

**GENOA CHARTER TOWNSHIP
REGULAR MEETING
MAY 4TH, 2009
6:30 P.M.**

AGENDA

Call to Order:

Pledge of Allegiance:

Call to the Public:

Approval of Consent Agenda:

1. Payment of Bills
2. Request to approve minutes: 4-20-09
3. Request for approval to remove Mary Krencicki from the list of approved check signers and add Sue Sitner.

Approval of Regular Agenda:

4. Request for approval of a dance entertainment permit to be held in conjunction with a proposed Class C licensed business for Fast Casual L.L.C., (Bennigan's Restaurant) located at 3950 E. Grand River, Howell, MI 48843, Genoa Township, Livingston County, MI.

5. Request for approval of an amendment to the Intech PUD, environmental impact assessment and PUD conceptual plan for property located on the South-west corner of Dorr Road and Sterling Road, Howell 48843, Sec. 15 to allow a proposed 84 bed nursing facility with future office/retail use in later phase, petitioned by Fusco, Shaffer and Pappas, Inc.

- A. Disposition regarding PUD amendment.
- B. Disposition regarding impact assessment.
- C. Disposition regarding PUD conceptual plan.

6. Request for approval of PUD final plan for property located on the South-west corner of Dorr Road and Sterling Road, Howell 48843, Sec. 15, to allow a proposed 84 bed nursing facility with future office/retail use in later phase, petitioned by Fusco, Shaffer and Pappas, Inc.

- A. Disposition regarding PUD Final plan.

Correspondence
Member Discussion
Adjournment

CHECK REGISTERS FOR TOWNSHIP BOARD MEETING

DATE: May 4, 2009

TOWNSHIP GENERAL EXPENSES; Thru May 4, 2009	\$11,526.62
April 29,2009 Bi-Weekly Payroll (Separation Pay)	\$12,594.47
May 1 2009 Bi-Weekly Payroll	\$31,914.91
May 1, 2009 Monthly Payroll	\$11,468.43
OPERATING EXPENSES: Thru May 4, 2009	\$27,877.03
TOTAL:	\$95,381.46

<u>Check Number</u>	<u>Vendor No</u>	<u>Vendor Name</u>	<u>Check Date</u>	<u>Check Amount</u>
25221	Administ	Total Administrative Services	05/01/2009	125.00
25222	Equitabl	Equivest Unit Annuity Lock Box	05/01/2009	20.00
25223	AT&TLONG	AT&T Long Distance	04/27/2009	61.98
25224	COMCAST	COMCAST	04/27/2009	94.04
25225	DEL BUS	Deluxe Business Forms	04/27/2009	188.98
25226	HEIKKINE	Heikkinen Law Firm	04/27/2009	2,006.00
25227	MASTER M	Master Media Supply	04/27/2009	155.05
25228	SHELL	Shell	04/27/2009	258.08
25229	VERIZONW	Verizon Wireless	04/27/2009	405.60
25230	Administ	Total Administrative Services	05/01/2009	446.12
25231	Equitabl	Equivest Unit Annuity Lock Box	05/01/2009	220.00
25232	SOM-TRE	State Of Mich- Dept Of Treasur	04/30/2009	3,413.76
25233	CINNCIN	Cincinnati Bell Technology Solutions	05/04/2009	263.80
25234	CONTNEN	Continental Linen Service	05/04/2009	49.50
25235	DYKEMA	Dykena Gossett PLLC	05/04/2009	86.00
25236	EHIM	EHIM, INC	05/04/2009	1,742.16
25237	GENOA TW	Genoa Township	05/04/2009	88.83
25238	MASTER M	Master Media Supply	05/04/2009	199.79
25239	Perfect	Perfect Maintenance Cleaning	05/04/2009	923.00
25241	WALMART	Walmart Community	05/04/2009	178.92
25242	WASTE MA	Waste Management	05/04/2009	600.00

Report Total: 11,526.61

Accounts Payable
Computer Check Register



User: sue
Printed: 04/27/2009 - 15:53
Bank Account: 101CH

Check	Vendor No	Vendor Name	Date	Invoice No	Amount
9720	EFT-FED	EFT- Federal Payroll Tax	04/29/2009		1,821.18
					755.91
					755.91
					176.79
					176.79

Check 9720 Total: 3,686.58

Report Total: 3,686.58

+
CK# 11876
890789
#12,594.47

Township of Genoa
User: sue

Payroll
Computer Check Register

Printed: 04/27/09 15:30
Batch: 610-04-2009

<u>Check No</u>	<u>Check Date</u>	<u>Employee Information</u>	<u>Amount</u>
11876	04/29/2009	KrencickiM Mary Krencicki	8,907.89
Total Number of Employees: 1		Total for Payroll Check Run:	8,907.89

Accounts Payable
Computer Check Register



User: sue
Printed: 04/24/2009 - 16:00
Bank Account: 101CH

Check	Vendor No	Vendor Name	Date	Invoice No	Amount
25230	Administ	Total Administrative Services	05/01/2009		446.12
			Check 25230 Total:		446.12
9716	AETNA LI	Aetna Life Insurance & Annuity	05/01/2009		25.00
			Check 9716 Total:		25.00
9717	EFT-FED	EFT- Federal Payroll Tax	05/01/2009		3,280.52 1,884.10 1,884.10 440.65 440.65
			Check 9717 Total:		7,930.02
9718	EFT-PENS	EFT- Payroll Pens Ln Pyts	05/01/2009		725.12
			Check 9718 Total:		725.12
25231	Equitabl	Equivest Unit Annuity Lock Box	05/01/2009		220.00
			Check 25231 Total:		220.00
9719	FIRST NA	First National Bank	05/01/2009		300.00 825.00 21,443.65

Check 9719 Total:

22,568.65

Report Total:

31,914.91

**First National
Direct Deposit
MAY 01, 2009
Bi-Weekly Payroll**

<u>Employee Name</u>	<u>Debit Amount</u>	<u>Credit Amount</u>
Adam Van Tassell		\$1,064.09
Amy Ruthig		\$973.59
Angela Williams		\$0.00
Carol Hanus		\$1,286.83
Dave Estrada		\$1,075.27
Debbie Hagen		500.95
Deborah Rojewski		\$2,268.99
Diane Zerby		\$375.40
Genoa Township	\$22,568.65	
Greg Tatara		\$2,332.39
Judith Smith		\$1,153.30
Karen J. Saari		\$950.69
Laura Mroczka		\$1,561.46
Mary Krencicki		\$550.80
Michael Archinal		\$2,479.80
Renee Gray		\$961.59
Robin Hunt		\$1,249.92
Susan Sitner		\$645.90
Tammy Lindberg		\$966.43
Tesha Humphriss		\$2,171.25
Total Deposit		\$22,568.65

EFT #: _____
INTERNET: _____
CHECK BOOK: _____

Accounts Payable
Computer Check Register



User: sue

Printed: 04/23/2009 - 12:10

Bank Account: 101CH

Check	Vendor No	Vendor Name	Date	Invoice No	Amount
25221	Administ	Total Administrative Services	05/01/2009		125.00
			Check 25221 Total:		125.00
9713	EFT-FED	EFT- Federal Payroll Tax	05/01/2009		1,938.66 687.89 687.89 160.89 160.89
			Check 9713 Total:		3,636.22
9714	EFT-PENS	EFT- Payroll Pens Ln Pyts	05/01/2009		193.33
			Check 9714 Total:		193.33
25222	Equitabl	Equivest Unit Annuity Lock Box	05/01/2009		20.00
			Check 25222 Total:		20.00
9715	FIRST NA	First National Bank	05/01/2009		7,443.88 50.00
			Check 9715 Total:		7,493.88
			Report Total:		11,468.43

**First National
Direct Deposit
MAY 1, 2009
Monthly Payroll**

<u>Employee Name</u>	<u>Debit Amount</u>	<u>Credit Amount</u>
Genoa Township	\$7,493.88	
Adam Van Tassel		\$527.03
Gary McCririe		\$2,008.00
H.J. Mortensen		\$498.69
Jean Ledford		\$855.49
Paulette Skolarus		\$3,121.64
Steve Wildman		\$316.80
Todd Smith		\$166.23
Total Deposit		<u><u>\$7,493.88</u></u>

4:26 PM
04/29/09

#595 PINE CREEK W/S FUND

Payment of Bills

April 17 - 29, 2009

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Split</u>	<u>Amount</u>
No checks issued						

4:27 PM
04/29/09

#593 LAKE EDGEWOOD W/S FUND

Payment of Bills

April 17 - 29, 2009

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
No Checks Issued					

4:23 PM
04/29/09

#503 DPW UTILITY FUND

Payment of Bills

April 17 - 29, 2009

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
Check	04/27/2009	1237	Brighton Ford - Mercury, Inc.	Quote GT0001 F150 2009	100 · Cash - checking	-10,938.20
Check	04/28/2009	1238	LOWE'S	Acct 99006416418	100 · Cash - checking	-2,141.65
Check	04/28/2009	1239	SENSUS METERING SYSTEMS		100 · Cash - checking	-1,320.00
Check	04/28/2009	1240	White, Schneider, Young	32-057	100 · Cash - checking	-216.00
Check	04/28/2009	1241	R&T UTILITIES	Meter Reads for March/April 09	100 · Cash - checking	-220.00
Total						-14,835.85

4:25 PM
04/29/09

#504 DPW RESERVE FUND

Payment of Bills

April 17 - 29, 2009

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Split</u>	<u>Amount</u>
No checks issued						

4:28 PM
04/29/09

#592 OAK POINTE WATER/SEWER FUND

Payment of Bills

April 17 - 29, 2009

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
Check	04/22/2009	1384	U.S. POSTMASTER	Irrigation Brochures	103 · CASH - FNB NEW CHECKING	-231.72
Check	04/28/2009	1385	AT & T	04/18 thru 05/18/09	103 · CASH - FNB NEW CHECKING	-183.99
Check	04/28/2009	1386	BRIGHTON ANALYTICAL LLC	testing	103 · CASH - FNB NEW CHECKING	-268.00
Check	04/28/2009	1387	John Callaghan	Refund for 5173 Northfield	103 · CASH - FNB NEW CHECKING	-462.47
Total						-1,146.18

4:29 PM
04/29/09

#592 OAK POINTE WATER/SEWER FUND

Capital Improvement

Payment of Bills

April 17 - 29, 2009

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
Check	04/17/2009	1053	UIS PROGRAMMABLE SERVICES	Invoice# 530333876	104 · Cash - FNB - CIP	-11,895.00
Total						-11,895.00

GENOA CHARTER TOWNSHIP ELECTION COMMISSION
Special Meeting
April 20, 2009
6:25 P.M.

MINUTES

Skolarus called the special meeting of the Election Commission to order at 6:25 p.m. The following commission members were present constituting a quorum for the transaction of business: Steve Wildman, Jean Ledford and Paulette Skolarus. Also present were Township Board members: Gary McCririe, Robin Hunt, Jim Mortensen and Todd Smith. In addition there were three persons in the audience.

1. Consideration and recommendation to the Township Board for election officials scheduled to work the Hartland School election.

Moved by Ledford, supported by Wildman, to recommend to the township board approval of the officials selected to work the Hartland School Election. The motion carried unanimously.

The special meeting of the Election Commission was adjourned at 6:26 p.m. .

GENOA CHARTER TOWNSHIP
Regular Meeting
April 20, 2009
6:30 P.M.

MINUTES

Supervisor McCririe called the regular meeting of the Genoa Charter Township Board to order at 6:30 p.m. The Pledge of Allegiance was then said. All persons listed above remained for the regular meeting of the Board.

A Call to the Public was made with the following response: Jeff Dehaenens - The stumps along Crooked Lake Road have still not been removed. Archinal – The weather has held up the completion of that project. It should be taken care of this week.

John Griffin – I would like to purchase a wind turbine, however the township ordinance does not allow anything over 15 feet. Archinal – A proposed change to the township zoning ordinance would first need to be reviewed by the Planning Commission with a recommendation to the Township Board. This will take several months to complete.

Approval of Consent Agenda:

Moved by Ledford, supported by Mortensen, to approve the Consent Agenda as presented. The motion carried unanimously.

GENOA CHARTER TOWNSHIP BOARD – Regular Meeting and Special Meeting –
April 20, 2009

1. Payment of Bills

2. Request to approve minutes: 04-06-09

Approval of Regular Agenda:

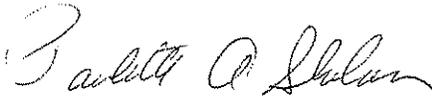
Moved by Skolarus, supported by Wildman, to approve for action items listed under the Regular Agenda. The motion carried unanimously.

3. Request for approval of election officials scheduled to work the Hartland School election.

Moved by Hunt, supported by Mortensen, to approve the appointment of the following election officials: Kristen Sapienza, Betty Hogle, Cindi Howard, Lisa Whitelaw and Shawn Collins. The motion carried unanimously.

Moved by Skolarus, supported by Wildman, to approve the purchase of Ford F150 at a cost of \$10,938.20 plus license and transfer fees. The motion carried unanimously. It was the consensus of the board to enter into a land transfer agreement with the City of Howell with a millage rate of two mills.

The regular meeting of the Genoa Charter Township Board was adjourned at 6:45 p.m.



Paulette A. Skolarus
Genoa Township Clerk

(Press/argus 04/24/09)

Genoa Township
2911 Dorr Road
Brighton, MI 48116
810-227-5225

Memo

To: Genoa Township Board
From: Robin L. Hunt
Date: 4/29/2009
Re: Bank Account Signers

Due to the buyout offer taken by Mary Krencicki, I am recommending that the Board consider continuing with the current signers, as listed below, with the removal of Mary Krencicki, Deputy Clerk and the addition of Sue Sitner, Deputy Clerk on Genoa Township bank accounts.

The accounts are currently set up to have at least 4 signers listed on Genoa Township bank accounts. Currently the Township Treasurer, Township Clerk, Deputy Treasurer and Deputy Clerk are listed signers on township accounts with the addition of the Township Supervisor on the General Fund and the Sewer and Water Operating Accounts.

Please consider the following action:

Moved by _____, supported by _____ to remove Mary Krencicki from the list of approved check signers and add Sue Sitner.



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

FOR MLCC USE ONLY	
Request ID #	<u>491813</u>
Business ID #	<u>211923</u>

LOCAL APPROVAL NOTICE
 [Authorized by MCL 436.1501]

APRIL 22, 2009

TO: GENOA CHARTER TOWNSHIP BOARD
 ATTN: CLERK
 2911 DORR ROAD
 BRIGHTON, MI 48116-9436

*1. Open Mike Night
 2. Two-piece band
 3. no topless*

APPLICANT FAST CASUAL, L.L.C.

Home Address and Telephone No. or Contact Address and Telephone No.:

CONTACT: STEVEN R. HOWARD, HOSPITALITY MANAGEMENT & REAL ESTATE
 DEVELOPMENT, 405 SOUTH MISSION STREET, MT. PLEASANT, MI
 48858, PHONE: (989) 772-2902, FAX: (989) 773-7521.

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact the On-Premises Section of the Licensing Division as (517) 636-4634.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN
 TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

RESOLUTION

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request from FAST CASUAL L.L.C., FOR A NEW DANCE-ENTERTAINMENT PERMIT TO BE HELD IN CONJUNCTION WITH PROPOSED 2008 CLASS C LICENSED BUSINESS LOCATED AT 3950 E. GRAND RIVER, HOWELL, MI 48843, GENOA TOWNSHIP, LIVINGSTON COUNTY. (STEP 1)

be considered for _____
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

(Signed) _____
(Township, City or Village Clerk)

SEAL

(Mailing address of Township, City or Village)

MEMORANDUM

To: Township Board
From: Michael Archinal
Date: 5-1-09
Re: Senior Nursing Facility amended PUD

Please consider the following actions:

- A. Moved by _____, supported by _____, to approve the amended PUD agreement, subject to the following:**
1. Exhibit A should only apply to building A.
- B. Moved by _____, supported by _____, to approve the Environmental Impact Assessment as submitted.**
- C. Moved by _____, supported by _____, to approve the PUD conceptual plan, subject to:**
1. All previous business park references should be changed to skilled nursing facility.
- D. Moved by _____, supported by _____, to approve the final PUD site plan subject to the following:**
1. The following items of the Township Planner's review letter dated 4-6-09:
 - A. The sidewalk along Dorr Road needs to provide a minimum width to 8 feet.
 - B. The number of Oak Trees on the landscape plan and table must be corrected.
 - C. The TCOD required pedestrian scale ornamental street lighting along all sidewalks and with parking areas.
 - D. The brick on the exterior of the waste receptacle enclosure must match that used for the building.
 - E. A permit is required from MDEQ for the stormwater management design.
 2. The grading and utility work will be permitted within the 25' wetland buffer.

3. The following items of the Township Engineers review letter dated 4-8-09:
 - A. It appears the proposed sanitary sewer layout crosses the existing wetland on site: however the wetland permit did not include this work. The petitioner should update the wetland permit to include this crossing.
 - B. The petitioner is proposing to install approximately 1,000 linear feet of retaining wall at this site. The petitioner should submit calculations for the structural analysis of the proposed retaining wall where the retaining wall is within a 1 on 1 influence of a proposed building or parking lot. The petitioner should also add a detail of the proposed wall to the plans.
 - C. An approval letter from the Drain Commissioner's office should be provided to the Township prior to land use permit issuance.
 - D. Approval from the Livingston County Road Commission for the proposed curb cut onto Dorr Road is required.
4. In addition the petitioner will provide a recorded survey document prior to land use issuance designating the existing wetland/drainage area as either a conservation or drainage easement.

RECEIVED
MAR - 4 2009
GENOA TOWNSHIP

GENOA TOWNSHIP
APPLICATION FOR SITE PLAN REVIEW

TO THE GENOA TOWNSHIP PLANNING COMMISSION AND TOWNSHIP BOARD:

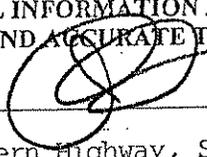
APPLICANT NAME & ADDRESS*: Fusco, Shaffer & Pappas, Inc., 30800 Northwestern Highway, Suite 100, Farmington Hills, Mi. 48334
OWNER'S NAME & ADDRESS: Senior Care Equities #14, L.L.C., 10503 Citation Dr. Suite 100, Brighton, Michigan 48116
SITE ADDRESS: vacant PARCEL #(s): 11-15-200-018
APPLICANT PHONE: (248) 932-8300 OWNER PHONE: (810) 534-0156

LOCATION AND BRIEF DESCRIPTION OF SITE: SW corner of Dorr Rd. and Sterling Rd. - 10.50 acres surrounded by industrial to north, west and south and medium density residential to the east.

BRIEF STATEMENT OF PROPOSED USE: Mixed use PUD developed in phases.

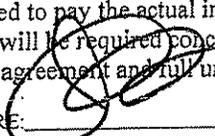
THE FOLLOWING BUILDINGS ARE PROPOSED: An 84 bed nursing home facility with future office/retail use in later phase.

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: Jack W. Runkle Jr. 
ADDRESS: 30800 Northwestern Highway, Suite 100, Farmington Hills, MI 48334

* If applicant is not the owner, a letter of Authorization from Property Owner is needed.

Contact Information - Review Letters and Correspondence shall be forwarded to the following:
1.) Jack Runkle, Jr. of Fusco, Shaffer & Pappas, Inc. at (248) 932-8301
Name Business Affiliation Fax No.

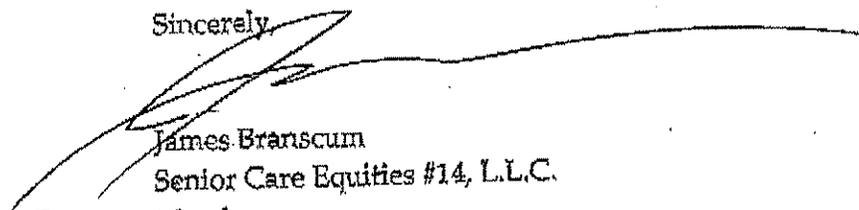
FEE EXCEEDANCE AGREEMENT
As stated on the site plan review fee schedule, all site plans are allocated two (2) consultant reviews and one (1) Planning Commission meeting. If additional reviews or meetings are necessary, the applicant will be required to pay the actual incurred costs for the additional reviews. If applicable, additional review fee payment will be required concurrent with submittal to the Township Board. By signing below, applicant indicates agreement and full understanding of this policy.
SIGNATURE:  DATE: March 2, 2009
PRINT NAME: Jack W. Runkle, Jr. PHONE: 248-932-8300
ADDRESS: 30800 Northwestern Highway, Suite 100, Farmington Hills, MI 48334

March 2, 2009

Mr. James Branscum
Senior Care Equities #14, L.L.C.
P.O. Box 2215
10503 Citation Blvd., Suite 100
Brighton, Michigan 48116

I, Jim Branscum, authorize Fusco, Shaffer & Pappas, Inc. to act as my representative on all matters concerning site plan review and approval for the proposed FUD at the southwest corner of Dorr Road and Sterling Drive in Genoa Township.

Sincerely,



James Branscum
Senior Care Equities #14, L.L.C.
Member

Motion by Barbara Figurski to extend the site plan for another year and it will be approved as it was in May 2006 and April 1, 2008 and will be effective May 1, 2009. Support by Diana Lowe.
Motion carried unanimously.

OPEN PUBLIC HEARING # 3...Review of approval of an amendment to the Intech PUD, environmental impact assessment and PUD conceptual plan for property located on the South-west corner of Dorr Road and Sterling Road, Howell 48843, Sec. 15 to allow a proposed 84 bed nursing facility with future office/retail use in later phase, petitioned by Fusco, Shaffer and Pappas, Inc

Jim Pappas and Jack Runkle addressed the Commission. The facility is a skilled nursing facility. It is not age-related.

Jeff Purdy discussed his letter to the petitioner. This site was approved as a business park. That original concept plan for the business park needs to be replaced and then action would need to be taken on the final PUD site plan. Amendments to the PUD agreement must be accomplished.

50% of the total site should be open lands and wet lands. This site needs to comply with the Town Center requirements, but Jeff Purdy believes a deviation is justified. The wetland and drain that crosses the site cause issues with the right-of-way. Additionally, the nature of the use is unique (but allowable). The topography has very steep slopes, as well on the front of the site. The design of the building must also be taken into account and the building types should not be applied due to the uniqueness of this use.

The sidewalk along the front edge must be 8' wide. The plan specifies it as five. Petitioner indicates that due to the location, the topography and wetlands are causing problems with the sidewalk width. Petitioner will go 8', however.

The Town Center district requires ornamental lighting along the sidewalks. Petitioner agrees to do that.

The veneer around the garbage receptacle should match the building. Petitioner agrees to that.

Petitioner must provide confirmation of MDEQ permits regarding the drain and crossing the wetlands. Petitioner says new design mimics the old design.

Tesha Humphriss asks for clarification of what has been installed per the permit and petitioner discusses that with the Commission. This site is part of the Grand Beach district. She indicates the County Drain Commission is working with petitioner, since this district is under their supervision.

Jeff Purdy indicates that the authorized uses in the PUD agreement does not include this use and that should be clarified.

Petitioner indicates all of the items contained in the LSL letter are acceptable.

Tesha Humphriss discusses the items in her April 8, 2009 letter. MDEQ regulates the wetland buffers. Petitioner is proposing grading and storm water improvements within the buffer. Planning Commission approval would be required.

Tesha inquires whether the sanitary sewer is going through the wetland buffer, if so, an updated certificate is required.

The Petitioner is requiring quite a bit of retaining wall. The Township needs to see calculations that the wall will support vehicles, etc. Details must be provided by petitioner. Petitioner indicates that due to the extensive changes in the topography of this site, steps were necessary to create a level site. This will require extensive retaining walls. The Township Engineer will require that data prior to the land use permit at the latest, but ideally prior to Township Board approval.

