



10405 Merrill Road  
P.O. Box 157  
Hamburg, MI 48139  
(810) 231-1000  
[www.hamburg.mi.us](http://www.hamburg.mi.us)

**Supervisor** Pat Hohl **Clerk** Mike Dolan **Treasurer** Jason Negri **Trustees** Bill Hahn, Patricia Hughes, Chuck Menzies, Cindy Michniewicz

## **PLANNING COMMISSION MEETING**

**Wednesday, January 18, 2023 at 7:00 PM**

**Hamburg Township Hall Board Room**

### **MINUTES**

#### **CALL TO ORDER**

Commissioner Muir called the meeting to order at 7:00 pm.

#### **PLEDGE TO THE FLAG**

#### **ROLL CALL OF THE BOARD:**

##### **1) PRESENT:**

John Hamlin  
Patricia Hughes  
Ron Muir (Co-Chair)  
Joyce Priebe

##### **2) ABSENT:**

Paul Bohn  
Victor Leabu Jr  
Jeff Muck, Chair

#### **APPROVAL OF MEETING AGENDA for tonight.**

**Approval Motion** to approve agenda as presented was made by Commissioner Hughes, seconded by Commissioner Priebe.

**VOTE:** MOTION CARRIED UNANIMOUSLY

#### **APPROVAL OF THE MEETING MINUTES**

**Approval Motion** to accept the November 16, 2022, Meeting Minutes as presented was made by Commissioner Priebe, seconded by Commissioner Hamlin.

VOTE: MOTION CARRIED UNANIMOUSLY

#### CALL TO THE PUBLIC

None

#### UNFINISHED BUSINESS

None

#### CURRENT BUSINESS

a) **Public hearing for Special Use Permit (22-003)** to consider a request to construct two residential units in a proposed second-story addition at 9704 Kress Road (15-21-405-016).

- Co-chair Muir **opened the meeting to Amy Steffens**, the Planning and Zoning Director. Amy clarified that we were talking of the old Bluewater Party Store at the corner of Kress Rd and Shan-Gri-La Dr. This location has been operated as a liquor store for several years with multiple owners and has been vacant for several years as well. The size of the site is 0.44 acres and is found within the Neighborhood Service Zoning District which matches the intent of our Master Plan's Future Use Map, as the community envisioned this area to be developed.

The plans that were submitted on 12/15/22 show interior renovations to the existing single story retail space with two additions of 1,152 sq ft, 2-bedroom residential units, each with exterior entrances and roof top deck on a proposed second story of this existing store. Apartments in the Neighborhood Service District are permitted with the approval of a special land use permit. The ZBA Board held a public hearing and granted two dimensional variances for the second story construction on December 14, 2022. The addition and deck will be 17.4' setback in the front along Kress Rd, where a 25' setback is required. The roof deck will be 18.5' side yard setback along Shangri-la where 19' is required.

The Planning Commission has discretionary review standards when they analyze a special land use, could be appropriate if it meets those criteria. The first review standard is the compatibility with the Master Plan, and if it will be harmonious with the surrounding community. The second review standard for special uses is compatibility with the surrounding area. By having a viable retail use in this location with the corresponding designation found in our Master Plan would be an improvement to the surrounding vicinity, meeting the third review standard. The fourth standard is minimal traffic impact to the street system. The Livingston County Road Commission has provided comments and has issued a site distance review that indicates that no commercial approach can be approved off Shan-Gri-La Dr. A commercial approach could be approved 40' north of the south property boundary line off Kress Rd. Applicant is aware that a commercial approach permit and plans will be required for the approach off Kress Rd. Prior to the issuance of a land use permit, if this project is approved, that Livingston County Road Commission approval will be required before any permits can be issued. The fifth review standards are regarding any possible impact of the overall environment. This project consists of an existing retail building and existing parking lot, which would be reconfigured for this use. The proposed residential units will be a vertical addition and would not increase the impervious surface area. No adverse environmental impact will result from allowing this special use. The

sixth review standard, public services impact, will be minimal. No additional streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, water and sewage facilities, and schools will be needed for this use. Compliance with the zoning ordinance standards regarding Neighborhood Services, the seventh standard is met by providing convenient retail and personal service establishments that are accessible to nearby families and neighborhoods. In the Special Use Table, it refers you to additional standards that must be met. The PC must find that the special use permit application meets those 7 previously mentioned standards that we covered, but also additional standards that apply to all buildings containing residential uses in the Neighborhood Service, Commercial Service and Old Hamburg Districts. That is where the mixed-use development is allowed. The standards are on page 6. One, the residential dwellings will be located on the second floor and the retail will be on the first floor. There is no potential to create all residential at this site. Two, the gross square footage for apartments within a building shall not exceed the gross square footage for business occupancy within the building. This condition is met, with the retail square footage about 600 sq. ft more than the resident space. Three, the construction of this project shall comply with all Livingston County Building Department and the Hamburg Township Fire Department's adopted building and fire codes before building permits are issued. Four, when a building is used for both residential and business occupancy, the residential apartments must occupy areas above the first floor and must not occupy the same areas as the retail use on the first floor. These uses can't be mixed vertically, and this condition is met. Five, each exclusive use for residential shall be separate from the access into the business area. We are actually dealing with two residential uses over a retail space and not dealing with an apartment complex in a urban area, so the intent of this standard is met. Six, all accessory structures that are related to the apartments shall be so designated on the site plan, and subject to approval by the planning commission. No accessory structures have been proposed on the site plan. If they wish they could apply to add one, and they could change their site plan. Seven, a parking area shall be reserved on the parcel for the principal building and designated for the exclusive use of the apartment occupants. Two parking spaces shall be required for each apartment. This condition is met since all parking is provided onsite. Recommendation is given that the residential use parking be delineated by permanent signage on the site plan if the project is approved. Eight, if modifications are made to this building with residential uses in the future, it would need to come before the Planning Commission as a site plan review and approval. Lastly, that if this whole building is converted a permitted used in the zoning district, found in Section 36-36, it would not require any special use approval.

