

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION PUBLIC HEARING  
OCTOBER 15, 2019 (TUESDAY)  
6:30 P.M.  
AGENDA**

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF AGENDA:**

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

**OLD BUSINESS:**

**OPEN PUBLIC HEARING #1...**Review of a special use, site plan and environmental impact assessment for outdoor sales, storage and display for Lowe's. The property in question is located at 1100 S. Latson Road, Howell. The request is petitioned by Lowe's Home Centers, LLC.

- A. Recommendation of Special Use Application.
- B. Recommendation of Environmental Impact Assessment (9-24-19)
- C. Recommendation of Site Plan. (9-24-19)

**NEW BUSINESS:**

**OPEN PUBLIC HEARING # 2...** Review of a rezoning application and impact assessment to rezone approximately 46.5 acres from Rural Residential (RR) to Urban Residential (UR) for parcel# 11-05-200-002. The parcel is located at 3850 Golf Club Road on the southwest corner of Golf Club Road and Latson Road. This request is petitioned by Gary R. Boss.

- A. Recommendation of Rezoning Application.
- B. Recommendation of Environmental Impact Assessment. (9-4-19)

**ADMINISTRATIVE BUSINESS:**

- *Staff Report*
- *Approval of September 9, 2019 Planning Commission meeting minutes*
- *Member discussion*
- *Adjournment*



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

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

APPLICANT NAME & ADDRESS: LOWE'S HOME CENTERS, LLC 1000 LOWE'S BLVD, MOORESVILLE  
*If applicant is not the owner, a letter of Authorization from Property Owner is needed.* NC 28117

OWNER'S NAME & ADDRESS: LOWE'S HOME CENTERS, LLC

SITE ADDRESS: 1100 S LATSON RD PARCEL #(s): 4711-05-400-050

APPLICANT PHONE: (336)658-4806 OWNER PHONE: (336)658-4806

OWNER EMAIL: MATTHEW.L.MINTON@LOWES.COM

LOCATION AND BRIEF DESCRIPTION OF SITE: SITE IS THE EXISTING LOWE'S  
FACILITY AT 1100 S LATSON RD.

BRIEF STATEMENT OF PROPOSED USE: SPECIAL USE PERMIT BEING  
REQUESTED FOR OUTDOOR SALES/STORAGE/DISPLAY  
ESSENTIAL TO THE BUSINESS OPERATIONS.

THE FOLLOWING BUILDINGS ARE PROPOSED: NO NEW BUILDINGS ARE  
PROPOSED. REQUEST IS FOR ADDITIONAL OUTDOOR SALES /  
STORAGE/DISPLAY ON SITE. SITE MODIFICATIONS ARE LIMITED  
TO ADDITIONAL PROPOSED LANDSCAPING.

**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: TOOD SIMMONS (F&K)  
ADDRESS: 209 W. STONE AVE, GREENVILLE, SC 29609

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

1) TODD SIMMONS of FREELAND KAUFFMAN at tsimmons@fk-nc.com  
Name Business Affiliation E-mail Address

**FEE EXCEEDANCE AGREEMENT**

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

SIGNATURE:  DATE: 5/15/19  
PRINT NAME: Matthew L. Minton, E&C Director PHONE: 336-658-48096  
ADDRESS: 1000 Lowe's Blvd, Mooresville, NC 28117



GENOA CHARTER TOWNSHIP
Special Land Use Application

This application must be accompanied by a site plan review application and the associated submittal requirements. (The Zoning Official may allow a less detailed sketch plan for a change in use.)

APPLICANT NAME & ADDRESS: LOWES HOME CENTERS, LLC 1000 LOWES BLVD, Mooresville, NC 28117
Submit a letter of Authorization from Property Owner if application is signed by Acting Agent.

APPLICANT PHONE: (336) 658-4806 EMAIL: MATTHEW.L.MINTON@LOWES.COM

OWNER NAME & ADDRESS: - SAME AS ABOVE -

SITE ADDRESS: PARCEL #(s): 4711.05 - 400 - 050

OWNER PHONE: ( ) EMAIL:

Location and brief description of site and surroundings:

SITE IS LOCATED AT 1100 S LATSON ROAD AND IS IN A LARGE COMMERCIAL SETTING.

Proposed Use:

REQUEST IS TO ALLOW OUTDOOR SALES/STORAGE/DISPLAY AS SHOWN ON THE ATTACHED PLAN AS AN INTEGRAL PART OF THE EXISTING USE

Describe how your request meets the Zoning Ordinance General Review Standards (section 19.03):

a. Describe how the use will be compatible and in accordance with the goals, objectives, and policies of the Genoa Township Comprehensive Plan and subarea plans, and will promote the Statement of Purpose of the zoning district in which the use is proposed.

THE NRPUD PROVIDES FOR A COORDINATED COMMERCIAL DEVELOPMENT. THE ORDINANCE ALLOWS THE PROPOSED SALES/STORAGE/DISPLAY AS A USE WHEN SCREENED FROM VIEW AND A WELL DESIGNED, NEAT, & ORDERLY DISPLAY WILL PROMOTE THE PURPOSE OF PROVIDING A RETAIL SERVICE TO THE TOWNSHIP.

b. Describe how the use will be designed, constructed, operated, and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity. OUTDOOR DISPLAY ALONG THE FRONT SIDEWALK WILL PROMOTE A NEAT, ORDERLY APPEARANCE WHILE SHOWCASING GOODS FOR TOWNSHIP RESIDENTS.

THE PROPOSED PARKING LOT CORRAL WILL PROVIDE A MANAGED, CONTROLLED AREA PROVIDING ADDITIONAL RETAIL OPTIONS. SCREENING WILL BE PROVIDED

FOR ADDITIONAL STORAGE AREAS TO ENSURE THE COMPATIBILITY WITH c. How will the use be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools?

NO NEW IMPACT IS ANTICIPATED SINCE NO NEW IMPERVIOUS AREA, UTILITIES, ETC. ARE PROPOSED.

d. Will the use involve any uses, activities, processes, or materials potentially detrimental to the natural environment, public health, safety, or welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, odors, glare, or other such nuisance? If so, how will the impacts be mitigated?

THE PROPOSED USE WILL NOT INVOLVE ITEMS/ACTIVITIES DETRIMENTAL TO THE NATURAL ENVIRONMENT, WELFARE ETC. ANY POTENTIAL VIEW IMPACT WILL BE MITIGATED WITH ADDITIONAL LANDSCAPING.

e. Does the use have specific criteria as listed in the Zoning Ordinance (sections 3.03.02, 7.02.02, & 8.02.02)? If so, describe how the criteria are met.

YES, SECTION 7.02.02(d) ADDRESSES OUTDOOR DISPLAY SALES OR STORAGE. THE PROPOSED PLAN BALANCES THE RETAIL NEEDS WHILE MEETING THE INTENT FOR SCREENING.

I HEREBY CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS APPLICATION ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I AGREE TO DESIGN, CONSTRUCT AND OPERATE, AND MAINTAIN THESE PREMISES AND THE BUILDINGS, STRUCTURES, AND FACILITIES WHICH ARE GOVERNED BY THIS PERMIT IN ACCORDANCE WITH THE STATED REQUIREMENTS OF THE GENOA TOWNSHIP ZONING ORDINANCE, AND SUCH ADDITIONAL LIMITS AND SAFEGUARDS AS MAY BE MADE A PART OF THIS PERMIT.

THE UNDERSIGNED Lowe's Home Centers, LLC STATES THAT THEY ARE THE FREE OWNER OF THE PROPERTY OF PROPERTIES DESCRIBED ABOVE AND MAKES APPLICATION FOR THIS SPECIAL LAND USE PERMIT.

BY:  Matthew L. Minton - Director of Engineering & Construction, Lowe's Home Centers, LC

ADDRESS: 1000 Lowe's Blvd, Mooresville NC 28117

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

TODD SIMMONS of FREELAND & KAUFFMAN at tsimmons@fk-inc.com  
Name Business Affiliation Email

**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: 5/20/19

Matthew L. Minton - Director of Engineering & Construction, Lowe's Home Centers, LC

PRINT NAME: \_\_\_\_\_ PHONE: (336) 658-4806

Ms. VanMarter suggested postponing this item until the August 12 Planning Commission meeting.

**Moved** by Commissioner Grajek, seconded by Commissioner Mortensen, to postpone Open Public Hearing #2, at the applicant's request, until the August 12, 2019 Planning Commission meeting. **The motion carried unanimously.**

**OPEN PUBLIC HEARING #3**...Review of a special use, site plan and environmental impact assessment for outdoor sales, storage and display for Lowe's. The property in question is located at 1100 S. Latson Road, Howell. The request is petitioned by Lowe's Home Centers, LLC.

- A. Recommendation of Special Use Application.
- B. Recommendation of Environmental Impact Assessment (6-18-19)
- C. Recommendation of Site Plan. (6-18-19)

Mr. Todd Simmons of Freeland & Kauffman, the engineer for Lowe's, was present. He is aware of the ongoing issues with the outdoor storage and display at Lowe's. He met with Township staff and developed the plan that was submitted for review this evening. He reviewed the plan, specifically the screening of the areas. Some areas may not have completely met the ordinance; however, they believe their proposal meets the intent of the ordinance.

As it relates to the engineer's concerns that these areas are on utility easements, they understand that if any maintenance needs to be done on the utilities, their items would need to be removed.

Commissioner Mortensen stated he has the same concerns with Lowe's and the numerous violations that they have received that he did with Home Depot.

Mr. Borden reviewed his letter dated July 2.

1. Because this is a PUD, it is suggested that the Township require the applicant to provide a cross-access easement to the outlot adjacent to the east.
2. Aside from the screening requirements (Buffer Zone B), the revised submittal is generally compliant with the conditions of Section 7.02.02(d). There is not a full Buffer Zone B shown on the plans.

3. They request the applicant identify the dimensions and square footage of each outdoor area proposed, with an understanding that they will be limited to such areas.

Mr. Markstrom reviewed his letter dated June 28, 2019.

The proposed quick load area is on top of the existing water main easement and the proposed Area B shown on the east side of the existing building is within the existing sanitary sewer easement. He somewhat agrees with the applicant that if there is maintenance needed, materials would be able to be moved, but that shouldn't have to be done.

Mr. Simmons does not agree with the cross access easement. There is a lot of truck and forklift traffic in that area and Lowe's has safety and liability concerns. Commissioner Grajek stated that if the access easement is not granted, it is putting the residents of the Township in danger, and if it is not done, then he will not vote in favor of the proposal. Commissioner Dhaenens agrees.

Ms. Renee Paul, the store manager, reiterated the safety and liability concerns stated by Mr. Simmons. It would be putting the employees at risk as there is a lot of forklift traffic in this area. She would like to see if there is another location where the drive could be installed. Ms. VanMarter showed on the site plan where the proposed drive would be installed. It would allow traffic to and from Grand Oaks drive to enter the parcel to the east south of where the forklift traffic and quick load area is located.

Commissioner Rauch questioned areas C & D, which area called "corrals". Ms. Paul stated the corrals in Area C are flush to the building, but there is no fencing. The corrals in Area D in the parking lot are plant racks for extra flowers that cannot be brought into the garden center. She can provide pictures of what is being proposed for the corrals.

Commissioner Rauch would approve Areas A through C; however, he would like to see some enhancements to Area C. He also has concerns with Area D. He also would not approve the request without the cross access easement being granted.

Commissioner Grajek stated that the areas should be delineated so that code enforcement can ensure that the storage and display areas are staying within what was approved.

Ms. VanMarter stated she could meet with this applicant to assist them with developing a plan.

The call to the public was made at 8:07 pm with no response.

Mr. Simmons requested to have this item postponed until the August 12 meeting.

**Moved** by Commissioner Grajek, seconded by Commissioner Dhaenens, to postpone Open Public Hearing #3, at the applicant's request, until the August 12, 2019 Planning Commission meeting. **The motion carried unanimously.**

#### ADMINISTRATIVE BUSINESS

##### **Staff Report**

Ms. VanMarter stated the two items postponed this evening and Moretti Estates will be on the August meeting agenda.

##### **Approval of the June 24, 2019 Planning Commission meeting minutes**

**Moved** by Commissioner McCreary, seconded by Commissioner Dhaenens, to approve the minutes of the June 24, 2019 Planning Commission Meeting as presented. **The motion carried unanimously.**

##### **Member Discussion**

Commissioner Mortensen stated that permanent outdoor displays, sales, and storage has never been allowed before, so if it is going to be approved for Lowe's and Home Depot, the Township must determine specifically what it wants to allow and not allow.

##### **Adjournment**

**Moved** by Commissioner Grajek, seconded by Commissioner Mortensen, to adjourn the meeting at 8:31 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary

# FREELAND and KAUFFMAN, INC.

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ENGINEERS • LANDSCAPE ARCHITECTS

Sept. 24, 2019

Amy Ruthig  
Genoa Charter Township  
2911 Dorr Road  
Brighton, Michigan 48116

RE: Lowe's Home Centers Outdoor Storage Site Plan

Dear Amy,

We are in receipt of the Tetra Tech comments (dated 9/13/19) and the Safebuilt Studio comments (dated 9/17/19) for the above referenced project. Please find attached the revised site plan, as well as, responses to the comments noted below:

## Safebuilt Comments

1. The proposed cross-access/utility easement discussed above is to provide a width of 66 feet, though the Planning Commission may reduce this to 40 feet in accordance with Section 15.06.05.

The plan has been revised to reflect a 40' easement width and we respectfully ask the Commission to consider the available reduction to this width. Since this is an easement between two private property owners and not a public easement, we feel that this width is appropriate.

2. We suggest the easement be recorded prior to issuance of the special land use permit.

We take no objection to recording of the easement but would offer that the adjoining property should be required to join the overall shopping center reciprocal agreement to ensure that they share in typical aspects of maintenance for use of site drives / roadways.

3. The height of materials to be store in Areas A, B, and D must be provided.

A note has been added to the plans showing the maximum storage height.

## Tetrattech Comments

1. The proposed 25-foot-wide combined access and utility easement does not provide access to the onsite water main. The proposed 25-foot-wide easement should be extended to the edge of the existing water main easement. Also, the proposed 25-foot-wide easement is not wide enough in the east-west direction to facilitate the installation and separation of both sewer and water utilities.

The plan has been revised to reflect a 40' easement width, as noted in the Safebuilt Studio comments. This expansion ensures the new easement overlaps the existing water main easement to enable access to both existing water and sewer utilities.

2. According to the Genoa Township Zoning Ordinance section 15.06.05, access easement must be 66 feet wide, unless otherwise approved. The proposed easement should be widened to meet the Township's standards.

The easement width has been increased to 40' and we respectfully request the Commission to consider allowing the lesser width, as allowed by ordinance.

3. We also recommend adding an additional 30-foot-wide utility easement just south of the middle access to the site from Latson Road to provide an additional access point to the on-site water and sewer mains to facilitate looping of the utility in the adjacent parcel. This will allow connection to the municipal utilities without impacting the access drive to Latson Road.

The requested easement has been added to the plan. As noted in a previous response, we would ask the Commission to require the benefitting adjacent property to become a part of the overall shopping center ECR in order to receive the benefits of transportation and utility infrastructure provided by the requested easements.

Sincerely,

A handwritten signature in black ink, appearing to read 'Todd Simmons', with a large, stylized flourish extending to the right.

Todd Simmons, PE



October 8, 2019

Planning Commission  
Genoa Township  
2911 Dorr Road  
Brighton, Michigan 48116

<b>Attention:</b>	Kelly Van Marter, AICP Planning Director and Assistant Township Manager
<b>Subject:</b>	Lowe’s – Special Land Use and Site Plan Review #4
<b>Location:</b>	1100 S. Latson Road – west side of S. Latson, south of Grand River Avenue
<b>Zoning:</b>	NRPUD Non-Residential Planned Unit Development

Dear Commissioners:

At the Township’s request, we have reviewed the revised special land use and site plan submittal from Lowe’s (plans dated 9/24/19) to allow outdoor display/storage/sales areas for the existing business.

As discussed at the July 8, 2019 Planning Commission meeting, there has been a lengthy Ordinance enforcement history for outdoor display/storage/sales at this site. Township staff tracked this history (provided in a separate document with the July agenda packet) noting issues dating back to 2002.

**A. Summary**

1. The special land use standards of Section 19.03 are generally met, provided the use conditions of Section 7.02.02(d) are met to the Township’s satisfaction.
2. The applicant must address any concerns provided by the Township Engineer and/or Fire Authority.
3. Areas B and D are screened with 8-foot tall Arborvitae, though a full buffer zone B is not provided.
4. The height of materials to be stored in Area B will exceed the height of landscape screening provided.
5. The Commission may allow a cross-access easement width of 40 feet.
6. We suggest the cross-access easement be recorded prior to issuance of the special land use permit.

**B. Proposal/Process**

The revised submittal includes 4 distinct outdoor display/storage/sales areas:

- Area A – at the rear of the building comprising a total area of 3,269 square feet for tarped/bundled lumber, and recycling/cardboard bail.
- Area B – along the east side of the property comprising a total area of 4,650 square feet for OSLG storage, empty plant racks, and quick load. We request the applicant explain “OSLG” and “quick load.”
- Area C – along the front of the building comprising a total area of 3,741 square feet for lumber corral, tractor/grill/wheelbarrow corral, and plant tables.
- Area D – in the parking lot north of the access drive to/from Latson Road comprising a total area of 2,052 square feet for a parking lot corral. The Impact Assessment states that use of this area will be seasonal (from April to October 1) and will be used for live plant materials.

Per the PUD Agreement for the Livingston Commons development, such uses are allowed with special land use approval. Section 7.02.02(d) of the Township Zoning Ordinance includes conditions applicable to commercial outdoor display, storage and sales.

Procedurally, following the required public hearing, the Planning Commission is to put forth a recommendation to the Township Board on the special land use, site plan review and Impact Assessment.



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

### **C. Special Land Use Review**

Special land uses are subject to the review criteria of Section 19.03, as follows:

- 1. Master Plan.** The Township Master Plan identifies the site and adjacent properties as Regional Commercial, which is intended for “higher intensity commercial uses that serve the comparison shopping needs of the entire community and the regional market.”

The Master Plan does not specifically address outdoor uses within Regional Commercial, but does note the intent to allow “big box retail,” which is consistent with the principal use of this site.

Given the nature of the request and the planned uses for the subject area, we believe the proposal is compatible with the Master Plan and Future Land Use Map.

- 2. Compatibility.** The site and adjacent properties are part of a large PUD that includes a variety of commercial/service establishments. The inclusion of some outdoor components is not expected to adversely impact the nature of this area, though the use conditions of Section 7.02.02(d) are intended to ensure compatibility.

In order to make a favorable finding under this criterion, the use conditions must be met to the Township’s satisfaction.

- 3. Public Facilities and Services.** Given that the site is already developed, we anticipate necessary public facilities and services are in place.

In an effort to improve traffic circulation and public safety, we previously suggested that the Township require the applicant to provide a cross-access easement from the rear of the site (Garden Center area) to the outlot immediately adjacent to the east.

The revised plan includes a combined access and utility easement, though in providing this easement Lowe’s has included a host of conditions that the adjacent property owner must agree to.

This easement will eliminate the need for shared trips between the sites to travel back to the main roads, which will improve circulation throughout the PUD. This is also consistent with typical requirements of a PUD, which are intended to be cohesive developments with interior drive connections.

Additionally, the applicant must address any issues raised by the Township Engineer and/or Brighton Area Fire Authority with respect to this standard.

4. **Impacts.** Provided the use conditions of Section 7.02.02(d) are met, additional impacts are not anticipated.
5. **Mitigation.** If additional concerns arise as part of the review process, the Township may require mitigation efforts to alleviate/eliminate potential adverse impacts.

**D. Use Conditions**

The proposed use is also subject to the use conditions of Section 7.02.02(d), as follows:

1. **Minimum lot area shall be one (1) acre.**

The revised plan identifies the lot area as 14.98 acres.

2. **Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.**

The applicant previously noted that this standard will be complied with.

3. **All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose stormwater without negatively impact adjacent property. The Township Board, following a recommendation of the Planning Commission and the Township Engineer, may approve a gravel surface for all or part of the display or storage area for low intensity activities, upon a finding that neighboring properties and the environment will not be negatively impacted.**

Each of the areas proposed is located on an existing paved surface.

4. **No outdoor storage shall be permitted in any required yard (setback) of buildings for the district in which the commercial outdoor display, sales or storage use is located. Any approved outdoor sales or display within a parking lot shall meet the required parking lot setback; provided the Planning Commission may require additional landscaping screening or ornamental fencing.**

The areas depicted on the revised site plan comply with the setback requirements for this PUD.

5. **The site shall include a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the use.**

The revised plans identify a building area of 135,197 square feet.

6. **All loading and truck maneuvering shall be accommodated on-site.**

This standard is met.

7. **All outdoor storage area property lines adjacent to a residential district shall provide a buffer zone A as described in Section 12.02. A buffer zone B shall be provided on all other sides. The Planning Commission may approve a six (6) foot high screen wall or fence, or a four (4) foot high landscaped berm as an alternative.**

Areas B and D are screened with an 8-foot tall Arborvitae hedge, though this does not constitute a full buffer zone B.

8. **The height of all material and equipment stored in an outdoor storage area shall not exceed the height of any landscape screening, wall or fence. Boats and recreational vehicles may exceed the height of the fence provided that they are setback from the fence a distance equal to their height. Storage of materials up to the height of the adjacent building wall may be permitted in the rear yard if it is illustrated on the site plan, the rear yard does not abut a residential district, will not be visible from an expressway and such storage is confined to within twenty (20) feet of the building.**

As noted above, Areas B and D are screened to a height of 8 feet. The revised plan notes that height of materials stored for Areas B and D are 12' and 6', respectively. As such, this standard is not met Area B.

