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P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139

**Hamburg Township
Planning Commission
Wednesday, May 20, 2020 7:00 P.M.
Electronic Meeting, pursuant to Executive Order 2020-75**

Please join this meeting from your computer, tablet or smartphone.

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AGENDA

- 1. Call to order**
- 2. Pledge to the Flag**
- 3. Approval of the Agenda**
- 4. Approval of Minutes**
 - a) April 15, 2020 Planning Commission Meeting Minutes
- 5. Call to the Public**
- 6. Old Business**
- 7. New Business**
 - a) **HPUD 20-001, SPA20-002 and ZMA19-002:** Proposed amendments to the Chilson Commons Hardship Planned Unit Development (HPUD) Agreement approved by the Township Board on December 17, 2002 and finalized as signed by both parties on January 28, 2004 and the Chilson Commons Site Plan approved by the Township Board on November 25, 2003. Changing the zoning designation of the underlying property in the Chilson Commons Shopping Center from Water Front Residential to Community Service.
 - b) **Zoning Administrator's Report**
 - c) **Adjournment**

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**Planning Commission
Hamburg Township
Electronic audio/video meeting pursuant to Executive Order 2020-15 (COVID-19)
Wednesday, April 15, 2020 7:00 P.M.**

1. CALL TO ORDER:

The meeting was called to order by Vice Chairman Muir.

Present: Bohn, Hamlin, Koeble, Leabu, Muir & Priebe

Absent: Muck

Also Present: Scott Pacheco, Township Planner & Amy Steffens, Planning & Zoning Administrator

2. PLEDGE TO THE FLAG:

Amy Steffens, Planning & Zoning Administrator gave instruction on the procedures to be used for the conduct of the Electronic audio/video meeting.

3. APPROVAL OF THE AGENDA:

Motion by Koeble, supported by Hamlin

To approve the agenda as presented

Roll Call Vote: Ayes: 6 (Bohn, Hamlin, Koeble, Leabu, Muir & Priebe) Nays: 0 Absent: 1 (Muck)
MOTION CARRIED

4. APPROVAL OF MINUTES:

a) February 19, 2020 Planning Commission Meeting Minutes

Motion by Hamlin, supported by Priebe

To approve the minutes of the February 19, 2020 meeting as presented

Roll Call Vote: Ayes: 5 (Bohn, Hamlin, Koeble, Leabu, Muir & Priebe) Nays: 0 Absent: 1 (Muck)
Abstain: 1 (Leabu) MOTION CARRIED

b) February 26, 2020 Planning Commission Joint Meeting Minutes

Motion by Priebe, supported by Bohn

To approve the minutes of the February 26, 2020 special meeting as presented

Roll Call Vote: Ayes: 6 (Bohn, Hamlin, Koeble, Leabu, Muir & Priebe) Nays: 0 Absent: 1 (Muck)
MOTION CARRIED

5. CALL TO THE PUBLIC:

Vice Chairman Muir opened the call to the public for any item not on the agenda. Hearing no response, the call was closed.

6. OLD BUSINESS: None

7. NEW BUSINESS:

- a. OSPUD 20-001 Public Hearing: Amendment to the Mystic Ridge Planned Unit Development approved by the Township Board on May 21, 2002. The amendment requests would if approved, change the approval language for the PUD requiring Scully Road to be open for public automobile traffic prior to issuance of 98 land use permits.

Mr. Jim Haeussler, applicant, stated that one of the issues that was in question the last time they appeared before the Planning Commission was the opening of Scully Road. Since that time, the road has been turned to "private" and Webster Township has made it more difficult to get out that way. Jeff Wilkerson owns the property to the east of the Mystic Ridge property, and they do have easements for trail as well as utilities. In speaking with that property owner, they too are required to have two access points. They have been discussing adjoining the properties and working together for the second access in lieu of Scully Road. They are requesting that prior to them getting 98 land use permits, and if the property development to the east gets approved, that the Planning Commission allow that to serve as their second access in lieu of Scully Road. If the property to the east is not developed, they then could go through Scully Road.

Scott Pacheco, Township Planner, stated that what we are looking at tonight is changing the approval language of the open space PUD for the Mystic Ridge Subdivision. He reviewed both the current language as well as the proposed. He reviewed the history of the project. The applicant is looking for a little more flexibility so he can find a secondary access point that is not Scully Road. There is no proposal at this time for the property to the east. There has been no application nor approval so we do not want to link this to something that may or may not be approved. Instead we would like to link a statement that says that if there is an alternative secondary point of access then the Township would be willing to look at it. There is already a roadway easement that dead ends to the east so there would not be a need for a site plan amendment. We would make sure all of the traffic concerns, etc. are handled in that process. We would not be linking this to any other project at this time. We do not know what is going to be approved on that adjacent site. With the proposed language, we are still linking this to the 98 permits.

Vice Chairman Muir opened the public hearing.

Pacheco stated that we received two correspondence regarding this request. The first is from Jim Inloes of 5500 Seney Circle in support of the Mystic Ridge PUD amendment request (see letter attached as part of these minutes). The second correspondence is from Rob Mitzel of 9140 Woodenshoe Ct., Brighton, who is also in support of the amendment (see attached email as part of these minutes).

Jeff Wilkerson, property owner to the east, stated that he wishes to express his support of the request by Mystic Ridge. He feels that it is in the best interest of everyone within the Mystic Ridge subdivision. They can do a nice job providing that second point of ingress/egress as well as connecting walking trails and other amenities.

Mark Bilek of 5944 N. Trailside Lane stated that he has been a resident for approximately 10 years. He stated that he endorses the amendment and asked how long it would take to open the secondary Road. Pacheco stated that all the applicant is doing right now is amending the open space PUD. Right now, all he can build is 98 homes. If he did not

want to build more than the 98 homes, he would never have to build a secondary access point. Although there is no time limit, there is a financial reason why the developer would want to build the total 177 homes.

Hearing no further comment, Vice Chairman Muir closed the public hearing.

Commissioner Koeble asked for clarification on whether the change is contingent upon the property to the east being developed or the developer purchasing that property. Pacheco stated that all this does is change the open space PUD approval to state that the developer could open Scully Road or a secondary access point. He needs to do either of those to get more than the 98 permits. It does nothing else. It does not say anything about the adjacent development. He could put through another secondary access point through another portion. We would look at that when it is proposed. We are just giving him an option to look at alternatives.

Commissioner Priebe questioned the location of the road if it were to go through to the development to the east. Mr. Haeussler stated that it would be Sanctuary Ridge straight through to the east. Further discussion was held on how it would come through the adjacent property. Pacheco stated that we would have to look at all of the aspects, but we are simply opening it up so that it is not just Scully Road, but it could be an alternate access point.

Commissioner Hamlin asked if the access would go through to the Thompson Pond or the property to the east, would it come before the Planning Commission for review. Planner Pacheco stated that it would have to come before the Commission. The property to the east as Thompson Pond is being proposed as a PUD and would come before the Commission. If Mr. Haeussler simply purchased the property, then we would look at it as part of their site plan. The Private Roadway Ordinance may require Planning Commission approval as well.

Commissioner Hamlin suggested that we add language to indicate that before permits for the 99-177 homes are issued, after an agreement is reached *and the secondary access road is completed*. This would ensure that we have a road before those additional permits are issued. Commissioner Bohn stated he would support the language with the suggested change. He stated that it is a good change, a good project, and he would like to see it move forward.

Discussion was held on the momentum of the project.

Motion by Hamlin, supported by Bohn

The Planning Commission recommends approval of the proposed Amendment to the Open Space Project and Site Plan to the Township Board as follows:

Contingent upon access being provided via Scully Road or an alternative second point of access to the project. In no way would Hamburg Township issue more than 98 Land Use Permits for Single Family Homes in the development until an agreement is reached between the developer, Hamburg Township, and any other required agency regarding ingress and egress off Sully Road or an alternative second access roadway to the project and the approved access is complete.

Roll Call Vote: Ayes: 6 (Bohn, Hamlin, Koeble, Leabu, Muir & Priebe) Nays: 0 Absent: 1 (Muck)
MOTION CARRIED

- b. ZTA 20-001 Minimum House Size Discussion and review of possible Zoning Text Amendment to revise the required minimum house size regulations in sections 7.6.1 Schedule of Area, Height, and Bulk Regulations and section 8.5 Single-Family Dwellings, Mobile Homes, Prefabricated Housing

Scott Pacheco, Township Planner, stated that in 2019 and 2020 this topic was brought up by the Township Board to address the growing need and preference for smaller housing. He discussed the historic housing trends. Smaller houses offer a lower maintenance and energy costs while preserving the benefits enjoyed by other single-family homes, such as more privacy and independence. Small houses have become a more popular housing choice for both Baby Boomers and Millennials. He stated that in the past there have been court cases on minimum house sizes. The

courts have said that there has to be some sort of reason necessary for health, welfare and safety to determine why we are stating a minimum house size. A 1,000 square foot house size has been shot down a few times as being not necessary. However, most communities do have a 1,000 square foot minimum. He reviewed the requirements of the surrounding communities. He reviewed the pros and cons of restricting house sizes. He discussed the existing Building Codes and the Hamburg Township Zoning Ordinance. He discussed the options for potential amendment to the minimum size regulations. The Commission could also choose to leave the minimum house size at 1,000 square feet if you believe that our current regulations were put into place to protect the health, safety and welfare of the community and you do not believe that smaller homes should be built on properties. If you are going to reduce the minimum size of the structure, staff would also recommend removing the other following regulations: 1. Dimensional regulations in 8.5.2 requiring that the front side or rear elevation be a minimum of 20 feet across which will limit the design of the housing and would not serve a viable purpose to protect the health, safety and welfare of the community members. 2. Under the Architectural regulations in 8.5.7 it currently states "The dwellings shall not have less than two (2) exterior doors with the second one being in either the rear or side of the dwellings." If the commission reduces the minimum home size, staff believes this requirement should be revised to state "The Dwellings over 600 square feet shall not have less than two (2) exterior doors with the second one being in either the rear or side of the dwellings."

Commissioner Priebe stated that her concern is how small is too small, particularly with seniors with walker and other equipment they require to maneuver safely.

Commissioner Leabu stated that he is in favor of changing the minimum requirement and would agree with the removing the dimensional and architectural regulations. With regards to Commissioner Priebe's concern, the size is not as important as the width of the hallways and doorways. He discussed simply removing the minimum size and let the market determine the need. He stated that the Building Codes would determine the health and safety issues.

Commissioner Hamlin agreed with Commissioner Leabu and stated that his preference would be to not impose any specific regulation and eliminate the dimension and architectural regulations. He further discussed our ECHO ordinance which addresses the door openings and hallway widths, etc.

Commissioner Bohn also agreed that we should let the market decide the minimum.

Vice Chairman Muir agreed with the other commissioners and stated that the next step would be for staff to draft the changes and schedule the public hearing.

Planner Pacheco stated that he will also go back and review the ECHO and Cottage Housing ordinances as well to ensure that they comply with the change.

8. ZONING ADMINISTRATOR'S REPORT:

Amy Steffens, Planning & Zoning Administrator, stated that Brittany Stein is on maternity leave. She had a baby boy and mom and baby are doing well. Eric is our Temporary Zoning Coordinator and will be in the office as soon as we are able to re-open. He comes to us with a lot of experience and will be with us for 18 weeks.

Steffens stated that there are a lot of free workshops and webinars available as training opportunities and encouraged everyone to take advantage of those. If there are any that are not free, just let her know and she will get you signed up. We will continue to send information along to the Commission. Planner Pacheco stated that the National APA conference will be on-line this year and encouraged everyone to take a look at their program when it is available.

The Commission thanked staff for their assistance in setting up this electronic meeting.

9. ADJOURNMENT:

Motion by Priebe, supported by Koeble

To adjourn the meeting

Voice Vote: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

The Regular Meeting of the Planning Commission was adjourned at 8:18 p.m.

Respectfully submitted,

Julie C. Durkin
Recording Secretary

The minutes were approved as presented/Corrected:_____

Ron Muir, Vice Chairperson

(810) 231-1000 Office
(810) 231-4295 Fax



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To: Planning Commission
From: Scott Pacheco, AICP
Date: May 20, 2020
Agenda Item: 7a
Subject: Amendments to the Chilson Commons Hardship Planned Unit Development (HPUD20-001) and Site Plan (SPA19-00) and a rezoning (ZMA20-001) of the underlying properties from WFR to NS.

PROJECT DISCRPTION:

First Chilson and Chilson Commons LLC (The Developers), Kroger, TCF Bank and the Chilson Commons Shopping Center Condominium Association are the owners of the property, commonly called the Chilson Commons shopping center development, a 67.5-acre area comprised of 12 parcels. The owners have requested an amendment to the originally approved hardship planned unit development (HPUD) agreement, approved in 2002, site plan (condominium layout), approved in 2003, the and a rezoning of underling zoning district for the development designated for commercial uses from water front residential (WFR) to community service (CS).

The following are the more significant changes that are proposed as a part of the requested amendment to the HPUD agreement and the Site Plan (condominium layout):

- 1) The amendments would add units 9, 10, and 11 as new commercial outlots. Unit 9 would be a 1.66-acre site west of (unit 7) (the Kroger gas station) and (unit 6) (the Anytime Fitness Building). Unit 10 would be on the 1.01-acre site that is currently designated as parcel 2 and is preserved as natural undisturbed land along M-36, east of unit 8 (TCF property), west of the roadway access to M-36 nearest the Kroger, and north of the existing parking lot area in front of unit 2) (Wild Bill Tobacco store) and unit 3 (General Dollar) (u. Unit 11 would be a 3.66-acre site that would be located north and east of unit 1 (Kroger site). The proposed HPUD agreement would restrict unit 11 to be used only to expand the development in unit 1 (Kroger).
- 2) The amendment would expand the size of the existing general common element by approximately 1.68 acres. This expansion would provide additional space for the new drainage detention/retention areas necessary for future development of the requested outlots 9, 10, and 11.
- 3) The amendment would remove the following use restrictions approved as a part of the original HPUD to future development :

“Any area designated for future development on the approved site plan.....The following uses shall be prohibited: restaurant uses with drive-through facilities; automobile-related uses such as repair and service, lubricating facilities, gasoline stations, or car washes; the sale, rental or servicing of automobiles, farm machinery, boats or recreational vehicles.”

The amendment would replace these restrictions by allowing all uses allowed in the CS zoning district as follows:

“any future development of Parcel 1 shall permit any and all uses permitted in the TOWNSHIP's "CS" zoning classification and shall be subject to the use restrictions applicable to a CS zoning classification, and further subject to any approved modifications thereto as are set forth in a an approved site plan.”

- 4) By increasing the useable area for commercial (units 9, 10, and 11) and expanding the general common element lot, the proposed amendment reduces the amount of land designated for undeveloped open space “natural lands” as a part of the original HPUD agreement under item 3 by approximately 8 acres from 48 acres to 40 acres:

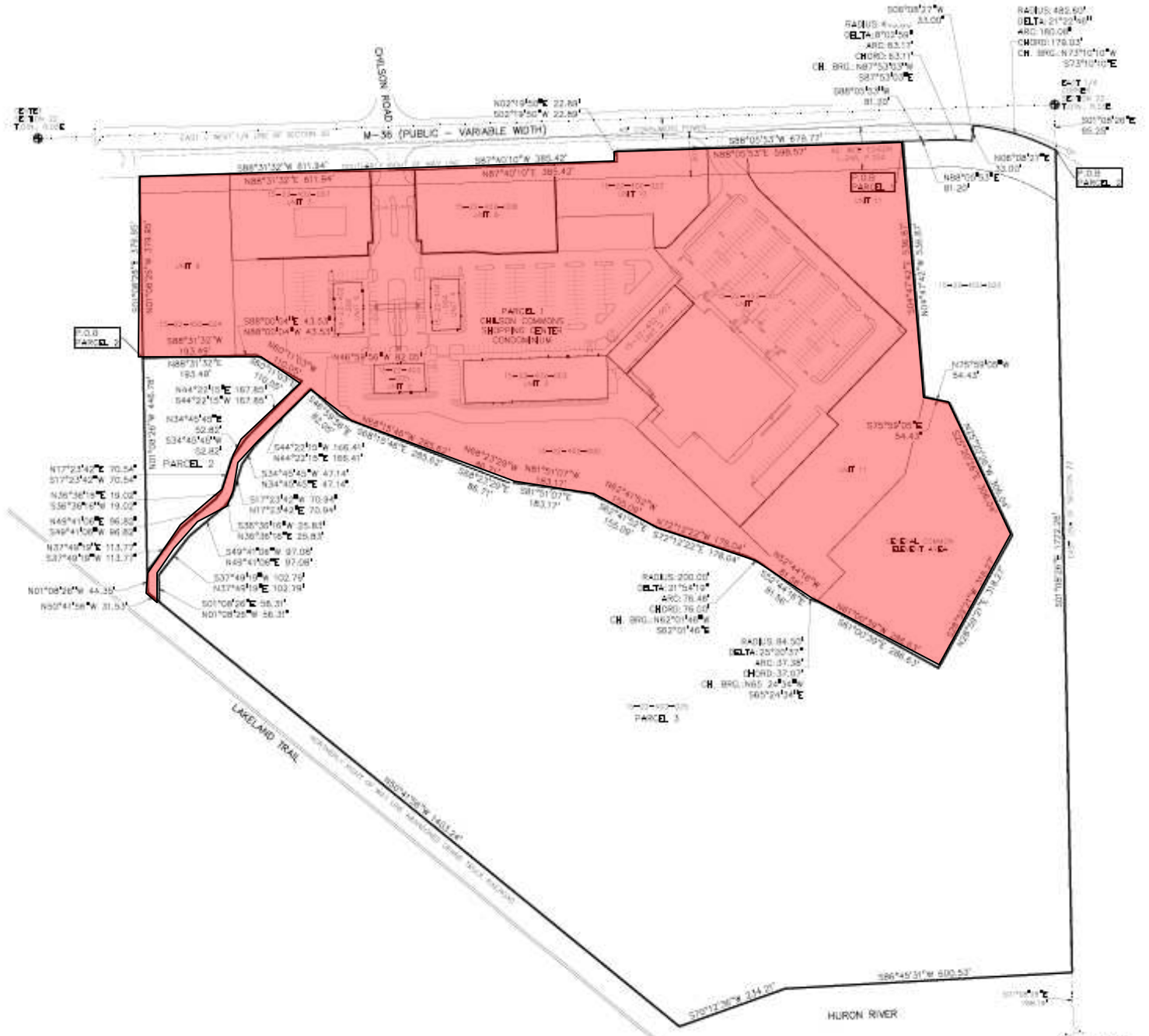
“The HPUD approval was granted based upon the fact that the only hardship established was on the eastern portion of the property due to the proximity to the Livingston County Wildlife and Conservation Club (The “Club”). In exchange for the Developers agreeing not to develop 57 acres of the site (no being 48 acres of the site plan), which includes approximately 22 acres of buildable land on the side of the Property near the Club, the Township approved more intense commercial development on the remainder of the Property as shown in the site plan and the HPUD approval. This 48 acres shall remain as undeveloped open space.”

The site plan (condominium layout) would be revised to visually reflect the HPUD agreement changes by adding Units 9, 10, and 11 and by expanding the size of the General Common Space lot. No physical changes to the site or any new site improvements are proposed at this time. Because the proposed changes will be adding addition commercial area and reducing the amount of open space on the subject site this is considered a major change to the approved site plan. Future site improvements on the subject site will require site plan review of drainage, parking, landscaping, traffic, site layout, and building design, among other items.

Copies of the proposed First Amendment and Full Restatement to the HPUD agreement (relined) and the revised site plan (condominium layout) as submitted by the applicant are attached to this report for your review as Exhibit A and Exhibit B, respectively.

The proposed rezoning request would revise the zoning under the commercial areas on the site plan (See Map 1 below) from WFR to CS to better align the underlying zoning with the actual use of the property. In the revised site plan parcel 1 is comprised of units 1 through 11 and all other developable area on the site including the parking areas, storm water detention areas and the boardwalk to the Lakeland Trail; parcel 2 is the open space (natural lands) on the south part of the site west of the boardwalk easement; parcel 3 is the open space on the east side of the boardwalk easement.

Map 1 Red Area to be Rezoned from WFR to CS



The rezoning of the underlying property would impact the project because if the HPUD agreement and the Master Deeds are silent on an item, for example the height of a structure, then the regulations of the underlying zoning district would apply. The CS zoning district is more compatible with the commercial use of the subject property.

The applicant has stated that they are requesting the amendment and rezoning of the existing project to create a more vibrant commercial development by allowing more commercial development on units 9 and 10, by allowing the expansion of unit 1 onto unit 11, by allowing additional commercial uses that were previously restricted by the HPUD on portions of the site, and by helping to improve the visibility of the commercial development from M-36 and the surrounding properties.

Because the Planning Commission may either suggest changes to the proposed project or not be in favor of the proposed project township staff and the applicant have agreed that the Planning Commission should review and make a recommendation of the proposed project prior to the township attorney doing her final review of the changes to the HPUD agreement. The township attorney has done a cursory review of the amendments to the HPUD agreement and will do a more comprehensive review after the Planning Commission makes a recommendation on the proposed project to the Township Board.

PROJECT HISTORY:

On December 17, 2002 the Township Board approved the HPUD with conditions (Exhibit C) and on November 25, 2003 the Township Board approved the final site plan for the Chilson Commons project (Exhibit D).

On January 28th of 2004 the property owners and the township entered into the HPUD agreement for the Chilson Commons development. This agreement along with attachments was recorded with the Livingston County Register of Deeds (Exhibit E).

The original HPUD was approved with the following conditions:

- 1) The commercial land area including parking areas shall not exceed 13.07 Acres.
- 2) The conditions recommended by the Planning Commission in the November 6, 2002 motion, including the reasons as outlined in the Planning Commission (McKenna) memo dated October 31, 2002 considerations 2-5 on pages 4-5 and additional recommendation 1-11 on page 5-6 are incorporated herein:
 - a. The commercial land are including the parking area shall not exceed 13.07 acres and the remaining are shall be permanently preserved through a conservation easement or other mechanism acceptable to the Township;
 - b. The connection to the Lakeland Trail including an improved trailhead designed as an integral part of the overall development and improvements at the intersection of M-36 and Chilson Drive to facilitate bike/pedestrian crossings;
 - c. The commercial building area shall not exceed 132,000 square feet;
 - d. A 350 foot buffer along the east property be preserved to protect the health, safety and welfare of the people using the subject property. The buffer area may be used for on-site floodplain mitigation and storm water management;
 - e. A minimum buffer area of 150 feet must be maintained along the M-36 frontage with the exceptions of the buildings located at the corner of M-36 and Chilson Drive;
 - f. The main parking located in from of the retail building A and B shall be setback a minimum of 175 feet from the centerline of M-36;
 - g. Limits of clearing shall be indicated on the plan along with a generalized indication of what existing vegetation will be preserved;

- h. All floodplain mitigation must be located on the subject site;
 - i. The final site plan shall be consistent with the proposed concept plan with respect to the building and parking locations and placement with the exception of the two dine-in restaurant building located at the corner of M-36 and Chilson Drive. The final location and orientation of these two buildings shall be determined during the final site plan review;
 - j. During the final site plan review process, the applicant will be required to submit a complete site plan pursuant to Article 4.0 of the Hamburg Zoning Ordinance for review and approval. In addition the applicant must provide the location and details for all site lighting and signage;
 - k. Building designs must reflect the character of Traditional Michigan small towns with a mix of traditional styles and traditional buildings materials such as stone, wood, brick, and glass. Building designs must reflect the pedestrian orientation of the proposed development.
- 3) The applicant shall be required to obtain final site plan approval through the procedures at the Township
 - 4) Applicant shall be required to install and maintain a pedestrian walkway from the commercial buildings to connect the existing Lakeland Trail at the south east end of the property.
 - 5) Applicant shall be required to complete all road improvements required by the Livingston county road commission and the Michigan Department of Transportation.
 - 6) The applicant and the Township shall enter into a Hardship PUD agreement, in a form to be approved by the Township, covering this approval, the commercial development, as well as the remaining 57 acres of the property which will remain undeveloped. The PUD agreement will provide future amendments, if any, shall lie in the sole discretion of the Township Board.
 - 7) After approval of the final site plan, and preparation and signing of the Hardship PUD Agreement, an Affidavit shall be recorded with the Livingston County Register of Deeds noting the specific development approval of the property.

The original site plan was approved with the condition that the township attorney review and approve the master deed for the project.

The original approvals divided the property into eight (8) condominium units and four (4) parcels. Parcel 1 (15-22-402-900) included the common elements (path, parking, drainage areas); parcels 2 (15-22-400-023), 3 (15-22-400-024), and 4 (15-22-400-025) are the undeveloped “natural lands” areas. The units are as follows: unit 1 (15-22-402-001) is the part of the condominium owned by Kroger, unit 2 (15-22-402-002) is the building with Wild Bills Tobacco, unit 3 (15-22-400-003) is the building with the Dollar General, unit 4 (15-22-400-004) is the building with the tanning salon, unit 5 (15-22-400-005) is the building with the Bigby unit 6, is the building with the Anytime Fitness, unit 7 (15-22-400-007) is an outlot that has been developed with the Kroger gas station, unit 8 (15-22-400-008) is an outlot that has not yet been developed and is owned by TCF bank.

The proposed project would:

- 1) expand parcel 1 (15-22-402-900) by adding 1.68 acres, currently undeveloped “natural lands,” from parcel 4 (15-22-400-025) to accommodate future drainage necessary for the three new commercial units;
- 2) change parcel 2 from a 1.01-acre undeveloped “natural lands” site into a future commercial outlot (unit 10, 15-22-400-023);
- 3) change 1.66 acres of “natural lands” from parcel 3 (15-22-400-024) into a future commercial outlot (unit 9); and
- 4) change 3.66 acres of “natural lands” from parcel 4 (15-22-400-025) into a future commercial outlot (Unit 11) that is restrict to the expansion of unit 1 (15-22-402-001).

PROJECT ANALYSIS:

Following is a discussion of the proposed amendment to the HPUD agreement, amendment to the site plan, and the zoning map amendment.

HPUD AMENDMENT (HPUD 20-001)

In 2002 when this project was originally approved the Township Board made the finding that the original HPUD for this project met the following four standards in Article 16 Hardship Planned Unit Development of the Township Zoning Ordinance. In order to approve this amendment to the HPUD the Township will need to verify the project as revised will still meet the HPUD standards. In 2019 the Township revised the Planned Unit Development sections of the zoning ordinance. As a part of this zoning amendment the Township eliminated Hardship Planned Unit Developments from the zoning regulations. When planned unit developments are approved the regulations that are in place when they are approved are the regulations that remain in effect for the life of the project or until the project is amended to revise those regulations.

A. Applicant’s property cannot be used for the purposes permitted in the zoning district.

In 2002 the Township Board made the finding that because of the location of the Livingston Conservation Club (LCC) and the shooting range associated with the club that the subject site was not suitable for the residential use allowed in the WFR zoning district and approved the HPUD agreement and site plan for the Chilson Commons Shopping Center which is a limited commercial use.

The LCC is still located on the property east of the subject site and the use of this property has not changed since 2002. However, the original development included a larger buffer between the developed area and the LCC. The new proposal includes unit 11 which is 3.66-acre site that would allow future commercial development associated with unit 1 the Kroger’s Grocery Store. Unit 11 would reduce the buffer between the commercial development on the subject site and the LCC property.

B. Applicant’s plight is due to unique circumstances peculiar to this property and not to general neighborhood conditions.

Again, the subject property is directly to the west of the Livingston Conservation Club which has an outdoor shooting range.

The location and use of the LCC property east of the subject site, the location of the site along M-36 at the intersection of Chilson Road and the fact that the property to the west and north are zoned for commercial uses (CS and NS) all contribute to making the subject's site less suitable for residential development.

C. Applicant's suggested use would not alter the essential character of the area.

The commercial use of the subject site has been in place since 2004. The area around the intersection of M-36 and Chilson Road is mostly commercial. However, the proposed project would add three new commercial lots units 9, 10 and 11. With site plan review on the existing vacant and the proposed outlots (units 8, 9, 10, and 11) preservation of the essential character of the area could be maintained with adequate landscaping, building location and design, and site layout.

According to the minutes for the original HPUD approvals for this project, reasons for the HPUD approval included the large buffer areas along M-36, significant building setbacks, limited clearing of trees, and restoration of any heavily vegetative area to minimize the effect of the new development.

The proposed HPUD amendment would also remove the restrictions on the commercial uses in areas designated for future development within the development site and would allow all uses allowed in the Community Service (CS) zoning district (Exhibit F). The original HPUD agreement does not allow restaurant uses with drive-through facilities; automobile-related uses such as repair and service, lubricating facilities, gasoline stations, or car washes; the sale, rental or servicing of automobiles, farm machinery, boats or recreational vehicles in some building on the site. The CS zoning district allows all of these uses with Planning Commission approval of a Special Land Use permit (SUP). Through the SUP process the Township can review the use and verify if it would be appropriate for the area where it is being proposed. This amendment would be consistent with the uses allowed on other properties in the area and at the intersection of M-36 and Chilson Road.

Staff Suggestion:

If the Planning Commission approves the expansion of the commercial properties in this subdivision some items to consider as conditions of approval may be:

- 1) No new access points to M-36 shall be proposed or permitted. All units shall be accessed through the interior layout of the Chilson Commons development.
- 2) The existing vegetation on units 9, 10, and 11 shall not be altered until site plan approval is granted on those properties. Future development of those properties shall meet the landscaping standards in the Zoning Ordinance including but not limited to the regulations under Sections 7.75 and 9.4.
- 3) Units 9, 10, and 11 shall be designed so that the building are closer to M-36 and the main parking areas are to the south of the building. Where this cannot be done there shall be a landscape buffer of at least 50 feet between the north property line and the parking area. The natural existing vegetation shall be preserved as much as possible in this landscape buffer.

D. Applicant's problem has not been self-created.

The Livingston Conservation Club has been in operation longer than the subject site has been developed.

SITE PLAN AMENDMENT (SPA19-001)

Site Plan Review Standards (Section 4.5.7.)

Below are the discretionary standards required for site plan review under Section 4.5.7., Standards for Site Plan Review.

A. The proposed development conforms to all provisions of the Zoning Ordinances.

The proposed revisions do not propose any physical changes to the site or improvements at this time. Future development of the proposed outlots (units 8, 9, 10, and 11) or on the existing site will require site plan approval and will be required to meet all provisions of the Zoning Ordinance and the HPUD agreement.

B. All required information has been provided.

The applicant has submitted the proposed changes to the approved site plan, which includes the change to the lot layout, along with the proposed amendment to the HPUD agreement and the request for a change of the underlying zoning district from WFR to CS. If the Planning Commission makes a recommendation to approve these changes to the Township Board, prior to the final approval of the project by the Board the applicant will need to submit the revisions to the master deeds and by laws. The township attorney will review all the documents to make sure they all are consistent with the Planning Commission recommendation on the project and are legally defensible. The Board will then review these final documents for compliance with the discretionary standards of the code.

C. The movement of vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.

Although the proposal will add additional commercial outlots (units 9, 10, and 11) to the project, no physical changes are proposed to the site at this time. As with the two existing outlots (units 7 and 8) the three proposed outlots (units 9, 10 and 11) will require site plan review when development of each outlot is proposed. During the site plan review for each of the outlots the overall traffic impacts, vehicular and pedestrian circulations, along with all other requirements of site plan review will be addressed.

D. The proposed development will be harmonious with existing and future uses in the immediate area and the community.

Although there will be no physical change at this time to the property, the three newly proposed commercial outlots (units 9, 10 and 11) and the expansion of the existing general common lot will reduce the natural preservation area that was approved as a part of the original site plan. The reduction of the natural area will reduce the buffer area to the north, east and west.

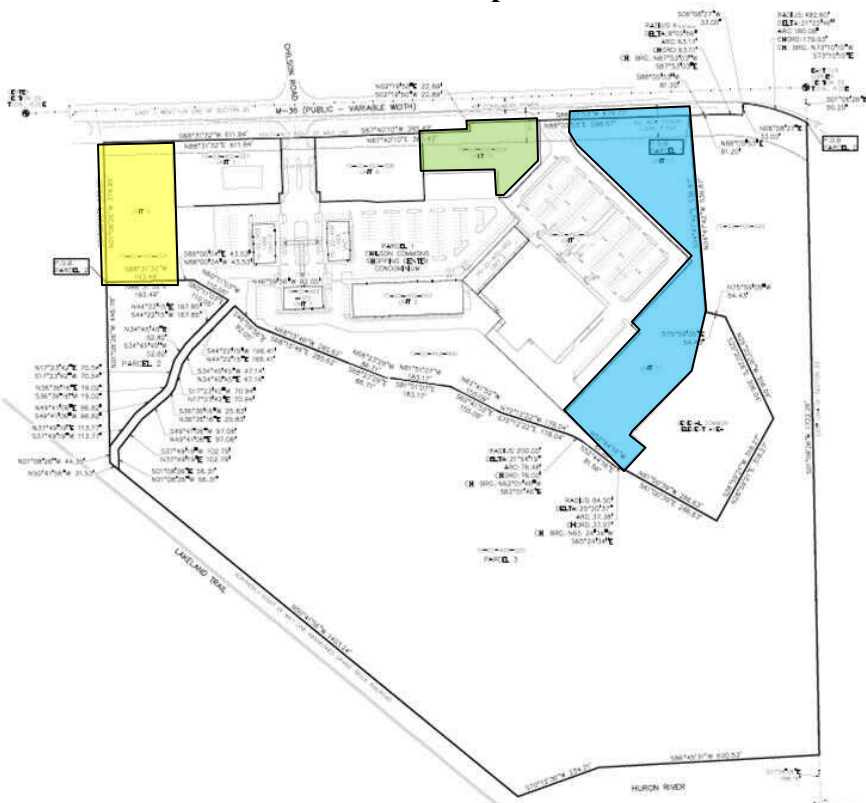
Unit 9 (yellow on Map 2) would be east of the existing developments units 6 (Anytime Fitness building) and 7 (Kroger gas station) and will eliminate the natural open space buffer between the

existing development and the property to the east at 5590 E M-36. The property at 5590 E M-36 is currently occupied by an Allstate Insurance office within a residentially designed structure and is zoned Neighborhood Service (NS).

Unit 10 (green on Map 2) would be where the existing parcel 2 is along M-36, east of unit 8 (TCF property), west of the roadway access to M-36 nearest the Kroger and north of the existing parking lot area in front of the buildings with the Wild Bill Tobacco store (unit 2) and with the General Dollar store (unit 3). Parcel 2 is currently a natural preservation area and acts as a buffer between M-36 and the parking area for units 2 and 3.

Unit 11 (blue on Map 2) would be north and west of unit 1 the Kroger building and parking area. The unit 11 area was originally part of parcel 3 which was natural preservation area and acted as a buffer between the Kroger parking area and M-36 to the north and the Kroger building and the LCC property at 6060 M-36 to the west. There will still be a decently-sized piece of property between this unit and the LCC property and the applicant has included a 20-foot wide landscape easement on the north side of unit 11 to preserve a small buffer area between unit 11 and M-36. Also, the HPUD agreement only allows unit 11 to be developed in association with unit 1 (Kroger).

Map 2
Proposed New Units



Although the project proposes expanding the commercial use and reducing the amount of land preserved as natural open space on the site, most of the existing lots surrounding the subject property have commercial uses. The lot north of proposed unit 9 is zoned CS and developed with the Hamburg Plaza, a commercial strip center; the lot west of proposed unit 9 is zoned NS and developed with a stand along insurance agent office; the lot north of proposed unit 10 is zoned CS and developed with Mazur Automotive, an auto repair shop; and the lots north of proposed unit 11 are zoned WFR and developed with four single family homes. Other than the properties across M-36 from proposed unit 11 the other proposed units are either surrounded by the existing Chilson Commons development open space or other commercially developed properties.

The project also proposes reducing the restrictions on what commercial uses are allowed in the development. The current HPUD does not allow the following: restaurant uses with drive-through facilities; automobile-related uses such as repair and service, lubricating facilities, gasoline stations, or car washes; the sale, rental or servicing of automobiles, farm machinery, boats or recreational vehicles. Under the CS zoning district these uses would be allowed with Planning Commission review of a special land use permit.

Staff Suggestion:

If the Planning Commission approves the amendment to the HPUD agreement and site plan staff suggest that the following be made conditions of approval:

- 1) No new access points shall be proposed all units shall be access through the existing Chilson Commons parking areas and roadways.
- 2) The existing vegetation on units 9, 10, and 11 shall not be altered until site plan approval is granted on those properties,
- 3) Units 9, 10, and 11 the sites shall be designed so that the building are closer to M-36 with the main parking areas to the south of the building, where this cannot be done there shall be a landscape buffer of at least 50 feet between the north property line and M-36, where as much natural vegetation shall be preserved as possible.

E. The proposed development provides the necessary infrastructure improvements, such as roads, drainage, pedestrian facilities and utilities, to serve the site, and be adequately coordinated with the current and future use of adjacent properties.

The proposed project does not include any physical changes to the site at this time. The general common element lot has been expanded to allow the existing drainage basin to be relocated and expanded to address future developments on the newly proposed outlots. The existing pedestrian walk ways, interior roadways, and utilities will remain. When the outlots are developed the improvements of the outlots will need to connect with the existing improvement within the Chilson Commons project.

Any future project will need to be reviewed by local, state and federal agencies to make sure all regulations can be met.

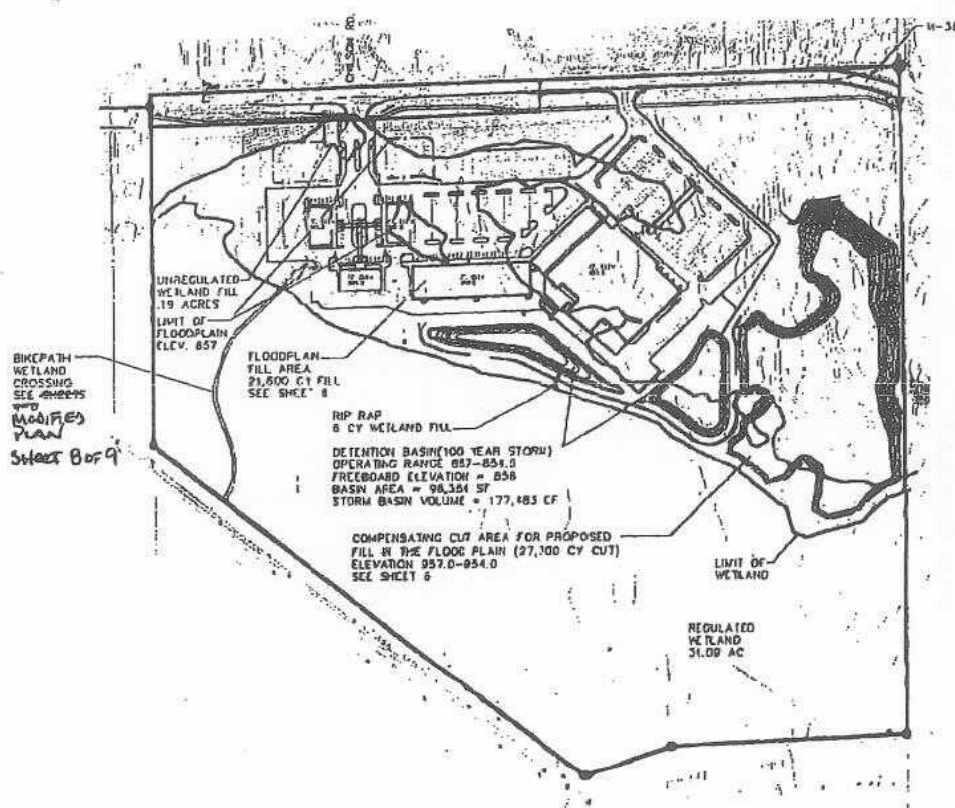
F. The applicable requirements of Township, County and State agencies are met regarding grading and surface drainage and for the design and construction of storm sewers, storm water holding facilities, water mains, and sanitary sewers.

The proposed project does not include any physical changes to the site at this time. When future development of the site is proposed all requirements regarding grading and surface drainage and for the design and construction of storm sewers, storm water holding facilities, water mains, and sanitary sewers will be review by any township, county, state or federal agencies that may require review.

G. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, and woodlands.

The proposed project will change approximately 8 acres of land that is currently designated for natural preservation area and allow future commercial development on it instead. Also it appears that the future development of units 9 and 11 will have impact on designated wetland and FEMA floodplain areas. See Map 3. When units 9 and 11 are developed if any wetlands or floodplains are disturbed all state and federal regulations will need to be met.

Map 3
Original 2003 Wetland and Wetland Mitigation Area Map



H. The proposed development shall respect the natural topography to the maximum extent possible by minimizing the amount of cutting, filling, and grading required.

The proposed project does not propose any changes to the grading on the site at this time. When units 9, 10 and 11 are developed in the future it appears that some grading will be required

especially on unit 11 due to the location of the existing wetland mitigation area that was created as a part of the original project.

I. The proposed development will not cause soil erosion or sedimentation.

The proposed project does not propose any physical changes to the site at this time. When future development is proposed on the site soil erosion and sedimentation will need to be review and approved for the projects by the Livingston County Drain Commission and the township engineer.

