



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION – REGULAR MEETING
July 23, 2018 7PM

1. CALL MEETING TO ORDER
2. PUBLIC REMARKS
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES
 - A. June 25, 2018 Regular Meeting
 - B. July 9, 2018 Regular Meeting
5. COMMUNICATIONS
 - A. Jay Murthy RE: Rezoning #18080
 - B. Brent Felton RE: Rezoning #18080
6. PUBLIC HEARINGS
 - A. Rezoning #18090 (M&J Management LLC), rezone approximately 5 acres located at 1999 East Saginaw Highway from I (Industrial) to C-2 (Commercial).
 - B. Rezoning #18100 (HOS Management), rezone approximately 0.42 acres located at 7080 Saginaw Highway from I (Industrial) to C-2 (Commercial).
7. UNFINISHED BUSINESS
 - A. Rezoning #18080 (Giguere Homes), rezone approximately 7.36 acres located at 3760 Hulett Road from RR (Rural Residential) to RA (Single Family-Medium Density).
8. OTHER BUSINESS
9. TOWNSHIP BOARD, PLANNING COMMISSION OFFICER, COMMITTEE CHAIR, AND STAFF COMMENTS OR REPORTS
10. PROJECT UPDATES
 - A. New Applications - NONE
 - B. Site Plans Received
 1. Site Plan Review #18-97-31, renovation of existing Arby's restaurant at 2214 Jolly Road.
 - C. Site Plans Approved - NONE
11. PUBLIC REMARKS
12. ADJOURNMENT
13. POST SCRIPT: HOLLY CORDILL

AGENDA page 2
CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION MEETING
July 23, 2018 7:00 pm

TENTATIVE PLANNING COMMISSION AGENDA

August 13, 2018

1. PUBLIC HEARINGS - NONE
2. UNFINISHED BUSINESS
 - A. Rezoning #18090 (M&J Management LLC), rezone approximately 5 acres located at 1999 East Saginaw Highway from I (Industrial) to C-2 (Commercial).
 - B. Rezoning #18100 (HOS Management), rezone approximately 0.42 acres located at 7080 Saginaw Highway from I (Industrial) to C-2 (Commercial).
 - C. Mixed Use Planned Unit Development #18034 (Meridian Investment Group, LLC), construct 70,213 square foot mixed use building with 88 dwelling units at 2875 Northwind Drive.
 - D. Special Use Permit #18031 (Meridian Investment Group, LLC), construct building greater than 25,000 square feet in size at 2875 Northwind Drive.
 - E. Special Use Permit #18041 (Meridian Investment Group, LLC), placement of fill and grading in the floodplain of the Red Cedar River at 2875 Northwind Drive.
3. OTHER BUSINESS
 - A. Future Land Use Map review.

Individuals with disabilities requiring auxiliary aids or services should contact the Meridian Township Board by contacting:
Township Manager Frank L. Walsh, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4258 - 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

June 25, 2018

5151 Marsh Road, Okemos, MI 48864-1198

517-853-4560, Town Hall Room, 7:00 P.M.

**PRESENT: Commissioners Richards, Cordill, Ianni, Premoe (7:15), Scott-Craig, Stivers,
Trezise, Shrewsbury, and Lane**

ABSENT: None

STAFF: Principal Planner Peter Menser

1. Call meeting to order

Chair Ianni called the regular meeting to order at 7:02 P.M.

2. Public Remarks

A. Mr. B.K. Singh spoke in support of Special Use Permit #18051

3. Approval of Agenda

Vice-Chair Scott-Craig moved to approve the agenda as written.

Supported by Commissioner Richards.

VOICE VOTE: Motion approved unanimously.

4. Approval of Minutes

A. June 11, 2018 Regular Meeting

Commissioner Richards moved to approve the minutes as written.

Supported by Vice-Chair Scott-Craig.

VOICE VOTE: Motion approved unanimously.

5. Communications

A. Carolyn Beia RE: Rezoning #18070

6. Public Hearings

A. Special Use Permit #18061 (Meridian Township), replace drain structure in the floodplain of the Pine Lake Outlet Drain adjacent to the Old Raby Trail located east of Raby Road, south of Haslett Road, and west of Marsh Road.

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

Principal Planner Menser outlined Special Use Permit #18061 for discussion.

Younes Ishraidi, Meridian Township Chief Engineer, commented the current bridge is a safety hazard. He stated the project is funded entirely with funds from the Ingham County Parks Millage.

Commissioner Cordill asked why the construction of the bridge was changing.

Chief Engineer Ishraidi replied the aluminum arch bridge will increase the flow capacity and will last longer and be safer than the existing bridge.

Commissioner Cordill asked if the proposed bridge is larger than the current bridge.

Chief Engineer Ishraidi replied it will have a higher capacity and be much safer than the current bridge.

Commissioner Cordill asked if pictures were available of the proposed bridge.

Chief Engineer Ishraidi showed a rendering of the new bridge and pointed out the size increase over the existing bridge. He stated the new bridge would have a railing.

Vice-Chair John Scott-Craig asked about the life span of the proposed bridge.

Chief Engineer Ishraidi stated the life span of the proposed bridge would be at least as long as the current bridge and possibly longer.

Vice-Chair John Scott-Craig asked if the proposed bridge would increase the capacity of water flowing through the drain.

Chief Engineer Ishraidi stated it will increase the capacity. He explained the current bridge was on an angle and the proposed replacement will follow the drain better which will increase the capacity.

Vice-Chair Scott-Craig asked what was going to happen to the extra soil created by the replacement.

Chief Engineer Ishraidi replied it will be hauled away from the site.

There was no opposition from the Commissioners, Chair Ianni directed staff to prepare a resolution of approval for the next meeting.

Chair Ianni closed the public hearing at 7:17 p.m.

A straw poll indicated the Planning Commission would be in favor of recommending approval of the proposed C-PUD at the next meeting.

Chair Ianni closed the public hearing at 7:32 p.m.

7. Unfinished Business

- A. Commercial Planned Unit Development #18024 (Affinity 9 Investments), construct 4,534 square foot Panera restaurant with drive-through window at 2080 Grand River Avenue.

Principal Planner Menser outlined Commercial Planned Unit Development #18024 for discussion.

Commissioner Stivers moved to approve C-PUD #18024 as outlined in the resolution.
Supported by Commissioner Trezise.

Commissioner Cordill commented though she was in support of the C-PUD she still did not care for the drive-through aspect of the project and what it will mean in the future when the proposed form based code takes effect.

VOICE VOTE:

YEAS: Commissioners Stivers, Trezise, Premoe, Shrewsbury, Cordill, Vice-Chair Scott-Craig, Lane, Richards, and Chair Ianni

NAYS: None

MOTION CARRIED: 9-0.

- B. Special Use Permit #18051 (Singh), construct a multiple family housing development with seven dwelling units at 1954 Saginaw Highway.

Principal Planner Menser outlined Special Use Permit #18051 for discussion.

Commissioner Richards moved to approve SUP #18051 as outlined in the resolution with commencement within 4 years and a possible extension of one year.
Supported by Commissioner Trezise.

Commissioner Lane asked what would happen if utilities never became available for the site.

Principal Planner Menser replied utilities would be available the issue would be who provided them and at what cost to the applicant.

Vice-Chair Scott-Craig asked how far away Meridian Township water is from the site.

Mr. Kyes responded Meridian Township water is currently available at M-78 and Towner Road to the west. It is hoped that construction of New Hope Church will continue township water across M-78 and will continue toward the site. He said currently the closest option would be from the Board of Water and Light where the Bath Township Meijer store is located. It is the responsibility of the owner to pay to have water and sewer extended to the site.

Commissioner Stivers asked the applicant when he thought he would be able to start phase two of the development.

Mr. Singh replied the start of phase two would be dependent on the water/sewer and financing available.

Commissioner Trezise asked what would happen if the SUP was granted and then the development was not able to proceed.

Principal Planner Menser responded the SUP would expire and the whole process would have to start over and that a request for extension would have to be received prior to expiration.

VOICE VOTE:

YEAS: Commissioners Richards, Trezise, Stivers, Premoe, Shrewsbury, Cordill, Vice-Chair Scott-Craig and Chair Ianni

NAYS: None

MOTION CARRIED: 9-0.

8. Other Business

- A. Commission Review #18073 (Meridian Township), Section 61 Review of the character, location, and extent for the installation of a solar panel array at 5151 Marsh Road.

Vice-Chair Scott-Craig moved to approve Commission Review #18073

Supported by Commissioner Stivers

Commissioner Premoe asked for a friendly amendment that the commission “supports” instead of “approves” the Commission Review.

The motion maker and supporter both accepted the friendly amendment.

VOICE VOTE:

YEAS: Vice-Chair Scott-Craig, Commissioners Stivers, Trezise, Premoe, Shrewsbury, Lane and Chair Ianni

NAYS: Commissioner Cordill

MOTION CARRIED 8-1.

B. Future Land Use Map review

Principal Planner Menser outlined the process he is proposing for the Planning Commission to review the Future Land Use Map available in the current Master Plan section by section.

9. TOWNSHIP BOARD, PLANNING COMMISSION OFFICER, COMMITTEE CHAIR, AND STAFF COMMENTS OR REPORTS

Vice-Chair Scott-Craig commented about the importance of site visits in preparation for hearing cases brought before the Planning Commission.

10. PROJECT UPDATES

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

11. PUBLIC REMARKS - NONE

12. ADJOURNMENT

Vice-Chair Scott-Craig moved to adjourn the meeting.

Supported by Commissioner Lane.

VOICE VOTE: Motion carried unanimously.

Chair Ianni adjourned the regular meeting at 8:20 p.m.

Respectfully Submitted,

Angela M. Ryan
Recording Secretary

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

DRAFT

July 9, 2018

5151 Marsh Road, Okemos, MI 48864-1198

517-853-4560, Town Hall Room, 7:00 P.M.

PRESENT: Commissioners Richards, Cordill, Ianni, Scott-Craig, Trezise and Shrewsbury
ABSENT: Commissioners Stivers, Premoe, and Lane
STAFF: Principal Planner Peter Menser

1. Call meeting to order

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

2. Public Remarks - none

3. Approval of Agenda

Commissioner Cordill moved to approve the agenda as written.

Supported by Vice-Chair Scott-Craig.

VOICE VOTE: Motion approved unanimously.

4. Approval of Minutes - none

5. Communications

Principal Planner Menser noted two communications had arrived after the meeting packet was sent out and will be included in the meeting packet for the next Planning Commission meeting on July 23, 2018. He further noted that hard copies of the two communications were distributed to the Planning Commission at their places on the dais prior to tonight's meeting.

6. Public Hearings

- A. Rezoning #18080 (Giguere Homes) rezone approximately 7.36 acres located at 3760 Hulett Road from RR (Rural Residential) to RA (Single Family-Medium Density).

Chair Ianni opened the public hearing at 7:03 p.m.

Principal Planner Menser outlined Rezoning #18080 for discussion.

Mr. Jim Giguere, the applicant, stated he was offering several conditions to the rezoning in hopes of satisfying the desires of the current residents in the area and the Township Board. He stated the five conditions were: No more than eight (8) lots would be developed, preservation of a 50 foot wide strip of green space to act as a buffer between new development and existing neighborhood, deed restrictions equal to or greater than those in the existing neighborhood, limited hours of construction from 8 a.m. to 6 p.m., and the installation of a gated fence separating any new development from the existing neighborhood during the development phase of the neighborhood.

Mr. Giguere stated the proposed rezoning would preserve green space, trees, and minimize impact on the surrounding neighborhoods.

Mr. Brian Lick, 2613 Elderberry Lane, spoke in opposition to Rezoning #18080.

Ms. Alina Gorelik, 2577 Robin's Way, spoke in opposition to Rezoning #18080.

Vice-Chair Scott-Craig asked Mr. Giguere what he meant by meeting or exceeding the deed restrictions of the existing neighborhood.

Mr. Giguere said his intent would be to limit the types of homes, sizes of the lots, and the sizes of the homes. He said he would provide a copy of the deed restrictions for the existing neighborhood at the next meeting.

Vice-Chair Scott-Craig asked if the proposed buffer strip had an existing pathway.

Mr. Giguere said the Township has plans to put a trail on the property that would connect to other Township pathways.

Vice-Chair Scott-Craig asked the applicant what was meant by the "development phase" of the proposed property.

Mr. Giguere explained the development phase is prior to the building phase when land is being cleared, the road is constructed and utilities are placed.

Commissioner Cordill asked who would be in charge of making sure all the deed restrictions would be met.

Principal Planner Menser replied the Township does not enforce deed restrictions; it would be up to a homeowner's association to enforce the deed restrictions.

Commissioner Richards said he has difficulty with the idea that rezoning would be the only option to provide the desired outcome.

Commissioner Trezise asked if the proposed neighborhood would be part of the existing Sanctuary homeowner's association.

Mr. Giguere stated it would be up to the individual home owners and the association whether they would join.

Vice-Chair Scott-Craig asked if a buffer could be planned for the other side of the proposed development to soften the view of the neighborhood across the road.

Mr. Giguere said it could be a consideration.

Commissioner Cordill asked if the proposed cul-de-sac is of a standard size.

Principle Planner Menser replied he could find out but the Ingham County Road Department would be the authority over the road construction.

Commissioner Shrewsbury asked if a rezoning was the only option for achieving the desired result.

Principal Planner Menser replied a rezoning, planned unit development (PUD), or planned residential development (PRD) would be the options.

Commissioner Richards asked if a plat would be required.

Principal Planner Menser responded a plat would be required, as metes and bounds may not yield the number of lots desired by the developer.

A straw poll conducted indicated the Planning Commission would be in favor of a resolution of approval to be drafted for the next meeting.

Chair Ianni closed the public hearing at 7:45 p.m.

7. Unfinished Business

- A. Special Use Permit #18061 (Meridian Township), replace drain structure in the floodplain of the Pine Lake Outlet Drain adjacent to the Old Raby Trail located east of Raby Road, south of Haslett Road, and west of Marsh Road.

Principal Planner Menser outlined Special Use Permit #18061 for discussion.

Commissioner Richards moved to approve Special Use Permit #18061 as outlined in the resolution. Supported by Commissioner Shrewsbury.

VOICE VOTE:

YEAS: Commissioners Richards, Shrewsbury, Cordill, Trezise, Vice-Chair Scott-Craig, and Chair Ianni

NAYS: None

MOTION CARRIED: 6-0.

8. Other Business-None

9. TOWNSHIP BOARD, PLANNING COMMISSION OFFICER, COMMITTEE CHAIR, AND STAFF COMMENTS OR REPORTS-None

10. PROJECT UPDATES

- A. New Applications - None
B. Site Plan Received-None
C. Site Plans Approved
1. Site Plan Review #18-07 (Wieland), construct a 29,270 square foot church at 6322 Newton Road.

11. PUBLIC REMARKS - NONE

12. ADJOURNMENT

Commissioner Cordill moved to adjourn the meeting.
Supported by Commissioner Shrewbury.
VOICE VOTE: Motion carried unanimously.

Chair Ianni adjourned the regular meeting at 7:50 p.m.

Respectfully Submitted,

Angela M. Ryan
Recording Secretary

July 6th, 2018

Okemos, MI

To:

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

Re: Opposition to Rezoning #18080 (Giguerre Homes)

Dear Mr. Menser:

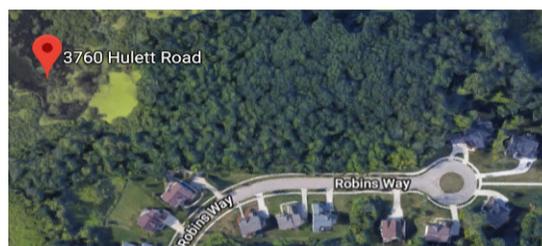
I am a long time resident of Okemos and currently reside at 2483, Robins Way in the Sanctuary II subdivision. Firstly, I would like to thank you, the Planning Commission and the Board of Meridian Township for ruling in favor of the residents who opposed the rezoning request #18010 by Giguerre Homes.

Although, I appreciate that Mr. Giguerre has agreed to self-impose conditions for the development of subject property, I continue to register my **opposition** to the rezoning requested by Giguerre Homes, where under renewed proposal #18080 approximately 7.5 acres is to be rezoned from Rural Residential (RR) to RA (Single Family – Medium Density). The grounds for my opposition are as follows and **are in addition to those I had submitted against proposal #18010:**

- 1) One has to question why a developer would propose restrictions and take on added costs, to request a rezoning to build **only one** additional house above the 7 that would be permitted by current zoning. It is imperative, that the developer and Township provide full transparency in this matter
- 2) Based on the proposed layout, the lots have limited frontage. One can expect, that to construct houses of size and style similar to those on Robins Way, the dwellings will be very close to each other and hence will not maintain the essential character of the Sanctuary subdivision
- 3) The Township had committed to conduct a wetland impact study during the public hearings on the original proposal #18010. As such, no consideration should be given to the new proposal #18080 without such a certified study for review by residents.

Objections to original Rezoning proposal #18010:

- 1) Section 86-221 under the Township's zoning ordinance states that *"granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property"*. The property in question is currently densely wooded (see satellite picture) and provides a much needed green space. The proposed rezoning will result in removal of a most of the green cover and significantly alter the character of the area.



- 2) The address of the said property is 3760, Hullett Road. However, I understand that the only access will be on Robins Way, which is a winding road. Having a road to this new development that is perpendicular to Robins Way, will make it unsafe for vehicular traffic.
- 3) My current residence at 2483 Robins Way, faces the said property. I had purchased the property in 2012 at a premium, on account of the open and green spaces, from Giguere Builders. At the time I was not informed of any plans for development or rezoning of the property. Doing so, will result in a loss of privacy, impact on the environment, increased traffic and ultimately will diminish the value of my property.
- 4) In order to increase tax revenues, it appears that Meridian Township is in a rush to increase the construction of higher density housing. However, this increase in tax base, has not resulted in lower property taxes for existing residents nor has it enhanced township services. For example, it is not uncommon for residents of Robins Way to go for days without snow ploughing or to endure the poor condition of Okemos Road.

On behalf of myself and other residents of the Sanctuary subdivision, I kindly request the Charter Township of Meridian to reject the rezoning request #18080.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay Murthy', with a stylized flourish at the end.

Jay Murthy
2483, Robins Way
Okemos, MI 48864

To the Planning Commission of the Charter Township of Meridian:
Re: Rezoning #18080

I am writing a letter in opposition to the request of Giguere Homes to rezone the area at 3760 Hulett Road from (RR) Rural Residential to RA (Single Family-Medium Density). As a homeowner in the Sanctuary at 2470 Robins Way, I have personally attended several meetings regarding the rezoning of this area since early 2018. The first attempt to rezone this area was initially approved by the Planning Commission by a 4-3 vote despite the opposition of more than 20 homeowners within the neighborhood. The final decision was then given to the Township Board for consideration where after much discussion the rezoning was turned down by a 6-1 vote. Several members of the board were specifically concerned about the loss of green space this area affords for both natural wildlife as well as the neighborhood as a whole. Furthermore, several board members commented how opposing the rezoning was in accordance with the Meridian Township Master Plan that was adopted in 2017 and praised each other's decision to oppose further development of this area within the township.

While the homeowners within the development were very pleased with the Board's recent decision, it would appear Mr. Giguere is taking another bite at the apple. The area being considered is currently zoned for the development of seven homes. Why then are we considering this rezoning initiative for one additional home? In speaking with Mr. Menser, it appears the driving force behind this rezoning is so that Mr. Giguere will be given the opportunity to develop another cul-de-sac within the property to further his *financial* benefit at the expense of this habitat. **The rezoning of this area for one additional home is purely for the financial benefit of the developer.**

As a homeowner on Robin's Way, I would like nothing more than for this area to be preserved for both the beauty of our neighborhood as well as to preserve the natural habitat of this area. If however this acreage is to be developed, we ask that the zoning of this area remain in accordance with the zoning of the existing cul-de-sac and remain rural residential.

At a previous meeting, the Planning Commission asked the residents whether or not Mr. Giguere had communicated with the homeowners association in an attempt to reach a compromise with the residents of the Sanctuary. To my knowledge, Mr. Giguere has not communicated with any of the homeowners to discuss the rezoning of this area and how we would be affected. These are the same individuals and families who paid a premium to Mr. Giguere to build their homes within the Sanctuary. We were happy to pay this premium and become residents of Meridian Township as we were assured that we were the final phase of development within the Sanctuary and that further development was not possible. A short four years later and Mr. Giguere has reversed the pledge to the homeowners of this development so that he may build *just one more home*.

I urge the Planning Commission to uphold the decision reached by the Township Board and hold Mr. Giguere to the promises that he made to the residents of the Sanctuary. Do not approve this rezoning which serves to benefit only Mr. Giguere to the detriment of the residents of Meridian Township and the Sanctuary.

Sincerely,

Brent Felton
2470 Robins Way



To: Planning Commission

From: Peter Menser, Principal Planner

Keith Chapman, Assistant Planner

Date: July 20, 2018

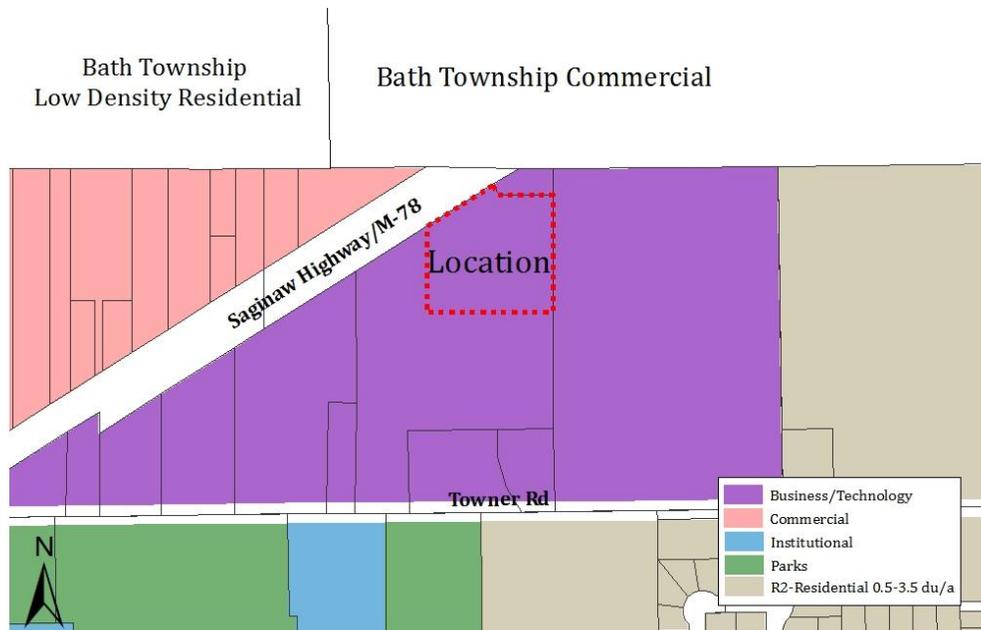
Re: Rezoning #18090 (M & J Management LLC), rezone approximately five acres located at 1999 East Saginaw Highway from I (Industrial) to C-2 (Commercial).

