

## PROPOSED AGENDA

CHARTER TOWNSHIP OF BRIGHTON  
PLANNING COMMISSION  
4363 BUNO ROAD  
BRIGHTON, MI 48114

JANUARY 13, 2025  
REGULAR MEETING  
6:30 P.M.  
(810) 229.0562

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. CALL TO THE PUBLIC
- E. AGENDA
- F. MINUTES

### 1. DECEMBER 9, 2024 REGULAR MEETING

#### G. BUSINESS

- 1. ELECTION OF 2025 OFFICERS AND RECOMMENDATION TO TOWNSHIP BOARD  
ON 2025 ZBA LIAISON
- 2. PRELIMINARY RESIDENTIAL SITE PLAN SP #24/01 FOR TOWNHOMES ON S. OLD US 23; ADDRESS: VACANT S. OLD US 23; OWNER: LED DEVELOPMENT LLC;  
APPLICANT: RON JONA; TAX ID#: 12-20-400-017; ZONING: CONDITIONAL RM-1  
(RESIDENTIAL MULTIPLE-FAMILY DESIGNATION)
- 3. PRE-APP WORKSHOP PA #24/01 FOR THE COVE AT WOODLAND LAKE;  
ADDRESS: VACANT WOODLAND SHORE DRIVE; APPLICANT: MITCH HARRIS  
BUILDING COMPANY INC.; TAX ID#: 12-18-300-011 AND 12-18-400-027; CURRENT  
ZONING: R-2 (RESIDENTIAL SINGLE FAMILY); PROPOSED ZONING:  
RESIDENTIAL PUD (PLANNED UNIT DEVELOPMENT)
- 4. REVIEW OF 2024 ANNUAL REPORT AND DISCUSSION ON 2025 PROJECTS

- H. REPORTS AND CORRESPONDENCE
- I. CALL TO THE PUBLIC
- J. ADJOURNMENT

The Charter Township of Brighton will provide the necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon 10 days' notice to the Charter Township of Brighton, Attn: Township Manager. Individuals should contact the Charter Township of Brighton by writing or contacting the following: Kelly Mathews, 4363 Buno Road, Brighton, MI 48114. Telephone: 810-229-0562 or e-mail [planner@brightontwp.com](mailto:planner@brightontwp.com).

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**MEMORANDUM**

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**TO:** BRIGHTON TOWNSHIP RESIDENTS  
**FROM:** JOSEPH R. RIKER, CLERK  
**SUBJECT:** PLANNING COMMISSION ELECTRONIC PACKETS  
**DATE:** JANUARY 31, 2019

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Packets for the Brighton Township Planning Commission meetings posted to the website contain scanned original documents. These electronic packets are subject to change based on meeting material presented to the Planning Commission throughout the course of the meeting. For a complete original packet following the Planning Commission meeting contact the Clerk's Office at 810-229-0560 or via email: [clerk@brightontwp.com](mailto:clerk@brightontwp.com)

## PROPOSED MINUTES

CHARTER TOWNSHIP OF BRIGHTON  
PLANNING COMMISSION  
4363 BUNO ROAD  
BRIGHTON, MI 48114

DECEMBER 9, 2024  
REGULAR MEETING  
6:30 P.M.  
(810) 229.0562

Chairperson S. Holden called the meeting to order at 6:30 P.M. The Pledge of Allegiance was said.  
Present: C. Doughty, W. Hofsess, B. Anderson, J. Rose, A. Lutes, S. Holden, L. Herzinger  
Absent: None

### CALL TO THE PUBLIC

None.

### AGENDA

L. Herzinger moved and A. Lutes seconded **to approve the agenda.**  
Motion carried.

### MINUTES

J. Rose moved and C. Doughty seconded **to approve the October 14, 2024 regular meeting minutes as presented.**  
Motion carried.

PRELIMINARY SITE PLAN SP#24/09 FOR 7 PILLARS OF WEALTH; ADDRESS: 5088 S OLD US 23;  
OWNER AND APPLICANT: 7P REAL ESTATE HOLDINGS LLC; TAX ID#: 12-32-201-120; ZONING: B-2  
(GENERAL BUSINESS)

Applicant Representative Wayne Perry, Desine Inc, explained the plans for a new driveway off of Highslope. The Applicant Tom Archer and another Applicant Representative, Steve Rosso, Colliers, was also in attendance. G. Rose overviewed his letter dated November 25, 2024. K. Mathews overviewed her letter dated November 25, 2024. The petition and the letter regarding the traffic study were read into the record. Additionally, letters and emails from Desine, LCRC, LCDC, BAFA, and the Applicant were read into the record.

#### Public Comment:

#### **Public comment opened at 6:49 p.m.**

Jason Barrett, 9941 Highslope - organized the petition explaining that Highslope and Glasglow are private roads which they maintain and they don't want commercial on the roads.

Shannen Wilkinson, 9945 Glasgow and owner of several lots in the area; don't want a commercial driveway.  
Emily Spence, 5080 Walker - supports neighbors.

#### **Public comment closed at 6:54 p.m.**

J. Rose moved and B. Anderson seconded **to approve the preliminary site plan SP 24/09 for 7 Pillars of Wealth; Address: 5088 S. Old US 23; Owner and Applicant: 7P Real Estate Holdings LLC; Tax ID#: 12-32-201-120; Zoning: B-2 (general business) contingent upon the conditions in the letters from the Township Engineer, Township Planner, and outside agencies being complied with. Additionally, along the west property line a row of arborvitae must be planted, and circulation for the site will be one way only off of Highslope, and one way only off of S. Old US 23.**  
Motion carried.

PRELIMINARY SITE PLAN SP#24/08 FOR MULTI-TENANT WAREHOUSE BUILDING; ADDRESS: 9895 WEBER; OWNER AND APPLICANT: LIVINGSTON INVESTMENT PROPERTIES; TAX ID#: 12-32-102-056; ZONING: B-3 (SPECIAL BUSINESS)

Applicant Dave Stinchi and Cody Williams (not present) are partners in Livingston Investment Properties and own buildings along Weber which were recently combined into one parcel. Applicant Representatives Nancy Standish, Giffels Webster, and Dominic Moceri, architect, were also in attendance. G. Rose overviewed his letter dated December 2, 2024. K. Mathews overviewed her letter dated November 12, 2024, and BAFA's letter dated December 3, 2024 was read into the record.

J. Rose moved and W. Hofsess seconded **to approve the preliminary site plan SP 24/08 for Multi-Tenant Warehouse Building; Address: 9895 Weber; Owner and Applicant: Livingston Investment Properties; Tax ID#: 12-32-102-056; Zoning: B-3 (special business) contingent upon the conditions in the letters from the Township Engineer, Township Planner, and outside agencies being complied with. Additionally, no fence along west side of property, and break up the long building wall along the west side of the property, no orange roof, and add tall evergreen and shrubs along the west side of the property.**

Motion carried.

#### REPORTS AND CORRESPONDENCE

C. Doughty - Township Board update including Township Hall Hours, budget, GM fire, TB vacancy, Noble on the Lake Open House.

S. Holden - ZBA update - meeting next week.

#### CALL TO THE PUBLIC

None.

#### ADJOURNMENT

W. Hofsess moved and J. Rose seconded **to adjourn.**

Motion carried.

The meeting adjourned at 8:08 P.M.

Respectfully submitted,

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Steve Holden, Chairperson

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William Hofsess, Secretary

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Kelly Mathews, Recording Secretary

# Townhomes on Old US 23



Charter Township of Brighton

0 55 110 220 330 440  
Feet

## MINUTES

CHARTER TOWNSHIP OF BRIGHTON  
PLANNING COMMISSION  
4363 BUNO ROAD  
BRIGHTON, MI 48114

SEPTEMBER 9, 2024  
REGULAR MEETING  
6:30 P.M.  
(810) 229.0562

Chairperson S. Holden called the meeting to order at 6:30 P.M. The Pledge of Allegiance was said.

Present: C. Doughty, W. Hofsess, B. Anderson, J. Rose, A. Lutes, S. Holden

Absent: L. Herzinger

### CALL TO THE PUBLIC

None.

### AGENDA

A. Lutes moved and B. Anderson seconded to approve the agenda.  
Motion carried.

### MINUTES

J. Rose moved and C. Doughty seconded to approve the June 10, 2024 regular meeting minutes as presented.  
Motion carried.

  
PUBLIC HEARING FOR CONDITIONAL REZONING FOR RON JONA RZ/24/01; ADDRESS: VACANT OLD US 23; OWNER: LED DEVELOPMENT LLC; APPLICANT: RON JONA; TAX ID#: 12-20-400-017; ZONING: B-3 (SPECIAL BUSINESS); PROPOSED ZONING: CONDITIONAL REZONING BASED ON RM-1 (RESIDENTIAL MULTI-FAMILY DESIGNATION)

Applicant Representative Ron Jona overviewed the project for sixteen (16) townhomes on the property. It was also stated that the traffic study showed minimal traffic verses what could be placed on the site with the current zoning. The owner of the property, Kelly Denha, overviewed his efforts in the past to market the property as B-3. Dan Cabage, F&V, Township Engineer, overviewed his letter dated August 15, 2024, K. Mathews, Township Planner overviewed her letter dated July 11, 2024, and the BAFA letter dated July 11, 2024 was read into the record.

### PUBLIC HEARING

The public hearing opened at 6:50 p.m.

None.

The public hearing closed at 6:50 pm.

The Planning Commission had a lengthy discussion regarding the project. An updated wetlands survey will be provided to the Township and the conceptual plan will be updated with comments from the Planning Commission including moving the pathway closer to Old US 23. Additionally, comments were made regarding updates to the Conditional Zoning Agreement.

A. Lutes moved and J. Rose seconded to recommend approval of the conditional rezoning from B-3 to conditional RM-1 to the Township Board with the conditions outlined in the letters from the Township Planner, Township Engineer, BAFA, and the Planning Commission conditions.

Ayes: C. Doughty, B. Anderson, J. Rose, A. Lutes, S. Holden

Nayes: W. Hofsess

Motion carried.

PUBLIC HEARING FOR SPECIAL LAND USE PERMIT (SLUP) SU 24/02 FOR OUTDOOR STORAGE AND OUTDOOR DISPLAY BINS FOR STORMY'S OUTDOOR SERVICES; ADDRESS: VACANT TAYLOR AND HYNE; OWNER AND APPLICANT: STORMY'S OUTDOOR SERVICES; TAX ID#S: 12-09-100-019 AND 035; ZONING: B2 (GENERAL BUSINESS) AND R-1 (RESIDENTIAL SINGLE FAMILY)

Applicant Representative David LeClair, Livingston Engineering, overviewed the project for a 6,000 sq. ft. landscape building and outside landscape bins. It was stated that this will not be a retail operation or have salt storage, no showroom, no repair and that this usage statement was on the front page of the site plan. It was also stated that the traffic

**Public Comment:** Jennette Ropeta from Tyrone Township stated that she appreciated Staff's forthright review and that many of the issues brought forward in the review were discussed by the residents with no answers from their township representatives.

**Commission Action:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO RECOMMEND DISAPPROVAL, SECONDED BY COMMISSIONER FUNK.**

**Motion passed: 7-0.**

**C. Z-36-24: COHOCTAH TOWNSHIP, AMENDMENTS TO ZONING ORDINANCE COHOCTAH TOWNSHIP RENEWABLE ENERGY DISTRICT OVERLAY.**

**CASE WILL NOT BE FORMALLY REVIEWED, STAFF AND PLANNING COMMISSION DISCUSSION ONLY**

**Update: October 3, 2024**

Cohoctah's Renewable Energy Overlay (Z-36-24), was briefly reviewed at the September 18, 2024, Livingston County Planning Commission meeting. The County Planning Commission's recommendation was to table their decision until the following Planning Commission meeting (October 16, 2024). The intent behind the recommendation was to allow time for the township to revise the proposed amendments, properly publish and notify the public, and hold a public hearing on the corrected amendments. The township has not submitted updated amendments. A County Staff conversation with Township Supervisor, Mark Fosdick, on September 30, 2024, and on the advice of their attorney, confirmed that the Cohoctah Township Planning Commission does not intend to make revisions or hold another public hearing regarding this case.

Staff recommendation remains same as the September review.

**Commission Discussion:** Commissioner Funk spoke about the status of the Michigan Public Service Commission (MPSC) Order regarding PA 233 that was recently approved and released regarding the siting of renewable energy sources. He is concerned about the legal ramifications of the Order and if it will evolve into a class action suit among townships to challenge and appeal the Orders in court.

**Public Comment:** None.

**Commission Action:** None.

**D. Z-37-24: BRIGHTON CHARTER TOWNSHIP, CONDITIONAL REZONING: B-3 SPECIAL BUSINESS TO CONDITIONAL RM-1 RESIDENTIAL MULTIPLE FAMILY DISTRICT IN SECTION 20.**

**Current Zoning: B-3 Special Business (40,000 sq. ft.)**

**Proposed Zoning: Conditional RM-1 Residential Multiple Family (10 dwelling units/1 net acre)**  
**Section: Section 20**

**Township Master Plan:** The Future Land Use plan and map of Brighton Charter Township (2020) designates the site as Low Density Residential. The Township Master Plan further describes these areas in the following manner:

*Low Density Residential These areas are designated for single-family residences, located between the rural residential and more urbanized areas of the Township. This designation encompasses the majority of land planned for future residential use, and generally includes areas that do not have access to municipal water and sewers. Because public water and sewer service is not planned to be expanded to these areas in the near future, the lot sizes proposed must be adequate to accommodate onsite well and septic facilities. Many areas have already been developed where fewer environmental constraints are found.*

*However, the land immediately surrounding many of the lakes is designated for residential land uses. These areas will need to be monitored to ensure the environmental integrity is maintained and water quality remains satisfactory. Public sewer services have been extended to some of the low-density residential areas*

that surround School and Lyons Lakes, while the remaining lakes within this designation are currently served by on-site facilities. The primary type of development within this classification is expected to be single-family residences on lots that are roughly one acre in size.

**Township Planning Commission Recommendation: Approval with Conditions.** The Brighton Charter Township Planning Commission recommended **Approval with Conditions** of this Rezoning at its September 9, 2024, Public Hearing. From the draft PC minutes for the September 9th PC meeting, there were no public comments regarding this proposed rezoning.

**Staff Recommendation: Approval with Conditions.** The proposed conditional rezoning from B-3 (Special Business District) to RM-1 (Residential Multiple Family District) is reasonable and appropriate at the given location. Conditions of Approval being that the applicant and township mutually agree on the individual conditions contained in the Conditional Conceptual Zoning Agreement (CCZA) and the Conceptual Site Plan (CSP).

The Conditional RM-1 zoning designation (based on an underlying RM-1 residential unit density) offers much more regulatory site design flexibility (clustering of residential units, etc.) and better integration and preservation of the unique and fragile natural areas found on the subject site (i.e., wetland habitat). Proper incorporation into the site plan and associated long-term maintenance of these critical natural elements offer the site an additional valuable amenity to the overall development and its future residents than a development under straight zoning through the current B-3 zoning designation would presumably offer.

**Commission Discussion:** Commissioner Burkholder asked for clarification regarding the minimum lot size of 10 units/1 net acre for township's RM-1 zoning district. Commissioner Ikle had issues regarding the proximity of the wetlands and potential well placement issues and runoff from impervious surfaces due to the proposed development.

**Public Comment:** None.

**Commission Action:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER BOWDOIN TO RECOMMEND APPROVAL WITH CONDITIONS, SECONDED BY COMMISSIONER BURKHOLDER.**

**Motion passed: 7-0.**

**E. Z-38-24. UNADILLA TOWNSHIP AMENDMENTS TO ZONING ORDINANCE ARTICLES – SECTION 16.32 LARGE SOLAR ENERGY SYSTEMS SPECIAL LAND USE STANDARDS.**

The Unadilla Township Planning Commission is proposing to amend the Zoning Ordinance by modifying the special land use standards for Large Solar Energy Systems.

**Township Recommendation: Approval.** The Unadilla Township Planning Commission approved the amendments at their August 27, 2024, public hearing.

**Staff Recommendation: Approval.** The proposed minor revisions to the ordinance are reasonable and strengthen the language for large solar energy systems.

**Commission Discussion:** Commissioner Bowdoin noted that turnover with local fire departments tend to be frequent and that there should be a condition in this township zoning amendment regarding the number of trainings per year for personnel, and that this should be a condition for approval by the County Planning Commission.

**Public Comment:** None.



# Livingston County Department of Planning

October 17, 2024

Brighton Charter Township Board of Trustees  
c/o Joseph Riker, Clerk  
Brighton Township Hall  
4363 Buno Road  
Brighton, MI 48116

**Scott Barb**  
**AICP, PEM**  
**Director**

**Robert A. Stanford**  
**AICP**  
**Principal Planner**

**Martha Haglund**  
**AICP Candidate**  
**Principal Planner**

Re: Livingston County Planning Commission Review

Case: **Z-37-24: CONDITIONAL REZONING: B-3 SPECIAL BUSINESS TO CONDITIONAL RM-1 RESIDENTIAL MULTIPLE FAMILY**

Dear Board Members:

The Livingston County Planning Commission met on Wednesday, October 16, 2024, and reviewed the proposed Conditional Rezoning referenced above. The Livingston County Planning Commissioners made the following recommendation:

### **Z-37-24: Approval with Conditions**

*The proposed conditional rezoning from B-3 (Special Business District) to RM-1 (Residential Multiple Family District) is reasonable and appropriate at the given location. Conditions of Approval being that the applicant and township mutually agree on the individual conditions contained in the Conditional Conceptual Zoning Agreement (CCZA) and the Conceptual Site Plan (CSP).*

*The Conditional RM-1 zoning designation (based on an underlying RM-1 residential unit density) offers much more regulatory site design flexibility (clustering of residential units, etc.) and better integration and preservation of the unique and fragile natural areas found on the subject site (i.e., wetland habitat). Proper incorporation into the site plan and associated long-term maintenance of these critical natural elements offer the site an additional valuable amenity to the overall development and its future residents than a development under straight zoning through the current B-3 zoning designation would presumably offer.*

Copies of the staff review and draft Livingston County Planning Commission meeting minutes are enclosed. Do not hesitate to contact our office if you have any questions regarding this county action.

