

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
DECEMBER 10th, 2012
6:30 P.M.**

AGENDA

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

CALL TO THE PUBLIC: *(Note: The Board reserves the right to not begin new business after 10:00 p.m.)*

OPEN PUBLIC HEARING#1... Review of rezoning application, rezoning agreement, impact assessment and site plan for property located on the south side of Grand River Avenue between Hughes Road and Kellogg Road, Brighton, Sec. 14, from Rural Residential/Town Center (RR/TC) to Office Service District (OSD), petitioned by Dakkota Integrated Systems.

Planning Commission disposition of petition

- A. Recommendation of Rezoning Agreement.
- B. Recommendation of Impact Assessment dated 11-26-12.
- C. Recommendation of Site Plan dated 11-26-12.

Administrative Business:

- *Staff report*
- *Approval of October 9, 2012 Planning Commission meeting minutes*
- *Member Discussion*

Adjournment

OCT 3 1 2012

GENOA TOWNSHIP
APPLICATION FOR REZONING

RECEIVED

Brian McDonnell - Dakota Integrated Systems
 APPLICANT NAME: _____ ADDRESS: *1875 Holloway Dr.*
Holt, MI 48842
 OWNER NAME: *Glenn Miller Trust* ADDRESS: *vacant*
 TELEPHONE: *(517) 694 6500* PARCEL #(s): *11-14-100-014*

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:

Rural Res. (RR) to Office Service (OS)

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?
The Future Land Use Map indicates the subject property to be Mixed Use Town Center. The proposed Office Service zoning will bring an office user with a significant employee base which will be compatible with the Town Center.

OCT 31 2012

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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 - Significant Natural Features Combined with upland property provide an ideal office/campus setting.

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?

The property is currently zoned Rural Residential. There is not a strong demand for this zoning at this time.

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?

The OS District provides an excellent transition zoning (from MDR to the west and MHP to the south) for residential to commercial (G-C along Grand River Ave.).

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

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.

The desire of Dakota is to create a campus setting which is enhanced by natural features such as woodlands and wetlands. A small parcel is not desirable.

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 Office Service District is the most appropriate zoning for the Dakota Integrated Systems Corporate Office Building.

8. Describe any deed restrictions which could potentially affect the use of the property.

Not aware of any.

GENOA TOWNSHIP

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C. Affidavit

The undersigned says that they are the Purchase Agreement Interest (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: Brian McDonnell, Chief Operating Officer - Dakota Integrated Systems

ADDRESS: 1875 Holloway Dr Holt, Mi 48842

Brian McDonnell
X SIGNATURE

Contact Information - Review Letters and Correspondence shall be forwarded to the following:		
1.) <u>Brent La Vanway</u>	of <u>Boss Engineering</u>	at <u>(517) 548-1670</u>
<small>Name</small>	<small>Business Affiliation</small>	<small>Fax No.</small>
<u>brentlebosseng.com</u>		



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 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.

PROJECT NAME: Dakota Integrated Systems Corporate Office

PROJECT LOCATON & DESCRIPTION: S. Side of Grand River Ave.
E. of Dorr Rd.

SIGNATURE: Brian McDonnell DATE: 10/30/12

PRINT NAME: Brian McDonnell PHONE: 517 694-6500
Dakota Integrated Systems

COMPANY NAME & ADDRESS: 1875 Holloway Dr Holt, Mi 48842

November 7, 2012

Re: Sidwell Parcel ID# 4711-14-100-014 and Parcel ID# 4711-14-200-011

To whom it may concern,

I, Glenn Miller, Jr., Trustee of the Glenn Miller Trust, do hereby acknowledge and grant permission for Dakkota Integrated Systems, LLC to petition Genoa Charter Township for rezoning of the subject property from Rural Residential (RR) with the Town Center Overlay to Office Service (OS) and Site Plan review for an office building, driveway, parking and associated appurtances.

Glenn E. Miller, Jr.
Glenn Miller, Jr.
Address: 7230 Pounds Ct.
Howell, Mich. 48855

cc: k:\docs\proposals\E4686otstlund.doc



LSL Planning, Inc.

Community Planning Consultants

December 3, 2012

Planning Commission
Genoa Township
2911 Dorr Road
Brighton, Michigan 48116

Attention:	Kelly Van Marter, AICP Assistant Township Manager and Planning Director
Subject:	Conditional rezoning request from RR/TCOD to OSD
Location:	Vacant 29.9-acre property on the south side of Grand River Avenue, east of Dorr Road
Applicant:	Dakota Integrated Systems Holt, MI

Dear Commissioners:

At the Township's request, we have reviewed the proposed conditional rezoning of the vacant 29.9-acre subject site from RR Rural Residential and TCOD Town Center Overlay District to OSD Office Service District (without the TCOD). This proposal has been reviewed in accordance with the procedures, regulations and guidance of the Genoa Township Zoning Ordinance and Master Plan.

A. SUMMARY

1. The Master Plan Future Land Use map identifies the site as Mixed-Use Town Center, which is consistent with the current TCOD zoning.
2. The revised submittal includes a zoning agreement intended to retain some Town Center design elements, although it also permits use of metal as a primary building material. In our opinion, construction of a metal-sided building would not be compatible with the intent of the Town Center.
3. As currently zoned, the size and location of natural features may make development in strict compliance with all of the TCOD standards difficult.
4. OSD zoning, including the provisions of the proposed zoning agreement, would provide an appropriate transition between more intensive uses along Grand River Avenue and the residential uses and zoning to the south, east and west.
5. The conceptual site plan provides for large buffer zones and ample open space well above conventional requirements; however, the zoning agreement only refers to the minimum open space requirement for a non-residential development in the TCOD.
6. The site is located within the utility service area and has frontage on Grand River Avenue.
7. The proposed zoning agreement contains the information required by Ordinance; however, we recommend review by the Township Attorney prior to its execution (if conditional rezoning is granted).

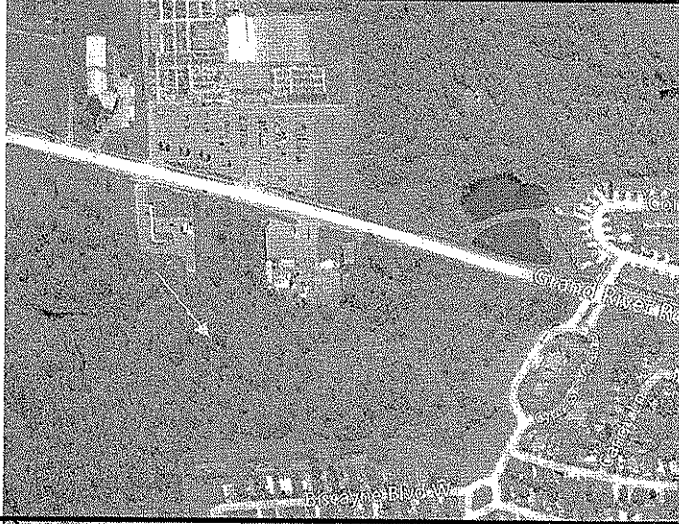
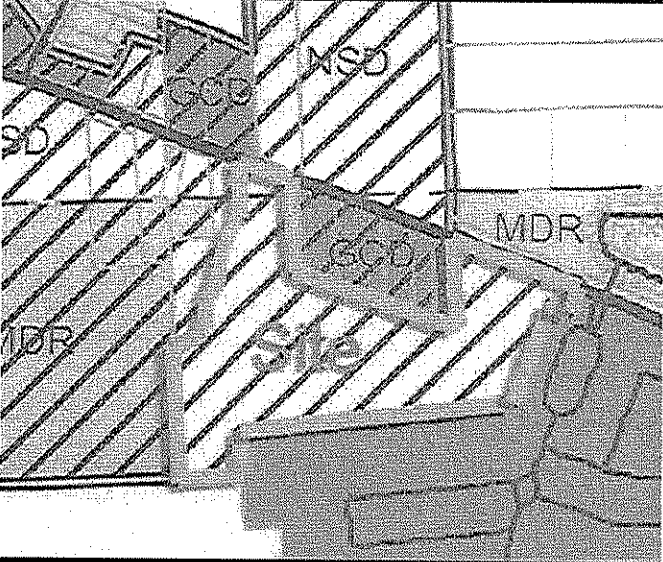
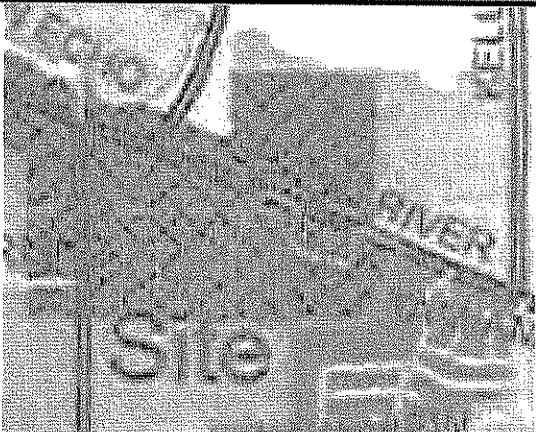
B. PROCESS

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

1. The Township Planning Commission holds a public hearing on the conditional rezoning and makes its recommendation to the Township Board.
2. The Livingston County Planning Commission reviews the request and makes its recommendation to the Township Board.
3. The Township Board considers the recommendations and takes action to grant or deny the application for conditional rezoning. If granted, the zoning agreement should then be executed and recorded accordingly.