J. Landscaping, including trees, shrubs and other vegetative material is provided to maintain, improve and/or restore the aesthetic quality of the site.

Although the proposed project does not include any improvements to the site, changing the designation on the natural lands area in units 9, 10 and 11 to commercial outlots would impact the landscaping on the site.

The existing project includes approximately 1,150 linear feet of natural lands along M-36. This area was preserved under the original HPUD as natural lands and the existing vegetation on this land was not to be disturbed. The draft amendment to the HPUD agreement would reduce this natural landscaping along M-36 and only 320 feet of the 1,150 feet of preserved natural lands would remain along M-36.

Changing units 9, 10 and 11 from natural preservation areas to commercial development will allow the applicant to remove the vegetation in these areas. Also, it appears that the proposed wording under Section D(5)(c) of the amendment to the HPUD agreement appears to exempt unit 10 from future landscaping requirements when the lot is developed. This section states that “Unit 10 on which screening shall not be required except as shown on Exhibit A”.

The future development of this site would require site plan review. Through the site plan review process a landscape buffer should be required as stated in section 9.4 of the zoning ordinance and either no parking or minimal parking between the building and M-36. The future building and landscape will then be able to screen the future parking areas for units 10 and the existing parking area for units 2 and 3 from the M-36 corridor.

Landscaping as required under Section 9.4. should be required during the site plan review process for future development of units 9, 10, and 11 this includes but is not limited to a 20-foot wide greenbelt along the M-36 road right-of-way that would include a minimum of 1 tree and 4 bushes for every 40 linear feet of frontage. A landscape buffer would also be required on the side setback between unit 9 and the property to the west. This buffer would be required to be 10 feet wide however 1 tree and 4 shrubs would be required for every 20 linear feet.

Staff Suggestion:

If the Planning Commission approves the expansion of the commercial properties in this subdivision staff suggest that as a condition of the existing vegetation on units 9, 10, and 11 shall not be altered until site plan approval is granted on those properties. Future development of those properties shall meet the landscaping standards in the Zoning Ordinance including but not limited to the regulations under section 7.75 and Section 9.4.

K. Conformance to the adopted Hamburg Township Engineering and Design Standards.

The proposed project does not propose any changes to the engineering of the project at this time. When any future development improvements are proposed the project will be required to meet Townships engineering and design standards.

L. All proposed commercial, office, industrial, institutional and multiple family development shall utilize quality architecture to ensure that buildings are compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously into the streetscape and meet the objectives the Township Master Plan. New buildings, additions and renovations shall be designed to preserve or complement the design character of existing development provide visual harmony between old and new buildings, and create a positive image for the Township's various commercial shopping nodes. Commercial, office, industrial, institutional and multiple family architecture shall be reviewed by the Planning Commission under the following criteria:

1. Buildings shall front towards and relate to the public street. Buildings shall be located to create a define streetscape through uniform setbacks and proper relationship to adjacent structures. Proper relationship to existing structures in the area shall be maintained through building mass, proportion, scale, roof line shapes and rhythm. Buildings within the area designated on the M-36 Corridor Plan/Master Plan as the "Hamburg Village" shall be compatible with the historic character of the unincorporated place commonly referred to as the "Old Hamburg Village."

2. Building materials and colors shall relate well and be harmonious with the surrounding area. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. For any side of a principal building facing a public or private street, at least fifty percent (50%) of the facade shall be constructed of, or covered with, the following materials:

- a. Brick;**
- b. Fluted or scored concrete block;**
- c. Cut stone;**
- d. Vinyl siding;**
- e. Wood siding;**
- e. Glass; or,**
- f. Other materials similar to the above as determined by the Planning Commission.**

3. Buildings shall possess architectural variety, but enhance the overall cohesive community character. Buildings shall provide architectural features, details and ornaments such as archways, colonnades, towers, cornices or peaked roof lines.

4. Building walls over 100 feet in length shall be broken up with a combination of the following: varying building lines, windows, architectural accents and trees.

5. Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place.

6. Where the rear facade of a building will be visible from a residential zoning district, or the rear of the site will be used for public access or parking, such rear facade shall be constructed to a finished quality comparable to the front facade.

7. Signs, landscaping, lighting and other site elements shall be coordinated and compatible with the building design, as well as harmonious with other nearby developments.

Developments shall provide site features such as decorative entry signs, ornamental lighting, pedestrian plazas and/or pedestrian furniture.

The proposed changes will not impact the architecture of the building within the project. Future buildings that are constructed will need to meet the designs standards above and as required in the HPUD documents for the Chilson Commons project.

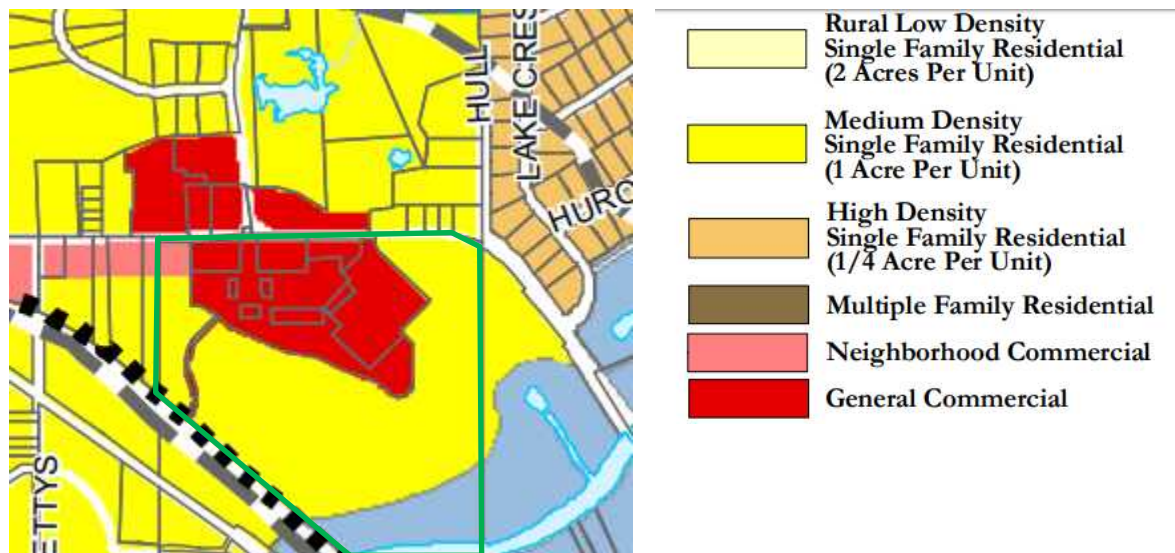
ZONING MAP AMENDMENT (ZMA20-001)

Chapter 12 Amendment Section 12.2.2. Referral to Planning Commission.

All proposals for amendment shall be referred to the Planning Commission for their review and recommendation. The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal, the most likely effect on the community's physical development, and conformance with the Township Master Plan. The Planning Commission may recommend any additions or modifications to the original amendment proposal.

The factors related to the individual proposal such as the location of the proposed expansion of the commercial areas, the surrounding properties, and the natural environmental concerns on the site have been discussed throughout this report. Also discussed in this report has been the most likely effect on the community's physical development.

The Future Land Use Map, in the 2010 Master Plan, designated the area developed for existing commercial (Parcel 1 and Units 1-8) and parcel 2 (proposed Unit 10) as General Commercial (Red). The designation of the much of the area of parcel 3, except for an approximately 150-foot deep area the area along M-36 in parcel 3 (proposed Unit 9), and the entire area of parcel 4 is Medium Density Single Family Residential (Yellow). The approximately 150 foot deep area along M-36 on the north portion of parcel 3 (proposed Unit 9) is designated Neighborhood Commercial (Pink). The area where unit 9 and 10 are proposed are both designated commercial in the future land use map. The area where unit 11 and the expansion of parcel 1 are proposed is designated medium density single family residential.



The Master Plan goals and M-36 Corridor Plan goals that are relevant to this project are listed below:

Master Plan Goals:

- 1) To protect, preserve, and enhance whenever possible the unique and desirable natural amenities of Hamburg Township.
- 2) Preserve the natural and historic character of Hamburg Township by accommodating a reasonable amount of development, but ensuring the development is in harmony with the natural features and the unique environmental requirements of the Township.
- 3) To direct future development to those areas most suited for that type of development.
- 4) Cluster and contain future commercial development around existing commercial areas in the Hamburg Village, Village Center, M-36/Chilson Road, Lakeland, M-36 / Pettysville Road areas to enhance and serve the residents of the surrounding neighborhoods and motorists on M 36.
- 5) Encourage the development of the Village Center as indicated in the Village Center Master Plan.

M-36 Corridor Plan Goals:

- 1) Preserve the rural character of Hamburg Township by accommodating a reasonable amount of development, but ensuring the development retains or adds to the rural appearance and natural features.
- 2) Existing landscaping and natural features viewed along M-36 should be preserved. Development should be situated away from the roadway and key viewsheds protected to retain an appearance of low intensity development.
- 3) Cluster future commercial development around existing commercial areas at major intersections to create nodes that serve the residents of the surrounding neighborhoods and motorists on M-36.

Staff Overall Comments:

The following are the three most significant concern that the Planning Staff has with the proposed project in bold, followed by brief staff analysis of the concern.

- 1) **Adding additional commercially zoned property to this area will detract from future potential commercial moving into and revitalizing the Village Center Area and filling other existing vacant commercial sites and developments.**

No matter what additional commercial space is added onto this site it will have the potential to detract from future commercial development of the Village Center area or other existing commercial sites in the Township. Basically, if more commercial is built here it will not be built in the Village Center area. The question is how much commercial space can Hamburg Township support?

The Master Plan and M-36 Corridor plan do allow for minimal expansion of commercial growth as long as it is within the existing commercial nodes along M-36 is allowed.

Hamburg Township currently has multiple strip centers along M-36 that are not full including the subject site. In the current economic state the Township may not be able to absorb the additional strip retail spaces and instead these spaces would attract commercial development that would have otherwise gone into existing space elsewhere in the Township.

Although unit 11 is restricted to only allow development in association with unit 1, which helps protect other commercial spaces within the Township; if Kroger could be expanded into unit 2 the existing building west of the existing Kroger building instead of expanding to the east into proposed unit 11 and the existing businesses in the unit 2 building could be moved to the vacant spaces elsewhere in the Chilson Commons project. This would allow Kroger shoppers to use the existing underutilized parking area in front of unit 2 and 3 along with their existing parking area, it would orient the Kroger grocery store towards the rest of the Chilson Commons project driving additional pedestrian and auto traffic to other business within the development, it would help fill the existing vacant spaces within the development by transferring the existing commercial tenants in unit 2 to other vacant space in the Chilson Commons project and there would be no need for unit 11, which encroaches into the buffer area between the Kroger parking lot and M-36 and between the Kroger development and the Livingston Conservation Club.

2) Allow additional expansion of the commercial developable area on the property will have a greater impact on the existing wetlands and floodplain areas.

The existing development was allowed to be built into existing wetlands and floodplain areas with mitigation. It appears some portion of lot 9 and lot 11 will be within the wetland and floodplain.

The Master Plans of the Township include goals to preserve natural environmentally sensitive areas and to balance development with the natural environment.

3) Allowing the additional expansion of the commercial developable area will reduce the natural open space preserved as a part of the original HPUD and reduce the buffer areas from the property to the east and west and from M-36 to the north.

The HPUD approval was based on the original site plan that included the preservation of 48 acres of natural lands. This preserved natural lands acted as a large buffer areas between the Chilson Commons Development and the surrounding properties to the west and east and from M-36 to the north. As previous stated the natural area along M-36 will be reduced from 1150 feet of natural lands to 320 feet of natural lands with the additions of units 9, 10 and 11.

Requiring a buffer between the subject development and the property to the west at 5590 East M-36 does not seem to be as important because this adjacent property is zoned Neighborhood Service (NS), a commercial zoning district, and is currently used and

developed as an insurance office. However, a large part of the property between the current commercial development area on the subject site and the property at 5590 East M-36 where unit 9 is proposed is within the floodplain and wetland area.

Unit 10 would remove the landscaping buffer between M-36 and the parking area in front of unit 2 (the multi-tenant building with subway) and unit 3 (the multi-tenant building with General Dollar). Future development of this site would require site plan review. However the current proposed revisions to the HPUD agreement would not protect the existing vegetation on the site. If the Planning Commission recommends approval of the revisions to the HPUD staff suggests that a condition be included that all existing vegetation on this site remain until site plan review of a future development has been approved and construction has started.

The proposed revision Section D(5)(c) of the First Amendment to the HPUD agreement is confusing and appears to exempt unit 10 from future landscaping requirements when the lot is developed. This section states that “*Unit 10 on which screening shall not be required except as shown on Exhibit A*”. The future development of this site will require site plan review. Through the site plan review process a landscape buffer should be required as stated in section 9.4 of the zoning ordinance and either no parking or minimal parking between the building and M-36. The future building and landscape will then be able to screen the parking areas for unit 10 and units 2 and 3 from the M-36 corridor.

Unit 11 would remove the buffer area between M-36 and the Kroger parking lot and reduce the size of the buffer area east of the Kroger building to the Livingston Conservation Club property. To limit the impact on future commercial development throughout the township; unit 11 is restricted to the expansion of the existing retail use on unit 1 (Kroger grocery store).

Recommendation:

Staff suggests that the Planning Commission review and consider; the proposed amendments to the Chilson Commons HPUD Agreement and the site plan and rezoning of the developed property as shown in Map 1 on page 3 of this report from WFR to CS in terms of its own judgment on particular factors related to the individual proposal, the most likely effect on the community's physical development, conformance with the Township Master Plan, and how the amendments meet the required standard.

The Planning Commission may recommend any additions or modifications to the proposed amendment including but not limited to recommending approval of only a portion of the project. For example, the PC may find that unit 10 is appropriate but unit 9 is not and could make a recommendation that unit 9 be allowed but unit 10 remain as originally approved. Or the PC may recommend that the amendments to eliminate the use restrictions on the site are appropriate but the revised layout to expand the commercial area to units 9, 10, and 11 is not. The PC may find approval of the rezoning is appropriate but recommend denial or a revision to the amendment to the HPUD. There are many decisions the Planning Commission can make. The Planning Commission should make a recommendation to approve, approve with conditions or

deny the proposed Amendments to the HPUD agreement and site plan, and the zoning map amendment to the Township Board.

Staff Suggestion:

If the Planning Commission decides to recommend approval of the revisions to the HPUD agreement and the site plan (condominium layout) for the Chilson Commons project and to the rezoning request to change the underlying zoning from WFR to CS staff would suggest the proposed HPUD agreement be revised to include the following conditions of project approval:

- 1) No new access points to M-36 shall be proposed or permitted. All units shall be access through the interior layout of the Chilson Commons development.
- 2) The existing vegetation on units 9, 10, and 11 shall not be altered until site plan approval is granted and construction has started on those properties. Future development of those properties shall meet the landscaping standards in the Zoning Ordinance including but not limited to the regulations under section 7.75 and Section 9.4.
- 3) Units 9, 10, and 11 shall be designed so that the building are closer to M-36 and the main parking areas for those sites are to the south of the building. Where this cannot be done there shall be a landscape buffer of at least 50 feet between the north property line and the parking area. The natural existing vegetation shall be preserved as much as possible in this landscape buffer.
- 4) The master plan and by laws shall be revised to be consistent with the proposed First Amended and Fully Restated Hardship Planned Unit Development Agreement and the Conditions. The township attorney shall review all of these documents prior to the Township Board hearing on this project.

Exhibit A— First Amendment and Full Restatement to the HPUD agreement (redlined)

Exhibit B—Site Plan (Revised Condominium Layout)

Exhibit C—Dec 17,2002 Township Board HPUD approval and Conditions

Exhibit D—November 25, 2003 Township Board Site Plan

Exhibit E—Original HPUD agreement with Attachments

Exhibit F —Community Service (CS) Zoning District Uses Allowed

EXHIBIT A

FIRST AMENDED AND FULLY RESTATED HARDSHIP PLANNED UNIT DEVELOPMENT AGREEMENT

This First Amended and Fully Restated Hardship Planned Unit Development Agreement (the "First Amended HPUD Agreement") made this 28th day of January, 2004, 2020, by and between HAMBURG TOWNSHIP, a Michigan municipal corporation (referred to hereafter as the "TOWNSHIP"), and FIRST CHILSON, L.L.C., a Michigan limited liability company ("First Chilson"), whose principal address is, 29500 Telegraph Road, 27600 Northwestern Hwy., Suite 440200, Southfield, MI 48034, and CHILSON COMMONS, L.L.C., a Michigan limited liability company ("Chilson Commons"), whose principal address is 29500 Telegraph Road, 27600 Northwester Hwy., Suite 440200, Southfield, MI 48034 (First Chilson and Chilson Commons are collectively referred to hereafter as "Developers"), DEVELOPERS), Kroger Co. of Michigan, Inc., a Michigan corporation ("KROGER") whose address is 40399 Grand River Avenue, #110, Novi, Michigan 48375 and TCF National Bank, a national banking association ("TCF") whose address is 1405 Xenium Lane North, Plymouth, MN 55441 and Chilson Commons Shopping Center Condominium Association, a Michigan non-profit corporation (hereafter referred to hereafter as "ASSOCIATION"), whose address is 29500 Telegraph Road, Suite 110, Southfield, Michigan 48034. Township, DEVELOPERS, KROGER, TCF and ASSOCIATION are sometimes hereinafter individually referred to as a "Party" and collectively, as the "Parties."

RECITALS

WHEREAS, KROGER and TCF are successors-in-interest to Chilson Commons with respect to Units 7 and 8 respectively, having purchased said Units in the Chilson Commons Shopping Center Condominium ("Condominium"); and

WHEREAS, the DEVELOPERS, KROGER, TCF and ASSOCIATION are owners of 67.66 more or less acres of undeveloped land located in Hamburg Township, Livingston County, Michigan, a portion of which is improved with a commercial shopping center., more particularly described as:

The East 116 rods in width of that part of the Southeast fractional 1/4 of Section 22, T.1N., R.5E., Hamburg Township, Livingston County, Michigan, which lies North of the Huron River and the Grand Trunk Railroad Excepting that portion

lying northerly and westerly of a line described in Liber 3121 on page 135, Livingston County Records, and also excepting that portion taken for M-36, and being more particularly described as follows: Commencing at the East 1/4 Corner of Section 22; thence along the east line of said section, S 01°08'26" E, 95.25 feet to the south line of M-36 (66' wide) and the Point of Beginning; thence continuing along said east line, S 01°08'26" E, 1722.26 feet to an intermediate traverse line; thence along said line S 86°45'31" W, 600.53 feet; thence continuing along said traverse line, S 70°12'36" W, 234.21 feet to the north line of the abandoned Grand Trunk Western Railroad right-of-way (100' wide); thence along said right-of-way, N 50°41'56" W, 1434.77 feet to the west line of the east 116 rods of the Southeast fractional 1/4 of said Section 22, as measured perpendicular to the east line of said section; thence along said west line, N 01°08'26" W, 871.07 feet to the south line of the aforementioned recorded line, said line being the south line of M- 36 (variable width); thence along said recorded line the following three courses, N 88°31'32" c, 611.94 feet and N 87°40'10" E, 385.42 feet and N 02°19'50" W, 55.89 feet to the south line of M- 36 (66' wide); thence along said south line the following two courses, N 88°05'53" E, 680.02 feet and 247.88 feet along a curve to the right having a radius of 482.60 feet and a chord that bears S 77°11'40" E, 245.16 feet to the east line of said section 22 and the Point of Beginning. Also including the land lying between the Intermediate Traverse Line and the Huron River. Containing a net area of 67.66 acres more or less.

(the "Property"); and

WHEREAS, the ~~Developers~~DEVELOPERS petitioned for Hardship Planned Unit Development (the "HPUD") approval pursuant to Article 16 of the Hamburg Township Ordinance for the development of the Property; and

WHEREAS, on November 6, 2002, the Hamburg Township Planning Commission recommended approval of the HPUD with the conditions as set forth in ~~the attached Exhibit A;~~Exhibit A to the Hardship Planned Unit Development Agreement dated January 28, 2004 and recorded with the Livingston County Register of Deeds at Liber 262, Page 4, Livingston County Records (the "HPUD Agreement"); and

WHEREAS, on December 17, 2002, the Hamburg Township Board approved the HPUD with the conditions as set forth in ~~the attached~~-Exhibit B to the HPUD Agreement; and

WHEREAS, the Hamburg Township Zoning Ordinance, Section 16, provides for approval of the HPUD, and authorizes and permits, among other things, the modification of the Zoning Ordinance regulations with respect to use, area, heights, bulk and placement within and in the case of such HPUD; and

WHEREAS, it is the desire of the TOWNSHIP to insure that the Property is developed and used in accordance with its lawful rules and regulations and pursuant to the conditions imposed in the HPUD approval granted by the TOWNSHIP; and

WHEREAS, DEVELOPERS seek to amend the HPUD Agreement to accommodate an expanded commercial condominium development; and

WHEREAS, DEVELOPERS caused a ~~Site Plan~~ Revised Parcel Layout (the "~~Site Plan~~ Revised Parcel Layout") to be prepared and submitted to the Township for its approval showing the newly proposed layout of the parcels comprising the Property. The ~~Site Plan~~ Revised Parcel Layout attached hereto as **Exhibit ~~E~~"A"** was prepared by Professional Engineering Associates, Job Number ~~EQ02026, with revision date through September 29, 2003~~ 2016-022, dated _____, 2020; and

WHEREAS, on ~~June 24, 2003,~~ _____, 2020 the Hamburg Township Planning Commission recommended approval of the ~~Site Plan with~~ Revised Parcel Layout on the terms and conditions set forth in ~~the this~~ First Amended HPUD Agreement as set forth in attached **Exhibit ~~D~~"B."**; and

WHEREAS, on ~~November 24, 2003,~~ _____ 2020, the Hamburg Township Board also approved the ~~Site Plan~~ Revised Parcel Layout on the terms and conditions set forth in this First Amended HPUD Agreement and contingent upon the recording of this First Amended HPUD Agreement, as set forth in attached **Exhibit "C"** with the conditions as set forth in the attached **Exhibit E**; and

WHEREAS, the attached **Exhibit ~~FA~~** shows the Property divided into ~~eight (8) condominium units (the "Units") and four (4)~~ ~~three (3)~~ parcels (the "Parcels"). Parcel 1 is the proposed revised condominium portion of the site including the path leading to Lakeland Trail as it currently exists (the "Path") as part of ~~the its~~ general common elements ~~and including (i) proposed Unit 9, being 1.66 acres to be added to the westerly boundary of the Condominium abutting existing Unit 7 on the northerly portion thereof, (ii) proposed Unit 10, being 1.03 acres to be added to the easterly boundary of and abutting existing Unit 8 and also abutting existing Unit 1 on its southeasterly boundary, (iii) proposed Unit 11, being 3.91 acres added to and abutting the northeasterly and southeasterly boundaries of existing Unit 1 and (iv) the proposed expansion of the General Common Element of said condominium abutting the southeasterly corner of proposed Unit 11.~~ Parcel 2 is 1.83 acres abutting the southerly boundary of Proposed Unit 9 of the Condominium and continuing easterly to the Path. Parcel 3 is 38.80 acres abutting the easterly and southerly boundaries of the Condominium as proposed, westerly to the Path. The Revised Parcel Layout includes an overlay of the original landscape plan proposed by the DEVELOPER and approved by the TOWNSHIP in connection with the original approval of the HPUD showing what the DEVELOPER originally agreed to add to the site by way of landscaping improvements, ; and

WHEREAS, all of proposed Parcel 1 shall permit any and all uses permitted in the TOWNSHIP's "CS" zoning classification subject to the terms and conditions set forth herein below. The Units are as follows: Unit 1 is owned by KROGER and continues to be occupied as a retail supermarket. Units 2, 3, 4, 5 and 6 are owned by Chilson Commons have been developed and continues to be occupied for retail purposes consistent with the HPUD Agreement as amended hereby. Unit 7 is an outlot owned by KROGER and has been developed and is occupied for retail gasoline sales. Unit 8 is owned by TCF BANK and is a vacant outlot and is to be developed and

occupied in accordance with the requirements of this First Amended HPUD Agreement. Proposed Unit 9 is a vacant outlot owned by First Chilson and is to be developed and occupied in accordance with the requirements of this First Amended HPUD Agreement. Proposed Unit 10 is a vacant outlot owned by First Chilson and is to be developed and occupied in accordance with the requirements of this First Amended HPUD Agreement. Proposed Unit 11 is vacant outlot owned by First Chilson and is to be developed and occupied in accordance with the requirements of this First Amended HPUD Agreement; and

WHEREAS, proposed Parcels 2, 3 and 4 are 3 consist of the undeveloped area (hereafter sometimes referred to as "Natural Lands") currently to be retained by Developer. ~~The Units are as follows: Unit 1 is part of the condominium site to be owned by a retail supermarket. Units 2 and 3 are also part of the condominium site to be used for retail purposes consistent with this HPUD Agreement. Units 4, 5 and 6 are part of the condominium site to be owned and occupied for retail/restaurant purposes consistent with the requirements of this HPUD Agreement. Units 7 and 8 are outlots to be sold and to be used in accordance with the requirements of this HPUD Agreement. All of the foregoing constitute the entire Property; and First Chilson; and~~

WHEREAS, on June 24, 2003, 2020 the Hamburg Township Planning Commission approved the foregoing revised parcel splits and revised condominium layout as shown in Exhibit A hereto, contingent upon the approval and recording of this HPUDFirst Amended HPUD Agreement and subject to the conditions set forth in Exhibit ; and

WHEREAS, the TOWNSHIP, KROGER, TCF, the ASSOCIATION and the DEVELOPERS, for themselves and the Associationtheir successors-in-interest, have negotiated the terms of this First Amended HPUD Agreement, which shall govern and control the development of the Property.

NOW, THEREFORE, it is hereby agreed between the TOWNSHIP and, KROGER, TCF DEVELOPERS and the ASSOCIATION, while they are the title holders of the applicable Parcels, that they shall comply with the following:

1. The HPUD shown and described in Exhibits "B," "C" and E, attached hereto 1. This First Amended HPUD Agreement, is hereby approved in accordance with the authority granted to and vested in the Township under an pursuant to ACT 184, Public Acts of 1943, the Township Zoning Act; Act No. 285, Public Acts of 1931, and Act No. 168, Public Acts of 1958, related to municipal planning, and in accordance with the Township's Zoning Ordinance Article 16.

2. The Property shall be developed and used in accordance with thean approved Site Planssite plan and HPUD approval, ~~including all conditions contained in those approvals;~~ and subject further to the following conditions:

A. Any area designated herein for future development ~~on the approved Site Plan~~ shall be subject to site plan review and approval by the ~~Township~~TOWNSHIP Board, following the review and recommendation by the Planning Commission. Review by the ~~Township~~TOWNSHIP of the areas designated for future development shall be to determine whether the proposed

development complies with all applicable ~~Township~~TOWNSHIP ordinances and standards, which ordinances and standards may be waived or modified by the ~~Township~~TOWNSHIP in its sole discretion. Such right to modify shall include the ability of the ~~Township~~TOWNSHIP, in the exercise of its discretion, to require more stringent standards than set forth in the ordinances, similar to those that have been required for the other development on the Property. ~~The following uses shall be prohibited: restaurant uses with drive-through facilities; automobile-related uses such as repair and service, lubricating facilities, gasoline stations, or car washes; the sale, rental or servicing of automobiles, farm machinery, boats or recreational vehicles.~~Notwithstanding the foregoing, any future development of Parcel 1 shall permit any and all uses permitted in the TOWNSHIP's "CS" zoning classification and shall be subject to the use restrictions applicable to a CS zoning classification, and further subject to any approved modifications thereto as are set forth in an approved site plan. Additionally, Unit 11 of the Condominium shall be restricted to expansion of the existing retail use on Unit 1 of the Condominium.

____ B. DEVELOPERS, ~~KROGER~~ and TCF shall comply with the Stormwater Management System Schedule noted to apply "During Construction," and the ASSOCIATION shall comply with the second page of the Stormwater Management System Schedule, attached ~~to~~ the this First Amended HPUD Agreement as **Exhibit G,"D"**, with respect to the development authorized by this First Amended HPUD Agreement to assure proper maintenance of the storm maintenance system.

____ C. DEVELOPERS, ~~KROGER~~, TCF and ASSOCIATION shall maintain the landscaping and grounds as follows:

____ 1. All lawn areas shall be maintained in a healthy, neat and orderly appearance, free from refuse and debris.

____ 2. All lawn areas shall be mowed regularly during the growing season, including areas set aside for future development.

____ 3. Sod lawn areas shall be irrigated sufficiently to remain green during the summer months.

____ 4. Dead trees and shrubs that were installed as part of the site improvements shall be replaced in a timely manner within the appropriate season for planting. Notwithstanding the foregoing to the contrary, DEVELOPER shall be responsible maintain and replace only those trees along the frontage of the Property along M-36 as shown on Exhibit A the and any approved revised site plans affecting the Property.

____ 5. The connection to Lakeland Trail shall be mowed regularly during the growing season and shall be maintained in an orderly appearance, reasonably free from refuse and debris.

____ 6. The outlots, until developed, shall be maintained in an orderly appearance, reasonably free from refuse and debris and if appropriate, mowed regularly during the

growing season. Once developed, the outlots shall be mowed regularly during the growing season and shall be maintained in an orderly appearance reasonably free from refuse and debris.

_____. D. The Natural Lands areas shall be maintained by the owner(s) thereof as follows:

_____. 1. The existing Natural Lands being the area identified as Parcels 2, ~~3~~ and ~~43~~ on ~~Exhibit E~~ and as shown in the northeast area ~~A~~ of the Property on drawing ~~L-1~~ as ~~"existing meadow with scattered trees"~~ this First Amended HPUD Agreement shall remain undisturbed and in a natural state subject to DEVELOPER'S right to create a floodplains mitigation area as described in paragraph 2.D.4. below.

_____. ~~2. The wetland areas and existing trees on Unit 6 shall remain undisturbed and in a natural state.~~

~~_____ 3. The areas~~ _____ 2. To the extent of any wetland areas on proposed Unit 9, any existing trees shall remain undisturbed and in a natural state until Unit 9 is developed in accordance with a site plan approved by the TOWNSHIP. Existing trees and shrubs on Unit 10 (referred to in the original HPUD Agreement as Parcel "2") which DEVELOPER was not required to add per the landscape plan shown as an overlay on Exhibit A may remain, be trimmed or removed in DEVELOPER's sole discretion. Any trees and shrubs which DEVELOPER was required to add pursuant to said landscape plan shall be maintained and be subject to the requirements of paragraph 2.C.4 above. To the extent of any wetland or floodplain areas on proposed Unit 11, any existing trees shall remain undisturbed and in a natural state until they are developed in accordance with a site plan approved by the TOWNSHIP. Additionally, the existing 20 foot landscape buffer along the northerly 20 feet of proposed Unit 11 shall, in all events, be maintained and included in any proposed site plan for Unit 11.

_____ 3. Except with respect to proposed Unit 9, proposed Unit 10, proposed Unit 11 and the northerly portion of Parcel 3 but only to the extent of any floodplain mitigation area created pursuant to paragraph 2.D.4 below, Natural Lands, including any areas that have been seeded with meadow seed as noted on pursuant to the attached Exhibit original HPUD Agreement, shall remain undisturbed and in a natural state. The areas restored with meadow seed shall not be mowed, except for the detention basin area which shall be mowed twice per year.

~~_____ 3.~~ _____ 4. The HPUD approval was granted based upon the fact that the only hardship established was in the eastern portion of the property due to the proximity to the Livingston County Wildlife and Conservation Club (the "Club"). In exchange for the DEVELOPERS agreeing not to develop 57 acres of the site (now being 48 acres on the site Plan), which includes approximately 22 acres of buildable land on the side of the property near the Club, the Township approved more intense commercial development on the remainder of the Property as shown in the Site Plan and the HPUD approval. This 48 acres shall remain as undeveloped open space DEVELOPERS agree that they shall not develop the acreage contained in Parcel 3, except for the creation of a floodplain mitigation area on the northerly portion of Parcel 3.

4 _____ 5. No modification of the HPUD as amended hereby, including any other use of the Property, shall be permitted without the prior approval of the TOWNSHIP through the Township Board, after review and recommendation by the Planning Commission. The Township Board shall have the sole discretion to grant or deny any requested modification. ~~in~~In the event that the ~~Township~~TOWNSHIP Board agrees, in its sole discretion, to allow any other use of the Property other than as ~~shown in the Site Plan~~described in this First Amended HPUD Agreement, such use shall comply with all applicable township ordinances and standards, which ordinances and standards may be waived or modified by the ~~Township~~TOWNSHIP in its sole discretion. Such right to modify shall include the ability of the ~~Township~~TOWNSHIP, in the exercise of its discretion, to require more stringent standards than set forth in the ordinances. Notwithstanding the foregoing, DEVELOPERS and ASSOCIATION shall be entitled to expand the Condominium as shown in Exhibit A to incorporate proposed Units 9, 10 and 11 and the proposed General Common Element Area without TOWNSHIP review and approval provided that any such expansion is in compliance with the Michigan Condominium Act and an appropriate amendment to the Condominium Master Deed is duly recorded in the Livingston County Register of Deeds. In addition, any other use would be required to meet, a minimum, the following design standards:

A _____ a. Building design shall be consistent with the character of the development;

B _____ b. Materials shall consist of high quality materials such as brick, stone and glass with minimum use of EIFS as an accent material;

C _____ c. Parking for Units ~~37, 8, 9, 10~~ and ~~411~~ (the "outlots") must be set back a minimum of 20 feet from M-36 and the right-of-way and screened per ~~the Site Plan~~a site plan approved by the ~~Township~~TOWNSHIP Board after recommendation by the Planning Commission~~;~~ provided that Unit 7 has previously been developed per an approved site plan and shall remain in compliance with said approved site plan and Unit 10 on which screening shall not be required except as shown on Exhibit A; and

D _____ d. Access drives must comply with provisions of the Parking, Loading and Driveways provisions of the Hamburg Township Zoning Ordinance.

5 _____ 6. At the time of the execution of this First Amended HPUD Agreement, ~~First Chilson, Chilson Commons~~DEVELOPERS KROGER, TCF and the ~~Association~~ASSOCIATION represent that they are collectively the owners of the Property. The owners shall have the right to sell transfer, assign and/or mortgage the Property and any portion thereof. DEVELOPERS shall have the right to divide the Property, ~~subdivision it to a condominium~~expand or further subdivide Parcel 1, in whole or in part. All such conveyances and divisions shall be in accordance with state law and all ~~Township~~TOWNSHIP ordinances. In the event anyone elects to sell all or any portion of the Property, the terms and conditions of this First Amended HPUD Agreement shall become the obligation of, the responsibility of and binding upon any successor owner of any portion of the Property. In connection therewith, the Property owners agree to provide for the continued maintenance of such areas as the parking lot, landscaping, signage and utilities including stormwater management and to provide appropriate reciprocal easements for storm water retention,

parking and access, ingress and egress to and from any portion of the property and the public highways adjacent to the Property owned by them.

~~6~~ 7. The owner of each Parcel and/or Unit comprising the Property shall be responsible for the upkeep, maintenance and repair of that portion of the common area situated on its Parcel/Unit. Maintenance shall include, to the extent applicable, paved surfaces, removal of trash and debris, removal of snow and ice from paved surfaces and sidewalks, maintenance of parking signs, exist and directional markers, as well as other necessary traffic control signs, cleaning of lighting fixtures and re-lamping, re-striping, maintenance of electrical and stormwater lines exclusively providing service to the common areas, maintenance of landscaping and mowing and grooming or all seeded, sodded and ground-covered areas. ~~the~~The anchor ground sign shall be the responsibility of the owner of Unit 1 and the retail sign shall be the responsibility of the ~~owner of Parcel 1~~ASSOCIATION.

~~7~~ 8. To the extent the First Amended HPUD is silent as to any matters governed by ~~Township~~TOWNSHIP Ordinances and Regulations, the ~~Township~~TOWNSHIP Ordinances and Regulations shall apply.

~~8. The approved HPUD and Site Plant shall be effective for a period of one (1) year from the date of the signing of this HPUD, and shall thereafter be void unless actual construction and improvements have been commenced on the Property pursuant to a lawfully issued building permit.~~

~~10. Both entrances, all landscaping along M-36, the water system for the entire development, the storm detention for the entire development, the sanitary for the entire development, all parking areas, and the connection to the Lakeland Trail shall be completed prior to the issuance of any occupancy permits.~~

~~11~~ 9. This provision is made in part due to the recognition of existing activities of the Club and the desire of Developer and Club to exist in harmony with each other. The planned flood plain mitigation area was placed next to the Club's property to create a setback area (the "Setback") from the edge of the shooting range (the "Range"). The Developer affirms the right of the Club to exist and continue to conduct its ordinary and ongoing activities as they now exist based on the recognition that the Club does not have a detrimental effect on the operation of the shopping center.

~~12~~ 10. In the event of a breach of this First Amended HPUD Agreement by an owner, its agents, officers, employees or persons acting in concert with it, the Township shall notify the owner of the occurrence of the breach and delivery to the owner a written notice requiring the breach to be cured within thirty (30) days; provided, however, that if the breach by its nature cannot be cured within thirty (30) days, the owner shall not be deemed to be in default hereunder if the owner commences the cure within the thirty (30) day period and diligently thereafter pursues the cure to completion. In the event of a breach of this First Amended HPUD Agreement, the ~~Township~~TOWNSHIP may pursue any remedies permitted by law.

~~13~~ 11. This First Amended HPUD Agreement contains the entire agreement between the Parties. No statements, promises or endorsement made by either Party or agent of either Party that are not contained in this Agreement shall be valid or binding.

~~14~~ 12. This First Amended HPUD Agreement may not be amended except in writing signed by the parties and recorded in the same manner as this First Amended HPUD Agreement.

~~15~~ 13. This First Amended HPUD Agreement shall be governed by the laws of the State of Michigan, both as to interpretation and performance. Any and all suits for any and every breach of this Agreement may be instituted and maintained in any court of competent jurisdiction.

~~16~~ 14. No waiver of any breach of this First Amended HPUD Agreement shall be held to be a waiver of any subsequent breach. All remedies afforded in this First Amended HPUD Agreement shall be taken and construed as cumulative in addition to every other remedy provided by law.

~~17~~ 15. The signors of this First Amended HPUD Agreement warrant and represent that they have the authority to sign this Agreement on behalf of their respective principals and the authorities that bind each Party to this First Amended HPUD Agreement according to its terms. Further, each of the Parties represent that the execution of this First Amended HPUD Agreement has been duly authorized and is binding on such Parties.

~~18~~ 16. This First Amended HPUD Agreement shall run with the land and bind the Parties, their heirs, successors and assigns. A transfer of title by an owner of a Parcel/Unit shown in **Exhibit -FAF** shall not relieve the transferor of liability for obligations accruing prior to the recording the instrument of conveyance. The transferor, however, shall be relieved of any further accruing obligations under this First Amended HPUD Agreement. This First Amended HPUD Agreement shall be recorded in the Livingston County Records by First Chilson, Chilson Commons and the ASSOCIATIONthe Parties hereto, and a recorded copy thereof shall be delivered to the Township forthwith. It is understood that successors shall take their interest in the Property subject to the terms of thisFirst Amended HPUD Agreement.

~~19. Notwithstanding the above, First Chilson, Chilson Commons and the Association, for themselves and their successors and assigns, retain the right at any time prior to the commencement of actual construction of any of the improvements contemplated by the Site Plan to terminate this Agreement. In the event First Chilson, Chilson Commons and/or the Association do so terminate, the HPUD approval granted by the township Board on December 17, 2002 shall become null and void, and shall not be usable by First Chilson, Chilson Commons, and the Association, nor their successors or assigns, in any further proceedings, administrative or legal, or litigation.~~

—20— 17. In the event the Property, or any part thereof, is transferred so that the Property, in its entirety, is owned by more than one person or entity, any breach of this Agreement or violation of any applicable provision of the ordinance of the Township occurring on any part of the Property will be the sole responsibility and liability of the person or entity who or which owns that Parcel/Unit of the Property on which the breach or violation occurs and will have no effect whatsoever on the other portions of the Property or the owners of such other portions.

~~*{remainder of page intentionally left blank}*~~

[signatures and notarizations on following pages]

In the County of

Michigan

My Commission Expires:

Acting in

County,
Michigan

[signatures and notarizations continued on following pages]

[Signature lines continuing from page 69 of the First Amended and Fully Restated Hardship Planned Unit Development Agreement.]

Signed the day and date first above written.

FIRST CHILSON, L.L.C., a Michigan
limited liability company

By: WILLIAM E. WATCH
Its: Managing Member

STATE OF MICHIGAN)
)SS
COUNTY OF LIVINGSTON)

The foregoing First Amended and Fully Restated Hardship Planned Unit Development Agreement was acknowledged by me on _____, 2019, 2020, by WILLIAM E. WATCH, the Managing Member of First Chilson, L.L.C., a Michigan limited liability company, and for and on behalf of such company as said limited liability company's free act and deed.