Sincerely,

Robert Stanford

*Robert Stanford*

Robert Stanford  
Principal Planner, AICP

cc: Steve Holden, Planning Commission Chair  
Kelly Mathews, Planner

(517) 546-7555  
Fax (517) 552-2347

Web Site

<https://milivecounty.gov/planning>

Meeting minutes and agendas are available at: <https://milivecounty.gov/planning/commission/>



**LIVINGSTON COUNTY PLANNING DEPARTMENT  
REZONING REQUEST - | CONDITIONAL  
STAFF REPORT**

**CASE NUMBER:  
Z-37-24**

<b>COUNTY CASE NUMBER:</b>	Z-37-24	<b>TOWNSHIP:</b>	Brighton Charter Township
<b>REPORT DATE:</b>	October 2, 2024	<b>SECTION NUMBER:</b>	20
<b>STAFF ANALYSIS BY:</b>	Robert Stanford	<b>TOTAL ACREAGE:</b>	12.23 Acres

<b>APPLICANT / OWNER:</b>	Ron Jona / LED Development LLC
<b>LOCATION / PARCEL ID:</b>	12-20-400-017
<b>LAND USE:</b>	Vacant

<b>CURRENT ZONING:</b>	<b>REQUESTED ZONING:</b>
B3 – Special Business District	RM-1 - Residential Multiple Family District (Conditional)
<b>PERMITTED/SPECIAL USES (Not all inclusive):</b>	<b>PERMITTED</b>
<u>Permitted:</u> Not Limited to-  Auto Parts Supply Stores, Nurseries, Garden Retail Stores, & Greenhouses, Retail Establishments & Shopping Centers of 30,000 sq. ft. or less, Banks, S & L, Credit Unions up to 4 Drive-Through Windows, Real Estate Agents, Leasers, Developers, Operators, & Title Companies, Medical Offices up to 40,000 sq. ft., Beauty & Barber Shops, Hotels & Motels, Restaurants & Bars Serving Alcoholic Beverages, Lodge, Tavern, Repair Services (Watches, Radio, TV & Appliances), Dance Studios, Schools & Halls, Motion Picture Theaters, Churches, Temples or other Places of Worship or Public Assembly, Warehousing Accessory to a Permitted Use.	<u>Permitted:</u> Not Limited to-  Multiple Family Dwellings, Single Family Dwellings, Two Family Dwellings, Adult Foster Care Home (1-6 adults), Foster Family Home (1-4 children 24 hrs.), Foster Family Group Home (5-6 children 24 hrs.), Family Day Care Home (1 -6 children <24 hrs.), Senior Independent Housing, Parks & Public Recreation Facilities, Churches, Temples, & Other Places of Worship.
<u>Special:</u> Not Limited to-  Boat, Recreational Vehicle, & Motorcycle Dealerships, Drug Stores with Drive Through Pickup, Outdoor Storage Accessory to a Permitted Use, Service Stations, Banks S & L, Credit Unions with 4 or More Drive-Through Windows, Extended Care Facilities, Hospitals, Medical Offices over 40,000 sq. ft., Passenger Car Rental, Restaurants & Bars with Dancing & Live Entertainment, Restaurants with Drive-Through or Drive-Up Service, Sports Arenas, Skating Rinks, Indoor Tennis & Racquetball Courts, or Similar Forms of Indoor Commercial Recreation, Mini-Storage/Self Storage Warehousing, Warehousing, Wholesale & Distribution Facilities Including Truck Terminals.	<u>Special:</u> Not Limited to -  Adult Foster Care Small Group Home (7-12 adults), Adult Foster Care Large Group Home (13-20 adults), Group Day Care Home (7-12 children < 24 hrs.), Senior "Interim" Care & "Intermediate" Care, Congregate Care & Dependent Care (Convalescent/Nursing Home Units), Cemeteries (Public only), Golf Courses, Swimming Pool Clubs, & Recreation Clubs, Essential Public Service/Utility Buildings.
<b>Minimum Lot Area:</b> 40,000 sq. ft.	<b>Minimum Lot Area:</b> According to Section 3-03 District Regulations of the township ordinance:  "In the RM-1 Multiple-Family District the maximum density, as defined in Section 25-03 of the township zoning ordinance, shall be ten (10) dwelling units per each one net (1) acre of site area."

<b>TOWNSHIP PLANNING COMMISSION RECOMMENDATION AND PUBLIC COMMENTS:</b>	<b>ESSENTIAL FACILITIES AND ACCESS:</b>
The Brighton Charter Township Planning Commission recommended <b>APPROVAL WITH CONDITIONS</b> of this Rezoning at its September 9, 2024, Public Hearing.	<b>Water:</b> The site is serviced by private well
From the draft PC minutes for the September 9 <sup>th</sup> PC meeting, there were no public comments regarding this proposed rezoning.	<b>Sewer:</b> The site is serviced by public sewer. <b>Ingress/Egress Access:</b> Access to subject site via Old US 23.

**EXISTING LAND USE, ZONING AND MASTER PLAN DESIGNATION:**

		Land Use:	Zoning (Minimum Lot Area):	Future Land Use / Master Plan:
Subject Site:		Vacant	B-3 Special Business	Low Density Residential
	To the North:	Commercial	RM-1 Residential Multi-Family	Neighborhood Business
	To the East:	Old US 23/Commercial	I-1 Industrial	Research and Development
	To the South:	Vacant	R-3 (Residential Single Family 0.45 ac.)	Low Density Residential
	To the West:	Wetlands	RM-1 Residential Multi-Family	Low Density Residential

**ENVIRONMENTAL CONDITIONS:**

<b>Soils / Topography:</b>	The entire western and southern portions of the subject parcel, adjacent to Lyons Lake, consist of Houghton Muck soils, which are poorly drained and consistent with wetland areas. The eastern portion of the site, proposed to be the residentially-developed area for this rezoning, consists of Bronson loamy sand, 0 to 2 percent slopes. Bronson soils are very deep, moderately well drained soils. The potential for surface runoff is negligible to low.
<b>Wetlands:</b>	The Michigan DEQ Wetlands Inventory and National Wetlands Inventory (NWI) indicates a 42-acre, palustrine, emergent wetland complex that extends through the western approximate 2/3rds of the subject parcel and serves as part of the Woodruff Creek drainage area, which lies immediately adjacent to Lyons Lake.
<b>County Priority Natural Areas:</b>	According to the Livingston County Planning Department produced map and document entitled: "Livingston County's High-Quality Natural Areas" (2021), there are no High-Quality Priority Natural Areas found on the subject parcel.

**TOWNSHIP MASTER PLAN DESIGNATION:**

The Future Land Use plan and map of Brighton Charter Township (2020) designates the site as *Low Density Residential*. The Township Master Plan further describes these areas in the following manner (p.17).

*Low Density Residential* These areas are designated for single-family residences, located between the rural residential and more urbanized areas of the Township. This designation encompasses the majority of land planned for future residential use, and generally includes areas that do not have access to municipal water and sewers. Because public water and sewer service is not planned to be expanded to these areas in the near future, the lot sizes proposed must be adequate to accommodate onsite well and septic facilities. Many areas have already been developed where fewer environmental constraints are found. However, the land immediately surrounding many of the lakes is designated for residential land uses. These areas will need to be monitored to ensure the environmental integrity is maintained and water quality remains satisfactory. Public sewer services have been extended to some of the low density residential areas that surround School and Lyons Lakes, while the remaining lakes within this designation are currently served by on-site facilities. The primary type of development within this classification is expected to be single-family residences on lots that are roughly one acre in size.

**COUNTY COMPREHENSIVE PLAN:**

The 2018 Livingston County Master Plan does not direct future land use patterns, or development within Livingston County. Alternatively, it offers a county-wide land use perspective when reviewing potential rezoning amendments. The Land Use & Growth Management chapter of the plan includes decision-making recommendations regarding potential land use conflicts and promoting good land governance.

This rezoning request, as proposed, presents a few associated challenges for the township to deal with, such as increased traffic at this location along Old US-23, increased impervious surface and possible increased drainage from the site, wetlands intrusion/disturbance, and adequate emergency vehicle ingress and egress to and from the site.

**GENERAL COUNTY PLANNING STAFF COMMENTS:**

The application for rezoning from B-3 (Special Business District) to RM-1 (Residential Multiple Family District), with Conditions offered by the applicant, proposes a sixteen (16) unit multiple family residential development. The applicant has satisfied all required township conditional zoning ordinance requirement. The township also requires that all requirements for a Conditional Concept Zoning Agreement (CCZA) be met as well. As indicated by the Township Planner review (July 11, 2024), many, but not all, of these requirements have been met as of the date of the review. The Township Planner's review recommended that the applicant revise the conceptual site plan per the comments provided in their review, prior to attending the Township Planning Commission meeting (assumed to be September 9, 2024). According to the Township Planner, the Conditional Rezoning Agreement has been revised since the initial PC meeting on September 9<sup>th</sup>, with the following proposed changes:

- Moving the proposed pathway closer to Old US 23.
- Making the north side garbage area circulation better.
- Adding a few more parking spaces for visitor parking and adding barrier free parking on the conceptual plan.
- Adding language in the Conditional Zoning Agreement that developer will maintain the project and will adhere to the approved site plan unless they come back before the Township.
- Will maintain the wetlands on the site, and will add fencing, if necessary, around the detention basin.

**REVIEW CONSIDERATIONS (Township Zoning Ordinance - Article 23: Administration And Enforcement, Sec. 23-10 Amendments)**

**Review Considerations.** The Planning Commission and Township Board shall, at minimum, consider the following before making recommendation on any proposed amendment

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

**County Planning Staff Comments:** It appears that the conditional rezoning of this site to RM-1 - Residential Multiple Family District would be inconsistent with the goals, policies, and future land use map of the township Master Plan. The Plan designates this site as planned for Low Density Residential development. The primary type of development within this classification is expected to be single-family residences on lots that are roughly one acre in size. The proposed development is not one acre lot, rather, it is proposed as a sixteen (16) unit multiple family residential development. However, the conditions of this rezoning, as voluntarily offered by the applicant, allow for much more regulatory control by the township to get a better, higher-quality development through the process than a straight development under current B-3 Special Business zoning would provide. Additionally, the land use characteristics of the west side of Old US-23 in this immediate vicinity is nearly entirely comprised of residential development of different density levels.

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

**County Planning Staff Comments:** While there are Houghton muck soils (associated with wetland areas) located on the western and southern portions of the subject parcel, the portion of the site proposed to be developed as a sixteen (16) unit multifamily residential development consists of well-drained, Bronson loamy soils, which have good stability for building and development purposes. This area will need to be continually monitored, post-development, to ensure the long-term environmental integrity is maintained, and water quality remains high.

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

**County Planning Staff Comments:** According to the township, evidence has not provided to indicate that the proposed site could not be developed under the current B-3 Special Business zoning district designation. As such, the applicant is proposing the rezoning as a Conditional Residential Rezoning project. Given this, the proposed conditional rezoning will provide the township with more regulatory control on site development, which in turn should limit the proposed multi-unit residential development's undesired direct impacts on the surrounding environment, associated traffic patterns, and county and township infrastructure.

The capacity of Township infrastructure, utilities and services is sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.

**County Planning Staff Comments:** The subject site will be serviced by individual well and public sewer which are capable of handling the permitted request. The design of the proposed ingress/egress drive connection to Old US-23 is subject to approval by the Livingston County Road Commission. The applicant provided the township with a traffic impact analysis (conducted by Carlo Santia, P.E., Traffic Engineering Consultants, Inc.). The Township Engineer will review the study. The traffic study conducted for this proposed conditional rezoning provided the following observances:

**Area Roadways and Existing Road Network**

*"Traffic on this segment of two (2) lane roadway per MDOT data has an average daily traffic of 15,177 vehicles counted in 2023. Based on the above, the traffic generated by the land uses proposed by the Townhomes on 23 project will be more than 89% less during the weekdays and more than 76% less during the PM peak hour than would be generated by a Retail Development. The impact on the surrounding road system and the existing surrounding businesses of the traffic generated by the Townhomes on 23 project will be significantly less than when if a retail facility was to open. Also, generally speaking MDOT does not require a Traffic Study for peak hour volumes less than 100 vehicles. Therefore, the project will have no impact on the existing and proposed traffic on Townhomes on 23 and other area roads and adjoining businesses."*

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

**County Planning Staff Comments:** According to the most recent township zoning map (February 2022), surrounding zoning to the subject parcel (specifically on the west side of Old US-23) is zoned predominantly R-3 Residential Single Family (0.45 acre) and RM-1 Residential Multiple Family (ten (10) dwelling units per each one net (1) acre). Although it consists of entirely of Houghton Muck soils (which are not supportive of any level of intensive development), the parcel immediately adjacent to the subject parcel is RM-1. Recent housing trends along with County Planning Department surveys conducted as part of the public participation process related to the current update of the County Master Plan have shown that there is a definite demand in the County for more available, AFFORDABLE, high-density, multi-family residential development.

If a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another zoning district.

**County Planning Staff Comments:** County Planning Staff concurs with the township response for this criterion, in that, the proposed conditional residential rezoning offers a benefit to the township in terms of knowing what the development will be at the time of the rezoning.

**COUNTY PLANNING STAFF RECOMMENDATION:**

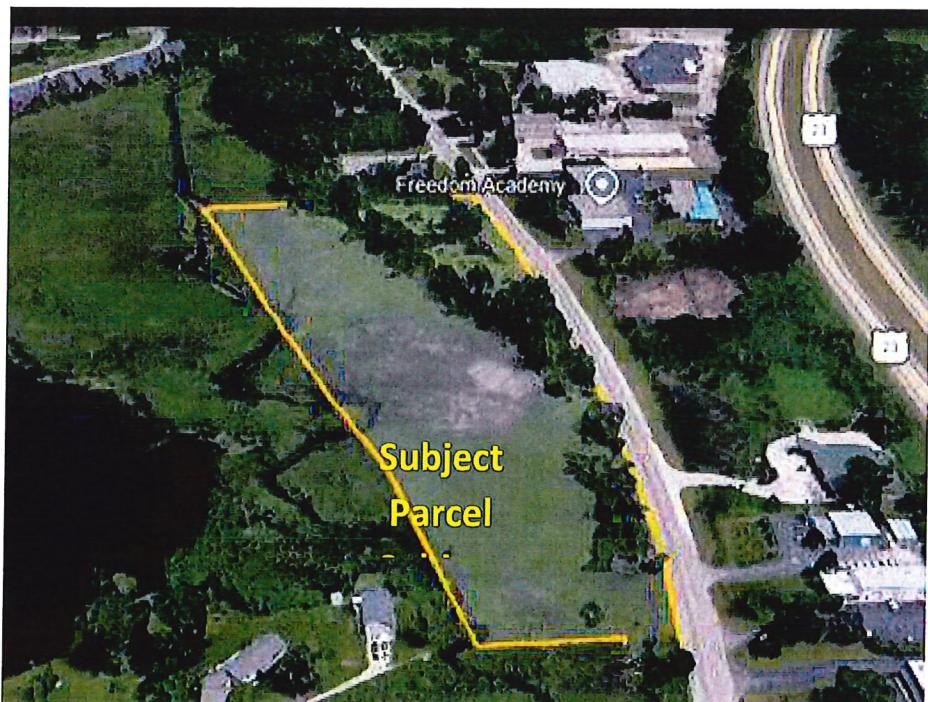
**Approval With Conditions.** The proposed conditional rezoning from B-3 (Special Business District) to RM-1 (Residential Multiple Family District) is reasonable and appropriate at the given location. Conditions of Approval being that the applicant and township mutually agree on the individual conditions contained in the Conditional Conceptual Zoning Agreement (CCZA) and the Conceptual Site Plan (CSP).

The Conditional RM-1 zoning designation (based on an underlying RM-1 residential unit density) offers much more regulatory site design flexibility (clustering of residential units, etc.) and better integration and preservation of the unique and fragile natural areas found on the subject site (i.e., wetland habitat). Proper incorporation into the site plan and associated long-term maintenance of these critical natural elements offer the site an additional valuable amenity to the overall development and its future residents than a development under straight zoning through the current B-3 zoning designation would presumably offer.

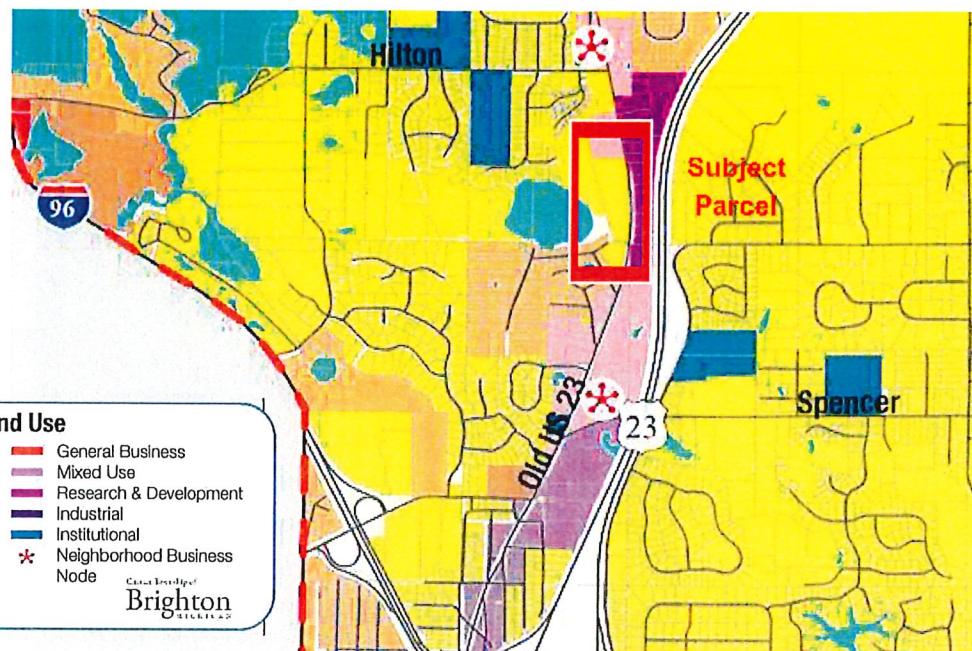
## EXISTING LAND USE:



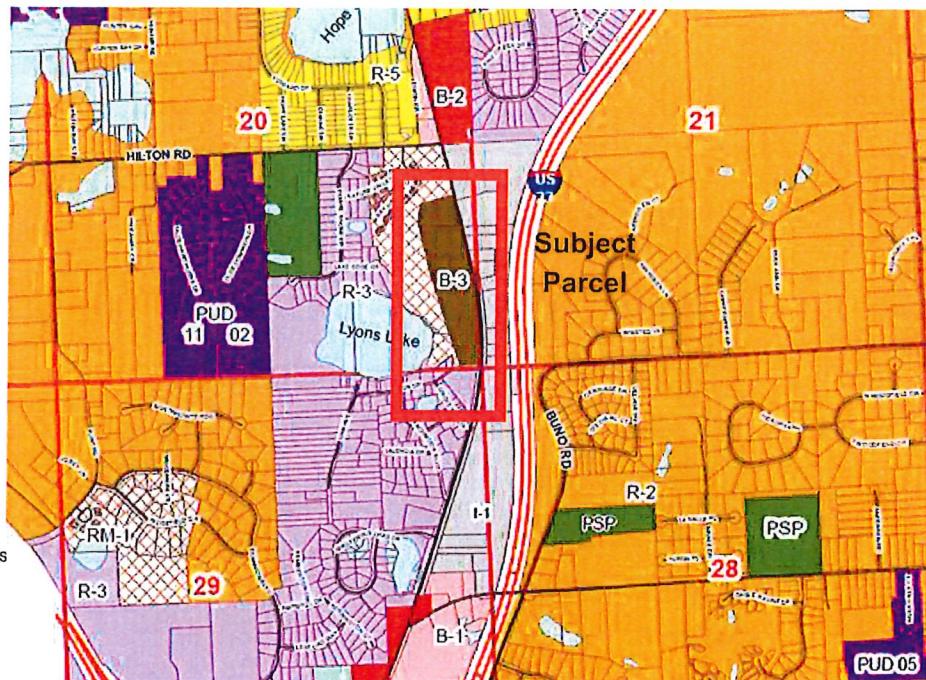
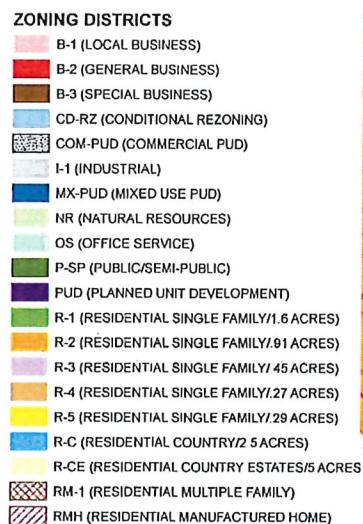
## AERIAL PHOTO:



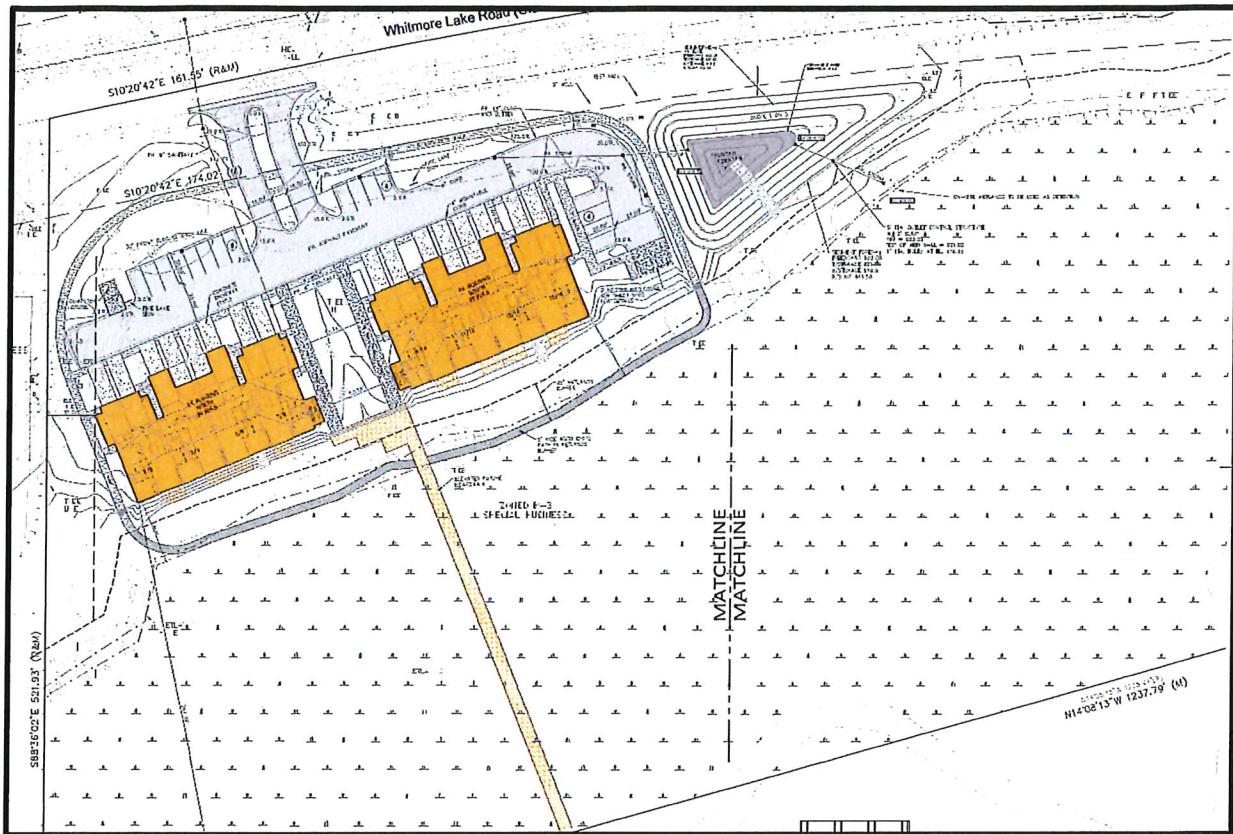
## FUTURE LAND USE:



## SURROUNDING ZONING MAP:



## CONCEPTUAL BUILDING FOOTPRINT AND FRONT AND REAR FACADES:



REZONING APPLICATION  
FOR THE CHARTER TOWNSHIP OF BRIGHTON

DATE 6/21

PERMIT # \_\_\_\_\_

MEETING DATE \_\_\_\_\_

NAME OF PETITIONER Ron Jona

ADDRESS 1066 COMMERCIAL B'HAM MI 48009  
STREET CITY STATE ZIP CODE

PHONE # 248 789 2001  
WORK HOME FAX

EMAIL R.JONA@RONJONA.COM

PROPERTY TAX ID # 12-20-400-017

TOTAL ACREAGE 13.23 SUBDIVISION \*\*

OWNER OF PROPERTY Townhomes on 23 LLC

ADDRESS 1066 COMMERCIAL B'HAM MI 48009  
STREET CITY STATE ZIP CODE

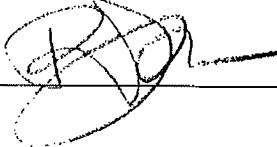
PHONE # 248 789 2001  
WORK HOME FAX

REQUEST TO REZONE FROM C-1 TO R.M.

PROPOSED USE OF THE PROPERTY TO BE REZONED MULTI

ATTACHED:

- Legal description
- Proof of ownership
- Multiple-family use or non-residential use with supporting data, market studies, etc. that indicate the feasibility, marketability; and potential of the proposed use.

RECEIPT # \_\_\_\_\_ SIGNATURE 

# TOWNHOMES ON 23

BRIGHTON TWP., MI

LIVINGSTON COUNTY, MICHIGAN



## LEGAL DESCRIPTION

PART OF THE SE. 1/4 OF SECTION 20 AND SW. 1/4 OF SECTION 31, T32N, R1E, BRIGHTON TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN. ALSO PARTICULARLY DESCRIBED AS: BEG. AT THE SW. CORNER OF SECTION 20, N. 80° 21' 09" W., 200.21 FEET THENCE N. 14° 06' 33" W., 1237.79 FEET THENCE N. 30° 20' 42" W., 153.13 FEET THENCE N. 14° 06' 33" E., 1237.79 FEET THENCE N. 30° 20' 42" E., 161.55 FEET THENCE CONTINUING ALONG THE CENTERLINE OF WHITMORE LAKE ROAD (60 FEET WIDE) 1/2 RIGHT-OF-WAY, S. 10° 39' 42" E., 161.55 FEET THENCE CONTINUING ALONG THE CENTERLINE OF WHITMORE LAKE ROAD (60 FEET WIDE) 1/2 RIGHT-OF-WAY, S. 10° 39' 42" E., 161.55 FEET, A CENTRAL ANGLE OF 17° 52' 27" AND ALONG CHORD WHICH BEARS S. 01° 54' 28" E., 1358.83 FEET; THENCE N. 80° 20' 00" W., 100 FEET TO THE POLE OF THE CABLES OF THE 11KV POWER LINES; THENCE N. 80° 20' 00" W., 100 FEET, NET 49,059 SQUARE FEET OR 11.366 ACRES, AND SUBJECT TO THE RIGHTS OF THE PUBLIC OVER WHITMORE LAKE ROAD.

VEINER LAND OWNERSHIP

PARCEL NO. 12-30-400-017

## ARCHITECTURAL

RON JONA  
COLLABORATIVE

VIVID DESIGN STUDIO

1000 COMMERCE STREET  
BRIGHTON MI 44207  
248.769.2001

## CIVIL/LANDSCAPE

**CNF**  
ENGINEERS  
CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS

248.769.2001

## SHEET INDEX

T-1	TITLE SHEET
SPI	BOUNDARY TOPOGRAPHIC SURVEY
SPT	BOUNDARY TOPOGRAPHIC SURVEY
SPI	DEMOLITION PLAN
SPI	DRYWALL PLACEMENT PLAN
SPI	FADING & GRADING PLAN
SPI	UTILITY PLAN
SPI	PROJECT NOTES & DETAIL PLAN
L-1	LANDSCAPE PLAN
A-1	FIRST FLOOR PLAN
A-2	SECOND FLOOR PLAN
A-3	ELEVATIONS



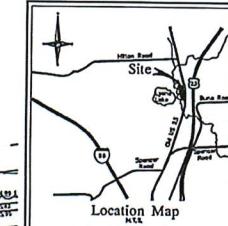
T-1

10.15.2024

## LEGAL DESCRIPTION

Vacant Land/ Old US 23

PARCEL NO. 12-20-100-017



NF  
ENGINEERS

CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS

**NOWAK & FRAUS ENGINEERS**  
46777 WOODWARD AVE.  
PONTIAC, MI 48342-5032  
TEL (248) 332-7931  
FAX: (248) 332-8257  
[WWW.NEE-ENGR.COM](http://WWW.NEE-ENGR.COM)



---

**PROJECT**

**CLIENT**  
Ron Jona Collaborative  
29110 Inkster, Suite 150  
Southfield, MI 48034

Contact: Ron Jona  
Phone: 248-789-200

**PROJECT LOCATION**  
Part of the SW 1/4 Sec. 20  
Part of the SW 1/4 Sec 21  
T.2N., R.6E.  
Brighton Township,  
Livingston County, Michigan

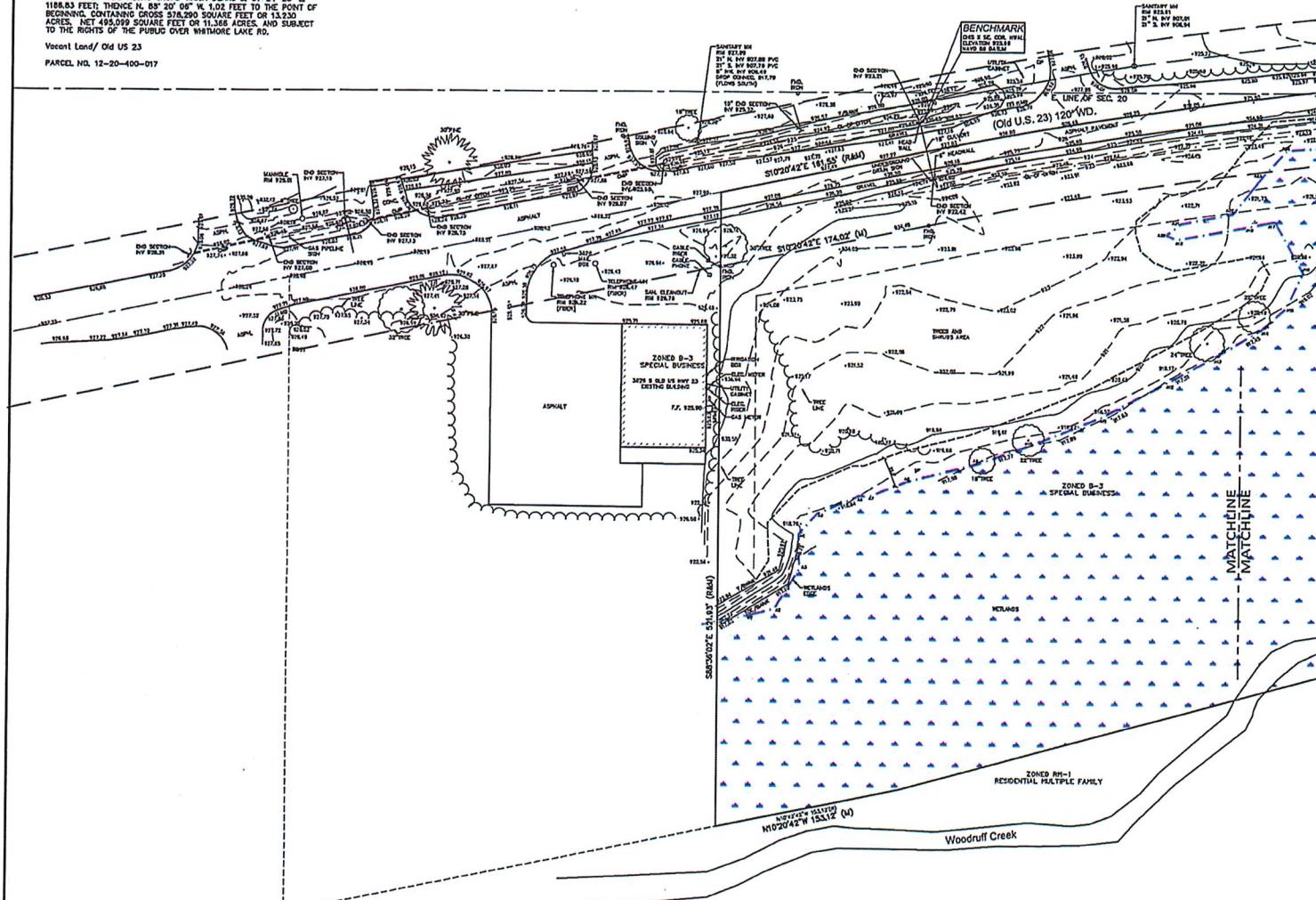
**SHEET**  
**Boundary / Topographic /**  
**Tree Survey**

