

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

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

CALL TO THE PUBLIC:

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

OPEN PUBLIC HEARING #1... Review of a sketch plan for a proposed 194.1 sq ft equipment shelter, located at the City of Brighton Water Tank at 7925 Conference Center Drive, Brighton, Michigan 48116, parcel #11-24-200-062 The request is petitioned by Verizon Wireless c/o Stephen Crane.

Planning Commission disposition of petition

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

OPEN PUBLIC HEARING #2... Review of a proposed third amendment to the Timber Green Planned Unit Development (PUD) site condominium and agreement for a proposed 1,440 sq ft overhang addition to the approved 5,760 sq ft accessory structure at 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.

OPEN PUBLIC HEARING #3... Request to table rezoning, PUD amendment, site plan, and environmental impact assessment for a proposed 3,848 sq ft Red Olive Restaurant, located at 3838 E. Grand River Avenue, Howell, Michigan 48443, parcel # 4711-05-400-025. The request is petitioned by PKJJ, LLC.

Planning Commission disposition of petition

- A. Table request to January 12, 2015 meeting.

Administrative Business:

- *Staff report*
- *Approval of November 10, 2014 Planning Commission meeting minutes*
- *Member discussion*
- *Adjournment*



GENOA CHARTER TOWNSHIP APPLICATION
Sketch Plan Review

TO THE GENOA TOWNSHIP PLANNING COMMISSION:

APPLICANT NAME & ADDRESS: Verizon Wireless c/o Stephen Crane 1126 N. Main, Rochester MI, 48307
If applicant is not the owner, a letter of Authorization from Property Owner is needed.

OWNER'S NAME & ADDRESS: City of Brighton 200 North First St., Brighton MI, 48116

SITE ADDRESS: Conference Center Drive PARCEL #(s): 1124200062

APPLICANT PHONE: (248) 650-8000 OWNER PHONE: (810) 225-9257

LOCATION AND BRIEF DESCRIPTION OF SITE: _____
The antenna collocation is proposed on an existing City of Brighton
Water Tank located on Conference Center Drive.

BRIEF STATEMENT OF PROPOSED USE: Verizon Wireless proposes to collocate antennae
on the water tower and place an equipment shelter (approx. 12'x16') at the base.

THE FOLLOWING IMPROVEMENTS ARE PROPOSED: _____

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: Stephen Crane

ADDRESS: 1126 N. Main, Rochester MI, 48307

Contact Information - Review Letters and Correspondence shall be forwarded to the following:		
1.) <u>Stephen Crane</u>	of <u>C&W Consultants</u>	at <u>sc.jrcpc@yahoo.com</u>
Name	Business Affiliation	Email Address

FEE EXCEEDANCE AGREEMENT	
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: <u>[Signature]</u>	DATE: <u>10/28/2014</u>
PRINT NAME: <u>Stephen crane</u>	PHONE: <u>(248) 650-8000</u>



CITY OF BRIGHTON

"Providing quality service"

City Hall

200 N. First St.
Brighton, MI 48116-1593
(810) 227-1911
Fax# 227-6420
TDD Phone: (810) 227-8357

City Manager

225-8022
City Clerk
227-0463
Human Resources Director
225-9251
Cemetery/ Voter
Registration
227-0463

Community Development

Building
227-9005
Building Inspection Line
227-0419
Planning / Zoning
225-9257
Community Development/
DDA
225-8025

Finance

Accounts Payable
225-8019
Assessing Assistant
227-9006
City Assessor
225-8024
City Treasurer
225-8023
Finance Director
225-9283
Assistant Finance Director
227-7738
Property Taxes
227-0179
Utility Billing
225-8041

Police Department

440 S. Third St.
(810) 227-2700
Fax# 227-2063

Department of Public Services

420 S. Third St.
(810) 225-8001
Fax# 225-9249
DPS Director
225-9284
Assistant DPS Director
225-9282
Water Plant
227-2968
Wastewater Plant
227-9479

November 17, 2014

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

Re: Water Tower Co-location – Verizon Wireless

Mike :

The City of Brighton has been working with John Crane of Jonathan R. Crane, P.C. on behalf of Verizon Wireless for a co-location and equipment placement at the City of Brighton's elevated water storage tower located near Conference Center Drive in Genoa Charter Township.

Please accept this letter as authorization for Verizon Wireless – Care of Stephen Crane, C&W Consultants, Inc., 1126 N. Main, Rochester, MI 48307 to submit a site plan application for the antennae co-location and related ground equipment at the water tower site.

The City of Brighton acknowledges the need for the applicant to meet all applicable Genoa Township Ordinance requirements.

If you have any questions, feel free to contact me or our Planning & Zoning Director Amy Cyphert at cypuerta@brightoncity.org.

Best Regards,

Dana Foster
City Manager

Cc: Paul Burns, City of Brighton City Attorney
Neil Lehto, City of Brighton Special Legal Counsel
Amy Cyphert, City of Brighton Planning & Zoning Director
Tim Krugh, City of Brighton Utilities Director



LSL Planning, Inc.

Community Planning Consultants

November 24, 2014

Planning Commission
Genoa Township
2911 Dorr Road
Brighton, Michigan 48116

Attention:	Kelly Van Marter, AICP Assistant Township Manager and Planning Director
Subject:	Verizon Wireless equipment shelter – Sketch Plan Review #2
Location:	Conference Center Drive – north side of Conference Center Drive, west of Grand River Avenue
Zoning:	GCD General Commercial District

Dear Commissioners:

At the Township's request, we have reviewed the revised sketch plan proposing a new equipment shelter associated with a wireless communication facility (Verizon Wireless) at the existing water tower located off of Conference Center Drive (plan dated 11/14/14). The property is located on the north side of Conference Center Drive, west of Grand River Avenue, within the GCD General Commercial District.

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

A. Summary

1. The revised submittal includes a landscape plan, as required; however, the Commission may wish to require additional plantings if deemed necessary to screen views of the shelter from off-site.
2. The equipment shelter has a brick façade, as required.
3. The required fencing is provided.
4. Applicable dimensional standards (height and setbacks) are met.

B. Proposal/Process

The applicant requests sketch plan approval for new equipment shelter associated with an antenna co-location atop the existing water tower. The co-location element of the project is permitted without the need for Commission approval; however, the equipment shelter (non-residential accessory building) requires sketch plan review/approval by the Planning Commission in accordance with Section 18.02.



Aerial view of site and surrounding properties (looking north)

C. Sketch Plan Review

Section 18.02.08 provides the regulations for wireless communication facilities, including the following standards applicable to equipment shelters:

- 1. Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way.**

The revised submittal includes 6 new evergreen trees around the equipment area. Although there is no specific quantity required, the Commission may wish to require additional plantings to screen views of the shelter from off-site.

- 2. Elevations of the accessory buildings shall be provided. All accessory buildings shall be constructed of brick, provided the Planning Commission may waive this requirement for a building that is located in the Industrial District and is not visible from a public right-of-way or non-industrial zoning district.**

The revised submittal identifies a brick building, as required.

- 3. Fencing shall be provided for protection of the support structure and security from children and other persons who may otherwise access facilities.**

A 6-foot tall aluminum wrought iron style fence is proposed around the equipment/structure area, as required.

- 4. Accessory buildings shall be a maximum of fourteen (14) feet high and shall be set back in accordance with the requirements for principal buildings in that zoning district.**

The proposed building is just over 10 feet tall and provides setbacks in excess of those required in the GCD.

Genoa Township Planning Commission

Verizon Equipment Shelter Sketch Plan Review #2

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.

A handwritten signature in black ink, appearing to read "B. V. Borden". The signature is stylized and written over the printed name below it.

Brian V. Borden, AICP
Senior Planner



November 21, 2014

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

**Re: Brighton Water Tower Collocation
Sketch Plan Review #2**

Dear Ms. Van Marter:

We have reviewed the resubmitted sketch plan from Midwestern Consulting, dated November 14, 2014. The petitioner is proposing to install new antennas on the existing Brighton water tower adjacent to the Cracker Barrel restaurant, including the construction of a new equipment shelter and emergency power generator. The proposed shelter foundation will be approximately 17 feet by 12 feet and the generator pad will be approximately 11 feet by 4 feet. No sanitary sewer service or potable water service is being proposed.

SUMMARY

1. The petitioner has added a stone check dam at the end of the swale within the limits of disruption on the site to reduce runoff velocities. Construction drawings must include a soil erosion control plan and details for all temporary and permanent BMPs.

The petitioner has addressed the previous review comments and the site plan is recommended for approval. The above comments can be addressed in the construction plan submittal.

Please call if you have any questions.

Sincerely,

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

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

A handwritten signature in blue ink, appearing to read 'Joseph C. Siwek'.

Joseph C. Siwek, P.E.
Project Engineer

copy: Stephen Crane – C & W Consultants



BRIGHTON AREA FIRE AUTHORITY

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

November 21, 2014

Kelly VanMarter
Genoa Township
2911 Dorr Road
Brighton, MI 48116

RE: Verizon Wireless – Collocation with Brighton Water Tower
Conference Center Drive
Revised Site Plan Review

Dear Kelly:

The Brighton Area Fire Department has reviewed the above mentioned site plan. The plans were received for review on November 19, 2014. The project is based on the installation of antennas and associated equipment shelter for Verizon wireless telecommunications network on top of and at the base of an existing water tower. The plan review is based on the requirements of the International Fire Code (IFC) 2012 edition.

The submittal appears to be in general conformity with the fire prevention code as the two items listed below have been corrected by the applicant confirming compliance in the general notes.

