

CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
AGENDA

REGULAR MEETING
and
WORK SESSION MEETING

May 18, 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. April 27, 2015 Work Session Meeting
 - B. May 11, 2015 Work Session Meeting
4. Public remarks
5. Communications
 - A. Melvin Jung RE: PRD #15-97015 (SP Investments)
 - B. Srinivas Kandula RE: PRD #15-97015 (SP Investments)
 - C. Thomas Jay Dart, Jr. RE: PRD #15-97015 (SP Investments)

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

 - A. Joe Lopez 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
7. Unfinished Business
8. Other Business
9. Township Board, Planning Commission officer, committee chair, and staff comment or reports

Planning Commission Agenda

May 18, 2015

Page 2

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
12. Site Plans approved
13. Public Remarks
14. Adjournment

Post Script: Joyce Van Coevering

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 8, 2015**

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

Regular Meeting

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

2. 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

3. Other Business

Work Session Meeting

- A. 2005 Master Plan Update

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
WORK SESSION MINUTES**

DRAFT

April 27, 2015

**5151 Marsh Road, Okemos, MI 48864-1198
Town Hall Rom, 517-853-4560**

PRESENT: Chair Scott-Craig, Vice-Chair Jackson, Commissioners Deits, Honicky, Ianni, Tenaglia and De Groff
ABSENT: Commissioners Cordill and Van Coevering
STAFF: Principal Planner Gail Oranchak

1. Call meeting to order

Chair Scott-Craig called the work session meeting to order at approximately 9:30 P.M.

2. Approval of agenda

The agenda was accepted as written.

3. 2005 Master Plan Update

- Materials needed for the May 21 work session include: large flip-type pads on which to write each breakout group's ideas, markers and name tags
- Identify topics for discussion in each breakout group, then spend about five minutes on each with the opportunity to revisit topics requiring more discussion
- Participants to explain and support their idea
- Discourage negative comments
- Possibly summarize important findings with a "dot" survey at the meeting's end
- Each breakout session facilitator should have talking points to re-start the conversation if it flags
- Chair Scott-Craig to finalize invitation letters for neighborhood organizations and community members and will distribute to Planning Commission members for comment
- Collect contact information of those invited by Planning Commission members to attend. Preferably e-mail addresses unless unavailable

4. Public Remarks

None

5. Adjournment

Chair Scott-Craig adjourned the meeting at approximately 10:00 p.m.

Respectfully Submitted,

Gail Oranchak, AICP
Principal Planner

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING COMMISSION
WORK SESSION MINUTES**

DRAFT

May 11, 2015

5151 Marsh Road, Okemos, MI 48864-1198
Town Hall Rom, 517-853-4560

PRESENT: Chair Scott-Craig, Vice-Chair Jackson, Commissioners Honicky, Ianni, Tenaglia, De Groff, Cordill and Van Coevering
ABSENT: Commissioner Deits
STAFF: Principal Planner Gail Oranchak

1. Call meeting to order

Chair Scott-Craig called the work session meeting to order at approximately 10:15 P.M.

2. Approval of agenda

The agenda was accepted as written.

3. 2005 Master Plan Update

- Chair Scott-Craig reported on the progress organizing the May 21, 2015 work session and the meeting with Lynn Wilson. Discussion items included: badges for planning commissioners, signs for their subject topics, ability of public to select their topic of interest, introductory remarks by Ms. Wilson, public sign-in at the breakout tables, Future Land Use and/or Zoning maps on each breakout table, pencil and paper for attendees to jot down their ideas, large note pads to write down ideas, member of public selected to write ideas on large note pads, selection of three main ideas from each breakout table, presentation of three main ideas by public member of the breakout table.
- Guide for facilitators: have everyone introduce themselves, write down ideas at the beginning then proceed to discussion, create list of topics to restart conversation if it lags, open and friendly conversation, encourage positive comments, avoid contradictory remarks (but), prevent domination of the conversation, public note-taker may be the reporter of the tables three ideas.
- Colored dots to be used by all attendees to identify the most important comments from all tables after the end of the session
- Refreshments will be served.

