

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
MARCH 10, 2014
6:30 P.M.
AGENDA**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

ELECTION OF OFFICERS:

CALL TO THE PUBLIC:

OPEN PUBLIC HEARING #1... Review of a rezoning application, PUD agreement, impact assessment, and conceptual PUD plan for approximately 14.57 acres in Section 09, located at 1201 S. Latson Road (former Latson Road Elementary School), Howell, #4711-09-100-036. The requested rezoning is from Rural Residential (RR) to Non-Residential Planned Unit Development (NR-PUD), and is petitioned by Howell Public Schools and Genoa Charter Township.

Planning Commission disposition of petition

- A. Recommendation regarding Rezoning from RR to NR-PUD
- B. Recommendation regarding PUD Agreement (02-14-14)
- C. Recommendation regarding Environmental Impact Assessment (02-14-14)
- D. Recommendation regarding Conceptual PUD Plan (Exhibit B, 02-13-14)

Administrative Business:

- *Staff report*
- *Approval of November 25, 2013 Planning Commission meeting minutes*
- *Member discussion*
- *Adjournment*



MEMORANDUM

2911 Dorr Road
Brighton, MI 48116
810.227.5225
810.227.3420 fax
genoa.org

TO: Planning Commission
FROM: Kelly VanMarter, Assistant Township Manager/Community Development Director
DATE: March 6, 2014
RE: Howell Public Schools Latson Elementary Rezoning

Dear Commissioners,

As many of you know, the Township was responsible to acquire all of the right-of-way land for the Latson Road Interchange Project. Negotiating with Howell Public Schools to procure part of the Latson Road Elementary School property was one of the most challenging of the endeavor. Not wanting to evoke eminent domain nor enter into lengthy and costly condemnation litigation over the right-of-way, the Township and the School District with the assistance of the Livingston County Road Commission (LCRC) entered into an Alternative Dispute Resolution mediation process which was facilitated by local attorney Ken Burchfield.

Mediation with the interested parties occurred in January 2012 and ended in an agreement between both parties on February 8, 2012. Attached please find the February 8, 2012 Board meeting minutes and the executed Agreement between the Township Board and Howell Public Schools. In addition to the February 8th Agreement you may also wish to review the Real Property Benefits Agreement (the "Benefits Agreement") that is dated April 10, 2012. The Benefits Agreement is the official recorded agreement as executed at closing and can be found in the packet as "Exhibit D" to the PUD Agreement.

As required by the aforementioned Agreements and for your consideration at Monday's (March 10) Planning Commission meeting, petitions for a rezoning and other supplemental applications and information have been provided. The proposed zoning classification is Non-Residential Planned Unit Development (NR-PUD). As was negotiated, the land use provisions of the proposed PUD are based on the PUD Agreement for the Livingston Commons Phase 2 development which is located immediately west of the subject parcel.

I look forward to discussing this matter with you on Monday and I welcome any questions or comments you may have in this regard.

Sincerely,

SUPERVISOR
Gary T. McCririe

CLERK
Paulette A. Skolarus

TREASURER
Robin L. Hunt

MANAGER
Michael C. Archinal

TRUSTEES
H. James Mortensen
Jean W. Ledford
Todd W. Smith
Linda Rowell

**GENOA CHARTER TOWNSHIP
BOARD OF TRUSTEES/ HOWELL AREA SCHOOLS
JOINT MEETING
FEBRUARY 8, 2012**

MINUTES

Supervisor McCririe called the Special Meeting of the Genoa Charter Township Board to order at 7:00 p.m. at the Livingston County Road Commission Building located at 3577 Grand Oaks Drive, Howell, and MI. The Howell School Board convened concurrently. The Pledge of Allegiance was then said. The following board members were present constituting a quorum for the transaction of business: Gary McCririe, Steve Wildman, Robin Hunt, Todd Smith, Jean Ledford and Jim Mortensen. Also present were Township Manager Michael Archinal, Planning Director Kelly VanMarter and approximately 16 persons in the audience.

A Call to the Public was made with no response.

Approval of Agenda: Moved by Wildman, supported by Mortensen to approve the agenda as presented. The motion carried unanimously.

- 1. Discussion regarding the Latson Interchange Project and the purchase of property from Howell Area Schools to advance the construction of the interchange with and agreement related to same.**

McCririe stated that the board would continue discussion after the Howell School Board reconvenes from closed session. McCririe stated that the board members have the agreement before them, please review and if they have any questions, please discuss them at the time of the hearing of item #1.

Mortensen questioned what the Township's responsibility would be if the Howell School Board sold the property before the interchange is started. Supervisor McCririe stated that the agreement is for the conceptual PUD only and the fees are for preliminary not final engineering.

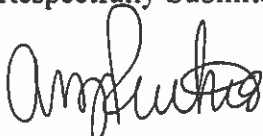
Moved by Smith and supported by Mortensen, to approve the Latson Interchange I-96 agreement between the Howell school Boards and the Genoa Charter Township with final attorney approval and the correction of 12 inches to 12 feet in regards to the signage. The agreement includes 12 items with highlights as follows:

- Genoa Township will pay \$315,000.00 for 5.95 acres on Latson Road
- The balance of the school property will be provided 22 REU's (residential equivalent users) for sewer and 20 REU's for water
- Five free REU's for sewer and seven REU's for water
- A joint preparation and petition for the future conceptual PUD plan
- Demolition of the school is agreed upon

The motion carried unanimously.

Moved by Smith, Supported by Wildman, to adjourn the meeting at 7:55 p.m. The motion carried unanimously.

Respectfully Submitted:



Amy Ruthig, Secretary

**LATSON ROAD / I-96 INTERCHANGE AGREEMENT
BETWEEN THE TOWNSHIP OF GENOA AND THE HOWELL PUBLIC SCHOOLS**

After extensive negotiations between **The Howell Public Schools** (“**Howell Schools**”) and the **Township of Genoa** (“**Genoa Township**”) the respective negotiating committees for the Howell Schools and Genoa Township (collectively the “**Parties**”) on this 8th day of February, 2012 have reached the following agreement concerning the sale and purchase of real property for the Latson Road / I-96 Interchange in Genoa Township, Livingston County, Michigan, as follows:

1. Genoa Township will pay in cash to Howell Schools \$315,000.00 for a portion of Howell School’s real property consisting of 5.95 acres (5.45 acres net of existing MDOT right-of-way) said real property being a part of a larger parcel commonly known as Latson Road Elementary School, 1201 S. Latson Road, Genoa Township, Michigan (the “**Acquired Parcel**”).

As additional non-cash consideration the **Remaining Parcel**, consisting of approximately 14.5 acres upon which the current Latson Road Elementary School is situated, will be provided in addition to the Remaining Parcel’s 22 REU’s for sewer and 20 REU’s for water, 5 free REU’s for sewer and 7 free REU’s for water.

2. The Livingston County Road Commission will provide at its cost the traffic signal which will include a “backside” for the traffic exiting from the Remaining Parcel. The traffic signal designation and description is more fully described in the Livingston County Road Commission – RLG Howell and GCG Howell Agreement to Transfer Property dated August 30, 2011 (“**Agreement to Transfer**”).

3. Other than the REU tap-in fee, there are currently no additional connection or capital fees charged by Genoa Township. However, fees required for engineering, inspection or by other local units of government will be the obligation of the owner of the Remaining Parcel. Genoa Township and Howell Schools agree that the Remaining Parcel will retain its current REU’s for sewer and water and the additional free REU’s. Any further additional REU’s will be at the current (2012) pricing which is \$5,000.00 per REU/water and \$5,500.00 per REU/sewer. The REU’s are assignable but only to the successor in title or interest of the Remaining Parcel.

4. The density, use and building heights will be as afforded to property owners RLG Howell and GCG Howell. The impervious surface percentage will be 85%. Retail uses up to 60,000 square feet will be permitted. One retail use up to 300,000 square feet will be permitted by right without special use permit. Additional uses over 60,000 square feet will be subject to special land use permits. The Remaining Parcel is granted two ground/monument signs the height, width and display portions of the signs are as depicted on Exhibit E (attached).

5. The parties agree to the joint preparation of a conceptual PUD Plan for the Remaining Parcel. Genoa Township agrees to waive Genoa Township administration fees, including the fees for its planning commission. However, outside engineering and outside planning and consultant fees charged for the development and preparation of the conceptual PUD Plan will be shared equally by the parties.

6. The parties agree to submission of a joint petition for the conceptual PUD Plan but subject to the same limitation for the payment of outside consulting fees as set forth in paragraph 5 above. Genoa Township will amend its Master Plan to accommodate the expected future use of the Remaining Parcel with a designation for the Remaining Parcel of NR/PUD. The Remaining Parcel will be permitted to make "adjustments" provided the adjustment(s) will not alter the land use designation or increase the intensity and/or density of use. All development shall be subject to final PUD site plan and land division approval. Thereafter, no modification will be permitted which will *substantially* increase the impact upon adjoining properties or facilities without Genoa Township approval.

7. The parties agree to jointly submit and obtain recommendation for the PUD Plan for the Remaining Parcel from the Livingston County Planning Commission.

8. The Acquired Parcel (whether designated as 5.45 acres or 5.95 acres) will be subject to a reversionary interest in favor of the Howell Schools, but further subject to a claw back provision of the cash consideration paid by Genoa Township for the Acquired Parcel. The claw back amount shall be subject to a cash retention credit to the Howell Schools not to exceed \$40,000.00. The actual amount of the cash retention credit will be reduced by the actual costs paid by Genoa Township to outside engineering and/or planning consultants in developing the conceptual PUD Plan for the Remaining Parcel. If the costs paid by Genoa Township should be in excess of \$40,000.00 any additional costs over \$40,000.00 are not recoverable by Genoa Township.

9. The parties agree to the continued use of a communication tower on the Remaining Parcel which can be relocated on the Remaining Parcel by the owner, but in no event can the height of the tower be increased above the communication tower's current height of 100 feet.

10. The parties agree that the demolition of the school, in whole or in part, and the demolition of related structures on the Remaining Parcel may proceed without Genoa Township objection.


11. The costs of the acceleration/deceleration lanes will be the obligation of MDOT up to the "spring lines" on the north side of the I-96 Interchange. The costs of the "extension" of these lanes will be subject to further negotiations between MDOT and the Livingston County Road Commission. The Livingston County Road Commission agrees to provide advance notice to Howell Schools of any and all planning and pre-construction meetings and to invite Howell Schools to participate and influence decisions in this regard. It is understood however that although Howell Schools will be permitted to have a voice at these meetings, it will not be empowered to vote on final decisions. It is further understood by the parties that the owner/occupant of the Remaining Parcel may be required at its expense to perform a limited traffic study to determine the length of the acceleration/deceleration lanes.

12. The entry way width to the Remaining Parcel will not be less than the width of Grand Oaks Drive and the density of the Remaining Parcel development will not be reduced by the width of the entry way drive.

The undersigned negotiating committees for Genoa Township and Howell Schools have signed this Agreement in duplicate original the date first above written.

HOWELL PUBLIC SCHOOLS


By Its Negotiating Committee



RON WILSON



RICK TERRES



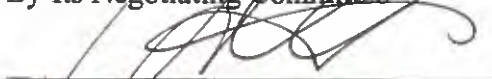
MIKE WITT



ANN ROUTT

TOWNSHIP OF GENOA

By Its Negotiating Committee



GARY McCRIRIE



KELLY VanMARTER

Approved as to Livingston County Road
Commission Representations

By: 

MICHAEL CRAINE
Its: Managing Director

Exhibit E

TOWNSHIP

WAL★MART
SUPERCENTER

STAPLES
The Office Superstore

BENNIGAN'S

**White
Castle**

LOTA

LOTH

LOTI

6'

6'

12"

4'

27'4"

16' 8"

4'2"
Typical

Kelly VanMarter

From: Mike Craine <mcraine@livingstonroads.org>
Sent: Wednesday, March 05, 2014 2:27 PM
To: Kelly VanMarter; Jodie Tedesco
Cc: FMancuso; Kathleen Duffy (duffy@lslplanning.com); borden@lslplanning.com
Subject: RE: Latson Elementary - Grand Oaks Driveway Width
Attachments: Grnd_Oks_Latson_El_Grades.pdf

Kelly,

Attached is the detail grades sheet for the intersection of Grand Oaks/Latson ES with Latson Road. It was constructed in accordance with the plans and conforms to the agreement.

MC

From: Kelly VanMarter [<mailto:Kelly@genoa.org>]
Sent: Wednesday, March 05, 2014 12:39 PM
To: Mike Craine; Jodie Tedesco
Cc: FMancuso; Kathleen Duffy (duffy@lslplanning.com); borden@lslplanning.com
Subject: Latson Elementary - Grand Oaks Driveway Width

Mike/Jodie,

As negotiated during facilitation with Howell Public Schools to obtain the Right-of-Way for the interchange the Township and Howell Public Schools approved the attached Real Property Benefits Agreement.

LCRC was not a party to the attached agreement but was involved in the process.

The Township is (finally) in the process of rezoning the property to a Planned Unit Development (PUD) Zoning which is scheduled to go before the Planning Commission on Monday, March 10th, 2014. There is one provision in the agreement that requires the Township to obtain LCRC approval. The statement is item 3 in the attached and is copied below:

Entryway to Property. The Township represents and warrants that it will obtain LCRC's consent that the width of the entryway to the Property at the Latson Road intersection where the traffic signal is located not be less than the width of Grand Oaks Drive and the density of the Remaining Parcel will not be reduced by the width of the entryway drive

I'm hoping that I can obtain a letter from the LCRC granting consent for the width of the driveway which is to be aligned with Grand Oaks Drive to be equal to or less than the width of the newly constructed Grand Oaks Drive.

Please let me know at your earliest convenience if this is something you can provide.

Thank you!!

Kelly VanMarter, AICP
Assistant Township Manager/Community Development Director

GENOA TOWNSHIP
APPLICATION FOR REZONING

APPLICANT NAME: Genoa Township ADDRESS: 2911 Dorr Rd, Brighton, MI 48116

OWNER NAME: Howell Public Schools ADDRESS: 411 N Highlander Way, Suite C,
Howell, MI 48843

TELEPHONE: (810) 227 - 5225 PARCEL #(s): 11-09-100-011

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:

RR to NRPUD

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 Township Master Plan identifies the property as Regional Commercial. The proposed NRPUD designation, along with the terms of the PUD Agreement, will better implement the goals and objectives of the Master Plan than the current RR designation.

2. Are the site's physical, geological, hydrological and other environmental features suitable for the host of uses permitted in the proposed zoning district?

As a previously developed site, the property is suitable for redevelopment as proposed via the PUD option.

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?

Since the school closed and was decided not to be repurposed for institutional purposes, the RR designation is no longer appropriate for this site. This is acknowledged by the Township Master Plan designation of Regional Commercial.