Know what's below  
Call before you dig

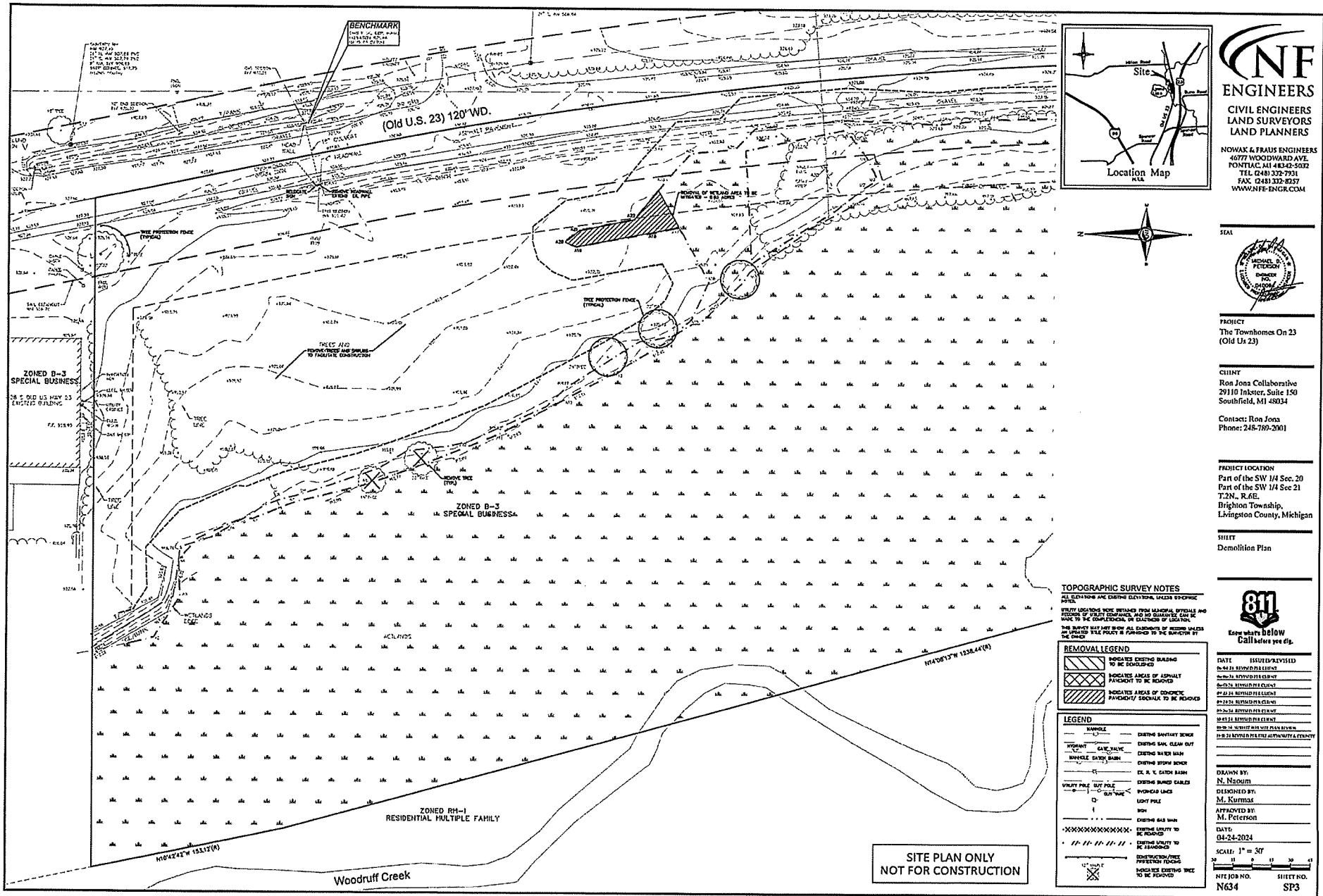
Know what's below  
Call before you dig

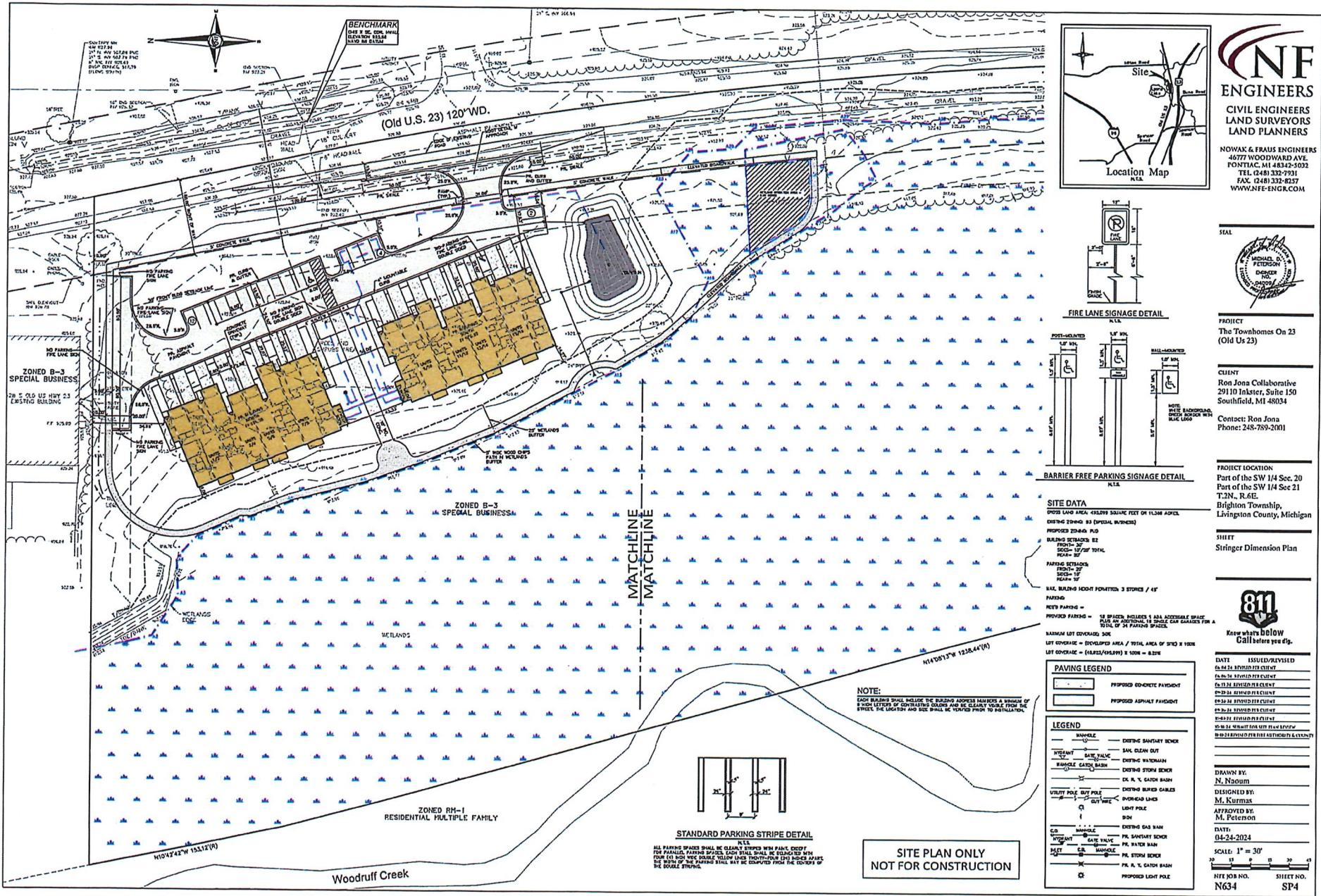
DRAWN BY:  
N. Naoum

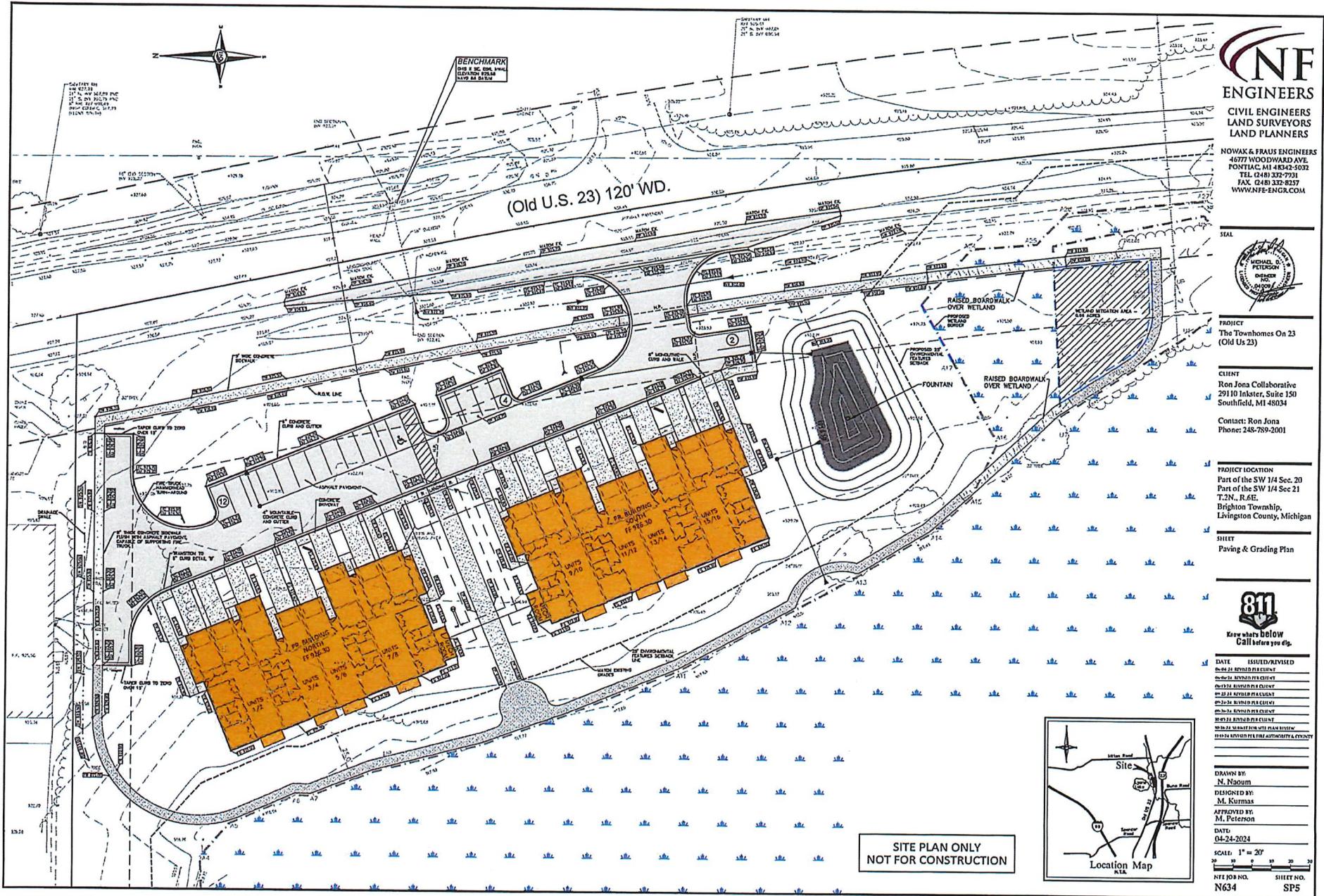
DESIGNED BY:  
\_\_\_\_\_  
APPROVED BY:  
K. Navaroli  
DATE:  
04-24-2024  
SCALE: 1" = 40'  
  
NTE JOB NO. **SP1** SHEET NO. **N634**

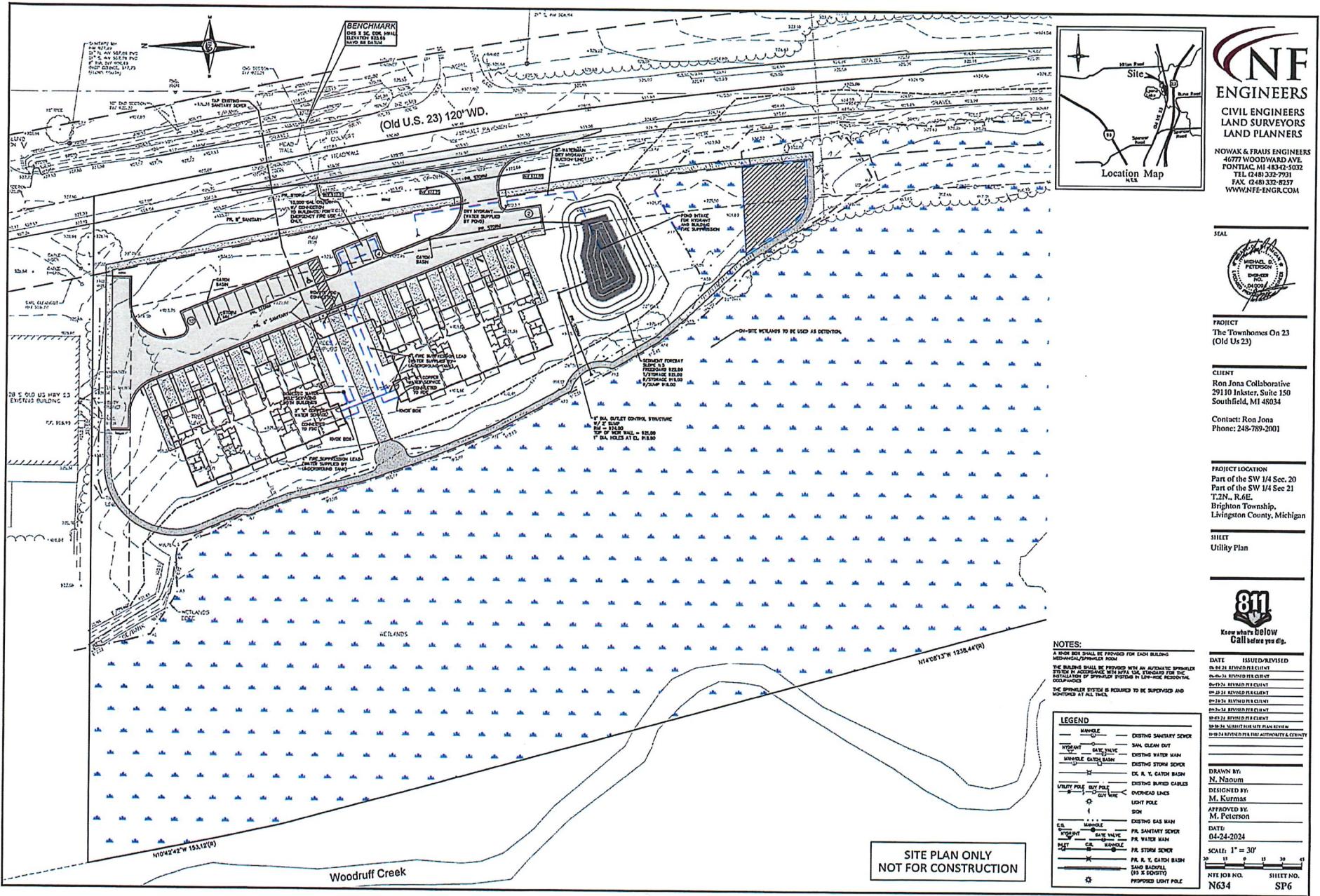




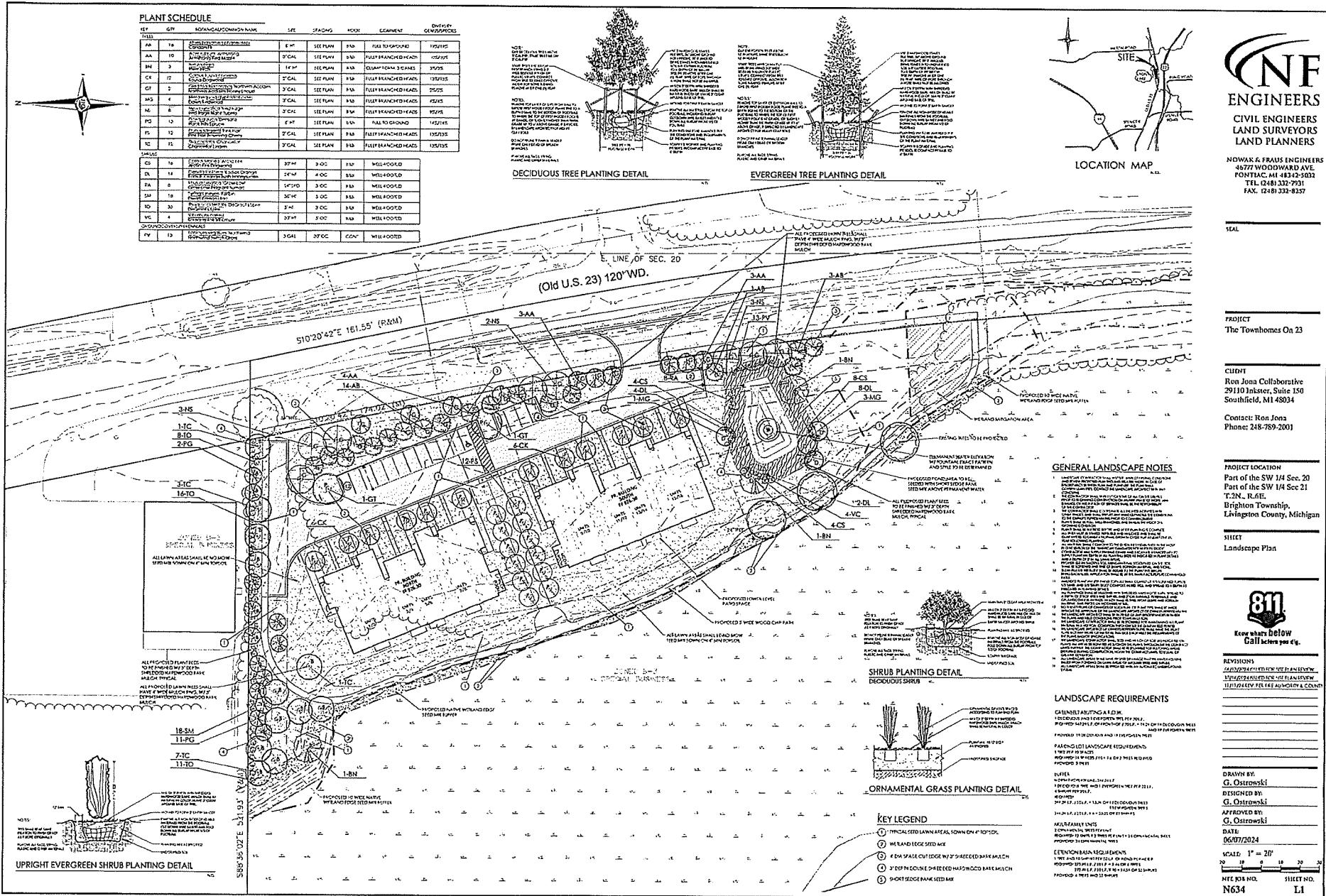


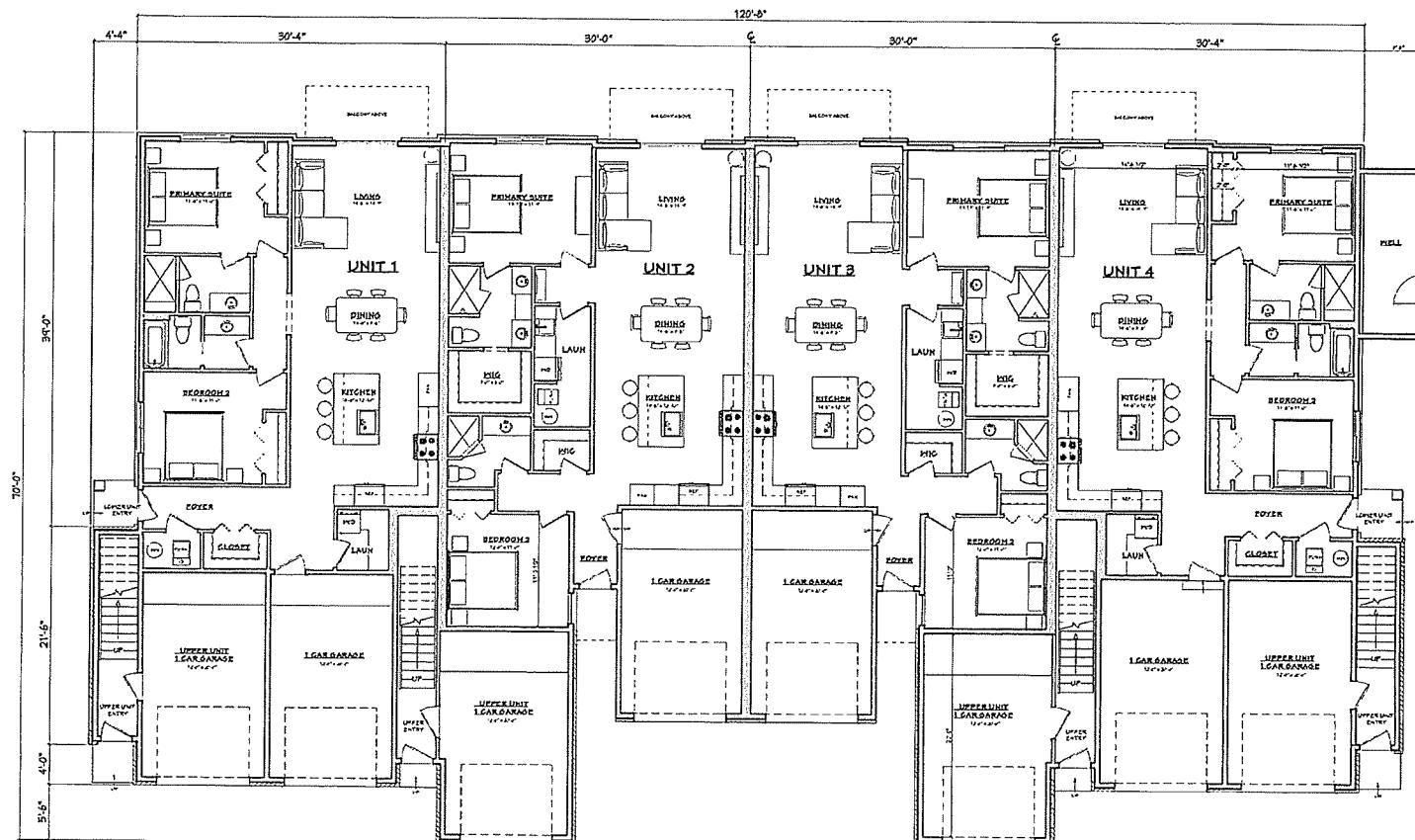












SOUTH BUILDING (NORTH BUILDING MIRROR IMAGE) FIRST FLOOR PLAN 4 UNITS

SCALE: 3/16"=1'-0"

UNIT SIZE 1,200 SF

DATE ISSUED  
10.15.2024

SHEET NO

A-1

TOWNHOMES ON 23  
BRIGHTON TWP.

SHEET:  
FIRST FLOOR  
QUAD UNITS

SEAL

**RON JONA  
COLLABORATIVE**  
1050 COURTESY ESTATE  
BROOKHAMPS M4 4DQ  
248.789.2001

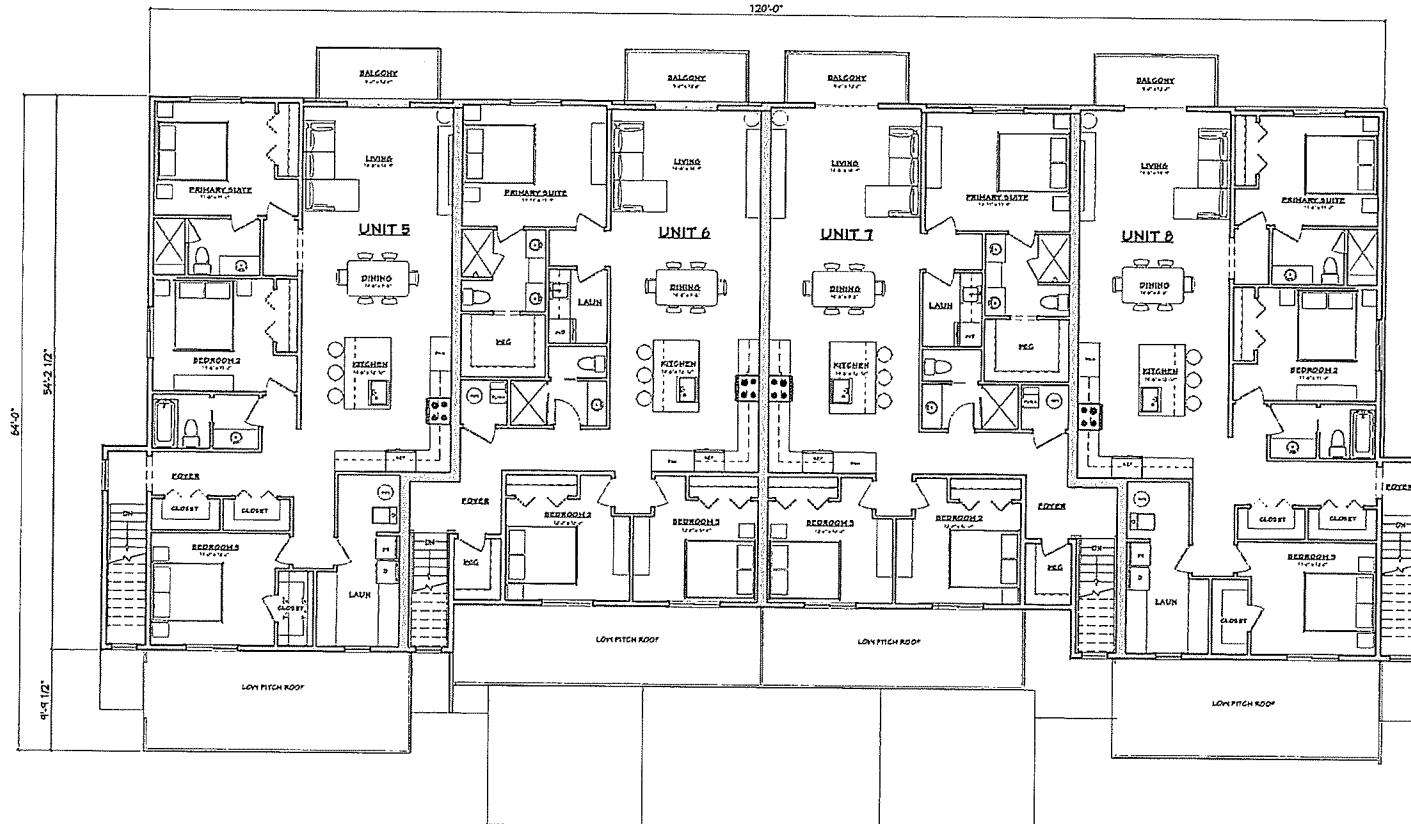
VIVID DESIGN  
STUDIO

# TOWNHOMES ON 23

BRIGHTON TWP.

