



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION – REGULAR MEETING
October 14, 2019 7PM

1. CALL MEETING TO ORDER
2. PUBLIC REMARKS
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES
 - A. September 23, 2019 Regular Meeting
5. COMMUNICATIONS - listed on separate page
6. PUBLIC HEARINGS
 - A. Rezoning #19060 (Okemos Land Investment LLC), rezone approximately 96 acres located on the north side of Bennett Road, east of Hagadorn Road, and west of Hulett Road from RR (Rural Residential) and RAAA (Single Family-Low Density) to RAA (Single Family-Low Density) and PO (Professional and Office) with conditions.
 - B. Rezoning #19070 (Fedewa Holdings), rezone approximately 2.9 acres of a 9.9 acre parcel located at 4515 Dobie Road from RAA (Single Family-Low Density) to RC (Multiple Family, maximum 14 dwelling unit per acre).
 - C. Rezoning #19080 (Minerva Realty Capital LLC), rezone approximately 4.99 acres at 4606 Hagadorn Road from RR (Rural Residential) to PO (Professional and Office) with conditions.
7. UNFINISHED BUSINESS - None
8. OTHER BUSINESS
 - A. Form based code initiative.
 - B. Hagadorn Road (RP) Research Park rezoning request.
9. REPORTS AND ANNOUNCEMENTS
 - A. Township Board update.
10. PROJECT UPDATES
 - A. New Applications - None
 - B. Site Plans Received
 1. Site Plan Review #19-14 (Huntsman Advanced Materials), install an approximately 50 foot tall dust collector on the west side of the building located at 4917 Dawn Avenue.
 2. Site Plan Review #19-15 (Superior Brass and Aluminum), demolish two existing buildings on the site, construct loading dock between two remaining buildings, and remove and replace the existing parking area located at 4900 Dawn Avenue.

AGENDA page 2

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION MEETING**

October 14, 2019 7:00 pm

- C. Site Plans Approved
 - 1. Site Plan Review #19-10 (Meridian Township Parks & Recreation Department), construct pavilion and restroom building at the Harris Nature Center at 3998 Van Atta Road.
 - 2. Site Plan Review #19-13 (Louis J. Eyde Family, LLC), construct 34,685 square foot office building at 2843 Eyde Parkway.

11. PUBLIC REMARKS

12. ADJOURNMENT

TENTATIVE PLANNING COMMISSION AGENDA

October 28, 2019

1. PUBLIC HEARINGS

A. None

2. UNFINISHED BUSINESS

A. Rezoning #19060 (Okemos Land Investment LLC), rezone approximately 96.74 acres located on the north side of Bennett Road, east of Hagadorn Road, and west of Hulett Road from RR (Rural Residential) and RAAA (Single Family-Low Density) to RAA (Single Family-Low Density) and PO (Professional and Office) with conditions.

B. Rezoning #19070 (Fedewa Holdings), rezone approximately 2.9 acres of a 9.9 acre parcel located at 4515 Dobie Road from RAA (Single Family-Low Density) to RC (Multiple Family, maximum 14 dwelling unit per acre).

C. Rezoning #19080 (Minerva Realty Capital LLC), rezone approximately 4.99 acres at 4606 Hagadorn Road from RR (Rural Residential) to PO (Professional and Office) with conditions.

3. OTHER BUSINESS

A. Form based code initiative

Individuals with disabilities requiring auxiliary aids or services should contact: Principal Planner Peter Menser, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4576 - Ten Day Notice is Required.
Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall

Providing a safe and welcoming, sustainable, prime community.



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

DRAFT

**September 23, 2019
5151 Marsh Road, Okemos, MI 48864-1198
517-853-4560, Town Hall Room, 7:00 P.M.**

**PRESENT: Commissioners Lane, Scott-Craig, Hendrickson, Trezise, Cordill, and Premoe
ABSENT: Commissioners Richards and Shrewsbury
STAFF: Director of Community Planning & Development Mark Kieselbach, Principal
Planner Peter Menser and Economic Development Director Chris Buck**

1. Call meeting to order

Chair Scott-Craig called the regular meeting to order at 7:02 P.M.

2. Public Remarks - None

3. Approval of Agenda

Commissioner Trezise moved to approve the agenda as written.
Seconded by Commissioner Cordill.
VOICE VOTE: Motion approved unanimously.

4. Approval of Minutes

A. September 9, 2019 Regular Meeting

Commissioner Hendrickson suggested several changes/updates to be made to the minutes.

Commissioner Hendrickson moved to approve the minutes as amended.
Seconded by Commissioner Trezise.
VOICE VOTE: Motion approved unanimously.

5. Communications

Chair Scott-Craig noted the communications listed in the meeting packet and have been reviewed by the Planning Commission.

6. Public Hearings - None

7. Unfinished Business - None

8. Other Business

A. Form based code initiative.

Principal Planner Menser provided an introduction of the memorandum regarding Part 4 of the Draft Form Based Code.

Planning Commission Discussion:

- The Form Based Code District is similar to a zoning overlay district.
- Preference to measure the height of buildings is measured in stories verses feet.
- Residential units at ground level would be 3 feet above grade for privacy from pedestrians. The diagram displayed in the packet on page 14 (diagram A) is not clear regarding the second and third floors and their respective heights.
- Proper location of Side Access Lanes and building setback from the road right-of-way.
- Proposal to remove the provision related to a building footprint maximum of 15,000 square feet. Discussion involved perhaps saying 70% impervious coverage and not the size of the footprint. As written this standard would eliminate future Big Box Stores.
- Clarify terms in the documents as both Single Family Zoning and Single Family Uses are noted.
- The drawings in the Streamlined Avenue Code Draft for Section 86-A page 14 are confusing and inconsistent.
- The uniform build to line should be measured from either the center of the road or edge of curb and not the back of the curb to create consistency with building.
- Focus on rear yard parking and eliminate incentives for side yard parking unless the property is on a side road in the Grand River Avenue Form District.
- Each facade of a commercial building would be required to have an entrance door.
- Principal Planner Menser will redraw the map and make two changes in the Form Based Code District (blue line map) adding Northwind and Dawn Avenue and Park Lake and Grand River (the first two commercial lots).
- The Planning Commission will work on the Commercial District first and then work on the Townhouses and Small Apartments which are in the same district but different category.
- The ordinance created needs to be user friendly.

Principal Planner Menser expressed appreciation for the great in-depth discussion on the complicated policy language.

During the next Planning Commission Meeting on October 14, 2019 Principal Planner Menser will provide a revised summary with edits and noted the Form Based Code District Map will be updated at a later meeting.

A work session is scheduled for any Planning Commissioners who can attend on October 14, 2019 beginning at 6 p.m. to continue working on section 5.

Chair Scott-Craig stated he reached out to Supervisor Styka regarding scheduling a joint meeting with the Township Board to discuss draft ideas before discussing the details and Supervisor Styka said he will get back with him.

9. Reports and Announcements

- A. Township Board updates.

Principal Planner Menser provided an update from the September 17, 2019 Township Board meeting and noted the next Township Board meeting will be October 1, 2019.

Principal Planner Menser noted a third public hearing will be added to the October 14, 2019 Planning Commission Agenda.

10. Project Updates

- A. New Applications - None
B. Site Plans Received - None
C. Site Plans Approved - None

11. Public Remarks - None

12. Adjournment

Commissioner Hendrickson moved to adjourn the meeting.

Supported by Commissioner Cordill.

VOICE VOTE: Motion carried unanimously.

Chair Scott-Craig adjourned the regular meeting at 9:04 P.M.

Respectfully Submitted,

Debbie Budzynski, Recording Secretary

Communications Received

Meridian Township Planning Commission

Monday, October 14, 2019

1. Yingxin Zhou RE: Rezoning #19060
2. Candy and Larry Parker RE: Rezoning #19060
3. Pete Zawojwski RE: Rezoning #19060
4. Jim Rundquist RE: Rezoning #19060
5. Yingxin Zhou RE: Rezoning #19060
6. Wei Li RE: Rezoning #19060
7. Yingxin Zhou RE: Rezoning #19060
8. Kathy and Larry McCurdy RE: Rezoning #19060

Peter Menser

From: Yingxin Zhou <zhou0824@gmail.com>
Sent: Tuesday, October 01, 2019 12:07 PM
To: Peter Menser
Cc: <championwoodsokemos@gmail.com>; McCole, Daniel; Frank Walsh; Planning Commision (DG)
Subject: Re: FW: Bennett Road notices

Hi, Peter,

I understand 7 parcels have been included in the rezoning application. In the past the ownership certificates of the parcels, which were provided by BS & A online, had been submitted with the rezoning application and had been available to the public. You mean you are not allowed to share them? When were the rules changed?

Per Mayberry as stated in the application form, only 89 units can be actually built under existing zoning. Now they are proposing 150 units. So the traffic study should compare the traffic for 150 units under proposed zoning to traffic for 89 units under existing zoning. Also Table 2 Comparison Between Existing and Proposed Zoning Based on Township Multipliers has been removed from the traffic study. Could you please request this table to be added back to the traffic study?

The screenshot shows a PDF document titled "July82019PlanningCommissionPacket-redacted.pdf". It contains two tables, Table 1 and Table 2, comparing existing and proposed zoning. Table 1 is based on minimum lot size, and Table 2 is based on township multipliers. Both tables show traffic volume (In, Out, Total) for AM and PM peak hours, and weekday volume, comparing existing zoning (RAAA, RAA & RR) with proposed zoning (RAA) and their differences.

Table 1
Comparison Between Existing and Proposed Zoning Based on Minimum Lot Size

Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	
Existing Zoning (RAAA, RAA & RR)	216 Units	40	118	158	134	79	213	2,112
Proposed Zoning (RAA)	312 Units	57	169	226	191	112	303	2,962
Difference		+17	+51	+68	+57	+33	+90	+850

Table 2
Comparison Between Existing and Proposed Zoning Based on Township Multipliers

Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	
Existing Zoning (RAAA, RAA & RR)	177 Units	33	97	130	111	65	176	1,758
Proposed Zoning (RAA)	255 Units	47	139	186	158	92	250	2,460
Difference		+14	+42	+56	+47	+27	+74	+702

Thank you very much for your consideration!

Yingxin Zhou

On Tue, Oct 1, 2019 at 10:52 AM Peter Menser <menser@meridian.mi.us> wrote:

Yingxin,

Okemos Land Investment LLC (Mayberry Homes) only owns one of the seven parcels included in the rezoning, but has authorization from the other property owners to apply for the rezoning, which was included in the rezoning application. The Township has a quit claim deed showing that Okemos Land Investment LLC is the owner of the parcel, but I can't post it to the website since it's property of Ingham County and we aren't allowed to share them. It's here in our Assessing Department for viewing, but we aren't allowed to make copies, those have to be acquired from Ingham County. You have seen that Okemos Land Investment LLC is the owner of the property, as you asked about this before. I don't think there is any question about land ownership in this request.

I am not going to ask for revisions to the traffic assessment. It mirrors traffic assessments and studies submitted by TEA, Inc. for other projects. As we have all learned through this process, there is no truly accurate method of estimating the number of lot sizes beyond actually putting together a layout for development. Using the minimum lot size, which is what the study the applicant provided uses, is an appropriate method of estimating the number of lots. Most importantly, the study provides traffic estimates for the 150 lots proposed by the applicant, which is the information we really need.

-Peter



Peter Menser

Principal Planner

menser@meridian.mi.us

517.853.4576

5151 Marsh Road | Okemos, MI 48864

meridian.mi.us

From: Yingxin Zhou [mailto:zhou0824@gmail.com]

Sent: Tuesday, October 01, 2019 9:33 AM

To: Frank Walsh; Peter Menser

Cc: <championwoodsokemos@gmail.com>; McCole, Daniel

Subject: Re: FW: Bennett Road notices

Hi, Frank and Peter,

Thank you for the update. Could you please ask the applicant to submit certificate of ownership for the 7 parcels applied for rezoning? In the past those certificates had been included in the application.

For the traffic study, I don't think it is appropriate to use 216 units for comparison. It's comparing apples to oranges since 216 units are based on minimum lot size for existing zone. The correct way would be compare the proposed 150 units to 89 units (yield rate stated in the application form). So could you please ask the applicant to make the traffic study corrected?

Peter, when preparing staff memo could you please use 89 units for existing zoning instead of 215 units (min. lot size) or 176 units (max. dwelling units) for comparison?

Thank you very much. Please let me know if you have any questions.

Regards,

Yingxin Zhou

On Mon, Sep 30, 2019 at 3:26 PM Frank Walsh <walsh@meridian.mi.us> wrote:

Good afternoon,

Here is an attachment to the rezoning request from Mayberry Homes.

Frank

The updated application materials are available for review on the Township website at the following address: http://www.meridian.mi.us/government/at-your-fingertips/current-applications-before-meridian-township/-fsiteid-1/-folder-3165#docan5625_5975_1741.

“Be Somebody that Makes Everybody Feel Like Somebody.”



Frank L. Walsh

Township Manager

A Prime Community

walsh@meridian.mi.us

W 517.853.4258 | F 517.853.4251

5151 Marsh Road | Okemos, MI 48864

meridian.mi.us

Peter Menser

From: Candy Parker <candypar@comcast.net>
Sent: Monday, October 07, 2019 4:12 PM
To: Planning Commision (DG)
Subject: rezoning#19060

Dear Planning Commission Members,

This request has been presented previously, but now, the voluntary conditions which have been placed on it by the developer after sessions to find a compromise enables us to support the request.

Candy and Larry Parker

4361 Aztec way

Okemos, 48864

Peter Menser

From: Pete Zawojski <pzawojski@prodigy.net>
Sent: Monday, October 07, 2019 8:40 AM
To: Frank Walsh
Cc: Planning Commision (DG)
Subject: Re: Bennett Road notices

As an existing home owner in the area, I once again oppose this rezone effort by Mayberry. This was denied previously so why is it even being considered again?! The property can be developed as currently zoned and the proposed changes would negatively effect traffic, be inconsistent with Meridian Township future land use map, and add a PO zoning (spot zoning). Do not allow this to pass!

Pete Zawojski
Bennett Village

Sent from my iPhone

On Sep 30, 2019, at 3:26 PM, Frank Walsh <walsh@meridian.mi.us> wrote:

Good afternoon,

Here is an attachment to the rezoning request from Mayberry Homes.

Frank

The updated application materials are available for review on the Township website at the following address: http://www.meridian.mi.us/government/at-your-fingertips/current-applications-before-meridian-township/-fsiteid-1/-folder-3165#docan5625_5975_1741.

“Be Somebody that Makes Everybody Feel Like Somebody.”

<image002.jpg>**Frank L. Walsh**
Township Manager
walsh@meridian.mi.us
W 517.853.4258 | F 517.853.4251
5151 Marsh Road | Okemos, MI 48864
[meridian.mi.us](http://www.meridian.mi.us)

<mailing map and owner letter 2sided.pdf>

RUNDQUIST

October 3, 2019

Meridian Township Planning Commissioners
Meridian Charter Township
5151 Marsh Road
Okemos, MI. 48864

**Re: Resubmittal of Rezoning Request 19060
Parcels by Ownership**

VIA: email

Aka Sturk	29-251-009	ICD Properties LLC
	29-300-008	William Ingrid Schultz
	29-300-020	William Ingrid Schultz
	29-300-021	William Ingrid Schultz
	29-300-023	WI Properties LLC
	29-300-026	Heron Creek Holdings LLC
Aka Mayberry	29-300-025	[07.16.2019] Okemos Land Investment LLC
		[08.21.2014] Bennett Road Holding LLC
		[10.31.2013] EL Holding LLC

Dear Planning Commissioners,

By way of introduction I am Jim Rundquist, Township resident since 2000, architect, homebuilder and land developer. I write to you regarding the proposed rezoning of the property referenced by parcel ID and ownership entity above.

Sturk (WI Properties LLC) violated the limits of Wetlands and Flood Plain.

Clearly visible in the imagery recorded in Google Earth, Craig Sturk filled in wetlands and floodplain. One only need to use the Imagery Date Rollback feature in the Google Earth toolbar to view the decimation of this area. In these images, raw earth movement and adjustments as well as earth moving equipment is readily discernable [Baseline imagery 03.30.2005; significant changes beginning 10.03.2011; additional changes 04.03.2013; changes and equipment 07.14.2015; continued changes and equipment 10.13.2016; continued changes and equipment 07.07.2018]. Comparison between Google Earth, Ingham County GIS imaging services and BSA Assessing Software suggests this impacted area can be found on parcel 29-300-023 and includes a disturbed area of 1.63 acres more or less. Through the non-permitted recapture of this regulated land, the Mayberry | Sturk preliminary Site Plan locates approximately four units in this area: Units 13, 14, 15 and 16 along with roadway and infrastructure necessary to serve these units.

The earth moving equipment can be currently found stored to the north of the brick residence located at 2862 Bennett Road [Parcel ID: 29-300-008].

3634 EAST ARBUTUS | OKEMOS, MI 48864

meridianrealestateinterests@comcast.net

Mayberry Homes claims this earthen change occurred before their ownership interest in adjoining property and their participation in, and future commitment to, the planning and development of the impacted area, and so restoration of this land should not be included as a stipulation in the re-zoning request or future development. Please compare the Google Earth images and date stamps with the ownership changes of the land parcels; there is a conclusive overlap with Mayberry Homes, Craig Sturk, and wetland fill. It is clear that this assertion proves wholly deceptive as a quick comparison of the dates of the land defilement by Craig Sturk [recorded by Google Earth] and the dates of Mayberry ownership [from the Township Assessor's BSA portal] debunk this assertion.

In its haste to encourage or embrace development of this land the Township has permitted this strong-arm position by the Applicant and is incredulous. It sets a dangerous precedent in the Township for future land developments. As Stewards of the land and environment, Meridian Township should absolutely require the negative environmental impact be remediated prior to, or in conjunction with, any new development.

Sturk (ICD Properties LLC and Heron Creek Holdings LLC) Failed to Honor Previous Agreements.

As a component of the development of The Woods of Herron Creek, the current landowners previously agreed to provide and maintain an emergency pathway from Bennett Road north to Creekstone Trail. This emergency pathway was never maintained nor was access ever permitted as contained within the agreement.

In 2007 when Champion Woods was developed, over a Sturk granted easement, a twelve-foot-wide gated emergency pathway was constructed connecting Sophiea Parkway to Creekstone Trail, which eliminated the need for emergency access from Bennett Road north to Creekstone Trail. This gravel emergency pathway was constructed in accordance with a Township specification and maintained by Champion Woods development.

In 2010 and in conjunction with Sturk sale of significant acreage to Meridian Township Land Preservation, Sturk, at its sole expense, was to enhance the emergency pathway connecting Sophiea Parkway to Creekstone Trail by providing 2" of crushed asphalt topping and remove the gates preventing access. The gates have not been removed. The width is questionable. The asphalt is not 2" deep. The emergency pathway has not been maintained.

Sturk failed to perform their portion of the recorded agreements and Meridian Township has failed to enforce the terms of previous agreements. The Township should enforce the terms of the original agreements.

Mayberry Homes Re-Zoning Proposal and the Provision to Up-Zone Three Acres of RR to PO.

Three acres of current RR is proposed to be up-zoned to PO. This is not consistent with the Master Plan, could arguably be considered spot zoning, and a need has not been demonstrated by the Applicant. If the true purpose of this component is to house the office of Mayberry Homes with 15 employees, then this should be included and delineated in the PUD as it is a true, adjunct use of a small area [less than three acres] of the total land. This would require Mayberry Homes to disclose the true intended use and footprint. The total lack of transparency by Mayberry Homes is suspiciously telling.

Also, it is critical to note that Mayberry Homes, LLC is a residential homebuilder with related real estate sales. Neither use is incorporated in PO District as neither is Professional as described (Meridian Township Code of Ordinances 86-462).

Allowing a separation of 3 acres from the PUD to be up-zoned to PO, particularly to house an incompatible use, the Township will create the opportunity for future zoning changes by these, or additional entities. Again, the use of PO zoning is not compatible with the primary or secondary functions of Mayberry Homes, LLC.

If the 3 acres is zoned PO the allowable office gross square footage ranges from 25% to 35% per unit of land. Therefore:

Low end allowable building area:	$25\% * 3 \text{ acres} * 43,460 \text{ gsf/acre} = 32,670 \text{ gsf}$
High end allowable building area:	$35\% * 3 \text{ acres} * 43,560 \text{ gsf/acre} = 45,738 \text{ gsf}$
Average allowable building area:	$30\% * 3 \text{ acres} * 43,560 \text{ gsf/acre} = 39,204 \text{ gsf (use this)}$

Required parking by Meridian Township Ordinance for office use ranges from 3 spaces/1,000 gsf to 4 spaces/1,000 gsf. Using the average allowable building area (39,204 gsf) from above:

Low end required parking spaces:	$39,204 / (3 \text{ sp}/1,000 \text{ gsf}) = 118 \text{ parking spaces}$
High end required parking spaces:	$39,204 / (4 \text{ sp}/1,000 \text{ gsf}) = 157 \text{ parking spaces}$

Proposed Up-zoning to PO Allows for Future Mixed-Use Overlay.

Separating the 3 acres from the PUD and in conjunction of up-zoning to PO, allows for a future mixed-use overlay proposal. The height restrictions of the proposed district would be 35 feet and conceivably this allows for two levels of a residential component above the ground level of office space. This residential component could take a plethora of forms and typology allowed under the mixed-use overlay. Important to note that the residential component, at the extreme, could allow for two additional levels of 39,204 gsf each.

Mayberry Homes has agreed to 'no apartments'. The application of this term is open for interpretation as there is no reference to apartments in the Code. The use of this non-term is unacceptable. The stipulation should be clearly and concisely stated and the Township should settle for no less.

Lack of Traffic Impact Study with Three Acres of Up-zoning to PO.

A traffic study was prepared for the original residential re-zoning request and even updated with the modified rezoning request. However, a traffic study has not been prepared that reflects this up-zoning to PO which takes into consideration the allowable gross office area and the parking required by the Township. Adjacent to an Okemos Elementary School, the impact of the vehicular trips generated by 39,204 gsf of office space must be evaluated as this is in addition to the 150 homesites in the proposal.

Furthermore, a traffic study reflecting the impact that 39,204 gsf of office space combined with 78,408 gsf of residential space allowed by the overlay of Mixed-Use, is mandatory. It is unfathomable that the Township would rush to accept this proposal from the Applicant before understanding the traffic impact so near to an elementary school.

Mayberry Homes, LLC is an Incompatible Use with PO.

As previously indicated, Mayberry Homes, LLC is a residential homebuilder with related real estate sales. Neither use is compatible with PO District zoning as neither is Professional as described (Meridian Township Code of Ordinances 86-462).

The I District zoning allows by-right for a Contractor's Establishment (Meridian Township Code of Ordinances 86-435), and so Mayberry Homes, LLC use is compatible with I zoning, not PO.

Dedication of the North 20 acres.

Use of the phrase 'Dedication as open space to Meridian Township' is another loose term by Mayberry Homes as well as Manager Walsh. The Township must understand what the terminology means and what the economic impact is to its residents; this is a normal part of Stewardship.

Is this a donation of land, or an easement in perpetuity? If a donation, what economic benefit is provided the Applicant at the Township taxpayer's expense? Does the donation occur before the open area calculation of the single-family housing PUD, or does it occur after the calculation [which would be deceptive use of the twenty acres]?

In fact, and contrary to the presentations made, the north 20 acres does not represent the most desirable or prime land for residential development; it represents prohibitively expensive land to improve with infrastructure and nearly impossible to access. There is minimal room to route infrastructure through the sliver of uplands bounded by wetland and flood plain on the east and west. It, quite simply, is disposable and economically unfeasible land for development and so an easy gift to make to a municipality.

This is a classic case of the Emperor's New Clothes.

Use as a Township park and the Vehicular Traffic and Parking Burden to Neighbors.

The 20 acres is contiguous with the preservation land to the west and will provide access to all Township residents, if not visitors to the Township as well. When combined with the approximate 80 acres of preservation land, this area becomes the third largest park in possession of the Township. Yet there has been no accommodation or provision made for on-site vehicular parking. This will force park visitors to utilize on street parking along Sophiea Parkway and Creekstone Trail. Smaller parkland areas in the Township have off-street parking, yet this will have none. Nearby residents need to understand the potential impact of vehicular traffic and parking demands.

If this amalgamation of nearly 100 acres of land is to be open to public use, off-street parking should be incorporated into the conversation and planned and budgeted. Contrary to the presentation made by Manager Walsh, this places economic burden on the Township beyond that of the estimated \$60,000 to pave the emergency access road.

Economic impact to Township taxpayers.

A twenty-foot-wide paved emergency pathway with an initial estimated expense of \$60,000 that must be maintained in perpetuity by, and at the expense of, the Township does not make economic sense. Much better economics for the Township if this emergency pathway became a twenty-six-foot-wide Rural Road Section connecting Sophiea Parkway and Creekstone Trail, dedicated to the county for their maintenance.

The initial cost is only incrementally greater to pave twenty-six feet rural road section than to pave a twenty-foot emergency access, and this saves the Township maintenance expenses in perpetuity.

As a litmus test, both Creekstone and Sophia terminate in an unfinished road profile. Yet the Road Department requires a Cul-de-Sac or a 'Hammerhead' in cases where roads that end abruptly without any connection, similar to that proposed for Mayberry Homes recently started development, Silverstone. This project, approved in 2019, and currently under construction utilizes a hammerhead where a road does not connect to another. If Sophiea Parkway or Creekstone Trail were not intended to be connected, the ICRD would require a Cul-de-Sac or a Hammerhead termination. Neither exist.

Manager Walsh estimated \$60,000 to pave the emergency access which did not include the costs associated with the design and engineering, permitting and installation of any drainage culvert required by the ICDC to remediate the damage that Craig Sturk performed so many years ago when he chose not to honor or perform to the Agreement with the Township. In the informal agreement reached there is no stipulation for who bears this economic burden.

The taxpayers of the Township should not bear the economic burden of any remediation of surface drainage. This should completely be borne by the Applicant and landowners.

Ignoring the PA 425 Land aka College Fields to the West and South in Density Calculations.

Lastly, Manager Walsh has egregiously omitted the density of the adjacent property to the west and the south known as the PA425 area or better known as College Fields in his calculations.

In fact, all of the comparative zoning densities were in error as these calculations in support of a higher density excluded the PA 425 aka College Fields. The recorded Agreement between the Township and the City of Lansing clearly states that College Fields reverts to the Township at the end of its 50-year agreement term. Dated November 1999, so as of this writing, only 30 years remain. The density of the PA 425 aka College Fields was described to be equal to one housing unit per acre (286 acres originally and 286 units allowed) this anticipated the reversion to the Township in 2049 and respected the zoning in place of the surrounding Township governed parcels.

Incorporating College Fields into the calculation presents a more complete and accurate density equivalency of the surrounding residential communities and the actual multiplier can be accurately and simply computed as follows:

Champion Woods + Sundance + The Woods of Herron Creek =	190 Units	130 acres
PA 425 aka College Fields =	<u>286 Units</u>	<u>286 acres</u>
Totals	476 Units	416 acres

Density of entire adjacent area = $476 \text{ Units} / 416 \text{ acres} = 1.14 \text{ Units/acre}$

Applicant's property is 98 acres, less the 20 dedicated = 78 acres; 78 acres 1.14 Units/acre = 89 Units total density.*

The Applicant and Manager Walsh erroneously excluded the PA 425 aka College Fields when calculating comparative density, and for an accurate comparison the Township must be include this land in any calculation.

The current Township stewards are in a position to leave a legacy to future generations of residents, yet this mediated proposal falls short of legacy and long on burden. This proposal should not be approved. The land can be developed as-is, by-right.

Best Regards,



Jim Rundquist

attachments

8: 3381 P: 838 04/20/2010 02:52 PM
2010-017170 WARRANTY DEED Receipt: 253177
Curtis Heriel Jr., Ingham County, Michigan



10
A

2010-017170 Receipt 4 53:77
04/20/2010 02:52 PM Form # 21456E
Ingham County, Michigan Real Estate Transfer Tax
County Tax \$173.25
State Tax \$173.25

INGHAM COUNTY TREASURER'S CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIENS or TITLES
held by the state or any individual against the within description, and
all TAXES on same are paid for five years previous to the date of this
instrument as appears by the records of this office except as stated.

4-19-10
Eric Scherzing, Ingham County Treasurer
Sec. 135, Act 206, 1893 as amended

WARRANTY DEED

(Unplatted Land)

Drafted By:

Gary E. Sturk
1895 Danbury Way
Okemos, MI 48864

Return To:

The Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864

Send Tax Bills To:

The Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864

Recording Fee: \$18.00
File Number: 484706

State Transfer Tax: \$1,181.25
County Transfer Tax: \$173.25

Tax Parcel No.: 33-02-02-29-151-008

Know All Persons by These Presents: That **Gary E. Sturk and Trudy Sturk, husband and wife**
whose address is 1895 Danbury Way, Okemos, MI 48864

Convey(s) and Warrant(s) to **The Charter Township of Meridian**
whose address is 5151 Marsh Road, Okemos, MI 48864

the following described premises situated in the Township of **Meridian**, County of **Ingham**, State of **Michigan**, to wit:

That part of the West 1/2 of the Northwest 1/4 of Section 29, Town 4 North, Range 1 West, Meridian Township, Ingham County, Michigan, described as: Commencing at the Northwest Corner of Section 29; thence South 00 degrees 01 minute 25 seconds East 512.99 feet along the West line of said Section 29 to a point on the South right of way line of the Chesapeake and Ohio Railroad; thence South 72 degrees 33 minutes 24 seconds East 1,127.98 feet along said right of way line; thence South 00 degrees 04 minutes 55 seconds West 1,043.19 feet to the point of beginning of this description; thence South 00 degrees 04 minutes 55 seconds West 750.00 feet to a point on the East and West 1/4 line of said Section 29; thence North 89 degrees 50 minutes 55 seconds West 412.68 feet along said East and West 1/4 line; thence North 00 degrees 01 minute 25 seconds West 750.00 feet parallel with and distant 660.00 feet from said West Section Line; thence South 89 degrees 50 minutes 55 seconds East 414.06 feet to the point of beginning.

Tax Item No. 33-02-02-29-151-008

More commonly known as: **Parcel A, Okemos, MI 48864**

For the full consideration of: **one hundred fifty seven thousand one hundred sixty one Dollars (\$157,161.00)**

Subject To:

Existing building and use restrictions, easements of record, and zoning ordinances, if any.

This deed is given pursuant to Meridian Township land preservation Ordinance and is subject to all restrictions on use as set forth in that ordinance effective as of the date of this deed.

If the property conveyed is unplatted, the following applies:

The grantor grants to the grantee the right to make all division(s) under section 108 of the land division act, Act No. 288 of the Public Acts of 1967. (If no number is inserted, the right to make divisions stays with the portion of the parent tract retained by the grantor; if all of the parent tract is conveyed, then all division rights are granted.) This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

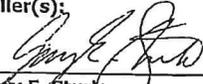
Dated this March 31, 2010.

2010 APR 19 PM 2:43
INGHAM COUNTY REGISTER DEEDS
2010 APR 19 PM 1:55
INGHAM COUNTY REGISTER DEEDS



(Attached to and becoming a part of Warranty Deed dated: March 31, 2010 between Gary E. Sturk and Trudy Sturk, husband and wife, as Seller(s) and The Charter Township of Meridian, as Purchaser(s).)

Seller(s):



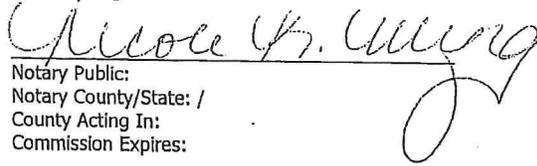
Gary E. Sturk


Trudy Sturk

State of Michigan
County of Ingham

NICOLE K. WING
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF INGHAM
My Commission Expires Dec. 18, 2010
Acting In the County of Ingham

The foregoing Instrument was acknowledged before me this March 31, 2010 by Gary E. Sturk and Trudy Sturk, husband and wife.



Notary Public:
Notary County/State: /
County Acting In:
Commission Expires:

CERTIFIED BOUNDARY SURVEY

CERTIFICATE OF SURVEY:

I hereby certify only to the parties named hereon that we have surveyed at the direction of said parties, several parcels of land previously described in:

(As provided)

-Warranty Deed, Liber 3380, Page 1067, Parcels 1 and 2, together with a non-exclusive easement for ingress and egress recorded in Liber 3255, Page 974

-Warranty Deed, Liber 3380, Page 656, together with a non-exclusive easement for ingress and egress recorded in Liber 3255, Page 974

-Warranty Deed, Liber 3381, Page 856

and that we have found or set, as noted hereon, permanent markers to all exterior corners and angle points of the overall boundary of said parcels and that the more particular combined legal description of said parcels is as follows:

A parcel of land in the North 1/2 of Section 29, T4N, R1W, Meridian Township, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the West 1/4 corner of said Section 29; thence N89°54'21"E along the East-West 1/4 line of said Section 660.00 feet to the point of beginning of this description; thence N00°16'08"W parallel with the West line of said Section 29 a distance of 750.00 feet; thence N89°54'21"E parallel with said East-West 1/4 line 414.06 feet; thence N00°09'48"W 1043.04 feet to the South right of way line of the C&O Railroad; thence S72°42'46"E along said South line 2343.70 feet; thence S39°37'25"W 144.77 feet; thence N84°18'40"W 819.47 feet; thence S53°36'53"W 182.00 feet; thence S00°22'35"E parallel with the North-South 1/4 line of said Section 29 a distance of 408.03 feet; thence S71°41'32"E 340.00 feet; thence S15°22'35"E 140.00 feet; thence S24°37'25"W 230.00 feet; thence S69°37'25"W 280.00 feet to said East-West 1/4 line; thence S89°54'21"W along said East-West 1/4 line 1595.40 feet to the point of beginning; said parcel containing 59.69 acres more or less, said parcel subject to all easements and restrictions if any.

