

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION PUBLIC HEARING  
MONDAY, AUGUST 8, 2016  
6:30 P.M.  
AGENDA**

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF AGENDA:**

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

**OPEN PUBLIC HEARING #1...**Review of Planned Unit Development (PUD) agreement, environmental impact assessment and a conceptual PUD plan for the proposed amendments to the Genoa 24 Grand, LLC Development Agreement located on the south side of Grand River Avenue, west of I-96 exit 141, in Howell. The request is petitioned by Genoa Outlots, LLC.

**Planning Commission disposition of petition:**

- A. Recommendation of amendment to the PUD Agreement (7-22-16)
- B. Recommendation of Impact Assessment (6-29-16)
- C. Recommendation of Conceptual PUD Plan (6-29-16)

**OPEN PUBLIC HEARING #2...**Review of Planned Unit Development (PUD) agreement, environmental impact assessment and a conceptual PUD plan for the proposed amendments to the Development Agreement located on the northeast corner of the Grand River and Lawson intersection in Howell. The request is petitioned by Grand River/Lawson Associates, LLC.

**Planning Commission disposition of petition:**

- A. Recommendation of amendment to the PUD Agreement (7-22-16)
- B. Recommendation of Impact Assessment (6-29-16)
- C. Recommendation of Conceptual PUD Plan (6-29-16)

**ADMINISTRATIVE BUSINESS:**

- *Staff Report – Lake Shore Ph. 3 Update*
- *Approval of July 11, 2016 Planning Commission meeting minutes*
- *Member discussion*
- *Adjournment*



**GENOA CHARTER TOWNSHIP**  
**Application for Site Plan Review**

**TO THE GENOA TOWNSHIP PLANNING COMMISSION AND TOWNSHIP BOARD:**

APPLICANT NAME & ADDRESS: GENOA OUTLOTS, LLC, 32820 Woodward, Ste 200, Royal Oak, MI 48073  
*If applicant is not the owner, a letter of Authorization from Property Owner is needed.*

OWNER'S NAME & ADDRESS: See Applicant Name, 32820 Woodward Ave, Ste 200, Royal Oak, MI 48073

SITE ADDRESS: 1251 - 1500 Lawson Drive PARCEL #(s): See Attached Exhibit A

APPLICANT PHONE: (248) 565-8582 OWNER PHONE: (248) 549-3600 x14

OWNER EMAIL: hweiss@samonaweiss.com

LOCATION AND BRIEF DESCRIPTION OF SITE: Development located on the south side of Grand River Avenue, west of I-96 Ramp, currently anchored by Kohl's department store

BRIEF STATEMENT OF PROPOSED USE: Applicant is asking for modification to the existing PUD governing the development, with the permitted uses contained in such PUD.

THE FOLLOWING BUILDINGS ARE PROPOSED: n/a

**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: Harvey Weiss


ADDRESS: 32820 Woodward Avenue, Suite 200, Royal Oak, MI 48073

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

1.) Harvey Weiss of Genoa Outlots, LLC at hweiss@samonaweiss.com  
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.

SIGNATURE  DATE 6/27/16  
PRINT NAME Harvey Weiss PHONE (248) 549-3600  
ADDRESS 32820 Woodward Avenue, Suite 200, Royal Oak, MI 48073

**EXHIBIT A**

4711-09-200-025

4711-09-200-026

4711-09-200-027

4711-09-203-001

4711-09-203-002

4711-09-203-003

4711-09-203-004

4711-09-203-005

4711-09-200-020

4711-09-200-028



August 1, 2016

Planning Commission  
Genoa Township  
2911 Dorr Road  
Brighton, Michigan 48116

<b>Attention:</b>	Kelly Van Marter, AICP Assistant Township Manager and Planning Director
<b>Subject:</b>	Genoa Outlots – Proposed Amendment to Approved PUD (2 <sup>nd</sup> Review)
<b>Location:</b>	South side of Grand River Avenue, west of I-96 Exit 141
<b>Zoning:</b>	NRPUD Non-Residential Planned Unit Development

Dear Commissioners:

At the Township’s request, we have reviewed the proposed amendment to the Genoa Outlots PUD (formerly known as Genoa 24 Grand), which is located on the south side of Grand River, west of the 141 exit from I-96.

The revised submittal includes a cover letter, as well as track-changes and clean versions of the proposed amendments to the PUD Agreement. The initial submittal also included a sketch plan of the site and an Impact Assessment. Much of the site is already developed, including the Kohl’s store as the anchor tenant of the PUD.

We have reviewed the proposal in accordance with the applicable provisions of the Genoa Township Zoning Ordinance.

**A. Summary**

1. The revised submittal includes two track-changes versions of the use table. The applicant must clarify this situation.
2. The Township may wish to retain special land use review for the new uses listed (as opposed to being permitted by right).
3. The Township should determine the appropriateness of including self-storage facilities.
4. The proposal to allow a 2<sup>nd</sup> sign for the outlot parcels seems appropriate; however, we question the need to allow a 3<sup>rd</sup> sign for the end units.
5. The Township should consider any comments provided by the Township Engineer with respect to proposed changes regarding detention/retention system.

**B. Proposal/Process**

The applicant requests review and approval of an amendment to the approved PUD Agreement for the Genoa Outlots PUD. The draft amendment includes multiple components, which are described in greater detail under Paragraph C below.

Section 10.11.04 requires Planning Commission review of amendments to an approved Final PUD Plan that are considered “major.” If the Commission determines that the proposed amendment significantly alters the intent of the approved Conceptual PUD Plan, then they may require submittal of a new concept plan.

Following review of the proposed amendment, the Planning Commission may make a recommendation to the Township Board, who has final approval authority.



*Aerial view of site and surroundings (looking north)*

### **C. PUD Agreement**

As referenced above, there are multiple components to the proposed amendment. More specifically, the proposal includes:

1. Revision to the table of uses;
2. Modifications to the signage requirements; and
3. An acknowledgement the detention/retention system is sufficient for the full PUD.

**1. Revised table of uses.** Several changes are proposed to Exhibit C and the applicant has included a track-changes version to aid the Township in its review. With that being said, there are two different versions of the use table provided. We request the applicant clarify this situation.

Based on our review, the most significant changes proposed include the following paragraphs:

- n. Allowance for up to 3 drive through restaurants with additional permitted with special land use approval;
- y. Inclusion of pharmacy, drug store, etc. with drive through facilities; and
- z. Inclusion of mini-storage (indoors) subject to the specific use requirements; however, such uses are not allowed on Outlots 1-5.

Most of the new uses proposed for this PUD are listed as special land uses in the conventional commercial zoning districts – drive through restaurants and drive through pharmacies.

The Township may wish to retain this additional level of review for these uses. Requiring special land use approval would also be consistent with the description of the NRPUD in Section 10.03 of the Zoning Ordinance.

Lastly, the Township should determine the appropriateness of mini-storage for this PUD. Under conventional zoning, this use is only allowed in the IND, while this site is generally commercial in nature.

- 2. Modifications to signage.** The proposed amendment would allow a 2<sup>nd</sup> sign for the outlot parcels facing Lawson Road/the ring road through the PUD. The Zoning Ordinance currently gives the Planning Commission discretion to allow a 2<sup>nd</sup> sign in certain circumstances, but this amendment would give these tenants a 2<sup>nd</sup> sign by right.

Additionally, the proposal would allow a 3<sup>rd</sup> sign for the end units on the east/west wall, which is not something that would otherwise be allowed under the current Ordinance.

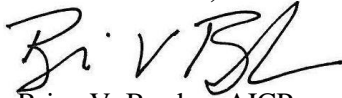
In short, we understand the need/desire for a 2<sup>nd</sup> sign, but question the need for 3 signs on the end units.

- 3. Acknowledgement regarding detention/retention system.** We defer to the Township Engineer for any comments on this element of the proposal.

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

Respectfully,

**LSL PLANNING, A SAFE BUILT COMPANY**



Brian V. Borden, AICP  
Planning Manager



August 3, 2016

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

**Re: Genoa Outlots PUD Amendment Site Plan Review 2**

Dear Ms. Van Marter:

We have reviewed the updated submittal package for the Genoa Outlots Planned Unit Development (PUD) dated July 22, 2016, from Weiss Properties, LLC. The site is located on the south side of Grand River Avenue between Lawson Road and the I-96/Chemung interchange. The petitioner has requested several amendments to the original PUD agreement and provided an updated Impact Assessment document.

The proposed changes are primarily planning related and do not impact the lot layout or infrastructure serving the proposed development. As such, we defer any comment on the amendments to the planners. Once a development plan is submitted we will perform a detailed engineering review of the information.

If you have any questions regarding this matter please call.

Sincerely,

A blue ink signature of Gary J. Markstrom, written in a cursive style.

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

A blue ink signature of Joseph C. Siwek, written in a cursive style.

Joseph C. Siwek, P.E.  
Project Engineer

copy: Harvey Weiss, Weiss Properties, LLC





# BRIGHTON AREA FIRE AUTHORITY

615 W. Grand River Ave.  
Brighton, MI 48116  
o: 810-229-6640 f: 810-229-1619

July 6, 2016

Kelly VanMarter  
Genoa Township  
2911 Dorr Road  
Brighton, MI 48116

RE: Genoa Outlots PUD Amendment  
1251 – 1500 Lawson Drive  
Genoa Twp., MI

Dear Kelly:

The Brighton Area Fire Department has reviewed the above mentioned site plan. The plans were received for review on June 30, 2016 and the drawings are dated February 3, 2015 with latest revisions dated February 6, 2015. The project is for the amendment to an existing PUD agreement as it relates to the property located along the south side of Grand River anchored by the existing Kohl's. There is very little detail provided on the drawing, therefore a complete review was not conducted. Additional comments will be provided through the application process as it relates to each site. The plan review will be based on the requirements of the International Fire Code (IFC) 2015 edition.

1. Note F of the Exhibit identifies that fire protection is provided by contract with the Howell Fire Department. Fire protection is provided by the Brighton Area Fire Authority.

If you have any questions about the comments on this plan review please contact me at 810-229-6640.

Cordially,

A handwritten signature in black ink, appearing to read "R. Boisvert".

Capt. Rick Boisvert  
Fire Inspector

Genoa Outlots PUD  
Grand River Avenue and I-96  
Genoa Township, Michigan

## **PROJECT IMPACT STATEMENT**

## **I. Project Impact Statement**

### **A. Impact Statement Preparers**

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

Harvey Weiss from Weiss Properties, LLC has prepared this project impact statement/assessment. This is an update of the one submitted to Genoa Township in May 2003. Mr. Weiss has been a developer in Southeast Michigan for approximately 30 years and has completed numerous developments that include commercial, industrial, and residential developments ranging in size from 1 acre to several acres, located throughout the State of Michigan.

### **B. Project Site Description**

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

The proposed Genoa 24 Grand Retail Center is located in Section 10, Township 2 North, Range 5 East, Genoa Township, Livingston County, Michigan (see site plan for detail location). The site is bounded by Grand River Avenue to the north, Interstate Highway 96 and ramps to the east and south, and existing industrial property to the west.

The current zoning of the site is PUD, Planned Unit Development District.

This site is partially developed. There are 3 outlots along Grand River Avenue and one building pad east of the retail building that are currently undeveloped. The existing topographic plan included with the site plan package provides a detailed depiction of the site features.

### **C. Impact on Natural Features**

*A written description of the environmental characteristics of the site prior to development and following development (i.e., topography, soils, geology, wildlife, woodlands, mature trees (eight inch caliper or greater), ground water (depth to aquifer(s), impermeable soil layers and Identification of nearby wells), wetlands, drainage, lakes, streams, creeks or ponds, and surface and groundwater quality.*

*Documentation by a qualified wetland specialist shall be required wherever the Township determines that there is a potential regulated wetland. Reduced copies of the Existing Conditions Maps(s) or aerial photographs may accompany written material.*

Topography – The existing topography is indicated in the plan set on the topographic survey sheet. In general the site slopes from elevation 978 along the western development line to elevation 971 at the southwest corner.

The grading of the site will be slightly altered to accommodate the proposed buildings. The existing building immediately west of this proposed development has a finish floor elevation of 983.50. The proposed buildings will be set to a finish floor elevation of 978.00, requiring minimal fills of approximately 1.0 feet. The parking lots and other areas surrounding the buildings will be sloped as such to meet the adjoining property grades. In addition, site grading will be optimized as to minimize the amount of site import/export of earth.

Soils – As mentioned, the site earthwork will be balanced in order to minimize grading. Topsoil located on the site will be stockpiled and later utilized within greenbelts and other planting areas. Surplus topsoil will be exported as necessary.

All earthwork operations will be protected by appropriate soil erosion and sedimentation control measures, including the use of silt fencing, wheel tracking reduction, sedimentation basins, dust control, etc. A Soil Erosion Control Plan is required for review and permitting by the Livingston County Drain Commission. In addition, an NPDES Notice of Coverage permit from the MDEQ will be required for this site, including construction phase observations by an MDEQ certified Stormwater Operator.

Wildlife – The area provides habitat for the common birds and mammals associated with urban areas. No significant impact on wildlife is anticipated.

Woodlands/Mature Trees – The site does not contain any mature trees of other significant vegetative growth. Existing shrub/scrub growth will be removed in order to install the proposed facilities.

The landscape plan shows the proposed trees, etc. to be installed along with the development. Landscaping above the requirements of the Genoa Township ordinance will be installed per the site plan in order to further buffer and soften the views from Grand River and the proposed service drive.

Groundwater – The proposed plan will provide controls for stormwater and will allow natural infiltration on the site, wherever possible. Municipal water will be utilized and no on-site wells are proposed. No impact on the groundwater aquifer is anticipated due to this development.

Wetlands – We observed no sign of any wetlands present on the site to be developed. No lakes, streams, creeks or ponds are present on the site.

Drainage – Existing stormwater runoff generally flows east and south to the existing stormwater detention pond and/or the adjacent MDOT drainage ditches along the Lake Chemung interchange. The following section provides further information regarding site improvements and stormwater management.

#### ***D. Impact on Stormwater Management***

*Description of natural drainage patterns and soil infiltration and capacity. A description of changes to site drainage and stormwater management facilities to be installed. Description of measures to control soil erosion and sedimentation during grading and construction operations until a permanent ground cover is established. Recommendations for such measures may be obtained from County Soil Conservation Service.*

The overall natural grade of the site will be maintained throughout the development in order to facilitate efficient stormwater control and minimize grading operations. A subsurface stormwater collection system will be installed to provide drainage of all site areas. There is an existing detention pond in the southwest corner of the site that was sized to accommodate this area in 2002. Proposed stormwater controls will provide that there will be no adverse impacts from the development. All stormwater controls are subject to Genoa Township and Livingston County Drain Commissioner engineering review.