The materials board has not been provided to the Planning Commission, but will be provided to the Township Board.

The Drain Commissioner's office has reviewed this site and their approval should be obtained by Petitioner. The Drain Commissioner would request an easement be granted by petitioner for them to access upstream drainage. The petitioner will attempt to have that document prepared before the Township Board meeting. The petitioner inquires as to what can be done about any pollution caused upstream. Tesha indicates that he would have to petition the Drain Commission to take over the district. Some of the upstream properties are developed, some are not. Petitioner will attempt to work with the Drain Commission.

Road Commission approval is required for Dorr Road access.

Chairman Brown addresses the environmental impact assessment. Petitioner will amend the documents to read Skilled Nursing Facility rather than Senior Care Facility. There is a sentence missing and there was discussion regarding the grading for the detention site and how that should read in the environmental impact assessment. Various other grammatical corrections were discussed.

Petitioner indicates no hazardous materials will be on the site.

Jeff Purdy addresses the PUD agreement. He believes section 1.6(a) should be revised to say that building A shall be used for the uses described in attached exhibit "C" and paragraph (b) should read: Building B should be used for a skilled nursing center.

Section 2.1 should specify building A for the uses in exhibit "C" and specify building B to be used as a skilled nursing facility.

Section 7.1 or perhaps even 7.5, that discussed deviations to overlay district as it relates to building B, waiving maximum front yard setback, building frontage requirement and minimum building height. Those deviations are only given for building B.

Exhibit C is fine as it relates to building A, no need to use it for building B.

Petitioner attempted to maintain a 25' buffer and to keep from disturbing it as much as possible.

Tesha Humphriss approves of ST-2 and ST-3.

Petitioner indicates typically 25% of the population is short term residents.

Barbara Figurski asks about the architecture. Jeff Purdy feels it's a high quality, nicely designed building.

Planning Commission disposition of petition

- A. Recommendation regarding PUD amendment.**
- B. Recommendation regarding impact assessment.**
- C. Recommendation regarding PUD conceptual plan.**

Motion by Dean Tengel to recommend to the Township Board that the PUD amendment be approved, subject to the following:

1. The dimensional deviations that have been requested from the Town Center overlay district for front yard setback, building frontage, front yard parking, and building height, the Planning Commission recommends approval of those because of the following:
 - A. The wetlands with the drainage crossing next to Dorr Road, which doesn't allow for shorter setbacks described in the TCOD;
 - B. It's located on the outer edge, adjacent to industrial uses and the steep topography and unique nature of uses.
2. Exhibit A should only apply to building A;
3. All references to senior care facility should be changed to skilled nursing facility.

Support by Barbara Figurski. **Motion carried unanimously.**

Motion by Barbara Figurski that the Township Board approve the environmental impact assessment dated 3/23/09, subject to:

1. The last sentence in item "g" was not completed. "Final engineering" should be added to the end of that sentence.
2. Item "e" should only say "will" once.
3. The third paragraph should say "of" 4 rather than "or" 4.
4. Second paragraph in "h" should simply say at this time there is no hazardous materials on the site. Everything else will be removed.

Support by Dean Tengel. **Motion carried unanimously.**

Motion by Barbara Figurski to recommend to the Township Board approval of the PUD conceptual plan, subject to:

1. All previous business park references should be changed to skilled nursing facility.

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

OPEN PUBLIC HEARING #4...Review of approval of PUD final plan for property located on the South-west corner of Dorr Road and Sterling Road, Howell 48843, Sec. 15, to allow a proposed 84 bed nursing facility with future office/retail use in later phase, petitioned by Fusco, Shaffer and Pappas, Inc.

4-13-09 Unapproved PC minutes

Planning Commission disposition of petition

A. Recommendation regarding PUD Final plan.

Motion by to recommend to the Township Board approval of the PUD Final Plan, subject to:

1. Items 4, 5, 6, 7, & 8 of the Township Planner's letter of 4/6/09.
2. That grading and utility work be permitted within the 25' wetland buffer;
3. Items 2, 3, 4, and 5 of the Township Engineer's letter of 4/8/09.

Support by Dean Tengel. **Motion carried unanimously.**

Planner's Report by LSL was presented – Nothing to report.

Minutes of the 3/9/09 Planning Commission were approved, subject to two grammatical corrections on page five. **Motion** by Barbara Figurski, Support by Diana Lowe. **Motion carried unanimously.**

Member Discussion - None

Adjournment at: 7:53 p.m.



LSL Planning, Inc.

Community Planning Consultants

April 6, 2009

Planning Commission
Genoa Township
2911 Dorr Road
Brighton, Michigan 48116

Attention:	Mike Archinal, AICP Township Manager
Subject:	Senior Care Equities – Mixed Use PUD Concept Plan Amendment Review #2
Location:	Southwest corner of Dorr Road and Sterling Drive
Zoning:	MUPUD with Town Center Overlay
Applicant:	Fusco, Shaffer & Pappas, Inc. 30800 Northwestern Highway, Suite 100 Farmington Hills, MI

Dear Commissioners:

At the Township’s request, we have reviewed the request to amend an approved Mixed Use Planned Unit Development (MUPUD), including the revised site plan and architectural drawings (dated 3/25/09), for the development of a senior care center. The site is located on the west side of Dorr Road, south of Sterling Drive, and is currently zoned MUPUD. The site is also within the Town Center Overlay District (TCOD). This request has been reviewed in accordance with the Genoa Township Zoning Ordinance and Master Plan.

A. Summary of Issues

1. An additional 3.04 acres of open space needs to be designated on the plan.
2. Dimensional deviations are requested from TCOD requirements for front yard setback, building frontage, front yard parking and building height. These must be noted in the PUD Agreement.
3. The proposed building is not consistent with the type of buildings contemplated in the TCOD.
4. The sidewalk along Dorr Road needs to provide a minimum width to 8 feet.
5. The number of Oak trees on the landscape plan and table must be corrected.
6. The TCOD requires pedestrian scale ornamental street lighting along all sidewalks and within parking areas.
7. The brick on the exterior of the waste receptacle enclosure must match that used for the building.
8. A permit is required from MDEQ for the stormwater management design.
9. The list of permissible uses in the draft PUD Agreement does not include senior housing.

B. Proposal

The applicant proposes to develop senior care center as part of a MUPUD for the southerly portion of the 10.5-acre. The project includes a 51,176 square foot building with 84 rooms/beds. There is also another phase to the PUD in the northerly portion of the property, which already received final PUD site plan approval. No changes are proposed for that portion of the site. The senior care center is located on the portion of the site designated for light industrial uses on the previously approved PUD concept plan. Therefore, the proposal represents an amendment to the approved PUD concept plan and agreement.

The MUPUD designation is a separate zoning district that permits a mixture of land uses considered to be consistent with the Master Plan. The Master Plan identifies the site as a combination of Mixed Use Town Center and Industrial. As part of previous application in 2007, the site was rezoned from Industrial to MUPUD and remains within the TCOD.

C. Process

The MUPUD review and approval process is outlined below. Because the proposal represents a significant change from the approved PUD concept plan, an amended PUD concept plan needs to be approved. The applicant is at Step 1 in the process.

1. The Township Planning Commission makes a recommendation to the Township Board on the amended MUPUD Concept Plan, and PUD Agreement following a public hearing.
2. The Township Board acts on the amended MUPUD Concept Plan and PUD Agreement.
3. The Township Planning Commission makes a recommendation to the Township Board on the Final PUD site plan.
4. The Township Board acts on the Final PUD site plan.

While the applicant is in the first step in the process, they have submitted sufficient plan details allowing us to comment on elements of the final site plan.

D. Planned Unit Development Qualifying Conditions

Section 10.02 identifies the following qualification requirements for all planned unit developments.

1. **Single Ownership.** The revised submittal includes a purchase agreement between Sterling Development Properties, LLC and Senior Care Equities, LLC, which is the applicant for this request. This standard is met.
2. **Initiated by Petition.** The request has been initiated by the submittal of a Site Plan Review application.
3. **Minimum Site Area.** The minimum lot area to qualify for a PUD is 20 acres; however, this requirement may be reduced to 5 acres by the Township Board where public water and sanitary is available. The site provides only 10.5 acres, but does have access to both public water and sanitary, and has already been rezoned to MUPUD as part of a previous project.
4. **Benefits.** The proposed PUD could provide the following benefit listed in the Ordinance:
 - Preservation of significant natural features. The project is designed around an approximately 2.3 acre wetland area and provides the required 25-foot natural feature setback for buildings, parking and drive aisles.
 - A complementary mixture of uses. A potential mix of senior housing, office and retail uses is proposed.
5. **Sewer and Water.** The site has access to both the public water and sanitary services.

E. Conceptual PUD Site Plan Review

1. **Qualification Requirements.** As described above, the proposed project meets the qualifying conditions for designation as a PUD. The rezoning to MUPUD took place in 2007.
2. **Uses Permitted.** A Mixed Use PUD shall include a mixture of uses that are considered by the Planning Commission to be consistent with the Master Plan. The application indicates that the project will include a mix of senior housing, office and retail uses.
 - a. A concept plan is required that divides the PUD into components for various uses. Each component of the PUD is to be designated as a specific zoning district. Sheet SP101 identifies the north half of the site as commercial and the south half as residential. The applicant should specify the district deemed appropriate for each component; for example, MDR Medium Density Residential and NSD Neighborhood Services District. The Planning Commission shall determine the appropriate mixture of uses based upon the concept plan's ability to provide an integrated mixture of uses, maintain compatibility with surrounding uses, and meet the standards of the PUD approval criteria.
 - b. The uses permitted in the MUPUD are listed in Exhibit C of the draft PUD Agreement. This exhibit lists a mixture of retail, service, office and institutional uses, but does not identify housing for the elderly, which is major component of the amended PUD. This use needs to be added to the list of permissible uses. As a guide, the applicant may wish to modify this exhibit by starting with the allowable uses in MDR and NSD (for example) and then eliminating inappropriate or unlikely uses.
 - c. Section 10.03.03(a) requires that not less than 50% of the PUD acreage must be open space, preserved natural features or residential (which is not proposed). Therefore 50% of the site needs to be open space and natural features. Please see the open space discussion below.
3. **Master Plan.** The Master Plan and Future Land Use Map identify the site as being a transitional property between the Mixed-Use Town Center and Industrial. A senior care center would normally be viewed as an appropriate use for a proposed mixed-use, walkable Town Center area; however, this use is not consistent with the Master Plan designation of Industrial.
4. **Preservation of Natural Features.** The site contains a significant wetland area that is approximately 2.3 acres in size. The project has been designed around the wetland and all development complies with the 25-foot natural feature setback. There is also a mature tree line along the southern boundary of the site that should be preserved.
5. **Public Sewer and Water.** The site has access to both public water and sanitary sewer.
6. **Vehicular and Pedestrian Circulation.** Access is provided to all uses in the site by a new private road, with the previously approved office building also having a driveway to Sterling Drive. This provides unified access for the PUD. There is also a sidewalk proposed along Dorr Road.
7. **Open Space.** Section 10.03.03(c) requires a minimum 25% of the site shall be open space, half of which must be upland. However, as noted above, section 10.03.03(a) requires that a minimum of 50% of the PUD must be open space, preserved natural features, or residential. Based upon the requirements, the following open space is required:

Total site area	10.5 acres
Total open space required	5.25 acres
Wetland	2.21 acres
Additional open space required	3.04 acres

An additional 3.04 acres of open space needs to be designated on the site plan. This can include the wetland buffer, greenbelts, tree line along the south side of the site, pedestrian plazas and any other open areas of the site not occupied by buildings, roads or parking. While this standard appears to be met, the open space area needs to be designated on the site plan with calculations provided for verification.

8. Deviations from Dimensional Requirements. The following are the dimensional requirements For Town Center Overlay District uses based on section 9.04.01:

	Front yard setback	Frontage occupied by buildings	Side yard setback	Rear yard setback	Building height
TCOD requirement	0 min. 75 ft. max.	40% min.	10 ft. min.	25 ft. min.	20 ft. min. 45 ft. max.
Proposed senior care center	178 ft.	0%	53.5 ft.	70.5 ft.	16.3 ft.

- a. The TCOD requires that a minimum of 40% of the lot frontage be occupied by building located within 75 feet of the front lot line. The intent of this requirement is to bring the buildings up to the road and place the parking in the rear yard to create a more pedestrian-oriented streetscape. The wetland and drain make it difficult to meet the minimum building frontage requirement.
- b. This site is proposed with parking in the front yard. Section 9.04.01 limits the amount of frontage to be occupied by parking to no more than 50%. This section allows for a single row of parking in the front yard for sites fronting Grand River Avenue, but not Dorr Road.
- c. The building is a single story with a building height of 16.3 feet measured to the midpoint of the roof pitch. This does not comply with the minimum 20 foot building height. The intent of this requirement is to encourage multi-story buildings to make more efficient use of land and to create a sense of enclosure along the street, which is important to the pedestrian-oriented streetscape.

G. Final PUD Site Plan Review Requirements

- 1. Architectural Requirements.** The proposed building is not consistent with the type of buildings contemplated in the TCOD, such as traditional storefront buildings, townhouses, and single family. The building will be constructed of brick with a pitched single roof, which meets the general architectural standards of Section 12.01.
- 2. Pedestrian circulation.** A 5-foot wide sidewalk is shown along Dorr Road, with the sidewalk jogging into the site with a boardwalk behind the drain. Section 9.06.01 requires sidewalks be a minimum of 12 feet wide concrete, provided the Planning Commission may allow the sidewalk width to be reduced to not less than 8 feet.

3. **Parking.** The parking calculations provided by the applicant use the standard for convalescent/nursing home, which requires 1 space for each 3 beds or 2 rooms, whichever is less, plus 1 space for each employee. Application of this standard results in the need for 73 parking spaces, which are provided. The total includes 4 barrier free spaces, as required. The parking spaces and drive aisles meet minimum dimensional requirements and the revised plans show double striped spaces as required.
4. **Landscaping.** The landscape plan only provides plantings for the southerly portion of the site. The table below summarizes the ordinance requirements for landscaping only within this portion of the project; the northerly portion of the site must be consistent with the previously approved plans. The proposed landscape plan meets the requirements listed below and provides numerous additional tree and shrub plantings.

Location	Amount of Planting Required	Amount of Planting Provided	Additional Landscaping Required
Dorr Road greenbelt	8 canopy trees	8 canopy trees	None
Detention pond (East)	9 canopy OR evergreen trees; and 85 shrubs	9 evergreen trees; 85 shrubs	None
Detention pond (North)	7 canopy OR evergreen trees; and 68 shrubs	8 evergreen trees; 68 shrubs	None
Parking lot	8 canopy trees	8 canopy trees	None

Based upon our review, there is only one minor discrepancy between the landscape plan and table of plantings that must be corrected. Specifically, the table identifies 13 Bur Oak, while the plan shows 14.

5. **Lighting.** The lighting plan identifies 13 light poles dispersed around the parking lot. The pole mounted fixtures are 25 feet tall and have single mounted 250-watt metal halide fixtures. There are also 6 bollard style lights at the entrance on each side of the building (12 total) and 1 wall mounted light at the rear of the building for the service area. These fixtures are all 100-watt metal halide. The revised photometric plan complies with the 10 footcandle maximum on site, as well as the 1.0 footcandle maximum along the property lines.

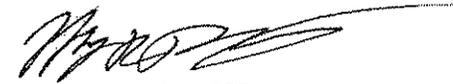
In accordance with the TCOD, pedestrian scale ornamental street lighting must be provided along all sidewalks and within parking areas. Street lighting needs to match the style used for other sites in the Township currently along Grand River Avenue. The previously approved MUPUD for this site complied with this standard.

6. **Waste Receptacle and Enclosure.** Section 12.04 requires waste receptacles to be located in the rear or non-required side yard, unless otherwise approved by the Planning Commission. The plan proposes a waste receptacle area at the rear of the site, approximately 10 feet from the rear lot line. The paving plan identifies a concrete base pad and Sheet SP102 identifies details of a masonry enclosure. The brick on the exterior of the enclosure must match that used on the building.

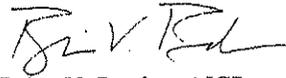
7. **Signage.** The site plan shows a sign north of the driveway off of Dorr Road. The revised submittal includes details showing an approximately 5-foot tall monument sign constructed of brick and limestone. The elevation drawings do not identify any wall mounted signs.
8. **Impact Assessment.** A revised Environmental Impact Assessment (dated 3/25/09) states that the proposed project will not create any adverse impacts upon the public services and facilities, surrounding land uses or traffic. A more detailed traffic study (dated 2/23/09) is also provided, which indicates that the threshold for a full traffic impact assessment is not met. Additionally, a more detailed analysis of the environmental conditions (dated 2/09) is provided. This analysis notes that the site was purposely designed to limit impacts to the wetland and the 25-foot buffer around the wetland. The analysis also notes that a permit was issued by MDEQ to allow a small amount of wetland fill to cross the drainage ditch with the proposed entrance drive. Lastly, a permit is required from MDEQ for the stormwater management design, which proposes to utilize the wetland area.
9. **PUD Agreement.** The revised submittal includes a draft PUD Agreement with a listing of the permissible land uses (Exhibit C); however, it does not include the dimensional modifications being requested. Additionally, the list of uses does not identify housing for the elderly, which is a main component of the request. As described above, the applicant should revisit the list of permissible uses by starting with those permitted in the applicable zoning districts and then removing specific uses that do not fit in with the character of the site, project or area.

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

Sincerely,
LSL PLANNING, INC.



Jeffrey R. Purdy, AICP
Partner



Brian V. Borden, AICP
Senior Planner



Genoa Charter Township

2911 Dorr Road • Brighton, Michigan 48116 • (810) 227-5225 • Fax (810) 227-3420 • www.genoa.org

Memorandum

TO: Genoa Township Planning Commission Members

DATE: April 8, 2009

RE: Senior Care Equities – Dorr Road
Site Plan Review #2

As requested, I have reviewed the above referenced site plan dated March 25, 2009, prepared by Fusco, Shaffer & Pappas, Inc. The site is located on the west side of Dorr Road, south of Sterling Drive. The petitioner is proposing to construct a 51,176 square foot senior care facility and associated parking lot, drainage, and utility improvements. Please consider the following comments when taking action on this site plan:

GENERAL

1. The Planning Commission should be aware that the petitioner is proposing modifications to the existing wetlands on site. The Michigan Department of Environmental Quality (MDEQ) regulates activity within the wetland, and the Township Zoning Ordinance regulates activity within the 25-foot wetland buffer. The petitioner has submitted a copy of the wetland permit that has been submitted to the MDEQ. The petitioner is proposing storm water improvements within the wetland buffer, including grading and installation of storm structures such as rip rap and finished end sections. Planning Commission approval is required for the proposed activity within the 25-foot wetland buffer.
2. It appears the proposed sanitary sewer layout crosses the existing wetland on site; however the wetland permit did not include this work. The petitioner should update the wetland permit to include this crossing.
3. The petitioner is proposing to install approximately 1,000 linear feet of retaining wall at this site. The petitioner should submit calculations for the structural analysis of the proposed retaining wall where the retaining wall is within a 1 on 1 influence of a proposed building or parking lot. The petitioner should also add a detail of the proposed wall to the plans.

DRAINAGE AND GRADING

4. This site is part of the Grand Beach Drainage District, which is operated and maintained by the Livingston County Drain Commissioners Office. Due to the direct impact to a County Drain the Livingston County Drain Commissioner's office is

Supervisor
Gary T. McCrie

Clerk
Paulette A. Skolarus

Treasurer
Robin L. Hunt

Manager
Michael C. Archinal

Trustees

H. James Mortensen • Jean W. Ledford • Todd W. Smith • Steven Wildman

completing the review of the proposed grading, soil erosion and sedimentation control plan, proposed storm sewer layout and structures, storm sewer sizing calculations, and detention pond sizing calculations. An approval letter from the Drain Commissioner's office should be provided to the Township prior to land use permit issuance.

TRAFFIC/PAVEMENT

5. Approval from the Livingston County Road Commission for the proposed curb cut onto Dorr Road is required.

UTILITIES

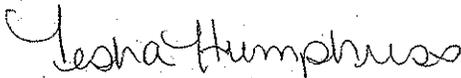
Construction plans are required for the proposed municipal water and sanitary sewer for this project. The petitioner should be aware that the construction plan review process takes a few months. The items below are for the petitioners reference during the construction plan review process, and do not require any action by the Planning Commission:

6. The petitioner is proposing to connect the existing building to both municipal sanitary sewer and water. The petitioner should be aware that tap in fees, as outlined in a Memorandum dated March 17, 2009, are required for the connection to the municipal utilities.
7. The site was originally assessed 10 REUs, and the proposed senior facility requires 43 REUs, as outlined in the March 17, 2009, Township Memorandum. The Township has completed an evaluation of the capacity in the downstream pump station, and there is enough capacity for the additional 33 REUs from this site. Additional analysis regarding the capacity for the proposed building at the southwest corner of Dorr and Sterling will be required when the petitioner determines the use and required REUs for that site.
8. During the construction plan review process the following items will need to be shown on the plans:
 - a. The size and type of the existing water main on the east side of Dorr Road.
 - b. Details of the water main apparatuses, including the fire hydrants, valves, curb stops, corporation stops, and water main restraint schedule.
 - c. A profile view of the proposed water main, including invert elevations of all utility crossings.
 - d. Details on the size and type of water main. The petitioner should be aware that the MHOG Water Authority requires wrapped ductile iron pipe with tracer wire, and copper type K leads.
 - e. The shut off valves for the fire suppression and domestic service should be located within the proposed water main easement.
 - f. The size and type of the existing sanitary sewer on the west side of Dorr Road.

- g. Details of the sanitary apparatuses, including the manholes and a wye connection detail.
 - h. A profile view of the proposed sanitary sewer line, include invert elevations of all utility crossings.
 - i. Details on the size and type of sewer main. The petitioner should be aware that PVC SDR 26 will be required for the main line and PVC SDR 23.5 will be required for the laterals.
9. The petitioner should be aware that a representative of the MHOG Water Authority must be on site during the live tap to the existing water main, the live tap to the existing sanitary sewer, and during the construction of the publically owned water main and sanitary sewer.
10. The petitioner should be aware that the building department will witness the installation of the private water service and fire suppression line, which begins at the end of the municipal easement. The building department will also witness the installation of the sanitary sewer leads.

I recommend the Planning Commission consider the above listed items before acting on this site plan. Please feel free to contact me at the Township, (810) 227 – 5225, with any questions or concerns.

Sincerely,



Tesha L. Humphriss, P.E.
Genoa Township Engineer



Brighton Area Fire Department

615 W. Grand River

Brighton, Michigan 48116

810-229-6640 Fax: 810-229-1619

April 6, 2009

Amy Ruthig
Genoa Township
2911 Dorr Road
Brighton, MI 48116

RE: Senior Care Equities
SW corner of Dorr & Sterling
Site Plan Review

Dear Amy:

The Brighton Area Fire Department has reviewed the above mentioned site plan. The plans were received for review on March 30, 2009 and the drawings are dated March 4, 2009 with revisions dated March 25, 2009. The project is based on a new 51,176 square foot single story senior care center. The building utilizes an 84 bed layout. The plan review is based on the requirements of the International Fire Code (IFC) 2006 edition.

1. (Completed) A hydrant shall be located within 100' of the fire department connection.
2. (Completed) The building shall be provided with an automatic sprinkler system in accordance with NFPA 13, Standard for the Installation of Automatic Sprinkler Systems. The FDC shall be located on the front of the building.
3. (Field Verify) The building shall include the building address on the building. The address shall be a **minimum of 6"** high letters of contrasting colors and be clearly visible from the street. The location and size shall be verified prior to installation.

