGAN  
 COUNTY: INGHAM  
 SHEET: 4 OF 7  
 DATE: JANUARY 26, 2021  
 EXHIBIT: X-SECTION A-A

DATUM: NGVD 29  
 (SUBTRACT 0.43 FROM ALL  
 ELEVATIONS TO OBTAIN NAVD 88.)

ELEVATION	CROSS SECTION B-B	PERMIT #
850		
845		
	▽ BASE FLOOD ELEVATION = 842.0 (NAVD 88) 842.43 (NGVD 29)	
840		
835		
830		
825		
820		

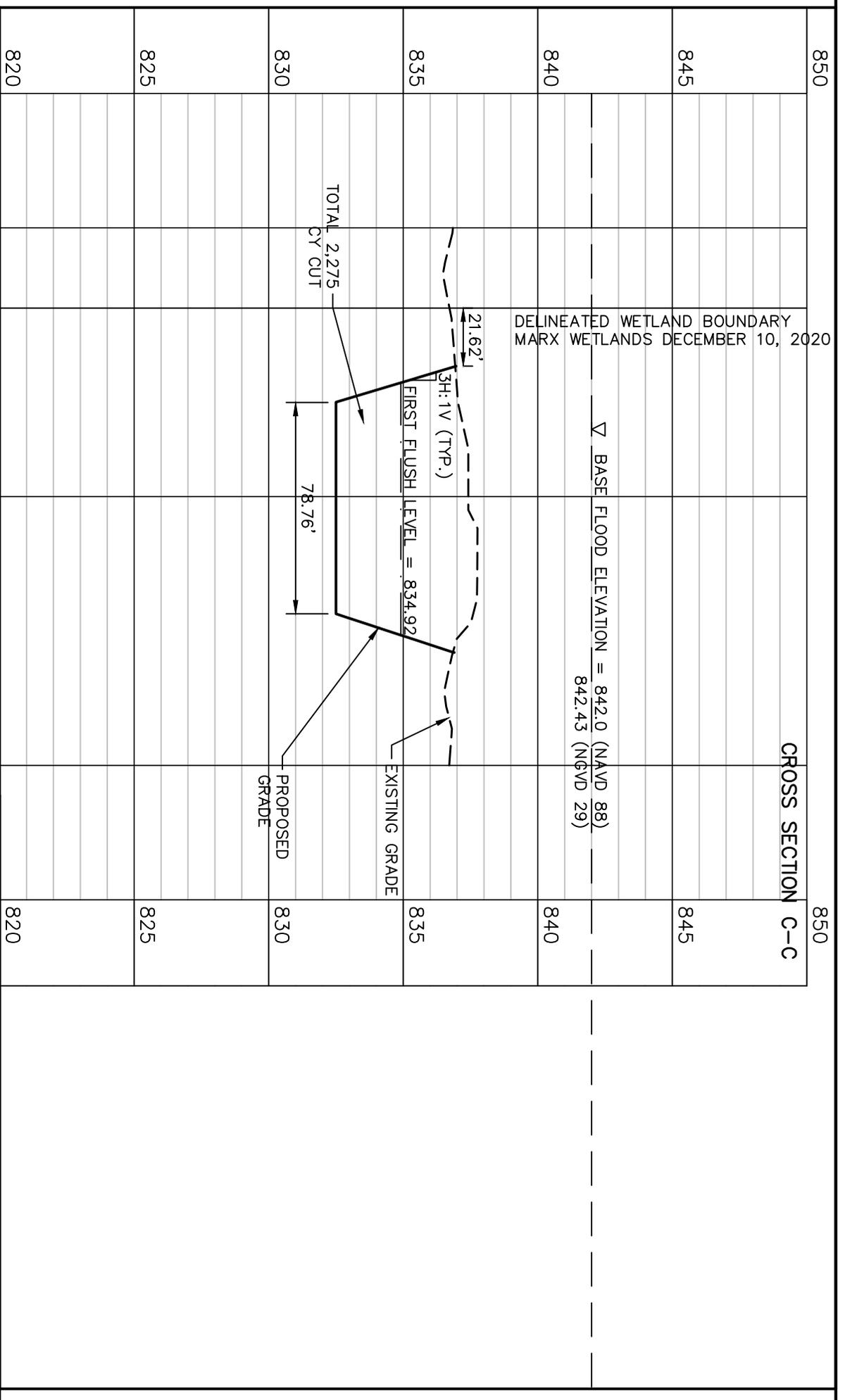
SCALE  
 HOR. 1" = 50'  
 VERT. 1" = 1'