#### **E. Site Plan Review**

1. **Dimensional Requirements.** As noted under the use conditions (paragraph D4), the proposed outdoor display/storage/sales areas comply with the dimensional standards for this PUD.

The revised submittal also includes dimensions of each area, as previously requested. If approved, the applicant will be limited to the dimensions noted for each area and any expansion beyond these dimensions without prior approval will be treated as a violation.

2. **Pedestrian Circulation.** The revised plans note that: 1) egress paths and doors shall not be obstructed at any time; and 2) adequate width for pedestrians will be maintained at all times. These comments area also re-emphasized in the revised Impact Assessment.
3. **Vehicular Circulation.** The revised plans provide compliant drive aisle widths. However, the proposed cross-access/utility easement discussed above is to provide a width of 66 feet, though the Planning Commission may reduce this to 40 feet in accordance with Section 15.06.05.

We are of the opinion that inclusion of this easement will help to alleviate traffic crossing between Area B and the quick load area by allowing a bypass to Grand Oaks if/when the adjacent parcel is developed.

Lastly, we suggest the easement be recorded prior to issuance of the special land use permit.

4. **Parking.** The revised plans include parking calculations demonstrating that the requirements of Article 14 will still be met, even with the loss of spaces to accommodate the proposal.
5. **Signs.** The revised submittal indicates that no new signage is proposed as part of this project.
6. **Impact Assessment.** The submittal includes a revised Impact Assessment (dated 9/24/19), which states that the project is not anticipated to adversely impact natural features, public services/utilities, pedestrian/vehicular circulation or surrounding land uses.

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

Respectfully,  
**SAFEBUILT STUDIO**

  
Brian V. Borden, AICP  
Planning Manager



September 30, 2019

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

**Re: Lowe's Outdoor Storage Site Plan and Special Use Permit Application Review No. 4**

Dear Ms. Van Marter:

Tetra Tech conducted a fourth site plan review of the revised Lowe's site plan and special land use application last dated September 24, 2019. The site plans were prepared by Freeland and Kauffman, Inc. on behalf of Lowe's Home Centers, LLC. The petitioner is requesting a special land use for additional outdoor storage areas in the existing parking lot and on three sides of the existing building. We offer the following comments:

**GENERAL**

1. The proposed utility and access easement to the south was widened to 40 feet. This provides enough room for both water and sanitary sewer improvements; however, the proposed access easement width is less than the 66-foot-wide minimum access easement required in the Genoa Township Zoning Ordinance. The petitioner is requesting that the Township accept the lesser width.
2. The petitioner added an additional 30-foot utility easement north of the proposed 40-foot combined access and utility easement. This easement should be extended to the edge of the existing water main easement to allow for the extension of future water improvements.

Upon revising the plans to address the above comments we have no further engineering related concerns to the proposed site plan and special land use permit. We suggest all easements be recorded prior to issuance of the Special Land Use Permit.

Please call or email if you have any questions.

Sincerely,

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

Gary J. Markstrom, P.E.  
Vice President

A handwritten signature in blue ink, appearing to read 'Shelby Scherdt'.

Shelby Scherdt  
Project Engineer

**Tetra Tech**

401 South Washington Square, Suite 100, Lansing, MI 48933  
Tel 517.316.3930 Fax 517.484.8140 [www.tetrattech.com](http://www.tetrattech.com)



# BRIGHTON AREA FIRE AUTHORITY

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

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October 7, 2019

Kelly VanMarter  
Genoa Township  
2911 Dorr Road  
Brighton, MI 48116

RE: Lowe's Outdoor Storage/Special Use  
1100 S. Latson Rd.  
Genoa Twp., MI

Dear Kelly:

The Brighton Area Fire Department has reviewed the above-mentioned site plan. The plans were received for review on September 25, 2019, and the drawings are dated September 24, 2019. The project is based on an existing Mercantile-use. The facility has applied for a special land-use permit to increase the quantity of outside storage in the front and rear of the store.

The plan review is based on the requirements of the International Fire Code (IFC) 2018 edition.

All areas of concern have been substantially addressed and revisions made to reflect them.

Additional comments will be given during the building plan review process (specific to the building plans and occupancy). The applicant is reminded that the fire authority must review the fire protection systems submittals (sprinkler & alarm) prior to permit issuance by the Building Department and that the authority will also review the building plans for life safety requirements in conjunction with the Building Department. If you have any questions about the comments on this plan review please contact me at 810-229-6640.

Cordially,

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

Rick Boisvert, CFPS  
Fire Marshal

**Lowe's Home Centers  
Genoa Township, MI**

**Impact Assessment**

Original Submittal: 5/22/19

Revised: 6/18/19

Revised: 9/24/19

**FREELAND and KAUFFMAN, Inc.**

*Engineers • Landscape Architects*

209 West Stone Avenue

Greenville, South Carolina 29609

Tel: 864.233.5497

Fax: 864.233.8915

### **Assessment Preparer:**

Freeland & Kauffman, Inc.  
Todd Simmons, PE  
209 West Stone Avenue  
Greenville, SC 29609

### **Description of Site:**

The existing site is currently an operating Lowe's Home Improvement retail facility. As such, the site is highly impervious due to the existing building, parking, sidewalk, and delivery areas inherent to this commercial use. There is no evidence of wetlands or floodplains affecting this site and existing drainage patterns will be unaltered based upon the nature of this request.

### **Impact on Natural Features:**

Given that the impacted area is entirely impervious, no adverse impact on natural features is anticipated. A small amount of impervious area is proposed for removal, while additional landscape plantings are proposed on the east side of the site. With this proposed change, it is anticipated that natural features would be enhanced.

### **Impact on Stormwater Management:**

The proposed area is currently served by an existing regional stormwater facility located on the west side of the shopping center tract. No modifications to drainage patterns are proposed. A small decrease in impervious area will be realized (320 sf +/-) as part of this request and thus the existing facility will continue to serve the site.

### **Impact on Surrounding Land Uses**

The existing site is located in a commercial area and the sales / display / storage areas being requested are inherent to a business of this nature and complement the retail use. Additional screening is proposed on the east side of the site in order to minimize any

potential impact from adjacent properties to the east or visual impacts from public rights of way. The corral proposed in the front parking field is a time limited request that will provide orderly display of merchandise in keeping with the retail setting.

### **Impact of Public Facilities and Services:**

The existing site is currently an operating Lowe's Home Improvement retail facility and the requested modification to the site is not anticipated to impact public facilities or services.

### **Impact on Public Utilities:**

The existing site is currently an operating Lowe's Home Improvement retail facility and the requested modification to the site is not requesting any additional public utilities. The proposal does include additional utility easements that will provide access to the public water and sewer mains for the adjacent property to the east. As such, no impact to public utilities is anticipated.

### **Storage and Handling of Hazardous Materials:**

Products such as fertilizers, mulch, pool chemicals, or any other materials deemed hazardous, are to be located within the garden center and/or in the parking lot corral in front of the garden center and/or in the outside lawn & garden (OSLG) storage area shown east of the garden center. Any storage of this type of material will be in enclosed bags and containers.

### **Impact on Traffic and Pedestrians:**

1. The proposed area for outdoor sales / display is an extension of the existing use and the additional area will provide for better pedestrian maneuverability at the facility. A minimum 3' walkway will be maintained between plant tables and through sidewalk area for ADA accessibility. No emergency entrance / exits will be blocked by sales / storage / display areas. No adverse impact to traffic and pedestrians is anticipated. The rear driveway will maintain a minimum clear width of 26 feet.

## **Special Provisions:**

This request is to allow for sales / storage / display to be utilized at this facility with the following conditions:

Area A (Rear Storage Area) – This area is to be utilized for bundled / tarped lumber storage adjacent to the staging area. Area shall not interfere with required fire access and driveway aisle must be maintained at a minimum clear width of 26 feet.

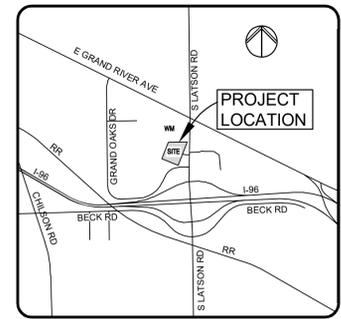
Area B (Storage Area Adjacent to Garden Center) – This area is to be kept neat and orderly. Empty plant tables to be located in this area and screened from public right of way, to the extent possible. Area shall not interfere with required fire access and driveway aisle must be maintained at a minimum clear width of 26 feet.

Area C (Front Sidewalk Display Area) – This area is to be kept neat and orderly and not impact required fire lane access. ADA access is to be maintained and material will not block any required entrance / exit from the facility.

Area D (Parking Lot Corral) – This area will be date restricted and is requested to be allowed from April 1 – October 1 each year. The corral will be as depicted on the attached plans or in a manner approved by Township Staff. Plant materials in the corral will consist of live goods (trees, shrubs, plants, annuals, perennials, etc.).

WALMART  
WAL-MART STORES #DIVISION-STORE  
STORE #1754 DEPT 0555  
PARCEL #4711-05-400-049  
ZONED: NRPUD  
(NON RESIDENTIAL PLANNED UNIT DEVELOPMENT)

CONSUMERS ENERGY COMPANY  
PARCEL #4711-04-300-017  
ZONED: NRPUD  
(NON RESIDENTIAL PLANNED UNIT DEVELOPMENT)



VICINITY MAP - N.T.S.

CONSUMERS ENERGY COMPANY  
PARCEL #4711-04-300-017  
ZONED: GCD  
(GENERAL COMMERCIAL)

RITZ, JAMES & PAMELA  
PARCEL #4711-09-100-004  
ZONED: GCD  
(GENERAL COMMERCIAL)

GENOA PLACE APARTMENT II LLC  
PARCEL #4711-09-100-018  
ZONED: HDR  
(HIGH DENSITY RESIDENTIAL)

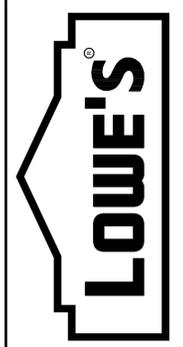
GENOA HEALTHCARE INVESTORS  
PARCEL #4711-09-100-038  
ZONED: RR  
(RURAL RESIDENTIAL)

REVISIONS	
DATE	DESCRIPTION

PRELIMINARY  
NOT FOR  
CONSTRUCTION

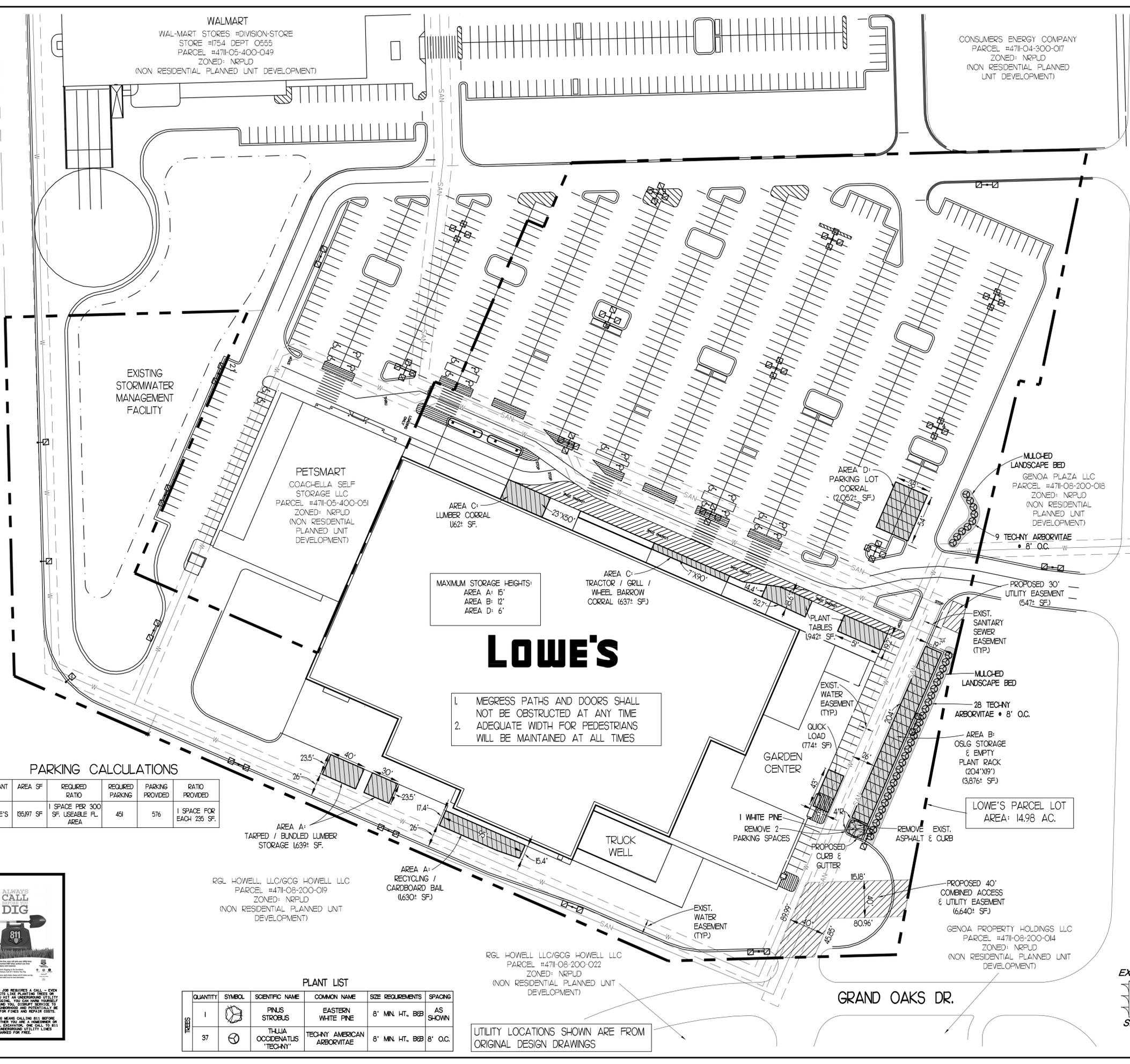
FREELAND and KAUFFMAN, INC.  
Engineers & Landscape Architects  
209 West Stone Avenue  
Greenville, South Carolina 29609  
(864) 233-5497

LOWE'S HOME CENTERS, LLC  
1605 CURTIS BRIDGE RD.  
N. WILKESBORO, NC 28687  
336.658.4000 (V) 336.658.3257 (F)



SITE PLAN  
LOWE'S OF:  
HOWELL  
HOWELL, MICHIGAN

ORIGINAL ISSUE DATE: 09/24/2019  
PERMIT SET ISSUE DATE:  
CONSTRUCTION SET ISSUE DATE:  
DRAWING NUMBER:  
2



MAXIMUM STORAGE HEIGHTS:  
AREA A: 15'  
AREA B: 12'  
AREA C: 6'

- LOWE'S**
- MEGRESS PATHS AND DOORS SHALL NOT BE OBSTRUCTED AT ANY TIME
  - ADEQUATE WIDTH FOR PEDESTRIANS WILL BE MAINTAINED AT ALL TIMES

- SITE PLAN NOTES**
- ALL WORK AND MATERIALS SHALL COMPLY WITH ALL GENOA CHARTER TOWNSHIP REGULATIONS AND CODES AND OSHA STANDARDS.
  - ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED. ALL RADII ARE 4' UNLESS OTHERWISE NOTED.
  - EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN BASE BID.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
  - SITE BOUNDARY, TOPOGRAPHY, UTILITY AND ROAD INFORMATION TAKEN FROM DESIGN DRAWINGS FOR 'SOUTH-POINTE COMMONS' BY HERITAGE ENGINEERING, LLC.
  - ALL WORK SHALL BE DONE IN STRICT ACCORDANCE WITH DIVISION 2 OF LOWE'S STANDARD SITE WORK SPECIFICATIONS.

**PARKING CALCULATIONS**

TENANT	AREA SF	REQUIRED RATIO	REQUIRED PARKING	PARKING PROVIDED	RATIO PROVIDED
LOWE'S	135,97 SF	1 SPACE PER 300 SF. USEABLE FL. AREA	451	576	1 SPACE FOR EACH 235 SF.

AREA A: TARPED / BUNDLED LUMBER STORAGE 1639' SF.

AREA A: RECYCLING / CARDBOARD BAIL (1630' SF)

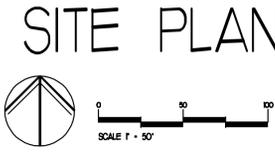
RGL HOWELL, LLC/GCG HOWELL LLC  
PARCEL #4711-08-200-019  
ZONED: NRPUD  
(NON RESIDENTIAL PLANNED UNIT DEVELOPMENT)

RGL HOWELL LLC/GCG HOWELL LLC  
PARCEL #4711-08-200-022  
ZONED: NRPUD  
(NON RESIDENTIAL PLANNED UNIT DEVELOPMENT)

**PLANT LIST**

QUANTITY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE REQUIREMENTS	SPACING
1		PNUS STROBUS	EASTERN WHITE PINE	8' MIN. HT., B&B	AS SHOWN
37		THUJA OCCIDENTALIS 'TECHNY'	TECHNY AMERICAN ARBORVITAE	8' MIN. HT., B&B	8' O.C.

UTILITY LOCATIONS SHOWN ARE FROM ORIGINAL DESIGN DRAWINGS



**GENOA CHARTER TOWNSHIP Application for Re-Zoning**

PARCEL #(s): 11-05-200-002

APPLICANT NAME: Gary R. Boss

ADDRESS: 3850 Golf Club Road,  
Howell, Michigan 48843

OWNER NAME: Gary R. Boss Trust

ADDRESS: 3850 Golf Club Road, Howell,  
Michigan 48843

PRIMARY PHONE: (810)599-3952 Gary

EMAIL: gboss60@yahoo

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

**A. REQUIRED SUBMITTAL INFORMATION**

1. **A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties;**
2. **The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, and proof of consent from the property owner;**
3. **It is desired and requested that the foregoing property be rezoned from: RR to UR**
4. **A site plan illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, steep slope, drainage patterns, views, existing buildings, sight distance limitations, relationship to other developed sites. and access points in the vicinity;**
5. **A conceptual plan demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site design factors;**
6. **A written environmental impact assessment, a map of existing site features as described in Article 18 describing site features and anticipated impacts created by the host of uses permitted in the requested zoning district;**
7. **A written description of how the requested rezoning meets Sec. 22.04 "Criteria for Amendment of the Official Zoning Map."**
8. **The property in question shall be staked prior to the Planning Commission Public Hearing.**

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

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

The subject property zoning is RR (1 Unit for every 2 Acres),(2008, Zoning Map)  
The Future Land Use Map (2015) indicates Low Density Residential (1 Unit per 1 Acre)  
This is not consistent with the existing status of the Subject Property.

When MHOG installed the Large North-South Sewer and Water Mains from M-59 to Grand River Ave. several years ago the Genoa Township Supervisor sought and received Right of Way Easements across the Subject Property from Gary Boss. The compensation for the Right of Way Easements were to allow the subject Property to be developed into a residential community using the MHOG Sewer and Water and to receive all necessary REU's for that future development. The Township Staff drafted a letter/memo to Gary Boss in 2017 to assure him of the Agreement and Development Status.

The Future Land Use Plan has 3 designations of Residential Properties that have Public Sewer and Water.

Small Lot Single Family Residential (2 to 3 Units per Acre)

Medium Density Residential (5 Units per acre)

High Density Residential (8 Units per acre)

The subject property is requesting UR zoning (3 Units per acre) which conforms to the least dense of the Future Master Plan of "Small Lot Single Family Residential".

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

A Conceptual Plan for the proposed UR Zoning will yield approximately 70+ Units. This Zoning requires Public Water and Public Sewer. The site also has sufficient areas for Storm Water detention. No environmental features of this site will not be unduly impacted by a proposed residential development.

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

The Road Location, Road Construction, Public Sewer and other Infrastructure that is required to develop this site, is not financially feasible under the current zoning. The Livingston County Health Department requires connection to a Public Sewer if it is available. The least dense future Land Use planned in Genoa Township, that requires Public Sewer and Pubic Water, includes UR Zoning. UR is the proposed Zoning.

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

The majority of the property is forested. Surrounding property views will have minimal view changes after development. A future development will be a low density development per the proposed change to the future Land Use Plan.

This low density, residential development will have minimal impact on noise, air quality or the environment.

Any future development will require a collector Road from Golf Club Road on the north and connect to the existing planned outlet to Sugarbush Drive on the south. The significant majority of the traffic generated by a development will proceed northerly to Golf Club Road. Based on current traffic cons and patterns along with the existing traffic light at Latson Road will have minimal additional impact on the Public Roads.

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

Infrastructure capacity Streets (see #4 above)

Infrastructure capacity Sanitary Sewer and Water--. Per MHOG and Genoa Township Engineer, the Pipe Size capacities are sufficient for the future development of this site, however it may be necessary to increase the size of a downstream Sanitary Pump.

Infrastructure drainage--. The site has sufficient areas to create storm drainage detention on the site. The Detention Basins will be designed per the Livingston County Drain Comm. Requirements and approved by the Drain Comm.

Services--. The Public Water is sized sufficiently to provide Fire Protection for the site. The residential development of this site will have minimal impact on Fire and Police Services.

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

Yes. This site is uniquely located for a single family residential development on a main north-south road from M-59 to I-96, on Latson Road with direct access to the Latson Road Interchange at I-96.

The site has Public Sewer and Public Water on site.

This site transitions from M-59, Commercial Area, thru high density residential (apartments), thru Single family residential , thru high density residential (apartments) to the Commercial Area at Grand River Ave.

The Gary Boss property is in the Single family residential portion of this transition.

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

No, This property is appropriate for Single Family Residential, in a Single Family Residential Area. The rezoning requested is Residential to Residential. No amending of another zoning Use would seem necessary.

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

There are no deed restrictions that encumber this property.