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?

Potential uses are restricted by both the Zoning Ordinance and PUD Agreement for the property. The host of uses anticipated are consistent with the commercial character along this portion of Latson Road to the west and further north towards Grand River Avenue.

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?

As a previously developed site, the capacity of infrastructure is expected to be sufficient to support redevelopment under the NRPUD. The Real Property Agreement between the Township and Schools provides confirmation.

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.

Given the recent construction of a new interchange along a major highway, conditions in this area have changed. The placement of the property between the new interchange and Grand River Avenue, as well as the Master Plan designation, demonstrates the need to consider commercial and service uses, as opposed to rural residential (or institutional).

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 NRPUD provides more flexibility for redevelopment of the site, while also providing the Township with more control over how this occurs, than does conventional zoning.

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

There are no deed restrictions impacting redevelopment of the property; however, future uses and how the site redevelops will be subject to the restrictions of the PUD Agreement, which will provide the Township with additional oversight.

C. Affidavit

The undersigned says that they are the representative (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: [Signature] Kelly VanMarter
ADDRESS: 2911 Dorr Rd., Brighton 48116

SIGNATURE

Contact Information - Review Letters and Correspondence shall be forwarded to the following:

1.) Genoa Township of _____ at (____) _____
Name 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 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: _____ NA _____

PROJECT LOCATON & DESCRIPTION: _____

SIGNATURE: _____ DATE: _____

PRINT NAME: _____ PHONE: _____

COMPANY NAME & ADDRESS: _____



GENOA CHARTER TOWNSHIP APPLICATION Planned Unit Development (PUD)

APPLICANT NAME: Genoa Township (Kelly VanMarter, Asst. Township Manager)

APPLICANT EMAIL: kelly@genoa.org

APPLICANT ADDRESS & PHONE: 2911 Dorr Rd, Brighton, MI 48116, (810)227-5225

OWNER'S NAME: Howell Public Schools

OWNER ADDRESS & PHONE: 411 N Highlander Way, Suite C, Howell, MI 48843
()

TAX CODE(S): _____

QUALIFYING CONDITIONS (To be filled out by applicant)

1. A PUD zoning classification may be initiated only by a petition.
2. It is desired and requested that the foregoing property be rezoned to the following type of PUD designation:
 - Residential Planned Unit Development (RPUD)
 - Planned Industrial District (PID)
 - Mixed Use Planned Unit Development (MUPUD)
 - Redevelopment Planned Unit Development (RDPUD)
 - Non-residential Planned Unit Development (NRPUD)
 - Town Center Planned Unit Development (TCPUD)
3. The planned unit development site shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.

EXPLAIN Howell Public Schools owns the parcel as described in the real property agreement with Genoa Township dated April 10, 2012.

4. The site shall have a minimum area of twenty (20) acres of contiguous land, provided such minimum may be reduced by the Township Board as follows:
 - A. The minimum area requirement may be reduced to five (5) acres for sites served by both public water and public sewer.
 - B. The minimum lot area may be waived for sites zoned for commercial use (NSD, GCD or RCD) where the site is occupied by a nonconforming commercial, office or industrial building, all buildings on such site are proposed to be removed and a new use permitted within the underlying zoning district is to be established. The Township Board shall only permit the PUD on the smaller site where it finds that the flexibility in dimensional standards is necessary to allow for innovative design in redeveloping the site and an existing blighted situation will be eliminated. A parallel plan shall be provided showing how the site could be redeveloped without the use of the PUD to allow the

Planning Commission to evaluate whether the modifications to dimensional standards are the minimum necessary to allow redevelopment of the site, while still meeting the spirit and intent of the ordinance.

- C. The PUD site plan shall provide one or more of the following benefits not possible under the standards of another zoning district, as determined by the Planning Commission:
- preservation of significant natural or historic features
 - a complementary mixture of uses or a variety of housing types
 - common open space for passive or active recreational use
 - mitigation to offset impacts
 - redevelopment of a nonconforming site where creative design can address unique site constraints.
- D. The site shall be served by public sewer and water. The Township may approve a residential PUD that is not served by public sewer or water, provided all lots shall be at least one (1) acre in area and the requirements of the County Health Department shall be met.

Size of property is 14.57 acres.

DESCRIBE BELOW HOW THE REQUESTED PUD DESIGNATION COMPLIES WITH AFOREMENTIONED MINIMUM LOT SIZE REQUIREMENTS.

The property was formerly home to the Latson Elementary School, which was closed. The site has remained unoccupied for some time and the intent is to redevelop an under-utilized site. The property is served by public water and sewer and will provide a complementary mixture of non-residential uses with a higher level of building and site design (consistent with the Township Master Plan) than would otherwise be required under conventional zoning.

STANDARDS FOR REZONING TO PLANNED UNIT DEVELOPMENT (RESPOND HERE OR WITHIN THE IMPACT STATEMENT)

1. How would the PUD be consistent 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;

Response within impact statement

2. The compatibility of all the potential uses in the PUD 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;

Response within impact statement

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

Response within impact statement

4. The apparent demand for the types of uses permitted in the PUD;

Response within impact statement

AFFIDAVIT

The undersigned says that they are the representative (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: [Signature] Kelly VanMarten
ADDRESS: 2911 Dorr Rd., Brighton 48116

Contact Information - Review Letters and Correspondence shall be forwarded to the following:
1.) Genoa Township of _____ at _____
Name Business Affiliation E-mail



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: _____ NA

PROJECT LOCATON & DESCRIPTION: _____

SIGNATURE: _____ DATE: _____

PRINT NAME: _____ PHONE: _____

COMPANY NAME & ADDRESS: _____



GENOA CHARTER TOWNSHIP APPLICATION

Site Plan Review

TO THE GENOA TOWNSHIP PLANNING COMMISSION AND TOWNSHIP BOARD:

APPLICANT NAME & ADDRESS: Genoa Township 2911 Dorr Rd, Brighton, MI 48116
If applicant is not the owner, a letter of Authorization from Property Owner is needed.

OWNER'S NAME & ADDRESS: Howell Public Schools 411 N Highlander Way, Suite C, Howell, MI 48843

SITE ADDRESS: 1201 S. Latson Rd. PARCEL #(s): 11-09-100-011

APPLICANT PHONE: (810) 227-5225 OWNER PHONE: ()

OWNER EMAIL: _____

LOCATION AND BRIEF DESCRIPTION OF SITE: East side of Latson Road, between Grand River Avenue and the I-96/Latson Road interchange. The approximately 14.5-acre site is the former home of the Latson Elementary School.

BRIEF STATEMENT OF PROPOSED USE: If approved, the proposed redevelopment of the former school site will be done under the PUD option. Ultimate uses on the site will be limited to those agreed upon by the applicant and Township, but are generally expected to be compatible with regional commercial uses (RCD as noted in the Zoning Ordinance).

THE FOLLOWING BUILDINGS ARE PROPOSED: Please see attached PUD Concept Plan and optional alternative plans.

I HEREBY CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: Kelly VanMarter 

ADDRESS: 2911 Dorr Rd., Brighton 48116

Contact Information - Review Letters and Correspondence shall be forwarded to the following:		
1.) _____	of _____	at _____
Name	Business Affiliation	E-mail Address

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.

**STATE OF MICHIGAN
COUNTY OF LIVINGSTON
GENOA CHARTER TOWNSHIP**

**PLANNED UNIT DEVELOPMENT AGREEMENT FOR FORMER LATSON ELEMENTARY
SCHOOL PROPERTY - DRAFT**

THIS PLANNED UNIT DEVELOPMENT AGREEMENT is made and entered into on this ____ day of _____, 2014, by **Howell Public Schools**, a Michigan general powers school district, whose address is 411 N. Highlander Way, Suite C, Howell Michigan 48843 (referred to as “HPS”) and **Genoa Charter Township**, a Michigan municipal corporation, whose address is 2911 Dorr Road, Brighton, Michigan referred to as “Township”).

RECITATIONS:

The HPS possesses fee title to certain real property situated in the Genoa Charter Township, County of Livingston, and State of Michigan, more particularly described in Exhibit A, (referred to as “Property”).

The recent completion of the adjacent Latson Road interchange required a portion of the previous Latson Elementary School site, which was agreed upon by HPS and Township in a Real Properties Benefits Agreement, dated April 10, 2012, (Exhibit D). In this agreement, the remainder of the parcel was agreed to by both parties to be developed as a Non-residential PUD. This follows the Master Plan future land use designation of this Property as regional commercial. These uses will complement nearby commercial uses and future uses that will arise from the newly created demand of the interchange.

HPS has a preferred concept plan (Exhibit B), but also includes two additional concepts that are variants of the preferred plan (Exhibits B-1 and B-2). Any of these three concepts may be considered upon securing a developer for the property.

The Township Planning Commission and Township Board, in strict compliance with the Township Zoning Ordinance and with Act 110 of the Public Acts of 2006, as amended, reclassified the Property as Non-Residential Planned Unit Development District, finding that such classification properly achieves the purpose of Article 10 of the Genoa Township Zoning Ordinance , including the encouragement of innovation in land use, the preservation of open space in areas adjacent to S. Latson Road and properties to the north and east in order to achieve compatibility with adjacent land uses, the promotion of efficient provision of public services and utilities, the reduction of adverse traffic impacts, and the provision of adequate employment. Further the Township Planning Commission and Township Board find the Non-Residential Planned Unit Development District and the PUD Plan are consistent with the Township Master Plan.

The Township has found and concluded that the uses and future development plans for the Property and conditions shown on the approved PUD Concept Plan, attached as Exhibit B (“PUD Plan”), are reasonable and promote the public health, safety, and welfare of the Township, and that they are consistent with the plans and objectives of the Township and consistent with surrounding uses of land.

NOW, THEREFORE, OWNER AND TOWNSHIP, in consideration of the mutual promises contained in the Agreement, HEREBY AGREE AS FOLLOWS:

ARTICLE I. GENERAL TERMS OF AGREEMENT

- 1.1 The Township and HPS acknowledge and represent that the recitations set forth above are true, accurate, and binding.
- 1.2 The Township acknowledges and represents that this Agreement may be relied upon for future land use and development of the Property by HPS's successors, assigns, and transferees.
- 1.3 The PUD Concept Plan, attached as Exhibit B, (or Exhibits B-1 and B-2), has been duly approved by the Township in accordance with all applicable Township ordinances, and depicts the land uses which will be permitted and which may be developed on the Property. All formal actions necessary or expedient to carry out this Agreement shall be taken by the parties without undue delay consistent with the Township's ordinances and polices.
- 1.4 Except as specifically provided for in this Agreement, final site plans will comply with applicable Zoning Ordinance requirements. However, at the time of review of respective site plans for the development of various portions of the Property, deviations from ordinance regulations may be agreed upon by the Township and HPS. Changes to the PUD Concept Plan or PUD Agreement will be processed as outlined in the Zoning Ordinance.
- 1.5 The PUD Plan identifies the location and configuration of the authorized land uses that may be developed on the Property, except as noted in 1.3 above.
 - A. All uses authorized as permitted or as may be authorized by special land use are defined in Exhibit C.
 - B. HPS shall be permitted to create parcels and to adjust the size and shape of such parcels, provided the creation or adjustment does not alter the land use designation for any area of the Property or increase the intensity and/or density of use. Modifications shall be comparable to the alternative Concept Plans (Exhibits B, B-1 and B-2). All development shall be subject to Final PUD Site Plan and land division (if necessary) approval. In addition:
 1. HPS shall not be entitled to make a modification which substantially increases the impact upon adjoining properties or facilities without the approval of Township.
 2. HPS shall not be entitled to make other changes without the approval of Township.
 - C. The sizes of the various parcels within the land use designations shall be subject to modification under the applicable regulations of the Zoning Ordinance and state law.

- 1.6 This Agreement, including the uses approved on the PUD Plan, are for the benefit of the Property, and shall run with the Property, and shall bind and inure to the benefit of the successors, assigns and transferees of the parties to this Agreement.

ARTICLE II. LAND USE AUTHORIZATION

- 2.1 The Planned Unit Development shall include a land use authorization for the uses agreed upon by HPS and Township as listed in Exhibit C.
- 2.2 No construction shall be permitted until HPS has received final site plan approval in accordance with Genoa Township ordinances. If the Property is divided into parcels, more detailed planning for the development of the Property may be undertaken on a parcel-by-parcel basis, subject to the intent and obligation to coordinate development of the Property as a whole, as specified hereinafter. HPS, as dictated by HPS's transferees, shall determine the timing and order of development subject to the Township's Zoning Ordinance. At the time HPS, and the HPS's assigns and transferees, are prepared to develop each portion or phase of the Property, a plan prepared in the form required by applicable ordinance and law, including impact assessments required by the Township, and consistent with this Agreement, shall be submitted for review and approval. The Township shall review each of such plans within a reasonable time. Site plan and other review requirements shall not be subject to any subsequent enactments or amendments of the Zoning Ordinance which are inconsistent with this Agreement unless the concept plan as set forth herein is materially altered at the request of HPS or its successors and assigns. Provided however, the PUD Concept Plan attached as Exhibit B is also approved as described herein.
- 2.3 If a use authorized under Exhibit C as a special land use is proposed on the Property, such use must be applied for and authorized as provided in the Zoning Ordinance. No storage of trucks, trailers or similar delivery vehicles or containers shall be stored on site for more than twenty-four (24) hours unless they are being actively loaded or unloaded.
- 2.5 A minimum 15% of the site shall be open space as agreed to in Exhibit D. This requires a deviation from 25% as defined in Article 10 of the Zoning Ordinance. Such open space shall be dispersed throughout the site. Open space is defined as undisturbed areas of key natural features, detention ponds, landscaped areas or plazas. Detention areas shall comprise no more than 50% of the required open space.
- 2.7 Notwithstanding the current code, the principal structure and parking lot must be set back in accordance with Exhibit B. There shall be only one automobile service station allowed.

ARTICLE III. CURB CUTS AND OFF -SITE TRANSPORTATION IMPROVEMENTS

- 3.1 The establishment of curb cuts and driveways to public thoroughfares from the PUD Property shall be limited and restricted for the purpose of reducing the number of turning movements to and from the Property.
- 3.2 Off-Site Improvements in Public Right of Way.
- A. Traffic Signal. The Township acknowledges that the Livingston County Road Commission ("LCRC") will provide, at its cost, a traffic signal which will permit the efficient flow of vehicular traffic to and from the Property and Latson Road. The Township will cooperate with the LCRC and HPS (or its successors, as applicable) for the installation of said traffic signal. The LCRC shall install the

traffic signal as set forth in the Livingston County Road Commission - RGL Howell, LLC and GCG Howell, LLC Agreement to Transfer Property dated August 30, 2011 (the "Agreement to Transfer"), or at such time a site plan is approved for any portion of the Remaining Parcel provided that HPS, or its successors, reach an agreement with the LCRC.

