



**AGENDA**  
CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD – REGULAR MEETING  
November 19, 2019 6:00 pm

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1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS
3. ROLL CALL
4. PRESENTATION
  - A. Introduction of New Full Time Firefighter/Paramedic
  - B. Haslett Study Results
5. CITIZENS ADDRESS AGENDA ITEMS AND NON-AGENDA ITEMS\*
6. TOWNSHIP MANAGER REPORT
7. BOARD MEMBER REPORTS OF ACTIVITIES AND ANNOUNCEMENTS
8. APPROVAL OF AGENDA
9. CONSENT AGENDA
  - A. Communications
  - B. Minutes-November 5, 2019 Regular Meeting
  - C. Bills
  - D. Ratification of New Police Officer Appointment
  - E. 2020 Township Board Meeting Schedule
10. QUESTIONS FOR THE ATTORNEY
11. HEARINGS (CANARY)
12. ACTION ITEMS (PINK)
  - A. Trash Receptacle Ordinance-**Final Adoption**
  - B. Amendment to Truck Route Ordinance for Hamilton Road-**Final Adoption**
  - C. Update to Land Division Ordinance-**Final Adoption**
  - D. Ordinance Prohibiting Dog Sales at Pet Stores-**Introduction**
  - E. Multiple Family Zoning Ordinance Amendment
  - F. TPOAM DPW Employees Tentative Agreement
  - G. 2020 Goal Setting and 2019 Goal Review-December 12, 2019
  - H. Township Manager Annual Performance Review and Contract-December 12, 2019
13. BOARD DISCUSSION ITEMS (ORCHID)
  - A. Rezoning #19060 (Okemos Land Investment LLC)
  - B. Rezoning #19070 (Fedewa Holdings)
  - C. Rezoning #19080 (Minerva Realty Capital LLC)
  - D. Tree Bank Ordinance
  - E. Township Board Retreat
14. COMMENTS FROM THE PUBLIC
15. OTHER MATTERS AND BOARD MEMBER COMMENTS
16. ADJOURNMENT

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All comments limited to 3 minutes, unless prior approval for additional time for good cause is obtained from the Supervisor.  
Appointment of Supervisor Pro Tem and/ or Temporary Clerk if necessary.

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



4. A

**To: Board Members**  
**From: Michael Hamel, Fire Chief**  
**Date: November 14, 2019**  
**Re: Ratification of New Paramedic/Firefighter Appointment**

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Tyler McNalley, from DeWitt, worked for Mercy Ambulance and Detroit Fire as an EMT after his initial licensure in 2015. Following his completion of the program through Genesys EMS, he became a paramedic in 2018. Tyler gained fire experience working for DeWitt Fire for two years. In addition, he is a nationally registered paramedic and holds Pediatric Advanced Life Support certification.

**Move to authorize the Fire Department to appoint Tyler NcNalley to Full-Time Paramedic/Firefighter.**



**To: Township Board**

**From: Chris Buck, Director of Economic Development**

**Date: November 13, 2019**

**Re: Haslett Study Results Presentation**

The Township Board has prioritized the revitalization of the Haslett PICA as defined in the 2017 Master Plan, with a sharp focus on Haslett Village Square. Due to the inactivity in this area, staff requested predevelopment funding via the Michigan Economic Development Corporation (MEDC) for a market study of this key area in the Township. \$25,000 was awarded in conjunction with the Michigan Municipal League (MML). Giffels-Webster was selected as the firm to conduct the study.

Two community listening sessions were held in the vacant Hallmark store in the Village Square with approximately 25 community members assembling for each session. Staff shared the 2017 Master Plan and details of the various already approved Township projects with the consultants, as they might impacted the study results.

A very general summary of the study is below, the entire study is in your packet and I will present an overview of the results during the meeting itself.

I am grateful to the MEDC, the MML and Giffels-Webster for giving us this free tool for Township staff to use to court appropriate development projects. I am confident it will help spark strong development projects in this area.

### Composite Opportunities

Table 17 contains the composite opportunities for Okemos and Haslett for both the defined scenarios.

Table 17 - Composite Housing Units and Space Opportunities for Okemos and Haslett Areas of Meridian Township*				
Category	Okemos 2025 Added Space/Units (High)	Okemos 2025 Added Space/Units (Low)	Haslett 2025 Added Space/Units (High)	Haslett 2025 Added Space/Units (Low)
Housing	628	214	347	37
Retail	178,826	89,831	141,564	62,487
Office	50,000	25,100	39,600	17,500

\*Developed by The Chesapeake Group, Inc., 2019. In addition to the three identified developments.

PREPARED BY GIFFELS WEBSTER & THE CHESAPEAKE GROUP, INC.

### Attachment

#### 1. Haslett Market Study 10.2019



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## Meridian Township Market Assessment Focus on: Haslett Village & Lake Lansing Area

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A Prime Community



michigan municipal league



PREPARED BY:

Giffels Webster  
The Chesapeake Group, Inc.

# Meridian Township Market Assessment

## Focus on: Haslett Village & Lake Lansing Area

The following is a market assessment for Meridian Township focused on the Haslett Village and Lake Lansing areas of the Township. It is the premise or the proof of concept for the suggested development of the area and select sites.

The focus is on both current and future market conditions and is based on various data, analytics and analytical methods. The indicated demand is based on historical data, new data developed on area property sales and rentals, trends in office and residential space, analytics from survey of several thousand households in the Lansing-East Lansing area conducted in the past two years by The Chesapeake Group for other public and private sector clients, and demand forecasting for residential and non-residential activity.

## Historical Development Pattern for Added Rooftops

From 2010 through 2017, the Lansing-East Lansing CBSA (Core Based Statistical Area - defined by the US Census as Clinton, Eaton, and Ingham Counties) annual number of total new housing units permitted ranged from a low of 416 in 2011 to a high of 1,225 in 2016. During that time, a low of 42 multi-family units in 2011 to a high of 560 units multi-family units were permitted.

<b>Table 1 - Lansing-East Lansing CBSA Residential Building Permits 2010 through 2018*</b>									
Lansing-East Lansing CBSA	2010	2011	2012	2013	2014	2015	2016	2017	2018
Units in Single-Family Structures	451	374	412	508	455	496	521	533	131
Units in All Multi-Family Structures	226	42	187	475	300	560	704	374	39
Units in 2-unit Multi-Family Structures	0	0	0	0	2	2	8	10	2
Units in 3- and 4-unit Multi-Family Structures	0	0	0	0	4	18	14	20	4
Units in 5+ Unit Multi-Family Structures	226	42	187	475	294	540	682	344	33
<b>Total Units</b>	<b>677</b>	<b>416</b>	<b>599</b>	<b>983</b>	<b>755</b>	<b>1,056</b>	<b>1,225</b>	<b>907</b>	<b>170</b>

\*Developed by The Chesapeake Group, Inc. based on HUD data, 2019.

Between 2010 and 2017, a total of more than 6,600 housing units were permitted in the CBSA. Of these units, about 57 percent were single-family homes and 43 percent defined as multi-family units.

<b>Table 2 - Lansing-East Lansing CBSA Residential Building Permits Total and Percent Single and Multi-family Units Permitted 2010 through 2017*</b>	
Lansing-East Lansing CBSA	2010-2017
Single	3750
Percent	56.7%
Multi	2790
Percent	43.3%
<b>Total</b>	<b>6618</b>

\*Developed by The Chesapeake Group, Inc. based on HUD data, 2019.

The proportion of single-family units permitted from 2010 through 2014 was higher than that for 2015 through 2017. Therefore, the percentage of multi-family units permitted is higher in the later years than in the previous years. It is also noted that the preponderance of multi-family units throughout the entire period are associated with structures containing five or more units.

<b>Table 3 - Lansing-East Lansing CBSA Residential Building Permits Proportions 2010 through 2018*</b>									
Lansing-East Lansing CBSA	2010	2011	2012	2013	2014	2015	2016	2017	2018**
Total Units	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Units in Single-Family Structures	66.6%	89.9%	68.8%	51.7%	60.3%	47.0%	42.5%	58.8%	77.1%
Units in All Multi-Family Structures	33.4%	10.1%	31.2%	48.3%	39.7%	53.0%	57.5%	41.2%	22.9%
Units in 2-unit Multi-Family Structures	0.0%	0.0%	0.0%	0.0%	0.3%	0.2%	0.7%	1.1%	1.2%
Units in 3-4-unit Multi-Family Structures	0.0%	0.0%	0.0%	0.0%	0.5%	1.7%	1.1%	2.2%	2.4%
Units in 5+ Unit Multi-Family Structures	33.4%	10.1%	31.2%	48.3%	38.9%	51.1%	55.7%	37.9%	19.4%

\*Developed by The Chesapeake Group, Inc. based on HUD data, 2019.

The number of new housing units permitted in Ingham County peaked between 2002 and 2005 before the Great Recession. The low points for permitted units occurred in the years 2008 and 2009.

From 2010 through 2017, Ingham County’s annual number of new housing units permitted ranged from a low of 245 in 2011 to a high of 858 in 2016. During that time, a low of 37 multi-family units in 2011 to a high of 616 units multi-family units were permitted.

<b>Table 4 -Ingham County Residential Building Permits 2010 through 2018*</b>									
Ingham County	2010	2011	2012	2013	2014	2015	2016	2017	2018
Units in Single-Family Structures	249	208	217	280	243	239	242	274	431
Units in All Multi-Family Structures	216	37	144	470	72	496	616	262	196
Units in 2-unit Multi-Family Structures	0	0	0	0	0	0	0	2	235
Units in 3- and 4-unit Multi-Family Structures	0	0	0	0	0	4	4	16	0
Units in 5+ Unit Multi-Family Structures	216	37	144	470	72	492	612	244	0
<b>Total Units</b>	<b>465</b>	<b>245</b>	<b>361</b>	<b>750</b>	<b>315</b>	<b>735</b>	<b>858</b>	<b>536</b>	<b>235</b>

\*Developed by The Chesapeake Group, Inc. based on HUD data, 2019.

Ingham County permitted just over 2,300 multi-family housing units between 2010 and 2017. The average number of multi-family units permitted each year was 289. Unmistakably, the share of single-family units permitted throughout Ingham County declined from 2010 to 2017 from the 1998 to 2009 years.

From 2011 through 2018, or since the technical conclusion of the Great Recession, Ingham County permitted 4,231 units. The average number of permitted units per year is 529. On average, 45% of the units were single-family.

Since the technical end of the Great Recession, the Township permitted almost 1,200 housing units through 2019. The Township on average permitted 147 new housing units per years. This represents about 28 percent of the County’s total. For the Township, the average number of multi-family units permitted is close to being equal the number of single-family units permitted.

**Table 5 - 2011 through 2018 Total and Annual Average Permitted Units for Meridian\***

Meridian Township	2011-2018	Annual Avg
Total Units	1172	147
Units in Single-Family Structures	607	76
Units in All Multi-Family Structures	565	71
Units in 2-unit Multi-Family Structures	0	0
Units in 3- and 4-unit Multi-Family Structures	0	0
Units in 5+ Unit Multi-Family Structures	565	71

\*Developed by The Chesapeake Group, Inc. based on HUD data, 2019.

## Vibrant & Diverse Existing Housing Market

To further define market conditions for the Township, information was gathered for various zip code areas on characteristics of homes being sold and have been sold using online sources such as Realtor.com and Zillow.com.

Homes were categorized by their per square foot sale price. The following are characteristics associated with housing sales for the zip code areas where sufficient information existed to define patterns.

**Table 6 - Sale/Sold Units by Select Zip Codes Including primary Okemos and Haslett Area Zip Codes and Market Critical Areas\***

Zip Code 48823	Zip Code 48864	Zip Code 48840
<b>Under \$99/Sq. Ft.</b>	<b>Under \$99/Sq. Ft.</b>	<b>Under \$99/Sq. Ft.</b>
Range in price/ft is \$59 to \$99	Range in sale price per square foot is \$64 to \$97	Range in sale price per square foot, \$87 to \$99
Most are 3 & 4 bedrooms	Mostly 4 bedrooms with some 3 & 5	Mostly 4 bedrooms with lesser 3 & more than 4
Range in sale price from \$160,000 to \$545,000	Range in sale price from \$95,000 to \$584,000	Range in sale price from \$70,000 to \$585,000
53% of all units above \$200,000	64% of all units above \$200,000	47% of all units above \$200,000
\$75/ft & under, Generally built before 1965	Avg sale price per square foot \$75	Avg sale price per square foot \$94
\$76 to \$89, Generally built before 1965	Avg sale price \$296,000	
\$90 to \$99 Generally built 1950s through 1980s	Average sq feet 3,500	Average sq feet 2,650
<b>\$100 to \$149/Sq. Ft.</b>	<b>\$100 to \$124.99/Sq. Ft.</b>	<b>\$100 to \$124.99/Sq. Ft.</b>
Those below \$110 all built before 1970	Range in sale price per square foot \$101 to \$124	Range in sale price per square foot \$106 to \$129
\$110 to \$119, Pre 1990 with largest pre-1950	Most 4 & 5 bedrooms with some 3	Most 3 bedrooms with less 2 and 4 bedrooms
\$120 range, majority pre-1955	Range in sale price from \$130,000 to \$700,000	Range in sale price from \$90,000 to \$780,000
Mostly 3 & 4 bedrooms with some 2 bedrooms	85% of all units above \$200,000	60% of all units above \$200,000
	Avg sale price per square foot \$115	Avg sale price per square foot \$119
	Avg sale price \$360,000	Avg sale price \$293,000
	Avg sq feet 3,400	Avg sq feet 2,470
<b>\$150 or more/Sq. Ft.</b>	<b>\$125 to \$199/Sq. Ft.</b>	<b>\$125 to \$199/Sq. Ft.</b>
Range in sale price from \$126,000 to \$629,000	Range in sale price per square foot \$126 to \$195	Range in sale price per square foot \$132 to \$148
Largely 2, 3 & 4 bedrooms, but mostly 3	Mostly 3, 4 & 5 bedrooms	Mostly 3 bedrooms with some 4
Preponderance is two-stories	Range in sale price from \$140,000 to \$1,100,000	Range in sale price \$130,000 to \$799,000
27% above \$185,000 with most built since 2000	94% of all units above \$200,000	59% of all units above \$200,000
	Avg sale price per square foot \$145	Avg sale price per square foot \$145
	Avg sale price \$459,000	Avg sale price \$250,000
	Avg sq feet 3,175	Avg sq ft 1,730
	Majority built since 2000, with many of these since 2010	
	<b>\$200 or More</b>	<b>\$200 or More</b>
	Range in sale price per square foot \$200 to \$238	Avg sale price per square foot \$231
	Mostly 3 bedrooms	Avg sale price \$535,000
	Range in sale price from \$389,000 to \$440,000	Avg sq ft 2,320
	100% of all units above \$200,000	
	Avg sale price per square foot \$211	
	Avg sale price \$410,000	
	Avg sq feet 1,940	
<b>Condos</b>	<b>Pre-2000 Condos</b>	<b>Condos</b>
Consists of mainly three-bedroom units, some 2 & 1	Most built in later 1970s thru mid-1980s	Most built during 1970s and others 1980s
Avg sq feet 1,760	Avg sq feet 1,530	Avg sq feet 1,260
Avg price 4254,000	Avg price per unit \$106,000 but huge disparities	Avg price per unit \$140,000
Avg payment /sq ft \$144	Avg price /sq ft \$69	Avg price/sq ft \$111
Avg sq ft from cost/sq ft 154	Most 2 bedrooms	
Newer Condos (since 2000)	<b>Post-2000 Condos</b>	
Avg sq feet 2,040	All built during 2005 or later	
Avg price \$331,000	Avg sq feet 2,190	
Avg payment /sq ft \$162	Avg price per unit \$319,000	
Avg sq ft from cost/sq ft \$178	Avg price/sq ft \$146	
	Most built during 1970s and others 1980s	

\*Developed by The Chesapeake Group, Inc., 2019. Covers 2018 and 2019.

The rental market continues to be robust as well. The following table contains information for each of the zip codes on rental units.

Table 7 - Rental Units by Select Zip Codes Including Primary Okemos and Haslett Area Zip Codes and Market Critical Areas					
Zip Code 48823*		Zip Code 48864**		Zip Code 48840***	
Studio		Studio			
Avg sq feet	525	Avg sq feet	500		
Avg payment	\$781	Avg payment	\$800		
Avg payment /sq ft	\$1.49	Avg payment /sq ft	\$1.60		
One-bedroom		One-bedroom		One-bedroom	
Avg sq feet	727	Avg sq feet	712	Avg sq feet	590
Avg payment	\$931	Avg payment	\$1,008	Avg payment	\$713
Avg payment /sq ft	\$1.28	Avg payment /sq ft	\$1.42	Avg payment /sq ft	\$1.21
Two-bedroom		Two-bedroom		Two-bedroom	
Avg sq feet	1,065	Avg sq feet	990	Avg sq feet	923
Avg payment	\$1,211	Avg payment	\$1,225	Avg payment	\$855
Avg payment /sq ft	\$1.14	Avg payment /sq ft	\$1.24	Avg payment /sq ft	\$0.93
Three to five but mostly four-bedroom		Three-bedroom			
Avg sq feet	1,433	Avg sq feet	1,266	Avg sq feet	1,150
Avg payment	\$2,500	Avg payment	\$1,673	Avg payment	\$1,230
Avg payment /sq ft	\$1.74	Avg payment /sq ft	\$1.32	Avg payment /sq ft	\$1.07
		Four-bedroom			
		Avg sq feet	1,350		
		Avg payment	\$2,844		
		Avg payment /sq ft	\$2.11		

\*Developed by The Chesapeake Group, Inc., 2019

**\*Competitive Apartment Examples**

- Castle Point
- Block 36
- Coolidge Place
- Hunter's Ridge
- The Beaumont
- Hull Apartments
- Quarters at East Lansing
- Ashton Lake
- The Gates & The Manor at Campus View

- Homestead
- The Tower of Campus
- Timber Lake
- NOCA Lofts
- The Rocks
- Red Cedar Flats
- Arbor Forest
- Abbot Pointe
- Campus Village

**\*\*Competitive Apartment Example**

- Cedar Creek
- Hamilton Road House
- Elevation
- Central Park
- Okemos Station
- Fox Hollow
- Meridian Meadows
- Arrow Tree
- Knob Hill

- Club Meadows
- Hamilton Trace
- Time Square
- Waterberry Place
- Campus Hill
- Berrytree
- The Hamptons
- Countryway East
- Chief Okemos Circle

**\*\*\*Competitive Apartment Example**

- Nemoke Trails
- Lakewood
- Benson
- Lake of the Hills
- Pine Lake Meridian

- Forest View
- Maple Ridge Road
- E. Saginaw Road
- Marsh Point

## Institutional Influence

The institution that has the most significant impact on Meridian Township is Michigan State University. According to a recent study done by the University on its economic impact on the community, MSU had a \$2.9 billion impact on Ingham County, with \$192 million being spent with local businesses. Almost 2,500 MSU employees live in the Township, which is 22% of the University’s employment. Furthermore, the University estimates that the number of employees residing in the Township grew slightly from 2,390 to 2,457 between 2010 and 2019.

The main campus of Michigan State University continues to grow, resulting in an expanded enrollment as well as limited increases in professional and support staff. The student enrollment grew by 8.9% between 2008 and 2018. A 6.8% growth occurred between 2010 and 2018 growth. There are roughly 39,000 undergraduate and 11,000 graduate students. About three-fourths of the students are classified as “in-state,” and 69% of the students live off-campus. Unlike the employees of MSU, roughly 29,000 live in neighboring East Lansing, where students represent about 60% of the total population of the jurisdiction.

Table 8 - Student Enrollment Trends - Michigan State University Campus*	
Term (Fall)	Enrollment
2008	46,648
2009	47,278
2010	47,131
2011	47,954
2012	48,906
2013	49,343
2014	50,085
2015	50,543
2016	50,344
2017	50,019
2018	50,351

\*Enrollment Source: Michigan State University.

The staff has expanded at a slow pace, as found in Table 9.

Table 9 - Staffing Level Trends - Michigan State University Campus*				
Year	Staff Levels			Source
	Faculty & Academic Staff	Support Staff	Total Staff	
2000	-	-	12,300	Lansing Chamber 101[1]
2015	5,666	7,115	12,781	MSU
2018	5,723	7,201	12,924	MSU

\*Source: Michigan State University.

Also, 42,000 MSU alumni reside in Ingham County. The alumni estimate represents 16% of the alumni living in Michigan. MSU estimates that the retention rate of the County is 7%.

Due to changing economics for state universities, future growth in faculty is expected to be marginal, while it is already clear that student enrollment has not changed substantially since 2014. Also, the University’s study suggests that Meridian Township will see a decline in the scale of students living in Meridian Township in the near future as additional housing development expands in Lansing.

## Market for New Housing

Based on historical patterns in the Region, County, and Township, as well as The Chesapeake Group’s database derived from surveys of residents in the region, research by TCG and others identified in the analysis, the potential for new housing units in Meridian Township, the Okemos area, and the Haslett area are defined. Two scenarios are presented. One is defined as “High,” while the other is called “Low.” The “High” alternative is possible to achieve but is less likely to occur than the “Low” scenario.

As contained in Table 10, in the High alternative, Meridian Township will support a total of roughly 1,740 new homes by 2025, with Okemos area supporting over 833 new homes and Haslett supporting 660 units. In the second alternative, the figures are 910, roughly 420, and 290, respectively.

Table 10 - Marketable Total New Homes in the Township and Okemos and Haslett Areas by 2025*				
High	Total Units	Single units/yr	Min. multi units/yr	2025 Total
Meridian Township	248	129	119	1,736
Okemos	119	62	57	833
Haslett	94	49	45	660
Low	Total Units	Single units/yr	Min. Multi units/yr	2025 Total
Meridian Township	130	68	62	910
Okemos	60	31	29	419
Haslett	42	22	20	290

\*Developed by The Chesapeake Group, Inc., 2019.

Based on surveys conducted in the past two years in areas of Michigan, including the Lansing-East Lansing area, it is expected that about 35% of the units will be homeowner occupied.

Development interest often target different income households for marketing purposes and to build units that will either rent or sell. Based on the noted surveys of households in the region, including households currently residing in the Township, the following is a breakdown of age and income cluster market share components.

<b>Table 11 - Market for New Housing By income and Age Clusters of Occupants*</b>			
Age Cluster	\$50,000 to \$74,999	\$75,000 to \$99,999	\$100,000 or more
Under 25			12.8%
25 to 34	23.1%		21.3%
35 to 44	13.5%	22.2%	19.1%
45 to 54	19.2%	17.8%	23.4%
55 to 64	15.4%	13.3%	17.0%
65 to 74	25.0%	35.6%	2.1%
75 or over	3.8%	11.1%	4.3%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

\*Developed by The Chesapeake Group, Inc., 2019. For those left blank in the table, there is insufficient statistical data. Based on TCG survey of residents in the region including Haslett and Okemos zip codes of future housing needs and desires.

Further breakdown of the market is found in the following table. Provided is the preferred rent or mortgage associated with income clusters and the proportions of the market preferring certain rents or mortgage payments.

<b>Table 12 - Income Strata and Preferred Payments for Each Strata*</b>							
Preferred Rent or Mortgage Payment	Percent Less than \$75,000 Income	Preferred Rent or Mortgage Payment	Percent \$75,000 to \$99,999 Incomes	Preferred Rent or Mortgage Payment	Incomes \$100,000 to \$149,999	Preferred Rent or Mortgage Payment	Incomes \$150,000 or More
Less than \$600	11.8%	\$800-999	18.1%	\$600-799	4.7%	\$800-999	4.0%
\$600-799	15.1%	\$1,000-1,249	56.8%	\$800-999	17.8%	\$1,250-1,499	18.1%
\$800-999	19.4%	\$1,250-1,499	11.2%	\$1,000-1,249	37.3%	\$1,500-1,750	21.8%
\$1,000-1,249	23.7%	\$1,500-1,750	14.0%	\$1,250-1,499	22.0%	\$1,750-1,999	16.8%
\$1,250-1,499	14.0%			\$2,000-2,499	18.2%	\$2,000-2,499	10.1%
\$1,500-1,750	16.1%					\$3,000 or more	29.1%

\*Developed by The Chesapeake Group, Inc., 2019. Based on TCG survey of residents in the region including Haslett and Okemos zip codes of future housing needs and desires.

Several developments are likely to break ground soon or are well underway in the development process. One is in Okemos, and the other two are in Haslett.

**Major Okemos Area Development**

- Occupancy expected late summer to early fall of 2021.
- All units and commercial being built simultaneously
- 205 rental housing units
- \$2.00 per square foot price points
- 55,000 to 60,000 square feet of retail space. The anchor tenant is a salon and spa taking 15,000 to 18,000 square feet of the space.

**Major Haslett Area Projects**

- 225 residential rental units (Newton Pointe), and 88 units of traditional single-family homes (Cooper Creek).
- Multiple housing types.
- 6,000 square feet of commercial space carriage homes, traditional flats over retail, quads, and 10-plexes (Newton Pointe).

The new developments are subtracted from the future potential Table 13.

<b>Table 13 - Marketable Total New Homes in the Township and Okemos and Haslett areas by 2025, With the Units Associated with the New Development Extracted from the Totals*</b>	
<b>High</b>	<b>2025 Total</b>
Meridian Township	1,218
Okemos	628
Haslett	347
<b>Low</b>	<b>2025 Total</b>
Meridian Township	392
Okemos	214
Haslett	37

\*Developed by The Chesapeake Group, Inc., 2019

In the “High” alternative, substantial growth in additional housing is anticipated in all areas. In the “Low” scenario, Haslett is likely to have more limited opportunities.

## Market for New Retail Goods and Related Services

New rooftops result in increased spending and demand for retail goods and related supportable space. It is noted that no jurisdiction can be expected to capture all demand created by any market. Spending will occur in many places, including operations near home and work. Online purchases, vacation spending, and other activity diminish local sales. On the other hand, people working within the area, employed nearby, and those coming to the area for a range of purposes will spend money in the Township. Some dollars are exported, while others are imported to the Township.

Based on the anticipated growth in rooftops, Meridian Township is expected to be able to support between 195,000 and 373,000 square feet of additional retail goods and related services space by 2025.

Okemos is expected to support between 90,000 and 179,000 square feet of additional space by 2025. It is noted that the development expected to be completed in 2021 will diminish these figures to between 30,000 to 119,000 square feet.

For Haslett, there will be the demand for an additional square feet of retail goods and related service space of between 62,000 and 142,000. Excluding the two development projects, the added defined demand for space is between 56,000 and 136,000 square feet. It is noted that certain areas of Haslett have vacant commercial space, comprising roughly more than 25 percent of older structures. It is possible that the relocation of tenants from those older developments could result in higher figures for new space in Haslett.

**Table 14 - Collective Retail Goods and Services demand for New Supportable Space for the Township, Okemos, and Haslett\***

Category	Meridian 2025 Added Space (High)	Meridian 2025 Added Space (Low)	Okemos 2025 Added Space (High)	Okemos 2025 Added Space (Low)	Haslett 2019 Added Space (High)	Haslett 2025 Added Space (Low)
Food	28,615	14,998	13,734	6,901	10,874	4,799
Eat/Drink	17,981	9,426	8,631	4,336	6,833	3,017
General Merchandise	187,691	98,390	90,092	45,257	71,324	31,480
Furniture	6,281	3,294	3,015	1,515	2,387	1,054
Transportation	26,864	14,084	12,897	6,480	10,209	4,507
Drugstore	7,230	3,790	3,471	1,743	2,747	1,213
Apparel	33,669	17,648	16,162	8,118	12,792	5,645
Hardware	12,563	6,585	6,031	3,029	4,776	2,107
Vehicle Service	3,398	1,782	1,631	820	1,290	570
Miscellaneous	48,253	25,297	23,162	11,632	18,332	8,095
<b>Total</b>	<b>372,545</b>	<b>195,294</b>	<b>178,826</b>	<b>89,831</b>	<b>141,564</b>	<b>62,487</b>

\*Developed by The Chesapeake Group, Inc., 2019

The following provides some of the types of operations associated with each of the major retail goods and related services categories.

Food - supermarkets, independents, bakeries, dairies

Eat/Drink - restaurants, carry outs, fast food, sub shops, coffee shops

General Merchandise - department stores, box stores, warehouse stores, sporting goods

Furniture - furniture, home furnishings, office stores, electronic operations

Transportation - new vehicles, previously owned vehicles, tires and parts, marine sales, auto and truck rentals

Drugstores - pharmacies

Apparel - men, youth, infants, family, shoes, uniforms

Hardware - home improvement centers, hardware, lawn and garden

Vehicle Service - gasoline, vehicle repairs

Miscellaneous - barber shops, beauty shops and supplies, bookstores, bowling centers, tobacco dealers, vapor dealers, dry cleaners, laundries, photographers, printing, paper goods, gifts and novelties, newsstands

## Market for New Office Space

The office market continues to change with the increased emphasis on flexible work arrangements, co-working space, and in-home live/work activity. For areas and buildings with vacancies, the current vacancy rate is relatively high, and rents are at a modest level.

<b>Table 15 - Vacant Space in Office Structures with Advertised Vacancies*</b>				
Space	Zip 48864 % of Advertised Space Vacant	Zip Code 48864 Rent	Zip 48823 % of Advertised Space Vacant	Zip Code 48823 Rent
Office	25.4%	\$16 +	17.7%	Some \$18, Most \$20 +
Retail	26.9%	\$15	26.9%	\$15
Mixed-use			3.2%	Mid \$20s to \$45

\*Developed by The Chesapeake Group, Inc., 2019

Added rooftops, growth in University-related medical space, and increased demand for professional services derived from the new households create demand for office space. In Okemos, new demand generates between an additional 25,000 and 50,000 square feet. For Haslett, the demand is between 17,500 and 40,000 square feet.

<b>Table 16 - Total Additional Supportable Office Space*</b>	
High	2025 Additional Total Office
Meridian Township	104,000
Okemos	50,000
Haslett	39,600
Low	2025 Additional Total Office
Meridian Township	55,000
Okemos	25,100
Haslett	17,500

\*Developed by The Chesapeake Group, Inc., 2019

## Composite Opportunities

Table 17 contains the composite opportunities for Okemos and Haslett for both the defined scenarios.

<b>Table 17 - Composite Housing Units and Space Opportunities for Okemos and Haslett Areas of Meridian Township*</b>				
Category	Okemos 2025 Added Space/Units (High)	Okemos 2025 Added Space/Units (Low)	Haslett 2025 Added Space/Units (High)	Haslett 2025 Added Space/Units (Low)
Housing	628	214	347	37
Retail	178,826	89,831	141,564	62,487
Office	50,000	25,100	39,600	17,500

\*Developed by The Chesapeake Group, Inc., 2019. In addition to the three identified developments.

## Breakdown of Opportunities for Targeted Areas

There are two priority areas for Haslett. One is the Haslett Village Square area of about 60 acres. The other is the more northern Lake Lansing/Marsh subarea of about 11 acres. The following defines possible opportunities for each.

### Lake Lansing/Marsh Area

Opportunities would include niche housing and select commercial. The suggested niche housing would be marketed for live/work units. By 2025, recognizing that from plan initiation to completion of units, this area could capture about 200 units. The 200 units would be considered Phase 1 of the development. Assuming success with the initial phase and stable economic conditions after 2025, the number of marketable units on the site could grow to 500. This assumes the holding capacity of the land is capable of accommodating this number. Potentially 60-65% of the units would be rentals.

The housing would be mixed with, but not necessarily configured as, mixed-use structures, co-working office space, and limited small retail spaces totaling around 20,000 square feet. The focus of the retail would be on emerging “pick-up storefronts” for Amazon, FedEx, and others and eating establishments compatible with the co-working, live/work niche.

### Haslett Village Square Area

This area is likely to require elimination/redevelopment of vacant commercial spaces (in many structures having a vacancy rate of more than 25%). By 2025, 50 to 75 units of new housing are likely to be marketable with the bulk of the units being condominiums or traditional homeownership units, depending on the physical form. While not explicitly marketed as such, live/work activity is probable because of the amenities/aesthetics that can be created in the area and market trends.

Furthermore, 40,000 to 50,000 of new retail space in addition to reconfigured current space is likely to be marketable along with Class A or B office space. The amount of new office space expected to be marketable is in the 25,000 to 50,000 square foot range.



**CLERK'S OFFICE  
BOARD COMMUNICATIONS  
NOVEMBER 19, 2019**

**BOARD INFORMATION  
(BI)**



November 1, 2019

Ms. Deborah Guthrie, Communications Director  
Meridian Township  
5151 Marsh Road  
Okemos, MI 48864

Re: Xfinity TV Channel Updates

Dear Ms. Guthrie:

We are committed to keeping you and our customers informed about changes to Xfinity TV services.

We are committed to keeping you and our customers informed about Xfinity TV changes and enhancements. Below we share details regarding the removal of FM cable network from our line-up and a general reminder about expiring programming contracts.

**Loss of FM Network Effective January 1, 2020**

In addition to the regular updates we've posted on the programming contracts web page referenced below, we want to confirm for you that Comcast's programming agreement with cable network FM expires on December 31, 2019, and this channel will no longer be available starting on January 1, 2020. We are communicating this change to our customers through a bill message.

**General Reminder About Programming Contract Expirations**

We regularly inform our customers in their bills and annual notices that we maintain a website ([www.xfinitytv.com/contractrenewals](http://www.xfinitytv.com/contractrenewals)) and toll free number ((866) 216-8634) that are updated regularly to provide notice of the programming contracts that are set to expire in the coming months and the channels we might or will lose the rights to continue carrying.

Please feel free to contact me at 734-359-2077 if you have any questions.

Sincerely,

John P. Gardner  
Director, External Affairs  
Comcast, Heartland Region  
1401 E. Miller Rd.  
Lansing, MI 48911

## Daria Forbes

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**To:** Brett Dreyfus  
**Subject:** RE: Lime Scooters

**From:** Adam Meinerding <[adammeinerding@gmail.com](mailto:adammeinerding@gmail.com)>  
**Sent:** Sunday, November 3, 2019 5:02 PM  
**To:** Township Board <[Townshipboard@meridian.mi.us](mailto:Townshipboard@meridian.mi.us)>  
**Subject:** Lime Scooters

Hi,

My name is Adam, I live in the Wardcliff neighborhood. I am increasingly concerned about the consistent improper parking and littering of e scooters on streets in our neighborhood. It is dangerous for people driving cars, and if you know anything about these companies, they assume little responsibility for their product. The first time they were here in the Spring, I accidentally struck a Lime e-scooter parked in the street, damaging my mirror. Upon contacting the company, they said the scooter user was at fault and assumed no responsibility, and then said I would need a warrant to obtain the person's name. So basically rendering me defeated.

I contacted East Lansing city council members and they said this was a common occurrence and they had received many complaints. They made the licenses and stipulations more difficult and the scooters disappeared for a short period. Now they are back in full force, and immediately irresponsible people are leaving them on the streets again.

Is there anything the township can do to combat this? Who should I call to complain about this. We can't let these predator app companies do whatever they want in our neighborhoods.

Thanks,

Adam Meinerding  
419.494.3519

--

Adam Meinerding  
419.733.7994  
[www.meinerdingmusic.com](http://www.meinerdingmusic.com)

**From:** [Yingxin Zhou](#)  
**To:** [Board](#)  
**Cc:** [Planning Commission \(DG\)](#)  
**Subject:** Opposition to Mayberry rezoning #19060  
**Date:** Thursday, November 14, 2019 2:49:29 PM

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Dear Township Board,

I'm opposed to Mayberry rezoning #19060 for the following reasons.

1. First I object to the density of the proposed development: RAA with 150 units at 1.6 du/a. The Planning Commission denied the rezoning to RAA in July. Now the applicant is not only requesting RAA, but also a density greater than all surrounding RAAs: Champion Woods (1.47 du/a) and Woods of Heron Creek (1.47 du/a). The development will be even denser than College Fields (RR, 1 du/a).
2. The requested PO zoning is inconsistent with the R2 Residential designation per the Future Land Use Map in the master plan. The conditions to the rezoning never state that the PO will be used for Mayberry office. So in theory the current land owner or the future land owner could build a large office park by rights under the PO zoning. Whether the office park is 25K sq. ft. or 45K sq. ft., it's nothing comparable to the vet clinic at only 5K sq. ft. under RR zoning with a special use permit. The traffic study indicates significant increase in traffic due to the PO zoning.
3. I believe a Mayberry office should be approved as part of the PUD and not through a spot zoning. The applicant states in the application form that "There continues to be high demand on housing in Okemos". If this statement is true, the applicant won't have to wait long to build an office as part of the PUD when the development is 75% complete.
4. Township manager Walsh took off existing zoning off the table as a possible solution since the start of the facilitated discussion and aligns himself with the developer. Township manager Walsh made incorrect statement in two Planning Commission meetings on Oct 14 and Oct 28, 2019 by saying that if there is no rezoning, there will be connections between the Mayberry development and the surrounding neighborhoods to scare the neighboring residents. It is very inappropriate for a government official to make false statement in meetings that were televised live.

The property can be developed as currently zoned. There is no demonstrated need for a rezoning. Only the developer will benefit from it, at the expense of all Meridian Township residents. As township board members you are tasked with Township stewardship. Please vote to deny this rezoning request.

Sincerely,

Yingxin Zhou  
2565 Sophiea Pkwy  
Okemos, MI 48864

**From:** [Candy Parker](#)  
**To:** [Board](#)  
**Subject:** rezoning request#19060  
**Date:** Thursday, November 14, 2019 3:33:44 PM

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Dear Board Members,

The last time this request came before you, you referred the matter for discussion in the hopes that a plan could be developed. This wise decision did result in a plan that is good for the residents of both Champion Woods and Wood of Heron Creek and is also good for the developer.

We hope you will now approve this request for rezoning with the stipulated conditions.

Sincerely,  
Candy and Larry Parker  
4361 Aztec Way  
Okemos, MI 48864



**PROPOSED DRAFT MINUTES**

**PROPOSED MOTION:**

**Move to approve and ratify the minutes of the Regular Meeting of November 05, 2019 as submitted.**

**ALTERNATE MOTION:**

**Move to approve and ratify the minutes of the November 05, 2019 Regular Meeting with the following amendment(s): [insert amendments]**

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING **-DRAFT-**  
5151 Marsh Road, Okemos MI 48864-1198  
853-4000, Township Hall Room  
TUESDAY, November 05, 2019 **6:00 pm.**

PRESENT: Supervisor Styka, Clerk Dreyfus, Treasurer Deschaine, Trustees Jackson, Opsommer, Sundland, Wisinski

ABSENT:

STAFF: Township Manager Walsh, Director of Public Works Perry, Fire Chief Hamel, Police Chief Plaga, Community Planning Director Kieselbach, Information Technology Director Gebes, Principal Planner Menser, Economic Development Director Buck

1. CALL MEETING TO ORDER

Supervisor Styka called the meeting to order at 6:01 pm.

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor Styka led the Pledge of Allegiance.

3. ROLL CALL

The Recording Secretary called the roll of the Board.

4. PRESENTATIONS

A. Okemos High School State Golf Champion-Allison Cui

B. Okemos High School State Tennis Champions- Druv Talluri and Sid Nagisetty

C. Introduction of New Part-Time Paramedic Kelsi Gemalski

5. CITIZENS ADDRESS AGENDA ITEMS AND NON-AGENDA ITEMS

Supervisor Styka opened public remarks at 6:06 pm.

Supervisor Styka closed public remarks at 6:07 pm.

6. TOWNSHIP MANAGER REPORT

Township Manager spoke on medical marihuana process, approval of dispensaries, lottery drawing for overlays 3 and 4, bond rating for Street Improvement bond, bid process and Ingham County, spoke at Nashville conference with Chief Plaga regarding Brianna Randall case, thanked John Scott-Craig, Chair of Planning Commission and Brownfield Development Authority, who is leaving.

7. BOARD MEMBER REPORTS AND ANNOUNCEMENTS

Treasurer Deschaine:

- Attended Oct 24 Volunteer Recognition event at the Meridian Sun in Haslett, honorees Ned Jackson (Environmental Comm) and Renee Cory (Downtown Development Authority)
- Attended Oct 25 Firestone Auto Care ribbon cutting
- Attended Oct 28 School of Rock ribbon cutting
- Attended Oct 30 Capital Area Treasurer’s Association
- Attended second medical marihuana drawing

Clerk Dreyfus:

- New Hope Church, Precinct 20 polling location, notified Township that polling location needs to move to new facility located on Saginaw Hwy, Clerk will provide memo for Board action before January deadline
- Next Township election is Tuesday, March 10, 2020 and is the Presidential Primary

Trustee Opsommer:

- Attended grand opening of Okemos Board Walk

Supervisor Styka:

- Volunteer Appreciation Night was a success
- Attended Firestone ribbon cutting, company started in 1901
- Media confused opening of School of Rock in Meridian Township with School of Rock in East Lansing, business name and location confusion between EL and MT a continuing issue for township
- Okemos high school action club planted 20 trees in Central Park South due to \$2,000 Consumers Energy grant
- Addressed communications from residents concerned about climate change, Township Board adopted a resolution to follow the Paris Climate Accord, in 2017 adopted a plan for environmental sustainability to reduce fossil fuel usage,
- October Money magazine issue declared Okemos (#1) and Haslett (#16) among best places to live, Supervisors opinion that Meridian could be ranked in the top 5 places to live in Michigan

8. APPROVAL OF AGENDA

**Clerk Dreyfus moved to approve the Agenda. Seconded by Trustee Jackson.**

**Treasurer Deschaine moved to amend Agenda moving the discussion on the Okemos Road Bridge from 12F to 12A. Seconded by Clerk Dreyfus.**

VOICE VOTE:                      Motion carried                      7-0

9. CONSENT AGENDA

Supervisor Styka reviewed the consent agenda.

**Clerk Dreyfus moved to adopt the Consent Agenda as presented. Seconded by Treasurer Deschaine.**

ROLL CALL VOTE: YEAS: Treasurer Deschaine, Supervisor Styka, Clerk Dreyfus,  
Trustees Sundland, Jackson, Opsommer, Wisinski

NAYS:

Motion carried 7-0

A. Communications

**Clerk Dreyfus moved that the communications be received and placed on file and any communications not already assigned for disposition be referred to the Township Manager or Supervisor for follow-up. Seconded by Treasurer Deschaine.**

ROLL CALL VOTE: YEAS: Clerk Dreyfus, Treasurer Deschaine, Supervisor Styka,  
Trustees Sundland, Jackson, Opsommer, Wisinski

NAYS:

Motion carried 7-0

B. Minutes – October 15, 2019 Regular Meeting

**Clerk Dreyfus moved to approve and ratify the minutes of the Regular Meeting of October 15, 2019 as submitted. Seconded by Treasurer Deschaine.**

ROLL CALL VOTE: YEAS: Clerk Dreyfus, Treasurer Deschaine, Supervisor Styka,  
Trustees Sundland, Jackson, Opsommer, Wisinski

NAYS:

Motion carried 7-0

C. Bills

**Clerk Dreyfus moved to approve that the Township Board approve the Manager’s Bills as follows. Seconded by Treasurer Deschaine.**

Common Cash	\$	969,028.24
Public Works	\$	575,131.87
Trust & Agency	\$	125,326.57
	<b>Total Checks</b>	<b>\$ 1,669,486.68</b>
Credit Card Transactions	\$	15,377.42
Oct 10th - Oct 30th		
	<b>Total Purchases</b>	<b>\$ 1,684,864.10</b>
ACH Payments	\$	<u>1,185,576.02</u>

ROLL CALL VOTE: YEAS: Clerk Dreyfus, Treasurer Deschaine, Supervisor Styka, Trustees Sundland, Jackson, Opsommer, Wisinski

NAYS:

Motion carried 7 - 0

D. Ratification of New Paramedic/Firefighter Appointments

**Clerk Dreyfus moved to authorize the Fire Department to appoint Tyler McNalley to Full-Time Paramedic/Firefighter. Seconded by Treasurer Deschaine.**

ROLL CALL VOTE: YEAS: Clerk Dreyfus, Treasurer Deschaine, Supervisor Styka, Trustees Jackson, Opsommer, Sundland, Wisinski

NAYS:

Motion carried 7 - 0

E. Treasurer’s Report-Phil Deschaine

- 2019 Tax Collections & Distributions
- Delinquent Personal Property Tax Collections & Totals
- Fixed & Non-Fixed INVESTMENTS

F. Downtown Development Authority & Planning Commission Appointments

**Clerk Dreyfus moved to rescind the prior appointments made by Supervisor Styka and approve appointment of Amber Clark to the Planning Commission for a term ending 12/31/2020 and Tom Stanko to the Downtown Development Authority for a term ending 12/31/2020. Seconded by Treasurer Deschaine.**

- Correcting errors made at previous Board meeting, terms of appointment were incorrect

G. Newton Road Water Tower Attachment Agreement

**Clerk Dreyfus moved to authorize the Township Manager to execute the Nonexclusive Water Tower Attachment Agreement between the Charter Township of Meridian and the Board of Water and Light of the City of Lansing as presented. Seconded by Treasurer Deschaine.**

ROLL CALL VOTE: YEAS: Clerk Dreyfus, Supervisor Styka, Treasurer Deschaine, Trustees Jackson, Opsommer, Sundland, Wisinski

NAYS:

Motion carried 7 - 0

H. Additions to the Tax Roll

**Clerk Dreyfus moved to assess the charges identified in the staff memorandum with parcel identification available in the Treasurer’s Office dated November 5, 2019 for Delinquent Special Assessments, Utility Bills, False Alarms, Nuisance, Lot Mowing/Code Violation, and Misc. Fees as a tax lien against the subject properties as authorized by Michigan Compiled Laws (MCL) 41.727, 41.728 and Meridian Township Ordinance Code Sections 58-32, 58-33, 78-98, 78-155, 46-5, 82-27, 18-1 and 18-15”. Seconded by Treasurer Deschaine.**

ROLL CALL VOTE: YEAS: Clerk Dreyfus, Treasurer Deschaine, Supervisor Styka, Trustees Sundland, Jackson, Opsommer, Wisinski

NAYS:

Motion carried 7-0

10. QUESTIONS FOR THE ATTORNEY – NONE

11. HEARINGS (CANARY)

12. ACTION ITEMS (PINK)

A. Okemos Road Bridge Replacement

**Treasurer Deschaine moved to approve the single bridge option be formally communicated to the Ingham County Road Department as the preferred option for the Okemos Road Bridge Replacement project by the Charter Township of Meridian. Seconded by Clerk Dreyfus.**

Derek Perry noted that the adjacent property owner was contacted regarding potential purchase of property, and that the Federal Highway Administration (FHWA) expressed concerns for potential impact on a park.

William (Bill) Conklin, Ingham County Road Department Manager: reviewed the preferred alternative: no right-of-way acquisition, no impacts on parks and minimal on adjacent property, singular bridge is in public right-away, green space provided along roadside, northbound sidewalk, driveway into park relocated and improved safety, guardrail concerns, raising roadway to allow non-motorized trail underneath the bridge connecting the two parks, ingress and egress from the parks involving left and right turns, traffic stacking patterns, standardized lane width on bridges is 11 feet, Federal government standards, pedestrian width is 8 feet which is larger than 7 foot Township pathway system.

Board discussion: single bridge vs. 2 bridge option, turn lanes into parks from both directions, pavement striping, lane width and speed/safety concerns; width of north bound pedestrian pathway; safety of 7 ft v. 11 ft shared use path on each side of the road, guard rail for bicyclists & pedestrian activity, funding for aesthetics, arch-type feature at bridge entrances could have plants/greenery, permit requirements for banners, Consumers Energy input on burying power lines.

Request for staff to contact Ingham County and others to provide the Board with additional information regarding issues raised during discussion including design issues.

ROLL CALL VOTE: YEAS: Trustees Opsommer, Sundland, Wisinski, Jackson,  
Treasurer Deschaine, Clerk Dreyfus, Supervisor Styka

NAYS:

Motion carried 7-0

B. Trash Receptacle Ordinance – **Introduction**

**Trustee Opsommer moved to approve for introduction the resolution amending Chapter 46, Section 46-2 to establish regulations for the placement and storage of trash and recycling receptacles. Seconded by Trustee Jackson.**

Board discussion: Reduced fines, fines are lenient, modeled on City of St. Joseph ordinance, East Lansing considered more stringent ordinance.

