

GENOA CHARTER TOWNSHIP BOARD
Regular Meeting
September 6, 2016
6:30 p.m.

AGENDA

Call to Order:

Pledge of Allegiance:

Call to the Public (Public comment will be limited to two minutes per person)*:

Approval of Consent Agenda:

1. Payment of Bills.
2. Request to Approve Minutes: August 15, 2016

Approval of Regular Agenda:

3. Request for approval of Consent and Waiver of contract from Duncan Disposal Systems to Rizzo Environmental Services for Township refuse collection and recycling.
4. Request for approval of a rezoning (Ordinance Z-16-02) involving approximately 63.4 acres located at the southeast corner of Euler Road and McClements Road. The requested rezoning is from Rural Residential (RR) and Public Recreation Facilities (PRF) to Country Estates (CE). The request is petitioned by Joyce Oliveto.
 - A. Call to the Public
 - B. Disposition of Rezoning Ordinance Z-16-02 (Roll Call Vote)
5. Request for approval 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 south side of Grand River Avenue, west of I-96 exit 141, in Howell. The request is petitioned by Genoa Outlots, LLC.
 - A. Disposition of amendment to the PUD Agreement (8-22-16)
 - B. Disposition of Impact Assessment (8-22-16)
 - C. Disposition of Conceptual PUD Plan (6-29-16)
6. Request for approval 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.
 - A. Disposition of amendment to the PUD Agreement (8-22-16)
 - B. Disposition of Impact Assessment (8-22-16)
 - C. Disposition of Conceptual PUD Plan (6-29-16)
- 7.. Consideration of a request from the Howell Area Parks and Recreation Authority for approval of Resolution #160916 [continuation of the Howell Area Parks and Recreation Authority].
8. Request to enter into closed session to discuss pending litigation pursuant to MCL 15.268 § 8 (e).

Correspondence
Member Discussion
Adjournment

***Citizen's Comments-** In addition to providing the public with an opportunity to address the Township Board at the beginning of the meeting, opportunity to comment on individual agenda items may be offered by the Chairman as they are presented.

CHECK REGISTERS FOR TOWNSHIP BOARD MEETING

DATE: September 6, 2016

TOWNSHIP GENERAL EXPENSES: Thru September 6, 2016	\$182,659.62
August 26, 2016 Bi Weekly Payroll	\$81,504.11
September 1, 2016 Monthly Payroll	\$11,402.33
OPERATING EXPENSES: Thru September 6, 2016	\$25,558.30
TOTAL:	<u>\$301,124.36</u>

Check Number	Vendor No	Vendor Name	Check Date	Check Amount
33053	COOPERST	Cooper's Turf Management LLC	08/11/2016	1,572.00
33054	MichMuni	Michigan Municipal Risk Mgmt A	08/11/2016	26,268.70
33055	Absol	Absolute Pest Control	08/18/2016	205.00
33056	ATT& IL	AT&T	08/18/2016	177.55
33057	BLUE CRO	Blue Cross & Blue Shield Of Mi	08/18/2016	30,374.55
33058	BullsEye	BullsEye Telecom	08/18/2016	359.26
33059	COOPERST	Cooper's Turf Management LLC	08/18/2016	1,117.00
33060	DTE LAKE	DTE Energy	08/18/2016	1,146.64
33061	Duncan	Duncan Disposal Systems	08/18/2016	79,302.30
33062	Election	Election Systems & Software	08/18/2016	33.00
33063	GENOA UT	Genoa Twp Public Utilities	08/18/2016	403.52
33064	LIVCP&A	Livingston Press & Argus	08/18/2016	625.00
33065	PFEFFER	Pfeffer, Hanniford, Palka	08/18/2016	3,275.00
33066	PRINTING	Printing Systems	08/18/2016	39.85
33067	TRI COUN	Tri County Supply, Inc.	08/18/2016	483.05
33068	USBNA	US Bank, N.A.	08/18/2016	2,112.49
33069	VERIZONW	Verizon Wireless	08/18/2016	680.57

Report Total: 148,175.48

08/30/2016 01:26 PM
User: Angie
DB: Genoa Township

CHECK REGISTER FOR GENOA TOWNSHIP
CHECK NUMBERS 33070 - 35000
CHECKS AS OF 09/06/2016

Page: 1/1

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank FNBACK CHECKING ACCOUNT					
08/22/2016	FNBACK	33070	IMAGE 360	IMAGE 360	115.00
08/24/2016	FNBACK	33071	A T & T	A T & T	35.85
08/24/2016	FNBACK	33072	AMER AWA	AMERICAN AWARDS & ENGRAVING	30.00
08/24/2016	FNBACK	33073	CARDM	CHASE CARD SERVICES	2,453.27
08/24/2016	FNBACK	33074	COMC	COMCAST	170.91
08/24/2016	FNBACK	33075	ROJEWski	DEBRA ROJEWski	382.02
08/24/2016	FNBACK	33076	ELECTSOU	ELECTION SOURCE	63.56
08/24/2016	FNBACK	33077	MROCZKA	LAURA MROCZKA	362.44
08/24/2016	FNBACK	33078	LSL	LSL PLANNING, INC.	4,695.10
08/24/2016	FNBACK	33079	MASTER M	MASTER MEDIA SUPPLY	286.91
08/24/2016	FNBACK	33080	NEOPOST	NEOPOST USA INC	2,500.00
08/24/2016	FNBACK	33081	NET SERV	NETWORK SERVICES GROUP, L.L.C	45.00
08/24/2016	FNBACK	33082	OFF EXPR	OFFICE EXPRESS	110.09
08/24/2016	FNBACK	33083	PETTYCAS	PETTY CASH	171.68
08/24/2016	FNBACK	33084	PRINTING	PRINTING SYSTEMS	180.35
08/24/2016	FNBACK	33085	RELIANCE	RELIANCE STANDARD LIFE INS. C	2,656.30
08/24/2016	FNBACK	33086	TETRA TE	TETRA TECH INC	931.00
08/24/2016	FNBACK	33087	USPS	UNITED STATES POSTAL SERVICE	35.31
08/24/2016	FNBACK	33088	UNUM	UNUM PROVIDENT	2,469.20
08/24/2016	FNBACK	33089	WAL MART	WAL MART STORES	208.51
08/26/2016	FNBACK	33090	STATMI	STATE OF MICHIGAN	6,718.00
08/26/2016	FNBACK	33091	STATMI	STATE OF MICHIGAN	9,863.64

FNBACK TOTALS:

Total of 22 Checks:	34,484.14
Less 0 Void Checks:	0.00
Total of 22 Disbursements:	34,484.14

TOTAL \$182,659.62

Accounts Payable
Computer Check Register

Genoa Township

2911 Dorr Road
Brighton, MI 48116

(810) 227-5225

User: cindy

Printed: 08/18/2016 - 12:38

Bank Account: 101CH

Check	Vendor No	Vendor Name	Date	Invoice No	Amount
13677	EFT-FED	EFT- Federal Payroll Tax	08/26/2016		8,242.24 4,733.91 4,733.91 1,107.13 1,107.13
Check 13677 Total:					19,924.32
13678	EFT-PENS	EFT- Payroll Pens Ln Pyts	08/26/2016		2,551.41 134.58
Check 13678 Total:					2,685.99
13679	EFT-PRIN	EFT-Principal Retirement 457	08/26/2016		1,095.00
Check 13679 Total:					1,095.00
13680	EFT-ROTH	EFT-Principal Roth	08/26/2016		555.00
Check 13680 Total:					555.00
13681	EFT-TASC	EFT-Flex Spending	08/26/2016		444.43 646.21
Check 13681 Total:					1,090.64
Report Total:					25,350.95
					557,031.6
					\$ 81,504.11

8/26 Payroll

Account Number	Debit	Credit	Account Description
101-000-002-000	0.00	55,703.16	Cash-checking Account Only
101-000-259-000	55,703.16	0.00	Payroll Direct Deposit
	55,703.16	55,703.16	
Report Totals:	55,703.16	55,703.16	

Payroll ID: 2

Pay Period End Date: 08/31/2016 Check Post Date: 08/31/2016 Bank ID: FNBCK

* YTD values reflect values AS OF the check date based on all current adjustments, checks, void checks

Grand Totals for Payroll:

Pay Code Id	Hours	OT Hours	Cur. Amnt.	YTD Amnt.*	Ded/Exp Id	Cur. Amnt.	YTD Amnt.*
CE	0.00	0.00	117.00	1,053.00	FITW	1,802.88	17,318.27
IM	0.00	0.00	356.67	3,210.03	LOAN	394.21	3,547.89
LO	0.00	0.00	0.00	0.00	MEDICARE_EE	161.82	1,455.33
PP	0.00	0.00	0.00	840.00	MEDICARE_ER	161.82	1,455.33
SALARY	346.66	0.00	8,816.66	79,348.50	MEDTWP	42.92	371.05
TR	11.00	0.00	2,112.00	17,250.00	MIPF	83.33	749.97
Z	0.00	0.00	0.00	840.00	PHONE	346.32	2,639.94
					SITW	532.27	4,760.01
					SOCSEC_EE	691.95	6,222.79
					SOCSEC_ER	691.95	6,222.79
Gross Pay This Period					Gross Pay YTD	Dir. Dep.	Expense This Period
11,402.33	Deduction Refund		Ded. This Period	Net Pay This Period	102,541.53	7,346.63	853.77
	0.00		4,055.70	7,346.63			

8:51 AM

#503 DPW UTILITY FUND

Payment of Bills

August 16 - 30, 2016

Type	Date	Num	Name	Memo	Amount
Bill Pmt -Check	08/11/2016	3703	MMRMA	50% Down	-17,488.43
Bill Pmt -Check	08/11/2016	3704	U.S. POSTMASTER	Oak Pointe May to July 2016	-337.90
Bill Pmt -Check	08/15/2016	3705	Chase Card Services	Supplies	-807.52
Bill Pmt -Check	08/18/2016	3706	Verizon Wireless	7-7-16 to 8-6-16	-287.97
Bill Pmt -Check	08/24/2016	3707	MWEA	Tesha Humphriss	-70.00
Bill Pmt -Check	08/24/2016	3708	Spirit of Livingston	Shirts /w logo	-210.23
Bill Pmt -Check	08/24/2016	3709	MWEA	Ipp Seminar Aulette, Miller	-260.00
Total					-19,462.05

6:43 AM

#592 OAK POINTE WATER/SEWER FUND

Payment of Bills

August 16 - 30, 2016

Type	Date	Num	Name	Memo	Amount
Bill Pmt -Check	08/11/2016	3704	MMRMA	50% Down	-4,184.38
Bill Pmt -Check	08/18/2016	3705	AT&T	Monthly service 8-7 to 9-6-2016	-108.12
Bill Pmt -Check	08/18/2016	3706	Bullseye Telecom	003CA32, 003CACC	-440.57
Bill Pmt -Check	08/18/2016	3707	DTE ENERGY	Electric bill	-31.24
Bill Pmt -Check	08/24/2016	3708	AT & T	Monthly service 8-12-16 to 9-11-2016	-70.00
Total					-4,834.31

6:33 AM

#593 LAKE EDGEWOOD W/S FUND

Payment of Bills

August 16 - 30, 2016

Type	Date	Num	Name	Memo	Amount
Bill Pmt -Check	08/11/2016	3013	MMRMA	50% down 7/1/16 to 7/1/17	-842.00
Bill Pmt -Check	08/18/2016	3014	Brighton Analytical L.L.C.	Laboratory costs	-77.00
Bill Pmt -Check	08/18/2016	3015	BullsEye Telecom	8-10 to 9-9-16	-343.03
Total					-1,262.03

6:39 AM

#595 PINE CREEK W/S FUND

Payment of Bills

August 16 - 30, 2016

Type	Date	Num	Name	Memo	Amount
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no checks issued

draft

**GENOA CHARTER TOWNSHIP BOARD
Regular Meeting and Public Hearing
August 15, 2016**

MINUTES

Supervisor McCrie called the regular meeting of the board to order at 6:30 p.m. The Pledge of Allegiance was then said. The following board members were present constituting a quorum for the transaction of business: Gary McCrie, Paulette Skolarus, Robin Hunt, Linda Rowell, Jim Mortensen, Todd Smith and Jean Ledford. Also present were: Township Manager Michael Archinal and approximately 20 persons in the audience.

A Call to the Public was made with no response.

Approval of Consent Agenda:

Moved by Ledford and supported by Smith to approve all items listed under the consent agenda as requested. The motion carried unanimously.

1. Payment of Bills.

2. Request to Approve Minutes: August 1, 2016

3. Receive Notice of Assessment and Apportionment from the Livingston County Drain Commissioner for at-large drain assessments.

4. Request from Supervisor McCrie to appoint Dean Tengel to the Zoning Board of Appeals to complete the term of Jerry Poissant.

Approval of Regular Agenda:

Moved by Smith and supported by Rowell to approve for action all items listed under the regular agenda. The motion carried unanimously.

5. Public hearing on the Grand Beach Aquatic Weed Control Project Winter 2016

A call to the property owners and the public was made with the following response: Joe Fader – I am concerned with language included in the publication that state the township may increase the cost of the district. McCrie – That usually involves roads that go over the cost because of drainage.

6. Request for approval of Resolution No. 5 [confirming the special assessment roll] for Grand Beach Aquatic Weed Control project [Winter 2016].

Moved by Smith and supported by Mortensen to approve Resolution No. 5 for the Grand Beach Aquatic Weed Control project as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Rowell, Mortensen, Skolarus and McCrie. Nays – None. Absent – None.

7. Public hearing on the Oak Pointe Honors Road Improvement Project Winter 2016

A call to the property owners and the public was made with no response.

8. Request for approval of Resolution No. 5 [confirming the special assessment roll] for the Oak Pointe Honors Road Improvement Project.

Moved by Skolarus and supported by Hunt to approve Resolution No. 5 for the Oak Pointe Honors Road Improvement Project as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Rowell, Mortensen, Skolarus and McCririe. Nays – None. Absent – None.

9. Introduction of a proposed rezoning and authorization of statutory notice for a public hearing on September 6, 2016 concerning a rezoning from RR and PRF to CE for properties located on the east side of Euler Road south of McClements Road in Brighton for the following parcels: #11-12-100-007, 008, 010, 011, 012, 013. This request is petitioned by Joyce Oliveto.

Moved by Smith and supported by Rowell to authorize the statutory notice for the public hearing for September 6, 2016 at 6:30 p.m. for the rezoning of approximately 64 acres of property as requested. The motion carried unanimously.

10. Request for approval of Consent and Waiver of contract from Duncan Disposal Systems to Rizzo Environmental Services for Township refuse collection and recycling.

Moved by Mortensen and supported by Skolarus to table until the next regular meeting of the board scheduled for Tuesday, September 6, 2016 at 6:30 p.m. The motion carried unanimously

The regular meeting and public hearing of the board was adjourned at 7:05 p.m.



Paulette A. Skolarus, Clerk
Genoa Charter Township

Gary McCririe, Supervisor
Genoa Charter Township

GENOA CHARTER TOWNSHIP BOARD SYNOPSIS
MINUTES: 08/01/2016 & 08/15/2016

The following requests were approved by the Township Board at the July 18, 2016 meeting:

- Payment of Bills
- Minutes August 1, 2016 and July 18, 2016
- Held – A Public hearing on the Grand Beach Aquatic Weed Control Project Winter 2016 and approved – Resolutions 3 and 4 related to same.
- Held – A Public hearing on the Oak Pointe Honors Road Improvement Project Winter 2016 and approved Resolutions 3 & 4 related to same.
- Approved - A Special Use Applications, Environmental Impact Assessment and Site Plan for Seaside Seawalls.
- Approved – The Environmental Impact Assessment and Site Plan for Wilson Marine.
- Approved - Construction Phase Services Proposal from Tetra Tech for 2016 Grand River sidewalk (Kellogg to Hacker) construction in the amount of \$40,000.00.
- Received - A Notice of Assessment and Apportionment from the Livingston County Drain Commissioner for at-large drain assessments.
- Appointed - Dean Tengal to the Zoning Board of Appeals to complete the term of Jerry Poissant.
- Held – A Public hearing on the Grand Beach Aquatic Weed Control Project Winter 2016 and Approved Resolution No. 5 related to same.
- Held – A Public hearing on the Oak Pointe Honors Road Improvement Project Winter 2016 and approved Resolution No. 5 related to same.
- Introduced - A proposed rezoning and authorization of statutory notice for a public hearing on September 6, 2016 concerning a rezoning from RR and PRF to CE for properties located on the east side of Euler Road south of McClements Road in Brighton as petitioned by Joyce Oliveto.
- Tabled – A request for approval of Consent and Waiver of contract from Duncan Disposal Systems to Rizzo Environmental Services for Township refuse collection and recycling.


The Minutes may be viewed in their entirety at www.genoa.org or call (810) 227-5225 and request a copy if you do not have internet service available to you.