- B. Improvement of Intersection. The Parties agree that the costs of the acceleration and deceleration lanes are the obligation of MDOT up to the "spring lines" on the North side of the Interchange. The costs of the "extension" of these lanes will be subject to further negotiation between MDOT and LCRC. It is understood that although HPS and its successors and assigns will be permitted to have a voice at the preconstruction meetings, HPS will not be empowered to vote on any final decisions. It is further understood by the Parties that HPS, its successors and assigns and/or other occupants of the Property will be required, at their expense, to perform a limited traffic study to determine the length of the acceleration/deceleration lanes.
- C. Entryway to Property. The Township represents and warrants that it will obtain LCRC's consent that the width of the entryway to the Property at the Latson Road intersection where the traffic signal is located not be less than the width of Grand Oaks Drive and the density of the Remaining Parcel will not be reduced by the width of the entryway drive.

ARTICLE IV. INTERNAL ROAD NETWORK

- 4.1 Internal access shall be established between the various uses and buildings as shown in Exhibit B (or B-1 or B-2, as applicable).

ARTICLE V. DRAINAGE

- 5.1 The on-site drainage system will be built by HPS or its assigns following review and approval by the Township Engineer and Livingston County Drain Commission.

ARTICLE VI. SITE IMPROVEMENTS

- 6.1 There shall be a coordination of site improvements within the overall Property, with the objective of creating site improvements that are integrated and mutually supportive among the respective portions or phases of the development, including the utilities, landscaping and lighting.
- 6.2 A pedestrian network shall be constructed by HPS or its assigns on the east side of Latson, per Township standards.
- 6.3 Development shall be undertaken with underground electrical service to the buildings on the Property. Public utility lines in existing or future easements shall be permitted overhead so long as the buildings are serviced from underground.
- 6.4 The following site elements shall be provided:
 - A. Site design and landscaping shall diminish the prominence of parking lots as viewed from public streets.

- B. Extensive greenways and tree-lined drives shall be within parking lots and throughout the site to improve traffic operations and views
- C. Landscaping shall include all required plantings pursuant to section 12.02 of the Zoning Ordinance and as shown on the approved final PUD site plan.
- E. Ornamental lighting shall be provided along Latson Road right of ways consistent with other recent developments along the roadway.
- F. Ongoing maintenance and repair or replacement of site design elements, such as common landscaping, lighting, and joint freestanding signage shall be maintained by either the developer, or a lot owner, or association.
- G. The parking lot configuration, sizes and quantities of stalls, shall be accepted as shown on a final site plan as approved by the Township.

ARTICLE VII. DESIGN OF BUILDING AND SIGNS

- 7.1 The architecture, building materials, colors and shapes of all buildings shall be in conformity with the guidelines set forth in the Genoa Township Zoning Ordinance, as adopted, and as it may be amended. It is the intention of the parties to promote and encourage a development that incorporates varying building lines, natural earth tone construction materials and other elements contemplated to upgrade the appearance of the development overall in the interest of making it aesthetically pleasing. Flat front roof facades shall be discouraged. Large walls shall include varying building lines, setbacks, color accents, windows or other elements to upgrade appearance. Each site plan will include a narrative or illustration(s) that demonstrates the design will be consistent with, or complement architecture of the other sites. Buildings shall utilize high quality architecture with variable building lines, peaked roofs and architectural accents. Brick facades or tilt up panels with brick shaped forms or other natural materials (i.e., brick, stone, etc.) shall be used for certain building faces.

Other materials may be used for architectural accents provided such materials shall have the appearance of cut or cast stone or stucco. Out parcel buildings shall have wall surfaces with at least eighty percent (80%) natural materials (i.e., brick, stone, etc.).

- 7.2 Signage: Freestanding signs for individual lots within the PUD shall be ground mounted (monument) signs. No pole signs shall be permitted. All freestanding signs shall have a base constructed of materials that coordinate and are not inconsistent with the building, and other signs within the PUD. In addition, there shall be permitted one highway sign, such sign shall be a maximum of 200 square feet, shall not exceed thirty (30) feet in height and shall be permitted to advertise users in the project. Each individual lot within the PUD shall be limited to monument signs no taller than 6 feet and no larger than 72 square feet in area. All wall signs shall have channel lettering or individual letters (not panels). All freestanding lighted signs shall be internally lit. Additional wall, highway and other signs shall be permitted as authorized in the Zoning Ordinance.
- 7.3 Landscaping and site lighting: The landscaping within the PUD shall demonstrate consistency in terms of design and materials. Generally, site lighting shall be a uniform type and color. All ornamental lighting shall be of the same style as nearby non-residential PUDs.

ARTICLE VIII. UTILITIES

- 8.1 Capacity. The Township represents and warrants that the capacity is available for water and sanitary sewer for any future development of the Property consistent with Exhibits B, B-1 and B-2 at no cost to HPS its successors and assigns.
- 8.2 Residential Equivalent Units ("REUs") for Sanitary Sewer and Water. The Township acknowledges that the Property currently has 22 residential equivalent units (REUs) for sanitary sewer and 20 REUs for water and may be utilized by the District, its successors and assigns, for the future development of the Property. In addition, the Township agrees to provide an additional five (5) REUs for sanitary sewer and seven (7) REU's for water, at no cost, which additional REUs can be utilized by HPS, its successors and assigns, for the future development of the Property. The Township represents and warrants that any additional REUs needed by HPS, its successors and assigns, for the future development of the Property shall be priced at the current 2012 pricing of \$5,000 per REU for water and \$5,500 per REU for sanitary sewer. HPS agrees that all REUs described in this paragraph are only assignable to a successor in title or interest of the Property.
- 8.3 No Other Fees. Other than the REU fees stated above, there are currently no additional connection or capital fees charged by the Township. Other than the fees set forth in subparagraph 8.2 above, no other connection fees shall be imposed upon HPS, its successor and assigns with regard to the Property. In addition, the Township represents and agrees that the existing 15" gravity sewer on Grand River is at capacity and the Township shall not impose any additional costs on HPS related to increasing the capacity of the Grand River sewer to serve the Property and that the Grand River sewer is the only present sewer capacity constraint for the Property. Notwithstanding the above and except as provided in subparagraph 8.1 above, the Remaining Parcel shall not be exempted from charges for any sewer system upgrades that benefit the system and are borne on a pro-rata basis by the users of the system. Notwithstanding the foregoing, HPS, its successors and assigns will be subject to fees required for engineering, inspection and fees imposed by other local units of government for the Property.

ARTICLE IX. MISCELLANEOUS

- 9.1 This Agreement may not be modified, replaced, amended or terminated without the prior written consent of the parties to this Agreement. HPS and the Township shall be entitled to modify, replace or amend this Agreement without the consent of any other person or entity, regardless of whether such person or entity now or hereafter has any interest in any part of the Property, including subsequent purchasers, or their tenants, mortgagees, or others.
- 9.2 Reference in this Agreement to activities by HPS in relation to development is intended to include HPS's transferees and assigns unless context dictates to the contrary.
- 9.3 In the event of any direct conflict between the specific terms and provisions of this Agreement (including the attached PUD Plan), the provisions of the Real Property Benefits Agreement between the parties dated April 10, 2012, the Agreement to Transfer Real Property between the parties, dated March 26, 2012, the provisions of the Zoning Ordinance, or other Township ordinances, rules or regulations, the provisions of this Agreement shall control.
- 9.4 In the event a portion of the Property is submitted for site plan approval, and such approval is denied, the party submitting such site plan shall be entitled to appeal such decision to the Zoning Board of Appeals as provided by law, and all parties shall agree to proceed expeditiously to final resolution.

- 9.5 The undersigned parties acknowledge that the conditions imposed upon the development of the property are reasonable conditions necessary to ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Further, it is acknowledged that the conditions meet all of the requirements of MSA 5.2963(16d)(2)(a)(b) and (c).
- 9.6 Until the Property is fully developed, each site plan applicant shall be responsible following Township approval of the respective site plan, plat and/or site condominium presented to the Township. Each site shall superimpose the approved plan of development upon the overall PUD plan to clearly illustrate the final development plan for each portion of the Property. The Developer shall provide an overall site plan which incorporates general site plan for detail of all of the site plans upon completion of the entire development.
- 9.7 Minimum dimensional standards shall be as described in Exhibit C.

Exhibit List

- Exhibit A: Cover/Existing Conditions Sheet
- Exhibit B: PUD Concept Plan
- Exhibit B-1: Concept Plan Option B
- Exhibit B-2: Concept Plan Option C
- Exhibit B-3: Concept Plans Programming Detail
- Exhibit C: Use Table
- Exhibit D: Real Property Agreement (dated 4-10-12)
- Exhibit E: Survey (dated 4-25-12)
- Exhibit F: Design Guidelines for Interchange Commercial from Master Plan

SITE PLAN

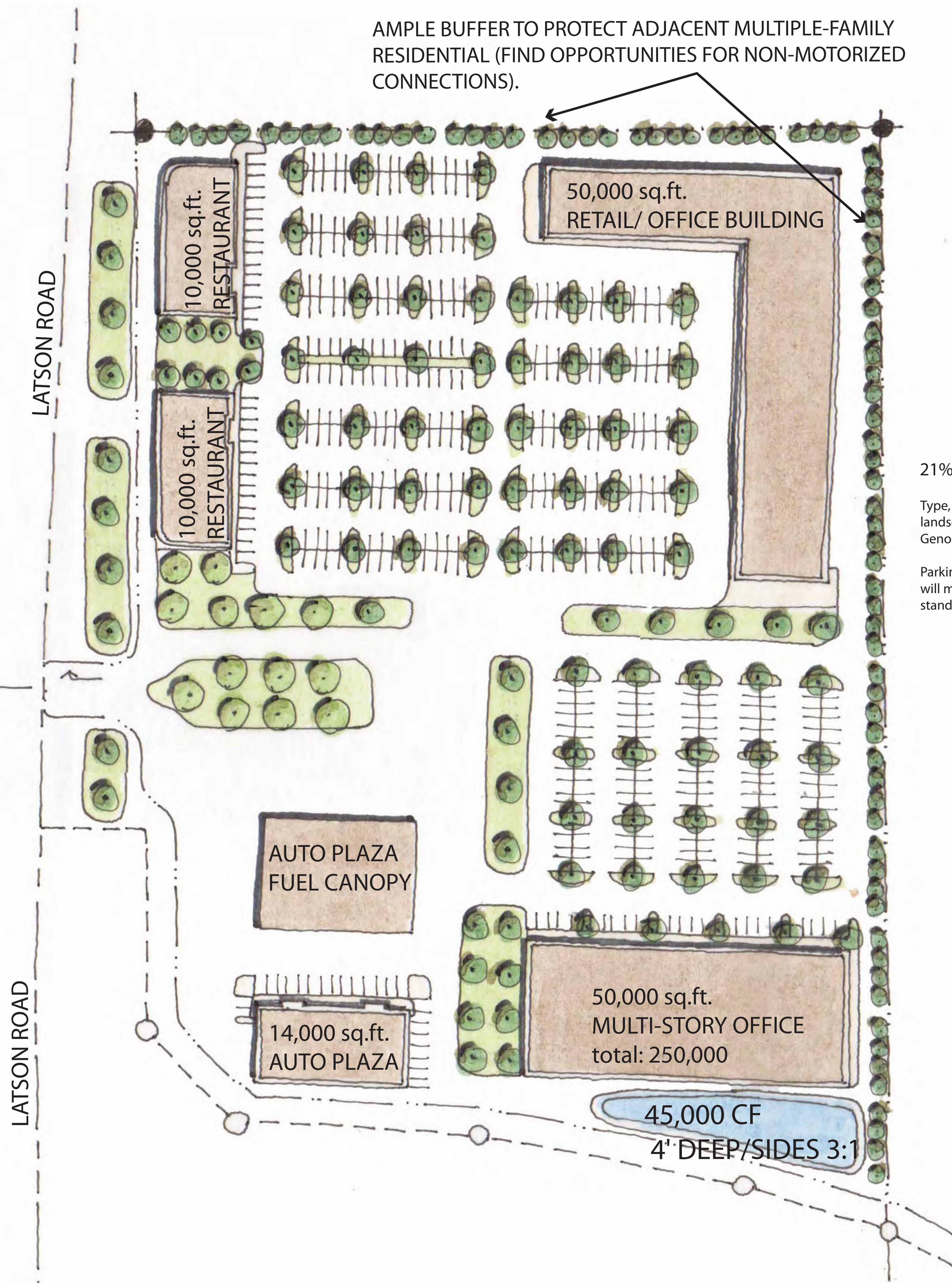


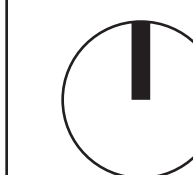
Exhibit B: Concept Plan

Development:
Former Latson Elementary School Site

Applicant:
Howell School District and Charter Township of Genoa

Preparer:
LSL Planning, a SAFEbuilt Company
Rebekah Kik, BS Arch., M. Arch., M. Arch. Design & Urbanism
Kathleen Duffy, AICP, BS Arch., M. Urban Planning
Survey prepared by Boss Engineering

2-13-14



25 ft 50 ft 100 ft
SCALE 1" = 50'

