

CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
AGENDA

REGULAR MEETING
and
WORK SESSION MEETING

June 8, 2015

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

Regular Meeting

1. Call meeting to order at approximately 7:00 p.m.
2. Approval of agenda
3. Approval of minutes
 - A. May 11, 2015 Regular Meeting
 - B. May 18, 2015 Regular Meeting
4. Public remarks
5. Communications
 - A. Zubin Chinoy RE: PRD #15-97015 (SP Investments)
 - B. Govindarajan Umakanthan RE: PRD #15-97015 (SP Investments)
 - C. G. Umakamth RE: PRD #15-97015 (SP Investments)
 - D. Srinivas Kandula RE: PRD #15-97015 (SP Investments)
 - E. Salim Jaffer RE: PRD #15-97015 (SP Investments)
 - F. Tom and Marti Repaskey RE: PRD #15-97015 (SP Investments)
 - G. Mark & Marsha Hooper RE: PRD #15-97015 (SP Investments)
 - H. Srinivas Kavuturu RE: PRD #15-97015 (SP Investments)
 - I. Urvish Shah RE: PRD #15-97015 (SP Investments)
 - J. Thomas Repaskey RE: PRD #15-97015 (SP Investments)
 - K. T. J. Dart RE: PRD #15-97015 (SP Investments)
 - L. Neil Story RE: PRD #15-97015 (SP Investments)
 - M. Mark Hooper RE: PRD #15-97015 (SP Investments)

Communications received and distributed at the May 18, 2015 meeting and placed on file:

- A. Barbara B Herdus RE: PRD #15-97015 (SP Investments)
- B. Paul Flynn & Cindy Hollenbeck RE: PRD #15-97015 (SP Investments)
- C. Laurie Fata RE: PRD #15-97015 (SP Investments)
- D. Jianguo Liu RE: PRD #15-97015 (SP Investments)
- E. John Dallas RE: PRD #15-97015 (SP Investments)
- F. Pat England RE: PRD #15-97015 (SP Investments)

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- G. Kusum Kumar RE: PRD #15-97015 (SP Investments)
 - H. Edward Liu RE: PRD #15-97015 (SP Investments)
 - I. Kristin Rawson RE: PRD #15-97015 (SP Investments)
6. Public Hearings
- A. Special Use Permit #15061 (Jacobs Engineering), request to install a 90 foot cell tower on 4980 Park Lake Road
7. Unfinished Business
- A. Mixed Use Planned Unit Development #15014 (Campus Village Development), request to establish a mixed use planned unit development at 2655 Grand River to include the existing multi-tenant commercial building and new construction consisting of 15,040 square feet of commercial space and 222 multiple family dwelling units
 - B. Special Use Permit #15051 (Campus Village Development), request for a group of buildings greater than 25,000 square feet (approximately 236,000 square feet) consisting of an existing commercial building (approximately 55,000 square feet) and new construction (approximately 181,000 square feet) at 2655 Grand River
 - C. Planned Residential Development #15-97015 (SP Investments Limited Partnership), request to amend the PRD sketch plan for the unplatted portions of Ember Oaks preliminary plat located north of Jolly Road
8. Other Business
9. Township Board, Planning Commission officer, committee chair, and staff comment or reports
10. New Applications
- A. Special Use Permit #15071 (Children's Enrichment Center), request to establish a child care center at 1549 Haslett Road
11. Site Plans received
12. Site Plans approved
- A. Site Plan Review #15-04 (MF Okemos), request to construct a retail building with drive-through window at 2049 Grand River Avenue
 - B. Site Plan Review #15-05 (Kroger), request to construct a gas station with a 254 square foot transaction kiosk and eight fueling stations at 4884 Marsh Rd.
13. Public Remarks
14. Adjournment

Post Script: Pat Jackson

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

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

Work Session Meeting

1. Call meeting to order
2. Approval of agenda
3. Discussion
 - A. 2005 Master Plan Update
5. Public remarks
6. Adjournment

**TENTATIVE
PLANNING COMMISSION AGENDA**

**Regular Meeting
June 22, 2015**

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

Regular Meeting

1. Public Hearings
 - A. Special Use Permit #15071 (Children's Enrichment Center), request to establish a child care center at 1549 Haslett Road

2. Unfinished Business
 - A. Special Use Permit #15061 (Jacobs Engineering), request to install a 90 foot cell tower on 4980 Park Lake Road

3. Other Business

Work Session Meeting

- A. 2005 Master Plan Update

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
May 18, 2015**

DRAFT

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

PRESENT: Commissioners Cordill, DeGroff, Deits, Honicky, Ianni, Scott-Craig, Tenaglia, Van Coevering
ABSENT: Commissioner Jackson
STAFF: Principal Planner Oranchak

1. Call meeting to order

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

2. Approval of agenda

Commissioner Cordill moved to approve the agenda. Seconded by Commissioner DeGroff.

VOICE VOTE: Motion carried 8-0.

3. Approval of Minutes

Commissioner Tenaglia moved to approve the Work Session Meeting Minutes of April 27, 2015 and May 11, 2015. Seconded by Commissioner Ianni.

VOICE VOTE: Motion carried 8-0.

4. Public Remarks

Chair Scott-Craig opened the floor for public remarks.

Vincent Benivegna, 3585 Cabaret Trail, Okemos, expressed opposition to the proposed amendment for PRD #15-97015 (SP Investments Limited Partnership).

Warren D'Sousa, 3598 Stagecoach Drive, Okemos, voiced opposition to the proposed amendment for PRD #15-97015 (SP Investments Limited Partnership).

Tom Repasky, 3663 Stagecoach Drive, Okemos, stated his opposition to the proposed amendment for PRD #15-97015 (SP Investments Limited Partnership).

Dana Gavrilides, 3627 Stagecoach Drive, Okemos, voiced her concern regarding safety with increased traffic as a result of the proposed amendment to PRD #15-97015 (SP Investments Limited Partnership).

Neil Story, 3537 Ponderosa Drive, Okemos, voiced his concern with traffic and water flow in his neighborhood as a result of the proposed amendment to PRD #15-97015 (SP Investments Limited Partnership).

Gary Mitchell, 1150 Scenic Lake Drive, Okemos, expressed concern with the smaller lots sizes and increased traffic as a result of the proposed in the amendment to PRD #15-97015 (SP Investments Limited Partnership).

Patrick England, 3670 Stagecoach Drive, Okemos, cited traffic safety and potential water problems which would result from the proposed amendment to PRD #15-97015 (SP Investments Limited Partnership).

Dr. Lloyd Bingman, 1425 Ambassador Drive, Okemos, requested the Planning Commission deny the proposed amendment to PRD #15-97015 (SP Investments Limited Partnership).

Teresa Bangman, 1425 Ambassador Drive, Okemos, expressed opposition to PRD #15-97015 (SP Investments Limited Partnership), stating the proposed amendment is inconsistent with the current PRD and would allow for smaller lots.

Zubin Chinoy, 1420 Ambassador Drive, Okemos, voiced his opposition to the proposed amendment for PRD #15-97015 (SP Investments Limited Partnership).

Salim Jaffer, 3633 Wandering Way, Okemos, voiced his opposition to the proposed amendment for PRD #15-97015 (SP Investments Limited Partnership).

Chair Scott-Craig closed public remarks.

5. Communications

- A. Melvin Jung, 1421 Ambassador Drive, Okemos; RE: PRD #15-97015 (SP Investments)
- B. Srinivas Kandula, 3653 Bandera, Okemos; RE: PRD #15-97015 (SP Investments)
- C. Thomas Jay Dart, Jr., 3569 Cabaret Trail, Okemos; RE: PRD #15-97015 (SP Investments)
- D. Barbara Herdus, PLLC, 1103 North Washington Avenue, Lansing; RE: PRD #15-97015 (SP Investments)
- E. Paul Flynn & Cindy Hollenbeck, 1433 Wandering Way, Okemos; RE: PRD #15-97015 (SP Investments)
- F. Lauie Fata, 3592 Ostego Drive, Okemos; RE: PRD #15-97015 (SP Investments)
- G. Jianguo Liu, 3590 Cabaret Trail, Okemos; RE: PRD #15-97015 (SP Investments)
- H. Patrick England, 3670 Stagecoach Drive, Okemos; RE: PRD #15-97015 (SP Investments)
- I. Ashir and Kusum Kumar, 3885 Highwood, Okemos; RE: PRD #15-97015 (SP Investments)
- J. John and Clarissa Dallas, 3586 Cabaret Trail, Okemos; RE: PRD #15-97015 (SP Investments)
- K. Edward Liu, 1417 Ambassador Drive, Okemos; RE: PRD #15-97015 (SP Investments)
- L. Kirsten Rawson, 3589 Cabaret Trail, Okemos; RE: PRD #15-97015 (SP Investments)

Communications received and distributed at the May 11, 2015 meeting and placed on file:

- A. Joe Lopez, Denny's, Inc., 2701 E. Grand River, East Lansing; RE: MUPUD #15014 (Campus Village Dev.)

6. Public hearings

- A. Planned Residential Development #15-97015 (SP Investments Limited Partnership), request to amend the PRD sketch plan for the unplatted portions of Ember Oaks preliminary plat located north of Jolly Road

Chair Scott-Craig opened the public hearings at 7:28 P.M.

Introduction by the Chair (announcement of procedures, time limits and protocols for public participation and applicants)

- Summary of subject matter
Principal Planner Oranchak summarized the amendment to the planned residential development (PRD) as outlined in staff memorandum dated May 15, 2015. She highlighted the differences between the original PRD and the proposed PRD before the Commission.
- Applicant

Jeff Kyes, KEBS, Inc., 2116 Haslett Road, Haslett, pointed out the lot width and lot size requirements for the zoning remain the same as the original PRD. He indicated requirements from the Ingham County Drain Commissioner (ICDC) regarding detention and pre-treatment have changed since the original PRD was approved in 1999, necessitating additional land for water treatment. Mr. Kyes addressed another requirement which originated from the Township Board since original plat approval of a 60 foot setback from the gas main pipe, resulting in a 27 foot loss of buildable land on each side of the gas main. He discussed the previous need to cut the hill down on Jolly Road for sight distance purposes, noting the new layout brings the road up the hill, provides greater sight distance and allows the Jolly Road hill to remain intact.

Mr. Kyes stated Ponderosa Drive is not currently receiving any developed water. He indicated the applicant has worked with the ICDC and the Township to comply with their requirement to discharge all water on site to the two detention ponds to the north at the agreed upon discharge rates. Mr. Kyes pointed out the Forsberg Road connection is a requirement from the ICRD and must be constructed. He did not believe the traffic concerns as opined by the residents of Ember Oaks were valid as it would require five (5) turns to reach Jolly Road. Mr. Kyes addressed the concern expressed during public comment regarding lot size, explaining several lots in the original plat have already been built on with some of the lot sizes ranging from 20,100 square feet to 23,000 square feet, adding they meet the 20,000 square foot requirement.

- Public
Mark Hooper, 3653 Stagecoach Drive, Okemos, offered a history of this project since its inception in 1992, outlining continued concern throughout the process regarding traffic and inter-subdivision traffic.
- Planning Commission and staff discussion:

Commissioner Ianni inquired as to how the redesign improves the flow of wildlife across the property.

Mr. Kyes responded the applicant attempted to make everything contiguous. While he was unclear where all the wildlife corridors are located, there is an additional eight (8) acres of open space. He stated the proposed layout maintains the intent of the original PRD relative to contiguous wetlands and contiguous open space.

Commissioner Van Coevering confirmed with staff that house designs and building materials are outside of the scope of the Township's review throughout the process.

Commissioner Van Coevering reiterated the amount of open space has been increased from 20% to 45%.

Commissioner Van Coevering confirmed vehicle trips will not increase as the number of lots in the original PRD of 159 will be reduced to 158.

Commissioner Tenaglia voiced appreciation for public input at tonight's meeting and encouraged residents to attend the May 21st Master Plan Public Input Forum to discuss the future development of Meridian Township.

Commissioner DeGroff asked for staff confirmation that the original preliminary plat review showed the Forsberg Drive connection.

Principal Planner Oranchak responded in the affirmative, adding, as the applicant had stated, both the ICRD and the Township were interested in having the connection to the Ponderosa subdivisions.

Chair Scott-Craig indicated there is a corresponding connection to Hiawatha Park on the other side of the development.

Commissioner Deits cautioned Commissioners they should not consider comments regarding “promises” made by the developer to land owners as they are not part of this review process.

Chair Scott-Craig reiterated the six standards shown as bullet points in the staff memorandum are what is under the purview of the Planning Commission to make a decision on.

Commissioner DeGroff addressed the issue that over the last 5-10 years, corporations have been afforded rights that only individuals used to have. He believed corporations should behave like good “citizens” and keep promises made.

Chair Scott-Craig closed the public hearing at 8:04 P.M.

7. Unfinished Business (None)

8. Other Business (None)

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

Chair Scott-Craig reminded citizens of the Master Plan Public Input Forum to be held on Thursday, May 21, 2015 at 7:00 P.M. in the Town Hall Room.

Commissioner Deits reported his attendance at the last meeting of the Downtown Development Authority (DDA), where the Township is in discussion with developers regarding development on the MARC/Central Fire Station property. He reminded residents of the June 13, 2015 Celebrate Downtown Okemos Event and urged residents who wish to volunteer or give a monetary donation to contact the Township.

10. New applications

- A. Special Use Permit #15061 (Jacobs Engineering), request to install a 90 foot cell tower on 4980 Park Lake Road

11. Site plans received (None)

12. Site plans approved (None)

13. Public remarks

Chair Scott-Craig opened public remarks.

Zubin Chinoy, 1420 Ambassador Drive, Okemos, stated most residents are apprehensive the amendment will be detrimental to their homestead and believed the Planning Commission must take their concerns into consideration during deliberation of PRD #15-97015.

Warren D’Sousa, 3598 Stagecoach Drive, Okemos, identified himself as an engineer employed by the Michigan Department of Transportation, and suggested the Township employ the contact sensitive solution (CSS) process and consider all the stakeholders affected by PRD #15-97015.

Mark Hooper, 3653 Stagecoach Drive, Okemos, believed what has been sketched out in PRD #15-97015 doesn't meet the neighbors' concerns which were dealt with when the residents in the Ponderosa subdivision agreed to accept the Ember Oaks PRD in 2000. He spoke to the visual impact smaller lots behind his home would create on his residence.

Chair Scott-Craig closed public remarks.

14. Adjournment

Chair Scott-Craig adjourned the regular meeting at 8:15 P.M.

Respectfully Submitted,

Sandra K. Otto
Recording Secretary

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
REGULAR MEETING MINUTES
May 11, 2015**

DRAFT

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

PRESENT: Commissioners Cordill, DeGroff, Honicky, Ianni, Jackson, Scott-Craig, Tenaglia, Van Coevering
ABSENT: Commissioner Deits
STAFF: Principal Planner Oranchak, Associate Planner Wyatt

1. Call meeting to order

Chair Scott-Craig called the regular meeting to order at 7:00 P.M.

2. Approval of agenda

Commissioner Ianni moved to approve the agenda. Seconded by Commissioner Cordill.

Commissioner DeGroff offered the following amendment:

- **Move Agenda Item #7C to Agenda Item #5.5**

Seconded by Commissioner Tenaglia.

VOICE VOTE: Motion carried 8-0.

VOICE VOTE ON THE MAIN MOTION: Motion carried 8-0.

3. Approval of Minutes

Commissioner Ianni moved to approve the Regular Meeting Minutes of April 27, 2015. Seconded by Commissioner Tenaglia.

VOICE VOTE: Motion carried 8-0.

4. Public Remarks

Chair Scott-Craig opened and closed the floor for public remarks.

5. Communications

A. Robert Luebke, 4300 Tacoma Boulevard, Okemos; RE: Support for Special Use Permit #15041

5.5 Special Use Permit #15041 (Triestram and Dorner)

Special Use Permit #15041 (Triestram and Dorner), request to construct a 128 square foot deck in the 100-year floodplain at 4303 Tacoma Boulevard with a request for a decision the same night as the public hearing

Commissioner Jackson moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #15041 subject to the following conditions:

- 1. Approval is subject to the application materials and plans submitted as part of Special Use Permit #15041, subject to revisions as required.**
- 2. If required, the applicant shall obtain a soil erosion and sedimentation control permit from the Department of Public Works & Engineering prior to any work taking place related to**

the deck project. A copy of the permit shall be provided to the Department of Community Planning & Development.

3. The elevation of the proposed deck shall be a minimum of one foot above the level of the base flood elevation of 847 feet above mean sea level.
4. In no case shall the impoundment capacity of the 100-year floodplain be reduced by the deck.
5. Fill placed in the floodplain as part of the project shall be protected against erosion pursuant to a soil erosion permit from the Department of Public Works & Engineering.
6. The applicant shall properly dispose of all excess materials from the post holes to an off-site location subject to the approval of the Director of Community Planning & Development.

Seconded by Commissioner Ianni.

Planning Commission discussion:

- Conditions in the resolution address Planning Commission concerns expressed at the last meeting

ROLL CALL VOTE: YEAS: Commissioners Cordill, DeGroff, Honicky, Ianni, Jackson, Tenaglia, Van Coevering, Chair Scott-Craig

NAYS: None

Motion carried 8-0.

6. Public hearings

- A. Mixed Use Planned Unit Development #15014 (Campus Village Development), request to establish a mixed use planned unit development at 2655 Grand River to include the existing multi-tenant commercial building and new construction consisting of 15,040 square feet of commercial space and 222 multiple family dwelling units and
- B. Special Use Permit #15051 (Campus Village Development), request for a group of buildings greater than 25,000 square feet (approximately 236,000 square feet) consisting of an existing commercial building (approximately 55,000 square feet) and new construction (approximately 181,000 square feet) at 2655 Grand River

Chair Scott-Craig opened the public hearings at 7:10 P.M.

- Introduction by the Chair (announcement of procedures, time limits and protocols for public participation and applicants)

- Summary of subject matter
Associate Planner Wyatt summarized the proposed mixed use planned unit development (MUPUD) and special use permit request as outlined in staff memorandums dated May 8, 2015.

- Applicant
Mark Clouse, George Eyde Family LLC, 4660 S. Hagadorn Road, Suite 660, East Lansing, offered history on the site, beginning when Circuit City was built in 1997/1998. Over the years, George Eyde Family, LLC, acquired each of the three (3) subject parcels. He noted the retail component of the big pad site did not meet big box needs and companies were not forthcoming. Through meetings with the Township Manager and the Director of Community Planning and Development over the last 15 months, it was determined the site would be a good location for a “horizontal” mixed use planned unit development (MUPUD).

John Gaber, Attorney, Campus Village Communities, 380 N. Old Woodward, Suite 300, Birmingham, highlighted changes made to the plan based on comments made by Planning Commissioners on the concept plan approximately six (6) weeks ago. He indicated moving the buildings and changing the configuration to have complimentary designs, building materials and colors. The building out front will house a variety of retail uses (e.g., pizza carry-out) and integrate with existing retail already on the site.

Mr. Gaber stated a fenced in dog park was added to provide an underserved need for on- and off-site residents. He indicated the fitness park was expanded, with exercise stations within to augment a workout routine. Mr. Gaber noted a pocket park was added adjacent to Foods for Living and the bus shelter will provide public wi-fi.

Mr. Gaber noted Block 3 has been decreased and moved to the north to increase the distance of the corner nearest the railroad track from 41 feet to 116.5 feet, with installation of a barrier wall. He added the railroad tracks are 6-1/2 feet lower than the finished floor elevation of the Block 3 building. Mr. Gaber indicated he is working with railroad personnel to provide the Planning Commission with additional information.

Mr. Gaber noted the applicant is offering 15-20 amenities in exchange for requested waivers. He stated the applicant’s traffic consultant concluded that with or without the proposed project, the future northbound traffic at the west drive would have congestion when exiting (level of service E to F). Mr. Gaber indicated the applicant’s traffic consultant believed one way for vehicles wishing to make a left hand turn onto Grand River Avenue during rush hour is to conduct traffic signal modification at the nearby signaled intersection, which would address congestion from the site. He stated the Township traffic consultant’s comment regarding restricting the west drive for use only by Denny’s is problematic from both an accessibility and enforcement standpoint. Mr. Gaber believed it necessary to have circulation around the building for adequate traffic flow and indicated a possible fire safety issue if there was no traffic circulation around the building by the west drive.

Mr. Gaber pointed out the viability of shared parking between residential, retail and non-residential uses. He voiced concern with placing a pedestrian pathway on the south side of the project, given the parking spaces next to the property line, the detention area and the barrier wall for the railroad.

Mr. Gaber requested the special use permit restriction prohibiting restaurants be eliminated to provide options for the residences.

- Public

Kirk Marrison, 938 Sunset Lane, East Lansing, General Manager, Foods for Living, spoke in support of the project.

- Planning Commission and staff discussion:
Commissioner Van Coevering inquired if there was a pedestrian crosswalk over to the north side of Grand River Avenue.

Associate Planner Wyatt replied there is not.

Commissioner Van Coevering asked if the Michigan Department of Transportation (MDOT) has commented on the project, given that Grand River Avenue is a state trunk line.

Associate Planner Wyatt replied the Township has not received comments from MDOT.

Commissioner Van Coevering inquired whether the Bus Rapid Transit would be on the interior of exterior lane on Grand River Avenue.

Principal Planner Oranchak responded it is not known at this time.

Commissioner Van Coevering questioned whether the fitness park and dog park would be open to the public.

Associate Planner Wyatt responded in the affirmative.

Commissioner Van Coevering inquired as to the price point of the apartments.

Greg Schaefer, Executive Vice President of Business Development, Campus Village Communities, 919 West University, Suite 700, Rochester, responded rent for the apartments has not yet been finalized, but is estimated to range from \$575 to \$795.

Commissioner Van Coevering asked if the Planning Commission can debate and decide the waiver requests proposed by the applicant.

Associate Planner Wyatt responded the Planning Commission can look at those and make recommendations for the project.

Commissioner Honicky believed having a portion of the pedestrian bicycle pathway system as part of this project would alleviate parking and traffic issues as many of the residents who would be Michigan State University (MSU) students would have connectivity through to campus.

Commissioner Honicky suggested the western driveway contain three (3) lanes; one for Denny's, one ingress and an obligate right hand turn. He suggested the applicant eliminate the two "middle" buildings and place the southern-most building sideways which would reduce the percentage of impervious surface and provide the 175 foot setback from the railroad tracks.

Mr. Gaber responded the footprint has already been reduced for the building nearest the railroad track. He expressed appreciation for Commissioner Honicky's thoughts on the driveway configuration which will be discussed with the applicant's traffic engineer. Mr. Gaber acknowledged having direct access to the MSU campus through the pathway system would be ideal, but was unsure sure how the pathway connects, traverses the river and deals with the overpass.

Commissioner Honicky suggested the applicant look at the path of the sanitary sewer line as a possibility for continuous pathway connection.

Commissioner Cordill voiced concern with frequency and times of trains on the Grand Trunk Railroad, given that rail traffic will likely increase. She expressed a desire to see more street trees as it is a suburban site with urban lot coverage.

Commissioner Cordill requested clarification whether the entrepreneurial function was part of the northern most mixed use building or two separate buildings.

Associate Planner Wyatt responded it is not physically attached to the Salvation Army.

Commissioners Cordill suggested adding more landscaping in the fitness park.

Mr. Gaber stated he will ensure more trees are planted throughout the site and the balance will be addressed during site plan review.

Commissioner DeGroff inquired as to the location of the covered bicycle spaces.

Mr. Gaber answered the covered bicycle parking spaces are on the courtyard side of the buildings for safety reasons.

Commissioner DeGroff noted the proposed project does not seem like a MUPUD and most of the amenities do not benefit the public at large. As an example, he cited the inability of the public wishing to shop at the retail establishments by riding their bicycle to the development and parking their bikes under the covered bicycle spaces. Commissioner DeGroff did not believe other residents would drive to the development to use the exercise space.

Mr. Gaber expressed appreciation for the comments about amenities, adding the Township's MUPUD ordinance specifies the offered amenities (e.g., rehabilitation of a degraded site).

Commissioner Jackson noted the retention pond in the southwest corner was designed for the previous development and was calculated to handle the expected runoff. She inquired if comparable calculations have been made for this design.

Associate Planner Wyatt responded the Township has not yet received calculations from the applicant's engineers (KEBS, Inc.), adding discussion has taken place about the options of porous pavement, pervious pavement and possible remodeling for increased detention capacity.

Commissioner Jackson inquired if those were stated possibilities to compensate for the fact the applicant intends to fill in some of the existing detention pond. She asked when the decision would be made regarding those possibilities within the design.

Associate Planner Wyatt answered the calculations and more detailed design will be provided during the site plan review phase.

Jeff Kyes, KEBS, Inc., 2116 Haslett Road, Haslett, noted the design of the original site was based on old stormwater runoff standards. He noted since newer standards are being required by the Ingham County Drain Commissioner's office, there will be greater difficulty in reaching the water quality than the issues of quantity and detention, adding there is a need to incorporate pervious concrete to deal with water quality. Mr. Kyes added he will work with

the ICDC and the Township and the existing detention basin will be modified to make the project “work.”

Commissioner Jackson expressed concern with where Building 5, Block 2 is placed on the site. She inquired if there will be housing plus the entrepreneurial center within that building.

Greg Schaefer responded there is also a small maintenance facility in the rear on the first floor.

Commissioner Jackson expressed concern that residents in Block 3 look northeast at the side of the Salvation Army building, at the back of Building 5, at the railroad tracks and into an industrial area.

Mr. Schaefer noted there is parking all around the development and was the reason for the design presented, looking into the courtyard.

Commissioner Jackson stated the satellite view of the parking spaces in back of the existing buildings have disappeared in the applicant’s drawing. She inquired if they will be used in the parking space count.

Mr. Kyes responded the parking in question does not meet the aisle width and depth required in the ordinance and, therefore, cannot be counted.

Commissioner Van Coevering elucidated several MUPUDs have previously been approved which amenities have not all benefited the general public. She believed a precedent has been set with a mix of amenities for both residents and the general public.

Associate Planner Wyatt offered examples of other developments where there has been a mix of amenities (e.g., hotel, Aldi development)

Commissioner Ianni added the dog park on the north end and pocket parks will be open to the general public.

Commissioner Jackson stated the LED lighting and underground wiring should not be counted as amenities.

Chair Scott-Craig added the ordinance is old and needs to be “updated,” adding the spirit the Planning Commission is looking for is one where amenities are totally accessible to the public. He noted the balconies facing the interior courtyard do not benefit the public in any way.

Commissioner Jackson encouraged the applicant to add more decorative material on the façade in the back of Building 1 to address the requirement of articulation every 50 feet as it will be clearly seen by traffic.

Mr. Schaefer added the apartments on the upper floors have a two foot “bump out” on both the east and west sides, which breaks up the façade.

Commissioner Tenaglia reminded Commissioners that all 12.65 acres are being considered for the MUPUD requirements and amenities.

Commissioner Cordill indicated the storefronts will be most visible traveling eastbound on Grand River. She asked for a definition of what building material CMU is an acronym for and what it looks like.

Mr. Schaefer responded CMU is concrete masonry unit and is man-made split faced block or cast stone, adding most of the CMU units will be on the lower parts of the buildings and will not resemble a concrete block.

Commissioner DeGroff stated public use of the dog park makes sense only in conjunction with the trail connectivity, as he did not believe residents would drive to the dog park to exercise their dogs next to Grand River Avenue. He revisited the "philosophical difference" in interpretation of what counts towards the mixed use requirements.

Commissioner Honicky reiterated his concern with the setback from the railroad, as he believed there will be an increase in the Grand Trunk train traffic with propane tank cars, and the Planning Commission should be wary of offering a variance to the 175 foot safety buffer.

Mr. Gaber responded he had talked with the railroad and a 175 foot safety buffer is fairly unique in that not many communities require such a great distance. He reminded Planning Commissioners that railroad setback variances were given to two recent projects, the Lodges and the Hamptons (63 feet from the right-of-way with a three foot wall).

Commissioner Ianni clarified the MUPUD ordinance does state what percentage of the development must be commercial and what percentage must be residential. He believed the MUPUD ordinance is about the synergy the development creates and noted support by the retail establishments surrounding the proposed project, specifically citing increased foot traffic.

Commissioner Jackson believed there was an additional entrance off Grand River near the animal hospital and inquired why it can't be considered as an additional ingress or egress into the site.

Associate Planner Wyatt indicated it is not to be considered a designated egress entrance point for the shopping center, but a connection with the animal hospital as a cooperative understanding.

Principal Planner Oranchak added it is not a true ingress/egress point as it does not provide direct access out to the street.

Commissioner Jackson inquired about the history of the restaurant use restriction.

Associate Planner Wyatt indicated residents along Park Lake Road had concerns about increased traffic if the shopping center was allowed to have restaurant uses. She stated the approval letter includes language that the applicant agrees to place a deed restriction on the property prohibiting restaurant uses.

Commissioner Jackson asked if that was one of the conditions of the original special use permit.

Associate Planner Wyatt responded in the affirmative.

Commissioner Jackson inquired if that condition of the original special use permit would be vacated and no longer a consideration for this special use permit request with regard to allowed uses.

Associate Planner Wyatt responded she would like to obtain clarification on that issue from the Director of Community Planning and Development.

Chair Scott-Craig reminded fellow Commissioners that the restriction is on the deed, not on the special use permit.

Associate Planner Wyatt stated the current property owner could request that the deed restriction be removed.

Principal Planner Oranchak added it could also be a condition of the special use permit or the MUPUD to eliminate the deed restriction and, upon approval, it would officially be removed from the deed.

Principal Planner Oranchak stated that when the project was built, there was no opportunity for any service drive, so that was why the connection near the animal hospital was made.

Commissioner Cordill believed the proposed location would be an excellent location for a coffee house or pizzeria; however, drive-through windows should be discouraged as they run counter to the walkability of the site.

Commissioner DeGroff believed the trail connectivity is crucial to the creation of synergy for the general public.

Chair Scott-Craig voiced concern the current failing entrance of level of service (LOS) E to F will get worse with this development. He spoke to crossing Grand River Avenue to take the bus to campus as extremely dangerous, believing the only safe way to cross is to walk to the intersection at Park Lake Road. Chair Scott-Craig believed moving the bus stop closer to the development on the south side of Grand River makes sense, but not on the north side.