M & J Management LLC has requested the rezoning of approximately five acres located at 1999 East Saginaw Highway from I (Industrial) to C-2 (Commercial). The site is located on a five acre parcel on the south side of Saginaw Highway.

A land division (CR #18063) was approved in 2018 to create the five acre parcel from a larger 15 acre parcel owned and occupied by The Meridian Company. The adjacent 10.65 acre parcel will remain in the Industrial zoning district. A wireless communications tower (SUP #00151) was constructed on the property near the southeast corner of the lot in 2001.

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

2017 FUTURE LAND USE MAP

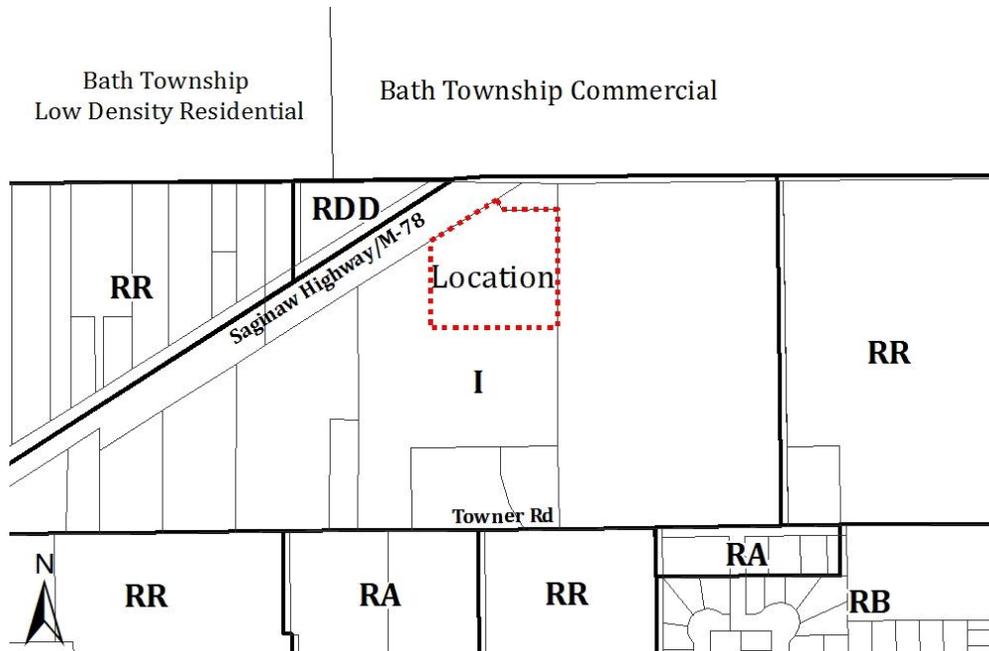


Zoning

The subject site is located in the I (Industrial) zoning district, which requires a minimum of 100 feet of lot width and one acre of lot area. The requested C-2 zoning district requires a minimum 100 feet of lot width and 4,000 square feet of lot area. With 252.74 feet of lot width on Saginaw Highway and five acres (217,800 square feet) of lot area, the site meets the minimum standards for both lot area and lot width of the proposed C-2 zoning district. The following table illustrates the lot width and lot area standards for the existing I and proposed C-2 zoning districts:

ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM LOT WIDTH
I	One Acre	100 ft.
C-2	4,000 sq. ft.	100 ft.

ZONING MAP



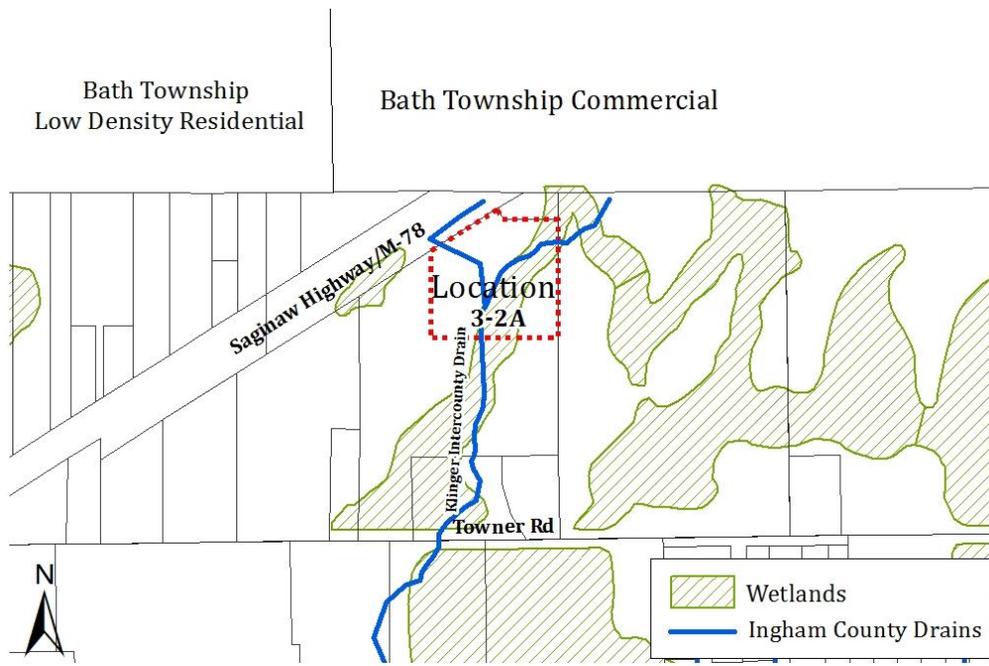
Physical Features

The site contains a 250 foot tall wireless communication tower and associated equipment that was constructed in 2001 near the southeast corner of the parcel. The topography of the site slopes from 870 feet above mean sea level in the northeast corner of the parcel to a high point of 874 feet above mean sea level near the southwest corner of the site. The Klinger Intercounty Drain is located on the site. The Flood Insurance Rate Map (FIRM) for Meridian Township indicates the property is not located in a floodplain.

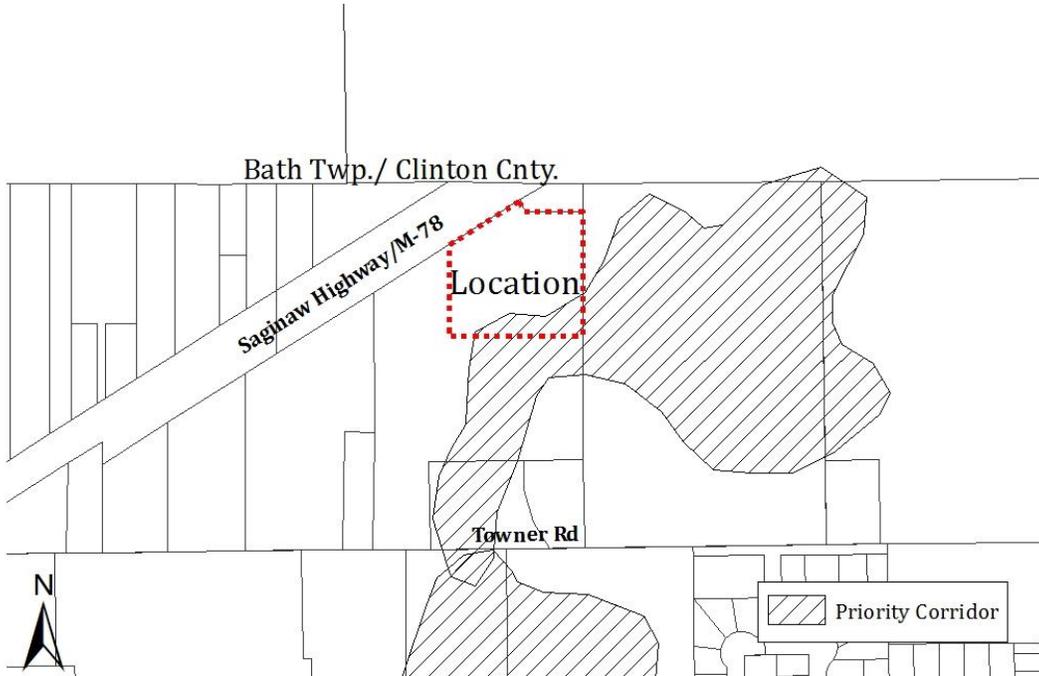
Wetlands

The Township Wetland Map depicts wetlands on the site. If development is proposed a wetland delineation report will be required to determine the boundary and size of any wetlands. Future development of the site will be required to comply with the wetland protection ordinance and water features setbacks as applicable.

WETLANDS MAP



GREENSPACE PLAN



The Township Greenspace Plan shows a Priority Conservation Corridor (PCC) on the property. A PCC is a network of ecologically significant open spaces.

Streets & Traffic

The site fronts on Saginaw Highway (M-78). Saginaw Highway is a four-lane divided highway designated as a Principal Arterial. The Township’s Pedestrian/Bicycle Master Plan shows a seven foot wide paved pathway along the Saginaw Highway frontage of the parcel is proposed. The most recent (2016) traffic count information from the Michigan Department of Transportation (MDOT) for Saginaw Highway showed a total of 16,570 vehicles in a 24 hour period.

The information below compares traffic generation between the existing I zoning district and proposed C-2 zoning district. It estimates future traffic by using data from the highest potential traffic generator in each zoning district, which in this case is an 87,120 square foot light industrial facility for the I district and a 43,560 square foot supermarket for the C-2 district.

	Existing I zoning	Proposed C-2 zoning	Change
Peak Hour trips	61 (a.m.) 55 (p.m.)	166 (a.m.) 410 (p.m.)	+105 +208
Weekday trips	432	4,617	+4,185

The proposed C-2 zoning factors in pass-by trips for the p.m. peak hour. Pass-by trips are trips that are already present in the current traffic stream and have a different ultimate destination. These trips are already passing by and do not add new traffic to the adjoining street system. The total pass-by number of trips for the p.m. peak is 147. That number was subtracted from the p.m. peak hour trips.

The applicant has provided a traffic assessment for the subject site. A traffic assessment is required when the trips from the highest potential traffic generator in the requested zoning district would generate more than 100 additional directional trips during a peak hour than the highest potential traffic generator permitted under the current zoning. In this case, the rezoning does generate greater than 100 peak hour trips so a traffic assessment is required.

Utilities

The site is not currently served by any water or sewer/septic services. Municipal water and sanitary sewer would have to be extended to serve the subject site. The location and capacity of utilities for any proposed development will be reviewed in detail by the Department of Public Works and Engineering at the time of a development submittal.

Staff Analysis

The applicant has requested the rezoning of a five acre parcel from I to C-2. 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 purpose of the I zoning district (Section 86-435) is to encourage within it the development of light manufacturing, processing, storage, and office establishments wholly compatible with adjacent residential areas. Uses permitted by right in the I district include: any production, processing, cleaning, testing, repair, storage, and distribution of materials, goods, or foodstuffs; contractor's establishments; instructional centers for business, trade, music, art, dance, martial arts, or other places of instruction; and accessory uses clearly appurtenant to the main use of the lot and customary to and commonly associated with the main use.

The purpose of the C-2 zoning district (Section 86-404) is to accommodate commercial and business service activities that serve the community. The C-2 district permits a variety of business and service activities by right and by special use permit.

The Business/Technology category of the 2017 Future Land Use Map is intended to serve the community's need for research facilities, light industrial opportunities, or corporate campuses. The Business/Technology future land use designation correlates with the PO (Professional and Office), RP (Research Park), and I (Industrial) zoning districts.

Rezoning #18090 (M & J Management LLC)
Planning Commission (July 23, 2018)
Page 6

Recent rezonings in the area include 5.23 acres from RR (Rural Residential) to C-2 located on the east side of Saginaw Highway, northeast of Lake Lansing Road (REZ #14030), and five acres from PO (Professional and Office), RD, and RA (Single Family-Medium Density) to C-2 at 2267 Saginaw Highway (REZ #16040). Additionally, the Township Board approved for introduction the rezoning of 41.04 acres at 6365 Newton Road from RD to C-2 (REZ #18070).

Recent and current development in the area includes the construction of Costco (East Lansing) and Meijer (Bath Township), the approval of Whitehills Lakes South, a residential subdivision with 34 lots, and continued build-out of Sierra Ridge, a residential subdivision with 99 lots. In January 2018 the Planning Commission reviewed a mixed use planned unit development (MUPUD) concept plan submitted by DTN proposing 217 residential units and 13,780 square feet of commercial space for the property located at the southeast corner of Newton Road and Saginaw Highway. Additionally, New Hope Church received site plan review approval for the construction of a 29,070 square foot church facility located at the northeast corner of Saginaw Highway and Newton Road.

Future development will be impacted by the Klinger Intercounty Drain located on the subject site. Any proposed development will have to meet the Township's water features setback of 50 feet from the top of bank for open county drains.

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. Application.
2. Reasons for rezoning request application supplement.
3. Traffic assessment, prepared by Traffic Engineering Associates, Inc. dated May 2018.
4. Site survey.
5. Rezoning criteria.

G:\Community Planning & Development\Planning\REZONINGS (REZ)\2018\18090 (M & J Management)/REZ 18090.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

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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 M&J Management
Address of applicant 1999 East Saginaw Street, East Lansing, Michigan 48823
Telephone: Work 517-339-6300 Home _____
Fax 517-339-6455 Email jim@the-meridian-advantage.net
If there are multiple owners, list names and addresses of each and indicate ownership interest. Attach additional sheets if necessary. If the applicant is not the current owner of the subject property, the applicant must provide a copy of a purchase agreement or instrument indicating the owner is aware of and in agreement with the requested action.
- B. Applicant's Representative, Architect, Engineer or Planner responsible for request:
Name / Contact Person David E. Pierson 90 McClelland & Anderson LLP.
Address 1305 S. Washington Avenue, Suite 102 Lansing Michigan 48910
Telephone: Work 517-402-4875 Home _____
Fax _____ Email dpierson@malansing.com
- C. Site address/location 1999 East Saginaw Street, East Lansing, Michigan 48823
Legal description (Attach additional sheets if necessary) See Attached
Parcel number 33-02-02-03-102-006 Site acreage 14.5 acres +/-
- D. Current zoning Industrial Requested zoning Commercial 2
- 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. Rezonings when the proposed district would permit uses that could generate more than 100 additional directional trips during the peak hour than the principal uses permitted under the current zoning.
 - b. Rezonings having direct access to a principal or minor arterial street, unless the uses in the proposed zoning district would generate fewer peak hour trips than uses in the existing zoning district.
(Information pertaining to the contents of the rezoning traffic study will be available in the Department of Community Planning and Development.)
 4. ✓ Other information deemed necessary to evaluate the application as specified by the Director of Community Planning and Development.

See Attached ✓

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: _____

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

James E. Phillipich
Signature of Applicant

June 21, 2018
Date

James E. Phillipich
Type/Print Name

Fee: \$780⁰⁰

Received by/Date: Noter Mennin 6-26-18

Part III Reasons For Rezoning Request

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A.Reasons why the present zoning is unreasonable.

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

The immediately adjacent uses on both sides of Saginaw Street are an assortment of older businesses such as Barnum & Tenny Collision facility, Wolverine Water Systems, Overhead Door of Lansing (all of whose origins date back to the 1980's and 1990's) and equally-old single family residences which, judging from township-driven discussions are awaiting future commercial development.

In fact, prior to 2017-2018, Meridian Plumbing's relocation to its current site in 2000 had been the only substantive developmental occurrence along Meridian Township's stretch of East Saginaw Street (Industrial-zoned district) in upwards of 30 years+.

All new development in the immediate area has been commercially-oriented and to date limited to Bath Township. The Bath Township Master Plan straightforwardly calls for additional commercial development as to be expected following the Meijer initiative. Surrounding quasi-retail and service uses have also contributed to the transformation of this area from a limited-access highway to more of a commercial community-centered enclave.

Bath Township zoning ordinances and land use evolution since 2000 have designated this particular portion of the Saginaw Street corridor as a "Developmental" district intended to encompass the vast majority of non-residential development within that township over the next 20 years. The most obvious result of this has been the 155,000 sq. ft. Meijer regional footprint circa 2012.

Prior to the Meijer development this area immediately northeast of the applicants' parcels consisted primarily of either abandoned businesses or deteriorated multiple housing (motels), truck fuel stops and eatery facilities once associated with the then M-78 thoroughfare linking Lansing and Flint.

With the opening of the interstate system circa 1987 this portion of BL-69 became and remains yet today ripe for commercial redevelopment. Ergo, the Meijer initiative which incidentally, when originally conceived in 2005, contemplated the former Super Cinema site approximately one mile to the west in Meridian Township.

Meridian's leadership at the time was resistant to a more intensive use of said site, a position that has changed given the 2017 Master plan.

No longer simply a drive-thru portal, the Bath Township stretch of the BL-69 corridor now serves more of a destination sector. Aside from Meijer, businesses such as Gillette Interstate RV Center, Davis Auto Collision, Fast Eddie's Oil Change/ Car Wash and Monticello's Market draw upon both local and commuter-based consumer constituencies.

All of these conditions fail to reflect or attract further industrial use expansion as permitted in the current Meridian zoning classification.

5.The township did not have reasonable basis to support the current zoning classification at the time it was adopted and said zoning has exempted legitimate uses from the area.

While not contesting the rationale originally behind this area's historic Industrial classification, Meridian Township no longer maintains a "specific or exclusive" reasonable basis to continue to support the current zoning status for the parcels contained within this request (see recent updates to Township's Master Plan circa November, 2017).

***Water and sewer systems.** Inter-township (Meridian and Bath) service agreement circa 2010 has already resulted in the installation of Clinton County sanitary sewer service to 1999 East Saginaw Street. Clinton County sanitary sewer capacity already in place 200'+- east of 7080 East Saginaw Street. Proposed connection to Meridian Township municipal water system (Towner Road) to increase annual revenue to said jurisdiction through tap and user fees.

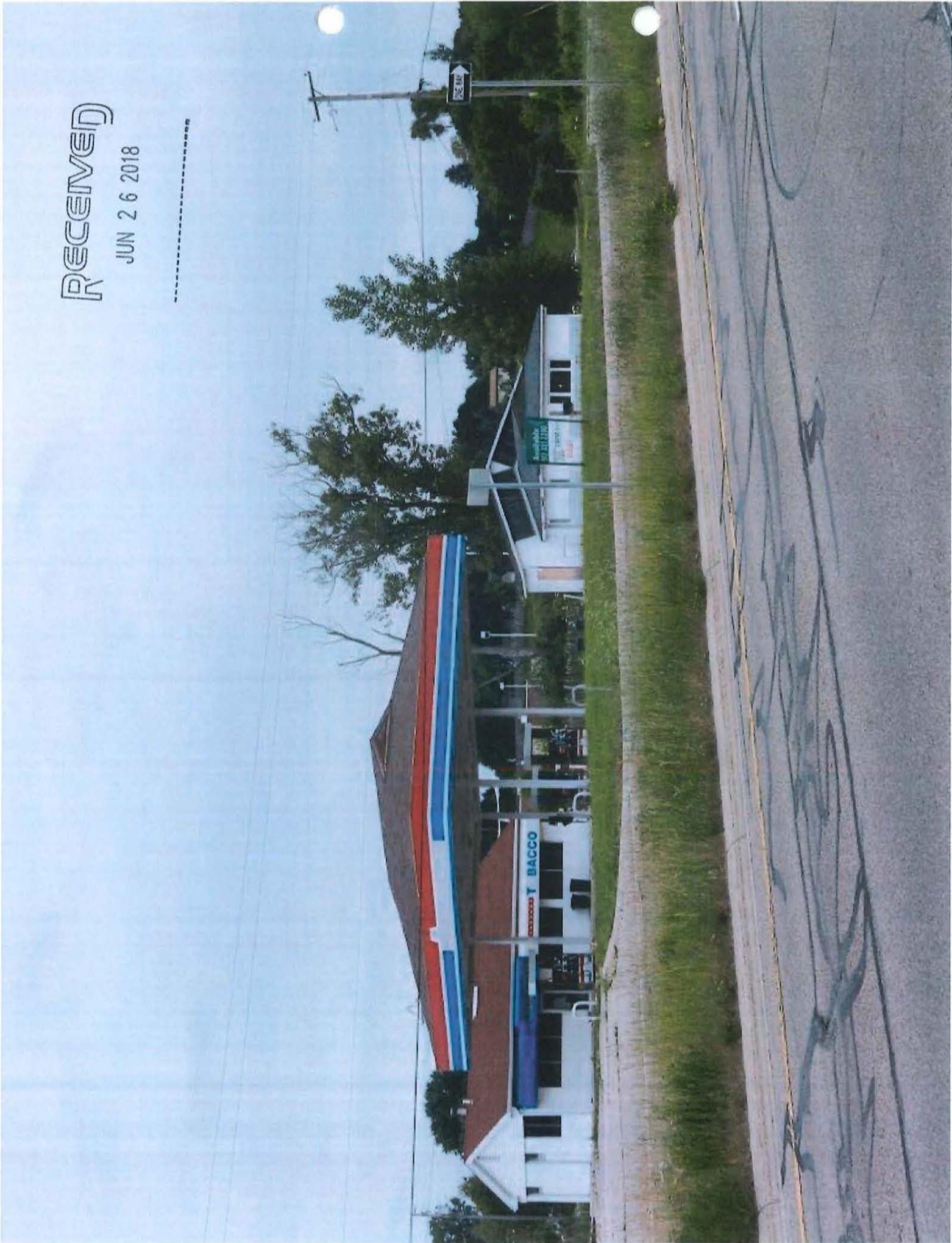
***Recreation.** Expanded uses by right allowing enterprises such as restaurants or like-kind establishments could address consumer needs resulting from the proposed 2019 opening of Meridian's Towner Road Recreational Complex approximately one-half mile away.

***Other public services.** The parcels requesting re-zoning already fall under the jurisdiction of Meridian Township police, fire and EMS coverage and said rezoning would not change the demand for these services when compared to the current industrial zoning.

In conclusion, let it be noted that the applicants (M & J Management) are only requesting a partial rezoning of their overall parcel and will attempt further site buildout within the current zoning designation of Industrial.