C. PROJECT OVERVIEW

The site is located on the south side of Grand River Avenue, east of Dorr Road. Current zoning, as well as existing and planned land uses in the area are as follows:

Existing Land Use		
Site	Vacant	
North	Office, sales and storage businesses and Nursery (across Grand River)	
East	Manufactured housing	
South	Manufactured housing	
West	Vacant	
Zoning		
Site	RR/TCOD	
North	GCD/TCOD NSD/TCOD	
East	MHP	
South	MHP RR	
West	MDR/TCOD	
Master Plan		
Site	Mixed-Use Town Center	
North	Mixed-Use Town Center	
East	Manufactured Housing	
South	Manufactured Housing Low Density Residential	
West	Mixed-Use Town Center	

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 designate the site as Mixed-Use Town Center, which is intended for “a mixture of uses integrated into a traditional-style development of high density single family homes, attached and detached, along with various commercial uses including retail and office.”

The current zoning is consistent with this description; however, the applicant states that the proposed OSD zoning will bring a large office user to the site in a campus-like setting, which will be compatible with the Town Center.

Furthermore, the revised submittal also includes a zoning agreement as part of the proposal. The terms of the proposed agreement include restrictions on land uses such that those deemed incompatible with the Town Center would be prohibited. Additionally, there are provisions requiring compliance with certain TCOD development and design standards.

With that being said, the zoning agreement makes specific reference to various types of metal siding as a potential building material. Generally speaking, this may be cause for some concern as we are of the opinion that such materials are not compatible with the intent of the Town Center. More specifically, a metal-sided building would not be allowed in a conventional Town Center development.

- 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 is currently vacant and contains a host of natural features, including 10.25 acres of wetlands. The Impact Assessment notes that “all of the wetlands appear to be regulated by the Michigan Department of Environmental Quality.” The Township Master Plan (Map 1) also identifies areas with steep slopes on the easterly side of the property.

Once wetlands and right-of-way areas are removed from the gross acreage, the applicant is left with approximately 18.7 acres of land, which includes some of the steep slopes around the easterly wetland. Although the remaining acreage is somewhat scattered amongst wetlands, there appears to be sufficient upland area for development of the uses listed in the zoning agreement.

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

Under the TCOD, at least some portion of the property could be developed with a non-residential use (Grand River frontage), including potentially more intensive commercial uses. However, all of the development requirements may be difficult to meet given the size and location of the natural features described above – an example being the road frontage requirement along Grand River Avenue.

Accordingly, the proposed zoning agreement prohibits more intensive uses and requires compliance with certain Town Center design elements. The applicant’s intent is that this combination will result in a project that is generally compatible with the Town Center.

- 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, some amount of non-residential development would be permitted under the TCOD. Interestingly, the TCOD would also permit more intensive uses (commercial) along the Grand River frontage than either the underlying (RR) or proposed (OSD) zoning.

Generally speaking, the OSD uses and TCOD design elements listed in the zoning agreement are compatible with the character of the area and would provide an appropriate transition between more (commercial along Grand River Avenue) and less (residential to the south and east) intensive land uses.

The conceptual site plan drawing included with the submittal generally demonstrates large buffers between land uses and open space preservation well beyond conventional requirements. However, the zoning agreement itself only makes reference to meeting the non-residential open space requirement of the TCOD (15%).

- 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.*

As shown on Map 8 of the Master Plan, the site is within the public utility service area and has access to existing public sewer, water and streets. Development of the site with one of the uses listed in the zoning agreement would not generally be expected to adversely impact the capacity of public infrastructure and services. With that being said, the Township should also consider any comments provided by the Township Engineer or Fire Department with respect to this criterion.

- 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.*

The Township Master Plan notes that 21% (4,998 acres) of the land area in the Township is planned for Rural Residential, while only 1% is planned for Mixed-Use Town Center (172 acres) and Office/Research (132 acres), respectively. Office/Research, which is compatible with OSD zoning, comprises the least amount of land for any category.

As noted in our initial review, we were concerned that a conventional rezoning to OSD would eliminate approximately 17% of the land planned as Mixed-Use Town Center. The inclusion of some of the TCOD design elements in the zoning agreement will help to mitigate this concern by providing for a development that will be at least partially in keeping with the overall intent of the Town Center.

- 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.*

In our opinion, conditional rezoning to OSD may be considered more appropriate than amending the TCOD given the use restrictions and design requirements provided by the zoning agreement, along with the site constraints impacting strict compliance with all current TCOD requirements.

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

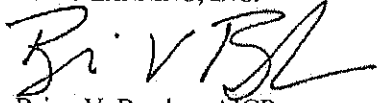
No rezoning applications have been submitted for this property within the past year.

E. ZONING AGREEMENT

The zoning agreement included with the revised submittal includes the information required by Section 22.05 of the Township Zoning Ordinance. With that being said, we recommend the document be reviewed by the Township Attorney if the Township considers favorable action on the request.

Should you have any questions concerning this matter, please do not hesitate to contact our office. I can be reached by phone at (248) 586-0505, or via e-mail at borden@lslplanning.com.

Sincerely,
LSL PLANNING, INC.

A handwritten signature in black ink, appearing to read "B. V. Borden". The signature is stylized and written over the printed name below.

Brian V. Borden, AICP
Senior Planner



TETRA TECH

December 5, 2012

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

**Re: Dakkota Integrated Systems Corporate Office
Site Plan Review for Rezoning Application #2**

Dear Ms. Van Marter:

We have reviewed the resubmitted rezoning application and site plan documents for the Dakkota Integrated Systems Corporate Office and the letter from Boss Engineering dated November 26, 2012, which was sent to us by the Township on November 26, 2012. The site is on the south side of Grand River immediately west of and south of Trends in Tile. It is proposed for office building and associated parking facilities. Tetra Tech has reviewed the documents and offers the following comments for consideration by the planning commission:

IMPACT ASSESSMENT

1. Update the impact assessment for the site plan submittal to include explanation of information omitted in the rezoning petition for sections C, D, E & G. It is acceptable to wait until rezoning is approved prior to performing any substantial design work.

SITE PLAN

1. The site plan doesn't include any drainage patterns for review of impacts to existing site conditions. The drive into the site, the building, and parking lot locations will require some grading or fill that appear to require the installation of steep slopes or retaining walls which will affect the existing drainage.
2. No setback dimensions are shown on the drawings. Particular attention should be given to wetland setbacks.
3. Proposed sewer and water utility routes would be useful, as there appears to be little space to fit these in around the wetland B-1 thru B-14. The sanitary sewer is on the north side of Grand River and is relatively shallow at this location. The concept plan should indicate whether there is enough grade available to service the proposed building via gravity flow, or whether a pumped system is required.

Tetra Tech

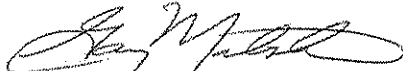
1921 East Miller Road, Suite A, Lansing, MI 48911
Tel 517.394.7900 Fax 517.394.0011 www.tetrattech.com

Ms. Kelly Van Marter
Rezoning Application and Site Plan Review #2 -- Dakota Integrated Systems Corporate Office
December 5, 2012
Page 2


The Township should consider these issues in your discussion on the rezoning application. While the petitioner has stated that some of the detailed information will not be known until design begins if the property is rezoned, there is some information missing that should be discussed prior to determining the impact the proposed use may have on the existing natural features of the site and the adjacent properties.