LOCATION MAP  
 LANSING MART/BUDDY'S

PERMIT #

APPLICANT: LANSING MART ASSOCIATES, LLC  
 WATERWAY: OKEMOS DRAIN  
 CITY: MERIDIAN CHARTER TOWNSHIP, MICHIGAN  
 COUNTY: INGHAM  
 SHEET: 5 OF 7  
 DATE: JANUARY 26, 2021  
 EXHIBIT: X-SECTION B-B

DATUM: NGVD 29  
 (SUBTRACT 0.43 FROM ALL  
 ELEVATIONS TO OBTAIN NAVD 88.)



CROSS SECTION C-C

SCALE  
 HOR. 1" = 50'  
 VERT. 1" = 1'

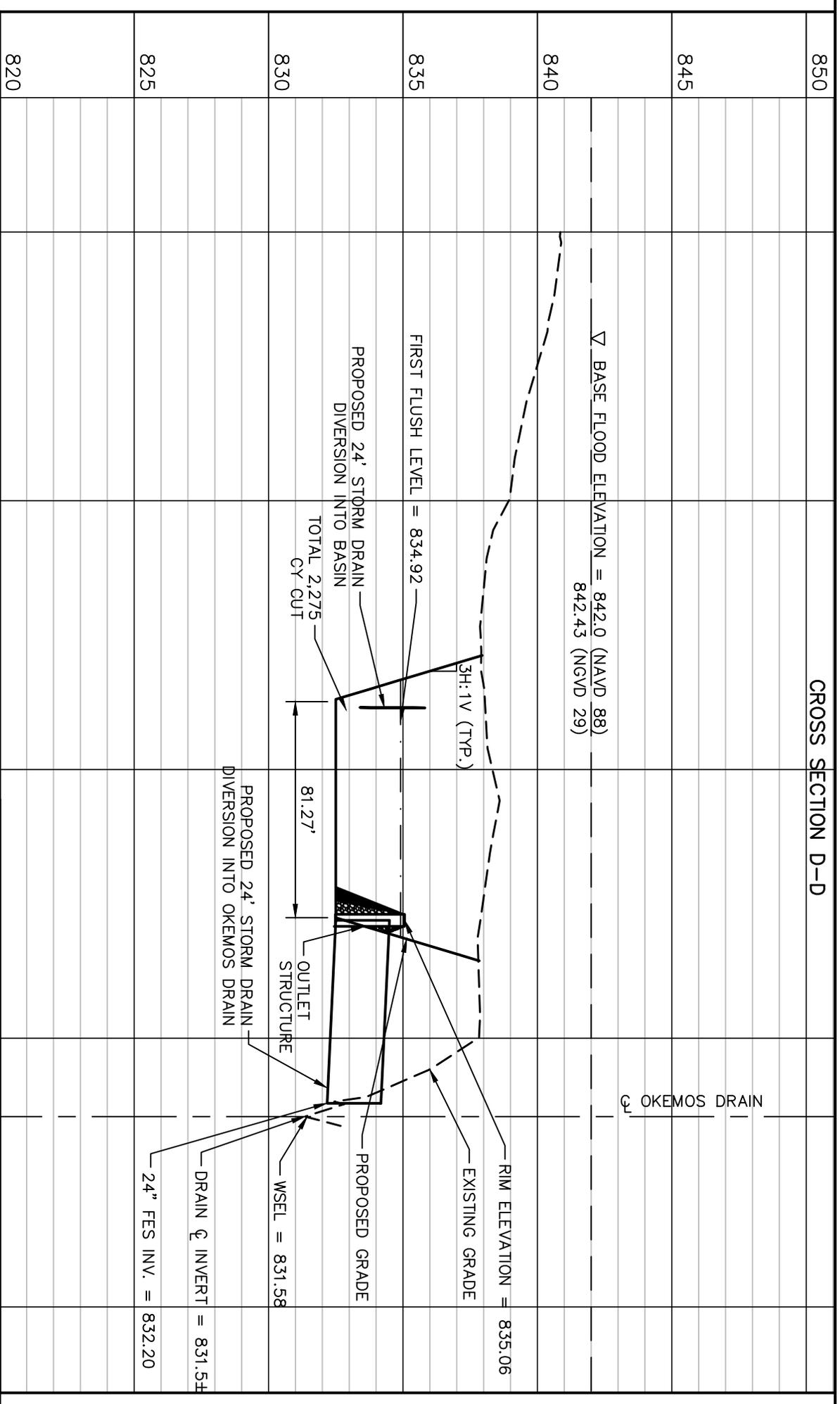
LOCATION MAP  
 LANSING MART/BUDDY'S

PERMIT #

APPLICANT: LANSING MART ASSOCIATES, LLC  
 WATERWAY: OKEMOS DRAIN  
 CITY: MERIDIAN CHARTER TOWNSHIP, MICHIGAN  
 COUNTY: INGHAM  
 SHEET: 6 OF 7  
 DATE: JANUARY 26, 2021  
 EXHIBIT: X-SECTION C-C

DATUM: NGVD 29  
 (SUBTRACT 0.43 FROM ALL  
 ELEVATIONS TO OBTAIN NAVD 88.)

CROSS SECTION D-D



850

845

840

835

830

825

820

▽ BASE FLOOD ELEVATION = 842.0 (NAVD 88)  
842.43 (NGVD 29)

FIRST FLUSH LEVEL = 834.92

PROPOSED 24' STORM DRAIN  
DIVERSION INTO BASIN

TOTAL 2,275  
CY CUT

3H:1V (TYP.)

81.27'

PROPOSED 24' STORM DRAIN  
DIVERSION INTO OKEMOS DRAIN

OUTLET  
STRUCTURE

OKEMOS DRAIN

RIM ELEVATION = 835.06

EXISTING GRADE

PROPOSED GRADE

WSEL = 831.58

DRAIN  $\phi$  INVERT = 831.54

24" FES INV. = 832.20

SCALE  
HOR. 1" = 50'  
VERT. 1" = 1'

LOCATION MAP  
LANSING MART/BUDDY'S

PERMIT #

APPLICANT: LANSING MART ASSOCIATES, LLC  
 WATERWAY: OKEMOS DRAIN  
 CITY: MERIDIAN CHARTER TOWNSHIP, MICHIGAN  
 COUNTY: INGHAM  
 SHEET: 7 OF 7  
 DATE: JANUARY 26, 2021  
 EXHIBIT: X-SECTION D-D

DATUM: NGVD 29  
 (SUBTRACT 0.43 FROM ALL  
 ELEVATIONS TO OBTAIN NAVD 88.)

## Michelle Shumaker

---

**From:** MiWaters Support <EGLE-WRD-MiWaters@michigan.gov>  
**Sent:** Friday, February 5, 2021 1:46 PM  
**To:** Michelle Shumaker  
**Subject:** Application/Service Request Receipt Acknowledgement - HP6-20JF-3VKQQ, Lansing Mart/Buddy's Okemos

Michelle Shumaker,

This is to notify you that Michigan Department of Environment, Great Lakes, and Energy has received your submission. Details of your submission are presented below:

Form Name: **Digital EGLE/USACE Joint Permit Application (JPA) for Inland Lakes and Streams, Great Lakes, Wetlands, Floodplains, Dams, Environmental Areas, High Risk Erosion Areas and Critical Dune Areas**

Submission Reference Number: **HP6-20JF-3VKQQ**

System Receipt Date: 2/5/2021 1:35 PM

Facility, Site, or Project Name: Lansing Mart/Buddy's Okemos

Additional notifications will be sent when key events are recorded or when submission processing milestones are achieved.

You can access MiWaters using the link below if you need to modify your application.

<https://miwaters.deq.state.mi.us/miwaters/>

This is an automated email sent by MiWaters.

