GENOA CHARTER TOWNSHIP PLANNING COMMISSION PUBLIC HEARING SEPTEMBER 8, 2014 6:30 P.M. AGENDA

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

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

OPEN PUBLIC HEARING #1... Review of a proposed amendment to the Timbergreen planned unit development (PUD) site condominium and agreement for the property located at 3800 Chilson Road, Howell, Michigan 48443, petitioned by Chestnut Development.

Planning Commission disposition of petition

- A. Recommendation of PUD Agreement Amendment.
- B. Recommendation of revised PUD Site Plan. (08-15-14)

OPEN PUBLIC HEARING #2... Review of sketch plan and impact assessment for a 1,400 square foot backstage addition for Northridge Church, located at 7555 Brighton Rd, Brighton, Parcel # 4711-25-300-037. The request is petitioned by Jim King on behalf of Northridge Church.

Planning Commission disposition of petition

A. Disposition of Sketch Plan. (08-11-14)

Administrative Business:

- Staff report
- Approval of August 11, 2014 Planning Commission meeting minutes
- Member discussion
- Adjournment



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

MEMORANDUM

TO: Planning Commission

FROM: Kelly VanMarter, Assistant Township Manager/Community

Development Director

DATE: September 5, 2014

RE: Timber Green PUD Amendments

Dear Commissioners,

Since your last meeting, the Township Board approved the reduction in home size as was recommended. In regard to the remaining items (reduction in lots and construction of barn) the applicant has submitted a revised PUD Agreement Amendment with an overlay plan and a revised PUD Plan. They have also submitted a revised second amendment to the Master Deed. Although promised by the petitioner, at this time we have not received the Exhibit B drawings associated with the amended Master Deed.

The Township Attorney has issued review comments on the PUD amendment (e-mail 8/27/14) to which there has been no response. Those comments are included in the following information and are for your consideration at the meeting. Mr. Mancuso has also issued comments on the Master Deed amendment (e-mail 9/5/14) and those are included in the packet as well.

The review letters from the Fire Department and the Engineer have not changed since the last meeting. Mr. Brian Borden, with LSL Planning is currently reviewing the information and will be in attendance on Monday to present any planning related issues.

I look forward to discussing this with you on Monday. Please let me know if you have any questions or concerns.

Sincerely,

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen Jean W. Ledford Todd W. Smith Linda Rowell

Kathryn Poppy

From: Kelly VanMarter

Sent: Thursday, September 04, 2014 10:16 AM

To: Kathryn Poppy

Subject: FW: Timber Green PUD Second Amendment

Please include in Timbergreen. This is Frank's review comments.

From: Frank Mancuso [mailto:frank@mancusocameronlaw.com]

Sent: Wednesday, August 27, 2014 4:59 PM

To: Roger Myers

Cc: Kelly VanMarter; Doug Brown; Mike Archinal **Subject:** RE: Timber Green PUD Second Amendment

Roger:

I have reviewed the proposed Second Amendment to the Master Deed and have the following comments:

- 1. At the bottom of page 1, last line, after "... by combining Units 11 and 12 with Parcels C, D and E(17)" add "(the combined parcel is now known as 'Parcel C");"
- 2. In the first line on page 2, after "...5,760 square foot pole barn on" add "the new" Parcel C...
- 3. On the new Sheet C-3 (referenced in paragraph 1 of the Second Addendum) the delineation of the new "Parcel C" is not clear. Parcel C should be outlined to include the former Parcel C, E and D, and Units 11 and 12. There is also no need to include a notation of Parcel D and Parcel E on the revised Sheet C-3 since they have now been combined with Parcel C.
- 4. A new paragraph should be added to the Second Amendment revising Paragraph A of Section II to eliminate any reference to Parcel D since it has now been combined with Parcel C. I would suggest that this be paragraph number 2 of the Second Amendment and renumber the remaining paragraphs accordingly.
- 5. Paragraph 2 of the Second Amendment (now paragraph 3) should likewise eliminate all references to Parcels D and E(17) since these parcels are now part of the new Parcel C (see lines 6 and 12)
- 6. Paragraph 4 of the Second Amendment (now paragraph 5) should read. "The Master Deed for Timber Green shall be amended to add the following provision: 'The primary means of access to the pole barn to be constructed on Parcel C shall be the driveway access from Chilson Road through Parcel C. However, Parcel C shall possess an easement for the right of access over and through Timber Green Court and the Northwest portion of the cul-de-sac between Parcels 10 and 13 to provide a means of secondary access to Parcel C for emergency and non-commercial vehicular access only."
- 7. The Planning Department is requesting that Units 13 and 14 be renumbered to 11 and 12.
- 8. I do not have in my possession a complete Exhibit B of the original PUD Agreement. Please forward me a copy of the original Exhibit B.

If you have any questions, please let me know.

Thank you,

Frank J. Mancuso, Jr. Mancuso & Cameron, P.C. 722 E. Grand River Ave. Brighton, MI 48116 Ph: (810) 225-3300

Fax: (810) 225-9110

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From: Roger Myers [mailto:RMyers@myers2law.com]

Sent: Monday, August 25, 2014 5:05 PM

To: Frank Mancuso

Subject: Timber Green PUD Second Amendment

Frank-

Attached are the revised documents relating to the proposed Second Amendment to the Timber Green PUD (elimination of two units and addition of pole barn). Although the revised Exhibit B drawings are included, the only document identified in your August 12, 2014 letter that is not included is the Second Amendment to the Master Deed. I will email that document to you tomorrow morning.

Thanks, Roger.

Roger L. Myers Myers & Myers, PLLC 915 N. Michigan Ave. Howell, MI 48843

Direct Dial: 517-376-3727

PH: 517-540-1700 Fax: 517-540-1701

e-mail: rmyers@myers2law.com

www.myers2law.com

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From: Frank Mancuso

Sent: Friday, September 05, 2014 10:39 AM

To: 'Roger Myers'

Cc: <u>kelly@genoa.org</u>; 'Doug Cameron (<u>doug@mancusocameronlaw.com</u>)'; 'Mike Archinal'

Subject: Proposed Second Amendment to Timber Green PUD

Roger:

I have reviewed the proposed Second Amendment to the Master Deed. I also conferred with Kelly VanMarter, the assistant Township manager, and am including some input from Ms. VanMarter as well. The comments are as follows:

- 1. Paragraph B of the Preliminary Statements please add "Livingston County Records" after 2011R-002925.
- 2. Paragraph C of the Preliminary Statements states that the Developer has the unilateral right to amend the Master Deed. This is not the case. The unilateral right to amend ended six (6) months after recording of the Master Deed pursuant to Article VII, Section 2 of the Master Deed. The authority for this Second Amendment is in Article IX and requires affirmative vote of 2/3 of the Co-owners. Since Mr. Gronow owns 100% of the Units, this should not be an issue but, the Preliminary Statements needs to cite the correct authority and confirm that the vote has taken place. Additionally, if there is a mortgagee, the vote of the Mortgagee is also required.
- 3. There are two paragraph "C"'s.
- 4. We have not received the revised Exhibit B to the Master Deed. Ms. VanMarter has requested that the Units, as numbered 1-10, 13 and 14 be renumbered to 1-12. You have indicated that Mr. Gronow may not extend the road past what is presently constructed and may not sell units 10, 13 and 14 (or 10-12 if renumbered). The Plan should indicate that this portion of the road as "need not be built." (see MCL 559.166(2)(j).
- 5. Under paragraph 2 (Article V, Section 1) again, Ms. VanMarter has requested that the Units be renumbered to Units 1 12. Please also indicate in the last sentence that the road is designated as a "need not be built" item.
- 6. Under paragraph 3, the proposed new paragraph (e) should indicated in the text that the driveway is for the "sole" purpose of emergency and "secondary" non-commercial vehicular access to "the Pole Barn" on Parcel C. This is consistent with the representations made by Mr. Gronow.

Lastly, in my August 27th e-mail I incorrectly stated that my comments were to the proposed Second Amendment to the Master Deed. My comments in that e-mail were to the proposed Second Amendment to the PUD Agreement.

If you have any questions, please let me know.