Please call if you have any questions.

Sincerely,



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



Joseph C. Siwek, P.E.
Project Engineer

copy: Brent LaVanway, P.E., Boss Engineering

Amy Ruthig

From: Michael O'Brian <mobrian@brightonareafire.com>
Sent: Wednesday, November 28, 2012 2:26 PM
To: Amy Ruthig
Subject: Re: Dakkota Resubmittal

No issue on this, further comments as site layout is submitted

Michael O'Brian CFO, MIFireE
Fire Chief
Brighton Area Fire Authority
810-229-6640
Fax 810-229-1619
www.brightonareafire.com

**** Check your smoke alarm today! If you don't have a smoke alarm, call me today and we will get you one ****

From: Amy Ruthig <amy@genoa.org>
Date: Monday, November 26, 2012 4:25 PM
To: Michael OBrian <mobrian@brightonareafire.com>
Subject: Dakkota Resubmittal

Good Afternoon,

I have attached the Dakkota Rezoning resubmittal. If you should have any questions, please feel free to contact me.

Thank You,

Amy Ruthig
Assistant to the Township Manager



Genoa Charter Township
2911 Dorr Road, Brighton, Michigan 48116
Direct: (810) 224-5822, Fax: (810) 227-3420
E-mail: amy@genoa.org, Url: www.genoa.org

**IMPACT ASSESSMENT
FOR
REZONING PETITION**

**“DAKKOTA INTEGRATED SYSTEMS OFFICE BUILDING”
GENOA TOWNSHIP, LIVINGSTON COUNTY
MICHIGAN**

Prepared for:

**DAKKOTA INTEGRATED SYSTEMS
1875 HOLLOWAY DRIVE
HOLT, MICHIGAN 48842
(517) 594-6500**

Prepared by:

**BOSS ENGINEERING COMPANY
3121 E. GRAND RIVER
HOWELL, MI 48843
(517) 546-4836**

November 26, 2012

12-183EIA

INTRODUCTION

The purpose of this Impact Assessment (IA) report is to show the effect that this proposed development have on various factors in the general vicinity of the project. The format used for presentation of this report conforms to the *Submittal Requirements For Impact Assessment* guidelines in accordance with Section 18.07 of the published Zoning Ordinance for Genoa Township, Livingston County, Michigan.

DISCUSSION ITEMS

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

Prepared By :

BOSS ENGINEERING COMPANY

Civil Engineers, Land Surveyors, Landscape Architects and Planners

3121 E. Grand River

Howell, MI 48843

(517) 546-4836

Prepared For :

Mr. Glenn Miller Jr. - Trustee of Glenn Miller Trust

Property Owner

DAKKOTA INTEGRATED SYSTEMS

Potential Purchaser of Property

1875 Holloway Drive

Holt, MI 48842

(517) 594-6500

B. Map(s) and written description / analysis of the project site including all existing structures, manmade facilities, and natural features. The analysis shall also included information for areas within 10 feet of the property. An aerial photograph or drawing may be used to delineate these areas.

The site is located on the south side of Grand River Avenue, approximately 1,100 feet east of the Hughes Road intersection. The property has frontage on Grand River at two different locations. There are 5 parcels along Grand River under separate owners which divides the road frontage. Across Grand River there exist both commercial and industrial uses. The western property line runs along a county drain. West of the drain is vacant property. To the south and east is the Sylvan Glen manufactured home community. The subject property is current undeveloped.

The proposed rezoning is to Office Service from Rural Residential with the Town Center Overlay. The Office Service zoning will be a buffer zoning from the commercial along Grand River to the manufactured housing and future residential in the Town Center.

C. Impact on natural features: A written description of the environmental characteristics of the site prior to development and following development, i.e., topography, soils, wildlife, woodlands, mature trees (eight inch caliper or greater), wetlands, drainage, lakes, streams, creeks or ponds. Documentation by a qualified wetland specialist shall be required wherever the Township determines that there is a potential regulated wetland. Reduced copies of the Existing Conditions Map(s) or aerial photographs may accompany written material.

The total site area is 29.98 acres. There are 10.25 acres of wetlands and 1.02 acres of right-of-way for Grand River Avenue leaving a total of 18.71 acres of upland. With regards to the wetlands, there are two large areas on the property. One area is on the west of the property associated with the drain running along the west property line. The other large area is on the east side of the site adjacent to the

forementioned manufactured community. There are two smaller areas towards the center of the property. Because of their size and proximity to the drain, all of the wetlands appear to be regulated by the Michigan Department of Environment Quality. The upland areas on the site are rolling with approximately 25 feet of relief from the center of the property to the wetlands. Most of the upland area is covered with medium to large trees. Most of the trees are black cherry, with a few white oak, red maple, apple, and a few other species.

The Concept Sketch included in this impact assessment illustrates potential locations for the site improvements. As part of the site plan package, which will be submitted to the township after rezoning approval, drawings showing the proposed locations of all site improvements along with detailed construction information will be provided. As required by the township's zoning ordinance, an updated impact assessment will be included in the site plan submittal package detailing the impacts this development will have on the natural features.

D. Impact on storm water management: Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. Recommendations for such measures may be obtained from County Soil Conservation Service.

Surface runoff during periods of construction will be controlled by proper methods set forth by the Livingston County Drain Commissioner, including silt fence, pea stone filters, and seed and mulch.

At the time of construction, there may be some temporary dust, noise, vibration and smoke, but these conditions will be of relatively short duration and shall be controlled by complying appropriate procedures to minimize the effects, such as watering if necessary for dust control.

As part of the site plan package, which will be submitted to the township after rezoning approval, drawings showing the proposed locations of all site improvements along with detailed construction information will be provided. Included in this information will be the soil erosion control measures required by the Livingston County Drain Commissioner.

E. Impact on surrounding land use: Description of the types of proposed uses and other man made facilities, including any project phasing, and an indication of how the proposed use conforms or conflicts with existing and potential development patterns. A description shall be provided of any increases of light, noise or air pollution which could negatively impact adjacent properties.

The applicant is planning on constructing a single office building approximately 12,000 square feet in size, with the required parking, pedestrian circulation and storm water management system associated with it. The applicant is proposing to place most of the development on the northern portion of the property adjacent to the existing commercial development along Grand River. They would like to keep a large vegetative buffer around the east, south and west side of the project to screen their building from any existing or future residential.

The applicant is anticipating constructing the development in one phase.

With the proposed use being office, most of the activity on the property would be weekdays 8 AM to 5 PM. Unlike a commercial use, there would be limited evening or weekend traffic.

The increase in light, noise or air pollution would be far less than what is typically associated with a commercial development. Under the current zoning, there would be the potential to have on this property a large number of residential units, or a combination of residential, office and commercial. Developing a single smaller office building on the property would therefore have a lesser impact on the residences around it than could be developed under the current zoning.

As part of the site plan package, which will be submitted to the township after rezoning approval, drawings showing the proposed locations of all site improvements along with detailed construction information will be provided. Included in the package will be the Lighting Plan which will comply with the current lighting requirements of Genoa Township.

F. Impact on public facilities and services: Description of number of expected residents, employees, visitors, or patrons, and the anticipated impact on public schools, police protection and fire protection. Letters from the appropriate agencies may be provided, as appropriate.

The developer anticipates bringing up to 70 jobs to the area. This would likely lead to people moving to the area to be closer to their jobs, therefore purchasing homes in the area. This would also mean addition children enrolling in one the school systems in the area. With most of the schools having seen a steady decline in enrollment over the last 5 to 7 years, an increase in students would be seen as a positive for the community.

G. Impact on public utilities: Description the method to be used to service the development with water and sanitary sewer facilities, the method to be used to control drainage on the site and from the site, including runoff control during periods of construction. For sites service with sanitary sewer, calculations for pre- and post development flows shall be provided in equivalents to a single family home. Where septic systems are proposed, documentation or permits from the Livingston County Health Department shall be provided.

