

CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
AGENDA

REGULAR MEETING

February 10, 2014

Town Hall Room, Meridian Municipal Building
5151 Marsh Road, Okemos, MI 48864

Regular Meeting

1. Call meeting to order at approximately 7:00 p.m.
2. Approval of agenda
3. Approval of minutes
 - A. January 27, 2014 Regular Meeting
4. Public remarks
5. Communications
6. Public Hearings
 - A. Rezoning # 14020 (Hagan), request to rezone 3698 Okemos Road from RR (Rural Residential) to PO (Professional and Office)
 - B. *Special Use Permit #14-13111 (Meridian Township), request to construct a pedestrian-bicycle pathway across the Red Cedar River on the west side of Okemos Road
 - C. Zoning Amendment #14010 (Meridian Township), request to amend the zoning ordinance to establish definitions and standards for the medical use of marihuana
7. Unfinished Business
 - A. Mixed Use Planned Unit Development #14-05054 (DTN), request to revise the space allocation for commercial and office uses in the Hamptons of Meridian
 - B. Special Use Permit #14011 (Green), request to expand an institution for human care at 2077 Haslett Road
 - C. *Special Use Permit #14-13111 (Meridian Township), request to construct a pedestrian-bicycle pathway across the Red Cedar River on the west side of Okemos Road

*Please note the Planning Commission may make a decision the same night as the public hearing regarding cases preceded by an asterisk ("**")

Planning Commission Agenda

February 10, 2014

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- D. Commission Review #12053 (Planning Commission), 2005 Master Plan amendment

- 8. Other Business

- 9. Township Board, Planning Commission officer, committee chair, and staff comment or reports

- 10. New Applications
 - A. Special Use Permit #14031 (Friesen), request to establish group housing for up to six international students at 2500 Haslett Road

 - B. Rezoning #14030 (Fedewa), request to rezone approximately 5.2 acres from RR (Rural Residential) to C-2 (Commercial) located on Saginaw Highway northeast of Lake Lansing Road

- 11. Site Plans received

- 12. Site Plans approved

- 13. Public Remarks

- 14. Adjournment

Post Script: James Salehi

The Planning Commission's Bylaws state agenda items shall not be introduced for discussion or public hearing that is opened after 10:00 p.m. The chair may approve exceptions when this rule would cause substantial backlog in Commission business (Rule 5.14 Limit on Introduction of Agenda Items).

Persons wishing to appeal a decision of the Planning Commission to the Township Board in the granting of a Special Use Permit must do so within ten (10) days of the decision of the Planning Commission (Sub-section 86-189 of the Zoning Ordinance)

**TENTATIVE
PLANNING COMMISSION AGENDA**

**February 24, 2014
Regular Meeting 7:00 p.m.**

Regular Meeting

1. Public Hearings
 - A. Special Use Permit #14031 (Friesen), request to establish group housing for up to six international students at 2500 Haslett Road
 - B. Rezoning #14030 (Fedewa), request to rezone approximately 5.2 acres from RR (Rural Residential) to C-2 (Commercial) located on Saginaw Highway northeast of Lake Lansing Road

2. Unfinished Business
 - A. Rezoning #14020 (Hagan), request to rezone 3698 Okemos Road from RR (Rural Residential) to PO (Professional and Office)
 - B. Zoning Amendment #14010 (Meridian Township), request to amend the zoning ordinance to establish definitions and standards for the medical use of marihuana

3. Other Business

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
January 27, 2014**

DRAFT

5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room, 7:00 P.M.

PRESENT: Commissioners Cordill, Deits (7:03 P.M.), DeLind, Hildebrandt, Honicky (7:01 P.M.), Ianni, Jackson, Salehi, Scott-Craig
ABSENT: None
STAFF: Director of Community Planning and Development Mark Kieselbach, Principal Planner Gail Oranchak

1. Call meeting to order

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

2. Approval of agenda

Commissioner Hildebrandt moved to approve the agenda. Seconded by Commissioner Scott-Craig.

VOICE VOTE: Motion carried 7-0.

3. Approval of Minutes

Commissioner Cordill moved to approve the Regular Meeting Minutes of January 13, 2014. Seconded by Commissioner Scott-Craig.

VOICE VOTE: Motion carried 7-0.

4. Public Remarks

Chair Jackson opened and closed the floor for public remarks.

5. Communications

- A. Cara Yeager, 1355 Cove Court, Okemos; RE: SUP #13121 (Meridian Township)
- B. Raymond & Kathleen Creps, 2099 Haslett Road, Haslett; RE: SUP #14011 (Green)

6. Public hearings

- A. Mixed Use Planned Unit Development #14-05054 (DTN), request to revise the space allocation for commercial and office uses in the Hamptons of Meridian

Chair Jackson opened the public hearing at 7:02 P.M.

- Introduction by the Chair (announcement of procedures, time limits and protocols for public participation and applicants)
- Summary of subject matter
Principal Planner Oranchak summarized the mixed use planned unit development (MUPUD) as outlined in staff memorandum dated January 23, 2014.
- Applicant
Allen Russell, DTN Management, 1690 Mack Avenue, Haslett, addressed the proposed plans for expansion of the Red Haven Restaurant, which wishes to use the majority of additional space for a catering kitchen and catering storage.
- Planning Commission discussion:

Commissioner Honicky noted the staff analysis stated if this request is approved, the square foot breakdown of neighborhood commercial and professional office (PO) district uses will be permanent and is not dependent upon a specific occupant. He noted if the restaurant decided to relocate elsewhere, the approved commercial footprint would remain. Commissioner Honicky inquired whether any change would come before the Planning Commission if there was a subsequent occupant who desired a different arrangement.

Principal Planner Oranchak responded in the affirmative with the qualifier that it would not be necessary if the requested change was to office since PO is the use allowed by the underlying zoning district.

Commissioner Honicky requested an explanation of the on-site signs which designate a two-hour commercial parking limit:

Mr. Russell stated it is a function of managing the parking lot for mixed use to ensure that residents do not monopolize the parking spaces close to the building. He noted a carport is provided for every apartment and additional designated parking for residents on the back of the north/south island and along the south end of the south island.

Commissioner Ianni inquired of the applicant if the proposed expansion would significantly increase traffic which would impact the intersection of Mt. Hope and Hagadorn Roads.

Mr. Russell stated the traffic study for this site satisfactorily addressed staff review of the parking and the modification will not be an issue.

Commissioner Deits pointed to this development as a successful example of mixed use. He suggested a recommendation to the Board to provide flexibility such as "not to exceed 65% commercial" which would allow the applicant to lower the percentage of commercial without returning to the Township.

Commissioner Salehi believed a specific percentage for a split would be artificial.

Chair Jackson noted the primary concern over the specificity relative to the split is the underlying zoning for the mixed use is PO. She believed the previous suggestion of adding flexibility in small increments makes sense than setting a "hard" limit.

Commissioner Scott-Craig inquired if all MUPUDs with PO as the underlying zoning have a percentage determination or if it is specific to a particular development.

Principal Planner Oranchak believed it is specific to the underlying PO zoning. She noted at its onset, there were limited types of commercial uses which could be located in a professional office MUPUD and then only by special use permit. Principal Planner Oranchak stated flexibility as to the types of uses was subsequently added, subject to Board approval as to the breakdown between the types of uses.

Commissioner Scott-Craig asked why there is any limit at all.

Principal Planner Oranchak responded the MUPUD ordinance was specifically modified so there could be additional types of commercial uses allowed in PO districts, while retaining some space for offices.

Commissioner DeLind inquired as to why the amount of commercial/office can't be at the discretion of the developer.

Principal Planner Oranchak responded the ordinance states the amount of commercial/office is at the discretion of the Board. She indicated if it is a desire of the Planning Commission to make a change to allow the developer to make that determination, it would require a change in the ordinance through the zoning amendment process.

Commissioner Ianni asked what the zoning designations were for the surrounding properties to this area.

Principal Planner Oranchak answered there is an apartment complex to the east, an office directly to the north, Waterbury Place to the northeast (PO zoned MUPUD), MSU farms to the west and the railroad and a research park building to the south.

Commissioner Ianni inquired if rezoning this property would be considered spot zoning.

Principal Planner Oranchak indicated any rezoning would require a zoning amendment and a separate discussion to determine if a rezoning would be applicable.

Commissioner Cordill believed expanding commercial space on the first floor with office above is ideal in a MUPUD with an underlying PO zoning.

Commissioner Hildebrandt expressed appreciation for this community owned business which returns money back into the community.

Commissioner Deits added the restaurant focuses on local produce and agricultural products. He noted the underlying PO requirement was a Board initiative. He asked how the MUPUD relates to the underlying zoning.

Principal Planner Oranchak responded that whatever uses are designated in the underlying district would then be allowed.

Commissioner Deits asked if the land would still be a mixed use property.

Principal Planer Oranchak responded in the affirmative.

Commissioner Deits indicated if a rezoning would facilitate the efficient utilization of that space, he would be in favor of such action at some future date, especially given the current overload of office space.

Scott-Craig asked if C-1 would be the likely rezoning designation.

Principal Planner Oranchak responded in the affirmative.

Commissioner Ianni noted that rezoning this property in the future would eliminate the need for the applicant to return each time a different configuration is requested.

Principal Planner Oranchak stated the Board would make the final decision on this action as well.

Chair Jackson inquired of the applicant if rezoning to C-1 would add flexibility to this site.

Mr. Russell believed it an interesting proposition which would require future discussion.

Chair Jackson asked if the current office on the southern end facing Hagadorn Road would be eliminated.

Mr. Russell responded that much of that current office space is presently vacant due to Spartan Net moving to a larger location in the Township. He noted he is currently in talks with prospective tenants for a portion of that vacant space.

Chair Jackson closed the public hearing at 7:35 P.M.

B. Special Use Permit #14011 (Green), request to expand an institution for human care at 2077 Haslett Road

Chair Jackson opened the public hearing at 7:35 P.M.

- Summary of subject matter
Principal Planner Oranchak summarized the special use permit (SUP) request as outlined in staff memorandum dated January 23, 2014.
- Applicant
Brenda Greene, 6622 White Clover Drive, East Lansing, spoke to the outdated nature of the adult foster care facility located at 2077 Haslett Road for the last 20 years. She stated she and her husband currently operate an assisted living facility in DeWitt, one on Edson Road in Haslett, as well as 100 rental units in the City of Lansing. Ms. Greene would like to totally remodel the existing building, constructing an addition in the back which will not be visible from the road to provide 24 hour care to elderly residents aged 55 years and older.
- Planning Commission discussion:
Commissioner Salehi inquired if the applicant approached the neighbor to the east about the renovation given the close proximity of the proposed addition.

Ms. Greene indicated she has not approached the neighbor to the east, only the neighbor to the west.

Commissioner Salehi asked staff if the neighbor to the east was given notice, and if so, when.

Principal Planner Oranchak responded over two (2) weeks ago.

Commissioner Cordill asked if the location of the project on the property is included in the notice.

Principal Planner Oranchak answered the notice includes the nature of the project with accompanying map of the location, the address, etc. but not necessarily all the details. She added staff contact information is also supplied in case the noticed parties have questions regarding the project.

Chair Jackson added the same noticing process for the neighboring properties transpires when variances are applied for at the Zoning Board of Appeals.

Commissioner Ianni believed the applicant's experience with caring for local senior citizens is a "bonus" to the development of this facility. He stated the applicant has thoroughly thought through the expansion to improve the quality of the building. Commissioner Ianni indicated the license is scheduled to expire in February, 2014 and asked the applicant if she is applying for a new license before operations begin.

Ms. Greene responded in the affirmative.

Commissioner Scott-Craig inquired if the pathway noted in the staff report was part of the pathway constructed by the Township scheduled for completion possibly by the end of this year.

Principal Planner Oranchak stated the applicant will likely be required to install the pedestrian bicycle pathway section along their frontage and then the Township will fill in the remaining section.

Commissioner Scott-Craig noted a parking lot with ten (10) parking spaces seems small, given employees, visiting physicians, etc. and the ability to walk to the bus stop will be important.

Ms. Greene responded there will be two (2) full-time staff, she is there part time, and visiting physicians and family members will come and go throughout the week.

Commissioner Scott-Craig asked if the parking lot will be illuminated.

Ms. Greene responded the parking lot will utilize halogen lights.

Commissioner Scott-Craig addressed the requirement for bicycle parking in the event staff wanted to utilize it.

Commissioner Scott-Craig noted the staff report indicated the previous special use permit (SUP) expired, voicing that he was not aware of their expiration.

Principal Planner Oranchak explained that SUPs have termination dates with a specific amount of time to activate it and perform the construction.

Commissioner Scott-Craig asked if a SUP is permanent, once activated, and remains with the property.

Principal Planner Oranchak responded in the affirmative.

Commissioner Hildebrandt inquired if staff investigate other facilities owned by the applicant to see if complaints have been filed (e.g., residents wandering off, etc.)

Principal Planner Oranchak responded such investigation does not typically happen, although staff is generally aware of complaints.

Ms. Greene added she received her license for the Haslett location in June, 2012 and special gating was placed in front of the building to prevent residents from wandering away.

Commissioner Deits expressed concern with non-residential use in residential that is less than half of the size of the minimum required by Township ordinance. He acknowledged that the proposed use is an existing one and the Township should not "inappropriately use" the Zoning Board of Appeals to adjust its ordinances to allow for flexibility. Commissioner Deits asked if there was a way to eliminate the variance for the parking lot by reconfiguring the parking spaces to make them shorter.

Principal Planner Oranchak did not believe there was any way to "get to" five (5) feet.

Greg Petru, KEBS, Inc. 2116 Haslett Road, Haslett, added the current plan has a 23 foot drive and 20 foot parking spaces. He stated taking the aisle down to 20 feet to get the five (5) feet would not meet code. Mr. Petru indicated five (5) feet could be gained by taking away the sidewalk adjacent to the building. He did not believe this project needed the full 23 foot drive.

Commissioner Deits stated his preference for a variance for the width of the drive instead of encroachment on the setback, especially given the project is too large for the small parcel. He believed it necessary to have a sufficient turning radius for the ten (10) parking spaces.

Commissioner Salehi believed there is a 50 foot setback requirement on the east side of the property, adding the length of the addition is 119 feet. He expressed continued concern that the property owner to the east is aware of the proposed project. Commissioner Salehi believed the large property to the south is undeveloped so the impact of this project would be minimal.

Commissioner Salehi inquired if the previous SUP that was not acted upon was a similar site plan to the one before the Planning Commission.

Principal Planner Oranchak responded that it was not. She indicated it was a more compact plan.

Commissioner Salehi expressed concern with the air conditioning condensers on the east side and the noise it would generate.

Roger Donaldson, Architect, 4787 Tartan Lane, Holt, stated the new condensers are much quieter than the older models, being a high energy efficient unit.

Commissioner Salehi asked the applicant to outline the proposed landscaping screening.

Mr. Donaldson responded the landscaping screening will be addressed during site plan review, but will consist of screenings, planting, etc.

Commissioner Salehi asked what the proposed plant species will be.

Mr. Petru responded there will be five (5) evergreens and a shrubby row in between the pine trees.

Commissioner Deits recommended fencing around the air conditioning condensers to mitigate their closeness to the property line.

Mr. Donaldson responded the fencing will be incorporated into the plan.

Commissioner Salehi inquired if the air conditioning condensers could be placed on the west side of the building.

Mr. Donaldson responded the west side is drawn for parking and a sidewalk.

Chair Jackson noted there is one ingress/egress and inquired if the site plan is reviewed by emergency personnel prior to approval.

Principal Planner Oranchak stated emergency personnel will look at the proposed plans.

Commissioner Cordill expressed concern over the significant size of the addition which more than doubles the square footage of the existing building.

Commissioner Ianni stated the property has been in its current use for some time as an adult foster care center and one of the neighboring home owners has indicated no objection with the request to expand. He did not believe the proposed development would be hazardous to the surrounding uses if the addition is well screened and the applicant attempts to mitigate noise to the extent possible.

Commissioner Salehi believed it important to note the location of the house on the property to the west is far north on the property.

Commissioner Deits pointed out the house to the east is designed such that the garage is on the east side and closer than it might otherwise be.

Howard Greene indicated he and his wife have been in the adult care business for four (4) years, with a similar business in DeWitt and Haslett. He indicated his intent that once the building is remodeled and the business is operational, they plan on remaining in the community for many years.

Chair Jackson closed the public hearing at 8:19 P.M.

7. Unfinished Business

A. Commission Review #12053 (Planning Commission), 2005 Master Plan amendment

Director Kieselbach summarized the 2005 Master Plan amendment as outlined in staff memorandum dated January 24, 2014.

Planning Commission and staff discussion:

- Board reduced the boundary in Area #1 as it previously included county park property
- Area #2
 - Board rationale that public water is currently available on Shoesmith
 - Board rationale that Ingham County Department of Environmental Health would require homes to connect to public water if their wells failed as the line is in the road right-of-way
- Area #3
 - 2007 Board approval of the Haslett Preserve PUD (north of Haslett Road, west of Meridian Road) with intent to have public water and sewer serve the site
 - Applicant of the original PUD intends to return to the Township and propose development on the site
- Appreciation for information on the Township Board changes
- Planning Commissioner submission of a four page document outlining his concerns with Board action on redrawing certain boundaries within the urban services management area (USMA)
- For properties which have the old style septic fields which fail, the Health Department is looking for a one (1) to one and one-half (1-½) acre parcel to place a new septic field on that lot
- New septic field systems don't fit on the smaller lots
- Some commercial properties are pumped and hauled, as the system can't adequately accommodate the amount of waste produced
- Health Department recommendation of sanitary sewer for Areas #4, #5 and #6
- Area #3 is "extreme" sprawl
- Differing view on Areas #4, #5, and #6 from the Board
- Concern the cost of public utilities will be borne by the home owners

- Cost of public utilities can be financed through an assessment district for the whole subdivision
- In the event of a failed well or septic system, the county can require an individual homeowner to hook up if located close enough to existing public utilities
- Planning Commissioner belief the Georgetown Sewer Payback District is the single largest piece of infrastructure development that has ever been proposed in Meridian Township
- Planning Commissioner concern the Georgetown Sewer Payback District will eliminate the eastern rural third of the Township and is not on the table for discussion
- USMA should consider how the Township is envisioned 20 years from now
- If the "line" is shown on the map, water and/or sewer will be extended to serve those properties at some point in the future
- Concern with impact on all tree roots if a sewer line is laid down Van Atta Road
- Concern with the location of the line, as drawn, down Grand River Avenue as all properties within 300 feet of that sewer line would be required to hook up at the time of a failed system
- Planning Commissioner belief the urban services boundary (USB) is not down Grand River Avenue, but 300 feet north of Grand River Avenue (an addition of 300 acres of land not delineated on the map)
- Request for work session meetings to discuss the Master Plan goals and objectives as well as the map revision
- Full Planning Commission schedule will likely require a work session on an off Planning Commission meeting Monday
- Suggestion by the Chair to remove USMA from the February 10th Planning Commission agenda
- Planning Commissioner preference to keep the USMA on the agenda on unfinished business and then not act upon it if work has not yet been completed
- Noticing requirement for Planning Commission work sessions
- Progress on map revision and goals and objectives will require work session(s)

It was the consensus of the Planning Commission to hold a work session on this topic on February 3, 2014 at 7:00 P.M.

8. Other Business (None)

- 9. Township Board, Planning Commission officer, committee chair, and staff comment or reports**
Commissioner Scott-Craig expressed concern that three (3) days is not sufficient time to review information for the public hearing on establishing definitions and standards for the use of medical marihuana tentatively scheduled for February 10, 2014.

Director Kieselbach noted staff can provide the Board draft on the definitions and standards for the use of medical marihuana to all Planning Commissioners as soon as possible.

Commissioner Deits announced a summary report presentation on the Grand River Corridor project will be held on February 26, 2014 at 5:30 P.M. at the Hannah Community Center in East Lansing. He added the draft report is available for review and comment at www.migrand-charrette.com.

Commissioner Scott-Craig suggested information regarding the summary report presentation be placed on the Township website.

10. New applications

- A. Rezoning # 14020 (Hagan), request to rezone 3698 Okemos Road from RR (Rural Residential) to PO (Professional and Office)

- B. Special Use Permit #14-13111 (Meridian Township), request to construct a pedestrian-bicycle pathway across the Red Cedar River on the west side of Okemos Road

11. Site plans received

- A. Site Plan Review #14-01 (Meridian Mall Limited Partnership), request to construct a 19,000 square foot addition onto the Meridian Mall building addressed as 1982 Grand River Avenue

12. Site plans approved

- A. Site Plan Review #13-99-26 (Mercer), request to remove the outdoor pool and re-landscape at the Marriott Towne Place Suites Hotel addressed as 2855 Hannah Blvd.

13. Public remarks

Chair Jackson opened and closed public remarks.

14. Adjournment

Chair Jackson adjourned the regular meeting at 8:57 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary

**Rezoning #14020
(Okemos Road, LLC)
February 6, 2014**

APPLICANT: Okemos Road, LLC
c/o Hagan Realty
927 Grand River, Suite 11
East Lansing, MI 48823

STATUS OF APPLICANT: Owner

REQUEST: Rezone to PO (Professional and Office)

CURRENT ZONING: RR (Rural Residential)

LOCATION: 3698 Okemos Road

AREA OF SUBJECT SITE: 1.01 acres (43,996 sq. ft.)