Said parcel together with a Mutual Road and Utility Easement as recorded in Liber 3255, Page 974

WITNESSES TO SECTION CORNERS:

West 1/4 corner Section 29, T4N, R1W, Liber 8, Page 449
Found Remon bar & cap in monument box in C/L of Hagadorn Road
Found nail & tag #18994 Northwest side 8" Elm, N26°E, 112.14'
Found nail & tag #18994 Southeast side 12" Elm, S71°W, 48.30'
Found nail & tag #18994 Northeast side wood anchor post, N31°W, 56.86'
Found nail & tag #18994 Northeast side power pole, N20°W, 76.48'

Northwest corner Section 29, T4N, R1W, Liber 8, Page 447
Found Remon bar & cap in monument box in C/L of Hagadorn & Mt Hope Roads
Found nail & tag #18994 Northwest side power pole, N42°E, 70.08'
Found nail & tag #25832 Northwest side power pole, N65°E, 69.26'
Centerline of fire hydrant; S57°E, 75.86'
Centerline of gas valve, S55°W, 56.45'

North 1/4 corner Section 29, T4N, R1W, Liber 8, Page 453
Found Remon bar & cap in monument box in C/L of Mt Hope Road
Found dimple mark on East side of 2" steel anchor post, N05°E, 33.56'
Found nail & tag #18994 East side 28" Oak, S02°W, 28.00'
Found nail & tag #25832 Southeast side power pole, S82°W, 105.16'
Found nail & tag #25832 Southwest side power pole, S75°E, 125.40'

KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

DRAWN BY	SECTION
FIELD WORK BY	JOB NUMBER:
SHEET OF	

CERTIFIED BOUNDARY SURVEY

Center of Section 29, T4N, R1W, Liber 8, Page 252
Found 1/2" bar at base of fallen down railroad tie post
Set nail & tag North side 48" Maple, S75°E, 5.01'
Set nail & tag West side 6" Maple, S15°W, 22.79'
Set nail & tag North side 6" Elm, West, 25.28'
Found scar in West side 42" triple Maple, S05°E, 4.43'

This survey complies with the requirements of Public Act 132 of 1970, as amended, and is subject to Public Act 591 of 1996, as amended, and was performed with an error of closure no greater than a ratio of 1 in 5000.

All bearings are derived from the Lansing C.O.R.S. and reference Michigan State Plane South Zone ground coordinates.

Dane B. Pascoe Date:
Professional Surveyor No. 54434

KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

DRAWN BY	SECTION
FIELD WORK BY	JOB NUMBER:
SHEET : OF	

CONSENT TO REVISIONS TO EMERGENCY ROAD ACCESS AGREEMENT

This Consent is given on ^{MARCH 30} ~~February~~ 30, 2010, by

Champion Woods, L.L.C., a Michigan limited liability company
3695 Okemos Road
Okemos, Michigan 48864

to:

Heron Creek Holdings, LLC, a Michigan limited liability company
1280 Sebewaing Road
Okemos, MI 48864

ICD Properties, LLC, a Michigan limited liability company ("ICD")
2800 Bennett Road
Okemos, MI 48864

and

Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864



relative to the July __, 2007 agreement between them entitled "Grant of Emergency Vehicle Access Easement and Maintenance Agreement" recorded in Liber 3280, Page 1243, Ingham County Records ("Agreement").

As a party to the Agreement, Champion Woods consents to the following, with the express understanding that all work shall be performed by ICD and at the sole expense of ICD without any obligation on the part of Champion Woods, LLC to perform or pay for any of the work:

1. Removal of the security gates at both ends of the Emergency Access Road by November 30, 2010.


Gates to
be
removed

CONSENT TO REVISIONS TO EMERGENCY ROAD ACCESS AGREEMENT

This Consent is given on ^{MARCH 31}~~February~~ 30, 2010, by

Champion Woods, L.L.C., a Michigan limited liability company
3695 Okemos Road
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5151 Marsh Road
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relative to the July __, 2007 agreement between them entitled "Grant of Emergency Vehicle Access Easement and Maintenance Agreement" recorded in Liber 3280, Page 1243, Ingham County Records ("Agreement").

As a party to the Agreement, Champion Woods consents to the following, with the express understanding that all work shall be performed by ICD and at the sole expense of ICD without any obligation on the part of Champion Woods, LLC to perform or pay for any of the work:

1. Removal of the security gates at both ends of the Emergency Access Road by 

November 30, 2010.

ROAD AGREEMENT AND GRANT OF EASEMENT 

This Road Agreement ("Agreement") is made the 30th day of ~~February~~^{March}, 2010, by and between **ICD Properties, LLC**, a Michigan limited liability company, whose address is 2800 Bennett Road, Okemos, Michigan 48864 ("**ICD**") and **Charter Township of Meridian**, a Michigan municipal corporation, 5151 Marsh Road, Okemos, MI 48864 ("**Township**"). 

RECITALS

- A. All of the real property described in and affected by this Agreement is located in Meridian Township, Ingham County, Michigan.
- B. The Township is this day purchasing from ICD a parcel of real property depicted on *Exhibit 1* attached as "Parcel D1" ("**Acquired Parcel**") as part of its land preservation initiative.
- The Acquired Parcel is described as follows:

PARCEL D1

A PARCEL OF LAND SITUATED IN THE NORTH 1/2 OF SECTION 29, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 29; THENCE NORTH 89°57'54" WEST ALONG THE EAST-WEST 1/4 LINE OF SECTION 29 A DISTANCE OF 386.63 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 69°45'18" EAST, 280.00 FEET; THENCE NORTH 24°45'18" EAST, 230.00 FEET; THENCE NORTH 15°14'42" WEST, 140.00 FEET; THENCE NORTH 71°33'39" WEST, 340.00 FEET; THENCE NORTH 00°14'42" WEST, 408.03 FEET; THENCE NORTH 53°44'46" EAST, 182.00 FEET; THENCE SOUTH 84°10'47" EAST, 819.47 FEET; THENCE NORTH 39°45'18" EAST, 144.77 FEET TO THE SOUTHERLY

RIGHT OF WAY LINE OF THE C & O RAILROAD; THENCE NORTH 72°36'25" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 1109.32 FEET; THENCE SOUTH 00°14'42" EAST, 1423.84 FEET TO THE POINT OF BEGINNING, CONTAINING 9.00 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD OR USE, IF ANY.

C. The Township is also this day acquiring three parcels adjoining the Acquired Parcel on the west designated as "Parcel A," Parcel "B;" and Parcel "C" ("Adjoining Acquired Parcels") as part of its land preservation initiative. The Adjoining Acquired Parcels are described as follows:

PARCEL A

PER TAX DESCRIPTION-PARCEL ID NO. 33-02-02-29-151-008 COM. @ THE NW COR. SEC. 29-S 0 DEG 01'25"E, ON W. SEC. LN. 512.99 FT. TO S. R/W LN. OF C&O RR-S 72 DEG 33'24"E, ON R/W 1127.98 FT.-S 0 DEG 04'55"W, 1043.199 FT. TO THE P.O.B.-CON'T. S 0 DEG 04'55" W, 750 FT. TO EW 1/4 LN. SEC. 29-N 89 DEG 50'55"W, 412.68 FT. ON 1/4 LN.-N 0 DEG 01'25"W, 750 FT.-S 89 DEG 50'55" E, 414.06 FT. TO THE P.O.B.

SEC. 29, T4N, R1W, 7.12 AC. M/L

PARCEL B

A PARCEL OF LAND SITUATED IN THE NORTHWEST 1/4 OF SECTION 29, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 29; THENCE NORTH 89°57'52" WEST ALONG THE EAST-WEST 1/4 LINE OF SECTION 29 A DISTANCE OF 1320.87 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 89°57'52" WEST ALONG THE EAST-WEST 1/4 LINE OF SECTION 29 A DISTANCE OF 248.26 FEET; THENCE NORTH 00°11'27" WEST PARALLEL WITH THE WEST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 29 A DISTANCE OF 1793.48 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE C&O RAILROAD; THENCE SOUTH 72°36'25" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 260.42 FEET; THENCE SOUTH 00°11'27"

EAST ALONG THE WEST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 29 A DISTANCE OF 1715.78 FEET TO THE POINT OF BEGINNING, CONTAINING 10.00 ACRES, MORE OR LESS.

PARCEL C

A PARCEL OF LAND SITUATED IN THE NORTHWEST 1/4 OF SECTION 29, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 29; THENCE NORTH 89°57'52" WEST ALONG THE EAST-WEST 1/4 LINE OF SECTION 29 A DISTANCE OF 386.63 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 89°57'52" WEST ALONG THE EAST-WEST 1/4 LINE OF SECTION 29 A DISTANCE OF 934.24 FEET; THENCE NORTH 00°11'27" WEST ALONG THE WEST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 29 A DISTANCE OF 1715.78 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE C&O RAILROAD; THENCE SOUTH 72°36'25" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 978.60 FEET; THENCE SOUTH 00°14'42" EAST PARALLEL WITH THE NORTH-SOUTH 1/4 LINE OF SECTION 29 A DISTANCE OF 1423.84 FEET TO THE POINT OF BEGINNING, CONTAINING 33.64 ACRES, MORE OR LESS.

D. None of the parcels has frontage on a public road, and therefore private road access
is required. 

E. This Agreement concerns two roads, both of which are currently in existence, by
which access will be given to the Acquired Parcel and the Additional Acquired Parcels. 

F. This Agreement also concerns a sixty six (66) foot wide ingress/egress easement
recorded at Liber ___, Page ___, Ingham County Records ("66 Foot Easement"), which is not
improved in any way, and encumbers the Acquired Parcel and the Additional Acquired Parcels, and
is to be released and discharged. 

G. One of the existing roads ("**Emergency Access Road**") is described as follows:



1. The Emergency Access Road is a sand base and gravel road, constructed in 2007 for the benefit of The Township, by an agreement between ICD, Heron Creek Holdings, LLC, a Michigan limited liability company ("**HCH**"), the Township, and Champion Woods, LLC, a Michigan limited liability company ("**Champion Woods**"), entitled "Grant of Emergency Vehicle Access Easement and Maintenance Agreement" ("**2007 Road Agreement**"). This agreement was recorded in Liber 3280, Page 1243, Ingham County Records.

2. The Emergency Access Road connects the west end of Sophiea Parkway, a dedicated road within Champion Woods Subdivision, to the west end of Creekstone Trail, a dedicated road within Woods of Heron Creek No. 2 Subdivision. The purpose of the road is to provide emergency vehicle access between the west end of Sophiea Parkway and the west end of Creekstone Trail.

3. At the time of entering into the 2007 Road Agreement, ICD and Heron Creek Holdings, LLC were the owners of the real property on which the Emergency Access Road was to be constructed and maintained by Champion Woods. ICD now holds title to all parcels on which the Emergency Access Road is constructed.

4. Champion Woods was and remains the developer of Champion Woods Subdivision.

5. The Emergency Access Road Easement is currently twelve (12) feet but is to be expanded to twenty (20) feet.

H. The second road ("**Sanitary Sewer Access Road**") is described as follows:

1. The Sanitary Sewer Access Road currently provides access to the Township to an air release valve manhole on one of the Adjoining Acquired Parcels, the manhole being part of the sanitary sewer system installed by The Township in 2008.

2. The Sanitary Sewer Access Road, as it currently exists, is a relatively unimproved road running from the Emergency Access Road near the point at which the Emergency Access Road connects with Creekstone Trail, then westerly to the east line of the Acquired Parcel, and further westerly onto the Acquired Parcel and the Adjoining Acquired Parcels.

3. Currently there is no specific written agreement by which the Township has rights to use the Sanitary Sewer Access Road. However, the Township desires to establish create an agreement by which the Township will be entitled to use the Sanitary Sewer Access Road as the means of ingress to and egress from the Acquired Parcel and the Adjoining Acquired Parcels, and to expand the use of the Emergency Access Road to include ingress to and egress from the Sanitary Sewer Access Road.

THEREFORE, it is agreed between ICD and the Township as follows:

Section 1. Agreements Concerning the Emergency Access Road.

 1.1 Grant of Easement by ICD to the Township. ICD hereby grants to the Township a non-exclusive easement on, over and across the following described real property for vehicular and pedestrian ingress to and egress from the Acquired Parcel and the Adjoining Acquired

Parcels ("**Emergency Road Access Easement**"):

EMERGENCY ROAD EASEMENT

A 20 FEET WIDE EMERGENCY ROAD EASEMENT SITUATED IN SECTION 29, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP INGHAM COUNTY MICHIGAN OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTIES:

PARCEL D2

A PARCEL OF LAND SITUATED IN SECTION 29, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 29; THENCE NORTH $00^{\circ}16'21''$ WEST ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 29 A DISTANCE OF 2219.23 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH $77^{\circ}47'37''$ WEST, 236.46 FEET; THENCE NORTH $23^{\circ}02'50''$ WEST 402.35 FEET TO A POINT ON THE EAST-WEST 1/4 LINE OF SECTION 29; THENCE NORTH $69^{\circ}45'18''$ EAST, 280.00 FEET; THENCE NORTH $24^{\circ}45'18''$ EAST, 230.00 FEET; THENCE NORTH $15^{\circ}14'42''$ WEST, 140.00 FEET; THENCE NORTH $71^{\circ}33'39''$ WEST, 340.00 FEET; THENCE NORTH $00^{\circ}14'42''$ WEST, 408.03 FEET; THENCE NORTH $53^{\circ}44'46''$ EAST, 182.00 FEET; THENCE SOUTH $84^{\circ}10'47''$ EAST, 819.47 FEET; THENCE NORTH $39^{\circ}45'18''$ EAST, 144.77 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE C & O RAILROAD; THENCE SOUTH $72^{\circ}36'25''$ EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 267.75 FEET TO THE NORTHWEST CORNER OF WOODS OF HERON CREEK NO. 2, A SUBDIVISION RECORDED IN LIBER 46 OF PLATS, PAGES 20 AND 21, INGHAM COUNTY RECORDS; THENCE SOUTH $44^{\circ}53'40''$ WEST ALONG THE NORTHWESTERLY LINE OF WOODS OF HERON CREEK NO. 2 (RECORDED AS S $44^{\circ}16'49''$ W) A DISTANCE OF 38.18 FEET; THENCE NORTH $70^{\circ}21'59''$ WEST, 110.57 FEET; THENCE SOUTH $44^{\circ}53'40''$ WEST, 150.63 FEET; THENCE SOUTH $54^{\circ}21'23''$ EAST, 101.32 FEET RETURNING TO THE NORTHWESTERLY BOUNDARY OF WOODS OF HERON CREEK; THENCE WESTERLY, SOUTHERLY AND EASTERLY ALONG THE BOUNDARY OF WOODS OF HERON CREEK NO. 2 THE FOLLOWING NINE COURSES: SOUTH $44^{\circ}53'40''$ WEST, 51.92 FEET (RECORDED AS S

44°16'49" E); SOUTH 02°55'04" EAST, 140.99 FEET (RECORDED AS S 02°53'12" E, 142.16 FEET); SOUTH 82°45'34" WEST, 20.09 FEET (RECORDED AS S 82°42'06" W, 20.00 FEET); 84.27 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 80°28'06" AND A CHORD OF 77.51 FEET BEARING NORTH 83°46'17" WEST (RECORDED AS CENTRAL ANGLE OF 80°51'58", LENGTH OF 84.68 FEET, AND A CHORD OF 77.73 FEET BEARING N 83°53'48" W); NORTH 86°48'56" WEST 205.00 FEET (RECORDED AS N 86°16'04" W); SOUTH 08°42'47" WEST, 110.00 FEET (RECORDED AS S 08°40'00" W); SOUTH 04°37'07" EAST, 66.00 FEET (RECORDED S 04°31'06" E); EASTERLY 45.20 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 142.00 FEET, A CENTRAL ANGLE OF 18°14'17" AND A CHORD OF 45.01 FEET BEARING SOUTH 84°35'37" EAST (RECORDED AS CENTRAL ANGLE OF 18°10'13", LENGTH OF 45.03 FEET AND CHORD OF 44.84 FEET BEARING S 85°26'00" E); SOUTH 77°16'53" EAST, 46.33 FEET (RECORDED AS S 76°20'54" E, 46.79 FEET); THENCE SOUTH 14°22'57" WEST, 72.99 FEET; SOUTH 04°16'29" EAST, 65.37 FEET; THENCE SOUTH 44°48'56" EAST, 18.42 RETURNING TO THE WESTERLY BOUNDARY OF WOODS OF HERON CREEK NO 2; THENCE SOUTHERLY AND EASTERLY ALONG THE BOUNDARY OF WOODS OF HERON CREEK NO. 2 THE FOLLOWING TWO COURSES; SOUTH 09°22'51" WEST, 205.76 FEET (RECORDED AS S 09°17'15" W, 206.00 FEET); SOUTH 49°05'42" EAST, 70.53 FEET (RECORDED AS S 49°13'46" E); THENCE SOUTH 40°21'34" EAST, 91.01 FEET; THENCE SOUTH 59°13'48" EAST, 78.55 FEET TO THE SOUTHWEST CORNER OF WOODS OF HERON CREEK NO. 2; THENCE NORTH 89°59'03" WEST ALONG THE EAST-WEST 1/4 LINE OF SECTION 29 A DISTANCE OF 659.76 FEET TO THE CENTER OF SECTION 29; THENCE SOUTH 00°16'21" EAST ALONG THE NORTH-SOUTH 1/4 LINE OF SECTION 29 A DISTANCE OF 420.00 FEET TO THE POINT OF BEGINNING, CONTAINING 22.318 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD OR USE.

SAID EASEMENT BEING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING

AT THE CENTER OF SAID SECTION 29; THENCE SOUTH 00°16'21" EAST ALONG THE NORTH-SOUTH 1/4 LINE OF SECTION 29 A DISTANCE OF 290.91 FEET TO THE POINT OF BEGINNING OF THIS CENTERLINE DESCRIPTION; THENCE NORTHWESTERLY 178.55 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 118.50 FEET, A CENTRAL ANGLE OF 86°19'44" AND A CHORD OF 162.13 FEET BEARING NORTH 47°07'32" WEST; THENCE 121.66 FEET ALONG A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 34°51'14" AND A CHORD OF 119.80 FEET BEARING NORTH 13°27'56" EAST; THENCE NORTH 30°53'33" EAST, 110.76 FEET; THENCE 111.94 FEET ALONG A TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 450.00 FEET, A CENTRAL ANGLE OF 14°15'09" AND A CHORD OF 111.65 FEET BEARING NORTH 23°45'59" EAST; THENCE NORTH 16°38'24" EAST, 97.83 FEET; THENCE 110.99 FEET ALONG A TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 650.00 FEET, A CENTRAL ANGLE OF 09°47'02" AND A CHORD OF 110.86 FEET BEARING NORTH 11°44'53" EAST; THENCE NORTH 06°51'22" EAST, 124.14 FEET; THENCE 81.48 FEET ALONG A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 46°41'13", AND A CHORD OF 79.25 FEET BEARING NORTH 30°11'59" EAST; THENCE NORTH 53°32'36" EAST, 54.00 FEET; THENCE 75.14 FEET ALONG A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 43°03'01", AND A CHORD OF 73.38 FEET BEARING NORTH 75°04'06" EAST; THENCE SOUTH 83°24'23" EAST, 190.39 FEET TO A POINT ON THE WEST LINE OF CREEKSTONE TRAIL AS RECORDED IN THE PLAT OF WOODS OF HERON CREEK NO. 2 IN LIBER 46 OF PLATS, PAGES 20 AND 21, INGHAM COUNTY RECORDS, AND THE POINT OF ENDING OF THIS CENTERLINE DESCRIPTION.

 This easement is appurtenant to the Acquired Parcel and the Adjoining Acquired Parcels, and shall continue until the dedication to the Ingham County Road Commission as a public right of way, a roadway which provides access between Sophia Parkway and Creekstone Trail, or the construction

of another private roadway approved by the Township which provides access between Sophiea Parkway and Creekstone Trail, whichever occurs first, at which time it shall automatically terminate.

1.2 Improvement of the Emergency Access Road. By November 30, 2010, ICD shall cause the current road bed of the Emergency Access Road to be improved by addition of crushed concrete and/or 22A road gravel to low lying areas as determined necessary by ICD, with two (2) inches of crushed asphalt laid on the entire road surface, which shall be twelve (12) feet wide.

1.3 Removal of the Gates to the Emergency Access Road. By November 30, 2010, ICD at its expense shall remove the two gates currently erected pursuant to the 2007 Agreement, one being at west end of Creekstone Trail, the other being at the west end of Sophiea Parkway. After November 30, 2010 the Emergency Access Road shall remain ungated.

1.4 Maintenance of the Emergency Access Road. The Emergency Access Road shall be maintained as provided in the 2007 Agreement.

1.5 Amendment of the 2007 Agreement. To the extent the provisions of this Section 1 modify the provisions of the 2007 Agreement, the 2007 Agreement is hereby amended.

1.6 Consent of Champion Woods. ICD shall deliver the written consent of Champion Woods to the provisions of Sections 1.2, 1.3 and 1.4.

Section 2. Agreements Concerning the Sanitary Sewer Access Road.



2.1 Grant of Easement by ICD to the Township. ICD hereby grants to the Township an exclusive twenty (20) foot wide easement on, over and across the following described parcel of real property, reserving to ICD, however, the right to use the road within the easement from time to time:

SANITARY SEWER INGRESS AND EGRESS EASEMENT

A 20 FEET WIDE INGRESS AND EGRESS EASEMENT SITUATED IN SECTION 29, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP INGHAM COUNTY MICHIGAN OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTIES:

PARCEL D2

A PARCEL OF LAND SITUATED IN SECTION 29, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 29; THENCE NORTH 00°16'21" WEST ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 29 A DISTANCE OF 2219.23 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 77°47'37" WEST, 236.46 FEET; THENCE NORTH 23°02'50" WEST 402.35 FEET TO A POINT ON THE EAST-WEST 1/4 LINE OF SECTION 29; THENCE NORTH 69°45'18" EAST, 280.00 FEET; THENCE NORTH 24°45'18" EAST, 230.00 FEET; THENCE NORTH 15°14'42" WEST, 140.00 FEET; THENCE NORTH 71°33'39" WEST, 340.00 FEET; THENCE NORTH 00°14'42" WEST, 408.03 FEET; THENCE NORTH 53°44'46" EAST, 182.00 FEET; THENCE SOUTH 84°10'47" EAST, 819.47 FEET; THENCE NORTH 39°45'18" EAST, 144.77 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE C. & O RAILROAD; THENCE SOUTH 72°36'25" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 267.75 FEET TO THE NORTHWEST CORNER OF WOODS OF HERON CREEK NO. 2, A SUBDIVISION RECORDED IN LIBER 46 OF PLATS, PAGES 20 AND 21, INGHAM COUNTY RECORDS; THENCE SOUTH 44°53'40" WEST ALONG THE NORTHWESTERLY LINE OF WOODS OF HERON CREEK NO. 2 (RECORDED AS S 44°16'49" W) A DISTANCE OF 38.18

FEET; THENCE NORTH 70°21'59" WEST, 110.57 FEET; THENCE SOUTH 44°53'40" WEST, 150.63 FEET; THENCE SOUTH 54°21'23" EAST, 101.32 FEET RETURNING TO THE NORTHWESTERLY BOUNDARY OF WOODS OF HERON CREEK; THENCE WESTERLY, SOUTHERLY AND EASTERLY ALONG THE BOUNDARY OF WOODS OF HERON CREEK NO. 2 THE FOLLOWING NINE COURSES: SOUTH 44°53'40" WEST, 51.92 FEET (RECORDED AS S 44°16'49" E); SOUTH 02°55'04" EAST, 140.99 FEET (RECORDED AS S 02°53'12" E, 142.16 FEET); SOUTH 82°45'34" WEST, 20.09 FEET (RECORDED AS S 82°42'06" W, 20.00 FEET); 84.27 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 80°28'06" AND A CHORD OF 77.51 FEET BEARING NORTH 83°46'17" WEST (RECORDED AS CENTRAL ANGLE OF 80°51'58", LENGTH OF 84.68 FEET, AND A CHORD OF 77.73 FEET BEARING N 83°53'48" W); NORTH 86°48'56" WEST 205.00 FEET (RECORDED AS N 86°16'04" W); SOUTH 08°42'47" WEST, 110.00 FEET (RECORDED AS S 08°40'00" W); SOUTH 04°37'07" EAST, 66.00 FEET (RECORDED S 04°31'06" E); EASTERLY 45.20 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 142.00 FEET, A CENTRAL ANGLE OF 18°14'17" AND A CHORD OF 45.01 FEET BEARING SOUTH 84°35'37" EAST (RECORDED AS CENTRAL ANGLE OF 18°10'13", LENGTH OF 45.03 FEET AND CHORD OF 44.84 FEET BEARING S 85°26'00" E); SOUTH 77°16'53" EAST, 46.33 FEET (RECORDED AS S 76°20'54" E, 46.79 FEET); THENCE SOUTH 14°22'57" WEST, 72.99 FEET; SOUTH 04°16'29" EAST, 65.37 FEET; THENCE SOUTH 44°48'56" EAST, 18.42 RETURNING TO THE WESTERLY BOUNDARY OF WOODS OF HERON CREEK NO 2; THENCE SOUTHERLY AND EASTERLY ALONG THE BOUNDARY OF WOODS OF HERON CREEK NO. 2 THE FOLLOWING TWO COURSES; SOUTH 09°22'51" WEST, 205.76 FEET (RECORDED AS S 09°17'15" W, 206.00 FEET); SOUTH 49°05'42" EAST, 70.53 FEET (RECORDED AS S 49°13'46" E); THENCE SOUTH 40°21'34" EAST, 91.01 FEET; THENCE SOUTH 59°13'48" EAST, 78.55 FEET TO THE SOUTHWEST CORNER OF WOODS OF HERON CREEK NO. 2; THENCE NORTH 89°59'03" WEST ALONG THE EAST-WEST 1/4 LINE OF SECTION 29 A DISTANCE OF 659.76 FEET TO THE CENTER OF SECTION 29; THENCE SOUTH

00°16'21" EAST ALONG THE NORTH-SOUTH 1/4 LINE OF SECTION 29 A DISTANCE OF 420.00 FEET TO THE POINT OF BEGINNING, CONTAINING 22.318 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD OR USE.

SAID EASEMENT BEING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE CENTER OF SAID SECTION 29; THENCE SOUTH 00°16'21" EAST ALONG THE NORTH-SOUTH 1/4 LINE OF SECTION 29 A DISTANCE OF 290.91 FEET TO THE POINT OF BEGINNING OF THIS CENTERLINE DESCRIPTION; THENCE NORTHWESTERLY 178.55 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 118.50 FEET, A CENTRAL ANGLE OF 86°19'44" AND A CHORD OF 162.13 FEET BEARING NORTH 47°07'32" WEST; THENCE 121.66 FEET ALONG A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 34°51'14" AND A CHORD OF 119.80 FEET BEARING NORTH 13°27'56" EAST; THENCE NORTH 30°53'33" EAST, 110.76 FEET; THENCE 111.94 FEET ALONG A TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 450.00 FEET, A CENTRAL ANGLE OF 14°15'09" AND A CHORD OF 111.65 FEET BEARING NORTH 23°45'59" EAST; THENCE NORTH 16°38'24" EAST, 97.83 FEET; THENCE 110.99 FEET ALONG A TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 650.00 FEET, A CENTRAL ANGLE OF 09°47'02" AND A CHORD OF 110.86 FEET BEARING NORTH 11°44'53" EAST; THENCE NORTH 06°51'22" EAST, 124.14 FEET; THENCE 63.17 FEET ALONG A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 36°11'32" AND A CHORD OF 62.12 FEET BEARING NORTH 24°57'08" EAST; THENCE NORTH 46°57'05" WEST, 31.25 FEET; THENCE NORTH 35°04'51" WEST, 65.89 FEET; THENCE 66.43 FEET ALONG A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 78.00 FEET, A CENTRAL ANGLE OF 48°48'01" AND A CHORD OF 64.44 FEET BEARING NORTH 10°40'51" WEST; THENCE NORTH 13°43'09" EAST, 49.10 FEET; THENCE 93.05 FEET ALONG A TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 71°05'18", AND A CHORD OF 87.20 FEET BEARING NORTH 21°49'29"

WEST; THENCE NORTH 57°22'08" WEST, 80.67 FEET; THENCE 85.53 FEET ALONG A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1100.00 FEET, A CENTRAL ANGLE OF 04°27'19" AND A CHORD OF 85.51 FEET BEARING NORTH 55°08'29" WEST; THENCE NORTH 52°54'50" WEST, 117.49 FEET; THENCE 125.09 FEET ALONG A TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 110.00 FEET, A CENTRAL ANGLE OF 65°09'12" AND A CHORD OF 118.45 FEET BEARING NORTH 85°29'26" WEST; THENCE SOUTH 61°55'58" WEST, 55.76 FEET TO THE POINT OF ENDING OF THIS CENTERLINE DESCRIPTION.

("Sanitary Sewer Access Easement").

The purpose of the Sanitary Sewer Access Easement is solely for vehicular and pedestrian ingress to and egress from the Acquired Parcel and the Additional Acquired Parcels, including but not limited to access to the Acquired Parcel and Adjoining Acquired Parcels and maintenance of the Township's sanitary sewer improvements within those parcels. This easement is appurtenant to the Acquired Parcel and the Additional Acquired Parcels.

2.2 Relocation of the Easement. ICD reserves the right to relocate the Sanitary Sewer Access Easement within "Parcel D2" as depicted on Exhibit 1 (and as described above), provided that at all times the easement must provide access between a public road (on the east) and the Acquired Parcel at the point at which the easement currently intersects the eastern boundary of the Acquired Parcel. ICD shall be obligated to reconstruct the road (comparable to its current improved state) within any relocated easement, and shall provide all engineering associated with designing, surveying and describing the relocated easement. Provided, further, however that ICD shall have the right to design a relocated easement which intersects the easterly boundary of the Acquired Parcel at a point other than that at which it currently intersects if ICD constructs a road (at

ICD's expense) within lands owned by the Township to connect to the air release valve manhole to the new point of intersection. The location of the relocated road within lands owned by the Township shall be at a location reviewed by the Township's Land Preservation Board and approved by the Township. The Township agrees to accept title to any portion of the relocated easement, as designated by ICD, provided the westerly end of the parcel to which title is to be taken abuts the Acquired Parcel.

2.3 Maintenance of the Sanitary Sewer Access Road. The Sanitary Sewer Access Road shall be maintained by the Township, at its own expense. The Township accepts the road in its current condition.

2.4 Gating of the Sanitary Sewer Access Easement Road. ICD reserves the right to erect (at its expense) a gate across the road within the Sanitary Sewer Access Easement. However, the gate must be at least thirty (30) feet west of the centerline of the Emergency Access Road, and the Township shall be provided with a key/access code to any locks.

Section 3. Release of the 66 Foot Easement.



Upon the execution of this Agreement, ICD and the Township shall execute a release of the 66 Foot Easement, which shall be in recordable form, and following execution, record the release with the Ingham County Register of Deeds.

Section 4. Notices. All notices, demands or requests ("Notice") required or permitted to be given under this Agreement shall be in writing and shall be delivered by mailing (postage prepaid, certified mail return receipt requested), or by national overnight delivery service, and the Notice shall be deemed given two (2) business days after mailing, or on the day of delivery by national overnight delivery service (with receipt for delivery provided). The person to whom notice

is to be directed and the address for delivery is as stated below, although any party to this Agreement may change the designated party or address by Notice:

ICD Properties, LLC,
Craig W. Sturk, Manager
2800 Bennett Road
Okemos, MI 48864

Charter Township of Meridian
Director of Public Works and Engineering
5151 Marsh Road
Okemos, MI 48864

Section 5. Benefit and Burden, and Assignment. The obligations of ICD under this Agreement relative to its obligations under Sections 1.2 and 1.3 are personal. All other rights and obligations of ICD shall run with the land. The obligations and rights of the Township under this Agreement run with the land.

Section 6. Severability. Invalidation of any of the provisions contained in this Agreement or of the application to any person by judgment or court order shall in no way affect any of the other provisions or the application to any other person and the same shall remain in full force and effect.

Section 7. Amendments. This Agreement may be amended only by a written agreement signed by the affected parties, and shall be effective only when recorded in the real estate records of Ingham County, Michigan.

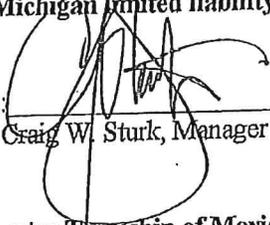
Section 8. Captions. The captions preceding the text of each paragraph are included only for convenience of reference. Capitalized terms are also selected only for convenience of reference and do not necessarily have any connection to the meaning that might otherwise be attached to such term in a context outside this Agreement.

Section 9. Governing Law. This Agreement shall be interpreted and applied in accordance with the laws of the State of Michigan.

This conveyance is exempt from county and state transfer tax pursuant to MCL 207.505(e) and MCL 207.526(e).

Executed as of the date first written above.

ICD Properties, LLC
a Michigan limited liability company

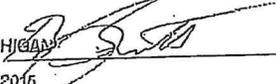
By: 
Craig W. Sturk, Manager

Charter Township of Meridian
a Michigan charter township

By: 
Susan McGillicuddy
Its Supervisor

And: 
Mary Helmbyecht
Its Clerk

On the 30th day of March, 2010, Craig W. Sturk, Manager of ICD Properties, LLC, a Michigan limited liability company acknowledged this instrument before me in Ingham County, Michigan on behalf of the company.