**C. AFFIDAVIT**

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

BY: GARY R. BOSS  
3850 Golf Club Road  
Howell, MI, 48843



SIGNATURE

The following contact should also receive review letters and correspondence:

OWNER'S REPRESENTATIVE: Steve Morgan  
4432 Glen Eagles Ct.,  
Brighton, Michigan 48116

PRIMARY PHONE: (586) 942-9751

EMAIL: smorgan4432@gmail.com

**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.

GARY R. BOSS  
3850 Golf Club Road  
Howell, MI, 48843

810-599-3952  
gboss60@yahoo.com



DATE:

Lawyers Title Insurance Corporation

QUIT CLAIM DEED—CORPORATION—Statutory Form  
C.L. 1948, 565.152 M.S.A. 26.572

Form 564 9-71  
Statutory Form  
M.S.A. 26.572

LIBER 1640 PAGE 0840

KNOW ALL MEN BY THESE PRESENTS: That COMERICA BANK-DETROIT, Trustee under the Will of Walter J. Pasinski, deceased, and not in its individual capacity, Grantor whose address is 211 West Fort Street, Detroit, Michigan 48275-1026

Quit Claims to Gary R. Boss and Katherine A. Boss, his wife, Grantees

whose address is 3850 Golf Club Road, Howell, Michigan 48843

the following described premises situated in the Township of Genoa County of Livingston and State of Michigan, to-wit: All of the Northeast 1/4 of the Northeast 1/4 of Section 5, Town 2 North, Range 5 East, Michigan, except beginning in the centerline of Golf Club Road at a point North 89°38'19" East along the North line of said Section 5, 1248.56 feet from the North 1/4 corner of said Section 5, thence continuing along said Section line and centerline of Golf Club Road North 89°38'19" East 200.00 feet; thence South 01°29'02" East 536.7 feet; thence South 89°38'19" West 200.00 feet; thence North 01°29'02" West 536.7 feet to the point of beginning, and FURTHER EXCEPTING AND RESERVING UNTO GRANTOR HEREIN AN UNDIVIDED 1/3 INTEREST IN ALL OIL, GAS AND OTHER MINERALS IN AND UNDER SAID PROPERTY HEREIN CONVEYED TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF EXPLORING FOR, DEVELOPING AND PRODUCING THE SAME.

TAX ITEM NO. 11-05-200-002-4-HO

for the full consideration of ONE AND 00/100 (\$1.00) DOLLAR, (Sec. 207.505a) THIS QUIT CLAIM DEED REPLACES AN EARLIER DEED DATED APRIL 18, 1985 WHICH WAS EITHER LOST OR DESTROYED.

Dated this 19th day of November 19 92

Witnesses:

Signed and Sealed:

Joyce E. Dickelman  
Joyce E. Dickelman

Jane G. Duffy  
Jane G. Duffy

COMERICA BANK-DETROIT, Trustee under the Will of Walter J. Pasinski, deceased

By Louis C. Fulgoni  
Its Vice President

STATE OF MICHIGAN  
COUNTY OF WAYNE

Its 19th day of November 19 92

RECORDED  
DEC 9 14 AM '92  
NANCY HAVILLAS  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MI  
48143

The foregoing instrument was acknowledged before me this

- (1) by Louis C. Fulgoni
- (2) Vice President
- (3) of Comerica Bank
- (4) a banking corporation

My commission expires

10-22-96

Kathleen A. Hurliman  
KATHLEEN A. HURLIMAN  
Notary Public - WAYNE COUNTY, MICH.  
MY COMMISSION EXPIRES 10-22-96

Note: Insert at (1) name(s) of officer(s) (2) title(s) of officers(s) (3) name of corporation (4) state of incorporation

Instrument Drafted by Joyce E. Dickelman

Business Address P.O. Box 75000, Detroit, MI 48275-1026

Recording Fee

When recorded return to Grantees

State Transfer Tax

Send subsequent tax bills to

Tax Parcel #

116696

**See red below:**

**Kelly VanMarter**

---

**From:** Kelly VanMarter  
**Sent:** Monday, September 18, 2017 10:02 AM  
**To:** Steve Gronow (steviegronow@comcast.net); Steve Gronow  
**Subject:** FW: Gary Boss Property

Steve,

We have reviewed the easement agreement and determined that the buy-in costs are in fact waived by the Easement; however as clearly stated in the agreement, the townships current per REU tap fee costs will still apply. For reference, these fees are currently established by the Boards at \$7,200 for Sewer and \$7,900 for Water per REU.

As I think you are already aware, with this sewer and water REU charge question addressed, the next potential obstacles involve finalizing a density (master plan/rezoning), performing a traffic study, determining the impacts on adjacent properties, and performing a utility impact study. We recommend that following the establishment of a proposed density, the utility impact determination study be performed to see if any system improvements are required to serve the property. The costs of this study shall be paid in advance by the developer/applicant.

Please let me know if you need any additional information from the Township on this issue.

Kelly VanMarter, AICP  
Assistant Township Manager/Community Development Director

Genoa Charter Township  
2911 Dorr Road, Brighton, Michigan 48116  
Direct: (810) 588-6900, Phone: (810) 227-5225, Fax: (810) 227-3420  
E-mail: [kelly@genoa.org](mailto:kelly@genoa.org), Url: [www.genoa.org](http://www.genoa.org)

**In response to item #1 in the application - This is the staff correspondence indicating that the easement agreement approved by the Township Supervisor in 2007 did as compensation provide access to the Township Utility System however it did not "allow the subject parcel to be developed into a residential community" as suggested. This is included in your packet to clarify that there was never any indication that the easement agreement allowed the property to be developed into a residential community.**



October 8, 2019

Planning Commission  
Genoa Township  
2911 Dorr Road  
Brighton, Michigan 48116

<b>Attention:</b>	Kelly Van Marter, AICP Assistant Township Manager and Planning Director
<b>Subject:</b>	Proposed rezoning from RR to UR (Review #2)
<b>Location:</b>	3850 Golf Club Road – southwest corner of the Golf Club and Latson Road intersection
<b>Zoning:</b>	RR Rural Residential District

Dear Commissioners:

At the Township’s request, we have reviewed the application and submittal material proposing rezoning of a 46.5-acre site from RR Rural Residential to UR Urban Residential. The intent of the proposed rezoning is for a residential development at no more than 3 dwelling units per acre.

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

**A. SUMMARY**

1. The proposed rezoning is generally consistent with the review standards of Article 22; however, we defer to the Township Engineer, Utilities Director and Fire Department for any comments related to infrastructure compatibility or capacity, and environmental impacts.
2. Furthermore, the request is not consistent with the Future Land Use Map; however, the applicant requests consideration of a change in conditions (availability of public utilities) to mitigate this inconsistency.
3. If the rezoning is granted, the Township should amend the Future Land Use Map accordingly during the next 5-year review/update.
4. The areas around the subject site have primarily been developed as single family residential at a variety of densities.
5. The host of uses permitted in UR are compatible with the site and surrounding area.

**B. PROCESS**

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

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

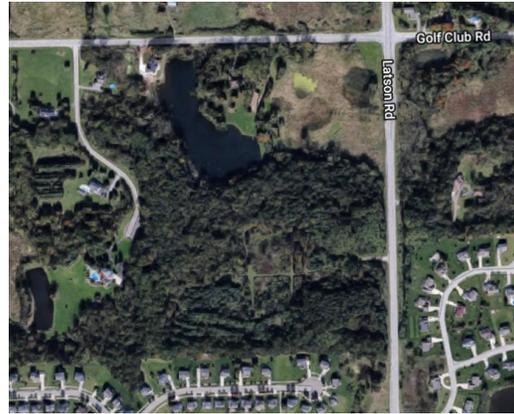
As a side note, the applicant did not provide a second submittal addressing the comments provided by staff and consultants through the initial review letters.

For the most, the concerns noted in our review are related to the concept plan included with the submittal, and not necessarily the rezoning request itself.

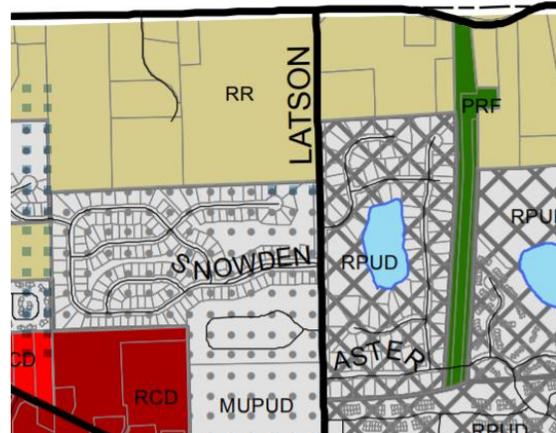
**C. AREA OVERVIEW**

The site is located at the southwest corner of Golf Club and Latson Roads. Current zoning, as well as existing and planned land uses in the area are as follows:

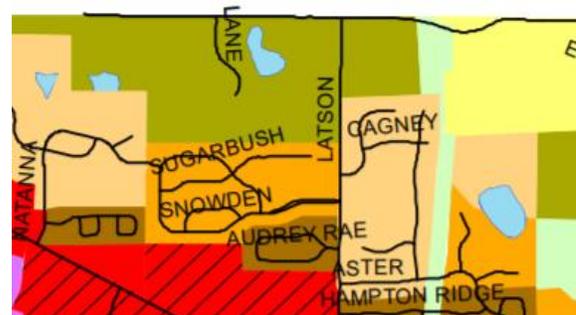
<b>Existing Land Use</b>	
<b>Site</b>	Existing residence
<b>North</b>	Single family residential
<b>East</b>	Single family residential
<b>South</b>	Single family residential
<b>West</b>	Single family residential



<b>Zoning</b>	
<b>Site</b>	RR
<b>North</b>	Oceola Township
<b>East</b>	RR and RPUD
<b>South</b>	MUPUD
<b>West</b>	RR



<b>Master Plan</b>	
<b>Site</b>	LDR
<b>North</b>	Oceola Township
<b>East</b>	LDR and Small Lot Single Family
<b>South</b>	MDR
<b>West</b>	LDR



## **D. REZONING REVIEW**

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

The Township Master Plan and Future Land Use Map identify the site and much of the surrounding area as Low Density Residential. This classification is intended for residential development on lots with a minimum area of 1 acre.

This proposed rezoning to UR (3 units per acre) is not consistent with the Master Plan; however, as noted in the submittal materials, utilities were extended along Latson Road and the proposed zoning designation is the least dense zoning district requiring access to public water and sewer.

If the rezoning request is granted, we suggest the Township update the Future Land Use Map accordingly as part of the next 5-year Master Plan review/amendment.

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

The site contains wetlands and a pond, which will need to be protected per Township Ordinance standards as part of a future development plan. With that being said, there appears to be ample upland/buildable area to support future development under UR zoning.

Any technical comments provided by the Township Engineer under this criterion should also be considered.

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

The current (RR) and proposed (UR) residential zoning districts allow a nearly identical host of uses (Table 3.03). There are 2 distinct uses (keeping of livestock in RR and duplexes in UR) that are different, though the primary difference is the allowable density (2 acres per unit in RR versus 3 units per acre in UR), which is due to the availability of public utilities.

Given the availability of public utilities, the UR zoning proposed is least dense zoning district requiring water and sewer and the applicant states that infrastructure costs preclude development under RR zoning (2 acres per unit).

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

As noted above, current and proposed zoning designations allow a nearly identical host of uses. Given the nature of the request and surrounding land uses, potential uses under UR zoning are expected to be remain compatible.

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

We defer to the Township Engineer, Utilities Director, and Brighton Area Fire Authority for technical comments under this criterion.

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

Given a relatively limited availability of public utilities throughout the Township, this area seems appropriate for residential development at a slightly higher density than what the Master Plan or Zoning Ordinance currently call for/allow.

The applicant also references the transition in land uses from M-59 to the north down to Grand River to the south, with the subject site being located in the middle with other single family residences at comparable densities.

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

As described under criterion #3 above, the host of uses allowed under current (RR) and proposed (UR) zoning are nearly identical and the primary difference in the districts is related to the allowable residential density, which is directly tied to availability of public utilities.

As such, amending the list of permitted uses to allow greater density in RR is not appropriate. In our opinion, rezoning to UR is the preferred option in this case.

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

A request for rezoning of the subject site has not been submitted within the past year.

## **E. Concept Plan**

The request has been presented as a conventional rezoning (as opposed to a conditional rezoning), which requires inclusion of a conceptual plan.

The concept plan is not subject to technical review/approval and is presented merely as an indication of how the site could possibly be developed under the proposed zoning designation.

We have provided the following comments on the concept plan for the applicant's consideration moving forward:

- The plan provides for 72 units. The lot area table provided indicates that all of the lots meet or exceed minimum UR lot area standards; however, the applicant should be aware that submerged lands do not count towards lot area.
- Vehicular access is provided by multiple options: 2 drives from Latson Road; a connection with the existing roadway to the south; a short cul-de-sac from Golf Club Road; and 4 shared drives.
- It is our understanding that authorization for connections to Latson Road will be difficult to obtain.
- Authorization will be needed for connection to the residential development adjacent to the south.
- Several of the lots provide an unusual shape and/or restricted building envelope that could create future problems. Of note are lots 8, 9, 16, 40, 42, 47 and 53.
- A traffic impact study will likely be required with the future development plan submittal, per Section 18.07.09.

Genoa Township Planning Commission

**3850 Golf Club Road**

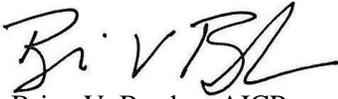
Rezoning Review #2

Page 5

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

Respectfully,

**SAFEBUILT STUDIO**

A handwritten signature in black ink, appearing to read "Bri. V. Borden". The signature is stylized and cursive.

Brian V. Borden, AICP  
Planning Manager

September 30, 2019

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

**Re: Boss Property Concept Plan and Rezoning Application Re-review**

Dear Ms. Van Marter:

Tetra Tech conducted a site plan review of the concept plan and rezoning application for Boss Property Condominium submitted by Gary Boss on September 4, 2019. The plans, last dated August 26, 2019, were prepared by Boss Engineering. The property consists of 46.5 acres located at the southwest corner of Golf Club Road and Latson Road. The property is currently zoned as rural residential (RR) and the Petitioner is proposing to rezone the property as Urban Residential (UR).

The Petitioner has not submitted a revised concept plan for review as was recommended in our letter dated September 18, 2019. The following comments have not yet been addressed and should be prior to approval from the Township.

**GENERAL**

1. The concept plan shows two drives coming off Latson Road. This does not match the rezoning application which states that “any future development will require a collector road from Golf Club Road on the north and connect to the existing planned outlet to Sugarbush Drive to the south”. The concept plan should be consistent with the rezoning application and impact assessment. The petitioner should provide approval from the Livingston County Road Commission for their proposed access drives.
2. The impact assessment does not address the predicted peak hour trips that are anticipated for the proposed development. A Traffic Impact Assessment or Statement may be necessary for final site plan approval depending on the number of peak hour trips generated by the proposed development or adjacent streets as required in Section 18.10.09 of the Genoa Township Zoning Ordinance.
3. The concept plan shows a stormwater forebay. Calculations should be provided to show that this will be enough area for the proposed forebay and to show the impact of discharging into the existing wetlands. The size of the forebay will need to be shown on the concept plan to ensure the number of units shown will provide enough space for required stormwater drainage site improvements.

**Tetra Tech**

401 South Washington Square, Suite 100, Lansing, MI 48933  
Tel 517.316.3930 Fax 517.484.8140 [www.tetrattech.com](http://www.tetrattech.com)

Ms. Kelly Van Marter  
Re: Boss Property Concept Plan and Rezoning  
September 30, 2019  
Page 2

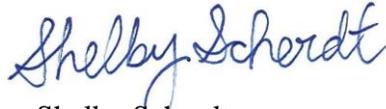
We suggest the Petitioner address the above comments and resubmit a revised concept plan for review and approval.

Please call or email if you have any questions.

Sincerely,



Gary J. Markstrom, P.E.  
Vice President



Shelby Scherdt  
Project Engineer



# BRIGHTON AREA FIRE AUTHORITY

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

September 16, 2019

Amy Ruthig  
Genoa Township  
2911 Dorr Road  
Brighton, MI 48116

RE: Boss Property Conceptual Plan  
3850 Golf Club Road  
Howell, MI 48843

Dear Amy:

The Brighton Area Fire Department has reviewed the above-mentioned site plan. The plans were received for review on September 10, 2019, and the drawing is dated August 26, 2019. The project is based on an existing 46.88-acre parcel that is requesting rezoning of the property from an RR to a UR which will increase the density to 72-single-family units. A full site plan evaluation with more specific comments will be conducted when a complete set is produced for review.

The plan review is based on the requirements of the International Fire Code (IFC) 2018 edition.

1. The water main locations shall be shown throughout the project. Provide the location of the proposed water mains, valves, and fire hydrants. Once proposed the actual locations may be revised by the fire authority for spacing and operational necessity.
2. The buildings shall include the building address a **minimum of 4"** high letters of contrasting colors and be clearly visible from the street. The location and size shall be verified prior to installation.

**IFC 505.1**

3. The access roads throughout the site shall be a minimum of 26-feet wide, face-of-curb to face-of-curb. Shared driveway widths shall be no less than 16-feet in width with a recommended width of 20-feet. With a width of 26-feet wide, one side of the street shall be marked as a fire lane, this shall be the side where fire hydrants are located. (It is recommended that the road dimension be increased to 32' wide to eliminate the need for marked fire lanes.) Include the location of the proposed fire lane signage and include a detail of the fire lane sign in the submittal. Access roads to the site shall be provided and maintained during construction. Access roads shall be constructed to be capable of supporting the imposed load of fire apparatus weighing at least 84,000 pounds.

**IFC D 103.6**

**IFC D 103.1**

**IFC D 102.1**

**IFC D 103.3**

4. Access throughout shall provide emergency vehicles with turning radii of 30-feet inside and 50-feet outside. An emergency vehicle circulation plan shall be provided throughout the site. If islands are included in the cul-de-sacs cause interference, they shall be modified to be of a mountable construction or eliminated.



September 16 2019

Page 2

Boss Property  
3850 Golf Club Rd.  
Site Plan Review

5. Due to the rolling elevation of the parcel, there are concerns with slope percentages of the entrances and roadways. The slope of any roadway shall not exceed 10% and drive approach angles shall not exceed 8%.
6. A minimum vertical clearance of 13½ feet shall be maintained throughout the site. This includes encroachments from large tree canopies, lighting, etc. This is especially critical if the road width remains at 26-feet.
7. The 5-lot (Lots #16-20) shared drive exceeds 150' in length shall be provided with properly designed and dimensioned turnarounds in accordance with the International Fire Code, Appendix D.
8. The cul-de-sac dimensions shall be compliant with the International Fire Code, Appendix D.
9. Provide names, addresses, phone numbers, emails of owner or owner's agent, contractor, architect, on-site project supervisor.

Additional comments will be given during the building plan review process (specific to the building plans and occupancy). The applicant is reminded that the fire authority must review the fire protection systems submittals (sprinkler & alarm) prior to permit issuance by the Building Department and that the authority will also review the building plans for life safety requirements in conjunction with the Building Department. If you have any questions about the comments on this plan review please contact me at 810-229-6640.

Cordially,

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

Rick Boisvert, CFPS  
Fire Marshal

**From:** [Kimberly Ross](#)  
**To:** [Amy Ruthig](#)  
**Subject:** Rezoning parcel #11-05-200-002  
**Date:** Friday, October 4, 2019 9:58:58 PM

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Dear Amy and Kelly,  
Please do not allow this rezoning to be approved. Please do not allow our beautiful community to become another Novi. We do not need another subdivision with houses crowded one on top of the other and every tree in sight cut down. We also surely do not need the traffic that it will bring. It will be an ugly nightmare! Please leave the zoning as is. We will still have more traffic to deal with but it will not be as bad with fewer homes and with any luck some trees may be spared as well.

Thank you for sending me the map, it was very kind of you.

Kimberly Ross  
4081 Golf Club Road  
Howell, MI 48843  
517-545-5055

**From:** [JANICE Renwick](#)  
**To:** [Amy Ruthig](#)  
**Cc:** [nannyjan@comcast.net](mailto:nannyjan@comcast.net); [jales@comcast.net](mailto:jales@comcast.net)  
**Subject:** Rezoning hearing for parcel #11-05-200-002  
**Date:** Monday, October 7, 2019 10:46:55 AM

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My husband and I are unable to attend this hearing because we will be out of town on vacation. We do have some serious concerns and some questions.

1. Will there be a way to attend the meeting via video conference or tele-conference? If so, please provide a link or phone number.
2. If this parcel is rezoned to Urban Residential what will the property owner be able to do with this parcel that they cannot do with it zoned as Rural Residential?
3. How many acres of the 46.5 acres is considered wetlands?
4. Will these wetlands be protected if the property is rezoned?
5. Has there been any consideration for the wild life currently living on this property?  
Deer, fox, coyote, owl, wild turkey, hawk, rabbit.
6. If rezoned and sold, what will be the primary access to this 46.5 acres?

If the proposed access is through the Rolling Ridge sub-division, the roads in the sub-division are not up to additional traffic.

Our property butts up directly to this parcel of land. There is a natural tree line that separates the Rolling Ridge properties from the parcel in question. This parcel appears to have once been an evergreen farm. There is a two track that runs between the natural tree line and the evergreens. We have enjoyed approximately 20 years of peace and quiet and chose our lot based on the location, butting up to an old evergreen farm. We have serious concerns about what the rezoning of this parcel will do to our life style. All of my neighbors (8) on the North side of Sugarbush Drive east of Snowden Lane butt up to this parcel of land. We are ALL seriously concerned!!

Two of the biggest concerns is the possibility of additional traffic through the sub-division and the removal of the natural tree line separately the Rolling Ridge properties from this parcel of land.