Notary Public

[printed name]

In the County of _____ Mich

My Comm Commission Expires:

Acting in _____ County, Michigan

[signatures and notarizations continued on following page]

~~*{signatures and notarizations continued on following page}*~~

[Signature lines continuing from page 11 of the First Amended and Fully Restated Hardship
Planned Unit Development Agreement.]

Signed the day and date first above written.

KROGER CO. OF MICHIGAN, INC., a
Michigan corporation

By: _____

Its: _____

STATE OF _____)

_____)SS

COUNTY OF _____)

The foregoing First Amended and Fully Restated Hardship Planned Unit Development
Agreement was acknowledged by me on _____, 2020, by
_____, of Kroger Co. of Michigan, a
Michigan corporation, as said corporation's free act and deed.

Notary Public

[printed name]

In the County of _____,

My Commission Expires: _____

Acting in _____ County, _____

[signatures and notarizations continued on following page]

[Signature lines continuing from page 12 of the First Amended and Fully Restated Hardship
Planned Unit Development Agreement.]

Signed the day and date first above written.

TCF NATIONAL BANK, a national
banking association

By: _____
Its: _____

STATE OF _____)
_____)SS
COUNTY OF _____)

The foregoing First Amended and Fully Restated Hardship Planned Unit Development
Agreement was acknowledged by me on _____, 2020, by
_____, of TCF National Bank, a national
banking association, as said entity's free act and deed.

_____ Notary Public
_____ [printed name]

In _____ the _____ County _____ of

_____,
My Commission Expires: _____
Acting in _____ County, _____

[signatures and notarizations continued on following page]

[Signature lines continuing from page 13 of the First Amended Hardship Planned Unit Development Agreement.]

Signed the day and date first above written.

CHILSON COMMONS SHOPPING
CENTER CONDOMINIUM ASSOCIATION,
a Michigan non-profit corporation

By: William E. Watch
Its: President

STATE OF MICHIGAN)
)SS
COUNTY OF)

The foregoing First Amended and Fully Restated Hardship Planned Unit Development Agreement was acknowledged by me on _____, 2020, by William E. Watch, President of Chilson Commons Shopping Center Condominium Association, a Michigan non-profit corporation, as said corporation's free act and deed.

Notary Public

[printed name]
In the County of _____,
My Commission Expires: _____
Acting in _____ County, _____

EXHIBIT C

09022.004C Chilson Commons

Motion by Hardesty, supported by Majoros, to grant the request of Trustee Hohl to abstain from any voting decisions regarding Chilson Commons.
Voice Vote: AYES: 6 Abstain: 1 (Hohl) **MOTION CARRIED.**

Jim Epping representing Chestnut Developers gave an overview of the proposed development.

In September of 2000, Chestnut Development ("Applicant") applied for relief for development of its property under Article 16.00 of the Zoning Ordinance, Hardship Planned Unit Development.

The subject property is approximately 70.6 acres in size, and is located generally south of M-36 at the intersection of Chilson Road. The subject property is vacant, and is zoned WFR, Waterfront Residential, and NR, Natural River, under the Zoning Ordinance. The principal uses permitted under these zoning classifications are residential. The Master Plan contemplates that the subject property will develop with medium density residential (minimum 1-acre per dwelling), with the exception of approximately 10 acres along the frontage to a depth of approximately 300 feet, which is planned for general commercial. The Master Plan further recommends that any new construction for commercial be no larger than a neighborhood shopping center of approximately 50,000 square feet.

Applicant argues that it has submitted evidence to demonstrate that it has met the qualifications to be entitled to relief under Article 16.00 of the Zoning Ordinance.

Applicant originally submitted a specific plan for development as a Hardship PUD, which contemplated three small outlots for small commercial users, a 136,000 square foot shopping center, and 108 multiple-family units. This plan was revised on numerous occasions since that time, and the plan presently before the Board is dated October 6, 2002 and sealed by Benato Architects on October 17, 2002.

Applicant claims that the requisite hardship has been established. Applicant claims that the property cannot be developed for residential use as zoned because of the large area of wetlands and flood plains on the site, the elevation differences from M-36 to the floodplain toward the rear of the property, the existence of the high voltage power line which runs parallel to M-36, and the location of the Conservation Club immediately adjacent to the subject property on the east. With respect to its proposed plan for development under the Hardship PUD, Applicant has offered information from The Green Group indicating that the property and the

community could support a shopping center of the size proposed, and a traffic study which notes that improvements to the road system would be necessary if the development were to occur.

After weighing the information and plans submitted by the Applicant, considering the Zoning Ordinance, Master Plan, M-36 Corridor Plan, and the Village Center Plan, the recommendations of the Township Planning Consultant dated October 31, 2002, and the recommendation of the Planning Commission of November 6, 2002, the Township Board finds:

1. Applicant has met its burden of establishing a hardship.
Under Article 16.00, Applicant has the obligation to establish that it has met four requirements to establish a hardship which would enable the Township to grant relief from the literal application of the current zoning. Applicant has met its burden as follows:
 - A. Applicant's property cannot be used for the purposes permitted in the zoning district.

Applicant has claimed that it cannot use its property for several reasons. The Township Board, like the Planning Commission, finds the conditions related to wetlands, steep slopes, flood plains, and access limitations to be unpersuasive. These conditions do not result in the inability of the Applicant to develop residential homes on the site, particularly under the flexible development opportunities available through the Zoning Ordinance. In addition, these conditions were all known to the Applicant at the time of the purchase of the property, and are conditions which are prevalent throughout the Township and are not unique to this property. There has been no showing that the property could not be developed as zoned with these conditions, particularly through the use of buffers and open spaces, and clustering of home sites. In spite of the existence of these types of conditions, properties throughout the Township have developed, and continue to develop, with residential homes.

However, the proximity to the Conservation Club and the shooting range does impact the ability to develop the property as zoned, to a limited extent. The location of the Conservation club to the subject property would have some impact on residential use along the easterly portion of the property, and is a condition which is unique to the subject property. For this reason, Applicant has demonstrated that there is a limitation on its ability to use the property as zoned, particularly along the eastern portion of the property in proximity to the Conservation Club.

Specifically, the existence of the Conservation Club does not impact the ability of the Applicant to utilize the property as a whole. Based upon the fact that the only hardship established is on the eastern portion of the property in the proximity to the Conservation Club, the Planning Commission recommended approval of the Hardship PUD. In exchange for the Applicant agreeing to not develop 57 acres of the site, including approximately 22 acres of buildable land on the side of the Conservation Club, the Planning Commission recommended approval of the more intense commercial development on the additional acreage included in the Applicant's most recent plan. The Township Board concurs in this finding.

B. Applicant's plight is due to unique circumstances peculiar to its property and not to general neighborhood conditions.

Again, the access limitations, overhead power lines, wetlands, steep slopes and flood plains are not conditions which are unique to this property. Those conditions exist throughout the Township, and in spite of that, properties have developed with residential homes. The location of the Conservation Club, however, is a condition which is unique to the subject property and does impact to a limited extent development under the existing zoning.

C. Applicant's suggested use would not alter the essential character of the area.

As a general observation, the surrounding area to the north and west of the site are a combination of existing residential and commercial land uses. A proposal for a combination of commercial and residential land uses would be consistent with the future land use plan and the M-36 Corridor Plan. The Master Plan contemplated the possibility of future commercial use on the frontage of the property, but not to the extent and density which has been requested by the Applicant.

The layout and design of any new development is fundamental in assuring that the character of the existing area is not significantly altered. After much review, the Applicant has revised the plan to the one presently before the Board for Action. Although the plan contemplates development of commercial on 13.07 acres of the site, more than suggested by the Master Plan, and encompasses a larger area for the commercial use than the Master Plan, the

Board believes this plan is reasonable to address the hardship in light of the remainder of the property being undeveloped.

D. Applicant's problem has not been self-created.

Based on the information presented, the hardship is not a result of the actions of the Applicant, but is based upon the existence of the land use on the adjacent land.

2. The limited site specific relief granted.

Having found that the Applicant has established a limited hardship with respect to the easterly property line as a result of the existence of the Conservation Club, we must now determine what relief should be granted. Pursuant to Article 16.00 of the Zoning Ordinance, the intent is to authorize relief for the minimum extent necessary to allow reasonable use of the property considering the hardship established.

The specific plan proposed is reasonable based upon the limited hardship which has been established by the Applicant. Although the commercial area shown exceeds the land area contemplated for general commercial under the Master Plan and exceeds the size limitations for future commercial uses contemplated by the Master Plan, the Applicant's proposal to leave the remainder of the entire acreage undeveloped, especially in the area of the Conservation Club, provides justification for the plan. The layout and design of the commercial is consistent in principal with the goals and objectives of both the Master Plan and the M-36 Corridor Plan.

Motion by Majoros, supported by Hardesty, based upon the recommendation of the Planning Consultant dated October 31, 2002 and the recommendation of the Planning Commission of November 6, 2002, to approve the Hardship PUD for Chilson Commons based upon the concept plan, subject to the following conditions:

1. The commercial land area including parking areas shall not exceed 13.07 acres.
2. The conditions recommended by the Planning Commission in the November 6, 2002 motion, including the reasons as outlined in the Planning Consultant (McKenna) memo dated October 31, 2002, considerations 2-5 on pages 4-5 and additional recommendation 1-11 on pages 5-6 are incorporated herein.
3. The Applicant shall be required to obtain final site plan approval through the procedures at the Township. During the site plan review process, the Applicant shall meet all requirements of the Zoning

Ordinance and other applicable ordinances, and shall work with the Planning Commission, Planning Consultant, Planning Director, and Engineering Consultant regarding additional conditions which may be required due to the uniqueness of the site.

4. Applicant shall be required to install and maintain a pedestrian walkway from the commercial buildings to connect to the existing Lakeland Trail at the southern end of the property.

5. Applicant shall be required to complete all road improvements required by the Livingston County Road Commission and Michigan Department of Transportation.

6. The Applicant and the Township shall enter into a Hardship PUD Agreement, in a form to be approved by the Township, covering this approval, the commercial development, as well as the remaining 57 acres of the property which will remain undeveloped. The PUD Agreement will provide that future amendments, if any, shall lie in the sole discretion of the Township Board.

7. After approval of the final site plan, and preparation and signing of the Hardship PUD Agreement, an Affidavit shall be recorded with the Livingston County Register of Deeds noting the specific development approved for the property.

Voice Vote: Ayes (6) Abstain (1) Hohl **MOTION CARRIED.**

10021.012 Proposed Canal Dredging Project S.A.D. / Mumford Park

Motion by Hardesty, supported by Menzies, to approve the request of Supervisor Dillman to abstain from any voting decisions regarding the proposed canal dredging at Mumford Park.

Voice Vote: AYES: 6 Abstain: 1 (Dillman) **MOTION CARRIED.**

Motion Hardesty, supported by Hohl table any action of the dredging at Mumford Park pending further information regarding costs.

Voice Vote: AYES: 6 Abstain: 1 (Dillman) **MOTION CARRIED.**

A. Amended Resolution Acknowledging Receipt of Petition & Establishment of District

No action taken.

B. Resolution Directing Preparation of Assessment Roll & Setting 2nd Public Hearing

No action taken.

CHILSON COMMONS

M36 at CHILSON ROAD

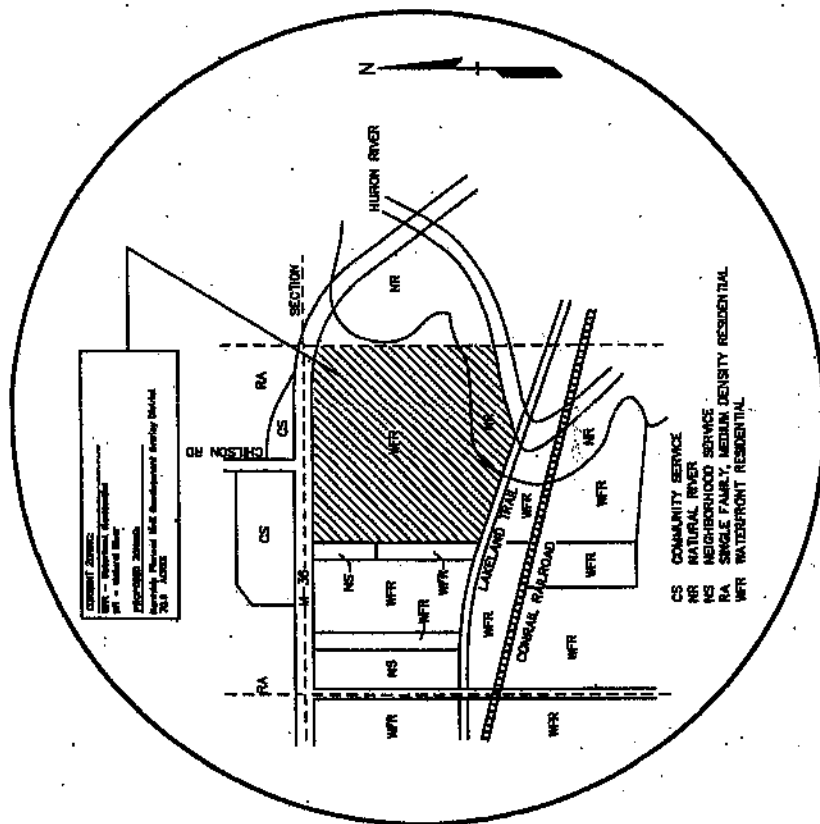
HAMBURG TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN
(PART OF THE SOUTHEAST 1/4 OF SECTION 22, T. 1N., R. 5E.)

INDEX OF DRAWINGS:

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| C-2 | TOPOGRAPHICAL SURVEY |
| C-3 | EXISTING SITE CONDITIONS |
| C-4 | DIMENSION AND PAVING PLAN |
| C-5 | MASS GRADING & EROSION CONTROL PLAN |
| C-6 | SITE GRADING PLAN |
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NOTES: SUPPLEMENTS WILL BE SUBJECT TO INDEPENDENT
CITY/STATE/LOCAL AGENCY REVIEW AND CONSIDERATION.
SETBACK REQUIREMENTS OF EXISTING ZONING DISTRICTS
ARE AS FOLLOWS AND ARE SUBJECT TO PROVISIONS OF
THE P.U.D. AGREEMENT:

WFR 25' FRONT, 10' SIDE, AND 30' REAR
ARE 25' FRONT, 10' SIDE, AND 30' REAR



LOCATION MAP

ADDITIONAL DESCRIPTION

[illegible]

DEVELOPER:

FIRST COMMERCIAL
REALTY & DEVELOPMENT CO., INC.
20850 TELEGRAPH ROAD
SOUTHFIELD, MICHIGAN 48034
CONTACT: WILLIAM WATKIN, PRESIDENT
PHONE: (248) 352-5000
FAX: (248) 352-2144

ENGINEER:

PROFESSIONAL ENGINEERING ASSOCIATES, INC.
2900 E. GRAND RIVER AVENUE
HOWELL, MICHIGAN 48843
CONTACT: DANIEL C. SCHRAUSEN, PE
PHONE: (517) 548-8583
FAX: (517) 546-9873

SUBJECT:

USED ARCHITECTS, INC.
18815 FARMINGTON ROAD
IVONHA, MICHIGAN 48152-1444
CONTACT: RENATA KOLAK, AIA
PHONE: (248) 888-1300
FAX: (248) 888-1313

ANTHSCAPE ARCHITECTS

PROFESSIONAL ENGINEERING ASSOCIATES, INC.
2900 E. GRAND RIVER AVENUE
HOWELL, MICHIGAN 48843
CONTACT: JEFFREY T. SMITH, P.E.
PHONE: (517) 546-8583
FAX: (517) 546-8273

BY AMER-

JANNEY
J. EPPINK PARTNERS
13085 GLENWOOD CREEK
CLARKSTON, MICHIGAN 48348
CONTACT: JAMES T. EPPINK
PHONE (248) 381-2878
FAX (248) 393-1592

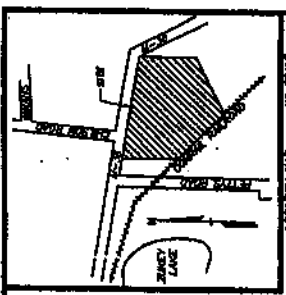
APPENDIX NOTE

A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR STORM WATER DISCHARGE FROM CONSTRUCTION ACTIVITIES IS REQUIRED FOR THIS PROJECT.

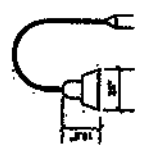
NOTE: THE DETENTION AND REMOVAL OF POWERS SHALL BE EXEMPTED, FOR NON-REMOVAL, REPEATED, REPEATED AND TACKLED PRIOR TO THE START OF THE REMOVAL OF POWERS.

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CONSTRUCTION: THE SITE IS TO BE GRADED TO THE FINISHED ELEVATION SHOWN. ALL EXISTING UTILITIES ARE TO BE DEEPENED TO THE FINISHED ELEVATION. ALL NEW UTILITIES ARE TO BE INSTALLED TO THE FINISHED ELEVATION. ALL EXISTING STRUCTURES ARE TO BE DEMOLISHED AND REBUILT TO THE FINISHED ELEVATION. ALL NEW STRUCTURES ARE TO BE BUILT TO THE FINISHED ELEVATION. ALL EXISTING LANDSCAPE IS TO BE MAINTAINED AND REBUILT TO THE FINISHED ELEVATION. ALL NEW LANDSCAPE IS TO BE BUILT TO THE FINISHED ELEVATION. ALL EXISTING PAVING IS TO BE MAINTAINED AND REBUILT TO THE FINISHED ELEVATION. ALL NEW PAVING IS TO BE BUILT TO THE FINISHED ELEVATION. ALL EXISTING FENCE IS TO BE MAINTAINED AND REBUILT TO THE FINISHED ELEVATION. ALL NEW FENCE IS TO BE BUILT TO THE FINISHED ELEVATION. ALL EXISTING SIGNAGE IS TO BE MAINTAINED AND REBUILT TO THE FINISHED ELEVATION. ALL NEW SIGNAGE IS TO BE BUILT TO THE FINISHED ELEVATION. ALL EXISTING LIGHTING IS TO BE MAINTAINED AND REBUILT TO THE FINISHED ELEVATION. ALL NEW LIGHTING IS TO BE BUILT TO THE FINISHED ELEVATION. ALL EXISTING UTILITIES ARE TO BE DEEPENED TO THE FINISHED ELEVATION. ALL NEW UTILITIES ARE TO BE INSTALLED TO THE FINISHED ELEVATION. ALL EXISTING STRUCTURES ARE TO BE DEMOLISHED AND REBUILT TO THE FINISHED ELEVATION. ALL NEW STRUCTURES ARE TO BE BUILT TO THE FINISHED ELEVATION. ALL EXISTING LANDSCAPE IS TO BE MAINTAINED AND REBUILT TO THE FINISHED ELEVATION. ALL NEW LANDSCAPE IS TO BE BUILT TO THE FINISHED ELEVATION. ALL EXISTING PAVING IS TO BE MAINTAINED AND REBUILT TO THE FINISHED ELEVATION. ALL NEW PAVING IS TO BE BUILT TO THE FINISHED ELEVATION. ALL EXISTING FENCE IS TO BE MAINTAINED AND REBUILT TO THE FINISHED ELEVATION. ALL NEW FENCE IS TO BE BUILT TO THE FINISHED ELEVATION. ALL EXISTING SIGNAGE IS TO BE MAINTAINED AND REBUILT TO THE FINISHED ELEVATION. ALL NEW SIGNAGE IS TO BE BUILT TO THE FINISHED ELEVATION. ALL EXISTING LIGHTING IS TO BE MAINTAINED AND REBUILT TO THE FINISHED ELEVATION. ALL NEW LIGHTING IS TO BE BUILT TO THE FINISHED ELEVATION.



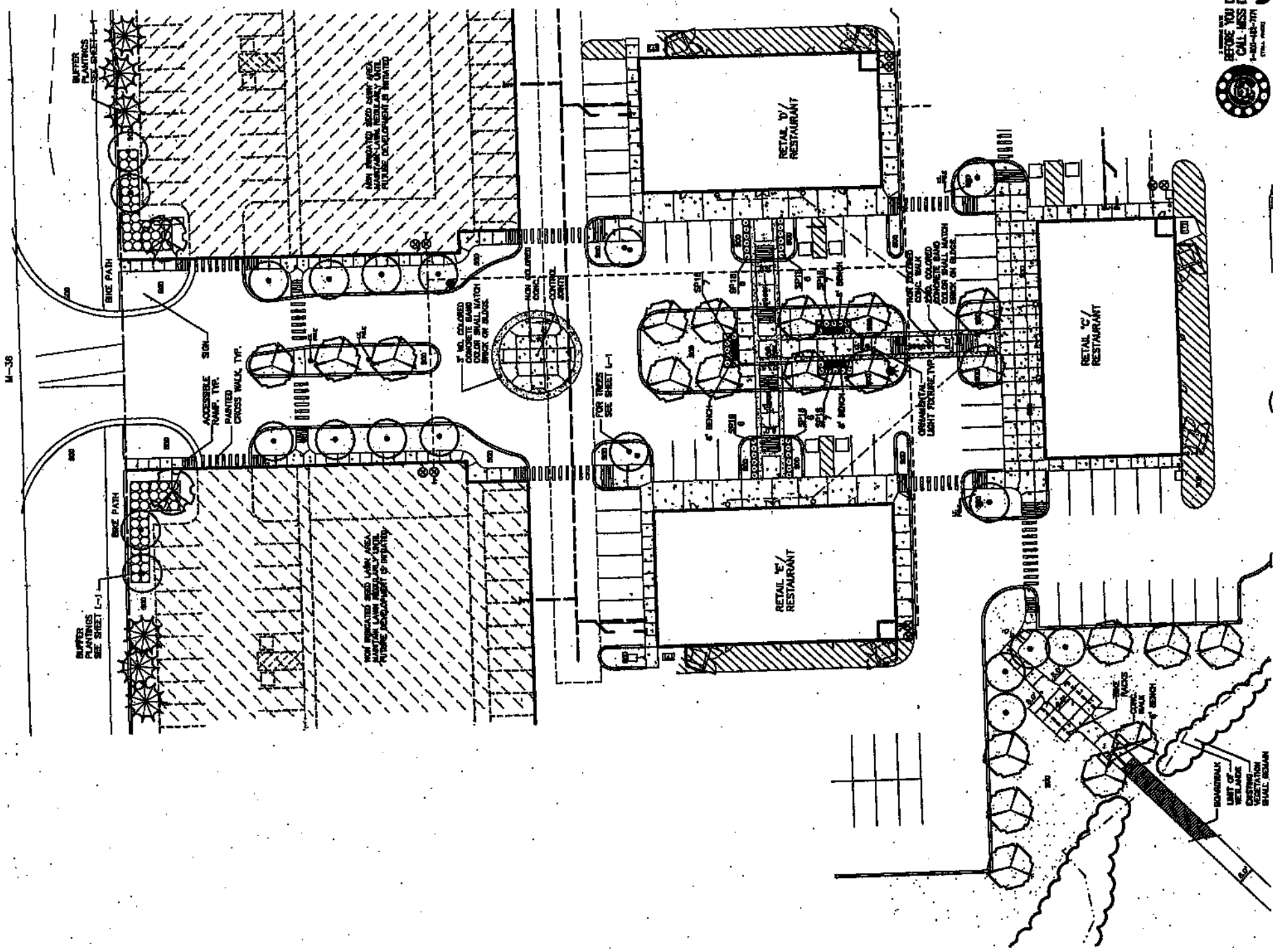
UNIT: 1/2" = 1'-0"
SCALE: 1/2" = 1'-0"
DATE: 10/1/80
BY: J. L. B. / J. L. B.

ORNAMENTAL LIGHT FIXTURE

PLANT LIST			
SYMBOL	QUANTITY	DESCRIPTION	DATE
1	1	ORNAMENTAL LIGHT FIXTURE	10/1/80

SEE SHEET L-3 FOR PLANTING NOTES AND DETAILS

IRRIGATED: 800 LAMN ALL ISLANDS



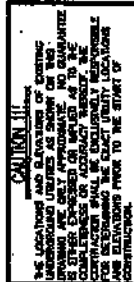
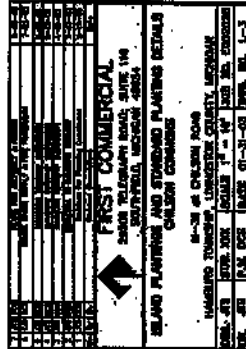
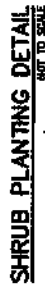
CAUTION !!
THE LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS MADE FOR THE ACCURACY OF THE INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

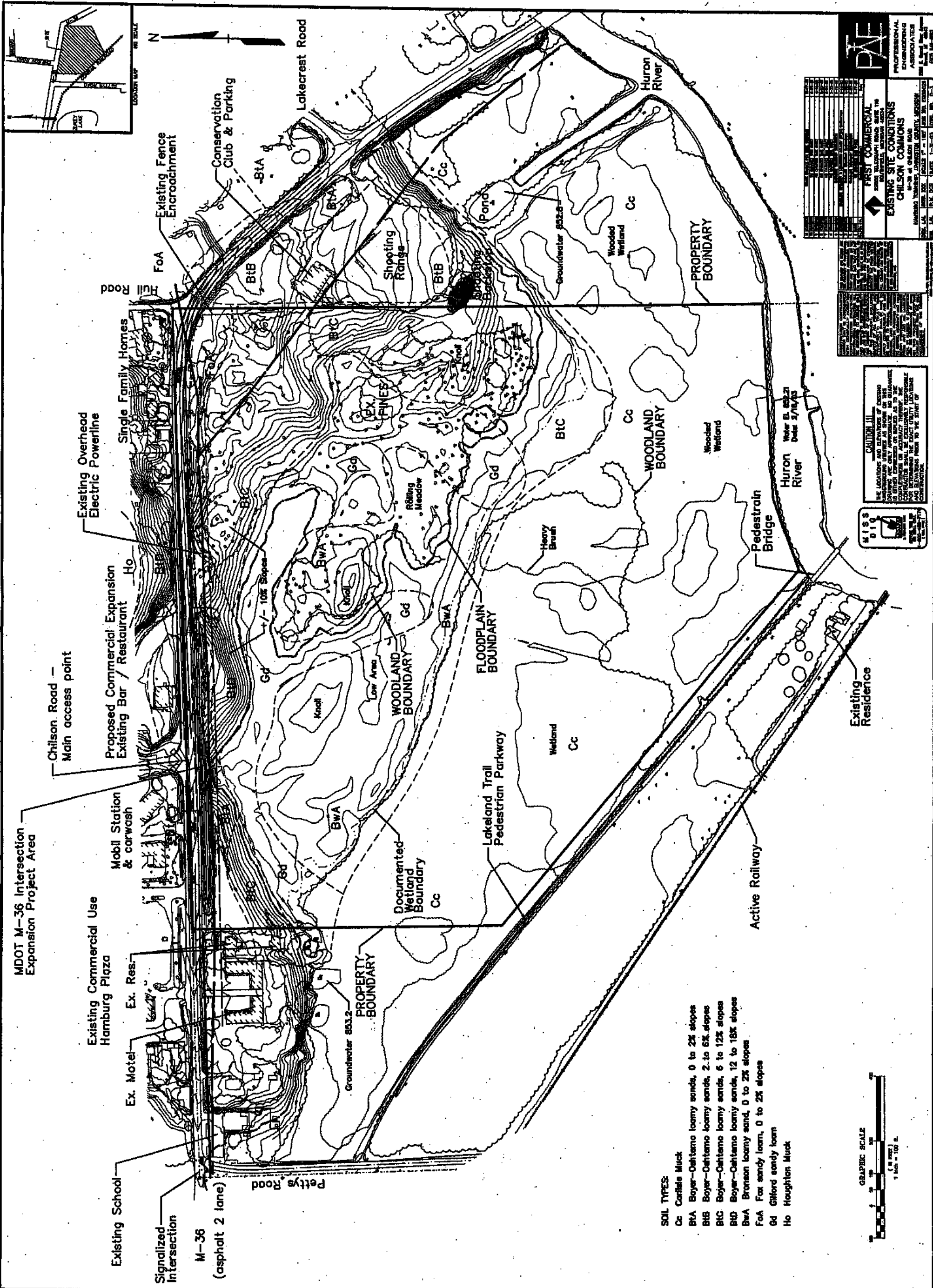


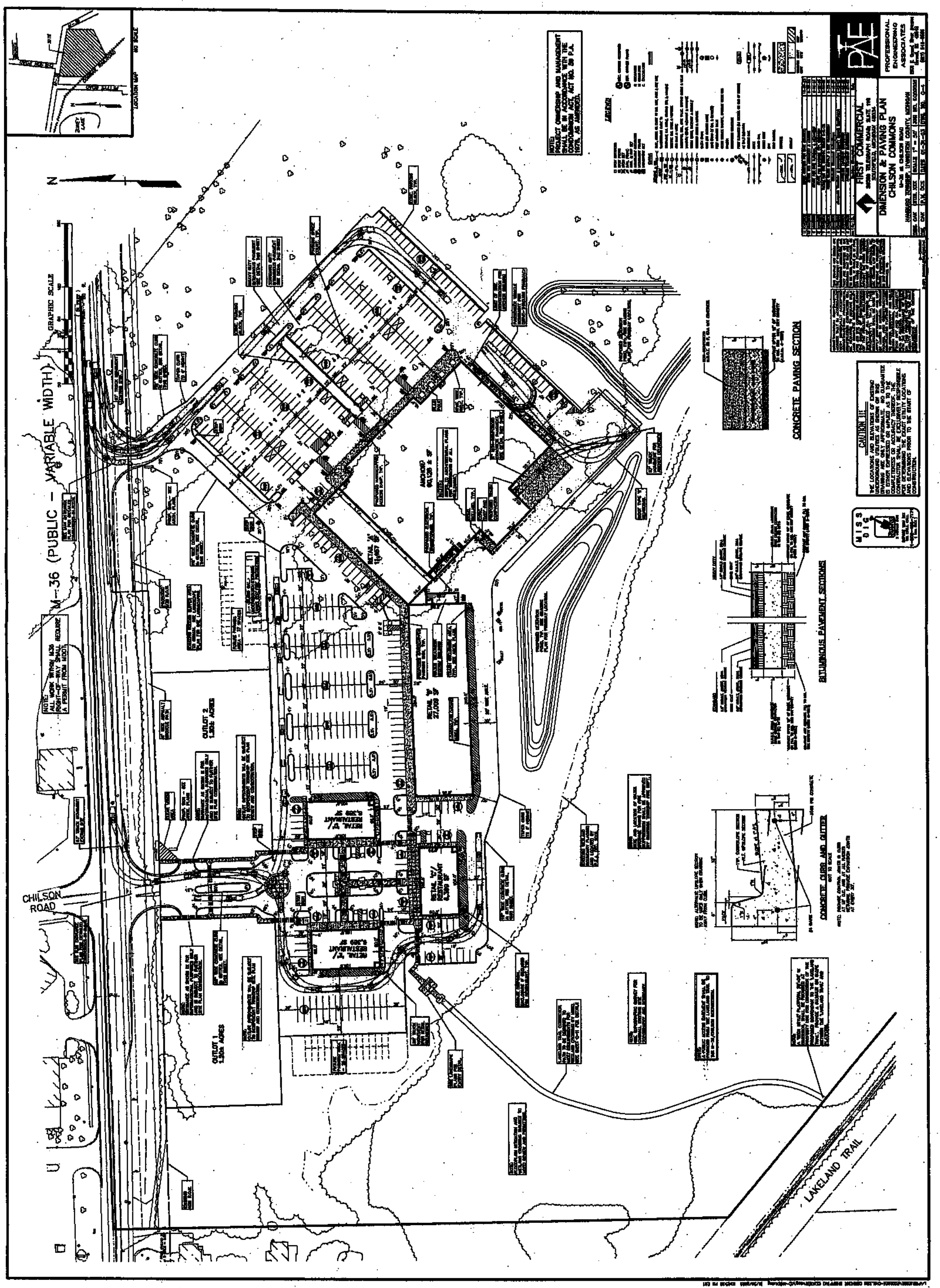
P&E
PROFESSIONAL
ENGINEERING
ASSOCIATES
INC.

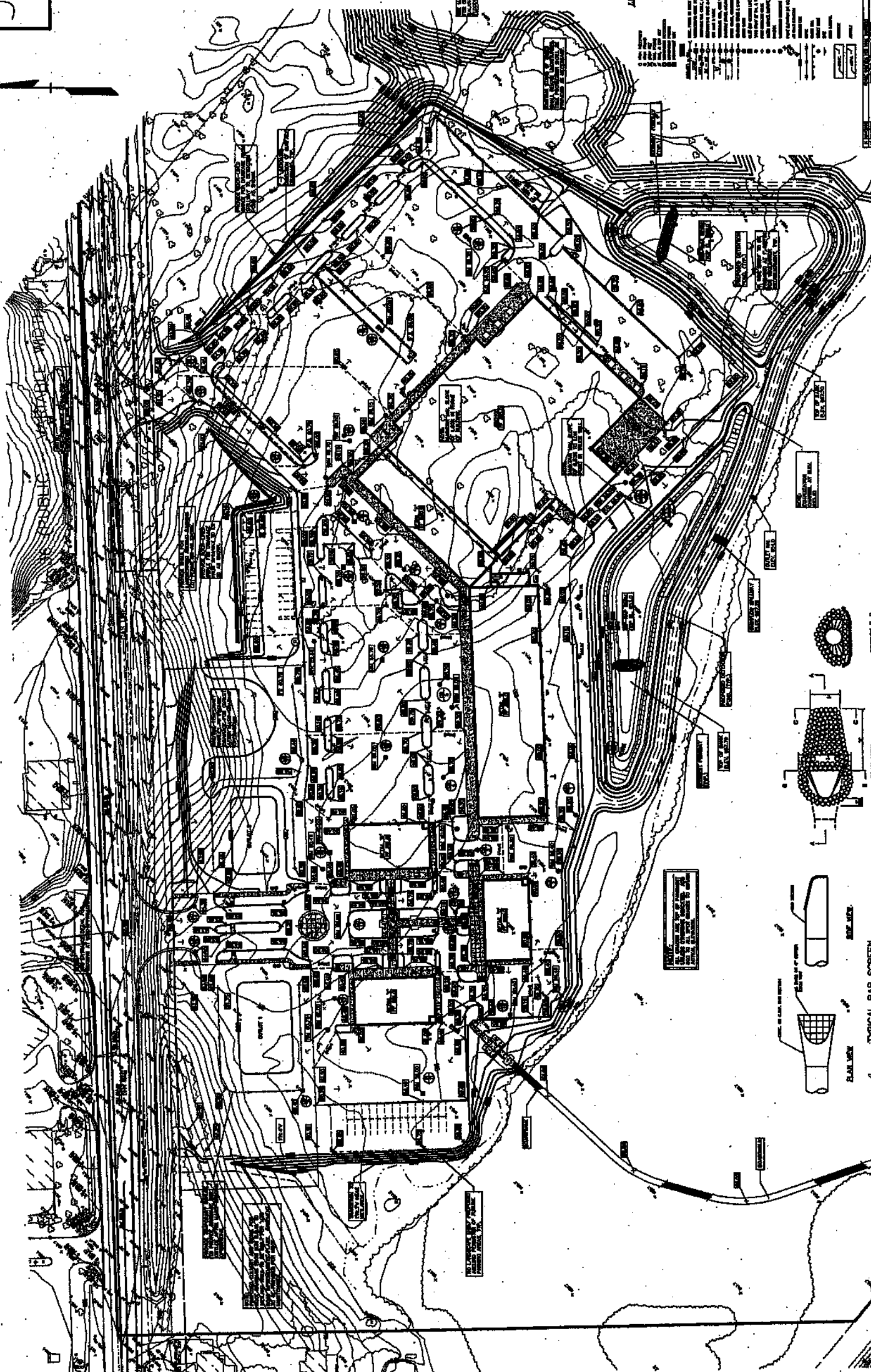
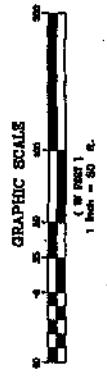
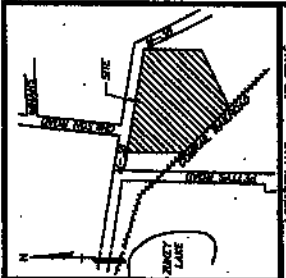
PLAZA LANDSCAPE AND AMENITY LAYOUT PLAN
FIRST COMMERCIAL
3000 TELEGRAPH ROAD, SUITE 110
SOUTHFIELD, MICHIGAN 48034

DATE: 10/1/80
BY: J. L. B. / J. L. B.









NOTES:
1. SEE PLAN FOR THE LOCATION OF THE EXISTING AND PROPOSED STORM WATER OUTFALL.
2. SEE PLAN FOR THE LOCATION OF THE EXISTING AND PROPOSED STORM WATER INLET.