**Michelle Shumaker**

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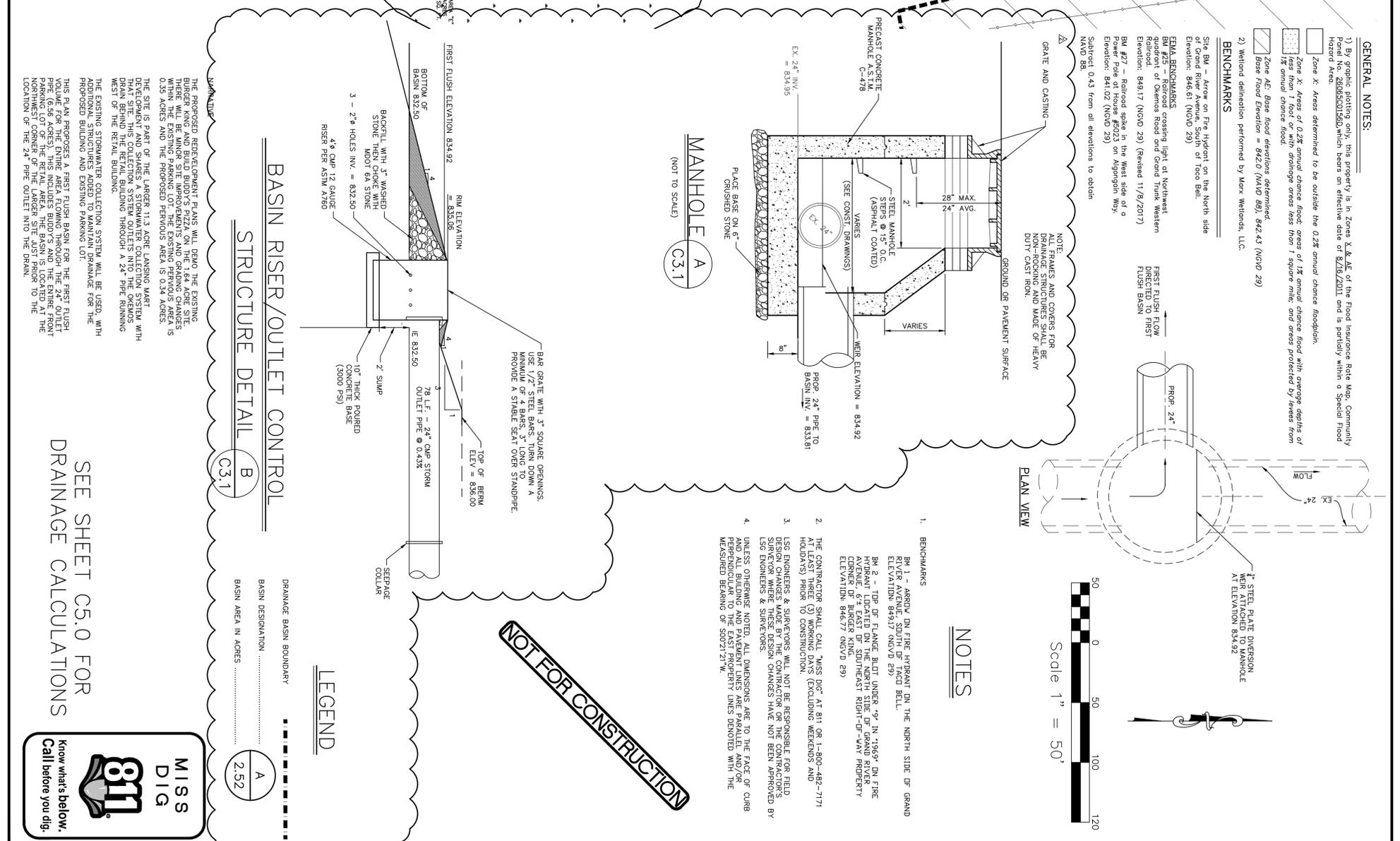
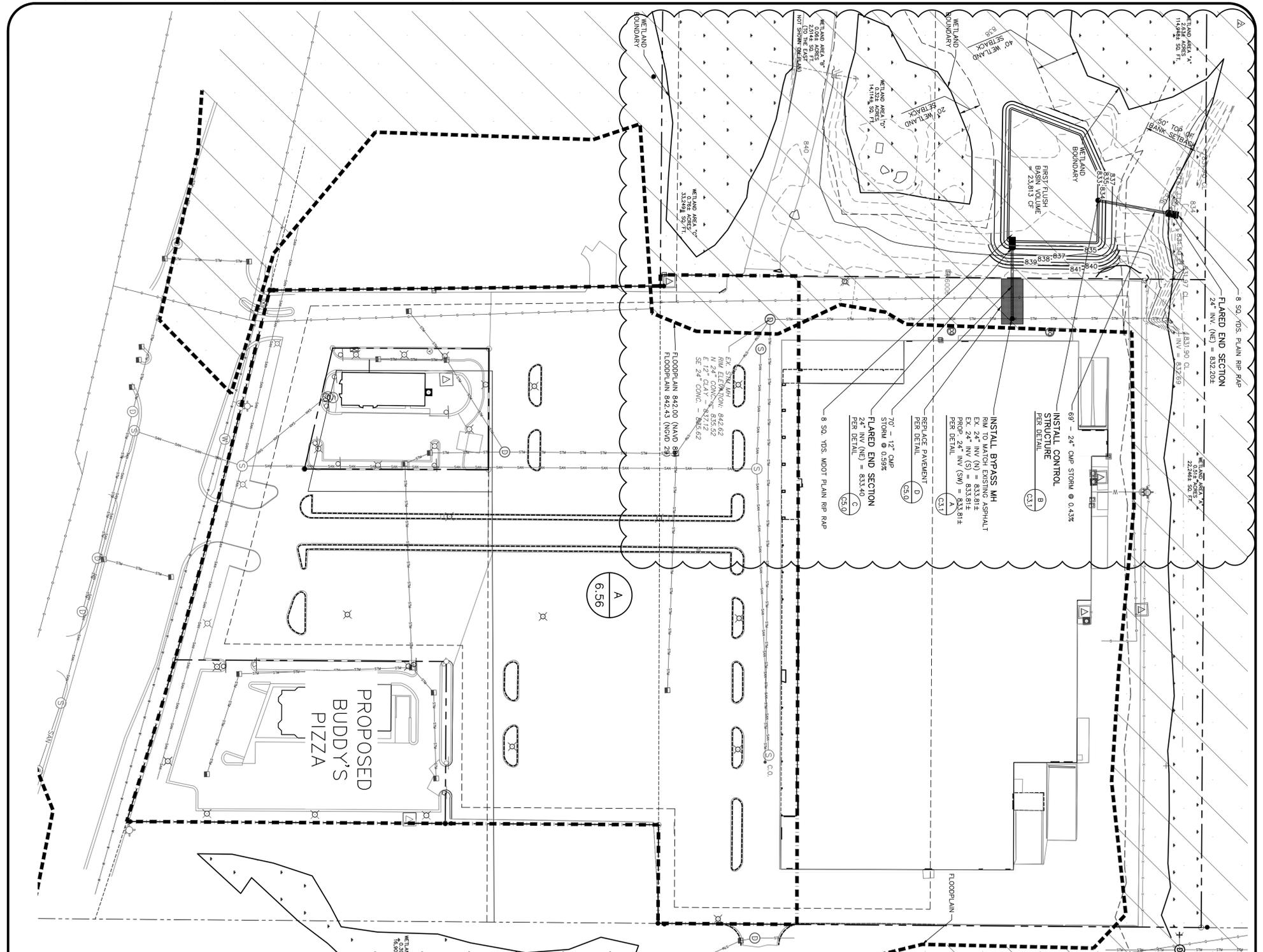
**From:** MiWaters Support <EGLE-WRD-MiWaters@michigan.gov>  
**Sent:** Monday, February 8, 2021 12:01 PM  
**To:** Michelle Shumaker  
**Subject:** Submission Status Change Notification - HP6-20JF-3VKQQ, Lansing Mart/Buddy's Okemos