- Commissioner Muir asked the applicant to identify who he was. David Woolley of D & G Real Estate walked up to the podium and introduced himself. He had nothing more to offer the Planning Commission.

Commissioner Muir opened the Public Hearing for this **Special Use Permit (22-003)**.

- Brad Flinger (lives in the Shan-Gri-La subdivision) asked what business was going to be placed below in the retail space. Will it become another party store or what type of business will it be? Where is D & G Real Estate located?
- Gerald Lilly (4476 Shan-Gri-La Dr) has lived in area for 25 years, as a cottage, full-time. A party store gets money from the marina, and that hasn't been a reliable business that does well in

this area. Gerald is opposed due to his concerned about adding a parking lot and a detention pond, because after the sewers were put in there was a loss of aquatic life. A U of M Survey documented frogs, turtles, 15 different kinds of fish, and five different kinds of water birds. Resident is worried about any physical changes to the area will impact the environment. New families with children are moving into the neighborhood, and he is concerned about the engineering calculations of the detention pond could impact the recreation living of the subdivision. Business is important, but we need to be careful of what we do to our environment. Spoke on behalf of Scott Claimer- 4491 Shan-Gri-La Dr, in opposition to the redevelopment of the Bluewater Party Store renovation, if it requires additional stormwater detention and parking.

- Loren Steff (9778 Fireside Ct) is concerned that this might be rented for low-income housing. It would invite an element that we do not want in our neighborhoods. Residents in the downtown area do not understand the quality of life we have in this area. The number of parking spaces is a concern due to the number of transient people who will come and go in the community, especially if it becomes an Airbnb. Loren also asked for clarification on the size of each residential unit.
- Brad Flinger (lives in the Shan-Gri-La subdivision) Lake Shan-Gri-La runs into the Chain of Lakes down river. The vacant Bluewater building exists where a creek used to run to Zukey Lake in 1903. He asked that development pays attention to a possible drain that exists there, that if closed might cause flooding in the community if water doesn't continue to drain to the lake. His water table on his parcel is 17" below the surface.

Commissioner Muir clarified that there are two steps to this process. First is to review the request to allow the development of two residential units over a retail space. This is called the Special Use Permit (SUP). Depending on what is decided on that request, the second step is the site plan review where all these comments on parking spaces and swales will be discussed. This second step is on the agenda for tonight's meeting, which we will discuss if we move forward on the SUP.

Commissioner Muir then asked the Planning Commissioners if any council members had any comments.

Commissioner Hughes requested that Commissioner Muir remind the public that they will not get another opportunity to comment. Commissioner Muir reminded the public that he has not closed the public hearing yet and invited anyone else that wished to speak on the SUP application, allowing them the opportunity to come to the podium.

- Dennis Down (4710 Shan-Gri-La Dr) homeowner west of this development. Dennis heard the staff's report and wanted to tell the commission that he supports the recommendations.
- Ronnie Marlow (9732 Kress Rd) homeowner to the south of this development. Ronnie supports and suggest requirement of a fence barrier between this development and his parcel, for noise, lighting and dumpster stall issues. He stated he does not support any waiver of not requiring fencing between the properties.
- Julie Durkin (4665 Downing Dr) Concerned with zero landscaping will be required for this site plan between this development and the surrounding homes. She is concerned with the amount of parking space for the development. She feels that there should be less parking space than is being proposed in the site plan, and that the parking lot should be paved rather than left as gravel.

- Jill Love (9732 Kress Road) Supportive of the project because currently is vacant and is disrepair. She asked the applicant who was sitting in the crowd, if these units will be condos that will be sold and not apartments that will be rented. Supports the idea of having residential units that will be owned, with owners that would take a vested interest in taking care of the property. She asked the applicant if the detention pond would have standing water. He shook his head no and explained quietly from the audience. Then Jill followed up with him by stating she thought that the reason that half of the parking lot was going to remain gravel was to allow the water to infiltrate into the ground, instead of running offsite due to pavement.

Commissioner Muir closed the public hearing at 7:36pm. He opened the public hearing to commissioner comments.