Exhibit B-1: Concept Plan Option B

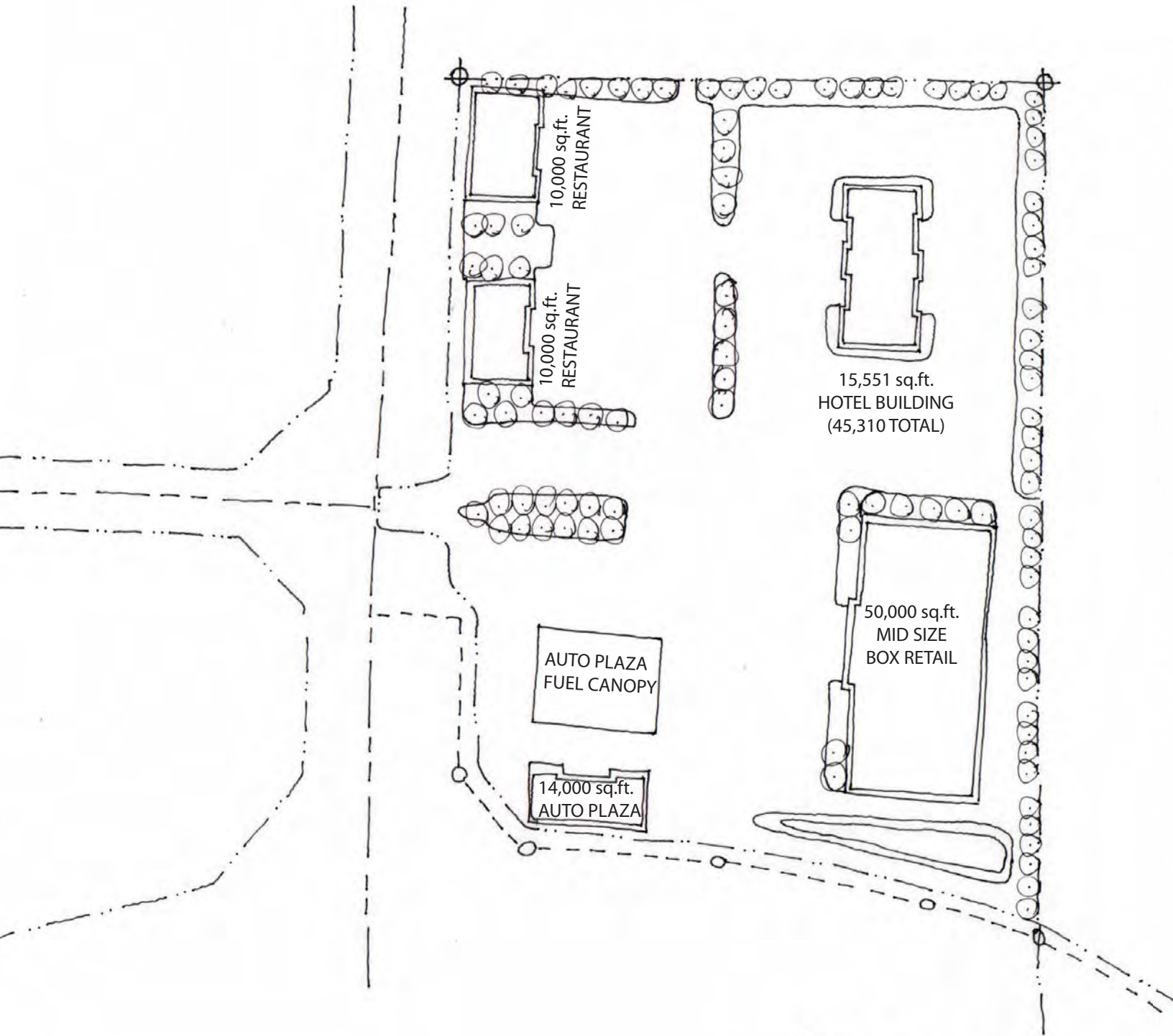


Exhibit B-2: Concept Plan Option C

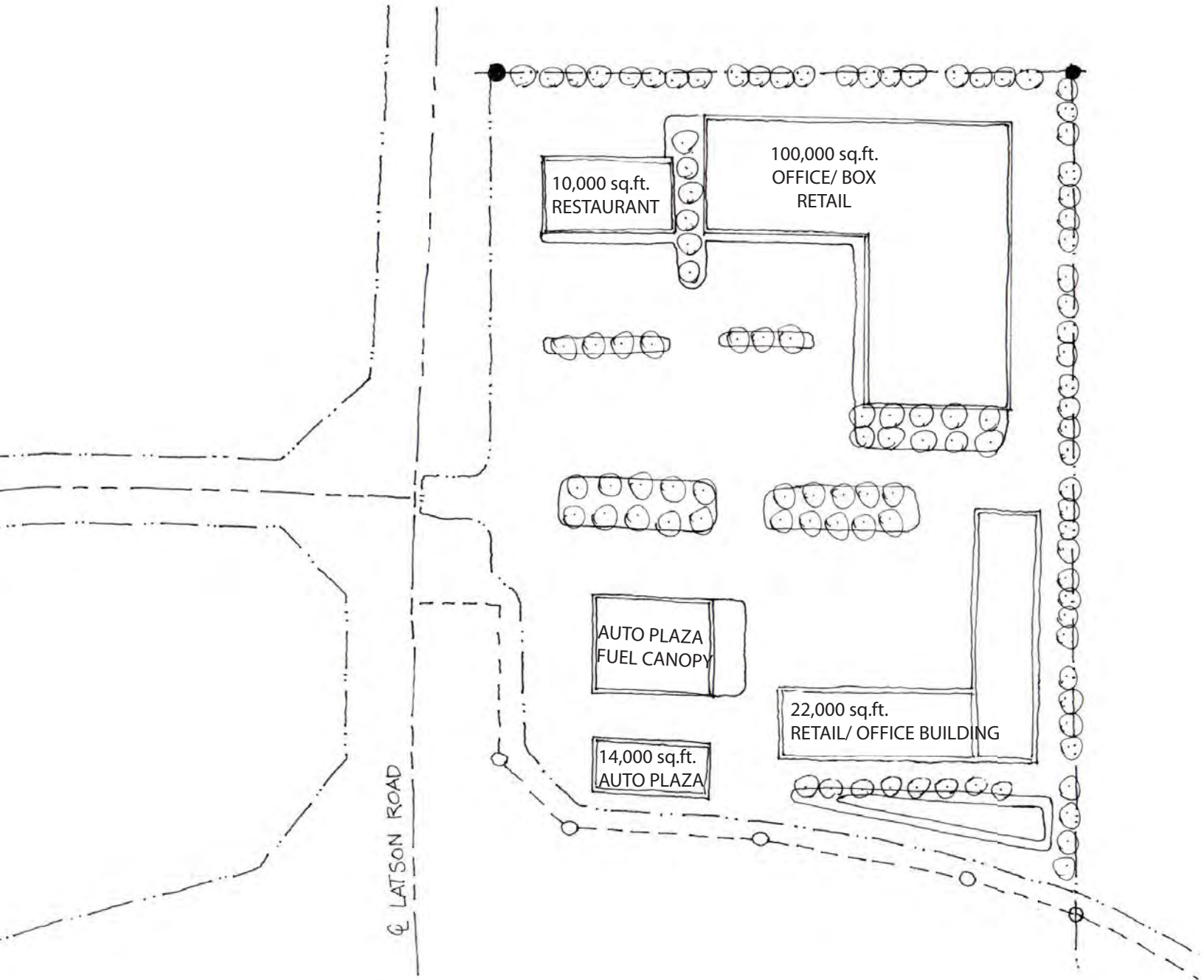


Exhibit B-3: Concept Plan Programming Detail

Option A

4 Parcel Divisions

Total Buildout - 330,000 square feet

Parking Required - 1,126 spaces

Water - 164.5

Office Complex 50,000 sqft building footprint

250,000 total with 5 floors

600 Max Parking* (this is a low estimated figure. Developer will probably need to incorporate a parking deck to meet 300 foot rule as well)

Water – 100

Retail/ Office Building

50,000 sqft

200 Max Parking

Water - 7.5

Sit Down Restaurant Model (i.e. Olive Garden)

(2)10,000 sqft

142 Max Parking Each

284 Total Parking

Water – 50

Fuel Plaza* (includes some kind of fast food service)

10,000 sqft

42 Max Parking

14,000 sqft estimated canopy for fuel pumps

* automobile oriented - not semi-truck

Water - 7 (high estimate)

Option B

4 Parcel Divisions at approx. 3.625 acres each

Total Buildout - 125,310 square feet

Parking Required - 617 spaces

Water - 89.5

Typical Hotel Model (found on Best Western website)

Parking Req'd - 91 (80 ROOMS/ 5 EMPLOYEES/ 6 MEETING SPACE)

Building Footprint- 16,861 (TOTAL 45,310) - 80 ROOMS

Hardscape - 49,262

Softscape - 18,093

TOTAL 84,216

Water - 25 (high estimate - 80 Rooms+)

Mid Size Box Retail (i.e. Bed Bath & Beyond)

50,000 sqft

200 Max Parking

Water - 7.5

Sit Down Restaurant Models (i.e. Olive Garden)

10,000 sqft

142 Max Parking Each

284 Max Parking

Water - 50 Total

Fuel Plaza* (includes some kind of fast food service)

10,000 sqft

42 Max Parking

14,000 sqft estimated canopy for fuel pumps

* automobile oriented - not semi-truck

Water - 7 (high estimate)

Option C

3 Parcel Divisions (1 at 7.25 acres; 2 at 3.625 acres)

Total Buildout - 141,600 square feet

Parking Required - 692 spaces

Water - 55.64

Large Box Retail (i.e. Target)

100,000 sqft

400 Max Parking

Water - 15

Sit Down Restaurant Model (i.e. Olive Garden)

10,000 sqft

142 Max Parking

Water - 25

Fuel Plaza* (includes some kind of fast food service)

10,000 sqft

42 Max Parking

14,000 sqft estimated canopy for fuel pumps

* automobile oriented - not semi-truck

Water - 7 (high estimate)

Office/ Retail Strips (i.e. salons, insurance agency, sm. food establishment)

(2) 10,800 sqft. (Each division 30 feet wide x 60 feet deep -1,800 sqft each space)

Total 108 Max Parking

Water - 8.64 (Total for both - estimated for the higher .40 water in Office use)

Exhibit C: Zoning Concessions
(from Real Property Agreement dated 4-10-12)

		Howell Schools Latson Elementary Property Remainder
Minimum Lot Area		1 acre
Minimum Lot Width		120 feet
Front Yard Setback		20 feet
Side Yard Setback		10 feet
Rear Yard Setback		20 feet
Parking Lot Setback - front		10 feet
Parking Lot Setback - side/rear		5 feet
Maximum Lot Coverage		50% building / 85% impervious
Maximum Building Height		75 feet & 5 stories
Open Space		15%
Traffic Study		Limited Traffic Study
Signage		2 Highway Signs –200 sq. ft. & 30’ tall
Land Uses:		
<i>(“P” is permitted, “S” is Special Land Use. Unlisted uses are not permitted)</i>		Howell Public Schools Remainder Parcel
Retail Uses		
Retail establishments and shopping centers which provide goods such as bakery goods, including bakery items produced on the premises, groceries, produce, meats, provided no slaughtering shall take place on the premises, seafood; dairy products, beverages appliances, electronics, furniture, and home furnishings, apparel, jewelry, art, pharmaceuticals, home improvement supplies, hardware, and garden supplies, sporting goods, bicycles, toys, hobby crafts, videos (rental, and sales), music, musical instruments, books, computer hardware and software, antiques, flower shops, greeting card shops, auto parts and similar establishments not specifically addressed elsewhere	Uses up to 20,000 square feet gross floor area	P
	Uses 15,001 - 30,000 square feet of gross floor area	P 2 uses up to 40,000 sq. ft.
	Uses 30,000 - 60,000 square feet of gross floor area	P 2 uses up to 40,000 sq. ft.
	Uses over 60,000 square feet of gross floor area	S* *Except 1 retail use up to 300,000 sq. ft.. shall be permitted by right.
	Pharmacies with drive-up window	P, one only. Additional if Special Use Conditions are met.
Automobile, motorcycle, boat and recreational vehicle sales, new and used		S
Outdoor commercial display, sales or storage		S
Service Uses		
Banquet halls, assembly halls, dance halls, private clubs, fraternal order halls, lodge halls or other similar places of assembly		P
Business services such as mailing, copying, data processing and retail office supplies		P
Child care centers, preschool and commercial day care		P
Conference Centers		P

Bed and breakfast inns, hotels and motels with no more than 25 rooms not including accessory convention/meeting facilities or restaurants These uses may include the residence for the owner/manger's family		P
Hotels and motels with more than 25 rooms including accessory convention/meeting facilities and restaurants		P
Personal and business service establishments, performing services on the premises, including: dry cleaning drop-off stations (without on site processing), photographic studios, copy centers, mailing centers, data processing centers, dressmakers and tailors, shoe repair shops, tanning salons, beauty parlors, barber shops, and similar establishments		P
Dry cleaning drop-off stations with drive-through service		P, one only. Additional if Special Use Conditions are met.
Restaurants, taverns, bars, delicatessen, food carryout, and similar establishments serving food or beverages	Standard restaurants, except as provided below	P
	Restaurants and bars serving alcoholic beverages	P
	Bars providing dancing and live music	P
	Restaurants with open front windows	P, one only. Additional if Special Use Conditions are met.
	Restaurants with outdoor seating	P
	Drive-through restaurants	P, up to two. Additional if Special Use Conditions are met. 500' separation not required.
	Drive- in restaurants	S
	Carry-out restaurants	P
Studios of photographers and artists		P
Tattoo parlors		P
Tool and equipment rental, excluding vehicles		S
Auto Service Uses		
Minor auto repair establishment		P
Auto/gasoline service station		P, up to two. Additional if Special Use Conditions are met. 500' separation not required.
Automobile wash, automatic or self serve		P – w/conditions in PUD
Office Service and Medical Uses		
Banks, credit unions, savings and loan establishments and similar financial institutions	With up to 3 drive-through teller windows	P
	With more than 3 drive-through teller windows	P, one only with up to 5 drive-through. Additional if Special Use Conditions are met.
	Stand alone automatic drive-up teller machines	P, one only if a principle use. Additional if Special Use Conditions are met.
Hospitals		P

Offices of non-profit professional, civic, social, political and religious organizations		P
Medical urgent care facilities, medical centers and clinics		P
Medical offices of doctors, dentists, optometrists, chiropractors, psychiatrists, psychologists and similar or allied professions, excluding clinics, and urgent care centers	Buildings up to 15,000 square feet of gross floor area	P
	Buildings over 15,000 square feet of gross floor area	P
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 executive, or administrative offices and similar or allied professions	Buildings up to 15,000 square feet of gross floor area	P
	Buildings between 15,000 and 55,000 square feet of gross floor area	P
	Buildings over 55,000 square feet of gross floor area	P
Recreation		
Motion picture theaters		P
Public parks and open space		P
Miniature golf courses and driving ranges		S
Recreation (indoor) such as bowling alleys, skating rinks, arcades, archery indoor golf or softball		S
Health clubs, fitness centers, gyms and aerobic clubs		P
Education		
Commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, etc		P
Vocational and technical training facilities		P
Public/Institutional		
Bus passenger stations		S
Churches, temples and similar places of worship and related facilities		S, no facility shall occupy more than 4 acres of land.
Essential public services and structures, not including buildings and storage yards		S
Public/government buildings such as; township/state/county offices, public museums, libraries and community centers		S
Accessory Uses		
Accessory temporary outdoor sales and events		P
Accessory drive-through service not listed above		P, one only. Additional if Special Use Conditions are met.
Accessory uses, buildings and structures customarily incidental to any of the above		P
Accessory fuel storage and use or storage of hazardous materials		S

Exhibit D: Real Property Agreement



REAL PROPERTY BENEFITS AGREEMENT

This Real Property Benefits Agreement is entered into on this 10th day of April, 2012, by and between Howell Public Schools, a Michigan general powers school district, whose address is 411 N. Highlander Way, Suite C, Howell, Michigan 48843 ("HPS" or the "District") and Genoa Charter Township, a Michigan municipal corporation organized under the laws and statutes of the State of Michigan, whose address is 2911 Dorr Road, Brighton, Michigan (the "Township") (individually a "Party" and collectively, the "Parties") upon the terms and conditions set forth below:

WHEREAS, HPS is the owner of a parcel of real property located in the Charter Township of Genoa, Livingston County, Michigan, as described and shown on **Exhibit A** (the "Property"), which is presently the location of the Latson Road Elementary School consisting of 20.52 acres of land, more or less commonly known 1201 S. Latson Road, Charter Township of Genoa, Michigan.

