GENOA CHARTER TOWNSHIP Regular Meeting January 4, 2007 6:30 p.m. AGENDA

Call to Order

Pledge of Allegiance

Call to the Public

Approval of Consent Agenda:

- 1. Payment of Bills
- 2. Approval of Minutes: December 18, 2006
- 3. Request for approval to enter into agreements to collect 2007 summer school property taxes with Hartland Consolidated Schools and Brighton Area Schools as submitted by Township Treasurer.
- 4. Request for approval of Holiday Schedule for 2007 as submitted by Township Clerk.
- 5. Request for approval of agreement between Genoa Charter Township and Livingston Amateur Radio Klub to affix an antennae to the Genoa/Cleary Water tower as reviewed and approved by the Township Attorney and Township Engineer.

Approval of Regular Agenda:

- 6. Request for approval of rezoning application and impact assessment to rezone 60.16 acres located north of Crooked Lake Road between Springhill Drive and Fishbeck Road from Country Estates (CE) to Rural Residential (RR). The rezoning consists of the following 20 parcels: 11-16-400-006, 008, 010, 014, 015, 018, 019, 020, 022, 023, 024, 025, 026, 030, 031, 032, 033, 034, 038, and 039. The request is petitioned by David and Elizabeth Bonten, Cheryl Reed and Genoa Charter Township and was discussed by the Planning Commission on 11-13-06. (06-22)
- 7. Request for approval of rezoning application and impact assessment to rezone 126.92 acres centered on Westgate Drive, south of Beck Road and extending west along Chilson Road from Country Estates (CE) to Rural Residential (RR). The rezoning consists of the following 29 parcels: 11-07-400-001, 002, 003, 004, 005, 010, 011, 024, 025, 026; 11-08-300-001, 006, 009, 023, 025, 026, 027, 028, 029, 030, 031, 032, 033, 037, 038, 039, 040, 041 and 042. The request is petitioned by Leonard Wilks and Genoa Charter Township and was discussed by the Planning Commission on 11-13-06. (06-23)

Correspondence Member Discussion Adjournment

CHECK REGISTERS FOR TOWNSHIP BOARD MEETING

DATE: January 4, 2007

TOWNSHIP GENERAL EXPENSES: Thru January 4, 2007	\$25,144.13
	\$5,351.30
December 22, 2006-Quarterly Payroll	\$35,093.86
December 29, 2006-Bi-Weekly Payroll	\$14,171,26
January 2, 2007-Monthly Payroll	7 /
OPERATING EXPENSES: Thru January 4, 2007	\$32,591.58

TOTAL:

\$ 112,352.13

Township of Genoa User: Angie

Accounts Payable Checks by Date - Summary by Check Number

Printed: 12/27/2006 16:21

Summary

Check Number Vendor No Vendor Name Check Date 22479 LOWES Lowe's 12/15/0206 22480 Administ Total Administrative Services 12/29/2006 22481 Equitabl Equivest Unit Annuity Lock Box 12/29/2006 22482 SOM-TRE State Of Mich- Dept Of Treasur 12/20/2006 22483 AMER IMA American Imaging, Inc. 12/20/2006 22484 AMER PLA American Planning Association 12/20/2006 22485 ATT&IL AT&T 12/20/2006 22486 AWWA AWWA Customer 12/20/2006 22487 DTE LAKE DTE Energy 12/20/2006 22488 Dyk Dykema Gossett, PLLC 12/20/2006 22489 HowellOp Howell Schools 12/20/2006 22490 MASTER M Master Media Supply 12/20/2006 22491 MISECTIO Michigan Section, AWWA 12/20/2006 22492 MPA Lawrence R. Heslip 12/20/2006 22493 SHELL Sh	94.40 307.69 661.00 3,765.12 104.00 339.00 626.05 47.50 207.54 103.50 40.30
22485 ATT& IL AT&T 22486 AWWA AWWA Customer 12/20/2006 22487 DTE LAKE DTE Energy 12/20/2006 22488 Dyk Dykema Gossett, PLLC 12/20/2006 22489 HowellOp Howell Schools 12/20/2006 22490 MASTER M Master Media Supply 12/20/2006 22491 MISECTIO Michigan Section, AWWA 12/20/2006 22492 MPA Lawrence R. Heslip 12/20/2006 22493 SHELL Shell 12/20/2006 22494 USA BLUE USA Bluebook 12/20/2006 22495 VERIZONW Verizon Wireless 01/02/2007 22496 Administ Total Administrative Services 01/02/2007 22497 Equitabl Equivest Unit Annuity Lock Box 12/28/2006 22498 ARCHINAL Michael Archinal 12/28/2006 22498 ARCHINAL Michael Archinal 12/28/2006 22499 AT&TLONG AT&T Long Distance 12/28/2006	47.50 207.54 103.50 40.30
22500 ETNA SUP Etna Supply Company 12/28/2006 22501 FED EXPR Federal Express Corp 12/28/2006 22502 GMACPAY GMAC Payment Processing Center 12/28/2006 22503 LIVGIS Livingston County GIS Mgt Dept 12/28/2006 22504 MASTER M Master Media Supply 12/28/2006 22505 Net serv Network Services Group, L.L.C. 12/28/2006 22506 VERIZONW Verizon Wireless Report Total:	181.74 120.00 534.00 198.76 24.34 116.78 100.00 70.00 561.85 36.37 13,860.00 21.04 363.20 500.00 245.25 1,538.00 376.70

First National Direct Deposit Quarterly Payroll December 22, 2006

Employee Name	Credit Amount	<u>Debit Amount</u>
Adam Van Tassell	\$369.30	
Barb Figurski	\$795.83	
Curt Brown	\$286.28	
Dean Tengel	\$143.14	
Don Pobuda	\$433.56	
Doug Brown	\$443.28	
Genoa Township		
H.J. Mortensen	\$497.13	
Joseph Perri	\$429.43	
Kevin Brady	\$286.28	
Steve Morgan	\$137.09	
Steve Wildman	\$274.19	
Total Deposit	\$4,095.51	

Township of Genoa User: Angie

Payroll Computer Check Register Printed: 12/13/06 11:24 618-12-2006 Batch:

<u>Amount</u> 111.29 111.29

Check No 11829

Check Date 12/22/2006

Employee Information

Teresa Olson Olson Teri

Total for Payroll Check Run: Total Number of Employees: 1

Accounts Payable Computer Check Register

SPRINGBROOK
SOFTWARE

User: Angie

Printed: 12/13/2006 - 11:37 Bank Account: 101CH

ank Account: 101CH			Date	Invoice No	Amount
heck	Vendor No	Vendor Name	<i></i>		· · · · · · · · · · · · · · · · · · ·
237	EFT-FED	EFT- Federal Payroll Tax	12/22/2006		349.52 314.03
					314.03 73.46 73.46
		Check	(9237 Total:		1,124.50
2449	Equitabl	Equivest Unit Annuity Lock	Box 12/22/2006	-	20.00
		Chec	k 22449 Total:	_	20.00
238	FIRST NA	First National Bank	12/22/2006	_	4,095.5
		Chec	ck 9238 Total:		4,095.5
		Rep	oort Total: T. alse	3N	5,240.0 + ///·· \$ 5,35/.

First National Direct Deposit December 29, 2006 Bi-Weekly Payroll

Employee Name	Debit Amount	Credit Amount
Adam Van Tassell		\$1,044.68
Amy Ruthig		\$1,000.71
Angela Williams		\$434.79
Barb Kries		\$926.17
Beverly Wilson		\$1,174.13
Carol Hanus		\$1,091.80
Dave Estrada		\$1,628.36
Deborah Rojewski		\$2,069.17
Donald Poduda		\$0.00
Genoa Township	\$21,493.88	
Greg Tatara		\$2,051.25
H.J. Mortensen		\$0.00
Judith Smith		\$1,007.45
Karen J. Saari		\$829.80
Kelly VanMarter		\$1,490.43
Laura Mroczka		\$1,176.03
Mary Krencicki		\$701.42
Michael Archinal		\$2,165.62
Renee Gray		\$852.86
Robin Hunt		\$1,187.59
Tammy Lindberg		\$661.62
-		\$21,493.88
Total Deposit		9 <u>4</u> 1/199.00

Accounts Payable Computer Check Register



User: Angie

Printed: 12/19/2006 - 11:31 Bank Account: 101CH

Bank Account: 101CH					4 - - - -
Check	Vendor No	Vendor Name	Date	Invoice No	Amount
22480	Administ	Total Administrative Services	12/29/2006		307.69
		Check 224	80 Total:		307.69
9239	AETNA LI	Aetna Life Insurance & Annuity	12/29/2006		125.00
		Check 923	9 Total:		125.00
9240	EFT-FED	EFT- Federal Payroll Tax	12/29/2006		3,807.51 1,849.30 1,849.30 432.50 432.50
		Check 92	40 Total:	_	8,371.11
9241	EFT-PENS	EFT- Payroll Pens Ln Pyts	12/29/2006	-	370.06
		Check 92	41 Total:		370.06
22481	Equitabl	Equivest Unit Annuity Lock Box	12/29/2006	•	661.00
		Check 22	2481 Total:		661.00
9242	FIRST NA	First National Bank	12/29/2006		2,025.43 19,468.43

		Check 9242	Total:		21,493.88
22482	SOM-TRE	State Of Mich- Dept Of Treasur	12/29/2006	12/29/2006	3,765.12
		Check 224	32 Total:		3,765.12
		Report Tot	al:		35,093.86

2

First National Direct Deposit January 2, 2007 Monthly Payroll

Employee Name	Debit Amount	<u>Credit Amount</u>
Genoa Township	\$6,351.70	
Adam Van Tassel		\$437.02
Gary McCririe		\$2,179.14
H.J. Mortensen		\$332.46
Jean Ledford		\$465.10
Paulette Skolarus		\$2,612.54
Steve Wildman		\$159.21
Todd Smith		\$166.23
Total Deposit		\$6,351.70

First National
Direct Deposit
January 2, 2007
Bi-Weekly
(Yearly Vacation Pay)
Part-Time Employees

Employee Name	<u>Debit Amount</u>	<u>Credit Amount</u>
Mary Krencicki Tammy Lindberg Angie Williams		\$1,661.66 \$1,230.77 \$407.91
Genoa Township		\$3,300.34
Total Deposit		\$3,300.34

Accounts Payable Computer Check Register



User: Angie

Printed: 12/27/2006 - 09:56 Bank Account: 101CH

Bank Account: 101CH				V	Amount
Check	Vendor No	Vendor Name	Date	Invoice No	Amount
22496	Administ	Total Administrative Services	01/02/2007		100.00
		Check 22	2496 Total:		100.00
9244	EFT-FED	EFT- Federal Payroll Tax	01/02/2007		2,175.54 839.59 839.59 196.36 196.36
		Check 9	244 Total:	_	4,247.44
9245	EFT-PENS	EFT- Payroll Pens Ln Pyts	01/02/2007	-	101.78
		Check 9	9245 Total:	-	101.78
22497	Equitabl	Equivest Unit Annuity Lock B	ox 01/02/2007	-	70.00
		Check	22497 Total:		70.00
9246	FIRST NA	First National Bank	01/02/2007		775.00 8,877.04
		Check	9246 Total:		9,652.04
		Repor	t Total:		14,171.26

Township of Genoa User: Angie

6239

Waste M

Accounts Payable Checks by Date - Summary by Check Number Printed: 12/27/2006 16:23 Summary

Check Amount Check Date Check Number Vendor No Vendor Name 12/20/2006 432.82 AT&T 6222 ATT& IL 209.00 12/20/2006 Brighton Analytical, L.L.C. 6223 Brighton 150.47 12/20/2006 6224 CLEARWA Clearwater Systems 75.00 12/20/2006 CRAMPTONCrampton Electric Co., Inc. 6225 320.00 12/20/2006 Lawrence R. Heslip 6226 MPA 499.69 12/20/2006 OP WT NU Oak Pointe Water New User Fund 6227 749.80 12/20/2006 PVS Nolw PVS Nolwood Chemicals, Inc. 6228 681.97 12/20/2006 6229 StatMi State of Michigan 824.00 12/20/2006 UIS Programmable Services 6230 UIS Prog 138.90 12/20/2006 6231 USA BLUE USA Bluebook 12/20/2006 292.50 VELOCITY Christopher R. Leland 6232 10,000.00 12/20/2006 Genoa Twp-Pine Creek Operating GenTwPC 6233 66.22 12/28/2006 ATT& IL AT&T 6234 16,663.53 12/28/2006 GEN ADM Genoa Twp-administrative Fees 6235 12/28/2006 325.16 6236 GRAIN Grainger 267.00 12/28/2006 HOWELLR Howell Rental 6237 12/28/2006 790.42 State of Michigan StatMi 6238 105.10 12/28/2006 Waste Management of Michigan

> Report Total: 32,591.58

Genoa Charter Township Board

Regular Meeting December 18, 2006 6:30 p.m.

MINUTES

Supervisor McCririe called the regular meeting of the Genoa Charter Township Board to order at 6:30 p.m. The Pledge of Allegiance was then said. The following persons were present constituting a quorum for the transaction of business: Gary McCririe, Paulette Skolarus, Robin Hunt, Jean Ledford and Jim Mortensen. Also present were Township Manager Michael Archinal and three persons in the audience.

A Call to the Public was made with no response.

Approval of Consent Agenda:

Moved by Ledford, supported by Skolarus, to approve all items listed under the consent agenda with the addition of a Jan. 4, 2007 public hearing date for the two rezoning applications. The motion carried unanimously.

- 1. Payment of Bills
- 2. Approval of Minutes: December 4, 2006
- 3. Set hearing date (01/04/07) for request of approval of rezoning application and impact assessment to rezone 60.16 acres located north of Crooked Lake Road between Springhill Drive and Fishbeck Road. The rezoning consists of the following 20 parcels: 11-16-400-006, 008, 010, 014, 015, 018, 019, 020, 022, 023, 024, 025, 026, 030, 031, 032, 033, 034, 038 and 039. The request is to rezone from Country Estates (CE) to Rural Residential (RR) and is petitioned by David and Elizabeth Bonten, Cheryl Reed and Genoa Charter Township, as discussed by the Planning Commission on 11-13-06
- 4. Set hearing date (01/04/07) for request of approval of rezoning application and impact assessment to rezone 126.92 acres centered on Westgate Drive, south of Beck Road and extending west along Chilson Road. The rezoning consists of the following 29 parcels: 11-07-400-001, 002, 003, 004, 005, 010, 011, 024, 025, 026; 11-08-300-001, 006, 009, 023, 025, 026, 027, 028, 029, 030, 031, 032, 033, 037, 038, 039, 040, 041 and 042. The request is to rezone from Country Estates (CE) to Rural Residential (RR) and is petitioned by Leonard Wilks and Genoa Charter Township, as discussed by the Planning Commission on 11-13-06.
- 5. Request approval to remove the refuse charge of \$90.00 and administration fee of .90 from the 2006 Winter Tax Bill, Parcel ID #4711-21-401-017, vacant property as submitted by Treasurer Hunt.

- 6. Request for approval of Poverty Guidelines for the 2007 Board of Review as submitted by Township Assessor Debra Rojewski.
- 7. Request for approval of a Pilot Ordinance for the property located at 23/25 Maplecrest as submitted by Supervisor McCririe and Township Attorney.

Approval of Regular Agenda:

Moved by Ledford, supported by Mortensen, to approve for action all items listed under the regular agenda. The motion carried unanimously.

8. Request for approval of amendments to the Zoning Ordinance Text affecting the entire Township of Genoa for December 18, 2006 as discussed by the <u>Planning</u> Commission 10-30-06.

Kelly VanMarter addressed the board with an overview of the changes to the township zoning ordinance. Copies of the Minutes of the Planning Commission dated 10/30/06 were provided this evening. Discussion ensued concerning private community wastewater systems and special uses. VanMarter asked that the board approve the ordinance with the exception of sections 13.0402, 13.0403 and 7.0202w.

A call to the public was made with the following response: Steve Morgan (Member of the Genoa Township Planning Commission) — I know that the township had a bad experience with an on-site sewage disposal system. There are in excess of 40 systems presently operating in Livingston County and only two or three have failed. Problems with those that had a poor design have been corrected. In some cases the wrong material were used in the filtration. Your prohibition will only beg a lawsuit and I, as a land developer, would think it unwise to go down that road. McCririe — I believe those systems are an "end run" around the township requirements and our residents will come to this board when their systems ultimately fail. We don't want to force our residents into financial difficulty if it becomes necessary to replace the system. Mr. Morgan will provide data on the current function of existing treatment facilities.

Moved by Skolarus, supported by Hunt, to approve the amendments to the Township Zoning Ordinance with the exception of sections 13.0402, 13.0403 and 7.0202w. The motion carried as follows: Ayes – McCririe, Skolarus, Hunt, Ledford and Mortensen. Navs – None. Absent – Wildman and Smith.

The regular meeting of the Genoa Township Board was adjourned at 6:55 p.m.

Paulette A. Skolarus

Genoa Township Clerk

Paulille a Stolon

(Press/argus 12/27/06)

Genoa Charter Township

Memo

To:

Genoa Township Board

From

Robin L. Hunt, Treasurer

Date:

12/28/2006

Re:

Summer Tax Collection

I have received requests from both Hartland Consolidated Schools and Brighton Area Schools to collect the Operating portion of their school taxes on the 2007 Summer Tax Roll.

I am asking for Township Board approval to enter into an agreement with both districts to collect the tax on their behalf at a charge of \$3.00 per parcel.

The Township previously approved the \$3.00 per parcel fee for the Howell Public School District, and Hartland Consolidated Schools has already agreed on this fee. I will negotiate the same charge with Brighton Area Schools.



December 22, 2006

Ms. Robin Hunt, Treasurer Genoa Township 2911 Dorr Road Brighton, Michigan 48116

Dear Ms. Hunt:

Enclosed is a copy of a resolution of the Board of Education of Brighton Area Schools, Livingston County, Michigan, whereby the Board, pursuant to statute, has determined to impose a summer property tax levy in 2007 of all annual school district operating property taxes.

The Board of Education requests that the Charter Township of Genoa collect the district's summer school operating property taxes. If the Township agrees to do so, please contact Glenna MacDonald at (810) 299-4032, for the purpose of negotiating an agreement for the reasonable expenses for the collection of the district's summer tax levy. If the Township will not agree to collect the district's summer tax levy, please notify the board of Education so other arrangements may be made.

If an agreement cannot be reached within 30 days, the district may agree to have its summer tax levy collected by the county treasurer or may collect the taxes itself.

Sincerely,

Joyce Powers

Secretary, Board of Education

HARTLAND CONSOLIDATED SCHOOLS

Scott Bacon, Assistant Superintendent for Business and Operations

9525 E. Highland Road Howell, Michigan 48843



Telephone (810) 746-2120 Fax (810) 746-2121

December 11, 2006

Robin Hunt, Treasurer Township of Genoa 2911 Dorr Road Brighton, MI 48116

Dear Ms. Hunt,

As we did in 2006, Hartland Consolidated Schools has determined to impose a summer property tax levy in 2007 of 100% of annual school district **non-homestead property taxes only.** Our debt retirement will continue to be collected in December. Enclosed is a copy of a resolution of the Board of Education of Hartland Consolidated Schools, Livingston County, Michigan.

The Board of Education requests that the Township of Genoa collect the district's summer school non-homestead property taxes. I am assuming the cost will be \$3.00 per parcel, as it was this past summer.

Please confirm your willingness to collect in the summer and your acceptance of the proposed fee. I can be reached at (810) 746-2120 if you have any questions.

Sincerely,

Scott Bacon

Assistant Superintendent for Business and Operations

enc.

To: Genoa Township Staff

From: Polly Skolarus

For your records the following holidays are scheduled for 2007:

New Years Day
Martin Luther King Day
Memorial Day
Good Friday
Independence Day
January 1, 2007
May 28, 2007
April 6, 2007
July 4, 2007

Labor Day September 3, 2007 Columbus/Stornant Day October 8, 2007 Thanksgiving Day November 22, 2007

Friday following Thanksgiving

November 23, 2007

November 23, 2007

Christmas Eve December 24
Christmas Day December 25
New Years Eve December 31









Livingston Amateur Radio Klub

P.O. Box 1019, Brighton, Michigan 48116-2619

December 7, 2006

Gary McCririe Township Supervisor Genoa Township 2911 Dorr Road Brighton, Michigan 48116

Dear Gary;

Pursuant to our phone conversation today, this will outline the Amateur Radio Emergency Service and Livingston Amateur Radio Klub (LARK), it's mission, the requested facility space and how it will serve the Emergency Communications mission for Livingston County and Genoa Township.

We are the communication back-up for the county emergency services. We accomplish this through our affiliation with the Livingston County Amateur Radio Public Service Corporation (LCARPSC) http://www.qsl.net/n8eoc/ . LCARPSC coordinates the operations of the Amateur Radio Emergency Service (ARES) http://www.arrl.org/FandES/field/pscm/sec1-ch1.html, the National Traffic System (NTS) http://www.arrl.org/FandES/field/pscm/sec2-ch1.html, the Radio Amateur Civil Emergency Service (RACES) http://www.races.net/ and the National Weather Service's SKYWARN weather spotter program http://www.skywarn.org . Each of these programs fulfill different emergency needs for the county's emergency service community. These needs include providing communications back-up for Police, Fire, HAZMAT, EMS and all levels of the medical service community. The SKYWARN spotters are dispatched to serve as the eyes and ears on the ground to assist the National Weather Service with the additional information they need to issue timely warnings to the public. These activities are supervised by Dick Winsett, County Emergency Manager and Bruce Pollack, County Emergency Coordinator, at the Emergency Operations Center (911 center). Bruce may be reached at 517-546-4620.

The LARK is a composite of 125 plus FCC Licensed Amateur Radio Operators from a broad spectrum of backgrounds and experience. We have corporate executives, electronic and electrical engineers, utility workers, doctors, lawyers, real estate agents, factory workers and small business owners, to name only a few. The things they all have in common are technical curiosity, a desire for social activity and a strong desire to serve the community. LARK is affiliated with the American Radio Relay League http://www.arrl.org/aarrl.html.

Our mission is to serve the community through Emergency Communications Support and Communications for Public Events, to foster the ongoing increase in technical expertise in the field of communications and to nurture young people to lead them into technology fields for future employment. The LARK Repeater is a radio repeater operated on 146.680 Mhz, located Southwest of Howell. The repeater is used to provide the primary emergency back-up for the county.

The LARK provides this facility at no cost to the county. The repeater is funded by LARK club dues and donations from individuals and businesses in the county.

For the last two years we have been involved in fund raising activities to purchase seven remote repeater receivers to give us more complete coverage of our repeater capabilities. Our goal was to raise \$6800 to purchase all the radios, antennas, cable and hardware. With the Labor Day OPERATION CARE fundraising event, providing food and drinks to weekend travelers at the I-96 Westbound Rest Area, we exceeded that goal. We have now purchased all the necessary equipment and are implementing the installations.

We have acquired a water tower sites at Green Oak Village Place and TRW at Center Rd and US-23. Water towers have the obvious advantage of additional height and stability. We are continuing to seek sights to cover the other areas of the county.

Our request for the Genoa site, behind the Speedway station on Grand River, is an antenna and equipment location on your water tower at no monthly charge. We have done studies that indicate your location would give us excellent coverage for the center of the county including Genoa Township, the Grand River shopping area, Howell and much of the M-59 corridor. This site would enable us to have coverage using low wattage handheld units that are used by many of the emergency service personnel.

The installation would involve mounting a 5' antenna on the safety railing on top of the tower. The antenna is a vertical single element that occupies less than 2' laterally. We run High Quality coaxial cable to the equipment location. The radio pack is housed in a protective box and occupies less than 3'x3'x3'. We require one standard 110v duplex for power. The entire unit will draw about 3 watts of power at a very low duty cycle. We have two members who have extensive commercial and rescue climbing experience which includes climbing large structures, commercial and private towers. They have all the required safety equipment, the knowledge to handle nearly any situation and are bonded and insured. One works for a large government contracting firm and the other for a large telecommunications firm. The Klub maintains an insurance liability policy that would be modified to cover this site and protect the Township against any related liability.

We currently have all the equipment ready for installation on your site and would like to proceed with the installation as soon as possible. Our goal is to have all the sites operational in the next four months. Your site is critical due to the increased residential and commercial activity in your area. We need to have seamless emergency support capability to assure our ability to handle any situation in your area.

Providing this location would be a significant benefit to the community and we would certainly see that you are recognized in all our local media as well as the Amateur Radio community.

You may contact me 24/7 on my cell phone, 810-923-3600, if you have questions.

I thank you in advance for your consideration.

Dick Renaud

Dick Renaud, W8KDR
Vice President and Facilities Acquisition Coordinator
Livingston Amateur Radio Klub

From: "Markstrom, Gary J. - Tetra Tech" < Gary.Markstrom@tetratech.com>

To: "Gary" < Gary@genoa.org>

CC: "Greg Tatara" < Greg@genoa.org>

Subject: FW: MHOG Genoa Tank

Date: Thursday, December 14, 2006 9:22:32 AM

Gary,

We reviewed the request from the amateur radio "klub" and given the tech data they supplied, there should not be any type of interference between the klub's equipment and the SCADA system. We recommend that any agreement be structure to include a statement that if the equipment does create an issue with the SCADA system for some reason not currently defined then they will cease transmissions and remove the equipment at their costs.

If you need additional information please call.