Chair Scott-Craig indicated the position of the building which houses the entrepreneurial center blocks easy access of Block 3 traffic to the Park Lake Road entrance. He stated such a configuration creates excessive traffic in front of the Foods for Living store and is a danger for residents who enter the store to shop. He did not believe allowing only Denny's traffic to use the western entrance was practical and would not entice businesses to locate in that area.

Chair Scott-Craig noted there is an easement from the edge of this property over to Dawn Avenue which belongs to the Ingham County Road Department (ICRD). He stated there has been no input from many of the experts (e.g., ICRD, Drain Commissioner, Michigan Department of Transportation) involved in this project so, as a result, he is not ready to make any determination.

Chair Scott-Craig indicated there needs to be expert advice provided as to why it is acceptable for the applicant to be 376 parking spaces "short."

Chair Scott-Craig spoke to the importance Meridian Township places on greenspace and trees, voicing concern with the 77% impervious coverage. He inquired if detention ponds count as greenspace.

Associate Planner Wyatt responded 50% can be counted, adding that Mr. Kyes relayed such in a communication to her so that is why the impervious surface is listed at only 77% on the plans.

While acknowledging parking buffers are greenspace, Chair Scott-Craig stated the Township's ordinance requires a 15 foot buffer and the applicant has provided only three-quarters of a foot in one spot. He added the Zoning Board of Appeals has requested on several occasions that the Planning Commission not send them projects which require multiple variances.

Chair Scott-Craig stated the dog park is small, on a slope and not in a good location. He did not believe the dog park, as proposed, is a good amenity for the project. Chair Scott-Craig believed there is a safety issue with the long balconies and questioned where the snow shoveled off the balconies and stairways would be placed. He suggested limiting the balconies and have covered stairways. Chair Scott-Craig expressed appreciation for the shutters on the apartment building windows and the recycling center.

Chair Scott-Craig noted if the project is downsized it will address many of the concerns (e.g., greenspace, parking, setback requirements, traffic circulation).

Mr. Schaefer responded to earlier Planning Commission comments by noting all stairways and patios are covered, management handles snow removal and 24/7 security is provided to address the safety issue.

One of the applicant's representatives commented the economics of a 96-bed reduction as suggested by Planning Commissioners would render the proposed project financially unfeasible to build.

Associate Planner Wyatt mentioned she received an email communication from the ICRD who had reviewed the plans, but do not have any jurisdiction as MDOT has control of Grand River Avenue, traffic light signalization and phasing.

Commissioner Van Coevering stated the applicant may want to come back with changes based on comments this evening and a need for information from MDOT.

Commissioner Ianni suggested placing this item back on the Planning Commission's June 8th agenda.

Chair Scott-Craig closed the public hearings at 9:32 P.M.

7. Unfinished Business

- A. Special Use Permit #15031 (BBI Holdings LLC), request to establish a child care center at 2172 and 2190 Association Drive

Commissioner DeGroff moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #15031 subject to the following conditions:

1. **Approval is based on application materials submitted by BBI Holdings, LLC; site plans prepared by Nederveld, dated April 3, 2015; and building elevations prepared by Architectural Concepts, dated April 2, 2015, subject to revisions as required.**

2. **Special Use Permit #15031 shall be subject to the applicant receiving approval of Wetland Use Permit #15-01 for the proposed work in regulated wetland and proposed wetland mitigation plan.**
3. **As part of the site plan review process, a planting plan for the required 20 foot water features setback/natural vegetation strip shall be provided for review and approval by the Director of Community Planning & Development.**
4. **Once established, the required 20 foot water features setback/natural vegetation strip shall be maintained and be free of structures, grading, or other disturbances.**
5. **Street trees shall be provided along the frontage of the site.**
6. **The final site plan, landscape plan, building elevations, building materials and colors, shall be subject to the approval of the Director of Community Planning and Development.**
7. **The requirement for a northbound right-turn taper on Okemos Road at Association Drive will be reviewed during site plan review and shall be subject to the review and approval of the Ingham County Road Department.**
8. **The trash dumpster shall be enclosed on four sides; three sides of the enclosure shall be constructed with masonry products to match the building.**
9. **All mechanical, heating, ventilation, air conditioning, generators, and similar systems shall be screened from view by an opaque structure or landscape material selected to complement the building. Such screening is subject to approval by the Director of Community Planning and Development.**
10. **Site and building lighting shall comply with Article VII in Chapter 38 of the Code of Ordinances and shall be subject to the approval of the Director of Community Planning and Development. LED lighting shall be used where feasible.**
11. **Final utility, grading, and storm drainage plans for the site shall be subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with the Township Engineering Design and Construction Standards.**
12. **The applicant shall obtain all necessary permits, licenses and approvals from the Michigan Department of Environmental Quality (MDEQ), the Ingham County Drain Commissioners office, the Ingham County Road Department, and the Township. Copies of all permits, licenses, and approvals shall be submitted to the Department of Community Planning & Development.**
13. **The applicant shall obtain all necessary permits, licenses, and approvals from the State of Michigan for the operation of the child care center. Copies of all permits, licenses, and approval letters shall be submitted to the Department of Community Planning and Development.**
14. **Copies of the site plan information and construction plans for the project that exist in an AutoCAD compatible format shall be provided to the Township Engineering staff.**
15. **Any future modifications to the child care center shall require a modification to Special Use Permit #15031.**

Seconded by Commissioner Ianni.

Planning Commission discussion:

- More child care is needed in the Township

ROLL CALL VOTE: YEAS: Commissioners Cordill, DeGroff, Honicky, Ianni, Jackson, Tenaglia, Van Coevering, Chair Scott-Craig

NAYS: None

Motion carried 8-0.

- B. Wetland Use Permit #15-01 (BBI Holdings LLC), request to impact regulated wetlands for the construction of a child care center at 2172 and 2190 Association Drive

Commissioner Ianni moved to remove Wetland Use Permit #15-01 from the table. Seconded by Commissioner Cordill.

VOICE VOTE: Motion carried 8-0.

Commissioner Ianni moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to Article 4 of Section 22 of the Township Code of Ordinances, hereby approves Wetland Use Permit #15-01 with the following conditions:

1. Approval is subject to the revised plans prepared by Nederveld, dated April 3, 2015, and the related materials submitted as part of Wetland Use Permit #15-01, subject to revisions as required.
2. The applicant shall obtain all necessary permits, licenses and approvals from the Michigan Department of Environmental Quality (MDEQ), the Ingham County Drain Commissioners office, and the Township prior to any work taking place. Copies of all permits, licenses and approvals shall be submitted to the Department of Community Planning & Development.
3. Wetland Use Permit #15-01 shall be subject to the applicant receiving approval of Special Use Permit #15031 for the child care center.
4. Prior to any work taking place on the site, a soil erosion and sedimentation control plan and a wetland mitigation monitoring plan shall be submitted to the Director of Community Planning & Development for review and approval.
5. Erosion control measures shall be installed at the required 20 foot water features setback to ensure soil resulting from construction activities does not enter remaining or mitigated wetlands.
6. No straw bales shall be used for erosion control, unless in conjunction with sediment erosion control fencing.
7. Prior to construction, erosion control fencing shall be installed to prevent sedimentation from infiltrating into the wetlands. The erosion control fencing shall be maintained throughout the duration of the project and shall be removed after construction is completed and the area is stabilized.

8. Spoils shall be hauled and disposed of at an offsite location acceptable to the Director of Community Planning & Development.
9. The applicant shall periodically inspect the subject sites during the first year after construction to identify and correct side slope erosion issues adjacent to wetlands.
10. The wetland mitigation shall be monitored for five years as part of the required annual report for the mitigation area with a written status report and photographic documentation provided to the Department of Community Planning & Development.
11. The applicant shall implement measures to control reed canary grass within the mitigation wetland, including suppressing the species within the existing wetland.
12. A copy of the approved wetland use permit containing the conditions of issuance shall be posted in a conspicuous manner such that the wording of the permit is available for public inspection and the posting shall remain in place throughout the duration of site work.
13. As part of the site plan review process, a planting plan for the required 20 foot water features setback/natural vegetation strip shall be provided for review and approval by the Director of Community Planning & Development.
14. Once established, the required 20 foot water features setback/natural vegetation strip shall be maintained and be free of structures, grading, or other disturbances.
15. Upon completion of construction, the applicant shall contact the Department of Community Planning & Development for an inspection of the site to ensure compliance with the permit.

Seconded by Commissioner Jackson.

Planning Commission discussion:

- Resolution is comprehensive in what is being asked of the applicant
- Applicant is making a wetland which is larger than the current wetland

ROLL CALL VOTE: YEAS: Commissioners Cordill, DeGroff, Honicky, Ianni, Jackson, Tenaglia, Van Coevering, Chair Scott-Craig

NAYS: None

Motion carried 8-0.

8. Other Business

- A. Mixed Use Planned Unit Development Concept Plan at the Executive Office Park site (5020 Northwind Drive)
Principal Planner Oranchak summarized the MUPUD concept plan as outlined in staff memorandum dated May 7, 2015.

Ron Calhoun, Northwinds Investment Group, 1427 W. Saginaw Street, Suite 150, E. Lansing, showed the concept on the overhead projector, which plans to take make the three (3) buildings to the south residential units with the same footprint. He added the second building in from Grand River would be a mixed use building, with commercial on the first floor and residential on the second and third floor. Mr. Calhoun noted the stand alone outparcel fronting Grand River

Avenue would have a commercial use (e.g., bank). All buildings would have very similar footprints to the existing buildings on site.

Planning Commission and applicant discussion:

- Combination of 2, 3 and 4 bedroom rentals for a total bed count of 286 in 114 units
- 322 parking spaces on the site
- Appreciation for using the existing footprint while redeveloping the site
- Connectability of the buildings through a walking path along the side of the development
- Amenities include improvement of the bus shelter in front, a sidewalk which would run the entire length of Northwind Drive, covered bicycle parking areas in both the commercial and residential areas, pocket parks throughout the project, large park in the “cul de sac”, vehicle charging station
- Landscape plans through adding islands and slight improvements to existing landscape
- Concern whether residents will travel around Northwind Drive to use the traffic signal to access Grand River Avenue to help alleviate traffic
- Working with adjacent property owners to improve connectability of the overall site
- Concern with a drive-through use on the last parcel
- Applicant is currently speaking with several potential commercial tenants in an effort to link up with the center next door
- A pass through lane will be required for any establishment with a drive-through window
- Project is close to campus which would allow student tenants to walk to Michigan State University
- Unit sizes range from 700 to 1,400 square feet
- Connection will be made to the adjacent strip mall

- 9. Township Board, Planning Commission officer, committee chair, and staff comment or reports**
 Chair Scott-Craig announced the Planning Commission will be holding a special work session on May 21st at 7:00 P.M. in the Township Hall to receive public input on the Master Plan. He reported his attendance at the last Environmental Commission meeting where additional presentations were given by students of Michigan State University on Haslett Village Square.

10. New applications (None)

11. Site plans received

- A. Site Plan Review #15-05 (Kroger), request to construct a gas station with a 254 square foot transaction kiosk and eight fueling stations at 4884 Marsh Rd.

12. Site plans approved (None)

13. Public remarks

Chair Scott-Craig opened and closed public remarks.

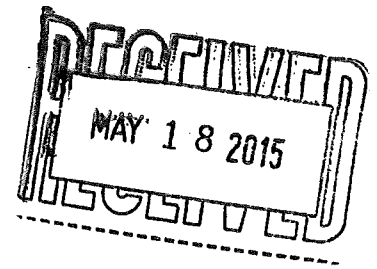
14. Adjournment

Chair Scott-Craig adjourned the regular meeting at 10:06 P.M.

Respectfully Submitted,

Sandra K. Otto
 Recording Secretary

AFFIDAVIT OF Zubin Chinoy



I, Zubin Chinoy, of 1420 Ambassador Dr, after first being duly sworn, declare that the following information is true to my actual current knowledge and recollection without investigation or inquiry:

- (1) I have personal knowledge of the matters set forth in this Affidavit, except as to those stated on information and belief, and, as to those, I believe them to be true based upon my recollection of the matters set forth in this Affidavit.
- (2) On or about May 2004, I purchased my primary residence from Schroeder Homes, a Michigan corporation. Such residence is located within the Ember Oaks Subdivision (the "Subdivision").
- (3) To the best of my recollection and information and belief Developer, as an inducement to purchase, orally made the following representations and warranties. For the purposes of this Affidavit, "Developer" means SP INVESTMENTS LIMITED PARTNERSHIP, a Michigan limited partnership and Keith L. Schroeder.
 - (a) To the best of my recollection and upon information and belief, the Developer represented and warranted the Subdivision was a restricted community, controlled by the Declarations of Restrictions for Ember Oaks Subdivision (the "Restrictions") and enforced by the Homeowners Association ("HOA").
 - (i) Copies of the Restrictions are available by way of either (1) Ingham County Register of Deeds or (2) the Developers website, located at http://schroederhomes.com/_pdfs/ember_oaks/Ember_Oaks_Bylaws.pdf
 - (ii) Copies of the Bylaws are available from the Developers website, located at http://schroederhomes.com/_pdfs/ember_oaks/Ember_Oaks_Bylaws.pdf
 - (iii) Copies of the Articles of Incorporation for Ember Oaks Homeowners' Association, a Michigan nonprofit domestic corporation, with perpetual duration, located under Department of Licensing and Regulatory Affairs, corporate entity documents, by way of http://www.dleg.state.mi.us/bcs_corp/image.asp?FILE_TYPE=UCO&FILE_NAME=D200111\2001309\00000257.tif
 - (b) To the best of my recollection and upon information and belief Developer represented and warranted that the Subdivision was an on going development, developing in phases. Affiant further is informed and believes Developer represented and warranted as the remaining lots sold within the Plat, it would begin additional phases of development adding

such to the Plat and its corresponding Restrictions. To the best of my recollection and upon information and belief that Developer advertised the Subdivision as a controlled community with specific standards. Such standards are evidenced in the Restrictions including, but not limited to, the following:

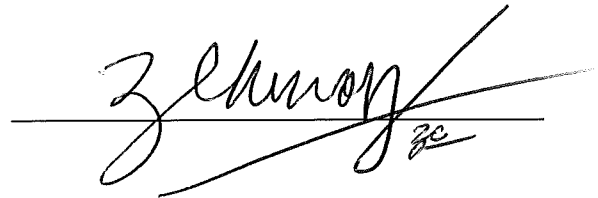
- (i) Building restrictions including, but not limited to, the following:
 - (A) Masonry requirements of stone or brick, covering all sides of the home;
 - (B) Trim requirements;
 - (C) Minimum setbacks;
 - (D) Garage minimums (minimum of 700 sq. ft. and no less than 3 cars); and
 - E) Minimum home square footage requirements for first and second floors.

- c) Affiant to the best of his recollection and upon information and belief, recalls the Developer represented and warranted, as a further inducement to purchase, that future lands, as added to the Plat and developed, would be done so under the same restrictions as existing phases. It is believed, to the best of my recollection, Developer made such representations and warranties as to the Subdivision standards as an assurance to earlier purchasers to induce their purchase of their property.

(4) Developer has existing signage reading "Ember Oaks, PLANNED RESIDENTIAL DEVELOPMENT, FUTURE PHASE."

It is my opinion such signage is for advertising purposes and further suggests the intent to develop such lands within the Subdivision standards as evidenced in the Restrictions. Such signage was in existence on or around the time I purchased my property and still stands as of May 10, 2015.

Dated this MAY day of 18, 2015



A handwritten signature in black ink, appearing to read "Z. Johnson", is written over a horizontal line. The signature is stylized and includes a large flourish that extends to the right.

STATE OF MICHIGAN)

Clinton)SS
COUNTY OF INGHAM)

Subscribed and sworn before me by [Zubin Chinoj] on this 18th day
of May, 2015.

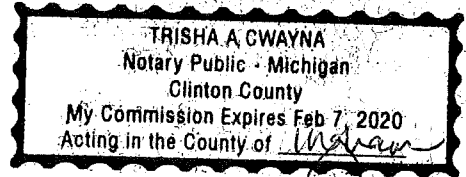
Witness my hand and official seal.

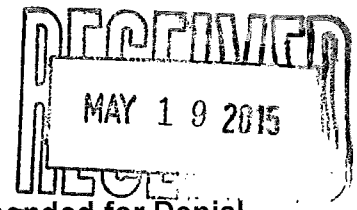
My commission expires: 2/7/2020

Address: 2112 Jolly Rd

Dkemos, MI 48864

Trisha A Cwayna
Notary Public





RE: Application to Amend PRD #15-97015 Should Be Recommended for Denial

Dear Commission,

I write requesting SP Investments Limited Partnership's petition to amend the Planned Residential Development #97015 ("PRD") be "**recommended for denial.**" For the purposes of this Letter, "Developer" means Schroeder Homes LLC, a Michigan limited liability company, Schroeder Builders Inc., a Michigan corporation, a.k.a. Schroeder Homes.

At issue is whether it is appropriate to amend Unplatted lands, as fully described in the Developer's Sketch Plan titled "Ember Oaks (PHASES 4+)." To help aid the honorable Commission, I offer the following concerns:

(1) The Unplatted lands are already under an existing PRD. The following, with respect to this existing PRD are believed to be true:

(a) Meridian Township Ordinance §86.378(d)(4)(c) states "Once the preliminary lot layout is found by the Department of Community Planning and Development to be in conformance with the governing regulations, the total number of lots intended for residential units **shall become the maximum number of dwelling units permitted** on the development parcel under the PRD overlay zoning district.

(b) Meridian Township Ordinance §86.378(d)(5)(c) reads "The required amount of open space **shall be preserved in perpetuity**. The preserved open space shall be **deeded to the development's homeowner's association, a land conservancy, the public or otherwise protected** in a manner acceptable to the Township. The form of all preservation instruments shall be approved by the Township Attorney. The preserved open space shall be shown and appropriately labeled on the plat approved by the Township and recorded with the county register of deeds.

(2) It is believed that the developer represented and warranted the following with respect to Unplatted lands:

- (a) Ember Oaks was a developing community;
- (b) The Developer planned to develop such community in phases;
- (c) As each phase became complete, or substantially complete, the Developer would add additional lots within the Unplatted lands to the Plat;
- (d) The Plat has Declarations or Restrictions, substantially controlling the type of community thereunder; and
- (e) It is further believed the Developer stated all homes within the subdivision (including Unplatted lands) would be controlled, according to the Declarations of Restrictions. This means homes had to be specific size and quality including, but not limited to, materials used and have architectural integrity (as approved by the Architectural Control Committee of which Developer solely controls).

(3) It is believed that the Developer has a history supportive of following the model it laid forth during the sales process, as suggested in its believed upon representations and warranties above. That is, the Developer has added Unplatted lands, as lots, to the Plat, as phases in the development were completed. Such additions are evidenced by the necessary amendments to the Declarations of Restrictions, which indeed have been amended 3 times.

(4) It is believed that the Developer advertised and continues to advertise, as evidenced by signage located directly on the Unplatted lands. Attached and incorporated herein, marked Exhibit A, is a picture taken May 10, 2015, which shows said signage and reads "Ember Oaks, PLANNED RESIDENTIAL DEVELOPMENT, FUTURE PHASE."

(5) Given the Meridian Township Ordinance §86.378 language, buyers of lots and homes, as the case may be, would have had reason to believe, and further to rely upon, the provisions suggesting

- (i) maximum numbers of dwelling lots and
- (ii) the Unplatted lands would be preserved in perpetuity, on a forever basis.

(6) Given the Developer's believed upon representations and warranties, existing homeowners would have had reason to believe and rely upon such believed representations and warranties including, but not limited to, the future development with respect to Unplatted lands.

Now, the Developer, as the applicant, is petitioning this Commission for an amendment. Such amendment, as proposed, reflects, generally speaking (some lots would actually be larger than existing lots under the existing PRD), desires to decrease the lot size and, presumably, increase the number of lots offered. It is further believed the Developer is desirous of making such proposed changes to reflect economic factors not then anticipated when it originally submitted and received the original PRD.

And, even if total lot numbers and/or preserved open spaces stay the same, by way of lots and open spaces in aggregate, but are modified such that they fail to stay true to the original PRD (which is evidenced by the desire to amend such) and the believed upon Developer representations and warranties, such proposed amended PRD would fail to stay in keeping with what purchasers would have or should have relied upon.

Furthermore, it is believed such homes, eventually built upon the proposed amended PRO lots, would be smaller than those believed to be represented and warranted to existing homeowners including, but not limited to, less stone or masonry requirements presently required.

The problem, as the Commission is now wisely aware of, is buyers under the existing Plat may have relied upon many factors including, but not limited to, the following:

- (1) Original PRD, as issued, and reflected in both the Plat and Unplatted lands;
- (2) The believed upon Developer's representations and warranties, particularly as reflected on the Unplatted lands;

(3) The Declarations of Restrictions (historically representing, by amendment, a history of Unplatted lands entering into the Plat).

Therefore, if the honorable Commission were to "recommend for approval" this petition for amendment of the original PRO, this Commission would be, with full knowledge of such as evidenced by the Affidavit attached and incorporated herein, marked Exhibit B, inadvertently helping the Developer to potentially breach its believed representations and warranties made to the existing Ember Oaks homeowners.

For the reasons discussed above, and others, I humbly request this Commission "recommend denial" of the Developer's requested PRO #15-97015 amendment.

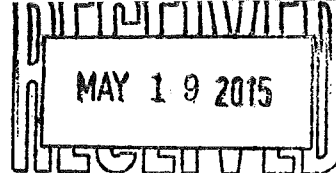
I have full faith in the Commission and believe that the Ember Oaks homeowners rights, as perceived, will be wisely preserved, by "recommending denial" of the applicants petition.

Thank you for your consideration with respect the issues raised above and their direct application to this matter.

Kindest Regards,

A handwritten signature in black ink, appearing to read "Zubin Chinoy". The signature is written in a cursive, flowing style.

Zubin Chinoy



AFFIDAVIT OF GOVINDARAJAN UMAKANTHAN

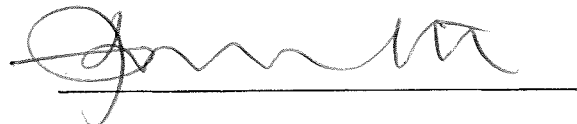
I, GOVINDARAJAN UMAKANTHAN, of 3581 CABARET TRL OKEMOS, after first being duly sworn, declare that the following information is true to my actual current knowledge and recollection without investigation or inquiry:

- (1) I have personal knowledge of the matters set forth in this Affidavit, except as to those stated on information and belief, and, as to those, I believe them to be true based upon my recollection of the matters set forth in this Affidavit.
- (2) On or about Oct 2006, I purchased my primary residence from SCHROEDER HOMES, a Michigan COMPANY. Such residence is located within the Ember Oaks Subdivision (the "Subdivision").
- (3) To the best of my recollection and information and belief the Developer, as an inducement to purchase, orally made the following representations and warranties. For the purposes of this Affidavit, "Developer" means SP INVESTMENTS LIMITED PARTNERSHIP, a Michigan limited partnership and Keith L. Schroeder.
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 - (i) Copies of the Restrictions are available by way of either (1) Ingham County Register of Deeds or (2) the Developers website, located at http://schroederhomes.com/_pdfs/ember_oaks/Ember_Oaks_Bylaws.pdf
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 - (iii) Copies of the Articles of Incorporation for Ember Oaks Homeowners' Association, a Michigan nonprofit domestic corporation, with perpetual duration, located under Department of Licensing and Regulatory Affairs, corporate entity documents, by way of http://www.dleg.state.mi.us/bcs_corp/image.asp?FILE_TYPE=UCO&FILE_NAME=D200111200130910000257.tif
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 - (A) Masonry requirements of stone or brick, covering all sides of the home;
 - (B) Trim requirements;
 - (C) Minimum setbacks;
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- (c) Affiant to the best of his recollection and upon information and belief, recalls the Developer represented and warranted, as a further inducement to purchase, that future lands, as added to the Plat and developed, would be done so under the same restrictions as existing phases. It is believed, to the best of my recollection, Developer made such representations and warranties as to the Subdivision standards as an assurance to earlier purchasers to induce their purchase of their property.
- (4) Developer has existing signage reading "Ember Oaks, PLANNED RESIDENTIAL DEVELOPMENT, FUTURE PHASE." It is my opinion such signage is for advertising purposes and further suggests the intent to develop such lands within the Subdivision standards as evidenced in the Restrictions. Such signage was in existence on or around the time I purchased my property and still stands as of May 10, 2015.

Dated this 18 day of May, 2015



STATE OF MICHIGAN)
)SS

COUNTY OF INGHAM)

Govindarajan Umakanthan

Subscribed and sworn before me by [INSERT NAME] on this 18 day of May, 2015.

Witness my hand and official seal.

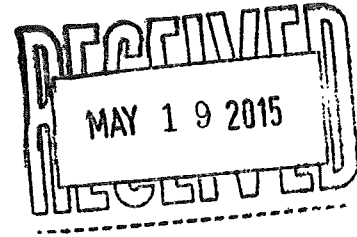
My commission expires: 01/08/2021

Danielle Viglianco
Notary Public

Address: 3777 West Rd
East Lansing, MI 48823

DANIELLE VIGLIANCO
NOTARY PUBLIC, STATE OF MI
COUNTY OF CLINTON
MY COMMISSION EXPIRES Jan 8, 2021
ACTING IN COUNTY OF Ingham

G. Umakanth
3581 Cabaret Trail
Okemos, MI 48864



May 18, 2015

RE: Application to Amend PRO #15-97015 Should Be Recommended for Denial

Dear Commission,

I write requesting SP Investments Limited Partnership's petition to amend the Planned Residential Development #97015 ("PRO") be "recommended for *denial*." For the purposes of this Letter, "Developer" means Schroeder Homes LLC, a Michigan limited liability company, Schroeder Builders Inc., a Michigan corporation, a.k.a. Schroeder Homes, KDS Homes LLC, a Michigan limited liability company, Schroeder Home Services LLC, a Michigan limited liability company, Ember Oaks Company, a Michigan corporation, KBBV LLC, a Michigan limited liability company, SP INVESTMENTS LIMITED PARTNERSHIP, a Michigan limited partnership, Keith L. Schroeder, Beverly A. Schroeder, Brian L. Schroeder, Viki C. Schroeder, and their employees or representatives, acting as agents on behalf of the Developer, either individually, jointly or collectively, as the case may be, and any assigns, successors, and affiliates thereof.

At issue is whether it is appropriate to amend Unplatted lands, as fully described in the Developer's Sketch Plan titled "Ember Oaks (PHASES 4+)." To help aid the honorable Commission, I offer the following concerns:

(1) The Unplatted lands are already under an existing PRO. The following, with respect to this existing PRO are believed to be true:

(a) Meridian Township Ordinance §86.378(d)(4)(c) states "Once the preliminary lot layout is found by the Department of Community Planning and Development to be in conformance with the governing regulations, the total number of lots intended for residential units *shall become the maximum number of dwelling units permitted* on the development parcel under the PRO overlay zoning district.

(b) Meridian Township Ordinance §86.378(d)(5)(c) reads "The required amount of open space *shall be preserved in perpetuity*. The preserved open space shall be *deeded to the development's homeowner's association, a land conservancy, the public or otherwise protected* in a manner acceptable to the Township. The form of all preservation instruments shall be approved by the Township Attorney. The preserved open space shall be shown and appropriately labeled on the plat approved by the Township and recorded with the county register of deeds.

(2) It is believed that the developer represented and warranted the following with respect to Unplatted lands:

- (a) Ember Oaks was a developing community;
- (b) The Developer planned to develop such community in phases;

- (c) As each phase became complete, or substantially complete, the Developer would add additional lots within the Unplatted lands to the Plat;
- (d) The Plat has Declarations or Restrictions, substantially controlling the type of community thereunder; and
- (e) It is further believed the Developer stated all homes within the subdivision (including Unplatted lands) would be controlled, according to the Declarations of Restrictions. This means homes had to be specific size and quality including, but not limited to, materials used and have architectural integrity (as approved by the Architectural Control Committee of which Developer solely controls).

(3) It is believed that the Developer has a history supportive of following the model it laid forth during the sales process, as suggested in its believed upon representations and warranties above. That is, the Developer has added Unplatted lands, as lots, to the Plat, as phases in the development were completed. Such additions are evidenced by the necessary amendments to the Declarations of Restrictions, which indeed have been amended 3 times.

(4) It is believed that the Developer advertised and continues to advertise, as evidenced by signage located directly on the Unplatted lands. Attached and incorporated herein, marked Exhibit A, is a picture taken May 10, 2015, which shows said signage and reads "Ember Oaks, PLANNED RESIDENTIAL DEVELOPMENT, FUTURE PHASE."

(5) Given the Meridian Township Ordinance §86.378 language, buyers of lots and homes, as the case may be, would have had reason to believe, and further to rely upon, the provisions suggesting (i) maximum numbers of dwelling lots and (ii) the Unplatted lands would be preserved in perpetuity, on a forever basis.

(6) Given the Developer's believed upon representations and warranties, existing homeowners would have had reason to believe and rely upon such believed representations and warranties including, but not limited to, the future development with respect to Unplatted lands. Now, the Developer, as the applicant, is petitioning this Commission for an amendment. Such amendment, as proposed, reflects, generally speaking (some lots would actually be larger than existing lots under the existing PRD), desires to decrease the lot size and, presumably, increase the number of lots offered. It is further believed the Developer is desirous of making such proposed changes to reflect economic factors not then anticipated when it originally submitted and received the original PRD.

And, even if total lot numbers and/or preserved open spaces stay the same, by way of lots and open spaces in aggregate, but are modified such that they fail to stay true to the original PRD (which is evidenced by the desire to amend such) and the believed upon Developer representations and warranties, such proposed amended PRD would fail to stay in keeping with what purchasers would have or should have relied upon.

Furthermore, it is believed such homes, eventually built upon the proposed amended PRO lots, would be smaller than those believed to be represented and warranted to existing homeowners including, but not limited to, less stone or masonry requirements presently required.

The problem, as the Commission is now wisely aware of, is buyers under the existing Plat may have relied upon many factors including, but not limited to, the following:

- (1) Original PRO, as issued, and reflected in both the Plat and Unplatted lands;
- (2) The believed upon Developer's representations and warranties, particularly as reflected on the Unplatted lands;
- (3) The Declarations of Restrictions (historically representing, by amendment, a history of Unplatted lands entering into the Plat).