ROLL CALL VOTE: YEAS: Trustees Opsommer, Wisinski, Sundland, Jackson,  
Clerk Dreyfus, Supervisor Styka, Treasurer Deschaine

NAYS:

Motion carried 7-0

C. Amendment to Truck Route Ordinance for Hamilton Road – **Introduction**

**Treasurer Deschaine moved to approve the resolution for introduction of the amendment to Chapter 74, Article I, Section 74-3(c)(4) to designate westbound Hamilton Road from Marsh Road to Okemos Road as a truck route and classified for truck traffic. Seconded by Trustee Opsommer.**

Board discussion: Transportation Commission recommended approval – limit trucks to only westbound traffic, impact on traffic circle, traffic controls support new downtown development.

ROLL CALL VOTE: YEAS: Trustees Wisinski, Jackson, Opsommer, Sundland,  
Treasurer Deschaine, Clerk Dreyfus, Supervisor Styka

NAYS:

Motion carried 7-0

D. Update to Land Division Ordinance – **Introduction**

**Trustee Jackson moved to approve the resolution for introduction of the amendment to Chapter 62, Articles IV and V, Sections 62-94 and 62-123 to be consistent with the requirements of the State Land Division Act. Seconded by Trustee Opsommer.**

Board discussion: House Bill 4055 addresses issue of unpaid property taxes, amending Township ordinance to be in compliance with state law.

ROLL CALL VOTE: YEAS: Clerk Dreyfus, Supervisor Styka, Treasurer Deschaine, Trustees Sundland, Opsommer, Wisinski, Jackson

NAYS:

Motion carried 7-0

E. Lake Lansing Advisory Committee Appointment

**Trustee Opsommer moved to approve the appointment of Dr. Susan Andrews to the Lake Lansing Advisory Committee for a term ending 12/31/2021. Seconded by Trustee Jackson.**

Board discussion: Memo by Clerk Dreyfus and sent to Supervisor Styka, lists vacant and expired Boards and Commissions, number of applicants for each public body, needed at year end.

VOICE VOTE: Motion carried 7-0

F. Revised Millage Rate

**Treasurer Deschaine moved to approve the amended 2020 Budget Resolution. Supported by Trustee Opsommer.**

Board discussion: 1.3% bond rate instead of 1.6%, additional funds available for roads due to lower interest rate, money going for street improvement and not administrative fees, mileage rate the same as on ballot – 1.94 mills. Didn’t get AAA Bond Rating, but got highly favorable rate anyway. Trustee Jackson summarized intent of amendment – adding bond revenue to 2020 Budget because it was not considered in the original budget, Treasurer Deschaine noted revenue coming into Township around Nov. 19 and issuing RFP for financial institution to hold funds while street improvements are implemented. Clerk Dreyfus suggestion to clarify motions so public can better understand Board actions, recommended adding language in the future which enhances transparency and creates a more detailed public record.

ROLL CALL VOTE: YEAS: Trustees Sundland, Jackson, Opsommer, Wisinski, Supervisor Styka, Clerk Dreyfus, Treasurer Deschaine

NAYS:

Motion carried 7-0

13. BOARD DISCUSSION ITEMS (ORCHID)

A. Ordinance Prohibiting Animal Sales at Pet Stores

Board discussion: cats not addressed in state law, issue: breeding of dogs on mass quantity leading to inhumane treatment/puppy mills, Michigan looking at banning dogs sales at pet stores, Michigan Public Act 287 regulates pet stores and licensing of sales on animals, SB 419 introduced to regulate shelters, some large pet retail chain stores have tried to get state legislature to ban municipalities from adopting these ordinances, belief that adopting these ordinances asserts local control and signifies alliance with animal rights organizations such as Capital Area Humane Society, City of Novi adopted ordinance because of

percentage of pets dying when taken home, stores lying about dog’s pedigree, pets getting sick from breeders/transportation/environment/ facility, adopting ordinance reinforces value of humane treatment of dogs, no toll booth to check for dogs illegally traversing state lines, animals without records because pet stores accept walk-in rescues, goal of stopping puppy mills and unnecessary euthanasia, need for animal adoption, pure bred availability in shelters, retail business concerns/freedom of marketplace, philosophical shift to deal with dog overpopulation through adoption, some rescue organizations and private shelters may be used as a front for the puppy mill industry, acquiring animals illegally, concerns about unnecessary ordinance that may have unintended consequences, over-regulating and not solving real issue, need more information about shelters, State of Michigan may regulate private shelters.

**Board consensus to place this item on the agenda for action at the next Board meeting.**

B. Ingham County / City of East Lansing Cat Ordinance

Board discussion: City of East Lansing (EL) stray cats ordinance, adopted in 2005, word “stray” is not defined, practical enforcement difficulties include definition of “readily accessible place,” EL ordinance appears unenforceable, does not address Township’s concern with feeding of feral cats, passing County Commissioner Grebner’s cat ordinance not recommended/not conducive to humane treatment, possible solutions include cat colonies relocated to barns/trap, neuter, release/taking care of cats during winter; Meridian Township pet ownership ordinance same as EL: no more than a combination of 4 dogs/cats unless special use permit to keep up to 10 if in Rural Residential district, trespass of private property handled by police department, handling of illegal feeding of “wild” animals by Conservation officers, animal control treated as a county issue.

**No board consensus and will not be put back on the agenda unless two board members ask for it.**

C. Multiple Family Zoning Ordinance Amendment

Director Buck noted similarity of 2018 concept plan similar to Newton Park rental development, single family carriage homes, Township has 4 multifamily designation – only RDD allows for single family units. Staff wants Township Board to initiate zoning ordinance that mirrors single family provision in the RD, RC, RCC zoning districts.

Board discussion: Staff noted concerns over density in Newton Park, growth of community, importance of vision, long-term sustainability planning, effects of zoning in relation to different types of multi-family units/density levels/w/special use permits, intent of amendment is not to change density, the multi-family homes have to be attached units not standalone, various zoning requirements, comparison with RB zoning.

**Board consensus to place this item on the agenda for action at the next Board meeting.**

14. COMMENTS FROM THE PUBLIC

Supervisor Styka Opened Public Remarks at 9:05 pm.

Holly Thoms, 2100 N. Michigan Rd. Eaton Rapids, MI 48827, Spay & Neuter Clinic Director, Capital Area Humane Society; spoke on Home Depot cats, free program to spay and neuter stray cats.

Brenda Laukert, 2067 La Mer Lane, Haslett MI 48840; spoke on Trap, Neuter, Release (TNR) program implementation, need to protect outdoor and feral cats during harsh weather.

Supervisor Styka Closed Public Remarks at 9:11 pm.

15. OTHER MATTERS AND BOARD MEMBER COMMENTS

16. ADJOURNMENT

**Trustee Opsommer moved to adjourn the meeting. Seconded by Trustee Jackson.**

VOICE VOTE:                      Motion carried              7-0

**Supervisor Styka adjourned the meeting at 9:11 pm.**

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RONALD J. STYKA,  
TOWNSHIP SUPERVISOR

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BRETT DREYFUS,  
TOWNSHIP CLERK



**To: Board Members**  
**From: Miriam Mattison, Finance Director**  
**Date: November 19, 2019**  
**Re: Board Bills**

**Charter Township of Meridian  
Board Meeting  
11/19/2019**

**MOVED THAT THE TOWNSHIP BOARD APPROVE THE MANAGER'S  
BILLS AS FOLLOWS:**

<b>COMMON CASH</b>	<b>\$</b>	<b>396,757.36</b>
<b>PUBLIC WORKS</b>	<b>\$</b>	<b>572,672.35</b>
<b>TRUST &amp; AGENCY</b>	<b>\$</b>	<b>54,716.67</b>
<b>TOTAL CHECKS:</b>	<b>\$</b>	<b>1,024,146.38</b>
<b>CREDIT CARD TRANSACTIONS</b>		
<b>Oct13st - Nov13th</b>	<b>\$</b>	<b>5,923.24</b>
<b>TOTAL PURCHASES:</b>	<b>\$</b>	<b><u>1,030,069.62</u></b>
<b>ACH PAYMENTS</b>	<b>\$</b>	<b><u>413,322.60</u></b>

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Vendor Name	Description	Amount	Check #
1. AMERICAN PLANNING ASSOCIATION	SUBSCRIPTION TO ZONNING PRACTICE SUB 2020	95.00	
2. APOLLO FIRE EQUIPMENT	STANDING PO FOR FIRE FOAM	650.00	
	F-500 ENCAPSULATING AGENT (FOAM)	910.00	
	TOTAL	1,560.00	
3. ASAP PRINTING	HASLETT BASKETBALL FLYERS	135.47	
4. BAKETARIAN LLC	FARM MARKET VENDOR - REISSUED	33.00	
5. AT & T	LEGACY TELEPHONE # - OCT BILL	31.81	
6. AT & T	TH HVAC - OCT2ND - NOV 1	164.35	
	PSB DOWNSTAIRS FAX - OCT 2ND TO NOV 1ST BILL	219.63	
	TH HVAC - OCT 2 -NOV 1 BILL	354.93	
	PSE HVAC - OCT2ND- NOV 1ST BILL	214.62	
	OCT 2ND - NOV 1ST BILL	3,999.75	
	OCT2ND - NOV 1ST BILL	541.79	
	PSE TO COEL - OCT2ND-NOV1ST BILL	581.79	
	TOTAL	6,076.86	
7. ATA NATIONAL TITLE GROUP	REFUND OVERPM'T SPECIAL ASSESSMENT-FILE 33-1857393	19.65	
8. BARYAMES CLEANERS	STANDING PO FOR DRY CLEANING- HAMEL, MICHAEL	55.20	
9. BOARD OF WATER & LIGHT	2019 STREETLIGHT SERVICE	601.60	101626
10. UNCLE CALVINS SWEET POTATO PIES	FARM MARKET VENDOR	30.00	
11. CAPITAL AREA TRANSPORTATION	FUND TO PURCHASE REDI-RIDE PASSES	600.00	101748
12. CINTAS CORPORATION #725	MECHANICS UNIFORMS 2019	48.35	
	MECHANICS UNIFORMS 2019	48.35	
	TOTAL	96.70	
13. COMCAST	CHARGES FROM NOV 16TH TO DEC 15TH	151.85	
14. CONSUMERS ENERGY	PAYMENT TC RRESTORE SERVICE FOR M.PIERCE	140.16	101751
15. CONSUMERS ENERGY	LED LIGHTS - STREET LIGHTS	1,056.18	
16. BART CRANE	INVESTIGATORS CLOTHING REIMBURSEMENT	325.00	
17. CULLIGAN WATER CONDITIONING	WATER SOFTNER SALT FOR HARRIS NATURE CENTER	18.40	
18. DBI	#20 PAPER	32.90	
	WALL CALENDAR X 4	119.96	
	#20 PAPER	164.50	
	LEGAL PADS, LABELS, STAMP PADS, COMPRESSOR	28.13	
	TOTAL	345.49	
19. KELSEY DILLON	SEPT & OCT 2019 MILEAGE REIMBURSEMENT	54.29	
20. EASTERN MI CONTRACTING, LLC	OKEMOS ROAD BOARDWALK 2019- PAY ESTIMATE 13	24,650.18	
21. MARK EBENER	FARM MARKET VENDOR	24.00	
	FARM MARKET VENDOR	30.00	
	TOTAL	54.00	
22. ENGINEERED PROTECTION SYSTEMS	PE19-0760 OVER PAYMENT	15.00	
23. FIRST AMERICAN ADMINISTRATORS	EYEMED RETIREE/COBRA VISION - OCTOBER	2,624.77	

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Vendor Name	Description	Amount	Check #
24. FIRST COMMUNICATIONS	LEGACY ANALOG TELEPHONE - OCT BILL	931.14	
25. JENNIFER FLOWER	MILEAGE REIMBURSEMENT 10-28-2019	49.88	
26. FOREMOST PROMOTIONS INC	FIRE PREVENTION MATERIALS	210.89	
27. FORESIGHT GROUP	POLICE PATROL CAR GRAPHICS FOR UNITS 667, 670, 671	155.56	
	ENGRAVED NAME PLATES	38.50	
	WATER BILL MAILING 10/15 POSTAGE	232.82	
	TREASURER #9 RETURN ENVELOPE	188.78	
	WATER BILLS 10/31	523.80	
	#10 WINDOW ENVELOPES - WATER BILLS	508.57	
	CYCLE 6 STATEMENTS JOB #184073	296.37	101749
	TOTAL	1,944.40	
28. GALLAGHER BENEFIT SERVICES, INC	NOVEMBER MONTHLY CONSULTING FEE	2,765.52	
29. GOODYEAR COMMERCIAL TIRE	STATE CONTRACT LARGE TRUCK TIRES 2019 - UNIT 71	536.44	
30. GRANGER	RUBBISH AND RECYCLING DISPOSAL SERVICES	124.33	
	RUBBISH AND RECYCLING DISPOSAL SERVICES	266.98	
	RUBBISH AND RECYCLING DISPOSAL SERVICES	84.26	
	RUBBISH AND RECYCLING DISPOSAL SERVICES	78.28	
	RUBBISH AND RECYCLING DISPOSAL SERVICES	87.00	
	TOTAL	640.85	
31. H.C. BERGER COMPANY	ACCOUNT ABC-MT02	150.00	
32. KEVIN HARVEY	INVESTIGATORS CLOTHING REIMBURSEMENT	325.00	
33. WILBUR HOCHSTETLER	FARM MARKET VENDOR	143.00	
34. HYDRO-CHEM SYSTEMS	POWER WASHER @ SERVICE CENTER	274.88	
35. INGHAM COUNTY FIRE CHIEFS ASSOC	FF CHARLES MALESKO - MERIDIAN TWP FIRE DEPT- ISO C	50.00	
36. JENNIFER ROTIER	FARM MARKET VENDOR	4.00	
37. JOHN DEERE FINANCIAL	FLEET FUEL JULY - DEC 2019	13,680.00	
	FLEET FUEL JULY - DEC 2019	9,101.82	
	FLEET FUEL JULY - DEC 2019	6,989.00	
	TOTAL	29,770.82	
38. JUDICIAL SERVICES GROUP, LTD	SMALL CLAIMS PROCESS FILING CASE #INGHAM 19 2285 S	29.04	101750
	SMALL CLAIMS PROCESS FILING CASE # INGHAM 19 2286	29.04	101750
	TOTAL	58.08	
39. KEBS INC	DESIGN AND ENGINEERING SERVICES FOR FARMERS MARKET	3,503.75	
40. DAN KING	INVESTIGATOR CLOTHING REIMBURSEMENT	325.00	
41. KITCH DRUTCHAS WAGNER VALITUTTI	FILE # 3783.057346- APPEAL OF FCC AUG 2ND CABLE OR	5,000.00	
42. LANSING UNIFORM COMPANY	STANDING PO FOR UNIFORMS	287.70	
	STANDING PO FOR UNIFORMS	90.00	
	TOTAL	377.70	
43. L.E.O.R.T.C.	THE TACTICAL LEADER, 10-18-19 CANEN	95.00	
44. JANET LINCOLN	ELECTION INSPECTOR - AUGUST - REISSUED	110.75	

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Vendor Name	Description	Amount	Check #
45. LOPEZ CONCRETE CONSTRUCTION	CONCRETE REPAIR 2019 - PAY ESTIMATE #7	2,756.80	
	2019 CUL-DE-SAC CONCRETE WORK- CURB, GUTTER AND SI	27,527.50	
	TOTAL	30,284.30	
46. MANNIK AND SMITH	2019_2020 LOCAL ROAD PLAN	2,341.25	
47. MARSH POINTE APARTMENTS	PAYMENT FOR PORTION OF 1ST MONTHS RENT FOR K.DUKE	180.00	101752
48. MATTHEW BENDER & CO INC	BALANCE OWED FOR SHIPPING ON PREVIOUS INVOICE 1388	26.10	
49. MEDICAL MANAGEMENT SYSTEMS	OF AMBULANCE BILLING SERVICE	8,115.21	
50. MERIDIAN TOWNSHIP	TRANSFER FOR FLEX CHECKING FOR 11/8/19 PAYROLL	870.23	
51. MICHAEL HAGBOM	INVESTIGATORS CLOTHING REIMBUREMENT	325.00	
52. MICHIGAN MUNICIPAL LEAGUE	POLICY PREMIUM INSTALLMENT #3	33,960.77	
53. MICHIGAN NOTARY SERVICE	NOTARY FEE - STANDARD PACKAGE	67.40	101747
54. MCKESSON MEDICAL-SURGICAL	GOV SOL STANDING PO FOR EMS SUPPLIES/EQUIPMENT	1,566.78	
55. MUZZALL GRAPHICS	TAX BILLS	1,938.29	
	TAX NOTICE	762.20	
	TOTAL	2,700.49	
56. NAPA	FLEET REPAIR PARTS 2019 - CREDIT	(53.94)	
	FLEET REPAIR PARTS 2019 - CREDIT	(17.80)	
	FLEET REPAIR PARTS 2019- STOCK	83.52	
	FLEET REPAIR PARTS 2019 - CREDIT	(8.99)	
	FLEET REPAIR PARTS 2019 - STOCK	105.80	
	FLEET REPAIR PARTS 2019- STOCK/SHOP SUPPLY	536.90	
	FLEET REPAIR PARTS 2019 - CREDIT	(10.99)	
	FLEET REPAIR PARTS 2019 - STOCK	11.99	
	TOTAL	646.49	
57. OKEMOS MARATHON	TOWING AND CLEAN UP CHARGES	900.00	
	TOWING SERVICES	128.00	
	GAS BIKE #10	50.75	
	TOTAL	1,078.75	
58. OLIVER / HATCHER CONSTRUCTION	RELEASE IN FULL - PG#2019-17 - 3545 MERIDIAN CROSS	150,000.00	
59. ORKIN, 551-LANSING, MI	2019 PESTICIDE TREATMENT MUNICIPAL BLDG	75.00	
60. BECKY PAYNE	INVESTIGATORS CLOTHING REIMBURSEMENT	325.00	
61. PEOPLEFACTS LLC	EMPLOYEE PRE-EMPLOYMENT CREDIT CHECKS	26.54	
62. PLM LAKE & LAND MANAGEMENT	2019 LAKE LANSING HERBICIDE TREATMENT	25,974.00	101625
63. PRINT MAKERS SERVICE INC	W/S ATLAS BOOKS	226.77	
64. PRO-TECH MECHANICAL SERVICES	2019 HVAC REPAIRS - PREVENTED MAINTENANCE	4,206.25	
65. THE RAPID GROUP LLC	CERTIFICATE OF DESTRUCTION	55.00	
66. RETRODUCK.COM	RECYCLING TSHIRTS	148.00	
67. ROMANOW BUILDING SERVICES	JANITORIAL SERVICE 2019	7,607.77	

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68. HASLETT-OKEMOS ROTARY	2019 MEMBER DUES - 4TH QUARTER - KEN PLAGA	140.00	
	2019 MEMBER DUES - 4TH QUARTER - MICHAEL HAMEL	140.00	
	TOTAL	280.00	
69. ROWERDINK AUTOMOTIVE PARATS	FLEET REPAIR PARTS 2019 - UNIT 39	115.40	
	FLEET REPAIR PARTS 2019 - UNIT 39	21.10	
	FLEET REPAIR PARTS 2019- UNIT 39	60.33	
	FLEET REPAIR PARTS 2019 - UNIT 130	82.50	
	FLEET REPAIR PARTS 2019- UNIT 152	82.50	
	FLEET REPAIR PARTS 2019- UNIT 126	191.55	
	FLEET REPAIR PARTS 2019- UNIT 126	156.20	
	FLEET REPAIR PARTS 2019- UNIT 100	201.05	
	FLEET REPAIR PARTS 2019	(106.89)	
	FLEET REPAIR PARTS 2019	106.89	
	FLEET REPAIR PARTS 2019-UNIT 100	98.80	
	FLEET REPAIR PARTS 2019 - UNIT 134	252.02	
	FLEET REPAIR PARTS 2019 - UNIT 105	190.32	
	FLEET REPAIR PARTS 2019	105.63	
	FLEET REPAIR PARTS 2019	(105.63)	
	FLEET REPAIR PARTS 2019 - UNIT 122	287.99	
	FLEET REPAIR PARTS 2019 - UNIT 102	123.42	
	TOTAL	1,863.18	
70. RW MERCER	FLEET FUEL SECURITY AND CONTROL SYSTEM AND TANK MO	9,660.00	
71. SKYLINE OUTDOOR	RECYCLING EVENT BANNER REPAIR	84.00	
72. SPARROW OCCUPATIONAL	6 PHYSICALS	846.00	
	6 PHYSICALS	983.50	
	TOTAL	1,829.50	
73. ST MARTHA CONFERENCE OF	REIMBURSEMENT FOR PAYMENT TO AVOID UTILITY SHUTOFF	200.00	101753
	REIMBURSEMENT FOR PAYMENT TO AVOID EVICTION FOR S.	200.00	101753
	TOTAL	400.00	
74. ST THOMAS AQUINAS PARISH	REIMBURSEMENT FOR PAYMENT TO AVOID EVICTION FOR A.	500.00	101754
	REIMBURSEMENT FOR PMT TO AVOID EVICTION FOR C.JOHN	345.00	101754
	TOTAL	845.00	
75. STATE OF MICHIGAN	2020 CERTIFICATION RENEWAL FEES, J.FLOWER, D.WOZIA	400.00	
	DEPT OF TREASURY FILLING FEE FOR STREET IMPROVEMEN	1,000.00	101746
	TOTAL	1,400.00	
76. SWAGIT PRODUCTIONS, LLC	VIDEO STREAMING SERVICES- OCT 2019	3,462.00	
77. TELEFLEX LLC	IO SUPPLIES/EQUIPMENT	612.50	
78. DIANA TENNES	FARM MARKET VENDOR	411.00	
79. TITUS FARM LLC	FARM MARKET VENDOR	126.00	
80. TRUGREEN	FIELD WEED AND FEED 2019	245.00	
81. VARIPRO BENEFIT ADMINISTRATORS	FLEX ADMINISTRATION 12/19	12,805.90	
82. VERIZON CONNECT	VERIZON FLEET - OCT BILL	1,591.80	
83. VERIZON WIRELESS	VERIZON USAGE AND EQUIPMENT FOR SEPT 24-OCT 23	3,324.03	
84. VIRIDIS DESIGN GROUP	ENGINEERING SERVICES FOR HNC PAVILION AND RESTROOM	500.00	

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Vendor Name	Description	Amount	Check #
85. WASTE MANAGEMENT	ANIMAL CARCASS REMOVAL DUMPSTER (DEAD DEER REMOVAL	121.64	
86. WILLIAMSTON GREEN HOUSE &	FLORIST FARM MARKET VENDOR	351.00	
TOTAL - ALL VENDORS		396,757.36	

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Vendor Name	Description	Amount	Check #
1. ACCOUNTEMP	SUBTOTAL WEEKENDING 11/1/2019	952.00	
	SUBTOTAL FOR WEEK ENDING 11/8/2019	952.00	
	TOTAL	1,904.00	
2. CITY OF EAST LANSING	2019-2020 ELMWSA OPERATING COST SHARE- (JULY TO DE	269,779.17	
	SEWER OPERATIONS - NOV 2019	215,185.83	
	TOTAL	484,965.00	
3. EMILE NAKHLEH	OVER PAID FINAL BILL PATR-005933-0000-01	75.00	
4. FIRST AMERICAN ADMINISTRATORS	EYEMED RETIREE/COBRA VISION - OCTOBER	378.05	
5. GALLAGHER BENEFIT SERVICES, INC	NOVEMBER MONTHLY CONSULTING FEE	484.48	
6. HYDROCORP	CROSS CONNECTION CONTROL PROGRAM SERVICES- OCT	2,430.00	
7. INGHAM COUNTY ROAD DEPARTMENT	COLD PATCH PURCHASES THRU SEPT 17	777.67	
8. JAMES EDWARD BUILDERS	PERFORMANCE GUARANTEE PGE 18-39 - 2446 BARNSBURY R	2,000.00	
9. JAMES FRAMPTON	OVER PAID FINAL BILL BIRO-006210-0000-09	100.00	
10. JANET & HARRISON HAYNOR	CUSTOMER OVER PAID FINAL BILL MANS-002617-000-04	35.00	
11. LOPEZ CONCRETE CONSTRUCTION	CONCRETE REPAIR 2019 - PAY ESTIMATE #7	639.00	
	LAKE LANSING WATER MAIN CONCRETE WORK - PAY ESTIMA	9,349.00	
	TOTAL	9,988.00	
12. MICHIGAN MUNICIPAL LEAGUE	POLICY PREMIUM INSTALLMNET #3	3,437.23	
13. PORTNOY AND TU DDS PC	PERFORMANCE GUARANTEE PGE 19-32 - 2476 JOLLY ROAD	1,500.00	
14. ROCIO QUISPE-AGNOLI	PAID ONLINE TWICE , REQUESTED A REFUND	135.00	
15. SPARTAN BARRICADING	SIDEWALK TEMP SIGNAGE WM PROJECT	1,684.50	
16. STATE OF MICHIGAN	2020 SOM COMM. WATER FEE	10,882.41	
17. TITLE RESOURCE AGENCY	OVER PAID CUSTOMER FINAL BILL BAON-005786-0000-06	205.00	
	OVER PAID CUSTOMER FINAL BILL CRLA-001918-0000-01	250.00	
	OVER PAID CUSTOMER FINAL BILL MEAD-002571-0000-00	65.33	
	OVER PAID CUSTOMER FINAL BILL - DOBC-001645-0000-0	165.00	
	OVER PAID CUSTOMER FINAL BILL RLGH-003864-0000-01	239.50	
	OVER PAID CUSTOMER FINAL BILL GOWO-004263-0000-02	125.00	
	TOTAL	1,049.83	
18. TL CONTRACTING INC	LAKE LANSING TOWNER ROAD WATER MAIN ESTIMATE #8	50,055.16	
19. TRI-COUNTY TITLE AGENCY LLC	REFUND OVER PMT #CORN-004151-000	24.15	
	REFUND OVER PMT # WABA-004135-0000 - REISSUE	11.07	
	REFUND OVER PMT # LONG-002113-000-01 - REISSUED CH	309.00	
	OVER PAID CUSTOMER FINAL BILL - QUAR-002172-0000-0	14.92	
	TOTAL	359.14	
20. VERIZON WIRELESS	USAGE AND EQUIPMENT CHARGES FOR SEPT 24- OCT 23	431.88	
TOTAL - ALL VENDORS		572,672.35	

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Vendor Name	Description	Amount	Check #
1. EAST LANSING PUBLIC SCHOOLS	SUMMER TAX COLLECTION	4,079.42	12763
2. HASLETT PUBLIC SCHOOLS	SUMMER TAX COLLECTION	4,877.30	12764
3. INGHAM INTERMEDIATE SCHOOL	SUMMER TAX COLLECTION	24,262.10	12765
4. OKEMOS PUBLIC SCHOOLS	SUMMER TAX COLLECTION	21,377.05	12766
5. TRANSNATION TITLE INSURANCE CO	REFUND-OVERP'MT OF TAXES - REISSUE	120.80	
TOTAL - ALL VENDORS		54,716.67	

**Credit Card Report 8/29/2019 to 9/11/2019**

<b>Posting Date</b>	<b>Merchant Name</b>	<b>Amount</b>	<b>Name</b>
2019/10/31	BOBCAT OF LANSING	\$108.99	JIM HANSEN
2019/10/31	CORAL GABLES OF EAST LANS	\$32.10	CHRIS BUCK
2019/10/31	TRACTOR SUPPLY #1149	\$10.99	KYLE FOGG
2019/10/31	OFFICEMAX/OFFICEDEPT#3379	\$6.58	ROBIN FAUST
2019/10/31	THE HOME DEPOT #2723	\$24.81	DAVID LESTER
2019/10/31	MARKS LOCK SHOP INC	\$14.00	ROBERT MACKENZIE
2019/10/31	FULL SOURCE LLC	\$233.89	ROBERT MACKENZIE
2019/10/31	AMAZON.COM*HN81539B3 AMZN	\$5.93	MICHELLE PRINZ
2019/10/31	AMAZON.COM*LL9DP9HA3 AMZN	\$80.01	MICHELLE PRINZ
2019/10/31	AMZN MKTP US*E915B0CT3	\$72.16	MICHELLE PRINZ
2019/11/01	THE HOME DEPOT #2723	\$8.55	LAWRENCE BOBB
2019/11/01	GRAINGER	\$75.69	TYLER KENNEL
2019/11/01	THE HOME DEPOT #2723	\$21.47	KYLE FOGG
2019/11/01	AMAZON PRIME	\$119.00	KRISTI SCHAEING
2019/11/01	COMCAST	\$306.49	ANDREA SMILEY
2019/11/01	FAST EDDIE S - OFFICE	\$225.00	ROBERT MACKENZIE
2019/11/01	TARGET 00003657	\$24.97	WILLIAM PRIESE
2019/11/01	PETSMART # 0724	\$72.96	CATHERINE ADAMS
2019/11/04	244 AUTO VALUE EAST LANSI	\$13.79	ROBERT STACY
2019/11/04	SKILLPATH / NATIONAL	\$149.00	MIRIAM MATTISON
2019/11/04	SHELL OIL 57445535503	\$50.00	JIM HANSEN
2019/11/04	OFFICEMAX/OFFICEDEPT#3379	\$159.99	DEBBIE BUDZYNSKI
2019/11/04	OFFICEMAX/OFFICEDEPT#3379	\$159.99	DEBBIE BUDZYNSKI
2019/11/04	THE HOME DEPOT #2723	\$51.94	KYLE FOGG
2019/11/04	GRAINGER	\$48.47	ROBERT MACKENZIE
2019/11/04	WEST MARINE #184	\$31.98	KEITH HEWITT
2019/11/04	OFFICEMAX/OFFICEDEPT#3379	\$61.47	MATT FOREMAN
2019/11/04	MICHIGANNUR	\$95.00	MATT FOREMAN
2019/11/04	AMAZON.COM*MH63J0BJ3	\$115.78	MICHELLE PRINZ
2019/11/04	AMAZON.COM*JB2PH7DR3	\$179.89	MICHELLE PRINZ
2019/11/04	ACTIVE911 INC	\$4.41	WILLIAM PRIESE
2019/11/05	WHOLEFDS ELN#10541	\$13.98	MICHELLE PRINZ
2019/11/05	KROGER #793	\$25.68	MICHELLE PRINZ
2019/11/05	AMZN MKTP US*QZ11Q3283	\$105.90	MICHELLE PRINZ
2019/11/06	THE HOME DEPOT #2723	\$5.35	LAWRENCE BOBB
2019/11/06	THE HOME DEPOT #2723	\$9.94	TYLER KENNEL
2019/11/06	HOBBY LOBBY #360	\$7.96	CHRIS BUCK
2019/11/06	ASFPM MADISON WI	\$165.00	NYAL NUNN
2019/11/06	LANGUAGE LINE	\$14.77	KRISTI SCHAEING
2019/11/06	THE HOME DEPOT #2723	\$26.94	WILLIAM PRIESE
2019/11/07	MAB* MAB	\$290.00	ANDREA SMILEY
2019/11/07	THE HOME DEPOT #2723	\$18.68	MATT FOREMAN
2019/11/07	IN *NOZZTEQ INC	\$248.11	MATT FOREMAN
2019/11/07	MEIJER # 025	\$57.40	CATHERINE ADAMS
2019/11/08	PAYPAL *BUSINESSLEA	\$50.00	CHRIS BUCK
2019/11/08	244 AUTO VALUE EAST LANSI	\$10.18	MIKE ELLIS
2019/11/08	CORAL GABLES OF EAST LANS	\$32.64	FRANK L WALSH
2019/11/08	QUALITY TIRE	\$36.00	TODD FRANK
2019/11/08	THE HOME DEPOT #2723	\$132.81	DAVID LESTER
2019/11/08	PUBLIC AGENCY TRAINING	\$495.00	ANDREW MCCREADY
2019/11/08	AMAZON.COM*J17HO7J53 AMZN	\$85.89	MICHELLE PRINZ
2019/11/08	AMZN MKTP US*X83RP5BE3	\$6.24	MICHELLE PRINZ

2019/11/08	PETSMART # 0724	(\$33.99)	CATHERINE ADAMS
2019/11/08	THE HOME DEPOT #2723	\$8.64	CATHERINE ADAMS
2019/11/11	THE HOME DEPOT #2723	\$136.88	LAWRENCE BOBB
2019/11/11	THE HOME DEPOT #2723	\$9.97	LAWRENCE BOBB
2019/11/11	COURTYARD BY MARRIOTT	\$176.49	CHRIS BUCK
2019/11/11	MEIJER # 025	\$47.77	KRISTI SCHAEDING
2019/11/11	BIGGBY COFFEE #0121	\$37.98	RICHARD GRILLO
2019/11/11	GRAINGER	\$152.44	ROBERT MACKENZIE
2019/11/11	TRACTOR SUPPLY #1149	\$49.42	KEITH HEWITT
2019/11/11	THE HOME DEPOT #2723	\$126.99	KEITH HEWITT
2019/11/11	THE HOME DEPOT #2723	\$3.98	KEITH HEWITT
2019/11/11	AMAZON.COM*EG2ZY7KD3 AMZN	\$179.89	MICHELLE PRINZ
2019/11/11	AMAZON.COM*WD7IE28D3 AMZN	\$44.69	MICHELLE PRINZ
2019/11/11	SOLDANS FEEDS & PET S	\$10.74	CATHERINE ADAMS
2019/11/11	WAL-MART #2866	\$34.91	CATHERINE ADAMS
2019/11/12	EGLE PWS NCOM	\$142.30	CATHERINE ADAMS
2019/11/13	AC&E RENTALS INC	\$30.23	ROBERT STACY
2019/11/13	GOODYEAR COMMERCIAL TIRE	\$158.64	JIM HANSEN
2019/11/13	MIDWEST INDUSTRIES INC	\$72.30	KYLE ROYSTON
2019/11/13	AMZN MKTP US*WH0059CE3 AM	\$23.91	KRISTI SCHAEDING
2019/11/13	USPS PO 2569800864	\$25.70	MICHELLE PRINZ
2019/11/13	COMPLETE BATTERY SOURCE	\$78.34	WILLIAM PRIESE
2019/11/13	PARKING EP/PS	\$1.25	CATHERINE ADAMS

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Total	\$5,923.24
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### ACH Transactions

Date	Payee	Amount	Purpose
11/05/19	Health Equity	72.36	Employee Health savings contribution
11/06/19	Invoice Cloud	603.15	Utility Transaction Fees
11/06/19	Blue Care Network	7,069.36	Employee Health Insurance
11/08/19	Nationwide	3,559.10	Payroll Deductions 10/11/19 Payroll
11/08/19	ICMA	37,711.86	Payroll Deductions 10/11/19 Payroll
11/08/19	IRS	91,694.40	Payroll Taxes 10/11/19 Payroll
11/08/19	Various Financial Institutions	257,534.98	Direct Deposit 10/11/19 Payroll
11/12/19	MCT-Utilities	512.91	Water/Sewer for MCT
11/12/19	Delta Dental	14,534.48	Employee Dental Insurance
11/12/19	Invoice Cloud	15.00	Utility Transaction Fees
11/13/19	Invoice Cloud	15.00	Utility Transaction Fees
<b>Total ACH Payments</b>		<u><u>\$ 413,322.60</u></u>	



**To: Board Members**  
**From: Joyce A. Marx, Human Resources Director**  
**Date: November 15, 2019**  
**Re: Ratification of New Police Officer Appointment**

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The Township has presented a conditional offer of employment to a qualified police officer candidate. The prospective hiring will bring the staffing level of the police department to 39 sworn personnel.

Wesley Talbot graduated from Traverse City West High School, obtained his Bachelor's Degree in Forestry from Michigan State University and will be graduating from the Mid-Michigan Police Academy in December. Wesley has worked for the Michigan State University Police Department in parking enforcement for the last four years.

A motion is prepared for Board consideration:

**MOVE TO RATIFY THE APPOINTMENT OF WESLEY TALBOT TO THE POSITION OF POLICE OFFICER CONTINGENT UPON SUCCESSFUL COMPLETION OF THOSE ITEMS STIPULATED IN THE CONDITIONAL OFFER OF EMPLOYMENT.**



**To: Board Members**  
**From: Ronald J. Styka, Township Supervisor**  
**Date: November 15, 2019**  
**Re: 2020 Board Meeting Schedule Resolution**

---

The attached 2020 Proposed Regular Board Meeting Schedule is submitted to the Township Board in compliance with Board Policy 3.1.3.a. such that:

- i. The establishment of the meeting schedule is the Board's responsibility.
- ii. The meeting schedule is subject to Board Policies (as discussed below) and through its Rules & Procedures (Rule 2.1 - Township Board Meetings).

The following motion is proposed:

**MOVE TO ADOPT THE 2020 TOWNSHIP BOARD MEETING SCHEDULE RESOLUTION.**

Attachment:

1. 2020 Board Meeting Schedule Resolution

# 2020 TOWNSHIP BOARD MEETING SCHEDULE

## RESOLUTION

At a regular meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 19<sup>th</sup> day of November, 2019 at 6:00 pm, local time.

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

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

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

WHEREAS, the Township Board desires to announce the time, date, and place of all regular meetings of the Board, pursuant to MCL 42.7; and

WHEREAS, the Township Board deems the 2020 regular meeting schedule sufficient to uphold the Board's Policies and Procedures, and advance its Global Ends.

NOW, THEREFORE, BE IT RESOLVED by the Township Board of the Charter Township of Meridian, Ingham County, Michigan that the Township Board adopts its regular 2020 meeting schedule as follows:

Tuesday, January 7, 2020	6:00 pm Regular Meeting
Tuesday, January 21, 2020	6:00 pm Regular Meeting
Tuesday, January 28, 2020	6:00 pm Joint Meeting (Township Boards & Commissions)
Tuesday, February 4, 2020	6:00 pm. Regular Meeting
Tuesday, February 18, 2020	6:00 pm Regular Meeting
Tuesday, March 3, 2020	6:00 pm Regular Meeting
Tuesday, March 17, 2020	6:00 pm Regular Meeting
Tuesday, March 31, 2020	6:00 pm Regular Meeting
Thursday, April 14, 2020	6:00pm Joint Meeting (School Districts & Local Governments)
Tuesday, April 21, 2020	6:00 pm Regular Meeting
Tuesday, May 5, 2020	6:00 pm Regular Meeting
Tuesday, May 19, 2020	6:00 pm Regular Meeting
Tuesday, June 2, 2020	6:00 pm Regular Meeting
Tuesday, June 16, 2020	6:00 pm Regular Meeting
Tuesday, July 7, 2020	6:00 pm Regular Meeting
Tuesday, July 21, 2020	6:00 pm Regular Meeting
<b>Thursday, August 6, 2020</b>	6:00 pm Regular Meeting
Tuesday, August 18, 2020	6:00 pm Regular Meeting





12.A

**To:** Township Board

**From:** Mark Kieselbach, Director of Community Planning & Development  
Peter Menser, Principal Planner

**Date:** November 14, 2019

**Re:** Trash Receptacle Ordinance – Final Adoption

---

The Township Board approved the trash receptacle ordinance for introduction at its meeting on November 5, 2019. A resolution to approve the proposed amendment for final adoption is attached. The following motion is provided for the Board's consideration:

- **Move to approve for final adoption the resolution amending Chapter 46, Section 46-2 to establish regulations for the placement and storage of trash and recycling receptacles.**

**Attachment**

1. Resolution to approve for final adoption.

G:\Community Planning & Development\Planning\ORDINANCES\Trash Receptacles\Trash Receptacle Ordinance.tb4.docx

**RESOLUTION TO APPROVE**

**Amendment to Chapter 46  
Nuisances  
(Township Board)  
FINAL ADOPTION**

**RESOLUTION**

At the regular meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 19th day of November, 2019, at 6:00 p.m., Local Time.

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

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

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

WHEREAS, the Township Board endeavors to ensure residential neighborhoods maintain a high standard of orderliness and cleanliness by limiting the time period trash and recycling receptacles are left at the curb before and after collection; and

WHEREAS, at its meeting on October 15, 2019 the Township Board reviewed draft ordinance language regulating trash and recycling receptacles and agreed to consider an amendment to the Code of Ordinance; and

WHEREAS, the proposed ordinance amendment allows trash and recycling receptacles to be placed at the curb for collection no earlier than 12:00 p.m. preceding the scheduled collection day and retrieved no later than 1:00 p.m. on the day following collection; and

WHEREAS, the proposed ordinance requires trash and recycling receptacles be stored either indoors or in a side or rear yard only; and

WHEREAS, the proposed ordinance is consistent with Objective A of Goal 1 of the 2017 Master Plan to maintain a community of desirable, attractive residential neighborhoods; and

WHEREAS, the Township Board introduced the proposed ordinance for publication and subsequent adoption at its meeting on November 5, 2019.

NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby **FINALLY ADOPTS** Ordinance No. 2019-16, entitled "Ordinance Amending the Code of the Charter Township of Meridian, Ingham County, Michigan, Chapter 46, Section 46-2, Nuisances per se, by adding Section 46-2(10).

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is finally adopted at least once prior to the next regular meeting of the Township Board.

**Resolution to Approve (Final Adoption)**

**Township Board (November 19, 2019)**

**Page 2**

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

\_\_\_\_\_

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

STATE OF MICHIGAN )

) ss

COUNTY OF INGHAM )

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Township Board on the 19th day of November, 2019.

\_\_\_\_\_  
Brett Dreyfus, Clerk  
Charter Township of Meridian

**Ordinance No. 2019- 16**

**ORDINANCE AMENDING THE CODE OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, CHAPTER 46, SECTION 46-2.**

**THE CHARTER TOWNSHIP OF MERIDIAN ORDAINS:**

Section 1. Amendment to Chapter 46, Section 46-2. Section 46-2 entitled Nuisances per se of the Code of the Charter Township of Meridian, Ingham County, Michigan is hereby amended to add Section 46-2(10) to read as follows:

(10) Trash or recycling receptacles shall not be placed at the street or curbside for collection purposes earlier than 12:00 p.m. the day preceding the scheduled collection day and shall be returned to a storage place located either indoors or in a side or rear yard no later than 1:00 p.m. on the day following the scheduled collection day.

a. A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine of \$25, plus costs, including all direct and indirect expenses incurred by the Township in connection with the municipal civil infraction as provided in Section 1-8 of the Township Code of Ordinances. As to violations of this article that are continuous with respect to time, each day that the violation continues is a separate offense. Abatements shall not be considered as payment or part of a violation's penalty. In addition to all other remedies, including the penalties provided in this article, the Township may commence and prosecute appropriate actions in the county circuit court or any other court having jurisdiction to restrain or prevent any noncompliance with or violation of any of the provisions of this article or to correct, remedy, or abate such noncompliance or violation.

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

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

Section 4. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its publication.

\_\_\_\_\_  
Ronald J. Styka, Township Supervisor

\_\_\_\_\_  
Brett Dreyfus, Township Clerk



12.B

**To:** Township Board

**From:** Mark Kieselbach, Director of Community Planning and Development  
Justin Quagliata, Assistant Planner

**Date:** November 15, 2019

**Re:** Amendment to Truck Route Ordinance for Hamilton Road – Final Adoption

---

A resolution to approve the amendment to Chapter 74, Article I of the Code of Ordinances for final adoption is attached. As directed by the Board, the Clerk has published the proposed ordinance. The following motion has been provided for the Board's consideration:

- **Move to approve the resolution for final adoption of the amendment to Chapter 74, Article I, Section 74-3(c)(4) to designate westbound Hamilton Road from Marsh Road to Okemos Road as a truck route and classified for truck traffic.**

**Attachment**

1. Resolution for final adoption

G:\Community Planning & Development\Planning\ORDINANCES\Truck Routes 2019\amendment to truck route ord. for Hamilton Road.tb3.doc

**RESOLUTION TO APPROVE**

**Amendment to Chapter 74  
Traffic and Vehicles  
(Township Board)  
FINAL ADOPTION**

**RESOLUTION**

At the regular meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 19th day of November, 2019, at 6:00 p.m., Local Time.

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

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

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

WHEREAS, the Ingham County Road Department requested the Township amend its Truck Route Ordinance for Hamilton Road between Okemos Road and Marsh Road; and

WHEREAS, based on the proposed improvements to the Okemos Road/Hamilton Road intersection a truck as defined in the Truck Route Ordinance would not be able to turn right from northbound Okemos Road to eastbound Hamilton Road without encroaching into the westbound lane of Hamilton Road; and

WHEREAS, the Transportation Commission reviewed the proposed amendment and recommended the Township Board approve the proposed amendment; and

WHEREAS, one purpose of the Truck Route Ordinance is to provide for the health, welfare, and safety of pedestrians, cyclists, and motorists and to protect property located near such routes; and

WHEREAS, the Township Board deems it to be in the best interest of the public to prohibit trucks on eastbound Hamilton Road from Okemos Road to Marsh Road; and

WHEREAS, the Township Board introduced the proposed amendment for publication and subsequent adoption at its meeting on November 5, 2019.

NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby **FINALLY ADOPTS** Ordinance No. 2019-18, entitled "Ordinance Amending the Code of the Charter Township of Meridian, Ingham County, Michigan, Chapter 74, Article I, In General, by amending Section 74-3(c)(4)."

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is finally adopted at least once prior to the next regular meeting of the Township Board.

**Resolution to Approve (Final Adoption)**

**Township Board (November 19, 2019)**

**Page 2**

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

\_\_\_\_\_

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

STATE OF MICHIGAN )

) ss

COUNTY OF INGHAM )

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Township Board on the 19th day of November, 2019.

\_\_\_\_\_  
Brett Dreyfus, Clerk  
Charter Township of Meridian

**Ordinance No. 2019-18**

**ORDINANCE AMENDING THE CODE OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, CHAPTER 74, ARTICLE I BY AMENDING SECTION 74-3(c)(4).**

**THE CHARTER TOWNSHIP OF MERIDIAN ORDAINS:**

Section 1. Amendment to Chapter 74, Article I, Section 74-3(c). Section 74-3(c)(4) entitled Truck Routes of the Code of the Charter Township of Meridian, Ingham County, Michigan is hereby amended to read as follows:

(4) Truck routes. The following roads in Meridian Township, to the exclusion of all other roads, are hereby designated as truck routes and classified for truck traffic:

- (a) Abbott Road.
- (b) Central Park Drive.
- (c) College Road.
- (d) Farm Lane.
- (e) Forest Road, from College Road to Farm Lane.
- (f) Grand River Avenue (M-43).
- (g) Hagadorn Road, from Jolly Road to Lake Lansing Road.
- (h) Hamilton Road, westbound from Marsh Road to Okemos Road.
- (i) Haslett Road.
- (j) Jolly Road.
- (k) Lake Lansing Road.
- (l) Marsh Road.
- (m) Meridian Road.
- (n) Mount Hope Road, from Hagadorn west to the Township boundary.
- (o) Okemos Road, from Jolly Road to Central Park Drive.
- (p) Park Lake Road, from Haslett Road north to the Township/county line.
- (q) Saginaw Highway (M-78).

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

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

Section 4. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its publication.

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Ronald J. Styka, Township Supervisor

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Brett Dreyfus, Township Clerk



12.C

**To:** Township Board

**From:** Mark Kieselbach, Director of Community Planning and Development  
Justin Quagliata, Assistant Planner

**Date:** November 15, 2019

**Re:** Update to Land Division Ordinance – Final Adoption

---

A resolution to approve the amendment to Chapter 62, Article IV and V of the Code of Ordinances for final adoption is attached. As directed by the Board, the Clerk has published the proposed ordinance. The following motion has been provided for the Board's consideration:

- **Move to approve the resolution for final adoption of the amendment to Chapter 62, Articles IV and V, Sections 62-94 and 62-123 to be consistent with the requirements of the State Land Division Act.**

**Attachment**

1. Resolution for final adoption

G:\Community Planning & Development\Planning\ORDINANCES\Land division ordinance amendment 2019\update to land division ordinance.tb3.docx

**RESOLUTION TO APPROVE**

**Amendment to Chapter 62  
Land Division  
(Township Board)  
FINAL ADOPTION**

**RESOLUTION**

At the regular meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 19th day of November, 2019, at 6:00 p.m., Local Time.

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

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

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

WHEREAS, the State Land Division Act (MCL 560.101) was recently amended to include additional criteria a land division must meet to be approved at the Township level; and

WHEREAS, the State Land Division Act as amended requires property taxes and special assessments due on the subject parcel or tract proposed for division to have been paid or that unpaid property taxes and special assessments have been apportioned by the Township Assessor; and

WHEREAS, the Township Board discussed the proposed amendment at its regular meeting on October 15, 2019 and reviewed the staff material forwarded under a cover memorandum dated October 10, 2019; and

WHEREAS, it is the desire of the Township Board to amend the Township Land Division Ordinance to be consistent with the State Land Division Act; and

WHEREAS, the Township Board introduced the proposed amendment for publication and subsequent adoption at its meeting on November 5, 2019.

NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby **FINALLY ADOPTS** Ordinance No. 2019-17, entitled "Ordinance Amending the Code of the Charter Township of Meridian, Ingham County, Michigan, Chapter 62, Article IV, Division of Land, and Article V, Division of Platted Land, by amending Section 62-94 and Section 62-123."

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is finally adopted at least once prior to the next regular meeting of the Township Board.

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

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

**Resolution to Approve (Final Adoption)**

**Township Board (November 19, 2019)**

**Page 2**

STATE OF MICHIGAN )

) ss

COUNTY OF INGHAM )

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Township Board on the 19th day of November, 2019.

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Brett Dreyfus, Clerk  
Charter Township of Meridian

**Ordinance No. 2019-17**

**ORDINANCE AMENDING THE CODE OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, CHAPTER 62, ARTICLES IV AND V BY AMENDING SECTIONS 62-94 AND 62-123.**

**THE CHARTER TOWNSHIP OF MERIDIAN ORDAINS:**

Section 1. Amendment to Chapter 62, Article IV, Section 62-94. Section 62-94 entitled Standards for granting approval of the Code of the Charter Township of Meridian, Ingham County, Michigan is hereby amended to add Section 62-94(5) and Section 62-94(6) to read as follows:

**Section 62-94 Standards for granting approval.**

A proposed land division shall be approved if the following criteria are met:

(1) – (4) Remain as written.

(5) The division does not isolate a cemetery so that it cannot be served by a driveway providing vehicular access to an existing road or street or an existing easement providing vehicular access to an existing road or street.

(6) One of the following items shall be met:

- a. A certificate from the Ingham County Treasurer verifying all property taxes and special assessments due on the parcel or tract subject to the proposed division for the 5 years preceding the date of the land division application have been paid.
- b. If the property taxes or special assessments have not been paid, the unpaid property taxes or special assessments have been apportioned as provided by the general property tax act, specifically MCL 211.53 as amended. Any apportioned property taxes or special assessments are a lien against the parcels or tracts as apportioned by the assessing officer in the same manner as property taxes and special assessments of the year of the original assessment.

Section 2. Amendment to Chapter 62, Article V, Section 62-123. Section 62-123 entitled Standards for granting approval of the Code of the Charter Township of Meridian, Ingham County, Michigan is hereby amended to add Section 62-123(13) and Section 62-123(14) to read as follows:

**Section 62-123 Standards for granting approval.**

The following criteria shall be used as the basis upon which applications for division of land are reviewed and approved:

(1) – (12) Remain as written.

13) The division does not isolate a cemetery so that it cannot be served by a driveway providing vehicular access to an existing road or street or an existing easement providing vehicular access to an existing road or street.

14) One of the following items shall be met:

- a. A certificate from the Ingham County Treasurer verifying all property taxes and special assessments due on the parcel or tract subject to the proposed division for the 5 years preceding the date of the land division application have been paid.
- b. If the property taxes or special assessments have not been paid, the unpaid property taxes or special assessments have been apportioned as provided by the general property tax act, specifically MCL 211.53 as amended. Any apportioned property taxes or special assessments are a lien against the parcels or tracts as apportioned by the assessing officer in the same manner as property taxes and special assessments of the year of the original assessment.

Section 3. Validity and Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 4. Repealer Clause. All ordinances or parts of ordinances in conflict therewith are hereby replaced only to the extent necessary to give this Ordinance full force and effect.

Section 5. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its publication.

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Ronald J. Styka, Township Supervisor

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Brett Dreyfus, Township Clerk

**PET SHOPS, DOG POUNDS, AND ANIMAL SHELTERS**  
**Act 287 of 1969**

AN ACT to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998.

*The People of the State of Michigan enact:*

**287.331 Definitions.**

Sec. 1. As used in this act:

(a) "Adoption" means a transfer of ownership, with or without remuneration, of an animal from an animal control shelter or animal protection shelter to an individual for the purpose of being a companion animal for that individual. As used in this subdivision, a companion animal includes, but is not limited to, a dog that is used for hunting or as a guard dog.

(b) "Alteration" means a professional sterilization procedure performed by a veterinarian that renders a dog, cat, or ferret incapable of reproducing.

(c) "Altered", in reference to a dog, cat, or ferret, means having undergone alteration.

(d) Except as provided in section 8b, "animal" means a mammal except livestock as defined in 1937 PA 284, MCL 287.121 to MCL 287.131, and rodents.

(e) "Animal abuse offense" means 1 or more of the following, but does not include the lawful use of an animal to hunt or to participate in field trials or the lawful killing or other use of an animal in farming or a generally accepted animal husbandry or farming practice involving livestock:

(i) A violation of section 49 of the Michigan penal code, 1931 PA 328, MCL 750.49.

(ii) A violation of section 50 of the Michigan penal code, 1931 PA 328, MCL 750.50.

(iii) A violation of section 50a of the Michigan penal code, 1931 PA 328, MCL 750.50a.

(iv) A violation of section 50b of the Michigan penal code, 1931 PA 328, MCL 750.50b.

(v) A violation of section 50c of the Michigan penal code, 1931 PA 328, MCL 750.50c.

(vi) A violation of section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158, if the violation arose out of a crime against nature with an animal.

(vii) A violation of a local ordinance substantially corresponding to a violation described in subparagraphs (i) to (vi).

(viii) An attempt or conspiracy to commit an offense described in subparagraphs (i) to (vii).

(f) "Animal control shelter" means a facility operated by a municipality for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held due to the violation of a municipal ordinance or state law, or animals that are surrendered to the animal control shelter.

(g) "Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals.

(h) "Cat" means a domestic cat of any age of the species *Felis catus*.

(i) "Department" means the state department of agriculture and rural development.

(j) "Director" means the director of the department or his or her authorized representative.

(k) "Dog" means a domestic dog of any age of the species *Canis familiaris*.

(l) "Ferret" means an animal of any age of the species *Mustela furo*.

(m) "ICHAT" means the internet criminal history access tool maintained by the department of state police.

(n) "Intact dog" means a dog that has not been altered.

(o) "Large-scale dog breeding kennel" means a facility where more than 15 female intact dogs over the age of 4 months are housed or kept for the primary purpose of breeding. As used in this subdivision, "housed or kept for the primary purpose of breeding" means that the female dog has previously been bred and whelped. A female dog that has not previously produced offspring shall not be considered to have been housed or kept for the primary purpose of breeding.

(p) "Municipality" means a county, city, village, or township.

(q) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(r) "Pet health certificate" means a certificate in a form prescribed by the director in which a veterinarian attests to the species, age, sex, breed, and description of an animal; any medical conditions of the animal; any medical treatment and vaccinations that the animal received while under the control of a pet shop or large-scale dog breeding kennel; and to the fact that at the time of the preparation of the certificate the

veterinarian examined the animal and found the animal free from visual evidence of communicable disease.

(s) "Pet shop" means a place where animals are sold or offered for sale, exchange, or transfer.

(t) "Veterinarian" means a person licensed to practice veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1980, Act 214, Imd. Eff. July 18, 1980;—Am. 1997, Act 7, Eff. Jan. 1, 1998;—Am. 2016, Act 392, Eff. Mar. 29, 2017;—Am. 2017, Act 84, Imd. Eff. July 12, 2017.

### **287.332 Rules; promulgation.**

Sec. 2. (1) The department may promulgate rules to accomplish the purposes of this act and to establish minimum standards for the housing, care, and handling of animals to insure the humane care and handling of animals. The department may also promulgate rules to establish minimum standards for large-scale dog breeding kennels. The rules shall be promulgated in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) Except as otherwise provided in this subsection, until the department promulgates rules under subsection (1), a large-scale dog breeding kennel is subject to R 285.151.1 to R 285.151.41 of the Michigan administrative code. Notwithstanding R 285.151.25 of the Michigan administrative code, in a large-scale dog breeding kennel, a female dog in estrus may be housed with intact male dogs for the purpose of breeding.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

**Administrative rules:** R 285.151.1 et seq. of the Michigan Administrative Code.

### **287.333 License required.**

Sec. 3. No person shall operate a pet shop unless he has first received a license from the department of agriculture under the provisions of this act.

**History:** 1969, Act 287, Eff. Mar. 20, 1970.

### **287.334 Application for pet shop licenses; fee; deposit; filing of completed license application; "completed application" defined.**

Sec. 4. (1) Applications for pet shop licenses must be on a form as provided or made available by the director. Beginning October 1, 2003 through September 30, 2012, the director shall issue pet shop licenses for a term of 1 year beginning January 1 of each year. After September 30, 2012, the director shall issue a pet shop license upon application and payment of a license fee of \$150.00.

(2) Subject to subsection (6) and until September 30, 2012, the department shall charge a fee of \$200.00 for an initial application for a pet shop license and a fee of \$100.00 for renewal of a pet shop license.

(3) Until September 30, 2012 and except as otherwise provided for in this section, a pet shop license is renewable by submission of a completed renewal application provided or made available by the department and payment of the renewal fee described in subsection (2).

(4) The department shall deposit all license fees, inspection fees, other noncriminal fines or fees, and administrative fines received pursuant to this act into the agriculture licensing and inspection fees fund created in section 9 of the insect pest and plant disease act, 1931 PA 189, MCL 286.209, to be used, pursuant to appropriation, by the director in administering and carrying out those duties required by law under this act.

(5) Beginning July 23, 2004, the department shall issue an initial or renewal pet shop license not later than 90 days after the applicant files a completed application. Receipt of the application is considered the date the application is received by any agency or department of this state. If the application is considered incomplete by the department, the department shall notify the applicant in writing, or make the information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 90-day period is tolled upon notification by the department of a deficiency until the date the requested information is received by the department. The determination of the completeness of an application is not an approval of the application for the license and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license.

(6) If the department fails to issue or deny a license within the time required by this section, the department shall return the license fee and shall reduce the license fee for the applicant's next renewal application, if any, by 15%. The failure to issue a license within the time required under this subsection does not allow the department to otherwise delay the processing of the application, and that application, upon completion, must be placed in sequence with other completed applications received at that same time. The department shall not discriminate against an applicant in the processing of the application based upon the fact that the license fee was refunded or discounted under this subsection.

(7) As used in this section, "completed application" means an application complete on its face and submitted with any applicable licensing fees as well as any other information, records, approval, security, or

similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of this state. In the case of an initial application, completed application includes the completion of construction or renovation of any facility and the passing of a satisfactory inspection.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 2003, Act 83, Imd. Eff. July 23, 2003;—Am. 2004, Act 280, Imd. Eff. July 23, 2004;—Am. 2007, Act 79, Imd. Eff. Sept. 30, 2007;—Am. 2018, Act 291, Eff. Sept. 27, 2018.

### **287.335 Inspection of pet shop premises.**

Sec. 5. The director of agriculture shall not issue a license to operate a pet shop until he has inspected the premises to assure that it complies with the provisions of this act and the rules of the department of agriculture.

**History:** 1969, Act 287, Eff. Mar. 20, 1970.

### **287.335a Prohibited conduct.**

Sec. 5a. (1) A person who operates a pet shop shall not import or cause to be imported into this state a dog or cat that is less than 8 weeks old. A person who operates an animal control shelter or an animal protection shelter shall not import or cause to be imported into this state a dog or cat that is less than 8 weeks old unless the dog or cat is imported with its dam. A large-scale dog breeding kennel shall not import or cause to be imported into this state a dog that is less than 8 weeks old unless the dog is imported with its dam.

(2) A person who operates a pet shop shall not sell, exchange, transfer, or offer for sale, exchange, or transfer a dog or cat that is less than 8 weeks old. A large-scale dog breeding kennel shall not sell, exchange, or transfer a dog that is less than 8 weeks old.

(3) A person that operates a pet shop, an animal control shelter, an animal protection shelter, or a large-scale dog breeding kennel shall not import or cause to be imported into this state, or sell, adopt, exchange, or transfer, or offer for sale, adoption, exchange, or transfer a dog, unless all of the following are satisfied before the dog's entry into this state:

(a) The dog has been vaccinated against distemper, parvovirus, and canine adenovirus-2. The dog shall also be vaccinated against rabies and leptospirosis if the dog is 12 weeks of age or older. If a rabies vaccine is required under this subdivision, the vaccine shall be administered by an accredited veterinarian. A person operating a pet shop or a large-scale dog breeding kennel shall ensure that vaccinations other than the rabies vaccination are administered not less than 7 days before the dog's entry into this state. The director may require vaccinations against other diseases not specified in this subdivision.

(b) If indicated, the dog has been treated for external and internal parasites so that the dog is not capable of spreading external or internal parasites to another animal at the time it is imported into this state.

(c) The dog is accompanied by an interstate health certificate or certificate of veterinary inspection signed by an accredited veterinarian licensed to practice veterinary medicine in the dog's state of origin, including records of the dog's medication and immunization.

(4) A person who operates a pet shop, an animal control shelter, or an animal protection shelter shall not import or cause to be imported into this state, or sell, adopt, exchange, or transfer, or offer for sale, adoption, exchange, or transfer a cat, unless all of the following are satisfied before the cat's entry into this state:

(a) The cat has been vaccinated against feline panleukopenia, calici viruses, and feline herpes virus-1. The cat shall also be vaccinated against rabies if the cat is 12 weeks of age or older. If a rabies vaccine is required under this subdivision, the vaccine shall be administered by an accredited veterinarian. A person operating a pet shop shall ensure that vaccinations other than the rabies vaccination are administered to the cat as required by this subdivision not less than 7 days before the cat's entry into this state. The director may require vaccinations against other diseases not specified in this subdivision.

(b) If indicated, the cat has been treated for external and internal parasites so that the cat is not capable of spreading external or internal parasites to another animal at the time it is imported into this state.

(c) The cat is accompanied by an interstate health certificate or certificate of veterinary inspection filled out and signed by an accredited veterinarian licensed to practice veterinary medicine in the cat's state of origin, including records of the cat's medication and immunization.

(5) A person who operates a pet shop or a large-scale dog breeding kennel shall not sell, exchange, transfer, or deliver a dog, cat, or ferret without providing to the purchaser a valid pet health certificate. For purposes of this subsection, a pet health certificate is only valid for 30 days after the date the animal was examined by the veterinarian who signed the certificate.

**History:** Add. 1980, Act 214, Imd. Eff. July 18, 1980;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

### **287.336 Animal control shelter, animal protection shelter, or large-scale dog breeding**

**kennel; registration.**

Sec. 6. (1) A municipality shall not operate an animal control shelter unless the animal control shelter is registered with the department.

(2) A society for the prevention of cruelty to animals or any other person shall not operate an animal protection shelter unless the shelter is registered with the department.

(3) A person shall not operate a large-scale dog breeding kennel unless the large-scale dog breeding kennel is registered with the department. The department shall charge an annual fee of \$500.00 per registration of a large-scale dog breeding kennel.

(4) This act is not intended to apply to a dog owner or breeder other than a person that operates a large-scale dog breeding kennel.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

**287.337 Animal control shelter, animal protection shelter, or large-scale dog breeding kennel; registration application; form.**

Sec. 7. Application for registration of an animal control shelter, an animal protection shelter, or a large-scale dog breeding kennel shall be on a form prescribed by the director.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

**287.338 Animal control shelter or animal protection shelter; inspection; compliance.**

Sec. 8. The department shall not register an animal control shelter or animal protection shelter unless the department first inspects it to ensure that it complies with this act and the rules promulgated under this act.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998.

**287.338a Animal control shelter or animal protection shelter; alteration of dog, cat, or ferret.**

Sec. 8a. (1) Except as otherwise provided in this section, an animal control shelter or animal protection shelter shall not permit a person to adopt a dog, cat, or ferret that has not been altered, unless that person has entered into a contract for the alteration of the dog, cat, or ferret with the animal control shelter or animal protection shelter. The contract shall state that the adopting person agrees to have an alteration performed on the dog, cat, or ferret and shall otherwise comply with this section.

(2) A contract with an animal control shelter or animal protection shelter entered into pursuant to subsection (1) shall require the adopting person to have an alteration performed on the dog, cat, or ferret within 4 weeks after the adoption date if at the time of adoption the dog, cat, or ferret is 6 months of age or older. If the dog, cat, or ferret to be adopted is under 6 months of age at the time of adoption, the contract shall contain the date upon which the dog, cat, or ferret will be 6 months of age, and shall require the person adopting the dog, cat, or ferret to have an alteration performed on the dog, cat, or ferret within 4 weeks after that date. This section does not prevent a veterinarian from performing an alteration on a dog, cat, or ferret that is under 6 months of age.

(3) Upon certification by a veterinarian in writing that a dog, cat, or ferret has a serious, permanent medical or health problem that prevents an alteration, the dog, cat, or ferret adopted is not required to be altered. Upon certification by a veterinarian in writing that an alteration poses a serious, temporary medical or health problem, the alteration may be postponed. The person adopting the dog, cat, or ferret shall have it reevaluated by a veterinarian at intervals not to exceed 14 days and shall have the alteration performed no later than 7 days after a veterinarian determines that the temporary problem is resolved.

(4) Except as otherwise provided in subsection (7), a contract entered into pursuant to subsection (1) shall require the adopting person to leave with the animal control shelter or animal protection shelter, or a designee of the animal control shelter or animal protection shelter, a good faith deposit of at least \$25.00 that indicates the person's intention to have the adopted dog, cat, or ferret altered within the time provided pursuant to subsection (2). If the person fails to comply with the terms of the contract, the deposit is forfeited. The good faith deposit shall be returned to the adopting person if the adopting person submits written certification from a veterinarian of either of the following:

(a) The dog, cat, or ferret died within the time period in which the alteration was required under subsection (2).

(b) The dog, cat, or ferret has a serious, permanent medical or health problem that prevents an alteration.

(5) Money forfeited under subsection (4) shall be used by the animal control shelter or animal protection shelter to finance alterations, for public education regarding the value of having dogs, cats, and ferrets altered, or to otherwise ensure compliance with this section.

(6) If the adopting person complies with the terms of a contract entered into under subsection (1), the good faith deposit of at least \$25.00 shall be refunded by the animal control shelter, animal protection shelter, or a

designee of the animal control shelter or animal protection shelter, upon submission by the adopting person of written certification by a veterinarian that the adopted dog, cat, or ferret was altered. The certificate shall include the date of alteration, the name of the owner of the dog, cat, or ferret, the description of the dog, cat, or ferret, and the signature of the veterinarian who performed the alteration.

(7) The good faith deposit under subsection (4) is not required if 1 or more of the following apply:

(a) A dog is transferred to a local, state, or federal law enforcement agency.

(b) A dog is transferred to an organization or trainer that trains guide or leader dogs for blind persons, hearing dogs for deaf or audibly impaired persons, or service dogs for physically limited persons.

(c) A dog, cat, or ferret is transferred to another animal control shelter or animal protection shelter or is transferred to a person who will transfer the animal to another animal control shelter or animal protection shelter. Before the first animal control shelter or animal protection shelter releases the animal, it shall obtain from the person to whom the animal is to be released a written statement by the second animal control shelter or animal protection shelter that it is willing to accept the animal for purposes of adoption or humane euthanasia. Promptly after receipt of the animal by the second animal control shelter or animal protection shelter, the person to whom the animal was released shall provide the first animal control shelter or animal protection shelter with a written statement by the second animal control shelter or animal protection shelter containing a description of the dog, cat, or ferret and acknowledging its receipt on a date specified in the statement.

(8) A contract entered into pursuant to subsection (1) shall include a statement that if the terms of the contract are breached because a person adopting a dog, cat, or ferret fails to have the animal altered as required in the contract, then the person agrees to pay liquidated damages of the greater of \$100.00 or actual reasonable costs incurred by the animal control shelter or animal protection shelter to enforce the contract. Immediately before a person signs the contract, a representative of the animal control shelter or animal protection shelter shall verbally direct the person's attention to the liquidated damages agreement in the contract.

**History:** Add. 1997, Act 7, Eff. Jan. 1, 1998.

**287.338b Animal control shelter or animal protection shelter; use of ICHAT to determine prior criminal history for animal abuse offense; subsection (1) inapplicable to pet shop; section to be referred to as "Logan's law"; "animal" defined.**

Sec. 8b. (1) Before allowing an individual to adopt an animal, an animal control shelter or animal protection shelter may conduct a search using ICHAT to determine whether that individual has a prior criminal history for an animal abuse offense.

(2) An animal control shelter or animal protection shelter does not violate this act if the animal control shelter or animal protection shelter searches for an individual on ICHAT allowed under subsection (1) and the search fails to disclose that the individual has a prior criminal history for an animal abuse offense.

(3) Subsection (1) does not apply to a pet shop that allows an animal protection shelter to use pet shop resources, including, but not limited to, the pet shop's premises, facilities, employees, equipment, and advertising for pet adoptions, or to a pet shop that works with an animal protection shelter but does not perform adoptions except as an agent of the animal protection shelter. A pet shop described in this subsection is not an animal protection shelter and is not liable for any pet adoptions performed by an animal protection shelter.

(4) This section may be referred to as "Logan's law".

(5) For purposes of this section and section 8c only, "animal" means a vertebrate other than a human being.

**History:** Add. 2016, Act 393, Eff. Mar. 29, 2017;—Am. 2017, Act 84, Imd. Eff. July 12, 2017.

**287.338c Consideration of individual's criminal history; decision to not allow individual to adopt animal; section to be referred to as "animal adoption protection act."**

Sec. 8c. (1) An animal control shelter or animal protection shelter may consider an individual's criminal history when deciding whether to allow that individual to adopt an animal. An animal control shelter or animal protection shelter may choose not to allow an individual who has been convicted of an animal abuse offense to adopt an animal unless a period of at least 5 years has elapsed since the date of his or her conviction. An animal control shelter or animal protection shelter may choose not to allow an individual who is charged with committing an animal abuse offense and enters a plea to any other crime in exchange for dismissal of that charge to adopt an animal.

(2) This section may be referred to as the "animal adoption protection act".

**History:** Add. 2016, Act 392, Eff. Mar. 29, 2017.

**287.339 Person breeding his or her own animals or person subject to MCL 287.381 to 287.395; applicability of act.**

Sec. 9. (1) Except as otherwise provided in this subsection, the licensing and registration requirements of this act do not apply to a person who breeds his or her own animals or to a person subject to 1969 PA 224, MCL 287.381 to 287.395. The licensing and registration requirements of this act apply to a large-scale dog breeding kennel.

(2) Subsection (1) does not create an exemption from vaccination and licensing requirements under the dog law of 1919, 1919 PA 339, MCL 287.261 to 287.290, or from vaccination and handling requirements under 1994 PA 358, MCL 287.891 to 287.901.

(3) This act does not require the alteration of a dog, cat, or ferret being reclaimed from an animal control shelter or animal protection shelter by its owner unless a local government ordinance requires the alteration.

**History:** 1969, Act 287, Eff. Mar. 20, 1970;—Am. 1997, Act 7, Eff. Jan. 1, 1998;—Am. 2016, Act 392, Eff. Mar. 29, 2017.

**287.339a Animal control shelter or animal protection shelter; maintenance of records.**

Sec. 9a. An animal control shelter or animal protection shelter shall maintain written records on the total number of dogs, cats, and ferrets under 6 months of age, the total number of dogs, cats, and ferrets 6 months of age and older, and all other animals received, returned to owners, adopted to new owners, sold, or transferred with or without remuneration to any person, the number of adopted dogs, cats, and ferrets that were altered, the number of adopted dogs, cats, and ferrets that were not altered, and the number of dogs, cats, and ferrets euthanized annually, and shall annually provide a copy of these statistics to the department, by March 31 of the year following the year for which the statistics were compiled.

**History:** Add. 1997, Act 7, Eff. Jan. 1, 1998.

**287.339b Violation of act or rule; sanctions; court action or order.**

Sec. 9b. (1) If a person violates this act or a rule promulgated under this act, the director, after notice and an opportunity for an evidentiary hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, may do either or both of the following:

(a) Suspend or revoke a license or registration issued to the person under this act.

(b) Impose an administrative fine of not more than \$1,000.00 for each violation. The director shall advise the attorney general of the failure of a person to pay an administrative fine under this section. The attorney general shall bring a civil action to recover the administrative fine and costs and fees. The administrative fine shall be deposited in the agriculture licensing and inspection fees fund created in section 9 of the insect pest and plant disease act, 1931 PA 189, MCL 286.209.

(2) In addition to any other action authorized by this act, the director may bring an action to do 1 or more of the following:

(a) Obtain a declaratory judgment that a method, act, or practice is in violation of this act.

(b) Obtain an injunction against a person who is engaging, or about to engage, in a method, act, or practice that violates this act.

(3) If a person fails to comply with a contract for the alteration of a dog, cat, or ferret as required under section 8a, a court with appropriate jurisdiction may order transfer of ownership of the adopted animal only to 1 of the following:

(a) The facility from which the animal was adopted.

(b) A veterinarian, animal control shelter, or animal protection shelter willing to accept the animal and either humanely euthanize the animal or adopt the animal to an owner who agrees to have the animal altered.

**History:** Add. 1997, Act 7, Eff. Jan. 1, 1998;—Am. 2007, Act 79, Imd. Eff. Sept. 30, 2007.

**287.339c Large-scale dog breeding kennel; records.**

Sec. 9c. (1) A large-scale dog breeding kennel shall maintain current verifiable records for a period of at least 2 years. The records shall include all of the following information:

(a) The verified name and address of the person from whom the dog was acquired, where the dog was acquired, and the date that the dog was acquired.

(b) A description and identification of the dog, including the dog's identification information, color, breed, sex, alteration status, and approximate weight and age.

(c) The date and method of disposition of the dog. If the dog is adopted, transferred, or sold, the records shall also include the verified name and address of the person to whom the dog is adopted, transferred, or sold.

(d) The number of dogs on site daily at each physical location.

- (e) The number of intact breeding adult female dogs on site daily at the physical location.
  - (f) Breeding records for each female intact dog that include the approximate date the dog was bred and the birth date and size of each litter during the time that the dog was at the physical location.
- (2) A large-scale dog breeding kennel shall make the records required under subsection (1) available to the director or his or her representative on request.

**History:** Add. 2016, Act 392, Eff. Mar. 29, 2017.

#### **287.339d Report.**

Sec. 9d. No later than 18 months after the effective date of the amendatory act that added this section and annually thereafter until September 30, 2019, the department shall prepare and submit a report to the senate and house standing committees on appropriations. The report required under this section shall include, but is not limited to, all of the following information:

- (a) The number of registrations issued to large-scale dog breeding kennels under section 6(3).
- (b) The approximate number of breeding animals housed at each large-scale dog breeding kennel described in subdivision (a).
- (c) The number of inspections of large-scale dog breeding kennels performed by the department or a partner of the department.
- (d) The number of complaints received regarding large-scale dog breeding kennels.
- (e) The number of pending or assessed penalties arising from the complaints described in subdivision (d).
- (f) Recommendations regarding all of the following:
  - (i) Department staffing levels.
  - (ii) Annual registration fees for large-scale dog breeding kennels.
  - (iii) Best practices for working with partners to assist in identifying and resolving noncompliant large-scale dog breeding kennels.

**History:** Add. 2016, Act 392, Eff. Mar. 29, 2017.

#### **287.340 Violations; penalty.**

Sec. 10. Any person who violates the provisions of this act or any rule of the department of agriculture promulgated under the provisions of this act is guilty of a misdemeanor.

**History:** 1969, Act 287, Eff. Mar. 20, 1970.



# Proposed Bill Would Regulate Rescues And Protect Animals

by Ann Griffin | Sep 6, 2019 | Advocacy, General |



On August 20, Sen. Peter Lucido introduced [SB 419](#), which has been assigned to the Senate Committee on Agriculture. This bill introduces long overdue regulation of animal rescues in Michigan and, like animal shelters, pet shops, and large-scale breeders, would bring them under the oversight of the Michigan Department of Agriculture and Rural Development (MDARD).

Currently in Michigan, any individual or organization can call itself a “rescue,” and aside from local ordinances on the number of pets someone can have in a home and state and local anti-cruelty and neglect laws, there are probably not any rules that apply to them.

In Michigan and other states, so-called rescues are engaged in a variety of unacceptable practices:

- They do not care for their animals appropriately and [adopt out animals that are sick](#) or [adopt out or do not properly manage animals that are unsocialized or aggressive](#).
- They don't adopt animals out at all, and [they are actually hoarders](#).
- They [raise money under false pretenses](#).
- Some so-called “rescues” are being used as a [front for the puppy mill industry](#).
- Some self-designated “rescues” are [acquiring animals illegally](#) (such as taking strays from a city in violation of state law and usurping the role of the local animal control authority).

There is even a [Facebook page](#) that collects and shares news stories and other reports of disreputable rescues nationally.

When a rescue operation results in large numbers of animals in jeopardy, shelters and legitimate rescues have to step in to help the animals. Of course, by the time these animals have spent time with a disreputable rescue, they are suffering from health and behavior issues that are much worse than they would have been had they just gone directly to a legitimate organization in the first place. Also, because these unregulated people and groups are able to amass such a large number of animals, when they are discovered, these animals hit the system all at once, which is overwhelming.

### **Proposed Changes**

The proposed changes to Act 287 of 1969 (Pet Shops, Dog Pounds, and Animal Shelters) in SB 419 are designed to include Michigan animal rescues with the other animal-related organizations and businesses regulated by the Act and subject them to the Act's requirements.

As a necessary starting point, the bill includes a definition of an “animal rescue” and of a “foster home.” An animal rescue is defined as an organization that

conducts many of the same functions as an animal protection shelter or an animal control shelter but that is not registered with the department because the rescue lacks a bricks and mortar facility. Instead, these rescues maintain animals in foster homes. Animal rescues would be required to register with the department, and the department would have the authority to inspect some or all of the foster homes utilized by the rescue.

Pursuant to SB 419, MDARD would have the authority to promulgate rules that would provide minimum standards of care that would apply specifically to animal rescues. In the absence of new rules, animal rescues would be subject to R151, the department's administrative rule that also applies to animal control shelters, animal protection shelters, pet shops, and large-scale dog breeders. All of the Act's provisions regarding such matters as importing animals, sterilizing animals, availability of ICHAT, and general record maintenance would apply to rescues.

The proposed changes also include a section that would apply specifically to rescues, including a prohibition on breeding, a prohibition on accepting strays without a municipal contract, and the street addresses for the foster homes where the rescue's animals are located and information about which animals are being fostered at each foster home.

The majority of Michigan rescues are comprised of hard-working, responsible people who are taking good care of their animals and are doing their best to help animals in need. The Michigan Humane Society deeply appreciates the critical role they play in animal welfare, and we regularly partner with reputable rescues. However, the problems with the minority of groups that are behaving irresponsibly or unethically seem to be growing. The time has come for state-wide legislation of foster-based rescues.

We will provide updates and information about opportunities to support this bill as it makes its way through the legislative process. Please help us raise awareness and enlist the support of other animal lovers by sharing this blog and encouraging others to join our [Legislative Action Network](#).

Thank you for all you do for animals!

*Photo credit: Pexels*

OPINION · Published June 30, 2018 · Last Update July 2, 2018

# The US has become a dumping ground for foreign 'puppy mill' and 'rescue' dogs. Here's what needs to change



OPINION By Sheila Goffe, | Fox News



FILE -- (AKC)

Americans love dogs. As a nation, we own approximately 80 million and acquire another 8 million each year.

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Anyone who has stared into the beseeching eyes of a pup who wants nothing more than to pass time on a welcoming lap or have her ears gently scratched knows that these are far more than cherished pets. They are family members.

They should be a source of joy – not of danger. But what many people don't realize is a new danger associated with pets that are misleadingly labelled as "rescues."

Unscrupulous distributors take advantage of Americans' well-known love for dogs and their empathy for an underdog. As a result, the United States has become a dumping ground for foreign "puppy mill" and "rescue" dogs. We import an estimated 1 million dogs annually from Turkey, several countries in the Middle East and as far away as China and Korea, according to the National Animal Interest Alliance.

Historically, rescue groups were run by committed breeders or kennel clubs that carefully vetted a small number of dogs and matched them with appropriate homes. But with the popularity of the "adopt don't shop movement," the sale of large numbers of random-source dogs deceptively labelled as "rescue pets" has become a big business.





FILE -- (AKC)

In 2016 some 44 percent of dog owners adopted their pet from a shelter, rescue, humane society or public adoption event.

While rescues can still be a good choice for pet owners willing to do their homework, the bottom line is that there's a risk with selecting a pet designated as a rescue animal.

It's hard to know if a rescue dog was legitimately in need of re-homing, bred for the retail rescue market or a random-source foreign animal imported en masse. And without records on origin and health, chances increase it could have serious temperament issues and be carrying serious diseases.

A big part of the problem is the validity of health records for imported dogs. According to the U.S. Centers for Disease Control and Prevention, health certificates required for entry into the U.S. are often invalid or forged. What's more, dogs from other countries are not subject to the same health and welfare laws as professionally bred U.S. dogs and may arrive carrying serious and infectious canine diseases.

It's not surprising that in conjunction with a surge in dog imports, the United States has experienced an increase in instances of dogs with rabies – including the canine variant that had previously been thought eradicated here – canine flu, screwworm, brucellosis and a variety of other infectious diseases directly related to irresponsibly imported pets.

The dynamic of importing potentially sick animals and exposing others is compounded by risky measures at the state level that force consumers to choose dogs identified as rescues or from random sources.

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For example, so-called “puppy mill” legislation passed in 2017 in California eliminates the sale of dogs sourced from regulated professional breeders in pet shops throughout the state. Instead, pet stores are forced to sell only those animals obtained through shelters or so-called rescues.

Limiting the sale of pets from regulated professionals in favor of so-called rescues creates a perverse incentive to import greater numbers of street dogs and dogs of unknown origin for U.S. pet suppliers.

The importation of dogs now has the attention of U.S. lawmakers. House and Senate committees recently approved measures requiring the U.S. Department of Agriculture to provide an estimate of the number of dogs annually imported into the country, along with an estimate of how many of them lack proper health paperwork. The proposals were added to the farm bill, which is currently moving through Congress.

The congressional proposals are a good start to understand the breadth of the dog importation danger, but more needs to be done to protect public health:

? The federal government should strengthen efforts to ensure that all dogs imported into the United States are fully immunized, and free of infection, parasites and contagious diseases.

? Imported dogs should be individually certified as such by a qualified veterinarian.

? No pet should be imported without an individual examination, valid veterinary certificate, and documentation regarding the source of the dog and the party responsible for it upon arrival into the United States.

? Perhaps most importantly, regulators at the state and federal levels should boost direct oversight of rescues and shelters.

Don’t be fooled. Retail rescues comprise a large industry using marketing that emphasizes the feel-good aspect of choosing a dog from an unknown situation. This is in sharp contrast to more traditional approaches of acquiring a dog from a reputable breed rescue or a breeder that emphasizes known background, breed characteristics and purposeful breeding programs with valid paperwork attesting to the animal’s health.

“Dogs are not our whole life, but they make our lives whole,” said wildlife photographer

Roger Ca  
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That sincere sentiment goes for a purposefully bred and raised Labrador retriever, German shepherd or pug as much as it does a rescue animal. Americans should have the choice.

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Sheila Goffe is Vice President, Government Relations for the American Kennel Club. Follow the AKC on Twitter [@akcdoglovers](https://twitter.com/akcdoglovers).

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ANIMALS

# With Rescue Dogs In Demand, More Shelters Look Far Afield For Fido

January 1, 2015 · 3:50 AM ET

Heard on Morning Edition

GREG ALLEN

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Laurie McCannon, director of the Northeast Animal Shelter in Salem, Mass., with a dog named Trina. Three-quarters of the dogs adopted from the shelter in 2013 were from out of state.

*Shannon Mullen for NPR*

Just north of Boston, the Northeast Animal Shelter is one of the largest private shelters in New England. Founded in the 1970s, it went through a big expansion about six years ago, building a new, 13,000-square-foot shelter with three isolation rooms.

The rooms were designed to house the increasing number of dogs the shelter transports from other states and Puerto Rico.

In one isolation room, Laurie McCannon, the shelter's director, points out a group of animals that have just arrived from Tennessee. In another are some of the 20 dogs that arrived at the shelter a few days earlier, flown in from Texas.

Over the past two decades, there have been big changes in animal shelters and the pet industry. With the growth of pet rescue groups, the demand for dogs now outstrips the supply of those available for adoption in many states.

In several parts of the country, shelters now import dogs for adoption from other regions — even other countries. That has veterinarians, and even some pet rescue groups, concerned about what some call "dog trafficking."

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**Article continues after sponsor message**

02:25



ANIMALS



No-Kill Shelters Save Millions Of Unwanted Pets — But Not All Of Them



AROUND THE NATION

In More Cities, That Doggie In The Window Is Not For Sale

## Fewer Unwanted Dogs And Cats

In its early days, Northeast Animal Shelter used to place about 300 dogs a year in new adopted homes. McCannon says they adopted out 4,400 dogs in 2013, three-quarters of them from out of state.

**This Woman Goes To The Dogs — And Spays Many Of Them**

"It started out with Puerto Rico, and then [we] went to a great shelter in Nebraska that we've worked with forever. I think at one point we actually dealt with five different shelters in Georgia alone," McCannon explains.

Shelters tell a similar tale throughout New England and the Northeast, as well as in the Northwest and Great Lakes regions. Decades of spay and neuter programs, combined with strong participation by rescue groups, have greatly reduced the number of unwanted dogs and cats.

McCannon says it's a different story in rural states and in the South. "The South still has a lot of work to do with spay-neuter laws, and getting people to feel that pets are more companions and parts of their family than yard dogs or that kind of thing," she says.

Some people point to Hurricane Katrina as a turning point: the beginning of widespread interstate shipments of animals for adoption. Efforts to rescue and find

new homes for dogs stranded in New Orleans showed groups a new way to find placements for unwanted dogs.

Now, a network of shelters and rescue groups transports tens of thousands of dogs each year from other states and other countries.

Patti Strand, director of the National Animal Interest Alliance, an organization that represents the American Kennel Club and dog breeders, calls it "retail rescue."

"There is a lot of money in this new kind of rescue that has emerged," she says. "These groups move dogs from just about any place that they can get them."

### **Concerns About Rabies**

Exactly how many dogs are being transported is unknown. The U.S. Department of Agriculture doesn't track how many dogs are transported across state lines — or even how many are imported by rescue groups from other countries.

But some states, like Connecticut, do. In 2012, 14,000 animals were brought to Connecticut from other states, says Arnold Goldman, a veterinarian in Connecticut who has been concerned about the booming interstate movement of dogs. He says he has seen a lot of health issues, like mange and heartworm, as a result.

And there's a deeper issue, Goldman adds. "There are Connecticut-origin animals in our brick-and-mortar shelters who wait for homes themselves," he says. "And there is something disconcerting about that."

Rescue groups are finding unwanted dogs to transport in the South and in other countries, including Mexico, Taiwan and India — all countries where rabies is endemic in the dog population.

Strand says the concern about rabies is more than theoretical.

"We've had a dog with rabies come in from Iraq. One came in from India, [another from] Thailand. We've had a dog from Puerto Rico that wound up in a shelter in Massachusetts with rabies," she says.

In Massachusetts, Connecticut and some other states, regulations have been tightened in recent years to require rabies certificates and 48-hour quarantine periods for dogs arriving from outside the state.

But problems persist. A puppy transported to Vermont in 2013 and adopted by a family was euthanized after it developed rabies.

The National Association of State Public Health Veterinarians has asked the Centers for Disease Control and Prevention to ban the import of dogs from countries where rabies is endemic.

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12.D

**To: Township Board**

**From: Mark Kieselbach, Director of Community Development and Planning**  
**Mackenzie Dean, Assistant Planner**

**Date: November 13, 2019**

**Re: Ordinance Prohibiting Dog Sales at Pet Stores - Introduction**

---

The Township last discussed an ordinance prohibiting the sale of animals at pet stores at its meeting on November 5, 2019. At the meeting Trustee Opsommer informed Board members the retail sale and breeding of cats is not regulated at the state level. He suggested the sale of cats be removed from the proposed ordinance and the prohibition would only apply to the sale of dogs.

A resolution to approve the proposed amendment to the Code of Ordinances for introduction is attached. The following motion is provided for the Board's consideration:

- **Move to approve for introduction the resolution amending Chapter 10, Animals to prohibit the sale of dogs at pet stores.**

**Attachment**

1. Resolution to approve for introduction.

G:\Community Planning & Development\Planning\ORDINANCES\Dogs at pet stores (2019)\Ordinance Prohibiting Dog Sales at Pet Stores.tb4.doc

**RESOLUTION TO APPROVE**

**Amendment to Chapter 10  
Animals  
(Township Board)  
INTRODUCTION**

**RESOLUTION**

At the regular meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 19th day of November, 2019, at 6:00 p.m., Local Time.

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

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

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

WHEREAS, The Township Board discussed a proposed ordinance prohibiting animal sales at pet stores at its meetings on October 1, October 15, and November 5, 2019; and

WHEREAS, after due consideration the Township Board has proposed an ordinance to prohibit the sale of dogs at pet stores; and

WHEREAS, according to the Humane Society of the United States, a significant number of puppies sold at retail pet store come from large-scale commercial breeding facilities where the health and welfare of the animals are not adequately provided for; and

WHEREAS, according to the Humane Society of the United States, across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs. Many of these pet stores collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, numerous alternatives exist for people to find pets, including the adoption of animals from public and private animal rescue organizations or purchase from reputable and conscientious breeders; and

WHEREAS, prohibiting the retail sales of dogs is likely to decrease the demand for puppies bred in puppy mills, and is likely to increase the demand for animals from animal shelters and rescue organizations; and

WHEREAS, the Township Board believes that prohibiting the retail sale of dogs in the Township will promote community awareness of animal welfare and, in turn will foster a more humane environment for animals; and

WHEREAS, the Township Board believes the humans treatment of dogs is an important public purpose.

**Resolution to Approve (Introduction)**  
**Township Board (November 19, 2019)**  
**Page 2**

NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby **INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION** Ordinance No. \_\_\_\_\_, entitled "Ordinance Amending the Code of the Charter Township of Meridian, Ingham County, Michigan, Chapter 10, by adding Article I, In General, Article II, Abandonment of Animals, and Article III, Animal Sales at Pet Stores.

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

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

STATE OF MICHIGAN )

) ss

COUNTY OF INGHAM )

I, the undersigned, the duly qualified and acting Clerk of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Township Board on the 19th day of November, 2019.

\_\_\_\_\_  
Brett Dreyfus, Township Clerk  
Charter Township of Meridian

**Ordinance No. 2019-\_\_\_\_\_**

**ORDINANCE AMENDING THE CODE OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, BY ADDING TO CHAPTER 10, ANIMALS.**

**THE CHARTER TOWNSHIP OF MERIDIAN ORDAINS:**

Section 1. Amendment to Chapter 10, Animals. Chapter 10 entitled Animals of the Code of the Charter Township of Meridian, Ingham County, Michigan, is hereby amended to add Article I entitled In General, Article II entitled Abandonment of Animals, and Article III entitled Animal Sales at Pet Stores to read as follows:

**Chapter 10  
ANIMALS**

**ARTICLE I  
In General**

**Section 10-1 through Section 10-10. (Reserved)**

**ARTICLE II  
Abandonment of Animals**

**Section 10-11. Abandonment of animals.**

No person shall abandon or leave any living domestic animal, tamed wild animal, or household pet in any place within the Township, except in the charge or custody of another person who agrees to provide the animal with proper food, drink, shelter, and protection from the weather. Any violation of this section is a misdemeanor punishable as provided by this Code.

**Section 10-12 through Section 10-20. (Reserved)**

**ARTICLE III  
Animal Sales at Pet Stores**

**Section 10-21. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ANIMAL CARE FACILITY** — Means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

**ANIMAL RESCUE ORGANIZATION** — Means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

**BREEDER** — Means a person that maintains a dog for the purpose of breeding and selling their offspring.

**BROKER** — Means a person that transfers a dog from a breeder for resale by another person.

**DOG** — Means a member of the species of domestic dog, *Canis familiaris*.

**OFFER FOR SALE** — Means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog.

**PET STORE** — Means a retail establishment where dogs are sold, exchanged, or bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

**Section 10-22. Restrictions on the sale of dogs.**

No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals.

**Section 10-23. Penalty.**

A person that violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine of \$500, plus costs, including all direct and indirect expenses incurred by the Township in connection with the municipal civil infraction as provided in Section 1-8 of the Township Code of Ordinances. As to violations of this article that are continuous with respect to time, each day that the violation continues is a separate offense. Abatements shall not be considered as payment or part of a violation's penalty. In addition to all other remedies, including the penalties provided in this article, the Township may commence and prosecute actions in the county circuit court or any other court having jurisdiction to restrain or prevent any noncompliance with or violation of any of the provisions of this article or to correct, remedy, or abate such noncompliance or violation.

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

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

Section 4. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its publication.

Draft Ordinance Prohibiting Animal Sales at Pet Stores

November 13, 2019

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Ronald J. Styka, Township Supervisor

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Brett Dreyfus, Township Clerk

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12.E

**To:** Township Board

**From:** Chris Buck, Director of Economic Development  
Mark Kieselbach, Director of Community Planning and Development  
Peter Menser, Principal Planner

**Date:** November 14, 2019

**Re:** Multiple Family Zoning Ordinance Amendment

---

The Township Board discussed a potential amendment to the multiple family zoning ordinance at its last meeting on November 5, 2019. At the meeting the Board agreed to consider a motion to initiate the zoning amendment, which would allow a mix of single and multiple family dwelling units in the RD, RC, and RCC zoning districts by special use permit, at its next meeting on November 19, 2019. A motion to initiate the zoning amendment is provided. If adopted, staff will draft proposed ordinance language and schedule a public hearing for an upcoming Planning Commission meeting.

- **Move to initiate a zoning amendment to allow a mix of single family and multiple family dwelling units in the RD, RC, and RCC zoning districts by special use permit.**

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**To: Board Members**  
**From: Frank L. Walsh, Township Manager**  
**Date: November 15, 2019**  
**Re: 2020-2022 TPOAM Department of Public Works Employees Contract**

---

After months of meaningful discussions, we have reached a tentative agreement with the DPW employees. The team was led by Larry Bobb, Matt Foreman, and Mike Ellis. Our internal team consisted of Human Resources Director Joyce Marx, Deputy Township Manager Derek Perry and Labor Counsel Helen Lizzie Mills. This unit consists of 22 members.

The key changes are marked in the tentative agreement.

The following motion is proposed for Board consideration:

**MOVE TO APPROVE THE 2020-2022 COLLECTIVE BARGAINING AGREEMENT AS TENTATIVELY AGREED TO AND FURTHER RATIFIED BY THE TPOAM DPW EMPLOYEES.**

Attachment:

1. 2020-2022 TPOAM DPW Employees Tentative Agreement

# Meridian Charter Township - TPOAM DPW Employees Tentative Agreement

October 17, 2019

**Duration.** January 1, 2020-December 31, 2022.

**Wages.** 2% each Jan. 1 for duration of the agreement.

## Article 4. UNION SECURITY, Section 8

The Union shall provide at least thirty (30) days' written notice to the Human Resources Director of the amount of Union dues and/or service fee to be deducted from the wages of Township employees. Any change in the amounts determined will also be provided to the [Finance Director Human Resources / Payroll](#) at least thirty (30) calendar days prior to its implementation.

## Article 5. UNION REPRESENTATION, Section A

Stewards, Alternate Stewards and Union President. The employees covered by this Agreement will be represented by two (2) stewards **as determined by the Union.** ~~The Union shall have the exclusive right to assign said stewards and shall assign one (1) steward to each of the following locations; Water, Sewer, and Facilities.~~

## Article 19, New Section G

The Township will provide notice of unfilled overtime opportunities via email, workplace posting, or any other reasonable means of communication. If the opportunity is not filled seventy-two (72) hours before the start of the opportunity, the Township may assign qualified temporary employees to fill the overtime. If no qualified temporary employees are available, the Township shall assign available bargaining unit employees to fill the overtime in reverse order of seniority.

**Article 20 (Work Hours)** amended to provide for:

- Lead Utility Workers are 7:30 am - 3:30 pm (three 15 min paid breaks retained)
- Utility Workers, Lead Mechanic, and Mechanic are 8 am – 4 pm (three 15 min paid breaks retained)
- If the Township elects to open any Utility Workers, Lead Mechanic, or Mechanic positions to the 7:30 am - 3:30 pm schedule for operational purposes, employees will be offered the opportunity based on classification and seniority.