The access road into the site shall be a minimum of 26' wide. The width of the entrance is not clear.

4. (Complete) Access around building shall provide emergency vehicles with a turning radius up to 55' wall to wall and a minimum vertical clearance of 13 ½ feet. (Provide a detail which indicates the height of the porte cochere.)
5. (Complete – Building is an I-2) The project summary table does not include the use group in accordance with the Michigan Building Code. Revise the information.
6. (Complete) The hydrant near the front should be re-located to the center of the parking island as it appears the landscaping interferes with the hydrant.

7. (Complete – Field Verify) Provide a detail and location of “No Parking Fire Lane” signs on the site plan. The ring road shall be signed every 150’. It is recommended that the road have multiple eyebrows for transient or temporary parking (minimum 26’ width).

8. (Field Verify) The location of a key box (Knox Box) shall be indicated on future submittals. The Knox box will be located adjacent to the front door of the structure.

IFC 506.1

Additional comments will be given during the building plan review process (specific to the building plans and occupancy). The architect should submit a copy of the construction drawings to the Brighton Area Fire Department at time of permit submittal. If you have any questions about the comments on this plan review please contact me at 810-229-6640.

Cordially,



Michael D. O'Brian
Fire Marshal



Brian Jonckheere

2300 E. Grand River, Suite 105

Howell, Michigan 48843-7581

(517) 546-0040

Fax (517) 545-9658

GENOA TOWNSHIP

APR 09 RECD

RECEIVED

April 8, 2009

Mr. James Branscum
Senior Care Equities 14 LLC
10503 Citation Dr Ste 100
Brighton MI 48116

Re: Senior Care Equities 14, LLC
Preliminary Site Plans
Northeast 1/4 of Section 15
Genoa Township

Dear Mr. Branscum:

We received Preliminary Site Plans for the project referenced above and have reviewed the plans for conformance with the "Procedures and Design Criteria for Stormwater Management Systems." Please note that in 2007, the Intech Industrial Park was proposed on the same site. My comments on the currently proposed drainage design are as follows:

1. Drainage System Ownership – Note #2 of the Storm Sewer Notes shown on Sheet SD.3 states that "All storm sewers shall be private." I recommend that this note be revised to indicate that the entire proposed drainage system is to be privately owned and maintained.
2. Overall Drainage Concept – The 10.5-acre site located on the southwest corner of Dorr Road and Sterling Drive is to be drained utilizing the same basic concept as was previously approved for the Intech Park. Stormwater detention is to be provided in the onsite wetland area in conformance with the M.D.E.Q. permit issued on June 8, 2006. It appears that the previously proposed outlet control structure and discharge pipe for the wetland detention/entrance drive have already been installed at the M.D.E.Q. approved location and elevations. The 12-inch diameter outlet pipe discharges toward the southeast corner of the site, where the flow crosses under Dorr Road and enters a large wetland complex that ultimately flows north to Lake Chemung through the Grand Beach Drain. The property is within the special assessment district for the Grand Beach Drain.

The runoff from the proposed senior care building and adjacent parking areas is to be collected by storm sewer lines flowing to two proposed sedimentation basins that will discharge into the wetland detention area. The required 100-year storm storage is to be provided in the onsite wetland with the sedimentation basins providing the pre-treatment function for the first flush volumes.

3. Stormwater Detention – The previous Intech Park construction plans included stormwater detention design calculations for storage of the 100-year frequency storm in the wetland area. The design was based on a weighted runoff coefficient of 0.70 and a

0.20 cfs/acre discharge rate. The currently submitted plans provide no detention calculations but rather reference the previously approved, permitted, and constructed design. They do, however, document that the current design results in a composite runoff coefficient (C), which is less than the 0.70 used in the original design. Therefore I have no objection to the proposed stormwater detention concept. I do, however, recommend that the as-built orifice configuration in the wetland outlet structure be documented to ensure the proper discharge rate from the site.

4. Sedimentation Basins – In accordance with the previous M.D.E.Q. permit, the two currently proposed sedimentation basins have been properly designed using the more restrictive methodology dictated by the MDEQ. I note, however, the following sedimentation basin related discrepancies on Sheets SD.2 and SD.4, which should be addressed:
 - a. Section A-A shown on Sheet SD.2 should be revised to specify the correct emergency overflow top of berm elevation of 980.6 and top of weir elevation of 980.1.
 - b. Section B-B shown on Sheet SD.2 should be revised to indicate the correct top of storage elevation of 980.1.
 - c. The Northwest Sedimentation Basin design calculations on Sheet SD.4 incorrectly specify use of six 0.5-inch diameter orifice holes, while the Outlet Detail correctly indicates use of five 0.5-inch diameter holes.
 - d. The Southeast Sedimentation Basin orifice calculations on Sheet SD.4 should use the 5,336 cubic-foot required volume to determine the allowable 24-hour discharge rate of 0.0618 cfs, which should then be used to determine the allowable orifice area of 0.0090 square feet.
 - e. The Southeast Basin outlet detail on Sheet SD.4 should specify the orifice holes at Elevation 977.70 rather than 978.75 as currently shown.

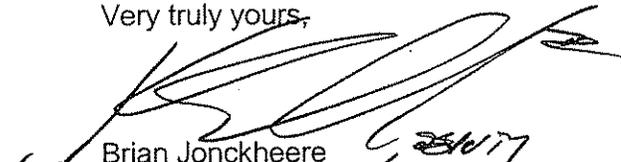
An additional sedimentation basin was previously designed and approved for the retail portion of this site located in its northeast corner. The currently submitted plans indicate that this area of the site, however, is not part of the current development. All site sedimentation basins should include a permanent 2-foot deep sump for sediment storage.

5. Entrance Drive Drainage – The previous design for this site incorporated the same entrance drive location and geometrics as are currently shown but included additional proposed catch basins and Dorr Road ditch improvements not shown at this time. The L.C.R.C. typically does not allow improved site runoff to enter their road R.O.W.; therefore the plans should indicate how this runoff and the Dorr Road ditch drainage are to be addressed. It may be necessary to construct the drainage system previously designed for area including the third sedimentation basin.

6. Drainage Easements – I recommend to the Township that a private drainage easement be required on this parcel for the benefit of upstream riparians. Specifically, it appears portions of Tax Identification Nos. 11-15-200-005, 006, 015, 016 & 017 drain through the wetland and outlet for the site. If this recommendation is adopted by the Township, said drainage easement should encompass all portions of the site that convey offsite drainage, including the wetland detention area and its outlet path to Dorr Road. I note that the previous design also proposed an L.C.R.C. drainage easement to convey the Dorr Road drainage across the site. This easement will remain necessary if the same entrance drainage configuration is employed.
7. Other Items – The construction plan submittal for this project should also address the following items:
 - a. Construction details should be provided for the proposed retaining walls that include grade differentials of as much as seven feet.
 - b. Overflow spillway details should be provided for the proposed sedimentation basins. The spillway slope protection should extend down to the toe of the basin's exterior sideslope.
 - c. Complete storm sewer design calculations, plans, and profiles should be provided.
 - d. Complete soil erosion control plans and details should be provided. The proposed 1-vertical-to-3-horizontal slope along the south edge of the wetland will require additional erosion control measures, such as a double silt fence at its toe and staked seed and mulch blankets (or sod) on the slope itself.

I am withholding approval of the Preliminary Site Plans for the Senior Care Equities 14 development, subject to Items 5 & 6 being addressed satisfactorily. The remaining items mentioned above can be addressed in the project's Construction Plans submittal.

Very truly yours,

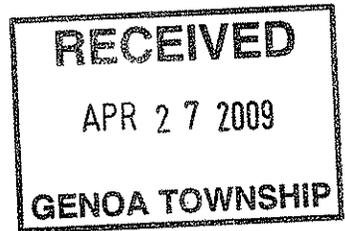


Brian Jonckheere
Livingston County Drain Commissioner

- c: Environmental Engineers, Paul Lewsley
Fusco, Shaffer & Pappas, Inc., Jack Runkle
Genoa Township, Tesha Humphriss
Genoa Township, Kelly VanMarter
L.C.R.C., Kim Hiller
Zeimet-Wozniak, Julian Wargo



FUSCO, SHAFFER & PAPPAS, INC.
ARCHITECTS AND PLANNERS



ENVIRONMENTAL IMPACT ASSESSMENT
SKILLED NURSING FACILITY EQUITIES #14, L.L.C.
SECTION 15, GENOA TOWNSHIP

PREPARED BY:

FUSCO, SHAFFER & PAPPAS, INC.
30800 Northwestern Hwy., Suite 100
Farmington Hills, MI 48334
(248) 932-8300

PREPARED FOR:

SKILLED NURSING FACILITY EQUITIES, L.L.C.
10503 Citation Drive, Suite 100
P.O. Box 2215
Brighton, MI 48116
(810) 534-2080

April 27, 2009



FUSCO, SHAFFER & PAPPAS, INC.
ARCHITECTS AND PLANNERS

SUBMITTAL REQUIREMENT FOR IMPACT ASSESSMENT/IMPACT STATEMENT

This is a sample of how the Genoa Township Planning Commission would like to see the impact assessment statement prepared.

Please restate the questions of the environmental impact statement followed by your response. For special land uses and site plans, information should be detailed. For a rezoning request inconsistent with the Township Master Plan, the impact assessment should demonstrate how conditions have changed to warrant deviation from the Plan.

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:

Jack W. Runkle, Jr., RA
Fusco, Shaffer & Pappas, Inc.
30800 Northwestern Hwy., Suite 100
Farmington Hills, MI 48334
(248) 932-8300

Registered architect in the State of Michigan. State of Michigan Qualified Interior Design List.
Over 20 years of experience in design and construction, 40% working on health care and life enhancement facilities.

Prepared for:

Jim Branscum
Member
Skilled nursing facility Equities, L.L.C.
10503 Citation Drive, Suite 100
P.O. Box 2215
Brighton, MI 48116
(810) 534-2080

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

The site consists of approximately 10.4 acres of land located east of Dorr Road, south of Sterling Drive and just north of the Brighton Pines Industrial Center. The topography on site ranges in elevation from 994 on the south side to approximate elevation 976 on the west side of the site. There is a pocket wetland that is approximately 2.3 acres in size located near the northwest corner of the parcel. The wetland has been identified on site by Brooks Williamson Associates and located by a survey crew from Advantage Civil Engineering Inc. Refer to **Attachment AA** for site survey drawing.



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An existing 8" diameter sanitary sewer line runs parallel to Dorr Road on the west side of Dorr Road and traverses the east property line. There is a sanitary sewer pump station that is located on the south east corner of the parcel. The sanitary sewer pump station is operated by MHOG (Marion Howell Oceola Genoa utility authority). Easements for the pump station and sanitary sewer line were granted on the property by a previous developer to allow the subject parcel to be serviced with municipal sanitary sewer service.

There is also an existing water main that runs along the east side of Dorr Road with an existing 8" water main stub located on the north east corner of the subject parcel. The project will be utilizing the existing 8" stub as well as an additional water main tap to the existing water main located on the east side of Dorr Road.

The project consists of a one-story, 51,176 sf, 84 bed skilled nursing facility and a future two-story building consisting of medical offices, retail or both.

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

The property is generally rolling land with shrub type vegetation over the majority of the property. There is an existing tree row along the southern property line that contains well-established vegetation. The site was designed to avoid removing the existing tree row and preserve the natural screening effect it provides to the south. There is also an existing wetland located on the northwest corner of the site. The site was designed to provide a 25-foot buffer to the wetland edge and will preserve the majority of the wetland. A small wetland fill was recently placed to cross the existing drainage ditch with the proposed entrance road. This fill area request was submitted to the Michigan Department of Environmental Quality and a permit issued accordingly. Refer to **Attachment BB** for report on existing Environmental Conditions.

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

Drainage runoff from the site will be directed to two sedimentation ponds that were designed to treat the first flush storm events in accordance with the Livingston County Drain Commissioner Guidelines. The existing wetland will be utilized to store the 100 year storm event and release the storm water at a controlled rate to the an existing drainage ditch that flows to the southwest. The detention facility was submitted to the Michigan Department of Environmental Quality for review and a permit issued to allow the storm water storage in the existing wetland. While this permit has expired, a new application is being applied for. This design allows for replenishment of water to the existing wetland for long term support of the wetland vegetation. The design also negates the need for unnecessary clearing and grading of land to construct larger detention facilities.



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Additional methods will also be used to control the storm water runoff including concrete curb and gutter and underground storm piping. Temporary soil erosion control methods such as silt fencing, inlet filters and stone tracking mats will also be utilized during construction in accordance with the Livingston County Drain Commissioner guidelines to control soil erosion runoff and dust control.

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

The project as proposed is a mixed use PUD that should have minimum impact on the surrounding industrial uses to the north, south and west. The area to the south is currently utilized by industrial users from the Brighton Pines Industrial Park. The area to the west is currently utilized by industrial users from the Prince Tech industrial facility and the property to the north is also zoned industrial. The property to the east is zoned MDR (medium density residential). The skilled nursing facility component of the site will employ earthy building materials and ample landscaping to enhance the overall site. Creative forms and high quality materials are planned to allow the detention and wetland areas to blend together with the site. The future retail and medical office uses along the Dorr road corridor should provide a good transition zoning from the industrial uses to the west to the medium density residential uses to the east.

The project will have minimal impact on the lighting, noise and air pollution of the surrounding area.

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.

Skilled nursing facility Center
84 beds x .33/bed = 28 spaces
45 employees x 1/employee = 45 spaces
73 parking spaces

2-story Office/Retail Center (future)
48 spaces proposed

There will be no direct increase on the schools as part of the project. The type of use going in will not generate a lot of impact on public safety enforcement. While there may be a minimal increase in the need for fire protection as a result of the development, the site has been designed to allow maximum access to fire-fighting equipment with the use of a ring road access without internal parking.

In general, the project as a whole has the potential to generate jobs, while creating minimal burden on public services such as schools, fire department, police department, etc.

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 service with sanitary sewer,



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calculations for pre- and post development flows shall be provided in comparison with sewer line capacity. Expected sewage rates shall be provided in projected residential rates.

The project will be served by municipal sanitary sewer and water service and a private storm drainage system. Sanitary sewerage and water flows were estimated using the "Genoa Township Equivalent User Table" for calculation of equivalent residential units. Based on the table and the anticipated building uses the total anticipated REU'S for the project were calculated as follows:

84 beds = 43 REU's

By assuming 43 REU's, 300 gallons per day per REU and a peaking factor of 4, the peak discharge for the sanitary sewer was calculated to be 0.080 CFS. The maximum day water demand can be similarly calculated assuming a maximum day demand of 25,800 gallons (17.9 GPM). Generally fire flow protection is the governing factor in water main design. We should anticipate a fire flow requirement for this type of development to be *in* the 1000 to 1200 gpm rate range and would have most likely been accounted for in the original design of the water main system.

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. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan(PIPP) shall be submitted, as appropriate.

At this time there is no hazardous materials storage proposed on site.

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

The uses proposed for this site are not expected to meet the minimum peak threshold levels necessary to develop a full traffic study. See **Attachment CC** for assessment and calculations of traffic volumes for this project.

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

Not applicable.

k. A list of all sources shall be provided.

Genoa Township Zoning Ordinance
Livingston County Drain Commissioner Standards
U.S.D.A. Soil Conservation Service "Soil Survey of Livingston County, Michigan"

ITE Trip Generation Manual
Highway Capacity Manual



FUSCO, SHAFFER & PAPPAS, INC.
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The following professionals have provided information that has been used in this report:

Previous impact statement and site survey

Patrick Keough, PE
Advantage Civil Engineering
110 East Grand River
Howell, MI 48843
(517) 545-4141

Wetlands and natural features information

Brooks Williamson
Brooks Williamson and Associates, Inc.
30366 Beck Road
Wixom, MI 48393
(248) 624-9100

Natural features, grading and public utilities information

Julian J. Wargo, Jr., PE
Zeimet Wozniak & Associates
40024 Grand River Avenue, Suite 100
Novi, MI 48375
(248) 442-1101

Traffic impact information

Michael R. Cool, PE
Midwestern Consulting, Inc.
3815 Plaza Drive
Ann Arbor, MI 48108
(734) 995-0200

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

See item k. above.

ATTACHMENT "BB"

Existing Environmental Conditions
and Impact Analysis of the
Senior Care Equities #14, L.L.C. Facility

Dorr Road and Sterling Drive Site
Section 15, Genoa Township, T.2N., R.5E.
Livingston County, Michigan

February, 2009

Existing Environmental Conditions
and Impact Analysis of the
Senior Care Equities #14, L.L.C. Facility

Dorr Road and Sterling Drive Site
Section 15, Genoa Township, T.2N., R.5E.
Livingston County, Michigan

February, 2009

Prepared For:

Mr. Jack Runkle
Fusco, Shaffer & Pappas, Inc.
30800 Northwestern Highway, Suite 100
Farmington Hills, MI 48334

Prepared By:

Brooks Williamson and Associates, Inc.
30366 Beck Road
Wixom, Michigan 48393

[BWA File No. 09-008]

EXECUTIVE SUMMARY

An Impact Assessment is required for site plan approval in Genoa Township. This document was developed to address:

“C. A written description of the environmental characteristics of the site prior to development, i.e., topography, soils, vegetative cover, drainage, streams, creeks or ponds.”

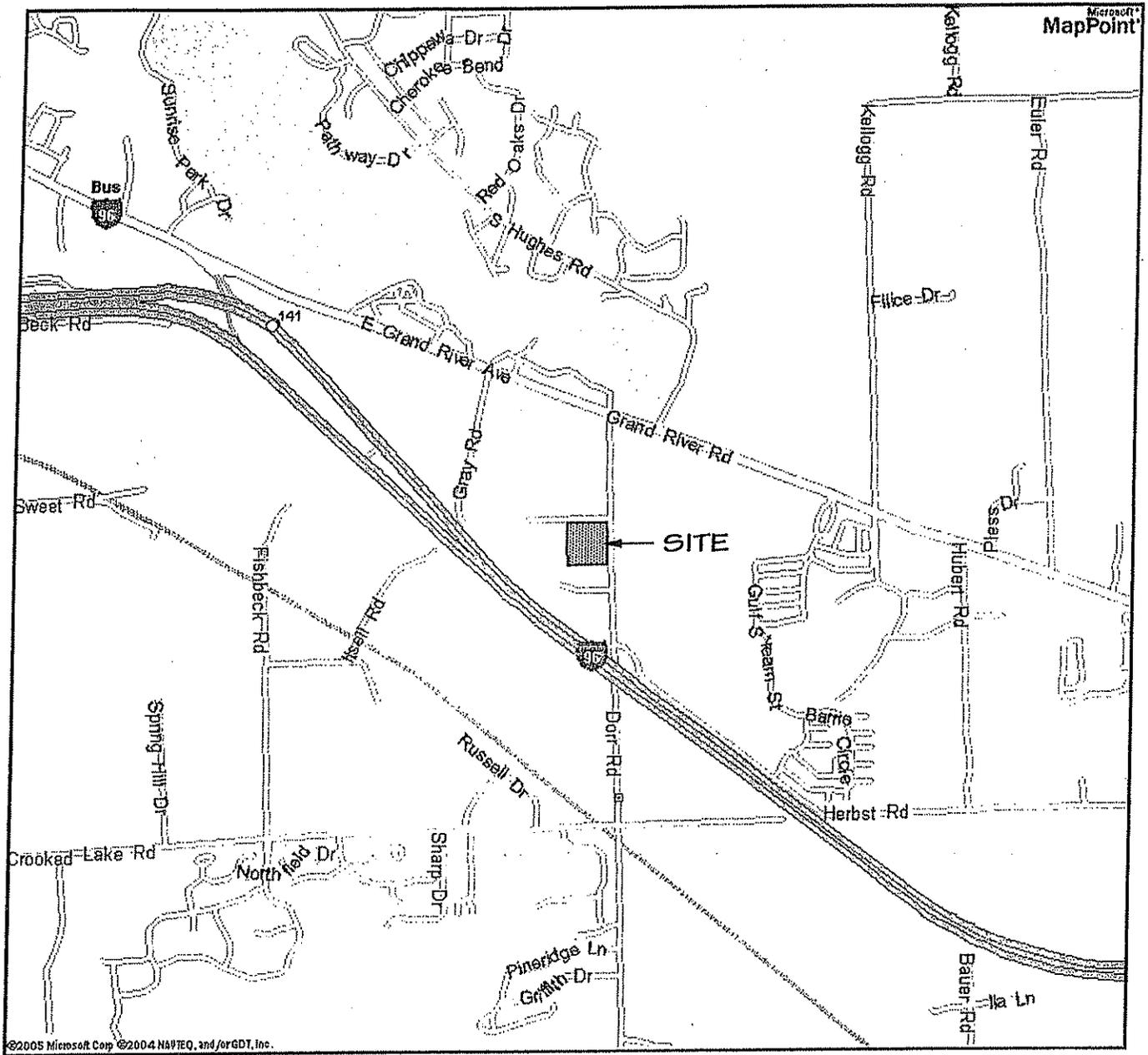
Review and analysis of the Conceptual Plan for the property reveals that the design utilized the upland areas of old field areas. The wetland and natural features setback were avoided, except for a previous approved drain crossing. The present plan also calls for a slight change in stormwater detention. Less water will be released into the large wetland on site. This, in turn, limits the impacts of flooding, which is generally considered to be a beneficial change.

EXISTING CONDITIONS

The proposed Senior Cares Equities #14, L.L.C. parcel lies in the southwest corner of the intersection of Dorr Road and Sterling Drive (Figure 1). It consists of approximately 10.4 acres that is roughly square in configuration (664 feet by 687 feet)

The property consists of two distinct ecological units; old field upland and a mixed emergent/scrub-shrub wetland (Figure 2). The southern half of the site and the northeast corner are topographically higher portions of the property. These areas consist of sandy loams with mixed gravel below. The terrain is rolling in nature with steep slopes adjacent to the wetland.