EXISTING LAND USE: Single-family residence

**EXISTING LAND USES
IN AREA:** North: Apartment building
South: Rainbow Child Development Center
East: Multiple-Family Housing
West: Okemos Road/South Fire Station, Offices

CURRENT ZONING IN AREA: North: RC (Multiple Family, 14 units/acre)
South: RR (Rural Residential)
East: RC (Multiple Family, 14 units/acre)
West: RD (Multiple Family, 8 units/acre) and PO
(Professional and Office)

**FUTURE LAND USE
DESIGNATION:** Residential 5.0 – 8.0 units/acre

FUTURE LAND USE MAP: North: Residential 5.0 – 8.0 units/acre
South: Residential 5.0 – 8.0 units/acre
East: Residential 5.0 – 8.0 units/acre
West: Institutional and Office

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM: Gail Oranchak
Gail Oranchak, AICP
Principal Planner

DATE: February 6, 2014

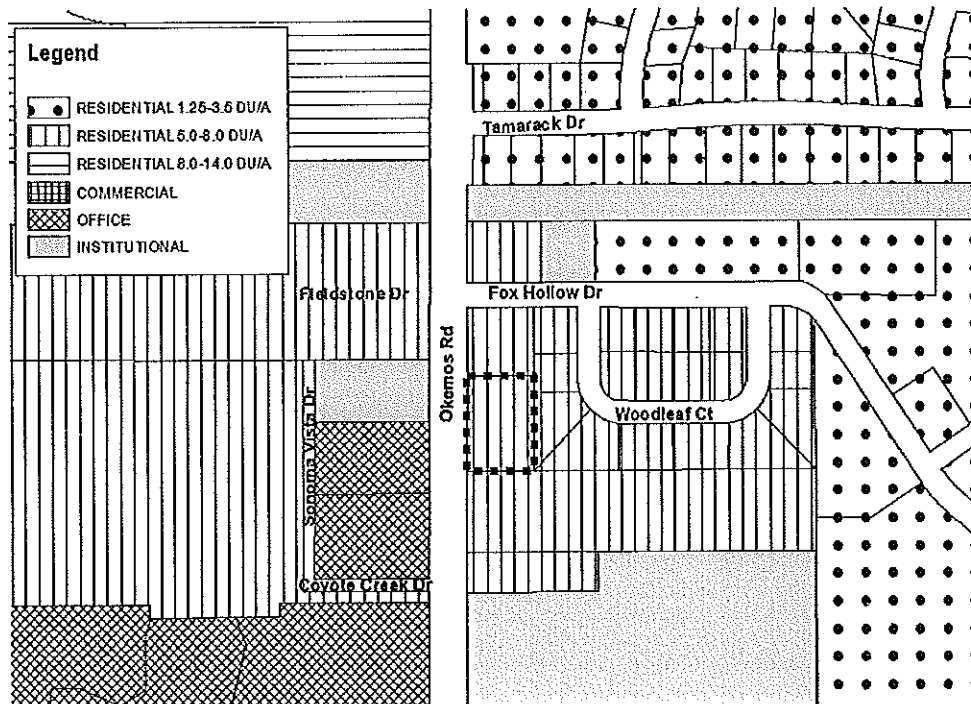
RE: Rezoning #14020 (Okemos Road, LLC), request to rezone 3698 Okemos Road from RR (Rural Residential) to PO (Professional and Office)

Okemos Road, LLC has requested the rezoning of 3698 Okemos Road from RR (Rural Residential) to PO (Professional and Office). 3698 Okemos Road is located on the east side of Okemos Road, south of Fox Hollow Drive. The site is approximately one acre in size. Two structures occupy the site, an approximate 960 square foot single-family residence with attached two-car garage constructed in 1964 and a 624 square foot detached garage. The house is vacant although it had been used as a residence until late last year.

Master Plan

The 2005 Master Plan designates the subject property in the Residential 5.0-8.0 dwelling units per acre (du/a) category.

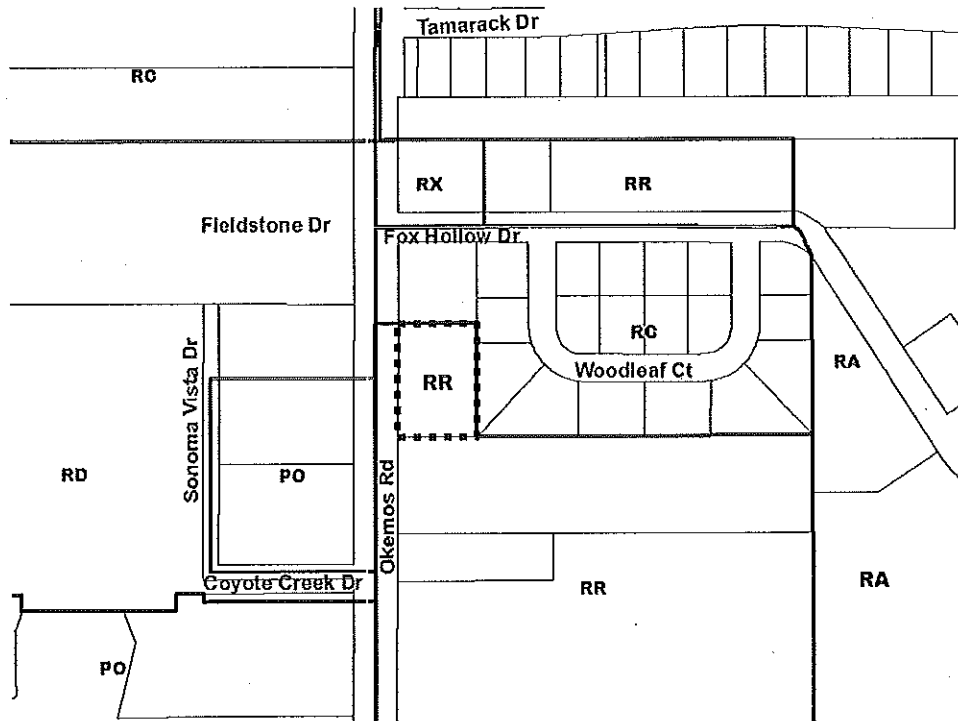
FUTURE LAND USE MAP



Zoning

The subject site is zoned RR (Rural Residential). Minimum lot width and lot area in the RR district are 200 feet and 40,000 square feet respectively. Lot width and lot area for the subject site are 177 feet and approximately 43,996 square feet. When the single-family residence was constructed in 1964, exceptions for lot width were permitted for lots of record.

ZONING MAP



Physical Features

Site development is consistent with the former residential use including the single-family residence, detached garage and driveway, associated landscaping and lawn areas. According to the Flood Insurance Rate Map (FIRM) for Meridian Township, the property is not located within a floodplain. A review of the Meridian Township Wetland Map reveals wetlands are not present on the site.

Streets and Traffic

The site is accessed via Okemos Road. Section 86-367 of the zoning ordinance is a map titled Street Setbacks and Service Drives. Okemos Road is designated on the map as a Principal Arterial street. Okemos Road consists of two north travel lanes, two south travel lanes and a center turn lane. The most recent Ingham County Road Department traffic counts conducted on Okemos Road in 2009 between Fox Hollow Drive and Coyote Creek Drive showed an average of 9,159 northbound vehicle trips and 4,970 southbound vehicle trips in a 24-hour period, a total of 14,129 vehicle trips.

The applicant has submitted a rezoning traffic assessment comparing trip generation for single-family detached housing permitted in the RR district to a 7,300 square foot animal/veterinary clinic. The veterinary clinic was selected as an example of the highest trip generating use permitted in the PO district but the actual future office use on the site has not been disclosed. The comparison concludes the veterinary clinic will generate 29 more vehicle trips in the AM peak hour and 32 more vehicle trips in the PM peak hour than the residential use. The report also states driveway sight distance is within the parameters set by the Ingham County Road Department and a veterinary clinic is a use permitted by the underlying residential zoning district subject to a special use permit. To clarify the information provided in the report, the signalized intersection of Tamarack Drive and Knob Hill is approximately 800 feet north of the site's driveway; the un-signalized intersection of Fox Hollow Drive and Fieldstone Drive is approximately 350 feet north of the site.

The Township's traffic consultant reviewed the applicant's traffic assessment commenting, "even the highest trip generating office use will generate minimal traffic."

Utilities

The site is connected to public water and sewer systems.

Staff Analysis

The applicant has requested the rezoning of an approximate one-acre parcel addressed as 3698 Okemos Road from RR (Rural Residential) to PO (Professional and Office). When evaluating the request, the Planning Commission should consider all uses permitted by right and by special use permit in both zoning districts as well as topics listed on the rezoning application such as changing conditions in the vicinity of the site; consistency with the Master Plan; furtherance of health, safety and welfare; compatibility with surrounding uses; potential adverse impacts to the environment; identified community need; logical and orderly development pattern; and/or better and more efficient use of land. In support of the rezoning, the applicant responded to applicable topics in the attached application materials.

The 2005 Master Plan Future Land Use Map shows the site designated for Residential 5.0-8.0 dwelling units per acre, a lower density than the build-out of adjacent RC (Multiple Family, maximum 14 units per acre) zoned uses to the north and east. According to Township records, the property has been zoned RR (Rural Residential) since at least 1960 and has been used for single-family residential purposes since at least 1964.

Shown in the following chart is a comparison of the site's lot width and lot area to the minimum lot width and lot area standards the subject site for RR (Rural Residential), PO (Professional and Office), RD (Multiple Family, maximum 8 units per acre), and RDD (multiple family, maximum 5 units per acre) zoning districts. The RD and RDD districts were included since they coincide with the site's Master Plan Future Land Use Map designation of Residential 5.0-8.0 dwelling units per acre.

ZONING DISTRICT COMPARISON		
	Lot Area Sq. Ft.	Lot Width Feet
3698 Okemos	43,996	177
RR district requirement	40,000	200
PO district requirement	5,000	50
RD district requirement	11,000	100
RDD district requirement	11,000	100

The 2005 Master Plan suggests an office building of 10,000 square feet requires a minimum lot area of 30,577 square feet after factoring in the amount of land area associated with the building footprint, setbacks, required parking and internal access drives, and open space. Thus it may be possible for the 43,996 square foot site to accommodate a building size up to 14,387 square feet. Included in the application materials submitted by the applicant is an example of a proposed 7,280 square foot building positioned within the setback requirements of the ordinance.

In Fall, 2012, Township staff conducted a vacancy survey of PO (Professional and Office) and RP (Research Park) office space. Of approximately 2,214,107 square feet of PO and RP space, approximately 335,169 square feet were vacant, a vacancy rate of approximately 15.14 percent.

Planning Commission Options

The Planning Commission may recommend approval or denial of the request or it may recommend a different zoning designation to the Township Board. A resolution will be provided for a future meeting.

Attachments

1. Application and supporting materials
2. Township traffic consultant's report received January 24, 2014

**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 Okemos Road, LLC
Address of applicant c/o Hagan Realty Inc., 927 E. Grand River Ave., Suite 11, East Lansing, MI 48823
Telephone: Work 517-351-0766 Home _____
Fax 517-351-6376 Email info@htrrentals.com

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 David Pierson, McClelland & Anderson, LLP
Address 1305 S. Washington Ave., Suite 102, Lansing, MI 48910
Telephone: Work 517-482-4890 Home _____
Fax 517-482-4875 Email dpierson@malansing.com

C. Site address/location 3698 Okemos Road
Legal description (Attach additional sheets if necessary) See attached.
Parcel number 33-02-02-33-406-002 Site acreage 1.01 acres

D. Current zoning RR - Rural Residential Requested zoning PO - Professional and 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:
 - a. Rezoning 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. Rezoning 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:

- 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: See attached
- 3) The current zoning is inconsistent with the Township's Master Plan, explain: See attached
- 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 from the area: N/A
- 6) The current zoning restrictions on the use of the property do not further the health safety or general welfare of the public, explain: See attached

B. Reasons why the requested zoning is appropriate:

- 1) Requested rezoning is consistent with the Township's Master Plan, explain: See attached
- 2) Requested rezoning is compatible with other existing and proposed uses surrounding the site, specifically: See attached
- 3) Requested rezoning would not result in significant adverse impacts on the natural environment, explain: See attached
- 4) Requested rezoning would not result in significant adverse impacts on traffic circulation, water and sewer systems, education, recreation or other public services, explain: See attached
- 5) Requested rezoning addresses a proven community need, specifically: See attached
- 6) Requested rezoning results in logical and orderly development in the Township, explain: See attached
- 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: See attached

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

Matt Hagan
Signature of Applicant

1-15-14
Date

Matt Hagan
Type/Print Name

Fee: \$ 700.00

Received by/Date: Paul Orendak 1/15/14

Attachment to rezoning application for 3698 Okemos Road

2. **The conditions of the surrounding area have changed in the following respects:** The existing zoning of the property has remained RR – Rural Residential, while over the last 30 years the property to the north was developed as multiple-family, the property to the east as two and four unit duplexes and quadplexes, the property to the south as a daycare center, to the west across Okemos Road as offices and a Meridian Township fire station, and all property to the south as institutional, office, and commercial uses.

3. **The current zoning is inconsistent with the Township's Master Plan, explain:** The property has been designated for multiple-family development at a density of either five to eight units or eight to 14 units per acre since the 1987 Master Plan.

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 RR district, one-family Rural Residential district, as it is entitled in the ordinance, is for "spacious lots" with on-site water and septic tanks for residential properties of rural or semi-rural character. These otherwise legitimate goals are not furthered by zoning property for those purposes on Okemos Road which carried 25,000 vehicles per day at the time of the 2005 Master Plan, or where the Township, consistent with its Master Plans, has developed all surrounding properties as higher density multiple-family residential, institutional, and office uses.

B.1. **Requested rezoning is consistent with the Township's Master Plan, explain:** The subject property and surrounding area had long been shown on the Township Master Plan for multiple-family development. It has been developed as a mix of compatible office, multiple-family, and institutional uses that are consistent with the expected high traffic

volume on Okemos Road while buffering the single-family uses farther away from Okemos Road and providing a transition from the commercial uses surrounding the Okemos/Jolly Road intersection.

2. **Requested rezoning is compatible with other existing and proposed uses surrounding the site, specifically:** The approximately 7,280 square feet of office use that could be permitted on the property provides a largely daytime, weekday use that is consistent and compatible with the surrounding apartments, other multiple-family, office, and daycare uses, as well as the fire house immediately opposite on Okemos Road, which is less conducive to further multiple-family development. The size of the site does not allow a multiple-family development that would be integrated with any of the surrounding developments, so the office use would be at least equally compatible with surrounding uses.

3. **Requested rezoning would not result in significant adverse impacts on the natural environment, explain:** There are no wetlands or other natural features. Public sewer and water are available to the property. The existing house appears to be the last remaining property on well and septic along Okemos Road.

4. **Requested rezoning would not result in significant adverse impacts on traffic circulation, water and sewer systems, education, recreation, or other public services, explain:** The existing configuration of Okemos Road, as well as the capacity of the water and sewer systems, can readily accommodate the relatively low demand that would be generated by the uses permitted in the PO district. Those uses would have no impact on education, recreation, or other public services.

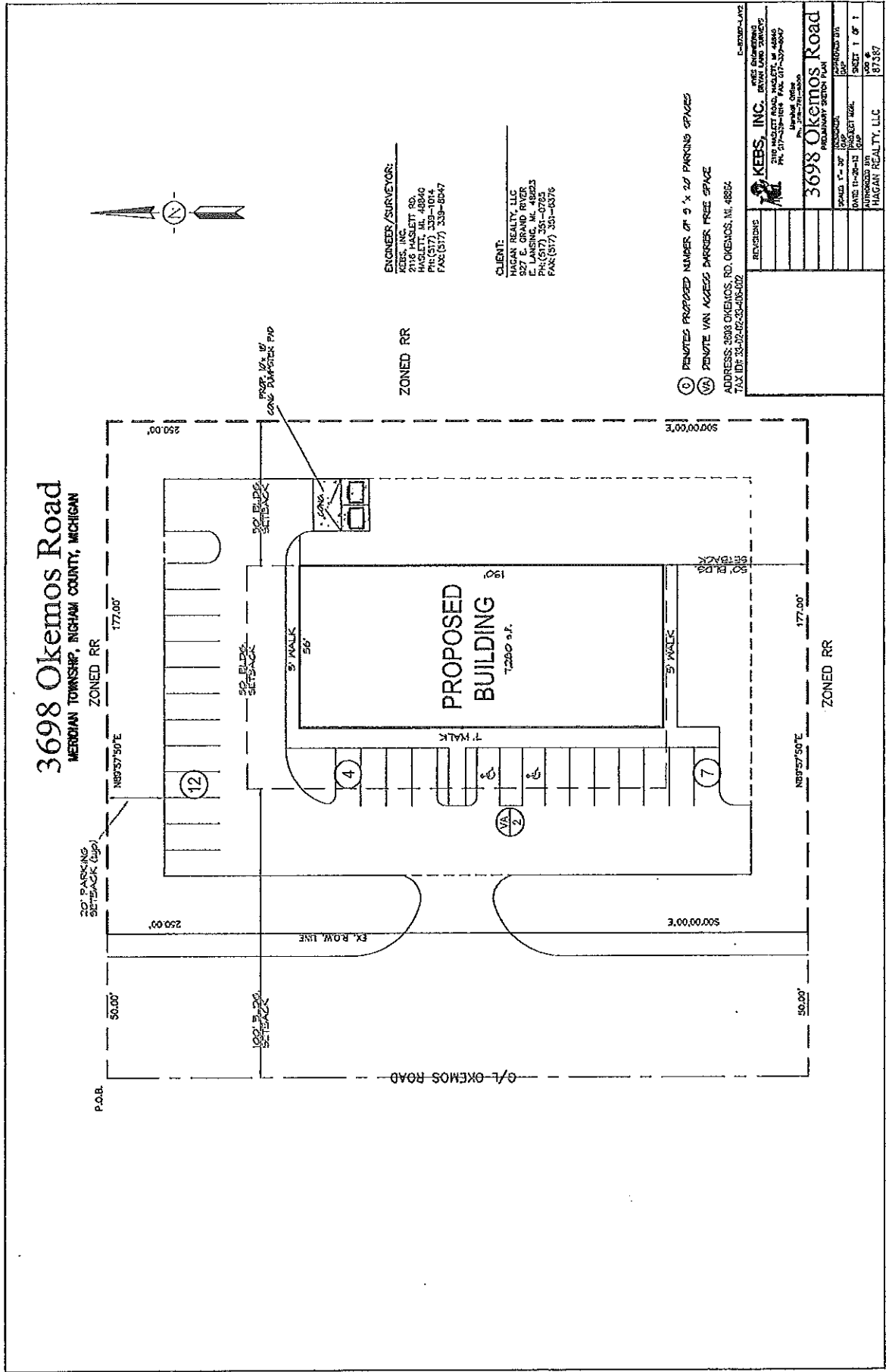
5. **Requested rezoning addresses a proven community need, specifically:** Redevelopment of an underused site currently occupied only by an isolated, old, and

undistinguished single-family house and pole barn. The demand for office on Okemos Road, with its high traffic volume and visibility, is different than that for other office locations.

6. **Requested rezoning results in logical and orderly development in the township, explain:** The uses permitted in the PO district provide a transition from the high traffic volume and noise of Okemos Road to the single-family uses farther away from Okemos Road and provide a transition from the intensive commercial uses to the south on Okemos Road at Jolly Road without any detrimental impacts to the immediately surrounding multiple-family and institutional uses, while removing a rural residential relic of little value to the community on Okemos Road.

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 allow redevelopment of an isolated, out-of-place rural residential house in a location which would not provide any incentive or value for someone to renovate or rebuild for a single-family house. The expenditure by the Township to bring public services, including sewer, water, and roads to this area of the Township are not served by continued use for a single-family home.

* This is just an example of what could be done.





TRAFFIC ASSESSMENT

For the

Proposed Rezoning of

3698 Okemos Road

Meridian Charter Township, Ingham County, MI

January, 2014

Prepared by:

**Traffic Engineering
Associates, Inc.**

PO Box 100 • Saranac, Michigan 48881
517/627-6028 FAX: 517/627-6040

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PROJECT DESCRIPTION

The purpose of this study is to determine the difference in the traffic being generated between the existing zoning, Rural Residential (RR), and the proposed new zoning, Professional Office (PO), of an approximate one (1) acre parcel located at 3698 Okemos Road in Meridian Charter Township, Ingham County, Michigan. The site is located on the east side of Okemos Road, between Fox Hollow Drive and Coyote Creek Drive.