WHEREAS, the Michigan Department of Transportation ("MDOT") has proposed to construct a new interchange at Latson Road providing ingress and egress to eastbound and westbound Interstate 96 (the "Interchange").

WHEREAS, the Township has assisted MDOT and the Livingston County Road Commission in acquiring parcels of land necessary for the construction of the Interchange and related improvements.

WHEREAS, a portion of the Property consisting of 5.95 acres, more or less (including 5.45+/- acres net of existing MDOT right-of-way) (the "Acquired Parcel") as described in **Exhibit B** is necessary for the construction of the Interchange.

WHEREAS, on the date stated above, HPS is selling to, via Warranty Deed of even date herewith, and the Township is acquiring the Acquired Parcel.

WHEREAS, as consideration for the transfer of the Acquired Parcel, the Township has paid a monetary sum of Three Hundred Fifteen Thousand and 00/100 Dollars (\$315,000.00) and has agreed to provide certain benefits to the Property that will remain in effect after the transfer of the Acquired Parcel, which remaining property will consist of approximately 14.5 acres (the "Remaining Parcel"), which Remaining Parcel is described in **Exhibit C**.

WHEREAS, in the event that the construction of the Interchange has not commenced within three (3) years of the date of the Warranty Deed, then the Acquired Parcel will revert to HPS pursuant to the terms and conditions set forth in below.

NOW, THEREFORE, in consideration of the mutual covenants and promises the Parties acknowledge and agree that a substantial portion of the consideration for the transfer of the Acquired Parcel are the following benefits to be provided by the Township to the Remaining Parcel and the Parties wish to memorialize the following benefits:

a. Traffic Light and Latson Road Intersection.

(1) Traffic Signal. The Township acknowledges that the Livingston County Road Commission ("LCRC") will provide, at its cost, a traffic signal which will permit the efficient flow of vehicular traffic to and from the Remaining Parcel and Latson Road. The traffic signal will be required only if the Interchange is constructed. The Township will cooperate with the LCRC and HPS for the installation of said traffic signal. In the event that the Interchange is constructed, LCRC shall install the traffic signal at such time as set forth in the Livingston County Road Commission - RGL Howell, LLC and GCG Howell, LLC Agreement to Transfer Property dated August 30, 2011 (the "Agreement to Transfer"), or at such time a site plan is approved for any portion of the Remaining Parcel provided that HPS, or its successors, reach an agreement with the LCRC.

(2) Improvement of Intersection. The Parties agree that the costs of the acceleration and deceleration lanes be the obligation of MDOT up to the "spring lines" on the North side of the Interchange. The costs of the "extension" of these lanes will be subject to further negotiation between MDOT and LCRC. The LCRC agrees to provide advance written notice to HPS, its successors and assigns, of any and all planned and preconstruction meetings and to invite HPS, its successors and assigns, to participate and influence decisions with regards to the Interchange. However, it is understood that although HPS and its successors and assigns will be permitted to have a voice at these meetings, they will not be empowered to vote on any final decisions. It is further understood by the Parties that HPS, its successors and assigns and/or other occupants of the Remaining Parcel will be required, at their expense, to perform a limited traffic study to determine the length of the acceleration/deceleration lanes.

(3) Entryway to Remaining Parcel. The Township represents and warrants that it will obtain LCRC's consent that the width of the entryway to the Remaining Parcel at the Latson Road intersection where the traffic signal is located not be less than the width of Grand Oaks Drive and the density of the Remaining Parcel will not be reduced by the width of the entryway drive.

b. Water and Sanitary Sewer for Remaining Parcel.

(1) Capacity. The Township represents and warrants that the capacity is available for water and sanitary sewer for any future development of the Remaining Parcel at no cost to HPS its successors and assigns.

(2) Residential Equivalent Units ("REUs") for Sanitary Sewer and Water. The Township acknowledges that the Remaining Parcel currently has 22 residential equivalent units (REUs) for sanitary sewer and 20 REUs for water and may be utilized by the District, its successors and assigns, for the future development of the Remaining Parcel. In addition, the Township agrees to provide an additional five (5) REUs for sanitary sewer and seven (7) REU's for water, at no cost, which additional REUs can be utilized by HPS, its successors and assigns, for the future development of the Property. The Township represents and warrants that any additional REUs needed by HPS, its successors and assigns, for the future development of the Property shall be priced at the current 2012 pricing of \$5,000 per REU for water and \$5,500 per REU for sanitary sewer. HPS agrees that all REUs described in this paragraph are only assignable to a successor in title or interest of the Remaining Parcel.

(3) No Other Fees. Other than the REU fees stated above, there are currently no additional connection or capital fees charged by the Township. Other than the fees set forth in subparagraph (2) above, no other connection fees shall be imposed upon HPS, its successor and assigns with regard to the Remaining Parcel. In addition, the Township represents and agrees that the existing 15" gravity sewer on Grand River is at capacity and the Township shall not impose any additional costs on HPS related to increasing the capacity of the Grand River sewer to serve the Remaining Parcel and that the Grand River sewer is the only present sewer capacity constraint for the Remaining Parcel. Notwithstanding the above and except as provided in subparagraph (1) above, the Remaining Parcel shall not be exempted from charges for any sewer system upgrades that benefit the system and are borne on a pro-rata basis by the users of the system. Notwithstanding the foregoing, HPS, its successors and assigns will be subject to fees required for engineering, inspection and fees imposed by other local units of government for the Remaining Parcel.

c. Zoning Concessions. The Township and HPS agree to the following land use concessions for the Remaining Parcel:

Howell School Lot 100 Elementary Property Remainder	
Minimum Lot Area	1 acre
Minimum Lot Width	120 feet
Front Yard Setback	20 feet
Side Yard Setback	10 feet
Rear Yard Setback	20 feet

Front Lot Setback - Street	10 feet
Front Lot Setback - Alleyway	5 feet
Maximum Lot Coverage	50% building / 85% impervious
Maximum Building Height	75 feet & 5 stories
Open Space	15%
Traffic Study	Limited Traffic Study (see paragraph a(2) above)
Signage	2 Highway Signs -200 sq. ft. & 30' tall
Land Uses:	
<i>("P" is permitted, "S" is Special Land Use. Unlisted uses are not permitted)</i>	
Howell Public Schools Remainder Parcel	
Retail Uses	
Retail establishments and shopping centers which provide goods such as bakery goods, including bakery items produced on the premises, groceries, produce, meats, provided no slaughtering shall take place on the premises, seafood; dairy products, beverages appliances, electronics, furniture, and home furnishings, apparel, jewelry, art, pharmaceuticals, home improvement supplies, hardware, and garden supplies, sporting goods, bicycles, toys, hobby crafts, videos (rental, and sales), music, musical instruments, books, computer hardware and software, antiques, flower shops, greeting card shops, auto parts and similar establishments not specifically addressed elsewhere	Uses up to 20,000 square feet gross floor area Uses 15,001 - 30,000 square feet of gross floor area Uses 30,000 - 60,000 square feet of gross floor area Uses over 60,000 square feet of gross floor area Pharmacies with drive-up window
	P P 2 uses up to 40,000 sq. ft. P 2 uses up to 40,000 sq. ft. S* *Except 1 retail use up to 300,000 sq. ft.. shall be permitted by right. P, one only. Additional if Special Use Conditions are met.
Automobile, motorcycle, boat and recreational vehicle sales, new and used	S
Outdoor commercial display, sales or storage	S
Service Uses	
Banquet halls, assembly halls, dance halls, private clubs, fraternal order halls, lodge halls or other similar places of assembly	P
Business services such as mailing, copying, data processing and retail office supplies	P
Child care centers, preschool and commercial day care	P
Conference Centers	P
Bed and breakfast inns, hotels and motels with no more than 25 rooms not including accessory convention/meeting facilities or restaurants These uses may include the residence for the owner/manger's family	P
Hotels and motels with more than 25 rooms including accessory convention/meeting facilities and restaurants	P
Personal and business service establishments, performing services on the premises, including: dry cleaning drop-off stations (without on site processing), photographic studios, copy centers, mailing centers, data processing centers, dressmakers and tailors, shoe repair shops, tanning salons, beauty parlors, barber shops, and similar establishments	P
Dry cleaning drop-off stations with drive-through service	P, one only. Additional if Special Use Conditions are met.
Restaurants, taverns, bars, delicatessen, food	Standard restaurants, except as provided below P

carryout, and similar establishments serving food or beverages	Restaurants and bars serving alcoholic beverages	P
	Bars providing dancing and live music	P
	Restaurants with open front windows	P, one only. Additional if Special Use Conditions are met.
	Restaurants with outdoor seating	P
	Drive-through restaurants	P, up to two. Additional if Special Use Conditions are met. 500' separation not required.
	Drive- in restaurants	S
	Carry-out restaurants	P
Studios of photographers and artists		P
Tattoo parlors		P
Tool and equipment rental, excluding vehicles		S
Auto Service Uses		
Minor auto repair establishment		P
Auto/gasoline service station		P, up to two. Additional if Special Use Conditions are met. 500' separation not required.
Automobile wash, automatic or self serve		P – w/conditions in PUD
Office Service and Medical Uses		
Banks, credit unions, savings and loan establishments and similar financial institutions	With up to 3 drive-through teller windows	P
	With more than 3 drive-through teller windows	P, one only with up to 5 drive-through. Additional if Special Use Conditions are met.
	Stand alone automatic drive-up teller machines	P, one only if a principle use. Additional if Special Use Conditions are met.
Hospitals		P
Offices of non-profit professional, civic, social, political and religious organizations		P
Medical urgent care facilities, medical centers and clinics		P
Medical offices of doctors, dentists, optometrists, chiropractors, psychiatrists, psychologists and similar or allied professions, excluding clinics, and urgent care centers	Buildings up to 15,000 square feet of gross floor area	P
	Buildings over 15,000 square feet of gross floor area	P
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 executive, or administrative offices and similar or allied professions	Buildings up to 15,000 square feet of gross floor area	P
	Buildings between 15,000 and 55,000 square feet of gross floor area	P
	Buildings over 55,000 square feet of gross floor area	P
Recreation		
Motion picture theaters		P

Public parks and open space	P
Miniature golf courses and driving ranges	S
Recreation (indoor) such as bowling alleys, skating rinks, arcades, archery indoor golf or softball	S
Health clubs, fitness centers, gyms and aerobic clubs	P
Education	
Commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, etc	P
Vocational and technical training facilities	P
Public/Institutional	
Bus passenger stations	S
Churches, temples and similar places of worship and related facilities	S, no facility shall occupy more than 4 acres of land.
Essential public services and structures, not including buildings and storage yards	S
Public/government buildings such as; township/state/county offices, public museums, libraries and community centers	S
Accessory Uses	
Accessory temporary outdoor sales and events	P
Accessory drive-through service not listed above	P, one only. Additional if Special Use Conditions are met.
Accessory uses, buildings and structures customarily incidental to any of the above	P
Accessory fuel storage and use or storage of hazardous materials	S

The Township shall amend its Master Plan and to take any other action necessary to comply with the land use concession described in this Paragraph 8.

d. Conceptual Planned Unit Development Plan.

(1) Preparation of Conceptual Planned Unit Development Plan. The Parties agree to work cooperatively to prepare a Conceptual Planned Unit Development Plan (the "Conceptual PUD Plan") for the Remaining Parcel. The Township agrees to waive its administration fees, including without limitation any planning commission fees. However, the Parties acknowledge any third party engineering and planning and consulting fees will be charged for the development and preparation of the Conceptual PUD Plan, which amounts will be shared equally by the Parties.

(2) Submission of Conceptual PUD Plan. The Parties agree to work cooperatively to submit a joint petition for the Conceptual PUD Plan. The Parties shall equally share the costs of any third party consulting fees. The Township will amend its Master Plan to accommodate the expected future use of the Remaining Parcel with a designation for the Remaining Parcel of NR/PUD. Any requested "adjustment(s)" for the Remaining Parcel must be reviewed and approved by the Township prior to any such adjustment(s) being made. All such adjustment(s) shall be approved provided that the adjustment(s) will not alter the land use designation or increase the intensity and/or

density of use. All development of the Remaining Parcel shall be subject to final PUD site plan and land division approval. After the Conceptual PUD Plan is developed, no modifications of the Conceptual PUD Plan will be permitted which will substantially increase the impact upon adjoining properties or facilities without Township approval, which approval shall not be unreasonably withheld.

(3) Livingston County Planning Commission Approval. The Parties agree to work cooperatively to jointly submit and obtain a recommendation for the Conceptual PUD Plan for the Remaining Parcel from the Livingston County Planning Commission.

e. Communications Tower.

The Township acknowledges that there is a communications tower currently located on the Remaining Parcel. The Township agrees that the use of the communications tower can continue and the District, its successors and assigns may locate the communications tower with the Remaining Parcel. However, in no event shall the height of the communications tower be increased above its current height of one hundred (100) feet.

f. Demolition of School Building and Related Structures.

The Township acknowledges that there is a school building and related structures currently located on the Remaining Parcel. The Township agrees that the demolition of the school building, in whole or in part, and the demolition of related structures on the Remaining Parcel may proceed by HPS, its successors and assigns without the consent or approval of the Township.

g. Termination. in the event that the construction of the Interchange has not commenced within three (3) years of the date of the Warranty Deed, then the Acquired Parcel will revert to HPS pursuant to the terms and conditions set forth in the Warranty Deed and this Agreement shall terminate.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

**HOWELL PUBLIC SCHOOLS,
a Michigan general powers school district**

Dated: 5/10/12

By: Ronald C. Wilson
Ronald Wilson
Its: Superintendent of Schools

Acknowledged before me in LIVINGSTONE County, Michigan, this 10th day of May, 2012, by Ronald Wilson, Superintendent of Schools, Howell Public Schools, a Michigan general powers school district.

Carole Bullion (signature)

(printed)
Notary Public, _____ County, Michigan
My Commission Expires: _____
Acting in the County of _____

**CAROLE A. BULLION
NOTARY PUBLIC, LIVINGSTON CO.
My commission expires 03-08-2013
Acting in LIVINGSTON**

**GENOA CHARTER TOWNSHIP,
a Michigan municipal corporation**

Dated: 5/10/12

By: Gary McCrie
Gary McCrie
Its: Supervisor

Acknowledged before me in LIVINGSTON County, Michigan, this 10th day of May, 2012, by Gary McCrie, Supervisor, Genoa Charter Township, a Michigan municipal corporation.