The development will be served by both public water and sanitary sewer. With regards to storm water management, the project would be required to mean all local, county and state storm water and erosion control requirements. All of the required information will be provided with the site plan submittal package.

H. Storage or handling of any hazardous materials: Description of any hazardous substances expected to be used, stored or disposed of on the site. The information shall describe the type of materials, location within the site and method of containment. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.

There will be no hazardous materials used or disposed of on this site.

I. Impact on traffic and pedestrians: A description of the traffic volumes to be generated based on national reference documents, such as the most recent edition of the Institute of Transportation Engineers Trip Generation Manual, other published studies or actual counts of similar uses in Michigan.

According to the Institute of Transportation Engineers Trip Generation 6th addition, the number of trips generated by this development would be an average of 52 vehicle trips per hour during the AM peak hours, and 50 vehicle trips per hour during the PM peak hours. This is based on a Single Tenant Office Building.

J. A detailed traffic impact study shall be submitted for any site over ten (10) acres in size which would be expected to generate 100 directional vehicle trips (i.e. 100 inbound or 100 outbound trips) during the peak hour of traffic of the generator or on the adjacent streets.

The anticipated number of directional vehicle trips during the peak hour of traffic is 52. Therefore a detailed traffic impact study is not necessary.

K. Special Provisions: General description of any deed restrictions, protective covenants, master deed or association bylaws.

L. A list of all sources shall be provided.

Genoa Township's *Submittal Requirements For Impact Assessment*

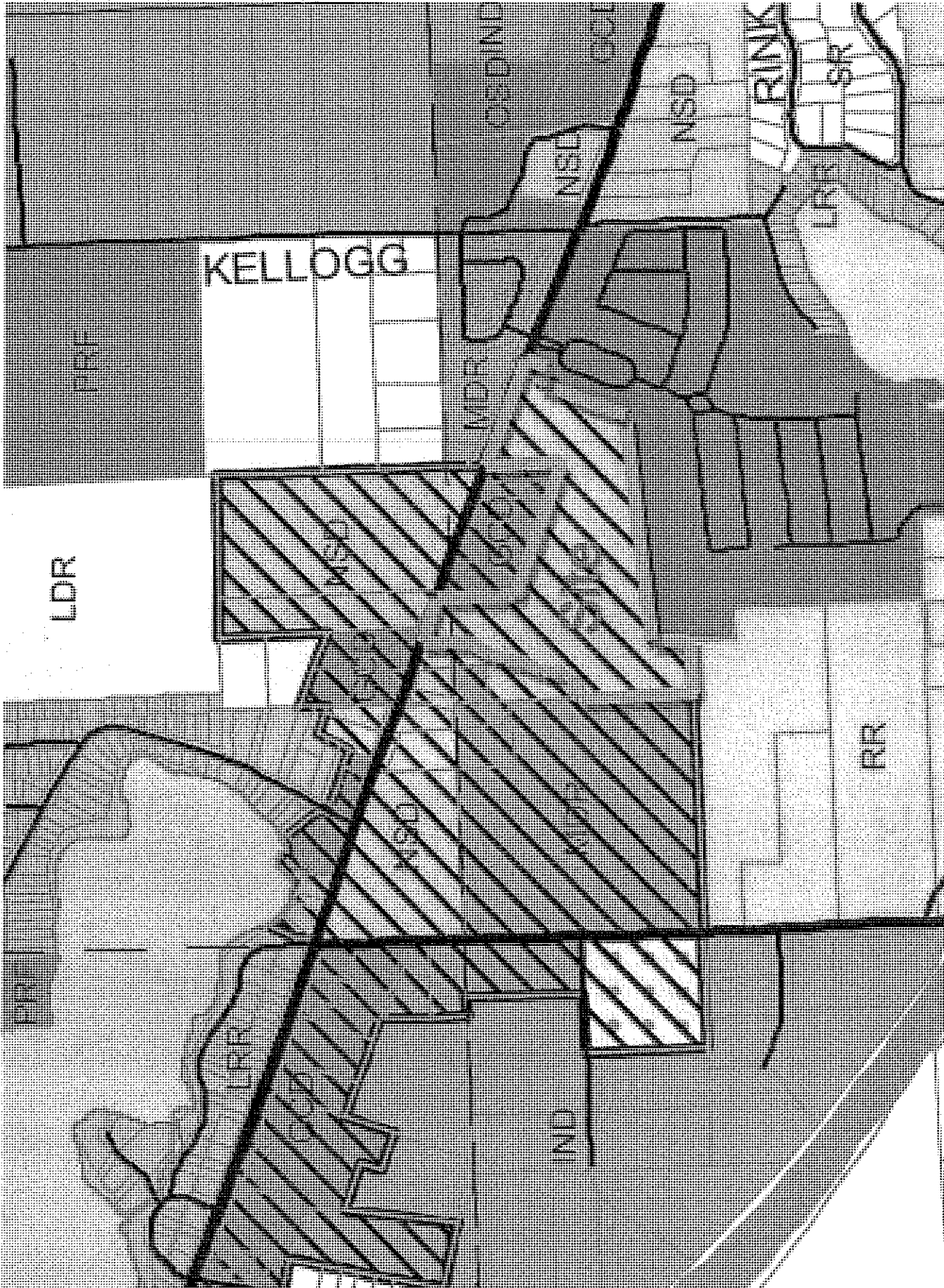
Genoa Township Zoning Ordinances

Soil Survey of Livingston County, Michigan, U.S.D.A. Soil Conservation Service

National Wetland Inventory Plan, United States Department of the Interior, Fish and Wildlife Service

Trip Generation manual, 6th edition, Institute of Transportation Engineers

APPENDIX



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KELLOGG

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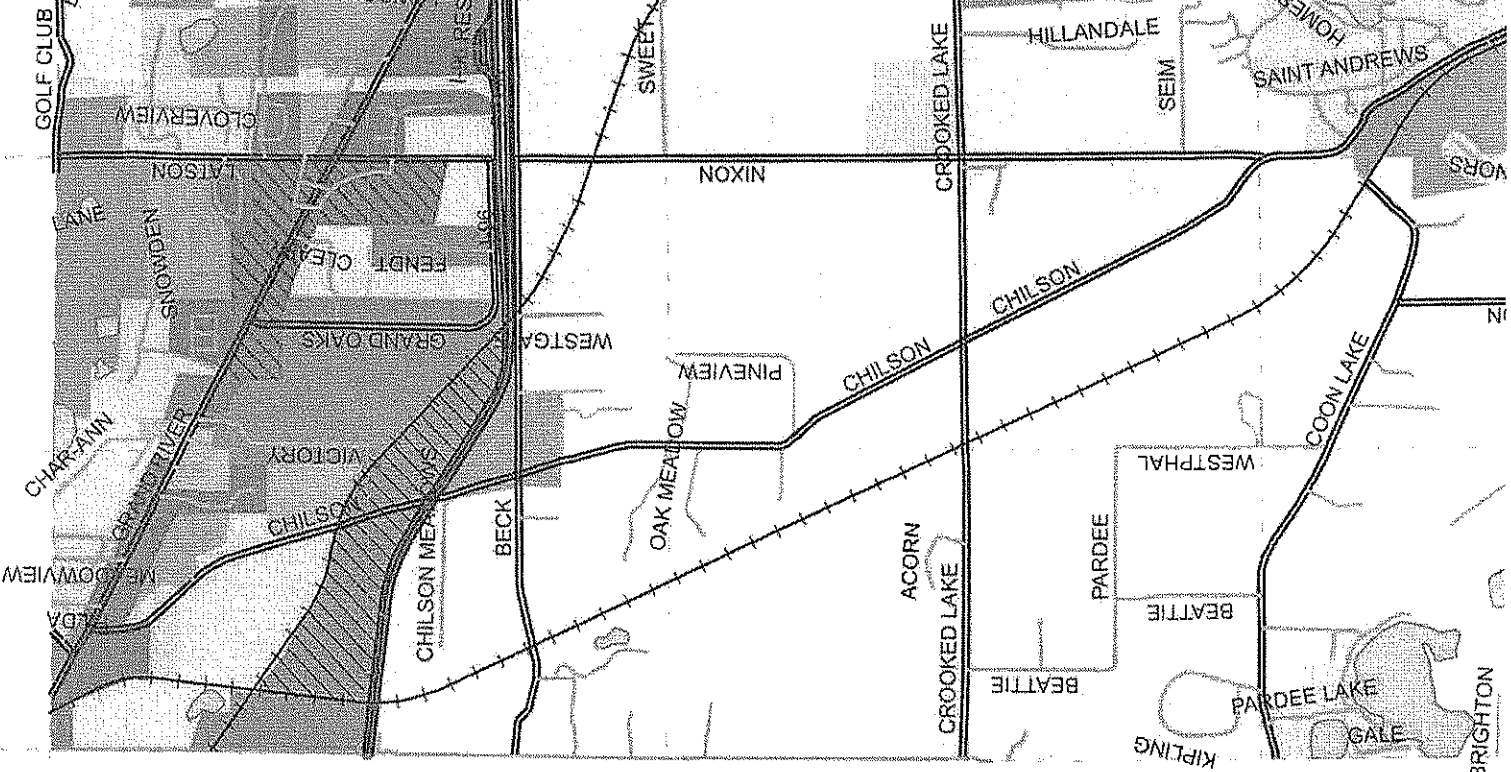
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OCELOA TOWNSHIP