**SHEET:**  
**SECOND FLOOR**  
**QUAD UNITS**

SEARCH



SOUTH BUILDING (NORTH BUILDING MIRROR IMAGE) SECOND FLOOR PLAN

SCALE: 3'16"-1'-0"

UNITS 5,6 1,630 SF  
UNITS 6,7 1,540 SF

DATE ISSUED  
10.15.2024

SHEET NO

A-2

RON JONA  
COLLABORATIVE  
104 COMMERCE DR  
BRIGHAM LAKE, 40201  
248.789.2001

VIVID DESIGN STUDIO

**TOWNHOMES ON 23**  
BRIGHTON TWP.

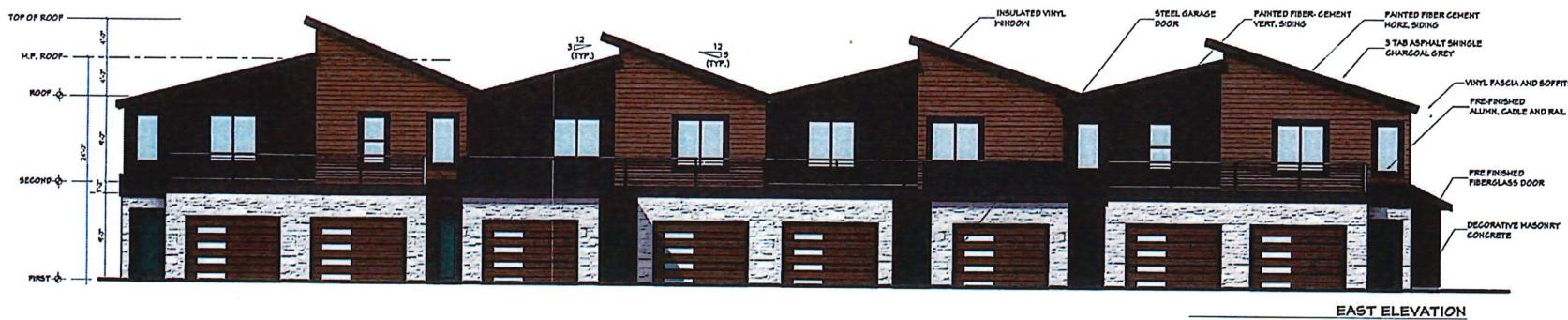
SHEET:  
ELEVATIONS  
QUAD UNITS

SEAL

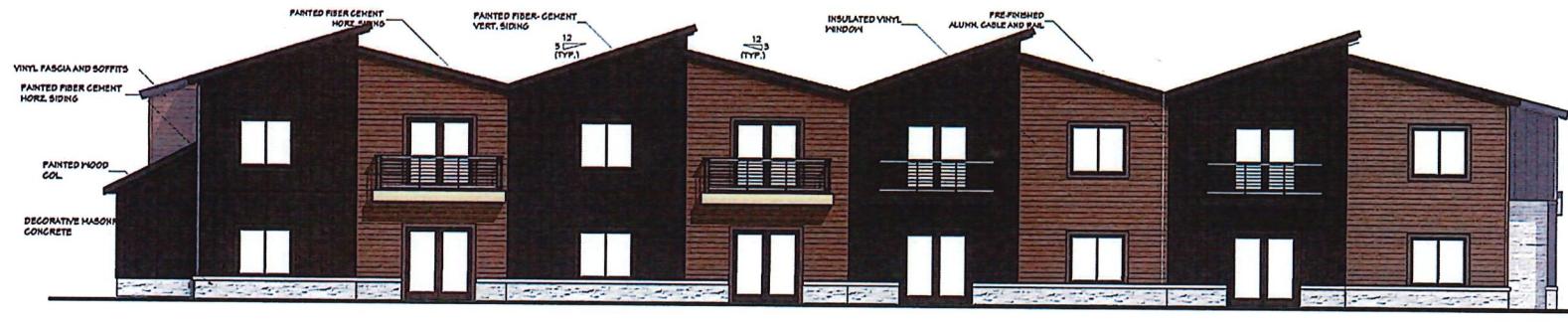
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SHEET NO

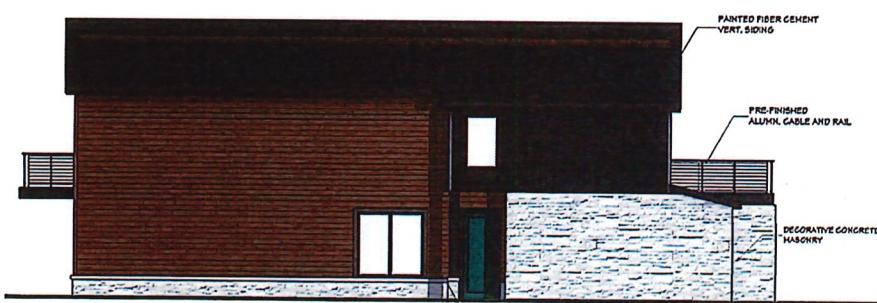
A-3



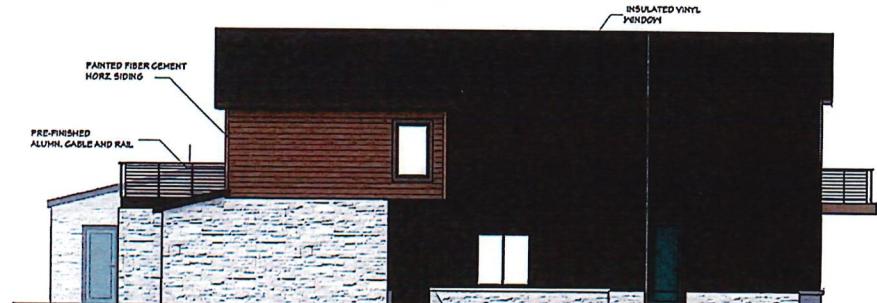
EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



Assessment • Remediation • Compliance  
Restoration • Incentives

10448 Citation Drive, Suite 100  
Brighton, MI 48116

800 395-ASTI  
Fax: 810.225.3800

[www.asti-env.com](http://www.asti-env.com)

**Sent Via Email Only**

**RECEIVED**

October 1, 2024

OCT 17 2024

Mr. Ron Jona  
**The Ron Jona Collaborative**  
1066 Commerce Street  
Birmingham, MI 48009

BRIGHTON TOWNSHIP

*RE: Wetland Delineation and Jurisdictional Assessment with GPS Survey  
The Townhomes on 23  
Brighton Township, Livingston County, Michigan  
ASTI File No. A24-1688.00*

Dear Mr. Jona:

A site investigation was completed on September 23, 2024, by ASTI Environmental (ASTI) to delineate wetland boundaries within approximately 7 acres of land located along the west side of Old US-23, north of Spencer Road, and south of Hilton Road in Brighton Township, Livingston County, Michigan (Property). One watercourse (Woodruff Creek) and one wetland likely regulated by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), and Brighton Township were found on the Property (Figure 1 – GPS-Surveyed Wetland Boundaries). Wetland boundaries, as depicted on Figure 1, were located using a professional grade, hand-held Global Positioning System unit (GPS).

#### **SUPPORTING DATA**

The USDA Web Soil Survey (WSS), the National Wetland Inventory Map (NWI), EGLE Wetlands Map Viewer web site, and digital aerial photographs were all used to support the wetland delineation and subsequent regulatory status determination. All reviewed data indicated the presence of wetland in the western portion of the Property. All data also showed Woodruff Creek in the southwest portion of the Property and Lyons Lake to the west of the Property.

In addition, the WSS indicates the Property is comprised of the soil complexes of Bronson loamy sand (0-2% slopes), Fox sandy loam (2-6% slopes), Houghton muck (0-1% slopes), and Oakville fine sand (0-6% slopes). According to the WSS, Houghton muck (0-1% slopes) is a hydric soil.

#### **FINDINGS**

ASTI investigated the Property for the presence of any lakes, ponds, wetlands, and watercourses. This work is based on MCL 324 Part 301, Inland Lakes and Streams and Part 303, Wetlands Protection, as well as the Code of Ordinances, Charter Township of Brighton, Michigan, Article 24, Wetland and Waterways Protection. In addition to those

resources regulated by EGLE, Brighton Township regulates isolated (non-contiguous) wetlands from five to two acres in size and those wetlands less than two acres in size if determined by the Township to be essential to the preservation of the natural resources of the Township. In some circumstances, the US Army Corps of Engineers (ACOE) may also have jurisdiction of wetlands or watercourses on a property; this is not the case for your site.

The delineation protocol used by ASTI for this delineation is based on the US Army Corps of Engineers' *Wetland Delineation Manual*, 1987, the *Regional Supplements to the Corps of Engineer Wetland Delineation Manual: Midwest Region and Northcentral/Northeast Region*, and related guidance/documents, as appropriate. Wetland vegetation, hydrology, and soils were used to locate the wetland boundaries.

One watercourse and one wetland likely regulated by EGLE and Brighton Township were found on the Property.

#### Watercourse

Woodruff Creek occurs in the southwest portion of the Property (Figure 1). It is ASTI's opinion that Woodruff Creek is regulated by EGLE as a stream under Part 301, Inland Lakes and Streams, given that it has defined bed, banks, and evidence of flow. Please note that there may also be 100-year floodplain associated with the watercourse on site.

#### Wetland A

Wetland A is an emergent wetland with a scrub/shrub fringe 4.62 acres in size on the Property (Figure 1). Vegetation within Wetland A was dominated by narrow-leaved cattail (*Typha angustifolia*), tussock sedge (*Carex stricta*), and glossy buckthorn (*Frangula alnus*). Soils within Wetland A were mucky and are considered hydric because the soil met the criteria of 2cm muck. Indicators of wetland hydrology observed within Wetland A included a high-water table, soil saturation, oxidized rhizospheres on living roots, algal mat, and water-stained leaves.

Vegetation observed within the upland adjacent to Wetland A was dominated by multiflora rose (*Rosa multiflora*), quaking aspen (*Populus tremuloides*), autumn olive (*Elaeagnus umbellata*), glossy buckthorn, red oak (*Quercus rubra*), multiflora rose (*Rosa multiflora*), and tall goldenrod (*Solidago altissima*). Soils in the adjacent upland were loamy and did not exhibit hydric soil characteristics. No indicators of wetland hydrology were observed.

Wetland A is likely regulated by EGLE under Part 303 and by Brighton Township under Article 24 because it is greater than five acres in size including off-site extents, is directly connected to Woodruff Creek, which is a regulated stream under Part 301, and is within 500 feet of Lyons Lake, which is a regulated inland lake under Part 301.

#### Wetland Flagging

Wetland boundaries were marked in the field with pink day-glow flagging and numbered as follows: Wetland A = A-1 through A-30.



## SUMMARY

Based upon the data, criteria, and evidence noted above, it is ASTI's professional opinion that the Property includes one watercourse (Woodruff Creek) and one wetland (Wetland A) regulated by EGLE under Part 301, Inland Lakes and Streams, and Part 303, Wetlands Protection, respectively. In addition, both Woodruff Creek and Wetland A are likely regulated by Brighton Township under Article 24, Wetland and Waterways Protection. However, EGLE and Brighton Township have the final authority on the extent of regulated lakes, streams, and wetlands in the State of Michigan and within the Township, respectively. Any proposed impact to the areas that ASTI has identified as regulated will require an EGLE and a Township permit prior to any wetland impacts.

Please note that additional Township coordination and/or permitting will be required for this Property. The Township requires a 25-foot setback from regulated wetlands and watercourses.

Attached are Figure 1, which shows the GPS-surveyed locations of wetland flagging on the Property, and completed US Army Corps of Engineers (ACOE) Wetland Data Forms. Please note that the data sheet numbers match the data collection sampling points shown on Figure 1.

Cordially,

ASTI ENVIRONMENTAL

A handwritten signature in black ink that appears to read "Emma Delie".

Emma Delie  
Wetland Ecologist

A handwritten signature in blue ink that appears to read "Dana R. Knox".

Dana R. Knox, PWS  
Senior Project Manager  
Certification #213

Attachments: Figure 1 – Approximate GPS-Surveyed Wetland Boundaries  
Completed ACOE Wetland Data Forms



The Townhomes on 23

Old US 23,  
Brighton Township, Livingston County, MI

0 50 100 200  
Feet

N

**ASTI**  
ENVIRONMENTAL

**U.S. Army Corps of Engineers**  
**WETLAND DETERMINATION DATA SHEET – Midwest Region**  
See ERDC/EL TR-10-16; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp:11/30/2024  
Requirement Control Symbol EXEMPT:  
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: The Townhomes on 23 City/County: Brighton Twp., Livingston Co. Sampling Date: 9/23/24  
Applicant/Owner: Ron Jona State: MI Sampling Point: WT1  
Investigator(s): EMD Section, Township, Range: Sec. 20, T2N, R6E  
Landform (hillside, terrace, etc.): depression Local relief (concave, convex, none): concave  
Slope (%): 0-1 Lat: 42.548254 Long: -83.752664 Datum: WGS83  
Soil Map Unit Name: Bronson loamy sand, 0 to 2 percent slopes NWI classification: PEM1C  
Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No \_\_\_\_\_ (If no, explain in Remarks.)  
Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes  No \_\_\_\_\_  
Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No _____
Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____	
Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____	
<p>Remarks:  Wetland conditions in the north end of the investigation area.</p>	

**VEGETATION – Use scientific names of plants.**

<u>Tree Stratum</u> (Plot size: 30 ft )      Absolute % Cover      Dominant Species?      Indicator Status	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A) Total Number of Dominant Species Across All Strata: 3 (B) Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)
<u>1. None</u> _____ <u>2.</u> _____ <u>3.</u> _____ <u>4.</u> _____ <u>5.</u> _____  =Total Cover	
<u>Sapling/Shrub Stratum</u> (Plot size: 15 ft )      Absolute % Cover      Dominant Species?      Indicator Status	
<u>1. Frangula alnus</u> 60 Yes FACW <u>2. Populus tremuloides</u> 5 No FAC <u>3.</u> _____ <u>4.</u> _____ <u>5.</u> _____  =Total Cover	
<u>Herb Stratum</u> (Plot size: 5 ft )      Absolute % Cover      Dominant Species?      Indicator Status	
<u>1. Typha angustifolia</u> 30 Yes OBL <u>2. Solidago gigantea</u> 20 Yes FACW <u>3. Onoclea sensibilis</u> 10 No FACW <u>4. Lythrum salicaria</u> 10 No OBL <u>5.</u> _____ <u>6.</u> _____ <u>7.</u> _____ <u>8.</u> _____ <u>9.</u> _____ <u>10.</u> _____  =Total Cover	
<u>Woody Vine Stratum</u> (Plot size: 30 ft )      Absolute % Cover      Dominant Species?      Indicator Status	
<u>1. None</u> _____ <u>2.</u> _____  =Total Cover	
<b>Prevalence Index worksheet:</b> Total % Cover of:      Multiply by: OBL species 40 x 1 = 40 FACW species 90 x 2 = 180 FAC species 5 x 3 = 15 FACU species 0 x 4 = 0 UPL species 0 x 5 = 0 Column Totals: 135 (A) 235 (B) Prevalence Index = B/A = 1.74	
<b>Hydrophytic Vegetation Indicators:</b> <input checked="" type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input checked="" type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup> <input checked="" type="checkbox"/> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)	
<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
<b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No _____	

Remarks: (Include photo numbers here or on a separate sheet.)

**U.S. Army Corps of Engineers**  
**WETLAND DETERMINATION DATA SHEET – Midwest Region**  
See ERDC/EL TR-10-16; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp:11/30/2024  
Requirement Control Symbol EXEMPT:  
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: The Townhomes on 23      City/County: Brighton Twp., Livingston Co.      Sampling Date: 9/23/24  
Applicant/Owner: Ron Jona      State: MI      Sampling Point: UP1  
Investigator(s): EMD      Section, Township, Range: Sec. 20, T2N, R6E  
Landform (hillside, terrace, etc.): slope      Local relief (concave, convex, none): convex  
Slope (%): 1-3 Lat: 42.548195      Long: -83.752547      Datum: WGS84  
Soil Map Unit Name: Bronson loamy sand, 0 to 2 percent slopes      NWI classification: None  
Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes  No   
Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<p>Remarks:  Upland conditions in the north portion of the investigation area, adjacent to WT1.</p>			

**VEGETATION – Use scientific names of plants.**

<b>Tree Stratum</b> (Plot size: 30 ft )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
1. <i>Quercus rubra</i>	30	Yes	FACU	Total Number of Dominant Species Across All Strata: 7 (B)
2. <i>Prunus serotina</i>	20	Yes	FACU	Percent of Dominant Species That Are OBL, FACW, or FAC: 14.3% (A/B)
3.				
4.				
5.				
	50	=Total Cover		
<b>Sapling/Shrub Stratum</b> (Plot size: 15 ft )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Prevalence Index worksheet:</b> Total % Cover of:      Multiply by: OBL species 0 x 1 = 0 FACW species 30 x 2 = 60 FAC species 0 x 3 = 0 FACU species 95 x 4 = 380 UPL species 10 x 5 = 50 Column Totals: 135 (A) 490 (B) Prevalence Index = B/A = 3.63
1. <i>Frangula alnus</i>	30	Yes	FACW	
2. <i>Elaeagnus umbellata</i>	10	Yes	UPL	
3.				
4.				
5.				
	40	=Total Cover		
<b>Herb Stratum</b> (Plot size: 5 ft )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Hydrophytic Vegetation Indicators:</b> 1 - Rapid Test for Hydrophytic Vegetation 2 - Dominance Test is >50% 3 - Prevalence Index is ≤3.0 <sup>1</sup> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) Problems with Hydrophytic Vegetation <sup>1</sup> (Explain)
1. <i>Rosa multiflora</i>	15	Yes	FACU	
2. <i>Ligustrum vulgare</i>	15	Yes	FACU	
3. <i>Solidago altissima</i>	10	Yes	FACU	
4. <i>Sympyotrichum ericoides</i>	5	No	FACU	
5.				
6.				
7.				
8.				
9.				
10.				
	45	=Total Cover		
<b>Woody Vine Stratum</b> (Plot size: 30 ft )	Absolute % Cover	Dominant Species?	Indicator Status	
1. None				
2.				
		=Total Cover		

Remarks: (Include photo numbers here or on a separate sheet.)