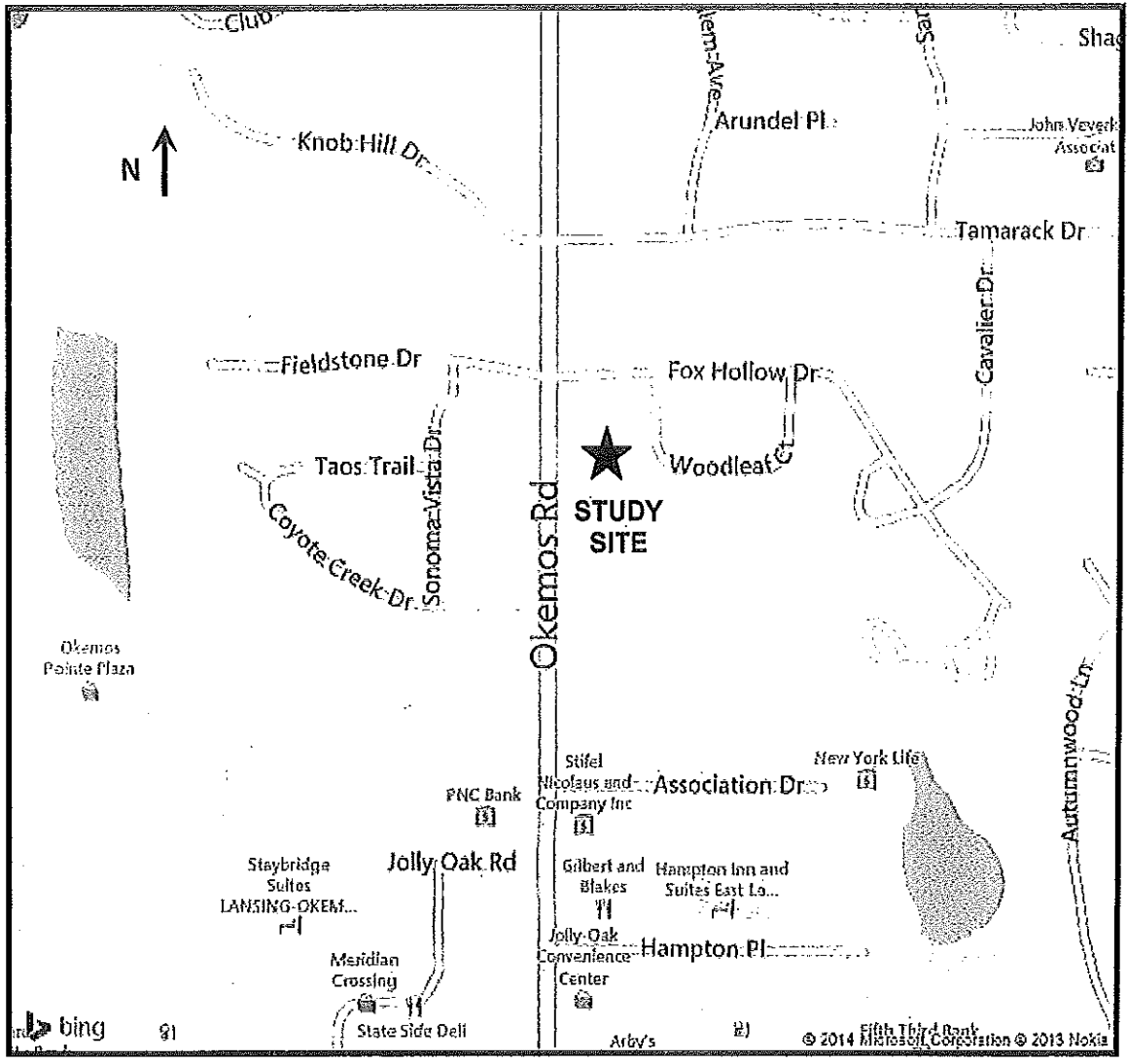
The trip generation for future development was determined by the largest trip generator use allowed under the proposed Professional Office (PO) zoning category.

The traffic analysis consists of the following items:

- Comparison of trips being generated with the existing zoning (RR) versus the requested new zoning (PO).
- Discussion of any potential sight distance issues.

This study was conducted in accordance with the guidelines set forth in "Evaluating Traffic Impact Studies, A Recommended Practice for Michigan Communities," sponsored by the Tri-County Regional Planning Commission and the Michigan Department of Transportation, and the Meridian Charter Township Zoning Ordinance.





Study Site Map





Aerial Photo



EXISTING CONDITIONS

Okemos Road is a five-lane paved roadway with concrete curb and gutter. There is a concrete sidewalk along the entire frontage of the proposed site. Okemos Road is under the jurisdiction of the Ingham County Department of Roads. The posted speed limit on Okemos Road is 45 MPH.

LAND USE

The project site has a vacant residential home. Surrounding land uses include residential to the north and east, with an existing day care center immediately south of this site. The surrounding residential land use includes both single family and multiple family properties. Just south of the proposed rezoning site, on the west side of Okemos Road, are large professional office buildings.



TRAFFIC GENERATION

A comparison of trip generation for the existing zoning to the proposed zoning is summarized in **Table 1**. The trip generation rates were derived from the ITE Trip Generation Manual, 9th Edition.

Single-Family Detached Housing (ITE Code 210) was selected to represent the existing zoning category, Rural Residential (RR), for trip generation. The ITE description of Single-Family Detached Housing is as follows:

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

Animal Hospital/ Veterinary Clinic (ITE Code 640) was selected as representing the highest trip generator for the proposed rezoning category, Professional Office (PO), for trip generation. The ITE description of Animal Hospital/ Veterinary Clinic is as follows:

An animal hospital or veterinary clinic is a facility that specializes in the medical care and treatment of animals.

Under the existing zoning (RR), the maximum number of residential units permitted is one (1) unit. The square footage for the proposed zoning category (PO) is based on the size of the largest building footprint that will fit this site, which is approximately 7,300 square feet.

Based on this data, it is projected that the proposed rezoning (PO) will generate higher traffic volumes than the current zoning (RR) by 29 vehicle-trips in the AM peak hour and 32 vehicle-trips in the PM peak hour. The ITE Trip Generation Manual does not provide a weekday total for Animal Hospital/ Veterinary Clinic; therefore, a weekday comparison was not available.

It should be noted that under the existing RR zoning category, a veterinary clinic is allowed with a special use permit.



**Table 1
Traffic Generation Summary**

	Existing Zoning – (RR)	Proposed Zoning – (PO)	Change in Traffic Volumes
ITE Code	Single-Family Detached Housing (210)	Animal Hospital/ Veterinary Center (640)	
Size	1 Unit	7,300 sq. ft.	
AM Peak Hour Vehicle Trips	1	30	+29
In	0	22	+22
Out	1	8	+7
PM Peak Hour Vehicle Trips	2	34	+32
In	1	13	+12
Out	1	21	+20
Weekday Daily Vehicle Trips	15	N/A	N/A



SIGHT DISTANCE

A field review shows that there is approximately 800 feet of sight distance to the north to the intersection of Fox Hollow Drive and Knob Creek, which is a signalized intersection. To the south, the sight distance is well over 1,000 feet. The Ingham County Department of Roads sight distance requirement for a five-lane roadway with a 45 MPH speed limit is 565 feet. There are no sight distance issues with this property.

CONCLUSIONS

A summary of the findings of this study are listed as follows:

- The traffic volumes generated by the proposed rezoning will be higher than the existing zoning category.
- The sight distance at the site meets the Ingham County Department of Roads requirements.



SUPPLEMENTAL

Existing Zoning Map
Meridian Charter Township Zoning Ordinance
ICDR Sight Distance Table



Sec. 86-368. - RR district: One-family rural residential district.

(a) *Purpose.*

- (1) A one-family residential district implies a predominant occurrence of dwelling structures located on individual lots of land and housing only one family or household group. There exists, however, a range of preference relative to the character and size of individual residential properties that prompts creation of at least three one-family residential districts. Furthermore, in consideration of the excessive cost of extending water and sewerage service to all areas of the township, the establishment of a zoning district in which spacious lots are required makes it reasonably possible to obtain a continuous supply of safe, potable water on the immediate property and to treat sewage by septic tank followed by the disposal of the effluent on the same property.
- (2) This section, therefore, establishes the RR one-family rural residential district, together with the regulations for all permitted land uses. It is the purpose of this section to establish a district composed of residential properties of a semirural character and one that includes facilities for an extended period of time into the future. This district includes existing low-density one-family properties as well as areas within which such development appears both likely and desirable, and the availability of water and sewers by itself shall not constitute cause for instituting a higher density zoning.
- (3) The requirements for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. Residential development involving higher population densities and requiring higher levels of public, facilities, and services shall be excluded from this district, but can be accommodated in either the RAA, RA or RB single-family residential districts, the RX one- and two-family residential districts or the RD, RDD, RN, RC or RCC multiple-family residential districts.
- (4) In order to avoid intrusion of undesirable uses and to foster all possible benefits for continued high quality of residential environment, all nonresidential land and structure uses in this district have been classified into those uses permitted by right and those permitted by special use permit. Those uses permitted by right include those that require a minimum of limitations, but those uses presenting potential injurious effect upon residential and other property, unless authorized under specific imposed conditions, are controlled through the issuance of special use permits.
- (5) This section applies to the RR district.

(b) *Uses permitted by right.*

- (1) Single-family dwellings, provided that there shall not be more than one dwelling unit upon each lot and that such dwelling is either constructed on the site or manufactured off the site, which shall meet each of the following standards:
 - a. The dwelling shall comply with the minimum living space requirements and other requirements of section 86-366, schedule of regulations for residential districts.
 - b. The dwelling shall have a roof overhang of not less than six inches on all sides.
 - c.

The pitch of the main roof shall not be less than one foot of rise for each four feet of horizontal run. The main roof shall be shingled or shall appear to be shingled, except where alternate energy devices are installed.

- d. The exterior walls shall be constructed, or appear to be constructed, of wood or masonry. Reflection from such exterior shall not be greater than from siding coated with clean, white, gloss, exterior enamel.
- e. The main body of the dwelling shall be a rectangle, with a width of not less than 20 feet, as measured across the narrowest section.
- f. The dwelling shall have not less than two exterior doors, which shall be located on separate sides of the dwelling.
- g. The dwelling shall be firmly attached to a permanent foundation, which shall be coextensive with the perimeter of the dwelling. The foundation shall be constructed in accordance with the state construction code, and attachment of the dwelling to the foundation shall meet all applicable building codes and other state and federal regulations.
- h. The dwelling shall not have exposed wheels, towing mechanism, undercarriage, or chassis.
- i. The dwelling shall contain storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction, similar in exterior appearance to the principal dwelling. Such storage area shall be in addition to the space for the storage of automobiles and shall contain a floor area not less than ten percent of the minimum living space required in section 86-366
- j. The dwelling shall be certified by the manufacturer or builder to be:
 - 1. Designed only for erection or installation on a site-built permanent foundation;
 - 2. Not designed to be moved once so erected or installed;
 - 3. Designed and manufactured to comply with the state construction code, as adopted by the township;
 - 4. To the manufacturer's or builder's knowledge, not intended to be used other than on a site-built permanent foundation.
- k. The dwelling shall meet all standards of the state construction code and all other applicable township ordinances.
- l. The dwelling shall be occupied by a family, a family and one roomer, a functional family, a functional family and one roomer, or by a group of not more than two unrelated persons, except that a person owning a single-family dwelling shall be permitted to keep two roomers while continuing to own and reside in the dwelling. The maximum occupancy shall not exceed three unrelated persons, including the owner, for an owner-occupied dwelling. For the purposes of this chapter persons comprising a functional family as defined in section 86-2 shall be deemed related persons.

Compliance with the foregoing standards shall be determined by the director of community planning and development or his designee, upon review of the plans submitted, which plans shall include elevations or photographs of all sides of the proposed dwelling, exterior dimensions, roof slopes, description of exterior finish and roofing composition, storage areas, and all other information required to be submitted under any applicable ordinance. Such determination may be appealed by an

aggrieved party to the zoning board of appeals, pursuant to article II, division 6 of this chapter. Further, the zoning board of appeals shall be empowered to grant variances from the foregoing standards pursuant to section 86-216. Such variances may be granted to permit innovative design concepts involved in such matters as solar energy, view, unique land contour, or relief from the common or standard design dwelling, provided that the conditions of section 86-221 are satisfied.

(2) *Home occupations.*

- a. The following are typical examples of uses which can be conducted within the standards set forth in this section and therefore qualify as home occupations. Uses which qualify as home occupations are not limited to those named in this section.
 1. Home offices for services such as, but not limited to, accountant, architect, attorney, computer programmer, consultant, graphic designer, insurance agent, realtor, or web designer.
 2. Instruction in crafts or fine arts such as, but not limited to, art, dance, and music instruction, and studio uses for such activities as painting, sculpting, and writing.
 3. Personal services such as, but not limited to, bicycle repair, clothing design, construction and alteration, computer repair, hair dresser, manicurist, and small appliance repair (excluding internal combustion engines).
 4. Offices of professionals licensed by the State of Michigan to treat human patients.
- b. Home occupations shall satisfy the following conditions:
 1. The nonresidential use shall be incidental to the primary residential use.
 2. The home occupation shall utilize no more than 25 percent of the floor area of the dwelling, or 500 square feet, whichever is less.
 3. The home occupation shall involve no employee other than members of their immediate family residing on the premises.
 4. All activities shall be carried on indoors only in the principal building, an attached or detached garage, or other accessory building. No outdoor activities or storage shall be permitted.
 5. There shall be no alterations to the building or property which would in any way change its residential character or appearance.
 6. There shall be no external evidence of a home occupation except one nonilluminated sign not exceeding two square feet in surface display area and attached flat against the building, in accordance with the sign regulations specified in section 86-685 of the Code of Ordinances.
 7. No activity related to the occupation occurring on the premises including clients, customers, or pickup and delivery vehicles shall adversely impact the surrounding neighborhood or the right of surrounding residents to the quiet enjoyment of their property, including, but not limited to, the creation of noise, vibrations, odors, heat, glare, or electrical interference detectable beyond the property line; or have any pickup or delivery by motor vehicle before 7:00 a.m. or after 7:00 p.m.
 8. No occupation by its nature or conduct shall generate undue traffic in excess of that normally expected in a residential neighborhood.

9. Customers of the home occupation shall be accommodated on an appointment basis; no regular hours shall be maintained or advertised where the premises are generally open to customers.
 10. No food or beverages shall be sold to be consumed on the premises.
- (3) *Other customary accessory uses and buildings.* Provided such uses and buildings are incidental to the principal use and do not include any activity conducted as a business. Any accessory building or use shall be located on the same lot with the principal building. See section 86-502 for yard regulations for accessory buildings. Such permitted accessory uses shall include living quarters as part of an accessory garage for domestic employees of the resident of the principal building.
 - (4) *Temporary buildings for uses incidental to construction work.* Such buildings shall be removed upon the completion or abandonment of the construction work and before issuance of any occupancy permit.
 - (5) *Recreation uses.* Public parks, playgrounds, playfields, and other public open space for recreational uses.
 - (6) *Golf courses.* This shall not be deemed to permit golf driving ranges or miniature golf courses. Practice putting and chipping greens are allowed when in conjunction with a golf course. The sale of golf balls and golf clubs or the repair of golf clubs shall be permitted when ancillary to the golf course. Only those accessory buildings related to the maintenance and operation of the golf course, such as an office, inclement weather shelter, starter shed, storage buildings for carts or maintenance equipment, and other similar structures, shall be permitted. Buildings related to the maintenance of the golf course shall not be located closer than 100 feet to any property line. Measures must be taken in course layout to avoid hazard to adjacent property owners.
 - (7) *Customary agricultural operations.* Including general farming, truck gardening, fruit orchards, nursery green houses not selling at retail on the premises, and usual farm buildings but subject to the following conditions:
 1. Raising and keeping of small animals, such as poultry, rabbits and goats, only in RR and RRR districts.
 2. Raising and keeping of livestock, such as cattle, hogs, sheep, and horses, provided that all such raising and keeping shall be for the personal use or consumption by the occupants of the premises, only in RR and RRR districts, provided that the minimum area upon which one such animal may be kept is three acres and that one additional animal may be kept for each additional acre by which the parcel exceeds three acres.
 3. Raising and keeping for profit livestock, such as cattle, hogs, sheep and similar livestock on a parcel of land not less than ten acres in area, only in RR and RRR districts.
 4. No storage of manure or odor or dust-producing materials or use shall be permitted within 100 feet of any property line.
 5. No buildings for storage of mechanical equipment shall be permitted closer than 100 feet of any property line.
 6. No products shall be publicly displayed or offered for sale from the roadside except those grown upon the land abutting the road.
 7. Stabling or confining animals or poultry in barns, pens, stables, or corrals for the production of milk or egg products or for temporary holding of livestock for normal tending shall not be construed as a feedlot and shall be permitted by

right, provided no such barn, pen, stable, or corral is located within 100 feet from any property line. Pasture land shall not be subject to any setbacks. Pasture land shall be identified by a predominance of vegetation consisting of desirable forage species upon which livestock graze.

- (8) *Raising and keeping of chickens and rabbits as nonagricultural use.* The raising and keeping of chickens and rabbits accessory only to one-family dwellings in the RRA, RAAA, RAA, and RA zoning districts is subject to the following requirements:
- a. *Registration.*
 1. Prior to the raising and keeping of chickens and rabbits on any property under this section, the property shall be registered with the department of community planning and development.
 2. Only an individual living in a dwelling on the property shall raise or keep chickens and rabbits on the property. A registration may not be transferred.
 3. Notwithstanding registering with the township, private restrictions on the use of property shall remain enforceable and take precedence over the registration. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
 - b. *Standards.* In addition to registering with the township, the raising and keeping of chickens and rabbits accessory only to one-family dwellings in the RRA, RAAA, RAA, and RA zoning districts shall comply with the following standards:
 1. In no case shall the maximum number of chickens and rabbits in any combination exceed four.
 2. Roosters shall not be allowed.
 3. The sale of chickens, rabbits and eggs on the property is prohibited.
 4. Chickens and rabbits shall not be kept in any location on the property other than in the rear yard as defined by the zoning ordinance.
 5. Chickens and rabbits shall be provided with a covered structure and must be kept in the covered structure or an adjoining fenced area at all times. Covered structures and fenced areas used for the raising and keeping of chickens and rabbits are subject to all provisions of chapter 86 (zoning), except the covered structure and fenced area shall be set back a minimum of ten feet from a side or rear lot line and structures proposed for reverse frontage lots shall be located no closer than 30 feet to the right-of-way of the designated rear yard.
 6. All structures for the raising and keeping of chickens and rabbits shall be constructed so as to prevent rodents or other animals from being harbored underneath, within, or within the walls of the structure.
 7. All feed and other items associated with the raising and keeping of chickens and rabbits shall be kept in containers or otherwise protected so as to prevent access to or contact with rodents or other animals.
 8. The covered structure used to house the chickens and rabbits and any fenced area shall be kept in a sanitary condition.
 - 9.

This section shall not regulate the keeping of chickens in those areas zoned RR (Rural Residential), RRR (Single Family, Low Density, Rural Residential), or AG (Agricultural) where the raising of chickens is a permitted use when conducted in compliance with the Michigan Right to Farm Act and the generally accepted agricultural and management practices promulgated therein.

- (9) *Railroad rights-of-way.* Including all necessary trackage, switches, and operating devices, but excluding storage, marshalling yards, freight yards, or sidings.
 - (10) *Supplementary uses.* The temporary storage of not more than one unoccupied travel trailer or camper trailer upon each lot; provided, however, that such trailer be completely enclosed in a structure or parked in a rear yard in conformance with the applicable yard requirements of the zone in which it is located. Other supplementary uses are described in article V, division 2 of this chapter.
 - (11) *Signs.* Identifying any of the permitted uses in this district shall be in accordance with those requirements specified in article VII of this chapter.
 - (12) *Automobile parking.* Automobile parking shall be provided as specified in article VIII, division 2 of this chapter.
 - (13) *Public educational institutions.* Elementary schools, high schools, and other educational institutions under the jurisdiction of a public school board of education or other publicly elected board authorized by the Constitution of the State of Michigan.
 - (14) *Private, noncommercial kennels.* As defined by this chapter.
 - (15) *Foster family homes.* Foster family group homes and family day care homes.
 - (16) *Garage sales.* Garage sales, rummage sales, yard sales, and similar activities may be conducted for no longer than three days and no more than twice per calendar year on the same property.
- (c) *Uses permitted by special use permit.* The following uses of land and structures may be permitted by the application for and the issuance of a special use permit as provided for in article VI of this chapter:
- (1) Golf driving ranges or miniature golf courses, if on the same parcel of land as a golf course. If not located on the same parcel of land as a golf course, golf driving ranges or miniature golf courses may be permitted in CR (commercial recreation) districts.
 - (2) Club buildings for outdoor sports, except for a golf course. Buildings primarily for the purpose of operating an outdoor sports area may include sales and dispensing of food or beverages, retail sales or rental equipment related to the principal use of the property, and storage of equipment used in maintaining the property.
 - (3) Golf courses featuring the following uses when ancillary to the principal use of the site: club house, pro shop, snack shop, restaurants or banquet facilities, swimming pools, tennis courts, fitness facility, short-term overnight lodging, salon, spa, and other structures, services, and activities determined to be appropriate on the site.
 - (4) Public riding stables and livestock auction yards.
 - (5) Greenhouses and nurseries selling at retail on the premises.
 - (6) Veterinary hospitals, clinics, or commercial kennels.
 - (7) Game or hunting preserves operated for profit.
 - (8) Institutions for human care. Hospitals, sanitariums, nursing or convalescent homes, homes for the aged and other similar institutions as provided for in subsection 86-654 (c). This shall not include multiple housing developments.
 - (9)

Religious institutions. Churches, convents, or similar institutions provided for in article VI of this chapter.

- (10) Public, private or quasi-public education and social institutions. Elementary schools through secondary schools and institutions for higher education, auditoriums, and other places for assembly, centers for social activities. Refer to subsection 86-654(c).
 - (11) Camps for outdoor activities.
 - (12) Sand or gravel pits, quarries, incinerators, junk yards, sanitary fills, public or semiprivate sewage treatment and disposal installations as provided for in article VI of this chapter.
 - (13) Cemeteries, public or private, when occupying a site of no less than 20 acres; provided, that no building shall be closer than 50 feet from any property lines.
 - (14) Airports.
- (d) *Dimensional requirements.* The following minimum dimensions for lot area and width, front, side, and rear yards, together with maximum dimensions for lot coverage and building heights, shall be required for every structure and land use in this district, except as noted.
- (1) *Minimum lot area.* No lot shall hereafter be subdivided to provide less than 40,000 square feet of lot area. Attention is directed to supplementary area regulations article V, division 3 of this chapter for permitted exceptions to lot area.
 - (2) *Minimum lot width.* Two hundred feet.
 - (3) *Maximum lot coverage.* All buildings, including accessory buildings, shall not cover more than 20 percent of the lot area.
 - (4) *Minimum yard dimensions.*
 - a. *Front yard.* In accordance with the setback requirements of section 86-367 for the type of street upon which the lot fronts.
 - b. *Side yard.* Twenty feet.
 - c. *Rear yard.* Thirty-five feet.
 - d. *Corner lots.* A front yard shall be maintained on each street side of a corner lot. Setbacks shall be equal to those required in section 86-367 for the type of streets upon which the lot has frontage and all regulations applicable to front yards shall apply.
 - e. *Through and reverse frontage lots.* Principal buildings shall be located in accordance with the front yard setback requirements of section 86-367 for the type of streets upon which the through or reverse frontage lot abuts. Access to residential sites shall be located on the street with the lowest functional classification as illustrated in section 86-367. All regulations applicable to front yards shall apply except freestanding accessory buildings or structures, such as decks, garages, sheds, swimming pools, and tennis courts, proposed for reverse frontage lots shall be located no closer than 30 feet from the right-of-way of the designated rear yards.
 - (5) *Supplementary yard regulations.* For permitted exceptions in yard dimensions, for permitted yard encroachments, and for placement of accessory building in yard area, refer to article V, division 4 of this chapter.
 - (6) *Maximum building height.* Two-and-one-half stories, but not exceeding 35 feet. For permitted exceptions to residential building heights refer to article V, division 5 of this chapter.
 - (7) *Minimum living space.* Minimum, gross living area per family shall not be less than 1,000 square feet of floor area on the first floor if one story or 625 square feet of floor

area on the first floor level if two stories, exclusive of any attached garage. In any case total living area shall not be less than 1,000 square feet.