Planned provisions for protection against erosion during construction include use of silt fencing at limits of construction, sedimentation controls at drainage structures, seeding and mulching of open soil areas, stockpiling of topsoil to be respread and seeded upon project completion, paving and engineered catch basins and storm piping. The existing detention pond will function as a sedimentation and stormwater basin during the construction period and will be cleaned out and reseeded upon completion of the site improvements. Provisions will be made for dust control during construction as necessary and will likely consist of water spraying of exposed soils.

#### **E. Impact on Surrounding Land Use**

*Description of the types of proposed uses and other man made facilities, including any project phasing, and an indication of how the proposed use conforms or conflicts with existing and potential development patterns. Compatibility with current and planned adjacent development, as well as the proposal's conformance with the Master Plan shall be described. A description shall be provided of any increases in light, noise or air pollution that could negatively impact adjacent properties. Any increase or reduction in air pollutants (sulfur dioxide! Nitrogen dioxide! Carbon monoxide, ozone, and lead total suspended particulate matter) shall be documented. The suitability of the site's ambient noise levels for the proposed use shall be described. Modification to the aesthetic character of the area, obstruction of views or sunlight shall be described. Compliance with the site performance standards in Section 3.56 shall be described.*

The proposed uses, including those uses signified as "future development" are in keeping with the Township Master Plan and Grand River Avenue Corridor Study. Development will be of a character consistent with or improving upon the neighboring developments. The project will promote overall enhancement of the community and benefit the community through increased tax base and additional retail shopping opportunities.

In general, the development will consist of mix of general retail stores of approximately 46,250 gross square feet located on the south side of the site and one restaurant building located along Grand River Ave. having a gross square footage of 6,750 square feet.

Parcels adjoining the site are zoned for various uses. To the south and east is a vacant, unused parcel. The western boundary borders a light industrial use, Ruland Electric. Across Grand River

Avenue is a small plumbing supply shop. There are access points on the north side of Grand River to current and future residential developments. These residences are set back from the roadway and cannot be seen from the project site.

Proposed site lighting will be directed downward and will meet Township requirements for low light at the property boundaries.

There will not be any outside storage areas for store inventories, sales areas, or other materials.

Noise pollution will be at its highest during the period of construction. As the only immediately adjacent neighboring property is a light industrial use, and given the proximity of Grand River Avenue and I-96, it is not expected that noise will be a major nuisance factor.

No public address systems or other outside amplified sounds will be installed at the center.

No air pollution hazards are expected with the proposed uses. Dust control measures will be used during construction to minimize airborne dust and sedimentation within the project site and to offsite areas.

#### ***F. Impact on public facilities and services***

*Describe the number of expected residents, employees, visitors, or patrons, and the anticipated impact on public schools, police protection and fire protection. Letters from the appropriate agencies may be provided, as appropriate.*

Employees/Patrons – The fully developed site plan provides parking for 249 employees and patrons and a land bank parking area of 51 spaces. This meets the zoning ordinance requirements of 300 spaces and provides ample parking for all anticipated employees and patrons during peak demand periods, i.e. holiday.

Public Schools – No residential component is planned for this development. No impact is expected on public schools.

Police & Fire Protection – The Livingston County Sheriff Department and Michigan State Police provide police protection for the area. Retail stores as proposed for this site typically have employees and security systems for loss control. No significant impact on the police/sheriff programs is anticipated because of this development.

Fire protection in Genoa Township is provided under contract with the City of Howell. Existing hydrants are located along the Grand River frontage and around the perimeter of the proposed building at the south side of the site. In addition, all of the proposed buildings will have automatic sprinkler systems.

The area will continue to be served by the public safety services available in the township. Proposed plans will provide emergency access through the proposed service drive and the development is not expected to put undue pressure on Township and County emergency services.

### **G. Impact on public utilities**

*Describe the method to be used to service the development with water and sanitary sewer facilities, the method to be used to control drainage on the site and from the site, including runoff control during periods of construction. For sites serviced with sanitary sewer, calculations for pre- and post development flows shall be provided in comparison with sewer line capacity. Expected sewage rates shall be provided in comparison with sewer line capacity. Expected sewage rates shall be provided in equivalents to a single-family home. Where septic systems are proposed, documentation or permits from the Livingston County Health Department shall be provided. Other utilities serving the site shall be identified. The method of solid waste disposal shall be documented.*

Sanitary Sewers – Public sanitary sewers are located within the site. Service leads will be extended to accommodate development of the proposed buildings. Retail developments of this nature typically have minimal flows to the sanitary sewer system, and as such no significant impacts on these facilities are anticipated.

Water – Public water mains located within the site were looped previously around the proposed building site to accommodate development and provide fire protection. Retail developments of this nature typically have minimal water usage, and as such no significant impacts on these facilities are anticipated.

Utilities – Electric, telephone, gas and CATV service is available from the companies serving the area. The proposed utilities will be installed underground.

### **H. Storage and Handling of any Hazardous Materials**

*A description of any hazardous substances expected to be used, stored or disposed of on the site. The information shall describe the type of materials location within the site and method of containment. If a proposed facility will generate between 25 or 220 pound and 250 gallons or 2200 pounds of hazardous wastes, the facility will be a small quantity generator and subject to federal and state regulation. If the facility involved the transportation on-site treatment, storage or disposal of hazardous waste generated in quantities greater than 250 gallons or 2200 pounds, the facility will be a large quantity generator and subject to federal and state regulation. Documentation of compliance with federal and state requirements and a Pollution Incident Prevention Plan (PIPP) shall be submitted as appropriate. Any discharge of wastewater to a storm sewer, drain lake, stream or other surface water shall be documented and appropriate permits obtained from the Department of Natural Resources, Surface Water Quality Division. A detailed description of any underground storage tanks and the materials to be stored shall be documented and appropriate permits obtained from State Police Fire Marshall Division, Hazardous Materials Section. If flammable or combustible liquids are to be stored in fixed aboveground storage containers with a capacity greater than 1,100 gallons, this shall be documented and appropriate permits obtained from the State Police Fire Marshall Division. Storage of pesticide or fertilizer in quantities greater than 55 gallons or 100 pounds shall be documented and appropriate permits obtained from the Michigan Department of Agriculture, Pesticide and Plant Pest Division. All necessary permits shall be included within the appendix of the Environmental Impact Assessment.*

No hazardous materials will be used or stored at the site. No underground storage tanks are proposed. No hazardous wastewater discharge will occur into any storm sewer, drain, lake, stream or other surface body of water.

There will not be any outside storage of materials, either hazardous or non-hazardous.

***I. Impact on Traffic***

A traffic study was prepared by others and to our knowledge approved by the Township when the Kohl's development was constructed previously.

Access to the site is from Grand River Avenue. Grand River Avenue is a county road with a 100' R.O.W. and is under the jurisdiction of the Livingston County Road Commission.

The existing interior access drive will be utilized as part of the site and will provide primary access to Grand River Avenue.

***J. Special Provisions***

*General description of any deed restrictions, protective covenants, master deed or association bylaws.*

All development will be in accordance with the existing PUD documents in place for this property. No special provisions, deed restrictions, or covenants apply to this project.

***K. Sourced Used***

*A list of all sources shall be provided.*

Genoa Township, *Genoa Township Zoning Ordinance*, Adopted 1990, Amended 1997.

*Impact Statement/Impact Assessment and Civil Plans, Genoa Square Kohls Development – prepared by Bartow & King Engineers, Inc. Aug. 2002*

***L. Previous Assessments***

*Any impact assessment previously submitted relative to the site and proposed development which fulfills the above requirements (and contains current information on the site) may be submitted as the required Impact Assessment.*

Prior impact assessments for this site and associated developments have been prepared by others and have been submitted to Genoa Township. Additional copies of these assessments may be available from the project developer upon request.

***M. Summary and Conclusions***

Upon review of the available data for the site and surrounding area, it is the professional opinion of Bartow & King Engineers, Inc. that there are no long-term adverse environmental



impacts to the area of proposed development or on adjacent areas. Overall, the property is well suited for the proposed development.

**AMENDMENT TO THE PLANNED  
UNIT DEVELOPMENT AGREEMENT**

This Amendment to the Planned Unit Development ("Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by and between **GENOA OUTLOTS, LLC** ("Owner") and the **TOWNSHIP OF GENOA**, a general law township corporation ("Township") whose address is 2911 Dorr Road, Brighton, Michigan 48116.

**RECITALS:**

- A. On May 4, 1992, Township entered into a certain Planned Unit Development with Genoa 24 Grand, LLC ("24 Grand") with respect to certain real property as more particularly described on the attached Exhibit A ("Property").
- B. On August 21, 2000, the Township through its board at a properly noticed public hearing, in accordance with the zoning ordinance of the Township, approved modification to the development of the Property as a mixed use in the planned unit development zoning district, as further evidenced by a certain amendment to the Planned Unit Development entered into on October 31, 2000 by 24 Grand.
- C. The Planned Unit Development was further amended on December 3, 2001 and April 8, 2002.
- D. On October 24, 2002, 24 Grand and Township entered into an agreement that restated the PUD and consolidated the above referenced agreements, and incorporated additional modifications to the Planned Unit Development.
- E. On June 20, 2005, the Township and 24 Grand entered into a First Amendment of the Planned Unit Development (the Planned Unit Development as amended and restated collectively shall be referred to as the "PUD").
- F. Owner is a successor in interest to 24 Grand as the owner of certain real property that is part of the Property and subject to the PUD.
- G. Owner and Township wish to further amend and modify the terms of the PUD under the terms and conditions provided for herein

**NOW, THEREFORE**, in consideration of the mutual covenants and promises as well as other valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

1. Exhibit C. Exhibit "C" entitled Permitted Uses of the PUD shall be deleted in its entirety and replaced with the following Exhibit C attached hereto. Any permitted use as provided in the attached Exhibit C shall be subject to specific requirements as to such use in the Zoning Ordinance of Genoa Township, where applicable.

2. Signage. Notwithstanding anything to the contrary, with respect to outlots #1, 2, 3, 4 and 5, in addition to all other permitted signage including signage facing Grand River Avenue, each tenant shall be permitted to install signage on the south elevation of the building, with tenant's occupying the end cap locations of the building also permitted to install signage on the respective east and west elevations of the building along which they are located; provided however the foregoing shall be subject to Article 7.2 of the PUD.

4. Amendment of PUD. The parties hereby expressly agree that in no event shall the PUD be amended without the consent of Genoa Outlots, LLC (or their successor or assigns), and in no event may any other party with an interest in or owning any portion of land on the Property be permitted to amend, modify or terminate the PUD with respect to the Property or any portion thereof without the prior written consent of Genoa Outlots, LLC (or their successor or assigns) in its sole and absolute discretion; provided however in no event shall the PUD be amended without the consent of Outlot #4 of the Property, not to be unreasonably withheld, conditioned or delayed, if such amendment would have a material and adverse affect upon Outlot #4. The terms of the PUD shall run with the land and shall be recorded on title to the Property with the local register of deeds.

5. Retention/Detention. Notwithstanding anything to the contrary, the parties acknowledge that detention/retention ponds and facilities have been completed with sufficient capacity for the entire development, including expansion thereof as contemplated under the PUD and site plan.

6. Ratification and Affirmation. Except as hereby amended, the PUD shall remain unmodified and in full force and effect. The PUD, as hereby amended, shall be binding upon and inure to the benefit of Township and Owner and their respective heirs, successors and assigns.

7. Conflict of Terms. In the event that there is any conflict or inconsistency between the terms and conditions of this Agreement and the PUD, the terms and conditions of this Agreement shall control and govern.

8. Authority. Each person executing this Agreement on behalf of a party represents and warrants that it has the full power, authority, and legal right to execute and deliver this Agreement on behalf of such party and that this Agreement constitutes the legal, valid, and binding obligations of such party, its heirs, representatives, successors and assigns, enforceable against such party or parties in accordance with its terms.

IN WITNESS whereof, the parties have executed this Agreement on the dates indicated.

WITNESS:

Owner :

**GENOA OUTLOTS, LLC**  
a Michigan limited liability company

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

**CORPORATE ACKNOWLEDGEMENT**

**STATE OF MICHIGAN**                    )  
  ) **ss.**  
**COUNTY OF OAKLAND**                )

The foregoing instrument was acknowledged and executed before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_ the \_\_\_\_\_ of **GENOA OUTLOTS, LLC**, a Michigan limited company on behalf of the Michigan limited liability company.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

WITNESS:

Township:

**TOWNSHIP OF GENOA,**  
a general law township corporation

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

**ACKNOWLEDGEMENT**

**STATE OF MICHIGAN**                    )  
  ) **ss.**  
**COUNTY OF OAKLAND**                )

The foregoing instrument was acknowledged and executed before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_ the \_\_\_\_\_ of **GENOA TOWNSHIP**, a general law township on behalf of said township.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**ACKNOWLEDGEMENT**

**STATE OF MICHIGAN**                    )  
  ) **ss.**  
**COUNTY OF OAKLAND**                )

The foregoing instrument was acknowledged and executed before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_ the \_\_\_\_\_ of **GENOA TOWNSHIP**, a general law township on behalf of said township.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Prepared By and After Recording Return To:  
Steven Samona, Esq.  
Law Office of Steven Samona  
32820 Woodward Ave, Ste 240  
Royal Oak, MI 48073  
248-565-8582

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Real property located in the Township of Genoa, County of Livingston, State of Michigan, described as follows:

PARCEL 1: Part of the Northeast 1/4 of Section 9, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, more particularly described as follows: Commencing at the North 1/4 corner of said Section 9; thence along the North-South 1/4 line of said Section 9, South 01 degrees 30 minutes 57 seconds East, 921.86 feet; thence along the South line of Grand River Avenue (Business Loop I-96) (100 foot wide Right of Way), South 63 degrees 53 minutes 30 seconds East, 351.73 feet, to the point of beginning of the parcel to be described; thence along the South line of Grand River Avenue (Business Loop I-96), South 63 degrees 53 minutes 30 seconds East 374.03 feet; thence along the South line of Grand River Avenue (Business Loop I-96), South 64 degrees 41 minutes 00 seconds East, 882.50 feet; thence South 25 degrees 19 minutes 00 seconds West, 1.00 foot; thence along the Southwesterly line of the East bound "On Ramp" for I-96, Southeast on an arc right, having a length of 167.92 feet, a radius of 1243.24 feet, a central angle of 07 degrees 44 minutes 19 seconds and a long chord which bears South 60 degrees 48 minutes 50 seconds East, 167.79 feet; thence continuing along the Westerly line of said "On Ramp", South 01 degrees 26 minutes 10 seconds East, 61.28 feet; thence continuing along the Westerly line of said "On Ramp", Southeast on an arc right, having a length of 626.34 feet, a radius of 1193.24 feet, a central angle of 30 degrees 04 minutes 30 seconds and a long chord which bears South 40 degrees 14 minutes 27 seconds East, 619.18 feet; thence along the Northerly line of I-96 Expressway, West on an arc left, having a length of 969.46 feet, a radius of 2967.79 feet, a central angle of 18 degrees 42 minutes 59 seconds and a long chord which bears North 83 degrees 53 minutes 06 seconds West, 965.16 feet; thence continuing along the North line of I-96 Expressway, South 86 degrees 45 minutes 25 seconds West, 693.66 feet; thence along the East line of the West 12 acres of the Southwest 1/4 of the Northeast 1/4 of said Section 9, lying South of Grand River Avenue, North 01 degrees 30 minutes 57 seconds West, 1095