Thank you for reading this letter,

Joseph Alessandrini

Janice Renwick

3837 Sugarbush Drive

Rolling Ridge Sub-division Lot 158

517-548-5466 - home

810-599-9533 - Joe cell

248-342-0651 - Jan cell

**From:** [Paul Rottach](#)  
**To:** [Amy Ruthig](#); [Amy Ruthig](#); [Kelly VanMarter](#); [Kelly VanMarter](#)  
**Cc:** [Ashley Rottach](#)  
**Subject:** Questions and Concerns of the impact of rezoning for parcel #11-05-200-002  
**Date:** Sunday, October 6, 2019 4:38:18 PM

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Good Afternoon,

My apologies I have sent this once before but have had some issues with the picture sizes. My name is Paul Rottach and I live at 3897 Sugarbush Dr. Howell Michigan in Rolling Ridge subdivision (Lot #162). I am writing this email to express my concerns and ask questions regarding the recent county proposal to conduct a rezoning of the property that is directly behind my home, this property was identified in the letter as (3850 Golf Club Road, 46.5 acres, Parcel#11-05-200-002). I have inserted below a list of concerns and questions that my family and I have as well as some picture that will allow for more understanding. My wife and I plan on attending the meeting on Tuesday, October 15th, 2019 at 630pm in addition to this email. I thank you and appreciate your time and attention to my families concerns and look forward to meeting with you on the 15th.

#### Concerns / Impact

1. Traffic Study for Latson Rd. was conducted in 2012 and should be redone. This traffic study was conducted prior to the I-96 development, multiple apartment, townhouses and subdivision additions, phases which all have been added to the traffic of Latson Road. Recently, the vehicular traffic on Latson Rd. is extreme and has high accident rates. Traffic back-ups are now constant from M-59 to Grande River during numerous time segments of each day.
2. Privacy concerns with the addition of a new subdivision and removal of trees behind my property (Lot 162).
3. An addition of a road through the subdivision on to property that we as an HOA have been paying to upkeep for 19 years, me personally for 7 years. This road will run along my property, which according to public information be very close to my home removing a tree and any room for my disabled child to play. This directly impacts my home and my family.
4. Deterioration of current subdivision roads from influx of traffic, given the state of the current roads.
5. The water, drainage and sewer impact study was conducted in 2012 and the additional drainage and run off of water is a concern since this will directly impact my property and my home. During rainstorms there is already water build up within the woods and within the side lot and due to the grade the rain runs into my property making a very large puddle.

#### Questions

1. Are there any plans to conduct a more recent traffic study that will take the additional subdivisions, condos, apartments and I-96 interchange into consideration?
2. Will there be a more recent survey of my property conducted to establish the actual property lines and how it connects to the new subdivision? Also, will there be any plans to leave any of the existing trees for a privacy barrier or buffer zone between this subdivision and the new subdivision? Or if there is a need for a privacy fence or addition landscaping who will be responsible for this?
3. If this road is going to go next to my home, will there be a current assessment of the impact due to the increase of traffic, an assessment of the physical impact on the current subdivision roads (Sugarbush and Snowden roads) and also an assessment of the water and drainage that will occur.
  - a. Also, why would the county give anyone other than the current subdivision and HOA members any consideration for the use or purchase of this property. The current subdivision and HOA members have been paying for the maintenance and landscaping of this property for 19+ years, me personally for the last 7 years. Will there be a consideration to the current subdivision and HOA members for the purchase, use of this land or the reimbursement for 19 years of HOA fees for landscaping that has been

billed to the residents of the current subdivision?

4. Would, given the state and type of roads within the current subdivision be able to handle the impact and influx of vehicular traffic? Also, has the Department of Transportation and or County Road Commission been consulted with in order to determine these facts?

5. Will a more recent water, drainage and sewer study been conducted that will take into consideration all new aspects and additions of the condos, apartments, subdivisions?

6. Will these new traffic, drainage, sewer and road impact studies be conducted by a neutral and non-bias party, specifically a company not retained by any vested party?

If there are any questions or concerns please feel free to contact me.

Thank you,

Paul Rottach  
pmr13@yahoo.com  
248-804-4611







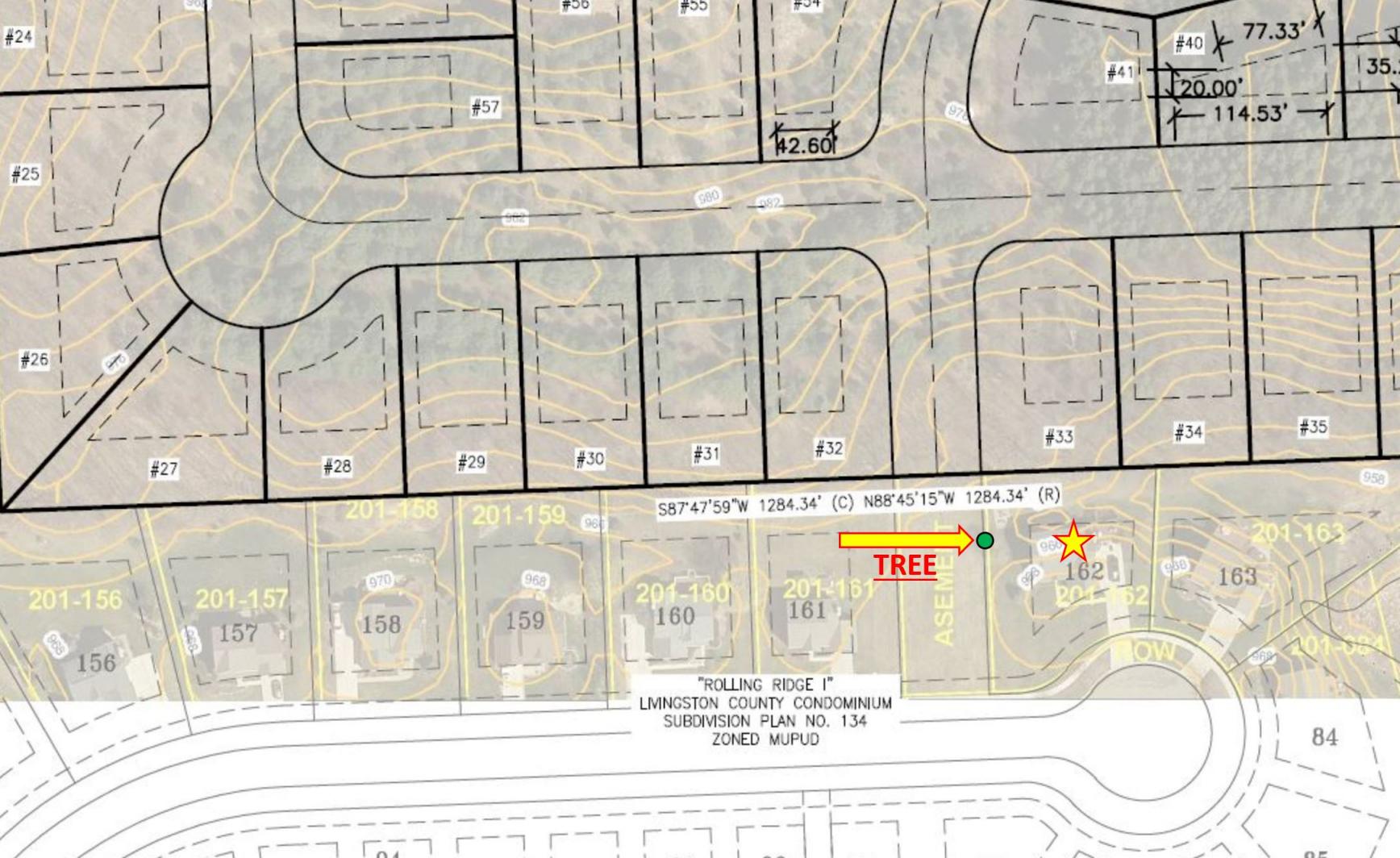




sh Dr

An aerial photograph of a residential development. A central circular road with a grey asphalt surface is the focal point, surrounded by several houses with dark roofs. The houses are arranged in a roughly circular pattern around the central road. The surrounding area is a mix of green grass and brown dirt. A road labeled "sh Dr" is visible on the left side of the image. The overall layout suggests a planned community or a cul-de-sac development.





#24

#25

#26

#27

#28

#29

#30

#31

#32

#33

#34

#35

#57

#58

#59

2.60'

#40

#41

20.00'

114.53'

77.33'

35.00'

S87°47'59"W 1284.34' (C) N88°45'15"W 1284.34' (R)

TREE

201-156

201-157

201-158

201-159

201-160

201-161

201-162

201-163

"ROLLING RIDGE I"  
LIVINGSTON COUNTY CONDOMINIUM  
SUBDIVISION PLAN NO. 134  
ZONED MUPUD

84

**From:** [Joseph C. Johnson](#)  
**To:** [Amy Ruthig](#)  
**Subject:** Resident questions: Rezoning at Latson and Golf Club; Parcel 11-05-200-002  
**Date:** Friday, October 4, 2019 10:50:15 AM

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Good morning Amy,

I am writing in regards to the proposed rezoning of the area in the southwest corner of Latson Road and Golf Club ahead of the upcoming public hearing. My wife and I own the property at 3842 Sugarbush Drive, adjacent to the subject parcel. Could you please kindly advise as follows:

1. What factors will be considered in determining whether or not to grant the rezoning?
2. How many rezoning applications have been ultimately approved and denied, respectively, in the past 12 months?
3. Who is the developer and builder?
4. Where will the inlet road(s) connecting the new subdivision be located (onto Latson and/or Golf Club and/or Sugarbush Drive)?
5. Have studies been commissioned to determine the amount of increased traffic? If so, could you please provide copies of the studies' reports?
6. Will any improvements be made to Golf Club, Latson, Sugarbush Drive and/or Snowden Lane in order to accommodate the increased traffic?
7. When will those road improvements be completed (e.g, before, during or after ground breaking, occupancy in the new subdivision)?
8. How will any road, sewage, storm water drainage or other construction undertaken for the new subdivision be funded? Will it be at all paid for by the taxpayers (e.g., not the developer)?
9. What has been done to ensure that the development will not cause any additional storm water runoff into the Rolling Ridge subdivision area? Could you please send me a copy of any associated studies or reports?
10. In the event additional storm water runoff occurs in Rolling Ridge, what recourse will Rolling Ridge homeowners have?
11. Could you please send me copies of the proposed development plans, along with any forms, correspondence, emails and the like submitted by the applicant?
12. Will the developer have the right to change the development plans after the application for rezoning is approved (if yes, please elaborate on what specifically they can change)?
13. Will the rezoning affect the property tax revenue from this property? I am more concerned with the immediate timeframe (e.g., into the year following the rezoning) as opposed to the long term forecast (e.g., after homes are built).
14. Did the Township discuss with this developer the possibility of instead rezoning any of the voluminous vacant commercial lots instead?
15. Have any studies been done to determine the impact of air quality by the rezoning? If so, could you please provide copies thereof?

**Finally, we did not receive a mailed notice of the public hearing, although our next door neighbor did. Accordingly, please be advised that it appears likely that homeowners in the immediate area did not receive the notice and may not know of the hearing.**

I would greatly appreciate it if you could keep me apprised during this process.

Thank you,  
Joseph Johnson  
3842 Sugarbush Drive

--

Joseph C. Johnson  
Phone: (248) 345-7036



TO: Genoa Twp Planning Board

From: Don Putkela

3366 Snowden Lane

Howell, MI 48843

Regarding: Proposed Development at Golf Club and Latson

Whom it may concern,

I wanted to write you in regards to my many concerns in regards to the proposed development at Latson and Golf Club. As an original resident of Rolling Ridge who has been here for over 17 years I have always been aware of the potential for homes being built on this parcel however this is as it is currently zoned for one acre lots not the new proposed zoning which would allow for many more homes than this area can handle.

Living in Rolling Ridge I am impacted on a daily basis by the constant flow of traffic on Latson Rd. Sometimes we can wait for well over 5 minutes to make a left turn on to northbound Latson. The increase in subdivision and Latson Rd traffic of a proposed 70 + homes would be unbearable, not to mention the increased wear and tear on subdivision roads that are already in need of repair in some areas. In addition, the proposed entrance to the new subdivision would mean that we would become a new cut-through from the new homes to Latson or Grandriver.

Of an even graver concern is the fact that I have heard there is an option for the new homes to be only accessed from out subdivision. This is outrageous and is not something that I can support. It would negatively affect our home values and our overall enjoyment of the community. In addition, the construction traffic alone would put more wear and tear on our road than they can handle.

My next concern has to do with drainage from the vacant parcel onto our subdivision. The southern most part of the parcel is of a higher elevation than ours and many neighbors are rightly concerned about how this would affect their yards and the water flow down into our subdivision. This leads me to the concern I have for the beautiful trees that many of our homes back up to which will be torn down for this development. I have looked at the parcel and understand that protection of the wetlands at the northeastern corner of the property the proposed homes would have little to no natural barrier to the southern edge which borders our subdivision. I feel that any new development should have a natural barrier between our sub which already borders an apartment complex to the south and any new development.

The last issue I wanted to address is the rumor that a church will be being built on a portion of this property (the southwest corner) and that once the zoning is changed that there would be an opportunity to build 2 unit duplex condos on each 1/3 acre lot. This would mean that there is at least the potential for up to 144 units. The increased congestion, traffic, high density of people, and influx of people and cars on the weekends to said church is of grave concern. I fail to see how Latson or Golf Club, not to mention our subdivision roads could handle this.

As a homeowner I understand that something will eventually be built on this parcel. As a community we have grown a lot in the last 20 years since Rolling Ridge was built. That being said we never considered the fact that there would be 72 plus homes on this small parcel. I would only ask that you consider the size and scope of the new community and allow for something to be built that enhances the subdivisions surrounding it instead of causing new issues.

Thank you for your time,

Don Putkela

October 9, 2019

Planning Commission of Genoa Charter Township  
Genoa Township Hall  
2911 Dorr Rd  
Brighton, MI 48116

RE: Rezoning of parcel #11-05-200-002

Dear Planning Commission,

As an owner and occupant of property within 300 feet of parcel #11-05-200-002, we are writing to express our opposition to the proposed rezoning of this property up for public hearing on October 15, 2019. We are opposed to this rezoning for the following reasons:

- The proposed zoning change is inconsistent with the Genoa Township Master Plan. As the Master Plan states, “the natural rolling topography, woodlots and scattered lakes provide highly marketable property for residential development,” and the plan for future land use is based on “location and extent of natural features.” Parcel #11-05-200-002 includes rolling topography, woodlots, and a body of water, as well as a considerable amount of wildlife. Rezoning of this parcel to Urban Residential would affect the natural features and rural character of the area and would not be consistent with the community character desired by residents, including us.
- There is no change in circumstances that would justify the change from Rural Residential to Urban Residential. Therefore, there is no need to rezone this parcel.
- The change will have a detrimental effect on traffic, road conditions, and safety. If the proposed new development is unable to connect to Latson and Golf Club, the new neighborhood traffic will have to be routed through Rolling Ridge. The increase in traffic would result in poor road conditions. The entrance to Rolling Ridge already has road condition issues, with potholes that the county must maintain. These issues would be greatly exacerbated by the increase in traffic that would occur if the rezoning is approved. Furthermore, the increase in traffic would pose a threat to the safety of children in the neighborhood. There are many children who live and play in this neighborhood, and an increase in traffic by hundreds of cars a day would place them at risk, particularly for those children who walk to the bus stop in the early morning darkness. As a property owner and occupant on Sugarbush Dr., this would impact our own children’s safety, as we live five houses down from where the new development would connect to Sugarbush.

For the foregoing reasons, we urge the Planning Commission to deny the request for rezoning from Rural Residential to Urban Residential for parcel #11-05-200-002 and keep the current zoning in place.

Sincerely,

Jennifer and Franklin Closson Torres  
3813 Sugarbush Dr.  
Howell, MI 48843

Genoa Charter Township  
Planning Commission  
2911 Dorr Road  
Brighton, MI 48116

October 5, 2019

## **Introduction**

The purpose of this letter is to express the concerns of property owners adjacent to the Gary R. Boss Trust (real property) located at 3850 Golf Club Road and the proposed residential re-zoning of the 46 acres from rural residential (RR) to Urban residential (UR). It is our opinion that the negative impact from re-zoning will outweigh any possible benefits to the community. There are four areas of concern we as Genoa Township residents feel need to be considered before making a decision on the re-zoning and they are addressed below.

By considering and eliminating these concerns, it is believed, planning officials will be better prepared to provide solutions to current issues, specifically those involving transportation safety and preserving natural features contributing and improving our quality of life and a sense of place.

## **Characteristic Different from Neighboring Properties**

There are major characteristics of the Boss Trust property that are different from surrounding properties that support preserving the natural qualities and not allowing high density development.

One significant feature of the property is that it provides an important role for handling storm water run-off and filtering the areas ground water. In a report obtained from MDEQ (Michigan Department of Environmental Quality) there are currently issues with runoff and water quality downstream at Earl Lake and by allowing a re-zoning of the Boss Trust Property would make resolving this issue more difficult.

As a side note; we have been made aware that an area of the wetlands along Latson Road has been fill in without consulting the DNR or obtaining proper permits. The conceptual site plan provided by Mr. Boss and his associates indicates the desire to build 3 homes on this section of the property.

Also it can be shown this property is a refuge for many species of animal's insects and plant life that are diminishing at a high rate in the area. When combining these characteristics there is a clear identity that we feel, as property owners, enhances the identity of Genoa Township

## **Public Safety and Welfare**

According to information contained on the map in the Genoa Township Master Plan showing "Current Road Conditions" the triangle formed by roads around the Boss Trust

property has four of eight major areas of high rate of crashes and accidents. These Roads are the intersections of Grand River / Latson Road, Latson Road / Golf Club Road and Golf Club Road / Grand River.

On The Conceptual Plan and Impact Assessment provided by Mr. Boss and his associates, there is shown access to future development in areas that would increase traffic congestion that we believe would further increase these dangerous conditions.

Golf Club Road and Latson Road have become aggressive thoroughfares as a result of existing over development and sprawl. Poor planning efforts for addressing increased traffic flow of surrounding development is resulting in a continual increase in this aggressive traffic. Driver's speed through our area of residence exceeds 55 mph with little or no concerns. There are currently no obvious efforts to control these conditions by law enforcement or the Road Commission. These divisions of the community provide little information on how homeowners can get involved to solve this problem; therefore we look to the township for assistance and improvement.

### **Environmental Concerns**

Based on the Conceptual Plan submitted and the information found on the "Future Development Impact" document for the proposed re-zoning, anyone with knowledge and experience of development would agree that a high percentage of existing trees over 8" caliper would be removed and grade changes resulting in a complete restructuring of existing ecological features. Adjacent property owners also believe these features provide a critical function for maintaining a clean and healthy environment and also provide a distinct identity unique from the surrounding areas and townships referred to above.

### **Master Plan Zoning Efforts**

As residents of Genoa Township there is an awareness of the cost for developing and preparing a master plan. Zoning is obviously an important factor related to how we develop as a community. The quote "The only thing that happens without a good plan is an accident" can easily be shown to have truth when considering the existing conditions that exist at the road intersections mentioned above.

Allowing a higher density of residential development to this area would increase the difficulty for solving traffic problems rather than reducing them.

The cost and effort to prepare a Master Plan is considerable. Making changes to the Master Plan should reflect a major benefit to property owners directly involved. It is also our understanding zoning plans are prepared by people with the credentials that include knowledge and experience in planning property uses to benefit communities to enhance our quality of life.

## Conclusion

In our opinion, to propose a re-zoning that clearly reflects a single interest ignores the larger principles of Master Planning. The effort of the Boss Trust property re-zoning seems to involve ignoring the cost of the process of preparing a Master plan and the expertise involved. Also, according to planning guidelines owners requesting re-zoning need to show current zoning discourages any use of land which may overburden public infrastructure and services, do not affect the areas natural resources; and how a different use would benefit surrounding property owners, clearly not the case if anything the opposite would occur.

Sense of place; to some, is a characteristic that a geographic place has and some do not, while to others it is a feeling or perception held by people that live there.

"It is often used in relation to those characteristics that make a place special or unique, as well as to those that foster a sense of authentic human attachment and belonging." Without addressing the issue of "Sense of Place" areas become placeless.

Why it matters; "A sense of place is a unique collection of qualities and characteristics – visual, cultural, social, and environmental – that provide meaning to a location.

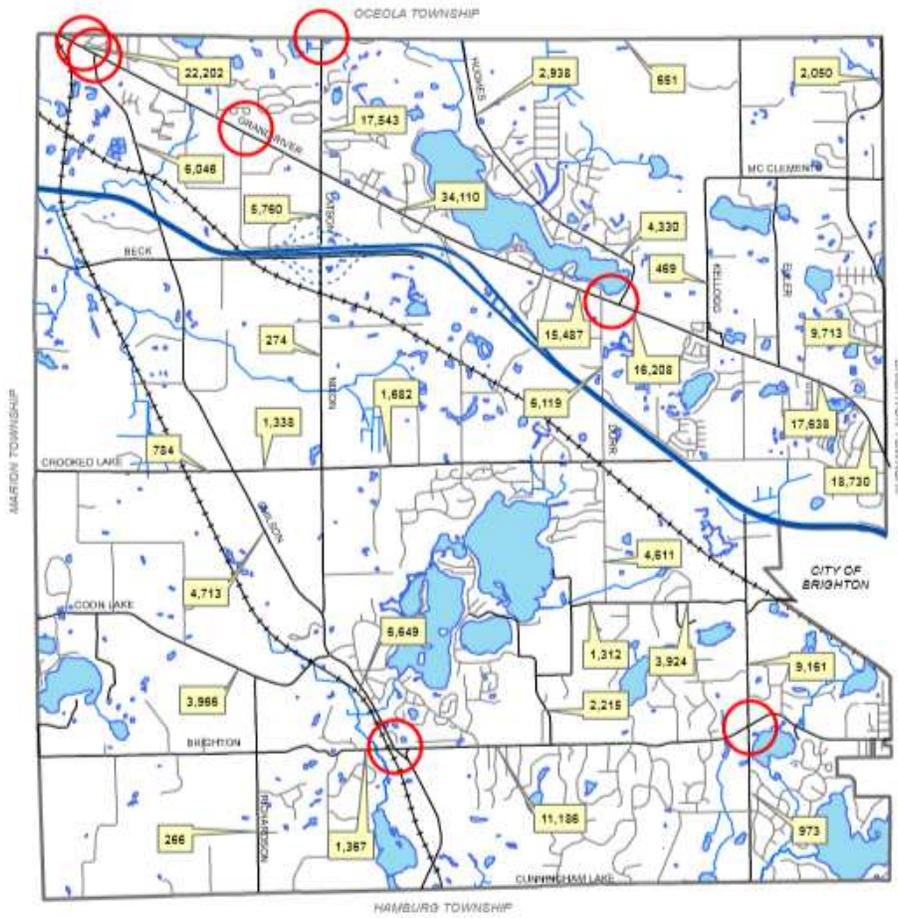
Sense of place is what makes our community different from another, but sense of place is also what makes our physical surroundings worth caring about."