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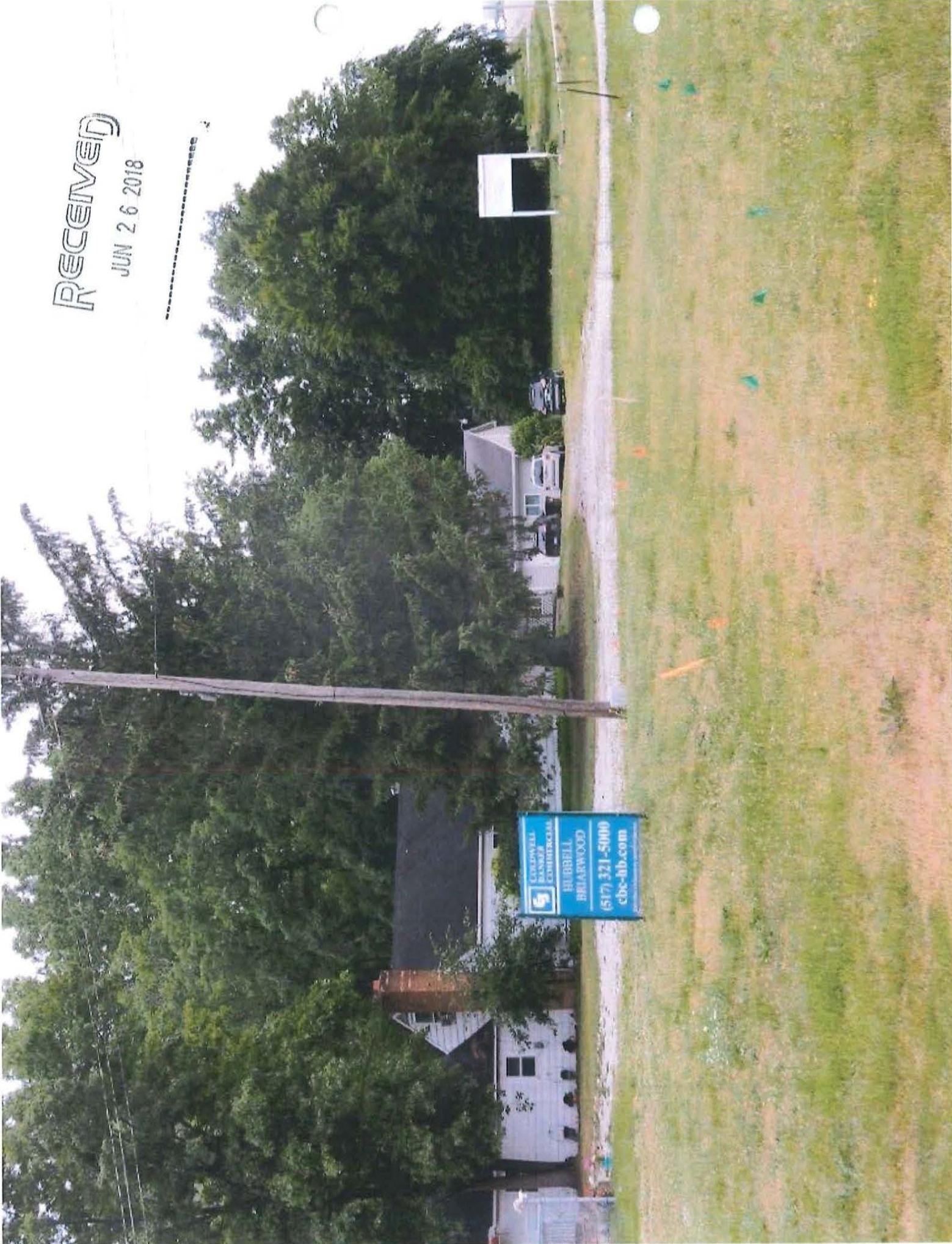


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For Sale
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LARRY CEBRE



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TRAFFIC ASSESSMENT

For the Proposed

**Rezoning of 5.0 Acres
M & J Management Property**

Meridian Charter Township, Ingham County, MI

May 2018

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

The purpose of this study is to determine the comparison of traffic generated by the proposed rezoning of approximately 5.0 acres of property in Meridian Charter Township, Ingham County, Michigan. The proposed rezoning will be from the existing Industrial (I) District to Commercial (C-2). The project site is located on the south side of Saginaw Highway/ BL-69.

Access to the proposed development will be provided via one (1) driveway located at the existing Meridian Plumbing driveway. Saginaw Highway/ BL-69 is a divided boulevard along the frontage of the site; therefore, access to the site will be right-in, right-out only. All left turning traffic accessing the site will be required to use a nearby boulevard cross-over.

The traffic analysis will include the following items:

- Trip generation for the existing Industrial (I) District based on maximum allowable buildable area and usage.
- Trip generation for the proposed Commercial (C-2) District based on maximum allowable buildable area and usage.
- Comparison of traffic generation for the existing Industrial (I) District to the traffic generation for the proposed Commercial (C2) zoning district.
- Discussion of any potential sight distance issues





AERIAL PHOTO



ROADWAYS AND INTERSECTIONS

Saginaw Highway/ BL-69 is a four-lane divided boulevard with paved shoulders in the project area and is under the jurisdiction of the Michigan Department of Transportation (MDOT). The posted speed limit is 55 MPH.

LAND USE

The proposed rezoning property currently has an existing business, Meridian Plumbing, located in the northwest area of the property, and the remainder is vacant land. Surrounding zoning categories include:

- One-Family Rural Residential District (RR)
- One-Family Medium Density Residential District (RA)
- Industrial (I)
- Commercial (C-2)

EXISTING TRAFFIC VOLUMES

According to the Michigan Department of Transportation (MDOT) website for 2015 Average Daily Traffic (ADT) volumes, the average daily traffic volume along Saginaw Highway/ BL-69 in the project area is approximately 14,300 vehicles eastbound and 14,300 vehicles westbound per day.



SITE TRAFFIC GENERATION

For the existing zoning, Industrial (I), Meridian Charter Township zoning standards allow for a building to occupy approximately forty percent (40%) of the total buildable area, which equates to 2.0 acres or 87,120 square feet of building, sometimes called the footprint of the building.

The trip generation rates for the existing and proposed zoning categories were derived from the ITE TRIP GENERATION MANUAL (10th edition). The ITE trip generation rates for General Light Industrial (Land Use Code 110) were selected as representing the 87,120 square feet of building under the existing Industrial (I) Zoning Category. The ITE description of General Light Industrial is as follows:

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

The proposed zoning, Commercial (C-2), requires a smaller allowable buildable area. Meridian Charter Township allows a one-to-five ratio (1:5) of building to buildable area (footprint), which equates to approximately 1.0 acres or 43,560 square feet of building.

The ITE trip generation rates for Supermarket (Land Use Code 850) were selected as representing the 43,560 square feet of building under the proposed Commercial (C-2) Zoning Category. The ITE description of Supermarket is as follows:

A supermarket is a free-standing retail store selling a complete assortment of food, food preparation and wrapping materials, and household cleaning items. Supermarkets may also contain the following products and services: ATM's, automobile supplies, bakeries, books and magazines, dry cleaning, floral arrangements, greeting cards, limited-service banks, photo centers, pharmacies, and video rental areas. Some facilities may be open 24 hours a day.

Significant shares of trips generated by commercial enterprises are classified as "pass-by" trips. **Pass-by** trips are already present in the existing traffic stream and represent trips which have other ultimate destinations which are interrupted to visit the commercial site. Pass-by trips are already "passing by" the site and therefore do not add new traffic to the adjoining street system. Pass-by trips are attracted from traffic passing the site on an adjacent street (Saginaw Highway/BL-69) that offers direct access to the generator. The pass-by trips will be subtracted from the trip generation comparison as they are already in the existing traffic on Saginaw Highway/BL-69.

According to the ITE Trip Generation Handbook, the average PM peak hour pass-by trip percentage for a "Shopping Center" is thirty-six percent (36%). The ITE Trip Generation Handbook does not provide pass-by trip percentages for the AM peak hour, or the "General Light Industrial" category.



Pass-by trips differ from primary trips. **Primary** trips are made for the specific purpose of visiting the generator. Primary trips do add new traffic to the adjoining road system.

It is projected that the existing zoning, Industrial (I), could generate 61 vehicle trips in the AM peak hour, 55 vehicle trips in the PM peak hour, and 432 vehicle trips daily.

It is anticipated that the proposed zoning, Commercial (C-2), will generate 166 vehicle trips in the AM peak hour, 410 vehicle trips in the PM peak hour of which 147 are pass-by trips, and 4,617 vehicle trips daily.

The proposed zoning (C-2) is expected to generate 105 more trips in the AM peak hour, 208 more vehicle trips in the PM peak hour, and 4,185 more vehicle trips daily when compared to the existing zoning.

The comparison of trip generation is for the 5.0 acre property is summarized in **Table 1**.



Table 1
Vehicle Trip Generation Comparison

Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	
Existing – Industrial (I) General Light Industrial; Code 110	87,120 sq ft	54	7	61	7	48	55	432
Total Trips		54	7	61	7	48	55	432

Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	
Proposed – Commercial (C-2) Supermarket; Code 850	43,560 sq ft	100	66	166	209	201	410	4,617

Pass-by Trips

Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	
Proposed – Commercial (C-2) Supermarket; Code 850	43,560 sq ft	--	--	--	75	72	147	--
Total Primary Trips		100	66	166	134	129	263	4,617

Difference in Trips	+46	+59	+105	+127	+81	+208	+4,185
----------------------------	------------	------------	-------------	-------------	------------	-------------	---------------



SIGHT DISTANCE

There is an existing driveway to the proposed rezoning property. A field analysis at the driveway shows that there are not expected to be problems with sight distance for vehicles either entering or exiting the driveway.

CONCLUSIONS

The findings of this study provide the following conclusions and recommendations:

- The proposed rezoning to Commercial (C-2) is anticipated to generate 105 more vehicle trips in the AM peak hour, 208 more vehicles trips in the PM peak hour and an increase of 4,185 daily (24-hour) vehicle trips.

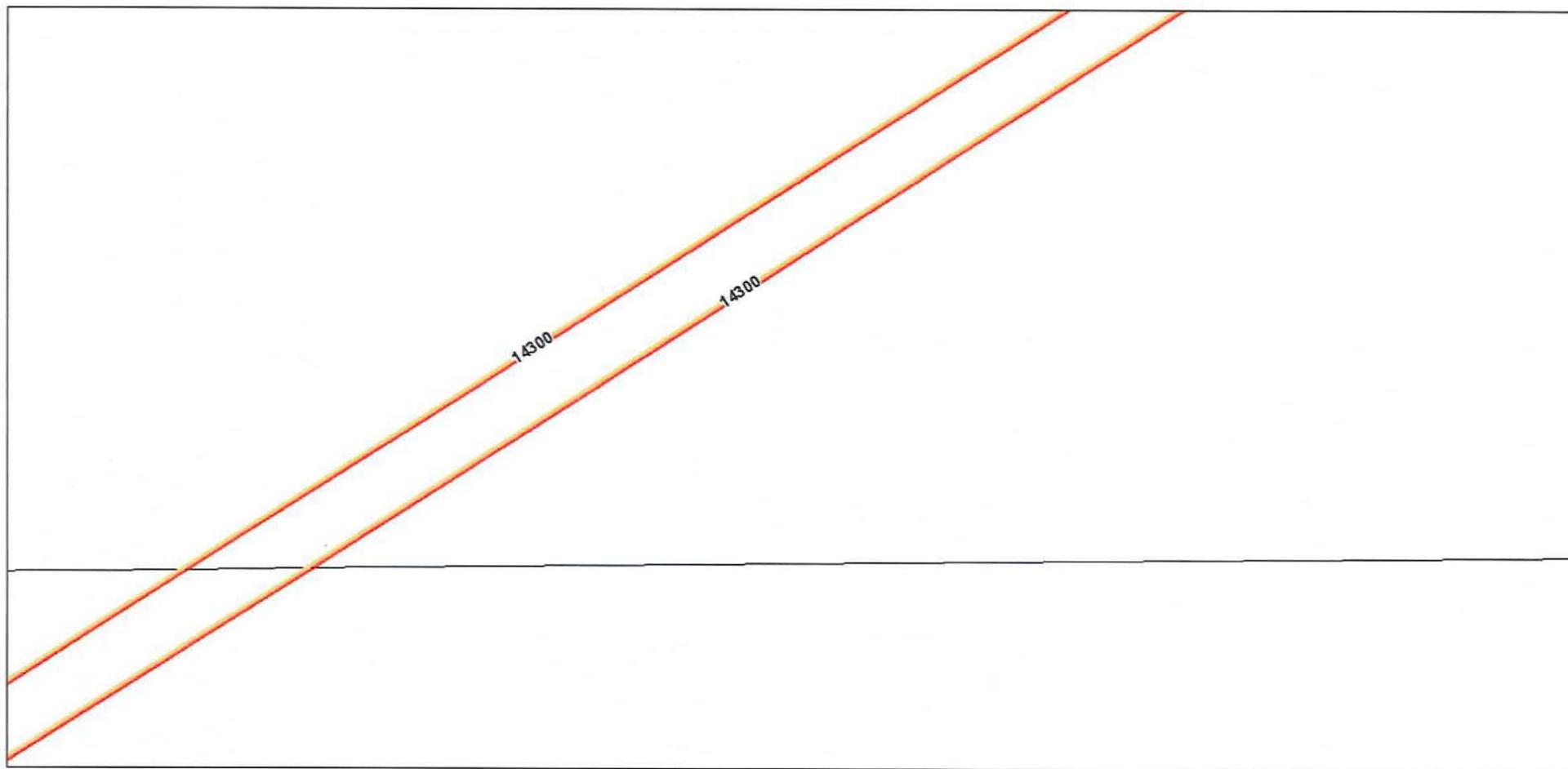


SUPPLEMENTALS

MDOT AADT Counts
Boundary Survey



NTFA



April 30, 2018

Annual Average Daily Traffic (2015)

- 0 - 2000
- 2001 - 5000
- 5001 - 10000
- 10001 - 20000
- 20001 - 50000
- 50001 - 100000

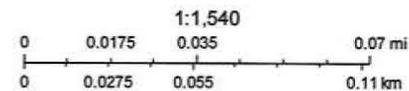
National Functional Classification

- To Be Obliterated
- Approved Future Minor Collector
- Approved Future Major Collector
- Approved Future Minor Arterial
- Approved Future Principal Arterial

- Approved Future Other Freeway
- Approved Future Interstate
- Approved Local
- Approved Minor Collector
- Approved Major Collector
- Approved Other Principal Arterial
- Approved Minor Arterial

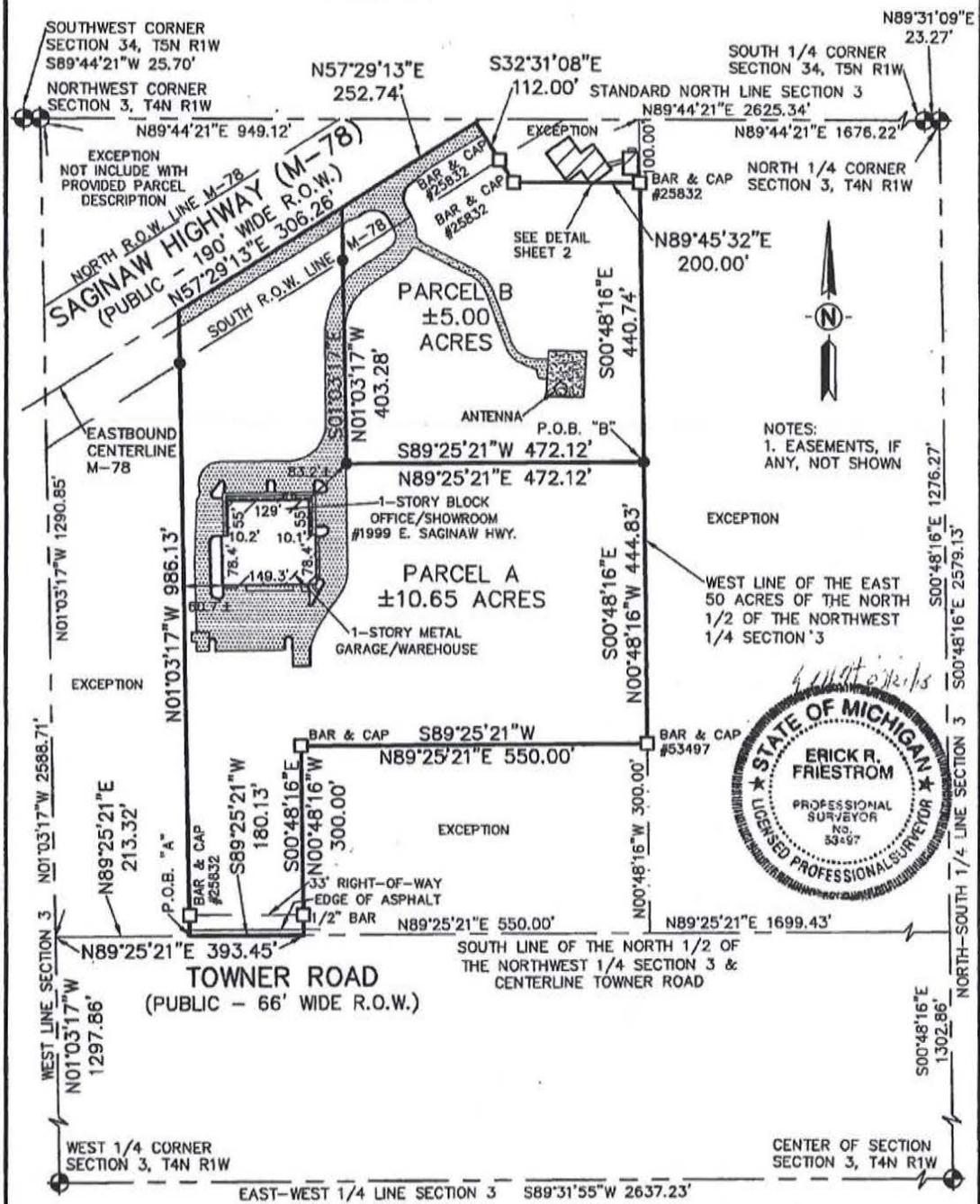
- Approved Other Freeway
- Approved Interstate
- NFC Local
- NFC Minor Collector
- NFC Major Collector
- NFC Minor Arterial
- NFC Other Principal Arterial

- NFC Other Freeway
- NFC Interstate
- Non Certified Road



CERTIFIED BOUNDARY SURVEY

FOR: M & J MANAGEMENT



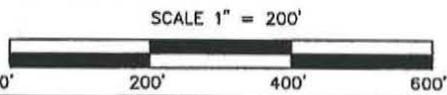
NOTES:
1. EASEMENTS, IF ANY, NOT SHOWN



LEGEND

- = Set 1/2" Bar with Cap
- = Found Iron as Noted
- = Survey Boundary Line
- = Distance Not to Scale
- ✕ = Fence
- 0.0'± = Denotes Distance to the Survey Line
- ▨ = Concrete, Asphalt, Deck, and Porch

All Dimensions are in Feet and Decimals Thereof.



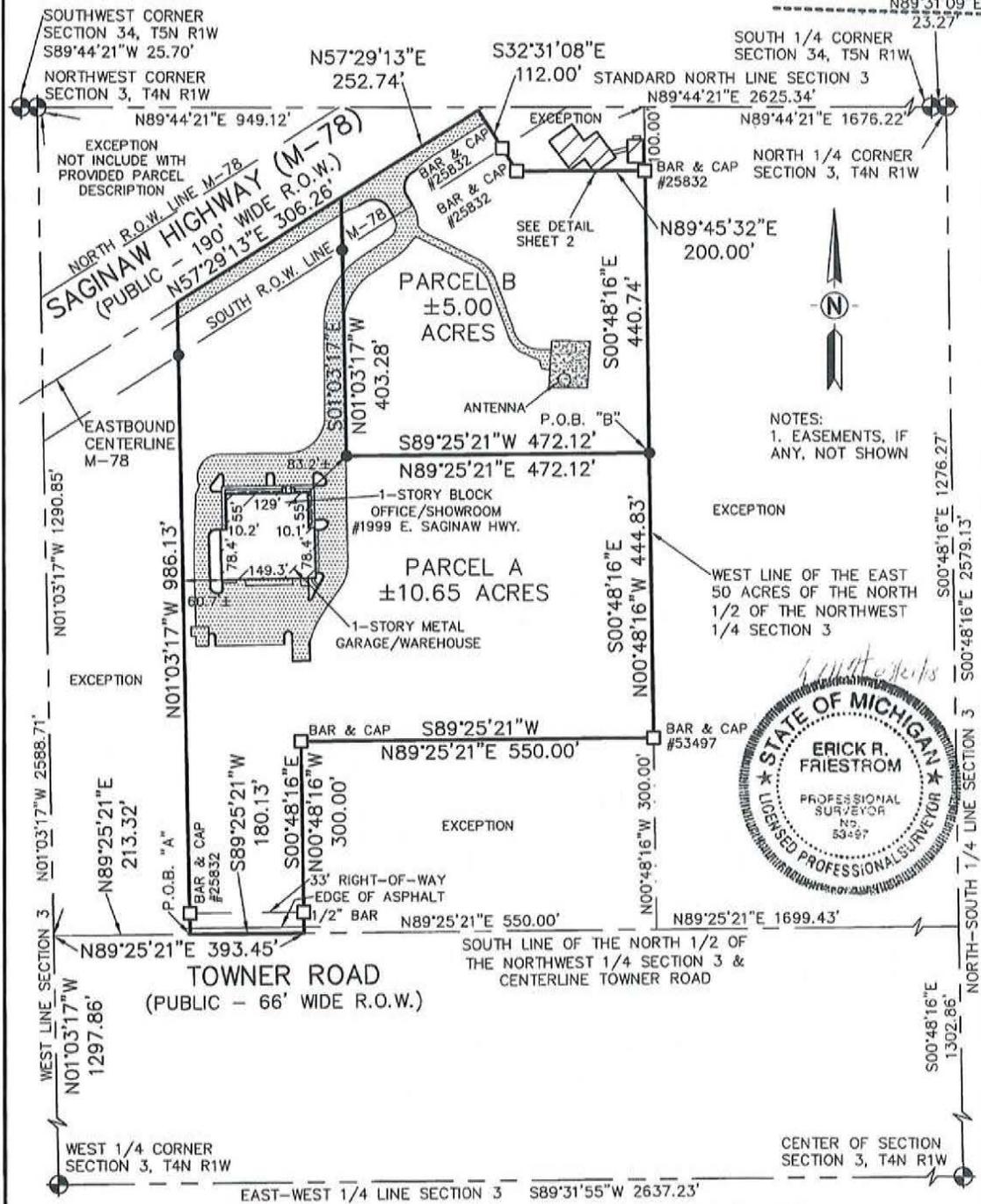
	KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS	
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DRAWN BY SSF	SECTION 3, T4N, R1W	
FIELD WORK BY SW/SL	JOB NUMBER:	
SHEET 1 OF 4	93259.BND	