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Now Known as:

SEC 9 T2N R5E COMM N 1/4 COR TH S01\*30'57"E 921.86 FT TH S63\*53'30"E 351.79 FT TO POB TH S63\*53'30"E 201.15 FT TH S26\*06'30"W 47.03 FT TH ALONG A CURVE LEFT S09\*25'46"E 235.33 FT TH S45\*07'03"W 75.49 FT TH S88\*29'03"W 133.93 FT TH N01\*31'W 419.86 FT TO POB

Parcel No: 4711-09-200-020

SEC 9 T2N R5E COMM AT N 1/4 COR TH S01\*30'57"E 921.86 FT TH S63\*53'30"E 552.94 FT TO POB TH S63\*53'30"E 172.88 FT TH S64\*41'00"E 80.40 FT TH S25\*29'18"W 275.40 FT TH N47\*14'03"W 124.70 FT TH ALONG ARC OF A CURVE RIGHT CHORD BEARING N09\*25'46"W 235.33 FT TH N26\*06'30"E N47.03 FT TO POB

Parcel No: 4711-09-200-025

SEC 9 T2N R5E COMM AT N 1/4 COR TH S01\*30'57"E 921.86 FT TH S63\*53'30"E 725.82 FT TH S64\*41'00"E 80.40 FT TO POB TH S64\*41'00"E 149.98 FT TH S25\*29'21"W 322.50 FT TH N47\*14'03"W 157.06 FT TH N25\*29'18"E 275.04 FT TO POB

Parcel No: 4711-09-200-026

SEC 9 T2N R5E COMM AT N 1/4 COR TH S01\*30'57"E 921.86 FT TH S63\*53'30"E 725.82 FT TH S64\*41'00"E 230.86 FT TO POB TH S64\*41'00"E 148.03 FT TH S25\*19'00"W 348.40 FT TH ALONG AN ARC OF A CURVE RIGHT CHORD BEARING N56\*29'09"W 125.21 FT TH

N47°14'03"W 26.28 FT TH N25°29'21"E 322.05 FT TO POB

Parcel No: 4711-09-200-027

SEC 9 T2N R5E COMM AT N 1/4 COR TH S01°30'57"E 921.86 FT TH S63°53'30"E 725.82 FT TH S64°41'00"E 378.41 FT TO POB TH S64°41'00"E 226.83 FT TH S25°19'00"W 71.98 FT TH S40°07'33"W 226.01 FT TH S15.97 FT TH N89°56'16"W 11.60 FT TH ALONG ARC OF A CURVE RIGHT CHORD BEARING N77°44'37"W 169.78 FT TH N25°19'00"E 348.40 FT TO POB

Parcel No: 4711-09-200-028

EC 9 T2N R5E COMM AT N 1/4 COR TH S01°30'57"E 921.86 FT TH S63°53'30"E 351.79 FT TO POB TH S01°31'00"E 419.86 FT TH N88°29'03"E 133.93 FT TH N45°07'03"E 75.49 FT TH S47°14'03"E 308.04 FT TH SE ON AN ARC LEFT CHORD BEARING S68°44'20"E 290.05 FT TH S89°56'16"E 96.42 FT TH S01°30'57"E 375.13 FT TH ALONG TH N'LY LINE OF I-96 EXPRESSWAY WEST ON AN ARC LEFT CHORD BEARING S87°31'39"W 79.83 FT TH S86°45'25"W 693.66 FT TH N01°31'00"W 675.55 FT TO POB

Parcel No: 4711-09-200-030

Units 1, 2, 3, 4 and 5 Genoa Shoppes Condominium, according to the Master Deed recorded in Instrument No. 2009R-024302, Livingston County Records, and amendments thereto, and designated as Livingston County Condominium Subdivision Plan No. 383, together with rights in the general common elements and the limited common elements as shown on the Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Parcel Nos: 4711-09-203-001  
4711-09-203-002  
4711-09-203-003  
4711-09-203-004  
4711-09-203-005

**EXHIBIT C**  
**PERMITTED USES**

- a. A shopping center consisting of an anchor department store, smaller stores and outlots shall be constructed on this property (subject to Section 2.5 of this Agreement to which this Exhibit "C" is attached) which may provide goods and services such as but not limited to fruit markets; bakery goods, including bakery items produced on the premises; groceries; meats, provided no slaughtering shall take place on the premises; auto parts; seafood; dairy products; appliances; furniture and home furnishings; apparel; art galleries; drugs and pharmacy products; home improvement items; hardware and garden supplies; sporting goods; bicycles; toys; hobby crafts; rental and sales of videos; music; musical instruments; movie theaters; recorded music; books; computer and software sales, and similar establishments not specifically addressed elsewhere.
- b. Personal and business service establishments performing services on the premises, including but not limited to: flower shops, greeting card shops, photographic studios, dry cleaning drop off stations (without on site processing); fitness centers; copy centers; mailing centers; data processing centers; dressmakers and tailors; shoe repair shops; tanning salons; beauty parlors; barber shops; and similar establishments.
- c. Banks, credit unions, savings and loan establishments and similar financial institutions with up to Four (4) drive through teller windows and/or up to two automated teller machine windows.
- d. Banquet/assembly halls or other similar places of assembly including but not limited to private clubs, fraternal order halls, lodge halls or similar.
- e. Hotels/motels including accessory convention/meeting facilities and restaurants. Hotels/motels not to exceed 125 rooms each.
- f. Business services such as but not limited to mailing, copying, and data processing.
- g. Child Care centers, preschool and commercial day care centers provided that for each child cared for, there shall be provided and maintained a minimum of thirty-five (35) square feet of building area per child and fifty (50) square feet of building area per infant or as shall be required by the licensing rules of the State of Michigan for child care centers now in effect. In addition, there shall be an outdoor play area with a minimum play area of six thousand (6,000) square feet. The required play area shall be fenced and screened from any abutting residential district. The Planning Commission may reduce the required play area in consideration of care denoted to infants.
- h. Commercial schools and studios for photography, beauty and hair care, art, dance, music, theater, ballet, martial arts, etc.
- i. Convenience stores without gasoline sales, which may include the sale of beer, wine, and liquor.
- j. Health clubs, fitness centers, gyms, and aerobic clubs.
- k. Public/government buildings.
- l. Professional offices or medical offices including doctors, dentists, optometrists, chiropractors, psychiatrists, psychologists, and similar professions including clinics, medical care centers and urgent care stations with a maximum size of 40,000 square feet.
- m. Professional offices including lawyers, architects, engineers, insurance agents, real estate agents, financial consultants, accountants, bookkeepers and similar or allied professions with a maximum size of 55,000 square feet per user..
- n. Restaurants, taverns and other places serving food or beverages including those providing live entertainment restaurants (provided the foregoing shall not permit concerts, or regular live entertainment as a



primary business but only be incidental part of a business). Notwithstanding the foregoing, a coffee shop with drive thru customer service window shall be authorized to be constructed on the East wall of the 6750 sq. ft. multi-tenant building the property commonly known as Outlot "1" of the development, as shown on the approved site plan containing approximately 1.28 acres. The customer drive-thru facility shall only be permitted for the sale of doughnuts, bagels, pastries, beverages, coffee and related similar beverages. If the occupant of this tenant space shall ever expand its menu to include meals or food similar to "fast food", it is agreed that the drive thru customer service window will be closed and not operated unless otherwise approved by the Township. In addition to drive through facility referenced in Outlot "1" the property may include up to three (3) additional drive through restaurants, taverns and other places servicing food or beverages with drive through facilities and/or pick up window; provided such drive through facilities provide adequate stacking within the development site (including internal roads within said development). In addition to the foregoing, additional restaurants, taverns and other places servicing food or beverages with drive through facilities and/or pick up window shall be permitted on the property; provided each such additional establishment shall be subject to the special land use restrictions provided for in Section 7.02.02(j) of the Township Zoning Ordinance, excepting item #2, and such provide adequate stacking within the development site (including internal roads within said development).

- o. Vocational and technical training facilities.
- p. Essential public services and buildings.
- q. All uses permitted by right or special land use in the Neighborhood Services District and/or the Office Services District.
- r. Automobile (including motorcycle) sales and lease, new and used, and car rental.
- s. Minor automobile maintenance and/or repair establishment including but limited to ~~for~~ vehicles fluid replacements, including oil, transmission fluid, radiator fluid, windshield washer fluid and excluding gasoline and/or diesel fuel sales.
- t. Automobile wash, automatic or self service.
- u. Conference Centers.
- v. Professional offices over 55,000 square feet of gross floor area and medical offices over 40,000 square feet of gross floor area.
- w. Recreational (indoor) such as bowling alleys, skating rinks, arcades, archery, indoor golf or softball, and any combination of the foregoing which may include accessory indoor restaurant, bars, concession stands, games, etc.
- x. Restaurants with pick up window and/or outdoor seating.
- y. Pharmacy, drug store or convenience store which may contain drive through facilitie which may or may not sell beer, wine, and/or liquor provided alcoholic beverages shall not be delivered to customers through drive through facilities..
- z. Mini storage - indoors excluding Outlots # 1, 2, 3, 4 and 5, subject to Section 8.02.02(j)of the Genoa Township Zoning Ordinance.
  - a. Accessory uses, buildings, and structures customarily incidental to any of the above uses as defined in Section 25.02 of the Genoa Township Zoning Ordinance shall be permitted except: accessory storage of hazardous materials shall require a separate Special Land use permit.
  - bb. Similar uses of the same nature or class as these listed herein as reasonably determined by the Planning Commission based on the standards of Section 11.02 of the Genoa Township Zoning Ordinance.

**Genoa Retail, LLC**, a Michigan limited liability company as owner of certain real property subject to a certain Planned Unit Development Agreement, hereby agree to and acknowledge the foregoing Amendment to the Planned Unit Development Agreement dated this \_\_\_\_ day of \_\_\_\_\_, 2016, and agree to be bound the terms and conditions therein. The Amendment to the Planned Unit Development Agreement shall run with the land and be binding on the undersigned's heirs, successors and assigns.

**GENOA RETAIL, LLC**, a Michigan limited liability company

\_\_\_\_\_  
Print Name:\_\_\_\_\_

\_\_\_\_\_  
By:\_\_\_\_\_  
Its:\_\_\_\_\_

**I-96/KOHL'S ASSOCIATES, LLC**, a Michigan limited liability company as owner of certain real property subject to a certain Planned Unit Development Agreement, hereby agree to and acknowledge the foregoing Amendment to the Planned Unit Development Agreement dated this \_\_\_\_ day of \_\_\_\_\_, 2016, and agree to be bound the terms and conditions therein. The Amendment to the Planned Unit Development Agreement shall run with the land and be binding on the undersigned's heirs, successors and assigns.

**I-96/KOHL'S ASSOCIATES, LLC**, a Michigan limited liability company

Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

**GENOA SQUARE, LLC**, a Michigan limited liability company as owner of certain real property subject to a certain Planned Unit Development Agreement, hereby agree to and acknowledge the foregoing Amendment to the Planned Unit Development Agreement dated this \_\_\_\_ day of \_\_\_\_\_, 2016, and agree to be bound the terms and conditions therein. The Amendment to the Planned Unit Development Agreement shall run with the land and be binding on the undersigned's heirs, successors and assigns.

**GENOA SQUARE, LLC**, a Michigan limited liability company

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

**GRAHM REAL ESTATE, LLC**, a Michigan limited liability company as owner of certain real property subject to a certain Planned Unit Development Agreement, hereby agree to and acknowledge the foregoing Amendment to the Planned Unit Development Agreement dated this \_\_\_\_ day of \_\_\_\_\_, 2016, and agree to be bound the terms and conditions therein. The Amendment to the Planned Unit Development Agreement shall run with the land and be binding on the undersigned's heirs, successors and assigns.

**GRAHM REAL ESTATE, LLC**, a Michigan limited liability company

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

**EXHIBIT C**  
**PERMITTED USES**

- a. A shopping center consisting of an anchor department store, smaller stores and outlots shall be constructed on this property (subject to Section 2.5 of this Agreement to which this Exhibit "C" is attached) which may provide goods and services such as but not limited to fruit markets; bakery goods, including bakery items produced on the premises; groceries; meats, provided no slaughtering shall take place on the premises; auto parts; seafood; dairy products; appliances; furniture and home furnishings; apparel; art galleries; drugs and pharmacy products; home improvement items; hardware and garden supplies; sporting goods; bicycles; toys; hobby crafts; rental and sales of videos; music; musical instruments; movie theaters; recorded music; books; computer and software sales, and similar establishments not specifically addressed elsewhere.
- b. Personal and business service establishments performing services on the premises, including but not limited to: flower shops, greeting card shops, photographic studios, dry cleaning drop off stations (without on site processing); fitness centers; copy centers; mailing centers; data processing centers; dressmakers and tailors; shoe repair shops; tanning salons; beauty parlors; barber shops; and similar establishments.
- c. Banks, credit unions, savings and loan establishments and similar financial institutions with up to Three (3) Four (4) drive through teller windows and or up to two automated teller machine windows.
- d. Banquet/assembly halls or other similar places of assembly including but not limited to private clubs, fraternal order halls, lodge halls or similar.
- e. Hotels/motels including accessory convention/meeting facilities and restaurants. Hotels/motels not to exceed 125 rooms each.
- f. Business services such as but not limited to mailing, copying, and data processing.
- g. Child Care centers, preschool and commercial day care centers provided that for each child cared for, there shall be provided and maintained a minimum of thirty-five (35) square feet of building area per child and fifty (50) square feet of building area per infant or as shall be required by the licensing rules of the State of Michigan for child care centers now in effect. In addition, there shall be an outdoor play area with a minimum play area of six thousand (6,000) square feet. The required play area shall be fenced and screened from any abutting residential district. The Planning Commission may reduce the required play area in consideration of care denoted to infants.
- h. Commercial schools and studios for photography, beauty and hair care, art, dance, music, theater, ballet, martial arts, etc.
- i. Convenience stores without gasoline sales, which may include the sale of beer, wine, and liquor.
- j. Health clubs, fitness centers, gyms, and aerobic clubs.
- k. Public/government buildings.
- l. Professional offices or medical offices excluding doctors, dentists, optometrists, chiropractors, psychiatrists, psychologists, and similar professions including clinics, medical care centers and urgent care stations with a maximum size of 40,000 square feet.
- m. Professional offices excluding lawyers, architects, engineers, insurance agents, real estate agents, financial consultants, accountants, bookkeepers and similar or allied professions with a maximum size of 55,000 square feet per user..
- n. Restaurants, taverns and other places servicing food or beverages including those providing live entertainment restaurants but excluding those with drive through facilities (provided the foregoing shall not permit concerts, or regular live entertainment as a primary business but only be incidental part of a business). Notwithstanding the foregoing, a coffee shop with drive thru customer service window shall be authorized to be