BRIAN SMITH
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF INGHAM
My Commission Expires Jan. 21, 2015
Acting in the County of _____
Notary Public
Ingham County, Michigan
My Commission Expires: Jan 21, 2015

On the 6th day of APRIL, 2010, Susan McGillicuddy and Mary Helmbrecht, the Supervisor and Clerk, respectively, of Charter Township of Meridian, acknowledged this instrument before me in Ingham County, Michigan on behalf of the township.


Notary Public
Ingham County, Michigan
My Commission Expires: 2-8-2013

This instrument prepared by and when recorded return to
Douglas J. Austin
Fraser Trebilcock Davis & Dunlap, P.C.
124 W. Allegan Street
Suite 1000
Lansing, Michigan 48933
517-377-0838

62

B+C

1587 00-02-29-151-006
00-02-29-176-002

INGHAM COUNTY TREASURER'S CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIENS or TITLES held by the state or any individual against the within description, and all TAXES on same are paid for five years previous to the date of this instrument as appears by the records of this office except as stated.

4-12-10
Eric Schertz, Ingham County Treasurer
Sec. 135, Act 206, 1893 as amended

2009 NOT EXAMINED

WARRANTY DEED

Corporate
(Unplatted Land)

Drafted By:
William Schultz, Member
WI Properties, LLC
2770 Bennett
Okemos, MI 48864

Return To:
The Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864

Send Tax Bills To:
The Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864

Recording Fee: \$18.00
File Number: 484715

State Transfer Tax: \$7,121.25
County Transfer Tax: \$1,044.45

Tax Parcel No.: 33-02-02-29-151-006,
as to Parcel 1, 33-02-02-29-176-002,
as to Parcel 2

Know All Persons by These Presents: That **WI Properties, LLC**, a Michigan limited liability company whose address is 2770 Bennett, Okemos, MI 48864

Convey(s) and Warrant(s) to **The Charter Township of Meridian** whose address is 5151 Marsh Road, Okemos, MI 48864

the following described premises situated in the Township of **Meridian**, County of **Ingham**, State of Michigan, to wit:

(SEE ATTACHED EXHIBIT A)

More commonly known as: **Parcel B and C, Okemos, MI 48864**

For the full consideration of: **nine hundred forty nine thousand four hundred twenty seven** Dollars (\$949,427.00)

INGHAM COUNTY REGISTERED OFFICE
37
APR 12 2010

Subject To:

Existing building and use restrictions, easements of record, and zoning ordinances, if any.

This deed is given pursuant to Meridian Township land preservation Ordinance and is subject to all restrictions on use as set forth in that ordinance effective as of the date of this deed.



First American Title Insurance Company

(Attached to and becoming a part of Warranty Deed dated: March 31, 2010 between WI Properties, LLC, a Michigan limited liability company, as Seller(s) and The Charter Township of Meridian, as Purchaser(s).)

If the property conveyed is unplatted, the following applies:

The grantor grants to the grantee the right to make all division(s) under section 108 of the land division act, Act No. 288 of the Public Acts of 1967. **(If no number is inserted, the right to make divisions stays with the portion of the parent tract retained by the grantor; if all of the parent tract is conveyed, then all division rights are granted.)** This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Dated this March 31, 2010.

Seller(s):

WI Properties, LLC, a Michigan limited liability company, a Michigan limited liability company



By: William Schultz, Member

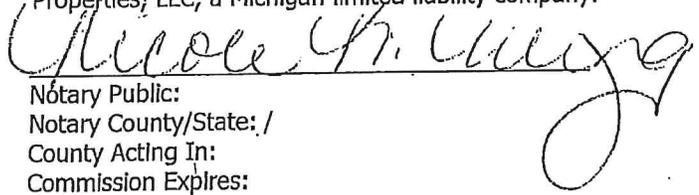


By: Ingrid K. Schultz, Member

State of Michigan
County of Ingham

NICOLE K. WING
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF INGHAM
My Commission Expires Dec. 18, 2010
Acting In the County of Ingham

The foregoing instrument was acknowledged before me this March 31, 2010 by William Schultz, Member of WI Properties, LLC, a Michigan limited liability company.

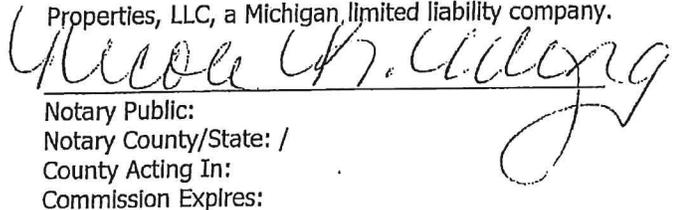


Notary Public:
Notary County/State: /
County Acting In:
Commission Expires:

State of Michigan
County of Ingham

NICOLE K. WING
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF INGHAM
My Commission Expires Dec. 18, 2010
Acting In the County of Ingham

The foregoing instrument was acknowledged before me this March 31, 2010 by Ingrid K. Schultz, Member of WI Properties, LLC, a Michigan limited liability company.



Notary Public:
Notary County/State: /
County Acting In:
Commission Expires:

(Attached to and becoming a part of Warranty Deed dated: March 31, 2010 between WI Properties, LLC, a Michigan limited liability company, as Seller(s) and The Charter Township of Meridian, as Purchaser(s).)

EXHIBIT A

Land situated in the Township of Meridian, County of Ingham, State of Michigan, described as follows:

Parcel 1

A parcel of land situated in the Northwest 1/4 of Section 29, Town 4 North, Range 1 West, Meridian Township, Ingham County, Michigan, being more particularly described as follows: Commencing at the center of said Section 29; thence North 89 degrees 57 minutes 52 seconds West along the East-West 1/4 line of Section 29 a distance of 386.63 feet to the point of beginning of this description; thence continuing North 89 degrees 57 minutes 52 seconds West along the East-West 1/4 line of Section 29 a distance of 934.24 feet; thence North 00 degrees 11 minutes 27 seconds West along the West line of the East 1/2 of the Northwest 1/4 of said Section 29 a distance of 1715.78 feet to the Southerly right of way line of the C&O Railroad; thence South 72 degrees 36 minutes 25 seconds East along said Southerly right of way line a distance of 978.60 feet; thence South 00 degrees 14 minutes 42 seconds East parallel with the North-South 1/4 line of Section 29 a distance of 1423.84 feet to the point of beginning.

Together with a non-exclusive easement for Ingress and egress as created, limited and defined in Mutual Road and Utility Easement recorded in Liber 3255, page 974.

Tax Item No. 33-02-02-29-151-006, as to Parcel 1

Parcel 2

A parcel of land situated in the Northwest 1/4 of Section 29, Town 4 North, Range 1 West, Meridian Township, Ingham County, Michigan, being more particularly described as follows: Commencing at the center of said Section 29; thence North 89 degrees 57 minutes 52 seconds West along the East-West 1/4 line of Section 29 a distance of 1320.87 feet to the point of beginning of this description; thence continuing North 89 degrees 57 minutes 52 seconds West along the East-West 1/4 line of Section 29 a distance of 248.26 feet; thence North 00 degrees 11 minutes 27 seconds West parallel with the West line of the East 1/2 of the Northwest 1/4 of said Section 29 a distance of 1793.48 feet to the Southerly right of way line of the C&O Railroad; thence South 72 degrees 36 minutes 25 seconds East along said Southerly right of way line a distance of 260.42 feet; thence South 00 degrees 11 minutes 27 seconds East along the West line of the East 1/2 of the Northwest 1/4 of Section 29 a distance of 1715.79 feet to the point of beginning.

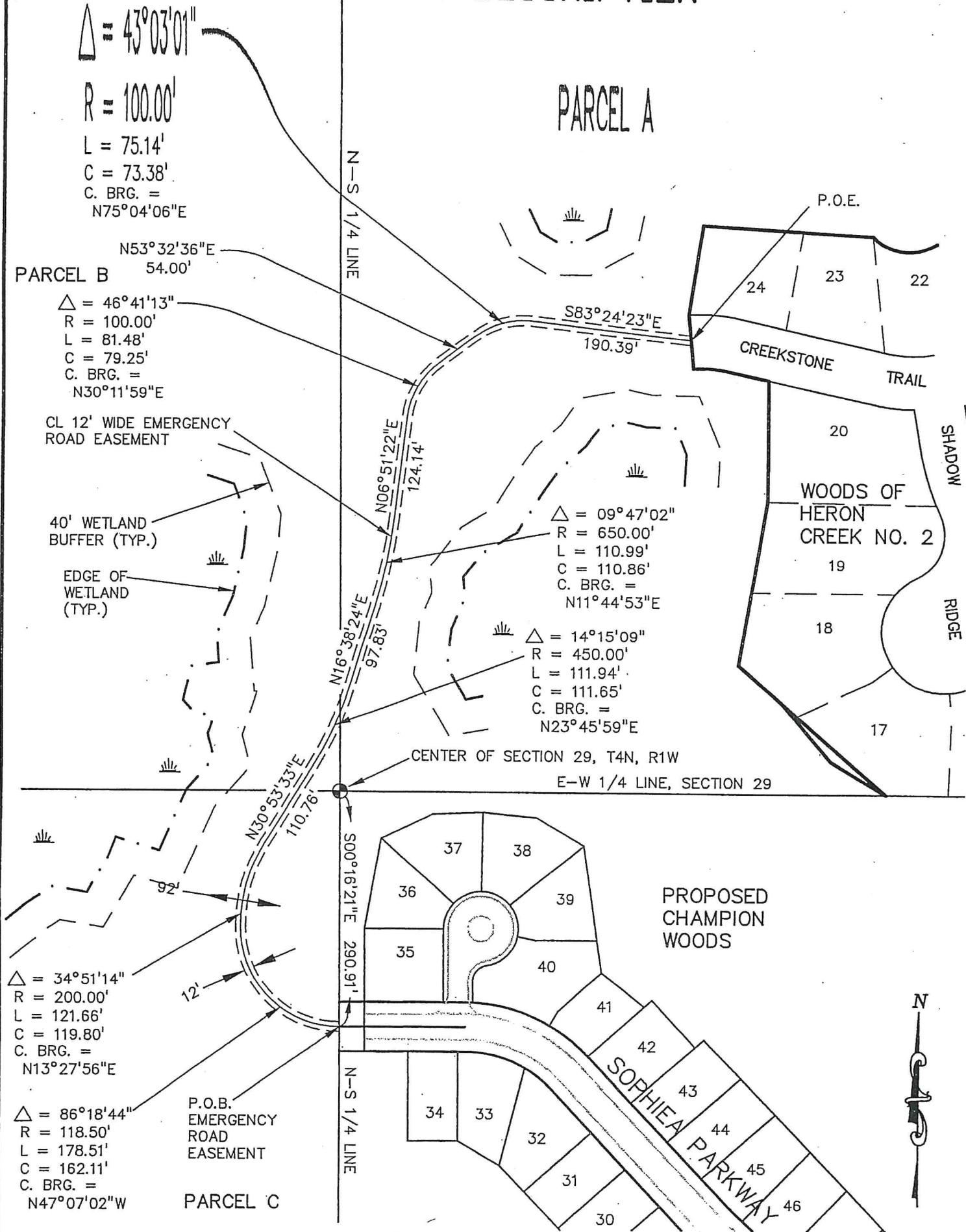
Together with a non-exclusive easement for Ingress and egress as created, limited and defined in Mutual Road and Utility Easement recorded in Liber 3255, page 974.

Tax Item No. 33-02-02-29-176-002, as to Parcel 2

Tax Parcel Number: 33-02-02-29-151-006, as to Parcel 1, 33-02-02-29-176-002, as to Parcel 2



EASEMENT DESCRIPTION



Notes:

1) In providing this EASEMENT DESCRIPTION, no attempt has been made to obtain or show data concerning the existence, size, depth, condition, capacity or location of any utility existing on site, whether private, municipal or public owned.

2) No abstract of title, nor title commitment, or results of a title search were furnished to the surveyor. All documents of record reviewed are noted hereon. There may exist other documents of record that may affect this surveyed parcel.

3) The professional surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

4) Subsurface and environmental conditions were not surveyed or examined or considered as part of this survey. No evidence or statement is made concerning the existence of underground or overhead conditions, containers, facilities, floodplains, wetlands or soils types that may affect the use or development of this property.

THIS IS NOT A BOUNDARY SURVEY.

LEGEND

- - Fnd. Cor. (as noted)
- ⇒ - Drainage Direction
- x- - Fence
- ~ - Line Not To Scale

Terry L. Wiegman, P.S. No. 39100

[Handwritten Signature]



BENCHMARK SURVEYING, LLC
 9851 MISSAUKEE LANE, HASLETT, MI 48840
 (517) 339-3228 * FAX (517) 339-3229

Date: 10/28/07
 TW
 Field work by:
 MAY-JUNE, 2007
 Date of field work:

For: CRAIG STURK

Sheet 1 of 3

EASEMENT DESCRIPTION

A 12 FEET WIDE EMERGENCY ROAD EASEMENT SITUATED IN SECTION 29, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP INGHAM COUNTY MICHIGAN OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTIES:

PARCEL A: A PARCEL OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 29, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE CENTER OF SAID SECTION 29; THENCE NORTH 00°14'42" WEST ALONG THE NORTH-SOUTH 1/4 LINE OF SECTION 29 A DISTANCE OF 1302.80 FEET TO THE SOUTHERLY RIGHT OF WAY OF THE C & O RAILROAD; THENCE SOUTH 72°36'25" EAST ALONG SAID SOUTHERLY RIGHT OF WAY A DISTANCE OF 971.38 FEET TO THE NORTHWEST CORNER OF WOODS OF HERON CREEK NO. 2, A SUBDIVISION RECORDED IN LIBER 46 OF PLATS, PAGES 20 AND 21, INGHAM COUNTY RECORDS; THENCE SOUTH 44°53'40" WEST ALONG THE NORTHWESTERLY LINE OF WOODS OF HERON CREEK NO. 2 (RECORDED AS S 44°16'49" W) A DISTANCE OF 38.18 FEET; THENCE NORTH 70°21'59" WEST, 110.57 FEET; THENCE SOUTH 44°53'40" WEST, 150.63 FEET; THENCE SOUTH 54°21'23" EAST, 101.32 FEET RETURNING TO THE NORTHWESTERLY BOUNDARY OF WOODS OF HERON CREEK; THENCE WESTERLY, SOUTHERLY AND EASTERLY ALONG THE BOUNDARY OF WOODS OF HERON CREEK NO. 2 THE FOLLOWING NINE COURSES: SOUTH 44°53'40" WEST, 51.92 FEET (RECORDED AS S 44°16'49" E); SOUTH 02°55'04" EAST, 140.99 FEET (RECORDED AS S 02°53'12" E, 142.16 FEET); SOUTH 82°45'34" WEST, 20.09 FEET (RECORDED AS S 82°42'06" W, 20.00 FEET); 84.27 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 80°28'06" AND A CHORD OF 77.51 FEET BEARING NORTH 83°46'17" WEST (RECORDED AS CENTRAL ANGLE OF 80°51'58", LENGTH OF 84.68 FEET, AND A CHORD OF 77.73 FEET BEARING N 83°53'48" W); NORTH 86°48'56" WEST 205.00 FEET (RECORDED AS N 86°16'04" W); SOUTH 08°42'47" WEST, 110.00 FEET (RECORDED AS S 08°40'00" W); SOUTH 04°37'07" EAST, 66.00 FEET (RECORDED S 04°31'06" E); EASTERLY 45.20 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 142.00 FEET, A CENTRAL ANGLE OF 18°14'17" AND A CHORD OF 45.01 FEET BEARING SOUTH 84°35'37" EAST (RECORDED AS CENTRAL ANGLE OF 18°10'13", LENGTH OF 45.03 FEET AND CHORD OF 44.84 FEET BEARING S 85°26'00" E); SOUTH 77°16'53" EAST, 46.33 FEET (RECORDED AS S 76°20'54" E, 46.79 FEET); THENCE SOUTH 14°22'57" WEST, 72.99 FEET; SOUTH 04°16'29" EAST, 65.37 FEET; THENCE SOUTH 44°48'56" EAST, 18.42 RETURNING TO THE WESTERLY BOUNDARY OF WOODS OF HERON CREEK NO 2; THENCE SOUTHERLY AND EASTERLY ALONG THE BOUNDARY OF WOODS OF HERON CREEK NO. 2 THE FOLLOWING TWO COURSES; SOUTH 09°22'51" WEST, 205.76 FEET (RECORDED AS S 09°17'15" W, 206.00 FEET); SOUTH 49°05'42" EAST, 70.53 FEET (RECORDED AS S 49°13'46" E); THENCE SOUTH 40°21'34" EAST, 91.01 FEET; THENCE SOUTH 59°13'48" EAST, 78.55 FEET TO THE SOUTHWEST CORNER OF WOODS OF HERON CREEK NO. 2; THENCE NORTH 89°59'03" WEST ALONG THE EAST-WEST 1/4 LINE OF SECTION 29 A DISTANCE OF 659.76 FEET TO THE POINT OF BEGINNING, CONTAINING 16.46 ACRES, MORE OR LESS.

ALSO, PARCEL B: A PARCEL OF LAND SITUATED IN THE NORTHWEST 1/4 OF SECTION 29, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE CENTER OF SAID SECTION 29; THENCE NORTH 89°57'52" WEST ALONG THE EAST-WEST 1/4 LINE OF SECTION 29 A DISTANCE OF 386.63 FEET; THENCE NORTH 00°14'42" WEST PARALLEL WITH THE NORTH-SOUTH 1/4 LINE OF SECTION 29 A DISTANCE OF 1423.84 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE C&O RAILROAD; THENCE SOUTH 72°36'25" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 405.70 FEET TO THE NORTH-SOUTH 1/4 LINE OF SECTION 29; THENCE SOUTH 00°14'42" EAST ALONG SAID NORTH-SOUTH 1/4 LINE A DISTANCE OF 1302.80 FEET TO THE POINT OF BEGINNING, CONTAINING 12.10 ACRES, MORE OR LESS.

ALSO: PARCEL C: A PARCEL OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 29, TOWN 4 NORTH, RANGE 1 WEST, MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 29; THENCE WEST ALONG THE SOUTH LINE OF SECTION 29 A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING WEST ALONG SAID SOUTH SECTION LINE A DISTANCE OF 259.18 FEET; THENCE NORTH 00°13'20" WEST, 230.00 FEET PARALLEL WITH THE WEST 1/8 LINE OF SAID SECTION 29; THENCE NORTH 63°28'47" WEST, 223.95 FEET; THENCE WEST, 664.00 FEET PARALLEL WITH SAID SOUTH SECTION LINE; THENCE NORTH 00°13'20" WEST 2310.03 FEET ALONG SAID WEST 1/8 LINE TO THE EAST-WEST 1/4 LINE OF SECTION 29; THENCE SOUTH 89°57'52" EAST ALONG SAID EAST-WEST 1/4 LINE A DISTANCE OF 1320.87 FEET TO THE CENTER OF SECTION 29; THENCE SOUTH 00°16'21" EAST ALONG THE NORTH-SOUTH 1/4 LINE OF SECTION 29 A DISTANCE OF 2139.16 FEET; THENCE SOUTH 79°14'28" WEST, 250.38 FEET; THENCE SOUTH 49°08'47" WEST, 114.00 FEET; THENCE SOUTH 30°18'55" EAST, 175.77 FEET; THENCE 174.36 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 333.00 FEET, A CENTRAL ANGLE OF 30° 00'00" AND A CHORD OF 172.37 FEET BEARING SOUTH 15°18'55" EAST; THENCE SOUTH 00°18'55" EAST 60.77 FEET TO THE POINT OF BEGINNING; EXCEPT THE FOLLOWING DESCRIBED PARCEL; A PARCEL OF LAND IN THE SOUTHWEST 1/4 OF SECTION 29, T4N, R1W, MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN THE BOUNDARY OF WHICH IS DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 29; THENCE WEST 200.00 FEET ALONG THE SOUTH LINE OF SAID SECTION 29; THENCE NORTH 19°46'54" WEST, 259.83 FEET; THENCE NORTH 40°01'43" WEST, 147.79 FEET; THENCE NORTH 19°32'36" WEST , 143.97 FEET; THENCE NORTH 00°56'32" EAST, 112.00 FEET TO THE POINT OF BEGINNING OF THIS EXCEPTION DESCRIPTION; THENCE CONTINUING NORTH 00°56'32" EAST, 320.00 FEET; THENCE EAST, 275.00 FEET; THENCE SOUTH 00°56'32" WEST, 320.00 FEET; THENCE WEST 275.00 FEET TO THE POINT OF BEGINNING, CONTAINING 69.04 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHTS OF THE PUBLIC FOR ROADWAY PURPOSES IN BENNETT ROAD, AND SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD OR USE, IF ANY.

CONTINUED ON SHEET 3

Terry L. Wiegman, P.S. No. 39100



BENCHMARK SURVEYING, LLC

9851 MISSAUKEE LANE, HASLETT, MI 48840
(517) 339-3228 * FAX (517) 339-3229

For: CRAIG STURK

Sheet 2 of 3

Date: 6/28/07

TW

Field work by:

MAY-JUNE, 2007

Date of field work:

EASEMENT DESCRIPTION

SAID EASEMENT BEING 6 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE CENTER OF SAID SECTION 29; THENCE SOUTH $00^{\circ}16'21''$ EAST ALONG THE NORTH-SOUTH $1/4$ LINE OF SECTION 29 A DISTANCE OF 290.91 FEET TO THE POINT OF BEGINNING OF THIS CENTERLINE DESCRIPTION; THENCE NORTHWESTERLY 178.51 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 118.50 FEET, A CENTRAL ANGLE OF $86^{\circ}18'44''$ AND A CHORD OF 162.11 FEET BEARING NORTH $47^{\circ}07'02''$ WEST; THENCE 121.66 FEET ALONG A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF $34^{\circ}51'14''$ AND A CHORD OF 119.80 FEET BEARING NORTH $13^{\circ}27'56''$ EAST; THENCE NORTH $30^{\circ}53'33''$ EAST, 110.76 FEET; THENCE 111.94 FEET ALONG A TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 450.00 FEET, A CENTRAL ANGLE OF $14^{\circ}15'09''$ AND A CHORD OF 111.65 FEET BEARING NORTH $23^{\circ}45'59''$ EAST; THENCE NORTH $16^{\circ}38'24''$ EAST, 97.83 FEET; THENCE 110.99 FEET ALONG A TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 650.00 FEET, A CENTRAL ANGLE OF $09^{\circ}47'02''$ AND A CHORD OF 110.86 FEET BEARING NORTH $11^{\circ}44'53''$ EAST; THENCE NORTH $06^{\circ}51'22''$ EAST, 124.14 FEET; THENCE 81.48 FEET ALONG A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF $46^{\circ}41'13''$, AND A CHORD OF 79.25 FEET BEARING NORTH $30^{\circ}11'59''$ EAST; THENCE NORTH $53^{\circ}32'36''$ EAST, 54.00 FEET; THENCE 75.14 FEET ALONG A TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF $43^{\circ}03'01''$, AND A CHORD OF 73.38 FEET BEARING NORTH $75^{\circ}04'06''$ EAST; THENCE SOUTH $83^{\circ}24'23''$ EAST, 190.39 FEET TO A POINT ON THE WEST LINE OF CREEKSTONE TRAIL AS RECORDED IN THE PLAT OF WOODS OF HERON CREEK NO. 2 IN LIBER 46 OF PLATS, PAGES 20 AND 21, INGHAM COUNTY RECORDS, AND THE POINT OF ENDING OF THIS CENTERLINE DESCRIPTION.

Terry L. Wiegman, P.S. No. 39100



BENCHMARK SURVEYING, LLC

9851 MISSAUKEE LANE, HASLETT, MI 48840
(517) 339-3228 * FAX (517) 339-3229

6/28/07

Date:

TW

Field work by:

MAY-JUNE, 2007

Date of field work:

94-76EMERG-RD

For: CRAIG STURK

Sheet 3 of 3

Location: SECTION 29, T4N, R1W
MERIDIAN TWP INGHAM CO MI

Recorded:

B 3280, P 1243

~~B: 3280 P 1243~~

GRANT OF EMERGENCY VEHICLE ACCESS EASEMENT
AND
MAINTENANCE AGREEMENT

This Grant of Emergency Vehicle Access Easement and Maintenance Agreement (“Agreement”) is made the 3rd day of July, 2007, by and between **Heron Creek Holdings, LLC**, a Michigan limited liability company (“HCH”) and **ICD Properties, LLC**, a Michigan limited liability company (“ICD”), whose common address is 2800 Bennett Road, No. 1, Okemos, Michigan 48864 (“Grantors”), **Charter Township of Meridian**, 5151 Marsh Road, Okemos, MI 48864 (“Grantee”), and **Champion Woods, L.L.C.**, a Michigan limited liability company, 3695 Okemos Road, Okemos, Michigan 48864 (“Champion”).

RECITALS

ICD owns certain real property located in Meridian Township, Ingham County, Michigan, described on sheet 2 of the attached **Exhibit 1** as Parcel A and Parcel B, and HCH owns certain real property located in Meridian Township, Ingham County, Michigan, described on sheet 2 of **Exhibit 1** as Parcel C (collectively “Grantors’ Parcels”). Sheet 1 of **Exhibit 1** depicts the relative locations of Parcel A, Parcel B and Parcel C.

Champion is owner of the residential subdivision in Meridian Township, Ingham County, Michigan known or to be known as “Champion Woods,” a portion of which is depicted on sheet 1 of **Exhibit 1**.

Within Champion Woods there will be a dedicated public road known as “Sophiea Parkway” as depicted on **Exhibit 1**, the westerly end of which abuts the east line of Parcel C.

As a condition of approval of the planned unit development ("PUD") of Champion Woods, Grantee has required an emergency vehicle access to and from the west end of Sophia Parkway to the west end of Creekstone Trail (which is depicted on sheet 1 of **Exhibit 1**).

There currently exists a gravel road on Grantors' Parcels running from the west end of Creekstone Trail to Bennett Road.

Grantors are agreeable to providing the access to Grantee, on certain terms and conditions as hereinafter stated.

AGREEMENT

NOW, THEREFORE, IT IS AGREED:

1. **Grant of Easement to Grantee.** For One and 00/100 Dollars (\$1.00), Grantors jointly and severally grant to Grantee a non-exclusive easement over the 12-foot wide "emergency road easement" depicted on sheet 1 of **Exhibit 1**, and as described on sheet 3 of **Exhibit 1**.

2. **Purpose of Easement.** The easement is for the sole purpose of ingress to and egress from Sophia Parkway and Creekstone Trail for Grantee's emergency vehicles and personnel of Grantee operating those vehicles and otherwise engaged in the emergency for which the vehicles are required ("Permitted Users").

3. **Term of Easement.** The easement shall continue until the dedication to the Ingham County Road Commission as a public right of way, a roadway which provides access between Sophia Parkway and Creekstone Trail, or the construction of a private roadway approved by Grantee which provides access between Sophia Parkway and Creekstone Trail, whichever occurs first, at which time it shall automatically terminate.

4. **Nature of Road Improvement.** The road improvement within the easement shall be a sand-based gravel road, constructed to meet the specifications contained within **Exhibit 2** attached.

5. **Abandonment of Remainder of the Road.** Upon Champion completing the construction of the road as provided in paragraph 6 below, the granting of this easement by Grantors to Grantee shall fulfill all obligations of Grantors to Grantee concerning emergency access to and from the Woods of Heron Creek subdivisions.

6. **Construction of Road Extension and Maintenance of the Road.** Champion agrees with Grantors and Grantee to construct the road within the easement, at Champion's expense within thirty (30) days after the completion of the installation of the base coat of asphalt on the entire length of Sophia Parkway. At all times while the easement is in effect, Champion, or a condominium association to be formed by Champion upon submission of Champion's real property to a condominium project established in accordance with the Michigan Condominium Act ("Champion Condominium Association"), shall maintain (or cause to be maintained) the road at its expense. Maintenance shall include snow plowing, tree trimming, and repair of the road to the standards specified in **Exhibit 2**. to allow fire emergency vehicles to maneuver on the roadway.

7. **Construction and Use of Gate.** Champion shall install and maintain two chained and locked gates across the road on the east end of the easement, immediately west of the west end of Sophia Parkway. The gates shall be substantially identical to those currently existing at the opposite end of the easement, immediately west of the terminus of the road at Woods of Heron Creek, which Grantee acknowledges it has inspected and approved. Grantors shall be the only

party with a key/access code to the locks. Grantee shall have authority to cut the chains in emergency or other situations deemed necessary by Grantee, in its sole discretion, without any liability to Grantors or Champion for damage to or destruction of the chains in such situation. Champion shall promptly repair or replace any damaged or destroyed chains.. At such times as Champion needs access to the easement for maintenance purposes, and upon reasonable advance notice to the manager of Grantors, Grantors shall unlock the gate for reasonable periods of time to permit the required maintenance to be completed. Champion's use of the road shall not interfere with Grantee's use of the road.

8. **Limited License.** Grantors hereby grant a license to Champion to use the portions of Grantors' Parcels covered by the easement for the purpose of Champion fulfilling its obligations under the provisions of paragraphs 6 and 7, but no other purpose. The license shall end on the termination of this Agreement.

9. **Commercial General Liability and Casualty Insurance and Indemnity.** Champion shall maintain or cause to be maintained in full force and effect commercial general liability and casualty insurance for the easement and the road within the easement for bodily injury, personal injury and property damage arising out of any one occurrence in such amounts as are required by any mortgage applicable to Grantors' Parcels, naming Grantors as additional insureds, and provide, upon request, a certificate of the required insurance coverage to Grantors. Champion hereby indemnifies Grantee, and agrees to hold Grantee harmless from and to defend Grantee against all claims and causes of action for bodily injury, personal injury and property damage arising out the use of the road within the easement by Champion, or those using the road under

claim of right from Champion.

10. **Notices.** All notices, demands or requests ("Notices") required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been given as of the date such Notice is (i) delivered to the intended party, (ii) delivered to the last known address of the intended party or (iii) rejected at the last known address of the party provided, such Notice was sent by a recognized overnight delivery service or by certified or registered mail, postage prepaid, return receipt requested. Notices shall be given to the parties, as follows:

Heron Creek Holdings, LLC

Craig W. Sturk, Manager
2800 Bennett Road
Okemos, MI 48864

ICD Properties, LLC,

Craig W. Sturk, Manager
2800 Bennett Road
Okemos, MI 48864

Charter Township of Meridian

Director of Public Service
5151 Marsh Road
Okemos, MI 48864

Champion Woods, L.L.C.

Scott J. Fairmont, Member
3695 Okemos Road
Okemos, Michigan 48864

or such other persons as the parties hereafter designate to the other through written notice in the manner prescribed in this paragraph 10. Upon formation by Champion of the Michigan non-profit corporation to act as the condominium association, service of Notices shall be given to the resident agent of the corporation.

11. **Benefit and Burden, and Assignment.** The obligations of Grantors under this Agreement shall constitute covenants running with the land and shall benefit Grantee, Champion and the Champion Condominium Association. All obligations of Champion are personal, and are for the benefit of Grantors and their successors in the Grantors' Parcels. The obligations of Champion under paragraphs 6 and 7 are also for the benefit of Grantee. The rights and obligations of Champion may be transferred or assigned to the Champion Condominium Association, but not otherwise. Once assigned or transferred, the obligations shall be the personal obligations of the Champion Condominium Association. The rights and obligations once assigned or transferred to the Champion Condominium Association may not thereafter be assigned or transferred. The interest of Grantee in this Agreement shall not be assigned or transferred.

12. **Severability.** Invalidation of any of the provisions contained in this Agreement or of the application to any person by judgment or court order shall in no way affect any of the other provisions or the application to any other person and the same shall remain in full force and effect.

13. **Amendments.** This Agreement may be amended only by a written agreement signed by the affected parties, and shall be effective only when recorded in the real estate records of Ingham County, Michigan.

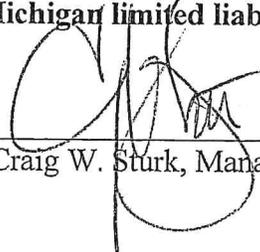
14. **Captions.** The captions preceding the text of each paragraph are included only for convenience of reference. Capitalized terms are also selected only for convenience of reference and do not necessarily have any connection to the meaning that might otherwise be attached to such term in a context outside this Agreement.

15. **Governing Law.** This Agreement shall be interpreted in accordance with the laws of the State of Michigan.

This conveyance is exempt from county and state transfer tax pursuant to MCL 207.505(e) and MCL 207.526(e).

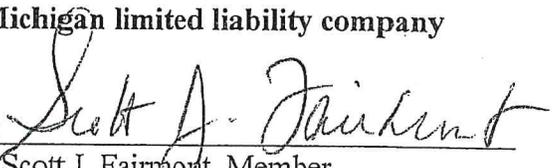
Executed as of the date first written above.

ICD Properties, LLC
a Michigan limited liability company

By: 

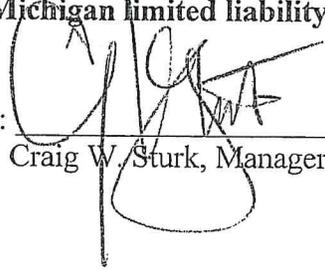
Craig W. Sturk, Manager

CHAMPION WOODS, L.L.C.
a Michigan limited liability company

By: 

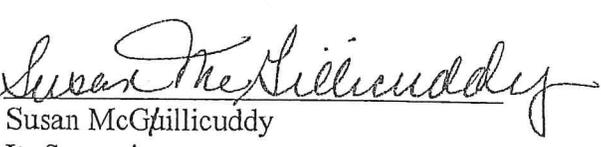
Scott J. Fairmont, Member

Heron Creek Holdings, LLC
a Michigan limited liability company

By: 

Craig W. Sturk, Manager

Charter Township of Meridian
a Michigan charter township

By: 

Susan McGillicuddy
Its Supervisor

And: 

Mary Helmreich
Its Clerk

On the 3rd day of July, 2007, Craig W. Sturk, Manager of ICD Properties, LLC, a Michigan limited liability company and Manager of Heron Creek Holdings, LLC, a Michigan limited liability company acknowledged this instrument before me in Ingham County, Michigan on behalf of each of the companies.