FIRST COMMERCIAL	
NO. 1	100
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NO. 50	100

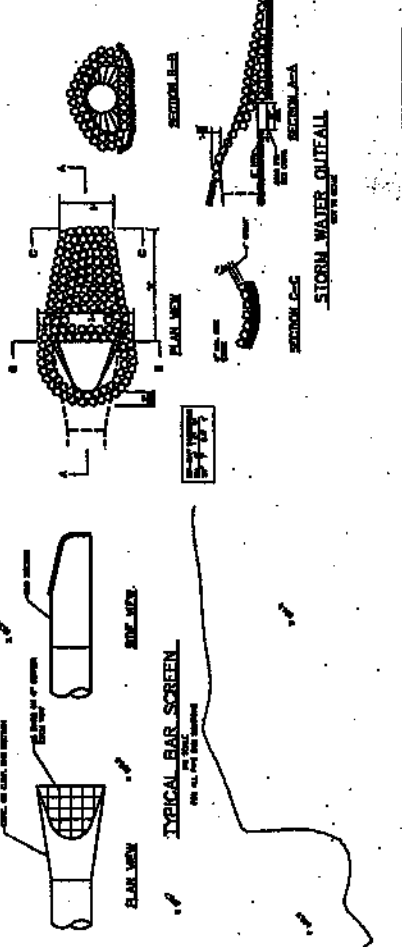
P&E
PROFESSIONAL
ENGINEERING
ASSOCIATES
INC.
1001 N. 10TH ST.
SUITE 100
MILWAUKEE, WI 53233
(414) 224-1000

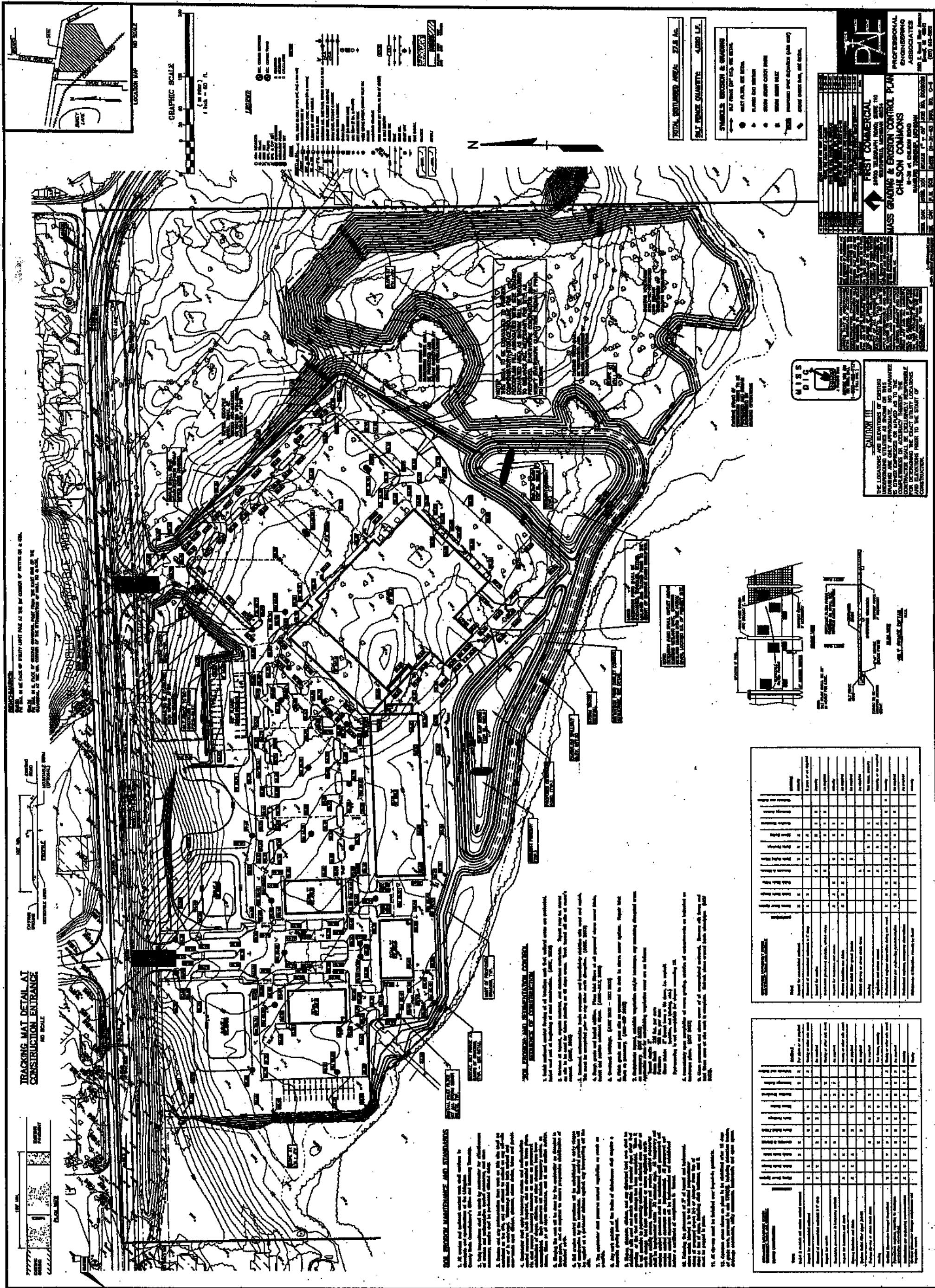
SITE GRADING PLAN
CHILSON COMMONS
1001 N. 10TH ST.
SUITE 100
MILWAUKEE, WI 53233
DATE: 01/15/01
SCALE: 1" = 40' (SEE PLAN FOR DETAILS)
PROJECT NO.: 01-01-01

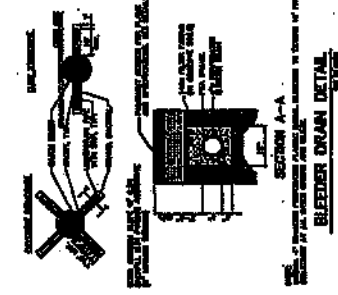
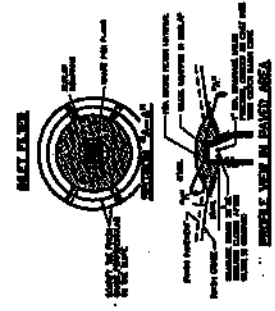
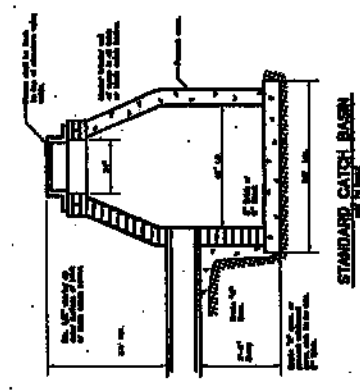
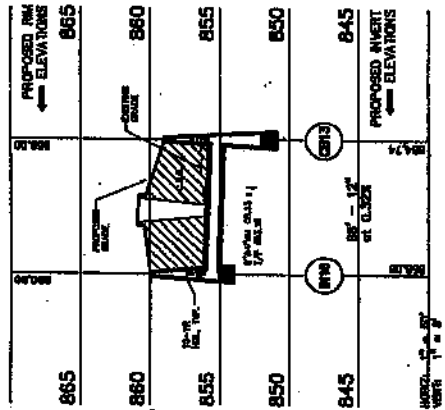
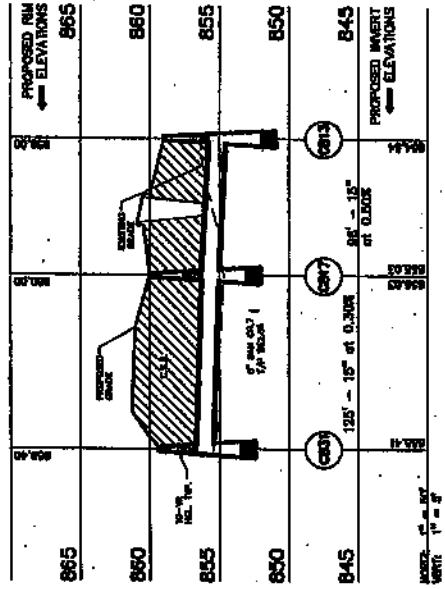
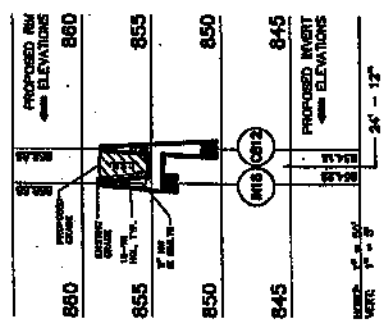
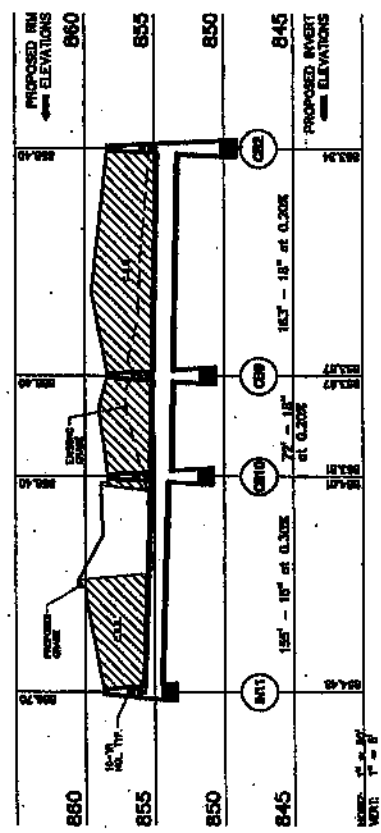
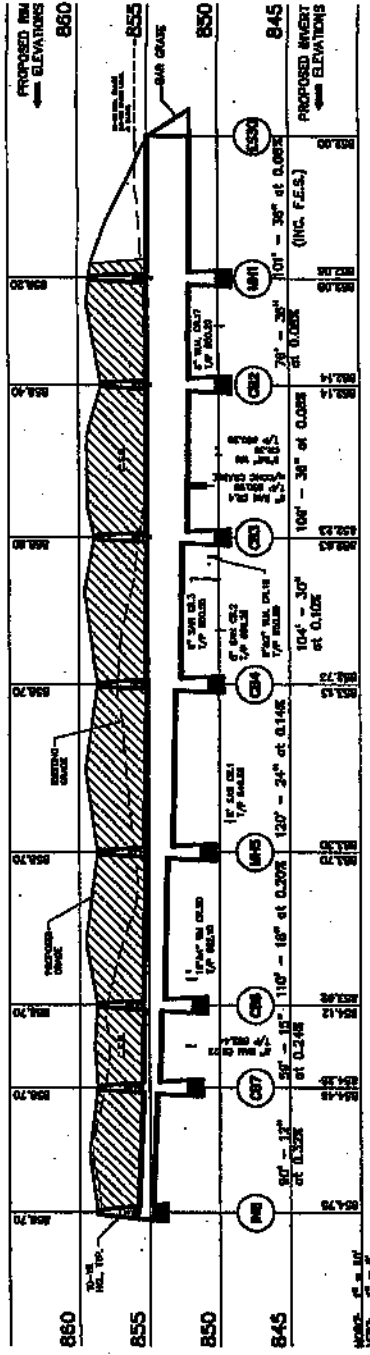
NOTES:
1. SEE PLAN FOR THE LOCATION OF THE EXISTING AND PROPOSED STORM WATER OUTFALL.
2. SEE PLAN FOR THE LOCATION OF THE EXISTING AND PROPOSED STORM WATER INLET.

CAUTION:
THE LOCATION AND ELEVATION OF EXISTING AND PROPOSED STORM WATER OUTFALLS AND INLETS ARE SHOWN ON THIS PLAN. IT IS THE RESPONSIBILITY OF THE USER TO VERIFY THE LOCATION AND ELEVATION OF THESE FEATURES PRIOR TO THE START OF CONSTRUCTION.

MISS
1001 N. 10TH ST.
SUITE 100
MILWAUKEE, WI 53233
(414) 224-1000







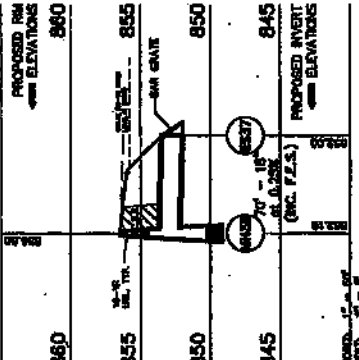
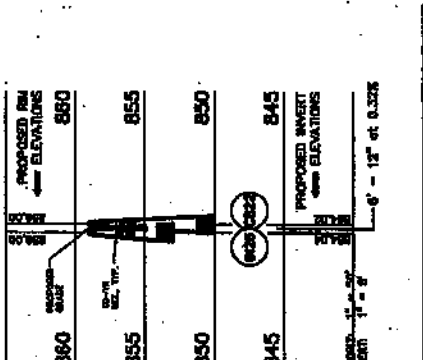
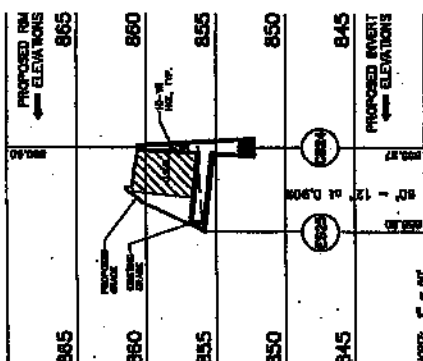
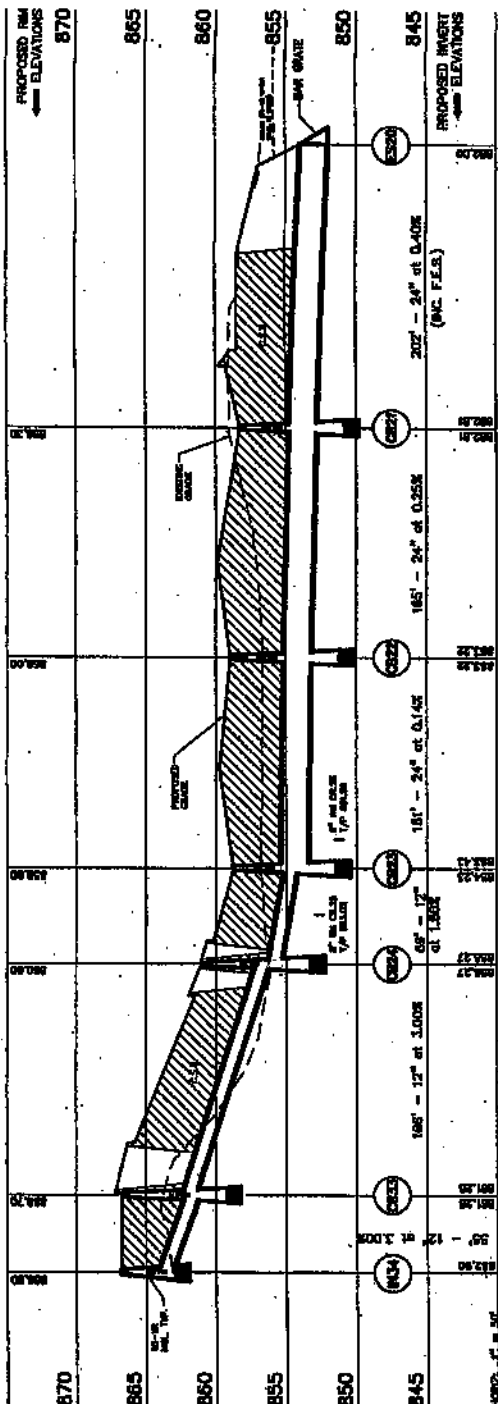
COMPACTED SAND BACKFILL

NOT TO EXCEED 12" MIN. CLEARANCE AT ALL JOINTS

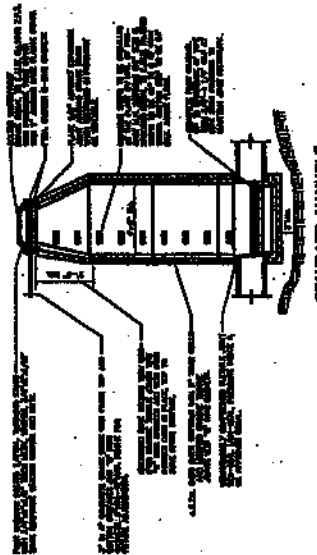
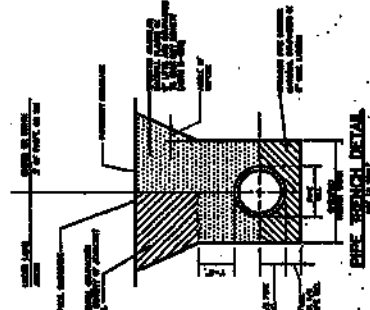
MISS DIG
CAUTION III
THE LOCATION AND DEPTH OF ALL UTILITIES ARE NOT KNOWN. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES.

P&E
PROFESSIONAL
ENGINEERING
ASSOCIATES
INC.
1000 BROADWAY, SUITE 110
NEW YORK, NY 10018
TEL: 212-691-1000
FAX: 212-691-1001
WWW.PANDENGINEERING.COM

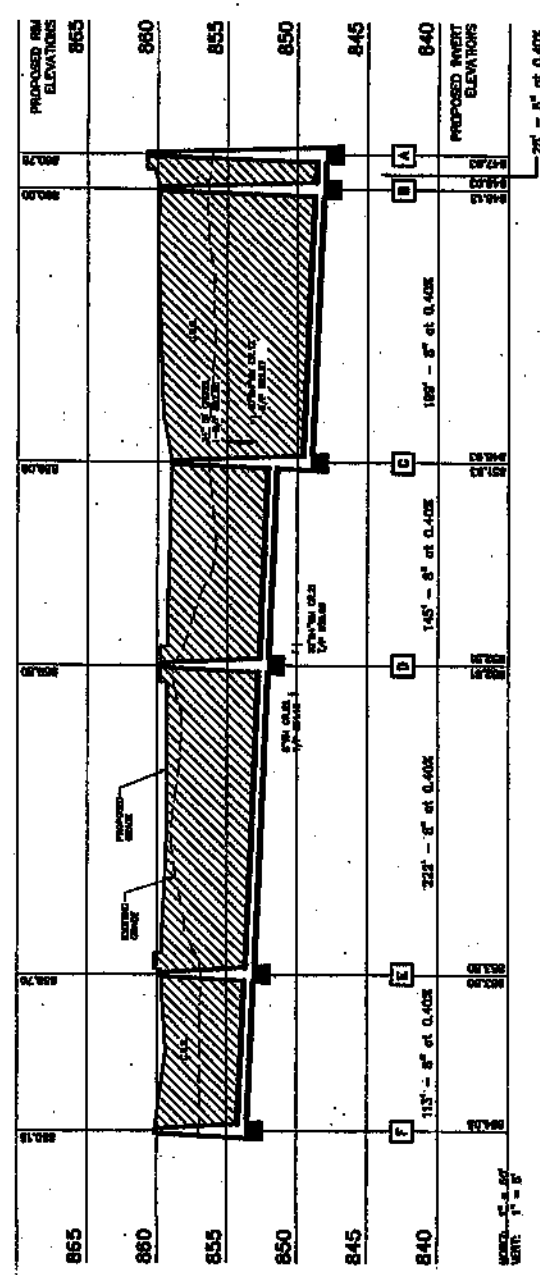
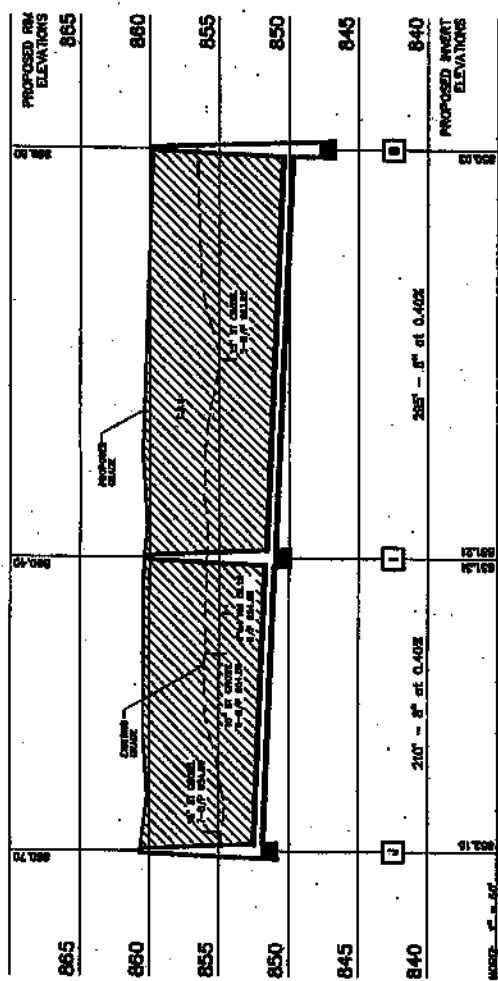
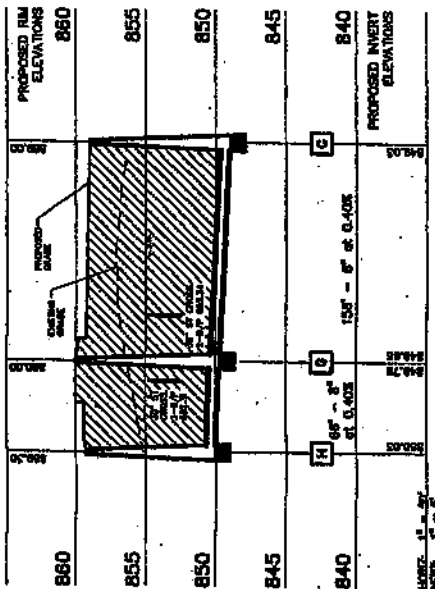
STORM SEWER PROFILES
CHILSON CANONS
1000 BROADWAY, SUITE 110
NEW YORK, NY 10018
TEL: 212-691-1000
FAX: 212-691-1001
WWW.PANDENGINEERING.COM



STORM SEWER PROFILES



STANDARD MANHOLE ON 8" THROUGH 24" DIAMETER SEWERS



SANITARY SEWER PROFILES

COMPACTED SAND BACKFILL

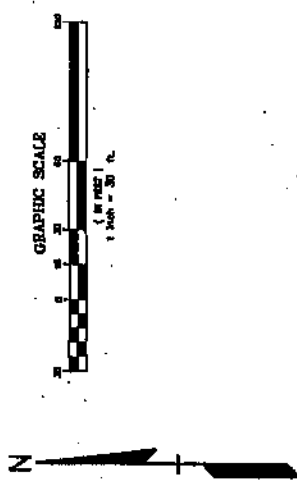
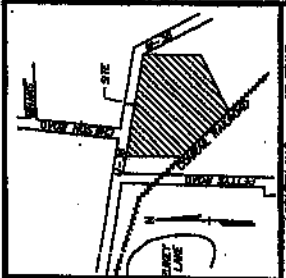
NOTE: MATERIALS AND METHODS OF CONSTRUCTION SHALL BE AS SPECIFIED IN THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITION, AND ANY REVISIONS THEREOF.

CAUTION: THE LOCATIONS AND DEPTHS OF EXISTING UTILITIES ARE ONLY APPROXIMATE. NO GUARANTEE IS MADE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION.

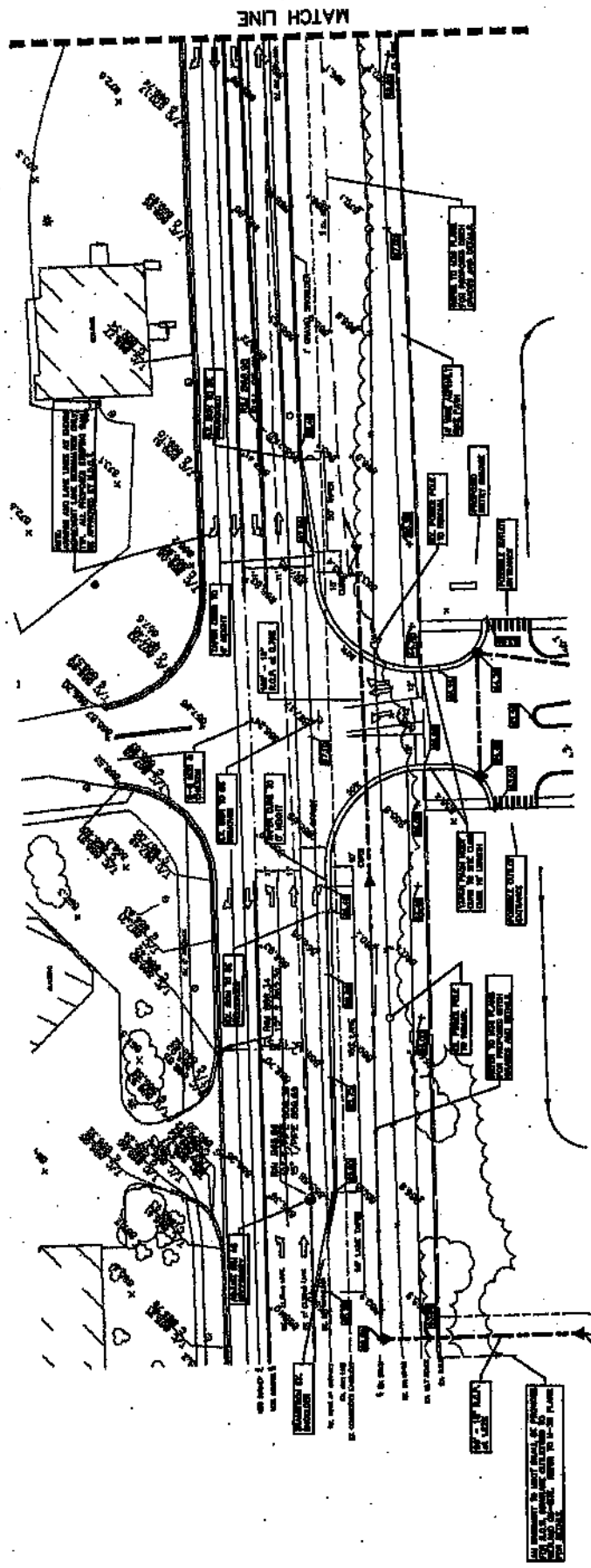
PAE
PROFESSIONAL ASSOCIATES ENGINEERING ASSOCIATES
1001 N. 10TH AVE., SUITE 110
DENVER, CO 80202
TEL: 303.733.1100
FAX: 303.733.1101
WWW.PAE-ENGINEERS.COM

FIRST COMMERCIAL
1001 N. 10TH AVE., SUITE 110
DENVER, CO 80202
TEL: 303.733.1100
FAX: 303.733.1101
WWW.FIRSTCOMMERCIAL.COM

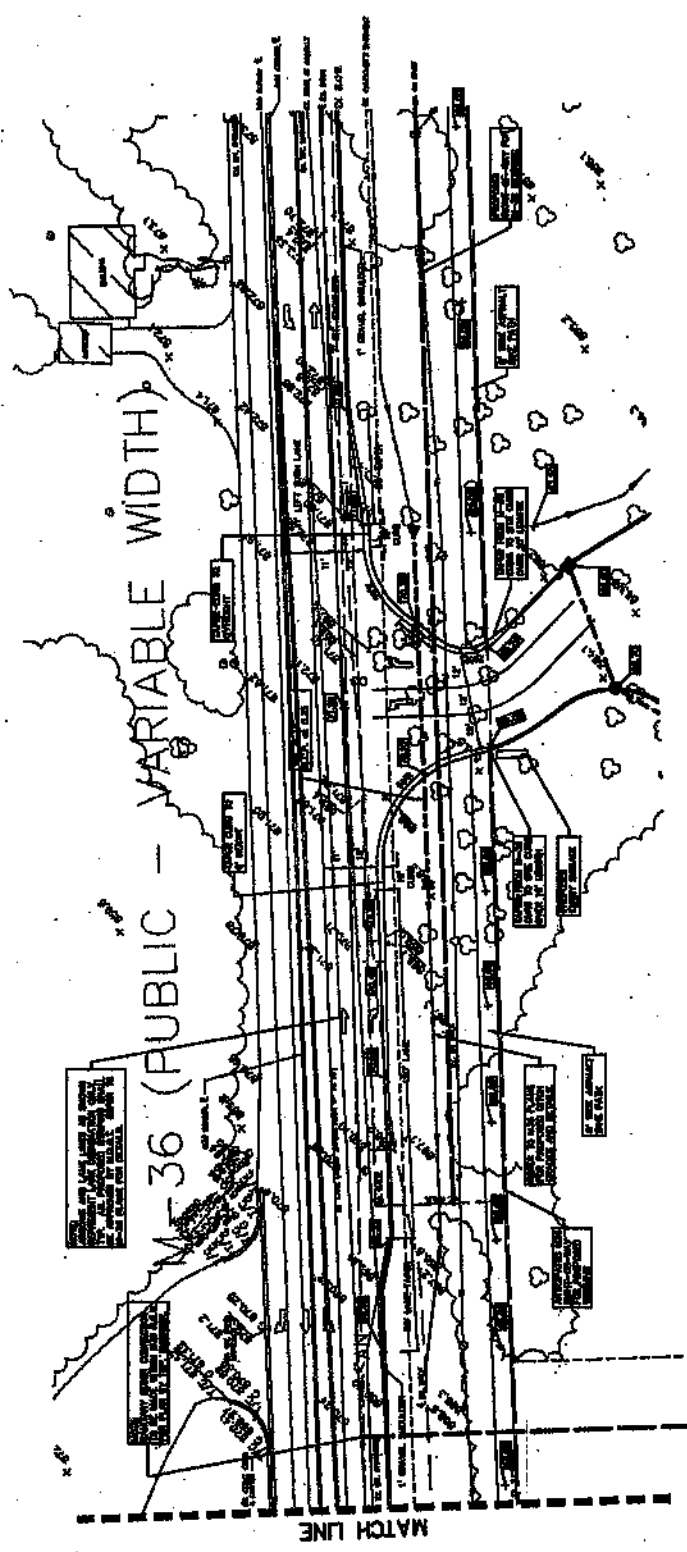
STORM & SANITARY PROFILES
CHELSEA COMMONS
1001 N. 10TH AVE., SUITE 110
DENVER, CO 80202
TEL: 303.733.1100
FAX: 303.733.1101
WWW.CHELSEACOMMONS.COM



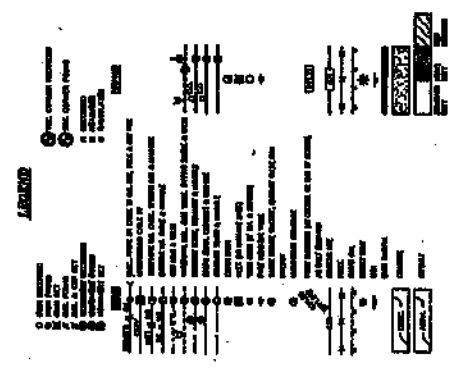
NOTES TO M-36 WORKING PLANS FOR
CONSTRUCTION AND DESIGN OF PROPOSED
ROAD IMPROVEMENTS
PROJECT NO. 0411-0238-02-1000



M36-CHI SON ROAD ENTRANCE DETAIL



EASTERN M-36 ENTRANCE DETAIL



NOTES TO M-36 WORKING PLANS FOR
CONSTRUCTION AND DESIGN OF PROPOSED
ROAD IMPROVEMENTS
PROJECT NO. 0411-0238-02-1000

P&E

PROFESSIONAL
ENGINEERING
ASSOCIATES

1001 10th St. N.
Minneapolis, MN 55401
TEL: 612-338-1000
FAX: 612-338-1001

FIRST COMMERCIAL

2000 TULANE AVE. SUITE 200
MINNEAPOLIS, MN 55401

M36 ENTRANCE DETAILS

CHILSON COMMONS

4-28-04 CHILSON ROAD

MINNEAPOLIS, MN 55401

SCALE: 1" = 20' (PLAN) 1" = 10' (SECTION)

DATE: 04-28-04

CAUTION !!!

THE LOCATION AND ELEVATION OF EXISTING
UNDERGROUND UTILITIES AS SHOWN ON THIS
DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE
IS MADE FOR THE ACCURACY OF THE
COMPLETION OF ANY UTILITY. THE
CONTRACTOR SHALL BE RESPONSIBLE FOR
VERIFYING THE LOCATION AND ELEVATION
OF ALL UTILITIES PRIOR TO ANY
CONSTRUCTION.

MISS

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BEFORE

YOU

DRILL

OR

EXCAVATE

CALL

800-4-A-MISS



POD ELEVATION/VOLUME SCHEMATIC

RECORDED

2004 MAR -2 P 4 13

NANCY HAVILAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI.
48843

252/A

HARDSHIP PLANNED UNIT DEVELOPMENT AGREEMENT

THIS Hardship Planned Unit Development Agreement made this 28th day of January, 2004, by and between Hamburg Township, a Michigan municipal corporation, (referred to hereafter as "TOWNSHIP"), First Chilson, L.L.C., a Michigan limited liability company, whose principal address is 29500 Telegraph Road, Suite 110, Southfield, Michigan 48034, and Chilson Commons LLC, a Michigan limited liability company, whose principal address is 29500 Telegraph Road, Suite 110, Southfield, Michigan 48034 (referred to hereafter as "DEVELOPERS"), and Chilson Commons Shopping Center Condominium Association, a Michigan non-profit corporation (referred to hereafter as "ASSOCIATION"), whose address is 29500 Telegraph Road, Suite 110, Southfield, Michigan 48034.

RECITALS

WHEREAS, the DEVELOPERS and ASSOCIATION are the owners of 67.66 more or less acres of undeveloped land (the "Property") located in Hamburg Township, Livingston County, Michigan, more particularly described as:

The East 116 rods in width of that part of the Southeast fractional 1/4 of Section 22, T.1N., R.5E., Hamburg Township, Livingston County, Michigan, which lies North of the Huron River and the Grand Trunk Railroad Excepting that portion lying northerly and westerly of a line described in Liber 3121 on page 135, Livingston County Records, and also excepting that portion taken for M-36, and being more particularly described as follows: Commencing at the East 1/4 Corner of Section 22; thence along the east line of said section, S 01°08'26" E, 95.25 feet to the south line of M-36 (66' wide) and the Point of Beginning; thence continuing along said east line, S 01°08'26" E, 1722.26 feet to an intermediate traverse line; thence along said line S 86°45'31" W, 600.53 feet; thence continuing along said traverse line, S 70°12'36" W, 234.21 feet to the north line of the abandoned Grand Trunk Western Railroad right-of-way (100' wide); thence along said right-of-way, N 50°41'56" W, 1434.77 feet to the west line of the east 116 rods of the Southeast fractional 1/4 of said Section 22, as measured perpendicular to the east line of said section; thence along said west line, N 01°08'26" W, 871.07 feet to the south line of the aforementioned recorded line, said line being the south line of M-36 (variable width); thence along said recorded line the following three courses, N 88°31'32" E, 611.94 feet and N 87°40'10" E, 385.42 feet and N 02°19'50" W, 55.89 feet to the south line of M-36 (66' wide); thence along said south line the following two courses, N 88°05'53" E, 680.02 feet and 247.88 feet along a curve to the right having a radius of 482.60 feet and a chord that

bears S 77°11'40" E, 245.16 feet to the east line of said section 22 and the Point of Beginning. Also including the land lying between the Intermediate Traverse Line and the Huron River. Containing a net area of 67.66 acres more or less

and

WHEREAS, the DEVELOPERS petitioned for Hardship Planned Unit Development (the "HPUD") approval pursuant to Article 16 of the Hamburg Township Ordinance for the development of the Property; and

WHEREAS, on November 6, 2002, the Hamburg Township Planning Commission recommended approval of the HPUD with the conditions as set forth in the attached **Exhibit A**; and

WHEREAS on December 17, 2002, the Hamburg Township Board approved the HPUD with the conditions as set forth in the attached **Exhibit B**; and

WHEREAS, the Hamburg Township Zoning Ordinance, Section 16, provides for approval of the HPUD, and authorizes and permits, among other things, the modification of the Zoning Ordinance regulations with respect to use, area, heights, bulk and placement within and in the case of such HPUD; and

WHEREAS, it is the desire of the TOWNSHIP to insure that the Property is developed and used in accordance with its lawful rules and regulations and pursuant to the conditions imposed in the HPUD approval granted by the TOWNSHIP; and

WHEREAS, DEVELOPERS caused a Site Plan ("Site Plan") to be prepared and submitted to the Township for its approval. The Site Plan attached as **Exhibit C** was prepared by Professional Engineering Associates, Job Number EQ02026, with revision date through September 29, 2003; and

WHEREAS, on June 24, 2003, the Hamburg Township Planning Commission recommended approval of the Site Plan with the conditions set forth in the attached **Exhibit D**; and

WHEREAS, on November 25, 2003, the Hamburg Township Board approved the Site Plan with the conditions as set forth in the attached **Exhibit E**; and

WHEREAS, the attached **Exhibit F** shows the Property divided into eight (8) condominium units ("Units") and four (4) parcels ("Parcels"). Parcel 1 is the condominium portion of the site including the path as part of the general common elements. Parcels 2, 3, and 4 are the undeveloped area (hereafter sometimes referred to as "Natural Lands") currently to be retained by DEVELOPER. The Units are as follows: Unit 1 is part of the condominium site to be owned by a retail supermarket. Units 2 and 3 are also part of the condominium site to be used for retail purposes consistent with this HPUD Agreement. Units 4, 5, and 6 are part of the condominium site to be owned and occupied for retail/restaurant purposes consistent with the requirements of this HPUD Agreement. Units 7 and 8 are out lots to be sold and to be used in accordance with the requirements of this HPUD Agreement. All of the foregoing constitute the entire Property; and

WHEREAS, on June 24, 2003, the Hamburg Township Planning Commission approved the parcel splits contingent upon the approval of and recording of this HPUD; and

WHEREAS, the TOWNSHIP and DEVELOPERS for themselves and the ASSOCIATION have negotiated the terms of this HPUD which shall govern and control the development of the Property.

NOW, THEREFORE, it is hereby agreed between the TOWNSHIP and DEVELOPERS and the ASSOCIATION, while they are the title holders of the applicable parcels, that they shall comply with the following:

1. The HPUD shown and described in **Exhibits B, C and E** attached hereto, is hereby approved in accordance with the authority granted to and vested in the TOWNSHIP under and pursuant to ACT No. 184, Public Acts of 1943, the Township Zoning Act; Act No. 285, Public Acts of 1931, and Act No. 168, Public Acts of 1958, related to municipal planning, and in accordance with the Township Zoning Ordinance Article 16.

2. The Property shall be developed and used in accordance with the approved Site Plan and HPUD approval, including all conditions contained in those approvals, and subject further to the following conditions:
 - A. Any area designated for future development on the approved Site Plan shall be subject to review and approval by the Township Board, following the review and recommendation by the Planning Commission. Review by the Township of the areas designated for future development shall be to determine whether the proposed development complies with all applicable Township ordinances and standards, which ordinances and standards may be waived or modified by the Township in its sole discretion. Such right to modify shall include the ability of the Township, in the exercise of its discretion, to require more stringent standards than set forth in the ordinances, similar to those that have been required for the other development on the Property. The following uses shall be prohibited: Restaurant uses with drive-through facilities; automobile related uses such as: repair and service, lubricating facilities, gasoline stations, or car washes; the sale, rental, or servicing of automobiles, farm machinery, boats, or recreational vehicles.
 - B. DEVELOPERS shall comply with the Stormwater Management System Schedule noted to apply "During Construction", and the ASSOCIATION shall comply with the second page of the Stormwater Management System Schedule, attached as **Exhibit G**, with respect to the development authorized by this HPUD to assure proper maintenance of the storm maintenance system.
 - C. DEVELOPERS and the ASSOCIATION shall maintain the landscaping and grounds as follows:
 1. All lawn areas shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris.
 2. All lawn areas shall be mowed regularly during the growing

season, including areas set aside for future development.

3. Sod lawn areas shall be irrigated sufficiently to remain green during the summer months.
4. Dead trees and shrubs that were installed as part of the site improvements shall be replaced in a timely manner within the appropriate season for planting.
5. The connection to Lakeland Trail shall be mowed regularly during the growing season and shall be maintained in an orderly appearance, reasonably free from refuse and debris.
6. The outlots until developed shall be maintained in an orderly appearance, reasonably free from refuse and debris and if appropriate, mowed regularly during the growing season. Once developed, the outlots shall be mowed regularly during the growing season and shall be maintained in an orderly appearance reasonably free from refuse and debris.

D. The Natural Lands areas shall be maintained by the owner(s) thereof as follows:

1. The existing Natural Lands being the area identified as Parcels 2, 3, and 4 on **Exhibit E** and as shown in the northeast area of the Property on drawing L-1 as "existing meadow with scattered trees" shall remain undisturbed and in a natural state.
2. The wetland areas and existing trees on unit 6 shall remain undisturbed and in a natural state.
3. The areas seeded with meadow seed as noted on the attached exhibit shall remain undisturbed and in a natural state. The areas restored with meadow seed shall not be mowed, except the detention basin area which shall be mowed twice a year.

3. The HPUD approval was granted based upon the fact that the only hardship established was on the eastern portion of the property due to the proximity to the Livingston County Wildlife and Conservation Club (the "Club"). In exchange for the DEVELOPERS agreeing not to develop 57 acres of the site (now being 48 acres on the Site Plan), which includes approximately 22 acres of buildable land on the side of the Property near the Club, the Township approved more intense commercial development on the remainder of the Property as shown in the Site Plan and the HPUD approval. This 48 acres shall remain as undeveloped open space.
4. No modification of the HPUD, including any other use of the Property, shall be permitted without the prior approval of the TOWNSHIP through the Township Board, after review and recommendation by the Planning Commission. The Township Board shall have the sole discretion to grant or deny any requested modification. In the event that the Township Board agrees, in its sole discretion, to allow any other use of the Property other than as shown in the Site Plan, such use shall comply with all applicable Township ordinances and standards, which ordinances and standards may be waived or modified by the Township in its sole discretion. Such right to modify shall include the ability of the Township, in the exercise of its discretion, to require more stringent standards than set forth in the ordinances. In addition, any other use would be required to meet, at a minimum, the following design standards:
 - A. Building design shall be consistent with the character of the development;
 - B. Materials shall consist of high quality materials such as brick, stone, and glass with minimum use of EIFS as an accent material;
 - C. Parking for units 3 and 4 (the out lots) must be setback a minimum of 20 feet from M-36 and the right-of-way and screened per the Site Plan approved by the Township Board after recommendation by the Planning Commission; and

- D. Access drives must comply with provisions of the Parking, Loading and Driveways provisions of the Hamburg Township Zoning Ordinance.
5. At the time of the execution of this HPUD Agreement, First Chilson, Chilson Commons; and the ASSOCIATION represent that they are collectively the owners of the Property. The owners shall have the right to sell, transfer, assign and/or mortgage the Property and any portion thereof. DEVELOPERS shall have the right to divide the Property, subdivide it to a condominium, in whole or in part. All such conveyances and divisions shall be in accordance with state law and all Township Ordinances. In the event anyone elects to sell all or any portion of the Property, the terms and conditions of this HPUD shall become the obligation of, the responsibility of, and binding upon any successor owner of any portion of the Property. In connection therewith, the Property owners agree to provide for the continued maintenance of such areas as the parking lot, landscaping, signage and utilities including stormwater management and to provide appropriate reciprocal easements for storm water retention, parking and access, ingress, and egress to and from any portion of the Property and the public highways adjacent to the Property owned by them.
6. The owner of each unit comprising the Property shall be responsible for the upkeep, maintenance and repair of that portion of the common area situated on its parcel. Maintenance shall include, to the extent applicable, paved surfaces, removal of trash and debris, removal of snow and ice from paved surfaces and sidewalks, maintenance of parking signs, exit and directional markers as well as other necessary traffic control signs, cleaning of lighting fixtures and re-lamping, re-striping, maintenance of electrical and stormwater lines exclusively providing service to the common areas, maintenance of landscaping and mowing and grooming of all seeded, sodded and ground-covered areas. The anchor ground sign shall be the responsibility of the owner of unit 1 and the retail sign shall be the responsibility of the owner of parcel 1.

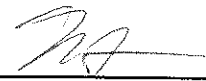
7. To the extent the HPUD is silent as to any matters governed by Township Ordinances and Regulations, the Township Ordinances and Regulations shall apply.
8. The approved HPUD and Site Plan shall be effective for a period of one (1) year from the date of the signing of this HPUD, and shall thereafter be void unless actual construction and improvements have been commenced on the Property pursuant to a lawfully issued building permit.
10. Both entrances, all landscaping along M-36, the water system for the entire development, the storm detention for the entire development, the sanitary for the entire development, all parking areas, and the connection to the Lakeland Trail shall be completed prior to the issuance of any occupancy permits.
11. This provision is made in part due to the recognition of existing activities of the Club and the desire of Developer and Club to exist in harmony with each other. The planned floodplain mitigation area was placed next to the Club's property to create a setback area (the "Setback") from the edge of the shooting range (the "Range"). The Developer affirms the right of the Club to exist and continue to conduct its ordinary and ongoing activities as they now exist based on the recognition that the Club does not have a detrimental effect on the operation of the shopping center.
12. In the event of a breach of this HPUD by an owner, its agents, officers, employees or persons acting in concert with it, the TOWNSHIP shall notify the owner of the occurrence of the breach and delivery to the owner a written notice requiring the breach to be cured within thirty (30) days; provided, however, that if the breach by its nature cannot be cured within thirty (30) days, the owner shall not be deemed to be in default hereunder if the owner commences the cure within the thirty (30) day period and diligently thereafter pursues the cure to completion. In the event of a breach of this HPUD, the Township may pursue any remedies permitted by law.