Gary J. Markstrom, P.E. Unit Vice President

Tetra Tech Inc.
123 Brighton Lake Road Suite 203
Brighton, MI 48116
810.225.8419
810.220.0094 fax
810.499.6646 mobile

From: Jones, Mick S. -- Tetra Tech

Sent: Thursday, December 14, 2006 8:52 AM

To: Markstrom, Gary J. -- Tetra Tech **Subject:** RE: MHOG Genoa Tank

OK, I talked with Dick Renaud and he indicated their using 146.468 MHz and ~440 MHz frequencies at a power less then 50 watts. I don't think we will have any interference between this system and the SCADA system. I think the Township should write some type of contract stating the proposed amateur radio system shall not interfere with existing SCADA system.

----Original Message-----

From: Markstrom, Gary J. -- Tetra Tech Sent: Monday, December 11, 2006 4:12 PM

To: Jones, Mick S. -- Tetra Tech

Subject: MHOG Genoa Tank

Mick,

Attached is a request from an amateur radio club to locate an antennae on the

Cleary college tank in Genoa Township. In the past we have discouraged this type of use with the reasoning that there may be interference with our SCADA radios. How do you think we should respond to this newest request?

Gary J. Markstrom, P.E.
Unit Vice President
Tetra Tech Inc.
123 Brighton Lake Road Suite 203
Brighton, MI 48116
810.225.8419
810.220.0094 fax
810.499.6646 mobile

AGREEMENT

This Agreement is made by and between the Charter Township of Genoa, with offices located at 2911 Dorr Road, Brighton, Michigan 48116, hereinafter called "Genoa Township" and the Livingston Amateur Radio Klub, Inc., a Michigan Non-Profit Corporation with a mailing address of PO Box 1019, Brighton, Michigan 48116-2619, hereinafter called "Klub".

RECITALS

WHEREAS, Klub has offered to assist in the Emergency Communications mission in Livingston County, Genoa Township, Michigan, and

WHEREAS, Klub is communications back-up for county emergency services, and

WHEREAS, Klub is a Michigan Non-Profit Corporation, and

WHEREAS, Klub is seeking permission to use a site on the Genoa Township water tower located behind the Speedway station on Grand River Avenue, and

WHEREAS, Genoa Township agrees that the purpose for use of the water tower is for the benefit of the general public and citizens of the Charter Township of Genoa.

NOW THEREFORE, in consideration of the mutual benefits derived by the parties for use of the water tower site IT IS AGREED as follows:

- 1. Klub may use the water tower for installation of a five moot antenna on the safety railing on top of the tower. The antenna is limited to a vertical single element that occupies less than two feet laterally. The radio pack is housed in a protective box that occupies an area of 3'x3'x3'. Klub may also use the existing electrical service.
- 2. Klub shall install the equipment using experienced installers.
- 3. Klub agrees to hold and save harmless Genoa Township from any claims for loss or damages arising out of the installation, operation and removal of the equipment.
- 4. Klub agrees to name Genoa Township as additional party insured on the insurance liability policy now in force and effect and to continue the policy so long as Klub is using the water tower as a site for an antenna.

- 5. The authorization to use the tower as a site for an antenna can be terminated by Genoa Township on seven days written notice.
- 6. Klub may not assign its right under this contract without the express permission of Genoa Township.
- 7. Only FCC licensed operators may use the antenna and the users must follow FCC rules and regulations.
- A. Facsimile Signatures: The parties acknowledge and agree that facsimile signatures and initials are legally enforceable and binding.
- B. Entire Agreement: The parties agree that this Agreement and the referenced Addenda contain the entire agreement between Seller and Purchaser and there are no agreements, representations, statements or understandings which have been relied upon by the parties which are not stated in this Agreement.
- C. Amendment: The parties agree that this Agreement may not be altered, amended, modified or otherwise changed except by a duly executed written agreement between the parties.
- D. Governing Law: This Agreement shall be governed by and construed according to the law of the State of Michigan.

By:
Gary T. McCririe
Its Supervisor
Dated: December, 2006

LIVINGSTON AMATEUR RADIO KLUB, INC.
By;
Dick Renaud
By: Dick Renaud Its Vice President

CHARTER TOWNSHIP OF GENOA

Genoa Township

Memo

To:

Genoa Township Board

From:

Kelly VanMarter, Planning Director

CC:

Michael Archinal, Manager

Date:

12/29/2006

Re:

January 4, 2007 Board Agenda Item #6 - Crooked Lake Rezoning

Agenda Item: Request for approval of rezoning application and impact assessment to rezone 60.16 acres located north of Crooked Lake Road between Springhill Drive and Fishbeck Road from Country Estates (CE) to Rural Residential (RR). The rezoning consists of the following 20 parcels: 11-16-400-006, 008, 010, 014, 015, 018, 019, 020, 022, 023, 024, 025, 026, 030, 031, 032, 033, 034, 038, and 039. The request is petitioned by David and Elizabeth Bonten, Cheryl Reed and Genoa Charter Township and was discussed by the Planning Commission on 11-13-06.

Planning Commission Action:

Recommendation for denial of both rezoning and impact assessment. Both motions carried 5-1 (Tengel – yes; Brown – yes; Mortensen – no; Figurski – yes; Pobuda – yes; Olson – yes).

Livingston County Planning Commission Action:

Recommendation for approval (5-0).

Recommendation for Township Board Action:

Staff recommends approval of the proposed rezoning. The Planning Commission provided no rational to justify their recommendation for denial. The proposed rezoning meets the criteria for amendment to the official zoning map as established is Section 22.04 of the Township Zoning Ordinance. A review of these criteria is provided in the Application for Rezoning and Impact Assessment prepared by LSL Planning, Inc. dated October 26, 2006. Failure to approve the requested rezoning could weaken the validity of the newly adopted Township Master Plan. If the Board chooses to deny the proposed rezoning, staff recommends including justification supporting the denial motion and also suggests the Board consider modification to the Master Plan.

Suggested Motion:

Moved by ______, supported by ______, to approve the rezoning of parcels 11-16-400-006, 008, 010, 014, 015, 018, 019, 020, 022, 023, 024, 025, 026, 030, 031, 032, 033, 034, 038, and 039 from Country Estate (CE) to Rural Residential (RR) for the following reasons:

- 1. The rezoning to RR is consistent with the Master Plan.
- 2. Based upon the minimum lot size requirements and allowable uses in the RR district, development permitted under the RR designation would be compatible with the environmental conditions found in the area.
- 3. Of the 20 parcels, the rezoning will decrease the number of non-conforming lots from 16 to 9 and would further reduce the non-conformity of the remaining 9 parcels.
- 4. The potential uses in RR are compatible with the surrounding uses in terms of suitability, environmental impact, density, nature of use, traffic impacts, aesthetics, infrastructure, and influence on property values.
- 5. The rezoning to RR is compatible with the capacity of the Township infrastructure and services.
- 6. The rezoning represents a balance between supporting the demand of current and projected population trends with the availability and capacity of infrastructure.
- 7. The rezoning is reasonable based upon the criteria listed in Section 22.04.01-22.04.06 of the Zoning Ordinance. The RR district is more appropriate than another district or amending the list of permitted or Special Land Uses within a District.
- 8. The rezoning has not been requested within the past year.

Genoa Charter Township Board

Regular Meeting December 18, 2006 6:30 p.m.

MINUTES

Supervisor McCririe called the regular meeting of the Genoa Charter Township Board to order at 6:30 p.m. The Pledge of Allegiance was then said. The following persons were present constituting a quorum for the transaction of business: Gary McCririe, Paulette Skolarus, Robin Hunt, Jean Ledford and Jim Mortensen. Also present were Township Manager Michael Archinal and three persons in the audience.

A Call to the Public was made with no response.

Approval of Consent Agenda:

Moved by Ledford, supported by Skolarus, to approve all items listed under the consent agenda with the addition of a Jan. 4, 2007 public hearing date for the two rezoning applications. The motion carried unanimously.

- 1. Payment of Bills
- 2. Approval of Minutes: December 4, 2006
- 3. Set hearing date (01/04/07) for request of approval of rezoning application and impact assessment to rezone 60.16 acres located north of Crooked Lake Road between Springhill Drive and Fishbeck Road. The rezoning consists of the following 20 parcels: 11-16-400-006, 008, 010, 014, 015, 018, 019, 020, 022, 023, 024, 025, 026, 030, 031, 032, 033, 034, 038 and 039. The request is to rezone from Country Estates (CE) to Rural Residential (RR) and is petitioned by David and Elizabeth Bonten, Cheryl Reed and Genoa Charter Township, as discussed by the Planning Commission on 11-13-06
- 4. Set hearing date (01/04/07) for request of approval of rezoning application and impact assessment to rezone 126.92 acres centered on Westgate Drive, south of Beck Road and extending west along Chilson Road. The rezoning consists of the following 29 parcels: 11-07-400-001, 002, 003, 004, 005, 010, 011, 024, 025, 026; 11-08-300-001, 006, 009, 023, 025, 026, 027, 028, 029, 030, 031, 032, 033, 037, 038, 039, 040, 041 and 042. The request is to rezone from Country Estates (CE) to Rural Residential (RR) and is petitioned by Leonard Wilks and Genoa Charter Township, as discussed by the Planning Commission on 11-13-06.
- 5. Request approval to remove the refuse charge of \$90.00 and administration fee of .90 from the 2006 Winter Tax Bill, Parcel ID #4711-21-401-017, vacant property as submitted by Treasurer Hunt.

a. Z-94-06 Genoa Township, Rezoning, Section 7 & 8, Wilks/Genoa Township

Current Zoning: CE Country Estate
Proposed Zoning: RR Rural Residential

Proponents: Leonard Wilks / Genoa Charter Township

Consonant with Township Master Plan: The 2005 Genoa Township Master Plan designates the majority of these properties as <u>Large Lot Rural Residential</u> at a recommended density of 2 acres per unit. The properties clustered around the Chilson and Beck Road intersection is designated <u>Low Density Residential</u> at a recommended density of 1 acre per unit. Much of the surrounding land area to the south and to the west is designated Agriculture/Country Estate at a recommended density of 5 acres per unit.

Consonant with County Comprehensive Plan: The 2002 Livingston County Comprehensive Plan designates this site and all surrounding land area, as Residential. The Residential Future Land Use designation is characterized by fairly dense residential, commercial, and to some extent industrial development, although less dense and intense than uses found in the cities and villages. Residential areas are not without their rural character and scenic vistas. However, few agricultural lands in Residential areas are expected to exist twenty years from now. New residential developments in these areas should be compact and make the best use of sewer and water if it is available.

Township Planning Commission Recommendation: Disapproval (split vote 3-3). Public comments were in regards to road conditions, traffic, wildlife, future growth, and the proposed Latson Road interchange.

LCPC Staff Recommendation: Approval. The proposed rezoning is consistent with LDR and RR zoning that is adjacent to the north, and the master plan designation of Large Lot Rural Residential (2 acres). The proposed rezoning would maintain the rural residential character of the area and would bring an additional three parcels (of 4.9 acres) into compliance regarding their required minimum lot size.

Commission Discussion: Commissioner Prokuda asked about the parcels along Chilson Road. Assistant Director Kline-Hudson stated that some of the parcels along Chilson are not being rezoned and pointed the parcel out on the map.

Public Comment: None.

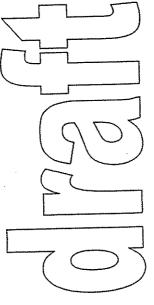
Commission Action: It was moved by Commissioner Clum to recommend **Approval**, seconded by Commissioner Kennedy-Carrasco. Motion carried 5-0.

b. Z-95-06 Genoa Township, Rezoning, Section 16, Boten/Reed/Genoa Township

Current Zoning: CE Country Estate Proposed Zoning: RR Rural Residential

Proponents: David and Elizabeth Bonten, Cheryl Reed and Genoa Charter Township

Consonant with Township Master Plan: The 2005 Genoa Township Master Plan designates all of the properties as <u>Large Lot Rural Residential</u> at a recommended



ZONING REVIEW

LOCATION: Genoa Charter Township CASE NO. Z-95-06

SECTION NO: Section 16

SIZE: 60.16 acres

APPLICANT/OWNER:

David and Elizabeth Bonten, Cheryl Reed and Genoa Charter Township

CURRENT ZONING CE Country Estate

REQUESTED RR Rural Residential

CURRENT ZONING

CE Country Estate

PERMITTED/SPECIAL USES

Permitted: Single family detached dwellings; accessory home occupations; accessory uses, buildings and structures customarily incidental to any permitted use; keeping of pets; farms; tree and sod farms, greenhouses, nurseries, and similar horticultural enterprises; storing, packaging and processing of farm produce; accessory keeping of equine and livestock; adult foster care family homes; foster family homes and family day care homes; essential public services; publicly owned parks, parkways, scenic and recreational areas and other public open space; and private non-commercial parks.

Special: Bed and breakfast inns; accessory roadside stands and commercial cider mills selling produce not grown on the premises; commercial kennels; commercial stables; adult foster care small group home; group day care home; places of worship; elementary schools; essential public service/utility buildings; underground pipeline storage; and golf courses without driving ranges.



MINIMUM LOT AREA - 5 Acres

REQUESTED ZONING

RR Rural Residential

PERMITTED/SPECIAL USES

Permitted: Single family detached dwellings; accessory home occupations; accessory uses, buildings and structures customarily incidental to any permitted use; keeping of pets; accessory keeping of equine and livestock; adult foster care family homes; foster family homes and family day care homes; essential public services; publicly owned parks, parkways, scenic and recreational areas and other public open space; and private non-commercial parks.

Special: Bed and breakfast inns; adult foster care small group home; group day care home; places of worship; elementary schools; essential public service/utility buildings; public buildings and uses such as fire stations and libraries; and golf courses without driving ranges.

CURRENT LAND USE



MINIMUM LOT AREA - 2 Acres

ESSENTIAL FACILITIES

SANITARY SEWER

On-site septic

WATER SUPPLY

Domestic well

ACCESS ROAD

Crooked Lake Road - Local Hard Top (east) and Primary Gravel (west)

SURROUN	DING ZONING
Zoning Designation	Minimum Lot Size
AG Agricultural	40 Acres farm/10 non-farm
CE Country Estate	5 Acres
RR Rural Residential	2 Acres
SR Suburban Res.	1 Acre w/out public sewer
PRF Public and Recreational Facilities	Varies with use

TOWNSHIP PLANNING COMMISSION RECOMMENDATION AND PUBLIC COMMENTS: Disapproval; public comments were in regards to the subdividing of lots, utilities, traffic, private roads, shared driveways and wildlife.

CASE NO: Z-95-06 DATE: December 1, 2006 ANALYSIS BY: Kathleen Kline-Hudson

EXISTING CONDITIONS: The twenty properties identified for rezoning are located north of Crooked Lake Road primarily between Springhill Drive and Fishbeck Road in Section 16 of Genoa Charter Township.

Natural Areas: Two properties located on the west side of Springhill Drive contain a very small portion of a Priority III

High-Quality Natural Area identified in the Livingston County Department of Planning's publication

Livingston County's High-Quality Natural Areas.

Residential home sites and vacant land. Land Use:

The site consists almost entirely of well-drained Miami Loam soils on nearly level to gently rolling slopes. Soils:

Exceptions include an area of poorly drained Conover Loam and an area of poorly drained Brookston Loam. These two soil types lie side by side on six of the eastern most properties nearest to Fishbeck

Road.

The National Wetland Inventory maps indicate that there are no regulated wetlands located on these Wetlands:

properties, however, a pond is present on one property.

Vegetation on these properties is primarily in the form of residential landscaping. Woodlands are present Vegetation:

near the northern boundary and the midsection of the total acreage.

CURRENT PLANNING AND ZONING: Nineteen of the twenty properties involved in this rezoning request contain a single family residence on-site (See Photos #1 and 2). Only one property is currently vacant. All twenty properties are currently zoned CE Country Estate (5 acre minimum) and the petitioners are requesting this rezoning to RR Rural Residential (2 acre minimum) in order to permit future land splits of their properties.

Immediately to the north of the site are additional parcels located along Springhill Drive that are zoned CE County Estate (5 acre minimum) and large parcels(consisting of over 200 acres) zoned AG Agricultural (10 acre minimum) that are being farmed. 161 acrés of land zoned PRF Public and Recreational Facilities is adjacent to the west of the designated parcels. This land area is owed by Howell Public Schools and Three Fires Middle School is located on the site (See Photo #4). East of the properties are rural residences located within a large CE Country Estates zoning district, while farther east a subdivision called Genoa Estates in located in a SR Suburban Residential District (1 acre minimum without sewer and water). To the south of the site is a mixture of zoning districts, the largest of which is a RPUD Residential Planned Unit Development called North Shore (See Photo #3). Also present in this area is CE, RR and SR zoning districts containing rural residences.

Township Master Plan: The 2005 Genoa Township Master Plan designates all of the properties as Large Lot Rural Residential at a recommended density of 2 acres per unit. This future land use category is also recommended for land area adjacent to the east. South of Crooked Lake Road the future land use map recommends residential land uses with densities of 1 acre per unit or 2 to 3 units per acre. Surrounding land area to the west and north is designated Agriculture/Country Estate at a recommended density of 5 acres per unit.

	Existing Land Use	Zoning	Township Master Plan
Subject Site	Primarily single family residences with some vacant land	CE Country Estate	Large Lot Rural Residential
North	Rural residential and agriculture	CE Country Estate and AG Agricultural	Agricultural Country Estate
South	Primarily North Shore residential development	Primarily RPUD Residential Planned Unit Development	Small Lot Single Family Residential and Low Density Residential
East West	Rural residential Three Fires Middle School	CE Country Estate PFR Public and Recreational Facilities	Large Lot Rural Residential Agriculture/Country Estate and Public/Quasi Public

County Comprehensive Plan: The 2002 Livingston County Comprehensive Plan designates this site and all surrounding land area, as Residential. The Residential Future Land Use designation can characterized by fairly dense residential, commercial, and to some extent industrial development, although less dense and intense than uses found in the cities and villages. Residential areas are not without their rural character and scenic vistas. However, few agricultural ANALYSIS BY: Kathleen Kline-Hudson

DATE: December 1, 2006

CASE NO: Z-95-06

lands in Residential areas are expected to exist twenty years from now. New residential developments in these areas should be compact and make the best use of sewer and water if it is available.

COUNTY PLANNING STAFF COMMENTS:

This rezoning to RR was originally requested by two adjacent property owners with a combined acreage of 15.07 acres on the north side of Crooked Lake Road. In their review of this rezoning petition, the Genoa Township planning consultant stated that the request will result in a spot zone, and in order to prevent this situation they recommended that a larger area be included in the rezoning request. Therefore, the township determined additional properties that should be rezoned to RR to be consistent with the Master Plan.

Currently seventeen (17) of the twenty properties are non-conforming in size (< 5 acres in size) with CE Country Estate zoning. Under RR Rural Residential zoning (2 acre minimum), 8 of these 17 nonconforming properties would become conforming in lot size, while 9 properties would remain non-conforming due to their size of less than 2 acres.

The Future Land Use section of the Genoa Charter Township Master Plan designates these properties as Large Lot Rural Residential at a recommended density of 2 acres per unit. The Master Plan also recommends a Growth Management Boundary (pg. 45) that designates that these 20 properties are contained in a Rural Reserve Area outside of the growth boundary which should be maintained at a relatively low intensity rural character of development. The requested RR Rural Residential zoning district at a minimum lot size of 2 acres, is still the third lowest density zoning category in Genoa Township; the CE/5 acre and AG/10 acre zoning districts are the only districts with a greater minimum lot size.

One constraint of this area of the township is the condition and capacity of the roads. The Livingston County Gravel Road Capacity Analysis indicates that the southern half of Fishbeck Road and Crooked Lake Road from Fishbeck west to Nixon is currently over capacity. The township planning consultant estimates that based on the gross acreage of the subject properties, development under RR zoning could result in up to 10 additional residential lots and up to 96 vehicle trips per day. The township planning consultant and the township engineer have advised the township that the potential vehicle trips generated by this rezoning are compatible with the existing roadway conditions. While County Planning Staff agrees that this request will likely have minimal development impact, at some point in the near future, the gravel portion of Crooked Lake Road will serve as a detriment to any further residential development until its condition and capacity are improved.

RECOMMENDATION: Approval; The proposed RR rezoning is consistent with the recommendations of the Genoa Township Master Plan and with zoning, lot sizes and development patterns in the area. The rezoning will bring a greater number of these properties in conformance with the lot size requirements of the Genoa Township Zoning Ordinance.

<u>CALL TO THE PUBLIC:</u> (Note: The Board will not begin any new business after 10:00 p.m.)

OPEN PUBLIC HEARING # 1... Review of rezoning application and impact assessment to rezone 60.16 acres located north of Crooked Lake Road; between Springhill Drive and Fishbeck Road. The rezoning consists of the following 20 parcels: 11-16-400-006, 008, 010, 014, 015, 018, 019, 020, 022, following 20 parcels: 11-16-400-006, 008, 010, 014, 015, 018, 019, 020, 022, 1023, 024, 025, 026, 030, 031, 032, 033, 034, 038 and 039. The request is to ozar from Country Estates (CE) to Rural Residential (RR) and is rezone from Country Estates (CE) to Rural Residential (RR) and is petitioned by David and Elizabeth Bonten, Cheryl Reed and Genoa Charter Township. (06-22)

Petitioner, Dave Bonten, 4859 Crooked Lake Road is present and is speaking on behalf of the other petitioners. He requests the rezoning outlined above.

There is a pond located partially on petitioner's property and the property to the east, but he doesn't believe it contains wetlands. The property does perk and is buildable. He believes it's an acre and a half. He has discussed his petition with some of his neighbors.

Brian Borden indicates the master plan reflects some areas within that site that are classified as wetlands.

Petitioner indicates that a private road may be required to split up Cheryl Reed's parcel.

Brian Borden indicates that while the request is consistent with the master plan, it would by definition be a spot zone. This is how the recommendation resulted in broadening the subject area. He reviews the designations that are in the nearby area to the subject site. The request is consistent with the Township's future land use plan. This site is also located within the rural reserve area and is compliant with the goals and policies of the master plan.

The potential uses for a CE district are very similar to a RR district. The primary difference is density, i.e., lot size and also certain agricultural uses under CE that would not be permitted under RR.

James Mortensen clarifies whether use changes with the current owner or upon sale of the property. The use for the existing owner does, in fact, remain and is grandfathered until a change of ownership or a division of the lot. Brian Borden indicates that we are not creating any non-conformity issue. Kelly VanMarter indicates that is correct, including duplex properties continuing until a change.

Brian Borden indicates no extension of public utilities would be required. The lots could accommodate well and septic. There is a potential for gravel roads. The proposed rezoning could maintain and preserve the basic character of the area. Brian Borden believes the proposal is consistent with environmental issues.

Brian Borden notes that 7 of the 16 proposed lots would become conforming lots as a result of the project.

Brian Borden reviewed the apparent demand for the types of RR uses, such as residential growth, both experienced and projected. He sees the request as a way to balance the demand for residential properties and lack of necessity to install more public utilities.

Kelly VanMarter indicates the master plan designates this area for two acres.

Brian Borden reiterates that based upon the master plan, capacity for infrastructure and environmental necessities, this plan does accommodate the intent of the master plan.

Tesha Humphriss addresses her October 18th and October 26th letters regarding this petition. Public utilities would not be necessary. Private septic and wells would accommodate the plan. Traffic patterns were identified and there would be little effect on traffic. Private roads would be necessary.

Mark Hunkel, 2100 Fishbeck, addressed the Commission. He indicates that many have moved into the area to get elbow room. He is on a 4.5 acre parcel. They moved out here thinking there wouldn't be dividing of lots. He understands some would like to subdivide to make extra money and he says they knew when they bought the land they couldn't do it and shouldn't be allowed to subdivide now. He believes tax revenue for the Township is probably coming into play, too.

Mike Adkins, 5448 Crooked Lake addressed the Commission. He is on five acres. His home is in the center of his lot. The back portion of his property is wetlands. It's a foot to foot and a half deep. He asks who will benefit from the subdividing of the lots. He moved here in 2001. In April of 2001, he was told that his property was zoned CE. In his opinion, petitioner's request is self serving because his intent is to sell his property and move away. Petitioner's home sits close to the road and the remaining acreage butts up to Mr. Adkins' property. He opposes the petition. He also asks about any private road and where it would be located. He indicates he has paid for all maintenance on the private drive that is his easement, despite the deed indicating these expenses are to be shared between he and the petitioner.

Kim Mays, 2745 Spring Hill Drive addressed the Commission. She is property number 36. She butts up against the 15 acres in question. She asks why the 5 acres at the end of Spring Hill were excluded. She inquires about rezoning her property as well as that of her neighbor.

Brent Euler, 2926 Fishbeck Road addressed the Commission. He inquires as to the septic limitations because more septics will be necessary if the land is split.

Mrs. Brubeck, 4660 Crooked Lake spoke to the Commission. She has no opposition to splitting 10 acres into 5 acre parcels. The sand hill cranes would be displaced.

Mark Hunkel addressed the Commission again and indicates that there would be a loss of value in the property due to the change in permitted land uses.

Beverly New, 2786 Fishbeck spoke to the Commission. She has no opposition to 10 acre parcels being split into 5 acre parcels.

Brian Borden addresses the Commission and speaks about the demand for residential land in this township. Population trends and projections make that clear. He feels this request helps with that demand, while preserving the rural character and not requiring an extension of public utilities and infrastructure.

Brian Borden addresses concerns regarding non-conforming parcels. Currently, 16 of the parcels do not conform. If this plan is adopted, 7 of those will become conforming parcels.

Tesha Humphriss addresses maintenance of the existing shared driveway and the easement discussed. Any split would be extended to all potential splits.