The southerly upland portion of the site is divided into two areas. The southern two-thirds of the land is old field in nature, with a mature tree hedgerow along the south property line. The more open field area consists of numerous russian olive shrubs (*Elaeagnus angustifolia*), Queen Anne's lace (*Daucus carota*), star thistle (*Centaurea sp.*), a few stiff dogwood (*Cornus foemina*), and a mix of upland grasses, such as brome, timothy and barnyard grass. This area has remained more natural, although some



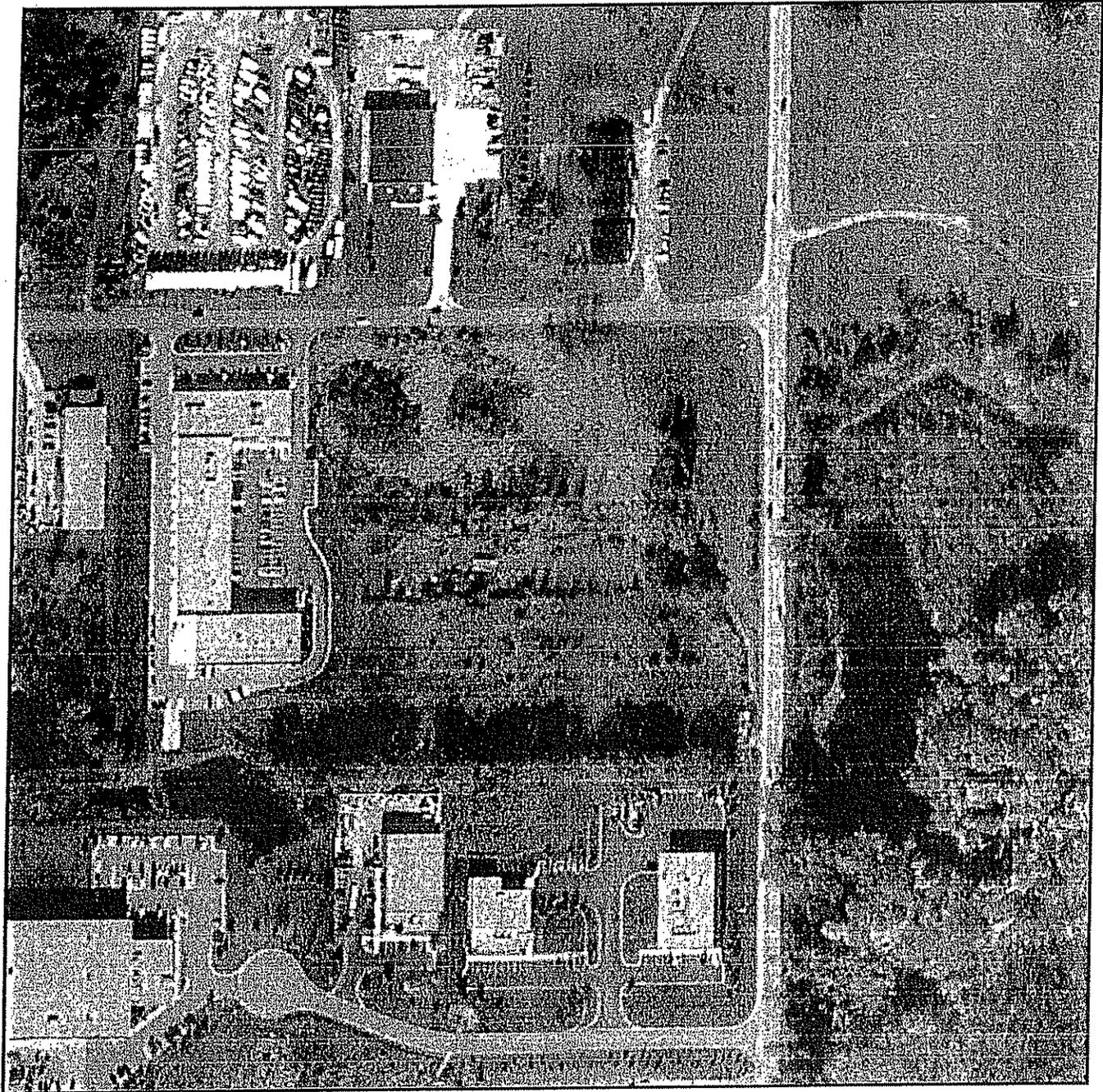
SITE LOCATION MAP

NO SCALE

(BWA FILE 09-008)



FIGURE I



AERIAL PHOTOGRAPH, OCTOBER 2007

NO SCALE

(BWA FILE 09-008)

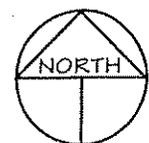


FIGURE 2

vegetative clearing has occurred in the recent past.

The northerly portion of this upland area was heavily disturbed by construction activity on site. A corridor running in an east-west direction from Dorr Road was subjected to excavation and removal of the soil. Some of this material may have been used for the previously approved road entrance. This area is four to six feet lower in elevation than the larger southern portion of the parcel.

The northeast corner of the parcel fronts on both Dorr Road and Sterling Drive. It is slightly less than an acre in size (± 0.9 ac) with an irregular westerly boundary due to the wetland.

The ground surface is relatively level with a three to four foot drop in elevation at the wetland edge. Portions of the upland along the wetland were filled in the past. The most distinct area is about 100 feet in length running south from Sterling Drive. This fill activity took place a number of years ago, as evidenced by the growth of trees on the fill surface.

The remaining portion of the parcel, approximately three acres, is a mix of emergent and scrub-shrub wetland. This area is located in the northwest portion of the site. It continues a short distance off site to the west, approximately 25 feet, and then ends abruptly in a relatively steep slope.

Water accumulating in this wetland is discharged through an excavated ditch/stream to the southeast. The ditch/stream connects to the roadside ditch where the water enters a 15-inch diameter corrugated, metal pipe culvert that flows under Dorr Road. Discharge of water on the east side of Dorr Road goes into a large wetland complex well in excess of five acres.

Vegetation within the wetland on site incorporates both emergent and shrub species. The predominant species observed include the following:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Tree/Shrub/Herb</u>	<u>Rating</u>
Black willow	<i>Salix nigra</i>	tree	
European buckthorn	<i>Rhamnus frangula</i>	shrub	
Stiff dogwood	<i>Cornus foemina</i>	shrub	
Meadowsweet	<i>Spirea sp.</i>	shrub	

Highbush cranberry	<i>Sambucus canadensis</i>	shrub
Red osier dogwood	<i>Cornus stolonifera</i>	shrub
Silky dogwood	<i>Cornus amomum</i>	shrub
Cattail	<i>Typha latifolia</i>	herb
Reed canary grass	<i>Phalaris arundinacea</i>	herb
Woolgrass	<i>Scirpus sp.</i>	herb
Asters	<i>Aster spp.</i>	herb
Goldenrods	<i>Solidago spp.</i>	herb
Sensitive fern	<i>Onoclea sensibilis</i>	herb
Blue vervain	<i>Verbena hastata</i>	herb

The vegetation growing in the wetland and the diversity of the species throughout the area suggest that there is a long-term saturation of the soil. Ponded conditions occur during the winter months, but a drier condition is anticipated in July and August. If wetter conditions persisted, the shrubs would be limited to the perimeter areas. They presently occur throughout the wetland.

On June 8, 2006, the Michigan Department of Environmental Quality (MDEQ) issued a wetland permit for the site. The permit authorized the placement of a new culvert and road fill for access into the site. Two stormwater outfalls and a water control structure at the upstream end of the road crossing were also proposed. The road culvert and fill for access were placed per the permit conditions. The permit expired on December 31, 2007.

IMPACT OF THE PROPOSED PROJECT

The present site plan calls for the use of the southern upland portion of the property for a senior care facility (Senior Cares Equities, L.L.C.) (Figure 3). Development of the site will be limited to the old field area and the previously excavated corridor. Access to the new facility will utilize the previously permitted and constructed crossing of the drain/stream. The planners have designed the site purposely to avoid the wetland and 25-foot natural features setback.

The northeast corner of the site is planned for a use not unlike that in the original approval. Once again, the plan calls for avoiding both the wetland and natural features

setback. Little to no environmental impact is anticipated due to the proposed use.

An item of concern that arises on sites like this one is the use of the wetland for stormwater retention or detention. In this plan, the wetland will be used for temporary storage and pass-through of water.

The present plan calls for release from one detention basin at the west side of the site, one at the southeast corner, and a third from the northeast corner. The basin planned in the southeast corner of the property is larger than the other two. This basin will accept more water from the southerly portion of the site and discharge to the north into the wetland to eliminate flash flooding of the outflow ditch/stream.

The originally permitted plan, as shown in the MDEQ Permit No. 05-47-0161-P (Attachment A) indicates that only two detention basins were proposed. Both would release water into the wetland, thereby modifying the hydrologic regime of the wetland slightly.

Changing the water supply to a wetland can result in changes to the overall system. In the original review of the permit application, the MDEQ did not find the discharge objectionable, and thus issued the permit.

The present plan changes the overall drainage of stormwater. Water will be discharged at the west, southeast and east end of the wetland. Instead of the two original discharge points, there will now be three. This will have the tendency to equalize the flow of water throughout the system and provide for a more uniform saturation condition. This would not be found detrimental by the MDEQ.

Most of the natural features setback (25 feet) around the wetland was subject to significant disturbance in the past. Additional plantings in the upland (10 to 15 feet of this zone) could be included within a landscape plan. This would be beneficial not only from a visual aspect, but also for wildlife/habitat enhancement.

A new MDEQ permit will be required for the site. The applicant recognizes the need for this permit and will submit an application after conceptual approvals are provided. Based on the present conceptual plan, the application will only need to address the stormwater outfalls, pre-filtering of water, and detention basin designs.

Attachment A

MDEQ Permit No. 05-47-0161-P

Notice of Authorization

Permit Number 05-47-0161-P

Issued: 06/08/2006
Expiration Date: 12/31/2007

The Michigan Department of Environmental Quality, Land and Water Management Division, Lansing District Office, 525 West Allegan, P.O. Box 30242 Lansing, Michigan 48909-7742, 517-335-6010, has issued a permit for the activity described below, under provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and specifically:

- Part 31 Floodplain/Water Resources Protection.
- Part 301 Inland Lakes and Streams.
- Part 303 Wetland Protection
- Part 315 Dam Safety.
- Part 317 Freshwater Submerged Aquatic Life.
- Part 318 Stream Protection Management.
- Part 322 Sand and Gravel Management.

Authorized Activity:

Permitted Activity:

Remove an existing culvert and road fill, and place a 12-inch diameter culvert and approximately 82 cubic yards of clean inert fill in 1,250 square feet (0.03 acres) of wetland to construct an access road. Install a perforated riser/stone filter controlled outlet structure on the upslope (north) end of the proposed road culvert. Construct two storm water sediment/detention basins with perforated riser/stone filter controlled outlet structures discharging to wetland. All construction is part of the Intech Park Planned Unit Development.

To be conducted at property located: Livingston County, Waterbody: un-named drain
Section 15, Town 2N, Range 5E, Genoa Township

Permittee: Sterling Development Properties LLC
3800 W. Grand River
Howell, MI 48855

Steven E. Chester, Director
Department of Environmental Quality

Thomas Kolhoff
District Representative

*This notice must be displayed at the site of work
in such a way that it can be seen from the road*

Please refer to the above Permit Number with any questions or concerns

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY PERMIT

Sterling Development Properties LLC
3800 W. Grand River
Howell, MI 48855

Permit No.	05-47-0161-P
Issued	June 8, 2006
Extended	
Revised	
Expires	December 31, 2007

Under the provisions of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended and specifically:

- | | |
|--|--|
| <input type="checkbox"/> Part 301 Inland Lakes and Streams | <input type="checkbox"/> Part 315 Dam Safety |
| <input type="checkbox"/> Part 325 Great Lakes Submerged Lands | <input type="checkbox"/> Part 323 Shorelands Protection and Management |
| <input checked="" type="checkbox"/> Part 303 Wetland Protection | <input type="checkbox"/> Part 353 Sand Dune Protection and Management |
| <input type="checkbox"/> Part 31 Floodplain/Water Resources Protection | |

Permission is hereby granted, based on permittee assurance of adherence to State requirements and permit conditions to:

Permitted Activity:

Remove an existing culvert and road fill, and place a 12-inch diameter culvert and approximately 82 cubic yards of clean inert fill in 1,250 square feet (0.03 acres) of wetland to construct an access road. Install a perforated riser/stone filter controlled outlet structure on the upslope (north) end of the proposed road culvert. Construct two storm water sediment/detention basins with perforated riser/stone filter controlled outlet structures discharging to wetland. All construction is part of the Intech Park Planned Unit Development.

Water Course Affected: un-named drain

Property Location: Livingston County, Genoa Township, Section 15
Subdivision, Lot Town/Range 2N, 5E Property Tax No. 11-15-200-018

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

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

All work shall be completed in accordance with the plans prepared by Advantage Civil Engineering, including plans revised April 18, 2006, and received by the Land and Water Management Division (LWMD) on March 10 and April 27, 2006; the attached plans; and the terms and conditions of this permit.

Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994, being Sections 9101 to 9123, or the need to acquire applicable permits from the County Drain Commission.

IDENTIFICATION OF NON-WORK AREAS

Prior to the start of construction, all non-work wetland areas shall be bounded by filter fabric fence (placed upland of the wetland/upland boundary) to prevent erosion into wetland and to prohibit construction personnel from entering or performing work in these areas. Fence shall be maintained throughout the construction process. Upon project completion, the accumulated materials shall be removed and disposed of at an upland site. The erosion barrier shall then be removed in its entirety and the area restored to its original configuration and cover.

All Storm water sediment/detention basin(s) and outlet(s) shall be designed and constructed to capture and treat (at minimum) the "first flush", the first 0.5 inch of runoff from the contributing drainage area. The basin(s) and outlet(s) shall be designed and constructed in accordance with the Guidebook of Best Management Practice's (BMPs) for Michigan Watersheds, including the use of a perforated riser pipe/stone filter controlled discharge structures. Basin(s) shall be maintained in good working order so as to function properly.

No discharge is authorized from the storm water basins until all of the contributing drainage area is properly stabilized to avoid uncontrolled sediment discharges into the wetland.

Storm water basin outlet discharge volume and velocities shall be controlled with riprap, level spreaders and/or energy dissipaters so as not to cause erosion or sedimentation in the stream or wetland.

In issuing this permit, the Land and Water Management Division (LWMD) has reviewed the development project in its entirety. Based on this review, it is the understanding of the LWMD that all development associated with this Intech Park (buildings, parking, other infrastructure, etc.) can be constructed without requiring any additional wetland impacts except as authorized above.

The placement of the new culvert and the initial placement of fill in the wetland shall be done in such a manner that all flow is immediately passed through the culverts and the major placement of fill can be done in the dry or in still water where erosion and siltation will be minimized.

If the project, or any portion, is stopped and lies uncompleted for any length of time other than that encountered in a normal work week, every precaution shall be taken to protect the uncompleted work from erosion, including the placement of temporary sandbag riprap or other acceptable temporary protection.

No work shall be done in the wetland during periods of above-normal water levels except as necessary to prevent erosion.

Fill shall consist of inert materials which will not cause siltation nor contain soluble chemicals or organic matter which is biodegradable. All fill shall be contained in such a manner as not to erode into any watercourse. All raw banks shall be stabilized with sod, seed, and mulched or riprapped as necessary to prevent erosion.

All slurry resulting from any dewatering operation shall be pumped to a filter bag located away from the watercourse and allowed to filter through natural vegetation or gravel filters for a sufficient distance to remove suspended particles.

Permittee is cautioned that grade changes resulting in increased runoff, or discharges, onto adjacent property is subject to civil damage litigation.

Any change to the road grade elevations other than that shown by the plans will require further evaluation and prior approval by the Land and Water Management Division.

The permittee shall obtain written approval from the Department for any modification or revision to the approved design plans and/or specifications.

The authority to conduct the activity as authorized by this permit is granted solely under provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, or federal approval or authorizations necessary to conduct the activity.

In issuing this permit, the Department of Environmental Quality has relied on the information and data which permittee has provided in connection with the permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete, or inaccurate, the Department may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.

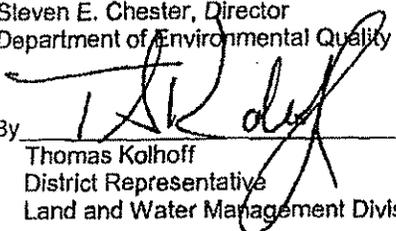
This permit does not authorize or sanction work which has been completed in violation of applicable federal, state, or local statutes except as authorized above.

Prior to initiating construction authorized by this permit, the permittee is required to provide a copy of the permit to the contractor(s) for his/her review.

The property owner, contractor(s), and any agent used in obtaining this permit, are held responsible to insure the project is constructed in accordance with all drawings and specifications contained in this permit. The contractor is required to provide a copy of this permit to any and all sub-contractors doing work authorized by this permit.

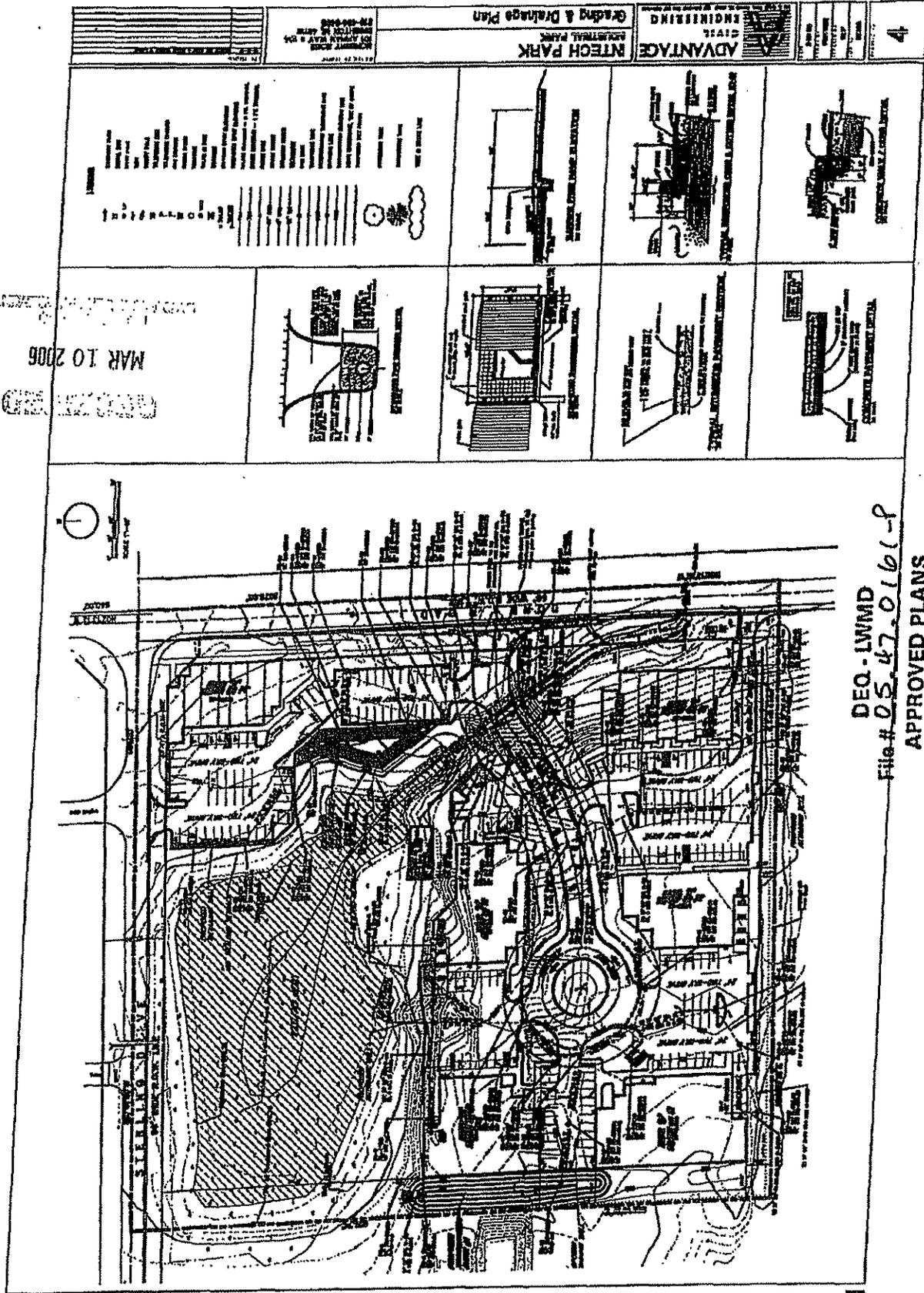
The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representatives of the permittee, undertaken in connection with this permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.

Steven E. Chester, Director
Department of Environmental Quality

By 
Thomas Kolhoff
District Representative
Land and Water Management Division

cc: Livingston CEA
Livingston County Health Department-Environmental Health
Genoa Township
Advantage Civil Engineering

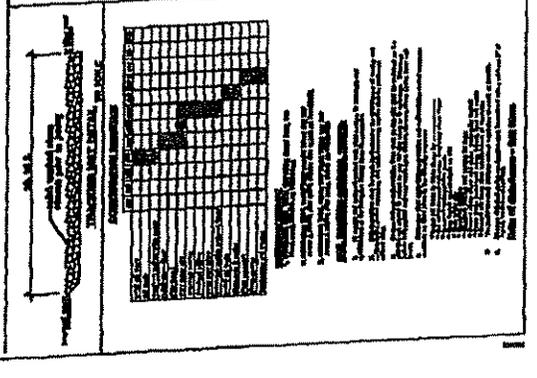
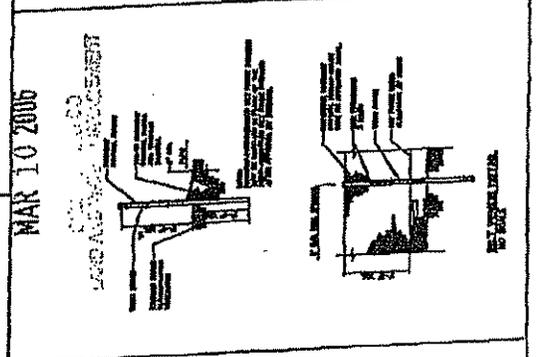
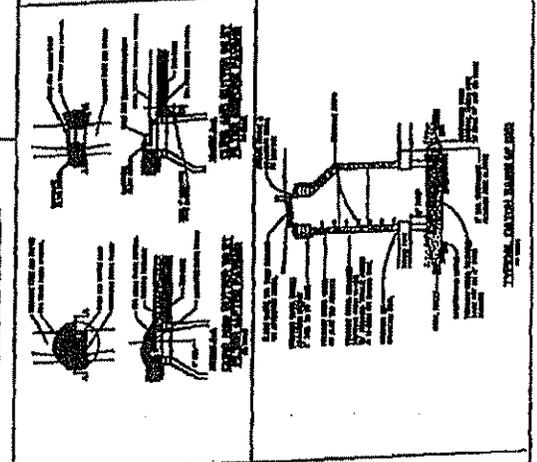
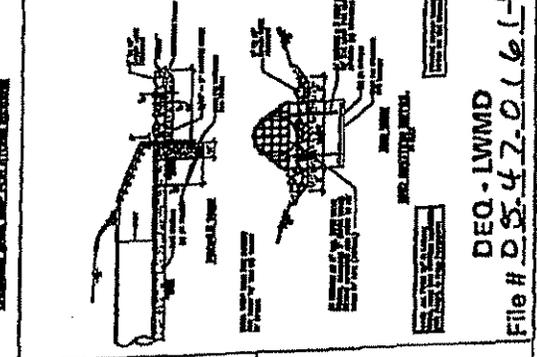
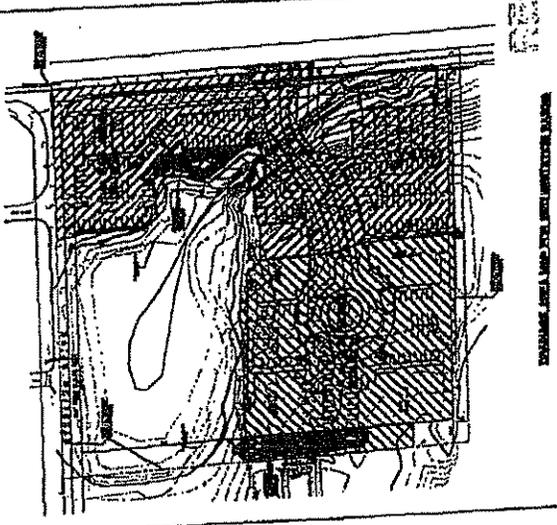
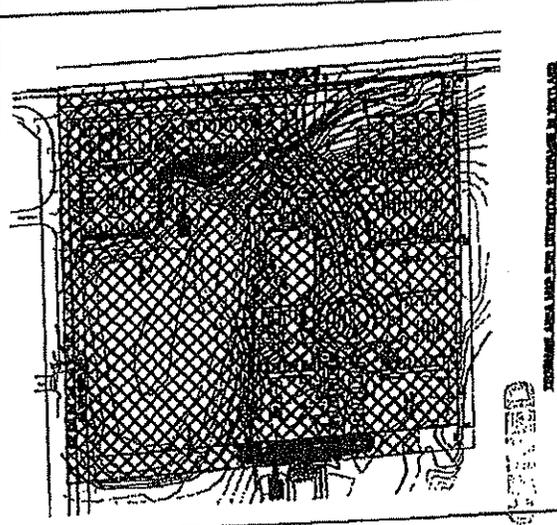
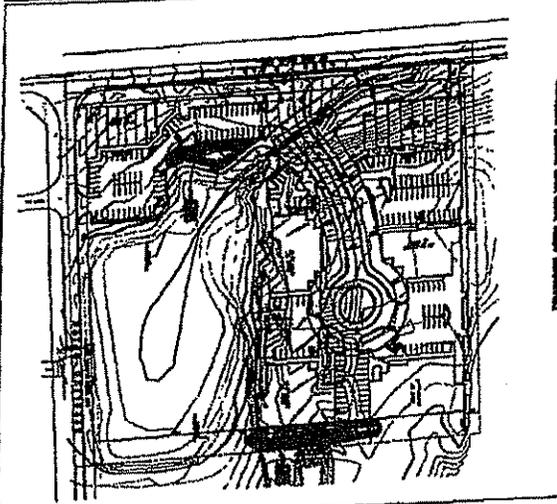
10-7