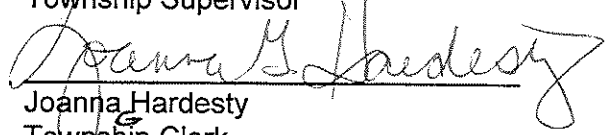
13. This HPUD contains the entire Agreement between the parties. No statements, promises or endorsements made by either party or agent of either party that are not contained in this Agreement shall be valid or binding.
14. This HPUD may not be amended except in writing signed by the parties and recorded in the same manner as this HPUD.
15. This HPUD shall be governed by the laws of the State of Michigan, both as to interpretation and performance. Any and all suits for any and every breach of this Agreement may be instituted and maintained in any court of competent jurisdiction.
16. No waiver of any breach of this HPUD shall be held to be a waiver of any subsequent breach. All remedies afforded in this HPUD shall be taken and construed as cumulative in addition to every other remedy provided by law.
17. The signors of this HPUD warrant and represent that they have the authority to sign this Agreement on behalf of their respective principals and the authorities that bind each party to this HPUD according to its terms. Further, each of the parties represent that the execution of this HPUD has been duly authorized and is binding on such parties.
18. This HPUD shall run with the land and bind the parties, their heirs, successors and assigns. A transfer of title by an owner of a Unit shown in **Exhibit F** shall not relieve the transferor of liability for obligations accruing prior to the recording of the instrument of conveyance. The transferor, however, shall be relieved of any further accruing obligations under this HPUD. This HPUD shall be recorded in the Livingston County Records by First Chilson, Chilson Commons, and the ASSOCIATION, and a recorded copy thereof shall be delivered to the TOWNSHIP forthwith. It is understood that successors shall take their interest in the Property subject to the terms of this HPUD.

19. Notwithstanding the above, First Chilson, Chilson Commons, and the ASSOCIATION, for themselves and their successors and assigns, retain the right at anytime prior to the commencement of actual construction of any of the improvements contemplated by the Site Plan to terminate this Agreement. In the event First Chilson, Chilson Commons, and/or the ASSOCIATION do so terminate, the HPUD approval granted by the Township Board on December 17, 2002 shall become null and void, and shall not be usable by the First Chilson, Chilson Commons, and the ASSOCIATION, nor their successors or assigns, in any future proceedings, administrative or legal, or litigation.
20. In the event the Property, or any part thereof, is transferred so that the Property, in its entirety, is owned by more than one person or entity, any breach of this Agreement or violation of any applicable provision of the Ordinance of the Township occurring on any part of the Property will be the sole responsibility and liability of the person or entity who or which owns that unit of the Property on which the breach or violation occurs and will have no effect whatsoever on the other portions of the Property or the owners of such other portions.

[Signature lines continuing from page 10 of the Hardship Planned Unit Development Agreement]

HAMBURG TOWNSHIP

By: 
Howard Dillman
Township Supervisor

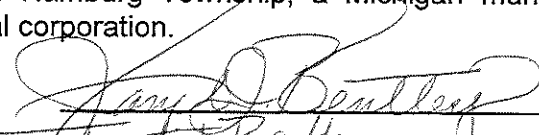
By: 
Joanna Hardesty
Township Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF LIVINGSTON)

10405 Merrill Rd. Hamburg, Mi 48139

The foregoing Hardship Planned Unit Development Agreement was acknowledged by me this 10th day of February, 2004, by Howard Dillman and Joanna Hardesty, the Township Supervisor and Township Clerk of Hamburg Township, a Michigan municipal corporation, for and on behalf of such municipal corporation.

JANET J. BENTLEY
Notary Public, Livingston County, Michigan
My Commission Expires May 24, 2006


Janet J. Bentley, Notary Public
Livingston County, Michigan
My commission expires: 5-24-2006

[Signature lines continuing from page 11 of the Hardship Planned Unit Development Agreement]

**FIRST CHILSON, L.L.C., a Michigan
limited liability company**

By: _____

William Watch, Managing Member

STATE OF MICHIGAN)

) ss

COUNTY OF OAKLAND)

The foregoing Hardship Planned Unit Development Agreement was acknowledged by me this 28th day of January, 2004, by William Watch, Managing Member of First Chilson, L.L.C., a Michigan limited liability company, for and on behalf of such limited liability company as said limited liability company's free act and deed.

LYNN A. SCOTT
Notary Public, Wayne County, MI
My Commission Expires Dec. 24, 2007

Lynn Scott, Notary Public
Wayne in Oakland County, Michigan
My commission expires: December 24, 2007

**CHILSON COMMONS, L.L.C.,
a Michigan limited liability company**

By: _____

William Watch, Managing Member

STATE OF MICHIGAN)

) ss

COUNTY OF OAKLAND)

The foregoing Hardship Planned Unit Development Agreement was acknowledged by me this 28th day of January, 2004, by William Watch, Managing Member of Chilson Commons, L.L.C., a Michigan limited liability company, for and on behalf of such limited liability company as said limited liability company's free act and deed.

LYNN A. SCOTT
Notary Public, Wayne County, MI
My Commission Expires Dec. 24, 2007

Lynn Scott, Notary Public
Wayne in Oakland County, Michigan
My commission expires: December 24, 2007

[Signature lines continuing from page 12 of the Hardship Planned Unit Development Agreement]
]


CHILSON COMMONS SHOPPING CENTER
CONDOMINIUM ASSOCIATION,
a Michigan non-profit corporation

By:


William Watch, President

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing Hardship Planned Unit Development Agreement was acknowledged by me this 28th day of January, 2004, by William Watch, President of Chilson Commons Condominium Association, a Michigan non-profit corporation, for and on behalf of such corporation as said corporation's free act and deed.


Lynn Scott, Notary Public
Wayne in Oakland County, Michigan
My commission expires: December 24, 2007

LYNN A. SCOTT
Notary Public, Wayne County, MI
My Commission Expires Dec. 24, 2007

Drafted by: Carol A. Rosati, Esq.
and Richard J. Maddin, Esq.

When recorded return to:

✓ Maddin, Hauser, Wartell, Roth & Heller, P.C.
Attn: Richard J. Maddin, Esq.
Third Floor, Essex Centre
Southfield, Michigan 48034-5200

Telephone: 248 827-1888

INDEX OF EXHIBITS

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Minutes of regular meeting of Hamburg Township Planning Commission held on November 6, 2002
B	Minutes of regular meeting of Hamburg Township Board of Trustees held on December 17, 2002
C	Site Plan prepared by PEA, Job Number EQ02026 with revision date through 9/29/03
D	Minutes of meeting of Hamburg Township Planning Commission held on June 24, 2003
E	Minutes of special meeting of Hamburg Township Board, held on November 25, 2003.
F	Proposed Parcel Layout as prepared by PEA with revision date through 10/28/03
G	Stormwater Management System Schedule

EXHIBIT A



COMMUNITY PLANNING ■ URBAN DESIGN

235 East Main Street, Suite 105

Northville, MI 48167

Tel: (248) 596-0920 ■ Fax: (248) 596-0930

E-mail: info@mcka.com ■ Web site: www.mcka.com

October 31, 2002

Planning Commission
Township of Hamburg
P.O. Box 157
10405 Merrill Road
Hamburg, MI 48139

Attention: Patrick Hagman, Planning, Zoning, Utilities Administrator

Subject: Chilson Commons Hardship Planned Unit Development Review
Plan dated: October 17, 2002

Dear Planning Commission:

The applicant has submitted a petition for a Hardship Planned Unit Development pursuant to Article 16 of the Hamburg Zoning Ordinance. The site is located on the south side of M-36, at the intersection with Chilson Road. We offer the following comments based upon the Hamburg Township zoning ordinance and sound planning principals.

HARDSHIP PUD INTENT AND PURPOSE

The hardship PUD article of the Hamburg Township zoning ordinance was adopted in an effort to provide an avenue of relief for land owners who, based on particular conditions, could not reasonably use their land for the current zoning or planned future land use applied to their site. Section 16.1 states that the hardship PUD is intended to authorize relief for the minimum extent necessary to allow reasonable use of property on the particular site, taking into consideration the objective of achieving compatibility and high quality development. The following review determines whether the proposed development utilizes relief to the minimum extent necessary while creating a project which results in a reasonable use of the property and which is compatible with adjacent uses.

HARDSHIP PUD REVIEW PROCESS

Section 16.3 of the Township zoning ordinance outlines the following procedure for review of a hardship planned unit development.

1. A pre-application conference was held with township staff.
2. *The Planning Commission holds a public hearing to present information and to receive public comments on the proposed hardship PUD concept plan.*
3. Following the public hearing, the Planning Commission may take action to table or recommend approval or denial to the Township Board. The Planning Commission will provide a recommendation to the Township Board for hardship PUD approval.

Northville, MI ■ Kalamazoo, MI ■ Hudson, OH ■ Lebanon, OH

Hamburg Township Planning Commission
Chilson Commons - Hardship PUD Review
October 31, 2002 ♦ Page 2

4. The Township Board reviews the proposed hardship PUD and Planning Commission recommendation and determine to approve, disapprove or return to the Planning Commission for further review.

Based on previous meetings with the Planning Commission, the Commission and the applicant have agreed that the review of the requested hardship PUD shall be based on the concept plan submitted, dated October 17, 2002, with respect to the land area to be utilized, land area to be permanently preserved, building area, proposed uses, and the general location of parking areas and buildings. In the event the proposed HPUD is approved, the approval will be subject to the submittal of a more detailed site plan that is substantially in compliance with the approved concept plan and contains additional detail with respect to architectural design, lighting, and landscaping. At a minimum, the additional details will illustrate compliance with the Township Zoning Ordinance.

SITE DESCRIPTION

The parcel is located south of M-36 at the intersection of Chilson Road. The parcel is approximately 70.6 acres in area and contains a significant amount of natural features including wetlands, wooded areas, steep slopes and is within the Huron River floodplain. The land use, zoning and master plan designation of the subject site and surrounding parcels are described in the following table:

	Land Use	Zoning	Master Plan
Site	Vacant	WFR and NR	Medium Density Residential/ General Commercial
North	Commercial/ Residential	CS and RA	General Commercial and Medium Density Residential
East	Recreational	WFR	Medium Density Residential
South	Residential/Public	NR	Medium Density Residential
West	Residential	NR and WFR	General Commercial and Medium Density Residential

ZONING DESIGNATION

The hardship PUD is a zoning overlay. The granting of the hardship PUD zoning overlay would be subject to the conditions set forth during this review process. Should the site not be developed according to the standards, conditions and agreement set forth during this process, the zoning of the site would revert to the zoning district classifications in existence prior to the granting of the hardship PUD overlay. The current zoning of the site is WFR, Waterfront residential and NR, Natural River.

PROPOSED LAND USE COMPOSITION

The proposed development plan reflects the future land use designations for the site indicated in the Hamburg Township Master Plan. The Future Land Use Plan designates a portion of the site as General Commercial, approximately 10 acres. The applicant is proposing 13.07 acres of land to be developed for commercial buildings, parking, circulation, and landscaping on the site. The composition of uses, the design, and the layout of such a large commercial development are essential factors in determining if the proposed development would be compatible with the Goals and objectives of the Township.

Hamburg Township Planning Commission
Chilson Commons - Hardship PUD Review
October 31, 2002 ♦ Page 3

PROPOSED SITE LAYOUT DESCRIPTION

The following is a tabular summary of the current proposal and the site plan dated October 17, 2002

<u>Building Element</u>	<u>Current Proposal</u>
Grocery Store	60,028sf
Retail Space	57,542sf
Dine-In Restaurant	8,400sf
Dine-In Restaurant	6,000sf
Retail A	11,462sf
Retail B	27,000sf
Retail C	6,360sf
Retail D	6,360sf
<u>Retail E</u>	<u>6,360sf</u>
Total Area	131,970sf

Over 57 acres of the site will be permanently preserved, although most of this area consists of regulated wetlands and floodplain areas, there are several acres along the M-36 frontage and the eastern property line that will be permanently preserved as open space.

The applicant has designed the development with five buildings facing on Chilson Drive in a "main street" configuration. The drive continues to the east to serve the remaining retail buildings including the 60,000 square foot anchor tenant. In addition, the applicant has provided generous sidewalks in front of the five buildings facing a central plaza. On-street parking is provided in the southern portion of the plaza area and contributes to the environment of the development. The concept of creating a main street with buildings facing the street and pedestrian oriented amenities is consistent with the Township's goals and objectives.

The orientation of the two dine-in-restaurant buildings needs to be further evaluated during the final review process. As proposed, the parking for these two buildings is located within 25 feet of the M-36 right-of-way with little opportunity for naturalized buffering. In addition, the close proximity of the access drives for the front parking areas to the Chilson/M-36 intersection creates a potentially dangerous situation with traffic backing onto M-36. Finally, the orientation of the buildings with the narrow ends of the buildings facing Chilson Drive and parking on either side is not conducive to a pedestrian oriented "main street" environment.

The applicant has created a significant buffer, up to 175 feet in some areas along most of the M-36 frontage and the eastern property line which is adjacent to the conservation club. This buffer, provided the natural vegetation is preserved or restored, is also consistent with the intent of the M-36 Corridor Plan to preserve and maintain the views of natural features from M-36. The applicant must provided the limits of clearing estimated for the site to determine what impact the proposed development will have on the existing vegetation and what amount of restoration will be required.

The commercial land area totals 13.07 acres in area with the remaining area consisting of floodplain, wetland area and vacant upland buffer areas.

LIBER 4 350 PAGE 0661

Hamburg Township Planning Commission
Chilson Commons - Hardship PUD Review
October 31, 2002 ♦ Page 4

HARDSHIP PUD CONSIDERATIONS

Section 16.2 outlines the criteria which the applicant's site must meet for the granting of the hardship PUD designation. We offer the following comments regarding the sites eligibility for meeting the required criteria.

1. *Applicant's property cannot be used for the purposes permitted in the zoning district.* Section 7.5.1.F details the permitted and special land uses allowed in the Waterfront Residential District. The applicant has indicated that, at a minimum, the eastern 350 feet of the site north of the floodplain cannot be used for residential purposes due to the proximity to the Livingston County Conservation Club. The Livingston County Conservation Club activities include a shooting range that is frequently used and used at a wide range of hours. The Club also hosts a number of outdoor social functions. This combination of uses would be inconsistent with the development of a high-quality residential environment.

As a result of the impacts of the Livingston County Conservation Club, the applicant is requesting to convert approximately 3.07 acres of the 6.8 acres of unuseable residential land to a neighborhood commercial use. The additional 3.07 acres of land will be combined with the ten acres of neighborhood commercial located closer to the intersection of Chilson and M-36 to avoid potential conflicts with the Conservation Club and to create a site layout that is consistent with the goals and objectives of the Township's Master Plan and M-36 Corridor Plan.

Based on our review, the applicant has demonstrated that approximately 6.8 acres of land adjacent to the Conservation Club may not be used for the purpose it is currently zoned.

2. *Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions.* The applicant has identified a number of conditions that exist on the site including; access limitations, overhead power lines, wetlands, steep slopes, floodplains, and the proximity to the Livingston County Conservation Club. With the exception of the Conservation Club, many of these conditions are prevalent throughout Hamburg Township in combination. With regard to the proximity to the Conservation Club, the recreational shooting range is a unique circumstance peculiar to the subject property.

Based on our review, the applicant should be entitle to relief that is proportionate to the impacts of the Conservation Club. Converting approximately 6.8 acres of residentially zoned land to 3.07 acres of neighborhood commercial land and preserving the remainder of the site as open space is reasonably proportionate.

3. *Applicant's suggested use would not alter the essential character of the area.* The development of 132,000 square feet of commercial space will change the existing character of the area. However, the applicant's concept plan indicating a naturalized buffer in excess of 150 feet from M-36 will help to minimize the impacts on the existing character in this area.

Further refinements to the final site plan must be made to ensure that the development will be compatible with the essential character of the area including:

- a. minimize the limits of clearing and restore lost native vegetation in a manner that is consistent with the existing natural features along M-36.
- b. resolve the orientation of the two front dine-in-restaurants in a manner that is consistent with the M-36 corridor plan and the objective of creating a pedestrian oriented environment along

*Hamburg Township Planning Commission
Chilson Commons - Hardship PUD Review
October 31, 2002 ♦ Page 5*

- Chilson Drive, and minimize the potential for traffic impacts at the entrance to the development.
- c. Develop a range of architectural details that is more compatible with a traditional small town business district and minimize the use of E.I.F.S, and repetitive building forms that more closely resembles a conventional suburban shopping center on Grand River.
 4. *Applicant's problem has not been self-created. The establishment of the adjacent conservation club and its related activities is not a result of any action of the applicant.*
 5. *Compliance with Master Plan:* In addition, we reviewed the plan for compliance with the Township's M-36 Corridor Plan, a component of the Township Master Plan, and found *the proposed plan is generally consistent with the M-36 Corridor Plan in that the development, as illustrated in the concept plan dated October 17, 2002, provides a generous naturalized buffer along M-36, and creates a pedestrian oriented environment along Chilson Drive. Both of these elements must be further developed through the final site plan review process to ensure that there is adequate landscaping and proper building arrangement of the front two buildings located at M-36 and Chilson Drive.*

RECOMMENDATION

Based on our review, we find that the applicant has met the four tests to be granted a Hardship PUD and that the proposed concept plan is generally consistent with the Township's Master Plan and M-36 Corridor plan. Therefore, we recommend that the applicant be granted Hardship PUD approval subject to the following conditions:

1. The commercial land area including parking areas shall not exceed 13.07 acres and the remaining area shall be permanently preserved through a conservation easement or other mechanism acceptable to the Township;
2. The connection to the Lakeland Trail including an improved trail head designed as an integral part of the overall development and improvements at the intersection of M-36 and Chilson Drive to facilitate bike/pedestrian crossings;
3. The commercial building area shall not exceed 132,000 square feet;
4. A 350 foot buffer along the east property be preserved to protect the health, safety and welfare of the people using the subject property. The buffer area may be used for on-site floodplain mitigation and stormwater management;
5. A minimum buffer area of 150 feet must be maintained along the M-36 frontage with the exception of the buildings located at the corner of M-36 and Chilson Drive;
6. The main parking located in front of retail buildings "A" and "B" shall be setback a minimum of 175 feet from the centerline of M-36;
7. Limits of clearing shall be indicated on the plan along with a generalized indication of what existing vegetation will be preserved;
8. All floodplain mitigation must be located on the subject site;

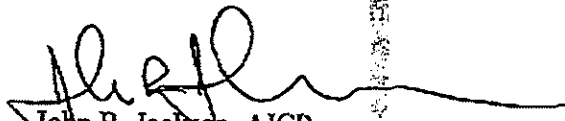
*Hamburg Township Planning Commission
Chilson Commons - Hardship PUD Review
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9. The final site plan shall be consistent with the proposed concept plan with respect to building and parking location and placement with the exception of the two dine-in-restaurant buildings located at the corner of M-36 and Chilson Drive. The final location and orientation of these two buildings shall be determined during the final site plan review process;
10. During the final site plan review process, the applicant will be required to submit a complete site plan pursuant to Article 4.0 of the Hamburg Zoning Ordinance for review and approval. In addition the applicant must provide the location and details for all site lighting and signage;
11. Building designs must reflect the character of Traditional Michigan small towns with a mix of traditional styles and traditional building materials such as stone, wood, brick, and glass. Building designs must reflect the pedestrian orientation of the proposed development.

If you have any questions, please contact us.

Respectfully submitted,

McKENNA ASSOCIATES, INCORPORATED


John R. Jackson, AICP
Principal Planner


Julie L. Ryszka,
Associate Planner

cc: Township Engineer: John Adams & Assoc., Ypsilanti, Michigan, Fax - (734) 482-8094
Applicant: Chestnut Development, South Lyon, Michigan
J. Eppink Partners, LLC - (248) 393-1562
Applicant Engineer: Equinox, Brighton, Michigan, Fax - (810) 220-0797.
Applicant Architect: Tiseo Architects, Inc., Livonia, Michigan, Fax (734) 522-4082

HAMBURG TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY November 6, 2002

1. **CALL TO ORDER**

The meeting was called to order by Chairman Pedersen at 7:30 p.m.

Present: Pedersen, Goetz, Menzies, Danko, Feldt, Leabu, Ren
Also Present: Carol Rosati, Township Attorney, Pat Hagman-Planning, Zoning & Utilities Administrator, John Jackson and Julie Ryszka from McKenna Associates

2. **PLEDGE TO THE FLAG**

3. **APPROVAL OF THE MINUTES**

Motion by Menzies, supported by Goetz, to approve the regular meeting minutes of Oct. 30, 2002 as amended. The amendments include on page 2 Przysiecki land division to ask the developer to provide Greenways, page 3 reference to Rural Character will be changed to Natural Features, page 2 Kremer land division-#3. approval does not imply that parcels are buildable.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

4. **APPROVAL OF THE AGENDA**

Motion by Danko, supported by Menzies, to approve the agenda as amended including adding 9 A. -Winans Lake Beach Association.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

5. **REVIEW OF CORRESPONDENCE FOR ITEMS NOT ON AGENDA**

A. Laddy Lane

Hagman discussed a proposed meeting with Mr. Johnson representing the developer of Laddy Lane and John Jackson.

B. Article-Anything But Cookie Cutter

6. **CALL TO THE PUBLIC CONCERNING ITEMS NOT ON AGENDA**

Open Public Hearing-7:36 p.m.

Cecil Laudenslager of Schlenker Drive voiced her concern regarding the proposed site condo development off Laddy Lane.

Closed Public Hearing-7:41 p.m.

7. **LAND DIVISIONS**

No land divisions.

Hamburg Township Planning Commission
Regular Meeting
November 6, 2002
Page 2

8. PUBLIC HEARING

A. Chilson Commons II

John Jackson gave a brief overview of the proposed development.

Open Public Hearing-7:25 p.m.

Jim Eppink Landscape Architect representing Chestnut Development discussed the proposed development including the overall site plan. He stated the property is located off M-36 and Chilson Road containing 70 acres, with 18 % proposed to be developed equating to 13 acres. He further stated that 57 acres would remain undeveloped including 22 acres of buildable land which will not be developed and 25 acres of wetland. Eppink stated the property is currently zoned medium density residential, and general commercial according to the Township's Master Plan. He stated the hardship (PUD) is a 4 step process and he believes the developer meets all the needs. #1. The hardship is not imposed by the developers. The Conservation Club creates the hardship, making it difficult to build a residential community. #2. The problem is unique to this property. #3. Will the development substantially change the character of the area? Eppink discussed reducing traffic, siting traffic studies, creating large buffers and set backs; and traditional architecture. #4. The situation is not self imposed by the developer. #5. Compliance with the M-36 corridor plan and the 1996 Master Plan. Eppink stated the developers plans to develop 132,000 square feet of retail space. The 13 acres would include a high end grocery store situated at an angle with a low impact parking lot and creative lighting, self shops and a main street area with parking behind, a series of restaurants and lastly, a connection to the Lakeland trail.

Jackson gave an overview of the Township's Master Plan, including the 3 areas of proposed future developments, M-36/Chilson, M-36/Pettysville and M-36/Merrill. He explained the rezoning process. Jackson stated that Chestnut Developers provided a plan that illustrated what the site would look like if it was rezoned in accordance with the Master Plan and the Commissioners felt it was not in the best interest of the Township. He discussed how the deviations from the Master Plan need to be equivalent to the impact of the hardship. He stated the developers have agreed not to build any residential sites, and to include approximately 6 acres of open space for buffering next to the Conservation Club. He further stated they are asking for 3 additional acres equating to 10,000 square feet of commercial development in exchange for the hardship. Jackson stated that in his opinion what the developer has presented is equivalent to the hardship. He reviewed the 5 PUD requirements and how the applicant met those. Jackson said that any development would change the character of the area however this development would include large buffers along M-36, significant set backs, limited clearing of trees and any heavily vegetative areas would be restored all to minimize the effect of any development.

Stan Hughes of 9039 Chilson Road at Cattail Point, he voiced his opposition to the proposed development and increased traffic it would bring to M-36.

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Dr Gutshall of 9081 Chilson Road- Doctorate in Highway safety, discussed his concern with the increased traffic at M-36 and Chilson.

Don Hassigan of 10579 Hickory, in Lakeland questioned the impact on the Huron River as it relates to the Natural River Act. He also questioned the impact on M-36.

John Paddock of Kress Road-voiced his concern with the traffic issues, sewer hook up and the storm water management.

Hagman stated that the developer would need to acquire all the necessary permits from MDEQ and use the sewer treatment plant.

Ed Ferguson of 6133 Oak Valley- questioned the flood plains and swapping wetland materials to different areas.

Eppink stated that flood plains will be relocated with in the property and no wetland banks will be touched.

Hagman stated the developers site plan is what you see is what you get, a legally binding document on the developers part.

Peg Eibler of Burton Drive-voiced her concern with the traffic issues on M-36.

Carol Roserous of 7647 Strawberry Lake Road- voiced her concern with the traffic issues as it relates to obtaining a traffic light on M-36 and Chilson. She questioned the Township's communication with MDOT regarding the roads. She approves of the plan.

Hagman stated that many approvals still need to be met however this is a conceptual plan.

Glen Valentine 9099 Chilson Road-supports the plan and questioned the remaining 10 acres left of the developers equation.

Clyde Schultes of 5859 M-36, voiced his concern with the development and is opposed to it. He questioned the Master Plan and its validity.

Tom Mancini of 5640 Lawrence Ct.- questioned if the development is a phase project and voiced his concern with the flood plain area. He also asked if the 1st entrance would have a left turn lane.

The developer stated that where the proposed 10 acre development is no flood plain changes will occur. There is a significant grade change of 12 feet for the proposed road which will be mitigated.

Linda Schultes of 5859 M-36, voiced her concern for the future status of the Conservation Club.

Hern Walters of Chilson Road voiced his concern with the "hardship" as it relates to the Conservation Club. He also is opposed to any proposed light pollution and increased traffic. In addition he questioned how viable the current Master Plan is.

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Ren discussed the new proposed lighting ordinance.

Dave Embrey Shoreview- questioned if the Township has the capacity to provide sewer service to the development. He also questioned storm water management.

Ren stated the Township has planned for additional discharge for commercial development. Feldt commented on the Township's storm water ordinance.

Scott Strain of 9858 Riverview-questioned the buffer zone between the rails to trails and the back of the development with regard to light and noise. He also questioned the storm water management plan as it pertains to increased salt in the wetlands and river.

Floyd Phillips of 9535 Crestline Drive voiced his concern with the storm water management plan and questioned how the Township intends to use the innovative ideas discussed at previous seminars.

Ellen Babas of 5471 Arapaho Pass in Arrow Head questioned why a developer has the right to change the zoning of the land.

Rosati stated the law states every property owner has the right to make a reasonable use of their property and can challenge the zoning that is applicable to that property.

Jim Shannon of 9113 Chilson Road questioned what Mepa studies have been completed with regard to the ecological impact of the development and if any endangered species have been sited, ie. the eagles nest in the area just south of M-36.

Paul Knoss of 9090 Lawrence Rd. voiced his concern with the Master Plan in addition to the increased traffic and light pollution. He is opposed to the development.

Terry Meeks of 9111 Chilson Road voiced his concern with increased traffic and light pollution.

Dorothy Babas of 5471 Arapaho Pass voiced her concern and is opposed to the development.

Pat Strelecki of 9089 Chilson voiced her concern and is opposed to the development.

Clyde Schuttles of 5859 Chilson Road questioned air pockets/sink holes in the turning lanes that MDOT has completed on M-36 at Chilson Road.

Hagman stated that he thought there was a debate between which asphalt mixture to use for the final coating thus causing a delay.

Steve Wilson of 9021 Chilson Road questioned the traffic studies and the number of parking spaces in the proposed development. He also questioned if the developer could further develop the property in the future and would there be any

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opportunity to donate any of the unused property.

The developer stated that they would need to reapply to the Township in the future if any of the proposed undeveloped land could be developed in future years.

Feldt stated the Township is not interested in the liability of acquiring donated land.

Floyd Phillips-questioned who is responsible for monitoring the open space with a commercial development.

Ren stated that the Township is responsible.

CLOSE PUBLIC HEARING 10:15 p.m.

Feldt suggested saving preliminary site plan issues for another meeting. He also voiced his concern with the traffic issues.

Pedersen questioned Rosati asking which direction the Commissioners should take.

Rosati stated the Commissioners have to ask "do the developers meet the criteria for a recommendation approval for the PUD based the concept of the plan proposed? If so, condition it upon the concept plan but subject to resolving any open issues raised at the public hearing."

Feldt agrees with the hardship and stated the concept plan is justified.

Ren accepts the hardship of the Conservation Club and believes there is a reasonable tradeoff. He suggested adding different species of native plants and address storm water management, the traffic flow from the east end of the parking lot, the natural features impact statement, the eagles nesting, lighting, the Lakeland trails connection just to name a few.

Danko agrees with the hardship and concept plan.

Leabu agrees with the concept plan and stated the public can expect strict reviews of lighting, architecture, and storm water.

Goetz supports the concept plan and is concerned with the traffic issues raised.

Menzies supports the concept plan and stated justification for the hardship has been met.

Pedersen supports the hardship and the concept plan.

Rosati suggested including a general statement to the motion stating that during the final site plan review process the developer may be imposed to comply to standards above ordinance requirements due to the uniqueness of the property to protect the environment and surrounding property owners.

Eppink stated he would like some cap on the open ended question suggested by Rosati. He stated for the record they are operating on good faith. He also questioned if this concept plan was a preliminary site plan.

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Jackson stated that this concept site plan is the preliminary and they still need to have the final site plan. He suggested the developer break up the individual parts of the plan in individual workshops to address storm water, environmental issues, lighting and so on.

Eppink was in agreement to set up the work shops with the intent of some closure at the end of series of meetings.

Motion by Ren, supported by Feldt, to recommend to the Township Board that a hardship PUD be granted to Chilson Commons II for the reasons as outline in the McKenna memo dated October 31, 2002 including considerations 1-5 on pages 4-5 and additional recommendations 1-11 on pages 5-6. This recommendation is subject to meeting all Township zoning ordinances and due to the unique characteristics of the site, additional conditions may be required. This motion is subject to, but not limited to the items listed in the McKenna memo. Lastly the recommendation is based on the concept site plan presented on October 16, 2002 and sealed by Benato Architects on October 17, 2002.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

9. OLD BUSINESS

A. Winans Lake Beach House

Motion by Feldt, supported by Danko to hold a public hearing on November 20, 2002 at 7:30 p.m.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

10. NEW BUSINESS

There was no new business.

11. ZONING ADMINISTRATOR'S REPORT

There was no report.

12. CONSULTANTS' REPORT

There was no report.

13. TOWNSHIP BOARD LIAISON'S REPORT

There was no report.

14. ADJOURNMENT

Motion by Feldt, supported by Danko, to adjourn.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

The meeting adjourned at 10:59 p.m.

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Respectfully submitted,



Wendy E. Vidovic
Recording Secretary



Fred Goetz
Planning Commission Secretary

EXHIBIT B



FAX 810-231-4295
PHONE 810-231-1000

P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139

A GREAT PLACE TO GROW

**HAMBURG TOWNSHIP BOARD OF TRUSTEES
REGULAR MEETING
Hamburg Township Hall Board Room
Tuesday, December 17, 2002
7:30 p.m.**

Minutes

1. Call to Order

Supervisor Dillman called the meeting to order at 7:38 p.m.

2. Pledge to the Flag

3. Roll Call of the Board

Present: Dillman, Hohl, Hardesty, Majoros, Menzies, Wiley, Balon-Vaughn
Also Present: John Drury-Township Attorney

4. CALL TO THE PUBLIC

Dick Newburg of 7814 Killkenny voiced his concern with fire fighter Dan O'Sullivan with regard to burning construction materials. He requested Mr. O'Sullivan be terminated.

5. Correspondence

No correspondence was noted for the record.

6. Consent Agenda

Motion by Hardesty, supported by Majoros to approve the Consent agenda as presented.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

7. Approval of the Agenda

Motion by Hardesty, supported by Wiley to approve the agenda as amended; move item 12021.009 to the first item under Old Business, add 12021.018 Tax Title Transfer to New Business, add 12021.019 Livingston County Water Authority Request and add 12021.020 D.P.W. Employee Request for leave of absence.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

12021.004 2001-2002 FY Audit Presentation / Plante & Moran

Michael Swartz, Martin Olenik and Molly Goike of Plante & Moran gave an overview of the Township's 2002 audit.

8. Old Business

04015.007 Oneida Lake/M-36 Proposed Sanitary Sewer Project Resolution

Resolution by Hardesty, supported by Hohl to set the district for the Oneida Lake/M-36 Sanitary Sewer Project.

Roll Call Vote: Dillman-yes, Hardesty-yes, Majoros-yes, Hohl-yes, Balon-Vaughn-yes, Wiley-yes, Menzies-yes **RESOLUTION PASSED.**

12011.009 Fertilizer Ordinance

Resolution by Wiley, supported by Menzies to adopt the Fertilizer Ordinance as a General Township Ordinance with the following corrections: Section 2, paragraph A should read "which has determined it necessary" and Delete, paragraph 9, "of the director".

Motion by Balon-Vaughn, supported by Hardesty to table the Fertilizer Ordinance.

Voice Vote: AYES: 4 NAYS: 3 (Dillman, Menzies, Wiley) **MOTION CARRIED.**

09022.004B Forest Cove

Motion by Hardesty, supported by Menzies grant preliminary site plan approval of Forest Cove as presented.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

09022.004C Chilson Commons

Motion by Hardesty, supported by Majoros, to grant the request of Trustee Hohl to abstain from any voting decisions regarding Chilson Commons.

Voice Vote: AYES: 6 Abstain: 1 (Hohl) **MOTION CARRIED.**

Jim Epping representing Chestnut Developers gave an overview of the proposed development.

In September of 2000, Chestnut Development ("Applicant") applied for relief for development of its property under Article 16.00 of the Zoning Ordinance, Hardship Planned Unit Development.

The subject property is approximately 70.6 acres in size, and is located generally south of M-36 at the intersection of Chilson Road. The subject property is vacant, and is zoned WFR, Waterfront Residential, and NR, Natural River, under the Zoning Ordinance. The principal uses permitted under these zoning classifications are residential. The Master Plan contemplates that the subject property will develop with medium density residential (minimum 1-acre per dwelling), with the exception of approximately 10 acres along the frontage to a depth of approximately 300 feet, which is planned for general commercial. The Master Plan further recommends that any new construction for commercial be no larger than a neighborhood shopping center of approximately 50,000 square feet.

Applicant argues that it has submitted evidence to demonstrate that it has met the qualifications to be entitled to relief under Article 16.00 of the Zoning Ordinance.

Applicant originally submitted a specific plan for development as a Hardship PUD, which contemplated three small outlots for small commercial users, a 136,000 square foot shopping center, and 108 multiple-family units. This plan was revised on numerous occasions since that time, and the plan presently before the Board is dated October 6, 2002 and sealed by Benato Architects on October 17, 2002.

Applicant claims that the requisite hardship has been established. Applicant claims that the property cannot be developed for residential use as zoned because of the large area of wetlands and flood plains on the site, the elevation differences from M-36 to the floodplain toward the rear of the property, the existence of the high voltage power line which runs parallel to M-36, and the location of the Conservation Club immediately adjacent to the subject property on the east. With respect to its proposed plan for development under the Hardship PUD, Applicant has offered information from The Green Group indicating that the property and the

community could support a shopping center of the size proposed, and a traffic study which notes that improvements to the road system would be necessary if the development were to occur.

After weighing the information and plans submitted by the Applicant, considering the Zoning Ordinance, Master Plan, M-36 Corridor Plan, and the Village Center Plan, the recommendations of the Township Planning Consultant dated October 31, 2002, and the recommendation of the Planning Commission of November 6, 2002, the Township Board finds:

1. Applicant has met its burden of establishing a hardship.
Under Article 16.00, Applicant has the obligation to establish that it has met four requirements to establish a hardship which would enable the Township to grant relief from the literal application of the current zoning. Applicant has met its burden as follows:

- A. Applicant's property cannot be used for the purposes permitted in the zoning district.

Applicant has claimed that it cannot use its property for several reasons. The Township Board, like the Planning Commission, finds the conditions related to wetlands, steep slopes, flood plains, and access limitations to be unpersuasive. These conditions do not result in the inability of the Applicant to develop residential homes on the site, particularly under the flexible development opportunities available through the Zoning Ordinance. In addition, these conditions were all known to the Applicant at the time of the purchase of the property, and are conditions which are prevalent throughout the Township and are not unique to this property. There has been no showing that the property could not be developed as zoned with these conditions, particularly through the use of buffers and open spaces, and clustering of home sites. In spite of the existence of these types of conditions, properties throughout the Township have developed, and continue to develop, with residential homes.

However, the proximity to the Conservation Club and the shooting range does impact the ability to develop the property as zoned, to a limited extent. The location of the Conservation club to the subject property would have some impact on residential use along the easterly portion of the property, and is a condition which is unique to the subject property. For this reason, Applicant has demonstrated that there is a limitation on its ability to use the property as zoned, particularly along the eastern portion of the property in proximity to the Conservation Club.

Specifically, the existence of the Conservation Club does not impact the ability of the Applicant to utilize the property as a whole. Based upon the fact that the only hardship established is on the eastern portion of the property in the proximity to the Conservation Club, the Planning Commission recommended approval of the Hardship PUD. In exchange for the Applicant agreeing to not develop 57 acres of the site, including approximately 22 acres of buildable land on the side of the Conservation Club, the Planning Commission recommended approval of the more intense commercial development on the additional acreage included in the Applicant's most recent plan. The Township Board concurs in this finding.

B. Applicant's plight is due to unique circumstances peculiar to its property and not to general neighborhood conditions.

Again, the access limitations, overhead power lines, wetlands, steep slopes and flood plains are not conditions which are unique to this property. Those conditions exist throughout the Township, and in spite of that, properties have developed with residential homes. The location of the Conservation Club, however, is a condition which is unique to the subject property and does impact to a limited extent development under the existing zoning.

C. Applicant's suggested use would not alter the essential character of the area.

As a general observation, the surrounding area to the north and west of the site are a combination of existing residential and commercial land uses. A proposal for a combination of commercial and residential land uses would be consistent with the future land use plan and the M-36 Corridor Plan. The Master Plan contemplated the possibility of future commercial use on the frontage of the property, but not to the extent and density which has been requested by the Applicant.

The layout and design of any new development is fundamental in assuring that the character of the existing area is not significantly altered. After much review, the Applicant has revised the plan to the one presently before the Board for Action. Although the plan contemplates development of commercial on 13.07 acres of the site, more than suggested by the Master Plan, and encompasses a larger area for the commercial use than the Master Plan, the

Board believes this plan is reasonable to address the hardship in light of the remainder of the property being undeveloped.

D. Applicant's problem has not been self-created.

Based on the information presented, the hardship is not a result of the actions of the Applicant, but is based upon the existence of the land use on the adjacent land.

2. The limited site specific relief granted.

Having found that the Applicant has established a limited hardship with respect to the easterly property line as a result of the existence of the Conservation Club, we must now determine what relief should be granted. Pursuant to Article 16.00 of the Zoning Ordinance, the intent is to authorize relief for the minimum extent necessary to allow reasonable use of the property considering the hardship established.

The specific plan proposed is reasonable based upon the limited hardship which has been established by the Applicant. Although the commercial area shown exceeds the land area contemplated for general commercial under the Master Plan and exceeds the size limitations for future commercial uses contemplated by the Master Plan, the Applicant's proposal to leave the remainder of the entire acreage undeveloped, especially in the area of the Conservation Club, provides justification for the plan. The layout and design of the commercial is consistent in principal with the goals and objectives of both the Master Plan and the M-36 Corridor Plan.

Motion by Majoros, supported by Hardesty, based upon the recommendation of the Planning Consultant dated October 31, 2002 and the recommendation of the Planning Commission of November 6, 2002, to approve the Hardship PUD for Chilson Commons based upon the concept plan, subject to the following conditions:

1. The commercial land area including parking areas shall not exceed 13.07 acres.
2. The conditions recommended by the Planning Commission in the November 6, 2002 motion, including the reasons as outlined in the Planning Consultant (McKenna) memo dated October 31, 2002, considerations 2-5 on pages 4-5 and additional recommendation 1-11 on pages 5-6 are incorporated herein.
3. The Applicant shall be required to obtain final site plan approval through the procedures at the Township. During the site plan review process, the Applicant shall meet all requirements of the Zoning

Ordinance and other applicable ordinances, and shall work with the Planning Commission, Planning Consultant, Planning Director, and Engineering Consultant regarding additional conditions which may be required due to the uniqueness of the site.

4. Applicant shall be required to install and maintain a pedestrian walkway from the commercial buildings to connect to the existing Lakeland Trail at the southern end of the property.

5. Applicant shall be required to complete all road improvements required by the Livingston County Road Commission and Michigan Department of Transportation.