MARION TOWNSHIP



Aerial Photograph

STATE OF MICHIGAN
COUNTY OF LIVINGSTON
CHARTER TOWNSHIP OF GENOA

Rezoning Agreement

This Rezoning Agreement (hereafter referred to as "Agreement") is made and entered into on this 7th day of January 2013, by and between the Board of the Charter Township of Genoa, 2911 Dorr Road Brighton, Michigan 48116 (hereafter referred to as "Township") and the Dakkota Integrated Systems, LLC (hereafter referred to as "Owner").

The Owner possesses fee title to certain real property located in Genoa Township, Livingston County, Michigan, which is more particularly described in Exhibit A attached hereto incorporated by reference (hereafter referred to as "Property"). The Township has determined that an amendment to the Official Zoning Map of the Township of Genoa to rezone the property from Rural Residential (RR) with Town Center Overlay to Office Service District (OSD) without Town Center Overlay is in keeping with the goals and objectives of the Township, provided that the conditions offered by the Owner under this Agreement to ensure consistency with the Township Master Plan are put in place.

Therefore, in accordance with Act 110 of 2006, as amended, entitled "Michigan Zoning Enabling Act," the Owner voluntarily offers in writing an agreement for certain use and development of the Property as a condition to an amendment to the Official Zoning Map of the Township of Genoa to rezone said property from Rural Residential (RR) with Town Center Overlay to Office Service District (OSD) without Town Center Overlay.

At a properly noticed public hearing held on December 10, 2012, the Planning Commission, having reviewed a draft of this Agreement, recommended to the Township Board that the Property be rezoned from Rural Residential (RR) with Town Center Overlay to Office Service District (OSD) without Town Center Overlay in accordance with the applicable provisions of the Township Zoning Ordinance and with the conditions offered by the Owner.

On January 7, 2013, the Township Board at a properly noticed public hearing and in accordance with the Township Zoning Ordinance rezoned the Property from Rural Residential (RR) with Town Center Overlay to Office Service District (OSD) without Town Center Overlay, based upon this Agreement.

ARTICLE I
General Terms of Agreement

- 1.1 The Owner and Township acknowledge and represent that the foregoing recitals are true and accurate and said recitals and the terms of this Agreement are binding on the respective parties.
- 1.2 The Owner and the Township acknowledge and agree to the following:
 - (a) The Owner has voluntarily requested a change in zoning of the Property from Rural Residential (RR) with Town Center Overlay to Office Service District without Town Center Overlay with conditions. The Township has relied upon the agreement and may not grant the Rezoning but for the conditions offered in this Rezoning Agreement.

- (b) This Rezoning Agreement and its terms and conditions are authorized by all applicable state and federal laws and constitutions, and this Rezoning Agreement is valid and was entered into on a voluntary basis.
 - (c) The Property shall only be developed and used in a manner that is consistent with this Rezoning Agreement.
 - (d) This rezoning is conditioned upon site plan approval under Article 18 of the Genoa Township Zoning Ordinance or subdivision approval under the Township Subdivision control ordinance and obtaining other necessary approvals required by the Township and all applicable county, and state agencies.
 - (e) Notwithstanding any provision in this agreement to the contrary, no part of this Rezoning Agreement shall permit any activity, use or condition that would otherwise not be permitted in the Office Service District (OSD) zoning district.
 - (f) The approval of the conditional rezoning and the Rezoning Agreement shall be binding and inure to the benefit of the Owner and the Township, and also their respective heirs, successors, assigns receivers or transferees.
 - (g) If the rezoning with this Rezoning Agreement becomes void in accordance with Article 22 of the Genoa Township Zoning Ordinance, that no further development shall take place and the land shall revert back to its original zoning classification.
- 1.3 The rezoning to Office Service District (OSD) without Town Center Overlay is hereby granted, having been duly approved by the Township, based upon this Agreement, in accordance with all applicable Township ordinances.
 - 1.4 All formal actions necessary or expedient to carry out this Agreement shall be taken by the parties without undue delay.
 - 1.5 Except as specifically provided for in this Agreement, all site plans will comply with the Zoning Ordinance and other applicable ordinance requirements.

ARTICLE II
Land Use Authorization

In addition to the applicable requirements of the district, the Owner agrees to the following items as a condition of rezoning the property:

- 2.1 Permitted use of the property shall be limited to the uses described below:
 - a. Studios of photographers and artists;
 - b. Offices of non-profit professional, civic, social, political and religious organizations;
 - c. Medical offices of doctors, dentists, optometrists, chiropractors, psychiatrists, psychologists and similar or allied professions, excluding hospitals, and urgent care centers;
 - d. Offices of lawyers, engineers, architects, insurance, and real estate agents, financial consultants, and brokers, advertising offices, accounting, and bookkeeping services, clerical, and stenographic

- services, sales offices, other types of corporate, executive, or administrative offices and similar or allied professions;
- e. Public parks and open space;
 - f. Essential public services and structures, not including buildings and storage yards;
 - g. Public/government buildings such as; township/state/county offices, public museums, libraries and community centers; and,
 - h. Accessory uses, buildings and structures customarily incidental to any of the above including, but not limited to, fitness trails and outdoor meeting spaces.
- 2.2 Child care centers, preschool and commercial day care may be allow with a special land use permit from the Township, in accordance with the review procedures and approval criteria stated in the Zoning Ordinance.
- 2.3 Outdoor storage shall be prohibited.
- 2.4 If the Property owner desires to expand the parking lot, buildings or pursue any other significant construction activities, application for site plan and environmental impact assessment approval shall be submitted to the Township, in accordance with the review procedures and requirements stated in the Zoning Ordinance.
- 2.6 The Property owner agrees to provide necessary easements for any future water and/or sewer improvements across the Property to service the Property. Such easements shall not unreasonably burden the Property and shall not encroach into the building envelope of the Property. The Township agrees that after any utility construction, it will restore the Property back to the condition that existed prior to any such construction.
- 2.7 The Property owner agrees to comply with the following regulations of the Genoa Town Center Overlay District:
- a. Side yard, rear yard, and building height requirements of Sec. 9.04.01;
 - b. Sidewalks, street trees and street lights requirements of Sec. 9.06.01 for the western frontage of the Property;
 - c. Parking requirements of Sec. 9.07.01;
 - d. Non-residential open space requirements of Sec. 9.08.02; and
 - e. Signs requirements of Sec. 9.09.03.

The Property owner also agrees to utilize the building materials provided in Sec. 9.05.01, for front facades and facades facing a street or parking area, but without a fixed percentage. The Property owner reserves the right to utilize other materials not listed in Sec. 9.05.01, such as metal panels, horizontal metal siding, metal trim, stucco and similar material.

ARTICLE III **Miscellaneous Provisions**

- 3.1 The requirements of this agreement shall be required for any use or development of the Property. If the conditions under this agreement are violated, the Property shall be rezoned to its former zoning classification of Rural Residential with Town Center Overlay. Continued use of the property in violation of the terms of this Agreement shall be considered a violation of the Zoning Ordinance. The remedies of Township for a violation shall be such remedies as are provided by and for a violation of the Zoning Ordinance.