MiWaters User,

This notification is to inform you of a status change on your submission of "Digital EGLE/USACE Joint Permit Application (JPA) for Inland Lakes and Streams, Great Lakes, Wetlands, Floodplains, Dams, Environmental Areas, High Risk Erosion Areas and Critical Dune Areas" (submission **HP6-20JF-3VKQQ**) for Lansing Mart/Buddy's Okemos. The status has been updated to status "In Process" on 2/8/2021 11:57 AM.

The processor assigned to your submission is Carol Valor.

This is an automated notification generated by MiWaters.



**GENERAL NOTES:**

- 1) By graphic plotting only, this property is in Zones X & AE of the Flood Insurance Rate Map, Community Panel No. 260650015B0, which bears an effective date of 8/16/2011 and is partially within a Special Flood Hazard Area.
- 2) Wetland delineation performed by Mark Wetlands, LLC.
- 3) Zone X: Areas determined to be outside the 0.2% annual chance floodplain.
- 4) Zone AE: Base flood elevations determined.
- 5) Zone X: Areas of 0.2% annual chance flood: areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood.
- 6) Site BM - Arrow on Fire Hydrant on the North side of Grand River, located at the intersection of Grand River and River Avenue, South of Taco Bell. Elevation: 846.61 (NGVD 29)
- 7) FRA SPURWAYS: BM #25 - Railroad crossing light of Northwest Railroad, quarter of Okemos Road and Grand Trunk Western Railroad. 949.17 (NGVD 29) (Revised 11/9/2017)
- 8) BM #27 - Railroad spike in the West side of a power Pole at House #2023 on Argosian Way. Elevation: 941.02 (NGVD 29)
- 9) Subtract 0.43 from all elevations to obtain NAVD 88.