## Article 20, Section B

Overtime - Time and one-half will be paid as follows.

1. For all hours worked over forty (40) over eight (8) in one day, in one week, except employees who work a flexible work schedule approved by the Township Manager and the Employee. **Hours worked includes paid leave time.**
- ~~2. For all hours over forty (40) in one week.~~
2. For all hours worked on holidays that are defined in this Agreement in addition to holiday pay.

# Meridian Charter Township - TPOAM DPW Employees Tentative Agreement

October 17, 2019

**Article 20, Section D** amended to read: Employees may not accumulate more than forty (40) hours of Time off in lieu of pay (compensatory time) for overtime work shall accumulate up to a maximum of forty (40) hours at any point in time.

**Article 21. HEALTH INSURANCE, Section A (first sentence):** The Employer shall provide each employee and family eligible dependents with health insurance coverage selected through the Healthcare Coalition.

## **Article 25. WORKERS' COMPENSATION, Section A**

An employee who received compensation under the Workers' Compensation Insurance, as provided by the Township, may receive at the employee's option only that portion of his/her regular salary which will, together with such compensation equal his/her regular take home salary. In cases of this nature, an amount equal to the difference paid by the Township between an employee's workers' compensation and his/her regular take home salary shall be deducted from the employee's accumulated sick leave. Under no circumstances will the combination of workers' compensation and Township payment as spelled out above exceed the employee's normal base pay. When the amount of the employee's accumulated sick leave has been depleted, the Township will no longer pay the difference between the employee's salary and workers' compensation. The employee is responsible to use sick leave until Once workers' compensation begins. The employee's sick leave used during this period, if any, will be reinstated when workers' compensation begins. to compensate, the employee will sign over payment for the first seven days of leave to reimburse the Township. An employee will continue to accrue and receive benefits for the first thirty (30) days while on workers' compensation. [*remainder of Article status quo*].

## **Article 26. SICK LEAVE, Sections A, D, and F**

**A.** Sick leave is defined as absence from duty because of illness, injury, or quarantine resulting from exposure to contagious disease, provided that said injury or illness is not covered entirely by the Michigan Workers' Compensation Act. Employees may use sick leave in accordance with the eligibility criteria of Section 4(1)(a)-(d) of the Michigan Paid Medical Leave Act (Public Act 338 of 2018, as amended)~~if their presence is needed elsewhere or at home because of illness/injury to, or quarantine of, a family member that normally resides in the employee's household.~~ In addition to the above, notwithstanding whether the family member that normally resides in the employee's household, sick leave shall be approved by the Department Head for employees to attend to the needs of and/or visit family members who are gravely ill. For the purpose of this section, "family members" shall include father, mother, sister, brother, grandfather, grandmother, grandchild and children.

**Delete Section D**

**F.** Upon separation of employment with proper notice under Article 37, those employees hired prior to May 1981, shall receive  $\frac{1}{4}$  of the employee's accumulated sick leave in a payout. For those employees hired since May 1981,  $\frac{1}{4}$  of the employee's accumulated sick leave will be

# Meridian Charter Township - TPOAM DPW Employees Tentative Agreement

October 17, 2019

contributed to his/her ICMA-RC Vantage Care account provided proper notice is given to the Township under Article 37. ~~Upon retirement~~ if a retiring employee satisfies the retirement notice requirements of Article 37, ½ of his/her accumulated sick leave ~~provided~~ will be contributed to the employee's ICMA-RC Vantage Care account. The employee must give ~~at least proper two (2) weeks~~ notice of separation under Article 37 to receive normal separation benefits, and, must not abuse sick leave during the final two (2) weeks of his/her employment. Employees who are discharged, are not eligible for the benefits under this section.

## **Article 28. BEREAVEMENT, Section A** – amended to read as follows:

In the event of a death in the immediate family, the employee may take bereavement leave of up to three (3) days to attend the funeral and make other necessary arrangements from the date of death until the day after the funeral. Proof of death is required within two (2) weeks to receive paid leave. Leave in excess of three (3) days requires the approval of the department Director and will be unpaid, unless the employee uses available personal or vacation leave. Any extenuating circumstances for leave other than defined above must be approved in advance by the Department Director. Immediate family is interpreted as including: spouse, child, stepchild, father, mother, sister, brother, step-siblings, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather, grandmother, grandchild, stepfather, stepmother, half-brother, half-sister, brother-in-law, sister-in-law, grandmother-in-law and grandfather-in-law.

## **Article 34. STANDBY CALL DUTY, Sections C, D, and E**

- C. Qualified employees will be determined by ~~the Water and Sewer Superintendent and/or the Facilities Superintendent and Director of Public Works.~~ In their absence, ~~the Public Work Director or~~ the Parks and Recreation Director ~~(as applicable)~~ shall make the determination.
- D. Employees wishing to be qualified shall indicate this desire to the ~~Water & Sewer Facilities Superintendent~~ and provision shall be made to make them qualified employees.
- E. However, if no one in the unit is available for standby call duty, the Assistant Township Manager or Facilities Superintendent shall assign anyone in the unit, according to ability to perform such duty.

**Article 37. RESIGNATIONS:** Amend title to read “Notice of Resignation and Retirement” and content to read: “Employees must provide at least two (2) weeks’ advance written notice of resignation or at least thirty (30) days’ advance written notice of retirement to be eligible for separation benefits.”

## Addition to **Article 47:**

To engage employees and improve employee morale, the Township may hold employee recognition activities or events, including but not limited to Employee Appreciation Week

**Meridian Charter Township - TPOAM DPW Employees  
Tentative Agreement**

October 17, 2019

picnics and related events, holiday parties, issuance of employee recognition awards and/or payment, such as the Archie Virtue Excellence Award, or raffle additional paid leave or other one-time benefits to employees in conjunction with these recognition events, activities or awards.

Revise **Article 48** to read as follows:

**Article 48. LICENSES AND CERTIFICATIONS**

**A. General Requirements:**

1. Employees will be paid as early in December each year as is practical for the highest current and valid license or certification they possess. CDL stipends provided in Section F will be paid as early in January each year of the agreement as is practical.
2. License or certification stipends are not cumulative within each type of license or certification, except Section C. For example, an employee may not receive compensation for an S1 and S2 license described in Section B.
3. Payout shall be prorated in the first year of obtaining a license or certification and for newly hired employees with a license or certification upon hire.
4. Pays will be prorated upon separation of employment.
5. The license and certification pay shall not be utilized for any pension-related purposes of calculating FAC or in an employee's contribution to MERS as required by this Agreement.

**B. An employee in either the Utility Worker or the Lead Worker classification shall be eligible to receive on an annual basis a stipend for State of Michigan Drinking Water Operator Certification licenses held according to the following schedule:**

S1	\$1,500	S2	\$1,000
S3	\$750	S4	\$500

**C. An employee in either the Utility Worker or the Lead Worker classification shall be eligible to receive an annual \$350 stipend for holding a Michigan Department of Agriculture commercial pesticide applicator license with the category 6 (right-of-way pest management) registration. An additional \$25 per registration, up to \$100, shall be given for the following categories:**

2. Forest Pest Management
- 3A. Turfgrass Pest Management
- 3B. Ornamental Pest
- 5C. Sewer Line Pest

**D. An employee in either the Utility Worker or the Lead Worker classification shall be eligible to receive an annual \$250 stipend for holding a NASSCO Pipeline Assessment Certification program license.**

**E. An employee in either the Mechanic or the Lead Mechanic classification shall be eligible to receive an annual stipend for holding the following State of Michigan certifications:**

**Meridian Charter Township - TPOAM DPW Employees  
Tentative Agreement**

October 17, 2019

Heavy Duty Truck Mechanic \$1,500  
Master Automobile Mechanic \$1,000

- F. Each employee shall be eligible to receive a \$1,200 annual stipend for holding a current and valid State of Michigan Commercial Driver's License (CDL) group A with N endorsement.
- G. An employee in either the Utility Worker or the Lead Worker classification shall be eligible to receive on an annual basis, a \$1,000 stipend for holding a Meridian Township approved backhoe operator safety and training certification.
- H. An employee in either the Utility Worker or the Lead Worker classification shall be eligible to receive on an annual basis, a \$250 stipend for holding a Meridian Township approved street sweeper operator safety and training certification.



**To: Board Members**  
**From: Frank L. Walsh, Township Manager**  
**Date: November 15, 2019**  
**Re: 2020 Goal Setting and 2019 Goal Review**

---

As you are aware, the Township Board meets annually in December to review the prior year and set a focused vision for moving forward. Supervisor Styka has reviewed our upcoming schedule and proposed a date of December 12.

There is no question the 2016-2020 Township Board has moved the needle in many critical areas. Our police and fire departments are better staffed. Our pension debt has been reduced. We have a plan to eradicate our commercial decay. We continue to protect our eastern rural character. We have advanced our solar footprint. We have worked with CATA to improve Redi-Ride. Through the generosity of our taxpayers, we are one of the few Michigan communities with a plan to fix our local roads. Our long-term retiree health care debt has been reduced. Our Farmers' Market is on the cusp of greatness. We are focused in enhancing the Meridian Mall's position in our community.

We are greatly anticipating 2020 and beyond.

Motion for Township Board's Consideration:

**MOVE TO SET A DATE OF DECEMBER 12, 2019 TO REVIEW THE 2019 GOALS AND ESTABLISH A 2020 VISION.**



**To: Board Members**  
**From: Ronald J. Styka, Township Supervisor**  
**Date: November 15, 2019**  
**Re: Township Manager Performance Review and Contract**

---

Attached, you will find the Township Manager's current employment contract, 2018 Annual Performance Evaluation and the evaluation tool the Township Board has used over the past several years to assess the Manager's performance. According to contractual terms, the performance review shall be completed by December 31, 2019.

My suggestion is that we take up the Manager's performance review and contract at our December 12 goal setting meeting. In fairness to the Manager, we should wrap up the process before the end of the year. Further, I'd suggest we use the same attached review tool as we have used in the past. In order to make this happen, I'll need to receive your completed review forms by 5:00pm on Thursday, December 5<sup>th</sup>.

Motion for Township Board's Consideration:

**MOVE TO SET A DATE OF DECEMBER 12, 2019 TO REVIEW THE TOWNSHIP  
MANAGER'S ANNUAL PERFORMANCE AND CONTRACT.**

**Attachments:**

1. Current Township Manager Contract
2. 2018 Annual Performance Evaluation
3. Evaluation Tool

## EMPLOYMENT AGREEMENT

This AGREEMENT made on the date affixed by the parties below, between the CHARTER TOWNSHIP OF MERIDIAN, County of Ingham, State of Michigan (hereinafter referred to as the "Employer"), and Frank L. Walsh (hereinafter referred to as the "Township Manager").

### RECITALS

WHEREAS, the Township Board has appointed Frank L. Walsh as Township Manager of the Charter Township of Meridian; and

WHEREAS, it is the desire of the Township Board to provide certain benefits, establish certain conditions of employment, and to set working conditions for the Township Manager; and

WHEREAS, the Township Manager desires to accept the appointment as Township Manager under the provisions as set forth herein.

IT IS AGREED as follows:

1. Appointment and Duties. The Employer hereby agrees to appoint Frank L. Walsh as Township Manager of the Charter Township of Meridian to perform the functions and duties specified in paragraphs (a) through (o) inclusive of Section 10 of the Charter Townships Act (MCL 42.10; MSA 5.46[10]), and to perform such other legally permissible and proper duties and functions as the Township Board shall from time to time assign. The Township Board reserves the unilateral right to add to, amend, modify, or withdraw any and all of the delegated and assigned functions and duties. The Township Manager accepts such appointment on the terms and conditions of this Agreement.

2. Term. The original term of this Agreement will begin on December 11, 2018 and end on December 31, 2021.

Prior to December 31 of each year, the Employer or its authorized representative(s) shall meet with the Township Manager, and the parties shall review such

information as they deem relevant. The Employer may extend this Agreement for a successor year with any modifications to which the parties mutually agree.

Failure to renew or extend this Agreement or any successor Agreement at the end of its term shall obligate the Employer to pay to the Township Manager a Severance Settlement as specified and defined in Section 7 of this Agreement, but shall give the Township Manager no other right or claim. Failure to renew or extend this or any successor Agreement shall not be considered a breach hereof or a termination with or without cause, nor give rise to any cause of action which may be arbitrated under the terms of this Agreement or adjudicated in any court of law, tribunal or administrative agency.

3. Extent of Services.

A. Best Efforts. Except as provided in Section 3.8., the Township Manager shall devote his entire time, attention, and energies to the Employer's business and shall not, during the term of this Agreement, be engaged in any other employment or business activity, whether or not pursued for gain, profit, or pecuniary advantage, without the express prior written consent of the Township Board. The Township Manager also shall not engage in any activity which conflicts or interferes with the performance of his duties as specified in this Agreement and as directed by the Employer or any of its agents as described in Section 1 above.

B. Other Activities. The Township Manager may, with prior written consent of the Township Board, teach, write or engage in similar or related activities which do not interfere with, but rather enhance, the Township Manager's performance of the duties and functions required under this Agreement. The Township Board acknowledges that Township Manager is authorized to conduct up to four managerial searches per calendar year. The Township Manager shall notify the Township Supervisor of each search process.

4. Salary. The Employer shall pay the Township Manager for all services rendered pursuant to this Agreement calculated at an annual rate of \$130,000. The Township Manager's salary shall be payable in installments at the same time and in the same manner as

other employees of the Township are paid.

5. Benefits. The Employer shall provide the Township Manager with the following benefits:

A. Pension. The Township Manager shall be included in the Township Employee's Pension Plan ("Plan") ICMA-RC Money Purchase Plan pursuant to the terms of the Plan. The Township shall provide 15% of the Manager's base salary into the pension plan.

B. Deferred Compensation. The Employer shall provide the Township Manager a mutually agreeable mechanism for deferred compensation, such as the International City Management Association-Retirement Corporation ("ICMA-RC"), for the Township Manager's participation. In addition to the Township Manager's salary, the Employer shall make an annual contribution of 1.5% of the annual salary annually to the Township Manager's account.

C. Automobile. The Employer will provide the Township Manager an automobile for the Township Manager's unlimited use for official purposes and unlimited use for personal purposes. The personal use shall be reported as required by IRS regulations and the Township Manager shall pay any required taxes for such personal use. The Employer shall have the option of selecting the automobile to be provided to the Township Manager. The Employer shall be responsible to pay for or provide maintenance expenses, gas, oil and insurance coverage for the automobile. The Township Manager may choose to receive a monthly car allowance of \$800.00 in lieu of the automobile, maintenance, gas, oil and insurance expenses as compensation for all business miles driven within a 50 mile radius of the Township Municipal Building.

D. Professional Activities, Conferences, and Training. The Employer recognizes that the Township Manager's participation in municipal and professional activities, conferences, and training is mutually beneficial. The Employer will provide as budgeted, funds for the Township Manager to participate in a minimum of one professional conference per year. Such funds shall be available for the activities of the Township Manager only. This

provision shall supersede Section 25 of the "Personnel Policy" of the Charter Township of Meridian adopted March 24, 1992, as revised.

E. Vacation. On January 2 of each year beginning 2018, the Township Manager shall receive twenty-eight (28) days of vacation. The Township Manager shall not be paid for more than fifty (50) vacation days upon separation of employment. The Township Manager shall use a minimum of fifteen (15) days per year, and is encouraged to use all vacation days each year.

F. Life Insurance. The Township shall reimburse the Township Manager for an annual life insurance policy with a maximum premium of \$1,000 per year.

G. The parties hereby adopt and incorporate by reference the following sections of the "Personnel Policy" of the Charter Township of Meridian as amended, or an adopted successor policy, which shall apply to the Township Manager.

- (1) Section 12 "Benefits."
- (2) Section 12.1 "Health and Hospitalization Insurance."
- (3) Section 12.3 "Life Insurance."
- (4) Section 12.4 "Accidental Death and Dismemberment."
- (5) Section 12.5 "Accident and Sickness Income."
- (6) Section 12.6 "Workers' Compensation ."
- (7) Section 12.7 "Sick Leave."
- (8) Section 12.8 "Funeral Leave."
- (9) Section 12.9 "Personal Leave Days."
- (10) Section 12.11 "Family and Medical Leave Act."
- (11) Section 12.12 "Holiday Provisions."
- (12) Section 12.14 "Jury Duty."
- (13) Section 12.15 "Longevity."
- (14) Section 12.17 "Act of God Days."

- (15) Any other benefits to which the parties shall subsequently mutually agree in writing, and as approved by the Township Board at a Board Meeting.

For purposes of this Agreement, all applicable sections of the Township Personnel Policy shall be modified by inserting the term "Township Board" for the terms "Township Manager", "Department Head", or "Supervisor" as appropriate.

6. Nature of Employment. The Parties recognize that the Township Manager serves at the pleasure of the Township Board and that the Township Manager is an at-will employee. The Employer may terminate the appointment of the Township Manger for any reason, with or without cause, at any time, either by refusing to extend this Agreement or a successor Agreement, or at any time during the term of this or any successor Agreement, subject to the terms of Section 7, "Severance Settlement", set forth below.

7. Severance Settlement. In the event the Township Board exercises its sole and exclusive right to terminate the Township Manager's at-will appointment, the Employer shall pay to the Township Manager a lump-sum severance settlement, equal to twelve (12) months' salary at the Township Manager's then-current salary (hereinafter the "Severance Settlement"), or within the Employer's discretion pay twelve (12) month salary continuation, plus any payments then due and owing to the Township Manager for accumulated and unused sick leave pursuant to Section 12.7 of the Township Personnel Policy, and any accumulated but unused vacation leave pursuant to Section 12.13 of the Township Personnel Policy. All Severance Settlement sums shall be reduced by applicable taxes or withholdings as required by law. The Manager shall also receive twelve (12) months continued health care coverage at the level he was receiving at the time of termination.

8. Termination of Appointment for Gross Misconduct or Disability. The Township Manager's appointment may be terminated immediately and without Section 7 severance pay requirements by the Employer for "gross misconduct" as defined herein and shall terminate on the date of occurrence in the event of "disability" of the Township Manager, as defined herein. Written notice of alleged gross misconduct shall be provided to the Township Manager and he shall be given

an opportunity to respond to such charges.

A. Termination for Gross Misconduct. In the event of a termination of the Township Manager's appointment pursuant to this Section, no Severance Settlement payment shall be due to the Township Manager, but the Township Manager shall be entitled to receive only accrued but unused sick and vacation leave as specified in Section 7.

In the event the Township Manager's appointment is terminated by the Employer for gross misconduct, the Township Manager shall be paid his salary until the date of termination. Upon termination, all payments including the Township Manager's salary and all other benefits (except as may be required by law) shall there upon cease.

B. Definition of Gross Misconduct. As used in this Agreement, the term "gross misconduct" includes but is not limited to: (I) theft, dishonesty or fraud; (ii) an illegal act reflecting negatively on the Employer or relating to or affecting the Township Manager's duties or responsibilities to the Employer; (iii) grossly negligent failure to perform duties; (iv) intentional and material misrepresentation to the Employer; or (v) grossly deficient performance or gross failure to perform duties following written notice to the Township Manager that his performance has been deficient or that he had failed to perform his duties as specified.

C. Definition of Disability. As used in this Agreement, "disability" shall mean a physical or mental illness, injury, incompetency or incapacity, including alcoholism or drug addiction, which renders the Township Manager incapable of performing the services required of the Township Manager. Such definition shall include the definition as defined in the Township's insurance policy. Determination of disability and the date upon which it is deemed to have occurred shall be made by a physician who is acceptable to both the Employer and Township Manager. Such determination shall be binding on all parties to this Agreement. In the event the Employer and Township Manager do not agree upon a physician they shall each name a physician and the two physicians shall name a third

physician who shall conduct the examination and make the determination as to whether the Township Manager is suffering a disability.

9. Resignation/Salary Reduction. In the event the Township Manager terminates his appointment pursuant to this Agreement by voluntary resignation in writing, the Township Manager shall not be entitled to any Severance Settlement as provided in Section 7 of this Agreement, except that a resignation submitted at the written request of a majority of the Township Board shall entitle the Township Manager to receive a Severance Settlement pursuant to Section 7 of this Agreement. The Township Manager shall give the Employer at least sixty (60) days prior written notice of his intent to voluntarily resign from his appointment, unless the parties agree otherwise in writing. If the Township Manager provides such notice, the Township Manager shall be eligible to receive pay for all accrued and unused sick leave and vacation leave pursuant to the applicable provisions of the Township Personnel Policy. If the Township Manager fails to provide written notice as required herein, the Township Manager shall forfeit any right or claim to any accrued sick or vacation leave or other benefits. Any reduction in the Township Manager's salary by a percentage greater than any average across-the-board reduction for other employees may be considered a termination by the Township Manager and the Township Manager shall, upon submission of his written resignation giving notice as required in this Section, then be entitled to a Severance Settlement as specified in Section 7 of this Agreement.

10. Evaluations. The Employer shall conduct an annual evaluation of the Township Manager in a manner satisfactory to the Employer. The Township Manager shall assist in developing goal-based evaluation forms and an evaluation process subject to the sole approval of the Employer. The evaluation shall be completed and furnished to the Township Manager prior to December 31 of each year. The Township Manager shall have the right to file a written response to any written evaluation provided by the Employer. Such evaluation shall not alter or affect the nature of the Township Manager's at-

will appointment status or any other term of this Agreement, including but not limited to, the Employer's rights under the "Term" or "Termination" provisions of this Agreement, shall not cause or require the Employer to extend or renew this Agreement or any extension of this Agreement, and shall not give rise to any right of the Township Manager to rely upon or enforce the terms of such evaluation with respect to job tenure, salary, benefits or any other reason or purpose.

11. Township Manager's Obligations under Township Personnel Policy.

The parties hereby adopt and incorporate by reference the following sections of the Township Personnel Policy with respect to the Township Manager's obligations to the Employer. For the purposes of this Agreement, all sections of the Township Personnel Policy adopted by reference shall be modified by inserting the term "Township Board" for the terms "Superintendent" "Department Head", or "Supervisor" as appropriate.

Adoption of these provisions shall be in addition to all other duties and obligations of the Township Manager to the Employer as set forth in this Agreement and as imposed by the Employer:

- A. Section 4.6 "Physical Examination."
- B. Section 20 "Care and Control of Property."
- C. Section 21 "Ethics."
- D. Section 3 "Policy on Non-Discrimination and Harassment."
- E. Section 22 "Smoking Policy."
- F. Section 23 "Conferences and Workshops."
- G. Section 25 "Political Activities."
- H. Section 24 "Substance Abuse."

12. Other Terms and Conditions of Employment. The Township shall fix any other

terms and conditions of the Township Manager appointment, as it may determine from time to time, provided such terms and conditions are not inconsistent with or in conflict with the

provisions of this Agreement.

13. Assignment. The Township Manager acknowledges that the services to be rendered by him are unique and personal. The Township Manager shall temporarily appoint one Department Director as Acting Township Manager during periods of vacation, sick leave, or other short term leave periods. The Township Board may, at its discretion, choose an alternative person to perform the duties of Acting Township Manager.

14. Arbitration. Any controversy or claim arising out of, or relating to Section 8 of this Agreement, shall be settled by final and binding arbitration in the County of Ingham, State of Michigan, in accordance with the then applicable rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator may be entered and enforced in any court having jurisdiction.

The arbitrator, if he/she should determine that termination of the Township Manager was not for gross misconduct, shall be limited, by way of remedy, to issuing a monetary award not to exceed the Township Manager's Severance Settlement, and shall have no power of reinstatement. In the event the arbitrator determines that termination of the Township Manager was for gross misconduct, the arbitrator shall have no power to modify the termination or otherwise substitute his/her judgment for that of the Employer.

15. Waiver of Breach. The waiver by the Employer or any of its agents of a breach of any provision of this Agreement by the Township Manager shall not operate or be construed as a waiver of any subsequent breach by the Employer. No waiver shall be valid unless it is in writing and signed by the Township Board.

16. Situs. This Agreement shall be governed by and construed according to the laws of the State of Michigan.

17. Severability. The invalidity or unenforceability of any provision, or a portion thereof of this Agreement, shall not affect the validity or enforceability of any other provision or portion thereof. Should a provision, or portion thereof, be deemed invalid or unenforceable and later be deemed valid or enforceable, the parties hereto agree that such provision shall be

deemed revived and in full force and effect in this Agreement.

18. Section Headings. Section and other headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

19. Entire Agreement. This Agreement constitutes the entire agreement between The parties respecting the appointment of the Township Manager, and there are no representations, warranties, or commitments between the parties, except as set forth herein. The terms of this Agreement shall prevail over any conflicting document, except the Meridian Township Employee's Pension Plan and in that case the Plan document shall control over any conflicting language in this Agreement.

20. Modification. Except where the Employer has reserved the right of unilateral amendment, this Agreement may be amended or modified only by written instrument intended as such executed by the parties.

IN WITNESS WHEREOF, the Charter Township of Meridian, through its Township Board, has caused this Agreement to be signed and executed in its behalf by its Supervisor and Clerk, and the Township Manager has signed and executed this Agreement on the 11<sup>th</sup> day of December 2018.

**WITNESSES:**

Michelle Fryz  
Michelle Fryz  
Michelle Fryz

EMPLOYER CHARTER TOWNSHIP OF  
MERIDIAN

Ronald J. Styka  
By: Ronald J. Styka, Supervisor

Brett Dreyfus  
By: Brett Dreyfus, Clerk

Frank L. Walsh  
By: Frank L. Walsh, Township Manager

**Meridian Charter Township**  
**January 8, 2019**  
**Annual Performance Evaluation of 2018**  
**Frank L. Walsh, Township Manager**

On December 10, 2018, the members of the Meridian Township Board met to evaluate Meridian Township Manager, Frank L. Walsh. Each board member and the manager reviewed and discussed the manager's performance during the 2018 calendar year. It was a year of many accomplishments and the resolution of many difficult issues. After careful review the Board determined that throughout the year Manager Walsh performed his duties in an outstanding manner. The Board's determination was based on review of the manager's performance in nine areas.

First, the Board determined that Manager Walsh excelled in providing customer service. He responded in a timely, courteous, and effective manner to the hundreds of annual calls for service received from Meridian residents. Board members determined that he prided himself on providing service to residents, created a culture of excellent customer service, fostered a sense of confidence and cooperation in many township employees, and quickly brought about solutions to problems presented by residents or board members.

Next, the Board determined that Mr. Walsh excelled in planning and problem solving. He anticipated and analyzed problem areas, researched and established alternative solutions, and was skillful in conflict resolution. Board members determined that he watched for signs of problems and took cues from board members and citizens before problems arose. He used innovative thinking and relied on his wealth of experience and fact-finding to resolve conflicts and problems. One example was his response to the Nassar 2004 sexual assault matter. He provided leadership to the Police Chief and Police Department that resulted in a compassionate and effective plan that both helped the assault survivor cope and the community to heal. Staff and community members were given the opportunity to learn from the incident and to reduce the risk of similar events happening in the future.

Third, the Board determined that the manager excelled in the management of interpersonal relations. He cooperated effectively with the governing body, department heads, supervisors, unions, employees and the public. He is empathetic and exhibited tact and sensitivity to the needs of others. He keeps Board members in the loop on all on-going matters. Board members determined that, in an overwhelming majority of instances, he was very helpful to them on issues and cooperated very effectively with all constituencies—the board, employees, citizens, and businesses.

Fourth, the Board determined that Mr. Walsh excelled in his organizational skills. He demonstrated the ability to arrange work and to respond to conflicting or changing priorities. He maintained orderliness of documentation and assured the effective functioning of township government. Board members noted that he had to deal with many issues and did so in a very efficient and productive manner. The way that the manager has organized township departments and staff has resulted in efficiencies in work product, funds spent, and the timeliness of responses to both day-to-day activities and unusual circumstances. It has also created an environment where employees remain focused on the Board's goals, not just day-to-day activities.

Also, the Board determined that Manager Walsh is a strong communicator. During the year he demonstrated the ability to effectively communicate in oral and written form with the governing body, department heads, supervisors, employees, media, other government leaders, and

the public. He kept others informed of pertinent information and listed to the positions of others. Board members determined that the manager excelled in all aspects of this skill. His messages were clear, concise, and easily understood. He kept board members informed of all aspects of township operations. In several instances he brought together members of the public and facilitated resolution of difficult issues, bringing all sides to the table and guiding them to mutually beneficial conclusions. These included difficult disputes over zoning and developments.

Sixth, the Board determined that the manager also excelled in his work attitudes and ethics. He was open and straight-forward, accepted responsibility, responded to direction from the governing body, and conformed to high ethical standards. Board members determined that he was very responsible in responding to board issues, and seemed to always be on the job. It was noted that Mr. Walsh responded to board direction without complaint and accepted responsibility for success and failure. He willingly spent many evenings making community presentations, and did so without complaint. He rarely used sick or vacation time.

Seventh, the Board determined that Manager Walsh was excellent in providing supervision and leadership. He motivated others, effectively assigned work, encouraged employees and gave them the opportunity to increase their skills. Board members determined that Mr. Walsh was an excellent motivator and leader. Under his direction numerous employees received recognition, enhancing morale. Overall, the board found him to be an excellent leader and supervisor.

Next, the Board determined that, with regard to financial management, Mr. Walsh performed in an excellent manner. He accurately and effectively managed financial and material resources, maintained policies in purchasing procedures, materials replacement, equipment, etc. Also, he prioritized expenditures to reflect board policies. The budget process was very straight forward. Under Mr. Walsh's leadership the fund balance increased, allowing the board to approve additional expenditures on roads and other projects being demanded by the public.

Ninth, the Board determined that the manager performed excellently, as he worked to accomplish the township's goals. He focused on efforts to accomplish the goals and needs as outlined by the board, effectively working as a team player. The board appreciated the accomplishments that had occurred under Mr. Walsh's leadership. He led staff to work toward goal completion, with many being completed and significant progress being made on others. The manager was a team player and team leader, deferring to the board's wishes on matters. Significant progress was made on meeting the Board's highest goal, the redevelopment of the downtown Okemos and Haslett areas.

In conclusion, the township board determined that Manager Frank Walsh is an excellent township manager. The consensus of the Board was that he was excellent in all phases of township governance. His insights and calm discernment of solutions to problems are to be envied. He cares about his job and about the community and its citizens, and takes pride in his work. His devotion to outstanding customer service gave the township government a reputation for caring about all of its citizens. In a year with difficult challenges, he was able to continue his focus on sustainability and stability, so that all programs and services of the township continued at a high level, even as the difficult tasks were being accomplished. It was observed that the success of Meridian Township government in the last year was reflective of the hard work and effectiveness of Manager Frank Walsh.

Ronald J. Styka, Supervisor  
On behalf of the Township Board

**Meridian Township**  
**ANNUAL PERFORMANCE REVIEW**  
**2019**

Employee: Frank L. Walsh

Date: December 2019

Title: Township Manager

Evaluated By: Township Board

*Please rate the Manager's performance in the following key areas:*

**1. CUSTOMER SERVICE: Responds in a timely, courteous and effective manner to the hundreds of annual calls for service received from Meridian Township residents.**

Unacceptable     Needs Improvement     Meets Expectations     Exceeds Expectations     Excellent

Comments:

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**2. PLANNING/PROBLEM SOLVING: Anticipates and/or analyzes problem areas; researches and establishes alternative solutions; makes sound decisions; is skillful in conflict resolution.**

Unacceptable     Needs Improvement     Meets Expectations     Exceeds Expectations     Excellent

Comments:

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**3. INTERPERSONAL RELATIONS: Cooperates effectively with governing body, department heads, supervisors, unions, employee relations and/or the public; exhibits tact and sensitivity to the needs of others.**

Unacceptable     Needs Improvement     Meets Expectations     Exceeds Expectations     Excellent

Comments:

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**4. ORGANIZATION: Ability to arrange work and to respond to conflicting or changing priorities; ability to maintain orderliness of documentation and to assure effective functioning of Township government.**

Unacceptable     Needs Improvement     Meets Expectations     Exceeds Expectations     Excellent

Comments:

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**5. COMMUNICATION:** Ability to effectively communicate, in oral and written form, with governing body, department heads, supervisors, employees, media, other government leaders and/or the public; ability to keep others informed of pertinent information; ability to listen to the position of others.

Unacceptable     Needs Improvement     Meets Expectations     Exceeds Expectations     Excellent

Comments:

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**6. WORK ATTITUDES/ETHICS:** Is open and straight-forward; accepts responsibility; responds to direction of the governing body; conforms to high ethical standards.

Unacceptable     Needs Improvement     Meets Expectations     Exceeds Expectations     Excellent

Comments:

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**7. SUPERVISION/LEADERSHIP:** Ability to motivate others; effectively assigns work to others; encourages and affords the opportunity to employees to increase skills.

Unacceptable     Needs Improvement     Meets Expectations     Exceeds Expectations     Excellent

Comments:

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**8. FINANCIAL MANAGEMENT:** Accurately and effectively manages financial and material resources; maintains policies in purchasing procedures, materials replacement; equipment, etc. Prioritizes expenditures to reflect Board policies.

Unacceptable     Needs Improvement     Meets Expectations     Exceeds Expectations     Excellent

Comments:

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**9. TOWNSHIP GOALS AND ACCOMPLISHMENTS:** Has the ability to focus efforts to accomplish Township goals and needs as outlined by the Board, able to effectively work as a team player.

Unacceptable     Needs Improvement     Meets Expectations     Exceeds Expectations     Excellent

Comments:

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**10. OVERALL PERFORMANCE FOR 2016:**

Unacceptable     Needs Improvement     Meets Expectations     Exceeds Expectations     Excellent

Comments:

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**NARRATIVE COMMENTS:**

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**GOALS AND OBJECTIVES:**

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\_\_\_\_\_  
Township Board Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ronald J. Styka, Township Supervisor

\_\_\_\_\_  
Date



**To: Township Board**

**From: Mark Kieselbach, Director of Community Planning and Development**  
**Peter Menser, Principal Planner**

**Date: November 14, 2019**

**Re: Rezoning #19060 (Okemos Land Investment, LLC)**

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

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

The Planning Commission held the public hearing on the rezoning request at its October 14, 2019 meeting and voted to recommend approval at its October 28, 2019 meeting, citing the following reasons for its decision:

- The proposed rezoning to RAA is consistent with the R2 Residential 0.5 to 3.5 dwelling units per acre designation on the Future Land Use Map in the 2017 Master Plan.
- The proposed RAA zoning is consistent with the zoning of adjacent Champion Woods and Woods of Heron Creek developments to the east.
- The proposed PO zoning is consistent with adjacent nonresidential land uses along Bennett Road in the vicinity of the subject site such as the Schultz Vet Clinic, Bennett Road Elementary School and associated bus garage, 242 Community Church, and College Fields Golf Course.

**Rezoning #19060 (Okemos Land Investment, LLC)  
Township Board (November 19, 2019)  
Page 2**

- The proposed rezoning is consistent with Objective E of Goal 2 of the 2017 Master Plan to preserve greenbelts, open spaces, and natural areas and create pathways by encouraging the use of planned unit development or other suitable strategies for new residential developments.
- Public water and sanitary sewer are available for extension to serve the subject site.

Staff memorandums outlining the rezoning request and minutes from the Planning Commission meetings at which the request was discussed are provided for the Board's review.

**Township Board Options**

The Township Board may approve or deny the proposed rezoning from RR (Rural Residential), RAA (Single Family-Low Density), and RAAA (Single Family-Low Density) to RAA (Single Family-Low Density) and PO (Professional and Office) with conditions. If the Board amends the proposal the request may be referred back to the Planning Commission for a recommendation. A resolution will be provided at a future meeting.

**Attachments**

1. Staff memorandums dated October 9, 2019 and October 25, 2019 with attachments.
2. Resolution recommending approval from October 28, 2019 Planning Commission meeting.
3. Planning Commission minutes dated October 14, 2019 (public hearing) and October 28, 2019 (recommendation).
4. Communications received by Planning Commission.
5. Updated traffic analysis prepared by Traffic Engineering Associates, Inc. dated October 28, 2019.

G:\Community Planning & Development\Planning\REZONINGS (REZ)\2019\REZ 19060 (Bennett Road Holding LLC)\REZ 19060.tb3.docx



**To: Planning Commission**

**From: Peter Menser, Principal Planner**

**Date: October 9, 2019**

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

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

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

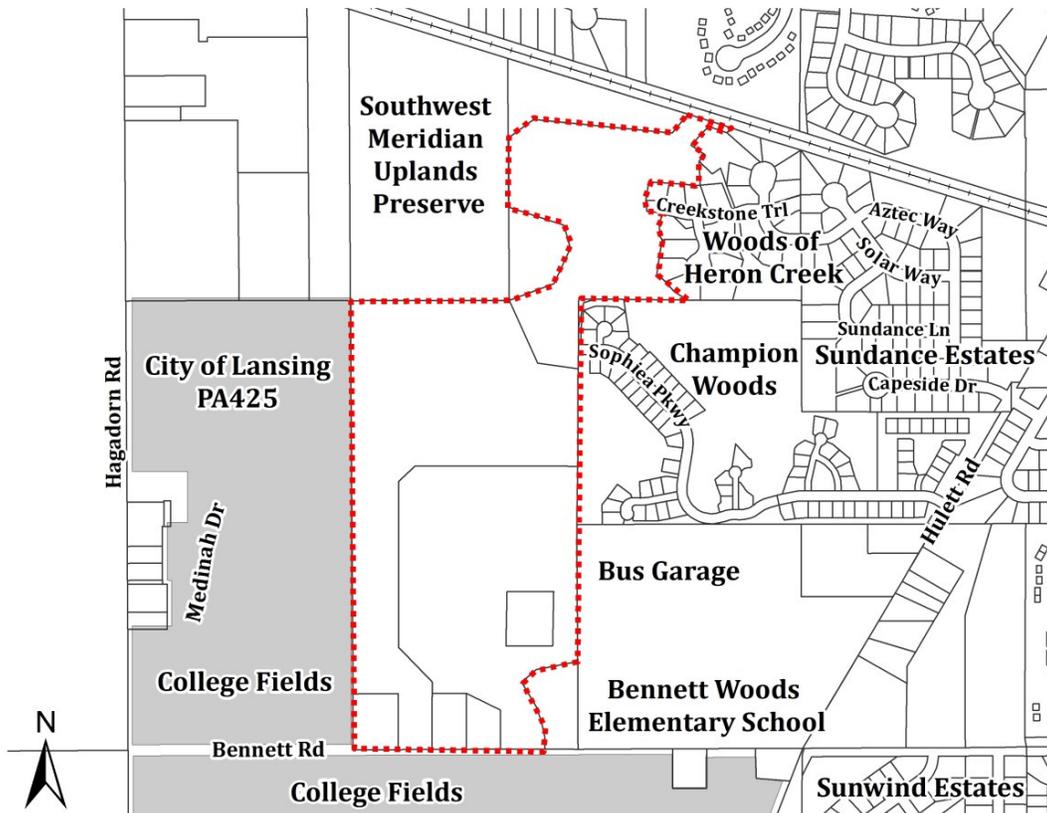
The Planning Commission originally held a public hearing on the request, which did not include the seven proposed conditions or three acres of PO zoning at the time, at its meeting on June 10, 2019 and voted to recommend denial on July 22, 2019. At its August 8, 2019 meeting the Township Board discussed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