Kelly VanMarter indicates another benefit for the nonconforming lots is that the setbacks are less. So, there is an increase in buildable area for the nonconforming smaller parcels. If a private road is required, the Livingston County Road Commission would determine its location. Paving of that road is not required if it services 18 or fewer lots. Shared driveways can service four or fewer lots. There is at least one road, possibly two that would be required under the plan.

Tesha Humphriss indicates that in general, any parcel will require soil borings to determine if a septic is feasible. There is a possibility for engineered fields on parcels that don't perk. This is not required for rezoning.

Brian Borden suggests that by rezoning, they are not subdividing or splitting the parcels. This merely opens up the potential for that. There is a review process and requirements that must be met before any split is possible.

James Mortensen indicates that this doesn't amount to much for tax revenue. Kelly VanMarter reiterates there is no change unless the property is actually split. James Mortensen outlines the process of rezoning briefly.

Kelly VanMarter indicates if Ms. Mays would like to join in the petition, the Board could table this. This action would save Ms. Mays the expense of petitioning the Board. Kelly has received no formal requests to be included, but feels that there is at least one more parcel that may be interested in joining.

Brian Borden indicates that the property to the north side of Spring Hill was not included because the master plan designation was different. If this is being opened up to additional properties, this must be kept in mind.

James Mortensen asks if this can be verified this evening. Kelly VanMarter shows that the area north is master planned for agricultural country estate. The properties north on Spring Hill is master planned for 5 acres. If an extension is granted for the north, the master plan would need to be amended.

Dean Tengle is opposed to the rezoning. Curt Brown feels the same. If the residents were for this, he would support it. There did not appear to be much support from the public for this petition. The majority of the residents seem to be against it. Kelly VanMarter indicates there were no letters from the general public regarding this issue. James Mortensen is in favor of the petition since the master plan would reflect this change. Barbara Figurski is opposed to the petition. Teri Olson is also opposed. Chairman Pobuda would oppose it, as well.

Brian Borden reminds the Commission a formal action is a recommendation. The Township Board would be responsible for any changes.

Chairman Pobuda calls to the public if anyone supports this petition and lives in the area of petitioner. No one responds.

Planning Commission disposition of petition

- A. Recommendation regarding rezoning application.
- B. Recommendation regarding impact assessment.

Motion by Curt Brown to recommend to the Township Board that the petition for rezoning be denied. Support by Teri Olson. Motion opposed by James

Mortensen. Roll call made. Dean Tengle, Curt Brown, Barbara Figurski, Chairman Pobuda, and Teri Olson all support the motion to deny the rezoning application. James Mortensen opposes the motion. Motion carried 5-1.

Motion by Curt Brown to recommend to the Township Board that the impact assessment not be approved. Support by Barbara Figurski. Motion opposed by James Mortensen. Roll call made. Dean Tengle, Curt Brown, Barbara Figurski, Chairman Pobuda and Teri Olson all support the motion to recommend to the Township Board that the impact assessment not be adopted. James Mortensen opposes the motion. **Motion carried 5-1.**

OPEN PUBLIC HEARING # 2... Review of rezoning application and impact assessment to rezone 126.92 acres centered on Westgate Drive, south of Beck Road and extending west along Chilson Road. The rezoning consists of the following 29 parcels: 11-07-400-001, 002, 003, 004, 005, 010, 011, 024, 025, 026; 11-08-300-001, 006, 009, 023, 025, 026, 027, 028, 029, 030, 031, 032, 033, 037, 038, 039, 040, 041 and 042. The request is to rezone from Country Estates (CE) to Rural Residential (RR) and is petitioned by Leonard Wilks and Genoa Charter Township. (06-23)

Chuck Wilks 4366 Beck Road appeared before the Commission. Petitioner is his father. He requests rezoning as outlined above.

Brian Borden discusses the environmental factors involving the petition. Surrounding designations are discussed. The area is primarily zoned for, planned for and used for residential of varying densities. The master plan identifies the area as rural reserve. The uses for CE and RR are very similar and the differences are primarily agricultural. A two acre minimum lot size would allow for the preservation of the natural environment. This lot size could accommodate septic and well. No extension of utilities is required. The existing roadway would service this area.

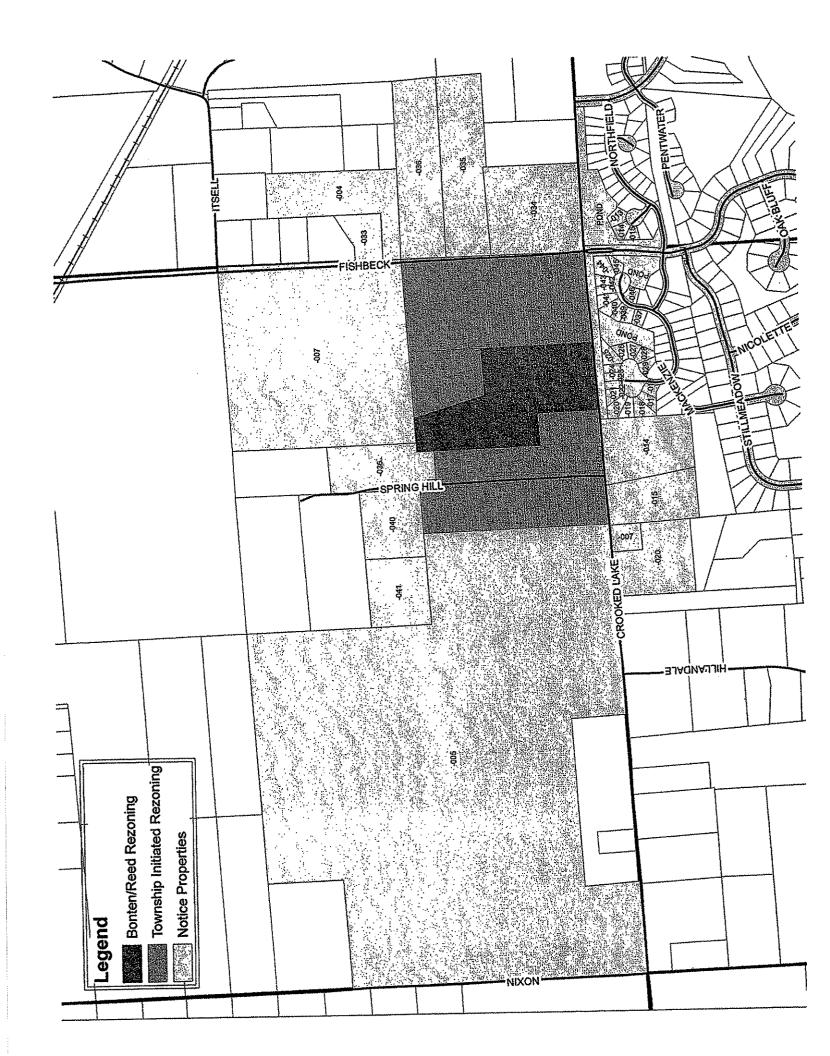
This plan would serve the demand for more residential area as seen in the projections. He believes this plan balances this need with the environmental concerns of the public.

Petitioner indicates the wetlands are one to two acres, at most.

Tesha Humphriss addresses her letter of October 18th and October 26th. There is no municipal water and sewer and private wells and septic would be required.

There would be an additional 38 trips in the a.m. peak hour and 41 trips in the p.m. peak hour and therefore, would meet the Township's requirements.

Petitioner indicates the property did perk.



Application for Rezoning and Impact Assessment for

CE – Country Estate to RR – Rural Residential (Crooked Lake)

> Genoa Township Livingston County

> > Prepared for:



Genoa Township 2911 Dorr Road Brighton, MI 48116

Prepared by:



LSL Planning, Inc.

Community Planning Consultants

LSL Planning, Inc. 306 S. Washington Avenue, Suite 301 Royal Oak, MI 48067

October 26, 2006

APPLICATION FOR REZONING

REZONING INFORMATION

A. Applicant: Genoa Township

Address: 2911 Dorr Road, Brighton, MI 48116

Telephone: (810) 227-5225

B. Parcel Numbers and Acreage

11-16-400-006 (2.37 ac) 11-16-400-008 (2.8 ac) 11-16-400-010 (1.2 ac) 11-16-400-014 (0.92 ac) 11-16-400-015 (0.92 ac) 11-16-400-018 (0.77 ac) 11-16-400-019 (4.5 ac)	11-16-400-020 (4.5 ac) 11-16-400-022 (4.56 ac) 11-16-400-023 (4.99 ac) 11-16-400-024 (3.92 ac) 11-16-400-025 (1.29 ac) 11-16-400-026 (1.43 ac) 11-16-400-030 (1 ac)	11-16-400-031 (1 ac) 11-16-400-032 (1.83 ac) 11-16-400-033 (2.09 ac) 11-16-400-039 (5 ac) 11-16-400-034 (10.06 ac) 11-16-400-038 (5.01 ac)
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C. The foregoing properties are proposed to be rezoned from Country Estate District (CE) to Rural Residential District (RR).

D. Site Description

The site consists of 20 parcels totaling 60.16 acres in area. The rezoning is located north of Crooked Lake Road between Spring Hill Drive and Fishbeck Road. Current zoning, existing land use and Master Plan designations adjacent to site are as follows:

	Existing Land Use	Zoning	Master Plan
Subject Site	Rural residential, low density residential, undeveloped land and wooded areas	CE	Large Lot Rural Residential (2 ac)
North	Agricultural, rural residential, undeveloped land and woodlands	AG, CE	Agriculture / Country Estate (5 ac)
South	Residential subdivision, undeveloped land and woodlands	CE, RPUD	Low Density Residential (1 ac) and Small Lot Single Family Residential (2-3 units/ac)
East	Agricultural, rural residential, undeveloped land and woodlands	CE	Large Lot Rural Residential (2 ac)
West	Agricultural, rural residential, school site, undeveloped land and woodlands	PRF	Agriculture / Country Estate (5 ac) and Public / Quasi Public

Rezoning Criteria

1. Consistency with the goals, policies and future land use map of the Genoa Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.

As noted in the table above, the Township Master Plan future land use map identifies the subject properties as Large Lot Rural Residential, which is compatible with the Rural Residential zoning designation.

The Future Land Use classification is intended for development as single family residential on large lots of 2 acres or more.

The proposed rezoning from CE to RR is consistent with the Township Master Plan future land use map designation and description.

The Township Master Plan also identifies the following goals with respect to land use that are supported by the request:

- Accommodate a variety of land uses that are located in a logical pattern which
 complement community goals, the surrounding land uses, environment, capacity of
 roads and the sanitary sewer and public water system capabilities.
- Promote harmonious and organized development consistent with adjacent land uses.
- Provide a diversity of housing while retaining the attractive "rural" atmosphere in residential areas.

The Master Plan also identifies the site as a rural reserve area, which is intended to maintain low intensity development with a rural character that will not adversely impact natural features and agricultural uses and will not require extension of sewer or water. The proposed rezoning to RR is consistent with this designation.

2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.

Article 5 of the Township Zoning Ordinance identifies a very similar list of permitted and special land uses for both the current (CE) and proposed (RR) zoning designations, with the primary exception being the potential for certain agricultural uses in CE that are not allowable in RR.

The County Soil Survey prepared by the USDA Soil Conservation Service identifies soils in the subject area that are suitable for agricultural uses and low density residential development. Development at a higher density may not be supportable by the soils in the subject area.

The rezoning area also contains a small woodland area. The minimum lot size requirement for the RR district of 2 acres will allow for the preservation of such natural features, which is a goal of the Township Master Plan. The minimum lot size will also allow for the use of septic and well systems as opposed to necessitating extension of public sanitary sewer and water lines; however, it should be noted that there are some areas with moderate to severe septic limitations. At such time as new residences are constructed, consideration must be given to this condition. Further, development under RR regulations may permit the use of gravel roadways for access to properties, which will be more compatible with the site's environmental features.

Based upon the minimum lot size requirements and allowable uses in the RR district, development permitted under the proposed designation would be compatible with the environmental conditions found in the area.

3. The ability of the site to be reasonably developed with one (1) of the uses permitted under the current zoning.

As noted in item #2, the Township Zoning Ordinance identifies nearly the same permitted and special land uses for both the current (CE) and proposed (RR) zoning designations, with the exception of certain agricultural uses. Therefore, this criterion is not pertinent to the requested rezoning.

Of the 20 existing lots, 16 of them do not conform to the minimum area requirements of the CE district. As a result of the proposed rezoning, 7 of those would conform and the remainder would be much closer to conforming.

4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

As noted above, the Township Zoning Ordinance identifies nearly the same permitted and special land uses for both the current and proposed zoning designations. The properties surrounding the site are currently zoned AG, CE, PRF and RPUD, which are primarily residential designations. The potential uses in RR are compatible with the surrounding uses in terms of suitability, environmental impact, density, nature of use, traffic impacts, aesthetics, infrastructure and influence on property values. Further, the minimum 2 acre lot size is compatible with the area in terms of existing lot size, as well as the surrounding area in terms of current zoning.

5. The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.

The subject properties are not served by public sanitary sewer or water and are located outside of the public utility service area identified in the Master Plan. The subdivision on the south side of Crooked Lake Road is within the district. Development under RR

regulations with 2+ acre lots would allow for the use of individual septic and well systems and would not require an extension of such services.

Crooked Lake is the main road serving the area, which is paved to just west of Fishbeck and gravel to the west. Based upon the gross acreage of the subject properties, development under RR could result in up to 10 additional residential lots. This figure does not include land area needed for access, or wetland and undevelopable areas, and is not based upon current parcel configuration or ownership interest. The ITE Trip Generation Manual indicates that 10 residential lots would generate up to 96 vehicle trips per day, which is compatible with the existing roadway conditions.

The potential 10 additional units that could be developed will also have a limited impact upon schools. Assuming 0.5 children per household, this could result in 5 school age children.

Given the fact that public sanitary and water will not be required, and that the low density of residential development will in turn generate a relatively low volume of traffic, the proposed rezoning to RR is compatible with the capacity of Township infrastructure and services.

6. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand.

Growth patterns and population projections indicate a demand for residential property in the Township. The current SEMCOG population estimate for the Township is 20,080 persons. This estimate represents an 87.4% increase from the 1990 Census figure (10,810). Projections indicate that the Township population will grow to 29,038 residents in 2030 (SEMCOG).

The Township Master Plan and future land use map were designed to promote higher density development in areas where appropriate infrastructure is available to support such development. The sites being rezoned are located outside of the areas planned for utilities and higher density development. The requested rezoning represents a balance between supporting the demand of current and projected population trends with the availability and capacity of infrastructure.

Data provided by the SEMCOG indicates that the Township lost more than 1,000 acres of its active agricultural land between 1990 and 2000, dropping from 21% of the overall land area to 15%. During this same time period, the area occupied by single family residential increased by more than 2,000 acres and the amount of undeveloped land decreased by 16.5%. Recognizing this trend and the need to balance growth, the Township sought to protect farmland and land with soils conducive to agricultural practices in this part of the Township, while concentrating growth and higher density development elsewhere.

7. Where a rezoning is reasonable given the above criteria, a determination the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within a district.

A rezoning to RR is reasonable based upon the above criteria. The rationale behind the RR designation is to balance the demand for the additional residential development, by increasing the allowable density, with the availability and capacity of infrastructure and utilities. The allowable uses in the two districts are very similar and amending the Ordinance to allow 2 acre lots in the CE district would not be appropriate. The proposed rezoning would also make 7 nonconforming lots conform to the minimum area requirements, while 9 would still be nonconforming. However, a higher density designation of LDR Low Density Residential is not consistent with the Master Plan.

8. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

The proposed rezoning has not been requested within the past year and this requirement is met.

INTRODUCTION

The following environmental impact assessment is being provided to assist in the evaluation of the Township initiated rezoning of property owned by a number of parties located north of Crooked Lake Road between Spring Hill Drive and Fishbeck Road from Country Estate (CE) to Rural Residential (RR). The rezoning request consists of 20 parcels and an approximate area of 60.16 acres.

The following format conforms to the impact assessment requirements as outlined in Section 18.07 of the Township Zoning Ordinance.

1. Preparer

Prepared For: Genoa Township 2911 Dorr Road Brighton, MI 48116

Prepared By: LSL Planning, Inc. 306 S. Washington Avenue, Suite 301 Royal Oak, MI 48067

LSL Planning, Inc. is a community planning and urban design consulting firm. The firm has experience in land use planning and development with particular expertise in community, transportation and environmental planning. The firm serves as the ongoing planning consultant for the Township, which provides insight and experience with Township planning and zoning.

2. Location

The general area is comprised of low density (rural) residential, agricultural uses, undeveloped land and areas of woodlands. The subject properties also contain soils conducive to agricultural practices or low density residential development.

3. Impact on natural features

As an area with limited or very low density existing development, consideration must be given to the natural features in the area. The area contains a small amount of woodlands. Soils in the area are conducive to agricultural uses. However, soil conditions have limited suitability for septic systems, limiting the density of development. The proposed rezoning to RR would require minimum lot sizes of 2 acres, which would allow for residential development at a low density and the

preservation of unique environmental features in accordance with the Township Master Plan.

4. Impact on stormwater management

Any subsequent development of the site will require soil erosion and dust control measures in accordance with Township and County standards, as well as stormwater management in accordance with the Livingston County Drain Commission.

Impact on surrounding land uses

As noted in the Rezoning Review preceding this Impact Assessment, the host of permitted uses are very similar in both the current (CE) and proposed (RR) zoning districts. The primary differences in uses are certain agricultural uses that are limited to the current zoning of CE. The other difference relates to minimum lot size -5 acres for CE and 2 acres for RR. Development at this density will not have an adverse impact on surrounding uses with respect to added light, noise or air pollution.

6. Impact on public facilities and services

The subject site consists of 20 parcels with a total land area of 60.16 acres. Development under the proposed designation of RR could accommodate up to an additional 9 single family residences. This figure does not include land area needed for access or undevelopable areas. According to the U.S. Census Bureau, household size in Genoa Township was 2.72 persons per household in 2000. Over the past 30+ years this number has been steadily reducing, not only in the Township, but across the nation. As of October 2006 SEMCOG estimates this figure to be 2.58 persons per household. Based upon the current estimate, the potential 9 additional units that could be developed will generate approximately 23 persons, thus generating a minimal impact on public services. Such potential development will also have a limited impact upon schools. Assuming 0.5 children per household, this could result in approximately 4-5 school age children.

7. Impacts on public utilities

The subject parcels are not currently served by the public water or sewer, nor is this area included in the planned utility service area. Any future development of the site under the proposed designation of RR will require minimum lot sizes of 2 acres, which is sufficient to provide for individual well and septic systems and will not necessitate the need for connection to the public systems. Any development requiring private roads or other improvements will need to provide for stormwater management. Development under RR may also permit the use of gravel roads, which will further reduce any potential impact to storm drainage.

8. Storage and handling of any hazardous materials

Potential future residential development of the area under RR regulations will not require use, storage or disposal of hazardous substances, beyond that found in a typical household.

9. Traffic Impact Study

Based upon the gross acreage of the subject properties, development under RR could result in up to 9 additional residential lots. This figure does not include land area needed for access or undevelopable areas. The ITE Trip Generation Manual indicates that 9 additional residential lots would generate up to 86 vehicle trips per day. This increase is well below the threshold for requiring a traffic impact statement. Depending on the amount of surrounding development, this amount of traffic could be supported by the existing roadways.

10. Historic and Cultural Resources

The proposed rezoning is not anticipated to have any impact upon historic and/or cultural resources.

11. Special Provisions

There are no special provisions that apply to the subject site.

12. List of sources

Genoa Township Zoning Ordinance, 1991
Genoa Township Master Plan, 2006
Southeast Michigan Council of Governments (SEMCOG)
U.S. Census Bureau



GENOA TOWNSHIP

October 26, 2006

OCT 3 0 REC'D

Ms. Kelly VanMarter Genoa Township 2911 Dorr Road Brighton, MI 48116 RECEIVED

Re:

Genoa Township - Crooked Lake Rezoning

Review #1

Dear Ms. VanMarter:

As requested we have performed a review of the above-referenced rezoning plan as prepared by LSL Planning, Inc. The Township is proposing to rezone 20 parcels near the northwest intersection of Crooked Lake Road and Fishbeck Road from Country Estate (5 acre minimum per unit) to Rural Residential (2 acres minimum per unit). We offer the following comments for your consideration.

TRAFFIC

1. The subject site consists of 60.16 acres. The rezoning of these properties at 2 acres/unit minimum could result in 30 total lots. Subtracting the existing 20 parcels equates to the potential to construct 10 additional lots with this rezoning. The increase in traffic on adjacent roadways from the addition of 10 single family homes would be by 125 trips during an average weekday, 16 trips in the AM peak hour and 13 trips in the PM peak hour.

UTILITIES

2. Municipal sanitary sewer and water services are not available at this site. The impact assessment indicates that a private well and septic service will utilized to serve the proposed use of this property. These services shall be designed per Livingston County Health Department Standards.

DRAINAGE AND GRADING

3. All drainage, grading, and soil erosion control measures shall be designed in compliance with the regulations established by the Livingston County Drain Commissioner's Office.

Ms. Kelly VanMarter Genoa Township -- Crooked Lake Rezoning October 26, 2006 Page 2

RECOMMENDATION

We recommend that the Township consider the above issues before taking action on this rezoning request.

If you have any questions or comments, please call.

Sincerely,

Tesha L. Humphriss, P.E.

Project Engineer

:cpl

123-12736-07-006.14

copy: Mr. Gary McCririe, Genoa Township

K:\LETTERS\Genoa Twp Crooked Lk Rezoning.doc

HOWELL AREA FIRE DEPARTMENT

FIRE MARSHAL DIVISION

1211 W Grand River Howell, MI 48843 517-546-0560 Fax: 517-546-6011

To:

Amy Ruthig

Date:

October 17, 2006

Company: Genoa Twp

Pages: 1, including this cover sheet.

VIA:

E-Mail

From:

Les Rodwell, Fire Marshal

Subject:

Bonten rezoning site plan, Genoa Township

COMMENTS:

I have reviewed the above listed site plan and find that it is **satisfactory** as presented. Any changes in this site plan shall be submitted to the Howell Area Fire Department for additional approval. If there is anything further that you need, please feel free to give me a call.

GENOA TOWNSHIP APPLICATION FOR REZONING

PECEIVED OCT - 4 2006

GENOA TOWNSHIP

Applicant(s):	Address/Telephone:	Parcel #:
David & Elizabeth Bonten	4859 Crooked Lake Rd Howell, MI 48843 (248) 921-4953	4711-16-400-038
Cheryl Reed	6542 Fleming Fowlerville, MI 48836 (517) 223-0842	4711-16-400-034

Note: All applicants are owners of the referenced parcels.

We, the undersigned, do hereby respectfully make application to and petitioned the Township Board to amend the Township Zoning Ordinance and change the zoning map of the township of Genoa as hereinafter requested, and in support of this application, the following facts are shown:

A. REQUIRED SUBMITTAL INFORMATION

- 1. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties;
 - See Appendix B
- 2. The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, and proof of consent from the property owner;
 - See Appendix A(1) (2)
- 3. It is desired and requested that the foregoing property be rezoned from:
 - Country Estate to Rural Residential
- 4. A site analysis site plan illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, steep sloped, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity;
 - See Appendix B
- 5. A conceptual plan demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site design factors;
 - See Appendix B

- A written environmental assessment, a map of existing site features as described in Article 18 describing site features and anticipated impacts created by the host of uses permitted in the requested zoning district;
 - See Appendix B
- 7. A written description of how the requested rezoning meets Sec. 22.04 "Criteria for Amendment of the Official Zoning Map".
 - See Section B
- 8. The property in question shall be staked prior to the Planning Commission Public Hearing.
- B. DESCRIBE BELOW HOW YOUR REQUESTED REZONING MEETS THE ZONING ORDINANCE CRITERIA FOR AMENDING THE OFFICAL ZONING MAP.
- How is the rezoning consistent with the goals, policies and future land use map of the Genoa Township Master Plan, including any subareas or corridor studies. If not consistent, describe how conditions have changed since the Master Plan was adopted?
 - The current Genoa Township Master Plan shows this property on the Future Land Use Plan as Rural Residential (2 acre minimum).
- 2. Are the site's physical, geological, hydrological and other environmental features suitable for the host of uses permitted in the proposed zoning district?
 - Yes, the property site is in an area of current residential properties. The rezoning has the potential to add four additional building sites.
- 3. Do you have any evidence that a reasonable return on investment cannot be received by developing the property with one (1) of the uses permitted under the current zoning?
 - Five acre parcels are no longer typical in the area due to an abundance of development over the past 10 years and are inconsistent with the Township's Master Plan.
- 4. How would all the potential uses allowed in the proposed zoning district be compatible with surrounding uses and zoning in terms of views, noise, air quality, the environment, density, traffic impacts, drainage and potential influence on property values?
 - Many of the adjacent parcels do not conform to the current Country Estate (5 acre minimum) zoning. The rezone to Rural Residential will be consistent with the current size of adjacent parcels and much larger than the North Shore subdivision directly across the street.

- 5. Is the capacity of the infrastructure (streets, sanitary sewer, water, and drainage) and services (police and fire protection, etc.) sufficient to accommodate the uses permitted in the requested district?
 - Yes, due to the limited site size, a maximum of 4 additional parcels (2 acre minimum) could be developed.
- 6. Is there a demonstrated demand in Genoa Township or the surrounding area for the types of uses permitted in the requested zoning district? If yes, explain how this site is better suited for the zoning than others which may be planned or zoned to accommodate the demand.
 - Yes, there is a demand for large residential lots within the township, especially were it serves as a transition between newly developed high density residential and areas designed for agricultural uses.
- 7. If you have a particular use in mind, is there another zoning district where your use is permitted that may be more appropriate? Why should the Township rezone the land rather than amending the list of uses allowed in another zoning district which could also accommodate your intended use?
 - The land use is and should remain residential, however, 2 acre sizes are more appropriate for the newly developed area.
- 8. Describe any deed restrictions which could potentially affect the use of the property.