Hydrophytic Vegetation Present? Yes  No

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.



**U.S. Army Corps of Engineers**  
**WETLAND DETERMINATION DATA SHEET – Midwest Region**  
See ERDC/EL TR-10-16; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp:11/30/2024  
Requirement Control Symbol EXEMPT:  
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: The Townhomes on 23 City/County: Brighton Twp., Livingston Co. Sampling Date: 9/23/24  
Applicant/Owner: Ron Jona State: MI Sampling Point: UP2  
Investigator(s): EMD Section, Township, Range: Sec. 20, T2N, R6E  
Landform (hillside, terrace, etc.): slope Local relief (concave, convex, none): convex  
Slope (%): 1-3 Lat: 42.547704 Long: -83.751752 Datum: WGS84  
Soil Map Unit Name: Bronson loamy sand, 0 to 2 percent slopes NWI classification: None  
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "I" X Yes X No \_\_\_\_\_  
Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling p X**

Hydrophytic Vegetation Present? Yes <u>      </u> No <u>X</u> Hydric Soil Present? Yes <u>      </u> No <u>X</u> Wetland Hydrology Present? Yes <u>      </u> No <u>X</u>	<b>Is the Sampled Area within a Wetland?</b> Yes <u>      </u> No <u>X</u>
<b>Remarks:</b> Upland conditions in the central portion of the investigation area, adjacent to WT2.	

**VEGETATION – Use scientific names of plants.**

<b>Tree Stratum</b> (Plot size: <u>30 ft</u> )      Absolute % Cover      Dominant Species?      Indicator Status 1. <u>None</u> _____      _____ 2. _____      _____      _____ 3. _____      _____      _____ 4. _____      _____      _____ 5. _____      _____      _____  =Total Cover	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>4</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>25.0%</u> (A/B)
<b>Sapling/Shrub Stratum</b> (Plot size: <u>15 ft</u> )      50      Yes      FACW 1. <u>Frangula alnus</u> 50      Yes      FACW 2. <u>Elaeagnus umbellata</u> 30      Yes      UPL 3. _____      _____      _____ 4. _____      _____      _____ 5. _____      _____      _____  =Total Cover	<b>Prevalence Index worksheet:</b> Total % Cover of:      Multiply by: OBL species <u>0</u> x 1 = <u>0</u> FACW species <u>50</u> x 2 = <u>100</u> FAC species <u>0</u> x 3 = <u>0</u> FACU species <u>50</u> x 4 = <u>200</u> UPL species <u>45</u> x 5 = <u>225</u> Column Totals: <u>145</u> (A) <u>525</u> (B) Prevalence Index = B/A = <u>3.62</u>
<b>Herb Stratum</b> (Plot size: <u>5 ft</u> )      50      Yes      FACU 1. <u>Solidago altissima</u> 50      Yes      FACU 2. <u>Rubus occidentalis</u> 15      Yes      UPL 3. _____      _____      _____ 4. _____      _____      _____ 5. _____      _____      _____ 6. _____      _____      _____ 7. _____      _____      _____ 8. _____      _____      _____ 9. _____      _____      _____ 10. _____      _____      _____  =Total Cover	<b>Hydrophytic Vegetation Indicators:</b> 1 - Rapid Test for Hydrophytic Vegetation 2 - Dominance Test is >50% 3 - Prevalence Index is $\leq 3.0^1$ 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) Problems with Hydrophytic Vegetation <sup>1</sup> (Explain)
<b>Woody Vine Stratum</b> (Plot size: <u>30 ft</u> )      65      Total Cover	<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>None</u> _____ 2. _____      _____  =Total Cover	<b>Hydrophytic Vegetation Present?</b> Yes <u>      </u> No <u>X</u>

Remarks: (Include photo numbers here or on a separate sheet.)

## U.S. Army Corps of Engineers

## WETLAND DETERMINATION DATA SHEET – Midwest Region

See ERDC/EL TR-10-16; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp:11/30/2024

Requirement Control Symbol EXEMPT:

(Authority: AR 335-15, paragraph 5-2a)

Project/Site: The Townhomes on 23 City/County: Brighton Twp., Livingston Co. Sampling Date: 9/23/24

Applicant/Owner: Ron Jona State: MI Sampling Point: UP3

Investigator(s): EMD Section, Township, Range: Sec. 20, T2N, R6E

Landform (hillside, terrace, etc.): slope Local relief (concave, convex, none): convex

Slope (%): 1-3 Lat: 42.547091 Long: -83.751646 Datum: WGS84

Soil Map Unit Name: Bronson loamy sand, 0 to 2 percent slopes NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No \_\_\_\_\_ (If no, explain in Remarks.)

Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes  No \_\_\_\_\_

Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____	Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Remarks: Upland conditions in the southeast portion of the investigation area.			

## VEGETATION – Use scientific names of plants.

Tree Stratum	(Plot size: 30 ft )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
1. <i>Quercus macrocarpa</i>		45	Yes	FAC	Number of Dominant Species That Are OBL, FACW, or FAC:	6 (A)
2. <i>Betula alleghaniensis</i>		20	Yes	FAC	Total Number of Dominant Species Across All Strata:	6 (B)
3. <i>Prunus serotina</i>		5	No	FACU	Percent of Dominant Species That Are OBL, FACW, or FAC:	100.0% (A/B)
4.						
5.						
		70	=Total Cover			
Sapling/Shrub Stratum	(Plot size: 15 ft )				Prevalence Index worksheet:	
1. <i>Frangula alnus</i>		30	Yes	FACW	Total % Cover of:	Multiply by:
2. <i>Rhamnus cathartica</i>		10	Yes	FAC	OBL species 0	x 1 = 0
3. <i>Cornus racemosa</i>		10	Yes	FAC	FACW species 60	x 2 = 120
4.					FAC species 85	x 3 = 255
5.					FACU species 5	x 4 = 20
		50	=Total Cover		UPL species 0	x 5 = 0
Herb Stratum	(Plot size: 5 ft )				Column Totals: 150 (A)	395 (B)
1. <i>Frangula alnus</i>		30	Yes	FACW	Prevalence Index = B/A = 2.63	
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
		30	=Total Cover			
Woody Vine Stratum	(Plot size: 30 ft )				Hydrophytic Vegetation Indicators:	
1. None					1 - Rapid Test for Hydrophytic Vegetation	
2.					X 2 - Dominance Test is >50%	
					3 - Prevalence Index is ≤3.0 <sup>1</sup>	
					4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)	
					Problems with Hydrophytic Vegetation <sup>1</sup> (Explain)	

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes  No \_\_\_\_\_

Remarks: (Include photo numbers here or on a separate sheet.)

## CONDITIONAL CONCEPTUAL ZONING AGREEMENT

This CONDITIONAL CONCEPTUAL ZONING AGREEMENT (the "Zoning Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by TOWNHOMES ON 23, LLC, a Michigan Limited Liability Company ("Developer"), the address of which is 1066 Commerce Street, Birmingham, MI 48009, and the CHARTER TOWNSHIP OF BRIGHTON, a Michigan Charter Township (the "Township"), the address of which is 4363 Buno Road, Brighton, MI 48114.

### **RECITALS**

A. The Developer is the fee simple title owner of certain real estate situated in the Township of Brighton, County of Livingston, State of Michigan, consisting of approximately 13.230 acres in size, as legally described in the Project Documents referenced in RECITALS B. below (the "Property").

B. Attached hereto as **Exhibit A** is a set of documents pertaining to the proposed development of the Property (the "Project Documents"). The Project Documents are organized pursuant to the Sheet Index contained on page 1 of the Project Documents, which Sheet Index is set forth below:

### SHEET INDEX

T-1	TITLE SHEET
SP1	BOUNDARY/TOPOGRAPHIC SURVEY
SP2	BOUNDARY/TOPOGRAPHIC SURVEY
SP3	DEMOLITION PLAN
SP4	STRINGER DIMENSION PLAN
SP5	PAVING & GRADING PLAN
SP6	UTILITY PLAN
L1	LANDSCAPE PLAN
<hr/>	
A-1	FIRST FLOOR PLAN
A-2	SECOND FLOOR PLAN
A-3	ELEVATIONS

C. . The Property is presently zoned B-3 - Special Business (hereafter referred to as "B-3") under the Township's zoning ordinance (the "Township Zoning Ordinance").

D. The Developer has filed a petition to rezone the Property from B-3 to RM-1 zoning (hereafter referred to as "RM-1") under the Township Zoning Ordinance.

E. The Developer wishes to voluntarily offer, in writing, a specific use and development plan for the Property as a condition to rezoning the Property from B-3 to RM-1.

F. The Developer has appeared before the Township's Planning Commission in connection with Developer's petition to rezone the Property from B-3 to RM-1.

G. The Brighton Township Board of Trustees (the "Township Board") has determined that it is in the best interest of the Township to accept and approve the offer of the Developer to condition the rezoning of the Property from B-3 to RM-1 based upon the specific use and development plan for the Property as reflected on the conceptual site plan (the "Site Plan") which is included in the Project Documents and the Developer's agreement to comply with the terms of this Zoning Agreement.

H. By entering into this Zoning Agreement, the Developer desires to set forth the conditions and obligations of the Developer with respect to the development and use of the Property. Based upon the Developer's offer to use and develop the Property in accordance with certain conditions approved by the Township, the Township is willing to rezone the Property from B-3 to RM-1 to permit the use of the Property in accordance with the terms and conditions set forth in this Zoning Agreement and in accordance with the Site Plan.

I. The Developer further understands that if the rezoning of the Property from B-3 to RM-1 cannot be satisfied within the time period specified in this Zoning Agreement, the Property shall revert to its former B-3 zoning classification.

J. This Zoning Agreement is being entered into pursuant to and in accordance with the terms and conditions set forth in MCL 125.286i (the "Act").

NOW THEREFORE, the Developer and Township hereby declare and agree that the Property shall be held and developed by the Developer subject to the terms and conditions set forth in this Zoning Agreement, all of which are for the benefit of and shall run with the Property and all parties having any right, title or interest in all or any portion of the Property, as well as their heirs, successors assigns, receivers or transferees.

#### 1.0 Specific Use and Development of the Property as a Condition to Rezoning.

1.1 The Developer has previously filed an application for the rezoning of the Property from B-3 to RM-1 under the Township's Ordinances. The Developer hereby voluntarily offers to use and develop the Property in accordance with the Site Plan set forth in the Project Documents as a condition to the rezoning of the Property by the Township from B-3 to RM-1. The Developer acknowledges and agrees it shall not develop or use the Property in any manner that is inconsistent with the Zoning Agreement and this Zoning Agreement does not permit any activity, use or condition that would otherwise violate any requirement or standard that is otherwise applicable to the RM-1 zoning district.

1.2 The Developer acknowledges that the Township has established a time period of twenty-four (24) months for the development of the Property in accordance with the terms and conditions of the Site Plan. The rezoning, Site Plan and final Zoning Agreement shall expire twenty-four (24) months after adoption of the Zoning Agreement and issuance of all required permits. Substantial construction on the approved project shall mean the issuance of all building permits and temporary and/or permanent certificates of occupancy necessary to place the Property in operation. The Developer acknowledges that if the Property is not developed in accordance with the terms and conditions of the Site Plan within twenty-four (24) months and if the other conditions of this Zoning Agreement are not satisfied within such twenty-four (24) month period, the rezoning, Zoning Agreement and Site Plan shall be void and of no effect and the Property shall automatically revert back to the B-3 zoning district. If that occurs, all development on the Property shall cease and no further development shall be permitted. Pursuant to MCL 125.286(4) and the Township zoning ordinance, the Developer may apply to the Township Planning Commission for an extension of up to one (1) year for the rezoning, Site Plan and Zoning Agreement, if such application is made at least thirty (30) days prior to the expiration date. Further extensions may be granted by the Township Planning Commission although the number of previous extensions granted shall be considered in relation to the diligent effort of the Developer to satisfy the conditions of the Zoning Agreement and Site Plan.

1.3 The Site Plan reflects a 16-unit attached multi-family development as set forth in the Project Documents. The Project Documents further depict the elevations of the structures to be located on the Property. Further, the Project Documents sets forth the landscape plan for the Property.

1.4 Developer shall maintain and irrigate, where required, landscaped improvements installed by Developer and replace diseased or dying landscaped plantings installed by Developer.

1.5 The Project will be developed with the intent for the units to be rental units offered to the public.

## 2.0 Site Plan and Development of the Property.

2.1 The Site Plan sets forth the manner in which the Property shall be developed by the Developer as a condition to the rezoning of the Property from B-3 to RM-1. Except as otherwise specifically set forth on the Site Plan approved by the Township, the Developer shall, in its development of the Property, comply with the Township Zoning Ordinance in effect on the date of this Zoning Agreement.

Further, any plan for a future use of the Property, which is consented to and approved by the Township, shall comply with any future amendments to the Township Zoning Ordinance (which if applicable may constitute a legally non-conforming use). Further, the Developer, in its development of the Property, shall comply with any non-zoning ordinances in effect on the date of this Zoning Agreement and, in connection with any future use of the Property, the Developer shall likewise comply with any future amendments to non-zoning ordinances (which if applicable may constitute a legally non-conforming use).

## 3.0 Permits and Authorizations.

3.1 Provided the Developer has obtained all necessary easements to allow all utility access from and over adjoining property(ies), the Township shall grant to the Developer and its contractors and sub-contractors all Township permits and authorizations necessary to extend all utilities, including, without limitation, electricity, telephone, gas, cable television, water, storm and sanitary sewer to the Property and to otherwise develop and improve the Property in accordance with the Site Plan, provided, further, that the Developer has made all required filings and submissions and paid all required Township fees and Developer has complied with all terms and conditions of the Township Zoning Ordinance or any other laws and regulations applicable to the extension of utilities. The Township, at no cost to the Township, shall cooperate with Developer in connection with the Developer's application for any necessary County, State, Federal or utility company approvals, permits or authorizations, to the extent that such applications are consistent with the Site Plan and this Zoning Agreement and otherwise complies with all ordinances, regulations and other applicable laws. Should public water become available to the Project the Developer agrees to connect to the public water system.

4.0 Conflict.

4.1 If any provision of this Zoning Agreement is inconsistent with any provisions of the Township Zoning Ordinance, or any amendment thereto, or any other ordinance, resolution, rule or regulation of the Township currently in effect or which may be adopted in the future, the provisions of this Zoning Agreement shall control and the provisions of the Township Zoning Ordinance, or any amendment thereto, or other ordinance, resolution, rule or regulation, shall be inapplicable to the extent of the inconsistency.

The Developer further represents and agrees that the Property shall not be developed or used by the Developer in any manner that is inconsistent with the terms and conditions set forth in this Zoning Agreement.

5.0 Voluntary Act of Developer. The Developer acknowledges that it is voluntarily offering to use and develop the Property in the manner depicted on the Site Plan and the Township has approved the use and development of the Property in the manner set forth in this Zoning Agreement as a condition to the rezoning of the Property from B-3 to RM-1. The Developer further acknowledges that the Township is relying upon the satisfaction of the terms and conditions of this Zoning Agreement and the representations of the Developer as set forth herein.

6.0 Permitted Activities. The Developer acknowledges and agrees that the Developer shall not permit any activity, use, or condition to exist on the Property that will violate any requirement or standard contained in the RM-1 zoning ordinance or, as applicable, any other Township ordinances.

7.0 Final Site Plan Approval. The Developer further acknowledges and agrees that the zoning of the Property from B-3 to RM-1 is subject to and conditioned upon the Developer obtaining final Site Plan approval of the proposed development of the Property and obtaining other necessary approvals and permits as required by the Township and all other applicable local, county, or state agencies.

8.0 Compliance of the Project. The Developer agrees that it shall maintain the Property and the Project in compliance with local, county, and state laws and requirements and maintain the wetlands on the Property in a manner compliant with all applicable laws and regulations. Further, if required and

necessary to satisfy applicable regulations, the Developer will add fencing around the detention basin to be located on the Property.

9.0 Miscellaneous Provisions.

9.1 Binding Effect. The approval by the Township of this Zoning Agreement and the terms and conditions of the Zoning agreement shall be binding upon and inure to the benefit of the Developer and the Township and their heirs, successors, assigns, receivers or transferees. Further, the rights and obligations contained in this Zoning Agreement shall run with the Property.

9.2 Authorization of Zoning Agreement. This Zoning Agreement has been duly authorized by all necessary actions of the Developer and the Township, through approval of the Brighton Township Board of Trustees, at a meeting held in accordance with the laws of the State of Michigan and the ordinances of the Township. By execution of this Zoning Agreement, the parties each warrant that they have the authority to execute this Zoning Agreement, by their respective entities, as to its terms and conditions.

9.3 Amendment. This Zoning Agreement shall only be amended pursuant to an instrument executed by the Township and Developer or their successors in title. No consent to the amendment of this Zoning Agreement shall be required of any other persons, including mortgagees.

9.4 Partial Validity. Invalidation of any of the provisions contained in this Zoning Agreement or of the application thereof to any person shall in no way affect any of the other provisions hereof or the application thereof to any other person and the same shall remain in full force and effect.

[Signatures follow on page 6]

The Developer and Township have executed this Zoning Agreement effective as of the date and year set forth above.

"Developer":

TOWNHOMES ON 23, LLC  
a Michigan Limited Liability Company

By: \_\_\_\_\_

Its Authorized Member

"Township":

CHARTER TOWNSHIP OF BRIGHTON,  
a Michigan Charter Township

By: \_\_\_\_\_  
Patrick Michel, Supervisor

By: \_\_\_\_\_  
Joseph Riker, Clerk

STATE OF MICHIGAN      )  
                            )  
                            ) ss  
COUNTY OF OAKLAND    )

On this \_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public in and for said County and State, personally appeared \_\_\_\_\_, Authorized Member of TOWNHOMES ON 23, LLC, a Michigan Limited Liability Company, who did execute the foregoing instrument on behalf of TOWNHOMES ON 23, LLC.

\_\_\_\_\_  
Notary Public  
County, Michigan  
Acting in \_\_\_\_\_ County, Michigan  
My Commission Expires: \_\_\_\_\_

STATE OF MICHIGAN )  
 ) ss  
COUNTY OF LIVINGSTON )

On this \_\_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public in and for said County and State, personally appeared PATRICK MICHEL, Supervisor, and JOSEPH RIKER, Clerk, for the CHARTER TOWNSHIP OF BRIGHTON, a Michigan Charter Township, who did execute the foregoing instrument on behalf of the CHARTER TOWNSHIP OF BRIGHTON.