4. Public Remarks

None

5. Adjournment

Chair Scott-Craig adjourned the meeting at approximately 10:25 p.m.

Respectfully Submitted,

Gail Oranchak, AICP
Principal Planner

Gail Oranchak

From: madmel777@aol.com
Sent: Wednesday, May 13, 2015 10:25 PM
To: Gail Oranchak
Subject: Application to Amend PRO #15-97015 Should Be Recommended for Denial
Attachments: image1.JPG; image2.JPG; image3.JPG

Dear Commission,

We, as homeowners, are cognizant of the plans for future development of Ember Oaks subdivision as purposed by Schroeder Home Services LLC. The purposed plan will depreciate our land value, and deter potential buyers from locating to our subdivision. Future development as purposed in this manner could affect property value for the worse. We believe the Developer has potentially breached its representations and warranties made to the existing Ember Oaks homeowners.

I write requesting SP Investments Limited Partnership's petition to amend the Planned Residential Development #97015 ("PRO") be "recommended for denial." "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.

The Developer, as the applicant, is petitioning this Commission for an amendment. The amendment, as proposed, desires to decrement 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 submitted and received the planned development. And, even if total lot numbers and/or preserved open spaces stay same, by way of lots and open spaces in aggregate, but are modified such that they fail to stay true to the planned development (which is evidenced by the desire to amend such) and the believed upon Developer representations and warranties, such proposed amended planned development 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 planned residential overlay lots, would be more diminutive than those believed to be represented and warranted to subsisting homeowners including, but not circumscribed to, less stone or masonry requisites 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 Planned residential overlay, 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 Commission were to "recommend for approval" this petition for amendment of the original planned residential overlay, this Commission would be, with full knowledge of such as evidenced by the Affidavit attached, 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.

Regards,

Dr. Melvin Jung
1421 Ambassador Dr
Okemos, MI 48864

AFFIDAVIT

I, Melvin Jung, of 1421 Ambassador Dr, Okemos, MI 48864, under penalty of perjury, declare and state:

(1) On or about May 2005, I purchased my primary residence from Schroeder Homes LLC a Michigan corporation. 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").

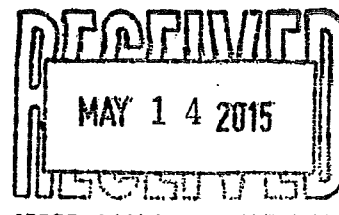
(i) Copies of the Restrictions are available by way of either (1) Ingham County Register of Deeds or (2) the Developers website, located at :
http://schroederhomes.com/_pdfs/ember_oaks/Ember_Oaks_Restrictions.pdf

(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

(1 of 3)



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 May 2005, 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.

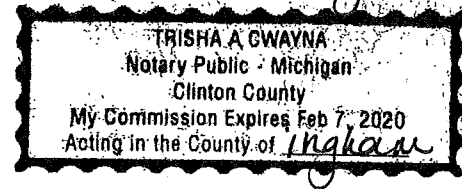
Dated this 12 day of MAY, 2015



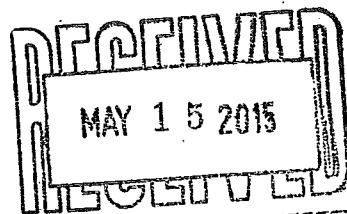
~~[INSERT NAME]~~ MELVIN S. JUNG
(STATE OF MICHIGAN)
(INGHAM COUNTY)

Subscribed and sworn before me by Melvin S Jung on this 12 day of May, 2015. Witness
my hand and official seal. My commission expires: 2/7/2020

Trisha A Cwayna



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.

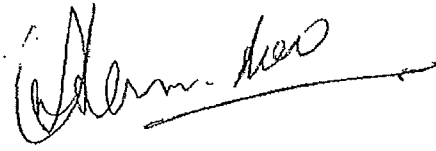
To the best of my recollection and upon information and belief that Developer advertised the Subdivision as a controlled community with Specific standards. Such standards are evidenced in the Restrictions Including, but not limited to, the following:

- (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.