1. **Statement of Compliance in Notes:** A Hazardous Materials Inventory Statement shall be provided regarding any materials planned for this site. This would include Sulfuric Acid for batteries. This inventory statement can be found on the BAFA website.
IFC 5001.5.2
2. **Statement of Compliance in Notes:** A NFPA 704 hazardous materials placard shall be provided on the entrance door of the equipment building if hazardous materials are contained inside this building.
IFC 5003.5

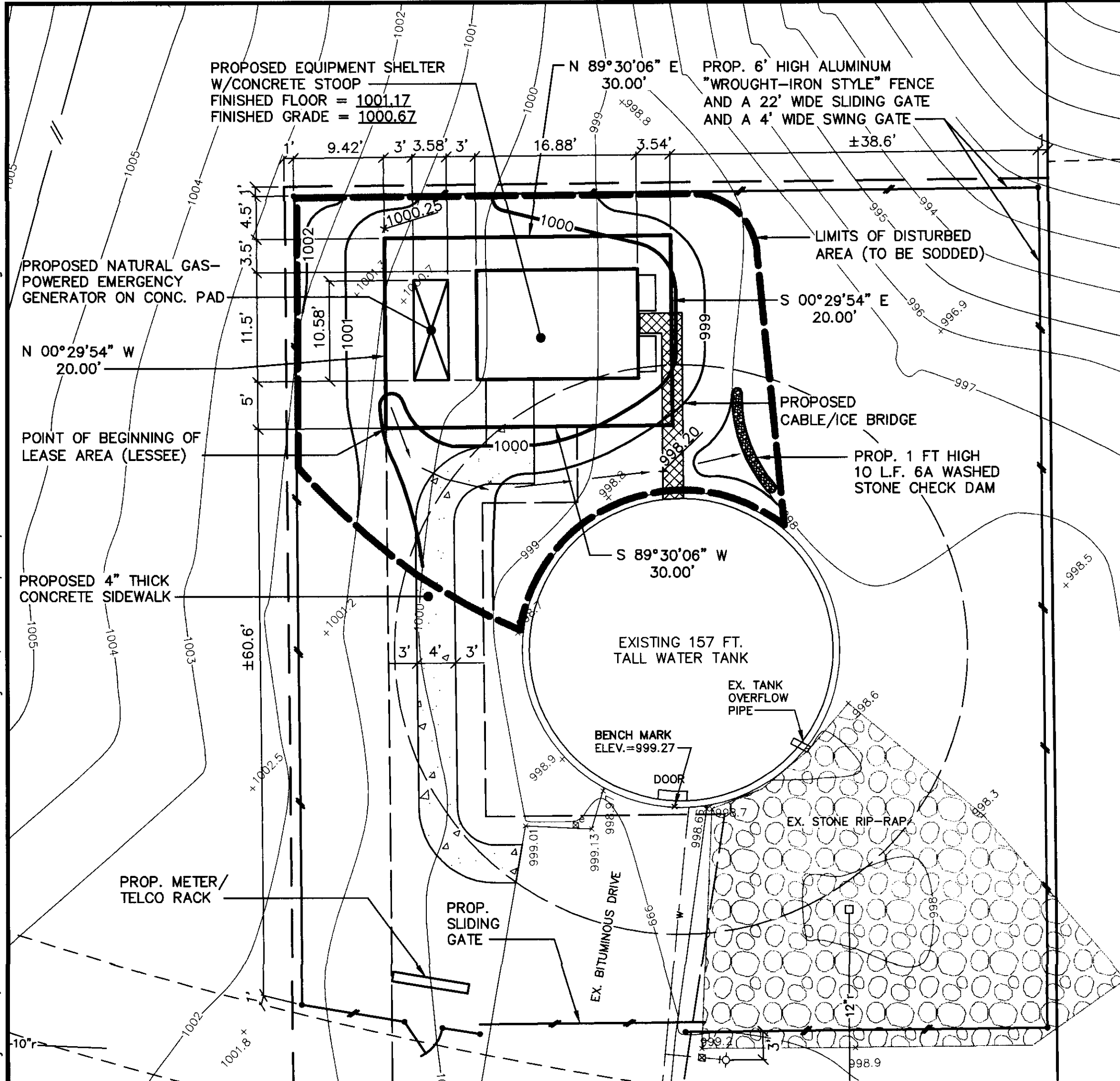
Additional comments will be given during the building plan review process (specific to the building plans and occupancy). If you have any questions about the comments on this plan review please contact me at 810-229-6640.

Cordially,

A handwritten signature in black ink, appearing to read "Michael Evans".

Michael Evans, EFO, CFPS
Deputy Fire Chief

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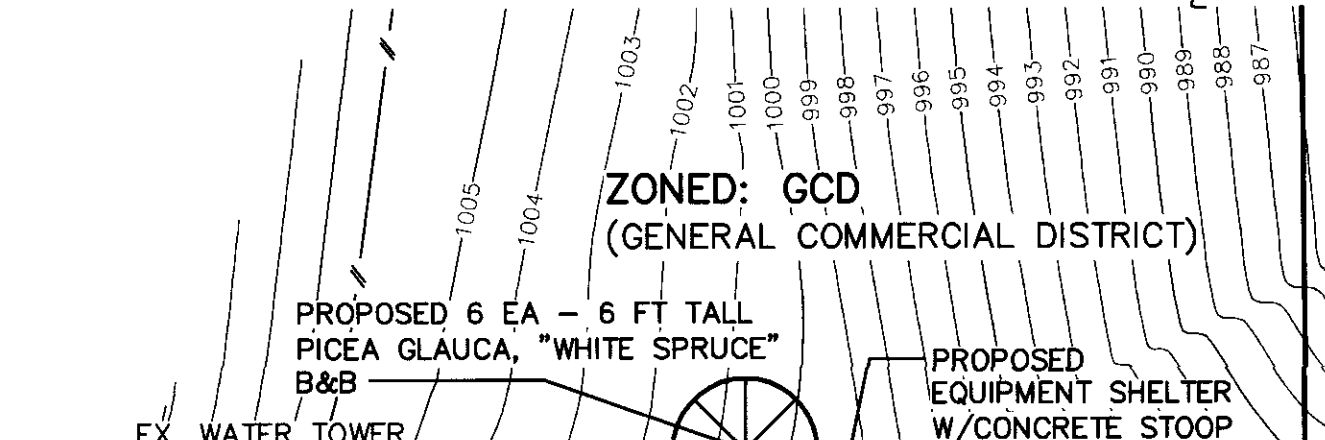
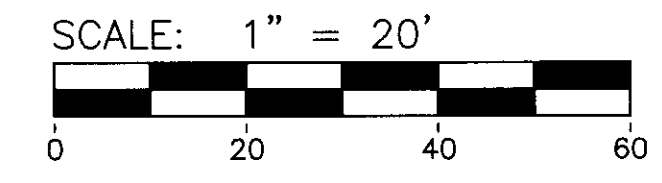


PROPERTY INFORMATION

TAX PARCEL: #11-24-200-062
 OWNER: CBOCS MICHIGAN, INC.
 45525 NORTH I-94 SERVICE DRIVE
 BELLEVILLE, MICHIGAN 48111
 CELL SITE ADDRESS:
 CONFERENCE CENTER DRIVE
 BRIGHTON, MICHIGAN 48116

CONFERENCE CENTER DR.

OVERALL PARCEL SKETCH
 SCALE: 1"=200'



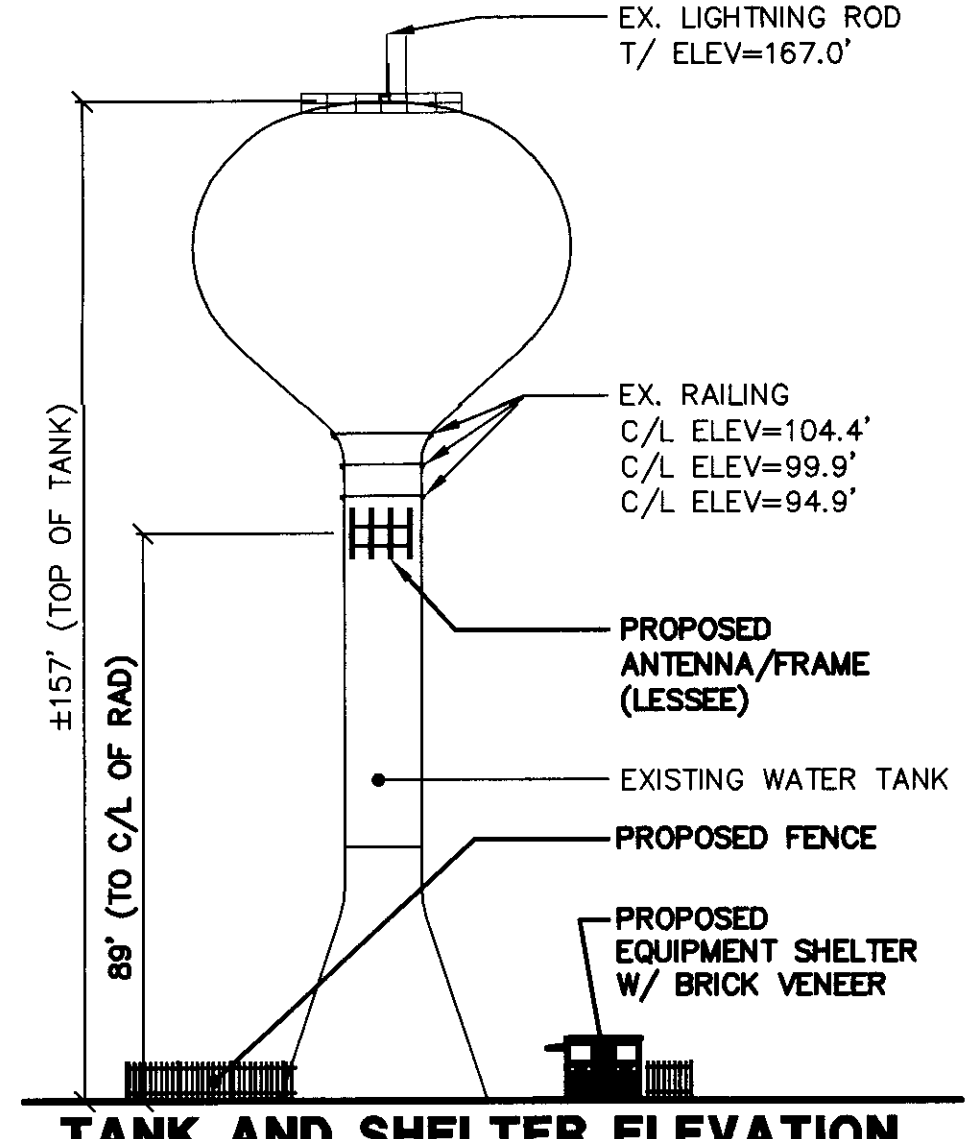
CONFERENCE CENTER DR.

CURVE DATA
 R = 467.00'
 $\Delta = 03^{\circ}35'29"$
 A = 29.27'
 CH = N 79°30'16" W 29.27'

CURVE DATA
 R = 175.00'
 $\Delta = 09^{\circ}57'13"$
 A = 81.13'
 CH = N 81°22'18" W 81.03'

CURVE DATA
 R = 467.00'
 $\Delta = 05^{\circ}02'55"$
 A = 41.15'
 CH = N 83°49'28" W 41.14'

I-96 EXPRESSWAY
 (300' WIDE)



TANK AND SHELTER ELEVATION
 SCALE: 1"=30'

LEGAL DESCRIPTION OF OVERALL PARCEL
 (Taken from Title Commitment)

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

Part of the East 1/2 of Section 24, Town 2 North, Range 5 East, Genoa Township, Livingston County, Michigan, being more particularly described as follows: Beginning at the East 1/4 corner of said Section 24, thence South 00°19'55" East along the East line of said Section and the Township line, 46.41 feet to the Northernly line of I-96 Expressway (300 feet wide limited access right of way), thence along a non-tangent curve to the left along said Northernly right of way line, radius of 3061.79 feet through a central angle of 09°49'03", arc distance of 524.63 feet, chord bearing North 67°09'05" West 523.99 feet; thence North 18°18'40" East 518.24 feet to the South line of "Grand Ravines Subdivision", as recorded in Liber 25 of Plats, Page 7, Livingston County Records; thence North 88°40'31" East, along said subdivision line, 314.16 feet to the East line of said Section 24 and Township line; thence South 00°29'54" East, along said East line and Township line, 566.06 feet to the West 1/4 corner of said Section 19, Town 2 North, Range 5 East; thence continuing South 00°29'54" East, along said East line and Township line, 90.27 feet to the East 1/4 corner of said Section 24 and the point of beginning.