As property owners we care about the development of surrounding properties and feel in the case of Mr. Boss request, allowing a change in use to a higher density would have a negative impact on the many current issues especially our safety and well-being and a senses of place we would like to preserve and enhance.

What is Genoa Townships planners View of our sense of Place – Gertrude Stein – there is no there there

# Back up Documents

## Transportation Conditions Map from 2013



**MAP 13**

**Transportation Conditions**

Master Plan Update  
Genoa Township  
Livingston County, MI

- Interstate
- Major
- Minor
- Future Interchange
- Township Boundary
- Railroads
- Hydrology
- Waterways
- Relatively high crash rate/ accident locations (2006-2010)
- Traffic Volumes - vehicles per day SEMCOG data 2010-2011

October 2013

0 0.25 0.5 1 1.5 miles

Sources: MCOI, Livingston County, Genoa Twp

GIS Planning, Inc.

**E-mail received from MEDQ (Michigan Department of Environmental Quality)**

**Turek, Kelly (DEQ) <TurekK@michigan.gov>**

Wed, Feb 6, 10:23 AM

to me

Mr. Siterlet,

I believe you spoke with Dawn Roush yesterday about some lake concerns. She forwarded me your information and brief summary of what she thought you were looking for, so I did a quick initial pull of lake data in your area. It looks like we have some data for Lake Chemung, Earl Lake, and Thompson Lake that you might be interested in. Unfortunately, we do not have any data on the small pond next to your house. We likely have data on streams further downstream in your watershed too, so if you are interested, I can send along that data as well. Also, please let me know if this is not the kind of information you are looking for.

We most recently sampled Earl Lake and Thompson Lake this past summer for water chemistry. Our Fish Contaminant Monitoring Program also collected some fish from Earl Lake to look at the levels of mercury, PCBs, and other contaminants in fish fillets from the lake, however, those results have not come back from the lab yet. We are planning on finishing up a study on Earl Lake looking at chloride levels this spring and will then put together a report once we have all of the data. I attached the current workplan for that study if you are curious about what we are doing. Below is also a list of historical data we have on the lakes if it's something you would be interested in. Take a look and let me know if you would like more details on these lakes or reports.

I'm also not sure on the exact development concern you had, but typically when building on or modifying areas that are environmental sensitive, permits are needed which include specifications to protect surface waters. If you can give me a little more detail on what your concern is, I can forward to the appropriate permits staff so that they can evaluate the issue.

#### Historical Data

- Lake Chemung
  - According to our records, MDNR Fish Division has completed surveys on Lake Chemung and found a fish community including largemouth bass and walleye. Fish Division wrote a report on the status of the fishery in Lake Chemung in 2008 that can be found at: [https://www.michigan.gov/documents/dnr/2008-48\\_236978\\_7.pdf](https://www.michigan.gov/documents/dnr/2008-48_236978_7.pdf). I don't have access to their data, but recommend contacting the DNR Fish Biologist in that area – Joe Leonardi – if you would like more specifics on what they found or to see if they have more recent data. I can also contact him for you if you would prefer.
    - Joe Leonardi (810) 245-1250 or [LeonardiJ@michigan.gov](mailto:LeonardiJ@michigan.gov)
  - Overall, this lake appears to have decent water quality. We have not seen impairments to the aquatic life in this lake based on data collected in 2005 as part of the 2005 Lake Water

Quality Assessment (link to this USGS Report is attached below), and in 2007 as part of an EPA National Lake Assessment Survey. For more details on Lake Assessments and how we conduct them you can contact Sarah Holden, our lakes specialist.

- Sarah Holden (517) 342-4083 or [holdens1@michigan.gov](mailto:holdens1@michigan.gov)
- The Lake Chemung Riparian Association also collects data on this lake as part of our Volunteer Monitoring Program. Their data can be found at <https://micorps.net/>. (If you go to “Data Exchange” on the top right-hand side of the web page, and then “View Data”, you can search by lake – let me know if you want a walk through on this website).
- Earl Lake
  - We have not assessed the fish community in Earl Lake, however, we have (and continue to) monitor the lake’s water quality (see attached workplan). This lake does have high chloride levels that have the potential to negatively impact the aquatic life in the lake. We are actively working on this issue and will complete a study looking at chloride levels in the lake this year.
  - As mentioned above, we also collected fish contaminant samples in Earl Lake in 2018 but have not received the results yet.
  - Similar to Lake Chemung, there is a group of volunteers on Earl Lake that measure water quality as part of our Volunteer Monitoring Program too. Data can be found at the same website: <https://micorps.net/>.
- Thompson Lake
  - DNR Fish Division has also completed fish community surveys on this lake and there is a Status of the Fishery Report for this one too at: [https://www.michigan.gov/documents/2006-21\\_Thompson\\_Lake\\_159658\\_7.pdf](https://www.michigan.gov/documents/2006-21_Thompson_Lake_159658_7.pdf) . Again, Joe Leonardi would have more details on the fish surveys.
  - This lake also appears to have decent water quality and we have not seen impairments to the aquatic life in this lake based on 2005 Lake Water Quality Assessment Data.
  - There is a fish consumption advisory for Thompson Lake. For more information see [https://www.michigan.gov/mdhhs/0,5885,7-339-71548\\_54783\\_54784\\_54785---,00.html](https://www.michigan.gov/mdhhs/0,5885,7-339-71548_54783_54784_54785---,00.html)

Here are some additional reports you might find interesting from Thompson Lake, Earl Lake, and Lake Chemung (most are attached, but let me know if the links for the USGS reports don’t work and I can send those separately):

- 2015: Biological Survey of the Shiawassee River Watershed MI/DEQ/WRD-16/021
- 2007-2008: Inland Lakes Sediment Trends: Sediment Analysis Results for Six Michigan Lakes (includes Thompson) MI/DEQ/WRD-11/026
- 2006: Toxicity Assessment of Earl Lake Water MI/DEQ/WB-06/075
- 2001-2010: Water Quality Characteristics of Michigan’s Inland Lakes, 2001-2010 ([USGS Report 2011-5233](#)) (Thompson Lake and Lake Chemung)
- 2001-2005: State and Regional Water-Quality Characteristics and Trophic Conditions of Michigan’s Inland Lakes, 2001-2005 ([USGS Report 2008-5188](#)) (Thompson Lake and Lake Chemung)
- 1987: Assessment of PCB’s in Bottom Sediments of Thompson Lake, Livingston County MI/DNR/SWQ-87/022
- 1972: Report of a Water Quality Study at Thompson Lake, Livingston County MI/DEQ/WD-02/123

### Targeted Monitoring Requests

I also wanted to mention our targeted monitoring request process. We solicit monitoring requests in the fall of every year from the public, as well as other agencies. If you wanted more information on a particular waterbody, you could submit a request for monitoring. There is no guarantee that we will be able to do it, but it might be worth a shot. Once our application period closes, we evaluate and rank each request and then

decide which ones we can do based on division priorities, available resources, staffing, etc. See this website for more information: <http://www.michigan.gov/deq/0,1607,7-135-3304-12735--,00.html>. The most important part of this process is to be very clear about the objective of the monitoring and the justification for it. I can help you with the application in the fall if you want.

Another option is always our volunteer monitoring program (Michigan Clean Water Corps). I'm not sure how appropriate this would be for your lake since it sounds like there may only be a few of you that live on the lake, but we could talk to the volunteer monitoring coordinator Marcy Knoll Wilmes ([knollm@michigan.gov](mailto:knollm@michigan.gov)) if it's something you think you might be interested in. It may be a situation where you could join forces with one of the other volunteer groups in the area. Check out the webpage <https://micorps.net/> for the program and let me know if you might be interested and I can ask Marcy about it.

Hopefully this is what you were looking for, but if not, please don't hesitate to contact me. I'll do my best to get you the information you need or at least point you towards the best person to talk to.

Kelly Turek

Aquatic Biologist

Water Resources Division

Michigan Department of Environmental Quality

(517) 930-0096

[TurekK@michigan.gov](mailto:TurekK@michigan.gov)

To Whom it may concern:

As a long-time township resident inside of Rolling Ridge, I was concerned to learn that rezoning is being considered in the case of the lot at Latson and Golf Club in order to allow significantly more residences to be built. Since we moved here in 2002 we have seen an explosion in growth along the Latson corridor which now has made getting out onto Latson extremely difficult as it is. To think of cars from 70+ more houses (or worse yet 140+ condos) driving through our quiet little subdivision to try to get out is inconceivable.

There are so many children outside playing in the neighborhood, I am concerned that a greater amount of traffic could mean a greater potential for one of them to get hurt. A cut-through by way of the existing easement would channel a stream of vehicles into a quiet cul de sac where kids often play basketball or street hockey right now. Even elsewhere in the subdivision like where we are, I am grateful that there are not many cars whizzing by when inevitably I have seen my children and others dart out into the road to chase down a ball. Not to mention all of the kids walking to the bus stops in the early morning hours when often it is dark. A significant traffic increase puts our children's safety at risk.

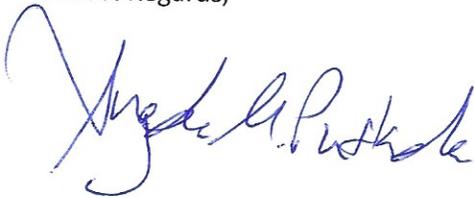
Also, to think of the wear and tear on our roads for all of the new traffic & construction vehicles is still greatly upsetting as well. Road assessments would be extremely costly and unfair for us to be subjected to just because the owner of the land is now unsatisfied with how this parcel is currently zoned. This individual would benefit greatly financially by this zoning adjustment however it would be at the detriment to those of us in the neighboring communities.

It was our understanding that in the master deed of the township, the homes that would be built on that particular parcel would be on lots of 1 acre or larger each therefore there wouldn't be that many. It was also our understanding that the main entrance of whatever community that would use the land would need to exit off of Golf Club road. While there is a road easement into our subdivision, it was our understanding that it would be for access of emergency vehicles and not to create a busy thoroughfare into a quiet cul de sac as is what seems to be the likely alternative if the new zoning change is approved.

We understand that development is going to happen and that it's true you can't stop progress, however what we hope is that the individuals making the decision will decide is to keep the current zoning in place. Let the development that happens be what was in the plan all along. Changing the zoning constructs that are already in place, and have been in place for many years, would create many more problems and issues than solutions to all of the township residents in the surrounding areas.

Thank you for your consideration in this matter.

Kindest Regards,



Angela M. Putkela

**From:** [Yahoo!](#)  
**To:** [Amy Ruthig](#)  
**Subject:** Rezoning proposal.  
**Date:** Thursday, October 10, 2019 3:01:00 PM

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Genoa Township Zoning Board,

As 18 year residents of the Rolling Ridge Subdivision, we have serious concerns regarding the rezoning proposal for the 46.5 acre lot that borders the northern boundary of our subdivision. We understand that the current zoning allows for one house, to be built on no less than one acre lots. However, under the zone change proposal, up to 3 homes per acre could be allowed. We also understand that the only road access to this area would be located within our subdivision and potential future residents would have no direct access to any main road.

This presents several major challenges. The first and most important point to consider is that when our streets were designed and developed by our builder and approved by Genoa Township, they were done so with the future development of this property in mind, however, at that time, the zoning for the property was for one house per one or two acre lots. The streets in our subdivision were not designed for such a dense housing development as is being proposed with the rezoning proposal and simply can not handle the huge increase in traffic volume. Rezoning this property to urban residential would greatly increase traffic within an established development that was not designed to handle that traffic volume. It is not feasible. It is unreasonable.

It is reasonable to keep the current zoning and reasonable for the seller/builder to construct homes on the property according to the original township master plans and zoning for the property which was set at one house per acre lot.

The traffic conditions at our main entrance off of Latson Road are already challenging to say the least. Neighbors have experienced a safe wait time for turning north onto Latson Road, during peak rush hours, to be an average of EIGHT minutes. EIGHT. For those who work locally, waiting eight minutes to exit our sub effectively doubles their drive time! The current conditions of our roads within our subdivision are sub standard as it is. The Township has not maintained the entrance to the subdivision by filling existing pot holes or repairing previous patched areas that have failed in a timely or consistent manner. By adding potentially 200-400 more vehicles to these streets on a daily basis, if the property were to be rezoned, the condition of already failing streets would deteriorate even further. This is not acceptable.

We invite and implore you to visit our subdivision, see the roads, see how our streets are laid out in person, rather than on paper alone, look at the pot holes, experience the frustration while trying to exit during peak rush hours and thoughtfully consider your decision. Imagine your own home, your own street and then imagine what your street would be like if an additional 200+ cars traveled up and down it several times a day.

The other concerns we have are regarding the aesthetics and environmental impact of the proposed rezoning and development. The proposed plan shows that all mature trees will be cut down which will not only displace wildlife such as red tailed hawks and large mature turtles who inhabit the wetlands, as well as countless others, but it will also negatively impact the overall feel and look of the area. Yes, the aesthetics of a development should be important to the zoning committee. There is nothing aesthetically pleasing or appealing about a development which has been clear cut of trees, with houses built across every available inch of property. These developments are popping up all over the county and are just plain ugly and unsightly. The new housing development at Eager and M-59 comes to mind. Do you want our beautiful township to lose all of it's natural appeal? Are we aiming for a Canton lookalike? Or Westland, or Livonia? With masses of subdivisions, houses built on small lots, void of mature trees? People moving to Livingston County are fleeing other areas, looking for something different from what they can get in Wayne and even Oakland County. Why would we want to repeat their mistakes, of over building homes and creating more congestion? Any future development of this property should be approved with this in mind. We have a beautiful township...please strive to uphold that for your current residents and future.

Again, we are asking you to uphold the current zoning for this property which was designed in a thoughtful way and one that would be complimentary to our current subdivision and Genoa Township. Please respect us, our homes and our community and deny the rezoning proposition. Thank you.

Barbara Hierholzer  
Kurt Hierholzer  
3836 Sugarbush Drive

**From:** [Pierce, Jeff \(EGLE\)](#)  
**To:** [Amy Ruthig](#)  
**Subject:** 3850 Golf Club Rd  
**Date:** Friday, October 4, 2019 1:23:52 PM

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Hi Amy,

I received a call from a concerned resident in Genoa Township regarding an upcoming re-zoning hearing for 3850 Golf Club Road. I just wanted to reach out and let you know that there are protected wetlands on the site. The complainant had some concerns that the proposed residential development plans were proposing to build within the protected wetlands on the site. I just wanted to make sure the township was aware of the presence of regulated wetlands on the site and that the developer would need permits from EGLE in order to develop the wetlands.

Let me know if you have any questions.

Jeff Pierce  
Environmental Quality Analyst  
Water Resources Division, Lansing District Office  
Michigan Department of Environment, Great Lakes, and Energy

517-416-4297 | [piercej2@Michigan.gov](mailto:piercej2@Michigan.gov)

[Follow Us](#) | [Michigan.gov/EGLE](https://Michigan.gov/EGLE)

**From:** [Bruce Macey](#)  
**To:** [Amy Ruthig](#); [Kelly VanMarter](#)  
**Cc:** [putkela@kw.com](mailto:putkela@kw.com); [dcondon@comcast.net](mailto:dcondon@comcast.net)  
**Subject:** Re-Zoning Request, Parcel #11-05-200-002, Gary Boss 46.5 Acres  
**Date:** Thursday, October 10, 2019 10:47:47 PM  
**Attachments:** [image1.png](#)  
[ATT00001.txt](#)  
[image2.png](#)  
[ATT00002.txt](#)  
[image3.png](#)  
[ATT00003.txt](#)  
[image4.png](#)  
[ATT00004.txt](#)  
[image5.png](#)  
[ATT00005.txt](#)  
[image6.png](#)  
[ATT00006.txt](#)  
[ATT00007.txt](#)  
[image1.png](#)  
[ATT00008.txt](#)

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To whom it may concern,

Regarding the petition to re-zone the above stated parcel from Rural Residential (RR) to Urban Residential (UR), the Board of Directors of Rolling Ridge 1 HOA (RR1) formally requests documentation outlining authority to utilize HOA Common Elements platted as private ingress/egress for public use.

The subject parcel for proposed ingress/egress is believed to be a subdivision Common Element according to the known public records. The bylaws of RR1 grants easement authority to the developer of RR1 or the RR1 HOA exclusively. The development of RR1 formally concluded and a Board of Directors was commissioned.

Attached is a copy of the RR1 subdivision site map as well as the relevant pages from our bylaws. As fiduciaries for our community, it is the responsibility of the Board of Directors to protect the interests of our Co-Owners.

We respectfully ask that any and all documentation presented to the zoning board regarding road access authority be made available at the public hearing since the petitioners package has not addressed this issue.

It was clearly the intent of the developer of RR1 that the use of this easement has its authority resting solely within the Co-Owners of RR1.

Thank you in advice.

Sincerely,

Bruce Macey  
Rolling Ridge 1 HOA

Don Putkela, Dawn Condon, Bruce Macey Directors

Recorded 9/23/99 at Liber 2658,  
Pages 771 through 789, both inclusive,  
Livingston County Records.

**FIRST AMENDMENT TO MASTER DEED  
OF  
ROLLING RIDGE I**

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THE SELECTIVE GROUP, INC., a Michigan corporation, whose address is 27655 Middlebelt Road, Suite 130, Farmington Hills, Michigan 48334 ("Developer"), being the Developer of ROLLING RIDGE I, a residential site condominium project established in Genoa Township, Livingston County, Michigan, pursuant to the Master Deed thereof, recorded on January 27, 1998 in Liber 2285, Pages 437 through 510, both inclusive, Livingston County Records, and designated as Livingston County Condominium Subdivision Plan No. 134 (the "Condominium Project"), hereby amends the Master Deed of ROLLING RIDGE I (the "Original Master Deed"), pursuant to the authority reserved in Article VIII, Paragraph (c) of the Original Master Deed and Article X of the Original Master Deed and in accordance with Section 32 of the Michigan Condominium Act (being MCLA §559.132) for the purpose of: (1) expanding the Condominium Project from eighty-three (83) units to one hundred sixty-three (163) units by the addition of land described in paragraph 1 below, (2) referencing the establishment of an easement for the benefit of the Association and Co-owners relating to certain recreational facilities, and (3) referencing the establishment of certain additional, non-exclusive easements between and on certain Units in the Condominium. Upon the recording of this First Amendment to Master Deed ("First Amendment") in the office of the Livingston County Register of Deeds, the Original Master Deed (including the Condominium By-Laws and the Condominium Subdivision Plan which are attached to the Original Master Deed as Exhibits "A" and "B", respectively) will be amended, as follows:

1. The following land shall be added to the Condominium Project by this First Amendment:

Land situated in the Township of Genoa, County of Livingston and State of Michigan, more fully described as follows:

Part of the Northeast 1/4 of Section 5, T2N-R5E, Genoa Township, Livingston County, Michigan, more particularly described as follows:

Commencing at the East 1/4 Corner of Section 5; thence along the East line of Section 5 and the centerline of Latson Road, N 02°11'05" E (previously described as N 02°11'26" E), 784.76 feet; thence along the centerline of the Latson Road Drain, a 40 foot wide Easement for Storm Drainage as recorded in Liber 1291 on

Page 157 of the Livingston County Records, N 80°22'38" W (recorded as N 82°41'55" W), 60.51 feet to the POINT OF BEGINNING; thence continuing along the centerline of the Latson Road Drain on the following three (3) courses: 1) N 80°22'38" W, 837.96 feet, 2) N 76°56'00" W (recorded as N 79°15'17" W), 370.25 feet, 3) N 41°36'18" W (recorded as N 43°55'35" W), 34.37 feet; thence S 49°16'12" W, 231.94 feet; thence Southwesterly on an arc right, having a length of 55.54 feet, a radius of 263.00 feet, a central angle of 12°06'02", and a long chord which bears S 55°19'13" W, 55.44 feet; thence S 28°37'46" E, 128.67 feet; thence S 70°10'31" W, 97.60 feet; thence S 84°37'14" W, 95.30 feet; thence N 89°09'23" W, 360.88 feet; thence S 73°33'32" W, 42.09 feet; thence S 57°23'08" W, 77.60 feet; thence S 64°28'03" W, 166.48 feet; thence S 02°09'07" W, 161.01 feet; thence S 06°58'31" E, 42.81 feet; thence S 53°22'30" W, 113.32 feet; thence Southeasterly on an arc left, having a length of 99.41 feet, a radius of 197.00 feet, a central angle of 28°54'41" and a long chord which bears S 51°04'51" E, 98.35 feet; thence S 24°27'49" W, 219.79 feet; thence along the East-West ¼ line of Section 5, N 88°41'15" W, 259.79 feet, to the Center of Section 5; thence along the North-South ¼ line of Section 5, N 02°08'25" E, 1325.04 feet (previously described as N 02°08'46" E, 1325.47 feet); thence S 89°10'29" E, 1286.20 feet, (previously described as S 89°09'44" E, 1286.03 feet); thence S 88°45'15" E (previously described as S 88°44'51" E), 1224.34 feet; thence S 02°11'05" W, 543.92 feet, to the POINT OF BEGINNING; Containing 36.45 acres, more or less, and subject to the rights of the public over the existing Latson Road Drain (40 feet wide) and subject to any other easements or restrictions of record.