 None
- C. Affidavit See Appendix A.

<u>Contact Information</u> - Review Letters and Correspondence shall be forwarded to the following:

David C. Bonten 4859 Crooked Lake Road Howell, MI 48843

C: (248) 921-4953 W: (248) 283-2379

E: dbonten@comcast.net

Appendix A – Statements and Signatures of Owners

Appendix A (1)

The undersigned says that they are the owners involved in this petition and that the answers and statements contained in the Application for Rezoning and the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

David Bonten

Elizabeth Bonten

David and Elizabeth Bonten 4859 Crooked Lake Rd Howell, MI 48843

Appendix A (2)

The undersigned says that she is the owner involved in this petition and that the answers and statements contained in the Application for Rezoning and the information herewith submitted are in all respects true and correct to the best of her knowledge and belief.

Cheryl Reed M. Reed

Cheryl Reed 6542 Fleming

Fowlerville, MI 48836

Impact (Environmental) Assessment from 1999 Rezoning Application

GENOA TOWNSHIP

JUL 2 9 1999

RECEIVED

Impact Statement

for

GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

Prepared For:

Mrs. Linda Keeling Mr. & Mrs. Ed Jarvis 4859 Crooked Lake Road Howell, Michigan 48843

Prepared By:

Michael T Boss, P.E. Boss Engineering Company 3121 East Grand River Howell, Michigan 48843 (517)546-4836 RECEIVED

OCT - 4 2006

GENOA TOWNSHIP

DISCUSSION ITEMS

A. Name(s) and address(es) responsible for preparation of the Impact Assessment and a brief statement of their qualifications.

Prepared by: BOSS ENGINEERING COMPANY 3121 E. Grand River Howell, MI 48843 (517) 546-4836

Prepared for:

Mrs. Linda Keeling Mr. & Mrs. Ed Jarvis 4859 Crooked Lake Road Howell, Michigan 48843

and 1-10 acre

B. Description of the site, including existing structures, man made facilities, and natural features, all inclusive to within 10' of the property boundary.

The request consists of **2**-5 acre parcéls located on the North side of Crooked Lake Road. The site is fairly open with some trees scattered along boundary lines. Legal descriptions for the parcels are attached.

C. Impact on Natural Features: A written description of the environmental characteristics of the site prior to development, i.e., topography, soils, vegetative cover, drainage, streams, creeks or ponds.

The site is fairly flat with some trees and some lawn areas. This proposed change will not impact any of these features. There are no apparent regulated wetlands on the site.

D. Impact on Storm Water Management: Description of Soil Erosion Control Measures During Construction

No construction is proposed, therefore no soil erosion control measures are necessary.

E. Impact on Surrounding Land Use: Description of proposed usage and other man made facilities; how it conforms to existing and potential development patterns. Effects of added lighting, noise or air pollution, any proposed phasing.

The rezoning has the potential to add 2 additional building sites. This will have little, if any impact on adjacent properties, which are 2 acres and smaller to the East and condominiums across the street.

F. Impact on Public Facilities and Services: Description of number of residents, employees, patrons, and the impact on general services, i.e., schools, police.

Again, only 2 additional homes are possible which will have no impact on available services.

G. Impacts On Public Utilities: Description of all public utilities serving the project, i.e., water, sanitary sewer and storm drainage control. Expected flows projected in residential equivalents.

If two additional homes are ever constructed, on-site well and septics will be installed. No provision for storm drainage has been determined.

H. Storage or Handling of Any Hazardous Materials: Description of any hazardous materials used, stored, or disposed of on-site.

No hazardous materials would be present.

I. Impact on Traffic and Pedestrians: Description of traffic volumes to be generated and their effect on the area.

Based on average single family homesite trip generations, about 20 trips will be generated daily if the additional homes are built.

J. Special Provisions: Deed restrictions, protective covenants, etc.

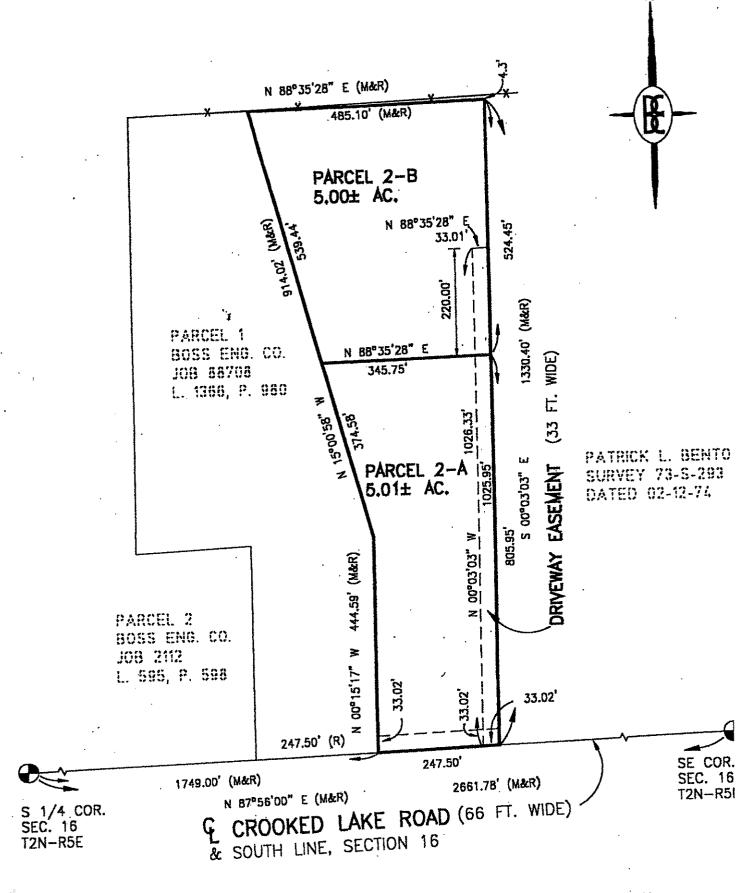
A common drive would be necessary for potentially 3 house which will require a road maintenance agreement as well as recording of proper easements for access and utilities. Also, some minimum house standards are likely in the deed restrictions, but have not yet been determined.

K. Description of All Sources.

U.S.G.S. map, equalization map, Township zoning ordinance, Township Master Plan, and USDA soils maps were all considered in the preparation of this statement.

L. Previously Submitted Environmental Assessments.

No previous assessment has been submitted on this parcel.



THIS SURVEY VOIDS AND SUPERSEDES PARCEL 2 OF BOSS ENGINEERING COMPANY JOB NO. 88708, AS RECORDED IN LIBER 1366, ON PAGES 980 AND 981 OF THE LIVINGSTON COUNTY RECORDS.

PARCEL 2-A:

Part of the Southeast 1/4 of Section 16, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the South 1/4 Corner of said Section; thence along the South line of said Section 16 and the centerline of Crooked Lake Road, N 87°56′00" E, 1749.00 feet, to the POINT OF BEGINNING of the Parcel to be described; thence N 00°15′17" W, 444.59 feet; thence N 15°00′58" W, 574.58 feet; thence N 88°35′28" E, 345.75 feet; thence S 00°03′03" E, 374.58 feet; thence along the South line of said Section 16 and the centerline of Crooked Lake Road, S 87°56′00" W, 247.50 feet; to the POINT OF BEGINNING; Containing 5.01 acres, more or less, and subject to the rights of the public over the existing Crooked Lake Road (66 ft. wide). Also subject to any other easements or restrictions of record.

PARCEL 2-B:

Part of the Southeast 1/4 of Section 16, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the South 1/4 Corner of said Section; thence along the South line of said Section 16 and the centerline of Crooked Lake Road, N 87°56′00" E, 1749.00 feet; thence N 00°15′17" W, 444.59 feet; thence N 15°00′58" W, 374.58 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing N 15°00′58" W, 539.44 feet; thence N 88°35′28" E, 485.10 feet; thence S 00°03′03" E, 524.45 feet; thence S 88°35′28" W, 345.75 feet, to the POINT OF BEGINNING; Containing 5.00 series, more or less, and including the use of a 33 foot wide Driveway Easement, as described below. Subject to any other easements or restrictions of record.

DESCRIPTION OF A 33 FOOT WIDE DRIVEWAY EASEMENT:

Part of the Southeast 1/4 of Section 16, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the South 1/4 Corner of said Section; thence along the South line of said Section 16 and the centerline of Crooked Lake Road, N 87°56′00″ E, 1963.48 feet to the POINT OF BEGINNING of the Driveway Easement to be described; thence N 00°03′03″ W, 1026.33 feet; thence N 88°35′28″ E, 33.01 feet; thence S 00°03′03″ E, 1025.95 feet; thence along the South line of said Section 16 and the centerline of Crooked Lake Road, S 87°56′00″ W, 33.02 feet;, to the POINT OF BEGINNING; Subject to any easements or restrictions of record.

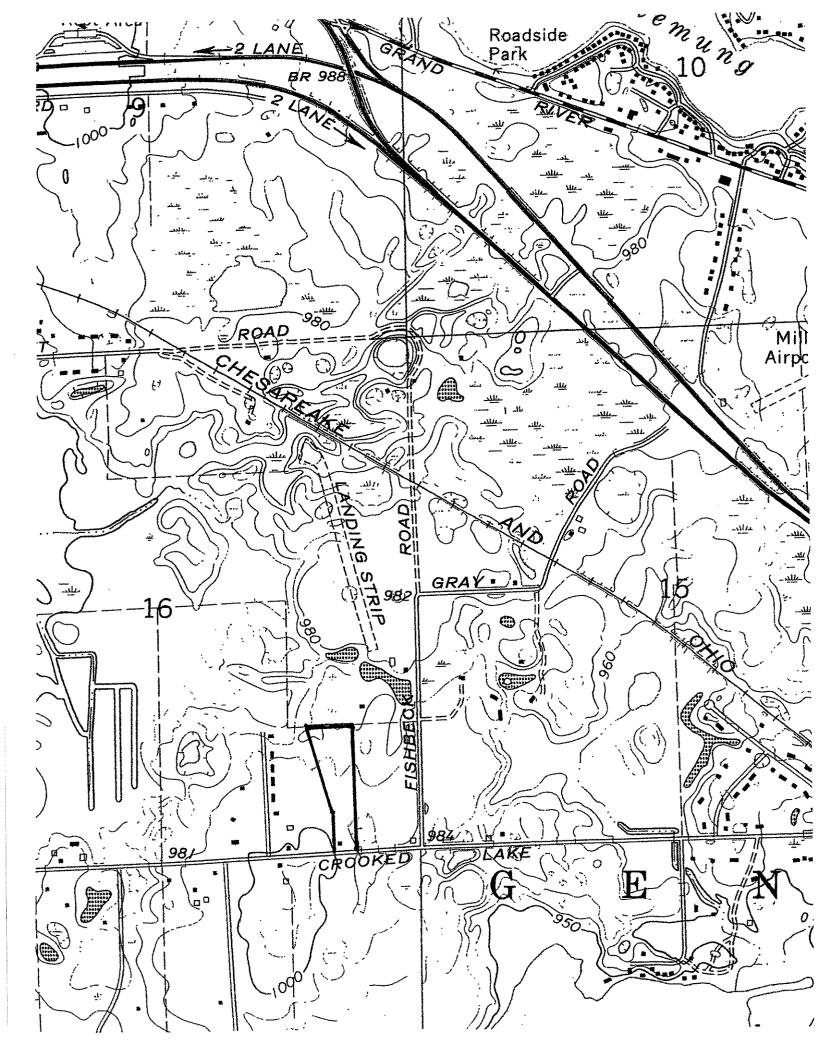
Bearings were established from the survey listed in Reference No. 1

References:

- 1) Survey by Boss Engineering Company, Job No. 88708, as recorded in Liber 1366, Pages 980-981, Livingston County Records.
- 2) Survey by Boss Engineering Company, Job No. 2112, as recorded in Liber 595, Page 598, Livingston County Records.

<u>Witnesses:</u>

S 1/4 Cor., Sec. 16, T2N-R5E Fd. 1/2 iron rod North, 32.9' C/L Corner Post South, 33.0' Fd. 1/2" Iron Rod S15°W. 21.37' Nail E/S Twin Oak SE Cor. Sec. 16, T2N-R5E Fd. 1 1/2" iron N15°W, 72.0' Nail E/S 18" Oak S75°W, 76.65'Nail N/S 12" Hickory



82910 Receipt No.

Livingston County Health Department 204 S. Highlander Way, Howell, Michigan 48843 (517) 546-9850

522, 946 I.D. No.

Prop. Description No.

Subdivision/Acreage

Lot, Parcel

SOILS EVALUATION FOR SUB-SURFACE SEWAGE DISPOSAL SYSTEMS

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Soils evaluation based on criteria stated in Livingston County Sanitary Code, effective January 4, 1993.

This is <u>NOT</u> a permit. A suitable soils rating is <u>NOT</u> a guarantee that a permit to construct an on-site subsurface sewage disposal system will be granted. Changing conditions that might result in permit denial are explained in more detail on the reverse side.



(Name)

SIGHT DISTANCE REVIEW / LAND SPLIT REVIEW

Livingston County Road Commission 3535 Grand Oaks Drive Howell, Michigan 48843 (517) 546-4250

		Review	No. 6	80
Applicant Information				
Name: Eugene H. Keeling Street No. and Name: 4854 Crooked Lt. Ro		· · · · · · · · · · · · · · · · · · ·		
Street No. and Name: 4854 Crooked LK. Ra	<u>/</u>			
City, State, Zip: Howell, Mi: 48843			7	
Telephone: 548 - 5402				
Split/Site Information				
Section N	10.: 16	; 		
Name of Development (if applicable):				
Roadway On: Crooked LK. Rd. Side of Road:	<u> </u>	E	s	W
Nearest Crossroad: Fishbeck Rd.	•			
Direction from Crossroad: N E S	<u>X</u>	W	<u> </u>	
Proposed Split/Site Reviewed for: X Residential Commercial	ial	Private Rd	<u> </u>	ublic Rd
Sight Distance Requirement Based on: posted speed limit (mph)	_ <u>//</u> un	posted spe	ed limit
Titues from Conservat (feet)		Sight D	istance	
Proposed Distance from Crossroad (feet)	nt Rec	quired	Poss	
Proposed Distance from Crossroad (feet) Road Name / Parcel # Property Corners. Proposed Access Point Constant 15, 84 33' eg. semen †	nt Rec			
Proposed Distance from Crossroad (feet) Road Name / Parcel # Property Corners. Proposed Access Poir Crooked Lk. Rd 33 eg. sement Back 681 W. of	nt Rec	quired	Poss	
Proposed Distance from Crossroad (feet) Road Name / Parcel # Property Corners Proposed Access Point Crooked Lk. Rd 33 eg. sement	nt Rec	quired	Poss	
Proposed Distance from Crossroad (feet) Road Name / Parcel # Property Corners. Proposed Access Point Crooked Lk. Rd 33' eq. sement Back 681' W. of Parcel # 2 Fish beck /	nt Rec	quired OFT.	Poss 45-0	E.flu
Proposed Distance from Crossroad (feet) Road Name / Parcel # Property Corners. Proposed Access Point Crooked Lk. Rd 33' eg. sement Back 681' W. of Fish beck /	nt Rec	quired OFT.	Poss 45-0	E.şlu
Proposed Distance from Crossroad (feet) Road Name / Parcel # Property Corners. Proposed Access Point Crooked Lk. Rd 33' eq. sement Back 681' W. of Parcel # 2 Fish beck /	nt Rec	quired OFT.	Poss 45-0	E.şlu
Proposed Road Name / Parcel # Property Corners. Proposed Access Point Crooked Lk. Rd Back Back Parcel # Z Comments: 33 foot easement location mo	nt Rec	quired OFT.	Poss 45-0	E.flu
Proposed Road Name / Parcel # Property Corners. Proposed Access Point Crooked Lk. Rd Back Parcel # 2 Comments: 33 Foot easement location mo	Record of some	quired O FT. Lo the	Poss 450	end end
Proposed Distance from Crossroad (feet) Road Name / Parcel # Property Corners. Proposed Access Poir Crooked Lk. Rd 33' eq. sement Back 681' W. of Fish beck / Comments: 3.3 Foot eq. sement location mo of the property. *The possible sight distance for residential driveways relates to a distance which could be obtated to the eliminate the need for obstructions (trees, brush, etc.) to be removed from the driveways locations, the obstructions may not be noted as part of this review.	tained at some	quired O FT. Lo the	Poss 45-0	end end

(Signature)

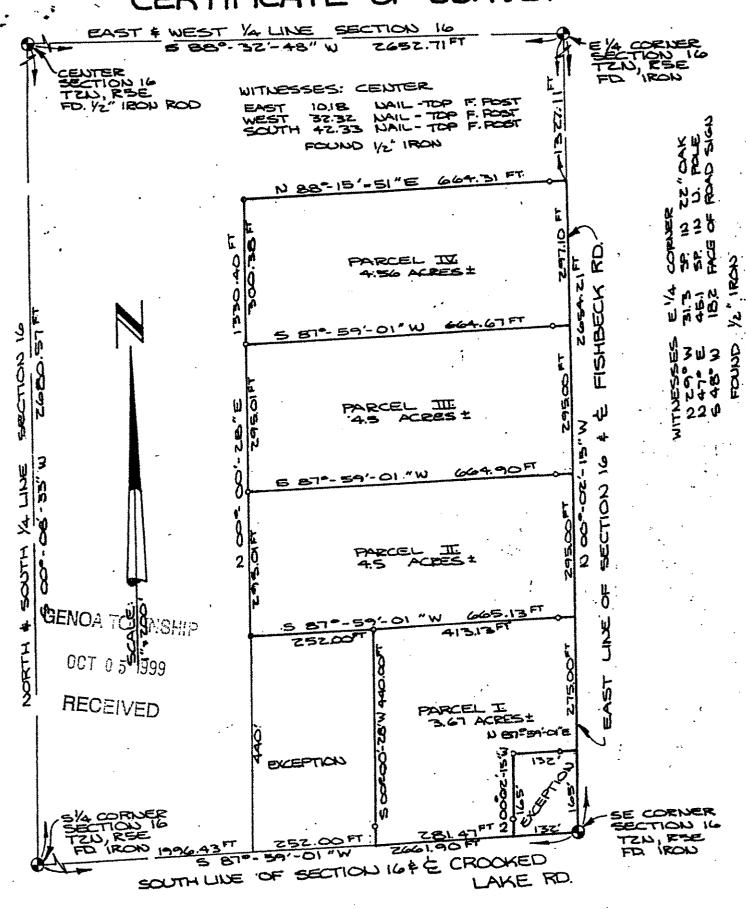


CROOKED LAKE ROAD

Metea loamy sand, 6 to 12 percent slot MnC Miami loam, 0 to 2 percent slopes MoA Miami loam, 2 to 6 percent slopes MoB Miami loam, 6 to 12 percent slopes MoC Miami loam, 12 to 18 percent slopes MoD Miami loam, 18 to 25 percent slopes MoE Miami loam, 25 to 35 percent slopes MoF . Miami-Conover loams, 2 to 6 percent s МгВ · Minoa-Thetford complex, 0 to 4 percen MwB

Сс	Ω	Carlisle muck
Cr		Colwood fine sandy loam
CvA	C,	Conover loam, 0 to 2 percent slopes
C√B	{	Conover loam, 2 to 6 percent slopes
CxA	- -	Conover-Miami loams, 0 to 2 percent slopes

CERTIFICATE OF SURVEY



WITNESSES: SE CORNER

WITNESSES: S/A CORNER

Appendix B – Site Plan and Environmental Analysis

RECEVED

CT - 4 2006

GENOA TOWNSHIP

Site Plan and Legal Descriptions



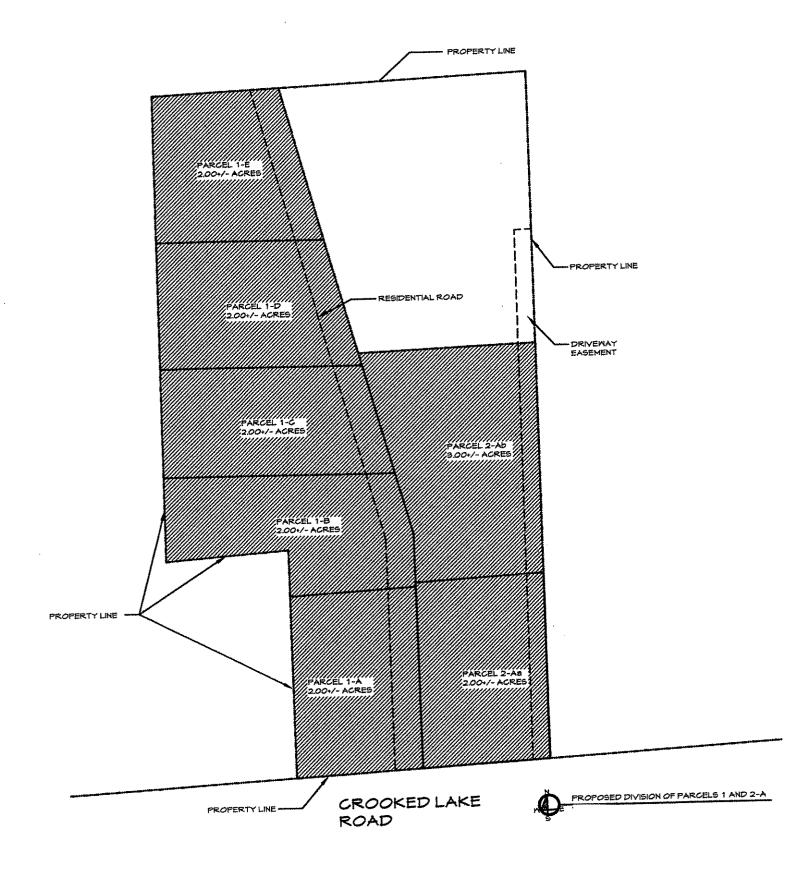


GIS Management Department 304 E. Grand River Ave. Howell, Michigan 48843 517.548.3230





Compposes Four March 2002 Period Ain 19 2000 Partitions and a representation out. No intended for sur my stationals



P01

Meri Campa

American Title insurance Com;

KNOW ALL MEN BY THESE PRESENTS: That DANIEL J. PHILION AND CAROLYN J. PHILION, HIS WIFE

1790 N. HACKER ROAD, HOWELL, MICHIGAN 48843

Consensation Wheelenger CHERYL M. REED, A SINGLE WOMAN

whose matres is 4683 S. OLD 23, BRIGHTON, MICHIGAN 48116

the fallowing described premises situated in the Township £ immes 44f Livingston Genne and State of Michigan, in-wit:

Part of the Southeast 1/4 of Section 16, Town 2 North, Range 5 East, Games Township, Livingston County, Michigan, described as follows: at the South 1/4 corner of said Section 16: thence along the South line of Section 16 and the conterline of Crooked Lake Road, North 87° 56' 00" East 1501.50 feet to the point of beginning of the parcel to be described; thence North 00° 27' 47" West 441.23 feet; thence South 87° 10' 17" West 235.92 feet; thence North 00° 03' 00" East 900.01 feet; thence North 88° 01' 00° East 66.04 foet; thence North 88° 35' 28" East (recorded as North 88° 25' 28" East) 181.00 feet; thence South 15° 00' 58" East 914.02 feet; therice South 00" 15' 17" East 444.59 feet; thence along the South Line of said Section 16 and the centerline of Crooked Lake Road, South 87° 56' 00" West 247.50 feet to the point of beginning.

10.04 ACRES

CROOKEN LK.

(Parcel #1)

3 O œ

4

PARCEL 2-A:

Part of the Southeast 1/4 of Section 16, T2N-R5E, Genca Township, Livingston County, Michigan, more particularly described as follows: Commencing at the South 1/4 Corner of said Section; thence along the South line of said Section 16 and the centerline of Crooked Lake Road, N 87°56′00" E, 1749.00 feet, to the POINT OF BEGINNING of the Parcel to be described; thence N 00°15′17" W, 444.59 feet; thence N 15°00′58" W, 374.58 feet; thence N 88°35′28" E, 345.75 feet; thence S 00°03′03" E, 805.95 feet; thence along the South line of said Section 16 and the centerline of Crooked Lake Road, S 87°56′00" W, 247.50 feet; to the POINT OF BEGINNING; Containing 5.01 acres, more or less, and subject to the rights of the public over the existing Crooked Lake Road (66 ft. wide). Also subject to any other easements or restrictions of record.

DESCRIPTION OF A 33 FOOT WIDE DRIVEWAY EASEMENT:

Part of the Southeast 1/4 of Section 16, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the South 1/4 Corner of said Section; thence along the South line of said Section 16 and the centerline of Crooked Lake Road, N 87°56′00" E, 1963.48 feet to the POINT OF BEGINNING of the Driveway Easement to be described; thence N 00°03′03" W, 1026.33 feet; thence N 88°35′28" E, 33.01 feet; thence S 00°03′03" E, 1025.95 feet; thence along the South line of said Section 16 and the centerline of Crooked Lake Road, S 87°56′00" W, 33.02 feet;, to the POINT OF BEGINNING; Subject to any easements or restrictions of record.