(Seal) MAR 10 2006
 (Seal)

DEQ - LWMD
 File # 05-47,016(-P)
 APPROVED PLANS
 Page 2 of 7

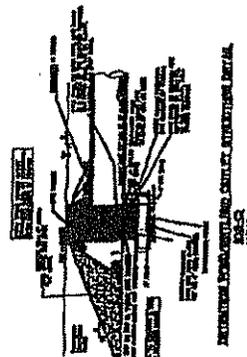
ADVANTAGE CLASS ENGINEERING	NTECH PARK INDUSTRIAL PARK Grading & Drainage Plan	PROJECT NO. 05-47,016(-P) SHEET NO. 2 OF 7	DATE: 03/10/06 DRAWN BY: [Name] CHECKED BY: [Name]	4
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DEQ - LWMD
 File # D.S. 47-01619
 APPROVED PLANS
 Page 3 of 7

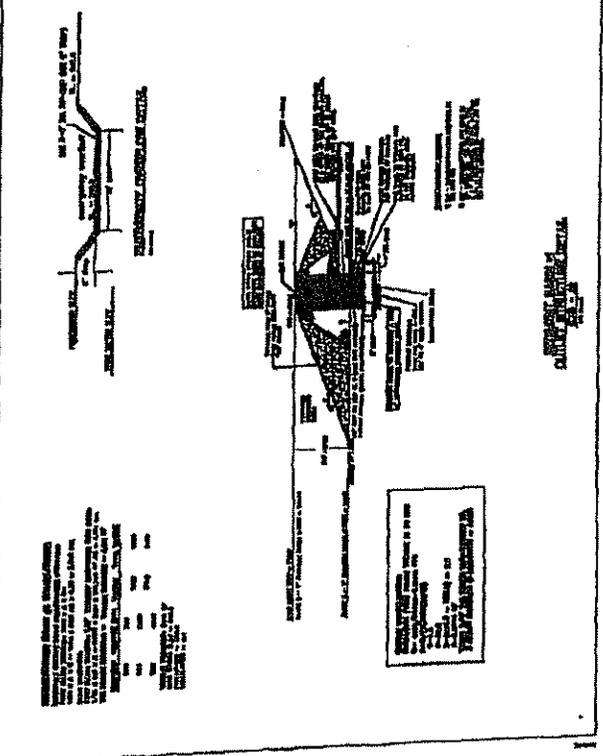
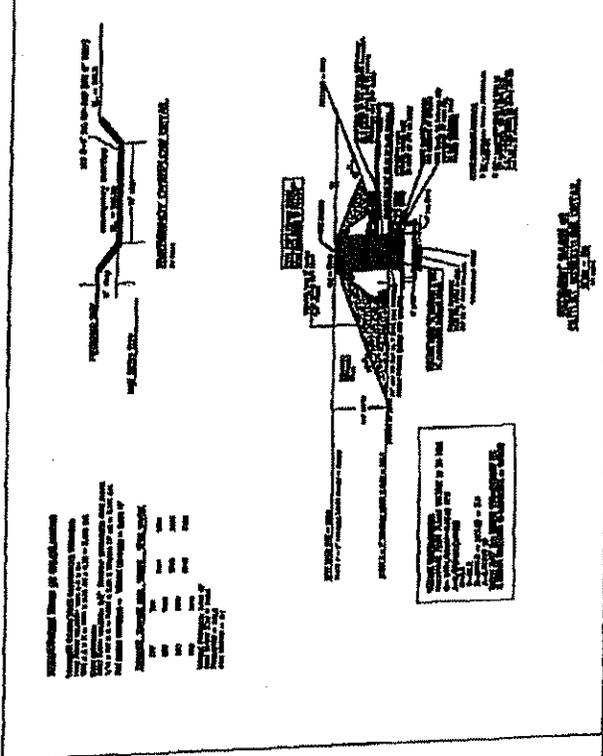
MAR 10 2000
 LAND AND WATER MANAGEMENT

DEO - LWMD
 File # **Q547-01619**
APPROVED PLANS
 Page **4** of **7**
 MAR 10 2006

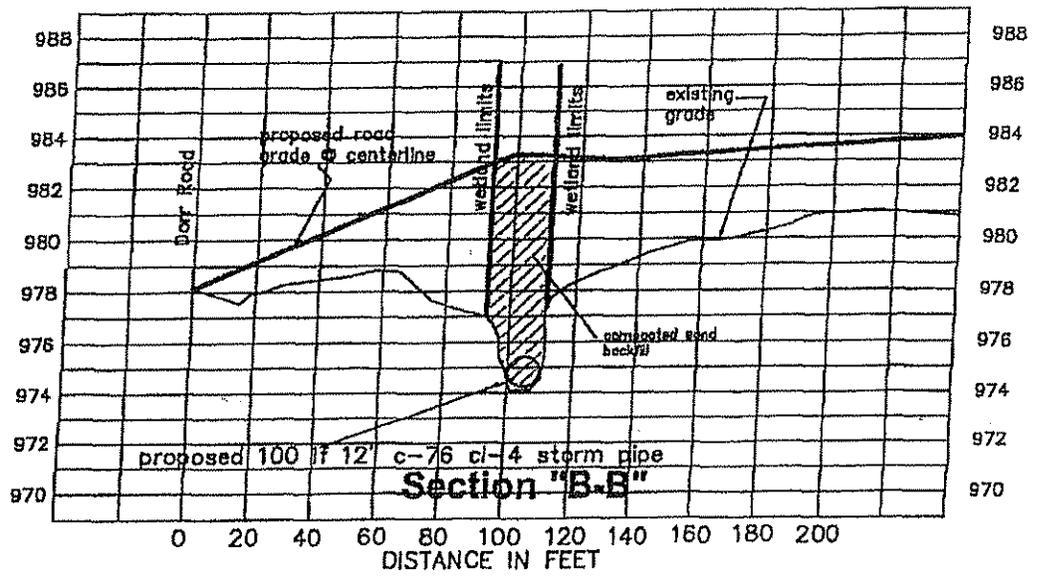
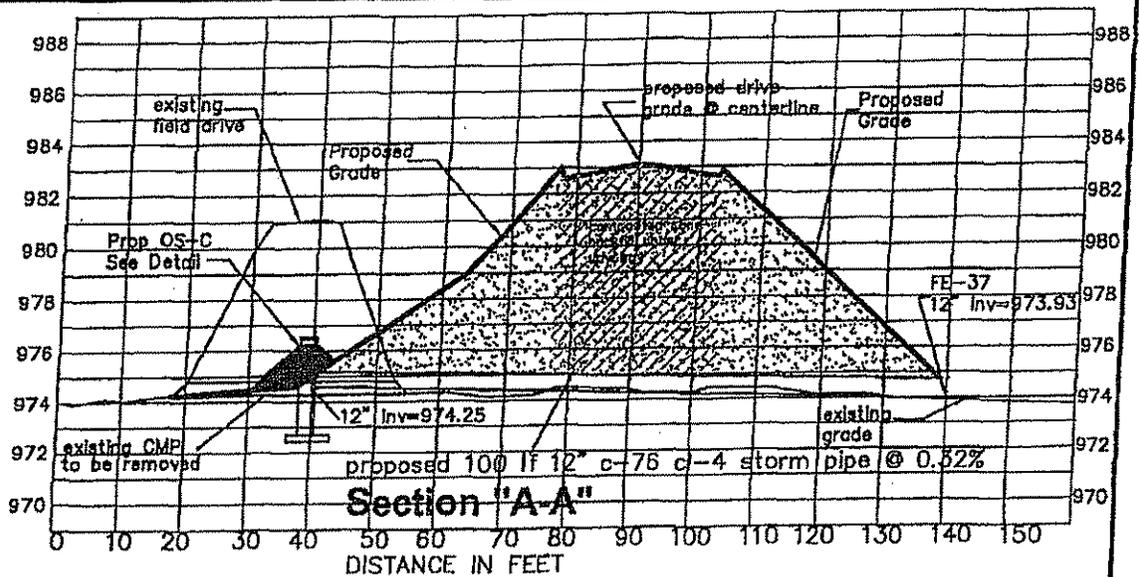


REVISIONS
 NO. DESCRIPTION
 1. AS SHOWN

NOTES
 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
 2. ALL MATERIALS TO BE AS PER SPECIFICATIONS.
 3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 6. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
 8. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 9. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.



WETLAND PERMIT INFORMATION



CLIENT: BOES/GLEBE

JOB NO. 05083
 DATE: 02-20-06
 REVISED: 04-18-06
 OFFICE: CMF
 FIELD:
 SHEET: 2 OF 3

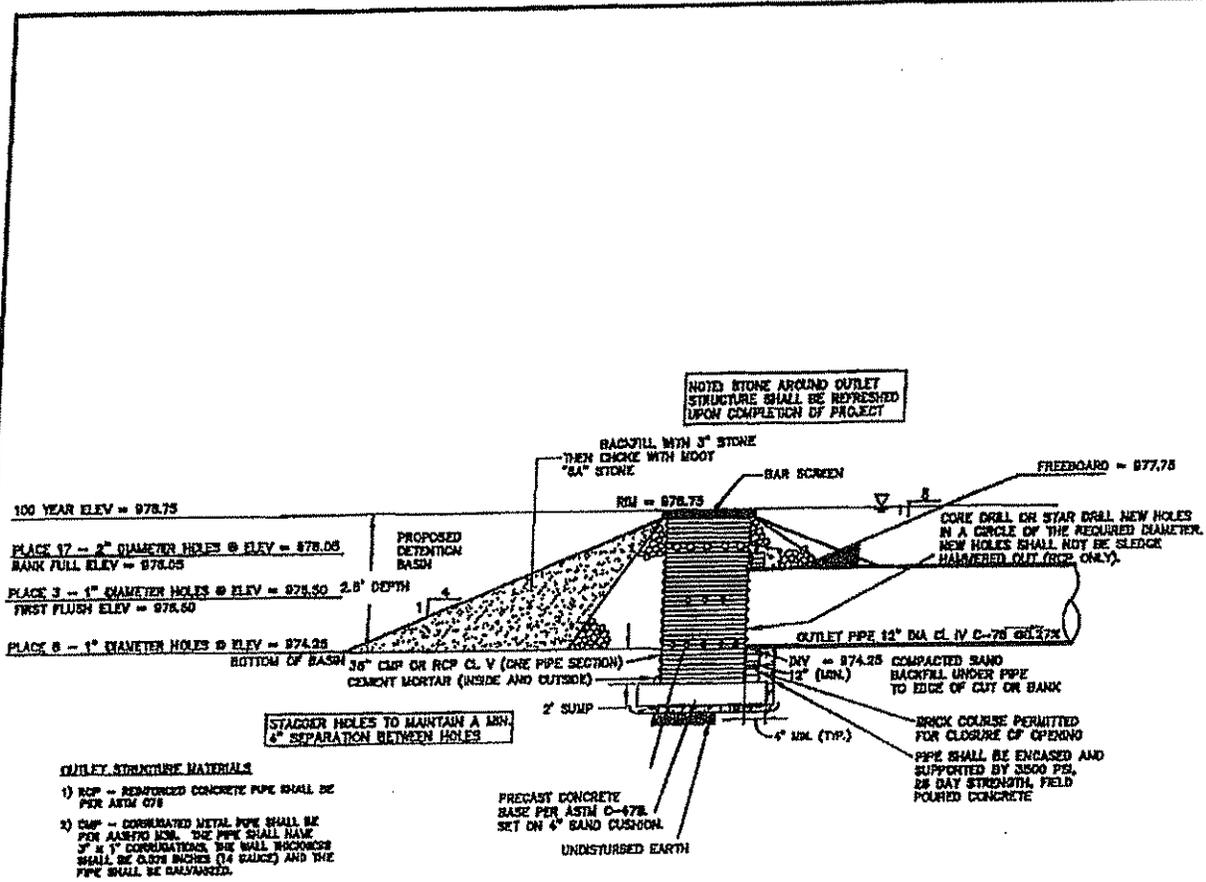
DESCRIPTION: INTECH PARK WETLAND PERMIT INFORMATION


ADVANTAGE
 CIVIL
 ENGINEERING

110 E. Grand River, Howell, MI 48843 517 545-4141 Fax 517 545-4148

DEQ - LWMD
 File # 05-47-0161-P
 APPROVED PLANS
 Page: 6 of 7

WETLAND PERMIT INFORMATION



DETENTION POND/WETLAND OUTLET STRUCTURE DETAIL
(OS-C)
NO SCALE

DEQ - LWMD
File # 05-47-0161-P
APPROVED PLANS
Page 7 of 7

CLIENT: BOES/GLEBE	
JOB NO.	05083
DATE:	02-20-06
REVISED:	04-18-06
OFFICE:	CMF
FIELD:	
SHEET:	3 OF 3

DESCRIPTION:
INTECH PARK
WETLAND PERMIT INFORMATION

ADVANTAGE

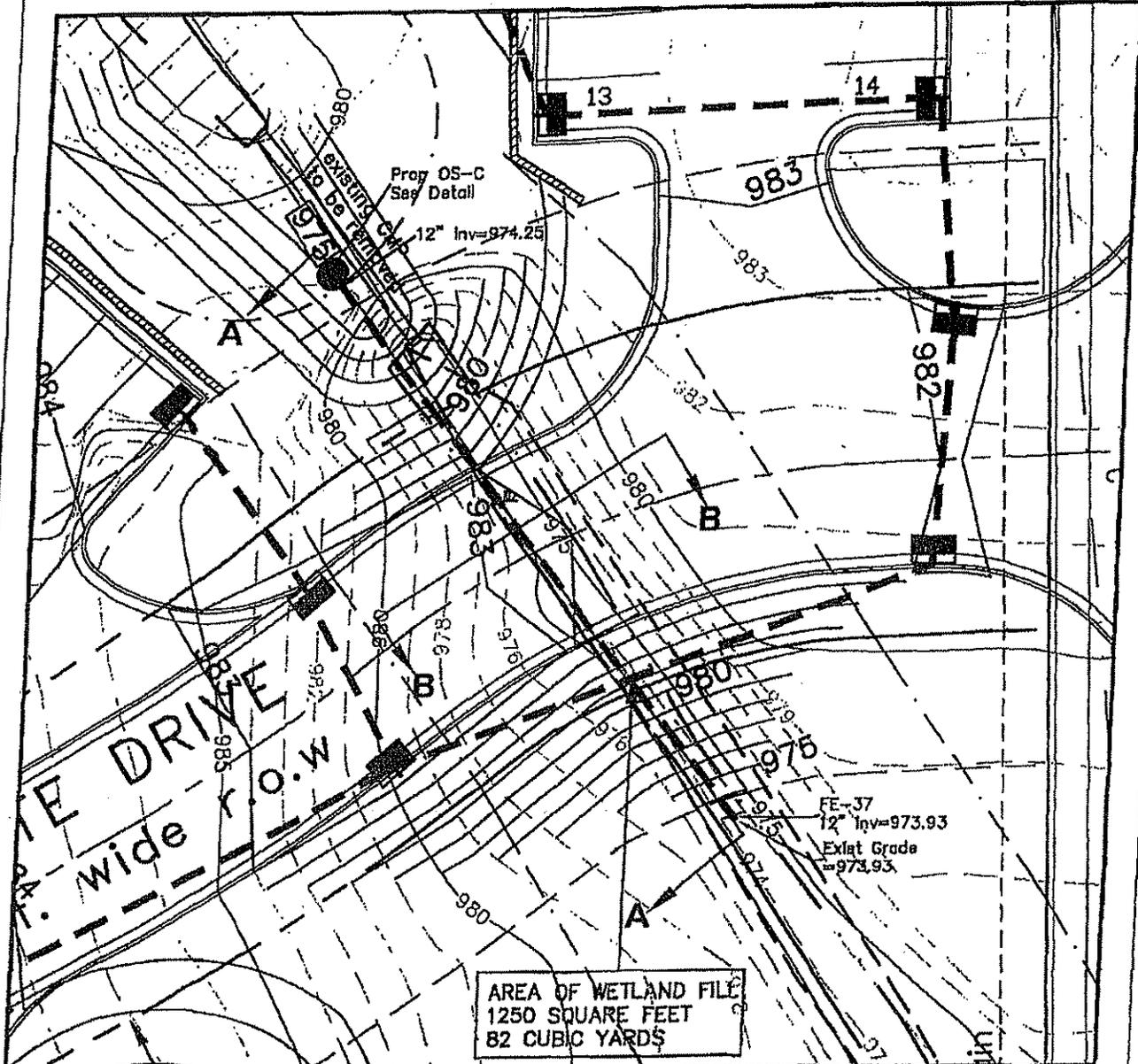
CIVIL

ENGINEERING

110 E. Grand River, Howell, MI. 48843 517 845-4141 Fax 517 845-4148

APR 27 2006

WETLAND PERMIT INFORMATION



CLIENT:
BOES/GLEBE

JOB NO.	05083
DATE:	2-20-06
REVISED:	4-18-06
OFFICE:	CMF
FIELD:	
SHEET:	1 OF 3

DESCRIPTION:
INTECH PARK
WETLAND PERMIT INFORMATION



ADVANTAGE

CIVIL

ENGINEERING

110 E. Grand River, Howell, MI. 48843 517 545-4141 Fax 517 545-4148

DEC - LWMD
File # 05083-0161-P
APPROVED PLANS
Page 5 of 7

SCALE 1" = 20'



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING DISTRICT OFFICE



STEVEN E CHESTER
DIRECTOR

November 27, 2007

Mike Kelly
Sterling Development Properties LLC
3800 West Grand River
Howell, Michigan 48855

Dear Mr. Kelly:

SUBJECT: DEQ File Number 05-47-0181-P
T2N, R5E, Section 15, Genoa Township, Livingston County

We have received your letter dated November 20, 2007, requesting an extension of time for completion of work authorized by your Department of Environmental Quality (DEQ) permit.

This letter serves to extend your permit until December 31, 2008.

You are reminded that all conditions, as set forth in the original permit, remain in full force. This letter must be attached to your permit, kept at the work site, and be available for inspection at all times during the duration of the project or until the date of expiration. This extension does not obviate the need for other Federal, State and/or local permits, as may be required by law.

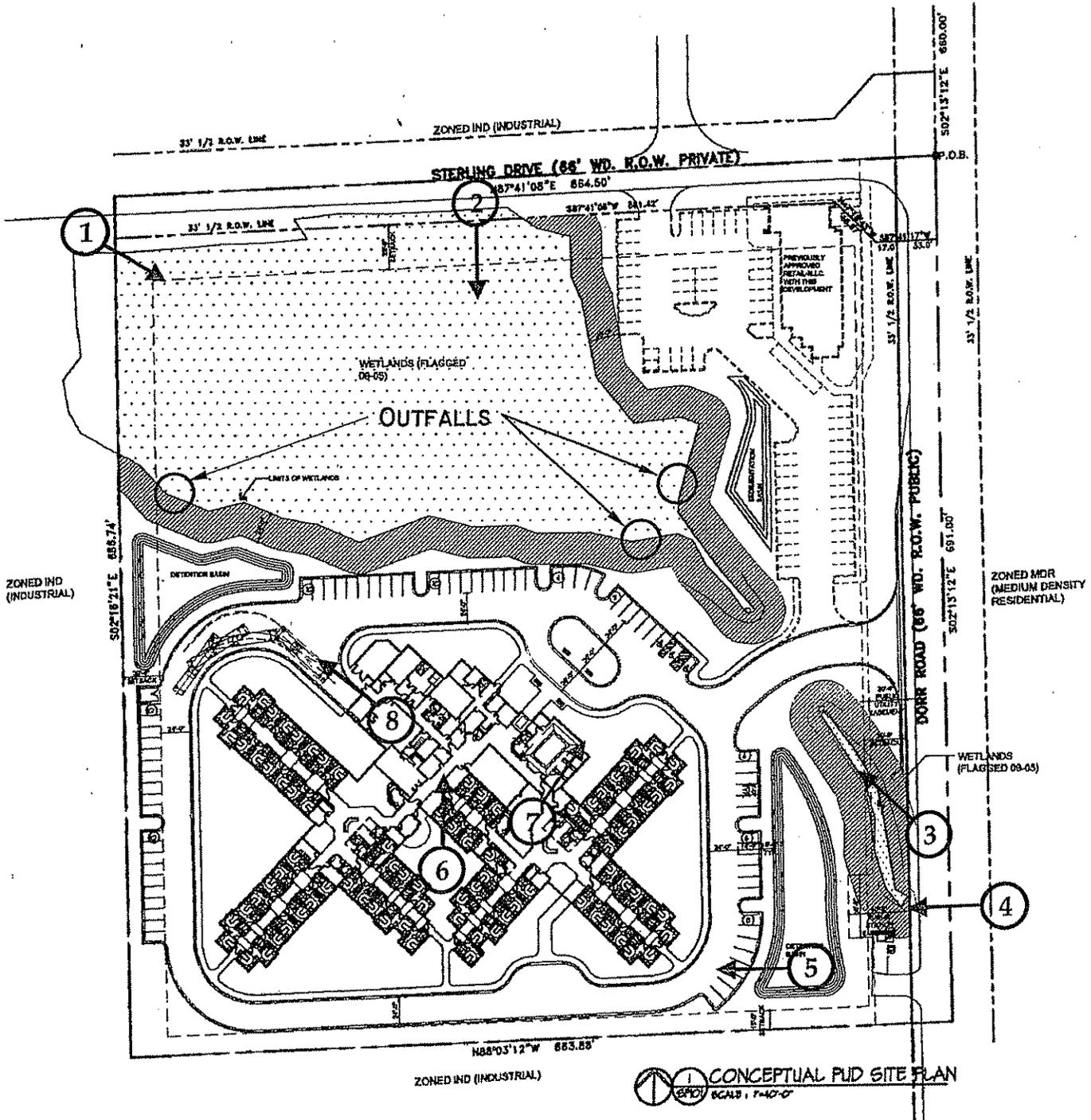
If you have additional questions, please contact this office.