- 3.2 The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.
- 3.3 This agreement shall be recorded with the Livingston County Register of Deeds.
- 3.4 This Agreement shall run with the land and shall be binding upon all heirs, successors, assigns, receivers and transferees of the Property.
- 3.5 This Agreement may not be modified, replaced, amended or terminated without the written consent of the Township Board.

The undersigned acknowledge that the conditions imposed upon the rezoning of the property are reasonable conditions necessary to ensure compatibility with adjacent uses of the land and promote the use of the land in a socially and economically desirable manner. Further, it is acknowledged that the Agreement meets all the requirements of Section 405 of P.A. 110 of 2006, as amended.

Approved by the Township Board for the Charter Township of Genoa on the 7th day of January, 2013, at a meeting duly called and held.

WITNESSES

TOWNSHIP OF GENOA:

By: _____

By: _____

STATE OF MICHIGAN)
)SS
COUNTY OF LIVINGSTON)

The foregoing instrument was acknowledged before me this _____ by Gary McCrie, Supervisor of Genoa Charter Township and Paulette A. Skolarus, Clerk of Genoa Charter Township, a Michigan municipal corporation by authority of its Board of Trustees.

_____, Notary Public
_____, County, MI
My Commission expires: _____
Acting in _____ County, MI

Approved by _____ for Dakkota Integrated Systems, LLC on the ____ day of _____, 2013, at a meeting duly called and held.

WITNESSES

DAKKOTA INTEGRATED SYSTEMS, LLC:

By: _____

STATE OF MICHIGAN)
)SS
COUNTY OF LIVINGSTON)

The foregoing instrument was acknowledged before me this _____ by _____ of Dakkota Integrated Systems, LLC, on behalf of the corporation, with authority to do so.

_____, Notary Public
_____, County, MI
My commission expires: _____
Acting in _____ County, MI

5645024_2.DOC

EXHIBIT A

PARCEL "A" 29.98± Acres

Part of Parcel No. 4711-14-100-003 and Parcel No. 471-14-200-011 Combined

Commencing at the West 1/4 Corner of Section 14, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, said corner being distant 2681.56 feet S 02°16'19" E (*S 00°15' E record*) from the Northwest Corner of said Section 14; thence N 02°16'19" W (*N 00°15'00" W record*) 1330.95 feet; thence N 87°12'41" E 1335.68 feet (*N 89°14'00" E 1336.92 feet record*), along the North line of a parcel described in Warranty Deed recorded in Liber 1236, Page 675, Livingston County Records, to the PLACE OF BEGINNING;

thence N 02°03'48" W 627.98 feet along the East line of a parcel described in Warranty Deed recorded in Liber 4766, Page 796, Livingston County Records;

thence the following eight courses along the centerline of a 50 foot wide permanent public drainage easement as described in the Instrument recorded in Liber 2251, Page 917, Livingston County Records:

(1) N 70°54'48" E 125.92 feet (*N 72°55'28" E 124.89 feet record*), and

(2) N 30°08'19" E (*N 32°17'22" E record*) 74.01 feet, and

(3) N 04°55'59" E (*N 07°05'02" E record*) 106.46 feet, and

(4) N 27°13'52" E (*N 29°22'55" E record*) 94.96 feet, and

(5) N 10°53'03" E (*N 13°02'06" E record*) 190.20 feet, and

(6) N 32°01'45" E (*N 34°10'48" E record*) 158.67 feet, and

(7) N 00°37'14" W (*N 01°31'49" E record*) 231.55 feet, and

(8) N 17°27'52" E 48.61 feet (*N 19°36'55" E 49.69 feet record*);

thence S 70°21'38" E (*S 68°30' E record*) 241.01 feet along the centerline of Grand River Avenue;

thence S 02°25'07" E (*South record*) 450.00 feet; thence S 70°21'38" E (*Southeasterly record*) 701.45

feet; thence S 02°20'18" E 1.68 feet; thence S 69°24'15" E (*Southeasterly record*) 100.00 feet; thence

N 02°20'18" W (*North record*) 450.00 feet; thence along said centerline of Grand River Avenue the

following two courses:

(1) Easterly 194.91 feet along the arc of an 11,459.19 foot radius curve to the right, through a central angle of 00°58'28" and having a long chord which bears S 68°33'53" E 194.91 feet, and

(2) S 68°04'39" E (*S 66°13' E record*) 454.53 feet;

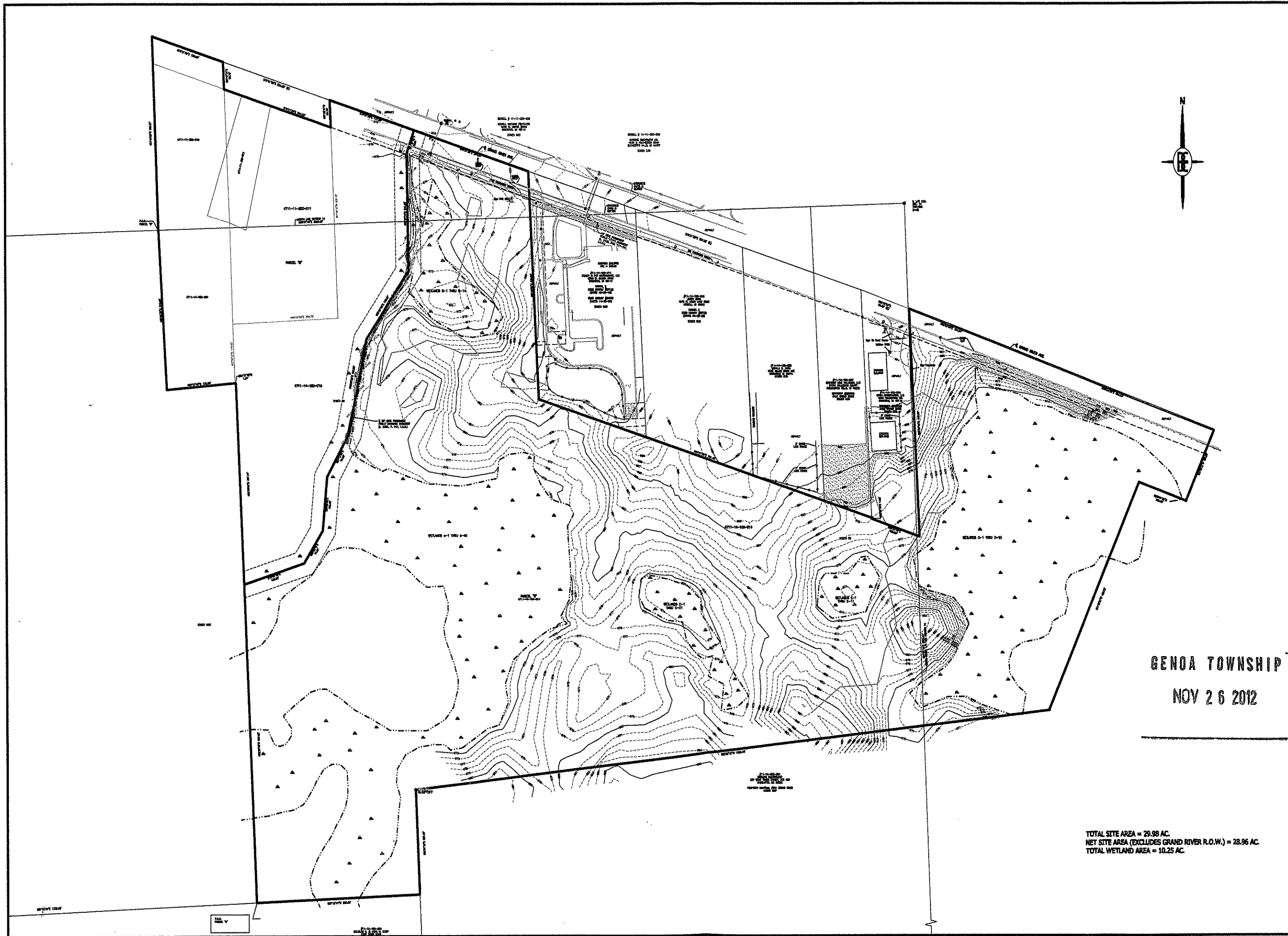
thence S 21°55'21" W (*South record*) 150.00 feet; thence N 68°04'39" W (*West record*) 100.00 feet;

thence S 21°55'21" W 483.63 feet (*S 23°47' W 500.00 feet record*); thence S 82°59'37" W

(*S 85°11'00" W record*) 1268.16 feet; thence S 02°01'19" E (*South record*) 207.19 feet;

thence S 87°12'41" W 323.00 feet (*West 350 feet record*), along said North line of a parcel described in Warranty Deed recorded in Liber 1236, Page 675, Livingston County Records, to the Place of Beginning. Being a part of the Southwest ¼ of Section 11 and a part of the Northeast ¼ and the Northwest ¼ of Section 14, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan. Containing 29.98 acres of land, more or less.