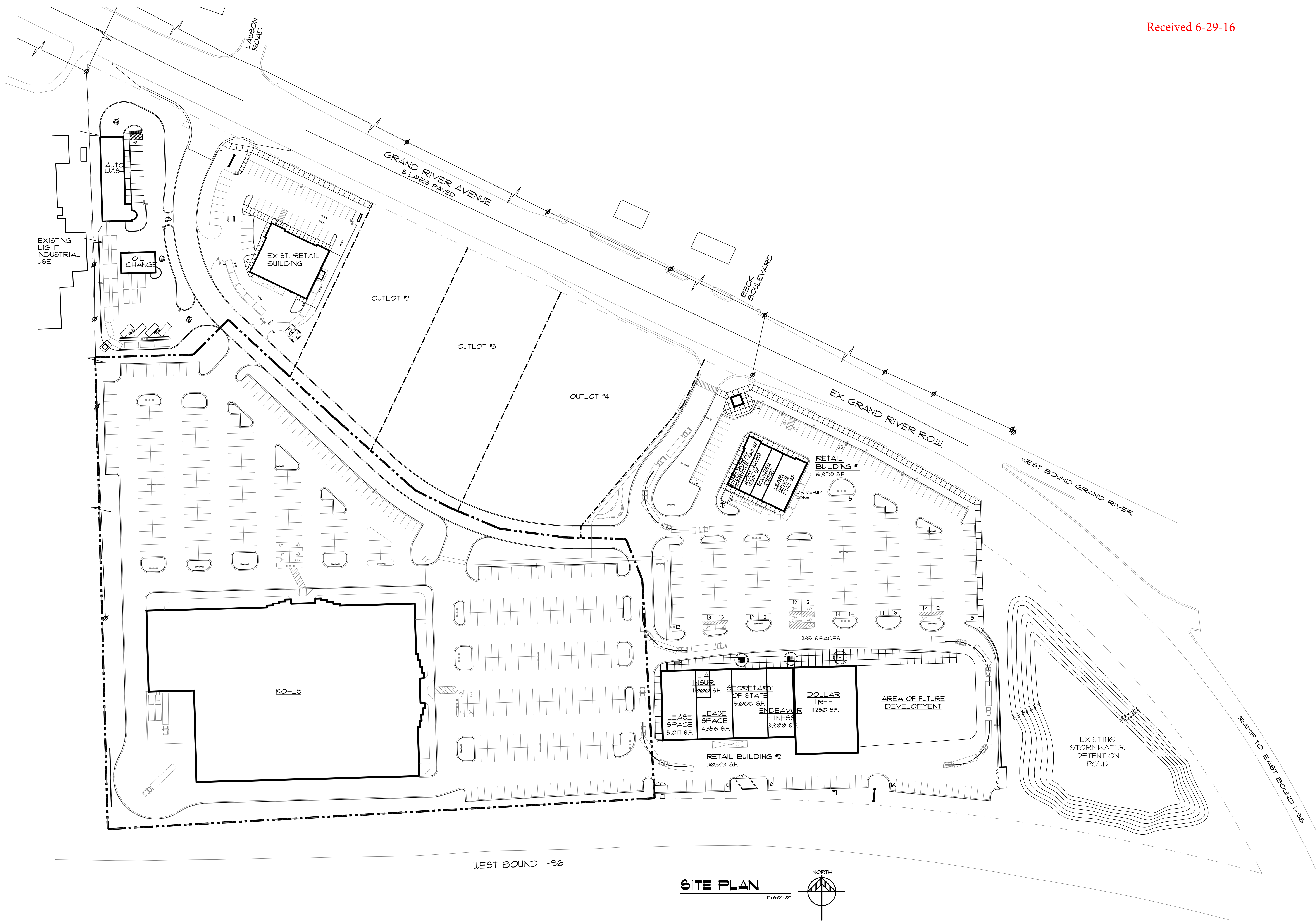
constructed on the East wall of the 6750 sq. ft. multi-tenant building the property commonly known as Outlot "1" of the development, as shown on the approved site plan containing approximately 1.28 acres. The customer drive-thru facility shall only be permitted for the sale of doughnuts, bagels, pastries, beverages, coffee and related similar beverages. If the occupant of this tenant space shall ever expand its menu to include meals or food similar to "fast food", it is agreed that the drive thru customer service window will be closed and not operated unless otherwise approved by the Township. In addition to drive through facility referenced in Outlot "1" the property may include up to three (3) additional drive through restaurants, taverns and other places servicing food or beverages with drive through facilities and/or pick up window; provided such drive through facilities provide adequate stacking within the development site (including internal roads within said development). In addition to the foregoing, additional restaurants, taverns and other places servicing food or beverages with drive through facilities and/or pick up window shall be permitted on the property; provided each such additional establishment shall be subject to the special land use restrictions provided for in Section 7.02.02(j) of the Township Zoning Ordinance, excepting item #2, and such provide adequate stacking within the development site (including internal roads within said development).

- o. Vocational and technical training facilities.
- p. Essential public services and buildings.
- q. All uses permitted by right or special land use in the Neighborhood Services District and/or the Office Services District.
- r. AutoAutomobile (including motorcycle) sales and lease, new and used, and car rental.
- s. Adjacent to the automobile wash, there shall be allowed one additional minorMinor automobile maintenance and/or repair establishment including but limited to ~~for~~ vehicles fluid replacements, including oil, transmission fluid, radiator fluid, windshield washer fluid and excluding gasoline and/or diesel fuel sales.
- t. Automobile wash, automatic or self service.
- u. Conference Centers.
- v. Professional offices over 55,000 square feet of gross floor area and medical offices over 40,000 square feet of gross floor area.
- w. Recreational (indoor) such as bowling alleys, skating rinks, arcades, archery, indoor golf or softball, and any combination of the foregoing which may include accessory indoor restaurant, bars, concession stands, games, etc.
- x. Restaurants with pick up window and/or outdoor seating.
- y. Pharmacy, drug store or convenience store which may contain drive through facilitie which may or may not sell beer, wine, and/or liquor provided alcoholic beverages shall not be delivered to customers through drive through facilities..
- z. Mini storage - indoors excluding Outlots # 1, 2, 3, 4 and 5, subject to Section 8.02.02(j)of the Genoa Township Zoning Ordinance.
  - a. Accessory uses, buildings, and structures customarily incidental to any of the above uses as defined in Section 25.02 of the Genoa Township Zoning Ordinance shall be permitted except: accessory storage of hazardous materials shall require a separate Special Land use permit.
  - bb. Similar uses of the same nature or class as these listed herein as reasonably determined by the Planning Commission based on the ~~S~~standards of Section ~~3-05~~11.02 of the Genoa Township Zoning Ordinance.

~~z. Accessory uses, buildings, and structures customarily incidental to any of the above uses and defined in Article 3, General Provisions, Sections 3.31-3.36 shall be permitted except: accessory storage of hazardous materials shall require a separate Special Land use permit.~~



Received 6-29-16



Project: **GENOA SQUARE**  
1420 LAULSON DRIVE  
GENOA TOWNSHIP, MICHIGAN

Sheet Title: **COMPOSITE SITE PLAN**

Issue For: 02-03-15  
02-06-15 REV.

Sheet No. **SP-1**

Michael A. Boggio Assoc. Architects  
30100 Telegraph Rd., Ste. 216 Bingham Farms MI 48025 (248)-258-5155



**GENOA CHARTER TOWNSHIP**  
**Application for Site Plan Review**

**TO THE GENOA TOWNSHIP PLANNING COMMISSION AND TOWNSHIP BOARD:**

APPLICANT NAME & ADDRESS: GRAND RIVER/LAWSON ASSOCIATES, LLC, - Address Below  
*If applicant is not the owner, a letter of Authorization from Property Owner is needed.*

OWNER'S NAME & ADDRESS: Grand River/Lawson Associates, LLC, 32820 Woodward Ave, Ste 200, Royal Oak, MI 48073

SITE ADDRESS: 4601 E Grand River PARCEL #(s): See Attached Exhibit A

APPLICANT PHONE: ( 248 ) 565-8582 OWNER PHONE: (248 ) 549-3600 x14

OWNER EMAIL: hweiss@samonaweiss.com

LOCATION AND BRIEF DESCRIPTION OF SITE: \_\_\_\_\_

Development located on the north side of Grand River Avenue  
west of I-96 Ramp, currently anchored by Tractor Supply Plus store

BRIEF STATEMENT OF PROPOSED USE: Applicant is asking for modification to the existing  
PUD governing the development, with the permitted uses contained in such PUD.

THE FOLLOWING BUILDINGS ARE PROPOSED: n/a

**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: Harvey Weiss

ADDRESS: 32820 Woodward Avenue, Suite 200, Royal Oak, MI 48073

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

1.) Harvey Weiss of Grand River/Lawson Associates, LLC at hweiss@samonaweiss.com  
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.

SIGNATURE  DATE: 6/27/16

PRINT NAME Harvey Weiss PHONE: (248) 549-3600

ADDRESS: 32820 Woodward Avenue, Suite 200, Royal Oak, MI 48073

**EXHIBIT A**

4711-09-200-038

4711-09-200-039

4711-09-200-040

4711-09-200-041



August 1, 2016

Planning Commission  
Genoa Township  
2911 Dorr Road  
Brighton, Michigan 48116

<b>Attention:</b>	Kelly Van Marter, AICP Assistant Township Manager and Planning Director
<b>Subject:</b>	Grand River/Lawson PUD – Proposed Amendment to Approved PUD (Review #2)
<b>Location:</b>	Northeast corner of the Grand River and Lawson intersection
<b>Zoning:</b>	NRPUD Non-Residential Planned Unit Development

Dear Commissioners:

At the Township’s request, we have reviewed the proposed amendment to the Grand River/Lawson PUD, which is located at the northeast corner of the Grand River and Lawson intersection.

The revised submittal includes a cover letter, as well as track-changes and clean versions of the proposed PUD Agreement. The initial submittal also included a sketch plan for the west side of the property and an Impact Assessment. The east side of the site is already developed (Tractor Supply).

We have reviewed the proposal in accordance with the applicable provisions of the Genoa Township Zoning Ordinance.

**A. Summary**

1. The applicant or township may wish to rezone the additional land from IND to NRPUD at this time or at some point in the future when use/development of this property is proposed.
2. The revised submittal includes two track-changes versions of Exhibit B. The applicant must provide clarification.
3. The Township may wish to retain special land use review for the new uses listed (as opposed to being permitted by right).
4. We suggest the new use of mini and/or self-storage be restricted to the northerly portion of the property, which is adjacent to IND zoning. The phrasing of this use should also be amended for consistency with the terminology used in the Zoning Ordinance.
5. The Township should consider any comments provided by the Township Engineer with respect to proposed changes that could allow modifications to the driveway and detention/retention system.

**B. Proposal/Process**

The applicant requests review and approval of an amendment to the approved PUD Agreement for the Grand River/Lawson PUD. The draft amendment includes multiple components, which are described in greater detail under Paragraph C below.

Section 10.11.04 requires Planning Commission review of amendments to an approved Final PUD Plan that are considered “major.” If the Commission determines that the proposed amendment significantly alters the intent of the approved Conceptual PUD Plan, then they may require submittal of a new concept plan.

Following review of the proposed amendment, the Planning Commission may make a recommendation to the Township Board, who has final approval authority.



*Aerial view of site and surroundings (looking north)*

### **C. PUD Agreement**

As referenced above, there are multiple components to the proposed amendment. More specifically, the proposal includes:

1. Additional land adjacent to the PUD;
2. Revision to the table of uses;
3. The ability to modify the existing limited access drive; and
4. The ability to create additional detention/retention areas on the property.

**1. Additional land adjacent to the PUD.** The draft amendment includes an acknowledgement that additional land was acquired adjacent to the PUD (a legal description of this piece of property is included as a new Exhibit C).

The piece of property referenced is within the IND District and the applicant or township may wish to rezone this area to NRPUD at this time or in the future when use/development is proposed.

**2. Revised table of uses.** Several changes are proposed to Exhibit B Permitted Uses of the PUD. The applicant has provided a track-changes version to aid the Township's review.

With that being said, there are two different track-changes versions included. We believe the 2<sup>nd</sup> version is to be deleted per the item 2 on the first page of the proposed amendment to the Agreement; however, the applicant must clarify this situation to ensure consistency/accuracy.

Based on our review, the most significant changes proposed include the following paragraphs:

- i. Allowance for one gasoline service station;
- n. Allowance for up to 2 drive through restaurants with additional such uses requiring special land use approval;
- u. Inclusion of restaurants, bars and concessions stands as part of an indoor recreational facility;
- v. Inclusion of pharmacy, drug store, etc. with drive through facilities;
- x. Inclusion of mini and/or self-storage warehouse – indoors, subject to specific uses requirements; and
- y. Inclusion of automobile sales or rentals with the former subject to use requirements and the latter subject to special land use approval.

Most of the new uses proposed for this PUD are listed as special land uses in the conventional commercial zoning districts – gas station, drive through restaurants, drive through pharmacies, and auto dealerships.

The Township may wish to retain this additional level of review for these uses. Requiring special land use approval would also be consistent with the description of the NRPUD in Section 10.03 of the Zoning Ordinance.

Lastly, since the use is only allowed in the IND District, we suggest the inclusion of mini and/or self-storage uses be restricted to the northerly portion of the property, which is adjacent to IND zoning. We also question use of the term “warehouse,” which is a separate land use under conventional zoning.

- 3. Modifications to the limited access drive.** The driveway with access to/from Grand River is currently limited to right in/right out only.

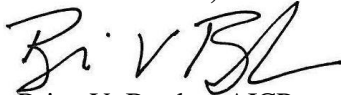
The proposed amendment would allow the applicant to pursue an unrestricted point of ingress/egress. As noted in the draft amendment, any changes to this drive are subject to review and approval by MDOT. The Township should also consider any comments provided by the Township Engineer with respect to this element of the proposal.

- 4. Additional detention/retention areas.** We defer to the Township Engineer for comments on this element of the proposal.

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

Respectfully,

**LSL PLANNING, A SAFE BUILT COMPANY**



Brian V. Borden, AICP  
Planning Manager



August 3, 2016

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

**Re: Grand River - Lawson PUD Amendment Site Plan Review 2**

Dear Ms. Van Marter:

We have reviewed the updated submittal package for the Grand River and Lawson Planned Unit Development (PUD) dated July 22, 2016 from Weiss Properties, LLC. The site is located on the north side of Grand River Avenue on the east side of Lawson Road. The petitioner has requested several amendments to the original PUD agreement and provided an updated Impact Assessment and site plan documents.

We recommend that the driveway provision in the PUD agreement reference the need for a traffic study on the intersection, the approval by MDOT and the installation of a traffic signal prior to modifications to the existing drive approach.

If you have any questions regarding this matter please call.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Gary Markstrom'.