**NOTES**

1. BENCHMARKS  
BM 1 - ARROW ON FIRE HYDRANT ON THE NORTH SIDE OF GRAND RIVER AVENUE, SOUTH OF TACO BELL. ELEVATION: 949.17 (NGVD 29)
2. BM 2 - TOP OF FLANGE BOLT UNDER 9" IN 1166" DN FIRE HYDRANT LOCATED ON THE NORTH SIDE OF GRAND RIVER CORNER OF BURGER KING. ELEVATION: 946.77 (NGVD 29)
3. THE CONTRACTOR SHALL CALL "MISS DIG" AT 811 OR 1-800-482-7171 AT LEAST THREE (3) WORKING DAYS (EXCLUDING WEEKENDS AND HOLIDAYS) PRIOR TO CONSTRUCTION.
4. LSE ENGINEERS & SURVEYORS WILL NOT BE RESPONSIBLE FOR FIELD SURVEYOR WHERE THESE DESIGN CHANGES HAVE NOT BEEN APPROVED BY LSE ENGINEERS & SURVEYORS.
5. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE TO THE FACE OF CURB AND ALL BUILDING AND PAVEMENT LINES ARE PARALLEL AND/OR PERPENDICULAR TO THE EAST PROPERTY LINES DENOTED WITH THE MENSURED BEARING OF S002121W.

SEE SHEET C5.0 FOR DRAINAGE CALCULATIONS

Know what's below. Call before you dig.

**STORM WATER QUALITY PLAN - (FULL SITE)**  
FOR  
**BURGER KING DEMOLITION**  
2010 W. GRAND RIVER  
OKEMOS, MI 48864

PREPARED FOR:  
**GERSHENSON REALTY + INVESTMENT, LLC**  
31500 NORTHWESTERN HIGHWAY, STE 100  
FARMINGTON HILLS, MI 48334  
PHONE: (248) 785-2300

3135 PINE TREE ROAD  
LANSING, MI 48911  
PHONE: (313) 403-4499  
FAX: (313) 393-2008  
www.lsg-usa.com

**LSCG**  
Engineers & Surveyors

DATE	DESCRIPTION	BY
2/8/21	100% RESUBMITTAL	MJS
1/16/20	100% RESUBMITTAL	MJS

REVISIONS/SUBMITTALS

PROJECT NO. 1612

SHEET NO. 31

SCALE: 1" = 50'

DATE: OCTOBER 16, 2020

DESIGNED BY: MJS

CHECKED BY: ADB

DATE: OCTOBER 16, 2020





**Meridian Township**  
5151 Marsh Road  
Okemos, MI 48864

P 517.853.4000  
F 517.853.4096

**Township Board:**

**Ronald J. Styka**  
*Township Supervisor*

**Deborah Guthrie**  
*Township Clerk*

**Phil Deschaine**  
*Township Treasurer*

**Patricia Herring  
Jackson**  
*Township Trustee*

**Dan Opsommer**  
*Township Trustee*

**Kathy Ann Sundland**  
*Township Trustee*

**Courtney Wisinski**  
*Township Trustee*

**Frank L. Walsh**  
*Township Manager*

02/22/2021

**Peter Menser**  
Principal Planner

Dear Mr. Menser:

Subject: 2010 Grand River Avenue – SUP Review

Per the plan dated October 16, 2020, the applicant is proposing a first flush basin within the regulatory floodplain on the larger 2020 Grand River parcel. The basin is listed as a 23,813 CF cut in the floodplain, with no proposed fill. Based on this, the proposed work will provide a net benefit to the floodplain, and thus meets with the approval of the Engineering Office.

If the plans change, please provide our office an updated copy for further review.

Sincerely,

**Nyal Nunn, CFM**  
Senior Project Engineer/DPW  
[nunn@meridian.mi.us](mailto:nunn@meridian.mi.us)  
W 517.853.4468 | F 517.853.4095  
5151 Marsh Road | Okemos, MI 48864  
[meridian.mi.us](http://meridian.mi.us)



**To:** Planning Commission

**From:** Peter Menser, Principal Planner  
Keith Chapman, Assistant Planner

**Date:** March 5, 2021

**Re:** Zoning Amendment #21010 (Township Board), amend Code of Ordinances to require Township Board approval of special use permits for motor vehicle sales and service establishments and automobile dealerships in the C-2 and C-3 (Commercial) zoning districts.