**Rezoning #19060 (Okemos Land Investment LLC)**  
**Planning Commission (October 14, 2019)**  
**Page 2**

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

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

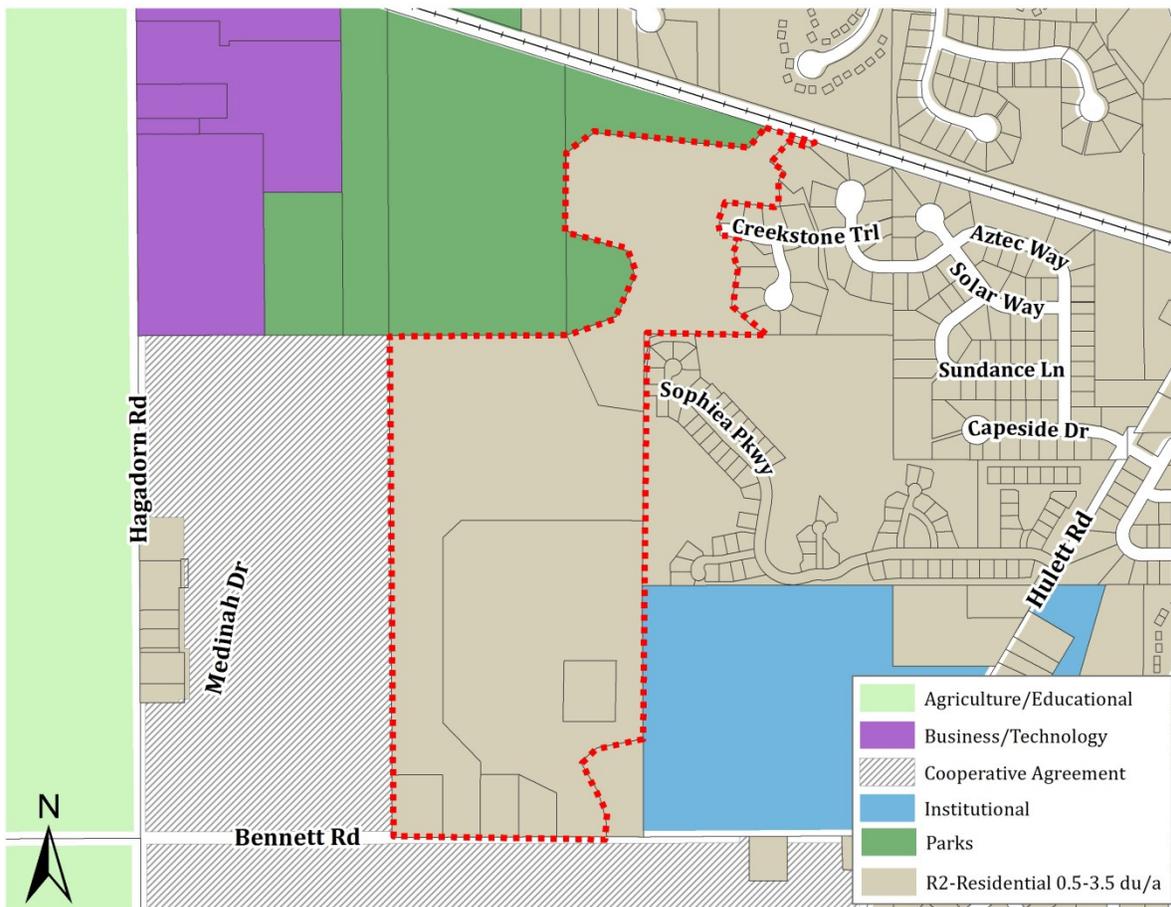
**LOCATION MAP**



### 2017 Master Plan

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

### 2017 FUTURE LAND USE MAP

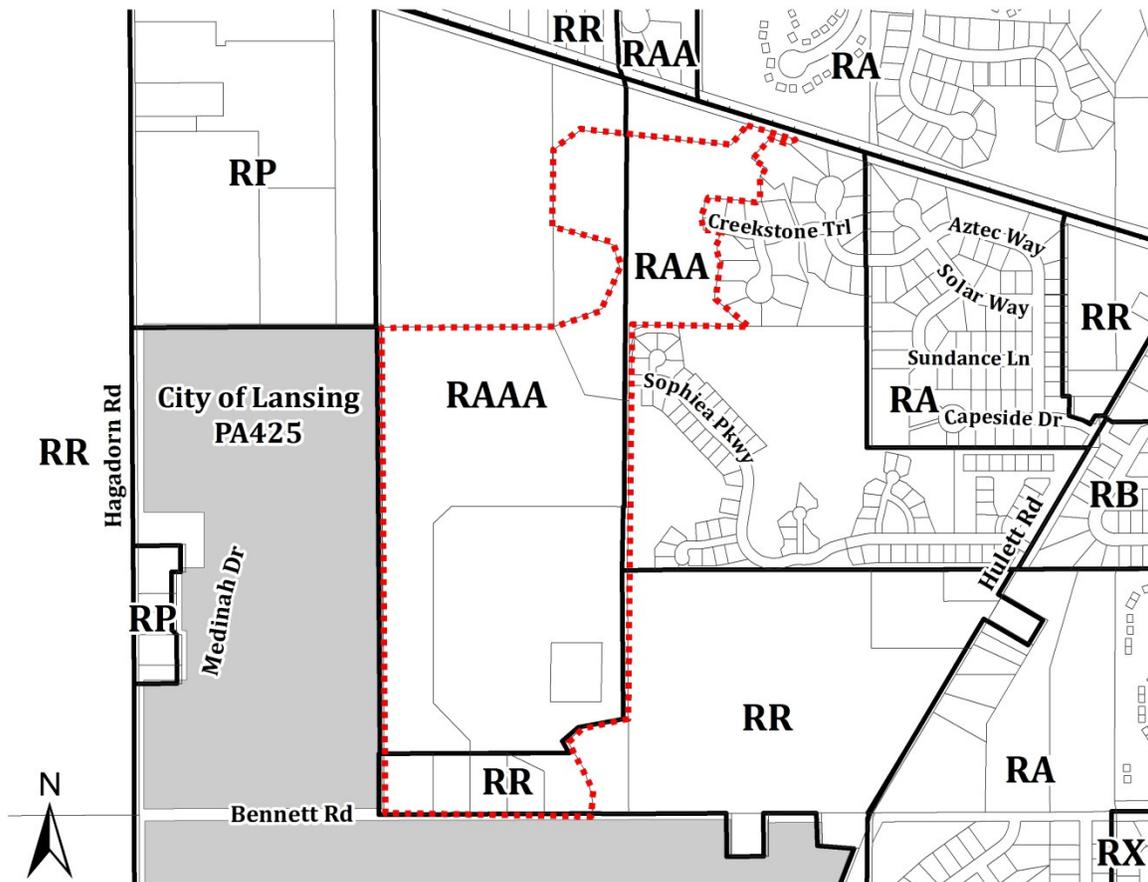


**Zoning**

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

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

**ZONING MAP**



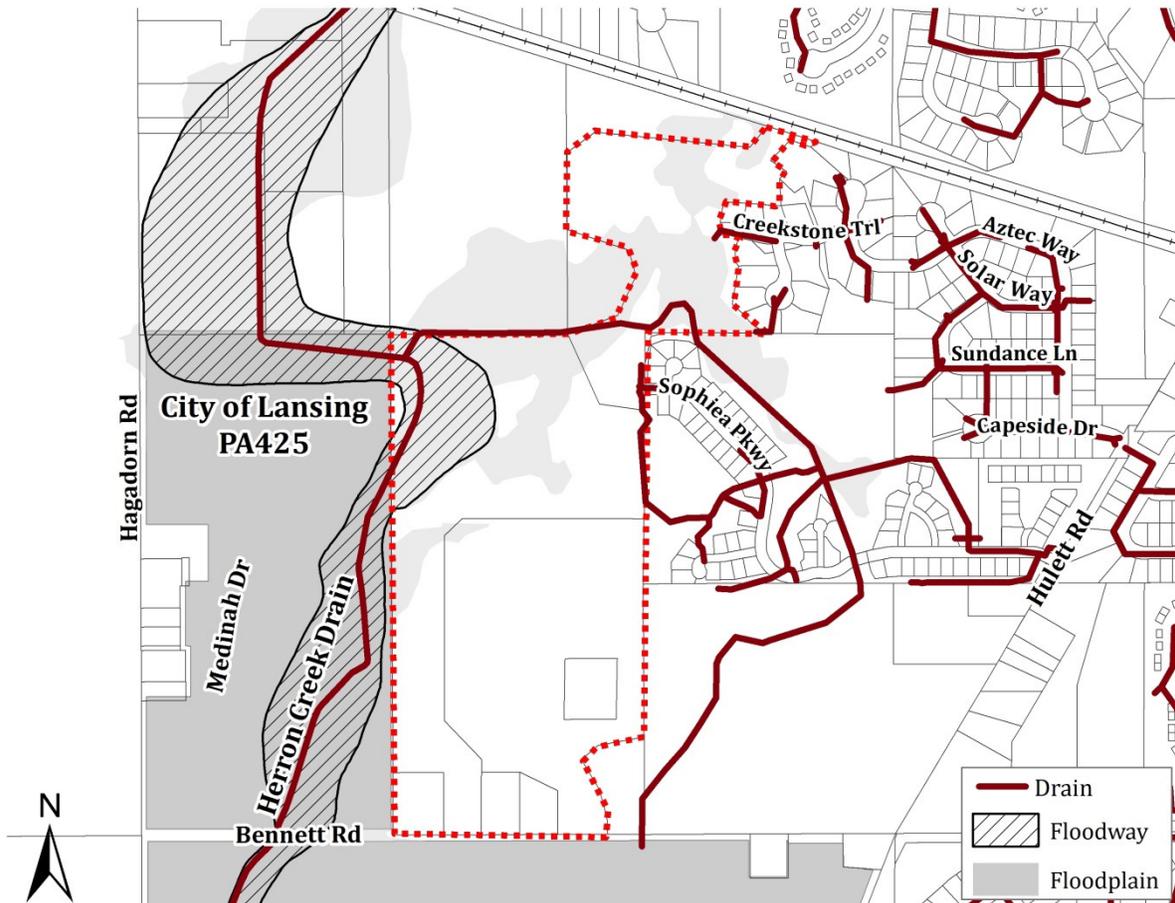
### Physical Features

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

### Floodplain

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

**FLOODPLAIN MAP**

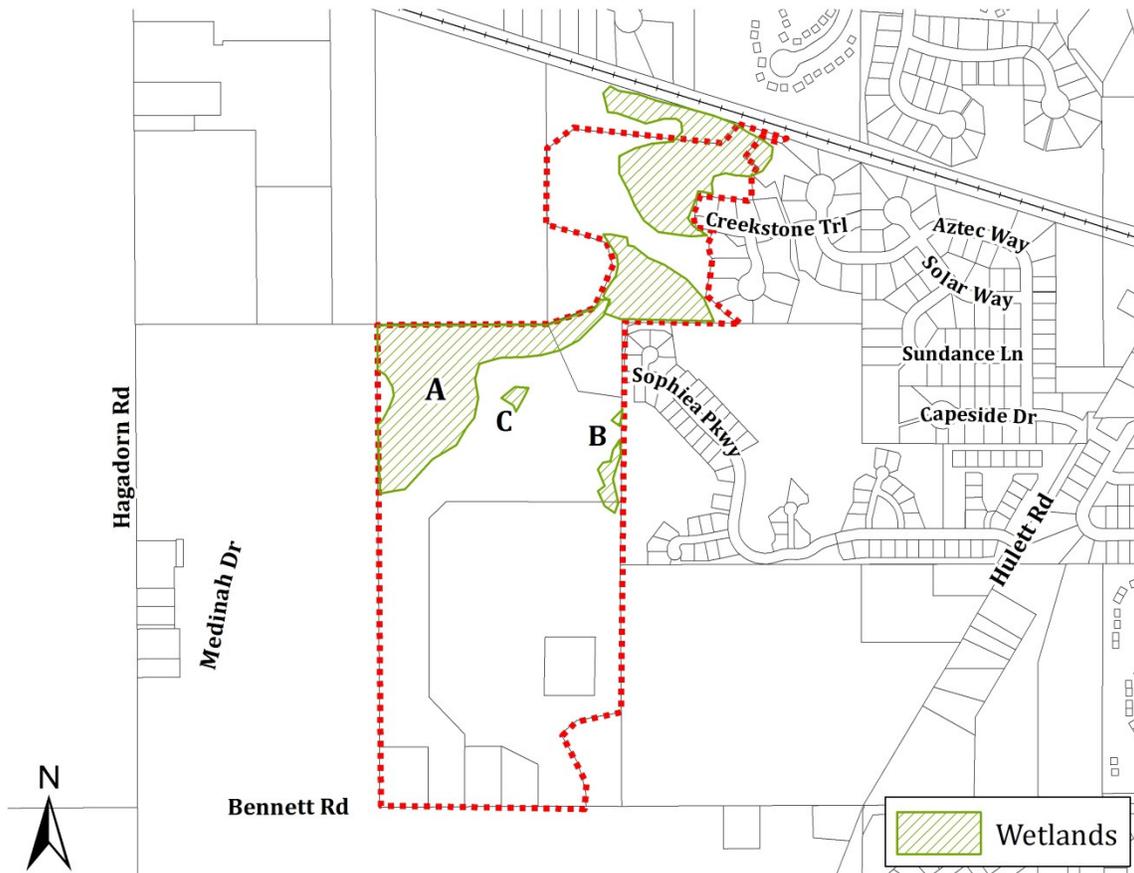


Wetlands

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

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

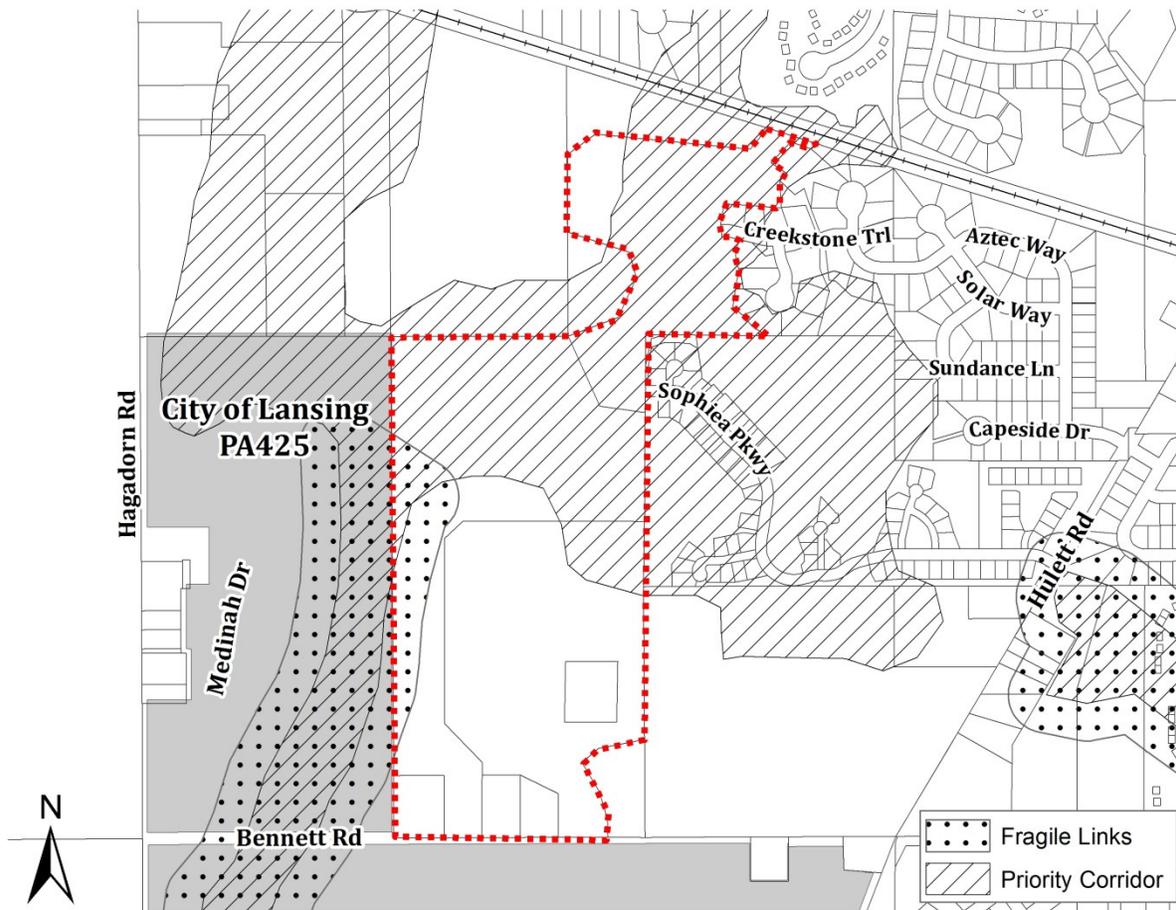
**WETLAND MAP**



### Greenspace Plan

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

### GREENSPACE MAP



**Streets & Traffic**

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

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

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

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

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

**Utilities**

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

### **Staff Analysis**

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

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

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

### **Planning Commission Options**

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

### **Attachments**

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

G:\Community Planning & Development\Planning\REZONINGS (REZ)\2019\REZ 19060 (Bennett Road Holding LLC)\REZ 19060.pc5.docx

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

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SEP 27 2019

REZONING APPLICATION

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

Part I

- A. Owner/Applicant: Okemos Land Investment LLC  
Address of applicant: 1650 Kendale Blvd. Suite 200, East Lansing, MI 48823  
Telephone: Work: 517-371-5000 Home \_\_\_\_\_  
Fax: 517-371-5001 Email: info@mayberryhomes.com  
If there are multiple owners, list names and addresses of each and indicate ownership interest. Attach additional sheets if necessary. If the applicant is not the current owner of the subject property, the applicant must provide a copy of a purchase agreement or instrument indicating the owner is aware of and in agreement with the requested action.
- B. Applicant's Representative, Architect, Engineer or Planner responsible for request:  
Name / Contact Person: Robert K. Schroeder  
Address: 1650 Kendale Blvd. Suite 200, East Lansing, MI 48823  
Telephone: Work: 517-371-5000 Fax: 517-371-5001 Email: bob@mayberryhomes.com
- C. Site address/location: North side of Bennett Road, between Hulett Road and Hagadorn Road  
Legal description (Attach additional sheets if necessary): Attached  
Parcel number: 33-02-02-29-300 (008;020;021;023;025;026); 33-02-02-29-251-009  
Site acreage: 96.93 acres
- D. Current zoning: RAAA & RR Requested zoning: RAA & PO with attached conditions
- E. The following support materials must be submitted with the application:
1. Nonrefundable fee.
  2. Evidence of fee or other ownership of the subject property.
  3. A rezoning traffic study prepared by a qualified traffic engineer based on the most current edition of the handbook entitled *Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities*, published by the State Department of Transportation, is required for the following requests:
    - a. Rezoning when the proposed district would permit uses that could generate more than 100 additional directional trips during the peak hour than the principal uses permitted under the current zoning.
    - b. Rezoning having direct access to a principal or minor arterial street, unless the uses in the proposed zoning district would generate fewer peak hour trips than uses in the existing zoning district.  
(Information pertaining to the contents of the rezoning traffic study will be available in the Department of Community Planning and Development.)
  4. Other information deemed necessary to evaluate the application as specified by the Director of Community Planning and Development.

Part II

REASONS FOR REZONING REQUEST

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

A. Reasons why the present zoning is unreasonable:

- 1) There is an error in the boundaries of the Zoning Map, specifically: \_\_\_\_\_
- 2) The conditions of the surrounding area have changed in the following respects: Current zoning on the subject property is inconsistent with the surrounding area. The properties to the east include RAA and School District property. The properties to the west and south are Golf Course and 425 City of Lansing. In 2005, the Champion Woods property was rezoned from RR to RAA. The Woods of Herron Creek property was rezoned from Industrial to RAA.
- 3) The current zoning is inconsistent with the Township’s Master Plan, explain: The Future Land Use Map from the 2017 Master Plan designates the parcels proposed for rezoning in the R-2 Residential 0.5-3.5 dwelling units per acre (du/a) category. Based on a preliminary yield plan. RAA zoning on the subject property would yield approximately 140 units, or 1.45 du/a. A preliminary yield plan based on current zoning yields approximately 89 units, or 0.92 du/a.
- 4) The Township did not follow the procedures that are required by Michigan laws, when adopting the Zoning Ordinance, specifically: \_\_\_\_\_
- 5) The Township did not have a reasonable basis to support the current zoning classification at the time it was adopted; and the zoning has exempted the following legitimate uses from the area: \_\_\_\_\_
- 6) The current zoning restrictions on the use of the property do not further the health safety or general welfare of the public, explain: Current zoning requires much larger lots which are very expensive to develop. Larger lots will drive home pricing higher, thus limiting the pool of available prospective purchasers to a more elitist profile. RAA zoning will allow for more affordable lots that will appeal to a broader range of the buying public including young families, dual-income couples without children, empty nesters, and retirees. Current zoning does not efficiently utilize the water and sewer capacity for this area. By default, this puts additional burden on other land within the Township to supply housing demand. The Okemos School District has expressed support for new development and is prepared for increased enrollment.

B. Reasons why the requested zoning is appropriate:

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

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

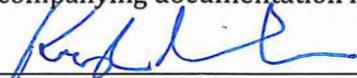
- 3) Requested rezoning would not result in significant adverse impacts on the natural environment, explain: Areas of the subject property currently impacted by wetlands and floodplains will be preserved. The watershed for the subject property is to the north and west, away from Champion Woods and the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

**Part III**

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

Yes  No (Please check one)

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

  
\_\_\_\_\_  
Signature of Applicant

9/18/2019  
Date

Robert K. Schroeder  
Type/Print Name

Fee: \$ 4,020

Received by/Date:  9.27.19

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SEP 27 2019

September 4, 2018

Attn: Meridian Township

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

**33-02-02-29-300-008**

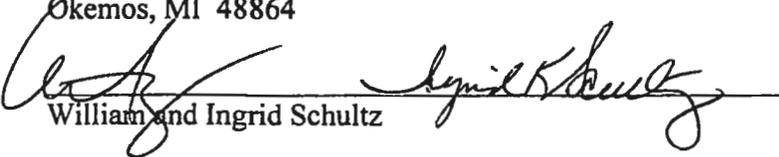
**33-02-02-29-300-020**

**33-02-02-29-300-021**

William & Ingrid Schultz

1280 Sebewaing

Okemos, MI 48864

  
\_\_\_\_\_  
William and Ingrid Schultz

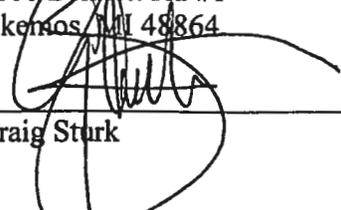
**33-02-02-29-251-009**

ICD Properties, LLC

Craig Sturk

2800 Bennett Rd #1

Okemos, MI 48864

  
\_\_\_\_\_  
Craig Sturk

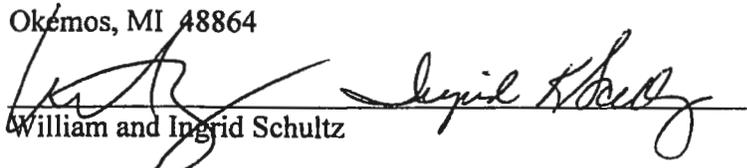
**33-02-02-29-300-023**

WI Properties LLC

William & Ingrid Schultz

2770 Bennett Rd

Okemos, MI 48864

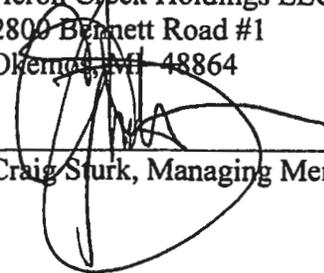
  
\_\_\_\_\_  
William and Ingrid Schultz

**33-02-02-29-300-026**

Heron Creek Holdings LLC

2800 Bennett Road #1

Okemos, MI 48864

  
\_\_\_\_\_  
Craig Sturk, Managing Member

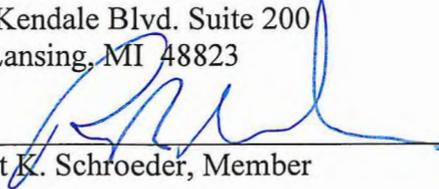
**33-02-02-29-300-025**

Okemos Land Investment LLC

Robert K. Schroeder

1650 Kendale Blvd. Suite 200

East Lansing, MI 48823



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Robert K. Schroeder, Member

**Acreage Summary**

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

There is ±5.29 acres being rezoned from RR to RAA

There is ±2.98 acres being rezoned from RR to PO

There is ±0.05 acre being rezoned from RAAA to PO

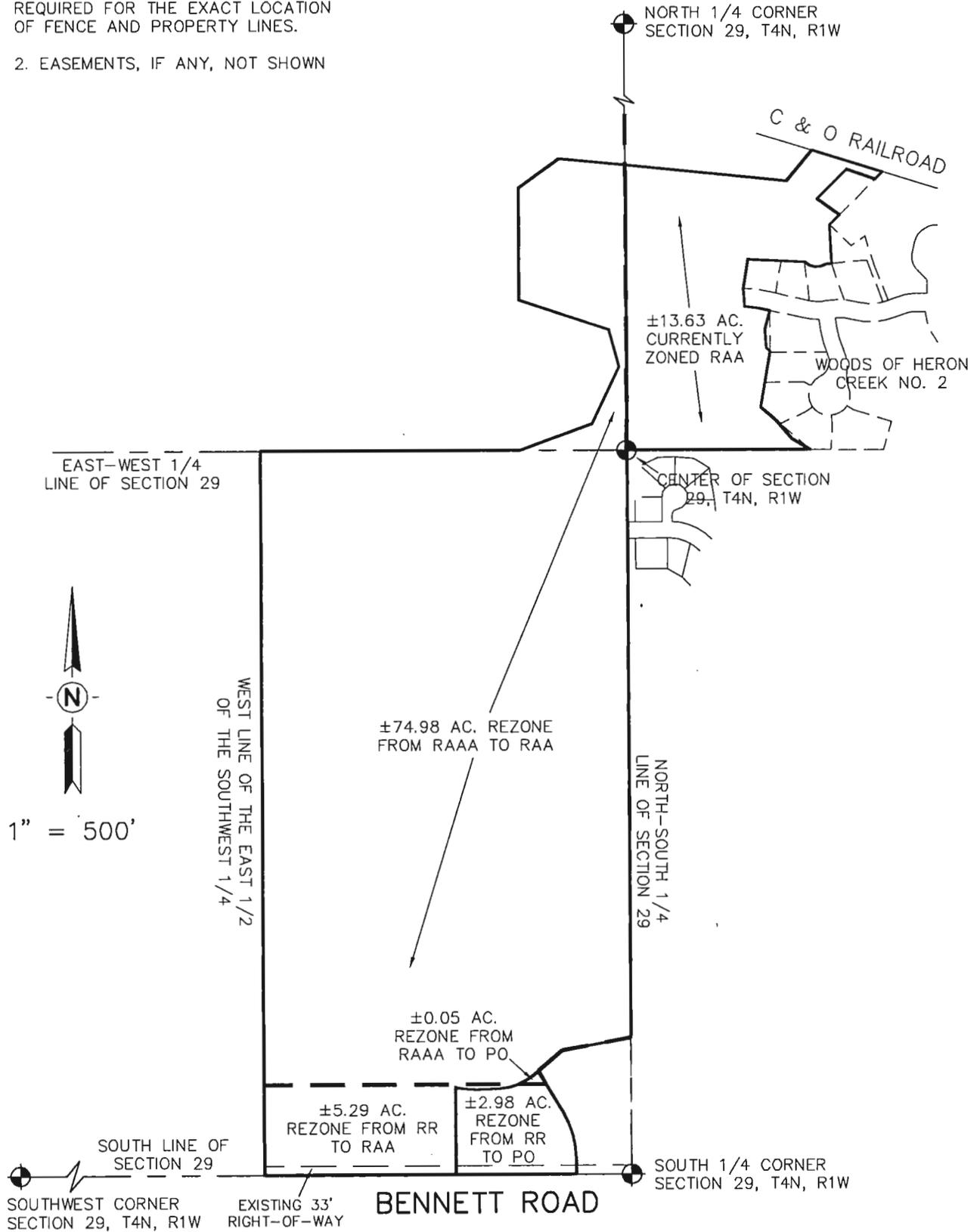
There is ±74.98 acres being rezoned from RAAA to RAA

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# REZONING SKETCH PLAN

**NOTES:**

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



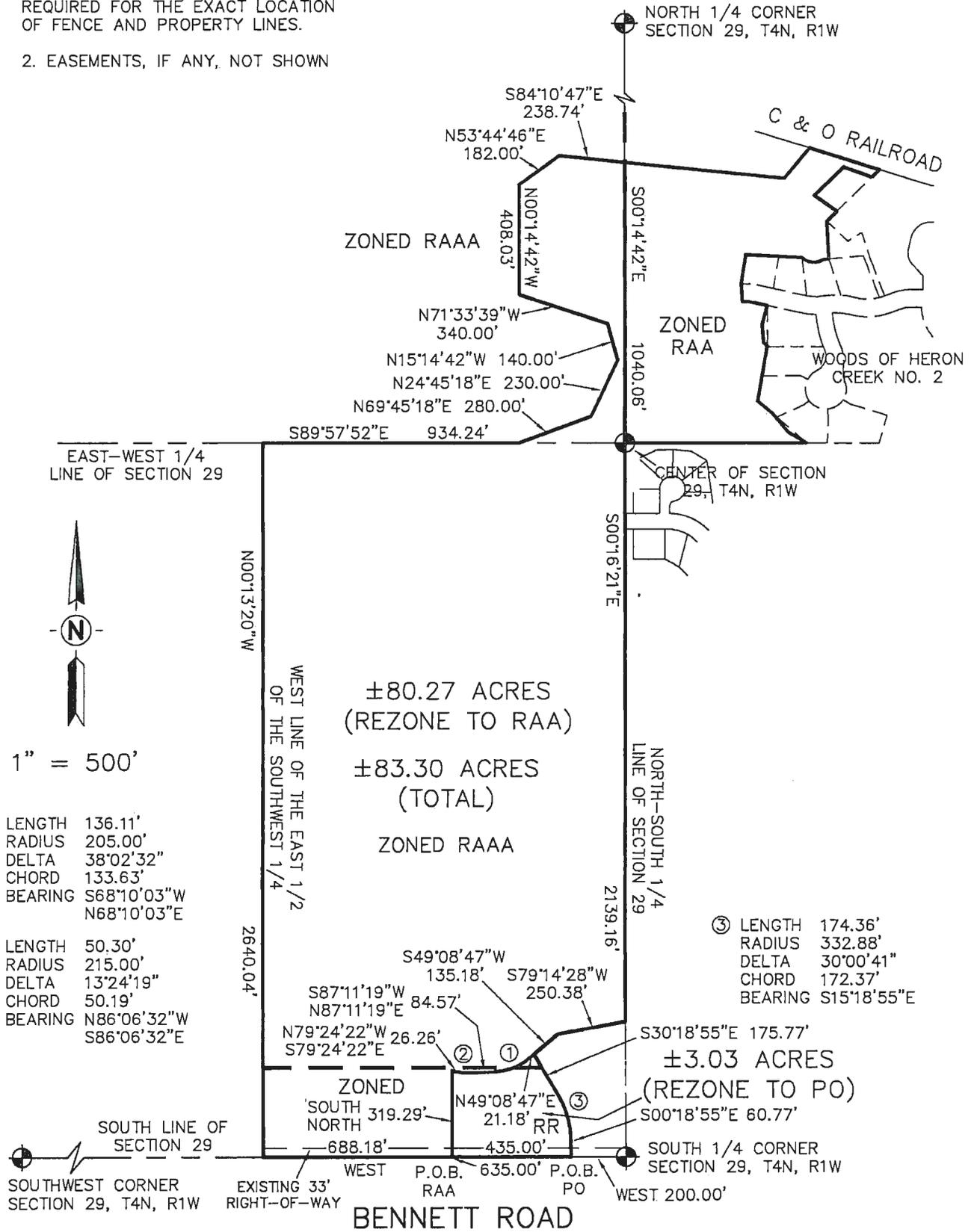
# REZONING SKETCH PLAN

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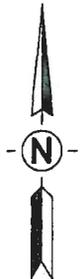
SEP 27 2019

**NOTES:**

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



EAST-WEST 1/4  
LINE OF SECTION 29



1" = 500'

- ① LENGTH 136.11'  
RADIUS 205.00'  
DELTA 38°02'32"  
CHORD 133.63'  
BEARING S68°10'03"W  
N68°10'03"E
- ② LENGTH 50.30'  
RADIUS 215.00'  
DELTA 13°24'19"  
CHORD 50.19'  
BEARING N86°06'32"W  
S86°06'32"E

- ③ LENGTH 174.36'  
RADIUS 332.88'  
DELTA 30°00'41"  
CHORD 172.37'  
BEARING S15°18'55"E

SOUTH LINE OF  
SECTION 29  
SOUTHWEST CORNER  
SECTION 29, T4N, R1W

EXISTING 33'  
RIGHT-OF-WAY

BENNETT ROAD

SOUTH 1/4 CORNER  
SECTION 29, T4N, R1W  
WEST 200.00'

±80.27 ACRES  
(REZONE TO RAA)

±83.30 ACRES  
(TOTAL)

ZONED RAAA

±3.03 ACRES  
(REZONE TO PO)

RR

P.O.B. RAA

P.O.B. PO

NORTH 1/4 CORNER  
SECTION 29, T4N, R1W

C & O RAILROAD

WOODS OF HERON  
CREEK NO. 2

CENTER OF SECTION  
29, T4N, R1W

N00°13'20"W

WEST LINE OF THE EAST 1/2  
OF THE SOUTHWEST 1/4

2640.04'

S00°16'21"E

2139.16'

NORTH-SOUTH 1/4  
LINE OF SECTION 29

S84°10'47"E  
238.74'

N53°44'46"E  
182.00'

N00°14'42"W  
408.03'

N71°33'39"W  
340.00'

N15°14'42"W 140.00'

N24°45'18"E 230.00'

N69°45'18"E 280.00'

S89°57'52"E 934.24'

S00°14'42"E  
1040.06'

S49°08'47"W  
135.18'

S79°14'28"W  
250.38'

S87°11'19"W  
N87°11'19"E 84.57'

N79°24'22"W 26.26'  
S79°24'22"E

S30°18'55"E 175.77'

ZONED  
SOUTH 319.29'  
NORTH

N49°08'47"E  
21.18'

S00°18'55"E 60.77'

WEST 688.18'

WEST 435.00'

WEST 635.00'

WEST 200.00'

## REZONING SKETCH PLAN

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

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

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

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SEP 27 2019

Conditions for Rezoning  
Silverleaf (Bennett Road)

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



Robert K. Schroeder  
President  
Mayberry Homes, LLC

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OCT 11 2019

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**Updated**

**TRAFFIC ASSESSMENT**

**For the**

**Proposed Rezoning of**

**96.74 Acres on Bennett Road**

**Meridian Charter Township, Ingham County, MI**

**September 2019**

**Prepared by:**

**Traffic Engineering  
Associates, Inc.**

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

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## PROJECT DESCRIPTION

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

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

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

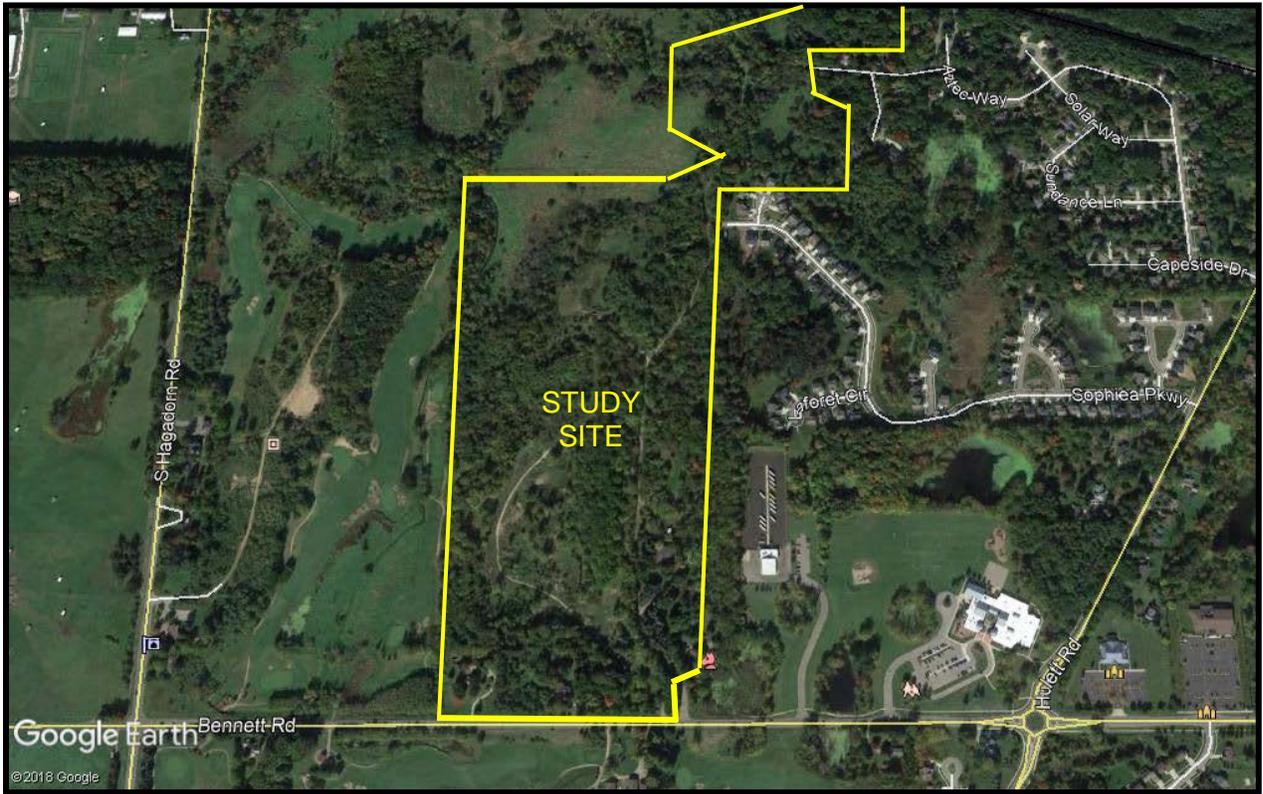
For comparison purposes, the trip generation for the existing zoning was based on the most appropriate trip generator that Meridian Township will allow under the One-Family Low-Density Residential (RAAA) zoning, One-Family/Low-Density Residential (RAA) and One-Family Rural Residential (RR). The trip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

The traffic analysis consists of the following items:

- Comparison of the proposed trips generated by the existing residential zoning to the proposed residential zoning.
- Discussion of any potential sight distance issues.

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





**Aerial Photo**



## EXISTING CONDITIONS

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

## LAND USE

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

## TRAFFIC GENERATION

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

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

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

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

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

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

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



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

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

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

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



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

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



## FINDINGS

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

## SIGHT DISTANCE

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

## CONCLUSIONS

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

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





**Part II**

**REASONS FOR REZONING REQUEST**

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

A. Reasons why the present zoning is unreasonable:

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

B. Reasons why the requested zoning is appropriate:

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



**To: Planning Commission**

**From: Peter Menser, Principal Planner**

**Date: October 25, 2019**

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

---

The Planning Commission held the public hearing for Rezoning #19060 at its meeting on October 14, 2019. Based on direction from the Planning Commission at the meeting, staff has prepared a resolution to recommend approval of the requested rezoning for consideration.

At the request of the Planning Commission the applicant has engaged a traffic engineer to update the traffic assessment to provide a more realistic estimate of the traffic generation for both existing conditions and if the property were rezoned to RAA and PO. As of the time of publication of the Planning Commission meeting packet the updated assessment has not yet been received. Staff expects to post the updated assessment on the Township website and circulate it to Planning Commissioners upon receipt on Monday, October 28, 2019.

### **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 to recommend approval of the requested rezoning is provided.

- **Move to adopt the resolution recommending approval of Rezoning #19060 with conditions.**

### **Attachment**

1. Resolution to recommend approval.

G:\Community Planning & Development\Planning\REZONINGS (REZ)\2019\REZ 19060 (Bennett Road Holding LLC)\REZ 19060.pc6.docx

**RESOLUTION TO RECOMMEND APPROVAL  
Bennett Road, west of Hulett Road**

**Rezoning #19060  
Okemos Land Investments LLC**

**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 28th day of October, 2019, at 7:00 p.m., Local Time.

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

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

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

WHEREAS, Okemos Land Investment LLC requested the rezoning of 96 acres located on the north side of Bennett Road, west of Hulett Road from RR (Rural Residential), RAA (Single Family-Low Density), and RAAA (Single Family-Low Density) to RAA (Single Family-Low Density) and PO (Professional and Office) with conditions, which includes the following properties: 2862 Bennett Road (Parcel I.D. #29-30-008), 2824 Bennett Road (Parcel I.D. #29-300-020), 2806 Bennett Road (Parcel I.D. #29-300-021), 2800 Bennett Road (Parcel I.D. #29-300-026), Parcel I.D. #29-300-025, Parcel I.D. #29-300-023, and Parcel I.D. #29-251-009; and

WHEREAS, in a letter dated October 11, 2019 the applicant offered the following seven voluntary conditions on the rezoning: 1) 93 acres of RAA zoning is to be a PUD. Three acres are to be zoned PO. 2) Maximum of 150 single family detached homes. 3) No vehicular connection to Champion Woods or Woods of Heron Creek for perpetuity. An emergency only access will connect Silverleaf to Sophiea Parkway in Champion Woods. This will be a 20' asphalt pathway with bollards to prevent normal vehicular traffic. 4) A 75' minimum distance between homes in Champion Woods and homes in Silverleaf. 5) The northern approximately 20 acres to be dedicated as open space to Meridian Township. 6) A 3-acre site will be zoned P.O. No apartments will be built in the P.O. zoned site. This will be on Bennett Road at the southeast corner of the property abutting the Schultz Veterinary Clinic. 7) The storm drainage will be designed to avoid impact on Champion Woods and Woods of Heron Creek. Mayberry Homes will cooperate with the resolution of the existing drainage issues with Champion Woods and Woods of Heron Creek; and

WHEREAS, the Planning Commission held a public hearing at its regular meeting on October 14, 2019 and discussed the staff material forwarded under cover memorandum dated October 9, 2019 and October 25; and

WHEREAS, the proposed rezoning to RAA is consistent with the R2 Residential 0.5 to 3.5 dwelling units per acre designation on the Future Land Use Map in the 2017 Master Plan; and

WHEREAS, the proposed RAA zoning is consistent with the zoning of adjacent Champion Woods and Woods of Heron Creek developments to the east; and

**Resolution to Recommend Approval  
Rezoning #19060 (Okemos Land Investment LLC)  
Page 2**

WHEREAS, the proposed PO zoning is consistent with adjacent nonresidential land uses along Bennett Road in the vicinity of the subject site such as the Schultz Vet Clinic, Bennett Road Elementary School and associated bus garage, 242 Community Church, and College Fields Golf Course; and

WHEREAS, the proposed rezoning is consistent with Objective E of Goal 2 of the 2017 Master Plan to preserve greenbelts, open spaces, and natural areas and create pathways by encouraging the use of planned unit development or other suitable strategies for new residential developments; and

WHEREAS, public water and sanitary sewer are available for extension to serve the subject site.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Rezoning #19060 to 96 acres located on the north side of Bennett Road, west of Hulett Road from RR (Rural Residential), RAA (Single Family-Medium Density), and RAAA (Single Family-Low Density) to RAA (Single Family-Low Density) and PO (Professional and Office) subject to the following conditions voluntarily offered by the applicant:

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

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

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

STATE OF MICHIGAN )

) ss

COUNTY OF INGHAM )

I, the undersigned, the duly qualified and acting Chair of the Planning Commission of the Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Planning Commission on the 28th day of October, 2019.

\_\_\_\_\_  
John Scott-Craig  
Planning Commission Chair

**RESOLUTION TO RECOMMEND APPROVAL  
Bennett Road, west of Hulett Road**

**Rezoning #19060  
Okemos Land Investments LLC**

**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 28th day of October, 2019, at 7:00 p.m., Local Time.

PRESENT: Chair Scott-Craig, Vice-Chair Lane, Commissioners Premoe, Trezise, Cordill, Shrewsbury, Hendrickson, Richards

ABSENT: None

The following resolution was offered by Commissioner Premoe and supported by Commissioner Trezise.

WHEREAS, Okemos Land Investment LLC requested the rezoning of 96 acres located on the north side of Bennett Road, west of Hulett Road from RR (Rural Residential), RAA (Single Family-Low Density), and RAAA (Single Family-Low Density) to RAA (Single Family-Low Density) and PO (Professional and Office) with conditions, which includes the following properties: 2862 Bennett Road (Parcel I.D. #29-30-008), 2824 Bennett Road (Parcel I.D. #29-300-020), 2806 Bennett Road (Parcel I.D. #29-300-021), 2800 Bennett Road (Parcel I.D. #29-300-026), Parcel I.D. #29-300-025, Parcel I.D. #29-300-023, and Parcel I.D. #29-251-009; and

WHEREAS, in a letter dated October 11, 2019 the applicant offered the following seven voluntary conditions on the rezoning: 1) 93 acres of RAA zoning is to be a PUD. Three acres are to be zoned PO. 2) Maximum of 150 single family detached homes. 3) No vehicular connection to Champion Woods or Woods of Heron Creek for perpetuity. An emergency only access will connect Silverleaf to Sophiea Parkway in Champion Woods. This will be a 20' asphalt pathway with bollards to prevent normal vehicular traffic. 4) A 75' minimum distance between homes in Champion Woods and homes in Silverleaf. 5) The northern approximately 20 acres to be dedicated as open space to Meridian Township. 6) A 3-acre site will be zoned P.O. No apartments will be built in the P.O. zoned site. This will be on Bennett Road at the southeast corner of the property abutting the Schultz Veterinary Clinic. 7) The storm drainage will be designed to avoid impact on Champion Woods and Woods of Heron Creek. Mayberry Homes will cooperate with the resolution of the existing drainage issues with Champion Woods and Woods of Heron Creek; and

WHEREAS, the Planning Commission held a public hearing at its regular meeting on October 14, 2019 and discussed the staff material forwarded under cover memorandum dated October 9, 2019 and October 25, 2019; and

WHEREAS, the proposed rezoning to RAA is consistent with the R2 Residential 0.5 to 3.5 dwelling units per acre designation on the Future Land Use Map in the 2017 Master Plan; and

WHEREAS, the proposed RAA zoning is consistent with the zoning of adjacent Champion Woods and Woods of Heron Creek developments to the east; and



## 6. Public Hearings

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

Chair Scott-Craig opened the public hearing at 7:07 P.M.

Principal Planner Menser provided an overview of the rezoning proposal and then introduced Meridian Township Manager Frank Walsh to share additional comments regarding the history of the surrounding Champion Woods, Woods of Heron Creek and Sundance Estates area. He discussed the important issues raised by residents and what took place at the various meetings between Township staff, the neighborhoods, and the applicant during the past year. Mr. Walsh concluded by taking a moment to thank everyone who has participated in the process and said he was available to answer questions.

Applicant Bob Schroeder, 670 Aquila Drive, East Lansing, MI expressed appreciation to Frank Walsh for his communication and feedback with various groups as he worked through the mediation meetings recommended by the Township Board at their August 8, 2019 meeting.

### Public Comments:

1. Lynne Page, 3912 Raleigh Drive, spoke in opposition to Rezoning #19060.
2. Ashleigh New, 4139 Benca Circle, spoke in opposition to Rezoning #19060.
3. Dan McCole, Benham Way, spoke in opposition to Rezoning #19060.
4. Wei Li, 2565 Sophiea Parkway, spoke in opposition to Rezoning #19060.
5. Candy Parker, 4361 Aztec Way, spoke in support of Rezoning #19060
6. Steve Thomas, 2372 Sower Boulevard, spoke with appreciation for the mediation discussion process of Rezoning #19060 but would still prefer to have the area not developed.

### Planning Commission Discussion:

- The Schultz Veterinary Clinic is zoned RR, which allows vet clinics by Special Use Permit.
- The northern twenty acres would be donated to Meridian Township and used as open space in a future PUD, if it is approved by the Township Board.
- Belief that the traffic assessment is confusing and should be updated to better reflect trip generation from future development.
- The office for Mayberry Homes is currently in East Lansing but Mr. Schroeder has lived in Meridian Township for many years and would like to move the office to Meridian Township on the PO zoned property along Bennett Road.
- Concern was voiced from resident regarding the schools not being able to accommodate the proposed additional growth however Principal Planner Menser noted he has not received any additional communications from the Okemos School Board of Education.
- Concern the proposed zoning request for office space could be considered spot zoning.

A straw poll indicated the Planning Commission would be in favor of recommending approval of Rezoning #19060 (Okemos Land Investment LLC) at the next meeting.

Chair Scott-Craig closed the public hearing at 8:15 P.M.

## 5. Communications

Chair Scott-Craig noted fifteen communications were listed in the meeting packet and said hard copies of the communications received after the meeting packet was sent out were assembled and distributed to the Planning Commission at their places on the dais prior to the meeting.

## 6. Public Hearings - None

## 7. Unfinished Business

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

Principal Planner Menser clarified the scope of the updated traffic analysis submitted by the applicant.

The Planning Commission shared concerns with the conditions as submitted by the applicant. Planning staff clarified that the conditions are as proposed and can either be accepted or rejected by the Planning Commission but not edited.

Meridian Township Manager Frank Walsh noted all seven of the voluntary conditions for the rezoning are tied together.

Motion by Commissioner Premoe to adopt the resolution recommending approval of Rezoning #19060 with conditions.

Supported by Commissioner Trezise.

ROLL CALL VOTE:

YEAS: Commissioners Premoe, Trezise, Cordill, Lane, Shrewsbury, Hendrickson, Richards and Scott-Craig.

NAYS: None

MOTION CARRIED: 8-0

Chair Scott-Craig thanked everyone again who participated in the process over the past year.

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

Motion by Commissioner Henderson to adopt the resolution to recommend denial of the Rezoning #19070.

Supported by Commissioner Cordill.

## Peter Menser

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**From:** Lynne Page <page.okemos@gmail.com>  
**Sent:** Tuesday, September 10, 2019 2:00 PM  
**To:** Frank Walsh  
**Cc:** Board; Planning Commission (DG)  
**Subject:** Mayberry Rezoning

Hello Frank,

Thank you for facilitating intensive discussion on this issue. Although the disclosure of potential conditions does not constitute a dialogue, I appreciate having the opportunity to consider Mayberry's preliminary development concept in advance, prior to their filing of a new rezoning application.

Here is my feedback on the draft proposal:

1. The wetlands on the entire property need to be delineated to support the required yield calculation.
2. The density is somewhat high. I am hopeful that the wetlands assessment will reduce the density to more acceptable levels.
3. The condition specifying the development of single-family, detached homes is optimal. Lot sizes and required setbacks need to be realistic and consistent to preserve public safety and property values.
4. The 20-acre natural area designated for future donation to Meridian Township is a huge positive, in terms of environmental impact and accessibility to the adjacent Township Land Preserve property.
5. The plan to maintain an unpaved emergency access road is necessary to address valid traffic concerns. However, the emergency access road easement and related maintenance responsibility should be transferred from Champion Woods HOA to Meridian Township. It's one thing to maintain such an easement on private property, but there is too much at stake once the property is made public. If there is a public benefit, all residents should be responsible for the safety and condition of the emergency access road/pathway.
6. The 3-acre parcel designated for PO zoning is problematic. This is definitely spot zoning, since the requested zoning is inconsistent with the Township's future Land Use Map and the zoning of the adjacent properties. The property appears to fall within Meridian Township's Commercial Medical Marijuana Overlay District #6, which raises concerns about the permitted future uses of the property. Also, PO zoning is often leveraged as transitional zoning for other land uses that may impact adjacent properties. Finally, the size of the designated PO parcel raises additional concerns about the possibility of a multi-story, multi-tenant building that could be detrimental to the nearby residential neighborhoods.
7. Obviously, drainage issues are a huge concern. The Township needs to ensure that all planned or potential development occurring within the drainage district is considered in context during the planning process.
8. Incremental changes requested during the development process need to be documented, publicly disclosed, discussed, and tracked. Allowing multiple "minor" changes often results in significant deviation from the approved, original plans.

I am encouraged by your willingness to consider possible amendment of the zoning ordinances and review process to facilitate a fair, transparent, and consistent rezoning process. Thank you for considering my input.

Sincerely,  
Lynne Page  
3912 Raleigh Drive  
Okemos, MI 48864



**Peter Menser**

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**From:** Yingxin Zhou <zhou0824@gmail.com>  
**Sent:** Friday, September 13, 2019 11:47 AM  
**To:** Board; Planning Commission (DG)  
**Cc:** Frank Walsh  
**Subject:** Mayberry rezoning density analysis 9-13-2019  
**Attachments:** Mayberry density analysis\_9-13-2019.pdf; Mayberry vs. Summer park realty.xlsx

Hello board and planning commission,

please see the attached for my analysis and an excel file that I shared with Frank before. Thank you very much!

Yingxin Zhou

Yingxin Zhou  
2565 Sophiea Pkwy  
Okemos, MI 48864

September 13, 2019

Re: Mayberry rezoning (Okemos Land Investment LLC)

Dear Meridian Township Board and Planning Commission,

I'd like to share my analysis on Mayberry development at Hagadorn & Bennett road in terms of zoning and density. I shared it with our Township Manager Mr. Frank Walsh before and will greatly appreciate it if you could give it consideration. **If rezoning #16060 Summer park realty is a guidance, the cap on units for Mayberry development should be in mid 130s while keeping the EXISTING zoning of RR and RAAA.**

**1. Precedent Rezoning #16060 Summer park realty**

Rezoning #16060 Summer park realty (Walnut hills) is a precedent that asked for rezoning 156 acres from RR to RAA. Another piece of 34 acres is already RAA. So the entire project site is 190 acres. After the township board denied the rezoning request in early 2017 the applicant sued the township and the parties went into a court ordered facilitating discussion. Per the consent judgment **311 units** will be allowed, while **262 units** are allowed under existing zoning before the agreement vs. **427 units** will be built should the entire site were to rezoned to RAA. Please see details below and detailed calculation in the attached excel file. Also the consent agreement **didn't change the existing zoning. The original RR and RAA stay the same.**

Through a facilitated discussion that lasted more than a year, the applicant only got 49 more units, which represents 29.7% of the difference between # of units allowed under proposed RAA and # of units allowed under existing zoning. And the 49 units represent 18.7% more units than what is allowed under existing zoning.

<b>Summer park realty</b>	262	# allowed under existing zoning
	311	# allowed per agreement
	427	# allowed under RAA
	165	diff between # allowed under RAA and existing zoning
	49	more # developer got than # allowed under existing zoning
<b>A</b>	29.7%	% more # divided by diff
<b>B</b>	18.7%	more # divided by # allowed under existing zoning

## 2. Mayberry development

If we use the compromise level made at Summer park realty on Mayberry rezoning, the number of units allowed will be 130 or 137 for PUD with 25% density bonus included and the applicant will need to stay with existing zoning of RR and RAAA.

<b>Mayberry</b>	92	# allowed under existing zoning	*
	115	# allowed under existing zoning with PUD density bonus	
	132	# allowed under RAA	*
	165	# allowed under RAA with PUD density bonus	
	50	# allowed between RAA and existing zoning	
	129.8	# allowed based on A	
	136.5	# allowed based on B	
* Provided by Mr. Bob Schroeder from Mayberry in the Aug 8, 2019 Township Board meeting.			

I'd like to emphasize that the facilitated discussion is about compromise. Based on the calculations above, the density for Mayberry development should be in mid 130s.

## 3. Dwelling units per acre

The original proposed density of 142 units matches Champion woods (CW)' 1.47 dwelling unit/acre for RAA with PUD. In my opinion the dwelling unit/acre for Mayberry development should be lower than 1.47 since the physical features of the land at Mayberry site are quite different from those of the land at CW: there is very decent size of floodplain and floodway, and 20 acres wetlands at Mayberry's Vs. not much floodplain, and much less wetlands in CW.

The dwelling unit/acre for Summer park realty is a bit higher at 1.64 due to the facts that there are only 14.64 acres wetlands and no floodplain in the 190 acres land. So that land is supposed to yield more units per acre when compared to Mayberry project site.

### Summer park realty

262	# allowed under existing zoning
311	# allowed per agreement
427	# allowed under RAA
165	diff between # allowed under RAA and existing zoning
49	more # developer got than # allowed under existing zoning
<b>A</b>	29.7%
	% more # divided by diff
<b>B</b>	18.7%
	more # divided by # allowed under existing zoning

### Mayberry

92	# allowed under existing zoning	*
115	# allowed under existing zoning with PUD density bonus	
132	# allowed under RAA	*
165	# allowed under RAA with PUD density bonus	
50	# allowed between RAA and existing zoning	
129.8	# allowed based on <b>A</b>	
136.5	# allowed based on <b>B</b>	

\* Provided by Mr. Bob Schroeder from Mayberry in the Aug 8, 2019 Township Board meeting.

Yingxin Zhou  
2565 Sophiea Pkwy  
Okemos, MI 48864

September 13, 2019

Re: Mayberry rezoning (Okemos Land Investment LLC)

Mr. Frank Walsh, Meridian Township Manager  
Meridian Township Board  
Meridian Township Planning Commission

Dear Mr. Walsh, Board Members and Planning Commissioners,

First I'd like to thank Mr. Walsh for his great efforts on facilitating the discussion.