Paulette A. Skolarus, Clerk

Gary McCririe, Supervisor

(Liv. Daily 08/26/2016 monthly publication)

MEMORANDUM

TO: Township Board
FROM: Michael Archinal 
DATE: 9/1/2016
RE: Duncan/Rizzo Consent and Waiver of Contract


At the 8/15/2016 Board meeting this matter was tabled to allow for review of the documents by the Township Attorney. The Township Attorney has reviewed the revised Consent and Waiver and it is acceptable. The performance of Rizzo over the last three weeks has been very good.

Please consider the following action:

Moved by _____, supported by _____, to approve the Consent and Waiver of Contract as presented this evening.

MEMORANDUM

TO: Township Board

FROM: Michael Archinal 

DATE: 8/11/2016

RE: Consent and Waiver of Contract from Duncan Disposal
To Rizzo Environmental Services

Duncan Disposal is trying to consummate a sale to Rizzo Environmental Services. One of the conditions of the sale is that Genoa execute a consent and waiver of contract. The Township Attorney has reviewed the document and proposed modified language that is being reviewed by Duncan/Rizzo. I expect the legal issues to be addressed by Monday night's meeting.

Rizzo has been collecting refuse and recycling in the Township since July 22. We have experienced complaints related to missed pick-ups. We met with Duncan and Rizzo on August 10 to discuss our concerns. The number of complaints appears to be diminishing. Our contract with Duncan is not assignable meaning they need our approval to move forward. I will defer to the Township Treasurer, whose department handles the complaints, on whether she is comfortable executing the attached document.

Please consider the following action:

Moved by _____, supported by _____, to approve the Consent and Waiver of Contract as presented this evening.

September 6, 2016

**Genoa Township
2011 Dorr Road
Brighton, MI 48116**

Re: Consent and Waiver with respect to Contract for Refuse and Recycling Services dated March 24, 2016 (the "Contract")

Dear Trustees of the Board:

We are pleased to inform you that Rizzo Environmental Services, Inc (the "Purchaser") has acquired substantially all of the operating assets of Duncan Disposal Systems, Inc. (the "Company"), including the assignment of the Company's rights and obligations under the Contract to the Purchaser and the Purchaser's full assumption of the Company's obligations thereof (the "Transaction").

Under the Contract, the Company and the Purchaser may be required to obtain your consent in connection with the Transaction. By execution below, you hereby agree as follows:

1. Consent. You hereby grant your consent to the Transaction (the "Consent") and acknowledge that the Contract remains in full effect on the same terms and conditions as existed prior to the closing of the Transaction. In connection with the consummation of the Transaction, you also hereby expressly consent to the transfer and/or assignment (whether by operation of law or otherwise) to the Purchaser of, and (to the extent required under the Contract) hereby expressly transfer and assign to the Purchaser, any and all options, extensions, renewals or similar rights of the Company existing under the Contract.
2. You waive (the "Waiver") the enforcement of any claims you may have arising under the Contract which prohibited the Transaction and/or the assignment of the Contract without your prior consent.
3. No Further Waiver; No Modification. Notwithstanding anything herein to the contrary, other than as expressly set forth herein with respect to the Transaction, the Company, the Purchaser and you hereby agree that the provisions of this Consent and Waiver shall not be construed to waive, create, expand, or modify in any respect any right under the Contract with respect to any future transactions or events.

Please execute this Consent and Waiver and return a copy to us by **September 8, 2016**. If you have any questions regarding this matter, please contact **Sam Caramagno** at Rizzo Environmental Services at (734) 812-5732.

Thank you for your assistance in this matter.

Sincerely,

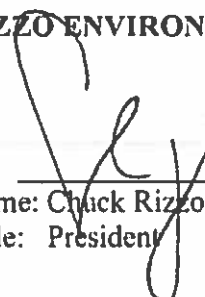
DUNCAN DISPOSAL SYSTEMS, INC.

By: 

Name: Thomas L Duncan

Title: President

RIZZO ENVIRONMENTAL SERVICES, INC.

By: 

Name: Chuck Rizzo

Title: President

ACKNOWLEDGED AND AGREED:

Genoa Township Representative

By: _____

Name:

Title:

Date: _____

CONTRACT FOR REFUSE REMOVAL AND RECYCLING SERVICES

THIS AGREEMENT, made this 24th day of March, 2016, by and between Genoa Charter Township, a Michigan municipal corporation, with offices located at 2980 Dorr Road, Brighton, Michigan 48116, hereinafter referred to as the "Township", and DUNCAN DISPOSAL SYSTEMS, INC., a Michigan corporation, hereinafter referred to as the "Contractor", whose principal place of business is located at 23333 Griswold Road, South Lyon, Michigan 48178.

WHEREAS, the Township is desirous of providing to all of its residents a rubbish, garbage and recycling pick-up service pursuant to authority granted to general law townships by the Waste Management and Resource Recovery Finance Act of 1978, Act 345 of 1978, and pursuant to the Township Ordinance for Operation of the Waste Management Project, Ordinance No. 900102;

WHEREAS, Contractor is an insured garbage and refuse handler with 35 years of experience in the industry;

WHEREAS, the Township Board, by motion made at a regular meeting on March 21, 2016 resolved to enter into this Contract for Refuse Removal and Recycling Services with Contractor; and

WHEREAS, the Contractor has agreed to perform such services for all residences located with the Township and the Township has agreed to pay for same, in accordance with the terms and conditions hereinafter described and set forth.

NOW, THEREFORE, in consideration of the mutual promises made by each of the parties hereto, it is agreed as follows:

1. TERM:

(a) The term of this Contract is for the period commencing August 1, 2016 and continuing through July 31, 2018.

(b) No cause shall be necessary for termination of this Contract. This Contract may be terminated without cause by either party by giving one-hundred eighty (180) days written notice to the other party.

(c) The term of this Contract may be extended for an additional term of two years at a contract rate as listed below. .

2. TOWNSHIP ORDINANCE 900102:

This Agreement is subject to the provisions of the Township's ordinance 900102, as amended from time to time, provided that any amendment does not significantly increase Contractor's obligations. Contractor shall abide by the provisions of said ordinance, as amended, that are applicable to Contractor.

3. CONTRACT RATE AND ADJUSTMENTS:

(a) Contract Rate. The Township agrees to pay Contractor and the Contractor agrees to accept in full consideration of services rendered, the following rates:

08/01/2016 – 07/31/2017	\$11.72 per month per unit
08/01/2017 – 07/31/2018	\$12.00 per month per unit
Optional 8/1/2018 – 7/31/2019	\$12.30 per month per unit
Optional 8/1/2019 – 7/31/2020	\$12.60 per month per unit

A "unit" is a single family residential household.

(b) Unit Count. A complete list of unit stops shall be provided by the Township prior to the commencement of the Contract term. The Township represents that there are 6,860 units as of the date of this Contract.

(c) Adjustment of Unit Count. The unit count shall be adjusted as of the first of the month following any additional pickup(s) and the unit rate shall be prorated for the first month of service for a new unit based on the number of weeks the new unit was serviced in the first month. Thereafter the full unit rate shall be paid for such unit. Likewise, the unit count shall be adjusted as of the first of the month following any units no longer serviced because of demolition and the unit rate shall be prorated for the first month of termination of service for a demolished unit based on the number of weeks the demolished unit was not serviced in the first month. Each adjustment to the unit count shall be effective for the remainder of the contract term and the effect of such adjustments shall be cumulative.

4. PAYMENT TERMS:

Contractor shall submit an invoice to the Township on or before the first (1st) of each month for the services to be performed during the coming month. Such invoice shall be based on the number of residential units to be serviced during the coming month with an appropriate adjustment for new units serviced during the prior month in accordance with Section 1(c) above. Payment by the Township shall be due and payable on the last day of the month.

5. CARTS AND RECYCLING BINS:

(a) Contractor shall provide one (1) 18-gallon recycling bin to each new build at no charge to the resident. Contractor shall retain ownership of the bins. The Contractor may charge a resident for any replacement or additional bins requested by the homeowner.

(b) Contractor will provide each household that requests it, one (1) 95- gallon cart at an annual rental charge of \$36.00 per year. Contractor shall be responsible for billing each household and collecting the rental charge. Contractor shall retain ownership of the cart.

6. LARGE ITEM COLLECTION AND DISPOSAL. Contractor shall collect and dispose of large household items and furniture that are in excess of the volume and/or weight limits of the 95-gallon cart. Such items shall have a bulk item sticker attached before being removed for disposal. The Contractor shall sell bulk item stickers at \$10.00 per sticker. Any air conditioner, refrigerator or other item containing Freon shall be collected only if such item has a Freon sticker attached. The Contractor shall sell Freon stickers at \$50.00 per sticker. The Township agrees to sell the stickers and collect the fees at the Township Offices and reimburse the Contractor said fees on a monthly basis.

7. HOUSEHOLD SUBSCRIPTION FOR COLLECTION AND REMOVAL OF COMPOSTABLE MATERIALS. Contractor shall provide a subscription program available to Township residents to have yard wastes removed once per month during the period from April 1 through November 30. The subscription shall be at a cost of \$10 per each month that a resident subscribes to the service with an extra charge of \$1.00 for each bag over 10 that are picked up. All yard waste subscription fees shall be billed to and paid by each resident who elects to participate in the program. "Yard Wastes" shall mean organic wastes resulting from landscaping a home such as garden waste materials, soil incidental to minor planting and other waste resulting from lawn maintenance and trees. All households participating must comply with the standards which are provided by the Contractor, which includes that materials must be placed in brown yard waste bags, and no plastic nor biodegradable plastic bags will be accepted. Contractor agrees that on two Saturdays during each spring and two Saturdays during each fall of the contract term, on dates mutually agreed upon with the Township, Contractor will collect one free truckload of drop off yard waste at no additional charge to the Township. Drop off is to be scheduled for no more than four (4) hours at the Township Hall. Any additional loads beyond the one free load will be billed at the following rates:

08/01/2016 – 07/01/2017	\$590.00 per each additional load
08/01/2017 – 07/01/2018	\$590.00 per each additional load

8. NO ASSIGNMENT. Contractor shall faithfully perform its work and shall not assign or subcontract the work or any part thereof without previous consent of the Township Board, and shall not assign any monies payable under this agreement, or its claim thereto, unless by and with the consent of the Township Board. Any unauthorized assignment of this Agreement or of Contractor's duties hereunder shall be void.

9. TERMINATION FOR CAUSE. The purpose of this Contract is to provide for the removal and disposal of garbage, refuse and recycling and in the event that the Contractor shall fail to abide by the terms contained herein and fail to correct any such failures promptly upon notice, the Township Board may, at its discretion by motion, terminate its obligations herein as of the date of the making and carrying of such motion, when deemed to be in the interest of

public health, safety general welfare and convenience of the township residents. Any such termination shall be effective upon the Township providing written notice of the Township Board's decision to Contractor.

10. **INDEMNIFICATION.** If another person, persons, or legal entity sustains loss, damages or injury resulting from the negligence of Contractor, or its assigns, and said loss, damage, or injury arises out of the operation of Contractor's business in connection with the performance of services for the Township, Contractor shall indemnify and save harmless the Township from any and all claims and judgment for damages and from costs and expenses, including reasonable attorney fees, to which the Township may be subject, or which it may suffer or incur by reason of such negligence.

11. **INSURANCE.** Contractor shall carry public liability insurance in an amount of at least \$1,000,000.00 for bodily injury for each accident, and \$1,000,000.00 for each incident of property damage for injuries and/or loss sustained by reason of the carrying on of the work, \$1,000,000.00 comprehensive general liability insurance and workers' compensation insurance as required by law. The Contractor shall deliver said policy to the Township prior to the commencement of work under the terms of this Contract.

12. **COMPLIANCE WITH LAWS.** Contractor agrees to comply in all respects with the laws of the State of Michigan appertaining to:

- (a) The transport, handling and disposal of refuse;
- (b) Regulation of labor and worker's compensation; and
- (c) Fair employment practices, township ordinances and administrative rules and regulations having the force of law.

13. **DUTIES OF CONTRACTOR.** The Contractor agrees as follows:

- (a) To service each residential unit within the Township of Genoa as directed by the Township with a once weekly garbage, refuse and recycling pick-up service at the curb or roadside. In addition, the Contractor agrees to service up to 30 households within the Township who, because of physical disabilities, are unable to deliver their refuse to the curb or roadside. The Township will determine which households qualify for this additional service. The regular pick-up days will be Monday through Friday and shall be by a schedule set by mutual agreement of Township and Contractor. During any work week containing a legal holiday, all scheduled pick-ups on or following that holiday will be one day behind the normal day for the remainder of that week.

(b) To pick-up and properly dispose of discarded Christmas trees on regular pick-up days for three (3) consecutive weeks, beginning no earlier than January 1st for said holiday.

(c) To provide and maintain safe, clean, watertight, enclosed packer trucks at all times in such condition as meets the approval MPSC Motor Carrier Division.

(d) To pay the cost of disposing of all garbage, rubbish, and waste materials at a state licensed disposal facility.

(e) To clean up the pick-up sites when pick-up is delayed or late for any reason and debris is scattered due to the delay.

(f) To make regular communication with the Township through the person designated by the Township Board for the purpose of receiving and responding to any questions and/or complaints regarding the Contractor's service.

(g) To maintain a business office and give telephone number for the purpose of receiving and resolving all complaints regarding the Contractor's service.

(h) To handle promptly and in a businesslike manner, citizen complaints regarding non-collection or inadequate collection of refuse or recycling.

(i) To collect refuse during the "Frost Law" period in a manner equal to collection during other periods of the year, as per paragraph 13 (a) and (b) hereinabove set forth, and in compliance with the rules and regulations of authorities governing those laws.

(j) To make collections on private roads within the Township.

(k) That in the event a private road becomes impassable by reason of the failure to maintain such road, as determined by notice sent, by first class mail, seven (7) days in advance of termination of service that Contractor shall cease collection of garbage and refuse along such road.

(l) The Contractor agrees to provide to Genoa Township residents during the primary term of the Contract, or any extension thereof, pick-up service for disposal of large items of refuse of the nature of household goods and furniture in accordance with paragraph 6 above.

(m) To comply with the applicable requirements of the Township Ordinance number 900102.

14. DUTIES OF TOWNSHIP. The Township further agrees as follows:

(a) Not to require the Contractor to pick-up garbage, rubbish or waste materials each week in more than four (4) thirty gallon plastic garbage bags or equivalent volume in plastic

garbage bags, or three (3) thirty gallon garbage cans, or one (1) 95-gallon curb cart from any single unit. Further, Contractor shall not be required to pick up garbage, rubbish or waste materials in any cart which is currently, or was previously, owned by Waste Management.

(b) Not to require the Contractor to pick-up any container having a weight in excess of 60 lbs. or a curb cart which has a total weight in excess of two hundred (200) pounds.

(c) Not to require the Contractor to pick-up a container containing hot ashes.

(d) Not to require the Contractor to pick-up bulky items, building materials, stoves, sofas, etc., not normally considered household refuse except in accordance with Section 6 above.

(e) Not to require the Contractor to pick-up grass, leaves, twigs, brush, and other items, except in accordance with subscription program referenced in Section 7 above

(f) To give free and clear access over roads, streets, and drives within the Township within the recognized restraints imposed by the statutes promulgated by other municipal bodies having control of such ways.

(g) To assume the responsibility of informing all residents to abide by the rules and regulations established under this Contract.

15. **CONTRACTOR'S BREACH AND LIQUIDATED DAMAGES.** The time specified for pick-up is of the essence of this Contract and in the case that Contractor shall fail to make ten (10) or more regular pick-up stops within twenty-four (24) hours of the regular pick-up schedule, with the exception of legal holidays and delays caused by causes beyond the Contractor's control, said failure shall be deemed to be a breach of contract and Contractor agrees to pay the Township the sum of One Hundred and 00/100 (\$100.00) Dollars for each and every day the time consumed in said performance and completion exceeds the time hereinbefore allowed for that purpose. Said sum, in view of the difficulty in ascertaining the loss and inconvenience which the Township suffers by reason of delay in the performance of the work hereunder is hereby agreed upon, fixed, and determined by the parties hereto as liquidated damages that Township will suffer by reason of delay, and is not a penalty; and the Township shall deduct and retain the amount of liquidated damages out of money which may be due or become due under this Contract. Two or more occasions of late pick-ups (as defined above) in any 12-month period shall be considered grounds for immediate termination of the Contract at the option of the Township. Waiver of assessment of the liquidated damages by the Township Board on any occasion arising shall not be deemed a waiver of the right of the Township to access damages pursuant to this paragraph for any breach of the time limits imposed herein.

IN WITNESS WHEREOF, Genoa Charter Township has caused the Contract to be executed by its duly elected Township Supervisor and Township Clerk, under authority

STATE OF MICHIGAN)
) ss
COUNTY OF LIVINGSTON)


The foregoing instrument was acknowledged before me this 23 day of March, 2016, by Christopher S. Duncan, as Vice-President of Duncan Disposal Systems, Inc., a Michigan corporation, on behalf of said company.

ROSE M. CASE
Notary Public, State of Michigan
County of Oakland
My Commission Expires May. 01, 2021
Acting in the County of Oakland

Rose M. Case

Notary Public
Oakland County, MI
My commission expires: 5/1/21
Acting in the County of Oakland

MEMORANDUM

TO: Township Board
FROM: Michael Archinal 
DATE: 3/17/2016
RE: Refuse Contract

Our refuse removal and recycling services contract with Duncan Disposal will expire on July 31, 2016. A revised contract is before you this evening for your consideration. The Board has typically adjusted annual refuse charges to residents based on changes in costs to the Township. For this reason it is appropriate to consider this contract as you consider the annual budget.