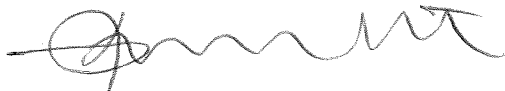
Therefore, if the honorable Commission were to "recommend for approval" this petition for amendment of the original PRO, this Commission would be, with full knowledge of such as evidenced by the Affidavit attached and incorporated herein, marked Exhibit B, inadvertently helping the Developer to potentially breach its believed representations and warranties made to the existing Ember Oaks homeowners.

For the reasons discussed above, and others, I humbly request this Commission "recommend denial" of the Developer's requested PRO #15-97015 amendment.

I have full faith in the Commission and believe that the Ember Oaks homeowners rights, as perceived, will be wisely preserved, by "recommending denial" of the applicants petition.

Thank you for your consideration with respect the issues raised above and their direct application to this matter.

Best Regards

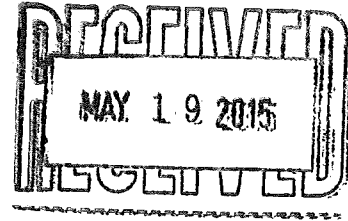


G. Umakanth (Govindarajan Umakanthan)



**AUTHORIZED
VEHICLES ONLY**

SRINIVAS KANDULA
3653 BANDERA LN
OKEMOS
MI 48864
08/15/2015



RE: Application to Amend PRD #15-97015 Should Be Recommended for Denial

Dear Commission,

I write requesting SP Investments Limited Partnership's petition to amend the Planned Residential Development #97015 ("PRD") be "**recommended for denial.**" For the purposes of this Letter, "Developer" means Schroeder Homes LLC, a Michigan limited liability company, Schroeder Builders Inc., a Michigan corporation, a.k.a. Schroeder Homes, KDS Homes LLC, a Michigan limited liability company, Schroeder Home Services LLC, a Michigan limited liability company, Ember Oaks Company, a Michigan corporation, KBBV LLC, a Michigan limited liability company, SP INVESTMENTS LIMITED PARTNERSHIP, a Michigan limited partnership, Keith L. Schroeder, Beverly A. Schroeder, Brian L. Schroeder, Viki C. Schroeder, and their employees or representatives, acting as agents on behalf of the Developer, either individually, jointly or collectively, as the case may be, and any assigns, Successors, and affiliates thereof.

At issue is whether it is appropriate to amend Unplatted lands, as fully described in the Developer's Sketch Plan titled "Ember Oaks (PHASES 4+)." To help aid the honorable Commission, I offer the following concerns:

(1) The Unplatted lands are already under an existing PRD. The following, with respect to this existing PRD are believed to be true:

(a) Meridian Township Ordinance §86.378(d)(4)(c) states "Once the preliminary lot layout is found by the Department of Community Planning and Development to be in conformance with the governing regulations, the total number of lots intended for residential units **shall become the maximum number of dwelling units permitted** on the development parcel under the PRD overlay zoning district.

(b) Meridian Township Ordinance §86.378(d)(5)(c) reads "The required amount of open space **shall be preserved in perpetuity.** The preserved open space shall be **dedeod to the development's homeowner's association, a land conservancy, the public or otherwise protected** in a manner acceptable to the Township. The form of all preservation instruments shall be approved by the Township Attorney. The preserved open space shall be shown and appropriately labeled on the plat approved by the Township and recorded with the county register of deeds.

(2) It is believed that the developer represented and warranted the following with respect to Unplatted lands:

- (a) Ember Oaks was a developing community;
- (b) The Developer planned to develop such community in phases;

(c) As each phase became complete, or substantially complete, the Developer would add additional lots within the Unplatted lands to the Plat;

(d) The Plat has Declarations or Restrictions, substantially controlling the type of community thereunder; and

(e) It is further believed the Developer stated all homes within the subdivision (including Unplatted lands) would be controlled, according to the Declarations of Restrictions. This means homes had to be specific size and quality including, but not limited to, materials used and have architectural integrity (as approved by the Architectural Control Committee of which Developer solely controls).

(3) It is believed that the Developer has a history supportive of following the model it laid forth during the sales process, as suggested in its believed upon representations and warranties above. That is, the Developer has added Unplatted lands, as lots, to the Plat, as phases in the development were completed. Such additions are evidenced by the necessary amendments to the Declarations of Restrictions, which indeed have been amended 3 times.

(4) It is believed that the Developer advertised and continues to advertise, as evidenced by signage located directly on the Unplatted lands. Attached and incorporated herein, marked Exhibit A, is a picture taken May 10, 2015, which shows said signage and reads "Ember Oaks, PLANNED RESIDENTIAL DEVELOPMENT, FUTURE PHASE."

(5) Given the Meridian Township Ordinance §86.378 language, buyers of lots and homes, as the case may be, would have had reason to believe, and further to rely upon, the provisions suggesting

(i) maximum numbers of dwelling lots and

(ii) the Unplatted lands would be preserved in perpetuity, on a forever basis.

(6) Given the Developer's believed upon representations and warranties, existing homeowners would have had reason to believe and rely upon such believed representations and warranties including, but not limited to, the future development with respect to Unplatted lands.

Now, the Developer, as the applicant, is petitioning this Commission for an amendment. Such amendment, as proposed, reflects, generally speaking (some lots would actually be larger than existing lots under the existing PRD), desires to decrease the lot size and, presumably, increase the number of lots offered. It is further believed the Developer is desirous of making such proposed changes to reflect economic factors not then anticipated when it originally submitted and received the original PRD.

And, even if total lot numbers and/or preserved open spaces stay the same, by way of lots and open spaces in aggregate, but are modified such that they fail to stay true to the original PRD (which is evidenced by the desire to amend such) and the believed upon Developer representations and warranties, such proposed amended PRD would fail to stay in keeping with what purchasers would have or should have relied upon.

Furthermore, it is believed such homes, eventually built upon the proposed amended PRO lots, would be smaller than those believed to be represented and warranted to existing homeowners including, but not limited to, less stone or masonry requirements presently required.

The problem, as the Commission is now wisely aware of, is buyers under the existing Plat

may have relied upon many factors including, but not limited to, the following:
(1) Original PRD, as issued, and reflected in both the Plat and Unplatted lands;
(2) The believed upon Developer's representations and warranties, particularly as reflected on the Unplatted lands;

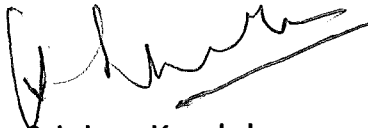
(3) The Declarations of Restrictions (historically representing, by amendment, a history of Unplatted lands entering into the Plat).

Therefore, if the honorable Commission were to "recommend for approval" this petition for amendment of the original PRO, this Commission would be, with full knowledge of such as evidenced by the Affidavit attached and incorporated herein, marked Exhibit B, inadvertently helping the Developer to potentially breach its believed representations and warranties made to the existing Ember Oaks homeowners.

For the reasons discussed above, and others, I humbly request this Commission "recommend denial" of the Developer's requested PRO #15-97015 amendment. I have full faith in the Commission and believe that the Ember Oaks homeowners rights, as perceived, will be wisely preserved, by "recommending denial" of the applicants petition.

Thank you for your consideration with respect the issues raised above and their direct application to this matter.

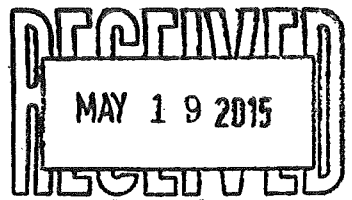
Kindest Regards,



Srinivas Kandula

3653 Bandera Ln

Okemos, MI 48864



AFFIDAVIT

Reference: Planned Residential Development #15-97015 (SP Investments Limited Partnership)

I, Srinivas Kandula, of Okemos, Michigan, after first being duly sworn, declare that the following information is true to my actual current knowledge and recollection without investigation or inquiry:

- (1) I have personal knowledge of the matters set forth in this Affidavit, except as to those stated on information and belief, and, as to those, I believe them to be true based upon my recollection of the matters set forth in this Affidavit.
- (2) On or about 11/15/2011, I purchased my primary residence from Schroeder Homes, a Michigan based builder and such residence is located Within the Ember Oaks Subdivision (the "Subdivision").
- (3) To the best of my recollection and information and belief the Developer, as an inducement to purchase, orally made the following representations and warranties. For the purposes of this Affidavit, "Developer" means SP INVESTMENTS LIMITED PARTNERSHIP; a Michigan limited partnership and Duff Schroeder. AKA BRIAN L. SCHROEDER.
 - (a) To the best of my recollection and upon information and belief, the Developer represented and warranted the Subdivision was a restricted community, controlled by the Declarations of Restrictions for Ember Oaks Subdivision (the "Restrictions") and enforced by the Homeowners Association ("HOA").
 - (i) Copies of the Restrictions are available by way of either (1) Ingham County Register of Deeds or (2) the Developers website, located at :
http://schroederhomes.com/_pdfs/ember_oaks/Ember_Oaks_Bylaws.pdf
 - (ii) Copies of the Bylaws are available from the Developers website, located at:
http://schroederhomes.com/_pdfs/ember_oaks/Ember_Oaks_Bylaws.pdf
 - (iii) Copies of the Articles of Incorporation for Ember Oaks Homeowners' Association, a Michigan nonprofit domestic corporation, with perpetual duration, located under Department of Licensing and Regulatory Affairs, corporate entity documents, by way of State of Michigan LARA
 - (b) To the best of my recollection and upon information and belief Developer represented and warranted that the Subdivision was an ongoing development, developing in phases. I am further informed that as the remaining lots sold within the Plat, it would begin additional phases of development adding such to the Plat and its corresponding Restrictions.

To the best of my recollection and upon information and belief that Developer advertised the Subdivision as a controlled community with Specific standards. Such standards are evidenced in the Restrictions Including, but not limited to, the following:

- (i) Building restrictions including, but not limited to, the following:
 - (A) Masonry requirements of stone or brick, covering all sides of the home;
 - (B) Trim requirements;
 - (C) Minimum setbacks;
 - (D) Garage minimums (minimum of 700 sq. ft. and no less than 3 cars); and
 - (E) Minimum home square footage requirements for first and second floors.

- (c) Affiant to the best of his recollection and upon information and belief, recalls the Developer represented and warranted, as a further inducement to purchase, that future lands, as added to the Plat and developed, would be done so under the same restrictions as existing phases. It is believed, to the best of my recollection, Developer made such representations and warranties as to the Subdivision standards as an assurance to earlier purchasers to induce their purchase of their property.

- (4) Developer has existing signage reading "Ember Oaks, PLANNED RESIDENTIAL DEVELOPMENT, FUTURE PHASE." It is my opinion such signage is for advertising purposes and further suggests the intent to develop such lands within the Subdivision standards as evidenced in the Restrictions. Such signage was in existence on or around the time I purchased my property and still stands as of May 10, 2015.

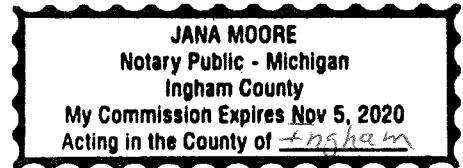
Dated this 14 day of May, 2015

Srinivas Kandula

Srinivas Kandula

STATE OF MICHIGAN
COUNTY OF INGHAM

Subscribed and sworn before me by Srinivas Kandula on this 14th day of May, 2015.



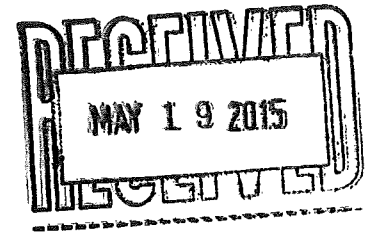
Witness my hand and official seal.

My commission expires: 11-5-20

Jana Moore
Notary Public

Address: 4815 Okemos Rd.
Okemos, Mi. 48864

Affidavit of Salim A. Jaffer, MD.



I, Salim A. Jaffer MD, of 3633 Wandering Way, Okemos Michigan, under penalty of perjury, declare and state:

- (1) On or about 2009 and 2010, purchased land for my primary residence addressed above, from Schroeder Homes LLC, a Michigan limited liability company, or their affiliated company. This was located in the Ember Oaks Subdivision.
- (2) During the period leading up to the purchase and including, but not limited to, the date of purchase, as outlined above, the Developer, as an inducement to purchase, orally made the following representations and warranties. For the purpose of the Affidavit, "Developer" means Schroeder Homes LLC, a Michigan limited liability company, Schroeder Builders Inc., a Michigan corporation, a.k.a. Schroeder Homes, KDS Homes LLC, a Michigan liability company, Schroeder Homes Services LLC, a Michigan liability company, Ember Oaks Company, a Michigan corporation, KBBV LLC, a Michigan limited liability company, SP INVESTMENTS LIMITED PARTNERSHIP, a Michigan limited partnership, Keith L. Schroeder, Beverly A. Schroeder, Brian L. Schroeder, Viki L. Schroeder, and their employees or representatives, acting as agents on behalf of the Developer, either individually, jointly or collectively, as the case may be.
 - (a) Developer represented and warranted the subdivision was a restricted community, controlled by the Declaration of Restrictions for Ember Oaks Subdivision (the "restriction") and enforced by the Homeowners Association (UHOA).
 - (i) Copies of the Restrictions are available by way of either (1) Ingham County Register of Deeds or (2) the Developer's website, located at:
http://schroederhomes.com/pdfs/ember_Oaks_Restrictions.pdf
 - (ii) Copies of the bylaws are available from the Developers website, located at:
http://schroederhomes.com/pdfs/ember_Oaks_Restrictions.pdf
 - (iii) Copies of the Articles of Incorporation for Ember Oaks Homeowners' Association, a Michigan nonprofit domestic corporation, with perpetual duration, located under Department of Licensing and regulatory Affairs available with state of Michigan LARA department.
 - (b) Developer represented and warranted that the subdivision was an ongoing development, developing in phases. Developer further represented and warranted as the remaining lots sold within the plat, it would begin additional phases of development adding such to the plat and its corresponding Restrictions. The Developer advertised the Subdivisions as a controlled community with specific standards. Such standards as evidenced in the Restrictions including, but not limited to, the following:

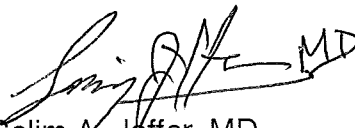
- (i) Building requirements of stone or brick, covering all sides of the home;
- (ii) Three car garage and no less; and minimum 700 sq. ft. garage
- (iii) Minimum set backs from road to house;
- (iv) Minimum home square footage requirement for first and second floors;
- (v) Sprinkler system required for all homes;
- (vi) Side entry garage.

(c) Developer represented and warranted, as a further inducement to purchase, that future lands, as added to the plat and developed, would be done under the same restrictions as existing phases. It is believed, to the best of my knowledge, Developer made such representations and warranties as an assurance to earlier purchasers, thereby reducing their heavy investment risk and insuring subdivisions standards.

- (3) In numerous meetings with ~~the~~ Mr. Schroeder and in the presence of an agent from Tomie Raines, Developer had a site plan of the Subdivision, in the poster board room, believed to be labeled "Ember Oaks", located in the Developer's conference room, showing lot development which included lots yet to be added to the plat. The lot layout and size appeared to be in keeping with lots sold and Developer referenced such site plan when orally referencing its future development, in keeping with its existing standards.
- (4) Mr. Brian Schroeder had on numerous occasions told me that land size on which homes are and would be build in Ember Oaks are "large" and at least 0.5 acres and no less. I remember this distinctly well.

I swear or affirm that the foregoing statements are true to the best of my knowledge, information and belief.

Dated this 18th day of May, 2015.

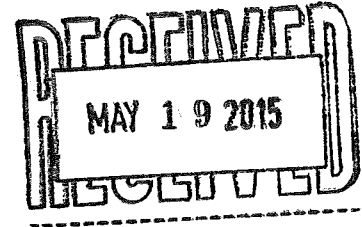

 Salim A. Jaffer, MD
 STATE OF MICHIGAN
 INGHAM COUNTY

Subscribed and sworn before me by Salim A. Jaffer, MD on this 18th day of May, 2015. Witness my hand and official seal.

My commission expires: December 20, 2016



Denise K. Hicks
Notary Public
 State of Michigan
 Clinton County
 My Commission Expires 12/20/2016



Salim A. Jaffer, M.D.
3633 Wandering Way,
Okemos, Michigan 48864

May 16, 2015.

Re: Application to amend PRD #15-97015.

Dear Commission,

I highly recommend that the request made by SP Investments Limited Partnership to amend the Planned Residential Development #97015 be rejected. This should be voted **“recommended for denial.”**

I bought land from Mr. Brian Schroeder or the company that he represents with the following understanding and promises:

1. All houses build in Ember Oaks will be constructed of only brick or stone or its combination. This will cover all four sides of the house.
2. The land on which houses are to be built will be “large” and at-least 0.5 acres. I distinctly remember “Duff” telling me this.
3. The house sizes are fixed and no smaller than described in the Declaration of Restrictions or Ember Oaks Subdivision.
4. All houses must have a three care garage with a minimum size of 700 square feet.
5. All houses built will have a sprinkler system.

I bought land and built a house on this promise. This promise is now being violated. Schroeder Homes wants to built smaller, lower quality houses on this land. In my opinion, this is a violation of what I was promised an what is Declaration of Restrictions. This is a violation of declaration of deeds. It is my opinion that Schroeder homes or their representatives misrepresented the sale on which I build my house. This is a violation of PRD.

This will become a serious legal issue as house property in this Subdivision will fall. Who will accept this liability? I feel I was tricked into buying land to build a house in excess of one million dollars. Now the price of my house will drop 30%. I recommend you come visit Ember Oak subdivision and visually inspect our houses. You will note brick or stone on all four sides. Note the distance between houses. These are 0.5 to 1.0 million dollar houses whose value will drop if you allow Schroder Homes to build smaller and cheaper homes in this Subdivision. Can you in good conscious allow the value of these houses to drop precipitously. Please deny the petition. Thank you very much.

Sincerely yours,

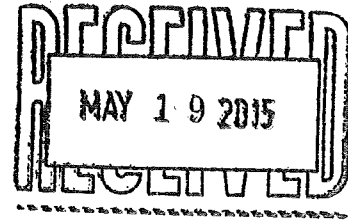
A handwritten signature in black ink, appearing to read "Salim A. Jaffer, MD". The signature is fluid and cursive, with a horizontal line underlining the name.

Salim A. Jaffer, MD

Note:

Two real estate agents believe that house prices in Ember Oaks will drop 30% if this petition is approved. Hence, above statistics are based on this opinion.

May 18, 2015



Planning Commission
Charter Township of Meridian
5151 Marsh Rd.
Okemos, MI 48864

Reference: Rezoning Application Identified as Planned Residential Development #15-97015 (SP Investment Limited Partnership)


Thank you for accepting our comments regarding the application for rezoning, above noted. We own 10 acres located at 3663 Stagecoach Drive and share 1,000 feet of contiguous property with Ember Oaks, so we have a vital interest in the proceedings. We purchased our home in 1996 and share a stand of hardwood trees adjacent to our house on the west side, and we are deeply concerned about the future development and how it will affect this stand of hardwoods; we cannot tell from the Proposed Layout Southern section site plan how it would affect these hardwoods but understand there was an agreement in place not to materially disturb them.

We are very concerned about the possibility the site plan could change and cause substantial traffic to funnel into Forsberg Drive and Stagecoach Drive, creating dramatic safety concerns; specifically, the school district for the eastern most area is Williamston. The proposed eastern egress from Ember Oaks does not appear to have adequate clear vision to the west, thus making a turn to the east toward Williamston schools dangerous, which would likely cause Ember Oaks residents to drive into Ponderosa via Forsberg road then Stagecoach to Ponderosa to exit onto Jolly Rd, which would be a safer alternative because egress onto Jolly Rd eastbound is safer. The increased traffic into a neighborhood without sidewalks and with small children makes it dramatically less safe for them. The current site plan provides for Forsberg Drive to enter Ember Oaks and turn south. I do not see why the current plan cannot remain in place to address this issue. If the issue must be solved in another way, I think that both the Schroeder Families and the Meridian Township will have enough increased revenue from this development that they both can afford to do what is in the best interests of everyone and no person or group should have to bear the consequences of a cheap solution.

We are very concerned about how the flow of water will affect all of our properties. I planted an aile'e of trees in 2005. After a couple of years, several trees died. I replanted them and one of them died again. I finally realized that there was a very heavy flow of water coming from the west during hard rains which created the problem. I contacted the Drain Commission but no action was taken. While it is difficult for a layman to measure water flow changes, a few things are simple to understand. The highest point of Ember Oakes is 40 feet high than Ponderosa. When the leaves are off the trees we can now see housing lights well above our height because of housing built in the last several years. An increase in development means an increase in roofs, streets, sidewalks and driveways, all of which are impervious, and without adequate sewer design the flow can get much worse. This could mean that septic tanks and

drain fields could flood, which would require mechanical systems at \$20k per home. It also will affect the water flow into the pond adjacent to our property on the east and because the water flows from our pond to all of the other ponds in Ponderosa, many other homeowners will be affected as well. Here again, both the Schroeder families and Meridian Township will both have enough increased revenue to do what is in the best interests of everyone.

Sincerely,

A handwritten signature in black ink, reading "Tom Repaskey" followed by "Martie Repaskey". The signature is written in a cursive style with a horizontal line above the first name.

Tom & Martie Repaskey
3663 Stagecoach Drive

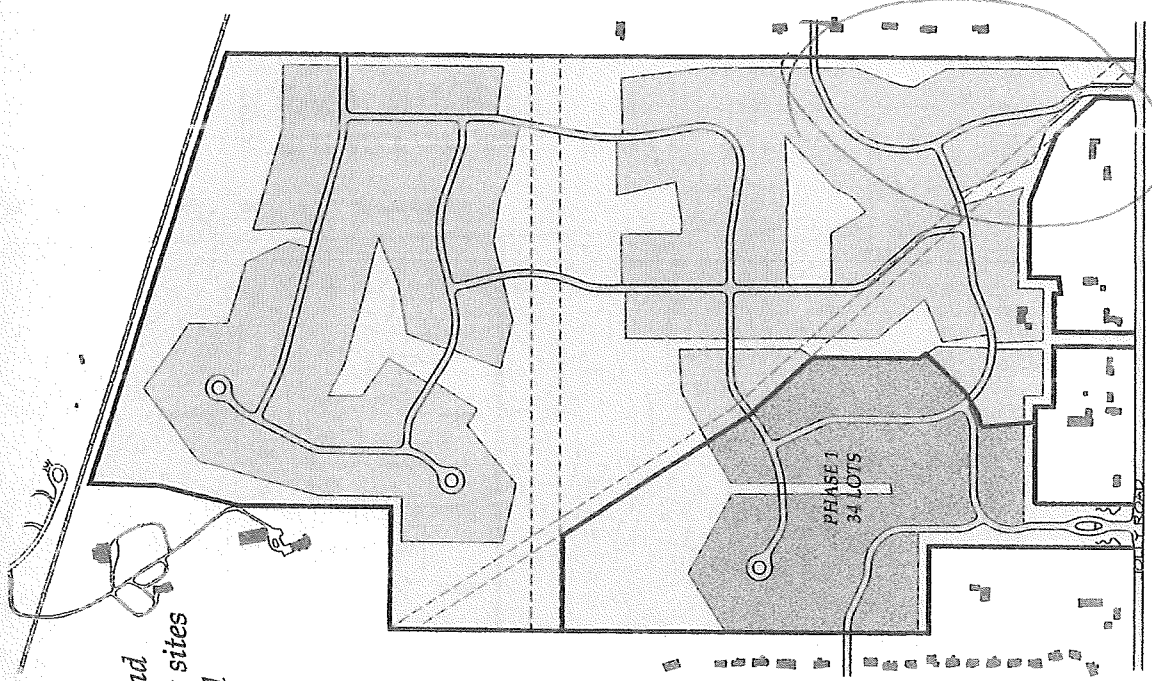
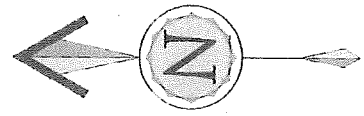
EMBER OAKS

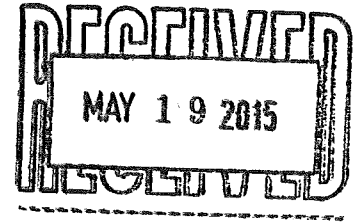
PLANNED RESIDENTIAL DEVELOPMENT

Common Facts

- * 232 Acres total land
- * 158 Total building sites
- * 90 Acres dedicated open space
- * Public utilities
- * Sidewalks
- * Street lights

K	PHASE ONE LOTS
E	FUTURE LOTS
Y	COMMON AREAS





May 18, 2015

Planning Commission
Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864

Reference: Rezoning Application Identified as Planned Residential Development #15-97015 (SP Investments Limited Partnership)

We appreciate the opportunity to offer comments pertaining to the application for Rezoning referenced above. We reside at 3653 Stagecoach Drive, Lot 1 of the "Old Ponderosa" which is immediately contiguous to the Ember Oaks Planned Residential Development Overlay (370 feet of shared lot line). Lot 1 is a corner lot bounded by Forsberg Drive to the south and Stagecoach Drive to the east.

Our history with this development project is long, dating back to the first rezoning application to the Planning Commission in 1992, identified then as number 92040. Concerns identified then are similar to those to be discussed tonight.

The obvious first point to discuss is the merits of consideration of a Rezoning at all. At its regular meeting on July 18, 2000, the Township board approved the preliminary plat of Ember Oaks, subject to certain conditions (Preliminary Plat). Such approval was granted after significant effort and discussion between the developer, township and other governmental representatives, and neighbors contiguous to Ember Oaks between 1992 and July of 2000. In addition, based upon the size of the parcel, it drew the attention and input of many Meridian township residents.

We are aware both the Township and the developer agreed that the property would be developed in phases. While this permits the developer to defer significant costs in moving to a final plat stage for a portion of the development, it should not afford the developer the opportunity to engage in a re-design to the detriment of those who have relied on prior agreements.

Individuals purchasing properties in Phases I to III of Ember Oaks have purchased and constructed homes in reliance on the Preliminary Plat. Similarly, Ponderosa and Hiawatha residents have purchased homes (or alternatively, made decisions to not move) in reliance on the Preliminary Plat. Simply put, we request that the Planning Commission consider the equity and/or fairness of consideration of a Rezoning request.

Other Comments:

Computational Issues:

Mechanically, the Sketch describes open space with reference to that associated with Easements and Regulated Wetlands. The average lot size reported in Proposed area was 26,525.86 square feet, thereby triggering the exclusion of the buffer required by section 86-378(d)(5)(b)(4) in

determining net open space. There was no separate computation of open space associated with that buffer.

Re: Traffic

Schroeder Homes indicates in their August 4, 1992 letter to the Planning Commission that they understand the concerns of residents in Hiawatha Park who would be negatively affected if the street layout caused excessive traffic on their street. The letter goes on to say that this can only be addressed by the layout of the street.

In letter addressed to Mark Hooper, dated December 7, 1992 (later faxed to Mr. Kieselbach), Mr. Schroeder proposed "We will design the road system to discourage traffic from Ember Oaks through Ponderosa but still allow traffic to flow between the two communities. This can be accomplished by Forsberg Dr. turning south for some distance before connecting with any streets in Ember Oaks". The memorandum dated February 5, 1993, by Rob Walsh, then Director of Planning and Development Control for the township, states "the applicant has agreed to limit access to the Ponderosa subdivision by designing new streets with indirect alignments.

The point is that traffic has been a concern for over 20 years, and is heightened for Ponderosa by the recent addition of families with young children. It should be noted that approximately 40 acres of Ember Oaks is in the Williamston school district. This relationship alone will create increased traffic in Ponderosa.

Sight lines and constructed road widths in Ponderosa create risks for those using its streets. The lack of sidewalks are part of the character of the subdivision, but further expose its residents to the burdens of increased traffic.

Buffering:

We understand that the PRD design rules trigger the requirement for a 50 foot buffer between Ember Oaks and Ponderosa. The average Ponderosa lot size per the 2/5/93 Walsh memorandum was 55,946. The average proposed by the developer is less than half of that amount at 26,525.86. While we acknowledge the 50 foot buffer, the Sketch places 3 homes in the area directly behind our house. The immediate proximate density will adversely impact our property and is a dramatic change from the approved 2000 Preliminary Plat.

We understand that one purpose of the PRD design rules is to enable higher density clustering to create open spaces benefiting the neighborhood. In this Sketch, the developer has utilized those open spaces solely for the benefit of Ember Oaks. If this Rezoning is advanced, we seek relief by returning to proximate density equal to or below that of the Preliminary Plat.

Surface water drainage:

We expressed concerns back in 1992 and again raise those concerns. In our opinion, the construction roads and grading did not adequately address those concerns and the predicted increase in water flow towards Ponderosa has occurred. We understand our neighbor has contacted the Drain Commissioner and no action has been taken. They will be separately

corresponding on their experience.

Summary:

The July 18, 2000 Preliminary Plat approved by the Township board addressed a majority of our concerns to our overall satisfaction. It has been relied on by us and others and should not be changed. If you conclude that the Rezoning application should move forward, we ask that all of the concerns raised from 1992 to 2000 once again be addressed.

Very truly yours,

Handwritten signatures of Mark and Marcia Hooper in cursive script.

Mark and Marcia Hooper
3653 Stagecoach Drive

Letter to the Planning Commission Dated May 18, 2015
Attachments – Mark and Marcia Hooper

First - Letter from Schroeder Homes to Meridian Township Planning Commission dated August 4, 1992.

Second – Letter from SP Investments Limited Partnership to Mark Hooper dated December 7, 1992

Third – Memorandum from Rob Walsh, Director of Planning and Development Control to Meridian Township Planning Commission dated February 5, 1993



The Family Name...Built on Quality!

August 4, 1992

Meridian Township Planning Commission
5151 Marsh Road
Okemos, MI 48864

RE: Rezoning #92040

Dear Commission:

This writing will reiterate points made in verbal presentation at the public hearing. I understand the importance of your decision on this matter and want to supply good information that will allow you to make the best decision.