6. The Applicant and the Township shall enter into a Hardship PUD Agreement, in a form to be approved by the Township, covering this approval, the commercial development, as well as the remaining 57 acres of the property which will remain undeveloped. The PUD Agreement will provide that future amendments, if any, shall lie in the sole discretion of the Township Board.

7. After approval of the final site plan, and preparation and signing of the Hardship PUD Agreement, an Affidavit shall be recorded with the Livingston County Register of Deeds noting the specific development approved for the property.

Voice Vote: Ayes (6) Abstain (1) Hohl MOTION CARRIED.

10021.012 Proposed Canal Dredging Project S.A.D. / Mumford Park

Motion by Hardesty, supported by Menzies, to approve the request of Supervisor Dillman to abstain from any voting decisions regarding the proposed canal dredging at Mumford Park.

Voice Vote: AYES: 6 Abstain: 1 (Dillman) MOTION CARRIED.

Motion Hardesty, supported by Hohl table any action of the dredging at Mumford Park pending further information regarding costs.

Voice Vote: AYES: 6 Abstain: 1 (Dillman) MOTION CARRIED.

A. Amended Resolution Acknowledging Receipt of Petition & Establishment of District

No action taken.

B. Resolution Directing Preparation of Assessment Roll & Setting 2nd Public Hearing

No action taken.

10021.015 NPDES Stormwater Permit

Motion by Hardesty, supported Wiley, by approve the agreement to participate with Livingston County in the preparation of a watershed permit limited to the cost of \$2,642.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

10021.022 Rush Lake Area Proposed Sanitary Sewer S.A.D.

A. Sewer Committee Request / Amended District

Deann Nemes of 3380 Orchard Drive, requested all of Rush Lake become a part of the district.

John Machowicz of 8540 Country Club voiced his concern with the project and is opposed to the S.A.D.

Arlene Purdee of 3800 Rush Lake Road voiced her concern with the district boundaries.

Arden Kirschner of 3332 Rush Lake Road voiced his concern for the proposed sewer district and is opposed to the boundaries.

Mike Angell of 3482 Junior Drive voiced his concern and is opposed to the project. He indicated that he is against facilitating development.

Chris Ancona of 8972 Rush Lake Drive questioned how to stop the project altogether. He stated that the deferment information is incorrect.

Steve Gapa of 8460 Scotia, supports the proposed sewer district.

Thomas Hammerstein of 8642 Rushview Drive voiced his concern and requested all of Rush lake to become part of the district.

Stuart Hendricks of 8646 Scotia is in favor of the proposed S.A.D.

Lex Kinter of 8474 Scotia is in favor of the proposed sewer district.

Pam Kamey of 3252 Rush Lake Road is in favor of the project. She explained her personal expenses due to her failed septic.

Motion by Balon-Vaughn, supported by Hohl, to establish a first public hearing to include the Bonner property and notify any property owner around the Rush Lake area of the public hearing set for February 4, 2003 at 7:00 p.m.

Voice Vote: AYES: 7 MOTION CARRIED UNANIMOUSLY.

B. Resolution Approving Project Details / Assessment Roll

There was no Board action taken.

Board Recess-9:45 p.m.

Board Reconvened-9:51 p.m.

9. Current Business

12021.005 Zoning Department

A. Barrera Split Request

Motion by Hardesty, supported by Menzies to approve the Barrera lot split of Ore Lake Shores as presented.

Voice Vote: AYES: 6 NAYS: 1 (Majoros) MOTION CARRIED.

B. Maple Run

Motion by Hardesty, supported by Hohl to approve the preliminary site plan of Maple Run as presented.

Voice Vote: AYES: 7 MOTION CARRIED UNANIMOUSLY.

C. Winans Lake Beach House

Motion by Hardesty, supported by Menzies to approve the Special Use Permit and Site Plan of Winans Lake Beach House as recommended by the Planning Commission.

Voice Vote: AYES: 7 MOTION CARRIED UNANIMOUSLY.

12021.006 Police Department

A. Current Township Vehicle Policy Review

Motion by Majoros, supported by Hohl to amend the Township Vehicle Policy as presented by the Personnel Committee.

Voice Vote: AYES: 7 MOTION CARRIED UNANIMOUSLY.

B. New Patrol Car Acquisition Proposal

Motion by Hardesty, supported by Menzies, to authorize the lease purchase of 2 2003 Ford Crown Victoria vehicles including all emergency equipment as requested by the Police Chief from the Police Fund/Forfeiture as available.

Voice Vote: AYES: 7 MOTION CARRIED UNANIMOUSLY.

C. Supervisor Coverage Costs

No Board action taken.

D. General Police Department Operations

No Board action taken.

E. Copy Machine Lease/Purchase

Motion by Hohl, supported by Wiley to approve the purchase of a copy/fax machine subject to the Supervisors final approval.

Voice Vote: AYES: 7 MOTION CARRIED UNANIMOUSLY.

F. Resolution to Change MERS Benefits

Motion by Hohl, supported by Hardesty to extend the meeting beyond the 10:30 time frame.

Voice Vote: AYES: 7 MOTION CARRIED UNANIMOUSLY.

Resolution by Hardesty, supported Wiley by to change the MERS benefits per the Police Command contract as presented.

Roll Call Vote: Dillman-yes, Hardesty-yes, Majoros-yes, Hohl-yes, Balon-Vaughn-yes, Wiley-yes, Menzies-yes RESOLUTION PASSED.

Motion by Hardesty, supported by Wiley to authorize the expenditure to acquire actuarial evaluations of the new plan as requested by the Clerk.

Voice Vote: AYES: 7 MOTION CARRIED UNANIMOUSLY.

12021.008 FOIA Appeal / Wilson

Motion by Hardesty, supported by Menzies to grant the Wilson FOIA appeal and issue the environmental reports as requested.

Voice Vote: AYES: 7 MOTION CARRIED UNANIMOUSLY.

12021.009 Treasurer's Office Employee Resignation / Replacement

Motion by Hardesty, supported by Wiley to accept the resignation of Deputy Treasurer Eleanor Gallup with regret.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

Motion Hardesty, supported by Menzies to set Martha Towas's salary at \$16.50 per hour for the first 6 months with an increase of \$.50 in 90 days as Deputy Treasurer.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

12021.010 Temporary Employee / Senior Center

Motion by Balon-Vaughn, supported by Menzies to approve the hiring of a temporary employee to assist the Senior Director as presented by the Clerk.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

12021.011 Library Payment Request No. 028

Motion by Balon-Vaughn, supported by Wiley to approve the Library payment No. 028 as requested.

Voice Vote: AYES: 3 NAYS: 4 (Dillman, Menzies, Hohl, Balon-Vaughn) **MOTION FAILED.**

Motion by Balon-Vaughn, supported by Majoros to approve the Library payment No. 28 less \$10,341.20 for the Library Design invoice for chairs.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

12021.012 Employee Request / Christmas Holiday

Motion Hohl, supported by Wiley, to deny the employee request to close the Township offices on December 23, 2002.

Voice Vote: AYES: 4 NAYS: 3 (Hardesty, Menzies, Dillman) **MOTION CARRIED.**

Motion by Hohl, supported by Wiley to create an agenda item for the January Board meeting to discuss all days off related to holidays.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

12021.013 Resolution Approving Amended & Restated Articles of Incorporation Livingston Community Water Authority

Resolution by Hardesty, supported by Wiley to adopt the amended and restated articles of incorporation for the Livingston Community Water Authority as presented by Attorney Jim Kiefer.

Roll Call Vote: Dillman-yes, Hardesty-yes, Majoros-no, Hohl-yes, Balon-Vaughn-yes, Wiley-yes, Menzies-yes **RESOLUTION PASSED.**

12021.014 Corby Energy Services / Request for Contract Amendment

Motion by Hohl, supported by Menzies to amend the Corby contract to reflect the change in pricing for permits for electric from \$30.00 to \$80.00 and plumbing from \$50.00 to \$60.00.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

12021.015 Sewer Refund & Invoicing / Accounting Department Request

Motion by Hardesty, supported by Wiley, to approve the issuance of a sewer refund and invoicing as requested by the Accounting Department.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

12021.016 Tax Bill Adjustments / Sewer Assessments

Resolution by Hardesty, supported by Menzies to amend the 2002 winter tax bill for certain properties as written.

Roll Call Vote: Dillman-yes, Hardesty-yes, Majoros-yes, Hohl-yes, Balon-Vaughn-yes, Wiley-yes, Menzies-yes **RESOLUTION PASSED.**

12021.017 Closed Session

A. Pending Litigation

There was no closed session.

12021.018 State of Michigan/Property Tax Title Transfer

Resolution by Hohl, supported by Menzies to reject the State's offer to transfer title of two properties 15-13-302-029 and 15-13-302-030.

Roll Call Vote: Dillman-yes, Hardesty-yes, Majoros-no, Hohl-yes, Balon-Vaughn-yes, Wiley-yes, Menzies-yes **RESOLUTION PASSED.**

12021.019 Water Authority

Motion by Hardesty, supported by Wiley to approve the request to contribute \$20,000 to the Livingston County Water Authority with the proceeds to come from the Enterprise fund to be reimbursed with the Bond sale.

Voice Vote: AYES: 4 NAYS: 3 (Majoros, Hohl, Wiley) **MOTION CARRIED.**

12021.020 D.P.W. Request for Leave of Absence

Motion by Hardesty, supported by Balon-Vaughn to approve the 1-year leave of absence of Ron Bergin to pursue missionary work in Bulgaria and cash out all vacation time. Bergin's leave is to commence after all personal and comp time is exhausted.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

10. Call to the Public

Hearing no response the call to the public was closed.

11. Board Comments

Majoros questioned some of the items Police Chief discussed.

Motion by Wiley, supported by Hohl, to direct the Supervisor, Clerk, Police Chief and Attorney Dubay to discuss the command retro-pay for on-call supervision.

Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

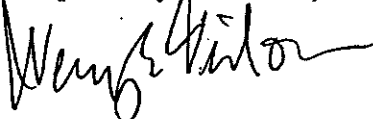
12. Adjournment

Motion by Hohl, supported by Wiley to adjourn.

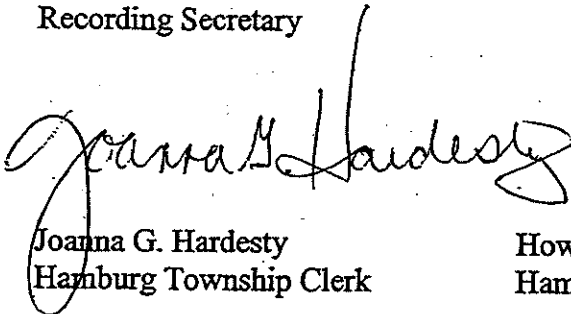
Voice Vote: AYES: 7 **MOTION CARRIED UNANIMOUSLY.**

The meeting adjourned at 11:19 p.m.

Respectfully Submitted,



Wendy E. Vidovic
Recording Secretary



Joanna G. Hardesty
Hamburg Township Clerk

Howard Dillman
Hamburg Township Supervisor

APPROVED

1/21/03



COMMUNITY PLANNING ■ URBAN DESIGN

235 East Main Street, Suite 105

Northville, MI 48167

Tel: (248) 596-0920 ■ Fax: (248) 596-0930

E-mail: info@mcka.com ■ Web site: www.mcka.com

October 31, 2002

Planning Commission
Township of Hamburg
P.O. Box 157
10405 Merrill Road
Hamburg, MI 48139

Attention: Patrick Hagman, Planning, Zoning, Utilities Administrator

Subject: Chilson Commons Hardship Planned Unit Development Review
Plan dated: October 17, 2002

Dear Planning Commission:

The applicant has submitted a petition for a Hardship Planned Unit Development pursuant to Article 16 of the Hamburg Zoning Ordinance. The site is located on the south side of M-36, at the intersection with Chilson Road. We offer the following comments based upon the Hamburg Township zoning ordinance and sound planning principals.

HARDSHIP PUD INTENT AND PURPOSE

The hardship PUD article of the Hamburg Township zoning ordinance was adopted in an effort to provide an avenue of relief for land owners who, based on particular conditions, could not reasonably use their land for the current zoning or planned future land use applied to their site. Section 16.1 states that the hardship PUD is intended to authorize relief for the minimum extent necessary to allow reasonable use of property on the particular site, taking into consideration the objective of achieving compatibility and high quality development. The following review determines whether the proposed development utilizes relief to the minimum extent necessary while creating a project which results in a reasonable use of the property and which is compatible with adjacent uses.

HARDSHIP PUD REVIEW PROCESS

Section 16.3 of the Township zoning ordinance outlines the following procedure for review of a hardship planned unit development.

1. A pre-application conference was held with township staff.
2. *The Planning Commission holds a public hearing to present information and to receive public comments on the proposed hardship PUD concept plan.*
3. Following the public hearing, the Planning Commission may take action to table or recommend approval or denial to the Township Board. The Planning Commission will provide a recommendation to the Township Board for hardship PUD approval.

Northville, MI ■ Kalamazoo, MI ■ Hudson, OH ■ Lebanon, OH

Hamburg Township Planning Commission
Chilson Commons - Hardship PUD Review
October 31, 2002 - Page 2

4. The Township Board reviews the proposed hardship PUD and Planning Commission recommendation and determine to approve, disapprove or return to the Planning Commission for further review.

Based on previous meetings with the Planning Commission, the Commission and the applicant have agreed that the review of the requested hardship PUD shall be based on the concept plan submitted, dated October 17, 2002, with respect to the land area to be utilized, land area to be permanently preserved, building area, proposed uses, and the general location of parking areas and buildings. In the event the proposed HPUD is approved, the approval will be subject to the submittal of a more detailed site plan that is substantially in compliance with the approved concept plan and contains additional detail with respect to architectural design, lighting, and landscaping. At a minimum, the additional details will illustrate compliance with the Township Zoning Ordinance.

SITE DESCRIPTION

The parcel is located south of M-36 at the intersection of Chilson Road. The parcel is approximately 70.6 acres in area and contains a significant amount of natural features including wetlands, wooded areas, steep slopes and is within the Huron River floodplain. The land use, zoning and master plan designation of the subject site and surrounding parcels are described in the following table:

	Land Use	Zoning	Master Plan
Site	Vacant	WFR and NR	Medium Density Residential/ General Commercial
North	Commercial/ Residential	CS and RA	General Commercial and Medium Density Residential
East	Recreational	WFR	Medium Density Residential
South	Residential/Public	NR	Medium Density Residential
West	Residential	NR and WFR	General Commercial and Medium Density Residential

ZONING DESIGNATION

The hardship PUD is a zoning overlay. The granting of the hardship PUD zoning overlay would be subject to the conditions set forth during this review process. Should the site not be developed according to the standards, conditions and agreement set forth during this process, the zoning of the site would revert to the zoning district classifications in existence prior to the granting of the hardship PUD overlay. The current zoning of the site is WFR, Waterfront residential and NR, Natural River.

PROPOSED LAND USE COMPOSITION

The proposed development plan reflects the future land use designations for the site indicated in the Hamburg Township Master Plan. The Future Land Use Plan designates a portion of the site as General Commercial, approximately 10 acres. The applicant is proposing 13.07 acres of land to be developed for commercial buildings, parking, circulation, and landscaping on the site. The composition of uses, the design, and the layout of such a large commercial development are essential factors in determining if the proposed development would be compatible with the Goals and objectives of the Township.

Hamburg Township Planning Commission
Chilson Commons - Hardship PUD Review
October 31, 2002 ♦ Page 3

PROPOSED SITE LAYOUT DESCRIPTION

The following is a tabular summary of the current proposal and the site plan dated October 17, 2002

<u>Building Element</u>	<u>Current Proposal</u>
Grocery Store	60,028sf
Retail Space	57,542sf
Dine-In Restaurant	8,400sf
Dine-In Restaurant	6,000sf
Retail A	11,462sf
Retail B	27,000sf
Retail C	6,360sf
Retail D	6,360sf
<u>Retail E</u>	<u>6,360sf</u>
Total Area	131,970sf

Over 57 acres of the site will be permanently preserved, although most of this area consists of regulated wetlands and floodplain areas, there are several acres along the M-36 frontage and the eastern property line that will be permanently preserved as open space.

The applicant has designed the development with five buildings facing on Chilson Drive in a "main street" configuration. The drive continues to the east to serve the remaining retail buildings including the 60,000 square foot anchor tenant. In addition, the applicant has provided generous sidewalks in front of the five buildings facing a central plaza. On-street parking is provided in the southern portion of the plaza area and contributes to the environment of the development. The concept of creating a main street with buildings facing the street and pedestrian oriented amenities is consistent with the Township's goals and objectives.

The orientation of the two dine-in-restaurant buildings needs to be further evaluated during the final review process. As proposed, the parking for these two buildings is located within 25 feet of the M-36 right-of-way with little opportunity for naturalized buffering. In addition, the close proximity of the access drives for the front parking areas to the Chilson/M-36 intersection creates a potentially dangerous situation with traffic backing onto M-36. Finally, the orientation of the buildings with the narrow ends of the buildings facing Chilson Drive and parking on either side is not conducive to a pedestrian oriented "main street" environment.

The applicant has created a significant buffer, up to 175 feet in some areas along most of the M-36 frontage and the eastern property line, which is adjacent to the conservation club. This buffer, provided the natural vegetation is preserved or restored, is also consistent with the intent of the M-36 Corridor Plan to preserve and maintain the views of natural features from M-36. The applicant must provided the limits of clearing estimated for the site to determine what impact the proposed development will have on the existing vegetation and what amount of restoration will be required.

The commercial land area totals 13.07 acres in area with the remaining area consisting of floodplain, wetland area and vacant upland buffer areas.

Hamburg Township Planning Commission
Chilson Commons - Hardship PUD Review
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HARDSHIP PUD CONSIDERATIONS

Section 16.2 outlines the criteria which the applicant's site must meet for the granting of the hardship PUD designation. We offer the following comments regarding the sites eligibility for meeting the required criteria.

1. *Applicant's property cannot be used for the purposes permitted in the zoning district.* Section 7.5.1.F details the permitted and special land uses allowed in the Waterfront Residential District. The applicant has indicated that, at a minimum, the eastern 350 feet of the site north of the floodplain cannot be used for residential purposes due to the proximity to the Livingston County Conservation Club. The Livingston County Conservation Club activities include a shooting range that is frequently used and used at a wide range of hours. The Club also hosts a number of outdoor social functions. This combination of uses would be inconsistent with the development of a high-quality residential environment.

As a result of the impacts of the Livingston County Conservation Club, the applicant is requesting to convert approximately 3.07 acres of the 6.8 acres of unuseable residential land to a neighborhood commercial use. The additional 3.07 acres of land will be combined with the ten acres of neighborhood commercial located closer to the intersection of Chilson and M-36 to avoid potential conflicts with the Conservation Club and to create a site layout that is consistent with the goals and objectives of the Township's Master Plan and M-36 Corridor Plan.

Based on our review, the applicant has demonstrated that approximately 6.8 acres of land adjacent to the Conservation Club may not be used for the purpose it is currently zoned.

2. *Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions.* The applicant has identified a number of conditions that exist on the site including; access limitations, overhead power lines, wetlands, steep slopes, floodplains, and the proximity to the Livingston County Conservation Club. With the exception of the Conservation Club, many of these conditions are prevalent throughout Hamburg Township in combination. With regard to the proximity to the Conservation Club, the recreational shooting range is a unique circumstance peculiar to the subject property.

Based on our review, the applicant should be entitle to relief that is proportionate to the impacts of the Conservation Club. Converting approximately 6.8 acres of residentially zoned land to 3.07 acres of neighborhood commercial land and preserving the remainder of the site as open space is reasonably proportionate.

3. *Applicant's suggested use would not alter the essential character of the area.* The development of 132,000 square feet of commercial space will change the existing character of the area. However, the applicant's concept plan indicating a naturalized buffer in excess of 150 feet from M-36 will help to minimize the impacts on the existing character in this area.

Further refinements to the final site plan must be made to ensure that the development will be compatible with the essential character of the area including:

- a. minimize the limits of clearing and restore lost native vegetation in a manner that is consistent with the existing natural features along M-36.
- b. resolve the orientation of the two front dine-in-restaurants in a manner that is consistent with the M-36 corridor plan and the objective of creating a pedestrian oriented environment along

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- Chilson Drive, and minimize the potential for traffic impacts at the entrance to the development.
- c. Develop a range of architectural details that is more compatible with a traditional small town business district and minimize the use of E.I.F.S, and repetitive building forms that more closely resembles a conventional suburban shopping center on Grand River.
4. Applicant's problem has not been self-created. The establishment of the adjacent conservation club and its related activities is not a result of any action of the applicant.
5. Compliance with Master Plan: In addition, we reviewed the plan for compliance with the Township's M-36 Corridor Plan, a component of the Township Master Plan, and found the proposed plan is generally consistent with the M-36 Corridor Plan in that the development, as illustrated in the concept plan dated October 17, 2002, provides a generous naturalized buffer along M-36, and creates a pedestrian oriented environment along Chilson Drive. Both of these elements must be further developed through the final site plan review process to ensure that there is adequate landscaping and proper building arrangement of the front two buildings located at M-36 and Chilson Drive.

RECOMMENDATION

Based on our review, we find that the applicant has met the four tests to be granted a Hardship PUD and that the proposed concept plan is generally consistent with the Township's Master Plan and M-36 Corridor plan. Therefore, we recommend that the applicant be granted Hardship PUD approval subject to the following conditions:

1. The commercial land area including parking areas shall not exceed 13.07 acres and the remaining area shall be permanently preserved through a conservation easement or other mechanism acceptable to the Township;
2. The connection to the Lakeland Trail including an improved trail head designed as an integral part of the overall development and improvements at the intersection of M-36 and Chilson Drive to facilitate bike/pedestrian crossings;
3. The commercial building area shall not exceed 132,000 square feet;
4. A 350 foot buffer along the east property be preserved to protect the health, safety and welfare of the people using the subject property. The buffer area may be used for on-site floodplain mitigation and stormwater management;
5. A minimum buffer area of 150 feet must be maintained along the M-36 frontage with the exception of the buildings located at the corner of M-36 and Chilson Drive;
6. The main parking located in front of retail buildings "A" and "B" shall be setback a minimum of 175 feet from the centerline of M-36;
7. Limits of clearing shall be indicated on the plan along with a generalized indication of what existing vegetation will be preserved;
8. All floodplain mitigation must be located on the subject site;


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Chilson Commons - Hardship PUD Review
October 31, 2002 ♦ Page 6*

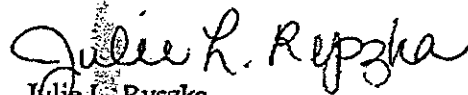
9. The final site plan shall be consistent with the proposed concept plan with respect to building and parking location and placement with the exception of the two dine-in-restaurant buildings located at the corner of M-36 and Chilson Drive. The final location and orientation of these two buildings shall be determined during the final site plan review process;
10. During the final site plan review process, the applicant will be required to submit a complete site plan pursuant to Article 4.0 of the Hamburg Zoning Ordinance for review and approval. In addition, the applicant must provide the location and details for all site lighting and signage;
11. Building designs must reflect the character of Traditional Michigan small towns with a mix of traditional styles and traditional building materials such as stone, wood, brick, and glass. Building designs must reflect the pedestrian orientation of the proposed development.

If you have any questions, please contact us.

Respectfully submitted,

McKENNA ASSOCIATES, INCORPORATED


John R. Jackson, AICP
Principal Planner


Julie L. Ryszka,
Associate Planner

cc: Township Engineer: John Adams & Assoc., Ypsilanti, Michigan, Fax - (734) 482-8094
Applicant: Chestnut Development, South Lyon, Michigan
J. Eppink Partners, LLC - (248) 393-1562
Applicant Engineer: Equinox, Brighton, Michigan, Fax - (810) 220-0797.
Applicant Architect: Tiseo Architects, Inc., Livonia, Michigan, Fax (734) 522-4082

EXHIBIT C

EXHIBIT D

**Hamburg Township Planning Commission
Tuesday, June 24, 2003
Hamburg Township Hall Building
Special Meeting**

1. CALL TO ORDER

The meeting was called to order by Chairman Pedersen at 7:32 p.m.

Present: Pedersen, Menzies, Ren, Goetz, Danko, Feldt, Leabu
Also Present: John Adams, Township Engineer, and John Jackson from McKenna Associates

2. PLEDGE TO THE FLAG

3. APPROVAL OF MINUTES

Motion by Goetz supported by Menzies to approve the minutes for June 18, 2003.
Voice Vote: AYES: 5 Absent: 2 (Danko, Feldt) **MOTION CARRIED.**

4. APPROVAL OF AGENDA

Motion by Menzies, supported by Goetz, to approve the agenda as presented.
Voice Vote: AYES: 5 Absent: 2 (Danko, Feldt) **MOTION CARRIED.**

5. CORRESPONDENCE

There was no correspondence.

6. CALL TO THE PUBLIC CONCERNING ITEMS NOT ON AGENDA

There were no issues for call to the public.

7. LAND DIVISIONS/COMBINATIONS

Pedersen read the correspondence from Pat Hagman PZU Administrator regarding outstanding Chilson Commons issues dated June 24, 2003.

Pedersen read correspondence from the Livingston County Wildlife and Conservation Club to William Watch dated June 4, 2003.

Hamburg Township Planning Commission
Special Meeting
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Page 2

Pedersen read correspondence from the Livingston County Wildlife and Conservation Club to Howard Dillman, Hamburg Township Supervisor, dated June 16, 2003.

Bill Watch stated he will insert a paragraph in the HPUD stating the requests as discussed with the Livingston County Conservation Club.

Hagman suggested approval of the split contingent upon the HPUD being approved and recorded with the register of deeds.

Leabu questioned why Watch would want to own the rest of the vacant land. He also asked how it was going to be taxed. Leabu stated this unusual situation could lead to potential concerns in the future.

The Commissioners discussed the split. Ren questioned the accountability of the HPUD with regard to the separately owned parcels. Jackson suggested incorporating the ability of the Township to place a lien on the property in the HPUD if the owners do not maintain the property.

Motion by Goetz, supported by Ren to approve the lot split of Chilson Commons, parcel numbers 15-22-400-021 and 022. Job # EQ02026, survey plan labeled page 3 of 8 dated 6-10-03 by Professional Engineering Associates contingent upon approval and recording the agreement.

Voice vote: AYES: 5 Absent: 2 (Danko, Feldt) **MOTION CARRIED.**

8. PUBLIC HEARING

There was no public hearing.

9. OLD BUSINESS

There was no old business.

10. NEW BUSINESS

A. Chilson Commons

Final site plan review

Jackson discussed the McKenna memo dated June 23, 2003 regarding the Chilson Commons Hardship Planned Unit Development-Final Review. In addition to the items listed in the memo, he questioned the how the lighting height was going to be measured.

Menzies questioned the By-Laws, Article 6, page 18, regarding fast food. He suggested adding the verbiage that drive thrus are prohibited.

Hamburg Township Planning Commission
Special Meeting
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Danko arrived 7:10 p.m.

Adams reviewed his memo dated June 23, 2003 regarding Chilson Commons plans dated June 19, 2003 by Professional Engineer Associates.

Hagman stated the Landscape Agreement needs to be included in the exhibits.

Discussion regarding the Adams' memo

The Commissioners discussed Adams' proposed curb and gutter drainage and the developers proposed bumper blocks and stone. Adams stated there is a maintenance issue with the current design. The Commissioners agreed to allow the developer to use the proposed bumper blocks and stone design.

Item 5 of the Adams' memo, was an issue. Watch stated the curb has changed and the pavement has been flared out to allow more room for the delivery trucks.

Item 6-Ren suggested the dumpsters in retail buildings D and E be angled so the dumpster enclosure openings face the center of the respective buildings.

Goetz left 7:45 p.m.

Discussion regarding the McKenna memo

Leabu debated the need for the traffic study. He suggested waiting until the developer wants curb cuts for the out lots then they would need a traffic study. Schrauben stated a current study results would be inconclusive because school is out.

Jackson suggested the developer change the light fixture SD1 to a flat lens, full cut off fixture.

Ren suggested adding a full visor to the SE light fixture so no part of the lighting is visible.

Jackson stated the height of sign needs to be 15 feet from the base of the sign and not to exceed 15 feet from the elevation of M-36.

The Commissioners discussed the parking lot lighting issues of the Kroger store. A subcommittee consisting of the PZU Administrator, John

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Special Meeting
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Page 4

Jackson, Planning Commissioner Ren, a representative of Kroger, and the developer negotiate the final lighting plan.

Schrauben will "strike" "the trail connection by others", note.

Jackson suggested that outdoor sales using tents, sidewalks or the parking lot be subject to the Township review and approval.

Discussion regarding the Master Deed

Leabu questioned the storm water management with regard to referencing it in the Master Deed. Watch agreed to place the storm water management maintenance in the Master Deed schedule.

Leabu questioned the landscape maintenance plan with regard to referencing it in the Master Deed. Watch agreed to place the landscape maintenance plan in the Master Deed and HPUD. Ren stated the native grasses need to include grasses native to the Great Lakes Basin in the Master Plan.

Leabu suggested that no additional site lighting for individual stores, be added to the Master Deed, HPUD and site plan.

Ren questioned if some of the grasses are invasive and suggested removing the invasive grasses/shrubs such as buckthorn and olives within 100 feet of the buffer. Bill Watch stated he thinks this is an unreasonable request.

Danko and Hagman stated by requesting a 100 ft buffer of these invasive shrubs to be removed maybe misconstrued in the future and also allows for additional clearing when buffers have been promised to the public.

Motion by Leabu, supported by Ren to recommend approval for the Chilson Commons final site plan, referencing plans dated June 20, 2003 and June 19, 2003 by Professional Engineering Associates and Tiseo Architects, Inc. to the Township Board contingent upon meeting the following criteria:

1. The review and approval of the Master Deed and By-Laws, and HPUD agreement by the Township's legal counsel.
2. HPUD agreement being executed and recorded prior to the land divisions being granted and approved.
3. Water Service Agreement (Authority being agreed upon and executed prior to Board approval and Land Use Permit issuance).

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Page 5

4. Sanitary Service Agreement being agreed upon and executed prior to Board approval.
5. Public access easement from the Lakeland Trail to the M-36/Chilson intersection. (May be described as a sidewalk for internal walks that are not part of the boardwalk and sidewalk/bike path easements along M-36).
6. Revised traffic study being completed prior to the Planning Commission review of curb cuts to access outlots 1 and 2.
7. M.D.O.T. permit being obtained prior to the Township Board review.
8. Health Department review and approval prior to the Township Board review.
9. Fire Department review and approval prior to the Township Board review.
10. N.P.D.E.S. permit obtained if required.
11. Proof of ownership being supplied prior to Township Board action.
12. Change the SD1 light fixture to a flat lens, full cut off and add bottom and side visors to the SE fixtures to eliminate glare and so no part of the lighting is fixture is visible.
13. Resolution of the Kroger parking lot photo metric lighting by a subcommittee consisting of the PZU Administrator, Planner, Planning Commission representative, Kroger representative, and the developer.
14. The sign height shall be measured from the base of the sign but, not to exceed 15 feet above the elevation of M-36.
15. Change the dumpster enclosure opening of Retail D and E to be angled in towards the center of the respective building.
16. Native grasses need to reflect "grasses native to the Great Lakes Basin" in the Master Deed and site plan.

Hamburg Township Planning Commission
Special Meeting
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17. Add to the Master Deed that outdoor sales using the parking lot, sidewalks or trails shall be subject to the Township for review and approval.

18. Add to the Master Deed and site plan that no additional site lighting for individual stores other than what is stated is allowed.

19. The language addressing the issues by the Livingston County Wildlife and Conservation Club shall be added to the H.P.U.D. as agreed upon by both parties.

20. Storm water management, landscaping and sidewalk maintenance plans/schedules shall be added to the Master Deed.

21. The use restrictions for units 7 and 8 shall be reflected in the Master Deed, H.P.U.D., and site plan.

22. This recommendation is based upon the architectural drawings by Tiseo Architects dated June 19, 2003 as submitted along with the material board dated April 25, 2003.

23. Revise trail reference on the site plan.

Voice Vote: AYES: 5 Absent: 2 (Goetz, Feldt) **MOTION CARRIED.**

11. ZONING ADMINISTRATOR'S REPORT

There was no Zoning Administrator report.

12. CONSULTANTS' REPORT

There was no consultants' report.

13. ADJOURNMENT

Motion by Menzies supported by ^{Danko}Goetz to adjourn.

Voice Vote: AYES: 5 Absent: 2 (Goetz, Feldt) **MOTION CARRIED.**

The meeting adjourned at 9:10 p.m.

Respectfully Submitted,

Hamburg Township Planning Commission
Special Meeting
June 24, 2003
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Wendy E. Vidovic
Recording Secretary

Marvin Pedersen
Planning Commission Chairman

Fred Goetz
Planning Commission Secretary

EXHIBIT E



FAX 810-231-4295
PHONE 810-231-1000

P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139

A GREAT PLACE TO GROW

**HAMBURG TOWNSHIP BOARD OF TRUSTEES
SPECIAL MEETING
Hamburg Township Hall Board Room
Tuesday, November 25, 2003
7:00 p.m.**

Minutes

1. Call to Order

Supervisor Dillman called the meeting to order at 7:03 p.m.

2. Pledge to the Flag

3. Roll Call of the Board

Present: Dillman, Hohl, Hardesty, Menzies, Wiley, Balon-Vaughn

Absent: Majoros

Also Present: John Drury, Township Attorney

4. Call to the Public

Jim Bennett of 6505 Strawberry Lake Road, thanked the board for working to resolve the Chilson Commons issues concerning the Livingston County Conservation Club and offered assistance to developer, Bill Watch regarding the M-36 curve/traffic lanes.

MaryAnn Lamkin of 4855 Island Shore Drive voiced her concern with the lack of response from the Board regarding her complaint against the police department.

5. Old Business

11032.004C Chilson Commons HPUD Final Approval Review

Bill Watch of 29000 Telegraph, Southfield MI, stated he is aware of all the documents provided by John Drury and accepts them and the amendments as outlined.

Motion by Hardesty, supported by Wiley to grant final site plan approval to Chilson Commons, site plan date stamped 10-29-03 received by the Township on 10-31-03, including the lighting-photo metric plan and cut sheet dated August 4, 2003, the Fire Protection Plan by Ann Arbor Fire Protection dated May 03, 2003, the HPUD as drafted and presented on November 24, 2003, with attached exhibits dated November 25, 2003 contingent upon the proposed changes by John Drury to the Master Deed. Approval is also granted for the Kroger signs as submitted to the Township dated 11-23-03. Total square footage for the Kroger sign is 67.201 and the square footage for the Food and Pharmacy is 59.818 square ft.

Voice Vote: AYES: 6 Absent: 1 (Majoros) MOTION CARRIED.

11032.010 METRO Act Permit Application / SBC

Motion by Hohl, supported by Menzies to approve the METRO act permit application for SBC contingent upon the petitioner providing a detailed notation on the GIS maps provided by Hamburg Township of all telecommunications facilities in any public right of ways within Hamburg Township or at a minimum the side of the street location.

Voice Vote: AYES: 6 Absent: 1 (Majoros) MOTION CARRIED.

11032.013 Proposed Bond Sale Schedule

Resolution by Hardesty, supported by Balon-Vaughn, to amend the special assessment Roll for the 2004 series contract S.A.D. sanitary sewer project to include The Forest of Whispering Pines and Howard Marshall changes.

MOTION WITHDRAWN.

Motion by Hardesty, supported by Balon-Vaughn to table the proposed bond sale schedule until the December Board meeting.

Voice Vote: AYES: 6 Absent: 1 (Majoros) MOTION CARRIED.

11032.014 Howard Contract S.A.D. Request

Motion by Hohl, supported by Hardesty, to approve the Howard contract S.A.D. as requested.

Voice Vote: AYES: 6 Absent: 1 (Majoros) MOTION CARRIED.

6. **Current Business**

11033.001 FOIA Denial Appeal / Lamkin

MaryAnn Lamkin of 4855 Island Shore Drive voiced her concern with the missing police tapes from the November 28, 2003 and is appealing the FOIA denial to the Township Board. She explained that she requested a copy of the tape under the F.O.I.A. and was denied on the basis that it does not exist.

Motion by Hohl, supported by Balon-Vaughn, to form a committee comprised of John Drury, Balon-Vaughn, Hohl and Hardesty to investigate Lamkin and Police matter.
MOTION WITHDRAWN.

Motion by Hohl, supported by Wiley to adjourn for 5 minutes.
Voice Vote: AYES: 6 Absent: 1 (Majoros) **MOTION CARRIED.**

Motion by Hohl, supported by Wiley to direct the Personnel Officer to issue a written notice upholding the disclosure denial due to lack of information.
Voice Vote: AYES: 6 Absent: 1 (Majoros) **MOTION CARRIED.**

Motion by Hohl, supported by Wiley to appoint a committee consisting of Hardesty, Balon-Vaughn, and Hohl to assess the Lamkin situation; to meet on December 3, 2003 at 4:00 p.m. at the regularly scheduled Personnel Committee meeting and direct the Clerk to contact the Michigan State Police and the Livingston County Prosecutor's Office and request their presence at the meeting to provide a status report of the investigation.
Voice Vote: AYES: 6 Absent: 1 (Majoros) **MOTION CARRIED.**

11033.002 D.P.W. Employee Salary Request

Motion by Balon-Vaughn, supported by Wiley to approve the salary adjustment of D.P.W. employee, John Schroeder from \$15.00/hr to \$17.00/hr retroactive to October 22, 2003 as requested by the D.P.W. Administrator.
Voice Vote: AYES: 6 Absent: 1 (Majoros) **MOTION CARRIED.**

11033.003 Lakelands Trail Programming Materials

Motion by Hohl, supported by Wiley to schedule a special meeting for Wednesday December 3, 2003 at 6:00 p.m. and invite John Adams and Mike Craine or another representative from Livingston County Road Commission.
Voice Vote: AYES: 6 Absent: 1 (Majoros) **MOTION CARRIED.**

Hamburg Township Board of Trustees
November 25, 2003
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7. **Call to the Public**

Hearing no response, the call to the public was closed.

8. **Adjournment**

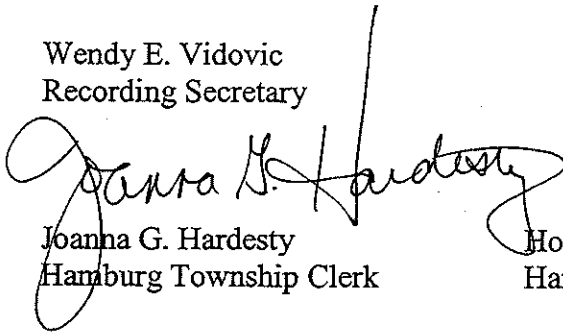
Motion by Hardesty, supported by Wiley to adjourn.

Voice Vote: AYES: 6 Absent: 1 (Majoros) **MOTION CARRIED.**

The meeting adjourned at 8:38 p.m.

Respectfully Submitted,

Wendy E. Vidovic
Recording Secretary



Joanna G. Hardesty
Hamburg Township Clerk

Howard Dillman
Hamburg Township Supervisor

EXHIBIT F

FIRST COMMERCIAL
REALTY & DEVELOPMENT CO., INC.
28500 TELEGRAPH ROAD
SOUTHFIELD, MICHIGAN 48034
CONTACT: WILLIAM WATON, PRESIDENT
PHONE: (248) 352-8000
FAX: (248) 352-2144

PROFESSIONAL ENGINEERING ASSOCIATES, INC.
2800 E. GRAND RIVER AVENUE
HOWELL, MICHIGAN 48843
CONTACT: DANIEL C. SCHRAUBEN, PE
PHONE: (517) 546-8583
FAX: (517) 546-8973

TSEB ARCHITECTS, INC.
 19815 FARLINGTON ROAD
 LIVONIA, MICHIGAN 48152-1444
 CONTACT: RENATA KOLAK, AIA
 PHONE: (248) 838-1300
 FAX: (248) 888-1313

PROFESSIONAL ENGINEERING ASSOCIATES, INC.
2900 E. GRAND RIVER AVENUE
HOWELL, MICHIGAN 48843
CONTACT: JEFFREY T. SMITH, RLA
PHONE: (617) 546-8553
FAX: (617) 546-8973

J. EPPIK PARTNERS
3285 GLENWOOD CREEK
CLARKSTON, MICHIGAN 48348
CONTACT: JAMES T. EPPIK
PHONE: (248) 391-3878
FAX: (248) 393-1562

A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES) POINTS FOR STORE WATER OBSERVANCE FROM CONSTRUCTION
ACTIVITIES IS REQUIRED FOR THIS PROJECT.

DATED: APRIL 06, 2012

THE DETENTION AND SEPARATION POUNDS SHALL BE EXCAVATED, TOP SOILED, SEINED, MOWN AND PACKED PRIOR TO THE START OF MASSIVE EARTH OBTURATION.