Sincerely,

Thomas Kolhoff
Acting District Supervisor
Land and Water Management Division
517-336-6270

cc: Livingston SESC Officer
Genoa Township

Attachment B
Photographs of Site




 PHOTOGRAPH NUMBER
 AND DIRECTION TAKEN

PHOTOGRAPH LOCATIONS

NO SCALE

(BWA FILE 09-008)





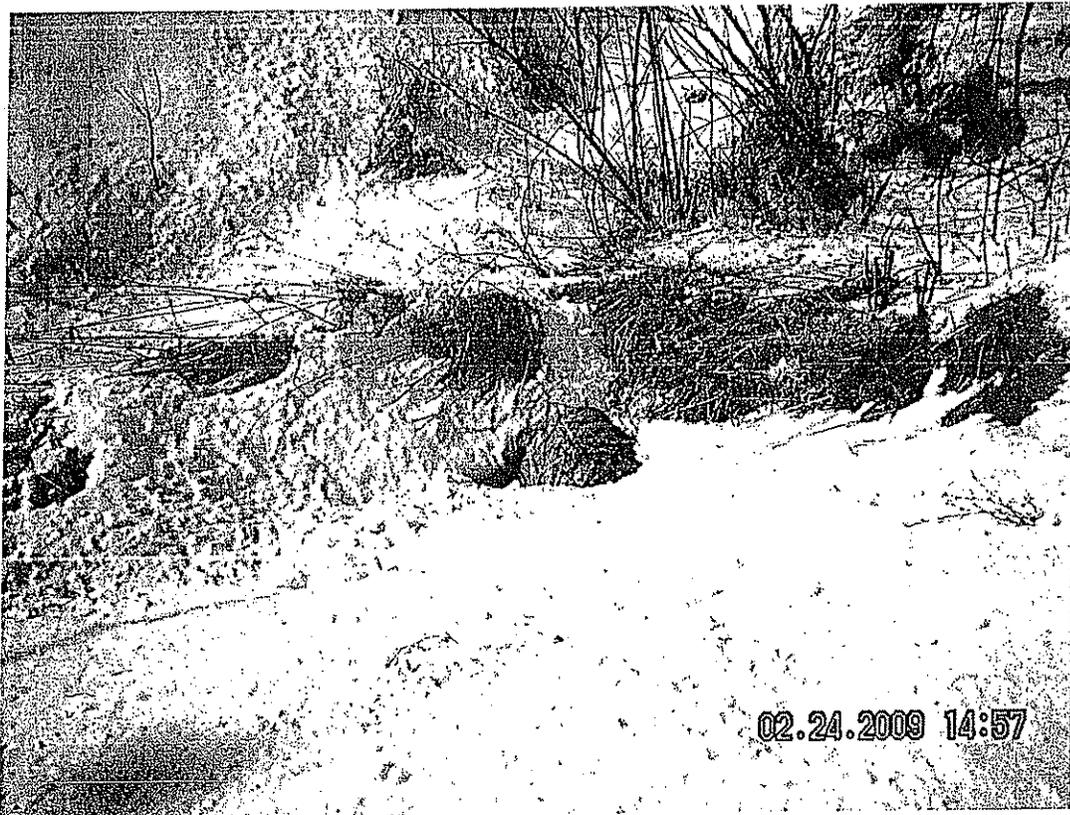
1. VIEW SE ACROSS WETLAND



2. VIEW SOUTH ACROSS WETLAND



3. OUTFLOW CHANNEL AND ENTRY CROSSING



4. CULVERT



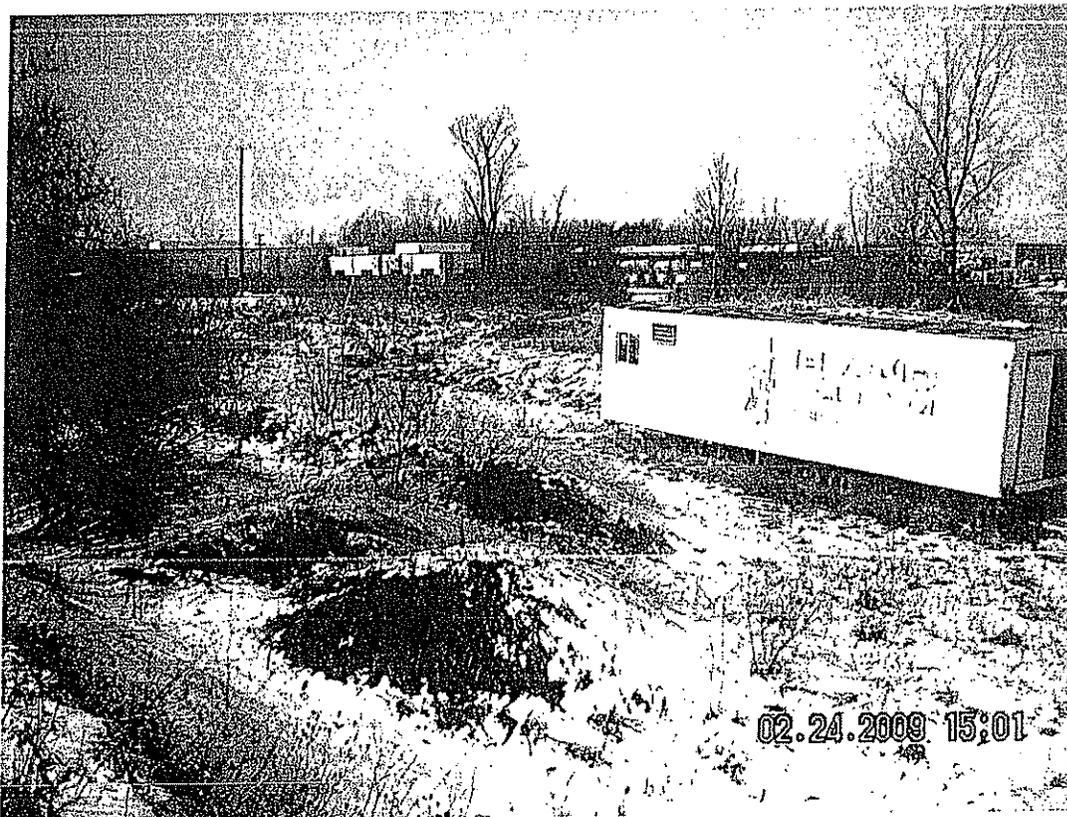
5. VIEW WEST ALONG SOUTH PROPERTY LINE



6. VIEW NORTH ACROSS UPLAND



7. VIEW NE



8. VIEW OF EXCAVATED AND STORAGE AREA

Attachment C

Original Wetland Delineation Report

10.5 Acre Dorr Road

Wetland Delineation and Determination of Jurisdiction

Part of the NE ¼ of Section 15, T.2N., R.5E.
Genoa Township
Livingston County, Michigan

October 2005

Prepared For:

Mr. Mike Kelly
Ore Creek Development Corporation
10315 Grand River Avenue, Suite 101
Brighton, MI 48116

Prepared By:

Brooks Williamson and Associates, Inc.
30366 Beck Road
Wixom, Michigan 48393

EXECUTIVE SUMMARY

This document with associated field mapping is a determination of the existence and extent of any wetlands, ponds, lakes, or streams on a parcel of property located in Genoa Township, Livingston County, and is a determination of their regulatory status under the following:

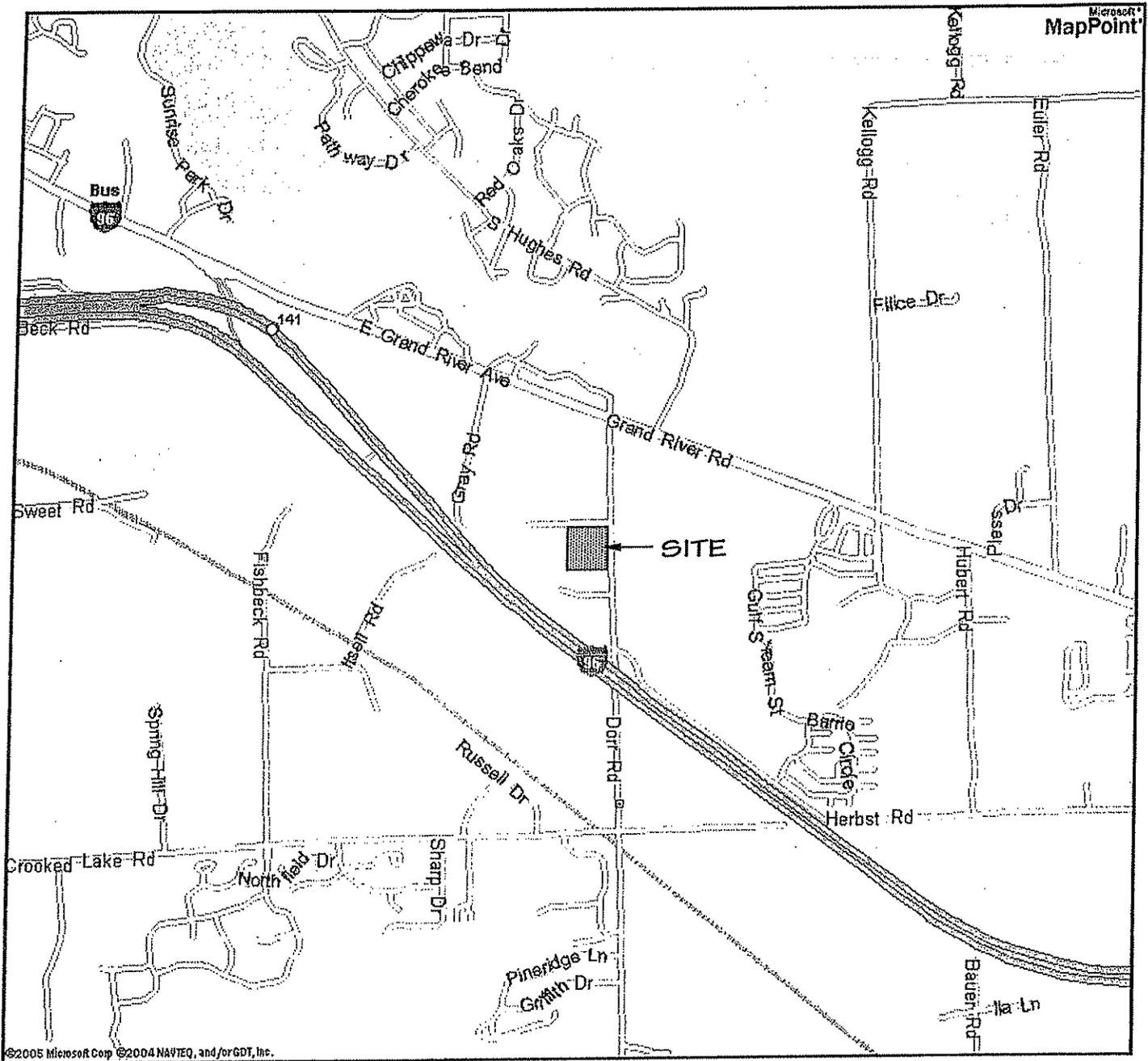
- a) Natural Resources and Environmental Protection Act (1994 P.A. 451),
 - Part 301, Inland Lakes and Streams Protection;
 - Part 303, Wetland Protection;
- b) Regulation of any wetland and water features by Genoa Township

The wetland and water features on the parcel were delineated at the request of Mr. Mike Kelly of Ore Creek Development Corporation. This work revealed that three wetlands are present on the parcel. It is our opinion that two of these wetlands are subject to regulation by the Michigan Department of Environmental Quality (MDEQ). Permits will be required for construction activities involving regulated areas. At the time of the site inspection, Genoa Township had no ordinances regulating wetland or watercourse areas. However, a natural features setback does exist.

These findings represent the opinion of Brooks Williamson and Associates, Inc. Wetland delineation in the field conforms to currently accepted State wetland definitions and procedures. A detailed description of methods and site conditions follows.

SITE LOCATION

The site is located in part of the NE ¼ of Section 15, T.2N., R.5E., Genoa Township, Livingston County, Michigan (Figure 1). The site is situated at the southwest corner of Dorr Road and Sterling Drives. The site is currently vacant.



SITE LOCATION MAP

NO SCALE

(EWA FILE 05-114)



FIGURE 1

AVAILABLE MAPPING

County Soil Survey

The Livingston County Soil Survey was reviewed prior to the site inspection. Three soil mapping units are shown on the parcel (Figure 2). These are Carlisle muck (Cc), Fox-Boyer complex (FrB) and Miami loam (MoB,D). The Carlisle series is listed by the U.S. Department of Agriculture as a hydric soil. A hydric soil is a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic (wetland) vegetation.

According to the technical definition used by the Natural Resources Conservation Service (NRCS) the following soils are hydric:

1. All Histosols except Folists; or
2. Soils in Aquic suborders, great groups, or subgroups, Albolls suborder, Aquisalids, Pachic subgroups, or Cumulic subgroups that are:
 - a. Somewhat poorly drained with a water table equal to 0.0 foot (ft) from the surface during the growing season, or
 - b. poorly drained or very poorly drained and have either:
 - (1) water table equal to 0.0 ft during the growing season if textures are coarse sand, sand, or fine sand in all layers within 20 inches (in),
or for other soils
 - (2) water table at less than or equal to 0.5 ft from the surface during the growing season if permeability is equal to or greater than 6.0 in/hour (h) in all layers within 20 in, or
 - (3) water table at less than or equal to 1.0 ft from the surface during the growing season if permeability is less than 6.0 in/h in any layer within 20 in, or
3. Soils that are frequently ponded for long duration or very long duration during the growing season, or
4. Soils that are frequently flooded for long duration or very long duration during the growing season.

The Carlisle series is listed as hydric because it is a histosol other than a Folist and it is frequently ponded for long to very long duration during the growing season.

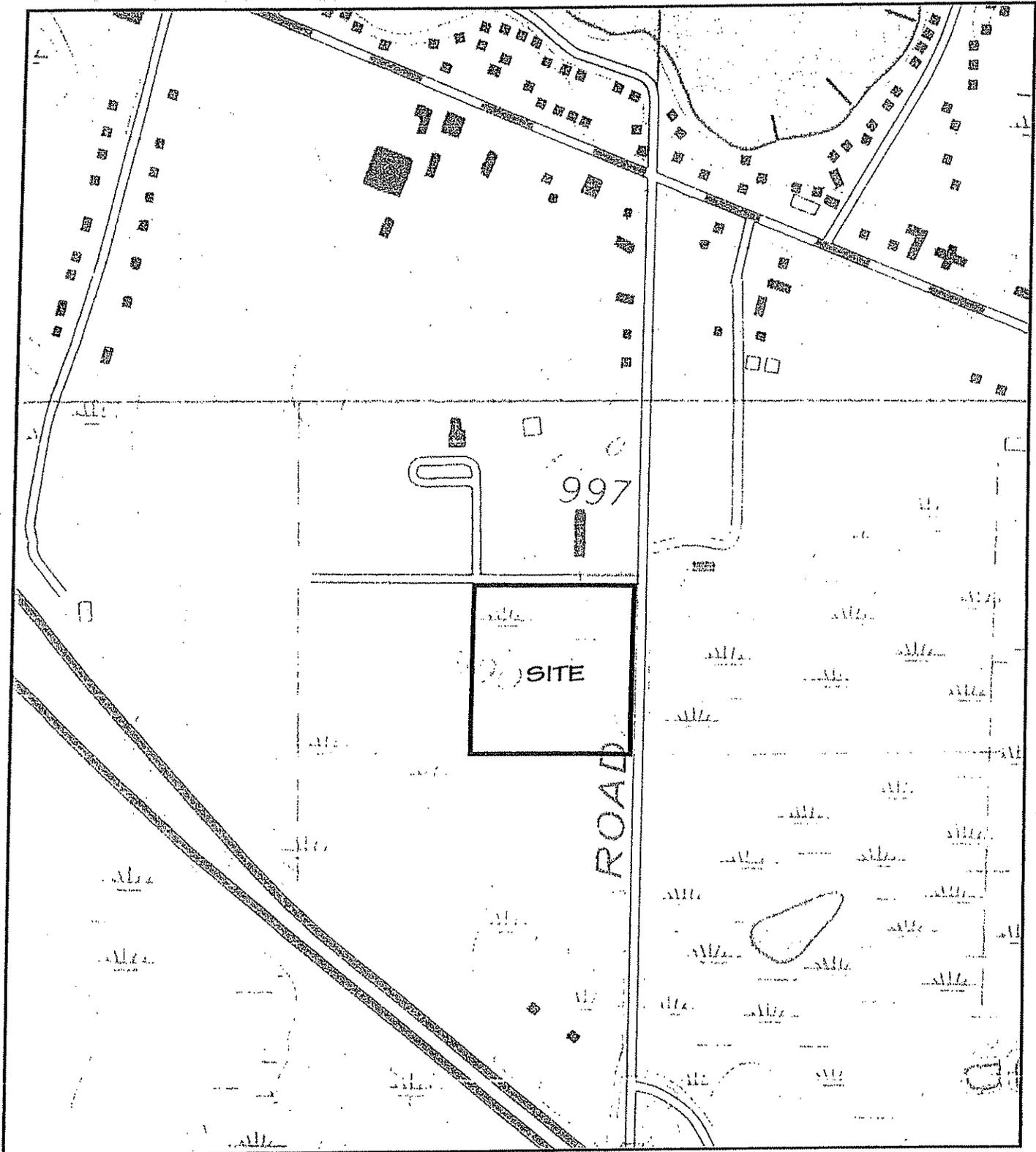
In a natural or unaltered condition, the hydric soils shown on a parcel typically support wetland vegetation. Therefore, the soil survey information provides an idea of what may be expected on the property in question.

U.S. Geological Survey Map (USGS)

The USGS Quadrangle map for this area (Figure 3) shows wetlands in the northwest portion of the property. These maps typically show only the more distinct wetland and water features, and should be utilized for preliminary analysis only. Actual field mapping is necessary to determine the actual existence, type, and boundaries of wetland on a given site.

National Wetland Inventory (NWI)

The NWI map for this area (Figure 4) shows palustrine emergent wetland with a saturated/semipermanent/seasonal water regime (PEMY) in the northwest portion of the property. Please note that NWI maps are compiled from aerial photography and may not show all wetlands in a given area, nor accurately characterize all wetlands shown. These maps should be used only for preliminary analysis.



U.S.G.S. QUADRANGLE

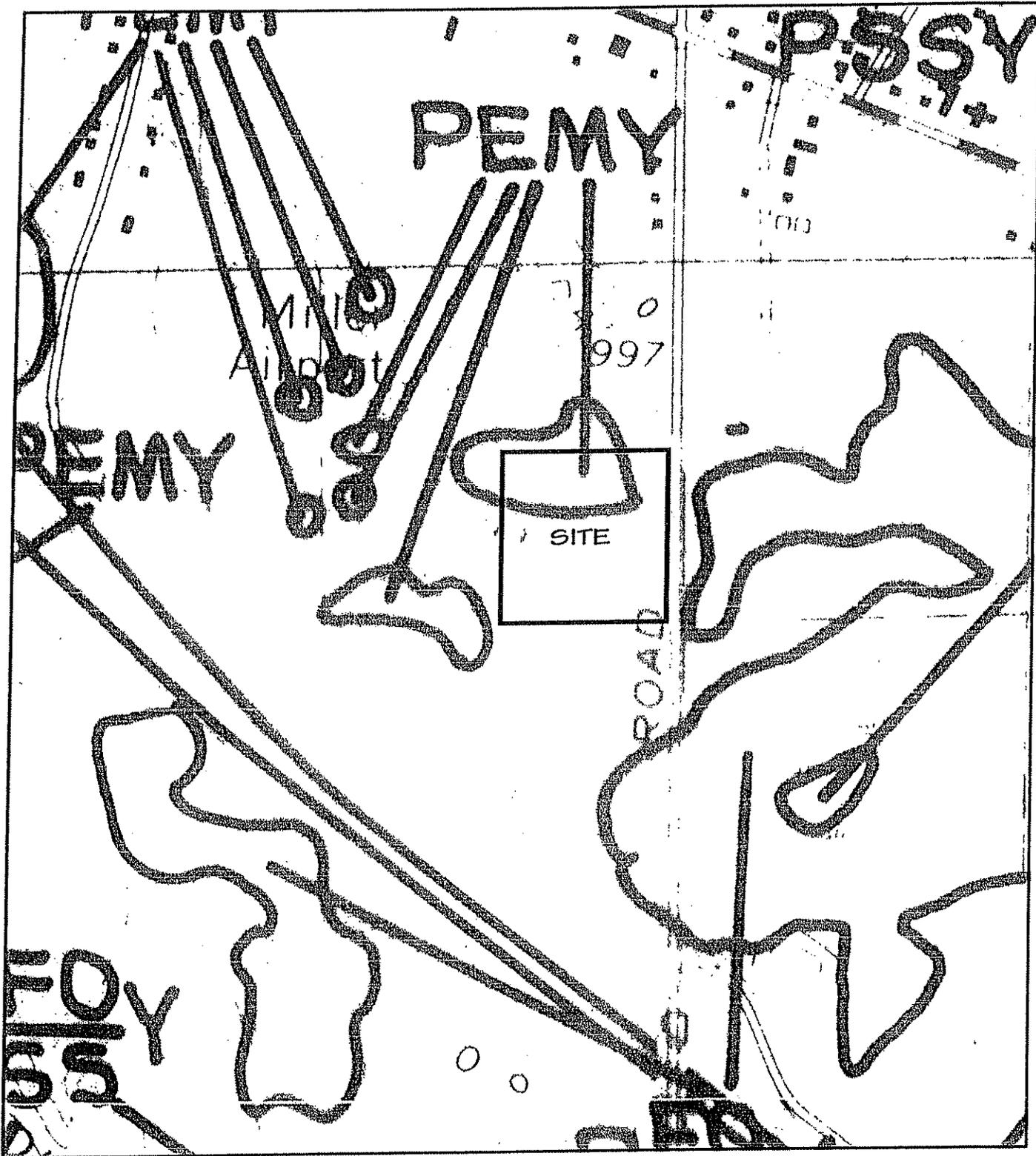
'BRIGHTON' QUAD

SCALE: 1" = 500'

(BWA FILE 05-114)



FIGURE 3



NATIONAL WETLANDS INVENTORY (N.W.I.)

' BRIGHTON ' QUAD

SCALE: 1" = 500'

(BWA FILE 05-114)



FIGURE 4

METHODOLOGY

Wetland areas are defined by P.A. 451 of 1994, Part 303, Wetland Protection, as:

"... land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh ..."

The methodology used in defining the location of wetland areas within the parcel was that established by Rule 4 of the rules promulgated pursuant to the Act and by the Michigan Department of Environmental Quality: A Technical Manual for Identifying Wetlands in Michigan (March, 2001). When questions arose regarding the proper location of the line, the Corps of Engineers Wetlands Delineation Manual, 1987, and supporting documents were used.

Determination of the possible existence, extent, or distance of any off-site wetlands, ponds, lakes, streams, or other features is based on publicly available information including aerial photographs, U.S. Geological Survey maps, National Wetland Inventory maps, and County Soil Surveys.

DESCRIPTIONS OF WETLAND AND WATER FEATURES

The site was inspected and delineated September 19, 2005. Three wetlands were identified on the property. The wetland–upland boundaries were flagged with fluorescent pink and blue survey ribbon. A preliminary map of the general location and size of the wetland areas is included as Figure 5. Please note that this map shows only an approximate location of wetland–upland boundaries, and any ponds, lakes, or streams. We recommend that the delineated wetland boundaries be surveyed and incorporated into the site plan. A sketch showing flag numbering for identification in the field is included as Figure 6.

The wetland areas are briefly described below:

Wetlands #1

This area is an emergent/shrub-scrub wetland. Vegetation includes buttonbush (*Cephalanthus occidentalis*), glossy buckthorn (*Rhamnus frangula*), willows (*Salix* spp.), elderberry (*Sambucus canadensis*), reed canary grass (*Phalaris arundinacea*) and giant goldenrod (*Solidago gigantea*). Saturated soils and water stained leaf litter indicate wetland hydrology. Surrounding upland vegetation includes tall goldenrod (*Solidago altissima*) and wild carrot (*Daucus carota*).

This wetland continues off-site to the west.

This wetland is connected to Wetland #2 via culvert.

Wetland #2

This area is an apparent man-made ditch. Vegetation includes elderberry, reed canary grass and giant goldenrod. Saturated and bare soils indicate wetland hydrology. Surrounding vegetation includes wild carrot and tall goldenrod.