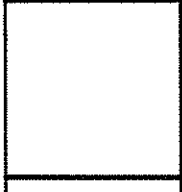
Subject to the rights of the public over that portion thereof taken for Grand River Avenue, also subject to the public trust and the rights of the riparian owners in the waters of unnamed creek (drainage ditch), also subject to and together with all easements and restrictions affecting title to the above described premises,



GENOA TOWNSHIP
NOV 26 2012

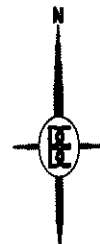
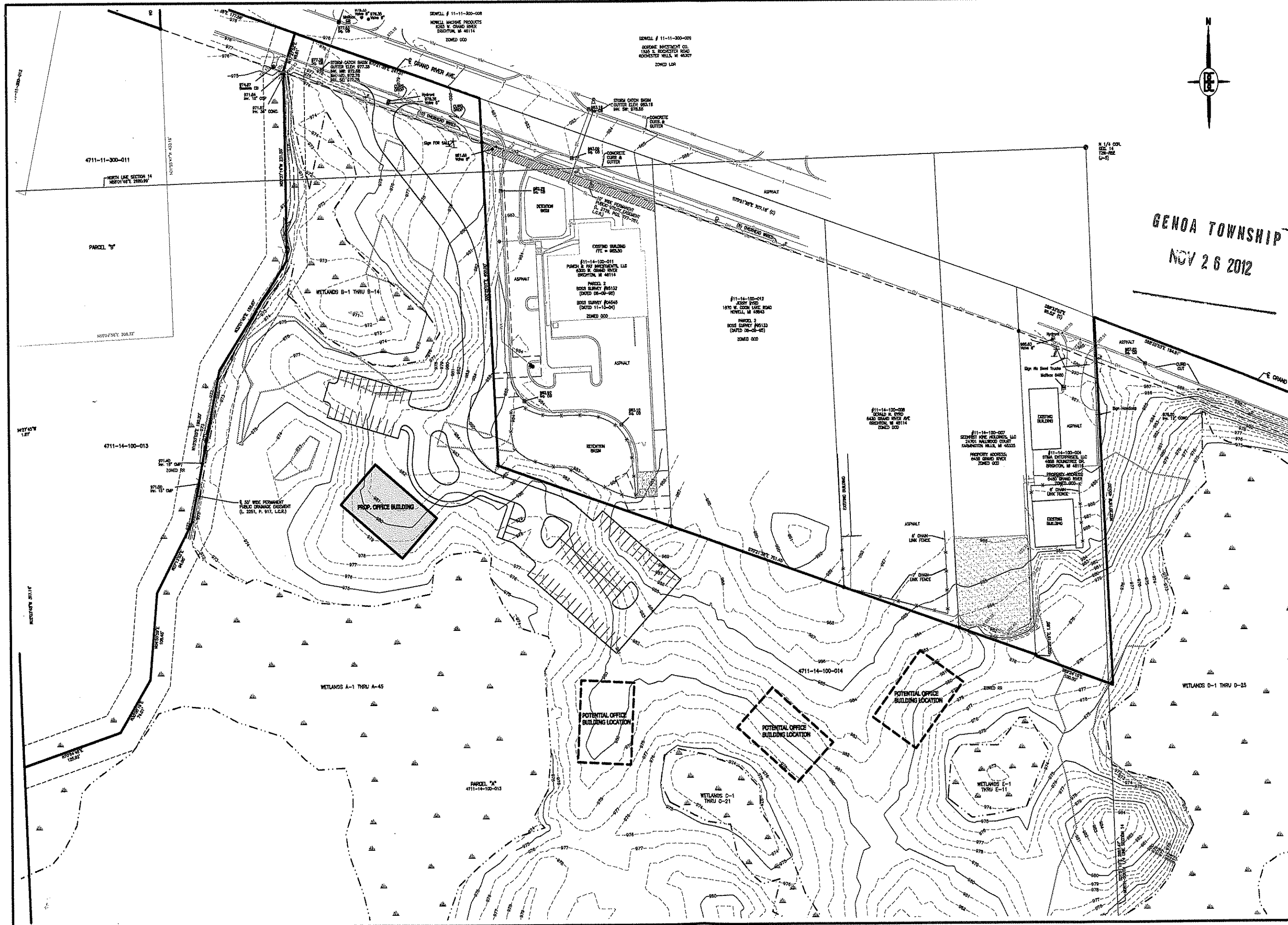
TOTAL SITE AREA = 29.98 AC.
NET SITE AREA (EXCLUDES GRAND RIVER R.O.W.) = 28.96 AC.
TOTAL WETLAND AREA = 10.25 AC.

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS PLAN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE LOCATION AND ELEVATION OF EXISTING UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE LOCATION AND ELEVATION OF EXISTING UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE LOCATION AND ELEVATION OF EXISTING UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.



BOSS ENGINEERING
ENGINEERS - SURVEYORS - PLANNERS
LANDSCAPE ARCHITECTS
311 E. CHINA ROAD, SUITE 100
ST. LOUIS, MO 63102
(314) 241-8725 FAX (314) 546-1070

PROJECT:	DAKOTA OFFICE BUILDING			
PREPARED FOR:	DAKOTA INTEGRATED SYSTEMS, INC. 1875 HOLLOWAY DRIVE FOLI, MO 68842 (317) 594-8500			
TITLE:	EXISTING CONDITIONS			
NO.	BY	REVISION	PER	DATE
DESIGNED BY:				
DRAWN BY:	AB			
CHECKED BY:				
SCALE:				
JOB NO.	12-183			
DATE:	9-12-12			
SHEET NO.	1			



GENOA TOWNSHIP
NOV 26 2012

THE INFORMATION CONTAINED HEREON IS BASED UPON THE DATA FURNISHED TO THE ENGINEER BY THE CLIENT AND THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE ACCURACY OF THE DATA. THE ENGINEER ASSUMES NO LIABILITY FOR THE ACCURACY OF THE DATA OR THE RESULTS THEREOF. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE PROJECT AND THE PREPARATION OF THE DRAWINGS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE ACCURACY OF THE DATA. THE ENGINEER'S LIABILITY IS LIMITED TO THE DESIGN OF THE PROJECT AND THE PREPARATION OF THE DRAWINGS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE ACCURACY OF THE DATA.

BOSS ENGINEERING
ENGINEERS • SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

3113 E. GRAND RIVER AVE.
ROCHESTER HILLS, MI 48063
(800) 248-6725 FAX (517) 594-1800

PROJECT: DAKOTA OFFICE BUILDING
PREPARED FOR: DAKOTA INTEGRATED SYSTEMS, INC.
1875 HOLLOWAY DRIVE
ROCHESTER HILLS, MI 48063
(517) 594-6500

TITLE: CONCEPT SKETCH

NO.	BY	REVISION	PER	DATE

DESIGNED BY: TD
DRAWN BY: TD
CHECKED BY: TD

SCALE: 1" = 40'
JOB NO.: 12-183
DATE: 11-26-12
SHEET NO.: 1

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
OCTOBER 9, 2012
6:30 P.M.**

AGENDA

CALL TO ORDER: The meeting of the Genoa Charter Township Planning Commission was called to order at 6:30 p.m. Present constituting a quorum were Diana Lowe, Dean Tenge, Chairman Douglas Brown, John McManus, Jim Mortensen, Barbara Figurski and Lauren Brookins. Also present were Assistant Manager, Kelly VanMarter.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Motion by Figurski to approve the agenda with the addition to name of the applicant on the agenda. Support by Lowe. **Motion carried.**