Regards,

Frank J. Mancuso, Jr. Mancuso & Cameron, P.C. 722 E. Grand River Ave. Brighton, MI 48116 Ph: (810) 225-3300

Fax: (810) 225-9110

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August 8, 2014

Mr. Mike Archinal Genoa Township 2911 Dorr Road Brighton, MI 48116

Re: Timber Green PUD Agreement Amendment Engineering Review

Dear Mr. Archinal:

We have reviewed the proposed amendment to the Timber Green PUD Agreement which contain a general plan prepared by PEA. The amendment requests to revise the lot configuration and construct a 6,000 SF accessory building. The general plan depicts the lot configuration and road system to access the lots. The Timber Green PUD is located on the west side of Chilson Road north of Coon Lake Road. Tetra Tech has reviewed the documents and offers the following comments for consideration by the planning commission:

General Plan

- 1. The proposed lots will be served with private wells and on-site septic systems, which will require permitting by the Livingston County Health Department. No municipal utilities are being proposed.
- 2. The plan indicates the layout of the private road system; however, it lacks topographic information and dimensional data to perform a complete review. It is recommended that a private road construction plan submittal phase be included as a condition of approval of the amendment. The road is shown with one-way segments around a center gazebo area. Turning radii need to be provided to evaluate whether emergency vehicles can negotiate the proposed roads.
- 3. The 6,000 square foot accessory structure is shown on a parcel at the terminus of the cul-de-sac. This parcel is not identified as a specific parcel or common area. The planning consultant should provide their understanding of how this should be incorporated in the PUD.
- 4. A review of the grading and drainage of the site will need to be performed with the private road construction plan review.

From an engineering viewpoint, the general plan lacks the detail required for a complete review. However, the general layout of the PUD appears to be acceptable, provided construction plans for the road and site grading are provided for further review and approval.

Please call if you have any questions.

Sincerely.

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

PRIGHTON DE LA PRIGHT DE LA PRI

BRIGHTON AREA FIRE AUTHORITY

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

August 6, 2014

Genoa Township 2311 Dorr Rd. Brighton, MI 48116

RE:

PUD Revision

3800 Chilson Rd. Howell, MI 48116

Dear Kelly,

On August 4, 2014 the Brighton Area Fire Authority received a request for commentary regarding a PUD Amendment. The Brighton Area Fire Authority has not been able to conduct a complete and formal review based upon what was submitted. We request a full site submittal with details for the additional site revisions and alterations.

Our review comments below are derived from the adopted International Fire Code 2012 edition, and are based upon known factors of the site and the submitted documents.

- 1. There are no objections to the previously approved site as it is developed; however, there are concerns with the road width and the current configuration of the end turn around.
- 2. The new additional road and cul-de-sac, as well as the secondary emergency vehicle access road must meet the installation and maintenance requirements of Chapter 5 and Appendix D.
- 3. The fire code requires fire protection water supply be provided in accordance with Chapter 5 and Appendix B.
- 4. The gated entry requires a means for fire department emergency access, which is currently provided on site via a Knox Key Switch. Testing and verification of the controller and key must be performed once construction begins within the development.

There is also no indication of a new 6,000sqft accessory building on the plan or in the language of the amendment as suggested in email communication. Depending upon its intended use, the fire code requirements may or may not apply to this structure. Further detail is requested.

We greatly appreciate your cooperation and commitment to safety.

If you have any questions or concerns please feel free to contact me at (810)229-6640.

Kind Regards,

Capt. Rick Boisvert

Fire Inspector

SECOND AMENDMENT TO

PLANNED UNIT DEVELOPMENT AGREEMENT

FOR

TIMBER GREEN

THIS SECOND AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT ("Second Amendment to PUD Agreement") is made as of the ____ day of _____, 2014, by and between Genoa Charter Township (hereinafter called the "Township)," the offices of which are located at 2911 Dorr Road, Brighton, Michigan 48116 and Chestnut Development, L.L.C., a Michigan limited liability company (hereinafter referred to as "Developer"), the address of which is 3800 Chilson Road, Howell, Michigan 48843.

WITNESSETH:

WHEREAS, Developer is the owner and developer of certain land located in the Township of Genoa, County of Livingston, State of Michigan, more particularly described on Exhibit A hereto and incorporated herein by reference (sometimes hereinafter referred to as the "Property"); and

WHEREAS, in 2003, Developer first submitted its Application for rezoning the Property to Planned Unit Development ("PUD"), its PUD Plan, PUD Agreement and Impact Assessment to the Township for the PUD to be known as "Timber Green"; and

WHEREAS, at its February 16, 2004 regular public meeting, the Township Board approved the PUD Plan, PUD Agreement and Impact Assessment submitted by the Developer and rezoned the property to a PUD Zoning District to permit various land uses under a comprehensive development plan; and

WHEREAS, pursuant to the Township Board Approval and the Township's Ordinances, the Developer and the Township executed a PUD Agreement for the development of the Timber Green PUD on December 15, 2005; and

WHEREAS, pursuant to the Township Board Approval and the Township's Ordinances, the Developer and the Township executed a First Amendment to PUD Agreement for the development of the Timber Green PUD on September , 2014; and

WHEREAS, the Developer now wishes to effectuate a second amendment to the PUD Agreement to (A) reduce the density of Timber Green by two units though the removal of Units 11 and 12 from Condominium by combining Units 11 and 12 with Parcels C, D and E (17), and

(B) permit the construction of a 5,760 square foot pole barn on Parcel C and provide sufficient buffering between the Condominium and the proposed pole barn; and

NOW, THEREFORE, the Developer and the Township, in consideration of the mutual covenants of the parties described herein, agree to a second amendment of the PUD Agreement as follows:

- 1. Amendment of Approved Plan for PUD. Sheet C-3 (dated September 30, 2003) of the Final Site Development Plan that was attached as part of Exhibit B to the PUD Agreement is hereby replaced with, and superseded by, the Sheet C-3 that is dated August 15 2014 and attached as Exhibit B to this First Amendment to PUD Agreement.
- **2. Reduction of Condominium Units.** Section II, Paragraph B is deleted in its entirety and hereby replaced as follows:

"Developer represents that Developer has developed the Property identified as Parcels 1 through 9, both inclusive, and Parcels A and 2B in accordance with the PUD Plan, as amended, and presently intends to develop the parcels of the Property identified as Parcels 10, 13 and 14 on Exhibit B as a residential building site condominium project under the provisions of the Condominium Act. Parcels 11 and 12 of the Condominium are eliminated and combined with Parcel C. Although Parcels B, C, D and E are part of the PUD, such parcels will not be included in the site condominium project. Parcel B shall be established and is hereby approved as a separate building parcel under the Township's applicable parcel division ordinance which parcel is acknowledged by the Township to have been approved by the Livingston County Department of Public Health for installation of an on-site wastewater system in accordance with its regulations pertaining to parcel divisions rather than site condominiums. Parcels C, D and E (17) are included in Exhibit B and in this PUD Agreement solely to evidence the Developer's agreement to restrict them with reference to the Preservation Areas included within their respective boundaries as elsewhere herein provided and are not otherwise subject to participation in the proposed site condominium or restricted by any other aspects of the proposed development except as may be specifically set forth herein."

3. Approval of Construction of Pole Barn on Parcel C. A new Section II, Paragraph L shall be added as follows: "A pole barn consisting of 5,760 square feet in size may be constructed on Parcel C in the location depicted on the revised Sheet C-3 attached hereto as Exhibit B. The pole barn is being permitted due to the reduction in the number of buildable units in the Condominium by two (2) units and the creation of a buffer area between the Condominium and the proposed pole barn."

- 4. Additional Provision in Master Deed Restricting Access over Timber Green Court. The Master Deed for Timber Green shall be amended to add the following provision: "The primary means of access to the pole barn to be constructed on Parcel C shall be the driveway access from Chilson Road through Parcel D. However, Parcels C, D and E (17) shall possess an easement for the right of access over and through Timber Green Court and the Northwest portion of the cul-de-sac between Parcels 10 and 13 to provide a means of secondary access to Parcels C, D and E (17) for emergency and non-commercial vehicular access."
- **5. Continuing Effect**. Except as amended and modified by this Second Amendment to PUD Agreement, all other terms and conditions of the PUD Agreement, as previously amended, shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands as of the date set forth at the outset of this Second Amendment to PUD Agreement.