CERTIFIED BOUNDARY SURVEY

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FOR: M & J MANAGEMENT

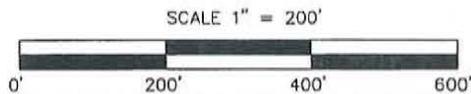


NOTES:
1. EASEMENTS, IF ANY, NOT SHOWN



LEGEND

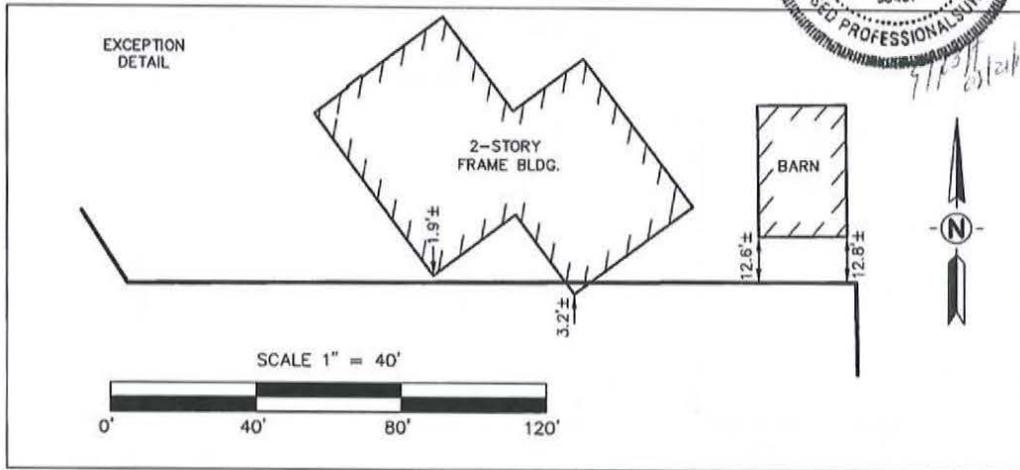
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	FIELD WORK BY SW/SL	JOB NUMBER: 93259.BND
SHEET 1 OF 4		

CERTIFIED BOUNDARY SURVEY

FOR: M & J MANAGEMENT



CERTIFICATE OF SURVEY:

I hereby certify only to the parties named hereon that we have surveyed and divided into two parcels, at the direction of said parties, a parcel of land previously described as:

(As provided in Investors Title Insurance Company Commitment No. 75253, Revision No. 2, dated February 18, 2016):

The North 1/2 of the Northwest fractional 1/4, except the East 50 acres, also except beginning on the North Section line, 1700.2 feet West of the North 1/4 post of Section 3; thence South 100 feet; thence West 200 feet; thence North 32' 17' 20" West 46 feet to Southeasterly right of way line of highway M-78, said point being 130 feet from the centerline of highway M-78, measured at right angles to the centerline North 57' 42' 40" East along said right of way line to the North Section line of Section 3 at point 130.7 feet West of beginning; thence Easterly 130.7 feet to the place of beginning, also except commencing at the Northwest corner of Section 3; thence South 0' 06' 27" West 518.47 feet along West section line to South right of way line of M-78, and the point of beginning; thence South 01' 06' 27" West 774.31 feet to the centerline of Towner road; thence South 88' 29' 54" East along the centerline 213.23 feet; thence North 01' 06' 27" East 906.17 feet to the South right of way line of M-78; thence South 59' 40' 00" West along the right of way 250 feet to point of beginning, also except commencing at the North 1/4 corner of section 3; thence South 0' 51' 20" East 1276.18 feet along the North and South 1/4 line to the centerline of Towner road; thence South 89' 23' 06" West 1699.43 feet to the point of beginning; thence South 89' 23' 06" West 550 feet along said centerline; thence North 0' 51' 20" West 300 feet parallel with the North and South 1/4 line; thence North 89' 23' 06" East 550 feet; thence South 0' 51' 20" East 300 feet to the point of beginning, Section 3, Town 4 North, Range 1 West, Meridian Township, Ingham County, Michigan.

Provided description needs to exclude the part that is North and West of Saginaw Highway (M-78).

(Cont'd on Page 3)

LEGEND

- = Set 1/2" Bar with Cap
- = Found Iron as Noted
- = Survey Boundary Line
- /— = Distance Not to Scale
- x-x- = Fence
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	KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS	
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DRAWN BY SSF	SECTION 3, T4N, R1W	
FIELD WORK BY SW/SL	JOB NUMBER:	
SHEET 2 OF 4	93259.BND	

CERTIFIED BOUNDARY SURVEY

CERTIFICATE OF SURVEY:

(Cont'd from Page 2)

and that we have found or set, as noted hereon, permanent markers to all corners and angle points of the boundaries of said parcels and that the more particular legal descriptions of said parcels are as follows:

Parcel A:

A parcel of land in the Northwest 1/4 of Section 3, 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 3; thence N01°03'17"W along the West line of said Section 3 a distance of 1297.86 feet to the South line of the North 1/2 of said Northwest 1/4 and the Centerline of Towner Road; thence N89°25'21"E along said South line and Centerline 213.32 feet to the point of beginning of this description; thence N01°03'17"W parallel with said West Section line 986.13 feet to the Eastbound centerline of Saginaw Highway (M-78); thence N57°29'13"E along said centerline 306.26 feet; thence S01°03'17"E parallel with said West Section line 403.28 feet; thence N89°25'21"E parallel with said South line of the North 1/2 of the Northwest 1/4 a distance of 472.12 feet to the West line of the East 50 acres of the North 1/2 of said Northwest 1/4; thence S00°48'16"E along said West line of the East 50 acres of the North 1/2 of said Northwest 1/4 a distance of 444.83 feet; thence S89°25'21"W parallel with said South line of the North 1/2 of the Northwest 1/4 a distance of 550.00 feet; thence S00°48'16"E parallel with said West line of the East 50 acres of the North 1/2 of said Northwest 1/4 a distance of 300.00 feet to said South line of the North 1/2 of the Northwest 1/4 and Centerline of Towner Road; thence S89°25'21"W along said South line and Centerline a distance of 180.13 feet to the point of beginning; said parcel containing 10.65 acres more or less; said parcel subject to right-of-way for road purposes along Saginaw Highway (M-78) and Towner Road; said parcel subject to all easements and restrictions if any.

Parcel B:

A parcel of land in the Northwest 1/4 of Section 3, 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 3; thence N01°03'17"W along the West line of said Section 3 a distance of 1297.86 feet to the South line of the North 1/2 of said Northwest 1/4 and the Centerline of Towner Road; thence N89°25'21"E along said South line and Centerline 393.45 feet; thence N00°48'16"W parallel with the West line of the East 50 acres of the North 1/2 of said Northwest 1/4 a distance of 300.00 feet; thence N89°25'21"E parallel with said South line of the North 1/2 of said Northwest 1/4 a distance of 550.00 feet to said West line of the East 50 acres of the North 1/2 of said Northwest 1/4; thence N00°48'16"W along said West line 444.83 feet to the point of beginning of this description; thence S89°25'21"W parallel with said South line of the North 1/2 of said Northwest 1/4 a distance of 472.12 feet; thence N01°03'17"W parallel with said West line of said Section 3 a distance of 403.28 feet to the Eastbound centerline of Saginaw Highway (M-78); thence N57°29'13"E along said centerline 252.74 feet; thence S32°31'08"E 112.00 feet; thence N89°45'32"E 200.00 feet to said West line of the East 50 acres of the North 1/2 of said Northwest 1/4; thence S00°48'16"E along said West line 440.74 feet to the point of beginning; said parcel containing 5.00 acres more or less; said parcel subject to right-of-way for road purposes along Saginaw Highway (M-78); said parcel subject to all easements and restrictions if any.



ERF
2/2/15

	KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS
	2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047 13432 PRESTON DRIVE, MARSHALL, MI 49068 PH. 269-781-9800 FAX. 269-781-9805
DRAWN BY SSF	SECTION 3, T4N, R1W
FIELD WORK BY SW/SL	JOB NUMBER:
SHEET 3 OF 4	93259.BND

CERTIFIED BOUNDARY SURVEY

WITNESSES TO SECTION CORNERS:

Northwest Corner Section 3, T4N, R1W

1/2" bar & cap #53497 in stone mound

Found concrete monument with carsonite marker (G-13, Bath Township, Clinton County), S90°W, 25.70'

Found "KEBS" nail & tag in the South side of 24" Poplar, N45°E, 40.44'

Found 1/2" bar (Amended corner G-01, Meridian Township), N01°W, 1.88'

Found nail & tag #53497 in West side of 18" ash, S12°W, 25.97'

Found nail & tag #53497 in South side of 12" box elder, S49°E, 5.71'

North 1/4 corner Section 3, T4N, R1W, Book 13, Page 194

Found remon. bar & cap #47962 in a monument box, 2'± East of the centerline of Marsh Road

Found 1/2" bar in concrete, East, 59.90'

Found nail & tag in Northeast side of 15" black locust, S36°E, 50.55'

Found "KEBS" nail & tag in the Southwest side of utility pole, N28°W, 63.97'

Found PK nail & "KEBS" tag in curb pan, West, 23.05'

Found 5/8" bar in monument box in center of Marsh Road, N9°W, 6.41'

Found 5/8" bar in monument box, N56°W, 11.33'

West 1/4 corner Section 3, T4N, R1W, Liber 11, Page 281

Found "KEBS" nail & tag in the Northwest side of a 12" oak, N75°E, 30.70'

Found "KEBS" nail & tag in the West side of a 10" oak, N18°W, 24.25'

Found "KEBS" nail & tag in the South side of a 8" oak, N65°W, 36.45'

Found nail & tag #25832 in West side of a 40" oak, S30°W, 4.10;

Found nail & tag #47942 in Southwest side of a 30" cottonwood, S36°E, 78.14'

Center of Section 3, T4N, R1W, Book 13, Page 195

Found remon. bar & cap #47942 in Marsh Road

Found nail & Ingham Co. witness tag in East side of 36" Oak, N09°W, 94.27'

Found "KEBS" nail & tag in the top of a wood retaining wall, N73°W, 21.29'

Found nail & tag #18998 in the East side of a utility pole, S10°W, 101.28'

Found nail & tag #18998 in the Northwest side of 14" Hickory, N60°E, 69.47'

Southwest corner Section 34, T5N, R1W, Liber 4, Page 66.

Found Remon. bar & cap #34976 at intersection of fences, North, East & West.

Found nail & tag #18998 in West side of fence post, North 8.18'

Found nail & tag #34976 in East side of 15" Box Elder, S40°E, 8.88'

Found nail & tag #34976 in South side of 5" Ash, East, 53.08'

Found nail & tag #34976 in North side of twin Poplar, West, 78.40'

South 1/4 corner Section 34, T5N, R1W

Found concrete monument 1.5' West of pavement of Marsh Road

Found concrete monument in monument box, North 1/4 corner,

Section 3, T4N, R1W, East, 23.10'

Found nail & tag #18998 in North side of 15" Pine, N80°E, 47.55'

Found nail & tag #18998 in Northeast side of 24" Walnut, N60°W, 25.10'



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 Michigan State Plane South Zone grid bearings obtained from GPS observations using corrections obtained from the Lansing C.O.R.S.

E.R.F. 02/21/18
 Erick R. Friestrom Date:
 Professional Surveyor No. 53497

	KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS
	2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047 13432 PRESTON DRIVE, MARSHALL, MI 49068 PH. 269-781-9800 FAX. 269-781-9805
DRAWN BY SSF	SECTION 3, T4N, R1W
FIELD WORK BY SW/SL	JOB NUMBER:
SHEET 4 OF 4	93259.BND

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

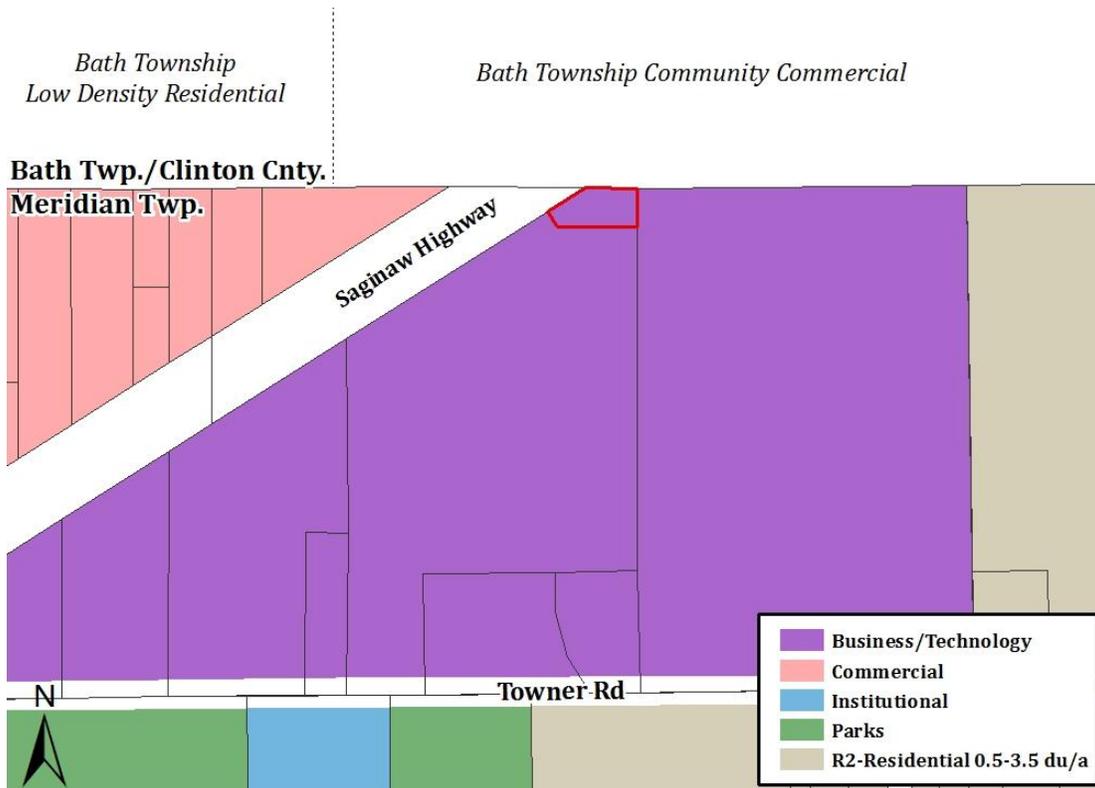
Date: July 17, 2018

Re: Rezoning #18100 (HOS Management), rezone approximately 0.42 acres located at 7080 Saginaw Highway from I (Industrial) to C-2 (Commercial).

HOS Management has requested the rezoning of approximately 0.42 acres located at 7080 Saginaw Highway (B.R. 69/M-78) from I (Industrial) to C-2 (Commercial). The site is located east of The Meridian Company, west of Davis Collision Center (Bath Township), and south of the Ingham/Clinton County line. The property has approximately 120.69 feet of frontage on Saginaw Highway.

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

2017 FUTURE LAND USE MAP

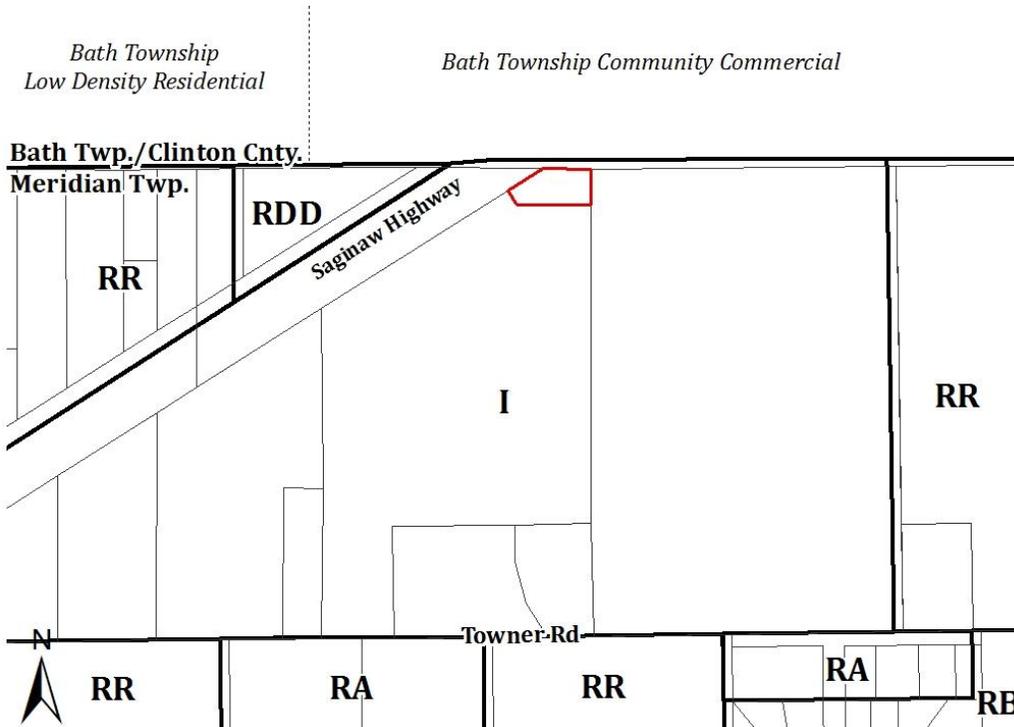


Zoning

The subject site is located in the I (Industrial) zoning district, which requires a minimum of 100 feet of lot width and one acre of lot area. The requested C-2 zoning district requires a minimum 100 feet of lot width and 4,000 square feet of lot area. With 120.69 feet of lot width on Saginaw Highway and 0.42 acres (18,295.2 square feet) of lot area, the site meets the minimum standards for both lot area and lot width of the proposed C-2 zoning district; but does not meet the minimum standard for lot area of the current I zoning district. The following table illustrates the minimum lot width and lot area requirements for the existing I and proposed C-2 zoning districts:

ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM LOT WIDTH
I	1 acre.	100 ft.
C-2	4,000 sq. ft.	100 ft.

ZONING MAP



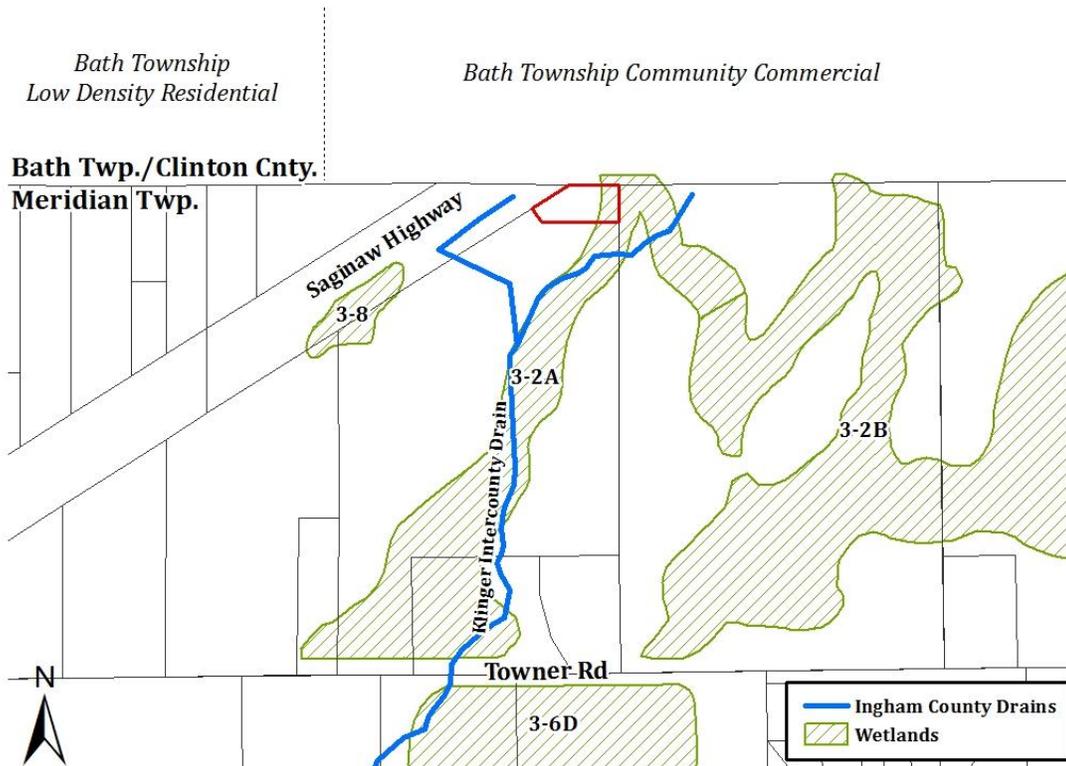
Physical Features

All Grand Events, a floral and event design company, is located on the subject site and occupies a 1,632 square foot office building constructed in 1968. The site also consists of a 2,464 square foot storage warehouse built in 1973 and an 864 square foot accessory structure (shed) built in 1979. A parking lot and associated access drive also occupies the site. The Flood Insurance Rate Map (FIRM) for Meridian Township indicates the property is not located in a floodplain. The Klinger Intercounty Drain is located nearby but does not encroach onto the site. The site does not have any special designation on the Township Greenspace Plan.

Wetlands

The Township Wetland Map shows a potential wetland on the site. If development is proposed a wetland delineation report will be required to determine the boundary and size of any wetlands. Future development of the site will be required to comply with the wetland protection ordinance and water features setbacks as applicable.

WETLANDS MAP



Streets & Traffic

The site fronts on Saginaw Highway, which is a four-lane divided highway designated as a Principal Arterial. The Pedestrian and Bicycle Pathway Map shows a proposed 10 foot wide pathway along Saginaw Highway. Future development of the subject site will require the installation of the pathway along the Saginaw Highway property frontage. The most recent (2016) traffic count information from the Michigan Department of Transportation (MDOT) for Saginaw Highway, between Lake Lansing Road and the Ingham/Clinton County line, showed a total of 16,570 vehicles in a 24 hour period.