For the FY ending March 2016 Duncan is charging \$11.72 per month or \$140.64 per year for each residential unit.

Our residents pay \$114 per year for refuse collection and recycling service.

For the FY ending March 2016 the General Fund contributes \$26.64 per residential unit to make up the difference between what we pay and what we charge.

We have 6,913 residential units. In total the General Fund contributes approximately \$184,162 to support refuse collection and recycling.

The proposed contract holds the pro-rata residential charge static at \$140.64 for Year 1.

The proposed contract increases the pro-rata residential charge to \$144 for Year 2.

If we do not increase the refuse collection fee to our residents the General Fund contribution will increase to \$30 per unit or \$207,390 in the aggregate. It is important to note that this assumes no new residential units. As we add homes we compound the General Fund subsidy.

If the intent is to maintain the pro-rata subsidy I recommend we increase the refuse collection fee by \$2 in each of the next two fiscal years. Our experience with water and sewer rates tells us that it is better to have incremental increases each year than to wait and have substantial increases in a given year.

	COST PER UNIT	REVENUE/UNIT	GF CONTRIBUTION	AGG. GF COST
FY 2016/2017	\$140.64	\$116.00	\$24.64	\$170.336
FY 2017/2018	\$144.00	\$118.00	\$26.00	\$179.738

Years 3 and 4 are optional should both parties agree to an extension. We have experienced some issues with Duncan's service over the last couple of years. Their performance over the last six months has improved dramatically. Back loading the contract somewhat is intended to incentivize continued quality service.

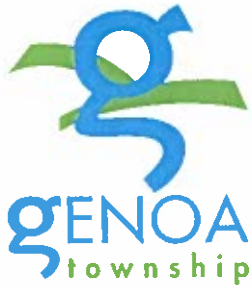
An alternative the Board may wish to consider is flattening the increases over a four year term instead of a two year term. A \$3 per year increase yields the following:

	COST PER UNIT	REVENUE/UNIT	GF CONTRIBUTION	AGG. GF COST
FY 2016/2017	\$140.64	\$117.00	\$23.64	\$163,423
FY 2017/2018	\$144.00	\$120.00	\$24.00	\$165,912
FY 2018/2019	\$147.60	\$123.00	\$24.60	\$170,060
FY 2019/2020	\$151.20	\$126.00	\$25.20	\$174,207

Please consider the following actions:

Moved by _____, supported by _____, to approve the Refuse Removal and Recycling Services Contract with Duncan Disposal as presented.


Moved by _____, supported by _____, to approve a refuse collection fee increase of \$____ for FY 2016/2017.



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

MEMORANDUM

TO: Honorable Board of Trustees

FROM: Kelly VanMarter, Assistant Township Manager/Community Development Director 

DATE: September 1, 2016

RE: Oliveto Rezoning
Ordinance No. Z-16-02

MANAGER'S REVIEW: 

I have prepared the proposed ordinance to amend the zoning map by rezoning approximately 63.4 acres located at the southeast corner of Euler Road and McClement's road from Rural Residential (RR) and Public and Recreational Facilities (PRF) to Country Estates (CE) district. This application was recommended for approval by the Township Planning Commission on July 11, 2016 and by the County Planning Commission on August 17, 2016. Based on these recommendations and the criteria stated in the zoning ordinance I provide the following for your consideration:

REZONING – REQUIRES CALL TO PUBLIC AND ROLL CALL VOTE

Moved by _____, supported by _____ to approve and adopt Ordinance No. Z-16-02. The proposed amendment to the Zoning Map is consistent with Section 22.04 of the Township Zoning Ordinance.

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

Sincerely,



Kelly VanMarter
Assistant Township Manager/Community Development Director

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

MANAGER

Michael C. Archinal

ORDINANCE NO. Z-16-02

AN ORDINANCE ENTITLED "AN ORDINANCE TO AMEND THE ZONING MAP OF THE CHARTER TOWNSHIP OF GENOA BY REZONING APPROXIMATELY 63.4 ACRES LOCATED AT THE SOUTHEAST CORNER OF EULER ROAD AND MCCLEMENTS ROAD FROM RURAL RESIDENTIAL (RR) AND PUBLIC AND RECREATIONAL FACILITIES (PRF) TO COUNTRY ESTATES (CE) DISTRICT".

THE CHARTER TOWNSHIP OF GENOA HEREBY ORDAINS that the Zoning Map, as incorporated by reference in the Charter Township of Genoa's Zoning Ordinance, is hereby amended as follows:

Parcels 4711-12-100-007 (Parcel A), 4711-12-100-008 (Parcel B), 4711-12-100-010 (Parcel D), 4711-12-100-011 (Parcel E), 4711-12-100-012 (Parcel F), and 4711-12-100-013 (Parcel G) situated on the south side of McClements Road, east of Euler Road is part of the Northwest 1/4 of Section 12, T2N-R5E, Genoa Charter Township, Livingston County, Michigan, more particularly described as follows:

LEGAL DESCRIPTION

PARCEL A

A PARCEL OF LAND IN THE N.W. 1/4 OF SECTION 12, T.2N., R.5E., GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE S87°58'53"W, ALONG THE NORTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF MCCLEMENTS ROAD, 66 FEET WIDE, 623.81 FEET TO THE POINT OF BEGINNING; THENCE S02°14'44"E, 436.00 FEET; THENCE S00°28'45"W, 432.58 FEET; THENCE N56°48'10"W, 364.27 FEET; THENCE 142.40 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 230.00 FEET AND A CHORD BEARING N74°32'23"W, 140.14 FEET; THENCE S87°43'23"W, 256.43 FEET; THENCE N02°16'37"W, 617.18 FEET TO SAID NORTH LINE AND CENTERLINE; THENCE N87°58'53"E, ALONG SAID NORTH LINE AND CENTERLINE, 707.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.068 ACRES OF LAND MORE OR LESS.

SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE NORTHERLY 33 FEET FOR MCCLEMENTS ROAD AND THE WESTERLY PORTION FOR EULER ROAD. ALSO SUBJECT TO A 66 FEET WIDE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES, THE CENTERLINE BEING DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE S87°58'53"W, ALONG THE NORTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF MCCLEMENTS ROAD, 66 FEET WIDE, 1331.42 FEET; THENCE S02°16'37"E, 617.18 FEET TO THE POINT OF BEGINNING; THENCE N87°43'23"E, 256.43 FEET; THENCE 142.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 230.00 FEET AND A CHORD BEARING S74°32'23"E, 140.14 FEET; THENCE S56°48'10"E, 364.27 FEET TO THE CENTER OF A 75 FEET RADIUS CUL-DE-SAC AND THE POINT OF ENDING.

ALSO SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

PARCEL B

A PARCEL OF LAND IN THE N.W. 1/4 OF SECTION 12, T.2N., R.5E., GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE S87°58'53"W, ALONG THE NORTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF MCCLEMENTS ROAD, 66 FEET WIDE, 623.81 FEET; THENCE S02°14'44"E, 436.00 FEET; THENCE S00°28'45"W, 432.58 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°28'45"W, 466.30 FEET; THENCE S87°58'53"W, 424.15 FEET; THENCE N02°16'37"W, 25.00 FEET; THENCE S87°58'53"W, 240.00 FEET; THENCE N02°16'37"W, 691.86 FEET; THENCE N87°43'23"E, 256.43 FEET; THENCE 142.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 230.00 FEET AND A CHORD BEARING S74°32'23"E, 140.14 FEET; THENCE S56°48'10"E, 364.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.013 ACRES OF LAND MORE OR LESS.

SUBJECT TO THE WESTERLY PORTION FOR EULER ROAD. ALSO SUBJECT TO A 66 FEET WIDE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES, THE CENTERLINE BEING DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE S87°58'53"W, ALONG THE NORTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF MCCLEMENTS ROAD, 66 FEET WIDE, 1331.42 FEET; THENCE S02°16'37"E, 617.18 FEET TO THE POINT OF BEGINNING; THENCE N87°43'23"E, 256.43 FEET; THENCE 142.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 230.00 FEET AND A CHORD BEARING S74°32'23"E, 140.14 FEET; THENCE S56°48'10"E, 364.27 FEET TO THE CENTER OF A 75 FEET RADIUS CUL-DE-SAC AND THE POINT OF ENDING.

ALSO SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

PARCEL D

A PARCEL OF LAND IN THE N.W. 1/4 OF SECTION 12, T.2N., R.5E., GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE S87°58'53"W, ALONG THE NORTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF McCLEMENTS ROAD, 66 FEET WIDE, 623.81 FEET; THENCE S02°14'44"E, 436.00 FEET; THENCE S00°28'45"W, 898.88 FEET; THENCE S87°58'53"W, 424.15 FEET TO THE POINT OF BEGINNING; THENCE S02°16'37"E, 799.20 FEET; THENCE S53°12'52"W, 291.24 FEET; THENCE N02°16'37"W, 990.28 FEET; THENCE N87°58'33"E, 240.00 FEET; THENCE S02°16'37"E, 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.000 ACRES OF LAND MORE OR LESS.

SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

PARCEL E

A PARCEL OF LAND IN THE N.W. 1/4 OF SECTION 12, T.2N., R.5E., GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE S02°14'44"E, ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12, 1309.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°14'44"E, ALONG SAID NORTH-SOUTH 1/4 LINE, 495.14 FEET; THENCE S87°58'53"W, 1090.43 FEET; THENCE N02°16'37"W, 470.14 FEET; THENCE N87°58'53"E, 424.15 FEET; THENCE N00°28'45"E, 25.02 FEET; THENCE N87°58'53"E, 665.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.152 ACRES OF LAND MORE OR LESS.

SUBJECT TO AND TOGETHER WITH A 66 FEET WIDE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES, THE CENTERLINE BEING DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE S02°14'44"E, ALONG THE N-S 1/4 LINE OF SAID SECTION 12, 2722.16 FEET TO THE CENTER OF SAID SECTION 12, THENCE S89°44'09"W, 1330.74 FEET; THENCE N03°41'16"W, 322.16 FEET TO THE POINT OF BEGINNING; THENCE N87°43'23"E, 80.93 FEET; THENCE 314.16 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET AND A CHORD BEARING N42°43'23"E, 282.84 FEET; THENCE N02°16'37"W, 403.94 FEET TO THE POINT OF ENDING.

ALSO SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

PARCEL F

A PARCEL OF LAND IN THE N.W. 1/4 OF SECTION 12, T.2N., R.5E., GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE S02°14'44"E, ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12, 1804.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°14'44"E, ALONG SAID NORTH-SOUTH 1/4 LINE, 495.14 FEET; THENCE S87°58'53"W, 1330.16 FEET; THENCE N53°12'52"E, 291.24 FEET; THENCE N02°16'37"W, 329.06 FEET; THENCE N87°58'53"E, 1090.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.850 ACRES OF LAND MORE OR LESS.

SUBJECT TO AND TOGETHER WITH A 66 FEET WIDE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES, THE CENTERLINE BEING DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE S02°14'44"E, ALONG THE N-S 1/4 LINE OF SAID SECTION 12, 2722.16 FEET TO THE CENTER OF SAID SECTION 12, THENCE S89°44'09"W, 1330.74 FEET; THENCE N03°41'16"W, 322.16 FEET TO THE POINT OF BEGINNING; THENCE N87°43'23"E, 80.93 FEET; THENCE 314.16 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET AND A CHORD BEARING N42°43'23"E, 282.84 FEET; THENCE N02°16'37"W, 403.94 FEET TO THE POINT OF ENDING.

ALSO SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

PARCEL G

A PARCEL OF LAND IN THE N.W. 1/4 OF SECTION 12, T.2N., R.5E., GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE S02°14'44"E, ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12, 2299.32 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°14'44"E, ALONG SAID NORTH-SOUTH 1/4 LINE, 422.84 FEET TO THE CENTER OF SAID SECTION 12; THENCE S89°44'09"W, 1330.74 FEET; THENCE N02°16'37"W, 382.09 FEET; THENCE N87°58'53"E, 130.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.289 ACRES OF LAND MORE OR LESS.

SUBJECT TO AND TOGETHER WITH A 66 FEET WIDE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES, THE CENTERLINE BEING DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE S02°14'44"E, ALONG THE N-S 1/4 LINE OF SAID SECTION 12, 2722.16 FEET TO THE CENTER OF SAID SECTION 12, THENCE S89°44'09"W, 1330.74 FEET; THENCE N03°41'16"W, 322.16 FEET TO THE POINT OF BEGINNING; THENCE N87°43'23"E, 80.93 FEET; THENCE 314.16 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET AND A CHORD BEARING N42°43'23"E, 282.84 FEET; THENCE N02°16'37"W, 403.94 FEET TO THE POINT OF ENDING.

ALSO SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

Shall be rezoned from Rural Residential (RR) and Public and Recreational Facilities (PRF) to Country Estate (CE) Classification.

Severability If any provision of this Ordinance is found to be invalid, than the remaining portions of this Ordinance shall remain enforceable.

Effective Date This Ordinance shall be effective upon publication in a newspaper of general circulation as required by law.

On the motion to adopt the Ordinance the following vote was recorded:

Yeas:

Nays:

Absent:

I hereby approve the adoption of the foregoing Ordinance this ____ day of September, 2016.

Paulette Skolarus
Township Clerk

Gary McCririe
Township Supervisor

Township Board First Reading: August 15, 2016
Date of Publication of Proposed Ordinance: proposed August 21, 2016
Township Board Second Reading and Public Hearing: proposed September 6, 2016
Township Board Adoption: proposed September 6, 2016
Date of Publication of Ordinance Adoption: proposed September 11, 2016
Effective Date: proposed September 11, 2016



GENOA CHARTER TOWNSHIP
Application for Re-Zoning

GENOA TOWNSHIP

JUN 01 2016

RECEIVED

APPLICANT NAME: Joyce Oliveto ADDRESS: 963 Peaceful Ct
OWNER NAME: Joyce Oliveto ADDRESS: Brighton, MI 48114
PARCEL #(s): 4711-12-100-007,008,010,011,012,013 PRIMARY PHONE: (810) 599-1404
EMAIL 1: rejoyce@comcast.net EMAIL 2:

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

A. REQUIRED SUBMITTAL INFORMATION

- 1. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties;
2. The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, and proof of consent from the property owner;
3. It is desired and requested that the foregoing property be rezoned from:

PRF and RR to CE

- 4. A site plan illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, steep slope, drainage patterns, views, existing buildings, sight distance limitations, relationship to other developed sites, and access points in the vicinity;
5. A conceptual plan demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site design factors;
6. A written environmental assessment, a map of existing site features as described in Article 18 describing site features and anticipated impacts created by the host of uses permitted in the requested zoning district;
7. A written description of how the requested rezoning meets Sec. 22.04 "Criteria for Amendment of the Official Zoning Map."
8. The property in question shall be staked prior to the Planning Commission Public Hearing.

B. DESCRIBE HOW YOUR REQUESTED RE-ZONING MEETS THE ZONING ORDINANCE CRITERIA FOR AMENDING THE OFFICIAL ZONING MAP:

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

Parcels are currently zoned RR and PRF. Applicant wishes to re-zone to CE. Future land use map indicates RR land use. Parcels are adjacent to existing AG zoning and future CE land use. Current property owner and potential buyers would like to keep horses on the property (allowed in CE zoning, not in RR or PRF zoning).

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

Proposed CE zoning allows horses to be kept on property and has less density than current RR and PRF zoning. The site's physical, geological and hydrological features are all suitable for the proposed uses.

3. Do you have any evidence that a reasonable return on investment cannot be received by developing the property with one (1) of the uses permitted under the current zoning?

Proposed CE zoning has less density than the current RR and PRF zoning. Investment value is not a concern for property owner.

4. How would all the potential uses allowed in the proposed zoning district be compatible with surrounding uses and zoning in terms of views, noise, air quality, the environment, density, traffic impacts, drainage and potential influence on property values?

There will be a decrease in density and traffic impacts with the proposed zoning and land use. There may or may not be an impact to noise, air quality and property values. Views, environment and drainage will be unaffected.

5. Are infrastructure capacity (streets, sanitary sewer, water, and drainage) and services (police and fire protection, etc.) sufficient to accommodate the uses permitted in the requested district?

There is sufficient infrastructure capacity and services to accommodate the proposed uses.

6. Is there a demonstrated demand in Genoa Township or the surrounding area for the types of uses permitted in the requested zoning district? If yes, explain how this site is better suited for the zoning than others which may be planned or zoned to accommodate the demand.

There are potential buyers for the property that have expressed an interest in keeping horses on the property.

7. If you have a particular use in mind, is another zoning district more appropriate? Why should the Township re-zone the land rather than amend the list of uses allowed in another zoning district to accommodate your intended use?

If the township amended the list of uses for RR and PRF zoning to allow horses, this would apply to all parcels with RR or PRF zoning to allow horses. It would be simpler to re-zone the parcels to zoning that allows the desired uses.