This wetland connects via culvert to a wetland system on the east side of Dorr Road.

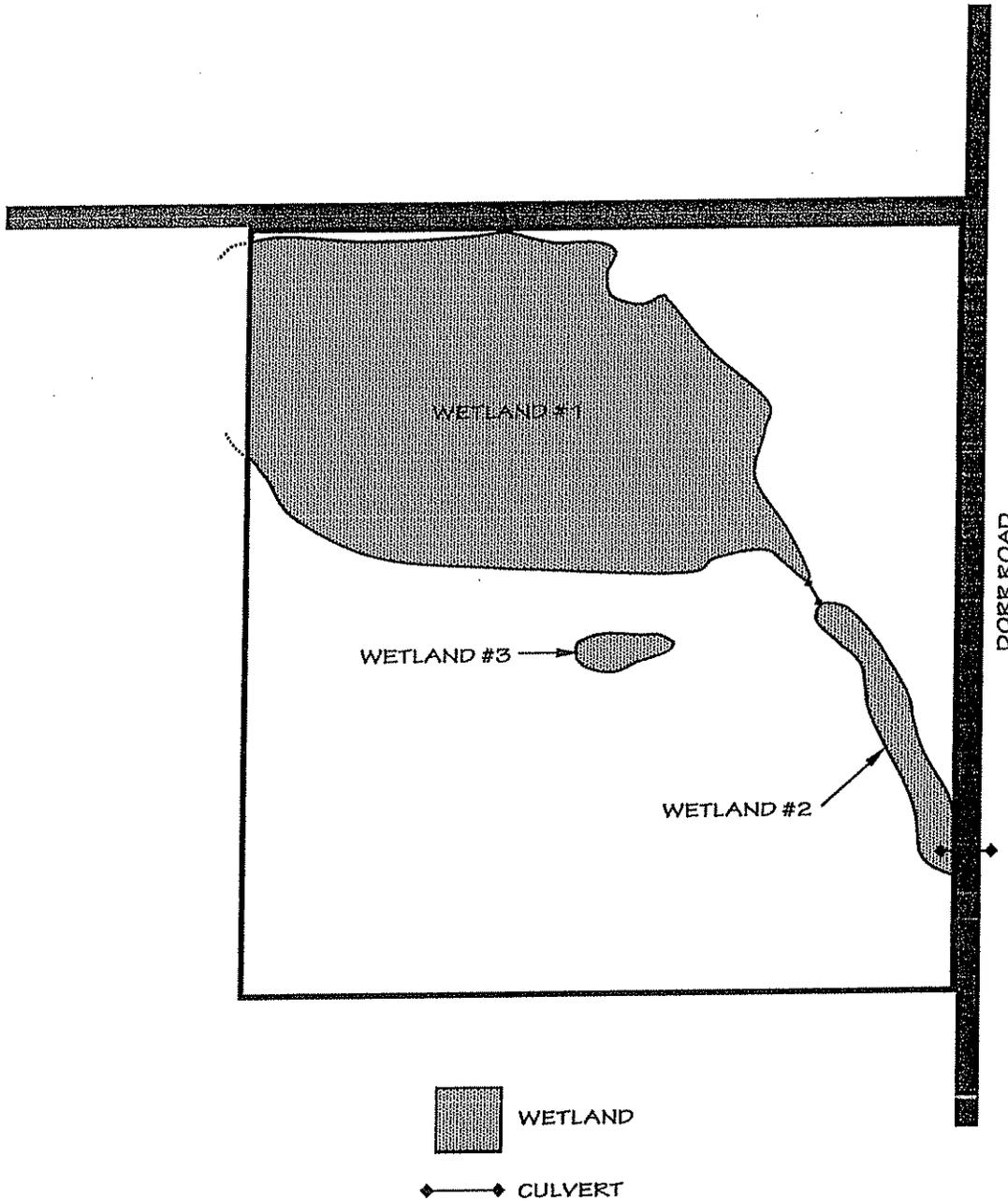
Wetland #3

This area is an isolated excavated depression with emergent wetland vegetation including spike rushes (*Eleocharis* spp.), cat-tail (*Typha latifolia*) and barn yard grass (*Echinochloa crusgalli*). Bare soil and standing water indicate wetland hydrology. Surrounding vegetation includes wild carrot and tall goldenrod.

BROOKS WILLIAMSON
AND ASSOCIATES, INC.

30366 BECK ROAD
WIXOM, MICHIGAN 48393
TEL: 248 624-9100
FAX: 248 624-3963

THIS IS ONLY AN ESTIMATE OF
THE WETLAND LINE. FLAGGED
LINES MUST BE SURVEYED FOR
ACCURATE LOCATION AND
PLANNING PURPOSES.



PRELIMINARY WETLANDS MAP

SCALE: 1" = 150'

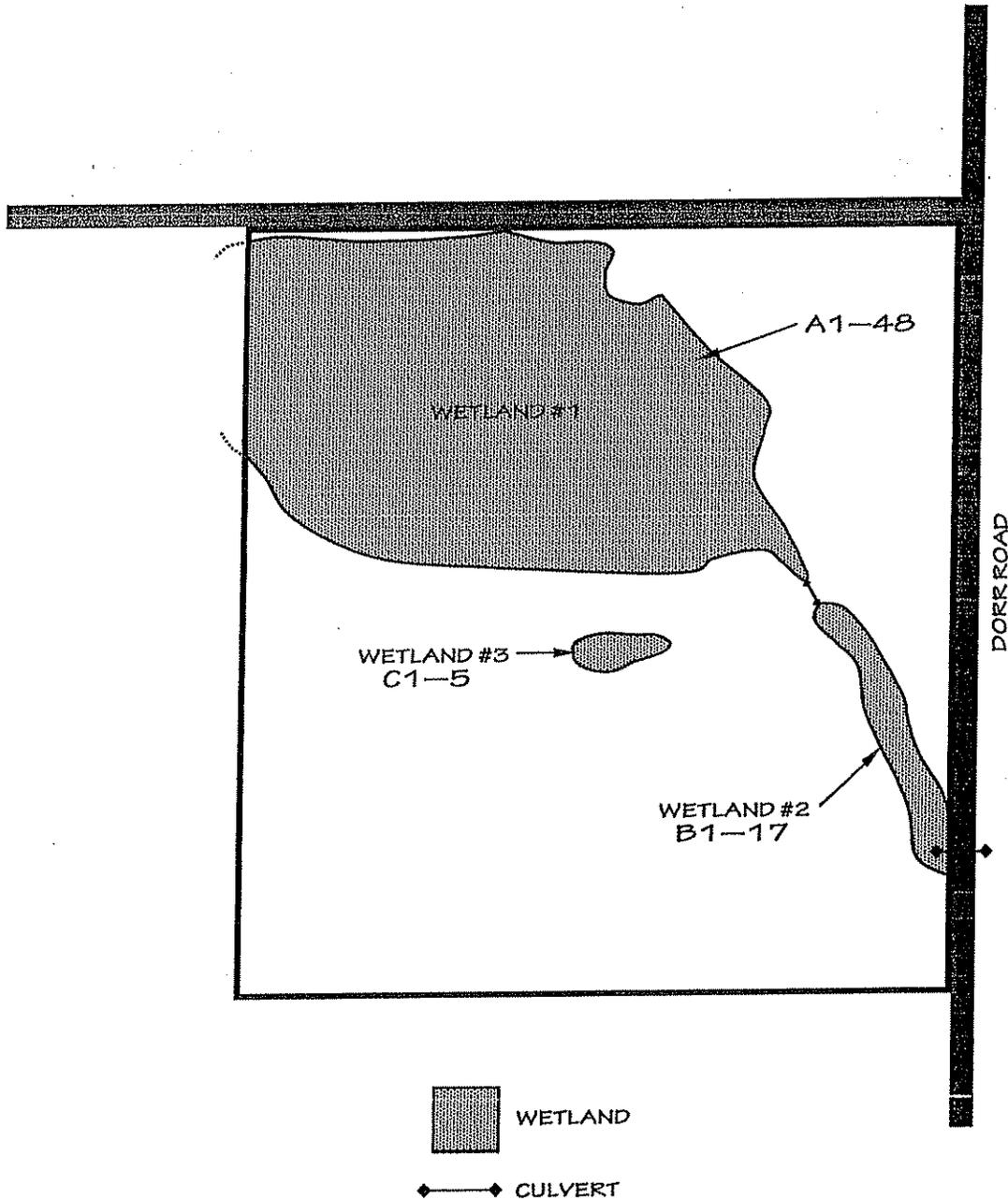
(BWA FILE 05-114)



FIGURE 5

BROOKS WILLIAMSON
AND ASSOCIATES, INC.
30366 BECK ROAD
WIXOM, MICHIGAN 48393
TEL: 248 624-9100
FAX: 248 624-3963

THIS IS ONLY AN ESTIMATE OF THE WETLAND LINE. FLAGGED LINES MUST BE SURVEYED FOR ACCURATE LOCATION AND PLANNING PURPOSES.



PRELIMINARY WETLANDS MAP

SCALE: 1" = 150'

(BWA FILE 05-114)



FIGURE 6

REGULATION OF WETLAND AND WATER FEATURES

Regulation of Inland Lakes and Streams by the State of Michigan

Inland lakes and streams are protected under Part 301 of 1994 P.A. 451, Inland Lakes and Streams Protection. The Michigan Department of Environmental Quality (MDEQ) assumes authority over natural or artificial inland streams that have definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water; and natural or artificial lakes or ponds with a surface area of five acres or greater. The Great Lakes and Lake St. Clair are not considered to be inland lakes under this act.

No lakes or streams were identified during the site inspection.

Wetland Regulation by the State of Michigan

Wetlands are protected under Part 303 of 1994 P.A. 451, Wetland Protection. The Michigan Department of Environmental Quality (MDEQ) assumes authority over wetlands that are contiguous to an inland lake, pond, or stream, within 500 feet of an inland lake, pond, or stream, or within 1,000 feet of a Great Lake, Lake St. Clair, the St. Clair River, or the Detroit River. Isolated wetlands five acres in size or greater are also regulated in counties with a population of greater than 100,000 per the most recent Federal census. The population of Livingston County was in excess of 100,000 at the time of the most recent Federal census (2000).

The MDEQ may also exert regulatory control over isolated wetlands less than five acres in size "...if the department determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the owner".

Wetlands #1 and #2

These wetlands are subject to regulation by the MDEQ because they are connected to a wetland system on the east side of Dorr Road which is greater than five acres in size.

Wetland #3

This wetland is not subject to regulation by the MDEQ because it is isolated, less than five acres in size and not located within 500 feet of any lake, stream or pond.

Please note that the following activities are prohibited within regulated wetlands without a MDEQ permit:

1. The placement of fill material;
2. Dredging;
3. Construction within; and/or
4. The draining of surface water from a wetland.

Regulation by Genoa Township

GENOA TOWNSHIP WETLAND PROTECTION STANDARDS Sec. 3.78

3.7812 Required 25-foot setback: An undisturbed natural buffer shall be maintained twenty-five (25) feet from a MDNR determined/regulated wetland. Trails and recreational areas may be allowed in the wetland setback. Any site grading, preparation or storage within the wetland protection setback area shall require a Special Land Use Permit according to Article 12; provided that no such activity shall be allowed within ten (10) feet of a regulated wetland unless specifically approved by the Planning Commission.

3.7814 Preservation of non regulated wetlands: Judicious effort shall be made through site plan design to preserve non-MDNR regulated wetlands which exceed two (2) acres in size. Use of non-MDNR regulated wetlands as detention or retention ponds may be allowed, following review of such plans by the Township Engineer.

Sec. 3.80 VARIANCES FROM THE WETLAND SETBACK REQUIREMENT

In considering a variance for the wetland setback, the applicant must demonstrate to the Board of Appeals:

- a. the setback is not necessary to preserve the wetland's ecological and aesthetic value.
- b. the natural drainage pattern to the wetland will not be significantly affected;
- c. the variance will not increase the potential for erosion, either during or after construction;
- d. no feasible or prudent alternative exists and the variance distance is the minimum necessary to allow the project to proceed; or
- e. MDNR permit requirements have been met and all possible avoidable impacts to wetlands have been addressed.

CONFIRMATION BY REGULATORY AGENCIES

Numerous natural environmental factors and human induced changes may cause changes in the extent of wetland on a parcel over a period of time. Identification of wetland or water features on the property represents what this firm believes the MDEQ would consider to be a wetland, pond, lake, or stream based on the condition of the site at the time of inspection and recent regulatory policies and attitudes. Please note that the Department has the final decision in matters of jurisdiction and delineation.

We recommend that this delineation report be forwarded to the MDEQ for confirmation or corrections, should any questions arise. Purchase or detailed planning should generally be considered only after receiving written confirmation.



MIDWESTERN
CONSULTING

Civil, Environmental and Transportation
Engineers, Planners, Surveyors,
Landscape Architects

ATTACHMENT "CC"

February 23, 2009

Mr. Jack Runkle
Fusco, Shaffer & Pappas, Inc.
Architects & Planners
30800 Northwestern Highway, Suite 100
Farmington Hills, Michigan 48334

RE: Senior Care Equities 14 L.L.C.
Genoa Township, Michigan

Dear Mr. Runkle:

The Senior Care Equities 14 L.L.C. development, located on a site southwest of the intersection of Sterling Drive and Dorr Road in Genoa Township, Michigan, is not expected to generate a significant amount of traffic.

The site's land use can be categorized as a nursing home. The Institute of Transportation Engineer's (ITE) Trip Generation Manual provides the following peak-hour trip generation results for the approximately 84 bed site (analyzed as ITE Site Code 620 – Nursing):

ITE Trip Generation Results – Senior Care Equities 14 LLC

Land Use	ITE Code	Size / Variable	24 Hr Volumes	Morning Peak Hour			Afternoon Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Nursing Home	620	84 beds	199	na	na	14	6	12	18

As the table indicates, the nursing home development will generate far less than 50 direction trips during any of the day's peak hours. Therefore, this development will not have a significant impact on the traffic in the area, and not require a more thorough traffic impact assessment per the Township's standards at this time.

The trip generation printout of this land use is included as an attachment.

This site has been under review previously for a different proposed development. An impact assessment was performed by Advantage Civil Engineering, Inc. (ACEI) for Sterling Development Properties, L.L.C. – Intech Park on April 24th, 2007. This assessment was based upon a development consisting of a total of 64,002 S.F. of retail (16,101 S.F.), office (5,935 S.F.), and industrial (41,966 S.F.) space.



ACEI had calculated the total AM peak hour traffic for the previously approved site plan at $16.6 + 10.3 + 35.3 = 62.2$ trips. Neither the PM peak hour traffic nor the 24 hour traffic was calculated by ACEI. The table below shows the summary of the trip generation for the previously approved development including the missing 24-Hr volume and PM peak hour estimates. The trip generation printouts are also included as an attachment.

ITE Trip Generation Results – Intech Park (previously approved plan)

Land Use	ITE Code	Size / Variable	24 Hr Volumes	Morning Peak Hour			Afternoon Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Office Park	750	5,925 SF	68	9	1	10	1	8	9
Industrial Park	130	41,966 SF	292	29	6	35	8	29	36
Retail	820	16,101 SF	691	10	6	16	29	31	60
Total			1051	48	13	61	38	68	105

The site plan (SP101, dated 8/12/08) for the Senior Care Equities 14 L.L.C. shows the nursing home facility with the previously approved retail building still remaining on the northeast corner of the site. This portion of the site is not expected to be developed in the near future and the future land use is expected to change to a medical office building. A rough, but conservative, estimate of the size of that future building is 11,500 square feet.

Assuming that at some point in the future the northeast corner building is developed as a medical office building of 11,500, the total site generation is shown in the following table.

ITE Trip Generation Results – Senior Care Equities 14 L.L.C.
with future medical office building

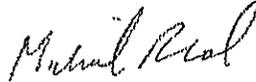
Land Use	ITE Code	Size / Variable	24 Hr Volumes	Morning Peak Hour			Afternoon Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Nursing Home	620	84 beds	199	na	na	14	6	12	18
Medical Office	720	11,500 sf	255	23	6	29	11	31	42
Total			454	30	13	43	17	43	60

The reduction in total trip generation potential of the site with the Senior Care Equities 14 LLC development is evident when comparing the previously approved plan and the entire site if developed with a nursing home and a medical office building. If fully built out, the site would generate 597 less trips a day than previously planned for, 18 less trips during the morning peak hour, and 45 less trips in the afternoon peak hour.

The future medical office building is not included in this phase of development, however, and even if that building were developed this site would not create a significant impact to traffic in the area. The trip generation potential of the site can be reanalyzed once the plans for the future building on the northeast corner of the site have been finalized.

Sincerely,

Midwestern Consulting

A handwritten signature in cursive script that reads "Michael R. Cool".

Michael R. Cool, P.E.
Project Manager

Attachments (6 pages)

Summary of Trip Generation Calculation
 For 84 Beds of Nursing Home
 February 23, 2009

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	2.37	1.57	1.00	199
7-9 AM Peak Hour Enter	0.00	0.00	1.00	0
7-9 AM Peak Hour Exit	0.00	0.00	1.00	0
7-9 AM Peak Hour Total	0.17	0.00	1.00	14
4-6 PM Peak Hour Enter	0.07	0.00	1.00	6
4-6 PM Peak Hour Exit	0.15	0.00	1.00	13
4-6 PM Peak Hour Total	0.22	0.47	1.00	18
Saturday 2-Way Volume	2.11	1.48	1.00	177
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.40	0.64	1.00	34

Note: A zero indicates no data available.
 Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Summary of Trip Generation Calculation
 For 41.966 Th.Gr.Sq.Ft. of Industrial Park
 February 11, 2009

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	6.96	5.64	1.00	292
7-9 AM Peak Hour Enter	0.69	0.00	1.00	29
7-9 AM Peak Hour Exit	0.15	0.00	1.00	6
7-9 AM Peak Hour Total	0.84	1.03	1.00	35
4-6 PM Peak Hour Enter	0.18	0.00	1.00	8
4-6 PM Peak Hour Exit	0.68	0.00	1.00	29
4-6 PM Peak Hour Total	0.86	1.07	1.00	36
Saturday 2-Way Volume	2.49	3.28	1.00	104
Saturday Peak Hour Enter	0.11	0.00	1.00	5
Saturday Peak Hour Exit	0.24	0.00	1.00	10
Saturday Peak Hour Total	0.35	0.60	1.00	15

Note: A zero indicates no data available.
 Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Summary of Trip Generation Calculation
 For 5.925 Th.Gr.Sq.Ft. of Office Park
 February 11, 2009

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	11.42	4.69	1.00	68
7-9 AM Peak Hour Enter	1.55	0.00	1.00	9
7-9 AM Peak Hour Exit	0.19	0.00	1.00	1
7-9 AM Peak Hour Total	1.74	1.46	1.00	10
4-6 PM Peak Hour Enter	0.21	0.00	1.00	1
4-6 PM Peak Hour Exit	1.29	0.00	1.00	8
4-6 PM Peak Hour Total	1.50	1.32	1.00	9
Saturday 2-Way Volume	1.64	1.32	1.00	10
Saturday Peak Hour Enter	0.10	0.00	1.00	1
Saturday Peak Hour Exit	0.04	0.00	1.00	0
Saturday Peak Hour Total	0.14	0.37	1.00	1

Note: A zero indicates no data available.
 Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Summary of Trip Generation Calculation
 For 16.101 T.G.L.A. of Shopping Center
 February 11, 2009

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	42.94	21.38	1.00	691
7-9 AM Peak Hour Enter	0.63	0.00	1.00	10
7-9 AM Peak Hour Exit	0.40	0.00	1.00	6
7-9 AM Peak Hour Total	1.03	1.40	1.00	17
4-6 PM Peak Hour Enter	1.80	0.00	1.00	29
4-6 PM Peak Hour Exit	1.95	0.00	1.00	31
4-6 PM Peak Hour Total	3.75	2.75	1.00	60
Saturday 2-Way Volume	49.97	22.62	1.00	805
Saturday Peak Hour Enter	2.58	0.00	1.00	42
Saturday Peak Hour Exit	2.39	0.00	1.00	38
Saturday Peak Hour Total	4.97	3.11	1.00	80

Note: A zero indicates no data available.
 Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Summary of Trip Generation Calculation
 For 11.5 Th.Gr.Sq.Ft. of Medical-Dental Office Building
 February 17, 2009

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	22.20	0.00	1.00	255
7-9 AM Peak Hour Enter	0.00	0.00	1.00	0
7-9 AM Peak Hour Exit	0.00	0.00	1.00	0
7-9 AM Peak Hour Total	0.00	0.00	1.00	0
4-6 PM Peak Hour Enter	0.99	0.00	1.00	11
4-6 PM Peak Hour Exit	2.68	0.00	1.00	31
4-6 PM Peak Hour Total	3.67	0.00	1.00	42
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.
 The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $T = 40.89(X) + -214.97, R^2 = 0.9$
 7-9 AM Peak Hr. Total: 0
 $R^2 = 0, 0$ Enter, 0 Exit
 4-6 PM Peak Hr. Total: $LN(T) = .93LN(X) + 1.47$
 $R^2 = 0.77, 0.27$ Enter, 0.73 Exit
 AM Gen Pk Hr. Total: $T = 3.49(X) + 5.25$
 $R^2 = 0.85, 0.66$ Enter, 0.34 Exit
 PM Gen Pk Hr. Total: $T = 4.43(X) + .48$
 $R^2 = 0.92, 0.4$ Enter, 0.6 Exit
 Sat. 2-Way Volume: 0, $R^2 = 0$
 Sat. Pk Hr. Total: 0
 $R^2 = 0, 0$ Enter, 0 Exit
 Sun. 2-Way Volume: 0, $R^2 = 0$
 Sun. Pk Hr. Total: 0
 $R^2 = 0, 0$ Enter, 0 Exit

Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

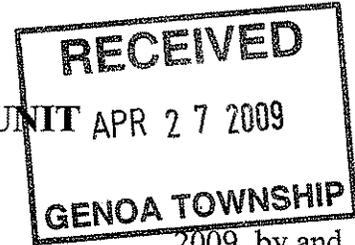
Summary of Trip Generation Calculation
 For 11.5 Th.Gr.Sq.Ft. of Medical-Dental Office Building
 February 17, 2009

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	36.13	10.18	1.00	415
7-9 AM Peak Hour Enter	1.96	0.00	1.00	23
7-9 AM Peak Hour Exit	0.52	0.00	1.00	6
7-9 AM Peak Hour Total	2.48	1.94	1.00	29
4-6 PM Peak Hour Enter	1.00	0.00	1.00	12
4-6 PM Peak Hour Exit	2.72	0.00	1.00	31
4-6 PM Peak Hour Total	3.72	2.50	1.00	43
Saturday 2-Way Volume	8.96	9.17	1.00	103
Saturday Peak Hour Enter	2.07	0.00	1.00	24
Saturday Peak Hour Exit	1.56	0.00	1.00	18
Saturday Peak Hour Total	3.63	1.93	1.00	42

Note: A zero indicates no data available.
 Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

**FIRST AMENDMENT TO PLANNED UNIT
DEVELOPMENT AGREEMENT**



THIS AGREEMENT made this _____ day of _____, 2009, by and between Senior Care Equities #14, LLC a Michigan limited liability company, whose address is 10503 Citation Drive, Brighton, Michigan 48116-("Owner"), and the TOWNSHIP OF GENOA, a Michigan municipal corporation, whose address is 2911 Dorr Road, Brighton, Michigan 48116 ("Township").

RECITATIONS:

Owner is the owner of certain real property located in the Township of Genoa, Livingston County, Michigan, which is more particularly described on Exhibit "A" attached hereto incorporated herein by reference ("Property").