- Commissioner Priebe reminded the audience that there is a rental unit across the street from this development, above the marina. Rental units exist in this community already, without any known reported issues. The SUP public hearing is only discussing the 2 units above the retail space, and not about the party store. She stated that she doesn't have a problem with these residential units being rentals or condos for sale.
- Commissioner Hamlin asked about reference to a storage facility in her Motion recommendations for Condition 5. Amy stated she copied that from the Self-Storage case by accident and so corrected that in her report. He asked the applicant if he foreseen selling the two residential units as condos and using the lower retail level as a party store. He explained that 4 duplexes (8 residential units) were proposed and allowed in his neighborhood and no issues have been documented there.
- David Woolley stated that he is planning to divide the lower retail level into 2/3 for one retail unit and the other as 1/3 of the space, for a total of two retail units. David stated that he will retain ownership of the retail below and lease it out to whatever business can operate there via the ordinance.
- Commissioner Hughes wanted to review the SUP review on pages 3-4. The first point, the compatibility with the Master Plan land mentions providing housing for the needs of the aging population. These two second story units would not seem to meet that goal. With the second point of compatibility with surrounding area, looking across the street of Kress, it doesn't appear that this project will be harmonious with that area. She stated she understands that allowing this development will make an improvement to the area by turning this vacant, abandoned building into a viable business. We need to consider the following impacts, and number two talks about vehicular circulation and parking areas. I am concerned about the home to the south of this development, with the parking. During a site visit today, she noticed that the height of that driveway for the home to the south is 12-18" higher than the height of the party store property. With the addition of a bioswale to this area, plus the dust, glare, and light issues, found in number five. We will need to deal with these issues in the site plan review. It doesn't seem that we are really meeting the standards for the SUP review. The present parking and street access has always been challenging for the existing structure and use, and only requiring that driveway access off Kress to be 40' from the neighboring home, doesn't seem compatible with the surrounding area under the SUP review only.

- Commissioner Muir reminded the board to focus only on the SUP for just the two residential units above the retail space. All the other issues that we are talking about here should be a part of the site plan review which will be a part of the next process. Currently we are establishing whether the commissioners agree with the request for the two residential units above the retail space.
- Commissioner Priebe stated that the applicant might want to table this Special Use Permit request because there isn't unanimous support for approval. He would need 4 votes to approve or deny anything.
- Amy Steffens explained all the commissioners voted to deny the SUP request, then this project is done. That would be the quorum of the Planning Commission body has moved to deny this request. If there is a split vote, then we could table the SUP request, and come back to have another motion in February 2023. If the result is a split vote, then nothing happened.

Commissioner Hamlin moved, Commissioner Priebe supported, to approve the Special Use Permit 22-003 to permit the construction of two residential units in a proposed second-story addition at 9704 Kress Rd (15-21-405-016) as presented because the proposed project will meet the zoning regulations and the special use permit standards as discussed, and with the following 5 conditions that were provided by staff in the report, and with an amendment to condition 5. Instead of a storage facility, it is amended to reflect residential.

**ROLL CALL VOTE:** Ayes: (3) Hamlin, Muir, Priebe                      Nays: (1) Hughes                      Absent: (3)

**VOTE:** MOTION DENIED

**TABLED -until February 15, 2023**

- Commissioner Priebe told the applicant, David, that his site plan needs more work. This delay will give him a chance to address some of the recommendations stated in this meeting. A fence and landscaping would be recommended for the community.
- Commissioner Hamlin stated that the engineer had several comments, so he recommended that David address those comments as well. He also asked David if he would have fire suppression for this development. David said yes if that is required. He knew that there is a 2-hour wall of separation required between the two retail spaces.
- Commissioner Hughes let the applicant know that she could not tell that the two residential units were going to be condos and the retail space was being divided into two units. She mentioned that not having an enclosed stairwell might make the stairs dangerous to climb in inclement weather. Having a full planning commission board will be very beneficial to this case. As a single-story retail space that is divided into two units, then commercial could be professional offices and many other allowable, different uses.
- Commissioner Muir reminded the audience to start utilizing the Hamburg Township website to look up meetings, zoning ordinance requirements, and the Master Plan with its future use plan. He also recommended that the applicant's focus should be on landscaping, parking, and drainage.

- b) **TABLED -Site Plan Review (SPA 22-0006}** to consider for a second-story addition over an existing commercial building to accommodate two residential units at 9704 Kress Road (15-21-405-016). Project will include exterior renovations to commercial building, removal of asphalt parking areas to north and west, and installation of new parking lot to the south. Applicant has requested waivers to the landscaping and parking requirements.

**Zoning Administrator's Report**

- **Joint Commission Meeting-** set for April 2023 when Trustees are back for winter.
- **Planning Commission By-Laws** were tabled. Amy will review the meeting video to determine why they needed to be tabled.

**ADJOURNMENT**

Motion to adjourn at 8:01pm.

Motion made by Commissioner Priebe, seconded by Commissioner Muir for adjournment.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

**Lisa Perschke**

*Planning/Zoning Coordinator & Recording Secretary*

**Amy Steffens**

*Planning & Zoning Director*

The minutes were approved as presented/corrected: \_\_\_\_\_



**C:** Commissioner Jeff Muck, Chairperson