Part of Tax Parcel #11-05-200-001-21-47070

2. Units 84 through 163, both inclusive, as shown on Replat No. 1 of the Condominium Subdivision Plan attached hereto ("Replat No. 1") are hereby created with the recording of this First Amendment. In compliance with a condition of site plan approval imposed by Genoa Township, Units 138 through 163, both inclusive, encompass the entire area of possession and control related to those Units and there are no Limited Common Element Yard Areas appurtenant to Units 138 through 163. The boundaries of Units 1 through 137 are equivalent to the building setback lines shown on Replat No. 1 for Units 138 through 163 and the areas within the limits of Units 138 through 163, but outside of the building setback lines are equivalent in terms of Co-owner use and control to the Limited Common Element Yard Areas appurtenant to Units 1 through 137. The Co-owners of Units 138 through 163, both inclusive, shall bear the same responsibilities for the maintenance, repair, replacement and insurance of structures and improvements within their Units as are imposed by the Master Deed and Bylaws upon the Co-owners of Units 1 through 137, both inclusive, with respect to the maintenance, repair, replacement and insurance of structures and improvements within their Units and the appurtenant Limited Common Element Yard Areas. The Developer reserves the right to grant easements over those portions of Units 138 through 163 that are located outside of the building setback lines for those Units for the installation, maintenance, repair and replacement of utilities and drainage facilities to the same extent that such easements may be granted over and within Limited Common Element Yard Areas. This right to grant easements may be exercised by the Association after certificates of occupancy have been issued for one hundred (100%) percent of the Units in the Condominium, as expanded by this First Amendment.

3. The percentage of value assigned to each Unit, including any Unit located on the land added to the Condominium Project by this First Amendment, shall be equal. The percentage of value assigned to the eighty-three (83) Units initially included in the Condominium Project pursuant to the Original Master Deed shall be adjusted to the extent necessary to provide for the allocation of percentages of value to Units 84 through 163, both inclusive, in accordance with this provision. The percentage of value assigned to each of Units 138 through 163, both inclusive, shall be equal to the percentage of value assigned to each of Units 1 through 137, both inclusive.

4. The split rail fence (and any replacement thereof), the landscaping and the bicycle trail described in paragraph (a)(2) of Article IV of the Master Deed and designated therein as General Common Elements of the Condominium shall also occupy the land located between the land added to the Condominium as described in paragraph 1 of this First Amendment and the current west right-of-way of Latson Road. The easements and the rights reserved to the Developer in paragraphs (l) and (m) of Article VII of the Master Deed shall also apply to and encumber the land located between the land added to the Condominium as described in paragraph 1 of this First Amendment and the current west right-of-way of Latson Road. In addition, paragraph (e) of Article IV of the Master Deed is hereby amended to read as follows:

(e) The cost of maintenance and repair (including snow removal) of any sidewalk(s) bordering a General Common Element area and located in the road right-of-way shall be the responsibility of the Association. The Association's responsibility for replacement of such sidewalk(s) shall only exist to the extent not undertaken by the Livingston County Road Commission. The Association shall also be responsible for maintaining, repairing and replacing any and all portions of the split-rail fence (or replacement thereof) and the bicycle path described above in paragraph (a)(2) of this Article IV and the landscaping described in said paragraph (a)(2), to the extent that the maintenance of such landscaping is not undertaken by the Livingston County Road Commission.

5. Paragraph (e) of Article VII of the Master Deed is hereby amended to read as follows:

(e) With respect to Common Elements appurtenant to or located near Units and those portions of Units 138 through 163 located outside of the building setback lines shown on those Units, the Developer has or will create the following easements identified on the Condominium Subdivision Plan:

(1) "Clear vision easements" across portions of the Limited Common Element Yard Areas appurtenant to Units 36, 37, 38, 46, 67, 68, 74, 100, 101, 102, 108 through 113, both inclusive, 122, 129, 130, 131, and 137 prohibiting construction, installation or maintenance of any improvement or landscaping within the easement that would create a safety hazard by limiting or blocking the view of the roads within the Condominium; said clear vision easements being subject to expansion pursuant to paragraph (s) below to include portions of Limited Common Element Yard Areas appurtenant to additional Units and portions

of Units 138 through 163, both inclusive, that are located outside of the building setback lines;

(2) A 40-foot wide easement across the General Common Element area located between the respective Limited Common Element Yard Areas appurtenant to Units 13 and 14 for ingress and egress to the Condominium roads by emergency vehicles;

(3) Easements for storm drainage across the General Common Element areas located between the respective Limited Common Element Yard Areas appurtenant to Units 65 and 66, Units 67 and 68, and Units 82 and 83;

(4) Easement for sanitary pump station over the General Common Element area located between the Limited Common Element Yard Area appurtenant to Unit 99 and Unit 154;

(5) Easements for storm drainage across portions of the Limited Common Element Yard Areas appurtenant to Units 2 through 21, both inclusive, Units 75 and 76, 89, 90, 101 through 112, both inclusive, and 114 through 122, both inclusive;

(6) Easement for storm water detention basin over a portion of the Limited Common Element Yard Areas appurtenant to Units 86, 87 and 88;

(7) A twelve foot wide easement for public utilities encumbers portions of the Limited Common Element Yard Areas appurtenant to Units 1 through 137, both inclusive, and portions of the areas located outside of the building setback lines on Units 138 through 163, both inclusive, as shown on Replat No. 1; and

(8) Easements for ingress and egress and public utilities over the General Common Element areas located between Units 146 and 147 and Units 161 and 162. The Developer reserves the right to construct roads within these ingress and egress easement areas for the purpose of connecting the roads constructed within the Condominium to roads constructed on land adjacent to the Project. The rights reserved to the Developer and the Association in paragraph (b) of this Article VII to dedicate roads to public use shall apply to any roads constructed within these easement areas.

This list of easements is not all inclusive nor shall it be construed to limit the right to create easements reserved by the Developer in paragraph (d) of this Article VII.

6. Paragraph (k) of Article VII of the Master Deed is hereby amended to read as follows:

(k) The Developer hereby reserves a permanent easement for the conservation of the wetland areas designated on the Replat No. 1 as being within "Wetland Boundary

by King & McGregor Associates". The regulated wetland areas encumbered by this easement shall be preserved in their natural state by the Association. The parts of Units 154, 155 and 163 and the parts of the Limited Common Element Yard Areas of Units 84, 86, and 99 that are encumbered by the wetland areas as shown on Replat No. 1 shall all be subject to the easement reserved in this paragraph (k) and the Co-owners of those Units (and all other Units) shall comply with the restrictions regarding wetlands imposed in Article VI, Section 24 of the Bylaws recorded with the Original Master Deed.

7. Paragraph (r) of Article VII of the Master Deed is hereby amended to read as follows:

(r) Developer hereby creates a 20-foot wide, permanent, non-exclusive easement for the extension of a sanitary sewer line under and across the Limited Common Element Yard Areas appurtenant to Units 4 and 5 as shown on the attached Replat No. 1. Developer further reserves the right to establish a 20-foot wide, permanent, non-exclusive easement for the extension of sanitary sewer lines under the General Common Element open area situated between the Limited Common Element Yard Areas appurtenant to Units 13 and 14.

8. Article VII of the Master Deed is amended by the addition of the following paragraph (t) to the aforesaid Article VII:

(t) As provided in paragraph (q) of this Article VII, The Glens at Rolling Ridge, L.L.C. ("The Glens L.L.C."), the owner of the land referred to in Article XIII as the "Rolling Ridge II Area", has or will soon cause an easement (the "Recreation Facilities Easement") to be recorded in the Livingston County Records that will provide for the use of and access to recreational facilities (the "Common Recreational Facilities") by all Co-owners and the guests, tenants and invitees of all Co-owners. The Common Recreational Facilities shall also be subject to use by the residents of the apartment development to be established on the Rolling Ridge II Area under the name "The Glens at Rolling Ridge" ("The Glens") and the guests and invitees of said residents. The Developer has agreed to fund one-half of the cost of developing and constructing the Common Recreational Facilities, which will include a community building, tennis court and swimming pool, with the balance of those costs to be paid by The Glens L.L.C. Pursuant to the terms of the Recreation Facilities Easement, the Association is required to pay forty (40%) per cent of the net cost of repairing, maintaining and replacing the Common Recreational Facilities, with the balance of such costs being paid by the owner of The Glens. Pursuant to Article II, Section 12 of the Bylaws recorded with the Master Deed, the contribution to costs imposed on the Association by the Recreation Facilities Easement shall be included in the regular assessments imposed by the Association pursuant to Article II, Section 2 of the Bylaws. The Recreation Facilities Easement further provides for the adoption of rules and regulations regarding the use of the Common Recreational Facilities and related parking areas by a five-member Advisory Committee to be established by The Glens, with two of the members of the Advisory Committee being appointed by the Association through its Board of Directors.

9. Sheets 1 through 7, both inclusive, of the Condominium Subdivision Plan of ROLLING RIDGE I (Exhibit "B" to the Original Master Deed) are superseded in their entirety by Sheets 1, 2, 3, 4, 5, 6 and 7 of attached Replat No. 1. Further, Sheets 2A, 4A, 4B, 5A, 7A and 7B of the attached Replat No. 1 are added to the Condominium Subdivision Plan of ROLLING RIDGE I. The legal description contained on said Amended Sheet 1 of Replat No. 1 shall replace and supersede the description of the Condominium Project contained in Article II of the Original Master Deed.

10. Except as set forth in this First Amendment, the Original Master Deed (including the Condominium By-Laws and Condominium Subdivision Plan attached thereto) is hereby ratified and confirmed.

WITNESSES:

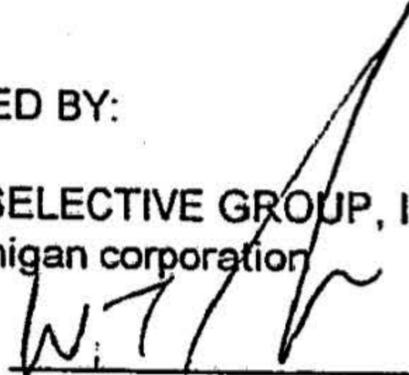
SIGNED BY:

THE SELECTIVE GROUP, INC.,  
a Michigan corporation



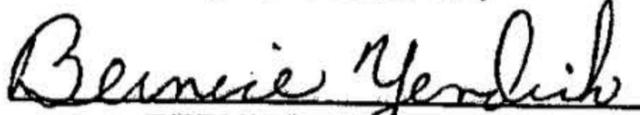
DAVID DARKOWSKI

By:



WILLIAM T. STAPLETON

Its: President



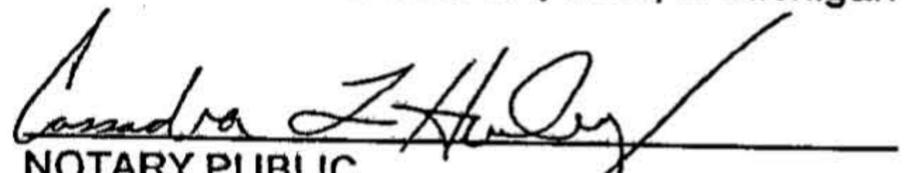
BERNICE YENDICK

STATE OF MICHIGAN )

: ss

COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 26 day of August, 1999, by WILLIAM T. STAPLETON, the President of THE SELECTIVE GROUP, INC., a Michigan corporation, on behalf of the corporation.



NOTARY PUBLIC

County of Oakland, State of Michigan

My Commission Expires: \_\_\_\_\_

DRAFTED BY AND WHEN RECORDED RETURN TO:

CASSANDRA L. HURLEY  
NOTARY PUBLIC - WAYNE COUNTY, MI  
MY COMMISSION EXP. 08/15/2001

Dean J. Gould, Esq.  
George W. Day, Esq.  
Jackier, Gould, Bean, Upfal & Eizelman  
Second Floor  
121 West Long Lake Road  
Bloomfield Hills, Michigan 48304-2719  
(248) 642-0500

ACTING IN Oakland COUNTY



LAKE DR. (OFF ROAD)

PARCEL B  
BOSS #88228  
(L1177, P.677)  
ZONED RR

PROPERTY LINE AS  
ADDED AND PER  
BOUNDARY SKETCH BY  
BOSS ENGINEERING,  
JOB NO. 84163,  
DATED 2-24-08

EXISTING FENCE  
APPROXIMATE WETLANDS  
DEPICTED FROM AERIAL  
IMAGE OVERLAY

WETLANDS  
5.39 AC.±

PROPERTY LINE PER DEED  
AND AS SHOWN ON  
BOUNDARY SKETCH BY  
BOSS ENGINEERING, JOB  
NO. 84097, DATED 7-9-04

EXISTING ZONING - RR  
PROPOSED ZONING - UR

WETLANDS  
0.77 AC.±

STORMWATER  
FOREBAY

WETLANDS  
0.77 AC.±

PARCEL C  
BOSS #88228  
(L1177, P.677)  
ZONED RR

PARCEL D  
BOSS #88228  
(L1177, P.677)  
ZONED RR

S87°47'59"W 1284.34' (C) N88°45'15"W 1284.34' (R)

"ROLLING RIDGE I"  
LIVINGSTON COUNTY CONDOMINIUM  
SUBDIVISION PLAN NO. 134  
ZONED MUPUD

1627.87'

35' 60'

S07°15'41"E 2965.41'

E LATTSON ROAD (UNPAVED) WIDTH 20' (R) AND EAST LINE SECTION 5

**From:** [Alex Cheyne](#)  
**To:** [Amy Ruthig](#)  
**Subject:** Latson and Golf Club proposed development- Please vote no  
**Date:** Thursday, October 10, 2019 9:10:39 PM

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Hello,

I am emailing you today in regards to the proposed development at Latson and Golf Club. I would like to be at the meeting in person, however I am traveling for work.

As I can't be there in person I would like my voice to be heard as another individual who is against this rezoning. As a resident in the Rolling Ridge Neighborhood I believe this proposal will negatively impact my neighborhood as well as my family.

I believe this rezoning will create additional traffic that our neighborhood simply can't support. The entrance into the Rolling Ridge neighborhood from Latson road is overwhelmed with cars as is, and full of potholes that can't seem to be maintained. It is my belief that without an additional entrance off of Latson for all of these additional proposed houses and churches, the roads and traffic in Rolling Ridge will become unbearable.

We currently have an issue of individuals using our sub to pass through- causing many people to speed and drive recklessly as our kids are out. Having more cars drive through for a church ( or any other building placed here) will only make this issue worse.

I recently moved here a little over a year ago and I am so happy to see all the improvement and changes happening in this township. However with this change comes more traffic, again making it near impossible to get onto Latson. I would hope that any future changes would relieve us of this issue, but in this case it will only cause more issues/concerns.

Please please please keep our community safe and do the right thing by not allowing the change to this proposal. I am happy to answer any questions or come to any future meetings as needed.

Alex Cheyne  
(248) 961 4377

**From:** [Jeffrey Hauk](#)  
**To:** [Kelly VanMarter](#); [Amy Ruthig](#)  
**Subject:** Laston Rd/GolfClub Rd Rezoning  
**Date:** Thursday, October 10, 2019 9:54:56 PM

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To Genoa Board of Zoning  
Concerning: The rezoning request of the 46.5 acres at GolfClub Road and Latson Road

As one of the homeowners that has been in Genoa Township for 17 years, I have many concerns if the approval to rezone this property is approved.

1st and foremost, I am located at 3873 Sugarbush Dr and the plans that were submitted include converting the common area next to my property into an access road to this sub. The plans include a rezoning proposal that could include as many as 75 houses or 150 Duplexes. If we use the estimates that were included in the package of 9 vehicle trips per day that could create from 600 to 1350 cars passing through our subdivision past my home.

I had heard an option to push the traffic from the sub to Golf club road, but there appears to be a Pond and Wetlands that would impede that option.

Per a conversation with the Livingston County road Commission the proposed plan shows 2 exits on to Latson Road, they commented that those would not be approved, so this would leave to sole access through the Rolling Ridge Sub

The traffic estimates that were cited in their documentation was from 2012. The area has changed immensely in the last 7 years. There are approximately 4 new subdivisions that have been added in Oceola Township between Golf Club and M59. The Latson Road Exit to 96 has been opened. This has created consistent backups in the stretch of Latson from Golf Club to Grand River. There are times currently when Rolling Ridge residents sit for extended lengths of time to exit our sub onto Latson Road

There is no estimate in the plans to the retention of wooded areas, and how much of a Tree buffer we would have between our houses and the new sub.

There are additional Rumors that part of the final plan includes a Church in the middle of the subdivision which does not match the rezoning request for Urban Residential, and would create a new set of concerns.

Thank you  
Jeff Hauk  
248-756-2488

**From:** [C. Crowley](#)  
**To:** [Amy Ruthig](#)  
**Subject:** Proposed subdivision at Latson and Golf Club  
**Date:** Friday, October 11, 2019 10:50:06 AM

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Amy,

Writing to you with my concerns over the subdivision that is going in at latson in golf club Road. I live in Rolling Ridge subdivision currently and have been for the last 21 years. It has been brought to my attention that there is a proposal for quite a few houses going in that subdivision and their main entrance would be through our subdivision. When I leave for work in the morning I hesd south on Latson and at times it can take me maybe five minutes to turn right. For those who are turning left it can take upwards to 10 or 11 minutes to turn left out of our subdivision. I can't imagine the chaos that all those extra houses will add to our subdivision not to mention our roads are in horrible shape as it is without them.

Before any decisions are made about putting that subdivision in, I would ask those on the board making the decision to come into our sub and attempt to turn left and right at all hours of the day from 6 AM till 9 AM and from 3:30 PM to 6:30 PM and then make a fair judgment to see if we can handle it .

Thank you for your attention to this matter.  
Cynthia Crowley Lot 110  
3453 Snowden Lane

## Kelly VanMarter

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**From:** Kelly VanMarter  
**Sent:** Friday, October 11, 2019 1:38 PM  
**To:** Kelly VanMarter  
**Subject:** Concerns with Sugarbush easement

**From:** Stephanie Johnson <[steph.l.johnson8710@gmail.com](mailto:steph.l.johnson8710@gmail.com)>  
**Date:** October 11, 2019 at 1:16:41 PM EDT  
**To:** "[amy@genoa.org](mailto:amy@genoa.org)" <[amy@genoa.org](mailto:amy@genoa.org)>  
**Subject:** Concerns with Sugarbush easement

Hi Amy,

I'm writing to express my concerns with the rezoning proposal regarding the property at Latson and Golf club. We live on Sugarbush and are very much against the use of our road and sub for traffic. Our roads are very poorly maintained as it is. More traffic impacts our roads as well as our children's safety. We wish to oppose the proposed zoning proposal and keep the property zone as it stands now.

Thank you,

Stephanie Johnson  
3842 Sugarbush Dr  
Howell, MI 48843

## Kelly VanMarter

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**From:** Jeremy Doody <doodyj@gmail.com>  
**Sent:** Friday, October 11, 2019 2:43 PM  
**To:** Kelly VanMarter; Amy Ruthig; mail@livingstonroads.org  
**Subject:** Opposition to proposed re-zoning of parcel #11-05-200-002 currently owned by Gary R. Boss

Hello, my name is Jeremy Doody and I live at 3825 Sugarbush Dr., which currently backs up to parcel #11-05-200-002 between our street and Golf Club Rd., and our household strongly opposes the proposed rezoning of said property for a number of reasons that are a detriment to our neighborhood, township, and community as a whole. I will express our various concerns below.

Our first and main concern would have to be traffic and safety. Latson Rd. traffic is frequently very congested and it's often difficult to pull out of our neighborhood from Snowden Ln. onto Latson (especially if trying to go north on Latson.. good luck!). I often find it a scary situation having to pull out with so much traffic, especially while driving our toddler. Adding another subdivision in such proximity will just increase this congestion even more, making it less safe than it already is. Page 9 of the proposal document mentions a couple traffic studies, but ones is from way back in 2012. This was before the I96/Latson Rd. freeway ramps were built and the area was a LOT less built up in general. The estimates for how much traffic have increased for now seem very conservative because the area has grown at a faster rate than others lately, and thus normal growth rates seemingly would be inaccurate. If you've driven on Latson during morning or afternoon rush hours especially, then you know it's a complete zoo out here already.

Section 4 of the proposal document (titled "1st submittal package") states that the majority of traffic "will proceed northerly to Golf Club Road", however, the final page of this proposal document has a proposed site map that shows only 7 of the 72 properties having access to Gold Club Rd. with all the rest being connected to Latson Rd. and possibly our street as well.

Sugarbush Dr. is currently a quiet, peaceful, and not at all busy street, probably mostly because it's a shorter, dead-end cul-de-sac. Turning it into a thoroughfare from Latson through the new proposed neighborhood would be a disaster. First, our road already isn't very wide, many people park on the street making it seem thinner, and there are plenty of pot holes all the way out to Latson Rd. via Snowden Ln that already haven't been repaired in years. An increase in traffic will just make this worse. Also, it was mentioned that most traffic will just exit out onto Latson, but if I lived there I would certainly cut through our neighborhood if able, as to further distance myself from the Golf Club / Latson traffic light in hopes of getting out a little more easily. I am not sure why the right-of-way easement was granted in the first place. It already backs up to two other much more main roads (Gold Club and Latson). If the property to the north cannot be sold or developed without having it's own access points to these roads, then it shouldn't be developed at all.