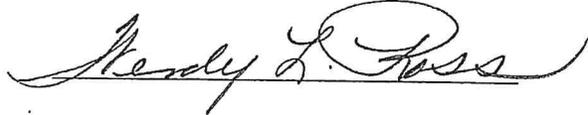
WENDY L. ROSS
Notary Public, State of Michigan, County of Shiawassee
My Commission Expires May 22, 2011
Acting in the County of Ingham



Notary Public
_____ County, Michigan
My Commission Expires: _____

On the 3rd day of July, 2007, Scott J. Fairmont, Member of Champion Woods, L.L.C., a Michigan limited liability company acknowledged this instrument before me in Ingham County, Michigan on behalf of the company.

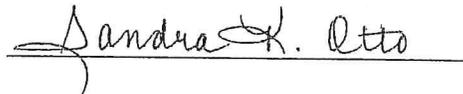
WENDY L. ROSS
Notary Public, State of Michigan, County of Shiawassee
My Commission Expires May 22, 2011
Acting in the County of Ingham



Notary Public
_____ County, Michigan
My Commission Expires: _____

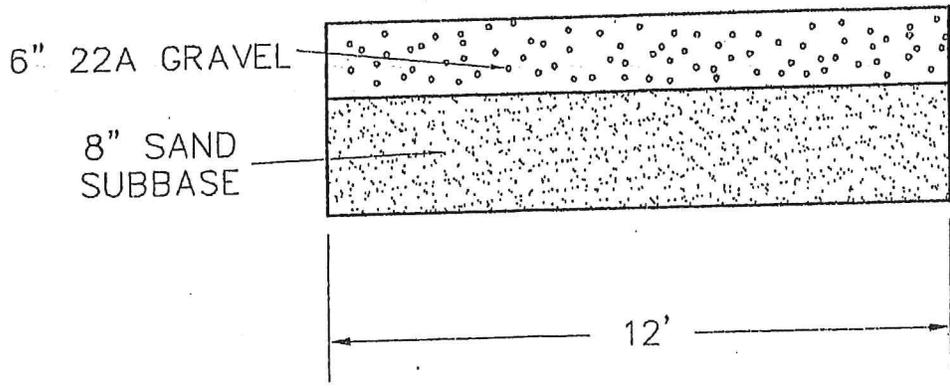
On the 13th day of August, 2007, Susan McGillicuddy and Mary Helmbrecht, the Supervisor and Clerk, respectively, of Charter Township of Meridian, acknowledged this instrument before me in Ingham County, Michigan on behalf of the township.

SANDRA K. OTTO
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF INGHAM
My Commission Expires Oct 1, 2010
Acting in the County of Ingham



Notary Public
Ingham County, Michigan
My Commission Expires: 10/1/10

This instrument prepared by and when recorded return to
Douglas J. Austin
Fraser Trebilcock Davis & Dunlap, P.C.
124 W. Allegan Street
Suite 1000
Lansing, Michigan 48933
517-377-0838

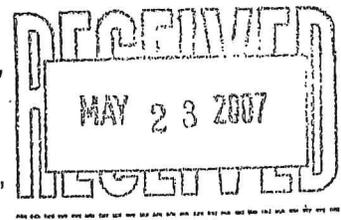


CROSS SECTION
12' GRAVEL EMERGENCY
ROAD, CONNECT NORTH
TO CREEKSTONE TRAIL
(APPROX. ±936 FT. LONG)

NO SCALE

NOTE: ALL PRIVATE ROADS SHALL HAVE A 40' SANITARY SEWER EASEMENT

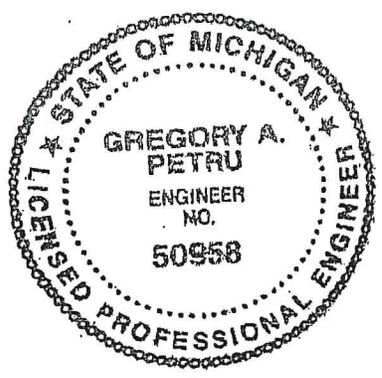
NOTE: ALL PRIVATE ROADS SHALL HAVE A 20' WATER EASEMENT



APPROVED
 Date: 6/6/07 By: M. Kesselbach
 REVISED

-  DENOTES PROPOSED HYDRANT LOCATIONS
-  DENOTES TEMPORARY HYDRANT LOCATIONS

05E-78246
 76029PRELIMPLAT
 05-S-76029



REVISIONS
11-10-06 SUBMITTAL
1-5-2007 ICRC & SANITARY SEWER
1-17-2007 LOTS
3-6-07 RE-SUBMITTAL
3-22-07 BUILDING SETBACK
04-05-07 SUP/PUD SUBMITTAL
4-11-07 TWP.
4-20-07 ICDC SUBMITTAL
5-1-07 W.U.P. & TWP.
5-4-07 TWP./I.C.D.C.
5-7-07 S.E.S.C./5' BLDG. SETBACKS
5-17-07 STORM LEADS

KEBS, INC. KYES ENGINEERING
 BRYAN LAND SURVEYS

2116 HASLETT ROAD, HASLETT, MI 48840
 PH. 517-339-1014. FAX. 517-339-8047

Charlotte Office Ph. 517-543-7076
 Marshall Office Ph. 269-781-9800

Champion Woods
 OVERALL SITE & UTILITY PLAN

SCALE: 1"=100'	DESIGNER: K. WEBER	APPROVED BY: GAP
DATE: 12-27-05	PROJECT MGR. J. RIES	SHEET 2 OF 25
AUTHORIZED BY: CHAMPION WOODS, LLC/ BUD NILSON		JOB #: 05E-78246

Peter Menser

From: Yingxin Zhou <zhou0824@gmail.com>
Sent: Wednesday, October 09, 2019 5:39 AM
To: Planning Commision (DG)
Cc: Board; Peter Menser; Mark Kieselbach
Subject: Mayberry rezoning- Number of units could be built under existing zoning and Traffic Study

Dear Planning Commission,

The Traffic Study submitted for rezoning #19060 Okemos Land Investment LLC is **WRONG** since the study compares the proposed **150** units to **216** units for existing zoning which is based on **minimum lot size**.

**Table 1
Comparison Between
Existing and Proposed Zoning**

Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	
Existing Zoning (RAAA, RAA & RR)	216 units	40	118	158	134	79	213	2,112
Proposed Zoning (RAA & PO)	150 Units; 43,560 sq ft	111	107	218	137	163	300	3,096
Difference		+71	-11	+60	+3	+84	+87	+984

It's comparing apples to oranges. It should have compared the traffic for 150 units to traffic for 89 units, which is the true number of units that could be possibly built under existing zoning after road rights, wetlands and floodplain etc have been given consideration. 89 is directly from the rezoning application form as attached below. Meanwhile Mr. Bob Schroeder from Mayberry Homes stated in the August 8, 2019 board meeting that 92 units could be built under existing zoning. So it's 89 or 92 depending on the calculation.

Part II REASONS FOR REZONING REQUEST

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

A. Reasons why the present zoning is unreasonable:

- 1) There is an error in the boundaries of the Zoning Map, specifically: _____
- 2) The conditions of the surrounding area have changed in the following respects: Current zoning on the subject property is inconsistent with the surrounding area. The properties to the east include RAA and School District property. The properties to the west and south are Golf Course and 425 City of Lansing. In 2005, the Champion Woods property was rezoned from RR to RAA. The Woods of Herron Creek property was rezoned from Industrial to RAA.
- 3) The current zoning is inconsistent with the Township's Master Plan, explain: The Future Land Use Map from the 2017 Master Plan designates the parcels proposed for rezoning in the R-2 Residential 0.5-3.5 dwelling units per acre (du/a) category. Based on a preliminary yield plan, RAA zoning on the subject property would yield approximately 140 units, or 1.45 du/a. A preliminary yield plan based on current zoning yields approximately 89 units, or 0.92 du/a.

Therefore, the traffic for Weekday under existing zoning would be 870 ($=89*2,112/216$). Per the traffic study the traffic for Weekday under proposed RAA and PO zoning is 3,096, representing **3.55** ($=3,096/870$) times of traffic for existing zoning.

While reviewing the staff memo from Peter, you may see 176 units for existing zoning. 176 is based on maximum dwelling units and wetlands & floodplain haven't been given consideration. So to evaluate the density of the proposed zoning and traffic impact, the proposed 150 units should be compared to 89 or 92 which is the true number of units that could be possibly built under existing zoning.

Thank you very much for your consideration!

Sincerely,
Yingxin Zhou
2565 Sophiea Pkwy
Okemos, MI 48864

Peter Menser

From: Li, Wei <wli@msu.edu>
Sent: Wednesday, October 09, 2019 9:53 AM
To: Planning Commision (DG)
Subject: Mayberry rezoning #19060

Dear Planning Commission members,

As a homeowner in Champion Woods, I'm opposed to Mayberry rezoning #19060.

Please note that the Planning Commission denied the applicant's rezoning to RAA by 6-2 vote in July 2019 due to environmental concerns and traffic concerns. If you voted to deny the rezoning to RAA in July, there should be no reason for you to approve this new rezoning because it not only asks for RAA, but also 150 units at 1.6 dwelling units per acre, a density greater than surrounding RAAs (Champion Woods, RAA PUD, 1.47 du/a; Woods of Heron Creek, RAA, 1.47 du/a). If you voted to approve the rezoning to RAA in July, please reconsider your decision because of the significant changes.

The 3-acre PO zoning is inconsistent with the zoning of the surrounding properties. We're concerned that the PO zoning could bring significant traffic to the area and cause safety concerns over the students at an elementary school that is adjacent to the subject property. Also the property is very close to Meridian Township's Medical Marijuana overlay district #6, which raises concerns about the permitted future uses of the property that could be detrimental to the nearby residents neighborhoods and Bennett Woods Elementary.

The 20 acres donation is not a true donation. Obviously it will be used for the PUD. When the development is approved, Mayberry would make the donation afterwards. Mayberry gets to use the land to get as many units on the PUD as possible. Then he gets to hand the land over to Meridian Township and potentially take a tax write off PLUS no longer pay property tax on the land. Also it is not economically feasible to develop the north 20 acres, and near physically impossible to provide a roadway and water and sewer and storm sewer through the wetland and floodplain to access this property. Therefore it will be park-like regardless. It is not true donation. To be a true donation, it should NOT be used for PUD. Or it could be used for PUD but after the donation is made, Mayberry has to set aside another 50% of the property as open space.

The property can be developed as currently zoned. Please vote NO on this rezoning request.

Respectfully yours,

Wei Li

Yingxin Zhou
2565 Sophiea Pkwy
Okemos, MI 48864

October 10, 2019

Re: Mayberry rezoning #19060 (Okemos Land Investment LLC) (Opposition)

Dear Meridian Charter Township Planning Commission,

First I'd like to thank you for your due diligence on this matter since Oct 2018.

As a resident from Champion Woods subdivision, I'm strongly opposed to this new rezoning request. The applicant is proposing 150 units, representing **69%** increase in density from **89** units that are allowed under existing zoning. The proposed development at 1.6 dwelling units/acre is too dense for a sensitive parcel that has decent size of floodplain and 20 acres wetlands, leading to greater risk of flooding; The requested 3.02 acres PO zoning is inconsistent with the zoning of the adjacent properties and Meridian Township R2-Residential Future Land Use Map designation.

1. Existing zoning was taken off the table as one possible option

In any planning decision, or negotiation with a property owner/developer, existing zoning should ALWAYS be on the table, at all times, as a possible option. There is a precedent: rezoning #16060 Summer Park Realty. The consent judgment didn't change the existing zoning and the original RR and RAA zoning stays.

Unfortunately, in this Mayberry rezoning, there is one problem right from the start: Township Manager Walsh took existing zoning off the table as one possible option. This decision strategically limits all planning options available to the Township and this is not a good approach to take.

The density of 142 units originally proposed by Township Manager Walsh as of Aug 19, 2019 during facilitated discussion already matches Champion Woods (RAA PUD)'s 1.47 du/a. Throughout the facilitated discussions, it is very disappointing that the applicant had been trying to increase density by countering up from the original 142 units to 144, and now to 150 units for 93.64 acres at 1.6 du/a and even a 3 acres PO zoning.

2. Development with 150 units at 1.6 dwelling units/acre is too dense

2.1. I did a density analysis which was included in the September 23, 2019 Planning Commission meeting packet. If we use the compromise level made at rezoning #16060 Summer Park Realty on Mayberry rezoning, the number of units allowed will be around **135** and the applicant will need to stay with existing zoning. The proposed RAA with 150 units **exceed the expected levels on both of zoning class and density (unit #)**.

2.2. At 150 units the Mayberry development has 1.6 dwelling units/acre. It's denser than surrounding neighborhoods. The surrounding neighborhoods density are all under 1.5 du/a:

College Fields, neighborhood south and west of the subject property: RR, 1 du/a
Woods of Heron Creek, neighborhood directly east of the subject property: RAA, 1.47 du/a
Champion Woods, neighborhood directly east of the subject property: RAA PUD, 1.47 du/a

On another note, Sundance Estate with RA zoning at 1.97 du/a has been used for density comparison in facilitated discussion. Please consider that Sundance Estate does not directly neighbor the subject property. This neighborhood was developed in 1990s. The land has NO floodplain or wetlands and thus could support relatively denser development.

3. The 8 acres RR cannot be directly up-zoned to RAA

The 8 acres RR can not be rezoned to RAA since it will be 2 steps forward (RR-RAAA-RAA). I looked at all rezoning requests since 2014 in Meridian Township. Since 2017 when the most recent master plan was adopted, all rezoning requests that asked for rezoning from RR to RAA were turned down. They are #16060 Summer park realty (157 acres), #18050 Eyde (10.01 acres), and #18010 Giguere homes at Sanctuary (7.36 acres). If the township applies the same standards on Mayberry case, the new zoning class for the 8 acres RR could possibly be RAAA, not RAA. Again, the property can be developed as currently zoned.

4. The 3-acre PO zoning is spot zoning

The 3 acres PO zoning doesn't fit in the area. It is inconsistent with the zoning of the adjacent properties and the R2- Residential Future Land Use Map. We're very

concerned about the additional traffic caused by the PO zoning.

We confirmed with Peter Menser, Principal Planner, that rezoning to PO is not necessary to build an office and Mayberry could build an office for their employees under the zoning it would have for the PUD they are planning. As part of a PUD, the office could be built after 75% of the houses in the new development are completed.

5. WRONG Traffic Study

The traffic study is WRONG as explained in a separate message I sent to the Planning Commission on Oct 9, 2019. The preliminary traffic study shows significant increase (255% increase for Weekday) in traffic volume due to the rezoning.

6. The ownership of the emergency path should NOT affect the density of a property

During the facilitated discussion in Aug 2019, the applicant offered to pave and maintain the emergency road from Sophia Pkwy to Creekstone Trl that Champion Woods is currently obligated to maintain in RETURN of an increase in density from 142 units to 150 units and an office.

It's surprising to know from the all neighborhood meeting on Sep 5, 2019 that Mayberry removed the condition of assuming the responsibility of paving and maintaining this emergency road from the condition list, but is KEEPING the increased density to 150 units and the office. Now the township is most likely to take over the ownership of the emergency path. It makes no sense for Mayberry to keep the increased density due to the negotiation on the path.

Personally I object to the deal made on emergency road between Mayberry and Champion Woods and firmly believe that the ownership of the path should not affect the density of a property.

The property is already zoned and can be developed as currently zoned. There is no demonstrated public need for rezoning. Please deny this rezoning request.

Sincerely,

Yingxin Zhou

Members of the Planning Commission:

We have been residents and homeowners in Meridian Township for 42 years. The last 10 years at our present address, 2710 Sophiea Parkway. In August we went thru the mediation process among the three neighboring subdivisions, Woods of Heron Creek, Sundance and Champion Woods and Mayberry Homes. Frank Walsh did an amazing job in negotiating a plan that is a win/win for all parties concerned. It is also a plan that will create a development that will be an asset to the Township. Our primary concerns and those of the majority of Champion Woods were the non-connectivity for Sophiea Parkway and the resolving of the drainage issues created by the filling in of the natural drain by Mr. Craig Sturk when he created the emergency road for his Woods of Heron Creek development. We are also very appreciative of the 20 acres given over to the Township by Mr. Robert Schroeder. As you know, we are back in front of the Commission because Mayberry Homes has opted to rezone three acres adjacent to the veterinary clinic in order to build a new office. We have some concern as to what this could entail. Other than that, we are very pleased with the conditions as stated in the application. We thank you for your time and efforts during the long duration of this rezoning process.

Kathy and Larry McCurdy



To: Planning Commission

From: Peter Menser, Principal Planner

Date: October 9, 2019

Re: Rezoning #19060 (Okemos Land Investment, LLC), rezone approximately 96 acres located on the north side of Bennett Road, east of Hagadorn Road, and west of Hulett Road from RR (Rural Residential) and RAAA (Single Family-Low Density) to RAA (Single Family-Low Density) and PO (Professional and Office) with conditions.

Okemos Land Investment, LLC has requested the rezoning of approximately 96 acres located on the north side of Bennett Road, east of Hagadorn Road, and west of Hulett Road from RR (Rural Residential) and RAAA (Single Family-Low Density) to RAA (Single Family-Low Density) and PO (Professional and Office). Approximately 93 acres are proposed to be rezoned to RAA and approximately three acres are proposed to be rezoned to PO. The applicant has offered the following conditions on the rezoning:

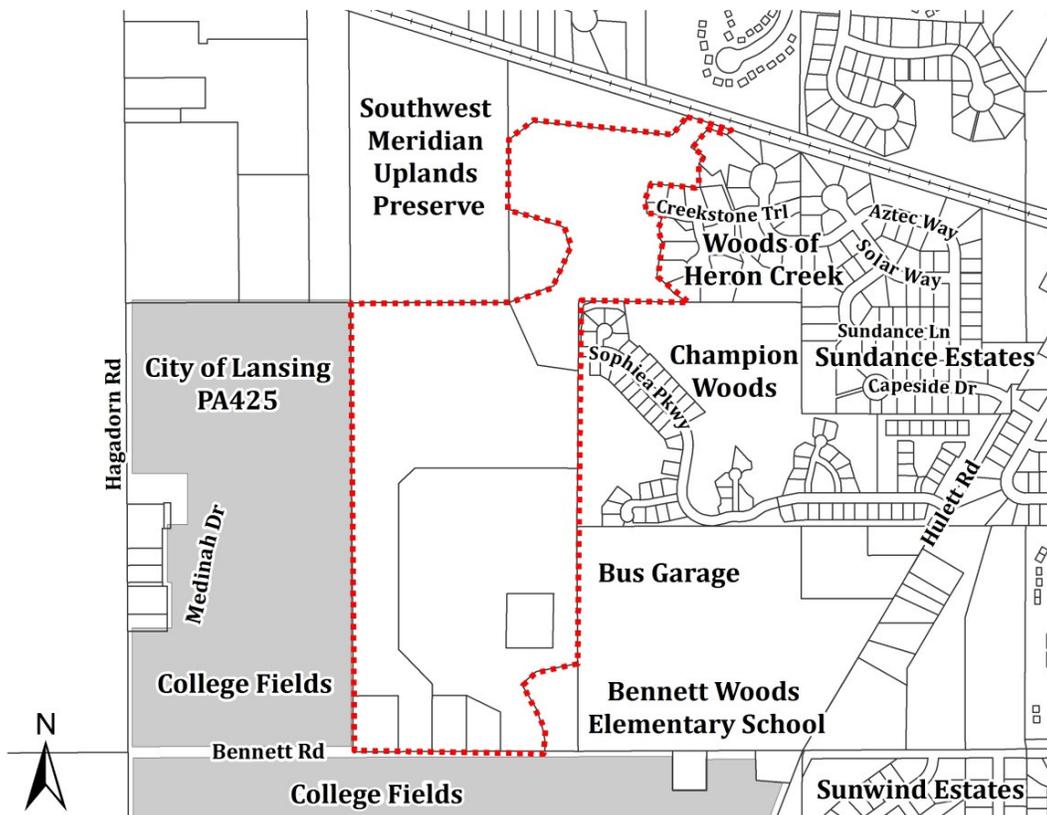
1. 93 acres of RAA zoning is to be a PUD. Three acres are to be zoned PO.
2. Maximum of 150 single family detached homes.
3. No vehicular connection to Champion Woods or Woods of Heron Creek for perpetuity. An emergency only access will connect Silverleaf to Sophiea Parkway in Champion Woods. This will be a 20' asphalt pathway with bollards to prevent normal vehicular traffic.
4. A 75' minimum distance between homes in Champion Woods and homes in Silverleaf.
5. The northern approximately 20 acres to be dedicated as open space to Meridian Township.
6. A 3-acre site will be zoned P.O. The site will be on Bennett Road at the southeast corner of the property. It will abut the Schultz Veterinary Clinic.
7. The storm drainage will be designed to avoid impact on Champion Woods and Woods of Heron Creek. Mayberry Homes will cooperate with the resolution of the existing drainage issues with Champion Woods and Woods of Heron Creek.

The Planning Commission originally held a public hearing on the request, which did not include the seven proposed conditions or three acres of PO zoning at the time, at its meeting on June 10, 2019 and voted to recommend denial on July 22, 2019. At its August 8, 2019 meeting the Township Board discussed the rezoning and directed the Township Manager to facilitate discussions with the residents of Champion Woods, Sundance, and the Woods of Heron Creek regarding concerns about the proposal. Over the following month the Township Manager facilitated two well-attended neighborhood meetings and separate meetings with Mayberry Homes. Following the meetings the applicant submitted the seven conditions on the rezoning and modified the request to include three acres of PO zoning along Bennett Road. At its meeting on September 17 the Township Board voted to refer the rezoning to the Planning Commission for a new public hearing and recommendation given the changes to the request.

The following table provides information on the seven parcels included in the rezoning:

Property/Parcel I.D.	Acreage	Street Frontage
2862 Bennett Road Parcel I.D. #33-02-02-29-300-008	1.8 acres	264 feet
2824 Bennett Road Parcel I.D. #33-02-02-29-300-020	1.52 acres	201 feet
2806 Bennett Road Parcel I.D. #33-02-02-29-300-021	1.28 acres	200 feet
2800 Bennett Road Parcel I.D. #33-02-02-29-300-026	2.02 acres	0 feet
Parcel I.D. #33-02-02-29-300-025	30.2 acres	263 feet
Parcel I.D. #33-02-02-29-300-023	37.6 acres	198 feet
Parcel I.D. #33-02-02-29-251-009	22.3 acres	65 feet Creekstone Ln. 60 feet Sophiea Pkwy.

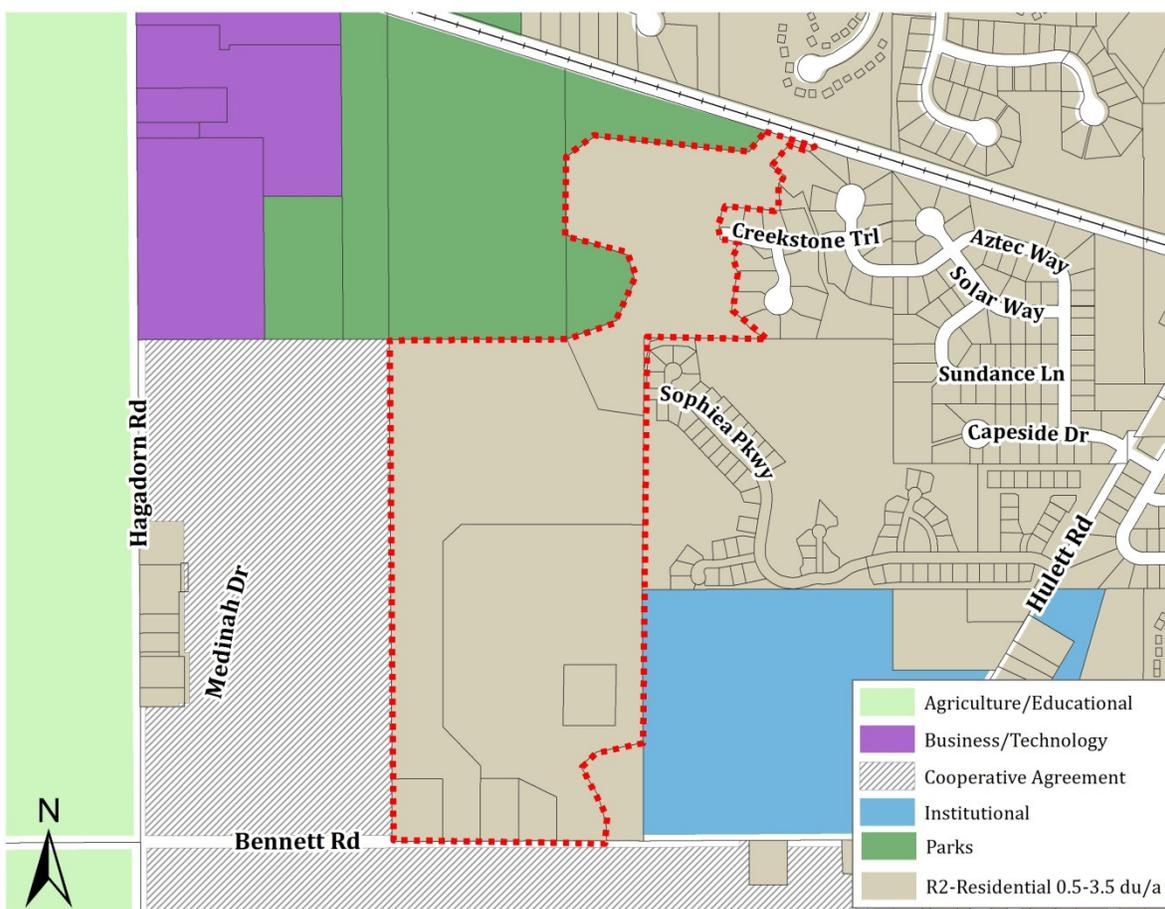
LOCATION MAP



2017 Master Plan

The Future Land Use Map from the 2017 Master Plan designates the parcels proposed for rezoning in the R-2 Residential 0.5-3.5 dwelling units per acre (du/a) category. The Future Land Use and Zoning Map Correlation table in the 2017 Master Plan (Table 1 on page 14) shows the proposed RAA zoning district is intended to correlate with the R-2 designation. The rezoning condition offered by the applicant for a maximum of 150 single family detached homes provides an overall density of 1.60 dwelling units per acre (du/a), which is consistent with the 0.5-3.5 du/a R-2 designation in the Master Plan. The three acres proposed for rezoning to PO (Professional and Office) is inconsistent with the R2 designation.

2017 FUTURE LAND USE MAP

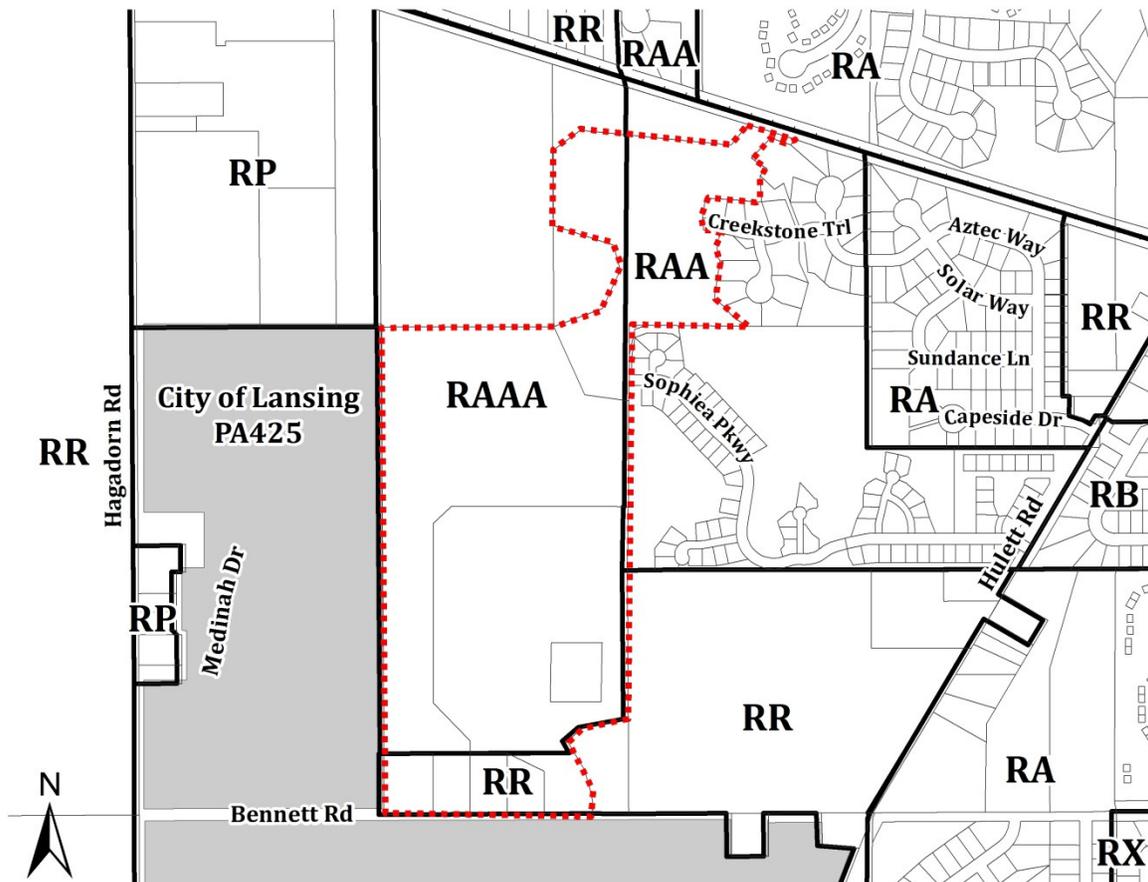


Zoning

The subject site is currently zoned RR (Rural Residential), RAA (Single Family-Low Density), and RAAA (Single Family-Low Density). Current zoning consists of approximately 13 acres of RAA zoning, 75 acres of RAAA zoning, and eight acres of RR zoning. The following table compares the required minimum lot width and lot area standards for the existing RR, RAA, and RAAA zoning districts with the proposed RAA and PO zoning districts:

ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM LOT WIDTH
Existing RAA	13,500 sq. ft.	90 ft.
Existing RAAA	20,000 sq. ft.	100 ft.
Existing RR	40,000 sq. ft.	200 ft.
<i>Proposed RAA</i>	<i>13,500 sq. ft.</i>	<i>90 ft.</i>
<i>Proposed PO</i>	<i>5,000 sq. ft.</i>	<i>50 ft.</i>

ZONING MAP



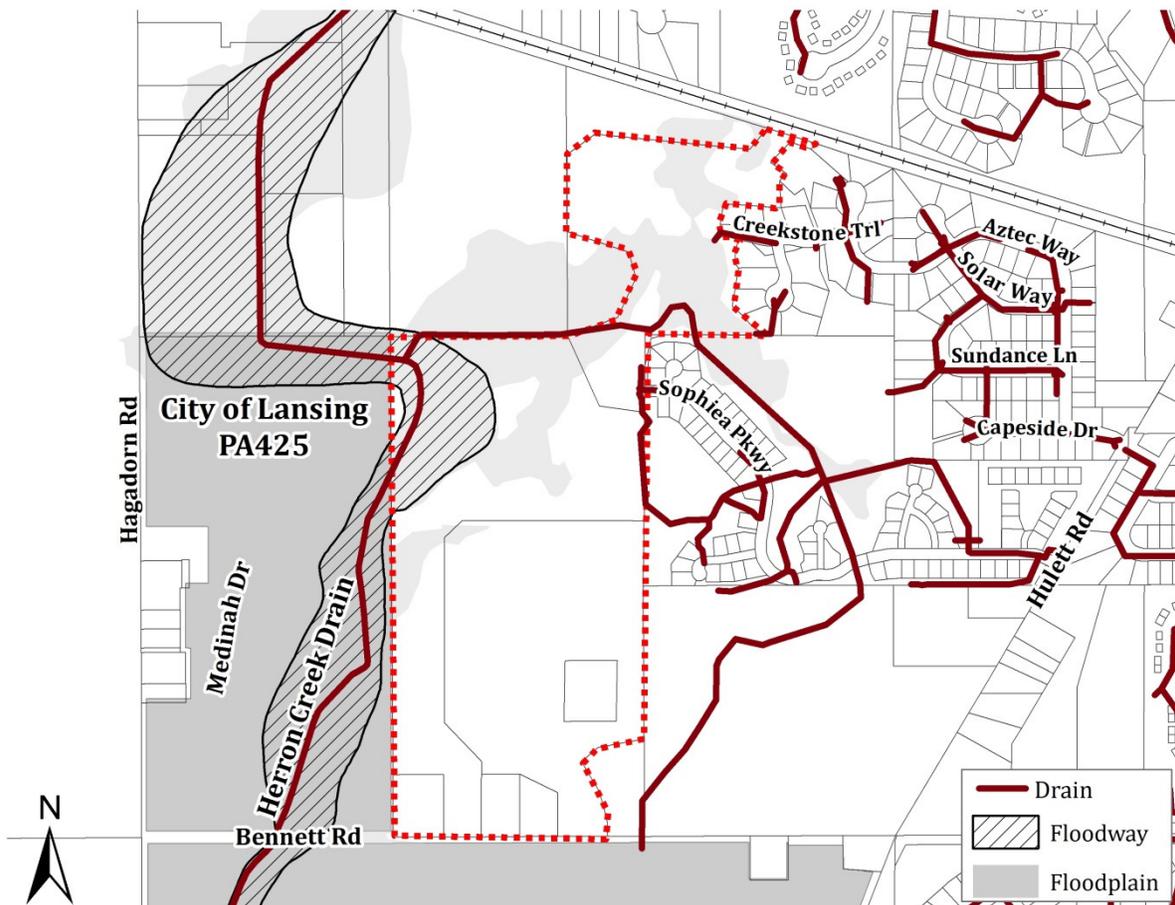
Physical Features

Three of the parcels fronting on Bennett Road are developed with single family homes and related accessory buildings. The parcel with no road frontage is developed with a 7,840 square foot industrial building that is no longer used.