	GENOA CHARTER TOWNSHIP, a Michigan municipal corporation
	By: Gary McCririe, Supervisor
	Ву:
	Poly Skolarus, Clerk
STATE OF MICHIGAN COUNTY OF LIVINGSTON)) SS.
acknowledged before me this	nendment to Planned Unit Development Agreement wa day of, 2014, by Gary McCririe an lerk respectively of Genoa Charter Township, a Michiga ne corporation.
	, Notary Public
	County, Michigan My commission expires:
	Acting in County, Michigan

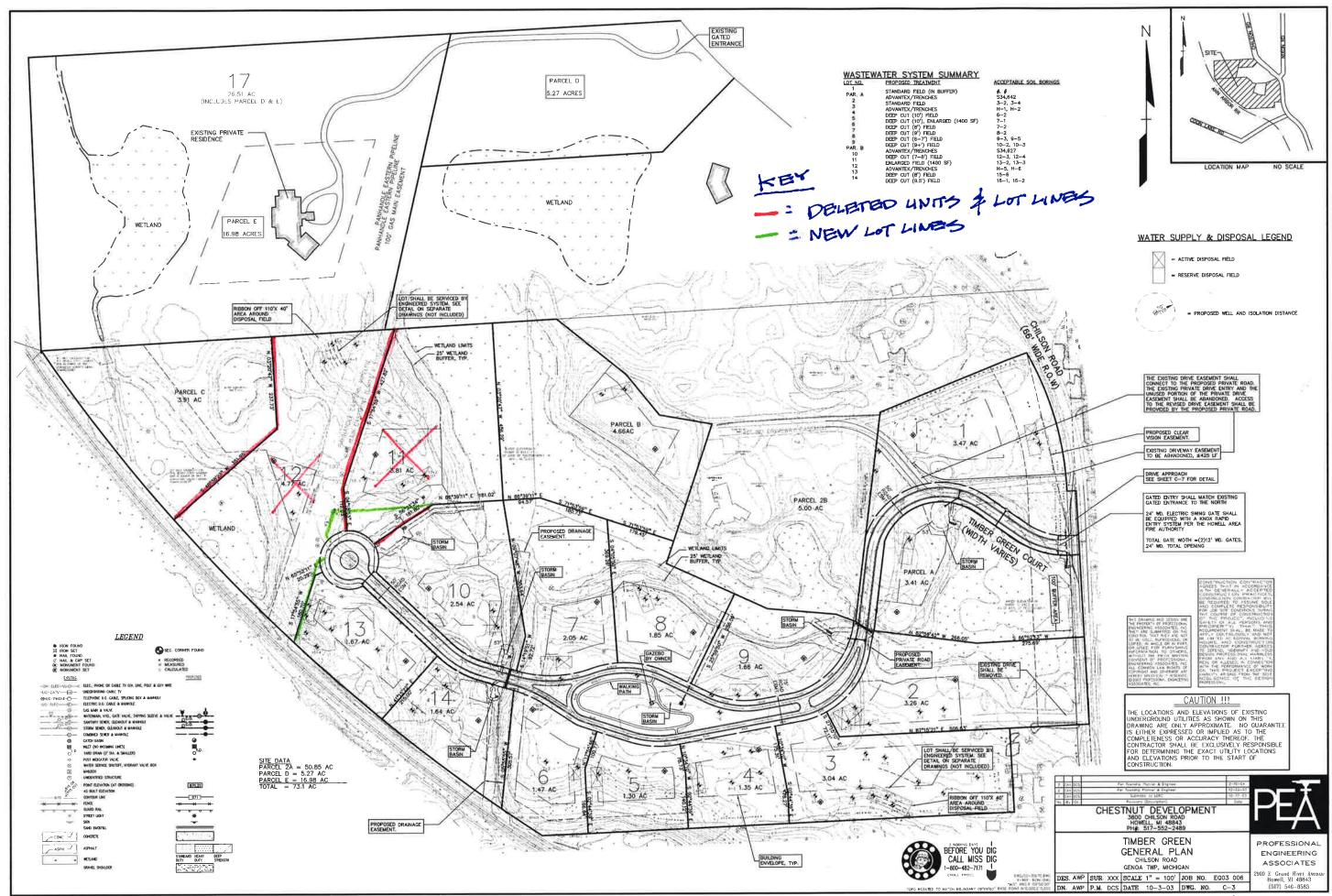
CHESTNUT DEVELOPMENT, L.L.C., a Michigan limited liability company

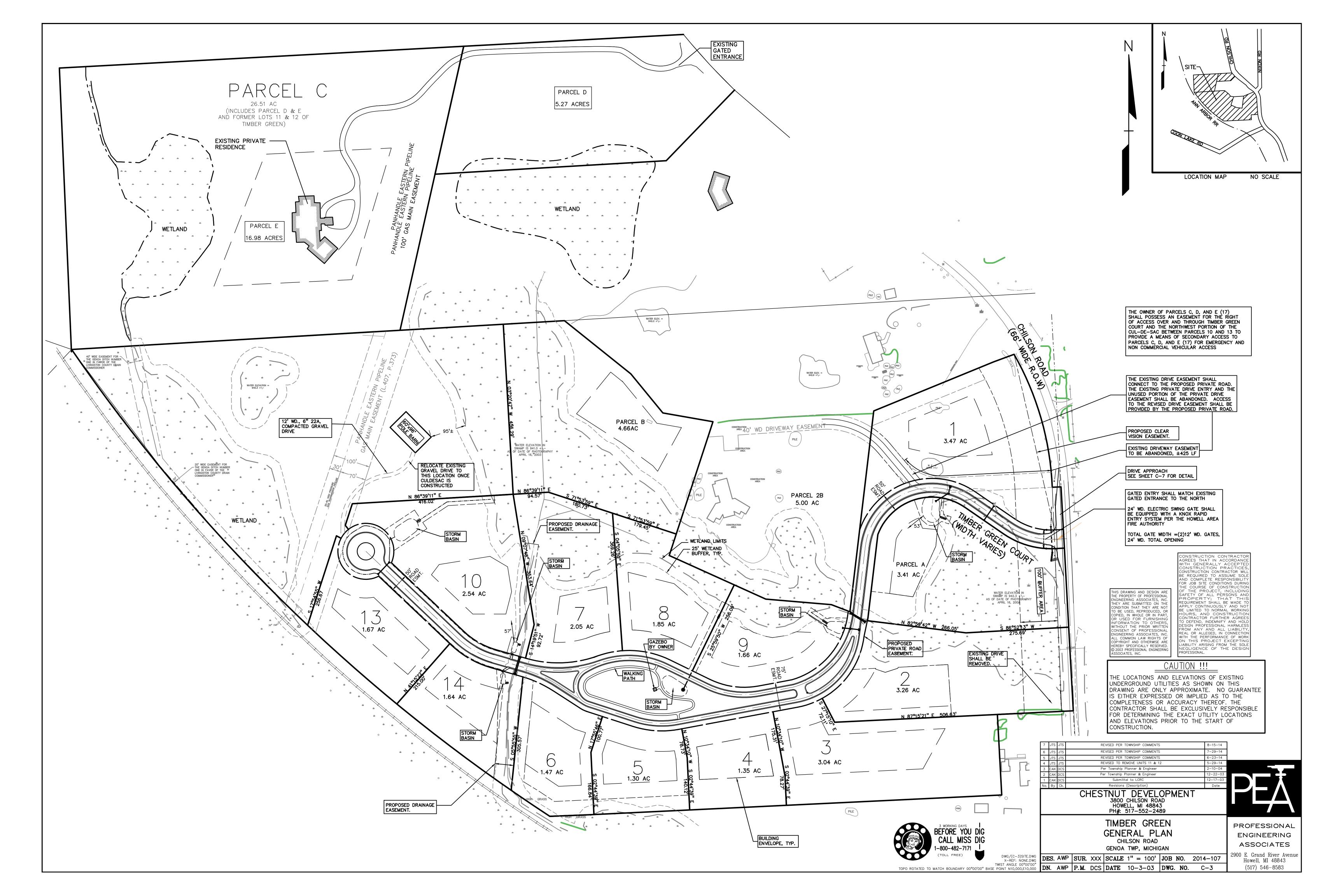
	By:		
		Steven J. Gro	now, Managing Member
STATE OF MICHIGAN)		
) SS.		
COUNTY OF LIVINGSTON)		
The foregoing Second A acknowledged before me this Member of Chestnut Developme the limited liability company.	_ day of	_, 2014, by St	
			, Notary Public
			County, Michigan
			expires:
	Act	ıng ın	County, Michigan

This Instrument Drafted By:

Roger L. Myers MYERS & MYERS, PLLC 915 N. Michigan Ave. Howell, Michigan 48843

When recorded return to Drafter





SECOND AMENDMENT TO MASTER DEED OF TIMBER GREEN

THIS SECOND AMENDMENT TO MASTER DEED OF Timber Green is made and executed this _____ day of September, 2014, by Chestnut Development, LLC, a Michigan limited liability company of 3800 Chilson Road, Howell, Michigan 48843 (the "Developer").