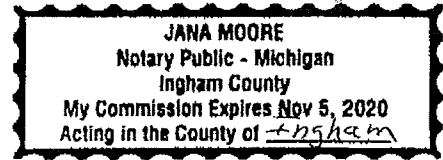
Dated this 14 day of May, 2015



Srinivas Kandula

STATE OF MICHIGAN
COUNTY OF INGHAM

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



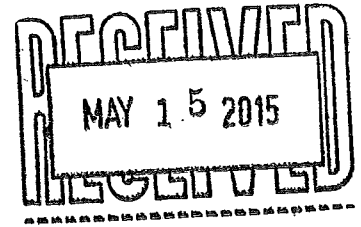
Witness my hand and official seal.

My commission expires: 11-5-20

Jana Moore
Notary Public

Address: 4815 Okemos Rd.
Okemos, Mi. 48864

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



05/12/15

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 PRD 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 PRD, 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 PRD #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,





EMBER OAKS

PLANNED RESIDENTIAL DEVELOPMENT

FUTURE PHASE

**AUTHORIZED
VEHICLES ONLY**

AFFIDAVIT OF Thomas Jay Dunt, Jr.

I, Thomas Jay Dunt, Jr., of 3569 Cabaret Trail, Okemos, MI, 48864, 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 November 11, 2008, I purchased my primary residence from SP Investments Limited Partnership, a Michigan limited partnership. 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.
 - (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 14th day of May, 2015



Thomas Jay Davit, Jr.

STATE OF MICHIGAN)
)SS

COUNTY OF INGHAM)

Subscribed and sworn before me by [INSERT NAME] on this 14th 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

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM



Gail Oranchak, AICP
Principal Planner

DATE: May 15,, 2015

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

The applicant, SP Investments Limited Partnership, represented by Keith Schroeder, has requested an amendment to the Ember Oaks Planned Residential Development (PRD) sketch plan originally approved by the Township Board as PRD #97015 on November 16, 1999. The applicant indicates the reasons for the amendment are: acquisition of additional land on Jolly Road eliminated the need to cut Jolly Road to improve site distance, an improved layout around the pipeline, and to address impacts from actions taken to eliminate water flowing onto Meridian Township owned property to the north.

The purpose of the Section 86-378 Planned Residential Development Overlay district ordinance, is to preserve natural features and open space, minimize development impacts on natural features, and reduce the cost of installing and maintaining infrastructure by allowing flexibility and alternative design standards. This is accomplished by first establishing the maximum number of residential lots permitted by the underlying zoning district using a conventional subdivision design, then permitting a reduction in lot size and lot area to accomplish the intended purpose. Review of a PRD sketch plan request entails confirming standards of the PRD ordinance 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

In 1999, review of the Ember Oaks PRD request established 159 lots could be developed on the approximately 230 acres site based on RR zoning standards. Application of PRD standards permitted the 159 lots to be laid out using RAAA (Single Family, Low Density) district standards of 100 feet of lot width and 20,000 square feet of lot area versus the RR requirements of 200 feet of lot width and 40,000 square feet of lot area. After review of the October 6, 1999 sketch plan for consistency with the PRD ordinance, the Township Board granted approval of PRD #97015 consisting of 159 lots laid out in accordance with RAAA standards on November 16, 1999.

REZ #15-97015 (SP Investments)
Planning Commission (5/15/2015)
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Since being granted PRD approval, Ember Oaks subdivision received preliminary plat approval (PP #00012) for 158 lots and final plat approval has been granted for 47 lots making them available for construction. The amended sketch plan dated April 17, 2015 shows the remaining 111 lots have been reconfigured and the road network redesigned.