The aforementioned land was zoned a certain way for a reason and certainly doesn't need to be any more densely populated than it's currently zoned for. Sewer and water may supposedly support the increase, but all other areas certainly cannot. Section 6 states that there is a demand for residential in the area--if that was the case, it should have sold long ago with it's current zoning. If it can't sell for that purpose in it's current state, then maybe it should remain as-is, which is still a benefit to the community, township, and beyond. The forest is beautiful and it, along with the large wetland also contained within the property, surely provide habitats to a wide range of wildlife. There isn't much of these types of areas remaining in our township, and it would be nice if some could be preserved.

Yes, our family thoroughly enjoys Mr. Boss's property as it currently sits, providing our back yard with a lovely view. When we bought the house over three years ago, though, we DID very much understand that it could be sold and developed. Not that we want it developed at all, but if it had to be, then it should be done so

as it is currently zoned, not made to into a more densely populated area. Rural residential (RR) would be a LOT less burdensome to the area and most likely be more supported by the neighboring community.

Once other concern is that all the property along Sugarbush Dr. is significantly lower than Mr. Boss's property, and we already have plenty of drainage issues, with our back and side yard being beyond wet into the middle of summer, then again starting in the fall until it freezes. Taking away even a portion of the trees and other flora will most likely just make this situation even worse, possibly wreaking havoc on our actual residence as well.

Sorry for the book of an email, but I wanted to make sure my opposition was noted. I have spoken to many of our neighbors and all that I have spoken to feel the same way. I do plan to go to the township meeting on Tuesday (with our baby) but wanted to send this ahead of time in case something comes up. We currently love our neighborhood as-is and if this were to go through I am afraid it may not be a good fit for our family any more. It sounds like at least a few others feel the same way. We would very much prefer this not to happen.

Please feel free to contact me via telephone with any follow-up questions or need of any clarifications.

Thank you for your time,

Jeremy Doody  
517-281-9759  
3825 Sugarbush Dr.

**IMPACT ASSESSMENT  
For  
“Residential Re-Zoning ”  
  
of  
“Gary R Boss Trust”  
GENOA TOWNSHIP  
LIVINGSTON COUNTY, MICHIGAN**

Prepared for:

**Applicant and Owner:  
Gary R. Boss  
3850 Golf Club Road  
Howell, Mi, 48843**

Prepared by:

**Steve Morgan  
4432 Glen Eagles Ct.  
Brighton, Mi. 48116  
586-942-9751  
and  
Brent LaVanway, P.E.  
Boss Engineering  
3121 E Grand River  
Howell, Michigan 48843  
517-546-4836**

**Sept 4, 2019**

## INTRODUCTION

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

## DISCUSSION ITEMS

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

Prepared by:  
Steven R. Morgan PLS  
4432 Glen Eagles Ct.  
Brighton, Michigan 48116  
And  
Brent LaVanway PE  
Boss Engineering  
3121 E Grand River  
Howell, Michigan 48843

Prepared for:  
Gary R. Boss (OWNER)  
3850 Golf Club Road  
Howell, Mi 48843

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

The subject property is located in the NE ¼ of Section 5, Genoa Township, Livingston County, MI.

Tax ID 11 05 200 002

The subject site is located on the southwest corner of Golf Club Road and Latson Road.

The subject site is bordered:

- North by Oceola Township, Master Plan Low Density Residential (2-3 units/Acre),
- East by two properties (zoned RR and RPUD),
- South by an existing Subdivision, (zoned MPUD, 10 units per acre)
- West by large parcels, (zoned RR).

Current Zoning of the subject site is RR (Rural Residential). Sewer and Water is along entire Easterly line of the current property and accessible at the Southerly Property line at Sugarbush Drive.

The proposed zoning is UR (3 units/Acre) (see Concept Plan attached)

The acreage of the total subject site is 46.5 Acres, and contains an existing two-story home (circa 1928), with 2 unattached garages and a one-story accessory storage building (circa 1978).

The house is the current residence of the Owner and there are 3 additional out-buildings near the house.

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

**GENERAL OVERVIEW**

**AREA 1**

The Northwesterly 10 Acres of the site is the location of the existing residence. This Area consists of two parts: The House, located on the top of a gently rolling hill, and the Pond adjacent to the House along the southerly and westerly portions.

**AREA 2**

The Northeasterly 10 Acres of the site is relatively flat of which approx. 5 acres is a wetland. There are 2 man-made ditches within this wetland that flow northerly under Golf Club Road into a small wetland in Oceola Township.

**AREA 3**

The Southerly 26+ Acres is gently sloped to moderately steep slopes. The entire area is heavily wooded with a mixture of evergreens and hardwoods. The northerly portion of Area 3 flows naturally north to the existing lake and or the existing wetland. The southerly portion of Area 3 flows generally southeast into an existing drainage area along Latson Road.

**SPECIFIC OVERVIEW**

The soils and natural features throughout the site are specified on the Natural Features map attached.

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

No construction is planned for this site during this property rezoning.

The proposed rezoning to UR will allow a higher density and future development to this density is anticipated. The Future Development of this site will require a complete design and approval of a Soil Erosion Plan including a Storm Water Management Plan by the Livingston County Drain Comm.

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

The Development of this site will require a Collector Road from Golf Club Road southerly to connect with Sugarbush Drive at the southerly property line, for health, safety, and welfare

purposes. The normal traffic pattern will be along the Collector Road, to the North, exiting unto Golf Club Road at the North.

Future development will have little, if any, impact on the northerly 15 acres of the site. An RPUD development is anticipated in the southern portion of the development. The RPUD development will require maintaining a significant portion of the existing forested property along the westerly, easterly and southerly property lines. These natural buffers will minimize lighting and noise to existing developed, adjacent properties. A future medium density residential development will have minimal air pollution impact.

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

The maximum development density will be 72 residential units approximately, with approximately 200 residents. There may be the potential of 40-70 students added to the Howell School District. The development will be serviced by MHOG Water and Sewer , which will include all required fire hydrants.

Normal police and fire protection services should remain unchanged.

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

The subject property is serviced by the existing MHOG water and sewer along Latson Road on the east side and Sugarbush Drive along the south side.

Sewer flows are projected at approximately 21,000 g.p.d. at complete build-out.

The Storm Water Management Plan will outlet into the existing wetlands at the northeasterly portion of the property and to the existing detention area at the southeasterly corner of the property.

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

No storing or handling of any hazardous materials on this residential property.

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

According to the Southeast Michigan Council of Governments (SEMCOG) website the two way traffic on Golf Club Road (2018 count) between Eager and Latson Roads is 7140 trips per day. Using 3% per year increase the current two way traffic count is 7354 trips. The two way traffic on Latson Road (2012 count) between Aster Drive and Golf Club Road is 17,650 trips per day. Also using a 3% annual increase the adjusted 2019 count is 21,707 trips per day. Based on the ratio of traffic on Latson Road and Golf Club Road it is anticipated that any development will result in approximately 75% of the traffic utilizing Latson Road and 25% utilizing Golf Club Road.

Under the current Rural Residential Zoning it is anticipated that approximately 20 residential sites, using a combination of land divisions along both Golf Club and Latson Roads and a site condominium with private road, could be developed on the property. As previously noted the

Concept Plan for the proposed UR zoning has 72 home sites based on a site condominium development and land divisions.

According to the Institute of Transportation Engineers 10<sup>th</sup> Edition there can be anticipated 9.44 trips per day for a single family detached residence. One trip is defined as a one way traffic movement. Thus the current Rural Residential zoning will result in 189 trips per a 24 hour period. The proposed Urban Residential zoning will result in 680 trips per 24 hour period. The difference of 501 trips will be distributed to Golf Club Road (25%) and Latson Road (75%) resulting in 125 additional trips on Golf Club Road per day and 376 additional trips on Latson Road. The resultant increases in traffic from a comparison of the Rural Residential Zoning and the Urban Residential Zoning are 1.7% for Golf Club Road and 1.7% for Latson Road respectively. The difference in traffic generated from a development under the current zoning versus the proposed zoning will have a negligible impact on the existing roadway network and will keep the levels of service the same for both Golf Club and Latson Roads.

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

There are no special provisions for this development.

***K. Description of all sources:***

- Genoa Township Zoning Ordinance
- "Soil Survey of Livingston County Michigan" Soil Conservation Services, USDA
- Livingston County Road Comm. Traffic counts



# NATURAL FEATURES PLAN

## NATURAL FEATURES NARRATIVE:

SEVERAL NATURAL FEATURES WERE IDENTIFIED DURING AN ON-SITE VISIT TO THE PROPERTY ON AUGUST 23, 2019 THAT INCLUDE WETLANDS AND A VARIETY OF WOODLAND STANDS. BELOW IS A BRIEF DESCRIPTION OF EACH NATURAL FEATURE, LABELED AS ZONES "A-V". ALTHOUGH THE TOTAL SITE IS MEASURED AT 46.88 ACRES, THE ZONES DESCRIBED BELOW ARE APPROXIMATELY 41.11 ACRES WHEN ADDED TOGETHER. NOTE THAT EACH ZONE IS MEASURED TO AN APPROXIMATE SIZE AND THAT ZONES ARE SEPARATED BY A PATH THAT IS ROUGHLY 12' WIDE AND IS NOT ACCOUNTED FOR IN THE CALCULATIONS.

**ZONE "A"**  
AN ESTIMATED 4.62 ACRE "FRESHWATER POND", AS DESCRIBED BY THE NATIONAL WETLANDS INVENTORY, IS POSITIONED ON SITE AND CONTINUES ONTO THE NEIGHBORING LOT TO THE WEST. THE ON-SITE ACREAGE IS ESTIMATED TO BE 3.88 ACRES. THE POND EDGE IS MOWN LAWN AND HAS A SOUTHERN BORDER OF NORWAY MAPLE TREES, AND A WESTERN BORDER OF BLACK CHERRY, AMERICAN ELM, VARIOUS OAKS AND SPRUCE TREES. SIZES RANGING FROM 4-18" AT DBH WITH TREES BEING SPACED AN AVERAGE OF 12' APART. THE POND COLLECTS STORMWATER FROM ROUGHLY 9 ACRES OF LAND FROM THE WEST AND SOUTH, WITH SLOPES RANGING FROM 10-20%.

**ZONE "B"**  
AT APPROXIMATELY 0.9 ACRES IN SIZE, THIS ZONE IS COMPOSED OF WAWASEE LOAM SOILS WITH SLOPES BETWEEN 6-12%. TREE SPECIES INCLUDE AN EQUAL MIX OF BLACK WALNUT, BLACK CHERRY, AMERICAN ELM, COTTONWOOD, AND BITTERNUT HICKORY SIZES RANGING FROM 6-30" AND AVERAGING ABOUT 10" DBH. THE UNDERSTORY IS MOSTLY NON-EXISTENT BUT CONTAINS A SCATTERING OF HONEYSUCKLE AND VARIOUS PATCHES OF HERBACEOUS MATERIAL. AN ADDITIONAL AND APPROXIMATE 2.17 ACRES OF MANAGED PRIVATE PROPERTY IS FOUND TO THE WEST AND SOUTH OF THIS ZONE AND CONTAINS WAWASEE LOAM SOIL THAT SLOPES AT 6-12% TOWARDS THE POND IN ZONE "A".

**ZONE "C"**  
ZONE "C" IS A SMALL WOODLAND POCKET APPROXIMATELY 0.17 ACRES IN SIZE IS COMPOSED OF BLACK LOCUST, VARIOUS LARGE WILLOWS, AND BOXELDERS. TREES RANGE FROM 4-22" AT DBH. THIS POCKET IS IN A FLAT AREA THAT BORDERS FRESHWATER EMERGENT WETLANDS TO THE EAST, AND CONTAINS CARLISLE MUCK SOILS, WHICH ARE HYDRIC IN NATURE.

**ZONE "D"**  
ZONE "D" IS SET WITHIN A MANAGED SPACE NEXT TO AN OUTBUILDING, IS APPROXIMATELY 0.13 ACRES IN SIZE, AND HAS MOWN LAWN AS AN UNDERSTORY. SOILS ARE COMPOSED OF WAWASEE LOAMS AND THERE IS A STAND OF MATURE NORWAY SPRUCE TREES THAT ARE ROUGHLY 12" AT DBH AND SPACED OUT ABOUT 10-15' APART.

**ZONE "E"**  
A FRESHWATER EMERGENT WETLAND THAT IS APPROXIMATELY 5.45 ACRES IN SIZE WAS IDENTIFIED IN ZONE "E". THE AREA IS COMPOSED OF CARLISLE MUCK SOILS AND IS DOMINATED BY REED CANARY GRASS, PHRAGMITES, BROADLEAF CATTAIL, AND A VARIETY OF FORBES AND RUSHES. THIS WETLAND COLLECTS A LARGE AMOUNT OF STORMWATER RUNOFF FROM THE CONIFER STAND TO THE SOUTH, AND FROM THE ADJACENT ROAD SYSTEMS, MANICURED LAWN, BORDERS THE NORTHERN AND EASTERN EDGES OF THIS ZONE AND MAKE UP APPROXIMATELY 1.22 ACRES.

**ZONE "F"**  
ZONE "F" IS ANOTHER MANAGED AREA WITH MANICURED LAWN THAT IS APPROXIMATELY 0.43 ACRES IN SIZE AND HAS A SERIES OF NORWAY SPRUCE TREES PLANTED IN A DOUBLE ROW. THE TREES ARE ROUGHLY 12" AT DBH AND SPACED ROUGHLY 15' APART. SOILS ARE WAWASEE LOAMS AND SLOPING EAST TOWARDS THE WETLAND IN ZONE "E". AT THE EASTERN EDGE OF THIS ZONE, THERE ARE SEVERAL LARGE WILLOW TREES AND BLACK WALNUTS, SOME OF WHICH MAY QUALIFY AS LANDMARK TREES.

**ZONE "G"**  
ZONE "G" IS A FILL AREA OF APPROXIMATELY 1.16 ACRES THAT WAS FORMERLY USED AS A SPORTS FIELD. IT HAS SINCE BECOME OVERGROWN WITH A VARIETY OF MEADOW FORBES AND GRASSES.

**ZONE "H"**  
ZONE "H" IS AN APPROXIMATELY 0.07 ACRE FRESHWATER EMERGENT/FORESTED WETLAND. THERE ARE POCKETS OF LARGE COTTONWOOD TREES AND WILLOWS WITH SOME SEDGES AND WETLAND FORBES WITHIN THE DELINEATED AREA. THIS ZONE COLLECTS STORMWATER RUNOFF FROM THE SOUTHERN HILLSIDE OF THE PROPERTY AND SLOWLY DRAINS WATER TO THE WEST INTO THE LARGER WETLAND IN ZONE "E".

**ZONE "I"**  
ZONE "I" IS A LARGE AREA, APPROXIMATELY 7.63 ACRES IN SIZE, AND COMPOSED ALMOST ENTIRELY OF NORWAY SPRUCE TREES RANGING FROM 5-18" AT DBH, SPACED 10-15' APART, AND MAKE UP ROUGHLY 90% OF THE TREE POPULATION. THE REMAINING 10% OF TREE COVER IS COMPOSED OF BLACK CHERRY, BLACK LOCUST, RED OAK, AND AMERICAN ELM, ALL OF WHICH ARE BETWEEN 6-18" AT DBH. THE UNDERSTORY IS ALMOST NON-EXISTENT. THE EASTERN 75% OF THIS ZONE IS COMPOSED OF MIAMI LOAM SOILS WITH SLOPES RANGING FROM 25-35%, AND THE WESTERN 25% IS A FOX-BOYER COMPLEX WITH SLOPES RANGING FROM 12-18%.

**ZONE "J"**  
ZONE "J" IS APPROXIMATELY 2.38 ACRES IN SIZE AND IS A SLIGHT TRANSITION FROM THE ZONE "I" CONIFEROUS COMMUNITY TO A MORE DECIDUOUS FOREST STAND. THE DOMINANT SPECIES HERE ARE RED AND WHITE OAK, SHAGBARK AND BITTERNUT HICKORY, BLACK CHERRY, AND AMERICAN ELM. THERE ARE SEVERAL LARGE NORWAY SPRUCE TREES, BUT THEY ARE NO LONGER THE DOMINANT SPECIES. ALL OF THESE TREES ARE MATURE AND ARE 6-18" AT DBH AND SPACED ROUGHLY 10' APART. AN UNDERSTORY OF GREEN ASH, HICKORY, AND HONEYSUCKLE IS PRESENT, THOUGH NOT OVERBEARING. SOILS ARE A FOX-BOYER COMPLEX WITH 16-25% SLOPES THAT DRAIN TO THE LARGE POND IN ZONE "A".

**ZONE "K"**  
ZONE "K" IS APPROXIMATELY 2.85 ACRES IN SIZE AND BORDERS MUCH OF THE SOUTHERN AND WESTERN BOUNDARIES OF THE SITE. THIS FOREST STAND IS ALMOST ENTIRELY DECIDUOUS AND CONTAINS MATURE RED OAKS, BLACK CHERRY, AMERICAN ELM, HICKORY, AND VARIOUS MAPLE TREES RANGING FROM 5-18" AT DBH, THOUGH THERE ARE SEVERAL LANDMARK TREES IN THIS ZONE THAT MUST BE NOTED. THE TREES ARE SPACED ROUGHLY 15' APART. THE SOILS ARE MIAMI LOAMS WITH 18-25% SLOPES THAT SHED WATER TOWARDS THE SOUTHERN BOUNDARIES OF THE SITE.

**ZONES "L", "M", "N"**  
THESE THREE ZONES MAKE UP A LARGER OPEN SPACE, APPROXIMATELY 1.68 ACRES IN SIZE AND IS ALMOST ENTIRELY FREE OF TREE SPECIES. INSTEAD, THE AREA IS POPULATED WITH A DOMINANCE OF GREY DOGWOOD SHRUBS, VARIOUS MEADOW FORBES, GRASSES, AND VINES. THERE ARE A FEW LARGE BUT DEAD ELM TREES AT THE EASTERN EDGE OF ZONE "N", AND SEVERAL NORWAY MAPLE TREES AT THE NORTHERN PORTION OF ZONE "N". THE LAND IS MUCH FLATTER IN THIS AREA WHERE SOILS ARE A FOX-BOYER COMPLEX WITH SLOPES AT 2-6% THAT GENTLY DRAIN TO THE WEST.

**ZONES "O" AND "P"**  
THESE ZONES MAKE UP APPROXIMATELY 1.31 ACRES OF THE SITE AND ARE LARGE STANDS OF DECIDUOUS TREES THAT INCLUDE SHAGBARK AND BITTERNUT HICKORY, AMERICAN ELM, BLACK CHERRY, AND BLACK LOCUST. THE TREES ARE SPACED ROUGHLY 15' APART AND RANGE FROM 4-12" AT DBH, THOUGH THERE ARE SEVERAL LANDMARK TREES IN THIS AREA THAT MUST BE NOTED. THESE ZONES ARE AT ONE OF THE HIGHEST POINTS OF THE SITE WITH WAWASEE LOAMS SLOPING 2-6% TO THE WEST.

**ZONE "Q"**  
THIS ZONE IS APPROXIMATELY 1.57 ACRES IN SIZE AND HAS A DOMINANCE OF BLACK LOCUST TREES THAT MAKE UP 70% OF THE FOREST STAND. THE REMAINING TREE SPECIES ARE AMERICAN ELM, BLACK CHERRY, AND HICKORY. ALL TREES ARE MATURE RANGING FROM 5-18" AT DBH AND SPACED 15' APART ON AVERAGE. THE EASTERN EDGE OF THIS ZONE IS SLOPING STEEPLY AT 25-35% TO THE EAST TOWARDS LATSON ROAD AND TO THE NORTH TOWARDS ZONE "H". THE WESTERN AND SOUTHERN PORTIONS OF ZONE "Q" ARE RELATIVELY FLAT. THE SOILS ARE A MIX OF WAWASEE LOAMS AND MIAMI LOAMS.

**ZONE "R"**  
SIMILAR TO ZONE "Q", ZONE "R", WHICH IS APPROXIMATELY 2.60 ACRES IN SIZE, IS DOMINATED BY BLACK LOCUST TREES WHICH MAKE UP 70% OF THE FOREST STAND, WHILE THE REMAINING 30% COVER IS COMPOSED OF AMERICAN ELM, BLACK LOCUST, AND BLACK CHERRY TREES. ALL TREES RANGE FROM 4-18" AT DBH AND AVERAGE ABOUT 10" AT DBH SPACED ROUGHLY 15' APART. THE UNDERSTORY IS MADE UP OF SEVERAL DECIDUOUS SAPLINGS AND SOME HONEYSUCKLE, BUT OTHERWISE OPEN. STEEP SLOPES OF 25-35% RUN EAST TOWARDS LATSON ROAD, WHILE THE SOUTHERN EDGE OF THIS ZONE SLOPES MORE GENTLY TO THE SOUTH AT ROUGHLY 10%. THE SOILS ARE A MIX OF MIAMI LOAM AND WAWASEE LOAM.

**ZONE "S"**  
SIZED AT APPROXIMATELY 1.73 ACRES, ZONE "S" IS A LARGE CONIFER STAND COMPOSED MOSTLY OF NORWAY SPRUCE TREES. THE SOUTHERN PORTION OF THIS ZONE IS PLANTED WITH ROWS OF WHITE FIR TREES. ALL TREES IN THIS AREA ARE BETWEEN 4-18" AT DBH AND PLANTED BETWEEN 6-12' APART ON AVERAGE. THE LANDSCAPE SLOPES GENTLY TO THE WEST AT ROUGHLY 2-6%. THE SOILS ARE MOSTLY WAWASEE LOAMS, THOUGH THE SOUTHERN PORTION IS A FOX-BOYER COMPLEX SOIL.