The applicant submitted a traffic assessment comparing potential traffic generation resulting from development of the property under the existing I zoning and proposed rezoning to C-2. The assessment compares traffic generation from a general light industrial development consisting of a 7,318 square foot building under the current Industrial zoning and compares it to traffic generated by a 3,659 square foot convenience market with gasoline pumps under the proposed C-2 zoning. The following table summarizes findings from the submitted traffic assessment.

	Current I zoning (general light industrial)	Proposed C-2 zoning (convenience market with gasoline pumps)	Change
Peak Hour trips	5 (a.m.) 5 (p.m.)	55 (a.m.) 62 (p.m.)	+50 +57
Weekday trips	36	2,284	+2,248

Utilities

The current office building is served by a private well and septic system. Municipal water and sanitary sewer would have to be extended to serve the subject site. The location and capacity of utilities for any proposed development will be reviewed in detail by the Department of Public Works and Engineering at the time of a development submittal.

Staff Analysis

The applicant has requested the rezoning of an approximate 0.42 acre parcel from I to C-2. 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 stated purpose of the I zoning district (Section 86-435 of the Code of Ordinances) is to encourage within it the development of light manufacturing, processing, storage, and office establishments wholly compatible with adjacent residential areas. Uses permitted by right in the I district include: any production, processing, cleaning, testing, repair, storage, and distribution of materials, goods, or foodstuffs; contractor’s establishments; and instructional centers for business, trade, music, art, dance, martial arts, or other places of instruction.



**Rezoning #18100 (HOS Management)
Planning Commission (July 23, 2018)
Page 5**

The stated purpose of the C-2 zoning district (Section 86-404 of the Code of Ordinances) is to accommodate commercial and business service activities that serve the community. The C-2 district permits a variety of business and service activities by right and by special use permit.

The Business/Technology category of the 2017 Future Land Use Map is intended to serve the community's need for research facilities, light industrial opportunities, or corporate campuses. The Business/Technology future land use designation correlates with the PO (Professional and Office), RP (Research Park), and I (Industrial) zoning districts.

Recent rezonings in the area include 5.23 acres from RR (Rural Residential) to C-2 located on the east side of Saginaw Highway, northeast of Lake Lansing Road (REZ #14030), and five acres from PO (Professional and Office), RD (Multiple Family), and RA (Single Family-Medium Density) to C-2 at 2267 Saginaw Highway (REZ #16040). Additionally, the Township Board approved for introduction the rezoning of 41.04 acres at 6365 Newton Road from RD to C-2 (REZ #18070).

Recent and current development in the area includes the construction of Costco (East Lansing) and Meijer (Bath Township), the approval of Whitehills Lakes South, a residential subdivision with 34 lots, and continued build-out of Sierra Ridge, a residential subdivision with 99 lots. In January 2018 the Planning Commission reviewed a mixed use planned unit development (MUPUD) concept plan submitted by DTN proposing 217 residential units and 13,780 square feet of commercial space for the property located at the southeast corner of Newton Road and Saginaw Highway. Additionally, New Hope Church received site plan review approval for the construction of a 29,070 square foot church facility located at the northeast corner of Saginaw Highway and Newton Road.

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. Application.
2. Reasons for rezoning request application supplement.
3. Traffic assessment, prepared by Traffic Engineering Associates, Inc. dated May 2018.
4. Rezoning criteria.

G:\Community Planning & Development\Planning\REZONINGS (REZ)\2018\18100 (HOS Management)\REZ 18100.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

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JUN 26 2018

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 HOS Management
Address of applicant 2332 Ruby Road, East Lansing, Michigan 48823
Telephone: Work 517-244-3432 (cell) Home _____
Fax _____ Email _____
If there are multiple owners, list names and addresses of each and indicate ownership interest. Attach additional sheets if necessary. If the applicant is not the current owner of the subject property, the applicant must provide a copy of a purchase agreement or instrument indicating the owner is aware of and in agreement with the requested action.
- B. Applicant's **Representative**, Architect, Engineer or Planner responsible for request:
Name / Contact Person David E. Pierson 90 McClelland & Anderson LLP.
Address 1305 S. Washington Avenue, Suite 102, Lansing Michigan 48910
Telephone: Work 517-482-4675 Home _____
Fax _____ Email dpierson@malansing.com
- C. Site address/location 7000 East Saginaw Street, East Lansing, Michigan 48823
Legal description (Attach additional sheets if necessary) See Attached
Parcel number 33-02-02-09337-019 Site acreage 0.42
- D. Current zoning Industrial Requested zoning Commercial 2
- 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: _____

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

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

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

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

B. Reasons why the requested zoning is appropriate:

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

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

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

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

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

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

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

Part III

I (we) hereby grant permission for members of the Charter Township of Meridian's Boards and/or Commissions, Township staff member(s) and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purpose of gathering information including but not limited to the taking and the use of photographs.

Yes No (Please check one)

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

John Hospodar
Signature of Applicant

June 23, 2018
Date

John Hospodar
Type/Print Name

Fee: \$700⁰⁰

Received by/Date: Peter Menser 6-26-18

RECEIVED
JUN 26 2018

Part III Reasons For Rezoning Request

A. Reasons why the present zoning is unreasonable.

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

The immediately adjacent uses on both sides of Saginaw Street are an assortment of older businesses such as Barnum & Tenny Collision facility, Wolverine Water Systems, Overhead Door of Lansing (all of whose origins date back to the 1980's and 1990's) and equally-old single family residences which, judging from township-driven discussions are awaiting future commercial development.

In fact, prior to 2017-2018, Meridian Plumbing's relocation to its current site in 2000 had been the only substantive developmental occurrence along Meridian Township's stretch of East Saginaw Street (Industrial-zoned district) in upwards of 30 years+.

All new development in the immediate area has been commercially-oriented and to date limited to Bath Township. The Bath Township Master Plan straightforwardly calls for additional commercial development as to be expected following the Meijer initiative. Surrounding quasi-retail and service uses have also contributed to the transformation of this area from a limited-access highway to more of a commercial community-centered enclave.

Bath Township zoning ordinances and land use evolution since 2000 have designated this particular portion of the Saginaw Street corridor as a "Developmental" district intended to encompass the vast majority of non-residential development within that township over the next 20 years. The most obvious result of this has been the 155,000 sq. ft. Meijer regional footprint circa 2012.

Prior to the Meijer development this area immediately northeast of the applicants' parcels consisted primarily of either abandoned businesses or deteriorated multiple housing (motels), truck fuel stops and eatery facilities once associated with the then M-78 thoroughfare linking Lansing and Flint.

With the opening of the interstate system circa 1987 this portion of BL-69 became and remains yet today ripe for commercial redevelopment. Ergo, the Meijer initiative which incidentally, when originally conceived in 2005, contemplated the former Super Cinema site approximately one mile to the west in Meridian Township.

Meridian's leadership at the time was resistant to a more intensive use of said site, a position that has changed given the 2017 Master plan.

No longer simply a drive-thru portal, the Bath Township stretch of the BL-69 corridor now serves more of a destination sector. Aside from Meijer, businesses such as Gillette Interstate RV Center, Davis Auto Collision, Fast Eddie's Oil Change/Car Wash and Monticello's Market draw upon both local and commuter-based consumer constituencies.

All of these conditions fail to reflect or attract further industrial use expansion as permitted in the current Meridian zoning classification.

5. The township did not have reasonable basis to support the current zoning classification at the time it was adopted and said zoning has exempted legitimate uses from the area.

While not contesting the rationale originally behind this area's historic Industrial classification, Meridian Township no longer maintains a "specific or exclusive" reasonable basis to continue to support the current zoning status for the parcels contained within this request (see recent updates to Township's Master Plan circa November, 2017).

Uses permitted in the current industrial district have no use for the higher traffic volume of Saginaw Street (both directions) including commuter traffic OR the proximity to existing commercial uses in Bath Township. The current zoning as such has historically banned the following legitimate uses from the area:

- *Any and all things retail
- *Bars, restaurants and/or like-kind eating establishments
- *Professional offices
- *Educational or vocational/technological training facilities

Again, when viewed in comparison with the width and breadth of non-residential uses allowed by right in Bath Township's adjacent "Developmental" district (<1,000 ft. away), the stagnation of development OR redevelopment of this particular edge of Meridian Township is pointedly obvious. Again, Meridian Plumbing's arrival 18 years ago being the only notable exception.

B.Reasons Why the Requested Zoning Is Appropriate.

2.Requested rezoning is compatible with other existing and proposed uses surrounding the affected site(s).

Commercial use is permitted both across the street and to the east. The demand is demonstrated by the vacant parcels eastward to the Marsh Road intersection (including some "as built" parcels), all of which advertise for some sort of commercial development OR redevelopment possibilities (note attached real estate listings and/or signs). With an existing environment of retail, Meijer out-lots, automotive repair, recreational products, etc., Meridian Township property owners should be afforded a level playing field in the competition for future developmental opportunities or investments within this specific and unique inter-township and inter-county district.

The Meridian Township future land use map similarly acknowledges this fact on the northern side of Saginaw Street but designates a significant portion of the southern side, including the subject property, for "Business Technology". The applicants have long harbored intentions to develop their parcel in a non industrially-constrained fashion. These same applicants successfully initiated a zoning district amendment in 2016 to allow for vocational/technical training facilities within the industrial zoning classification, an end result that they still wish to pursue in the not-to-distant future.

The kinds of uses described in the Business Technology designation have in reality very fewer "users" and little if any need for the higher traffic volumes of the BL-69/Saginaw Street corridor. Given the configuration of the highway system within the greater Lansing area, the affected parcels are not essential to the Lansing metropolitan market. In addition, the ownership, topography, wetland considerations and other development constraints do not lend themselves to the assembly of "campuses" for either corporate or research purposes. This area is central to the immediate surrounding community and its commuter traffic, as should be apparent from the success of the Meijer location.

Additionally, and with respect to Meridian parcel # 33-02-02-09-327-019 (H & S Management), a change in zoning designation from Industrial to Commercial II would bring said parcel closer to equivalent use status as the parcel immediately to the east in Bath Township. This parcel, also owned by the referenced party, is contained within that township's Developmental classification allowing significantly more uses by right than Meridian's Industrial. It should be noted here that both the individual county AND township boundaries between Ingham and Clinton as well as Meridian and Bath run at an approximate SE/NW axis between these two parcels, potentially making further redevelopment as a single site constrained at best given existing zoning designations from the two respective townships.

4. Requested rezoning would not result in significant adverse impacts on traffic circulation, water and sewer systems, education, recreation and other public services.

*Traffic circulation. Impending (2019) MDOT re-configuration of the Marsh Road/Saginaw Street intersection and collateral improvements westward along Saginaw into Meridian Township will preclude any possibility of negative or adverse traffic effects.

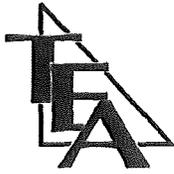
*Education. No nearby holdings of the Haslett School District. Commercial development of the site(s) in question could increase annual revenue dollars to said district for its debt millage.

***Water and sewer systems. Inter-township (Meridian and Bath) service agreement circa 2010 has already resulted in the installation of Clinton County sanitary sewer service to 1999 East Saginaw Street. Clinton County sanitary sewer capacity already in place 200'+- east of 7080 East Saginaw Street. Proposed connection to Meridian Township municipal water system (Towner Road) to increase annual revenue to said jurisdiction through tap and user fees.**

***Recreation. Expanded uses by right allowing enterprises such as restaurants or like-kind establishments could address consumer needs resulting from the proposed 2019 opening of Meridian's Towner Road Recreational Complex approximately one-half mile away.**

*Other public services. The parcels requesting re-zoning already fall under the jurisdiction of Meridian Township police, fire and EMS coverage and said rezoning would not change the demand for these services when compared to the current industrial zoning.

In conclusion, let it be noted that the applicants (M & J Management) are only requesting a partial rezoning of their overall parcel and will attempt further site buildout within the current zoning designation of Industrial.



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JUN 26 2018

TRAFFIC ASSESSMENT

For the Proposed

**Rezoning of 0.42 Acres
Mr. John Hospodar Property**

Meridian Charter Township, Ingham County, MI

May 2018

Prepared by:

**Traffic Engineering
Associates, Inc.**

PO Box 100 • Saranac, Michigan 48881
517/627-6026 FAX: 517/627-6040

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Supplementals	8



PROJECT DESCRIPTION

The purpose of this study is to determine the comparison of traffic generated by the proposed rezoning of approximately 0.42 acres of property in Meridian Charter Township, Ingham County, Michigan. This property is located on the south side of Saginaw Highway/BL-69 and east of Towner Road, adjacent to the Meridian Plumbing property. The proposed rezoning will be from the existing Industrial (I) District to Commercial (C-2).

Access to the property is provided via one (1) existing driveway. Saginaw Highway/ BL-69 is a divided boulevard along the frontage of the site; therefore, access to the site is right-in, right-out only. All left turning traffic accessing the site will be required to use nearby boulevard cross-overs.

The traffic analysis will include the following items:

- Trip generation for the existing Industrial (I) District based on maximum allowable buildable area and usage.
- Trip generation for the proposed Commercial (C-2) District based on maximum allowable buildable area and usage.
- Comparison of traffic generation for the existing Industrial (I) District to the traffic generation for the proposed Commercial (C-2) zoning district.
- Discussion of any potential sight distance issues





AERIAL PHOTO



ROADWAYS AND INTERSECTIONS

Saginaw Highway/ BL-69 is a four-lane divided boulevard with paved shoulders in the project area and is under the jurisdiction of the Michigan Department of Transportation (MDOT). The posted speed limit is 55 MPH.

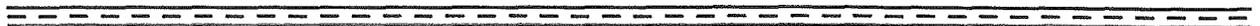
LAND USE

The proposed rezoning property currently has an existing business, All Grand Events, located on the property. Surrounding zoning categories include:

- One-Family Rural Residential District (RR)
- One-Family Medium Density Residential District (RA)
- Industrial (I)
- Commercial (C-2)

EXISTING TRAFFIC VOLUMES

According to the Michigan Department of Transportation (MDOT) website for 2015 Average Daily Traffic (ADT) volumes, the average daily traffic volume along Saginaw Highway/ BL-69 in the project area is approximately 14,300 vehicles eastbound and 14,300 vehicles westbound per day.



SITE TRAFFIC GENERATION

For the existing zoning, Industrial (I), Meridian Charter Township zoning standards allow for a building to occupy approximately forty percent (40%) of the total buildable area, which equates to approximately 0.168 acres or 7,318 square feet of building, sometimes called the footprint of the building.

The trip generation rates for the existing and proposed zoning categories were derived from the ITE TRIP GENERATION MANUAL (10th edition). The ITE trip generation rates for General Light Industrial (Land Use Code 110) were selected as representing the 7,318 square feet of building under the existing Industrial (I) Zoning Category. The ITE description of General Light Industrial is as follows:

Light industrial facilities are free-standing facilities devoted to a single use. The facilities have an emphasis on activities other than manufacturing and typically have minimal office space. Typical light industrial activities include printing, material testing and assembly of data processing equipment.

The proposed zoning, Commercial (C-2), requires a smaller allowable buildable area. Meridian Charter Township allows a one-to-five ratio (1:5) of building to buildable area (footprint), which equates to approximately 0.084 acres or 3,659 square feet of building.

The ITE trip generation rates for Convenience Market with Gasoline Pumps (Land Use Code 853) were selected as representing the 3,659 square feet of building under the proposed Commercial (C-2) Zoning Category. The ITE description of Convenience Market with Gasoline Pumps is as follows:

This land use includes convenience markets with gasoline pumps where the primary business is the selling of convenience items, not the fueling of motor vehicles. The sites included in this land use category have the following two specific characteristics:

- *The gross floor area of the convenience market is at least 2,000 gross square feet*
- *The number of vehicle fueling positions is less than 10*

Significant shares of trips generated by commercial enterprises are classified as “pass-by” trips. **Pass-by** trips are already present in the existing traffic stream and represent trips which have other ultimate destinations which are interrupted to visit the commercial site. Pass-by trips are already “passing by” the site and therefore do not add new traffic to the adjoining street system. Pass-by trips are attracted from traffic passing the site on an adjacent street (Saginaw Highway/BL-69) that offers direct access to the generator. The pass-by trips will be subtracted from the trip generation comparison as they are already in the existing traffic on Saginaw Highway/BL69.

According to the ITE Trip Generation Handbook, the average AM peak hour pass-by trip percentage for a “Convenience Market with Gasoline Pumps” is sixty-three percent (63%), and



the PM peak hour pass-by trip percentage is sixty-six percent (66%). The ITE Trip Generation Handbook does not provide pass-by trip percentages for the “General Light Industrial” category.

Pass-by trips differ from primary trips. **Primary** trips are made for the specific purpose of visiting the generator. Primary trips do add new traffic to the adjoining road system.

It is projected that the existing zoning, Industrial (I), could generate 5 vehicle trips in the AM peak hour, 5 vehicle trips in the PM peak hour, and 36 vehicle trips daily.

It is anticipated that the proposed zoning, Commercial (C-2), will generate 149 vehicle trips in the AM peak hour, of which 94 are pass-by trips, 180 vehicle trips in the PM peak hour of which 118 are pass-by trips, and 2,284 vehicle trips daily.

The proposed zoning (C-2) is expected to generate 50 more trips in the AM peak hour, 57 more vehicle trips in the PM peak hour, and 2,248 more vehicle trips daily when compared to the existing zoning.

The comparison of trip generation is for the 0.42 acre property is summarized in **Table 1**.



Table 1
Vehicle Trip Generation Comparison

Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	
Existing – Industrial (I) General Light Industrial; Code 110	7,318 sq ft	4	1	5	1	4	5	36
Total Trips		4	1	5	1	4	5	36

Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	
Proposed – Commercial (C-2) Convenience Market with Gasoline Pumps; Code 853	3,659 sq ft	75	74	149	90	90	180	2,284
Pass-by Trips								
Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	
Proposed – Commercial (C-2) Convenience Market with Gasoline Pumps; Code 853	3,659 sq ft	47	47	94	59	59	118	--
Total Primary Trips		28	27	55	31	31	62	2,284

Difference in Trips	+24	+26	+50	+30	+27	+57	+2,248
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SIGHT DISTANCE

There is an existing driveway to the proposed rezoning property. A field analysis at the driveway shows that there are not expected to be problems with sight distance for vehicles either entering or exiting the driveway.

CONCLUSIONS

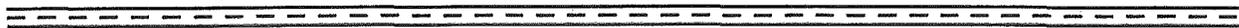
The findings of this study provide the following conclusions and recommendations:

- The proposed rezoning to Commercial (C-2) is anticipated to generate 50 more vehicle trips in the AM peak hour, 57 more vehicles trips in the PM peak hour and an increase of 2,248 daily (24-hour) vehicle trips.



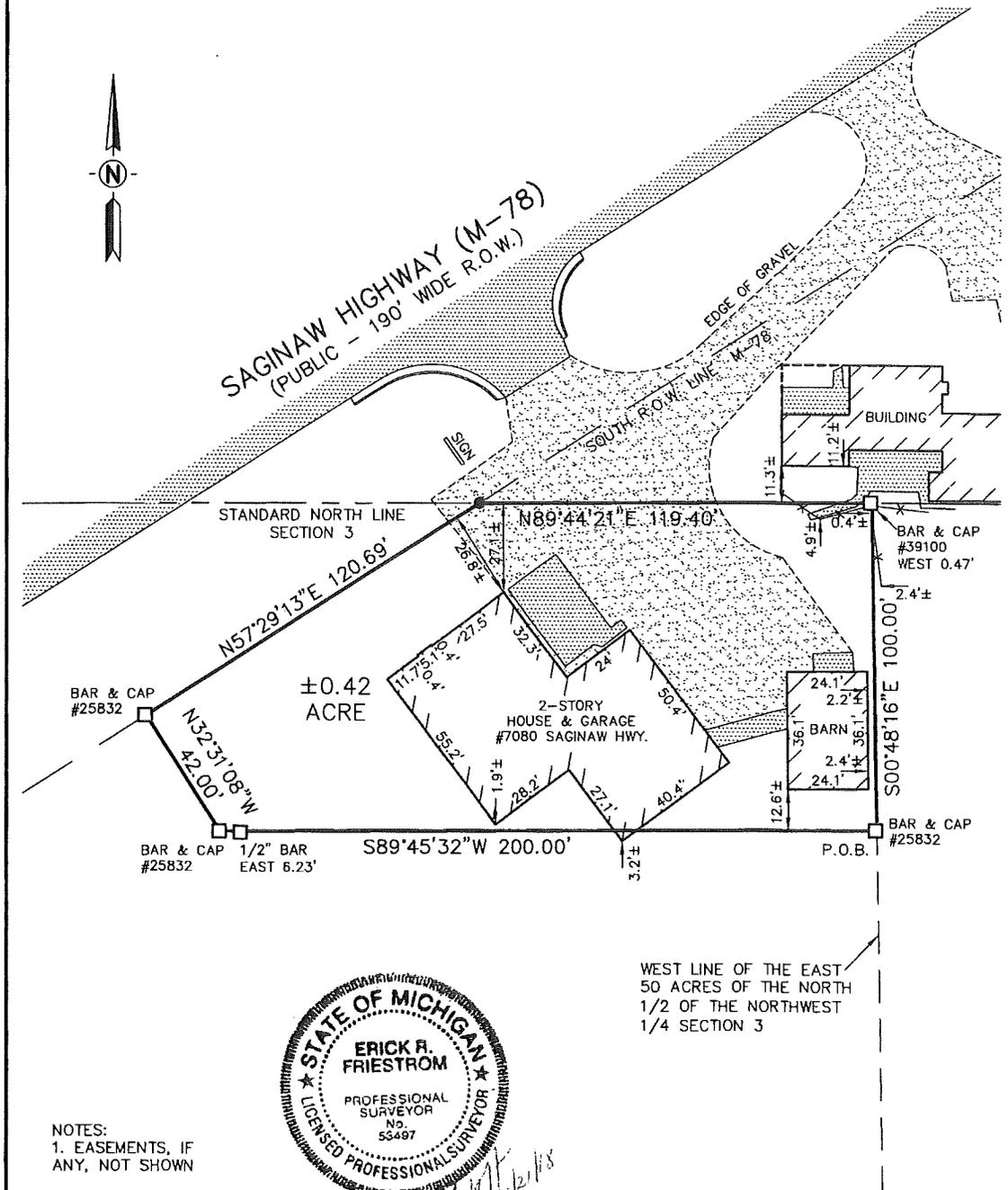
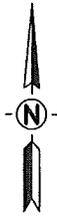
SUPPLEMENTALS