Carole Bullion (signature)

(printed)
Notary Public, _____ County, Michigan
My Commission Expires: _____
Acting in the County of _____

**CAROLE A. BULLION
NOTARY PUBLIC, LIVINGSTON CO.
My commission expires 03-08-2013
Acting in LIVINGSTON**

***Prepared By and After
Recording Return To:***
Gordon W. VanWieren, Jr., Esq.
Thrun Law Firm, P.C.
P.O. Box 2575
East Lansing, Michigan 48826-2575

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Exhibit A

Legal Description for Entire Parcel of Property

Part of the Northwest 1/4 of Section 9, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as follows: Commencing at the Northwest corner of Section 9; thence South 02 degrees 33'37" East, along the West line of said Section and the centerline of Latson Road, 718.36 feet; to the point of beginning of the parcel to be described; thence North 87 degrees 20'53" East, 700.00 feet; thence South 02 degrees 33'37" East, 1260.92 feet; thence South 84 degrees 45'08" West, along the Northerly line of Detroit Edison Right of Way, 700.77 feet, to the West line of said Section and the centerline of Latson Road; thence North 02 degrees 33'37" West, along said line 1292.66 feet, to the point of beginning.

Exhibit B

Legal Description for the Acquired Parcel

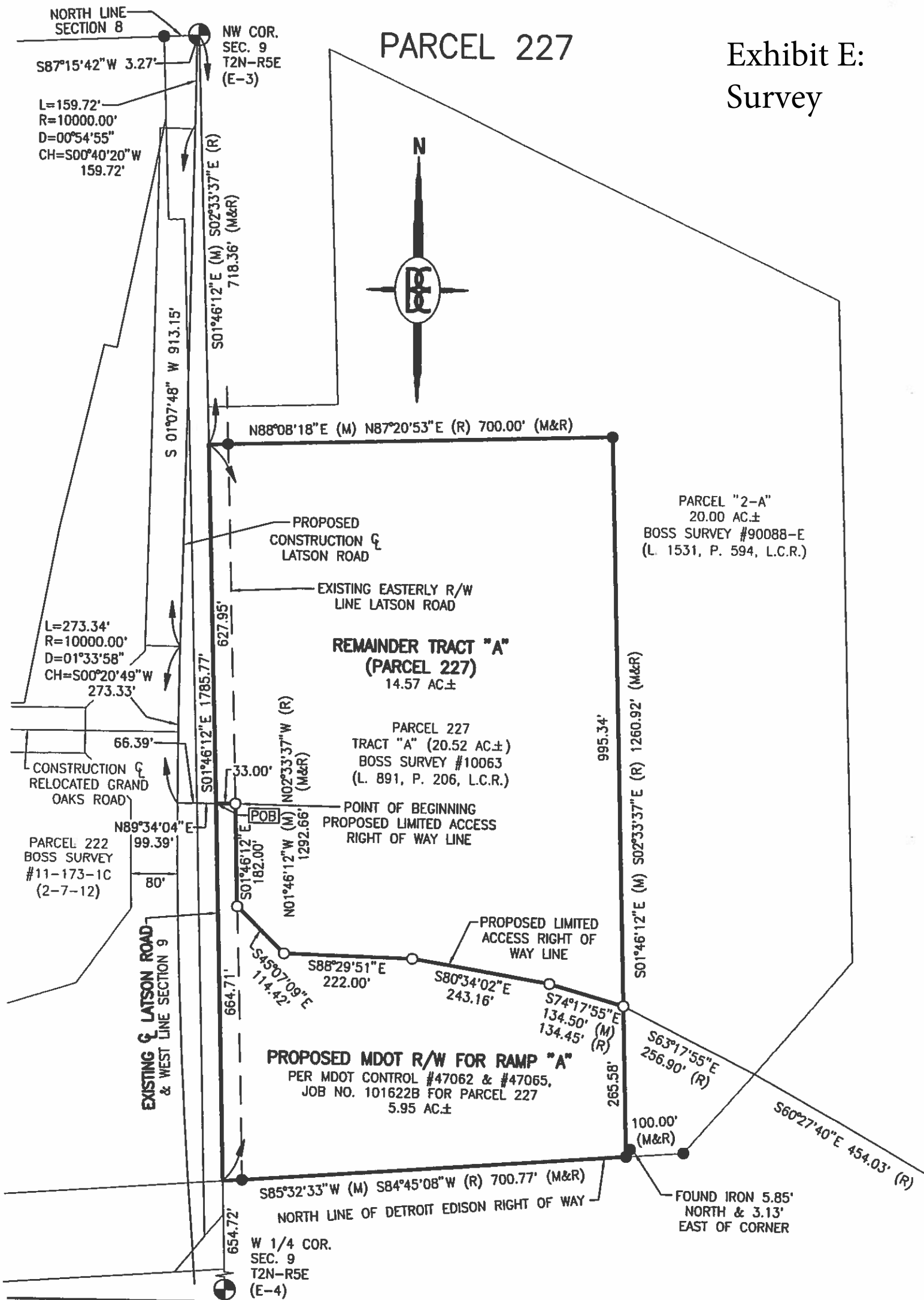
Part of the Northwest 1/4 of Section 9, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Northwest Corner of Section 9; thence along the North line of Section 8, T2N-R5E, Genoa Township, Livingston County, Michigan, S 87°15'42" W, 3.27 feet; thence along the Proposed Latson Road construction centerline, the following three (3) courses: 1) southerly along an arc right, having a length of 159.72 feet, a radius of 10000.00 feet, a central angle of 00°54'55", and a long chord which bears S 00°40'20" W, 159.72 feet; 2) S 01°07'48" W, 913.15 feet; 3) southerly along an arc left, having a length of 273.34 feet, a radius of 10000.00 feet, a central angle of 01°33'58", and a long chord which bears S 00°20'49" W, 273.33 feet; thence N 89°34'04" E, 66.39 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing N 89°34'04" E, 33.00 feet, to the existing Easterly Right of Way line of Latson Road; thence along the Proposed Limited Access Right of Way line, the following five (5) courses: 1) S 01°46'12" E, 182.00 feet; 2) S 45°07'09" E, 114.42 feet; 3) S 88°29'51" E, 222.00 feet; 4) S 80°34'02" E, 243.16 feet; 5) S 74°17'55" E, 134.50 feet (recorded as 134.45 feet); thence S 01°46'12" E (recorded as S 02°33'37" E), 265.58 feet; thence along the North line of Detroit Edison Right of Way, S 85°32'33" W (recorded as S 84°45'08" W), 700.77 feet; thence along the existing centerline of Latson Road & the West line of Section 9, N 01°46'12" W (recorded as N 02°33'37" W), 664.71 feet, to the POINT OF BEGINNING, containing 5.95 acres, more or less, and including the use of Latson Road. Also subject to any other easements or restrictions of record.

Exhibit C

Legal Description of Remaining Parcel

Part of the Northwest 1/4 of Section 9, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Northwest Corner of Section 9; thence along the North line of Section 8, T2N-R5E, Genoa Township, Livingston County, Michigan, S 87°15'42" W, 3.27 feet; thence along the Proposed Latson Road construction centerline, the following three (3) courses: 1) southerly along an arc right, having a length of 159.72 feet, a radius of 10000.00 feet, a central angle of 00°54'55", and a long chord which bears S 00°40'20" W, 159.72 feet; 2) S 01°07'48" W, 913.15 feet; 3) southerly along an arc left, having a length of 273.34 feet, a radius of 10000.00 feet, a central angle of 01°33'58", and a long chord which bears S 00°20'49" W, 273.33 feet; thence N 89°34'04" E, 66.39 feet, to the POINT OF BEGINNING of the Parcel to be described; thence along the existing centerline of Latson Road & the West line of Section 9, N 01°46'12" W (recorded as N 02°33'37" W), 627.95 feet, said point being the following course from the Northwest Corner of Section 9; along the existing centerline of Latson Road and West line of Section 9, S 01°46'12" E (recorded as S 02°33'37" E), 718.36 feet; thence N 88°08'18" E (recorded as N 87°20'53" E), 700.00 feet; thence S 01°46'12" E (recorded as S 02°33'37" E), 995.34 feet; thence along the Proposed Limited Access Right of Way line, the following five (5) courses: 1) N 74°17'55" W, 134.50 feet (recorded as 134.45 feet); 2) N 80°34'02" W, 243.16 feet; 3) N 88°29'51" W, 222.00 feet; 4) N 45°07'09" W, 114.42 feet; 5) N 01°46'12" W, 182.00 feet; thence S 89°34'04" W, 33.00 feet, to the POINT OF BEGINNING, containing 14.57 acres, more or less, and including the use of Latson Road. Also subject to any other easements or restrictions of record.

Exhibit E: Survey



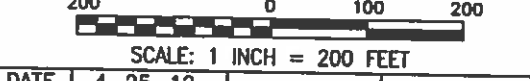
I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/10,000 AND THAT SAID SURVEY FULLY COMPLIES WITH THE REQUIREMENTS OF PUBLIC ACT NUMBER 132 OF 1970, AS AMENDED.

DESCRIPTION:
PART OF THE NORTHWEST
1/4, SEC. 9, T2N-R5E,
GENOA TOWNSHIP,
LIVINGSTON COUNTY,
MICHIGAN

CLIENT:
GENOA CHARTER
TOWNSHIP

JOB NO. 11-173-2
DATE 4-25-12
SHEET 1 OF 3

BOSS ENGINEERING
ENGINEERS • SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS
(E-MAIL: bo@bosseng.com)
3121 E GRAND RIVER AVE., HOWELL, MI. 48843
(800) 246-6735; FAX (517) 546-1670



- LEGEND**
- = IRON SET
 - = IRON FOUND
 - *- = FENCE
 - (R) = RECORDED
 - (M) = MEASURED



TRACT "A" (PARCEL 227), AS PROVIDED, PER MDOT TECHNICIAN'S WORK SHEET, CONTROL NO. 47065, JOB NO. 101622B, DATED MAY 14, 2009 AND ALSO DESCRIBED IN SURVEY BY BOSS ENGINEERING, JOB NO. 10063, DATED 7-19-78, AS RECORDED IN LIBER 891, PAGE 206, LIVINGSTON COUNTY RECORDS:

Part of the Northwest 1/4 of Section 9, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, described as follows: Commencing at the Northwest corner of Section 9; thence South 02 degrees 33'37" East, along the West line of said Section and the centerline of Latson Road, 718.36 feet; to the point of beginning of the parcel to be described; thence North 87 degrees 20'53" East, 700.00 feet; thence South 02 degrees 33'37" East, 1260.92 feet; thence South 84 degrees 45'08" West, along the Northerly line of Detroit Edison Right of Way, 700.77 feet, to the West line of said Section and the centerline of Latson Road; thence North 02 degrees 33'37" West, along said line 1292.66 feet, to the point of beginning.

PROPOSED MDOT RIGHT OF WAY FOR RAMP "A":

Part of the Northwest 1/4 of Section 9, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Northwest Corner of Section 9; thence along the North line of Section 8, T2N-R5E, Genoa Township, Livingston County, Michigan, S 87°15'42" W, 3.27 feet; thence along the Proposed Latson Road construction centerline, the following three (3) courses: 1) southerly along an arc right, having a length of 159.72 feet, a radius of 10000.00 feet, a central angle of 00°54'55", and a long chord which bears S 00°40'20" W, 159.72 feet; 2) S 01°07'48" W, 913.15 feet; 3) southerly along an arc left, having a length of 273.34 feet, a radius of 10000.00 feet, a central angle of 01°33'58", and a long chord which bears S 00°20'49" W, 273.33 feet; thence N 89°34'04" E, 66.39 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing N 89°34'04" E, 33.00 feet, to the existing Easterly Right of Way line of Latson Road; thence along the Proposed Limited Access Right of Way line, the following five (5) courses: 1) S 01°46'12" E, 182.00 feet; 2) S 45°07'09" E, 114.42 feet; 3) S 88°29'51" E, 222.00 feet; 4) S 80°34'02" E, 243.16 feet; 5) S 74°17'55" E, 134.50 feet (recorded as 134.45 feet); thence S 01°46'12" E (recorded as S 02°33'37" E), 265.58 feet; thence along the North line of Detroit Edison Right of Way, S 85°32'33" W (recorded as S 84°45'08" W), 700.77 feet; thence along the existing centerline of Latson Road & the West line of Section 9, N 01°46'12" W (recorded as N 02°33'37" W), 664.71 feet, to the POINT OF BEGINNING, containing 5.95 acres, more or less, and including the use of Latson Road. Also subject to any other easements or restrictions of record.

REMAINDER TRACT "A" (PARCEL 227):

Part of the Northwest 1/4 of Section 9, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Northwest Corner of Section 9; thence along the North line of Section 8, T2N-R5E, Genoa Township, Livingston County, Michigan, S 87°15'42" W, 3.27 feet; thence along the Proposed Latson Road construction centerline, the following three (3) courses: 1) southerly along an arc right, having a length of 159.72 feet, a radius of 10000.00 feet, a central angle of 00°54'55", and a long chord which bears S 00°40'20" W, 159.72 feet; 2) S 01°07'48" W, 913.15 feet; 3) southerly along an arc left, having a length of 273.34 feet, a radius of 10000.00 feet, a central angle of 01°33'58", and a long chord which bears S 00°20'49" W, 273.33 feet; thence N 89°34'04" E, 66.39 feet, to the POINT OF BEGINNING of the Parcel to be described; thence along the existing centerline of Latson Road & the West line of Section 9, N 01°46'12" W (recorded as N 02°33'37" W), 627.95 feet, said point being the following course from the Northwest Corner of Section 9; along the existing centerline of Latson Road and West line of Section 9, S 01°46'12" E (recorded as S 02°33'37" E), 718.36 feet; thence N 88°08'18" E (recorded as N 87°20'53" E), 700.00 feet; thence S 01°46'12" E (recorded as S 02°33'37" E), 995.34 feet; thence along the Proposed Limited Access Right of Way line, the following five (5) courses: 1) N 74°17'55" W, 134.50 feet (recorded as 134.45 feet); 2) N 80°34'02" W, 243.16 feet; 3) N 88°29'51" W, 222.00 feet; 4) N 45°07'09" W, 114.42 feet; 5) N 01°46'12" W, 182.00 feet; thence S 89°34'04" W, 33.00 feet, to the POINT OF BEGINNING, containing 14.57 acres, more or less, and including the use of Latson Road. Also subject to any other easements or restrictions of record.

Bearings were established from descriptions provided by MDOT, Control No. 47062 & Control No. 47065, Job No. 101622B, for Parcel 227 & Survey by Boss Engineering, Job No. 10063, dated 7-19-78, as recorded in Liber 891, Page 206, Livingston County Records.