For the current proposal, I'm very concerned about the density and zoning, which is the core component of a rezoning application. In my opinion, the proposed development with 150 units at 1.6 dwelling units/acre is too dense for a sensitive parcel that has decent size of floodplain and 20 acres wetlands, leading to greater risk of flooding; The requested 3 acres PO zoning is inconsistent with the zoning of the adjacent properties and the township's future land use map.

The property is already zoned and can be developed under existing zoning. If the current proposal in terms of density is approved, it will be a very bad guidance for future developments in the township. Please consider reduce the density to more acceptable levels and not allow PO zoning in R2-Residential Future Land Use Map designation.

**1. The Planning Commission denied the request for RAA by 6-2 vote on July 22, 2019**

First and foremost, I'd like to remind everyone that 1). The applicant didn't pay the application fee for rezoning #19060 that was submitted in Apr 2019. This is clearly in violation of the township's policies and procedures. 2). The Planning Commission has very good reasons to deny the request for RAA on July 22, 2019.

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

2.1. There is a precedent (Rezoning #16060 Summer park realty) and I shared my analysis with Mr. Walsh before. If we use the compromise level made at rezoning #16060 on Mayberry rezoning, the number of units allowed will be around 135 and the applicant will need to stay with existing zoning of RR and RAAA. The proposed RAA with 150 units **exceed the expected levels on both of zoning class and density (unit #)**.

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

College Fields, neighborhood south and west of the subject property: 1 du/a

Woods of Heron Creek, neighborhood directly east of the subject property: 1.27 du/a

Champion Woods (CW), neighborhood directly east of the subject property: 1.47 du/a

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

## **3. Physical features of the property**

Physical features of the property must be considered for zoning/density decisions. The original 142 units proposed by Mr. Walsh as of Aug 19, 2019 matches CW's 1.47 du/a for RAA with PUD. At 142 Mayberry development is already denser than CW on buildable land since the physical features of the land at Mayberry site are quite different from those of the land at CW: there is very decent size of floodplain and floodway, and 20 acres wetlands at Mayberry's Vs. not much floodplain, and much less wetlands in CW.

At current proposed 150 units with 1.6 du/a, the development will be much denser on buildable land than CW and Woods of Heron Creek. The dense development will put a lot of pressure on that sensitive land and lead to greater risk of flooding.

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

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

**5. The requested 3 acre PO zoning is spot zoning**

The requested 2.8 acres PO zoning doesn't fit in the area. It is inconsistent with the zoning of the adjacent properties and the R2- Residential Future Land Use Map. We're very concerned about the additional traffic the professional office under PO zoning will bring on Bennett road and the safety over the kids at Bennett Woods Elementary which is just 4~5 minutes walk away. Mayberry can build an office as part of the PUD development without rezoning to PO when the 75% occupancy rate is reached.

I will not be able to attend the meeting on Sep 17, 2019 due to my work schedule. Thank you very much for reading my letter and considering my input.

Sincerely,

Yingxin Zhou

**Peter Menser**

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**From:** Lynne Page <page.okemos@gmail.com>  
**Sent:** Tuesday, September 17, 2019 5:28 PM  
**To:** Board  
**Cc:** Planning Commision (DG); Frank Walsh  
**Subject:** Mayberry Rezoning Application Review-Due Diligence  
**Attachments:** Okemos Land Investment LLC\_33-02-02-29-300-025.pdf

To the Meridian Township Board:

1. Rezoning #19060 (Bennett Road Holding LLC) is listed on the 09.17.19 Board agenda as Action Item #12-A. According to Meridian Township's Rezoning Application form, the applicant must provide evidence of fee or other ownership of the subject property. Please be advised that, according to the the Township's assessing database, Bennett Road Holding LLC is not the current owner of the subject property #33-02-02-29-300-025. A copy of the Township's Assessing record is attached for your reference. The property was transferred to Okemos Land Investment LLC on 7/16/19, prior to the Planning Commission's action to recommend denial on 7/22/19. How can the validity of the Rezoning Application be determined without disclosure, documentation, and verification of ownership?

2. Meridian Township's Rezoning Application form states that " Parts 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." The multiple, incomplete Rezoning Application Forms submitted by Bennett Road Holding LLC should have been rejected by Township Planning staff. Other municipalities stipulate that "For an application to be considered complete, all requested information must be provided. If an item is not applicable to your application, please state "not applicable" and provide an explanation why it is not applicable."

3. Amendments by the applicant subsequent to acceptance by the Township should mandate a new Rezoning Application filing, together with the payment of a new application fee and the assignment of a new application number. Considering multiple rezoning scenarios without adhering to this procedure subverts the intent and purpose of the Township's zoning ordinances and the Michigan Zoning Enabling Act, and does not facilitate a fair, consistent, transparent process.

Since it's most recent Rezoning application submitted on 7/23/19 is no longer relevant, Mayberry should be required to submit a new Rezoning Application to Meridian Township's Community Planning & Development department, subject to review by the Planning Commission.

Sincerely,  
Lynne S. Page  
3912 Raleigh Drive  
Okemos, MI 48864

**BENNETT RD** OKEMOS, MI 48864 (Property Address)

Parcel Number: 33-02-02-29-300-025

**Property Owner:** OKEMOS LAND INVESTMENT LLC

**Summary Information**

- > Assessed Value: \$78,500 | Taxable Value: \$78,500
- > Property Tax information found
- > 1 Special Assessment found
- > 1 Building Department records found

Item 1 of 2    1 Image / 1 Sketch

**Parcel is Vacant**

**Owner and Taxpayer Information**

<b>Owner</b>	OKEMOS LAND INVESTMENT LLC 1650 KENDALE BLVD STE 200 EAST LANSING, MI 48823	<b>Taxpayer</b>	SEE OWNER INFORMATION
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**General Information for Tax Year 2019**

<b>Property Class</b>	COMMERCIAL VACANT	<b>Unit</b>	02 MERIDIAN TOWNSHIP
<b>School District</b>	OKEMOS	<b>Assessed Value</b>	\$78,500
<b>MG</b>	No Data to Display	<b>Taxable Value</b>	\$78,500
<b>APPRAISAL</b>	Not Available	<b>State Equalized Value</b>	\$78,500
<b>C. AREA</b>	Not Available	<b>Date of Last Name Change</b>	08/06/2019
<b>INFLUENCE</b>	Not Available	<b>Notes</b>	Not Available
<b>Historical District</b>	Not Available	<b>Census Block Group</b>	No Data to Display
<b>PROBLEMS</b>	Not Available	<b>Exemption</b>	No Data to Display

**Principal Residence Exemption Information**

**Homestead Date**    No Data to Display

Principal Residence Exemption		June 1st	Final
2020		0.0000 %	-
2019		0.0000 %	0.0000 %

**Previous Year Information**

Year	MBOR Assessed	Final SEV	Final Taxable
2018	\$78,500	\$78,500	\$78,500
2017	\$78,500	\$78,500	\$78,500
2016	\$78,500	\$78,500	\$78,500

**Land Information**

<b>Zoning Code</b>	RAAA	<b>Total Acres</b>	30.191
<b>Land Value</b>	\$157,000	<b>Land Improvements</b>	\$0
<b>Renaissance Zone</b>	No	<b>Renaissance Zone Expiration Date</b>	No Data to Display
<b>ECF Neighborhood</b>	2035 OKEMOS DOWNTOWN/HAGADORN /OUTLYING OFFICE	<b>Mortgage Code</b>	No Data to Display
<b>Lot Dimensions/Comments</b>	No Data to Display	<b>Neighborhood Enterprise Zone</b>	No

Lot(s)	Frontage	Depth
No lots found.		
<b>Total Frontage: 0.00 ft</b>		<b>Average Depth: 0.00 ft</b>

**Legal Description**

(M 29-15) PART OF E 1/2 OF SW 1/4 OF SEC 29 T4N R1W DESC AS: COM AT S 1/4 COR OF SEC 29 - W ALNG S SEC LN 200 FT TO POB - W 259.18 FT - N 00D 13'

20" W PLL WITH W 1/8 LN OF SEC 230 FT - N 63D 28' 47" W 223.95 FT - W 200 FT - N 00D 13' 20" W 50 FT - N 45D 06' 39" W 283.39 FT - N 00D 13' 20" W 973.57 FT - N 45 D 02' 06" E 134.42 FT - S 89 D 57' 54" E 962.26 FT TO NS 1/4 LN - S 00D 16' 21" E ALNG NS 1/4 LN 1147.98 FT - S 79D 14' 28" W 250.38 FT - S 49D 08' 47" W 114 FT - S 30D 18' 55" E 175.77 FT - ALNG CURVE TO RT 174.36 FT, RAD OF 333 FT, CHD BRG S 15D 18' 55" E 172.37 FT - S 00D 18' 55" E 60.77FT TO POB EXC COM AT S 1/4 COR OF SEC 29 - W 200 FT ALNG S SEC LN - N 19D 46' 54" W 259.83 FT - N 40D 01' 43" W 147.79 FT - N 19D 32' 36" W 143.97 FT - N 00D 56' 32" E 112 FT TO POB - N 00D 56' 32" E 320 FT - E 275 FT - S 00D 56' 32" W 320 FT - W 275 FT TO POB 30.191 A

### Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page	Comments
07/16/2019	\$1.00	QC	BENNETT ROAD HOLDING LLC	OKEMOS LAND INVESTMENT LLC	NOT USED ECF	2019-024479	
08/21/2014	\$1.00	QC	EL HOLDING CO LLC	BENNETT ROAD HOLDING LLC	NOT USED ECF	2014-033591	
10/31/2013	\$213,492.00	WD	ICD PROPERTIES LLC	EL HOLDING CO LLC	LAND ONLY	2013-051852	SALE \$ FROM PTA
01/22/2008	\$1.00	WD	GTC INVESTMENTS CO	ICD PROPERTIES LLC	NOT USED ECF		

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## Peter Menser

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**From:** Yingxin Zhou <zhou0824@gmail.com>  
**Sent:** Thursday, September 19, 2019 1:34 PM  
**To:** Frank Walsh; Board  
**Cc:** Peter Menser; Mark Kieselbach; Planning Commission (DG)  
**Subject:** Mayberry rezoning yield rate

Hello Frank and Board members,

I watched the 9/17/19 board meeting online. In the meeting Clerk Dreyfus asked a very good question: how many units could the developer build by rights under existing zoning?

Mr. Bob Schreoder from Mayberry stated in the 8/8 board meeting that 92 units could be built under existing zoning and 132 units could be built under proposed RAA zoning. These numbers should not include the 25% density bonus for PUD. We asked for preliminary detailed yield plan calculation but couldn't get this information from the applicant.

Regards,

Yingxin Zhou

2565 Sophia Pkwy

Okemos, MI 48864

## Peter Menser

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**From:** Yingxin Zhou <zhou0824@gmail.com>  
**Sent:** Thursday, September 19, 2019 9:47 AM  
**To:** Frank Walsh  
**Cc:** Planning Commision (DG); Board; Peter Menser;  
<championwoodsokemos@gmail.com>; McCole, Daniel  
**Subject:** Re: Update from Board meeting

Hello Frank,

Thank you again for your great efforts on facilitating the discussions. We have the following concerns and would greatly appreciate it if you could consider them and convey them to Mayberry.

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

2. Many residents are concerned about the density of the development. Your original proposal as of Aug 19 is only 142 units for the entire 96.74 acres. Now it has gone up to 150 units for 93.74 acres without justification (the remaining 3 acres has been requested for PO zoning). After the 142 units proposal was released to the public, Mayberry offered to pave and maintain the emergency road from Sophiea Pkwy to Creekstone Trl that Champion Woods is partially obligated to IN RETURN OF an increase density from 142 units to 150 or 155 units and an office.

Surprisingly, from the all neighborhood meeting on Sep 5, we found out that Mayberry removed the condition of assuming the responsibility of paving and maintaining the emergency road from the the condition list, but is KEEPING the increased density to 150 units. Now the township is most likely to take over the ownership of the emergency road. It makes no sense for Mayberry to keep the increased density due to the negotiation on the emergency road and we strongly urge the applicant to go back to your original proposal of 142 units and start from there.

In my opinion, the ownership of the emergency road, no matter what the final decision will be on it, does not affect the density and zoning of a property applied for rezoning.

Thank you very much for your consideration!

Regards,  
Yingxin Zhou

On Wed, Sep 18, 2019 at 12:52 PM Frank Walsh <[walsh@meridian.mi.us](mailto:walsh@meridian.mi.us)> wrote:

Good afternoon,

There are two things I want to share with you today regarding the proposed rezoning. I appreciate the time many of you took last night to attend the Board meeting and listen to the Board's feedback.

The Board voted unanimously to send the rezoning request to the Planning Commission. The planners will take up the proposal on Monday, October 14 at 6 P.M. I will personally let you know if that date changes.

Also, we've heard and listened to your concerns regarding the opportunity Mayberry may have to convert the 3 acres to apartments. I think we could all agree that the likelihood of Mayberry, or a future owner, converting the stamp sized parcel to apartments is almost naught. However, there is the legal process to do so through a future Mixed Use Planned Unit Development (MUPUD), Given there is a speck of chance this could occur, I discussed our objections to Mayberry. I believe he is going to offer a further condition that the 3 acre site could not be converted to apartments in perpetuity.

I will let you know if this voluntary condition is offered. I'd be highly disappointed if Mayberry doesn't offer the condition. If you never plan to do something, memorialize your thoughts.

Frank

**"Be Somebody that Makes Everybody Feel Like Somebody."**



**Frank L. Walsh**

Township Manager

**A Prime Community** [walsh@meridian.mi.us](mailto:walsh@meridian.mi.us)

W 517.853.4258 | F 517.853.4251

5151 Marsh Road | Okemos, MI 48864

[meridian.mi.us](http://meridian.mi.us)

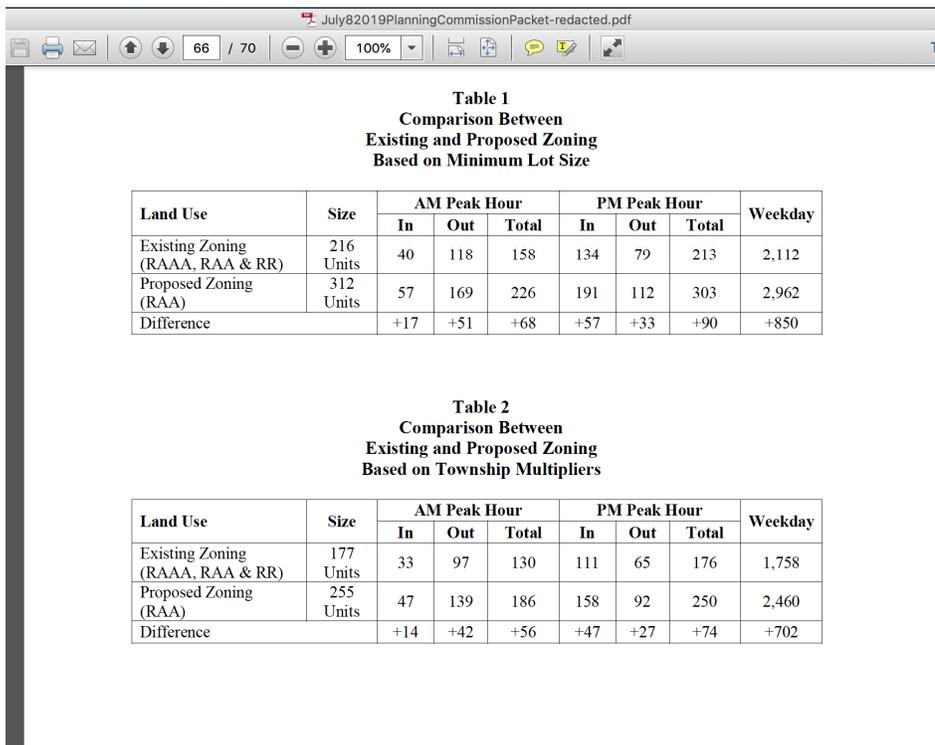
## Peter Menser

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

Hi, Peter,

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

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



The image shows a screenshot of a PDF document titled "July82019PlanningCommissionPacket-redacted.pdf". The document contains two tables, Table 1 and Table 2, comparing existing and proposed zoning based on different criteria.

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

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

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

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

Thank you very much for your consideration!

Yingxin Zhou

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

Yingxin,

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

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

-Peter



**Peter Menser**

Principal Planner

[menser@meridian.mi.us](mailto:menser@meridian.mi.us)

517.853.4576

5151 Marsh Road | Okemos, MI 48864

[meridian.mi.us](http://meridian.mi.us)

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

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

**To:** Frank Walsh; Peter Menser

**Cc:** <[championwoodsokemos@gmail.com](mailto:championwoodsokemos@gmail.com)>; McCole, Daniel

**Subject:** Re: FW: Bennett Road notices

Hi, Frank and Peter,

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

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

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

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

Regards,

Yingxin Zhou

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

Good afternoon,

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

Frank

The updated application materials are available for review on the Township website at the following address: [http://www.meridian.mi.us/government/at-your-fingertips/current-applications-before-meridian-township/-fsiteid-1/-folder-3165#docan5625\\_5975\\_1741](http://www.meridian.mi.us/government/at-your-fingertips/current-applications-before-meridian-township/-fsiteid-1/-folder-3165#docan5625_5975_1741).

**“Be Somebody that Makes Everybody Feel Like Somebody.”**



**Frank L. Walsh**

Township Manager

**A Prime Community**

[walsh@meridian.mi.us](mailto:walsh@meridian.mi.us)

W 517.853.4258 | F 517.853.4251

5151 Marsh Road | Okemos, MI 48864

[meridian.mi.us](http://meridian.mi.us)

**Peter Menser**

---

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

Dear Planning Commission Members,

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

Candy and Larry Parker

4361 Aztec way

Okemos, 48864

## Peter Menser

---

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

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

Pete Zawojski  
Bennett Village

Sent from my iPhone

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

Good afternoon,

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

Frank

The updated application materials are available for review on the Township website at the following address: [http://www.meridian.mi.us/government/at-your-fingertips/current-applications-before-meridian-township/-fsiteid-1/-folder-3165#docan5625\\_5975\\_1741](http://www.meridian.mi.us/government/at-your-fingertips/current-applications-before-meridian-township/-fsiteid-1/-folder-3165#docan5625_5975_1741).

**“Be Somebody that Makes Everybody Feel Like Somebody.”**

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

<mailing map and owner letter 2sided.pdf>

# RUNDQUIST

October 3, 2019

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

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

**VIA: email**

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

Dear Planning Commissioners,

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

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

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

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

**3634 EAST ARBUTUS | OKEMOS, MI 48864**

meridianrealestateinterests@comcast.net

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Mayberry Homes, LLC is an Incompatible Use with PO.**

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

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

**Dedication of the North 20 acres.**

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

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

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

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

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

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

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

**Economic impact to Township taxpayers.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Best Regards,



Jim Rundquist

attachments

B: 3381 P: 036 04/20/2010 02:52 PM  
2010-017170 WARRANTY DEED Receipt: 59177  
Curtis Meriel Jr., Ingham County, Michigan

Pages: 2

10  
A

2010-017170 Receipt # 59177  
04/20/2010 02:52 PM Form # 1456E  
Ingham County, Michigan Real Estate Transfer Tax  
County Tax \$173.25  
State Tax \$173.25

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

4-19-10  
Eric Schertzing, Ingham County Treasurer  
Sec. 135, Act 206, 1895 as amended

### WARRANTY DEED

(Unplatted Land)

**Drafted By:**  
Gary E. Sturk  
1895 Danbury Way  
Okemos, MI 48864

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

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

Recording Fee: \$18.00  
File Number: 484706

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

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

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

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

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

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

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

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

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

**Subject To:**

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

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

**If the property conveyed is unplatted, the following applies:**

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

Dated this March 31, 2010.



First American Title Insurance Company

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

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

Seller(s):

*Gary E. Sturk*  
Gary E. Sturk

*Trudy Sturk*  
Trudy Sturk

State of Michigan  
County of *Ingham*

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

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

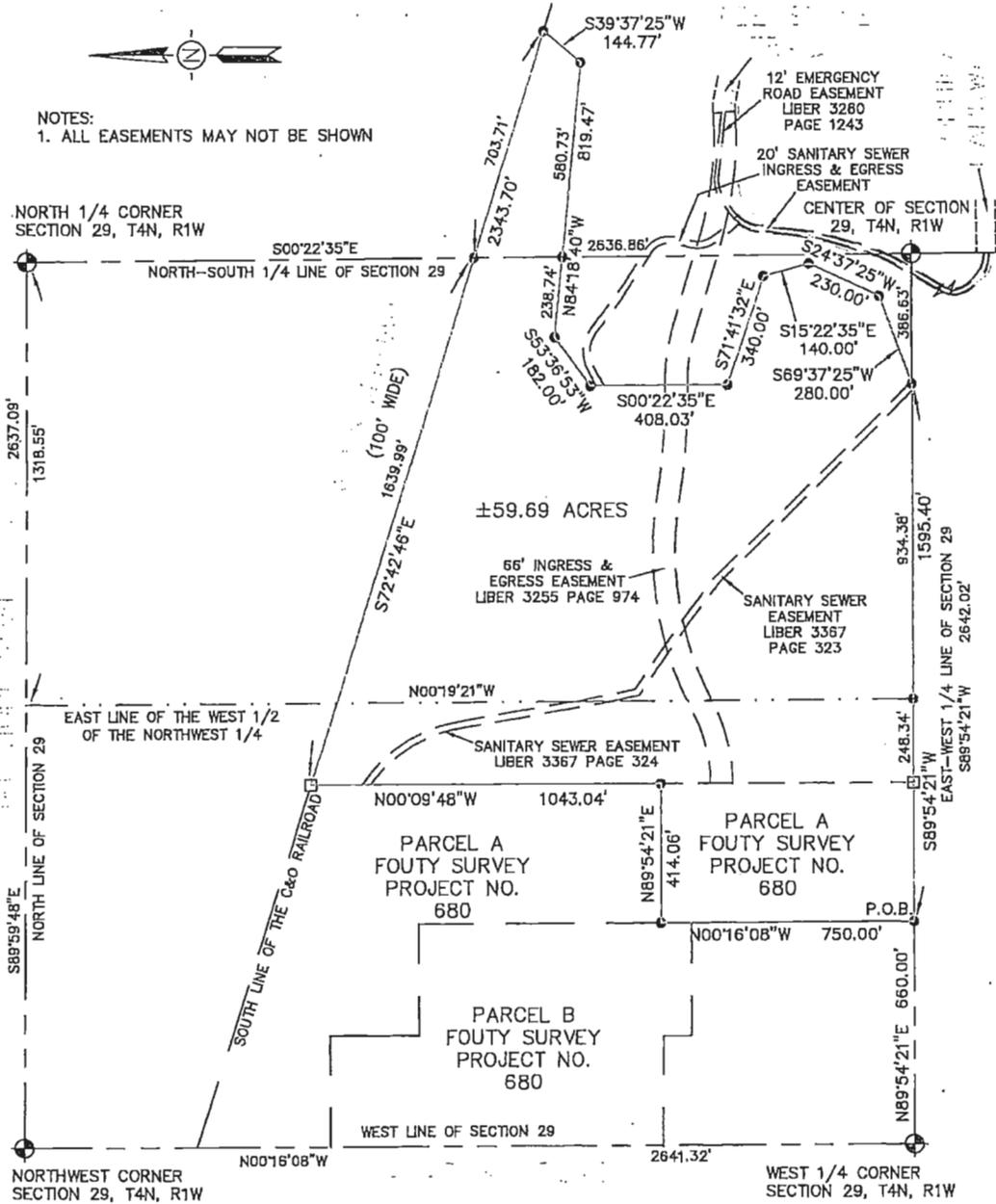
*Nicole K. Wing*  
Notary Public:  
Notary County/State: /  
County Acting In:  
Commission Expires:

# CERTIFIED BOUNDARY SURVEY

FOR: MERIDIAN CHARTER TOWNSHIP



NOTES:  
1. ALL EASEMENTS MAY NOT BE SHOWN



SCALE 1" = 400'



- =
- =
- =
- X—X— =
- 0.0'± =

**KEBS, INC.** KYES ENGINEERING  
BRYAN LAND SURVEYS

DRAWN BY	SECTION
FIELD WORK BY	JOB NUMBER:
SHEET OF	

# CERTIFIED BOUNDARY SURVEY

**CERTIFICATE OF SURVEY:**

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

(As provided)

- Warranty Deed, Liber 3380, Page 1067, Parcels 1 and 2, together with a non-exclusive easement for ingress and egress recorded in Liber 3255, Page 974
- Warranty Deed, Liber 3380, Page 656, together with a non-exclusive easement for ingress and egress recorded in Liber 3255, Page 974
- Warranty Deed, Liber 3381, Page 856

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

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

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

**WITNESSES TO SECTION CORNERS:**

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

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

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

<b>KEBS, INC.</b> KYES ENGINEERING BRYAN LAND SURVEYS	
DRAWN BY	SECTION
FIELD WORK BY	JOB NUMBER:
SHEET      OF	



# CERTIFIED BOUNDARY SURVEY

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

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

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

Dane B. Pascoe                      Date:  
Professional Surveyor No. 54434

<b>KEBS, INC.</b> KYES ENGINEERING BRYAN LAND SURVEYS	
DRAWN BY	SECTION
FIELD WORK BY	JOB NUMBER:
SHEET      OF	

CONSENT TO REVISIONS TO EMERGENCY ROAD ACCESS AGREEMENT

MARCH 31

This Consent is given on ~~February~~ 30, 2010, by

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

to:

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

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

and

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



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

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

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

  
Gates to  
be  
removed

CONSENT TO REVISIONS TO EMERGENCY ROAD ACCESS AGREEMENT

MARCh 30  
This Consent is given on ~~February~~ 30, 2010, by

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

to:

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

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

and

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

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

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

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

**ROAD AGREEMENT AND GRANT OF EASEMENT** 

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

**RECITALS**

A. All of the real property described in and affected by this Agreement is located in Meridian Township, Ingham County, Michigan.

B. The Township is this day purchasing from ICD a parcel of real property depicted on *Exhibit 1* attached as "Parcel D1" ("**Acquired Parcel**") as part of its land preservation initiative.

The Acquired Parcel is described as follows:

**PARCEL D1**

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

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

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

PARCEL A

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

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

PARCEL B

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

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

PARCEL C

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

Section 1. Agreements Concerning the Emergency Access Road.



1.1 Grant of Easement by ICD to the Township. ICD hereby grants to the Township a non-exclusive easement on, over and across the following described real property for vehicular and pedestrian ingress to and egress from the Acquired Parcel and the Adjoining Acquired ~~Parcels ("Emergency Road Access Easement"):~~

EMERGENCY ROAD EASEMENT

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

PARCEL D2

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

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

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

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



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

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

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

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

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

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

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

Section 2. Agreements Concerning the Sanitary Sewer Access Road.



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

SANITARY SEWER INGRESS AND EGRESS EASEMENT

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

PARCEL D2

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

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

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

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

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

("Sanitary Sewer Access Easement").

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

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

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

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

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

Section 3. Release of the 66 Foot Easement



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

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

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

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

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

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

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

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

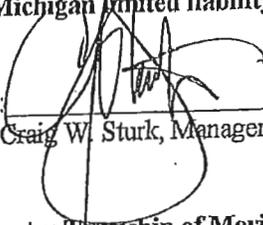
Section 8. Captions. The captions preceding the text of each paragraph are included only for convenience of reference. Capitalized terms are also selected only for convenience of reference and do not necessarily have any connection to the meaning that might otherwise be attached to such term in a context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

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

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

Executed as of the date first written above.

**ICD Properties, LLC**  
a Michigan limited liability company

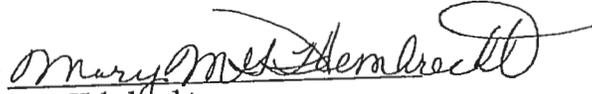
By: 

Craig W. Sturk, Manager

**Charter Township of Meridian**  
a Michigan charter township

By: 

Susan McGillicuddy  
Its Supervisor

And: 

Mary Helmbyrecht  
Its Clerk

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

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

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

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

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

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B+C

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INGHAM COUNTY TREASURER'S CERTIFICATE  
I HEREBY CERTIFY that there are no TAX LIENS or TITLES  
held by the state or any individual against the within description, and  
all TAXES on same are paid for five years previous to the date of this  
instrument as appears by the records of this office except as stated.  
4-12-10 Eric Schertzling, Ingham County Treasurer  
deb Sec. 135, Act 206, 1893 as amended

2009 NOT EXAMINED

### WARRANTY DEED

Corporate  
(Unplatted Land)

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

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

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

Recording Fee: \$18.00	State Transfer Tax: \$7,121.25	Tax Parcel No.: 33-02-02-29-151-006,
File Number: 484715	County Transfer Tax: \$1,044.45	as to Parcel 1, 33-02-02-29-176-002,
		as to Parcel 2

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

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

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

(SEE ATTACHED EXHIBIT A)

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

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

**Subject To:**

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

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



First American Title Insurance Company

INGHAM COUNTY REGISTER OF DEEDS  
2010 APR 11 12 09 10  
2010 APR 11 12 09 10  
2010 APR 11 12 09 10

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

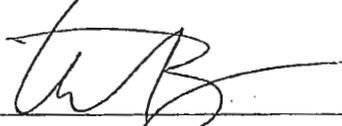
**If the property conveyed is unplatted, the following applies:**

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

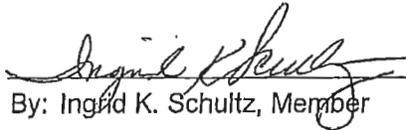
Dated this March 31, 2010.

**Seller(s):**

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

  
\_\_\_\_\_

By: William Schultz, Member

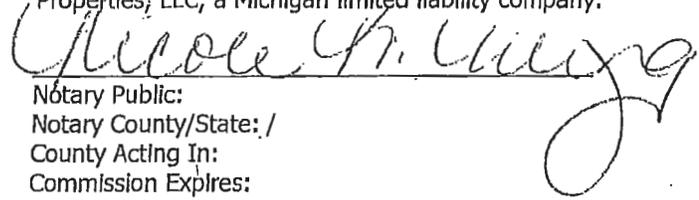
  
\_\_\_\_\_

By: Ingrid K. Schultz, Member

State of Michigan  
County of Ingham

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

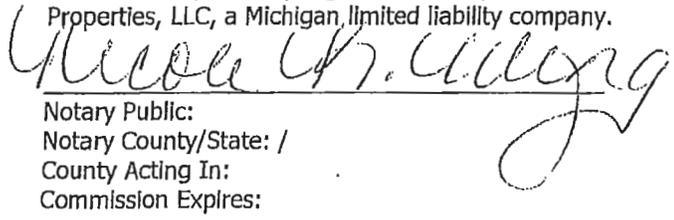
The foregoing Instrument was acknowledged before me this March 31, 2010 by William Schultz, Member of WI Properties, LLC, a Michigan limited liability company.

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

State of Michigan  
County of Ingham

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

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

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

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

## EXHIBIT A

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

### Parcel 1

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

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

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

### Parcel 2

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

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

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

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





# EASEMENT DESCRIPTION

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

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

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

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

CONTINUED ON SHEET 3

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



**BENCHMARK SURVEYING, LLC**

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

6/28/07

Date:

TW

Field work by:

MAY-JUNE, 2007

Date of field work:

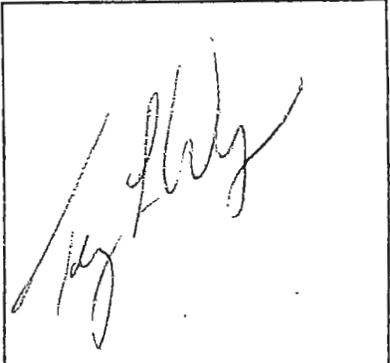
For: CRAIG STURK

Sheet 2 of 3

# EASEMENT DESCRIPTION

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

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



	<p><b>BENCHMARK SURVEYING, LLC</b>                  9851 MISSAUKEE LANE, HASLETT, MI 48840                  (517) 339-3228 * FAX (517) 339-3229</p>
For: CRAIG STURK	Sheet <u>3</u> of <u>3</u>
Location: SECTION 29, T4N, R1W MERIDIAN TWP INGHAM CO MI	

Date: <u>6/28/07</u>
TW
Field work by:
MAY-JUNE, 2007
Date of field work:
94-76EMERG-RD

Recorded:

B ? 80, p1243

~~5.3280 P.1243~~

GRANT OF EMERGENCY VEHICLE ACCESS EASEMENT  
AND  
MAINTENANCE AGREEMENT

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

**RECITALS**

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

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

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

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

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

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

### **AGREEMENT**

NOW, THEREFORE, IT IS AGREED:

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

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

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

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

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

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

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

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

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

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

claim of right from Champion.

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

**Heron Creek Holdings, LLC**

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

**ICD Properties, LLC,**

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

**Charter Township of Meridian**

Director of Public Service  
5151 Marsh Road  
Okemos, MI 48864

**Champion Woods, L.L.C.**

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

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

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

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

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

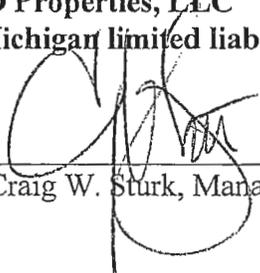
14. **Captions.** The captions preceding the text of each paragraph are included only for convenience of reference. Capitalized terms are also selected only for convenience of reference and do not necessarily have any connection to the meaning that might otherwise be attached to such term in a context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

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

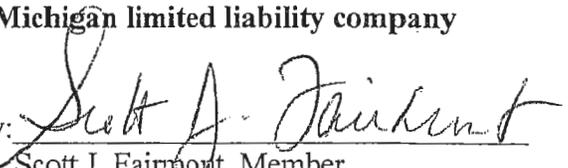
This conveyance is exempt from county and state transfer tax pursuant to MCL 207.505(e) and MCL 207.526(e).

Executed as of the date first written above.

**ICD Properties, LLC**  
a Michigan limited liability company

By:   
\_\_\_\_\_  
Craig W. Sturk, Manager

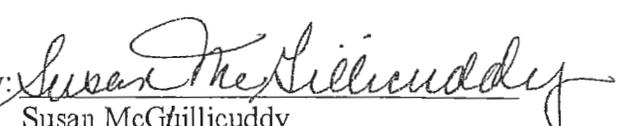
**CHAMPION WOODS, L.L.C.**  
a Michigan limited liability company

By:   
\_\_\_\_\_  
Scott J. Fairmont, Member

**Heron Creek Holdings, LLC**  
a Michigan limited liability company

By:   
\_\_\_\_\_  
Craig W. Sturk, Manager

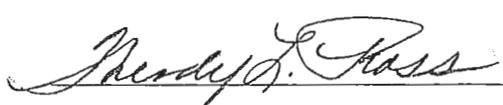
**Charter Township of Meridian**  
a Michigan charter township

By:   
\_\_\_\_\_  
Susan McGillicuddy  
Its Supervisor

And:   
\_\_\_\_\_  
Mary Helmrecht  
Its Clerk

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

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

  
\_\_\_\_\_

Notary Public  
\_\_\_\_\_ County, Michigan  
My Commission Expires: \_\_\_\_\_

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

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



Notary Public  
\_\_\_\_\_ County, Michigan  
My Commission Expires: \_\_\_\_\_

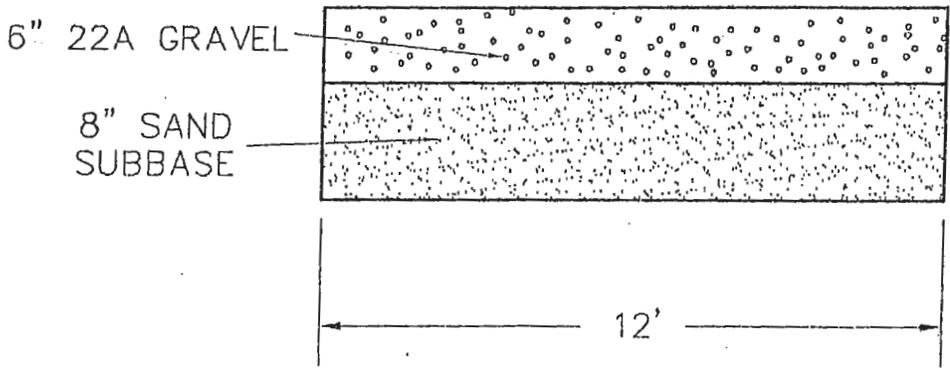
On the 13<sup>th</sup> day of August, 2007, Susan McGillicuddy and Mary Helmbrecht, the Supervisor and Clerk, respectively, of Charter Township of Meridian, acknowledged this instrument before me in Ingham County, Michigan on behalf of the township.

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



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

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

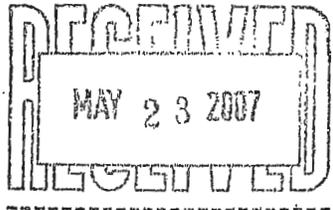


**CROSS SECTION**  
**12' GRAVEL EMERGENCY**  
**ROAD, CONNECT NORTH**  
**TO CREEKSTONE TRAIL**  
**(APPROX. ±936 FT. LONG)**

NO SCALE

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

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



APPROVED

Date: 6/6/07 By: M. Busellbach  
 REVISED

 DENOTES PROPOSED HYDRANT LOCATIONS

 DENOTES TEMPORARY HYDRANT LOCATIONS

05E-78246  
 76029PRELIMPLAT  
 05-S-76029



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



**KEBS, INC.** KYES ENGINEERING  
 BRYAN LAND SURVEYS

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

Charlotte Office  
 Ph. 517-543-7076

Marshall Office  
 Ph. 269-781-9800

**Champion Woods**

OVERALL SITE & UTILITY PLAN

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

**Peter Menser**

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

Dear Planning Commission,

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

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

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

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

**Part II REASONS FOR REZONING REQUEST**

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

A. Reasons why the present zoning is unreasonable:

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

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

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

Thank you very much for your consideration!

Sincerely,  
Yingxin Zhou  
2565 Sophiea Pkwy  
Okemos, MI 48864

## Peter Menser

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

Dear Planning Commission members,

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

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

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

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

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

Respectfully yours,

Wei Li

Yingxin Zhou  
2565 Sophiea Pkwy  
Okemos, MI 48864

October 10, 2019

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

Dear Meridian Charter Township Planning Commission,

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

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

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

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

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

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

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

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

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

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

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

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

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

## **4. The 3-acre PO zoning is spot zoning**

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

concerned about the additional traffic caused by the PO zoning.

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

### **5. WRONG Traffic Study**

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

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

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

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

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

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

Sincerely,

Yingxin Zhou

Members of the Planning Commission:

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

Kathy and Larry McCurdy

## Peter Menser

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**From:** Cui, Yue <cuiyue@msu.edu>  
**Sent:** Saturday, October 12, 2019 10:00 PM  
**To:** Planning Commision (DG)  
**Subject:** Rezoning Request 19060

Dear Planning committee and planner,

The re-submit of Rezoning Request 19060 have some issues that haven't addressed clearly.

Rezoning 3 acres PO is not consistent to the master plan. The applicant said that he wouldn't build apartments. However, the applicant didn't provide any detailed descriptions for how many floors, number of square feet, how many parking spaces, and who could be the potential renters and patrons, etc. These variables will have potential significant impacts on the traffic flow on Bennet Road as well as the safety and security of the children at Bennettwoods Elementary School. Given the applicant could provide a site map for residential area, I didn't see a reason that the applicant cannot provide the detailed plan for the PO zone.

In addition, according to the site plan map the applicant provided in the previous meeting, 150 houses will be built on about 80 acres land. The density will be far higher than the nearby neighborhoods, such as College Field, Championwoods, Sundance, and Herron Creek. What the applicant claimed that "maximizing the compatibility of surrounding uses" is not true based on their site plan.

The high density of the proposed residential areas and the unclear of the PO rezoning are could change the traffic conditions of the nearby areas dramatically.

The application should not get into township's review process without a formal traffic study including both residential area and PO zones as well as a site plan (e.g., #floors, #sqft, #parking space, the types of businesses) for PO zones.

Thank you in advance for your consideration,

Yue Cui  
2687 Sophiea PKWY

## Peter Menser

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**From:** xin liu <xinliu.co@gmail.com>  
**Sent:** Saturday, October 12, 2019 8:51 PM  
**To:** Planning Commision (DG)  
**Subject:** Champion woods rezoning

Hi

My name is Xin Liu, I am a current resident in Champion Woods neighborhood. I am writing because I do not agree with the Rezoning proposal. The proposed units density is too high. and the new proposal includes a 3 acres professional office. the traffic study indicates that the rezoning to RAA and PO will cause the traffic volume to triple.

Please consider our options, thank you.

--

Have a good day!

Xin Liu



300 West Lake Lansing Rd.  
East Lansing, MI, 48823  
Cell: 517-292-4069  
<http://www.xinliu.remax-michigan.com/>

**Peter Menser**

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**From:** 2446176683 <2446176683@qq.com>  
**Sent:** Monday, October 14, 2019 12:20 PM  
**To:** Planning Commision (DG)  
**Subject:** A no to Mayberry's repeating rezoning application

Dear Sir/Mam,

I am writing to disagree with the proposal of Mayberry's rezoning RAA with 150 units for 93.74 acres at 1.6 dwelling units per acre, which is higher than neighborhoods': Champion woods RAA 1.47 du/a, Woods of Heron Creek RAA, 1.47 du/a, College Fields 1 du/a.

Also, Proposed 3 acres PO (Professional Office) zoning is inconsistent with the zoning of surrounding properties and will bring significant traffic.

Thank you for the time and effort to keep our township a better place to live in.

Best,  
Yaping Jin

## Peter Menser

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**From:** Carolyn Sebestyen <555csebestyen@gmail.com>  
**Sent:** Monday, October 14, 2019 6:11 PM  
**To:** Planning Commision (DG)  
**Subject:** Bennett Hagadorn Rezoning

Dear Commissioners

The new (revised) proposal submitted by Mayberry which is being brought to you this evening is not a proposal endorsed by the neighborhoods or community. Despite the appearance of a negotiated plan, it is not. Yes Mayberry made changes to its original plan such as in "gifting" the Township open area (the same wetlands that must be protected) worth \$300,000; agreeing set back and to not join streets to existing neighborhood, it comes at cost of drainage, traffic and overburden to schools and now a professional office building with 40 plus employee. (This is not the same as vet clinic in terms of employees or hours of operation or size). These "concessions" do not outweigh the community concerns/negative impacts that have been raised since the re-zoning was proposed.

There is no NEED to increase the number of houses that is already permitted. The property is already zoned for homes that are in keeping with the surrounding neighborhood. These homes aren't 2/3 bedroom homes for retirees, empty nesters, dual working couples as Mayberry implied.

Traffic and drainage are both huge issues which will cost the Township significant funds to address. Both sides of Bennett have telephone poles just off the road. Neighborhoods to the north of the railroad tracks are already experiencing significant water drainage issues like Woodhill and Heartwood. Indian Lakes and Indian Glen issues have not been remedied. Ask their associations what nightmares they've had. The proposed increased number of units will significantly compound the issues. Do you have funds to address the water problems?

With another proposal in front you this evening for more apartments on Dobie Road, you must be judicious on how all of this is going to impact the schools with mileage locked in for 5 years. I think apartments should be approved with addition of left/right turn lanes on Dobie.

Please vote no on the Mayberry proposal. Build what is allowed under current zoning. No higher density, no office building.

Thank you

Carolyn Sebestyen  
Sent from [Mail](#) for Windows 10

**Lynne S. Page  
3912 Raleigh Drive  
Okemos, MI 48864  
517-347-7403**

October 14, 2019

Planning Commission  
Charter Township of Meridian  
5151 Marsh Road  
Okemos, MI 48864

Re: Rezoning #19060 – Okemos Land Investment LLC (Opposition)

To the Planning Commission:

I am writing to express my continued opposition to Rezoning Request #19060. Projects that negatively impact the natural environment and increase traffic congestion devalue neighboring properties and detract from the quality of life for all Meridian Township residents. My specific objections to this rezoning request are as follows:

1. The property can be developed by right for single family housing as currently zoned.
2. The requested 3-acre PO zoning represents spot zoning and is inconsistent with both the Township's future Land Use Map and the zoning of the adjacent properties. Given the significant amount of vacant office space within Meridian Township, there is no valid reason to rezone residential property for this purpose.
3. The property's numerous environmentally sensitive features that could be compromised by increasing the zoning density, including 9.06 acres of wetlands regulated by the State of Michigan EGLE, two Meridian Township wetlands (0.99 acres), and floodplain areas (both floodway and floodway fringe).
4. The Township Greenspace Plan shows both a Priority Conservation Corridor and Fragile Links on portions of the property.
5. The increased density requested by the applicant will increase the volume of runoff, and adversely impact water drainage and infiltration for the surrounding subdivisions, Meridian Township's Southwest Meridian Uplands Preserve, the contiguous wetlands and woodlands, the Heron Creek Drain, and the Red Cedar River.
6. The applicant has failed to provide evidence that the current zoning is unreasonable.
7. The applicant has failed to provide evidence that the the requested zoning is appropriate.
8. According to the Rezoning Application, a preliminary yield plan based on current zoning yields approximately 89 units for the reduced acreage under consideration. However, the accompanying Traffic Assessment dated September 2019 uses 219 units as the basis for its traffic generation calculation. Even using the inflated estimate of 219 dwelling units results in an increase in traffic congestion of 47%. The actual increase is far greater using the calculated yield of 89 units.

As a 23-year resident of Meridian Township, I am opposed to the concept that every single undeveloped property within the township must be subject to rezoning in order to maximize development profits. This policy has significant negative implications for the natural environment, beauty, value, character, and quality of life for Meridian Township residents. We rely on the Planning Commission's expertise in balancing these competing interests. Please recommend denial of this rezoning request.

Sincerely,

*Lynne S. Page*

Lynne S. Page

## Peter Menser

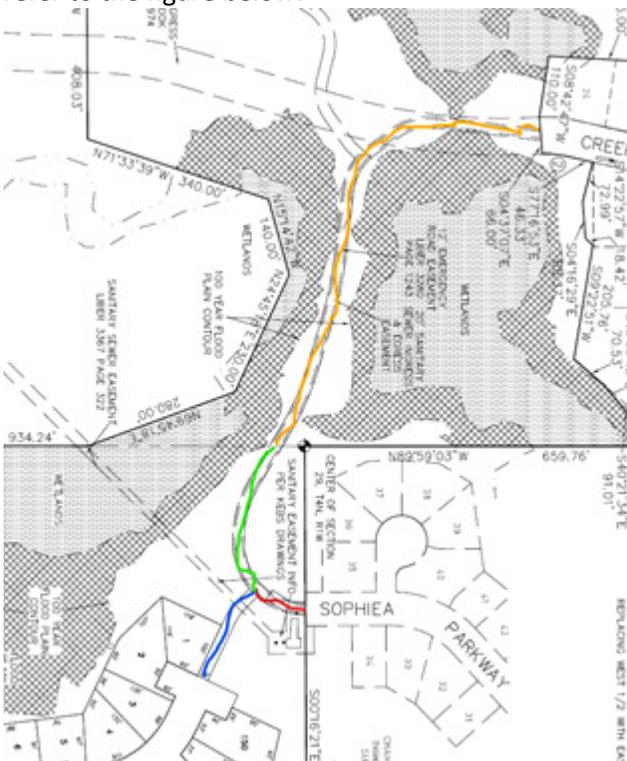
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**From:** Eric Torng <etorng@gmail.com>  
**Sent:** Monday, October 14, 2019 9:52 PM  
**To:** Planning Commision (DG)  
**Cc:** Frank Walsh; Peter Menser; Board  
**Subject:** Two amendments to the proposed agreement regarding rezoning request 19060

My name is Eric Torng, of 4138 Benca Way, and I am President of the Champion Woods Condominium Association. I am writing only for myself today rather than for our association. I am generally in support of the agreement that was facilitated by Township Manager Frank Walsh, but I do propose two amendments to the agreement that I hope the Planning Commission will consider before taking a final vote; I believe both of these are win/win amendments that will allow the applicant to do what the applicant desires while providing assurances to residents that nothing unexpected will happen now or in the future. They further eliminate complicating issues such as having a portion of public pathway on private land.