(Code 1974, §§ 82-2.1—82-2.4; Ord. No. 2002-05, § 1(C, H), 5-7-2002; Ord. No. 2010-03, § 1, 2-28-2010; Ord. No. 2011-07, § 1, 5-5-2011; Ord. No. 2011-09, §§ 1B, C, 7-19-2011)

State law reference— State-mandated residential uses, MCL 125.286g.

Sec. 86-432. - PO district: Professional and office district.

- (a) *Purpose.* The PO district is intended to accommodate those nonresidential uses of an administrative or professional nature which are necessary to the normal conduct of a community's activities. It is specifically designed, however, to prohibit the introduction of commercial establishments of a retail nature, or other activities which require the constant visits of the general public. This section applies to such district.
- (b) *Uses permitted.* The following types of commercial activities may be permitted, provided that only public sanitary sewerage will be utilized. All of the following uses permitted must be conducted wholly in a permanent, fully enclosed building:
- (1) Offices of professionals licensed by the State of Michigan to treat human patients such as, but not limited to, chiropractors, dentists, dietitians/nutritionists, massage therapists, occupational therapists, optometrists, osteopaths, physical therapists, physicians, podiatrists and psychologists. This shall not include facilities accommodating overnight patients or providing secondary services not specifically listed as permitted.
 - (2) Hospitals, medical clinics, and veterinary clinics, provided that all activities are carried out within a building and that no objectionable sights, sounds, or odors are produced which may be discernable at the property lines.
 - (3) Offices of architects, engineers, urban planners, and artists and others employed in the graphic arts.
 - (4) Offices in which the personnel will be employed for work in one or more of the following fields: executive, administrative, legal, writing, clerical, stenographic, accounting, insurance, and similar enterprises.
 - (5) Research laboratories, provided that no heavy mechanical equipment is used in the normal operation of the laboratories and provided that the character of its research would not make it objectionable because of sights, sounds, odors, and traffic congestion produced.
 - (6) Religious institutions, except when located adjacent to a one-family or two-family residential zoning district (RRR, RR, RRA, RAAA, RAA, RA, RB, and RX).
- (c) *Uses permitted by special use permit.*
- (1) Child care centers.
 - (2) Funeral homes and mortuaries, subject to the following:
 - a. Adequate assembly area shall be provided on the site for vehicles to be used in funeral processions. Automobile assembly areas may be counted toward the parking requirement provided the standards of article VI of this chapter governing parking lot design, construction, and landscaping are met.
 - b. A caretaker's residence may be provided within the main building of mortuary establishments as an accessory use.
 - (3) The following uses may be permitted by special use permit when deemed appropriate to the primary use of the land or structure:
 - a. Drug store.
 - b. Barber or beauty shop.
 - c. Restaurant, provided there are no drive-in or drive-through type facilities associated with it.

- d. Public utility structures, publicly owned and operated buildings and uses.
- (4) Religious institutions, when located adjacent to a one-family or two-family residential zoning district (RRR, RR, RRA, RAAA, RAA, RA, RB, AND RX), subject to the following site location and development standards:
- a. *Minimum lot area.* Two acres.
 - b. *Minimum yard dimensions.*
 - 1. *Front yards.* In accordance with section 86-367 for the type of street upon which the building faces but no closer than 50 feet to any street right-of-way line.
 - 2. *Side and rear yards.* No building shall be closer than 50 feet to any side or rear property line.
 - c. *Maximum lot coverage.* No more than 25 percent of the lot shall be covered by buildings.
 - d. *Maximum building height.* As permitted in the adjacent residential district unless the building setback is one additional foot for each foot of additional height above the height limitation.
 - e. *Access.* Motor vehicle ingress and egress should be from a street designated in section 86-367 as an arterial or collector street.
 - f. *Site locations.* Sites should be preferred that offer natural or manmade barriers that would lessen the effect of the intrusion of the nonresidential use into a residential area.
- (d) *Professional/office site development requirements.*
- (1) *Minimum lot area.* Five thousand square feet.
 - (2) *Minimum lot width.* Fifty feet.
 - (3) *Minimum yard dimensions.*
 - a. *Front yards.* In accordance with the setback requirements of section 86-367 for the type of street upon which the lot fronts.
 - b. *Side and rear yards.* The principal building may be constructed on the property line if constructed with the adjacent property owner's approval at the same time as, and in conjunction, with construction of an abutting building, but if side yards or rear yards are provided, they shall be at least 15 feet.
 - c. *Side and rear yards adjacent to a residential district.* No structure shall be less than 50 feet from any residential district boundary line.
 - d. *Corner lots.* A front yard shall be maintained on each street side of a corner lot. Setbacks shall be equal to those required in section 86-367 for the type of street or streets upon which the lot has frontage and all regulations applicable to front yards shall apply.
 - (4) *Maximum building heights.* Thirty-five feet, unless each required yard is increased one foot for every foot of height above 35 feet.
 - (5) *Signs.* Signs identifying any of the permitted uses in this district shall be in accordance with those requirements specified in the schedule outline in article VII of this chapter.
 - (6) *Off-street parking and loading requirements.* Motor vehicle parking and loading, and bicycle parking requirements for this district are specified in article VIII of this chapter.
 - (7) *Design review.* All uses in this district are subject to design review as prescribed in article II, division 5 of this chapter.
 - (8)

Landscaping. Landscaping shall be maintained in all required front and side yards, in accordance with plans approved by the planning director. A landscape plan showing locations and varieties of plant materials shall be submitted for site plan review. All landscaped areas shall be planted with suitable living plant materials and replaced as necessary. Landscaped areas shall be watered, weeded, and generally maintained.

(9) *Other requirements.*

- a. Lighting shall be accomplished in a manner such that no illumination source is visible beyond the property lines of the lot upon which the use is located, and such that no illumination shall adversely affect the welfare of an adjacent property.
- b. Side or rear yards may not be used for storage.
- c. All refuse containers, including trash and recycling containers, shall be enclosed on at least three sides by a screening device approved by the planning director, subject to the following provisions:
 1. For existing uses receiving a certificate of occupancy prior to the effective date of this section, recycling containers shall be placed adjacent to other refuse containers on-site. If the planning director determines that it is not practical to place the container adjacent to other refuse containers on the site, such containers may be placed in parking areas, provided that the space used for the container shall not occupy required parking spaces and further provided that recycling containers shall be enclosed on three sides by a screening device approved by the planning director.
 2. For uses receiving a certificate of occupancy after the effective date of this section, recycling containers shall meet the requirements of this section and the requirements for site plan review under article II, division 5 of this chapter.
- d. Air conditioning units, heating oil storage tanks, or similar appurtenances shall be properly screened as approved by the planning commission.

(10) *Maximum impervious surface.* The maximum percentage of impervious surface permitted on a site shall be 75 percent. Impervious surfaces shall include all land covered with paving, buildings, and other nonporous surfaces. The impervious surface ratio is calculated by dividing the total impervious surface by the gross area of the site. The following shall be counted as pervious surfaces:

- a. Required perimeter landscaped buffers.
- b. Fifty percent of on-site stormwater detention and retention basins, if designed as an integral part of the site landscaping, provided that the side slope of such basins shall not be steeper than 4:1 (horizontal:vertical).
- c. Parking lot islands and medians that are 20 feet or greater in each dimension.

(e) *Miscellaneous.* No structure erected for the purposes of acting as a residential dwelling or apartment shall be used for commercial or office purposes unless it can meet all commercial structure standards of the state building code and unless a special use permit is obtained from the planning commission. These restrictions are not applicable to legitimate home occupations as defined by this chapter. The intent of this section is to protect the safety of township residents while allowing reasonable use of historic or otherwise sound residential structures.

(Code 1974, § 82-10; Ord. No. 2007-14, § 1(D), (E), 11-25-2007; Ord. No. 2009-07, § 1.A., 8-30-2009; Ord. No. 2010-02, § 1.D., 2-28-2010)

Table 5**Sight Distance**

Design Speed (mph)	Stopping Sight Distance (feet)	Intersection Sight Distance Onto Four – Lane Roads		
		Passenger Cars (feet)	Single Unit Truck (feet)	Combination Truck (feet)
25	155	295	370	445
30	200	355	445	530
35	250	415	520	620
40	305	475	590	710
45	360	530	665	795
50	425	590	735	885
55	495	650	810	975

Table 6**Sight Distance**

Design Speed (mph)	Stopping Sight Distance (feet)	Intersection Sight Distance Onto Five – Lane Roads		
		Passenger Cars (feet)	Single Unit Truck (feet)	Combination Truck (feet)
25	155	315	390	460
30	200	375	465	555
35	250	440	545	645
40	305	500	620	735
45	360	565	700	830
50	425	625	775	920
55	495	690	850	1015

**William F. Savage, P.E.
Savage Traffic Engineering, Inc.**

Summer Address
6401 Timber Ridge Trail
East Lansing, MI 48823
Phone & Fax: 517-339-3933

e-mail: MSUSavage@aol.com

Winter Address
6611 Stone River Road, #206
Bradenton, FL 34203
Phone & Fax: 941-755-4681

January 24, 2014

Gail Oranchak, Principal Planner
Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864

RE: Rezoning – Okemos Road

Dear Gail:

The good news is that even its highest use, this location will generate minimal traffic. Entering traffic will have few problems, and the peak exiting traffic during the afternoon peak hour will generate about one vehicle every three minutes.

Further, it is probable that a lower use will generate even fewer vehicles.

Sincerely,

WFSavage

William F. Savage, P.E.

**Special Use Permit #14-13111
(Public Works & Engineering)
February 6, 2014**

APPLICANT: Charter Township of Meridian
Department of Public Works and Engineering
5151 Marsh Road
Okemos, MI 48864

STATUS OF APPLICANT: Easement and property owner

REQUEST: To impact the 100-year floodplain to construct a pedestrian-bicycle pathway bridge over the Red Cedar River

CURRENT ZONING: RB (Single Family-High Density) and PO (Professional Office)

LOCATION: Along and adjacent to the southbound Okemos Road in Section 21

EXISTING AREA LAND USES: N: Downtown Okemos
S: Offices
E: Ferguson Park
W: Wonch Park

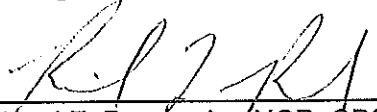
CURRENT ZONING IN AREA: N: RB (Single Family-High Density) and C-2 (Commercial)
S: PO (Professional Office)
E: RA (Single Family-Medium Density)
W: RB (Single Family-High Density)

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM:


Richard F. Brown, Jr., AICP, CBSP
Associate Planner

DATE: February 6, 2014

RE: Special Use Permit #14-13111 (Public Works & Engineering), a request to construct a pedestrian-bicycle pathway bridge in the 100-year floodplain

The Meridian Township Department of Public Works and Engineering is requesting an amendment to Special Use Permit #13111 for increased impact to the 100-year floodplain taking place on the north bank of the Red Cedar River. The floodplain impacts are associated with the construction of an approximate 220 foot long pedestrian-bicycle pathway bridge. The new prefabricated steel truss bridge will resemble the Marsh Road Pathway Bridge over the CN Railroad, will incorporate an eight foot wide travelway, and will be constructed adjacent to the west side of the southbound lanes of Okemos Road in Section 21 of the Township.

The following chart identifies the amount of impact to the 100-year floodplain resulting from all fill activities associated with the project and the total amount of cut proposed by the applicant.

ACTIVITY	ORIGINAL IMPACTS	PROPOSED IMPACTS
TOTAL FILL	7.80 cubic yards	17.33 cubic yards
TOTAL CUT	16.24 cubic yards	24.80 cubic yards
Cut to fill ratio	2.08 to 1.00	1.43 to 1.00

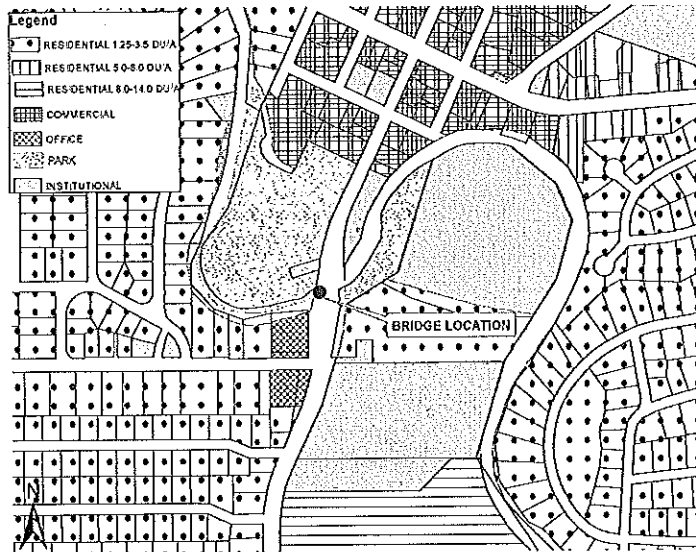
Activities within the floodplain associated with the proposed project, include:

- Placing 17.33 cubic yards instead of 7.8 cubic yards of fill in the 100-year floodplain (floodway fringe) on the north side of the river. The reason for the change in fill is due to the size of the bridge abutments being increased at the recommendation of a structural engineer – the north bridge abutment is located within the 100-year floodplain.
- Providing 24.80 cubic yards of compensating cut in the floodway on the north side of the river for a cut to fill ratio of 1.43 to 1.00.

2005 Master Plan

The 2005 Master Plan's Future Land Use Map indicates the subject site is shown as road right-of-way with land north of the bridge designated as Park and south of it as Office.

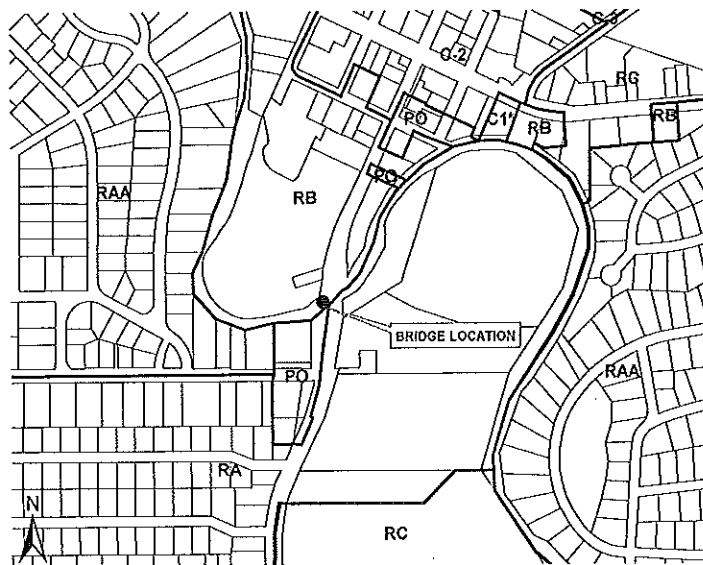
FUTURE LAND USE MAP



Zoning

Zoning on the north side of the river is RB (Single Family-High Density) and PO (Professional Office) on the south side of the river.

ZONING MAP



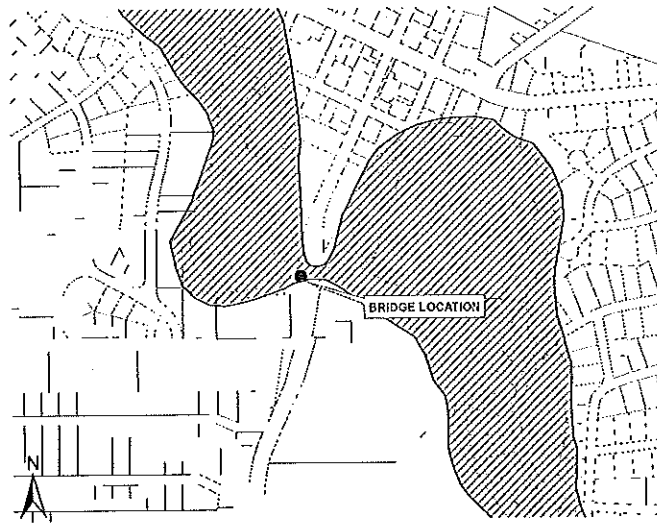
Physical Features

The subject site is situated adjacent to the west side of the southbound lanes of Okemos Road where they cross the Red Cedar River in Section 21 of the Township.

Floodplain

According to the Township's Flood Insurance Rate Map and Study, the elevation of the 100-year floodplain of the Red Cedar River at Okemos Road is 843.7 feet above mean sea level per the 1929 datum. Other than the proposed fill and the compensating cut, all other construction and site work will take place above this elevation.

FLOODPLAIN MAP



Wetlands

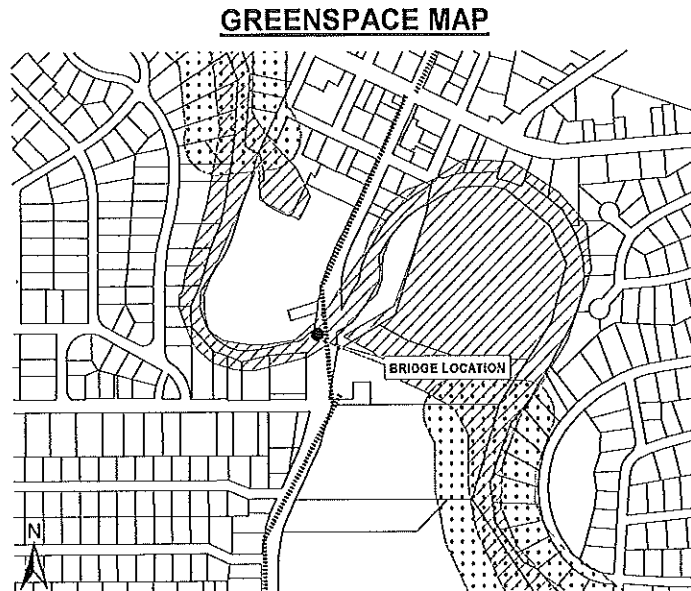
The Township's wetlands map depicts regulated wetlands along the course of the Red Cedar River, though the slope areas where the pedestrian-bicycle pathway bridge impacts are proposed do not contain any regulated wetlands.

WETLANDS MAP



Greenspace Plan

The proposed pedestrian-bicycle pathway bridge is identified on the Greenspace Plan as part of the Township's pathway system.



Staff Analysis

After receiving approval from the Planning Commission on August 26, 2013 for its original pedestrian-bicycle pathway bridge proposal (SUP #13111), the Department of Public Works & Engineering had the plans reviewed by a structural engineer. Based on the recommendations of the structural engineer, the bridge abutments were enlarged to adequately support the weight of the proposed bridge. This change caused the increase in floodplain fill, as the north abutment rests in the floodway fringe.

The standards for review of the project are contained in Section 86-126 and Section 86-436 of the Code of Ordinances. Specific guidance for review of applications for work in the floodway for the compensating cut can be found in Sections 86-436(g) through (i), while guidance for review of applications for the abutment work in the floodway fringe can be found in Section 86-436(k) through Section 86-436(m). Issues to consider when evaluating the abutment work in the floodway fringe include whether the project is damaging to the public health, safety, or welfare; or whether it will impose a financial burden on the Township. The issues to consider when evaluating the compensating cut in the floodway are much the same, except the proposed work shall not also impact the capacity of the floodway.

The proposed pedestrian-bicycle pathway bridge is consistent with the Township's Pedestrian-Bicycle Pathway Master Plan. A bridge crossing at this location has been part of the plan since its inception. The existing southbound Okemos Road Bridge has a narrow four-foot wide sidewalk along its west side that does not allow for safe passage of pedestrians or bicycles. Due to its narrowness, the sidewalk also cannot easily be cleared of snow during the winter months.

SUP #14-13111 (Public Works & Engineering)
Planning Commission (2/6/14)
Page 5

Other activities associated with the pedestrian-bicycle pathway bridge project that are taking place outside of the 100-year floodplain, include:

- Remove 1,250 square feet of existing pathway and replace it with 950 square feet of pathway to match the new pathway bridge alignment on either side of the bridge.
- Remove 25 lineal feet of existing wooden fencing on the north side of the crossing.
- Remove and relocate an existing utility pole on the south side of the crossing.

The applicant's revised permit for the bridge project has been approved by the Michigan Department of Environmental Quality (MDEQ). The Director of Public Works & Engineering has reviewed the project and recommends approval of Special Use Permit #14-13111.

The applicant has requested the Planning Commission make a decision on the special use permit the same night as the hearing so that the project may begin as soon as possible. Before acting on the applicant's request the same night as the public hearing, the Planning Commission must first suspend Bylaw 6.4a. The following motion is provided to suspend Bylaw 6.4a:

- **MOTION** to suspend Planning Commission Bylaw 6.4a to consider Special Use Permit #14-13111 the same night as the public hearing.

Planning Commission Options

The Planning Commission may approve, approve with conditions, or deny Special Use Permit #14-13111. A resolution to approve has been provided for consideration.