1. Comprehensive Plan

The overall density I am requesting is less than the density under the current Comprehensive Plan, even though I am asking for a slight deviation from the Comprehensive Plan map. There is a difference between the Comprehensive Plan drawing and the Planning Commission's decision. RAA Zoning was to follow the Okemos School District boundary but there was an error in drafting the drawing. The difference is 34 acres; 40 acres being in RR instead of 74 acres as the staff report indicates; (the remainder is RAA). I am willing to cap the overall density to 330 units (1.5 units per acre) which is less than would be allowed under either interpretation of the map and the Planning Commission minutes. Uniform zoning over the entire parcel will make a better overall community.

2. Size of the Area to be Rezoned

There appears to be a concern for rezoning an area this size, suggesting that rezoning would be best done in small parcels. Is there logic to the notion that our community would be better off going thru the rezoning process more times for smaller parcels, i.e. 10 rezonings of 22 acres or 5 rezonings of 44 acres to accomplish the same result as one rezoning of 220 acres?

We are committed to the process of first studying, defining, and mapping the existing ecologically sensitive areas. Then, Vital Resources Consulting will

classify the areas according to an ecological value matrix. We will design the streets, drives, walks, active areas and structures to maximize preservation of these features.

We will follow the guidelines of the Global Releaf for New Communities (copy attached). The guidelines deal primarily with trees, but we will evaluate and include all other ecologically sensitive areas.

This is a new and exciting process and will bring harmony between homes, people and the natural environment. A P.U.D. will likely be used in order to maximize preservation. A P.U.D. is not possible with RR Zoning. Glen Goff of Vital Resource Consulting has primary responsibility for environmental considerations; he will involve other experts from MSU as we work through the process.

This process is not feasible on small parcels with separate rezonings. A larger parcel opens planning possibilities that simply do not exist with piecemeal zoning and development. Also, this program simply is not possible with the minimum lot sizes required in RR Zoning which makes the costs of normal development plus the environmental study, classification, preservation and enhancement extremely high, thereby excluding too many potential buyers.

The need for housing in the marketplace is the driving force of development. There can only be as many homes built as the market will absorb. I (as a developer) am a vehicle that provides a product (homes) to meet the needs of our society. We cannot dictate to the marketplace what it needs or wants; we only can provide what is needed. One simply has to examine what product the marketplace has been buying to interpret what is needed. How many lots, developed in RR Zoning, has the marketplace absorbed in any given period of time as compared to RAA Zoning?

Our intention is to provide homes on individual lots with street frontage of 90 feet to 130 feet with preserved and enhanced natural ecological features which will be the focus of this development.

3. Traffic

First, I agree that there certainly should not be excessive traffic through Hiawatha Park. I will commit to a maximum of 15 lots having access to Otsego Drive. I certainly understand the concern of residents in Hiawatha Park who would be negatively affected if the street layout caused excessive traffic on their

street. This can only be addressed by the layout of the streets. Ultimate authority of street layout rests with Meridian Township and Ingham County Road Commission and will be worked out at the time the street layout is designed and approved.

Traffic on Jolly Road and Dobie Road will be the same with 330 homes on this parcel as it would be with 200 homes and the other 130 homes built further out Jolly Road, up Vanatta Road or out further on Meridian Road. The point is, you cannot reduce traffic by spreading people further out, away from services and work places. In fact, more traffic is created because everyone must travel greater distance.

Never has this community widened roads ahead of a problem. Roads are only improved as traffic increases. An attempt to reduce traffic by requiring excessively large lots can only be effective to the extent that the resulting excessive lot price excludes people from moving into the area at all. I believe exclusionary zoning is illegal and certainly is snobish and unfriendly.

4. Taxes and Development Costs

We (developers) pay for all development costs to design, engineer and construct all streets and utilities, including storm sewer, sanitary sewer, water, gas, electric and telephone. No costs are paid by the Township. All the infrastructure is then given, or dedicated by platting, to the Township, County Drain Commission and Road Commission after they are constructed.

The Township currently charges \$1,000 sewer connection fee and \$1,000 water connection fee per house which will amount to \$660,000 and will go into the Township's separated sewer and water construction fund. This money will not be spent in this development.

Vacant lots are highly taxed and require no services from the Township whatsoever. Let's assume the project will build out in 10 years with an average of 20 vacant lots taxed each year. $\$2,000 \text{ per lot} \times 20 \text{ lots} \times 10 \text{ years} = \$400,000$. The Township, keeps about 10% of property taxes, and would get \$40,000 with no cost of delivering services to the vacant lots.

The homes will be in the upper price level, above the Township average, and certainly pay their fair share of property taxes.

Meridian Township Planning Commission
Page 4

I hope this alleviates some of the concerns that have been expressed. I welcome an opportunity to discuss this matter further with you.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Keith L. Schroeder", followed by a long horizontal line extending to the right.

Keith L. Schroeder

KLS/b

Attachment

SP INVESTMENTS LIMITED PARTNERSHIP

4665 Dobie Road, Suite 13
Okemos, Michigan 4886
(517) 349-056

December 7, 1992

Mr. Mark Hooper
3653 Stage Coach Dr.
Okemos, MI 48864

COPY

Dear Mark,

RE: Zoning land west of Ponderosa, (Ember Oaks)

This writing will document what I understand to be the results of our conversations regarding the rezoning. I understand you are communicating with property owners in Ponderosa, in addition to Ron and Dick who met with us on Wednesday, and you will circulate this to those who are interested.

From our discussion, we have identified four areas of your concern: Added traffic through Ponderosa, added surface water draining into Ponderosa, preserving the character of Ponderosa and overall density of Ember Oaks along with a number of ways to address those concerns.

We will design the road system to discourage traffic from Ember Oaks through Ponderosa but still allow traffic to flow between the two communities. This can be accomplished by Foresberg Dr. turning south for some distance before connecting with any streets in Ember Oaks. This causes traffic coming from any area in Ember Oaks to travel south before it can turn east and back then go north in order to get to Ponderosa. Drivers simply take the shortest route and will not go through Ponderosa unless that is their destination.

The drainage/storm sewer system will be designed to prevent any increase in the amount of water that now flows into Ponderosa from the west. If it is necessary, we will install rear yard drains along the east line of Ember Oaks.

The lots along the east boundary of Ember Oaks between Jolly Rd. and Consumers Power Company will be at least 210 feet deep as you have suggested. This could also be a 50 foot open space buffer with 160 feet deep lots. Either way, the road will not be closer than 210 feet. These lots will have 120 feet frontage which is as largest in the Meridian area with sanitary sewer and water.

We will not request more than 330 lots in Ember Oaks, as you suggested.

Post-It™ brand fax transmittal memo 7671 # of pages 2

To <i>Mark Hooper</i>	From <i>Keith</i>
Co. <i>Mer. Zwoy</i>	Co. <i>Schroeder-Blades</i>
Dept. <i>Planning</i>	Phone # <i>3490560</i>
Fax #	Fax # <i>3491370</i>

Hooper
Page 2
December 7, 1992

When I get to the stage of street and lot layout, you will have the opportunity to review plans prior to submittal to the governmental agencies.

A point to keep in mind is the development of Ember Oaks will bring the sanitary sewer either right to Ponderosa, or certainly close enough so that if property owners in Ponderosa wanted the Township to serve them with sewer, it would be available.

I believe this states the points of our conversations.

These conditions can be imposed on the land. We will work with the Township staff and attorney to work out the best ways to make them enforceable by the Township.

Sincerely,

Keith L. Schroeder

Keith L. Schroeder, President
of Schroeder Builders, Inc.,
General Partner

COPY

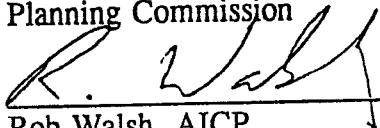
KLS/sam

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

DATE: February 5, 1993

TO: Planning Commission

FROM: 
Rob Walsh, AICP
Director of Planning and Development Control

RE: Rezoning #92040 (Schroeder/Hoover)

The following information on Rezoning #92040 is in response to specific questions asked by the Chair at the last Planning Commission meeting and also represents a summary of information previously provided to the Commission:

Sanitary Sewer and Water Service

- There is an existing 12" sanitary sewer line northwest of the property. This west line has the capacity to serve 569 additional housing units east of Dobie Road.
- There is an existing public water line on the northside of Jolly Road at Sierra Vista. According to the Township Engineering office, capacity is available to serve the proposed development, however, expansion of municipal water supply will be required in the long term.
- According to the Ingham County Health Department, less than 20 lots would be possible on the property using septic systems, due to the poor soil conditions, without expensive engineered drain field options (i.e. mound systems). The Health Department also states that there is little chance of well contamination from septic systems, since most wells are now at depths averaging 200 feet.

Traffic (final traffic analysis report is attached)

- Level of service analysis is most meaningful at intersections where substantial delays can occur, verses unobstructed roadway segments.

- Level of service "D" is considered acceptable in Meridian Township by the traffic engineering consultant (level of service "E" is unacceptable).
- There are two instances (northbound through and southbound through) at the Jolly/Dobie Road intersection where the level of service is reduced from "D" to "E". There are two other instances (northbound left and southbound left) where the level of service remains at "E". Out of eight instances, four turning movements would be at level of service "E" during the PM peak hour.
- Five out of eight instances fall from level of service "D" to "E" at the Jolly/Okemos Road intersection.
- The applicant has agreed to limit access to the Ponderosa subdivision by designing new streets with indirect alignments. Access from Hiawatha subdivision would be limited to 15 lots by agreement with the neighborhood.

Surrounding Residential Density

- The following data is provided for Hiawatha and Sierra Vista subdivisions to the west and Ponderosa subdivision to the east:

Name	Total Lots	Total Acres	Density	Average Lot Size
Hiawatha #80052	132	99.52	1.33 du/acre	26,379 s.f.
Sierra Vista #84052	45	26.48	1.7 du/acre	18,816 s.f.
Ponderosa #87042 #88072	64	98.9	0.65 du/acre	55,946 s.f.

- The minimum lot size in the proposed RAA zoning is 13,500 square feet. With the applicant's proposed 330 units, average lot size would probably be 18,500 square feet.

Buffering from Surrounding Uses

- The Rural land use designation for the 74 acres at the southeast corner of the 220 acre parcel would provide a buffer between the Ponderosa subdivision and the proposed RAA zoning. The corresponding RR zoning would be consistent with the RR zoning of Ponderosa.
- The applicant has agreed, at the resident's request, to provide a 50 foot open space buffer at the rear of lots adjacent to the Ponderosa subdivision.
- Buffering to the north, although zoned RAA consistent with the proposed zoning, would be provided by the railroad right-of-way.
- There has been no discussion with the applicant concerning buffering to the west (Hiawatha and Sierra Vista, zoned RAA).

Environmental Issues

- There is a 12 acre DNR regulated wetland located within the 220 acre parcel. There are two smaller Township regulated wetlands on the southeastern portion of the property. This is not a technical limitation for development of the property, as long as appropriate permits are secured or the sites are avoided. The applicant has stated that the wetlands will be preserved.
- There are no flood plains on the property.

Cluster/Open Space Subdivision Design

- With our existing zoning ordinance, the only method of clustering housing units to preserve open space is through a Planned Unit Development. This would be available under the proposed RAA zoning, but not the current RR zoning.
- It is possible that an alternative approach to clustering and the preservation of open space will be developed as the new Comprehensive Plan and Zoning Ordinance take shape.
- The applicant has not indicated a willingness to apply clustering principles to this property.

Boundaries (see attached maps)

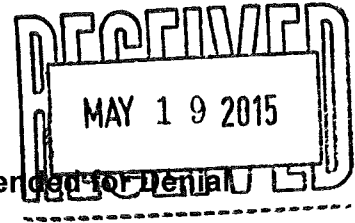
- The 1987 Comprehensive Plan designates 145.5 acres of the property as Residential 1.5 - 2.4 dwelling units/acre. The remaining acreage is designated Rural.
- The 1993 future land use map proposed by the planning consultant and staff shows all of this property as rural residential at .5 - 1.0 dwelling units per acre.
- The boundary between the Okemos and Williamston School Districts runs through the southeast portion of the property.

Staff will assist in preparing a Resolution once the Planning Commission has indicated a position on this rezoning. Restated, the Planning Commission's options are to recommend denial, defer the decision to completion of the Comprehensive Plan, or to recommend approval with conditions enforced by deed restriction, as previously discussed. The option to defer is still considered viable, allowing the opportunity to study the issue from the broader policy perspective of comprehensive planning.

As a final note, the applicant's attorney delivered a packet of information at noon on Friday (attached). Staff will review this material for technical accuracy prior to the meeting.

Attachments

RW/hover.rez/hld



RE: Application to Amend PRD #15-97015 Should Be Recommended for Denial

Dear Commission,

I write requesting SP Investments Limited Partnership's petition to amend the Planned Residential Development #97015 ("PRD") be "**recommended for denial.**" For the purposes of this Letter, "Developer" means Schroeder Homes LLC, a Michigan limited liability company, Schroeder Builders Inc., a Michigan corporation, a.k.a. Schroeder Homes, KDS Homes LLC, a Michigan limited liability company, Schroeder Home Services LLC, a Michigan limited liability company, Ember Oaks Company, a Michigan corporation, KBBV LLC, a Michigan limited liability company, SP INVESTMENTS LIMITED PARTNERSHIP, a Michigan limited partnership, Keith L. Schroeder, Beverly A. Schroeder, Brian L. Schroeder, Viki C. Schroeder, and their employees or representatives, acting as agents on behalf of the Developer, either individually, jointly or collectively, as the case may be, and any assigns, Successors, and affiliates thereof.

At issue is whether it is appropriate to amend Unplatted lands, as fully described in the Developer's Sketch Plan titled "Ember Oaks (PHASES 4+)." To help aid the honorable Commission, I offer the following concerns:

(1) The Unplatted lands are already under an existing PRD. The following, with respect to this existing PRD are believed to be true:

(a) Meridian Township Ordinance §86.378(d)(4)(c) states "Once the preliminary lot layout is found by the Department of Community Planning and Development to be in conformance with the governing regulations, the total number of lots intended for residential units **shall become the maximum number of dwelling units permitted** on the development parcel under the PRD overlay zoning district.

(b) Meridian Township Ordinance §86.378(d)(5)(c) reads "The required amount of open space **shall be preserved in perpetuity**. The preserved open space shall be **deeded to the development's homeowner's association, a land conservancy, the public or otherwise protected** in a manner acceptable to the Township. The form of all preservation instruments shall be approved by the Township Attorney. The preserved open space shall be shown and appropriately labeled on the plat approved by the Township and recorded with the county register of deeds.

(2) It is believed that the developer represented and warranted the following with respect to Unplatted lands:

- (a) Ember Oaks was a developing community;
- (b) The Developer planned to develop such community in phases;
- (c) As each phase became complete, or substantially complete, the Developer would add additional lots within the Unplatted lands to the Plat;
- (d) The Plat has Declarations or Restrictions, substantially controlling the type of community thereunder; and
- (e) It is further believed the Developer stated all homes within the subdivision (including Unplatted lands) would be controlled, according to the Declarations of Restrictions. This

means homes had to be specific size and quality including, but not limited to, materials used and have architectural integrity (as approved by the Architectural Control Committee of which Developer solely controls).

(3) It is believed that the Developer has a history supportive of following the model it laid forth during the sales process, as suggested in its believed upon representations and warranties above. That is, the Developer has added Unplatted lands, as lots, to the Plat, as phases in the development were completed. Such additions are evidenced by the necessary amendments to the Declarations of Restrictions, which indeed have been amended 3 times.

(4) It is believed that the Developer advertised and continues to advertise, as evidenced by signage located directly on the Unplatted lands. Attached and incorporated herein, marked Exhibit A, is a picture taken May 10, 2015, which shows said signage and reads "Ember Oaks, PLANNED RESIDENTIAL DEVELOPMENT, FUTURE PHASE."

(5) Given the Meridian Township Ordinance §86.378 language, buyers of lots and homes, as the case may be, would have had reason to believe, and further to rely upon, the provisions suggesting

- (i) maximum numbers of dwelling lots and
- (ii) the Unplatted lands would be preserved in perpetuity, on a forever basis.

(6) Given the Developer's believed upon representations and warranties, existing homeowners would have had reason to believe and rely upon such believed representations and warranties including, but not limited to, the future development with respect to Unplatted lands.

Now, the Developer, as the applicant, is petitioning this Commission for an amendment. Such amendment, as proposed, reflects, generally speaking (some lots would actually be larger than existing lots under the existing PRD), desires to decrease the lot size and, presumably, increase the number of lots offered. It is further believed the Developer is desirous of making such proposed changes to reflect economic factors not then anticipated when it originally submitted and received the original PRD.

And, even if total lot numbers and/or preserved open spaces stay the same, by way of lots and open spaces in aggregate, but are modified such that they fail to stay true to the original PRD (which is evidenced by the desire to amend such) and the believed upon Developer representations and warranties, such proposed amended PRD would fail to stay in keeping with what purchasers would have or should have relied upon.

Furthermore, it is believed such homes, eventually built upon the proposed amended PRO lots, would be smaller than those believed to be represented and warranted to existing homeowners including, but not limited to, less stone or masonry requirements presently required.

The problem, as the Commission is now wisely aware of, is buyers under the existing Plat may have relied upon many factors including, but not limited to, the following:

- (1) Original PRD, as issued, and reflected in both the Plat and Unplatted lands;
- (2) The believed upon Developer's representations and warranties, particularly as reflected on the Unplatted lands;

(3) The Declarations of Restrictions (historically representing, by amendment, a

history of Unplatted lands entering into the Plat).

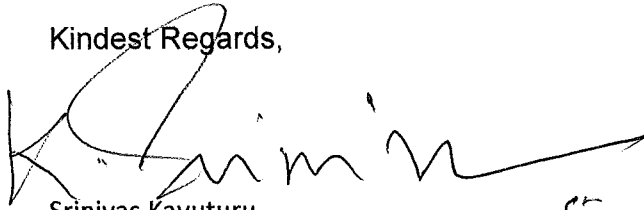
Therefore, if the honorable Commission were to "recommend for approval" this petition for amendment of the original PRO, this Commission would be, with full knowledge of such as evidenced by the Affidavit attached and incorporated herein, marked Exhibit B, inadvertently helping the Developer to potentially breach its believed representations and warranties made to the existing Ember Oaks homeowners.

For the reasons discussed above, and others, I humbly request this Commission "recommend denial" of the Developer's requested PRO #15-97015 amendment.

I have full faith in the Commission and believe that the Ember Oaks homeowners rights, as perceived, will be wisely preserved, by "recommending denial" of the applicants petition.

Thank you for your consideration with respect the issues raised above and their direct application to this matter.

Kindest Regards,

A handwritten signature in black ink, appearing to read 'Srinivas Kavuturu', with a long horizontal flourish extending to the right.

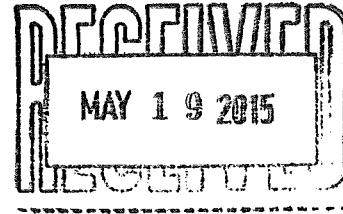
Srinivas Kavuturu

5.18.15

3660 Bandera Lane

Okemos MI 48864

AFFIDAVIT OF Srinivas Kavuturu



I, Srinivas Kavuturu of 3660 Bandera Lane, Okemos MI 48864, under penalty of perjury, declare and state:

(1) On or about 1 March 2014, I purchased my primary residence from Schroeder Homes, a Michigan based building company. Such residence is located within the Ember Oaks Subdivision (the "Subdivision").

(2) During the period leading up to my purchase and including, but not limited to, the date of purchase, as outlined above, the Developer, as an inducement to purchase, orally made the following representations and warranties. For the purposes of this Affidavit, "Developer" means Schroeder Homes LLC, a Michigan limited liability company, Schroeder Builders Inc., a Michigan corporation, a.k.a, Schroeder Homes, KDS Homes LLC, a Michigan limited liability company, Schroeder Home Services LLC, a Michigan limited liability company, Ember Oaks Company, a Michigan corporation, KBBV LLC, a Michigan limited liability company, SP INVESTMENTS LIMITED PARTNERSHIP, a Michigan limited partnership, Keith L. Schroeder, Beverly A. Schroeder, Brian L. Schroeder, Viki L. Schroeder, and their employees or representatives, acting as agents on behalf of the Developer, either individually, jointly or collectively, as the case may be.

(a) Developer represented and warranted the Subdivision was a restricted community, controlled by the Declarations of Restrictions for Ember Oaks Subdivision (the "Restrictions") and enforced by the Homeowners Association (UHOA").

(i) Copies of the Restrictions are available by way of either (1) Ingham County Register of Deeds or (2) the Developers website, located at :
http://schroederhomes.com/_pdfs/ember_oaks/Ember_Oaks_Restrictions.pdf

(ii) Copies of the Bylaws are available from the Developers website, located at :
http://schroederhomes.com/_pdfs/ember_oaks/Ember_Oaks_Bylaws.pdf

(iii) Copies of the Articles of Incorporation for Ember Oaks Homeowners' Association, a Michigan nonprofit domestic corporation, with perpetual duration, located under Department of Licensing and Regulatory Affairs available with State of Michigan LARA department

(b) Developer represented and warranted that the Subdivision was an ongoing development, developing in phases. Developer further represented and warranted as the remaining lots sold within the Plat, it would begin additional phases of development adding such to the Plat and its corresponding Restrictions. The Developer advertised the Subdivision as

a controlled community with specific standards. Such standards are evidenced in the Restrictions including, but not limited to, the following:

(i) Building restrictions including, but not limited to, the following:

- (A) Masonry requirements of stone or brick, covering all sides of the home;
- (B) Trim requirements;
- (C) Minimum setbacks;
- (D) Garage minimums (minimum of 700 sq. ft. and no less than 3 cars); and
- (E) Minimum home square footage requirements for first and second floors.

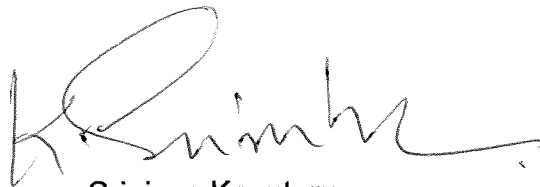
(c) Developer represented and warranted, as a further inducement to purchase, that future lands, as added to the Plat and developed, would be done so under the same restrictions as existing phases. It is believed, to the best of my knowledge, Developer made such representations and warranties as an assurance to earlier purchasers, thereby reducing their heavy investment risk and insuring Subdivision standards.

(3) On or about 1 March 2014, Developer had a site plan of the Subdivision, in poster board form, believed to be labeled "Ember Oaks", located in the Developer's conference room, showing lot development which included lots yet to be added to the Plat. The lot layout and size appeared to be in keeping with lots sold and Developer referenced such site plan when orally referencing its future development, in keeping with its existing standards.


(4) Developer has existing signage reading "Ember Oaks Future Development." Such signage is for advertising purposes and further suggests its intent to develop such lands within the Subdivision standards as evidenced in the Restrictions. Such signage was in existence on or around the time I purchased my property.

I swear or affirm that the foregoing statements are true to the best of my knowledge, information and belief.

Dated this 12 day of May 2015



Srinivas Kavuturu
3660 Bandera Lane Okemos 48864
STATE OF MICHIGAN
INGHAM COUNTY



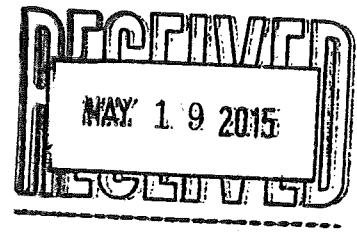
ERIC R. CLUBB
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF EATON
My Commission Expires May 31, 2019
Acting in the County of Ingham

Subscribed and sworn before me by Srinivas Kavuturu on this 12 day of May, 2015. Witness
my hand and official seal. My commission expires: May 31, 2019



ERIC R. CLUBB
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF EATON
My Commission Expires May 31, 2019
Acting in the County of Ingham

Urvish Shah, MD
1441 Wandering Way
Okemos, MI 48864



May 16, 2015.

Re: Application to amend PRD #15-97015.

Dear Commission,

It is my understanding that SP Investments Limited Partnership seeks to amend the Planned Residential Development #97015. This proposal must be voted **“recommended for denial.”**

I purchased a house from Mr. Brian Schroeder, Schroeder Homes LLC, or his company company with the understanding that the following promises were kept.

- a. Houses built in Ember Oaks are only bricks and stones. Please come into our neighborhood to witness this yourself.
- b. Only three car garages are permitted.
- c. Houses built must fulfill certain size criteria listed in the Restriction of Deeds and **NO SMALLER**. This is registered with Meridian Township.
- d. Lot sizes on which the houses were to be built were to be no smaller than 0.5-0.6 acres.
- e. Sprinkler system is required.

I bought my house with these conditions. **This promise is in violation of the current proposal to construct houses on smaller lots. This is also a violation of PRD. This change will jeopardize quality of houses in Ember Oaks and significantly reduce house prices. This will result in the drop of property taxes effecting the entire Okemos population. There also is a legal question of the assumption of liability in conjunction with the drop in home prices.**

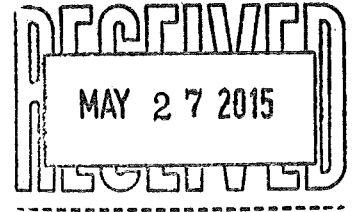
Hence, I must strongly object against the proposal and highly recommend that you reject it. Thank you very much.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Urvish K. Shah".

Urvish K. Shah, MD

May 27, 2015



Hand Delivered

Township Board, and
Planning Commission
Charter Township of Meridian
5151 Marsh Rd.
Okemos, MI 48864

Reference: Rezoning Application Identified as Planned Residential Development #15-97015 (SP Investment Limited Partnership)

It was apparent at Monday night's Hearing that the presentation caused confusion, not only for me, but perhaps for the members of the Commission as well. I am writing to clear any misunderstanding.

Specifically, Planner Gail Oranchak used a Site Plan to say something like...."this was the original plan approved by the Planning Commission in 1999." It looked like the "Proposed Site Plan" which was available to everyone at the rear of the Township Hall, except that there was no Forsberg Drive connection. She then presented the "Proposed Site Plan" which did include the Forsberg Drive connection. She pointed out that the Forsberg Drive connection was deemed to be essential and included in the Preliminary Plat, which was approved by the Township Board in July of 2000.

What was materially omitted was the "Current Site Plan" from which any proposed changes should be measured. While I understand that this was only a process to determine whether the proposed changes comply with Township ordinances, it is only logical to assume that this is the proposal to advance to a Preliminary Plat process. Your time and our time as participating citizens will be wasted without consideration of the Current Site Plan, and using that as the measuring comparison. It is clear from the developer's marketing materials that he is not using the Planning Commission Plan of 1999 but he is using the "Current Site Plan" as first approved by the Township Board in July of 2000.

As you are hopefully aware from the Public comments, in order to ameliorate the concerns and objections to potential heavy traffic flow into and through Ponderosa Estates, the "Current Site Plan" specifically caused Forsberg Drive to turn south upon entering Ember Oaks before connecting with the main north/south traffic flow on the east side of Ember Oaks, closest to Ponderosa. This single change everyone agreed was likely to keep traffic through Ponderosa Estates to a minimum.

By showing the original Proposed Site Plan of 1999 and the Proposed Site Plan of 2015 and omitting the "Current site Plan" of 2005 and now in place as a part of the Meridian Township Master Plan, it gave the appearance of a simple and inevitable change, not likely to find any objection of the Planning Commission, when in fact, some of the members of the Commission were trying to raise questions but were not sure how to ask the question and were apparently dissuaded from this clarity. Further, those neighbors who watch this process from their cable TV are not likely to fully appreciate the issues.

No evidence presented by the Kubs, Inc. presenter regarding the proposed changes to the "Current Site Plan" were compelling in any way whatsoever to change the road system adjoining and intersecting with Forsberg Drive. Generally speaking, his presentation dealt with a redesign of lots and roads on the north

end of Ember Oaks so as to provide for more greenspace. He attempted to make the compelling argument that with the increase of required setbacks from the railroad line and pipeline, it was necessary to make some lots smaller, though he stated the "average" lot size did not materially change.

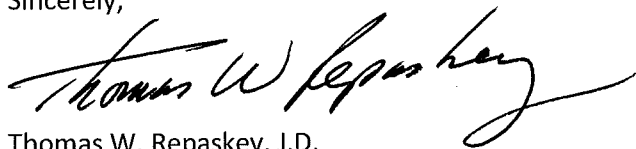
Using the table in the Proposed Plan, the 1999 Plan called for an average lot size of 31,974 square feet. (116.71 acres times 43,560 square feet divided by 159). The average in the Proposed Site Plan, including those already under a Final Plat, is 28,327.78 (102.75 acres time 43,560 divided by 158). Since the average larger lots were in Phases I through III, the change impacts the undeveloped sections, dropping those averages to 26,525.86. I believe those changes are material to Ponderosa residents and out of character with the underlying RR zoning. We think the developer is simply trying to maintain the 111 lots he started with years ago and risks "contaminating" the Ponderosa RR zoning and character via his re-design increasing density proximate to Ponderosa.

Safety is a major issue which must be addressed by the Township and the Planning Commission as it reviews and compares the Proposed Site Plan Sketch to the "Current Site Plan." Safety, drainage, character and other issues were agreed to in the Preliminary Plat approved by the Township Board in July of 2000. This Plat design, taken from Ember Oaks marketing materials, is attached, because it is easier to read than the "Current Site Plan" on the table at the rear of the Township Conference room.

The safety issue has 2 parts: the first part is whether Ember Oaks residents exiting the new easternmost Ember Oaks exit onto Jolly Rd, heading east will actually feel safe in doing so. The second part is whether there will be traffic back-up in Ember Oaks (there is already delay at times in the morning exiting Ponderosa). If either condition occurs, a motorist may seek an alternative route. The re-design provides no barrier to entry to Ponderosa, so it is logical to assume the Forsberg Drive entry to Ponderosa will be used. Ponderosa streets were not designed for that traffic, or traffic volumes, placing residents (especially children) at risk.

Our objections to modifications which would be made North of the east/west Consumers Power Easement are based solely upon the change in traffic flow as it might affect traffic into and out of Forsberg Drive. We are focused on those sites immediately contiguous to Ponderosa, and in particular, the street design South of the east/west Consumers Power Easement. We believe this is a significant safety issue affecting Ponderosa residents and their guests. The street design in the 2000 Preliminary Plat was acceptable and we urge you to return to that. Better yet, make Forsberg Drive available for police and fire only.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas W. Repaskey". The signature is fluid and cursive, written over a white background.