CALL TO THE PUBLIC: *(Note: The Board reserves the right to not begin new business after 10:00 p.m.)*

Linda Rowell stated that she wanted to address the Board in regard to the Master Plan with the Latson Interchange. Some people are in favor of the interchange, some in the middle and some are opposed to it. It presents us with a great opportunity for discussion with regard to how we want the Township to look. The Township could engage with focus groups including associations, bankers, realtors and homebuilders. In 2005 there was a lot of opposition to the Town Center Overlay and that went through. It was designed to look like Canton Township, she is from Plymouth and thinks that is a great place to raise kids however Ford Road is a mess. The people of Genoa Township do not want that. The focus groups do not need to be handpicked, the Township could use the website, newsletter, WHMI and the paper. There are members of the Board that are attending the Traverse City Planning Conference and in the General Session is a class on Thursday that is pretty in tune to what is going on. It is Social Equity Obligations of Planners and Planning Officials regarding planners need to solve problems with a comprehensive understanding of the real needs of those they serve, and they have the responsibility, which no one else does, to give voice to those who have none in our land use decision making. It would be great timing to take that class. Ms. Rowell stated that the Township has experts to do the planning and she is not one and in talking to the people in the community she stated that it would be great to put that out to the residents.

Chairman Brown stated that there will be public hearings that will be published showing everyone how it works.

Ms. Rowell stated that the public hearings are at the point where the Township is closer to the end and it maybe should be brought up sooner. In regards to the overlay, there were a lot of people that said they did not want it and maybe get them on the front end and not to react.

Chairman Brown stated that he liked what Ms. Rowell added. Ms. VanMarter advised that the Township holds public hearings and the Board does not need to act on it at the first meeting. The Township can have multiple hearings. Chairman Brown added that the Township could hold workshops for the public.

Mr. Mortensen advised that when Ms. Rowell was talking about Canton Township and Ford Road, the development that the Township was looking at was on Cherry Hill Road not Ford Road. It was not just Canton Township, there was also ones in Washington D.C. and Niagara on Lake, Ontario.

Mr. Tengel advised that it was not necessarily the development but the architecture of it.

Mr. Brown stated that he was not was favor the overlay. However there are two buildings that went thru the overlay process and they turned out nice and that is due to the overlay so it does work.

The call to the public was closed at 6:43 p.m.

OPEN PUBLIC HEARING#1... Review of a special use application, impact assessment and site plan for proposed storage of hazardous materials in above ground storage tanks within existing outdoor storage area, petitioned by Transtar Autobody Technologies.

Planning Commission disposition of petition

- A. Recommendation of Special Use Application.
- B. Recommendation of Impact Assessment dated 9-5-12.
- C. Recommendation of Site Plan dated 9-24-12.

Mike Westrick, Vice President and Charlie Fuqua, President along with Rick Coy, Jim Wxzola and Barbara Kapusniak, Site Engineer were present to represent the petitioner.

Mr. Westrick gave a company overview and a project overview Transtar Autobody has a great history of growth. The overall safety is quite good. The reason behind this effort is due to manual efforts to dispose of solvents. They would like to make it automated which is safer and more efficient.

Mortensen questioned the height of the fence. Mr. Westrick advised the fence is 8 feet tall and the wall is 9 ½ to 10 feet tall and the tanks are 10 feet tall. If someone is looking at the tanks from the front of the building they would not be able to see them.

Kelly VanMarter was presenting for LSL Planners. Ms. VanMarter summarized the planner's letters. The applicant is aware that they require two variances for their tank sizes and setback from the building from the Zoning Board of Appeals. It was noted that the applicant must obtain any outside permits that may be required in accordance with Township Ordinance Section 13.07.05 and provide all documentation of compliance with federal and state regulations.

Landscaping information was not provided. It is heavily wooded however there were no details included. Mr. Mortensen agreed that there is no need for a buffer zone. Tengel stated that the property lines do need to be shown on a site plan to verify that they are on Transtar's property. Ms. VanMarter agreed that the landscaping on the south side is sufficient.

The waste receptacle that is on site needs to be relocated and or put in an enclosure. It can not be visible from a public street or a masonry enclosure is needed. Mr. Westrick stated that they could move the receptacle to the rear of the building where it can not be seen from any public street. The Planners were unable to determine if the lighting met the Township Ordinance due to details not being submitted.

Ms. VanMarter stated that the applicant provided a truck turning movement template. It showed that the truck would have to stop on Heiserman Drive. Mr. Westrick stated that Transtar is the only property using Heiserman Drive and is located on their property. Mr. Mortensen stated that they would need to have a site plan showing that Heiserman Drive is located on Transtar's property. Ms. VanMarter stated that the Livingston County Road Commission would have information on Heiserman Drive and if it was dedicated or not.

Ms. VanMarter stated that the Engineer has requested that an as-built plan be provided when the project is complete.

There was discussion on amending the Township Zoning Ordinance as this is the Township's second request in regards to the tank being larger than 300 gallons which is allowed in the ordinance now.

Mr. Tengel questioned why the tanks need to be set close to the building in regards to the 75 foot setback variance that the applicant will be asking for at the Zoning Board of Appeals. Mr. Westrick replied that the Fire Department requested that the tanks be located 10 feet from the building. If the tanks had to be located 75 feet from the building, pipes would have to be run to the tanks.

The tanks are double walled and the containment system is curbed and can handle the largest tank if there were to be an issue. It was demonstrated to get into the containment yard someone would have to drive over the curb and down into the yard. Mr. Tengel questioned how long it would take for a tanker to get to the facility to pump if there was a leak. Mr. Westrick stated that within one day.

The applicant explained the underground drainage system that is in place at the site. If there is water in the tank, it is sent to an analytical department and tested before it is release into the retention pond.

A call to the public was made at 7:37 p.m. with the following response: Terry Croft- I am a retired fire marshal and this is an improvement. He stated that the Brighton Area Fire Department will get it straightened out and will do a good job. They are trying to make their operation safer and this should be encouraged. The call to the public closed at 7:39 p.m.

Motion by Mortensen to recommend to the Township Board approval of the special use application for Transtar Autobody Technologies to construct 6 solvent tanks with 4 at 3,500 gallons and 2 at 5,000 gallons for containment, subject to:

1. Township Board approval of Impact Assessment and Site Plan.
2. Approval by Zoning Board of Appeals for tank size and setback. The Planning Commission recommends approval due to the following:
 - a. Tanks improve the safety by virtually eliminating storage onsite and in the building.
 - b. The practical difficulty for the setback is that transmission lines would have to be put underground with further safety complications.

The Planning Commission finds that this proposal by the applicant is consistent with Special Use conditions in section 19. 03 of the Township Zoning Ordinance and moreover is consistent with uses in the area which is presently zoned Industrial.

Support by Lowe. Motion carried unanimously.

Moved by Mortensen to recommend to the Township Board that the Impact assessment be approved with the addition of PIP materials and subject to Township Board approval of the Special Use and Site Plan and Zoning Board of Appeals approval of the variances. Support by Mortensen. Motion carried unanimously.

Motion by Mortensen to recommend to the Township Board approval of the Site Plan dated September 24, 2012, subject to:

1. Township Board approval of Special Use Application and Site Plan;

2. Zoning Board of Appeals approval of the two variances that are required;
3. Documentation provided to Township staff verifying that the wooded area to the North is on Transtar's property and verifying that Heiserman Drive is available for continued use by applicant;
4. Engineer requirements in their September 28, 2012 review letter will be met;
5. Brighton Area Fire Department requirements in their September 25, 2012 will be met;
6. Waste Receptacle will be moved to the loading dock area and shown on revised site plan prior to Township Board meeting. An enclosure will not be required;
7. Submit proof to Township staff that the lighting meets the ordinance;
8. Copies of permits from outside agencies will be given to the Township.

Support by Tengel. Motion carried unanimously.

Administrative Business:

- *Staff report*
- *Approval of August 13th, 2012 Planning Commission meeting minutes. **Motion** by Figurski to approve the minutes with corrections. Support by McManus. **Motion carried unanimously.***
- *Member Discussion*

Adjournment. **Motion** by McManus to adjourn the meeting. Support by Brookins. **Motion carried unanimously.** Meeting adjourned at 8:00 p.m.