Attachments

1. Resolution to approve
2. Application materials
3. SUP #13111 approval letter
4. Letter from the Director of Public Works & Engineering
5. Revised MDEQ permit
6. Photograph of the Marsh Road Bridge
7. Site plan

RESOLUTION TO APPROVE

**Special Use Permit #14-13111
(Meridian Township)
Okemos Road Pathway Bridge**

RESOLUTION

At a regular meeting of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 10th day of February 2014, at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, the Meridian Township Department of Public Works & Engineering requested an amendment to its special use permit (Special Use Permit #13111) for work in the 100-year floodplain associated with construction of a pedestrian-bicycle pathway bridge over the Red Cedar River in Section 21 of the Township; and

WHEREAS, Section 86-436, Conservancy District of the Township Code of Ordinances requires a special use permit for the proposed activities impacting the 100 year floodplain; and

WHEREAS, the Planning Commission held a public hearing on Special Use Permit #14-13111 at its meeting on February 10, 2014, reviewed the staff material forwarded under cover memorandum dated February 6, 2014; and

WHEREAS, the proposed work in the floodplain is consistent with the requirements and standards outlined in Section 86-436, the Conservancy District for the granting of a special use permit, it will not cause an increase in the flood level, nor impede the capacity of the floodway or the floodway fringe; and

WHEREAS, the improvements associated with the proposed pedestrian-bicycle pathway bridge will not be adverse or damaging to the public health, safety, or welfare because the new abutments are outside the main channel and a 1.43 to 1.00 compensating cut will be provided; and

WHEREAS, the proposed work in the floodplain is consistent with Section 86-126 of the Code of Ordinances, the general standards for the granting of a special use permit by being harmonious with the general character of the vicinity, by not adversely affecting or being hazardous to neighboring uses, nor by having an adverse impact on the natural resources of the Township; and

WHEREAS, the Michigan Department of Environmental Quality (MDEQ) has approved the revised bridge project; and

WHEREAS, the Director of Public Works and Engineering approved the project, contingent on any permits or conditions required by the Township.

**Resolution to Approve
SUP #14-13111 (Meridian Township)
Page 2**

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #14-13111 subject to the following conditions:

1. Approval is subject to the revised pathway bridge plan prepared by the Meridian Township Department of Public Works & Engineering, dated January 7, 2014, and the related materials submitted as part of Special Use Permit #14-13111, subject to revisions as required.
2. In no case shall the impoundment capacity of the floodplain be reduced.
3. Fill placed in the floodplain as part of the project shall be protected against erosion.
4. The applicant shall properly dispose of all excess materials from the compensating cut areas to an off-site location subject to the approval of the Director of Community Planning & Development.
5. The disposed materials at the off-site location shall be protected from erosion and re-seeded subject to the approval of the Director of Community Planning & Development.

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

I, the undersigned, the duly qualified Chairperson of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Planning Commission on the 10th day of February, 2014.

Patricia Jackson, Chair
Meridian Township Planning Commission

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 MERIDIAN TOWNSHIP ENGINEERING DEPARTMENT
Address of Applicant 5151 MARSH ROAD
Telephone - Work 853-4440 Home _____ Fax 853-4095 Email _____
Interest in property (circle one): Owner Tenant Option Other
(Please attach a list of all persons with an ownership interest in the property.)
- B. Site address / location / parcel number WONCH PARK 21-451-004
Legal description (please attach if necessary) SEE ATTACHED
Current zoning RB
Use for which permit is requested / project name FILL IN A FLOOD PLAIN
Corresponding ordinance number 86-436
- 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 NYAL NUNN
Address 5151 MARSH ROAD
Telephone - Work 853-4440 Home _____ Fax 853-4095
- E. Acreage of all parcels in the project: Gross 15 Net _____
- F. Explain the project and development phases: PROPOSED PEDESTRIAN BRIDGE PLACED ON EXISTING ROAD BRIDGE ABUTMENTS
- G. Total number of:
Existing: structures _____ bedrooms _____ offices _____ parking spaces _____ carports _____ garages _____
Proposed: structures _____ bedrooms _____ offices _____ parking spaces _____ carports _____ garages _____
- H. Square footage: existing buildings _____ proposed buildings _____
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: 12 FULL TIME 7AM - 7PM
- 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.

Part II

SUP REQUEST STANDARDS
Township Code of Ordinances, Section 86-126

Applications for Special Land Uses will be reviewed with the standards stated below. An application that complies with the standards stated in the Township Ordinance, conditions imposed pursuant to the Ordinance, other applicable Ordinances, and State and Federal statutes will be approved. Your responses to the questions below will assist the Planning Commission in its review of your application.

- (1) The project is consistent with the intent and purposes of this chapter.
- (2) The project is consistent with applicable land use policies contained in the Township's Master Plan of current adoption.
- (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.
- (4) The project will not adversely affect or be hazardous to existing neighboring uses.
- (5) The project will not be detrimental to the economic welfare of surrounding properties or the 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 proposed use shall be able to provide any such service.
- (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 longterm needs of the proposed project.
- (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.
- (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.

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

[Signature]
Signature of Applicant

7/24/13
Date

Nyal Nunn
Type/Print Name

Fee: _____

Received by/Date: *[Signature]* 7/25/13

**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.

CHARTER TOWNSHIP OF MERIDIAN

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



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

July 24, 2013

Planning Commission

Re: *Okemos Road Pedestrian Bridge 2013*

Dear Commission Members:

The following points are in response to the Review Criteria for our SUP application:

1. We are maintaining the integrity of the Township's natural resources by providing a net increase to the floodplain capacity.
2. Additionally, the proposed project, a pedestrian bridge, is consistent with the goals of the Township's Ordinance and Master Plan in that this project promotes public health through increased recreational opportunities.
3. There are currently two road bridges, two parks, and a network of existing pedestrian pathways in the vicinity of the project; thus the proposed pedestrian bridge will not alter the essential character of the surrounding area.
4. Existing parks and pedestrian facilities surround the project area. Both of which are compatible with the proposed pedestrian bridge.
5. The proposed project will, if anything, provide economic benefit by increasing pedestrian access through the project area.
6. The area is currently served by extensive pedestrian pathways which connect East Lansing and Lansing to the west, Haslett to the north, and Okemos to the south.
7. The proposed project does not require sanitation facilities.
8. The proposed project is designed to be user-friendly, the same as all of the pedestrian facilities in the Township.
9. The project will utilize a single-span bridge structure to avoid any impact on the adjacent river.

Sincerely,

A handwritten signature in black ink, appearing to read "Nyal Nunn", is written over a horizontal line.

Nyal Nunn
Meridian Township
Project Engineer
(517)853-4468 Office
(517)853-4095 Fax
nunn@meridian.mi.us

5151 MARSH ROAD, OKEMOS, MICHIGAN 48864-1198 (517) 853-4000

www.meridian.mi.us





AGENCY USE	Previous USACE File Number	Date Received	DEQ File Number	
	USACE File Number		Fee received \$	
<p>Validate that all parts of this checklist are submitted with the application package. Fill out application and additional pages as needed.</p> <p><input checked="" type="checkbox"/> All items in Sections 1 through 9 are completed.</p> <p><input checked="" type="checkbox"/> Project-specific Sections 10 through 20 are completed.</p> <p><input checked="" type="checkbox"/> Dimensions, volumes, and calculations are provided for all impact areas.</p> <p><input checked="" type="checkbox"/> All information contained in the headings for the appropriate Sections (1-20) are addressed; and identified attachments (↔) are included.</p> <p><input checked="" type="checkbox"/> Map, site plan(s), cross sections; one set must be black and white on 8 1/2 by 11 inch paper; photographs.</p> <p><input checked="" type="checkbox"/> Application fee is attached.</p>				
<input checked="" type="checkbox"/> Project Location Information For Latitude, Longitude, and TRS Info anywhere in Michigan see www.mcql.state.mi.us/wellands/				
Project Address (road, if no street address) <i>Okemos Road at the Red Cedar River</i>		Zip Code <i>48864</i>	Municipality (Township/Village/City) <i>Meridian Township</i>	County <i>Ingham County</i>
Property Tax Identification Number(s) <i>33-02-02-21-451-004</i>		Latitude _____ N		Township/Range/Section (TRS) <i>T 4 N; R 1 W;</i>
Subdivision/Plat and Lot Number <i>Woods Park</i>		Longitude _____ W		Sec <i>21</i> OR Private Claim # _____
<input checked="" type="checkbox"/> Applicant and Agent Information				
Owner/Applicant (Individual or corporate name) <i>Meridian Charter Township</i>			Agent/Contractor (Firm name and contact person)	
Mailing Address <i>5151 Marsh Road</i>			Mailing Address	
City <i>Okemos</i>	State <i>MI</i>	Zip Code <i>48864</i>	City	State Zip Code
Contact Phone Number <i>(517)853-4368</i>	Fax <i>(517)853-4095</i>	Contact Phone Number	Fax	
Email <i>nunn@meridian.mi.us</i>			E-mail	
<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Is the applicant the sole owner of all property on which this project is to be constructed and all property involved or impacted by this project? If no, attach letter(s) of authorization from all property owners including the owner of the disposal site.				
Property Owner's Name (if different from applicant)			Mailing Address	
Contact Phone Number			City	State Zip Code
<input checked="" type="checkbox"/> Project Description				
Project Name <i>Okemos Road Pedestrian Bridge 2013</i>			Preapplication File Number - - -P	
Name of Water body <i>Red Cedar River</i>			Date project staked/tagged <i>07/24/2013</i>	
The proposed project is on, within, or involves (check all that apply)			Project Use	
<input type="checkbox"/> an inland lake (5 acres or more) <input type="checkbox"/> a pond (less than 5 acres) <input checked="" type="checkbox"/> a stream, river, ditch or drain <input type="checkbox"/> a legally established County Drain Date Drain was established <input type="checkbox"/> a channel/canal <input type="checkbox"/> 500 feet of an existing water body			<input type="checkbox"/> private <input type="checkbox"/> commercial <input type="checkbox"/> public/government <input type="checkbox"/> project is receiving federal/state transportation funds <input checked="" type="checkbox"/> Wetland Restoration <input type="checkbox"/> other	
<input type="checkbox"/> a Great Lake or Section 10 Waters <input type="checkbox"/> a wetland <input checked="" type="checkbox"/> a 100-year floodplain <input type="checkbox"/> a dam <input type="checkbox"/> a designated high-risk erosion area <input type="checkbox"/> a designated critical dune area <input type="checkbox"/> a designated environmental area				
Indicate the type of permit being applied for: <input type="checkbox"/> General Permit <input checked="" type="checkbox"/> Minor Project <input type="checkbox"/> Individual (All other projects.) ↔ See Appendix C.				
Written Summary of All Proposed Activities <i>Installation of a single-span pedestrian bridge over the Red Cedar River on the west side of Okemos Road and relocation of the adjacent seven (7) foot concrete sidewalk to the new structure.</i>				
Construction Sequence and Methods <i>Install SESC measures; saw cut existing road-bridge wing walls; install sheet piling behind the north road-bridge abutment; install bridge structure; remove old sidewalk; install new sidewalk to the new bridge; restore disturbed soil; remove SESC measures once grass is growing.</i>				



4 Project Purpose, Use and Alternatives Attach additional sheets as necessary.

Describe the purpose of the project and its intended use; include any new development or expansion of an existing land use.
To allow safe access across the Red Cedar River for both pedestrians and cyclists. The existing road-bridge contains a small four (4) foot wide sidewalk which is insufficient given the proximity of the bridge traffic and must be closed during the winter. The new bridge will move pedestrian traffic safely away from the vehicular traffic and will be open and maintained year-round.

Describe the alternatives considered to avoid or minimize resource impacts. Include factors such as, but not limited to, alternative locations, project layout and design, and construction technologies. For utility crossings include alternative routes and construction methods.
By utilizing a single-span structure no obstruction will be placed in the river, thereby avoiding any fill in the floodway. By modifying and using the existing road-bridge wing-walls and abutments a minimum of fill will be placed in the floodplain fringe. Moving the proposed pedestrian bridge further away from the existing road-bridge would require significantly more fill in the floodplain in the form of entirely new abutments with the associated earthen fill. Thus the proposed location and configuration allows for a minimal impact to the floodplain.

5 Locating Your Project Site Attach a legible black and white map with a North arrow.

Names of roads of closest intersection. *Okeemos Road & Mt. Hope Road.*
Directions from main intersection to the project site, with distances from the best and nearest visible landmark and water body *400 feet north of intersection, off the west side of the southbound road-bridge over the Red Cedar River.*

Description of buildings on the site (color, 1 or 2 story, other) | Description of adjacent landmarks or buildings (address, color, etc)
Two road-bridges over the Red Cedar River.

How can your site be identified if there is no visible address? *The road-bridge over the Red Cedar River.*

6 Easements and Other Permits

No Yes Is there a conservation easement or other easement, deed restriction, lease, or other encumbrance upon the property?
If yes, attach a copy. Provide copies of court orders and legal lake levels if applicable.

List all other federal, interstate, state, or local agency authorizations including required assurances for Critical Dune Area projects.

Agency	Type of Approval	Number	Date Applied	Date approved /denied	Reason for denial

7 Compliance

If a permit is issued, when will the activity begin? (M/D/Y) *10/01/2013* | Proposed completion date (M/D/Y) *11/01/2013*

No Yes Has any construction activity commenced or been completed in a regulated area?
If Yes, identify the portion(s) underway or completed on drawings or attach project specifications and give completion date(s).
 No Yes Were the regulated activities conducted under a DEQ and/or USACE permit?
If Yes, list the permit numbers
 No Yes Are you aware of any unresolved violations of environmental law or litigation involving the property?
If Yes, attach explanation.

8 Adjoining Property Owners Provide current mailing addresses. Attach additional sheets/labels for long lists.

<input type="checkbox"/> Established Lake Board <input type="checkbox"/> Lake Association	Contact Person	Mailing Address	City	State and Zip Code
--	----------------	-----------------	------	--------------------

List all adjoining property owners.
If you own the adjoining lot, provide the requested information for the first adjoining parcel that is not owned by you:

Property Owner's Name	Mailing Address	City	State and Zip Code
<i>Parkview Development LLC</i>	<i>2248 Mt. Hope #202</i>	<i>Okeemos</i>	<i>MI 48804</i>



Applicant's Certification

Read carefully before signing.

I am applying for a permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application; that it is true and accurate; and, to the best of my knowledge, that it is in compliance with the State Coastal Zone Management Program. I understand that there are penalties for submitting false information and that any permit issued pursuant to this application may be revoked if information on this application is untrue. I certify that I have the authority to undertake the activities proposed in this application. By signing this application, I agree to allow representatives of the DEQ, USACE, and/or their agents or contractors to enter upon said property in order to inspect the proposed activity site before and during construction and after the completion of the project. I understand that I must obtain all other necessary local, county, state, or federal permits and that the granting of other permits by local, county, state, or federal agencies does not release me from the requirements of obtaining the permit requested herein before commencing the activity. I understand that the payment of the application fee does not guarantee the issuance of a permit.

<input type="checkbox"/> Property Owner <input type="checkbox"/> Agent/Contractor <input checked="" type="checkbox"/> Corp. or Public Agency / Title <u>Meridian Township.</u>	Printed Name <u>Nyal Nunn</u>	Signature 	Date <u>7/28/13</u>
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10 Projects Impacting Inland Lakes, Streams, Great Lakes, Wetlands or Floodplains

- Complete only those sections A through M applicable to your project.
- If your project impacts wetlands also complete Section 12. If your project impacts regulated floodplains also complete Section 13.
- To calculate volume in cubic yards (cu yd), multiply the average length in feet (ft) times the average width (ft) times the average depth (ft) and divide by 27. Example: (25 ft long x 10 ft wide x 2 feet deep) / 27 = 18.5 cubic yards
- Some projects on the Great Lakes require an application for conveyance prior to Joint Permit Application completeness.
 - Provide a black and white overall site plan, with cross-section and profile drawings. Show existing lakes, streams, wetlands, and other water features; existing structures; and the location of all proposed structures, land change activities and soil erosion and sedimentation control measures. Review Appendix B and EZ Guides for aid in providing complete site-specific drawings.
 - Provide tables for multiple impact areas or multiple activities such as multiple fill areas or multiple culverts. Include your calculations.

Water Level Elevation

On Inland waters NAVD 29 NAVD 88 other Observed water elevation (ft) 831.37 date of observation (M/D/Y) 01/20/2013
 On a Great Lake IGLD 85 surveyed converted from observed still water elevation.

A. PROJECTS REQUIRING FILL. (See All Sample Drawings)

- Attach a site plan and cross-section views to scale showing maximum and average fill dimensions with calculations.
- For multiple impact areas on a site provide a table with location, dimensions and volumes for each fill area.

Purpose bioengineered shore protection boat ramp boat well bridge or culvert crib dock
 riprap seawall swim area other

Dimensions of fill (ft) Length 50 Width 2.5 Maximum Depth 2	Total volume (cubic yards) 10.3	Volume below OHWM (cubic yards) 0
Maximum water depth in fill area (ft) 0	Area filled (sq ft) 30	Will filter fabric be used under proposed fill? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If Yes, type)

Fill will extend 0 feet into the water from the shoreline and upland 50 feet out of the water.

Type of clean fill peastone % sand 100% gravel % other

Source of clean fill commercial on-site other
 ↳ If on-site, show location on site plan.
 ↳ If other, attach description of location.

B. PROJECTS REQUIRING DREDGING OR EXCAVATION (See Sample Drawings)

- Refer to www.mdeq.com for spoils disposal and authorization requirements.
- Attach a site plan and cross-section views to scale showing maximum and average dredge or excavation dimensions with calculations.
- For multiple impact areas on a site provide a table with location, dimensions and volumes for each dredge/excavation area.

Purpose boat ramp boat well bridge or culvert maintenance dredge
 navigation pond/basin other

Dimensions (ft) Length Width Maximum Depth	Total volume (cu yds)	Volume below OHWM (cu yds)
---	-----------------------	----------------------------

Has this same area been previously dredged? No Yes. If Yes, provide date and permit number.

Will the previously dredged area be enlarged? No Yes. If Yes, when and how much?

Is long-term maintenance dredging planned? No Yes. If Yes, how often?

Dredge or Excavation Method Hydraulic Mechanical other

Spoils Disposal
 Dredged or excavated spoils will be placed on-site landfill USACE confined disposal facility other upland off-site
 For disposal, provide a: ↳ Detailed spoils disposal area location map and site plan with property lines.
 ↳ Letter of authorization from property owner of spoils disposal site, if disposed off-site.
 For volumes less than 5,000 cu yards, has proposed dredge material been tested for contaminants within the past 10 years?
 No Yes ↳ If Yes, provide test results with a map of sampling locations.

C. PROJECTS REQUIRING RIPRAP (See Sample Drawings 2, 3, 8, 12, 14, 22, and 23)

Riprap water ward of the ordinary high water mark: dimensions (ft) length width depth	Volume (cu yd)
Riprap landward of the ordinary high water mark: dimensions (ft) length width depth	Volume (cu yd)

Type and size of riprap (Inches)
 field stone angular rock other
 Will filter fabric or pea stone be used under proposed riprap?
 No Yes, Type



Floodplain Activities (See Sample Drawing 5 and others. Complete other applicable sections.)

- For more information go to www.mdeq.state.mi.us/floodplainmanagement. This site also lists the projects and requirements for an expedited floodplain review under "Expedited Review Information for Minor Floodplain Projects."
- Examples of projects proposed within the non-floodway portions of the 100-year floodplain which may qualify for an expedited review: Open pile decks and boardwalks; residences, commercial/industrial facilities, garages and accessory structures; parking lots; pavilions, gazebos, large community playground structures; residential swimming pools
- Examples of projects proposed within the floodway portions of the floodplain which may qualify for an expedited review: Open pile decks and boardwalks, (non-enclosed) that are anchored to prevent floatation and that do not extend over the bed and bank of a watercourse; parking lots constructed at grade or resurfacing that is no more than 4 inches above the existing grade; dry hydrants that do not require fill placement; scientific structure such as staff gauges, water monitoring devices, water quality testing devices, and core sampling devices which meet specific design criteria and fish structures that meet specific design criteria.
- For expedited review include:
 - Photographs of the work site labeled to identify what is being shown and with the direction of the photo clearly indicated. Include photographs of any river or stream adjacent to the project.
 - A letter or statement from the local unit of government acknowledging your proposed application. See the website for sample wording.
- A hydraulic analysis or hydrologic analysis may be required to fully assess floodplain impacts.
- The state building code requires an Elevation Certificate for any building construction or addition in a floodplain. A sample form can be found at www.fema.gov/nip/elvinst.shtml.
 - Attach additional sheets or tables for multiple proposed floodplain activities and provide hydraulic calculations.
 - Show reference datum used on plans.