Thomas W. Repaskey, J.D.
P38139
3663 Stagecoach Drive

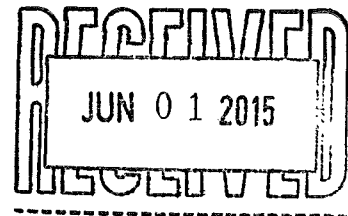
Dear Mr. Scott-Craig,

My apologies for including you herein but, in keeping with Schroeder's most recent letter, dated May 20, 2015, I am carbon copying you.

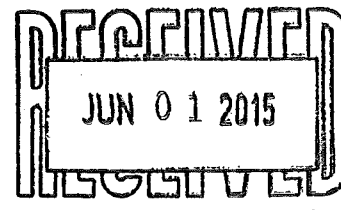
Thank you for your attention to this matter. Furthermore, thank you for your very fine service. Despite my desire to have a different outcome with respect to the Planning Commission meeting, dated May 18, 2015, I felt you and your colleagues did a truly exceptional job. Moreover, I believe we, as residents of Meridian Township, are very fortunate indeed to have such conscientious members.

Very Gratefully Yours,


(also known as Thomas J. Dart, Jr.)



Thomas J. Dart, Jr.
3569 Cabaret Trail
Okemos, MI 48864



06/01/15

Mr. Duff Schroeder
Schroeder Homes
4665 Dobbie Road
Ste. 130
Okemos, MI 48864

RE: Reply to Your Most Recent Letter, Dated May 20, 2015

Dear Mr. Schroeder,

I am in receipt of your most recent letter (the "Letter"), dated May 20, 2015, and am deeply troubled by many of your assertions. I will attempt to address most herein.

You begin your Letter stating "I am writing to each of you in an effort to correct what appears to be a misunderstanding about our future development plans at Ember Oaks." Let me state, frankly, there is no misunderstanding with respect to your future development plans. You have applied for an amendment to an existing PRD, changing the home site layout including, but not limited to, lot sizes. Such changes are not in keeping with past representations, particularly during the sales process, believed to have been made to existing homeowners within the subdivision.

You further evidence such changes by your statement with respect the Declarations of Restrictions (the "Restrictions"), found in the Letter, fourth paragraph down, which reads "Finally, the next phase will be subject to the same Restrictions as are currently in place."

As evidenced by my Affidavit, dated May 14, 2015, and incorporated herein, SP Investments Limited Partnership (the "Developer"), a Michigan limited partnership, its assigns, affiliates and successors, including, but not limited to, its employees, representatives or agents acting on behalf of the Developer, sold properties upon the believed upon representations and warranties stated therein. Moreover, I believe other homeowners offered similar affidavits attesting to such relied upon Developer representations and warranties. Specifically, the Developer is believed to have represented and warranted that Ember Oaks is a developing community. As lots within the Plat are sold and developed, new lands would thereby be added to the Plat, sold and developed; All such development was to be under the Restrictions.

Such believed upon representations and warranties are further evidenced by the amended Restrictions, whereby lots were indeed added to the Plat and corresponding Restrictions. There have thus far been 3 phases and three amendments to the Restrictions to accommodate such.

Therefore, your offer of encouragement, implying we should be pleased the next phase, just one among many future phases, will be placed under the Restrictions is meaningless when you previously presented, and made sales based upon such representations, that all such phases would, indeed, be placed under such Restrictions.

You further note the newly proposed lot sizes, in the smallest form, would be "approximately the same size as current lot 24 (Chinoy)." The Chinoy residence, photo attached, is a beautiful home and additive to our community. Furthermore, the Chinoy residence fully complies with the Restrictions.

If, indeed, you plan "...to develop the undeveloped land as future phases of the Ember Oaks Subdivision" as stated, it appears lot size, as evidenced by the Chinoy residence, isn't a reason for failing to place all phases under such Restrictions. However, as described above, you only offer a single phase, such being the next phase. The obvious resulting question is why?

On or about April 22, 2015, Schroeder Homes hosted the Ember Oaks Subdivision's annual meeting. During the meeting, among other items, you, specifically, and Keith Schroeder, were asked about rumors circulating about the Developers new course with respect to developing the unplatted lands with smaller and less expensive homes. Duff, you specifically replied by saying you were "considering" developing the land with "slightly smaller lot sizes, with slightly smaller homes, with slightly less brick or stone requirements." Keith further said "such ideas were under consideration." And, he was looking at potentially creating a separate community, perhaps called "Ember Oaks East," which, he added, "may be separated by a buffer." These stated changes, contemplated or otherwise, are not and could not be in keeping with the Restrictions nor the believed and relied upon representations and warranties previously offered to the home buyers within Ember Oaks.

Despite such conversation, and in particular the position such activity was merely "under consideration", I, not 9 days later, received notification from the Gail Oranchak, Meridian Township Principal Planner. Such letter indicated the Developer's desire to amend the PRD and correspondingly change the characteristics of such future development. Obviously, a request to hear a PRD amendment was in the works for some period of time, including, but not limited to, the creation of a new home site sketch plan, and, indeed, as far back as February 17, 2015, you, the Developer, had applied for such amendments at the Township's regular Board Meeting.

Having just 9 days earlier been told, amongst a group of Ember Oaks homeowners, all at the annual meeting, such matters were "in consideration" isn't in keeping with the facts. Instead, you, the Developer, in active pursuit of such matters most recently represented as "something under consideration," was, contrarily to its own assertions, seeking, instead, active modification.

Such behavior is hardly in keeping with the reputational assertions you make in your Letter, particularly as they relate to honesty and integrity.

Jeff Kyes, of KEBS Inc., represented you well. In particular, he said "things do change out

there in the world and requirements change..." He further pointed out new ordinances requiring increased set backs from the gas line and drain commission requirements including, but not limited to, drainage and pre-treatment requirements, requiring more area to treat water.

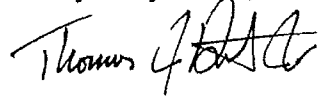
I most certainly can both understand and appreciate ordinance required changes, even when such changes require new site plans to accommodate such. Had you, instead, presented such changes to me, as a homeowner, indicating why you planned on making the changes, provided you kept such unplatted lands under the Restrictions as previously presented, in an unmodified and variance free form, you would have had an ally. Instead, you elected to misrepresent your active pursuit to make such changes as contemplated considerations, despite having expensed considerable funds for a new site sketch plan and pursued the amendment application process.

Even more troubling, you continue to move forward ignoring your previous sales practices including, but not limited to, your believed upon representations and warranties under which many home buyers relied upon; that is, Ember Oaks was a developing community, adding unplatted lands to the Plat, over time and as developed, all in keeping with the Restrictions.

Therefore, I offer the following suggestion. Since, as discussed above, lot size, in and of itself, is not a reason not to continue to place all unplatted lands under the Restrictions (Chinnoy's residence complies with such Restrictions and is of the same or similar size to the smallest newly proposed lots), and no other known reason exists for failing to comply with such Restrictions you had drafted, on your own behalf, and thereby used such drafted Restrictions to induce sales within such community, you should have no problem continuing to place such unplatted lands, through all sequential phases, as developed, under such Restrictions (provided such Restrictions stand as they do now, in present form, as of June 1, 2015, unmodified excepting appropriate amendments to add unplatted lands to the Plat, and variance free from either (a) the Developer or (b) the Architectural Control Committee ((unless such Architectural Control Committee is composed of no less than $\frac{2}{3}$'s of the current homeowners excluding any Schroeder ownership or its affiliates))). If you agreed to such actions, in keeping with the promises you made to existing homeowners, and such newly formed home site sketch plans could adequately address the legitimate concerns, as expressed at the Planning Commission meeting, dated May 18, 2015, with respect to health, safety and welfare, I suspect you might gain a number of allies.

In closing, simply stating "...we have worked hard to maintain a reputation for honesty and integrity" doesn't make it so. Actions, instead, are what determines someones reputation. And, thus far, your actions fail to reflect your assertions. In the future, beginning now, I remain hopeful a new course will be chosen focused on honesty and integrity. Only under such circumstances can your stated reputational desire truly be achieved and, through time, perhaps, trust restored.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Thomas J. Dart, Jr.", written in a cursive style.

Thomas J. Dart, Jr.

C.c: Gail A. Anderson (gaa), Attorney for Developer
John Scott-Craig, Planning Commission Chair
Mark Kieselbach
Jeff Kyes
Milton L. Scales



The Family Name... Built on Quality!

May 20, 2015

Dear Ember Oaks Homeowners:

I am writing to each of you in an effort to correct what appears to be a misunderstanding about our future development plans at Ember Oaks.

First and foremost, we intend to develop the undeveloped land as future phases of the Ember Oaks Subdivision.

The current plan includes a total of 158 lots, which is the same number of lots as in our prior plan. While average lot size has decreased somewhat, the smallest of the new lots is approximately the same size as current lot 24 (Chinoy). Moreover, the reconfigured plan includes an additional 11.67 acres of open space beyond the prior plan.

Finally, the next phase will be subject to the same Restrictions as are currently in place.

While it can never be the case that all Ember Oaks' homeowners will love the design of every other home within the subdivision, I promise you that when approving house plans, we always take into consideration its "fit" within the community at large.

In the future, if and when rumors about our intentions circulate, I would ask that you give us the benefit of the doubt and let us know what your concerns are. Schroeder Homes has been a part of Meridian Township for over 50 years, during which time we have worked to maintain a reputation for honesty and integrity. I can assure you of our continued commitment to the Ember Oaks community.

Very truly yours,

SCHROEDER HOMES



Duff Schroeder

BS/gaa

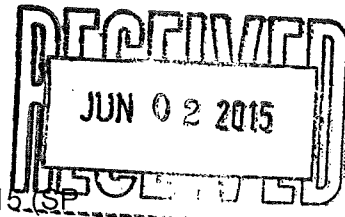
cc: John Scott-Craig, Planning Commission Chair
Mark Kieselbach
Jeff Kyes

G:\docs\1200\C1212 rt\AM002\Proposed Ltr to Homeowners.doc

4665 DOBIE ROAD • SUITE 130 • OKEMOS, MI 48864 • (517) 349-0560 • FAX (517) 349-1370

To: Planning Commission
From: Neil Story
3537 Ponderosa Drive
nstory@me.com

Re: Comment on Rezoning Application, Planned Residential Development #15-97015 (SP Investments Limited Partnership)
Date: 1 June 2015



Members of the Commission:

My wife Tammy and I live at 3537 Ponderosa Drive, nearly adjacent to the Ember Oaks development parcels. I attended the May 18 Planning Commission meeting, and briefly participated in the Public Comments section of the meeting in regard to the Ember Oaks rezoning application.

I. Summary

I've thought very hard about that meeting, and have come to believe that the approach being taken on the application, while plausible, is in error, will yield damaged results, and will set the wrong precedent for handling similar applications in the future. I contend that:

1. §86-378 of the Township zoning ordinance requires that the Planning Commission and Township Board review both a sketch plan and a rezoning request from scratch when the applicant is asking for a rezoning from a 1999-established RR with PRD Overlay to a 2015 RR with PRD Overlay;
2. that this may be a novel situation (rezoning an already rezoned PRD with Overlay), and that how it is handled will set an important precedent;
3. that, as part of their review, the Commission and Board are required to examine the sketch plan and application with regard to what the underlying RR zoning would set as the maximum number of developable lots in 2015, given changes in water retention and pipeline setback requirements and added acreage since 1999, and not with regard to the maximum lot number established under the 1999 rezoning/preliminary plat decision;
4. that the rezoning applicant is required to submit a 2015 traffic study with its rezoning application; and
5. that these actions, in light of the long lag between preliminary plat and the requested rezoning/sketch plan amendment are fair to all and unduly burdensome to none.

I request that the Planning Commission return SP Investments' application to the applicant, with an opportunity for the applicant to submit a new application documenting from scratch its supporting evidence for requesting in 2015 the rezoning of land from RR to RR with PRD Overlay.

II. The Problem Defined

The rezoning application is being framed as a sketch plan amendment for an already existing RR PRD Overlay, and that the job of the Commission and the Township Board at this stage of the application is simply to determine if the application complies with the requirements of the PRD District, §86-378, using six criteria. All of this was spelled out by Township Principal Planner Gail Oranchack in statements made to the Commission at the meeting, and in her May

15 Memorandum to the Commission. Questions about lot layout, the road network, and the like, should be left to a later stage in the review process.

I don't fault Planner Oranchack at all. That framing seems natural, plausible, and sensible. Only decide what needs to be decided at this stage of the process. But that framing can lead to a distortion of the process and to the conclusions that result.

As I read §86-378, it tells me that the ordinance drafters viewed an application for rezoning and a sketch plan as two different things to be evaluated simultaneously ("The Planning Commission and Township Board shall review and approve, conditionally approve, or deny the sketch plan concurrently with the application to rezone the development parcel to PRD overlay" — §86-378(g)). Both the sketch plan and the rezoning need to be in focus. The framing of this application, however, focuses on the sketch, and diminishes attention to the fact that this is an application for REzoning (emphasis intended).

The facts here appear on the surface to be different from the expected normal course of events. This doesn't seem to be a situation where the applicant is asking for the very first time that land be rezoned from RR to RPD Overlay. Here the PRD Overlay already exists, from 1999. I believe that the framing is subtly pushing us to compare the 2015 site plan amendment to the 1999 PRD overlay.

But I believe that the ordinance is telling us to focus not only on the 2015 sketch plan amendment, but also on the 2015 rezoning application for a PRD Overlay; it is telling us to compare 2015 to 2015. Put differently, I think the applicant is required, and quite rightly, to establish from scratch the case for using a PRD Overlay on these parcels of RR land now, in 2015. That, to my understanding, has not been done, and I believe the Planning Commission should return this rezoning application to the applicant, allowing the applicant, SB Investments, time to prepare additional evidence for its rezoning request.

This may be the first time that a PRD Overlay rezoning application has come up in a circumstance where there is already a PRD Overlay in place. I wouldn't know. My wife and I are very new to this township and to this Ember Oaks application. But if it is the first time, then how this application is handled will set an important precedent for the future.

III. The Problem Exemplified: The Maximum Number of Lots Permitted for Development Under RR with a PRD Overlay

Let me give two concrete examples of where this distinction makes a difference: the maximum number of lots permitted for development under RR with a PRD Overlay, and the handling of traffic studies. There may be others.

First to the maximum number of lots permitted for development under RR with a PRD Overlay. Here the applicant (and the Planning Department) appear to assume that the maximum number of lots that can be platted on the development parcel is the same in 2015 as when the overlay and preliminary sketch were originally approved in 1999 (158 as originally approved, minus 47 finally platted, equalling 111 lots still available to develop).

That assumption may or may not be correct, but I believe that a fair reading of §86-378 requires that, as of the date of filing the rezoning application/sketch plan amendment in 2015, a new calculation of the maximum number of lots that can be developed be made, using the

actual conditions of 2015. Perhaps this has already been done, and the number remains the same. If so, then my concern is not valid.

But if it has not been done, then I believe that it must be done: given new water retention requirements, pipeline setbacks, acreage added, and the like, the maximum number of single family dwellings that the underlying RR zoning would permit in 2015 must be calculated. That number could, in principle, be less than, equal to, or greater than the earlier number. However that may be, I believe that after such a long gap in the development process, §86-378 requires the applicant to treat the rezoning application as a totally new request to rezone RR land to a PRD Overlay District.

IV. The Problem Exemplified: The Traffic Study Requirement Imposed by the Rezoning Application Form

Second, the traffic study requirement imposed by the rezoning application form. In pertinent part, Part I(E)(3)(b) of the rezoning application form requires SP Investments to have a rezoning traffic study prepared when it 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." (Parenthetically, I can well understand why an applicant, asserting that it can develop the same number of dwelling units in 2015 that it was permitted in 1999, would not want to have to establish that fewer peak hour trips would be generated in 2015 than in 1999, all without doing a traffic study, and in order to avoid a new traffic study.)

Perhaps a traffic study has been done and I am not aware of it. In that case my concern is not valid, and can be dismissed. But if a 2015 traffic study has not been prepared, then I believe a fair reading of §86-378 and the rezoning application, quite rightly, requires the study to be done.

If you discount the process as nothing more than a sketch plan amendment, then the traffic study requirement just seems like a misfit between what the applicant is seeking and the closest available form to get its request before the Planning Commission. But there is no misfit when you recognize that this is a rezoning request that is asking for a change from a zoning/preliminary plat decision made 16 years earlier. If circumstances have changed sufficiently to call for a new sketch plan (and ultimately a new plat), they can have changed elsewhere as well. We are not comparing RR with PRD Overlay to RR with PRD Overlay. We are comparing 1999 RR with PRD Overlay to 2015 RR with PRD Overlay, and should be evaluating a from scratch 2015 sketch plan together with a from scratch 2015 rezoning application and its required accompanying 2015 traffic study.

It is certainly possible to imagine that traffic engineers could find that driving habits have changed over, in this case, a 16 year time span; that a greater number of peak hour trips would be generated from within the Ember Oaks subdivision itself in 2015 than would have been the case in 1999. It is even easier to imagine that the number of peak hour trips will have increased on Jolly Road, a narrow, hilly arterial at that location, over that period.

And none of that imagining even takes into account the increased east-bound traffic out of Ember Oaks that will be generated because of the portion of the development in the Williamston School District, and the subsequent redirection of east-bound traffic through the neighboring Ponderosa subdivision via the Forsberg Drive connection to Stagecoach Drive. (My wife and I are very concerned by that diversion, and will address it separately.) Nor does that

imagining even take into account the substantial additional traffic on Jolly that will result from the very large personnel increase at Jackson National Life, only 2 ½ miles to the west.

So there is nothing at all discordant about requiring a traffic study with this rezoning request. If the facts on the ground have changed sufficiently to justify a from scratch new sketch plan, then they justify a from scratch new rezoning application and its attendant traffic study.

V. Summary, Request, and Fairness of the Request

In summary, I contend that:

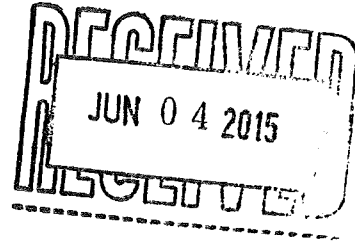
1. §86-378 of the Township zoning ordinance requires that the Planning Commission and Township Board review both a sketch plan and a rezoning request from scratch when the applicant is asking for a rezoning from a 1999-established RR with PRD Overlay to a 2015 RR with PRD Overlay;
2. that this may be a novel situation (rezoning an already rezoned PRD with Overlay), and that how it is handled will set an important precedent;
3. that, as part of their review, the Commission and Board are required to examine the sketch plan and application with regard to what the underlying RR zoning would set as the maximum number of developable lots in 2015, given changes in water retention and pipeline setback requirements, and in acreage added since 1999, and not with regard to the maximum lot number established under the 1999 rezoning/preliminary plat decision;
4. that the rezoning applicant is required to submit a 2015 traffic study with its rezoning application; and
5. that these actions, in light of the long lag between preliminary plat and the requested rezoning/sketch plan amendment are fair to all and unduly burdensome to none.

I request that the Planning Commission return SP Investments' application to the applicant, with an opportunity for the applicant to submit a new application documenting from scratch its supporting evidence for requesting in 2015 the rezoning of land from RR to RR with PRD Overlay.

I believe that this request is true to the language and intent of §86-3788 and the Rezoning Application form. I also believe that this request is fair to the developer, to the residents and neighbors of Ember Oaks, and to residents of the Township. The long lapse of time between the original preliminary plat and this request for rezoning makes this a more complex case. The developer is allowed to recognize changed facts on the ground by being allowed to request a sketch amendment; and the Township and its residents are allowed to recognize changed facts on the ground by having the rezoning application evaluated as a request for a from scratch rezoning from RR to RR with PRD Overlay. I don't think this request unduly burdens anyone, and I note that §62-7 of the Land Division ordinance says that "no vested rights shall accrue to the owner or proprietor of any subdivision solely as a result of tentative or final preliminary plat or final plat approval."

Thank you for your time, and for your consideration.

Neil Story
3537 Ponderosa Drive
nstory@me.com



June 4, 2015

Planning Commission
Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864

Reference: Rezoning Application Identified as Planned Residential Development #15-97015 (SP Investments Limited Partnership)

Questions related to compliance with zoning ordinance for Planned Residential Developments (PRD).

Dear Commissioners:

While I appreciated the opportunity to make comments at the public hearing May 18, I also appreciate the fact that those hearings are taped. I benefited from listening to the presentation in its re-broadcast. It is clear that not only the presentations, but most of the discussions were influenced from this being described as an amendment. **It may not be.**

It is true that the Notice to Affected Property Owners dated April 30, 2015, refers to it as an amendment. As I stated during the public hearing, I was unable to find any procedures within the Township's zoning ordinance that sets forth standards or processes for amendment by an Applicant. The fact that the Applicant has added 2.67 acres to the existing PRD renders that question moot. It is no longer the same property. To apply "amendment" standards (standards presumably based on an equity theory) to the Application establishes "drag along" rights to this 2.67 acres when those acres have not previously been subjected to the township's rezoning process.

I am mindful of a comment made after the May 18th meeting that the township has few PRD's so there is a learning curve and perhaps, precedents being set with all actions taken with respect to a PRD. Accordingly, it is important that actions taken here be deliberate and thoughtful.

You stated that your role in this matter at this stage is to determine whether the applicant has complied with the ordinance. I suggest that if you consider that this is not an amendment, that more due care needs to be exercised and further questions asked and answered (based upon information presented at the May 18 hearing).

Logically, once a Final Plat determination has been reached (in addition to the practical fact that new owners now occupy and possess those properties), those Phases should be viewed as complete in all aspects (hereinafter referred to as Final). If that view is adopted, then this Application should be viewed under its own merits for compliance pertaining solely to the undeveloped lands plus the additional 2.67 acres (hereinafter referred to as Undeveloped). Simply taking the 1999 Sketch and comparing it to the Application 2015 Sketch is not sufficient. If you consider that this is not an amendment, and process it as a normal request for a Planned Residential District, then the Ember Oaks development will end up with two Planned Residential Districts on property with an underlying zoning of Rural Residential. That result appears to be in compliance with the zoning ordinance.

In particular, here are areas for review for compliance under that viewpoint.

- Has the Applicant calculated the buffer areas required by section (e)(1) for both Ponderosa and Final for purposes of meeting the open space requirements?
- Has the number of lots been properly calculated under section (d)(4)(a) for Undeveloped?

It was clear that the buffer area required for Ponderosa was not included in the calculations of net open space, unless those buffer acres were included in separately labeled areas, like wetlands. It is also clear that the buffer area required for Final was not considered. If the developer had lands subjected to setbacks or other changes affecting the development process, the math would suggest that the number of lots computed using (d)(4)(a) for Final would also change. It is surprising that the same total number as in the 1999 Plan was reached, if a calculation has been made solely on Final.

An equitable argument could be made that outside forces have caused the developer to modify the Sketch. That statement is true solely for those lands currently under the approved PRD. It is not true for the additional 2.67 acres.

I have not been able to determine whether the Applicant has title to other properties contiguous to Final or Undeveloped, or if this Application covers all properties held. Based upon the new proposed Jolly road access, it appears additional acres are held. If so, then a question is whether the remaining acreage's use is consistent with Rural Residential use (lot width, etc).

We hope you will consider all of these points in your deliberation on this Application.

Sincerely,

A handwritten signature in black ink that reads "Mark Hooper". The signature is written in a cursive style with a large, stylized initial "M".

Mark Hooper
3653 Stagecoach Drive

Exhibit attached

Exhibit to Letter to the Planning Commission dated June 4, 2015

Referenced sections of Ordinance

Section (d)(4)(a)

The applicant shall prepare a preliminary lot layout, containing information required by the Department of Community Planning and Development, in conformance with the underlying zoning district in which the development parcel is located or the district being requested with a concurrent rezoning application, and in conformance with the comprehensive development plan, the subdivision regulations, and the Township's Code of Ordinances, without variances. The preliminary lot layout may show roads crossing regulated wetlands at the narrowest points. The purpose for this requirement is to determine the number of lots that could be located on the development parcel using conventional development standards within the underlying zoning district or the requested zoning district. The Department of Community Planning and Development shall determine the maximum number of dwelling units within 15 days of submittal of a preliminary lot layout meeting the submittal requirements of the department. A fee set forth in the adopted schedule of fees shall accompany the submittal.

(e) The following areas shall not be counted toward the minimum open space requirements:

Residential lots.

Public or private rights-of-way.

Driveways and parking areas.

Buffer areas required by this section, unless contiguous and integrated with other preserved open space.

Floodways, floodplains, wetlands, or other water bodies or waterways.

Design standards. The following standards are intended to ensure that the development is designed to preserve important natural features and open space.

(1) Buffering adjacent residential development. When the proposed PRD is adjacent to land zoned with minimum lot sizes greater than the average lot size approved for the PRD, a fifty-foot buffer area shall be provided between the two parcels.

**Special Use Permit #15061
(Jacobs Engineering)
June 4, 2015**

APPLICANT: Jacobs Engineering
PO Box 2297
Southgate, MI 48195

STATUS OF APPLICANT: Land Lease

REQUEST: Special Use Permit to install wireless communications tower

ZONING: C-2 (Commercial)

LOCATION: 4980 Park Lake Road

AREA OF SUBJECT SITE: 1.73

EXISTING LAND USE: Auto supply store

MASTER PLAN DESIGNATION: Commercial

**EXISTING LAND USES
IN SURROUNDING AREA:** North: Yoga Studio
South: Grand River Avenue Viaduct
East: Undeveloped
West: Commercial Strip Center

**CURRENT ZONING
IN SURROUNDING AREA:** North: C-2 (Commercial)
South: C-2 (Commercial)
East: RD (Multiple Family, Maximum 8 units per acre)
West: C-2 (Commercial)

**COMP PLAN DESIGNATION
IN SURROUNDING AREA:** North: Commercial
South: Commercial
East: Residential 1.25 - 3.5 du/a
West: Commercial

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM: Gail Oranchak
Gail Oranchak, AICP
Principal Planner

DATE: June 4, 2015

RE: Special Use Permit #15061 (Jacobs Engineering), request to install a 90-foot wireless communication tower at 4980 Park Lake Road

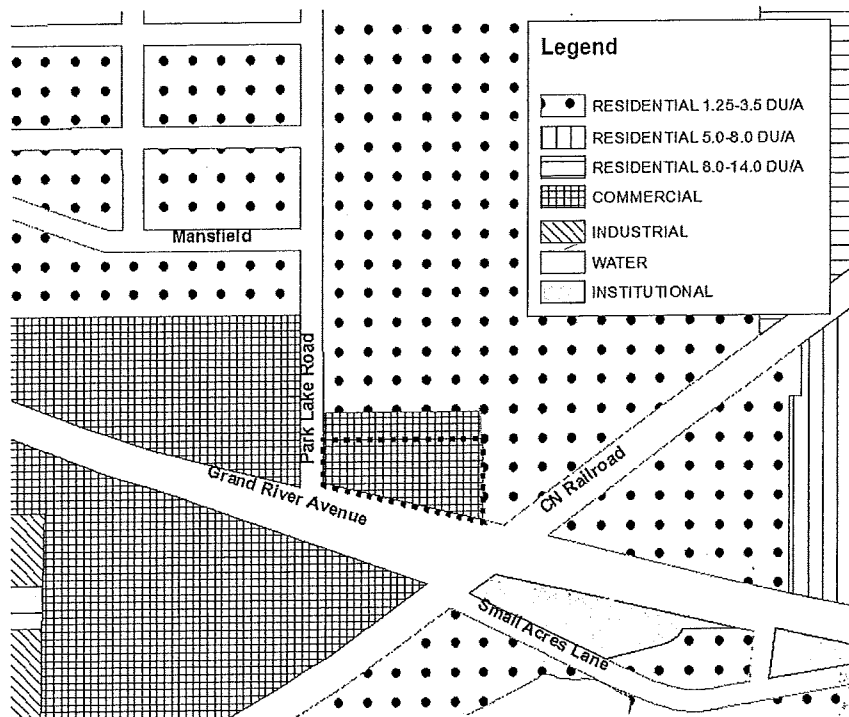
Jacobs Engineering, represented by Leland Calloway, has requested a special use permit to install a 90-foot wireless communication tower to improve service for Verizon Wireless customers. The proposed location is an approximate 1.73-acre site (75,359 square feet) site located on the northeast corner of Grand River Avenue and Park Lake Road. Existing on the site are an auto parts store and a former residence now used as offices for the auto parts business. The site is zoned C-2 (Commercial).

The proposed tower, associated equipment shelter and generator will be located within a 2,500 square foot leased area. Access to the tower will be provided via Park Lake Road by way of a 25-foot easement to use the site's northernmost paved access drive.

Master Plan

The 2005 Master Plan designates the subject site in the Commercial category.

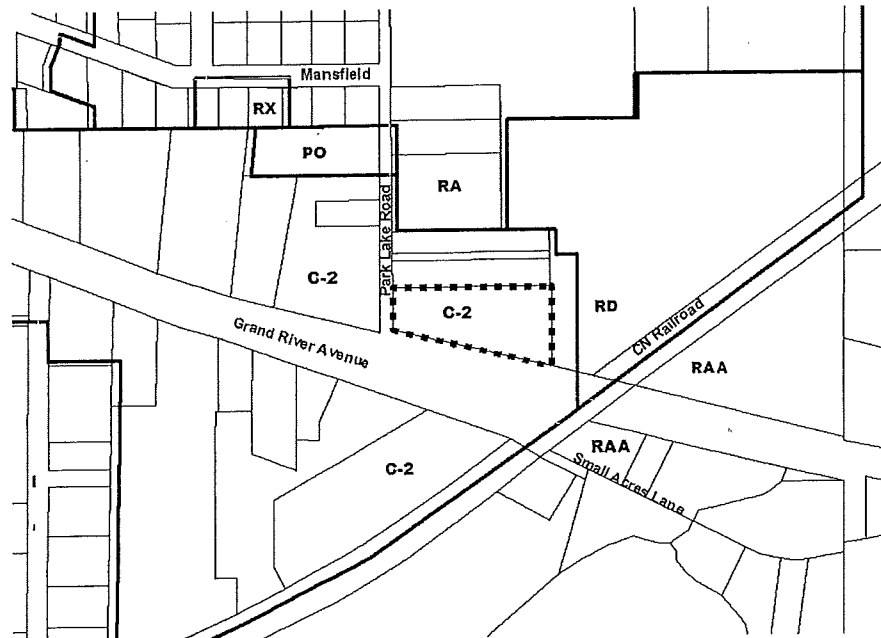
FUTURE LAND USE MAP



Zoning

Minimum lot width and lot area requirements for C-2 District zoned properties are 100 feet and 4,000 square feet, respectively. With 2,500 square feet in lot area and 25 feet of lot width on Park Lake Road, the proposed leased area is not compliant with C-2 district standards. A variance will be required from the Zoning Board of Appeals.