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

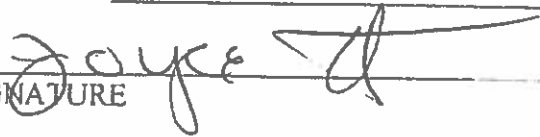
There are two access easements located on the property. There are no other deed restrictions on the property that would affect the use.

C. AFFIDAVIT

The undersigned says that they are the Owner (owner, lessee, or other specified interest) involved in this petition and that the foregoing answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his/her knowledge and belief.

BY: Joyce Oliveto

ADDRESS: 963 Peaceful Ct, Brighton, MI 48114

SIGNATURE: 

The following contact should also receive review letters and correspondence:

Name: Marc Jones Email: marcj@bosseng.com

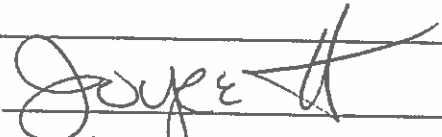
Business Affiliation: Boss Engineering, planning consultant

FEE EXCEEDANCE AGREEMENT

As stated on the site plan review fee schedule, all site plans are allocated two (2) consultant reviews and one (1) Planning Commission meeting. If additional reviews or meetings are necessary, the applicant will be required to pay the actual incurred costs for the additional reviews. If applicable, additional review fee payment will be required concurrent with submittal to the Township Board. By signing below, applicant indicates agreement and full understanding of this policy.

PROJECT NAME: Oliveto property re-zoning

PROJECT LOCATON & DESCRIPTION: Property at southeast corner of McClements Rd & Euler Rd

SIGNATURE: 

DATE: 5-26-16

PRINT NAME: JOYCE OLIVETO

PHONE: (810) 599-1404

COMPANY NAME & ADDRESS: _____

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.**

A call to the property owners and the public was made with no response.

8. Request for approval of Resolution No. 5 [confirming the special assessment roll] for the Oak Pointe Honors Road Improvement Project.

Moved by Skolarus and supported by Hunt to approve Resolution No. 5 for the Oak Pointe Honors Road Improvement Project as requested. The motion carried by roll call vote as follows: Ayes – Ledford, Smith, Hunt, Rowell, Mortensen, Skolarus and McCririe. Nays – None. Absent – None.

9. Introduction of a proposed rezoning and authorization of statutory notice for a public hearing on September 6, 2016 concerning a rezoning from RR and PRF to CE for properties located on the east side of Euler Road south of McClements Road in Brighton for the following parcels: #11-12-100-007, 008, 010, 011, 012, 013. This request is petitioned by Joyce Oliveto.

Moved by Smith and supported by Rowell to authorize the statutory notice for the public hearing for September 6, 2016 at 6:30 p.m. for the rezoning of approximately 64 acres of property as requested. The motion carried unanimously.

10. Request for approval of Consent and Waiver of contract from Duncan Disposal Systems to Rizzo Environmental Services for Township refuse collection and recycling.

Moved by Mortensen and supported by Skolarus to table until the next regular meeting of the board scheduled for Tuesday, September 6, 2016 at 6:30 p.m. The motion carried unanimously

The regular meeting and public hearing of the board was adjourned at 7:05 p.m.



Paulette A. Skolarus, Clerk
Genoa Charter Township

Gary McCririe, Supervisor
Genoa Charter Township

7. ZONING REVIEWS:

A. **Z-22-16: GENOA CHARTER TOWNSHIP - REZONING:**

Current Zoning: Rural Residential (RR) and Public and Recreational Facilities (PRF)

Proposed Zoning: Country Estates (CE)

Proponents: Section 12 – Genoa Charter Township

Township Master Plan: The Genoa Township Master Plan adopted in 2013 designates this site as Rural Residential and states the following:

This designation identifies that this area shall develop as single family residential on large lots. Many of the areas have significant natural limitations such as wetlands or severe soil limitations and are not planned for sanitary sewer. This classification is recommended for single family residences on lots no smaller than 2 acres or clustered development with a net density of 2 units per acre.

County Comprehensive Plan: The Livingston County Comprehensive Plan (as amended) designates this site and most of Genoa Township as **Residential**. The Plan describes this designation as follows:

Residential - Residential areas are located mainly in the southeast quadrant of the county. This quadrant has had the largest number of new residents move in over the last decade, and is the most built out area of the county. Over 40% of the county's population lived in Residential areas in 2000. It is characterized by fairly dense residential, commercial, and to some extent industrial development, although less dense and intense than uses found in the cities and villages. Residential areas are not without their rural character and scenic vistas. However, few agricultural lands in Residential areas are expected to exist twenty years from now. New residential developments in these areas should be compact and make the best use of sewer and water if it is available, and cluster projects should be utilized when appropriate to preserve open space and scenic vistas. Projects such as planned unit developments that are not feasible in Cities/Villages or Primary Growth Areas because of parcel size or similar restrictions should be channeled into Residential areas. Limited commercial and industrial growth is appropriate.

Township Planning Commission Recommendation: Approval. The Genoa Charter Township Planning Commission recommended APPROVAL of this rezoning at their July 11, 2016 meeting. There was one comment from the public during the public hearing portion of the meeting, regarding concern over potential odor caused by the keeping of horses (a permitted use in the CE District) and the possible impact of this use on property values.

Staff Recommendation: Approval. The proposed CE zoning of this site is more appropriate than the current PRF zoning of the site, which is intended for government, civic and recreational facilities. The requested CE zoning is also consistent with the CE zoning district adjacent to the south. The zoning and the permitted uses of the CE zoning district, are consistent with the rural residential and agricultural character of this area of the Township, and this zoning will serve as a transition between adjacent AG and PRF zones and LDR, RR and SR zones to the east, northeast and southeast.

Commission Discussion: Commissioners briefly discussed the configuration of the six parcels.

Public Comment: Brent LaVanway commented that Genoa Township Planning Director, Kelly VanMarter, had indicated at the Township Planning Commission meeting that the parcels in this area of the Township were not properly lining up with the zoning district boundaries and that the two most northerly Olivetto parcels are zoned Rural Residential (RR). Joyce Olivetto confirmed this statement.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER HUBERT TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER SPARKS.

All in favor, motion passed. 4-0

B. Z-23-16: HAMBURG TOWNSHIP - REZONING:

Current Zoning: Waterfront Residential (WFR)

Proposed Zoning: Neighborhood Services (NS)

Proponents: Section 12 – Genoa Charter Township

Township Master Plan: The Hamburg Township Master Plan adopted in 2011 designates this site as High Density Single Family Residential and states the following:

High Density Single Family Residential is intended for areas that are characteristic of higher density single family residential, capable of supporting development at higher densities, and located in close proximity to community facilities, service, transportation routes, and commercial areas. This designation applies to the areas around Rush Lake, Oneida Lake, Zukey Lake, Ore Lake, and Hamburg Lake, as well as in the Village Center. High Density Single Family Residential provides for single family residences at four dwelling units per acre.

County Comprehensive Plan: The Livingston County Comprehensive Plan (as amended) designates this site and most of Hamburg Township as **Residential**. The Plan describes this designation as follows:

Residential - Residential areas are located mainly in the southeast quadrant of the county. This quadrant has had the largest number of new residents move in over the last decade, and is the most built out area of the county. Over 40% of the county's population lived in Residential areas in 2000. It is characterized by fairly dense residential, commercial, and to some extent industrial development, although less dense and intense than uses found in the cities and villages. Residential areas are not without their rural character and scenic vistas. However, few agricultural lands in Residential areas are expected to exist twenty years from now. New residential developments in these areas should be compact and make the best use of sewer and water if it is available, and cluster projects should be utilized when appropriate to preserve open space and scenic vistas. Projects such as planned unit developments that are not feasible in Cities/Villages or Primary Growth Areas because of parcel size or similar restrictions should be channeled into Residential areas. Limited commercial and industrial growth is appropriate.

Township Planning Commission Recommendation: Approval. The Hamburg Township Planning Commission recommended APPROVAL of this rezoning at their July 20, 2016 meeting. Meeting minutes were not available at the time of this review.

Staff Recommendation: Approval. The proposed NS zoning of this site is not entirely consistent with the Hamburg Township master plan designation nor the zoning districts established in this area; however, this commercial node has been long established and it is not out of character with lakeside neighborhoods. The site's frontage on a primary paved roadway (Hamburg Road) is also better suited for a NS zoning district.

Commission Discussion: Commissioners discussed the petitioner's intent for expanding this business. Kline-Hudson stated that she is unaware of the time frame for any property improvements but stated that improvements may not occur under the current WFR zoning due to the non-conforming use of the property. Commissioner Hubert inquired as to what triggered this rezoning. Commissioner Sparks questioned whether the Neighborhood Services (NS) zoning would allow the home to be used as another business like a Bed and Breakfast Inn. Kline-Hudson replied that 2 principal uses could not be established on these two

July 5, 2016

Planning Commission
Genoa Township
2911 Dorr Road
Brighton, Michigan 48116

Attention:	Kelly Van Marter, AICP Assistant Township Manager and Planning Director
Subject:	PRF and RR to CE Rezoning Review #2
Location:	Euler Road – east side of Euler, between McClements Road and Grand River Avenue
Zoning:	Rural Residential District; Public and Recreational Facility District

Dear Commissioners:

At the Township's request, we have reviewed the revised submittal proposing the rezoning of 6 parcels under common ownership from RR Rural Residential (2 acre lot area) and PRF Public and Recreational Facilities to CE Country Estate (5 acre lot area).

In total, the parcels comprise approximately 64 acres of land, the smallest of which is a 5-acre parcel that is currently being processed for a lot reconfiguration to meet the minimum CE standards.

The proposal has been reviewed in accordance with the Genoa Township Zoning Ordinance and Master Plan.

A. SUMMARY

1. The proposed rezoning to CE is not wholly consistent with the Future Land Use Map; however, CE requires a larger lot size than the Master Plan and would result in less density, thus protecting the relatively rural character of this area.
2. Rezoning of the PRF parcels to CE would generally be consistent with the intent of the Master Plan classification of the property.
3. The host of permitted uses in RR (current) and CE (proposed) are nearly identical, except that CE allows for agricultural uses including the keeping of horses (which is the stated intent of the request).
4. Some of the agricultural uses allowed in CE could be impactful to nearby single-family residences.
5. The Township should consider any comments provided by the Township Engineer, Utilities Director and/or Fire Department for any comments related to infrastructure compatibility or capacity.

B. PROCESS

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

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

PRF and RR to CE Rezoning

Review #2

Page 2

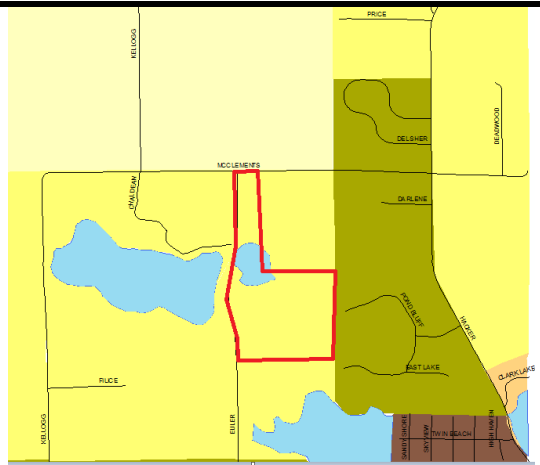
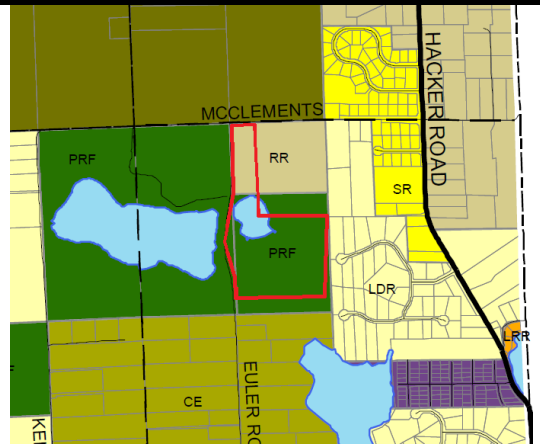
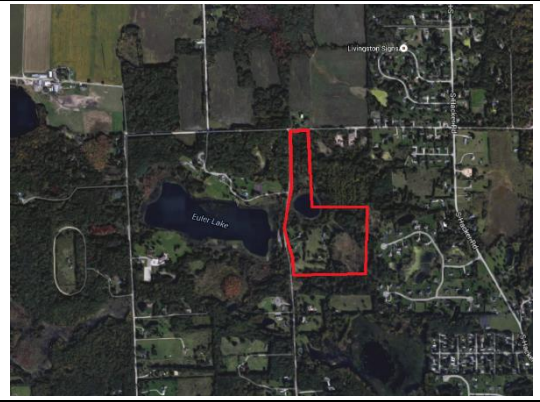
C. PROJECT DESCRIPTION

The site is located on the east side of Euler Road, bounded on the north by McClements Road. Current zoning, as well as existing and planned land uses in the area are as follows:

Existing Land Use	
Site	Single-family
North	Single-family
East	Agriculture (NE) Single-family (SE)
South	Single-family
West	Institutional

Zoning	
Site	RR/PRF
North	AG
East	RR, PRF, LDR
South	PRF
West	PRF

Master Plan	
Site	Large Lot Rural Residential
North	Agriculture/ Country Estate
East	Low Density Residential
South	Large Lot Rural Residential
West	Large Lot Rural Residential



D. REZONING REVIEW

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

The Township Master Plan and Future Land Use map identify the site and adjacent property to the south and west as Large Lot Rural Residential, which calls for residential properties of not less than 2 acres. Two of the six parcels are currently zoned RR, which is consistent with this classification. The proposed rezoning to CE is more consistent for the remaining four parcels that are currently zoned PRF.

While not wholly consistent with the Master Plan, the proposal for CE zoning is less dense than what the Master Plan calls for.

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

The subject area contains two ponds and two wetland areas. Generally speaking, a proposal for less density than would otherwise be allowed is likely to decrease any potential impacts upon these environmental features.

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

In our opinion, rezoning the PRF parcels to a residential designation makes sense and is generally consistent with the intent of the Master Plan. For the other parcels, the primary distinction between the existing (RR) and proposed (CE) zoning is the inclusion of agricultural uses in the proposed district.

We see no reason why the site could not be developed under RR; however, the stated intent of the request is to allow the keeping of horses, which is not permitted in RR, but is in CE.

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

Review of Table 3.03 indicates that the host of permissible uses is nearly identical with the primary distinction between RR and CE being the allowance for more agricultural uses. While not necessarily intense by nature, some of these uses could have impacts upon established residential uses in the area, particularly those adjacent to the east.

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

We defer to the Township Engineer, Utilities Director and Fire Department for comment under this criterion.

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

In response to this criterion, the submittal notes that "there are potential buyers for the property that have expressed an interest in keeping horses on the property."

PRF and RR to CE Rezoning

Review #2

Page 4

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

In this particular instance, we believe that rezoning the PRF parcels to a low density residential designation is reasonable. Meanwhile, the proposed change from RR to CE is not wholly consistent with the Master Plan designation, but does result in a lower density.

As a result of the lot reconfiguration, each of the subject parcels will comply with CE dimensional standards.

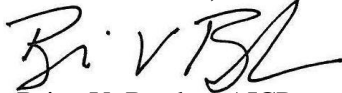
8. *The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.*

We are unaware of any rezoning applications associated with this site within the past year.

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

Respectfully,

LSL PLANNING, A SAFE BUILT LLC COMPANY



Brian V. Borden, AICP
Planning Manager



June 14, 2015

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

Re: Oliveto Rezoning Review

Dear Ms. Van Marter:

We have reviewed the rezoning application for the property owned by Joyce Oliveto dated May 27, 2016, from Boss Engineering. The site is located on the east side of Euler Road between McClements and Kemper Roads. The petitioner would like to have the current zoning designations of rural residential (RR) and public and recreational facilities (PRF) changed to country estates (CE) to allow current and future property owners to own horses on the land.

The petitioner argues that the adjacent sites to the south consist of CE parcels and that this change will not result in any other significant impact to the current developments in the area.

Tetra Tech has reviewed the documents and did not find any engineering issues regarding site drainage or water and sewer utilities that would arise from this change in zoning classification. The parcel is served by public roads and the proposed change in zoning would have minimal impact to this public transportation system. Therefore, we have no engineering related objections to the proposed rezoning.

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: Marc Jones P.E., Boss Engineering

Amy Ruthig

From: Richard Boisvert <rboisvert@brightonareafire.com>
Sent: Wednesday, June 29, 2016 4:26 PM
To: Kelly VanMarter
Cc: Amy Ruthig
Subject: Re: No comments
Attachments: Victory Dr. - Seaside Seawalls, LLC (SP) 06282016.docx; 7669 Brighton Rd. - Brighton Church of Nazarene Storage Bldg (SP) 06282016.docx; 2300 E. Grand River - Livingston County Complex Carport (SP) 06282016.docx; 5866 E. Grand River - Wilson Marine Showroom & Storage Bldgs. (SP) 06282016.docx; 2798 E. Grand River - Bob Maxey Ford Parking Lot Exp. (SP) 06282016.docx

Kelly & Amy,

Attached are the letters for the re-submittals received. The only one not included is the Oliveto Re-zoning as we have no comments regarding this unless they propose development.