Floodplain

The Flood Insurance Rate Map (FIRM) for Meridian Township indicates there are areas of both floodway and floodway fringe on portions of the property. The Herron Creek Drain is located on the western edge of the subject site.

FLOODPLAIN MAP

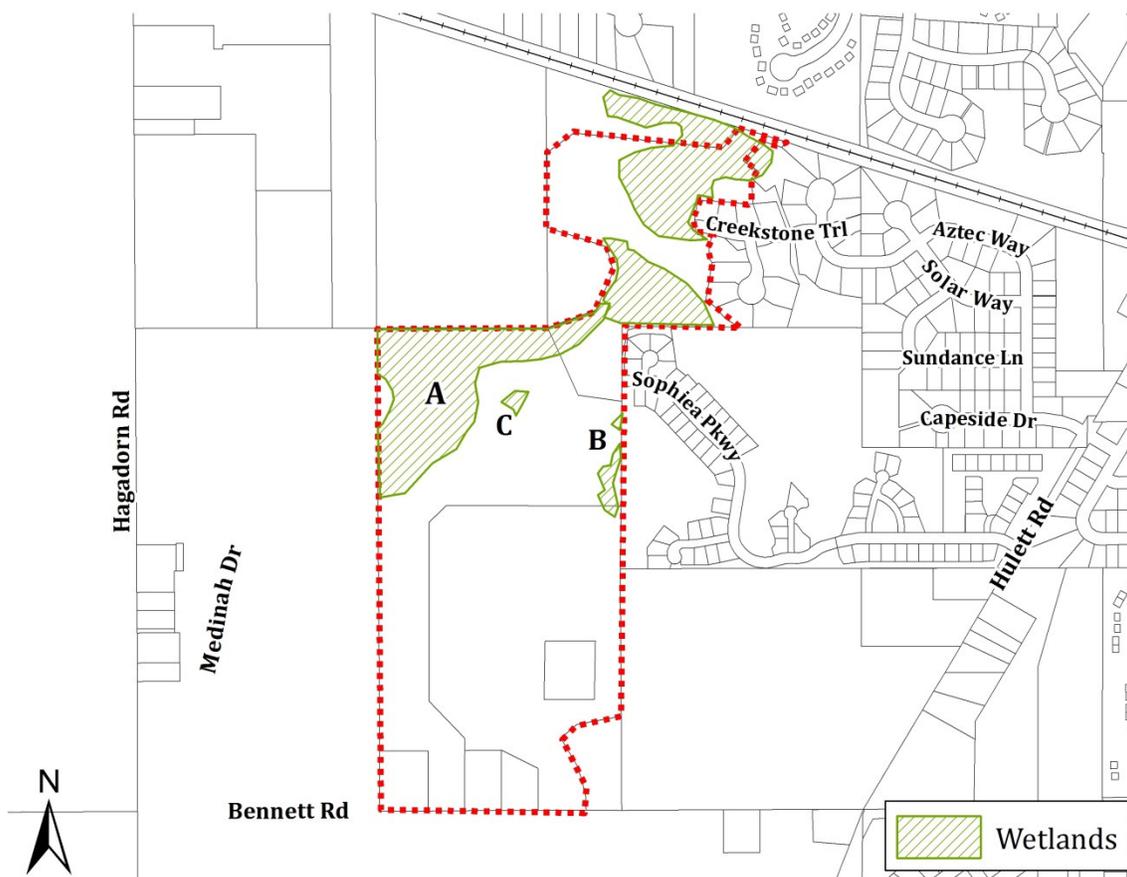


Wetlands

Wetlands on the southern portion of the subject site were delineated by the Township's wetland consultant in 2017. The delineation identified three wetlands, designated by letters A, B, and C. Two other wetland areas are shown on the Township's wetland map, which were not included in the delineation provided by the applicant. Of the three wetlands delineated, only Wetland A is regulated by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and Meridian Township based on its size (9.06 acres) and proximity to a regulated water body (river, stream/drain, or inland lake). Regulated wetlands equal to or greater than two acres in size require a 40 foot setback from the delineated boundary and wetlands greater than one quarter acre but smaller than two acres require a 20 foot setback.

Wetland B (0.83 acre) is not regulated by EGLE but could be regulated by Meridian Township if it is determined by the Township Board to be essential to the preservation of the natural resources of the Township. Wetland C (0.16 acre) is not regulated by the Township or EGLE as it is below the 0.25 acre standard established for regulation in the Wetland Protection ordinance.

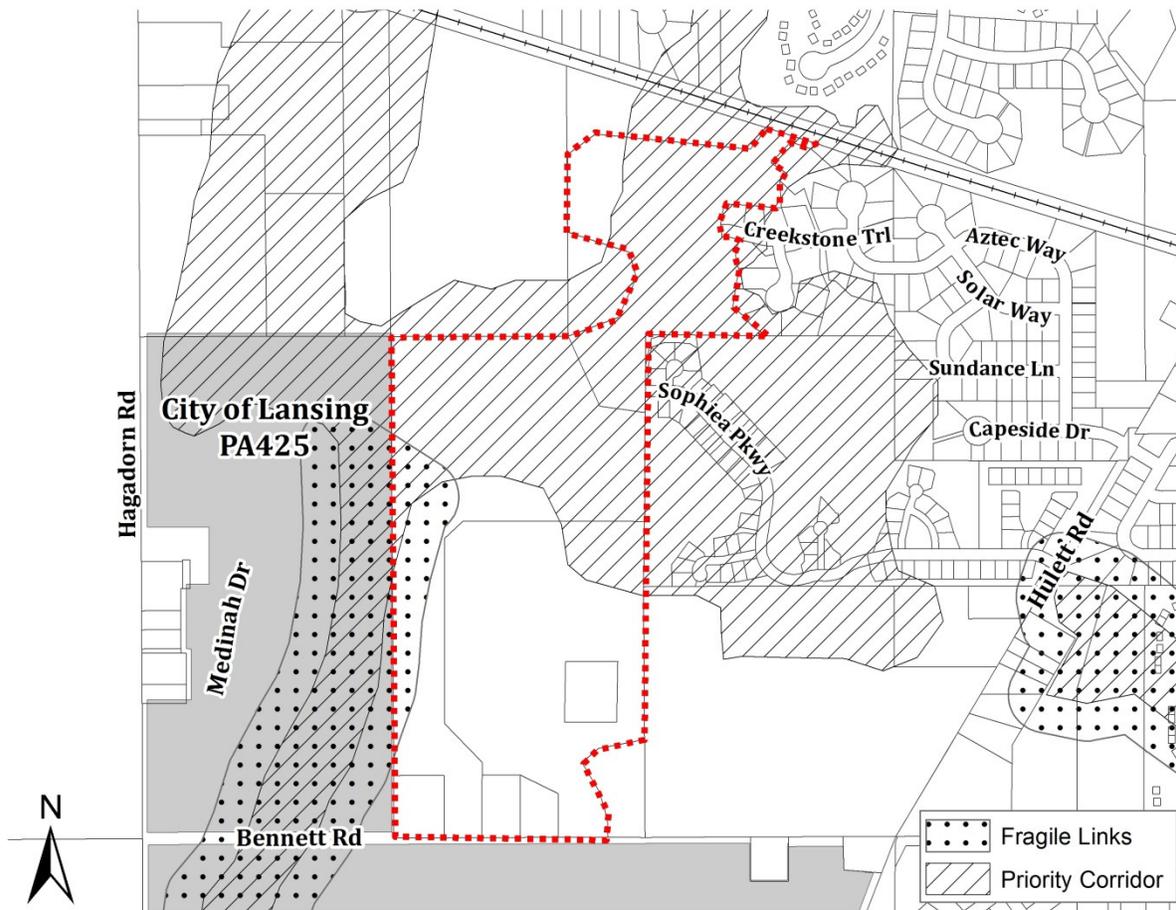
WETLAND MAP



Greenspace Plan

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

GREENSPACE MAP



Streets & Traffic

Bennett Road is a two-lane road designated as a Collector Street on the Street Setbacks and Service Drives Map in the zoning ordinance. The most recent traffic count information (2018) from the Michigan Department of Transportation (MDOT) for Bennett Road, taken just west of the Bennett/Hulett roundabout, showed a total of 5,442 vehicles in a 24 hour period. A 2018 MDOT traffic count taken on Bennett Road east of the roundabout showed a total of 7,076 vehicles in a 24 hour period.

The Township’s Pedestrian/Bicycle Pathway Map shows a proposed seven foot wide pathway along the north side of Bennett Road. The applicant will be required to construct the portion of the pathway located along the Bennett Road property frontage should development be proposed for this site.

A traffic study is required for rezonings when the proposed district would permit uses that could generate more than 100 additional directional trips during the peak hour than the principal uses permitted under the current zoning. The applicant has submitted an updated traffic assessment comparing the estimated change in traffic as a result of the proposed rezoning. The table below compares estimated traffic generation under the existing RR, RAA, and RAAA zoning and proposed RAA and PO zoning.

	Existing RR, RAA, & RAAA zoning (216 units)	Proposed RAA and PO zoning (150 units, 43,560 square foot office bldg.)	Change
Peak Hour trips	158 (a.m.) 213 (p.m.)	218 (a.m.) 300 (p.m.)	+60 +87
Weekday trips	2,112	3,096	+984

Based on the trip generation estimates in the submitted traffic assessment a traffic study is not required for the proposed rezoning. The findings of the revised traffic assessment note that the intersection sight distance for the proposed new roadway intersection on Bennett Road should be checked and verified by the site engineer for compliance with the Ingham County Road Department sight distance standards for intersections. This information will be required to be provided if a development project is proposed for the site. It is expected that the applicant will be required to submit a traffic study for a future planned unit development, as the threshold for a study for PUD is when the project will exceed 100 vehicle trips during the peak hours of the adjacent roadway.

Utilities

Municipal water and sanitary sewer is available in the vicinity of the subject site. The location and capacity of utilities for any proposed development will be reviewed in detail by the Department of Public Works and Engineering at the time of a development proposal.

Staff Analysis

The applicant has requested the rezoning of approximately 96 acres from RR and RAAA to RAA and PO with conditions. When evaluating a rezoning request, the Planning Commission should consider all uses permitted by right and by special use permit in the current and proposed zoning districts, as well as the reasons for rezoning listed on page two of the rezoning application.

The conditions offered by the applicant require that future development of the land will be under the Township's planned unit development (PUD) ordinance. The PUD ordinance would allow a developer to propose a residential project with different lot dimensions and yard setbacks as those prescribed in the underlying zoning district. Restrictions related to lot size, yards, frontage requirements, setbacks, and building height are generally waived in a PUD. In exchange for the flexible standards, a minimum of 50% of the project area, excluding wetlands and floodplains, must be preserved as open space.

The applicant has submitted a draft PUD development plan with the rezoning application showing the general arrangement of lots, the location of the proposed development relative to the Champion Woods and Woods of Heron Creek neighborhoods, and the location of floodplain and wetlands. The draft PUD development plan was included for informational purposes only and is not a requirement of the rezoning application and therefore not under consideration for approval at this time. If the rezoning were to be approved by the Township Board a separate PUD application and review process would be required, along with notices to the public and a new public hearing.

Planning Commission Options

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

Attachments

1. Rezoning application and attachments.
2. Letter from Mayberry Homes offering conditions for rezoning received by the Township on October 11, 2019.
3. Updated traffic assessment prepared by Traffic Engineering Associates, Inc. dated September 2019.
4. Draft PUD development plan received by the Township on September 10, 2019.
5. Rezoning criteria.

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

RECEIVED
SEP 27 2019

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 Land Investment LLC
Address of applicant: 1650 Kendale Blvd. Suite 200, East Lansing, MI 48823
Telephone: Work: 517-371-5000 Home _____
Fax: 517-371-5001 Email: info@mayberryhomes.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: Robert K. Schroeder
Address: 1650 Kendale Blvd. Suite 200, East Lansing, MI 48823
Telephone: Work: 517-371-5000 Fax: 517-371-5001 Email: bob@mayberryhomes.com
- C. Site address/location: North side of Bennett Road, between Hulett Road and Hagadorn Road
Legal description (Attach additional sheets if necessary): Attached
Parcel number: 33-02-02-29-300 (008;020;021;023;025;026); 33-02-02-29-251-009
Site acreage: 96.93 acres
- D. Current zoning: RAAA & RR Requested zoning: RAA & PO with attached conditions
- 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: _____

- 2) The conditions of the surrounding area have changed in the following respects: Current zoning on the subject property is inconsistent with the surrounding area. The properties to the east include RAA and School District property. The properties to the west and south are Golf Course and 425 City of Lansing. In 2005, the Champion Woods property was rezoned from RR to RAA. The Woods of Herron Creek property was rezoned from Industrial to RAA.
- 3) The current zoning is inconsistent with the Township’s Master Plan, explain: The Future Land Use Map from the 2017 Master Plan designates the parcels proposed for rezoning in the R-2 Residential 0.5-3.5 dwelling units per acre (du/a) category. Based on a preliminary yield plan. RAA zoning on the subject property would yield approximately 140 units, or 1.45 du/a. A preliminary yield plan based on current zoning yields approximately 89 units, or 0.92 du/a.
- 4) The Township did not follow the procedures that are required by Michigan laws, when adopting the Zoning Ordinance, specifically: _____
- 5) The Township did not have a reasonable basis to support the current zoning classification at the time it was adopted; and the zoning has exempted the following legitimate uses from the area:

- 6) The current zoning restrictions on the use of the property do not further the health safety or general welfare of the public, explain: Current zoning requires much larger lots which are very expensive to develop. Larger lots will drive home pricing higher, thus limiting the pool of available prospective purchasers to a more elitist profile. RAA zoning will allow for more affordable lots that will appeal to a broader range of the buying public including young families, dual-income couples without children, empty nesters, and retirees. Current zoning does not efficiently utilize the water and sewer capacity for this area. By default, this puts additional burden on other land within the Township to supply housing demand. The Okemos School District has expressed support for new development and is prepared for increased enrollment.

B. Reasons why the requested zoning is appropriate:

- 1) Requested rezoning is consistent with the Township’s Master Plan, explain: The subject property is an infill parcel with sufficient water and sewer capacity to serve the requested zoning category. The Future Land Use Map from the 2017 Master Plan Designates the parcels proposed for rezoning in the R-2 Residential 0.5-3.5 dwelling units per acre (du/a) category. With an estimated density of approximately +/- 1.45 du/a, the proposed rezoning would be consistent with the Future Land Use Map designation. The Planning Commission articulated the fact that infill development should be encouraged by the Township.
- 2) Requested rezoning is compatible with other existing and proposed uses surrounding the site, specifically: In 2005, the Champion Woods property was rezoned from RR to RAA. The Woods of Herron Creek property was rezoned from Industrial to RAA. School district property is located

immediately east. Golf Course and 425 to City of Lansing is located west and south. This is an infill parcel that is within two miles of the schools, shopping, and expressways. Limiting this property with larger lots, higher costs, and higher home pricing is not the highest and best use of the land. The neighboring properties were rezoned to RAA in an effort to maximize compatibility with the surrounding uses, the subject property should not be an exception. In regards to the proposed PO zoned site, there are many other non-residential uses surrounding the property, including a church, school, bus garage, veterinary clinic, and golf course.

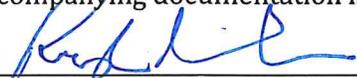
- 3) Requested rezoning would not result in significant adverse impacts on the natural environment, explain: Areas of the subject property currently impacted by wetlands and floodplains will be preserved. The watershed for the subject property is to the north and west, away from Champion Woods and the Woods of Herron Cree, thus will not contribute to the drainage issues that our neighbors are concerned with. The Planning Commission suggested that the drainage issues that our neighbors are experiencing should be addressed by the County Drain Commissioner. They stated, "the drainage issue that is there today, is an existing problem and needs to be taken care of."
- 4) Requested rezoning would not result in significant adverse impacts on traffic circulation, water and sewer systems, education, recreation or other public services, explain: A preliminary Traffic Study has been completed and will be updated during the site approval process. Commissioner Richards stated that traffic congestion is driven by the elementary and high school, not so much from the university. He went on to say "traffic is there to begin with. I don't think that there's going to be a big impact." The School District is in support of future development. In response to an inquiry by Township Supervisor Styka, the President of the Okemos School District Board of Education stated, "...the district has been actively planning over the last two years for potential enrollment growth." He further stated, "While increased enrollments can result in challenges in terms of classroom space, rather than consider increasing class sizes, as our planning represents, we will continue to look at increasing the capacity of our facilities to address enrollment growth." Sanitary sewer and water are stubbed to the property and the Township staff has confirmed enough capacity for both.
- 5) Requested rezoning addresses a proven community need, specifically: There continues to be a high demand for housing in Okemos. RAA zoning will allow Mayberry Homes to provide housing solutions for all buying profiles: families, dual-income couples without children, empty-nesters, and retirees. Lower density increases the cost and limits the economic profile of the prospective buyers, thus excluding very important segments of the market.
- 6) Requested rezoning results in logical and orderly development in the Township, explain: The requested zoning is consistent with the RAA (Single-Family Low Density) zoning currently existing in communities to the north and east.
- 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 requested zoning will preserve wetlands and floodplain and is compatible with zoning on surrounding properties. This is an infill development with adequate water and sewer capacity for the requested zoning classification.

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 of Applicant

9/18/2019
Date

Robert K. Schroeder
Type/Print Name

Fee: \$ 4,020

Received by/Date: JP J. Menow 9.27.19

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SEP 27 2019

September 4, 2018

Attn: Meridian Township

Bennett Road Holding LLC and Mayberry Homes LLC have permission to apply for Rezoning on the parcels listed below. All owners are aware of and in agreement with the request.

33-02-02-29-300-008

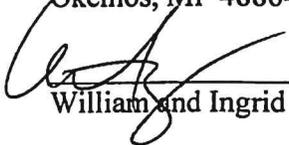
33-02-02-29-300-020

33-02-02-29-300-021

William & Ingrid Schultz

1280 Sebewaing

Okemos, MI 48864



William and Ingrid Schultz



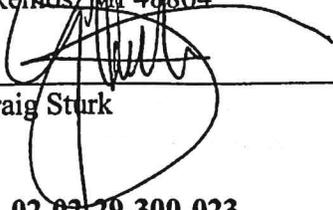
33-02-02-29-251-009

ICD Properties, LLC

Craig Sturk

2800 Bennett Rd #1

Okemos, MI 48864



Craig Sturk

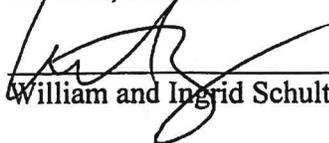
33-02-02-29-300-023

WI Properties LLC

William & Ingrid Schultz

2770 Bennett Rd

Okemos, MI 48864



William and Ingrid Schultz

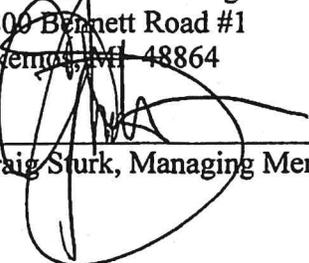


33-02-02-29-300-026

Heron Creek Holdings LLC

2800 Bennett Road #1

Okemos, MI 48864



Craig Sturk, Managing Member

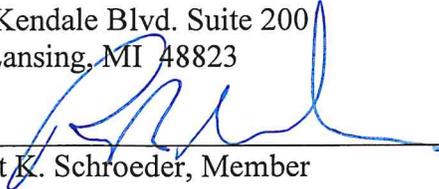
33-02-02-29-300-025

Okemos Land Investment LLC

Robert K. Schroeder

1650 Kendale Blvd. Suite 200

East Lansing, MI 48823



Robert K. Schroeder, Member

Acreage Summary

There is ±13.63 acres on the Northeast side that are currently zoned RAA.

There is ±5.29 acres being rezoned from RR to RAA

There is ±2.98 acres being rezoned from RR to PO

There is ±0.05 acre being rezoned from RAAA to PO

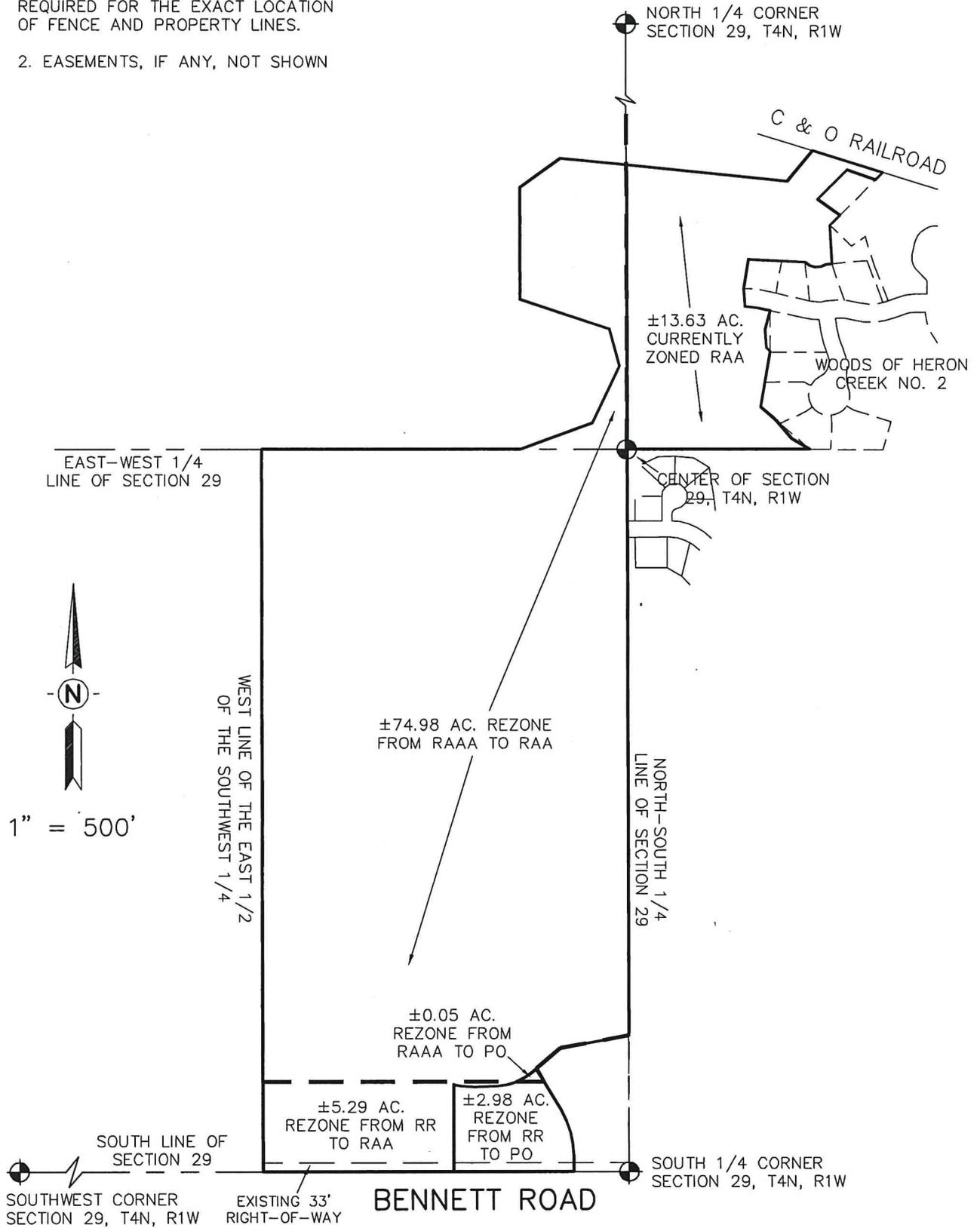
There is ±74.98 acres being rezoned from RAAA to RAA

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REZONING SKETCH PLAN

NOTES:

1. A CERTIFIED BOUNDARY SURVEY IS REQUIRED FOR THE EXACT LOCATION OF FENCE AND PROPERTY LINES.
2. EASEMENTS, IF ANY, NOT SHOWN



REZONING SKETCH PLAN

LEGAL DESCRIPTION OF PORTION OF PUD AREA ZONED RR & RAAA TO BE REZONED TO RAA: A parcel of land in the Southwest 1/4 and the Northwest 1/4 of Section 29, T4N, R1W, Meridian Township, Ingham County, Michigan, the boundary of said area described as: Commencing at the South 1/4 corner of said Section 29; thence West along the South line of said Section 29 a distance of 635.00 feet to the point of beginning of this description; thence West continuing along said South line 688.18 feet to the West line of the East 1/2 of said Southwest 1/4; thence N00°13'20"W along said West line 2640.04 feet to the East-West 1/4 line of said Section 29; thence S89°57'52"E along said East-West 1/4 line 934.24 feet; thence N69°45'18"E, 280.00 feet; thence N24°45'18"E, 230.00 feet; thence N15°14'42"W, 140.00 feet; thence N71°33'39"W, 340.00 feet; thence N00°14'42"W, 408.03 feet; thence N53°44'46"E, 182.00 feet; thence S84°10'47"E, 238.74 feet to the North-South 1/4 line of said Section 29; thence S00°14'42"E along said North-South 1/4 line 1040.06 feet to the Center of said Section 29; thence S00°16'21"E along the North-South 1/4 line of Section 29 a distance of 2139.16 feet; thence S79°14'28"W 250.38 feet; thence S49°08'47"W 135.18 feet; thence Southwesterly 136.11 feet on a curve to the right, said curve having a radius of 205.00 feet, a delta angle of 38°02'32" and a chord length of 133.63 feet bearing S68°10'03"W; thence S87°11'19"W 84.57 feet; thence Northwesterly 50.30 feet on a curve to the right, said curve having a radius of 215.00 feet, a delta angle of 13°24'19" and a chord length of 50.19 feet bearing N86°06'32"W; thence N79°24'22"W 26.26 feet; thence South perpendicular to said South line 319.29 feet to the point of beginning; said area containing 80.27 acres more or less, including 0.52 acre, more or less, presently in use as public right of way; said area subject to all easements and restrictions if any.

LEGAL DESCRIPTION OF PORTION OF PUD AREA ZONED RR & RAAA TO BE REZONED TO PO: A parcel of land in the Southwest 1/4 of Section 29, T4N, R1W, Meridian Township, Ingham County, Michigan, the boundary of said area described as: Commencing at the South 1/4 corner of said Section 29; thence West along the South line of said Section 29 a distance of 200.00 feet to the point of beginning of this description; thence West continuing along said South line 435.00 feet; thence North perpendicular to said South line 319.29 feet; thence S79°24'22"E 26.26 feet; thence Southeasterly 50.30 feet on a curve to the left, said curve having a radius of 215.00 feet, a delta angle of 13°24'19" and a chord length of 50.19 feet bearing S86°06'32"E; thence N87°11'19"E 84.57 feet; thence Northeasterly 136.11 feet on a curve to the left, said curve having a radius of 205.00 feet, a delta angle of 38°02'32" and a chord length of 133.63 feet bearing N68°10'03"E; thence N49°08'47"E 21.18 feet; thence S30°18'55"E 175.77 feet; thence Southeasterly 174.36 feet on a curve to the right, said curve having a radius of 332.88 feet, a delta angle of 30°00'41" and a chord length of 172.37 feet bearing S15°18'55"E; thence S00°18'55"E 60.77 feet to the point of beginning; said area containing 3.03 acres more or less, including 0.33 acre, more or less, presently in use as public right of way; said area subject to all easements and restrictions if any.

LEGAL DESCRIPTION OF CURRENTLY ZONED RAA PARCEL: A parcel of land in the Northeast 1/4 of Section 29, T4N, R1W, Meridian Township, Ingham County, Michigan, the boundary of said parcel described as: Commencing at the South 1/4 corner of said Section 29; thence N00°16'21"W along the North-South 1/4 line of said Section 29 a distance of 2639.23 feet to the Center of said Section 29 and the point of beginning of this description; thence N00°14'42"W continuing along said North-South 1/4 line 1040.06 feet; thence S84°10'47"E, 580.73 feet; thence N39°45'18"E, 144.77 feet to the Southerly Right Of Way Line of the C & O Railroad; thence S72°36'25"E along said Southerly Right Of Way line a distance of 267.75 feet to the Northwest corner of Woods of Heron Creek No. 2, a subdivision recorded in Liber 46 of Plats, Pages 20 and 21, Ingham County Records; thence S44°53'40"W along the Northwesterly line of Woods of Heron Creek No. 2 a distance of 38.18 feet; thence N70°21'59"W, 110.57 feet; thence S44°53'40"W, 150.63 feet; thence S54°21'23"E, 101.32 feet returning to the Northwesterly boundary of said Woods Of Heron Creek; thence Westerly, Southerly and Easterly along the boundary of Woods Of Heron Creek No. 2 the following nine courses: S44°53'40"W, 51.92 feet; S02°55'04"E, 140.99 feet; S82°45'34"W, 20.09 feet; 84.27 feet along a non-tangent curve to the right, said curve having a radius of 60.00 feet, a central angle of 80°28'06" and a chord of 77.51 feet bearing N83°46'17"W; N86°48'56"W 205.00 feet; S08°42'47"W, 110.00 feet; S04°37'07"E, 66.00 feet; Easterly 45.20 feet along a non-tangent curve to the right, said curve having a radius of 142.00 feet, a central angle of 18°14'17" and a chord of 45.01 feet bearing S84°35'37"E; S77°16'53"E, 46.33 feet; thence S14°22'57"W, 72.99 feet; S04°16'29"E, 65.37 feet; thence S44°48'56"E, 18.42 returning to the Westerly boundary of said Woods of Heron Creek No 2; thence Southerly and Easterly along the boundary of said Woods Of Heron Creek No. 2 the following two courses; S09°22'51"W, 205.76 feet; S49°05'42"E, 70.53 feet; thence S40°21'34"E, 91.01 feet; thence S59°13'48"E, 78.55 feet to the Southwest corner of said Woods of Heron Creek No. 2; thence N89°59'03"W along the East-West 1/4 line of said Section 29 a distance of 659.76 feet to the point of beginning; said parcel containing 13.63 acres more or less; said parcel subject to all easements and restrictions if any.

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Conditions for Rezoning
Silverleaf (Bennett Road)

1. 93 acres of RAA zoning is to be a PUD. Three acres are to be zoned P.O.
2. Maximum of 150 single family detached homes.
3. No vehicular connection to Champion Woods or Woods of Heron Creek for perpetuity. An emergency only access will connect Silverleaf to Sophiea Parkway in Champion Woods. This will be a 20' asphalt pathway with bollards to prevent normal vehicular traffic
4. A 75' minimum distance between homes in Champion Woods and homes in Silverleaf.
5. The northern approximately 20 acres to be dedicated as open space to Meridian Township.
6. A 3-acre site will be zoned P.O. No apartments will be built in the P.O. zoned site. This will be on Bennett Road the south east corner of the property abutting the Schultz Veterinary Clinic.
7. The storm drainage will be designed to avoid impact on Champion Woods and Woods of Heron Creek. Mayberry Homes will cooperate with the resolution of the existing drainage issues with Champion Woods and Woods of Heron Creek.



Robert K. Schroeder
President
Mayberry Homes, LLC

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OCT 11 2019



Updated

TRAFFIC ASSESSMENT

For the

Proposed Rezoning of

96.74 Acres on Bennett Road

Meridian Charter Township, Ingham County, MI

September 2019

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

This rezoning request is for a parcel of land located on the north side of Bennett Road between Hulett Road and Hagadorn Road in Meridian Charter Township, Ingham County, Michigan. The purpose of this study is to determine the difference between the potential traffic that could be generated by the existing zoning to the potential traffic that could be generated by the proposed future zoning on the same parcel.

The entire parcel consists of approximately 96.74 acres, with 75.55 acres currently zoned One-Family Low-Density Residential (RAAA), approximately 12.91 acres currently zoned One-Family/Low-Density Residential (RAA), approximately 8.28 acres is currently zoned One-Family Rural Residential (RR)

The rezoning request for the parcel is 93.74 acres of One-Family Low/Density Residential (RAA) zoning, with a maximum of 150 single family units, and 3 acres of Professional and Office (PO) zoning.