Bearings were established from the survey listed in Reference No. 1

References:

- 1) Survey by Boss Engineering Company, Job No. 88708, as recorded in Liber 1366, Pages 980-981, Livingston County Records.
- 2) Survey by Boss Engineering Company, Job No. 2112, as recorded in Liber 595, Page 598, Livingston County Records.

Witnesses:

S 1/4 Cor., Sec. 16, T2N-R5E Fd. 1/2 iron rod North, 32.9' C/L Corner Post South, 33.0' Fd. 1/2" Iron Rod S15°W 21 37' Nail E/S Twin Oak SE Cor. Sec. 16, T2N-R5E Fd. 1 1/2" iron N15°W, 72.0' Nail E/S 18" Oak S75°W, 76.65'Nail N/S 12" Hickory



LSL Planning, Inc.

Community Planning Consultants

October 26, 2006

Planning Commission Genoa Township 2911 Dorr Road Brighton, Michigan 48116

Subject:

Bonten/Reed Rezoning from CE Country Estate to RR Rural Residential

Location:

North side of Crooked Lake Road, west of Fishbeck Road

Applicants:

David & Elizabeth Bonten

Cheryl Reed

4859 Crooked Lake Road

6542 Fleming

Howell, MI

Fowlerville, MI

Dear Planning Commission:

At your request, we have reviewed the application received by the Township on 10/4/06 requesting rezoning of two parcels on Crooked Lake Road from CE Country Estate to RR Rural Residential. The site is located on the north side of Crooked Lake Road, west of Fishbeck Road and contains a total area of 15.07 acres. The site is currently occupied by a single family residence. The proposed rezoning has been reviewed in accordance with the Genoa Township Zoning Ordinance and Master Plan.

A. SUMMARY

- 1. The proposed rezoning from CE to RR is consistent with the Master Plan and Future Land Use Map.
- 2. The proposal constitutes a spot zoning.
- 3. We recommend that a larger area including adjacent and surrounding property be rezoned from CE to RR, consistent with the Township Master Plan.
- 4. The requested rezoning is compatible with the availability of infrastructure and services in the Township.

B. PROCESS

As described in Article 22 of the Zoning Ordinance, the process to amend the Township Zoning Map is as follows:

- 1. The Township Planning Commission holds a public hearing on the rezoning and makes a recommendation to the Township Board.
- 2. The Livingston County Planning Commission reviews the rezoning and makes a recommendation to the Township Board.
- 3. The Township Board considers the recommendations of the Township and County Planning Commissions and takes action to grant or deny the application for rezoning.

C. PROJECT DESCRIPTION

The site is located on the north side of Crooked Lake Road, west of Fishbeck Road. The 15.07 acre site is comprised of two parcels, one of which is occupied by a single family residence. Current land uses, zoning and Master Plan designations for the subject area are as follows:

	Existing Land Use	Zoning	Master Plan
Site	Single family residence and undeveloped	CE	Large Lot Rural Residential (2 ac)
North	Agricultural, rural residential, undeveloped land and woodlands	AG, CE	Agriculture/Country Estate (5 ac)
South	Residential subdivision, undeveloped land and woodlands	CE, RPUD	Low Density Residential (1 ac) Small Lot Single Family Residential (2-3 units/ac)
East	Rural residential	· CE	Large Lot Rural Residential (2 ac)
West	Agricultural and rural residential	CE	Agriculture/Country Estate (5 ac)

D. Rezoning Review

1. Consistency with the goals, policies and future land use map of the Genoa Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.

The Township Master Plan and Future Land Use Map identify the site as Large Lot Rural Residential, which is intended for detached residential dwellings on not less than 2 acres of land. The requested rezoning to RR is consistent with this designation; however, the proposed rezoning would result in a relatively small area of RR zoning that would be considered a spot zone. In order to rectify this situation, we recommend that adjacent and surrounding parcels also be rezoned to RR, consistent with the Master Plan.

The Master Plan also identifies the site as a rural reserve area, which is intended to provide for low intensity development with a rural character that will not have an adverse impact on natural features or agricultural uses. These areas also do not require extension of public water or sanitary sewer. The proposed RR zoning district, which is typically served by individual on-site septic and well, is consistent with this designation.

2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.

The site contains a small amount of woodlands and the submittal indicates that overall, the site is relatively flat. The submittal also indicates that upon development of the property, additional residences will be served by well and septic systems. The County Soil Survey indicates that soils in the area are suitable for development under RR zoning. Based upon the minimum lot size

Genoa Township Planning Commission Bonten/Reed CE to RR rezoning October 26, 2006 Page 3

requirements and allowable uses in RR, development under the proposed designation would be compatible with the environmental conditions of the site.

3. The ability of the site to be reasonably developed with one (1) of the uses permitted under the current zoning.

The Township Zoning Ordinance identifies nearly the same permitted and special land uses for the both the current (CE) and proposed (RR) zoning designations, with the exception of certain agricultural uses that are allowable in CE. Based upon the uses allowable in each district, this criterion is not pertinent to the request.

4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

As described in the table above, the property in the area is zoned a mixture of AG, CE and RPUD, which are primarily residential designations. The potential uses in RR are compatible with the surrounding uses in terms of all of the conditions noted under this standard. The minimum 2 acre lot size is also compatible with the area in terms of existing lot size. There are a number of smaller nonconforming lots surrounding this site. A majority of these are less than 5 acres and some less than 1 acre. However, the proposed rezoning would result in a relatively small area of RR zoning inconsistent with surrounding CE zoning, which would be considered a spot zone. In order to rectify this situation, we recommend that adjacent and surrounding parcels also be rezoned to RR, consistent with the Master Plan. This would also reduce the number of nonconforming lots in the area.

5. The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.

The site and much of the surrounding area is planned for single family residential uses on large, rural lots. The capacity of infrastructure and services is an important consideration when designating property on the Future Land Use Map and the site is outside of the utility service area. Residential lots of at least 2 acres will not require an extension of water or sewer service. The roads serving the site are primarily gravel and development under RR would be compatible with this condition. Given that public sanitary and water will not be required, and that the relatively low density permitted will in turn generate a relatively low volume of traffic, the proposed rezoning is compatible with the capacity of Township infrastructure and services.

6. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand.

Growth patterns and population projections indicate a demand for single family residential in the Township. The current SEMCOG population estimate for the Township is 20,080 persons, which

Genoa Township Planning Commission Bonten/Reed CE to RR rezoning October 26, 2006 Page 4

represents an 87.4% increase from the 1990 Census figure. Projections also indicate that the population will grow to 29,038 residents in 2030 (SEMCOG). The Master Plan was designed to accommodate higher density development in areas where necessary infrastructure is available to support such development. The request represents a balance between supporting the demand of current and projected population trends with the availability and capacity of infrastructure.

7. Where a rezoning is reasonable given the above criteria, a determination the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within a district.

Based upon the above criteria, a rezoning is reasonable given the fact that it will be consistent with the Master Plan and surrounding land uses; however, the request will result in a spot zone. In order to prevent this situation, we recommend that a larger area be included in the rezoning request consistent with the Master Plan. The allowable uses in the two districts are very similar and amending the Ordinance to allow 2 acre lots in the CE district would not be appropriate.

8. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

Our office is not aware of any other rezoning requests for this property within the past year.

Should you have any questions concerning this matter, please do not hesitate to contact our office.

Sincerely,

LSL PLANNING, INC.

Jeffrey R. Purdy, AICP

Partner

Brian V. Borden, AICP

SIVEL

Project Planner II



GENOA TOWNSHIP

October 18, 2006

OCT 2 0 REC'D

Ms. Kelly VanMarter Genoa Township 2911 Dorr Road Brighton, MI 48116 RECEIVED

Re:

Bonten Rezoning

Review #1

Dear Ms. VanMarter:

As requested, we have performed a review of the above-referenced rezoning plan as prepared by David Bonten. This site is located on the north side of Crooked Lake Road, west of Fishbeck Road; parcel IDs 11-16-400-038 and 11-16-400-034. The petitioner is requesting that the property, which is currently zoned as Country Estates (5 acre minimum per unit), be rezoned to Rural Residential (2 acres minimum per unit). We offer the following comments for your consideration.

TRAFFIC

- 1. Parcel ID 11-16-400-038 consists of 5 acres and parcel ID 11-16-400-034 consists of 10 acres. The rezoning of this property has the potential to allow four additional single family homes. The increase in traffic on adjacent roadways from the addition of four single family homes would be 54 trips during an average weekday, 12 trips in the AM peak hour and 6 trips in the PM peak hour.
- 2. The petitioner has presented a layout showing the distribution of 7 parcels over the 15 acres site. The layout calls for a residential road, to be located off Crooked Lake, to serve the 7 parcels. The petitioner should be aware that site plan approval will be required for a proposed private road.

UTILITIES

3. Municipal sanitary sewer and water services are not available at this site. The impact assessment indicates that a private well and septic service will be provided for the proposed use of this property. These services shall be designed per Livingston County Health Department Standards.

Ms. Kelly VanMarter Bonten Rezoning October 18, 2006 Page 2

DRAINAGE AND GRADING

4. All drainage, grading, and soil erosion control measures shall be designed in compliance with the regulations established by the Livingston County Drain Commissioner's Office.

RECOMMENDATION

We recommend that the Township consider the above issues before taking action on this rezoning request.

If you have any questions or comments, please call.

Sincerely,

John Humphriss, P.E.

Project Engineer

:cpl

123-12736-07-003-12

copy: Mr. Gary McCririe, Genoa Township

Mr. David C. Bonten, 4859 Crooked Lake Road, Howell, MI 48843

K:\LETTERS\Genoa Twp Bonten.doc

Genoa Township

Memo

To:

Genoa Township Board

From:

Kelly VanMarter, Planning Director

CC:

Michael Archinal, Manager

Date:

12/29/2006

Re:

Jan. 4, 2007 Board Agenda Item #7 -Westgate/Chilson Road Rezoning

Agenda Item: Request for approval of rezoning application and impact assessment to rezone 126.92 acres centered on Westgate Drive, south of Beck Road and extending west along Chilson Road from Country Estates (CE) to Rural Residential (RR). The rezoning consists of the following 29 parcels: 11-07-400-001, 002, 003, 004, 005, 010, 011, 024, 025, 026; 11-08-300-001, 006, 009, 023, 025, 026, 027, 028, 029, 030, 031, 032, 033, 037, 038, 039, 040, 041 and 042. The request is petitioned by Leonard Wilks and Genoa Charter Township and was discussed by the Planning Commission on 11-13-06. (06-23)

Planning Commission Action:

Motions to recommend approval of both rezoning and impact assessment FAILED due to split 3-3 vote (Tengel – yes; Brown – no; Mortensen – yes; Figurski – no; Pobuda – yes; Olson – no).

Livingston County Planning Commission Action:

Recommendation for approval (5-0).

Recommendation for Township Board Action:

Staff recommends approval of the proposed rezoning. The proposed rezoning meets the criteria for amendment to the official zoning map as established is Section 22.04 of the Township Zoning Ordinance. A review of these criteria is provided in the Application for Rezoning and Impact Assessment prepared by LSL Planning, Inc. dated October 26, 2006. Failure to approve the requested rezoning could weaken the validity of the newly adopted Township Master Plan. If the Board chooses to deny the proposed rezoning, staff recommends including justification supporting the denial motion and also suggests the Board consider modification to the Master Plan.

Suggested Motion:

Moved by ______, supported by ______, to approve the rezoning of parcels 11-07-400-001, 002, 003, 004, 005, 010, 011, 024, 025, 026; 11-08-300-001, 006, 009, 023, 025, 026, 027, 028, 029, 030, 031, 032, 033, 037, 038, 039, 040, 041 and 042 from Country Estate (CE) to Rural Residential (RR) for the following reasons:

- 1. The rezoning to RR is consistent with the Master Plan.
- 2. Based upon the minimum lot size requirements and allowable uses in the RR district, development permitted under the RR designation would be compatible with the environmental conditions found in the area.
- 3. The potential uses in RR are compatible with the surrounding uses in terms of suitability, environmental impact, density, nature of use, traffic impacts, aesthetics, infrastructure, and influence on property values.
- 4. The rezoning to RR is compatible with the capacity of the Township infrastructure and services.
- 5. The rezoning represents a balance between supporting the demand of current and projected population trends with the availability and capacity of infrastructure.
- 6. The rezoning is reasonable based upon the criteria listed in Section 22.04.01-22.04.06 of the Zoning Ordinance. The RR district is more appropriate than another district or amending the list of permitted or Special Land Uses within a District.
- 7. The rezoning has not been requested within the past year.

Genoa Charter Township Board

Regular Meeting **December 18, 2006** 6:30 p.m.

MINUTES

Supervisor McCririe called the regular meeting of the Genoa Charter Township Board to order at 6:30 p.m. The Pledge of Allegiance was then said. The following persons were present constituting a quorum for the transaction of business: Gary McCririe, Paulette Skolarus, Robin Hunt, Jean Ledford and Jim Mortensen. Also present were Township Manager Michael Archinal and three persons in the audience.

A Call to the Public was made with no response.

Approval of Consent Agenda:

Moved by Ledford, supported by Skolarus, to approve all items listed under the consent agenda with the addition of a Jan. 4, 2007 public hearing date for the two rezoning applications. The motion carried unanimously.

- 1. Payment of Bills
- 2. Approval of Minutes: December 4, 2006
- 3. Set hearing date (01/04/07) for request of approval of rezoning application and impact assessment to rezone 60.16 acres located north of Crooked Lake Road between Springhill Drive and Fishbeck Road. The rezoning consists of the following 20 parcels: 11-16-400-006, 008, 010, 014, 015, 018, 019, 020, 022, 023, 024, 025, 026, 030, 031, 032, 033, 034, 038 and 039. The request is to rezone from Country Estates (CE) to Rural Residential (RR) and is petitioned by David and Elizabeth Bonten, Cheryl Reed and Genoa Charter Township, as discussed by the Planning Commission on 11-13-06
- 4. Set hearing date (01/04/07) for request of approval of rezoning application and impact assessment to rezone 126.92 acres centered on Westgate Drive, south of Beck Road and extending west along Chilson Road. The rezoning consists of the following 29 parcels: 11-07-400-001, 002, 003, 004, 005, 010, 011, 024, 025, 026; 11-08-300-001, 006, 009, 023, 025, 026, 027, 028, 029, 030, 031, 032, 033, 037, 038, 039, 040, 041 and 042. The request is to rezone from Country Estates (CE) to Rural Residential (RR) and is petitioned by Leonard Wilks and Genoa Charter Township, as discussed by the Planning Commission on 11-13-06.
- 5. Request approval to remove the refuse charge of \$90.00 and administration fee of .90 from the 2006 Winter Tax Bill, Parcel ID #4711-21-401-017, vacant property as submitted by Treasurer Hunt.

a. Z-94-06 Genoa Township, Rezoning, Section 7 & 8, Wilks/Genoa Township

Current Zoning: CE Country Estate
Proposed Zoning: RR Rural Residential

Proponents: Leonard Wilks / Genoa Charter Township

Consonant with Township Master Plan: The 2005 Genoa Township Master Plan designates the majority of these properties as <u>Large Lot Rural Residential</u> at a recommended density of 2 acres per unit. The properties clustered around the Chilson and Beck Road intersection is designated <u>Low Density Residential</u> at a recommended density of 1 acre per unit. Much of the surrounding land area to the south and to the west is designated Agriculture/Country Estate at a recommended density of 5 acres per unit.

Consonant with County Comprehensive Plan: The 2002 Livingston County Comprehensive Plan designates this site and all surrounding land area, as Residential. The Residential Future Land Use designation is characterized by fairly dense residential, commercial, and to some extent industrial development, although less dense and intense than uses found in the cities and villages. Residential areas are not without their rural character and scenic vistas. However, few agricultural lands in Residential areas are expected to exist twenty years from now. New residential developments in these areas should be compact and make the best use of sewer and water if it is available.

Township Planning Commission Recommendation: Disapproval (split vote 3-3). Public comments were in regards to road conditions, traffic, wildlife, future growth, and the proposed Latson Road interchange.

LCPC Staff Recommendation: Approval. The proposed rezoning is consistent with LDR and RR zoning that is adjacent to the north, and the master plan designation of Large Lot Rural Residential (2 acres). The proposed rezoning would maintain the rural residential character of the area and would bring an additional three parcels (of 4.9 acres) into compliance regarding their required minimum lot size.

Commission Discussion: Commissioner Prokuda asked about the parcels along Chilson Road. Assistant Director Kline-Hudson stated that some of the parcels along Chilson are not being rezoned and pointed the parcel out on the map.

Public Comment: None.

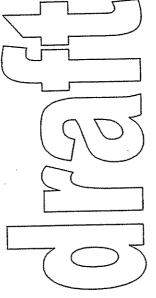
Commission Action: It was moved by Commissioner Clum to recommend **Approval**, seconded by Commissioner Kennedy-Carrasco. Motion carried 5-0.

b. Z-95-06 Genoa Township, Rezoning, Section 16, Boten/Reed/Genoa Township

Current Zoning: CE Country Estate
Proposed Zoning: RR Rural Residential

Proponents: David and Elizabeth Bonten, Cheryl Reed and Genoa Charter Township

Consonant with Township Master Plan: The 2005 Genoa Township Master Plan designates all of the properties as <u>Large Lot Rural Residential</u> at a recommended



density of 2 acres per unit. This future land use category is also recommended for land area adjacent to the east. South of Crooked Lake Road the future land use map recommends residential land uses with densities of 1 acre per unit or 2 to 3 units per acre. Surrounding land area to the west and north is designated Agriculture/Country Estate at a recommended density of 5 acres per unit.

Consonant with County Comprehensive Plan: The 2002 Livingston County Comprehensive Plan designates this site and all surrounding land area, as Residential. The Residential Future Land Use designation is characterized by fairly dense residential, commercial, and to some extent industrial development, although less dense and intense than uses found in the cities and villages. Residential areas are not without their rural character and scenic vistas. However, few agricultural lands in Residential areas are expected to exist twenty years from now. New residential developments in these areas should be compact and make the best use of sewer and water if it is available.

Township Planning Commission Recommendation: Disapproval. Public comments were in regards to the subdividing of lots, utilities, traffic, private roads, shared driveways and wildlife.

LCPC Staff Recommendation: Approval. The proposed RR rezoning is consistent with the recommendations of the Genoa Township Master Plan and with zoning, lot sizes and development patterns in the area. The rezoning will bring a greater number of these properties in conformance with the lot size requirements of the Genoa Township Zoning Ordinance.

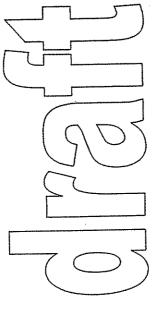
Commission Discussion: Commissioner Prokuda asked about the size of the lots along Spring Hill. Assistant Director Kline-Hudson commented that the parcels on the east side of the road are one acre. Commissioner Prokuda asked about the property to the north of the rezoning. Assistant Director Kline Hudson commented that the property to the north is master planned for AG. Commissioner Sparks asked about the township's consultant recommendation versus the township planning commission. Assistant Director Kline-Hudson commented that the township's planning firm suggested rezoning several parcels to match the master plan and avoid spot zoning. Commissioner Prokuda asked about parcels still being non-conforming. Assistant Director Kline-Hudson commented that the ordinance states that you should not make any additional parcel non-conforming. This rezoning makes some of the parcels conforming and other parcel less non-conforming

Public Comment: David Bonten, petitioner, commented that the property was up for rezoning in 1999 and the LCPC recommended approval but the township denied the rezoning. Commissioner Clum commented that if the Latson Road interchange comes through there will be a lot of changes in this area.

Commission Action: It was moved by Commissioner Clum to recommend **Approval**, seconded by Commissioner Sparks. Motion carried 5-0.

c. <u>Z-96-06 Cohoctah Township, Text Amendment, Community Wastewater Utility</u> <u>System</u>

The Cohoctah Township Planning Commission proposes to amend the Zoning



ZONING REVIEW

CASE NO. Z-94-06

LOCATION: Genoa Charter Township SECTION NO: Sections 7 and 8

SIZE: 126.92 acres

APPLICANT/OWNER:

Leonard Wilks / Genoa Charter

Township

CURRENT ZONING
CE Country Estate

REQUESTED

RR Rural Residential

DEC Z / ZUUb

GENOA TOWNSHIP

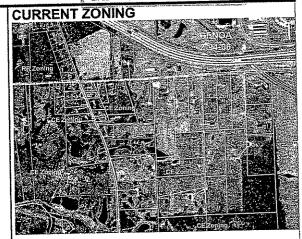
CURRENT ZONING

CE Country Estate

PERMITTED/SPECIAL USES

Permitted: Single family detached dwellings; accessory home occupations; accessory uses, buildings and structures customarily incidental to any permitted use; keeping of pets; farms; tree and sod farms, greenhouses, nurseries, and similar horticultural enterprises; storing, packaging and processing of farm produce; accessory keeping of equine and livestock; adult foster care family homes; foster family homes and family day care homes; essential public services; publicly owned parks, parkways, scenic and recreational areas and other public open space; and private non-commercial parks.

Special: Bed and breakfast inns; accessory roadside stands and commercial cider mills selling produce not grown on the premises; commercial kennels; commercial stables; adult foster care small group home; group day care home; places of worship; elementary schools; essential public service/utility buildings; underground pipeline storage; and golf courses without driving ranges.



MINIMUM LOT AREA - 5 Acres

REQUESTED ZONING

RR Rural Residential

PERMITTED/SPECIAL USES

Permitted: Single family detached dwellings; accessory home occupations; accessory uses, buildings and structures customarily incidental to any permitted use; keeping of pets; accessory keeping of equine and livestock; adult foster care family homes; foster family homes and family day care homes; essential public services; publicly owned parks, parkways, scenic and recreational areas and other public open space; and private non-commercial parks.

Special: Bed and breakfast inns; adult foster care small group home; group day care home; places of worship; elementary schools; essential public service/utility buildings; public buildings and uses such as fire stations and libraries; and golf courses without driving ranges.

CURRENT LAND USE



MINIMUM LOT AREA - 2 Acres

ESSENTIAL FACILITIES

SANITARY SEWER

On-site septic

WATER SUPPLY

Domestic well

ACCESS ROADS

Beck - Local gravel, and Chilson - Primary hard-top

SURROUNDING ZONING			
Zoning Designation	Minimum Lot Size		
AG Agricultural	40 Acres farm/ 10 non farm		
CE Country Estate	5 Acres		
RR Rural Residential	2 Acres		
LDR Low Density Residential	1 acre		

TOWNSHIP PLANNING COMMISSION RECOMMENDATION AND PUBLIC COMMENTS: Disapproval (split vote 3-3); public comments were in regards to road conditions, traffic, wildlife, future growth, and the proposed Latson Road interchange.

ANALYSIS BY: Kathleen Kline-Hudson DATE: December 1, 2006 CASE NO: Z-94-06

EXISTING CONDITIONS: The twenty-nine (29) properties identified for rezoning are south of Beck Road on either side of Westgate Drive or Chilson Road in Sections 7 and 8 of Genoa Charter Township.

Natural Areas: A Priority II High-Quality Natural Area as identified in the Livingston County Department of Planning's

publication Livingston County's High-Quality Natural Areas is located on two properties at the southeast

corner of this total acreage.

Land Use: Residential home-sites and vacant land.

Soils: The site predominately consists of well drained Miami Loam soils on nearly level to gently rolling

topography. Other soil types that are present include: Washtenaw Silt Loam, Fox-Boyer Complex, Metea Loamy Sand, Brookston Loam, Brady Loamy Sand and Conover Loam. Ribbons of poorly drained Washtenaw Silt Loam and well-drained Fox-Boyer Complex are located in the north central portion of the acreage on either side of Westgate Drive. Metea Loamy Sand, Brookston Loam and Brady Loamy Sand are located on the southern most portion of the acreage. The Metea Loamy Sand soil type is well-

drained, however the Brookston Loam and Brady Loamy Sand soils are poorly-drained with moderate to severe limitations for most nonfarm uses. Lastly, somewhat poorly drained Conover Loam soil is located

at the northeast corner of the acreage near the rail road tracks.

Wetlands: The National Wetland Inventory maps indicate that portions of four small wetlands are located on these

properties primarily to the west of Westgate Drive.

Vegetation: Vegetation on these properties is primarily in the form of residential landscaping. Larger stands of trees

are located at the southeast corner of this total acreage and just to the east of the Chilson and Beck Road

intersection.

CURRENT PLANNING AND ZONING: Most of the 29 properties involved in this rezoning request contain a single family residence on-site (See Photos #1, 2 and 3). Two properties are currently vacant at the end of Westgate (See Photo #1). All 29 properties are currently zoned CE Country Estate (5 acre minimum) and the petitioners are requesting this rezoning to RR Rural Residential (2 acre minimum) in order to permit future land splits of their properties.

Immediately to the north of the site is the I-96 expressway (See Photo #2), land area zoned LDR Low Density Residential (1 acre minimum) that is occupied by single family homes on the west side of Chilson Road and is farmed on the east side of Chilson Road (See Photo #4), and land area zoned RR Rural Residential (2 acre minimum) to the west of Chilson Road that contains large lot residences.

To the south of the site is a substantial expanse of land zoned CE Country Estate (5 acre). This land area can be characterized as rural residential. East and west of the site is additional land zoned CE that is also rural in character. The C&O Railway traverses this area in a northwest to southeast direction.