LEGEND

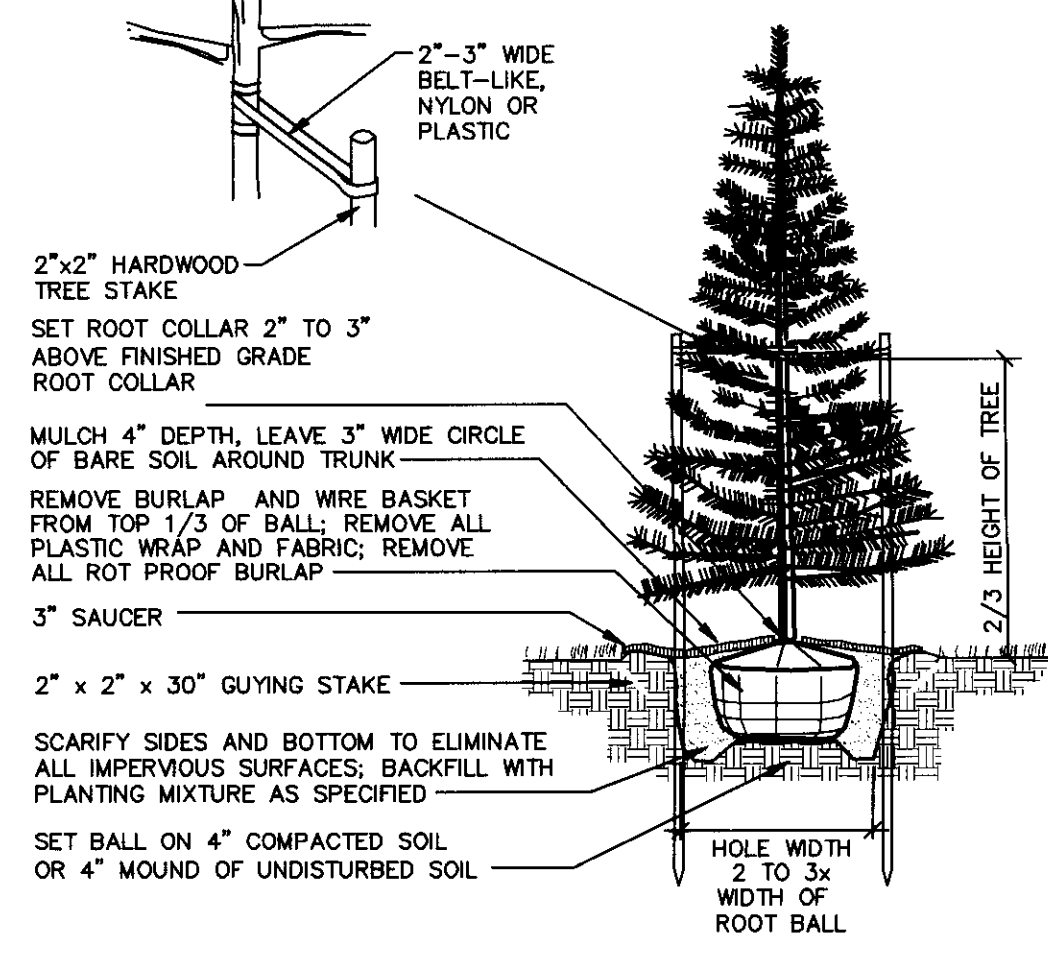
- 996 EXIST. CONTOUR
- 996.2 PROP. CONTOUR
- 996.20 EXIST. SPOT ELEVATION
- 996.20 PROP. SPOT ELEVATION
- OH ELEC. TRANSFORMER
- OH EXIST. OVERHEAD UTILITY LINE
- W EXIST. LIGHT POLE
- W EXIST. WATER MAIN
- W EXIST. HYDRANT
- W EXIST. GATE VALVE IN BOX
- W EXIST. STORM SEWER
- W EXIST. CATCH BASIN OR INLET
- W EXIST. SANITARY SEWER
- W EXIST. TELEPHONE RISER
- W EXIST. CABLE TELEVISION RISER
- W EXIST. ELECTRIC METER
- W EXIST. FENCE
- SC SECTION CORNER
- FM FOUND MONUMENT
- CP CONTROL PT.

GENERAL NOTES

1. All site work construction shall be in accordance with the current standards and specifications of the Township of Genoa, where applicable.
2. The proposed equipment shelter is to be a one story, computerized, unmanned, telephone exchange structure. All exterior walls are to have a brick veneer. No water service, sanitary facilities or gas service is needed. Telephone and electrical services will be from an existing utility pole or line adjacent to the site.
3. The proposed equipment shelter is to have a security system monitored 24 hours per day. The shelter will also be constructed with bullet resistant materials.
4. A hazardous materials inventory statement will be provided by the owner. A NFPA 704 hazardous materials placard will be placed on the door of the shelter as required.
5. There are two, low wattage (27W), LED, shielded, wall-mounted security lights with one next to the stoop of the shelter and one on the rear of the shelter.
6. There are no signs proposed for this project except for:
 - a. Emergency contact information purposes and FCC "call" sign placed on equipment shelter door,
 - b. FCC registration number located on fence gate.
7. The cellular antenna and equipment shelter will be approved by the Federal Communications Commission (FCC) and will not impact any frequency sensitive devices whatsoever. Buyer warrants no adverse radio interference with adjacent land uses.
8. There are no toxic materials used by Lessee on the site. Lessee has no need for outdoor storage or garbage disposal and pick-up.
9. Maintenance personnel using van type service vehicles enter and exit the site approximately 2 to 4 times per month. No loading or unloading area is needed by them.
10. All areas disturbed by the/ unless otherwise noted construction of the shelter, generator and antenna shall be restored in kind. Contractor is to provide soil erosion control measures as needed or as directed by owner or government agency having jurisdiction.
11. All areas inside of the lease area shall be covered with 3" of crushed limestone placed over "Typar" landscape fabric.
12. Ingress and egress by Lessee's personnel to the site shall be via an existing paved drive from Conference Center Drive.
13. This site plan is based on the survey of the existing conditions conducted by Midwestern Consulting, LLC on 04-25-2014.

LEASE PARCEL DETAIL
 SCALE: 1"=10'

NOTE: REMOVE STAKING/GUING MATERIAL AFTER ONE YEAR.



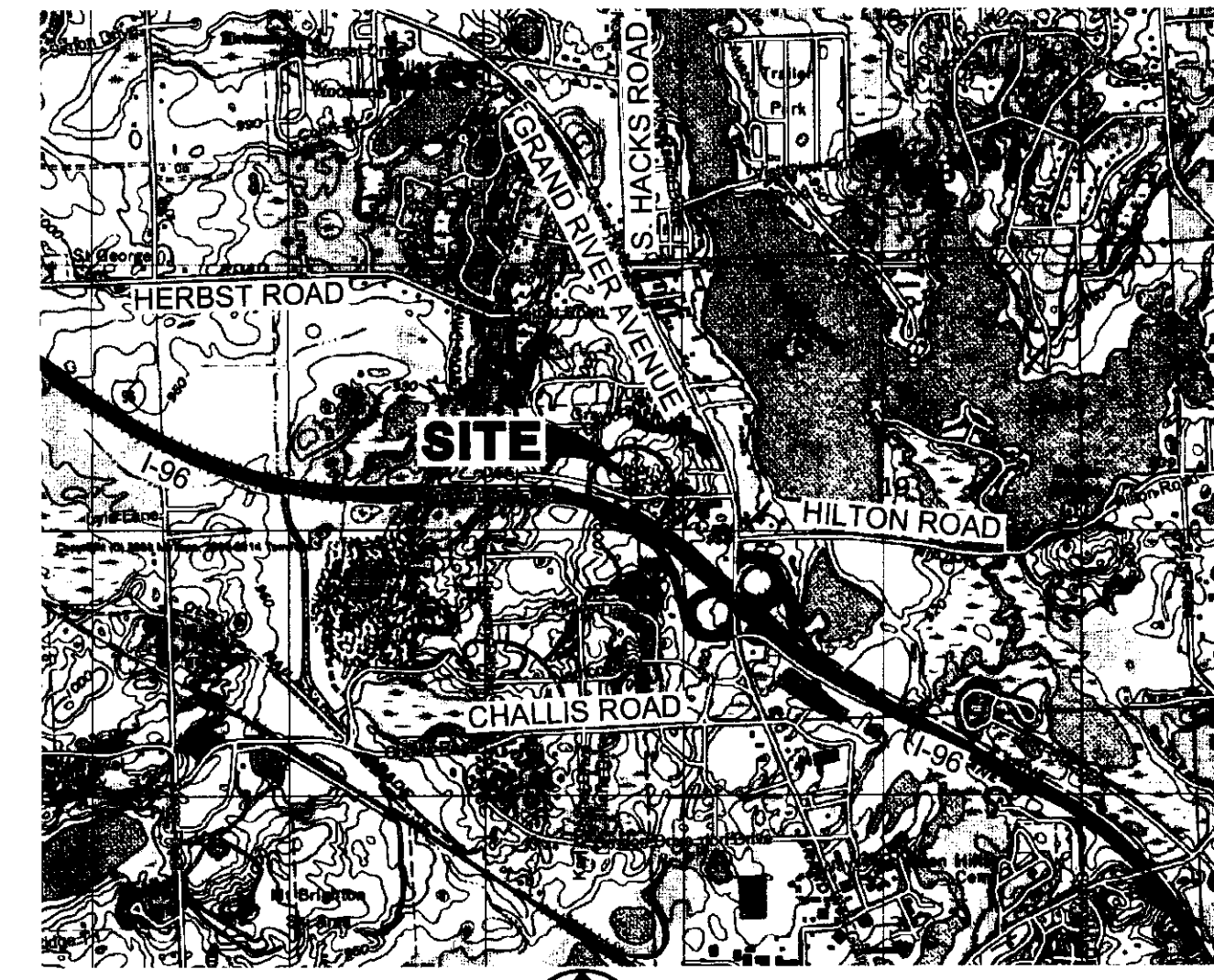
EVERGREEN TREE PLANTING DETAIL
 NOT TO SCALE

NOTE

Rotate all bearings 01°26'40" counter-clockwise to obtain bearings based on True North as determined from global positioning system (GPS).