[illegible]

- C-1 COVER SHEET
- C-2 TOPOGRAPHICAL SURVEY
- C-3 EXISTING SITE CONDITIONS
- C-4 DIMENSION AND PAVING PLAN
- C-5 MASS GRADING & EROSION CONTROL PLAN
- C-6 SITE GRADING PLAN
- C-7 UTILITY PLAN - WATER SYSTEM
- C-7a UTILITY PLAN - STORM & SANITARY SEWER
- C-8 STORM SEWER PROFILES
- C-9 STORM & SANITARY PROFILES
- C-10 ENTRANCE DETAILS
- C-11 TRIBUTARY AREA MAP
- C-12 CONSTRUCTION DETAILS
- L-1 SITE LANDSCAPE PLAN
- L-2 PLAZA LANDSCAPE PLAN AND AMENITY LAYOUT
- L-3 ISLAND PLANTINGS AND PLANNING DETAILS
- L-4 OVERALL NATURAL BUFFERS AND LAWN KEY

SETBACK REQUIREMENTS OF EXISTING ZONING DISTRICTS ARE AS FOLLOWS AND ARE SUBJECT TO PROVISIONS OF THE P.U.D. AGREEMENT:

WFR: 25' FRONT, 10' SIDE, AND 30' REAR
MR: 25' FRONT, 10' SIDE, AND 30' REAR

[illegible]



GRAPHIC SCALE

0 10 20 30

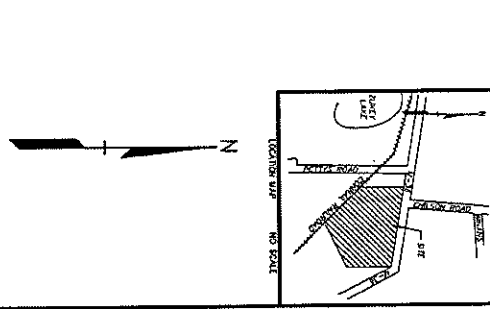
1 inch = 100 ft.

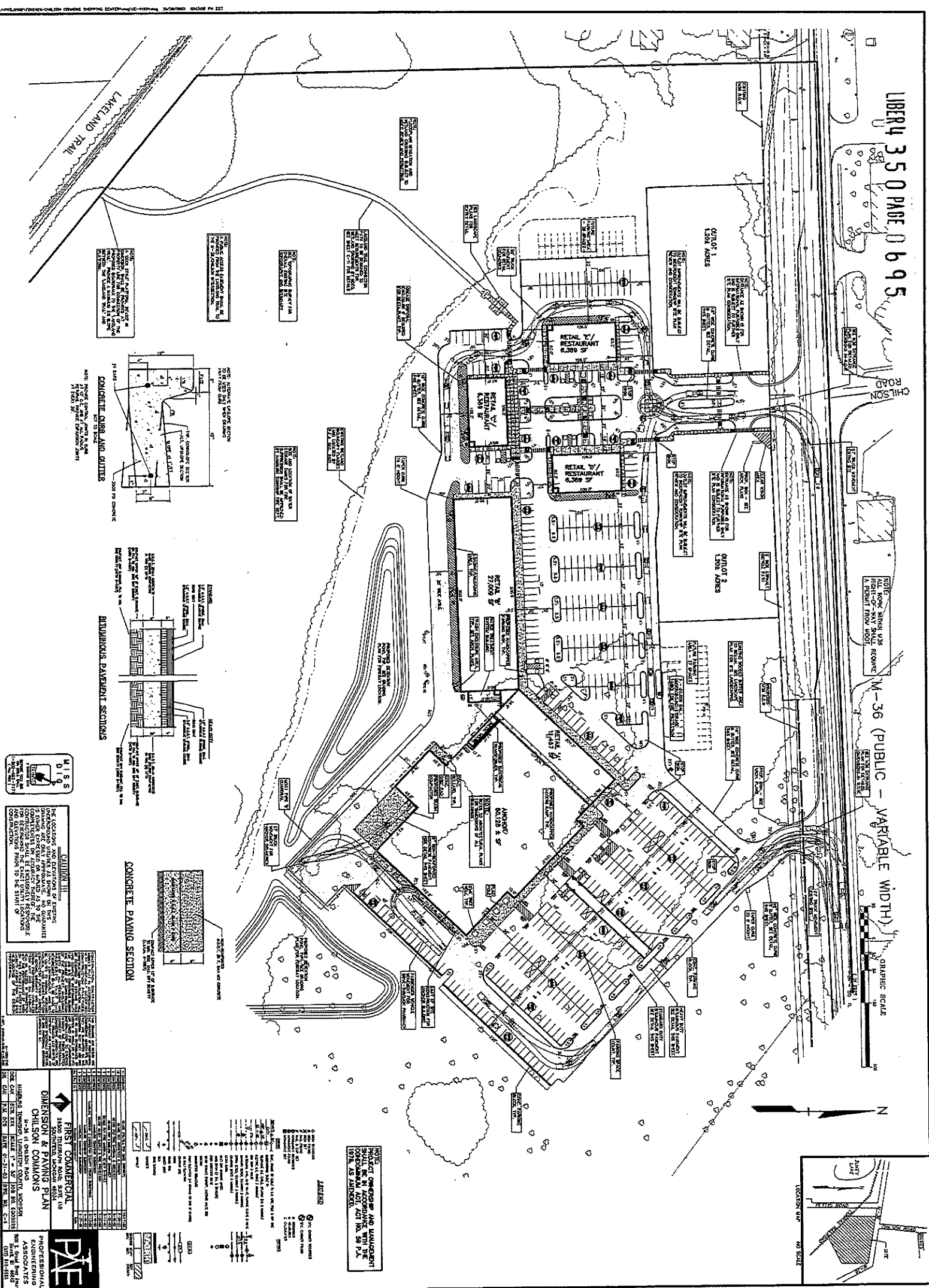
LEGEND

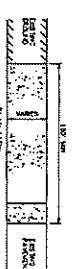
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SECTION

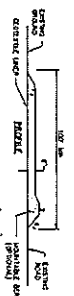
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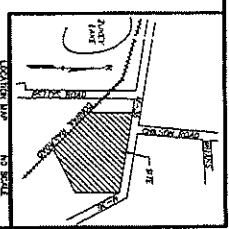


**TRACKING MAP DETAIL AT
CONSTRUCTION ENTRANCE**
IN SCALE

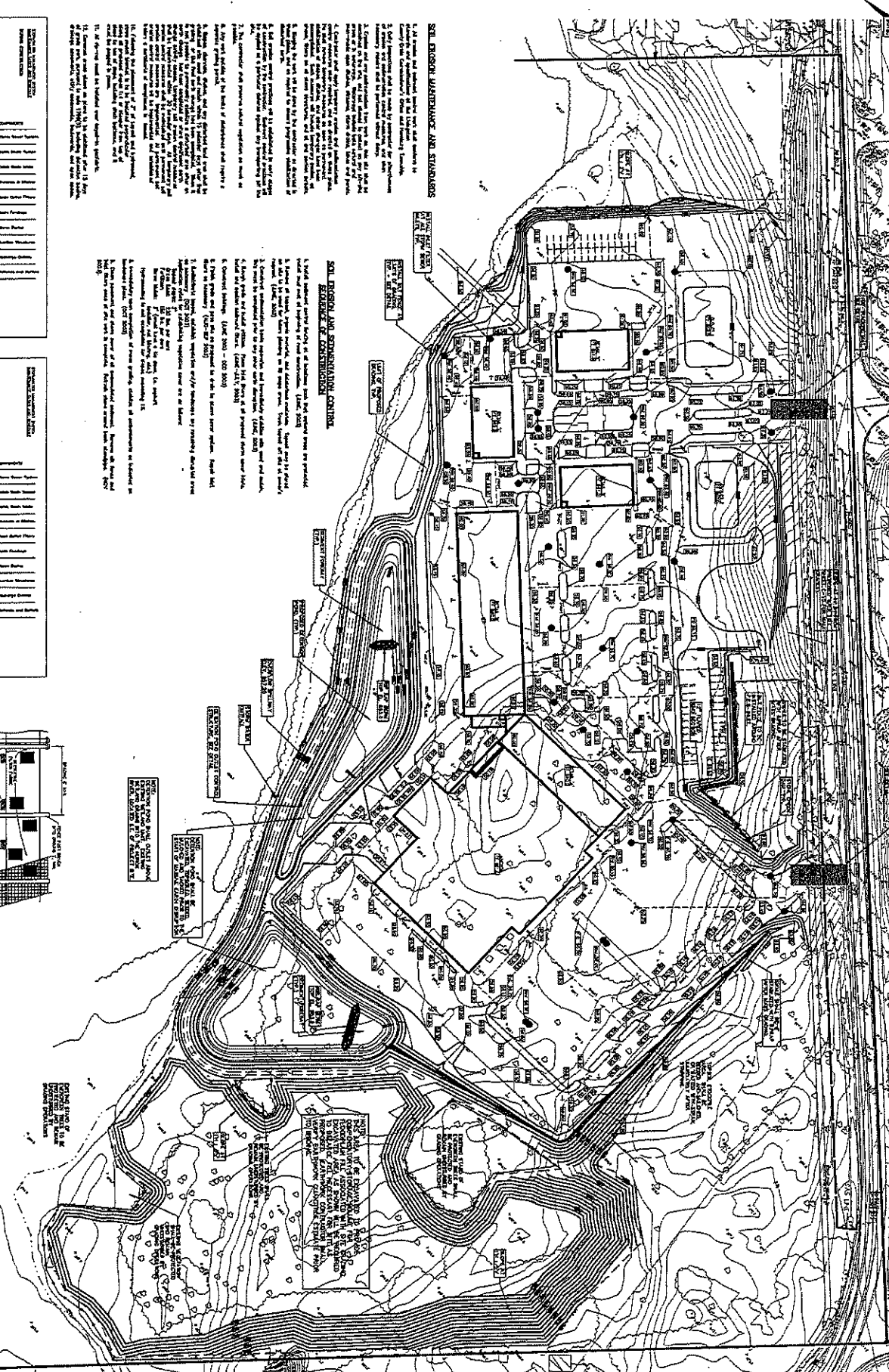
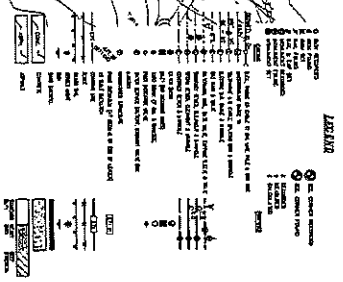


LEGEND
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2. IN THE CASE OF A UNIT NOT SHOWN IN THE SCALE OF A UNIT
3. IN THE CASE OF A UNIT NOT SHOWN IN THE SCALE OF A UNIT

LIBRARY 350 PAGE 11b 9b



GRAPHIC SCALE
(1" = 50' FEET)
1" = 50' FEET



SOIL EROSION AND SEDIMENTATION STANDARDS

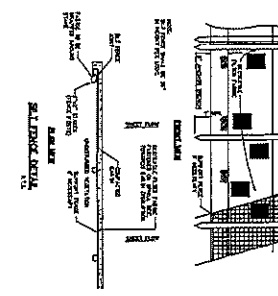
1. All erosion and sedimentation control measures shall be designed to prevent the loss of topsoil and the erosion of exposed soil.
2. All erosion and sedimentation control measures shall be designed to prevent the loss of topsoil and the erosion of exposed soil.
3. All erosion and sedimentation control measures shall be designed to prevent the loss of topsoil and the erosion of exposed soil.
4. All erosion and sedimentation control measures shall be designed to prevent the loss of topsoil and the erosion of exposed soil.
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NO.	DESCRIPTION	QTY.	UNIT	PRICE	TOTAL
1	Excavation and backfill	100	CU YD	10.00	1000.00
2	Grading and compacting	200	SQ YD	5.00	1000.00
3	Drainage ditch	100	LINEAL FT	10.00	1000.00
4	Retaining wall	100	SQ YD	15.00	1500.00
5	Foundation	100	SQ YD	20.00	2000.00
6	Roofing	100	SQ YD	10.00	1000.00
7	Interior finish	100	SQ YD	10.00	1000.00
8	Exterior finish	100	SQ YD	10.00	1000.00
9	Landscaping	100	SQ YD	10.00	1000.00
10	Other	100	SQ YD	10.00	1000.00

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8	Exterior finish	100	SQ YD	10.00	1000.00
9	Landscaping	100	SQ YD	10.00	1000.00
10	Other	100	SQ YD	10.00	1000.00



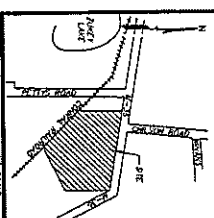
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DO NOT ENTER
DANGER

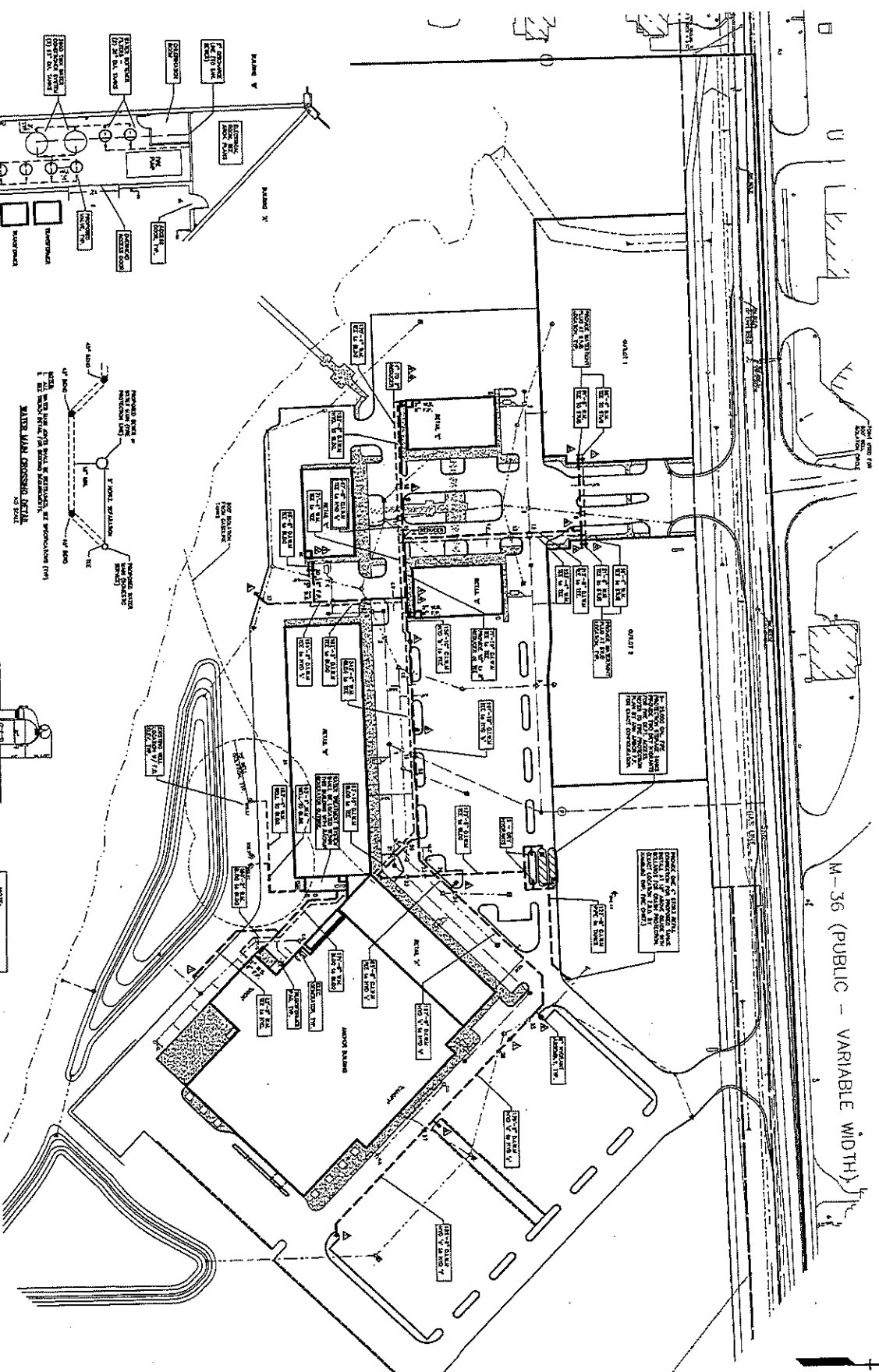
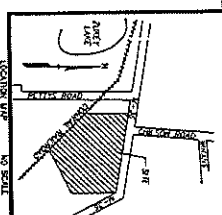
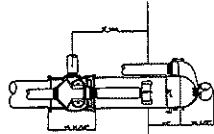
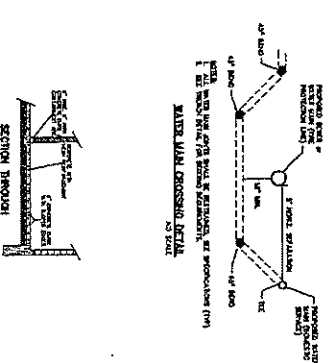
NOTICE
THIS PLAN IS FOR INFORMATION ONLY
AND DOES NOT CONSTITUTE A CONTRACT

MASS GRADING & EROSION CONTROL PLAN
CHILSON COMMONS
CHILSON COMMONS
CHILSON COMMONS

PROFESSIONAL ASSOCIATES

P&E
PROFESSIONAL ASSOCIATES
1000 N. 10TH ST. SUITE 100
MINNEAPOLIS, MN 55401
(612) 338-1000

[illegible][illegible]

[illegible]

NOTE:
REF. SHEET C-7a FOR
UTILITY PROBLEMS TABLE.

~~PRESS UNIT FOR SUBMERGIBLE PUMPS~~
~~ROT TO SCALE~~

WATER TREATMENT SYSTEM SCHEMATIC

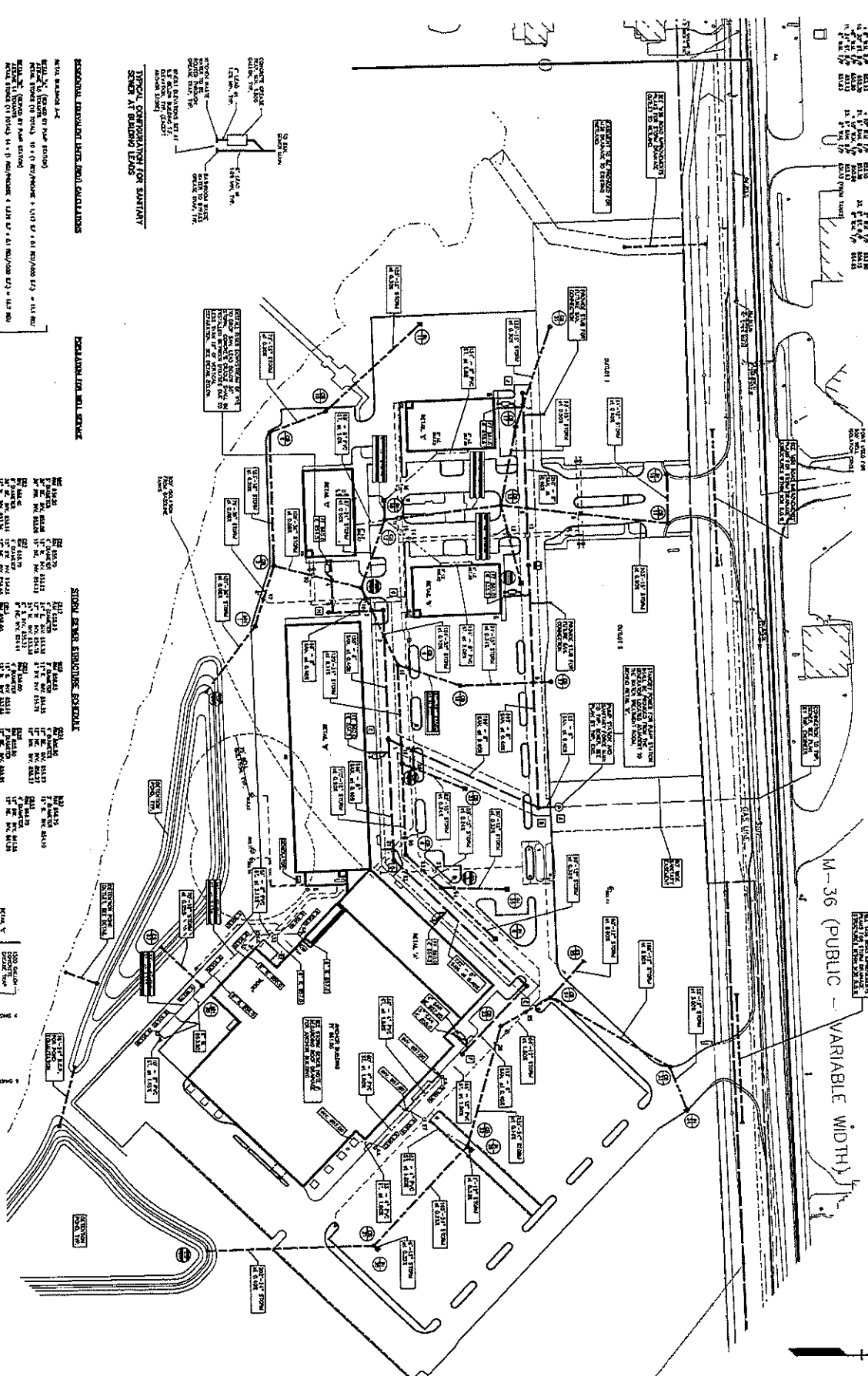
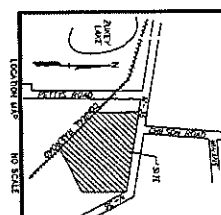
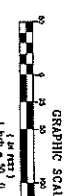
MISS
DID
A woman who
is wanted by
the FBI
has been
located by
the FBI
in the
Los Angeles
area.

CARLTON III

THE LOCATION AND DIRECTIONS OF EXISTING UNDERGROUND TUNNELS IS SHOWN ON THIS DRAWING. THE ONLY ASSUMED TUNNEL IS CONSIDERED TO BE A POSSIBLE TUNNEL OF THE CONTRACTOR SHALL BE EXHAUSTIVELY RESEARCHED AND EXTENDING THE EXIST TUNNEL LOCATIONS TO DETERMINE THE EXACT TUNNEL LOCATIONS AND DIRECTIONS FROM THE START OF THE TUNNEL.

[illegible]

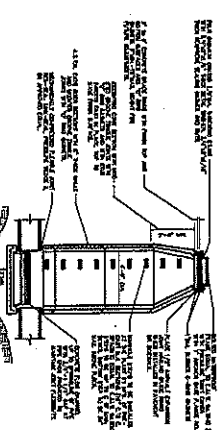
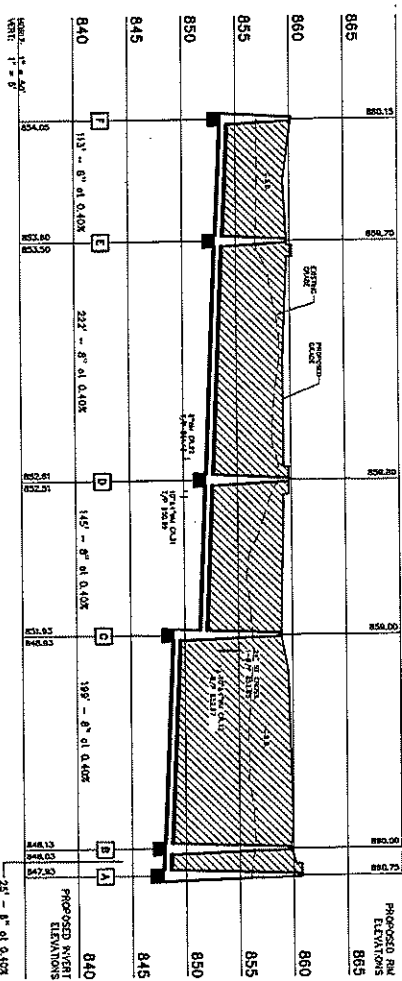
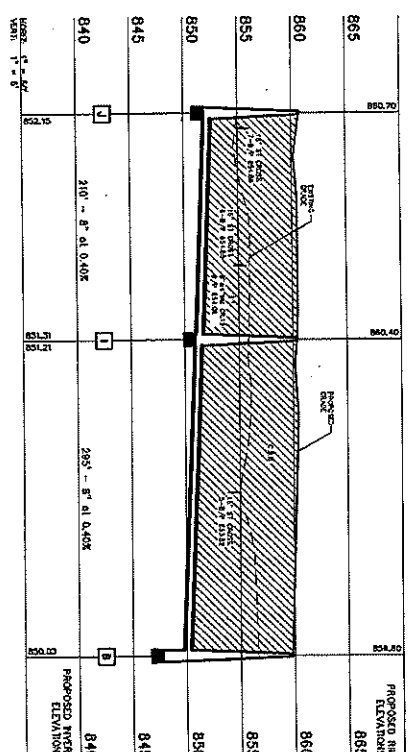
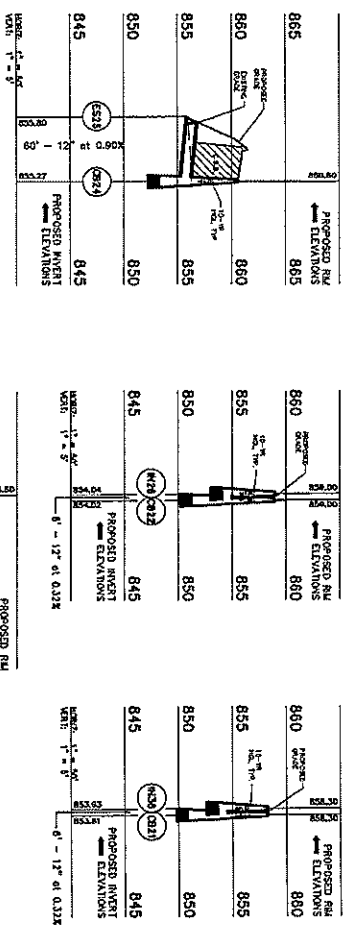
PAT
PROFESSIONAL
ENGINEERING
ASSOCIATES
3000 E. Chalk River Avenue
Bozeman, MT 59612
(407) 344-6665

[illegible][illegible][illegible]

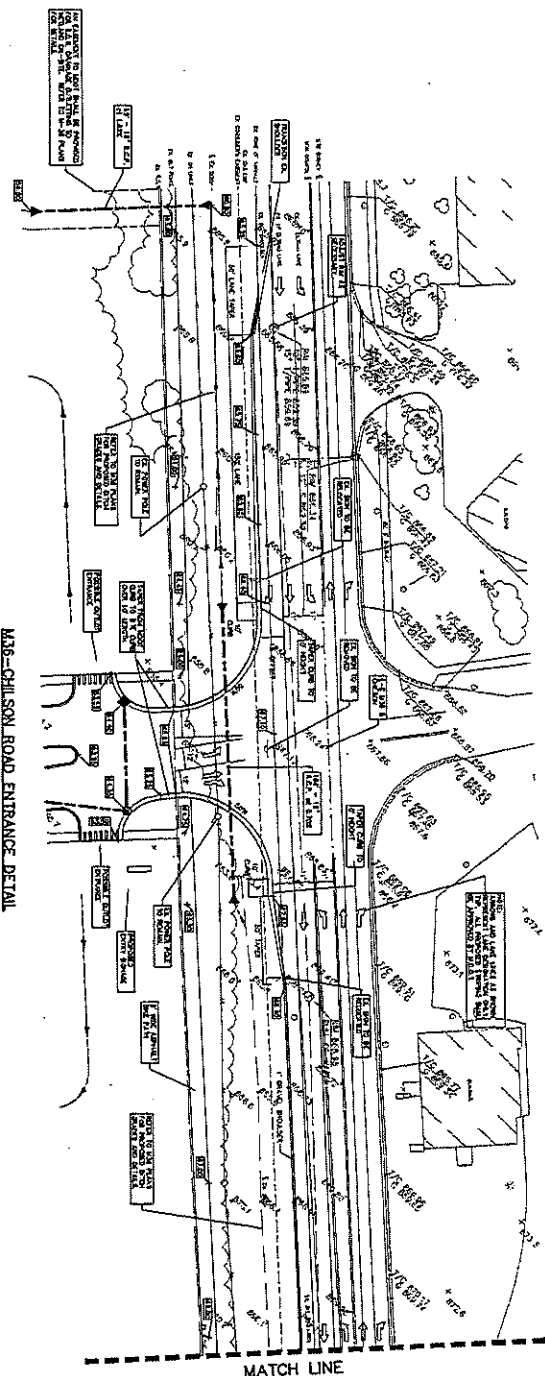
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FIRST COMMERCIAL										2100 BUDAVAR ROAD, SUITE 110										BURNHEIM, NORTH CAROLINA 27615										TEL: 919-487-1100										FAX: 919-487-1101										E-MAIL: info@firstcommercial.com										WWW.FIRSTCOMMERCIAL.COM																																							

PAE

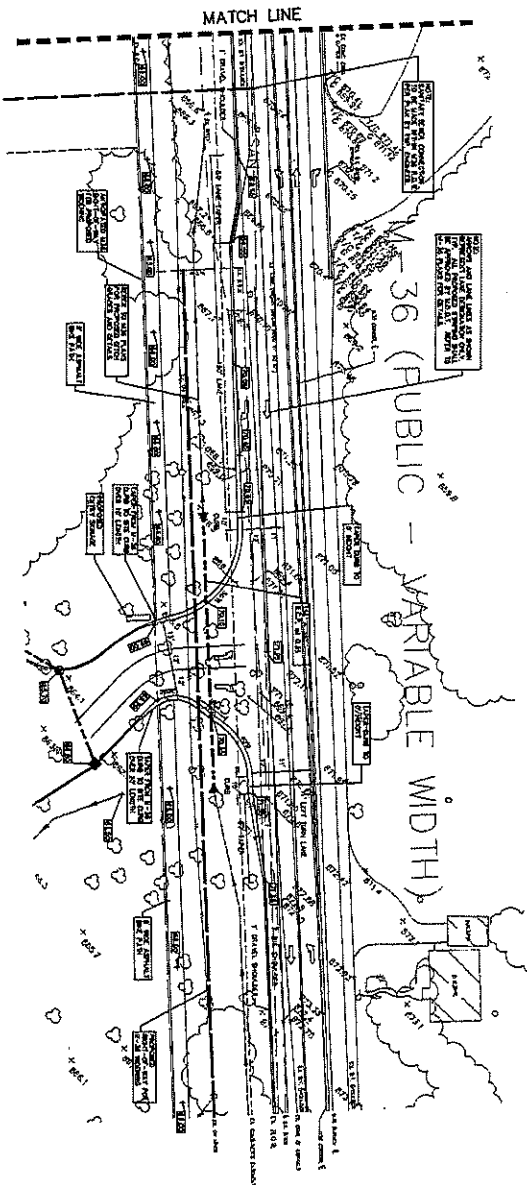
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PAT
PROFESSIONAL
ENGINEERING
ASSOCIATES
2800 E. Grand Street, Suite 200
Troy, MI 48063
(313) 44-6481



M36-CHILSON ROAD ENTRANCE DETAIL



EASTERN M-36 ENTRANCE DETAIL

MISS
D.I.G.
THE LOCATION OF ANY AND ALL EXISTING UTILITIES SHALL BE SHOWN ON THE PLANS. THE LOCATION OF ANY AND ALL EXISTING UTILITIES SHALL BE SHOWN ON THE PLANS. THE LOCATION OF ANY AND ALL EXISTING UTILITIES SHALL BE SHOWN ON THE PLANS.

TABLE 1
GENERAL NOTES

1.	ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MISSOURI DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
2.	ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE MISSOURI DEPARTMENT OF TRANSPORTATION.
3.	ALL UTILITIES SHALL BE PROTECTED OR RELOCATED AS NECESSARY.
4.	ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
5.	ALL TRAFFIC CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.

TABLE 2
PROJECT INFORMATION

PROJECT NAME	3400 BLOOMINGDALE ROAD, SUITE 110
CLIENT	CHILSON COMMUNICATIONS
DESIGNER	CHILSON COMMUNICATIONS
DATE	01-11-05
SCALE	1" = 20'
PROJECT NO.	01-11-05
DRAWING NO.	01-11-05

PTE
PROFESSIONAL
ENGINEERING
3400 BLOOMINGDALE ROAD, SUITE 110
ST. LOUIS, MO 63103
(314) 433-1100

TABLE 3
LEGEND

1.	EXISTING ROAD
2.	EXISTING SIDEWALK
3.	EXISTING CURB
4.	EXISTING UTILITY
5.	EXISTING TREE
6.	EXISTING FENCE
7.	EXISTING SIGN
8.	EXISTING LIGHT
9.	EXISTING STRUCTURE
10.	EXISTING LANDSCAPE
11.	EXISTING UTILITIES
12.	EXISTING TRAFFIC
13.	EXISTING SIGNAL
14.	EXISTING INTERSECTION
15.	EXISTING ROADWAY
16.	EXISTING SIDEWALK
17.	EXISTING CURB
18.	EXISTING UTILITY
19.	EXISTING TREE
20.	EXISTING FENCE
21.	EXISTING SIGN
22.	EXISTING LIGHT
23.	EXISTING STRUCTURE
24.	EXISTING LANDSCAPE
25.	EXISTING UTILITIES
26.	EXISTING TRAFFIC
27.	EXISTING SIGNAL
28.	EXISTING INTERSECTION
29.	EXISTING ROADWAY
30.	EXISTING SIDEWALK
31.	EXISTING CURB
32.	EXISTING UTILITY
33.	EXISTING TREE
34.	EXISTING FENCE
35.	EXISTING SIGN
36.	EXISTING LIGHT
37.	EXISTING STRUCTURE
38.	EXISTING LANDSCAPE
39.	EXISTING UTILITIES
40.	EXISTING TRAFFIC
41.	EXISTING SIGNAL
42.	EXISTING INTERSECTION
43.	EXISTING ROADWAY
44.	EXISTING SIDEWALK
45.	EXISTING CURB
46.	EXISTING UTILITY
47.	EXISTING TREE
48.	EXISTING FENCE
49.	EXISTING SIGN
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51.	EXISTING STRUCTURE
52.	EXISTING LANDSCAPE
53.	EXISTING UTILITIES
54.	EXISTING TRAFFIC
55.	EXISTING SIGNAL
56.	EXISTING INTERSECTION
57.	EXISTING ROADWAY
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67.	EXISTING UTILITIES
68.	EXISTING TRAFFIC
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70.	EXISTING INTERSECTION
71.	EXISTING ROADWAY
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81.	EXISTING UTILITIES
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83.	EXISTING SIGNAL
84.	EXISTING INTERSECTION
85.	EXISTING ROADWAY
86.	EXISTING SIDEWALK
87.	EXISTING CURB
88.	EXISTING UTILITY
89.	EXISTING TREE
90.	EXISTING FENCE
91.	EXISTING SIGN
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93.	EXISTING STRUCTURE
94.	EXISTING LANDSCAPE
95.	EXISTING UTILITIES
96.	EXISTING TRAFFIC
97.	EXISTING SIGNAL
98.	EXISTING INTERSECTION
99.	EXISTING ROADWAY
100.	EXISTING SIDEWALK



STORM SEWER CALCULATION:

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DEFINITION FOND CALCULATIONS

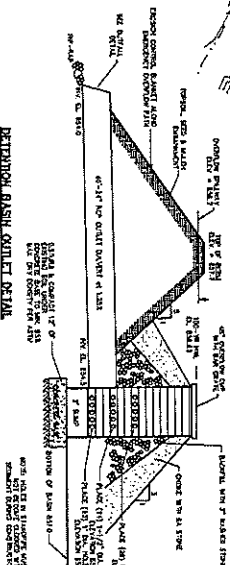
TABLE 1. HAZARDOUS CHEMICAL RELEASES FROM 11 INDUSTRIES									
INDUSTRY	1970-1974		1975-1979		1980-1984		1985-1989		TOTAL
	NO. OF RELEASES	AMOUNT (kg)	NO. OF RELEASES	AMOUNT (kg)	NO. OF RELEASES	AMOUNT (kg)	NO. OF RELEASES	AMOUNT (kg)	
1. CHEMICALS	1,234	12,345	1,567	15,678	1,890	18,901	2,123	21,234	6,814
2. METAL FINISHING	987	9,876	1,234	12,345	1,567	15,678	1,890	18,901	5,670
3. ELECTRONICS	765	7,654	987	9,876	1,234	12,345	1,567	15,678	4,553
4. RUBBER AND PLASTICS	654	6,543	876	8,765	1,098	10,987	1,321	13,210	3,959
5. TEXTILES	543	5,432	765	7,654	987	9,876	1,234	12,345	3,529
6. FOOD PROCESSING	432	4,321	654	6,543	876	8,765	1,098	10,987	2,950
7. PAPER AND PULP	321	3,210	543	5,432	765	7,654	987	9,876	2,616
8. GLASS AND CERAMICS	210	2,109	432	4,321	654	6,543	876	8,765	2,163
9. FERTILIZERS AND PESTICIDES	109	1,098	321	3,210	543	5,432	765	7,654	1,737
10. PETROLEUM	98	987	210	2,109	432	4,321	654	6,543	1,385
11. OTHER	87	876	109	1,098	321	3,210	543	5,432	1,059
TOTAL	7,890	78,901	10,123	101,234	12,345	123,456	14,567	145,678	44,925

100-516 107

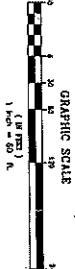
111

MISS DIG
A MISSING PERSON
SEARCH SERVICE
1-800-443-7111
10000 1st Ave. S.W.
Seattle, WA 98148

CAUTION !!!
THE LOCATIONS AND DATES OF EXISTING
UNDERGROUND UTILITIES SHOWN ON OUR DRAWINGS
ARE NOT GUARANTEED. ANY INFORMATION ON OUR
DRAWINGS IS OTHER EXPRESSED OR IMPLIED AS TO THE
COMPLETENESS OR ACCURACY. PROTECT THE
CONTRIBUTION SHALL BE EXCLUSIVELY RESPONSIBLE
FOR DETERMINING THE EXACT UTILITY LOCATIONS
AND DATES FROM THE START OF
CONSTRUCTION.



DEFINITION BASIN OUTLET DETAIL



LEARNING OBJECTIVES

1. **Identify the problem**
 The problem is that the company is not meeting its financial goals.

2. **Analyze the problem**
 The company is not meeting its financial goals because it is not controlling its costs.

3. **Develop a solution**
 The company should implement a cost control program.

4. **Implement the solution**
 The company should implement a cost control program by setting standards and monitoring actual costs.

5. **Evaluate the solution**
 The company should evaluate the solution by comparing actual costs to standards.

6. **Communicate the solution**
 The company should communicate the solution by reporting the results to management.

7. **Monitor the solution**
 The company should monitor the solution by tracking the results over time.

8. **Adjust the solution**
 The company should adjust the solution if the results are not satisfactory.

9. **Conclude the solution**
 The company should conclude the solution by determining if the goals have been met.

10. **Reflect on the solution**
 The company should reflect on the solution by considering what was learned.

11. **Transfer the solution**
 The company should transfer the solution to other areas of the business.

12. **Reinforce the solution**
 The company should reinforce the solution by providing feedback and encouragement.

13. **Follow up on the solution**
 The company should follow up on the solution by checking in on the progress.

14. **Celebrate the solution**
 The company should celebrate the solution by recognizing the success.

15. **Learn from the solution**
 The company should learn from the solution by identifying areas for improvement.

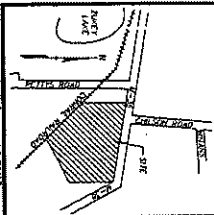
16. **Share the solution**
 The company should share the solution with other companies.

17. **Document the solution**
 The company should document the solution for future reference.

18. **Review the solution**
 The company should review the solution periodically.

19. **Update the solution**
 The company should update the solution as needed.

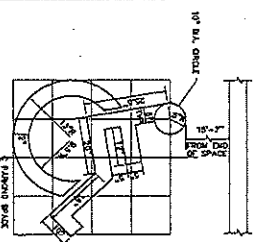
20. **Close the solution**
 The company should close the solution when the goals have been met.