Notary Public  
County, Michigan  
Acting in \_\_\_\_\_ County, Michigan  
My Commission Expires:

Drafted by and When Recorded, Return to:  
Gregory A. Buss  
Buss & Buss, P.C.  
12900 Hall Road, Suite 322  
Sterling Hts., MI 48313

**EXHIBIT A TO CONDITIONAL ZONING AGREEMENT**

**Project Documents**

**Date:** October 21, 2024

**To:** Charter Township of Brighton Planning Commission

**From:** Kelly Mathews

**Subject:** **Conditional Residential Rezoning for Townhomes on Old US 23**  
Engineering sheets dated 10/15/24; architectural sheets dated 10/18/24; floor plan and elevation plan dated 10/15/24; landscape plan dated 10/16/24 and cover sheet 10/15/24

**Location:** 13.3 acres in the B-3 (special business) zoning designation, on the west side of Old US 23, south of Hilton, and north of Spencer

**Request:** Conditional Residential Rezoning (based on RM-1)

**Zoning:** B-3 (Special Business)

**Tax ID#’s:** 12-20-400-017

**Applicant:** Ron Jona

**Owner:** LED Development LLC

The application for rezoning from existing B-3 (Special Business) designation to proposed Conditional Residential Rezoning (based on a rezoning to a RM-1 multi-family designation) by Ron Jona has been reviewed. This report is based on a review of the application materials, a site visit, and a comparison to applicable standards. In making a recommendation on this request, the Planning Commission should apply appropriate standards in consideration of the review, additional comments from the applicant, and any new information raised at the meeting.

## LOCATION AND DESCRIPTION

The subject site is located in the B-3 (special business) zoning designation, south of Hilton, west side of Old US 23 and north of Spencer. Much of the property is wetland. The conceptual site plan is approved as part of the rezoning; the developer is bound to that conceptual plan as part of their conditional zoning agreement.

## PROCESS

The applicant is proposing a conditional rezoning (CD-RZ) based on a rezoning to an RM-1 zoning designation. The applicant plans on developing sixteen (16) for lease units. After the conditional rezoning, the applicant will follow the procedures for site plans in accordance with *Article 20, Condominiums*. The plan shall be reviewed as follows:

Step	Action	Approval
<b>1. Planning Commission Public Hearing on Conditional Rezoning &amp; Conceptual Site Plan &amp; Conceptual Conditional Zoning Agreement</b>	Planning Commission public hearing & review	Recommendation to Township Board

<b>2. County Review of Conditional Rezoning</b>	Livingston County Planning Commission review	Recommendation to Township Board
<b>3. Township Board Conditional Rezoning &amp; Conceptual Site Plan &amp; Conceptual Conditional Zoning Agreement</b>	Township Board review	Township Board
<b>4. Planning Commission Preliminary Site Plan &amp; Final Conditional Zoning Agreement</b>	Planning Commission review	Recommendation to Township Board
<b>5. Township Board Preliminary Site Plan &amp; Final Conditional Zoning Agreement</b>	Township Board review	Township Board
<b>6. Construction Plan Review</b>	Township staff and consultant review	Township Planner
<b>7. Final Site Plan Review</b>	Township staff and consultant review	Township Planner

## CONDITIONAL ZONING

- Open Space.** The proposed open space is wetlands area and a pathway along Old US 23 and around the site. The proposed driveway off of Old US 23 must be approved by the Township Engineer and LCRC.
- Availability and Capacity of Public Services.** The development will be served by public sewer and well. There is a statement in the conditional zoning agreement that the development will connect into public water if it is available in the future.
- Compatibility with Master Plan.** This project is part of the Low-Density Residential designation which are designated for single-family residences, located between the rural residential and more urbanized areas of the Township. This designation encompasses the majority of land planned for future residential use, and generally includes areas that do not have access to municipal water and sewers. Because public water and sewer service is not planned to be expanded to these areas in the near future, the lot sizes proposed must be adequate to accommodate on-site well and septic facilities. Many areas have already been developed where fewer environmental constraints are found. However, the land immediately surrounding many of the lakes is designated for residential land uses. These areas will need to be monitored to ensure the environmental integrity is maintained and water quality remains satisfactory. Public sewer services have been extended to some of the low-density residential areas that surround School and Lyons Lakes, while the remaining lakes within this designation are currently served by on-site facilities. The primary type of development within this classification is expected to be single-family residences on lots that are roughly one to two acres in size.
- Development Impact.** The site is adjacent to commercial to the north, and wetlands to the west and south.

**EXISTING LAND USE, ZONING, AND FUTURE LAND USE**

The following table gives an overview of the existing uses and zoning, in addition to the future land use indicated in the Master Plan for the subject site and surrounding parcels.

	Existing Land Use	Zoning	Master Plan
Subject Site	Vacant	B-3	Low Density Residential
North	Commercial	B-3	Neighborhood Business
South	Vacant	R-3	Low Density Residential
East	Old US 23	N/A	N/A
West	Wetlands	RM-1	Low Density Residential

**PERMITTED USES**

The following table gives an overview of both principal permitted uses and special uses in the current B-3 zoning district.

**Table 6-02**  
**Schedule of Business Uses**

	B-3
Auto Parts Supply Stores	P
Boat, Recreational Vehicle, & Motorcycle Dealerships	S
Drug Stores with Drive Through Pickup	S
Hardware, Paint, Glass, Tile, & Wallpaper Stores	P
Lumber Stores & Yards	S
Manufactured Home Dealers	S
New & Used Automobile Dealerships	S
Nurseries, Garden Retail Stores, & Greenhouses	P
Open Air Businesses	S
Outdoor Storage Accessory to a Permitted Use	S
Propane Sales	S
Retail Establishments & Shopping Centers of 30,000 sq.ft. or Less	P
Retail Establishments & Shopping Centers Greater Than 30,000 sq.ft.	S
Seasonal Commercial Outdoor Sales	P
Service Stations	S
24-Hour Retail Use	P
Banks, S & L, Credit Unions up to 4 Drive-Through Windows	P
Banks S & L, Credit Unions with 4 or More Drive-Through Windows	S
Contractors Offices & Buildings without Outdoor Storage	P
Insurance Carriers, Agents, Brokers, & Service	P
Laboratories - Experimental, Film, or Testing Enclosed within a Building	--
Mortgage, Loan Security, & Commodity Brokers	P

**Table 6-02**  
**Schedule of Business Uses**

	<b>B-3</b>
Offices for General Executive, Administrative Functions, Accounting, Law, Professional Engineering, & Management Services	P
Real Estate Agents, Leasers, Developers, Operators, & Title Companies	P
Research, Testing, Design, Technical Training, or Experimental Product Development Enclosed within a Building	--
Congregate Care & Dependent Care, Convalescent Homes & Nursing Homes	--
Extended Care Facilities	S
Hospitals	S
Medical Centers/Urgent Care	S
Medical Offices up to 40,000 sq.ft.	P
Medical Offices over 40,000 sq.ft.	S
Senior Independent Housing	--
Senior "Interim Care" & "Intermediate Care" Units	--
Automobile Washes	S
Beauty & Barber Shops	P
Carpet & Upholstery Cleaners	P
Child Day Care	P
Coin-Operated Laundries	P
Conference Centers, Exhibit Halls, & Similar Uses	S
Equipment Rental & Leasing	S
Funeral Homes & Mortuaries	S
Hookah Lounges, Tobacco Specialty Retail Stores & Cigar Bars	P
Hotels & Motels	P
Laundries, Dry Cleaners, & Tailors	P
Massage Therapy/Massage Therapy Clinic	P
Minor Automotive Repair Shops including Oil & Lubrication Change, Exhaust System Repair, Glass Repair, Tire, Brake & Suspension Shops	S
Passenger Car Rental	S
Photocopying, Printing & Office Services	P
Photography, Art & Graphic Design Studios	P
Repair Services (Watches, Radio, TV & Appliances)	P
Restaurants & Bars Serving Alcoholic Beverages, Lodge, Tavern	P
Restaurants & Bars with Dancing & Live Entertainment	S
Restaurants, Carryout	P
Restaurants not Serving Alcoholic Beverages	P
Restaurants with Open Front Windows, Cafe or Outdoor Seating	P
Restaurants with Drive-Through or Drive-Up Service	S
24-Hour Restaurant	P
Shoe Repair Shops	P
Truck & Trailer Rental	S
Veterinary Clinic	S
Adult Entertainment Uses	S
Billiard/Pool Halls	S
Bowling Centers	P
Dance Studios, Schools & Halls	P
Golf Courses, Miniature Golf Courses, Driving Ranges & Batting Cages	S

**Table 6-02**  
**Schedule of Business Uses**

	<b>B-3</b>
Marinas Without Boat Storage or Repair	S
Marinas With Boat Storage & Repair	S
Motion Picture Theaters	P
Physical Fitness Facilities, Sports & Recreation Clubs	S
Sports Arenas, Skating Rinks, Indoor Tennis & Racquetball Courts, or Similar Forms of Indoor Commercial Recreation	S
Special Events	S
Theatrical Producers, Orchestras, & Entertainment Groups	P
Video Tape Rental	P
Churches, Temples or other Places of Worship or Public Assembly	P
Colleges & Universities or other such Institutions of Higher Learning	P
Essential Public Services	P
Essential Public Service/Utility Buildings	S
Governmental Executive, Legislative & Administrative Offices	P
Halls For Private Clubs & Membership Organizations	P
Libraries	P
Police & Fire Stations	P
Post Office	P
Schools, Primary or Secondary, Charter, Montessori	P
Administrative Offices Related to Manufacturing, Engineering, Construction, Transportation, Utility, Governmental & other Similar Uses	P
Manufacture and/or Repair Shops Provided not More than 10 Persons Shall be Involved & that the Process, Service, Loading, or Unloading of any Vehicle Shall not be Detrimental to any Residential Area	P
Mini-Storage/Self-Storage Warehousing	S
Warehousing Accessory to a Permitted Use	P
Warehousing, Wholesale & Distribution Facilities Including Truck Terminals	S
Billboards	S
Major Automotive Repair, such as Engine, Transmission or Chassis Repair, Undercoating, Glass Replacement, Bumping & Painting	S
<b>Residential</b>	
Residential and business uses including live-work units in commercial districts	P

## PROPOSED USE

The applicant has indicated that the proposed use for the approximately twelve (12) acres to be rezoned from B-3 (Special Business) to Conditional Residential Rezoning would be for sixteen (16) multi-family homes. (Please refer to plans provided). The B-3 zoning district requires thirty (30) ft. front, ten (10) ft. side, twenty (20) ft. rear yard setbacks, and twenty (20) ft. front parking lot and ten (10) ft. side parking lot setbacks. The proposed development proposes RM-1 setbacks which require thirty (30) ft. front, thirty (30) ft. rear, thirty (30) ft. side, thirty (30) ft. between buildings, and twenty (20) ft. from internal roads in the development.

## **DISCUSSION**

The rezoning request was reviewed based on the review considerations listed in *Section 23-10* of the Zoning Ordinance and the Charter Township of Brighton Master Plan.

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

This project is part of the Low-Density Residential designation which are designated for single-family residences, located between the rural residential and more urbanized areas of the Township. This designation encompasses the majority of land planned for future residential use, and generally includes areas that do not have access to municipal water and sewers. Because public water and sewer service is not planned to be expanded to these areas in the near future, the lot sizes proposed must be adequate to accommodate on-site well and septic facilities. Many areas have already been developed where fewer environmental constraints are found. However, the land immediately surrounding many of the lakes is designated for residential land uses. These areas will need to be monitored to ensure the environmental integrity is maintained and water quality remains satisfactory. Public sewer services have been extended to some of the low-density residential areas that surround School and Lyons Lakes, while the remaining lakes within this designation are currently served by on-site facilities. The primary type of development within this classification is expected to be single-family residences on lots that are roughly one to two acres in size. The proposed development is not one to two (2) acre lots; it is proposed as sixteen (16) multi-units.

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

The use of a Conditional Residential Rezoning sets the density. The soils in the area are part of the Fox-Boyer-Oshtemo Association which includes steep or hilly, well drained, moderately coarse to coarse textured soils on moraines.

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

Evidence has not been provided that the site could not develop under the current B-3 zoning designation. The applicant would like to pursue the Conditional Residential Rezoning option. Since the applicant is proposing the project as a Conditional Residential Rezoning, the Township will have more control on the site. The conceptual plan depicts sixteen (16) units. Since this is proposed to be a Conditional Residential Rezoning, the number of units on the site would be what the Township will attain as part of the rezoning since the site plan will become the contract for the site. At this time, we only have a conceptual plan but the

entire site plan and all details of the site would be reviewed as part of the subsequent steps in the rezoning process. The applicant has conducted a traffic comparison study and the Township Engineer will review the study.

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

The site will have well and sewer and the utilities are capable of handling the permitted request.

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

Most of the land in the Township is residential; however, most of it has been built on.

**6. If a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another zoning district.**

The proposed Conditional Residential Rezoning offers a benefit to the Township in terms of knowing what the development will be at the time of the rezoning.

Conditional Zonings shall meet the following requirements:

a. May include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, or may impose more restrictions on the location, size, height, or other measures for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture, and other features. (met)

b. Shall not authorize uses or developments of greater intensity or density, or which are not permitted in the proposed zoning district, but may restrict the use of the property to only certain uses permitted in the proposed zoning district. (met)

c. Shall not permit variations from height, area, setback, or similar dimensional requirements that are less restrictive than the proposed zoning district, but may require more restrictive dimensional requirements, unless variances have been granted by the Township Board. (met)

d. Shall include conditions that bear a reasonable and rational relationship and/or benefit to the property in question. The conditional zoning agreement may include conditions related to the use and development of the property that are necessary to:

1. Serve the property with improvements, including but not limited to, the extension, widening, or realignment of roads; construction, or extension of utilities, or other infrastructure improvements serving the site; or the construction of recreational facilities; (met)
2. Minimize the impact of the development on surrounding properties and the Township overall; or, (met)
3. Preserve natural features and open space beyond what is normally required. (met)

**(1) Content of Conditional Conceptual Zoning Agreement (CCZA).** In addition to any limitations on use or development of the site, preservation of site features or improvements described above, the CCZA shall also include the following:

- a. An acknowledgement that the CCZA was proposed voluntarily by the applicant. (met)
- b. A statement that the property shall not be developed or used in any manner that is inconsistent with the CCZA. (met)
- c. A statement that the approval of the rezoning and the CCZA shall be binding upon and inure to the benefit of the property owner and the Township, and also their respective heirs, successors, assigns, receivers, or transferees. Where the applicant for rezoning is acting on behalf of the landowner through some form of purchase agreement or other mechanism, then the landowner must also consent and sign the agreement. (met)
- d. A statement that the CCZA shall not permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new zoning district. (met)
- e. Acknowledgement that the CCZA was proposed voluntarily by the applicant and that the Township relied upon the agreement and may not grant the rezoning but for the conditions offered in the CCZA. (met)
- f. Agreement and understanding that the rezoning is conditioned upon obtaining site plan approval under *Article 20* and obtaining other necessary approvals required by the Township and all applicable county, and state agencies. (met)
- g. A legal description of the land to which the agreement pertains. (met)

h. The CCZA shall include and incorporate, by reference, a CSP. This CSP shall not replace the requirement for a site plan as outlined in *Article 20*. The CSP requirements are outlined in subsection below. (met)

i. Any other provisions as are agreed upon by the parties.

## **SITE PLAN DISCUSSION**

The site plan submittal is being reviewed in accordance with *Article 23-10*, which describes the information and standards for conditional rezonings and the conceptual plan submission requirements.

**Content of Conceptual Site Plan (CSP).** The following information shall be submitted with any application for conditional rezoning and CSP approval.

**(a) Existing Site Conditions**

(1) An overall area map on a scale of not less than one-inch equals two thousand feet (1"=2000') showing the relationship of the development to its surroundings such as section lines and/or major roads or collector roads. (met)

(2) Physical development plan prepared at a minimum scale of one-inch equals one hundred feet (1"=100'). (met)

(3) Boundaries of the proposed development, section or corporation lines within or adjacent to the development, and overall property dimensions. (met)

(4) Property lines of adjacent tracts of subdivided and unsubdivided land in relation to the development, including those of areas across abutting roads. (met)

(5) Locations, widths and names of existing or prior platted roads, private roads and easements within or adjacent to the development, including those of areas across abutting roads. (met)

(6) Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the development. (met)

(7) Topography drawn as contours with a two-foot contour interval. Topography to be based on USGS data and be extended a minimum distance of two hundred feet (200') outside the development's boundaries. (met)

**(b) Proposed Development Features**

- (1) Layout of roads including proposed road names, right-of-way widths, and connections with adjoining roads, and also the widths and locations of easements and public walkways. (met)
- (2) Layouts, numbers and dimensions of single-family homes, including building setback lines. (met)
- (3) Layout of proposed multiple family dwellings, including setbacks, buildings, drives, parking spaces, walkway systems and landscaping. (met)
- (4) Location and definition of function of both developed and undeveloped space within the development. Layout of facilities to be included. (met)
- (5) Description of major wooded areas and description of means to preserve them. (met)
- (6) An indication of ownership and existing and proposed use of any parcels identified as "excepted". (met)
- (7) An indication of the proposed sewage, water supply and drainage system. If county drains are involved, the proposed drainage shall be acceptable to the County Drain Commissioner. Storm drainage must be provided to an approved outlet or retention basin. (met)
- (8) Conceptual site grading plan and conceptual landscaping site plan, including pedestrian circulation system. (met)
- (9) Depiction of proposed development phases. (met)
- (10) Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements. (met)

- (11) Traffic impact study may be required by the Planning Commission when the use generates traffic that exceeds trip generation rates recognized by the Institute of Traffic Engineers (ITE) in accordance with **Section 18-09**. (met)

**(c) Tabulations**

- (1) Total site acreage and percent of total project in various uses (met)

- (2) Draft of the CCZA (met)
- (3) Statement of developer's intention in the land proposed for development (met)
- (4) Statement regarding the developer's intention regarding sale and/or lease of all or portions of the development, including land area, units and recreational facilities (met)
- (5) Statement of requested modifications to the regulations that are otherwise applicable to the site. (met)

## **RECOMMENDATION**

It is recommended that the Township Board approve the rezoning from B-3 to Conditional RM-1.



November 4, 2024

*Via email: [planner@brightontwp.com](mailto:planner@brightontwp.com)*

Kelly Mathews, Planner  
Charter Township of Brighton  
4363 Buno Road  
Brighton, MI 48114

**RE: Proposed Townhomes on 23  
Parcel No. 12-20-400-017  
PUD Rezoning & Conceptual Site Plan Engineering Review #2  
F&V Project No. 867410**

Dear Kelly:

We have completed an engineering review of the revised conceptual site plan, revised dated October 18, 2024, and have no conceptual level engineering concerns with the site plan reconfiguration proposed prior to review by the Township Board.

Detailed review with respect to drainage, grading, storm water management, paving, and utilities will be completed as part of the final site plan and engineering plan submittals.

If you have any questions or need any additional information, please contact us at (810) 743-9120 or via e-mail at [grose@fveng.com](mailto:grose@fveng.com).

Sincerely,

FLEIS & VANDENBRINK



Geric L. Rose, PE, PS  
Regional Manager, Associate

Cc (via email): Ron Jona, Applicant ([rjona@ronjona.com](mailto:rjona@ronjona.com))  
Dan Cabage, F&V



# BRIGHTON AREA FIRE AUTHORITY

615 W. Grand River Ave.

Brighton, MI 48116

o: 810-229-6640 f: 810-229-1619

November 11, 2024

Kelly Mathews, Planner  
Charter Township of Brighton  
Building and Planning  
4363 Buno Road  
Brighton, MI 48114

RE: Townhomes on 23  
Site Plan for Rezoning  
US-23 N. of Spencer (near Lyons Lake)  
Site Plan Review

Dear Kelly:

The Brighton Area Fire Department has reviewed the above-mentioned site plan. The plans were received for review on October 17, 2024 and the plans are dated June 4, 2024 with the latest revisions dated October 18, 2024 and November 12, 2024. The project is based on the proposed construction of 16-unit residential townhomes on a currently vacant parcel. The plan review is based on the requirements of the International Fire Code (IFC) 2021 edition.