BENCH MARK

Top of the south side of the concrete base of the existing water tank at the tank entry hatch.
 Elevation: 999.27 (NAVD 88 Datum)



VICINITY SKETCH
 SCALE: 1"=2000'

LOCATION

LONGITUDE 83° 47' 37.7"
 LATITUDE 42° 33' 04.7"
 GROUND ELEV. @ TOWER BASE = 998.8

LEGAL DESCRIPTION OF LEASE PARCEL
 (Lessee)

Commencing at the East 1/4 corner of Section 24, T2N, R5E, Genoa Township, Livingston County, Michigan; thence N 00°29'54" E 66.15 feet (recorded as 66.30 feet) along the East line of said Section 24 to the North line of a 66 foot wide private easement recorded in Liber 2026, Page 832; thence 41.15 feet along said north line and the arc of a curve to the right, radius 467.00 feet, central angle 05°02'55" and chord bearing N 83°49'28" W 41.14 feet; thence continuing 29.27 feet along said arc to the right, radius 467.00 feet, central angle 03°35'29" and chord bearing N 79°30'16" W 29.27 feet; thence N 00°29'54" W 74.14 feet to the POINT OF BEGINNING.

thence continuing N 00°29'54" W 20.00 feet;
 thence N 89°30'06" E 30.00 feet;
 thence S 00°29'54" E 20.00 feet;
 thence S 89°30'06" W 30.00 feet to the POINT OF BEGINNING; being a part of the Northeast 1/4 of Section 24, T2N, R5E, Genoa Township, Livingston County, Michigan; containing 600 square feet, together with a 3 foot wide non-exclusive easement for ice bridge and a variable width non-exclusive easement around a propane tank and for connection between propane tank and generator; subject to easements and restrictions of record, if any;

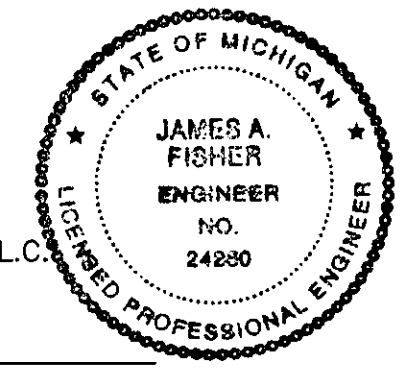
Together with an easement for ingress, egress and public utilities, the boundary of said easement is described as:

Commencing at the East 1/4 corner of Section 24, T2N, R5E, Genoa Township, Livingston County, Michigan; thence N 00°29'54" E 66.15 feet (recorded as 66.30 feet) along the East line of said Section 24 to the North line of a 66 foot wide private easement recorded in Liber 2026, Page 832; thence 41.15 feet along said north line and the arc of a curve to the right, radius 467.00 feet, central angle 05°02'55" and chord bearing N 83°49'28" W 41.14 feet to the POINT OF BEGINNING;

thence continuing 29.27 feet along said arc to the right, radius 467.00 feet, central angle 03°35'29" and chord bearing N 79°30'16" W 29.27 feet;
 thence N 00°29'54" W 74.14 feet;
 thence N 89°30'06" E 20.00 feet;
 thence S 00°29'54" E 8.00 feet;
 thence S 89°30'06" W 10.00 feet;
 thence S 00°29'54" E 33.00 feet;
 thence N 89°30'06" E 25.00 feet;
 thence S 08°42'01" W 39.23 feet to said North easement line and the POINT OF ENDING; being a part of the Northeast 1/4 of Section 24, T2N, R5E, Genoa Township, Livingston County, Michigan; and subject to easements and restrictions of record, if any.

LEGAL DESCRIPTION OF WATER TOWER EASEMENT
 (Lessor, By Others)

A private easement for a water tower being part of the NE 1/4 of Section 24, T2N, R5E, Genoa Township, Livingston County, Michigan, being more particularly described as commencing at the East 1/4 corner of said Section 24, thence N 00°29'54" W, along the East line of said Section 24 and township line, 63.30 feet to the Northernly line of a 66 foot wide private easement for ingress, egress, public and private utilities, described hereafter and Point of Beginning; thence along said Northernly line along a non-tangent curve to the right, radius of 467.00 feet, through a central angle of 09°57'13", an arc distance of 81.13 feet, chord bearing N 81°22'18" W 81.03 feet; thence N 00°29'54" W 97.15 feet; thence N 89°30'06" E 80.00 feet to the East line of said Section 24 and township line; thence S 00°29'54" E, along said East line and township line, 85.03 feet to the West 1/4 corner of Section 19, T2N, R5E; thence continuing S 00°29'54" E, along said East line and township line, 24.97 feet to the Point of Beginning, containing 0.192 acres.