PRELIMINARY STATEMENTS

- A. Timber Green ("Project") was established by recording the Master Deed of Timber Green dated the 2nd day of November, 2005, and recorded December 28, 2005, in Liber 5002, Pages 613 through 681, inclusive Livingston County, Michigan records (the "Master Deed") establishing the real property described in Article II of the Master Deed, together with the improvements located and to be located thereon and the appurtenances thereto, as a condominium project under the provision of Act 59 of the Michigan Public Acts of 1978, as amended (the "Act"); and
- B. The Master Deed was amended pursuant to the First Amendment To Master Deed Of Timber Green dated the 26th day of January, 2011, and recorded January 27, 2011, at 2011R-002925; and
- C. The Developer has the unilateral right without the consent of any co-owner or other person to amend the Master Deed to eliminate Unit 11 and Unit 12 from the Condominium Subdivision Plan and to the reservation of an access easement over the Condominium roadways and Common Areas;
- C. The Developer desires to amend the Master Deed as stated in this Second Amendment to Master Deed.

NOW, THEREFORE, the Developer does hereby amend the Master Deed as follows:

1. Legal Description. Article II of the Master Deed is amended to read as follows:

"The land which is submitted to the Condominium Project established by this Master Deed is described as follows:

PART OF THE NORTHEAST 1/4 OF SECTION 29, T2N-R5E, GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 29; THENCE ALONG THE NORTH LINE OF SECTION 29, S 86°39'11" W, 212.30 FEET; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF CHILSON ROAD, ON THE ARC OF A CURVE TO THE RIGHT 192.33 FEET, RADIUS 785.51 FEET, CENTRAL ANGLE OF 14°01'43" AND A CHORD BEARING S 36°41'12" E, 191.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF CHILSON ROAD ON THE ARC OF A CURVE RIGHT 373.97 FEET, RADIUS OF 785.51 FEET, CENTRAL ANGLE OF 27°16'36", AND A CHORD BEARING S 16°02'05" E, 370.45 FEET; THENCE N 87°36'15" E, 23.53 FEET; THENCE ALONG THE EAST LINE OF SAID SECTION 29; S 03°07'47" E, 164.32 FEET; THENCE S 86°52'15" W, 23.00 FEET; THENCE 147.68 FEET ALONG A CURVE TO THE RIGHT RADIUS 225.00 FEET, CENTRAL ANGLE 37°36'25", CHORD BEARING N 74°19'18" W, 145.04 FEET, THENCE N 55°31'06" W, 126.43 FEET; THENCE 280.73 FEET ALONG A CURVE TO THE LEFT, RADIUS 155.00 FEET, CENTRAL ANGLE 103°46'25", CHORD BEARING S 72°35'42" W, 243.91 FEET; THENCE S 06°46'52" W, 224.84 FEET; THENCE S 11°59'06" W, 7.87 FEET; THENCE S 82°59'42" E, 266.05 FEET; THENCE N 86°52'13" E, 275.69 FEET TO A POINT ON THE EAST LINE OF SAID SECTION; THENCE ALONG SAID LINE S 03°07'47" E, 224.37 FEET; THENCE S 87°15'19" W, 203.60 FEET; THENCE S 03°07'47" E, 216.00 FEET; THENCE ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 29, AS PREVIOUSLY SURVEYED AND MONUMENTED, S 87°15'19" W, 1114.10 FEET; THENCE CONTINUING ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4, S 87°47'04" W, 97.81 FEET; THENCE ALONG THE NORTHEASTERLY LINE OF THE ANN ARBOR RAILROAD RIGHT-OF-WAY NORTHWEST ON AN ARC OF A CURVE TO THE RIGHT 827.59 FEET, RADIUS OF 4612.69 FEET, CENTRAL ANGLE 10°16'47" CHORD BEARING N 51°44'06" W, 826.48 FEET; THENCE N 17°54'55" E, 251.65 FEET; THENCE S 62°15'48" E, 14.03 FEET; THENCE ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT 31.15 FEET, RADIUS OF 75.00 FEET, CENTRAL ANGLE 23°47'36" CHORD BEARING N 39°38'56" E, 30.92 FEET; THENCE N 38°28'01" W, 13.67 FEET; THENCE N 17°58'54 E, 61.08 FEET; THENCE N 86°39'11" E, 526.18 FEET; THENCE S 71°53'59" E, 360.17 FEET; THENCE S 18°05'59" W, 60.55 FEET; THENCE S 65°40'53" E, 283.84 FEET; THENCE S 85°10'57" E, 176.26 FEET; THENCE S 69°06'00" E, 53.15 FEET; THENCE N 06°46'52" E, 541.54 FEET; THENCE N 67°42'55" E, 347.08 FEET; THENCE N 69°43'33" E, 58.24 FEET TO THE POINT OF BEGINNING. CONTAINING 30.72 ACRES AND SUBJECT TO EASEMENTS OR RESTRICTIONS OF RECORD."

2. Description of Units and Percentage of Value. Article V of the Master Deed is hereby amended to read as follows:

"Section 1. Description of Units. Each Unit in the Condominium Project is described

in this paragraph with reference to the Condominium Subdivision Plan of Timber Green as prepared by Professional Engineering Associates, Inc. dated August 22, 2014 and attached hereto as Exhibit B. There are 14 Units in the Condominium Project established by this Second Amendment to Master Deed – Units 1 through 10, inclusive, Unit 13, Unit 14, Unit A and Unit B-2. Each Unit shall consist of the area located within Unit boundaries as delineated on Exhibit B hereto together with all appurtenances thereto. Although Units 10, 13 and 14 have been established hereby as separate, conveyable Units, Developer does not presently intend to extend road and utility service to such Units and shall not be obligated to do so until it determines, in its sole discretion, to extend such facilities to serve such Units.

- Section 2. Percentage of Value. The percentage of value assigned to each of the 14 Units is equal. The determination that percentages of value should be equal was made after reviewing the comparative characteristics of the Units in the Project and concluding that there are not material differences among the Units insofar as the allocation of percentages of value is concerned. The percentage of value assigned to each Unit shall be determinative of each Coowner's respective share of the General Common Elements of the Condominium Project, the proportionate share of each respective Co-owner in the proceeds and expenses of administration and the value of such Co-owner's vote at meetings of the Association of Co-owners."
- **3. Rights Retained by Developer**. Article VIII, Section 2 of the Master Deed is hereby amended to add a new subsection (e) as follows:
- "(e) <u>Secondary Access Easement for Parcel C</u>. The Developer, on behalf of itself and its successors and assigns, reserves for the perpetual benefit of Parcel C as depicted on the Condominium Subdivision Plan, the right of use of the Condominium roadways and the Common Areas located between Unit 10 and Unit 13 for the purpose of emergency and non-commercial vehicular access to Parcel C."
- **4. Condominium Subdivision Plan**. The Condominium Subdivision Plan attached to the Master Deed as **Exhibit B** is hereby amended as shown on the attached **Exhibit B** Condominium Subdivision Plan and replaces sheets 1 through 7, inclusive.
- **5. Continuing Effect**. Except as amended and modified by this Second Amendment to Master Deed, all terms and conditions of the Master Deed, as previously amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the Developer has duly executed this Second Amendment to Master Deed as of day and year first above written.

[Signature on next page]

CHESTNUT DEVELOPMENT, LLC

	By:
	Steven Gronow
	Its: Managing Member
STATE OF MICHIGAN)	
) SS	
COUNTY OF LIVINGSTON)	
• •	, 2014, before me, a Notary Public, in and for said
• 11	er and Member of Chestnut Development, LLC, a
	e personally known, who being by me duly sworn,
	instrument was signed and sealed on behalf of said
limited liability company.	
	N
	Notary Public, Livingston County, MI
	Acting in Livingston County
	My Commission Expires:

This Instrument Drafted by and After Recording Return to:

Roger L. Myers, Esq. Myers & Myers, PLLC 915 N. Michigan Avenue, Suite 200 Howell, MI 48843 (517) 540-1700

September 5, 2014

COMMISSIONERS:

I understand that there was some concern about the length of the packets and the time it takes to review them at a meeting over the summer. I would like to work with the Commission on ways to improve upon our process and provide you with the information you need to make informed decisions. The following page is my attempt to provide you with an executive summary of the consultant comments on the Northridge project. This would allow you to read one document to get a snapshot of the outstanding items. Additional information would still be available in the individual letters, but this might be a nice way to present the information and also may be very helpful in formulating motions in regard to a project. I will provide a hard copy of the executive summary at the table on Monday in hopes that it will allow you to take notes, and put together the items to help formulate motions on projects.