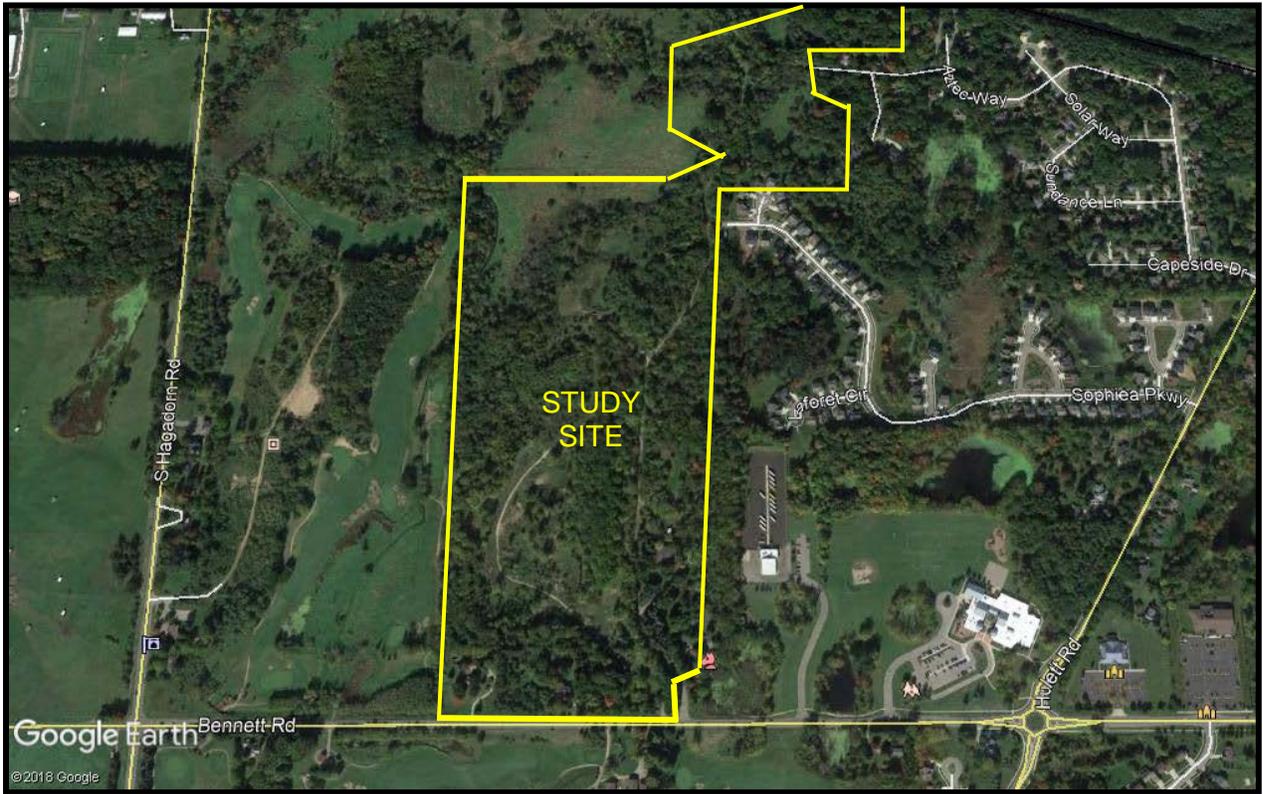
For comparison purposes, the trip generation for the existing zoning was based on the most appropriate trip generator that Meridian Township will allow under the One-Family Low-Density Residential (RAAA) zoning, One-Family/Low-Density Residential (RAA) and One-Family Rural Residential (RR). The trip generation for the future zoning was determined by the most appropriate trip generator use allowed by Meridian Township under the proposed One-Family Low/Density Residential (RAA) zoning and Professional and Office (PO).

The traffic analysis consists of the following items:

- Comparison of the proposed trips generated by the existing residential zoning to the proposed residential zoning.
- 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.





Aerial Photo



EXISTING CONDITIONS

Bennett Road is an east-west roadway at the proposed site. The roadway is paved with four (4) foot paved shoulders on each side and there are no sidewalks at the proposed parcel. Bennett Road is under the jurisdiction of the Ingham County Road Department (ICRD) with a posted speed limit of 45 MPH.

LAND USE

Surrounding land uses consist of residential to the south, Bennett Woods Elementary School to the immediate east, the College Fields golf course to the immediate west and the College Fields golf course with residential homes to the south.

TRAFFIC GENERATION

Trip generation rates were derived from the ITE TRIP GENERATION MANUAL (10th edition). To determine the land use that would generate the maximum number of vehicle trips under each zoning category, the Meridian Charter Township zoning guidelines were utilized to determine the density of each residential zoning district.

The ITE trip generation rates for Single-Family Detached Housing, Land Use Code 210, were selected as representing both the existing zoning and the proposed zoning for the residential uses. 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.

For the professional office area, the ITE trip generation rates for Medical-Dental Office Building, Land Use Code 720, were selected as representing the proposed zoning for the professional and office uses. The ITE description of Medical-Dental Office Building is as follows:

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

The 75.55 acres currently zoned One-Family Low-Density Residential (RAAA) has a minimum lot size of 20,000 square feet; therefore, the maximum number of dwelling units under this zoning that could be built are 165 units.

The 12.91 acres currently zoned One-Family/Low-Density Residential (RAA) has a minimum lot size of 13,500 square feet and the maximum number of dwelling units under this zoning that could be built are 42 units.



The 8.28 acres currently zoned One-Family Rural Residential (RR) has a minimum lot size of 40,000 square feet. The maximum number of dwelling units under this zoning that could be built are 9 units.

The maximum total number of residential units that could be built on the 96.74 acres under the existing zoning is 216 units.

The proposed new zoning for 93.74 acres is One-Family Low/Density Residential (RAA) which has a minimum lot size of 13,500 square feet; however, only 150 single family units are being proposed for the site. In addition, 3 acres are proposed to be zoned Professional and Office (PO). Meridian Charter Township uses a one-third (1/3) multiplier to determine the maximum buildable size under the PO zoning. For this site, a total of 43,560 square feet of office space was utilized to determine the maximum buildable.

The comparison of trip generation between the existing zoning and the proposed zoning utilizing the minimum lot size is summarized in **Table 1**. There is projected to be an increase during the AM peak hour of 60 vehicle trips, an increase during the PM peak hour of 87 vehicle trips, and a weekday total increase of 984 vehicle trips.



Table 1
Comparison Between
Existing and Proposed Zoning

Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	
Existing Zoning (RAAA, RAA & RR)	216 units	40	118	158	134	79	213	2,112
Proposed Zoning (RAA & PO)	150 Units; 43,560 sq ft	111	107	218	137	163	300	3,096
Difference		+71	-11	+60	+3	+84	+87	+984



FINDINGS

The total trips generated by rezoning of the 96.74 acres of One-Family Low-Density Residential (RAAA) zoning, One-Family/Low-Density Residential (RAA) and One-Family Rural Residential (RR) to One-Family/Low-Density Residential (RAA) and Professional and Office (PO) zoning is expected to increase the total vehicle trips for this property.

SIGHT DISTANCE

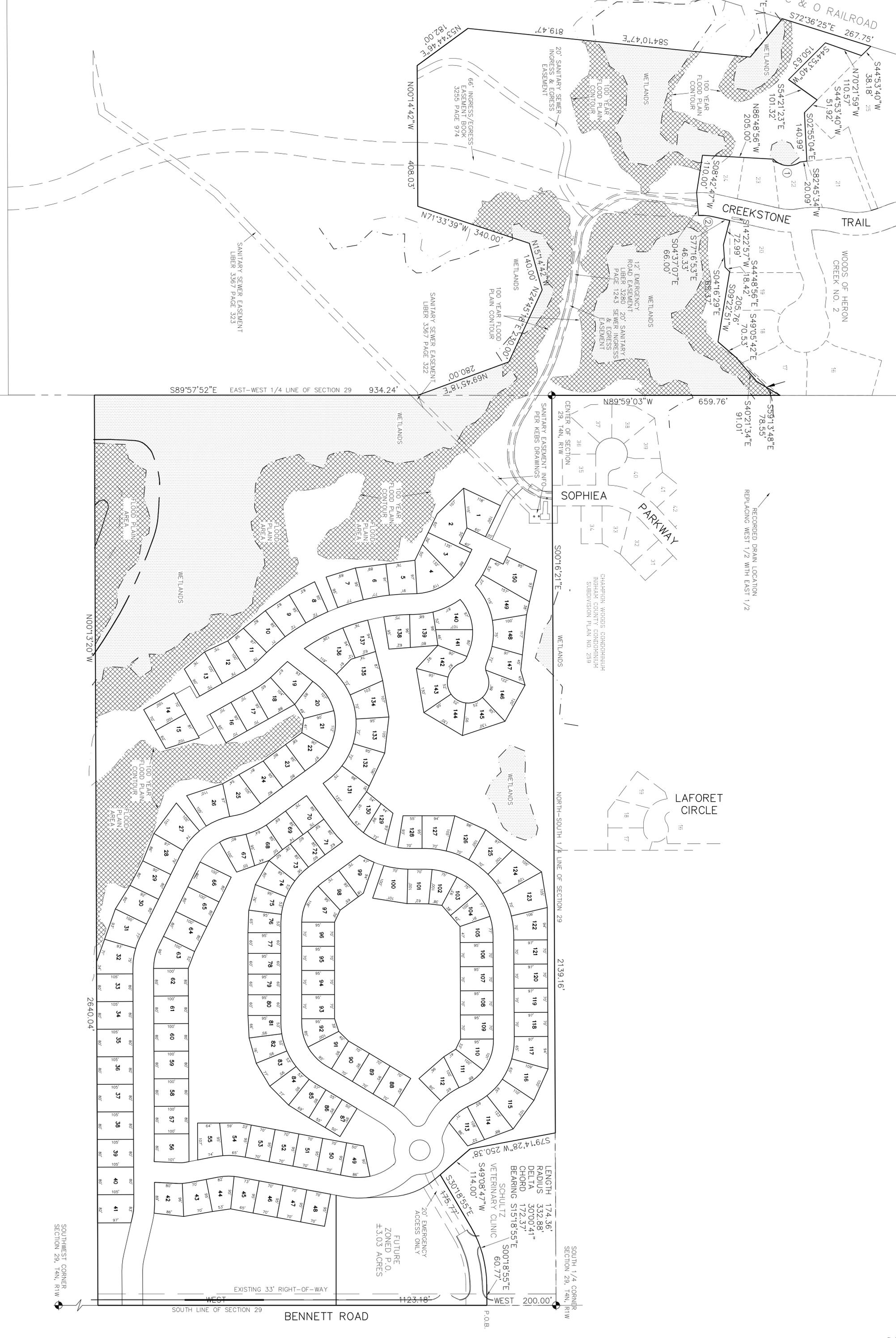
A field review of the location for the proposed new roadway for the development on Bennett Road revealed that there could be an issue with sight distance for eastbound traffic on Bennett Road. It is recommended that the site engineer provide a centerline profile of Bennett Road which shows the existing intersection sight distance, and the safe sight distance, and compare these with the Ingham County Road Department sight distance table in their “Rules, Standards and Procedures for Driveways, Banners and Parades Upon or Over Ingham County Road Commission Right of Way.”

CONCLUSIONS

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

- The traffic volumes generated by the proposed rezoning of 93.74 acres to One-Family/Low-Density Residential (RAA) and 3 acres to Professional and Office (PO) compared to the trips generated by the existing 96.74 acres, which consist of 75.55 acres of One-Family Low-Density Residential (RAAA); 12.91 acres of One-Family/Low-Density Residential (RAA); and 8.28 acres of One-Family Rural Residential (RR), are expected to increase the total vehicle trips for this property.
- The intersection sight distance for the proposed new roadway intersection on Bennett Road should be checked and verified by the site engineer. The sight distance should comply with the Ingham County Road Department sight distance standards for intersections.





C & O RAILROAD

CREEKSTONE TRAIL

SOPHIA PARKWAY

LAFORET CIRCLE

BENNETT ROAD

89°57'52"E EAST-WEST 1/4 LINE OF SECTION 29 934.24'

CENTER OF SECTION 29, T4N, R1W

NORTH-SOUTH 1/4 LINE OF SECTION 29

2139.16'

NOO1°3'20" W

2640.04'

SOUTHWEST CORNER SECTION 29, T4N, R1W

SOUTH LINE OF SECTION 29

EXISTING 33' RIGHT-OF-WAY

FUTURE ZONED P.O. ±3.03 ACRES

20' EMERGENCY ACCESS ONLY

P.O.B.

SOUTH 1/4 CORNER SECTION 29, T4N, R1W

RECORDED DRAIN LOCATION REPLACING WEST 1/2 WITH EAST 1/2

CHARLETON WOODS CONDOMINIUM NEHAMAH COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 2559

SCHULTZ VETERINARY CLINIC
S001°18'55"E 60.77'
S49°08'47"W 114.00'
S001°18'35"E 175.77'

LENGTH 174.36'
RADIUS 332.88'
DELTA 30°00'41"
CHORD 172.37'
BEARING S15°18'55"E

S001°18'55"E 60.77'

S001°18'35"E 175.77'

S49°08'47"W 114.00'

Part II

REASONS FOR REZONING REQUEST

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

A. Reasons why the present zoning is unreasonable:

- 1) There is an error in the boundaries of the Zoning Map, specifically: _____

- 2) The conditions of the surrounding area have changed in the following respects: _____

- 3) The current zoning is inconsistent with the Township's Master Plan, explain: _____

- 4) The Township did not follow the procedures that are required by Michigan laws, when adopting the Zoning Ordinance, specifically: _____

- 5) The Township did not have a reasonable basis to support the current zoning classification at the time it was adopted; and the zoning has exempted the following legitimate uses from the area: _____

- 6) The current zoning restrictions on the use of the property do not further the health safety or general welfare of the public, explain: _____

B. Reasons why the requested zoning is appropriate:

- 1) Requested rezoning is consistent with the Township's Master Plan, explain: _____

- 2) Requested rezoning is compatible with other existing and proposed uses surrounding the site, specifically: _____

- 3) Requested rezoning would not result in significant adverse impacts on the natural environment, explain: _____

- 4) Requested rezoning would not result in significant adverse impacts on traffic circulation, water and sewer systems, education, recreation or other public services, explain: _____

- 5) Requested rezoning addresses a proven community need, specifically: _____

- 6) Requested rezoning results in logical and orderly development in the Township, explain: _____

- 7) Requested rezoning will result in better use of Township land, resources and properties and therefore more efficient expenditure of Township funds for public improvements and services, explain: _____



To: Planning Commission

From: Peter Menser, Principal Planner

Justin Quagliata, Assistant Planner

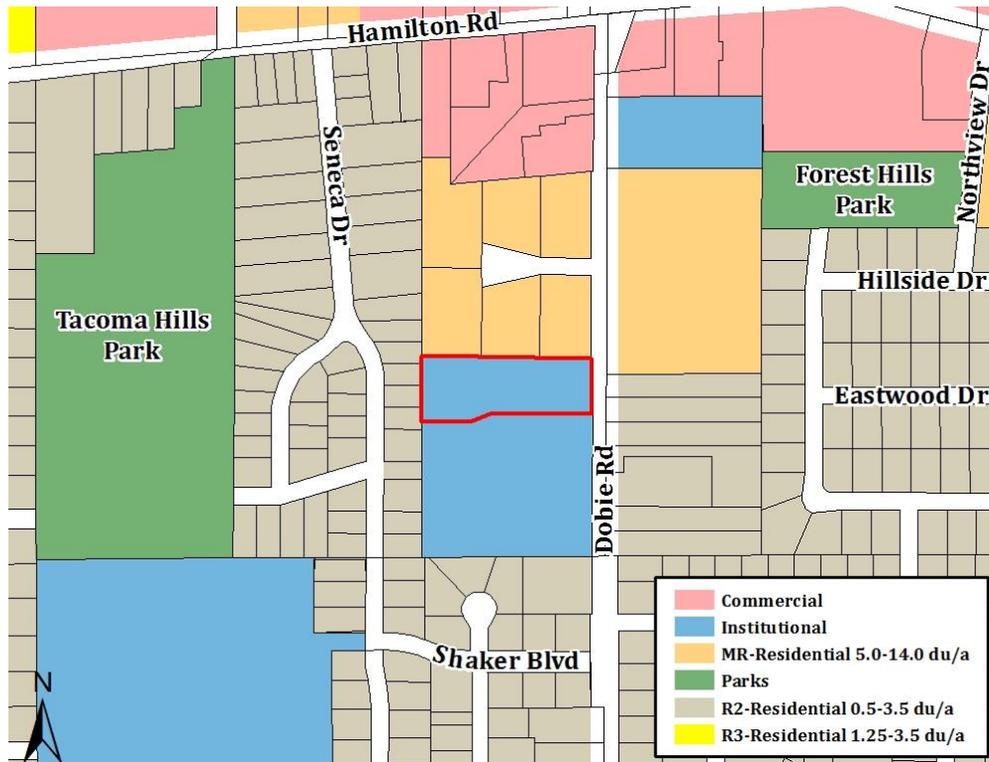
Date: October 11, 2019

Re: Rezoning #19070 (Fedewa Holdings), rezone approximately 2.99 acres located at 4515 Dobie Road from RAA (Single Family-Low Density) to RC (Multiple Family).

Fedewa Holdings has requested the rezoning of approximately 2.99 acres located at 4515 Dobie Road from RAA (Single Family-Low Density) to RC (Multiple Family, maximum 14 dwelling units per acre). The site is located on the north end of a 9.78 acre parcel on the west side of Dobie Road, south of Chief Okemos Circle. The remainder of the property, approximately 6.79 acres, would remain in the RAA zoning district.

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

2017 FUTURE LAND USE MAP



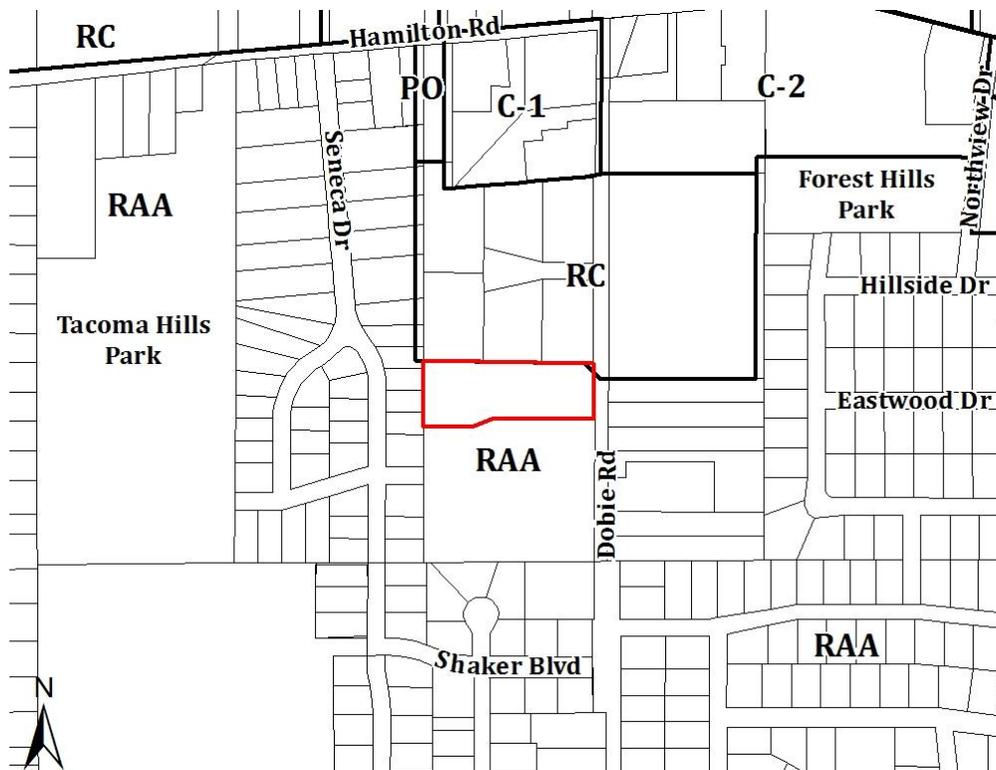
Zoning

The property is currently zoned RAA (Single Family-Low Density), which requires a minimum of 90 feet of lot width and 13,500 square feet of lot area. The requested RC zoning district requires a minimum of 100 feet of lot width, 11,000 square feet of lot area for duplexes, and no minimum lot area for multiple family. A land division would be required to separate the portion of the property proposed for rezoning.

With 200 feet of lot width on Dobie Road and 2.99 acres (130,244.4 square feet) of lot area the site meets the minimum standards for both lot area and lot width of the existing RAA and the proposed RC zoning districts. The following table illustrates the minimum lot width and lot area requirements for the existing RAA and proposed RC zoning districts:

ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM LOT WIDTH
RAA	13,500 sq. ft.	90 ft.
RC	11,000 sq. ft. for two families, no minimum for multiple family	100 ft.

ZONING MAP



Physical Features

Faith Lutheran Church and a parsonage house occupies the southern portion of the parcel. Elevations of the property proposed for rezoning range from 873 feet above mean sea level near the northwest corner of the site and rise to 885 feet above mean sea level near the east property line. The Township Wetland Map and the Flood Insurance Rate Map indicate neither wetlands nor floodplain are present on or near the site. The site has no special designation on the Township Greenspace Plan.

Streets & Traffic

The site fronts on Dobie Road, which is a two-lane road without curb and gutter classified as a Collector Street on the Street Setbacks and Service Drives Map in the zoning ordinance. A seven foot wide pedestrian pathway is located along the Dobie Road property frontage. The most recent (2018) traffic count information from the Michigan Department of Transportation (MDOT) for Dobie Road, south of Grand River Avenue, showed a total of 10,212 vehicles in a 24 period.

The applicant submitted a traffic assessment prepared by Traffic Engineering Associates, Inc. dated September 2019 which estimates future vehicle trips that could be generated by development of the property under the existing RAA and proposed RC zoning. The Institute of Transportation Engineers (ITE) trip generation rates for Single Family-Detached Housing (Land Use Code 210) were selected to represent development of the subject site under the existing RAA zoning with nine units based on the minimum lot size 13,500 square feet in the RAA zoning district and the size of the property. Multifamily Housing, Low-Rise (Land Use Code 220) trip generation rates were selected to represent development of the subject site under the proposed RC zoning with 40 units based on 14 dwelling units per acre being the maximum density allowed in the district. The following table summarizes findings from the submitted traffic assessment.

Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	
Existing Zoning (RAA)	9 Units	3	8	11	6	4	10	113
Proposed Zoning (RC)	40 units	5	15	20	16	10	26	262
Difference		+2	+7	+9	+10	+6	+16	+149

A traffic study is required for rezonings when the proposed district would permit uses that could generate more than 100 additional directional trips during the peak hour than the principal uses permitted under the current zoning. A peak hour of traffic is the hour of highest volume of traffic entering and exiting the site during the a.m. or p.m. hours. Based on the projected traffic volumes a traffic study was not required.

Rezoning #19070 (Fedewa Holdings)
Planning Commission (October 14, 2019)
Page 4

Section 86-654(c) of the Code of Ordinances lists nonresidential uses that may be permitted in residential zoning districts by special use permit. Institutions for human care, religious institutions, and educational and social institutions are nonresidential uses allowed by special use permit. Staff review of the ITE trip generation rates for allowed nonresidential uses shows a Clinic could likely be the highest traffic generator. Development of the subject property with a nonresidential use could occur under the existing RAA or proposed RC zoning.

Utilities

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

Staff Analysis

The applicant has requested the rezoning of approximately 2.99 acres of a 9.78 acre parcel from RAA to RC. When evaluating a rezoning request, the Planning Commission should consider all uses permitted by right and by special use permit in the current and proposed zoning districts, as well as the reasons for rezoning listed on page two of the rezoning application (attached).

Development of the subject property under the current RAA zoning is limited to one single family house. With the RAA zoning district requirement of 90 feet of lot width the subject property, with 200 feet of lot width, could be subdivided to create one additional parcel. The traffic assessment submitted by the applicant estimated development of the property under the existing zoning could yield nine lots based on the minimum lot size requirement of the RAA district. Based on the Land Division Ordinance and State Land Division Act a division of a parent tract less than 10 acres in size can result in a maximum of four parcels. Approval from the Township and the Ingham County Road Department would be required to construct a public road to serve additional parcels.

The RC zoning district permits a maximum of 14 dwelling units per acre. With 2.99 acres of land area the maximum number of units allowed on the site if rezoned is 41 units. The applicant submitted a site plan with a conceptual layout of multiple family development on the site. The applicant did not volunteer conditions on the rezoning related to the concept plan. Two, six-unit townhouse buildings are shown at the west end of the site and two quadplex buildings (eight units) are shown along the south side of an access drive for a total of 20 dwelling units. A special use permit would be required from the Planning Commission to construct the 20-unit development. If the group of buildings exceeded 25,000 square feet in gross floor area a special use permit would also be required from the Township Board.

The concept plan shows the buildings south of the access drive with a 25 foot setback from the south property line, which would be the RAA zoning district boundary if the rezoning is approved. The ordinance requires buildings in the RC zoning district to be setback 50 feet from single family zoning districts, therefore a 50 foot setback would be required from the south property line. The parking area shown on the concept plan is located seven feet from the west property line. The parking ordinance requires a 20 foot setback from a residential district for a parking area with a capacity of less than 50 vehicles.

There are several provisions of the RC zoning district that may impact future development of the site:

- The RC zoning district requires a 50 foot setback from an adjacent single family residential zoning district boundary for multiple family buildings containing three or more units. The property, if rezoned, would border the RAA (Single Family-Low Density) district to the west and the south.
- The 85 front yard setback from the centerline of Dobie Road. The concept plan shows the eastern quadplex building setback 25 feet from the east property line.
- All buildings including accessory buildings cannot occupy more than 35% of the net area of land on the property.
- A minimum of 35% of the total land area exclusive of drives and parking areas must be set aside as open space.
- Distance between buildings: in no case can any building be located closer than 25 feet to any other building. The following setbacks also apply to separation of buildings.
 - Abutting widest dimension buildings: 50 feet for one-story buildings. The setback increases by five feet for every story added to either building.
 - Abutting narrowest dimension buildings: 25 feet for one-story or two-story buildings. The setback increases by five feet for every story added to either building over two stories.
 - Abutting narrowest dimension building to widest dimension building: 30 feet if one or both of such buildings are one-story in height. The setback increases by five feet for every additional story added to either or both buildings

Planning Commission Options

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

Rezoning #19070 (Fedewa Holdings)
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Attachments

1. Rezoning application dated September 6, 2019 and received by the Township on September 6, 2019.
2. Traffic assessment prepared by Traffic Engineering Associates, Inc., dated September 2019 and received by the Township on September 6, 2019.
3. Property survey received by the Township on September 30, 2019.
4. Site concept plan prepared by G.S. Fedewa Builders received by the Township on September 6, 2019.
5. Site renderings prepared by G.S. Fedewa Builders received by the Township on September 6, 2019.
6. Rezoning criteria.

G:\Community Planning & Development\Planning\REZONINGS (REZ)\2019\REZ 19070 (Fedewa Holdings)\REZ 19070.pc1.doc

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

RECEIVED
SEP 06 2019

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 Fedewa Holdings
Address of applicant 5570 Okemos Rd. East Lansing, MI 48823
Telephone: Work (517)339-0020 Home _____
Fax (517)339-4022 Email fedewagr@gmail.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 _____
Address _____
Telephone: Work _____ Home _____
Fax _____ Email _____

C. Site address/location 4515 Dobie Rd. Okemos MI. 48864
Legal description (Attach additional sheets if necessary) Attached
Parcel number 33-02-02-22-454-001 Site acreage 2.9

D. Current zoning RAA Requested zoning RC

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: _____

2) The conditions of the surrounding area have changed in the following respects: _____

There are several multi family developments immedietly to the North of the property on Chief Okemos Circle. Also, Arrow Tree apartments is accross the street.

3) The current zoning is inconsistent with the Township's Master Plan, explain:
The property is designated as Institutional on the Township's future land use map.

4) The Township did not follow the procedures that are required by Michigan laws, when adopting the Zoning Ordinance, specifically: _____

5) The Township did not have a reasonable basis to support the current zoning classification at the time it was adopted; and the zoning has exempted the following legitimate uses from the area:

6) The current zoning restrictions on the use of the property do not further the health safety or general welfare of the public, explain: _____

B. Reasons why the requested zoning is appropriate:

1) Requested rezoning is consistent with the Township's Master Plan, explain:

2) Requested rezoning is compatible with other existing and proposed uses surrounding the site, specifically: There are several multi family developments immedietly to the North of the property on Chief Okemos Circle.
Also, Arrow Tree apartments is accross the street.

3) Requested rezoning would not result in significant adverse impacts on the natural environment, explain: _____

4) Requested rezoning would not result in significant adverse impacts on traffic circulation, water and sewer systems, education, recreation or other public services, explain: Requested rezoning would not have a significant impact on public services.

5) Requested rezoning addresses a proven community need, specifically: _____
Provides a community need for diverse living options most notably single story Ranch homes for rent.

6) Requested rezoning results in logical and orderly development in the Township, explain: Grouping multi family properties together is logical and orderly development within the township.

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 be an economic benefit to the township.

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 of Applicant

9/6/2019

Date

Gerald Fedewa

Type/Print Name

Fee: \$700.00

Received by/Date: Notarized 9-6-19

Faith Lutheran Church

A Congregation of the Evangelical Lutheran Church in America
4515 Dobie Road, Okemos, MI 48864

September 18, 2019

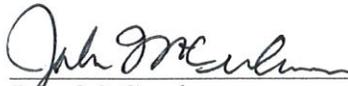
Meridian Township
5151 Marsh Rd.
Okemos, MI 48864

RE: Lot Split from parcel #33-02-02-22-454-001

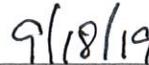
Dear Meridian Township:

Faith Lutheran Church has entered into a contract to sell the northern portion of our property located at 4515 Dobie Road to G.S. Fedewa Builders. This contract requires township approval of a "lot-split" application and the Sellers approval of such application. As the Sellers, Faith Lutheran Church approves this application for the lot-split and rezoning of that parcel placed by GS Fedewa Builders.

Sincerely,



John McCracken
Past President, Faith Lutheran Church



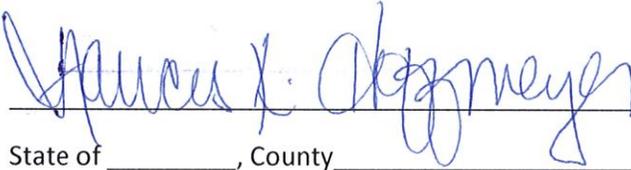
Date

Notary

State of MICHIGAN

County of INGHAM

The foregoing instrument was acknowledged before me, Frances K. Hoffmeyer (Print Name of Notary Public), this SEPTEMBER 18, 2019 by John McCracken



State of _____, County _____

My Commission Expires: _____

Acting in the County of: _____

FRANCES K. HOFFMEYER
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF INGHAM
My Commission Expires December 28, 2023
Acting in the County of Ingham



RECEIVED
SEP 06 2019

TRAFFIC ASSESSMENT

For the

Proposed Rezoning of

2.9 Acre Parcel on Dobie Road

Meridian Charter Township, Ingham County, MI

September 2019

Prepared by:

**Traffic Engineering
Associates, Inc.**

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

Table of Contents

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Project Description	1
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PROJECT DESCRIPTION

This rezoning request is for an approximate 2.9 acre parcel of land located on the west side of Dobie Road, and is the north 200 feet of 4515 Dobie Road in Meridian Charter Township, Ingham County, Michigan. The purpose of this study is to determine the difference between the potential traffic that could be generated by the existing zoning to the potential traffic that could be generated by the proposed future zoning on the same parcel.

The parcel is currently zoned as RAA – Single-Family Low-Density with a minimum lot area of 13,500 square feet. The rezoning request for the property is RC – Multiple-Family with a maximum of 14 units per acre.

For comparison purposes, the trip generation for the existing zoning was based on the most appropriate trip generator that Meridian Township will allow under the One-Family/Low-Density Residential (RAA). The trip generation for the future zoning was determined by the most appropriate trip generator use allowed by Meridian Township under the proposed Multiple-Family (RC) zoning.

As both zoning categories are residential, the difference in each zoning district is the density of residential units.

The traffic analysis consists of the following items:

- Comparison of the proposed trips generated by the existing residential zoning to the proposed residential zoning.
- 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.





Aerial Photo



EXISTING CONDITIONS

Dobie Road is a north-south two-lane paved road with sidewalks along both sides of the roadway. Dobie Road is under the jurisdiction of the Ingham County Road Department (ICRD) with a posted speed limit of 35 MPH.

LAND USE

Surrounding land uses consist of a mix of residential uses, with the Lutheran Church directly to the south. To the west, south and east, the zoning is RAA – Single-Family Low-Density. To the north, the zoning is RC – Multiple-Family.

TRAFFIC GENERATION

Trip generation rates were derived from the ITE TRIP GENERATION MANUAL (10th edition). The Meridian Charter Township zoning guidelines were utilized to determine the density of each residential zoning district based on the minimum lot size. In addition, a comparison was conducted utilizing the Meridian Township multipliers, which considers minimum lot sizes and a right-of-way reduction factor to account for roadways.

The ITE trip generation rates for Single-Family Detached Housing, Land Use Code 210, were selected as representing the existing zoning. 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.

The ITE trip generation rates for Multifamily Housing (Low-Rise), Land Use Code 220, were selected as representing the proposed zoning. The ITE description of Multifamily Housing (Low-Rise) is as follows:

Low-rise multifamily housing includes apartments, townhouses, and condominiums located within the same building with at least three other dwelling units and that have one or two levels (floors).

Calculation by Minimum Lot Size

The 2.9 acres currently zoned One-Family/Low-Density Residential (RAA) has a minimum lot size of 13,500 square feet and the maximum number of dwelling units under this zoning that could be built are 9 units.



The proposed new zoning for the entire 2.9 acres is Multiple-Family (RC) which has a maximum buildable capacity of 14 units per acre. The maximum number of dwelling units under this zoning that could be built are 40 units.

The comparison of trip generation between the existing zoning and the proposed zoning utilizing the minimum lot size is summarized in **Table 1**. There is projected to be an increase during the AM peak hour of 9 vehicle trips, an increase during the PM peak hour of 16 vehicle trips, and a weekday total increase of 149 vehicle trips.

Calculation by Meridian Township Multiplier

The Meridian Charter Township planning department provided TEA with the multipliers they utilize to determine the maximum buildable number of units. A multiplier considers minimum lot sizes, as well as accounting for the reduction in buildable acreage due to the road right-of-way in the development.