PREPARED BY:
 MIDWESTERN CONSULTING, L.L.C.
 JAMES A. FISHER P.E. #24260

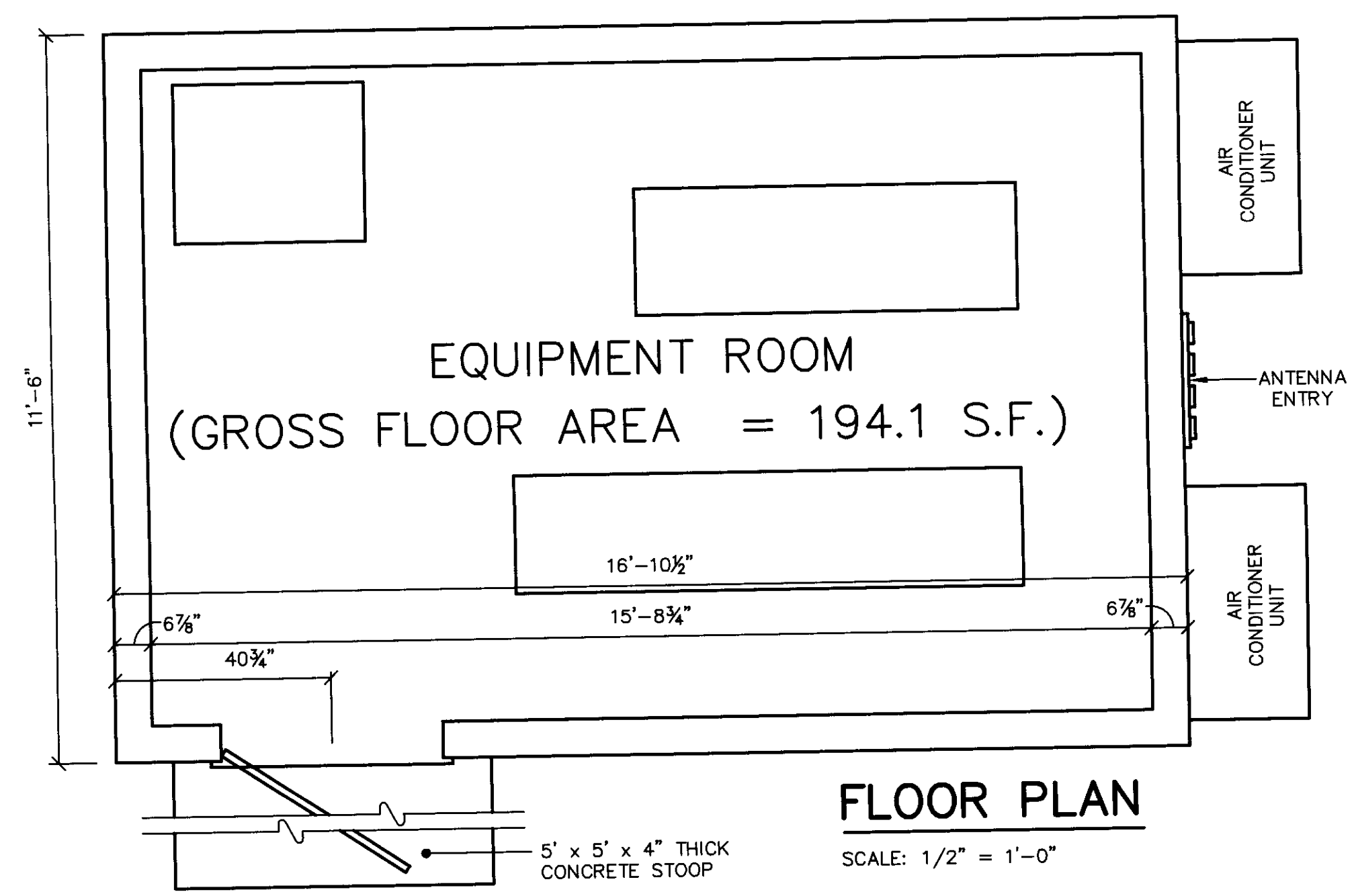
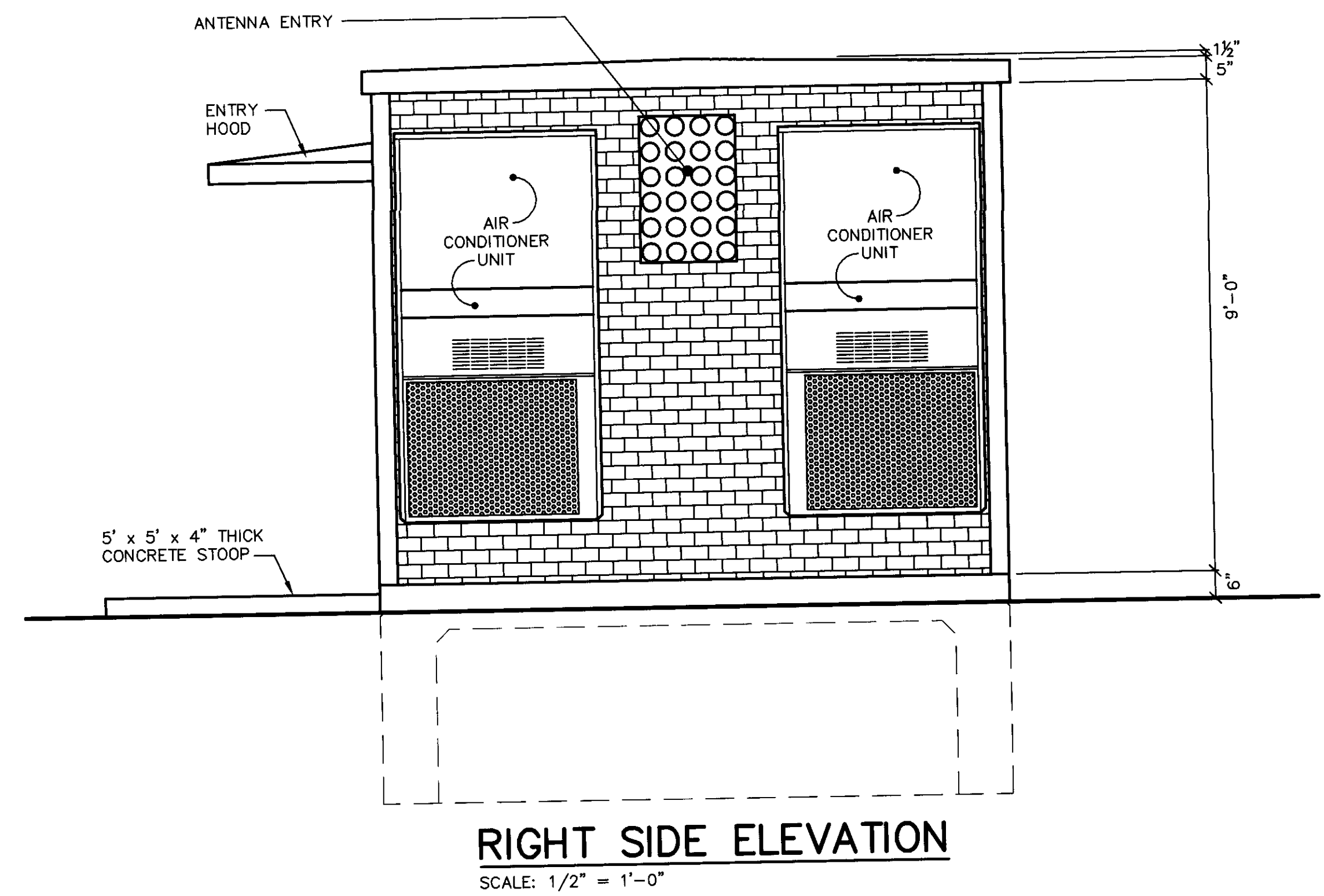
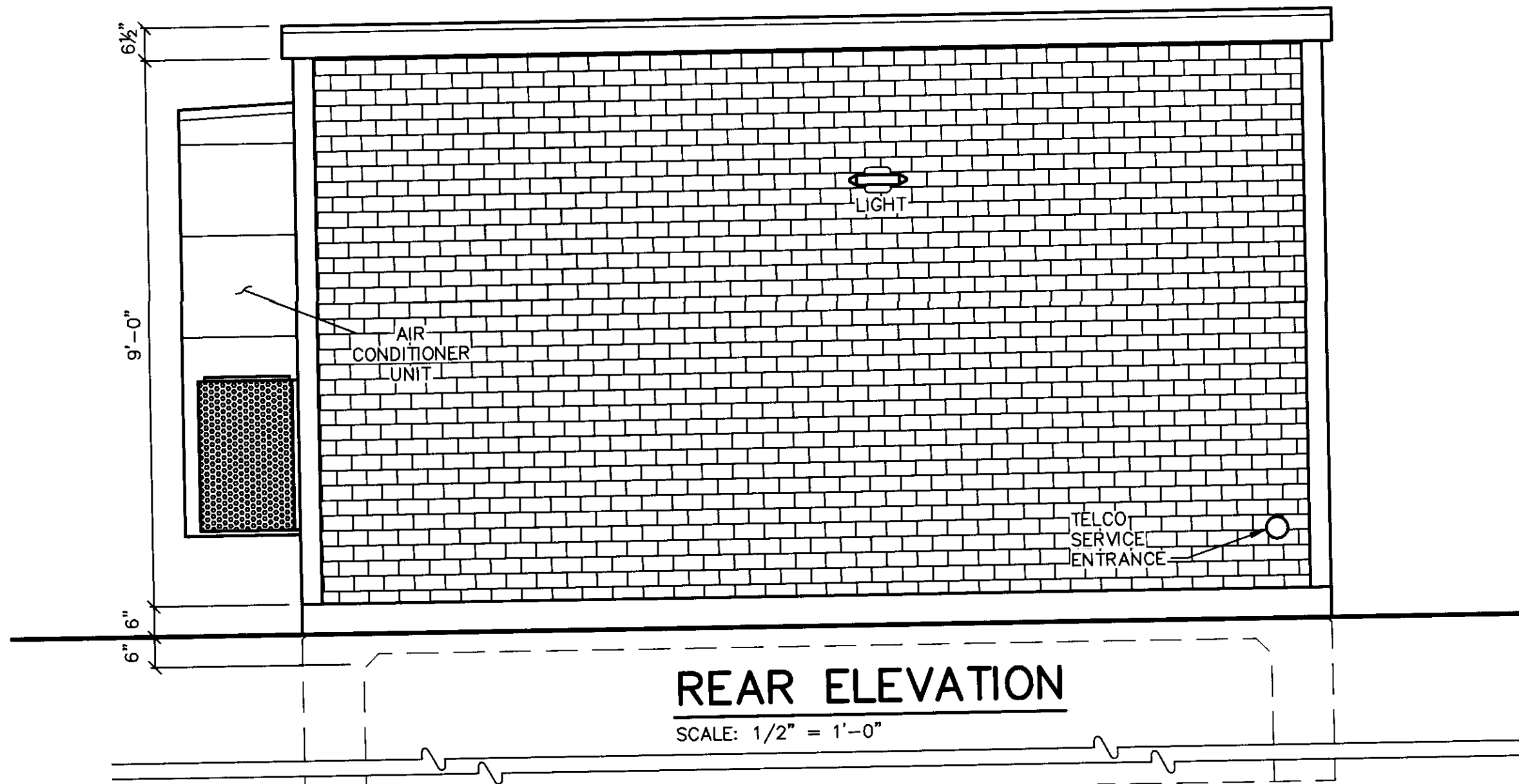
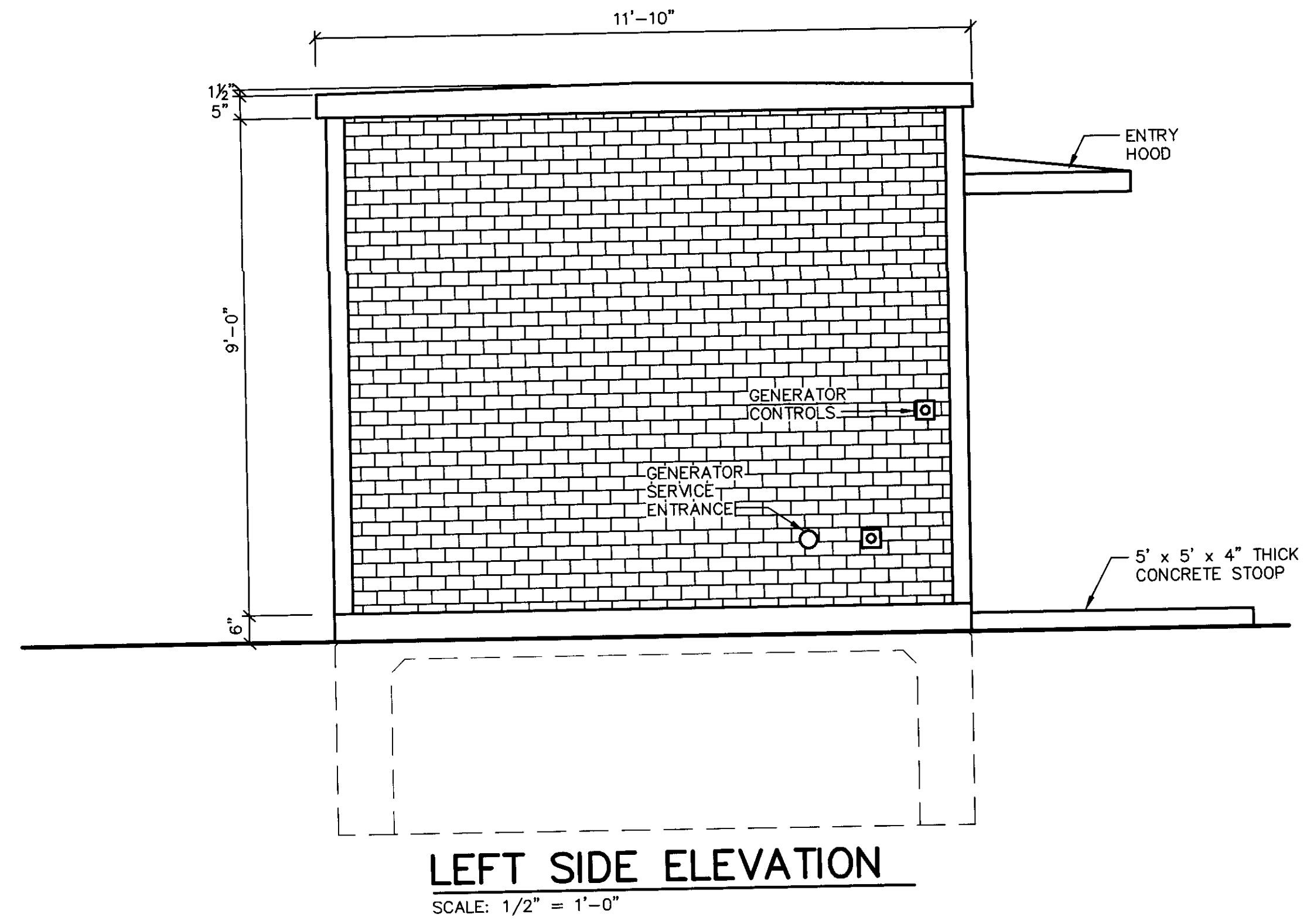
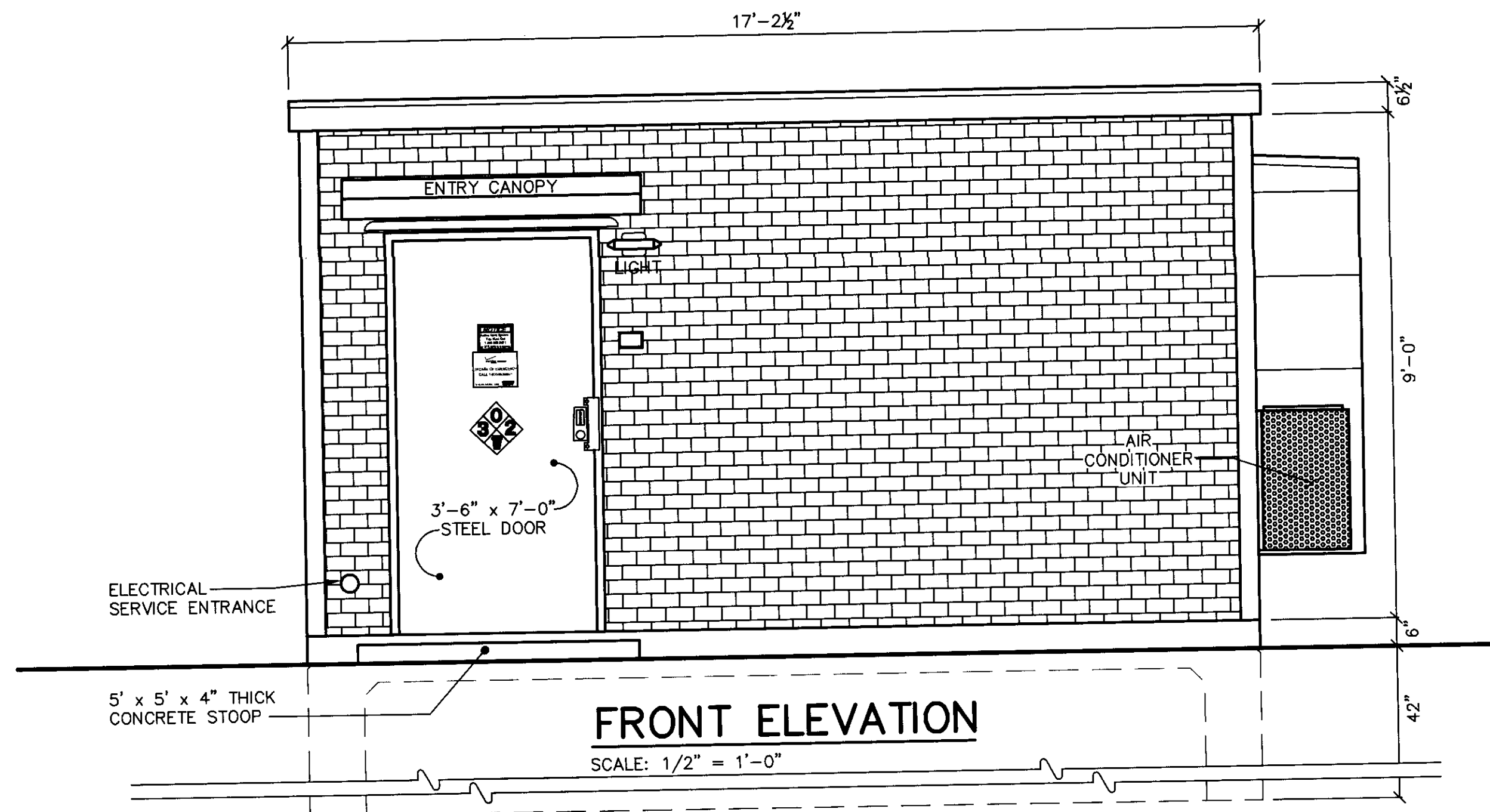
MIDWESTERN CONSULTING
 Civil, Environmental and Transportation Engineers Planners, Surveyors Landscape Architects
 3815 Plaza Drive
 Ann Arbor, Michigan 48108
 Phone: 734-965-0200
 Fax: 734-965-0599