Township Master Plan: The 2005 Genoa Township Master Plan designates the majority of these properties as <u>Large Lot Rural Residential</u> at a recommended density of 2 acres per unit. The properties clustered around the Chilson and Beck Road intersection are designated <u>Low Density Residential</u> at a recommended density of 1 acre per unit. Much of the surrounding land area to the south and to the west is designated Agriculture/Country Estate at a recommended density of 5 acres per unit.

	Existing Land Use	Zoning	Township Master Plan
Subject Site	Primarily single family residences with some vacant land	CE Country Estate	Primarily Large Lot Rural Residential with some designated Low Density Residential
North	I-96 expressway and rural residences	LDR Low Density Residential and RR Rural Residential	Low Density Residential and Large Lot Rural Residential
South	Rural residential, agricultural	CE Country Estate	Large Lot Rural Residential and Agriculture/Country Estate
East	Rural residential, agricultural, railway	CE Country Estate	Large Lot Rural Residential
West	Rural residential, agricultural	CE Country Estate	Agriculture/Country Estate

DATE: December 1, 2006

CASE NO: Z-94-06

County Comprehensive Plan: The 2002 Livingston County Comprehensive Plan designates this site and all surrounding land area, as Residential. The Residential Future Land Use designation can characterized by fairly dense residential, commercial, and to some extent industrial development, although less dense and intense than uses found in the cities and villages. Residential areas are not without their rural character and scenic vistas. However, few agricultural lands in Residential areas are expected to exist twenty years from now. New residential developments in these areas should be compact and make the best use of sewer and water if it is available.

COUNTY PLANNING STAFF COMMENTS:

This rezoning to RR Rural Residential was originally requested by Mr. Wilks for his 5 acre parcel at the end of Westgate Drive so that he may split his parcel into two lots accessed by a shared driveway. The Genoa Charter Township planner reviewed this request and stated "...rezoning this individual parcel to allow 2 acre lots at the end of a residential road that is zoned and occupied by 5+ acre lots would constitute a spot zone. The smaller lots would be inconsistent with the zoning and development pattern of the surrounding properties. It would also grant a special privilege on this lot that is not shared by others in the area. In order to rectify this situation, we recommend that adjacent and surrounding parcels also be rezoned to RR, consistent with the Master Plan."

Fourteen of the properties involved in this rezoning are currently of a nonconforming lot size in the CE Country Estate (5 acre) zoning district. Three of these fourteen properties would be brought into lot size compliance if the properties were rezoned to RR Rural Residential (2 acre), however, eleven properties would remain nonconforming because they are 1 acre plus/minus in size. These properties are clustered around the Chilson/Beck Road intersection.

The township planning consultant estimates that an additional 34 residential lots could be created if RR zoning was implemented. The subject parcels are not currently served by public water or sewer, nor is this area included in the planned utility service area. Future development would be limited by the capacity of the land to accommodate well and septic and vehicular access.

The Future Land Use section of the Genoa Charter Township Master Plan designates the majority of these properties as Large Lot Rural Residential at a recommended density of 2 acres per unit, and designates the properties clustered around the Chilson and Beck Road intersection as Low Density Residential at a recommended density of 1 acre per unit. The Master Plan also recommends a Growth Management Boundary (pg. 45) that designates that these 29 properties are contained in a Rural Reserve Area outside of the growth boundary which should be maintained at a relatively low intensity rural character of development.

The RR Rural Residential zoning district at a minimum lot size of 2 acres, is still the third lowest density zoning category in Genoa Township; the CE/5 acre and AG/10 acre zoning districts are the only districts with a greater minimum lot size. Therefore, County Planning Staff maintains that RR zoning is consistent with the Rural Reserve Area noted in the Master Plan. Additionally, RR zoning is also consistent with the Large Lot Rural Residential (2 acre) master plan designation for these 29 parcels, and the proposed zoning change would bring some additional parcels into compliance with the lot size requirements of the Genoa Township Zoning Ordinance.

RECOMMENDATION: Approval; the proposed rezoning is consistent with LDR and RR zoning that is adjacent to the north, and the master plan designation of Large Lot Rural Residential (2 acres). The proposed rezoning would maintain the rural residential character of the area and would bring additional three parcels (of 4.9 acres) into compliance regarding their required minimum lot size.

Mortensen. Roll call made. Dean Tengle, Curt Brown, Barbara Figurski, Chairman Pobuda, and Teri Olson all support the motion to deny the rezoning application. James Mortensen opposes the motion. Motion carried 5-1.

Motion by Curt Brown to recommend to the Township Board that the impact assessment not be approved. Support by Barbara Figurski. Motion opposed by James Mortensen. Roll call made. Dean Tengle, Curt Brown, Barbara Figurski, Chairman Pobuda and Teri Olson all support the motion to recommend to the Township Board that the impact assessment not be adopted. James Mortensen opposes the motion. **Motion carried 5-1.**

OPEN PUBLIC HEARING #2... Review of rezoning application and impact assessment to rezone 126.92 acres centered on Westgate Drive, south of Beck Road and extending west along Chilson Road. The rezoning consists of the following 29 parcels: 11-07-400-001, 002, 003, 004, 005, 010, 011, 024, 025, 026; 11-08-300-001, 006, 009, 023, 025, 026, 027, 028, 029, 030, 031, 032, 033, 037, 038, 039, 040, 041 and 042. The request is to rezone from Country Estates (CE) to Rural Residential (RR) and is petitioned by Leonard Wilks and Genoa Charter Township. (06-23)

Chuck Wilks 4366 Beck Road appeared before the Commission. Petitioner is his father. He requests rezoning as outlined above.

Brian Borden discusses the environmental factors involving the petition. Surrounding designations are discussed. The area is primarily zoned for, planned for and used for residential of varying densities. The master plan identifies the area as rural reserve. The uses for CE and RR are very similar and the differences are primarily agricultural. A two acre minimum lot size would allow for the preservation of the natural environment. This lot size could accommodate septic and well. No extension of utilities is required. The existing roadway would service this area.

This plan would serve the demand for more residential area as seen in the projections. He believes this plan balances this need with the environmental concerns of the public.

Petitioner indicates the wetlands are one to two acres, at most.

Tesha Humphriss addresses her letter of October 18th and October 26th. There is no municipal water and sewer and private wells and septic would be required.

There would be an additional 38 trips in the a.m. peak hour and 41 trips in the p.m. peak hour and therefore, would meet the Township's requirements.

Petitioner indicates the property did perk.

Petitioner indicates shared driveway situations would exist. He would have to come back to the Township regarding private roads.

Joseph Miller, 3432 Beck Road addressed the Commission. He discussed the poor roads and busing situations. He worries about the infrastructure problems caused by traffic. He opposes rezoning. He fears that the Latson Road interchange will cause additional problems with low income housing, strips malls, etcetera. His parcel is 4.99 acres. He has access to a private road with five homes on it. He has a maintenance agreement with the people on that road. There are 4 homeowners that participate in the maintenance agreement. Eventually, he'd like that paved.

Greg LeBlanc, 3444 Beck Road addressed the Commission. He opposes rezoning. He indicates he spent a long time seeking a parcel that was this size and in this area to accommodate his hobbies. Rezoning would affect his life if he wished to add-on. Additionally, he built his house in the center of the property with the assumption that no re-zoning would take place. His parcel is 5.06 acres. He suggests that when he lived in Novi, he was told usage would be grandfathered in and although it was true, he ended up fighting in Court to preserve that right.

Cheryl Barnes, 1677 Chilson Road addressed the Commission. Her parcel is 2 acres. She doesn't wish to see a subdivision. She moved here to be in the country, not in a subdivision. She opposes the petition.

Debbie Allen, 1881 Chilson Road addressed the Commission. Her parcel is 7.5 acres. She opposes the petition. She wants to maintain her wildlife environment.

Mrs. Rose, 1784 Westgate Drive addressed the Commission. She supports the petition. She feels that everyone can have what they want. Their land can remain seven acres or two acres. They determine their own situation and everybody wins. Most of her neighbors on Westgate do support this petition.

Madonna Bork, 3398 Beck Road addressed the Commission. Her parcel is 5.07 acres. She supports approval of the petition. She thinks there is plenty of room for splitting. She reiterates that property need not be sold, but the opportunity to split it would be welcomed.

Larry Stevens, 3356 Beck Road addressed the Commission. He supports the petition. He purchased his property, envisioning a future split.

Theresa Sincog, 1822 Westgate addressed the Commission. She opposes the petition. The roads are not maintained well in the winter and more users would result in worse roads. Her parcel is 7.5 acres.

Martha Well, 1689 Chilson Road addressed the Commission. She opposes the petition. She feels the petition would change the integrity of the environment and neighborhood. She feels that the needs of those who already live in the community should override the need for growth/expansion of the community.

Rick Barnes, 1677 Chilson Road addressed the Commission. He opposes the petition and believes it would be a major impact to the area. There are already problems with keeping up with the growth in schools and municipalities. Perhaps this should be rethought and larger splits be permitted.

Larry Stewart, 1749 Westgate addressed the Commission and is in favor of the petition.

Mike Beelers of 1711 Chilson Road opposes the petition. He feels that doubling the residences in the area could cause problems with traffic and wildlife.

Dorothy Beelers of 1711 Chilson Road opposes the petition. She indicates that Chilson and Beck Road is a high traffic area with many major accidents. Adding another thirty homes into the area would be a major problem. If you consider the railroad crossing, it would be even more dangerous. They spent years searching for their property and were married on it. The wildlife would be endangered.

Ms. Rose discussed a letter sent to the Township by Mr. Engle. Kelly VanMarter indicates almost all letters were in favor of the petition and only one letter opposed it.

Chairman Pobuda asks for a show of hands for those in favor and those opposed to the petition. Chairman Pobuda then requests that only one hand per household be shown.

Chairman Pobuda asks Kelly VanMarter how this petition would work with the proposed Latson Road interchange. The property is master planned for 2 acres, even assuming the interchange.

Petitioner reminds the Commission that granting this petition would be a safety plan for many of these property owners, should they need to subdivide in the future.

Brian Borden indicates this area is planned for a higher density than it's actually zoned for.

James Mortensen asks Brian Borden about the balancing act of unreasonable plans and how that affects lawsuits by developers against municipalities. If the interchange goes through, the developers will bring a lot of pressure against the Township for larger developments.

Planning Commission disposition of petition

- A. Recommendation regarding rezoning application.
- B. Recommendation impact assessment.

Motion by James Mortensen to recommend the Township Board approve the rezoning application. Support by Chairman Pobuda. Roll call made. The motion was approved by Dean Tengle, James Mortensen, and Chairman Pobuda. The motion was opposed by Curt Brown, Barbara Figurski, and Teri Olson. **Motion fails, 3-3.**

Motion by James Mortensen to recommend to the Township Board approval of impact assessment dated October 26th. Support by Chairman Pobuda. Roll call made. The motion was approved by Dean Tengle, James Mortensen and Chairman Pobuda. The motion was opposed by Curt Brown, Barbara Figurski, and Teri Olson. **Motion fails, 3-3.**

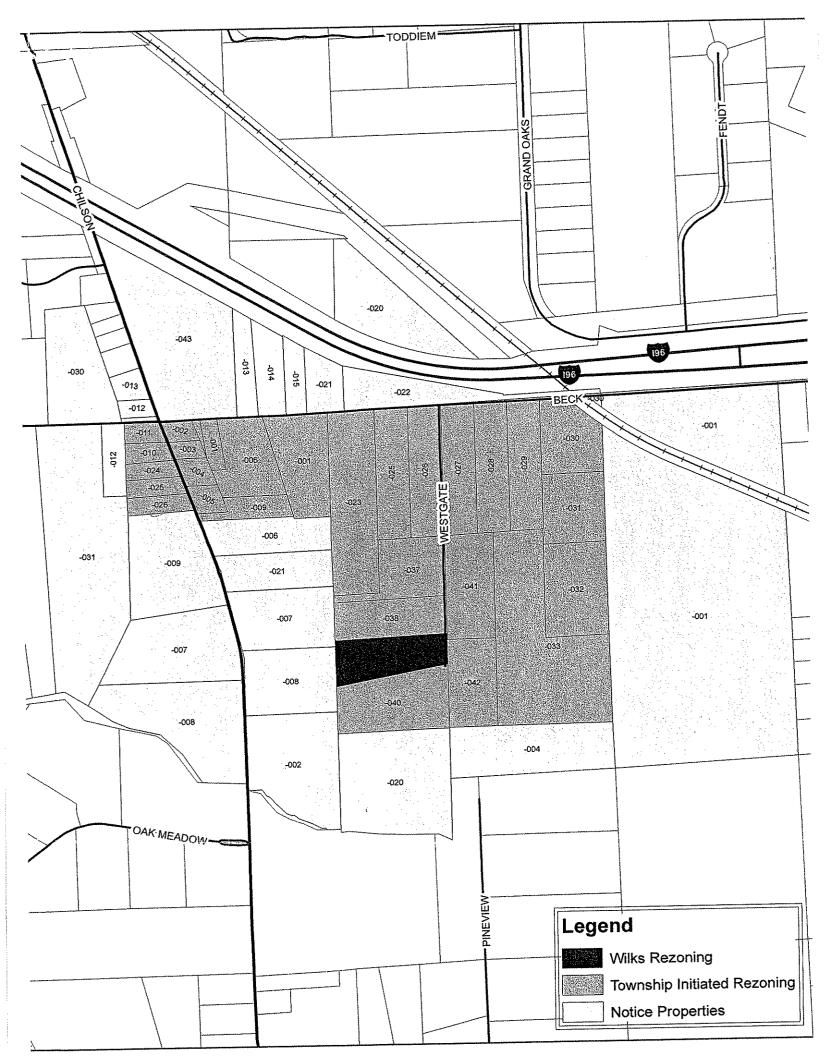
Administrative Business:

- Planners report presented by LSL Planners
- Approval of October 30, 2006 Planning Commission meeting minutes. Motion by Barbara Figurski to approve the minutes of the October 30th meeting. Support by James Mortensen. Motion carried unanimously.
- Member Discussion

Meeting adjourned at 8:50 a.m.

Respectfully submitted,

Kristi Cox Recording Secretary



DATE: August 25th, 2006

RE: Rezoning of Tax Code 4711-08-300-029

Dear Genoa Township Planning Commission & Board.

We understand our property is currently zoned Country Estate – 5 acres minimum per unit & the Master Plan for the property is Large Lot Rural Residential – 2 acres minimum per unit.

We would request that Genoa Township rezone our property to Large Lot Rural Residential - 2 acres minimum per unit.

Respectfully,

Madonna	Borck	
Signature Madon Ma	Bords	
Print name 10-03-06		
Date		•

DATE: August 25th, 2006

RE: Rezoning of Tax Code 4711-08-300-<u>038</u>

Dear Genoa Township Planning Commission & Board.

We understand our property is currently zoned Country Estate – 5 acres minimum per unit & the Master Plan for the property is Large Lot Rural Residential – 2 acres minimum per unit.

We would request that Genoa Township rezone our property to Large Lot Rural Residential – 2 acres minimum per unit.

Respectfull	у,		.*	
Ro	y 1.	Respons		
Signature/	Rose	abbegoning to era syntrologische vir die er engel die felbe follower verbahning etwe		
Print name	H-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	And the second control of the second control		
Date	PROPERTY OF THE PROPERTY OF TH			/

DATE: August 25th, 2006

RE: Rezoning of Tax Code 4711-08-300-<u>04</u>/

Dear Genoa Township Planning Commission & Board.

We understand our property is currently zoned Country Estate – 5 acres minimum per unit & the Master Plan for the property is Large Lot Rural Residential – 2 acres minimum per unit.

We would request that Genoa Township rezone our property to Large Lot Rural Residential - 2 acres minimum per unit.

Respectfully,

Signature

1:000 W. Sternest & Judy C. Stewast

Print name

11-13-06

Date

DATE: August 25th, 2006

RE: Rezoning of Tax Code 4711-08-300-027

Dear Genoa Township Planning Commission & Board.

We understand our property is currently zoned Country Estate – 5 acres minimum per unit & the Master Plan for the property is Large Lot Rural Residential – 2 acres minimum per unit.

We would request that Genoa Township rezone our property to Large Lot Rural Residential - 2 acres minimum per unit.

Respectfully	,			
en ús		1 frails		
Signature /	Jest	Wennere		
Print name	10/3/06			
Date	19111			Nagara da la caracteria de

GENOA TOWNSHIP

DATE: September 23, 2006

SEP 26 REC'D

RE: Rezoning of Westgate Drive and surrounding area

RECEIVED

Dear Genoa Township Planning Commission & Board,

We understand that our property and the surrounding area are currently zoned as Country Estates - 5 acres minimum per unit. Although the Master Plan for the properties is Large Lot Rural Residential - 2 acres minimum per unit, we do NOT want the properties rezoned.

We moved to this house seven years ago and I was put in charge of finding a contractor to snow plow our road and later was put in charge of working with a contractor to upgrade the road. The first year of snow plowing, one person did not contribute to the snow plowing of the road. The second year, another person stopped contributing because he got a tractor and he could get his wife and himself out. The rest of us were on our own. So the financial burden of snow plowing the road fell on four households instead of six. The third year became increasingly difficult to collect the monies needed to pay for snow plowing. Finally, I was tired of being screamed at and ignored by my neighbors, and gave up contracting to have our road snow plowed. There has been no set snow plowing since. Through the kindness of our neighbor at the end of our road, our road gets plowed when there is heavy snow. No one gives them any money towards gas except my husband and

The households on our road did pay to have a contractor come out and upgrade our road. The same household that never contributed to the snow plowing or any other improvements to the road, did not contribute to this improvement. The household that stopped paying for the snow plowing did agree to pay, but then never did, to my best knowledge. Once again, the financial burden fell to four households. The road is no longer 22 feet wide and is not wide enough for two vehicles to pass each other. The road has potholes and needs to have 22AA spread on it and a professional grading done. This is not possible, since only two households are willing to put any money into the road, as far as I know. I've been screamed at enough to know the majority of the neighbors will not participate.

My point is, adding more houses to this road will only degrade it more. The initial investment of \$25,000 to upgrade the road will have been wasted. This road cannot handle any more traffic and with the neighbors being so uncooperative with the upkeep of the road, the road will only get worse. We do have a road association agreement that we paid an attorney to draw up. Some people signed, but others didn't sign. Some people signed and didn't pay and others haven't even been approached to sign. Finally, and most importantly, we bought this house because of the open land and very few surrounding homes. For the natural landscaping and the animals that we see daily. This is the environment that we want to raise our children in. We grew up in the Los Angeles area and know what it's like to grow up in the city. We choose this area because of the openness and country-like atmosphere. Our children are safe when playing outside. We all know with more homes comes more crime.

We **strongly** disagree with the rezoning of our area. Please do not take away the beauty that surrounds us. Please do not take away the safety we have for our children. Please do not let this real estate agent, who doesn't care about our neighborhood because he doesn't live here, tear our safe haven apart. Please do **NOT** rezone our neighborhood. Thank you for your attention to this matter.

Respectfully,

Susanne Schepak Suzanne Schepak Sche a Llagnon Antony Schepak

Cecile Gagnon

Tax Code 4711-08-300-037

NOV 1 3 2006

Dear Genera Township Planning Commission

We are In agreement with geff & Loù Wingles. Thank you for your Cornerderation.

Ray Phosa Rose 5175467469 - 517672-2379

Larry W. Strat Judio C Stewart

NOV 1 3 2006 GENOA TOWNSHIP

Jeffrey J Wengle Lori L. Wengle 1555 Westgate Drive Howell, MI 48843

RE: Rezoning of Westgate Drive and Surrounding area

Dear Genoa Township Planning Commission,

We have been a resident of Genoa Township for eight years on Westgate Drive. We are giving our support for the rezoning of our lot sizes to 2 acre parcels.

We are writing this letter in response to a letter you received on September 26, 2006 from Suzanne Schepak, Anthony Schepak and Cecile Gagnon (Cecile Gagnon has recently began living with her daughter, Suzanne)

For starters, for the past five years Jeff Wengle has snowplowed the road in the winter and graded the road in the spring, summer and fall at no charge to any residents on Westgate Drive.

Suzanne's claims that she is the only one paying for snowplowing is totally inaccurate as we are the ones snowplowing the road and we have never received any money for this

Suzanne was not in charge of upgrading the road. A former resident Pam who has since moved handled that. You should have documentation of that at your office as Pam did visit your office for approval to improve Westgate Drive and name the road.

Suzanne does call and thank Jeff from to time, but I have taken offence to the claims that she pays Jeff or anybody for this service.

The road is adequate for current and future needs. Suzanne does not get along with me or any of the other neighbors for a number of reasons. Her view does not reflect that of the community of Westgate Dr as a whole.

The road has been upgraded; the road is maintained well by Jeff Wengle. Westgate Drive is better maintained than most county roads and is ready for some growth.

Sincerely,

m Wergle

Jeff & Lori Wengle

Dear Genog Township Planning Commercian,

Requarding resoming of Westgate Arico Framo
Pennty Extates to Rural Residential. We one the auries
of 1744 ! 1749 Westgate Line and we are in
Support of the matter Would request your favorable
revenue. Thank your
Requards, Ray ! has hose & Larry & Judy Stewart
5467469
517-548-7045

PECEVED

NOV - 9 2006

GENOATOWISHIP

Application for Rezoning and Impact Assessment for

CE – Country Estate to RR – Rural Residential (Westgate)

Genoa Township Livingston County

Prepared for:



Genoa Township 2911 Dorr Road Brighton, MI 48116

Prepared by:



LSL Planning, Inc.

Community Planning Consultants

LSL Planning, Inc. 306 S. Washington Avenue, Suite 301 Royal Oak, MI 48067

October 26, 2006

REZONING INFORMATION

A. Applicant: Genoa Township

Address: 2911 Dorr Road, Brighton, MI 48116

Telephone: (810) 227-5225

B. Parcel Numbers and Acreage

11-08-300-001 (6.32 ac)	11-08-300-031 (5.03 ac)
11-08-300-006 (5 ac)	11-08-300-032 (6.77 ac)
11-08-300-009 (1.92 ac)	11-08-300-033 (17.98 ac)
11-08-300-023 (10.01 ac)	11-08-300-037 (5.01 ac)
11-08-300-025 (5.07 ac)	11-08-300-038 (5 ac)
11-08-300-026 (5.07 ac)	11-08-300-039 (5 ac)
11-08-300-027 (5.07 ac)	11-08-300-040 (7.27 ac)
11-08-300-028 (5.07 ac)	11-08-300-041 (5.94 ac)
11-08-300-029 (5.07 ac)	11-08-300-042 (5 ac)
11-08-300-030 (5.06 ac)	
	11-08-300-009 (1.92 ac) 11-08-300-023 (10.01 ac) 11-08-300-025 (5.07 ac) 11-08-300-026 (5.07 ac) 11-08-300-027 (5.07 ac) 11-08-300-028 (5.07 ac) 11-08-300-029 (5.07 ac)

C. The applicant requests that the foregoing properties be rezoned from Country Estate District (CE) to Rural Residential District (RR).

D. Site Description

The site consists of 29 parcels totaling 126.92 acres in area. The subject area is centered on Westgate Drive south of Beck Road and extends to the west along Chilson Road. Current zoning, existing land use and Master Plan designations adjacent to site are as follows:

	Existing Land Use	Zoning	Master Plan
Subject Site	Rural residential, undeveloped land and woodlands	CE	Large Lot Rural Residential (2 ac) and Low Density Residential (1 ac)
North	Single family residential and I- 96 right-of-way	RR, LDR	Large Lot Rural Residential (2 ac) and Low Density Residential (1 ac)
South	Agriculture, rural residential, undeveloped land and woodlands	CE	Agriculture / Country Estate (5 ac)
East	Agriculture, rural residential, undeveloped land and woodlands	CE	Large Lot Rural Residential (2 ac)
West	Rural residential, undeveloped land and woodlands	CE	Agriculture / Country Estate (5 ac)

Rezoning Criteria

1. Consistency with the goals, policies and future land use map of the Genoa Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.

As noted in the table above, the Township Master Plan future land use map identifies the majority of the subject properties as Large Lot Rural Residential and the remainder as Low Density Residential.

The Rural Residential designation is intended for development as single family residential on large lots of not less than 2 acres, while the Low Density Residential designation is intended for single family residential on lots of at least 1 acre in size.

The proposed rezoning from CE to RR is consistent with the Township Master Plan future land use map designation(s) and description(s).

The Township Master Plan also identifies the following goals with respect to land use that are supported by the request:

- Accommodate a variety of land uses that are located in a logical pattern which
 complement community goals, the surrounding land uses, environment, capacity of
 roads and the sanitary sewer and public water system capabilities.
- Promote harmonious and organized development consistent with adjacent land uses.
- Provide a diversity of housing while retaining the attractive "rural" atmosphere in residential areas.

The Master Plan also identifies the site as a rural reserve area, which is intended to maintain low intensity development with a rural character that will not adversely impact natural features and agricultural uses. The proposed Rural Residential zoning is consistent with this designation.

2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.

Article 5 of the Township Zoning Ordinance identifies a very similar list of permitted and special land uses for both the current (CE) and proposed (RR) zoning designations, with the primary exception being the potential for certain agricultural uses in CE that are not allowable in RR. However, the keeping of horses will still be permitted in RR.

The County Soil Survey prepared by the USDA Soil Conservation Service identifies soils in the subject area that are suitable for agricultural uses and low density residential development. Development at a higher density may not be supportable by the soils in the subject area.

The subject properties also contain some woodlands and wetlands in the southeast corner, as well as a limited number of areas with steep slopes. The minimum lot size requirement for the RR district of 2 acres will allow for the preservation of these unique natural features, which is also a goal of the Township Master Plan. The minimum lot size will also allow for the use of septic and well systems as opposed to necessitating extension of public sanitary sewer and water lines. Further, development under RR regulations may permit the use of gravel roadways for access to properties, which will be more compatible with the site's environmental features.