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

A handwritten signature in blue ink, appearing to read 'Joseph C. Siwek'.

Joseph C. Siwek, P.E.  
Project Engineer

copy: Harvey Weiss, Weiss Properties, LLC





# BRIGHTON AREA FIRE AUTHORITY

615 W. Grand River Ave.  
Brighton, MI 48116  
o: 810-229-6640 f: 810-229-1619

July 6, 2016

Kelly VanMarter  
Genoa Township  
2911 Dorr Road  
Brighton, MI 48116

RE: Grand River/Lawson PUD Amendment  
4601 E. Grand River  
Genoa Twp., MI

Dear Kelly:

The Brighton Area Fire Department has reviewed the above mentioned site plan. The plans were received for review on June 30, 2016 and the drawings are dated February 3, 2015 with latest revisions dated February 6, 2015. The project is for the amendment to an existing PUD agreement as it relates to the property located along the north side of Grand River anchored by the existing Tractor Supply Store. There is very little detail provided on the drawing, therefore a complete review was not conducted. Additional comments will be provided through the application process as it relates to each site. The plan review will be based on the requirements of the International Fire Code (IFC) 2015 edition.

1. Note F of the Exhibit identifies that fire protection is provided by contract with the Howell Fire Department. Fire protection is provided by the Brighton Area Fire Authority.

If you have any questions about the comments on this plan review please contact me at 810-229-6640.

Cordially,

A handwritten signature in black ink, appearing to read "R. Boisvert".

Capt. Rick Boisvert  
Fire Inspector

Grand River Lawson Associates PUD  
Grand River Avenue and Lawson Drive  
Genoa Township, Michigan

## **PROJECT IMPACT STATEMENT**

For

Genoa Township  
2911 Dorr Road  
Brighton, MI 48116

Prepared By:  
Weiss Properties, LLC

## **I. Project Impact Statement**

### **A. Impact Statement Preparers**

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

Harvey Weiss from Weiss Properties, LLC has prepared this project impact statement/assessment. This is an update of the one submitted to Genoa Township in May 2013. Mr. Weiss has been a developer in Southeast Michigan for approximately 30 years and has completed numerous developments that include commercial, industrial, and residential developments ranging in size from 1 acre to several hundred acres, located throughout the State of Michigan.

### **B. Project Site Description**

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

The property is located in Section 9, Township 2 North, Range 5 East, Genoa Township, Livingston County, Michigan (see attached diagram(s) for detail location). The site is bounded by Grand River Avenue to the south, Lawson Drive to the west, existing industrial property to the east and north.

The current zoning of the site is PUD, Planned Unit Development District.

Approximately 4 acres of the PUD were developed to accommodate the construction of a new Tractor Supply Store approximately 10 years ago on the east portion of the property and the westerly +/- 4 acres remain undeveloped.

### **C. Impact on Natural Features**

*A written description of the environmental characteristics of the site prior to development and following development (i.e., topography, soils, geology, wildlife, woodlands, mature trees (eight inch caliper or greater), ground water (depth to aquifer(s), impermeable soil layers and Identification of nearby wells), wetlands, drainage, lakes, streams, creeks or ponds, and surface and groundwater quality. Documentation by a qualified wetland specialist shall be required wherever the Township determines that there is a potential regulated wetland. Reduced copies of the Existing Conditions Map(s) or aerial photographs may accompany written material.*

Topography - In general the site slopes from elevation 1000 along the northwest property line to elevation 990 and lower at the southeast corner along Grand River.

The grading of the site has been altered to accommodate the constructed and proposed buildings. At the time the existing building was constructed, the parking lots and other areas surrounding the buildings were sloped as such to meet the adjoining property grades.

Soils - When construction commences, the site earthwork will be balanced in order to minimize grading. Topsoil located on the site will be stockpiled and later utilized within greenbelts and other planting areas. Surplus topsoil will be exported as necessary.

All earthwork operations will be protected by appropriate soil erosion and sedimentation control measures, including the use of silt fencing, wheel tracking reduction, sedimentation basins, dust control, etc. A Soil Erosion Control Plan is required for review and permitting by the Livingston County Drain Commission. In addition, an NPDES Notice of Coverage permit from the MDEQ will be required for this site, including construction phase observations by an MDEQ certified Stormwater Operator.

Wildlife – The area provides habitat for the common birds and mammals associated with urban areas. No endangered or rare species are known to occupy the site. No significant impact on wildlife is anticipated.

Woodlands/Mature Trees – The site does not contain any mature trees of other significant vegetative growth. Existing shrub/scrub growth will be removed in order to install the proposed facilities.

At the time site plan approval to construct is applied for, a landscape plan that shows the proposed trees, etc. to be installed along with the development will be provided. Landscaping in accordance with the requirements of the Genoa Township ordinance will be installed per the site plan in order to further buffer and soften the views from Grand River and the proposed service drive.

Groundwater – The proposed plan will provide controls for stormwater and will allow natural infiltration on the site, wherever possible. Municipal water will be utilized and no on-site wells are proposed. No impact on the groundwater aquifer is anticipated due to this development.

Wetlands – No regulated wetlands are present on the site. No lakes, streams, creeks or ponds are present on the site.

Drainage – Existing stormwater runoff generally flows east and south through storm piping and surface drainage. The following section provides further information regarding site improvements and stormwater management.

#### **D. Impact on Stormwater Management**

*Description of natural drainage patterns and soil infiltration and capacity. A description of changes to site drainage and stormwater management facilities to be installed. Description of measures to control soil erosion and sedimentation during grading and construction operations until a permanent ground cover is established. Recommendations for such measures may be obtained from County Soil Conservation Service.*

The overall natural grade of undeveloped portions of the site will be modified in order to facilitate efficient stormwater control and minimize grading operation. A subsurface stormwater collection system will be installed to provide drainage of all site areas. At the time

buildings are constructed, detention pond(s) will be constructed to provide regulation of the runoff from the development. Proposed stormwater controls will assure that there will be no adverse impacts from the development. At the time that the Tractor Supply building was constructed, a storm water system was installed to accommodate the developed area only. All stormwater controls are subject to Genoa Township and Livingston County Drain Commissioner engineering review.

Planned provisions for protection against erosion during construction include use of silt fencing at limits of construction, sedimentation controls at drainage structures, seeding and mulching of open soil areas, stockpiling of topsoil to be respread and seeded upon project completion, paving and engineered catch basins and storm piping. The detention pond(s) will function as a sedimentation and stormwater basin during the construction period and will be cleaned out and reseeded upon completion of the site improvements. Provisions will be made for dust control during construction as necessary and will likely consist of water spraying of exposed soils.

#### ***E. Impact on Surrounding Land Use***

*Description of the types of proposed used and other man made facilities, including any project phasing, and an indication of how the proposed use conforms or conflicts with existing and potential development patterns. Compatibility with current and planned adjacent development, as well as the proposal's conformance with the Master Plan shall be described. A description shall be provided of any increases in light, noise or air pollution that could negatively impact adjacent properties. Any increase or reduction in air pollutants (sulfur dioxide! Nitrogen dioxide! Carbon monoxide, ozone, and lead total suspended particulate matter) shall be documented. The suitability of the site's ambient noise levels for the proposed use shall be described. Modification to the aesthetic character of the area, obstruction of views or sunlight shall be described. Compliance with the site performance standards in Section 3.56 shall be described.*

The proposed uses shall be in keeping with the PUD Agreement. Development will be of a character consistent with or improving upon the neighboring developments. The project will promote overall enhancement of the community and benefit the community through increased tax base and additional retail shopping opportunities.

In general, the development will consist of outlots along Grand River and a retail building or buildings will be constructed to the North. Uses of the buildings are anticipated to be for retail sales.

Parcels adjoining the site are zoned for various uses. To the south is Grand River Avenue and the Kohls retail development and a Detroit Edison garage is located to the north. The western boundary borders a Lawson Drive and a small industrial building is located to the east. There are access points on the north and south sides of Grand River to current developments.

When buildings are constructed, site lighting will be directed downward and will meet Township requirements for low light at the property boundaries.

There will not be any outside storage areas for store inventories, sales areas, or other materials along the Grand River frontage.

Noise pollution will be at its highest during the period of construction.

No public address systems or other outside amplified sounds will be installed when buildings are constructed.

No air pollution hazards are expected with the proposed uses. Dust control measures will be used during construction to minimize airborne dust and sedimentation within the project site and to offside areas.

**F. Impact on public facilities and services**

*Describe the number of expected residents, employees, visitors, or patrons, and the anticipated impact on public schools, police protection and fire protection. Letters from the appropriate agencies may be provided, as appropriate.*

Employees/Patrons – This shall be addressed at the time specific site plans are being submitted to the Township for approvals.

Public Schools – No residential component is planned for this development. No impact is expected on public schools.

Police & Fire Protection – The Livingston County Sheriff Department and Michigan State Police provide police protection for the area. Retail stores as proposed for this site typically have employees and security systems for loss control. No significant impact on the police/sheriff programs is anticipated because of this development.

Fire protection in Genoa Township is provided under contract with the City of Howell. Existing hydrants are located along the Grand River frontage and additional fire lines and hydrants will be provided surrounding the buildings when constructed.

The area will continue to be served by the public safety services available in the township. This development is not expected to put undue pressure on Township and County emergency services.

**G. Impact on public utilities**

*Describe the method to be used to service the development with water and sanitary sewer facilities, the method to be used to control drainage on the site and from the site, including runoff control during periods of construction. For sites serviced with sanitary sewer, calculations for pre- and post development flows shall be provided in comparison with sewer line capacity. Expected sewage rates shall be provided in comparison with sewer line capacity. Expected sewage rates shall be provided in equivalents to a single-family home. Where septic systems are proposed, documentation or permits from the Livingston County Health Department shall be provided. Other utilities serving the site shall be identified. The method of solid waste disposal shall be documented.*

Sanitary Sewers – Public sanitary sewers located within the ROW and will be extended to accommodate development of proposed buildings. Retail developments of this nature typically

have minimal flows to the sanitary sewer system, and as such no impacts on these facilities are anticipated.

Water – Public water mains located within the ROW and will be extended and looped around the buildings to accommodate development and provide fire protection. Retail developments of this nature typically have minimal water usage, and as such no impacts on these facilities are anticipated.

Utilities – Electric, telephone, gas and CATV service is available from the companies serving the area. The proposed utilities will be installed underground.

#### **H. Storage and Handling of any Hazardous Materials**

*A description of any hazardous substances expected to be used, stored or disposed of on the site. The information shall describe the type of materials location within the site and method of containment. If a proposed facility will generate between 25 or 220 pounds and 250 gallons or 2200 pounds of hazardous wastes, the facility will be a small quantity generator and subject to federal and state regulation. If the facility involves the transportation on-site treatment, storage or disposal of hazardous waste generated in quantities greater than 250 gallons or 2200 pounds, the facility will be a large quantity generator and subject to federal and state regulation. Documentation of compliance with federal and state requirements and a Pollution Incident Prevention Plan (PIPP) shall be submitted as appropriate. Any discharge of wastewater to a storm sewer, drain lake, stream or other surface water shall be documented and appropriate permits obtained from the Department of Natural Resources, Surface Water Quality Division. A detailed description of any underground storage tanks and the materials to be stored shall be documented and appropriate permits obtained from State Police Fire Marshall Division, Hazardous Materials Section. If flammable or combustible liquids are to be stored in fixed aboveground storage containers with a capacity greater than 1,100 gallons, this shall be documented and appropriate permits obtained from the State Police Fire Marshall Division. Storage of pesticide or fertilizer in quantities greater than 55 gallons or 100 pounds shall be documented and appropriate permits obtained from the Michigan Department of Agriculture, Pesticide and Plant Pest Division. All necessary permits shall be included within the appendix of the Environmental Impact Assessment.*

No hazardous materials will be used or stored at the site. No underground storage tanks are proposed. No hazardous wastewater discharge will occur into any storm sewer, drain, lake, stream or other surface body of water.

There will not be any outside storage of materials, either hazardous or non-hazardous.

#### **I. Impact on Traffic**

A complete traffic study has been prepared by others and contains information on Grand River Avenue and the proposed impact of the development.

Access to the site is from Grand River Avenue. Grand River Avenue is a county road with a 100 R.O.W. and is under the jurisdiction of the Livingston County Road Commission.

The establishment of curb cuts and driveways to public thoroughfares from the Property are currently limited and restricted for the purpose of reducing the number of turning movements to and from the Property. The property has curb cuts on Lawson Drive and one on Grand River Avenue.

**J. Special Provisions**

*General description of any deed restrictions, protective covenants, master deed or association bylaws.*

All development will be in accordance with the proposed PUD documents in place for this property. No special provisions, deed restrictions, or covenants apply to this project.

**K. Sources Used**

*A list of all sources shall be provided.*

Genoa Township, *Genoa Township Zoning Ordinance*, Adopted 1990, Amended 1997.

*Impact Statement/Impact Assessment, Genoa 24 Grand* – Prepared by Bartow & King Engineers, Inc., May 22, 2002, Revised August 23, 2002.

**L. Previous Assessments**

*Any impact assessment previously submitted relative to the site and proposed development which fulfills the above requirements (and contains current information on the site) may be submitted as the required Impact Assessment.*

A previous impact assessment was submitted to Genoa Township in May 2003.

**M. Summary and Conclusions**

Upon review of the available data for the site and surrounding area, it is the professional opinion of Weiss Properties that there are no long-term adverse environmental impacts to the area of proposed development or on adjacent areas. Overall, the property is well suited for the proposed development.



**AMENDMENT TO THE PLANNED  
UNIT DEVELOPMENT AGREEMENT**

This Amendment to the Planned Unit Development ("Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by and between **GRAND RIVER/LAWSON ASSOCIATES, LLC** ("Owner" ), **GRAND RIVER/WHITEHORSE ASSOCIATES, LLC**, ("Whitehorse") and the **TOWNSHIP OF GENOA**, a general law township corporation ("Township") whose address is 2911 Dorr Road, Brighton, Michigan 48116.

**RECITALS:**

- A. Owner and Township entered into a certain Planned Unit Development Agreement ("PUD") on October 15, 2003 as amended on June 20, 2005, governing certain property as more particularly described on the attached Exhibit A ("Property").
- B. Owner and Township wish to further amend and modify the terms of the PUD under the terms and conditions provided for herein.
- C. Whitehorse as owner of a portion of the Property hereby consents to and agrees to be bound by the terms and conditions of this Agreement.

**NOW, THEREFORE**, in consideration of the mutual covenants and promises as well as other valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

1. Exhibit C. The parties further acknowledge that additional property ("Additional Property") described on the attached Exhibit "C" was acquired at the request of the Township by the Owner which and is currently zoned industrial but is not included in PUD. Owner acknowledges that Township may adjust the zoning to the Additional Property so that it is zoned the same as the Property.

2. Exhibit B. Exhibit "B" entitled Permitted Uses of the PUD shall be deleted in its entirety and replaced with the following Exhibit B attached hereto. Any permitted use as provided in the attached Exhibit shall be subject to specific requirements as to such use in the Zoning Ordinance of Genoa Township, where applicable.