I will be looking for your feedback on this proposal at Monday's meeting. The only downside I can see to implementing this new approach will be that it may add a few days to the site plan review process timeframe because I will need additional time to prepare the summaries for the packet.

I would also like your consideration of reducing the number of site plan sheets within the packet. Most of you may not need the utility plan and some of the technical details sheets that often make the packet file size very large. These sheets could be available by request, and I would have them to display on the screen during the meeting, but they may not need to be included in the packet if they are not being reviewed.

I look forward to our discussion in this regard on Monday.

Kelly VanMarter

Assistant Township Manager/Community Development Director



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

SUPERVISOR

Gary T. McCririe

CLERK

Paulette A. Skolarus

TREASURER

Robin L. Hunt

MANAGER

Michael C. Archinal

TRUSTEES

H. James Mortensen Jean W. Ledford Todd W. Smith Linda Rowell

MEMORANDUM

TO: Planning Commission

FROM: Kelly VanMarter, Assistant Township Manager/Community Development

Director

DATE: September 5, 2014

RE: Northridge Sketch Plan

EXECUTIVE SUMMARY OF OUTSTANDING ISSUES FROM CONSULTANTS:

PLANNING:

- 1. Lot coverage calculations (both building and impervious surface) must be provided.
- 2. Building material and color samples should be presented.
- 3. Additional details for use of the proposed driveway between the rear parking lot and proposed building addition should be provided.
- 4. Details for new lighting should be provided, if applicable.
- 5. Several notes on the plan should be revised to clearly distinguish what was previously approved from what is currently proposed

ENGINEERING:

- 1. Contours and grading details should be shown on the plan to show the impact of the new impervious surface and building addition.
- 2. The plan should include any stormwater management related work that will be done to address the increase in impervious area.
- 3. The pipes shown on the west side of the building should be clarified. What is their purpose and are they existing or proposed?
- 4. Indications as to the direction of run-off and the method for stormwater discharge for the new driveway shall be provided.
- 5. Either the septic field or the driveway shall be relocated so they do not conflict.
- 6. The petitioner should clarify that the width and dimensions of the driveway and turnaround will accommodate the type of vehicles anticipated.

FIRE:

- A fire apparatus access road shall extend to within 150 feet of all portions of the exterior wall of the building. The new asphalt access drive to the "backstage" addition shall be increased to 20' wide in order to satisfy this code requirement.
- 2. The building shall include the building address on the building. The address shall be a minimum of 6" high letters of contrasting colors and be clearly visible from the street. The location and size shall be verified prior to installation.
- 3. A Rapid Access KNOX Box shall be provided on the building. The Knox box will be located adjacent to the front door of the structure

I look forward to discussing this with you on Monday. Please let me know if you have any questions or concerns.



GENOA CHARTER TOWNSHIP APPLICATION Sketch Plan Review

TO THE GENOA TOWNSHIP PLANNING COMMISSION: APPLICANT NAME & ADDRESS: Northridge Church,7555 Brighton Road, Brighton, Mi 48116 If applicant is not the owner, a letter of Authorization from Property Owner is needed. OWNER'S NAME & ADDRESS: Northridge Church, 7555 Brighton Road, Brighton, MI 48116 SITE ADDRESS: 7555 Brighton Road, Brighton, MI 48116 PARCEL #(s): 4711-25-300-037 APPLICANT PHONE: (_____OWNER PHONE: (____) LOCATION AND BRIEF DESCRIPTION OF SITE: The site is located on the north side of Brighton Road, east of Bauer Road and just west of the downtown Brighton area. The site is approximately 15.25 acres. The property is zoned SR and is currently being used as a religious facility. BRIEF STATEMENT OF PROPOSED USE: The property will continue to be used as a religious facility. THE FOLLOWING IMPROVEMENTS ARE PROPOSED: A small backstage area, addition and related driveway to access the addition are proposed on the northeast side of the existing building. This request is for an ammendment to a previously approved sketch site plan. I HEREBY CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. BY: Jim King, CFO Northridge Church ADDRESS: 49555 N Territorial Road, Plymouth Township, MI Contact Information - Review Letters and Correspondence shall be forwarded to the following: Jim King, CFO of Northridge Church Name Business Affiliation Email Address

All sketch plans are allocated one (1) consultant review and one (1) Planning Commission meeting. If additional reviews or meetings are necessary, the applicant will be required to pay the actual incurred costs for the additional reviews. If applicable, additional review fee payment will be required concurrent with submittal for a Land Use Permit. By signing below, applicant indicates agreement and full understanding of this policy.

SIGNATURE

DATE:

PHONE: 734-414-7777



LSL Planning, Inc.

Community Planning Consultants

September 2, 2014

Planning Commission Genoa Township 2911 Dorr Road Brighton, Michigan 48116

Attention:	Kelly Van Marter, AICP
	Assistant Township Manager and Planning Director
Subject:	Northridge Church building addition and site improvements – Sketch Plan Review
Location:	7555 Brighton Road – north side of Brighton Road, east of Bauer Road
Zoning:	SR Suburban Residential District

Dear Commissioners:

As requested, we have reviewed the sketch plan proposing site and building improvements for the Northridge Church property (plan dated 8/1/14). The property is located on the north side of Brighton Road, east of Bauer Road, and is within the SR Suburban Residential zoning district.

The proposed project has been reviewed in accordance with the Genoa Township Zoning Ordinance.

A. Summary

- 1. The project qualifies for sketch plan review and is a minor amendment to an existing special land use.
- 2. Lot coverage calculations (both building and impervious surface) must be provided.
- 3. Building material and color samples should be presented to the Planning Commission.
- 4. We suggest the applicant provide additional details for use of the proposed driveway between the rear parking lot and proposed building addition.
- 5. If new wall mounted lighting is proposed for the building addition, details must be provided.
- 6. We suggest the applicant revise several notes on the plan to clearly distinguish what was previously approved from what is currently proposed.

B. Proposal/Process

The applicant requests sketch plan approval for an addition on the east side of the building and a new driveway between the rear parking lot and proposed building addition. The proposed addition contains approximately 1,400 square feet of floor area and is identified as a backstage area. Earlier this year, the applicant obtained sketch plan approval for site improvements to the property and building.

Per Table 18.2 of the Township Zoning Ordinance, the project qualifies for sketch plan review (as opposed to full site plan review). Additionally, the project constitutes a minor amendment to an existing special land use (Section 19.06); therefore, a new special land use review is not required at this time.



Aerial view of site and surroundings (looking north)

C. Sketch Plan Review

- 1. Dimensional Requirements. The only impacts on dimensional requirements are the side yard setback for the building addition and increases in lot coverage (both building and impervious surface). The proposed addition is well outside of the required setbacks; however, the submittal does not include updated coverage calculations. The applicant must provide calculations to ensure compliance with allowable building (20% maximum) and impervious surface (35% maximum) coverages.
- 2. Building Materials and Design. The proposed elevations, including colors and materials, are subject to review and approval by the Planning Commission. The materials proposed include brick and simulated stone paneling. We believe the intent is to match existing materials and colors; however, the applicant should provide samples for the Commission's review.
- **3. Parking.** The sketch plan approved earlier this year included parking lot improvements. Given its intended usage (backstage area), the proposed addition does not impact the amount of parking required (based on seats in the main unit of worship).
- **4. Vehicular Circulation.** The project includes a new asphalt driveway between the rear parking lot and proposed building addition. The driveway is approximately 10' in width with a turn-around area near the building. Given its relatively narrow width and limited turn-around area, we suggest the applicant provide: 1) an indication of the vehicle types that will be using this driveway; and 2) a turning template demonstrating that such vehicles can adequately use the driveway.
- **5. Exterior Lighting.** The submittal does not indicate that any new exterior site lighting is proposed. If new wall mounted fixtures are proposed on the building addition, the applicant must provide details for Township review.
- **6. Additional Considerations.** The sketch plan submitted includes the improvements previously approved, but still identifies them as proposed. In order to avoid confusion in the future, we suggest the notes on the plan be revised to clearly distinguish between what was previously approved from what is currently proposed. The application form lists only the building addition and access drive in its project description.

Genoa Township Planning Commission

Northridge Church Sketch Plan Review #1

Page 3

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

Sincerely,

LSL PLANNING, INC.