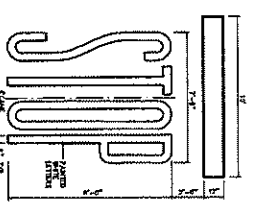
LOCATION MAP NO SCALE

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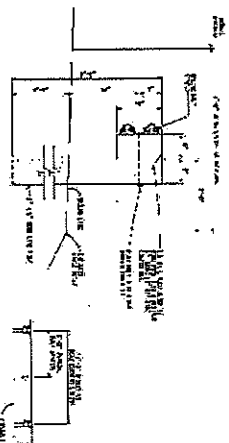
MXL



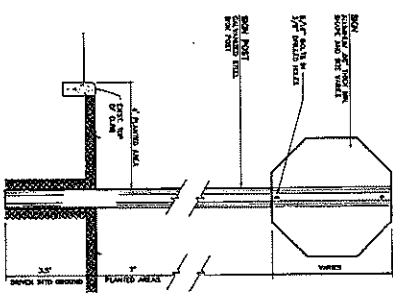
Κ



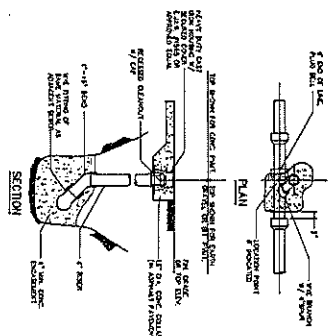
ALB



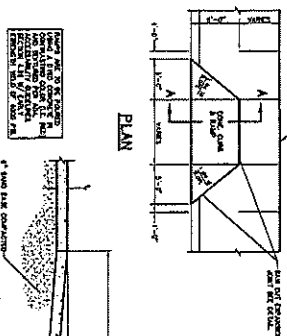
RETURN TO BOOK STANDARD PLY 7-60-1



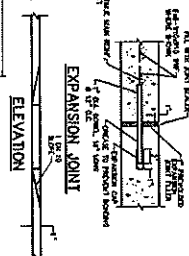
4.2



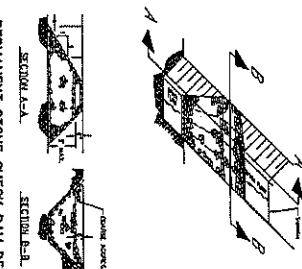
STORY OR SANITARY



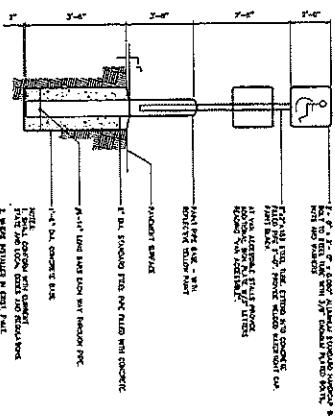
DETAIL - CONCRETE RAMP & EXISTING WALK



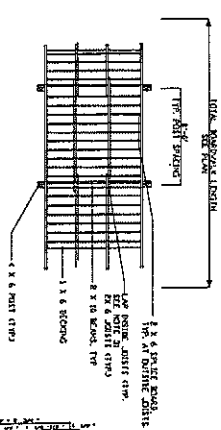
EXPANSION JOINT



~~PERMANENT STONE CHECK DAM DETAIL~~

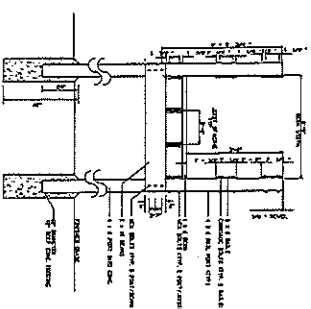


HANDICAPPED PARKING SIGN

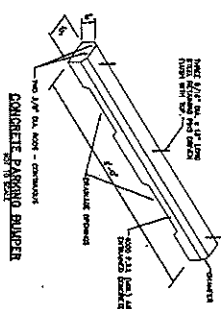


NOTES: (FRAYING PLAN)

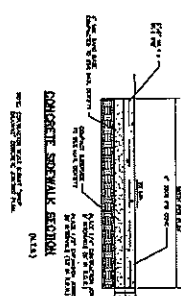
2. PRACTICE FINDING YOUR OWN CONNECTIONS TO SPINUS TECHNOLOGY.
3. LAP INSTEAD, JONES AND FOSTON SECRETLY STAGED THEIR TESTS AT ALTERNATING LOCATIONS (TTP).
4. PRACTICE YOUR TIPS OF LIES TO TEST AT END PAGE 5, AS NECESSARY.



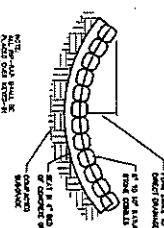
BOARDWALK SECTION
NOT TO SCALE



CONCRETE PARKING BUZZER
#0110 220



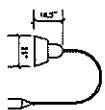
CONCRETE SIDEWALK SECTION



RIP-RAP OVERFLOW & SWALE DETAIL
NOT TO SCALE

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

P&E
PROFESSIONAL
ENGINEERING
ASSOCIATES
2800 E. Grand Blvd. Suite 200
Denver, CO 80202
(303) 441-8300



LEONT PHOTO, BY USA
ARCHITECTURAL, LONDON
BOXED, DRAPED
10 MI. POL. MAX.
250 WATT MAX.

PLANT LIST		
B-CELLS		
DATE	LOC	COLLECTOR BOTANICAL NAME
4/4	4/13	Uda Nigra Bign. Euphorbia Ver. Phorbia
		17 M. Cook

IRRIGATED SOD
LAWN ALL ISLANDS

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

GRAPHIC SCALE

1 inch = 20 ft.

P&E
PROFESSIONAL
ENGINEERING
ASSOCIATES
2000 E. Grand Ave. 4th
Floor, St. Louis, MO 63103

[illegible]

GRAPHIC SCALE:
(in feet)
1 inch = 10 ft.

[illegible][illegible][illegible][illegible]

1. TRUNK
2. CANOPY
3. LEAVES
4. BRANCHES
5. ROOTS
6. SOIL
7. GROUND
8. AIR
9. SUN
10. MOON
11. STARS
12. CLOUDS
13. RAIN
14. WIND

CAUTION III

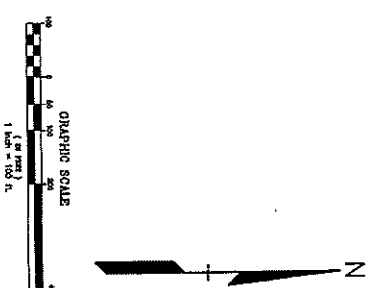
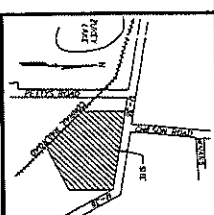
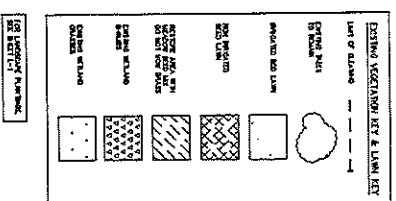
THE LOCATIONS AND DIMENSIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE AND UNGUARANTEED. OTHER UTILITIES OR BARRELS AS TO THE COMPLETENESS OR ACCURACY HEREOF, THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR ESTABLISHING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

[illegible]

PAE

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ENGINEERING
ASSOCIATES

600 E. Grand Street Ave.
Beverly, MA 01835
(617) 542-6825



CAUTION III
THE LOCATIONS AND ELEVATIONS OF EXISTING
CONCRETE AND UTILITY AS SHOWN ON DRAWING
SHOWN ARE SUBJECT TO CHANGE. THE
CONTRACTOR SHALL BE EXPLICITLY RESPONSIBLE
FOR RECONSTRUCTING AND EXISTING UTILITY LOCATIONS
AND ELEVATIONS PRIOR TO THE START OF
CONSTRUCTION.

[illegible]

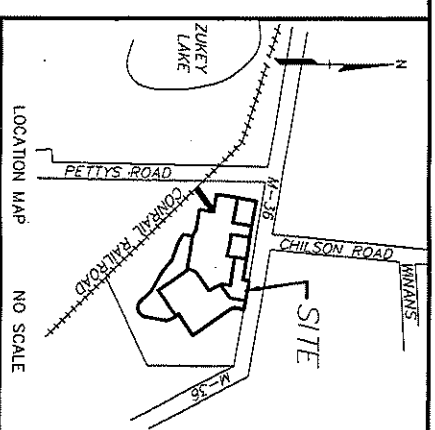
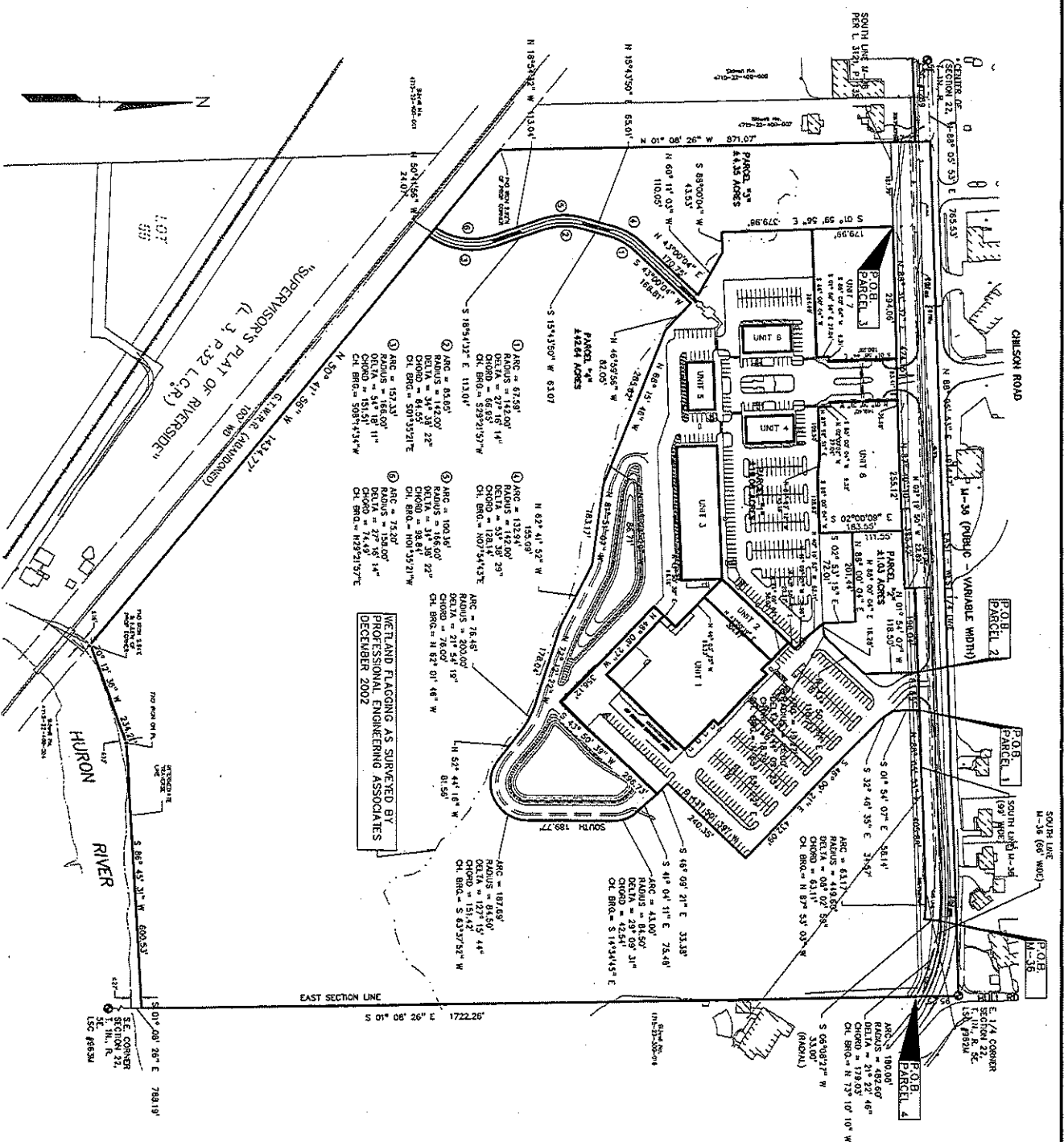
First Commercial
 5180 W. 10th Avenue
 Denver, Colorado 80202

**OFFICIAL NATURAL BUTTERS AND LARD KEY
 CHILSON COMMONS**

4-34 of Chilson Road
 PLACERDINE TOWNSHIP
 CHILSON COUNTY, ARIZONA

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

PAE
PROFESSIONAL
ASSOCIATES
2003 E. Grand Street
Bloomington, IN 47403
(317) 844-4633



LEGEND

- IRON FOUND
 - ✕ IRON SET
 - ✕ NAIL FOUND
 - ✕ NAIL & CAP SET
 - NONMENT FOUND
 - NONMENT SET
- SEC. CORNER FOUND
 - RECORDED
 - MEASURED
 - CALCULATED

DISCUS

- [illegible]

YAFD DRAIN (2" DIA. & SHORTER)

WATER SURFACE SOLUTION, HYDROCARBON

 NETFLIX

3. **POBI A FVYRBN (AF PROSSNE)**

AS BUILT ELEVATION

CONTOUR LINE

670

FINISH

QUND RAIL

* FREE UNIT

* 609

SAUD BACHRA

CONC. ☒ COVER ☒

ASPHALT

THE LOCATIONS AND

REPLAS

CONTRACTOR SHALL BE
FOR DEBARMENT FOR

AND ELEVATIONS PROVIDED BY THE
CONTRACTOR

1

.....

<p> Receiving Period: _____ By: <u>Myself</u> Signature: _____ Date: _____ </p>	<p> 10:28-3 Page </p>
--	--

FIRST COMMERCIAL

23300 TELEGRAPH ROAD; SUITE 110
SOUTHFIELD, MICHIGAN 48034

PROPOSED PARCEL LAYOUT DIVISION CONDITIONS

CHILSON COMMONS
M-36 at CHILSON ROAD

SAURO TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

SUR XXX	SCAL. MIS	108 Bu. EQ02020
P.M DCS	DATE 10-28-03	DRQ. NO.1 OF 2

Journal of Management Inquiry 22(1) 3-16

[illegible]

PVE

PROFESSIONAL
COUNSELLING

**ENGINEERING
ASSOCIATES**

430 Rochester Ct. Suite 1
Troy, MI 48063-1872

(249) 688-9090

[illegible]

LEGAL DESCRIPTION:
TOTAL PARCEL
(PER PROFESSIONAL ENGINEERING ASSOCIATES)

The East 116 rods in width of that part of the Southeast fractional 1/4 of Section 22, T.1N., R.5E., Hamburg Township, Livingston County, Michigan, which lies North of the Huron River and the Grand Trunk Railroad Excepting that portion lying northerly and westerly of a line described in Liber 3121 on page 135, Livingston County Records, and also excepting that portion taken for M-36, and being more particularly described as follows: Commencing at the East 1/4 Corner of Section 22; thence along the east line of said section, S 01°08'26" E, 95.25 feet to the south line of M-36 (66' wide) and the Point of Beginning; thence continuing along said east line, S 01°08'26" E, 1722.26 feet to on intermediate traverse line; thence along said line S 86°45'31" W, 600.53 feet; thence continuing along said traverse line, S 70°12'36" W, 234.21 feet to the north line of the abandoned Grand Trunk Western Railroad right-of-way (100' wide); thence along said right-of-way, N 50°41'56" W, 1434.77 feet to the west line of the east 116 rods of the Southeast fractional 1/4 of said Section 22, as measured perpendicular to the east line of said section; thence along said west line, N 01°08'26" W, 871.07 feet to the south line of the aforementioned recorded line, said line being the south line of M-36 (variable width); thence along said recorded line the following three courses, N 88°31'32" E, 611.94 feet and N 87°40'10" E, 385.42 feet and N 02°19'50" W, 55.89 feet to the south line of M-36 (66' wide); thence along said south line the following two courses, N 88°05'53" E, 680.02 feet and 247.88 feet along a curve to the right having a radius of 482.60 feet and a chord that bears S 77°11'40" E, 245.16 feet to the east line of said section 22 and the Point of Beginning. Also including the land lying between the Intermediate Traverse Line and the Huron River. Containing a net area of 67.66 acres more or less and subject to any easements or restrictions of record.

LEGAL DESCRIPTION:
PROPOSED M-36 RIGHT OF WAY
(PER PROFESSIONAL ENGINEERING ASSOCIATES)

Part of the south 33 feet, of the north 66 feet, of that part of the East 116 rods in width of that part of the Southeast fractional 1/4 of Section 22, T.1N., R.5E., Hamburg Township, Livingston County, Michigan, which lies North of the Huron River and the Grand Trunk Railroad and being more particularly described as follows: Commencing at the East 1/4 Corner of Section 22; thence along the east line of said section, S 01°08'26" E, 95.25 feet to the south line of M-36 (66' wide); thence along said south line, 180.08 feet along a curve to the left having a radius of 482.60 feet and a chord that bears N 73°10'10" W, 179.03 feet to the Point of Beginning; thence along a radial line S 08°08'22" W, 33.00 feet; thence 63.17 feet along a concentric curve to the left having a radius of 449.60 feet and a chord that bears N 87°53'03" W, 63.11 feet; thence along a line 66' southerly of, and parallel to the East-West 1/4 line of said section 22, S 88°05'53" W, 679.77 feet to a point on a line described in Liber 3121 on page 135, Livingston County Records; thence along said recorded line N 02°19'50" W, 33.00 feet to the south line of M-36 (66' wide); thence along said south line the following two courses, N 88°05'53" E, 680.02 feet and 67.80 feet along a curve to the right having a radius of 482.60 feet and a chord that bears S 87°53'03" E, 67.75 feet to the Point of Beginning. Containing 24.396 sq. ft or 0.56 acres of land more or less.

LEGAL DESCRIPTION:
PARCEL 1
(PER PROFESSIONAL ENGINEERING ASSOCIATES)

Part of the East 116 rods in width of that part of the Southeast fractional 1/4 of Section 22, T.1N., R.5E., Hamburg Township, Livingston County, Michigan, which lies North of the Huron River and the Grand Trunk Railroad more particularly described as follows: Commencing at the East 1/4 Corner of Section 22; thence along the east line of said section, S 01°08'26" E, 95.25 feet to south line of M-36 (66' WD.) thence along said south line, 180.08 feet along a curve to the left having a radius of 482.60 feet and a chord that bears N 73°10'10" W, 179.03 feet to the south line of M-36 (variable width); thence along a radial line S 08°08'22" W, 33.00 feet; thence 63.17 feet along a curve to the left having a radius of 449.60 feet and a chord that bears N 87°53'03" W, 63.11 feet; thence S 88°05'53" W, 405.88 feet to the Point of Beginning; thence S 01°54'07" E, 96.14 feet; thence S 32°46'35" E, 34.57 feet; thence S 46°09'21" E, 432.09 feet; thence S 43°50'38" W, 240.35 feet; thence S 46°09'21" E, 33.38 feet; thence S 41°04'11" E, 75.48 feet to a point of tangency; thence 43.00 feet along a curve to the right having a radius of 84.50 feet and a chord that bears S 14°34'45" E, 42.54 feet to a point of tangency; thence SOUTH 189.77 feet; thence 187.69 feet along a longent curve to the right having a radius of 84.50 feet and a chord that bears S 63°37'52" W, 151.42 feet; thence N 52°44'16" W, 81.56 feet; thence 76.46 feet along a non-longent curve to the left having a radius of 200.00 feet and a chord that bears N 62°01'46" W, 76.00 feet; thence N 72°12'22" W, 178.04 feet; thence N 62°41'52" W, 155.09 feet; thence N 81°51'07" W, 183.17 feet; thence N 68°23'29" W, 86.71 feet; thence N 68°15'46" W, 285.62 feet; thence N 48°59'56" W, 82.05 feet; thence S 43°00'04" W, 168.81 feet; thence 67.59 feet along an arc to the left having a radius of 142.00 feet and a chord that bears S 29°21'57" W, 66.95 feet; thence S 15°43'50" W, 63.07 feet; thence 85.85 feet along a curve to the left having a radius of 142.00 feet and a chord that bears S 01°35'21" E, 84.55 feet; thence S 18°54'52" E, 113.04 feet; thence 157.33 feet along a curve to the right having a radius of 166.00 feet and a chord that bears S 08°14'34" W, 151.51 feet to the north line of the abandoned Gran Trunk Western Railroad right-of-way (100' wide); thence along said right-of-way, N 50°41'56" W, 24.07 feet; thence 132.94 feet along a curve to the left having a radius of 142.00 feet and a chord that bears N 07°39'43" E, 128.14 feet; thence N 18°54'43" W, 113.04 feet; thence 100.35 feet along a curve to the right having a radius of 166.00 feet and a chord that bears N 01°35'21" W, 98.84 feet; thence N 15°43'50" E, 65.01 feet; thence 75.20 feet along a curve to the right having a radius of 158.00 feet and a chord that bears N 29°21'57" E, 74.49 feet; thence N 43°00'04" W, 170.75 feet and a chord that bears N 60°11'03" W, 110.05 feet; thence S 88°00'04" W, 43.53 feet; thence N 01°59'56" W, 379.96 feet to south line of M-36 as recorded in Liber 3121 on page 135 Livingston County Records; thence along said south line N 88°31'32" E, 424.15 feet; thence N 87°40'10" E, 255.12 feet; thence S 02°00'09" E, 111.55 feet; thence N 88°00'04" E, 201.44 feet; thence S 02°53'15" E, 72.01 feet; thence N 88°00'04" E, 16.28 feet; thence 19.27 feet along a curve to the left having a radius of 25.00 feet and a chord that bears N 65°55'22" E, 18.79 feet; thence N 43°50'39" E, 116.73 feet; thence N 01°54'07" W, 118.50 feet to aforementioned south line of M-36; thence along said south line N 88°05'53" E, 83.85 feet to the Point of Beginning; Containing an area of 19.08 acres more or less and subject to any easements or restrictions of record.

LEGAL DESCRIPTION:
PARCEL 2
(PER PROFESSIONAL ENGINEERING ASSOCIATES)

Part of the East 116 rods in width of that part of the Southeast fractional 1/4 of Section 22, T.1N., R.5E., Hamburg Township, Livingston County, Michigan, which lies North of the Huron River and the Grand Trunk Railroad more particularly described as follows: Commencing at the East 1/4 Corner of Section 22; thence along the east line of said section, S 01°08'26" E, 95.25 feet to south line of M-36 (66' WD.) thence along said south line, 180.08 feet along a curve to the left having a radius of 482.60 feet and a chord that bears N 73°10'10" W, 179.03 feet to the south line of M-36 (variable width); thence along a radial line S 08°08'22" W, 33.00 feet; thence 63.17 feet along a curve to the left having a radius of 449.60 feet and a chord that bears N 87°53'03" W, 63.11 feet; thence S 88°05'53" W, 489.73 feet to the Point of Beginning; thence S 01°54'07" E, 118.50 feet; thence S 43°50'39" W, 116.73 feet; thence 19.27 feet along a curve to the right having a radius of 25.00 feet and a chord that bears S 65°55'22" W, 18.79 feet; thence S 88°00'04" W, 16.28 feet; thence N 02°53'15" W, 72.01 feet; thence S 88°00'04" W, 201.44 feet; thence N 02°00'09" W, 111.55 feet to the south line of M-36 as recorded in Liber 3121 on page 135 Livingston County records; thence along said line the following two courses, N 87°40'10" E, 130.30 feet and N 02°19'50" W, 22.89 feet to the aforementioned south line of M-36 (66' wide); thence N 88°05'53" E, 190.04 feet to the Point of Beginning. Containing an area of 1.03 acres more or less and subject to any easement or restrictions of record.

LEGAL DESCRIPTION:
PARCEL 3
(PER PROFESSIONAL ENGINEERING ASSOCIATES)

Part of the East 116 rods in width of that part of the Southeast fractional 1/4 of Section 22, T.1N., R.5E., Hamburg Township, Livingston County, Michigan, which lies North of the Huron River and the Grand Trunk Railroad more particularly described as follows: Commencing at the East 1/4 Corner of Section 22; thence along the east line of said section, S 01°08'26" E, 95.25 feet to south line of M-36 (66' WD.) thence along said south line, 180.08 feet along a curve to the left having a radius of 482.60 feet and a chord that bears N 73°10'10" W, 179.03 feet to the south line of M-36 (variable width); thence along a radial line S 08°08'22" W, 33.00 feet; thence 63.17 feet along a curve to the left having a radius of 449.60 feet and a chord that bears N 87°53'03" W, 63.11 feet; thence S 88°05'53" W, 405.88 feet to the Point of Beginning; thence S 01°54'07" E, 96.14 feet; thence S 32°46'35" E, 34.57 feet; thence S 46°09'21" E, 432.09 feet; thence S 43°50'38" W, 240.35 feet; thence S 46°09'21" E, 33.38 feet; thence S 41°04'11" E, 75.48 feet to a point of tangency; thence 43.00 feet along a curve to the right having a radius of 84.50 feet and a chord that bears S 14°34'45" E, 42.54 feet to a point of tangency; thence SOUTH 189.77 feet; thence 187.69 feet along a longent curve to the right having a radius of 84.50 feet and a chord that bears S 63°37'52" W, 151.42 feet; thence N 52°44'16" W, 81.56 feet; thence 76.46 feet along a non-longent curve to the left having a radius of 200.00 feet and a chord that bears N 62°01'46" W, 76.00 feet; thence N 72°12'22" W, 178.04 feet; thence N 62°41'52" W, 155.09 feet; thence N 81°51'07" W, 183.17 feet; thence N 68°23'29" W, 86.71 feet; thence N 68°15'46" W, 285.62 feet; thence N 48°59'56" W, 82.05 feet; thence S 43°00'04" W, 168.81 feet; thence 67.59 feet along an arc to the left having a radius of 142.00 feet and a chord that bears S 29°21'57" W, 66.95 feet; thence S 15°43'50" W, 63.07 feet; thence 85.85 feet along a curve to the left having a radius of 142.00 feet and a chord that bears S 01°35'21" E, 84.55 feet; thence S 18°54'52" E, 113.04 feet; thence 157.33 feet along a curve to the right having a radius of 166.00 feet and a chord that bears S 08°14'34" W, 151.51 feet to the north line of the abandoned Gran Trunk Western Railroad right-of-way (100' wide); thence along said right-of-way, N 50°41'56" W, 24.07 feet; thence 132.94 feet along a curve to the left having a radius of 142.00 feet and a chord that bears N 07°39'43" E, 128.14 feet; thence N 18°54'43" W, 113.04 feet; thence 100.35 feet along a curve to the right having a radius of 166.00 feet and a chord that bears N 01°35'21" W, 98.84 feet; thence N 15°43'50" E, 65.01 feet; thence 75.20 feet along a curve to the right having a radius of 158.00 feet and a chord that bears N 29°21'57" E, 74.49 feet; thence N 43°00'04" W, 170.75 feet and a chord that bears N 60°11'03" W, 110.05 feet; thence S 88°00'04" W, 43.53 feet; thence N 01°59'56" W, 379.96 feet to south line of M-36 as recorded in Liber 3121 on page 135 Livingston County records; thence along said south line N 88°31'32" E, 424.15 feet; thence N 87°40'10" E, 255.12 feet; thence S 02°00'09" E, 111.55 feet; thence N 88°00'04" E, 201.44 feet; thence S 02°53'15" E, 72.01 feet; thence N 88°00'04" E, 16.28 feet; thence 19.27 feet along a curve to the left having a radius of 25.00 feet and a chord that bears N 65°55'22" E, 18.79 feet; thence N 43°50'39" E, 116.73 feet; thence N 01°54'07" W, 118.50 feet to aforementioned south line of M-36; thence along said south line N 88°05'53" E, 83.85 feet to the Point of Beginning; Containing an area of 19.08 acres more or less and subject to any easements or restrictions of record.

LEGAL DESCRIPTION:
PARCEL 4
(PER PROFESSIONAL ENGINEERING ASSOCIATES)

Part of the East 116 rods in width of that part of the Southeast fractional 1/4 of Section 22, T.1N., R.5E., Hamburg Township, Livingston County, Michigan, which lies North of the Huron River and the Grand Trunk Railroad more particularly described as follows: Commencing at the East 1/4 Corner of Section 22; thence along the east line of said section, S 01°08'26" E, 95.25 feet to the Point of Beginning; thence continuing along said east line, S 01°08'26" E, 1722.26 to an intermediate traverse line; thence continuing along said traverse line, S 86°45'31" W, 600.53 feet; thence continuing along said traverse line, S 70°12'36" W, 234.21 feet to the north line of the abandoned Grand Trunk Western Railroad right-of-way (100' wide); thence along said right-of-way, N 50°41'56" W, 118.15 feet; thence 132.94 feet along a curve to the left having a radius of 166.00 feet and a chord that bears N 08°14'34" E, 151.51 feet; thence N 18°54'43" W, 113.04 feet; thence 85.85 feet along a curve to the right having a radius of 142.00 feet and a chord that bears N 01°35'21" W, 98.84 feet; thence N 15°43'50" E, 65.07 feet; thence 87.59 feet along a curve to the right having a radius of 142.00 feet and a chord that bears N 29°21'57" E, 66.95 feet; thence N 43°00'04" E, 168.81 feet; thence S 46°09'56" E, 82.05 feet; thence S 68°15'46" E, 285.62 feet; thence S 68°23'29" E, 86.71 feet; thence S 81°51'07" E, 183.17 feet; thence S 62°41'52" E, 155.09 feet; thence S 72°12'22" E, 178.04 feet; thence 76.46 feet along a non-longent curve to the right having a radius of 200.00 feet and a chord that bears S 62°01'46" W, 76.00 feet; thence S 52°44'16" E, 81.56 feet; thence 187.69 feet along a longent curve to the left having a radius of 84.50 feet and a chord that bears N 63°37'52" E, 151.42 feet; thence NORTH 189.77 feet to a point of tangency; thence 43.00 feet along a curve to the left having a radius of 84.50 feet and a chord that bears N 14°34'45" W, 42.54 feet to a point of tangency; thence S 60°11'03" W, 75.48 feet; thence N 46°09'21" W, 33.38 feet; thence N 43°50'39" E, 240.35 feet; thence N 46°09'21" W, 432.09 feet; thence N 32°46'35" W, 34.57 feet; thence N 01°54'07" W, 58.14 feet to the south line of M-36 (variable width); thence along said south line the following three courses, N 88°05'53" E, 405.88 feet and 63.17 feet along a curve to the right having a radius of 449.60 feet and a chord that bears S 87°53'03" E, 63.11 feet and a radial line N 08°08'22" E, 33.00 feet and 180.08 feet along a curve to the right having a radius of 482.60 feet and a chord that bears S 73°10'10" E, 179.03 feet to the Point of Beginning. Containing an area of 42.64 acres more and less and subject to any easements or restrictions of record.

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EXHIBIT G

**CHILSON COMMONS, HAMBURG TOWNSHIP
STORMWATER MANAGEMENT SYSTEM (During Construction)
MAINTENANCE TASKS AND SCHEDULE**

TASKS	COMPONENTS	Storm Sewer System	Catch Basin Sumps	Catch Basin Inlets	Channels & Ditches	Basin Outlet Filters	Basin Forebays	Storm Basins	Overflow Structures	Discharge Outlets	Wetlands and Buffers	SCHEDULE
Install & maintain soil erosion control measures				X	X					X	X	Per plans or as required
Inspect for accumulated sediment		X	X			X	X	X			X	Weekly or after rain event
Removal of accumulated sediment > 1' deep		X	X		X	X	X	X		X		As required
Inspect for erosion					X			X	X	X		Weekly or after rain event
Reestablish permanent & temporary controls				X	X			X	X	X		As required
Inspect for floatables and debris		X	X	X		X		X	X			Weekly or after rain event
Remove floatables and debris		X	X	X		X		X	X			As required
Replace Outlet Filter gravel jackets						X						As required
Replace rip-rap or stone check dams					X		X	X	X			As required
Mowing					X		X	X	X			Two times, annually
Certified Stormwater Manager inspections		X	X	X	X	X	X	X	X	X	X	Weekly or after rain event
Professional engineer, reporting to developer, construction observations		X	X	X	X	X	X	X	X	X	X	As required
Modifications per engineering recommendation		X	X	X	X	X	X	X	X	X	X	Monthly
Certified Stormwater Manager maintenance and inspection records												Weekly

**CHILSON COMMONS, HAMBURG TOWNSHIP
STORMWATER MANAGEMENT SYSTEM
MAINTENANCE TASKS AND SCHEDULE**

TASKS	COMPONENTS										SCHEDULE
	Storm Sewer System	Catch Basin Sumps	Catch Basin Inlets	Channels & Ditches	Basin Outlet Filters	Basin Forebays	Storm Basins	Overflow Structures	Discharge Outlets	Wetlands and Buffers	
Inspect for accumulated sediment	X	X			X	X	X				Annually
Removal of accumulated sediment > 1' deep	X	X			X	X	X				5 years or as required
Inspect for erosion				X			X	X	X		Annually
Reestablish permanent controls, eroded areas				X			X	X	X		As required
Inspect for floatables and debris	X	X	X		X		X	X			Annually
Remove floatables and debris	X	X	X		X		X	X			As required
Replace Outlet Filter gravel jackets					X						As required
Replace rip-rap or stone check dams				X							As required
Mowing				X		X	X	X			Two times, annually
Vegetation and animal control				X		X	X	X			Annually, or as required
Professional engineer observation during rain event	X	X	X	X	X	X	X	X	X		Annually
Modifications per engineering recommendation	X	X	X	X	X	X	X	X	X		As required
Professional engineer, emergency observations											As required
Maintenance & inspection records by Owner											Annually

Section 7.5.1.
Schedule of Use Regulations
(J) CS-Community Service District

EXHIBIT F

Permitted Uses

1. All uses permitted in NS-Neighborhood Service, with the exception of item 9 - Child Care Center or Day Care Center.
2. Planned Community shopping centers subject to the following conditions:
 - a. Only those uses specifically permitted in CS-Community Service shall be permitted within such development.
 - b. Minimum lot size shall be one (1) acre with not less than one hundred and fifty (150) feet of road frontage.
 - c. The exterior of all buildings within such development shall be of consistent architectural treatment so as to provide a unified appearance.
3. Department stores.
4. Retail and wholesale stores for the sale of such products as hardware and paint, clothing, drugs, and notions, gifts, books and records.
5. Business service establishments such as business supply stores, office machine sales, and service, medical and dental laboratories, and printing shops.
6. Indoor commercial recreation facilities such as theaters, bowling alleys, health clubs, skating rinks, and billiard and game parlors.
7. Funeral homes and mortuaries.
8. Motels.
9. Showroom and sales of new and used automobiles, farm machinery, and other vehicles and equipment, and the display and sale of used cars, farm machinery, and other vehicles and equipment when in conjunction with a showroom and sales of new units thereof; and repair of same when in conjunction with a showroom and sales of new units thereof, subject to the provisions of Section 8.28.
10. Trade schools/business colleges; music and dance studios; and other similar public and private educational institutions.
11. Dry cleaning establishments subject to the following:

Section 7.5.1.
Schedule of Use Regulations
(J) CS-Community Service District

- a. Dike containment area for storage of hazardous materials.
 - b. No connections to waste water discharge in work area and not floor drains.
 - c. Dry to dry loop non-vent system equipment.
 - d. Compliance with all State Health Department requirements.
12. Laundromats when connected to public sewer.
13. Indoor private recreational facilities such as bowling alleys, ice rinks or indoor golf.

Special Uses

- 1. Open air business for the sale of products or the conduct of activities listed or performed in conjunction with a permitted use in CS-Community Service.
- 2. Drive-in and drive-through establishments for the provisions of goods or services of a permitted use in CS-Community Service (e.g., drive-through restaurant or drive-through bank) subject to the following conditions:
 - a. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line or further if necessary, based on the required traffic impact study).
 - b. Any corner or double-frontage site shall be limited to one (1) entrance/exit drive for each separate public road frontage. A site with only one public road frontage shall be permitted no more than two (2) entrance/exit drives. Coordinated access with adjoining sites is encouraged.
 - c. Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
- 3. Automobile and truck washes.
- 4. Motor freight depots and terminals, subject to the following conditions:
 - a. Goods and/or trucks are stored only on a temporary basis and are clearly in transit and have not yet reached their final destination.
 - b. Such activities shall not include the storage of scrap or junk materials; wrecked or

Section 7.5.1.
Schedule of Use Regulations
(J) CS-Community Service District

partially dismantled vehicles; petroleum or other than in mobile carriers or for use on the premises.

- c. No building, temporary storage yard, or loading berth shall be located within fifty (50) feet of any rear or side property line or within one hundred (100) feet of any street right-of-way line.
 - d. All temporary storage yards shall be enclosed by a well maintained solid fence or masonry wall not less than six (6) feet in height.
- 5. Outdoor recreation facilities, such as skating rinks, driving ranges and miniature golf courses but not including drive-in theaters or amusement parks.
 - 6. Child care center or day care center, subject to the provisions of Section 8.7.
 - 7. Apartments subject to the provisions of Section 8.23.
 - 8. Gasoline service stations subject to the following conditions:
 - a. All activities, except those required to be performed at the service island, shall be conducted entirely within an enclosed building.
 - b. Bumping, painting, and major mechanical repairs are specifically prohibited.
 - c. Outdoor storage of wrecked or dismantled vehicles shall not be permitted.
 - 9. Bed and Breakfast Inn.
 - 10. Multiple family dwellings such as garden apartments, townhouses, and condominiums subject to the same restrictions as the RC-Multiple Family Residential District.
 - 11. Elderly Cottage Housing (ECHO) in accordance with Article 15.
 - 12. Automobile rental, subject to the following conditions:
 - a. Minimum lot area shall be one (1) acre.
 - b. Minimum lot width shall be one hundred and fifty (150) feet.
 - c. All areas utilized for storage of vehicles shall be setback fifty (50) feet from any residential zoning district.

Section 7.5.1.
Schedule of Use Regulations
(J) CS-Community Service District

- d. All vehicle storage areas shall be screened from view of any abutting residential area by a row of evergreen trees or a masonry wall or not less than six (6) feet in height, or other screening approved by the Planning Commission.
 - e. A plan shall be provided that indicates the number, type, location and traffic circulation pattern of vehicles to be stored on the site for Planning Commission approval.
 - f. Ingress and egress shall meet the spacing requirements of Section 10.8.5. Such use shall be limited to a single access point on a public or private road.
13. Truck and trailer rental, subject to the following conditions:
- a. Minimum lot area shall be one (1) acre.
 - b. Minimum lot width shall be one hundred and fifty (150) feet.
 - c. All stored rental vehicles and trailers shall be no closer to the front of the parcel than the front line of the principal building on the parcel, provided that in no case shall rental vehicles and trailers be stored in the required front yard.
 - d. All areas utilized for storage of vehicles or trailers shall be setback fifty (50) feet from any residential zoning district.
 - e. All vehicle or trailer storage areas shall be screened from view of any abutting residentially zoned or used land by a row of evergreen trees or a masonry wall or not less than six (6) feet in height, or other screening approved by the Planning Commission, except that the Planning Commission may allow up to three (3) vehicles or trailers to be visible from the public right-of-way.
 - f. A plan shall be provided that indicates the number, type location and traffic circulation pattern of vehicles or trailers to be stored on the site for Planning Commission approval.
 - g. Ingress and egress shall meet the spacing requirements of Section 10.8.5. Such use shall be limited to a single access point on a public or private road.
14. Minor Automobile Repair, subject to the following conditions:
- a. **Setbacks.** Side and rear yard setbacks for repair garages or other buildings shall be fifty (50) feet from and residentially zoned or used district.
 - b. **Hours of Operation.** All minor automobile repair services shall be conducted entirely within an enclosed building and between the hours of 7:00 a.m. and 9:00 p.m.

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- c. **Orientation of Open Bays.** Buildings shall be oriented so that open service bays do not face onto adjacent major thoroughfares or arterial roads unless screened by an adjoining lot or building.
- d. **Outdoor Storage.** There shall be no storage of vehicle components such as parts, trash, supplies or equipment outside of a building.
- e. **Curb Cuts.** M-36 is the major roadway through Hamburg Township and also serves as a regional thoroughfare. Driveways and curb cuts along M-36 are permitted only as necessary to access the Village. Shared access drives are required unless site conditions prohibit such collaboration.
- f. **Screening.** Where minor automobile repair establishments adjoin property located in any residentially zoned or used district, a solid, ornamental, masonry wall, six (6) feet in height, shall be erected and maintained along a shared lot line. In addition, all trash areas shall be enclosed on all sides by a required six (6)-foot masonry wall.

Such walls shall be constructed of the same materials as that of the principal building, and be faced with either brick, decorative block, or pre-cast concrete formed into a decorative pattern and painted in the same color scheme as that of the principal building. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall. The masonry wall may be required by the Planning Commission where the minor repair establishment adjoins a nonresidential use, such as a professional office building, clinic or day nursery, or a landscaped area of any other nonresidential use.

- g. **Outdoor Display.** The outdoor display and sale of merchandise shall be prohibited, unless specifically approved by the Planning Commission as a condition of the special land use permit.
- h. **Commercial Vehicles.** Tow trucks or other commercial vehicles that are on the premises for reasons other than typical customer activity shall be parked in non-required parking spaces and should not be parked in such a manner to be used as an advertisement.
- i. **Fire Safety.** All uses shall comply with the flammable liquid regulations promulgated by the fire safety board by authority conferred by Section 3 of Public Act No. 207 of 1941 (MCL 29.3c).
- j. **Engineering.** The installation and use of an oil-water separator with monitoring capabilities in the facility's storm water management system shall be required, as well as the use of best management practices for pollution prevention for automobile

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service operations, in order to protect surface water and groundwater quality, along with approval by the Township Engineer.

- k. **Modifications.** Any of the requirements in a-j above may be altered, as necessary, should the applicant demonstrate to the satisfaction of the Planning Commission justification for deviation from these use standards.
15. Major Automobile Repair, subject to the following conditions:
- a. Major automobile repair may be permitted as an accessory use to minor automobile repair, provided the standards for minor automobile repair are satisfied.
 - b. **Outdoor Storage.** There shall be no storage of vehicle components and parts, trash, supplies, or equipment outside of a building, except for vehicles to be worked on, for a period lasting no longer than seven (7) consecutive days. All vehicles awaiting repair must be completely screened by a 6-foot masonry wall, as detailed above, with landscaping in front. The amount of space dedicated to such outdoor storage areas cannot exceed the square footage of the principal building.