My first proposal has to do with the 3 acres that the applicant is requesting P. O. zoning for. Whereas I believe most residents of Champion Woods favor the overall agreement, many do have some concern with this parcel. Based on the meeting of 10/14/2019, this 3 acre parcel is also a concern for Commissioner Cordill and perhaps others. Note that I, and I think most Champion Woods residents, are not opposed to the stated objective of the applicant to build an office on this parcel. The main concern of most residents is that once this 3 acre parcel is zoned P. O., this zoning is permanent. In particular, in 20 years, a future owner may propose something very different for this 3 acre plot. **Rather than rezone this parcel as P.O., my suggestion is to follow the precedent of the Shultz Veterinary Clinic and have this 3 acre plot retain its RR zoning and ensure the applicant will be given a special use permit to build the office he desires.** This is a win/win as it allows the applicant to build the office that is desired while easing resident concerns about the long term consequences of rezoning this parcel as P. O.

My second proposal has to do with the pathway connecting Sophia Parkway and Creekstone Trail. In particular, please refer to the figure below:



There is a bit of ambiguity as to which entity will be responsible for the red segment of the pathway on the figure above. I believe that the current language is that Mayberry/Silverleaf will be responsible for the blue and red portions of the pathway as this is the connection from Silverleaf to Sophiea Parkway. The Township has proposed to take over responsibility for the pathway from Sophiea Parkway to Creekstone which would be the orange, green, and red portions of the pathway. However, clearly only one entity needs to be responsible the red pathway segment. Second, one issue that was mentioned in the previous Township Board meeting was a concern about having the public pathway (orange, green, and maybe red segments) include the green and maybe red segments when these would lie on private land. **My proposal would be to increase the donated land to include the pathway bounded by the green and red segments and to have Meridian Township be responsible for the orange, green, and red segments of the pathway and Mayberry/Silverleaf responsible for only the blue segment of the pathway.** I believe this is also a win/win as it ensures that the entire publicly owned pathway is on publicly owned land, and the applicant is responsible for a smaller segment of emergency pathway.

Thank you for your work on this proposal and considering my two amendments which hopefully can be viewed as friendly amendments.

Sincerely,

Eric Torng  
Champion Woods CA Board President  
4138 Benca Way  
Okemos, MI 48864  
517-944-5179  
Pronouns:he/him/his

## Peter Menser

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**From:** Yingxin Zhou <zhou0824@gmail.com>  
**Sent:** Wednesday, October 23, 2019 12:22 PM  
**To:** Planning Commision (DG); Board  
**Cc:** Peter Menser  
**Subject:** Objection to Mayberry rezoning #19060

Dear Planning Commission and Board,

I object to the Mayberry rezoning. By all means please do not approve the 3 acres rezoning to PO.

A friend of mine was in a meeting last week unrelated to Mayberry Homes or Sturk. Conversation moved to the rezoning application and an individual in the meeting stated that it was the intent of the current owner of the land to sell the 3 acres PO to DTN Management once the rezoning is successful.

The conditions to the rezoning application never state that the 3 acres requested for PO will be used for Mayberry office. So in theory the current owner could sell the property as soon as the rezoning is complete. The owner of the property is allowed to build a large office park by rights under PO zoning. Considering the significant traffic the PO will bring to the area, its proximity to Bennett Woods Elementary and the inconsistency with Meridian Township Future Land Use Map, please vote to deny the rezoning request to PO.

Regards,

Yingxin Zhou  
2565 Sophiea Pkwy  
Okemos, MI 48864

# RUNDQUIST

October 25, 2019

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

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

**VIA: email**

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

Dear Planning Commissioners,

I write to you to regarding the proposed rezoning of the property referenced by parcel ID and ownership entity above.

I struggle with the speed that Manager Walsh has pushed for the mediated agreement as it borders on reckless; he identified early in the process that the emotionally driven key issue for the immediate neighbors was fear of increased traffic volume should there be a public road connection between Hulett and Bennett Roads. A plan was quickly outlined by Mr. Walsh and the Applicant, representing the current landowner, that did not include any public roadway or interconnection and which fairly guaranteed acceptance by the immediate neighbors. What is the rush?

Mediation can be labelled successful when everyone loses, and in this case the immediate neighbors and the Township lose however, the Applicant and current land owners have lost nothing, only gained. They have not been required to remediate drainage issues they created; they will nearly double the current by-right density of detached, single family housing they will be allowed to construct; and they carve out, for future sale to an unknown party, three acres of PO which can support a mixed-use overlay.

**3634 EAST ARBUTUS | OKEMOS, MI 48864**

meridianrealestateinterests@comcast.net

This is a short-sighted decision favoring the need and greed of a select few and is not Stewardship for the benefit of the entire Township. There remain issues that have been ignored or diminished in import in the haste to reach a mediated agreement:

1. Up-zoning three acres of RR land to PO is spot zoning; and,
2. There has been no traffic study analyzing the impact of such up-zoning to PO; and,
3. The use of the proposed up-zoned district [home to Mayberry Homes, LLC and its real estate sales affiliate] is incompatible with PO.

**1. Up-zoning of three acres of RR land to PO is spot zoning.**

Even a quick, cursory review of the 2018 Meridian Township Zoning Map clearly indicates that three acres of PO would be the equivalent of a donut hole surrounded by the donut of residential zoning. This represents a textbook example of spot zoning and is not consistent with the Township Master Plan. Such a blatant spot up-zoning approval would be indefensible should litigation ensue.

If the true purpose of this component is to house the office of Mayberry Homes, LLC and its 15 employees, then this should be included in the PUD as it is small portion of the total acreage. However, this would require Mayberry Homes to disclose the true intended use of the three acres and any building footprint. If the final ownership and use is indeed to house only Mayberry Homes, LLC there should be no reluctance in publicly disclosing this. To be certain, if Mayberry Homes, LLC possess the vision and the ability to plan and develop a single-family community, they have the capabilities to plan a single, office building nestled in among the wooded area as Mr. Schroeder described.

**2. Traffic Impact Study.**

There has been no traffic study required or commissioned detailing the vehicular impact on Bennett or Hulett Roads that three acres of up-zoned PO will have. The negative impact on Bennett and Hulett Roads during peak traffic loads generated by Bennett Woods Elementary and Okemos High School will only be exacerbated by the additional loads imposed by three acres of PO. That this has not been addressed is deeply concerning. The Ingham County Road Department does not have the requisite public R.O.W. width or even a plan to widen Bennett Road.

**3. The occupancy and use of the proposed up-zoned district are incompatible with PO.**

Mayberry Homes, LLC is a residential homebuilder with related real estate sales. Neither use is incorporated in PO District as neither is Professional as described (Meridian Township Code of Ordinances 86-462). Mr. Schroeder spoke emotionally of his historical ties to the Township and surely he would remember his family construction and real estate business occupied [and continues to occupy] an office building in the C-2 zoning district, not PO. Mayberry Homes and its adjunct real estate sales arm is best suited for the I district classification. The I District zoning allows by-right for a Contractor's Establishment (Meridian Township Code of Ordinances 86-435), or perhaps C-1 (86-403).

You are tasked with Township Stewardship and this mediated proposal, if passed, does not appear to exhibit Stewardship. This myopic proposal should not be approved as hastily mediated for it requires further in-depth study and careful consideration for the good of the entire Meridian Township Community.

Respectfully,



Jim Rundquist  
Concerned Township Resident

**Peter Menser**

---

**From:** Li, Wei <wli@msu.edu>  
**Sent:** Friday, October 25, 2019 8:23 AM  
**To:** Planning Commision (DG)  
**Subject:** Mayberry rezoning # 19060

Dear Planning Commission,

I'm a homeowner in Champion Woods subdivision in Okemos. Before you vote on Mayberry rezoning in the coming meeting on October 28, 2019, could you please address the following concerns?

1. The requested 3 acres PO is spot zoning and is inconsistent with the R-2 Residential designation by Meridian Township Future Land Use Map. What is the rational for the Planning Commission to make an exception and approve the requested PO zoning if the proposal were to be passed?
2. The traffic impact on Bennett and Hulett roads that the 3 acres PO will have.
3. The rezoning application form did NOT address why the present zoning is unreasonable and why the requested PO zoning is appropriate.

It'll be very disappointing if the Planning Commission approves the proposal without thorough thinking. There is no demonstrated public need for a rezoning. Only the developer will benefit from it, at the expense of Meridian Township residents. Please do not approve the PO zoning.

Sincerely,

Wei Li

Scott Fairmont  
1720 Maple Ave. #650  
Evanston, IL 60201  
[sfairmont@icloud.com](mailto:sfairmont@icloud.com)

October 24, 2019

Meridian Township Board of Trustees  
5151 Marsh Road  
Okemos, MI 48864

Re: Zoning #19060 (Bennett Road)

Dear Meridian Township Planning Commission and Board of Trustees:

As you may know, I have developed more than ten **Planned Unit Developments** in Meridian Township; one of which was Champion Woods. I believe that both my experience developing property and my familiarity with the subject property gives me a unique perspective regarding the development plans for the Sturk property. From this perspective, I offer the following observations:

General Proposal:

The mediated agreement from which this proposal is based offers both the developer and the residents of the adjacent neighborhoods most of what they wanted. This “win-win” solution makes the mediated agreement acceptable and generally worthy of approval - **with the adjustments identified below.**

Storm Water Problem:

The developer’s commitment to “cooperate” with the Drain Commission about solving the storm water problem is not sufficient. The developer should be required to fix the storm water problems according to the requirements of the Drain Commission at the developer’s expense.

The storm water problem was created by Mr. Sturk. He installed an unpermitted, insufficiently sized pipe under the emergency access road he built for The Woods of Herron Creek. This effectively created a dam across the natural water course. This dam impedes the natural flow of stormwater to the Herron Creek Drain; causing storm water problems on the surrounding land.

“Cooperating” with the Drain Commission does not guarantee the problem will be fixed. It should be incumbent on Mr. Sturk, or his developer partner, to remedy the problem at his/their expense. Mr. Sturk caused the problem and he must be made to fix it. This remedy must be

done to the Drain Commission's specifications and the cost should be entirely borne by Mr. Sturk or his developer partner.

#### Pathway vs. Public Road:

As stewards of taxpayer dollars, it seems crazy that the Township would assume the liability and expense for maintaining a 20 foot pathway when a dedicated Public Rural Road between Sophiea and Creekstone would put this long term burden where it is best handled - the Ingham County Road Commission. The incremental cost difference between building a 20 foot paved pathway and a 28 foot Rural Road is insignificant when measured against the long term costs of maintaining the pathway.

Connecting Creekstone and Sophiea allows inter-neighborhood road access without providing vehicular access from Bennett Road. Besides the long term maintenance cost savings, the public road would allow public access to the Township open space without creating parking problems on Sophiea or Creekstone. Without a public road and parking, visitors to the open space will park on Sophiea and/or Creekstone; creating a nuisance for those neighborhoods.

#### P.O. Zoning:

While I support allowing Mayberry to build an office building adjacent to the Schultz Veterinary Clinic, I believe this should be approved as part of the P.U.D. and not as a blanket P.O. zoning. P.O. zoning does not conform to the master plan and represents an obvious "spot zoning". P.O. does not allow for a real estate/ builders office use; which is what Mayberry claims to want for one of the offices. With a blanket P.O. zoning, the 3 acres of woods could be clear cut in favor of buildings and parking lots.

Assigning a P.O. zoning diminishes the control that the Planning Commission and Board will have over the use of these 3 acres. If the office buildings become part of the P.U.D. then you can ensure that the parking and buildings fit into the environment as well as the Schultz Vet Clinic does. It does not seem like a big "ask" to have the developer show his plans for the three acres and be committed to assimilating them into the natural environment. After all, as they plan for the other 95 acres in the development they should be able to plan for these 3 acres.

Your consideration and implementation of the above items will not derail the agreement. Instead, they will ensure that this project will serve the neighbors, the developer and the entire Meridian Township community.

Sincerely,

Scott Fairmont

Scott Fairmont  
1720 Maple Ave. #650  
Evanston, IL 60201  
[sfairmont@icloud.com](mailto:sfairmont@icloud.com)

October 25, 2019

Frank Walsh, Meridian Township Manager  
5151 Marsh Road  
Okemos, MI 48864

Re: Response to my letter "Zoning #19060"

Dear Mr. Walsh,

I was surprised, and pleased, to see that you circulated my letter to the Planning Commission and Township Board to other parties interested in #19060. However, I was disappointed that your cover letter only addressed the road/pathway but didn't address my concerns about drainage and the P.O. zoning.

The main concern of the residents was future "cut through" traffic from/to Bennett Road. Connecting Sophiea and Creekstone avoids this. Your cover implies that if Sophiea and Creekstone were made public, then Mayberry's future road would have to be public; renewing fears about "cut through" traffic. That is a red herring. Mayberry's future road can still connect via a 20 foot, bollard protected, pathway. It does not have to become a connected public road. Mayberry's new road can terminate in a cul de sac or hammerhead and meet the Road Commission and Fire Department "turn around" standards.

Neither Sophiea nor Creekstone end in a cul de sac or hammerhead - violating Road Commission and Fire Department "turn around" standards. Both Sophiea and Creekstone were approved and built with the full intention of extending them onto the future development on the Sturk land. Otherwise they would have terminated according to the established standards.

**Regarding the drainage**, I fear that unless it is clear that the developer of the Sturk land will be required to remedy the drainage problem caused by the illegal dam Mr. Sturk created then the costs will be spread to the residents of Champion Woods, Sundance and The Woods of Herron Creek. These residents should not have to pay for the remedy through a "special assessment district". Mr. Sturk caused the problem and Mr. Sturk should fix the problem.

**Regarding the P.O. zoning**, I am not opposed to using 3 acres adjacent to the Vet Clinic for offices. I simply think these should be approved through the P.U.D. review process and not through zoning. P.O. Zoning is not consistent with the master plan and is arguably "spot zoning". I do not think the Township wants to establish this precedent.

Additionally, P.O. does not allow real estate/building contractor use. If Mayberry Homes wants to build their own office on this property, as they've said, then P.O. zoning would not allow such a use. Why not have them get their building approved through the P.U.D. process? This oversight should also apply to any other offices they want to build on the land.

I conclude by affirming my approval of general terms of the mediated agreement. I simply think that the pathway/road, drainage and office zoning should be further explored, discussed and defined. There should be no hurry to push this through. This project deserves to undergo the normal, rigorous process that Meridian Township prides itself on.

I ask that you circulate this communication to the same people with whom you shared my previous communication.

Sincerely,

Scott Fairmont

**Peter Menser**

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**From:** Candy Parker <candypar@comcast.net>  
**Sent:** Friday, October 25, 2019 5:28 PM  
**To:** Planning Commision (DG); Board  
**Subject:** Zoning19060

Dear Board Members and Commissioners,

I have read the letter received from Scott Fairmont and feel that I must comment on his suggestions regarding the 20 foot pathway being instead a dedicated Public Rural Road. This is really not a good suggestion as the next question then would seem to be " Why not connect the new subdivision to this rural road?" and this goes against everything that the residents of Woods of Heron Creek and Champion Woods desire.

The proposed rezoning request with the stipulated conditions achieved a good plan for both the current residents and the developer and it is our hope that you will just accept the request as is and not require changes.

Thank you,

Candy and Larry Parker  
4361 Aztec Way  
Okemos, MI 48864

Larry and Kathy McCurdy  
2710 Sophiea Parkway  
Okemos MI 48864

October 28, 2019

Members of the Planning Commission:

We have been residents and homeowners in Meridian Township for 42 years. The last 10 years at our present address, 2710 Sophiea Parkway. Until this weekend, we were quite at peace with the results of the mediation led by Frank Walsh. We still feel that Frank did an amazing job in negotiating a plan that is a win/win for all parties concerned. It is also a plan that will create a development that will be an asset to the Township. Our primary concerns and those of the majority of Champion Woods were the non-connectivity for Sophiea Parkway and the resolving of the drainage issues created by the filling in of the natural drain by Mr. Craig Sturk when he created the emergency road for his Woods of Heron Creek development. We are also very appreciative of the 20 acres given over to the Township by Mr. Robert Schroeder. As you know, we are back in front of the Commission because Mayberry Homes has opted to rezone three acres adjacent to the veterinary clinic in order to build a new office. As of this weekend, it has been brought to our attention that one of the residents of our subdivision was told by a friend that they had heard a meeting, not related to this issue, that Mr. Schroeder plans on selling the 3 acres to DTN once the property is rezoned to PO. If this is true, this brings great concern as to what could happen to this property. We sincerely hope that Mr Schroeder will include conditions that would prohibit other uses other than for his office building.

As above stated, we are in favor of this application being recommended to the Board, hoping that the stated concerns will be addressed. Once again, we want to thank you for your time and efforts during the long duration of this rezoning process.

Kathy and Larry McCurdy

## Peter Menser

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**From:** Yingxin Zhou <zhou0824@gmail.com>  
**Sent:** Monday, October 28, 2019 11:51 AM  
**To:** Planning Commision (DG); Peter Menser  
**Subject:** Rezoning # 19060 Okemos Land Investment LLC (Opposition)

Dear Planning Commissioners,

In the draft Resolution this paragraph has been listed: "WHEREAS, the proposed PO zoning is consistent with adjacent nonresidential land uses along Bennett Road in the vicinity of the subject site such as the Schultz Vet Clinic, Bennett Elementary School and associated bus garage, 242 Community Church, and College Fields Golf Course"

I was wondering if you could add the following below that paragraph: "the properties listed above are all CONSISTENT with Meridian Township master plan while the proposed PO zoning is NOT in line with the R2-Residential designation per the Future Land Use Map in the master plan"

In the October 14, 2019 Planning Commission meeting, public hearings were held for two other rezoning requests. The consistency or inconsistency with the Future Land Use Map has been one of the main criteria for a zoning decision as the meeting minutes reflect: Rezoning #19070 Fedewa Holdings, the proposed rezoning to RC is inconsistent with the Future Land Use Map, recommend denial; Rezoning #19080 Minerva Realty Capital LLC, the rezoning request is in line with the Future Land Use Map, recommend approval. Therefore, regarding the requested PO zoning in rezoning #19060, the inconsistency with the Future Land Use Map should also be carefully and throughly considered.

I wrote before saying the current landowner has the intent of selling the 3 acres PO to DTN Management once the rezoning is successful. It does not matter if it is a rumor or not. The FACT is that the conditions to the rezoning never state that the PO will be used for Mayberry office. So in theory the property owner can sell the property as soon as the rezoning is complete and the new owner (or the Applicant if he chooses not to sell) can build a large office park under PO. Whether the office park is 25,000 sq. ft. or 45,000 sq. ft., it's nothing comparable to the vet clinic at only 5,000 sq. ft. under RR zoning with a special use permit. The preliminary traffic study indicates significant increase in traffic due to the PO zoning.

Commissioner Cordill clearly stated in the public hearing that the requested PO is spot zoning and a few other commissioners also have concerns.

I believe a Mayberry office claimed by Mr. Bob Schroeder should be approved in the PUD process and not through a spot zoning. Considering the inconsistency with the Future Land Use Map, the significant increase in traffic volume due to PO and its proximity to Bennett Woods Elementary, please vote to recommend denial of this rezoning request.

Sincerely,

Yingxin Zhou  
2565 Sophiea Pkwy  
Okemos, MI 48864

# RUNDQUIST

October 27, 2019

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

**Re: Resubmittal of Rezoning Request 19060**

**VIA: email**

Dear Planning Commissioners,

Please note that it is inconsistent and incomprehensible that the 425 Property aka College Fields was so completely excluded from any density calculation and comparison [this despite the fact that this parcel with its RR Zoning classification, will rejoin Meridian Township in 2049], yet has been specifically referenced in the proposed Resolution included for reference below. Excluding this 286 acre, 286 single family unit parcel from any density calculation, only to include it in support of spot up-zoning of a yet-to-be-created three acre parcel from RR to PO reveals a pre-existing bias of the author of the Resolution.

Also note that none of the property uses listed in the proposed Resolution are a zoning district. All property uses referenced in support of the proposed Resolution are uses allowed by right or by special use permit in their respective underlying zoning district. This compares two unrelated topics in support and justification for the up-zoning.

The proposed Resolution as written makes a strong argument for a small ancillary, site specific and sensitive office building to be included in the PUD proposed for the remaining property.

**Resolution to Recommend Approval  
Rezoning #19060 (Okemos Land Investment LLC)  
Page 2**

WHEREAS, the proposed PO zoning is consistent with adjacent nonresidential land uses along Bennett Road in the vicinity of the subject site such as the Schultz Vet Clinic, Bennett Road Elementary School and associated bus garage, 242 Community Church, and College Fields Golf Course; and

A vote in support of the proposed Resolution is a vote in support of spot up-zoning.

Respectfully,



Jim Rundquist  
Concerned Township Resident

**Lynne S. Page**  
**3912 Raleigh Drive**  
**Okemos, MI 48864**  
**517-347-7403**

October 28, 2019

Planning Commission  
Charter Township of Meridian  
5151 Marsh Road  
Okemos, MI 48864

Re: Rezoning #19060 – Okemos Land Investment LLC (Opposition)

To the Planning Commission:

I am writing to express my continued opposition to Rezoning Request #19060. While the negative impact of the increased density requested by the applicant may be partially mitigated by the 20-acre donation of dedicated open space to Meridian Township, I have significant concerns regarding the designation of the 3-acre PO zoning site. My specific objections to the PO rezoning request are as follows:

1. The requested 3-acre PO zoning represents spot zoning and is inconsistent with both the Township's future Land Use Map and the zoning of the adjacent properties. Given the significant amount of vacant office space within Meridian Township, there is no valid reason to rezone residential property for this purpose.
2. At the most recent public hearing on this Rezoning Application held before the Planning Commission on October 14, 2019, the applicant affirmed that Meridian Township's PUD ordinance (§ 86-439(c)(2)) would allow for the construction of a commercial building on the subject property once occupancy permits have been issued for a minimum of 75% of the planned unit development's residential component. The requirements of this provision are applicable under the circumstances and shouldn't be waived simply because the developer wants to avoid this requirement. If the applicant's true intention is to build a single-tenant office space for its real estate business, the site should be included in the PUD RAA zoning per the provisions of the ordinance.
3. As a residential home builder/realty company, Mayberry Homes, LLC business does not comply with the permitted uses for the Professional and Office (PO) District defined by Meridian Township's Code of Ordinances § 86-432. Per Meridian Township Code of Ordinances § 86-404, "offices" are permitted in the C-2 Commercial Zoning District.
4. The 3-acre PO site on Bennett Road will negatively affect traffic congestion on Bennett and Hulett Roads, particularly during peak traffic periods for the nearby schools (Bennett Woods Elementary and Okemos High School). The applicant has not been required to provide a traffic study to assess this impact.

Meridian Township residents rely on the Planning Commission's due diligence to ensure that the review process is conducted in a fair, transparent consistent manner. Projects that don't conform to the standards set forth in Meridian Township's zoning ordinances devalue neighboring properties and detract from the quality of life for all Meridian Township residents. Please recommend denial or modification of this rezoning request.

Sincerely,

*Lynne S. Page*

Lynne S. Page

Mr. Robert Schroeder  
Mayberry Homes  
1650 Kendale Blvd., Suite 200  
East Lansing, MI 48823

**Traffic Engineering  
Associates, Inc.**  
**517/627-6028 FAX: 517/627-6040**

PO Box 100  
Saranac, Michigan 48881

October 28, 2019

Dear Mr. Schroeder:

Traffic Engineering Associates, Inc. (TEA) conducted a vehicle trip generation for the proposed rezoning of 96.74 acres on Bennett Road in Meridian Charter Township, Ingham County, Michigan.

### **PROJECT DESCRIPTION**

The trip generation letter will present information for two (2) potential options on the 96.74 acre parcel. The first option is for 150 single family housing units and 20,000 square feet of office space. The second option includes just 135 single family housing units.

### **TRAFFIC ANALYSIS**

For this analysis, trip generation rates were derived from the ITE TRIP GENERATION MANUAL (10th edition). The ITE trip generation rates for Single-Family Detached Housing, Land Use Code 210, were selected as representing the residential uses. The ITE description of Single-Family Detached Housing is as follows:

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

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

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

For **Option 1**, it is projected that the site would generate 164 vehicle trips during the AM peak hour, 220 vehicle trips during the PM peak hour, and a weekday (24-hour) total of 2,191 vehicle trips.



### Option 1

Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	
Single-Family Detached Housing, Land Use Code 210	150 Units	28	83	111	95	55	150	1,510
Medical-Dental Office Building, Land Use Code 720	20,000 sq. ft.	41	12	53	20	50	70	681
Total		69	95	164	115	105	220	2,191

For **Option 2**, it is projected that the site would generate 101 vehicle trips during the AM peak hour, 136 vehicle trips during the PM peak hour, and a weekday (24-hour) total of 1,370 vehicle trips.

### Option 2

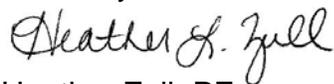
Land Use	Size	AM Peak Hour			PM Peak Hour			Weekday
		In	Out	Total	In	Out	Total	
Single-Family Detached Housing, Land Use Code 210	135 Units	25	76	101	86	50	136	1,370

## FINDINGS

The results of the trip generation show that **Option 1** is projected to generate more vehicle trips during the AM peak hour, the PM peak hour and for a (24-hour) weekday.

If you have any questions, please write or call.

Sincerely,



Heather Zull, PE





**13.B**

**To: Township Board**

**From: Mark Kieselbach, Director of Community Planning and Development**  
**Justin Quagliata, Assistant Planner**

**Date: November 15, 2019**

**Re: Rezoning #19070 (Fedewa Holdings)**

---

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

The Planning Commission held the public hearing on the rezoning request at its October 14, 2019 meeting and voted to recommend denial at the October 28, 2019 meeting, citing the following reasons for its decision:

- The current RAA zoning of the subject property is consistent with the zoning of adjacent properties to the east, west, and south of the site.
- The RC zoning proposed by the applicant is inconsistent with the Institutional Future Land Use Map designation in the 2017 Master Plan.
- The applicant has not adequately demonstrated why the requested rezoning to RC is appropriate or why the current RAA zoning is unreasonable.
- The subject property could be developed as currently zoned.

Staff memorandums outlining the rezoning and minutes from the Planning Commission meetings at which the rezoning was discussed are attached for the Board's review.

### **Township Board Options**

The Township Board may approve or deny the proposed rezoning from RAA (Single Family-Low Density) to RC (Multiple Family). If the Board amends the proposal, the request may be referred back to the Planning Commission for a recommendation. A resolution will be provided at a future meeting.

**Rezoning #19070 (Fedewa Holdings)  
Township Board (November 19, 2019)  
Page 2**

**Attachments**

1. Staff memorandums dated October 11, 2019 and October 24, 2019 with attachments.
2. Resolution recommending denial dated October 28, 2019.
3. Planning Commission minutes dated October 14, 2019 (public hearing) and October 28, 2019 (decision).
4. Communications.

G:\Community Planning & Development\Planning\REZONINGS (REZ)\2019\REZ 19070 (Fedewa Holdings)\REZ 19070.tb1.docx





**To:** Planning Commission

**From:** Peter Menser, Principal Planner

Justin Quagliata, Assistant Planner

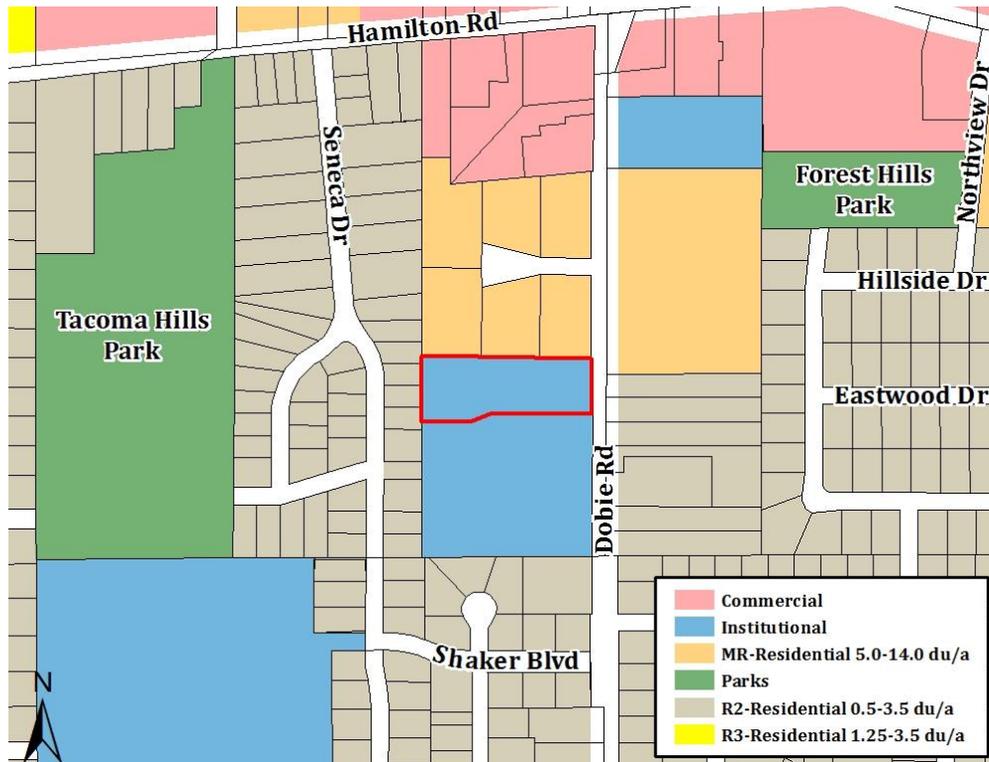
**Date:** October 11, 2019

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

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

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

### 2017 FUTURE LAND USE MAP



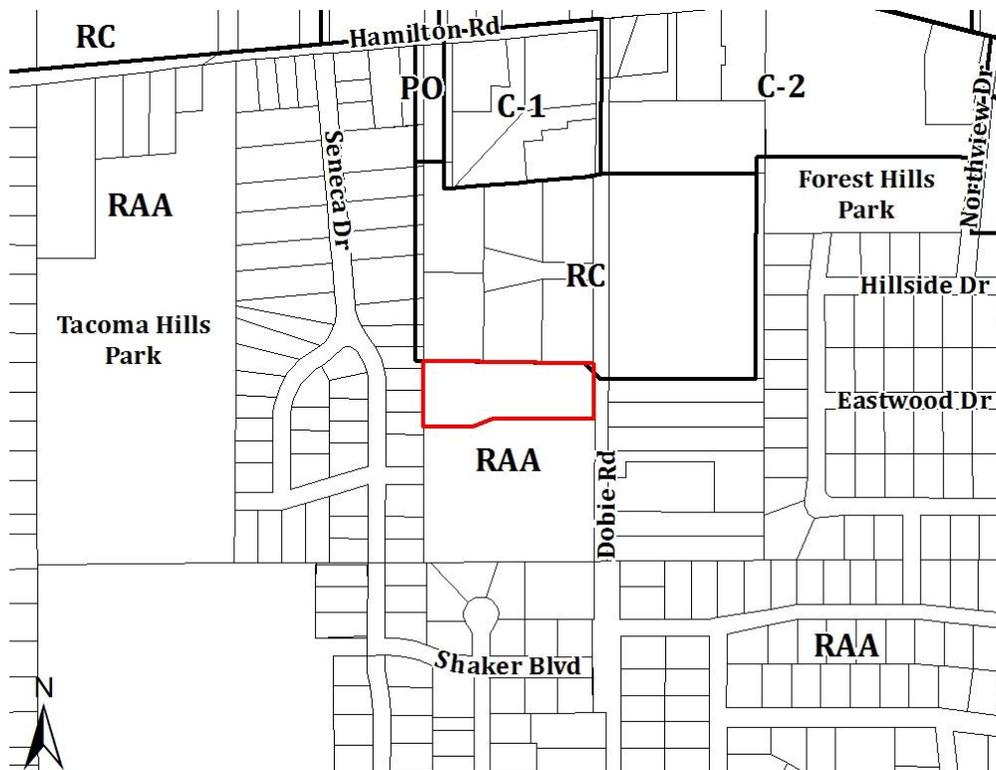
**Zoning**

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

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

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

**ZONING MAP**



**Physical Features**

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

**Streets & Traffic**

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

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

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

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

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

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

**Utilities**

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

**Staff Analysis**

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

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

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

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

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

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

### **Planning Commission Options**

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

**Rezoning #19070 (Fedewa Holdings)**  
**Planning Commission (October 14, 2019)**  
**Page 6**

**Attachments**

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

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

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

RECEIVED  
SEP 06 2019

REZONING APPLICATION

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

Part I

A. Owner/Applicant Fedewa Holdings  
Address of applicant 5570 Okemos Rd. East Lansing, MI 48823  
Telephone: Work (517)339-0020 Home \_\_\_\_\_  
Fax (517)339-4022 Email fedewagr@gmail.com

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

B. Applicant's Representative, Architect, Engineer or Planner responsible for request:  
Name / Contact Person \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone: Work \_\_\_\_\_ Home \_\_\_\_\_  
Fax \_\_\_\_\_ Email \_\_\_\_\_

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

D. Current zoning RAA Requested zoning RC

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

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

**Part II**

**REASONS FOR REZONING REQUEST**

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

A. Reasons why the present zoning is unreasonable:

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

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

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

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

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

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

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

B. Reasons why the requested zoning is appropriate:

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

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

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

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

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

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

7) Requested rezoning will result in better use of Township land, resources and properties and therefore more efficient expenditure of Township funds for public improvements and services, explain: The rezoning will be an economic benefit to the township.

**Part III**

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

Yes  No (Please check one)

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

\_\_\_\_\_  
Signature of Applicant

9/6/2019  
\_\_\_\_\_  
Date

Gerald Fedewa  
\_\_\_\_\_  
Type/Print Name

Fee: \$700.00  
\_\_\_\_\_  
Received by/Date: *Notarized 9-6-19*

# Faith Lutheran Church

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

September 18, 2019

Meridian Township  
5151 Marsh Rd.  
Okemos, MI 48864

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

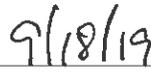
Dear Meridian Township:

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

Sincerely,



John McCracken  
Past President, Faith Lutheran Church



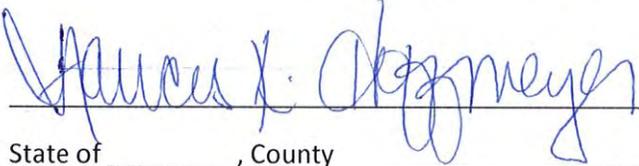
Date

Notary

State of MICHIGAN

County of INGHAM

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

  
\_\_\_\_\_

State of \_\_\_\_\_, County \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Acting in the County of: \_\_\_\_\_

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



RECEIVED  
SEP 06 2019

**TRAFFIC ASSESSMENT**

**For the**

**Proposed Rezoning of**

**2.9 Acre Parcel on Dobie Road**

**Meridian Charter Township, Ingham County, MI**

**September 2019**

**Prepared by:**

**Traffic Engineering  
Associates, Inc.**

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

## Table of Contents

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Land Use	3
Traffic Generation	4
Table 1 – Comparison between Zoning Based on Minimum Lot Size	5
Table 2 – Comparison between Zoning Based on Township Multipliers	5
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## PROJECT DESCRIPTION

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

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

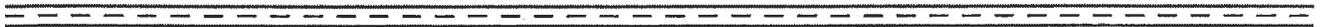
For comparison purposes, the trip generation for the existing zoning was based on the most appropriate trip generator that Meridian Township will allow under the One-Family/Low-Density Residential (RAA). The trip generation for the future zoning was determined by the most appropriate trip generator use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

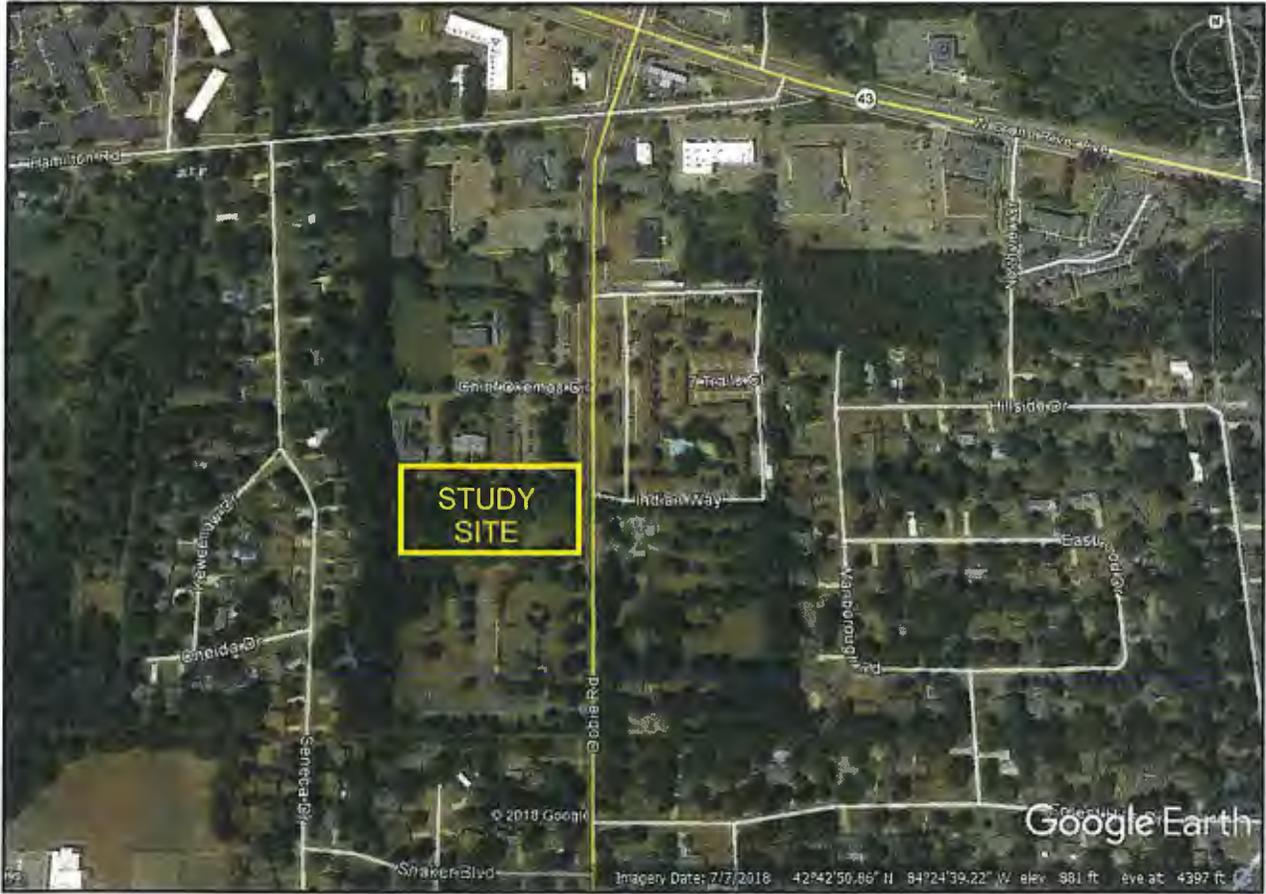
As both zoning categories are residential, the difference in each zoning district is the density of residential units.

The traffic analysis consists of the following items:

- Comparison of the proposed trips generated by the existing residential zoning to the proposed residential zoning.
- Discussion of any potential sight distance issues.

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





**Aerial Photo**



## EXISTING CONDITIONS

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

## LAND USE

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

## TRAFFIC GENERATION

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

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

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

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

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

### Calculation by Minimum Lot Size

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



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

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

#### Calculation by Meridian Township Multiplier

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

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

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

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



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

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

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

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



## FINDINGS

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

## SIGHT DISTANCE

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

## CONCLUSIONS

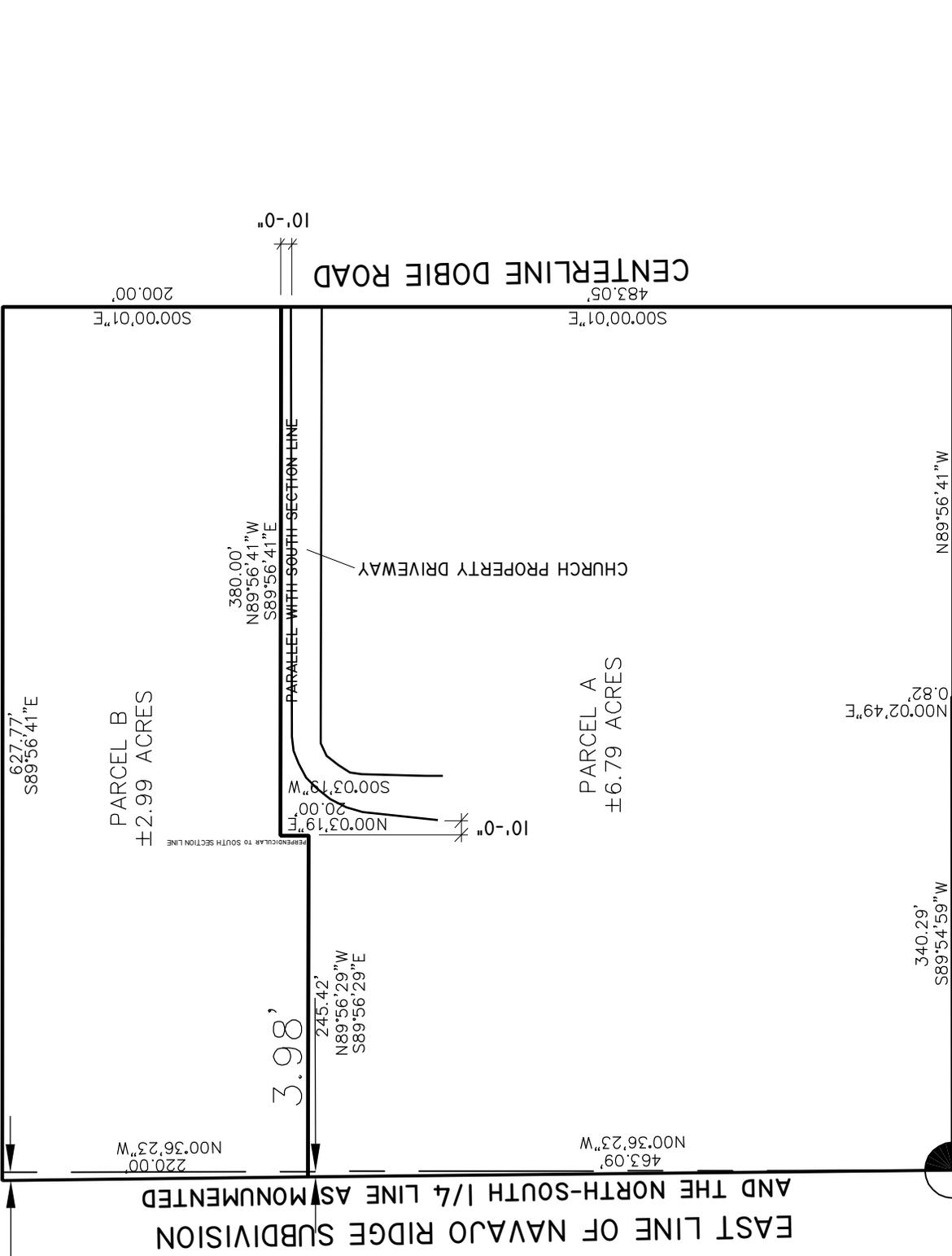
A summary of the findings of this study are listed as follows:

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



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

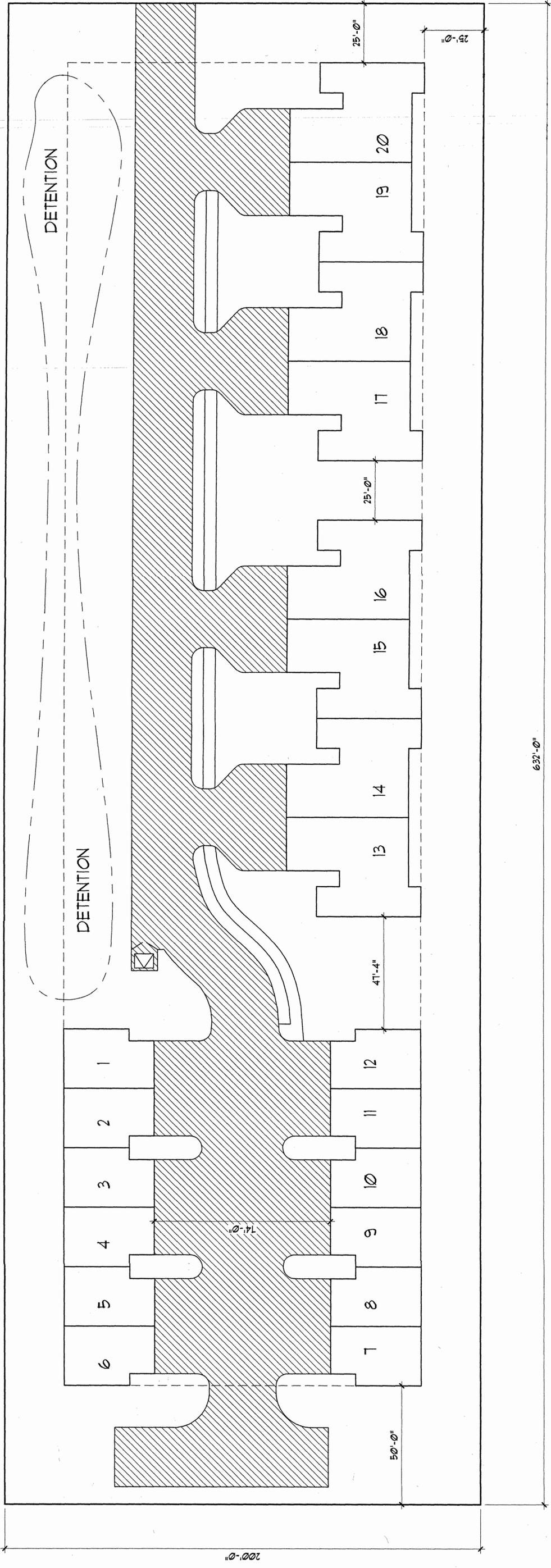
5.87'



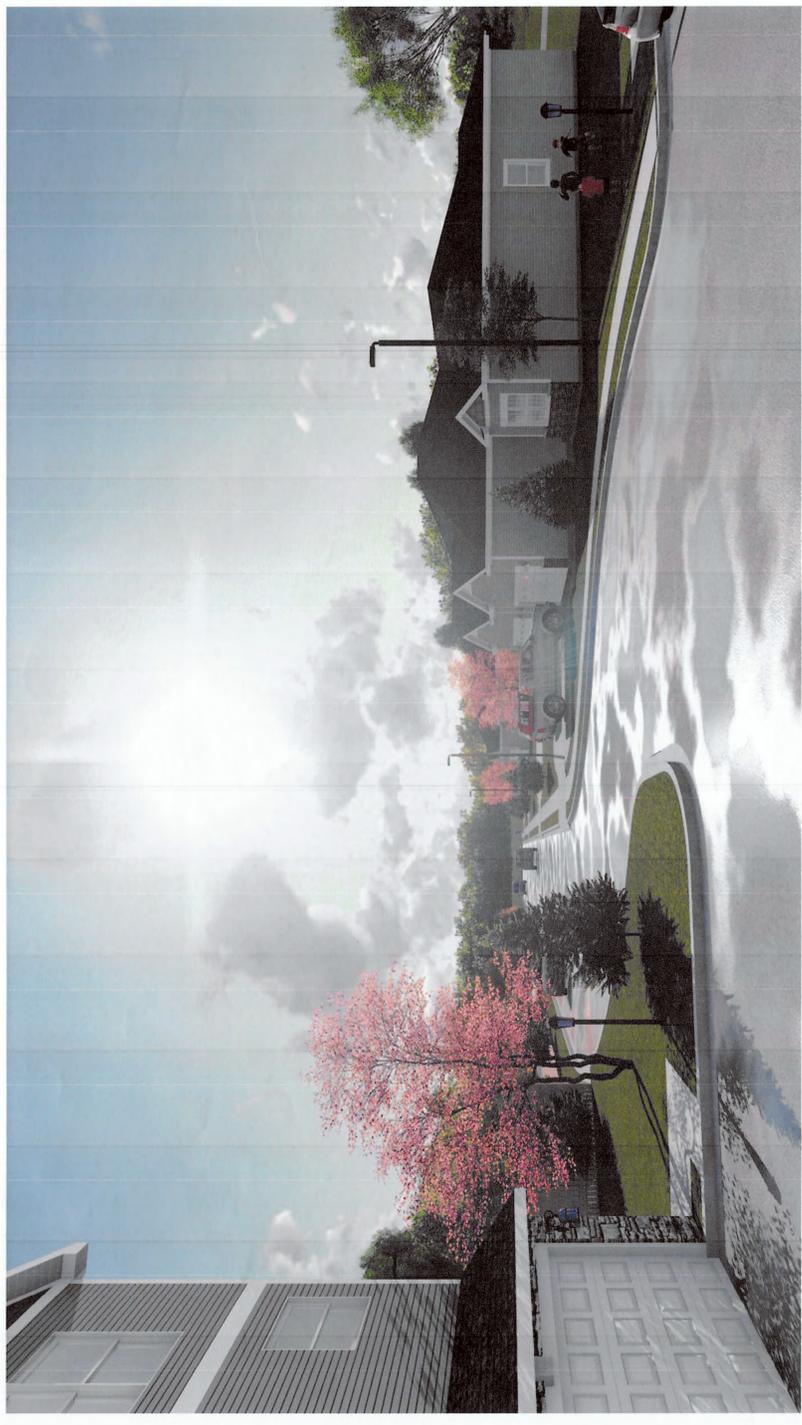
SOUTH SECTION LINE

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

EAST LINE OF NAVAJO RIDGE SUBDIVISION  
AND THE NORTH-SOUTH 1/4 LINE AS MONUMENTED



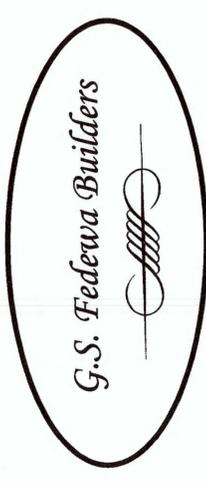
SITE CONCEPT PLAN  
 1" = 20'-0"  
 NORTH



Proposed Development

# Dobie Road

Okemos







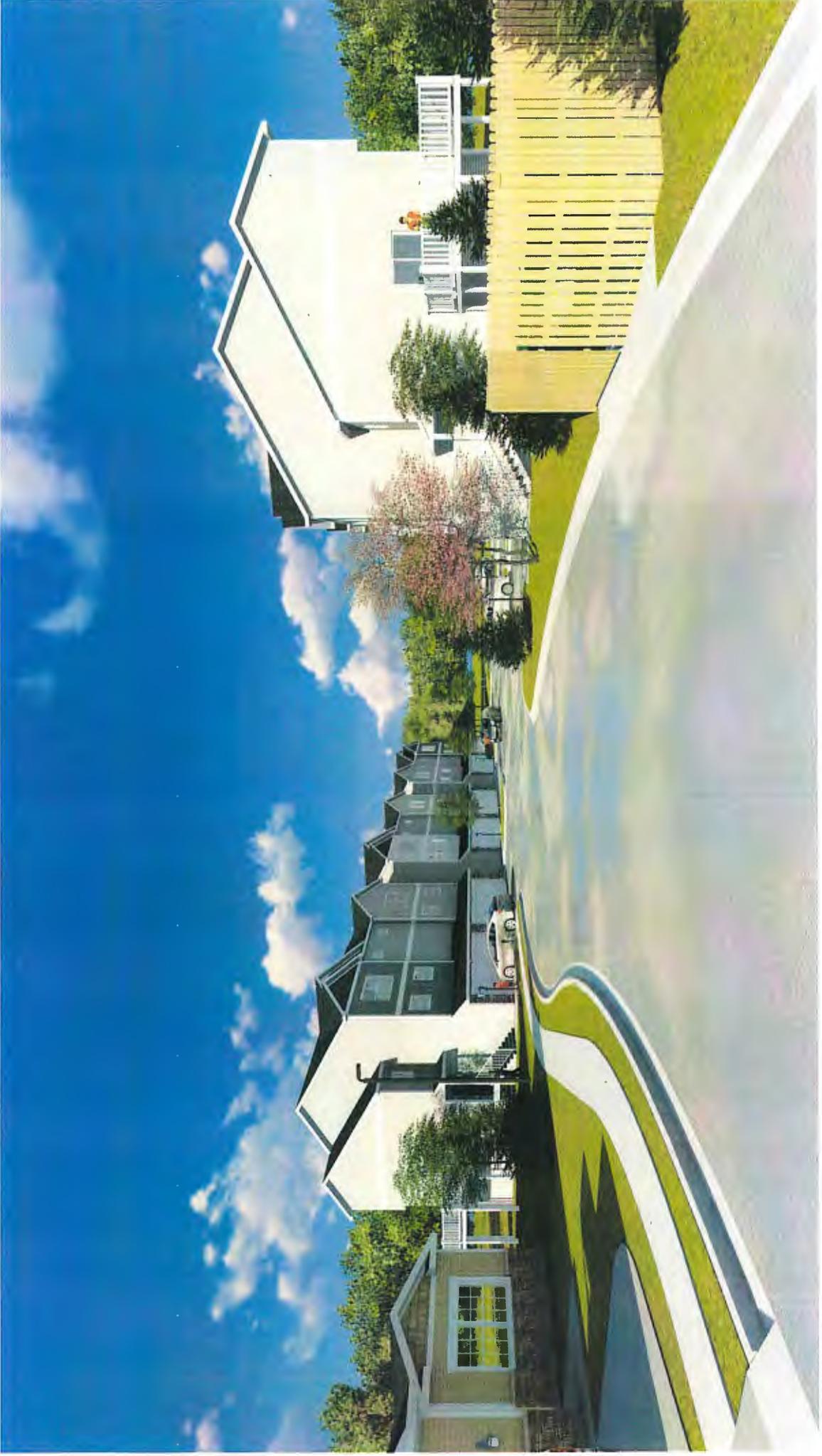




















**Part II**

**REASONS FOR REZONING REQUEST**

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

A. Reasons why the present zoning is unreasonable:

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

B. Reasons why the requested zoning is appropriate:

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



**To:** Planning Commission

**From:** Peter Menser, Principal Planner

**Date:** October 24, 2019

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

---

The Planning Commission held a public hearing on Rezoning #19070 at its last meeting on October 14, 2019. After discussing the request and taking a straw poll the Planning Commission decided to consider a resolution to recommend denial at its next meeting on October 28, 2019.