Brian V. Borden, AICP

Senior Planner



August 22, 2014

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

Re: Northridge Church Backstage Addition Sketch Plan Review

Dear Ms. Van Marter:

We have reviewed the sketch plan submittal from Hobbs & Black Associates, Inc., dated August 11, 2014. The petitioner is proposing to construct an approximately 1,400 square foot backstage addition on the eastern side of the existing auditorium on the property. The expansion will not alter the use of the premises.

The sketch plan includes a site plan showing alterations to the existing site pavement including the removal of a small parking lot for the construction of a drop-off lane and construction of a new asphalt driveway to access the proposed addition. The site plan does not include any contours or details of grading to show the impacts of these new impervious surfaces, including the building addition. The plan should include any stormwater management-related work that will be done to address the increase of impervious area.

There are several pipes called out on the site plan on the west side of the building. It is not clear as to their purpose or if they are existing or proposed for this development. These need to be clarified as to what is existing, proposed, or part of the work submitted under this sketch plan amendment.

The petitioner is proposing to construct a new 10-foot-wide asphalt driveway up to the rear of the new addition. Spot elevations are given down the centerline of the driveway, but there is no indication as to which way runoff will be directed and where it will discharge at the bottom of the hill. This driveway is also shown intersecting a portion of the area that has been identified as the location of the new septic field. Need clarification as to whether this is where a new field will be built during this proposed work or if that is an area set aside for future septic field replacement. In either case, that space should be shown as being relocated or the alignment of the driveway should be adjusted to not cross the field.

The petitioner should also review the width of the proposed driveway and the dimensions of the turnaround provided to ensure adequacy for the type of vehicles that will be driven on it. The addition

Ms. Kelly Van Marter Northridge Church Backstage Addition – Sketch Plan Review August 22, 2014 Page 2

calls for a loading area with an overhead door, and the current arrangement will make turning a truck around very difficult.

We request the above clarifications be made for the proposed work to be done per this amended sketch plan prior to being approved.

Please call if you have any questions.

Sincerely,

Gary J. Markstrom, P.E.

Unit Vice President

copy: Jim King, CFP - Northridge Church



BRIGHTON AREA FIRE AUTHORITY

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

August 27, 2014

Kelly VanMarter Genoa Township 2911 Dorr Road Brighton, MI 48116

RE: Northridge Church

7555 Brighton Rd. Site Plan Review

Dear Kelly:

The Brighton Area Fire Department has reviewed the above mentioned site plan. The plans were received for review on August 20, 2014 and the drawings are dated August 11, 2014. The project is based on the renovation of an existing church building including the addition of a front foyer area and a 1500 S.F. addition to the rear of the building along with site improvements. The plan review is based on the requirements of the International Fire Code (IFC) 2012 edition.

The following items are requirements of the International Fire Code and are recommended in order to bring this site plan into general conformance with this code.

1. A fire apparatus access road shall extend to within 150 feet of all portions of the exterior wall of the building. The new asphalt access drive to the "backstage" addition shall be increased to 20' wide in order to satisfy this code requirement.

IFC 503.1.1, 503.2.1

2. The building shall include the building address on the building. The address shall be a **minimum of**6" high letters of contrasting colors and be clearly visible from the street. The location and size shall be verified prior to installation.

IFC 505.1

3. A Rapid Access KNOX Box shall be provided on the building. The Knox box will be located adjacent to the front door of the structure.

IFC 506.1

Additional comments will be given during the building plan review process (specific to the building plans and occupancy). If you have any questions about the comments on this plan review please contact me at 810-229-6640.

Cordially,

Michael Evans, EFO, CFPS

Deputy Fire Chief

cc: Applicant

NorthRidge Church Brighton

BACKSTAGE SITE PLAN APPROVAL

AUGUST 11, 2014

CONSTRUCTION MANAGER

AUCH 725 S. Paddock St, Pontiac, Michigan 48341 (248) 334-2000

CIVIL ENGINEER

BOSS ENGINEERING 3121 E. Grand River Howell, Michigan 48843 (800) 246-6735

ARCHITECT

HOBBS+BLACK ASSOCIATES, INC. 100 North State Street Ann Arbor, Michigan 48104 (734) 663-4189

MECH./ELEC. ENGINEER

MA ENGINEERING 200 E. Brown Street Birmingham, Michigan 48009 (248) 258-1610

STRUCTURAL ENGINEER

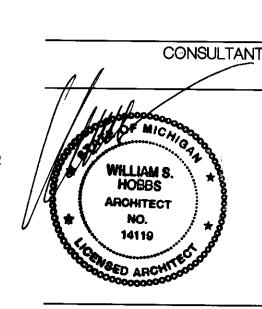
JOHNSTON DESIGN, INC. 114 Wompole Clarkston, Michigan 48346 (248) 620-6489