ZONING MAP



Physical Features

The developed site consists of two buildings. One approximate 6,000 square foot single story commercial structure used for auto parts sales, and a former 1,010 square foot residence that has been converted for use as an office for the commercial business. A billboard sign owned by Adams Outdoor Advertising is also located on the site, east of the commercial building near the Grand River Avenue right-of-way.

The paved parking area consists of seventeen striped parking spaces and four unmarked spaces. It appears there is an abandoned storage building in the southeast corner of the site. Its existence appears on aerial photographs and in the field but Township records do not acknowledge its presence either on the subject site or an adjoining property to the east.

Vegetation on the site consists of mowed grass around the paved parking lot, mature vegetation surrounding the office building with open grass areas east of the billboard. Site elevations are generally flat for the westerly two thirds of the site. South and east of the proposed cell tower the terrain slopes from 860 feet to 850 feet above mean sea level.

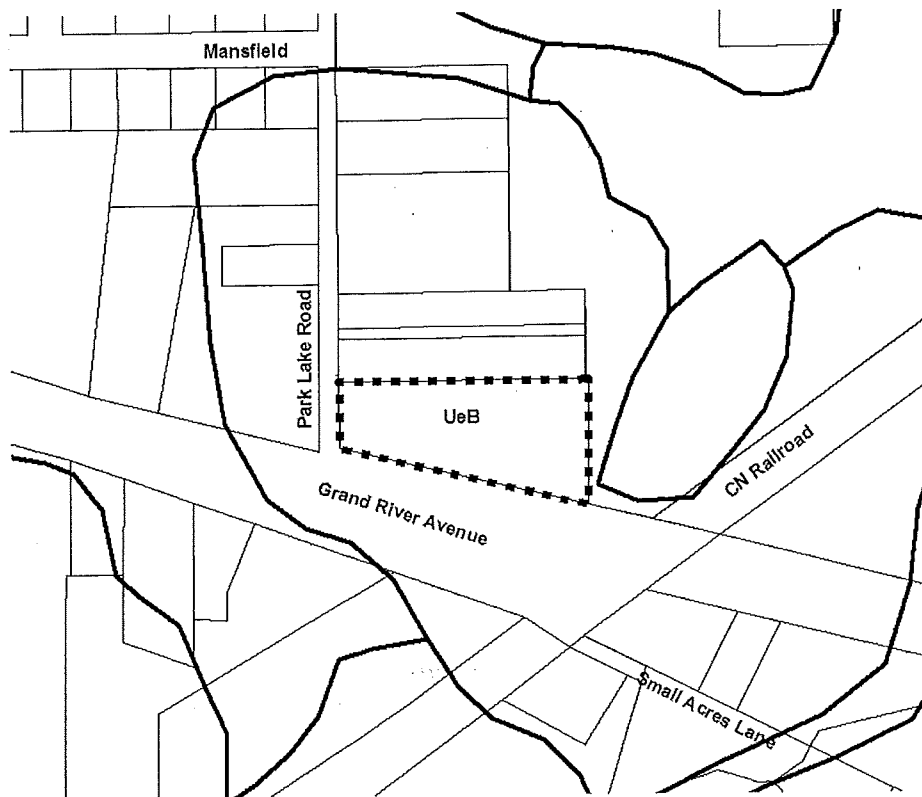
A review of the Federal Insurance Rate Map (FIRM) and Township Wetland Map show neither floodplain elevations nor wetlands are present on the site. The site has no special designation on the Township's Greenspace Plan

Soils

The following predominant soil type is found on the subject site:

SOIL ASSOCIATION	SEVERE LIMITATIONS
UeB (Urban Land-Boyer)	None

Source: Soil Survey of Ingham County, Michigan. 1992.



Streets and Traffic

Access to the site is via Park Lake Road. Application materials indicate maintenance personnel will visit the site two to four times per month thus traffic impacts are inconsequential.

Public Utilities

Application materials indicate public water and sewer services are not required.

Staff Analysis

The applicant has requested a special use permit to install a 90-foot wireless communications tower at 4980 Park Lake Road for the sole use of Verizon Wireless. A special use permit is required for a tower that does not incorporate stealth design, is not a co-location on an existing tower or will be mounted on an existing building. There are no plans to offer co-location to other carriers in the future.

Documents provided by the applicant are consistent with the requirements of the Wireless Communication Facility Overlay ordinance. The Planning Commission must determine whether the statement of need justifies granting a permit for a new tower demonstrating the tower is no taller than the minimum height necessary.

A review of the proposal indicates the following variances may be necessary to proceed with the project as designed:

- Parking and drive aisles in commercial parking areas must be paved with concrete or asphalt, gravel is proposed.
- Typically, multiple structures on a site must maintain a 10-foot setback between each structure. The generator and equipment shelter are approximately three feet apart.
- A variance to exceed the maximum fence height requirement if the barbed wire extends above six feet
- The lease area must have at least 100 feet of lot width on Park Lake Road and be at least 4,000 square feet in area for consistency with C-2 district standards. The Michigan Land Division Act considers areas leased for more than one year a land division. To receive Township approval of a land division, the leased area must comply with the lot width and lot area requirements of the zoning district.

The site plan seems to indicate a portion of required landscaping will be provided by existing vegetative material south and east of the office building while 13 Canadian Hemlocks will be installed along the north, east and south sides of the fenced area. Native materials are required to screen the fenced area. Landscaping of "site access entrances" is also required but not shown.

Regulatory approvals have not been submitted for the proposed cell tower but will be required prior to receiving final approval to commence use.

Attachments

1. Special Use Permit Application and supporting documents
2. Special Use Permit Criteria
3. Site Plan dated February 18, 2015

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

SPECIAL USE PERMIT APPLICATION

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

Part I

- A. Applicant Jacobs Engineering agents for Verizon Wireless
 Address of Applicant P.O. Box 2297, Southgate, MI 48195
 Telephone - Work 248.208.2774 Home _____ Fax 248.208.9388 Email leland.calloway@jacobs.com
 Interest in property (circle one): Owner Tenant Option Other
 (Please attach a list of all persons with an ownership interest in the property.)
- B. Site address / location / parcel number Grand River & Park Lake / 33-02-0220-22
 Legal description (please attach if necessary) _____
 Current zoning C-2
 Use for which permit is requested / project name Wireless Communications Facility
 Corresponding ordinance number 86-438
- C. Developer (if different than applicant) _____
 Address _____
 Telephone - Work _____ Home _____ Fax _____
- D. Architect, Engineer Planner or Surveyor responsible for design of project if different from applicant:
 Name Jim Fisher / Midwestern Consulting
 Address 3015 Plaza Dr. Ann Arbor, MI 48106
 Telephone - Work 734-995-0200 Home _____ Fax 734-995-0599
- E. Acreage of all parcels in the project: Gross 1.728 net _____
- F. Explain the project and development phases: Extend existing ingress/egress access drive. Construct a 90' ramp along w/ 11' x 17' culvert enclosed by fencing
- G. Total number of:
 Existing: structures 2 bedrooms 0 offices 2 parking spaces 14 carports 0
 garages _____ Proposed: structures 1 bedrooms 0 offices 0 parking spaces 2 carports _____
 garages 0
- H. Square footage: existing buildings _____ proposed buildings 187
 Usable Floor area: existing buildings _____ proposed buildings 187
- If employees will work on the site, state the number of full time and part time employees working per shift and hours of operation:
- Existing Recreation: Type _____ Acreage _____
 Proposed Recreation: Type _____ Acreage _____

Part II

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

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

- (1) The project is consistent with the intent and purposes of this chapter.
- (2) The project is consistent with applicable land use policies contained in the Township's comprehensive development plan of current adoption.
- (3) The project is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
- (4) The project will not adversely affect or be hazardous to existing neighboring uses.
- (5) The project will not be detrimental to the economic welfare of surrounding properties or the community.
- (6) The project is adequately served by public facilities, such as existing roads, schools, stormwater drainage, public safety, public transportation, and public recreation, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such service.
- (7) The project is adequately served by public sanitation facilities if so designed. If on-site sanitation facilities for sewage disposal, potable water supply, and storm water are proposed, they shall be properly designed and capable of handling the longterm needs of the proposed project.
- (8) The project will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- (9) The project will not directly or indirectly have a substantial adverse impact on the natural resources of the Township, including, but not limited to, prime agricultural soils, water recharge areas, lakes, rivers, streams, major forests, wetlands, and wildlife areas.

Part III

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

Yes No (Please check one)

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

[Handwritten Signature]
Signature of Applicant

3/2/15
Date

[Handwritten Name]
Type/Print Name

Fee: \$500.00

Received by/Date: *[Handwritten Signature]* 3/1/15

Part II

SUP REQUEST STANDARDS

Township Code of Ordinances, Section 86-126

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

- (1) **The project is consistent with the intent and purposes of this chapter.**

This use is proposed in a C-2 zoning district. There is already a billboard tower which is a similar use located on the property. There are only commercial uses on the adjacent properties therefore the nature, design and location will have no negative effects on the proposed parcel or any adjacent land uses. Because this facility will allow better communication in the surrounding area, this use will actually improve the health, safety, and general welfare of the community.

- (2) **The project is consistent with applicable land use policies contained in the Township's comprehensive development plan of current adoption.**

Per the zoning review and requirements there is no indication that this project is not consistent with the Township's comprehensive development plan

- (3) **The project is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.**

This project is proposed in a commercial district where a similar use, a bill board, is existing on site. The facility is self-contained and self-operating with very little need for maintenance. The adjacent properties also have commercial uses on them so the essential character of the area will not be affected.

- (4) **The project will not adversely affect or be hazardous to existing neighboring uses.**

This project is proposed in a commercial district where a similar use, a bill board, is existing on site and the adjacent properties also have commercial uses on them so the essential character of the area will not be affected.

- (5) The project will not be detrimental to the economic welfare of surrounding properties or the community.**

There is no evidence that any wireless communications facility has ever be detrimental to the economic welfare of a community.

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

The facility will be visited by maintenance personnel on average 2-4 times per month so existing roads will be adequate. There will be no need for any of the other services listed above for this facility.

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

This project does not require any public sanitation.

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

This project does not produce any pollution in the form of traffic, noise, smoke, fumes, glare, or odors.

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

This project will not directly or indirectly have a substantial adverse impact on the natural resources of the Township as outlined in the NEPA report provided to the township.



March 25, 2015

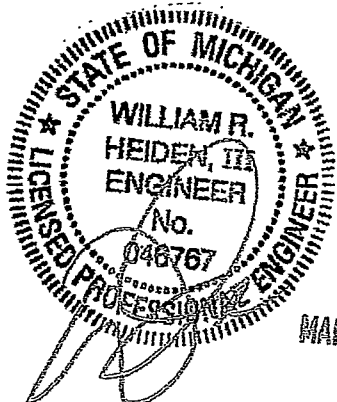
Dear Ms. Oranchak,

I am tasked with finding solutions to coverage deficiencies in the Verizon Wireless network. We analyze data based on plots that have been created in our radio frequency engineering tool based on an engineering model (accounting for clutter and terrain), configuration of the site (location of antenna azimuths and height), transmission power, and drive data collected from a field engineer. These plots are compared with the actual data which is collected by a scanner driven around and nearby the search area. This scanner accounts for geography, topography constraints potential interference sources and siting needs. This information helps us to identify potential coverage issues and capacity issues in a specific area. From the plots and data we are able to optimize our design to be in compliance with the FCC regulations and make sure to address technical problems. These plots have been compared with the actual drive data and it matches with the actual radio frequency signal needs in the Grand River and Park Lake Rd. area.

The proposed tower will serve to improve voice and data service for our customers between existing wireless communications sites in the Meridian Township, Okemos and East Lansing area. I have used our engineering modeling tool to generate propagation maps which show the target area (in yellow) on the existing coverage map. As you can see the yellow area diminishes as the signal propagation reaches 90' in height. This tool is designed to optimize coverage based on known topography and interference sources. We are only requesting 90' because any height greater than 90' does little or nothing to improve service to Verizon Wireless customers. If you look at the maps where we show signal coverage below 90' you will see more yellow in the target area which indicates that 90' is the minimum height needed and the most optimal to get the best coverage for this area. Siting is coordinated with site acquisition agents that look at the zoning uses in the area and advise Verizon Wireless on the best potential properties to locate a wireless communications facility. In the Grand River and Park Lake road area this proposed site was deemed best because of the existing uses on site and it fits our engineering needs.

In addition the proposed facility will have a tower of monopole design which along with any attachments that will comply with all FCC, FAA and State of Michigan regulations and building code requirements as well as ANSI/TIA-222-G standards.

Sincerely,



MAR 25 2015

William Heiden III, PE

24242 Northwestern Hwy., Southfield, MI 48075

April 20, 2015

Ms. Kathy Knight
Verizon Wireless

RE: Proposed 90' Sabre Monopole for Grand River Park Lake, MI

Dear Ms. Knight,

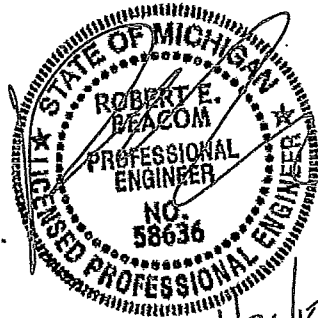
Upon receipt of order, we propose to design and supply the above referenced Sabre monopole for a Basic Wind Speed of 90 mph with no ice and 40 mph with 3/4" radial ice, Structure Class II, Exposure Category C and Topographic Category 1 in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

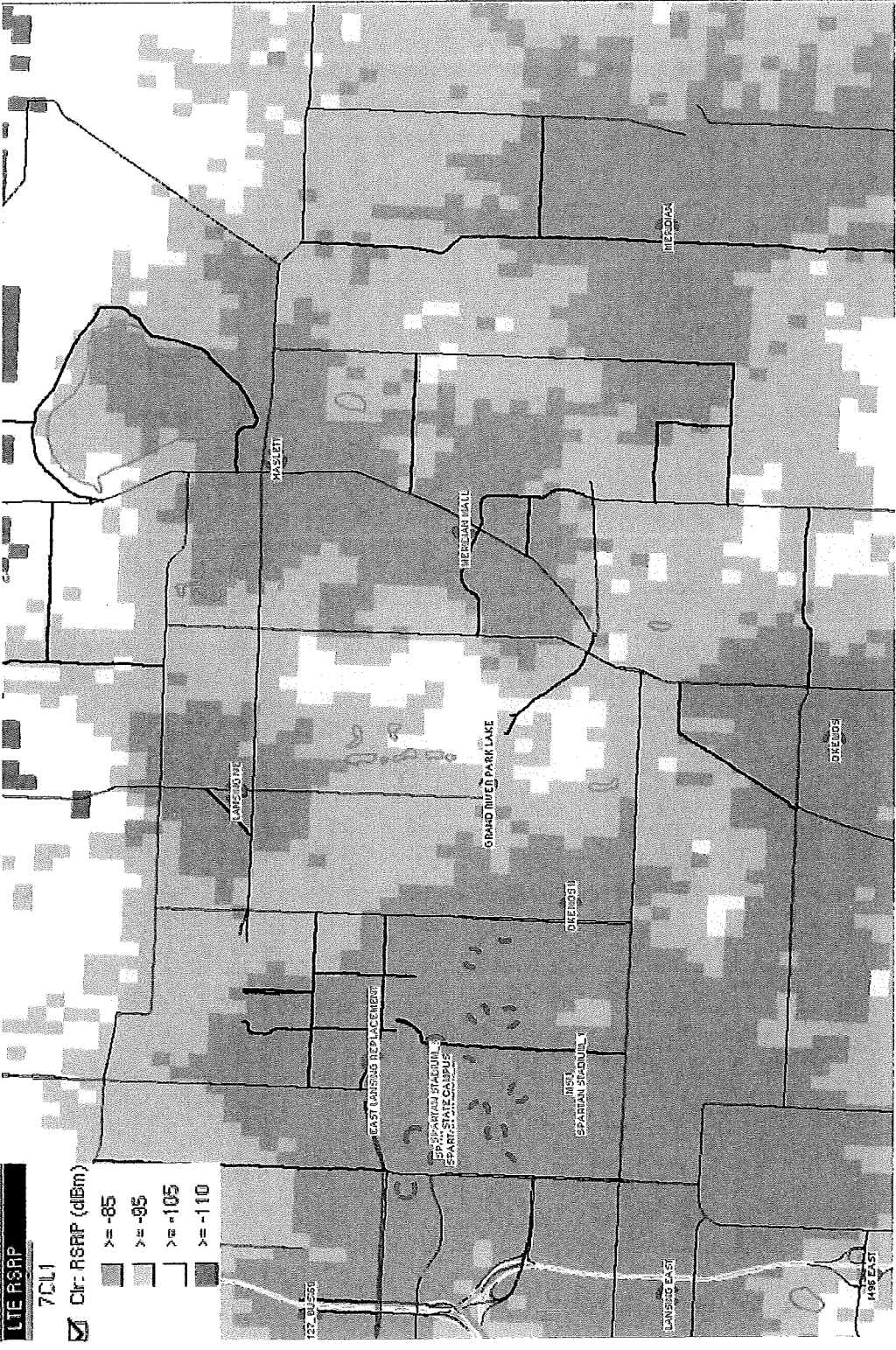
When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the upper portion of the monopole shaft. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the upper portion of the monopole shaft. This is likely to result in the portion of the monopole above "folding over" onto the portion below, essentially collapsing on itself. **Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Towers & Poles.** In the unlikely event of total separation, this will result in collapse within a radius of 45 feet.

Sincerely,

Robert E. Beacom, P.E.
Design Engineer II





LTE RSRP

7CL1

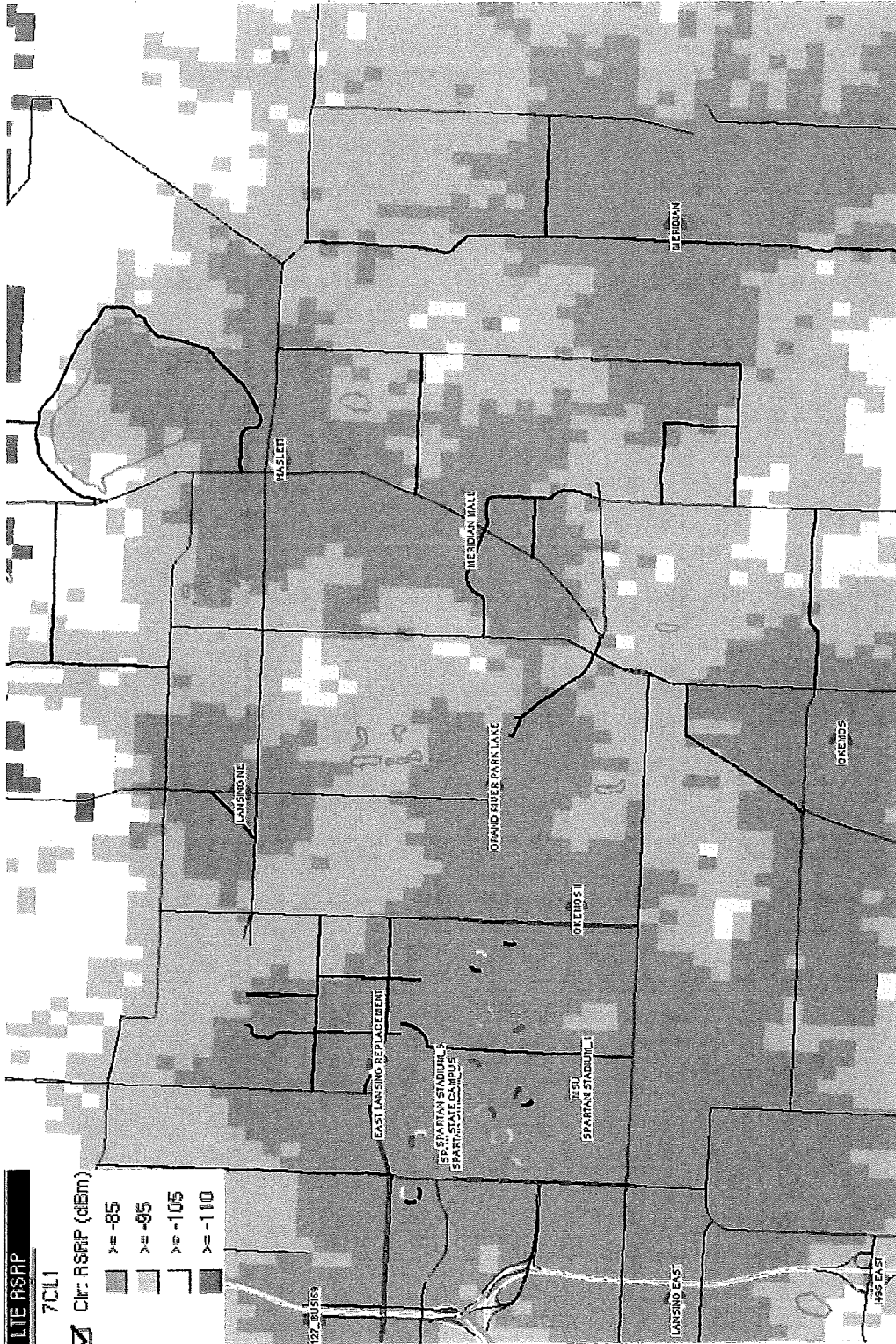
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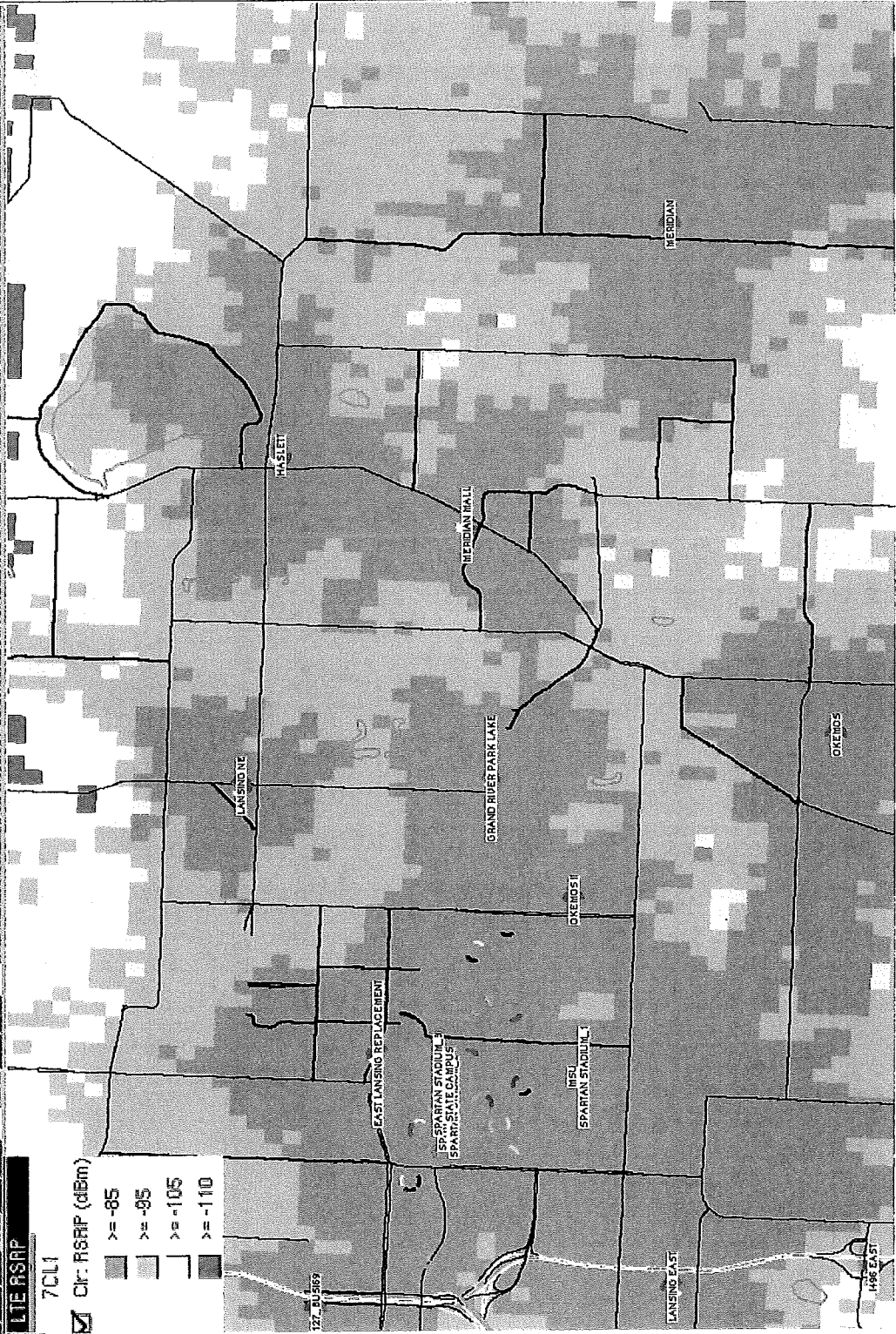
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LTERRSRP

7CL1

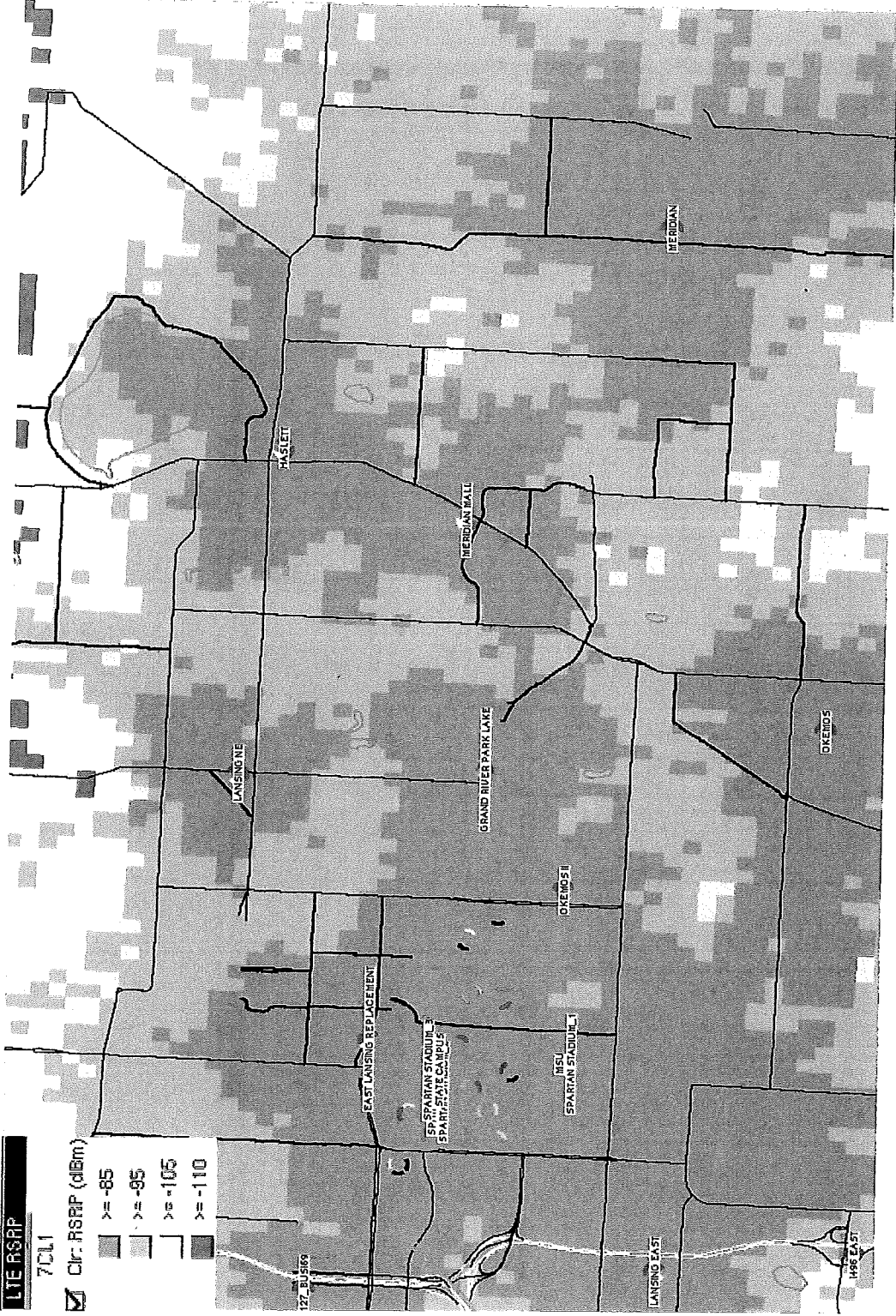
Cir. RSRP (dBm)

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>= -105

>= -110





STATE OF MICHIGAN

RICK SNYDER
GOVERNOR

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

WAYNE WORKMAN
ACTING EXECUTIVE DIRECTOR

February 18, 2015

STEPHEN DELSORDO
FCC WIRELESS TELECOMM BUREAU
445 12TH STREET SW
WASHINGTON DC 20554

RE: ER02-261.15.614726 Trileaf Cellular Tower Site Review #614726, Park Lake Road, Sec. 20,
T4N, R1W, East Lansing, Ingham County (FCC)

Dear Mr. Delsordo,

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that no historic properties are affected within the area of potential effects of this undertaking.

This letter evidences the FCC's compliance with 36 CFR § 800.4 "Identification of historic properties," and the fulfillment of the FCC's responsibility to notify the SHPO, as a consulting party in the Section 106 process, under 36 CFR § 800.4(d)(1) "No historic properties affected." **If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.**

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking.