Proposed Activity	<input checked="" type="checkbox"/> fill <input type="checkbox"/> excavation or cut <input type="checkbox"/> other	100-year floodplain elevation (ft) (if known) 843.7 Datum <input checked="" type="checkbox"/> NGVD 29 <input type="checkbox"/> NAVD 88 <input type="checkbox"/> other																												
Site is 16 feet above <input type="checkbox"/> ordinary high water mark (OHWM) OR <input checked="" type="checkbox"/> observed water level. Date of observation (M/D/Y) 01/29/2013																														
Fill volume below the 100-year floodplain elevation (cu yds) 10.3	Compensating cut volume below the 100-year floodplain elevation (cu yds) 18.24																													
Buildings and/or Additions	Type of construction is <input type="checkbox"/> residential <input type="checkbox"/> garage/pole barn <input type="checkbox"/> non residential <input type="checkbox"/> other																													
	Construction is <input type="checkbox"/> new <input type="checkbox"/> addition AND Served by: <input type="checkbox"/> public sewer <input type="checkbox"/> private septic <input type="checkbox"/> other																													
	Lowest adjacent grade (ft): existing _____ proposed _____ datum: <input type="checkbox"/> NGVD 29 <input type="checkbox"/> NAVD 88 <input type="checkbox"/> other																													
	<table border="1"> <thead> <tr> <th colspan="2">Existing Structure Information</th> <th colspan="2">Proposed Structure Information</th> </tr> </thead> <tbody> <tr> <td>Foundation type</td> <td><input type="checkbox"/> basement</td> <td>Foundation type</td> <td><input type="checkbox"/> basement</td> </tr> <tr> <td><input type="checkbox"/> concrete slab on grade</td> <td><input type="checkbox"/> pilings</td> <td><input type="checkbox"/> concrete slab on grade</td> <td><input type="checkbox"/> pilings</td> </tr> <tr> <td><input type="checkbox"/> crawl space</td> <td><input type="checkbox"/> other</td> <td><input type="checkbox"/> crawl space</td> <td><input type="checkbox"/> other</td> </tr> <tr> <td colspan="2">Foundation floor elevation (ft)</td> <td colspan="2">Foundation floor elevation (ft)</td> </tr> <tr> <td colspan="2">Height of crawl space/basement from finished foundation floor to bottom of floor joists (ft)</td> <td colspan="2">Height of crawl space/basement from finished foundation floor to bottom of floor joists (ft)</td> </tr> <tr> <td colspan="2">Elevation of 1st floor above basement floor/crawl space (ft)</td> <td colspan="2">Elevation of 1st floor above basement floor/crawl space (ft)</td> </tr> </tbody> </table>		Existing Structure Information		Proposed Structure Information		Foundation type	<input type="checkbox"/> basement	Foundation type	<input type="checkbox"/> basement	<input type="checkbox"/> concrete slab on grade	<input type="checkbox"/> pilings	<input type="checkbox"/> concrete slab on grade	<input type="checkbox"/> pilings	<input type="checkbox"/> crawl space	<input type="checkbox"/> other	<input type="checkbox"/> crawl space	<input type="checkbox"/> other	Foundation floor elevation (ft)		Foundation floor elevation (ft)		Height of crawl space/basement from finished foundation floor to bottom of floor joists (ft)		Height of crawl space/basement from finished foundation floor to bottom of floor joists (ft)		Elevation of 1st floor above basement floor/crawl space (ft)		Elevation of 1st floor above basement floor/crawl space (ft)	
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Elevation of 1st floor above basement floor/crawl space (ft)		Elevation of 1st floor above basement floor/crawl space (ft)																												
For enclosed areas below the flood elevation, such as a crawl space, garages and accessory structures: Area of proposed foundation (sq ft)																														
Elevation of proposed enclosed area (ft). Datum <input type="checkbox"/> NGVD 29 <input type="checkbox"/> NAVD 88 <input type="checkbox"/> other																														
Number of flood vents	net opening of each vent (sq inches)	lowest elevation of flood vents (ft)																												



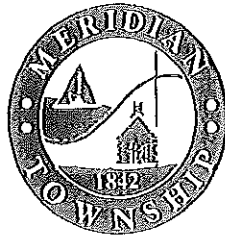
Bridges and Culverts Including Foot and Cart Bridges. (See EZ Guides and Sample Drawings 5, 14A, 14B, 14C, 14D.)

- Complete other applicable Sections, including 10A-C.
- A hydraulic analysis or hydrologic analysis may be required to fully assess impacts. Attach hydraulic calculations.
- High Water Elevation - describe reference point and highest known water level above or below reference point and date of observation. Attach additional sheets for multiple bridges and/or culverts.
- Provide detailed site-specific drawings of existing and proposed Plan and Elevation View at a scale adequate for detailed review.
- Provide all information in the boxes below; do not write in a reference to plan sheets. Show reference datum used on plans.

Stream Information	The site has a high water elevation (ft) 2.54 <input checked="" type="checkbox"/> above or <input type="checkbox"/> below the Reference Point of streambed Date observed 01/29/2013		
	Reference datum used <input checked="" type="checkbox"/> NGVD 29 <input type="checkbox"/> NAVD 88 <input type="checkbox"/> IGLD 85 (Great Lakes coastal areas) <input type="checkbox"/> other		
	Average stream width (ft) at the ordinary high water mark (OHWM) outside the influence of any ponding or scour holes around the structure	Upstream	124
		Downstream	124
	Cross-sectional area of primary channel (sq ft) 1,294.37 (See Sample Drawing 14C for more information)		
	The width of the stream where the water begins to overflow its banks. Bankfull width (ft) 142		
	The Invert of the stream 100-feet from structure (ft)	Upstream	
		Downstream	
Is the existing culvert perched? <input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, provide a profile of the channel bottom at the high and low points for a distance of 200 feet upstream and downstream of the culvert.			
Complete this form for each bridge / culvert location.		Existing	Proposed
Bridge	Number of bridge spans	0	1
	Bridge type (concrete box beam, concrete I-beam, timber, etc.)		Steel, single span
	Bridge span (length perpendicular to stream) (ft)		180
	Bridge width (parallel to stream) (ft)		8
	Bottom of bridge beam (ft)	Upstream	047.20
		Downstream	
	Stream Invert elevation at bridge (ft)	Upstream	029
	Downstream		
	Bridge rise from bottom of beam to streambed (ft)		18.20
Culvert	Number of culverts		
	Culvert type (arch, boltless, box, circular, elliptical, etc.)		
	Culvert material (concrete, corrugated metal, plastic, etc.)		
	Culvert length (ft)		
	Culvert <input type="checkbox"/> width <input type="checkbox"/> diameter (ft)		
	Culvert height prior to any burying (ft)		
	Depth culvert will be buried (ft)		
	Elevation of culvert crown (ft)	Upstream	
	Downstream		
	Higher elevation of <input type="checkbox"/> culvert invert OR <input type="checkbox"/> streambed within culvert (ft)	Upstream	
		Downstream	
Complete for both Bridges and Culverts	Entrance design (mitered, projecting, wingwalls, etc.)		Existing abutment
	Total structure waterway opening above streambed (sq ft)		2,886.89
	Total structure waterway area below the 100-year elevation (sq ft) (if known)		1,795.69
	Elevation of road grade at structure (ft)		
	Elevation of low point in road (ft)		
	Distance from low point of road to mid-point of bridge crossing (ft)		
	Length of approach fill from edge of bridge/culvert to existing grade (ft)		
A Licensed Professional Engineer may certify that your project will not cause a harmful interference for a range of flood discharges up to and including the 100-year flood discharge. The "Required Certification Language" is found under "forms" on the "maps, forms and documents" link from the www.mi.gov/jointpermit page or a copy may be requested by phone, email, or mail. A hydraulic report supporting this certification may also be required.			
Is Certification Language attached? <input type="checkbox"/> No <input type="checkbox"/> Yes			

CHARTER TOWNSHIP OF MERIDIAN

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



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

August 27, 2013

Raymond Severy, P.E.
Director of Public Works and Engineering
Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864

RE: Special Use Permit #13111 (Meridian Township Department of Public Works and Engineering)

Dear Mr. Severy:

At its regular meeting held on August 26, 2013, the Planning Commission voted to approve Special Use Permit #13111, a request to work and provide a compensating cut in the 100-year floodplain associated with construction of a pedestrian-bicycle pathway bridge over the Red Cedar River at Okemos Road. Approval was granted subject to the following conditions:

1. Approval is subject to the revised pathway bridge plan prepared by the Meridian Township Department of Public Works & Engineering, dated August 23, 2013, and the related materials submitted as part of Special Use Permit #13111, subject to revisions as required.
2. The applicant shall obtain any applicable permits, licenses, and approvals from the Michigan Department of Environmental Quality prior to any work taking place on the site. Copies of all permits, licenses, and approvals shall be submitted to the Department of Community Planning & Development.
3. In no case shall the impoundment capacity of the floodplain be reduced.
4. Fill placed in the floodplain as part of the project shall be protected against erosion.
5. The applicant shall properly dispose of all excess materials from the compensating cut areas to an off-site location subject to the approval of the Director of Community Planning & Development.

5151 MARSH ROAD, OKEMOS, MICHIGAN 48864-1198 (517) 853-4000

www.meridian.mi.us



6. The disposed materials at the off-site location shall be protected from erosion and re-seeded subject to the approval of the Director of Community Planning & Development.

Decisions by the Planning Commission regarding special use permits may be appealed to the Township Board. An appeal must be filed within ten (10) days of the date of the Planning Commission's action and be in accordance with Section 86-189 of the Code of Ordinances. Consequently, your special use permit will not become valid until September 5, 2013.

This letter shall act as the Special Use Permit. The use permitted by the granting of the special use permit must have commenced within two years after issuance or the permit shall be void. All construction related to the special use must be completed within three years from the effective date of the special use permit.

If you have any questions, please contact me.

Sincerely,



Gail Oranchak, AICP
Principal Planner

cc: Donna Cervelli, MDEQ
Younes Ishraidi
Martha Wyatt

CHARTER TOWNSHIP OF MERIDIAN

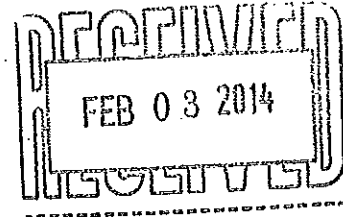
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Milton L. Scales Trustee
Ronald J. Styka Trustee
John Veenstra Trustee
Angela Wilson Trustee

February 3, 2014

Mr. Richard Brown
Community Planning & Development
Meridian Charter Township
Okemos, MI 48864-1198



**Re: Special Use Permit Application
Okemos Road Pedestrian Bridge**

Dear Mr. Brown:

I have reviewed the revised plans for the proposed construction of a pedestrian/bicycle pathway bridge crossing the Red Cedar River west side of the Okemos Road southbound vehicular bridge. The project includes construction of an abutment in the floodplain at the north end of the bridge and replacement of a portion of the retaining wall north of the bridge to support the relocated pedestrian/bicycle pathway.

Construction of the abutment and replacement of the retaining wall will involve work in the floodplain. Approximately 17.3 cubic yards of fill will be required for the relocated wall and the bridge abutment. There will be a compensating cut of 24.8 cubic yards plus the volume of trees that have been removed from the flood plain.

The project is feasible, and I approve the project.

Sincerely,

Raymond O. Severy, P.E., CFM
Director of Public Works & Engineering





RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING DISTRICT OFFICE

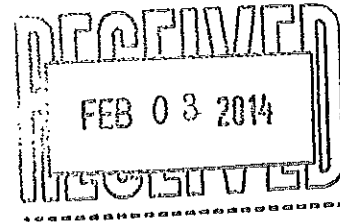


DAN WYANT
DIRECTOR

December 3, 2013

SENT VIA E-MAIL: nunn@meridian.mi.us

Meridian Charter Township
Mr. Nyal Nunn
5151 Marsh Road
Okemos, Michigan 48864



Dear Mr. Nunn:

SUBJECT: Michigan Department of Environmental Quality (MDEQ)
Permit Number 13-33-0037-P, West Side Okemos Road Pedestrian Bridge
T4N, R1W, Section 21, Meridian Township, Ingham County

We received a request from the Township dated October 28, 2013, requesting a minor revision for work authorized by MDEQ Permit Number 13-33-0037-P.

This letter authorizes revision of your MDEQ Permit Number 13-33-0037-P to place 17.3 cubic yards, inset of the originally permitted 10.3 cubic yards, of clean inert fill within the 100-year floodplain of the Red Cedar River for the single span pedestrian bridge construction (enclosed).

You are reminded that all conditions as set forth in the original permit remain in full force. This letter must be attached to your permit and kept at the site of the work, available for inspection at all times during the duration of the project or until the date of expiration. This revision does not obviate the need for other federal, state, and/or local permits as may be required by law.

If you have any questions regarding this letter, please contact me at 517-243-6951; cervellid@michigan.gov; or MDEQ, Water Resources Division, Lansing District Office, 525 West Allegan Street, 1st Floor, Lansing, Michigan 48933-1502. Please include your Permit Number 13-33-0037-P in your response.

Sincerely,

Donna Cervelli, P.E.
Water Resources Division

Enclosure


cc: Meridian Township, Mr. Jay Graham, graham@meridian.mi.us
Meridian Township, Mr. Younes Ishraidi, ishraidi@meridian.mi.us
Mr. Pat Lindemann, Ingham County CEA



CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM: 
Gail Oranchak, AICP
Principal Planner

DATE: February 6, 2014

RE: Zoning Amendment #14010 (Township Board), to regulate the location of the medical use of marihuana

At its November 7, 2013 meeting, the Township Board initiated a zoning amendment to regulate the transfer but not the use of medical marihuana and forwarded it to the Planning Commission for the required public hearing and recommendation. At the Board's September 3, 2013 meeting, a three-member subcommittee of the Board was appointed to prepare a draft. The subcommittee submitted its recommendation to the full body on October 15, 2013. The proposed amendment and minutes from Township Board meetings at which the topic was discussed area attached.

The following sections of the zoning ordinance are proposed for amendment:

- Section 86-2 Definitions
- Section 86-5 Purpose
- Section 86-368(b)(2) Rural Residential, adds new sections pertaining to medical marihuana as a home occupation
- Section 86-403(c)4.a. and b., adds new sections pertaining to caregiver, grow and transfer facilities as conditional uses permitted in the C-1 (Commercial) zoning district
- Section 86-404(c)16. a. and b., adds new sections pertaining to caregiver, grow and transfer facilities as uses permitted by right in the C-2 (Commercial) district carrying through to the C-3 (Commercial) district
- Section 86-435(b)4 a. and b., adds new sections pertaining to the caregiver, grow and transfer facilities in the I (Industrial) district

Planning Commission Options

The Planning Commission may recommend approval of the text as proposed by the Township Board, recommend approval of a revised version, or recommend denial of the proposed zoning amendment. A resolution will be provided for a future meeting.

Attachment

1. Draft ordinance dated October 15, 2013
2. Township Board meeting minutes from September 3, 2013, October 15, 2013 and November 7, 2013

**CHARTER TOWNSHIP OF MERIDIAN
PROPOSED ZONING ORDINANCE AMENDMENTS
MEDICAL USE OF MARIHUANA**

Section 1. Amendments.

Section 86-2. Definitions.

Farm: Add: The term farm does not include the transfer, delivery, production, manufacture or cultivation of marihuana.

Marihuana means the term defined in Section 7106 of the Public Health Code, 1978 PA 368 being MCL 333.7106.

Medical Marihuana Caregiver Grow and Transfer Facility means a location where primary caregivers and/or qualifying patients cultivate or manufacture marihuana and/or where primary caregivers transfer marihuana to qualifying patients whom they are connected to through the state registration system pursuant to the MMMA. The term medical marihuana caregiver grow and transfer facility does not include medical marihuana home occupations.

Michigan Medical Marihuana Act: Initiated Law 1 of 2008, being MCL 333.26421 et seq. (“MMMA”).

Medical Use of Marihuana: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia related to the administration of marihuana to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with said condition.

Medical Marihuana Home Occupation means a primary caregiver who assists more than one qualifying patient in addition to themselves with the medical use of marihuana at the primary caregiver’s dwelling. Also see “home occupation.”

Primary Caregiver means a person who is at least twenty-one (21) years old and who has agreed to assist with a patient’s medical use of marihuana and who has not been convicted of a felony within the past 10 years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in Section 9a of chapter X of the Code of Criminal Procedure, 1927 PA 175, MCL 770.9a, and is registered with the state pursuant to the MMMA.

Qualifying Patient means a person who has been diagnosed by a physician as having a debilitating medical condition, and is registered with the state pursuant to the MMMA.

Section 86-5

The purpose of the Medical Marihuana regulations are to regulate the location, but not exclude the use and handling, of the medical use of marihuana consistent with the Michigan Medical

Marihuana Act, (MMMA) MCL 333.26421 et seq, by designating the specific locations for the medical use of marihuana. Under no circumstances is the use or handling of marihuana inconsistent with the Michigan Medical Marihuana Act permissible in the Charter Township of Meridian. In creating these regulations, the Charter Township of Meridian acknowledges that the majority of voters in Michigan have found and declared that medical research has discovered beneficial uses for marihuana in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions; that legalizing the medical use of marihuana will have the practical effect of protecting from arrest the vast majority of seriously ill people who have a medical need for that use; and that, although federal law currently prohibits any use of marihuana except under very limited circumstances, states are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law.

Section 86-368. RR district: One-family rural residential district.

(b) *Uses permitted by right.*

(2) *Home occupations.*

Add a. 5. Medical Marihuana home occupation, which consists of a primary caregiver who serves more than one qualifying patient in addition to themselves with the medical use of marihuana consistent with the Michigan Medical Marihuana Act and the Administrative Rules of the Michigan Department of Community Health now Department of Licensing and Regulatory Affairs.

b. Home occupations shall satisfy the following conditions:

1-3, 5, and 7-10 remain as written.

4. Except for Medical Marihuana home occupations which shall operate consistent with the Michigan Medical Marihuana Act and the Administrative Rules of the state, all activities shall be carried on indoors only in the principal building, an attached or detached garage, or other accessory building. No outdoor activities or storage shall be permitted.

6. There shall be no external evidence of a home occupation except one nonilluminated sign not exceeding two square feet in surface display area and attached flat against the building, in accordance with the sign regulations specified in section 86-685 of the Code of Ordinances. No signage will be allowed for a Medical Marihuana home occupation.

Sections 86-403. C-1 Commercial district.

(c) *Permitted conditional uses:*

Add 4. Medical marihuana caregiver grow and transfer facilities, provided:

a. State Law. A medical marihuana caregiver grow and transfer facility shall at all times comply with the Michigan Medical Marihuana Act, MCL 333.26421 et seq and the Administrative Rules of the Michigan Department of Community Health, now Department of Licensing and Regulatory Affairs, developed in connection with the MMMA.

Dispersal and Spacing. The parcel on which a medical marihuana caregiver grow and transfer facility is located shall be situated at least five hundred (500) feet from the parcel on which another medical marihuana caregiver grow and transfer facility is located, as measured between property lines.

The parcel on which a medical marihuana caregiver grow and transfer facility is located shall be situated at least a thousand (1000) feet from a parcel on which a school is located as measured between property lines. For purposes of this section

a school shall be any public or private institution of learning, elementary through secondary (K-12).

Sections 86-404. C-2 Commercial district.

(c) *Uses permitted by right.*

Add 16. Medical marihuana caregiver grow and transfer facilities, provided:

- a. State Law. A medical marihuana caregiver grow and transfer facility shall at all times comply with the Michigan Medical Marihuana Act, MCL 333.26421 et seq and the Administrative Rules of the Michigan Department of Community Health, now Department of Licensing and Regulatory Affairs, developed in connection with the MMMA.
- b. Dispersal and Spacing. The parcel on which a medical marihuana caregiver grow and transfer facility is located shall be situated at least five hundred (500) feet from the parcel on which another medical marihuana caregiver grow and transfer facility is located, as measured between property lines.
The parcel on which a medical marihuana caregiver grow and transfer facility is located shall be situated at least a thousand (1000) feet from a parcel on which a school is located as measured between property lines. For purposes of this section a school shall be any public or private institution of learning, elementary through secondary (K-12).

Sections 86-435. I district: Industrial District.

(b) *Uses permitted by right.*

Add 4. Medical marihuana caregiver grow and transfer facilities, provided:

- a. State Law. A medical marihuana caregiver grow and transfer facility shall at all times comply with the Michigan Medical Marihuana Act, MCL 333.26421 et seq and the Administrative Rules of the Michigan Department of Community Health, now Department of Licensing and Regulatory Affairs, developed in connection with the MMMA.
- b. Dispersal and Spacing. The parcel on which a medical marihuana caregiver grow and transfer facility is located shall be situated at least five hundred (500) feet from the parcel on which another medical marihuana caregiver grow and transfer facility is located, as measured between property lines.
The parcel on which a medical marihuana caregiver grow and transfer facility is located shall be situated at least one-thousand (1000) feet from a parcel on which a school is located as measured between property lines. For purposes of this section a school shall be any public or private institution of learning, elementary through secondary (K-12).

Section 2. Validity and Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 3. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in support of the Township Manager's position on the use of Township resources relative to the medical marihuana issue, the Township Manager's Performance Standards, the resolution to place a 10:00 P.M. time limit for Township Board meetings. He believed the Public Art Committee members should reflect a geographic representation of the Township.

Dan White, owner/operator of Associates of Michigan's Green Market, 4708 Okemos Road, Okemos, added that he is not sending people out into the schools to recruit children. He stated state regulations and processes result in a 35-day wait for medical marihuana users to have access to their medicine.

Robin Amber [unknown address], spoke to the scientific aspect of medical marihuana, as some marihuana has no THC, which produces a "high."

Supervisor LeGoff closed Public Remarks.

→ A. Medical Marihuana

Board members and staff discussed the following:

- Township Board is not determining the legality of marihuana in any form with this ordinance
- Township Board is not banning medical marihuana with this ordinance
- Township Board is not attempting to prevent the use of medical marihuana by qualified patients with this ordinance
- Township Board is empowered to adopt reasonable health, safety and welfare ordinances for all residents
- Township Board needs to determine the proper locations for various types of medical marihuana establishments to protect children
- Letters have been received by the school superintendents in the Township conveying their and their school boards request to place the 1,000 foot limitation in the proposed language for consistency
- Suggestion to have the Supervisor appoint a three Board member committee which addresses the issues mentioned in the letters from the school superintendents and provide revised language
- Evolution in the courts since the Board first discussed this issue
- Board is not attempting to limit individual's access to medical marihuana
- Concern expressed as to what type of activities occur in residential neighborhoods and adjacent to schools
- One caregiver chose to locate his grow facility in an industrial area as he did not believe it safe for his children to grow medical marihuana in his home
- Concern expressed by residential neighbors where grow facilities are located
- Current home occupation ordinance which caregivers fall under would allow a household of five (5) to grow 360 plants in a residential neighborhood
- Other home occupations have limits placed on them
- Proposed ordinance does not allow the four (4) caregivers to have the maximum number of patients allowed by the state

Language regarding caregivers and home occupation status: (Questions for the Attorney (See Agenda Item #10))

Q. Could you explain what you are proposing in terms of the home occupation limit with the caregivers?

A. This was written with the intent that a caregiver who is serving themselves as a patient (which often happens) and also serves one other patient may do so as an accessory use home occupation in residential dwelling units. That's limited to the number of plants, because the number of plants in...well, Page 3 b. says there's no more than a maximum number of marihuana plants a person may cultivate pursuant to the MMA, up to a maximum of 72. It's

also limited by 25% of the floor area, or 500 square feet, whichever is less, which is, again, from the home occupation section you alluded to. This is set up so a patient has limited regulations on them, and they grow up to their normal 12 plants. A caregiver serving themselves or (1) one other patient is a home occupation in a residential area and then, if they choose to or if there are multiple caregivers (there's two (2) issues that can occur there) more than one caregiver in a dwelling would then need to move to the commercial site. Or, if they choose to not work out of their dwelling for situations that have occurred (and we've talked about before with caregivers who don't want to work directly from their house), then those transfers or growing can occur in the industrial commercial. So, again, if that wasn't clear by reading the entire ordinance, that's what I was going to talk about when we first came up here. It's patient out of their own home with minimum regulations, caregivers serving themselves and/or one patient out of their own homes, with the same minimum regulations.