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The Planning Commission discussed Zoning Amendment #21010 at its last meeting on February 22, 2021. After discussing the proposed amendment the Planning Commission agreed to consider a resolution to recommend approval at its next meeting on March 8, 2021. The only changes to the text of the draft ordinance since the public hearing was to replace the word “new” with “used” in the definition of Used Automobile Dealership.

At the public hearing the Planning Commission requested information on the types of special use permits and the related approving body. Currently, all special use permits except those for buildings or groups of buildings greater than 25,000 square feet in size or commercial medical marihuana facilities are subject to approval by the Planning Commission. Those include non-residential uses in residential districts, work in the floodplain, drive-in/drive-through uses, non-stealth cell towers, mobile home parks, and a variety of commercial uses such as funeral homes, hospitals, light manufacturing, gasoline stations, hotels, storage facilities, and adult bookstores, among various others. Special use permits for buildings or groups of buildings greater than 25,000 square feet in size or commercial medical marihuana facilities are reviewed by the Planning Commission but are subject to final approval from the Township Board.

### **Planning Commission Options**

The Planning Commission may recommend approval as written, recommend approval of a revised version, or recommend denial of the proposed zoning amendment. A resolution to recommend approval of the proposed zoning amendment is provided.

- **Motion to adopt the resolution recommending approval of Zoning Amendment #21010 in accordance with the revised draft ordinance language dated March 4, 2021.**

### **Attachments**

1. Resolution to recommend approval.
2. Draft ordinance language dated March 4, 2021.

G:\Community Planning & Development\Planning\ZONING AMENDMENTS (ZA)\2021\Zoning Amendment 21010 (Township Board)\ZA 21010.pc2.docx

**RESOLUTION TO RECOMMEND APPROVAL**

**Zoning Amendment #21010  
Township Board**

**RESOLUTION**

At the regular meeting of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, held virtually using the Zoom web conferencing application, in said Township on the 8th day of March, 2021 at 7:00 p.m., Local Time.

PRESENT: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_.

WHEREAS, the Township Board, at its meeting on January 5, 2021, initiated a zoning amendment to require Township Board approval of special use permits for motor vehicle sales and service establishments and automobile dealerships in the C-2 and C-3 (Commercial) zoning districts; and

WHEREAS, the proposed zoning amendment adds new definitions for New Automobile Dealership, Used Automobile Dealership, and Motor Vehicle, adds standards applying to new and used automobile dealerships in C-3 regarding minimum lot size and body shop/sales, and adds a new section that requires special use permit approval for the use of any building, land or portion thereof for motor vehicle sales and service establishments, new automobile dealerships, and used automobile dealerships; and

WHEREAS, the Planning Commission held a public hearing on the proposed zoning amendment at its regular meeting on February 22, 2021 and reviewed staff material forwarded under cover memorandums dated February 18, 2021 and March 5, 2021; and

WHEREAS, the proposed zoning amendment will provide for vigorous review of new and used car dealerships and the expansion of existing dealerships in the Township.

NOW THEREFORE BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Zoning Amendment #21010, to require Township Board approval of special use permits for motor vehicle sales and service establishments and automobile dealerships in the C-2 and C-3 (Commercial) zoning districts. The recommendation is in accordance with the revised draft ordinance language dated March 4, 2021.

ADOPTED: YEAS: \_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_

STATE OF MICHIGAN )  
COUNTY OF INGHAM )

) ss

**Zoning Amendment #21010 (Township Board)**

**March 8, 2021**

**Page 2**

I, the undersigned, the duly qualified and acting Chair of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Planning Commission on the 8th day of March, 2021.

---

Scott Hendrickson  
Planning Commission Chair

G:\Community Planning & Development\Planning\ZONING AMENDMENTS (ZA)\2021\Zoning Amendment 21010 (Township Board)\ZA 21010 resolution to rec approval PC.docx

**Chapter 86 Zoning**  
**Article I In General**  
**Section 86-2 Definitions**

**AUTOMOBILE DEALERSHIP, NEW** – The use of any building, land or portion thereof for the display, sale or lease of new automobiles, trucks or vans.