Rick,

If you would just send a quick e-mail with the cases that you have no further comments on listed that is sufficient.

Thank you!

[Kelly VanMarter, AICP](#)

[Assistant Township Manager/Community Development Director](#)

[Genoa Charter Township](#)

[2911 Dorr Road, Brighton, Michigan 48116](#)

[Direct: \(810\) 588-6900, Phone: \(810\) 227-5225, Fax: \(810\) 227-3420](#)

[E-mail: \[kelly@genoa.org\]\(mailto:kelly@genoa.org\), Url: \[www.genoa.org\]\(http://www.genoa.org\)](#)

**IMPACT ASSESSMENT
FOR
OLIVETO PROPERTY
RE-ZONING
GENOA TOWNSHIP
LIVINGSTON COUNTY, MI**

Prepared for:

**Joyce Oliveto
963 Peaceful Court
Brighton, MI 48114**

Prepared by:

**BOSS ENGINEERING COMPANY
3121 EAST GRAND RIVER AVE
HOWELL, MICHIGAN 48843
517-546-4836
BE Project No. 16-170**

June 1, 2016
Revised June 22, 2016

INTRODUCTION

The purpose of this Impact Assessment (IA) report is to show the effect that this proposed re-zoning has on various factors in the general vicinity of the project. The format used for presentation of this report conforms to the *Submittal Requirements For Impact Assessment/Impact Statement* guidelines in accordance with Section 13.05 of the published Zoning Ordinance for Genoa Township, Livingston County, Michigan.

DISCUSSION ITEMS

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

Prepared By:
BOSS ENGINEERING COMPANY
3121 E. Grand River
Howell, Michigan 48843
Phone: 517-546-4836

Prepared For:
Joyce Oliveto
963 Peaceful Court
Brighton, MI 48114
Phone: 810-599-1404

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

The subject site is located on the east side of Euler Road, bounded on the north by McClements Road. The re-zoning is to take place on properties owned by Joyce Oliveto. The parcel numbers are: 4711-12-100-007, 4711-12-100-008, 4711-12-100-010, 4711-12-100-011, 4711-12-100-012, 4711-12-100-013. The boundary between parcels 4711-12-100-008 and 4711-12-100-010 are in the process of a land division that will be adjusted so that all properties in the re-zoning application will meet the 5-acre minimum lot size. The property is located in the Northwest ¼ of Section 12, T2N-R5E, Genoa Township, Livingston County, Michigan. Current zoning of the site is RR (Rural Residential) and PRF (Public and Recreational Facilities).

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

The site is gently rolling with areas of steeper slopes and generally slopes from all parcels to an existing pond located near Euler Road on parcel #4711-12-100-008.

D. Impact on storm water management: description of soil erosion control measures during construction.

Stormwater management and soil erosion will be unaffected by the proposed re-zoning.

E. Impact on surrounding land use: Description of proposed usage and other man made facilities; how it conforms to existing and potential development patterns. Effects of added lighting, noise or air pollution which could negatively impact adjacent properties.

The applicant is proposing to re-zone the subject properties to allow horses to be kept on the properties. There may or may not be a slight impact on noise, air quality and property values.

F. Impact on public facilities and services: Description of number of residents, employees, patrons, and impact on general services, i.e., schools, police, fire.

There will be no impact on public facilities and services, as the density of the properties will decrease. There are sufficient services to accommodate the proposed use.

G. Impact on public utilities: Description of public utilities serving the project, i.e., water, sanitary sewer, and storm drainage system. Expected flows projected in residential units.

There will be no impact on public utilities, as the density of the properties will decrease. There is sufficient capacity to accommodate the proposed use.

H. Storage or handling of any hazardous materials: Description of any hazardous materials used, stored, or disposed of on-site.

The subject properties will not be storing or handling any hazardous materials.

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

There will be a decrease in density with the proposed re-zoning which will result in a slight decrease in the amount of traffic.

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

There are existing access easements located on the property.

K. Description of all sources:

- Genoa Township Zoning Ordinance
- 2013 Genoa Township Master Plan Update
- Livingston County Information Technology Department, GIS map

Amy Ruthig

From: LA <lsalley@gmail.com>
Sent: Thursday, June 23, 2016 8:59 PM
To: Amy Ruthig
Cc: Don Alley
Subject: Country Estate Rezoning Request

June 23, 2016

Hello Amy,

I don't have Marc Jones' (Boss Engineering) email and if you could forward this message that would be great.

We own property on Euler Road in Genoa Township. Our parcel number is 4711-12-100-009. We understand some of our neighbors are interested in rezoning this area to be "Country Estate".

We would like our property to be included in this rezoning initiative so that it is also zoned as Country Estate.

Thank you,

Donald and Linda Alley

248.719.3416

lsalley@gmail.com

Djalley@gmail.com

GENOA TOWNSHIP
COMBINATION APPLICATION
(Line Change)

NAME: Joyce Oliveto

ADDRESS: 963 Peaceful Ct.

Brighton MI

TELEPHONE: 810-230-2088 810-599-1404

TAX ID #'S: 11-12-100-010 (Parcel D)
11-12-100-012 (Parcel F)

YOU MUST HAVE THE FOLLOWING IN ORDER TO HAVE A COMPLETED APPLICATION:

- A. NAME & SIGNATURES OF ALL OWNERS OR AUTHORIZED AGENTS
- B. A LEGAL DESCRIPTION OF EACH PARCEL INTO WHICH THE PROPERTY IS TO BE DIVIDED PERPARED BY A REGISTERED LAND SURVEYOR. SHOWING:
 - 1. ALL DIMENSIONS OF THE EXISTING AND PROPOSED PARCELS.
 - 2. LOCATION OF ALL BUILDINGS AND SETBACKCKS FROM LOT LINES (THIS MUST MEET CURRENT ZONING SETBACKS)
 - 3. PROPOSED SETBACK LIMITSWITHIN EACH PARCEL WITH DIMENSIONS (ENVELOPE)
 - 4. A QUALIFIED WETLAND CONSULTANT SHALL ILLUSTRATE BOUNDARIES OF ANY WATER BODY OR WETLAND, WHICH MAY BE REGULATED BY THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, WITH SUPPORTING DOCUMENTATION.
 - 5. PROPOSED PUBLIC UTILITIES AND ACCESS EASEMENT LOCATIONS, WITH DIMENSIONS.
- C. ARE THERE ANY SPECIAL ASSESSMENTS ON THE PARENT PARCEL?
YES _____ NO _____
IF YES HAS THAT ASSESSMENT BEEN PAID IN FULL?
YES _____ NO _____

Petitioners Signatures: Joyce Oliveto Date: 6-29-16

ASSESSORS OFFICE

[Handwritten signature]

TOWNSHIP MANAGER

[Handwritten signature]

6/29/16

TREASURERS OFFICE:

[Handwritten signature]

HAVE SPECIALS BEEN PAID OFF?

YES

NO

HAVE TAXES BEEN PAID?

YES

NO

UTILITY OFFICE:

N/A

ARE UTILITIES UP TO DATE?

YES

NO

APPROVED:

YES

X

NO

NEW PARCEL NUMBERS:

11-12-100-010 (Parcel D)

11-12-100-012 (Parcel F)

COMMENTS:

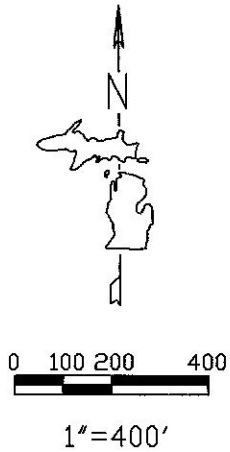
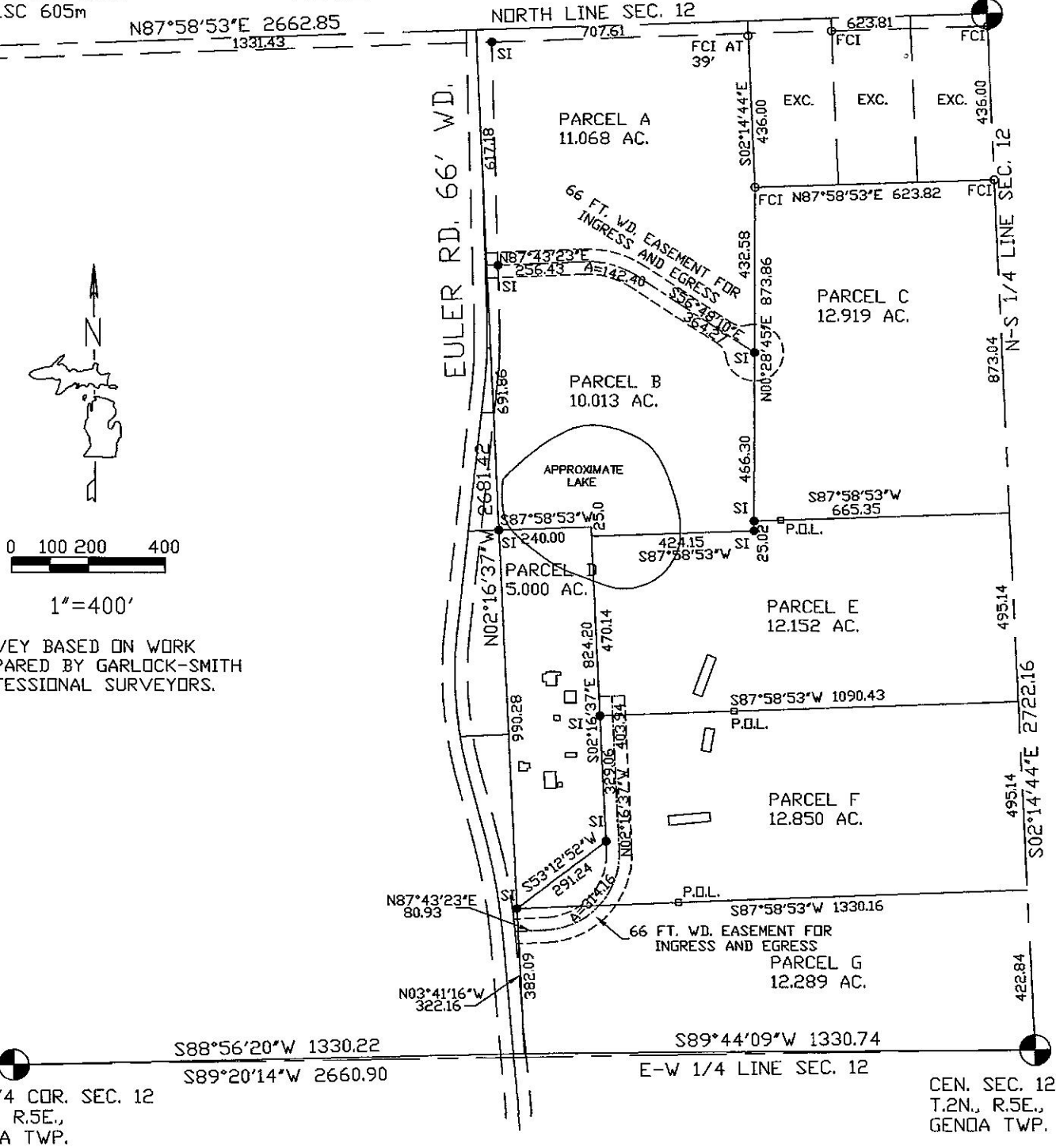
The parcel #'s will NOT change since this is only a slight legal change.

CERTIFIED SURVEY

K-3
N.W. COR. SEC. 12
T.2N., R.5E.,
GENOA TWP.
FND. RE-MON DISC
PER LSC 605m

L-3
N. 1/4 COR. SEC. 12
T.2N., R.5E.,
GENOA TWP.
FND. RE-MON DISC
PER LSC 602m

McCLEMENTS RD. 66' WD.



SURVEY BASED ON WORK
PREPARED BY GARLOCK-SMITH
PROFESSIONAL SURVEYORS.

SURVEYOR'S CERTIFICATE - I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION, THAT I AM A PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF MICHIGAN, THAT THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF SECTION 3, P.A. 132 OF 1970 AS AMENDED BY P.A. 280 OF 1972, AND THAT THE ERROR OF CLOSURE IS NO GREATER THAN 1 TO 5000.

LEGEND	
○	= FI = Found Iron
●	= SCI = Set Capped Iron
⊙	= FCI = Fnd. Capped Iron
(R)	= Recorded
(M)	= Measured

JOHN S. BLANCHARD P.S. #27446

CLIENT: J. OLIVETO
REV. 6-27-16

APEX SURVEY
36554 GRANDON
LIVONIA MICHIGAN 48150
LAND SURVEYOR # 27446
(734) 634-3591
FAX (734) 421-1036

JOB #15-48	1"=400'
DATE 10-15-15	SCALE
DWG. BYMWD	BK PG
SHEET 1 OF 4	

LEGAL DESCRIPTION

PARCEL A

A PARCEL OF LAND IN THE N.W. 1/4 OF SECTION 12, T.2N., R.5E., GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE S87°58'53"W, ALONG THE NORTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF McCLEMENTS ROAD, 66 FEET WIDE, 623.81 FEET TO THE POINT OF BEGINNING; THENCE S02°14'44"E, 436.00 FEET; THENCE S00°28'45"W, 432.58 FEET; THENCE N56°48'10"W, 364.27 FEET; THENCE 142.40 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 230.00 FEET AND A CHORD BEARING N74°32'23"W, 140.14 FEET; THENCE S87°43'23"W, 256.43 FEET; THENCE N02°16'37"W, 617.18 FEET TO SAID NORTH LINE AND CENTERLINE; THENCE N87°58'53"E, ALONG SAID NORTH LINE AND CENTERLINE, 707.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.068 ACRES OF LAND MORE OR LESS.

SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE NORTHERLY 33 FEET FOR McCLEMENTS ROAD AND THE WESTERLY PORTION FOR EULER ROAD. ALSO SUBJECT TO A 66 FEET WIDE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES, THE CENTERLINE BEING DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE S87°58'53"W, ALONG THE NORTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF McCLEMENTS ROAD, 66 FEET WIDE, 1331.42 FEET; THENCE S02°16'37"E, 617.18 FEET TO THE POINT OF BEGINNING; THENCE N87°43'23"E, 256.43 FEET; THENCE 142.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 230.00 FEET AND A CHORD BEARING S74°32'23"E, 140.14 FEET; THENCE S56°48'10"E, 364.27 FEET TO THE CENTER OF A 75 FEET RADIUS CUL-DE-SAC AND THE POINT OF ENDING.

ALSO SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

PARCEL B

A PARCEL OF LAND IN THE N.W. 1/4 OF SECTION 12, T.2N., R.5E., GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE S87°58'53"W, ALONG THE NORTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF McCLEMENTS ROAD, 66 FEET WIDE, 623.81 FEET; THENCE S02°14'44"E, 436.00 FEET; THENCE S00°28'45"W, 432.58 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°28'45"W, 466.30 FEET; THENCE S87°58'53"W, 424.15 FEET; THENCE N02°16'37"W, 25.00 FEET; THENCE S87°58'53"W, 240.00 FEET; THENCE N02°16'37"W, 691.86 FEET; THENCE N87°43'23"E, 256.43 FEET; THENCE 142.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 230.00 FEET AND A CHORD BEARING S74°32'23"E, 140.14 FEET; THENCE S56°48'10"E, 364.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.013 ACRES OF LAND MORE OR LESS.

SUBJECT TO THE WESTERLY PORTION FOR EULER ROAD. ALSO SUBJECT TO A 66 FEET WIDE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES, THE CENTERLINE BEING DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE S87°58'53"W, ALONG THE NORTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF McCLEMENTS ROAD, 66 FEET WIDE, 1331.42 FEET; THENCE S02°16'37"E, 617.18 FEET TO THE POINT OF BEGINNING; THENCE N87°43'23"E, 256.43 FEET; THENCE 142.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 230.00 FEET AND A CHORD BEARING S74°32'23"E, 140.14 FEET; THENCE S56°48'10"E, 364.27 FEET TO THE CENTER OF A 75 FEET RADIUS CUL-DE-SAC AND THE POINT OF ENDING.

ALSO SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

PARCEL C

A PARCEL OF LAND IN THE N.W. 1/4 OF SECTION 12, T.2N., R.5E., GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE S02°14'44"E, ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12, 436.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°14'44"E, ALONG SAID NORTH-SOUTH 1/4 LINE, 873.04 FEET; THENCE S87°58'53"W, 665.35 FEET; THENCE N00°28'45"E, 873.66 FEET; THENCE N87°58'53"E, 623.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.919 ACRES OF LAND MORE OR LESS.