On April 23, 2008, the Township and the predecessor in interest to the Owner executed a Planned Unit Development Agreement ("the Original Agreement") with respect to the property.

On _____, 2009, the Township Planning Commission, at a properly noticed public hearing and in accordance with the Zoning Ordinance of the Township held a meeting at which they approved modifications to the development of the property for a 51,162 +/- square foot skilled nursing center as set forth on the Owner's PUD conceptual site plan and Environmental Impact Statement attached as Exhibit "B".

On _____ 2009, the Township Board, at a properly noticed public hearing and in accordance with the Zoning Ordinance of the Township held a meeting at which they approved modifications to the development of the property for a 51,162 +/- square foot skilled nursing center as set forth on the Owner's PUD conceptual site plan and Environmental Impact Statement attached as Exhibit "B".

Owner and Township acknowledge that the development project contemplated by the PUD Plan may occur in phases over time as market conditions permit.

The Township Planning Commission and Township Board, in strict compliance with the Township Zoning Ordinance and with Act 110 of the Public Acts of 2006, as amended, reclassified the Property as Mixed Use Planned Unit Development District, finding that such classification properly achieved the purposes of Article 10 of the Genoa Township Zoning Ordinance, including the encouragement of innovation in land use, the promotion of efficient provision of public services and utilities, limitation on curb cuts, and the provision of adequate employment. Further, the Township Planning Commission and Township Board find the Mixed Use Planned Unit Development District and the PUD Plan are consistent with the Master Plan and the Town Center Overlay District.

The Township has found and concluded that the uses and future development plans and conditions shown on the approved Amended PUD Site Plan are reasonable and promote the

public health, safety and welfare of the Township, and that they are consistent with the plans and objectives of the Township and consistent with surrounding uses of land.

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

ARTICLE I. GENERAL TERMS OF AGREEMENT

- 1.1 The PUD will be developed in phases with the first phase being a single building. The owner will be responsible for the maintenance and use of the entire property.
- 1.2 Township and Owner acknowledge and represent that the recitations set forth above, which are incorporated into this Agreement and made a part hereof, are true, accurate and binding.
- 1.3 The Township acknowledges and represents that this Agreement may be relied upon for future land use and development of the Property by Owner's successors, assigns and transferees.
- 1.4 The PUD Plan has been duly approved by the Township in accordance with all applicable Township ordinances, and depicts the land uses which will be permitted and which may be developed on the Property. All formal actions necessary or expedient to carry out this Agreement shall be taken by the parties without undue delay.
- 1.5 Except as specifically provided for in this Agreement and the approved PUD plans, the final site plans will comply with applicable Zoning Ordinance requirements. However, at the time of review of respective site plans for the development of various portions of the Property, deviations from ordinance regulations may jointly be agreed upon by the Township and the Owner. Changes to the PUD Plan or PUD Agreement have been processed as outlined in the Ordinance.
- 1.6 The PUD Plan identifies the location and configuration of the authorized land uses that may be developed on the property.
 - A. Building "A" shall be utilized for the attached uses in Exhibit "C". Building "B" will be used for a skilled nursing center.
 - B. The sizes of the various parcels within the land use designations shall be subject to modification under the applicable regulations of the Zoning Ordinance and state law.
- 1.7 The PUD Plan allows for 133 parking spaces for cars of which 6 will be Barrier Free.
- 1.8 This Agreement, including the uses approved on the PUD Plan, are for the benefit of the Property, and shall run with the Property, and shall bind and inure to the benefit of the successors, assigns and transferees of the parties to this Agreement.

ARTICLE II. LAND USE AUTHORIZATION

- 2.1 Building "A" of the Planned Unit Development shall include a land use authorization for the uses described on Exhibit "C" attached. Building "B" will be a skilled nursing center.
- 2.2 The Property is intended to be developed in stages or phases. The Owner, as dictated by the Owner's transferees, shall determine the timing and order of development. Site Plan and other review requirements shall not be subject to any subsequent enactments or amendments of the "Zoning Ordinance" which are inconsistent with this Agreement unless the concept plan as set forth herein is materially altered at the request of the Owner or its successors and assigns.
- 2.3 A minimum 50% of the Property shall be open space as defined in the Zoning Ordinance. Such open space shall be dispersed throughout the Property such that the overall site approved for development contains approximately 50% open space. Open space is defined as undisturbed areas of key natural features, detention ponds, landscaped areas, plazas and the like. Detention areas shall comprise no more than 50% of the required open space. All woodlands in setback areas will be preserved to the extent practical.
- 2.4 Nothing whatsoever provided in this Agreement shall be constructed so as to prevent Owner from seeking major and/or minor changes to the PUD Plan in accordance with the applicable provisions of the Zoning Ordinance.
- 2.5 Brick and siding shall be applied to all sides of the buildings, as shown on the PUD Plan.
- 2.6 Exterior PA systems shall be prohibited within the PUD, and no outdoor storage shall be permitted in the PUD.
- 2.7 Any violation of the terms of this Agreement shall be a violation of the Zoning Ordinance. The remedies of the Township for violation shall be such remedies as are provided by and for a violation of the Zoning Ordinance. Nothing contained herein shall in any way diminish any rights Owner may have at law or in equity with respect to a breach of this Agreement by Township.
- 2.8 As previously approved, the southwest corner of Dorr Road and Sterling Drive shall remain for retail development. At this time, the retail portion of the project will not be developed.

ARTICLE III. CURB CUTS AND OFF-SITE TRANSPORTATION IMPROVEMENTS

- 3.1 The establishment of curb cuts and driveways to public thoroughfares from the PUD Property shall be limited and restricted for the purpose of reducing the number of turning movements to and from the Property. Therefore, the general location of entrances to the site from adjacent public thoroughfares shall be fixed in the manner specified on the PUD Plan.

3.2 Interior drives and parking lots shall provide circulation around the building.

3.3 The Primary access for the PUD shall be along a private road that extends west off of Dorr Road, south of Sterling Drive. This entrance shall be constructed in accordance with the recommendations of the Livingston County Road Commission.

ARTICLE IV. INTERNAL ROAD NETWORK

4.1 An internal system of vehicular private access drives shall be planned and established throughout the PUD. Internal private access drives shall be designed to permit vehicular access between and among users of the Property, as ultimately developed, with the view and intent of minimizing the number of traffic movements onto adjoining public roads.

ARTICLE V. DRAINAGE

5.1 The system of drainage of the Property, including drainage detention, as applicable, shall be designed so as to be coordinated throughout the PUD and shall be subject to Township review and approval. Any detention basins in view from the public right-of-way shall be designed to have a naturalistic appearance with landscaping as per approved PUD plans.

ARTICLE VI. SITE IMPROVEMENTS

6.1 There shall be a coordination of site improvements within the overall Property, with the objective of creating site improvements that are integrated and mutually supportive among the respective portions or phases of the developments, including the utilities, and landscaping.

6.2 Sidewalks (bike paths) shall be constructed in the Dorr Road right-of-way in conformance with the approved PUD Site Plan., as approved by the Township.

6.3 Development shall be undertaken with underground electrical service to the buildings on the Property. Public utility lines in existing or future easements shall be permitted overhead so long as the buildings are serviced from underground.

ARTICLE VII. DESIGN OF BUILDINGS AND SIGNS

7.1 The architecture, building materials, colors and shapes of all buildings shall be in substantial conformity with the guidelines set forth in the Town Center Overlay District as depicted in the approved PUD plans. Waive maximum front yard setback, minimum building frontage percentage and minimum building height, front yard parking, based upon wetland configuration, topography and unique building use for Building "B". It is the intention of the parties to promote and encourage a development that incorporates varying building lines, natural earth tone construction materials and other elements contemplated to upgrade the appearance of the overall development in the interest of making it aesthetically pleasing. Large walls shall include varying building lines,

setbacks, color accents, windows or other elements to upgrade appearance. The site plan includes a narrative or illustration(s) that demonstrate the designs will be consistent with, or complement the architecture of each of the other buildings. Brick facades or brick face panels or other natural materials (i.e., brick, siding, etc.) shall be used for certain building faces.

7.2 Signage: Freestanding signs within the PUD shall be permitted. Pole signs, such as handicap parking and fire lane signs shall be permitted. One monument sign facing Dorr Road may be constructed per the approved PUD plans. Ground signs shall be no more than 32 square feet in size and shall be no higher than 40" above ground level.

7.3 All freestanding signs shall have a base constructed of materials that coordinate and are consistent with the building materials in the PUD.

Landscaping and Site Lighting: The Landscape within the PUD shall demonstrate consistency in terms of design and materials. Generally, site lighting shall be a uniform type and color. Tree removal is authorized throughout the Property, provided however, that Owner shall work to preserve the existing trees that are located in landscape areas and side yard setback on the south side of property, if practical, given the scope of construction per the PUD.

ARTICLE VIII. UTILITIES

8.1 All of the Property is located within a water district. Each building must connect to the community water system.

8.2 All of the buildings constructed on the Property shall, as developed, be connected to and served by public sanitary sewer. The Township represents that there has been reserved for Owner adequate municipal wastewater treatment capacity to service the approved use of the Property, and adequacy of wastewater treatment capacity shall not limit the type of use or density of the development based upon the Concept Plan attached hereto.

8.3 Neither floor drains nor water softener backwash drains shall be connected to the sanitary sewer system. To protect the ground water and safe drinking water, all water softeners shall utilize potassium based regenerant.

8.4 The connection fees for the PUD are as follows; Tax ID 4711-15-200-018:

Sewer connection fees will be \$5,500. per REU, of which 10 are prepaid
Water connection fees will be \$5,000. per REU, of which 10 are prepaid.

ARTICLE IX MISCELLANEOUS

- 9.1 This agreement may not be modified, replaced, amended or terminated without the prior written consent of the parties to this Agreement. The Owner and the Township shall jointly be entitled to modify, replace or amend this Agreement without the consent of any other person or entity, regardless of whether such person or entity now or hereafter has any interest in any part of the Property, including subsequent purchasers, or their tenants, mortgagees, or others.
- 9.2 Reference in this Agreement to activities by the Owner in relation to development is intended to include Owner's transferees and assigns unless context dictates to the contrary.
- 9.3 In the event of any direct conflict between the specific terms and provisions of this Agreement (including the attached PUD Plan) and the provisions of the Zoning Ordinance, or other Township ordinances, rules or regulation, the provisions of this Agreement shall control.
- 9.4 The undersigned parties acknowledge that the conditions imposed upon the development of the property are reasonable conditions, necessary to: ensure that public services and facilities affected by the proposed land use are optimized, protect the natural environment and conserve natural resources and energy, ensure compatibility with adjacent uses of land, and promote the use of land in a socially and economically desirable manner. Further, it is acknowledged that the conditions meet all forth requirements of MSA 5.2963(16d)(2)(a)(b) and (c).

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

WITNESSES:

GENOA TOWNSHIP

By: _____

By: _____

WITNESSES:

NEXCARE HEALTH SYSTEMS, LLC

By: _____

Member

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

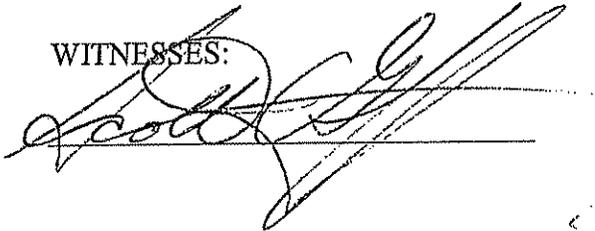
WITNESSES:

GENOA TOWNSHIP

By: _____

By: _____

WITNESSES:



Senior Care Equities #14, LLC

By: _____
Member

Exhibit C

Uses authorized within Building A

PERMITTED AND SPECIAL LAND USES

List of Uses: In the commercial districts, land, buildings and structures shall be used only for one or more of the following uses. Land and/or buildings in the districts indicated at the top of table below may be used for the purposes denoted by a "P" in the column below by right. Land and/or buildings in the districts indicated at the top of table below may be used for the purposes denoted by "S" after special land use approval. A notation of "--" indicates that the use is not permitted within the district. The "Req." column indicates additional requirements or conditions applicable to the use.

Schedule of Commercial Uses for Building A			
			Req.
Retail establishments and shopping centers which provide goods such as bakery goods, including bakery items produced on the premises, groceries, produce, meats, provided no slaughtering shall take place on the premises, seafood; dairy products, beverages appliances, electronics, furniture, and home furnishings, apparel, jewelry, art, pharmaceuticals, home improvement supplies, hardware, and garden supplies, sporting goods, bicycles, toys, hobby crafts, videos (rental, and sales), music, musical instruments, books, computer hardware and software, antiques, flower shops, greeting card shops, auto parts and similar establishments not specifically addressed elsewhere	Uses up to 15,000 square feet gross floor area	P	7.02.02(a)
	Uses 15,001 to 30,000 square feet of gross floor area	P	
	Pharmacies with drive-up window	--	
Service Uses			
Banquet halls, assembly halls, dance halls, private clubs, fraternal order halls, lodge halls or other similar places of assembly		P	
Business services such as mailing, copying, data processing and retail office supplies		P	
Child care centers, preschool and commercial day care		P	7.02.02(e)
Conference Centers		S	7.02.02(f)
Laundromats		P	

Personal and business service establishments, performing services on the premises, including: dry cleaning drop-off stations (without on site processing), photographic studios, copy centers, mailing centers, data processing centers, dressmakers and tailors, shoe repair shops, tanning salons, beauty parlors, barber shops, and similar establishments		P	
Dry cleaning drop-off stations without drive-through service		S	7.02.02(b)
Restaurants, taverns, bars, delicatessen, food carryout, and similar establishments serving food or beverages	Standard restaurants, except as provided below	P	
	Restaurants and bars serving alcoholic beverages	P	
	Bars providing dancing and live music	P	
	Restaurants with open front windows	S	7.02.02(i)
	Restaurants with outdoor seating	P	7.02.02(i)
	Carry-out restaurants	P	
Studios of photographers and artists		P	
Tattoo parlors		S	
High tech equipment rental, excluding vehicles		P	
Office Service and Medical Uses			
Adult day care facilities		S	
Banks, credit unions, savings and loan establishments and similar financial institutions	With up to 3 drive-through teller windows	P	7.02.02(m)
	With more than 3 drive-through teller windows	S	7.02.02(m)
	Stand alone automatic drive-up teller machines	S	
Offices of non-profit professional, civic, social, political and religious organizations		P	

Medical offices of doctors, dentists, optometrists, chiropractors, psychiatrists, psychologists and similar or allied professions, excluding clinics, and urgent care centers	Buildings up to 15,000 square feet of gross floor area	P	
	Buildings over 15,000 square feet of gross floor area	P	
Offices of lawyers, engineers, architects, insurance, and real estate agents, financial consultants, and brokers, advertising offices, accounting, and bookkeeping services, clerical, and stenographic services, sales offices, other types of executive, or administrative offices and similar or allied professions	Buildings up to 15,000 square feet of gross floor area	P	
	Buildings between 15,000 and 55,000 square feet of gross floor area	P	
Veterinary clinics, veterinary hospitals and related offices		S	7.02.02(o)
Public Parks and Open Space		P	
Recreation (indoor) such as bowling alleys, skating rinks, arcades, archery indoor golf or softball		S	7.02.02(s)
Health clubs, fitness centers, gyms and aerobic clubs		P	
Education			
Commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, etc		P	
Vocational and technical training facilities		P	
Public/Institutional			
Churches, temples and similar places of worship and related facilities		P	
Essential public services and structures, not including buildings and storage yards		P	
Essential public buildings		P	
Public/government buildings such as; township/state/county offices, public museums, libraries and community centers		P	
Accessory Uses			
Accessory temporary outdoor sales and events		P	7.02.02(v)
Accessory uses and structures customarily incidental to any of the above		P	

Polly

From: schebel@aol.com
Sent: Wednesday, April 29, 2009 9:16 AM
To: Mike
Cc: Polly; Robin; thlf@sbcglobal.net
Subject: Fwd: Schebel vs Pinecreek Homeowners Ass Case
Attachments: Order_Summary_Disposition.pdf

Hello Mr.Archinal,

I would like this issue of the request by the pinecreek homeowners association to add another access point to brighton lake and how it is in conflict with a current court order as attached, which identifies a single access point to Brighton Lake, referencing both the PUD and the Declaration for pine creek, placed on the agenda for the May 4 meeting. Your web site says to email you with agenda items. I have emailed a copy of my request to supervisor McCririe attached below, I have emailed you, and I will email the Township's counsel, clerk and treasurer and will bring additional copies for the 4 other trustees since they have no email to receive a copy before hand.

Please confirm that this item will be on the agenda for May 4.

Thank you for your time,

Jay Schebel
 5325 River Ridge Drive
 Brighton , Mi 48116

-----Original Message-----

From: schebel@aol.com
To: gary@genoa.org
Sent: Tue, 28 Apr 2009 3:53 pm
Subject: Schebel vs Pinecreek Homeowners Ass Case

Hello Supervisor McCririe

My name is Jay Schebel. I had a lawsuit against the pinecreekridge homeowners association that is currently before the court of appeals. A few months ago I wrote letters to several Genoa Township board members asking the board to review the township's position and your affidavit in that case. The township declined, which the township was within its right to do.

I write you today about question that is central in the case that was before the courts and that now is before the court of appeals. The association argued sucessfully that the homeowners in pinecreek could only access brighton lake via Pine Creek Park North. The court's opinion agrees that the only access point for non-lakefront owners is Pine Creek Park North. I attach the opinion for your review. It now seems the association is attempting to make another access point (which is contrary to their argument in the other courts) and is asking the township to help. My concern is that the ruling is in place from the court. While I don't agree with the ruling and have appealed, the association got the ruling based on their arguments and the order of the court is enforceable that homeowners can only access brighton lake from

4/30/2009

pine creek park north - no place else. The Pine Creek board seems not only to be taking a contrary position from the one they took in the lawsuit, but appears to be acting against the very judgment they got from the court - and trying to get you to agree with them to give their actions some importance.

I would ask the township to review the 12-page order issued by Judge Donald Shelton in the Schebel vs pine creek case - specifically page 9 - and advise me whether the township is going to enforce the declaration and the PUD as quoted in the judge's order or whether the township is going to grant the association another access point without an amendment to the declaration, contrary to the order and pine creek's position in the case.

In the end, its not whether the dock proposed by pine creek is good or bad. I think there should be more access points. But two sides had a disagreement and each side took a position in legal documents. The court made a decision and its my right to appeal if I don't think the court made the right decision, which I have done. But the township board should accept the court's opinion until it is ruled on by the court of appeals. And the court very clearly said pine creek park north is the only access point. The very people who are asking you to agree to another access point are the very people who said homeowners should be limited to pine creek park north.

I am not sure if the township ever considered this issue, but the pine creek minutes, which are below, indicate that you, personally, had given approval on behalf of the township on this issue.

Thank you for your time.

Jay Schebel

Pine Creek Ridge Homeowners Association Board of Directors Meeting

March 23, 2009 4:00 p.m. Lodge

Minutes

Present: Jack Berry, Bill Harris, Carolyn Mahalak, Shirley Mezel, Ron Paler, Deb Visger **Absent:** L. Speer

Call to Order. The regular meeting of the Pine Creek Ridge Homeowners Association Board of Directors was

held at the Pine Creek Lodge on March 23, 2009. The meeting was called to order by President Bill Harris at 4:09pm.

Approval of Minutes Motion to approve February 16, 2009 Minutes by J. Berry. Seconded, R. Paler. Carried 6-0.

Officers' Reports

Treasurer's Report D. Visger presented the Financial Report as of February 28, 2009. We had \$233,703 in the

bank. The checking account had \$31,366 and the savings account at Comerica had \$624. We also had \$24,320 in our Flagstar savings, \$50,000 in a 6-month CD at Comerica, and a total of \$127,400 in short term CDs at Fifth

4/30/2009

Third and Livingston Community banks.

The Conservancy's financials are reported to be in good order.

Four property owners still 2008-09 dues and one property owner still owes a late fee.

The Treasurer and Assistant-to-the-Treasurer met with the Villas on March 18th for the 4th quarter Cost Sharing

meeting. The Villas owe the HOA \$4, 031.76.

D. Visger and S. Mezel noted there was reference that the Villas may refuse to pay their share for the Security

Camera System installed at the Lodge based on the terms, "Additions and Improvements". Board members

commented that this may need further clarification and legal interpretation of the cost-sharing agreement. The

question is not one of ability to pay or timing of the payments, rather one of a legitimate cost-sharing item.

On March 19th the Budget Request forms went out to the Committee chairs. The requests are expected back by

April 2.

Conservancy. No report.

Committee Reports

Architectural Control Committee (ACC) Mary Anita Naab reported the ACC has had a request from the Park

Committee to install a dock at East Park. The ACC has checked with Gary McCririe, Genoa Township supervisor,

regarding the PUD and Progressive Engineering and Larry Goss. At this time, the preliminary findings are

favorable to the dock but there are still a few other outstanding issues which need to be completed before the ACC

can give a final report and recommendation to the Board.

Can't afford a new spring wardrobe? [Go shopping in your closet instead!](#)

Can't afford a new spring wardrobe? [Go shopping in your closet instead!](#)

Polly

From: schebel@aol.com
Sent: Thursday, April 30, 2009 11:30 AM
To: thlf@sbcglobal.net
Cc: Gary; Mike; Polly; Robin
Subject: Re: Schebel vs Pinecreek Homeowners Assoc

Mr. Heikkinen -

I appreciate your response and that Mr.McCririe asked you to respond to me.

I disagree with the Township's position because I believe Judge Shelton reviewed the PUD and the Declaration and had he found that residents could use other parks other than Pine Creek Park North (which the Association argued) he would have ruled in my favor, regardless of whether the use was boat launching or access. The Association argued, and its pretty clear from page 9 of the opinion, that residents only had access to common beach and dock areas in Pine Creek Park North.

Would you please send me a copy of the section of the PUD or Declaration that the Township is relying upon from your email below and/or that the Association gave to the Township in support of their argument that they didn't need an amendment to the Declaration to add the dock at Pine Creek Park East?

I will attend the meeting on Monday so I can give the other 4 board members my letter of objection and a copy of the Judgment in the call to public section if my issue is not on the formal agenda.

I am still uncertain why the township told me previously to wait until the appeal had run its course before asking the Township for anything regarding lake access, but the Township didn't tell the Pine Creek Association the same thing when the Association came to you and asked for approval for new lake access points.

I thank you and Mr.McCririe for responding to my concern and issue.

Thank you again for your time,

Jay Schebel

-----Original Message-----

From: Richard Heikkinen <thlf@sbcglobal.net>
To: schebel@aol.com
Cc: Gary McCririe <gary@genoa.org>; thlf@sbcglobal.net
Sent: Thu, 30 Apr 2009 10:55 am
Subject: Schebel vs Pinecreek Homeowners Assoc

Jay Schebel,

Gary McCririe asked me to review your communication sent April 28, 2009, and I have done so. It is

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my opinion that a fishing dock can be constructed for two reasons. First, the construction and use of a fishing dock was contemplated by an amendment to the PUD and second the lawsuit you are involved in concerns boat launching not fishing.

The construction of a fishing dock does not in any way burden the lake. The township when it adopted the PUD was concerned that the small lakes could not handle watercraft.

I am not persuaded by Judge Shelton's opinion that the township can not act pending perfection of the appeal.

THE HEIKKINEN LAW FIRM, P.C.

Richard Heikkinen

Can't afford a new spring wardrobe? Go shopping in your closet instead!

April 23, 2009

Genoa Township Board of Trustees

2911 Dorr Road

Brighton, Mi 48116

Dear Trustees:

Just a note of thanks for getting Crooked Lake Road cleaned up. We sure do appreciate it.

Thanks again,

Ted & Linda Ackley

Ted and Linda Ackley