- Q. Let's say you have three (3) people living in the home; an elderly parent, a husband and a wife. Two (2) of them are patients and two (2) are caregivers. Can you have two (2) caregivers serving only one (1) patient each? Is that allowed?
- A. Yes. A caregiver can serve up to five.
- Q. Is that allowed in our home occupation ordinance?
- A. A caregiver can serve a minimum to the maximum under the state law. Under the ordinance, a caregiver can serve one (1) patient. If they serve more than themselves and one (1) patient, they can't do it out of their home the way this is written.

Continued Board discussion:

- Board member preference to expand the language to allow two (2) caregivers to each serve a low number of patients
- Board member preference not to pass an ordinance which is overly restrictive, but contains reasonable limitations and regulations
- Impact of the Michigan Medical Marihuana Act (MMMA) within Meridian Township
- Board has received virtually no complaints from citizens, homeowners, homeowner associations, police, fire department or Meridian Township staff
- Mischaracterization to state that there have been a great number of complaints
- Two individuals who spoke against this issue tonight are both municipal attorneys who have clients around the state and derive income from providing consulting and ordinance drafting services primarily to restrict medical marihuana throughout the state
- No school board members have addressed the Board regarding this issue
- Most opposition to seek regulation is based in fear, not facts, statistics or science
- Headline in the June, 2013 issue of *Barron's* titled "Should the US make pot legal?"
- Board member belief that if marihuana is looked at differently, the anticipated "problems" evaporate
- Many of the same fearful arguments, in different forms, were used about slavery, prohibition, gay and lesbian rights
- State law and the Township's home occupation ordinance adequately address the medical marihuana issue
- Placing issues into subcommittees violates the principles of Policy Governance
- Board member belief the residents of Meridian Township spoke loudly on this issue when they overturned a zoning decision made by the sitting Board in the last August election
- In House Bill 4271, which would legalize medical marihuana provisioning centers and dispensaries, every part defers to municipal ordinances taking precedent to state law
- Need for these facilities to be allowed only in specific zoning areas to ensure they are outside the 1,000 foot drug-free zone
- Opposition to the language regarding compassion clubs
- Proposed ordinance is anti-medical marihuana
- Board member belief the property which was the subject of the referendum was not near the middle school, but across Okemos Road from Delta Dental
- The Herbal Center near the corner of Lake Lansing Road and Towar previously operated in the C-1 district which the proposed ordinance would prohibit
- Proponents of the ordinance are attempting prohibition on medical marihuana

- Experience within the Township shows there have not been problems associated with the use of medical marihuana
- Board member belief the number one drug problem is the use of tobacco
- Board member belief the number two drug problem is the abuse of prescription drugs
- Compassion club is a "talk" club protected by the First Amendment of the Constitution
- Preference to heed the Manager's recommendation not to pursue this issue

[Supervisor LeGoff recessed the meeting at 8:36 P.M.]

[Supervisor LeGoff reconvened the meeting at 8:44 P.M.]

Trustee Scales moved to establish a subcommittee of three members to study this issue and bring back a recommendation by October 15, 2013. Seconded by Treasurer Brixie.

Continued Board discussion:

- Board is deeply divided on this issue and it should be addressed
- No proposed regulations will be based in fact or science
- Preference not to waste Board time on this issue
- Basic tenant of Policy Governance was to eliminate task forces and subcommittees
- Preference to wait for legislative action on this issue when the Board can wait for the outcome in order to have facts and data to work with
- Preference for staff to bring back a minimal ordinance which includes the 1,000 foot distance from schools, libraries, etc.
- Clarification as to Mr. Burzych's field of law
- Ad hoc committees are permissible under Policy Governance and would work toward finding a middle ground

ROLL CALL VOTE: YEAS: Trustees Scales, Wilson, Supervisor LeGoff, Treasurer Brixie
 NAYS: Trustees Styka, Veenstra, Clerk Dreyfus
 Motion carried 4-3.

Without objection, Supervisor LeGoff appointed Trustee Wilson, Trustee Styka and Clerk Dreyfus.

B. Township Manager Performance Standards

Trustee Scales summarized the performance measurement tool used as outlined in staff memorandum dated August 30, 2013.

Board members discussed the following:

- Appreciation to the committee members for their work on performance goals
- Concern the goals may be too specific and new goals would need to be rewritten every year
- Suggestion for more generality next year
- Need for specificity in the Performance Management Plan
- Some of the items belong in the performance standards for this year only as the Township Manager is new in his role
- Performance goals must be "doable", measurable and a deadline for accomplishment or they are meaningless
- Evaluation deadline is May 15, 2014
- Board to work toward "marrying" the Manager's Performance Goals with Policy Governance relative to goal setting
- Concern that some of the goals are not measurable
- Concern with including a specific amount of money to be maintained in the General Fund Stabilization Fund Balance as a measurement
- Board action to reduce the general fund below the stated amount would be easily explained during the Manager's performance review
- Board policy requires the Township to maintain a minimum of two (2) months of reserve, i.e., approximately \$3 million as a fund balance
- Rationale for the use of the \$5.25 million as a base line for the General Fund Fund Balance

- Number of anticipated training events where all 59 parking spaces will be used
- Concern with the additional parking spaces requested
- Preference to retain the amount of parking required in the ordinance and add additional parking if necessary
- Concept of a community room would be for residents to have a space for meetings, gatherings, etc.
- Bids need to be let for 30 days after a final decision is made, so it appears groundbreaking will not take place until Spring, 2014

Implications of specific millage language: (Questions for the Attorney (See Agenda Item #10))

- Q. Given the ballot language specified the location of this new fire station, are we in a box that if we don't go ahead and approve it at this location, we have to go back to the voters for approval?
- A. Just so we are clear, that issue is absolutely separate from the SUP. The SUP needs the Planning Commission and then the Board to make a determination on the zoning issue separate from the millage, no matter how the millage comes out, or doesn't, or however you can use it or can't use it. I think that is a question that I don't have a definitive answer for; however, there could be a question as to where the money is used, since specific location language was in the millage. There is a chance that you would need to not use the money that's been approved in that millage if it was a different location. But that, I think, needs more research and I'm not so sure there's even a very specific case on that issue.

Continued Board and staff discussion:

- If the Board believes this issue should be referred back to the Planning Commission, the current line of questioning serves no purpose at this time

Trustee Brixie moved to refer the matter back to the Planning Commission for further hearings or other action prior to final determination of the appeal by the Township Board. Seconded by Trustee Scales.

Continued Board and staff discussion:

- If the Township erred, the situation needs to be made right
- Board member belief the process is flawed since the SUP should have been requested and acted upon prior to placing the millage language on the ballot

Trustee Scales called the question. Seconded by Trustee Wilson.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie
NAYS: Trustee Veenstra, Clerk Dreyfus
Motion carried 5-2.

ROLL CALL VOTE ON THE MAIN YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
MOTION: NAYS: Trustee Veenstra
Motion carried 6-1.

→ B. Medical Marihuana Ordinance

Director Kieselbach summarized the proposed ordinance language as outlined in staff memorandum dated October 10, 2013.

Clerk Dreyfus summarized the issues considered by the committee charged with working out changes to the draft ordinance as outlined in the October 10th staff memorandum.

Board members and staff discussed the following:

- Draft language is a compromise proposal
- Board member belief the 1,000 feet from a public or private K-12 school should be amended to be consistent with the state law requirement for distance of a bar from a school (500 feet)

- Board member belief 1,000 feet is too far and the distance is measured from the property line, not the building
- Caregiver in a home must treat the service as a home occupation with no signage
- School buildings are frequently located more than 500 feet from the edge of the property
- Herbal Center previously located at the northwest corner of Lake Lansing and Birch Row was zoned C-1
- No complaints were filed against the Herbal Center
- Conditional use in C-1 zoned district means it must meet certain standards (e.g., 1,000 feet from a school, 500 feet from another facility)
- Necessity of limiting the number of plants allowed under home occupation guidelines
- Board member preference to reinstate the 72 plant maximum in a residential district from the original draft ordinance
- Committee was made of members who had opposing viewpoints, but developed a synergistic ordinance
- Adding amendments to the proposed ordinance defeats the purpose of the committee process
- Michigan Medical Marihuana Act defines the amount of square footage in a home which can be dedicated for growing and will effectively limit the number of allowed plants
- Permitted conditional uses v. uses permitted by right in the C-1 commercial district
- C-1 commercial district has limited hours of operation (6:00 AM until midnight)

It was the consensus of the Board to place this item on for action at the November 7, 2013 Board meeting.

13. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Marie Persons, 2028 Central Park Drive, Okemos, expressed appreciation that the Board is taking time to carefully deliberate the appeal of SUP #13121, but believed the Township must find a different location for the new central fire station.

Vance Kincaid, 4530 Nakoma Drive, Okemos, believed the process surrounding the new central fire station has shown that the public cannot trust Township government.

David Strobl, 1320 Cove Court, Okemos, expressed concern that the “genie is already out of the bottle.” He believed it will be difficult to make the process pure with the financial investment that has already been made. He requested the Township Attorney deliver a decision on whether the millage language can stand by itself.

Lawrence Nolan, Nolan, Thomsen & Villas, P.C., 239 South Main Street, Eaton Rapids, thanked Board members for their attention to all the issues surrounding SUP #13121.

Supervisor LeGoff closed Public Remarks.

14. FINAL BOARD MEMBER COMMENT

Trustee Veenstra believed it necessary to obtain a Township Attorney’s opinion if the Board has authority to change the location of the proposed fire station without going back to the voters.

Clerk Dreyfus requested Planning Commission members vote on SUP #13121 independent of the millage.

15. CLOSED SESSION

Treasurer Brixie moved that the Township Board go into closed session to discuss collective bargaining strategies pursuant to MCL 15.268 (c). Seconded by Trustee Styka.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus

NAYS: None

Motion carried unanimously.

Notarization requirement: (Questions for the Attorney (See Agenda Item #10))

Q. Do you happen to know why this piece of language is in here? Is it different from our other ordinances? Do you have any knowledge of that?

A. I would agree that it is different from other ordinances. I think the idea was just to make sure that it was seen if somebody brought it in to make sure it was their complaint and that they were sure of what they were stating in that statement before they submitted it to the Township. I think that was the only basis for having it notarized.

Q. So it sounds like it would be something that would be helpful for the investigation portion that's later detailed in the ordinance?

A. But not required at all.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Clerk Dreyfus
NAYS: Treasurer Brixie
Motion carried 5-1.

Continued Board discussion:

- While it would be better for the state to amend the Elliott Larsen Civil Rights Act, this is what the Township can do to ensure individual rights are being protected to the extent of its authority
- In its current form, the ordinance is a better product than originally introduced
- Board speaks through its motions and decisions
- Concern with Meridian Township entering into the business of employment law

ROLL CALL VOTE YEAS: Trustees Styka, Veenstra, Wilson, Treasurer Brixie, Clerk
ON THE MAIN Dreyfus
MOTION: NAYS: Trustee Scales
Motion carried 5-1.

H. Medical Marihuana Ordinance - Initiate Zoning Amendment

Trustee Styka moved to initiate a zoning amendment to include definitions and standards for the medical use of marihuana, and refer the amendment, draft ordinance dated October 15, 2013, to the Planning Commission. Seconded by Trustee Wilson.

Board members discussed the following:

- Zoning amendment must go before the Planning Commission for a public hearing and recommendation
- Concern with the "anti-medical marihuana" regulations proposed in this ordinance
- Board member belief the number one drug abused in America is tobacco, followed by prescription drugs
- Committee presented compromise language for Board approval
- Inquiry if the language agreed upon by the committee will come back to the Board in the same form

ROLL CALL VOTE: YEAS: Trustees Styka, Wilson, Treasurer Brixie, Clerk Dreyfus
NAYS: Trustee Scales, Veenstra
Motion carried 4-2.

I. ITC Tree Planting Grant

Director Kieselbach summarized the proposed grant as outlined in staff memorandum dated November 1, 2013.

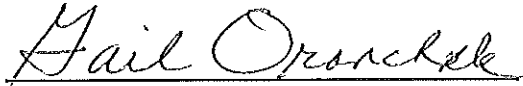
Clerk Dreyfus moved that the Township Board accept the \$5,000 grant from ITC Holdings Corporation and to authorize the Township Manager to sign the agreement. Seconded by Trustee Scales.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Treasurer Brixie, Clerk Dreyfus

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM: 
Gail Oranchak, AICP
Principal Planner

DATE: February 6, 2014

RE: MUPUD #14-05054 (DTN Management), request for a major amendment to MUPUD #05054

On January 27, 2013, the Planning Commission held a public hearing regarding DTN Management Company's request for a major amendment to MUPUD #05054 commonly known as the Hamptons of Meridian Mixed Use Planned Unit Development. The applicant proposes to reconfigure the 13,317 square feet of first floor non-residential space in the PO (Professional and Office) zoned MUPUD from the current 7,489 square feet (56.2 percent) for commercial uses and 5,828 square feet (43.8 percent) for professional and office uses to 8,371 square feet (62.9 percent) for commercial uses and 4,948 square feet (37.1 percent) for professional and office uses. Limited commercial uses are permitted in a PO (Professional and Office) zoned mixed use planned unit development subject to standards found in Section 86-440(c)(2)b of the MUPUD ordinance and Township Board approval.

The Planning Commission commented on traffic, the complexity of the process to revise space allocation in a PO zoned mixed use planned unit development, possibly recommending a blanket 65 percent for commercial uses versus the 62.9 percent requested, and possibly initiating a rezoning of the site to C-1 to increase flexibility. The applicant seemed to prefer action on the current request but did not oppose a future rezoning to a commercial designation.

Planning Commission Options

The Planning Commission may recommend approval, approval with conditions, or denial of the requested mixed use planned unit development amendment to the Township Board. A resolution recommending approval consistent with the applicant's request has been provided.

Attachments

1. Resolution to recommend approval

RESOLUTION TO APPROVE

**MUPUD #14-05054
(DTN Management)
Hamptons of Meridian MUPUD**

RESOLUTION

At a regular meeting of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 10th day of February 2014, at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, DTN Management has requested a major amendment to revise the non-residential space allocation on the first floor of the PO (Professional and Office) zoned mixed use planned unit development named the Hamptons of Meridian from 7,489 square feet (56.2 percent) for commercial uses and 5,828 square feet (43.8 percent) for professional and office uses to 8,371 square feet (62.9 percent) for commercial uses and 4,948 square feet (37.1 percent) for professional and office uses; and

WHEREAS, Section 86-440 (c)(2) of the Code of Ordinances allows limited commercial uses in a PO (Professional and Office) zoned mixed use planned unit development, the location and amount of which is subject to approval by the Township Board; and

WHEREAS, the Township Board approved the limited commercial uses for the Hamptons of Meridian mixed use planned unit development (MUPUD #08-05054) at its August 19, 2008 regular meeting; and

WHEREAS, the proposed design of the mixed use planned unit development will be harmonious and appropriate with the existing character of the surrounding residential neighborhoods; and

WHEREAS, the proposed commercial space is consistent with the purpose and intent of the mixed use planned unit development ordinance by providing pedestrian-friendly, neighborhood-oriented services to residents living in and adjacent to the site; and

WHEREAS, the surrounding road system has sufficient capacity to absorb the traffic projected to result from the 8,371 square feet allocated for commercial uses; and

WHEREAS, the proposed mixed use planned unit development amendment will not result in adverse impacts on utility systems, surrounding uses, natural features, or the ability of the Township to provide other services; and

WHEREAS, the site has adequate parking to accommodate the revised non-residential space allocation on the first floor of the Hamptons of Meridian; and

WHEREAS, the site is adequately served by public water and sanitary sewer.

**RESOLUTION TO APPROVE
MUPUD #14-05054 (DTN Mgmt.)
Page 2**

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of the amendment to Mixed Use Planned Unit Development #14-05054, to allow 8,371 square feet of commercial space within a PO (Professional and Office) zoned mixed use planned unit development, subject to the following conditions:

1. Approval is granted in accordance with the floor plan received by the Township on December 16, 2013, subject to revisions as required.
2. The commercial space on the site shall not exceed 8,371 square feet unless the applicant applies for and receives an amendment to the mixed use planned unit development.
3. All previous conditions placed on the mixed use planned unit development approval shall remain in effect.

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)


I, the undersigned, the duly qualified and acting Chairperson of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Planning Commission on the 10th day of February 2014.

Patricia Jackson, Chair
Meridian Township Planning Commission

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM: 
Gail Oranchak, AICP
Principal Planner

DATE: February 6, 2014

RE: Special Use Permit #14011 (Green), request to expand an adult foster care facility at 2077 Haslett Road

On January 27, 2013, the Planning Commission held a public hearing regarding Howard and Brenda Green's request for a special use permit to expand an adult foster care facility from 12 to 20 residents aged 55 and above at 2077 Haslett Road. The applicant also plans to construct an approximate 3,580 square foot addition onto the rear of the existing 2,783 square foot structure for a total building size of 6,363 square feet. The addition will consist of 14 bedrooms-8 private and 6 semi-private rooms to accommodate the 20 residents.

The following information responds to comments made during the public hearing:

- Fire Department staff reviewed the site plan and commented installation of safety features such as sprinkling, alarms and monitoring are required and proposed. Staff also commented on the outdated status of the existing building and expressed support for the applicant's plans to renovate and upgrade safety systems with the installation of a sprinkling system.
- Staff was asked to look into options for eliminating the five-foot setback variance for the parking lot. The parking lot is 15 feet from the west property line and the required setback is 20 feet. The only option available is to move the proposed building addition five feet closer to the east property line. The structure setback for a non-residential use in a residential district is 50 feet. On the site plan, the building addition setback is 20 feet requiring a variance of 30 feet. Moving the building five feet closer to the east property line eliminates the parking lot variance but increases the building addition's setback variance from 30 feet to 35 feet.
- An owner-occupied single-family residence addressed as 2067 Haslett Road is immediately east of the proposed use. The garage and main entrance to the residence are located on the east side of the structure. On the side (west) nearest the proposed use, the southwest corner of the house is approximately 33.6 feet from the property line, and the deck attached to the south side of the house is approximately 23 feet from the west property line. The property owner was notified of the public hearing.
- Along the south property line, the subject site abuts an approximate five acre parcel zoned RR (Rural Residential) and addressed as 5654 Okemos Road. A single-family residence c. 1875 and out buildings occupy the west 100 feet of the site's 850 foot depth. The remainder of the site is has not been developed. The southwest property corner of 2077 Haslett Road is approximately 530 feet from Okemos Road.

Planning Commission (February 6, 2014)

REZ #14011 (Green)

Page 2

Planning Commission Options

The Planning Commission may approve, approve with conditions or deny the special use permit. A resolution to approve has been provided.

Attachments

1. Resolution to approve

g:\planning\glo\case management\sup\sup 14011\staff reports\14011. pc2

RESOLUTION

At a regular meeting of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 10th day of February 2014, at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by Commissioner _____ and supported by Commissioner _____.

WHEREAS, Howard and Brenda Green requested a special use permit to expand an adult foster care facility from 12 to 20 residents aged 55 and above at 2077 Haslett Road and construct an approximate 3,580 square foot addition increasing the building size to 6,363 square feet; and

WHEREAS, the Planning Commission held a public hearing and discussed Special Use Permit #14011 at its January 27, 2014 and February 10, 2014 regular meetings; and

WHEREAS, the Planning Commission reviewed the staff material forwarded under cover memorandums dated January 23, 2014 and February 6, 2014; and

WHEREAS, the subject site is properly zoned in the RR (Rural Residential) district, which allows homes for the aged, such as adult foster care facilities, a non-residential use in a residential district, by special use permit; and

WHEREAS, the proposed building covers approximately 15.2 percent of the site which is less than the maximum 25 percent site coverage permitted for a non-residential use in a residential district; and the addition's setbacks exceed the minimum 50 feet from the west and south property lines; and

WHEREAS, the proposed site is approximately 39.31 percent impervious and the maximum impervious surface coverage for a non-residential use in a residential district is 75 percent; and

WHEREAS, the proposed improvements will not change the residential appearance of the structure from Haslett Road; and

WHEREAS, the site is served by public water and sanitary sewer thus costly extension of services are not required; and

WHEREAS, public transportation is available on Haslett Road; and

WHEREAS, anticipated motor vehicle trips of 53 per day, 1.2 during the a.m. peak hour and 2.8 during the p.m. peak hour will not have a significant impact on adjacent roadways; and

**Resolution to Approve
SUP #14011 (Green)
Page 2**

WHEREAS, the expanded use is not hazardous nor does the operation produce excessive noise, smoke, fumes, or glare.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #14011 (Green) with the following conditions:

1. Approval is granted based on the site plans dated December 20, 2013 prepared by KEBS, Inc. and the elevation plan dated December 20, 2013 prepared by Roger L. Donaldson, AIA, subject to revisions as required.
2. No more than 20 adult residents, aged 55 years or older, shall reside in the adult foster care facility.
3. The applicant shall obtain all necessary approvals, licenses or permits to operate an adult foster care facility for up to 20 persons from the State of Michigan. A copy of the approval shall be submitted to the Department of Community Planning and Development.
4. Special Use Permit #14011 is subject to the approval of variances from the Zoning Board of Appeals including, but not limited to, a variance for the site size of .96 acres, a five foot setback variance for the parking lot's location 15 feet from the west property line, and a 30 foot variance for the addition's location 20 feet from the east property line.
5. Additional landscaping shall be installed along the east and west property lines to screen the building addition and parking lot.
6. Street trees shall be installed along Haslett Road as necessary to comply with Township requirements. Species and location of the trees shall be subject to the approval of the Director of Community Planning and Development and the Ingham County Road Department.
7. The final site plan and landscape plan, prepared in compliance with all applicable sections of the Code of Ordinances, shall be subject to the approval of the Director of Community Planning and Development.
8. Along the frontage of 2077 Haslett Road, a seven-foot wide segment of Meridian Township's Pedestrian-Bicycle Pathway shall be constructed in accordance with the Township Engineering Design and Construction Standards.
9. Prior to issuance of any permit for construction activity including grading permits, wellhead(s) located on the site shall be properly closed and abandoned pursuant to the requirements of the Ingham County Health Department and the Township.
10. The air conditioning compressor shall be evaluated for excess noise production during site plan review. If noise exceeds 50 dBA at a property line, the compressor shall be relocated.