SUBJECT TO AND TOGETHER WITH A 66 FEET WIDE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES, THE CENTERLINE BEING DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE S87°58'53"W, ALONG THE NORTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF McCLEMENTS ROAD, 66 FEET WIDE, 1331.42 FEET; THENCE S02°16'37"E, 617.18 FEET TO THE POINT OF BEGINNING; THENCE N87°43'23"E, 256.43 FEET; THENCE 142.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 230.00 FEET AND A CHORD BEARING S74°32'23"E, 140.14 FEET; THENCE S56°48'10"E, 364.27 FEET TO THE CENTER OF A 75 FEET RADIUS CUL-DE-SAC AND THE POINT OF ENDING.

ALSO SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

CLIENT: J. OLIVETO
REV. 6-27-16

APEX SURVEY
36554 GRANDON
LIVONIA MICHIGAN 48150
LAND SURVEYOR # 27446
(734) 634-3591
FAX (734) 421-1036

JOB #15-48	SCALE
DATE 10-15-15	BK PG
DWG. BYMWD	
SHEET 2 OF 4	

LEGAL DESCRIPTION

PARCEL D

A PARCEL OF LAND IN THE N.W. 1/4 OF SECTION 12, T.2N., R.5E., GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE S87°58'53"W, ALONG THE NORTH LINE OF SAID SECTION 12 AND THE CENTERLINE OF McCLEMENTS ROAD, 66 FEET WIDE, 623.81 FEET; THENCE S02°14'44"E, 436.00 FEET; THENCE S00°28'45"W, 898.88 FEET; THENCE S87°58'53"W, 424.15 FEET TO THE POINT OF BEGINNING; THENCE S02°16'37"E, 799.20 FEET; THENCE S53°12'52"W, 291.24 FEET; THENCE N02°16'37"W, 990.28 FEET; THENCE N87°58'33"E, 240.00 FEET; THENCE S02°16'37"E, 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.000 ACRES OF LAND MORE OR LESS.

SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

PARCEL E

A PARCEL OF LAND IN THE N.W. 1/4 OF SECTION 12, T.2N., R.5E., GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE S02°14'44"E, ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12, 1309.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°14'44"E, ALONG SAID NORTH-SOUTH 1/4 LINE, 495.14 FEET; THENCE S87°58'53"W, 1090.43 FEET; THENCE N02°16'37"W, 470.14 FEET; THENCE N87°58'53"E, 424.15 FEET; THENCE N00°28'45"E, 25.02 FEET; THENCE N87°58'53"E, 665.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.152 ACRES OF LAND MORE OR LESS.

SUBJECT TO AND TOGETHER WITH A 66 FEET WIDE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES, THE CENTERLINE BEING DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE S02°14'44"E, ALONG THE N-S 1/4 LINE OF SAID SECTION 12, 2722.16 FEET TO THE CENTER OF SAID SECTION 12, THENCE S89°44'09"W, 1330.74 FEET; THENCE N03°41'16"W, 322.16 FEET TO THE POINT OF BEGINNING; THENCE N87°43'23"E, 80.93 FEET; THENCE 314.16 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET AND A CHORD BEARING N42°43'23"E, 282.84 FEET; THENCE N02°16'37"W, 403.94 FEET TO THE POINT OF ENDING.

ALSO SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

PARCEL F

A PARCEL OF LAND IN THE N.W. 1/4 OF SECTION 12, T.2N., R.5E., GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE S02°14'44"E, ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12, 1804.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°14'44"E, ALONG SAID NORTH-SOUTH 1/4 LINE, 495.14 FEET; THENCE S87°58'53"W, 1330.16 FEET; THENCE N53°12'52"E, 291.24 FEET; THENCE N02°16'37"W, 329.06 FEET; THENCE N87°58'53"E, 1090.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.850 ACRES OF LAND MORE OR LESS.

SUBJECT TO AND TOGETHER WITH A 66 FEET WIDE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES, THE CENTERLINE BEING DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE S02°14'44"E, ALONG THE N-S 1/4 LINE OF SAID SECTION 12, 2722.16 FEET TO THE CENTER OF SAID SECTION 12, THENCE S89°44'09"W, 1330.74 FEET; THENCE N03°41'16"W, 322.16 FEET TO THE POINT OF BEGINNING; THENCE N87°43'23"E, 80.93 FEET; THENCE 314.16 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET AND A CHORD BEARING N42°43'23"E, 282.84 FEET; THENCE N02°16'37"W, 403.94 FEET TO THE POINT OF ENDING.

ALSO SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

CLIENT: J. OLIVETO
REV. 6-27-16

APEX SURVEY
36554 GRANDON
LIVONIA MICHIGAN 48150
LAND SURVEYOR # 27446
(734) 634-3591
FAX (734) 421-1036

JOB #15-48	SCALE
DATE 10-15-15	BK PG
DWG. BYMWD	

SHEET 3 OF 4

LEGAL DESCRIPTION

PARCEL G

A PARCEL OF LAND IN THE N.W. 1/4 OF SECTION 12, T.2N., R.5E., GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12; THENCE S02°14'44"E, ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 12, 2299.32 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°14'44"E, ALONG SAID NORTH-SOUTH 1/4 LINE, 422.84 FEET TO THE CENTER OF SAID SECTION 12; THENCE S89°44'09"W, 1330.74 FEET; THENCE N02°16'37"W, 382.09 FEET; THENCE N87°58'53"E, 130.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.289 ACRES OF LAND MORE OR LESS.

SUBJECT TO AND TOGETHER WITH A 66 FEET WIDE EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES, THE CENTERLINE BEING DESCRIBED AS:

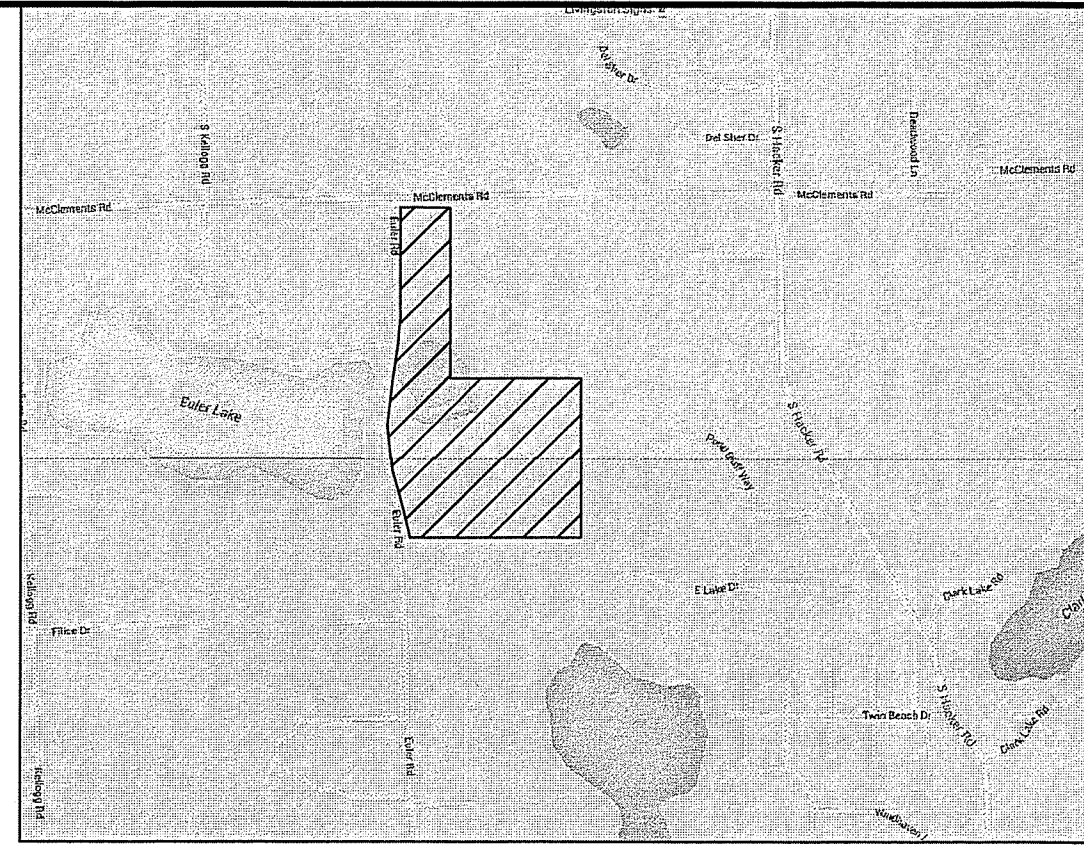
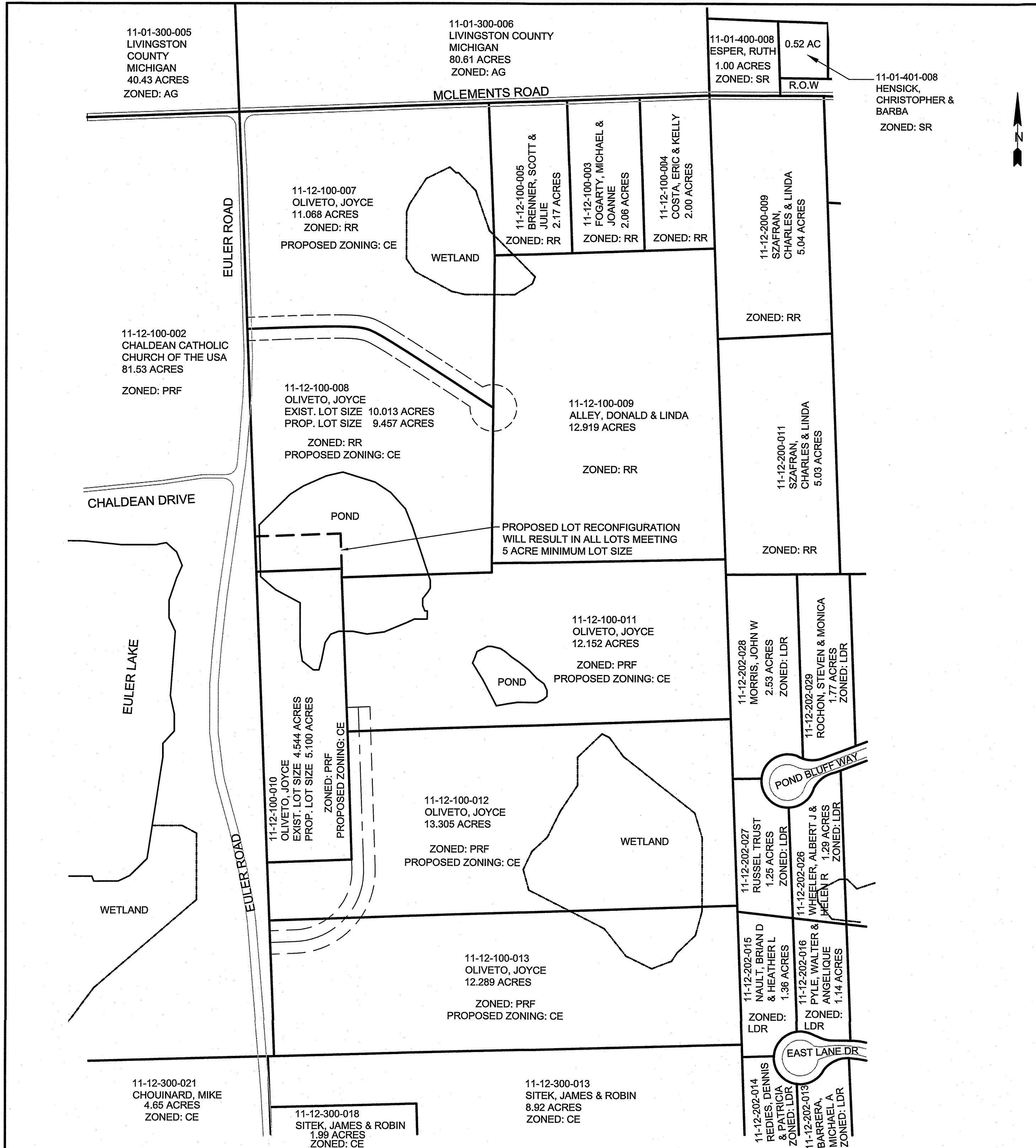
COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 12, THENCE S02°14'44"E, ALONG THE N-S 1/4 LINE OF SAID SECTION 12, 2722.16 FEET TO THE CENTER OF SAID SECTION 12, THENCE S89°44'09"W, 1330.74 FEET; THENCE N03°41'16"W, 322.16 FEET TO THE POINT OF BEGINNING; THENCE N87°43'23"E, 80.93 FEET; THENCE 314.16 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET AND A CHORD BEARING N42°43'23"E, 282.84 FEET; THENCE N02°16'37"W, 403.94 FEET TO THE POINT OF ENDING.

ALSO SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

CLIENT: J. OLIVETO
REV. 6-27-16

APEX SURVEY
36554 GRANDON
LIVONIA MICHIGAN 48150
LAND SURVEYOR # 27446
(734) 634-3591
FAX (734) 421-1036

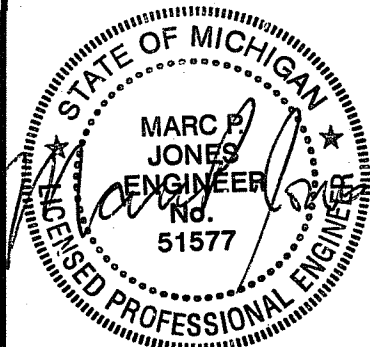
JOB #15-48	SCALE
DATE 10-15-15	BK PG
DWG. BYMWD	
SHEET 4 OF 4	



NO	BY	ADDED AC. & WETLANDS	REVISION PER	DATE
1	RD			6-16-16

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.

3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
FOR THE LOCATION OF UNDERGROUND UTILITIES



BEBOSS
Engineering
Engineers Surveyors Planners Landscape Architects
HOWELL, MI. 48843
800.246.6735 FAX 517.548.1670

PROJECT
PREPARED FOR
TITLE

OLIVETO RE-ZONING
JOYCE OLIVETO
963 PEACEFUL CT
BRIGHTON, MI 48114
P.L.O. 500-1404

RE-ZONING PLAN

DESIGNED BY: [Signature]

DRAWN BY: [Signature]

CHECKED BY: MBL

SCALE N

JOB NO. 16-70

DATE 5/2/016

SHEET NO. 1 OF 1

BOSS Engineering



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

MEMORANDUM

TO: Honorable Board of Trustees

FROM: Kelly VanMarter, Assistant Township Manager/Community Development Director

DATE: September 1, 2016

RE: **Genoa Outlots** – PUD Amendment, Environmental Impact Assessment & PUD Plan

MANAGER'S REVIEW: _____

I have reviewed the revised Planned Unit Development (PUD) agreement amendment and the revised environmental impact assessment for the proposed changes to the Genoa Outlots (formerly Genoa 24 Grand) development agreement. The Genoa Outlots project area is located on the southeast corner of Grand River Avenue and Lawson Drive and is currently anchored by the Kohl's Department Store.

The most significant changes to the Development Agreement include the following:

- Allow wall signs on both the Grand River and Lawson Drive building frontages for the outlots.
- Permit indoor climate controlled storage with special land use authorization.
- Permit drive through facilities by right on outlots 1, 2, 3, 4, and the eastern most tenant space of the north retail building on outlot 5. Additional drive through facilities would require special land use authorization.
- Eliminate the drive-through restrictions on outlot 1 (this is a new item which was not addressed by the Planning Commission).

This project was recommended for approval by the Township Planning Commission on August 8, 2016. The applicant asked the Planning Commission to consider changes regarding the drive through on outlot 1 during the motion but the Commission was not inclined to entertain the change at that stage of the meeting. In response, please take note that the applicant is asking the Board to modify the Planning Commission's decision by including language which would eliminate the use restrictions associated with the drive through on outlot 1. In my opinion, outlot 1 was developed and the site design was based on a coffee shop user therefore I do not support this proposed deviation without first getting input from the Planning Commission. This position is reflected in the following motions for your consideration:

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

PUD AGREEMENT

Moved _____, Supported by _____ to approve the PUD Amendment received on August 22, 2016 for Genoa Outlots LLC subject to the following:

1. Review and approval by the Township Attorney.
2. The PUD Agreement shall be recorded with the Livingston County Register of Deeds office.
3. In Exhibit C, all items that have the potential for a drive through shall be subject to item cc. This should include items a., b., c., i., n., q., and x.
4. The outlots referenced in the agreement should be shown on the PUD Concept plan. This plan should be included as an Exhibit to the Agreement.
5. The changes included for outlot 1 shall be eliminated.

IMPACT ASSESSMENT

Moved by _____, Supported by _____ to approve the Impact Assessment received on August 22, 2016 provided that language added to Section E. regarding residential uses being located to the east shall be removed.

CONCEPT PUD PLAN

Moved by _____, Supported by _____ to approve the Conceptual PUD Plan subject to the plan being updated to depict the outlots as described in the PUD Amendment.

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

Sincerely,



Kelly VanMarter
Assistant Township Manager/Community Development Director



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.