The 2.9 acres currently zoned One-Family/Low-Density Residential (RAA) has a multiplier of 2.64 units/acre. The maximum number of dwelling units using the township multiplier that could be built are 7 units.

The proposed new zoning for the entire 2.9 acres is Multiple-Family (RC) which has a maximum buildable capacity of 14 units per acre is the same for the township multiplier. The maximum number of dwelling units under this zoning that could be built are 40 units.

The comparison of trip generation between the existing zoning and the proposed zoning utilizing the township multipliers is summarized in **Table 2**. There is projected to be an increase during the AM peak hour of 10 vehicle trips, an increase during the PM peak hour of 18 vehicle trips, and a weekday total increase of 172 vehicle trips.



Table 1
Comparison Between
Existing and Proposed Zoning
Based on Minimum Lot Size

Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	
Existing Zoning (RAA)	9 Units	3	8	11	6	4	10	113
Proposed Zoning (RC)	40 Units	5	15	20	16	10	26	262
Difference		+2	+7	+9	+10	+6	+16	+149

Table 2
Comparison Between
Existing and Proposed Zoning
Based on Township Multipliers

Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	
Existing Zoning (RAA)	7 Units	3	7	10	5	3	8	90
Proposed Zoning (RC)	40 Units	5	15	20	16	10	26	262
Difference		+2	+8	+10	+11	+7	+18	+172



FINDINGS

The trips generated by rezoning from the existing One-Family/Low-Density Residential (RAA) to the proposed Multiple-Family (RC) zoning for the 2.9 acres is expected to increase the vehicle trips for this property.

SIGHT DISTANCE

A field review of the location for the proposed new development on Dobie Road revealed that there are not expected to be any issues with sight distance for northbound or southbound Dobie Road. Once a site plan is available with marked driveway locations, the site design engineer should verify there is adequate sight distance.

CONCLUSIONS

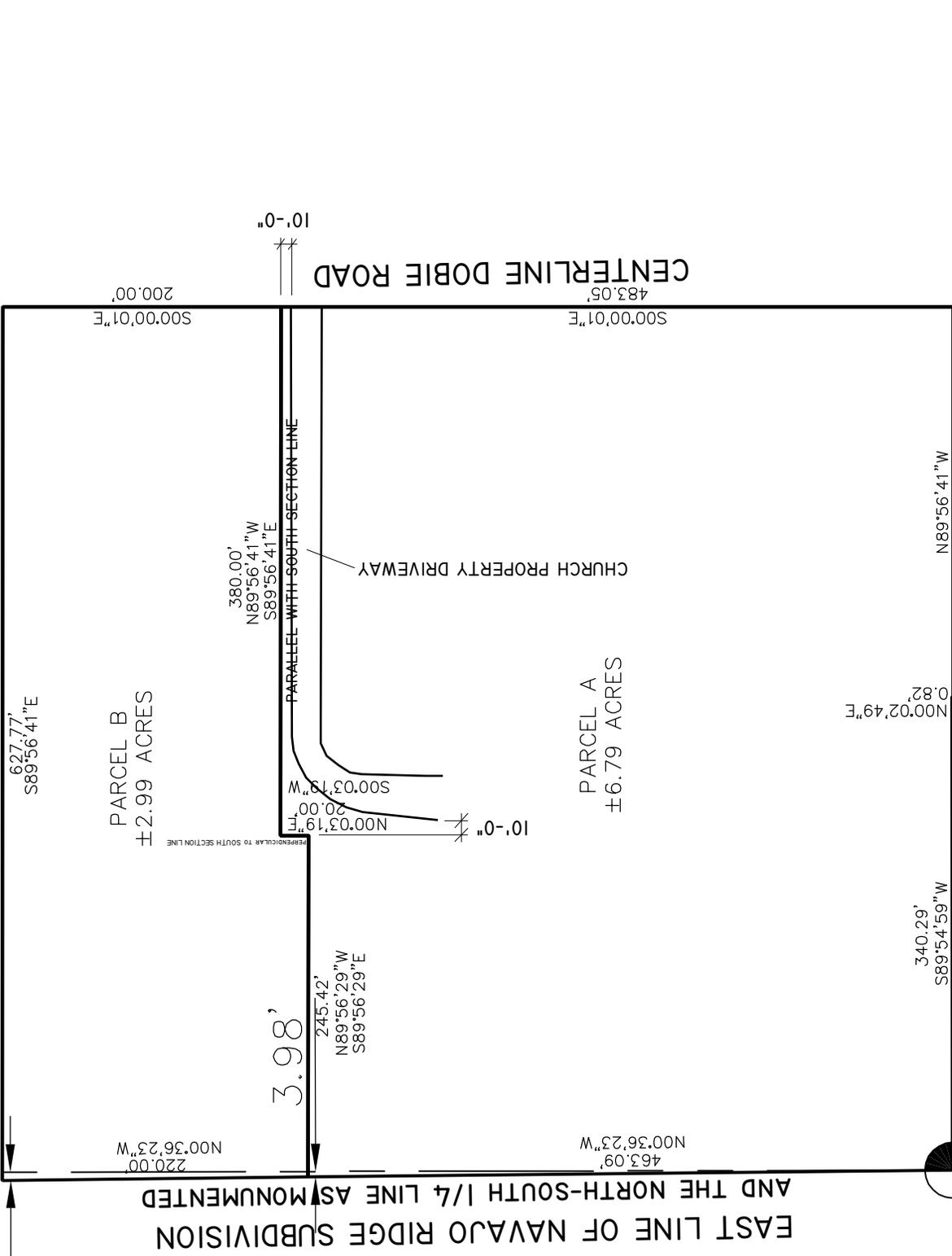
A summary of the findings of this study are listed as follows:

- The traffic volumes generated by the proposed rezoning of 2.9 acres to Multiple-Family (RC) compared to the trips that could be generated by the existing 2.9 acres currently zoned as One-Family/Low-Density Residential (RAA), are expected to increase the vehicle trips for this property.
- The intersection sight distance for the proposed development on Dobie Road is not anticipated to be an issue.



SOUTH LINE OF PLAT OF CHIEF OKEMOS &
PARALLEL WITH SOUTH SECTION LINE

5.87'



PARCEL B
±2.99 ACRES

PARCEL A
±6.79 ACRES

3.98'

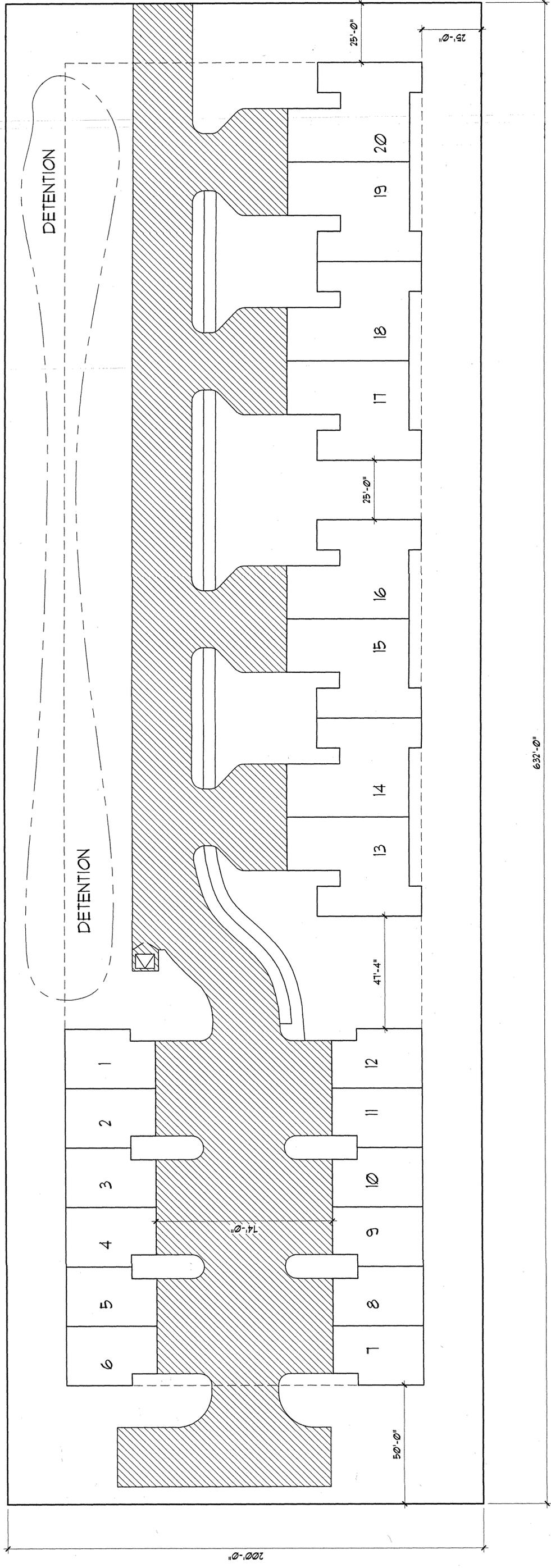
10'-0"

CENTERLINE DOBIE ROAD

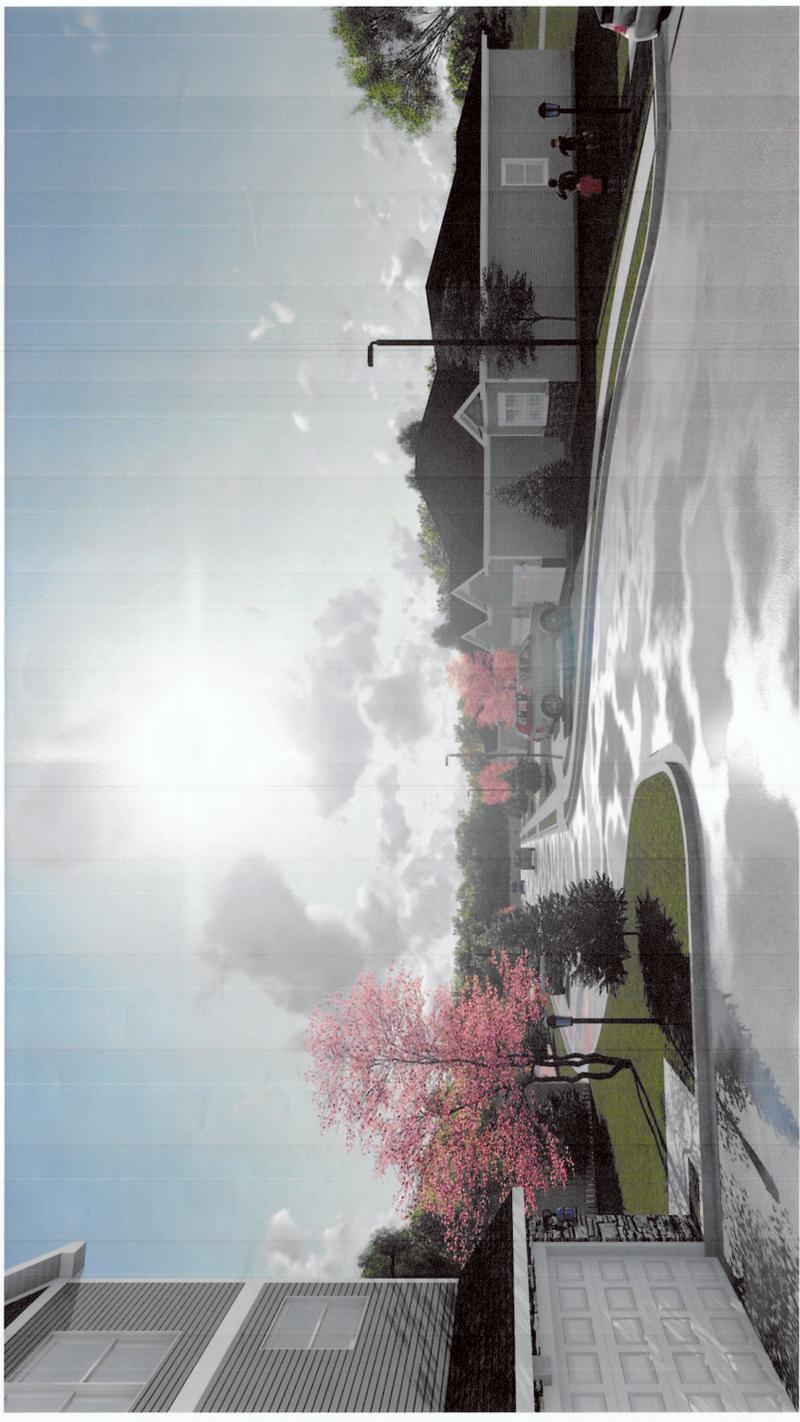
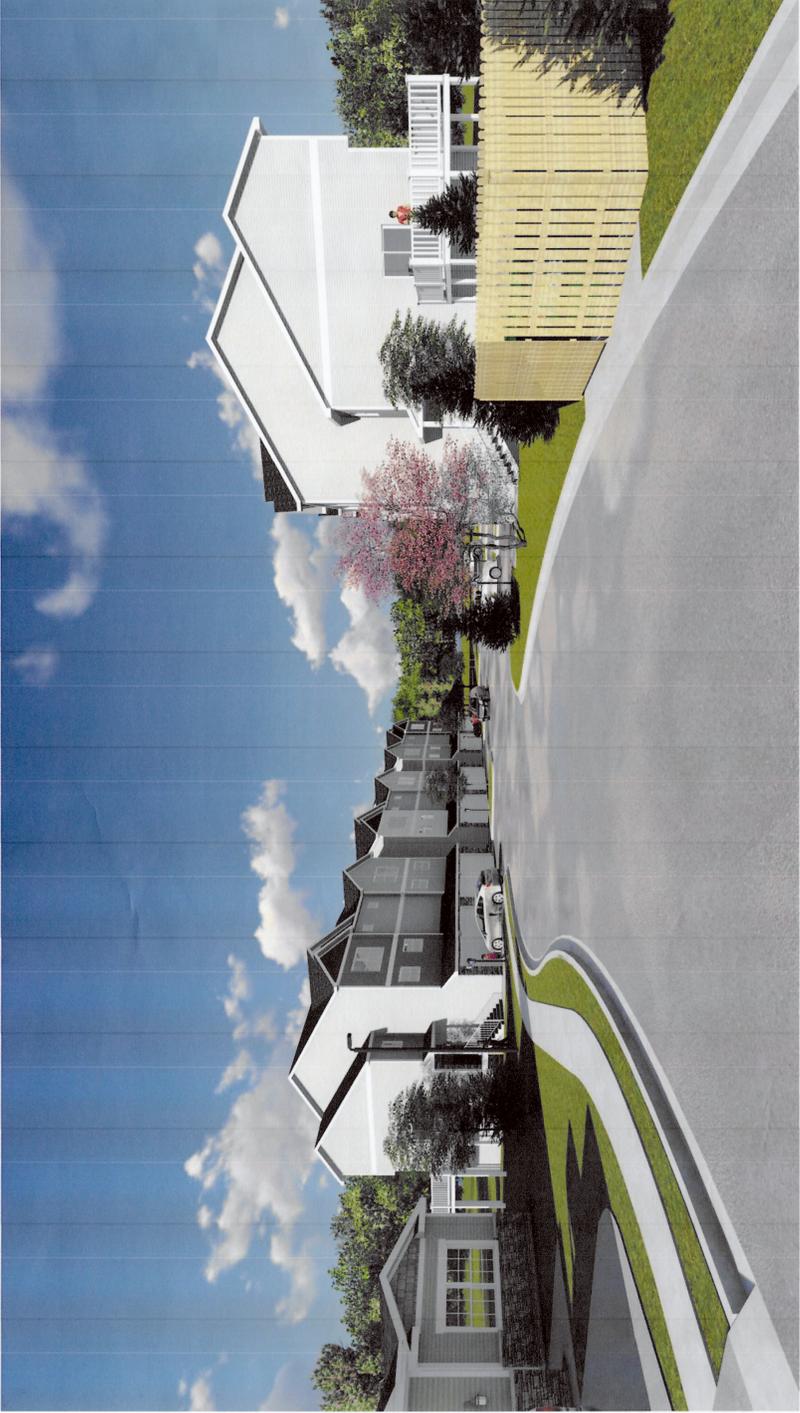
CHURCH PROPERTY DRIVEWAY

SOUTH SECTION LINE

NORTH LINE OF SHAKER
HEIGHTS AND SAID LINE
EXTENDED EASTERLY 20.00'



SITE CONCEPT PLAN
 1" = 20'-0"
 NORTH



Proposed Development

Dobie Road

Okemos

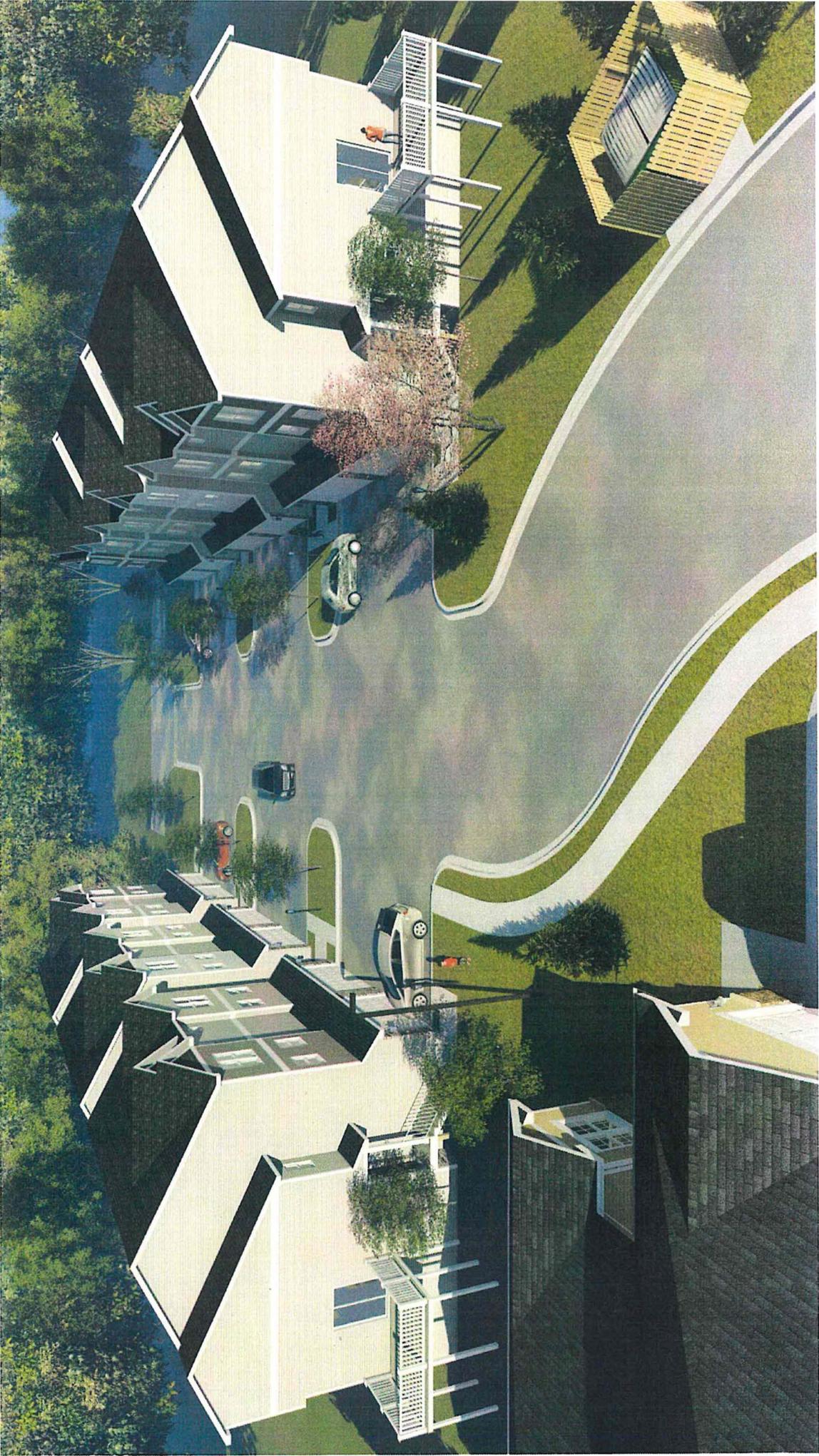












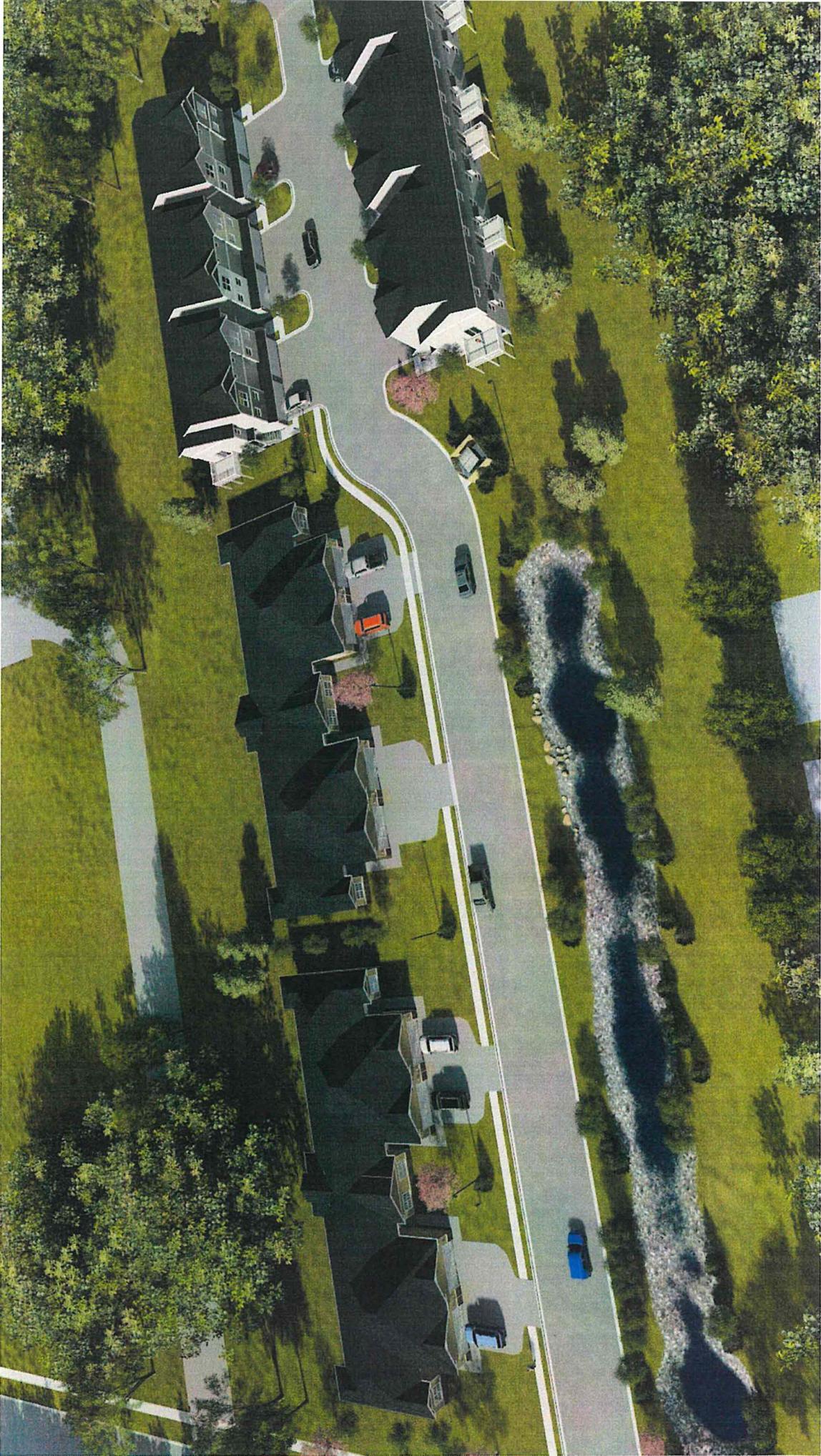


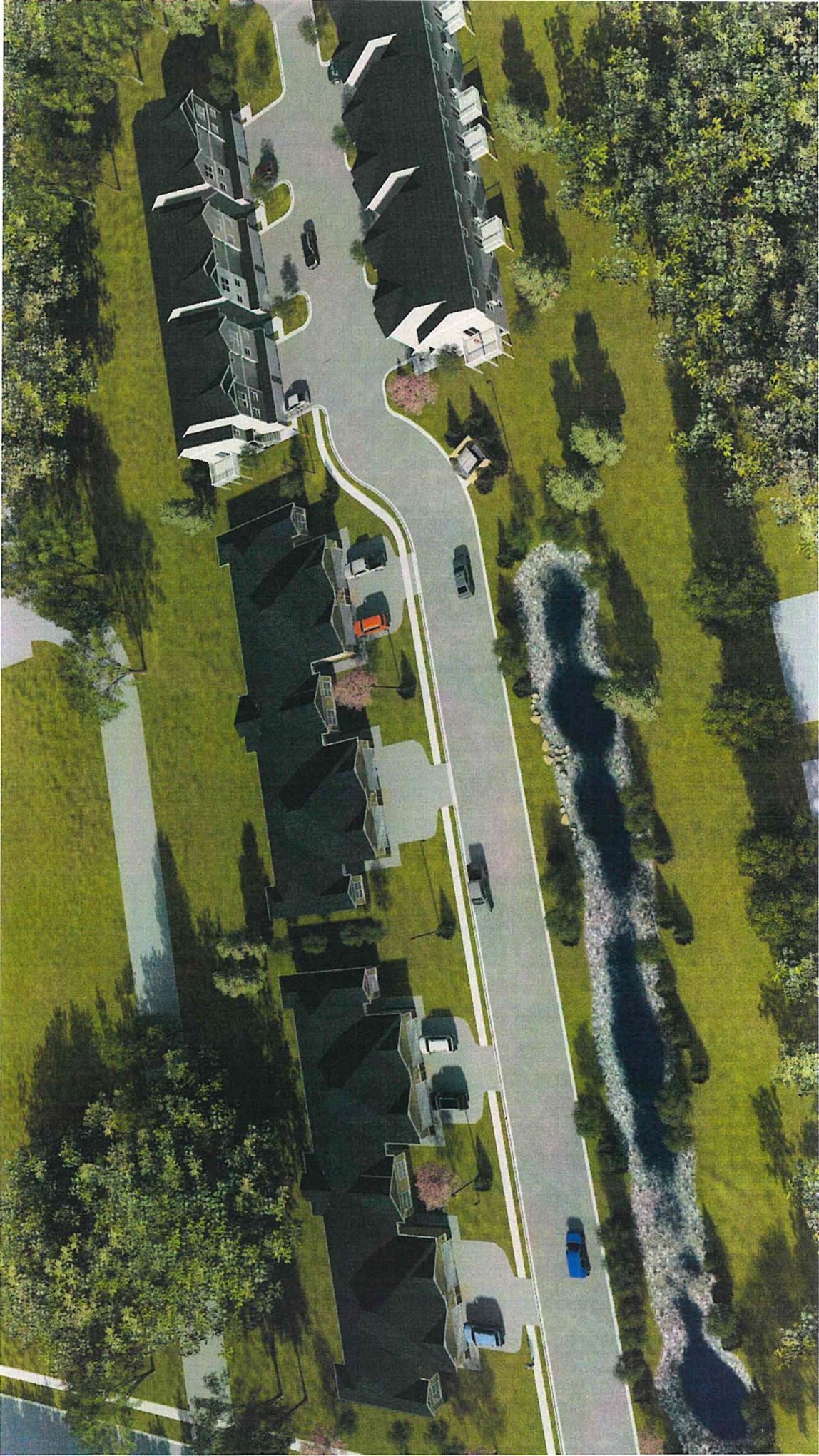












Part II

REASONS FOR REZONING REQUEST

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

A. Reasons why the present zoning is unreasonable:

- 1) There is an error in the boundaries of the Zoning Map, specifically: _____

- 2) The conditions of the surrounding area have changed in the following respects: _____

- 3) The current zoning is inconsistent with the Township's Master Plan, explain: _____

- 4) The Township did not follow the procedures that are required by Michigan laws, when adopting the Zoning Ordinance, specifically: _____

- 5) The Township did not have a reasonable basis to support the current zoning classification at the time it was adopted; and the zoning has exempted the following legitimate uses from the area: _____

- 6) The current zoning restrictions on the use of the property do not further the health safety or general welfare of the public, explain: _____

B. Reasons why the requested zoning is appropriate:

- 1) Requested rezoning is consistent with the Township's Master Plan, explain: _____

- 2) Requested rezoning is compatible with other existing and proposed uses surrounding the site, specifically: _____

- 3) Requested rezoning would not result in significant adverse impacts on the natural environment, explain: _____

- 4) Requested rezoning would not result in significant adverse impacts on traffic circulation, water and sewer systems, education, recreation or other public services, explain: _____

- 5) Requested rezoning addresses a proven community need, specifically: _____

- 6) Requested rezoning results in logical and orderly development in the Township, explain: _____

- 7) Requested rezoning will result in better use of Township land, resources and properties and therefore more efficient expenditure of Township funds for public improvements and services, explain: _____



To: Planning Commission

From: Peter Menser, Principal Planner

Justin Quagliata, Assistant Planner

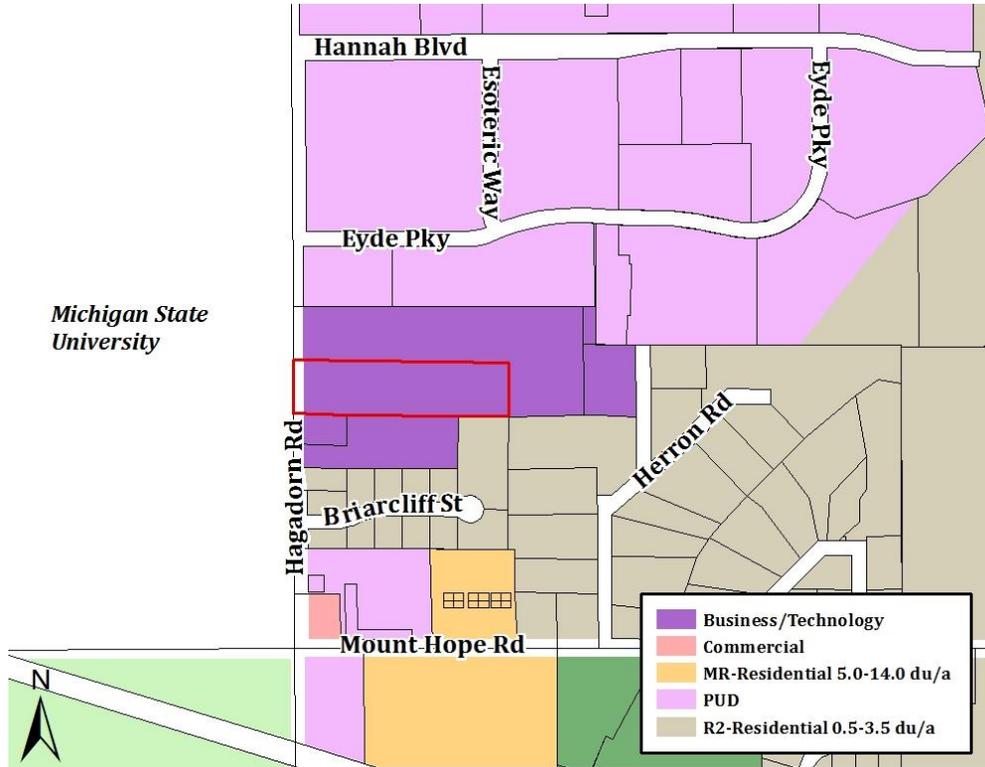
Date: October 11, 2019

Re: Rezoning #19080 (Minerva Realty Capital, LLC), rezone approximately 4.999 acres located at 4606 Hagadorn Road from RR (Rural Residential) to PO (Professional and Office) with conditions.

Minerva Realty Capital, LLC has requested the rezoning of approximately 4.999 acres located at 4606 Hagadorn Road from RR (Rural Residential) to PO (Professional and Office). The site is located on the east side of Hagadorn Road, south of Eyde Parkway. The applicant has offered to condition the rezoning on approval of a mixed use planned unit development (MUPUD) and purchase of the property within 12 months. If the applicant does not purchase the property within 12 months of approval of the rezoning or if a MUPUD is not approved the zoning would remain RR. The applicant did not offer a time limit on the approval of a MUPUD. The Planning Commission may recommend to the Township Board the establishment of a time period during which the conditions would apply to the property. Except for the one extension request allowed by the ordinance, if the conditions are not satisfied within the time specified the property would revert to its former RR zoning.

The Future Land Use Map from the 2017 Master Plan designates the subject property in the Business/Technology category.