Based upon the minimum lot size requirements and allowable uses in the RR district, development permitted under the proposed designation would be compatible with the environmental conditions found in the subject area.

3. The ability of the site to be reasonably developed with one (1) of the uses permitted under the current zoning.

As noted in item #2, the Township Zoning Ordinance identifies nearly the same permitted and special land uses for both the current (CE) and proposed (RR) zoning designations, with the exception of certain agricultural uses. Therefore, this criterion is not pertinent to the requested rezoning.

4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

As noted above, the Township Zoning Ordinance identifies nearly the same permitted and special land uses for both the current and proposed zoning designations. The majority of the properties surrounding the site are currently zoned CE. Other zoning designations in the surrounding area include RR and LDR to the northwest. The potential uses will be compatible with the surrounding uses in terms of suitability, environmental impact, density, nature of use, traffic impacts, aesthetics, infrastructure and influence on property values.

5. The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.

The subject properties are not served by public sanitary sewer or water and are located outside of the public utility service area identified in the Master Plan. As previously noted, development under RR regulations would allow for the use of individual septic and well systems and would not require an extension of such services.

Beck Road and Chilson Road are the main roads serving the area. Chilson Road is a paved, two-lane roadway, while Beck Road and Westgate Drive are gravel. As gravel roads, they cannot support the traffic that would be generated by higher density development. Based upon the gross acreage of the subject properties, development under

RR could result in an additional 34 residential lots. This figure does not include land area needed for access, or wetland and undevelopable areas. The potential increase in units also does not reflect current parcel configuration or ownership interests. The ITE Trip Generation Manual indicates that 34 additional residential lots would generate up to 325 vehicle trips per day, which is compatible with the existing roadway conditions.

The potential 34 additional units that could be developed will also have a limited impact upon schools. Assuming 0.5 children per household, this could result in approximately 17 school age children.

Given the fact that public sanitary and water will not be required, and that the low density of residential development will in turn generate a relatively low volume of traffic, the proposed rezoning to RR is compatible with the capacity of Township infrastructure and services.

6. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand.

There is a demand for residential property in the Township as demonstrated by growth patterns and population projections. SEMCOG estimates indicate that the Township currently has a population of 20,280. This represents an increase of 87.4% from the 1990 Census figure (10,810). By 2030, it is projected that the Township will have 29,038 residents (SEMCOG).

The Township Master Plan and future land use map were designed to promote higher density development in areas where appropriate infrastructure is available to support such development. The sites being rezoned are located outside of the areas planned for utilities and higher density development. The requested rezoning represents a balance between supporting the demand of current and projected population trends with the availability and capacity of infrastructure.

Data provided by the SEMCOG indicates that the Township lost more than 1,000 acres of its active agricultural land between 1990 and 2000, dropping from 21% of the overall land area to 15%. During this same time period, the area occupied by single family residential increased by more than 2,000 acres and the amount of undeveloped land decreased by 16.5%. Recognizing this trend and the need to balance growth, the Township sought to protect farmland and land with soils conducive to agricultural practices in this part of the Township, while concentrating growth and higher density development elsewhere.

7. Where a rezoning is reasonable given the above criteria, a determination the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within a district.

Based upon the above criteria, a rezoning to RR is reasonable. The rationale behind the RR designation is to balance the demand for the additional residential development, by

increasing the allowable density, with the availability and capacity of infrastructure and utilities. The host of permitted uses in the two districts are very similar and amending the Ordinance to allow 2 acre lots in the CE district would not be appropriate.

8. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

The proposed rezoning has not been requested within the past year and this requirement is met.

INTRODUCTION

The following environmental impact assessment is being provided to assist in the evaluation of the Township initiated rezoning of property owned by a number of parties generally located on each side of Westgate Drive, south of Beck Road and extending west along Chilson Road from Country Estate (CE) to Rural Residential (RR). The rezoning request consists of 29 parcels and an approximate area of 126.92 acres.

The following format conforms to the impact assessment requirements as outlined in Section 18.07 of the Township Zoning Ordinance.

1. Preparer

Prepared For: Genoa Township 2911 Dorr Road Brighton, MI 48116

Prepared By: LSL Planning, Inc. 306 S. Washington Avenue, Suite 301 Royal Oak, MI 48067

LSL Planning, Inc. is a community planning and urban design consulting firm. The firm has experience in land use planning and development with particular expertise in community, transportation and environmental planning. The firm serves as the ongoing planning consultant for the Township, which provides insight and experience with Township planning and zoning.

2. Location

The area is comprised of low density (rural) residential, agricultural uses, undeveloped land and areas of woodlands. The subject properties also contain soils conducive to agricultural practices or low density residential development. There are also some areas with steep slopes, as well as woodlands and a limited amount of wetlands.

3. Impact on natural features

As an area with limited existing development, consideration must be given to the natural features in the area. The area contains existing woodlands, a limited amount of wetlands, as well as some areas with steep slopes. Soils in the area are conducive to agricultural uses. However, soil conditions have limited suitability for septic systems, limiting the density of development. The proposed rezoning to RR would require minimum lot sizes of 2 acres, which would allow for low density residential

development and the preservation of unique environmental features in accordance with the Township Master Plan.

4. Impact on stormwater management

Any subsequent development of the site will require soil erosion and dust control measures in accordance with Township and County standards, as well as stormwater management in accordance with the Livingston County Drain Commission.

5. Impact on surrounding land uses

As noted in the Rezoning Review preceding this Impact Assessment, the permitted uses are very similar in both the current CE and proposed RR zoning districts. The primary differences in uses are certain agricultural uses that are limited to the current zoning of CE. The other difference relates to minimum lot size – 5 acres for CE and 2 acres for RR. Development at this density will not have an adverse impact on surrounding uses with respect to added light, noise or air pollution.

6. Impact on public facilities and services

The subject site consists of 29 parcels with a total land area of 126.92 acres. Development under the proposed designation of RR could accommodate up to 34 additional single family residences. This figure does not include land area needed for access, wetland and undevelopable areas, nor is it based upon the existing parcel configuration or ownership interests. According to the U.S. Census Bureau, household size in Genoa Township was 2.72 persons per household in 2000. Over the past 30+ years this number has been steadily reducing, not only in the Township, but across the nation. As of October 2006 SEMCOG estimates this figure to be 2.58 persons per household. Based upon the current estimate, the potential 34 additional units that could be developed will generate approximately 88 persons, thus generating a minimal impact on public services. Such potential development will also have a limited impact upon schools. Assuming 0.5 children per household, this could result in approximately 17 school age children.

7. Impacts on public utilities

The subject parcels are not currently served by the public water or sewer, nor is this area included in the planned utility service area. Any future development of the site under the proposed designation of RR will require minimum lot sizes of 2 acres, which is sufficient to provide for individual well and septic systems and will not necessitate the need for connection to the public systems. Any development requiring private roads or other improvements will need to provide for stormwater management. Development under RR may also permit the use of gravel roads, which will further reduce any potential impact to storm drainage.

8. Storage and handling of any hazardous materials

Potential future residential development of the area under RR regulations will not require use, storage or disposal of hazardous substances, beyond that found in a typical household.

9. Traffic Impact Study

Based upon the gross acreage of the subject properties, development under RR could result in up to 34 additional residential lots. This figure does not include land area needed for access, or wetland and undevelopable areas. The ITE Trip Generation Manual indicates that 34 additional residential lots would generate up to 325 vehicle trips per day. This increase in trips per day is well below the threshold for requiring a traffic impact statement. Depending on the amount of surrounding development, this amount of traffic could be supported by the existing roadways.

10. Historic and Cultural Resources

The proposed rezoning is not anticipated to have any impact upon historic and/or cultural resources.

11. Special Provisions

There are no special provisions that apply to the subject site.

12. List of sources

Genoa Township Zoning Ordinance, 1991
Genoa Township Master Plan, 2006
Southeast Michigan Council of Governments (SEMCOG)
U.S. Census Bureau

GENOA TOWNSHIP



OCT 3 0 REC'D

RECEIVED

October 26, 2006

Ms. Kelly VanMarter Genoa Township 2911 Dorr Road Brighton, MI 48116

Re:

Genoa Township - Westgate Rezoning

Review #1

Dear Ms. VanMarter:

As requested we have performed a review of the above-referenced rezoning plan as prepared by LSL Planning, Inc. The Township is proposing to rezone 29 parcels near the intersection of Westgate and Beck Roads from Country Estates (5 acre minimum per unit) to Rural Residential (2 acres minimum per unit). We offer the following comments for your consideration.

TRAFFIC

1. The subject site consists of 126.92 acres. The rezoning of these properties at 2 acres/unit minimum could result in 63 total lots. Subtracting the existing 29 parcels equates to the potential to construct 34 additional lots with this rezoning. The increase in traffic on adjacent roadways from the addition of 34 single family homes would be by 385 trips during an average weekday, 33 trips in the AM peak hour and 41 trips in the PM peak hour.

UTILITIES

2. Municipal sanitary sewer and water services are not available at this site. The impact assessment indicates that a private well and septic service will utilized to serve the proposed use of this property. These services shall be designed per Livingston County Health Department Standards.

DRAINAGE AND GRADING

3. All drainage, grading, and soil erosion control measures shall be designed in compliance with the regulations established by the Livingston County Drain Commissioner's Office.

Ms. Kelly VanMarter Genoa Township – Westgate Rezoning October 26, 2006 Page 2

RECOMMENDATION

We recommend that the Township consider the above issues before taking action on this rezoning request.

If you have any questions or comments, please call.

Sincerely,

Tesha L. Humphriss, P.F.

Project Engineer

:cpl

123-12736-07-006.12

copy: Mr. Gary McCririe, Genoa Township

K:\Letters\Genoa Twp Westgate Rezoning.doc

HOWELL AREA FIRE DEPARTMENT

FIRE MARSHAL DIVISION

1211 W Grand River Howell, MI 48843 517-546-0560

Fax: 517-546-6011

To:

Amy Ruthig

Date:

October 17, 2006

Company:

Genoa Twp

Pages: 1, including this cover sheet.

VIA#:

E-Mail

From:

Les Rodwell, Fire Marshal

Subject:

Westgate rezoning site plan, Genoa Township

COMMENTS:

I have reviewed the above listed site plan and find that it is **satisfactory** as presented. Any changes in this site plan shall be submitted to the Howell Area Fire Department for additional approval. If there is anything further that you need, please feel free to give me a call.

GENOA TOWNSHIP APPLICATION FOR REZONING

APPLICANT NAM	E:LEOVARO	A. WILKS ADDRESS: 8229 SPRINGDALE WHITE LAKE MI 48	Dl 3386
OWNER NAME:	3ME	ADDRESS: SAME	
TELEPHONE: (24)	8)698,106	9 PARCEL#(s): 1108300039	

We, the undersigned, do hereby respectfully make application to and petitioned the Township Board to amend the Township Zoning Ordinance and change the zoning map of the township of Genoa as hereinafter requested, and in support of this application, the following facts are shown:

A. REQUIRED SUBMITTAL INFORMATION

1. a legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties;

× 2. the name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, and proof of consent from the property owner;

× 3. It is desired and requested that the foregoing property be rezoned from:

5 ACRES (C E) to 2 ACRES MIN.

- 4. a site analysis site plan illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, steep sloped, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity;
- € 5. a conceptual plan demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site design factors;
 - 6. A written environmental assessment, a map of existing site features as described in Article 18 describing site features and anticipated impacts created by the host of uses permitted in the requested zoning district;

7. a written description of how the requested rezoning meets Sec. 22.04 "Criteria for Amendment of the Official Zoning Map".

√ 8. The property in question shall be staked prior to the Planning Commission Public Hearing.

B. DESCRIBE BELOW HOW YOUR REQUESTED REZONING MEETS THE ZONING ORDINANCE CRITERIA FOR AMENDING THE OFFICAL ZONING MAP.

1. How is the rezoning consistent with the goals, policies and future land use map of the Genoa Township Master Plan, including any subareas or corridor studies. If not consistent, describe how conditions have changed since the Master Plan was adopted?

FUTURE LAND USE PLAN IS FOR Z KRES PER DWELLING UNIT INTHI.
ANEA PROPOSED REZONING IS TO Z ACRES PARCELS

	Are the site's physical, geological, hydrological and other environmental features suitable for the host of uses permitted in the proposed zoning district? SOILS ARE SUITABLE FOR SEPTIC FEELDS. ALL OTHER
\$	PHYSICAL FEATHURES AND COMPATIBLE WITH SINGLE FRMILLY HONE CONSTRUCTION Do you have any evidence that a reasonable return on investment cannot be received by developing the property with one (1) of the uses permitted under the current zoning? THE USE PROPOSED IS DERMITED UNDER CURRENT ZONING PRIFITAL USES DUDER THE PROPOSED ZONING AND
	How would all the potential uses allowed in the proposed zoning district be compatible with surrounding uses and zoning in terms of views, noise, air quality, the environment, density, traffic impacts, drainage and potential influence on property values?
	THE DRODUSED
5.	Is the capacity of the infrastructure (streets, sanitary sewer, water, and drainage) and services (police and fire protection, etc.) sufficient to accommodate the uses permitted in the requested district?
6.	Is there a demonstrated demand in Genoa Township or the surrounding area for the types of uses permitted in the requested zoning district? If yes, explain how this site is better suited for the zoning than others which may be planned or zoned to accommodate the demand. WES THE APEA ALVEADY HAS A ACCESS COUSTRUED
	AND SOILS SUTTABLE FOR SEPIC FEILDS
7.	If you have a particular use in mind, is there another zoning district where your use is permitted that may be more appropriate? Why should the Township rezone the land rather than amending the list of uses allowed in another zoning district which could also accommodate your intended use?
8.	THE RESOULUE WOULD ALLOW AU INCREASED USE O LAUD WITH A USE CONSISTENT WITH CURRENT ZOUIN AND AT A DENSITY COWSISTENT WITH THE MASTER DLAID Describe any deed restrictions which could potentially affect the use of the property. NOUE

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The undersigned says that they are the OWNEZ (owner, lessee, or other specified interest) involved in this petition and that the foregoing answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his/her knowledge and belief.
BY: LEOUARD D. WILKS ADDRESS: 9229 SPRIDEDALE DR WHITE LAKE MI 48386 Sow D. Wills
SIGNATURE Contact Information - Review Letters and Correspondence shall be forwarded to the following:
1.) CHUCK WILKS of REMAY PLATHUM at (S17 S4S 7370) Business Affiliation Fax No.
FEE EXCEEDANCE AGREEMENT As stated on the site plan review fee schedule, all site plans are allocated two (2) consultant reviews and one (1) Planning Commission meeting. If additional reviews or meetings are necessary, the applicant will be required to pay the actual incurred costs for the additional necessary, the applicant will be required concurrent with
As stated on the site plan review fee schedule, all site plans are allocated two (2) consultant reviews and one (1) Planning Commission meeting. If additional reviews or meetings are necessary, the applicant will be required to pay the actual incurred costs for the additional reviews. If applicable, additional review fee payment will be required concurrent with submittal to the Township Board. By signing below, applicant indicates agreement and full understanding of this policy.
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As stated on the site plan review fee schedule, all site plans are allocated two (2) consultant reviews and one (1) Planning Commission meeting. If additional reviews or meetings are necessary, the applicant will be required to pay the actual incurred costs for the additional reviews. If applicable, additional review fee payment will be required concurrent with submittal to the Township Board. By signing below, applicant indicates agreement and full understanding of this policy.

C. Affidavit

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IMPACT ASSESSMENT DISCUSSION ITEMS

1. Name(s) and address(es) responsible for the preparation of the impact assessment and a brief statement of their qualifications.

Prepared by:

Chuck Wilks RE/MAX Platinum-Howell 107 E.Grand River Ave. Howell, MI 48843 517-545-5050

Qualification:

Real estate professional with one of the largest firms in Southeast Michigan.

2. Description of the site, including existing structures, man made facilities, and natural features, all inclusive to within 10' of the property boundry.

The site consists of 5 acres located on Westgate Drive south of Beck Rd and East of Chilson Rd. The parcel is open with a few small scattered trees. A gentle slope form the North end of parcel to the South runs throughout the parcel.

3. Impact on Natural Features: A written description of the environmental characteristics of the sit prior to development, i.e., topography, soils, vegetative cover, drainage, streams, creeks or ponds.

The proposed change will not impact any Natural Features which include wetlands, ponds, creeks or vegetative covers.

4. Impact on Storm Water Management: Description of Soil Erosion Control Measures During Construction.

At this time there are no construction proposals.

5. Impact on Surrounding Land Use: Description of proposed usage and other man made facilities; how it conforms to existing and potential development patterns. Effects of added lighting, noise or air pollution, any proposed phasing.

The change has the potential to add 1 additional build site to the parcel. Adjacent parcels will have the possibilities as adjacent parcels have 5 acres or more.

6. Impact on Public Facilities and Services: Description of number of residents, employees, patrons, and the impact on general services, i.e., schools, police.

There will be no impact on Public Facilities or Services.

7. Impacts On Public Utilities: Description of all public utilities serving the project, i.e., water, sanitary sewer and storm drainage control. Expected flows projected in residential equivalents.

No Impact on Public Utilities. Residential wells and septic will be used.

8. Storage or Handling of Any Hazardous Materials: Description of any hazardous materials used, stored, or disposed of on-site.

No Impact on Hazardous Materials as none will be used.

9. Impact on Traffic and Pedestrians: Description of traffic volumes to be generated and their effect on the area.

At this time no new construction is being proposed, therefore there will be no Impact.

10. Special Provisions: Deed restrictions, protective covenants, etc.

If splitting the parcel front/back then a utility easement as well as a "shared driveway" would be necessary.

11. Description of all sources.

Township Master Plan, Township Future Master Plan, GIS Ortho Maps, Health Dept., Livingston County Public Records.

12. Previously Submitted Environmental Assessments.

None known.

Livingston County Health Department

Environmental Health Division

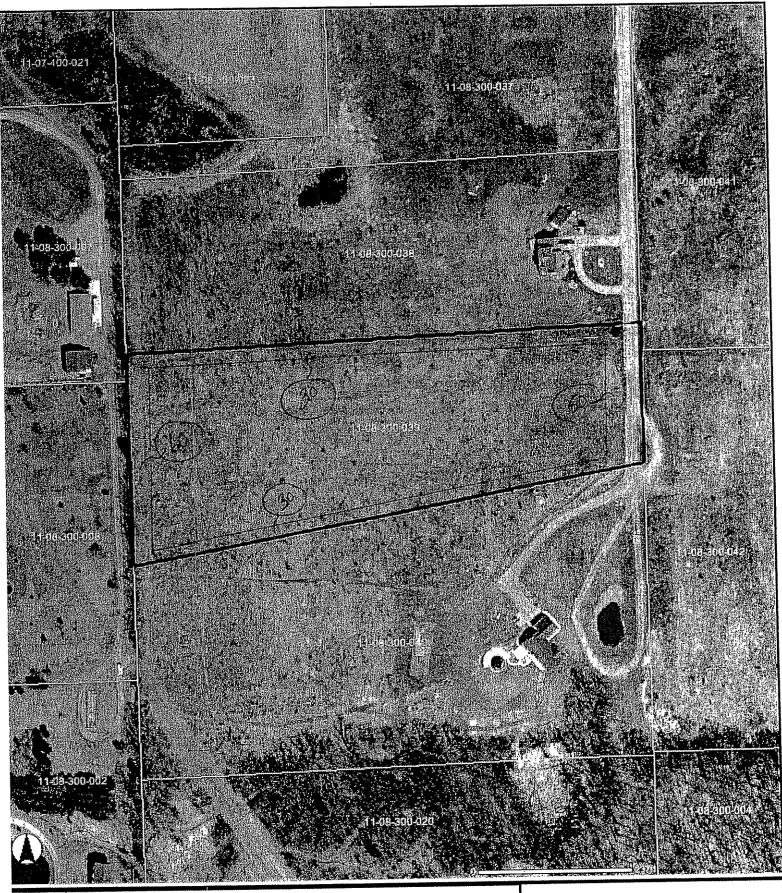
2300 E. Grand River, Howell, Michigan 48843-7579 Fax (517) 546-9853 • Phone (517) 546-9858

Prop. Description No.

SOILS EVALUATION FOR SUB-SURFACE SEWAGE DISPOSAL SYSTEMS

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This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal system will be granted. Changing conditions that might result in permit denial are explained in more detail on the reverse side.

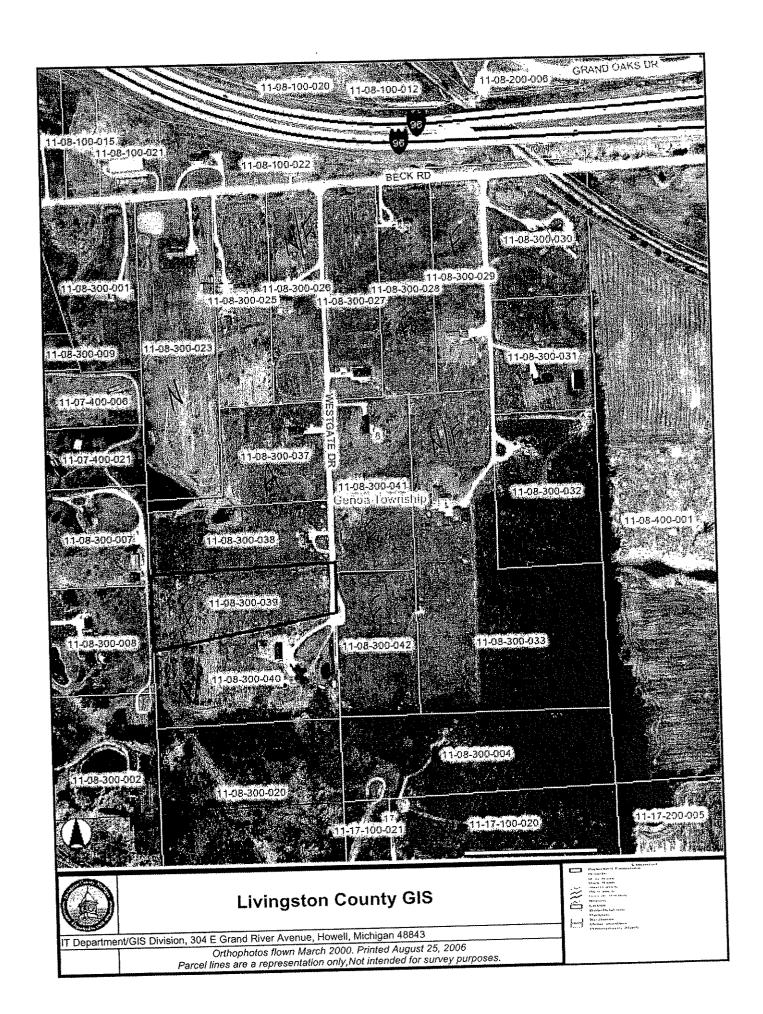


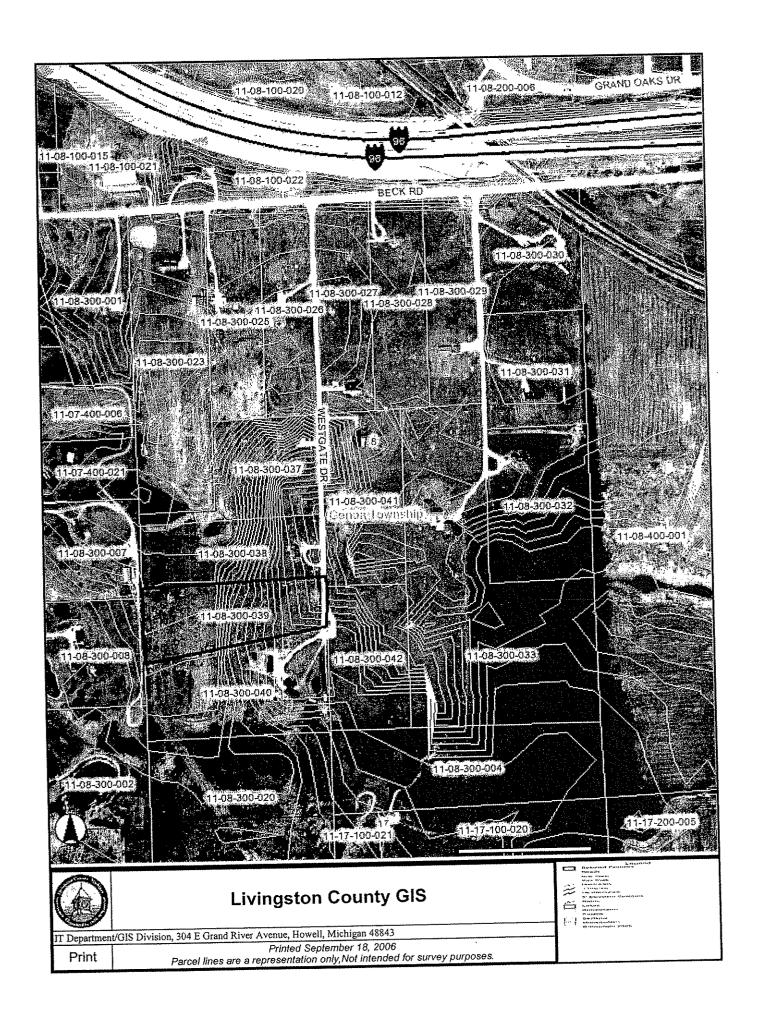


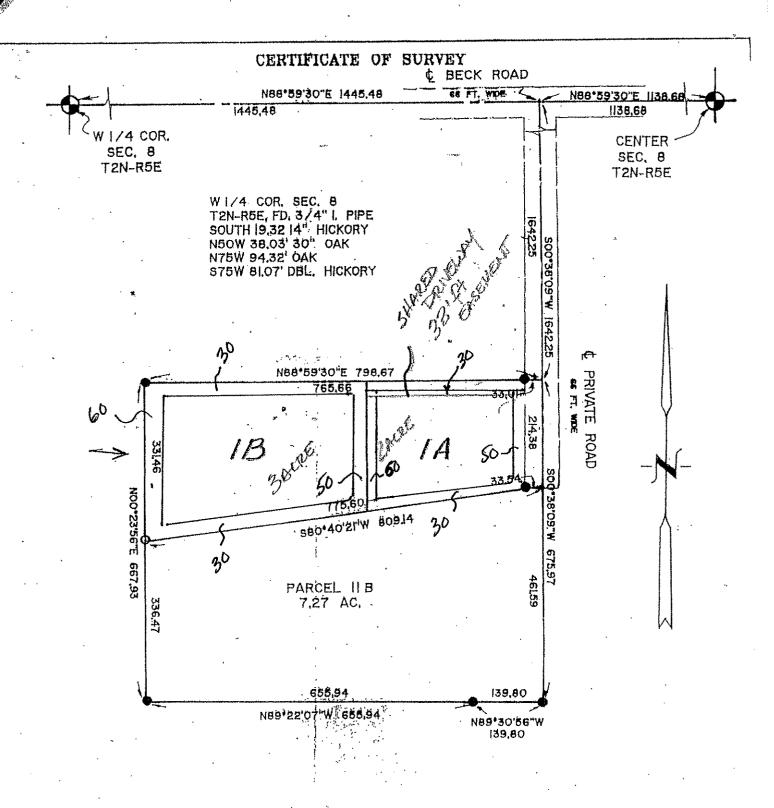
Livingston County GIS











CENTER SECTION 8 T2N-R5E FD, 1/2" I, ROD N26W 42.58' P POLE N46E 78.23' I5" HICKORY S63W 29.59' P POLE N58W I50.72' P POLE

LEGEND

O = SET 1/2" STEEL REROD WITH CAP: GARLOCK 14782

e = FOUND CORNER MARKER



LSL Planning, Inc.