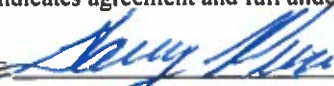
SIGNATURE  DATE 6/27/16
PRINT NAME Harvey Weiss PHONE (248) 549-3600
ADDRESS 32820 Woodward Avenue, Suite 200, Royal Oak, MI 48073

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

Law Office of Steven Samona, PC

32820 Woodward Avenue
Suite 240
Royal Oak, MI 48073
(248) 565-8582
stevensamona@thebizattorney.com

September 1, 2016

Genoa Township
Attn: Kelly VanMartar
2911 Dorr Road
Brighton, MI 48116

**Re: Genoa Outlots PUD Amendment
Revisions per Planning Commission Meeting**

Dear Kelly,

Pursuant to comments and motions on the PUD addressed at the August 19, 2016 meeting, the following revisions have been sent and accompany this letter.

1. A revised PUD with the following changes from the prior submittal:
 - a. Section 2 was modified to permit a second sign on the south elevation. Any reference to permitting additional signage on the east or west elevation was removed.
 - b. Exhibit C, item n was modified to remove reference to additional drive through facilities other than Outlot #1, since it will be address in a separate item, item cc.
 - c. Exhibit C item y, reference to drive through was modified to state subject to item cc below.
 - d. Exhibit C, Item z was modified to limit self storage / mini storage to “Internal, climate controlled, self-storage and/or Mini storage — indoors, with limited overhead doors” and subject to special land use approval.
 - e. The following item cc was added: Provided such drive through facilities provide adequate stacking within the development site (including internal roads within said development), a single drive through facility of any kind (including a restaurants, taverns and other places servicing food or beverages with drive through facilities and/or pick up window) per outlot, shall be permitted for Outlot # 1, 2, 3, 4 and 5 (the northeasterly outlot building) by right, and additional drive facilities may be provided in the Development upon special land use approval. The provisions of this item (cc) shall supersede any restrictions on Outlot #1 provided for in item n above.” Despite, Outlot #1 not being approved by the Planning Commission for a single drive through of any kind by right, the

applicant is seeking the modification to ensure Outlot #1 is uniform with the other outlots with respect to permitted drive through and restrictions on such drive through usage. Without the proposed change, Outlot #1 would otherwise be the only Outlot whose permitted drive through is specific to a certain tenant, use and sale. The applicant failed to present the matter in a clear manner with the Planning Commission and is seeking to clarify its proposal and explanation before the Board due to a failure to anticipate modification with respect to outlots that restricted the total number of drive through facilities per outlot as opposed to the development as a whole.

2. The following changes were made to the Impact Statement
 - a. Section 1© was modified so that Oakland County Drain Commission was replaced with Oakland County Drain Commissioner.
 - b. Section 1(E) was modified to add reference to residential property to the east.
 - c. Section 1(f) was modified to state fire protection in Genoa Township is provided under contract with Brighton Area Fire Authority.
 - d. Section 1(I) was modified to state Grand River is a state trunkline and not a county road, and that it is under the jurisdiction of the Michigan Department of Transportation and not the Livingston County Road Commissioner.

Very Truly Yours,

Steven S. Samona

SSS
Encl

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

CALL TO ORDER: The meeting of the Genoa Charter Township Planning Commission was called to order at 6:32 p.m. Present were Chairman Doug Brown, Barbara Figs, James Mortensen, Chris Grae, and Diana Lowe. Absent were Eric Rauch and John McManus. Also present was Kelly VanMarter, Community Development Director/Assistant Township Manager, Brian Borden of LSL Planning, Gary Marstrom of Tetra Tech, and an audience of 1.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

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

CALL TO THE PUBLIC: The call to the public was made at 6:33 pm with no response.

OLD BUSINESS:

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 Amendments to the PUD Agreement 7-22-16
- B. Recommendation of Impact Assessment 6-29-16
- C. Recommendation of Conceptual PUD Plan 6-29-16

Mr. Steve Samona, a representative from Genoa Outlots, LLC, and Harvey Weiss, the property owner, were present.

Mr. Samona gave a history of the property and the uses that were allowed when the PUD was originally approved. Since that time, the Latson Road & I-96 Interchange was developed and the traffic patterns have changed in the Township. The traffic in front of their development has decreased and in order to help move in more tenants and make this a viable and successful development, they would like to change the allowable uses.

Mr. Borden reviewed his letter of August 1, 2016. The major items he feels that should be addressed are the requested permitted uses, the allowance of additional uses having a drive thru, and the mini and/or self-storage units. He suggested the Township allow for the newly suggested uses to be allowed only by special use and not by right, to limit the number of uses with a drive thru to three, with any additional ones requiring special land use approval, and he suggested the self-storage use be restricted to the northerly portion of the property and the terminology changed to mini-storage / indoor and climate-controlled.

Also, the proposed amendments are asking to allow a second sign on the outlet parcels facing Lawson Road (the ring road) by right. Ms. VanMarter stated that interior tenants are currently not allowed a second sign however, the tenants who are on the corner of a public road corner are allowed a second sign.

Commissioner Mortensen asked if these requests are allowed in other PUDs in the Township. Ms. VanMarter stated the proposed changes to this PUD are very similar to amendments made to other PUDs in the Township. She added that other PUDs that have uses with a drive thru have been granted them during site plan approval however, there are no more allowed than what is already there.

Mr. Samona showed photographs of the storage facilities they are proposing. They would be indoor, climate controlled units without overhead garage doors.

Mr. Marstrom stated that if the impervious surfaces do not change from what was originally proposed, there are no issues.

The Brighton Area Fire Authority's letter noted that they are the fire department who would be providing fire protection not Howell as is stated on the plans.

Commissioner Mortensen stated he would like to allow one drive through user per out lot and if any more are wanted, they would require special land use approval.

The call to the public was made at 7:25 pm with no response.

Moved by Commissioner Mortensen, seconded by Commissioner Fingersh, to recommend to the Township Board approval of the Amendment to the PUD Agreement dated 7-22-26 by Genoa Outlots, LLC with the following conditions:

- The proposed addition of a self-storage facility will be limited to internal self-storage units that are climate controlled with limited overhead doors and will require special land use approval.
- Two signs will be allowed by right on the out lot parcels one facing Grand River and one facing the ring road.
- By right, uses with a drive thru of any kind are allowed on Lots 2, 3, and 4 and the uses with a drive thru requested on the northeasterly out lot building will require special land use approval.
- This recommendation is subject to review and approval by the Township Attorney.

The motion carried unanimously.

Moved by Commissioner Figs, seconded by Commissioner Lowe, to recommend to the Township Board approval of the Impact Assessment dated 6-29-16 by Genoa Outlots, LLC with the changes noted in sections C, F, and I. **The motion carried unanimously.**

Moved by Commissioner Mortensen, seconded by Commissioner Lowe, to recommend to the Township Board approval of the Conceptual PUD Plan dated 6-29-16 by Genoa Outlots, LLC conditioned upon the requirement of the Brighton Area Fire Authority stated in their letter of July 6, 2016 be met. **The motion carried unanimously.**

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 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)

Mr. Steve Samona, a representative from Genoa Outlots, LLC, and Harvey Weiss, the property owner, were present.

Mr. Samona gave a history of the property and the uses that were allowed when the PUD was originally approved. As is the case with the first item on the agenda, since that time, the Latson Road & I-96 Interchange was developed and the traffic patterns have changed in the Township. The traffic in front of their development has decreased and in order to help move in more tenants and make this a viable and successful development, they would like to change the allowable uses.

Mr. Borden reviewed his letter of August 1, 2016. His items of concern are the same as Agenda Item #1. He suggested the Township allow for the newly suggested uses to be allowed only by special use and not by right, to limit the number of uses with a drive thru to three, with any additional ones requiring special land use approval, and he suggested the self-storage use to be restricted to the northerly portion of the property and the terminology changed to min-storage / indoor and climate-controlled.

Chairman Brown would like dealerships to require a special land use permit.

Commissioner Mortensen has concerns about gas stations being allowed by right.

Commissioner Figs agrees with both Chairman Brown and Commissioner Mortensen.

Mr. Weiss stated that this location is perfect for a gas station. The gas stations that are being designed and built now are very nice. They are not like the old types of gas stations. Mr. Samona agreed. He stated they are large convenience stores that have gas pumps.



August 1, 2016

Planning Commission
Genoa Township
2911 Dorr Road
Brighton, Michigan 48116

Attention:	Kelly Van Marter, AICP Assistant Township Manager and Planning Director
Subject:	Genoa Outlots – Proposed Amendment to Approved PUD (2 nd Review)
Location:	South side of Grand River Avenue, west of I-96 Exit 141
Zoning:	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 2nd sign for the outlot parcels seems appropriate; however, we question the need to allow a 3rd 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 2nd 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 2nd sign in certain circumstances, but this amendment would give these tenants a 2nd sign by right.

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

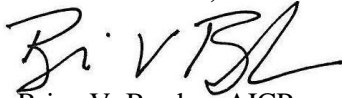
In short, we understand the need/desire for a 2nd sign, but question the need for 3 signs on the end units.

- 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.

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

Received 8-22-16

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 Commissioner. 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 with a portion of the east being used as residential. 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 Brighton Area Fire Authority. 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 Michigan Department of Transportation.

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.

Received 8-22-16

**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 and Lawson Drive, each tenant shall be permitted to install an additional sign on the south elevation of the building; 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)
)
COUNTY OF OAKLAND) **ss.**

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.

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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

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

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Parcel No: 4711-09-200-026

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Parcel No: 4711-09-200-028

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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 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.

- 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 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 subject to item (aa) below.
- z. Internal, climate controlled, self-storage and/or Mini storage – indoors, with limited overhead doors excluding Outlots # 1, 2, 3, 4 and 5, subject to special land use approval.
 - 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.
 - cc. Provided such drive through facilities provide adequate stacking within the development site (including internal roads within said development), a single drive through facility of any kind (including a restaurants, taverns and other places servicing food or beverages with drive through facilities and/or pick up window) per outlot, shall be permitted for Outlot # 1, 2, 3, 4 and 5 (the northeasterly outlot building) by right, and additional drive facilities may be provided in the Development upon special land use approval. The provisions of this item (cc) shall supersede any restrictions on Outlot #1 provided for in item n above.

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: _____

**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 and Lawson Drive, each tenant shall be permitted to install an additional 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)

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Printed Name: _____
Notary Public, _____ County, _____
My Commission Expires: _____

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Township:

TOWNSHIP OF GENOA,
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Print Name: _____

By: _____
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- 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).~~

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- 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 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; subject to item (aa) below.
- z. Internal, climate controlled, self-storage and/or Mini storage -- indoors, with limited overhead doors excluding Outlots # 1, 2, 3, 4 and 5, subject to special land use approval ~~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.

cc. Provided such drive through facilities provide adequate stacking within the development site (including internal roads within said development), a single drive through facility of any kind (including a restaurants, taverns and other places servicing food or beverages with drive through facilities and/or pick up window) per outlot, shall be permitted for Outlot # 1, 2, 3, 4 and 5 (the northeasterly outlot building) by right, and additional drive facilities may be provided in the Development upon special land use approval. The provisions of this item (cc) shall supersede any restrictions on Outlot #1 provided for in item n above.

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 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 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: _____

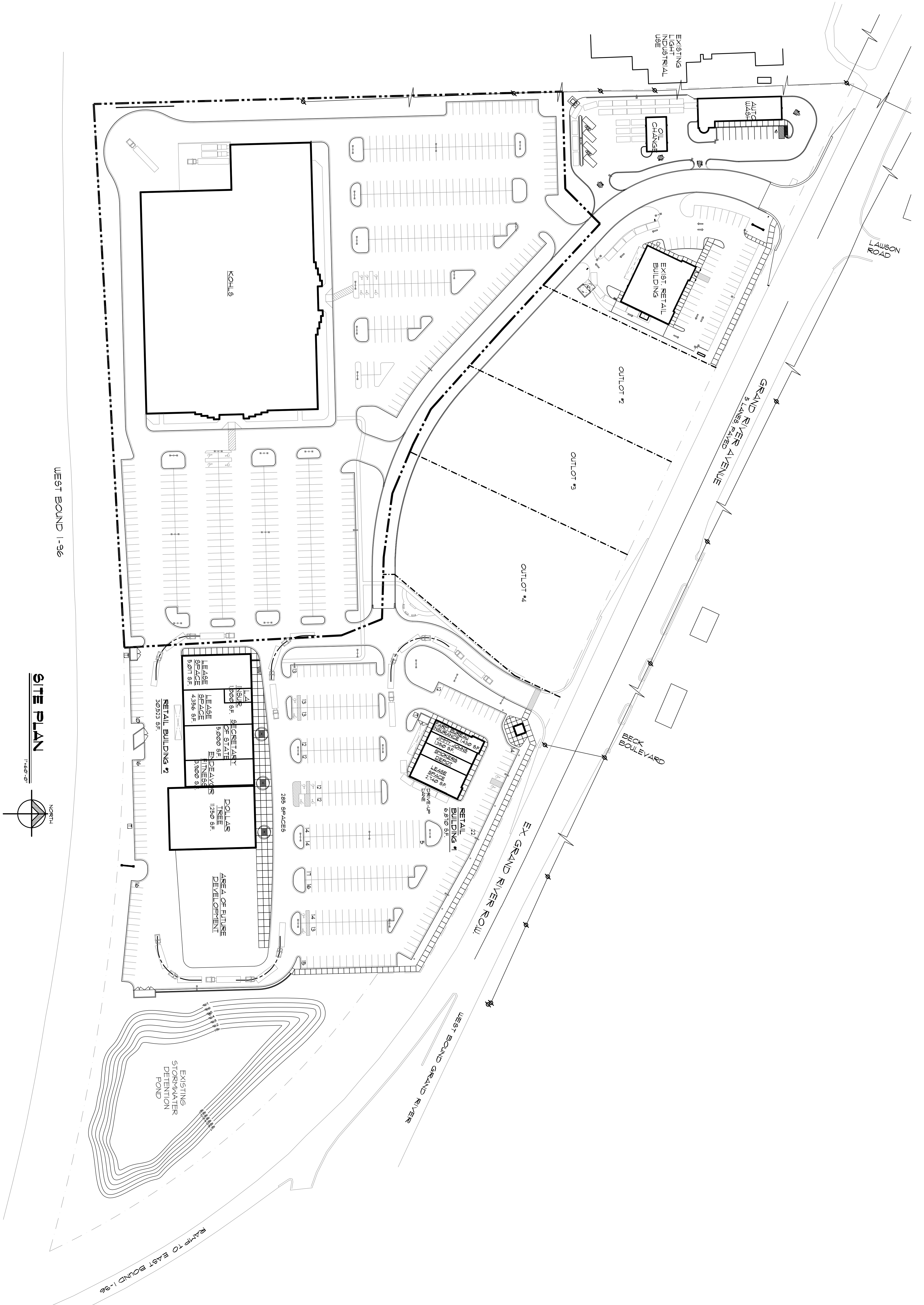
By: _____
Its: _____

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.

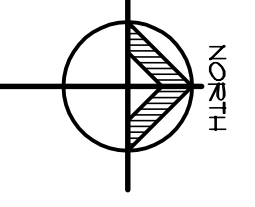
GRAHM REAL ESTATE, LLC, a Michigan limited liability company

Print Name: _____

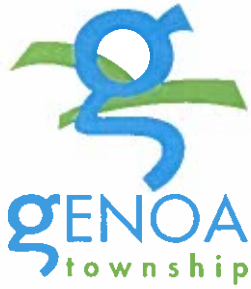
By: _____
Its: _____



SITE PLAN



Sheet No. SP-1	Issued For: 02-03-15 02-06-15 REV.	Sheet Title: COMPOSITE SITE PLAN	Project: GENOA SQUARE 1420 LAWSON DRIVE GENOA TOWNSHIP, MICHIGAN	 Michael A. Boggio Assoc. Architects 30100 Telegraph Rd., Ste. 216 Bingham Farms MI 48025 (248)-258-5155
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2911 Dorr Road
Brighton, MI 48116
810.227.5225
810.227.3420 fax
genoa.org

MEMORANDUM

TO: Honorable Board of Trustees

FROM: Kelly VanMarter, Assistant Township Manager/Community Development Director

DATE: September 1, 2016

RE: Grand River/Lawson – PUD Amendment, Environmental Impact Assessment & Site Plan

MANAGER'S REVIEW: 

I have reviewed the revised Planned Unit Development (PUD) agreement amendment and the revised environmental impact assessment for the proposed changes to the Grand River/Lawson development agreement. The Grand River/Lawson project area is located on the northeast corner of Grand River Avenue and Lawson Drive and is currently anchored by the Tractor Supply Store.

The most significant changes to the Development Agreement include the following:

- Convert the existing limited access driveway on Grand River Avenue to a full service driveway subject to MDOT approval.
- Permit a "high quality" gasoline service station subject to Special Use approval.
- Permit indoor climate controlled storage in the northwest corner of the site subject to Special Land Use approval.
- Permit 2 drive through facilities by right and provide special land authorization for any additional.