**Resolution to Approve
SUP #14011 (Green)
Page 3**

- 11. The air conditioning compressor shall be properly screened. Solid walls or fencing may be no taller than six feet in height unless the Zoning Board of Appeals grants the necessary height variance.
- 12. Site and building lighting shall comply with Article VII in Chapter 38 of the Code of Ordinances and shall be subject to the approval of the Director of Community Planning and Development. Parking lot lighting shall not exceed 15 feet in height. LED lighting shall be used where feasible.
- 13. Debris found on the subject site, and debris resulting from clearing, grading, or construction activities related to the proposed project shall be removed from the site and shall be properly disposed.
- 14. Final utility, grading, and storm drainage plans for the site shall be subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with the Township Engineering Design and Construction Standards.
- 15. The applicant shall obtain all necessary permits, licenses, and approvals from the Ingham County Road Department, Ingham County Drain Commissioner, and the Township. Copies of all permits, licenses, and approval letters shall be submitted to the Department of Community Planning and Development.
- 16. A copy of the information that exists on computer for the project and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

I, the undersigned, the duly qualified Chairperson of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Planning Commission on the 10th day of February 2014.

Patricia Jackson
Planning Commission Chair

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

DATE: February 6, 2014

TO: Planning Commission

FROM: 
Gail Oranchak, AICP
Principal Planner

RE: Commission Review #12053 (Planning Commission), amendments to the 2005 Master Plan in support of an urban services district

After comments made at the February 3 work session regarding the extension of sewer and water services, there seems to be some misunderstanding regarding elective and mandatory extension of the public utilities. Locating property within an urban services boundary area does not mean utilities are automatically approved for extension. For elective extension, a request must first be submitted by a property owner. An approval process including a Section 61 review for location, character and extent by the Planning Commission and approval of the system by the Township Board will be necessary. If the cost of the system is to be shared by all property owners within a designated area, then an assessment district must be established. At every stage, formal hearings are held.

With regard to emergency extensions, both Ingham County and the Township have oversight responsibilities. In a presentation to the Township Board at the December 6, 2011 Board meeting, Jim Wilson, Director of the Ingham County Bureau of Environmental Health commented on the requirements for hooking up to public water and sewer systems as follows:

- The Sanitary Code has a 200 foot requirement from the structure for municipal hookup in the event of onsite septic system failure
- The Sanitary code has a 320 foot requirement from the property line for municipal hookup in the event of onsite well failure

Chapter 78 Utilities of the Meridian Township Code of Ordinances Township includes the following requirements:

- Pertaining to mandatory water system hookup, Section 78-27 of the Meridian Township Code of Ordinances states, ". . . any building for which a building permit is obtained after the effective date of this article which is to be used for human occupancy, employment, recreation or other purposes, and is to be located in an area served by the Township's public water supply system, or determined to be reasonably proximate thereto by the township engineer, shall be connected to and obtain its entire water supply for human consumption purposes, sanitary purposes, irrigation systems, fire hydrants, and fire sprinkler systems from the Township's public water supply system."
- Pertaining to mandatory sewer system hookup, Section 78-152(c) of the Meridian Township Code of Ordinances states, "The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the Township

at the time of adoption of this article is hereby required at his expense to install suitable toilet facilities therein and if the property is abutting on any street, alley, right-of-way, or easement in which there is now located or may in the future be located a public sanitary sewer not more than 200 feet from the structure, the owner may be required to connect such facilities directly with the public sewer in accordance with the provisions of the article and The Public Health Code, MCL 333.12751 through 33.12758 (*attached*). Immediate connection may be ordered by the director of public works and engineering or the county health department only if a present health hazard exists due to the inadequacy or breakdown of any existing private sewer system. The availability of public sewer service shall be determined by the director of public works and engineering and his decision shall be based upon grades, economic feasibility, physical proximity of lots and structures to the system, and other pertinent factors."

In addition to the Urban Services District Map, text changes are also proposed for the 2005 Master Plan associated with establishing the Urban Services District. Criteria for amending the Urban Services District boundary have been proposed. The criteria may be used to evaluate extensions of service requested by property owners beyond the Urban Services District boundary with failed water and/or septic systems. Text changes are attached in their entirety, those pertaining to amending the boundary are on Page 6, under the heading Chapter 11 Implementation. Pages 3 and 5 are not included, those are space holders for Map 8-10 the Urban Services District map to be inserted into Chapter 8 Infrastructure and Map 10-1 the Future Land Use Map to be revised and inserted into Chapter 10 Future Land Use.

At the February 6 work session, the Planning Commission decided to continue its consideration of the Township Board's revisions for Areas 1-6 at the February 10, 2014 meeting and asked staff to prepare a resolution for possible adoption. The six areas under consideration are:

- Area 1 East and west of the Trails at Lansing subdivision
- Area 2 North of Shoemith Road and east of Green Road
- Area 3 North of Haslett Road and south of Wood Valley subdivision
- Area 4 South of Grand River Avenue and east of Cornell Road
- Area 5 Along Grand River Avenue, east and west of VanAtta Road
- Area 6 North of Jolly Road and south of Shoals subdivision

A resolution has not been provided. After consulting the Michigan Planning Enabling Act, the Planning Commission must hold a public hearing before taking any action. Staff recommends the Planning Commission conclude its review of Areas 1-6, then transmit its conclusions in a report to the Township Board. Once the Planning Commission and Board agree on an Urban Services District area, a public hearing will be scheduled.

Attachment

1. Public Health Code MCL 33.12751 through 33.12758
2. Text amendment to 2005 Master Plan
3. Map 8-12 Urban Services District Map

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.12751 Definitions used in MCL 333.12752 to 333.12758.

Sec. 12751.

As used in sections 12752 to 12758:

(a) "Acceptable alternative greywater system" means a system for the treatment and disposal of waste water which normally does not receive human body wastes or industrial waste and is approved for use by a local health department.

(b) "Acceptable innovative or alternative waste treatment system" means a decentralized or individual waste system which has been approved for use by a local health department and which is properly operated and maintained so as not to cause a health hazard or nuisance. An acceptable innovative or alternative waste treatment system may include, but is not limited to, an organic waste treatment system or compost toilet which operates on the principle of decomposition of heterogeneous organic materials by aerobic and facultatively anaerobic organisms and utilizes an effectively aerobic composting process which produces a stabilized humus. Acceptable innovative or alternative waste treatment system does not include a septic tank/drain field system or any other system which is determined by the department to pose a similar threat to the public health, safety and welfare, and the quality of surface and subsurface waters of this state.

(c) "Available public sanitary sewer system" means a public sanitary sewer system located in a right of way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

(d) "Person" means a person as defined in section 1106 or a governmental entity.

(e) "Public sanitary sewer system" means a sanitary sewer or a combined sanitary and storm sewer used or intended for use by the public for the collection and transportation of sanitary sewage for treatment or disposal.

(f) "Structure in which sanitary sewage originates" or "structure" means a building in which toilet, kitchen, laundry, bathing, or other facilities which generate water-carried sanitary sewage are used or are available for use for household, commercial, industrial, or other purposes.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1980, Act 421, Eff. Mar. 31, 1981
Popular Name: Act 368

333.12752 Public sanitary sewer systems; declaration of necessity.

Sec. 12752.

Public sanitary sewer systems are essential to the health, safety, and welfare of the people of the state. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of disease, mortality, and economic blight; and constitutes a threat to the quality of surface and subsurface waters of this state. The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest which is declared as a matter of legislative determination.

333.12753 Structures in which sanitary sewage originates to be connected to public sanitary sewer; approval; time.

Sec. 12753.

(1) Structures in which sanitary sewage originates lying within the limits of a city, village, or township shall be connected to an available public sanitary sewer in the city, village, or township if required by the city, village, or township.

(2) Structures in which sanitary sewage originates lying outside the limits of the city, village, or township in which the available public sanitary sewer lies shall be connected to the available public sanitary sewer after the approval of both the city, village, or township in which the structure and the public sanitary sewer system lies and if required by the city, village, or township in which the sewage originates.

(3) Except as provided in subsection (4), the connection provided for in subsections (1) and (2) shall be completed promptly but not later than 18 months after the date of occurrence of the last of the following events or before the city, village, or township in which the sewage originates requires the connection:

(a) Publication of a notice by the governmental entity which operates the public sanitary sewer system of availability of the public sanitary sewer system in a newspaper of general circulation in the city, village, or township in which the structure is located.

(b) Modification of a structure so as to become a structure in which sanitary sewage originates.

(4) A city, village, or township may enact ordinances, or a county or district board of health, may adopt regulations to require completion of the connection within a shorter period of time for reasons of public health.

333.12754 Failure to connect structure to public sanitary sewer; notice; action to compel connection.

Sec. 12754.

(1) When the structure in which sanitary sewage originates is not connected to an available public sanitary sewer system within the time specified in section 12753, the governmental unit in which the structure lies shall require the connection to be made immediately after notice, which may be by first class or certified mail to the owner of the property or by posting on the property.

(2) The notice shall give the approximate location of the public sanitary sewer system which is available for connection of the structure involved and shall advise the owner of the requirements and enforcement provisions of sections 12752 to 12758 and any applicable ordinance or regulation.

(3) Where a structure in which sanitary sewage originates is not connected to an available public sanitary sewer system within 90 days after the date of mailing or posting of the written notice, the governmental unit which operates the available sanitary sewer system may bring an action for a mandatory injunction or order in the district, municipal, or circuit court in the county in which the structure is situated to compel the owner to connect to the available sanitary sewer system immediately. The governmental unit may join any number of owners of structures situated within the governmental unit in the action to compel each owner to connect to an available sanitary sewer system immediately.

333.12756 Tap-in fee for connection; deferment of payment by reason of hardship; application; evidence of hardship; ordinance defining hardship and permitting deferred or partial payment; condition to granting deferred or partial payment.

Sec. 12756.

(1) An owner of property who by reason of hardship is unable to comply with provisions of sections 12752 to 12758 requiring connection to an available sanitary sewer system when the local unit of government charges a tap-in fee for connection may have the fee payment deferred by application to the assessing officer. Upon receipt of evidence of hardship, the local unit of government may defer partial or total payment of the fee.

(2) The local unit of government may enact ordinances to define hardship in its area and to permit deferred or partial payment of the tap-in fee. As a condition to the granting of the deferred or partial payment of the tap-in fee, the local unit of government may require mortgage security on the real property of the beneficiary payable on or before death, or, in any event, on the sale or transfer of the property.

333.12757 Installation and use of acceptable innovative or alternative waste treatment system alone or in combination with acceptable alternative greywater system; regulation by local health department; guidelines; exemption from special assessments not permitted; connection to available public sanitary sewer system not required; payment of sewer availability fee in lieu of connection or user fees; exemption from connection or user fees.

Sec. 12757.

(1) Notwithstanding sections 12752 to 12756, a person may install and use in a structure an acceptable innovative or alternative waste treatment system or an acceptable innovative or alternative waste treatment system in combination with an acceptable alternative greywater system. The installation and use of an acceptable innovative or alternative waste treatment system or an acceptable alternative greywater system in a structure shall be subject to regulation by the local health department in accordance with the ordinances and regulations of the local units of government in which the structure lies. A local health department may inspect each acceptable innovative or alternative waste treatment system within its jurisdiction at least once each year to determine if it is being properly operated and maintained. A local health department may charge the owner of an acceptable innovative or alternative waste treatment system a reasonable fee for such an inspection and for the plan review and installation inspection. A copy of the approved application or permit to install and use an alternative system and a copy of each maintenance inspection report shall be forwarded to the department and to the local unit of government in which the structure lies. The department shall maintain a record of approved alternative systems and their maintenance and operation.

(2) The department, after consultation with the state plumbing board, shall adopt guidelines to assist local health departments in determining what are acceptable alternative greywater systems and what are acceptable innovative or alternative waste treatment systems. The department shall advise local health departments regarding the appropriate installation and use of acceptable innovative or alternative waste treatment systems and acceptable innovative or alternative waste treatment systems in combination with acceptable alternative greywater systems.

(3) A person who installs and uses an acceptable innovative or alternative waste treatment system or an acceptable innovative or alternative waste treatment system in combination with an acceptable alternative greywater system shall not be exempt from any special assessments levied by a local unit of government for the purpose of financing the construction of an available public sanitary sewer system.

(4) Notwithstanding sections 12752 to 12756, an owner of a structure using an acceptable innovative or alternative waste treatment system in combination with an acceptable alternative greywater system shall not be required to connect to an available public sanitary sewer system.

(5) An owner who does not connect to an available public sanitary sewer system pursuant to subsection (4), shall not be required to pay connection or user fees to a local unit of government except those connection or user fees which are allocated for financing of construction of an available public sanitary sewer system. In lieu of connection or user fees, an owner may be required by the local unit of government to pay a sewer availability fee if that fee is to be used for the purpose of paying a proportionate share of financing the construction of an existing available public sanitary sewer system. The exemption from connection or user fees under this subsection shall not apply to an owner connected to an available public sanitary sewer system on the effective date of this act.

(6) A local unit of government may exempt an owner proposing to use an acceptable innovative or alternative waste treatment system in combination with an acceptable alternative greywater system from connection or user fees related to the financing, construction, use, or maintenance of an available public sanitary sewer system.

333.12758 Voluntary connection to public sanitary sewer system; provisions cumulative.

Sec. 12758.

(1) Sections 12752 to 12758 shall not limit the right of the owner of a structure in which sanitary sewage originates voluntarily to connect the structure to a public sanitary sewer system where the operator of the system agrees to the connection.

(2) Sections 12752 to 12758 are in addition to and not in limitation of the power of a governmental unit to adopt, amend, and enforce ordinances relating to the connection of a structure in which sanitary sewage originates to its public sanitary sewer system.

History: 1978, Act 368, Eff. Sept. 30, 1978

Popular Name: Act 368

Meridian Charter Township

COMMISSION REVIEW #12053 (PLANNING COMMISSION)

**2005 MASTER PLAN
PROPOSED TEXT AND MAP AMENDMENTS
IN SUPPORT OF AN URBAN SERVICES DISTRICT**

Chapter 2

COMMUNITY VALUES, VISION, GOALS AND OBJECTIVES

GOAL 5: MAINTAIN ESSENTIAL PUBLIC SERVICES

Objective A: Ensure that any future growth is consistent with the Township's present or planned capacity for sewage treatment, public water, and other utility systems.

Strategies:

1. Focus growth into an urban services district to ensure efficient and fiscally responsible use of public services.

GOAL 7: PROMOTE EFFICIENT AND SUSTAINABLE GROWTH PRACTICES

Objective C: Define an urban services district to promote walkable community development and dynamic community improvement through redevelopment.

Strategies:

1. Promote land use policies that emphasize compact infill development.
2. Investigate opportunities to maximize the use of existing infrastructure through development and redevelopment within the urban services district.
3. Investigate additional strategies to provide incentives for development and redevelopment within the urban services district.

Chapter 8 INFRASTRUCTURE

Tri-County Urban Service Management Study

After five years of preparation, the Urban and Rural Service District/Urban Service Boundary (URSD/USB) Committee of the Tri-County Regional Planning Commission released its Tri-County Urban Service Management Study in March, 2011. The Study was prepared to implement the 2005 Regional Growth: Choices for our Future (Regional Growth Project) report promoting a sustainable and equitable regional land use pattern for the Tri-County region by establishing a boundary for an urban services district. The Urban Service Management Study included a general urban service district map and a recommendation for participating communities to reassess the boundary using specific criteria in the report. The Tri-County Regional Planning Commission adopted the recommendations of the 2011 Tri-County Urban Service Management Study on April 27, 2011.

In May 2011, the Meridian Township Board of Trustees expressed its support and intent to follow the Study's recommendation once finalized by adopting a resolution recognizing the urban service boundary as providing assistance in implementing the Township's 2005 Master Plan goals. Using the ten recommended criteria from the Tri-County Urban Service Management Report as a guide, data was collected to assess the Township's future land use needs. From this exercise, an urban service district has been delineated as shown on Map 8-12 Urban Services District and Map 10-1 Future Land Use Map.

The Township is committed to providing urban services, including but not limited to public water and public sanitary sewer, to sites located within the urban services district. Implementation policies will be found in Chapter 11.

Chapter 10 FUTURE LAND USE

Urban Services District

The urban services district shown on Map 10-1 Future Land Use Map and density designations inside and outside of it are intended to accomplish a number of objectives including efficient and cost-effective delivery of public services within the Township and Tri-County region, implementation of Smart Growth principles, appropriate investment in infrastructure and maintenance programs based on proper planning consistent with projected population growth, conservation of natural resources, and preservation of rural open space.

Population projections found in the 2005 Master Plan anticipated population growth of 14.7 percent between 2000 and 2020 resulting in a 2020 population of 44,850 with ample land available to accommodate the total. More recently, population projections prepared for the Tri-County Regional Planning Commission and updated with 2010 census figures show Meridian Township's growth has slowed considerably. Population in 2020 is now projected to be 39,824, a mere 1.8 percent increase over the 2000 – 2020 time period. And ten years later in 2030, population is projected to increase by 1.5 percent to 40,432.

Since the residential land use designations planned for a population of 44,850, there should be excess capacity in already approved platted subdivisions, planned unit developments, and undeveloped land for residential growth well beyond 2030 unless significant changes reverse the population trends for the region. Residential land is available both inside the urban services district and outside it where the population will reside in low-density areas and rely on onsite septic systems and private wells.

The Future Land Use Map designates land east of the urban services district for low density single family residential and agricultural uses. Two low density residential classifications (0.0-0.5 du/a and 0.5-1.25 du/a) are specified for the eastern part of the Township.

This plan, based on 2005 economic trends, does not increase the amount of land designated for non-residential uses. Office vacancy rates were already on the rise, office development had slowed and there was no interest in research park development. The plan also notes that the Future Land Use Map designated 790 acres for commercial uses but 910 acres were already zoned for commercial purposes. Meridian Township has never been attractive for industrial uses. In the future, commercial, service and office uses can readily be accommodated within sites already designated on the Future Land Use Map for such uses through infill and redevelopment projects.

Chapter 11 IMPLEMENTATION

Urban Services District

Establishment of an urban services district is one of the primary methods to encourage Smart Growth in both the Township and the region. The designation of the urban services district is based on a thorough needs analysis using population projections and land supply. The analysis revealed there is sufficient developable vacant land and the potential for redevelopment of obsolete properties within the urban services district to satisfy the needs of future populations for both residential and service uses. However guidelines must be responsive to changing conditions thus the following policies are established to guide amendment to the urban services district boundary and may be used by the Township Board to establish an ordinance.

Urban Services District Amendment Policies

- The Planning Commission shall review the urban services district boundary every five years concurrent with the Master Plan review required by the Michigan Planning Enabling Act. If the Planning Commission finds it would serve the public interest to amend the urban services district boundary it shall transmit a recommendation to the Township Board. When reviewing the urban services district boundary the Planning Commission shall consider the same 10 criteria used to establish the original boundary found in the 2011 Tri-County Urban Service Management Study and the following:
 - Whether the amount of available land within the urban services district is adequate for all land use types for the ensuing 20 years
 - Changing demographic and economic projections
 - The ability of the Township to maintain acceptable levels of service and quality of life for existing and new residents
 - Analyses of soil type, vegetation, topography, availability of public water and sewer services, existing property lines, existing land use, and potential for development
 - Proposed boundaries are preferred along roads or other natural boundaries
- Private property owners and developers may submit a request to the Township Board to amend the urban services district boundary. Before the Township Board makes a decision, the Planning Commission shall evaluate the proposed amendment using criteria established for the five-year review and submit a recommendation. In making their decision the Township Board and Planning Commission shall consider the following criteria:
 - Location in relation to the existing urban services district area
 - Documentation from the applicant there are no suitable development sites within the urban services district
 - Documentation of a compelling public health and/or safety issue exists for which the only solution is amending the urban services district boundary
 - Weigh the benefits and economic burdens for the Township

Exemption to the Urban Services District

Property located within the 2009 Georgetown Sanitary Sewer Interceptor Payback District and subject to the Georgetown Sanitary Sewer Interceptor Benefit Charge shall be exempt from the Urban Services District Boundary and Policies, only for sewer extensions, until July 7, 2024 or until the Eyde Company is reimbursed the amount in the July 7, 2009, Board Resolution entitled Georgetown Sanitary Sewer Interceptor Benefit Charge & Reimbursement, whichever occurs first.

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