SITE PLAN APPROVAL 8/11/14

NorthRidge Church 555 Brighton Road enoa Township, MI

PROJECT



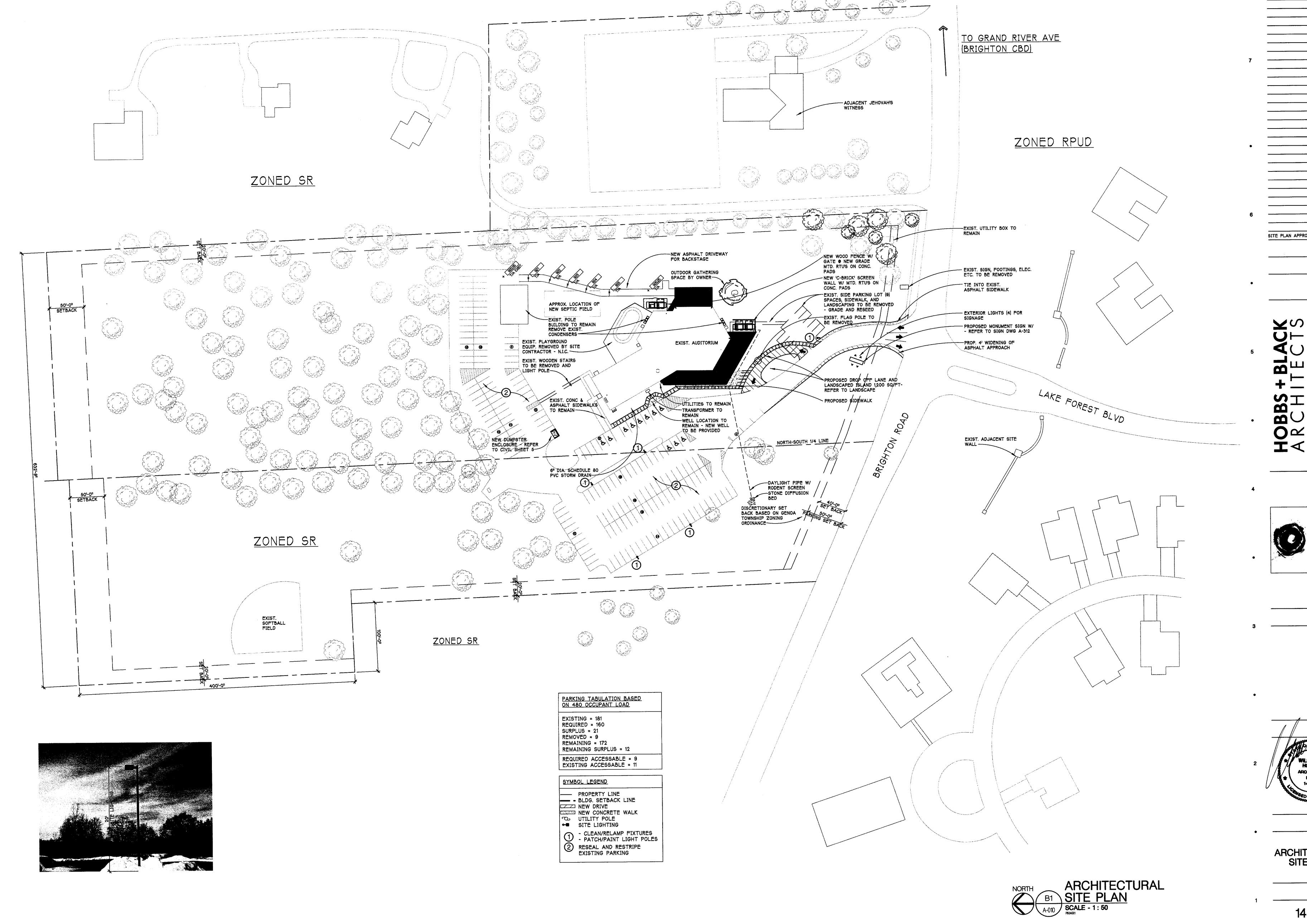
TITLE SHEET

SHEET

14-901

A-000

HEET NUMBER



• E • D • C • B

SITE PLAN APPROVAL 8/11/14 DATE ISSUED

CHECKED BY

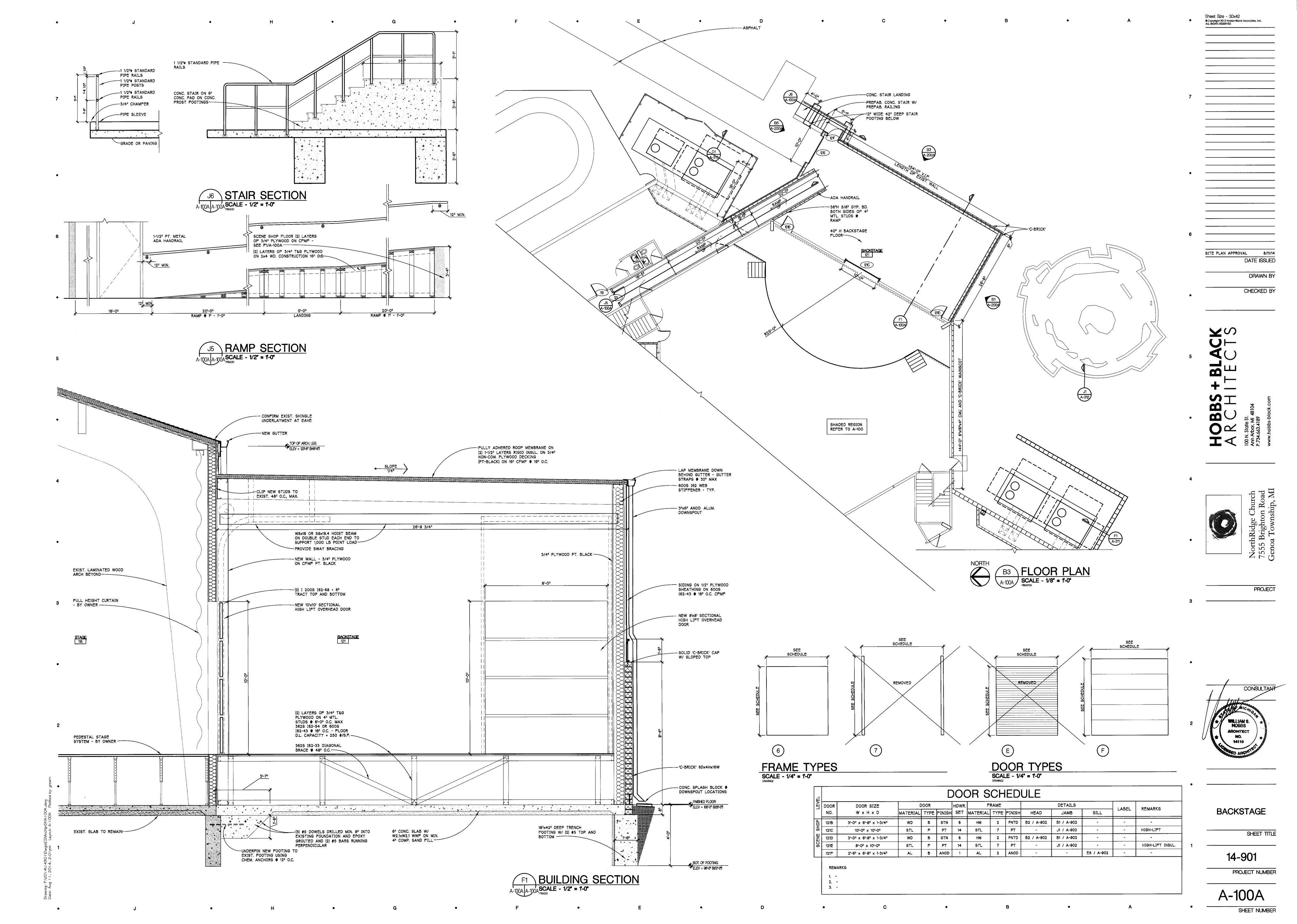
ARCHITECTURAL SITE PLAN

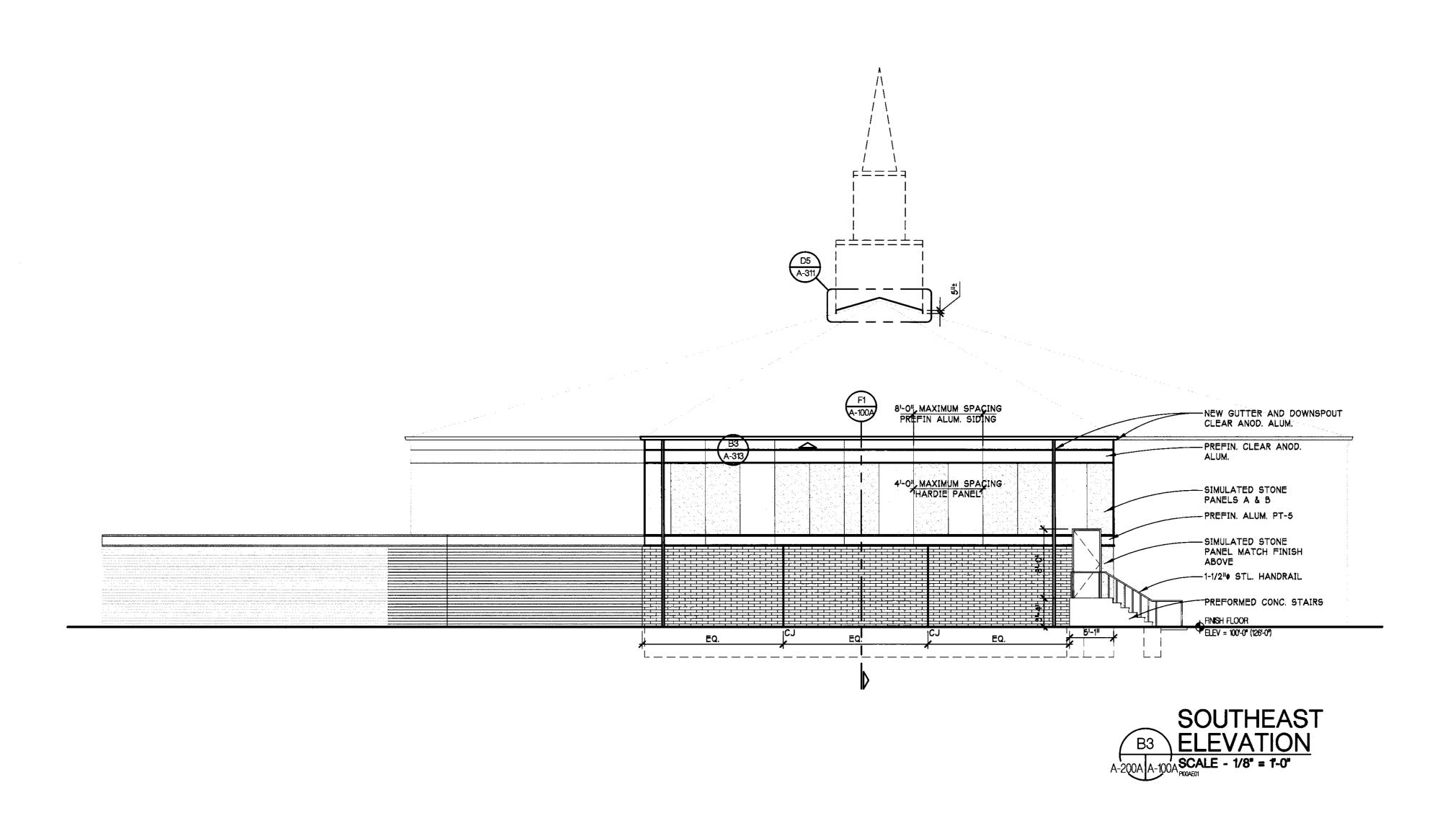
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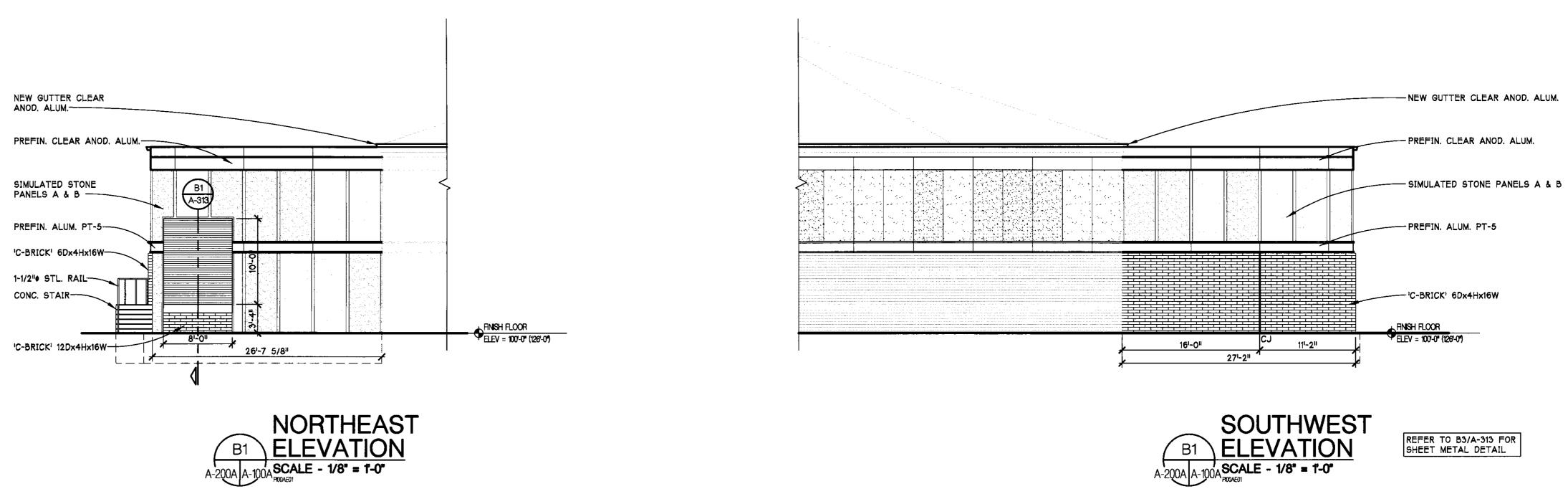
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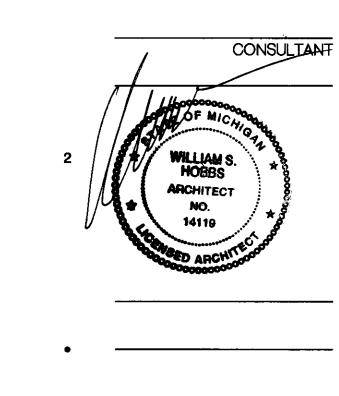
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SHEET NUMBER