Community Planning Consultants

October 26, 2006

Planning Commission Genoa Township 2911 Dorr Road Brighton, Michigan 48116

Subject:

Westgate Rezoning from CE Country Estate to RR Rural Residential

Location:

West side of Westgate Drive, south of Beck Road

Applicant:

Leonard Wilks

8229 Springdale Drive

White Lake, MI

Dear Planning Commission:

At your request, we have reviewed the application requesting the rezoning of one parcel on Westgate Drive from CE Country Estate to RR Rural Residential. The site contains a total area of 5 acres and is currently undeveloped. The proposed rezoning has been reviewed in accordance with the Genoa Township Zoning Ordinance and Master Plan.

A. SUMMARY

- 1. The proposed rezoning from CE to RR is consistent with the Master Plan and Future Land Use Map.
- 2. Rezoning this individual parcel constitutes a spot zone, as it would be inconsistent with the surrounding area.
- 3. We recommend that a larger area including adjacent and surrounding property be rezoned from CE to RR, consistent with the Township Master Plan.
- 4. The requested rezoning is compatible with the availability of infrastructure and services in the Township.

B. PROCESS

As described in Article 22 of the Zoning Ordinance, the process to amend the Township Zoning Map is as follows:

- 1. The Township Planning Commission holds a public hearing on the rezoning and makes a recommendation to the Township Board.
- 2. The Livingston County Planning Commission reviews the rezoning and makes a recommendation to the Township Board.
- 3. The Township Board considers the recommendations of the Township and County Planning Commissions and takes action to grant or deny the application for rezoning.

C. PROJECT DESCRIPTION

The site is located on the west side of Westgate Drive, south of Beck Road. The property contains 5 acres and is currently undeveloped. Current land uses, zoning and Master Plan designations for the subject area are as follows:

	Existing Land Use	Zoning	Master Plan
Site	Undeveloped	CE	Large Lot Rural Residential (2 ac)
North	Rural residential	CE	Large Lot Rural Residential (2 ac)
South	Agriculture, rural residential, undeveloped land and woodlands	CE	Large Lot Rural Residential (2 ac)
East	Agriculture, rural residential, undeveloped land and woodlands	CE	Large Lot Rural Residential (2 ac)
West	Rural residential, undeveloped land and woodlands	CE	Agriculture/Country Estate (5 ac)

D. Rezoning Review

1. Consistency with the goals, policies and future land use map of the Genoa Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.

The Township Master Plan and Future Land Use Map identify the site as Large Lot Rural Residential, which is intended for detached residential dwellings on not less than 2 acres of land. The requested rezoning to RR is consistent with this designation.

The Master Plan also identifies the site as a rural reserve area, which is intended to maintain low intensity development with a rural character that will not adversely impact natural features and agricultural uses. This designation does not require the extension of pubic water or sanitary sewer. The proposed rezoning is consistent with this designation.

2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.

The site contains a scattering of trees and slopes slightly from north to south. The submittal and the County Soils Survey indicate that the soils are suitable for septic systems, which will be necessary as the site does not have access to public sanitary. Based upon the minimum lot size requirements and the allowable uses in RR, development permitted under the proposed zoning designation will be compatible with the environmental conditions of the site.

Genoa Township Planning Commission Westgate CE to RR rezoning October 26, 2006 Page 3

3. The ability of the site to be reasonably developed with one (1) of the uses permitted under the current zoning.

The Township Zoning Ordinance identifies nearly the same permitted and special land uses for the both the current (CE) and proposed (RR) zoning designations, with the exception of certain agricultural uses that are allowable in CE. Based upon the uses allowable in each district, this criterion is not pertinent to the request.

4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

As described in the table above, the property in the area is zoned CE. The uses permitted in the RR district will be compatible with surrounding properties in terms of the conditions noted under this standard. However, rezoning this individual parcel to allow 2 acre lots at the end of a residential road this is zoned and occupied by 5+ acre lots would constitute a spot zone. The smaller lots would be inconsistent with the zoning and development pattern of the surrounding properties. It would also grant a special privilege on this lot that is not shared by others in the area. In order to rectify this situation, we recommend that adjacent and surrounding parcels also be rezoned to RR, consistent with the Master Plan.

5. The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.

The site and much of the surrounding area is planned for single family residential uses on large, rural lots. The capacity of infrastructure and services is an important consideration when designating property on the Future Land Use Map and the site is outside of the utility service area. Residential lots of at least 2 acres will not require an extension of water or sewer service. Both Beck Road and Westgate Drive are gravel and the potential traffic generation of development under RR would be compatible with this condition. Given that utilities will not need to be extended and that the low density of residential development will in turn generate a relatively low volume of traffic, the proposed rezoning is compatible with capacity of Township infrastructure and services.

6. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand.

Growth patterns and population projections indicate a demand for single family residential in the Township. The current SEMCOG population estimate for the Township is 20,080 persons, which represents an 87.4% increase from the 1990 Census figure. Projections indicate that the population will grow to 29,038 residents in 2030 (SEMCOG). The Master Plan was designed to accommodate higher density development in areas where necessary infrastructure is available to

Genoa Township Planning Commission Westgate CE to RR rezoning October 26, 2006 Page 4

support such development. The request represents a balance between supporting the demand of current and projected population trends with the availability and capacity of infrastructure.

7. Where a rezoning is reasonable given the above criteria, a determination the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within a district.

Based upon the Master Plan, if a rezoning is to be granted, RR is the most appropriate designation; however, the request will result in a spot zone. In order to prevent this situation, we recommend that a larger area be included in the rezoning request consistent with the Master Plan. The allowable uses in the two districts are very similar and amending the Ordinance to allow 2 acre lots in the CE district would not be appropriate.

8. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

Our office is not aware of any other rezoning requests for this property within the past year.

Should you have any questions concerning this matter, please do not hesitate to contact our office.

Sincerely,

LSL PLANNING, INC.

Jeffrey R. Purdy, AICP

Partner

Brian V. Borden, AICP

Project Planner II



October 18, 2006

Ms. Kelly VanMarter Genoa Township 2911 Dorr Road Brighton, MI 48116

Re: Westg

Westgate Rezoning

Review #1

Dear Ms. VanMarter:

As requested, we have performed a review of the above-referenced rezoning plan as prepared by Chuck Wilks. This site is located on the west side of Westgate Road, Parcel ID 11-08-300-039. The petitioner is requesting that the property, which is currently zoned as Country Estates (5 acre minimum per unit), be rezoned to Rural Residential (2 acres minimum per unit). We offer the following comments for your consideration.

TRAFFIC

1. Parcel ID 11-08-300-039 consists of 5 acres. The rezoning of this property has the potential to allow one additional single family home. The increase in traffic on adjacent roadways from the addition of a single family home would be by 10 trips during an average weekday, 1 trip in the AM peak hour and 2 trips in the PM peak hour.

UTILITIES

2. Municipal sanitary sewer and water services are not available at this site. The impact assessment indicates that a private well and septic service will be provided for the proposed use of this property. These services shall be designed per Livingston County Health Department Standards.

DRAINAGE AND GRADING

3. All drainage, grading, and soil erosion control measures shall be designed in compliance with the regulations established by the Livingston County Drain Commissioner's Office.

Ms. Kelly VanMarter Westgate Rezoning October 18, 2006 Page 2

RECOMMENDATION

We recommend that the Township consider the above issues before taking action on this rezoning request.

If you have any questions or comments, please call.

Sincerely,

Loha Humphuso Tesha L. Humphriss, P.E.

Project Engineer

:cpl

123-12736-07-002-12

copy: Mr. Gary McCririe, Genoa Township

Mr. Chuck Wilks, RE/MAX, 107 E. Grand River Ave., Howell, MI 48843

K:\LETTERS\Genoa Twp Westgate.doc



LSL Planning, Inc.

Community Planning Consultants

GENOA TOWNSHIP

DEC 2.1 REC'D

December 19, 2006

RECEIVED

Mike Archinal, Township Manager Genoa Township 2911 Dorr Road Brighton, Michigan 48116

Subject: 2007 Hourly Fee Schedule for Professional Planning Services

Dear Mr. Archinal:

LSL Planning enjoys serving as Genoa Township's planning consultants and look forward to continued service. As you know, the cost to provide you with the highest level of professional services and cover our overhead (especially health care) rises over time. Each year at this time LSL sends out a letter informing you of our hourly rates for the upcoming year. Given the economic situation in Michigan and stress on local budgets, we successfully explored ways to reduce costs to maintain current rates. We are pleased to inform you that with these changes, we have decided to not raise hourly rates for the 2007 year. We may still wish to increase some of the development review fees which are passed onto applicants.

Please do not hesitate to contact us if you have any questions. We very much appreciate the opportunity to continue to work with you.

LSL PLANNING, INC.

Brad Strader, AICP

Managing Partner

Partner

Cc: Gary McCririe, Township Supervisor



STATE OF MICHIGAN TERRI LYNN LAND, SECRETARY OF STATE DEPARTMENT OF STATE LANSING

December 8, 2006

Ms. Paulette Skolarus, Township Clerk Genoa Township 2911 Dorr Road Brighton, MI 48116

Dear Ms. Skolarus:

Now that the 2006 general election is "in the books," I want to offer my deepest appreciation for your dedication in ensuring its success.

I realize that every election places great demands on your time and resources, but this year took us to new and uncharted territories. The rollout of new voting equipment, additional federal requirements, a lengthy ballot, record turnout and heightened public scrutiny of elections nationwide all combined to make this year's preparation and administration even more challenging.

You and the election workers appointed in your jurisdiction did an amazing job of not only meeting those challenges, but often surpassing them as well. I am keenly aware of the countless hours that you devoted to preserving Michigan's record of election efficiency and integrity. You demonstrated beyond a doubt that your overriding concern was for the best interests of Michigan's voters. I know they share the respect and gratitude that I have for you.

I often tell people that their vote is their voice. But without you, democracy's voice could not be heard. Thank you for accepting the often difficult - but always noble - mantle of public service. Michigan's strength and bright future are due in large part to your extraordinary contributions.

I look forward to continuing our partnership in the years ahead. Remember that my door is always open. Again, please accept my sincerest thanks for a job well done, and my warmest wishes to you and your family during this holiday season.

Sincerely,

Terri Lynn Land Secretary of State

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY **PERMIT**

James Koerschen 1764 Hughes Road Brighton, MI 48114

Permit No. 06-47-0136-P. Issued November 15, 2006 Extended Revised Expires December 31, 2007

Under the provisions of the Natural Resources and amended and specifically:	d Environmental Protection Act 451, PA 1994, as		
☑ Part 301 Inland Lakes and Streams	☐ Part 315 Dam Safety☐ Part 323 Shorelands Protection and Management☐ Part 353 Sand Dune Protection and Management		
Part 325 Great Lakes Submerged Lands			
Part 303 Wetland Protection			
☐ Part 31 Floodplain/Water Resources Protection			
conditions to: Permitted Activity:			
Permitted Activity:	l on Lake Chemung, place 4.8 cubic yards inert clean		
backfill and place 0.5 cubic yards of ripra	p along 12 feet of the seawall at the waterward toe.		
All work shall be completed in accordant conditions of this permit.	ce with the attached plans and the terms and		

Water Course Affected: Lake Chemung

Property Location: Livingston County, Genoa Township, Section 11

Town/Range 2N, 5E Property Tax No. 4711-11-302-020 Beacon Shores lots 31 & 32 Subdivision, Lot

Authority granted by this permit is subject to the following limitations:

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee in exercising the authority granted by this permit shall not cause unlawful pollution as defined by Part 31, Floodplain/Water Resources Protection of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the plans and the specifications submitted with the application and/or plans and specifications attached hereto.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved herein.
- It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that act.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- Permittee shall notify the Department of Environmental Quality within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached, preaddressed post card to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of the Department of Environmental Quality.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific State Act, Federal Act and/or Rule under which this permit is granted.
- L. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

- 1. All work authorized by this permit shall be completed in accordance with the attached plans and specifications.
- 2. Prior to initiating construction authorized by this permit, the permittee is required to provide a copy of the permit to the contractor(s) for his/her review.
- 3. The property owner, contractor(s), and any agent in obtaining this permit, are held responsible to insure project is constructed in accordance with all drawings and specifications contained in this permit. The contractor is required to provide a copy of the permit to any and all sub-contractors doing work authorized by this permit.
- 4. The rock riprap or boulder shore protection shall be placed at the existing water's edge and shall be placed in such a manner so as to join existing walls on adjacent properties or to allow joining by adjacent owners, if desired, without creating right angles or waterward extensions.
- 5. On projects requiring backfill, the rock/boulder shore protection shall be in place prior to any fill placement.
- The construction of the rock riprap or boulder shore protection does not authorize the discharge of suspended sediments into the waterbody.
- 7. Prior to commencement of any excavating to facilitate construction of an adequate base for the rock riprap or boulder shore protection, the entire lakeward perimeter of the construction site shall be isolated with a filter fabric barrier to prevent movement of suspended sediments. The filter fabric barrier shall extend from the lake bottom to above the water surface and shall be left in place after completion of construction until all suspended sediments have settled.
- 8. All rock riprap and boulders used in this construction shall be clean field stone or quarry stone free of any protruding metal re-rod, asphalt, or other polluting materials. Riprap shore protection shall be an even mix of stone ranging in size from 6-inches to 18-inches and may be larger if necessary to provide adequate bank stabilization.
- 9. The placement of rock riprap and/or boulders as authorized by this permit does not establish a new shoreline nor shall it be construed to do so. The rock/boulders are authorized as a protective structure placed for the explicit purpose of protecting the shoreline at the landward side of the riprap. Consideration of any future seawall construction shall be based on the shoreline existing prior to the rock/boulder placement authorized by this permit.
- 10. Prior to placing backfill <u>and</u> upon completion of the project, the contractor shall take photos from each of the vantage points as the photos on the attached plan page <u>4, and 5 of 5</u>. The contractor shall send the photos, along with a copy of the first page of the permit to Jean Farkas at the Department of Environmental Quality, Land and Water Management Division, 525 W. Allegan, 4th Floor North, P.O. Box 30242, Lansing, MI 48909.
- 11. Backfill shall be obtained from an upland site or, if applicable, from dredging to develop an adequate base for the rock/boulder shore protection. Dredging below the ordinary high water mark of the waterbody for the sole purpose of obtaining backfill is not authorized by this permit.
- 12. Backfill shall consist of inert materials, which will not cause siltation nor contain soluble chemicals or organic matter, which is biodegradable. All fill shall be contained in such a manner as not to erode into any watercourse. All raw banks shall be stabilized with sod and/or seed and mulch or riprapped as necessary to prevent erosion.
- 13. "Inert material" means a substance that will not decompose, dissolve, or in any other way form a contaminated leachate upon contact with water.

- 14. If the project or any portion of the project is stopped and lies uncompleted for any length of time other than that encountered in a normal work week, then every precaution shall be taken to protect the uncompleted work from erosion, including the placement of temporary sandbag riprap, geotextile filter fabric, silt fence, or other acceptable temporary protection.
- 15. Any modification or revision to the approved design plans and/or specifications of this permit must be approved, in writing, by the Land and Water Management Division of the Department of Environmental Quality.
- 16. In issuing this permit, the Department of Environmental Quality has relied on the information and data which the permittee has provided in connection with the permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete, or inaccurate, the department may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- 17. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. For information on Part 91 permit requirements, contact:

Livingston County SESC 2300 E. Grand River Ave., Suite 105 Howell, MI 48843-7581 Phone number: 517.546.0040

- 18. The authority to conduct the activity authorized by this permit is granted solely under provisions of the governing act(s) identified on page 1. This permit DOES NOT convey, provide or otherwise imply approval of any other governing act, ordinance, or regulation; nor does it waive the permittee's obligation to acquire any local, county, state, or federal approval or authorizations necessary to conduct the activity.
- 19. By initiating construction authorized by this permit, the permittee covenants not to sue the State of Michigan, or any of its departments, boards, commissions, officers, employees, or agents for any claim, whether legal or equitable, arising under or in any manner related to the privileges granted in this permit. The permittee hereby releases, waives, and discharges the State of Michigan and all if its departments, boards, commissions, officers, employees, and agents from any and all liability to the permittee arising under or in any manner related to the privileges granted under this permit.
- 20. By initiating construction authorized by this permit, the permittee agrees to indemnify the State of Michigan and all of its departments, agencies, boards, commissions, officers, employees, and agents from any and all liability arising under or in any manner related to the issuance of the permit or the privileges granted under this permit.

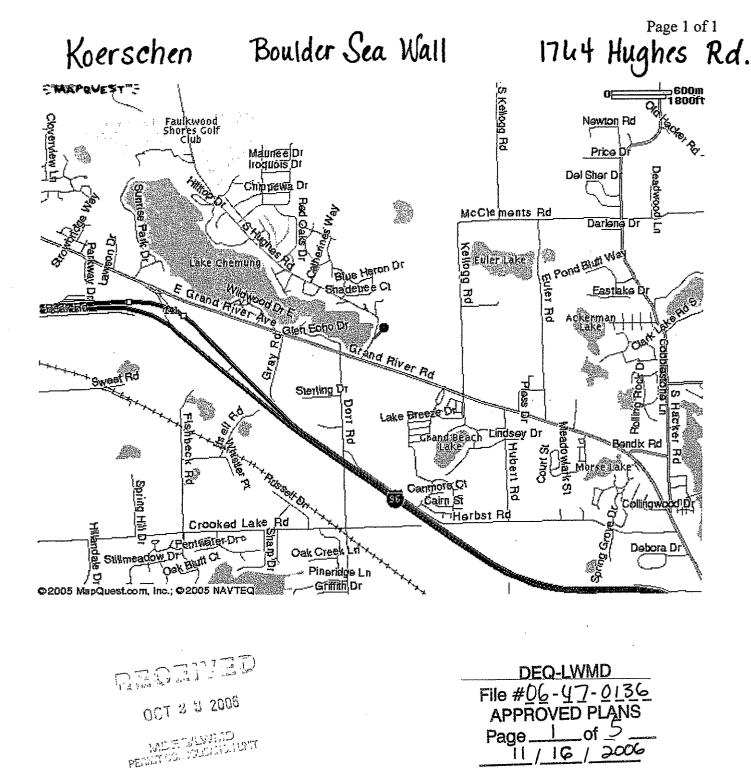
Steven E. Chester, Director \
Department of Environmental Quality

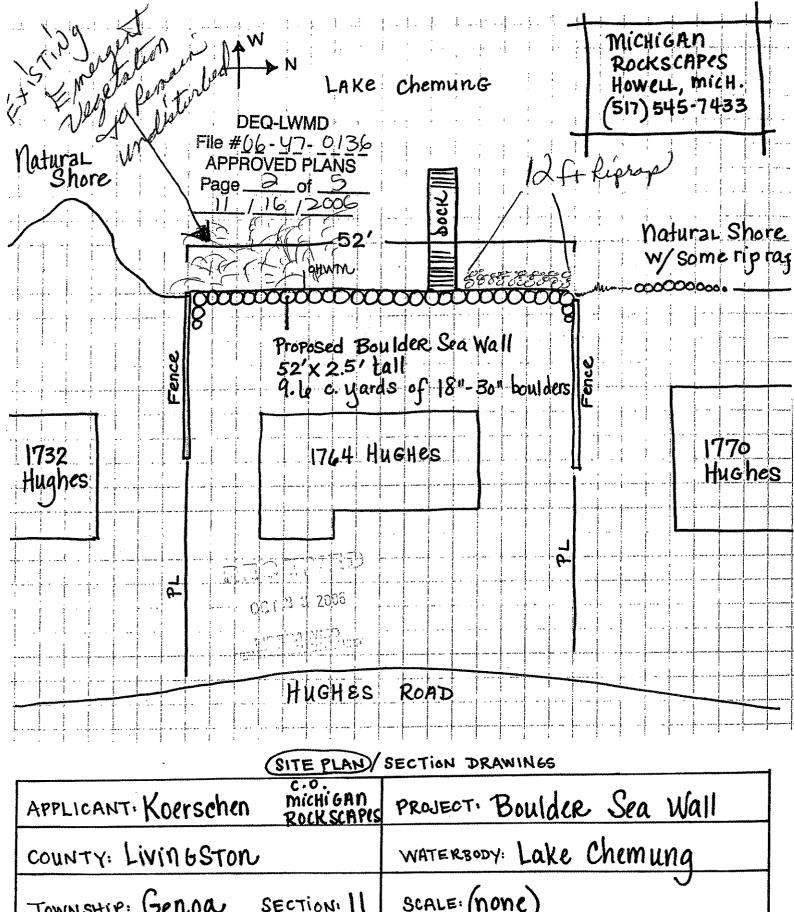
By (/ 6)

Carol Vator
District Representative

Land and Water Management Division

cc: Livingston CEA
Genoa Township
Michigan Rockscapes LLC





COUNTY: LIVINGSTON WATERBODY: Lake Chemung

TOWNSHIP: Genoa Section: 11 Scale: (none)

CITY/VILLAGE: Brighton SHEET: 1 OF 2

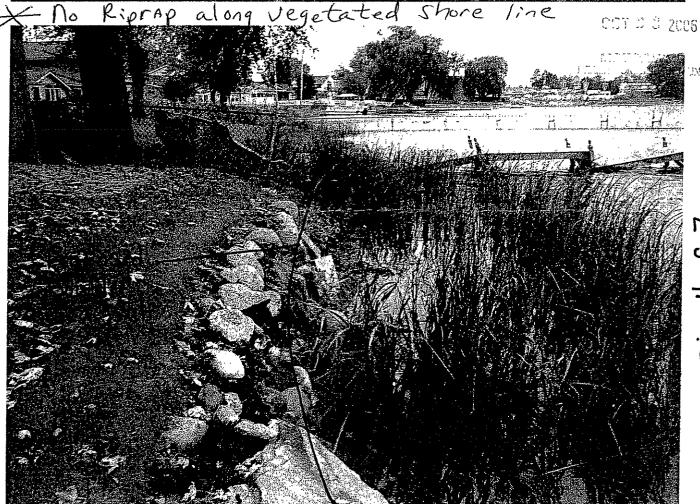
STATE: Michigan DATE: 10-9-2004

	MicHigan Rockscapes Howell, mich. (517) 545-7433
Mkw Mon New Mon Markey	
4.8 Propose Existing Oyards Boulder	Sea
Unprotected Clean Wall: 5: Shoreline Sand	2'×2.5') 2.5'
9.6 c. 18"-30" \	Water
Geotex	tile Filter Fabric 4" 6" Rip Rap Field Stone
0CT 2 B 2800 al	orap Regural (DEQ-LWMD)
ad No	New walf APPROVED PLANS Page 3 of 5. 1 1/16/2006 To Some with emergent.
C A.	SECTION DRAWINGS Vegetation
APPLICANT Koerschen michigan Rockschres	PROJECT: Boulder Sea Wall
county: Livingston	WATERBODY: Lake Chemung
TOWNSHIP: Genoa SECTION: 11	SCALE: 1/4" = 1/4" OR 4/4" = 1 FOOT
CITY/VILLAGE: Brighton	SHEET: 2 OF 2
STATE: Michigan	DATE: 10-9-2004



* No Riprap Along Vegetated Shore line

OCT 3 3 2003



Koerschen

Boulder Sea Wall

C.o. micHigan

Pic 4 of /