2017 FUTURE LAND USE MAP



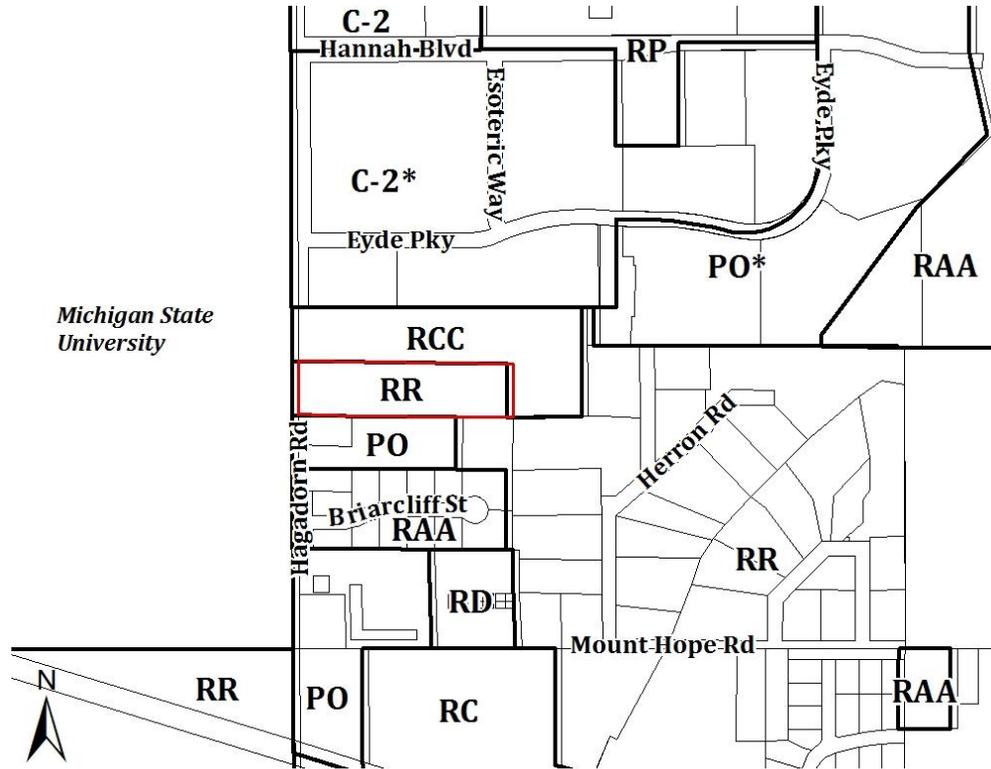
Zoning

The property is currently zoned RR (Rural Residential), which requires a minimum of 200 feet of lot width and 40,000 square feet of lot area. The requested PO zoning district requires a minimum of 50 feet of lot width and 5,000 square feet of lot area.

With 232.40 feet of lot width on Hagadorn Road and 4.999 acres (217,756.44 square feet) of lot area the site meets the minimum standards for both lot area and lot width of the existing RR and the proposed PO zoning districts. The following table illustrates the minimum lot width and lot area requirements for the existing RR and proposed PO zoning districts:

ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM LOT WIDTH
RR	40,000 sq. ft.	200 ft.
PO	5,000 sq. ft.	50 ft.

ZONING MAP



Physical Features

University Baptist Church (11,428 square feet) and a parsonage house occupies the subject site. The site is generally level, with elevations ranging from 859 feet above mean sea level near Hagadorn Road and gradually rising to 862 feet above mean sea level near the east property line. The Township Wetland Map and the Flood Insurance Rate Map indicate neither wetlands nor floodplain are present on or near the site. The site has no special designation on the Township Greenspace Plan.

Streets & Traffic

The site fronts on Hagadorn Road, which is a four-lane divided road with curb and gutter classified as a Minor Arterial on the Street Setbacks and Service Drives Map in the zoning ordinance. A seven foot wide pedestrian pathway is located along the Hagadorn Road property frontage. The most recent (2018) traffic count information from the Michigan Department of Transportation (MDOT) for Hagadorn Road, between Hannah Boulevard and Eyde Parkway, showed a total of 9,127 northbound vehicle trips and 13,431 southbound vehicle trips in a 24 hour period.

Rezoning #19080 (Minerva Realty Capital, LLC)
Planning Commission (October 14, 2019)
Page 4

The applicant submitted a rezoning traffic study prepared by Giffels Webster dated October 1, 2019 that estimates vehicle trips generated by the existing church and future vehicle trips that could be generated by redevelopment of the property under the proposed PO zoning. The Institute of Transportation Engineers (ITE) trip generation rates for Church (Land Use Code 560) were selected to represent the existing church. Apartments (Land Use Code 221) and General Office Building (Land Use Code 710) trip generation rates were selected to represent redevelopment of the subject site under the proposed PO zoning with 102 apartment units and a 5,000 square foot general office building. The following table summarizes findings from the submitted traffic study.

Land Use	ITE Use No.	Size	Week-day Trips	AM Peak-Hour Trips			PM Peak-Hour Trips		
				In	Out	Total	In	Out	Total
Existing Land Use									
Church	560	11,000 SF	76	2	2	4	2	3	5
Proposed Land Use									
Apartments	221	102 DU	555	9	26	35	27	18	45
General Office Building	710	5,000 SF	58	27	4	31	1	6	7
Total Trips by Proposed Land-Use			613	36	30	66	28	24	52
Total Trips Increased by Proposed Land-Use			537	34	28	62	26	21	47

A traffic study is required for rezonings when the proposed district would permit uses that could generate more than 100 additional directional trips during the peak hour than the principal uses permitted under the current zoning, or for rezonings of land with 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. A peak hour of traffic is the hour of highest volume of traffic entering and exiting the site during the a.m. or p.m. hours. The rezoning traffic study concluded the total number of vehicle trips generated by the proposed land uses under the proposed PO zoning district would not generate more than 100 additional directional trips during peak hours of traffic than the existing church under the existing RR zoning district.

Utilities

Municipal water and sanitary sewer serve the subject site. The location and capacity of utilities for any proposed development will be reviewed in detail by the Department of Public Works and Engineering at the time of a development submittal.

Staff Analysis

The applicant has requested the rezoning of approximately 4.999 acres from RR to PO. When evaluating a rezoning request, the Planning Commission should consider all uses permitted by right and by special use permit in the current and proposed zoning districts, as well as the reasons for rezoning listed on page two of the rezoning application (attached).

The applicant has offered to condition the rezoning on approval of a mixed use planned unit development (MUPUD) and purchase of the property within 12 months. If the applicant does not purchase the property within 12 months of approval of the rezoning or if a MUPUD is not approved the zoning would remain RR. The applicant did not offer a time limit on the approval of a MUPUD. The Planning Commission may recommend to the Township Board the establishment of a time period during which the conditions would apply to the property. Except for the one extension request allowed by the ordinance, if the conditions are not satisfied within the time specified the property would revert to its former RR zoning.

A MUPUD is permitted in the PO zoning district where public water and sewer are available, provided that when adjacent to land zoned and developed in a single family residential zoning district, the height of buildings in the MUPUD are no taller than the abutting residential district would allow. An adjacent property to the south of the subject site occupied by a single family house is zoned RR and RAA (Single Family-Low Density). The maximum building height in the RR and RAA zoning districts is 2.5 stories, not exceeding 35 feet.

MUPUDs developed in conjunction with the redevelopment of an existing building(s) are permitted residential density up to 14 dwelling units per acre. The density may be increased to 18 dwelling units per acre by offering four or more unique and extraordinary amenities acceptable to the Township. With 4.999 acres of land area the maximum number of units allowed on the site for a MUPUD with four or more amenities is 89 units.

The applicant has indicated an adjacent property to the south would be included in a MUPUD request. The property, addressed as 4578 Hagadorn Road, is approximately 0.72 acre in size and currently zoned PO. An approximately 5,000 square foot office building constructed in 1988 occupies the property.

The MUPUD ordinance limits commercial uses in any PO zoned MUPUD. In addition to the uses permitted in the underlying PO zoning district, only the following neighborhood-oriented commercial uses are allowed:

- Personal service establishments which perform services on the premises
- Restaurants and cafes, excluding bars and taverns
- Grocery stores
- Financial institutions
- Retail merchandise establishments
- Outdoor seating areas for cafes and restaurants

Planning Commission Options

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

Rezoning #19080 (Minerva Realty Capital, LLC)
Planning Commission (October 14, 2019)
Page 6

Attachments

1. Rezoning application dated September 17, 2019 and received by the Township on September 17, 2019.
2. Rezoning traffic study prepared by Giffels Webster dated October 1, 2019 and received by the Township on October 1, 2019.
3. Wetland determination report dated July 5, 2019 and received by the Township on September 17, 2019.
4. Letter of authorization from Michigan Baptist Convention dated September 17, 2019 and received by the Township on September 17, 2019.
5. Rezoning criteria.

G:\Community Planning & Development\Planning\REZONINGS (REZ)\2019\REZ 19080 (Minerva Realty Capital, LLC)\REZ 19080.pc1.doc

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 **Minerva Realty Capital, LLC**

Address of applicant **5717 Westchester Meadow Dr, Weldon Spring, MO 63304**

Telephone: Work **314.210.2110** Home _____

Fax _____ Email rcaplin@minervare.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. **[See Attached]**

B. Applicant's Representative, Architect, Engineer or Planner responsible for request:

Name / Contact Person **Russell Caplin, managing director, Minerva Realty Capital, LLC**

Address **5717 Westchester Meadow Dr, Weldon Spring, MO 63304**

Telephone: Work **314.210.2110** Home _____

Fax _____ Email rcaplin@minervare.com

C. Site address/location **4606 Hagadorn Rd, Meridian Township, MI 48823**

Legal description (Attach additional sheets if necessary) **Attached**

Parcel number **33-02-02-20-351-002** Site acreage **4.999 acres**

D. Current zoning RR **Requested zoning PO [Conditioned on approval of MUPUD, and purchase within twelve months of zoning.]**

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. Page 2 Part II

REASONS FOR REZONING REQUEST

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

A. Reasons why the present zoning is unreasonable:

1) There is an error in the boundaries of the Zoning Map, specifically: _____

2) The conditions of the surrounding area have changed in the following respects: **The property immediately adjacent to the south, which is also being acquired, is zoned PO. Additional properties to the south on Hagadorn and at the corner of Hagadorn and Mount Hope are all zoned PO and RP with small office and mixed use developments. The property to the north, zoned RCC is a multifamily community catering primarily to students. Properties immediately to the north of the RCC property are all C-2, PO and RP with office and mixed use developments.**

3) The current zoning is inconsistent with the Township's Master Plan, explain: **Future Land Use designates this parcel, along with properties to the north and south along Hagadorn, as zoned for commercial uses. An RR zoning is inconsistent with these Future Land Use goals.**

4) The Township did not follow the procedures that are required by Michigan laws, when adopting the Zoning Ordinance, specifically: _____

5) The Township did not have a reasonable basis to support the current zoning classification at the time it was adopted; and the zoning has exempted the following legitimate uses from the area:

6) The current zoning restrictions on the use of the property do not further the health safety or general welfare of the public, explain: _____

B. Reasons why the requested zoning is appropriate:

1) Requested rezoning is consistent with the Township's Master Plan, explain: **Master plan calls for Business/Technology and planned for ongoing non-retail commercial uses. PO and future mixed use serve this goal.**

2) Requested rezoning is compatible with other existing and proposed uses surrounding the site, specifically: **PO to the south developed as small office and multifamily to the north are consistent with desired PO and future MUPUD application. The corridor along the east side of Hagadorn Rd running south from Grand Trunk Western Rail Road consists of office, commercial, mixed use and multi family developments. A PO designation would be extremely compatible with all existing and proposed uses surrounding the site.**

3) Requested rezoning would not result in significant adverse impacts on the natural environment, explain: **Parcel has been determined to not be a wetland [see attached] and PO zoning and MUPUD call for green spaces as well as stormwater management to modern standards.**

4) Requested rezoning would not result in significant adverse impacts on traffic circulation, water and sewer systems, education, recreation or other public services, explain: **Traffic generated will be less than 50 cars at peak traffic times [see attached letter] with a detailed study as part of MUPUD approval. Water and sewer systems will be upgraded as necessary to accommodate the development project. No impact on schools, recreation or other public services as future use will add commercial opportunity as well as housing with direct access to community bus route and pedestrian to commercial nodes to the north/south and the University.**

5) Requested rezoning addresses a proven community need, specifically: **Small office occupancy is currently very well leased, leaving further opportunity in the submarket. There is an opportunity for additional new LEED sustainable commercial buildings and the redevelopment of existing commercial space to support the community. It is a very high occupancy market and there is a need for quality-built developments that provide safe, convenient, and sustainable options.**

6) Requested rezoning results in logical and orderly development in the Township, explain: **The site is currently underdeveloped as an out-of-service house of worship. PO zoning will promote the use of public transportation (on bus route, walkable to area community retail and amenities, etc.), will promote sustainable energy and environmental practices through responsible LEED building practices and be a development that is a sustainable land use.**

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 property, upon acquisition and development, will be returned to the tax rolls, creating revenue for roads, schools, police, fire, libraries, and other government services far in excess of its current use as an out-of-service, tax-exempt structure. Further, PO uses will bring incremental consumers into the area and connect to the community via bus route and being walkable to other area commercial, office, parks and the University. Adaptive reuse of existing building for commercial space will provide**

places for the community to have meetings, engage in entrepreneurship, and enjoy relaxing and recreational opportunities.

Part III Page 3 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

Russell L Caplin, Jr. 9-17-19

Signature of Applicant

Date

Russell L. Caplin, Jr

Managing Director

Minerva Realty Capital, LLC

Type/Print Name

Fee: _____ Received by/Date: _____

MEMORANDUM



TO: Matt Durbin

CC: Russell Caplin, Michael Darga, Scott Clein

FROM: William Stimpson, Mohamed Aguib

SUBJECT: Minerva Development Rezoning Traffic Study

DATE: October 1, 2019

Introduction

This memorandum documents a rezoning traffic study (RTS) performed for a proposed redevelopment of a 5-acre parcel (4606 Hagadorn Road) located on the east side of S. Hagadorn Road between Hannah Boulevard and Mt. Hope Road. The subject parcel is currently zoned RR (Rural Residential) which is intended to be rezoned conditionally to PO (Professional and Office) through this rezoning traffic study.

According to the Meridian Township Rezoning Application, two conditions require a rezoning traffic study; 1) 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, and 2) when the rezoning parcel has 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.

Existing Land Use & Traffic Characteristics

The subject parcel is currently occupied by a church (University Baptist Church), which is non-operational, and a single-family house with site access provided on S. Hagadorn Road through a driveway. The site location and adjacent land-use are shown on **Figure 1**.

South Hagadorn Road between Hannah Boulevard and Mt Hope Road is classified as a minor arterial consisting of four-travel lanes with a divided median and a speed limit of 45 mph. Daily traffic volumes along S. Hagadorn Road were obtained from the Michigan Department of Transportation Transportation Data Management System (TDMS). The study segment has an interpolated Annual Average Daily Traffic volume (AADT 2018) of 22,557 vehicles-per-day.

Zoning Ordinance & Master Plan

The existing zoning of the subject parcel is RR District (Rural Residential) which is defined in the Meridian Township ordinance as "A one-family residential district implies a predominant occurrence of dwelling structures located on individual lots of land and housing only one family of household group. There exists, however, a range of preference relative to the character and size of individual residential properties prompts creation of at least three one-family residential districts." The uses permitted by right under the

RR Districts, as per the township’s ordinance, include single-family dwellings, home occupations, recreational uses, golf courses, public educational institutions, and others.

The proposed zoning of the subject parcel is PO District (Professional and Office) which is defined in the Meridian Township ordinance as “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.” The uses permitted by right under PO Districts, as per the township’s ordinance, include professional offices, hospitals, medical clinics, religious institutions, research & development facility, and others.

According to the Meridian Township Master Plan (dated 2017), Future Land Use Map, the subject parcel is located in a business/technology area which “should serve the community’s need for research facilities, light industrial opportunities, or corporate campuses.” Several business/technology designated areas were identified in the Master Plan including Hagadorn Road near the Michigan State University campus. The business/technology areas also are planned for ongoing non-retail business uses which are not intended to directly provide goods and services to the community.

Figure 1 – Site Location and Adjacent Land-use



Trip Generation Comparison

Land uses from the *ITE Trip Generation Manual (10th Edition)* were identified to correspond with the uses permitted by right under the existing and proposed zoning, as per Meridian Township Zoning Ordinance. The land uses with potential application under existing and proposed zoning were compared.

The existing land use for the subject parcel was identified as a Church, which matches ITE LUC 560, and compared against the proposed land uses under PO zoning. Potential land uses under the proposed zoning include general office building (LUC 710) and apartment (LUC 221).

The published daily and peak hour trip generation rates and/or equations, along with inbound/outbound percentages from the Institute of Transportation Engineer’s *Trip Generation Manual (10th Edition)* were used to calculate the number of daily and peak hour trips for the land uses under existing and proposed zoning. **Table 1** shows a summary of the trip generation comparison.

Table 1 – Trip Generation Comparison

Land Use	ITE Use No.	Size	Week-day Trips	AM Peak-Hour Trips			PM Peak-Hour Trips		
				In	Out	Total	In	Out	Total
Existing Land Use									
Church	560	11,000 SF	76	2	2	4	2	3	5
Proposed Land Use									
Apartments	221	102 DU	555	9	26	35	27	18	45
General Office Building	710	5,000 SF	58	27	4	31	1	6	7
Total Trips by Proposed Land-Use			613	36	30	66	28	24	52
Total Trips Increased/Reduced by Proposed Land-Use			537	34	28	62	26	21	47

The trip generation comparison indicates that the total number of trips generated by both land use under the proposed zoning district (PO) will not exceed 100 additional directional peak hour trips compared to the current land-use under the existing zoning district (RR).

Sight Distance Evaluation

According to the handbook titled “Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities” published by Michigan Department of Transportation, a rezoning traffic study requires a sight distance evaluation. The subject parcel has an existing driveway which will continue to be used as the site driveway and access point to Hagadorn Road. Since there is an existing driveway to the site which was used previously by parcel user, a sight distance evaluation may not be necessary. However, an evaluation of sight distance was performed using provided resources such as aerials and street images. As per AASHTO’s manual “A Policy on Geometric Design of Highways and Streets”, the minimum intersection sight distance for passenger car at a subdivision road and a two-lane primary road, 45 mph speed, is 430 feet. As per **Figures 2** and **3** shown below, there is an adequate sight distance at the site driveway for passenger cars to turn right on Hagadorn Road, in condition that a clear sight is maintained. The sight distance triangle with 430 feet leg is shown on **Figure 2**.

Figure 2 – Sight Distance Evaluation



Figure 3 – Street View from Site Driveway (looking South)



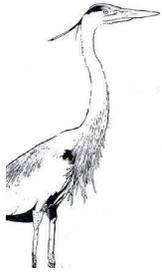
Conclusions

The rezoning study concluded that total number of trips generated by the proposed land uses under the proposed zoning district (PO) will not add more than 100 directional trips during the peak hour period than the current parcel use, church, under the existing zoning district (RR).

The Meridian Township Master Plan (adopted 2017) was reviewed as part of this study, and it was concluded that the proposed zoning will bring the subject parcel closer to the future land use plan in the area. The proposed zoning district (PO) will provide land uses such as office and research & development which will achieve the future land use plan goal of serving the community needs for research facilities and providing uses not intended to directly provide goods and services.

The location of the subject parcel provides multi-modal transportation modes such as transit and sidewalk facilities, which would help reduce the number of trips generated by the proposed land uses.

A sight distance evaluation was performed concluding that an adequate sight distance is provided at the existing site driveway.



MARX
WETLANDS
LLC

July 5, 2019

Erick Friestrom
Kebs, Inc.
2116 Haslett Road
Haslett, MI 48840

Re: **Wetland Determination Report: 4606 & 4576 South Hagadorn Road
Section 20, Meridian Township, Ingham County, Michigan**

Dear Mr. Friestrom:

Pursuant to your request, Marx Wetlands LLC (MW) conducted a wetland determination for an approximately 7.0-acre property for the above-referenced ("Site"), comprised of two (2) parcels (33-02-02-20-351-002 & 33-02-02-20-351-003). The Site is located on the east side of S. Hagadorn Road, approximately 0.20 miles north of its intersection with East Mt. Hope Road in Section 20 of Meridian Township (T4N, R1W), Ingham County, Michigan.

The intent of this determination is to provide a report of the character of any wetland areas within the subject parcel and an opinion as to the possible jurisdiction of the Michigan Department of Environment, Great Lakes, and Energy (EGLE), and/or local governances over wetland areas identified on-site. The wetland determination was performed in accordance with the Michigan Department of Environmental Quality Wetland Identification Manual (2001), the Northcentral-Northeast Manual to the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual. The delineation of any wetland depends on three basic parameters. These parameters are: 1) the presence of hydrophytic vegetation (plants adapted to living in saturated soils), 2) hydric soils (distinctive soil types that develop under saturated conditions), and 3) wetland hydrology (the presence of water at or near the surface for a specific period of time). The above parameters are virtually always inter-related and present in wetland systems. The wetland determination consisted of desktop review of available background documentation and mapping followed an on-site visit performed on July 1, 2019. A review of the findings is provided below.

Site Characteristics

Based on review of aerial photographs and the on-site visit, the Site is located at the existing University Baptist Church of East Lansing (northern parcel -002), a building for American Baptist Churches (southern parcel -003) for, and associated parking, lawn, and conventional landscaping. In addition, the Site contains undeveloped land, consisting of areas of upland open fields, tree lines, and upland scrub-shrub/forest. An existing house, shed, and associated yard was observed within the east-central portion of the northern parcel (-002). Upland scrub-shrub/forest areas were observed in the eastern portions of the Site. Tree rows line the Site's perimeters. The Site is approximately 0.20 miles west and approximately 0.60 south of Herron Creek and Red Cedar River, respectively.

3309 Platt Road
Ann Arbor, Michigan
Mobile: 734-478-8277
e-mail
bg.marxwetlands@gmail.com

4606 & 4576 S. Hagadorn Road
Meridian Township, Ingham County, Michigan
Page 2 of 4

Upland herbaceous species found in the open fields and lawn include orchard grass (*Dactylus glomerata*), wild strawberry (*Fragaria virginiana*), smooth brome (*Bromus inermis*), bluegrasses (*Poa pratensis* & *P. compressa*), dandelion (*Taraxacum officinale*), English plantain (*Plantago lanceolata*), Queen Anne's lace (*Daucus carota*), timothy (*Phleum pretense*), white clover (*Trifolium repens*), yellow sweet-clover (*Melilotus officinalis*), and goldenrods (*Solidago spp.*).

Landscaped shrubs and trees observed generally include honey-locust (*Gleditsia triacanthos*), red-cedar (*Thuja occidentalis*), yew (*Taxus canadensis*), bristly locust (*Robinia hispida*), beautybush (*Kolkwitzia amabilis*), Japanese snowball (*Viburnum plicatum*), Norway maple (*Acer platanoides*), Callery pear (*Prunus calleryana*), Austrian pine (*Pinus nigra*), blue spruce (*Picea pungens*), and Norway spruce (*Picea abies*).

The upland scrub-shrub/forest generally contains penn sedge (*Carex pennsylvanica*), white avens (*Geum canadense*), red elderberry (*Sambucus racemosa*), orchard grass, Virginia creeper (*Parthenocissus quinquefolia*), red oak (*Quercus rubra*), black cherry (*Prunus serotina*), black walnut (*Juglans nigra*), cottonwood (*Populus deltoides*), scattered with pines (*Pinus strobus* and *P. sylvestris*), American elm (*Ulmus americana*), white ash (*Fraxinus americana*), btrees. The tree rows contain crabapple/apple (*Malus spp.*), white mulberry (*Morus alba*), box-elder (*Acer negundo*), and Norway spruce. Common native and non-native understory species were observed within the tree rows and upland scrub-shrub forest, such as staghorn sumac (*Rhus typhina*), Eurasian honeysuckles (*Lonicera tatarica* & *L. maackii*), autumn-olive (*Eleagnus umbellata*), black raspberry (*Rubus occidentalis*), and blackberry (*Rubus allegheniensis*). Refer to the enclosed *Photographic Log*.

Wetland Determination

No on-site wetlands, watercourses, or ponds were identified within the Site. Refer to the enclosed *Site Map*. The Site contains a predominance of upland-rated (i.e., FACU-Facultative Upland; UPL-Upland) vegetation and no obvious signs of wetland hydrology were observed within the Site. Soil samples did not confirm the presence of hydric soil indicators. The majority of the soil samples revealed a clayey silt loam matrix with fine sand particles that ranges from an orange brown to dark brown homogenous color (i.e., 10YR 4/4 to 10YR 3/3). Therefore, it is the professional opinion of Marx Wetlands LLC that the Site does not contain wetlands.

Regulations & Recommendations

A recently passed law, PA 631 of 2018, which went into effect on March 28, 2019, amends Part 301, Inland Lakes and Streams, and Part 303, Wetlands Protection of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Overall, the amendments do not include major changes to the program; however, they do add more requirements for the EGLE to document

July 5, 2019

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Meridian Township, Ingham County, Michigan
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decisions and consider federally defined Waters of the United States (WOTUS) when determining jurisdiction.

Part 301, Inland Lakes and Streams, states that a feature is considered a regulated watercourse by the EGLE if it possesses a defined bed, bank, and evidence of continued flow or a continued occurrence of water. No streams, ponds or lakes were identified within the Site.

Part 303, Wetlands Protection, of the NREPA states that if a wetland is five acres in size or larger and/or connected to or located within 500 feet of a river, stream, lake, or pond, it is considered regulated by the EGLE. Marx Wetlands, LLC has the professional opinion that no wetlands are within the Site. Therefore, Marx Wetlands LLC has determined that there are no features within the Site that appear to meet the requirements of Part 303, Wetlands Protection, of the NREPA.

In addition, Meridian Township's *Chapter 22 Environment, Article IV Wetland Protection*, states that protected wetlands include all wetlands subject to the regulation by the EGLE as well as any wetlands two acres or more, in size, including the area of any contiguous inland lake, pond, river, or stream. Any wetlands less than two acres in size and not connected to a body of water may still be regulated, if it is determined that the protection of the area is important for the preservation of the state's natural resources. In addition, any wetlands, equal to or greater than one-quarter acre and equal to or less than two acres in size, which are not contiguous to any inland lake, stream, river or pond and are determined to be essential to the preservation of the natural resources of the Township (Meridian Township- Code 1974, § 105-3; Ord. No. 2002-02, 3-19-2002; Ord. No. 2003-11, 7-6-2003; Ord. No. 2011-04, 3-15-2011). As stated above, Marx Wetlands LLC determined that the Site does not appear to contain any wetlands. However, Meridian Township will likely require a formal wetland verification conducted by their wetland consultant to concur with MW's determination.

A permit or approval is required by the Meridian Township for any proposed work (e.g., filling, dredging, construction, and draining and/or other development) that takes place within the boundaries of a regulated wetland. Most construction activities that take place outside of these boundaries do not require a wetland permit from the EGLE or Meridian Township. Please note that the EGLE and Township have the final authority on the extent of regulated wetlands, lakes, and streams in the State of Michigan and Meridian Township, respectively.

Please be advised that the information provided in this report is a professional opinion. The ultimate decision on wetland boundary locations and jurisdiction thereof rests with the EGLE and/or local government, and, in some cases, the federal government. Therefore, there may be adjustments to boundaries based upon review by a regulatory agency. An agency determination can vary depending on various factors including, but not limited to, experience of the agency representative making the determination and the season of the year. In addition, the physical characteristics of the site can change over time, depending on the

July 5, 2019

4606 & 4576 S. Hagadorn Road
Meridian Township, Ingham County, Michigan
Page 4 of 4

weather, vegetation patterns, drainage, activities on adjacent parcels, or other events. Any of these factors can change the nature and/or extent of wetlands on the site.

Thank you for the opportunity to provide this wetland determination. If you have any questions, please contact me at your convenience.

Sincerely,
Marx Wetlands, LLC



Bryana Guevara, PWS
ISA Certified Arborist #MI-4042A
Environmental Scientist

Enclosures:

- Site Photographs Log
- Site Map

Site Photographs



1) Typical view of the upland scrub-shrub/forest and lawn observed.



2) A west-facing view of the existing church with associated landscaped trees and lawn.



3) A northeast-facing view of the existing Baptist Church observed within the northern parcel of the Site.



4) Typical view of upland fields and scrub-shrub areas observed primarily within the eastern portions of the Site.

Site Photographs



5) View of the scrub-shrub/forest observed within the eastern portions of the Site.



6) An east-facing view of upland field and trees. The existing house and shed observed in the east-central portion of the Site.



7) A south-facing view of the southern parcel (-003) consisting of lawn and landscaped trees.



8) A east-facing view of American Baptist Churches of Michigan on parcel -003.



33-02-02-20-351-002
MICHIGAN BAPTIST CONVENTION
4606 HAGADORN
EAST LANSING MI, 48823



SITE MAP

Twyckingham

385

884.14



33-02-02-20-351-003

AMERICAN BAPTIST CHURCHES

4578 HAGADORN

EAST LANSING MI, 48823

September 17, 2019

Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864

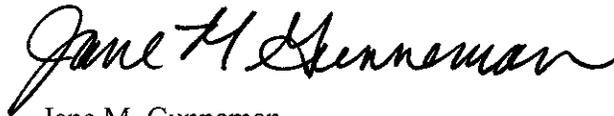
Attn: Mr. Mark Kieselbach
Community Planning & Development Director

Re: Rezoning; 4606 Hagadorn Road

Dear Mr. Kieselbach:

I am writing to confirm that the property owned by Michigan Baptist Convention and The American Baptist Churches of Michigan at 4606 Hagadorn Road is subject to a purchase agreement to Minerva Realty Capital, LLC as buyer, and that purchase agreement authorizes the buyer to have the property rezoned from RR Rural Residential to PO conditioned upon an MUPUD for the property and the buyer taking title to the property within twelve months of rezoning.

Very truly yours,



Jane M. Gunneman
for Michigan Baptist Convention and
The American Baptist Churches of Michigan

Part II

REASONS FOR REZONING REQUEST

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

A. Reasons why the present zoning is unreasonable:

- 1) There is an error in the boundaries of the Zoning Map, specifically: _____

- 2) The conditions of the surrounding area have changed in the following respects: _____

- 3) The current zoning is inconsistent with the Township's Master Plan, explain: _____

- 4) The Township did not follow the procedures that are required by Michigan laws, when adopting the Zoning Ordinance, specifically: _____

- 5) The Township did not have a reasonable basis to support the current zoning classification at the time it was adopted; and the zoning has exempted the following legitimate uses from the area: _____

- 6) The current zoning restrictions on the use of the property do not further the health safety or general welfare of the public, explain: _____

B. Reasons why the requested zoning is appropriate:

- 1) Requested rezoning is consistent with the Township's Master Plan, explain: _____

- 2) Requested rezoning is compatible with other existing and proposed uses surrounding the site, specifically: _____

- 3) Requested rezoning would not result in significant adverse impacts on the natural environment, explain: _____

- 4) Requested rezoning would not result in significant adverse impacts on traffic circulation, water and sewer systems, education, recreation or other public services, explain: _____

- 5) Requested rezoning addresses a proven community need, specifically: _____

- 6) Requested rezoning results in logical and orderly development in the Township, explain: _____

- 7) Requested rezoning will result in better use of Township land, resources and properties and therefore more efficient expenditure of Township funds for public improvements and services, explain: _____



To: Planning Commission

From: Peter Menser, Principal Planner
Mackenzie Dean, Assistant Planner

Date: October 11, 2019

Re: Research Park to Residential Rezoning Request—4038, 4046, & 4108 Hagadorn Road

Darren and Kristina Bolinger, along with two of their neighbors, have requested the Planning Commission to consider initiating the rezoning of three parcels totaling approximately 1.52 acres addressed as 4038, 4046, and 4108 Hagadorn Road from RP (Research Park) to a residential zoning classification that is more appropriate for the current use of land. The properties are located on the east side of Hagadorn Road, north of Bennett Road and south of Mount Hope Road.

The properties are currently zoned RP (Research Park), which requires a minimum of 200 feet of lot width and a minimum of two acres of lot area. The RP zoning district was established for the purpose of encouraging the development of park-like office centers, laboratories or pilot production research facilities, and similar activities compatible with adjacent residential or educational areas. The area was rezoned from RR (Rural Residential) to RP (Research Park) sometime between 1960 and 1963. Residential structures are not a permitted use under the RP zoning district.

The RP zoning makes the single family homes nonconforming uses, which may not be increased, expanded, enlarged, or structurally altered unless the use of the structure is changed to a use permitted in the district. Each property proposed to be rezoned is under the two acre lot requirement of the RP district. The applicant is requesting the rezoning of the three parcels to be more consistent with the size, width, and use of the single family homes.

Attachment

1. Letter from Darren and Kristina Bolinger dated September 28, 2019, and received by the Township on October 2, 2019.
2. Zoning map of the property and surrounding area.

Darren and Kristina Bolinger
4038 Hagadorn Rd
Okemos, MI 48864
September 28, 2019

Peter Menser
Principal Planner
Meridian Township Community Planning & Development
5151 Marsh Rd
Okemos, MI 48864

Dear Mr. Menser:

We are requesting to have the following properties rezoned:

- 4038 Hagadorn Rd
- 4046 Hagadorn Rd
- 4108 Hagadorn Rd

The current zoning, RP-Research Park, is not appropriate for the following reasons:

- The existing houses are non-conforming with the current zoning, since they are single family homes and each parcel is less than 2 acres.
- These properties are being used as residential and will continue to be used in that manner for the foreseeable future.
- If our homes were destroyed by more than 50%, then we would not be allowed to rebuild.

We are requesting to be rezoned to a district that is appropriate for the size and width of our parcels.

Sincerely,

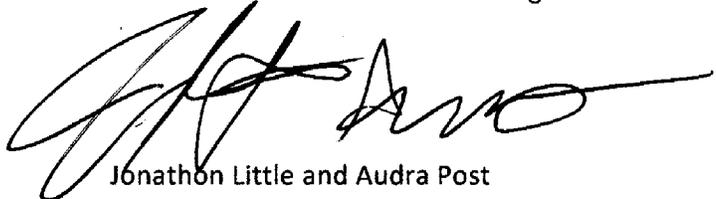


Darren and Kristina Bolinger

I agree to participate in this rezoning procedure and authorize Darren and Kristina Bolinger to represent me in this process.



Mary Denise Johnson
4108 Hagadorn Rd



Jonathon Little and Audra Post
4046 Hagadorn Rd

RAAA

Hagadorn Rd

Hinterman
Dental

RP

RR

Bennett Rd

Medinah Dr