3. Section 3.3. The following sentence shall be added to the end of Section 3.3 of the PUD:

In consideration of the installation of the traffic light at the main entrance of the Property as provided for above and at the intersection of the I-96 West exit 141 exit ramp and Grand River Avenue, Owner shall be permitted to modify the limited access drive to function as a full unrestricted point of ingress and egress subject to MDOT approval.

4. Retention/Detention. Notwithstanding anything to the contrary, in the event the Property lacks detention and/or retention facilities to accommodate further development of the Property, Owner and/or Whitehorse (or their successor or assigns) shall be permitted to create additional detention/retention ponds upon the Property (including

underground facilities), subject to proper governmental approval, not to be unreasonably withheld, conditioned or delayed. The Owner/Whitehorse may propose underground stormwater detention /retention in combination with or in lieu of detention/retention ponds subject to the provisions of Genoa Ordinance 13.08.02. Stormwater facilities shall be subject to Article V of the PUD

5. Amendment of PUD. The parties hereby expressly agree that in no event shall the PUD be amended without the consent of Grand River/Lawson, LLC (or their successor or assigns), and in no event may any other party with an interest in or owning any portion of land on the Property be permitted to amend, modify or terminate the PUD with respect to the Property or any portion thereof without the prior written consent of Grand/River Lawson, LLC (or their successor or assigns) in its sole and absolute discretion. The terms of the PUD shall run with the land and shall be recorded on title to the Property with the local register of deeds.

6. Ratification and Affirmation. Except as hereby amended, the PUD shall remain unmodified and in full force and effect. The PUD, as hereby amended, shall be binding upon and inure to the benefit of Township and Owner and their respective heirs, successors and assigns.

7. Conflict of Terms. In the event that there is any conflict or inconsistency between the terms and conditions of this Agreement and the PUD, the terms and conditions of this Agreement shall control and govern.

8. Authority. Each person executing this Agreement on behalf of a party represents and warrants that it has the full power, authority, and legal right to execute and deliver this Agreement on behalf of such party and that this Agreement constitutes the legal, valid, and binding obligations of such party, its heirs, representatives, successors and assigns, enforceable against such party or parties in accordance with its terms.

IN WITNESS whereof, the parties have executed this Agreement on the dates indicated.

WITNESS:

Owner :

**GRAND RIVER/LAWSON ASSOCIATES, LLC**  
a Michigan limited liability company

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

**CORPORATE ACKNOWLEDGEMENT**

**STATE OF MICHIGAN** )  
 ) **ss.**  
**COUNTY OF OAKLAND** )

The foregoing instrument was acknowledged and executed before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_ the \_\_\_\_\_ of **GRAND RIVER/LAWSON ASSOCIATES, LLC**, a Michigan limited company on behalf of the Michigan limited liability company.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

WITNESS:

Whitehorse :

**GRAND RIVER/WHITEHORSE ASSOCIATES, LLC**, a Michigan limited liability company

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

**CORPORATE ACKNOWLEDGEMENT**

**STATE OF MICHIGAN** )  
 ) **ss.**  
**COUNTY OF OAKLAND** )

The foregoing instrument was acknowledged and executed before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_ the \_\_\_\_\_ of **GRAND RIVER/WHITEHORSE ASSOCIATES, LLC**, a Michigan limited company on behalf of the Michigan limited liability company.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

WITNESS:

Township:

**TOWNSHIP OF GENOA,**  
a general law township corporation

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF MICHIGAN )

) ss.

COUNTY OF OAKLAND )

The foregoing instrument was acknowledged and executed before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_ the \_\_\_\_\_ of **GENOA TOWNSHIP**, a general law township on behalf of said township.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF MICHIGAN )

) ss.

COUNTY OF OAKLAND )

The foregoing instrument was acknowledged and executed before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_ the \_\_\_\_\_ of **GENOA TOWNSHIP**, a general law township on behalf of said township.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Prepared By and After Recording Return To:  
Steven Samona, Esq.  
Law Office of Steven Samona  
32820 Woodward Ave, Ste 240  
Royal Oak, MI 48073  
248-565-8582

EXHIBIT A

Real Property located in the County of Livingston, Township of Genoa, State of Michigan described as:

Part of the Northeast ¼ of Section 9, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan and described as follows: Commencing at the North 1/4 corner of Section 9; thence South 89 degrees 06 minutes 45 seconds East 1170.49 feet along the North line of Section 9 (as described); thence South 10 degrees 22 minutes 00 seconds East 225.24 feet; thence South 24 degrees 46 minutes 00 seconds East 217.75 feet to a point on the West line of Sunrise Park Subdivision (as recorded in Liber 2, Page 23 of Plats, Livingston County Records); thence South 02 degrees 06 minutes 05 seconds West 257.92 feet along said West line of Sunrise Park Subdivision to the point of beginning of this description; thence continuing South 02 degrees 06 minutes 05 seconds West 501.68 feet along said West line of Sunrise Park Subdivision to a point being North 02 degrees 06 minutes 05 seconds East 80.00 feet from a plat corner; thence South 89 degrees 23 minutes 30 seconds West 315.60 feet; thence South 20 degrees 44 minutes 00 seconds West 150.00 feet to a point on the Northerly right-of-way line of Grand River Avenue (100 feet wide); thence along said Northerly right-of-way line North 61 degrees 02 minutes 30 seconds West 432.24 feet to a point on the Easterly right-of-way line of Lawson Drive (66 feet wide); thence along said Easterly right-of-way line of Lawson Drive the following 2 courses, North 19 degrees 06 minutes 45 seconds East 253.11 feet; thence 184.54 feet along an arc of a curve to the left having a radius of 1059.63 feet, a central angle of 09 degrees 58 minutes 42 seconds and a long chord bearing and distance of North 14 degrees 07 minutes 25 seconds East 184.31 feet; thence North 88 degrees 24 minutes 00 seconds East 354.40 feet; thence South 01 degree 36 minutes 00 seconds East 29.00 feet; thence North 88 degrees 24 minutes 00 seconds East 63.60 feet; thence North 01 degree 36 minutes 00 seconds West 29.00 feet; thence North 88 degrees 24 minutes 00 seconds East 219.68 feet to the point of beginning.

Now Known as:

SEC 9 T2N R5E COMM AT N 1/4 COR TH S89°06'45"E 1170.49 FT TH S10°22'00"E 225.24 FT TH S24°46'00"E 217.75 FT TH S02°06'05"W 257.92 FT FOR POB TH S02°06'05"W 501.68 FT TH S89°23'30"W 315.60 FT TH S20°44'00"W 150 FT TH N61°02'30"W 57.09 FT TH N20°44'00"E 185.69 FT TH DUE NORTH 433.30 FT TH N88°24'00"E 88.16 FT TH S01°36'00"E 29 FT TH N88°24'00"E 63.60 FT TH N01°36'00"E 29 FT TH N88°24'00"E 219.68 FT TO POB

Parcel Number: 4711-09-200-038

SEC 9 T2N R5E COMM AT N 1/4 COR TH S89°06'45"E 1170.49 FT TH S10°22'00"E 225.24 FT TH S24°46'00"E 217.75 FT TH S02°06'05"W 257.92 FT TH S88°24'00"W 219.68 FT TH S01°36'00"E 29 FT TH S88°24'00"W 63.60 FT TH N01°36'00"W 29 FT TH S88°24'00"W 88.16 FT TH DUE SOUTH 214.13 FT TH DUE WEST 92.58 FT TO POB

Parcel Number: 4711-09-200-039

SEC 9 T2N R5E COMM AT N 1/4 COR TH S89°06'45"E 1170.49 FT TH S10°22'00"E 225.24 FT TH S24°46'00"E 217.75 FT TH S02°06'05"W 257.92 FT TH S88°24'00"W 219.68 FT TH S01°36'00"E 29 FT TH S88°24'00"W 63.60 FT TH N01°36'00"W 29 FT TH S88°24'00"W 88.16 FT TH DUE SOUTH 214.13 FT TO POB TH DUE SOUTH 219.17 FT TH S20°44'00"W 185.69 FT TH N61°02'30"W 213.69 FT TH N28°57'30"E 330.72 FT TH DUE EAST 92.58 FT TO POB

Parcel Number: 4711-09-200-040

SEC 9 T2N R5E COMM AT N1/4 COR TH S89°06'45"E 1170.49 FT TH S10°22'00"E 225.24 FT TH S24°46'00"E 217.75 FT TH S02°06'05"W 257.92 FT TH S88°24'00"W 219.68 FT TH S01°36'00"E 29 FT TH S88°24'00"W 63.60 FT TH N01°36'00"W 29 FT TH S88°24'00"W 88.16 FT TO POB TH DUE SOUTH 214.13 FT TH DUE WEST 320.80 FT TH N19°06'45"E 29.60 FT TH 184.54 FT ALNG ARC OF A CURVE LEFT CHORD BEARING N14°07'25"E 184.31 FT TH N88°24'00"E 266.24 FT TO POB ALSO COMM AT N1/4 COR TH S89°06'45"E 654.21 FT TH S89°06'45"E 516.28 FT TH S10°22'00"E 225.24 FT TH S24°46'00"E 217.75 FT TH S02°06'05"W 257.92 FT TH S88°24'00"W 219.68 FT TH S01°36'00"E 29 FT TH S88°24'00"W 63.60 FT TH N01°36'00"W 29 FT TH S88°24'00"W 204.26 FT TO POB TH N46°15'18"W 57.43 FT TH N59°59'29"W 34.69 FT TH N73°43'39"W 71.55 FT TH ALONG ARC OF A CURVE RIGHT CHORD BEARING S06°55'12"W 81.90 FT TH N88°24'00"E 150.14 FT TO POB EXCLUDING THE FOLLOWING

PART OF THE NORTHWEST 1/4 OF SECTION 9, T2N-R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN. COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 9; THENCE S89°06'45"E, 1170.45 FEET ALONG THE NORTH LINE OF SECTION 9 (AS RECORDED); THENCE S10°22'00"E, 225.24 FEET; THENCE S24°46'00"E, 217.75 FEET TO A POINT ON THE WEST LINE OF "SUNRISE PARK SUBDIVISION" (AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS); THENCE S02°06'05"W, 257.92 FEET ALONG SAID WEST LINE OF "SUNRISE PARK SUBDIVISION"; THENCE S88°24'00"W, 219.68 FEET; THENCE S01°36'00"E, 29.00 FEET; THENCE S88°24'00"W, 63.60 FEET; THENCE N01°36'00"W, 29.00 FEET; THENCE S88°24'00"W, 116.16 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING S88°24'00"W 150.08 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF LAWSON DRIVE (66 FEET WIDE); THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF LAWSON DRIVE ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1059.63 FEET, A CENTRAL ANGLE OF 04°25'45" AND A LONG CHORD BEARING AND DISTANCE OF N06°55'10"E, 81.90 FEET; THENCE S73°43'39"E, 71.55 FEET; THENCE S59°59'29"E, 34.69 FEET; S46°15'18"E, 57.43 FEET THENCE TO THE PLACE OF BEGINNING, CONTAINING 7516 SQUARE FEET OF LAND, MORE OR LESS.

**EXHIBIT B**  
**PERMITTED USES**

a. Retail establishments and shopping centers (subject to Section 2.5 of this Agreement to which this Exhibit "B" is attached) which may provide goods and services such as but not limited to fruit markets; bakery goods including bakery items produced on the premises; groceries; meats provided no slaughtering shall take place on the premises; auto parts; seafood; dairy products; appliances; furniture and home furnishings; apparel; art galleries; drugs and pharmacy products; home improvement items; hardware and garden supplies; sporting goods; bicycles; toys; hobby crafts; rental and sales of videos; music; musical instruments; movie theaters; recorded music; books, computer and software sales and similar establishments not specifically addressed elsewhere.

b. Personal and business service establishments performing services on the premises, including but not limited to flower shops, greeting card shops, photographic studios, dry cleaning drop off stations (without on site processing); fitness centers; copy centers; mailing centers; data processing centers; dressmakers and tailors; shoe repair shops; tanning salons; beauty parlors; barber shops, and similar establishments.

c. Banks and credit unions, savings and loan establishments and similar financial institutions with up to Four (4) drive through teller windows and/or automated teller machine windows.

d. Banquet/assembly halls or other similar places of assembly including but not limited to private clubs, fraternal order halls, lodge halls or similar.

e. Hotels/motels including accessory convention/meeting facilities and restaurants. Hotels/motels not to exceed 125 rooms each.

f. Business services such as but not limited to mailing, copying, and data processing.

g. Child Care centers, preschool and commercial day care centers provided that each child cared for there shall be provided and maintained a minimum of thirty-five (35) square feet of building area per child and fifty (50) square feet of building area per infant or as shall be required by the licensing rules of the State of Michigan for child care centers now in effect. In addition, there shall be an outdoor play area with a minimum plat area of six thousand (6,000) square feet. The required play area shall be fenced and screened from any abutting residential district. The Planning Commission may reduce the required play area in consideration of care denoted to infants.

h. Commercial schools and studios for photography, beauty and hair care, art, dance, music, theater, ballet, martial arts, etc.

i. Convenience stores with or without gasoline sales, which may include the sale of beer, wine, and/or liquor, provided only one gasoline service station is permitted and such shall be subject to Section 7.1 of the PUD and the special land use restrictions provided for in Section 7.02.02(k) of the Township Zoning Ordinance.

j. Health clubs, fitness centers, gyms, and aerobic clubs.

k. Public/government buildings.

l. Professional offices or medical offices of doctors, dentists, optometrists, chiropractors, psychiatrists, psychologists, and similar professions including clinics, medical care centers and urgent care stations.

m. Professional offices of including lawyers, architects, engineers, insurance agents, real estate agents, financial consultants, accountants, bookkeepers, and similar or allied professions.

n. Restaurants, taverns and other places servicing food or beverages including those providing live entertainment restaurants (provided the foregoing shall not permit concerts, or regular live entertainment as a primary business but only be incidental part of a business), outdoor seating and drive up windows. The foregoing



may include up to two (2) drive through restaurants with drive through facilities and/or pick up window; provided such drive through facilities provide adequate stacking within the development site (including internal roads within said development). In addition to the foregoing, additional restaurants, taverns and other places servicing food or beverages with drive through facilities and/or pick up window shall be permitted on the property; provided each such additional establishment shall be subject to the special land use restrictions provided for in Section 7.02.02(j) of the Township Zoning Ordinance, excepting item #2, and such provide adequate stacking within the development site (including internal roads within said development).