MDOT AADT Counts
Boundary Survey



CERTIFIED BOUNDARY SURVEY

FOR: HOS MANAGEMENT



NOTES:
1. EASEMENTS, IF ANY, NOT SHOWN

WEST LINE OF THE EAST 50 ACRES OF THE NORTH 1/2 OF THE NORTHWEST 1/4 SECTION 3

SCALE 1" = 40'



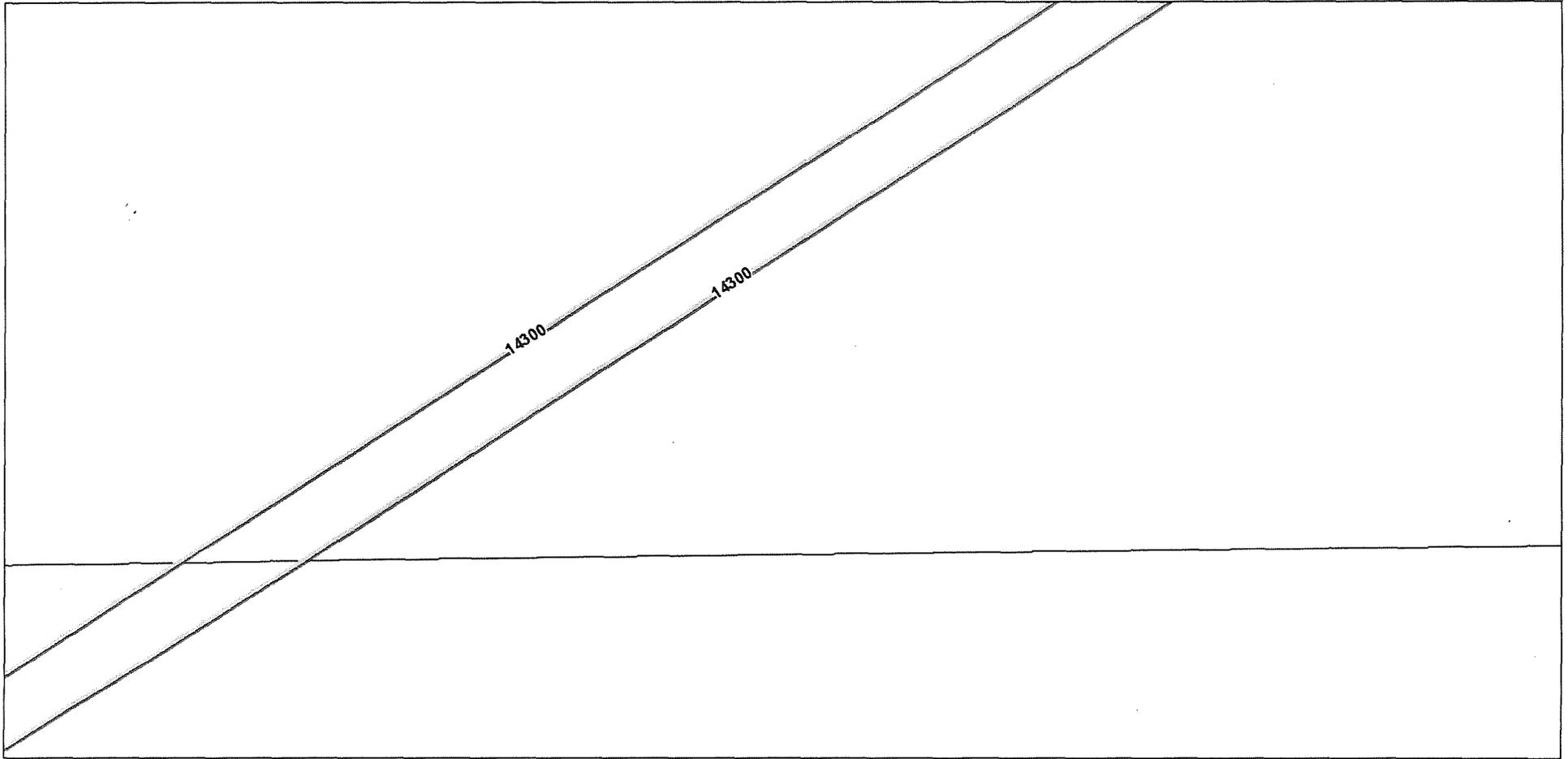
LEGEND

- = Set 1/2" Bar with Cap
- = Found Iron as Noted
- = Survey Boundary Line
- = Distance Not to Scale
- x—x— = Fence
- 0.0'± = Denotes Distance to the Survey Line
- ▨ = Concrete, Asphalt, Deck, and Parch

All Dimensions are in Feet and Decimals Thereof.

	KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS	
	2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047 13432 PRESTON DRIVE, MARSHALL, MI 49068 PH. 269-781-9800 FAX. 269-781-9805	
DRAWN BY SSF	SECTION 3 , T4N, R1W	
FIELD WORK BY SW/SL	JOB NUMBER:	
SHEET 2 OF 4	93260.BND	

NTFA



April 30, 2018

Annual Average Daily Traffic (2015)

- Over 100000
- 0 - 2000
- 2001 - 5000
- 5001 - 10000
- 10001 - 20000
- 20001 - 50000
- 50001 - 100000

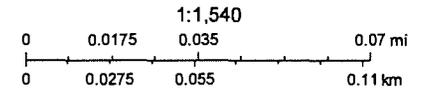
National Functional Classification

- To Be Obliterated
- Approved Future Minor Collector
- Approved Future Major Collector
- Approved Future Minor Arterial
- Approved Future Principal Arterial

- Approved Future Other Freeway
- Approved Future Interstate
- Approved Local
- Approved Minor Collector
- Approved Major Collector
- Approved Other Principal Arterial
- Approved Minor Arterial

- Approved Other Freeway
- Approved Interstate
- NFC Local
- NFC Minor Collector
- NFC Major Collector
- NFC Minor Arterial
- NFC Other Principal Arterial

- NFC Other Freeway
- NFC Interstate
- Non Certified Road



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: July 19, 2018

Re: Rezoning #18080 (Giguere Homes), rezone approximately 7.36 acres located at 3760 Hulett Road from RR (Rural Residential) to RA (Single Family-Medium Density).

The public hearing for Rezoning #18080 was held at the July 9, 2018 regular meeting. At the meeting the Planning Commission agreed to consider a resolution to recommend approval of the rezoning request at its next meeting.

As requested by the Planning Commission at its last meeting, the applicant has provided a copy of the deed restrictions currently in place for the Sanctuary subdivision.

Planning Commission Options

The Planning Commission may recommend approval or denial of the rezoning as requested by the applicant or recommend a different zoning category. A resolution to recommend approval to RA (Single Family-Medium Density) is attached.

- **Move to adopt the attached resolution to recommend approval of Rezoning #18080.**

Attachments

1. Resolution to recommend approval.
2. Sanctuary subdivision deed restrictions submitted by Giguere Homes.
3. Sanctuary subdivision maps submitted by Giguere Homes.

RESOLUTION TO APPROVE RA

**Rezoning #18080
Giguere Homes
3760 Hulett Road**

RESOLUTION

At a regular meeting of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 23rd day of July, 2018, at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

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

WHEREAS, Giguere Homes requested the rezoning of approximately 7.36 acres located at 3760 Hulett Road from RR (Rural Residential) to RA (Single Family-Medium Density); and

WHEREAS, the Planning Commission held a public hearing and discussed the rezoning at its meeting on July 9, 2018; and

WHEREAS, the Planning Commission reviewed and discussed the staff material provided under a cover memorandum dated July 5, 2018; and

WHEREAS, the subject site meets the minimum standard for lot area of the proposed RA (Single Family-Medium Density) zoning district; and

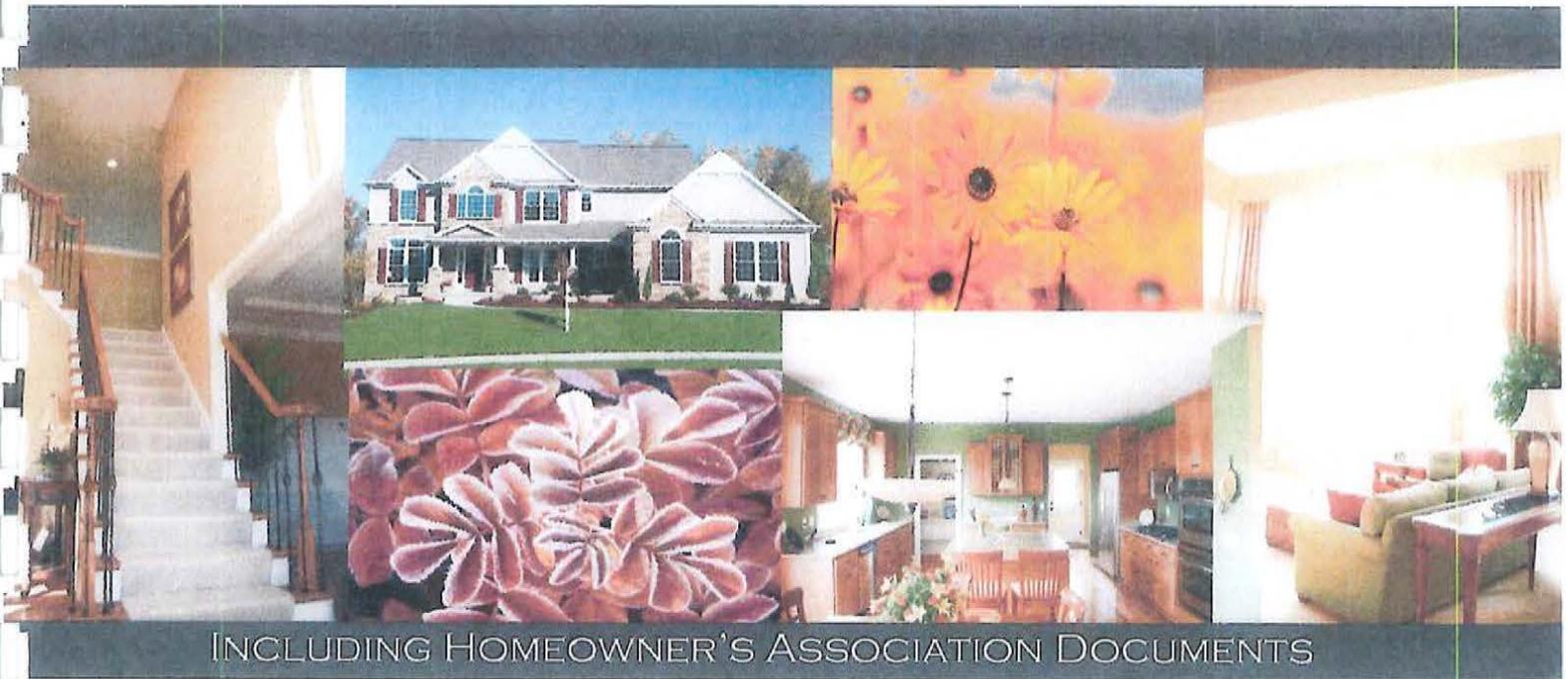
WHEREAS, the subject site is located in close proximity to an existing RA (Single Family-Medium Density) zoning district to the north; and

WHEREAS, in a letter dated June 12, 2018 the applicant offered voluntary conditions on the rezoning, including limiting development of the site to a maximum of eight lots, providing a 50 foot wide natural preservation area along Robins Way, establishing deed restrictions for the development that meet or exceed those of the existing Sanctuary development, restricting construction hours to 8 a.m. to 6 p.m. Monday-Saturday, and the installation of a temporary chain link gate at the entrance off Robins Way during the land development phase of construction; and

WHEREAS, the proposed rezoning to RA (Single Family-Medium Density) is consistent with the 2017 Future Land Use Map designation of R2-Residential 0.5 to 3.5 dwelling units per acre; and

WHEREAS, public water and sanitary sewer services are available to serve the site.

THE SANCTUARY HOMEOWNER'S MANUAL



INCLUDING HOMEOWNER'S ASSOCIATION DOCUMENTS

GIGUERE
Real Estate

SANCTUARY HOMEOWNERS' ASSOCIATION OF OKEMOS

RECEIPT

Dear Co-Owner:

At this time we are furnishing you with a booklet containing the following documents for Sanctuary Homeowners' Association of Okemos:

1. Articles of Incorporation
2. Bylaws
3. Declaration of Restrictions
4. Voting Representative Designation

Please sign this receipt to acknowledge that the documents described above have been delivered to you.

Very truly yours,

Sanctuary Homeowners' Association of Okemos

Receipt of documents acknowledged:

By: _____

(If more than one Co-owner, all must sign)

Lot No. _____ Date: _____

SANCTUARY HOMEOWNERS' ASSOCIATION OF OKEMOS

INDEX

1. Articles of Incorporation
2. Bylaws
3. Declaration of Restrictions
4. Voting Representative Designation

502

FILED

(Please do not write in spaces below - For Department Use)

AUG 11 2006

Administrator
Bureau of Commercial Services

MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES – CORPORATION DIVISION

DATE _____

Tran Info#1 12047567-1 08/10/06
Chk#: 11563 Amt: \$20.00
ID: MCCLELLAND & ANDERSON

800590

(Nonprofit Domestic Corporations)

ARTICLES OF INCORPORATION

OF

SANCTUARY HOMEOWNERS' ASSOCIATION OF OKEMOS

These Articles of Incorporation are signed by the Incorporator for the purpose of forming a nonprofit corporation pursuant to the provisions of Act 162 of the Public Acts of 1982, as amended, as follows:

ARTICLE I

The name of the Corporation is SANCTUARY HOMEOWNERS' ASSOCIATION OF OKEMOS.

ARTICLE II

The purpose or purposes for which the Corporation is organized are as follows:

8

- (a) To manage and administer the affairs of SANCTUARY SUBDIVISION, a residential subdivision (the "Subdivision");
- (b) To own and maintain the Common Property;
- (c) To levy and collect assessments against and from the members of the Corporation and to use the proceeds therefrom for the purposes of the Corporation;
- (d) To contract for and employ persons, firms, corporations or other agents to assist in the management, operation, maintenance and administration of the Corporation;
- (e) To enforce the provisions of the Declaration of Restrictions;
- (f) To establish such other committees as it deems necessary, convenient or desirable, and to appoint persons thereto for the purpose of administration of the Corporation; and
- (g) To enforce the Rules and Regulations of the Corporation, if any.

ARTICLE III

Said Corporation is organized upon a nonstock basis.

The amount of assets which said Corporation possesses is: Real Property -- None; Personal Property -- None.

Said Corporation is to be financed under the following general plan:
Assessment of Members.

ARTICLE IV

Said Corporation is organized on a membership basis.

ARTICLE V

The address of the initial registered office is:

287 Turner Road
Williamston, Michigan 48895

The name of the initial resident agent at the registered office is: Lynda

Overton.

ARTICLE VI

The name and address of the Incorporator is as follows:

Lynda Overton
287 Turner Road
Williamston, Michigan 48895

ARTICLE VII

The term of this Corporation shall be perpetual.

ARTICLE VIII

The qualifications of members, the manner of their admission to membership in the Corporation, the termination of membership and voting by members shall be as follows:

(a) Each co-owner (including the Developer) of a Subdivision Lot shall be a member of the Corporation, and no other person or entity shall be entitled to membership.

(b) Membership in the Corporation shall be established by the acquisition of legal or equitable title to a Subdivision Lot and by recording with the Register of Deeds in the county where the Subdivision is located a deed or other instrument evidencing such title and the furnishing of evidence of same satisfactory to the Corporation, the new co-owner thereby becoming a member of the Corporation, and the membership of the prior co-owner of such Lot thereby being terminated.

(c) Neither membership nor the share of a member in the funds and assets of the Corporation can be assigned, pledged or transferred in any manner, except as an appurtenance to a Subdivision Lot.

(d) Voting by members shall be in accordance with the provisions of the Bylaws of this Corporation.

ARTICLE IX

A volunteer director or volunteer officer of the Corporation shall not be personally liable to the Corporation or its members for monetary damages for a breach of the director's or officer's fiduciary duty, except for liability: (a) for a breach of the director's or officer's duty of loyalty to the Corporation or its members; (b) for acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law; (c) for a violation of Section 551(1) of the Michigan Nonprofit Corporation Act; (d) for a transaction from which the director or officer derived an improper personal benefit; (e) for an act or omission occurring prior to the effective date of this provision; or (f) for an act or omission that is grossly negligent. If, after approval by the members of this provision, the Michigan Nonprofit Corporation Act is amended

to authorize corporate action further eliminating or limiting the personal liability of directors and/or officers, then the liability of a volunteer director or volunteer officer of the Corporation shall be eliminated or limited to the fullest extent permitted by the Michigan Nonprofit Corporation Act, as so amended. Any repeal or modifications of the foregoing provisions of this Article by the members of the Corporation shall not adversely affect any right or protection of a volunteer director or volunteer officer of the Board existing at the time of such repeal or modification.

The Corporation assumes the liability for all acts or omissions of a volunteer director, volunteer officer or other volunteer if all of the following are met: (a) the volunteer was acting or reasonably believed he or she was acting within the scope of his or her authority; (b) the volunteer was acting in good faith; (c) the volunteer's conduct did not amount to gross negligence or willful and wanton misconduct; (d) the volunteer's conduct was not an intentional tort; and (e) the volunteer's conduct was not a tort arising out of the ownership, maintenance, or use of a motor vehicle for which tort liability may be imposed as provided in section 3135 of the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being section 500.3135 of the Michigan Compiled Laws.

ARTICLE X

These Articles of Incorporation may be amended, altered, changed or repealed only by the affirmative vote of not less than seventy-five percent (75%) of the entire membership of the Corporation; provided, that in no event shall any amendment

make changes in the qualification for membership or the voting rights of members without the unanimous consent of the membership.

I, the Incorporator of the above-named Corporation, hereby sign these Articles of Incorporation on this 4th day of August, 2006.


Lynda Overton

Prepared by and return to:

Gail A. Anderson, Esq.
McClelland & Anderson, L.L.P.
1305 S. Washington Avenue
Suite 102
Lansing, Michigan 48910

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SANCTUARY HOMEOWNERS' ASSOCIATION OF OKEMOS

BYLAWS

ARTICLE I

VOTING

Section 1. Vote. The Co-owner(s) of a Lot shall have one vote, and each vote shall be equal. Where a Lot is owned by an entity or more than one individual, the Co-owner(s) of that Lot shall file a Designation of Voting Representative pursuant to Section 3 below.

Section 2. Eligibility to Vote. The vote of each Co-owner may be cast only by the individual representative designated by such Co-owner in the notice required in Section 3 of this Article, or by a proxy given by such individual representative.

Section 3. Designation of Voting Representative. Each Co-owner shall file a written notice with the Association designating the individual representative who shall vote at meetings of the Association and receive all notices and other communications from the Association on behalf of such Co-owner. Such notice shall state the name and address of the individual representative designated, the number or numbers of the Lot or Lots owned by the Co-owner, and the name and address of each person, firm, corporation, partnership, association, trust or other entity who is the Co-owner. Such notice shall be signed and dated by the Co-owner. The individual representative designated may be changed by the Co-owner at any time by filing a new notice.

Section 4. Quorum. The presence in person or by proxy of 10% of the Co-owners in number qualified to vote shall constitute a quorum for holding a meeting of the members of the Association, except for voting on questions specifically required by the Bylaws to require a greater quorum. The written vote of any person furnished at or prior to any duly called meeting at which meeting such person is not otherwise present in person or by proxy shall be counted in determining the presence of a quorum with respect to the question upon which the vote is cast.

Section 5. Voting. Votes may be cast only in person or in a writing signed by the designated voting representative not present at a meeting in person or by proxy. Proxies and any written votes must be filed with the Secretary of the Association at or before the appointed time of each meeting of the members of the Association. Cumulative voting shall not be permitted.

Section 6. Majority. A majority, except where otherwise provided, shall consist of more than 50% of those qualified to vote and present in person or by proxy (or written vote, if applicable) at a meeting of the members of the Association.

ARTICLE II

MEETINGS

Section 1. Place of Meeting. Meetings of the Association shall be held at such suitable place convenient to the Co-owners as may be designated by the Board of Directors. Meetings of the Association shall be conducted in accordance with Roberts Rules of Order or some other generally recognized manual of parliamentary procedure, when not otherwise in conflict with the Bylaws or the laws of Michigan.

Section 2. Annual Meetings. Annual meetings of members of the Association shall be held on the third Tuesday in March. At such meetings there shall be elected by ballot of the Co-owners, a Board of Directors, in accordance with the requirements of this Article. The Co-owners may also transact at annual meetings such other business of the Association as may properly come before them.

Section 3. Special Meetings. It shall be the duty of the President to call a special meeting of the Co-owners as directed by resolution of the Board of Directors or upon a petition signed by 1/3 of the Co-owners presented to the Secretary of the Association. Notice of any special meeting shall state the time and place of such meeting and the purposes thereof. No business shall be transacted at a special meeting except as stated in the notice.

Section 4. Notice of Meetings. It shall be the duty of the Secretary (or other Association officer in the Secretary's absence) to serve a notice of each annual or special meeting, stating the purpose of the meeting as well as the time and place where it is to be held, upon each Co-owner of record, at least 10 days but not more than 60 days prior to any such meeting. Mailing notice to a representative or Co-owner at the address shown in the notice required by Article I, Section 3 shall be deemed served upon mailing. Any member may, by written waiver of notice signed by such member, waive such notice, and such waiver, when filed in the records of the Association, shall be deemed due notice.

Section 5. Adjournment. If any meeting of Co-owners cannot be held because a quorum is not in attendance, the Co-owners who are present may adjourn the meeting to a time not less than 48 hours from the time the original meeting was called.

Section 6. Order of Business. The order of business at all meetings of the members shall be as follows: (a) roll call to determine the voting power represented at the

meeting; (b) proof of notice of meeting or waiver of notice; (c) reading of minutes of preceding meeting; (d) reports of officers; (e) reports of committees; (f) election of Directors (at annual meeting or special meetings held for such purpose); (g) unfinished business; and (h) new business. Meetings of members shall be chaired by the most senior officer of the Association present at such meeting. For purposes of this Section, the order of seniority of officers shall be President, Vice President, Treasurer and Secretary.

Section 7. Action Without Meeting. Any action which may be taken at a meeting of the members (except for election or removal of Directors) may be taken without a meeting by written ballot of the members. Ballots shall be solicited in the same manner as provided in Section 5 for giving of notice of meetings of members. Such solicitations shall specify (a) the number of responses needed to meet the quorum requirements; (b) the percentage of approvals necessary to approve the action; and (c) the time by which ballots must be received in order to be counted. The form of written ballot shall afford an opportunity to specify a choice between approval and disapproval of each matter. Approval by written ballot shall be constituted by receipt, within the time period specified in the solicitation, of (i) a number of ballots which equals or exceeds the quorum which would be required if the action were taken at a meeting, and (ii) a number of approvals which equals or exceeds the number of votes which would be required for approval if the action were taken at a meeting at which the total number of votes cast was the same as the total number of ballots cast.