**ZONE "T"**  
ZONE "T" IS A SMALLER AND MORE OPEN AREA THAT IS APPROXIMATELY 0.64 ACRES IN SIZE. IT IS POPULATED WITH YOUNGER FRASIER FIR AND SCOTCH PINE TREES THAT ARE NOT MUCH LARGER THAN 8" AT DBH. GRASSES AND FORBES OCCUPY THE SPACES IN BETWEEN. THIS ZONE HAS A MIX OF FOX-BOYER COMPLEX SOILS, AND WAWASEE LOAMS THAT SLOPE TO THE NORTHEAST AT ROUGHLY 2-6%.

**ZONE "U"**  
ZONE "U" IS APPROXIMATELY 1.10 ACRES IN SIZE AND POPULATED WITH SCOTCH PINE TREES AND SEVERAL NORWAY SPRUCE TREES THAT RANGE BETWEEN 6-12" AT DBH AND ARE SPACED ABOUT 15' APART. SOILS ARE MIAMI LOAMS AND FOX-BOYER COMPLEX SOILS THAT SLOPE TO THE NORTH AT ABOUT 12%. THE UNDERSTORY IS MINIMAL, THOUGH SOME SMALLER DECIDUOUS SPECIES ARE SPROUTING.

**ZONE "V"**  
ZONE "V" IS APPROXIMATELY 2.04 ACRES IN SIZE AND POPULATED WITH WHITE PINE TREES THAT ARE PLANTED IN ROWS ON THE SOUTHERN EDGE, WITH A MIX OF SCOTCH PINE AND WHITE PINE ON THE NORTHERN PORTION. THESE TREES ARE BETWEEN 6-18" AT DBH AND SPACED 15' APART WITH NO UNDERSTORY OBSERVED. THE TREES ARE PLANTED ON A RIDGE WITH MIAMI LOAM SOILS TO THE SOUTH, AND FOX-BOYER COMPLEX SOILS TO THE NORTH WITH SLOPES RANGING FROM 2-6%.



THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION SHOWN ON THESE DRAWINGS AND FOR OBTAINING NECESSARY PERMITS AND APPROVALS. BEBOSS ENGINEERING, INC. DOES NOT WARRANT THE ACCURACY OF THE INFORMATION SHOWN ON THESE DRAWINGS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS. BEBOSS ENGINEERING, INC. DOES NOT WARRANT THE ACCURACY OF THE INFORMATION SHOWN ON THESE DRAWINGS.

**BEBOSS Engineering**  
Engineers Surveyors Planners Landscape Architects  
3121 E. GRAND RIVER AVE.  
HOWELL, MI, 48843  
517-546-4836 FAX 517-548-1670

PROJECT:	3850 GOLF CLUB ROAD			
PREPARED FOR:	GARY BOSS 3850 GOLF CLUB ROAD HOWELL, MI 48843			
TITLE:	NATURAL FEATURES PLAN			
NO.	BY	REVISION	PER	DATE
DESIGNED BY:	JH			
DRAWN BY:	JH			
CHECKED BY:	BL			
SCALE:	1" = 100'			
JOB NO.:	E6562			
DATE:	8-26-19			
SHEET NO.:	1 OF 2			



**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
SEPTEMBER 9, 2019  
6:30 P.M.  
MINUTES**

CALL TO ORDER: The meeting of the Genoa Charter Township Planning Commission was called to order at 6:30 p.m. Present were Chairman Doug Brown, Marianne McCreary, Jim Mortensen, Chris Grajek, Eric Rauch, Jeff Dhaenens, and Jill Rickard. Also present was Kelly VanMarter, Community Development Director/Assistant Township Manager, Brian Borden of SafeBuilt Studio, and Gary Markstrom of Tetra Tech. There were 14 audience members present.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

Chairman Brown read a letter from Home Depot requesting an extension of 30 days to allow them to work with staff to address the outstanding issues.

**Moved** by Commissioner Dhaenens, seconded by Commissioner Mortensen, to approve the agenda as presented.

CALL TO THE PUBLIC: The call to the public was made at 6:31 pm with no response.

OLD BUSINESS:

**OPEN PUBLIC HEARING #1**...Review of a site plan and impact assessment requesting final site condominium approval for a proposed 19 unit site condominium. The property in question is located on approximately 30.8 acres at 4242 Bauer Road (Parcel #4711-26-200-002) on the west side of Bauer Road, between White Pines Drive and Challis Road. The request is petitioned by John Moretti.

- A. Recommendation of Environmental Impact Assessment (8-14-19)
- B. Recommendation of Final Site Condominium Plan (8-20-19)

Mr. Bruce Silver, representing Mr. Morretti, and Mr. Allan Pruss from Monument Engineering were present.

Mr. Pruss reviewed the changes / additions that were made since the last Planning Commission Meeting. They believe that all of the previous concerns of the Township's

consultants have been met with this revised plan. The items noted in the review letters from this week will be addressed.

Mr. Borden reviewed his letter of September 5.

1. He agreed that the mailbox cluster/drive has been put on the site plan; however, it must be put on the landscape plan
2. A landscape easement must be obtained from the adjacent property owner to the north. Mr. Pruss stated the landscaping will no longer encroach onto the neighboring property.
3. Road Commission approval must be obtained for the six trees depicted in the Bauer Road right-of-way. Mr. Silver stated he has obtained this approval.
4. The revised submittal still does not include details of the residential entrance signage/decorative wall, though walls are not permitted and a sign permit must be obtained. Mr. Silver stated the sign will comply with the ordinance.
5. The applicant must ensure that the entrance easement language incorporates a provision for the mailbox cluster/drive, as well as its maintenance.

Mr. Markstrom stated that the last set of plans have addressed their concerns; however, he noted that letters from the Livingston County Health Department, Livingston County Road Commission, and Livingston County Drain Commissioner must be obtained. Ms. VanMarter advised that these have been received. Other items will be reviewed when the private road construction plan is submitted.

Commissioner Mortensen noted some revisions needed to the Environmental Impact Assessment. The applicant will make the changes noted.

The call to the public was made at 6:49 pm with no response.

**Moved** by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the Environmental Impact Assessment dated August 14, 2019 for The Ridge, subject to the following:

- Approvals being sought from various governmental agencies noted on Pages 3, 4, and 5 of the Impact Assessment have been obtained according to the developer and this Impact Assessment should be updated to reflect that, with copies provided to Township Staff.
- On Page 4, the language that states "Access will be controlled by vehicle activated gates, egress will always be available to any The Ridge resident or visitor without need for access code or key card" shall be eliminated.

**The motion carried unanimously.**

**Moved** by Commissioner Mortensen, seconded by Commissioner Rickard, to recommend to the Township Board approval of the Final Site Condominium Plan for The Ridge dated August 20, 2019, subject to the following:

- The landscape plan incorporating the mailbox cluster/drive will require staff review when completed.
- The landscaping shown encroaching onto the property to the north will be relocated to the condominium's property.
- Road Commission approval must be obtained for the six trees depicted in the Bauer Road right-of-way.
- The residential entrance signage and decorations will require staff review and walls are not permitted.
- The applicant must ensure that the entrance easement language incorporates a provision for the mailbox cluster/drive, as well as its maintenance.
- The applicant will make an effort to obtain a formal letter of approval from the postmaster for the mailbox cluster.
- On Page 2 of the Master Deed, the suggestion that the Township would arbitrate disputes on roadway maintenance shall be eliminated and replaced with some other appropriate outside firm or agency.
- The Township Attorney shall review the Master Deed and other rules.
- The requirements of the Township Engineer's letter dated August 26 and the Brighton Area Fire Authority's letter dated August 29, 2019 will be met.
- The Exhibit B documents in the Master Deed shall be updated to match the Site Plan.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING #2...** Review of a special use, site plan and environmental impact assessment for outdoor sales, storage and display for Home Depot. The property in question is located at 3330 E. Grand River, Howell. The request is petitioned by Scott A. Mommer.

- A. Recommendation of Special Use Application.
- B. Recommendation of Environmental Impact Assessment. (8-8-19)
- C. Recommendation of Site Plan. (8-7-19)

**Moved** by Commissioner Dhaenens, seconded by Commissioner Grajek, to postpone Open Public Hearing #2 until the next regularly-scheduled Planning Commission meeting of October 15, 2019 at the applicant's request. **The motion carried unanimously.**

NEW BUSINESS:

**OPEN PUBLIC HEARING #3...**Review of a site plan and environmental impact assessment for a proposed 11,000 sq. ft. addition to an existing Brighton Area Fire Department building located at 2755 Dorr Road, Brighton. The request is petitioned by Partners in Architecture, PLC.

- A. Recommendation of Environmental Impact Assessment (8-21-19)
- B. Disposition of Site Plan (9-3-19)

Mr. Michael O'Brian, the BAFA Chief, provided a brief review of the proposed project. This addition will allow them to staff this building 24 hours a day, 7 days a week. This is the first upgrade to their stations as part of their recently-passed millage increase. They also received a grant that will help pay for this project.

Ms. Leslie Zawada of Civil Engineering Solutions, Inc., and Lauren Lee of Partners in Architecture were present. Ms. Lee provided details of the proposed addition. She explained how they will be addressing the comments in the consultant's letters. She showed a colored site plan, floor plan, and colored renderings of the building.

Mr. Borden stated that many of his concerns have been addressed. He noted that the applicant must follow the standards for Electronic Changeable Message (ECM) signs; however, he is concerned about an ECM sign being located immediately across the street from a residence. Ms. Lee stated they can revisit the location of the sign and place it in a location that would not interfere with the neighbor.

Mr. Markstrom reviewed his letter dated September 3, 2019.

1. The plans should include more dimensioning of the proposed drive and parking lot including widths and radii of the drive.
2. The site plan should show the existing on-site sanitary sewer, as the building addition will interfere with the current connection and grinder pump location. The plans note that the existing grinder pump will be relocated, and the plans should show where the grinder pump will be relocated.
3. The demolition plan shows the removal/relocation of a sanitary manhole on the east corner of the property. If this manhole is to be relocated it should be shown on the plans.
4. The plans note that a new well will be designed for the fire station. The plans should show the proposed location and isolation radius of the well on the plans and should clearly show what will happen to the existing well. The applicant will need to provide approval from the Livingston County Health Department of the proposed well to the Township prior to approval. If it is decided that adequate

well production will not be able to be achieved by the proposed well, the applicant may need to utilize a water tank instead and if so, the tank will need to be shown on the plans.

5. The proposed parking lot should include curb and gutter around the entire parking lot and drive, not just on the southern portion of the drive. The edge of the future training pad does not need to be curbed, but the training pad will need curb when it is eventually constructed.

Mr. Markstrom noted that these items can be addressed during the construction phase of the project.

All of the outstanding concerns of the Brighton Area Fire Authority have been met.

The call to the public was made at 7:37 pm with no response.

**Moved** by Commissioner Grajek, seconded by Commissioner Dhaenens, to recommend to the Township Board approval of the Environmental Impact Assessment dated August 21, 2019 for the Brighton Area Fire Authority with the removal of any reference to a septic system. **The motion carried unanimously.**

**Moved** by Commissioner Grajek, seconded by Commissioner Rickard, to approve the Site Plan Dated September 3, 2019 for the Brighton Area Fire Authority subject to the applicant complying with all conditions listed in the Township Planner's and Engineer's letters. **The motion carried unanimously.**

**OPEN PUBLIC HEARING #4...** Review of a sketch plan for proposed renovations to an existing 11,968 sq. ft. industrial building including new parking, truck well, and waste receptacle enclosure located at 830 Grand Oaks Drive, Howell for Johnstone Supply. The request is petitioned by Ren Rushing.

A. Disposition of Sketch Plan. (8-21-19)

Mr. Jeffrey Sheehan, owner of the property, Karl Vollmar of Pucci & Vollmar Architects, and Brent LaVanway of Boss Engineering were present.

Mr. LaVanway and Mr. Vollmar provided a review of the proposed improvements to the site. They showed the site plans, the sign details, and landscape and elevation details.

Mr. Borden reviewed his letter dated September 3, 2019.

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1. He is requesting clarification on outdoor storage. Mr. LaVanway stated that in 1987 outdoor storage was approved when this site was used by Erb Lumber. The new use does not require outdoor storage.
2. The existing gate opening does not provide the required width for two-way travel. Mr. Sheehan stated they measured the gate and it is 24 feet wide. They will put that information on the plan.
3. He requested the applicant provide a truck turning movement detail to ensure that refuse removal vehicles can safely access the Dumpster. Mr. LaVanway explained the turning details on the site.
4. The new parking areas do not include curbing, as required by ordinance. In lieu of curbing, bumper blocks are proposed, which are only allowed with Planning Commission approval upon a finding that they are necessary. After a brief discussion, the Planning Commission agreed to allow the bumper blocks.
5. If new lighting is proposed, details must be provided. Alternatively, the Commission may wish to request details of existing lighting to ensure current ordinance standards are met. Mr. LaVanway stated there are no new lights; however, the existing wall packs on the building will be replaced with LED lights.
6. The applicant must either provide three trees to meet the required parking lot landscaping or request that the Commission waive/modify Ordinance requirements per Section 12.02.13.
7. The applicant must identify the exterior material for the waste receptacle enclosure. Mr. LaVanway stated it is split faced block. Mr. Borden does not feel it needs to be upgraded to brick because the structure is existing and is located in an industrial zoning. Also, the proposed gate (chain link with opaque slats) does not comply with ordinance standards.
8. The applicant must obtain a sign permit from the Township prior to installation.

Mr. Markstrom reviewed outstanding items from his letter dated August 30, 2019 that were not already discussed this evening.

1. There are already sanitary sewer and water services to the existing 32,160 square foot building on the property and the applicant is proposing additional sanitary sewer and water service to the second building on site. These two buildings appear to be on the same address and the applicant will need to discuss how two services at the same address will be accomplished with the Township.
2. The site doesn't appear to have adequate hydrant coverage for their existing buildings or the proposed new use building. The entire structure should be within a 250-foot radius of a hydrant. A hydrant lead should be extended onto the site to

provide the required fire protection. The applicant should obtain approval from the Brighton Area Fire Authority prior to site plan approval.

3. The applicant is proposing a 6-inch pipe to drain storm-water from the proposed truck well. The Genoa Township Engineering Standards require a minimum storm sewer size of 12 inches for private storm sewers in paved areas.
4. The applicant should provide more information on the current storm drainage on the site and proposed storm drainage control measures. Elevations should be provided for the proposed truck well as well as invert elevations for the proposed storm drain to ensure there will be proper drainage. The proposed improvements increase the area of impervious surface and it may be necessary to provide onsite detention or retention.

Chairman Brown reviewed the outstanding items of the Brighton Fire Authority's letter dated September 3, 2019. Mr. LaVanway stated they will comply with all of their requests.

Commissioner Rickard would like the applicant to meet the ordinance requirements for the Dumpster enclosure gate. Mr. LaVanway stated they will redo the gate to meet the ordinance.

The call to the public was made at 8:09 with no response.

**Moved** by Commissioner Mortensen, seconded by Commissioner Rauch, to approve the Sketch Plan for Johnstone Supply dated August 21, 2019, with the following conditions:

- With regard to the exterior building improvements, the renderings displayed this evening are acceptable to the Township and will become Township property.
- In addition to the normal requirements of the Brighton Area Fire Authority, the Township asks that they specifically review the gated entrance.
- The parking will not require curbing and bumper blocks will be permitted due to the existing conditions on the site and the neighboring building.
- New wall packs will be provided on the buildings and their specifications will be reviewed by Township staff.
- The applicant will provide three additional trees along the northwestern part of the property, neighboring the Home Depot parking lot.
- The material for the waste receptacle enclosure can continue as is since it is an existing condition on the site.
- The chain link gate on the waste receptacle shall meet Township ordinance.

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- The second building will have an address sign that will be displayed on the monument sign installed, and subject to Township staff review.
- The requirements of the Township Engineer's letter of August 30 shall be met.
- The requirements of the Brighton Area Fire Authority's letter dated September 3 will be met.
- The building will be serviced with an internal ejector pump for sanitary sewer removal.

**The motion carried unanimously.**

ADMINISTRATIVE BUSINESS

**Staff Report**

Ms. VanMarter stated that October's meeting will be on Tuesday, October 15 because Columbus Day is on Monday, October 14.

**Approval of the August 12, 2019 Planning Commission meeting minutes**

**Moved** by Commissioner McCreary, seconded by Commissioner Dhaenens, to approve the minutes of the August 12, 2019 Planning Commission Meeting as submitted. **The motion carried unanimously.**

**Member Discussion**

There were no items to discuss this evening.

**Adjournment**

**Moved** by Commissioner Grajek, seconded by Commissioner Rickard, to adjourn the meeting at 8:25 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary

**This was prepared FYI by Sharon Stone, the Township Code Enforcement Officer in regard to dock regulations in other communities. This is provided for your review. Please let staff know if there is anything contained herein that you would like considered in the zoning ordinance update.**

## **Dock Regulation Information for Consideration**

### **Definitions not in Genoa Township Ordinances**

**Direct lake access property** means lake front property or other property on a navigable tributary of a lake which is used to access a lake exclusively by the owner or occupant of the property.

**Public access** means a site for lake access provided by the state or any political subdivision thereof, a commercial marina or other property owner for the use of the general public whether with or without charge.

**Riparian owner** means a person whose property adjoins a lake or who has rights of access to a lake because of a recorded instrument granting such rights.

**Boat** means a watercraft having a motor or engine of more than five horsepower.

**Dock and docking** mean the mooring of a boat directly to a pier, which is a platform or other permanent or seasonal fixture extending from the shore, and directly accessible to the separate frontage; and shall also mean the regular anchoring of a boat adjacent to a separate frontage.

**Lake** means a navigable body of water situated partially or wholly within the township, but shall not mean or include lakes to which other ordinances or regulations apply so as to prohibit certain boats with engines or motors.

**Separate frontage** means that portion of a lot or parcel of land existing on documentation recorded with the county register of deeds, which abuts and/or intersects with the normal high-water mark of a lake, whether such lot or parcel is owned by one or more persons or commonly owned by several persons or combinations of persons.

#### **Scope and application. (Ypsilanti Township)**

(a) The terms and provisions of this division shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare, and for the public peace and preservation of natural resources, water quality, and public and private property within the township.

(b) This division shall not interfere with, abrogate, annul nor repeal any other law, ordinance, rule or regulation previously in effect. In instances where this division specifically imposes a greater restriction or higher standard than other ordinances, the provisions of this division shall govern.

(c) This division is not intended to conflict with and/or pre-empt application of the Inland Lakes and Streams Act, as amended, but intended to supplement such Act in a compatible manner so as to enhance water usage in a manner consistent with the public interest.

#### **Purpose. (Addison Township)**

Recognizing the unique and fragile character of freshwater lakes and their immediate watersheds, and the hazards to public health, safety and welfare caused by the improper use of such lakes and lakefront land, including by way of example but not limitation, overcrowding and pollution, the following regulations are designed to preserve and enhance the lakes and the quality of lakefront living, recreation, and scenic natural environment as a valuable township resource, and preserve and protect the public health, safety and welfare. Development on lake lots shall be regulated so as to control storm water runoff, soil erosion and water sedimentation, prevent aquatic weed growth, water contamination, and protect natural features and wildlife habitats by preventing overuse of the lake.

- **Section 13.03. - Required regulations and conditions. (Addison Township)**

1. Lake lots zoned for single-family residential use may include as an accessory use a single private dock which shall not exceed thirty-five (35) feet in length or six (6) feet in width, provided that not more than two (2) boats shall be moored at such dock and boats which are not owned by residents of the lake lot shall not be permitted to be moored at such dock.

5. A natural protection strip shall be maintained within twenty-five (25) feet of the normal high-water line of the lake, which shall remain in native trees, shrubs or grass. The natural protection strip shall not be filled or excavated except to position water pipes. Trees and shrubs may be pruned to afford a view of the water.

Beaches. (Addison Twp)

A beach is permitted for all lake lots provided that the beach is not larger than thirty (30) percent of the lot area. A ten (10) foot-wide access walkway may be provided through the required twenty-five (25) foot setback area. Docks, piers, decks, boardwalks, or seawalls may be located within the natural feature setback.

### **Sec. 46-160. - Permits. (Ypsilanti Township)**

(a) *Required.* From and after the effective date of this division, no person shall construct, enlarge or expand a structure on the waters except in accordance with a permit issued by the township community development department.

(b) *Exception.* No permit shall be required to maintain a structure which was erected either permanently or seasonally upon the waters prior to the effective date of this division.

### **Sec. 46-161. - Permit applications. (Ypsilanti Township)**

Applications for a permit shall be made upon forms provided by the community development department. The following information shall be provided with the application and the applicant may be required to provide such additional information as is determined necessary for the protection of the health, safety, and welfare of the township's residents and those who use Ford Lake:

(1) A diagram which includes the proposed location of the structure, its length and width, and the applicant's lake frontage measured in feet.

### **Sec. 46-163. - Penalties. (Ypsilanti Township)**

(a) *Fine.* Any person who shall be convicted of a violation of this division shall be responsible of a municipal civil infraction and subject to a fine.

(b) *Municipal civil infraction.* A separate municipal civil infraction shall be deemed committed upon each day during or when a violation occurs or continues.

(c) *Abatement of violation.* Addition to, or in lieu of, seeking to enforce this division by issuance of municipal civil infractions, the township may institute an appropriate action in a court of general jurisdiction seeking equitable relief which shall include, but not limited to, an order to remove the structure.

#### **• MAINTENANCE**

#### **46-183. - Docks to remain in good repair.**

(a) All structures extending from the shore into Ford Lake shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(b) The exterior surfaces of structures extending from the shore into Ford Lake shall be maintained in good condition. Exterior surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective cover or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All metal surfaces subject to rust and corrosion shall be coated to eliminate such rust and corrosion. All surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.