If you have any questions, please contact Brian Grennell, Cultural Resource Management Specialist, at (517) 335-2721 or by email at GrennellB@michigan.gov. **Please reference our project number in all communication with this office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

Brian G. Grennell
Cultural Resource Management Specialist

for Brian D. Conway
State Historic Preservation Officer

SAT:BGG:sbt

Copy: Jill Kotwasinski, Trileaf Environmental & Property Consultants

**STATE HISTORIC PRESERVATION OFFICE
Application for Section 106 Review**

SHPO Use Only				
<input type="checkbox"/> IN	Received Date	___ / ___ / ___	Log In Date	___ / ___ / ___
<input type="checkbox"/> OUT	Response Date	___ / ___ / ___	Log Out Date	___ / ___ / ___
	Sent Date	___ / ___ / ___		

Submit one copy for each project for which review is requested. This application is required. Please type. Applications must be complete for review to begin. Incomplete applications will be sent back to the applicant without comment. Send only the information and attachments requested on this application. Materials submitted for review cannot be returned. Due to limited resources we are unable to accept this application electronically.

I. GENERAL INFORMATION

THIS IS A NEW SUBMITTAL THIS IS MORE INFORMATION RELATING TO ER#

- a. Project Name: Verizon Wireless 473 Grand River Park Lake
- b. Project Address (if available): Park Lake Road
- c. Municipal Unit: East Lansing County: Ingham
- d. Federal Agency, Contact Name and Mailing Address: Mr. Stephen Delsordo, FCC Wireless Telecomm Bureau, 445 12th Street SW, Washington, DC 20554
- e. State Agency (if applicable), Contact Name and Mailing Address: MI SHPO, Mr. Brian Grennell
- f. Consultant or Applicant Contact Information (if applicable) *including mailing address*: Ms. Jill Kotwasinski, 1821 Walden Office Square, Ste. 510, Schaumburg, IL 60173 (630-227-0202)

II. GROUND DISTURBING ACTIVITY (INCLUDING EXCAVATION, GRADING, TREE REMOVALS, UTILITY INSTALLATION, ETC.)

DOES THIS PROJECT INVOLVE GROUND-DISTURBING ACTIVITY? YES NO (If no, proceed to section III.)

Exact project location must be submitted on a USGS Quad map (portions, photocopies of portions, and electronic USGS maps are acceptable as long as the location is clearly marked).

- a. USGS Quad Map Name: East Lansing, MI
- b. Township: 4N Range: 1W Section: 20
- c. Description of width, length and depth of proposed ground disturbing activity: New 90 ft (27.4 m) monopole cell tower (97 ft [29.6 m] w/appurtenances) on a 50 x 50-ft (15.2 x 15.2-m) cell tower lease area, and an approximately 25 x 50-ft (7.6 x 15.2-m) access road/utility corridor that will link the site to an existing parking lot and bituminous road that will in turn link to the site to Park Lake Road.
- d. Previous land use and disturbances: Commercial
- e. Current land use and conditions: Vacant/Commercial
- f. Does the landowner know of any archaeological resources found on the property? YES NO
Please describe: Unknown

III. PROJECT WORK DESCRIPTION AND AREA OF POTENTIAL EFFECTS (APE)

Note: Every project has an APE.

- a. Provide a detailed written description of the project (plans, specifications, Environmental Impact Statements (EIS), Environmental Assessments (EA), etc. cannot be substituted for the written description):

Description of width, length and depth of proposed ground disturbing activity: The project consists of a new 90 ft (27.4 m) monopole cell tower (97 ft [29.6 m] w/appurtenances) on a 50 x 50-ft (15.2 x 15.2-m) cell tower lease area, and an approximately 25 x 50-ft (7.6 x 15.2-m) access road/utility corridor that will link the site to an existing parking lot and bituminous road that will in turn link to the site to Park Lake Road. Total acreage of the proposed cell tower site is approximately 0.09 acres (0.03 hectares).

- b. Provide a localized map indicating the location of the project; road names must be included and legible.

See attached.

- c. On the above-mentioned map, identify the APE.

See attached.

- d. Provide a written description of the APE (physical, visual, auditory, and sociocultural), the steps taken to identify the APE, and the justification for the boundaries chosen:

Due to the overall height of the proposed tower (97 ft), the presumed APE for Visual Effects for this project is a 0.5-mile radius from the tower site per the FCC programmatic agreement.

IV. IDENTIFICATION OF HISTORIC PROPERTIES

- a. List and date all properties 50 years of age or older located in the APE. If the property is located within a National Register eligible, listed or local district it is only necessary to identify the district:

None.

- b. Describe the steps taken to identify whether or not any historic properties exist in the APE and include the level of effort made to carry out such steps:

Review of NRHP listings for Ingham County, Michigan; on-site review of MI SHPO architectural property files; field survey of direct effects (subject property); and field survey of visual effects APE.

- c. Based on the information contained in "b", please choose one:

- Historic Properties Present in the APE
 No Historic Properties Present in the APE

- d. Describe the condition, previous disturbance to, and history of any historic properties located in the APE:

N/A

V. PHOTOGRAPHS

Note: All photographs must be keyed to a localized map.

- a. Provide photographs of the site itself.

See attached.

- b. Provide photographs of all properties 50 years of age or older located in the APE (faxed or photocopied photographs are not acceptable).

See attached.

VI. DETERMINATION OF EFFECT

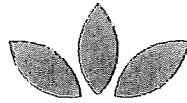
- No historic properties affected based on [36 CFR § 800.4(d)(1)], please provide the basis for this determination.

See 4(b) above.

- No Adverse Effect [36 CFR § 800.5(b)] on historic properties, explain why the criteria of adverse effect, 36 CFR Part 800.5(a)(1), were found not applicable.

- Adverse Effect [36 CFR § 800.5(d)(2)] on historic properties, explain why the criteria of adverse effect, [36 CFR Part 800.5(a)(1)], were found applicable.

***Please print and mail completed form and required information to:
State Historic Preservation Office, Environmental Review Office, Michigan Historical
Center, 702 W. Kalamazoo Street, P.O. Box 30740, Lansing, MI 48909-8240***



TRILEAF™

ENVIRONMENTAL & PROPERTY CONSULTANTS

1821 Walden Office Square, Suite 510, Schaumburg, Illinois 60173 * 630.227.0202 * www.trileaf.com

December 30, 2014

State Historic Preservation Office
Environmental Review Office
Michigan Historical Center
702 West Kalamazoo Street
P.O. Box 30740
Lansing, Michigan 48909

RE: Cellco Partnership and its controlled affiliates dba Verizon Wireless (Verizon Wireless)
473 Grand River Park Lake / 22484
Park Lake Road, East Lansing, Ingham County, MI 48823
Latitude: 42° 43' 32.5" Longitude: -84° 26' 45.5"
Survey Area Acreage: 0.04 acres
Trileaf Project No: 614726
Legal Description: Section: 20, Township: 4N, Range: 1W

Mr. Conway:

Trileaf Corporation is in the process of completing a NEPA Checklist at the referenced cellular telephone antenna property. A 90-foot tall (97-foot tall overall) telecommunications monopole tower and associated equipment compound are proposed to be constructed at the Property. An area of ground estimated to be 2,500 square feet will be disturbed during construction. This site is currently a grassy area behind the Auto Value building. The antennae will be regulated by the Federal Communications Commission (FCC).

In accordance with the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission*, dated September 2004, a cultural resource investigation has been conducted. Our investigation includes determining if the site is contained in, on, or within the viewshed of a building, site, district, structure or object, significant in American history, architecture, archeology, engineering or culture, that is listed, or eligible for listing on the State or National Registers of Historic Places, or located in or on an Indian Religious Site.

Trileaf Corporation contracted Great Lakes Research, Inc., Secretary of the Interior-qualified professionals, for identification and evaluation of historic properties within the APE for direct and indirect visual effects.

Summary reports of this investigation, maps, photographs, and other information are provided in the attached Form 620. As noted in the attachments, no historic properties were identified in the Area of Potential Effects (APE) for Direct Effects and no historic properties were identified in the APE for indirect Visual Effects.

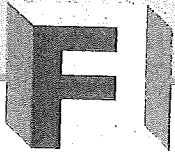
As a result, Trileaf Corporation is recommending that a determination of **No Historic Properties for Direct Effects** and a determination of **No Historic Properties for indirect Visual Effects** be made for this project.

Please perform a Section 106 Review for this site. Please call me at (630) 227-0202 if you need any additional information or have any questions. Thank you for your assistance.

Sincerely,

Jill M. Kotwasinski
Environmental Scientist
j.kotwasinski@Trileaf.com

Enclosure



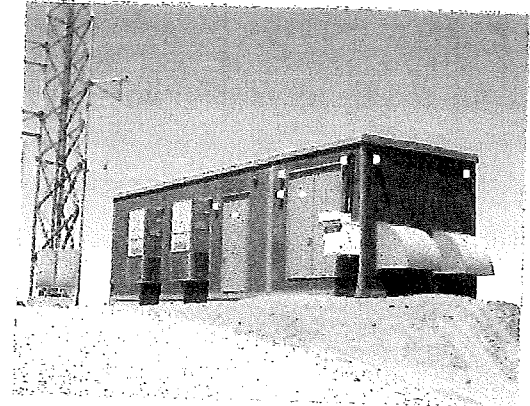
FIBREBOND®

A Better Way to Protect your Equipment

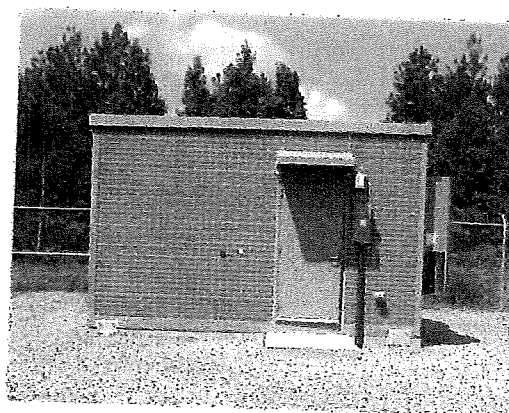
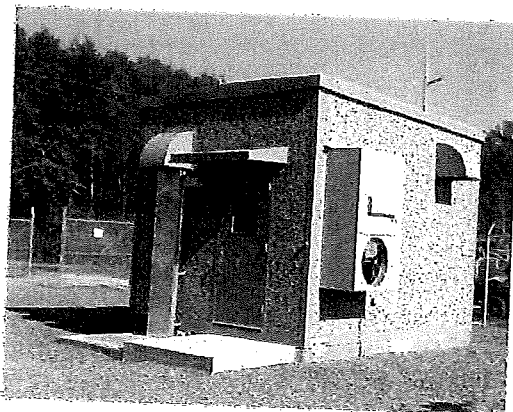
■ ■ ■ ■ **CONCRETE EQUIPMENT SHELTERS** from Fibrebond have distinct advantages over cabinets.

- Built and serviced by Fibrebond, the leader in equipment protection.
- Fibrebond delivers consistent high quality from its world class manufacturing plant and continuous improvement process. Shelters are backed by a 10-year structural and roof warranties.
- Concrete equipment shelters are cost justified at the initial network deployment.
- Technology upgrades and capacity expansion can be accommodated in the initial enclosure.
- Lower operating temperatures reduce high temperature shutdowns and equipment damage.
- All equipment can be installed at the plant and delivered directly to the cell site.

**SETTING THE
INDUSTRY
STANDARD FOR
EQUIPMENT
PROTECTION TO
PREVENT
NETWORK
DOWNTIME.**




- Concrete shelters provide better protection against theft, vandalism and inclement weather.
- Shelters provide a secure work environment for network technicians.



MEMORANDUM

TO: Planning Commission

FROM: 
Martha Wyatt
Associate Planner/Landscape Architect

DATE: June 5, 2015

RE: MUPUD #15014 (Campus Village Development) request to develop a mixed use planned unit development at 2655 Grand River Avenue

The Planning Commission held a public hearing on May 11, 2015 regarding the request from Campus Village Development to establish a mixed use planned unit development (MUPUD) on the property located southwest of the intersection of Grand River Avenue and Park Lake Road, at 2655 Grand River Avenue. The mixed use project will occupy the entire 12.65 acre site. The site is zoned C-2 (Commercial) and is located in Section 20 of the Township.

The proposed project incorporates the existing multitenant retail building with new multiple family housing and mixed use buildings. Eight apartment buildings and two mixed use buildings (retail and residential units) are proposed, offering a total of 222 apartment units (multiple family units) and 412 beds. A clubhouse/community center, an on-site business center (entrepreneurial hub), retail space, and a diverse range of amenities are offered.

The residential portion of the project is approximately 166,066 square feet. Approximately 8,865 square feet of new retail is proposed in the mixed use building (Block 1). In combination with the existing retail space (54,547 square feet), approximately 63,412 square feet of retail space is provided. The applicant has indicated some office space may be available to the public in the office center (Block 2) via membership, lease, or other means. The combined total of all buildings (existing and proposed) is approximately 235,640 gross square feet. The proposed density is 17 dwelling units per acre (222 dwelling units over 12.65 acres).

A special use permit (SUP #15051) is also required for a group of buildings totaling more than 25,000 square feet in gross floor area, which is being processed concurrently with the MUPUD. The Planning Commission will make recommendations to the Township Board on both requests.

Several concerns were discussed at the public hearing. Revised plans have been provided which include the following design changes as summarized by the applicant:

- Added an easement and public pedestrian pathway along the south side of the property line.
- Increased the width of the existing sidewalk along the east side of the entrance drive at Grand River Avenue, from five feet to eight feet wide to provide improved access and to become part of the public pathway.
- Relocated the public fitness area and pocket park to an area along the pedestrian pathway (south property line) for improved public access.
- Revised the project renderings to show all stairwells enclosed and to provide building detail in previously undefined areas.

MUPUD #15014 (Campus Village Communities, LLC)
Planning Commission (6/5/15)
Page 2

- Revised the design and structure of the barrier wall between the railroad and rear parking area (southwest corner of the site) to comply with railroad safety regulations.
- Added a fence along the west property line. Details on the fence (materials and height) have not been provided.
- Revised the parking layout in the front of the site to increase the number of parking spaces (area where the public fitness area was previously located). Twelve additional parking spaces are provided.
- Moved the refuse recycling center from the southwest corner of the property to a site further east along the southern property line.

The number of residential units (222 units), square footage for retail and residential uses, and overall layout of the buildings have not changed.

The applicant has provided a document regarding railroad setback recommendations and barrier wall design. A railroad safety expert will attend the Planning Commission meeting on June 8, 2015 and may provide additional information at that time, per the applicant. The MUPUD ordinance states a residential use shall be located as far as possible from the railroad tracks.

A parking analysis has also been provided by the applicant which compares standard parking requirements and anticipated parking needs for the proposed mixed use project.

Several communications have been received since the public hearing. A letter from the Ingham County Drain Commissioner's office, dated May 22, 2015, was submitted with preliminary comments on stormwater management for the subject site. Copies of letters of support and a petition signed by several local business owners are included as attachments in this memorandum.

The Michigan Department of Transportation (MDOT) has reviewed the applicant's traffic study and concurred with the findings that the Level of Service (LOS) is acceptable at the studied intersections (Grand River Avenue and Northwind Drive; Denny's Restaurant driveway and Grand River Avenue; and the eastern driveway of the subject site, Grand River Avenue and Park Lake Road). MDOT further noted the signalized intersections (Grand River Avenue and Northwind Drive, and Grand River Avenue and Park Lake Road) will be monitored to see if any recommended signal modifications will be necessitated by the development.

The MUPUD ordinance states yard, setback, lot size, type and size of dwelling unit, frontage requirements impervious surface regulations and restrictions are generally waived provided the spirit and intent of the MUPUD are incorporated into the overall development plan.

The following waivers are being requested by the applicant:

- Section 86-402(17) allows up to 70% impervious surface for a commercially zoned site. The proposed impervious surface coverage is 80.99%, using all landscaped areas, including parking islands that are smaller than 20 feet by 20 feet in size.
- Section 86-721(b) requires a dedicated loading/unloading space, 12 feet in width and 25 feet in length, for every building over 500 square feet of gross floor area. The plans do not provide a loading/unloading space adjacent to the mixed use building in Block 1.

- Section 86-755 outlines the standard motor vehicle parking requirements for commercial and multiple-family uses. Using these standards, a minimum of 809 parking spaces are required (555 spaces for residential plus 254 spaces for retail). The number of required motor vehicle parking spaces could be reduced up to 10% (81 parking spaces) when bicycle parking is provided, thus 728 motor vehicle parking spaces are required. The revised plan shows 545 motor vehicle parking spaces.
- Section 86-756(14) requires a 15 foot wide landscape buffer is between the parking area or its associated internal access or service drives where adjoining the same or other nonresidential district. The following table summarizes the proposed setbacks for areas where new construction is occurring:

	<u>Standard Setback</u>	<u>Proposed Setback (nearest point)</u>
Parking	15 feet	North: 5.35 feet South: 10.0 feet East: 6.4 feet West: 0.75 feet

- Section 86-758 outlines landscaping standards including interior canopy trees and interior landscaping. Based on 545 motor vehicle parking spaces, 109 interior canopy trees are required and 46 tree symbols are shown on the revised plan. Staff is not sure what type (species) of trees are shown or how many existing trees will be preserved.
- Section 86-470 requires a dwelling unit to be located 175 feet from a railroad right-of-way. The plans note the southeast corner of the southern building in Block 3 is approximately 71 feet from railroad right-of-way. A portion of the eastern building and all of the southern building in Block 3 are located within 175 feet of the railroad right-of-way.

Street trees (existing and proposed) are not shown on the plans, however nine street trees are required along the frontage of the site (602 lineal feet) per Section 86-473. If not provided on the landscape plans when reviewed under site plan review, the applicant shall be required to apply for a variance from the Zoning Board of Appeals.

Unless building elevations for several buildings are revised to provide the required articulation, as outlined in Section 86-440(f)(2)b.2. of the MUPUD ordinance, a variance from the Zoning Board of Appeals is required.

Planning Commission Options

The Planning Commission may recommend approval, approval with conditions, or denial. The attached resolution recommends approval with conditions for Mixed Use Planned Unit Development #15014.

MUPUD #15014 (Campus Village Communities, LLC)
Planning Commission (6/5/15)
Page 4

Attachments

1. Resolution to approve
2. Communication from Dave C. Love, Engineer, Ingham County Drain Commissioner's office, dated May 22, 2015
3. Communication from Mary Seager, D.V.M., 2643 Grand River Avenue, dated May 27, 2015
4. Communication from Justin Grinnell, Owner, State of Fitness, 2655 Grand River Avenue, dated June 2, 2015
5. Communication from Kirk Marrison, Manager, Foods For Living, 2655 Grand River Avenue, dated June 3, 2015
6. Communication from Paul Vlahakis, Vlahakis Companies, 4900 Montrose Avenue, dated received June 4, 2015
7. Communication Adam Anderson, Advance Auto Parts, 2786 Grand River Avenue, dated June 3, 2015
8. Communication from Richard McCarius, Tom's Party Store, 2780 Grand River Avenue, dated received June 4, 2015
9. Petition of support, dated received June 4, 2015
10. Railroad Barrier Wall article ("Development of Crash Wall Design Loads from Theoretical Train Impact")
11. Parking Analysis from the Applicant
12. Revised plans and elevations

G:\commun plng & dev\plng\mixed use planned unit development\2015\mupud 15014 (The Avenue)\staff reports\mupud pc2

RESOLUTION TO APPROVE

**Mixed Use Planned Unit Development #15014
(Campus Village Development)
2655 Grand River Avenue**

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 8th day of June, 2015 at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____

WHEREAS, Campus Village Development has submitted a request to establish an approximate 235,640 square foot mixed use planned unit development at 2655 Grand River Avenue, incorporating the existing multitenant retail building with the construction of eight apartment buildings and two mixed use buildings, consisting of 222 one, two, and four bedroom apartment units plus retail space and an entrepreneurial center in the mixed-use buildings, on an approximate 12.65 acre site; and

WHEREAS, the Planning Commission held a public hearing at its regular meeting on May 11, 2015 and has reviewed and discussed staff material forwarded under staff memorandums dated May 6, 2015 and June 5, 2015; and

WHEREAS, the subject site is appropriately zoned C-2 (Commercial), which allows for a mixed used planned unit development; and

WHEREAS, the proposed mixed use planned unit development has been designed to be harmonious and appropriate with the existing and potential future uses surrounding the site; and

WHEREAS, the proposed mixed use planned unit development is in furtherance of Township Board policy #1.5.2 which encourages diverse housing opportunities; and

WHEREAS, the proposed project will establish residential housing units that exist in close proximity to commercial establishments and is within walking distance of the university; and

WHEREAS, the proposed mixed use planned unit development is adequately served by essential public facilities and services, such as police, fire, stormwater drainage, and existing roadways; and

WHEREAS, the proposed mixed use planned unit development is adequately served by public water and sanitary sewer; and

WHEREAS, the number and type of amenities are consistent with the standards of Section 86-440 of the Code of Ordinances.

**Resolution to Approve
MUPUD #15014 (Campus Village Development)
Page 2**

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Mixed Use Planned Unit Development (MUPUD) #15014, subject to the following conditions:

1. The recommendation for approval is based on the Cover Sheet, Utility Plan, and Amenities Plan, prepared by KEBS, Inc., dated May 27, 2015, and building elevations prepared by Progressive AE, dated May 27, 2015, subject to revisions as required.
2. MUPUD #15014 (Campus Village Communities), a request to establish a mixed use planned unit development with the existing retail building and ten new buildings, consisting of mixed use and residential buildings, with a total of 222 one, two, and four bedroom apartment units, shall be contingent on the approval of Special Use Permit (SUP) #15051 (Campus Village Development).
3. Approval is subject to one or more amenities. The applicant proposes the following amenities as identified on the Amenities Plan (Sheet 5): LED lighting; site recycling of trash; relocate transit stop to front of the property; foot and bicycle pathways connecting to the Township pathway system; covered bicycle storage on site; fitness park as public recreation; dog park; outdoor pocket parks; seating plazas visible to the street; private courtyards; public internet; public internet-bus stop; underground utilities; upper floor balconies; sidewalk planters; and consolidation of multiple parcels into one.
4. Waivers shall be granted for those sections of the Code of Ordinances as follows: Impervious surface coverage (Section 86-402(17)); setback for a dwelling unit from the railroad right-of-way (Section 86-470); loading/unloading space (Section 86-721(b)); number of parking spaces (Section 86-755); landscaped buffers adjacent to parking areas and access drives (Section 86-756(14); and interior canopy trees and interior landscaping (Section 86-758).
5. Any future building additions or expansions to the buildings will require modification to the MUPUD #15014 and SUP #15051.
6. Building materials should include, but are not limited to, wood, brick, clapboards, glass, and stone. Other materials, such as vinyl, aluminum, and other metals should be avoided. The character and quality of the building materials and general architectural design of the buildings shall be consistent on all four sides of each building.
7. The final building elevations and building materials shall be subject to the approval of the Director of Community Planning and Development.
8. Unless the building elevations are revised, the applicant will be required to receive a variance from the Zoning Board of Appeals for non-compliance with Section 86-440(f)(2)b.2., stating, "Buildings greater than 50 feet in width shall be divided into increments of no more than 50 feet through articulation of the façade."
9. Windows shall cover no less than 50 percent of nonresidential street level facades.

**Resolution to Approve
MUPUD #15014 (Campus Village Development)
Page 3**

10. The residential and mixed use buildings which comprise MUPUD #15014 shall accommodate no more than 412 tenants. No more than one person may occupy each bedroom.
11. All utility service distribution lines should be installed underground.
12. The final design of the two recycling enclosures shall be subject to the approval of the Director of Community Planning and Development.
13. Site accessories such as railings, benches, trash and recycling receptacles, exterior lighting fixtures, and bicycle racks shall be of commercial quality, and complement the building design and style. Final design and location shall be subject to the approval of the Director of Community Planning and Development.
14. Landscaping shall generally comply with the provisions of the Code of Ordinances, including the mixed use planned unit development standards as outlined in Section 86-440(f)(4) and other applicable sections of the Ordinance pertaining to landscaping.
15. A minimum of nine street trees shall be provided along the frontage of the site (Grand River Avenue) or the applicant shall be required to request a variance from the Zoning Board of Appeals.
16. Site and building lighting shall comply with Article VII in Chapter 38 of the Code of Ordinances and shall be subject to the approval of the Director of Community Planning and Development, including the height of any new parking lot light pole.
17. A final sign program shall be submitted as part of site plan review and shall be subject to the review and approval of the Director of Community Planning and Development.
18. All mechanical, heating, ventilation, air conditioning, and similar systems shall be screened from view by an opaque structure or landscape material (if at street level) selected to complement the building. Such screening is subject to approval by the Director of Community Planning and Development.
19. The applicant shall obtain all necessary permits, licenses, and approvals from the Michigan Department of Transportation, Ingham County Drain Commissioner, and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development.
20. The utility, grading, and storm drainage plans for the site shall be subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with the Township Engineering Design and Construction Standards.
21. A copy of the site plan information that exists in a computer format for the development project and construction plans shall be provided to the Township Engineering staff in an AutoCAD compatible format.

**Resolution to Approve
MUPUD #15014 (Campus Village Development)
Page 4**

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 Charter Township 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 8th day of June 2015.

John Scott-Craig, Chair
Planning Commission

G:\commun plng & dev\plng\mixed use planned unit development\2015\mupud 15014 (The Avenue)\staff reports\mupud 15014 pc res approve

Patrick E. Lindemann

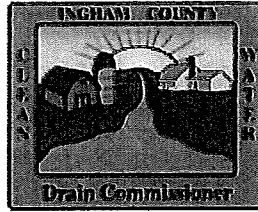
Ingham County Drain Commissioner

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

Phone: (517) 676-8395

Fax: (517) 676-8364

<http://dr.ingham.org>



Carla Florence Clos
Deputy Drain Commissioner

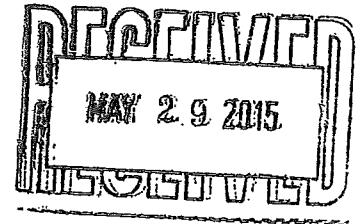
Paul C. Pratt
Deputy Drain Commissioner

David C. Love
Chief of Engineering and Inspection

Sheldon Lewis
Administrative Assistant

May 22, 2015

John Scott-Craig, Chair
Meridian Township Planning Commission
5151 Marsh Road
Okemos, MI 48864



Re: The Avenue on Grand River
Meridian Charter Township – Section 20
Conceptual Site Plan Review Drain Office #15036

Dear Mr. Scott-Craig:

We are in receipt of conceptual plans dated 4/13/15 for The Avenue on Grand River project located south of Grand River Avenue and north of the C N Railroad tracks in Section 20 of Meridian Charter Township. The developed portion of the site has an existing stormwater management plan based on an earlier development. There are two existing detention basins that pretreat and detain some of the rainfall events. This site drains directly to the Red Cedar River along and within the Canadian National Railroad right-of-way, which is private property.

This conceptual review is offered as a courtesy Meridian Charter Township only and should not be construed by the project owner or others as formal submission to the Ingham County Drain Commissioner for site plan or drainage review.

The Ingham County Drain Commissioner (ICDC) offers Meridian Charter Township the following conceptual review comments on the stormwater system for this project:

1. The site is not located in the 100-year floodplain.
2. No County Drains are affected by this project.
3. The plans must be submitted to the Drain Commissioner's Office for drainage review.
4. The site is located in a Phase II area and the stormwater discharge should be held to adequate pretreatment standards to protect the receiving waters of the Red Cedar River.
5. Low impact development design techniques are being proposed and are strongly encouraged for this site.

6. Three copies of the construction drawings must be submitted to our office, along with the necessary fees and a stormwater management plan (including runoff calculations for the existing site and proposed redevelopment) for the Drain Commissioner's approval. The drawings will be reviewed for conformance to the Drain Commissioner's Standards with regard to the additional runoff generated by the proposed improvements on the site.

We appreciate the opportunity to comment on this plan.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Love". The signature is fluid and cursive, with a large initial "D" and "L".

David C. Love
Ingham County Drain Engineer

cc: Campus Village Communities
Greg Petru, P.E., KEBS, Inc.

Martha Wyatt

From: Mary Seager <seagerjil@gmail.com>
Sent: Wednesday, May 27, 2015 9:50 AM
To: Martha Wyatt
Subject: The Avenue - Campus Village Development

Ms. Wyatt,

I am writing to you on behalf of Mr. Greg Shafer of Campus Village Communities concerning their proposed development project, The Avenue. I own Eastside Animal Hospital at 2643 East Grand River, East Lansing, Mi. I have worked at this location since 1985 and have owned my property since June of 1991. I have seen numerous proposed projects for this area - some of them such as Foods for Living and State of Fitness be great successes and others fail (e.g. Circuit City!). Having looked at this proposed project and the details of the site planning, I feel that this project will be an asset to this corridor into Meridian Township. I believe it will be both a great face lift to the area as well as a benefit to the surrounding businesses.

If you have any questions for me, please feel free to contact me either via e-mail or you may contact me at my office: 517-332-2511.

Best Regards,
Mary Seager, D.V.M.
seagerjil@gmail.com

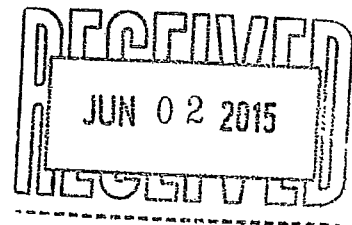
STATE OF FITNESS

To whom it may concern,

I wanted to take a moment to express my support for The Avenue project that is currently being proposed on Grand River Avenue near Park Lake Road. As a business owner in the area I feel the project will be a great benefit to the township by providing more density along the Grand River corridor where it is needed. The addition of the housing component directly on Grand River will allow for residents to easily access the local businesses within walking distance. This project will definitely have a positive impact on my business. I have been in contact with Campus Village and they have answered all of my questions related to the project and are making an attempt to engage the neighbors on the project. I urge you to approve this project. Please feel free to contact me if you have further questions.

Sincerely,

Justin Grinnell B.S., CSCS
Owner State of Fitness
Email: justin.grinnell@mystateoffitness.com
Phone: (517) 708-8828



www.mystateoffitness.com

2655 East Grand River | East Lansing, MI 48823 | 517.708.8828 | Located on the corner of Park Lake and E. Grand River



June 3rd, 2015.