Sheet #2 of the amended sketch plan includes a chart comparing the original design, the combined final plats, and land remaining in the preliminary plat which is the subject of this request. Average lots sizes have decreased but lots remain consistent with the requirements of the RAAA district (100 feet of lot width and 20,000 square feet of lot area). Overall street rights-of-way have increased by approximately two acres after factoring in 2.67 acres added to the site since the original sketch plan approval. The amount of open space has increased by approximately 11.67 acres thus increasing open space over the 230 acres to approximately 45 percent while regulated wetlands in dedicated open space remains the same and net dedicated open space increases by approximately 8.5 acres.

It is important to note, the sketch plan is only reviewed for compliance with the requirements of the PRD District, Section 86-378. If this or a revised sketch plan amendment is approved by the Planning Commission and Township Board, the next step in the process is an amendment to the original preliminary plat for compliance with the Land Division Ordinance when further modifications to lot layouts and the road network are possible.

Planning Commission Options

The Planning Commission may approve, conditionally approve or deny the sketch plan. A resolution will be provided for a future meeting.

Attachments

1. Application and supporting materials
2. Township Board resolution dated November 16, 1999
3. PRD #15-97015 Sketch Plan dated April 17, 2015 (proposed)
4. PRD #97015 Sketch Plan approved November 16, 1999

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

REZONING APPLICATION

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

Part I

A. Owner/Applicant SP Investments Limited Partnership
Address of applicant 4425 Dohic Rd Okechos, MI
Telephone: Work (517) 349 0560 Home (517) 349 0560
Fax (517) 349 1370 Email Keith@SchwartzHomes.com

If there are multiple owners, list names and addresses of each and indicate ownership interest. Attach additional sheets if necessary. If the applicant is not the current owner of the subject property, the applicant must provide a copy of a purchase agreement or instrument indicating the owner is aware of and in agreement with the requested action.

B. Applicant's Representative, Architect, Engineer or Planner responsible for request: KEBS, INC
Name / Contact Person JEFF KYES / DANE PASCOE
Address 2116 HASLETT RD, HASLETT, MI 48840
Telephone: Work 339-1014 Home _____
Fax 339-8047 Email dpascoe@kebs.com

C. Site address/location JOLLY RD, OKECHOS, MI 48864
Legal description (Attach additional sheets if necessary) PART OF W 1/2, SEC 35, MERIDIAN TWP - SEC Survey
Parcel number 33-02-02-35-300-011 Site acreage 161.88
300-027, 176-001

D. Current zoning RAAA WITH PRD OVERLAY Requested zoning RAAA WITH PRD OVERLAY

E. The following support materials must be submitted with the application:

1. Nonrefundable fee.
2. Evidence of fee or other ownership of the subject property.
3. A rezoning traffic study prepared by a qualified traffic engineer based on the most current edition of the handbook entitled *Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities*, published by the State Department of Transportation, is required for the following requests:
 - a. Rezoning when the proposed district would permit uses that could generate more than 100 additional directional trips during the peak hour than the principal uses permitted under the current zoning.
 - b. Rezoning having direct access to a principal or minor arterial street, unless the uses in the proposed zoning district would generate fewer peak hour trips than uses in the existing zoning district.
(Information pertaining to the contents of the rezoning traffic study will be available in the Department of Community Planning and Development.)
4. Other information deemed necessary to evaluate the application as specified by the Director of Community Planning and Development.

Part 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

Keith L. Schroeder Partner of
Signature of Applicant SP Investments LP.

4-22-15
Date

Keith L. Schroeder
Type/Print Name

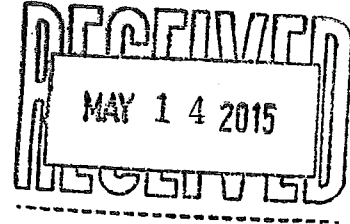
Fee: \$500-

Received by/Date: Airil Ometsh 4/22/15

EMBER OAKS COMPANY
4665 Dobie Road Suite 130
Okemos, MI 48864

May 14, 2015

Meridian Township
Gail Oranchak
5151 Marsh Road
Okemos, MI 48864



Gail,

Per your request the following are reasons for requesting modifications to the Ember Oaks preliminary plat and PRD sketch plan.