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April 25, 2012

Job Number: 11-173-2
Sheet: 2 of 3

CJF
**BOSS ENGINEERING
ENGINEERS & SURVEYORS**

3121 E. Grand River Ave. Howell, MI 48843
Phone (517)546-4836 • Fax (517)548-1670



CHRISTOPHER S. FERGUS, P.S.

REFERENCES:

1. Warranty Deed as recorded in Liber 890, Page 548, Livingston County Records.
2. Survey by Boss Engineering, Job No. 10063, dated 7-19-78, as recorded in Liber 891, Page 206, Livingston County Records.
3. Survey by Boss Engineering, Job No. 90088-E, dated 12-24-91, as recorded in Liber 1531, Page 594, Livingston County Records.
4. MDOT Right of Way Maps for proposed I-96 at Latson Road Interchange, Sheets 173-178, dated 05/19/11.

WITNESSES:

Northwest Corner, Section 9, T2N-R5E (E-03) LSC#1718m
Livingston County Remon Brass Cap
N 65° 62.21' Remon N/T NW/S Utility Pole
S 50° E 33.38' Remon N/T N/S 24" Oak
S 30° E 93.80' Remon N/T W/S Utility Pole
S 10° E 113.34' Remon N/T W/S 24" Oak

West 1/4 Corner, Section 9, T2N-R5E (E-04) LSC#1719m
Livingston County Remon Brass Cap
N 75° E 86.53' Remon N/T S/S 18" Oak
S 75° E 69.75' Remon N/T S/S 18" Oak
N 75° W 159.30' Remon N/T S/S 15" Oak
S 40° W 72.13' Remon N/T NW/S 30" Hickory

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April 25, 2012

Job Number: 11-173-2
Sheet: 3 of 3

CJF

BOSS ENGINEERING
ENGINEERS & SURVEYORS

3121 E. Grand River Ave. Howell, MI 48843
Phone (517)546-4836 • Fax (517)548-1670



[Signature]
CHRISTOPHER S. FERGUS, P.S.

Exhibit F: Design Guidelines

Interchange Commercial Examples

- Access management that will minimize the number of driveways and protect the efficiency of traffic flow along Latson Road between the interchange and Grand River Avenue.
 - Distinct and prominent architectural features of enhanced character, which reflect the importance of the site's location and create a positive visual landmark for this gateway to the community.
 - Extensive landscaping along Latson Road and Grand River Avenue to enhance the appearance of these corridors and the gateway to the community.
 - Uniformity in design through coordination of architectural styles, landscaping, ornamental lighting, pedestrian circulation and vehicular access.
- The areas immediately south of the interchange along S. Latson Road are planned for Interchange Commercial, as described in Section B above. This area is intended to accommodate the needs of interstate traffic and should complement, not duplicate the commercial areas north a long Latson and Grand River.
 - The areas adjacent to the Interchange Commercial area as depicted on the map are planned for Interchange Campus uses. This area can be served by utility extensions and is intended to be a well-planned, campus setting.
 - Residential development along S. Latson Road south of the Interchange Campus area will remain at large lot residential densities. The intent is to protect the residential character and natural features through lower density development (Future Transition Area on Map X).
 - As the areas designated for Interchange Commercial and Campus are approved for significant development, areas south currently planned residential should be reevaluated for potential supporting uses, conditional upon the utility and roadway capacities, as shown as Future Transition Area on Map 10. This plan is intended to be flexible, balancing the impacts of new development on the infrastructure system, accommodating new uses dependent on surrounding uses, and limiting the negative impacts on existing nearby uses.

South Latson Interchange Design Guidelines

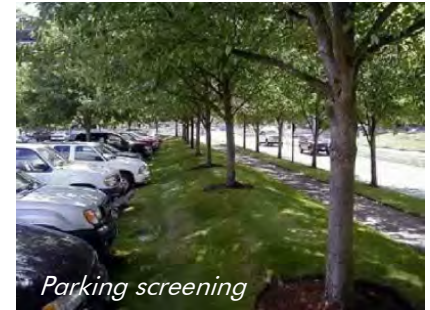
Streetscape

Streetscape improvements, such as street lights, landscaping, wayfinding signage, and pathways, should be integrated into the interchange commercial and campus developments. This will contribute to the unified, high-quality development the Township would like to project at the new interchange.

- As part of the development of the South Latson campus, a landscaped median should be installed south of the railroad. This will not only help beautify the corridor but improve safety by restricting left-turns.



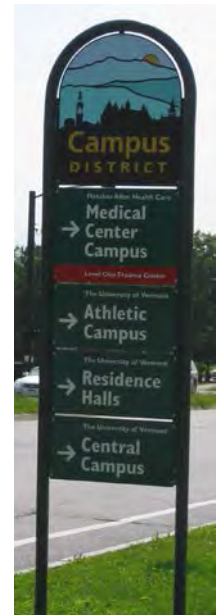
- Ornamental street lighting should be included along South Latson and within the new development itself to contribute toward the site’s unified design.
- South Latson should be well landscaped, not only in the median, but along the frontage, with street trees and knee walls or hedgerows screening parking.
- Gateway and wayfinding signs should be installed at the interchange welcoming visitors to the Township and directing them to major landmarks. This signage should be consistent with that proposed along Grand River and for the Town Center. Elements of a gateway entrance sign should include lighting, landscaping, and masonry material.
- Pathways should be installed on both sides of South Latson and connect to the interior of the site. Buildings and parking should all have pedestrian connections to the pathway network.



Access and Circulation

In order to efficiently accommodate new traffic that is likely to result from new development, having a coordinated circulation and access plan is essential.

- A signalized intersection should be located approximately ¼ mile south of the railroad at Sweet Road. This should be the primary entrance to campus Area A as identified on the Subarea Map.
- An additional entrance to Area A should be located halfway between the signalized intersection and the railroad tracks and be right-in/right-out.
- Area A’s ring road should be sensitive of the wetland/wooded area in its southeast corner and provide stub roads for future connections to the south.
- Area B should be accessed via the newly realigned Beck Road which can be extended and configured into a loop road.
- Area B’s loop road should be sensitive to the wetland/natural areas at the south of the site.
- Auxiliary campus uses on the east side of South Latson across from Area A should be primarily accessed via the signalized intersection. Additional access points north and south of the signalized intersection should be right-in/right-out. A frontage road will help provide convenient access for these businesses and should continue south for future connections.
- No access points other than Beck Road should be allowed on South Latson at the interchange north of the railroad tracks. Businesses fronting South Latson at this location should share access off Beck Road.

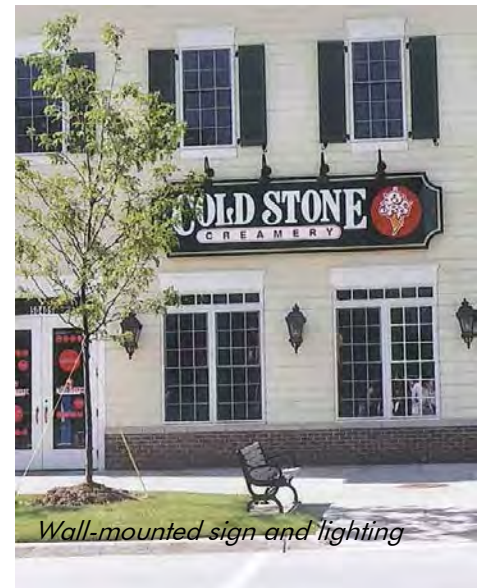


- Access to the Future Transition Area should be integrated into the overall circulation plan for Areas A and B.
- Further access management standards are included in the Township's zoning ordinance and MDOT's Access Management Manual

Building and Site Design

In order to establish a cohesive, high-quality campus at the South Latson interchange, it will be important to have consistent building and site design features.

- Entrances should be well defined and easily accessible by pedestrians.
- Buildings should orient toward South Latson where possible with parking given a less dominant presence along the corridor.
- Parking should be buffered with landscaping or decorative fencing.
- Understanding that a user like a hospital may need several stories for its patient wings, this plan seeks not to require a maximum building height. More importantly, any new building built along South Latson fronting the corridor should be built at a pedestrian scale at its Latson frontage.
- Stormwater should be consolidated and treated through low-impact design and retention ponds that contribute to the existing natural character of the site.
- Building orientation should be sensitive to wetlands and existing natural features and be situated to maximize the sight lines and pedestrian access to enjoy them.
- Materials should be of high quality brick, stone, glass, or similar, reflective of a well-designed modern research park or medical campus.
- Loading zones and waste receptacles should be well delineated and appropriately screened (see zoning ordinance).
- Lighting should be directed downward and fully shielded to eliminate an outward or upward glare, providing for adequate public safety without overly illuminating a site or building.
- Site lighting should consist of decorative fixtures, such as goose neck fixtures, and be architecturally integrated with the building style, materials and color. Pole fixtures should be located within landscaped islands or behind the curb or sidewalk.
- Monument signs should be well landscaped and have masonry bases.



- Signs should be comprised of an interesting design that adds interest to the business and the streetscape. Signs that have the appearance of a box sign are discouraged.
- Signs should be architecturally integrated with their surroundings in terms of size, shape, color, texture and lighting and not promote visual competition with other signs in the area.



Former Latson School Site PUD Impact Assessment

The following impact assessment follows the requirements of Section 18.07 “Written Impact Assessment Requirements” of the Genoa Township Zoning Ordinance.

1. Preparer.

Prepared by:

LSL Planning, a SAFEbuilt Company
306 S. Washington Avenue Suite 400
Royal Oak, MI 48067

Prepared for:

Howell Public Schools
411 N. Highlander Way, Suite C
Howell, MI 48843

Charter Township of Genoa
2911 Dorr Road
Brighton, MI 48116

2. Location.

The former Latson Elementary School site (1201 S. Latson Road) is located northeast of the new I-96 interchange at Latson Road. A portion of the site was required to accommodate the interchange’s off-ramp, and the remaining parcel is approximately 14.5 acres. The former school building and facilities still remain but are expected to be demolished in the near future, leaving a vacant site. The site is bordered by the Prentis Estates apartments to the east whose driveway borders the north of the site. The Livingston Commons PUD is across the street, with Lowe’s and Staple’s to the northwest and Phase II slated for redevelopment to the southwest.

Latson Road is 2 lanes with a center turn lane under the jurisdiction of the Livingston County Road Commission.

The site is served with municipal water and sanitary sewer through infrastructure in Latson Road. Existing gravity sanitary sewer is on the site and has capacity to serve the proposed development. Water distribution piping is also extended to the site and provides domestic and fire protection.

Storm water is managed on site through sheet flow to the south and east. The storm water exits the site to the south in an open swale along the exit ramp for I-96. Currently there are no detention basins on the site.

There are no significant natural features on the site, just some minor landscaping around the former school building. The property slopes to the southeast corner of the site. The total elevation change within the site is approximately 12’.

3. Impact on natural features.

Former Latson School Site PUD Impact Assessment

The property contains no regulated wetlands, woodlands, or streams. The U.S.D.A Soil Conservation Service "Soil Survey of Livingston County" indicates the soil to be Miami Loam with 2-6% slopes.

4. Impact on stormwater management

As stated above, the property slopes to the southeast corner of the site. Storm water runoff currently flows to the open swale along the north side of the I-96 exit ramp. From there the water is directed to the large MDOT detention basin east of the site. Development of the site will need to include detention and sedimentation systems in accordance with local jurisdictions. Facilities are anticipated to be located in the south east corner of the site with the ultimate disposal consistent with existing flow paths.

5. Impact on surrounding land uses.

The Future Land Use map in the Master Plan designates this property as Regional Commercial. This site will be developed as a Planned Unit Development, which means specific uses are not yet known. However, potential uses include a gas station, retail, office, small hotel, and restaurants, which will complement the nearby uses planned across Latson Road and along Grand River Avenue. These uses are compatible with the Future Land Use of the property and nearby businesses.

Uses proposed for the portions of the property adjacent to the apartment complex are expected to have normal business hours that minimally impact the adjacent residential uses. Offices' hours of operation are expected to generally be 8AM-6PM and retail from 9AM-9PM. Those uses proposed for frontage on Latson Road further from the apartments, such as restaurants and a gas station, are expected to have later operating hours. Their proposed location along Latson Road is to minimize their impacts on the adjacent apartments, buffered by the less intensive uses proposed for the rear of the site.

Exterior site lighting will comply with current Township standards, while the nature of potential uses is compatible with surrounding development so as to limit other exterior impacts. The final site design will include appropriate buffering so as to mitigate any potential impacts on the adjacent multiple family development.

6. Impact on public facilities and services.

It is anticipated that the new development will support its fair share of these service costs through appropriate taxing methods. The smaller scale retailers, restaurants and office uses will impact parks, schools, and roads on a minimal basis.

7. Impact on public utilities.

The development will be served by public water and sewer systems currently located at the site. The existing systems have sufficient capacity for the anticipated development density. Reference is made to the South Latson Utility Study prepared by Tetra Tech on behalf of Genoa Township for anticipated impacts from the development on the municipal water and sanitary sewer systems.

8. Storage and handling of any hazardous materials.

Former Latson School Site PUD Impact Assessment

Any future gas station will be developed in accordance with current local, state, and federal requirements. A Pollution Incident Prevention Plan (PIPP) will be provided at such time as a final site plan is developed for any such use.

9. Traffic Impact Study.

Based on the range of uses proposed, the expected range of number of trips is 743 for morning peak and 802 for evening peak hours, according to the 7th Edition of the ITE Trip Generation Manual (see table below). The actual number of trips daily or in the peak hour could vary depending upon the mix of uses and their characteristics. For example, a mixture of office with service uses or restaurants will have more “internal” trips. A gas station would have more “bypass” trips, i.e. the traffic that is already on the roads and thus would not increase traffic except at the driveways. Once there is an actual user, the developer will provide a detailed traffic study, if necessary, in accordance with the Township Zoning Ordinance.

	General Office			Shopping Center			Restaurant (sit-down)			Gas w/ convenience store			Total
	Rate	GFA	Trip Generation	Rate	GFA	Trip Generation	Rate	GFA	Trip Generation	Rate	Pumping Stations	Trip Generation	
Weekday AM Peak	1.55	275,000	426.25	1.03	25,000	25.75	11.52	20,000	230.4	10.06	6	60.36	742.76
Weekday PM Peak	1.49	275,000	409.75	3.75	25,000	93.75	10.92	20,000	218.4	13.38	6	80.28	802.18

10. Historical and Cultural Resources.

The former school building is not more than 50 years old and is not historically significant.

11. Special Provisions.

There are no deed restrictions or protective covenants. However a property agreement was filed with Livingston County related to the dedication of land from the school district to the interchange construction.

Future development of the site will also be subject to compliance with the provisions of the PUD Agreement.