#### **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 to recommend denial of the request is provided.

- **Move to adopt the resolution to recommend denial of Rezoning #19070 to rezone approximately 2.99 acres located at 4515 Dobie Road from RAA (Single Family-Low Density) to RC (Multiple Family).**

#### **Attachment**

1. Resolution to recommend denial.

G:\Community Planning & Development\Planning\REZONINGS (REZ)\2019\REZ 19070 (Fedewa Holdings)\REZ 19070.pc2.doc

**RESOLUTION TO RECOMMEND DENIAL**

**Rezoning #19070  
4515 Dobie 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 28th day of October, 2019, at 7:00 p.m., Local Time.

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

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

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

WHEREAS, Fedewa Holdings requested the rezoning of 2.99 acres located at 4515 Dobie Road from RAA (Single Family-Low Density) to RC (Multiple Family); and

WHEREAS, the Planning Commission held a public hearing on the request at its regular meeting on October 14, 2019 and has reviewed the staff materials provided under a cover memorandum dated October 11, 2019; and

WHEREAS, the current RAA zoning of the subject property is consistent with the zoning of adjacent properties to the east, west, and south of the site; and

WHEREAS, the RC zoning proposed by the applicant is inconsistent with the Institutional Future Land Use Map designation in the 2017 Master Plan; and

WHEREAS, the applicant has not adequately demonstrated why the requested rezoning to RC is appropriate or why the current RAA zoning is unreasonable; and

WHEREAS, the subject property could be developed as currently zoned.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends denial of Rezoning #19070 to rezone approximately 2.99 acres located at 4515 Dobie Road from RAA (Single Family-Low Density) to RC (Multiple Family).

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

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



**RESOLUTION TO RECOMMEND DENIAL**

**Rezoning #19070  
4515 Dobie 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 28th day of October, 2019, at 7:00 p.m., Local Time.

PRESENT: Chair Scott-Craig, Vice-Chair Lane, Commissioners Premoe, Trezise, Cordill, Shrewsbury, Hendrickson, Richards

ABSENT: None

The following resolution was offered by Commissioner Hendrickson and supported by Commissioner Cordill.

WHEREAS, Fedewa Holdings requested the rezoning of 2.99 acres located at 4515 Dobie Road from RAA (Single Family-Low Density) to RC (Multiple Family); and

WHEREAS, the Planning Commission held a public hearing on the request at its regular meeting on October 14, 2019 and has reviewed the staff materials provided under a cover memorandum dated October 11, 2019; and

WHEREAS, the current RAA zoning of the subject property is consistent with the zoning of adjacent properties to the east, west, and south of the site; and

WHEREAS, the RC zoning proposed by the applicant is inconsistent with the Institutional Future Land Use Map designation in the 2017 Master Plan; and

WHEREAS, the applicant has not adequately demonstrated why the requested rezoning to RC is appropriate or why the current RAA zoning is unreasonable; and

WHEREAS, the subject property could be developed as currently zoned.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends denial of Rezoning #19070 to rezone approximately 2.99 acres located at 4515 Dobie Road from RAA (Single Family-Low Density) to RC (Multiple Family).

ADOPTED: YEAS: Chair Scott-Craig, Vice-Chair Lane, Commissioners Premoe, Trezise, Cordill, Shrewsbury, Hendrickson, Richards

NAYS: None



Chair Scott-Craig closed the public hearing at 8:15 P.M.

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

Chair Scott-Craig opened the public hearing at 8:16 P.M.

Principal Planner Menser provided an overview of the rezoning proposal and noted the site plan is not under consideration at this time as it is a conceptual layout provided for informational purposes only.

The applicant, Jerry Fedewa, 5570 Okemos Road, of G.S. Fedewa Builders provided comments regarding the proposed rezoning of property and stated he would be available to answer questions.

#### Public Comments:

1. Laurel Hilliker, 4554 Dobie Road, spoke in opposition to Rezoning #19070. She also read a letter from John Leone, 4544 Dobie Road, who couldn't attend but wanted to express his opposition to Rezoning #19070 and to have the letter on record.
2. Kevin Hilliker, 4554 Dobie Road, spoke in opposition to Rezoning #19070.
3. Joel Major, 4570 Seneca Drive, spoke in opposition to Rezoning #19070.
4. David Kloc, 4538 Seneca Drive, spoke in opposition to Rezoning #19070.

#### Planning Commission Discussion:

- Homes backing up to the proposed property will require screening.
- There are many trees on the property and there is a desire to preserve them.
- The configuration of the future development will probably require variances.
- Consideration for duplex development in the proposed area instead of a multi-family project as this would be a better transition in the area, considering the single family homes to the west.
- RC zoning is not suitable in the proposed location.
- Approximately one third of the original property has already been developed.
- Traffic flow and safety in the proposed area is a concern as the area is already very busy.
- A multi-family project would create a lot more traffic onto Dobie Road.
- The proposed rezoning to RC is inconsistent with the Future Land Use Map.

A straw poll indicated the Planning Commission would be in favor of recommending denial of Rezoning #19070 (Fedewa Holdings) at the next meeting.

Chair Scott-Craig closed the public hearing at 8:52 P.M.

The Planning Commission took a 10 minute recess.

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

Chair Scott-Craig opened the public hearing at 9:02 P.M.

## 5. Communications

Chair Scott-Craig noted fifteen communications were listed in the meeting packet and said hard copies of the communications received after the meeting packet was sent out were assembled and distributed to the Planning Commission at their places on the dais prior to the meeting.

## 6. Public Hearings - None

## 7. Unfinished Business

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

Principal Planner Menser clarified the scope of the updated traffic analysis submitted by the applicant.

The Planning Commission shared concerns with the conditions as submitted by the applicant. Planning staff clarified that the conditions are as proposed and can either be accepted or rejected by the Planning Commission but not edited.

Meridian Township Manager Frank Walsh noted all seven of the voluntary conditions for the rezoning are tied together.

Motion by Commissioner Premoe to adopt the resolution recommending approval of Rezoning #19060 with conditions.

Supported by Commissioner Trezise.

ROLL CALL VOTE:

YEAS: Commissioners Premoe, Trezise, Cordill, Lane, Shrewsbury, Hendrickson, Richards and Scott-Craig.

NAYS: None

MOTION CARRIED: 8-0

Chair Scott-Craig thanked everyone again who participated in the process over the past year.

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

Motion by Commissioner Henderson to adopt the resolution to recommend denial of the Rezoning #19070.

Supported by Commissioner Cordill.

ROLL CALL VOTE:

YEAS: Commissioners Hendrickson, Cordill, Premoe, Trezise, Lane, Shrewbury, Richards and Scott-Craig.

NAYS: None

MOTION CARRIED: 8-0

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

Motion by Commissioner Lane to adopt the resolution to recommend approval of Rezoning #19080 with conditions.

Supported by Commissioner Trezise.

ROLL CALL VOTE:

YEAS: Commissioners Lane, Trezise, Cordill, Premoe, Shrewbury, Hendrickson, Richards and Scott-Craig.

NAYS: None

MOTION CARRIED: 8-0

**8. Other Business**

Chair Scott-Craig asked if agenda items 8A and 8aB could be switched around in order to allow a guest to speak to the Planning Commission regarding the Hagadorn Road (RP) Research Park rezoning request. The Planning Commission agreed to switch the agenda items.

- B. Hagadorn Road (RP) Research Park rezoning request.

Principal Planner Menser reviewed the request and noted more information is also available in the staff memorandum.

Commissioner Hendrickson asked if RAA zoning might be an acceptable option noting a recent rezoning to RAA in the surrounding area.

David Pierson, representative of one of the owners of the six parcels in question provided some additional history of the parcels and expressed general support for the proposition.

Chair Scott-Craig agreed with Commissioner Hendrickson's suggestion of rezoning to RAA instead of the staff's recommendation of RAAA based on the size of the lots in the area under consideration.

Commissioner Cordill asked how big the lot sizes are in the adjacent College Fields development and Principal Planner Menser stated he would have the information at the public hearing.

Motion by Commissioner Hendrickson to initiate the rezoning from RP to RAA.

Supported by Commissioner Richards.

## Peter Menser

---

**From:** Major, Joel <jmajor@alro.com>  
**Sent:** Friday, October 11, 2019 4:02 PM  
**To:** Peter Menser  
**Cc:** Major, Joel  
**Subject:** Rezoning #19070  
**Attachments:** Lot5 East NW Corner.jpg; Lot4 Southeast NW Corner.jpg; Lot3 South.jpg; Lot2 East.jpg; Lot1 East.jpg

Attn. Peter Menser – Principal Planner

Thank you to responding to my call and questions regarding the Rezoning Application #19070.

My wife and I are the Property Owner/ Occupant at 4570 Seneca Drive, Okemos. I have attached some pictures of my property and some stakes that were placed after the purchase of the lot adjacent to us. (4515 Dobie Road, Okemos)

My questions were when was this property zoned as RA?

Also there would be some dispute to the stakes as they appear to be just beyond our lot line. My intent would be to have another survey of my property, and those homeowners willing to do so to the South of 4570 Seneca, to determine exact property line. I trust that the survey provided is accurate from Dobie, but would like to ensure that it is accurate from Seneca Drive.

Additionally, as a homeowner for the last 19 years at this address, we have enjoyed a large stand of mature trees and greenery separating our home from the Church and other Apartments. Our request would be to retain the largest Green Space possible, and stand-off, to any new Multi-Family dwelling proposed on the Rezoned #19070.

Thank you for the opportunity to address the Planning Commission.

Joel Major  
4570 Seneca Drive  
Okemos, MI 48864  
Mobile (517) 331-5093











## Peter Menser

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**From:** Meridian Township, MI <meridian-mi@enotify.visioninternet.com>  
**Sent:** Friday, October 11, 2019 3:53 PM  
**To:** Planning Commision (DG)  
**Subject:** Comments for Oct. 14 Public HearingEmail contact from Meridian Township, MI

Message submitted from the <Meridian Township, MI> website.

**Site Visitor Name:** Madeline Masterson  
**Site Visitor Email:** [madmasterson@sbcglobal.net](mailto:madmasterson@sbcglobal.net)

Dear Planning Commission Members: I am an adjacent property owner to the site that Fedewa Holdings is asking to have rezoned on Dobie Rd. I have lived at 4562 Seneca Dr. for 54 years and am greatly concerned about the loss of the small woods that are in back of my property. If this project does get approved there are a few issues that I hope will be addressed for the sake of we home-owners who risk seeing their property value and home enjoyment decrease.

\* For me, the most important issue is to allow as large a green buffer as possible. Mr. Fedewa has told me that he is open to moving the paved parking area closest to our property so that more of the woods could be preserved.

I hope this will be pursued by the Commission.

\*Immediately beyond my property line is a small lowland which retains water whenever precipitation is very heavy. I would not want to see this increase due to additional drainage from any new development.

\*I hope the # of units remains well below the allowable maximum.

\*Will the Township confirm that the surveying already done is accurate?

Thank you for your consideration. Please contact me if you wish for any further input.

Sincerely,  
Madeline Masterson  
517-349-1738  
[madmasterson@sbcglobal.net](mailto:madmasterson@sbcglobal.net)

# LEONE LAW

ASSOCIATES, PLLC

T:517-701-2000 F:517-253-0974

301 M.A.C. Avenue East Lansing, MI 48823

JOHN FORDELL LEONE

[John@LeoneLawAssociates.com](mailto:John@LeoneLawAssociates.com)

October 14, 2019

Meridian Township Planning Commission  
and  
Peter Menser, Principal Planner

RECEIVED

OCT 15 2019

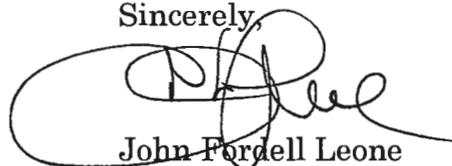
Re: Rezoning # 19070 (Fedewa Holdings)  
Statement of opposition to requested rezoning

Dear Commission and Mr. Menser:

I apologize for not being able to appear in person at the public hearing this evening. I live with my family at 4544 Dobie Road, across the street and one lot South of the area requested to be rezoned. I ask that Kevin Hilliker, my neighbor living directly across from the subject area, be allowed to read this letter into the record and deliver a copy of the letter to the Commission for inclusion in the documented record.

I was informed by Mr. Menser that at this stage the Commission assesses the rezoning request with an analysis assuming maximum development allowable under the requested rezoning to RC (Multiple Family, maximum 14 dwelling units per acre). Based on the indicated "approximately 2.9 acres" to be rezoned, this calculates to 40.6 dwelling units. Even presuming a single vehicle to be associated with such a development, 40 additional vehicles added to the current vehicle load at this section of Dobie Road should be wholly unacceptable to the Commission. Such a traffic load increase would create unacceptable public safety risks. If this is not the finding of the Commission, I request all information (including traffic volume and pattern studies) upon which the Commission bases any decision to grant the rezoning. Moreover, this same traffic increase would create a particularly unacceptable risk to the schoolchildren that board and de-board buses each morning and afternoon at this same location. It would seem highly unlikely the Commission would approve the requested rezoning adjacent to this already overburdened section of Dobie Road, given the inescapable increased risks of accident and injury, particularly during morning and evening rush hour and during the boarding and de-boarding of the bussed schoolchildren. Again, if the Commission does approve the rezoning, consider this the FOIA request for all information (including all traffic increase information) upon which the Commission relied.

Sincerely,



John Fordell Leone

JFL/as



**To: Township Board**

**From: Mark Kieselbach, Director of Community Planning and Development**  
**Justin Quagliata, Assistant Planner**

**Date: November 15, 2019**

**Re: Rezoning #19080 (Minerva Realty Capital, LLC)**

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

The Planning Commission held the public hearing on the rezoning request at its October 14, 2019 meeting and voted to recommend approval at the October 28, 2019 meeting, citing the following reasons for its decision:

- The subject site meets or exceeds the minimum standards for lot area and lot width of the proposed PO (Professional and Office) zoning district.
- The subject site is located adjacent to property zoned PO (Professional and Office) to the south.
- Public water and sanitary sewer serve the subject site.

Staff memorandums outlining the rezoning and minutes from the Planning Commission meetings at which the rezoning was discussed are attached for the Board's review.

### **Township Board Options**

The Township Board may approve or deny the proposed rezoning from RR (Rural Residential) to PO (Professional and Office). If the Board amends the proposal, the request may be referred back to the Planning Commission for a recommendation. A resolution will be provided at a future meeting.

**Rezoning #19080 (Minerva Realty Capital, LLC)  
Township Board (November 19, 2019)  
Page 2**

**Attachments**

1. Staff memorandums dated October 11, 2019 and October 25, 2019 with attachments.
2. Resolution recommending approval dated October 28, 2019.
3. Planning Commission minutes dated October 14, 2019 (public hearing) and October 28, 2019 (decision).

G:\Community Planning & Development\Planning\REZONINGS (REZ)\2019\REZ 19080 (Minerva Realty Capital, LLC)\REZ 19080.tb1.docx





**To: Planning Commission**

**From: Peter Menser, Principal Planner**

**Justin Quagliata, Assistant Planner**

**Date: October 11, 2019**

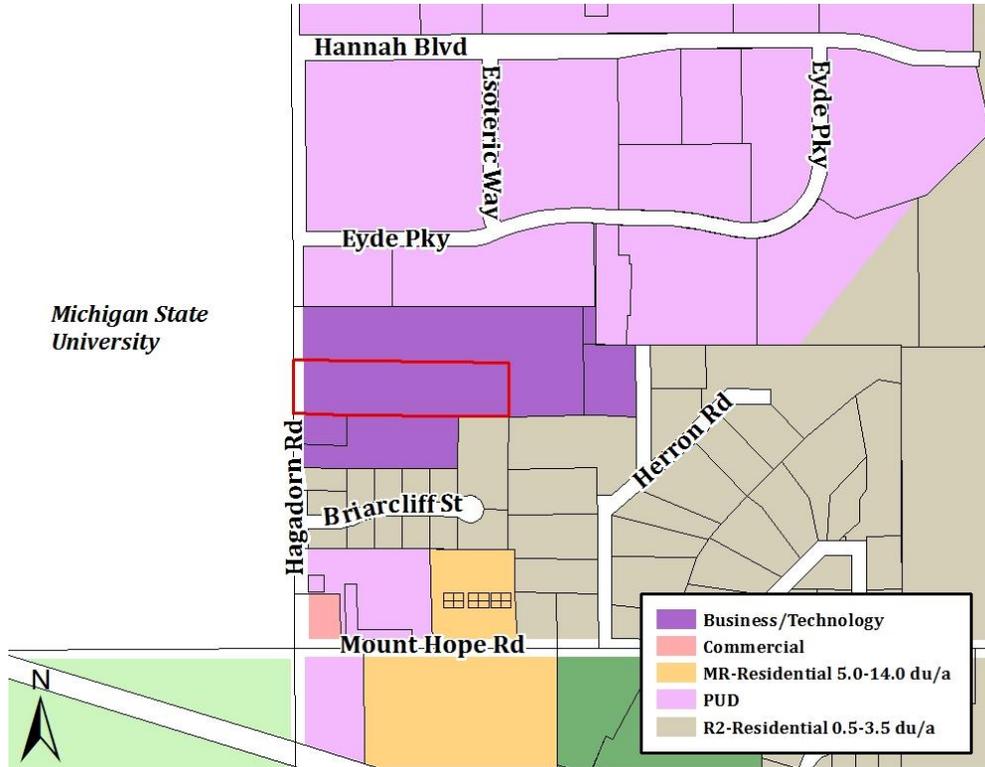
**Re: Rezoning #19080 (Minerva Realty Capital, LLC), rezone approximately 4.999 acres located at 4606 Hagadorn Road from RR (Rural Residential) to PO (Professional and Office) with conditions.**

---

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

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

**2017 FUTURE LAND USE MAP**



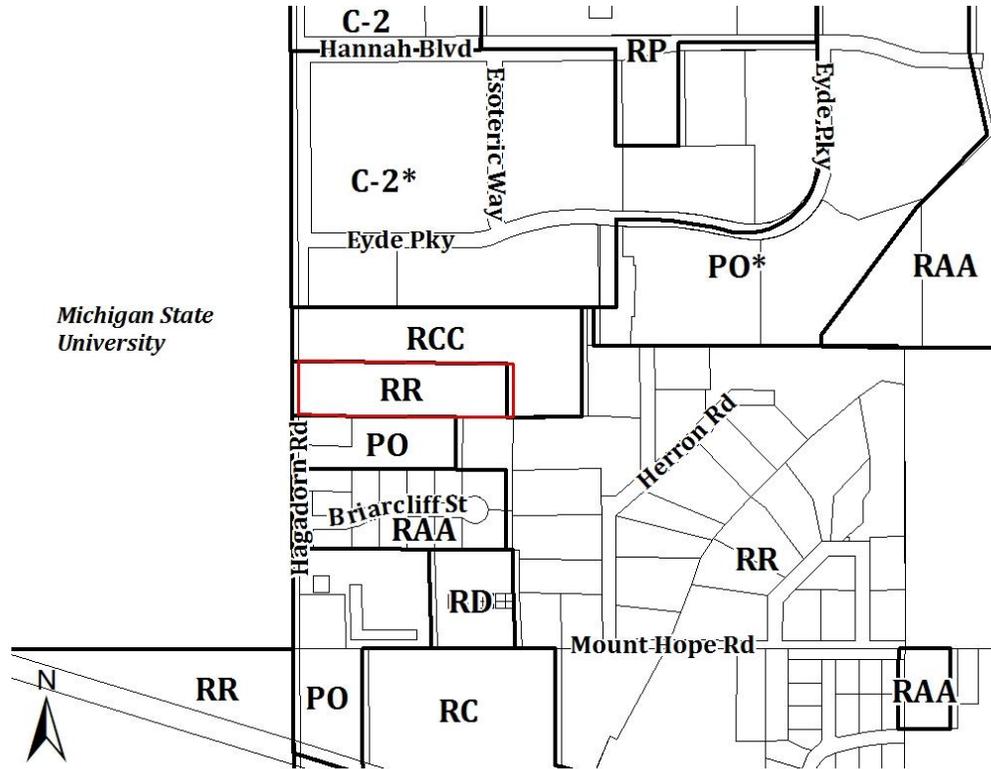
**Zoning**

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

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

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

### ZONING MAP



### Physical Features

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

### Streets & Traffic

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

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

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

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

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

**Utilities**

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

**Staff Analysis**

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

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

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

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

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

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

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

### **Planning Commission Options**

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

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

**Attachments**

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

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

CHARTER TOWNSHIP OF MERIDIAN

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT

5151 MARSH ROAD, OKEMOS, MI 48864

PHONE: (517) 853-4560, FAX: (517) 853-4095

REZONING APPLICATION

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

Part I A.

Owner/Applicant **Minerva Realty Capital, LLC**

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

Telephone: Work **314.210.2110** Home \_\_\_\_\_

Fax \_\_\_\_\_ Email [rcaplin@minervare.com](mailto:rcaplin@minervare.com)

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

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

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

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

Telephone: Work **314.210.2110** Home \_\_\_\_\_

Fax \_\_\_\_\_ Email [rcaplin@minervare.com](mailto:rcaplin@minervare.com)

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

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

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

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

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

1. Nonrefundable fee.

2. Evidence of fee or other ownership of the subject property.

3. A rezoning traffic study prepared by a qualified traffic engineer based on the most current edition of the handbook entitled Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities, published by the State Department of Transportation, is required for the following requests:

a. Rezoning when the proposed district would permit uses that could generate more than 100 additional directional trips during the peak hour than the principal uses permitted under the current zoning.

b. Rezoning having direct access to a principal or minor arterial street, unless the uses in the proposed zoning district would generate fewer peak hour trips than uses in the existing zoning district. (Information pertaining to the contents of the rezoning traffic study will be available in the Department of Community Planning and Development.)

4. Other information deemed necessary to evaluate the application as specified by the Director of Community Planning and Development. Page 2 Part II

#### REASONS FOR REZONING REQUEST

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

A. Reasons why the present zoning is unreasonable:

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

---

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

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

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

---

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

---

---

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

---

B. Reasons why the requested zoning is appropriate:

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

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

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

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

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

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

7) Requested rezoning will result in better use of Township land, resources and properties and therefore more efficient expenditure of Township funds for public improvements and services, explain: **The property, upon acquisition and development, will be returned to the tax rolls, creating revenue for roads, schools, police, fire, libraries, and other government services far in excess of its current use as an out-of-service, tax-exempt structure. Further, PO uses will bring incremental consumers into the area and connect to the community via bus route and being walkable to other area commercial, office, parks and the University. Adaptive reuse of existing building for commercial space will provide**

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

Part III Page 3 I (we) hereby grant permission for members of the Charter Township of Meridian's Boards and/or Commissions, Township staff member(s) and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purpose of gathering information including but not limited to the taking and the use of photographs. Yes No (Please check one) By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate

Russell L Caplin, Jr. 9-17-19

Signature of Applicant

Date

**Russell L. Caplin, Jr**

**Managing Director**

**Minerva Realty Capital, LLC**

Type/Print Name

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

# MEMORANDUM



TO: Matt Durbin

CC: Russell Caplin, Michael Darga, Scott Clein

FROM: William Stimpson, Mohamed Aguib

SUBJECT: Minerva Development Rezoning Traffic Study

DATE: October 1, 2019

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## Introduction

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

According to the Meridian Township Rezoning Application, two conditions require a rezoning traffic study; 1) when the proposed district would permit uses that could generate more than 100 additional directional trips during the peak hour than the principal uses permitted under the current zoning, and 2) when the rezoning parcel has direct access to a principal or minor arterial street, unless the uses in the proposed zoning district would generate fewer peak hour trips than uses in the existing zoning district.

## Existing Land Use & Traffic Characteristics

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

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

## Zoning Ordinance & Master Plan

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

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

The proposed zoning of the subject parcel is PO District (Professional and Office) which is defined in the Meridian Township ordinance as *“The PO District is intended to accommodate those nonresidential uses of an administrative or professional nature which are necessary to the normal conduct of a community’s activities. It is specifically designed, however, to prohibit the introduction of commercial establishments of a retail nature, or other activities which require the constant visits of the general public.”* The uses permitted by right under PO Districts, as per the township’s ordinance, include professional offices, hospitals, medical clinics, religious institutions, research & development facility, and others.

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

**Figure 1 – Site Location and Adjacent Land-use**



**Trip Generation Comparison**

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

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

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

**Table 1 – Trip Generation Comparison**

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

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

**Sight Distance Evaluation**

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

**Figure 2 – Sight Distance Evaluation**



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



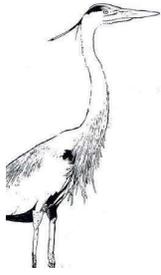
## **Conclusions**

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

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

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

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



MARX  
WETLANDS  
LLC

July 5, 2019

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

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

Dear Mr. Friestrom:

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

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

#### **Site Characteristics**

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

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

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

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

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

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

#### **Wetland Determination**

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

#### **Regulations & Recommendations**

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

4606 & 4576 S. Hagadorn Road  
Meridian Township, Ingham County, Michigan  
Page 3 of 4

decisions and consider federally defined Waters of the United States (WOTUS) when determining jurisdiction.

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

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

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

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

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

July 5, 2019

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

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

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

Sincerely,  
**Marx Wetlands, LLC**



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

**Enclosures:**

- Site Photographs Log
- Site Map

## Site Photographs



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



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



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



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

## Site Photographs



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



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



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



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

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



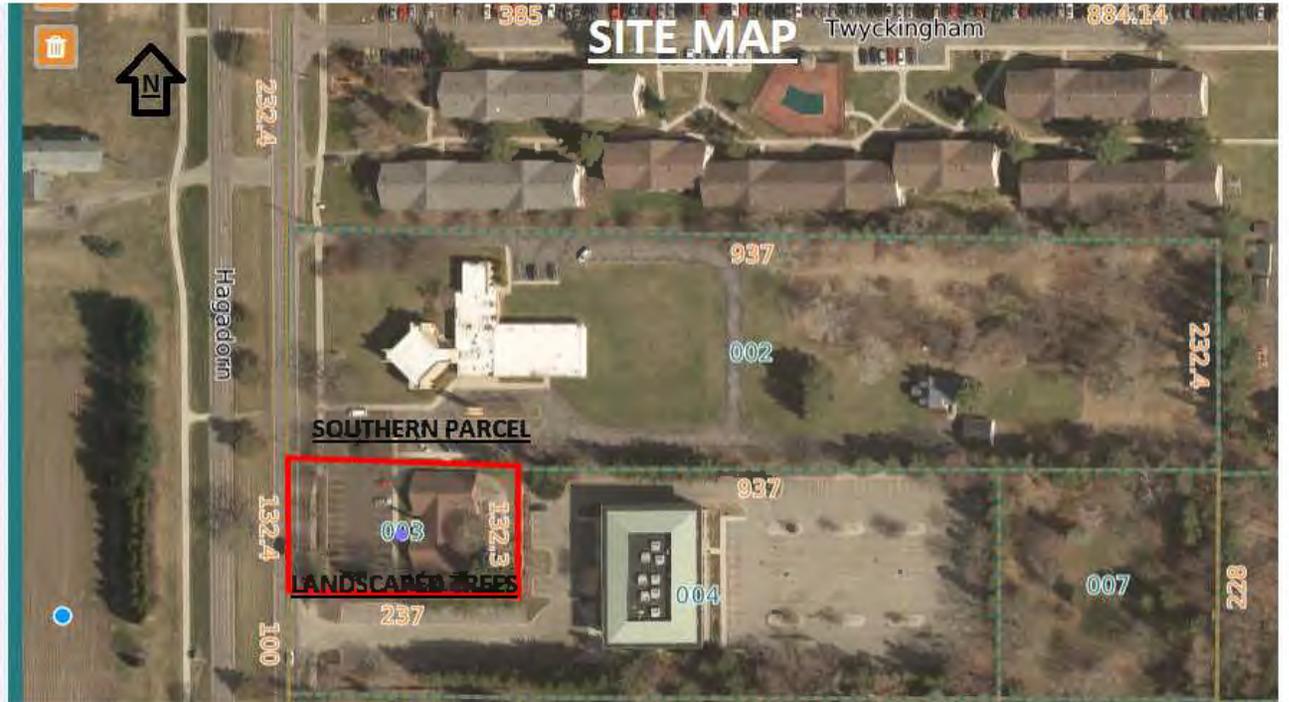


33-02-02-20-351-003

AMERICAN BAPTIST CHURCHES

4578 HAGADORN

EAST LANSING MI, 48823



September 17, 2019

Charter Township of Meridian  
5151 Marsh Road  
Okemos, MI 48864

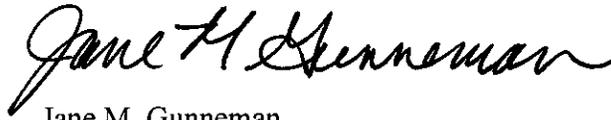
Attn: Mr. Mark Kieselbach  
Community Planning & Development Director

Re: Rezoning; 4606 Hagadorn Road

Dear Mr. Kieselbach:

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

Very truly yours,

A handwritten signature in black ink that reads "Jane M. Gunneman". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

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

**Part II**

**REASONS FOR REZONING REQUEST**

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

A. Reasons why the present zoning is unreasonable:

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

B. Reasons why the requested zoning is appropriate:

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



**To:** Planning Commission

**From:** Peter Menser, Principal Planner  
Justin Quagliata, Assistant Planner

**Date:** October 25, 2019

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

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The Planning Commission held the public hearing for Rezoning #19080 at its last meeting on October 14, 2019. At the meeting the Planning Commission agreed to consider a resolution to recommend approval of the rezoning to the Township Board, subject to the conditions offered by the applicant.

### **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 to recommend approval of the rezoning subject to the conditions offered by the applicant is provided.

- **Motion to adopt the attached resolution to recommend approval of Rezoning #19080 with conditions.**

### **Attachment**

1. Resolution to recommend approval.

**RESOLUTION TO RECOMMEND APPROVAL**

**Rezoning #19080  
4606 Hagadorn 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 28th day of October, 2019, at 7:00 p.m., Local Time.

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

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

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

WHEREAS, Minerva Realty Capital, LLC, requested the rezoning of 4.999 acres located at 4606 Hagadorn Road from RR (Rural Residential) to PO (Professional and Office); and

WHEREAS, on the rezoning application dated September 17, 2019 the applicant offered voluntary conditions on the rezoning, including the rezoning be conditioned on approval of a mixed use planned unit development (MUPUD) using the Township’s MUPUD ordinance and purchase of the property within 12 months; and

WHEREAS, the Planning Commission held a public hearing at its regular meeting on October 14, 2019 and discussed the staff material forwarded under cover a memorandum dated October 11, 2019; and

WHEREAS, the subject site meets or exceeds the minimum standards for lot area and lot width of the proposed PO (Professional and Office) zoning district; and

WHEREAS, the subject site is located adjacent to property zoned PO (Professional and Office) to the south; and

WHEREAS, public water and sanitary sewer serve the subject site.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Rezoning #19080 to rezone approximately 4.999 acres located at 4606 Hagadorn Road from RR (Rural Residential) to PO (Professional and Office) subject to the following conditions voluntarily offered by the applicant:

1. The rezoning be conditioned on approval of a mixed use planned unit development (MUPUD) using the Township’s MUPUD ordinance.
2. Purchase of the property within 12 months.



**RESOLUTION TO RECOMMEND APPROVAL**

**Rezoning #19080  
4606 Hagadorn 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 28th day of October, 2019, at 7:00 p.m., Local Time.

PRESENT: Chair Scott-Craig, Vice-Chair Lane, Commissioners Premoe, Trezise, Cordill, Shrewsbury, Hendrickson, Richards

ABSENT: None

The following resolution was offered by Vice-Chair Lane and supported by Commissioner Trezise.

WHEREAS, Minerva Realty Capital, LLC, requested the rezoning of 4.999 acres located at 4606 Hagadorn Road from RR (Rural Residential) to PO (Professional and Office); and

WHEREAS, on the rezoning application dated September 17, 2019 the applicant offered voluntary conditions on the rezoning, including the rezoning be conditioned on approval of a mixed use planned unit development (MUPUD) using the Township's MUPUD ordinance and purchase of the property within 12 months; and

WHEREAS, the Planning Commission held a public hearing at its regular meeting on October 14, 2019 and discussed the staff material forwarded under cover a memorandum dated October 11, 2019; and

WHEREAS, the subject site meets or exceeds the minimum standards for lot area and lot width of the proposed PO (Professional and Office) zoning district; and

WHEREAS, the subject site is located adjacent to property zoned PO (Professional and Office) to the south; and

WHEREAS, public water and sanitary sewer serve the subject site.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Rezoning #19080 to rezone approximately 4.999 acres located at 4606 Hagadorn Road from RR (Rural Residential) to PO (Professional and Office) subject to the following conditions voluntarily offered by the applicant:

1. The rezoning be conditioned on approval of a mixed use planned unit development (MUPUD) using the Township's MUPUD ordinance.
2. Purchase of the property within 12 months.



Chair Scott-Craig closed the public hearing at 8:15 P.M.

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

Chair Scott-Craig opened the public hearing at 8:16 P.M.

Principal Planner Menser provided an overview of the rezoning proposal and noted the site plan is not under consideration at this time as it is a conceptual layout provided for informational purposes only.

The applicant, Jerry Fedewa, 5570 Okemos Road, of G.S. Fedewa Builders provided comments regarding the proposed rezoning of property and stated he would be available to answer questions.

Public Comments:

1. Laurel Hilliker, 4554 Dobie Road, spoke in opposition to Rezoning #19070. She also read a letter from John Leone, 4544 Dobie Road, who couldn't attend but wanted to express his opposition to Rezoning #19070 and to have the letter on record.
2. Kevin Hilliker, 4554 Dobie Road, spoke in opposition to Rezoning #19070.
3. Joel Major, 4570 Seneca Drive, spoke in opposition to Rezoning #19070.
4. David Kloc, 4538 Seneca Drive, spoke in opposition to Rezoning #19070.

Planning Commission Discussion:

- Homes backing up to the proposed property will require screening.
- There are many trees on the property and there is a desire to preserve them.
- The configuration of the future development will probably require variances.
- Consideration for duplex development in the proposed area instead of a multi-family project as this would be a better transition in the area, considering the single family homes to the west.
- RC zoning is not suitable in the proposed location.
- Approximately one third of the original property has already been developed.
- Traffic flow and safety in the proposed area is a concern as the area is already very busy.
- A multi-family project would create a lot more traffic onto Dobie Road.
- The proposed rezoning to RC is inconsistent with the Future Land Use Map.

A straw poll indicated the Planning Commission would be in favor of recommending denial of Rezoning #19070 (Fedewa Holdings) at the next meeting.

Chair Scott-Craig closed the public hearing at 8:52 P.M.

The Planning Commission took a 10 minute recess.



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

Chair Scott-Craig opened the public hearing at 9:02 P.M.

Principal Planner Menser provided an overview of the rezoning proposal. He also noted a letter was received from the applicant to clarify a condition after the packet was sent out.

The applicant, Matt Durbin from Pittsburgh, PA discussed the project and noted this would be an appropriate use of the area.

The owner's representative David Pierson spoke on behalf of Minerva Realty Capital LLC. He provided additional clarification on the request for rezoning with conditions.

Public Comments:

1. Kelly Rogers, 2924 Briarcliff, East Lansing, MI spoke in opposition to Rezoning #19080.

Planning Commission Discussion:

- The rezoning request is in line with the Future Land Use Map.
- The rezoning is appropriate for the property.
- The existing auxiliary building would remain for future office use.

A straw poll indicated the Planning Commission would be in favor of recommending approval of Rezoning #19080 (Minerva Realty Capital LLC) at the next meeting.

Chair Scott-Craig closed the public hearing at 9:30 P.M

## **7. Unfinished Business - None**

## **8. Other Business**

- A. Form based code initiative.

The Planning Commission held a work session at 6:00 P.M. prior to the meeting to continue working on Section 4 of the draft form based code. Due to the length of the meeting tonight the Planning Commission agreed to continue the work at another work session scheduled for 6:00 P.M. prior to the next Planning Commission meeting on October 28, 2019. The group will finish up working on Section 4 and begin working on Section 5 Parking. The work session is open to the public and will be held in the Town Hall Room.

- B. Hagadorn Road (RP) Research Park rezoning request.

Principal Planner Menser provided a review of the request and noted he would have more information regarding the underlying zoning of Section 425 of the City of Lansing property in the nearby area off Hagadorn Road.

ROLL CALL VOTE:

YEAS: Commissioners Hendrickson, Cordill, Premoe, Trezise, Lane, Shrewbury, Richards and Scott-Craig.

NAYS: None

MOTION CARRIED: 8-0



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

Motion by Commissioner Lane to adopt the resolution to recommend approval of Rezoning #19080 with conditions.

Supported by Commissioner Trezise.

ROLL CALL VOTE:

YEAS: Commissioners Lane, Trezise, Cordill, Premoe, Shrewbury, Hendrickson, Richards and Scott-Craig.

NAYS: None

MOTION CARRIED: 8-0

**8. Other Business**

Chair Scott-Craig asked if agenda items 8A and 8aB could be switched around in order to allow a guest to speak to the Planning Commission regarding the Hagadorn Road (RP) Research Park rezoning request. The Planning Commission agreed to switch the agenda items.

B. Hagadorn Road (RP) Research Park rezoning request.

Principal Planner Menser reviewed the request and noted more information is also available in the staff memorandum.

Commissioner Hendrickson asked if RAA zoning might be an acceptable option noting a recent rezoning to RAA in the surrounding area.

David Pierson, representative of one of the owners of the six parcels in question provided some additional history of the parcels and expressed general support for the proposition.

Chair Scott-Craig agreed with Commissioner Hendrickson's suggestion of rezoning to RAA instead of the staff's recommendation of RAAA based on the size of the lots in the area under consideration.

Commissioner Cordill asked how big the lot sizes are in the adjacent College Fields development and Principal Planner Menser stated he would have the information at the public hearing.

Motion by Commissioner Hendrickson to initiate the rezoning from RP to RAA.

Supported by Commissioner Richards.



**To: Township Board**

**From: LuAnn Maisner, CPRP  
Director of Parks and Recreation**

**Mark Kieselbach,  
Director of Planning and Community Development**

**Date: November 12, 2019**

**Re: Tree Bank Ordinance**

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In June of this year, the Environmental Commission and the Land Preservation Advisory Board (LPAB) held a joint meeting to discuss items of mutual interest including the creation of a Tree Banking Program. Per the request of the LPAB, Parks Department staff looked into ordinances from other communities as well as one drafted by a Meridian Township Committee in 1999.

The intent of the LPAB was to focus on larger development projects, not single-family parcels. Once research began, it became apparent that creating a Tree Banking Program may be more complicated than originally thought based on Ordinances already in place that address tree clearing and existing provisions for required street trees and parking lot trees in development projects. Unlike the Wetland Ordinance, there is not a replacement provision in the Land Clearing Ordinance that would provide excess trees for banking.

The Land Clearing Ordinance was adopted in 2002. The intent of the ordinance was to establish regulations to prevent the clear cutting of trees and vegetation on undeveloped parcels prior to obtaining approvals for developing the parcel. Amendments to the Land Clearing Ordinance were proposed in 2003 and 2006 to broaden the regulations for the removal and replacement of trees on all parcels whether developed or undeveloped. The Township Board could not reach a consensus on amending the ordinance either time.

Over the last four years, there has been approximately 850 trees planted in parks and land preserves through grants and millage funds.

Before moving forward with additional investigation, Board direction is being requested.



**To: Board Members**  
**From: Phil Deschaine, Treasurer**  
**Date: November 15, 2019**  
**Re: Meridian Township Board Retreat**

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I propose we participate in a Board retreat in January or February of 2020. The benefits of this Board retreat could include a better dialog between board members and appointed leaders, and to reinforce a culture of professionalism, cooperation, and collegiality on the Board. In addition, I believe by taking a day for a Board retreat at the start of 2020, we will be more likely to meet the significant goals we will be setting for the year ahead.

Attached you will find a proposal for a Board retreat from Larry Merrill, of the Center for Local Solutions based in Lansing. Most of us know Merrill from his 30-plus years with the Michigan Township's Association. I think Merrill's vast experience working with boards like ours will provide us with excellent facilitation of our retreat and a greater likelihood that it will be a success.

If the Board agrees to a Board retreat, we will need to pick a date in January or February that will work for Board members. A Saturday from 9 AM to 2 PM is a suggested day and time. However, other days or time can also be considered.

As for the location, Merrill suggests we might have greater success if we meet off site, while still within the Township in a hotel meeting room or boardroom. This will be an open meeting and the public will be able to attend and observe the retreat.



**Proposal**

**Charter Township of Meridian Board of Trustees  
Leadership Dialogue to Advance Meridian Governance**

A Retreat for the Township Leadership Team

Facilitated by:

*Larry Merrill, Senior Consultant*

*Center for Local Solutions*

*Public Policy Associates, Inc. Lansing, Michigan*

**Project Objective:**

Facilitate a Charter Township of Meridian's leadership team dialogue to develop cohesive, consensus-driven board policies that reflect the Meridian community's expectations and instill a lasting culture of collegiality, cooperation, professionalism and effective governance among elected and appointed leaders.

**Expected outcomes:**

1. Assure connection between board goals and objectives goals and operational priorities.
2. Clarify the board's land use, growth, development and regulatory priorities to assure alignment with township land use planning, regulations and enforcement practices.
3. Assure that board meeting structure, agendas and conduct build and maintain to a culture of trust, civility and productivity essential for a high-functioning board.

**Board Retreat structure:**

- A. Affirm a commitment to working together to achieve outcomes.
- B. Establish retreat "rules of engagement."
- C. Township manager to present overview of the 12 primary objectives. Board and manager discuss relative need/merit of each, benchmarking progress, define success.
- D. Develop board goals and outcomes related to land use planning and regulations to assure consistency with community expectations.
- E. Board members complete an online survey regarding board meeting processes and outcomes. Findings presented, discussed and potential board meeting governance policies developed.



**Date and Time:**

Date TBD; 9:00 a.m.- 2:00 p.m. (half hour lunch)

**Meeting Logistics:**

The meeting will conform to the requirements of the Michigan Open Meetings Act (notice, minutes, quorum, public participation, etc.) and held within the Charter Township of Meridian at a location conducive to extended, challenging dialogue among the participants (Okemos Conference Center or similar facility).

**Project Budget**

Materials	\$100.
Meeting room	TBD (subject to township's approval)
Lunch and refreshments	TBD (if township makes arrangements)
	\$25/person (if arranged by PPA)
Consulting	\$2,250*

\*Reflects 15 hours @ \$150/hour for retreat development, pre-retreat survey compilation and report, on-sight facilitation and post-retreat report of consensus outcomes.