1. The water main location is not indicated on the submittal. Provide the location and size of the water main and the closest hydrant to the site. A fire hydrant shall be located within 600-feet of all parts of the buildings and within 100-feet of the fire department connection on each building. Hydrants shall be installed at the Old 23 entrance to the development and on the East side of the drive between buildings 3/4 & 5/6 and 11/12 & 13/14. **(Fire protection water supply will be provided through a dry hydrant suction point and will utilize water from the retention pond. the pond will be provided with a means of maintaining water levels in drought or dry conditions. The fire suppression systems will be provided suppression system water supply through an on-site underground tank and fire pump. The location of the tank and the dry hydrant suction point and the minimum volume of water in the pond will be determined during the construction review of the project.)**

IFC 507.1

IFC 507.5.1

IFC 912.8

2. The building shall be provided with an automatic sprinkler system in accordance with NFPA 13R, *Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies*.

IFC 903

- A. The FDC's shall be located on the front of the building (Old 23). **(The FDC's shall be relocated as described.)**
- B. The location, size, gate valve, and connection of the fire protection lead shall be indicated on the utility site plan. **(Complies.)**
3. Future project submittals shall include the address and street name of the project in the title block. **(To be determined once approved.)**

IFC 105.4.2

4. Each building shall include the building address numbers 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. **(This is noted on sheet SP4)**



November 111, 2024  
Page 2  
Townhomes on 23  
US-23 N. of Spencer (near Lyons Lake)  
Site Plan Review

**IFC 505.1**

5. Two-way emergency vehicle access roads shall be a minimum of 26-feet wide. With a width of 26-feet, one side (hydranted side) of the drive shall be marked as a fire lane. One-way emergency vehicle access roads shall be a minimum of 20-feet wide, this includes both sides of the boulevard entrance. With a width of 20-feet, both sides of the drive shall be marked as a fire lane. Include the location of the proposed fire lane signage and a detail of the fire lane sign in the submittal. Access roads to the site shall be provided and maintained during construction. Access roads shall be constructed to be capable of supporting the imposed load of fire apparatus weighing at least 84,000 pounds. **(The access drive width is shown at 24.50' and is being permitted with the installation of mountable curbs and sidewalks capable of supporting fire apparatus being installed immediately adjacent to the roadway.)**

**IFC D 103.6**

**IFC D 103.1**

**IFC D 102.1**

**IFC D 103.3**

6. Access around the building shall provide emergency vehicles with a turning radius of 50-feet outside and 30-feet inside. Vehicle circulation shall account for non-emergency traffic and maintain the vehicle within the boundary of lanes of travel. Utilize the templates at the end of this letter for vehicle circulation. **(A vehicle circulation plan is not provided utilizing BAFA aerial apparatus as required.)**

**IFC 503.2.4**

7. A minimum vertical clearance of 13½ feet shall be maintained along the length of all apparatus access drives. This includes but is not limited to porte-cochères, lighting, and large canopy trees. The boulevard entrance landscape plan reflects three large trees that will become an obstruction. **(Site and Landscaping plan complies.)**

**IFC 503.2.1**

8. The access drives create dead-ends that exceed 150-feet. A means of emergency vehicle turnaround shall be provided on the North and South end of the lot. This can be achieved through various means as shown at the end of this letter. **(A turnaround has been provided at the North end of the development. Additional fire lane signs shall be installed along the length of the turnaround and not just at the ends.)**

**IFC 503.2.5**

9. The location of Knox Boxes shall be indicated on future submittals. A Knox box shall be located adjacent to the water meter/riser room in each building, in a location coordinated with the fire authority. **(Knox boxes are noted to be installed on sheet SP6.)**

**IFC 506.1**

10. Provide names, addresses, phone numbers, emails of owner or owner's agent, contractor, architect, on-site project supervisor. **(Complies.)**

Additional comments will be given during the building plan review process (specific to the building plans and occupancy). The applicant is reminded that the fire authority must review the fire protection systems submittals (sprinkler & alarm) prior to permit issuance by the Building Department and that the authority will also review the building plans for life safety requirements in conjunction with the Building Department.



## BRIGHTON AREA FIRE AUTHORITY

November 111, 2024

Page 3

Townhomes on 23

US-23 N. of Spencer (near Lyons Lake)

Site Plan Review

If you have any questions about the comments on this plan review please contact me at 810-229-6640.

Cordially,

A handwritten signature in blue ink that appears to read "R. Boisvert".

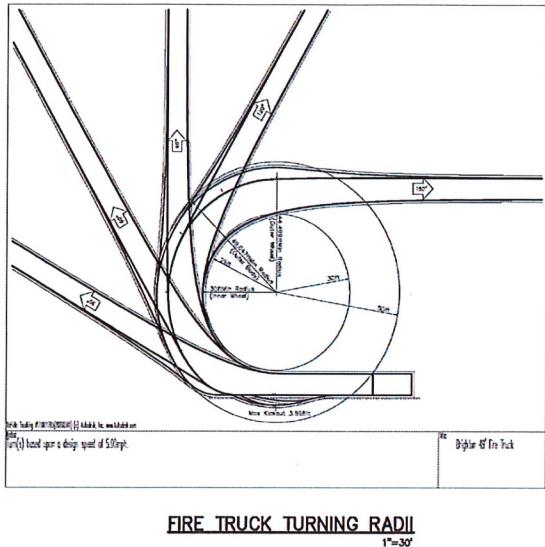
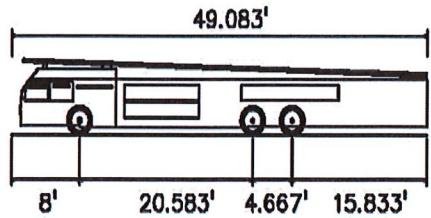
Rick Boisvert, CFPS  
Fire Marshal

cc: Geric Rose-Fleis & Vandenbrink ([grose@fveng.com](mailto:grose@fveng.com))  
Daniel Cabage-Fleis & Vandenbrink ([dcabage@fveng.com](mailto:dcabage@fveng.com))



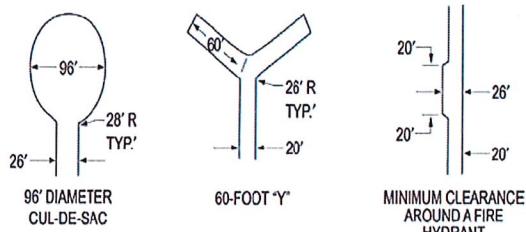
November 11, 2024

Page 4

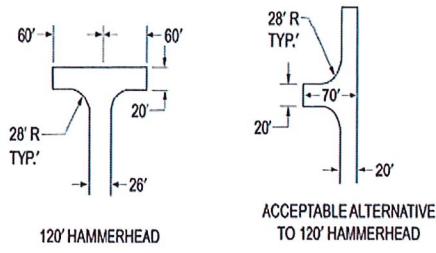
Townhomes on 23  
US-23 N. of Spencer (near Lyons Lake)  
Site Plan ReviewFIRE TRUCK TURNING RADII  
1'=30'

## Brighton 49' Fire Truck

Overall Length	49.083ft
Overall Width	8.167ft
Overall Body Height	7.500ft
Min Body Ground Clearance	0.750ft
Track Width	8.167ft
Lock-to-lock time	5.00s
Max Steering Angle (Virtual)	45.00°

FIRE TRUCK DETAIL  
NOT TO SCALE96' DIAMETER  
CUL-DE-SAC

60-FOOT "Y"

MINIMUM CLEARANCE  
AROUND A FIRE  
HYDRANT

120' HAMMERHEAD

ACCEPTABLE ALTERNATIVE  
TO 120' HAMMERHEAD

## Planner

---

**From:** Ron Jona <rjona@ronjona.com>  
**Sent:** Tuesday, November 12, 2024 9:06 AM  
**To:** Planner  
**Subject:** Re: Old US 23 Townhomes

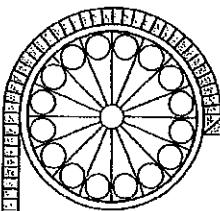
Yes, and I incorporated their comments, you will see tapers on the approach. She had no problem with the sidewalk.

**Ron Jona**  
248.789.2001

On Nov 12, 2024, at 8:40 AM, Planner <planner@brightontwp.com> wrote:

Did you make contact with LCRC on the sidewalk?

Kelly Mathews  
Township Planner  
Charter Township of Brighton  
4363 Buno Road  
Brighton, MI 48114  
Phone: (810) 229-0562  
Fax: (810) 229-1778



# CHARTER TOWNSHIP OF BRIGHTON

4363 Buno Rd. • Brighton, Michigan 48114-9298 • Telephone: (810) 229-0550 Fax: (810) 229-1778  
www.brightontwp.com

## PLANNING COMMISSION APPLICATION

1. Date Filed \_\_\_\_\_ 3. PC Number \_\_\_\_\_

2. Meeting Date \_\_\_\_\_ 4. Fee Paid \_\_\_\_\_

5. Applicant Information

Name RON JONA  
Address 1066 COMMERCE  
City/State/Zip BIRMINGHAM MI 48009  
Phone 248 789 2001 Email RJONA@RONJONA.COM

Interest in the  
Property (e.g. fee simple, land option, etc.)

Property Owner  Other (Specify) ARCHITECT

6. Current Property Owner Information

Name Address TOWNHOMES ON 23  
City/State/Zip 1066 COMMERCE B'HAM MI 48009  
Phone 248 789 2001 Email RJONA@RONJONA.COM  
Length of  
Ownership 25 YEARS X (PARTNER KELLY DENHA)

7. Location of Property for which the Application is Requested

Address —  
Cross Streets OLD US 23  
Tax I.D. # 20-400-017

8. Property Information

Zoning District CC22 - RMI  
Area (Acreage) 13.2 AC. Width \_\_\_\_\_ Depth 521'  
Current Use VACANT

Charter Township of Brighton  
Planning Commission Application

Page 2

9. Type and Description of Development

MULTIPLE RESIDENTIAL - 28 UNIT BUILDINGS  
16 UNITS TOTAL

PUD \_\_\_\_\_ Subdivision \_\_\_\_\_ Site Condo \_\_\_\_\_  
New Site Plan  Revised Site Plan \_\_\_\_\_ Additional Phase \_\_\_\_\_

10. Site Plan Request

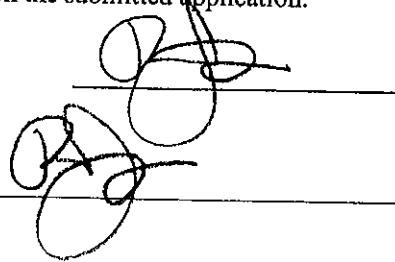
Describe your Request

DEVELOP 2 - 8 UNIT APARTMENT  
BUILDINGS / 8 2 BR 2 BATH & 8 3 BR 2 BATH  
WITH AMENITIES

I, Ron Jona (applicant), do hereby swear that the above statements are true.

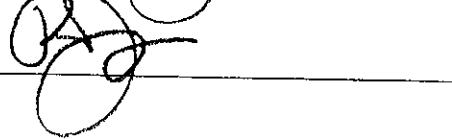
I, TOWNHOMES ON 23, LLC (property owner), hereby give permission for the Charter Township of Brighton staff and consultants to go on the property for which the above referenced petition is proposed for purposes of verifying information provided on the submitted application.

Signature of Applicant



Date: 12-19-24

Signature of Property Owner



Date: 12-19-24

Brighton Township Planning Commission Action

Approved/Denied \_\_\_\_\_

Date \_\_\_\_\_

Conditions of Approval \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# THE COVE AT WOODLAND LAKE



Charter Township of Brighton

0 112.5225 450 675 900  
Feet

To: Planning Commission

From: Kelly Mathews

Re: The Cove at Woodland Lake

Date: 12/18/24

Per the Zoning Ordinance, the Planning Commission can have a PUD workshop to discuss a potential PUD rezoning. No official motions; just input on the project.

CHARTER TOWNSHIP OF BRIGHTON  
4363 BUNO ROAD  
BRIGHTON MI 48114  
Phone: 810-229-0562 Email: [planner@brightontwp.com](mailto:planner@brightontwp.com)

RECEIVED

DEC 18 2024

BRIGHTON TOWNSHIP

PRE-APP # 24/01 FEE PAID \$350.00 DATE RECEIVED \_\_\_\_\_

TAX ID #(S) # BELOW ZONING DISTRICT R-2

NAME OF DEVELOPMENT The Cove at Woodland Lake

LOCATION OF DEVELOPMENT Hunter Rd. Between Hyne & Hilton

TYPE AND DESCRIPTION OF DEVELOPMENT:

PUD  SUBDIVISION \_\_\_\_\_ SITE CONDO \_\_\_\_\_ NEW SITE PLAN \_\_\_\_\_ REVISED SITE PLAN \_\_\_\_\_

OWNER OR AGENT Mitch Harris Building Co.

ADDRESS 211 N First St. Brighton MI TELEPHONE 810-229-7838

EMAIL [mh@mharris.net](mailto:mh@mharris.net)

ARCHITECT/ENGINEER BOSS Engineering

ADDRESS 3121 E Grand River Ave, Howell MI TELEPHONE 517-546-4836

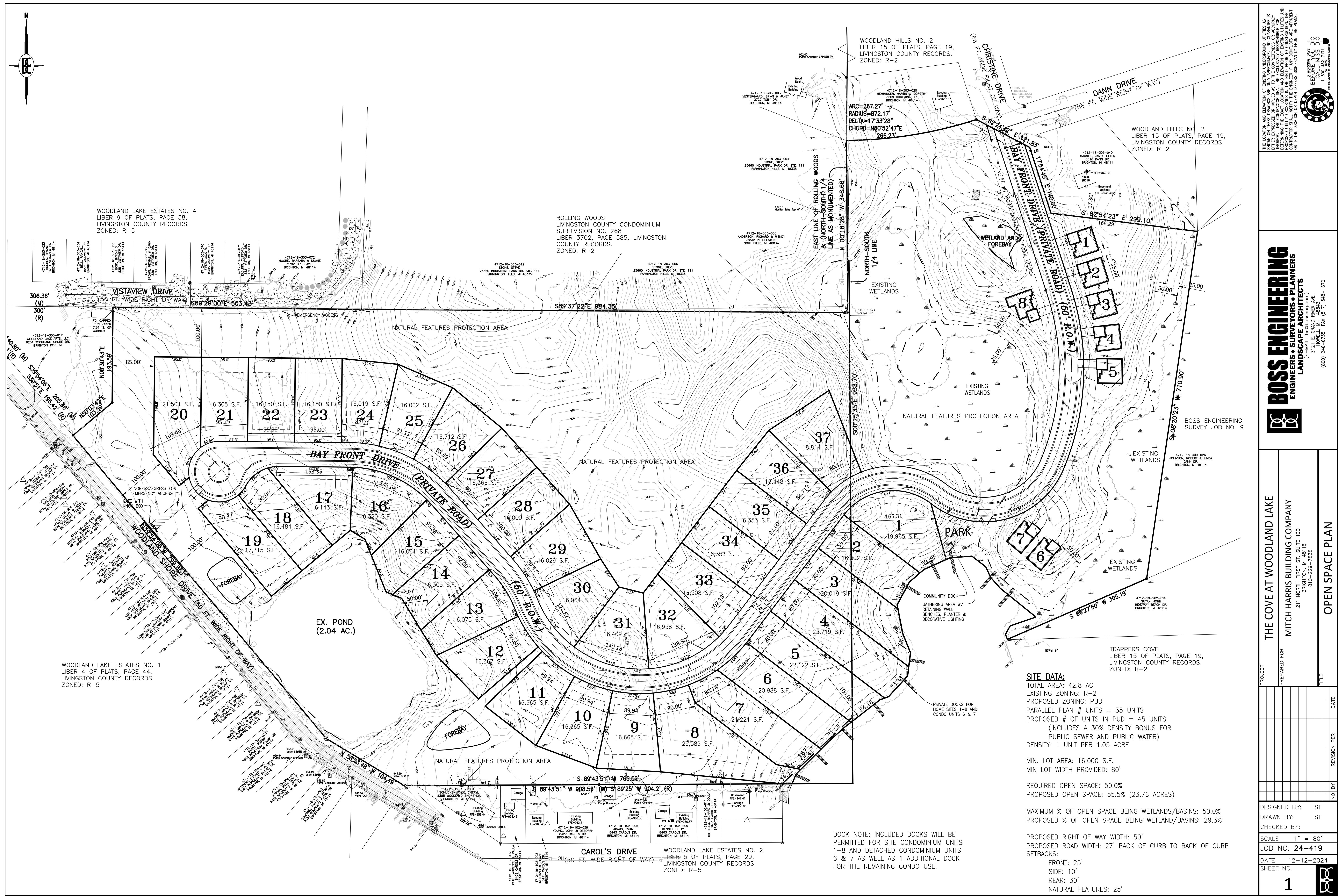
EMAIL [Brent@bosseng.com](mailto:Brent@bosseng.com)

mgm  
APPLICANT SIGNATURE

4712-18-300-011 29.48 Acres

4712-18-400-027 12 Acres





To: Planning Commission  
From: Kelly Mathews  
Re: 2024 Planning Commission Annual Report  
Date: 12/17/24

Per the Michigan Zoning Enabling Act P.A. 110 of 2006, the Planning Commission must submit a report on the administration and enforcement of the Zoning Ordinance and any recommendations for amendments or supplements at least once a year. Attached is the report which the Planning Commission should review and forward to the Township Board.

**Preliminary Site Plans (PSP's):**

3/11/24 - PSP for Robert Jadan - 10603 E. Grand River - Approved

3/11/24 - PSP for Kevin Foss (Great Lakes Steel Erectors) - 10233 E. Grand River - Approved

3/11/24 - PSP for Belanger Meadows - Vacant Taylor Rd. - Approved

4/8/24 - PSP for Yanke Construction Inc. - Vacant Ford Ct. - Approved

6/10/24 - PSP for The Ivy Table - 10180 E. Grand River - Approved

10/14/24 - PSP for Stormy's Outdoor Services - Vacant Taylor and Hyne - Approved

12/9/24 - PSP for 7 Pillars of Wealth - 5088 S. Old US 23 - Approved

12/9/24 - PSP for Multi-Tenant Warehouse Building - 9859 Weber - Approved

**Special Land Use Permits (SLUP's):**

3/11/24 - SLUP for Robert Jadan - 10603 E. Grand River - Approved

9/9/24 - SLUP for Stormy's Outdoor Services - Vacant Taylor and Hyne - Tabled; 10/14/24 - Approved

**Rezonings:**

9/9/24 - Conditional RM-1 Rezoning for Ron Jona - Vacant Old US 23 - Recommended for Approval (Approved by Township Board on 12/16/24)

**Zoning Ordinances:**

4/8/24 - Discussion on ADU's (accessory dwelling units) and duplex site plan process