Sources:

- 7th Edition of ITE Trip Generation Manual
- U.S.D.A Soil Conservation Service “Soil Survey of Livingston County”
- Real Property Benefits Agreement, dated April 10,2012 between Howell Public Schools and Genoa Township



2911 Dorr Road
Brighton, MI 48116
810.227.5225
810.227.3420 fax
genoa.org

February 17, 2014

To Whom It May Concern:

There will be a hearing for a Special Land Use Permit in your general vicinity on Monday, March 10 at 6:30 p.m. at Genoa Township Hall, located at 2911 Dorr Road, Brighton, Michigan.

The property in question is located at 1201 S. Latson Rd, Howell. The request is for approval of rezoning agreement, impact assessment, rezoning plan and adoption of Ordinance #Z-14-01 to amend the zoning map of Genoa Charter Township by rezoning property located on the east side of Latson Road between Grand River Avenue and Crooked Lake Road involving parcel number 11-09-100-036 from Rural Residential (RR) to Planning Unit Development (PUD) located at 1201 S. Latson Rd, Howell, petitioned by Howell Public Schools.

Materials relating to this request are available for public inspection at the Genoa Township Hall during regular business hours. If you have any questions or objections in this regard, please be present at the public hearing noted above. Written comments may be addressed to the Planning Commission.

Sincerely,

Kelly VanMarter
Assistant Township Manager / Community Development Director
KKV/kp

SUPERVISOR
Gary T. McCririe

CLERK
Paulette A. Skolarus

TREASURER
Robin L. Hunt

MANAGER
Michael C. Archinal

TRUSTEES
H. James Mortensen
Jean W. Ledford
Todd W. Smith
Linda Rowell



2911 Dorr Road
Brighton, MI 48116
810.227.5225
810.227.3420 fax
genoa.org

PUBLIC HEARING NOTICE -REZONING-

February 17, 2014

Dear Property Owner:

Please be advised that there will be a public hearing for a proposed rezoning held before the Genoa Charter Township Planning Commission on Monday, March 10, 2014 at 6:30 p.m. at the Genoa Township Hall, located at 2911 Dorr Road, Brighton, Michigan 48116.

As required by state law, you are receiving this notice because you have been identified as an owner or occupant of real property within 300 feet of the subject parcel. The property in question is the former Latson Road Elementary School on approximately 14.57 acres located at 1201 S. Latson Road in Howell with the parcel identification number of 4711-09-100-036.

The request is for approval of a rezoning from Rural Residential (RR) to Non-Residential Planned Unit Development (NR-PUD). The rezoning has been petitioned by Howell Public Schools and Genoa Charter Township and includes consideration of a Rezoning Application, PUD Agreement, Impact Assessment, and Conceptual PUD Plan.

You are invited to attend this hearing. If you are unable to attend, written comments may be submitted by writing to the Planning Commission at the Genoa Township Hall, 2911 Dorr Road, Brighton, MI 48116, up to the date of the hearing and may be further received by the Planning Commission at said hearing. In addition, all materials relating to these requests may be examined at the Township Hall during normal business hours.

Genoa Charter Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting/hearing upon seven (7) days' notice to the Township. Individuals with disabilities requiring auxiliary aids or services should contact the Township in writing or by calling at (810) 227-5225.

Sincerely,

Kelly VanMarter
Assistant Township Manager/Community Development Director

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

**GENOA CHARTER TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN
NOTICE OF REZONING PUBLIC HEARING**

PLEASE TAKE NOTICE that the Planning Commission of Genoa Charter Township will conduct a public hearing on Monday, March 10, 2014, commencing at 6:30 p.m. at the Genoa Charter Township Hall, 2911 Dorr Road, Brighton, Michigan, as required under the provisions of the Michigan Zoning Enabling Act.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said public hearing include, in brief, the following:

1. Consideration of the rezoning of approximately 14.57 acres in Section 09, located at 1201 S. Latson Road (former Latson Road Elementary School), being Parcel No. 4711-09-100-036, from "RR" Rural Residential zoning classification to "NR-PUD" Non-Residential Planned Unit Development zoning classification.

2. Such other and further matters as may properly come before the Planning Commission at the public hearing.

You are invited to attend this hearing. If you are unable to attend, written comments may be submitted by writing to the Planning Commission at the Genoa Township Hall, 2911 Dorr Road, Brighton, MI 48116, up to the date of the hearing and may be further received by the Planning Commission at said hearing. In addition, all materials relating to these requests may be examined at the Township Hall during normal business hours.

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SIGNED:

KELLY VANMARTER

ASSISTANT TOWNSHIP MANAGER/
COMMUNITY DEVELOPMENT DIRECTOR

(02-21-2014 DAILY 181201)

**GENOA CHARTER TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN
NOTICE OF REZONING PUBLIC HEARING**

PLEASE TAKE NOTICE that the Planning Commission of Genoa Charter Township will conduct a public hearing on Monday, March 10, 2014, commencing at 6:30 p.m. at the Genoa Charter Township Hall, 2911 Dorr Road, Brighton, Michigan, as required under the provisions of the Michigan Zoning Enabling Act.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said public hearing include, in brief, the following:

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You are invited to attend this hearing. If you are unable to attend, written comments may be submitted by writing to the Planning Commission at the Genoa Township Hall, 2911 Dorr Road, Brighton, MI 48116, up to the date of the hearing and may be further received by the Planning Commission at said hearing. In addition, all materials relating to these requests may be examined at the Township Hall during normal business hours.

Genoa Charter Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting/hearing upon seven (7) days' notice to the Township. Individuals with disabilities requiring auxiliary aids or services should contact the Township in writing or by calling at (810) 227-5225

SIGNED:

KELLY VANMARTER

ASSISTANT TOWNSHIP MANAGER/
COMMUNITY DEVELOPMENT DIRECTOR

(02-21-2014 DAILY 181201)

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
November 25, 2013
6:30 P.M.
MINUTES**

CALL TO ORDER: The meeting of the Genoa Charter Township Planning Commission was called to order at 6:30 p.m. Present were James Mortensen, John McManus, Eric Rauch, Chairman Doug Brown, Dean Tengel, Diana Lowe. Also present were Assistant Township Manager, Kelly VanMarter; Brian Borden of LSL Planning, and Gary Markstrom from Tetra Tech.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF AGENDA: **Motion** by Diana Lowe to approve the agenda as amended to include recommending approval of the special use permit under public hearing #1, as well as a recommendation regarding amendment to PUD under public hearing #1. The motion was supported by John McManus. **Motion carried unanimously.**

CALL TO THE PUBLIC: Chairman Brown made a call to the public at 6:31 p.m. No one wished to address any item not on the agenda.

OPEN PUBLIC HEARING #1... Review of site plan, special use, and environmental impact assessment to construct a new 2,837 square foot Qdoba drive through restaurant located at the Meijer outlot at 3883 E. Grand River, Howell, petitioned by Kevin Egnatuk of Southwind Restaurants, LLC.

Kevin Egnatuk addressed the Planning Commission as the petitioner. He provided a brief description of the project. They are requesting some amendments to the PUD, mostly setback requirements and signage requirements. They would like a drive-thru at their restaurant.

James Mortensen asked the petitioner whether it would be a single use building. There is some language that indicated multiple use. That is no longer applicable. That was in the August application and it has been updated.

Brian Borden reviewed the petition with the Planning Commission. There is a request for a drive-thru and outdoor seating. Generally speaking, there are no other issues as it relates to the special use component. As it relates to the outdoor seating, specs and plans were submitted. He believes a trash receptacle should be added.

As it relates to the amendment to the PUD, this is a relatively tight site according to Mr. Borden. Under the ordinance, the ZBA has limited authority. Therefore, any

dimensional deviations must go through the PUD amendment process. The test is whether the proposed modifications will significantly alter the intent of the PUD.

The site plan was also addressed by Mr. Borden. There is some general clean-up on this submittal that needs to be done. Sheets one and two of the site plan do not have a revision date and that is required. The requirement for two additional parking spaces to accommodate longer vehicles should be addressed. Chairman Brown suggested that the petitioner make an agreement with Meijer to use their parking lot. The petitioner indicated he has made contact and it was not well received. This ordinance was not in effect at the time of the original petition, so Mr. Mortensen believes this shouldn't be addressed. Kelly VanMarter indicates that a reason for not requiring it should be set forth in the PUD amendment.

Brian Borden addressed the buffer zone agreement with the bank to the east. No agreement is in place and it should be stricken from the plan. The landscape is deficient. The plantings and width are deficient. The width is part of the PUD request. There is a discrepancy between the table and plantings that needs to be corrected.

Mr. Borden addressed signage. Petitioner is requesting three signs. Chairman Brown indicated he would be agreeable to two walls signs and one monument sign. There is a deviation for setback of the monument sign, as well.

The petitioner does not disagree with any of the things Brian Borden has addressed.

Gary Markstrom of Tetra Tech addressed the Planning Commission. The review dated 11/1/13 was addressed. He thinks they are all clean-up items petitioner should address on the plans. The petitioner does not disagree with any of the recommendations by Tetra Tech.

The Brighton Area Fire Department letter was addressed by Chairman Brown. The petitioner does not disagree with any of the things requested in the letter by the Fire Department.

Eric Rauch asked about the grease trap. The petitioner indicated he will follow the ordinance. It will be strong enough to handle the loads. He also addressed sheet water flow. There are issues with water flow and there needs to be confirmation that the water flow is proper given the drainage on adjoining property. The petitioner will confirm this with Tetra Tech.

Kelly VanMarter will review the lighting plan.

Planning Commission disposition of petition

- A. Recommendation of the Special Use Permit.
- B. Recommendation regarding amendment to PUD.
- C. Recommendation of Environmental Impact Assessment (10-28-13).

D. Disposition of Site Plan (10-28-13).

Motion by James Mortensen to recommend to the Township Board approval of the special use permit to allow Qdoba outdoor seating and drive-thru service as depicted on the site plan dated 11/25/13. This recommendation is made because the uses being granted are consistent with other uses in the Lorentzen PUD and Section 19-03. Support by Dean Tengel. **Motion carried unanimously.**

Motion by James Mortensen to recommend to the Township Board a revision to Lorentzen PUD regarding Qdoba covering these points:

1. Five setbacks for the driveway and building;
2. An additional setback permitting the ground sign to be less than 10 feet from the property line as depicted on the site plan dated 11/25/13;
3. An additional revision permitting the three parking spaces to the east of that sign to infringe upon the setback to the property line as depicted in the site plan dated 11/25/13;
4. An amendment will be made to eliminate the requirement for 2 RV parking spaces on the site;
5. The changes recommended by the Township Attorney in his letter dated 11/21/13 will be incorporated as well as the additional changes covered this evening and will require a second review by the Township Attorney prior to submission to the Township Board;
6. The agreement will be further modified to eliminate reference to a third wall signing, resulting in no more than two wall signs;
7. The Planning Commission finds that these changes will not have a material adverse impact upon surrounding land uses, services, transportation systems and/or facilities.

Support by Diana Lowe. **Motion carried unanimously.**

Motion by James Mortensen to recommend to the Township Board approval of the environmental impact assessment dated 10/28/13, subject to:

1. A change specifying this is a single use facility;
2. The word cubit should be changed to cubic.

Support by John McManus. **Motion carried unanimously.**

Motion by James Mortensen to recommend to the Township Board approval of the site plan dated 11/25/13, subject to:

1. The applicant shall update the revision dates on the site plan drawing sheets one and two;

2. The building elevations and materials reviewed this evening by the Planning Commission are acceptable and the display board will become the property of the Township;
3. Two wall signs rather than three will be permitted;
4. The location of the proposed ground sign is acceptable as shown and is to be covered by an amendment to the PUD;
5. A trash container will be added to the outdoor seating area;
6. There is concern about sheet flow and further engineering review will be required with a possibility of an additional catch basin being installed;
7. The requirements of the Township Engineer as set forth in their 11/1/13 letter will be complied with, specifically in reference to a tree being planted above the sanitary sewer lead--the tree is to be relocated;
8. The requirements of the Brighton Area Fire Department letter of 11/7/13 will be complied with;
9. There will be minor adjustments to the landscape plan.

Support by Eric Rauch. **Motion carried unanimously.**

OPEN PUBLIC HEARING #2... Review of proposed Master Plan Update (10-22-13).

Brian Borden reviews the proposed update to the Master Plan. Chairman Brown referred to the Livingston County Planning Commission meeting that he attended with Kelly VanMarter. He reported that the voted for the project. The proposal was also sent to the City of Brighton, who wanted to see more residential areas addressed. The City of Howell liked the master plan updates. They would like to set signage that will promote the City of Howell and City of Brighton. Both cities commended the Township.

Bruce Baker of 2510 Nixon Road addressed the Planning Commission. He presented various slides to be shown to the Planning Commission. He believes this is not reasonable planning for the Nixon Road corridor. He no longer considers this a rural area. He believes a greater transition area would be needed toward Crooked Lake. He believes that the limitations on space prohibit a large scale growth operation such as a hospital and medical offices. He believes the sewer and water should not stop at the transition zone. He feels that it is no longer realistic to maintain this area as a rural area, and believes big development is prohibited as the Master Plan currently exists.

Kelly VanMarter indicated that there is currently no plan to install water or sewer pipe in the ground. The utility study that was completed is more of a concept plan.

Ed Bishopp, 2455 South Latson Road addressed the Commission. He asked how quickly the Commission could move if a big developer was interested in the property. Chairman Brown assured him the Township was ready to move quickly. Kelly advised that it can be subject to lengthier reviews that could take an additional two or three months if a master plan amendment is required.

Rob Vedro addressed the Commission. He grew up in Novi. He believes money talks and if a big developer appears, the Township will make things happen.

No other audience members wished to address the Commission.

Kelly VanMarter addressed the Providence Park hospital and the ancillary uses discussed. Because we do not yet know what businesses will set up out there, it is impossible to predict ancillary uses at this point.

John McManus addressed the changes he has witnessed in the community in the last 15 years. He is pleased with the flexibility built into the plan.

Planning Commission disposition of petition

- A. Request for Approval of Resolution Adopting Updates to the Master Plan and Future Land Use Map.

Motion by John McManus to adopt the resolution. Support by Dean Tengel. **Motion carried by role call vote as follows.**

Yeas: Tengel, Lowe, Brown, Mortensen, McManus, Rauch
Nays: None
Absent: Figurski

Administrative Business:

- *Staff report. Kelly VanMarter has nothing to report. There is no December meeting at this point.*
- *Approval of September 9, 2013 Planning Commission meeting minutes. **Motion** by Diana Lowe to approve the minutes as submitted. Support by John McManus. **Motion carried unanimously.***
- *Member discussion. Dean Tengel asked about the property for Dakkota. Chairman Brown asked about Maxey Ford. Kelly VanMarter updated the Commission. The interchange will open 12/2/13.*
- *Adjournment. **Motion** by John McManus to adjourn. Support by Diana Lowe. **Motion carried unanimously.***