This project was recommended for approval by the Township Planning Commission on August 8, 2016. My review of the revised submittal was focused on compliance with the outstanding items discussed at the Planning Commission. In this regard, I provide the following for your consideration:

PUD AGREEMENT

Moved _____, Supported by _____ to approve the PUD Amendment received on August 22, 2016 for Grand River/Lawson Associates LLC subject to the following:

1. Review and approval by the Township Attorney.

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

TRUSTEES

H. James Mortensen

Jean W. Ledford

Todd W. Smith

Linda Rowell

MANAGER

Michael C. Archinal

2. The PUD Agreement shall be recorded with the Livingston County Register of Deeds office.
3. In Exhibit B, all items that have the potential for a drive through shall be subject to item aa. This should include items a., b., c., i., n., and q.
4. In Exhibit B, item w, only parcel 4711-09-200-041 should be eligible for the indoor storage special use.

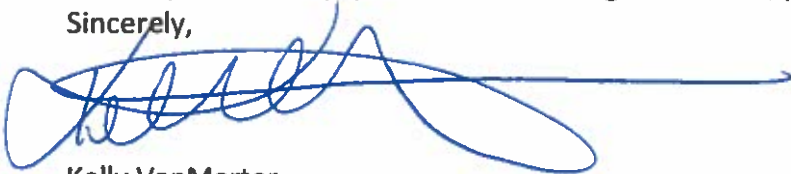
IMPACT ASSESSMENT

Moved by _____, Supported by _____ to approve the Impact Assessment received on August 22, 2016 provided that language be added to Section B. Site Description, regarding the proximity of residential land uses east of the subject site.

CONCEPT PUD PLAN

Moved by _____, Supported by _____ to approve the Conceptual PUD Plan.

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



Kelly VanMarter
Assistant Township Manager/Community Development Director



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.

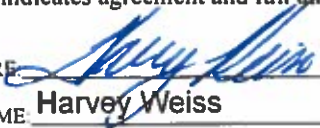
SIGNATURE  DATE: 6/27/16
PRINT NAME: Harvey Weiss PHONE: (248) 549-3600
ADDRESS: 32820 Woodward Avenue, Suite 200, Royal Oak, MI 48073

EXHIBIT A

4711-09-200-038

4711-09-200-039

4711-09-200-040

4711-09-200-041

Moved by Commissioner Figsø, seconded by Commissioner Lowe, to recommend to the Township Board approval of the Impact Assessment dated 6-29-16 by Genoa Outlots, LLC with the changes noted in sections C, F, and I. **The motion carried unanimously.**

Moved by Commissioner Mortensen, seconded by Commissioner Lowe, to recommend to the Township Board approval of the Conceptual PUD Plan dated 6-29-16 by Genoa Outlots, LLC conditioned upon the requirement of the Brighton Area Fire Authority stated in their letter of July 6, 2016 be met. **The motion carried unanimously.**

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 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)

Mr. Steve Samona, a representative from Genoa Outlots, LLC, and Harvey Weiss, the property owner, were present.

Mr. Samona gave a history of the property and the uses that were allowed when the PUD was originally approved. As is the case with the first item on the agenda, since that time, the Latson Road & I-96 Interchange was developed and the traffic patterns have changed in the Township. The traffic in front of their development has decreased and in order to help move in more tenants and make this a viable and successful development, they would like to change the allowable uses.

Mr. Borden reviewed his letter of August 1, 2016. His items of concern are the same as Agenda Item #1. He suggested the Township allow for the newly suggested uses to be allowed only by special use and not by right, to limit the number of uses with a drive thru to three, with any additional ones requiring special land use approval, and he suggested the self-storage use to be restricted to the northerly portion of the property and the terminology changed to min-storage / indoor and climate-controlled.

Chairman Brown would like dealerships to require a special land use permit.

Commissioner Mortensen has concerns about gas stations being allowed by right.

Commissioner Figsø agrees with both Chairman Brown and Commissioner Mortensen.

Mr. Weiss stated that this location is perfect for a gas station. The gas stations that are being designed and built now are very nice. They are not like the old types of gas stations. Mr. Samona agreed. He stated they are large convenience stores that have gas pumps.

Commissioner Grae stated that if the Township allowed one of the new-style gas stations, it may force the other ones in the area to upgrade their buildings and sites.

Mr. Marstrom reviewed his letter of August 3, 2016. He is recommending that the driveway provision in the PUD agreement require a traffic study as well as approval by MDOT.

The Brighton Area Fire Authority's letter noted that they are the fire department who would be providing fire protection not Howell as is noted on the plans.

The call to the public was made at 8:33 pm with no response.

Moved by Commissioner Mortensen, seconded by Commissioner Grae, to recommend to the Township Board approval of the Amendment to the PUD Agreement dated 7-22-16 by Grand River/Lawson Associates, LLC with the following conditions:

- New car dealerships will be permitted by special land use permit.
- A high-quality gas station combined with a customary convenience store and other services, such as a small restaurant, etc. will be considered under a special land use permit.
- Two uses with a drive thru of any type, whether a bank or restaurant, etc. will be permitted by right. Any additional uses with a drive thru will require a special land use permit.
- An indoor storage unit will require a special land use permit and will be limited to indoor, climate controlled with limited overhead doors. The location of such unit will be limited to the northwest corner of the site.
- This recommendation is subject to review and approval by the Township Attorney.

The motion carried (Brown – yes; Figurski – no; Mortensen – yes; Lowe – yes; Grajek – yes).

Moved by Commissioner Figurski, seconded by Commissioner Lowe, to recommend to the Township Board approval of the Impact Assessment dated 6-29-16 by Grand River/Lawson Associates, LLC with the changes made to Item F as noted and the addition of residential zoning to the east side of the property. **The motion carried unanimously.**

Moved by Mortensen, seconded by Grae, to recommend to the Township Board approval of the Amendment to the PUD Agreement dated 7-22-16 by Grand River/Lawson Associates, LLC with the following conditions:

- The reconfiguration of the driveway facing Grand River will require a traffic study and approval by MDOT.
- The requirement of the Brighton Area Fire Authority stated in their letter of July 6, 2016 be met.

The motion carried (Brown – yes; Figurski – no; Mortensen – yes; Lowe – yes; Grajek – yes).



August 1, 2016

Planning Commission
Genoa Township
2911 Dorr Road
Brighton, Michigan 48116

Attention:	Kelly Van Marter, AICP Assistant Township Manager and Planning Director
Subject:	Grand River/Lawson PUD – Proposed Amendment to Approved PUD (Review #2)
Location:	Northeast corner of the Grand River and Lawson intersection
Zoning:	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 2nd 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.

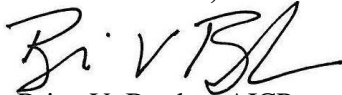
The proposed amendment would allow the applicant to pursue an unrestricted point of ingress/egress. As noted in the draft amendment, any changes to this drive are subject to review and approval by MDOT. The Township should also consider any comments provided by the Township Engineer with respect to this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

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

Received 8-22-16

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 - The site earthwork is and 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 Commissioner. 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 Brighton Area Fire Authority. 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 State Trunkline with a 100 R.O.W. and is under the jurisdiction of the Michigan Department of Transportation.

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.

Received 8-22-16

**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 and accompanying traffic study.

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 a high quality gasoline service station is permitted subject to special land use approval.

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.

- 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 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) subject to item aa below
- w. Internal, climate controlled Mini and/or self storage warehouse - indoors, subject to subject to special land use approval with respect to Parcels 1, 2 and 3 .
- x. Automobile (including motorcycle) sales and lease, new and used, and car rental with automobile (including motorcycle) sales and leasing 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.
- aa. Provided such drive through facilities provide adequate stacking within the development site (including internal roads within said development), Two (2) drive through facilities of any kind (including a restaurants, taverns and other places servicing food or beverages with drive through facilities and/or pick up window), shall be permitted by right and additional drive facilities may be permitted in the Development upon special land use approval.

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.

**AMENDMENT TO THE PLANNED
UNIT DEVELOPMENT AGREEMENT**

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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 and accompanying traffic study.

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)
)
COUNTY OF OAKLAND)

ss.

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)
)
COUNTY OF OAKLAND)

ss.

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 a high quality~~ gasoline service station is permitted ~~and such shall be~~ subject to ~~Section 7.1 of the PUD and the special land use approval 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

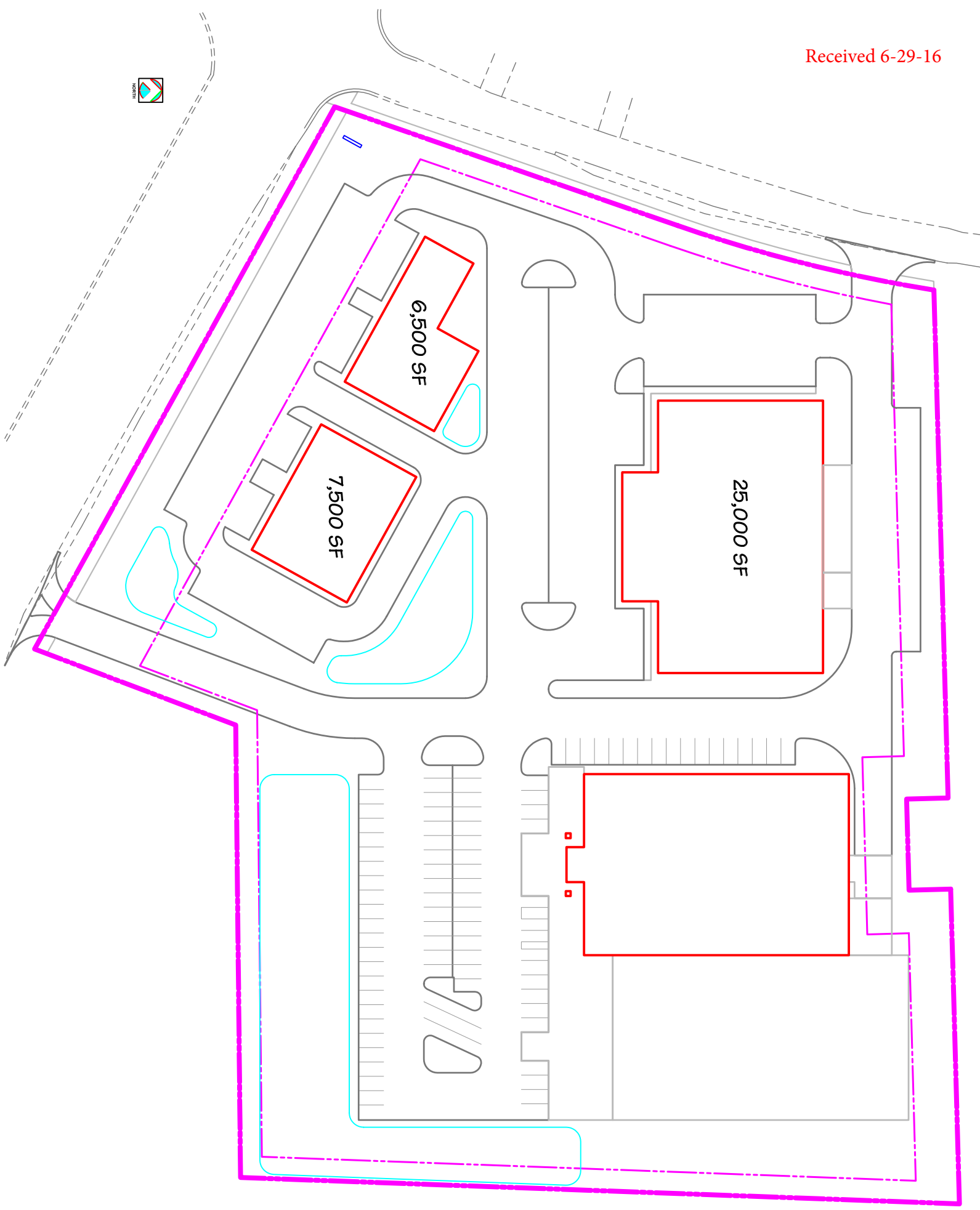
primary business but only be incidental part of a business), outdoor seating and drive up windows. ~~The foregoing may include up to two (2) drive through restaurants with drive through facilities and/or pick up window; provided such drive through facilities provide adequate stacking within the development 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) ~~subject to item aa below. 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. Internal, climate controlled Mini and/or self storage warehouse - indoors, subject to special land use approval with respect to Parcels 1, 2 and 3 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.
- aa. Provided such drive through facilities provide adequate stacking within the development site (including internal roads within said development). Two (2) drive through facilities of any kind (including a restaurants, taverns and other places servicing food or beverages with drive through facilities and/or pick up window), shall be permitted by right and additional drive facilities may be permitted in the Development upon special land use approval.

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.





925 W. Grand River Ave.
Howell, Michigan 48843
517.546.0693
517.546.6018 Fax
www.howellrecreation.org

To: Gary McCririe, Supervisor & Genoa Charter Township Trustees

From: Paul Rogers – Executive Director – Howell Area Parks & Recreation Authority

Subject: Howell Area Parks & Recreation Authority

Date: August 17, 2016

Please find attached a Resolution for "CONTINUATION OF THE HOWELL AREA PARKS & RECREATION AUTHORITY".

The current Articles of Incorporation for the Authority state the following:

Article XIII A. of the Articles of Incorporation stipulate that "In the event that the levy is not approved by the voters, or any future renewal of such levy is not approved by the voters, it is the intent of these Articles, without further action being required, that the Authority will dissolve, and said dissolution will be conducted in accordance with Article XV of these Articles, unless two-thirds (2/3rds) of the participating municipalities shall, by resolution of their governing bodies within 90 days of the failure of the millage question, determine that the Authority should continue."

Due to the failure of the recent millage request we are requesting your consideration and approval of this resolution.

Thank you and I will be at the September 6, 2016 meeting to answer any questions.

RESOLUTION #160906

**CONTINUATION OF THE
HOWELL AREA PARKS & RECREATION AUTHORITY**

WHEREAS, Genoa Township has joined with the City of Howell, Oceola, Howell, and Marion Townships to be a participating municipality of the Howell Area Parks & Recreation Authority; and

WHEREAS, the Howell Area Parks & Recreation Authority did request voter approval of an operational & capital millage levy on August 2, 2016 to provide recreational programs, activities and a new recreational facility; and

WHEREAS, the recreation authority millage levy was not approved by the majority of the voters within the territorial limits of the Authority; and

WHEREAS, Article XIII A. of the Articles of Incorporation stipulate that "In the event that the levy is not approved by the voters, or any future renewal of such levy is not approved by the voters, it is the intent of these Articles, without further action being required, that the Authority will dissolve, and said dissolution will be conducted in accordance with Article XV of these Articles, unless two-thirds (2/3rds) of the participating municipalities shall, by resolution of their governing bodies within 90 days of the failure of the millage question, determine that the Authority should continue."; and

WHEREAS, Genoa Township and the participating municipalities strongly believe in continuing to partner together to provide the Howell community with recreational opportunities, park development and public open space;

NOW THEREFORE, BE IT RESOLVED, that the Genoa Township Board of Trustees strongly supports and hereby approves continuation of the Howell Area Parks & Recreation Authority to meet the parks and recreation needs of the Howell community now and in the future.

ADOPTED this 6th day of September, 2016

Gary McCririe, Township Supervisor

Paulette A. Skolarus, Township Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of Resolution No. 160906, adopted by the Genoa Township Board of Trustees, in the Charter Township of Genoa, Livingston County, Michigan, at a regular meeting held on the 6th day of September, 2016 and that the meeting was held and the minutes therefore were filed in compliance with Act No. 267 of the Public Acts of 1976.

IN WITNESS WHEREOF, I have hereto affixed my official signature this 6th day of September, 2016.

BY: Paulette A. Skolarus, Clerk
Genoa Charter Township

RISK

MICHIGAN MUNICIPAL
RISK MANAGEMENT
A U T H O R I T Y

August 28, 2016

Greg Tatara
Genoa Township
2911 Dorr Rd
Brighton, MI 48116

RE: Grant Funding – Requirements for Reimbursement

Dear Mr. Tatara:

I am pleased to inform you that the Risk Avoidance Program (RAP)/Certification and Accreditation Program (CAP) application for your Emergency Generator project was approved. The Membership Committee authorized 50% funding up to a maximum of \$30,000 for your project.

RAP/CAP funds are issued on a reimbursement basis. Payment will be based upon confirmation from Genoa Township of their payment of the project in full. The following documents are required for submission to MMRMA in order to process your grant payment:

- Copies of all invoices associated with the project.
- Proofs of payment associated with each invoice. Proofs of payment must match invoice amounts. If multiple payments to a vendor are included in one check or other form of payment, a financial breakdown of individual amounts included with the payment must be provided. Invoices stamped "Paid," Purchase Orders, or screen shots of journal entries do not constitute a proof of payment.
- *Projects Involving Training*** In addition to invoices and proofs of payment regarding tuition expenses, certificates of completion and test scores (when applicable) must also be submitted.

Such documentation is needed in order to verify that the grant allotted is being used for the project described in your application. If your application submission contained the above referenced documentation, please contact MMRMA.

Payment of RAP/CAP funds is contingent upon Genoa Township remaining a member of MMRMA and in compliance with the Joint Powers Agreement. Your approved grant reimbursement is valid for six months from the date of this letter. **GRANT EXPIRATION: 02/28/2017.**

Sincerely,


Cara Kowal, ARM, CPCU
Manager of Risk Management Services

CK/sp

cc: Robin Hunt
Ibex Insurance Agency