verizon wireless
 APPLICANT/LESSEE:
 NEW PARK A RELAYWAVE PARTNERSHIP
 24242 NORTHWESTERN HIGHWAY
 SOUTHFIELD, MICHIGAN 48075
 PHONE: (248) 915-3000

verizon wireless
 SITE #1207 - "WOODLAND LAKE"
 GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN
 SITE PLAN

JOB NO.	94044-1207	DATE:	7/14/14
REVISIONS:	1. CHANGING HEIGHT	SHEET:	1 OF 1
2. CHANGE MOUNTING HEIGHT	10/07/14	CADD:	SJF, AH
3. CHANGE FENCE TYPE	10/07/14	ENG:	JAF
4. ADD LANDSCAPE & MISC.	11/17/14	CHK:	KMW
		TECH:	KMW
		DATE:	94044-1207-001

R:\94044\207\ACAD\94044_1207\SP1.dwg, SP-2, 11/17/2014 11:11:06 AM, AH, D:\S08-RFP.rvt
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MIDWESTERN CONSULTING
 Civil, Environmental and Transportation Engineers
 Planners, Surveyors
 Landscape Architects
 3815 Plaza Drive
 Ann Arbor, Michigan 48108
 Phone: 734.995.0200
 Fax: 734.995.0599

verizonwireless
 SITE #1207 - "WOODLAND LAKE"
 GENOA TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN
 ELEVATIONS AND BUILDING FLOOR PLAN

JOB No.	94044-1207
	REVISIONS:
DATE:	11/14/14
SHEET:	2 OF 2
REQ. DATE:	
CADD:	SGF, AH
ENG:	JAF
DATE:	11/14/14
PROJECT:	94044-1207-SPT
FILE:	94044-1207-SPT

November 17, 2014

Genoa Township Planning Commission
c/o Kelly VanMarter
Assistant Township Manager
Community Development Director
Genoa Charter Township
2911 Dorr Road
Brighton, MI 48116

GENOA TOWNSHIP
NOV 18 2014

Re: Proposed Third Amendment to PUD Agreement for Timber Green

Dear Commissioners:

I am writing to request that the Township approve a Third Amendment to the Planned Unit Development Agreement for Timber Green. The sole purpose of the proposed Third Amendment is to authorize the construction of a 15' X 96' (1,440 square feet) "overhang" to be attached to the 5,760 square feet pole barn that was recently approved through the Second Amendment to the Planned Unit Development Agreement for Timber Green, for a total combined square footage of the barn/overhang in the amount of 7,200 square feet. At the time Chestnut Development sought approval of the pole barn, I was not aware that the "overhang" portion of the barn would be included in the calculation of the total square footage for the barn under the Township's zoning ordinance.

Thank you in advance for your consideration of this proposed amendment.

Very truly yours,



Steve Gronow

Kathryn Poppy

From: Kelly VanMarter
Sent: Wednesday, December 03, 2014 4:29 PM
To: Kathryn Poppy
Subject: FW: Tiber Green PUD

From: Frank Mancuso [<mailto:frank@mancusocameronlaw.com>]
Sent: Wednesday, December 03, 2014 4:28 PM
To: Kelly VanMarter
Cc: Mike Archinal
Subject: Tiber Green PUD

Kelly:

As requested, I have reviewed the proposed Third Amendment to the Timber Green PUD submitted by Mr. Gronow. From a legal perspective, I find the proposed Third Amendment acceptable.

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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GENOA TOWNSHIP
NOV 18 2014

**THIRD AMENDMENT TO
PLANNED UNIT DEVELOPMENT AGREEMENT
FOR
TIMBER GREEN**

THIS THIRD AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT ("Third Amendment to PUD Agreement") is made as of the ____ day of November, 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 (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 12, 2014; and

WHEREAS, pursuant to the Township Board Approval and the Township's Ordinances, the Developer and the Township executed a Second Amendment to PUD Agreement for the development of the Timber Green PUD on October 20, 2014; and

WHEREAS, the Developer now wishes to amend the PUD Agreement to permit the construction of a 15' X 96' (1,440 square feet) overhang to be attached to the pole barn consisting of 5,760 square feet approved in the Second Amendment to PUD Agreement dated October 20, 2014, for a combined total square footage of the barn/overhang in the amount of 7,200 square feet; and

WHEREAS, the Township Board in its December, 2014 meeting approved the Developer's request to amend the PUD Agreement consistent with the Developer's request and on the terms and conditions set forth herein;

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

1. Approval of Construction of Overhang attached to Pole Barn on Parcel C. The following shall be added at the end of Section II, Paragraph L: "An overhang consisting of 1,440 square feet in size may be constructed and attached to the pole barn consisting of 5,760 square feet on Parcel C, for a combined total square footage of the barn/overhang in the amount of 7,200 square feet."

2. Continuing Effect. Except as amended and modified by this Third 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 Third Amendment to PUD Agreement.

[SIGNATURE PAGE FOLLOWS]

TOWNSHIP,
corporation

GENOA CHARTER
a Michigan municipal

By: _____
Gary McCririe, Supervisor

By: _____
Paulette A. Skolarus, Clerk
STATE OF MICHIGAN)
) SS.
COUNTY OF LIVINGSTON)

The foregoing Third Amendment to Planned Unit Development Agreement was acknowledged before me this _____ day of _____, 2014, by Gary McCririe and _____ Paulette A. Skolarus, the Supervisor and Clerk respectively of Genoa Charter Township, a Michigan municipal corporation, on behalf of the 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. Gronow, Managing Member

STATE OF MICHIGAN)
) SS.
COUNTY OF LIVINGSTON)

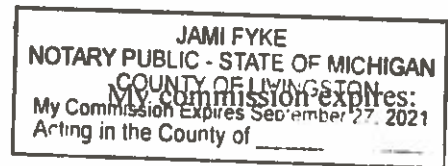
The foregoing Third Amendment to Planned Unit Development Agreement was acknowledged before me this 4 day of November, 2014, by Steven J. Gronow, Managing Member of Chestnut Development, L.L.C., a Michigan limited liability company, on behalf of the limited liability company.

Jami Fyke, Notary Public
Livingston County, Michigan

9/27/21
Acting in _____ County, Michigan

This Instrument Drafted By:

Roger L. Myers
MYERS & MYERS, PLLC



915 N. Michigan Ave.
Howell, Michigan 48843

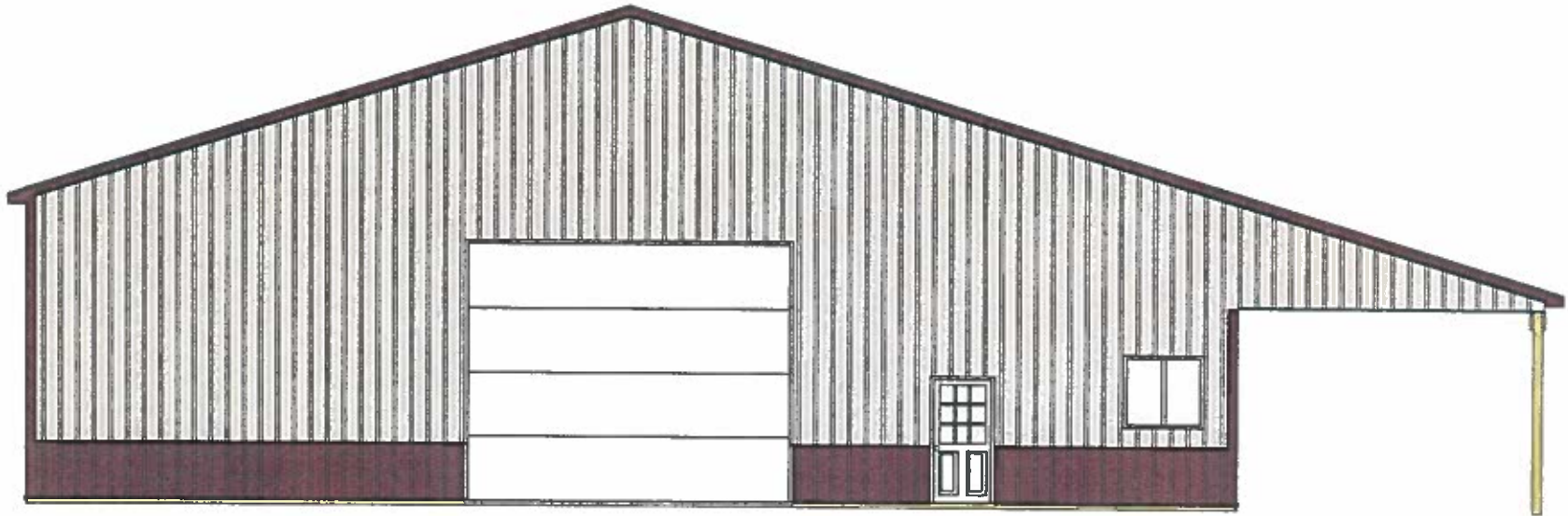
When recorded return to Drafter

1

GENOA TOWNSHIP
NOV 18 2014

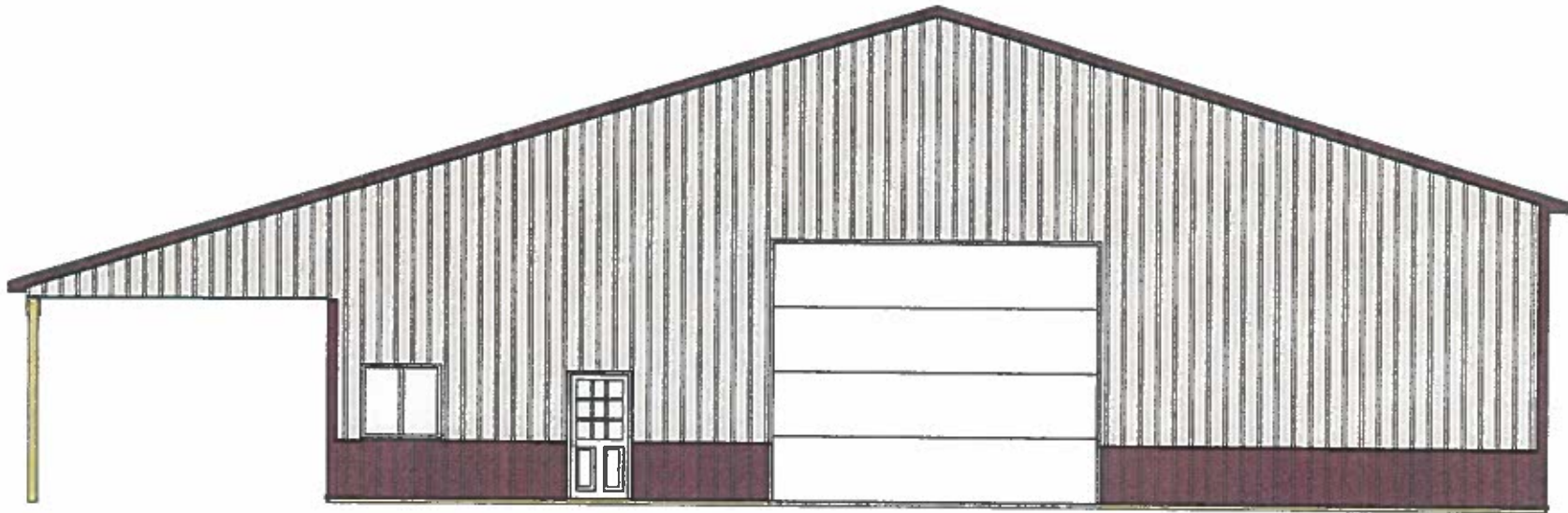


NORTH SIDE-GABLE SIDE 1 ELEVATION



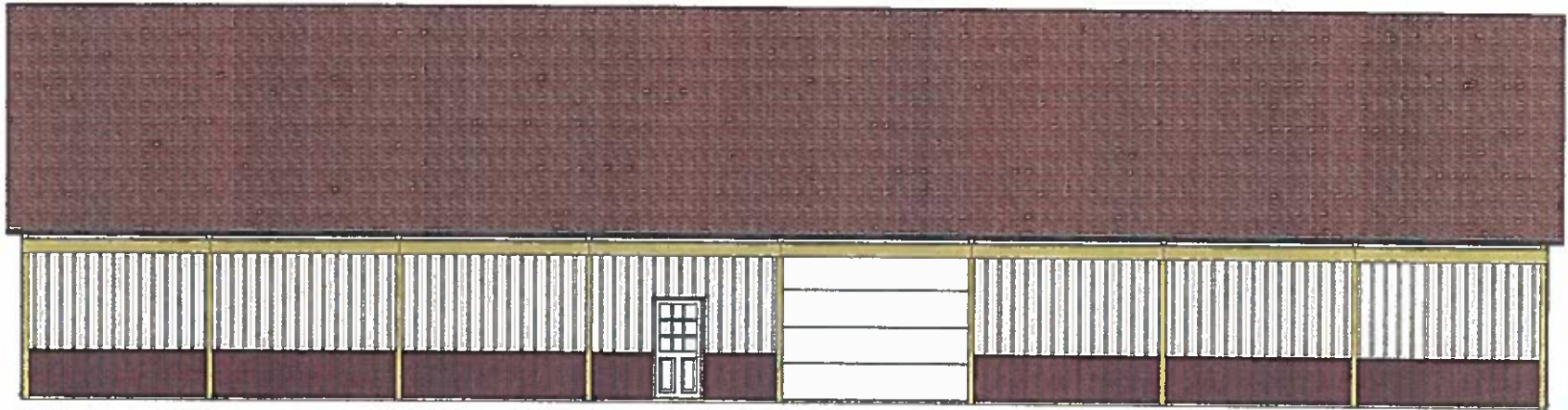


SOUTH SIDE-GABLE SIDE 2 ELEVATION



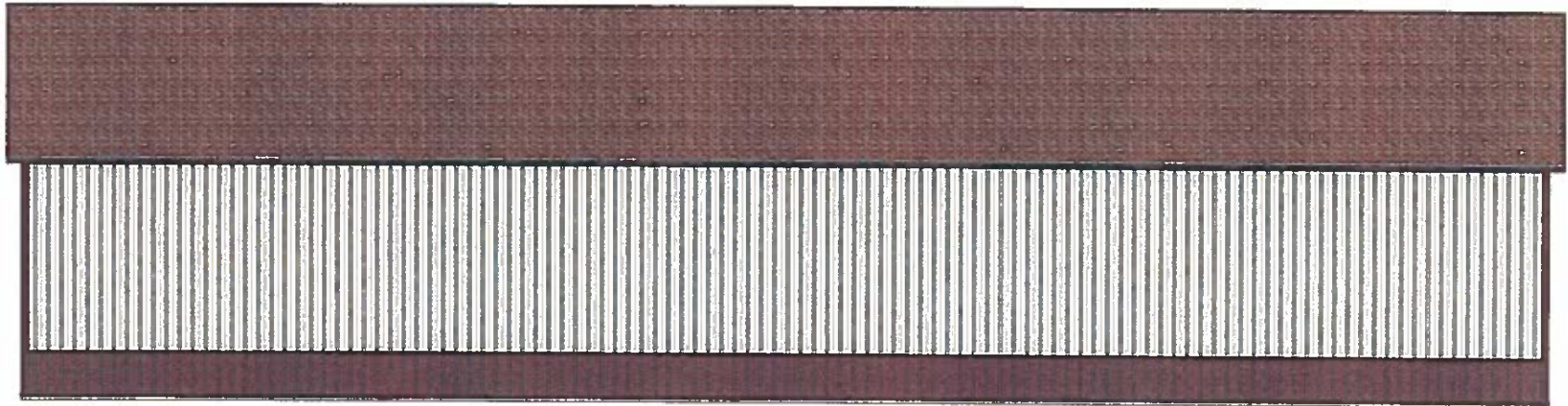


WEST SIDE-EAVE SIDE 2 ELEVATION

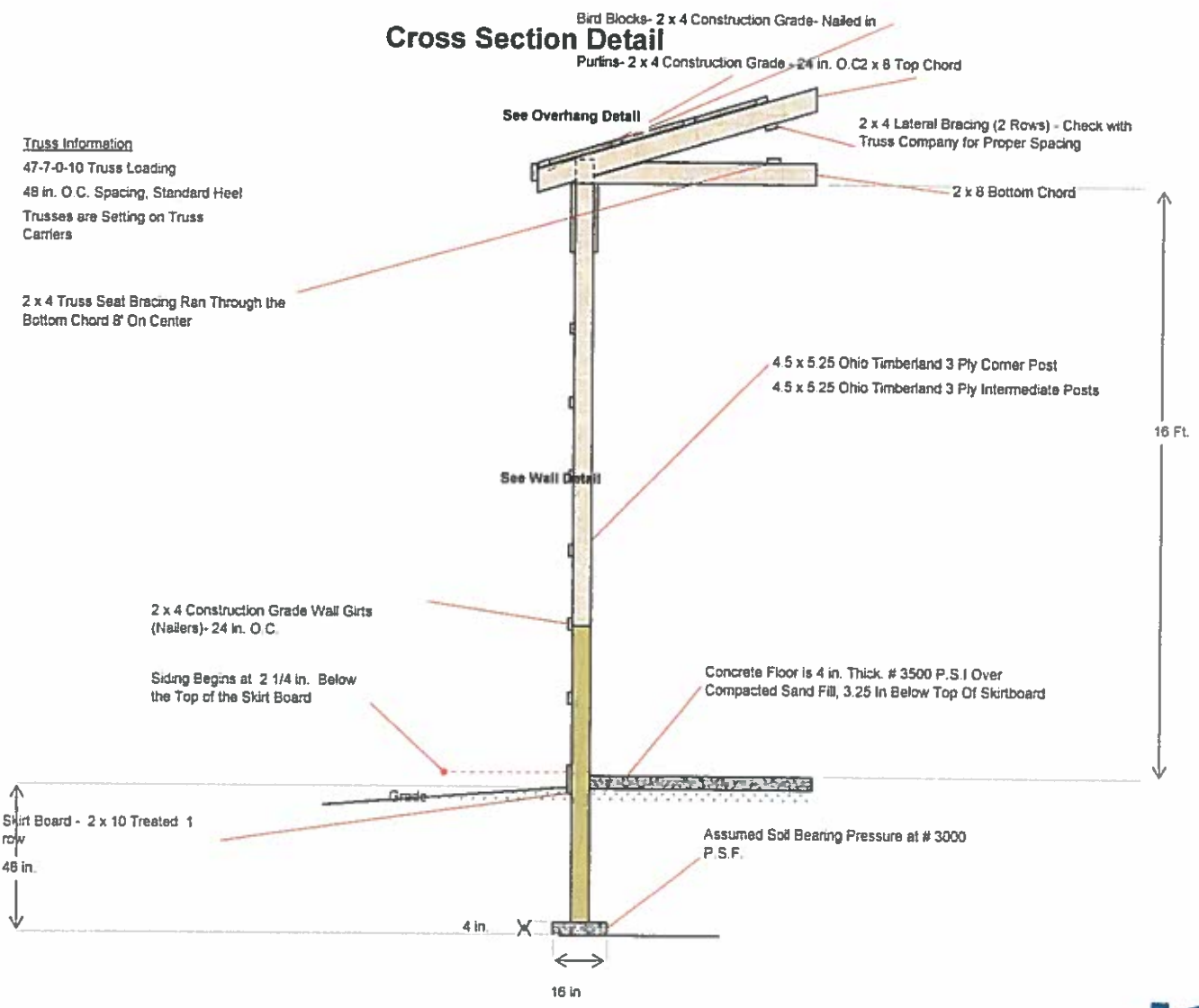




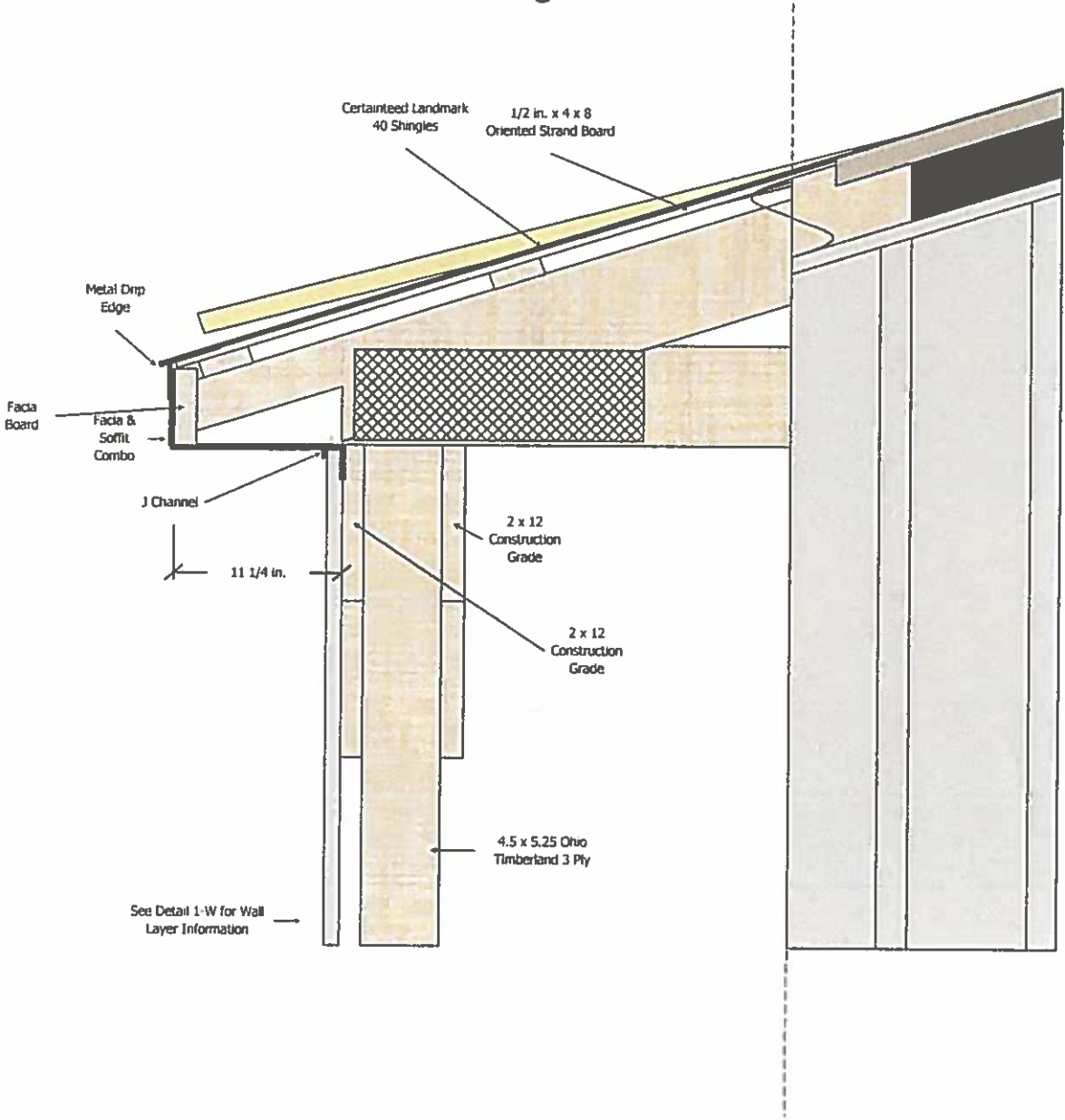
EAST SIDE-EAVE SIDE 1 ELEVATION



Cross Section Detail



Overhang Detail





CIVIL ENGINEERS LAND SURVEYORS
2183 PLESS DRIVE, BRIGHTON, MICHIGAN 48114-9463
(810) 227-9533 FAX (810) 227-9460
EMAIL: desine@desineinc.com

November 27, 2014

Genoa Township Planning Commission
c/o Kelly VanMarter, AICP
2980 Dorr Road
Brighton, Michigan 48116

Re: Red Olive Restaurant
3838 East Grand River Avenue
Section 5, Genoa Township, Livingston County

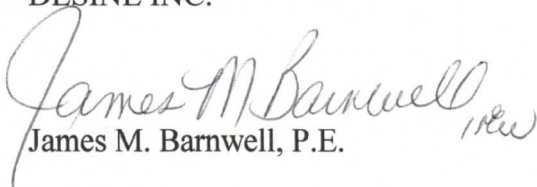
Dear Planning Commission Members,

Please accept this letter as our request to table the referenced project at the December 8th, 2014 meeting to the January 12, 2015 meeting or to a date uncertain . We are currently working on addressing concerns raised by your consultants and staff with the site plan and the inclusion of this site into the existing NR-PUD development. We anticipate submitting the plans prior to the December 22, 2014 cutoff date for the January 12, 2015 meeting.

Thank you for your consideration on this matter. If you have any questions, please contact me at your convenience.

Respectfully submitted;

DESINE INC.

A handwritten signature in blue ink that reads "James M. Barnwell". The signature is written in a cursive style with a small "rew" written below the end of the name.
James M. Barnwell, P.E.

132308/GENOA ltr.11272014

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
NOVEMBER 10, 2014
6:30 P.M.
MINUTES**

CALL TO ORDER: The meeting of the Genoa Township Planning Commission was called to order 6:30 p.m. Present were James Mortensen, Barbara Figurski, Chairman Doug Brown, Eric Rauch, Chris Grajek and John McManus. Also present was Kelly VanMarter, Township Community Development Director; Brian of Borden of LSL.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF AGENDA: John McManus moved to approve the agenda as amended to remove item #2. The motion was supported by Barbara Figurski. **Motion carried unanimously.**

CALL TO THE PUBLIC: A call to the public was made with no response.

OPEN PUBLIC HEARING #1... Review of a sketch plan, special use, and environmental impact assessment for a proposed 6,000 sq ft baseball facility, located within an existing building at 7341 W. Grand River Avenue, Brighton, Michigan 48116, parcel # 4711-13-100-006. The request is petitioned by Batter Up Batting Cages, LLC.

Abby Cooper addressed the Planning Commission on behalf of the petitioner. It is proposed that the batting cages operate in the 6,000 square foot retail center which was vacated in February by English Gardens. She explained what the batting cages consist of. The building will be rented for one to two hours on a team basis. The busy season will be November through March. They've met with Piet Lindhout and the fire officials.

The cages will go up and come down seasonally. There are no construction changes that need to be made to the building. This will not be a franchise.

Brian Borden indicated if there's a change in use, the petitioner will have to go through the Zoning process. If the rest of the property converts to another use, they will have to go through the process for that, as well. He feels that the petitioner has addressed the questions outlined in his letter. He believes this plan fits well within the general commercial classification. The standards specific to indoor recreational facilities have been met. The plan lacks a lot of detail since it's 16-years old. Therefore, he has not been able to accurately assess whether the property needs to be brought up to current standards under the ordinance. There is an allowance for parking reduction because the two businesses would have differing peak hours.

Ms. Cooper indicated they do have a proposed sign, but it has not yet been installed. The rendering that was submitted is the design they are proposing. The signs will be changed as is appropriate depending on the season. The appropriate permits will be sought. The pole sign may be altered, as well.

There is currently a waste receptacle on the site. It is used by Leppek's. The lighting on the site is as approved in '98. The peak times would not be overlapping. It is unknown how exactly it will play out. The petitioner believes there will be more than enough parking.

The zoning ordinance has three separate scenarios for change of use permitting. Those were explained by Brian Borden.