BACKSTAGE ELEVATIONS

PROJECT

SITE PLAN APPROVAL 8/11/14

HOBBS ARCH

DATE ISSUED

14-901

SHEET TITLE

PROJECT NUMBER

A-200A SHEET NUMBER

REFER TO B3/A-313 FOR SHEET METAL DETAIL

GENOA CHARTER TOWNSHIP PLANNING COMMISSION PUBLIC HEARING AUGUST 11, 2014 6:30 P.M. MINUTES

<u>CALL TO ORDER:</u> The meeting of the Genoa Township Planning Commission was called to order at 6:30 p.m. Present were Chairman Doug Brown, Eric Rauch, Diana Lowe, John McManus, James Mortensen, and Barbara Figurski. Also present were Michael Archinal, Township Manager, and Brian Borden of LSL Planning. Township Attorney, Frank Mancuso Jr., was also present.

<u>PLEDGE OF ALLEGIANCE:</u> The Pledge of Allegiance was recited.

<u>APPROVAL OF AGENDA:</u> Diana Lowe moved to approve the agenda as amended to include a work session. The motion was supported by John McManus. **Motion carried unanimously.**

WORK SESSION: A general discussion regarding the Timbergreen amendment was held.

<u>CALL TO THE PUBLIC:</u> No one wished to address the Planning Commission.

OPEN PUBLIC HEARING #1... Review of a proposed amendment to the Timbergreen planned unit development (PUD) site condominium and agreement for the property located at 3800 Chilson Road, Howell, Michigan 48443, petitioned by Chestnut Development.

The amendment would delete two building lots from the site condominium, allow construction of a single 6,000 square foot accessory building and reduce the minimum house size to 2,500 square feet.

Steve Gronow addressed the Planning Commission. He provided copies of the original C-3 to the Planning Commission members. James Mortensen held a discussion with the petitioner for the purpose of refreshing his memory as to what has transpired to this point.

Chairman Brown discussed the PUD agreement and the letter from the Township Attorney, Frank Mancuso, Jr., dated July 25, 2014. There is a reference to a second amendment. The petitioner indicated this is the only amendment. There is no second amendment. That should be corrected. The name of the Township should be corrected as well. The references to C-3 should be corrected to include the date of the C-3 being referenced. The first should be dated 9/30/03 and the second should be dated 10/3/03. The petitioner indicated that should actually read 8/11/14.

Chairman Brown indicated that someone should clean up the language of the PUD agreement so that any reader would be able to understand what is being included and excluded at this point in time along with a brief explanation of why it is being included or excluded. Attorney Mancuso indicated that he would prefer that the paragraph indicate the changes and outline them succinctly. He is willing to work with the petitioner's attorney to clean up the language.

James Mortensen inquired whether the setbacks had changed. The petitioner indicated that the homes will fit within the envelope sufficiently. There are two changes in building sizes. Mr. Mortensen asked the petitioner if he could provide to the Township a drawing that overlays the old plan with the new plan, but the changes should be outlined in red.

The petitioner showed the Planning Commission where the new 6,000 foot building would be built. The width of the drive was discussed. The petitioner was told it must be able to accommodate emergency vehicles. Attorney, Frank Mancuso, Jr., indicated that an easement will be required. The petitioner indicated he would like a secondary access road.

The petitioner indicated parcels C, D, and E were 17 on the old PUD. This will be cleared up in future paperwork.

Township Attorney, Frank Mancuso, Jr., indicated he was unable to confirm that the legal description was correct for what was being discussed tonight. Chairman Brown indicated that the barn will require site plan review.

Chairman Brown reminded the Planning Commission that the pole barn would not be seen from anyone, so he has no objection to the pole barn. Township Attorney Mancuso indicated that the plan review should outline that an exception is being made and the reason for it. Chairman Doug Brown concurred.

Attorney Mancuso indicated there will be an amendment to the Master Deed. It is necessary for the access easement. The schedule of values will change, as well. The amendment to the Master Deed would need approval by the Township. The Master Deed provided was that which was recorded in 2004 or 2005. This was provided for informational purposes. He is willing to work with the petitioner's attorney on that.

Chairman Brown opened the hearing to the public. All and Debbie, who reside across the street from the petitioner, indicated they are happy with the discussions that they've heard this evening.

Brian Borden addressed the Planning Commission. He addressed the zoning. The Township Attorney believes it is now zoned RR rather than CE. It was re-classified due to density issues. The PUD agreement will need a provision in it to allow an accessory building of this size. Chairman Brown indicated that the reasoning for the reclassification should be outlined in the PUD.

Planning Commission disposition of petition

- A. Recommendation of PUD Agreement Amendment.
- B. Recommendation of PUD Site Plan.

Motion by James Mortensen to recommend to the Township Board approval of amendment one to the PUD Agreement dated December 15, 2005 for Timbergreen to provide a reduction in the square footage of two story homes from 3,000 square feet in the original agreement to 2,500 square feet and the creation of a 2,000 square foot minimum building requirement for one story homes. This is subject to mutually agreed upon language between the developer and Township Attorney. This motion is made because the petitioner convinced the Planning Commission that the real estate market has changed. Support by John McManus. **Motion carried unanimously.**

Motion by James Mortensen to table the remaining items of the proposed amendment in the Timbergreen agreement dated December 15, 2005 until the Planning Commission meeting September 8, 2014. Support by Diana Lowe. **Motion carried unanimously.**

Motion by John McManus to table the Site Plan approval until the September 8, 2014 Planning Commission meeting. Support by Eric Rauch. **Motion carried unanimously.**

Administrative Business:

- Staff report. Michael Archinal gave a staff report. Kelly VanMarter returned to work today.
- Approval of July 14, 2014 Planning Commission meeting minutes. Motion by Barbara Figurski to approve the minutes of the July 14, 2014 meeting. Support by Diana Lowe. Motion carried unanimously.
- Member discussion. Michael Archinal suggested a workshop to discuss the packets.
- Adjournment. Motion by John McManus to adjourn. Support by Barbara Figurski. Motion carried unanimously.