To whom it may concern:

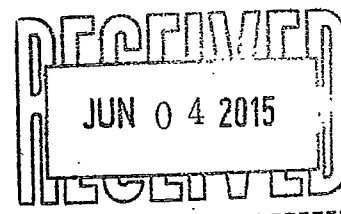
We are submitting this document in an effort to communicate our full support of The Avenue on Grand River/Campus Village Communities project.

This development has the potential to bring consistent commerce to our establishment. The close proximity of the large residential unit and proposed dog park at the opposite ends of the property are both attractive opportunities for increasing our visibility in the community. As you know, Foods for Living has a significant competitor arriving within a stone's throw down the street early next year. It seems clear that this development would be directly beneficial to Foods for Living in the future.

Thank you for your time.

Kirk Marrison, General Manager.
Sarah Campbell, Store Director.

Foods for Living
2655 E. Grand River Ave.
East Lansing, Mi. 48823
517.324.9010





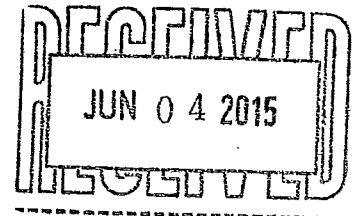
VLAHAKIS
C O M P A N I E S

To whom it may concern,

I wanted to take a moment to express my support for The Avenue project that is currently being proposed on Grand River Avenue near Park Lake Road. As a business owner in the area I feel the project will be a great benefit to the township by providing more density along the Grand River corridor where it is needed. The addition of the housing component directly on Grand River will allow for residents to easily access the local businesses within walking distance. This project will definitely have a positive impact on my business. I have been in contact with Campus Village and they have answered all of my questions related to the project and are making an attempt to engage the neighbors on the project. I urge you to approve this project. Please feel free to contact me if you have further questions.

Sincerely,

PAUL VLAHAKIS



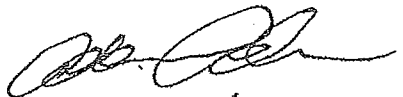
Advance Auto Parts
2786 E. Grand River

6-3-15

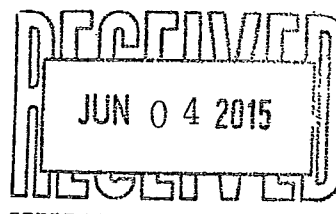
To whom it may concern,

I would like to send a letter in support for The Avenue project that is currently being proposed on Grand River Avenue. This project will help my business by locating more people in the immediate area. Please vote yes on this project

Sincerely,



Adam Anderson



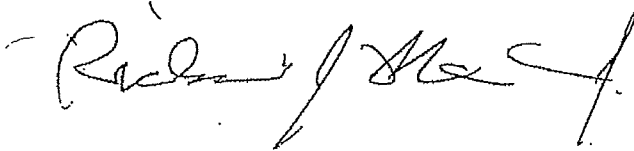
Tom's Party Store, Inc.

2780 EAST GRAND RIVER AVENUE
EAST LANSING, MICHIGAN 48823

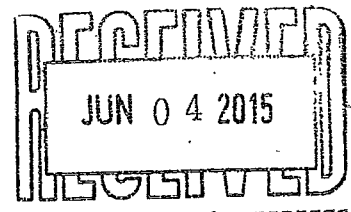
To whom it may concern,

I would like to send a letter in support for The Avenue project that is currently being proposed on Grand River Avenue near Park Lake Road. As a business owner in the area I feel the project will be a great benefit to the township by providing more density along the Grand River corridor where it is needed. The addition of the housing component directly on Grand River will allow for residents to easily access the local businesses within walking distance. This project will definitely have a positive impact on my business. I have been in contact with Campus Village and they have answered all of my questions related to the project and are making an attempt to engage the neighbors on the project. I urge you to approve this project.

Sincerely,



RICHARD J. MCCARRIN JR.

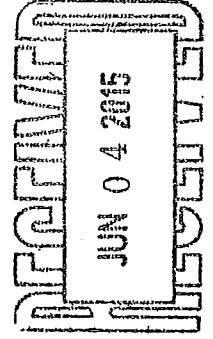


Development of Crash Wall Design Loads from Theoretical Train Impact

Gaylene Layden, P.Eng
Bridge Engineer
AECOM

2014

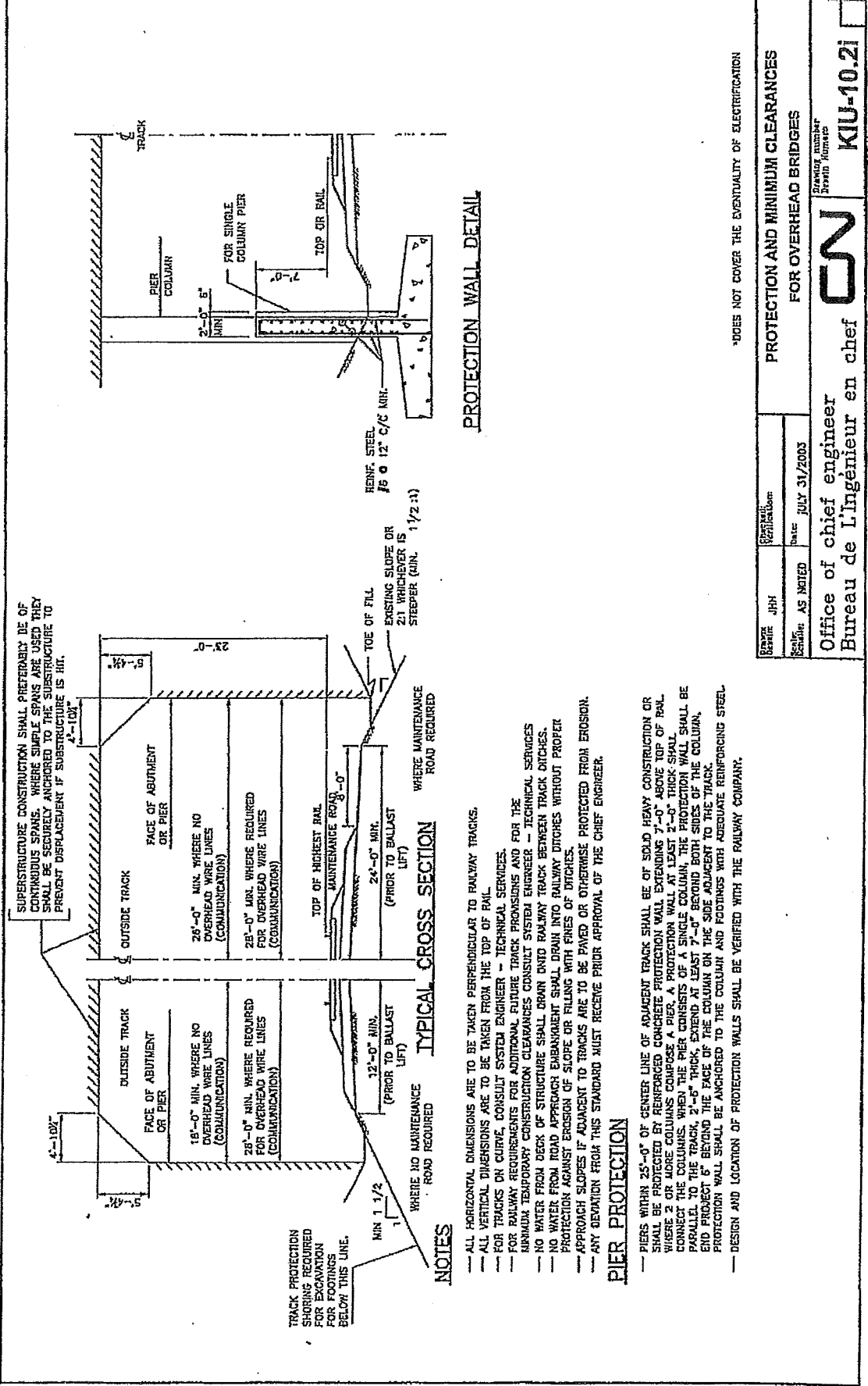
Annual Conference & Exposition
CHICAGO September 26 - 28, 2014



in the case of new residential development. It provides a buffer from railway operations; permits dissipation of rail-oriented emissions, vibrations, and noise; and accommodates a safety barrier. Residential separation distances from freight rail yards are intended to address the fundamental land use incompatibilities. Proponents are encouraged to consult with the railway early in the development process to determine the capacity of the site to accommodate standard setbacks (see below). On smaller sites, reduced setbacks should be considered in conjunction with alternative safety measures. Where the recommended setbacks are not technically or practically feasible due, for example, to site conditions or constraints, then a Development Viability Assessment should be undertaken by the proponent to evaluate the conditions specific to the site, determine its suitability for new development, and suggest options for mitigation. Development Viability Assessments are explained in detail in Appendix A.

3.3.1 Guidelines

- The standard recommended building setbacks for new residential development in proximity to railway operations are as follows:
 - »» Freight Rail Yard: 300 metres
 - »» Principle Main Line: 30 metres
 - »» Secondary Main Line: 30 metres
 - »» Principle Branch Line: 15 metres
 - »» Secondary Branch Line: 15 metres
 - »» Spur Line: 15 metres
- Setback distances must be measured from the mutual property line to the building face. This will ensure that the entire railway right-of-way is protected for potential rail expansion in the future.
- Under typical conditions, the setback is measured as a straight-line horizontal distance.
- Where larger building setbacks are proposed (or



SUPERSTRUCTURE CONSTRUCTION SHALL PREFERABLY BE OF CONTINUOUS SPANS. WHERE SIMPLE SPANS ARE USED THEY SHALL BE SECURELY ANCHORED TO THE SUBSTRUCTURE TO PREVENT DISPLACEMENT IF SUBSTRUCTURE IS HIT.

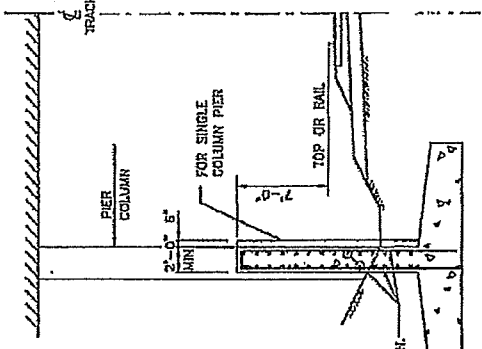
TYPICAL CROSS SECTION

- ALL HORIZONTAL DIMENSIONS ARE TO BE TAKEN PERPENDICULAR TO RAILWAY TRACKS.
- ALL VERTICAL DIMENSIONS ARE TO BE TAKEN FROM THE TOP OF RAIL.
- FOR TRACKS ON CURVE, CONSULT SYSTEM ENGINEER - TECHNICAL SERVICES.
- FOR RAILWAY REQUIREMENTS FOR ADDITIONAL FUTURE TRACK PROVISIONS AND FOR THE MINIMUM TEMPORARY CONSTRUCTION CLEARANCES CONSULT SYSTEM ENGINEER - TECHNICAL SERVICES.
- NO WATER FROM DECK OF STRUCTURE SHALL DRAIN ONTO RAILWAY TRACK BETWEEN TRACK DITCHES.
- NO WATER FROM ROAD APPROACH EMBANKMENT SHALL DRAIN INTO RAILWAY TRACK DITCHES.
- PROTECTION AGAINST EROSION OF SLOPE OR FILLING WITH FINES OF DITCHES.
- APPROACH SLOPES IF ADJACENT TO TRACKS ARE TO BE PAVED OR OTHERWISE PROTECTED FROM EROSION.
- ANY DEVIATION FROM THIS STANDARD MUST RECEIVE PRIOR APPROVAL OF THE CHIEF ENGINEER.

PIER PROTECTION

- PIERS WITHIN 25'-0" OF CENTER LINE OF ADJACENT TRACK SHALL BE OF SOLID HEAVY CONSTRUCTION OR SHALL BE PROTECTED BY REINFORCED CONCRETE PROTECTION WALL EXTENDING 7'-0" ABOVE TOP OF RAIL. WHERE 2 OR MORE COLUMNS COMPOSE A PIER, A PROTECTION WALL AT LEAST 2'-0" THICK SHALL CONNECT THE COLUMNS. WHEN THE PIER CONSISTS OF A SINGLE COLUMN, THE PROTECTION WALL SHALL BE PARALLEL TO THE TRACK, 2'-8" THICK, EXTEND AT LEAST 7'-0" BEYOND BOTH SIDES OF THE COLUMN. END PROTECT 6' BEYOND THE FACE OF THE COLUMN ON THE SIDE ADJACENT TO THE TRACK. PROTECTION WALL SHALL BE ANCHORED TO THE COLUMN AND FOOTINGS WITH ADEQUATE REINFORCING STEEL.
- DESIGN AND LOCATION OF PROTECTION WALLS SHALL BE VERIFIED WITH THE RAILWAY COMPANY.

PROTECTION WALL DETAIL



* DOES NOT COVER THE EVENTUALITY OF ELECTRIFICATION

PROTECTION AND MINIMUM CLEARANCES FOR OVERHEAD BRIDGES

DESIGNER: JPH	REVISIONS:
SCALE: AS NOTED	DATE: JULY 31/2003

Office of chief engineer
Bureau de l'ingénieur en chef
CN
STANDARD NUMBER
RAILWAY BRIDGES
KIU-10.21

SAFETY INVESTMENT

RAILROAD INVESTMENTS INCREASE SAFETY ON THE RAILS

Railroads' annual investments to modernize and improve America's freight rail network have significantly contributed to freight rail's strong safety record. There is a direct correlation between the increase in rail network investments and enhanced safety performance. With record levels of private investment in capital improvements and maintenance over the last five years and \$575 billion invested since 1980, America's privately owned freight railroads are at the forefront of advancing safety.

- The train accident rate fell 46 percent since 2000 and 80 percent since 1980.
- The rail employee injury rate fell 47 percent since 2000 and 84 percent since 1980.
- The grade crossing collision rate fell 35 percent since 2000 and 78 percent since 1980.

The Avenue on Grand River Parking Analysis

Following is our analysis of the actual parking requirements for the Avenue on Grand River:

Apartment Community Requirements:

Typically an apartment community of this size requires parking for 95 percent of the bedrooms. This ratio works because the community very seldom operates at 100 percent occupancy and not all residents will have a vehicle. Based on this ratio, the apartment community will require 391 parking spaces.

Retail Requirements:

The current retail space utilizes 173 parking spaces and an additional 39 parking spaces are needed for the new retail. This totals to 212 parking spaces required for retail.

Shared Parking:

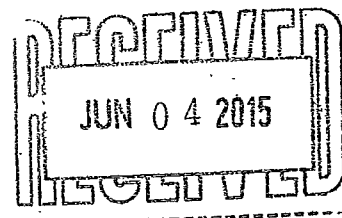
The Urban Land Institute has determined that in a mixed use community with the synergy between the multiple property types a certain amount of parking is shared between the various uses. For our project parking requirements can be reduced by 59 spaces using ULI data for sharing.

Adjusted Requirement:

If we sum the total requirements based on the above individual requirements the total number of parking spaces required for all uses is 544. This compares favorably with the 545 parking spaces provided in the design.

Other Considerations:

- The high parking requirement for this project is being driven in large part by the township requirement of two parking spaces per unit. Our unit count is very high because we have a high percentage of one and two bedroom units. If our community was comprised entirely of three bedroom units with the same number of beds the parking requirements would be reduced by 211 spaces.
- There are multiple elements to our project that will reduce the need for parking. These include the mixed use element, the fact that public transportation is readily available, the entrepreneurial center that will allow residents to work on site, and multiple workout and exercise facilities located on site.
- We have provided a significant number of covered parking spots for bicycles to encourage their use rather than motor vehicles.



CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM: 
Martha Wyatt
Associate Planner

DATE: June 5, 2015

RE: Special Use Permit #15051 (Campus Village Development), request to construct a group of buildings totaling more than 25,000 square feet in gross floor area

The Planning Commission held the public hearing for Special Use Permit (SUP) #15051 during the May 11, 2015 meeting. In conjunction with Mixed Use Planned Unit Development (MUPUD) #15014, a special use permit is being requested by Campus Village Development, prospective property owner, to construct a group of buildings totaling more than 25,000 gross square feet. The project consists of one existing multitenant retail building and ten proposed multi-story buildings which include eight apartment buildings and two mixed use buildings. The mixed use buildings offer retail space, a business center (entrepreneurial hub), and residential housing. A total of 222 apartment units (multiple family units) are offered in the ten proposed buildings. In combination, the total square footage of all eleven buildings is approximately 235,640 square feet. The project location is at the existing shopping center known as Meridian Pointe, addressed as 2655 Grand River Avenue. Three parcels comprise the approximate 12.65 acre site which is zoned C-2 (Commercial) and is located in Section 20 of the Township.

Although minor changes have been made to the site plan since the public hearing, the building sizes and overall square footage (existing and proposed buildings) have not changed. Revised plans are attached to the staff memorandum for MUPUD #15014, dated June 5, 2015.

Conditions originally placed on the shopping center under Special Use Permit #96141, in the approval letter dated March 19, 1997 have been replaced with conditions applicable for the proposed project. The resolution reflects those changes.

Planning Commission Options

The Planning Commission has the option to recommend approval, approval with conditions, or denial of the special use permit for a structure or group of structures greater than 25,000 square feet in size based on the standards listed in Section 86-126 of the Code of Ordinances. A resolution to approve is attached.

Attachment

1. Resolution to approve
2. Special use permit review criteria

RESOLUTION TO APPROVE

**SUP #15051
(Campus Village Development)
2655 Grand River Avenue**

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 8th day of June, 2015 at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

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

WHEREAS, Campus Village Development has requested a special use permit to construct ten buildings and include the existing multitenant retail building as part of a mixed use planned unit development, totaling approximately 235,640 square feet in gross floor area on an approximate 12.65 acre site, addressed as 2655 Grand River Avenue and zoned C-2 (Commercial); and

WHEREAS, the Planning Commission held a public hearing at its regular meeting on May 11, 2015; and

WHEREAS, the Planning Commission has reviewed and discussed staff material forwarded under cover memorandums dated May 8, 2015 and June 5, 2015; and

WHEREAS, the subject site is appropriately zoned C-2 (Commercial) which permits the development of buildings greater than 25,000 square feet in floor area by special use permit; and

WHEREAS, the proposed project is consistent with the general standards for granting a special use permit found in Section 86-126 of the Code of Ordinances; and

WHEREAS, the approximately 235,640 square feet of building area has been designed to be harmonious and appropriate with the existing and potential future uses surrounding the site; and

WHEREAS, the surrounding road system has sufficient capacity to absorb the additional traffic projected to result from approximately 235,640 square feet of building area to be used for one existing retail building, two mixed use buildings, and eight apartment buildings, with a total of 222 apartment units; and

WHEREAS, the approximate 12.65 acre site meets the minimum lot area and lot width requirements of the C-2 (Commercial) district; and

WHEREAS, the proposed development on the subject site will be served by public water and sanitary sewer.

**Resolution to Approve
SUP #15051 (Campus Village Development)
Page 2**

NOW THEREFORE BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Special Use Permit #15051 (Campus Village Development) for a group of buildings (ten new buildings and one exiting retail building) totaling more than 25,000 square feet in gross floor area subject to the following conditions:

1. Approval of the special use permit is recommended in accordance with the Cover Sheet (Site Plan) prepared by KEBS, Inc., dated May 27, 2015, and building elevations prepared by Progressive AE, dated received May 27, 2015, subject to revisions as required.
2. Special Use Permit #15051 is subject to all conditions placed on Mixed Use Planned Unit Development #15014 (Campus Village Development) by the Township.
3. The gross square feet of all buildings on the site shall not exceed 235,640 square feet unless the applicant applies for and receives an amendment to Special Use Permit #15051 (Campus Village Development).
4. All mechanical, heating, ventilation, air conditioning, and similar systems shall be screened from view by an opaque structure or landscape material (if at street level) selected to complement the building. Such screening is subject to approval by the Director of Community Planning and Development.
5. The applicant shall obtain all necessary permits, licenses, and approvals from the Michigan Department of Transportation, Ingham County Drain Commissioner, and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development.
6. The utility, grading, and storm drainage plans for the site shall be subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with the Township Engineering Design and Construction Standards.
7. A copy of the site plan information that exists in a computer format for the development project and construction plans shall be provided to the Township Engineering staff in an AutoCAD compatible format.
8. The above-stated conditions shall replace all prior conditions listed in the approval letter for Special Use Permit #96141, dated March 19, 1997.

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)

) ss

COUNTY OF INGHAM)

**Resolution to Approve
SUP #15051 (Campus Village Development)
Page 3**

I, the undersigned, the duly qualified and acting Chair of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Planning Commission on the 8th day of June 2015.

John Scott-Craig, Chair
Planning Commission

G:\commun plng & dev\plng\special use permits (sup)\2015\sup 15051 (The Avenue)\staff reports\sup 15051 res to approve PC

SPECIAL USE PERMIT – REVIEW CRITERIA
(Section 86-126, Code of Ordinances)

Applications for special use permits shall be reviewed for compliance with the following standards and requirements, where applicable. An application for a special use permit that complies with all the following standards and requirements in this chapter may be approved. The applicant shall assure that:

- (1) The project is consistent with the intent and purposes of this chapter.
- (2) The project is consistent with applicable land use policies contained in the township's comprehensive development plan of current adoption.
- (3) The project is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
- (4) The project will not adversely affect or be hazardous to existing neighboring uses.
- (5) The project will not be detrimental to the economic welfare of surrounding properties or the community.
- (6) The project is adequately served by public facilities, such as existing roads, schools, stormwater drainage, public safety, public transportation, and public recreation, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such service.
- (7) The project is adequately served by public sanitation facilities if so designed. If on-site sanitation facilities for sewage disposal, potable water supply, and stormwater are proposed, they shall be properly designed and capable of handling the longterm needs of the proposed project.
- (8) The project will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- (9) The project will not directly or indirectly have a substantial adverse impact on the natural resources of the township, including, but not limited to, prime agricultural soils, water recharge areas, lakes, rivers, streams, major forests, wetlands, and wildlife areas.

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM



Gail Oranchak, AICP
Principal Planner

DATE: June 4, 2015

RE: Planned Residential Development #15-97015 (SP Investments Limited Partnership), request to amend the Ember Oaks Planned Residential Development (PRD) sketch plan

The Planning Commission held a public hearing regarding SP Investments Limited Partnership's request to amend the Ember Oaks Planned Residential Development (PRD) sketch plan. Review of a PRD sketch plan request entails confirming the following PRD ordinance standards have been met:

- Consistent with the maximum number of lots permitted by RR zoning
- Consistent with the permitted lot width and lot area reductions based on RAAA zoning
- Shows a minimum 20% of the development parcel as perpetually preserved open space
- Includes a 50 foot butter when adjacent to land zoned with minimum lot sizes greater than the average lot size in the PRD
- Retains contiguous open spaces to the extent possible
- Provides buffering for lots closest to an arterial street

Planning Commission Options

The Planning Commission may approve, conditionally approve or deny the sketch plan. A resolution to approve has been provided.

Attachments

1. Resolution to approve
2. Letter from Duff Schroder to Ember Oaks Homeowners dated May 20, 2015

RESOLUTION TO APPROVE

**Planned Residential Development #15-97015
SP Investments LP
Ember Oaks - Jolly Oak Road, east of 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 8th day of June 2015, at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

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

WHEREAS, SP Investments LP requested an amendment to Planned Residential Development #97015 sketch plan for the remaining 161.88 acres of the Ember Oaks plat; and

WHEREAS, the Planning Commission held a public hearing and discussed the request at its May 18, 2015 meeting; and

WHEREAS, on November 16, 1999, the Township Board approved the original sketch plan consistent with the open space and design requirements of Section 86-378 PRD District for 159 lots laid out according to the lot width and lot area of the RAAA district on 230.3 acres; and

WHEREAS, the Township Board approved final plats for Ember Oaks, Ember Oaks #2, and Ember Oaks #3 consisting of 47 total lots on 71.09 acres; and

WHEREAS, approximately 2.67 acres have been added to the development to increase the land area for the entire Ember Oaks development from 230.30 acres to 232.97 acres and

WHEREAS, the 111 lots on the remaining 161.88 acres are consistent with the number permitted by the underlying RR zoning and RAAA district standards for lot width and lot area; and

WHEREAS, at 44.4 percent, dedicated open space for the overall 232.97 exceeds the minimum 20 percent required by PRD district standards; and

WHEREAS, a 50 foot buffer is in place to separate lots in the PRD and adjacent land zoned for minimum lots sizes greater than the average lot size in the PRD; and

WHEREAS, contiguous open space has been retained to the extent possible; and

**Resolution to Approve
PRD #15-97015 (SP Investments LP)
Page 2**

WHEREAS, A buffer has been provided for lots closest to Jolly Road, an arterial street;
and

WHEREAS, at .69 dwelling units per acre, the PRD remains consistent with the 2005
Future Land Use Map which designates the 232.97 acres as Residential 0.5 – 1.25 dwelling
units per acre.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF
THE CHARTER TOWNSHIP OF MERIDIAN hereby approves the amendment to Planned
Residential Development #15-97015 dated April 17, 2015 for the remaining 111 lots on 161.88
acres in the Ember Oaks plat.

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 8th day of June 2015.

John Scott-Craig
Planning Commission Chair



The Family Name... Built on Quality!

May 20, 2015

Dear Ember Oaks Homeowners:

I am writing to each of you in an effort to correct what appears to be a misunderstanding about our future development plans at Ember Oaks.

First and foremost, we intend to develop the undeveloped land as future phases of the Ember Oaks Subdivision.

The current plan includes a total of 158 lots, which is the same number of lots as in our prior plan. While average lot size has decreased somewhat, the smallest of the new lots is approximately the same size as current lot 24 (Chinoy). Moreover, the reconfigured plan includes an additional 11.67 acres of open space beyond the prior plan.

Finally, the next phase will be subject to the same Restrictions as are currently in place.

While it can never be the case that all Ember Oaks' homeowners will love the design of every other home within the subdivision, I promise you that when approving house plans, we always take into consideration its "fit" within the community at large.

In the future, if and when rumors about our intentions circulate, I would ask that you give us the benefit of the doubt and let us know what your concerns are. Schroeder Homes has been a part of Meridian Township for over 50 years, during which time we have worked to maintain a reputation for honesty and integrity. I can assure you of our continued commitment to the Ember Oaks community:

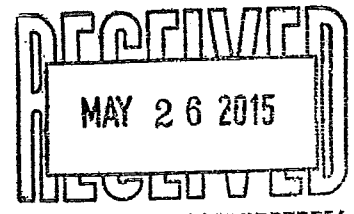
Very truly yours,

SCHROEDER HOMES


Duff Schroeder

BS/gaa

cc: John Scott-Craig, Planning Commission Chair
Mark Kieselbach
Jeff Kyes



CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM



Gail Oranchak, AICP
Principal Planner

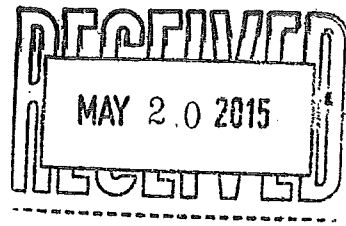
DATE: June 4, 2015

RE: MUPUD #15014 (Campus Village Development) request to develop a mixed use
planned unit development at 2655 Grand River Avenue

Commissioner Deits prepared the attached document for distribution to the Planning Commission regarding the above referenced project.

Attachments

1. Communication from Commissioner Deits received May 20, 2015



Colleagues

I wanted to bring forth a situation regarding the Campus Village project that I mentioned briefly at the initial concept plan meeting but that was not brought forward at the public hearing that I think we need to consider. I am writing this through Gail now so that you will have a chance to consider these issues in advance of our next meeting on this project.

The issue revolves around the fact that the property immediately to the west of the subject site is zoned Industrial. We don't have a lot of industrial zoned land in the township but we also have no area where industrial zoning abuts multiple family zoning as far as I can tell. (note added per Gail's expertise – the Collingswood apartments abut Industrial and were built in the 1970's; I guess we would call that a non-conforming use today?).

We do have an ordinance that might at first glance seem relevant; here is the section from the Code for Industrial zoned lands:

"Side and rear yards adjacent to residential district zone lines. No structure shall be less than 100 feet from any residential district zone line. Side and rear yards may be used for passenger vehicle parking except for a strip 40 feet in width along the side and rear boundaries of the development. This forty-foot transition strip shall be used for screening purposes and shall be composed of interlocking trees and/or foliage and other appropriate ground cover. The maintenance of this transition area shall be a continuing obligation of the owner of such area."

I mentioned this to staff and their interpretation of the ordinance is that it applies only to residential zoned land and since the MUPUD is being built as an overlay on C-2 land, not residentially zoned land, this section of the ordinance does not apply.

I have trouble with this interpretation. At the time of the writing of this ordinance (which preceded by many years the MUPUD ordinance), the Township had no situation in which land could be zoned non-residential yet be used for residential purposes (outside of existing non-conforming uses, of course). I also think that it is entirely reasonable to infer that the intent of this portion of our ordinances was to prevent close juxtaposition of industrial and residential uses. Now that we have an MUPUD which decouples residential zoning from residential use, that has changed.

If it is appropriate to consider that this section of the ordinance does apply to residential buildings built under the MUPUD (and that is one thing I am asking you to think about), building the Campus Village project will render a number of buildings in the Industrial zoned land immediately to the west of the project non-conforming and quite possibly render some of the sites unbuildable for future uses.

A second issue related to this that does not require a close interpretation of the ordinance is in our consideration of the Special Use permit that accompanies the MUPUD. Among the criteria are these two:

The project is consistent with applicable land use policies contained in the Township's comprehensive development plan of current adoption.

and

The project is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.

Without quoting chapter and verse, we have consistently applied the principal of orderly development embodied in a graded intensity concept, that is, high intensity uses such as C-3 or C-2 should be buffered from residential areas, for example by PO or other zonings. When you consider whether this project meets the SUP criteria, I ask that you consider whether the proposed project is consistent with this principle (if not, it violates the first criterion above) and whether the proposed project is appropriately juxtaposed to an industrial site whose uses include chemical storage (neighboring the proposed site) and a chemical plant (across the street to the west) among others (which you may consider inconsistent with the second criterion).

Tom