**AUTOMOBILE DEALERSHIP, USED** – The use of any building, land or portion thereof for the display, sale or lease of used automobiles, trucks or vans.

**MOTOR VEHICLE** – Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets, roads or other public ways.

**Chapter 86 Zoning**  
**Article IV District Regulations**  
**DIVISION 3 Commercial, Retail, and Business Districts C-1, C-2, & C-3**  
**Section 86-404 C-2 Commercial District**

(a) – (d) Remains as written

(e) Uses permitted by special use permit

(1)– (15) Remains as written

(16) New automobile ~~car~~ dealerships, subject to the following:

a. Minimum lot size: four acres.

b. Vehicle service and repair and used car sales shall be permitted ancillary uses to the principal new car sales use.

c. Body shops shall not be a permitted ancillary use.

(17) Remains as written

**Chapter 86 Zoning**  
**Article IV District Regulations**  
**DIVISION 3 Commercial, Retail, and Business Districts C-1, C-2, & C-3**  
**Section 86-405 C-3 Commercial District**

(a) – (b) Remains as written

(c) Uses permitted by right.

**Draft ordinance language**

**March 4, 2021**

**Page 2**

(1) – (8) Remains as written

~~(9) Motor vehicle sales and service establishments, provided the outdoor area is paved and properly drained. Dismantled or inoperative vehicles, if stored on-site, shall be within a wholly enclosed building or outside provided the area is enclosed by a solid fence. In addition to the requirements of Subsection 86-402(1)b, uses in this category shall be set back a minimum of 50 feet along side and rear property lines adjacent to other nonresidential uses.~~

(10) – (13) Remains as written

(d) Remains as written

(e) Uses permitted by special use permit.

(1) – (14) Remains as written

(15) Motor vehicle sales and service establishments, provided the outdoor area is paved and properly drained. Dismantled or inoperative vehicles, if stored on-site, shall be within a wholly enclosed building or outside provided the area is enclosed by a solid fence. In addition to the requirements of Subsection 86-402(1)b, uses in this category shall be set back a minimum of 50 feet along side and rear property lines adjacent to other nonresidential uses.

(16) New automobile dealerships, and used automobile dealerships, subject to the following:

a. Minimum lot size: four acres.

b. Vehicle service and repair and used car sales shall be permitted ancillary uses to the principal new car sales use.

c. Body shops shall not be a permitted ancillary use.

**Chapter 86 Zoning**

**Article VI Special Use Requirements and Restrictions**

**Section 86-660 Motor vehicle sales and service establishments, new automobile dealerships and used automobile dealerships.**

(a) Purpose. The use of any building, land or portion thereof for motor vehicle sales and service establishments, new automobile dealerships, and used automobile dealerships shall require a special use permit due to impact such development has upon adjacent property owners, neighborhoods and public infrastructure. The requirements of this section apply to any such type of use.

**(b) Application and departmental reviews.**

(1) Application. The application for a special use permit shall be submitted to the Director of Community Planning and Development in accordance with § 86-124.

(2) Departmental reviews. The applicant's plan shall be reviewed by the Township Department of Community Planning and Development, the Township EMS/Fire Department, the Township Police Department, the Township Engineer, the county drain commissioner, and the county road commission or the state department of transportation, whichever road agency has jurisdiction over roads in the immediate vicinity, in order to ensure that public utilities, road, and other infrastructure systems are or will be adequate to support the proposed development.

(c) Review process. Upon determination that the application is complete, the Director of Community Planning and Development shall initiate a review process in accordance with Article II, Division 4 of this chapter, subject to all hearings and other provisions set forth therein, as applicable, except the final decision on the special use permit shall be made by the Township Board.

(1) Planning Commission action. The Planning Commission after holding a public hearing shall make a recommendation to the Township Board. In making a recommendation the Planning Commission shall follow the review criteria in § 86-126 and may recommend conditions in accordance with § 86-127.

(2) Township Board action. Following review of the Planning Commission's recommendation and record, the Township Board may deny, approve, or approve with conditions an application for a special use permit. Prior to making a decision on a special use permit, the Township Board may hold a public hearing on the request. Notice of the public hearing shall be given in the same manner as outlined in § 86-65 of the Code of Ordinances.

(d) Amendments. Any amendments to an approved special use permit shall be in accordance with § 86-129 and subject to the approval of the Township Board.