Section 8. Consent of Absentees. The transactions at any meeting of members, either annual or special, however called and noticed, shall be as valid as though made at a meeting duly held after regular call and notice, if a quorum is present either in person or by proxy; and if, either before or after the meeting, each of the members not present in person or by proxy signs a written waiver of notice, or a consent to the holding of such meeting, or an approval of the minutes of the meeting. All such waivers, consents or approvals shall be filed with the corporate records and made a part of the minutes of the meeting.

Section 9. Minutes, Presumption of Notice. Minutes or a similar record of the proceedings of meetings of members, when signed by the President or Secretary, shall be presumed truthful as evidence of the matters set forth in the minutes. A recitation in the minutes of any such meeting that notice of the meeting was properly given shall be prima facie evidence that such notice was given.

ARTICLE III

BOARD OF DIRECTORS

Section 1. Number and Qualification of Directors. The Board of Directors shall initially be comprised of two (2) members appointed by the Declarant. At such time as the Declarant shall transfer administration of the Declaration of Restrictions to the Homeowners' Association, the Board of Directors shall be increased to five (5) members, all of whom must be members of the Association. Directors shall serve without compensation.

Section 2. Election of Directors. Election of the Directors shall be held at the annual meeting of the members of the Association.

Section 3. Powers and Duties. The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association.

Section 4. Other Duties. In addition to duties imposed by these Bylaws or any further duties which may be imposed by resolution of the members of the Association, the Board of Directors shall be responsible specifically for the following:

- (a) To manage and administer the affairs of the Association.
- (b) To own and maintain the Common Property.
- (c) To levy and collect assessments from the members of the Association and to use the proceeds for the purposes of the Association.
- (d) To contract for and employ persons, firms, corporations or other agents to assist in the management, operation, maintenance and administration of the Association.
- (e) To establish such committees as it deems necessary, convenient or desirable, and to appoint persons thereto for the purpose of administration of the Association.
- (f) To enforce the provisions of the Declaration of Restrictions.
- (g) To enforce the Rules and Regulations of the Association, if any.

Section 5. Vacancies. Vacancies in the Board of Directors caused by any reason other than the removal of a director by a vote of the members of the Association shall be filled by vote of the majority of the remaining directors. Each person so elected shall be a director until a successor is elected at the next annual meeting of the members of the Association.

Section 6. Removal. At any regular or special meeting of the Association duly called with due notice of the removal action proposed to be taken, any one or more of the directors may be removed with or without cause by the affirmative vote of more than 50% in number of all of the Co-owners. Any vacancy caused by the removal of a director shall be filled in accordance with Section 5 hereof. Any director whose removal has been proposed by the Co-owners shall be given an opportunity to be heard at the meeting. The Declarant may remove and replace any or all of the directors selected by it at any time or from time to time in its sole discretion.

Section 7. Regular Meetings. Regular meetings of the Board of Directors may be held at such times and places as shall be determined from time to time by a majority of the directors, but at least two such meetings shall be held during each fiscal year. Notice of regular meetings of the Board of Directors shall be given to each director personally, by mail or telephone, at least 10 days prior to the date named for such meeting.

Section 8. Special Meetings. Special meetings of the Board of Directors may be called by the President on three days notice to each director given personally, by mail or telephone, which notice shall state the time, place, and purpose of the meeting. Special meetings of the Board of Directors shall be called by the President or Secretary in like manner and on like notice on the written request of two directors.

Section 9. Waiver of Notice. Before or at any meeting of the Board of Directors, any directors may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a director at any meetings of the Board of Directors shall be deemed a waiver of notice by him of the time and place thereof. If all the directors are present at any meeting of the Board of Directors, no notice shall be required and any business may be transacted at such meeting.

Section 10. Quorum. At all meetings of the Board of Directors, a majority of the directors shall constitute a quorum for the transaction of business, and the acts of the majority of the directors present at a meeting at which a quorum is present shall be the acts of the Board of Directors. If, at any meeting of the Board of Directors, there is less than a quorum present, the majority of those present may adjourn the meeting to a subsequent time upon 24 hours' prior written notice delivered to all directors not present. At any such adjourned meeting, any business which might have been transacted at the meeting as originally called may be transacted without further notice. The joining of a director in the action of a meeting by signing and concurring in the minutes of the meeting, shall constitute the presence of such director for purposes of determining a quorum.

Section 11. Fidelity Bonds. The Board of Directors may require that all officers and employees of the Association handling or responsible for Association funds furnish adequate fidelity bonds. The premiums on the bonds shall be expenses of administration.

ARTICLE IV

OFFICERS

Section 1. Officers. The principal officers of the Association shall be a President, who shall be a member of the Board of Directors, a Vice President, a Secretary and a Treasurer. Any two offices except that of President and Vice President may be held by one person.

(a) President. The President shall be the chief executive officer of the Association. He shall preside at all meetings of the Association and of the Board of Directors. He shall have all of the general powers and duties which are usually vested in the office of the President of an association, including, but not limited to, the power to appoint committees from among the members of the Association from time to time as he may in his discretion deem appropriate to assist in the conduct of the affairs of the Association.

(b) Vice President. The Vice President shall take the place of the President and perform his duties whenever the President shall be absent or unable to act. The Vice President shall also perform such other duties as shall from time to time be imposed upon him by the Board of Directors.

(c) Secretary. The Secretary shall keep the minutes of all meetings of the Board of Directors and the minutes of all meetings of the members of the Association; he shall have charge of the corporate seal, if any, and of such books and papers as the Board of Directors may direct; and he shall, in general, perform all duties incident to the office of the Secretary.

(d) Treasurer. The Treasurer shall have responsibility for the Association's funds and securities and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association. He shall be responsible for the deposit of all monies and other valuable effects in the name and to the credit of the Association, and in such depositories as may, from time to time, be designated by the Board of Directors.

Section 2. Election. The officers of the Association shall be elected annually by the Board of Directors at the organizational meeting of each new Board of Directors and shall hold office at the pleasure of the Board of Directors.

Section 3. Removal. Upon affirmative vote of a majority of the members of the Board of Directors, any officer may be removed either with or without cause, and his successor elected at any regular meeting of the Board of Directors, or at any special meeting of the Board of Directors called for such purpose. No such removal action may be taken, however, unless

the matter shall have been included in the notice of such meeting. The officer who is proposed to be removed shall be given an opportunity to be heard at the meeting.

Section 4. Duties. The officers shall have such other duties, powers and responsibilities as shall, from time to time, be authorized by the Board of Directors.

ARTICLE V

FINANCE

Section 1. Records. The Association shall keep detailed books of account showing all expenditures and receipts of administration.

Section 2. Fiscal Year. The fiscal year of the Association shall be a calendar year, unless changed by action of the Board of Directors for accounting reasons or other good cause.

Section 3. Bank. Funds of the Association shall be initially deposited in such bank or savings association as may be designated by the Board of Directors and shall be withdrawn only upon the check or order of such officers, employees or agents as are designated by resolution of the Board of Directors from time to time. The funds may be invested from time to time in accounts or deposit certificates of such bank or savings association as are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation and may also be invested in interest-bearing obligations of the United States Government.

ARTICLE VI

INDEMNIFICATION

The Association shall indemnify any person who was or is a party to or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative by reason of the fact that he or she is or was a director or officer of the Association against expenses (including attorney's fees), judgments, penalties, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding if the person acted in good faith and in a manner that the person reasonably believed to be in or not opposed to the best interest of the Association or its members, and with respect to any criminal action or proceeding, if the person had no reasonable cause to believe that the conduct was unlawful.

ARTICLE VII
AMENDMENTS

Section 1. Proposal. Amendments to these Bylaws may be proposed by the Board of Directors of Directors of the Association acting upon the vote of the majority of the Directors or may be proposed by 1/3 or more in number of the Co-owners, in writing and signed by them.

Section 2. Meeting. Upon the proposal of any amendments, a meeting for consideration of the same shall be duly called in accordance with the provisions of these Bylaws.

Section 3. Voting. These Bylaws may be amended by the Co-owners at any regular meeting, annual meeting or special meeting called for such purpose by an affirmative vote of 66-2/3% of all Co-owners in number.

Section 4. Binding. A copy of each amendment to the Bylaws shall be furnished to every member of the Association after adoption; provided, however, that any amendment to these Bylaws that is adopted in accordance with this Article shall be binding upon all persons who have an interest in the Subdivision irrespective of whether such persons actually receive a copy of the amendment.

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Paula Johnson, Ingham County, Michigan

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**RESTATED
DECLARATION OF RESTRICTIONS
FOR SANCTUARY SUBDIVISION**

THIS RESTATED DECLARATION OF RESTRICTIONS is made as of the 16th day of August, 2006, by DENIS C. SMITH, BARBARA B. SMITH and SANCTUARY LLC, a Michigan limited liability company at 287 Turner Road, Williamston, Michigan 48895, pertaining to the plat of the Sanctuary Subdivision, a subdivision of part of Meridian Township, Ingham County, Michigan as recorded on June 8, 2006 in Liber 57 of Plats, Pages 11 through 19, Ingham County Records.

WHEREAS, Sanctuary LLC (hereafter, "Declarant") is the developer of the Sanctuary Subdivision;

WHEREAS, Declarant desires all lands within the Sanctuary Subdivision to be subject to certain land and building use restrictions as hereinafter set forth for the common benefit of all owners of lots within the Sanctuary Subdivision; and

WHEREAS, Denis C. Smith and Barbara B. Smith, as the owners of the Sanctuary Subdivision, hereby consent to these Restrictions;

NOW, THEREFORE, Declarant hereby declares and establishes the following covenants, conditions, restrictions, easements, reservations, powers, obligations and agreements on the pages following upon all lands within the Sanctuary Subdivision and upon all present and future owners and occupants of such lands. This Restated Declaration of Restrictions shall replace in its entirety the Declaration of Restrictions recorded with the Ingham County Register of Deeds on July 14, 2006 at Liber 3227, Page 765 (Document No. 2006-036280).

e-Gail Anderson

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DEFINITIONS

As used in this Restated Declaration of Restrictions, the following terms shall have the meanings designated:

1. "Declarant" means SANCTUARY LLC, its successors and assigns.
2. "Plat" means Sanctuary Subdivision, a subdivision of part of Southeast ¼ of Section 32, T4N, R1W, Meridian Township, Ingham County, Michigan, according to the plat thereof recorded on June 8, 2006, in Liber 57 of Plats, Pages 11-19, Ingham County Records.
3. "Homeowners' Association" means the Michigan non-profit corporation known as Sanctuary Homeowners' Association of Okemos, which is a membership corporation established by Declarant.
4. "Architectural Control Committee" means the committee of the Homeowners' Association established by Bylaws of the Homeowners' Association to implement and approve the architectural control provisions under Article III of these Restrictions.
5. "Architectural Prints" means:
 - (a) complete building plans showing the exterior design, all elevations including roof pitch of a dwelling and the location, size, design and number of garage doors, decks, porches, patios, breezeways, driveways, parking areas, sidewalks and any buildings to be detached from the residence;
 - (b) complete specifications covering the type and quality of exterior walls, trim, decks, porches, patios, breezeways, driveways, parking areas, sidewalks and roofs; and
 - (c) a plot plan showing the location of all building(s) and appurtenances relative to the lot lines.
6. "Landscaping" means trees, shrubs, hedges, fences, retaining walls, rock gardens or other vegetation or landscaping structures or devices.

7. "Landscape Plans" means:

(a) a drawing showing the location of all Landscaping and the configuration of planting beds relative to the location of structures and the boundaries of the lot; and

(b) specifications detailing and identifying the genus, species and size of all plants shown on the drawing, and the design of all landscape structures and the type, quality and color of all materials to be used in the construction thereof.

8. "Common Property" means the following areas and facilities and equipment within the Plat:

(a) The entrance signs on Loon Lane and the equipment pertaining thereto.

(b) Any security lighting installed by Declarant in the Plat.

(c) Any other facility, apparatus or equipment hereafter designated by Declarant to be Common Property.

(d) Sanctuary drain improvements and Turtle Crossing drain improvements.

(e) All open space and natural areas designated on the Plat, including Eagle Park, Bluebird Park, Robin's Way Park and Finch Park.

9. "Homeowners' Association Fund" means the moneys deposited in a bank account established by the Homeowners' Association to pay for costs of maintenance of the Common Property administrative expense and other costs as detailed in these Restrictions.

10. "Costs of maintenance" means all costs associated with maintaining the Common Property, including but not limited to, costs of insurance, taxes, utilities, upkeep, repair and replacement.

POLICY STATEMENT

It is the desire of the Declarant to maintain the Plat in an aesthetically pleasing and high-grade manner for protection of all lot owners within the Plat, balancing the

interests of all lot owners. Therefore, Declarant has intentionally reserved in this Declaration of Restrictions broad powers to direct and control the development and use of lands within the Plat, including the power to freely amend these Restrictions. It is the intention of Declarant that any ambiguity about the extent of Declarant's authority in this regard be construed and resolved in favor of Declarant, and each lot owner, in purchasing a lot, hereby contractually agrees to such principles.

ARTICLE I

ADMINISTRATION OF RESTRICTIONS

During the development stage of the Plat, Declarant intends to retain control of the administration of these Restrictions. Once development of the Plat is completed, or substantially completed as determined by Declarant, Declarant intends to transfer administration of these Restrictions to the Homeowners' Association. However, Declarant reserves the right to transfer administration to the Homeowners' Association at any time, and Declarant further reserves the right to retain administration of any portion of these Restrictions indefinitely. Prior to any transfer to the Homeowners' Association, Declarant reserves the right to transfer or assign its rights hereunder, in whole or in part, to any other person. Successors of Declarant shall automatically accede to all rights of Declarant under these Restrictions.

Should an owner of any lot within Plat violate any of these Restrictions, Declarant shall have the right to undertake correction of the violation and the costs incurred by Declarant in doing so shall be immediately due and, if not paid, may be enforced as provided in Article XXXIII.

ARTICLE II

VARIANCES, DETERMINATIONS AND APPROVALS

Declarant shall have right to grant a variance from any of these Restrictions to the owner of any lot.

Once transfer of administration of any Restriction has been made by Declarant to the Homeowners' Association, all determinations and approvals required of Declarant under such Restriction, and all variances there from obtainable from Declarant shall be obtained from the Architectural Control Committee.

All determinations, approvals and variances, whether from Declarant or the Architectural Control Committee, shall be in writing and shall be procured prior to any act being undertaken which requires such determinations, approvals or variances, or which would violate these Restrictions unless a variance was obtained.

The granting of any variance or approval, or the making of any determination shall not be construed as a precedent binding Declarant or the Architectural Control Committee to any other similar or identical variance, approval or determination, and no action or inaction of Declarant or the Architectural Control Committee shall be deemed a waiver of any of their rights hereunder.

ARTICLE III

ARCHITECTURAL CONTROL

No building shall be erected, located or altered upon any lot within the Plat unless and until the architectural features of the building designated in the Architectural Prints have been approved by Declarant. In addition, prior to commencement, each lot owner shall submit to Declarant for its approval, a plan for preservation of trees in connection with the construction process.

The Architectural Prints shall be submitted to Declarant. If Declarant rejects all or any portion of the Architectural Prints, the owner shall resubmit them or portions of them the for approval.

The extent of discretion reserved to Declarant in approving and rejection Architectural Prints is broad and will cover not only matters treated elsewhere in these Restrictions, but other matters deemed by Declarant to be appropriate from time-to-time, including considerations that are aesthetic and subjective, to assure a proper mix,

coordination and blending of house design, exterior material and color treatments, and placements of houses on lots within the Plat, and to maintain height and view control. Design approval shall take into account not only front elevations, but rear and side elevations as well, with particular attention to aesthetic and subjective considerations relative to dwellings with walkout lower levels.

ARTICLE IV

LANDSCAPE CONTROL

No Landscaping shall be planted, constructed or altered or planting beds or landscape structures created or altered on any lot within the Plat until Landscape Plans have been submitted to and approved by Declarant, with the exception of annual and perennial flowers which may be planted at the discretion of the lot owner.

The Landscape Plans shall be submitted to Declarant. If Declarant rejects all or any portion of the Landscape Plans, the owner shall resubmit them or portions of them for approval.

As a part of construction of a dwelling on any lot, the lot shall be landscaped to standard determined by Declarant to be minimally acceptable and, if not completed by occupancy of the dwelling, shall be completed within two (2) months thereafter. For purposes of the preceding sentence, the months of December, January, February and March shall be excluded from calculation of the two-month period, although a Landscape Plan shall be submitted and approved prior to occupancy.

ARTICLE V

CESSATION OF CONSTRUCTION AND REMOVAL OF UNAPPROVED CONSTRUCTION

Prior to the commencement of construction of any dwelling on any lot, the owner(s) of the lot and the contractor retained by the owner(s) to construct the dwelling,

shall meet with Declarant to review Declarant's requirements for construction based on various provisions of these Restrictions relating to construction. The purpose of this meeting is to avoid any construction which violates the provision of these Restrictions or approvals given by or required to be obtained from Declarant under these Restrictions. If at any time any construction on a lot violates any provision of these Restrictions or any approval given by or required to be obtained from Declarant under these Restrictions, Declarant may require that all or any part of the construction cease for as long as necessary to remove or otherwise remedy the violation, and, upon failure of the owner(s) and/or contractor to cease construction and to begin and continuously proceed to remedy the violation, the owner(s) shall be responsible to Declarant for liquidated damages in an amount equal to \$250.00 for each day the violation continues, which amount, if not paid, shall be a lien on the lot and enforced in the manner provided in Article XXXIII. The provisions of the proceeding sentence shall apply to any aspect of construction activity on the lot, including, but not limited to, the dwelling, driveways, parking areas or Landscaping.

ARTICLE VI

OCCUPANCY

Before a house constructed on any lot in the Plat is occupied, the owner thereof shall file with Declarant an accurate "as built" survey and shall advise Declarant that the house is ready for final inspection so that Declarant may ascertain whether the house and appurtenances have been built according to the Architectural Prints as approved by Declarant and to ensure that they do not violate these Restrictions in any way.

The approval procedures established in this Article shall apply to an addition to an existing dwelling and Landscaping beyond the approved Landscape Plans. Regardless of whether any inspections are made, this Article shall not be construed to create any liability whatever on the part of Declarant to any lot owner.

ARTICLE VII

TYPE OF USE

Only detached single family residential buildings shall be built in the Plat and once built, shall only be used for such purpose, except that Declarant reserves the right to maintain an office within the Plat and a "model" home or homes within the Plat.

ARTICLE VIII

MINIMUM FRONTAGE AND LOT AREA

The minimum frontage of any lot, or portion of lot, or combination of lots or portions of lots for building purposes shall be Township minimums for residential, as the front building line is determined by the Township.

ARTICLE IX

BUILDING SIZE

Houses constructed on lots within the Plat shall have a minimum square footage of finished floor space above street grade, excluding breezeways, porches and garages as determined by Declarant. In the absence of such determination, the minimum shall be:

1. 1 story 2,200 square feet
2. 2 story 2,400 square feet (1,200 square feet first floor)
3. 1½ story 2,200 square feet (1,400 square feet first floor)

It is anticipated that Declarant may grant a credit in any amount determined by Declarant toward the minimum square footage requirements for any house built on a sloping lot with walk-out living space in the lower level where the rear lot line is at a lower grade than the street along the front lot line. It is also anticipated that Declarant may grant a credit for any house of exceptional design and construction as determined by Declarant. For purposes of this article, the term "lower level" means any floor space below the grade of the

street on which the house fronts. Any credit granted hereunder shall not exceed 15% of the minimum square footage established above.

ARTICLE X

BUILDING SETBACK

The minimum setbacks of houses (including garages, porches, decks, patios, greenhouses, eaves, bays and chimneys) from the front and side lot line shall be determined by Declarant. In the absence of such determination, the following setbacks shall apply exclusive of open porches, chimneys or eaves:

1. the minimum setback from the front lot line shall be twenty five (25) feet.
2. the minimum setback from the side lot line shall be ten (10) feet.

ARTICLE XI

BUILDING HEIGHTS

Declarant shall determine individual maximum height restrictions on houses build on each lot in the Plat because of the need and desirability to limit and control the height of dwellings. In absence of determination to the contrary, no house shall exceed two and one half (2 1/2) stories in height, and in no event shall any portion of any building, other than the chimney, exceed thirty five (35) feet in height, as measured from the lowest grade adjacent to the building to the highest point of the building, other than the chimney.

ARTICLE XII

EXTERIOR WALLS

To maintain a high quality of construction and appearance within the Plat, the front exterior elevation shall be approved by Declarant and be 20% stone, brick, or E.F.I.S. or wood/cement board or other material approved by Declarant. Exposed foundations with

over 24" exposure in height, must be covered with siding, brick, stone or stucco. Exterior chimneys must be approved by Declarant. The Declarant may require, on its discretion, that vents without surrounding chases be painted. Roofs must have minimum of a 6/12 pitch unless otherwise approved by Declarant.

ARTICLE XIII

GARAGES AND CARPORTS

Each house constructed within the Plat shall have an attached or built-in garage containing a minimum of 400 square feet of floor area, with walls drywalled or plastered or finished with material approved by Declarant. Automatic door openers shall be installed on main garage doors. Declarant reserves the right to regulate the width and number of garage doors for each garage built within the Plat. No detached garage, or carport of any type may be erected within the Plat.

ARTICLE XIV

PARKING AREAS AND DRIVEWAYS

Outside parking areas, other than driveways shall be permitted only upon the approval of Declarant and shall be landscaped and located no closer than two (2) feet from side lot lines, twenty five (25) feet from front lot lines. No front yard parking areas shall be used for the parking of more than two (2) cars. Outside parking areas shall be constructed of concrete, asphalt or brick.

The location of all driveways within the Plat shall be approved by Declarant and shall be located no closer than two (2) feet from any property line. All driveways shall be constructed of concrete, asphalt or brick.

ARTICLE XV

OUTBUILDINGS AND OUTDOOR RECREATIONAL EQUIPMENT

No playhouse, tree house, dollhouse, greenhouse, gazebo, or outbuildings or structure of any type detached from a dwelling, or children's play equipment or recreational equipment shall be constructed or placed on any lot within the Plat without the approval of Declarant as to size, design, materials and location. Declarant reserves the right to prohibit any of the same if, in the opinion of Declarant, it would constitute a nuisance to owners of other lots within the Plat.