- o. Vocational and technical training facilities.
- p. Essential public services and buildings.
- q. All uses permitted by right or special land use in the Neighborhood Services District and/or the Office Services District.
- r. Auto repair establishments (provided unless part of an automobile dealership, the establishment shall be limited to maintenance and minor repairs only, including but not limited to oil change, tire and brake service audio, telephone and alarm installation, etc.).
- s. Conference Centers.
- t. Professional offices over 55,000 square feet of gross floor area and medical offices over 40,000 square feet of gross floor area.
- u. Recreational (indoor) such as bowling alleys skating rinks, arcades, archery, indoor golf or softball, and any combination of the foregoing which may include restaurant, bars, concession stands, games, etc.
- v. Pharmacy, drug store or convenience store which may contain drive through facilities, which may or may not sell beer, wine, and/or liquor; provided alcoholic beverages shall not be delivered to customers through drive through facilities, provided such drive through facilities provide adequate stacking within the development site (including internal roads within said development) . Other accessory drive through service other than pharmacy, drug store or convenience stores, restaurants, and banks shall be permitted provided such shall be subject to the special land use restrictions provided for in Section 7.02.02(b) of the Township Zoning Ordinance.
- w. Mini and/or self storage warehouse - indoors, subject to subject to Section 8.02.02(j)of the Genoa Township Zoning Ordinance.
- x. Automobile (including motorcycle) sales and lease, new and used, and car rental with automobile (including motorcycle) sales and leasing subject however to special land use restrictions as provided for under Section 7.02.02(c) of the Genoa Township Zoning Ordinance, and car rental subject to special land use approval.
- y. Accessory uses, building, and structures customarily incidental to any of the above uses as defined in Section 25.02 of the Genoa Township Zoning Ordinance shall be permitted except the accessory storage of hazardous materials shall require a separate Special Land use permit.
- z. Similar uses of the same nature or class as these listed herein as reasonably determined by the Planning Commission based on the standards of Section 11.02 of the Genoa Township Zoning Ordinance.

**EXHIBIT C**  
**ADDITIONAL PROPERTY**

Real Property located in the County of Livingston, Township of Genoa, State of Michigan described as:

PART OF THE NORTHWEST 1/4 OF SECTION 9, T2N-R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN. COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 9; THENCE S89°06'45"E, 1170.45 FEET ALONG THE NORTH LINE OF SECTION 9 (AS RECORDED); THENCE S10°22'00"E, 225.24 FEET; THENCE S24°46'00"E, 217.75 FEET TO A POINT ON THE WEST LINE OF "SUNRISE PARK SUBDIVISION" (AS RECORDED IN LIBER 2 OF PLATS, PAGE 23, LIVINGSTON COUNTY RECORDS); THENCE S02°06'05"W, 257.92 FEET ALONG SAID WEST LINE OF "SUNRISE PARK SUBDIVISION"; THENCE S88°24'00"W, 219.68 FEET; THENCE S01°36'00"E, 29.00 FEET; THENCE S88°24'00"W, 63.60 FEET; THENCE N01°36'00"W, 29.00 FEET; THENCE S88°24'00"W, 116.16 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING S88°24'00"W 150.08 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF LAWSON DRIVE (66 FEET WIDE); THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF LAWSON DRIVE ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1059.63 FEET, A CENTRAL ANGLE OF 04°25'45" AND A LONG CHORD BEARING AND DISTANCE OF N06°55'10"E, 81.90 FEET; THENCE S73°43'39"E, 71.55 FEET; THENCE S59°59'29"E, 34.69 FEET; S46°15'18"E, 57.43 FEET THENCE TO THE PLACE OF BEGINNING, CONTAINING 7516 SQUARE FEET OF LAND, MORE OR LESS.

**EXHIBIT B**  
**PERMITTED USES**

a. Retail establishments and shopping centers (subject to Section 2.5 of this Agreement to which this Exhibit "B" is attached) which may provide goods and services such as but not limited to fruit markets; bakery goods including bakery items produced on the premises; groceries; meats provided no slaughtering shall take place on the premises; auto parts; seafood; dairy products; appliances; furniture and home furnishings; apparel; art galleries; drugs and pharmacy products; home improvement items; hardware and garden supplies; sporting goods; bicycles; toys; hobby crafts; rental and sales of videos; music; musical instruments; movie theaters; recorded music; books, computer and software sales and similar establishments not specifically addressed elsewhere.

b. Personal and business service establishments performing services on the premises, including but not limited to flower shops, greeting card shops, photographic studios, dry cleaning drop off stations (without on site processing); fitness centers; copy centers; mailing centers; data processing centers; dressmakers and tailors; shoe repair shops; tanning salons; beauty parlors; barber shops, and similar establishments.

c. Banks and credit unions, savings and loan establishments and similar financial institutions with up to Four (4) drive through teller windows and/or automated teller machine windows.

d. Banquet/assembly halls or other similar places of assembly including but not limited to private clubs, fraternal order halls, lodge halls or similar.

e. Hotels/motels including accessory convention/meeting facilities and restaurants. Hotels/motels not to exceed 125 rooms each.

f. Business services such as but not limited to mailing, copying, and data processing.

g. Child Care centers, preschool and commercial day care centers provided that each child cared for there shall be provided and maintained a minimum of thirty-five (35) square feet of building area per child and fifty (50) square feet of building area per infant or as shall be required by the licensing rules of the State of Michigan for child care centers now in effect. In addition, there shall be an outdoor play area with a minimum plat area of six thousand (6,000) square feet. The required play area shall be fenced and screened from any abutting residential district. The Planning Commission may reduce the required play area in consideration of care denoted to infants.

h. Commercial schools and studios for photography, beauty and hair care, art, dance, music, theater, ballet, martial arts, etc.

i. Convenience stores with or without gasoline sales- , which may include the sale of beer, wine, and/or liquor, provided only one gasoline service station is permitted and such shall be subject to Section 7.1 of the PUD and the special land use restrictions provided for in Section 7.02.02(k) of the Township Zoning Ordinance.

j. Health clubs, fitness centers, gyms, and aerobic clubs.

k. Public/government buildings.

l. Professional offices or medical offices of doctors, dentists, optometrists, chiropractors, psychiatrists, psychologists, and similar professions including clinics, medical care centers and urgent care stations.

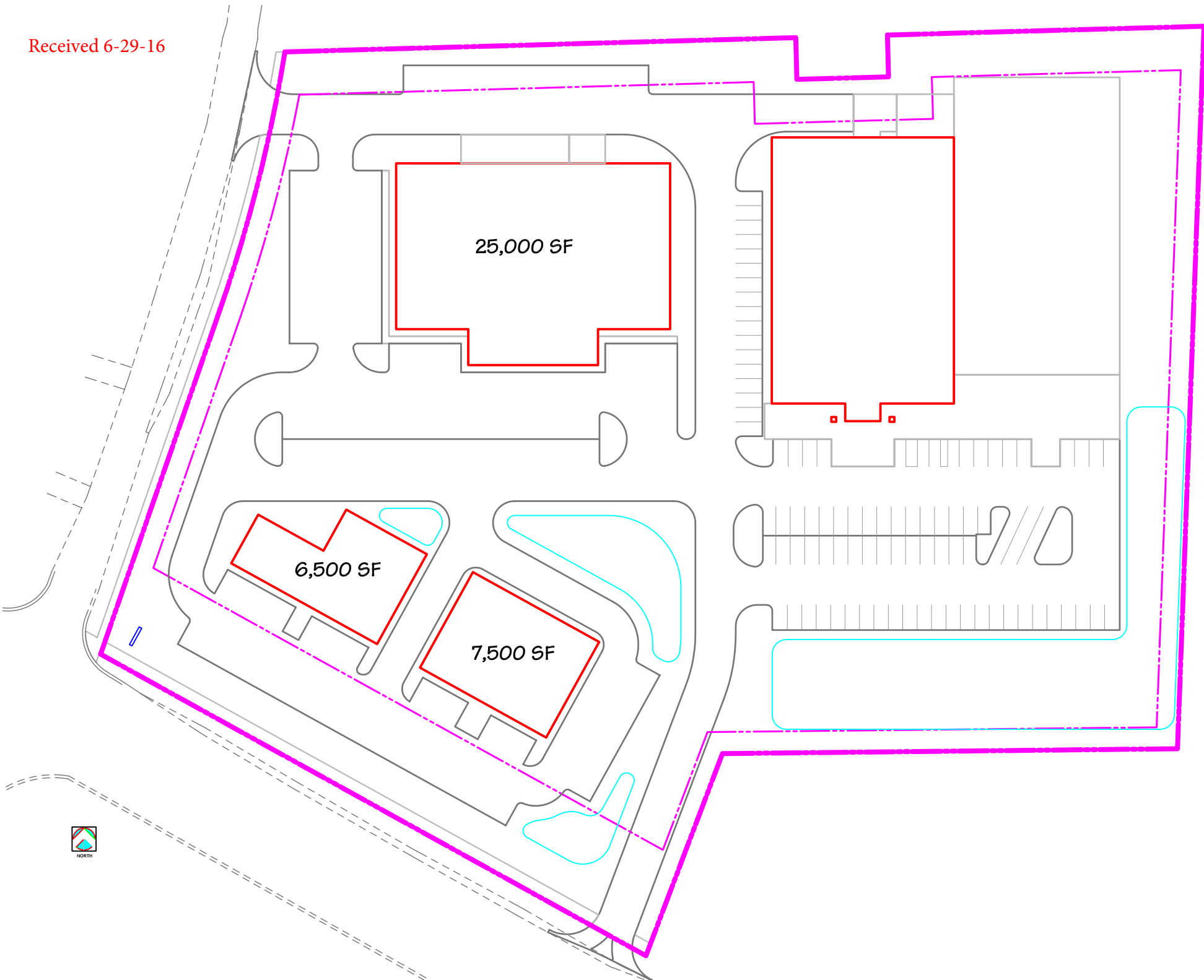
m. Professional offices ~~of~~ including lawyers, architects, engineers, insurance agents, real estate agents, financial consultants, accountants, bookkeepers, and similar or allied professions.

n. Restaurants, taverns and other places servicing food or beverages including those providing live entertainment restaurants -(provided the foregoing shall not permit concerts, or regular live entertainment as a

primary business but only be incidental part of a business), outdoor seating and drive up windows, but excluding. The foregoing may include up to two (2) drive through restaurants with drive through facilities and/or pick up window; provided such drive through facilities provide adequate stacking within the development site (including internal roads within said development). In addition to the foregoing, additional restaurants, taverns and other places servicing food or beverages with drive through facilities and/or pick up window shall be permitted on the property; provided each such additional establishment shall be subject to the special land use restrictions provided for in Section 7.02.02(j) of the Township Zoning Ordinance, excepting item #2, and such provide adequate stacking within the development site (including internal roads within said development).

- o. Vocational and technical training facilities.
- p. Essential public services and buildings.
- q. All uses permitted by right or special land use in the Neighborhood Services District and/or the Office Services District.
- r. Auto repair establishments (provided unless part of an automobile dealership, the establishment shall be limited to maintenance and minor repairs only, including but not limited to oil change, tire and brake service audio, telephone and alarm installation, etc.).
- s. Conference Centers.
- t. Professional offices over 55,000 square feet of gross floor area and medical offices over 40,000 square feet of gross floor area.
- u. Recreational (indoor) such as bowling alleys, ~~bowling alleys~~ skating rinks, arcades, archery, indoor golf or softball, and any combination of the foregoing which may include restaurant, bars, concession stands, games, etc.
- ~~v.~~ v. Pharmacy, drug store or convenience store which may contain drive through facilities, which may or may not sell beer, wine, and/or liquor; provided alcoholic beverages shall not be delivered to customers through drive through facilities, provided such drive through facilities provide adequate stacking within the development site (including internal roads within said development) . Other accessory drive through service other than pharmacy, drug store or convenience stores, restaurants, and banks shall be permitted provided such shall be subject to the special land use restrictions provided for in Section 7.02.02(b) of the Township Zoning Ordinance.
- w. Mini and/or self storage warehouse - indoors, subject to subject to Section 8.02.02(j) of the Genoa Township Zoning Ordinance.
- x. Automobile (including motorcycle) sales and lease, new and used, and car rental with automobile (including motorcycle) sales and leasing subject however to special land use restrictions as provided for under Section 7.02.02(c) of the Genoa Township Zoning Ordinance, and car rental subject to special land use approval.
- y. Accessory uses, building, and structures customarily incidental to any of the above uses ~~and as~~ defined in Article 3, General Provisions, Sections 3.31-3.36 Section 25.02 of the Genoa Township Zoning Ordinance shall be permitted except the accessory storage of hazardous materials shall require a separate Special Land use permit.
- ~~wz.~~ Similar uses of the same nature or class as these listed herein as reasonably determined by the Planning Commission based on the ~~Standards~~ standards of Section ~~3-05~~ 11.02 of the Genoa Township Zoning Ordinance.

Received 6-29-16



NORTH

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
July 11, 2016  
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 Chairman Doug Brown, Barbara Figurski, James Mortensen, Chris Grajek, and Eric Rauch. Absent were Diana Lowe and John McManus. Also present was Kelly VanMarter, Community Development Director/Assistant Township Manager, Brian Borden of LSL Planning, Gary Markstrom of Tetra Tech, and an audience of 15.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA: **Moved** by Commissioner Figurski, seconded by Commissioner Mortensen, to approve the agenda as presented. **The motion carried unanimously.**

CALL TO THE PUBLIC: The call to the public was made at 6:32 pm with no response.

OLD BUSINESS:

**OPEN PUBLIC HEARING #1...**Review of special use applications, impact assessment, and site plan for proposed 9,200 square foot contractor's office, warehouse, and storage yard. Special land use approvals are requested for outdoor storage, storage of hazardous materials, and grading activities within 25 feet of natural features setback. The property is located on the east side of Victory Drive, south of Grand River Avenue, on vacant Parcel #11-05-303-025. The request is petitioned by Seaside Seawalls.

Planning Commission Disposition of Petition:

- A. Recommendation of Special Use Application – Outdoor Storage
- B. Recommendation of Special Use Application – Storage of Hazardous Materials
- C. Recommendation of Impact Assessment (6-22-16)
- D. Recommendation of Site Plan (6-22-16)

Mr. Aaron Wallace of Seaside Seawalls and Brent LaVanway, of Boss Engineering were present.

Mr. LaVanway stated they feel they have addressed the items noted at last month's Planning Commission meeting. The architect did not have time to revise the note on the plans to state "display area / waiting room". Also, the emergency spillway details have not been added on the site plan yet. They agree to the additional plantings as requested by the planner.

He described the outdoor storage area. They will have a Dumpster, material that will be stored in bins, fuel storage, and a parking area for vehicles to park while fueling. They have added a narrative to Sheet #3 to explain the material and fuel storage.

Chairman Brown does not feel that the "No Exposure" form that was submitted satisfies the requirement of submitting a PIP plan. This is a requirement of the Township. Mr. Borden agrees. Mr. Wallace stated that he contacted an environmental consultant who wanted to charge \$4,000 to develop a PIP plan and advised that the "No Exposure" form he submitted could be used. Ms. VanMarter stated there is a section of the ordinance that explains what items need to be included in the PIP plan. Mr. Borden stated that there is no professional certification need for a PIP plan. He believes this is something that the applicant can complete himself as much of the information he has already submitted can be used to answer the questions noted in the ordinance section cited by Ms. VanMarter.