At the time we'd planned Ember Oaks - the only land we owned for a second road access to Jolly Road was where the road was on the plan. This location required cutting Jolly Road in order to have legal sight distance.

The party we purchased the land from had a life lease on 5 acres with the home at 1302 Jolly Road and the big barn. Upon her death we got full control of that land. The new plan moves the road to the west and gives the necessary sight distance.


In the process of moving this road, the engineers found a much better way to deal with the pipeline.

In order to gain these two things, the connection to Forsberg Ave. had to change.

There were changes needed from resolution of the storm water flowing through the land owned by Meridian Township between the railroad and the Red Cedar River.

Sincerely,

Ember Oaks Company


Keith L. Schroeder
president

RESOLUTION TO APPROVE

**PRD #97015
SBI Limited Partnership
North of Jolly Road
East of Dobie Road**

RESOLUTION

At a regular meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 16th day of November 1999, at 7:00 p.m., Local Time.

PRESENT: Supervisor McCullough, Clerk Helmbrecht, Treasurer Klunzinger,
Trustees McGillicuddy, Milliman, Squiers

ABSENT: Trustee Such

The following resolution was offered by Trustee McCullough and supported by Clerk Helmbrecht.

WHEREAS, SBI Limited Partnership has requested to apply a Planned Residential Development (PRD) overlay for approximately 230 acres located north of Jolly Road, south of the CSX Railroad, east of the Hiawatha Park and Sierra Vista subdivisions and west of the Ponderosa subdivision with a PRD sketch plan for a 159 lot single family subdivision; and

WHEREAS, the Planning Commission held a public hearing on September 13, 1999 and recommended approval of the PRD with conditions on October 25, 1999; and

WHEREAS, the Planning and Development Committee of the Township Board met on November 9, 1999 and recommended approval of the PRD with conditions; and

WHEREAS, the density for the proposed PRD at 0.69 dwelling units per acre is consistent with the Future Land Use Map designation of Residential at 0.5 to 1.25 dwelling units per acre in the 1993 Comprehensive Development Plan; and

WHEREAS, the proposed PRD complies with the Township requirements for the preservation of open space and limiting impacts on important natural features; and

WHEREAS, the proposed PRD developed at RAAA (Single Family-Low Density) standards provides a transition between the less dense RR (Rural Residential) Ponderosa subdivision to the east and the RAA (Single Family-Low Density) Hiawatha Park and Sierra Vista subdivisions to the west; and

WHEREAS, the proposed PRD is located in an urban reserve area identified in the 1993 Comprehensive Development Plan where utilities would be made available if it would result in higher quality development than would normally be achieved under conventional zoning; and

Resolution to Approve
 PRD #97015
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WHEREAS, public water and sanitary sewer is available and there is sufficient capacity in the systems to serve the site; and

WHEREAS, the lots as shown on the PRD sketch plan meet or exceed the minimum lot area and width requirements for the RAAA (Single Family-Low Density) zoning district.

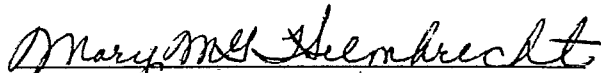
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN the Township Board hereby approves Planned Residential Development #97015 with the following conditions:

1. Approval is granted in accordance with the revised Planned Residential Development sketch plan prepared by KEBS, Inc., dated October 6, 1999 showing 159 single family lots, subject to revision.
2. The Planned Residential Development sketch plan shall indicate road connections to Otsego Drive and Forsberg Drive subject to the approval of the Ingham County Road Commission.

ADOPTED: YEAS: Trustees Milliman, Squiers, Supervisor McCullough, Clerk
Helmbrecht, Treasurer Klunzinger
 NAYS: Trustee McGillicuddy

STATE OF MICHIGAN)
) ss
 COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Clerk 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 Township Board on the 16th day of November, 1999.


 Mary M.G. Helmbrecht
 Township Clerk