ARTICLE XVI

DECKS, HEDGES, WALLS AND FENCES

No decks, hedges, walls or fences shall be permitted on any lot within the Plat unless approved as to height, location, material and design by Declarant. No hedge, wall, or fence taller than four (4) feet shall be permitted within ten (10) feet of any lot line.

ARTICLE XVII

SWIMMING POOLS AND TENNIS COURTS

No swimming pool shall be constructed on any lot within the Plat without plans therefore having been approved by Declarant. The plans shall include size, design, location, fencing (or other enclosure) and lighting. Approval or rejection of plans shall be governed by the procedure for approval or rejection of Architectural Prints under Article III. In no event shall a swimming pool be located within twenty (20) feet of any adjoining lot, nor shall any such facility be used in a manner to constitute a nuisance to owners of other lots within the Plat. On account of view considerations, tennis courts shall be prohibited without the consent of Declarant, and any consent shall be subject to approval by Declarant of size, design, location, fencing and lighting.

ARTICLE XVIII

EXTERNAL ENERGY SYSTEMS

No solar collector or any other device or equipment erected either on the exterior of a dwelling or detached there from and designed for the production of energy for heating or cooling or for any other purpose shall be permitted without approval from Declarant.

ARTICLE XIX

OUTDOOR LIGHTING

The placement and intensity of outdoor lighting, whether for security or ornamentation, other than decorative fixtures erected on buildings and having a maximum wattage of 100 watts, shall be approved by Declarant.

Declarant reserves the right to have street lights installed by Meridian Township and the periodic service charges rendered by the Township, through taxation or assessment for such lighting, shall be borne by the individual lot owners within the Plat.

Declarant also reserves the right to install security lighting within the Plat, which, if installed, shall become Common Property. The cost of installation, maintenance, and the periodic service charges for such lighting shall be paid through the assessments procedures set forth in Article XXVI. If such lighting becomes public property, any periodic service charges rendered by the Township through taxation or assessment shall be borne by the individual lot owners within the Plat.

ARTICLE XX

SUBDIVISION OF PLATTED LOT

No lot shall be subdivided without the prior written approval of Declarant and in compliance with all applicable local ordinances and State statutes.

ARTICLE XXI

DAMAGED OR DESTROYED BUILDINGS

Any building or other structure on any lot in the Plat which may be damaged or destroyed by fire, windstorm or from any other cause, shall be repaired, rebuilt, or torn down and all debris removed and the lot restored to a sightly condition with reasonable promptness. Declarant may enter on any lot where an excavation, foundation, or uncompleted building or other structure has been left without substantial and continuing building progress for more than three (3) months and cause such excavation or foundation to be filled or removed, or such uncompleted building or other structure to be demolished, the expense thereof shall be immediately due and payable to Declarant by the lot owner and shall become a lien on the property, which lien be foreclosed by Declarant as in the case of the foreclosure of a mortgage under Michigan statutes.

ARTICLE XXII

APPEARANCE OF LOTS AND BUILDINGS

The owners of all occupied lots in the Plat shall keep their lots landscaped and maintain their structures in good repair, consistent with the high standard of the development in the Plat. Prior to and during construction of a dwelling on any lot, the owner shall keep and maintain the lot in a sightly condition consistent with the high standards of the development in the Plat, causing weeds and other growth to be cut. It shall be the obligation of every lot owner to prevent accumulations of rubbish and debris on the lot at all times, including periods of construction.

ARTICLE XXIII

GRADING AND EXCAVATING

The rough grading of each lot within the Plat will have been established by Declarant by the time of the initial sale of the lot. The final grade of a lot may not be

changed from the grading plans without the approval of Declarant. Once the final grade has been established, no modifications therefrom shall be made without the approval of Declarant. No structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the drainage plan of the Subdivision or which may obstruct or retard the nature flow of water over any lot or prevent proper grading and blending of adjoining lots to further the drainage plan.

Each lot owner is responsible for insuring that all dirt from the owner's lot which through erosion or construction activity is deposited on the streets in the Plat is cleaned on an ongoing basis. Should the lot owner fail to meet this standard Declarant may, but is not required to, clean the streets. This expense will be billed to lot owner.

ARTICLE XXIV

NUISANCES

The following shall be considered nuisances and shall not be permitted within the Plat, it being desirable and essential to maintain a high-quality aesthetic living community within the Plat:

1. the keeping of wildlife, livestock or poultry;
2. the keeping of any domestic animals by the owner of any lot in the Plat other than: (1) animals which are kept exclusively indoors; (2) no more than two dogs; and (3) no more than two cats. In no case shall outdoor kennels, pens, or runs be maintained for any animal unless approved by Declarant, including location on the lot;
3. billboards or signs of any type, except signs advertising the sale of lots and houses, although Declarant reserves the right to install and maintain promotional signs and displays within the Plat during development; and to have a model home office;
4. outdoor tanks for storage of fuel;
5. outdoor receptacles for ashes, garbage or refuse;
6. burning of garbage, refuse, brush or leaves;

7. the parking or storing of commercial vehicles, campers, trailers, motor homes, boats, snowmobiles, or other recreational devices or vehicles unless placed wholly within an enclosed garage or other outbuilding approved by Declarant;
8. on-site exploration or drilling of oil or gas;
9. on-site exploration or removal of sand, gravel or other subsurface minerals;
10. outdoor clotheslines;
11. uncovered metal chimneys;
12. vegetable gardens in the front or side yards, or any vegetable garden exceeding 600 square feet;
13. operation of snowmobiles, dirt bike-type motorcycles, or other motorized or alternately powered recreational vehicles, except such other motorized or alternately powered vehicles that may be lawfully operated on public streets;
14. windmills;
15. airborne vehicles of any type;
16. adult camping;
17. a home business which causes excessive vehicular traffic in the Plat or which is conducted at a time of day or night or in a manner which causes a disturbance or annoyance to residents in the Plat; and
18. female poplar (or cottonwood) or box elder trees.

ARTICLE XXV

HOMEOWNERS' ASSOCIATION

Declarant has established the Homeowners' Association as a nonprofit corporation. Copies of the Articles of Incorporation and Bylaws of the corporation, which specify the powers and obligations of the corporation, voting rights of its members and administrative structure of the corporation, shall be given to each lot owner by Declarant prior to or at closing of the sale of each lot by Declarant. Upon becoming a member of the

corporation, each lot owner shall be entitled to vote and required to pay dues in accordance with the terms of the Articles of Incorporation and Bylaws.

ARTICLE XXVI

ASSESSMENT PROCEDURES

Assessments for the cost of maintenance and other items as detailed in Article XXVII shall be made on a calendar year basis, in advance.

1. The regular annual assessments shall be based upon the total estimated costs of maintenance, together with all Association administration expenses. The full regular annual assessment shall be imposed upon single lot owners only. The regular annual assessment for the Declarant and any builder who owns more than one lot will be 100% of the regular annual assessment on the first lot and 1/3 the regular annual assessment on each lot thereafter. If during any year the total accumulations from the regular annual assessments are not sufficient, supplemental special assessments may be made.

2. Regular annual assessments and supplemental special assessments within this Article shall be determined by the Declarant until such time as it shall assign such responsibility to the Homeowners' Association, in which case said assessments shall be determined by the Board of Directors of the Homeowners' Association. Notice of the assessments shall be billed to owners of lots by mailing said notice to their last known address. Accompanying any supplemental special assessment shall be a statement identifying the nature and cost of each item of maintenance being assessed.

3. All assessments under this Article shall be due in full within thirty (30) days of mailing. Any assessment not paid when due shall accrue interest from the due date at such lawful rate as established from time to time by Declarant, and shall become a lien on the lot in question until paid once notice of claiming a lien is recorded by Declarant with the Ingham County Register of Deeds. Such lien may be enforced as provided in Article XXXIII.

4. Assessments shall commence in 2007. The 2007 regular annual assessment is estimated to be \$50.00.

5. Assessments shall be made whether a lot is improved or unimproved with exceptions of multiple lots owned by Developer or any builder (see Article XXVI, Paragraph 1).

6. Declarant shall be entitled to reimburse itself for reasonable costs of administration and accounting of matters covered by this Article from monies in the Homeowners' Association Fund.

7. Declarant reserves the right to transfer the responsibility for maintenance of the Common Property to the Homeowners' Association at any time, and upon such transfer, the Homeowners' Association shall be bound to assume the responsibility for maintenance of such items. Upon transfer, assessments for these items shall be made by the Homeowners' Association, on the bases described in this Article, and the Homeowners' Association shall make determinations reserved to Declarant in this Article as to the same.

ARTICLE XXVII

HOMEOWNERS' ASSOCIATION FUND

The Declarant shall establish and maintain the Homeowners' Association Fund, until such time as the responsibility for maintenance of the Common Property shall be turned over to the Homeowners' Association.

Contributions to the Homeowners' Association Fund shall be made by each lot owner within the Plat based on formulas and assessment procedures established under Article XXVI.

The Declarant or the Homeowners' Association, as appropriate, shall account annually to all lot owners within the Plat for receipts and expenditures from the Homeowners' Association Fund, and shall make the books and records of these funds available for inspection at reasonable times upon request.

Nothing herein shall be construed to prohibit the Declarant or the Homeowners' Association from investing fund moneys in certificates of deposit, treasury bills

or like instruments, and all interest from such investments, and any interest from any bank account into which assessments are deposited, shall insure to the benefit of the Homeowners' Association Fund.

ARTICLE XXVIII

EASEMENTS

Easements are granted as shown on the Plat for the construction and perpetual operation and maintenance of conduits, poles, wires and fixtures for electric lights, telephone and other public and quasi-public utilities and to trim or remove any trees or other vegetation which at any time may interfere or threaten to interfere with the maintenance of such facilities and fixtures, with the right of ingress to and egress from the lots encumbered by the easements in favor of agents and employees of the utilities.

ARTICLE XXIX

WETLANDS AND WATER FEATURES

1. The Subdivision contains certain designated wetland areas and other regulated water features. Such areas are under the jurisdiction of the Michigan Department of Environmental Quality ("DEQ") and the Charter Township of Meridian ("Township") and, therefore, are subject to the laws, ordinances, rules and regulations of the DEQ and the Township and any other governmental authority that may now or in the future have jurisdiction over such areas. Lot owners are advised that such regulations cover not only the designated wetland areas and water features themselves, but also certain lands surrounding these areas. Lot owners shall comply with all such laws, ordinances, rules and regulations.

2. The Homeowners' Association shall preserve and maintain all designated wetlands and water feature areas within the Common Property in the Subdivision. None of the regulated areas within the Subdivision shall be modified in any manner, including, but not limited to, altering the topography of, placing fill material in, dredging, removing or excavating any soil or minerals from, draining surface water from,

constructing or placing any structure on, plowing, tilling, cultivating, or otherwise altering or developing the wetlands, unless a permit for such modification has been issued by the DEQ, the Township and all other appropriate governmental unit or agency, and unless such modification is also approved by the Association.

ARTICLE XXX

REMOVAL OF TREES

Clear-cutting or removal of trees by the Homeowners' Association or by any lot owner shall not be permitted unless such clear-cutting or tree removal is in compliance with all applicable municipal ordinances, and approved by Declarant. Prior to commencement of construction, each lot owner shall submit to Declarant for its approval, a plan for the preservation of trees in connection with the construction process. It shall be the responsibility of each lot owner to maintain and preserve all street trees and large trees on his lot.

ARTICLE XXXI

DURATION, TERMINATION AND AMENDMENT

These Restrictions shall remain in effect until January 1, 2020 and shall thereafter automatically be extended for successive terms of five (5) years each unless at least one (1) year prior to the expiration of the original term or of any renewal term they are terminated. Termination shall be accomplished by recording with the Ingham County Register of Deeds an Agreement of Termination executed by all of the owners of at least two-thirds (2/3) of the lots in the Plat. Termination shall be effective at the end of the term, or such later date as stated.

These Restrictions may be amended by Declarant at any time until it transfers all of its rights hereunder to the Homeowners' Association. When such event occurs, or if prior to that time by recorded instrument Declarant grants amendment powers to the Homeowners' Association, these Restrictions may then be amended by all of the owners of

at least two-thirds (2/3) of the lots in the Plat executing and recording with the Ingham County Register of Deeds an agreement in writing acknowledging and embodying the amendment(s). The term "amend" means the modification or deletion of any restriction, or the imposition of any additional restriction. PROVIDED, HOWEVER, these Restrictions shall not be amended by the lot owners (other than Declarant) in any manner to impair neither any rights of Declarant, nor any obligations under the easements identified in Article XXVII. AND PROVIDED FURTHER that these Restrictions shall not be amended by the Homeowners' Association in any manner to alter the assessment formula under Article XXVI.

ARTICLE XXXII

PARTIAL INVALIDITY

Should any provision of these Restrictions, or portion thereof be deemed invalid, the validity of the remainder shall not be impaired.

ARTICLE XXXIII

ENFORCEMENT

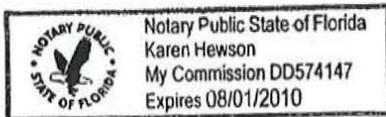
These Restrictions may be enforced and any violation thereof enjoined, and any action for damages maintained by any lot owner, by Declarant as long as Declarant retains any rights hereunder, and by the Homeowners' Association at such time as Declarant transfers all of its rights hereunder to the Homeowners' Association. Included herein is the right to undertake correction of any violation. The costs incurred in doing so shall be immediately due and, if not paid, a lien may be imposed on the owner's lot until paid, by recording a notice of lien with the Ingham County Register of Deeds. The lien may be foreclosed in the manner of the foreclosure of a mortgage under the statutes of Michigan.

SANCTUARY LLC

BY: Barbara B. Smith, Member

STATE OF FLORIDA)
)SS
COUNTY OF PALM BEACH

The foregoing was acknowledged before me this 16 day of AUGUST, 2006 by BARBARA B. SMITH, Member, Sanctuary LLC, a Michigan limited liability company, on behalf of said company.



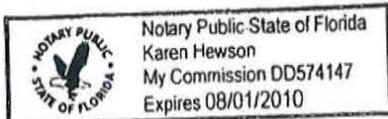
Karen Hewson
Notary Public
PALM BEACH County, Florida
My Commission Expires: 8-1-2010
Acting in PALM BEACH, County, Florida

Denis C. Smith by Barbara B. Smith
Denis C. Smith, by his attorney-in-fact his attorney in fact

Barbara B. Smith
Barbara B. Smith

STATE OF FLORIDA)
)SS
COUNTY OF PALM BEACH

The foregoing was acknowledged before me this 16 day of AUGUST, 2006, by Barbara B. Smith for herself and as Attorney-In-Fact for Denis C. Smith.



Karen Hewson
Notary Public
PALM BEACH County, Florida
My Commission Expires: 8-1-2010
Acting in PALM BEACH County, Florida

SANCTUARY HOMEOWNERS' ASSOCIATION OF OKEMOS

NOTICE OF VOTING REPRESENTATIVE DESIGNATION

The undersigned, constituting the sole Co-owners of Lot _____ in the Sanctuary Subdivision, hereby designate the person named below as the person entitled to vote on behalf of the Co-owners of the property at all meetings of the Sanctuary Homeowners' Association of Okemos and to receive all notices and other communications on behalf of such Co-owners:

(Name of Representative)

This notice is delivered pursuant to Article I, Section 3 of the Bylaws and shall be deemed to empower the named representative to do all acts permitted to be done by such representative under the Bylaws, including, but not limited to, voting by proxy pursuant to Article I, Section 5, and voting by written ballot pursuant to Article II, Section 7 of the Bylaws. This designation of voting representative shall take immediate effect, shall supersede any prior designations, and shall be binding on the undersigned until such time as a new designation shall be filed with the Sanctuary Homeowners' Association of Okemos.

This voting representative designation is executed as of this _____ day of _____, 20__.

Names, Addresses, and
Signatures of Co-owners:

Name

Name

Signature

Signature

Address

Address

The Sanctuary



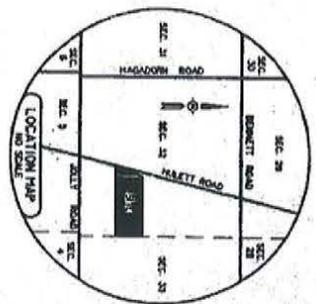
BriarWood
REALTY COMPANY

Connie Benca **Scott Fairmont**
706-2449 927-0203

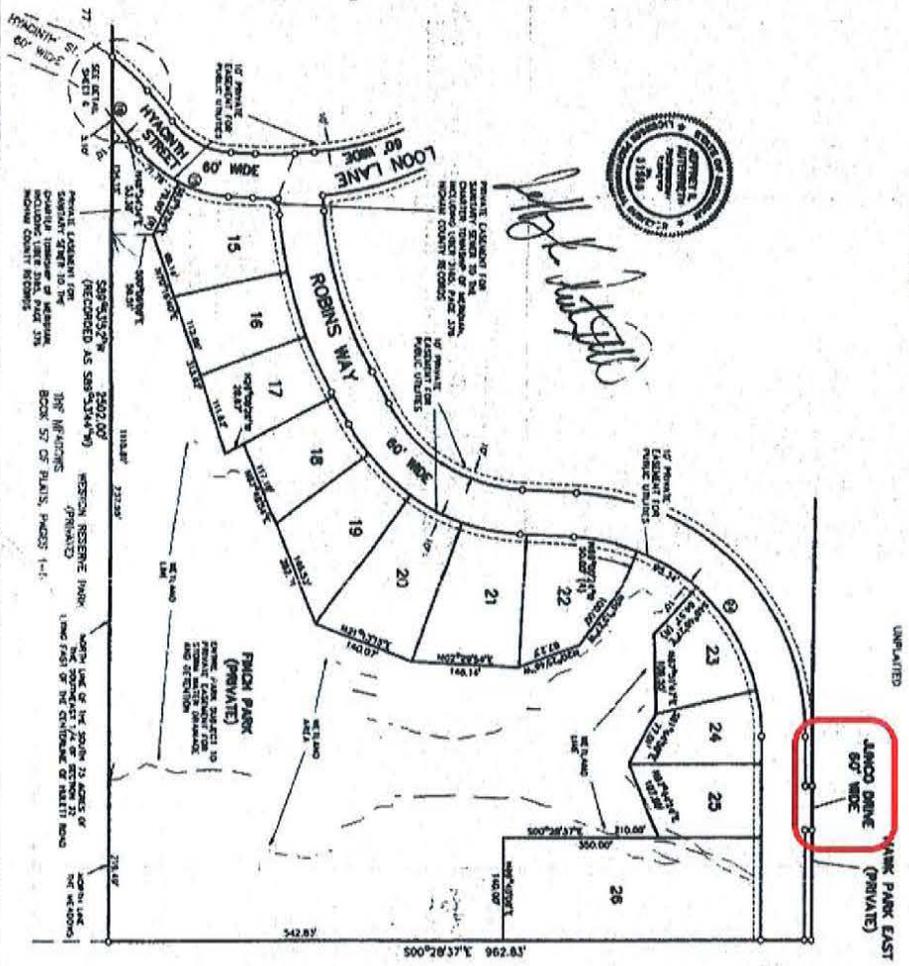
Built By:
GIGUERE
Developers

SANCTUARY

A SUBDIVISION IN PART OF THE SOUTHEAST 1/4 OF SECTION 32, T1N, R1W,
MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN



OVERALL FINCH PARK DETAIL



LEGEND

1. ALL DIMENSIONS ARE IN FEET.
2. ALL CURVE DIMENSIONS ARE ARC MEASUREMENTS.
3. STEEL BARS 1/2" IN DIAMETER OR 3/4" LONG ENCASED IN CONCRETE 4" IN DIAMETER HAVE BEEN PLACED AT ALL CORNERS MARKED "C".
4. STEEL BARS 1/2" IN DIAMETER OR 3/4" LONG ENCASED IN CONCRETE 4" IN DIAMETER HAVE BEEN FOUND AT ALL CORNERS MARKED "F".
5. LOT CORNERS HAVE BEEN MARKED WITH STEEL BARS 1/2" IN DIAMETER BY 5/8" IN DIAMETER WITH A PLASTIC CAP MARKED "NB" 250.22, 215.88, 491.05.
6. ALL BEARINGS AND CORNER POINTS COORDINATES ARE DERIVED FROM THE MICHIGAN COORDINATE SYSTEM OF 1983, 1984 ADJUSTMENT, SOUTH ZONE, AS DEFINED IN ACT 154 OF THE PUBLIC ACTS OF 1981. CORNER POINT COORDINATES ARE EXPRESSED IN INTERNATIONAL FEET, AND WHERE APPROPRIATE, THE POINTS ARE EXPRESSED IN METERS. POINTS ARE LISTED IN METERS AND FEET (METERS) IN THE ORDER: 1. POINT, 2. BEARING, 3. DISTANCE, 4. BEARING, 5. DISTANCE. POINTS ARE LISTED IN METERS AND FEET (METERS) IN THE ORDER: 1. POINT, 2. BEARING, 3. DISTANCE, 4. BEARING, 5. DISTANCE. POINTS ARE LISTED IN METERS AND FEET (METERS) IN THE ORDER: 1. POINT, 2. BEARING, 3. DISTANCE, 4. BEARING, 5. DISTANCE. POINTS ARE LISTED IN METERS AND FEET (METERS) IN THE ORDER: 1. POINT, 2. BEARING, 3. DISTANCE, 4. BEARING, 5. DISTANCE.
7. R = RADIAL LINE NR = NON RADIAL LINE

SECTION	LENGTH	RADIUS	ANGLE	CHORD	BEARING
15	144.32'	144.32'	90°	144.32'	S 0° 00' 00" W
16	130.00'	130.00'	90°	130.00'	S 0° 00' 00" W
17	120.00'	120.00'	90°	120.00'	S 0° 00' 00" W
18	110.00'	110.00'	90°	110.00'	S 0° 00' 00" W
19	100.00'	100.00'	90°	100.00'	S 0° 00' 00" W
20	90.00'	90.00'	90°	90.00'	S 0° 00' 00" W
21	80.00'	80.00'	90°	80.00'	S 0° 00' 00" W
22	70.00'	70.00'	90°	70.00'	S 0° 00' 00" W
23	60.00'	60.00'	90°	60.00'	S 0° 00' 00" W
24	50.00'	50.00'	90°	50.00'	S 0° 00' 00" W
25	40.00'	40.00'	90°	40.00'	S 0° 00' 00" W
26	30.00'	30.00'	90°	30.00'	S 0° 00' 00" W