Mr. Borden has no other outstanding items.

Mr. Markstrom stated all of his outstanding items have been addressed.

Chairman Brown noted there is still information needed by the Brighton Area Fire Authority. Mr. LaVanway stated this information has been included in the narrative on the site plan; however, he will follow up with the Fire Authority.

The call to the public was made at 6:55 pm with no response.

**Moved** by Commissioner Mortensen, seconded by Commissioner Figurski, to recommend to the Township Board approval of the Special Use Application for outdoor storage for Seaside Seawalls with the following conditions:

- The outdoor storage will be consistent with the ordinance in terms of the height permitted above the screening.
- Approval by the Township Board of the Site Plan and Impact Assessment.

This motion is made because outdoor storage is consistent with Section 19.02 of the Township Ordinance and consistent with activity at the nearby properties in the industrial zone.

**The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Special Use Application for storage of hazardous materials as depicted on the Site Plan for Seaside Seawalls with the following conditions:

- A PIP Plan shall be prepared as required by Township Ordinance prior to submission to the Township Board and subject to review and approval by Township Staff.
- Approval by the Township Board of the Site Plan and Impact Assessment.

This motion is made because outdoor storage is consistent with Section 19.02 of the Township Ordinance and consistent with activity at the nearby properties in the industrial zone.

**The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Rauch, to recommend to the Township Board approval of the Special Use Application for grading within 25 feet of natural features setback with the following conditions:

- The area that is graded will be returned to its natural condition.
- Approval by the Township Board of the Impact Assessment and Site Plan.

This motion is made because outdoor storage is consistent with Section 19.02 of the Township Ordinance and consistent with activity at the nearby properties in the industrial zone.

**The motion carried unanimously.**

**Moved** by Commissioner Grajek, seconded by Commissioner Mortensen, to recommend to the Township Board approval of the Impact Assessment with a revision date of 6/22/16 for Seaside Seawalls. **The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Figurski, to approve the Site Plan dated 6/22/16 for Seaside Seawalls with the following conditions:

- The following open items can be written on the Site Plan for review and approval by Township Staff prior to submission to the Township Board.
  - Indication of "Showroom and Customer Waiting Room"
  - Two emergency spillway locations on Sheet #4
- Shrubbery will be added as requested by LSL Planning with review and approval by Township Staff prior to submission to the Township Board.
- The colors and materials as presented in the rendering this evening are acceptable to the Planning Commission and will become the property of the Township.
- Any signs proposed will require a sign permit prior to installation.
- The requirements of the Brighton Area Fire Authority's letter dated 6/29/16 shall be complied with.
- Approval by the Township Board of the Special Use Applications and Impact Assessment.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING #2...** Review rezoning application and impact assessment to rezone approximately 64 acres from RR and PRF to CE for the following parcels: #11-12-100-007, 008, 010, 011, 012, 013. The parcels are located on the east side of Euler Road, south of McClements Road, Brighton. The request is petitioned by Joyce Oliveto.

Planning Commission Disposition of Petition:

- A. Recommendation of Rezoning
- B. Recommendation of Impact Assessment (6-22-16)

Ms. Joyce Oliveto, the property owner, and Mr. Brent LaVanway of Boss Engineering were present. Mr. LaVanway stated there are five parcels, totaling 64 acres, that they would like to be rezoned. One parcel is zoned RR and the other four are zoned PRF. The purpose of this request is the ability to have horses on these parcels and that is only allowed in the CE zoning district.

Mr. Borden stated that the RR zoned property is currently consistent with the Master Plan; however, the PRF zoned properties are not. They are master planned for 2 acre



parcels and CE is five acres so the impact would potentially be less, but in the CE zoning, the keeping of horses as well as some agricultural uses that are permitted could be impactful to nearby single-family residences.

Commissioner Mortensen feels this zoning is a natural progression of zoning in this area. Additionally, there is CE zoning to this south of these parcels.

Ms. VanMarter advised that the owner of Parcel C would like to be included in the rezoning; however, it would need to be done separately because it was not included in this application and was not in the public notice. If the Planning Commission would like to include Parcel C in this application, then it would need to be tabled this evening and then resubmitted. Otherwise, the owner of Parcel C would need to submit his own application.

Ms. Oliveto stated she would like to move forward with her application as it is this evening.

Mr. Markstrom did not find any engineering issues regarding site drainage or water and sewer utilities that would arise from this change in zoning.

Chairman Brown stated that the Brighton Area Fire Authority has no issues with the rezoning.

The call to the public was made at 7:23 pm.

Mr. Rob Russell, whose home is directly adjacent to Parcel F, is concerned with the odor that can be caused by horses. It can spill onto his property and affect his property values. Commissioner Grajek noted that there is currently CE zoning to the south of the properties that are requesting to be rezoned. Ms. VanMarter stated there is a large wetland close to the lot line so no activity would be able to be done within 25 feet of it as it is a protected wetland by the DEQ. She noted that there are also regulations by the State to ensure that these types of uses do not negatively affect neighboring properties.

The call to the public was closed at 7:33 pm.

**Moved** by Commissioner Mortensen, seconded by Commissioner Rauch, to recommend to the Township Board approval of the rezoning of the properties depicted on the site plan with a revision date of 6/27/16 from PRF and RR to CE. This recommendation is made because the Planning Commission finds that it is consistent with the property to the south and further to the north of the subject properties. **The motion carried unanimously.**

**Moved** by Commissioner Figurski, seconded by Commissioner Mortensen, to recommend to the Township Board approval of the Impact Assessment dated 6/22/16 conditioned upon Township Board approval of the rezoning. **The motion carried unanimously.**

**OPEN PUBLIC HEARING #3...**Review of an impact assessment and site plan for a proposed parking lot expansion and carport structure located at the rear of the

Livingston County complex located at 2300 E. Grand River, Howell. The request is petitioned by Livingston County Building Department.

Planning Commissioner Disposition of Petition:

- A. Recommendation of Impact Assessment (6-1-16)
- B. Disposition of Site Plan (6-22-16)

Mr. Brent LaVanway of Boss Engineering, and Mr. Rick Swanson, the Deputy Building Official, were present.

Mr. LaVanway stated they are proposing a small expansion to the rear of the complex, consisting of 24 spaces with carports. They will mill and resurface the parking lot and update the lighting to LED. They will also be removing 400 feet of the six-foot wooden privacy fence and replacing it with eight-foot vinyl fencing. They presented samples of the material proposed for the carport.

Mr. Borden reviewed his letter dated 9/29/16. He would like to see calculations for the number of parking spaces because if it is over the 120% allowed, it will need Planning Commission approval. Mr. Swanson stated the additional parking is definitely needed at this complex. Mr. LaVanway stated the required parking is 340 spaces and they currently have 430, which is already in excess of the 120%. Commissioner Mortensen stated that if the applicant feels they need the parking, it should be approved.

The proposed Dumpster is located within an easement; however, the applicant has stated they have received approval from the Livingston County Drain Commissioner for it to be placed here. Mr. Markstrom stated that there is a force main in this area and he wants to ensure that when installing the foundations for the Dumpster pad, they are not hit. He suggested relocating the enclosure somewhere out of the easement. Mr. Swanson stated he will address this to see if it can be relocated.

The call to the public was made at 7:52 pm with no response.

**Moved** by Commissioner Figurski, seconded by Commissioner Rauch, to recommend to the Township Board approval of the Impact Assessment dated 6/1/16 for the Livingston County Building Department for 24 parking spaces, including carports. **The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Grajek, to approve the Site Plan dated 6/22/16 for a parking expansion for the Livingston County East Complex with the following conditions:

- The colored renderings submitted this evening are acceptable and will become the property of the Township.
- The parking, while more than 20% in excess of the Township Ordinance, is deemed to be appropriate due to the nature and intentions of the business conducted on the site by the County.
- The location of the Dumpster will be subject to further review and approval by the Township Engineer prior to the issuance of a Land Use Permit.

- The petitioner will provide to Township Staff a copy of the approval from the Genoa Oceola Sewer and Water Authority for the placement of the Dumpster enclosure if it is not relocated.
- The issues raised in the Brighton Area Fire Authority's letter of 6/28/16 shall be complied with.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING #4...** Review of an impact assessment and site plan for a parking lot addition for new vehicle parking at the existing Bob Maxey Ford located at 2798 E. Grand River, Howell. The request is petitioned by SRM Associates, LLC.

Planning Commission Disposition of Petition:

- A. Recommendation of Impact Assessment (6-22-16)
- B. Disposition of Site Plan (6-22-16)

Mr. Mike Maxey was present. They would like to expand their parking lot to the west on undeveloped property to have more new-car inventory on site. It is proposed to be gravel.

Mr. Borden reviewed his letter of 6/30/16. This is an opportunity for the Planning Commission to require additional improvements on the site.

He wanted to advise the applicant that they are approaching the maximum impervious surface coverage allowed for this site.

He would like more details to ensure that the buffer zone requirements to the south, north, and west of the site are met. He is suggesting a screen wall to the north and west of the property. Mr. Maxey presented pictures showing the existing vegetation and landscaping to the south. Mr. Borden feels this is sufficient. With regard to the screening to the north and west, Mr. Maxey stated he will be putting new cars in this area so he does not want to put up a fence or wall as he would like to show his inventory. Additionally, he showed pictures of the condition of the rear of the property to the west. He does not want to spend a lot of money on landscaping in this area. Commissioners Mortensen and Grajek agree.

Mr. Markstrom stated that the parking lot is draining into a fore bay and could cause erosion problems for the applicant. He has no other outstanding issues.

Mr. Maxey advised he will address the issues of the Brighton Area Fire Authority's letter dated 6/28/16.

The call to the public was made at 8:23 pm with no response.

**Moved** by Commissioner Figurski, seconded by Commissioner Mortensen, to recommend to the Township Board approval of the Impact Assessment dated 6/22/16 for Bob Maxey Ford with the following conditions:

- The number of parking spaces should be changed from 146 to 141.
- The Township Board shall approve a gravel parking lot and approval of the Impact Assessment is tied to the Board's approval of the Site Plan.

**The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Grajek, to approve the Site Plan for a parking lot addition for Bob Maxey Ford dated 6/22/16 with the following conditions:

- Acknowledgement by the petitioner that the site is approaching the maximum impervious surface coverage allowed on this site.
- The Planning Commission finds that the buffer zone requirements for the north, west, and south areas are already sufficiently covered with natural and otherwise plantings.
- The Site Plan depicts 141 spaces, which the Planning Commission has determined to be accurate.
- The petitioner will consult with the Township Engineer regarding potential erosion on the south side of the parking lot.
- The requirements of the Brighton Area Fire Authority's letter dated 6/28/16 shall be complied with.
- Township Board approval of the gravel parking lot as depicted on the site plan.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING #5...** Review of an impact assessment and site plan for the proposed construction of a new 9,600 sq. ft. showroom and an 11,750 sq. ft. storage building for the existing Wilson Marine located at 5866 Grand River, Howell. The request is petitioned by Wilson Marine.

Mr. Brent LaVanway of Boss Engineering, Mr. Kevin Wetzel, the general contractor, and Mr. Ron Wilson, owner of Wilson Marine, were present.

They are proposing two new buildings on the site. They showed the site plan and colored renderings. Mr. Wetzel stated the materials on the new buildings will match the existing ones.

Mr. Borden noted that there are four separate parcels for this site and they are in two separate districts so part of the proposals are under discretion of the Planning Commission and the other part must be approved by the Township Board.

Mr. Wilson requested to be allowed to plant low-growing plants and shrubs and not trees as they can be a problem when storing boats. Mr. LaVanway stated they are going to be adding a sidewalk along Grand River and are proposing to add shrubs and perennials between the sidewalk and the building. Chairman Brown would like to see landscaping on the outside of the site and not the interior. He agrees with what is being proposed for Grand River, but asked if landscaping can be added at the intersection of Sterling Drive and Dorr Road.

Mr. Markstrom has no outstanding issues.

The call to the public was made at 8:50 pm with no response.

**Moved** by Commissioner Figurski, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Impact Assessment received 6/27/16 for a 9,600

sq. ft. showroom and an 11,750 sq. ft. storage building for Wilson Marine. **The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Figurski, to approve the Site Plan for an 11,750 sq. ft. storage building on the south side of the site for Wilson Marine with the following conditions:

- The elevation colors, materials, and renderings are approved and will become the property of the Township.
- The applicant will add additional low-lying shrubbery plantings at Sterling Drive and the driveway to the service entrance with review and approval by Township Staff.

**The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Rauch, to recommend to the Township Board approval of the Site Plan for a 9,600 sq. ft. showroom on the south side of the site for Wilson Marine with the following conditions:

- The elevation colors, materials, renderings and building configuration on the site are recommended for approval, even though they are inconsistent with the TSO zoning.
- Additional landscaping of low-lying shrubs will be planted in the northeast part of the site with review and approval by Township Staff prior to submission to the Township Board

This recommendation is made because the site has long been under its present use and there are no immediate plans to change it to the Town Center Overlay District.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING #6...** Review of sketch plan for a proposed 1,200 sq. ft. storage building for the existing Brighton Church of Nazarene located at 7669 Brighton Road, Brighton. The request is petitioned by Brighton Nazarene Church.

Planning Commission Disposition of Petition:

A. Disposition of Sketch Plan (6-22-16)

Mr. Brent LaVanway of Boss Engineering and Mr. Al Herndon of Brighton Nazarene Church were present.

Mr. LaVanway stated they are proposing an accessory building on the back/west part of the site to store the church's van. He showed samples of the building materials, which will match the existing parsonage.

Mr. Borden has no outstanding issues.

Mr. Markstrom has no outstanding issues.

Commissioner Grajek would like to ensure that all of the plantings that were required with the applicant's previous approvals have been installed. Ms. VanMarter stated all of the requirements of previous approvals have been complied with; however, she can do a site visit to ensure the landscaping is still in compliance.

The call to the public was made at 9:08 pm with no response.

**Moved** by Commissioner Mortensen, seconded by Commissioner Grajek, to approve the sketch plan dated 6/22/16 for a storage building by Brighton Nazarene Church with the following conditions:

- Township Staff shall review the site for past approval compliance and any deficiencies will be complied with prior to land use approval.
- The items outlined in the Brighton Area Fire Authority's 6/29/16 letter shall be complied with.

**The motion carried unanimously.**

**Administrative Business:**

- Staff Report

Ms. VanMarter stated there will be two items on next month's agenda.

- Approval of the June 13, 2016 Planning Commission meeting minutes

**Moved** by Commissioner Figurski, seconded by Commissioner Mortensen, to approve the minutes of the June 13, 2016 Planning Commission Meeting as presented. **The motion carried unanimously.**

- Member Discussion:

Commissioner Figurski stated the updates done on the Chem Trend building are very nice.

- Adjournment

**Moved** by Commissioner Grajek, seconded by Commissioner Figurski, to adjourn the meeting at 9:16 pm. **The motion carried unanimously.**