The petitioner explained that materials are often stored in piles in the back of the yard on the property. There is a concrete pile, building materials pile, natural materials pile (leaves, trees, etc.); and dirt pile. When the piles begin to get high, arrangements are made for retrieval of the materials.

The fire department letter was discussed. The petitioner will do what is necessary to comply. There are no underground storage tanks. The engineers requested that the petitioner hook up to the sewer and water. There are currently two wells, and two septic tanks with corresponding fields. Mr. Rauch suggested the petitioner have the septic field that isn't used inspected due to age and non-use. The petitioner indicated there has been some use. Mr. Grajek suggested both fields be inspected since they are asking the Township to forego the requirement that they hook into sewer and water.

Kelly VanMarter questioned if snow removal will be performed to allow access to the dumpster in the winter. The petitioner will maintain access to the dumpster in the rear of the site.

Mr. Grajek inquired as to whether the petitioner could be required to provide a better drawing and allow Township Staff to review that.

No member of the public was present to address the Planning Commission.

Planning Commission disposition of petition

- A. Recommendation of Special Use.
- B. Recommendation of Environmental Impact Assessment. (10-20-14)
- C. Recommendation of Sketch Plan. (10-20-14)

Motion by James Mortensen to recommend to the Township Board approval of the special use permit for three batting cages to be located inside the existing permanent retail store at Leppek Nursery subject to:

1. This permit will allow three batting cages to be used in the retail facility for the months of October through April;

2. The site plan is the aerial photograph and will be confirmed by Township Staff as to compliance with such areas as lighting, landscaping and dumpsters as it relates to the Batter Up facility;
3. This recommendation is made because the proposed use is consistent with the existing zoning, it meets conditions 19.03 of the ordinance and is consistent with surrounding uses.

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

Motion by Barbara Figurski to recommend to the Township Board approval of the environmental impact assessment dated 10/20/14, subject to septic inspection but hook up to the water and sewer is not required and subject to approval of special use permit and site plan approval. Support by Chris Grajek. **Motion carried unanimously.**

Motion by James Mortensen to recommend to the Township Board acceptance of the aerial photo reviewed by the Planning Commission this evening as the site plan for Batter Up Batting Cages on the Leppek Landscaping site subject to:

1. Confirmation by Township Staff that the building to be modified conforms in other respects to the ordinance in such areas as lighting, landscaping, etc;
2. The Planning Commission recommends against requiring the site to hook up to the public water and sewer. However, the two septic systems on the site must be inspected and accepted by the Livingston County Health Department prior to the issuance of a land use permit;
3. The proposed signage must conform to the Township ordinance;
4. The requirements of the Brighton Area Fire Department letter of 10/29/14 will be complied with;
5. This recommendation is contingent upon the special use permit and the environmental impact assessments recommended by the Planning Commission this evening approved by the Township Board.

Support by John McManus. **Motion carried unanimously.**

OPEN PUBLIC HEARING #2... Review of a site plan, environmental impact assessment, rezoning, and planned unit development amendment for a proposed 3,848 sq ft Red Olive Restaurant, located at 3838 E. Grand River Avenue, Howell, Michigan 48443, parcel # 4711-05-400-025. The request is petitioned by PKJJ, LLC.

Planning Commission disposition of petition

- A. Recommendation regarding Rezoning from RCD to NR-PUD.
- B. Recommendation regarding PUD Agreement.
- C. Recommendation of Environmental Impact Assessment.
- D. Recommendation of Site Plan.

Motion by Barbara Figurski to table this item to the December 8, 2014 meeting as requested by the petitioner. Support by Chris Grajek. **Motion carried unanimously.**

Administrative Business:

- *Staff report - 2013 ZBA Annual Report. Kelly VanMarter gave a staff report. Ron Akers put together an executive summary.*
- *Approval of October 27, 2014 Planning Commission meeting minutes. **Motion** by Barbara Figurski to approve the minutes as amended. Support by John McManus. **Motion carried unanimously.***
- *Member discussion*
- *Adjournment, **Motion** by Barbara Figurski to adjourn. Support by Chris Grajek. **Motion carried unanimously.** Meeting adjourned at 8:25 p.m.*